



City of St. Catharines

Planning and Building Services
PO Box 3012, 50 Church Street
St. Catharines, ON L2R 7C2

Phone: 905-688-5600
Fax: 905-688-5873
TTY: 905-688-4TTY (4889)

April 8, 2020

NOTICE

RE: Committee of Adjustment Hearings – CANCELLED UNTIL FURTHER NOTICE

The Committee of Adjustment Hearings have been cancelled until further notice due to the exceptional COVID-19 circumstances.

Staff are currently reviewing and testing various options that will permit hearings to proceed and allow remote access to the hearing by members of the Committee of Adjustment, applicants and members of the public. The municipality must comply with all directives of the Federal, Provincial and Regional governments and the City of St. Catharines regarding COVID-19 protocols, while ensuring a fully transparent and public forum for Committee of Adjustment proceedings.

When a Hearing is confirmed, a Notice of Hearing will be circulated to all property owners within 60 metres of each application and to all individuals who submitted comments or requested to be informed on a particular application.

As we are working remotely, it would be appreciated if you would contact us by email if possible at emunro@stcatharines.ca or Wil Banda at wbanda@stcatharines.ca. Otherwise, if you are leaving a voicemail message, please be aware that it is checked periodically throughout the week.

Sincerely,

Elaine Munro, ACST
Secretary-Treasurer,
Committee of Adjustment

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-113/17 (60.81.5281)

48 Haynes Avenue

DATE OF HEARING:
March 25, 2020

Munro, Elaine

To: Curtis Thompson
Cc: Banda, Wilrik
Subject: Objection - Minor Variance file A-113-17

From: Curtis Thompson <>
Sent: Thursday, March 5, 2020 12:36 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Objection - Minor Variance file A-113-17

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,

Unfortunately the revised submission has not changed in any noticeable way and I'd like to continue registering my objection from the original submission in full below.

Thank you,
Curtis

-----Original Message-----

From: Curtis Thompson <>
Sent: Nov 19, 2019, 2:41 PM
To: "Munro, Elaine" <emunro@stcatharines.ca>,
"Banda, Wilrik" <wbanda@stcatharines.ca>
Subject: Objection - Minor Variance file A-113-17

Hello Committee of Adjustment,

I'd like it to be known that I object to the requested development for the following reasons:

- Disruption of the Haynes Avenue (& to a lesser extent the Vine Street) streetscape which both enjoy a relatively consistent building alignment characterised by short front yard setbacks.

The 4 visitor parking stalls should be relocated elsewhere, perhaps as parallel stalls further east. The balance of the Haynes Ave frontage is more than capable to support some type of residential dwelling (e.g. single detached / duplex) with rear or side loaded vehicle access.

Landscaping buffers should only serve to *band-aid* what cannot be avoided by otherwise smart development decisions.

Please advise me of the Committee's decision.
Thank you,
Curtis



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: March 20, 2020

Date of Meeting: March 25 2020

Report Number: A-113/17

File: 60.81.5281

Subject: 48 Haynes Avenue

Recommendation

That Application **A-113/19** by FLC Investments Inc., as outlined in the Notice of Hearing, be approved.

Report

Background

Application **A-113/17** was originally submitted in October of 2017 and was deferred to the current Hearing. The previous Application **A-113/17** proposed two separate 4-unit condo townhomes, which necessitated the same set of variances requested through the revised Application **A-113/17**. The application was put on hold until the Site Plan Application was submitted and the first set of comments were received.

The Proposal

The Applicant proposes to construct an 8-unit Residential Townhouse along a private road. To facilitate the proposal, Application **A-113/17** seeks relief from the City of St. Catharines Zoning By-law 2013-283 through the variances outlined in the table below. Since the original application, Variances 3 and 4 have been revised as detailed below.

| Variance # | Zoning Provision | Required | Proposed |
|------------|------------------------------------------------------------------------------------------------------------------|------------|--------------------------------------|
| 1 | Maximum Encroachment into the required yard for a cantilever (walls or windows) | 0.3 metres | 0.5 metres |
| 2 | Minimum Landscape Buffer for Parking Areas with 5 to 20 Spaces Abutting the Drive Aisle and the Residential Zone | 3.0 metres | 0.5 metres |
| 3 | Minimum Landscape Buffer for a Parking Area with 5 to 20 Spaces | 3.0 metres | 2.0 metres (revised from 2.5 metres) |

| | | | |
|---|------------------------------------------------------------------------------------|-------------------|-------------------------------------------------------|
| | between the Parking Area and the North Property Line Abutting the Residential Zone | | |
| 4 | Minimum Lot Area per Dwelling Unit | 280 square metres | 267 square metres (revised from 268.13 square metres) |
| 5 | Front Yard Setback | 4.91 metres | 26.2 metres |
| 6 | Maximum Number of Attached Dwelling Units | 4 units | 8 units |
| 7 | Minimum Rear Yard Setback | 6.0 metres | 5.2 metres |
| 8 | Maximum Unit Driveway Width | 50% of unit width | 54% of unit width |
| 9 | Minimum Interior Side Yard From End Wall | 5.0 metres | 3.0 metres |

Location and Site Description

The subject property is a through lot which fronts both Haynes Avenue and Vine Street South, south of Seneca Street. The property is surrounded by a mix of residential uses in all directions. There are semi-detached dwellings abutting the property to the east and west, and an apartment building is approved to be constructed on the abutting property to the northeast.

The property is currently vacant with several trees lining the north and south lot lines.

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 E5 thereof. The Low Density Residential designation permits townhouse dwellings at a density of generally 20 to 32 units per hectare. The proposed development has a density of approximately 37 units per hectare. While greater than the specific target density, the density is considered to be generally in keeping with the density targets of the GCP.

Zoning By-law (2013-283)

The subject property is zoned Low Density Residential – Traditional Neighbourhood (R2). The R2 zone permits townhouse dwellings as well as private road developments.

Planning Analysis

Variance 1

Zoning By-law 2013-283 establishes a 0.3 metre maximum encroachment into required yards for a cantilevered portion of a building (walls or windows). The intent of the provision is to regulate overlook and avoid physically overwhelming the neighbouring properties.

The Applicant is requesting an increase in the maximum encroachment from 0.3 metres to 0.5 metres to allow for four windows along the north (rear) elevation of the building to be cantilevered further than permitted into the rear yard of the buildings. The 0.2 metre increase is only a slight departure from what is permitted in the by-law and is visually indiscernible. The abutting properties along the north property line are 50 Haynes Avenue, and 63 Vine Street South. The dwelling on 50 Haynes is located close to Haynes Avenue, and is not near the proposed cantilevered window. The approved apartment building at 63 Vine Street is also located at a sufficient distance from the subject property and no adverse impacts and overlook concerns would be anticipated from the requested increase in the permitted cantilever. As such, staff are of the opinion that the variance is minor in nature, desirable for the appropriate use of land, and in general keeping with the intent of the Zoning By-law and Official Plan. Staff recommend approval of Variance 1.

Variances 2 & 3

Zoning By-law 2013-283 establishes a 3.0 metre minimum landscape buffer for parking areas with 5 to 20 spaces abutting a Residential Zone. The intent of the provision is to provide adequate space for landscaping and adequate visual buffering between neighbouring residential uses, limiting the impact of vehicle use of the parking area on neighbouring residents. The Applicant is requesting a reduction in the minimum landscape buffer from 3.0 metres to 0.5 metres along the south property line, and from 3.0 metres to 2.0 metres at a point along the north property line.

The reduction along the south property line is requested due to a pinch point along the southerly lot line where the irregular lot line is angled northwards before angling south again. Due to the required width of the private road there and limited area on the site, this pinch point is unavoidable with this development pattern. Outside of the pinch point, the buffer widens to the required 3.0 metres to the east, and to a maximum of 1.5 metres to the west. A 1.8-metre-high wood privacy fence is proposed for the majority of the length of the southerly lot line. Landscaping will be required through the concurrent Site Plan Agreement in addition to the wood fence to provide sufficient screening. The proposed variance is acceptable for the pinch point. The width of the rest of the buffer may be subject to change through the concurrent Site Plan Approval process, and may be required to be widened in order to support adequate landscaping materials. Staff are satisfied that through the site plan process, the design will be able to sufficiently mitigate any impacts that may arise from the requested variance with the installation of the privacy fence and vegetation. Staff are of the opinion that Variance 2 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 the approval of Variance 2.

The reduction along the north property line is requested to allow for the provision of parallel parking alongside the private road. The width presents constraints to providing the full required road width, parking and landscape buffers. The requested one metre

reduction is considered minor and no adverse impacts are anticipated on the subject property as well as those in the surrounding area. The proposed landscape buffer is of sufficient size to support landscaping and provides enough buffer between the drive aisle and the north property line abutting a residential zone. The intent of the provision is to separate residential uses from the visual and physical impact of a parking lot. Due to the orientation and location of the parking, and lot configuration, only one parking space is encroaching into the required buffer. This space is not likely to cause adverse impacts on the abutting residential use. The expected impact of a reduced landscape buffer is similar to what would normally be expected in the residential neighbourhood. Staff are of the opinion that the requested variance is minor in nature, desirable for the appropriate use of land, and in general keeping with the intent of the Zoning By-law and Official Plan. Staff recommend approval of Variance 3.

Variance 4

Zoning By-law 2013-283 establishes a 280 square metre minimum lot area per dwelling. The minimum lot area provisions are meant to ensure that a lot has adequate space to accommodate a building footprint, provide sufficient outdoor amenity space, meet respective yard setbacks, adequately accommodate sufficient vehicular access, and to ensure appropriate drainage on the lot.

The Applicant is requesting a reduction in the lot area from 280 square metres per dwelling unit to 267 square metres per dwelling unit. The 13 square metre reduction per dwelling is a minor reduction that does not substantially impact the subject property or surrounding area. Staff are satisfied that the proposed lot size can accommodate the building footprint, as well as appropriate outdoor amenity areas and parking, while minimizing the variances needed to facilitate the proposed lot size. Staff are of the opinion that the requested variance is minor in nature, desirable for the appropriate use of land, and in general keeping with the intent of the Zoning By-law and Official Plan. Staff recommend approval of Variance 4.

Variance 5

Zoning By-law 2013-283 establishes a 4.91 metre maximum front yard setback as determined by averaging. The intent of the maximum front yard setback is to establish a consistent and compatible building line along the streetscape and ensure buildings are set close enough to the street to maintain a street presence and contribute to the public realm.

The Applicant is requesting an increase in the maximum front yard setback from 4.91 metres (being the average front yard setback of the two adjacent dwellings at 59 and 61A Vine Street South) to 26.2 metres from Vine Street South, which is the technical frontage of the property. The request is made to accommodate the unique through-lot configuration and development layout which includes a private road between Haynes Avenue and Vine Street South. The streetscape will be made up of landscaping and the private road entrance. The proposed dwellings are to be located along the new private road, rather than fronting onto Haynes Avenue or Vine Street South. The property contains a significant easement between the two public roads, which prevents a large portion of the lands from containing buildings. The requested variance to the maximum front yard setback is minor in nature and will allow for the development of a challenging site. It is

desirable for the appropriate use of lands, and is in general keeping with the Zoning By-law and Official Plan. Staff recommend approval of Variance 5.

Variance 6

Zoning By-law 2013-283 establishes a 4-unit maximum for attached townhouse developments. The intent of the provision is, in part, to prevent lengthy, unbroken building walls along the streetscape.

The Applicant is requesting an increase in the maximum number of units for an attached townhouse development from 4 units to 8 units. The requested variance represents the elimination of a minimum 2.4 metre gap between units 4 and 5. Staff are satisfied that the elimination of this yard poses little impact on overall amenity space and minimal visual consequence in terms of massing. The development does not front onto the public streets of Haynes Avenue and Vine Street South, and the long building mass is not expected to negatively impact surrounding uses nor the subject development. Staff consider Variance 6 to be minor in nature.

Staff are satisfied that the proposal is appropriately laid out so as to optimize development of under-utilized lands, as well as to avoid negative impacts on the surrounding neighbourhood. The 8-unit townhouse does present uninterrupted massing; however, Staff are of the opinion that providing a separation of units to conform to the Zoning By-law (e.g. 4 units on each side of a gap) at the cost of reducing interior side yards where the lot abuts residential uses, presents a greater conflict than the proposal in its current form. As such, Staff consider Variance 6 to be desirable for the appropriate use of the lands and in general keeping with the intent of the Official Plan and Zoning By-law. Staff recommend approval of Variance 6.

Variance 7

Zoning By-law 2013-283 establishes a 6 metre minimum rear yard setback from a rear wall. The intent of the rear yard setback is to ensure sufficient rear yard amenity space can be provided on a site, and ensure the building mass does not overwhelm abutting properties.

The Applicant is requesting a reduction in the minimum rear yard setback from 6.0 metres to 5.2 metres. The rear wall of the proposed townhouse on 48 Haynes Avenue abuts the rear yards of 50 Haynes Avenue and 63 Vine Street South. 50 Haynes Avenue is occupied by a detached dwelling, however, due to the lots configuration, the dwelling will not abut the proposed townhouse. 63 Vine Street South is currently vacant. An apartment building has been approved for the site but will not be in close proximity to the rear yards of the proposed townhouses. Given the development patterns on the adjacent lots, the requested reduction will have little to no impacts on surrounding area. Sufficient space will be maintained behind the proposed townhouse for amenity area, stormwater management, and maintenance. Further, through the concurrent Site Plan Agreement, tree planting may be required to provide to maintain a sufficient landscape buffer and visual screen. Staff are of the opinion that the requested variance is minor in nature, desirable for the appropriate use of land, and in general keeping with the intent of the Zoning By-law and Official Plan. Staff recommend approval of Variance 7.

Variance 8

Zoning By-law 2013-283 establishes a maximum driveway width that is 50% of the dwelling unit width. The intent of the provision is to ensure that frontage of the development is not overwhelmed by paved area, and that there is adequate space for landscaped area.

The Applicant is requesting an increase in the maximum width of the driveway from 50% of the dwelling unit width to 54% of the dwelling unit width. Staff are satisfied that the increase of 4 percentage points is minor in nature and will not have adverse impacts on the subject property nor the surrounding neighbourhood. The requested variance is minimal and visually indiscernible and as such, staff are of the opinion that the requested variance is minor in nature, desirable for the appropriate use of land, and in general keeping with the intent of the Zoning By-law and Official Plan.

Variance 9

The Zoning By-law establishes a 5 metre minimum interior side yard from an end wall. The intent of the interior side yard setback is to ensure that sufficient distance and a buffer is maintained between structures on adjacent properties, and that sufficient distance from property lines is maintained to facilitate site drainage and access to rear yards.

The Applicant is requesting a reduction in the minimum interior side yard from 5 metres to 3 metres. Staff are satisfied that the proposed interior side yard from an end wall provides sufficient distance and buffer between the structures. The Applicant will be required to provide a sufficient landscape buffer along these reduced setbacks to avoid significant visual impact on the existing dwellings along Haynes Avenue and Vine Street South. The details around the plant material and location will be determined and enforced through the concurrent Site Plan Agreement. Staff are satisfied that sufficient access and drainage will be maintained with the reduced setbacks and proposed tree plantings. Staff have no concerns of overlook or privacy issues as only one small window is proposed on the ground floor where the westerly wall of the proposed townhouse faces 48A Haynes Avenue. Appropriate building elevations will be approved and enforced through the Site Plan Agreement. The dwellings are all two-storeys, so one does not overwhelm the other. Staff are of the opinion that the requested variance is minor in nature, desirable for the appropriate use of land, and in general keeping with the intent of the Zoning By-law and Official Plan.

Conclusion

Having regard for the matters under Section 45(1) of the *Planning Act*, staff are of the opinion that Application **A-113/17** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is desirable for the appropriate use of the land. Staff recommend that the Application be approved.

Prepared by:



for

Connor Wright
Student Planner

Submitted by:



Charlotte McEwan
Planner I

Approved by:



Judy Pihach
Manager of Planning Services

April 2, 2020

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

Attention: Elaine Munro

File# 60.81.5281

Re: 48 Haynes Ave

In response to your correspondence dated March 3, 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 Subdivision or Townhouse development, the Developer needs to contact our Engineering Design Department @ 905-521-4907.
- 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,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital

Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the March 25/20 CofA Hearing - Email 1

48 Haynes
18 Shelley
119 Queenston
32 Cole Form

From: Doug Crown <doug.crown@cogeco.com>

Sent: Monday, March 2, 2020 2:01 PM

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

Subject: Re: Committee of Adjustment Notices and Applications, City of St. Catharines, for the March 25/20 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

Email 1

Cogeco has no issues or concerns with this applications

Doug Crown
Network Planning Department

7170 Mcleod Rd
Niagara Falls Ont Canada

Doug.crown@cogeco.com

T 289-296-6266 Ext 8434 | C 905-401-9967



Memorandum

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

Cc: Judy Pihach, Wilrik Banda, Conner Wright
Planning and Building Services

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

Date: March 9, 2020

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – March 25, 2020 hearing

| NO. | ADDRESS | COMMENTS |
|----------|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A-113/17 | 48 Haynes Avenue | Be advised that a building permit is required for the proposed 8 unit townhouse. 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-31/20 | 18 Shelley Avenue | Be advised that a building permit is required for the proposed second storey addition and attached garage to the detached dwelling unit. Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing those yards. |
| A-32/20 | 119 Queenston St. | Be advised that a building permit is required for the proposed canopy addition. |
| A-34/20 | 32 Cole Farm Blvd. | Be advised that a building permit is required for the proposed addition to the detached dwelling unit. Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing those yards. |
| A-35/20 | 1380 Fourth Avenue | Be advised that a building permit is required for the proposed accessory structure. 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-36/20 | 290 Oakdale Avenue | Be advised that a building permit is required for the proposed 4 storey 52 unit apartment building. |

| NO. | ADDRESS | COMMENTS |
|---------|---------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A-37/20 | 108 Park Avenue | Be advised that a building permit is required for the proposed semi detached dwelling. |
| A-38/20 | 34 ½ Pelham Road | Be advised that a building permit is required for the proposed single storey addition to the single detached dwelling unit. Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing those yards. |
| A-39/20 | 98A Martindale Road | 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-40/20 | 98B Martindale Road | 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-42/20 | 15A Bloomfield Ave. | Be advised that a building permit is required for the proposed accessory dwelling unit. |
| A-43/20 | 15B Bloomfield Ave. | Be advised that a building permit is required for the proposed accessory dwelling unit. |



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: March 4, 2020
Subject: Committee of Adjustment Hearing – March 25, 2020

PRCS has reviewed the Committee of Adjustment application for the hearing of March 25, 2020 and provides the following comments;

1. 48 Haynes Avenue, Minor Variance A-113/17 – 60.81.5281

The applicant has demonstrated the provision of landscaping within the 3.0m side yards. Staff note that access to the rear yard may be constrained.

2. 18 Shelley Avenue, Minor Variance A-31/20 – 60.81.5621

No comment.

3. 119 Queenston Street, Minor Variance A-32/20 – 60.81.5622

No comment.

4. 32 Cole Farm Boulevard, Minor Variance A-34/20 – 60.81.5624

No comment.

5. 1380 Fourth Avenue, Minor Variance A-35/20 – 60.81.5625

No comment.

6. 290 Oakdale Avenue, Minor Variance A-36/20 – 60.81.5626

The applicant is proposing substantial reductions in landscaping. Rear yard constraints, including the presence of fill are best addressed prior to reducing landscaping requirements. Opportunities to increase landscaping along the south east lot line and within the parking lot should be further explored.

7. 108 Park Avenue, Consent B-17/20SC – 60.84.2294

108 Park Avenue, Consent B-18/20SC – 60.84.2295

108 Park Avenue, Minor Variance A-37/20 – 60.81.5627

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.

8. 34½ Pelham Road, Minor Variance A-38/20 – 60.81.5628

No comment.

8. 98 Martindale Road, Consent B-19/20SC – 60.84.2296

98 Martindale Road, Consent B-20/20SC – 60.84.2297

98A Martindale Road, Minor Variance A-39/20 – 60.81.5629

98B Martindale Road, Minor Variance A-40/20 – 60.81.5630

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.

10. 15A Bloomfield Avenue, Minor Variance A-42/20 – 60.81.5632

15B Bloomfield Avenue, Minor Variance A-43/20 – 60.81.5633

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 existing boulevard tree.

11. 164 Martindale Road, Consent B-21/20SC – 60.84.2298

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

From: Jim Denham, P.Eng., Development Engineering Technologist

Date: March 6th, 2020

Hearing Date: March 25th, 2020

Subject: **Committee of Adjustment - Minor Variance Applications**
48 Haynes Avenue, A-113/17
18 Shelley Avenue, A-31/20
119 Queenston Street, A-32/20
32 Cole Farm Boulevard, A-34/20
290 Oakdale Avenue, A-36/20
108 Park Avenue, A-37/20
34 ½ Pelham Road, A-38/20
98A&B Martindale Road, A-39&40/20
15A&B Bloomfield Avenue, A-42&43/20

Development Engineering have reviewed the above noted Minor Variance applications and have no objections with the exception of the following:

18 Shelley Avenue A-31/20

Comments:

In 1950, a 15ft (4.57m) easement along the north side of the subject property was granted to the municipality by the owner of the property at that time. The easement was granted to enable the municipality to construct and maintain a sanitary sewer main. The sewer(250mm) was constructed and remains in place at this time. This sewer provides the outlet for local sewers servicing the existing homes on Graham Avenue, Considine Avenue, Peel Street, Abbey Avenue, Masfield Avenue and Paxton Avenue. The City provides routine maintenance (flushing and inspection) of this sewer. The most recent flushing was carried out in June 2019.

A review of the Air Photos indicates that sometime between 1961 and 1969 a house with a carport was constructed on this property. The

carport appears to significantly encroach onto the easement even though the easement document clearly indicated no permanent structures were to be built within the easement limits. The City's records do not include the building permit information going back that far and is it is uncertain how the house with the carport was permitted to be constructed within the easement limit.

There is no economical alternative route which would eliminate the need for this sewer and the easement on 18 Shelley Avenue. The City cannot permit any structure to be built or rebuilt within the easement limits.

Recommendation:

Based on the above we request that the Minor Variance be denied.

If you have any questions or concerns regarding the above please let me know.

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

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



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: March 3, 2020

Subject: Committee of Adjustment
Public Hearings – March 25, 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

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-32/20 (60.81.5622)

119 Queenston Street

DATE OF HEARING:
March 25, 2020



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: March 20, 2020

Date of Meeting March 25 2020

Report Number: A-32/20

File: 60.81.5622

Subject: 119 Queenston Street

Recommendation

That Application **A-32/20** by HHJ Management Inc., as outlined in the Notice of Hearing, be deferred until a Site Plan application has been submitted for the proposed development, reviewed and approved by staff and a Site Plan Agreement is ready for final registration.

Report Background

The subject lands are zoned M1-107 as of the passing of Zoning By-law 2013-283. Special Provision 107 does not permit the current use of a motor vehicle gas station. However, the use of a gas station on the subject lands has existed at least 48 years prior to the passing of Zoning By-Law 2013-283. As such, the site has legal non-conforming status exempting it from Special Provision 107 as per Section 45(2) of the *Planning Act*.

The Proposal

The Applicant proposes an extension of the existing canopy 5.9 metres to the north, to accommodate additional pumps and increased vehicle capacity to the site. The width of the canopy appears to be retained at 7.8 metres.

To facilitate the proposal, Application **A-32/20** is made under Section 45 (2)(a) of the *Planning Act* for an extension of a legal non-conforming use to permit the extension of the existing gas station canopy and additional pumps accordingly.

Location and Site Description

The subject property is located on the north side of Queenston Street and west side of Tasker Street at the intersection. It is directly surrounded by a wide variety of uses at the intersection including commercial, institutional, high-density and low-density residential. The site abuts detached dwellings to the north.

The subject property is 'L' shaped, with area extending north, parallel to Tasker Street behind three detached dwellings. The existing canopy is located on the southerly portion

of the parcel, sheltering two gas pumps. The associated commercial building is located on the westerly portion of the lot. Vehicle access is provided off of both Tasker Street and Queenston 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 subject property is designated Mixed Use on Schedule D1 of the Garden City Plan (GCP) and further designated Mixed Medium High Density Residential / Commercial on Schedule E10 thereof. The existing commercial and uses on these lands are permitted.

Zoning By-law (2013-283)

The subject property is zoned Medium Density Mixed Use with Special Provision 107 (M1-107). Special Provision 107 sets out that motor vehicle gas stations are not permitted on the lands. However, the existing commercial use of a convenience store on these lands is permitted. The gas station continues to operate as a legal non-conforming use since it legally existing prior to adoption of the current zoning by-law.

Planning Analysis

Section 45(2)(a) of the Planning Act gives the Committee of Adjustment the authority to grant the extension of a legal non-conforming use.

Section 16.12.4 of the Garden City Plan allows for extension or enlargement of non-conforming uses provided the expansion will not jeopardize the possibility of future development/redevelopment in the vicinity that may comply more closely with the intent of the plan. Section 16.12.4 further prescribes that extension of legal non-conforming uses may be permitted if special efforts are made to enhance the compatibility of the uses and to improve the amenity and design.

Staff have determined that the proposed development triggers an alteration to the use of the site that warrants site plan approval. Site plan approval will ensure site functionality, landscaping, sufficient traffic aisles, parking, pedestrian connections and street entrances meet required City standards. Therefore, staff believe this application is premature and should be deferred until staff is satisfied that a proposed site plan for the property meets all City requirements.

Staff recommend that Application **A-32/20** be deferred until a site plan application is submitted, reviewed and approved by staff and a Site Plan Agreement is ready for registration.

Conclusion

Having regard for the matters under Section 45(2)(a) of the *Planning Act*, staff are of the opinion that Application **A-32/20** is premature at this stage. Staff recommend deferral of application **A-32/20**, as outlined in the recommendation herein.

Prepared by:



for _____
Connor Wright
Student Planner

Submitted by:



Evan Acs
Planner I

Approved by:



Judy Pihach
Manager of Planning Services

April 2, 2020

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

Attention: Elaine Munro

File# 60.81.5622

Re: 119 Queenston St

In response to your correspondence date March 3, 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:

- We have NO objection(s).

We would also like to stipulate the following:

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

- C22.3 No. 7-15 Underground Systems

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

Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital

Munro, Elaine

Subject:

RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the March 25/20 CofA Hearing - Email 1

48 Haynes

18 Shelley

✓ 119 Queenston

32 Cole Form

From: Doug Crown <doug.crown@cogeco.com>

Sent: Monday, March 2, 2020 2:01 PM

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

Subject: Re: Committee of Adjustment Notices and Applications, City of St. Catharines, for the March 25/20 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

Email 1

Cogeco has no issues or concerns with this applications

Doug Crown

Network Planning Department

7170 Mcleod Rd
Niagara Falls Ont Canada

Doug.crown@cogeco.com

T 289-296-6266 Ext 8434 | C 905-401-9967

Munro, Elaine

From: Vasko, Dennis
Sent: Tuesday, March 10, 2020 11:19 AM
To: Munro, Elaine
Subject: RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the March 25/20 CofA Hearing

Hi Elaine,

There are no concerns with either property in respect to the variances. 290 Oakdale is close to the Golf Course/Former Landfill, but the variance issue has to do with the parking lot and landscaping if I read it correctly.

Dennis

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

From: Munro, Elaine
Sent: Monday, March 2, 2020 1:40 PM
To: Vasko, Dennis <dvasko@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Committee of Adjustment Notices and Applications, City of St. Catharines, for the March 25/20 CofA Hearing

Good Afternoon Dennis:

Attached please find the Notices, Applications and Sketches for the following consent and minor variance applications that will be heard at the March 25, 2020 Committee of Adjustment Hearing.

I will be on vacation during this time, if you have any comments following your review, we would kindly appreciate if you would email your comments to both Wil Banda and to myself by **Friday, March 13, 2020.**

- ✓ 1. 119 Queenston Street, Minor Variance A-32/20 – 60.81.5622
- 2. 290 Oakdale Avenue, Minor Variance A-36/20 – 60.81.5626

Any questions, please don't hesitate to contact me.

Thanks, Elaine



Memorandum

To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Community, Recreation and Culture Services
Date: March 4, 2020
Subject: Committee of Adjustment Hearing – March 25, 2020

PRCS has reviewed the Committee of Adjustment application for the hearing of March 25, 2020 and provides the following comments;

- 1. 48 Haynes Avenue, Minor Variance A-113/17 – 60.81.5281**
The applicant has demonstrated the provision of landscaping within the 3.0m side yards. Staff note that access to the rear yard may be constrained.
- 2. 18 Shelley Avenue, Minor Variance A-31/20 – 60.81.5621**
No comment.
- 3. 119 Queenston Street, Minor Variance A-32/20 – 60.81.5622**
No comment.
- 4. 32 Cole Farm Boulevard, Minor Variance A-34/20 – 60.81.5624**
No comment.
- 5. 1380 Fourth Avenue, Minor Variance A-35/20 – 60.81.5625**
No comment.
- 6. 290 Oakdale Avenue, Minor Variance A-36/20 – 60.81.5626**
The applicant is proposing substantial reductions in landscaping. Rear yard constrains, including the presence of fill are best addressed prior to reducing landscaping requirements. Opportunities to increase landscaping along the south east lot line and within the parking lot should be further explored.
- 7. 108 Park Avenue, Consent B-17/20SC – 60.84.2294**
108 Park Avenue, Consent B-18/20SC – 60.84.2295
108 Park Avenue, Minor Variance A-37/20 – 60.81.5627
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.

8. 34½ Pelham Road, Minor Variance A-38/20 – 60.81.5628

No comment.

8. 98 Martindale Road, Consent B-19/20SC – 60.84.2296

98 Martindale Road, Consent B-20/20SC – 60.84.2297

98A Martindale Road, Minor Variance A-39/20 – 60.81.5629

98B Martindale Road, Minor Variance A-40/20 – 60.81.5630

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.

10. 15A Bloomfield Avenue, Minor Variance A-42/20 – 60.81.5632

15B Bloomfield Avenue, Minor Variance A-43/20 – 60.81.5633

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 existing boulevard tree.

11. 164 Martindale Road, Consent B-21/20SC – 60.84.2298

No comment.

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



Memorandum

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

Cc: Judy Pihach, Wilrik Banda, Conner Wright
Planning and Building Services

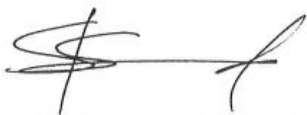
From: Brian Thiessen, Building Manager of Plans Examination
Planning and Building Services

Date: March 9, 2020

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – March 25, 2020 hearing

| NO. | ADDRESS | COMMENTS |
|----------|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A-113/17 | 48 Haynes Avenue | Be advised that a building permit is required for the proposed 8 unit townhouse. 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-31/20 | 18 Shelley Avenue | Be advised that a building permit is required for the proposed second storey addition and attached garage to the detached dwelling unit. Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing those yards. |
| A-32/20 | 119 Queenston St. | Be advised that a building permit is required for the proposed canopy addition. |
| A-34/20 | 32 Cole Farm Blvd. | Be advised that a building permit is required for the proposed addition to the detached dwelling unit. Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing those yards. |
| A-35/20 | 1380 Fourth Avenue | Be advised that a building permit is required for the proposed accessory structure. 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-36/20 | 290 Oakdale Avenue | Be advised that a building permit is required for the proposed 4 storey 52 unit apartment building. |

| NO. | ADDRESS | COMMENTS |
|---------|---------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A-37/20 | 108 Park Avenue | Be advised that a building permit is required for the proposed semi detached dwelling. |
| A-38/20 | 34 ½ Pelham Road | Be advised that a building permit is required for the proposed single storey addition to the single detached dwelling unit. Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing those yards. |
| A-39/20 | 98A Martindale Road | 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-40/20 | 98B Martindale Road | 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-42/20 | 15A Bloomfield Ave. | Be advised that a building permit is required for the proposed accessory dwelling unit. |
| A-43/20 | 15B Bloomfield Ave. | Be advised that a building permit is required for the proposed accessory dwelling unit. |



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



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

From: Jim Denham, P.Eng., Development Engineering Technologist

Date: March 6th, 2020

Hearing Date: March 25th, 2020

Subject: **Committee of Adjustment - Minor Variance Applications**
48 Haynes Avenue, A-113/17
18 Shelley Avenue, A-31/20
119 Queenston Street, A-32/20
32 Cole Farm Boulevard, A-34/20
290 Oakdale Avenue, A-36/20
108 Park Avenue, A-37/20
34 ½ Pelham Road, A-38/20
98A&B Martindale Road, A-39&40/20
15A&B Bloomfield Avenue, A-42&43/20

Development Engineering have reviewed the above noted Minor Variance applications and have no objections with the exception of the following:

18 Shelley Avenue A-31/20

Comments:

In 1950, a 15ft (4.57m) easement along the north side of the subject property was granted to the municipality by the owner of the property at that time. The easement was granted to enable the municipality to construct and maintain a sanitary sewer main. The sewer(250mm) was constructed and remains in place at this time. This sewer provides the outlet for local sewers servicing the existing homes on Graham Avenue, Considine Avenue, Peel Street, Abbey Avenue, Masfield Avenue and Paxton Avenue. The City provides routine maintenance (flushing and inspection) of this sewer. The most recent flushing was carried out in June 2019.

A review of the Air Photos indicates that sometime between 1961 and 1969 a house with a carport was constructed on this property. The

carport appears to significantly encroach onto the easement even though the easement document clearly indicated no permanent structures were to be built within the easement limits. The City's records do not include the building permit information going back that far and is it is uncertain how the house with the carport was permitted to be constructed within the easement limit.

There is no economical alternative route which would eliminate the need for this sewer and the easement on 18 Shelley Avenue. The City cannot permit any structure to be built or rebuilt within the easement limits.

Recommendation:

Based on the above we request that the Minor Variance be denied.

If you have any questions or concerns regarding the above please let me know.

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

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



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: March 3, 2020

Subject: Committee of Adjustment
Public Hearings – March 25, 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

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

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

COMMENTS

A-34/20 (60.81.5624)

32 Cole Farm Boulevard

DATE OF HEARING:
March 25, 2020

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: March 20, 2020

Date of Meeting: March 25 2020

Report Number: A-34/20

File: 60.81.6524

Subject: 32 Cole Farm Boulevard

Recommendation

That Application **A-34/20** by Mary Kathryn Robert, as outlined in the Notice of Hearing, be approved.

Report The Proposal

The Applicant proposes to construct a one-storey rear addition to an existing one-and-a-half storey detached dwelling. To facilitate the proposal, Application **A-34/20** seeks relief from City of St. Catharines Zoning By-law through a reduction of the minimum rear yard setback from 7.5 metres to 5.8 metres.

Location and Site Description

The subject property is located on the north side of Cole Farm Boulevard. The property is primarily surrounded by detached dwellings.

The property contains a detached dwelling. There is an existing deck surrounding hot tub in the rear yard where the addition is proposed. The addition would enclose this hot tub.

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. 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). Detached dwellings are permitted.

Planning Analysis

Zoning By-law 2013-283 requires a setback of 7.5 metres from a rear lot line to a dwelling. The intent of the rear yard setback is: to ensure adequate amenity space is provided on a property; to maintain adequate separation distance and buffering between neighbouring properties; to minimize overlook and privacy impacts; and to provide sufficient space for property maintenance and stormwater management.

Application **A-34/20** requests a reduction of the minimum 7.5 metre rear yard to 5.8 metres for the proposed rear addition. Staff have no concerns that the requested reduction will present any new conflicts regarding overlook, privacy, property maintenance or stormwater management. All other required zoning provisions, including side yard setbacks, are being maintained. As such, staff are of the opinion that the requested variance is minor in nature, is desirable for the appropriate use of the lands and is in keeping with the intent of the Official Plan and Zoning By-law. Staff are recommending approval, accordingly.

Conclusion

Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion Application **A-34/20** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is desirable for the appropriate use of the land. Staff are recommending approval of Application **A-34/20**.

Prepared by:



for
Connor Wright
Student Planner

Submitted by:



Evan Acs
Planner I

Approved by:



Judy Pihach
Manager of Planning Services

Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the March 25/20 CofA Hearing - Email 1

48 Haynes
18 Shelley
119 Queenston
32 Cole Form

From: Doug Crown <doug.crown@cogeco.com>
Sent: Monday, March 2, 2020 2:01 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Re: Committee of Adjustment Notices and Applications, City of St. Catharines, for the March 25/20 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

Email 1

Cogeco has no issues or concerns with this applications

Doug Crown
Network Planning Department

7170 Mcleod Rd
Niagara Falls Ont Canada

Doug.crown@cogeco.com

T 289-296-6266 Ext 8434 | C 905-401-9967



Memorandum

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

Cc: Judy Pihach, Wilrik Banda, Conner Wright
Planning and Building Services

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

Date: March 9, 2020

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – March 25, 2020 hearing

| NO. | ADDRESS | COMMENTS |
|----------|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A-113/17 | 48 Haynes Avenue | Be advised that a building permit is required for the proposed 8 unit townhouse. 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-31/20 | 18 Shelley Avenue | Be advised that a building permit is required for the proposed second storey addition and attached garage to the detached dwelling unit. Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing those yards. |
| A-32/20 | 119 Queenston St. | Be advised that a building permit is required for the proposed canopy addition. |
| A-34/20 | 32 Cole Farm Blvd. | Be advised that a building permit is required for the proposed addition to the detached dwelling unit. Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing those yards. |
| A-35/20 | 1380 Fourth Avenue | Be advised that a building permit is required for the proposed accessory structure. 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-36/20 | 290 Oakdale Avenue | Be advised that a building permit is required for the proposed 4 storey 52 unit apartment building. |

| NO. | ADDRESS | COMMENTS |
|---------|---------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A-37/20 | 108 Park Avenue | Be advised that a building permit is required for the proposed semi detached dwelling. |
| A-38/20 | 34 ½ Pelham Road | Be advised that a building permit is required for the proposed single storey addition to the single detached dwelling unit. Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing those yards. |
| A-39/20 | 98A Martindale Road | 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-40/20 | 98B Martindale Road | 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-42/20 | 15A Bloomfield Ave. | Be advised that a building permit is required for the proposed accessory dwelling unit. |
| A-43/20 | 15B Bloomfield Ave. | Be advised that a building permit is required for the proposed accessory dwelling unit. |



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: March 4, 2020

Subject: Committee of Adjustment Hearing – March 25, 2020

PRCS has reviewed the Committee of Adjustment application for the hearing of March 25, 2020 and provides the following comments;

- 1. 48 Haynes Avenue, Minor Variance A-113/17 – 60.81.5281**
The applicant has demonstrated the provision of landscaping within the 3.0m side yards. Staff note that access to the rear yard may be constrained.
- 2. 18 Shelley Avenue, Minor Variance A-31/20 – 60.81.5621**
No comment.
- 3. 119 Queenston Street, Minor Variance A-32/20 – 60.81.5622**
No comment.
- 4. 32 Cole Farm Boulevard, Minor Variance A-34/20 – 60.81.5624**
No comment.
- 5. 1380 Fourth Avenue, Minor Variance A-35/20 – 60.81.5625**
No comment.
- 6. 290 Oakdale Avenue, Minor Variance A-36/20 – 60.81.5626**
The applicant is proposing substantial reductions in landscaping. Rear yard constrains, including the presence of fill are best addressed prior to reducing landscaping requirements. Opportunities to increase landscaping along the south east lot line and within the parking lot should be further explored.
- 7. 108 Park Avenue, Consent B-17/20SC – 60.84.2294**
108 Park Avenue, Consent B-18/20SC – 60.84.2295
108 Park Avenue, Minor Variance A-37/20 – 60.81.5627
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.

8. 34½ Pelham Road, Minor Variance A-38/20 – 60.81.5628

No comment.

8. 98 Martindale Road, Consent B-19/20SC – 60.84.2296

98 Martindale Road, Consent B-20/20SC – 60.84.2297

98A Martindale Road, Minor Variance A-39/20 – 60.81.5629

98B Martindale Road, Minor Variance A-40/20 – 60.81.5630

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

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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.

10. 15A Bloomfield Avenue, Minor Variance A-42/20 – 60.81.5632

15B Bloomfield Avenue, Minor Variance A-43/20 – 60.81.5633

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 existing boulevard tree.

11. 164 Martindale Road, Consent B-21/20SC – 60.84.2298

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

From: Jim Denham, P.Eng., Development Engineering Technologist

Date: March 6th, 2020

Hearing Date: March 25th, 2020

Subject: **Committee of Adjustment - Minor Variance Applications**
48 Haynes Avenue, A-113/17
18 Shelley Avenue, A-31/20
119 Queenston Street, A-32/20
32 Cole Farm Boulevard, A-34/20
290 Oakdale Avenue, A-36/20
108 Park Avenue, A-37/20
34 ½ Pelham Road, A-38/20
98A&B Martindale Road, A-39&40/20
15A&B Bloomfield Avenue, A-42&43/20

Development Engineering have reviewed the above noted Minor Variance applications and have no objections with the exception of the following:

18 Shelley Avenue A-31/20

Comments:

In 1950, a 15ft (4.57m) easement along the north side of the subject property was granted to the municipality by the owner of the property at that time. The easement was granted to enable the municipality to construct and maintain a sanitary sewer main. The sewer(250mm) was constructed and remains in place at this time. This sewer provides the outlet for local sewers servicing the existing homes on Graham Avenue, Considine Avenue, Peel Street, Abbey Avenue, Masfield Avenue and Paxton Avenue. The City provides routine maintenance (flushing and inspection) of this sewer. The most recent flushing was carried out in June 2019.

A review of the Air Photos indicates that sometime between 1961 and 1969 a house with a carport was constructed on this property. The

carport appears to significantly encroach onto the easement even though the easement document clearly indicated no permanent structures were to be built within the easement limits. The City's records do not include the building permit information going back that far and is it is uncertain how the house with the carport was permitted to be constructed within the easement limit.

There is no economical alternative route which would eliminate the need for this sewer and the easement on 18 Shelley Avenue. The City cannot permit any structure to be built or rebuilt within the easement limits.

Recommendation:

Based on the above we request that the Minor Variance be denied.

If you have any questions or concerns regarding the above please let me know.

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

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



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: March 3, 2020

Subject: Committee of Adjustment
Public Hearings – March 25, 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

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

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

COMMENTS

A-36/20 (60.81.5225)

290 Oakdale Avenue

DATE OF HEARING:
March 25, 2020



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: March 20, 2020

Date of Meeting: March 25 2020

Report Number: A-36/20

File: 60.81.5626

Subject: 290 Oakdale Avenue

Recommendation

Minor Variance

That Application **A-36/20** by 2077626 Ontario Ins., as outlined in the Notice of Hearing, be deferred pending confirmation that the site is remediated to support residential development and pending a final site design accordingly.

Report

Background

Application **A-36/20** is preceded by an ongoing Site Plan Application received on November 13, 2019. Through the site plan application process, the Ministry of Environment, Conservation and Parks has determined that a Record of Site Condition is required prior to residential development on the property since the former land fill site directly to the east of this site, has encroached into this lot with buried solid waste. The need to proceed with environmental remediation may trigger a need to redesign the site. As such, Staff view Application **A-36/20** as premature until such time as the site design is confirmed based on environmental clearances.

The Proposal

The Applicant proposes construction of a four-storey, 58-unit apartment complex with 73 surface parking spaces to the rear.

To facilitate the proposal, Application **A-36/20** is made seeking relief from the City of St. Catharines Zoning By-law 2013-283 through the variances outlined below.

| Variance # | Zoning Provision | Required | Proposed |
|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|------------|
| 1 | Minimum Landscaped Open Space | 40% | 22% |
| 2 | Landscape Buffer for a Parking Area with more than 20 parking spaces but fewer than 100 along a lot line abutting a Residential Zone (north property line) | 3 metres | 1.5 metres |

Location and Site Description

The subject property is located on the east side of Oakdale Avenue, south of Westchester Crescent. The property abuts a 10-storey residential apartment building to the north at the lands known as 292 Oakdale Avenue and abuts a townhouse development to the south.

The subject property is vacant, occupied only by sporadic vegetation in the form of trees and perennial grass.

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 High Density Residential on Schedule E9 thereof. Apartment dwellings are permitted at a density range generally 85 units per hectare of land of greater

Zoning By-law (2013-283)

The subject property is zoned High Density Residential with Special Provision 42 (R4-42). Special Provision 42 requires provision of a minimum 1.25 Parking Spaces Per Dwelling Unit. Apartment dwellings are permitted at a minimum density per hectare of 85 dwelling units.

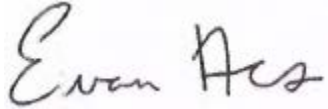
Planning Analysis

As noted in the Background herein, Staff view Application **A-36/20** as premature due to the requirements from the Ministry of Environment, Conservation and Parks and the impact it may have on site usage and layout. As such, Staff are recommending deferral of Application **A-36/20** until clearance from the Ministry of Environment, Conservation and Parks is given for residential development on the site. The site design may be revised accordingly.

Conclusion

Having regard for the matters under Section 45(1) of the *Planning Act*, staff are of the opinion that Minor Variance Application **A-36/20** is premature given the site conditions and are recommending deferral to a later hearing date, pending clearance from the Ministry of Environment, Conservation and Parks and confirmation of site design.

Prepared by:



for

Connor Wright
Student Planner

Submitted by:



Evan Acs
Planner I

Approved by:



Judy Pihach
Manager of Planning Services

March 23, 2020

To: Elaine Munro, Secretary – Treasurer, Committee of Adjustment

From: Pauline McCormack, Vice President, Carson Court Homeowners Association

Re: Committee of Adjustment Hearing, March 25th
Variance A36/20 290 Oakdale

On behalf of the homeowners on Carson Court we would like to submit our comments and concerns on the two variances requested. Having reviewed the request and looked at the current allowance and reasons for the existing by-laws we believe the variances should be denied and further review of this area would be needed before this proposal went any further.

1. A reduction of the minimum landscaped open space from 40% to 22%

A reduction to 22% is substantial and will have a significant impact on the neighbourhood and does not seem to fit with both the City's Official Plan or the Provincial Policy statement on Tree Preservation.

The City Plan mentions, under Urban Design guidelines, the importance of our identity as the "Garden City" and speaks to the protection of natural environments as well as greening. Reducing the landscape requirements will result in removal of trees such as a large Black Walnut, a Pine Tree and many others. In addition there is an environmental effect and climate issues. The more concrete the more heat given off and the ground is less capable of absorbing water. In addition run off and adequate drainage is a concern as there is a natural slope from this area into our backyards. In general the better a property is landscaped the more attractive it is for those living in the building and for the surrounding properties and neighbourhood. When living in a neighbourhood that is becoming such high density with a new building under construction at 176 Oakdale and another being considered at 268 Oakdale it is critical to maintain as much green space as possible versus considering less in any new development.

2. A reduction of Landscape Buffer for parking areas from 3 metres to 1.5 metres.

We understand that minor is not quantitative but qualitative, however in our opinion reducing the buffer zone to such a large extent in an area that is already extremely close to our property line will result in the following problems. The reduced landscaping buffer will result in increased noise levels from cars starting, doors slamming, etc. and pollution from car exhaust fumes. In addition the parking lot lighting may shine directly into our homes and gardens. There is no indication of any consideration given to underground parking to avoid the problems caused by congested parking lots.

In closing we feel that in keeping with the current climate of providing more green space not less and being environmentally friendly that both these requests present problems that will impact the quality of our property and the neighbourhood. Based on the above we request that the Minor Variances be denied. We would be happy to answer questions or speak to these issues at the meeting and would appreciate a copy of the Notice of Decision sent to our association c/o Pauline McCormack when it is available.

Thank you for your consideration. Attached is a list of the Homeowners included in this submission.

Carson Court (West Oak Estates) Homeowners

Carol Marie Lepere
1 Carson Court

Slawomir & Ryszarda Jankowski
16 Carson Court

James and Elizabeth Brander
3 Carson Court

John Edmiston, Maria McCelland
17 Carson Court

Wieslaw & Elzbieta Czarnia
19 Carson Court

Bruce Berger, Maggy Cameron
4 Carson Court

Kai Su
20 Carson Court

Ivanka Trbulin
5 Carson Court

Sharon Preston
6 Carson Court

Okim Jeong
23 Carson Court

R. Scott & Karen Beamer
7 Carson Court

Sadia Masood
24 Carson Court

Tom & Moira Cairns
8 Carson Court

Aaron Wleh
26 Carson Court

Bruce & Pauline McCormack
9 Carson Court

Joseph & Agnieszka Gagno
28 Carson Court

Larry & Joan Miller
10 Carson Court

Howard James
11 Carson Court

Sharon Adams
12 Carson Court

Louise Zelazny
13 Carson Court

Dennis & Carol Tanham
14 Carson Court

Kathleen Kelly
15 Carson Court

Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the March 25/20 CofA Hearing - Email 2

✓ 290 Oakdale
108 Park Avenue

From: Doug Crown <doug.crown@cogeco.com>

Sent: Monday, March 2, 2020 2:02 PM

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

Subject: Re: Committee of Adjustment Notices and Applications, City of St. Catharines, for the March 25/20 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 this applications

Doug Crown
Network Planning Department

7170 Mcleod Rd
Niagara Falls Ont Canada

Doug.crown@cogeco.com

T 289-296-6266 Ext 8434 | C 905-401-9967

Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the March 25/20 CofA Hearing

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

Sent: Monday, March 2, 2020 2:16 PM

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

Cc: Banda, Wilrik <wbanda@stcatharines.ca>

Subject: RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the March 25/20 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,

MTO Highway Corridor Management Section has reviewed the location of the following Applications for Minor Variance:

A-36/20 – 290 Oakdale Avenue

The property listed above appears to be located outside of the MTO Permit Control Area, and therefore an MTO Building & Land Use Permit from this office is not required. At this time, this office has no further comments.

Please do not hesitate to contact me if you have any further questions.

Thank you,

Paul Nunes | Corridor Management Officer

Ministry of Transportation | Corridor Management Section | Niagara Region
159 Sir William Hearst Avenue, 7th floor Building D, Downsview, ON M3M 0B7
(416) 235-5559 | paul.nunes@ontario.ca



Highway
Corridor
Management

Confidentiality Warning: This message and any attachments may contain PRIVILEGED and CONFIDENTIAL INFORMATION and is intended only for the use of the recipient(s). If you are not the intended recipient, you are hereby notified that any review, retransmission, conversion to hard copy, copying, circulation or other use of this message and any attachments is strictly prohibited. If you have received this message in error, please immediately notify the sender by return e-mail, and delete this message and any attachments from your system. Thank you.

Munro, Elaine

From: Vasko, Dennis
Sent: Tuesday, March 10, 2020 11:19 AM
To: Munro, Elaine
Subject: RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the March 25/20 CofA Hearing

Hi Elaine,

There are no concerns with either property in respect to the variances. 290 Oakdale is close to the Golf Course/Former Landfill, but the variance issue has to do with the parking lot and landscaping if I read it correctly.

Dennis

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

From: Munro, Elaine
Sent: Monday, March 2, 2020 1:40 PM
To: Vasko, Dennis <dvasko@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Committee of Adjustment Notices and Applications, City of St. Catharines, for the March 25/20 CofA Hearing

Good Afternoon Dennis:

Attached please find the Notices, Applications and Sketches for the following consent and minor variance applications that will be heard at the March 25, 2020 Committee of Adjustment Hearing.

I will be on vacation during this time, if you have any comments following your review, we would kindly appreciate if you would email your comments to both Wil Banda and to myself by **Friday, March 13, 2020.**

- 1. 119 Queenston Street, Minor Variance A-32/20 – 60.81.5622
- 2. 290 Oakdale Avenue, Minor Variance A-36/20 – 60.81.5626

Any questions, please don't hesitate to contact me.

Thanks, Elaine



Memorandum

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

Cc: Judy Pihach, Wilrik Banda, Conner Wright
Planning and Building Services

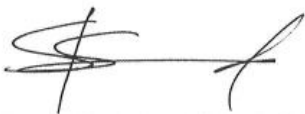
From: Brian Thiessen, Building Manager of Plans Examination
Planning and Building Services

Date: March 9, 2020

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – March 25, 2020 hearing

| NO. | ADDRESS | COMMENTS |
|----------|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A-113/17 | 48 Haynes Avenue | Be advised that a building permit is required for the proposed 8 unit townhouse. 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-31/20 | 18 Shelley Avenue | Be advised that a building permit is required for the proposed second storey addition and attached garage to the detached dwelling unit. Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing those yards. |
| A-32/20 | 119 Queenston St. | Be advised that a building permit is required for the proposed canopy addition. |
| A-34/20 | 32 Cole Farm Blvd. | Be advised that a building permit is required for the proposed addition to the detached dwelling unit. Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing those yards. |
| A-35/20 | 1380 Fourth Avenue | Be advised that a building permit is required for the proposed accessory structure. 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-36/20 | 290 Oakdale Avenue | Be advised that a building permit is required for the proposed 4 storey 52 unit apartment building. |

| NO. | ADDRESS | COMMENTS |
|---------|---------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A-37/20 | 108 Park Avenue | Be advised that a building permit is required for the proposed semi detached dwelling. |
| A-38/20 | 34 ½ Pelham Road | Be advised that a building permit is required for the proposed single storey addition to the single detached dwelling unit. Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing those yards. |
| A-39/20 | 98A Martindale Road | 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-40/20 | 98B Martindale Road | 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-42/20 | 15A Bloomfield Ave. | Be advised that a building permit is required for the proposed accessory dwelling unit. |
| A-43/20 | 15B Bloomfield Ave. | Be advised that a building permit is required for the proposed accessory dwelling unit. |



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: March 4, 2020
Subject: Committee of Adjustment Hearing – March 25, 2020

PRCS has reviewed the Committee of Adjustment application for the hearing of March 25, 2020 and provides the following comments;

- 1. 48 Haynes Avenue, Minor Variance A-113/17 – 60.81.5281**
The applicant has demonstrated the provision of landscaping within the 3.0m side yards. Staff note that access to the rear yard may be constrained.
- 2. 18 Shelley Avenue, Minor Variance A-31/20 – 60.81.5621**
No comment.
- 3. 119 Queenston Street, Minor Variance A-32/20 – 60.81.5622**
No comment.
- 4. 32 Cole Farm Boulevard, Minor Variance A-34/20 – 60.81.5624**
No comment.
- 5. 1380 Fourth Avenue, Minor Variance A-35/20 – 60.81.5625**
No comment.
- 6. 290 Oakdale Avenue, Minor Variance A-36/20 – 60.81.5626**
The applicant is proposing substantial reductions in landscaping. Rear yard constraints, including the presence of fill are best addressed prior to reducing landscaping requirements. Opportunities to increase landscaping along the south east lot line and within the parking lot should be further explored.
- 7. 108 Park Avenue, Consent B-17/20SC – 60.84.2294**
108 Park Avenue, Consent B-18/20SC – 60.84.2295
108 Park Avenue, Minor Variance A-37/20 – 60.81.5627
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.

8. 34½ Pelham Road, Minor Variance A-38/20 – 60.81.5628

No comment.

8. 98 Martindale Road, Consent B-19/20SC – 60.84.2296

98 Martindale Road, Consent B-20/20SC – 60.84.2297

98A Martindale Road, Minor Variance A-39/20 – 60.81.5629

98B Martindale Road, Minor Variance A-40/20 – 60.81.5630

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.

10. 15A Bloomfield Avenue, Minor Variance A-42/20 – 60.81.5632

15B Bloomfield Avenue, Minor Variance A-43/20 – 60.81.5633

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 existing boulevard tree.

11. 164 Martindale Road, Consent B-21/20SC – 60.84.2298

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

From: Jim Denham, P.Eng., Development Engineering Technologist

Date: March 6th, 2020

Hearing Date: March 25th, 2020

Subject: **Committee of Adjustment - Minor Variance Applications**
48 Haynes Avenue, A-113/17
18 Shelley Avenue, A-31/20
119 Queenston Street, A-32/20
32 Cole Farm Boulevard, A-34/20
290 Oakdale Avenue, A-36/20
108 Park Avenue, A-37/20
34 ½ Pelham Road, A-38/20
98A&B Martindale Road, A-39&40/20
15A&B Bloomfield Avenue, A-42&43/20

Development Engineering have reviewed the above noted Minor Variance applications and have no objections with the exception of the following:

18 Shelley Avenue A-31/20

Comments:

In 1950, a 15ft (4.57m) easement along the north side of the subject property was granted to the municipality by the owner of the property at that time. The easement was granted to enable the municipality to construct and maintain a sanitary sewer main. The sewer(250mm) was constructed and remains in place at this time. This sewer provides the outlet for local sewers servicing the existing homes on Graham Avenue, Considine Avenue, Peel Street, Abbey Avenue, Masfield Avenue and Paxton Avenue. The City provides routine maintenance (flushing and inspection) of this sewer. The most recent flushing was carried out in June 2019.

A review of the Air Photos indicates that sometime between 1961 and 1969 a house with a carport was constructed on this property. The

carport appears to significantly encroach onto the easement even though the easement document clearly indicated no permanent structures were to be built within the easement limits. The City's records do not include the building permit information going back that far and is it is uncertain how the house with the carport was permitted to be constructed within the easement limit.

There is no economical alternative route which would eliminate the need for this sewer and the easement on 18 Shelley Avenue. The City cannot permit any structure to be built or rebuilt within the easement limits.

Recommendation:

Based on the above we request that the Minor Variance be denied.

If you have any questions or concerns regarding the above please let me know.

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

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



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: March 3, 2020

Subject: Committee of Adjustment
Public Hearings – March 25, 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

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-17/20SC (60.84.2294), B-18/20SC
(60.84.2295) & A-37/20 (60.81.5627)**

108 Park Avenue

**DATE OF HEARING:
March 25, 2020**

From: [REDACTED]
To: [Munro, Elaine](#)
Subject: Notice of hearing comments
Date: Friday, March 20, 2020 9:08:02 AM

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.

Please note this is regarding the following file no.'s

File No. 60.84.2294
Submission No. B-17/20SC
Roll No. 2629010036047000000

File No. 60.84.2295
Submission No. B-18/20SC
Roll No. 2629010036047000000

File No. 60.81.5627
Submission No. A-37/20

Please note we have some concerns regarding this because we are worried about drainage. We do not want our backyard to always be flooded. Can you please make sure something is implemented to protect us from that. We are the property to the south 106 Park Avenue.

Also will there be a privacy fence put up? We are hoping yes.

If you need to contact me please do.

Thanks
Ed Weasner

Sent from my Huawei phone

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

Munro, Elaine

Subject:

RE: notice of hearing 108 Park Ave.

From: info@esolutionsgroup.ca <a> **On Behalf Of** Alan Inman

Sent: Thursday, March 19, 2020 11:13 AM

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

Subject: notice of hearing 108 Park Ave.

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.

I disagree with this proposal to build a semi detached house on the severed lot of 108 Park Ave. A single occupancy home would suit the location better. The proposed semi -detached home does not blend in with the existing neighborhood. There are no semi - detached buildings in that area. Most households are two car families, are the driveways wide enough to park two cars side by side, so they are not blocking the sidewalk? Cars parked on the street (a city bus route) will be too close to the intersection creating a possible hazard. The lot severed off to create a single dwelling I can understand and have no objection to, but not a semi-detached. The developer needs to build what is appropriate for the existing neighborhood.

Thank-you
Alan Inman

Origin: <https://www.stcatharines.ca/en/governin/committee-of-adjustment.asp>

This email was sent to you by Alan Inman<atinman@vaxxine.com> through <https://www.stcatharines.ca/>.



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: March 20, 2020

Date of Meeting: March 25 2020

Report Number: B-17/20SC
B-18/20SC
A-37/20

File: 60.84.2294
60.84.2295
60.81.5627 (108 Park Avenue)

Subject: 108 Park Avenue (48 Rockwood Avenue and 50 Rockwood Avenue)

Recommendation

Consent

That Application **B-17/20SC** (Part 5) and Application **B-18/20SC** (Part 4) by Integra 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, ensuring the following:
 - a) For Parts 4 & 5, building permit plans be generally in accordance with the elevation plans dated Feb 10 2020, including the following:
 - For Part 4, the covered verandah (porch) be enlarged to be constructed flush with the front face of the garage;
 - b) For Part 2, that space for parking be provided by reconfiguring the location of the concrete walk and steps for the existing dwelling, to the satisfaction of the City
2. That final approval of the concurrent Minor Variance Application be received by the Committee of Adjustment.
3. That all conditions of consent be fulfilled one year from the date of this decision.
4. That the Owner submit a servicing plan, prepared by a qualified professional engineer, to address the provision of individual water services and water meters to each of the three properties (Parts 2, 4 & 5) to the satisfaction of the City; and that any new services and related private property connections, including any internal plumbing adjustments, be designed and constructed to the satisfaction of the City through a plumbing only permit; and that the Owner pay the City any fee that may be necessary to relocate any portion of an existing water service and/or to provide new water services to the front property line.
5. 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.
6. 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.

7. 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.
8. That the Owner submit for review and approval by City staff an individual lot grading and drainage plan, prepared by a professional engineer or Ontario Land Surveyor.
9. That the Owner submit to the Secretary-Treasurer of the Committee of Adjustment a final certification fee of \$214.80 per application payable to the Treasurer, City of St. Catharines.
10. That the Owner dedicate to the City, free and clear of any mortgages, liens, or encumbrances, a road allowance widening of 10.06 metres from the centerline of the original road allowance along the Rockwood Avenue frontage (Parts 1 and 2).
11. 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.
12. That the Owner submit payment of 5% of the appraised value of Parts 4 and 5, as determined by a qualified appraiser, to the City 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'.
13. That the Owner submit a payment for the placement of a 60mm boulevard tree, in accordance with the City's current Schedule of Rates and Fees.

Minor Variance

That Application **A-37/20** by Integra Inc., as outlined in the Notice of Hearing, be approved.

Report The Proposal

A detached dwelling exists on the westerly portion of the subject lands, fronting onto Park Avenue. The Applicant proposes to sever the subject property into three separate parts for the purpose of constructing a semi-detached dwelling on the easterly portion of the lands.

To facilitate the proposal, Consent Application **B-17/20SC** is made for consent to sever 281.5 square metres of land (Part 5 on the submitted sketch), creating a new lot to be known as 50 Rockwood Avenue, which will accommodate one half of the proposed semi-detached dwelling. Similarly, Consent Application **B-18/20SC** is made for consent to sever 280.5 square metres of land (Part 4 on the submitted sketch), creating a new lot to be known as 48 Rockwood Avenue to accommodate the other half of the

proposed semi-detached dwelling. A 281 square metre remnant parcel (Part 2 on the submitted sketch) will be retained for continued use of the existing detached dwelling.

Concurrent Minor Variance Application **A-37/20** seek relief from the City of St. Catharines Zoning By-law 2013-283 in regard to the remnant parcel known as 108 Park Avenue through the variances outlined below.

| Variance # | Zoning Provision | Required | Proposed |
|------------|-------------------|-------------------|-------------------|
| 1 | Minimum Lot Area | 300 square metres | 281 square metres |
| 2 | Minimum Rear Yard | 6.0 metres | 2.42 metres |

Location and Site Description

The subject property is located on the east side of Park Avenue and South side of Rockwood Avenue at the intersection. The property is surrounded by detached dwellings on all sides.

A detached dwelling is located on the westerly portion of the land fronting onto Park Avenue. There are mature trees lining the northerly lot line, all of which are on private property.

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 E9 thereof. Detached dwellings and 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 – Traditional Neighbourhood (R2). Detached dwellings and semi-detached dwellings are permitted in the R2 zone.

Planning Analysis

Consent

Part F, Section 16.11.3 of the GCP states that consents to sever will only be given where they contribute to the infilling of areas that are already substantially developed and the size and shape of the parcel is appropriate for the use proposed and in terms of the optimum development of the surrounding area. 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 Applications **B-17/20SC** and **B-18/20SC** request to sever the subject property for the purpose of constructing two lots (Parts 4 & 5) for each half of a semi-detached dwelling, addressed as 48 and 50 Rockwood Avenue, respectively. Both new lots meet all applicable zoning requirements. However, the retained lot, Part 2, requires a minor lot area reduction and rear yard setback reduction in order to comply with the Zoning By-law. Staff are of the opinion that the requested concurrent variances are minor and represent good design of the site in regard to optimization of available lands and compliance with the Official Plan and Zoning By-law. As such, Staff find that the proposal is in accordance with all relevant lot creation policies set out in Section 16.11.3 of the GCP; staff are supportive of the proposed consents, subject to the conditions outlined in the recommendation.

Design Review Panel

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 January 2020. DRP members identified that there is limited space for parking on the retained parcel. Regarding the proposed semi-detached dwellings, DRP members suggested the porch of the one unit (Part 4) be enlarged to be flush with the garage wall. The DRP also recommended garage door glazing.

Ultimately, the DRP supported the proposed severance, in accordance with the plans circulated at the meeting, and subject to the following conditions:

1. That the covered porch on Part 4 be enlarged;
2. That a parking space be provided for the existing lot (Part 2) which may require reconfiguration of the existing walkway/stair; and
3. That the new amenity area for the existing home be fenced.

Staff concur with recommendations 1 and 2 of the DRP and have included them in the staff recommendation herein. The DRP recommendation regarding fencing is considered by staff to be a decision left to the homeowner, and has not been recommended.

Minor Variance

Variance 1 of Application A-37/20

Zoning By-law 2013-283 establishes a minimum lot area of 300 square metres for a detached dwelling. The intent of the minimum lot area provision is to ensure that a building envelope can comfortably fit within the boundaries of the property, while ensuring that adequate space is maintained for outdoor amenity areas, landscaping, parking, and

stormwater management. The minimum lot area provisions also ensure a generally consistent lot fabric and built form within the neighbourhood.

The Applicant is requesting a reduction of the minimum lot area from 300 square metres to 281 square metres to facilitate the proposed severance. The 19 square metre reduction from the requirement is numerically minor in nature, amounting to a 6.3% reduction. Staff are satisfied that the proposed lot size can accommodate outdoor amenity space and parking given the conditions of the Development Agreement outlined herein. The proposed reduction poses no new conflicts in regard to stormwater management or access to any part of the lot.

Staff are of the opinion that the requested variance is minor in nature, is desirable for the appropriate use of the lands and is in keeping with the intent of the Official Plan and Zoning By-law. Staff recommend approval of Variance 1 accordingly.

Variance 2 of Application A-37/20

Zoning By-law 2013-283 requires a setback of 6.0 metres from a rear lot line to a dwelling. The intent of the rear yard setback is: to ensure adequate amenity space is provided on a property; to maintain adequate separation distance and buffering between neighbouring properties; to minimize overlook and privacy impacts; and to provide sufficient space for property maintenance and stormwater management.

Variance 2 requests a reduction of the minimum rear yard setback from 6.0 metres to 2.42 metres to facilitate the proposed severance. As noted above in regard to Variance 1, Staff are satisfied that the retained parcel (Part 2) has sufficient amenity space to the front and side of the property. It exceeds zoning requirements for both front yard and exterior side yard. As such, the rear yard reduction is unlikely to pose any new conflicts or limit available amenity space to an undesirable level.

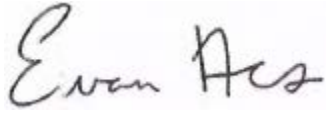
Staff are of the opinion that the requested variance is minor in nature, is desirable for the appropriate use of the lands and is in keeping with the intent of the Official Plan and Zoning By-law. Staff recommend approval of Variance 2 accordingly.

Conclusion

Having regard for the matters under Section 53 of *The Planning Act*, staff are of the opinion that Applications **B-17/20SC** and **B-18/20SC** are 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, subject to the conditions outlined herein. Staff are recommending approval of the Application, subject to the conditions outlined in the recommendation.

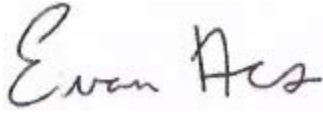
Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Application **A-37/20** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is desirable for the appropriate use of the lands. Staff are recommending approval of the Application.

Prepared by:



for _____
Connor Wright
Student Planner

Submitted by:



for _____
Tage Crooks
Planner I

Approved by:



Judy Pinach
Manager of Planning Services

April 2, 2020

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

Attention: Elaine Munro

File# 60.84.2295, 60.81.5627 & 60.84.2294

Re: 108 Park Ave

In response to your correspondence dated March 3, 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.
- In order for Alectra Utilities to prepare design and procure the materials required to service this site in a timely manner, a minimum of 6 months notification is required. It would be advantages for the developer if Alectra Utilities were contacted at the stage where the new site plan becomes available. Please note that it takes approximately 20 weeks to purchase a transformer.

We would also like to stipulate the following:

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

Alectra Utilities Corporation

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

alectrautilities.com

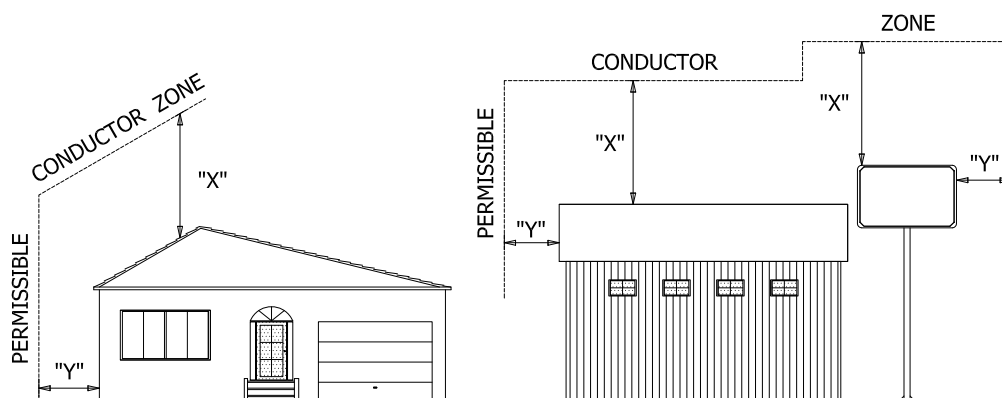
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Alectra Utilities must be contacted if the removal,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

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

Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital



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

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

* - INCLUDES MULTI-GROUNDED NEUTRALS

NOTES:

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

Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the March 25/20 CofA Hearing - Email 2

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

Sent: Friday, March 13, 2020 8:33 AM

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

Subject: RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the March 25/20 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.

Dear Elaine,

Sorry about the incorrect name on the previous email! I guess I will chalk it up to Friday the 13th? ☺

RE : B-17/20SC

- ☐ Severance Applications
- ☐ 108 Park Avenue

Subsequent to review by our Engineering Department, Bell Canada confirms that we have no objections with the proposed Severances.

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

Best regards,

Carrie Gordon



External Liaison – Right of Way Control Centre
140 Bayfield St, Fl 2
Barrie ON, L4M 3B1
T: 705-722-2244/844-857-7942
F :705-726-4600

Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the March 25/20 CofA Hearing - Email 2

290 Oakdale
108 Park Avenue

From: Doug Crown <doug.crown@cogeco.com>
Sent: Monday, March 2, 2020 2:02 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Re: Committee of Adjustment Notices and Applications, City of St. Catharines, for the March 25/20 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 this applications

Doug Crown
Network Planning Department

7170 Mcleod Rd
Niagara Falls Ont Canada

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

T 289-296-6266 Ext 8434 | C 905-401-9967



Memorandum

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

Cc: Judy Pihach, Wilrik Banda, Conner Wright
Planning and Building Services

From: Steven Sunderland, Building Inspector
Planning and Building Services

Date: March 9, 2020

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – March 25, 2020 hearing

B-17/20SC – 108 Park Avenue

Comment:

- Be advised that a building permit is required for the proposed one half of a semi-detached dwelling.

Condition:

- No comment

B-18/20SC – 108 Park Avenue

Comment:

Be advised that a building permit is required for the proposed one half of a semi-detached dwelling.

Condition:

- No comment

B-19/20SC – 98 Martindale Road

Comment:

- Be advised that a building permit is required for the proposed one half of a semi-detached dwelling.

Condition:

- No comment

B-20/20SC – 98 Martindale Road

Comment:

- Be advised that a building permit is required for the proposed one half of a semi-detached dwelling.

Condition:

- No comment

B-21/20SC – 164 Martindale Road

Comment:

- No comment

Condition:

- No comment

A handwritten signature in blue ink, consisting of a stylized 'S' followed by a horizontal line and a final flourish.

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



Memorandum

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

Cc: Judy Pihach, Wilrik Banda, Conner Wright
Planning and Building Services

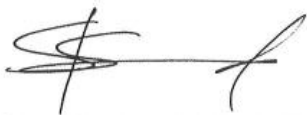
From: Brian Thiessen, Building Manager of Plans Examination
Planning and Building Services

Date: March 9, 2020

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – March 25, 2020 hearing

| NO. | ADDRESS | COMMENTS |
|----------|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A-113/17 | 48 Haynes Avenue | Be advised that a building permit is required for the proposed 8 unit townhouse. 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-31/20 | 18 Shelley Avenue | Be advised that a building permit is required for the proposed second storey addition and attached garage to the detached dwelling unit. Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing those yards. |
| A-32/20 | 119 Queenston St. | Be advised that a building permit is required for the proposed canopy addition. |
| A-34/20 | 32 Cole Farm Blvd. | Be advised that a building permit is required for the proposed addition to the detached dwelling unit. Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing those yards. |
| A-35/20 | 1380 Fourth Avenue | Be advised that a building permit is required for the proposed accessory structure. 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-36/20 | 290 Oakdale Avenue | Be advised that a building permit is required for the proposed 4 storey 52 unit apartment building. |

| NO. | ADDRESS | COMMENTS |
|---------|---------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A-37/20 | 108 Park Avenue | Be advised that a building permit is required for the proposed semi detached dwelling. |
| A-38/20 | 34 ½ Pelham Road | Be advised that a building permit is required for the proposed single storey addition to the single detached dwelling unit. Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing those yards. |
| A-39/20 | 98A Martindale Road | 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-40/20 | 98B Martindale Road | 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-42/20 | 15A Bloomfield Ave. | Be advised that a building permit is required for the proposed accessory dwelling unit. |
| A-43/20 | 15B Bloomfield Ave. | Be advised that a building permit is required for the proposed accessory dwelling unit. |



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: March 4, 2020
Subject: Committee of Adjustment Hearing – March 25, 2020

PRCS has reviewed the Committee of Adjustment application for the hearing of March 25, 2020 and provides the following comments;

- 1. 48 Haynes Avenue, Minor Variance A-113/17 – 60.81.5281**
The applicant has demonstrated the provision of landscaping within the 3.0m side yards. Staff note that access to the rear yard may be constrained.
- 2. 18 Shelley Avenue, Minor Variance A-31/20 – 60.81.5621**
No comment.
- 3. 119 Queenston Street, Minor Variance A-32/20 – 60.81.5622**
No comment.
- 4. 32 Cole Farm Boulevard, Minor Variance A-34/20 – 60.81.5624**
No comment.
- 5. 1380 Fourth Avenue, Minor Variance A-35/20 – 60.81.5625**
No comment.
- 6. 290 Oakdale Avenue, Minor Variance A-36/20 – 60.81.5626**
The applicant is proposing substantial reductions in landscaping. Rear yard constrains, including the presence of fill are best addressed prior to reducing landscaping requirements. Opportunities to increase landscaping along the south east lot line and within the parking lot should be further explored.
- 7. 108 Park Avenue, Consent B-17/20SC – 60.84.2294**
108 Park Avenue, Consent B-18/20SC – 60.84.2295
108 Park Avenue, Minor Variance A-37/20 – 60.81.5627
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.

8. 34½ Pelham Road, Minor Variance A-38/20 – 60.81.5628

No comment.

8. 98 Martindale Road, Consent B-19/20SC – 60.84.2296

98 Martindale Road, Consent B-20/20SC – 60.84.2297

98A Martindale Road, Minor Variance A-39/20 – 60.81.5629

98B Martindale Road, Minor Variance A-40/20 – 60.81.5630

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.

10. 15A Bloomfield Avenue, Minor Variance A-42/20 – 60.81.5632

15B Bloomfield Avenue, Minor Variance A-43/20 – 60.81.5633

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 existing boulevard tree.

11. 164 Martindale Road, Consent B-21/20SC – 60.84.2298

No comment.

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

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-17&18/20SC



March 6, 2020

ENGINEERING FILE 300-36

Hearing Date: March 25, 2020

Applicant: Integra Inc.

Location: 108 Park Avenue

MUNICIPAL SERVICES

| | Park Avenue | Rockwood Avenue |
|------------------------------|---------------------------------------------------|------------------------|
| Water: | 200mm D.I. (8") | 200mm P.V.C. (8") |
| Sanitary Sewer: | 300mm (12") 2.50m± deep 250mm (10") 2.0m± deep | 200mm (8") 2.0m± deep |
| Storm Sewer: | None. | 600mm (24") Conc. |
| Sidewalks: | Yes | Yes |
| Road Allowance Width: | 20.12m (66') | 18.28m (60') |

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

Comment(s): It is noted that the Applicant proposes to sever Parts 4 & 5 on the Sketch creating new lots to be known as 48 & 50 Rockwood Avenue for the purposes of severing one-half of the proposed semi-detached dwellings. A remnant parcel (Part 2) would be retained for continued residential use.

Roads

Park Avenue is designated a Local road in the City's Official Plan with a desired right-of-way width of 20.12m (66'). Its current width across the frontage of the subject property is adequate and no widenings along Park Avenue will be required with this application.

Rockwood Avenue is designated a Collector road in the City's Official Plan with a desired right-of-way width of 20.12m (66'). Rockwood Avenue along the lot frontage is deficient at 18.28m (60') therefore the City shall require a widening across the frontage along Rockwood Avenue to establish 10.06m (33') from the centerline of the original road allowance and be dedicated free and clear of encumbrances to be known as Public Highway Rockwood Avenue.

Sidewalks and curbs exist along the frontage of the subject. Care should be taken not to damage these services with the construction of the proposed dwellings, if approved. A sidewalk damage deposit shall be obtained through the Building Permit process.

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 Rockwood Avenue, 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 only 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 road widening to be dedicated to the City as Public Highway Rockwood Avenue; and
- Dedicate to the City and clear of any encumbrances a road widening along the subject lands to be known as Public Highway Rockwood Avenue

Prepared by:



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

- c. James Denham, PBS (email only)
David Stringer, EFES (email only)



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

From: Jim Denham, P.Eng., Development Engineering Technologist

Date: March 6th, 2020

Hearing Date: March 25th, 2020

Subject: **Committee of Adjustment - Minor Variance Applications**
48 Haynes Avenue, A-113/17
18 Shelley Avenue, A-31/20
119 Queenston Street, A-32/20
32 Cole Farm Boulevard, A-34/20
290 Oakdale Avenue, A-36/20
108 Park Avenue, A-37/20
34 ½ Pelham Road, A-38/20
98A&B Martindale Road, A-39&40/20
15A&B Bloomfield Avenue, A-42&43/20

Development Engineering have reviewed the above noted Minor Variance applications and have no objections with the exception of the following:

18 Shelley Avenue A-31/20

Comments:

In 1950, a 15ft (4.57m) easement along the north side of the subject property was granted to the municipality by the owner of the property at that time. The easement was granted to enable the municipality to construct and maintain a sanitary sewer main. The sewer(250mm) was constructed and remains in place at this time. This sewer provides the outlet for local sewers servicing the existing homes on Graham Avenue, Considine Avenue, Peel Street, Abbey Avenue, Masfield Avenue and Paxton Avenue. The City provides routine maintenance (flushing and inspection) of this sewer. The most recent flushing was carried out in June 2019.

A review of the Air Photos indicates that sometime between 1961 and 1969 a house with a carport was constructed on this property. The

carport appears to significantly encroach onto the easement even though the easement document clearly indicated no permanent structures were to be built within the easement limits. The City's records do not include the building permit information going back that far and is it is uncertain how the house with the carport was permitted to be constructed within the easement limit.

There is no economical alternative route which would eliminate the need for this sewer and the easement on 18 Shelley Avenue. The City cannot permit any structure to be built or rebuilt within the easement limits.

Recommendation:

Based on the above we request that the Minor Variance be denied.

If you have any questions or concerns regarding the above please let me know.

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

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



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: March 3, 2020

Subject: Committee of Adjustment
Public Hearings – March 25, 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

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-38/20 (60.81.5628)

34 ½ Pelham Road

DATE OF HEARING:
March 25, 2020

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: March 20, 2020

Date of Meeting: March 25 2020

Report Number: A-38/20

File: 60.81.5628

Subject: 34 ½ Pelham Road

Recommendation

Minor Variance

That Application **A-38/20** by Romeo Digiaccio and Tecla Digiaccio, as outlined in the Notice of Hearing, be denied, and that a reduction of the minimum exterior side yard setback to the dwelling from 3.0 metres to 1.3 metres be approved instead.

Report

The Proposal

The Applicant proposes to construct a one-storey addition to the rear of an existing detached dwelling. To facilitate the proposal, Application **A-38/20** seeks a reduction of the minimum required exterior side yard setback from 3.0 metres to 1.0 metres.

Location and Site Description

The subject property is located on the west side of Pelham Road and the north side of Chetwood Street at the intersection. The subject property is surrounded by low and medium density residential uses, as well as several commercial uses in close proximity.

The property is occupied by a detached dwelling fronting on to Pelham Road with a detached garage and shed located on the westerly portion of the lands.

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 E6/7 thereof. Detached dwellings are permitted at a density range generally between 25 and 99 units per hectare of land.

Zoning By-law (2013-283)

The subject property is zoned Low Density Residential – Traditional Neighbourhood (R2). Detached dwellings are permitted in the R2 zone.

Planning Analysis

Zoning By-law 2013-283 requires a minimum 3.0 metre exterior side yard setback to the wall of a detached dwelling. The intent of the exterior side yard setback is to ensure that adequate space is provided between a structure and the municipal road allowance, as well as to ensure that adequate sight lines are maintained for drivers approaching an intersection, to maintain a degree of separation from the road for the safety of dwelling occupants, and to ensure sufficient space for landscaping, amenity areas, and stormwater management is maintained.

Application **A-38/20** requests a reduction of the exterior side yard setback from 3.0 metres to 1.0 metre to allow for a proposed rear addition. Staff note that a reduction to 1.0 metres is not necessary as the proposed addition is set back 1.39 metres from the exterior side yard. As such, Staff recommend that a reduction of exterior side yard setback from 3.0 metres to 1.3 metres be considered instead.


Since the addition is to the rear of the detached dwelling, away from the intersection, Staff have no concerns that the addition will affect sight lines for drivers. The proposed addition is in line with the current position of the existing dwelling in relation to the exterior side lot line, and is recessed beyond the point of the dwelling which is closest to the exterior side lot line. Further, the public boulevard along Chetwood Street is of ample width and a wood fence is provided for further visual separation from the street. As such, Staff have no concerns that the proposal will create any new conflicts in regard to privacy concerns, safety of dwelling occupants, or stormwater management.

Staff are of the opinion that the variance, as amended herein, 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 Application **A-38/20**, as amended herein, be approved.

Conclusion

Having regard for the matters under Section 45(1) of the Planning Act, staff is of the opinion that Application **A-38/20**, as outlined in the Notice of Hearing, is not required. Rather, a reduction of the minimum exterior side yard from 3.0 metres to 1.3 metres, as considered by Staff, 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 suggest that this alternative reduction of the exterior side yard be approved.

Prepared by:



for

Connor Wright
Student Planner

Submitted by:



Evan Acs
Planner I

Approved by:



Judy Pinach
Manager of Planning Services

Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the March 25/20 CofA Hearing - Email 3

1380 Fourth
34 ½ Pelham
15 A & B Pelham
164 Martindale

From: Doug Crown <doug.crown@cogeco.com>

Sent: Monday, March 2, 2020 2:05 PM

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

Subject: Re: Committee of Adjustment Notices and Applications, City of St. Catharines, for the March 25/20 CofA Hearing - Email 3

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

Hi Elaine

Email 2-3

Cogeco has no issues or concerns with this applications

Doug Crown
Network Planning Department

7170 Mcleod Rd
Niagara Falls Ont Canada

Doug.crown@cogeco.com

T 289-296-6266 Ext 8434 | C 905-401-9967



Memorandum

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

Cc: Judy Pihach, Wilrik Banda, Conner Wright
Planning and Building Services

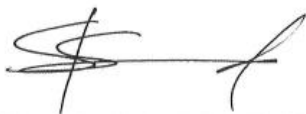
From: Brian Thiessen, Building Manager of Plans Examination
Planning and Building Services

Date: March 9, 2020

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – March 25, 2020 hearing

| NO. | ADDRESS | COMMENTS |
|----------|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A-113/17 | 48 Haynes Avenue | Be advised that a building permit is required for the proposed 8 unit townhouse. 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-31/20 | 18 Shelley Avenue | Be advised that a building permit is required for the proposed second storey addition and attached garage to the detached dwelling unit. Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing those yards. |
| A-32/20 | 119 Queenston St. | Be advised that a building permit is required for the proposed canopy addition. |
| A-34/20 | 32 Cole Farm Blvd. | Be advised that a building permit is required for the proposed addition to the detached dwelling unit. Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing those yards. |
| A-35/20 | 1380 Fourth Avenue | Be advised that a building permit is required for the proposed accessory structure. 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-36/20 | 290 Oakdale Avenue | Be advised that a building permit is required for the proposed 4 storey 52 unit apartment building. |

| NO. | ADDRESS | COMMENTS |
|---------|---------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A-37/20 | 108 Park Avenue | Be advised that a building permit is required for the proposed semi detached dwelling. |
| A-38/20 | 34 ½ Pelham Road | Be advised that a building permit is required for the proposed single storey addition to the single detached dwelling unit. Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing those yards. |
| A-39/20 | 98A Martindale Road | 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-40/20 | 98B Martindale Road | 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-42/20 | 15A Bloomfield Ave. | Be advised that a building permit is required for the proposed accessory dwelling unit. |
| A-43/20 | 15B Bloomfield Ave. | Be advised that a building permit is required for the proposed accessory dwelling unit. |



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: March 4, 2020
Subject: Committee of Adjustment Hearing – March 25, 2020

PRCS has reviewed the Committee of Adjustment application for the hearing of March 25, 2020 and provides the following comments;

- 1. 48 Haynes Avenue, Minor Variance A-113/17 – 60.81.5281**
The applicant has demonstrated the provision of landscaping within the 3.0m side yards. Staff note that access to the rear yard may be constrained.
- 2. 18 Shelley Avenue, Minor Variance A-31/20 – 60.81.5621**
No comment.
- 3. 119 Queenston Street, Minor Variance A-32/20 – 60.81.5622**
No comment.
- 4. 32 Cole Farm Boulevard, Minor Variance A-34/20 – 60.81.5624**
No comment.
- 5. 1380 Fourth Avenue, Minor Variance A-35/20 – 60.81.5625**
No comment.
- 6. 290 Oakdale Avenue, Minor Variance A-36/20 – 60.81.5626**
The applicant is proposing substantial reductions in landscaping. Rear yard constraints, including the presence of fill are best addressed prior to reducing landscaping requirements. Opportunities to increase landscaping along the south east lot line and within the parking lot should be further explored.
- 7. 108 Park Avenue, Consent B-17/20SC – 60.84.2294**
108 Park Avenue, Consent B-18/20SC – 60.84.2295
108 Park Avenue, Minor Variance A-37/20 – 60.81.5627
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.

8. 34½ Pelham Road, Minor Variance A-38/20 – 60.81.5628

No comment.

8. 98 Martindale Road, Consent B-19/20SC – 60.84.2296

98 Martindale Road, Consent B-20/20SC – 60.84.2297

98A Martindale Road, Minor Variance A-39/20 – 60.81.5629

98B Martindale Road, Minor Variance A-40/20 – 60.81.5630

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.

10. 15A Bloomfield Avenue, Minor Variance A-42/20 – 60.81.5632

15B Bloomfield Avenue, Minor Variance A-43/20 – 60.81.5633

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 existing boulevard tree.

11. 164 Martindale Road, Consent B-21/20SC – 60.84.2298

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

From: Jim Denham, P.Eng., Development Engineering Technologist

Date: March 6th, 2020

Hearing Date: March 25th, 2020

Subject: **Committee of Adjustment - Minor Variance Applications**
48 Haynes Avenue, A-113/17
18 Shelley Avenue, A-31/20
119 Queenston Street, A-32/20
32 Cole Farm Boulevard, A-34/20
290 Oakdale Avenue, A-36/20
108 Park Avenue, A-37/20
34 ½ Pelham Road, A-38/20
98A&B Martindale Road, A-39&40/20
15A&B Bloomfield Avenue, A-42&43/20

Development Engineering have reviewed the above noted Minor Variance applications and have no objections with the exception of the following:

18 Shelley Avenue A-31/20

Comments:

In 1950, a 15ft (4.57m) easement along the north side of the subject property was granted to the municipality by the owner of the property at that time. The easement was granted to enable the municipality to construct and maintain a sanitary sewer main. The sewer(250mm) was constructed and remains in place at this time. This sewer provides the outlet for local sewers servicing the existing homes on Graham Avenue, Considine Avenue, Peel Street, Abbey Avenue, Masfield Avenue and Paxton Avenue. The City provides routine maintenance (flushing and inspection) of this sewer. The most recent flushing was carried out in June 2019.

A review of the Air Photos indicates that sometime between 1961 and 1969 a house with a carport was constructed on this property. The

carport appears to significantly encroach onto the easement even though the easement document clearly indicated no permanent structures were to be built within the easement limits. The City's records do not include the building permit information going back that far and is it is uncertain how the house with the carport was permitted to be constructed within the easement limit.

There is no economical alternative route which would eliminate the need for this sewer and the easement on 18 Shelley Avenue. The City cannot permit any structure to be built or rebuilt within the easement limits.

Recommendation:

Based on the above we request that the Minor Variance be denied.

If you have any questions or concerns regarding the above please let me know.

A handwritten signature in cursive script, reading "James R. Denham", with a long horizontal flourish extending to the right.

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



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: March 3, 2020

Subject: Committee of Adjustment
Public Hearings – March 25, 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

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

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

COMMENTS

**B-19/20SC (60.84.2296), B-20/20SC
(60.84.2297), A-39/20 (60.81.5629) &
A-40/20 (60.81.5630)**

98 Martindale Road

**DATE OF HEARING:
March 25, 2020**



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: March 20, 2020

Date of Meeting: March 25 2020

Report Number: B-19/20SC
B-20/20SC
A-39/20
A-40/20

File: 60.84.2296
60.84.2297
60.81.5629 (98A Martindale Road)
60.81.5630 (98B Martindale Road)

Subject: 98 Martindale Road (to be come 98A and 98B Martindale Road)

Recommendation

Consent

That Application **B -20/20SC (Part 1) and B-19/20SC (Part 3)** by Twelve View Properties Inc., as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. The Part 3 merge in title to the abutting lands to the north being 100 Martindale Road.
2. That the Owner of the property known as 100 Martindale Road amend the existing Site Plan Agreement registered on title, to reflect the addition of Part 3, additional parking.
3. 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) For Parts 1 & 2, that building permit plans be generally in accordance with the survey sketch, dated Feb 10 2020 by Philip Suda, OLS and elevation concepts dated December 2019.
 - b) For Parts 1 & 2 the driveways be a maximum width of 3.0 metres each.
4. That the Owner submit for review and approval by City staff an individual lot grading and drainage plan, prepared by a professional engineer or Ontario Land Surveyor.
5. That the Owner submit payment of 5% of the appraised value of Part 1, as determined by a qualified appraiser, to the City 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.
6. That the Owner submit a payment, for Part 1 for the placement of a 60mm boulevard tree, in accordance with the City's current Schedule of Rates and Fees.
7. That the Owner submit to the Secretary-Treasurer of the Committee of Adjustment a final certification fee of \$214.80 per application payable to the Treasurer, City of St. Catharines.

- 8 That the Owner provide the Secretary-Treasurer with the Acknowledgement and Direction for conveyance of the subject parcels, together with a copy of the deposited reference plan, for use in the issuance of the Certificates of Consent.
- 9 That final approval of the concurrent Minor Variance Applications be received by the Committee of Adjustment
- 10 That all conditions of consent be fulfilled within one year of the date of this decision.

Minor Variance

That Variance 1, 2, 3, and 4 of Application **A-39/20** by Twelve View Properties Inc., as outlined in the Notice of Hearing, be approved.

That Variance 1, 2, 3, 4, and 5 of Application **A-40/20** by Twelve View Properties Inc., as outlined in the Notice of Hearing, be approved.

That Variance 6 of Application **A-40/20** by Twelve View Properties Inc., as clarified herein, be denied as it is unnecessary.

Report Background

The subject lands have two (2) prior applications from 2011. Application **B-45/11SC** was made in November 2011 for the conveyance of 2344.8 square metres of land to the northerly abutting property known as 100 Martindale Road. This Application was largely similar to current Application **B-19/20SC** in that the outcome would be the conveyance of the gravel parking lot from the rear of 98 Martindale Road to 100 Martindale Road to the north. Final certification for Application **B-45/11SC** was granted but transfer of ownership was never completed which resulted in a lapsed severance. In November 2012 By-law 2012-316 was passed by Council, which rezoned Part 3 of the subject property from Second Density Residential (R2B) (under By-law 64-270) to General Commercial (C2) to permit the use of the lands as a parking lot for the abutting commercial use. This amendment is reflected in the current zoning of the property.

The Proposal

The Applicant proposes to sever the subject property into two parts for the purpose of constructing a semi-detached dwelling on the westerly portion of the lands (Parts 1 & 2). A third part (Part 3) will be conveyed to the northerly abutting property known municipally as 100 Martindale Road to provide additional parking to that commercial property.

To facilitate the proposal, Consent Application **B-19/20SC** is made for consent to sever 2,339.11 square metres of land (Part 3) to be added to the northerly abutting lot. A 766.38 square metre remnant parcel (Parts 1 and 2) will be retained for the construction of a semi-detached dwelling. Concurrent Consent Application **B-20/20SC** is made for consent to sever 385.54 square metres of land (Part 1) for the proposed construction of one half of a semi-detached dwelling to be known as 98B Martindale Road. A 380.84 square metre remnant parcel (Part 2) will be retained for constructing the other half of the semi-

detached dwelling to be known as 98A Martindale Road. Both semi-detached dwelling units will contain an interior accessory dwelling unit.

Concurrent Minor Variance Applications **A-39/20** and **A-40/20** seek relief from the City of St. Catharines Zoning By-Law 2013-283 through the variances outlined below:

| Application | Variance # | Zoning Provision | Required | Proposed |
|--------------------------------------|-------------------|----------------------------------------------------------------------|---------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|
| A-39/20 (98A Martindale Road) | 1 | Minimum Lot Frontage | 12 metres | 8.55 metres |
| | 2 | Minimum Front Yard – garage position | garage shall be flush with, or recessed beyond, the corresponding wall of the dwelling unit | garage may protrude 1.83 metres beyond the corresponding wall of the dwelling unit |
| | 3 | Minimum Setback from Interior Side Lot Line for a Platform Structure | 1.2 metres | 0 metres |
| | 4 | Maximum Front Yard | 11.23 metres (average + 0.75 metres) | 11.59 metres |
| A-40/20 (98B Martindale Road) | 1 | Minimum Lot Frontage | 12 metres | 8.55 metres |
| | 2 | Minimum Front Yard – garage position | garage shall be flush with, or recessed beyond, the corresponding wall of the dwelling unit | garage may protrude 1.83 metres beyond the corresponding wall of the dwelling unit |
| | 3 | Minimum Setback from Interior Side Lot Line for a Platform Structure | 1.2 metres | 0 metres |
| | 4 | Maximum Front Yard | 11.23 metres (average + 0.75 metres) | 14.25 metres |
| | 5 | Minimum Interior Side Yard | 1.2 metres | 0 metres (where the garage protrudes beyond the common wall) |

| | | | | |
|--|----------|--------------------------------------------------------------------------------------------------------------|--------------|-------------|
| | 6 | Minimum Setback from a Front Lot Line for a Platform Structure at a height above grade 1.2 metres or greater | 11.23 metres | 11.8 metres |
|--|----------|--------------------------------------------------------------------------------------------------------------|--------------|-------------|

Location and Site Description

The subject property is located on the east side of Martindale Road, south of Grapeview Drive and just west of the Twelve Mile river. The surrounding properties to the south and west are generally detached dwellings, with one low-rise (3 storeys) apartment building across the street from the subject property. The intersection to the north of the subject property is a small commercial node, including a commercial use on the directly abutting parcel to the north known as 100 Martindale.

The easterly portion of the subject property (Parts 1 and 2) is vacant. The gravel parking lot to the east (Part 3) is used as additional parking for the commercial located to the north on 100 Martindale Road.

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 E6 thereof. Semi-detached 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 – Suburban Neighbourhood (R1) pursuant to Zoning By-law 2013-283. Semi-detached dwellings are permitted in the R1 zone.

Planning Analysis

Consent

Application B-19/20SC and B020/20SC

Section 16.11.3 of the GCP states that lot boundary adjustments may be considered, provided they contribute to appropriate infill, there is no development that would lead to significant expense to the City for public works, and that the size, shape and configuration of the parcel is appropriate for the use proposed.

Application **B-19/20SC** is made to convey 2,339.11 square metres of land containing an existing gravel parking lot to the commercial use located at 100 Martindale Road. The proposed lot sizes of the remnant parcels known as 98A and 98B Martindale Road are in keeping with the general character of the neighbourhood, where lot sizes vary in size and shape and feature a plurality of uses, both residential and commercial. Staff view the use of the gravel parking area on Part 3 for the abutting commercial use as optimal development and utilization of lands. Additionally, the existing gravel parking area is already in use by 100 Martindale. As such, this conveyance is in recognition of an existing situation and will not create any new conflicts.

Application **B-20/20SC** is made to sever the subsequent remnant parcel into two separate parts for the purpose of constructing a semi-detached dwelling with the common wall centered on the line of division. The proposed parcels meet lot area requirements, as well as comfortably meeting front and rear yard setbacks. The proposed lots will be deficient of the lot frontage requirements for semi-detached dwellings, but the site's location along a Regional Arterial Road and general character of the area presents an opportunity to intensify development. Given the nature of the proposed development as a whole, Staff are of the opinion that the collective lot frontage will conform to the general character of the area. Staff have no other concerns that the dimensions of the land division are sub-optimal and thereby view the proposal as appropriate infill.

Staff are supportive of Consent Applications **B-19/20SC** and **B-20/20SC**, subject to the conditions outlined in the respective recommendations herein.

Design Review Panel

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 January 2020. DRP members suggested that the building should be pushed back from the street to provide two required parking spaces in each driveway and to better align with other nearby homes. The Applicant's revised submission reflects this change. DRP members identified no concerns with the slight garage projection based on the submitted plans. Members suggested that the owner may want to install a fence along the north property line, adjacent to the plaza parking lot.

The DRP supports the proposed severance and elevation plans, subject to the following modifications:

- i. That the front building setback be increased to provide parking for two vehicles and to better align with neighbouring homes; and
- ii. That the owner consider installation of a fence along the north property line.

Minor Variance

Variance 1 of Applications A-39/20 and A-40/20

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 8.55 metres for both 98A Martindale Road (Part 2) and 98B Martindale Road (Part 1). This reduction represents a departure from the requirements for semi-detached dwellings, however, when viewed as a whole structure, the lot frontage and subsequent width of the semi-detached dwelling will reflect the character of the surrounding area, particularly the size of nearby detached dwellings. The collective frontage of the parcel will be 17.10 metres, which is in line with the minimum lot frontage of 16.5 metres for a detached dwelling. Further, the twin driveways will minimize the effect of the reduced frontage and will appear similar to the driveway and front yard of a detached dwelling. As outlined in the recommendation herein, the width of these driveways will be limited to 35% (or 3.0 metres) of the lot frontage of each lot so as to mitigate any potential visual consequences of a wider driveway. Further, the proposed frontage adheres to the intent of the Zoning By-law as it accommodates the building footprint comfortably, allows for sufficient amenity area, a surplus of parking, and presents no new drainage concerns. As such, Staff are of the opinion that Variance 1 of Applications **A-39/20** and **A-40/20** are minor in nature, are desirable for the appropriate use of the lands, and are in keeping with the general intent of the Official Plan and Zoning By-law. Staff recommend that Variance 1 be approved accordingly.

Variance 2 of Applications A-39/20 and A-40/20

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 garages for both 98A Martindale Road and 98B Martindale Road be permitted to project 1.83 metres closer to the street than the corresponding front wall of the dwelling unit. Staff note that the second floor of the dwelling will sit forward from the first floor such that it is flush with the 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 2 of Applications **A-39/20** and **A-40/20** are minor in nature, are desirable for the appropriate use of the lands, and are in keeping with the general intent of the Official Plan and Zoning By-law, and are recommending approval, accordingly.

Variance 3 of Applications A-39/20 and A-40/20

Zoning By-law 2013-283 establishes a minimum setback from an interior side lot line of 1.2 metres for platform structures, such as porches and decks. The provision is intended to ensure platform structures do not overwhelm the abutting yard and to maintain a degree

of separation from neighbouring properties to mitigate safety, privacy, and overlook concerns.

The Applicant is requesting to reduce the required setback for the rear deck associated with the proposed semi-detached dwelling on 98A and 98B Martindale Road so that the decks can be constructed against the common boundary between the two semi-detached dwelling units. The variance is required as a result of the creation of the new lot line and staff therefore considers the variance to be minor and administrative in nature. The front porch will provide desirable amenity space. Staff are recommending that Variance 3 of Applications **A-39/20** and **A-40/20** be approved accordingly.

Variance 4 of Applications A-39/20 and A-40/20

Zoning By-law 2013-283 establishes a maximum front yard setback of 11.23 metres for both halves of the proposed semi-detached dwelling, which has been determined by averaging the front yard setbacks of the adjacent existing dwellings. A 0.75 metre grace is built into the provision to allow for some measure of flexibility. The intent of the averaging provision is to promote a consistent neighbourhood streetscape (i.e. so that no building is set significantly further ahead or behind other buildings on the street).

Application **A-39/20** requests an increase in the maximum front yard setback from 11.23 metres to 11.95 metres for 98A Martindale Road (Part 2). Application **A-40/20** requests an increase in the maximum front yard setback from 11.23 metres to 14.25 metres for 98B Martindale Road (Part 1). The front yard setback increases are requested to accommodate 2 tandem parking spaces in each driveway. Staff are of the opinion the requested variances are minor in nature. The increase from 11.23 to 11.95 metres for 98A Martindale Road is small and visually indiscernible. The increase from 11.23 to 14.25 metres for 98B Martindale is more significant, yet due to the nature of the semi-detached dwelling, the effect of appropriate setback is achieved by the southerly corner of the whole structure which is nearest to the street.

Staff are satisfied that the proposed semi-detached dwelling will maintain a consistent streetscape character as a result. As such, the intent of the Zoning By-law is being met and Staff are recommending approval of Variance 4 of Applications **A-39/20** and **A-40/20** accordingly.

Variance 5 of Application A-40/20

Zoning By-law 2013-283 establishes a minimum 1.2 metre setback from the dwelling to an interior side lot line. 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 Applicant is requesting a reduction of the minimum interior setback from 1.2 metres to 0 metres. The proposed semi-detached dwelling is articulated such that the portion of the dwelling on 98B Martindale Road (Part 1) protrudes into the front yard 0.44 metres further than the portion on 98A Martindale Road (Part 2). The remainder of the dwelling wall is shared on a common lot line where an interior side yard setback is not required.

Staff are supportive of the proposed articulation as it adds visual interest and conforms to the irregular shape of the parcel. As such, Staff are satisfied the variance will have no measurable impacts on the subject property as well as those in the surrounding area and are of the opinion that the requested variance is minor in nature, desirable for the appropriate use of land, and is in keeping with the general intent of the Zoning By-law and Official Plan. Staff recommend that Variance 5 of Applications **A-40/20** be approved.

Variance 6 of Application A-40/20

Zoning By-Law 2013-283 establishes a front yard setback of 10.48 metres to a platform structure (front porch) that is greater in height than 1.2 metres above grade. This provision is derived from the front yard requirement which in this case has been determined by averaging the front yard setbacks of the adjacent existing dwellings.

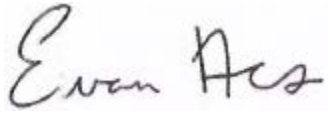
The Applicant is requesting an increase of the required setback from the front lot line to a platform structure from 10.48 metres to 11.8 metres. The Applicant erroneously refers to this as a reduction of the minimum setback from 11.23 metres to 11.8 metres as shown in the Notice of Hearing. Staff are of the opinion that this variance is unnecessary as the Zoning By-law provision only specifies the minimum setback from the front lot line for a platform structure. The averaging provision typically creates a range (plus or minus 0.75) when applied to the front face of the dwelling. However, in this case, the Zoning By-law only states that the minimum setback from the front lot line for a platform structure with a height above grade of 1.2 metres or greater shall be the required front yard of the principal dwelling. As such, the minimum required setback is 10.48 metres and the requested setback meets this requirement at 11.8 metres. Therefore, Variance 6 of Application **A-40/20** is unnecessary and Staff recommend denial accordingly.

Conclusion

Having regard for the matters under Section 53 of the *Planning Act*, staff are of the opinion that Applications **B-19/20SC** and **B-20/20SC** are 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, 2, 3, and 4 of Applications **A-39/20** and **A-40/20**, and Variance 5 of Application **A-40/20** are in keeping with the general intent of the Official Plan and Zoning By-law, are minor in nature, and desirable for the appropriate use of the land. Staff recommend that the Applications be approved as outlined in the recommendation and subject to the conditions therein. Staff recommend that Variance 6 of Application **A-40/20** be denied, as it is unnecessary.

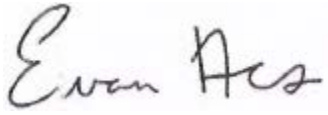
Prepared by:



for

Connor Wright
Student Planner

Submitted by:



Evan Acs
Planner I

Approved by:



Judy Pinacn
Manager of Planning Services



March 03, 2020

Our File No.: PLCON202000216

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: Applications for Consents and Minor Variances
98 Martindale Road St. Catharines ON L2S2Y3

Further to our review of this file, the following is offered for your information.

These applications have been made to allow for the front portion of 98 Martindale Road to be severed for the purposes of a semi detached dwelling. The rear of 98 Martindale will be merged with the abutting lands to the north known as 100 Martindale for continued use of the existing parking lot.

The subject property backs onto a very steep ravine associated with the Twelve Mile Creek. Authority objectives when reviewing applications and proposals on lots adjacent to slopes would pertain to minimizing soil erosion and sedimentation, protecting life and property from the potential for slope stability problems, and ensuring that the natural integrity of the valley slope is maintained over the long term.

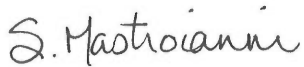
In accordance with the "Regulation of Development, Interference with Wetlands and Alterations to Shoreline and Watercourses" (O. Reg. 155/06), the Authority regulates all development and site alterations within 15 m from the top of a stable slope. Any development proposed within 15m from the top of slope may be subject to confirmation from a qualified geotechnical engineer that the existing slope is stable and the proposed development will not have any negative impacts on the stability of the slope over the long term. In areas exhibiting slope instability problems, a detailed geotechnical investigation, completed by a qualified soils engineer, may also be required to determine the most appropriate setbacks from the top of stable bank in order to ensure long term slope stability. Typically, the NPCA requires a minimum 7.5m setback from the stable top of bank for all new development or site alterations.

The proposed consents to allow for the creation of lots fronting on Martindale Road for the proposed semi-detached dwelling are located outside of the NPCA regulated valley and its associated buffer. The lands containing the parking lot and valley will be merged with the property to the north which does not create any additional lots or intensify the current uses.

In light of the above, the NPCA offers no objections to the approval of these applications. Any future proposed development or site alterations adjacent to or on the valley slope must be circulated to the NPCA for review and approval prior to the commencement of any works on site.

I trust the above will be of assistance to you. Please do not hesitate to call should you have any further questions in this matter.

Yours truly,

A handwritten signature in cursive script that reads "S. Mastroianni". The signature is written in dark ink and is positioned above the typed name.

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

April 2, 2020

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

Attention: Elaine Munro

File# 60.81.5630, 60.81.5629, 60.84.2297 & 60.84.2296

Re: 98, 98A and 98B Martindale Rd

In response to your correspondence dated March 3, 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.
- In order for Alectra Utilities to prepare design and procure the materials required to service this site in a timely manner, a minimum of 6 months notification is required. It would be advantages for the developer if Alectra Utilities were contacted at the stage where the new site plan becomes available. Please note that it takes approximately 20 weeks to purchase a transformer.

We would also like to stipulate the following:

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

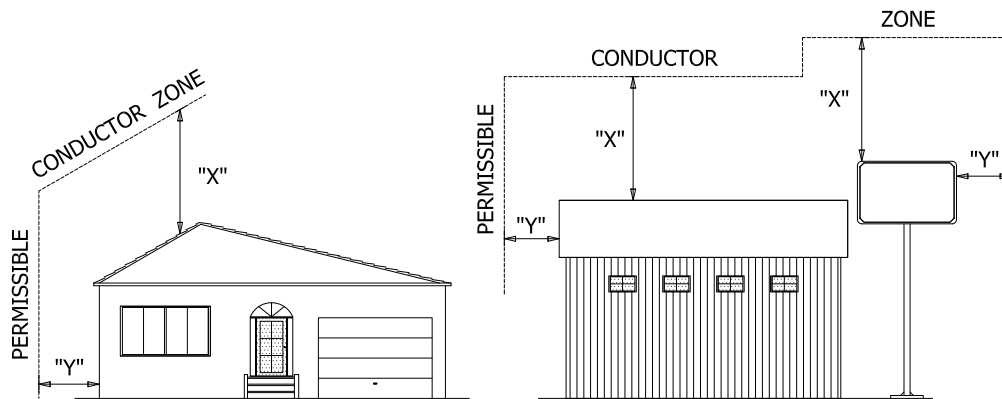
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Alectra Utilities must be contacted if the removal,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

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

Sincerely,

Mark Jakubowski

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.

Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the March 25/20 CofA Hearing - Email 4 - Last Email - 905-20-093

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

Sent: Friday, March 13, 2020 8:35 AM

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

Subject: RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the March 25/20 CofA Hearing - Email 4 - Last Email - 905-20-093

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

Dear Elaine,

RE : B-19/20SC to B-20/20SC

- ☐ Severance Applications
- ☐ 98 Martindale Road

Subsequent to review by our Engineering Department, Bell Canada confirms that we have no objections with the proposed Severances.

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

Best regards,

Carrie Gordon



External Liaison – Right of Way Control Centre
140 Bayfield St, Fl 2
Barrie ON, L4M 3B1
T: 705-722-2244/844-857-7942
F :705-726-4600

Munro, Elaine

To: Doug Crown
Subject: RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the March 25/20 CofA Hearing - Email 4 - Last Email

98 Martindale Road

From: Doug Crown <doug.crown@cogeco.com>
Sent: Monday, March 2, 2020 2:06 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Re: Committee of Adjustment Notices and Applications, City of St. Catharines, for the March 25/20 CofA Hearing - Email 4 - Last Email

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

Hi Elaine

Email 4
Cogeco has no issues or concerns with this applications.

Have a wonderful day and try to stay dry on this rainy day..

Doug Crown
Network Planning Department

7170 Mcleod Rd
Niagara Falls Ont Canada

Doug.crown@cogeco.com

T 289-296-6266 Ext 8434 | C 905-401-9967



Memorandum

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

Cc: Judy Pihach, Wilrik Banda, Conner Wright
Planning and Building Services

From: Steven Sunderland, Building Inspector
Planning and Building Services

Date: March 9, 2020

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – March 25, 2020 hearing

B-17/20SC – 108 Park Avenue

Comment:

- Be advised that a building permit is required for the proposed one half of a semi-detached dwelling.

Condition:

- No comment

B-18/20SC – 108 Park Avenue

Comment:

Be advised that a building permit is required for the proposed one half of a semi-detached dwelling.

Condition:

- No comment

B-19/20SC – 98 Martindale Road

Comment:

- Be advised that a building permit is required for the proposed one half of a semi-detached dwelling.

Condition:

- No comment

B-20/20SC – 98 Martindale Road

Comment:

- Be advised that a building permit is required for the proposed one half of a semi-detached dwelling.

Condition:

- No comment

B-21/20SC – 164 Martindale Road

Comment:

- No comment

Condition:

- No comment

A handwritten signature in black ink, consisting of a stylized 'S' followed by a horizontal line and a final flourish.

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



Memorandum

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

Cc: Judy Pihach, Wilrik Banda, Conner Wright
Planning and Building Services

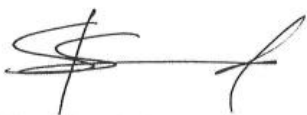
From: Brian Thiessen, Building Manager of Plans Examination
Planning and Building Services

Date: March 9, 2020

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – March 25, 2020 hearing

| NO. | ADDRESS | COMMENTS |
|----------|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A-113/17 | 48 Haynes Avenue | Be advised that a building permit is required for the proposed 8 unit townhouse. 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-31/20 | 18 Shelley Avenue | Be advised that a building permit is required for the proposed second storey addition and attached garage to the detached dwelling unit. Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing those yards. |
| A-32/20 | 119 Queenston St. | Be advised that a building permit is required for the proposed canopy addition. |
| A-34/20 | 32 Cole Farm Blvd. | Be advised that a building permit is required for the proposed addition to the detached dwelling unit. Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing those yards. |
| A-35/20 | 1380 Fourth Avenue | Be advised that a building permit is required for the proposed accessory structure. 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-36/20 | 290 Oakdale Avenue | Be advised that a building permit is required for the proposed 4 storey 52 unit apartment building. |

| NO. | ADDRESS | COMMENTS |
|---------|---------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A-37/20 | 108 Park Avenue | Be advised that a building permit is required for the proposed semi detached dwelling. |
| A-38/20 | 34 ½ Pelham Road | Be advised that a building permit is required for the proposed single storey addition to the single detached dwelling unit. Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing those yards. |
| A-39/20 | 98A Martindale Road | 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-40/20 | 98B Martindale Road | 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-42/20 | 15A Bloomfield Ave. | Be advised that a building permit is required for the proposed accessory dwelling unit. |
| A-43/20 | 15B Bloomfield Ave. | Be advised that a building permit is required for the proposed accessory dwelling unit. |



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: March 4, 2020
Subject: Committee of Adjustment Hearing – March 25, 2020

PRCS has reviewed the Committee of Adjustment application for the hearing of March 25, 2020 and provides the following comments;

- 1. 48 Haynes Avenue, Minor Variance A-113/17 – 60.81.5281**
The applicant has demonstrated the provision of landscaping within the 3.0m side yards. Staff note that access to the rear yard may be constrained.
- 2. 18 Shelley Avenue, Minor Variance A-31/20 – 60.81.5621**
No comment.
- 3. 119 Queenston Street, Minor Variance A-32/20 – 60.81.5622**
No comment.
- 4. 32 Cole Farm Boulevard, Minor Variance A-34/20 – 60.81.5624**
No comment.
- 5. 1380 Fourth Avenue, Minor Variance A-35/20 – 60.81.5625**
No comment.
- 6. 290 Oakdale Avenue, Minor Variance A-36/20 – 60.81.5626**
The applicant is proposing substantial reductions in landscaping. Rear yard constrains, including the presence of fill are best addressed prior to reducing landscaping requirements. Opportunities to increase landscaping along the south east lot line and within the parking lot should be further explored.
- 7. 108 Park Avenue, Consent B-17/20SC – 60.84.2294**
108 Park Avenue, Consent B-18/20SC – 60.84.2295
108 Park Avenue, Minor Variance A-37/20 – 60.81.5627
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.

8. 34½ Pelham Road, Minor Variance A-38/20 – 60.81.5628

No comment.

8. 98 Martindale Road, Consent B-19/20SC – 60.84.2296

98 Martindale Road, Consent B-20/20SC – 60.84.2297

98A Martindale Road, Minor Variance A-39/20 – 60.81.5629

98B Martindale Road, Minor Variance A-40/20 – 60.81.5630

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.

10. 15A Bloomfield Avenue, Minor Variance A-42/20 – 60.81.5632

15B Bloomfield Avenue, Minor Variance A-43/20 – 60.81.5633

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 existing boulevard tree.

11. 164 Martindale Road, Consent B-21/20SC – 60.84.2298

No comment.

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

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



March 6, 2020

ENGINEERING FILE 300-36

Hearing Date: March 25, 2020

Applicant: Twelve View Properties Inc.

Location: 98 Martindale Road

MUNICIPAL SERVICES

Martindale Road

Water: 300mm (12") P.V.C.

Sanitary Sewer: 200mm (8") P.V.C.
825mm (32") Regional Trunk

Storm Sewer: 525mm (21") Concrete

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 convey Part 3 which will be added to the northerly abutting lot known municipally as 100 Martindale Road to recognize the existing parking lot. A remnant parcel (Parts 1 & 2) is to be retained for future residential use. Parts 1 & 2 are to be further severed for the proposed construction of two-halves of a semi-detached dwelling to be known as 98A&B Martindale Road.

Roads

Martindale Road is designated a Regional Arterial road as per the City's Official Plan with a desired right-of-way width of 26.2m (86'). Given this is under the Region's jurisdiction, any further comment on required right-of-way widenings shall be at their discretion.

Sidewalks and curbs exist along the frontage of the subject property. Care should be taken not to damage these services with the construction of the proposed dwellings, if approved. A sidewalk damage deposit shall be obtained through the Building Permit process.

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 Martindale Road, 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 Martindale Road, unless otherwise required by the Region. These too must be shown on the approved grading plan.

Services have since been decommissioned to this property through a previous demolition permit. The Owner shall pay the City the fees to install new independent water and sewer laterals from the City mains to the property lines, through the building permit process. 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



Prepared by:

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

- c. James Denham, PBS (email only)
David Stringer, EFES (email only)



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

From: Jim Denham, P.Eng., Development Engineering Technologist

Date: March 6th, 2020

Hearing Date: March 25th, 2020

Subject: **Committee of Adjustment - Minor Variance Applications**
48 Haynes Avenue, A-113/17
18 Shelley Avenue, A-31/20
119 Queenston Street, A-32/20
32 Cole Farm Boulevard, A-34/20
290 Oakdale Avenue, A-36/20
108 Park Avenue, A-37/20
34 ½ Pelham Road, A-38/20
98A&B Martindale Road, A-39&40/20
15A&B Bloomfield Avenue, A-42&43/20

Development Engineering have reviewed the above noted Minor Variance applications and have no objections with the exception of the following:

18 Shelley Avenue A-31/20

Comments:

In 1950, a 15ft (4.57m) easement along the north side of the subject property was granted to the municipality by the owner of the property at that time. The easement was granted to enable the municipality to construct and maintain a sanitary sewer main. The sewer(250mm) was constructed and remains in place at this time. This sewer provides the outlet for local sewers servicing the existing homes on Graham Avenue, Considine Avenue, Peel Street, Abbey Avenue, Masfield Avenue and Paxton Avenue. The City provides routine maintenance (flushing and inspection) of this sewer. The most recent flushing was carried out in June 2019.

A review of the Air Photos indicates that sometime between 1961 and 1969 a house with a carport was constructed on this property. The

carport appears to significantly encroach onto the easement even though the easement document clearly indicated no permanent structures were to be built within the easement limits. The City's records do not include the building permit information going back that far and is it is uncertain how the house with the carport was permitted to be constructed within the easement limit.

There is no economical alternative route which would eliminate the need for this sewer and the easement on 18 Shelley Avenue. The City cannot permit any structure to be built or rebuilt within the easement limits.

Recommendation:

Based on the above we request that the Minor Variance be denied.

If you have any questions or concerns regarding the above please let me know.

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

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



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: March 3, 2020

Subject: Committee of Adjustment
Public Hearings – March 25, 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

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

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

COMMENTS

**A-42/20 (60.81.5632) &
A-43/20 (60.81.5633)**

15A & 15B Bloomfield Avenue

**DATE OF HEARING:
March 25, 2020**

Munro, Elaine

Subject: RE: Concerns For 0 Parking Spaces

From: Larry Collins <>

Sent: Wednesday, March 18, 2020 8:26 PM

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

Subject: Concerns For 0 Parking Spaces

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.

To The Committee of Adjustment

My name is William Collins and live at 18 Bloomfield Ave., I do not agree with the application for 0 parking spaces for the new build at 15A & 15B Bloomfield Ave. My reason being that permanent parking will take place on the boulevard on the opposite side of the street, making it harder to see down the street to exit our driveways. If parking is an issue, then the builder should reconsider what he is building, especially on a lot of that size. Remember denying this application will not result in property tax loss, but will show long time residents that issues are taken seriously. Also Bloomfield is a busy street and bus route.

Thank you
William L. Collins
18 Bloomfield Ave.
St. Catharines Ont
L2P-1X1

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



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: March 20, 2020

Date of Meeting: April 22 2020
(tentative)

Report Number: A-42/20
A-43/20

File: 60.81.5632 (15A Bloomfield
Avenue)
60.81.5633 (15B Bloomfield
Avenue)

Subject: 15A Bloomfield Avenue and 15B Bloomfield Avenue

Recommendation Minor Variance

That Applications **A-42/20** and **A-43/20** by Gerald Rosenfeld and 5001884 Ontario Ltd., as outlined in the respective Notices of Hearing, be approved.

Report Background

Applications **A-42/20** and **A-43/20** are made following Consent Application **B-08/20SC** and then-concurrent Minor Variance Applications **A-13/20** and **A-14/20**. The previous applications were made to facilitate the proposed construction of a two-storey semi-detached dwelling, each unit of which containing an interior accessory dwelling. The previous applications were conditionally approved at the Committee of Adjustment Hearing on February 5, 2020.

As a condition of the previous Consent Application **B-08/20SC**, the Owner was required to dedicate 2.38 metres for a road widening along the frontage of both 15A Bloomfield Avenue (Part 1) and 15B Bloomfield Avenue (Part 2) resulting in a proposed driveway depth of approximately 8.0 metres. Zoning By-law 2013-283 requires one parking space for an interior accessory dwelling unit, in addition to the one parking space that is required for each semi-detached dwelling unit. Further, the minimum required depth per parking space is 5.2 metres. Thus, the proposed driveways are unable to accommodate the required two parking spaces for each semi-detached unit and their corresponding interior accessory dwelling units.

The Proposal

Applications **A-42/20** and **A-43/20** seek relief from the City of St. Catharines Zoning By-law 2013-283 through minor variances in order to reduce the required number of parking spaces for an interior accessory dwelling unit for both 15A Bloomfield Avenue and 15B Bloomfield Avenue respectively, from one space to zero spaces.

Location and Site Description

The subject property is located on the north side of Bloomfield Avenue, between Bunting Road and Woodrow Street. The property is surrounded by one-and-a-half storey detached dwellings; there are three semi-detached dwellings located to the north.

There is an existing one-storey detached dwelling on the subject lands, which is to be demolished. A deciduous tree is located in the municipal boulevard, generally in the middle of the frontage of the subject lands.

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 E9 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 – Traditional Neighbourhood (R2). Semi-detached dwellings are permitted.

Planning Analysis

Applications A-42/20 and A-43/20

The Applicant is requesting that the required parking space for an interior accessory dwelling unit be reduced from one space to zero spaces for 15A Bloomfield Avenue (Part 1) and 15B Bloomfield Avenue (Part 2).

Zoning By-law 2013-283 requires a minimum of one parking space for a detached dwelling, and one additional space for an interior accessory dwelling. These spaces are permitted to be in tandem.

Section 5.4.2 of the GCP states that the City may consider the reduction or elimination of vehicular parking requirements where transit is readily available, and where reduced vehicular parking will not aggravate the existing parking supply, nor result in unacceptable levels of spill-over parking in adjacent areas. The subject lands are proximately 150 metres from a bus stop at the corner of Bunting Road and Bloomfield Avenue, providing transit services. There is also on street parking available along the south side of Bloomfield Avenue which may provide parking for visitors or local residents if and when it is available. The reduction of one parking space is not expected to impact the parking supply in the area, nor cause unacceptable spillover parking in the neighbourhood. Staff

are of the opinion that the requested parking reduction maintains the intent of the Official Plan.

The parking requirements of the Zoning By-law are to ensure sufficient parking is provided on the subject lands for the residential units. Each lot, currently has one parking space in front of the dwelling which is adequately sized to serve as a parking space for the principal dwelling unit. Due to the reduced depth caused by the road widening, the proposed driveways do not meet the minimum required depth for 2 parking spaces to be in tandem (10.4 metres). Staff are satisfied that there is a sufficient supply of on-street parking and alternative transportation methods, causing no adverse impact on the neighbourhood. Staff are of the opinion that the requested reductions are minor in nature and maintains the intent of the Zoning By-law and the Official Plan. Staff are recommending approval of the variances.

Conclusion

Having regard for the matters under Section 45(1) of the *Planning Act*, staff are of the opinion that Minor Variance Applications **A-42/20** and **A-43/20** 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 lands. Staff recommend that the Applications be approved accordingly.

Prepared by:

Submitted by:

Approved by:



Connor Wright
Student Planner

Tage Crooks
Planner I

Judy Pihach
Manager of Planning Services

Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the March 25/20 CofA Hearing - Email 3

1380 Fourth
34 ½ Pelham
✓15 A & B Pelham
164 Martindale

From: Doug Crown <doug.crown@cogeco.com>
Sent: Monday, March 2, 2020 2:05 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Re: Committee of Adjustment Notices and Applications, City of St. Catharines, for the March 25/20 CofA Hearing - Email 3

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

Hi Elaine

Email 2-3
Cogeco has no issues or concerns with this applications

Doug Crown
Network Planning Department

7170 Mcleod Rd
Niagara Falls Ont Canada

Doug.crown@cogeco.com

T 289-296-6266 Ext 8434 | C 905-401-9967

April 2, 2020

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

Attention: Elaine Munro

File# 60.81.5632 & 60.81.5633

Re: 15A and 15B Bloomfield Ave

In response to your correspondence dated March 3, 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.
- In order for Alectra Utilities to prepare design and procure the materials required to service this site in a timely manner, a minimum of 6 months notification is required. It would be advantages for the developer if Alectra Utilities were contacted at the stage where the new site plan becomes available. Please note that it takes approximately 20 weeks to purchase a transformer.

We would also like to stipulate the following:

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

Alectra Utilities Corporation

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

alectrautilities.com

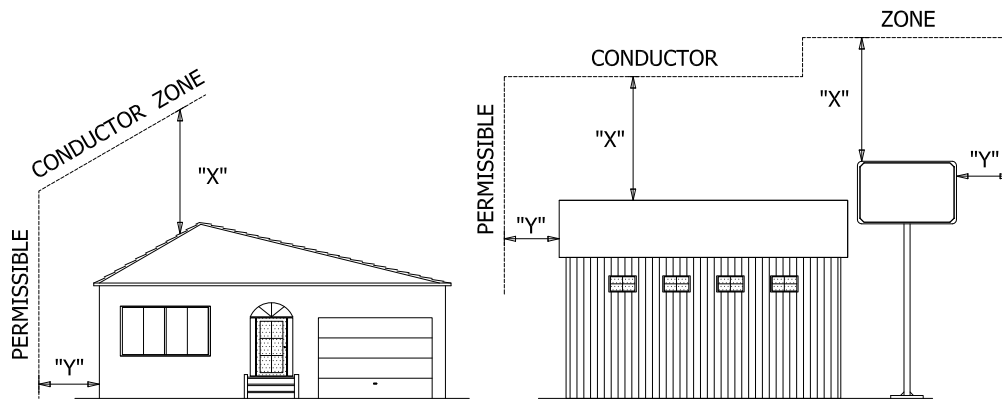
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Alectra Utilities must be contacted if the removal,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

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

Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital



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

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

* - INCLUDES MULTI-GROUNDED NEUTRALS

NOTES:

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



Memorandum

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

Cc: Judy Pihach, Wilrik Banda, Conner Wright
Planning and Building Services


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

Date: March 9, 2020

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – March 25, 2020 hearing

| NO. | ADDRESS | COMMENTS |
|----------|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A-113/17 | 48 Haynes Avenue | Be advised that a building permit is required for the proposed 8 unit townhouse. 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-31/20 | 18 Shelley Avenue | Be advised that a building permit is required for the proposed second storey addition and attached garage to the detached dwelling unit. Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing those yards. |
| A-32/20 | 119 Queenston St. | Be advised that a building permit is required for the proposed canopy addition. |
| A-34/20 | 32 Cole Farm Blvd. | Be advised that a building permit is required for the proposed addition to the detached dwelling unit. Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing those yards. |
| A-35/20 | 1380 Fourth Avenue | Be advised that a building permit is required for the proposed accessory structure. 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-36/20 | 290 Oakdale Avenue | Be advised that a building permit is required for the proposed 4 storey 52 unit apartment building. |

| NO. | ADDRESS | COMMENTS |
|---------|---------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A-37/20 | 108 Park Avenue | Be advised that a building permit is required for the proposed semi detached dwelling. |
| A-38/20 | 34 ½ Pelham Road | Be advised that a building permit is required for the proposed single storey addition to the single detached dwelling unit. Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing those yards. |
| A-39/20 | 98A Martindale Road | 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-40/20 | 98B Martindale Road | 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-42/20 | 15A Bloomfield Ave. | Be advised that a building permit is required for the proposed accessory dwelling unit. |
| A-43/20 | 15B Bloomfield Ave. | Be advised that a building permit is required for the proposed accessory dwelling unit. |



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: March 4, 2020
Subject: Committee of Adjustment Hearing – March 25, 2020

PRCS has reviewed the Committee of Adjustment application for the hearing of March 25, 2020 and provides the following comments;

- 1. 48 Haynes Avenue, Minor Variance A-113/17 – 60.81.5281**
The applicant has demonstrated the provision of landscaping within the 3.0m side yards. Staff note that access to the rear yard may be constrained.
- 2. 18 Shelley Avenue, Minor Variance A-31/20 – 60.81.5621**
No comment.
- 3. 119 Queenston Street, Minor Variance A-32/20 – 60.81.5622**
No comment.
- 4. 32 Cole Farm Boulevard, Minor Variance A-34/20 – 60.81.5624**
No comment.
- 5. 1380 Fourth Avenue, Minor Variance A-35/20 – 60.81.5625**
No comment.
- 6. 290 Oakdale Avenue, Minor Variance A-36/20 – 60.81.5626**
The applicant is proposing substantial reductions in landscaping. Rear yard constraints, including the presence of fill are best addressed prior to reducing landscaping requirements. Opportunities to increase landscaping along the south east lot line and within the parking lot should be further explored.
- 7. 108 Park Avenue, Consent B-17/20SC – 60.84.2294**
108 Park Avenue, Consent B-18/20SC – 60.84.2295
108 Park Avenue, Minor Variance A-37/20 – 60.81.5627
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.

8. 34½ Pelham Road, Minor Variance A-38/20 – 60.81.5628

No comment.

8. 98 Martindale Road, Consent B-19/20SC – 60.84.2296

98 Martindale Road, Consent B-20/20SC – 60.84.2297

98A Martindale Road, Minor Variance A-39/20 – 60.81.5629

98B Martindale Road, Minor Variance A-40/20 – 60.81.5630

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.

10. 15A Bloomfield Avenue, Minor Variance A-42/20 – 60.81.5632

15B Bloomfield Avenue, Minor Variance A-43/20 – 60.81.5633

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 existing boulevard tree.

11. 164 Martindale Road, Consent B-21/20SC – 60.84.2298

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

From: Jim Denham, P.Eng., Development Engineering Technologist

Date: March 6th, 2020

Hearing Date: March 25th, 2020

Subject: **Committee of Adjustment - Minor Variance Applications**
48 Haynes Avenue, A-113/17
18 Shelley Avenue, A-31/20
119 Queenston Street, A-32/20
32 Cole Farm Boulevard, A-34/20
290 Oakdale Avenue, A-36/20
108 Park Avenue, A-37/20
34 ½ Pelham Road, A-38/20
98A&B Martindale Road, A-39&40/20
15A&B Bloomfield Avenue, A-42&43/20

Development Engineering have reviewed the above noted Minor Variance applications and have no objections with the exception of the following:

18 Shelley Avenue A-31/20

Comments:

In 1950, a 15ft (4.57m) easement along the north side of the subject property was granted to the municipality by the owner of the property at that time. The easement was granted to enable the municipality to construct and maintain a sanitary sewer main. The sewer(250mm) was constructed and remains in place at this time. This sewer provides the outlet for local sewers servicing the existing homes on Graham Avenue, Considine Avenue, Peel Street, Abbey Avenue, Masfield Avenue and Paxton Avenue. The City provides routine maintenance (flushing and inspection) of this sewer. The most recent flushing was carried out in June 2019.

A review of the Air Photos indicates that sometime between 1961 and 1969 a house with a carport was constructed on this property. The

carport appears to significantly encroach onto the easement even though the easement document clearly indicated no permanent structures were to be built within the easement limits. The City's records do not include the building permit information going back that far and is it is uncertain how the house with the carport was permitted to be constructed within the easement limit.

There is no economical alternative route which would eliminate the need for this sewer and the easement on 18 Shelley Avenue. The City cannot permit any structure to be built or rebuilt within the easement limits.

Recommendation:

Based on the above we request that the Minor Variance be denied.

If you have any questions or concerns regarding the above please let me know.

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

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



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: March 3, 2020

Subject: Committee of Adjustment
Public Hearings – March 25, 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

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

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

COMMENTS

B-21/20SC (60.84.2298)

164 Martindale Road

DATE OF HEARING:
March 25, 2020



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: March 20, 2020

Date of Meeting: March 25 2020

Report Number: B-21/20SC

File: 60.84.2298

Subject: 164 Martindale Road (to be come 164B Martindale Road)
Stage VII of Village on the Twelve Condominium Development

Recommendation

Consent

That Application **B-21/20SC** by Glenbrook Homes Ltd., as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. That the Owner submit to the Secretary-Treasurer of the Committee of Adjustment a final certification fee of \$214.80 per application payable to the Treasurer, City of St. Catharines.
2. That the Owner provide the Secretary-Treasurer with the Acknowledgement and Direction for conveyance of the subject parcels, together with a copy of the deposited reference plan, for use in the issuance of the Certificates of Consent.
3. That all conditions of consent be fulfilled one year from the date of this decision.

Report

Background

Village on the Twelve is a phased condominium development located off of Martindale Road. The first five stages of the development are complete, and Stage VI is currently under construction. Application **B-21/20SC** represents Stage VII, and follows a number of previously approved applications that have facilitated the construction of townhouse and apartment dwellings that surround the subject property. Previously approved Application **A-15/20** sought relief from the Zoning By-law through five variances to facilitate the current proposal on Parts 1 and 2 of the submitted sketch.

Other previous applications include a 2008 Zoning By-law Amendment which applied site-specific performance standards to the property (now outlined in Zoning By-Law 2013-283 as Special Provision No. 18). The subject lands are also the subject of an Application for Site Plan Approval, which was filed on July 11, 2019 and is currently under review. Ultimately, a site plan agreement will be registered on title outlining specific provisions for Stage VII.

The Proposal

The Applicant proposes the construction of seven dwellings in the form of two structures with five attached units and two attached units respectively.

To facilitate the proposal, Application **B-21/20SC** is made for consent for partial discharge of mortgage and for consent to sever 2,208 square metres of land (Parts 1 and 2 on the submitted sketch) to be known as 164B Martindale Road, subject to an easement, in perpetuity, over 508 square metres of land (Part 2) for the purpose of a right-of-way and services to benefit the southerly abutting lands known as 164 Martindale Road (Part 3). A 7,400 square metre remnant parcel known as 164 Martindale Road (Part 3) will be retained for future residential development.

Location and Site Description

The subject lands are located on the southwest corner of Willow Bank Common and Tulip Tree Common, east of Martindale Road. Access to these private roads is provided from Martindale Road. The property is surrounded by condominium townhouse dwellings to the north and east, a condominium apartment building to the west and vacant land to the south proposed for future development. The subject lands are currently vacant.

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 lands are designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated Medium Density Residential on Schedule E6 thereof. Private road developments are permitted on these lands at a density range generally between 25 and 99 units per hectare of land.

Zoning By-law (2013-283)

Two zoning classifications apply to the subject lands; the northern half of the property is zoned Medium Density Residential with Special Provision No. 18 (R3-18), while the southern half of the property is simply zoned Medium Density Residential (R3); Special Provision No. 18 does not apply to that portion of the site.

The proposed private road development is located wholly within that portion of the lands zoned R3-18 and is a permitted use. Special Provision No. 18 sets out site-specific zoning requirements for a private road development on the subject lands including: minimum setback from the private road of 3 metres to dwellings and 6 metres to garages.

Planning Analysis

Section 16.11.3 of the GCP states that lot boundary adjustments may be considered, provided they contribute to appropriate infill, there is no development that would lead to

significant expense to the City for public works, and that the size, shape and configuration of the parcel is appropriate for the use proposed.

Application **B-21/20SC** represents Stage VII in the Village on the Twelve development. Staff are of the opinion that the proposed severance is appropriate given the pattern of development in the area. The size and configuration of the portion of the parcel to be severed is appropriate for the use proposed and accommodates the proposed dwellings comfortably, as addressed through the previous Application **A-15/20**. In other stages of Village on the Twelve a plan of condominium has been registered at the completion of construction. While the applicant intends to apply for a plan of condominium for Stage VII, the severance is being sought now to facilitate financing for construction.

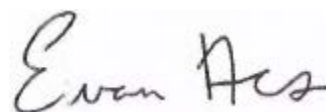
The easement is being sought to permit access over Part 2 to future developments on Part 3. The easement will also permit services buried under Part 2 to connect with future developments on Part 3. While Part 2 will be under the ownership of Part 1, the easement will allow Part 2 to function as a private road and service corridor for both Parts 1 and 3.

Staff are supportive of the proposed consent and easement, subject to the conditions outlined in the recommendation herein.

Conclusion

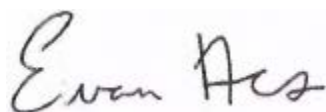
Having regard for the matters under Section 53 of the *Planning Act*, staff are of the opinion that Application **B-10/20SC** is compatible with the neighbourhood, consistent with the provisions of the Zoning By-law, and will have no adverse impacts on the surrounding area and environment. It is staff's recommendation that the requested consent to sever and consent to easement be approved, subject to the conditions outlined in the recommendation.

Prepared by:



for
Connor Wright
Student Planner

Submitted by:



Evan Acs
Planner I

Approved by:



Judy Pihach
Manager of Planning Services

April 2, 2020

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

Attention: Elaine Munro

File# 60.84.2298

Re: 164 Martindale Rd

In response to your correspondence dated March 3, 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:

- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.
- In order for Alectra Utilities to prepare design and procure the materials required to service this site in a timely manner, a minimum of 6 months notification is required. It would be advantages for the developer if Alectra Utilities were contacted at the stage where the new site plan becomes available. Please note that it takes approximately 20 weeks to purchase a transformer.

We would also like to stipulate the following:

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

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

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

Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital

Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the March 25/20 CofA Hearing - Email 3 - 905-20-094

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

Sent: Friday, March 13, 2020 8:30 AM

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

Subject: RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the March 25/20 CofA Hearing - Email 3 - 905-20-094

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

Dear Velimir,

RE : B-21/20SC

- ☐ Severance Applications
- ☐ 164 Martindale Road

Subsequent to review by our Engineering Department, Bell Canada confirms that we have no objections with the proposed Severances.

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

Best regards,

Carrie Gordon



External Liaison – Right of Way Control Centre
140 Bayfield St, Fl 2
Barrie ON, L4M 3B1
T: 705-722-2244/844-857-7942
F :705-726-4600

Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the March 25/20 CofA Hearing - Email 3

1380 Fourth
34 ½ Pelham
15 A & B Pelham
✓164 Martindale

From: Doug Crown <doug.crown@cogeco.com>
Sent: Monday, March 2, 2020 2:05 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Re: Committee of Adjustment Notices and Applications, City of St. Catharines, for the March 25/20 CofA Hearing - Email 3

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

Hi Elaine

Email 2-3

Cogeco has no issues or concerns with this applications

Doug Crown
Network Planning Department

7170 Mcleod Rd
Niagara Falls Ont Canada

Doug.crown@cogeco.com

T 289-296-6266 Ext 8434 | C 905-401-9967



Memorandum

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

Cc: Judy Pihach, Wilrik Banda, Conner Wright
Planning and Building Services

From: Steven Sunderland, Building Inspector
Planning and Building Services

Date: March 9, 2020

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – March 25, 2020 hearing

B-17/20SC – 108 Park Avenue

Comment:

- Be advised that a building permit is required for the proposed one half of a semi-detached dwelling.

Condition:

- No comment

B-18/20SC – 108 Park Avenue

Comment:

Be advised that a building permit is required for the proposed one half of a semi-detached dwelling.

Condition:

- No comment

B-19/20SC – 98 Martindale Road

Comment:

- Be advised that a building permit is required for the proposed one half of a semi-detached dwelling.

Condition:

- No comment

B-20/20SC – 98 Martindale Road

Comment:

- Be advised that a building permit is required for the proposed one half of a semi-detached dwelling.

Condition:

- No comment

B-21/20SC – 164 Martindale Road

Comment:

- No comment

Condition:

- No comment

A handwritten signature in black ink, appearing to be 'S. Sunderland', with a stylized flourish at the end.

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: March 4, 2020
Subject: Committee of Adjustment Hearing – March 25, 2020

PRCS has reviewed the Committee of Adjustment application for the hearing of March 25, 2020 and provides the following comments;

- 1. 48 Haynes Avenue, Minor Variance A-113/17 – 60.81.5281**
The applicant has demonstrated the provision of landscaping within the 3.0m side yards. Staff note that access to the rear yard may be constrained.
- 2. 18 Shelley Avenue, Minor Variance A-31/20 – 60.81.5621**
No comment.
- 3. 119 Queenston Street, Minor Variance A-32/20 – 60.81.5622**
No comment.
- 4. 32 Cole Farm Boulevard, Minor Variance A-34/20 – 60.81.5624**
No comment.
- 5. 1380 Fourth Avenue, Minor Variance A-35/20 – 60.81.5625**
No comment.
- 6. 290 Oakdale Avenue, Minor Variance A-36/20 – 60.81.5626**
The applicant is proposing substantial reductions in landscaping. Rear yard constrains, including the presence of fill are best addressed prior to reducing landscaping requirements. Opportunities to increase landscaping along the south east lot line and within the parking lot should be further explored.
- 7. 108 Park Avenue, Consent B-17/20SC – 60.84.2294**
108 Park Avenue, Consent B-18/20SC – 60.84.2295
108 Park Avenue, Minor Variance A-37/20 – 60.81.5627
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.

8. 34½ Pelham Road, Minor Variance A-38/20 – 60.81.5628

No comment.

8. 98 Martindale Road, Consent B-19/20SC – 60.84.2296

98 Martindale Road, Consent B-20/20SC – 60.84.2297

98A Martindale Road, Minor Variance A-39/20 – 60.81.5629

98B Martindale Road, Minor Variance A-40/20 – 60.81.5630

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:

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10. 15A Bloomfield Avenue, Minor Variance A-42/20 – 60.81.5632

15B Bloomfield Avenue, Minor Variance A-43/20 – 60.81.5633

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.

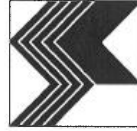
That all servicing laterals and site alterations be located outside the dripline of the existing boulevard tree.

11. 164 Martindale Road, Consent B-21/20SC – 60.84.2298

No comment.

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

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-21/20SC



March 9th, 2020

ENGINEERING FILE 300-36

Hearing Date: March 25th, 2020

Applicant: Glenbrook Homes Ltd.

Location: 164 Martindale Road

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

Comment(s): This is a boundary adjustment and does not impact servicing or grading.

Condition(s): None

Prepared by:

James R Denham, P.Eng.
Development Engineering Technologist



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: March 3, 2020

Subject: Committee of Adjustment
Public Hearings – March 25, 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