
Updated 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

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 June 24, 2020.
7. Application:
 1. 75 Eastchester Avenue, Minor Variance A-44/20 – 60.81.5634
 2. 8 Nickerson Avenue, Minor Variance, A-63/20 – 60.81.5653
 3. 18 Corbin Street, Minor Variance, A-64/20 – 60.81.5654
 4. 27 Henrietta Street, Minor Variance, A-68/20 – 60.81.5658
 5. 31 Rockwood Avenue, Consent, B-30/20SC – 60.84.2307
 - 31 Rockwood Avenue, Minor Variance A-65/20 – 60.81.5655
 6. 258 Lake Street, Consent, B-31/20SC – 60.84.2308
 - 260 Lake Street, Consent, B-32/20SC – 60.84.2309
 - 258 Lake Street, Minor Variance, A-66/20 – 60.81.5656
 - 260 Lake Street, Minor Variance, A-67/20 – 60.81.5657
8. New Business:
9. Date of next Hearing: August 26, 2020 at 5:00 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

COMMENTS

A-44/20 (60.81.5534)

75 Eastchester Avenue

DATE OF HEARING:
July 29, 2020



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: July 23, 2020

Date of Meeting: July 29, 2020

Report Number: A-44/20

File: 60.81.5634

Subject: 75 Eastchester Avenue

Recommendation

That Application **A-44/20** by 2678408 Ontario Inc., as outlined in the Notice of Hearing, be approved providing the lands are developed generally in accordance with the sketch submitted with this application, attached as Appendix 1 to this report and attached to the decision of the Committee.

Report The Proposal

The Applicant proposes to build a light industrial building, being a workshop for an electrical contracting business, on a vacant property. The property has a number of development constraints that reduced the building envelope on the property, requiring the proposed building to be pushed closer to Eastchester Avenue than otherwise permitted. The following variance is required to permit the addition.

Variance No.	Zoning Provision	Required	Proposed
1.	Minimum front yard setback	12m	0.9m
2.	Minimum exterior side yard setback (Yale Crescent)	12m	7.2m
3.	Minimum exterior side yard setback (Eastchester Avenue)	12m	6.7m
4.	Minimum width of landscape buffer along street frontage (Eastchester Ave)	3m	0m

Location and Site Description

The subject property is located on the north side of Eastchester Avenue between Yale Crescent and Grantham Avenue South. Properties on the north side of Eastchester Avenue are employment, with a number of heavy industrial uses in the immediate vicinity. Properties on the south side of Eastchester Avenue are residential.

The subject property is presently vacant and is being used as an informal parking lot.

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 Employment on Schedule D1 of the Garden City Plan (GCP) and further designated General Employment on Schedule E5. Light industrial buildings are permitted in this designation.

Zoning By-law (2013-283)

The subject property is zoned General Employment (E2). Light industrial buildings are permitted in this zone.

Planning Analysis

The subject property is bounded to the north by a spur of the Port Colborne Harbour Railway – trackage that is owned by the City of St Catharines and operated by Trillium Railway. A 15 metre setback is required by Transport Canada regulations from the mutual property line between the subject property and the rail line. The level crossing for the rail line at Yale Crescent provides further restrictions on where an entrance to the subject property can be placed along Yale Crescent. The offset intersection between Yale Crescent and Blair Crescent on the south side of Eastchester Avenue limits opportunities for an entrance to the property to be placed on Eastchester Avenue.

The Applicant has requested a reduction in the front yard setback from 12 metres to 0.9 metres and a reduction in the required planting strip from 3 metres to 0 metres along the Eastchester Avenue frontage of the property to facilitate a two-storey light industrial building. Further reductions to the exterior sideward are also sought, from 12 metres to 7.2 metres from Yale Crescent and 6.7 metres from the chamfered corner of Eastchester Avenue.

The building will not sit parallel to the front lot line, so the 0.9 metre setback will only apply to the southeastern corner of the building. As the building extends west, it will gradually move away from the front lot line. Likewise, the planting strip will only need to be reduced to 0 metres where it interferes with the building and associated sidewalk. It will still be

possible to maintain a planting strip, in some parts at the full 3 metres, along the Eastchester Avenue frontage of the subject property. Similarly, the building will not be parallel to the Yale Crescent frontage and only the southwest corner of the building will sit at the reduced exterior side yard setbacks. As the building extends north it will be further from Yale Crescent. For these reasons the variances are considered minor in nature.

As part of the concurrent site plan control application that the applicant has with the City, a portion of the frontage along Eastchester Avenue needs to be dedicated to the City for a future road widening. That said, there is no immediately identifiable need to widen Eastchester Avenue. This has the effect of moving the front lot line over 4 metres into the subject property. Where the front yard is being reduced to 0.9 metres, there will still be about 5.5 metres from the southeast corner of the property to the existing sidewalk on Eastchester Avenue, and about 7.25 metres to edge of the existing roadway. Therefore, the proposed building will still maintain adequate buffering to prevent it from overwhelming the street line. There will also be adequate space for landscaping along the Eastchester Avenue frontage. Along Yale Crescent, there will be about 11 metres between the southwestern corner of the building and the edge of asphalt of the roadway, again, allowing for buffering and landscaping. The proposed reductions are further mitigated by a few factors. The shop doors for the facility and parking will be entirely at the rear of the building, reducing noise impact on the residential neighbours on the south side of Eastchester Avenue. The Eastchester Avenue and Yale Crescent façade of building will be more commercial in appearance and less industrial. Finally, the corner of the building with the 0.9 metre setback will be directly opposite where Blair Crescent intersects with Eastchester Avenue and will not be directly opposite a residential dwelling. For these reasons the reduced front yard and side yard setbacks, as well as the reduced landscape buffer are considered desirable for the appropriate use of the subject lands.

The intent of the front yard and exterior side yard setbacks along with the landscape buffer requirements in the Zoning By-law are to soften the impact of employment-related uses and buildings, especially when proximal to more sensitive land uses, such as residential. The extra space and landscaping afforded to employment buildings are supposed to lessen potential for conflicting land-uses while ensuring adequate space on employment lots for drainage, parking and landscaping. For the reasons outlined in the section above, staff believe it is still possible to maintain the intent of the by-law even with the minor variances being granted. The property is subject of a concurrent site plan control application, through which staff can ensure that extra landscaping is provided elsewhere on the site to compensate for areas where it is reduced. Staff can also ensure the façade of the building meets the City's urban design guidelines, which further reduces impact on neighbouring properties. For these reasons staff consider the intent of the Zoning By-law to be upheld.

Section 7.1 of the GCP states that development and redevelopment shall be evaluated having regard for context sensitive design to ensure the integration of compatible building form, scale, height and setbacks with adjacent buildings and the surrounding neighbourhood. Adverse impacts on adjacent properties are to be minimized in regard to

transition in height and privacy. Staff notes the presence of other Employment and Commercial uses along the north side of Eastchester Avenue that have reduced front yard setbacks, including 69 Eastchester Avenue which sits at the existing sidewalk. Other employment and commercial uses along Eastchester Avenue pre-date the Zoning By-law and most lack landscape buffers. Therefore, the proposed building not only fits in with parts of the existing streetscape, it will actually improve it. The subject property is in a unique area and does not have any immediate neighbours to the east or west to compare height to. However, the building is proximal to 87 Grantham Avenue South, a larger heavy industrial building which is substantially taller than the proposed building. Staff finds that the proposed building generally conforms to section 7.1 of the GCP.

Section 10.4 of the GCP provides further policies to guide development of lands with the Employment designation. The policies, and how this application meets those policies, are listed below.

c) Development or redevelopment within the Employment designation as set out on Schedule D1' General Land Use Plan' shall be subject to site plan control and to the following minimum requirements:

The proposed building is subject to site plan control and a concurrent application has been filed.

i) parking areas in front or flankage yards should be paved and designed with internal and perimeter landscaping;

The parking area is being located in the rear of the lot and will have perimeter landscaping.

ii) parking spaces for employees and clients are to be clearly delineated;

Parking spaces will be delineated through site plan control. The property exceeds minimum parking requirements.

iii) street edges are clearly articulated;

Street edges will be articulated through landscaping and sidewalks along Yale Crescent and Eastchester Avenue.

iv) lighting should be directed away from adjacent uses;

Lighting placement and direction will be regulated through site plan control.

v) outside storage areas, processing areas, and waste management facilities are to be adequately screened from view;

Outdoor storage will only be permitted in the rear paved yard area.

vi) where feasible, active transportation connections within and between the employment designation and other use areas shall be provided.

A new sidewalk connection is being established on the Yale Crescent side of the property.

Since all relevant policies of section 7.1 and 10.2 are being met, staff find that the proposal is in keeping with the spirit and intent of the Official Plan.

Staff are of the opinion that Application A-44/20 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-44/20, subject to the conditions outlined above.

Conclusion

Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Application **A-44/20** 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, subject to the condition outlined in the recommendation.

Prepared and Submitted by:

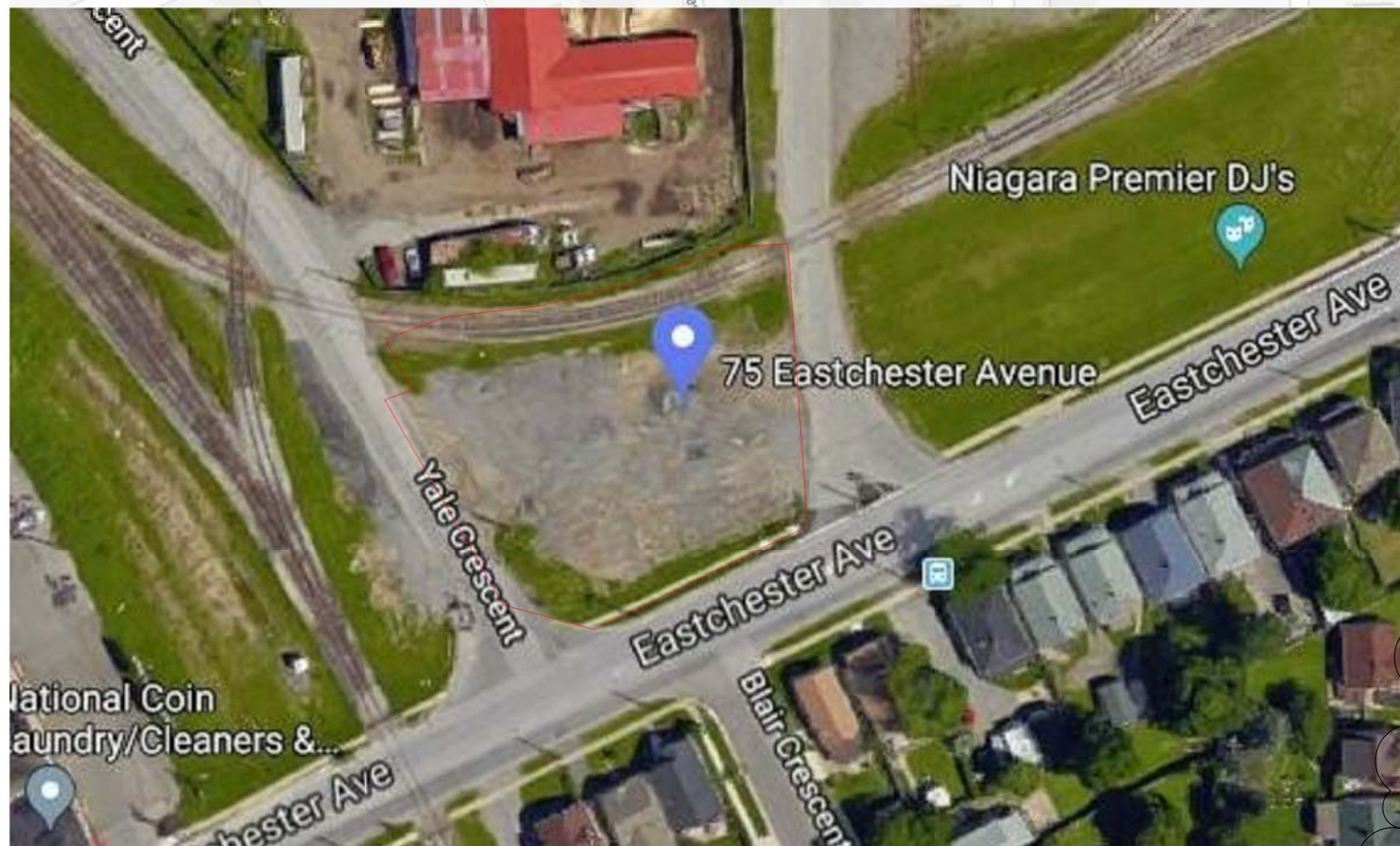
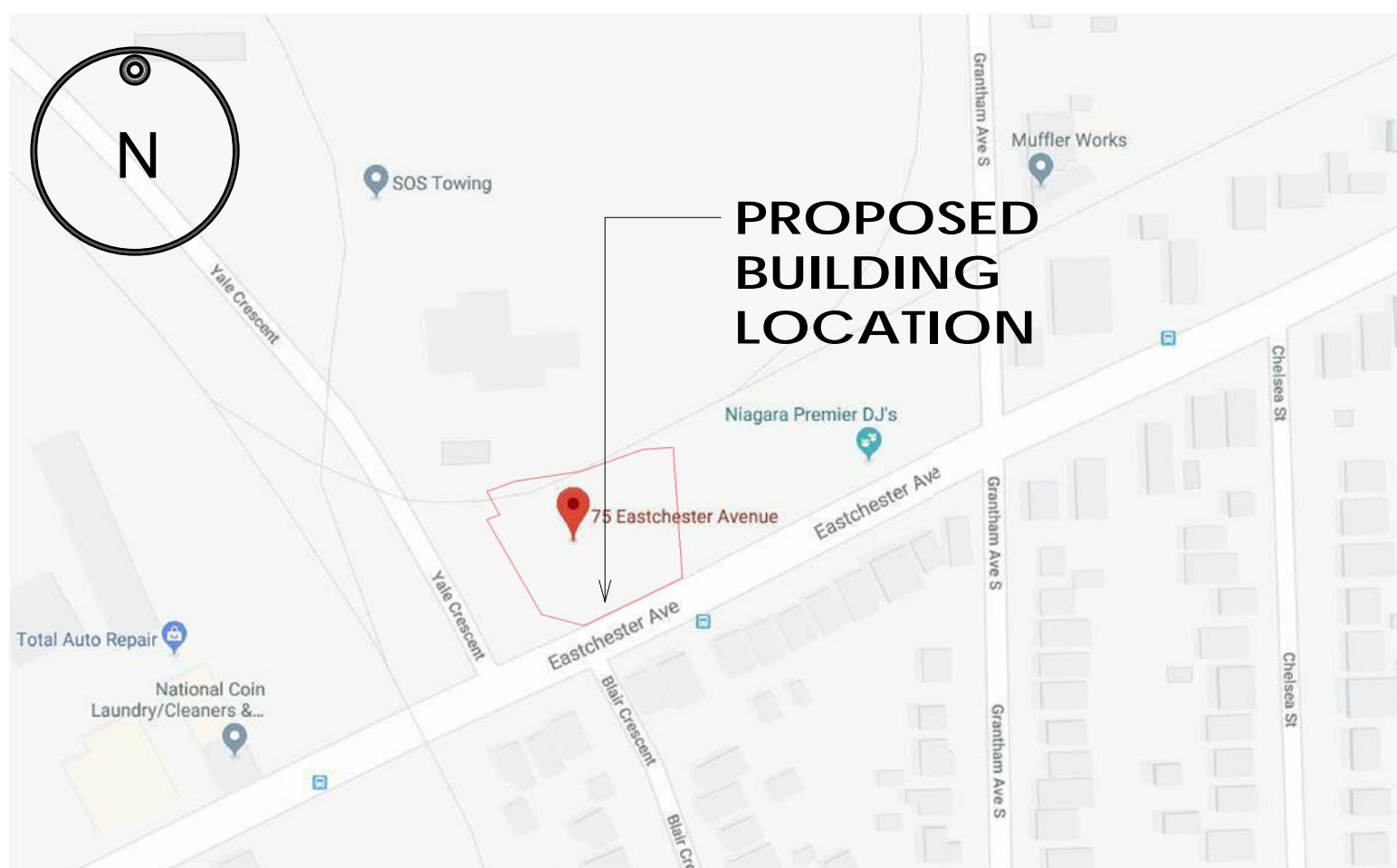


Evan Acs
Planner I

Approved by:



Judy Pihach
Manager, Planning Services



Appendix 1

LEGEND

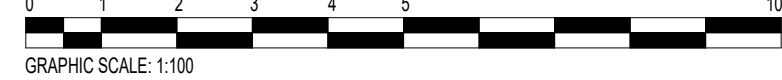
- PROPOSED BUILDING
- PRINCIPAL ENTRANCES
- BUILDING ENTRANCES
- PARKING SPACE

SITE STATS

LOT AREA	14308.49 SQ. FT. (1329.30 SQ. M.)	100 %
LOT COVERAGE		
PROPOSED BUILDING	2461.54 SQ. FT. (228.68 SQ. M.)	17.20 %
ASPHALT COVERAGE	6710.98 SQ. FT. (623.47 SQ. M.)	46.90 %
LANDSCAPE COVERAGE	3772.21 SQ. FT. (350.45 SQ. M.)	26.36 %
CONCRETE COVERAGE	1177 SQ. FT. (126.70 SQ. M.)	9.53 %

PARKING

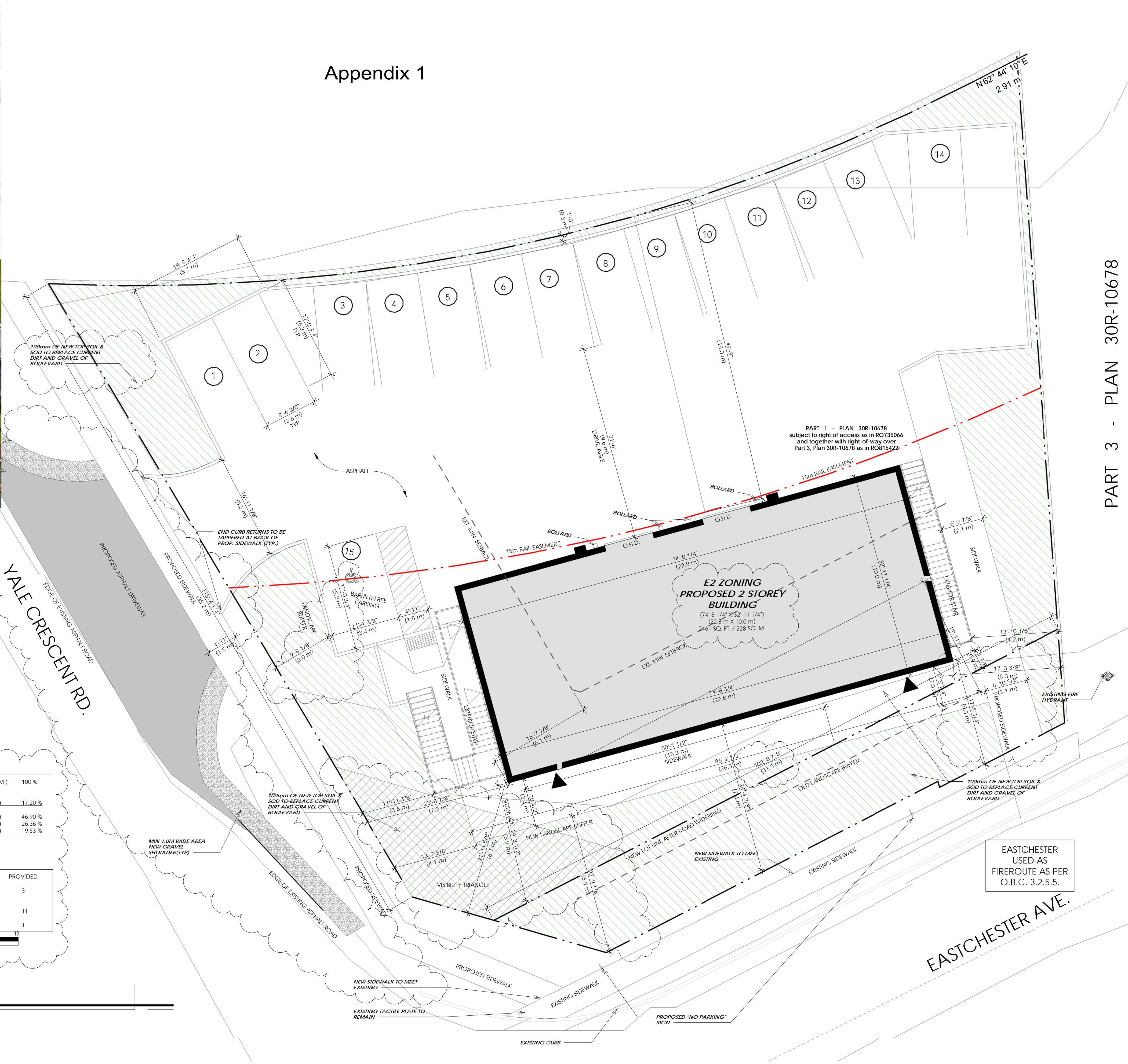
	REQUIRED	PROVIDED
PROPOSED BUILDING		
INDUSTRY, LIGHT (1 PER 100m ²) (354.4m ² GFLA)	3	3
(MAX. 15% RETAIL SPACE AS PER E2 ZONING)		
RETAIL PARKING (1 PER 20m ²) (62.5m ²)	3	11
TYPE - A BARRIER FREE PARKING	1	1



GRAPHIC SCALE 1:100

SITE PLAN

1 : 100



PART 3 - PLAN 30R-10678

NO.	DATE:	REVISION:	BY:
1	MAY 8, 2020	CITY COMMENTS	JRM
2	JUNE 6, 2020	SITE PLAN & MINOR VAR.	CCS

COMMISSION:

JCL ELECTRIC

75 Eastchester Ave, St. Catharines, ON L2P 2Y6



SHEET TITLE:

SITE PLAN

Issued for Re-Zoning

Issued for Site Plan Agreement:

Issued for Permit:

Issued for Tender:

Issued for Construction:

DRAWN BY:	JRM	DWG. No.
CHECKED BY:	JMR	
DATE:	MAY 2020	
SCALE:	AS SHOWN	
PROJECT NO.:	2018-242	

.SP1

Munro, Elaine

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

75 Eastchester
8 Nickerson
18 Corbin
27 Henrietta

From: Doug Crown <doug.crown@cogeco.com>
Sent: Tuesday, June 30, 2020 1:57 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Committee of Adjustment Notices and Applications, City of St. Catharines, for the July 29/20 CofA Hearing - Email 1

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

Hi Elaine
Email 1
Cogeco has no concerns with these applications

Thanks

Doug Crown
Network Planning Department

7170 Mcleod Rd
Niagara Falls Ont Canada

Doug.crown@cogeco.com

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

April 6, 2020

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

Attention: Evan Acs

File# 20 101887 SP

Re: 75 Eastchester Ave

In response to your correspondence dated March 24, 2020, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

- For Residential/Commercial electrical service requirements, the Developer needs to contact our ICI and Layouts Department at 1-877-963-6900 ext: 25713 or visit our web site @ www.alectrautilities.com.
- Minimum 4m horizontal clearance from existing O/H line(s) must be maintained at all times as per Alectra Utilities Standard 3-105. Please consult with Alectra Utilities if further clarification is required.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.
- Developers to acquire an easement, if required.
- In order for Alectra Utilities to prepare design and procure the materials required to service this site in a timely manner, a minimum of 6 months notification is required. It would be advantages for the developer if Alectra Utilities were contacted at the stage where the new site plan becomes available. Please note that it takes approximately 20 weeks to purchase a transformer.

We would also like to stipulate the following:

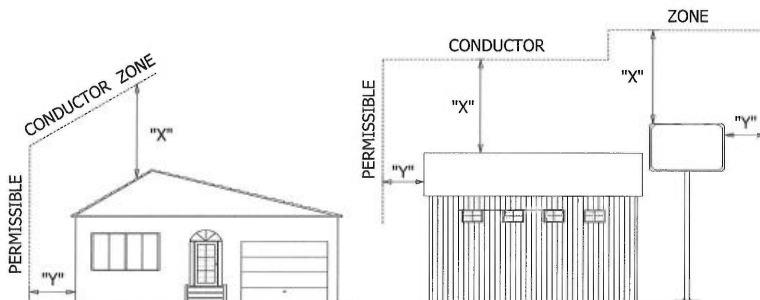
- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's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

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

Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital



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

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

* - INCLUDES MULTI-GROUNDED NEUTRALS

NOTES:

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



Memorandum

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

Cc: Judy Pihach, Wilrik Banda
Planning and Building Services

From: Steven Sunderland, Building Inspector
Planning and Building Services

Date: July 14, 2020

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

NO.	ADDRESS	COMMENTS
A-44/20	75 Eastchester Ave.	Be advised that a building permit is required for the proposed 2 Storey Warehouse/Storage building. Be advised that reductions in the required yard setbacks may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing those yards.
A-63/20	8 Nickerson Avenue	Be advised that a building permit is required for the proposed Attached Garage and Second Storey Addition. Be advised that reductions in the required yard setbacks may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing those yards.
A-64/20	18 Corbin Street	Be advised that a building permit is required for the proposed 4 and 5 Unit Townhouses. Be advised that reductions in the required yard setbacks may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing those yards.
A-68/20	27 Henrietta Street	No Comment
A-65/20	31 Rockwood Avenue	No Comment
A-66/20	258 Lake Street	No Comment
A-67/20	260 Lake Street	No Comment

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

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



Memorandum

To: Elaine Munro, Planning and Building Services

CC:

From: Jessica Button, Community, Recreation and Culture Services

Date: June 9, 2020

Subject: Committee of Adjustment Hearing – July 29, 2020

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

1. **75 Eastchester Avenue, Minor Variance A-44/20 – 60.81.5634**
No objections to the requested variances. Should space permit, CRCS recommends that the paved area within the parking lot be reduced in order to provide landscaping along the north property line.
2. **8 Nickerson Avenue, Minor Variance, A-63/20 – 60.81.5653**
No comment.
3. **18 Corbin Street, Minor Variance, A-64/20 – 60.81.5654**
No comment.
4. **27 Henrietta Street, Minor Variance, A-68/20 – 60.81.5658**
No comment.
5. **31 Rockwood Avenue, Consent, B-30/20SC – 60.84.2307**
31 Rockwood Avenue, Minor Variance A-65/20 – 60.81.5655
No comments or requirements associated with the land division. Tree protection, landscaping and parkland are best addressed through a future Site Plan Agreement. Site alterations, including the grading and the provision of swales will need to be located outside the proposed tree protection zones.
6. **258 Lake Street, Consent, B-31/20SC – 60.84.2308**
260 Lake Street, Consent, B-32/20SC – 60.84.2309
258 Lake Street, Minor Variance, A-66/20 – 60.81.5656
259 Lake Street, Minor Variance, A-67/20 – 60.81.5657
No comment.

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: July 9, 2020
Hearing Date: July 29, 2020
Subject: **Committee of Adjustment - Minor Variance Applications**
75 Eastchester Avenue, A-44/20SC
8 Nickerson Avenue, A-63/20SC
18 Corbin Street, A-64/20SC
31 Rockwood Avenue, A-65/20SC
258-259 Lake Street, A-66&67/20SC
27 Henrietta Street, A-68/20SC

Development Engineering have reviewed the above applications and have no objections to the requested variances.

Trusting this information is satisfactory.

Regards,

Prepared by:

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

- c. Judy Pihach, PBS (email only)
- Will Banda, PBS (email only)
- James Denham, PBS (email only)



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: July 3, 2020

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

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

Steve Bittner
Transportation Technologist

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-63/20 (60.81.5653)

8 Nickerson Avenue

DATE OF HEARING:
July 29, 2020



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: July 23, 2020

Date of Meeting: July 29, 2020

Report Number: A-63/20

File: 60.81.5653

Subject: 8 Nickerson Avenue

Recommendation

That Application **A-63/20** by Jamie Oresar and Joseph Oresar, as outlined in the Notice of Hearing, be approved subject to the following condition:

1. That the variances only apply to the northern interior side yard setback.

Report The Proposal

The Applicant proposes to replace an existing detached garage with a two-storey addition a dwelling that will include an attached garage. The new addition with garage is proposed to have the same setback from the northern property line as the existing detached garage, which does not meet the zoning requirement. The following variance is required to permit the addition.

Variance No.	Zoning Provision	Required	Proposed
1.	Minimum Interior Side Yard	1.2m	0.635m

Location and Site Description

The subject property is located on the east side of Nickerson Avenue between Grammar Avenue and Manor Road. The neighbourhood is primarily residential. Dwellings immediately adjacent to the subject property are single storey and one-and-a-half storey, however, there is a mix of one- and two-storey dwellings in the neighbourhood.

The subject property is presently occupied by a one-storey detached dwelling, with a detached garage, an accessory building and an in-ground swimming pool.

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 E2. Detached dwellings are permitted in this designation.

Zoning By-law (2013-283)

The subject property is zoned Low Density Residential – Suburban Neighbourhood (R1). Detached dwellings are permitted in this zone.

Planning Analysis

The Applicant has requested a reduction in the minimum interior side yard setback from 1.2 metres to 0.635 metres to facilitate a two-storey addition with attached garage to the existing dwelling. The addition will replace an existing detached garage and is proposed to have same interior side-yard setback as that garage, which currently sits 0.635 metres from the north lot line. Approval of the variance would permit the addition to be constructed in line with the existing detached garage, rather than being stepped back an additional 0.565 metres. The reduction is considered minor in nature.

The proposed setback reduction would facilitate an increase in the size of the dwelling. Building in-line with the detached garage is generally in keeping with, and would not compromise, the character of the surrounding neighbourhood, which is dominated by wider homes occupying much of the width of the lot. The lots and houses on Nickerson Avenue are positioned on an angle from the street, making for a staggered street scape. The rear wall of 8 Nickerson is only slightly offset from the front wall of 10 Nickerson. Therefore, staff find that the potential impact of overlook from 8 Nickerson Avenue into the rear yard of 10 Nickerson Avenue is no greater than if the second storey addition was built at the required 1.2 metre setback. The reduced setback for the addition is considered desirable for the appropriate use of the subject lands.

The intent of the 1.2 metre minimum side yard setback is to ensure that a sufficient buffer is maintained between structures on adjacent properties, and to facilitate on-site drainage and access to rear yards. The requested 0.65 metre setback is already established on the subject property for a detached garage. The proposed second storey addition and covered platform structure will not change the existing drainage. Access to the rear yard will be maintained with a through garage (there is a garage door on both the front and rear walls of the proposed garage). The addition will be required to comply with the spatial separation requirements of the Ontario Building Code to ensure the addition is constructed with regard for the reduced setback to the adjacent building. Staff consider the intent of the Zoning By-law to be upheld.

Section 7.1 of the GCP states that development and redevelopment shall be evaluated having regard for context sensitive design to ensure the integration of compatible building form, scale, height and setbacks with adjacent buildings and the surrounding

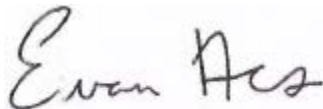
neighbourhood. Adverse impacts on adjacent properties are to be minimized in regard to transition in height and privacy. Given that 8 and 10 Nickerson Avenue are not perfectly adjacent to each other, the reduced side yard setback will not be immediately noticeable and the character of the neighbourhood can still be maintained. The height of the proposed addition is similar to nearby dwellings. As discussed above, the reduced setback for the addition is not expected to negatively impact the neighbouring property to the north. The proposal is in keeping with the spirit and intent of the Official Plan.

Staff are of the opinion that Application A-63/20 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-63/20, subject to the condition outlined in the recommendation.

Conclusion

Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Application **A-63/20** 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, subject to the condition outlined in the recommendation.

Prepared and Submitted by:



Evan Acs
Planner I

Approved by:



Judy Pihach
Manager, Planning Services

Munro, Elaine

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

75 Eastchester
8 Nickerson
18 Corbin
27 Henrietta

From: Doug Crown <doug.crown@cogeco.com>
Sent: Tuesday, June 30, 2020 1:57 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Committee of Adjustment Notices and Applications, City of St. Catharines, for the July 29/20 CofA Hearing - Email 1

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

Hi Elaine
Email 1
Cogeco has no concerns with these applications

Thanks

Doug Crown
Network Planning Department

7170 Mcleod Rd
Niagara Falls Ont Canada

Doug.crown@cogeco.com

T 289-296-6266 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: July 14, 2020

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

NO.	ADDRESS	COMMENTS
A-44/20	75 Eastchester Ave.	Be advised that a building permit is required for the proposed 2 Storey Warehouse/Storage building. Be advised that reductions in the required yard setbacks may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing those yards.
A-63/20	8 Nickerson Avenue	Be advised that a building permit is required for the proposed Attached Garage and Second Storey Addition. Be advised that reductions in the required yard setbacks may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing those yards.
A-64/20	18 Corbin Street	Be advised that a building permit is required for the proposed 4 and 5 Unit Townhouses. Be advised that reductions in the required yard setbacks may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing those yards.
A-68/20	27 Henrietta Street	No Comment
A-65/20	31 Rockwood Avenue	No Comment
A-66/20	258 Lake Street	No Comment
A-67/20	260 Lake Street	No Comment



Memorandum

To: Elaine Munro, Planning and Building Services

CC:

From: Jessica Button, Community, Recreation and Culture Services

Date: June 9, 2020

Subject: Committee of Adjustment Hearing – July 29, 2020

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

1. **75 Eastchester Avenue, Minor Variance A-44/20 – 60.81.5634**
No objections to the requested variances. Should space permit, CRCS recommends that the paved area within the parking lot be reduced in order to provide landscaping along the north property line.
2. **8 Nickerson Avenue, Minor Variance, A-63/20 – 60.81.5653**
No comment.
3. **18 Corbin Street, Minor Variance, A-64/20 – 60.81.5654**
No comment.
4. **27 Henrietta Street, Minor Variance, A-68/20 – 60.81.5658**
No comment.
5. **31 Rockwood Avenue, Consent, B-30/20SC – 60.84.2307**
31 Rockwood Avenue, Minor Variance A-65/20 – 60.81.5655
No comments or requirements associated with the land division. Tree protection, landscaping and parkland are best addressed through a future Site Plan Agreement. Site alterations, including the grading and the provision of swales will need to be located outside the proposed tree protection zones.
6. **258 Lake Street, Consent, B-31/20SC – 60.84.2308**
260 Lake Street, Consent, B-32/20SC – 60.84.2309
258 Lake Street, Minor Variance, A-66/20 – 60.81.5656
259 Lake Street, Minor Variance, A-67/20 – 60.81.5657
No comment.

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

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

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



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: July 9, 2020
Hearing Date: July 29, 2020
Subject: **Committee of Adjustment - Minor Variance Applications**
75 Eastchester Avenue, A-44/20SC
8 Nickerson Avenue, A-63/20SC
18 Corbin Street, A-64/20SC
31 Rockwood Avenue, A-65/20SC
258-259 Lake Street, A-66&67/20SC
27 Henrietta Street, A-68/20SC

Development Engineering have reviewed the above applications and have no objections to the requested variances.

Trusting this information is satisfactory.

Regards,

Prepared by:

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

- c. Judy Pihach, PBS (email only)
Will Banda, PBS (email only)
James Denham, PBS (email only)



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: July 3, 2020

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

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

Steve Bittner
Transportation Technologist

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

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

COMMENTS

A-64/20 (60.81.5654)

18 Corbin Street

DATE OF HEARING:
July 29, 2020



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: July 24, 2020

Date of Meeting: July 29, 2020

Report Number: A-64/20

File: 60.81.5654

Subject: 18 Corbin Street

Recommendation

That Application **A-64/20** by 1473941 Ontario Limited, as outlined in the Notice of Hearing, be approved.

Report Background

The subject property was created as a block within a recently approved (2019) plan of subdivision. The City has received an associated application for Site Plan Approval on the subject lands which proposes a private road development consisting of 17 townhouse units. Application **A-64/20** has been made for various zoning deficiencies within the proposed private road development.

The Proposal

Application A-64/20 seeks relief from the City of St. Catharines Zoning By-law 2013-283, as amended, for the following:

Variance #	Zoning Provision	Required	Proposed
1	Minimum lot area per dwelling unit	280 m ²	228 m ²
2	Maximum number of attached dwelling units	4	5
3	Minimum Interior Side Yard Setback from an end wall (unit 17)	5 metres	3.13 metres
4	Minimum Rear Yard Setback from an end wall (unit 9)	5 metres	2.92 metres

Location and Site Description

The subject property is located on the east side of Corbin Street north of Marshall Lane and west of Moffatt Street. The property is surrounded by detached dwellings to the north and east and townhouses to the south and west that were recently constructed within other blocks of the same plan of subdivision. The subject property is currently vacant.

Circulation of Application

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

Planning Policy Context

Official Plan (Garden City Plan)

The subject 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 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, subject to the policies of the Garden City Plan. Height of buildings will generally not exceed 11 metres.

Zoning By-law (2013-283)

The subject property is zoned Low Density Residential – Traditional Neighbourhood (R2). Private road developments consisting of townhouse dwelling units are permitted in this zone.

Planning Analysis

Variance 1

Zoning By-law 2013-283 requires a minimum lot area of 280 m² per unit within a private road development. The minimum lot area requirement is meant to ensure that a suitable building envelope can be established while providing adequate amenity space, parking and landscaping without overwhelming the lot or neighbouring properties. The lot area requirement also guides development to occur within the intended density range. The proposed reduction of the minimum lot area per dwelling unit from 280 m² to 228 m² achieves a density of 43.7 units per hectare. While the private road development on its own exceeds the targeted density (as outlined in the Official Plan), the density of the subdivision as a whole, including the proposed development on the subject lands, achieves a density of approximately 31.5 units per hectare. At the time the subdivision was approved, it was confirmed that density would be calculated across the entire subdivision (except for lands identified for future development at the northwest corner of Moffatt Street and Marshall Lane) rather than calculated on individual blocks in the subdivision.

The applicant has demonstrated that a private road development with 17 dwellings can fit suitably on the subject lands, while providing adequate parking and landscaping and abiding by all other required zoning provisions, with the exception of 5 attached units (Variance 2) and two pinch points (Variances 3 and 4). The reduction will not significantly detract from the available amenity space of each unit, will not have adverse impacts on the subject parcel or neighbouring properties and will allow the applicant to make efficient use of the parcel of land in an opportunity for good infill development.

Variance 2

Variance 2 requests an increase in the number of individual dwelling units within a block of townhouses from 4 to 5 dwelling units. The proposed development includes four townhouse blocks, one of which proposes 5 attached dwelling units. The configuration of this development and the requirement for site plan control supplies sufficient control to regulate the design and layout of the site features. Staff is supportive of this variance accordingly.

Variances 3 and 4

The requested setbacks range from 2.92 to 3.13 metres, and apply to two pinch points within the proposed private road development where the full setback from an end wall cannot be met due to the building and site layout. The City Engineer has not identified any concerns with respect to the impact of the reduced setbacks on drainage or runoff. There are no anticipated impacts on neighbouring properties, nor on the surrounding area. Overall, Variances 3 and 4 are in keeping with the intent and purpose of the Official Plan and Zoning By-law. Staff are satisfied these pinch points will have negligible impact and accordingly each reduction is considered to be minor in nature.

Conclusion

Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Application **A-64/20** 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 and Submitted by:



Taya Devlin
Planner I

Approved by:



Judy Pihach
Manager Planning Services

Munro, Elaine

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

75 Eastchester
8 Nickerson
18 Corbin
27 Henrietta

From: Doug Crown <doug.crown@cogeco.com>
Sent: Tuesday, June 30, 2020 1:57 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Committee of Adjustment Notices and Applications, City of St. Catharines, for the July 29/20 CofA Hearing - Email 1

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

Hi Elaine
Email 1
Cogeco has no concerns with these applications

Thanks

Doug Crown
Network Planning Department

7170 Mcleod Rd
Niagara Falls Ont Canada

Doug.crown@cogeco.com

T 289-296-6266 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: July 14, 2020

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

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



Memorandum

To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Community, Recreation and Culture Services
Date: June 9, 2020
Subject: Committee of Adjustment Hearing – July 29, 2020

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1. **75 Eastchester Avenue, Minor Variance A-44/20 – 60.81.5634**
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No comment.
3. **18 Corbin Street, Minor Variance, A-64/20 – 60.81.5654**
No comment.
4. **27 Henrietta Street, Minor Variance, A-68/20 – 60.81.5658**
No comment.
5. **31 Rockwood Avenue, Consent, B-30/20SC – 60.84.2307**
31 Rockwood Avenue, Minor Variance A-65/20 – 60.81.5655
No comments or requirements associated with the land division. Tree protection, landscaping and parkland are best addressed through a future Site Plan Agreement. Site alterations, including the grading and the provision of swales will need to be located outside the proposed tree protection zones.
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258 Lake Street, Minor Variance, A-66/20 – 60.81.5656
259 Lake Street, Minor Variance, A-67/20 – 60.81.5657
No comment.

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: July 9, 2020
Hearing Date: July 29, 2020
Subject: **Committee of Adjustment - Minor Variance Applications**
75 Eastchester Avenue, A-44/20SC
8 Nickerson Avenue, A-63/20SC
18 Corbin Street, A-64/20SC
31 Rockwood Avenue, A-65/20SC
258-259 Lake Street, A-66&67/20SC
27 Henrietta Street, A-68/20SC

Development Engineering have reviewed the above applications and have no objections to the requested variances.

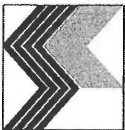
Trusting this information is satisfactory.

Regards,

Prepared by:

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

- c. Judy Pihach, PBS (email only)
Will Banda, PBS (email only)
James Denham, PBS (email only)



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: July 3, 2020

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

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

Steve Bittner
Transportation Technologist

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-68/20 (60.81.5658)

27 Henrietta Street

DATE OF HEARING:
July 29, 2020



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: July 24, 2020

Date of Meeting: July 29, 2020

Report Number: A-68/20

File: 60.81.5658

Subject: 27 Henrietta Street

Recommendation

That Application **A-68/20** by Joyce May and Robert May, as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. The garage shall have a minimum interior side yard setback of 1.2 metres, and a minimum rear yard setback of 13 metres; and,
2. The location, orientation and roofline of the garage shall be substantially in accordance with the submitted site plan and elevations (Appendix 1 to this report), which shall be attached to and form part of the decision of the Committee of Adjustment; and,
3. The applicant shall submit a Stage 1 Archaeological Assessment carried out by a licensed archaeologist in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists subject to the review and approval of the Region of Niagara. The Region will also require the submission of an acknowledgement letter from Ministry of Heritage, Sport, Tourism and Culture Industries confirming that any archaeological concerns have been sufficiently addressed.

Report The Proposal

The Applicants wish to construct a detached garage on the property known as 27 Henrietta Street. Accordingly, Application A-68/20 seeks relief from the City of St. Catharines Zoning By-law 2013-283, as amended, for an increase of the maximum permitted height of the proposed detached garage from 4.5 metres to 7.6 metres. The proposed garage includes three garage doors (two at the front and one at the rear), a covered porch and enclosed room off one side, and a loft area above the garage bays.

Location and Site Description

The subject property is located on the west side of Henrietta Street, north of St. Paul Street West. The property is surrounded by detached dwellings in all directions. Ridley

College is located nearby to the north. The subject property is currently occupied by a detached dwelling.

Circulation of Application

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

Planning Policy Context

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential on Schedule E6/7. Detached dwellings with accessory structures are permitted in this designation.

Zoning By-law (2013-283)

The subject property is zoned Low Density Residential – Traditional Neighbourhood (R2). Detached dwellings are permitted in this zone. Accessory structures are permitted on the same lot as the principle dwelling unit, however the accessory structures can cover no more than 10% of the lot. Accessory structures are defined as a detached building, structure or pool that is secondary to the principle use on the same lot, and include a detached garage.

Planning Analysis

As proposed, the requested increase in height for the accessory structure from 4.5 to 7.6 metres (an increase of 3.1 metres) will result in a building that is similar in height to the existing dwelling on the property. The increase in maximum height for the attached garage is considered minor, as submitted. There are no negative impacts anticipated as a result of the increase in height. The subject property is large enough to accommodate an accessory structure of this height while maintaining compatibility and mitigating impacts on the surrounding neighbourhood.

The variance will facilitate the construction of an accessory structure that will increase the storage area on this property, while remaining well within the maximum lot coverage for an accessory structure. It will complement the existing dwelling, and the increase in permitted height will not take away from the character of the area. As such, the application is considered desirable for the appropriate use of the land.

Intent of Zoning By-law 2013-283, as amended

There are several reasons for limiting the height of accessory structures in the Zoning By-law. In part, the height is limited to avoid overshadowing impacts on neighbouring properties, since accessory structures are permitted to sit closer to the edges of the property than the primary dwelling. The proposed garage is located at a 1.2 metre setback, which exceeds the required 0.6 metre setback for accessory structures. The proposed setback of 1.2 metres is the minimum setback for a detached dwelling. The proposed rear yard setback exceeds 13 metres. If these setbacks are maintained, the height will have no unreasonable impact on neighbouring lots. Further, the roof of the

garage angles away from the neighbouring property to the south. The actual height at 1.2 metres from the property line is around 3.4 to 4 metres. As long as the proposed roofline and setbacks are maintained, neighbouring properties will not be negatively impacted by the proposed increase in height.

The height is also limited to ensure that the use of any accessory structure(s) remains secondary in size and use to the principle dwelling on the lot. The proposed garage, while exceeding the height, is well within the maximum area for an accessory structure on this lot, and is smaller in area than the existing dwelling. Additionally, it is set back substantially from the existing dwelling, making it subordinate in its appearance from the street. The increase in height allows for the inclusion of a loft area above the garage that may be used for storage. Given existing policies, no other use would be permitted in this additional area. As such, the use of the garage would not be considered primary or insubordinate to that of the dwelling. Overall, the proposed height is in keeping with the intent of the Zoning By-law if the proposed setbacks are maintained, and if the roofline and height of the walls are substantially in keeping with the submitted sketch and elevations (Appendix 1 to this report).

Intent of Garden City Plan

Section 7.1 (c) of the Garden City Plan states that development and redevelopment shall be evaluated having regard for building, site, streetscape and neighbourhood context sensitive design to ensure the integration of compatible building form, scale, massing, height, setbacks, spacing, siting, orientation, facades and architectural materials with adjacent buildings, properties and the surrounding neighbourhood.

The location of the proposed garage is sensitive to the surrounding neighbourhood in terms of the form, scale, massing and height of the building. The roofline is designed so as to reduce any potential impacts on the neighbouring property to the south, and the building is setback sufficiently for its height. The roof is pitched away from the southerly abutting property, mitigating any impacts that may have occurred as a result of the proposed height. The building is facing towards the front of the property and will be visible from the street. It has been designed to complement the existing dwelling so that the view from the street is cohesive and appropriate. The height does not negatively impact the streetscape, and it facilitates the inclusion of a complementary gable that blends well with the existing architecture on the property. The proposal has been developed with the surrounding context in mind, and the resulting design is in keeping with the intent of the Official Plan. The proposed sketch and elevations (Appendix 1) should be attached to and form part of the decision to ensure these policies are upheld.

Comments from Niagara Region

The Provincial Policy Statement (PPS) and Regional Official Plan (ROP) provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 10.C.2.1.13 of the ROP state that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved.

The subject land is identified as having high archaeological potential based on the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) Criteria for Evaluating Archaeological Potential as the property is located within 300 m of a watercourse and a known archaeological site (AgGt-268). As such, Regional staff require completion of a Stage 1 Archaeological Assessment carried out by a licensed archaeologist in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists and any further assessment deemed necessary by the archaeologist to determine whether there are archaeological resources that may be impacted by the proposed development. The Region will also require an acknowledgement letter from Ministry of Heritage, Sport, Tourism and Culture Industries confirming that the archaeological assessment has been completed and that any archaeological concerns have been addressed.

Conclusion

Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Application **A-68/20** 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, subject to the conditions outline in the recommendation.

Prepared and Submitted by:

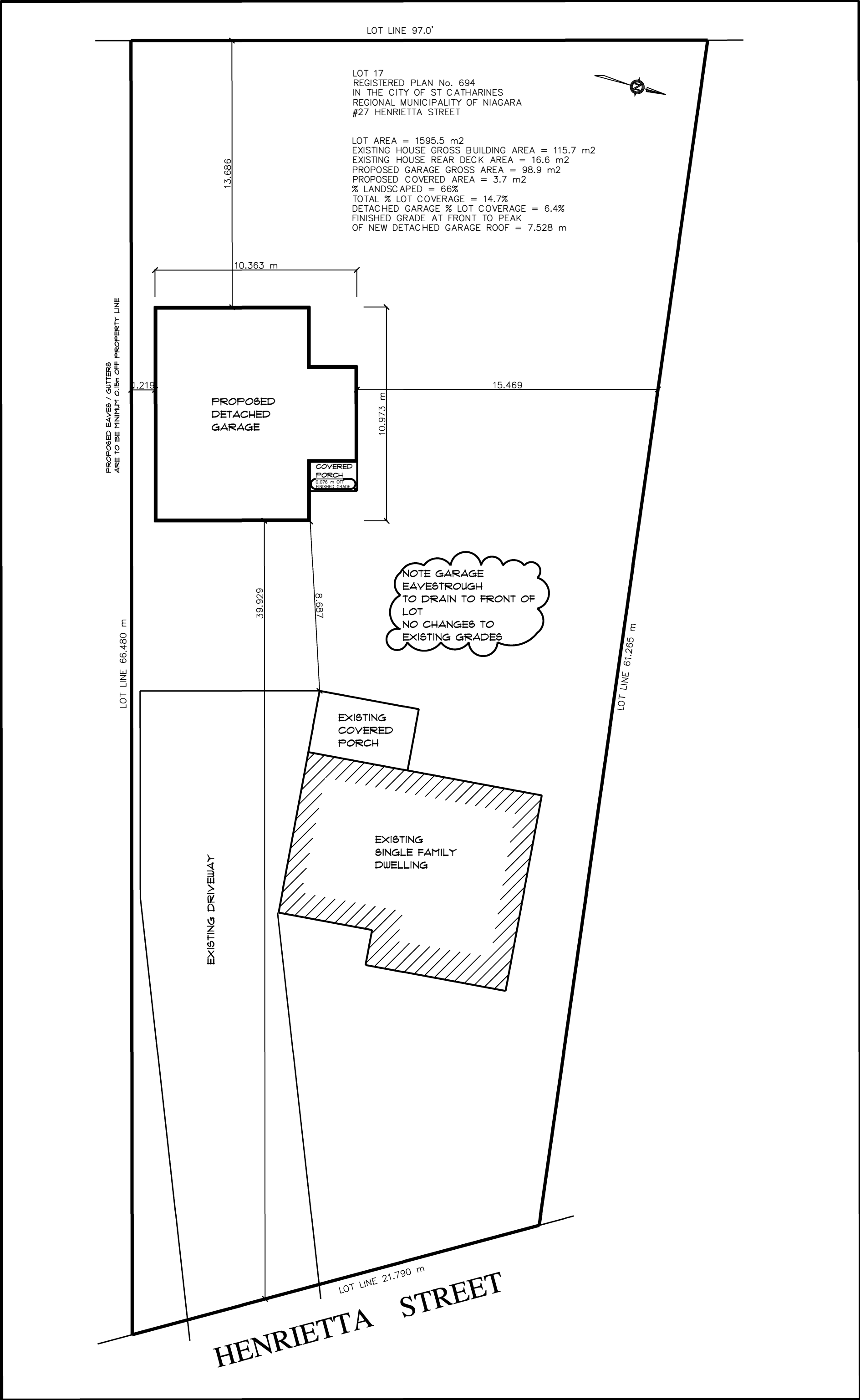


Charlotte McEwan
Planner I

Approved by:



Judy Pihach M.C.I.P., R.P.P.
Manager of Planning Services



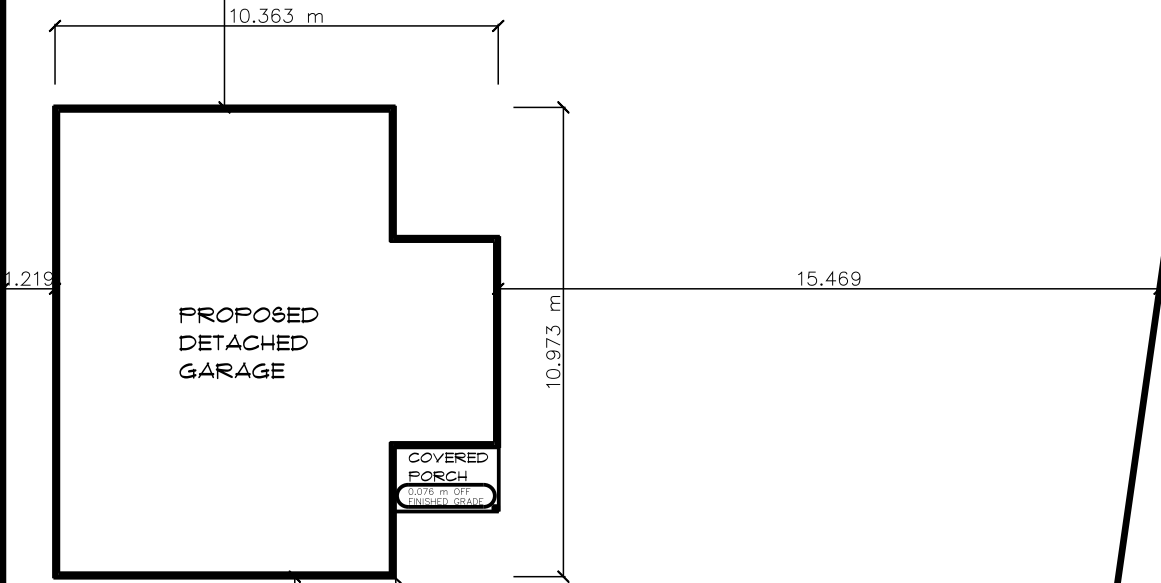
LOT LINE 97.0'

LOT 17
REGISTERED PLAN No. 694
IN THE CITY OF ST CATHARINES
REGIONAL MUNICIPALITY OF NIAGARA
#27 HENRIETTA STREET



LOT AREA = 1595.5 m²
EXISTING HOUSE GROSS BUILDING AREA = 115.7 m²
EXISTING HOUSE REAR DECK AREA = 16.6 m²
PROPOSED GARAGE GROSS AREA = 98.9 m²
PROPOSED COVERED AREA = 3.7 m²
% LANDSCAPED = 66%
TOTAL % LOT COVERAGE = 14.7%
DETACHED GARAGE % LOT COVERAGE = 6.4%
FINISHED GRADE AT FRONT TO PEAK
OF NEW DETACHED GARAGE ROOF = 7.528 m

PROPOSED EAVES / GUTTERS
ARE TO BE MINIMUM 0.15m OFF PROPERTY LINE



NOTE GARAGE
EAVESTROUGH
TO DRAIN TO FRONT OF
LOT
NO CHANGES TO
EXISTING GRADES

LOT LINE 66.480 m

39.929

7.89'8

EXISTING DRIVEWAY

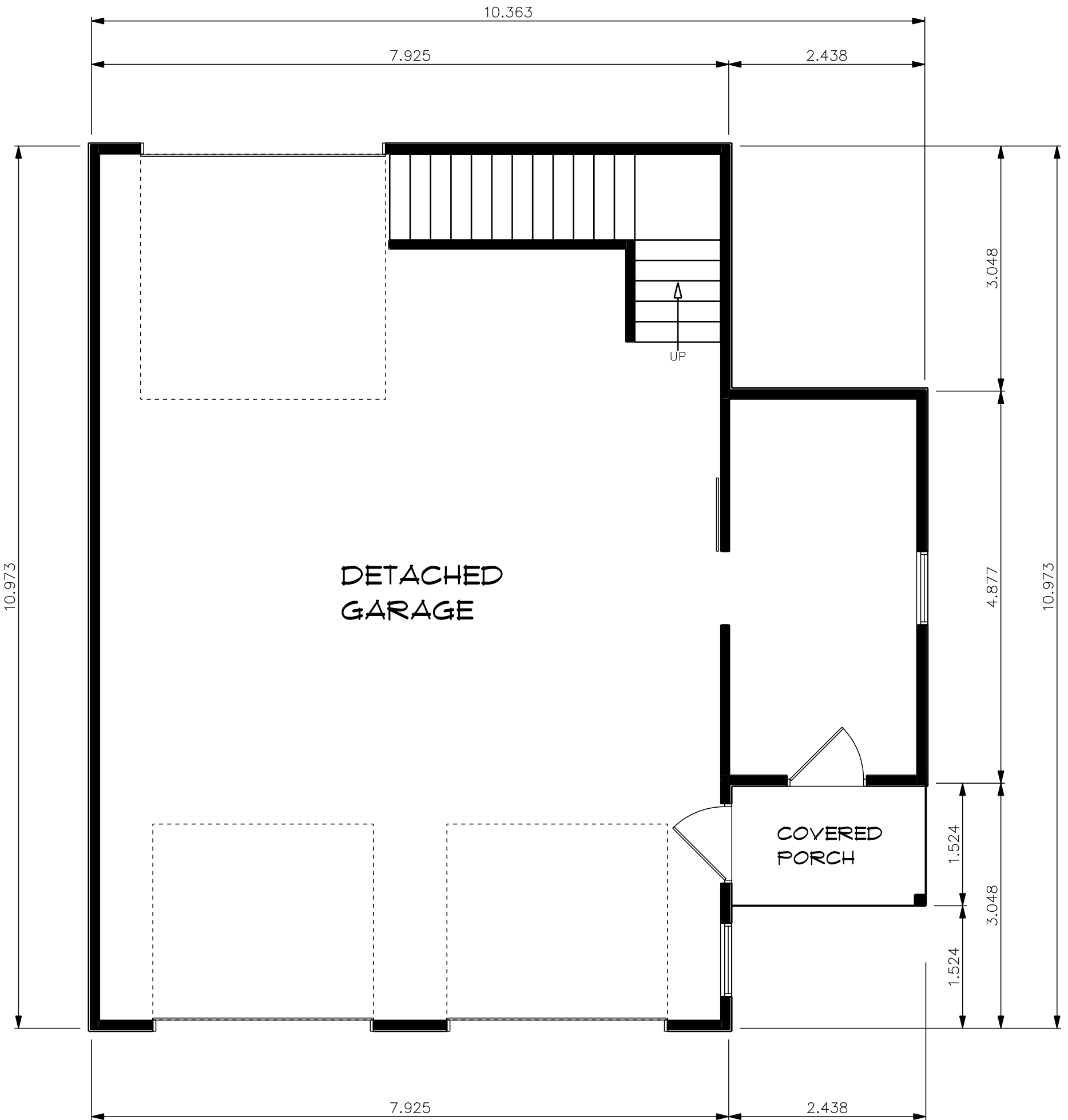
EXISTING
COVERED
PORCH

EXISTING
SINGLE FAMILY
DWELLING

LOT LINE 61.265 m

LOT LINE 21.790 m

HENRIETTA STREET



MAIN FLOOR PLAN
GARAGE FLOOR AREA = 98.9 m²
GARAGE COVERED PORCH AREA = 3.7 m²

PEAK OF ROOF



7.528 m



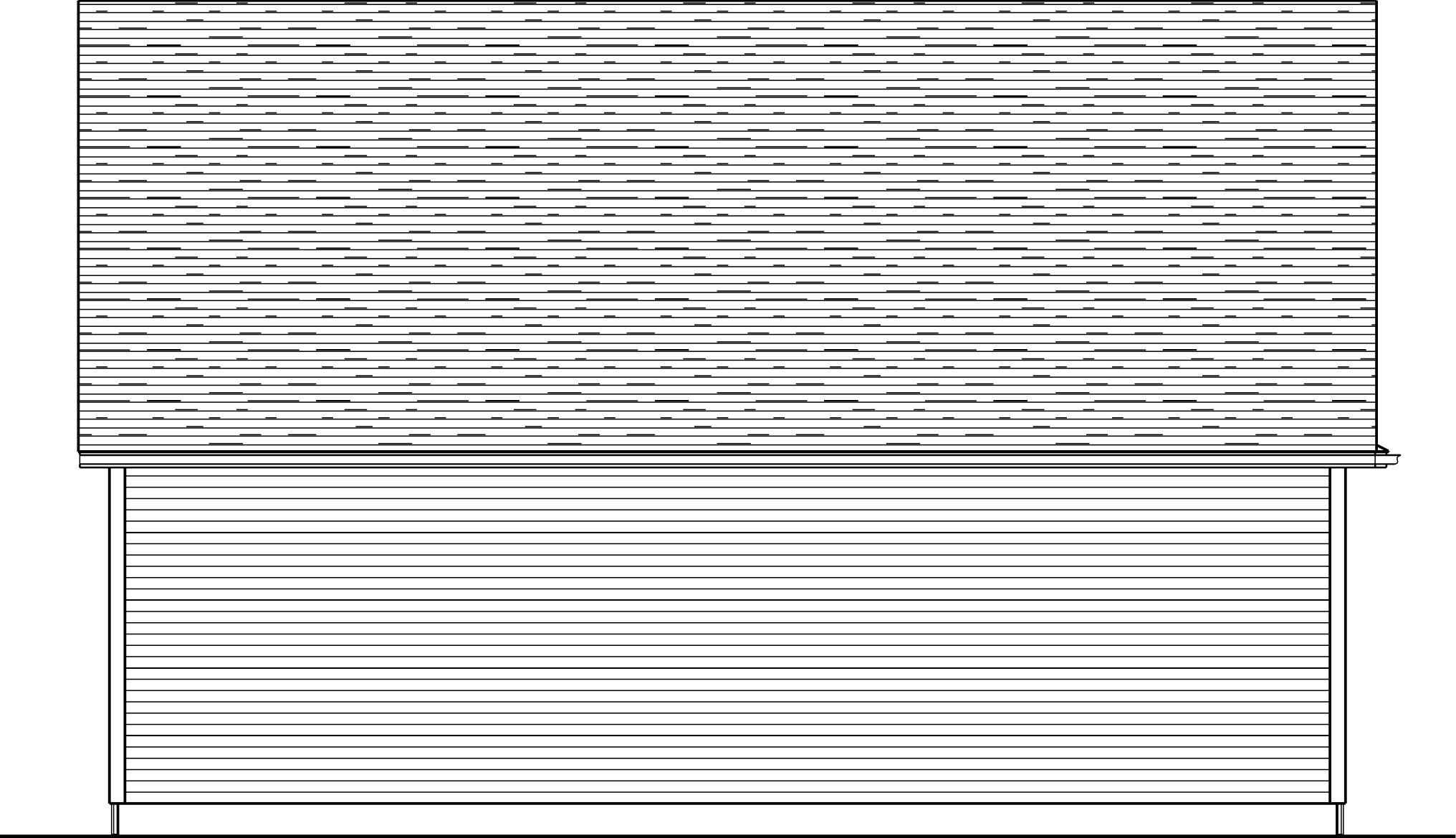
GRADE



FRONT ELEVATION



REAR ELEVATION



LEFT ELEVATION



RIGHT ELEVATION

Planning and Development Services

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

Via Email Only

July 7, 2020

File No.: D.17.08.MV-20-0017

Elaine Munroe, ACST
Committee Secretary and Planning Technician
City of St. Catharines
PO Box 3012, 50 Church Street
St. Catharines, ON L2R 7C2

Dear Ms. Munroe:

**Re: Regional and Provincial Comments
Minor Variance Application: A-68/20
Applicant: Robert and Joyce May
27 Henrietta Street, City of St. Catharines**

Niagara Region Planning and Development staff has reviewed the information circulated for the above-noted minor variance application and provide the following comments to assist the Committee in its consideration of this application.

Archaeology

The PPS and ROP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 10.C.2.1.13 of the ROP state that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved.

The subject land is identified as having high archaeological potential based on the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) Criteria for Evaluating Archaeological Potential as the property is located within 300 m of a watercourse and a known archaeological site (AgGt-268). As such, Regional staff require completion of a Stage 1 Archaeological Assessment carried out by a licensed archaeologist in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists and any further assessment deemed necessary by the archaeologist to determine whether there are archaeological

July 7, 2020

resources that may be impacted by the proposed development. The Region will also require an acknowledgement letter from Ministry of Heritage, Sport, Tourism and Culture Industries confirming that the archaeological assessment has been completed and that any archaeological concerns have been addressed.

Conclusion

Regional Development Services staff has no objections to the proposed minor variance application subject to the satisfaction of any local requirements and the following condition:

- The applicant submit a Stage 1 Archaeological Assessment carried out by a licensed archaeologist in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists. The Region will also require the submission of an acknowledgement letter from Ministry of Heritage, Sport, Tourism and Culture Industries confirming that any archaeological concerns have been sufficiently addressed.

Respectfully,



Lola Emberson, MCIP, RPP
Senior Development Planner

July 10, 2020

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

Attention: Elaine Munro

File# 60.81.5658

Re: 27 Henrietta St

In response to your correspondence dated June 30, 2020, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

- For Residential/Commercial electrical service requirements, the Developer needs to contact our ICI and Layouts Department at 1-877-963-6900 ext: 25713 or visit our web site @ www.alectrautilities.com.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- Alectra Utilities existing overhead rear service conflicts with proposed new garage. Service will have to be relocated to midspan to mitigate conflict.

We would also like to stipulate the following:

- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Alectra Utilities must be contacted if the removal, isolation or relocation of existing plant is required, all cost associated with this work will be at the owners expense.
- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call @ 1-800-400-2255.

- Clearances from Overhead and Underground existing electrical distribution system must be maintained in according to:
 - Ontario Building Code (1997) Section 3.1 (3.1.18.1)
 - Electrical Safety Code Rule 75-312
 - Occupational Health and Safety Act (OH&SA) – Construction Projects (Electrical Hazards)
 - CAN/CSA-C22.3 No. 1-15, Overhead System
 - C22.3 No. 7-15 Underground Systems

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

Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital

Munro, Elaine

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

75 Eastchester
8 Nickerson
18 Corbin
27 Henrietta

From: Doug Crown <doug.crown@cogeco.com>
Sent: Tuesday, June 30, 2020 1:57 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Committee of Adjustment Notices and Applications, City of St. Catharines, for the July 29/20 CofA Hearing - Email 1

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

Hi Elaine
Email 1
Cogeco has no concerns with these applications

Thanks

Doug Crown
Network Planning Department

7170 Mcleod Rd
Niagara Falls Ont Canada

Doug.crown@cogeco.com

T 289-296-6266 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: July 14, 2020

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

NO.	ADDRESS	COMMENTS
A-44/20	75 Eastchester Ave.	Be advised that a building permit is required for the proposed 2 Storey Warehouse/Storage building. Be advised that reductions in the required yard setbacks may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing those yards.
A-63/20	8 Nickerson Avenue	Be advised that a building permit is required for the proposed Attached Garage and Second Storey Addition. Be advised that reductions in the required yard setbacks may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing those yards.
A-64/20	18 Corbin Street	Be advised that a building permit is required for the proposed 4 and 5 Unit Townhouses. Be advised that reductions in the required yard setbacks may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing those yards.
A-68/20	27 Henrietta Street	No Comment
A-65/20	31 Rockwood Avenue	No Comment
A-66/20	258 Lake Street	No Comment
A-67/20	260 Lake Street	No Comment

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

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



Memorandum

To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Community, Recreation and Culture Services
Date: June 9, 2020
Subject: Committee of Adjustment Hearing – July 29, 2020

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

1. **75 Eastchester Avenue, Minor Variance A-44/20 – 60.81.5634**
No objections to the requested variances. Should space permit, CRCS recommends that the paved area within the parking lot be reduced in order to provide landscaping along the north property line.
2. **8 Nickerson Avenue, Minor Variance, A-63/20 – 60.81.5653**
No comment.
3. **18 Corbin Street, Minor Variance, A-64/20 – 60.81.5654**
No comment.
4. **27 Henrietta Street, Minor Variance, A-68/20 – 60.81.5658**
No comment.
5. **31 Rockwood Avenue, Consent, B-30/20SC – 60.84.2307**
31 Rockwood Avenue, Minor Variance A-65/20 – 60.81.5655
No comments or requirements associated with the land division. Tree protection, landscaping and parkland are best addressed through a future Site Plan Agreement. Site alterations, including the grading and the provision of swales will need to be located outside the proposed tree protection zones.
6. **258 Lake Street, Consent, B-31/20SC – 60.84.2308**
260 Lake Street, Consent, B-32/20SC – 60.84.2309
258 Lake Street, Minor Variance, A-66/20 – 60.81.5656
259 Lake Street, Minor Variance, A-67/20 – 60.81.5657
No comment.

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: July 9, 2020
Hearing Date: July 29, 2020
Subject: **Committee of Adjustment - Minor Variance Applications**
75 Eastchester Avenue, A-44/20SC
8 Nickerson Avenue, A-63/20SC
18 Corbin Street, A-64/20SC
31 Rockwood Avenue, A-65/20SC
258-259 Lake Street, A-66&67/20SC
27 Henrietta Street, A-68/20SC

Development Engineering have reviewed the above applications and have no objections to the requested variances.

Trusting this information is satisfactory.

Regards,

Prepared by:

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

- c. Judy Pihach, PBS (email only)
Will Banda, PBS (email only)
James Denham, PBS (email only)



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: July 3, 2020

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

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

Steve Bittner
Transportation Technologist

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

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

COMMENTS

**B-30/20SC (60.84.2307) & A-65/20
(60.81.5655)**

31 Rockwood Avenue

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



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: July 22, 2020

Date of Meeting: July 29, 2020

Report Number: B-30/20SC
A-65/20

File: 60.84.2307
60.81.5655

Subject: 31 Rockwood Avenue
Proposed Severance and Minor Variance

Recommendation

Consent

That Application **B-30/20SC** by Douglas Windeatt and Susan Windeatt, as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. That the Owner shall dedicate to the City, free and clear of any encumbrances, a 0.92 metre road widening across the frontage of the subject properties, as public highway to be known as Rockwood Avenue.
2. That the Owner shall provide the City a draft reference plan indicating the widening for review and approval, prior to registration of the plan in the Land Registry Office.
3. That the Owner shall pay the fee for City crews to locate, trace, inspect and document the location of the sewer and water laterals for the existing building.
4. That the Owner pay the City to complete, on public property, the relocation of any portion of a sanitary lateral and/or water service that might be necessary to ensure no service crosses an existing or future lot line, as identified through the above-noted inspection.
5. That the Owner complete, on private property, the relocation of any portion of a sanitary lateral and/or water service that might be necessary to ensure no service crosses an existing or future lot line, as identified through the above-noted inspection.
6. That the Owner provide the Secretary-Treasurer with the Acknowledgement and Direction for conveyance of the subject parcel, together with a copy of the deposited reference plan, for use in the issuance of the Certificate of Consent.
7. That the Owner submit to the Secretary-Treasurer of the Committee of Adjustment a final certification fee of \$214.80 (2020 rate) payable to the Treasurer, City of St. Catharines.
8. That final approval of the concurrent Minor Variance Application be approved.
9. That all conditions of consent be fulfilled by July 29, 2021.

Minor Variance

That Application **A-65/20** by Douglas Windeatt and Susan Windeatt, as outlined in the Notice of Hearing, be approved.

Report

The Proposal

The existing house located at 31 Rockwood Avenue recently merged with an adjacent property previously addressed as 33 Rockwood Avenue. 33 Rockwood Avenue historically contained an automotive repair garage but is now vacant. The applicant proposes to again separate these two properties with a revised boundary location in order to facilitate the redevelopment of 33 Rockwood Avenue. The existing home at 31 Rockwood Avenue is proposed to be retained. The applicant has advised that the vacant lands, along with the neighbouring Millbank Street road allowance, are intended to be developed for a three-storey apartment building.

Approval of the concurrent Minor Variance application would be required in order to allow the proposed severance. The Minor Variance seeks relief from the zoning by-law's maximum lot area provision, allowing a lot area of 812 m² for the existing home on Part 1, where as the maximum permitted lot area in the R1 zone is 465 m².

Location and Site Description

The subject property is located on the north side of Rockwood Avenue, between Ferndale Avenue and Park Avenue. The property is surrounded by detached dwellings and a two-storey neighbouring apartment building. The property is currently occupied by a detached dwelling which is proposed to be retained.

Circulation of Application

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

Planning Policy Context

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential on Schedule E9 thereof. Detached dwellings are permitted in this designation at a density generally ranging from 20 to 32 units per hectare. The proposed retained detached dwelling would not meet this minimum density threshold due its larger lot size (12.3 units per hectare), however the severed lands will facilitate residential infilling, resulting in an overall density increase more in keeping with or exceeding the target density range. Any proposal to develop the severed lands for an apartment building, as depicted in the sketches submitted by the applicant, would require the approval of an Official Plan Amendment as apartment buildings are not a permitted use within the Low Density Residential designation. Alternatively, the severed lands could be developed for a private road development which may include detached, semi-detached and townhouse type dwellings.

Zoning By-law (2013-283)

The subject property is zoned Low Density Residential – Suburban Neighbourhood (R1). Detached dwellings are a permitted use in this zone. As above, an apartment building on the severed lands would require a rezoning but a private road development would be permitted.

Planning Analysis

Consent

Section 16.11.3 of the GCP states that consents to sever will only be given where they contribute to the infilling of areas that are already substantially developed, and where the size and shape of the parcel is appropriate for the use proposed and in terms of the optimum development of the surrounding area. Provincial land use plans, as well as the City's Official Plan, promote opportunities for intensification and redevelopment where it can be appropriately accommodated. The Garden City Plan supports a balanced approach to infill and intensification to ensure appropriate building site and streetscape design.

Consent Application **B-30/20SC** requests to sever the subject property to allow for the future residential development of the vacant lands (Part 3 – 33 Rockwood). The existing house on Part 1 (31 Rockwood) is proposed to be retained. The proposed severed lands are intended to be merged with the Millbank Street road allowance in order to accommodate the construction of either a private road residential development or, if the required policy amendments are approved, an apartment building. Development of the severed lands will require site plan approval and surrounding property owners will be consulted as part of that process.

The severed lands will need to be developed at a minimum density range of 20-32 units per hectare – generally corresponding to 7-11 units - once merged with the Millbank Street road allowance. Additional density may be permitted if policy amendments to allow an apartment building are approved. If the applicant is unsuccessful in acquiring the Millbank Street road allowance, the severed lands could still be developed as a 4 to 6-unit private road development. The severed lands cannot be developed with just a single detached or semi-detached dwelling as this would be an inefficient use of the lands and would exceed the maximum lot area requirements for these uses.

The applicant has submitted a tree protection plan in support of their application. The plan is intended to identify the location of all perimeter trees within 4 metres of the future development site. The plan illustrates that one ash tree is proposed to be removed from the Millbank Road allowance and that all other perimeter trees are intended to be retained.

Staff are satisfied that the proposal is consistent with the Official Plan. The concurrent Minor Variance Application considered in this report will address the lot area deficiency for the existing house. There are no anticipated impacts as a result of the severances.

Staff are supportive of Consent Application **B-30/20SC**, subject to the conditions outlined in the recommendations.

Minor Variance

The Applicant has requested an increase in the maximum permitted lot area for the existing home on Part 1 (31 Rockwood). While being reduced from its original lot size, the retained lands would still be oversized at 812 m², whereas the maximum permitted lot area is 465 m². The larger lot area is required to accommodate the footprint of the existing home, required side yards, and a back yard. While the proposed 9.7 m rear yard is somewhat larger than the minimum rear yard setback requirement of 7.5 m, staff are satisfied that the proposal represents a more efficient development pattern and that overall density targets can be achieved.

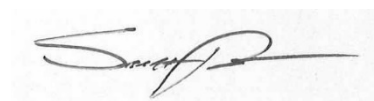
Staff are of the opinion that the requested variance is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is desirable for the appropriate use of the lands. As such, staff recommend approval of the variance.

Conclusion

Having regard for the matters under Section 53 of *The Planning Act*, staff are of the opinion that approval of Application **B-30/20SC** will allow for development that 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. It is staff's recommendation that the requested consent to sever be approved, subject to the conditions outlined herein.

Having regard for the matters under Section 45(1) of the *Planning Act*, staff are of the opinion that Minor Variance Application **A-65/20** would be 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 and function of the lands. Staff recommend that the Application be approved.

Prepared and Submitted by:



Scott Ritchie
Urban Design Planner

Approved by:



Judy Pihach
Manager, Planning Services

Munro, Elaine

Subject: Bell Comments - 905-20-171 - 31 Rockwood Avenue

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

Sent: Tuesday, July 14, 2020 2:58 PM

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

Subject: RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the July 29/20 CofA Hearing - Email 2 - 905-20-171 - 31 Rockwood Avenue

Hi Elaine,

Further to my response below, it has been identified that Bell also has existing facilities running north/south along Millbank street as well which will require locates should construction occur adjacent to Millbank.

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

From: Gordon, Carrie

Sent: Tuesday, July 14, 2020 2:53 PM

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

Subject: RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the July 29/20 CofA Hearing - Email 2 - 905-20-171 - 31 Rockwood Avenue

Good afternoon Elaine,

Re: Severance Application B-30/20SC

Subsequent to review of the severance application at 31 Rockwood Avenue, Bell Canada's engineering department have determined that there are no concerns or issues at this time. Please note Bell does have buried facilities (cable and pedestal) found within the road right of way which will be part of the road widening. Please advise the applicant that locates will be required to protect the existing Bell facilities.

If you have any questions 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

July 10, 2020

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

Attention: Elaine Munro

File# 60.84.2307 and 60.81.5655

Re: 31A & 31B Rockwood Ave

In response to your correspondence dated June 30, 2020, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

- For Residential/Commercial electrical service requirements, the Developer needs to contact our ICI and Layouts Department at 1-877-963-6900 ext: 25713 or visit our web site @ www.alectrautilities.com.
- Minimum 4m horizontal clearance from existing O/H line(s) must be maintained at all times as per Alectra Utilities Standard 3-105. Please consult with Alectra Utilities if further clarification is required.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.
- Developers to acquire an easement, if required.
- In order for Alectra Utilities to prepare design and procure the materials required to service this site in a timely manner, a minimum of 6 months notification is required. It would be advantages for the developer if Alectra Utilities were contacted at the stage where the new site plan becomes available. Please note that it takes approximately 20 weeks to purchase a transformer.

- Alectra Utilities has services supplied from Rockwood Ave., Millbank St and Admiral Rd. located within the Millbank St. city road allowance. An easement will be required if Millbank Street is closed and sold for new development.

We would also like to stipulate the following:

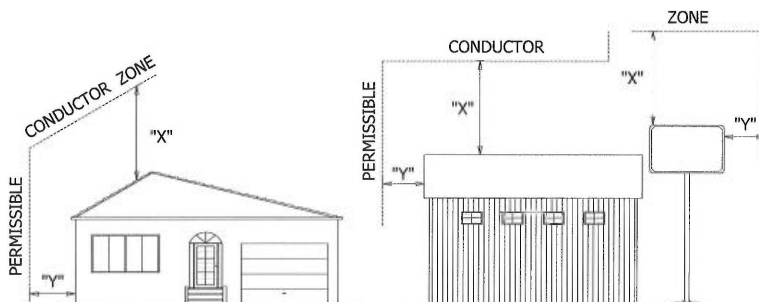
- Do not excavate within two metres of hydro poles and anchors.
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- Alectra Utilities must be contacted if the removal, isolation or relocation of existing plant is required, all cost associated with this work will be at the owners expense.
- CALL BEFORE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

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

Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital



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

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

* - INCLUDES MULTI-GROUNDED NEUTRALS

NOTES:

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

Munro, Elaine

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

31 Rockwood
258 Lake Street

From: Doug Crown <doug.crown@cogeco.com>
Sent: Tuesday, June 30, 2020 2:04 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Committee of Adjustment Notices and Applications, City of St. Catharines, for the July 29/20 CofA Hearing - Email 2

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

Hi Elaine
Email 2
Cogeco has no concerns with these applications

Thanks

Doug Crown
Network Planning Department

7170 Mcleod Rd
Niagara Falls Ont Canada

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

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

On Tue, Jun 30, 2020 at 1:31 PM Munro, Elaine <emunro@stcatharines.ca> wrote:

Email 2



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: July 14, 2020

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

B-30/20SC – 31 Rockwood Avenue

Comment:

- No Comment

Condition:

- No Comment

B-31/20SC – 258 Lake Street

Comment:

- No Comment

Condition:

- No Comment

B-32/20SC – 260 Lake Street

Comment:

- No Comment

Condition:

- No Comment

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



Memorandum

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

Cc: Judy Pihach, Wilrik Banda
Planning and Building Services

From: Steven Sunderland, Building Inspector
Planning and Building Services

Date: July 14, 2020

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

NO.	ADDRESS	COMMENTS
A-44/20	75 Eastchester Ave.	Be advised that a building permit is required for the proposed 2 Storey Warehouse/Storage building. Be advised that reductions in the required yard setbacks may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing those yards.
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A-64/20	18 Corbin Street	Be advised that a building permit is required for the proposed 4 and 5 Unit Townhouses. Be advised that reductions in the required yard setbacks may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing those yards.
A-68/20	27 Henrietta Street	No Comment
A-65/20	31 Rockwood Avenue	No Comment
A-66/20	258 Lake Street	No Comment
A-67/20	260 Lake Street	No Comment

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

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



Memorandum

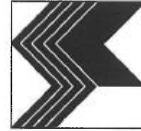
To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Community, Recreation and Culture Services
Date: June 9, 2020
Subject: Committee of Adjustment Hearing – July 29, 2020

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

1. **75 Eastchester Avenue, Minor Variance A-44/20 – 60.81.5634**
No objections to the requested variances. Should space permit, CRCS recommends that the paved area within the parking lot be reduced in order to provide landscaping along the north property line.
2. **8 Nickerson Avenue, Minor Variance, A-63/20 – 60.81.5653**
No comment.
3. **18 Corbin Street, Minor Variance, A-64/20 – 60.81.5654**
No comment.
4. **27 Henrietta Street, Minor Variance, A-68/20 – 60.81.5658**
No comment.
5. **31 Rockwood Avenue, Consent, B-30/20SC – 60.84.2307**
31 Rockwood Avenue, Minor Variance A-65/20 – 60.81.5655
No comments or requirements associated with the land division. Tree protection, landscaping and parkland are best addressed through a future Site Plan Agreement. Site alterations, including the grading and the provision of swales will need to be located outside the proposed tree protection zones.
6. **258 Lake Street, Consent, B-31/20SC – 60.84.2308**
260 Lake Street, Consent, B-32/20SC – 60.84.2309
258 Lake Street, Minor Variance, A-66/20 – 60.81.5656
259 Lake Street, Minor Variance, A-67/20 – 60.81.5657
No comment.

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

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-30/20SC



July 9, 2020

ENGINEERING FILE 300-36

Hearing Date: July 29, 2020
Applicant: Douglas and Susan Windeatt
Location: 31 Rockwood Avenue

<u>MUNICIPAL SERVICES</u>	Rockwood Avenue	Millbank Street R.O.W.
Water:	200mm P.V.C. Main	None.
Sanitary Sewer:	825mm north lane 375mm south boulevard	200mm fronting north portion of 33 Rockwood Avenue
Storm Sewer:	375mm	None.
Sidewalks:	Yes	None.
Road Allowance Width:	20.12m (66')	15.24m (50')

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

Comment(s): It is noted that the Applicant proposes to sever Part 3 on the attached sketch for a future proposed residential development. Part 1 is to be retained for continued residential use. Parts 2 and 4 are to be dedicated to the City for a road widening.

Roads

Rockwood Avenue is designated a Collector road per the City's Official Plan, with a desired right-of-way width of 20.12m. Its width is currently deficient along this section at 18.28m, therefore the City shall require the applicant dedicate a 0.92m road widening to the City, free and clear of any encumbrances to be known as Public Highway Rockwood Avenue.

Millbank Street, although a City road allowance, is currently in an unimproved state, with an existing gravel driveway for access to 26 & 30 Admiral and the rear portion of 33 Rockwood Avenue. The applicant has proposed the development of 33 Rockwood Avenue inclusive of a portion of the Millbank Street right-of-way. There is also an existing City municipal sanitary sewer centred on the Millbank Street right-of-way, 75.0m± south of the Admiral road sewer connection. Please note the municipal sanitary sewer serves no purpose other than an outlet for a building sewer lateral on 33 Rockwood Avenue, to which has since been demolished and the lateral decommissioned.

It is not the City's intent to improve/nor additionally maintain Millbank Street in the future from its existing conditions. The City would be open to the divestment of the entire Millbank Street right-of-way for development purposes, although the above encumbrances of Utilities and access for private properties must continue to be maintained in perpetuity by the Owner. The above sanitary sewer would then be considered private, and could be used to convey proposed development flows from the site.

Sidewalks

Sidewalks exist along the subject land frontage of Rockwood Avenue. They do not exist along the Millbank Street frontage. Given the above regarding Millbank Street, the City shall not require provisions for a sidewalk along the frontage that current road allowance at this time.

Engineering Services

Increased drainage challenges occur in these types of in-fill lot developments, where existing lots within established areas sometimes do not have suitable drainage outlets in place. Lot drainage plans are generally a requirement for review and approval through a Planning application or at the building permit stage and submitted at that time to ensure that the drainage scheme of the future lots convey drainage flows to a suitable outlet and do not adversely affect abutting properties. It is understood that the remnant parcel will be subject to a Planning application, therefore the engineering design and grading scheme shall be reviewed at that time, prior to approval of the future development lands.

The Owner shall be responsible to pay the City the fee to locate and trace the existing water and sewer laterals from the existing home to ensure they do not cross any abutting and/or future lot lines. If these services are determined to cross abutting and/or future potential lot lines, the Owner shall, prior to finalizing the severance, pay to have the services relocated within the right-of-way of Rockwood Avenue and on private property through a Plumbing Only permit so as not to continue private service crossings over abutting and/or future lot lines. The Owner shall pay the City the fees to provide all new water services and new sanitary services, if required, within the road allowance in order for each property to be serviced individually.

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

- Provide the City a draft reference plan indicating the proposed widening for review and approval, prior to registration of the plan in the Land Registry Office; and
- Dedicate to the City, free and clear of any encumbrances, the widening across the frontage of the subject properties, as public highway to be known as Rockwood Avenue; and
- Pay the fee for City crews to locate, trace, inspect and document the existing sewer lateral and water service to the existing building. If either or both the sewer lateral and water service are deemed by the City to conflict with abutting and/or future lot lines, the Owner shall pay the cost of decommissioning the existing services and pay to relocate them accordingly to the satisfaction of the City. The above costs shall be in accordance with the City's current Schedule of Rates and Fees at the time of payment;

Prepared by:



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

- c. James Denham, PBS (email only)
Stephanie Tripp, FMS – Property (email only)



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: July 9, 2020
Hearing Date: July 29, 2020
Subject: **Committee of Adjustment - Minor Variance Applications**
75 Eastchester Avenue, A-44/20SC
8 Nickerson Avenue, A-63/20SC
18 Corbin Street, A-64/20SC
31 Rockwood Avenue, A-65/20SC
258-259 Lake Street, A-66&67/20SC
27 Henrietta Street, A-68/20SC

Development Engineering have reviewed the above applications and have no objections to the requested variances.

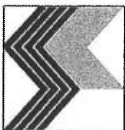
Trusting this information is satisfactory.

Regards,

Prepared by:

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

- c. Judy Pihach, PBS (email only)
Will Banda, PBS (email only)
James Denham, PBS (email only)



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: July 3, 2020

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

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

Steve Bittner
Transportation Technologist

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

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

COMMENTS

**B-31/20SC (60.84.2308), B-32/20SC
(60.84.2309), A-66/20 (60.81.5656) &
A-67/20 (60.81.5657)**

258 & 260 Lake Street

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



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: July 24, 2020

Date of Meeting: July 29, 2020

Report Number: B-31/20SC
B-32/20SC
A-66/20
A-67/20

File: 60.84.2308
60.84.2309
60.81.5656
60.81.5657

Subject: 258 Lake Street & 260 Lake Street

Recommendation

Consent Application B-31/20SC

That Application **B-31/20SC** by 2679844 Ontario Inc., as outlined in the Notice of Hearing be approved, subject to the following conditions:

1. That the Owner provide Bell Canada with a transfer of easement over Part 1, for a 3.0 metre wide corridor along the south property boundary, to protect existing buried facilities, supply service to the properties and to maintain service in the area. All costs associated with this transaction is the responsibility of the Owner.
2. That the Owner provide the Secretary-Treasurer with the Acknowledgement and Direction for conveyance of the subject parcels, together with a copy of the deposited reference plan, for use in the issuance of the Certificates of Consent.
3. That 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.
4. That all conditions of consent be fulfilled by July 29, 2021.

Consent Application B-32/20SC

That Application **B-32/20SC** by 2375775 Ontario Inc., as outlined in the Notice of Hearing be approved, subject to the following conditions:

1. That the Owner provide Bell Canada with a transfer of easement over Part 2, for a 3.0 metre wide corridor along the south property boundary, to protect existing buried facilities, supply service to the properties and to maintain service in the area. All costs associated with this transaction is the responsibility of the Owner.
2. That the Owner provide the Secretary-Treasurer with the Acknowledgement and Direction for conveyance of the subject parcels, together with a copy of the deposited reference plan, for use in the issuance of the Certificates of Consent.
3. That 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.

4. That all conditions of consent be fulfilled by July 29, 2021.

Minor Variance

That Applications **A-66/20** by 2679844 Ontario Inc. and **A-67/20** by 2375775 Ontario Inc., as outlined in the respective Notices of Hearing, be approved.

Report

The Proposal

The Applicant proposes a boundary adjustment to transfer a portion of the existing drive aisle, parking area and landscaping currently associated with 258 Lake Street to the lands known as 260 Lake Street to facilitate installation of a drive-thru and to establish a blanket easement for the purpose of servicing, access and shared parking so that these elements will serve the commercial function of both sites (258 and 260 Lake Street).

There is an existing gas station with associated convenience retail on the lands known as 260 Lake Street and an existing vacant commercial building, previously Rexall, on the lands to the east known as 258 Lake Street. The Applicant proposes to construct a drive-thru facility to accompany the existing gas station. The existing commercial building would remain in situ on the remnant lot.

Accordingly, Application **B-31/20SC** is made for consent for a partial discharge of mortgage and consent to sever 1,551 m² of land (Part 2) from 258 Lake Street to be added to the abutting westerly parcel of land known as 260 Lake Street (Part 3). The Application also proposes to establish a blanket easement, in perpetuity, over 8,138 m² of land (Part 1) for the benefit of the westerly abutting lot known as 260 Lake Street (Parts 2 and 3) for the purpose of servicing, access and shared parking. A 8,138 m² remnant parcel with an existing commercial building (Part 1) would be retained for continued commercial use.

Application **B-32/20SC** is made for consent for a partial discharge of mortgage and consent to establish a blanket easement, in perpetuity, over 2,819 m² of land (Parts 2 and 3) for the benefit of the easterly abutting lot known as 258 Lake Street (Part 1) for the purpose of servicing, access and shared parking.

Concurrent Minor Variance Applications **A-66/20** and **A-67/20** seek relief from the provisions of the City of St. Catharines Zoning By-law 2013-283 through the variances detailed in the table below.

Application	Variance #	Zoning Provision	Required	Proposed
A-66/20 (Part 1)	1	Minimum landscape buffer abutting a Residential Zone	3 m	2.72 m
	2	Maximum front yard setback	24 m	25.5 m
	3	Minimum landscape buffer between a parking area with more than 20	3 m	1.56 m

		parking spaces but fewer than 100 and a lot line abutting a public road		
	4	Minimum landscape buffer between a parking area with more than 20 parking spaces but fewer than 100 and a lot line not abutting a public road	3 m	1.85 m
A-67/20 (Parts 2 & 3)	1	Minimum setback from a Residential Zone to a drive-thru facility	7.5 m	3 m
	2	Minimum landscape buffer between a parking area with 5 to 20 parking spaces and a lot line abutting a public road	3 m	1.8 m

Location and Site Description

The subject lands are located on the east side of Lake Street, south of Dunlop Drive and the QEW. The lands are surrounded by an apartment building to the south and District School Board of Niagara to the east.

Circulation of Application

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

Comments received from Bell Canada indicate that a transfer of easement (3.0 m wide) over the subject lands (Parts 1 and 2) is required to protect existing buried facilities, supply service to the properties and to maintain service in the area. This requirement has been included as a condition in the recommendation.

Planning Policy Context

Official Plan (Garden City Plan)

The subject property is designated Commercial on Schedule D1 of the Garden City Plan (GCP) and further designated Community Commercial on Schedule E4 thereof. A range of commercial uses are permitted and intended to support day to day shopping and service needs for the local surrounding community.

Zoning By-law (2013-283)

The subject property is zoned Community Commercial (C2). A variety of commercial uses including retail store, restaurant and motor vehicle gas station 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 proposed lot sizes are in keeping with the general character of the surrounding neighbourhood, where lots vary in size and shape. The sites are currently developed and the boundary adjustment has been proposed to facilitate the addition of a drive thru at 260 Lake Street, which will not result in any significant expense to the City for public works. The boundary adjustment will eliminate the unusual geometric lot shape of 258 Lake Street while ensuring that existing access, parking and services are maintained through blanket easements registered on each property.

Staff are satisfied that the proposed boundary adjustment is appropriate and desirable for the continued use of the commercial building at 258 Lake Street and the commercial uses, including a gas station and proposed drive-thru at 260 Lake Street. Staff are supportive of the proposed consents, subject to the conditions outlined in the recommendation.

Minor Variance

Application A-66/20 – Variance 1

Zoning By-law 2013-283 requires that a minimum 3.0-metre-wide landscape buffer be provided where a commercial property abuts a residential zone. The intent of the provision is to ensure an appropriate transition between neighbouring land uses.

The Applicant is requesting a reduction of the minimum landscape buffer width from 3 metres to 2.72 metres along the southern lot line, where 258 Lake Street abuts a Residentially Zoned property. The requested reduction is to recognize the existing setback from the southern lot line to the edge of the existing drive aisle. Staff are satisfied that the proposed reduction is minor in nature, as there are no anticipated negative impacts from permitting the existing setback to remain as it exists today.

Application A-66/20– Variance 2

Zoning By-law 2013-283 establishes a maximum front yard setback of 24 metres in a commercial zone. Should the proposed boundary adjustment be approved, Dunlop Drive will become the frontage of 258 Lake Street. The Applicant is requesting an increase in the maximum setback to 25.5 metres to recognize the existing setback from Dunlop Drive to the commercial building. Staff are satisfied that the proposed increase is minor in nature, as there are no anticipated negative impacts from permitting the existing setback to the commercial structure to remain as it exists today.

Application A-66/20 – Variance 3

Zoning By-law 2013-283 requires that a minimum 3.0 metre wide landscape buffer be provided between a parking area with 20 to 100 parking spaces and the adjacent lot line, where the lot line abuts a public road. The intent of this provision is to ensure adequate screening of the parking area, which results in an appropriate transition between the public and private realms.

The Applicant is requesting a reduction of the minimum width of the landscape buffer from 3 metres to 1.56 metres along Dunlop Drive. The site is currently developed and the landscape buffer is established on site. Should the proposed boundary adjustment be approved, the property description will change and as such, the Variance has been included to recognize the existing situation. The Applicant has demonstrated that a 3 metre landscape buffer can be accommodated along the majority of the Dunlop Drive frontage; the area reduced to 1.56 metres represents a pinch point adjacent to Parking Space 9a on the submitted plan.

Application A-66/20 – Variance 4

Zoning By-law 2013-283 requires that a minimum 3.0-metre-wide landscape buffer be provided between a parking area with 20 to 100 parking spaces and the adjacent lot line, where the lot line does not abut a public road. The intent of the provision is to ensure an appropriate transition between neighbouring land uses that provides screening of vehicles and breaks up large areas of asphalt.

The Applicant is requesting a reduction of the minimum landscape buffer width from 3 metres to 1.85 metres along the common lot line (the western lot line for 258 Lake Street, abutting 260 Lake Street). The Applicant has demonstrated that a 3 metre landscape buffer can be accommodated along the majority of the shared lot line; the area reduced to 1.85 metres represents a pinch point adjacent to Parking Space 49 and opposite Parking Space 39 on the submitted plan. Further, this landscape buffer will abut an adjacent landscaped area at 260 Lake Street which when combined will exceed 3 metres in width. Staff are satisfied that no measureable impact will result from the reduced landscape buffer width at the identified pinch points.

Staff are of the opinion that the requested variances are minor in nature, desirable for the appropriate use of the lands, and are in keeping with the general intent of the Official Plan and Zoning By-law. Staff recommend approval of Variances 1, 2, 3 and 4 of Application A-66/20.

Application A-67/20 – Variance 1

Zoning By-law 2013-283 establishes a minimum setback of 7.5 metres from a residential zone to a drive thru facility. The provision is intended to ensure an appropriate transition to residential uses and adequate separation to mitigate potential impacts from cars queuing in the drive thru.

The Applicant is requesting to reduce the required setback to accommodate a proposed drive thru associated with the existing gas station. The site is currently developed with an existing gas station and the Owner has submitted an associated Application for Site Plan Amendment to propose the addition of a drive thru. The reduction will facilitate the configuration of the drive aisle and stacking lane, where extra space is required to accommodate increased capacity in the stacking lane due to the proximity of the site to the QEW. The existing paved area on site extends closer to the lot line than what is proposed by the Site Plan Amendment. The residential lands to the south contain an apartment building, setback more than 10 metres from the shared property line. There is

an existing landscaped area immediately to the south of the shared lot line, at 250 Lake Street. The property is subject to site plan control, through which process staff will ensure that the proposed buffer between the drive thru and the adjacent residential property will include enhanced landscaping materials. Staff are satisfied that the requested reductions are minimal enough so as to ensure adequate screening of the parking areas and that no measurable impact on the interface between the properties will result.

Application A-67/20 – Variance 2

Zoning By-law 2013-283 requires that a minimum 3.0-metre-wide landscape buffer be provided between a parking area with 20 to 100 parking spaces and the adjacent lot line, where the lot line abuts a public road. The intent of the provision is to ensure adequate screening of the parking area, which results in an appropriate transition between the public and private realms.

The Applicant is requesting a reduction of the minimum width of the landscape buffer from 3 metres to 1.8 metres along Dunlop Drive. The Applicant has demonstrated that a 3 metre landscape buffer can be accommodated along the majority of the Dunlop Drive frontage; the area reduced to 1.8 metres is limited to a pinch point adjacent to Parking Space 12a on the submitted sketch. Staff are satisfied that the requested reduction is minimal enough so as to ensure adequate screening of the parking areas and that no measurable impact on the interface between the public and private realms will result.

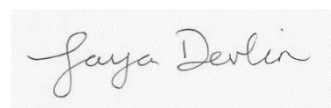
Staff are of the opinion that the requested variances are minor in nature, desirable for the appropriate use of the lands, and are in keeping with the general intent of the Official Plan and Zoning By-law. Staff are recommending approval of Variances 1 and 2, accordingly.

Conclusion

Having regard for the matters under Section 53 of the *Planning Act*, Staff are of the opinion that Applications **B-31/20SC** and **B-32/20SC** are compatible with the neighbourhood, consistent with the provisions of the Zoning By-law, and will have no adverse impacts on the surrounding area and environment. It is staff's recommendation that the requested consents to sever be approved, subject to the conditions outlined in the recommendation.

Having regard for the matters under Section 45(1) of the *Planning Act*, staff are of the opinion that Minor Variance Applications **A-66/20** and **A-67/20** are in keeping with the general intent of the Official Plan and Zoning By-law, are minor in nature, and are desirable for the appropriate use of the lands. Staff recommend that the Applications be approved.

Prepared and Submitted by:



Taya Devlin
Planner I

Approved by:



Judy Pihach
Manager Planning Services

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

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



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

Attn: Elaine Munro, Committee Secretary and Planning Technician
By email only: Munro, Elaine <emunro@stcatharines.ca>

Dear Ms. Munro:

Subject: Application for Consent – Severance
258 Lake Street
PT LT 18 CON 4 GRANTHAM AS IN RO574187; S/T RO574187; ST. CATHARINES
CofA File: B-31/20SC Bell File: 905-20-172

We acknowledge receipt and thank you for your correspondence June 30, 2020.

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

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

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

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

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

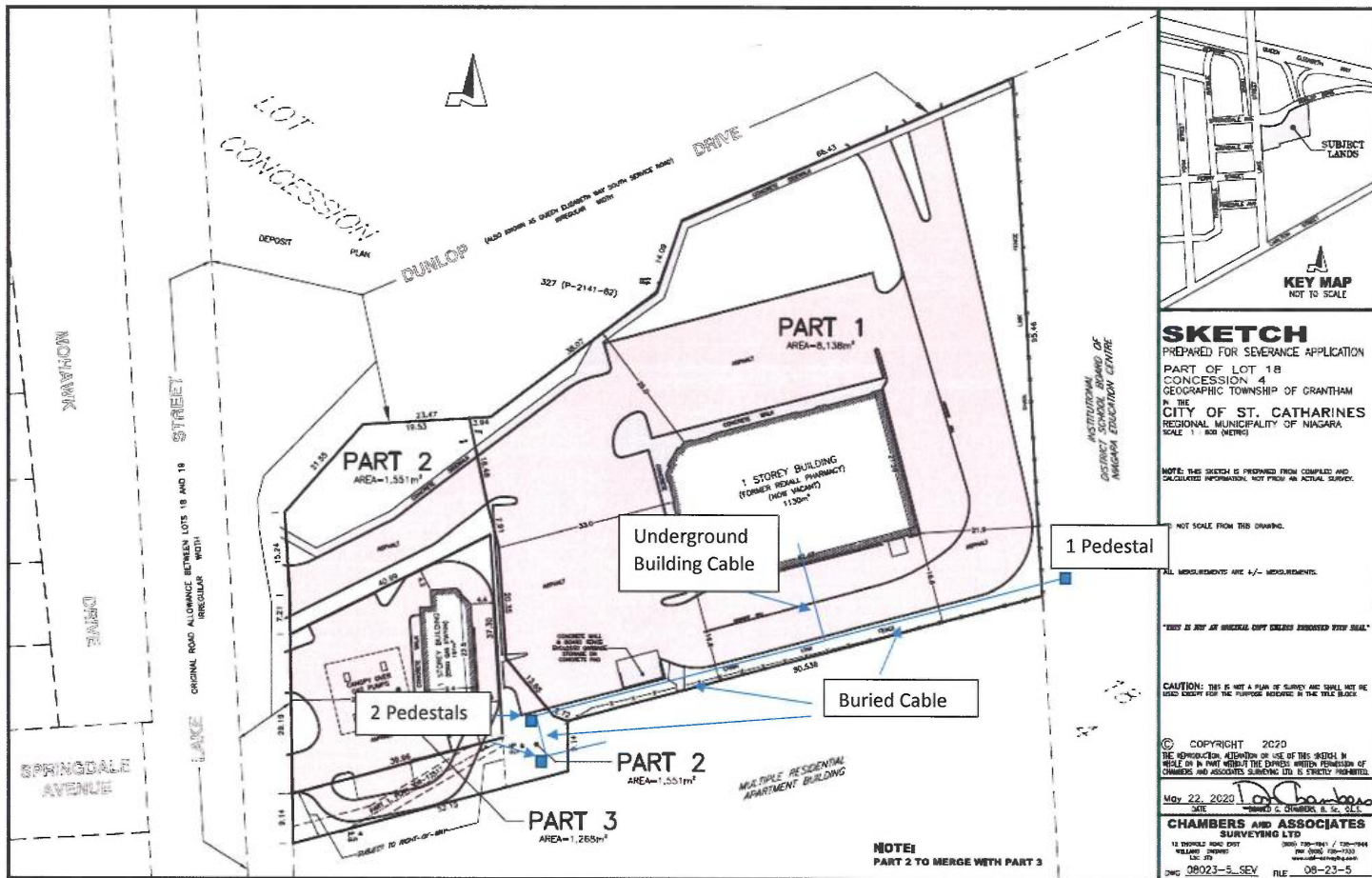
Yours truly,

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

Carrie Gordon
Right of Way Associate

Encls.





SKETCH
PREPARED FOR SEVERANCE APPLICATION
PART OF LOT 18
CONCESSION 4
GEOGRAPHIC TOWNSHIP OF GRANTHAM
IN THE
CITY OF ST. CATHARINES
REGIONAL MUNICIPALITY OF NIAGARA
SCALE: 1"=50' (METRIC)

NOTE: THIS SKETCH IS PREPARED FROM COMPILED AND CALCULATED INFORMATION, NOT FROM AN ACTUAL SURVEY.

NOT SCALE FROM THIS DRAWING.

ALL MEASUREMENTS ARE 1/2" = 1' MEASUREMENTS.

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May 22, 2020

DATE

CHAMBERS AND ASSOCIATES SURVEYING LTD.

12 THOROLD ROAD EAST SUITE 100 THOROLD ONTARIO L4V 1P5

DWG: 08023-5_SEV FILE: 08-23-5

WHEREAS the Transferee is the owner in fee simple of those lands and premises (the "Transferee's lands") being composed of Parts of Town Lots 5 and 6 on the North side of Adelaide Street West according to the Plan of the Town of York and designated as Parts 1 and 2, Plan 63R-545, City of Toronto.

WHEREAS the Transferor is the owner in fee simple of lands described as

(the "Property").

THE TRANSFEROR grants and transfers to the Transferee, its successors and assigns to be used and enjoyed as appurtenant to the Transferee's lands, a free and unencumbered easement (the "Easement") in perpetuity upon, over, in, under and across lands more particularly described under Properties on Page 1 attached (the "Easement Lands"):

1. the right to construct, operate, maintain, repair, replace, renew, or make additions at all times to telecommunications facilities (the "Facilities") or any part thereof forming part of continuous lines between the Transferee's lands and other lands including, without limitation, all necessary cable and wires (both buried and aerial), conduits, conduit structures, markers, poles, anchors, guys, maintenance holes, fixtures, equipment, and all appurtenances thereto.
2. the right of free and unimpeded access at all times to the Transferee, its contractors, agents, employees, vehicles, equipment, and supplies to and over the Easement Lands.
3. the right of free and unimpeded access at all times to the Easement Lands from and over the Property or abutting road allowances or abutting rights of way for the purpose of exercising the rights hereby granted.
4. the right to remove, trim, sever, or fell any obstructions such as trees, roots, brush, stumps, boulders or rock encountered during the course of construction or subsequent maintenance of the Facilities.

THE TRANSFEROR shall have the right to fully use and enjoy the Easement Lands provided that without the prior written consent of the Transferee, such consent not to be unreasonably withheld, the Transferor shall not place any buildings or other structures or dig, drill, pave or excavate within the Easement Lands.

THE TRANSFEEE shall:

1. be responsible for any damage caused at any time by its agents or employees to the Property. When practical, the Transferee, after any of its activities, shall restore the Property appropriately. The subsequent maintenance of the Property shall be the responsibility of the Transferor.
2. indemnify and save the Transferor harmless from all actions, causes of actions, suits, claims and demands of every nature and kind whatsoever which may be made against the Transferor relating to or arising out of the placement of the Facilities by the Transferee and for which the Transferee, in law, is responsible.
3. at its sole discretion, be permitted to attach, or permit the attachment of, wires, cables and equipment of any other company or commission for the purposes only of supplying a service to the public.

NOTWITHSTANDING any rule of law or equity and even though any of the Facilities may become annexed or affixed to the Easement Lands, title to the Facilities shall nevertheless remain in the Transferee.

THIS AGREEMENT including all rights, privileges, and benefits herein contained shall extend to, be binding upon, and enure to the benefit of, the parties hereto and their respective heirs, executors, administrators, successors, and assigns.

THE TRANSFEEE, in the event it grants a release of Easement, may abandon the Facilities annexed/affixed to the Easement Lands at its option.

April 3, 2020

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

Attention: Taya Devlin

File# 20 101689 SP & 20 101686 SP

Re: 258 & 260 Lake St

In response to your correspondence dated March 18, 2020, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.
- Developers to acquire an easement, if required.
- Easement required in Alectra Utilities favor for existing overhead poles/primary conductor and transformer supplying both properties from Lake St.

We would also like to stipulate the following:

- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Alectra Utilities must be contacted if the removal, isolation or relocation of existing plant is required, all cost associated with this work will be at the owners expense.
- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call @ 1-800-400-2255.

- Clearances from Overhead and Underground existing electrical distribution system must be maintained in according to:
 - Ontario Building Code (1997) Section 3.1 (3.1.18.1)
 - Electrical Safety Code Rule 75-312
 - Occupational Health and Safety Act (OH&SA) – Construction Projects (Electrical Hazards)
 - CAN/CSA-C22.3 No. 1-15, Overhead System
 - C22.3 No. 7-15 Underground Systems

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

Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital

Munro, Elaine

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

31 Rockwood
258 Lake Street

From: Doug Crown <doug.crown@cogeco.com>
Sent: Tuesday, June 30, 2020 2:04 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Committee of Adjustment Notices and Applications, City of St. Catharines, for the July 29/20 CofA Hearing - Email 2

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

Hi Elaine
Email 2
Cogeco has no concerns with these applications

Thanks

Doug Crown
Network Planning Department

7170 Mcleod Rd
Niagara Falls Ont Canada

Doug.crown@cogeco.com

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

On Tue, Jun 30, 2020 at 1:31 PM Munro, Elaine <emunro@stcatharines.ca> wrote:

Email 2

Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the July 29/20 CofA Hearing - Email 3

258 & 260 Lake Street

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

Sent: Tuesday, June 30, 2020 2:10 PM

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

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

Subject: Re: Committee of Adjustment Notices and Applications, City of St. Catharines, for the July 29/20 CofA Hearing - Email 3

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

Hi Elaine
Email 3
Cogeco has no concerns with these applications

Thanks

Hope you have an awesome Canada Day too

Doug Crown
Network Planning Department

7170 Mcleod Rd
Niagara Falls Ont Canada

Doug.crown@cogeco.com

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



Memorandum

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

Cc: Judy Pihach, Wilrik Banda
Planning and Building Services

From: Steven Sunderland, Building Inspector
Planning and Building Services

Date: July 14, 2020

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

B-30/20SC – 31 Rockwood Avenue

Comment:

- No Comment

Condition:

- No Comment

B-31/20SC – 258 Lake Street

Comment:

- No Comment

Condition:

- No Comment

B-32/20SC – 260 Lake Street

Comment:

- No Comment

Condition:

- No Comment

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



Memorandum

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

Cc: Judy Pihach, Wilrik Banda
Planning and Building Services

From: Steven Sunderland, Building Inspector
Planning and Building Services

Date: July 14, 2020

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

NO.	ADDRESS	COMMENTS
A-44/20	75 Eastchester Ave.	Be advised that a building permit is required for the proposed 2 Storey Warehouse/Storage building. Be advised that reductions in the required yard setbacks may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing those yards.
A-63/20	8 Nickerson Avenue	Be advised that a building permit is required for the proposed Attached Garage and Second Storey Addition. Be advised that reductions in the required yard setbacks may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing those yards.
A-64/20	18 Corbin Street	Be advised that a building permit is required for the proposed 4 and 5 Unit Townhouses. Be advised that reductions in the required yard setbacks may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing those yards.
A-68/20	27 Henrietta Street	No Comment
A-65/20	31 Rockwood Avenue	No Comment
A-66/20	258 Lake Street	No Comment
A-67/20	260 Lake Street	No Comment

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

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



Memorandum

To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Community, Recreation and Culture Services
Date: June 9, 2020
Subject: Committee of Adjustment Hearing – July 29, 2020

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

1. **75 Eastchester Avenue, Minor Variance A-44/20 – 60.81.5634**
No objections to the requested variances. Should space permit, CRCS recommends that the paved area within the parking lot be reduced in order to provide landscaping along the north property line.
2. **8 Nickerson Avenue, Minor Variance, A-63/20 – 60.81.5653**
No comment.
3. **18 Corbin Street, Minor Variance, A-64/20 – 60.81.5654**
No comment.
4. **27 Henrietta Street, Minor Variance, A-68/20 – 60.81.5658**
No comment.
5. **31 Rockwood Avenue, Consent, B-30/20SC – 60.84.2307**
31 Rockwood Avenue, Minor Variance A-65/20 – 60.81.5655
No comments or requirements associated with the land division. Tree protection, landscaping and parkland are best addressed through a future Site Plan Agreement. Site alterations, including the grading and the provision of swales will need to be located outside the proposed tree protection zones.
6. **258 Lake Street, Consent, B-31/20SC – 60.84.2308**
260 Lake Street, Consent, B-32/20SC – 60.84.2309
258 Lake Street, Minor Variance, A-66/20 – 60.81.5656
259 Lake Street, Minor Variance, A-67/20 – 60.81.5657
No comment.

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

**REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-31-32/20SC**



July 9, 2020

ENGINEERING FILE 300-36

Hearing Date: July 29, 2020

Applicant: 2679844 Ontario Inc. & 2375775 Ontario Inc.

Location: 258 & 260 Lake Street

MUNICIPAL SERVICES

	Lake Street	Dunlop Drive
Water:	300mm P.V.C.	None
Sanitary Sewer:	200mm (Mohawk Dr.)	None
Storm Sewer:	750mm (Mohawk Dr.)	Road-side Ditches
Sidewalks:	Yes	None.
Road Allowance Width:	45.0m± (varies)	27.0m± (varies)

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

Comment(s): It is noted that the Applicant (2679844 Ontario Inc.) proposes to sever Part 2 to be conveyed to the westerly parcel of land known as 260 Lake Street (Part 3) for a drive through restaurant and establish a blanket easement over Part 1 for the benefit of the westerly lot known as 260 Lake Street (Parts 2 & 3) for servicing, access and shared parking. A remnant parcel (Part 1) would be retained for the existing commercial building, resulting in a boundary adjustment.

It is also noted that the Applicant (2375775 Ontario Inc.) proposes to establish a blanket easement over Parts 2 & 3 for the benefit of the abutting lot known as 258 Lake Street (Part 1) for servicing, access and shared parking.

Roads

Lake Street is designated an Arterial road in the City's Official Plan with a desired right-of-way width of 26.2m. Its current width along the frontage of the subject lands varies at 45.0m±, therefore the City will not be pursuing a widening through this consent application.

Dunlop Drive is designated a Local road in the City's Official Plan with a desired right-of-way width of 20.10m, although within the current jurisdiction of the Ministry of Transportation. It's current width along the property frontage of 258 Lake Street varies at 27.0m±, therefore the City will not be pursuing a widening through this consent application.

Sidewalks

Sidewalks exist along this section of Lake Street, and although exist within the private lands of 258 Dunlop Drive along the subject land frontage, they do not exist within the remaining right-of-way portion along Dunlop Drive, understanding its current state is that of a semi-urban cross-section standard. The City had previously obtained a cash-in-lieu payment for sidewalks along this section in a previous Site Plan Agreement application for this property, therefore the City shall not request any further sidewalk provisions along Dunlop Drive regarding this application.

Engineering Services

Given that both sites are currently existing and have been developed through previous Planning Site Plan Agreement applications, there are no further engineering-related comments or conditions to impose.

Condition(s): None.

Prepared by:



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

c. James Denham, PBS (email only)



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: July 9, 2020
Hearing Date: July 29, 2020
Subject: **Committee of Adjustment - Minor Variance Applications**
75 Eastchester Avenue, A-44/20SC
8 Nickerson Avenue, A-63/20SC
18 Corbin Street, A-64/20SC
31 Rockwood Avenue, A-65/20SC
258-259 Lake Street, A-66&67/20SC
27 Henrietta Street, A-68/20SC

Development Engineering have reviewed the above applications and have no objections to the requested variances.

Trusting this information is satisfactory.

Regards,

Prepared by:

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

- c. Judy Pihach, PBS (email only)
Will Banda, PBS (email only)
James Denham, PBS (email only)



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: July 3, 2020

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

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

Steve Bittner
Transportation Technologist