



Committee of Adjustment Public Electronic Hearing  
June 10 ,2020 @ 2:30 p.m.  
(Rescheduled from April 29, 2020 & May 27, 2020)

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## Agenda

Under the authority of the *Municipal Act Emergency Management and Civil Protection Act* and the *Statutory Powers Procedure Act*, City Council approved Committee of Adjustment Hearings to be held electronically during an Emergency through By-law 2020-49.

This Meeting may be viewed online at [www.stcatharines.ca/youtube](http://www.stcatharines.ca/youtube)

1. Chair to call the Hearing to Order
2. Recognition of Traditional Territories
3. Additions/Deletions to the Agenda
4. Declarations of Interest
5. Request for Adjournment
6. Motion to Adopt the Minutes of the previous Hearing held on May 13, 2020.
7. Application:
  1. 1 Towering Heights Boulevard, Minor Variance A-48/20 – 60.81.5638
  2. 59 Wellington Street, Consent, B-23/20SC – 60.84.2300
  3. 1½ Dalhousie Avenue, Consent, B-24/20SC – 60.84.2301
  4. 6-10 Dalhousie Avenue, Minor Variance, A-54/20 – 60.81.5644
  5. 47 Thomas Street, Minor Variance A-20/20 – 60.81.5610
  6. 81 Cecil Street, Minor Variance, A-53/20 – 60.81.5643
  7. 58 Barbican Trail, Minor Variance A-47/20 – 60.81.5637
  8. 63 Rosedale Avenue, Minor Variance A-49/20 – 60.81.5639
  9. 160 Fourth Avenue, Minor Variance A-50/20 – 60.81.5640
  10. 62 Tulip Tree Common, Minor Variance, A-52/20 – 60.81.5642
8. New Business:
9. Date of next Hearing: June 24, 2020 @ 2:30 p.m.
10. Adjournment

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

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

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# **COMMENTS**

**A-48/20 (60.81.5638)**

**1 Towering Heights Boulevard**

**DATE OF HEARING:**

**June 10, 2020**

**(Rescheduled from April 29, 2020)**



CITY OF  
ST. CATHARINES

## Technical Report

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

**Date of Report:** June 4, 2020

**Date of Meeting:** June 10, 2020

**Report Number:** A-48/20

**File:** 60.81.5638

**Subject:** 1 Towering Heights (including a portion of the Glen Morris Road allowance)

### Recommendation

That Application **A-48/20** by Hydro One Networks Inc., as outlined in the Notice of Hearing, be approved subject to the following conditions:

- 1 The Owner shall enter into a Development Agreement to address the following:
  - i) The Owner shall submit for review and approval, prepared by a professional engineer, a lot grading and drainage plan and an accompanying stormwater management report detailing how the site will accommodate post-development storm flows to pre-development rates up to and including the 5-year storm (minor event, and how the site will accommodate and convey the major flows (greater than the 5-year event) to a suitable and secured outlet. The report should also include a 'normal' quality control component; and
  - ii) The Owner shall submit for review and approval, prepared by a professional engineer, a certified cost estimate for the removal of and restoration of the 'temporary parking lot', inclusive of lighting requirements. The City shall obtain, based on this estimate, securities representative of 120% of these estimated costs of removal and restoration, no less than \$20,000, and shall not be returned until such time as the 'temporary parking lot' is restored to pre-existing conditions to the satisfaction of the Director of Planning and Building Services or her designate; and
  - iii) That the Owner submit plans by a qualified professional for review and approval, outlining the temporary parking lot layout, lighting, location of curb blocks, gravel surface treatment and similar site details to the satisfaction of the Director of Planning and Building Services or her designate; and
  - iv) The temporary use be limited to 24 months from the execution of this Development Agreement by the City.
- 2 That the Owner enter into a License agreement with the City of St. Catharines, to allow the use of City land, being the unopened road allowance of Glen Morris Drive, for a temporary parking lot, subject to the terms of the Development Agreement outlined in 1 above.

## **Report Background**

The apartment building abutting to the north of the subject lands, at 35 Towering Heights is undertaking underground parking renovations and requires temporary parking on the subject lands while the works are being completed. The subject site includes an unopened road allowance for Glen Morris Drive, owned by the City, and the hydro corridor known as 1 Towering Heights Boulevard, owned by Hydro One Networks Inc. The City lands are vacant and the hydro Corridor includes a utility building on a small portion of the site, removed from the intended location for the temporary parking lot. In anticipation of the conditions the City would apply to this application and in the interests of saving time, a Development Agreement for the proposed temporary parking lot has already been submitted and is currently under review by the City. A Development Agreement is included as a condition to be met prior to the variance taking full effect, should the Committee approve the application.

It is brought to the Committee's attention that the Notice of the Hearing identifies the subject lands extending from Towering Heights through to Adelene Crescent, but the temporary parking lot is proposed at the corner of Glen Morris and Towering Heights, west of the ravine.

## **The Proposal**

The Applicant proposes to construct a temporary gravel parking lot to service residential uses to the north, while underground parking renovations are being undertaken at 35 Towering Heights Boulevard. The City owns a portion of the subject lands between 35 Towering Heights and the hydro corridor, lands included for the for the temporary parking lot.

To facilitate the proposal, Application **A-48/20** is made to vary the permissions of Section 2.11 of Zoning By-law 2013-283. This provision allows for temporary uses associated with construction (contractor's trailers, sales centres, and similar uses incidental to construction, including temporary parking) to be permitted on the lot where construction is occurring. The proposed variance seeks approval to permit a temporary parking lot on abutting lands to the south since the lands at 35 Towering Heights do not have space to accommodate the temporary parking.

## **Location and Site Description**

The subject property is on the northeast corner of Glen Morris Drive and Towering Heights Boulevard. The subject lands are within an established hydro corridor and vacant unopened road allowance owned by the City. High rise residential uses exist to the north, a ravine to the east, Denis Morris High School to the south and parking associated with Denis Morris to the west, also located within the hydro corridor.



## **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 Parkland and Open Space on Schedule D1 of the Garden City Plan (GCP) and further designated Parkland and Open Space on Schedule E8.

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

The subject property is zoned Minor Green Space (Neighbourhood Parks/Open Space) (G2). Parking would not be a permanent permitted use unless it was accessory to a permitted primary use.

However, Section 2.11 grants temporary permissions for uses associated with construction, where construction is on the lot. This application seeks relief from the “on the same lot” requirement.

## **Planning Analysis**

Zoning By-law 2013-283 allows for lots to be temporarily used to construct buildings or structures for a construction camp, construction trailer, sales trailer, scaffold or other building or structure incidental to ongoing construction on the lot which has neither been finished nor abandoned notwithstanding any other provision in the Zoning By-law.

The Applicant proposes to vary this Zoning By-law provision to include adjacent lots in order to construct a temporary gravel parking lot on the adjacent hydro corridor and vacant City lands, to accommodate resident parking while construction is completed on the existing underground parking lot at 35 Towering Heights, the abutting lands to the north. The application seeks approval for a period not exceeding 24 months from the execution of the recommended Development Agreement. The Applicant is required to receive all necessary permissions from the City and other agencies to undertake these works. As condition of approval, the Applicant will be required to enter into a Development Agreement to ensure the layout, lighting, grading and drainage and removal and reinstatement to original conditions of the temporary parking lot. In addition, a License Agreement will be required to grant usage of City lands for a temporary parking lot, in accordance with standards established by the Development Agreement. Staff have no concerns regarding permitting a temporary parking lot on these lands. Staff consider the variance request to meet the general intent of the zoning by-law. There are no significant land use impacts triggered by such approval and ultimately the lands will revert back to the existing condition. Accordingly, the variance is considered minor in nature.

The Official Plan generally does not permit permanent parking lots of this size and nature in a Parkland and Open Space area. However, since the proposed parking lot is

temporary, the City's policies do permit such construction as per section 2.11 of the Zoning By-law. Section 13.1.1(a) of the Official Plan provides that all parking areas must be attractively designed and landscaped in order to enhance their appearance, and are appropriately setback and buffered between adjacent properties. It is noted that the requirements in this instance will be relaxed beyond what would be applied if the parking lot were to be constructed on a permanent basis. Staff are satisfied that these requirements are met to a degree necessitated by the temporary nature of the use. As condition of approval, Staff will require, as part of the recommended development agreement, sufficient securities to ensure the site will be restored to a state which complies with all relevant policies, once the construction on the permanent parking structure is complete or the 24-month period has lapsed.

Due to the required works on the underground parking at 35 Towering Heights, Staff recognize that an alternative parking plan must be developed to serve the residents of the building. Staff view the proposed temporary gravel parking lot to be the optimal solution given the site context. As such, Staff are of the opinion that the variance requested is desirable for the appropriate use of the lands.

Provided the Applicant complies with recommended conditions, Staff that no negative impact will occur during the temporary gravel parking lot's life-span and that the lands will be reinstated to the City's satisfaction after the 24-month time period expires, Staff are of the opinion that Application **A-48/20** 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. As such, Staff recommend approval of Application **A-48/20**.

## Conclusion

Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Application **A-48/20** 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 recommend approval of the Application, accordingly.

**Prepared by:**



for

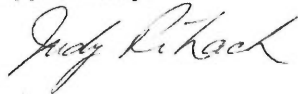
Connor Wright  
Student Planner

**Submitted by:**



Evan Acs  
Planner I

**Approved by:**



Judy Pihach  
Manager of Planning Services

## Munro, Elaine

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**Subject:** RE: Additional Applications added to Agenda RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for CofA Hearing

1 Towering Heights – Revised sketch  
1 ½ Dalhousie Avenue  
81 Cecil Drive

**From:** Doug Crown <doug.crown@cogeco.com>  
**Sent:** Tuesday, May 19, 2020 12:41 PM  
**To:** Munro, Elaine <emunro@stcatharines.ca>  
**Subject:** Re: Additional Applications added to Agenda RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for 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  
The small change for 1 Towering Heights is fine.

The rest of the application I see no issues or concerns.

Sorry Elaine I can't find Wil Banda email..

Thanks

Doug Crown  
Network Planning Department

7170 Mcleod Rd  
Niagara Falls Ont Canada

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

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

May 22, 2020

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

**Attention: Elaine Munro**

File# 60.81.5638

**Re: 1 Towering Heights**

In response to your correspondence dated May 15 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](http://www.alectrautilities.com).
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.
- Existing underground high voltage primary in duct area of proposed temporary parking lot. Locates are required prior to any excavation.

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

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**Subject:** RE: Revised Sketch - 1 Towering Heights RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for CoFA Hearing

**From:** Sarah Mastroianni <smastroianni@npca.ca>

**Sent:** Tuesday, May 19, 2020 1:31 PM

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

**Cc:** Banda, Wilrik <wbanda@stcatharines.ca>; Amy Parks <aparks@npca.ca>

**Subject:** RE: Revised Sketch - 1 Towering Heights RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for 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.

Good Afternoon Elaine and Wil,

Hope you both had a great long weekend and got to enjoy the little bit of sunshine we had on Saturday.

I have reviewed the revised application and offer the following comments.

Based on the revised Site Plan (prepared by WSP dated May 7, 2020) showing that all works associated with the temporary parking lot will be outside of 15m from the adjacent valley, NPCA staff are now able to support the approval of this minor variance.

The applicant should be made aware that the NPCA will not support the discharge of overland drainage in a concentrated manner over the top of slope, into the valley. Any works or site alterations/disruptions within the 15m buffer from the top of slope will require a Permit from the NPCA prior to the commencement of the works on site.

I trust this email is sufficient. Please let me know if you have any questions or concerns.

Thanks.

**Sarah Mastroianni**  
**Senior Watershed Planner**  
Niagara Peninsula Conservation Authority  
250 Thorold Road West, 3rd Floor  
Welland, Ontario L3C 3W2  
Phone: 905 788 3135 (ext. 249)  
Fax: 905 788 1121  
email: [smastroianni@npca.ca](mailto:smastroianni@npca.ca)

Thank you for your email. Due to the COVID-19 pandemic, the NPCA has taken measures to protect staff and public while providing continuity of services. NPCA enforcement, permitting and planning functions are continuing to operate, however there may be delays in receiving responses to inquiries or complaints due to staff restrictions and remote work locations. Updates with regards to NPCA operations and activities can be found on our website at [www.npca.ca/our-voice](http://www.npca.ca/our-voice), the NPCA Facebook page at <https://www.facebook.com/NPCAOntario> and on Twitter at [https://twitter.com/NPCA\\_Ontario](https://twitter.com/NPCA_Ontario).

For more information on Permits, Planning and Forestry please go to the Permits & Planning webpage at <https://npca.ca/administration/permits>.

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VIA E-MAIL ONLY

May 20, 2020

Elaine Munro ACST  
Committee Secretary and Planning Technician Committee of Adjustment  
Corporation of the City of St.Catharines  
50 Church Street  
St. Catharines, Ontario, Canada  
L2R 7C2

Proposal: To create a temporary parking lot at the back of the current parking lot for 35 Towering Heights.

Location: 1 Towering Heights Boulevard  
St. Catharines, Ontario

Our File: MV-20-0013

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Niagara Region Development Services Division has completed a review of the proposed minor variance for the above noted property and provides the following comments:

**Archaeological Potential**

Provincial policy states that development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant resources have been conserved. Regional staff notes that in accordance with the Provincial screening criteria, the subject lands exhibit potential for the discovery of archaeological resources given the close proximity (within 300m) to watercourses. Typically, a Stage 1 Archaeological Assessment prepared by a licensed archaeologist is required. However, staff notes that the proposal includes a temporary gravel parking area and it does not appear that intensive disturbance is proposed. Further, a portion of the subject lands can be considered disturbed due to the installation of the existing Regional sanitary sewer and associated construction areas. As such, an assessment is not warranted.

The applicant is advised that should deeply buried archaeological resources be encountered on the subject lands during construction activities, the Archaeology Programs Unit of the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) shall be notified immediately and an assessment shall be prepared. In the event that human remains are encountered during construction, the owner should immediately notify the police or coroner, the Registrar of Cemeteries of the Ministry of



Small Business and Consumer Services in Toronto (416-326-8392), the Ministry of Heritage, Sport, Tourism and Culture Industries. Further, should future extensive and intensive disturbance be proposed on the subject lands, Regional staff may require the submission of a Stage 1 Archaeological Assessment prepared by a licensed archaeologist.

### **Regional Servicing Easement**

Regional staff have reviewed the submitted site grading plan prepared by WSP, dated May 7, 2020. The applicant is advised that in the event of any emergency, or future maintenance or construction of the Regional infrastructure, restoration of property shall be made using standard materials provided by the Niagara Region and that any addition, restoration, or structure replacement will be at the owners risk and repair. The applicant is advised that any future maintenance and/or emergency work on the Regional infrastructure could restrict access to the parking lot. Niagara Region has no responsibility to accommodate temporary parking during any work and the owner shall be solely responsible for arranging interim parking. Furthermore, the applicant is advised that any future construction work may generate noise and odour which may occasionally interfere with some activities of the dwelling occupants.

Since the parking lot is a temporary situation Regional staff would request that after the temporary use has expired that the parking lot over the Regional easement be removed and restored to the existing conditions.

### **Conclusion**

In conclusion, Regional staff does not object to the minor variance application subject to any local planning issues. We ask that the applicant be advised of the concerns regarding the requirement to reinstate the conditions on the easement to the existing. Please send notice of any decision regarding this application. Should you have any further questions or need additional information, please contact me or Susan Dunsmore, Manager, Development Engineering at extension 3661.

Best Regards,



Matteo Ramundo  
Development Approvals Technician  
Niagara Region

cc. Elissa Quintanilla, Development Planner, Niagara Region  
Susan Dunsmore, Manager, Development Engineer, Niagara Region

## Munro, Elaine

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**Subject:** RE: Last MV Application Attached RE: Additional Applications added to Agenda RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for CofA Hearing

6-10 Dalhousie Avenue

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

**Sent:** Wednesday, May 20, 2020 6:51 AM

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

**Subject:** Re: Last MV Application Attached RE: Additional Applications added to Agenda RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for CofA Hearing

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Good Morning Elaine

Cogeco has no issue or concerns with thes application.

Have a great day

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

## Munro, Elaine

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**From:** Ramundo, Matteo <Matteo.Ramundo@niagararegion.ca>  
**Sent:** Wednesday, May 20, 2020 2:07 PM  
**To:** Munro, Elaine  
**Cc:** Emberson, Lola; Dunsmore, Susan  
**Subject:** 1 Towering Heights Regional comments from updated plans  
**Attachments:** MV-20-0013 - 1 Towering Heights Boulevard revised.pdf

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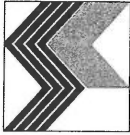
Good Afternoon Elaine,  
Regional staff have reviewed the updated plans for the minor variance at 1 Towering Heights boulevard and although our planning comments will remain the same, our tech comments have been slightly adjusted to reflect the moving of the berm off of our easement. If you have any questions or concerns with regards to these comments please feel free to contact me.  
Sincerely,

Matteo Ramundo  
Development Approvals Technician  
Niagara Region  
Tel. 905-685-4225 EXT. 3345



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## Memorandum

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**To:** Elaine Munro, Planning and Building Services  
**CC:**  
**From:** Jessica Button, Community, Recreation and Culture Services  
**Date:** March 31, 2020  
**Subject:** Committee of Adjustment Hearing – April 29, 2020

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PRCS has reviewed the Committee of Adjustment application for the hearing of April 29, 2020 and provides the following comments;

1. **59 Wellington Street, Consent, B-23/20SC – 60.84.2300**  
No comment.
2. **47 Thomas Street, Minor Variance A-20/20 – 60.81.5610**

Zoning by-law requirements intended for landscape strips provide a buffer between land uses. The previous sod area did not meet current standards for landscaping in terms of size or material and did provide plant materials which served to buffer the adjacent uses. CRCS offers no objection to the reduction for the existing use.

3. **8 Paxton Avenue, Consent, B-22/20SC – 60.84.2299**  
**8 Paxton Avenue, Minor Variance, A-45/20 – 60.81.5635**  
**10 Paxton Avenue, Minor Variance, A-46/20 – 60.81.5363**

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.

**4. 58 Barbican Trail Street, Minor Variance A-47/20 – 60.81.5637**

No comment

**5. 1 Towering Heights, Minor Variance A-48/20 – 60.81.5638**

No comment.

**6. 63 Rosedale Avenue, Minor Variance A-49/20 – 60.81.5639**

No comment.

**7. 160 Fourth Avenue, Minor Variance A-50/20 – 60.81.5644**

A trailer is ideally located in a loading zone, located at the side or rear of site. A number of exiting mature trees are located in this area. Should the application be approved, an updated landscape plan should include tree protection measures.

**8. 192 - 194 Glendale Avenue, Minor Variance A-51/20 – 60.81.5641**

Site plan considerations are best addressed prior to the consideration of the variances.

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



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## Memorandum

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

Cc: Judy Pihach, Wilrik Banda  
Planning and Building Services

From: Steven Sunderland, Building Inspector  
Planning and Building Services

Date: May 27, 2020

Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance – June 10, 2020 hearing**

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NO.	ADDRESS	COMMENTS
A-20/20	47 Thomas Street	No Comment
A-47/20	58 Barbican Trail	Be advised that a building permit is required for the proposed basement accessory dwelling unit to the single detached dwelling unit.
A-48/20	1 Towering Heights Boulevard	No Comment
A-49/20	63 Rosedale Avenue	Be advised that a building permit (Change of Use) is required for the proposed electrical contractor's office space and storage within an existing building.
A-50/20	160 Fourth Avenue	Be advised that a building permit is required for the proposed addition to the building.
A-52/20	62 Tulip Tree Common	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-53/20	81 Cecil Street	No Comment
A-54/20	6-10 Dalhousie Ave.	No Comment

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



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## Memorandum

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**To:** Elaine Munro, ACST, Committee Secretary & Planning Technician  
**Cc:** City Committee of Adjustment Staff Members  
**From:** Brad Johnston, C.E.T., Development Engineering Technologist  
**Date:** May 19, 2020  
**Hearing Date:** June 10, 2020  
**Subject:** **Committee of Adjustment - Minor Variance Applications**  
47 Thomas Street, A-20/20SC  
58 Barbican Trail, A-47/20SC  
35 (1) Towering Heights Boulevard, A-48/20SC  
63 Rosedale Avenue, A-49/20SC  
160 Fourth Avenue, A-50/20SC  
62 Tulip Tree Common, A-52/20SC  
81 Cecil Street, A-53/20SC  
6-10 Dalhousie Avenue, A-54/20SC

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Development Engineering have no objections to the above applications subject to the following conditions applicable to 47 Thomas Street and 35 (1) Towering Heights Boulevard:

### **47 Thomas Street, A-20/20SC**

The Owner shall have prepared by an Ontario Land Surveyor or Professional Engineer

1. a topographic grading plan identifying all existing grades on the subject lands and all abutting properties in order to establish the existing drainage patterns on and adjacent to the site, for review and approval.

### **35 (1) Towering Heights Boulevard**

The Owner shall have prepared by a Professional Engineer

1. a detailed Grading & Drainage plan and an accompanying Stormwater Management Report detailing how the site will accommodate post-development storm flows to pre-development rates up to and including the 5-year storm (minor) event, and also how the site will accommodate and convey the major flows (greater than the 5-year event) to a suitable and secured outlet. The report should also include a quality control component to the satisfaction of the City and the Niagara Peninsula Conservation Authority; and
2. A certified cost estimate for the removal of and restoration of the 'temporary parking lot', inclusive of lighting requirements. The City shall obtain, based on this estimate, securities representative of 120% of these estimated costs of removal and restoration, no less than \$20,000, and shall not be returned until such time as the 'temporary parking lot' is restored to pre-existing conditions to the satisfaction of the City Engineer.

Prepared by:

Brad Johnston, C.E.T.

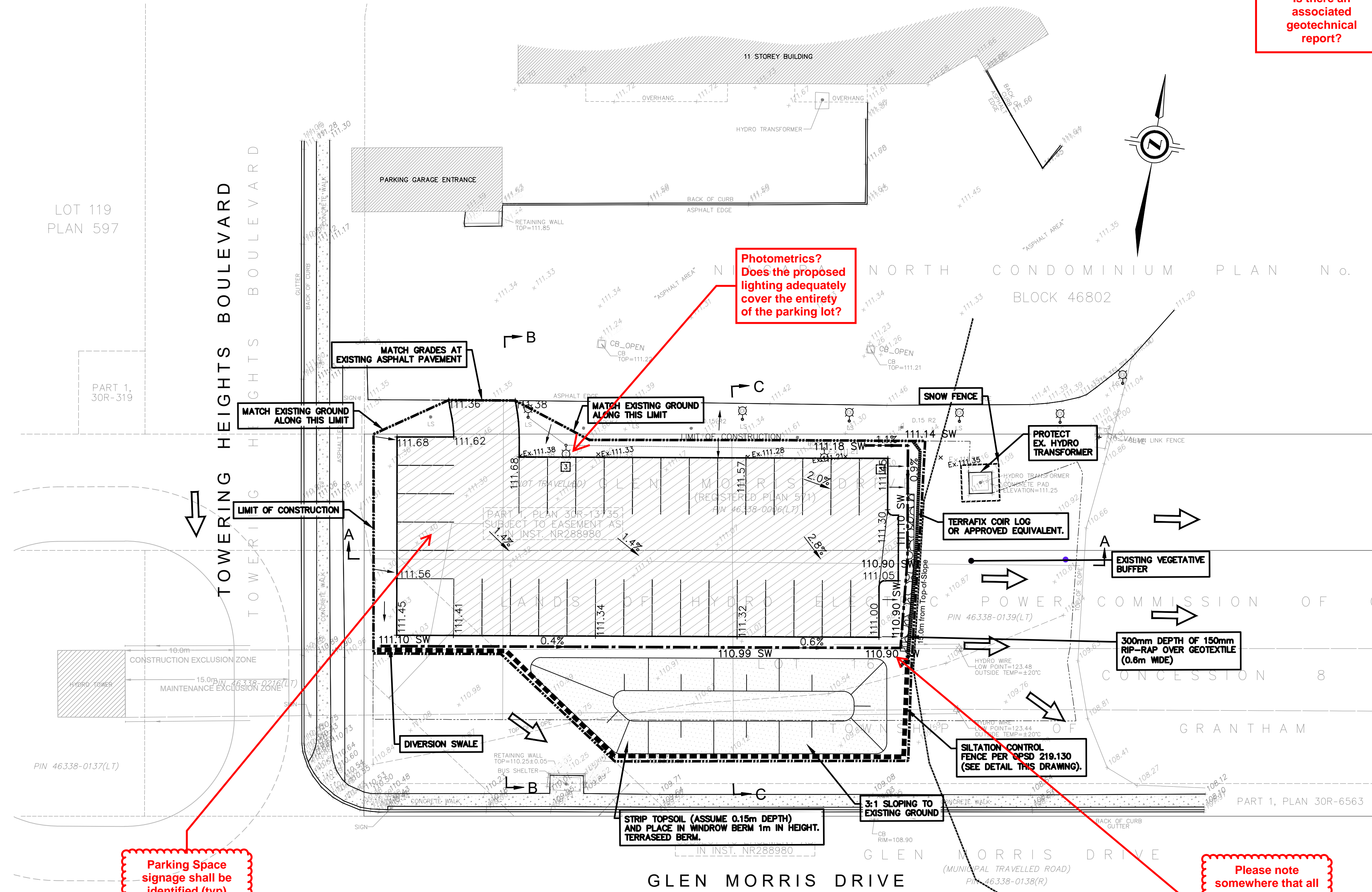
Development Engineering Technologist

**Attachments:** Towering Heights Parking Lot Civil Submission – Red-lined

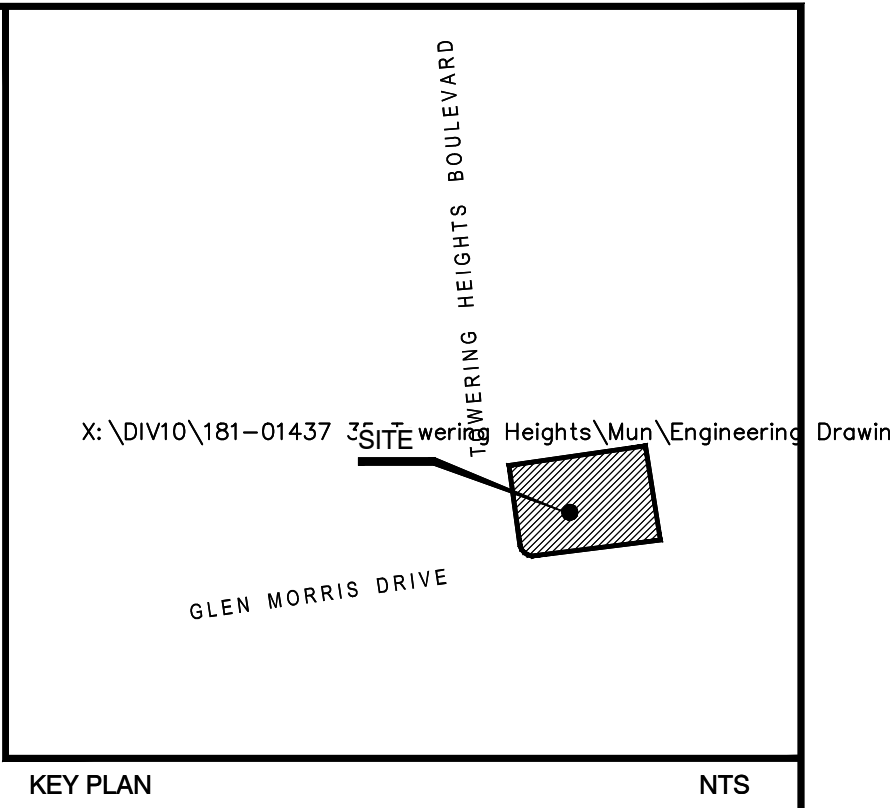




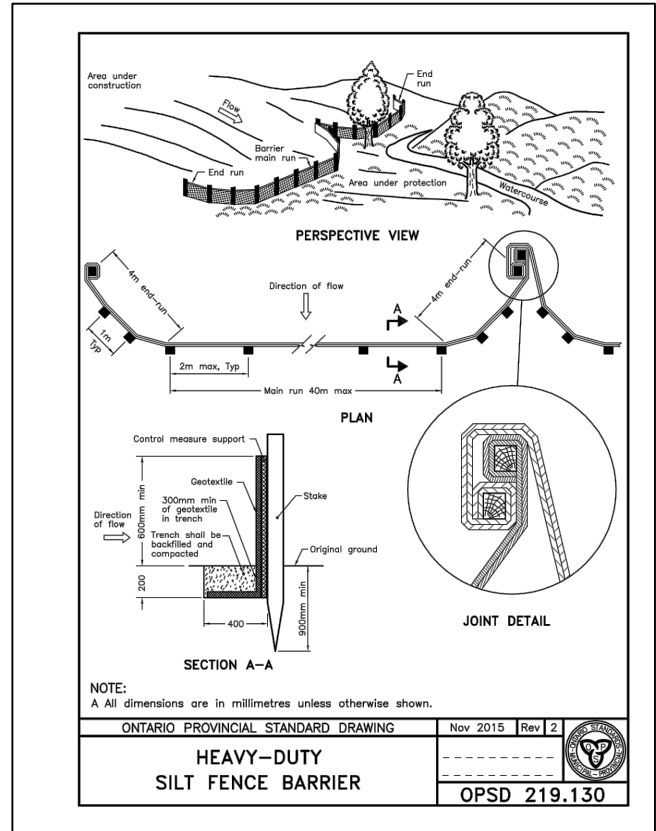




- a. GENERAL NOTES:
- DIMENSIONS ARE IN METRES(m) UNLESS OTHERWISE NOTED.
- CONTRACTOR TO OBTAIN ROAD OCCUPANCY PERMIT FOR ALL WORK WITH THE CITY RIGHT-OF-WAY.
- ALL WORK SHALL BE COMPLETED IN ACCORDANCE WITH THE CURRENT "OCCUPATIONAL HEALTH AND SAFETY ACT" AND "REGULATIONS FOR CONSTRUCTION PROJECTS". THE GENERAL CONTRACTOR SHALL BE DEEMED TO BE THE CONSTRUCTOR AS DEFINED IN THE ACT.
- ALL TEMPORARY TRAFFIC CONTROL AND SIGNAGE DURING CONSTRUCTION SHALL BE IN ACCORDANCE WITH CURRENT ONTARIO TRAFFIC MANUAL FOR BOOK 7: TEMPORARY CONDITIONS FIELD EDITION.
- THE CONTRACTOR SHALL RECTIFY ALL DISTURBED AREAS TO THE ORIGINAL CONDITION OR BETTER AND TO THE SATISFACTION OF THE CITY.
- THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING THE LOCATIONS AND INVERTS OF ALL EXISTING UNDERGROUND AND ABOVE GROUND UTILITIES AND SERVICES. THE CONTRACTOR SHALL ADVISE THE ENGINEER OF ANY DISCREPANCIES PRIOR TO PROCEEDING WITH CONSTRUCTION. CONTRACTOR TO ENSURE STAKEOUTS ARE COMPUTED PRIOR TO DIGGING. WSP AND THE OWNER ASSUME NO RESPONSIBILITY FOR THE ACCURACY OF THE LOCATION OF EXISTING UTILITIES AS INDICATED ON THE DRAWING.
- CONTRACTOR SHALL RED-LINE ALL AS CONSTRUCTED INFORMATION ON A SET OF DRAWINGS AND PROVIDE TO THE OWNER AT THE END OF CONSTRUCTION.
- CONTRACTOR SHALL SUPPORT AND PROTECT ALL EXISTING UTILITIES TO REMAIN, IF REQUIRED.
- ITEMS DESIGNATED TO BE REMOVED SHALL BE DISPOSED OFF-SITE.
- CONSTRUCTION LAYOUT SHALL BE UNDERTAKEN BY CONTRACTOR'S SURVEYOR AT THE CONTRACTOR EXPENSE.
- ANY DAMAGE TO PROPERTY ADJACENT TO THE CONSTRUCTION SITE SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
- TOPSOIL SHALL BE STRIPPED AND PLACED WITHIN BERM WINDOW, MAX 3:1 SLOPES AND 1m HIGH.
- CONTRACTOR SHALL PLACE GEOTEXTILE ON STRIPPED SURFACE, AND GRANULAR PAVEMENT STRUCTURE.
- REINSTATE ALL DISTURBED AREAS WITH TERRASEED FOR THE INTERIM.
- FOR PARKING LOT RESTORATION, CONTRACTOR TO REMOVE THE GRANULAR STRUCTURE AND GEOTEXTILE AND DISPOSE OFF-SITE. TOPSOIL BERM SHALL BE SPREAD OVER STRIPPED AREA AND TERRASEED. CONTRACTOR SHALL NOT IMPORT ADDITIONAL FILL OR TOPSOIL WITHOUT HYDRO ONE AND CITY APPROVALS.
- THE PAVEMENT SURFACE SHALL BE INSTALLED WITH A MINIMUM DEPTH AS RECOMMENDED BY THE GEOTECHNICAL ENGINEER:
- GRANULAR SUB-GRADE: REVIEWED BY GEOTECHNICAL CONSULTANT PRIOR TO INSTALLATION OF BASE GRANULAR MATERIAL
  - BASE COURSE: 300mm COMPACTED 98% SPMD DEPTH OF 50mm CRUSHER RUN LIMESTONE
  - SURFACE COURSE: 150mm COMPACTED 98% SPMD DEPTH OF 19mm CRUSHER RUN LIMESTONE



- LEGEND
- EXISTING ELEVATION
  - PROPOSED ELEVATION
  - OVERLAND FLOW
  - DIRECTION OF FLOW
  - LIMIT OF CONSTRUCTION
  - SNOW FENCE
  - GRANULAR PAVEMENT STRUCTURE
  - COIR LOG
  - SILT FENCE



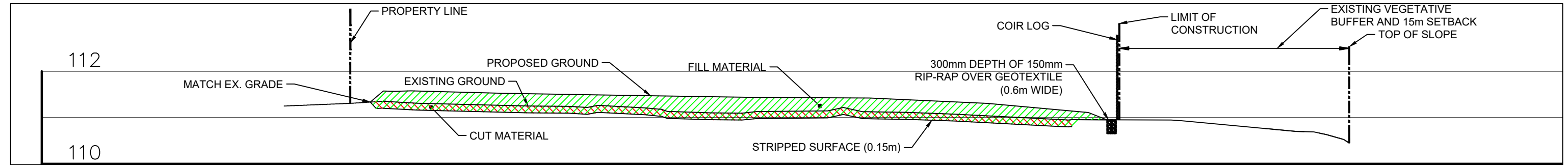
Parking Space signage shall be identified (typ)

Photometrics? Does the proposed lighting adequately cover the entirety of the parking lot?

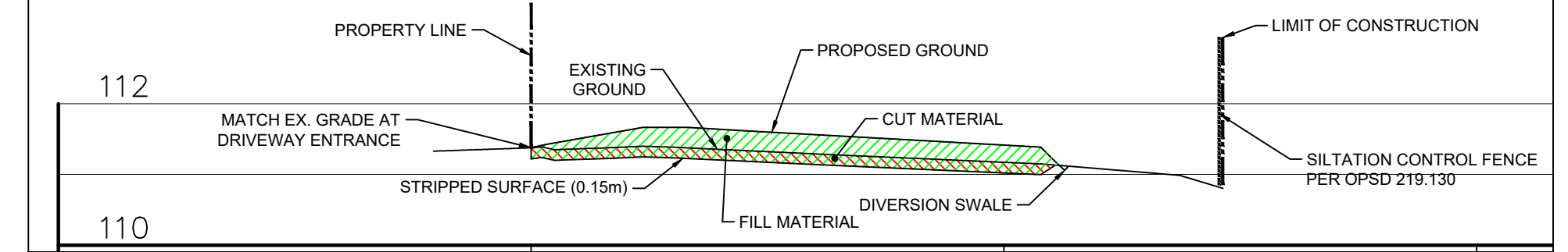
Is there an associated geotechnical report?

Please reference benchmark (Geodetic / City / Topo Survey)

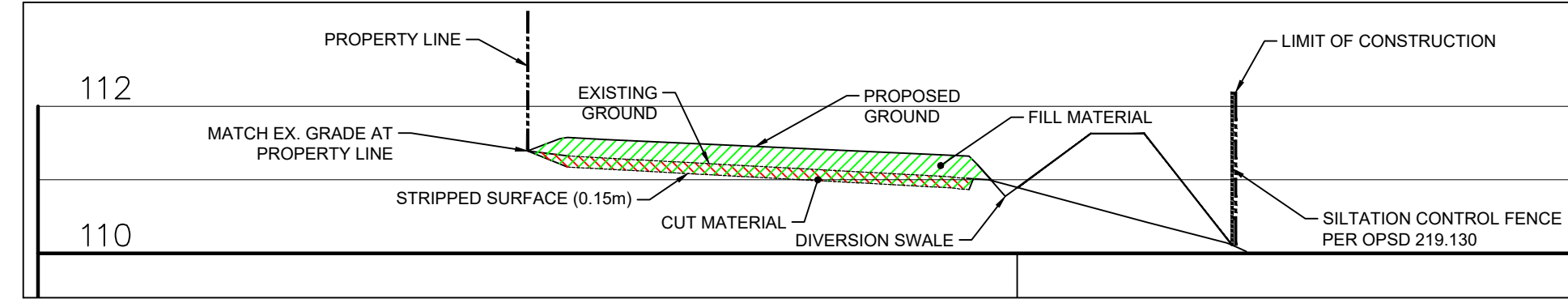
Please note somewhere that all other areas other than gravel will be Terra-seeded (typ)



SECTION A-A



SECTION B-B



SECTION C-C

5.	RE-ISSUED FOR TENDER	MAY 7/20
4.	ISSUED FOR TENDER	JAN 28/20
3.	RE-ISSUED FOR HYDRO ONE REVIEW	JAN 21/20
2.	RE-ISSUED FOR HYDRO ONE REVIEW	NOV 19/19
1.	ISSUED FOR HYDRO ONE REVIEW	NOV 13/19
No.	REVISIONS TO DRAWING	BY DATE APPR.

ALL PREVIOUS ISSUES OF THIS DRAWING ARE SUPERSEDED

CLIENT: CHOWN PROPERTY MANAGEMENT INC.

MUNICIPALITY: CITY OF ST. CATHARINES

PROJECT TITLE: 35 TOWERING HEIGHTS BLVD.

SHEET TITLE: SITE GRADING PLAN

CONSULTANT: wsp

100 Commercial Valley Dr. West, Thornhill, ON Canada L3T 0A1  
T: 905.882.1100 F: 905.882.0055 www.wsp.com

STAMP: LICENSED PROFESSIONAL ENGINEER T.J. CHISHOLM 100052956 2020-05-07 PROVINCE OF ONTARIO

APPROVAL:

DESIGNED: M.M.	DRAWN: 10/12 CAD	CHECKED: T.C.
SCALE: 1:250	DATE: OCT 2019	
PROJECT NUMBER: 181-01437	DWG. NUMBER: GR1	



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## Memorandum

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

**Cc:**

**From:** Steve Bittner  
Transportation Technologist

**Date:** May 15, 2020

**Subject:** Committee of Adjustment  
Public Hearings – June 10, 2020  
File No. 305-17-01

---

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

Steve Bittner  
Transportation Technologist  
SB/

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

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

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# **COMMENTS**

**B-23/20SC (60.84.2300)**

**59 Wellington Street**

**DATE OF HEARING:**

**June 10, 2020**

**(Rescheduled from April 29, 2020)**





CITY OF  
ST. CATHARINES

## Technical Report

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

**Date of Report:** June 4, 2020

**Date of Meeting:** June 10, 2020

**Report Number:** B-23/20SC

**File:** 60.84.2300

**Subject:** 59 Wellington Street

### Recommendation

That Submission **B-23/20SC**, by John Evans, as outlined in the Notice of Hearing, be approved, subject to the following conditions:

1. That the Owner remove the existing vinyl shed on Parts 2 and 3. A demolition permit is required and shall be completed to the satisfaction of the Chief Building Official of the City of St. Catharines;
2. 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 property; and
3. If determined existing services conflict with abutting and/or future lot lines, the Owner shall be responsible to complete any relocation works on private property through a Plumbing Only permit and pay the City the fees to provide new water and sewer services to the individual property lines in order for each lot to be serviced individually; and
4. That the Owner dedicate to the City free and clear of any mortgages, liens, or encumbrances, 2.3m (7.54') along the frontage of Part 1, to be known as Public Highway Wellington Street. 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.
5. That pursuant to Section 50(12) of The Planning Act, it is hereby stipulated that section 50(3) or 50(5) shall apply to any subsequent conveyance of, or other transaction involving, the identical subject parcel of land. Therefore, the Owner will provide the Secretary-Treasurer of the Committee of Adjustment with a solicitor's undertaking that the condition of the Committee of Adjustment will be implemented and the properties (Parts 1 and 3) will be merged and become one parcel of land. The Owner will be responsible to pay the costs associated with any necessary deeming by-law required for merging the properties.

### Background

Application **B-23/20SC** follows prior applications: Consent Application **B-11/19SC** and Minor Variance Application **A-32/19**, made concurrently in early 2019, which went before the Committee of Adjustment on March 28, 2019. Application **B-11/19SC** was made for the same purpose as is currently proposed, and was approved conditionally, but these conditions were not met within the one-year timeframe, therefore the approval lapsed.

Then-concurrent Application **A-32/19** was made to reduce the minimum lot area per dwelling for a single detached dwelling from 275 square metres to 237.5 square metres. The Variance received a modified approval to reduce the minimum lot area to 221 square metres to account for the road widening.

## **The Proposal**

Application **B-23/20SC** is made for consent to sever 89.5 m<sup>2</sup> of land (Part 3 on the submitted sketch) which will be added to the abutting northerly parcel of land known as 32 Welland Avenue (Part 1). A 237.5 m<sup>2</sup> remnant parcel with the existing single detached dwelling would be retained (Part 2) for continued residential use. The Application would result in a boundary adjustment between the two parcels of land.

## **Location and Site Description**

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

The properties are separated by a fence along the proposed line of severance. The property known municipally as 32 Welland Avenue has a paved parking area which extends to the extent of Part 3. Effectively, Parts 1 and 3 are already functioning as one property, separate from Part 2.

## **Circulation of Application**

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

## **Planning Policy Context**

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

The subject property is designated Downtown on Schedule D1 of the Garden City Plan (GCP) and further designated Medium Density Residential on Schedule E10 thereof. The Medium Density Residential designation permits detached and townhouse dwellings at a density range generally between 25 and 99 units per hectare of land.

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

The subject property is zoned Medium Density Residential (R3). Detached and townhouse dwellings are permitted.

## **Planning Analysis**

### **Consent**

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.

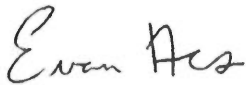
The consent application is requesting to sever the rear portion of the lot at 59 Wellington Street (Part 3 on the submitted sketch), to be added to the abutting northerly parcel known as 32 Welland Avenue (Part 1). The two adjacent parcels to the east of 59 Wellington Street are of virtually identical depth and shape to the proposed parcel shown as Part 3. Further, many of the surrounding properties vary greatly in both shape and size. Thus, the character of the neighbourhood is established to be variable in nature and Staff have no concerns that the proposal to reduce the rear yard of Part 3 would depart from this established character. The size of both the severed and remnant parcels comply with the lot area provisions, as well as all other relevant provisions of the Zoning By-law.

The purpose of this consent is to provide an additional parking area for 32 Welland Avenue, which has been used for some time for this purpose. Part C, Section 5.4.6 of the GCP states that the negative impacts of vehicular parking on the urban environment should be minimized by locating parking areas at the rear of buildings where feasible. The submitted sketches demonstrate that the severance will accommodate parking at the rear of 32 Welland Avenue. The existing parking area will have no measurable impacts on the subject property or surrounding sites as it has been utilized in this means for some time, and will help minimize the impact of vehicular parking on the street. Overall, Staff are supportive of the proposed lot boundary adjustment.

## Conclusion

Having regard for the matters under Section 53 of the *Planning Act*, staff are of the opinion that Application **B-23/20SC** is compatible with the neighbourhood, consistent with the provisions of the Zoning By-law, and will have no adverse impacts on the surrounding area and environment. It is staff's recommendation that the requested consent to sever be approved, subject to the conditions outlined in the recommendation.

**Prepared by:**



for \_\_\_\_\_  
Connor Wright  
Student Planner

**Submitted by:**



\_\_\_\_\_   
Evan Acs  
Planner I

**Approved by:**



\_\_\_\_\_   
Judy Pihach  
Manager of Planning Services



**From:** [Munro, Elaine](#)  
**To:** [Munro, Elaine](#)  
**Subject:** RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for CofA Hearing - Email 1 - 905-20-125  
**Date:** Monday, April 20, 2020 12:10:58 PM

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**From:** Gordon, Carrie <carrie.gordon@bell.ca>  
**Sent:** Monday, April 20, 2020 11:51 AM  
**To:** Munro, Elaine <emunro@stcatharines.ca>  
**Subject:** RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for CofA Hearing - Email 1 - 905-20-125

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Dear Elaine,

My apologies - I do not have Wil Banda's email address.

RE : B-23/20SC

&#0;. Severance Application  
&#0;. 59 Wellington Street

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

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

Best regards,

*Carrie Gordon*



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

**Elaine Munro** ACST  
Committee Secretary and Planning Technician  
**Email:** [emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)  
**Tel:** 905.688.5601 x1715

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**From:** [Munro, Elaine](#)  
**To:** [Munro, Elaine](#)  
**Subject:** RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for CofA Hearing - Email 1  
**Date:** Friday, April 17, 2020 10:03:52 AM

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59 Wellington  
47 Thomas  
58 Barbican Trail  
63 Rosedale

**Elaine Munro** ACST  
Committee Secretary and Planning Technician  
**Email:** [emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)  
**Tel:** 905.688.5601 x1715

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---

**From:** Doug Crown <[doug.crown@cogeco.com](mailto:doug.crown@cogeco.com)>  
**Sent:** Friday, April 17, 2020 9:52 AM  
**To:** Munro, Elaine <[emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)>  
**Subject:** Re: Committee of Adjustment Notices and Applications, City of St. Catharines, for CofA Hearing - Email 1

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Hi Elaine  
Email 1

Cogeco has no issue or concerns with these applications..

Thanks

Stay safe

Doug Crown  
Network Planning Department

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

7170 Mcleod Rd  
Niagara Falls Ont Canada

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



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Memorandum

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

Cc: Judy Pihach, Wilrik Banda  
Planning and Building Services

From: Steven Sunderland, Building Inspector  
Planning and Building Services

Date: May 27, 2020

Subject: Building Comments on Applications to the Committee of Adjustment  
**Consents – June 10, 2020 hearing**

---

**B-23/20SC – 59 Wellington Street**

Comment:

- No Comment

Condition:

- No comment

**B-24/20SC – 1½ Dalhousie Avenue**

Comment:

- No Comment

Condition:

- No comment

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



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## Memorandum

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**To:** Elaine Munro, Planning and Building Services  
**CC:**  
**From:** Jessica Button, Community, Recreation and Culture Services  
**Date:** March 31, 2020  
**Subject:** Committee of Adjustment Hearing – April 29, 2020

---

PRCS has reviewed the Committee of Adjustment application for the hearing of April 29, 2020 and provides the following comments;

**1. 59 Wellington Street, Consent, B-23/20SC – 60.84.2300**  
No comment.

**2. 47 Thomas Street, Minor Variance A-20/20 – 60.81.5610**

Zoning by-law requirements intended for landscape strips provide a buffer between land uses. The previous sod area did not meet current standards for landscaping in terms of size or material and did provide plant materials which served to buffer the adjacent uses. CRCS offers no objection to the reduction for the existing use.

**3. 8 Paxton Avenue, Consent, B-22/20SC – 60.84.2299**  
**8 Paxton Avenue, Minor Variance, A-45/20 – 60.81.5635**  
**10 Paxton Avenue, Minor Variance, A-46/20 – 60.81.5363**

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.

**4. 58 Barbican Trail Street, Minor Variance A-47/20 – 60.81.5637**

No comment

**5. 1 Towering Heights, Minor Variance A-48/20 – 60.81.5638**

No comment.

**6. 63 Rosedale Avenue, Minor Variance A-49/20 – 60.81.5639**

No comment.

**7. 160 Fourth Avenue, Minor Variance A-50/20 – 60.81.5644**

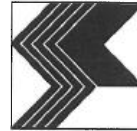
A trailer is ideally located in a loading zone, located at the side or rear of site. A number of exiting mature trees are located in this area. Should the application be approved, an updated landscape plan should include tree protection measures.

**8. 192 - 194 Glendale Avenue, Minor Variance A-51/20 – 60.81.5641**

Site plan considerations are best addressed prior to the consideration of the variances.

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

**REPORT TO PLANNING DEPARTMENT**  
**Re: CITY LAND DIVISION APPLICATION NUMBER B-23/20SC**



May 19, 2020

**ENGINEERING FILE 300-36**

**Hearing Date:** June 10, 2020

**Applicant:** John Evans

**Location:** 59 Wellington Street

**MUNICIPAL SERVICES**

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

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

Comment(s): It is noted that the Applicant proposes to sever Part 3 to be added to the abutting northerly lot known as 32 Welland Avenue (Part 1). A remnant parcel (Part 2) with the existing dwelling would be retained for continued residential use known as 59 Wellington Street. The application would result in a boundary adjustment between the two parcels of land.

**Roads**

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

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

The Applicant has previously dedicated 1.95m as Public Highway Wellington Street to the City within a previous application in 2019 that has since lapsed although the By-law for road dedication was passed in 2020. No further road widening dedications will be required through this application.

**Engineering Services**

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

and/or future lot lines. The Owner shall also pay the City, if determined through the inspections that conflicts exist, the fees to provide new water and sewer services to the individual property lines in order for each lot to be serviced individually.

Condition(s):

Prior to the severance finalization the Owner shall;

- Pay the fee for City crews to locate, trace, inspect and document the existing sewer and water laterals servicing the existing property; and
- If determined existing services conflict with abutting and/or future lot lines, the Owner shall be responsible to complete any relocation works on private property through a Plumbing Only permit and pay the City the fees to provide new water and sewer services to the individual property lines in order for each lot to be serviced individually

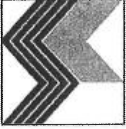
Prepared by:



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





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## Memorandum

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

**Cc:**

**From:** Steve Bittner  
Transportation Technologist

**Date:** May 15, 2020

**Subject:** Committee of Adjustment  
Public Hearings – June 10, 2020  
File No. 305-17-01

---

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

Steve Bittner  
Transportation Technologist  
SB/

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

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

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# **COMMENTS**

**B-24/20SC (60.84.2301)**

**1 ½ Dalhousie Avenue**

**DATE OF HEARING:**  
**June 10, 2020**

**From:** [Munro, Elaine](#)  
**To:** [Munro, Elaine](#)  
**Subject:** RE: File No: 60.81.5644 6 - 10 Dalhousie Ave. & File No. 60.84.2301 1 1/2 Dalhousie Ave. Committee of Adjustments, City of St. Catharines. Attn: Elaine Munro, Secretary-Treasurer  
**Date:** Wednesday, June 3, 2020 4:25:17 PM

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**Elaine Munro** ACST  
Committee Secretary and Planning Technician  
**Email:** [emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)  
**Tel:** 905.688.5601 x1715

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**From:** Walter Lalka <[walter@lalkalegal.com](mailto:walter@lalkalegal.com)>  
**Sent:** Wednesday, June 3, 2020 12:46 PM  
**To:** Munro, Elaine <[emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)>  
**Subject:** File No: 60.81.5644 6 - 10 Dalhousie Ave. & File No. 60.84.2301 1 1/2 Dalhousie Ave. Committee of Adjustments, City of St. Catharines. Attn: Elaine Munro, Secretary-Treasurer

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Dear Committee,

I am the owner of #3 Dalhousie Ave. and I strongly support both Applications.

The applicant has made substantial improvements to Gary Lane, added a new staircase to the beach from Lock Street as well as improved views of the lake from Lock Street. These improvements are an enhancement to the community and the neighbourhood.

I support Application A-54/20 for a minor variance. I also support Application B-24/20SC.

I recommend the Committee approve both Applications.

Regards,

Walter N. Lalka  
Barrister, Solicitor, Notary  
30 Taylorwood Drive  
Toronto, ON M9A 4R7

Tel: 416-924-9999  
Fax: 416-924-9399  
Email: [walter@lalkalegal.com](mailto:walter@lalkalegal.com)

STATEMENT OF CONFIDENTIALITY AND PRIVILEGE The contents of this e-mail



## Technical Report

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

**Date of Report:** June 3, 2020

**Date of Meeting:** June 10, 2020

**Report Number:** B-24/20SC

**File:** 60.84.2301

**Subject:** 1 ½ Dalhousie Avenue

### Recommendation

#### Consent

That Application **B-24/20SC** by The Beaches at Port Inc., as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. 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 Certificate of Consent; and
2. 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; and
3. That all conditions of consent be fulfilled by June 10, 2021.

### Report

#### Background

The subject lands make up a part of Gary Lane, which is used as a private access to various dwellings, including the underground parking garage associated with the apartment building at 6-10 Dalhousie Avenue. A recent survey, completed by The Beaches at Port Inc., indicates that a portion of the eavestrough for the existing detached dwelling at 1 Dalhousie Avenue overhangs and encroaches onto the subject lands.

#### The Proposal

Application **B-24/20SC** is made for consent to establish an easement, in perpetuity, over 3 m<sup>2</sup> of land (Part 2 on the submitted sketch) for the benefit of the easterly abutting lot known as 1 Dalhousie Avenue, for the existing eavestrough that is encroaching onto Gary Lane. A 185 m<sup>2</sup> remnant parcel (Parts 1, 2 & 3), known as Gary Lane, would be retained and continue to be used as a private access to the underground parking garage for the residents of 6-10 Dalhousie Avenue.

### Location and Site Description

The subject property is located on the southeast side of the Dalhousie Avenue right-of-way, just west of Lakeside Park. The property currently makes up the northern most extent of Gary Lane and is used to provide private access to the underground parking garage for the apartment building at 6-10 Dalhousie Avenue.

## **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 and Low Density Residential as per Schedule E1 of the Garden City Plan (GCP). The Low Density Residential designation permits detached, semi-detached, duplex, triplex, quadruplex, fourplex and townhouse dwellings at a density generally between 20 and 32 units per hectare.

A special policy in the GCP applies to the subject property outlined in Section 15.1.1(f) which restricts the height of buildings to 9 metres.

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

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

## **Planning Analysis**

### **Consent**

Application **B-24/20SC** requests consent to establish an easement/right-of-way to recognize the extent to which an existing eavestrough encroaches into Gary Lane. The eavestrough overhangs the curb associated with Gary Lane. The existing dwelling unit at 1 Dalhousie Avenue will be retained and Gary Lane will continue to function as a private access.

No changes to the properties or buildings are proposed and no adverse impacts are anticipated as a result of the proposal. The proposed easement will provide both properties with adequate access. Staff recommend that the application for consent be approved.

## **Conclusion**

Having regard for the matters under Section 53 of *The Planning Act*, staff are of the opinion that Application **B-24/20SC** 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, subject to the conditions outlined herein. Staff are recommending approval of the Application, subject to the conditions outlined in the recommendation.

**Prepared and Submitted by:**



---

Taya Devlin  
Planner I

**Approved by:**



---

Judy Pihach  
Manager of Planning Services

**Munro, Elaine**

---

**Subject:**

RE: Additional Applications added to Agenda RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for CofA Hearing

1 Towering Heights – Revised sketch  
1 ½ Dalhousie Avenue  
81 Cecil Drive

---

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

**Sent:** Tuesday, May 19, 2020 12:41 PM

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

**Subject:** Re: Additional Applications added to Agenda RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for 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

The small change for 1 Towering Heights is fine.

The rest of the application I see no issues or concerns.

Sorry Elaine I can't find Wil Banda email..

Thanks

Doug Crown  
Network Planning Department

7170 Mcleod Rd  
Niagara Falls Ont Canada

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

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



---

Memorandum

---

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

Cc: Judy Pihach, Wilrik Banda  
Planning and Building Services

From: Steven Sunderland, Building Inspector  
Planning and Building Services

Date: May 27, 2020

Subject: Building Comments on Applications to the Committee of Adjustment  
**Consents – June 10, 2020 hearing**

---

**B-23/20SC – 59 Wellington Street**

Comment:

- No Comment

Condition:

- No comment

**B-24/20SC – 1½ Dalhousie Avenue**

Comment:

- No Comment

Condition:

- No comment

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





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## Memorandum

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**To:** Will Banda, Planning and Building Services  
**CC:**  
**From:** Jessica Button, Community, Recreation and Culture Services  
**Date:** May 4, 2020  
**Subject:** Committee of Adjustment Hearing – May, 2020

---

PRCS has reviewed the Committee of Adjustment application for the hearing of April 29, 2020 and provides the following comments;

1. **6-10 Dalhousie Avenue**, Minor Variance, A-54/20 – 60.81.5644  
No comment.
2. **1½ Dalhousie Avenue**, Consent, B-24/20SC – 60.84.2301  
No comment.
3. **62 Tulip Tree Common, unit 10**, Minor Variance, A-52/20 – 60.81.5642  
No comment.
4. **81 Cecil Street**, Minor Variance A-53/20 – 60.81.5643  
No comment.
5. **11 Moffatt Street**, Consent, B-45/17SC – 60.84.2130 & Minor Variance A-91/17  
60.81.5260

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.

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

**REPORT TO PLANNING DEPARTMENT**  
**Re: CITY LAND DIVISION APPLICATION NUMBER B-24-20SC**

May 7, 2020

**ENGINEERING FILE 300-36**



**Hearing Date:** June 10, 2020

**Applicant:** The Beaches at Port Inc. (Steve Massis)

**Location:** 1 ½ Dalhousie Avenue

**ENGINEERING SERVICES**      **Dalhousie Avenue**

**Water:** 100mm C.I.  
20mm Private service to 1 Dalhousie Avenue

**Sanitary Sewer:** 50mm Forcemain service to 1 Dalhousie Avenue

**Storm Sewer:** None

**Sidewalks:** None

**Road Allowance Width:** 20.12m±

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

**Comment(s):** It is noted that the Owner wishes to recognize and permit an encroachment of an existing private eaves trough at 1 Dalhousie Avenue onto 1 ½ Dalhousie Avenue (privately-owned laneway Gary Road by The Beaches at Port Inc.). The application will allow the continued existence of the eavestrough encroachment onto 1 ½ Dalhousie Avenue.

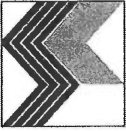
Development Engineering staff have reviewed this application and have no objection and no further comments or conditions to impose.

**Condition(s):** None required.

Prepared by:

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

c. James Denham, PBS (email only)



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## Memorandum

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

**Cc:**

**From:** Steve Bittner  
Transportation Technologist

**Date:** May 15, 2020

**Subject:** Committee of Adjustment  
Public Hearings – June 10, 2020  
File No. 305-17-01

---

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

Steve Bittner  
Transportation Technologist  
SB/

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

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

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# **COMMENTS**

**A-54/20 (60.81.5644)**

**6 - 10 Dalhousie Avenue**

**DATE OF HEARING:**  
**June 10, 2020**

**Munro, Elaine**

---

**Subject:**

RE: File no.60.81.61.5644 Submission No. A-54/20

**From:** Hans Brueschke < >

**Sent:** Saturday, May 23, 2020 12:13 PM

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

**Subject:** File no.60.81.61.5644 Submission No. A-54/20

**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.

My wife and I are concerned that this submission, if accepted, will further increase parking congestion on our Dalhousie Ave street area.

This will further impact our lability to safely enter and exit our driveway.

We are strongly in opposition to the acceptance of this submission.

Hans And Susan Brueschke

26 Dalhousie Ave.



**LAW FIRM**

Since 1993

-2-

77 City Centre Drive  
Suite 700  
Mississauga, Ontario  
L5B 1M5

Telephone 905-848-6100

Facsimile 905-896-1111

June 1<sup>st</sup> 2020

Committee of Adjustment, City of St. Catharines  
50 Church Street  
St. Catharines, ON L2R-7C2

**Attn: Elaine Munro, Secretary-Treasurer [emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)**

**Re: File No: 60.81.5644 6-10 Dalhousie Ave.**

Dear Committee,

I am the owner #5 Dalhousie Ave, and currently reside in Niagara-on-the-Lake. I plan to build and have one of my family members move into #5 Dalhousie; therefore, I have a keen interest in this application,

I strongly support this application.

I am very appreciative of the substantial investment and improvements made by the applicant including the improvements to Gary Lane, the new staircase from Lock Street to the beach, and enhanced lake views from Lock Street.

The substantial infrastructure investment and modernization constructed at this unique and constrained location is, in my opinion, an enhancement to the community and public realm. Accordingly, a minor variance to minimum parking widths and one accessible parking space is appropriate in this circumstance. As well, the impacted residents have appropriate notice of the amended parking dimensions and neither the public nor community is impacted.

Again, thank you to the applicant. I recommend the Committee approve this application.

Sincerely,

*Frank Racioppo*

Frank Racioppo B. Comm. M.B.A. LL.B.


Secretary Treasurer, Elaine Munro  
Committee of Adjustment, City Hall  
905-688-5601 X 1715  
[emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)  
PO Box 3012, 50 Church Street  
St. Catharines, L2R 7C2


**RE: 6-10 Dalhousie, Parking Space 1**

Dear Secretary Treasurer Ms. Munro,

I am a resident at 10 Dalhousie Avenue, Unit 403. I currently have one parking space located in the underground parking garage that I use regularly. I am satisfied with my parking space and I am in support of the minor variance application.

Regards,



Chris Nitsopoulos  
Suite 403  
10 Dalhousie Ave  




June 1st , 2020

Committee of Adjustment, City of Catharines  
50 Church Street  
St. Catharines, ON L2R 7C2

Attn: Elaine Munro, Secretary-Treasurer [emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)

Re: File No: 60.81.5644 6-10 Dalhousie Ave

Dear Committee

I am the owner of 44 Lock St, Port Dalhousie and currently reside in Fonthill. My current plan is to renovate 44 Lock St and move into, as such I consider myself having an interest in the reference application.

I wish to make it known that I strongly support the application.

I have seen improvements and investments made in the area including the new staircase from Lock street to the beach, improvements to Gary Lane and improvement to the lake views from Locke street all made by this applicant.

In my view this minor variance to minimum parking widths and one accessible parking space is appropriate and acceptable in this circumstance. Impacted residences have appropriately been given notice of the amended parking dimensions, I don't view the public or the community to be impacted. This substantial investment in infrastructure and modernization at this location truly is an enhancement to the area.

I would like to Thank you for reviewing this letter in support of the applicant and I recommend the Committee to approve the application submitted.

Respectively ,



Jovica (John) Stankovic





RPT	ACCRS	INFO	P.D.S	DEFERRED TO	INT.
DATE REC'D	→ MAY 28 2020			SCAN	<input type="checkbox"/>
FILE NO					

May 28, 2020

City of St. Catharines  
Committee of Adjustments  
50 Church St. St. Catharines, Ont.

Regarding: Minor Variance Application for 6-10 Dalhousie Ave A-54/20

Attention: Elaine Munro

Dear Ms. Munro

Please find enclosed letters from the following purchasers/residents of The Beaches at Port Inc. in support of the above mentioned minor variance application

- Suite: #101 Sandra Sabo: parking Spot #7
- Suite #102 John and Margaret Krall: Parking Spot #9 and #10
- Suite #202: Dr. and Martina Rose: Parking spots #13 and #14
- Suite #302: Una Wan: Handi-capped parking garage
- Suite #303: Jane Dark: Parking Spot #12
- Penthouse: Owen Billes: Parking Spots #2, #3, #4, #5

Please let me know if you require clarification or have any additional questions on the information provided

Regards

Aggie Harney

The Beaches at Port Inc.

May 21, 2020

Secretary Treasurer, Elaine Munro  
Committee of Adjustment, City Hall  
905-688-5601 X 1715

[emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)  
PO Box 3012, 50 Church Street  
St. Catharines, L2R 7C2

**RE: 6-10 Dalhousie, Parking Spaces #7**

Dear Secretary Treasurer Ms. Munro,

I am a resident at 10 Dalhousie Avenue, Suite #101. I currently have one parking space located in the underground parking garage that I use regularly. I am satisfied with my parking space and am in support of the minor variance application.

Regards,



Sandra Sabo  
Suite 101  
10 Dalhousie Ave  
St. Catharines, Ontario  
L2N 4W4

May 21, 2020

Secretary Treasurer, Elaine Munro  
Committee of Adjustment, City Hall  
905-688-5601 X 1715

[emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)


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

**RE: 6-10 Dalhousie, Parking Spaces #9 and #10**

Dear Secretary Treasurer Ms. Munro,

We are residents at 10 Dalhousie Avenue, Suite #102. We currently have two parking spaces located in the underground parking garage that we use regularly. We are satisfied with our parking spaces and are in support of the minor variance application.

Regards,



John and Margaret Krall  
Suite 102  
10 Dalhousie Ave  
St. Catharines, Ontario  
L2N 4W4

May 20, 2020

Secretary Treasurer, Elaine Munro  
Committee of Adjustment, City Hall  
905-688-5601 X 1715

[emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)

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

**RE: 6-10 Dalhousie, Parking Spaces #13 and #14**

Dear Secretary Treasurer Ms. Munro,

We are residents at 10 Dalhousie Avenue, Suite #202. We currently have two parking spaces located in the underground parking garage that we use regularly. We are satisfied with our parking spaces and are in support of the minor variance application.

Regards,



Martina and Roger Rose  
Suite 202  
10 Dalhousie Ave  
St. Catharines, Ontario  
L2N 4W4

Secretary Treasurer, Elaine Munro  
Committee of Adjustment, City Hall  
905-688-5601 X1715  
[emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)  
PO Box 3012, 50 Church Street  
St. Catharines, L2R 7C2

**RE: 10 Dalhousie, Submission No. A-54/20, Parking Space S5**

Dear Ms. Munro,

Please accept this letter as confirmation that I am satisfied with my accessible parking space at the Beaches at Port Inc. and I am in support of the proposed minor variance application to reduce the requirement for an accessible parking space on site. I am in a wheelchair and the parking space located in the garage accommodates my van with a ramp to enter and exit my van. The space allows me access in and out of my suite and the building. Please let me know if you require further clarification or additional information.

Regards,



Una Wan  
Suite #302  
10 Dalhousie Ave  
St. Catharines  
L2N 4W4


Secretary Treasurer Elaine Munro  
Committee of Adjustment, City Hall  
905-688-5601 X 1715  
[emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)  
PO Box 3012, 50 Church Street  
St. Catharines, L2R 7C2

**RE: 6-10 Dalhousie, Minor Variance Application for Parking**

Dear Ms. Munro,

This is a letter in support of the minor variance application to Zoning By-law 2013-283 for the reduced size of the parking spaces at 10 Dalhousie Avenue. I have a space in the underground parking area that I use every day (Parking Space 12). I am available to answer any further questions. Thank you.

Regards,



Jane Elizabeth Dark  
Suite 303  
10 Dalhousie Ave

May 21, 2020

Secretary Treasurer, Elaine Munro  
Committee of Adjustment, City Hall  
905-688-5601 X 1715  
[emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)  
PO Box 3012, 50 Church Street  
St. Catharines, L2R 7C2

**RE: 6-10 Dalhousie, Minor Variance Application A-54/20**

Dear Secretary Treasurer,

I am the buyer of the Penthouse Suite at 10 Dalhousie Ave in Port Dalhousie (St. Catharines)  
I have four (4) assigned parking spaces (#2, #3, #4, #5) in the underground parking garage.  
I am writing this letter in support of the proposed application.  
I am satisfied with the four (4) spaces I have at the condominium building.

Regards,



Owen Billes  
Penthouse  
10 Dalhousie Ave  
St. Catharines, Ontario  
L2N 4W4





CITY OF  
ST. CATHARINES

## Technical Report

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

**Date of Report:** June 5, 2020

**Date of Meeting:** June 10, 2020

**Report Number:** A-54/20

**File:** 60.81.5644

**Subject:** 6-10 Dalhousie Avenue

## Recommendation

### Minor Variance

That Variances 1 and 2 of Application **A-54/20** by The Beaches at Port Inc., as outlined in the Notice of Hearing, be approved.

## Report

### Background

6-10 Dalhousie has been subject to a number of applications and approvals since 2011 (Official Plan Amendment, Zoning By-law Amendment, Consent, Site Plan Approval, Draft Plan of Condominium) to permit development of a condominium apartment building, detached dwelling and associated private access (Gary Lane). Construction of the apartment building has been underway since 2018 and is nearing completion. Occupancy has been granted for some of the units although the condominium has not been finally registered and units not transferred to purchasers.

It has come to the attention of Staff that a number of parking spaces on site, which are now fully constructed and being used by tenants, do not meet the City's required parking space widths. When the plans were reviewed and approved by staff, 25 parking spaces including 24 standard spaces and 1 accessible space (3.4 metres wide with a 1.5 metre hatched aisle) were indicated on the plans, however the stall dimensions did not consider any obstructions. While 2.6 metres is the required width for a standard parking space in the City of St. Catharines, the City's Zoning By-law (2013-283) requires increased parking space width for a space that is obstructed on one side (3 metres) and two sides (3.5 metres).

Following construction and review of the as-built plan (submitted with this application), 5 of the 25 spaces provided on site comply with the City's requirements, and 20 of the 25 spaces do not meet the minimum parking space width requirements of the zoning by-law. Twenty of the 25 parking spaces are obstructed on one or both sides. During construction, a mechanical unit was constructed partially within the 1.5 metre hatched

aisle associated with the accessible parking space, as such this space is included as a deficient space.

The Applicant received Draft Plan of Condominium Approval on October 26, 2018. The identified zoning deficiencies need to be addressed prior to proceeding with registration of the final Plan of Condominium.

## **The Proposal**

Application **A-54/20** is made pertaining to the City of St. Catharines By-law 2013-283 for the following:

- 1) A reduction of the minimum required parking from 21 spaces to 5 spaces.
- 2) A reduction of the minimum accessible parking from 1 space to 0 spaces.

The variances are requested to recognize the as built condition on site.

It is important to note that the parking spaces that are undersized have been and will continue to be used by tenants for parking, where feasible.

## **Location and Site Description**

The subject property is located on the northeast side of the intersection of Dalhousie Avenue and Lock Street. The property is located adjacent to Lake Ontario (north) and Lakeside Park (east).

The property has been subject to past approvals for development consisting of a detached dwelling and 13-unit apartment building. The construction of those works is near completion and occupancy within the apartment building has been granted for a number of units.

## **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 and Low Density Residential and Natural Areas as per Schedule E1 of the Garden City Plan (GCP). The Low Density Residential designation permits detached, semi-detached, duplex, triplex, quadruplex, fourplex and townhouse dwellings at a density generally between 20 and 32 units per hectare.

A special policy in the GCP applies to the subject property outlined in Section 15.1.1(i) which permits a medium density residential development consisting of one single detached dwelling and a 15-unit apartment building, for a maximum of 16 dwelling units.

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

The subject property is zoned Medium Density Residential with Special Provision 74 (R3-74). The R3 zone permits detached, semi-detached, duplex, triplex, fourplex, quadruplex, townhouse, apartment building, long-term care facility and private road development. Special Provision 74 permits a single detached dwelling and an apartment building with a maximum height of 9 metres and various site specific setbacks. The Special Provision also establishes a minimum parking requirement of 1.5 spaces per dwelling unit.

## **Planning Analysis**

### **Variance 1**

Site specific Special Provision 74 outlines a minimum requirement of 1.5 parking spaces per unit. The site contains a recently constructed apartment building with 13 dwelling units and a detached dwelling. With a total of 14 units, a minimum 21 parking spaces are required. The plans reviewed and approved as part of the Registered Site Plan Agreement indicate 2 parking spaces to be provided in the driveway associated with the detached dwelling, 5 parking spaces to be provided in the surface parking area of the apartment building (including 1 accessible parking space in a garage) and 18 parking spaces in the underground parking garage.

In accordance with the City's Zoning By-law (2013-283) a standard parking space is required to be 2.6 metres wide by 5.2 metres deep. When a parking space is obstructed on one side, the required width increases to 3 metres and a space obstructed on two sides is required to be 3.5 metres wide. At the time of approval, the plans were reviewed by staff without consideration of obstructions. Of the 25 parking spaces, 22 are obstructed on one or both sides. A total of 5 spaces meet the requirements of the by-law, being three of the spaces (S1, S2, and S4) within the surface parking area associated with the apartment building and two parking spaces (S6 and S7) in the driveway of the detached dwelling (see Appendix 1 attached).

<b>Location</b>	<b>Label on Plan</b>	<b>Obstructions</b>	<b>Width Required</b>	<b>Width Provided</b>
Surface Parking Area of Apartment	S1	1.Fence	3 metres	3 metres
	S2	None	2.6 metres	3 metres
	S3	1.Fence 2.Bollards	3.5 metres	3.4 metres
	S4	1.Wall of Building/Garage	3 metres	3 metres
Garage within Surface Parking Area of Apartment	S5 *Accessible Space	1.Wall of Building/Garage 2.Mechanical Unit	3.4 metres + 1.5 metre hatched aisle, 5.2 metres in length	Hatched aisle is 4.18 metres in length
Driveway of Detached Dwelling	S6	None	2.6 metres	3 metres
	S7	None	2.6 metres	3 metres

Underground Parking Garage for Apartment, accessed by Gary Lane	Unit 1	1.Column	3 metres	2.4 metres
	Unit 2	1.Column	3 metres	2.4 metres
	Unit 3	1.Column	3 metres	2.4 metres
	Unit 4	1.Column	3 metres	2.4 metres
	Unit 5	1.Wall	3 metres	2.7 metres
	Unit 6	1.Wall	3 metres	2.4 metres
	Unit 7	1.Column	3 metres	2.4 metres
	Unit 8	1.Column 2.Column/Wall	3.5 metres	2.2 metres
	Unit 9	1.Wall	3 metres	2.4 metres
	Unit 10	1.Wall	3 metres	2.4 metres
	Unit 11	1.Wall	3 metres	2.7 metres
	Unit 12	1.Column	3 metres	2.4 metres
	Unit 13	1.Column	3 metres	2.36 metres
	Unit 14	1.Column	3 metres	2.4 metres
	Unit 15	1.Column 2.Column	3.5 metres	2.4 metres
	Unit 16	1.Column 2.Column	3.5 metres	2.4 metres
	Unit 17	1.Column 2.Column	3.5 metres	3.4 metres
	Unit 18	1.Column 2.Wall	3.5 metres	2.26 metres

The development is now largely constructed and partially occupied. All 18 parking spaces within the underground parking garage are deficient in width due to obstructions. The obstructions in the underground parking garage are caused by the walls of the structure or structural columns, which cannot be moved or altered. The dimensions of the spaces, as indicated in the chart above, are indicative of the space at its narrowest point and beyond the obstructions, 16 of the 18 underground spaces widen to a width of at least 2.6 metres. Within the surface parking area, the obstructions are caused by the walls of the structure or bollards and fences that have been constructed adjacent to parking spaces. As such, opportunities to increase the width of spaces are limited without major impact to the structural integrity of the building.

While the spaces do not comply with the width required by the City's Zoning By-law, staff understand that many of the spaces are currently being used by tenants who occupy units in the apartment building. The subject application has been made to reduce the number of required spaces to reflect only those spaces that comply with the City's standard width requirements, however the 25 parking stalls that are shown on the plan and are now constructed on site will remain and can continue to be used for parking, where feasible. Part C, Section 5.4.2 of the GCP states that when considering the reduction or elimination of parking, the applicant must demonstrate that reduced vehicular parking standards will not aggravate the parking supply, and not result in unacceptable levels of spill-over parking in adjacent areas to cause negative impact to travel, traffic and parking management. In this case, the reduced parking is to recognize an existing situation where

parking spaces have been constructed and are provided on site that unfortunately do not provide the required parking stall width. Due to the advanced stage of construction and structural nature of the obstructions, acknowledging the reduced parking standards is required.

Staff understand and recognize that should a tenant have difficulty using the undersized parking space assigned to their unit, they may instead use one of the surface parking spaces, which were originally intended to provide visitor parking. This outcome reduces the availability of visitor parking on site and consequently may force some visitors to utilize on-street parking on Dalhousie Avenue. There are no parking spaces available on Gary Lane, the private road which leads to the underground parking garage. This consequence is not anticipated to substantially impact the on street parking availability on Dalhousie Avenue.

## **Variance 2**

The applicant requests a reduction of the minimum accessible parking from 1 space to 0 spaces. In accordance with the approved plans, the accessible space was to be located within the garage accessed by the surface parking area (S5). A parking space has been constructed within the garage, however, an accessible space is required to have a minimum width of 3.4 metres and depth of 5.2 metres with an adjacent 1.5 metre hatched aisle the entire length of the space. During construction, a mechanical unit was constructed partially within the hatched aisle causing it to be reduced in length from 5.2 metres to 4.18 metres. As such, it does not comply with accessible standards and cannot be considered an accessible space. Staff understand this space is being used consistently by a tenant, and while the City cannot recognize the space, it can continue to be used.


The requested variances will not result in any physical change on site and the spaces that have been constructed will remain for continued use by the residents, where feasible.

## **Conclusion**

Having regard for the matters under Section 45(1) of the *Planning Act*, staff are of the opinion that Minor Variance Application **A-54/20** 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 recommend approval accordingly.

**Prepared and Submitted by:**

**Approved by:**



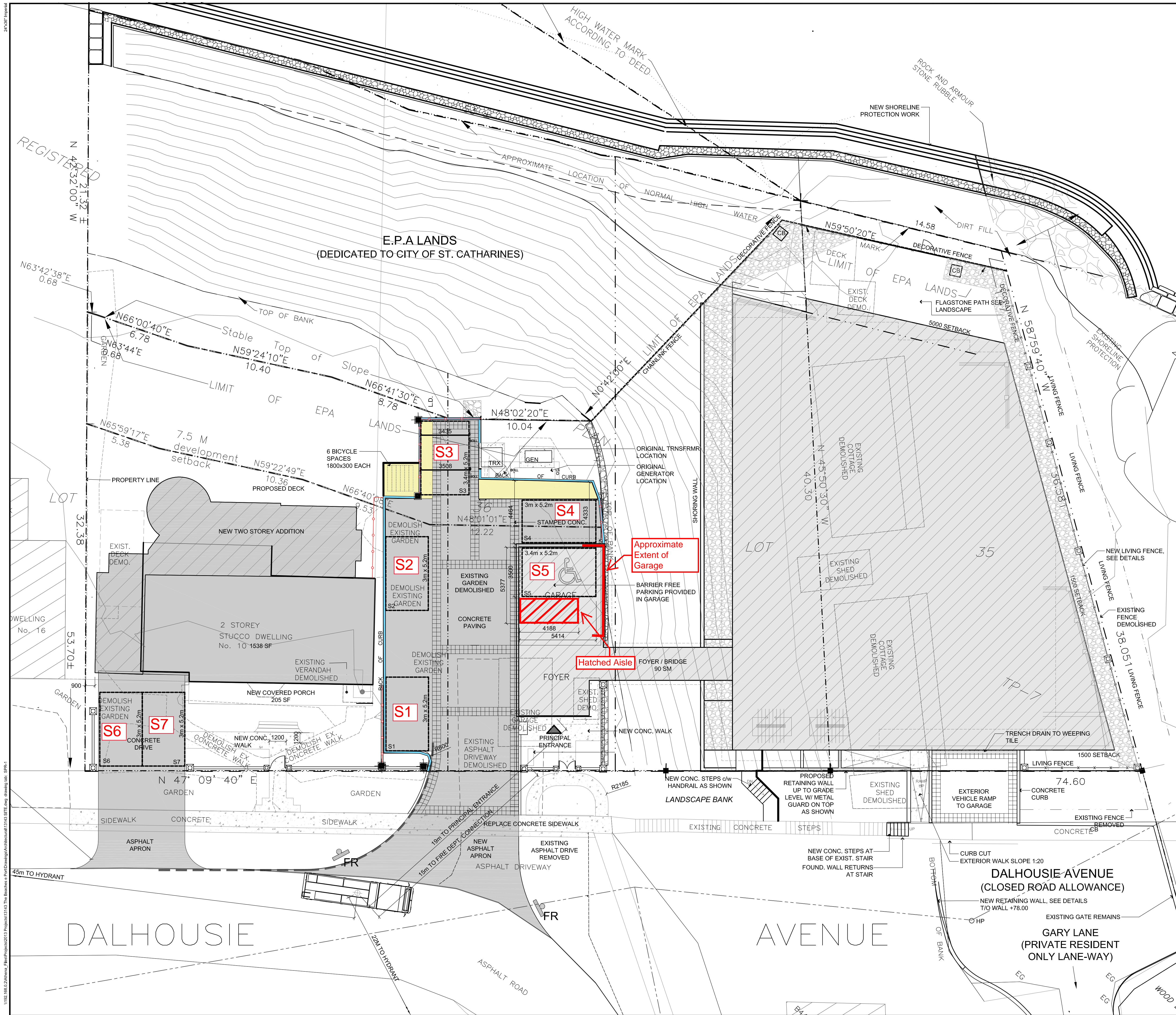
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Taya Devlin  
Planner I

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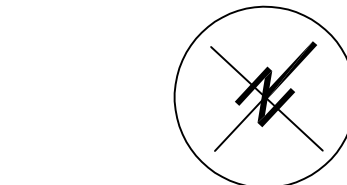
Judy Pihach  
Manager of Planning Services





City Staff Markups  
Noted in Red Text

DRAWING LEGEND	
	NEW CONCRETE SIDEWALK
	PAINTED ASPHALT
	TEXTURED SURFACE AT CROSS TRAFFIC
	REMOVED ASPHALT + CONCRETE (SEE 10431-SS)
	PAINTED PARKING SYMBOL
	PRINCIPAL ENTRANCE
	FENCING RELATED TO PARKING
	CONCRETE CURB
	EXPANDED PARKING LOT / BICYCLE PARKING AREA



A	MINOR VARIANCE	LC
issue	issued for	date
seal		int.

Do not scale drawings. Report any discrepancies to Quartek Group Inc. before proceeding.

Drawings must be sealed by the Architect and / or Engineer prior to the use for any building permit applications and / or government approval. Seals must be signed by the Architect and / or Engineer before drawings are used for any construction.

All construction to be in accordance with the current Ontario Building Code and all applicable Ontario regulations. All drawings and related documents remain the property of Quartek Group Inc., all drawings are protected under copyright and under contract.

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Engineers • Project Managers  
T: 905.984.8676  
89 - 91 St. Paul Street, Suite 100,  
St. Catharines, ON, L2R 3M3  
www.quartekgroup.com

project title

THE BEACHES AT PORT

6-10 DALHOUSIE AVE, ST. CATHARINES, ON

drawing title

SITE PLAN VARIANCE  
SKETCH

drawn by

LC

designed by

NO

scale

AS NOTED

date

07 APR 2020

job number

13143

issue

A

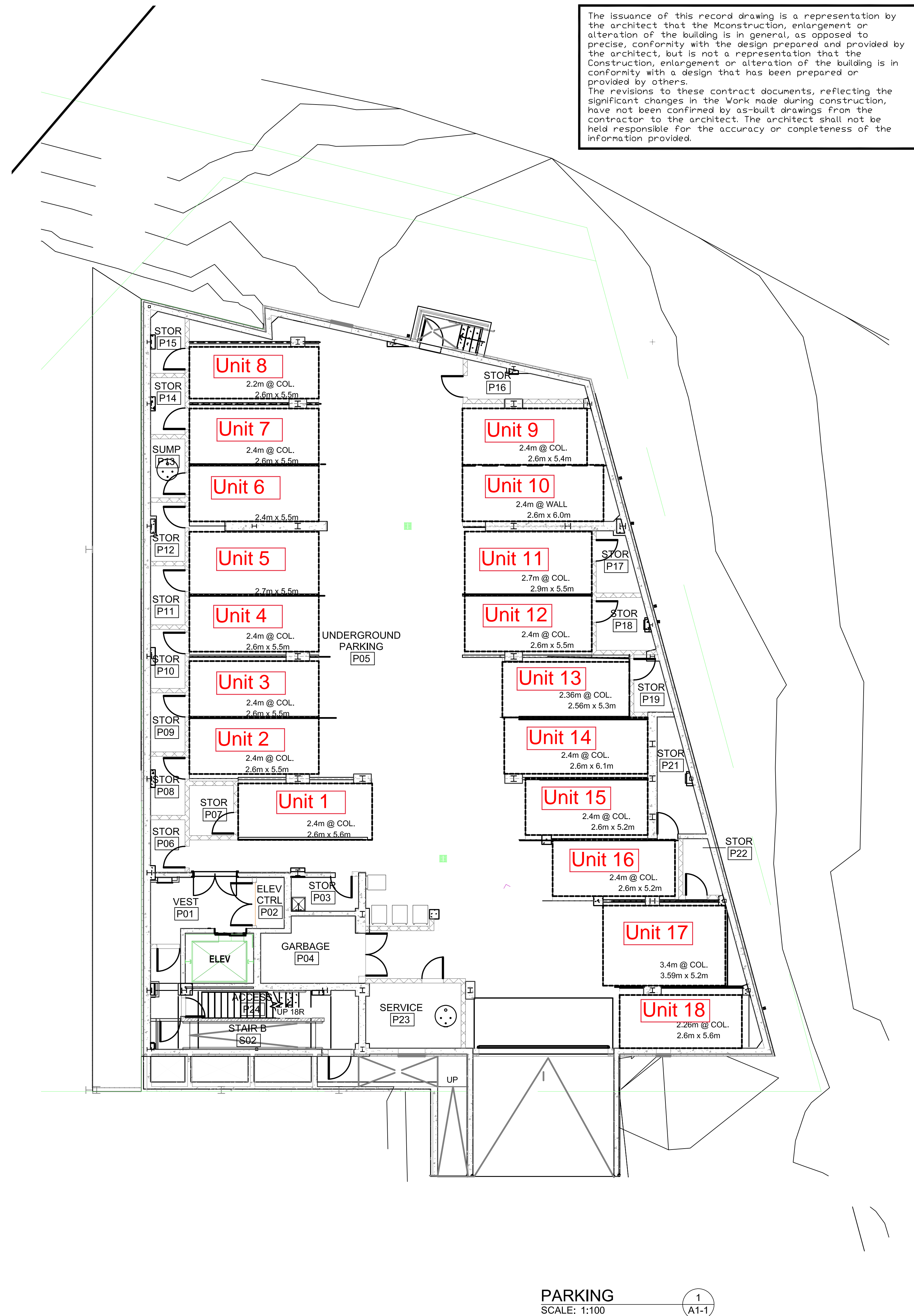
drawing number

SP-1V

SITE PLAN  
SCALE: 1:125

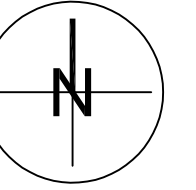
1  
SP2





The issuance of this record drawing is a representation by the architect that the Moonstruction, enlargement or alteration of the building is in general, as opposed to precise, conformity with the design prepared and provided by the architect, but is not a representation that the Moonstruction, enlargement or alteration of the building is in conformity with a design that has been prepared or provided by others.

The revisions to these contract documents, reflecting the significant changes in the Work made during construction, have not been confirmed by as-built drawings from the contractor to the architect. The architect shall not be held responsible for the accuracy or completeness of the information provided.

[illegible]

A	DESIGN RECORD DRAWINGS	25MAR2020	LC
issue	issued for	date	init.
seal			

Do not scale drawings. Report any discrepancies to Quartek Group Inc. before proceeding.

Drawings must be sealed by the Architect and / or Engineer prior to the use for any building permit applications and / or government approval. Seals must be signed by the Architect and / or Engineer before drawings are used for any construction.

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♦ Engineers ♦ Project Managers

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[www.quartekgroup.com](http://www.quartekgroup.com)

project title

## THE BEACHES AT PORT

6-10 DALHOUSIE AVE. ST. CATHARINES, ON

drawing title

## UNDERGROUND PARKING VARIANCE SKETCH

drawn by LC designed by IE

scale	date
AS NOTED	08 APR 2016

job number	issue
13143	A

drawing number  
A1-1V



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## Memorandum

---

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

Cc: Judy Pihach, Wilrik Banda  
Planning and Building Services

From: Steven Sunderland, Building Inspector  
Planning and Building Services

Date: May 27, 2020

Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance – June 10, 2020 hearing**

---

NO.	ADDRESS	COMMENTS
A-20/20	47 Thomas Street	No Comment
A-47/20	58 Barbican Trail	Be advised that a building permit is required for the proposed basement accessory dwelling unit to the single detached dwelling unit.
A-48/20	1 Towering Heights Boulevard	No Comment
A-49/20	63 Rosedale Avenue	Be advised that a building permit (Change of Use) is required for the proposed electrical contractor's office space and storage within an existing building.
A-50/20	160 Fourth Avenue	Be advised that a building permit is required for the proposed addition to the building.
A-52/20	62 Tulip Tree Common	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-53/20	81 Cecil Street	No Comment
A-54/20	6-10 Dalhousie Ave.	No Comment

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





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## Memorandum

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**To:** Will Banda, Planning and Building Services  
**CC:**  
**From:** Jessica Button, Community, Recreation and Culture Services  
**Date:** May 4, 2020  
**Subject:** Committee of Adjustment Hearing – May, 2020

---

PRCS has reviewed the Committee of Adjustment application for the hearing of April 29, 2020 and provides the following comments;

1. **6-10 Dalhousie Avenue**, Minor Variance, A-54/20 – 60.81.5644  
No comment.
2. **1½ Dalhousie Avenue**, Consent, B-24/20SC – 60.84.2301  
No comment.
3. **62 Tulip Tree Common, unit 10**, Minor Variance, A-52/20 – 60.81.5642  
No comment.
4. **81 Cecil Street**, Minor Variance A-53/20 – 60.81.5643  
No comment.
5. **11 Moffatt Street**, Consent, B-45/17SC – 60.84.2130 & Minor Variance A-91/17  
60.81.5260

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.

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



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## Memorandum

---

**To:** Elaine Munro, ACST, Committee Secretary & Planning Technician  
**Cc:** City Committee of Adjustment Staff Members  
**From:** Brad Johnston, C.E.T., Development Engineering Technologist  
**Date:** May 19, 2020  
**Hearing Date:** June 10, 2020  
**Subject:** **Committee of Adjustment - Minor Variance Applications**  
47 Thomas Street, A-20/20SC  
58 Barbican Trail, A-47/20SC  
35 (1) Towering Heights Boulevard, A-48/20SC  
63 Rosedale Avenue, A-49/20SC  
160 Fourth Avenue, A-50/20SC  
62 Tulip Tree Common, A-52/20SC  
81 Cecil Street, A-53/20SC  
6-10 Dalhousie Avenue, A-54/20SC

---

Development Engineering have no objections to the above applications subject to the following conditions applicable to 47 Thomas Street and 35 (1) Towering Heights Boulevard:

### **47 Thomas Street, A-20/20SC**

The Owner shall have prepared by an Ontario Land Surveyor or Professional Engineer

1. a topographic grading plan identifying all existing grades on the subject lands and all abutting properties in order to establish the existing drainage patterns on and adjacent to the site, for review and approval.

### **35 (1) Towering Heights Boulevard**

The Owner shall have prepared by a Professional Engineer

1. a detailed Grading & Drainage plan and an accompanying Stormwater Management Report detailing how the site will accommodate post-development storm flows to pre-development rates up to and including the 5-year storm (minor) event, and also how the site will accommodate and convey the major flows (greater than the 5-year event) to a suitable and secured outlet. The report should also include a quality control component to the satisfaction of the City and the Niagara Peninsula Conservation Authority; and
2. A certified cost estimate for the removal of and restoration of the 'temporary parking lot', inclusive of lighting requirements. The City shall obtain, based on this estimate, securities representative of 120% of these estimated costs of removal and restoration, no less than \$20,000, and shall not be returned until such time as the 'temporary parking lot' is restored to pre-existing conditions to the satisfaction of the City Engineer.

Prepared by:

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

**Attachments:** Towering Heights Parking Lot Civil Submission – Red-lined



---

## Memorandum

---

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

**Cc:**

**From:** Steve Bittner  
Transportation Technologist

**Date:** May 15, 2020

**Subject:** Committee of Adjustment  
Public Hearings – June 10, 2020  
File No. 305-17-01

---

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

Steve Bittner  
Transportation Technologist  
SB/

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

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

---

# **COMMENTS**

**A-20/20 (60.81.5610)**

**47 Thomas Street**

**DATE OF HEARING:**

**June 10, 2020**

**(Rescheduled from April 29, 2020)**

ANDREA M. MANNELL  
905-688-9410 – Direct Line  
amannell@sullivan-mahoney.com  
Please reply to St. Catharines Office

June 5, 2020

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

Dear Ms. Munro:

**Re: Janzen re: 47 Thomas Street, St. Catharines – Minor Variance Application**  
**Our File No.: 122573**

---

We act for John Walter Janzen and Margaret Melanie Janzen (“Clients”) in regards to their application for two minor variances (“Application”) at lands known municipally as 47 Thomas Street, St. Catharines (“Subject Lands”). The following are our written submissions in support of the Application. These written submissions will complement the oral submissions which we intend to provide at the hearing scheduled for June 10, 2020.

### **Background**

The Subject Lands consist of a large lot that contains a two-storey apartment building with eight residential units. A paved parking area is located towards the front of the Subject Lands and a grassed amenity area is located to the side and rear of the Subject Lands.

To the north of the Subject Lands are lands known municipally as 49A Thomas Street, which contain a small residential dwelling and a paved driveway. Both the dwelling and the driveway located on 49A Thomas Street are located immediately adjacent to the boundary of the Subject Lands with very little buffer space in between.

Historically, the Subject Lands have contained a narrow, grassed strip of land which runs along the northern boundary of the Subject Lands, separating the Subject Lands from 49A Thomas Street and bordering the paved parking area located on the Subject Lands. The grassed strip measured

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approximately 1.73 metres at its widest point and tapered toward the front of the Subject Lands to a width of approximately 0.43 metres.

The Zoning By-law requires a landscape buffer of 3.0 metres on a lot line abutting a residential zone for a parking area with 5 to 20 parking spaces. The grassed strip did not conform with the Zoning By-law's landscape buffer provision and was a legal non-conforming use. The Zoning By-law also requires a minimum of 35% of the Subject Lands to be landscaped open space.

The Applicants, unaware of the Zoning By-law's landscape buffer provision, recently repaved the parking area at the Subject Lands in order to improve the function and aesthetic appearance of the parking area. Through the repaving process, the Applicants relocated the existing catch basin and added a second catch basin. The repaving also involved a comprehensive regrading of the parking area to ensure that water would be directed away from neighbouring properties and into the two catch basins. As a result of the repaving process, flow and drainage of water on the parking area has been significantly improved such that the water drains into the catch basins located in the parking area and not onto the neighbouring properties. Photographs depicting the repaved parking area are attached to these submissions.

The removal of the grassed strip also reduced the percentage of the Subject Lands which are landscaped open space down to 34.1%, slightly below the 35% required by the Zoning By-law.

### **Minor Variance Application**

The Application seeks two minor variances, as follows:

1. A reduction in the landscape buffer provision from 3.0 metres to 0 metres; and
2. A reduction in the minimum landscaped open space from 35% to 34.1%.

#### **a. The Application is minor in nature**

The Application is minor in nature in that the grassed strip which formerly existed on the Subject Lands was not 3.0 metres. Accordingly, any reduction in the landscape buffer provision is in relation to what was formerly existing on the Subject Lands, which was a legal non-conforming use. The reduction in the minimum landscaped open space from 35% to 34.1% represents a reduction of 0.9%, which is a nominal reduction and inherently minor.

#### **b. The Application is desirable for the appropriate development of the Subject Lands**

The variance sought would allow the parking area to remain as it is. This is desirable for the appropriate development of the Subject Lands as the repaving has dramatically improved both the appearance and the function of the Subject Lands.

Further, as a result of the repaving, neighbouring properties, and particularly 49A Thomas Street, are better insulated from any water which may be present on the parking area, as such water is now directed into the catch basins located on the parking area, removing any concern that such water will drain onto and affect neighbouring properties. This is desirable because it allows the parking area on the Subject Lands to exist in harmony with the neighbouring uses, despite the slight reduction in the landscape buffer and landscaped open space on the Subject Lands.

**c. The Application conforms to the general intent of the Zoning By-law**

The general intent of the landscape buffer provision as contained in the Zoning By-law is to aid in drainage. As the Applicants have achieved improved drainage through the repaving of the parking area, the intent of the landscape buffer provision is achieved through an alternative means which exceed the drainage properties of the grassed strip which was previously on the Subject Lands.

**d. The Application conforms to the general intent of the Official Plan**

The Official Plan directs that parking areas should provide sustainable storm water management. The Official Plan further directs that redevelopment within the Urban Area should preserve landscapes and support a wide variety and choice of housing accommodation to provide accessible, affordable, adequate, and appropriate housing for all socio-economic groups. The repaving completed by the Applicants achieves these directions, as storm water management is dramatically improved with only a minor adjustment to the landscape features on the Subject Lands through the removal of the grassed strip, while providing an improved parking area to support the residents of the apartment building, thereby supporting a variety and choice of housing accommodation.

**Conclusion**

Both variances sought meet the tests as outlined in section 45(1) of the *Planning Act* in that they are minor, desirable for the appropriate development of the lands in question, conform to the general intent of the Zoning By-law, and conform to the general intent of the Official Plan. Based on these submissions, we ask that the variances be granted.

Yours very truly,

A handwritten signature in dark ink, appearing to read "Amanny", is written over a light blue horizontal line.

Sullivan Mahoney LLP















## Technical Report

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

**Date of Report:** June 3, 2020

**Date of Meeting:** June 10, 2020

**Report Number:** A-20/20

**File:** 60.81.5610

**Subject:** 47 Thomas Street

### Recommendation

That Application **A-20/20** by John Janzen and Margaret Janzen, as outlined in the Notice of Hearing, be approved.

### Report

#### Background

The existing two-storey apartment building is a non-complying use, as it was built in 1966. The owner has recently conducted work to remove an approximately 1.73-metre-wide landscape strip that previously existed along the northerly lot line, which abuts a residential use. A By-law complaint was issued, and the property was subsequently found to be non-compliant with the Zoning By-law's landscaped area and landscape buffering requirements as a result of paving the existing landscape strip.

#### The Proposal

Application **A-20/20** is made to recognize the property's deficiency in landscape buffer along the northerly property line and in total landscaped open space requirements. These Minor Variances are outlined in the table below:

Variance #	Zoning Provision	Required	Proposed
1	Minimum Width of a Landscape Buffer between a Parking Area with 5 to 20 Parking Spaces and a Lot Line Abutting a Residential Zone	3 metres	0 metres
2	Minimum Landscaped Open Space	35%	34.1%

#### Location and Site Description

The subject property located on the west side of Thomas Street, north of Louisa Street. The property is surrounded by detached dwellings to the north, south and east, and a mix of single and multi-unit residential dwellings to the west.

The northerly abutting property contains a detached dwelling in close proximity to the shared lot line, which is the where the landscape buffer was removed. There is a row of columnar trees separating the front yards, and a wood board fence separating the remainder of the shared property line. The subject property is paved all the way to the lot line with a 0 metre buffer.

## **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 E4 thereof. The Medium Density Residential designation permits apartment buildings at a density range generally between 25 and 99 units per hectare.

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

The subject property is zoned Medium Density Residential (R3). Apartment buildings are permitted.

## **Planning Analysis**

### **Variance 1**

Zoning By-law 2013-283 requires that a minimum 3.0-metre-wide landscape buffer be provided along a parking area with 5 to 20 parking spaces where the lot line abuts a residential zone. The intent of the provision is to ensure an appropriate transition between neighbouring land uses that provides screening of vehicles and breaks up large hard-surfaced parking areas. It also may act as a barrier, preventing stormwater runoff from impacting adjacent properties.

The Applicant is requesting a reduction of the minimum landscape buffer width from 3 metres to 0 metres along the northerly lot line for the purpose of recognizing the existing parking area, which was expanded in 2019. The extension appears to provide improved access to parking spaces by relieving some pinch points in the parking area.

Staff are of the opinion that the existing visual separation of the subject property from the northerly abutting parcel is sufficiently maintained due to the existing row of trees and wood fence which line the property. The removal of the grass area is insignificant and virtually undetectable from the adjacent neighbouring property, as it is obscured from view by the trees and fence that line the shared property line. In this regard, Staff are satisfied that the intent of the Official Plan and Zoning By-law are being met. The removal of the landscape buffer improves the subject property in terms of functionality and safety, and is thereby desirable for the appropriate use of the lands.

Altogether, Staff view the variance as minor in nature and are recommending approval accordingly.

## Variance 2

Zoning By-law 2013-283 requires that a landscaped open space area, with a minimum of 35% of the total lot area be provided. The intent of this provision is to ensure adequate amenity space is provided, increase aesthetic value, and allow for stormwater infiltration.

The Applicant, by removing the grass strip along the northerly side of the property, reduced the landscaped open space area to 34.1%, which is below the minimum threshold of 35%. The 0.9% reduction in minimum landscaped open space area is minor in nature, in keeping with the intent of the Official Plan and Zoning By-law, and desirable for the appropriate use of the lands. Staff recommend approval of Variance 2 of Application **A-20/20**.

## Conclusion


Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Application **A-20/20** 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 recommend approval of the Application.

**Prepared by:**

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Connor Wright  
Student Planner

**Submitted by:**



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Charlotte McEwan  
Planner I

**Approved by:**

  
Judy Pihach  
Manager of Planning Services

**From:** [Munro, Elaine](#)  
**To:** [Munro, Elaine](#)  
**Subject:** RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for CofA Hearing - Email 1  
**Date:** Friday, April 17, 2020 10:03:52 AM

---

59 Wellington  
47 Thomas  
58 Barbican Trail  
63 Rosedale

**Elaine Munro** ACST  
Committee Secretary and Planning Technician  
Email: [emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)  
Tel: 905.688.5601 x1715

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**From:** Doug Crown <[doug.crown@cogeco.com](mailto:doug.crown@cogeco.com)>  
**Sent:** Friday, April 17, 2020 9:52 AM  
**To:** Munro, Elaine <[emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)>  
**Subject:** Re: Committee of Adjustment Notices and Applications, City of St. Catharines, for 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 issue or concerns with these applications..

Thanks

Stay safe

Doug Crown  
Network Planning Department  
[Doug.crown@cogeco.com](mailto:Doug.crown@cogeco.com)

7170 Mcleod Rd  
Niagara Falls Ont Canada

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





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## Memorandum

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

Cc: Judy Pihach, Wilrik Banda  
Planning and Building Services

From: Steven Sunderland, Building Inspector  
Planning and Building Services

Date: May 27, 2020

Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance – June 10, 2020 hearing**

---

NO.	ADDRESS	COMMENTS
A-20/20	47 Thomas Street	No Comment
A-47/20	58 Barbican Trail	Be advised that a building permit is required for the proposed basement accessory dwelling unit to the single detached dwelling unit.
A-48/20	1 Towering Heights Boulevard	No Comment
A-49/20	63 Rosedale Avenue	Be advised that a building permit (Change of Use) is required for the proposed electrical contractor's office space and storage within an existing building.
A-50/20	160 Fourth Avenue	Be advised that a building permit is required for the proposed addition to the building.
A-52/20	62 Tulip Tree Common	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-53/20	81 Cecil Street	No Comment
A-54/20	6-10 Dalhousie Ave.	No Comment

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



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## Memorandum

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**To:** Elaine Munro, Planning and Building Services

**CC:**

**From:** Jessica Button, Community, Recreation and Culture Services

**Date:** March 31, 2020

**Subject:** Committee of Adjustment Hearing – April 29, 2020

---

PRCS has reviewed the Committee of Adjustment application for the hearing of April 29, 2020 and provides the following comments;

**1. 59 Wellington Street, Consent, B-23/20SC – 60.84.2300**

No comment.

**2. 47 Thomas Street, Minor Variance A-20/20 – 60.81.5610**

Zoning by-law requirements intended for landscape strips provide a buffer between land uses. The previous sod area did not meet current standards for landscaping in terms of size or material and did provide plant materials which served to buffer the adjacent uses. CRCS offers no objection to the reduction for the existing use.

**3. 8 Paxton Avenue, Consent, B-22/20SC – 60.84.2299**

**8 Paxton Avenue, Minor Variance, A-45/20 – 60.81.5635**

**10 Paxton Avenue, Minor Variance, A-46/20 – 60.81.5363**

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.

**4. 58 Barbican Trail Street, Minor Variance A-47/20 – 60.81.5637**

No comment

**5. 1 Towering Heights, Minor Variance A-48/20 – 60.81.5638**

No comment.

**6. 63 Rosedale Avenue, Minor Variance A-49/20 – 60.81.5639**

No comment.

**7. 160 Fourth Avenue, Minor Variance A-50/20 – 60.81.5644**

A trailer is ideally located in a loading zone, located at the side or rear of site. A number of exiting mature trees are located in this area. Should the application be approved, an updated landscape plan should include tree protection measures.

**8. 192 - 194 Glendale Avenue, Minor Variance A-51/20 – 60.81.5641**

Site plan considerations are best addressed prior to the consideration of the variances.

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



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## Memorandum

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**To:** Elaine Munro, ACST, Committee Secretary & Planning Technician  
**Cc:** City Committee of Adjustment Staff Members  
**From:** Brad Johnston, C.E.T., Development Engineering Technologist  
**Date:** May 19, 2020  
**Hearing Date:** June 10, 2020  
**Subject:** **Committee of Adjustment - Minor Variance Applications**  
47 Thomas Street, A-20/20SC  
58 Barbican Trail, A-47/20SC  
35 (1) Towering Heights Boulevard, A-48/20SC  
63 Rosedale Avenue, A-49/20SC  
160 Fourth Avenue, A-50/20SC  
62 Tulip Tree Common, A-52/20SC  
81 Cecil Street, A-53/20SC  
6-10 Dalhousie Avenue, A-54/20SC

---

Development Engineering have no objections to the above applications subject to the following conditions applicable to 47 Thomas Street and 35 (1) Towering Heights Boulevard:

### **47 Thomas Street, A-20/20SC**

The Owner shall have prepared by an Ontario Land Surveyor or Professional Engineer


1. a topographic grading plan identifying all existing grades on the subject lands and all abutting properties in order to establish the existing drainage patterns on and adjacent to the site, for review and approval.

### **35 (1) Towering Heights Boulevard**

The Owner shall have prepared by a Professional Engineer

1. a detailed Grading & Drainage plan and an accompanying Stormwater Management Report detailing how the site will accommodate post-development storm flows to pre-development rates up to and including the 5-year storm (minor) event, and also how the site will accommodate and convey the major flows (greater than the 5-year event) to a suitable and secured outlet. The report should also include a quality control component to the satisfaction of the City and the Niagara Peninsula Conservation Authority; and
2. A certified cost estimate for the removal of and restoration of the 'temporary parking lot', inclusive of lighting requirements. The City shall obtain, based on this estimate, securities representative of 120% of these estimated costs of removal and restoration, no less than \$20,000, and shall not be returned until such time as the 'temporary parking lot' is restored to pre-existing conditions to the satisfaction of the City Engineer.

Prepared by:



Brad Johnston, C.E.T.

Development Engineering Technologist

**Attachments:** Towering Heights Parking Lot Civil Submission – Red-lined



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## Memorandum

---

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

**Cc:**

**From:** Steve Bittner  
Transportation Technologist

**Date:** May 15, 2020

**Subject:** Committee of Adjustment  
Public Hearings – June 10, 2020  
File No. 305-17-01

---

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

Steve Bittner  
Transportation Technologist  
SB/

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

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

---

# **COMMENTS**

**A-53/20 (60.81.5643)**

**81 Cecil Drive**

**DATE OF HEARING:**  
**June 10, 2020**

**SULLIVAN | MAHONEY**  
LAWYERS

ANDREA M. MANNELL  
905-688-9410 – Direct Line  
amannell@sullivan-mahoney.com  
Please reply to St. Catharines Office

June 5, 2020

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

Dear Ms. Munro:

**Re: McConnery re: 81 Cecil Street, St. Catharines – Minor Variance Application**  
**Our File No.: 89771**

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We act for Troy and Danna McConnery (“Clients”) in regards to their application for two minor variances (“Application”) at lands known municipally as 81 Cecil Street, St. Catharines (“Subject Lands”). The following are our written submissions in support of the Application. These written submissions will complement the oral submissions which we intend to provide at the hearing scheduled for June 10, 2020.

**Background**

The Subject Lands consist of a deep residential lot that is approximately 55 feet wide and 290 feet deep. A detached dwelling is located towards the front of the Subject Lands. The detached dwelling is a raised bungalow with 100.9 m<sup>2</sup> of living space on the main floor and a basement of the same size, for a total floor area of 201.8 m<sup>2</sup>, inclusive of the basement. A detached accessory dwelling unit located behind the detached dwelling. The detached accessory dwelling unit is one level and has a floor area of 102 m<sup>2</sup>.

The detached accessory dwelling unit was previously a six-car garage. In 2011, our Clients brought an application for an amendment to the Zoning By-law to allow the existing six-car garage to be converted and used as a detached accessory dwelling unit on a temporary basis. The purpose of the conversion was to permit Mrs. McConnery’s mother, Ms. Harris, to reside at the Subject Lands as she aged, while maintaining an independent dwelling unit.

*Client Committed. Community Minded.*

40 Queen Street, P.O. Box 1360, St. Catharines, ON L2R 6Z2 t: 905.688.6655 f: 905.688.5814

4781 Portage Road, Niagara Falls, ON L2E 6B1 t: 905.357-3334 f: 905.357.3336

sullivanmahoney.com

Our Clients' application for an amendment to the Zoning By-law was approved, with the existing six-car garage permitted to be used as a detached accessory dwelling unit for a period of 10 years, commencing July 25, 2011, or until Ms. Harris vacated the unit. Ms. Harris passed away in December 2019 and accordingly, has vacated the unit.

The amendment to the Zoning By-law is reflected in the Zoning By-law as Special Provision 95. Special Provision 95 provides: "A detached accessory dwelling unit shall be permitted as an additional permitted use for a period of 10 years from July 25, 2011 and shall be subject to the requirements of Section 2.2.2 of this By-law."

Special Provision 95 applies as an exception to the normal zone provisions, being Low Density Residential – Suburban Neighbourhood (R1), that apply to the Subject Lands.

Section 2.2.2 of the Zoning By-law requires that the floor area of a detached accessory dwelling unit shall not exceed the lesser of 105 m<sup>2</sup> or 40% of the floor area of the principal dwelling unit, including the basement. As the principal dwelling unit has a floor area of 201.8 m<sup>2</sup>, the Zoning By-law would permit a detached accessory dwelling to have a floor area of 80.72 m<sup>2</sup>, being 40% of the floor area of the principal dwelling unit.

#### **Minor Variance Application**

The Application seeks two minor variances, as follows:

1. To vary Special Provision 95 to remove the requirement that the detached accessory dwelling is permitted as an additional permitted use for a period of 10 years from July 25, 2011, thereby permitting the detached accessory dwelling as an additional permitted use on a permanent basis; and
  2. To vary section 2.2.2 of the City's Zoning By-law to permit a detached accessory dwelling unit with a floor area of 102 m<sup>2</sup> and a principal dwelling unit with a floor area of 100.9 m<sup>2</sup>, thereby permitting the floor area of the detached accessory dwelling unit to exceed the floor area of the principal dwelling unit.
1. **Variance to Special Provision 95, permitting the detached accessory dwelling as an additional permitted use on a permanent basis**
    - a. **The Application is minor in nature**

The Application is minor in nature in that it maintains the status quo on the Subject Lands, without the requirement of any alterations to the Subject Lands.



**b. The Application is desirable for the appropriate development of the Subject Lands**

The variance sought would allow the detached accessory dwelling to continue to be used as a dwelling. This is desirable for the appropriate development of the lands in question as the detached accessory dwelling has been used in this capacity since 2011 without any negative impact on the surrounding lands.

**c. The Application conforms to the general intent of the Zoning By-law**

A detached accessory dwelling is not a permitted use in the R1 zone. A detached accessory dwelling is permitted on the Subject Lands as an additional permitted use as a result of Special Provision 95.

The Zoning By-law does permit any detached dwelling to contain one interior accessory dwelling unit, subject to various requirements.

A variance to permit a detached accessory dwelling unit on the Subject Lands on a permanent basis would conform to the general intent of the Zoning By-law as it maintains the Zoning By-law's spirit of permitting accessory dwellings in the R1 zone through an interior accessory dwelling unit, with a variance to permit the accessory dwelling unit to be detached.

**d. The Application conforms to the general intent of the Official Plan**

Since our Clients' application for an amendment to the Zoning By-law was granted and Special Provision 95 took effect, there has been a shift in direction related to detached accessory dwellings. Specifically, the *Planning Act* has been amended and now, via section 16(3), directs that "an official plan shall contain policies that authorize the use of additional residential units by authorizing...the use of a residential unit in a building or structure ancillary to a detached house...".

The direction provided by section 16(3) of the *Planning Act* is reflected in section 7.10 of the Official Plan, which provides: "An accessory apartment unit is permitted...in a detached structure accessory to a single-detached...dwelling unit in accordance with the applicable zoning by-law requirements and other applicable laws and requirements, including the Building Code, Fire Code, and property standards."

More generally, the Application conforms to the general intent of the Official Plan in that it permits the efficient use of occupied land, contributes to higher density development, permits the utilization of an underutilized property, and provides an opportunity for housing intensification. Further, the Application provides housing for a range of life stages, needs, incomes, and ages to

promote social inclusion, reduce isolation, and promote affordable housing opportunities, all of which is directed by the Official Plan.

**2. Variance to section 2.2.2 of the Zoning By-law to permit the floor area of the detached accessory dwelling unit to exceed the floor area of the principal dwelling unit**

The Applicants request an amendment to the wording of this variance. The Application was based on the principal dwelling unit having a floor area of 100.9 m<sup>2</sup>, which is the floor area of the main floor of the principal dwelling unit. As the principal dwelling unit is a raised bungalow, and as section 2.2.2 of the Zoning By-law directs that the calculation of the floor area is to include the basement, the variance required by the Applicants is more minor than the variance requested in the Application.

The proper wording of the variance required by the Applicants is as follows:

“To vary section 2.2.2 of the City’s Zoning By-law to permit a detached accessory dwelling unit with a floor area of 102 m<sup>2</sup> and a principal dwelling unit with a floor area of 201.8 m<sup>2</sup>, thereby permitting the floor area of the detached accessory dwelling unit to exceed 40% of the floor area of the principal dwelling unit.”

**a. The Application is minor**

Under section 2.2.2 of the Zoning By-law, as the floor area of the principal dwelling unit is 201.8 m<sup>2</sup>, the detached accessory dwelling unit would be permitted to have a maximum floor area of 80.72 m<sup>2</sup>, being 40% of the floor area of the principal dwelling unit, including the basement. We submit that a variance to permit the detached accessory dwelling unit to be 102 m<sup>2</sup>, exceeding 40% of the floor area of the principal dwelling unit, which would be 80.72 m<sup>2</sup>, is minor.

**b. The Application is desirable for the appropriate development of the Subject Lands**

As the Subject Lands are comprised of a very deep lot, the size of the detached accessory dwelling unit does not appear as being out of place and the Subject Lands maintain a large grassed amenity area in the rear. Further, the detached accessory dwelling was formerly a garage, the detached accessory dwelling unit appears harmonious with the rest of the Subject Lands.

**c. The Application conforms to the general intent of the Zoning By-law**

The general intent of section 2.2.2 of the Zoning By-law is to ensure that a detached accessory dwelling unit does not exceed the size of the principal dwelling unit in such a way that the detached accessory dwelling unit appears out of place. As explained above, due to the size and composition

of the Subject Lands, the detached accessory dwelling unit exists in harmony with the remainder of the Subject Lands.

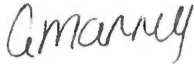
**d. The Application conforms to the general intent of the Official Plan**

As explained above, the Application conforms to the general intent of the Official Plan in that it permits the efficient use of occupied land, contributes to higher density development, permits the utilization of an underutilized property, and provides an opportunity for housing intensification. Further, the Application provides housing for a range of life stages, needs, incomes, and ages to promote social inclusion, reduce isolation, and promote affordable housing opportunities, all of which is directed by the Official Plan.

**Conclusion**

Both variances sought meet the tests as outlined in section 45(1) of the *Planning Act* in that they are minor, desirable for the appropriate development of the lands in question, conform to the general intent of the Zoning By-law, and conform to the general intent of the Official Plan. Based on these submissions, we ask that the variances be granted, with the amendment to the second variance as outlined above.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Amanny".

Sullivan Mahoney LLP

**Munro, Elaine**

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**Subject:**

RE: Committee of Adjustment file no. 60.81.5643

**From:** Joe Van Schagen < >

**Sent:** Saturday, May 23, 2020 10:51 AM

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

**Subject:** Committee of Adjustment file no. 60.81.5643

**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.

Re: 81 Cecil Street.

I supported the initial application for the detached 'granny dwelling'. I have no problem with the variance being made permanent. Stay safe.

Joe Van Schagen  
21 Ernest Street (Lot 76)

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

**Munro, Elaine**

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**Subject:**

RE: Additional Applications added to Agenda RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for CofA Hearing

1 Towering Heights – Revised sketch  
1 ½ Dalhousie Avenue  
81 Cecil Drive

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

**Sent:** Tuesday, May 19, 2020 12:41 PM

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

**Subject:** Re: Additional Applications added to Agenda RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for 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

The small change for 1 Towering Heights is fine.

The rest of the application I see no issues or concerns.

Sorry Elaine I can't find Wil Banda email..

Thanks

Doug Crown  
Network Planning Department

7170 Mcleod Rd  
Niagara Falls Ont Canada

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

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



CITY OF  
ST. CATHARINES

## Technical Report

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

**Date of Report:** June 2, 2020

**Date of Meeting:** June 10, 2020

**Report Number:** A-53/20

**File:** 60.81.5643

**Subject:** 81 Cecil Street

### Recommendation

That Application **A-53/20** by Danna Harris McConnery and Troy McConnery, as outlined in the Notice of Hearing, be approved.

### Report

#### Background

Application **A-53/20** follows zoning by-law amendment **2011-219**, approved on July 25, 2011, permitting an existing accessory building to be used as a detached accessory dwelling unit for a period of 10 years from the date of passing of the zoning by-law.

#### The Proposal

The Applicants propose to permanently maintain a detached accessory dwelling unit. The applicants had previously received approval for a detached accessory dwelling unit for a period of 10 years in July 2011 through a zoning by-law amendment. The 10-year expiry date is approaching and the applicants are seeking permission for the detached accessory dwelling unit to be permanent.

Additionally, the detached accessory dwelling unit exceeds the maximum permitted size for accessory dwelling units established in the current zoning by-law which dates from 2013, after the original approval from 2011. The applicants are seeking to have the existing size of the detached accessory dwelling unit recognized.

No new development is proposed in this application. All buildings and uses are currently existing.

#### Location and Site Description

The subject property is located on the north side of Cecil Street between Old School Court and Ernest Street. The neighbourhood is primarily residential with some institutional uses.

The lot at 81 Cecil Street currently has a detached dwelling and a detached accessory dwelling unit. There are additional accessory buildings and structures on the property. As previously stated, no new development is proposed in this application.

## **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. The existing uses are permitted.

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

The subject property is R1-95. Special provision 95 permits a detached accessory dwelling unit, subject to section 2.2.2 of Zoning By-law 2013-283, for a period of 10-years from July 25, 2011. All permitted uses in the R1 also apply.

## **Planning Analysis**

Zoning by-law 2013-283 makes allowances for detached accessory dwelling units (DADUs) and stipulates provisions that they need to meet. While the zoning by-law contemplates their existence, it does not permit DADUs as-of-right. Permission to establish a DADU is granted through application for a zoning by-law amendment.

While a zoning by-law amendment was granted in 2011 to permit a DADU at 81 Cecil Street, the permission was given a time limit of 10 years, after which further application would be required to extend the use, or the dwelling would need to be decommissioned.

With the 10-year time frame approaching its end, the applicants are seeking to make the DADU permanent. In reviewing the staff report and Council's direction for the 2011 zoning by-law amendment, the 10-year time frame was put in place to test the viability of this detached accessory dwelling unit. In that time, the City has relaxed its conditions placed on the property, including discharging the site plan agreement that Council had requested to regulate tenancy of the DADU, limiting it only to members of the family of the property owners.

Given that no major issues have been brought to the City's attention about the existence of a DADU at 81 Cecil Street, and the increased land use policy permissions relating to intensification via accessory dwelling units, staff are comfortable considering the removal of 10-year time frame.

The DADU is one storey in height with an area of about 102 square metres. This is consistent with residential dwellings in the surrounding area. The DADU is situated about half way into the depth of the lot, and is not discernible as a separate dwelling from the

street – the lot still appears as a single detached dwelling. The DADU is adjacent to the rear lot line for 15 Ernest Street. There is a board-on-board privacy fence between the structure and the lot line, and the only windows that face this lot line are transom-style. There is ample parking at 81 Cecil Street for both the principal dwelling and the DADU. Staff feels that potential for conflicting land uses are all appropriately mitigated. Therefore, staff are supportive of removing the 10-year time frame.

The second variance being sought is to satisfy the zoning by-law provisions that DADUs not exceed the lesser of 105 square metres or 40% of the floor area of the principal dwelling unit. Since the DADU at 81 Cecil Street is 102 square metres and the principal dwelling is 100.9 square metres, the provision cannot be met. Staff note that there is no concern about lot coverage at 81 Cecil Street – the property is under the 10% accessory lot coverage requirement. Staff also note the presence of other larger accessory structures on neighbouring properties. Staff believe that an oversized DADU at 81 Cecil does not present any additional compatibility issues. Therefore, staff is supportive of recognizing an existing DADU that is 101.1% of the area of the principal dwelling.

Staff are of the opinion that Application **A-53/20** 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. As such, Staff recommend approval of Application **A-53/20**.

## Conclusion

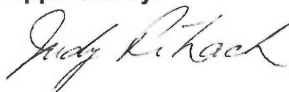
Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Application **A-53/20** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is desirable for the appropriate use of the lands. Staff recommend approval of the Application, accordingly.

**Prepared and Submitted by:**



Evan Acs  
Planner I

**Approved by:**



Judy Pihach  
Manager of Planning Services





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## Memorandum

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

Cc: Judy Pihach, Wilrik Banda  
Planning and Building Services

From: Steven Sunderland, Building Inspector  
Planning and Building Services

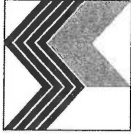
Date: May 27, 2020

Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance – June 10, 2020 hearing**

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NO.	ADDRESS	COMMENTS
A-20/20	47 Thomas Street	No Comment
A-47/20	58 Barbican Trail	Be advised that a building permit is required for the proposed basement accessory dwelling unit to the single detached dwelling unit.
A-48/20	1 Towering Heights Boulevard	No Comment
A-49/20	63 Rosedale Avenue	Be advised that a building permit (Change of Use) is required for the proposed electrical contractor's office space and storage within an existing building.
A-50/20	160 Fourth Avenue	Be advised that a building permit is required for the proposed addition to the building.
A-52/20	62 Tulip Tree Common	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-53/20	81 Cecil Street	No Comment
A-54/20	6-10 Dalhousie Ave.	No Comment

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



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## Memorandum

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**To:** Will Banda, Planning and Building Services  
**CC:**  
**From:** Jessica Button, Community, Recreation and Culture Services  
**Date:** May 4, 2020  
**Subject:** Committee of Adjustment Hearing – May, 2020

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PRCS has reviewed the Committee of Adjustment application for the hearing of April 29, 2020 and provides the following comments;

1. **6-10 Dalhousie Avenue**, Minor Variance, A-54/20 – 60.81.5644  
No comment.
2. **1½ Dalhousie Avenue**, Consent, B-24/20SC – 60.84.2301  
No comment.
3. **62 Tulip Tree Common, unit 10**, Minor Variance, A-52/20 – 60.81.5642  
No comment.
4. **81 Cecil Street**, Minor Variance A-53/20 – 60.81.5643  
No comment.
5. **11 Moffatt Street** , Consent, B-45/17SC – 60.84.2130 & Minor Variance A-91/17  
60.81.5260

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.

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



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## Memorandum

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**To:** Elaine Munro, ACST, Committee Secretary & Planning Technician  
**Cc:** City Committee of Adjustment Staff Members  
**From:** Brad Johnston, C.E.T., Development Engineering Technologist  
**Date:** May 19, 2020  
**Hearing Date:** June 10, 2020  
**Subject:** **Committee of Adjustment - Minor Variance Applications**  
47 Thomas Street, A-20/20SC  
58 Barbican Trail, A-47/20SC  
35 (1) Towering Heights Boulevard, A-48/20SC  
63 Rosedale Avenue, A-49/20SC  
160 Fourth Avenue, A-50/20SC  
62 Tulip Tree Common, A-52/20SC  
81 Cecil Street, A-53/20SC  
6-10 Dalhousie Avenue, A-54/20SC

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Development Engineering have no objections to the above applications subject to the following conditions applicable to 47 Thomas Street and 35 (1) Towering Heights Boulevard:

### **47 Thomas Street, A-20/20SC**

The Owner shall have prepared by an Ontario Land Surveyor or Professional Engineer

1. a topographic grading plan identifying all existing grades on the subject lands and all abutting properties in order to establish the existing drainage patterns on and adjacent to the site, for review and approval.

### **35 (1) Towering Heights Boulevard**

The Owner shall have prepared by a Professional Engineer

1. a detailed Grading & Drainage plan and an accompanying Stormwater Management Report detailing how the site will accommodate post-development storm flows to pre-development rates up to and including the 5-year storm (minor) event, and also how the site will accommodate and convey the major flows (greater than the 5-year event) to a suitable and secured outlet. The report should also include a quality control component to the satisfaction of the City and the Niagara Peninsula Conservation Authority; and
2. A certified cost estimate for the removal of and restoration of the 'temporary parking lot', inclusive of lighting requirements. The City shall obtain, based on this estimate, securities representative of 120% of these estimated costs of removal and restoration, no less than \$20,000, and shall not be returned until such time as the 'temporary parking lot' is restored to pre-existing conditions to the satisfaction of the City Engineer.

Prepared by:



Brad Johnston, C.E.T.

Development Engineering Technologist

**Attachments:** Towering Heights Parking Lot Civil Submission – Red-lined



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## Memorandum

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

**Cc:**

**From:** Steve Bittner  
Transportation Technologist

**Date:** May 15, 2020

**Subject:** Committee of Adjustment  
Public Hearings – June 10, 2020  
File No. 305-17-01

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

Steve Bittner  
Transportation Technologist  
SB/

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

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

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# **COMMENTS**

**A-47/20 (60.81.5637)**

**58 Barbican Trail**

**DATE OF HEARING:**

**June 10, 2020**

**(Rescheduled from April 29, 2020)**

June 2, 2020

To whom this may concern,

We, neighbours of 58 Barbican Trail, have concerns with the application of the residents of 58 Barbican Trail, St. Catharines – File No. 60.81.5637. Our understanding is that the residents are looking to legalize their basement unit which would allow them to rent it out separately.

Currently our subdivision has issues with numerous cars parking on the road as there are insufficient parking spaces in driveways because of the higher number of occupants in a dwelling due to rental housing. In turn, these parked cars have caused issues with lack of routine snow removal which has been addressed to the City. This issue would be further exacerbated by the additional cars the renters would bring if the application is successful.

The residents of 58 Barbican Trail currently have 3 vehicles and a trailer usually parked in the driveway, and they usually park one of their vehicles on the road so as to not block one of their other vehicles in the driveway. By allowing the extra basement unit which most likely would be rented out, more vehicles would need to be parked and thus clutter our roads.

Thank you for your consideration,

Name	Signature	Address
[REDACTED]	B. Hall	58 BARBICAN TRAIL
Tiffany Snazyk	[REDACTED]	72 Barbican Trail
ANDY SNAZYL	[REDACTED]	" "
Kathy Polis	[REDACTED]	49 Barbican Trail
Marc Diagrolomo	[REDACTED]	66 Barbican Trail
Sladjana Mrkalj	[REDACTED]	62 Barbican Trail
BH Michta	[REDACTED]	41 Boulevard Tr.
Peter Koronak	[REDACTED]	60 Barbican Tr.
Jeanette Miotto	[REDACTED]	31 BARBICAN TR
Deron Masales	[REDACTED]	19 BARBICAN TR.



Name	Signature	Address
[REDACTED]	J DELDUCA	15 Barbican Trail
[REDACTED]	(My taxes since 1987 reflect	
	<u>single family dwellings!!</u>	[REDACTED]
SURATHI TOKUC	[REDACTED]	34 Barbican
KYLE HINGLEY	[REDACTED]	38 BARBICAN W. TR.
Sangeeta Hollo	[REDACTED]	39 Barbican Trail
Avi Hollo	[REDACTED]	39 Barbican Trail
[REDACTED]	VICKY ZIVCIC	36 Barbican Trail
KRISHAN SARIN	[REDACTED]	11-BARBICAN TRAIL
Kamal Sarin	[REDACTED]	11-Barbican Trail
Jo-Ann Palumbo	[REDACTED]	9 Barbican Tr.
Rita Pandey	[REDACTED]	14 Barbican Tr.
Anil Pandey	[REDACTED]	14 Barbican Tr.
GREG McDONALD	[REDACTED]	5 Barbican Tr.
Jandre McDonald	[REDACTED]	5 Barbican Trail.
Dimitra Michailopoulos	[REDACTED]	10 Barbican Trail
Sergio DePivitis	[REDACTED]	68 Barbican Trail



[illegible]



## Technical Report

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

**Date of Report:** June 3, 2020

**Date of Meeting:** June 10, 2020

**Report Number:** A-47/20

**File:** 60.81.5637

**Subject:** 58 Barbican Trail

### Recommendation

That Application **A-47/20** by Gabriel Balint and Stela Balint, as outlined in the Notice of Hearing, be approved.

### Report

#### The Proposal

The Applicant proposes to legally establish an existing interior accessory dwelling unit that occupies a portion the existing basement level of a detached dwelling.

Application **A-47/20** seeks relief from Zoning By-law 2012-283 through an increase in the maximum area for an interior accessory dwelling unit from 60 to 82 square metres.

### Location and Site Description

The subject property is located on the north side of Barbican Trail, south of Ontario Highway 406. The property is part of a subdivision containing primarily detached dwellings.

The subject dwelling is two storeys above grade at the front. The basement is below grade and undetectable at the front, and has walkout entrances to the rear due to the downwards slope towards the rear yard.

### 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. The proposed residential use is permitted on these lands 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). Accessory dwelling units are permitted within detached dwellings in the R1 zone, subject to the provisions of the Zoning By-law.

### **Planning Analysis**

Zoning By-law 2013-283 permits one interior accessory dwelling unit in any detached dwelling unit provided it has a floor area not greater than 60 square metres or 40 per cent of the overall floor area, whichever is less. The intent of the provision is to ensure the interior accessory dwelling unit is subordinate in terms of its scale and relationship to the primary dwelling unit. The accessory dwelling unit at 58 Barbican is limited by the Zoning By-law to a maximum of 60 square metres. The applicant is requesting an increase in area from 60 to 82 square metres. The alterations to the detached dwelling are entirely internal; there is no addition proposed nor an increase in building mass.

Staff consider the requested increase in maximum area for an interior accessory dwelling unit from 60 to 82 square metres to be minor in nature. The additional 22 square metres in living area do not create any additional impact to the surrounding neighbourhood. Additionally, the proposed basement unit makes up approximately 30% of the floor area of the house. The interior accessory dwelling unit is visually undetectable from the street and has its own entrance to the rear. Although larger than the Zoning By-Law permits, the accessory dwelling unit is secondary to the principal ground floor unit, maintaining the intent and purpose of the Zoning By-Law. The subject property meets all other zoning provisions in consideration of the interior accessory dwelling unit, including parking.

Section 2.3.3.5(iv) of the Garden City Plan (Official Plan) provides that new housing will be encouraged to support housing diversity for a range of life stages, incomes and ages to promote social inclusion, reduce isolation, and promote affordable housing opportunities. The proposed interior accessory dwelling unit contributes to the range of dwelling types within the City. As such, Staff are of the opinion that the application follows the intent of the Official Plan and is desirable for the appropriate use of the lands. Staff recommend approval of Application **A-47/20** accordingly.

### **Conclusion**

Having regard for the matters under Section 45(1) of the *Planning Act*, staff are of the opinion that Application **A-47/20** 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 recommend that the Application be approved.

**Prepared by:**

**Submitted by:**

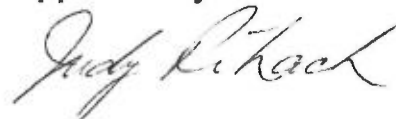
**Approved by:**

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Connor Wright  
Student Planner

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Charlotte McEwan  
Planner I

  
Judy Pihach  
Manager of Planning Services

**From:** [Munro, Elaine](#)  
**To:** [Munro, Elaine](#)  
**Subject:** RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for CofA Hearing - Email 1  
**Date:** Friday, April 17, 2020 10:03:52 AM

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59 Wellington  
47 Thomas  
58 Barbican Trail  
63 Rosedale

**Elaine Munro ACST**  
Committee Secretary and Planning Technician  
Email: [emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)  
Tel: 905.688.5601 x1715

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**From:** Doug Crown <[doug.crown@cogeco.com](mailto:doug.crown@cogeco.com)>  
**Sent:** Friday, April 17, 2020 9:52 AM  
**To:** Munro, Elaine <[emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)>  
**Subject:** Re: Committee of Adjustment Notices and Applications, City of St. Catharines, for 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 issue or concerns with these applications..

Thanks

Stay safe

Doug Crown  
Network Planning Department  
[Doug.crown@cogeco.com](mailto:Doug.crown@cogeco.com)

7170 Mcleod Rd  
Niagara Falls Ont Canada

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

**From:** Munro, Elaine  
**To:** Munro, Elaine  
**Subject:** RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for CofA Hearing  
**Date:** Friday, April 17, 2020 11:59:25 AM

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**From:** Nunes, Paul (MTO) <Paul.Nunes@ontario.ca>  
**Sent:** Friday, April 17, 2020 11:54 AM  
**To:** Munro, Elaine <emunro@stcatharines.ca>  
**Subject:** RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for 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,

Hope you're keeping safe.

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

**A-47/20 – 58 Barbican Trail**

The property listed above appears to be located within the MTO Permit Control Area for the Hwy 406. After review, this office has no concerns or comments in regards to the proposed minor variance, and an MTO Building & Land Use Permit will not be required from this office.

**A-50/20 – 160 Fourth Avenue**

The property listed above also appears to be located within the MTO Permit Control Area for the Hwy 406. Therefore, although the MTO has no concerns or comments in regards to the minor variance, the applicant should be made aware that an MTO Building and Land Use Permit will be required from this office before the start of any onsite construction/work. Information regarding the application process, forms and the policy can be found at the link:

<http://www.mto.gov.on.ca/english/engineering/management/corridor/building.shtml>

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, 7<sup>th</sup> floor Building D, Downsview, ON M3M 0B7  
(416) 235-5559 | [paul.nunes@ontario.ca](mailto:paul.nunes@ontario.ca)





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## Memorandum

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

Cc: Judy Pihach, Wilrik Banda  
Planning and Building Services

From: Steven Sunderland, Building Inspector  
Planning and Building Services

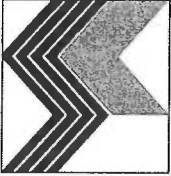
Date: May 27, 2020

Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance – June 10, 2020 hearing**

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NO.	ADDRESS	COMMENTS
A-20/20	47 Thomas Street	No Comment
A-47/20	58 Barbican Trail	Be advised that a building permit is required for the proposed basement accessory dwelling unit to the single detached dwelling unit.
A-48/20	1 Towering Heights Boulevard	No Comment
A-49/20	63 Rosedale Avenue	Be advised that a building permit (Change of Use) is required for the proposed electrical contractor's office space and storage within an existing building.
A-50/20	160 Fourth Avenue	Be advised that a building permit is required for the proposed addition to the building.
A-52/20	62 Tulip Tree Common	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-53/20	81 Cecil Street	No Comment
A-54/20	6-10 Dalhousie Ave.	No Comment

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



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## Memorandum

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**To:** Elaine Munro, Planning and Building Services  
**CC:**  
**From:** Jessica Button, Community, Recreation and Culture Services  
**Date:** March 31, 2020  
**Subject:** Committee of Adjustment Hearing – April 29, 2020

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PRCS has reviewed the Committee of Adjustment application for the hearing of April 29, 2020 and provides the following comments;

1. **59 Wellington Street, Consent, B-23/20SC – 60.84.2300**  
No comment.
2. **47 Thomas Street, Minor Variance A-20/20 – 60.81.5610**

Zoning by-law requirements intended for landscape strips provide a buffer between land uses. The previous sod area did not meet current standards for landscaping in terms of size or material and did provide plant materials which served to buffer the adjacent uses. CRCS offers no objection to the reduction for the existing use.

3. **8 Paxton Avenue, Consent, B-22/20SC – 60.84.2299**  
**8 Paxton Avenue, Minor Variance, A-45/20 – 60.81.5635**  
**10 Paxton Avenue, Minor Variance, A-46/20 – 60.81.5363**

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.

**4. 58 Barbican Trail Street, Minor Variance A-47/20 – 60.81.5637**

No comment

**5. 1 Towering Heights, Minor Variance A-48/20 – 60.81.5638**

No comment.

**6. 63 Rosedale Avenue, Minor Variance A-49/20 – 60.81.5639**

No comment.

**7. 160 Fourth Avenue, Minor Variance A-50/20 – 60.81.5644**

A trailer is ideally located in a loading zone, located at the side or rear of site. A number of exiting mature trees are located in this area. Should the application be approved, an updated landscape plan should include tree protection measures.

**8. 192 - 194 Glendale Avenue, Minor Variance A-51/20 – 60.81.5641**

Site plan considerations are best addressed prior to the consideration of the variances.

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





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## Memorandum

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**To:** Elaine Munro, ACST, Committee Secretary & Planning Technician  
**Cc:** City Committee of Adjustment Staff Members  
**From:** Brad Johnston, C.E.T., Development Engineering Technologist  
**Date:** May 19, 2020  
**Hearing Date:** June 10, 2020  
**Subject:** **Committee of Adjustment - Minor Variance Applications**  
47 Thomas Street, A-20/20SC  
58 Barbican Trail, A-47/20SC  
35 (1) Towering Heights Boulevard, A-48/20SC  
63 Rosedale Avenue, A-49/20SC  
160 Fourth Avenue, A-50/20SC  
62 Tulip Tree Common, A-52/20SC  
81 Cecil Street, A-53/20SC  
6-10 Dalhousie Avenue, A-54/20SC

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Development Engineering have no objections to the above applications subject to the following conditions applicable to 47 Thomas Street and 35 (1) Towering Heights Boulevard:

### **47 Thomas Street, A-20/20SC**

The Owner shall have prepared by an Ontario Land Surveyor or Professional Engineer

1. a topographic grading plan identifying all existing grades on the subject lands and all abutting properties in order to establish the existing drainage patterns on and adjacent to the site, for review and approval.

### **35 (1) Towering Heights Boulevard**

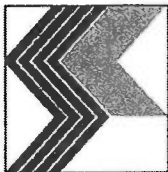
The Owner shall have prepared by a Professional Engineer

1. a detailed Grading & Drainage plan and an accompanying Stormwater Management Report detailing how the site will accommodate post-development storm flows to pre-development rates up to and including the 5-year storm (minor) event, and also how the site will accommodate and convey the major flows (greater than the 5-year event) to a suitable and secured outlet. The report should also include a quality control component to the satisfaction of the City and the Niagara Peninsula Conservation Authority; and
2. A certified cost estimate for the removal of and restoration of the 'temporary parking lot', inclusive of lighting requirements. The City shall obtain, based on this estimate, securities representative of 120% of these estimated costs of removal and restoration, no less than \$20,000, and shall not be returned until such time as the 'temporary parking lot' is restored to pre-existing conditions to the satisfaction of the City Engineer.

Prepared by:

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

Attachments: Towering Heights Parking Lot Civil Submission – Red-lined



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## Memorandum

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

**Cc:**

**From:** Steve Bittner  
Transportation Technologist

**Date:** May 15, 2020

**Subject:** Committee of Adjustment  
Public Hearings – June 10, 2020  
File No. 305-17-01

---

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

Steve Bittner  
Transportation Technologist  
SB/

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

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

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# **COMMENTS**

**A-49/20 (60.81.5639)**

**63 Rosedale Avenue**

**DATE OF HEARING:**

**June 10, 2020**

**(Rescheduled from April 29, 2020)**



CITY OF  
ST. CATHARINES

## Technical Report

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

**Date of Report:** June 3, 2020

**Date of Meeting:** June 10, 2020

**Report Number:** A-49/20

**File:** 60.81.5639

**Subject:** 63 Rosedale Avenue

### Recommendation

That Application **A-49/20** by Bedrich Matyas, as outlined in the Notice of Hearing, be approved.

### Report

#### The Proposal

The Applicant proposes to use the existing awning manufacturing and sales building as an electrical contractor's office and storage space.

Application **A-49/20** is made under Section 45(2)(a)(ii) to recognize and permit the use of the lot for an electrical contracting business, a use similar to that which legally existed prior to the passing of the current and former zoning by-laws that prohibited the awning manufacturing use.

### Location and Site Description

The subject property is located on the northerly corner of the intersection of Rosedale Avenue and Spring Street. The property is flanked by residential uses to the west, south and east, and Victoria Lawn Cemetery lies across Spring Street to the north.

The property has a storage and parking area on the interior side yard which abuts the adjacent residential property which contains a detached dwelling. Additionally, there is a parking lot in front of the building along Rosedale Avenue which extends the width of the lot frontage.

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

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

The subject property is zoned Low Density Residential – Traditional Neighbourhood (R2). The existing use was lawfully established during or prior to the late 1960's, well before the current Zoning By-law came into effect.

## **Planning Analysis**

Section 45(2)(a)(ii) of the Planning Act gives the Committee of Adjustment authority to recognize and permit a use similar to the purpose for which it was lawfully used prior to the passing of the current Zoning By-law and where that use continued until the date of the application to the committee.

Staff are satisfied that, based on municipal records and records submitted by the applicant, that the current use of the building as an awning sales and manufacturing business was established prior to the passing of the current Zoning By-law. Further, Staff are satisfied that the current use of the building had been continuous and uninterrupted from before the passing of the current Zoning By-law to present day.

The existing use is an awning manufacturing and sales business which has operated in this location for a number of years. The use involves the manufacturing and sale of products, as well as storage of materials on-site. The applicant proposes to convert the property to an electrical contractor which will include storage and office use. The proposed use has no manufacturing component, which is seen as more compatible than the existing use. The property is already used in part for storage, so the new use is similar in this respect.

The proposed conversion of use involves no new development and no additions or expansions to the use of the property. Staff have no reason to believe that the impact on the neighbourhood would be greater than that of the current use. Staff recommend approval of Application **A-49/20** on the basis that the proposed use of the property is similar to the purpose for which it was used on the day Zoning By-law 2013-283 was passed.

## **Conclusion**

Having regard for the matters under Section 45(2)(a)(ii) of the *Planning Act*, staff are of the opinion that Application **A-49/20** meets the criteria for establishing the proposed use of an electrical contractor's office space as a use similar to the prior awning manufacturing and sales use. Staff support approval of application **A-49/20**.

**Prepared by:**

Connor Wright  
Student Planner

**Submitted by:**



Charlotte McEwan  
Planner I

**Approved by:**



Judy Pihach  
Manager of Planning Services

**From:** [Munro, Elaine](#)  
**To:** [Munro, Elaine](#)  
**Subject:** RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for CoFA Hearing - Email 1  
**Date:** Friday, April 17, 2020 10:03:52 AM

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59 Wellington  
47 Thomas  
58 Barbican Trail  
63 Rosedale

**Elaine Munro** ACST  
Committee Secretary and Planning Technician  
Email: [emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)  
Tel: 905.688.5601 x1715

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---

**From:** Doug Crown <[doug.crown@cogeco.com](mailto:doug.crown@cogeco.com)>  
**Sent:** Friday, April 17, 2020 9:52 AM  
**To:** Munro, Elaine <[emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)>  
**Subject:** Re: Committee of Adjustment Notices and Applications, City of St. Catharines, for CoFA Hearing - Email 1

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Hi Elaine  
Email 1

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Stay safe

Doug Crown  
Network Planning Department  
[Doug.crown@cogeco.com](mailto:Doug.crown@cogeco.com)

7170 Mcleod Rd  
Niagara Falls Ont Canada

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



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## Memorandum

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

Cc: Judy Pihach, Wilrik Banda  
Planning and Building Services

From: Steven Sunderland, Building Inspector  
Planning and Building Services

Date: May 27, 2020

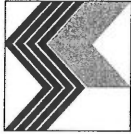
Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance – June 10, 2020 hearing**

---

NO.	ADDRESS	COMMENTS
A-20/20	47 Thomas Street	No Comment
A-47/20	58 Barbican Trail	Be advised that a building permit is required for the proposed basement accessory dwelling unit to the single detached dwelling unit.
A-48/20	1 Towering Heights Boulevard	No Comment
A-49/20	63 Rosedale Avenue	Be advised that a building permit (Change of Use) is required for the proposed electrical contractor's office space and storage within an existing building.
A-50/20	160 Fourth Avenue	Be advised that a building permit is required for the proposed addition to the building.
A-52/20	62 Tulip Tree Common	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-53/20	81 Cecil Street	No Comment
A-54/20	6-10 Dalhousie Ave.	No Comment

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





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## Memorandum

---

**To:** Elaine Munro, Planning and Building Services  
**CC:**  
**From:** Jessica Button, Community, Recreation and Culture Services  
**Date:** March 31, 2020  
**Subject:** Committee of Adjustment Hearing – April 29, 2020

---

PRCS has reviewed the Committee of Adjustment application for the hearing of April 29, 2020 and provides the following comments;

1. **59 Wellington Street, Consent, B-23/20SC – 60.84.2300**  
No comment.
2. **47 Thomas Street, Minor Variance A-20/20 – 60.81.5610**

Zoning by-law requirements intended for landscape strips provide a buffer between land uses. The previous sod area did not meet current standards for landscaping in terms of size or material and did provide plant materials which served to buffer the adjacent uses. CRCS offers no objection to the reduction for the existing use.

3. **8 Paxton Avenue, Consent, B-22/20SC – 60.84.2299**  
**8 Paxton Avenue, Minor Variance, A-45/20 – 60.81.5635**  
**10 Paxton Avenue, Minor Variance, A-46/20 – 60.81.5363**

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.

**4. 58 Barbican Trail Street, Minor Variance A-47/20 – 60.81.5637**

No comment

**5. 1 Towering Heights, Minor Variance A-48/20 – 60.81.5638**

No comment.

**6. 63 Rosedale Avenue, Minor Variance A-49/20 – 60.81.5639**

No comment.

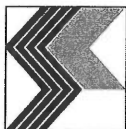
**7. 160 Fourth Avenue, Minor Variance A-50/20 – 60.81.5644**

A trailer is ideally located in a loading zone, located at the side or rear of site. A number of exiting mature trees are located in this area. Should the application be approved, an updated landscape plan should include tree protection measures.

**8. 192 - 194 Glendale Avenue, Minor Variance A-51/20 – 60.81.5641**

Site plan considerations are best addressed prior to the consideration of the variances.

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



---

## Memorandum

---

**To:** Elaine Munro, ACST, Committee Secretary & Planning Technician  
**Cc:** City Committee of Adjustment Staff Members  
**From:** Brad Johnston, C.E.T., Development Engineering Technologist  
**Date:** May 19, 2020  
**Hearing Date:** June 10, 2020  
**Subject:** **Committee of Adjustment - Minor Variance Applications**  
47 Thomas Street, A-20/20SC  
58 Barbican Trail, A-47/20SC  
35 (1) Towering Heights Boulevard, A-48/20SC  
63 Rosedale Avenue, A-49/20SC  
160 Fourth Avenue, A-50/20SC  
62 Tulip Tree Common, A-52/20SC  
81 Cecil Street, A-53/20SC  
6-10 Dalhousie Avenue, A-54/20SC

---

Development Engineering have no objections to the above applications subject to the following conditions applicable to 47 Thomas Street and 35 (1) Towering Heights Boulevard:

### **47 Thomas Street, A-20/20SC**

The Owner shall have prepared by an Ontario Land Surveyor or Professional Engineer

1. a topographic grading plan identifying all existing grades on the subject lands and all abutting properties in order to establish the existing drainage patterns on and adjacent to the site, for review and approval.

### **35 (1) Towering Heights Boulevard**

The Owner shall have prepared by a Professional Engineer

1. a detailed Grading & Drainage plan and an accompanying Stormwater Management Report detailing how the site will accommodate post-development storm flows to pre-development rates up to and including the 5-year storm (minor) event, and also how the site will accommodate and convey the major flows (greater than the 5-year event) to a suitable and secured outlet. The report should also include a quality control component to the satisfaction of the City and the Niagara Peninsula Conservation Authority; and
2. A certified cost estimate for the removal of and restoration of the 'temporary parking lot', inclusive of lighting requirements. The City shall obtain, based on this estimate, securities representative of 120% of these estimated costs of removal and restoration, no less than \$20,000, and shall not be returned until such time as the 'temporary parking lot' is restored to pre-existing conditions to the satisfaction of the City Engineer.

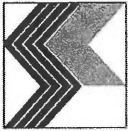
Prepared by:



Brad Johnston, C.E.T.

Development Engineering Technologist

**Attachments:** Towering Heights Parking Lot Civil Submission – Red-lined



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## Memorandum

---

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

**Cc:**

**From:** Steve Bittner  
Transportation Technologist

**Date:** May 15, 2020

**Subject:** Committee of Adjustment  
Public Hearings – June 10, 2020  
File No. 305-17-01

---

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

Steve Bittner  
Transportation Technologist  
SB/

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

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

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# **COMMENTS**

**A-50/20 (60.81.5640)**

**160 Fourth Avenue**

**DATE OF HEARING:**

**June 10, 2020**

**(Rescheduled from April 29, 2020)**



## Technical Report

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

**Date of Report:** June 3, 2020

**Date of Meeting:** June 10, 2020

**Report Number:** A-50/20

**File:** 60.81.5640

**Subject:** 160 Fourth Avenue

### Recommendation

That building expansions requested through Application **A-50/20** by Lincoln County Humane Society, as outlined in the Notice of Hearing, be approved.

That parking lot expansion, as proposed, by Application **A-50/20** by Lincoln County Humane Society, as outlined in the Notice of Hearing, be denied.

### Report

#### Background

The subject lands have been in continuous use as a dog kennel since prior to the passing of Zoning By-law 2013-283. At the time of construction, a Zoning By-law Amendment had been made to rezone the site from M4-Industrial to Industrial Service which allowed the use of the dog kennel.

There is a Site Plan Agreement registered on the subject lands. Any approved extensions to the existing use will require the applicant apply for and amendment to the Site Plan Agreement.

#### The Proposal

The Applicant proposes two additions to the existing building. One proposed building addition is to connect the main building to the existing one storey garage to the east, where there is currently a gap. The other addition is to extend the kennel at the southwest corner of the building, filling the 'nook' in the building shape. Additionally, construction of a new asphalt parking strip is proposed at the north east corner of the site, adjacent to the existing parking lot, for the temporary parking of a trailer which serves the dog kennel use.

To facilitate the proposal, Application **A-50/20** is made for permission to extend the legal non-conforming dog kennel use to permit the additions to the building and parking lot.

## **Location and Site Description**

The subject property is located on the southwest corner of the Fourth Avenue and Louth Street intersection. It is part of a major commercial node.

The dog kennel building is located in the centre-left of the property with a fenced dog pen in the southwesterly corner. The parking lot has entrances at the north (Fourth Avenue) and south laneway. The area of the proposed asphalt parking strip, nearest to the intersection, is currently landscaped space with several mature trees.

## **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 falls under the Go Transit Station Secondary Plan (GTSSP) thereof.

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

The subject property is zoned Major Commercial (C4). The Major Commercial zone does not permit a dog kennel, however, the existing use was lawfully established prior to adoption of the current zoning by-law and has continued to operate uninterrupted since the current zoning by-law came into effect.

## **Planning Analysis**

Section 45(2)(a)(i) of the Planning Act gives the Committee of Adjustment the authority to grant the extension of a use which was lawfully established prior to the passing of the current Zoning By-law and that has operated continually to the date the application was made to the committee.

In the Official Plan in Section 16.12.4 Non-Conforming Uses it states that, in special circumstances, it may be appropriate to consider the extension or enlargement of non-conforming uses provided:

- a) the expansion or enlargement will not jeopardize the possibility of future development/redevelopment in their vicinity that may comply more closely with the intent of this Plan.
- b) special efforts are made to enhance the compatibility of the uses and to improve the amenity and design, more particularly buffering, landscaping, parking, and active transportation and vehicular circulation.
- c) the expansion or enlargement is directed to areas outside natural heritage and natural hazard lands.

Staff note that there are no natural heritage or natural hazard lands on the subject property.

There are two proposed additions to the existing building. One addition will connect the existing kennel building to an existing one-storey garage (to be renovated internally). The second is located on the west side of the building, and extends two existing walls to close in a corner of the building. The westerly addition does not extend beyond the established interior side yard setback in either the west or south direction. The additions will not jeopardize the possibility of future development/redevelopment in their vicinity. Compatibility is achieved by expanding the building in locations that do not significantly impact surrounding uses, and do not detract from any key buffering, landscaping, parking or vehicular circulation. Staff are supportive of the proposed building additions.

The applicant proposes an expansion to the parking area along the easterly lot frontage intended to be used exclusively by a mobile adoption trailer. The applicants have indicated that currently the parking of the trailer restricts ingress and egress of vehicles and blocks parking intended for use by other vehicles. The proposed parking location for the trailer does not demonstrate that any special efforts are made to enhance the compatibility of the uses or to improve the amenity and design of the property. The trailer parking space is located within an established landscaped area containing several mature trees. Additionally, the trailer space is located along the street frontage with very little physical buffering between itself and the public right-of-way. A trailer parking space is more appropriately located to the rear or interior side yard of the building on the site. A less visible location would be more in keeping with the Official Plan direction for non-conforming uses. The applicant is encouraged to consider a location to the south of the building, which would reduce rather than increase the visual impact of the trailer. Some reconfiguring of the existing parking area to the south may be required to accommodate the trailer.

Staff recommend approval of the building expansions requested through application **A-50/20**, and recommend denial of the requested parking lot expansion.

## **Conclusion**

Having regard for the matters under Section 45(2)(a) of the *Planning Act*, Staff are of the opinion that the building expansions requested through Application **A-50/20** are consistent with all relevant policies. Staff are further of the opinion that the parking lot expansion requested through Application **A-50/20** is not consistent with all relevant policies with regards to the expansion of non-conforming uses. Staff recommend approval of the building expansions and denial of the parking lot expansion as outlined in application **A-50/20**.




**Prepared by:**

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Connor Wright  
Student Planner


**Submitted by:**



---

Charlotte McEwan  
Planner I

**Approved by:**



---

Judy Pihach  
Manager of Planning Services

**From:** Munro, Elaine  
**To:** Munro, Elaine  
**Subject:** RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for CofA Hearing  
**Date:** Friday, April 17, 2020 11:59:25 AM

---

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

**Sent:** Friday, April 17, 2020 11:54 AM

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

**Subject:** RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for 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,

Hope you're keeping safe.

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

**A-47/20 – 58 Barbican Trail**

The property listed above appears to be located within the MTO Permit Control Area for the Hwy 406. After review, this office has no concerns or comments in regards to the proposed minor variance, and an MTO Building & Land Use Permit will not be required from this office.

**A-50/20 – 160 Fourth Avenue**

The property listed above also appears to be located within the MTO Permit Control Area for the Hwy 406. Therefore, although the MTO has no concerns or comments in regards to the minor variance, the applicant should be made aware that an MTO Building and Land Use Permit will be required from this office before the start of any onsite construction/work. Information regarding the application process, forms and the policy can be found at the link:

<http://www.mto.gov.on.ca/english/engineering/management/corridor/building.shtml>

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, 7<sup>th</sup> floor Building D, Downsview, ON M3M 0B7  
(416) 235-5559 | [paul.nunes@ontario.ca](mailto:paul.nunes@ontario.ca)

**From:** [Munro, Elaine](#)  
**To:** [Munro, Elaine](#)  
**Subject:** RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for CofA Hearing - Email 3 (Last Email)  
**Date:** Friday, April 17, 2020 10:04:41 AM

---

4 Towering Heights  
160 Fourth Avenue

**Elaine Munro** ACST  
Committee Secretary and Planning Technician  
Email: [emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)  
Tel: 905.688.5601 x1715

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**From:** Doug Crown <[doug.crown@cogeco.com](mailto:doug.crown@cogeco.com)>  
**Sent:** Friday, April 17, 2020 9:34 AM  
**To:** Munro, Elaine <[emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)>  
**Subject:** Re: Committee of Adjustment Notices and Applications, City of St. Catharines, for CofA Hearing - Email 3 (Last Email)

<b>CAUTION:</b> This email originated from outside of City of St. Catharines email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.
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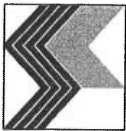
Hi Elaine  
Email 3  
Cogeco has no issues or concerns  
with these applications

Thanks

Doug Crown  
Network Planning Department  
[Doug.crown@cogeco.com](mailto:Doug.crown@cogeco.com)

7170 Mcleod Rd  
Niagara Falls Ont Canada

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



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## Memorandum

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

Cc: Judy Pihach, Wilrik Banda  
Planning and Building Services

From: Steven Sunderland, Building Inspector  
Planning and Building Services

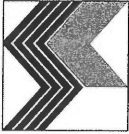
Date: May 27, 2020

Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance – June 10, 2020 hearing**

---

NO.	ADDRESS	COMMENTS
A-20/20	47 Thomas Street	No Comment
A-47/20	58 Barbican Trail	Be advised that a building permit is required for the proposed basement accessory dwelling unit to the single detached dwelling unit.
A-48/20	1 Towering Heights Boulevard	No Comment
A-49/20	63 Rosedale Avenue	Be advised that a building permit (Change of Use) is required for the proposed electrical contractor's office space and storage within an existing building.
A-50/20	160 Fourth Avenue	Be advised that a building permit is required for the proposed addition to the building.
A-52/20	62 Tulip Tree Common	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-53/20	81 Cecil Street	No Comment
A-54/20	6-10 Dalhousie Ave.	No Comment

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



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## Memorandum

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**To:** Elaine Munro, Planning and Building Services  
**CC:**  
**From:** Jessica Button, Community, Recreation and Culture Services  
**Date:** March 31, 2020  
**Subject:** Committee of Adjustment Hearing – April 29, 2020

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PRCS has reviewed the Committee of Adjustment application for the hearing of April 29, 2020 and provides the following comments;

1. **59 Wellington Street, Consent, B-23/20SC – 60.84.2300**  
No comment.
2. **47 Thomas Street, Minor Variance A-20/20 – 60.81.5610**

Zoning by-law requirements intended for landscape strips provide a buffer between land uses. The previous sod area did not meet current standards for landscaping in terms of size or material and did provide plant materials which served to buffer the adjacent uses. CRCS offers no objection to the reduction for the existing use.

3. **8 Paxton Avenue, Consent, B-22/20SC – 60.84.2299**  
**8 Paxton Avenue, Minor Variance, A-45/20 – 60.81.5635**  
**10 Paxton Avenue, Minor Variance, A-46/20 – 60.81.5363**

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.

**4. 58 Barbican Trail Street, Minor Variance A-47/20 – 60.81.5637**

No comment

**5. 1 Towering Heights, Minor Variance A-48/20 – 60.81.5638**

No comment.

**6. 63 Rosedale Avenue, Minor Variance A-49/20 – 60.81.5639**

No comment.

**7. 160 Fourth Avenue, Minor Variance A-50/20 – 60.81.5644**

A trailer is ideally located in a loading zone, located at the side or rear of site. A number of exiting mature trees are located in this area. Should the application be approved, an updated landscape plan should include tree protection measures.

**8. 192 - 194 Glendale Avenue, Minor Variance A-51/20 – 60.81.5641**

Site plan considerations are best addressed prior to the consideration of the variances.

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



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## Memorandum

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**To:** Elaine Munro, ACST, Committee Secretary & Planning Technician  
**Cc:** City Committee of Adjustment Staff Members  
**From:** Brad Johnston, C.E.T., Development Engineering Technologist  
**Date:** May 19, 2020  
**Hearing Date:** June 10, 2020  
**Subject:** **Committee of Adjustment - Minor Variance Applications**  
47 Thomas Street, A-20/20SC  
58 Barbican Trail, A-47/20SC  
35 (1) Towering Heights Boulevard, A-48/20SC  
63 Rosedale Avenue, A-49/20SC  
160 Fourth Avenue, A-50/20SC  
62 Tulip Tree Common, A-52/20SC  
81 Cecil Street, A-53/20SC  
6-10 Dalhousie Avenue, A-54/20SC

---

Development Engineering have no objections to the above applications subject to the following conditions applicable to 47 Thomas Street and 35 (1) Towering Heights Boulevard:

### **47 Thomas Street, A-20/20SC**

The Owner shall have prepared by an Ontario Land Surveyor or Professional Engineer

1. a topographic grading plan identifying all existing grades on the subject lands and all abutting properties in order to establish the existing drainage patterns on and adjacent to the site, for review and approval.

### **35 (1) Towering Heights Boulevard**

The Owner shall have prepared by a Professional Engineer

1. a detailed Grading & Drainage plan and an accompanying Stormwater Management Report detailing how the site will accommodate post-development storm flows to pre-development rates up to and including the 5-year storm (minor) event, and also how the site will accommodate and convey the major flows (greater than the 5-year event) to a suitable and secured outlet. The report should also include a quality control component to the satisfaction of the City and the Niagara Peninsula Conservation Authority; and
2. A certified cost estimate for the removal of and restoration of the 'temporary parking lot', inclusive of lighting requirements. The City shall obtain, based on this estimate, securities representative of 120% of these estimated costs of removal and restoration, no less than \$20,000, and shall not be returned until such time as the 'temporary parking lot' is restored to pre-existing conditions to the satisfaction of the City Engineer.

Prepared by:



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

Attachments: Towering Heights Parking Lot Civil Submission – Red-lined





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## Memorandum

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

**Cc:**

**From:** Steve Bittner  
Transportation Technologist

**Date:** May 15, 2020

**Subject:** Committee of Adjustment  
Public Hearings – June 10, 2020  
File No. 305-17-01

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

Steve Bittner  
Transportation Technologist  
SB/

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

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

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# **COMMENTS**

**A-52/20 (60.81.5642)**

**62 Tulip Tree Common, Unit 10**

**DATE OF HEARING:**  
**June 10, 2020**



CITY OF  
ST. CATHARINES

## Technical Report

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

**Date of Report:** June 2, 2020

**Date of Meeting:** June 10, 2020

**Report Number:** A-52/20

**File:** 60.81.5642

**Subject:** 62 Tulip Tree Common (Unit 10, Niagara North Vacant Land Condominium Plan No. 305)

### Recommendation

That Application **A-52/20** by Silvergate Homes Ltd., as outlined in the Notice of Hearing, be approved.

### Report

#### The Proposal

The applicant is proposing to construct a raised deck in the rear yard of the townhouse unit currently under construction at 62 Tulip Tree Common, located in phase 6 of the Village on the Twelve community. A previous minor variance was approved for this project in 2018 which reduced the required minimum rear yard setback for raised decks from 4.5 m to 1.8 m. The applicant is now seeking a further setback reduction to 0.6 m for one raised deck to be located in the rear yard of the southerly end unit (Unit 10).

#### Location and Site Description

The property is located at the southern extent of the Village on the Twelve community, a private road condominium development, located on the east side of Martindale Road. The proposed deck would be adjacent to the Twelve Mile Creek forested valley to the west (rear yard) and the parking lot of the Armenian Community Centre to the south.

#### Circulation of Application

This Application was circulated to all appropriate departments and agencies: no objections were received. The Niagara Peninsula Conservation Authority has advised that they have no objections to the proposed works in proximity to the stable top of slope associated with the Twelve Mile Creek valley and that they have no concern with respect to maintenance access for the valley.

#### 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 thereof. Townhouse dwellings are permitted at a density range generally between 25 and 99 units per hectare.

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

The subject property is zoned Medium Density Residential, Special Provision 18 (R3-18). Townhouse dwellings within a private road development are a permitted use. Special Provision 18 allows for reduced setback requirements and for parts of the Village on the Twelve community, along with other project-specific standards. The rear yard setback for raised decks backing onto the Twelve Mile Creek valley was previously reduced from 4.5 metres to 1.8 metres through minor variance in 2018.

## **Planning Analysis**

Zoning By-law 2013-283 requires a rear yard setback of 4.5 metres for raised decks (platform structures) that are 1.2 metres in height or greater. The principle intent of this setback requirement is to mitigate privacy impacts on adjacent rear yards as a result of overlook from the raised deck. Within the context of a private road townhouse development, the setback also helps to provide maintenance access for interior units and perimeter fencing, as well as adequate room for drainage swales.

Staff have no concerns with the requested reduction. In this case, the rear neighbour of 62 Tulip Tree Common is a large forested valley and there are therefore no privacy impacts. Further, the project does not feature rear yard swales that would be impacted and adequate maintenance access for the valley slope and perimeter fencing can be maintained from the opposite end of the townhouse block if needed. The NPCA has also identified that they have no concern with the proximity of the proposed deck construction to the valley slope. There appear to be no adverse impacts associated with the requested variance. 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**

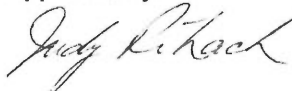
Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion Application **A-52/20** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is desirable for the appropriate use of the land. Staff are recommending approval of Application **A-52/20**.

**Prepared and Submitted by:**



Scott Ritchie  
Urban Design Planner

**Approved by:**



Judy Pihach  
Manager of Planning Services

May 22, 2020

Our File No.: PLMV202000454

BY E-MAIL ONLY

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

Attention: Elaine Munro, Secretary-Treasurer

**Subject: Application for Minor Variance (A-52/20)  
62 Tulip Tree Common**

---

The Niagara Peninsula Conservation Authority (NPCA) has reviewed the above noted application and offers the following for your information.

This application has been made to permit a reduction in the minimum setback from the rear lot line to the rear covered terrace that is 1.2 metres above grade from 1.8 metres to 0.6 metres for Unit 10 of the private road development.

NPCA mapping indicates the subject lands back onto a steep slope associated with Twelve Mile Creek. Authority objectives when reviewing proposals on lots adjacent to slopes or valleys 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. These matters must be addressed prior to supporting any new development adjacent to a steep valley.

Current NPCA policies require a 7.5m setback from the stable top of slope for all new development and site alterations. A reduction in this setback may be considered in urban infill situations provided a Geotechnical Investigation is completed by a qualified Engineer that demonstrates (to the satisfaction of the NPCA) that the proposed activities will not create any adverse impacts to the stability of the slope over the long term.

NPCA staff have reviewed the 'Supplemental Slope Stability Comments' (dated March 16, 2020) by Soil-Mat and the submitted drawings/plans and offer the following comments:

- The report confirms that the support posts for the rear covered terrace are proposed to be located 1.0m uphill of the Stable Top of Slope imposing a very light load. NPCA staff have no objections to this.

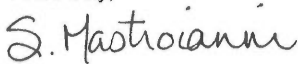
In addition to slope stability concerns, NPCA's policies are in place to ensure there will be a sufficient maintenance easement access around the development on the table lands. Development should not be permitted right up to the top of slope as it doesn't give any room for maintenance equipment to traverse around the development without potentially impacting the adjacent valley.

Given that Unit 10 is an end unit, there are potential access points from both sides. The report also states that the deck can also be removed if need be. NPCA staff have no concerns with the rear covered terrace location from a maintenance access point of view.

In light of the above, the Conservation Authority can support the approval of this proposal to reduce the rear yard setback to accommodate the covered terrace as per the above noted Geotechnical Report. Given that the proposed works will fall within the NPCA regulated area, a Work Permit from this office is required prior to the commencement of any works on site and prior to the issuance of a Building Permit from the City.

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

Yours truly,

A handwritten signature in dark ink, appearing to read "S. Mastroianni". The signature is fluid and cursive, with a large initial "S" and a stylized "M".

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

## Munro, Elaine

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**Subject:** RE: Last MV Application Attached RE: Additional Applications added to Agenda RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for CofA Hearing

1½ Dalhousie Avenue, Consent, B-24/20SC – 60.84.2301

62 Tulip Tree Common, Minor Variance, A-52/20 – 60.81.5642

81 Cecil Street, Minor Variance, A-53/20 – 60.81.5643

---

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

**Sent:** Wednesday, May 20, 2020 6:51 AM

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

**Subject:** Re: Last MV Application Attached RE: Additional Applications added to Agenda RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for 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.

Good Morning Elaine

Cogeco has no issue or concerns with the application.

Have a great day

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



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## Memorandum

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

Cc: Judy Pihach, Wilrik Banda  
Planning and Building Services

From: Steven Sunderland, Building Inspector  
Planning and Building Services

Date: May 27, 2020

Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance – June 10, 2020 hearing**

---

NO.	ADDRESS	COMMENTS
A-20/20	47 Thomas Street	No Comment
A-47/20	58 Barbican Trail	Be advised that a building permit is required for the proposed basement accessory dwelling unit to the single detached dwelling unit.
A-48/20	1 Towering Heights Boulevard	No Comment
A-49/20	63 Rosedale Avenue	Be advised that a building permit (Change of Use) is required for the proposed electrical contractor's office space and storage within an existing building.
A-50/20	160 Fourth Avenue	Be advised that a building permit is required for the proposed addition to the building.
A-52/20	62 Tulip Tree Common	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-53/20	81 Cecil Street	No Comment
A-54/20	6-10 Dalhousie Ave.	No Comment

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





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## Memorandum

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**To:** Will Banda, Planning and Building Services  
**CC:**  
**From:** Jessica Button, Community, Recreation and Culture Services  
**Date:** May 4, 2020  
**Subject:** Committee of Adjustment Hearing – May, 2020

---

PRCS has reviewed the Committee of Adjustment application for the hearing of April 29, 2020 and provides the following comments;

1. **6-10 Dalhousie Avenue**, Minor Variance, A-54/20 – 60.81.5644  
No comment.
2. **1½ Dalhousie Avenue**, Consent, B-24/20SC – 60.84.2301  
No comment.
3. **62 Tulip Tree Common, unit 10**, Minor Variance, A-52/20 – 60.81.5642  
No comment.
4. **81 Cecil Street**, Minor Variance A-53/20 – 60.81.5643  
No comment.
5. **11 Moffatt Street**, Consent, B-45/17SC – 60.84.2130 & Minor Variance A-91/17  
60.81.5260

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.

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



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## Memorandum

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**To:** Elaine Munro, ACST, Committee Secretary & Planning Technician  
**Cc:** City Committee of Adjustment Staff Members  
**From:** Brad Johnston, C.E.T., Development Engineering Technologist  
**Date:** May 19, 2020  
**Hearing Date:** June 10, 2020  
**Subject:** **Committee of Adjustment - Minor Variance Applications**  
47 Thomas Street, A-20/20SC  
58 Barbican Trail, A-47/20SC  
35 (1) Towering Heights Boulevard, A-48/20SC  
63 Rosedale Avenue, A-49/20SC  
160 Fourth Avenue, A-50/20SC  
62 Tulip Tree Common, A-52/20SC  
81 Cecil Street, A-53/20SC  
6-10 Dalhousie Avenue, A-54/20SC

---

Development Engineering have no objections to the above applications subject to the following conditions applicable to 47 Thomas Street and 35 (1) Towering Heights Boulevard:

### **47 Thomas Street, A-20/20SC**

The Owner shall have prepared by an Ontario Land Surveyor or Professional Engineer

1. a topographic grading plan identifying all existing grades on the subject lands and all abutting properties in order to establish the existing drainage patterns on and adjacent to the site, for review and approval.

### **35 (1) Towering Heights Boulevard**

The Owner shall have prepared by a Professional Engineer

1. a detailed Grading & Drainage plan and an accompanying Stormwater Management Report detailing how the site will accommodate post-development storm flows to pre-development rates up to and including the 5-year storm (minor) event, and also how the site will accommodate and convey the major flows (greater than the 5-year event) to a suitable and secured outlet. The report should also include a quality control component to the satisfaction of the City and the Niagara Peninsula Conservation Authority; and
2. A certified cost estimate for the removal of and restoration of the 'temporary parking lot', inclusive of lighting requirements. The City shall obtain, based on this estimate, securities representative of 120% of these estimated costs of removal and restoration, no less than \$20,000, and shall not be returned until such time as the 'temporary parking lot' is restored to pre-existing conditions to the satisfaction of the City Engineer.

Prepared by:

Brad Johnston, C.E.T.

Development Engineering Technologist

**Attachments:** Towering Heights Parking Lot Civil Submission – Red-lined



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## Memorandum

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

**Cc:**

**From:** Steve Bittner  
Transportation Technologist

**Date:** May 15, 2020

**Subject:** Committee of Adjustment  
Public Hearings – June 10, 2020  
File No. 305-17-01

---

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

Steve Bittner  
Transportation Technologist  
SB/