

## Agenda

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

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

1. Chair to call the Hearing to Order
2. Recognition of Traditional Territories
3. Additions/Deletions to the Agenda
4. Declarations of Interest – Chair G. Redden submitted written documentation declaring a pecuniary conflict of interest for Item #2, 100 Oakdale Avenue, as he is the architect for the project.
5. Request for Adjournment
  - i) 102 Broadway, Consent, B-07/19SC – 60.84.2235, 102 Broadway, Minor Variance, A-19/19 – 60.81.5453, 2 Lakeside Drive, Minor Variance, A-20/19 – 60.81.5454  
A request has been received from the Owner to further extend the deferral of the consent and minor variance applications that were approved at the August 26, 2020 Hearing, to January 27, 2021 to review the submitted proposal before the applications return to the Committee.  
  
Agent: Frank DiPietro
  - ii) Item #11, 4 Keswick Street, Consent, B-41/10SC – 60.84.2318, Minor Variance, A-87/20 – 60.81.5677 and A-88/20 – 60.81.5678  
A request has been received from staff to defer the applications to the October 23, 2020 Hearing to address some concerns with the currently proposed design.  
  
Agent: Ron Vahrmeyer
6. Motion to Adopt the Minutes of the previous Hearing held on August 26, 2020.

7. Application:

1. 100 Oakdale Avenue, Minor Variance, A-90/20 – 60.81.5680
2. 44 Runcorn Street, Minor Variance, A-91/20 – 60.81.5681
3. 11 Moffatt Street, Consent, B-45/17SC – 60.84.2130  
11 Moffatt Street, Minor Variance, A-91/17 – 60.81.5260
4. 14 Queen Street, Consent, B-40/20SC – 60.84.2317
5. 7 Lancaster Avenue, Consent, B-35/20SC – 60.84.2312  
9 Lancaster Avenue, Minor Variance, A-77/20 – 60.81.5667
6. 600 Read Road, Consent, B-36/20SC – 60.84.2313  
600 Read Road, Minor Variance, A-78/20 – 60.81.5668  
610 Read Road, Minor Variance, A-79/20 – 60.81.5669
7. 8 Howard Street, Minor Variance, A-80/20 – 60.81.5670
8. 50 Woodland Avenue, Consent, B-37/20SC – 60.84.2314  
50 Woodland Avenue, Minor Variance, A-81/20 – 60.81.5671  
48 Woodland Avenue, Minor Variance, A-89/20 – 60.81.5679
9. 18A Merigold Street, Minor Variance, A-83/20 – 60.81.5673  
18B Merigold Street, Minor Variance, A-84/20 – 60.81.5674  
18C Merigold Street, Minor Variance, A-85/20 – 60.81.5675
10. 75 Niagara Street, Consent, B-39/20SC – 60.84.2316

8. New Business:

9. Date of next Hearing: October 21, 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

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# **COMMENTS**

**A-90/20 (60.81.5680)**

**100 Oakdale Avenue**

**DATE OF HEARING:**  
**September 23, 2020**



## Technical Report

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

**Date of Report:** September 16, 2020

**Date of Meeting:** September 23, 2020

**Report Number:** A-90/20

**File:** 60.81.5680

**Subject:** 100 Oakdale Avenue

### Recommendation

That Application **A-90/20** by Oakdale Suites Inc., as outlined in the Notice of Hearing, be approved.

### Report

#### The Proposal

The Applicants have proposed to construct three (3) residential apartment buildings on the property known as 100 Oakdale Avenue. They are labelled on the submitted sketch as Buildings A, B and C. Buildings A and C contain 36 units each, and Building B contains 27 units. To facilitate this development, Application A-90/20 seeks relief from the City of St. Catharines By-law 2013-283, as amended, for the following variances for the proposed construction of 3 multi-unit buildings with a total of 99 units. There was a previously approved consent application, B-85/18SC:

1. A reduction of the minimum front yard setback to the building from 5 metres to 3 metres.
2. A reduction of the minimum front yard setback to the platform structures from 5 metres to 3 metres.
3. A reduction of the minimum rear yard setback from 10.8 metres to 4.5 metres.
4. A reduction of the minimum interior side yard setback from 5.4 metres to 5 metres.
5. A reduction of the minimum required landscape coverage within a parking area with more than 100 spaces, from 10% to 7%.

#### Location and Site Description

The subject property is located on the east side of Oakdale Avenue, north of Abbot Street. The property is surrounded by a mix of detached and multi-unit dwellings to the north, vacant land to the east, greenspace and the former second Welland Canal to the west, and an automobile repair shop and light industrial uses to the south.

#### Circulation of Application

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



## **Planning Policy Context**

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

The subject property is designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated Medium Density Residential on Schedule E9. Residential apartment buildings are permitted within this designation at a density of generally between 25 and 99 units per hectare. The proposed development has a density of 99 units per hectare. No Official Plan Amendment is required.

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

The subject property is zoned Medium Density Residential (R3). Residential apartment buildings are permitted in this zone.

## **Site Plan Approval**

The proposed development is currently going through the Site Plan Approval process. The detailed design will be refined until it is ultimately approved by City Staff, and the applicant will enter into an agreement with the City that is to be registered on title requiring the development to match the approved drawings.

## **Planning Analysis**

### **Variances 1 and 2**

Variances 1 and 2 request a reduction of the minimum front yard setback to the building from 5 metres to 3 metres, and the same reduction in front yard setback to the proposed balconies on the front of Building A. The intent of the minimum front yard setback is, in part, to ensure the street and public realm are not overwhelmed by built form, and to ensure consistency in the streetscape.

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 proposed 3 metres setback allows the building to be located more in line with the general existing setback along Oakdale Avenue established on the residential properties to the north. Staff are supportive of the building being closer to the street in compatibility with the existing character along the Oakdale Avenue streetscape. The building height will not overwhelm the public realm at the proposed 3 metres setback. The proposed variance is in keeping with the intent of the Official Plan.

The proposed reduction in front yard setback is considered appropriate in this context for the desirable development of the property. The requested 2 metre reduction is considered minor in nature, as no negative impacts are anticipated, and the setback is similar to that of existing buildings to the north of the site.

### **Variances 3 and 4**

Variance 3 requests a reduction of the minimum rear yard setback from 10.8 metres to 4.5 metres, and Variance 4 requests a reduction of the minimum interior side yard setback from 5.4 metres to 5 metres. These variances are evaluated similarly to the front yard setback against the considerations outlined in Section 7.1 of the GCP listed above. The intent of the rear and interior side yard setbacks in the Zoning By-law is to ensure adequate spacing between new and existing buildings and uses, to allow room for maintenance of the outside of the buildings, and to avoid negative impact on surrounding properties.

The reduction in rear yard setback is proposed along the property line shared with a vacant parcel to the east of the property. The rear yard is typically required to be equal to the height of the building to allow amenity space and avoid impacts on the adjacent parcel to the rear. This easterly parcel to the rear is currently unable to be developed due to the existence of contaminants on the property but may contain residential development in the future. The reduced rear yard setback of 4.5 metres is requested to allow for a pinch point between the proposed Building C and the rear property line. The bulk of the building will be located at a greater distance from the rear property line. The reduction still allows for access around the building for maintenance purposes and does not create any privacy concerns, as there are no buildings to the rear, nor any use of the easterly parcel at this time.

The requested reduction in the required side yard from 5.4 metres to 5 metres is requested along the northerly property line at several pinch points on buildings A, B and C. Overall the bulk of the buildings maintain the required 5.4 metre setback. The reduction at the building corners is considered minor and will not result in any of the negative impacts on the existing uses to the north. The variances to the rear and interior side yard setbacks are in keeping with the general intent of the Official Plan and Zoning By-law.

### **Variance 5**

Variance 5 requests a reduction of the minimum required landscape coverage within a parking area with more than 100 spaces, from 10% to 7%. Staff note that, while the parking area contains over 100 spaces, it is not laid out as one large expanse of pavement and is effectively made up of 3 smaller parking areas. The 3% reduction of internal landscaping is considered minor. The provided landscaping successfully breaks up the expanse of pavement and provides greening appropriate for the layout of the site. The intent of the Zoning By-law and Official Plan are being maintained. Staff are supportive of the proposed variance.

## **Conclusion**

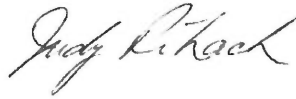
Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Application **A-90/20** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is desirable for the appropriate use of the lands. Staff recommend approval of the application.

**Prepared and Submitted by:**



Charlotte McEwan  
Planner I

**Approved by:**



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

August 12, 2020

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

**Attention: Charlotte McEwan**

File# 20 114390 SP

Re: 100 Oakdale Ave

In response to your correspondence dated August 7, 2020, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

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

We would also like to stipulate the following:

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

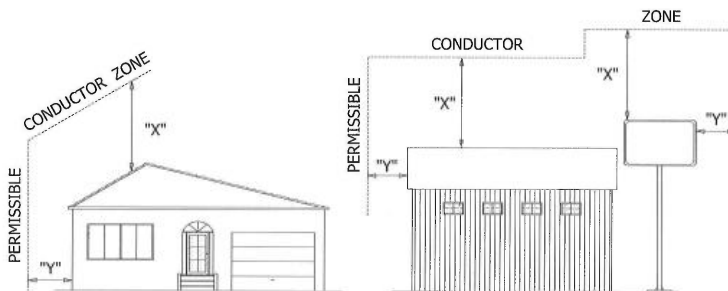
- Alectra Utilities must be contacted if the removal, isolation or relocation of existing plant is required, all cost associated with this work will be at the owners expense.
- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call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

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

Sincerely,

*Mark Jakubowski*

Mark Jakubowski  
Supervisor, Design, Customer Capital




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

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

\* - INCLUDES MULTI-GROUNDED NEUTRALS

NOTES:

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

	DRAWING STATUS	BY	DATE DD/MM/YY	<b>MINIMUM CONDUCTOR CLEARANCES FROM BUILDINGS, PERMANENT STRUCTURES OR BUILDING APPARATUS</b>  (EXCLUDES SECONDARY SERVICES ATTACHED TO BUILDINGS)	REFERENCE DRAWINGS:		DRAWINGS NOT TO SCALE	
	REDRAWN:	JM	12/06/07		DRAWING #	SHEET #	REVISION #	
	CHECKED:	ND	26/04/05					
	APPROVED:	CR	26/04/05					
								3-105

## Munro, Elaine

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**To:** Aaron White  
**Cc:** Banda, Wilrik  
**Subject:** RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the September 23/20 CofA Hearing

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**From:** Aaron White <aaron.white@giorail.com>  
**Sent:** Tuesday, September 8, 2020 3:50 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 September 23/20 CofA Hearing

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

Good Afternoon Elaine,

GIO has no specific comments on this application. This property appears to fall within 300 metres of our right of way, so when the application for the building is made, we will have a requirement for that (we recently sold the adjoining property that used to contain our former right of way to Thorold so most of our normal requirements do not apply).

Going forward, you can reach me at this email. (the Maple One address is no longer functional, and the Trillium one will be turned off shortly).

Thanks,



**AARON WHITE**

**GENERAL MANAGER OF RAILWAY ADMINISTRATION | GIO RMS**

C. 289-968-9357 • P. 905-735-5529 • F. 905-735-7559

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

## Munro, Elaine

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**To:** Munro, Elaine  
**Subject:** RE: Additional Minor Variance - 100 Oakdale Avenue, City of St. Catharines Committee of Adjustment Hearing - September 23, 2020

**From:** Doug Crown <[doug.crown@cogeco.com](mailto:doug.crown@cogeco.com)>  
**Sent:** Tuesday, September 1, 2020 2:53 PM  
**To:** Munro, Elaine <[emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)>  
**Subject:** Re: Additional Minor Variance - 100 Oakdale Avenue, City of St. Catharines Committee of Adjustment Hearing - September 23, 2020

**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  
Cogeco has no issue or concerns with this application.

Have a great long weekend

Doug Crown  
Network Planning Department

7170 Mcleod Rd  
Niagara Falls Ont Canada

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

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





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## Memorandum

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

Cc: Judy Pihach, Wilrik Banda  
Planning and Building Services

From: Steven Sunderland, Building Inspector  
Planning and Building Services

Date: September 9, 2020

Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance – September 23, 2020 hearing**

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NO.	ADDRESS	COMMENTS
A-91/17	11 Moffatt Street	Be advised that a building permit is required for the proposed detached dwelling.
A-77/20	9 Lancaster Avenue	Be advised that a building permit is required for the proposed Detached Dwelling.
A-78/20	600 Read Road	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-79/20	610 Read Road	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-80/20	8 Howard Street	Be advised that a building permit is required for the proposed cabana.
A-81/20	50 Woodland Avenue	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-89/20	48 Woodland Avenue	Be advised that a building permit is required for the proposed Detached Dwelling. 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-83/20	18A Merigold St.	No Comment
A-84/20	18B Merigold St.	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.

NO.	ADDRESS	COMMENTS
A-85/20	18C Merigold St.	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-87/20	2 Keswick Street	Be advised that a building permit is required for the proposed Semi-Detached Dwelling.  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-88/20	4 Keswick Street	Be advised that a building permit is required for the proposed Semi-Detached Dwelling.  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-90/20	100 Oakdale Ave.	Be advised that building permits are required for the proposed 3 – Multi Unit Buildings.  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-91/20	44 Runcorn Street	Be advised that a building permit is required for the proposed 2-Storey Dwelling.



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

**Munro, Elaine**

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**Subject:**

RE: Additional Application - 100 Oakdale Avenue Fw: Committee of Adjustment Notices and Applications for the September 23/20 CofA Hearing

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**From:** Button, Jessica <jbutton@stcatharines.ca>

**Sent:** Friday, September 4, 2020 11:02 AM

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

**Cc:** McEwan, Charlotte <cmcewan@stcatharines.ca>

**Subject:** RE: Additional Application - 100 Oakdale Avenue Fw: Committee of Adjustment Notices and Applications for the September 23/20 CofA Hearing

Elaine,

Further to the submission of my comments for the hearing of September 23, 2020, CRCS offers no objections to the requested variances for 100 Oakdale Avenue. Since the previous sit plan submission, the applicant has added additional landscaping to address CRCS concerns. Kindly ensure that these islands are a minimum width of 3.0m to sustain landscaping.

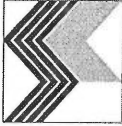
**Jessica Button**

Project and Development Planner

Email: [jbutton@stcatharines.ca](mailto:jbutton@stcatharines.ca)

Tel: 905.688.5601 x3145

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## Memorandum

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**To:** Elaine Munro, ACST, Committee Secretary & Planning Technician  
**Cc:** City Committee of Adjustment Staff Members  
**From:** Brad Johnston, C.E.T., Development Engineering Technologist  
**Date:** September 4, 2020  
**Hearing Date:** September 23, 2020  
**Subject:** **Committee of Adjustment - Minor Variance Applications**  
8 Howard Avenue, A-80/20SC  
2-4 Keswick Street, A-87-88/20SC  
9 Lancaster Avenue, A-77/20SC  
18A,B&C Merigold Street A-83,84,85/20SC  
11 Moffatt Street, A-91/17SC  
100 Oakdale Avenue, A-90/20SC  
600-610 Read Road, A-78-79/20SC  
44 Runcorn Street, A-91/20SC  
48&50 Woodland Avenue, A-81&89/20SC

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Development Engineering have reviewed the above applications and have the following comments.

- 1/2 Keswick Street, A-87/20  
The Owner must be able to demonstrate that adequate grading and drainage can be maintained resulting from the construction of the dwelling and the increased driveway width with respect to abutting neighbouring properties, if approved, for Variance items #4 & #5;
- 18A, B & C Merigold Street, A-83 & 84/20SC  
Considering the lots have already been constructed, they are subject to an already approved and accepted Grading & Drainage Plan. Approving these applications for Minor Variances would conflict with the intent of the grading plan in terms of increased hard surface area for the driveway locations, there were initially not acceptable

Trusting this information is satisfactory.

Regards,

Prepared by:

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



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## Memorandum

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

**Cc:**

**From:** Steve Bittner  
Transportation Technologist

**Date:** September 4, 2020

**Subject:** Committee of Adjustment  
Public Hearings – September 23, 2020  
File No. 305-17-01

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

Steve Bittner  
Transportation Technologist

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

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

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# **COMMENTS**

**A-46/20 (60.81.5636)**

**44 Runcorn Street**

**DATE OF HEARING:**  
**September 23, 2020**

**Munro, Elaine**

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**Subject:** RE: File 60.81.5680 Submission No. A-91/20 re 44 Runcorn Street

**From:** erstitt erstitt <>

**Sent:** Wednesday, September 16, 2020 8:21 AM

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

**Subject:** File 60.81.5680 Submission No. A-91/20 re 44 Runcorn Street

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Elaine Munro

Secretary-Treasurer, Committee of Adjustment  
St Catharines ON

Elaine

I/we are just back from more travels in Ontario and found the documents re this application in our mailbox today.

As a new owner living in this neighbourhood, and concerned about what I see happening. I took the time today to walk over to Runcorn Street to view this location

I/we are fling an objection to this application as it will allow a house to be built that is out of character with the rest of the street and neighbourhood due to its size.

And why is the proposed house so far forward on the lot(s) when there is more space at the back/rear of the lot that would allow the house to be more 'set-back' from the street and be less imposing to the rest of the street.

I would appreciate hearing what happens when this application comes to the Committee for review

Thank you

Robert Stitt  
Owner  
29 - 5 Lakeside Drive  
St Catharines

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## Technical Report

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

**Date of Report:** September 14, 2020

**Date of Meeting:** August 26, 2020

**Report Number:** A 91-20

**File:** 60.81.5680

**Subject:** 44 Runcorn Street

### Recommendation

That Application **A-91-20** by Dorata Clark and Robert Clark, as outlined in the Notice of Hearing, be approved subject to the following conditions:

- 1 a maximum lot area of 1,111.0 square metres be approved (rounded up from that proposed)
- 2 A deeming by-law be approved to enable part of Lot 449 TP 112 to merge with Lot 448 TP 112, resulting in a maximum reconfigured lot size of 1,111.0 square metres.

### Report

#### The Proposal

The Applicants propose to construct a new single dwelling on the lands comprised of Lot 448 TP112 and part of Lot 449 TP112, collectively known as 44 Runcorn Street. Accordingly, Application **A-91-20** seeks relief from the City of St. Catharines Zoning By-law 2013-283, as amended, for an increase in the maximum lot area from 465 square metres to 1,110.5 square metres.

#### Location and Site Description

The subject property is located on the north side of Runcorn Street. The lands (Lot 448 and part of Lot 449 TP 112) are vacant and surrounded by single detached dwellings on the south, west and east and a naturalized ravine on the north side.

#### 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 with accessory structures are permitted in this designation.



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

The subject property is zoned Low Density Residential (R2). Detached dwellings are permitted in this zone.

## **Planning Analysis**

The proposed increase in maximum lot area is to facilitate the construction of a new dwelling and to improve the alignment of driveways around the curve of Runcorn Street at this location. The increase in lot area allows for site design flexibility to improve access to 44 Runcorn. Access to 44 Runcorn has, in recent months, often been blocked by a vehicle being parked in that portion of the driveway within the City's boulevard area, which it shares with the abutting lot to the east. An increased lot size offers the option of moving the existing driveway to the opposite side of the lot, as part of the new construction, and thereby providing improved spatial separation between the two driveways.

The lands forming 44 Runcorn are two lots within a registered plan of subdivision (Lot 448 & 449 TP 112). The design of the new dwelling crosses the lot line between these two lots which is not a circumstance permitted by the Building Code. In order to eliminate the lot line between Lot 448 and 449 a deeming by-law is required. The owners have opted to merge only a portion of Lot 449 with Lot 448 and convey the remainder of Lot 449 with Lot 450, lands owned by their neighbour to the west. A deeming by-law is recommended as a condition to ensure the deeming by-law approval is in place prior to the variance taking effect and a building permit issued accordingly.

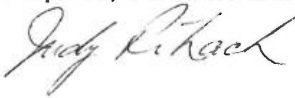
Section 7.1 (c) of the Garden City Plan states that development and redevelopment shall be evaluated having regard for building, site, streetscape and neighbourhood context sensitive design to ensure the integration of compatible building form, scale, massing, height, setbacks, spacing, siting, orientation,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

In this case, the approval of an increase in maximum lot area is desirable for the improved function of the driveway for 44 Runcorn and to minimize conflicts between neighbours triggered by blocked driveways. Lot 449 is narrow and encumbered by a hydro pole and guy wires which make it challenging to develop on its own.

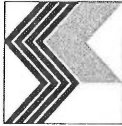
## **Conclusion**

Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Application **A-91-20** 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, Submitted and Approved by:**

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

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



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## Memorandum

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**To:** Elaine Munro, ACST, Committee Secretary & Planning Technician  
**Cc:** City Committee of Adjustment Staff Members  
**From:** Brad Johnston, C.E.T., Development Engineering Technologist  
**Date:** September 4, 2020  
**Hearing Date:** September 23, 2020  
**Subject:** **Committee of Adjustment - Minor Variance Applications**  
8 Howard Avenue, A-80/20SC  
2-4 Keswick Street, A-87-88/20SC  
9 Lancaster Avenue, A-77/20SC  
18A,B&C Merigold Street A-83,84,85/20SC  
11 Moffatt Street, A-91/17SC  
100 Oakdale Avenue, A-90/20SC  
600-610 Read Road, A-78-79/20SC  
44 Runcorn Street, A-91/20SC  
48&50 Woodland Avenue, A-81&89/20SC

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Development Engineering have reviewed the above applications and have the following comments.

- 1/ 2 Keswick Street, A-87/20  
The Owner must be able to demonstrate that adequate grading and drainage can be maintained resulting from the construction of the dwelling and the increased driveway width with respect to abutting neighbouring properties, if approved, for Variance items #4 & #5;
- 18A, B & C Merigold Street, A-83 & 84/20SC  
Considering the lots have already been constructed, they are subject to an already approved and accepted Grading & Drainage Plan. Approving these applications for Minor Variances would conflict with the intent of the grading plan in terms of increased hard surface area for the driveway locations, there were initially not acceptable

Trusting this information is satisfactory.

Regards,

Prepared by:

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

**Munro, Elaine**

---

**Subject:** RE: 2nd Additional Application - 44 Runcorn Street Re: Committee of Adjustment Notices and Applications for the September 23/20 CofA Hearing

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**From:** Button, Jessica <jbutton@stcatharines.ca>  
**Sent:** Thursday, September 3, 2020 12:28 PM  
**To:** Munro, Elaine <emunro@stcatharines.ca>  
**Cc:** Pihach, Judy <jpihach@stcatharines.ca>  
**Subject:** RE: 2nd Additional Application - 44 Runcorn Street Re: Committee of Adjustment Notices and Applications for the September 23/20 CofA Hearing

Elaine,

Further to the submission of my comments for the hearing of September 23, 2020, CRCS offers no further comments with respect to the minor variance for 44 Runcorn Street.

**Jessica Button**  
Project and Development Planner  
**Email:** [jbutton@stcatharines.ca](mailto:jbutton@stcatharines.ca)  
**Tel:** 905.688.5601 x3145

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## Memorandum

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

**Cc:**

**From:** Steve Bittner  
Transportation Technologist

**Date:** September 4, 2020

**Subject:** Committee of Adjustment  
Public Hearings – September 23, 2020  
File No. 305-17-01

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

Steve Bittner  
Transportation Technologist

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

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

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# **COMMENTS**

**B-45/17SC (60.84.2130) &  
A-91/17 (60.81.5260)**

**11 Moffatt Street**

**DATE OF HEARING:  
September 23, 2020**



CITY OF  
ST. CATHARINES

## Technical Report

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

**Date of Report:** September 16, 2020      **Date of Meeting:** September 23, 2020

**Report Number:** B-45/17SC      **File:**60.84.2130 (11 Moffatt Street)  
A-91/17      60.81.5260 (11 Moffatt Street)

**Subject:** 11 Moffatt Street (to become 11 and 13 Moffatt Street)

## Recommendation Consent

That Application **B-45/17SC** by Bruce Greenlaw, as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. That the Owner enter into a Development Agreement with the City of St. Catharines, to be registered on title to the lands, now known as 11 Moffatt Street requiring the following:
  - i) That building permit plans for Part 1, once submitted, be reviewed and confirmed to be generally in accordance with the site plan and elevation plans submitted with this application, and
  - ii) The Lot Grading and Drainage Plan, required as a condition of approval, be included in the Development Agreement, to ensure compliance as part of the review and approval of a building permit.
2. The existing detached garage over the proposed lot line between Parts 1 & 2 be removed. A demolition permit is required, and work shall be completed to the satisfaction of the chief Building Official of the City of St. Catharines.
3. That the owner submits detailed drawings, connection permit fees and the relevant request letter necessary to obtain the required connection permit for the connection to the Region's sanitary sewer prior to the construction of a connection.
4. That the Owner pay the fee for City crews to locate, trace, inspect and document the sewer and water laterals servicing the existing dwelling.
5. That, if determined existing services will conflict with abutting and/or future lot lines, the Owner shall be responsible to complete any relocation works on private property through a Plumbing Only permit and pay to the City the fees required to install new water services from the City main and a new sewer service, if authorized, from the Regional main to the individual front property line in order for each lot to be serviced independently;
6. That the Owner confirm that payments have been made for the City's Contractor to provide an additional water service and sanitary sewer lateral for the future lot (Part 1), with all associated construction and Regional costs included, based on actual costs of the works through the Moffatt Street reconstruction project

7. That the Owner have prepared by an Ontario Land Surveyor or Professional Engineer, a Lot Grading and Drainage plan for review and approval prior to a Final Certificate being issued; and the approved Lot Grading and Drainage Plan be included in the Development Agreement.
8. That the Owner submit a payment for the placement of a 60mm boulevard tree, in accordance with the City's current Schedule of Rates and Fees.
9. That the Owner submit payment of 5% of the appraised value of Part 1, as determined by a qualified appraiser, to the City in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of payment, the value of the land shall be determined as of the day before the day the provisional consent was given'.
10. 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.
11. 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.
12. That final approval of the concurrent Minor Variance Applications be approved.
13. That all conditions of consent be fulfilled by August 26, 2021.

## **Minor Variance**

That Application **A-91/17** by Bruce Greenlaw, as outlined in the Notice of Hearing, be approved.

## **Report The Proposal**

Application B-45/17SC is made for consent to a partial discharge of mortgage and for consent to sever 370 m<sup>2</sup> of land (Part 1 on the submitted sketch) for the proposed construction of a detached dwelling, to be known as 13 Moffatt Street. A 2,513 m<sup>2</sup> remnant parcel (Part 2) with the existing detached dwelling will be retained for continued residential use.

A concurrent Minor Variance Application seeks relief from the City of St. Catharines for an increase of the maximum lot area for a detached dwelling from 465 m<sup>2</sup> to 2,513 m<sup>2</sup> (Part 2).

## **Location and Site Description**

The subject property is located on the west side of Moffatt Street, south of Marshall Lane. The property is surrounded by residential dwellings to the north, a railway line to the west, a medical facility to the south and the former Welland Canal to the east.

The property is currently occupied by a detached dwelling which is to be retained for continued residential use.



## **Circulation of Application**

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

## **Planning Policy Context**

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

The subject property is designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential on Schedule E9 thereof. Detached dwellings are permitted in this designation at a density range of 20 to 32 units per hectare.

The density required in this area is a range of 20-32 units per hectare. The new lot (Part 1) is approximately 27 units per hectare, which is in compliance with the density targets of the GCP. The retained parcel with the existing house (Part 2) has a density of approximately 4 units per hectare, well below the target density. However, Part 2, the retained parcel, may have future development potential which may in time, achieve the minimum density target. Additionally, the existing density of the overall property prior to the severance is 3.5 units per hectare, while the overall density after the severance is 7 units per hectare with the potential for future intensification. The proposed new lot brings the lands closer to overall conformity with the density targets of the GCP. An Official Plan Amendment is not required for the proposal.

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

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

## **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. If done well, infill and intensification can improve existing neighbourhoods by bringing with it new life and vibrancy. The Garden City Plan supports a balanced approach to infill and intensification to ensure appropriate building site and streetscape design.

Consent Application **B-45/17SC** requests to sever the subject property for the purpose of constructing a new detached dwelling unit. The proposed lot meets the zoning by-law requirements for lot area and lot frontage, and no variances are required for any provisions related to the proposed detached dwelling. As stated above, the proposed density for the new parcel of about 27 units per hectare meets the requirements of the Official Plan. The density of the retained parcel is under density. However, by permitting the severance and permitting the existing dwelling to exist on the oversized lot, the severance may accommodate further intensification in the future while retaining use of the existing dwelling today. Staff are of the opinion that the scale of the proposed building

and overall lot areas are in keeping with the character of the neighbourhood. The proposal demonstrates that there is sufficient space on each of the lots to accommodate a building envelope, parking, landscaping, and amenity areas. The oversized parcel has sufficient lot area and frontage to accommodate further intensification in the future.

Staff are satisfied that the proposal is consistent with the Official Plan. The concurrent Minor Variance Application considered in this report will address zoning deficiencies. There are no anticipated impacts as a result of the severance.

Staff are supportive of Consent Application **B-45/17SC** subject to the conditions outlined recommendation herein.

### **Design Review Panel**

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

The Applicant's proposal was submitted to the DRP for consideration in February 2020. The applicant provided an overview of the proposal, noting that the existing home on a larger parcel of land is intended for future private road development. DRP members identified no concerns with the creation of one lot for a single dwelling.

The DRP supported the proposed severances and elevation plans with no modifications. As a condition of consent, staff will be requiring the Applicant to enter into a development agreement with the City to ensure that the dwellings are built in general accordance with the submitted plans.

### **Minor Variance**

Application A-91/17 seeks relief from the City of St. Catharines for an increase of the maximum lot area for the retained parcel and the existing detached dwelling from 465 m<sup>2</sup> to 2,513 m<sup>2</sup> (Part 2). The variance is large in area but is considered minor in nature due to the potential for future development. The variance does not negatively impact the surrounding area and brings the parcel closer into conformity with the Zoning By-law.

The intent of a maximum lot area is, in part, to prevent under-development and facilitate appropriate infill and intensification in the City, which has very few large undeveloped areas and relies on smaller lot infill for much of the growth and development that occurs. In this case, the increase in maximum lot area facilitates the severance and more efficient use of an underutilized parcel which already exists under the target density. Additionally, the large parcel retains development potential in the future with a sufficient lot frontage and area for possible intensification. This is in keeping with the overall intent of the Official Plan and Zoning By-law to increase the density of underdeveloped areas and facilitate infill and intensification. Staff are supportive of the proposed variance.

## Conclusion

Having regard for the matters under Section 53 of the *Planning Act*, staff are of the opinion that Consent Application **B-45/17SC** is consistent with the provisions of the Zoning By-law and will have no adverse impacts on the surrounding area and environment. It is staff's recommendation that the requested consent to sever be approved, subject to the conditions outlined in the recommendation.

Having regard for the matters under Section 45(1) of the *Planning Act*, staff are of the opinion that Minor Variance Application **A-91/17** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is desirable for the appropriate use of the lands. Staff recommend that the Application be approved.

**Prepared and Submitted by:**



Charlotte McEwan  
Planner I

**Approved by:**



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

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VIA E-MAIL ONLY

September 10, 2020

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

**Application for Consent**

**Proposal:** A partial discharge of mortgage and for consent to sever 370 m2 of land for the proposed construction of a detached dwelling, to be known as 13 Moffatt Street. A 2,513 m2 remnant parcel with the existing detached dwelling will be retained for continued residential use.

**Location:** 11 Moffatt Street  
In the City of St. Catharines

**Our File:** CS-20-0042

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Regional Planning and Development Services staff have completed a review of provided materials as part of a consent application for a severance and recreation of new lot for a single detached dwelling located at 11 Moffatt Street in the City of St. Catharines.

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

**Archaeological Potential**

Based on the Provincial screening criteria for evaluating archaeological potential, the subject lands exhibit a high potential for the discovery of archaeological resources given the close proximity (i.e. 300m) to two (2) registered archaeological sites and two (2) historical Welland canal sites. Typically, a Stage 1 Archaeological Assessment prepared by a licensed archaeologist would be required. However, given the subject lands are considered disturbed due to the previous grading and construction activities from the existing and adjacent dwellings, garage and driveway, an assessment is not requested. Instead, Regional staff advise that should deeply buried archaeological remains and resources be encountered during construction, all activities impacting archaeological resources must cease immediately, the Archaeology Programs Unit of the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (416-212-8886) shall be notified, and a licensed

archaeologist shall carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.

## **Noise**

The proposed residential lot and future residential dwelling have the potential to experience noise impacts given the proximity to Highway 406 to the west and a CN railway line to the south. Vibration impacts are not anticipated, as the subject lands are located beyond 75m of the railway line.

Regional staff notes that a Detailed Noise Impact Study (dated June 7, 2018) was prepared by HGC Engineering in accordance with the Environmental Noise Guideline NPC-300 for a residential development located north of the subject lands. The report determined the potential impact from the highway and rail noise, and concluded that noise mitigation measures were appropriate. Given there is an existing residential use on the subject lands, the proposal is considered residential infill, and the proposed future dwelling will generally maintain similar setbacks with the existing surrounding dwellings, Regional staff is satisfied that in lieu of requiring the completion of a detailed noise impact study, noise mitigation measures are to be implemented at the building permit process. Similar to the residential development to the north, the future dwelling should be equipped with a forced air ventilation system with ducts sized for the installation of air conditioning, and constructed with double glazed windows and wall materials meeting the minimum requirements of the Ontario Building Code. In addition, Regional staff recommends that wood fencing be installed along the rear lot line for the future residential dwelling for additional noise abatement and any future purchase and sale or lease agreements include a clause that informs future occupants of sound levels from the highway and railway line.

## **Site Servicing**

On the subject property there will need to be a connection to the existing 675mm dia. Regional trunk sanitary sewer along Moffatt Street. Staff have advised through conversations that one new connection will be permitted to the Regional Trunk Sewer. If the connection cannot be made at an existing manhole a new manhole will need to be constructed. Staff request that detailed drawings showing the connection to the Regional trunk sanitary sewer be provided along with an application letter from the City of St. Catharines and connection permit fee of \$1,250 be provided to **Susan Dunsmore, P. Eng. Manager, Development Engineer at 905-980-6000 ext. 3661**. The permit will be circulated to staff for review and approval.

An appropriate clause as been included in the appendix to ensure a connection permit is obtained before the construction of a sanitary sewer connection.

## **Conclusion**

Based on the analysis and comments above, Regional staff offers no objection to the application, and ask that the above recommendations be considered.

If you have any questions or wish to discuss these comments please contact the undersigned at extension 3345, or Susan Dunsmore, Manager Development Engineering, at extension 3661.

Best Regards,



Matteo Ramundo  
Development Approvals Technician  
Niagara Region

Attention: Appendix- Regional Conditions for Site Plan Approval

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

**APPENDIX**  
**Regional Conditions for Consent**  
**11 Moffatt Street, St. Catharines**

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1. That the owner submits detailed drawings, connection permit fees and connection request letter from the City to the Niagara Region and obtains the required connection permit for the connection to the Regions sanitary sewer prior to the construction of a connection.

**Munro, Elaine**

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**Subject:** RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the September 23/20 CofA Hearing

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

**Sent:** Monday, August 31, 2020 2:33 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 September 23/20 CofA Hearing

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

Hi Elaine,

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

**B-45/17SC** – 11 Moffatt Street (Consent)

**A-91/17** – 11 Moffatt Street (Minor Variance)

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

**B-35/20SC** – 7 Lancaster Avenue (Consent)

**A-77/20** – 9 Lancaster Avenue (Minor Variance)

**B-40/20SC** – 14 Queen Street (Consent)

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

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

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

Thank you,

**Paul Nunes** | Corridor Management Officer

Ministry of Transportation | Corridor Management Section | Niagara Region

159 Sir William Hearst Avenue, 7<sup>th</sup> floor Building D, Downsview, ON M3M 0B7

(416) 235-5559 | [paul.nunes@ontario.ca](mailto:paul.nunes@ontario.ca)



## Munro, Elaine

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**Subject:** RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the September 23/20 CofA Hearing - Email 1

**From:** Munro, Elaine <emunro@stcatharines.ca>  
**Sent:** Tuesday, September 1, 2020 1:03 PM  
**To:** Munro, Elaine <emunro@stcatharines.ca>  
**Subject:** Re: Committee of Adjustment Notices and Applications, City of St. Catharines, for the September 23/20 CofA Hearing - Email 1

11 Moffatt  
14 Queen  
75 Niagara

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**From:** Doug Crown <doug.crown@cogeco.com>  
**Sent:** Friday, August 28, 2020 4:04 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 September 23/20 CofA Hearing - Email 5

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

Hi Elaine  
Email 1  
Cogeco has no issues or concerns with these applications.

Thanks

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

7170 Mcleod Rd  
Niagara Falls Ont Canada

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



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Memorandum

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

Cc: Judy Pihach, Wilrik Banda  
Planning and Building Services

From: Steven Sunderland, Building Inspector  
Planning and Building Services

Date: September 9, 2020

Subject: Building Comments on Applications to the Committee of Adjustment  
**Consents – September 23, 2020 hearing**

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**B-45/17SC – 11 Moffatt Street**

Comment:

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

Condition:

- The existing detached garage is to be removed on Part 1. A demolition permit is required and shall be completed to the satisfaction of the chief Building Official of the City of St. Catharines.

**B-35/20SC – 7 Lancaster Avenue**

Comment:

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

Condition:

- No Comment

**B-36/20SC – 600 Read Road**

Comment:

- No Comment

Condition:

- No Comment

**B-37/20SC – 50 Woodland Avenue**

Comment:

- Be advised that a building permit is required for the proposed Detached Dwelling on Part 3.

Condition:

- The existing vinyl garage is to be removed. A demolition permit is required and shall be completed to the satisfaction of the chief Building Official of the City of St. Catharines.

**B-39/20SC – 75 Niagara Street**

Comment:

- No Comment

Condition:

- No Comment

**B-40/20SC – 14 Queen Street**

Comment:

- Be advised that building permits are required for the proposed 2<sup>nd</sup> Floor Residential Units on Parts 1 and 2.

Condition:

- No Comment

**B-41/20SC – 4 Keswick Street**

Comment:

- Be advised that a building permit is required for the proposed Semi-Detached Dwelling.

Condition:

- The existing 1 Storey Detached Dwelling is to be removed. A demolition permit is required and shall be completed to the satisfaction of the chief Building Official of the City of St. Catharines.

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

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



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## Memorandum

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

Cc: Judy Pihach, Wilrik Banda  
Planning and Building Services

From: Steven Sunderland, Building Inspector  
Planning and Building Services

Date: September 9, 2020

Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance – September 23, 2020 hearing**

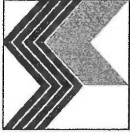
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NO.	ADDRESS	COMMENTS
A-91/17	11 Moffatt Street	Be advised that a building permit is required for the proposed detached dwelling.
A-77/20	9 Lancaster Avenue	Be advised that a building permit is required for the proposed Detached Dwelling.
A-78/20	600 Read Road	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-79/20	610 Read Road	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-80/20	8 Howard Street	Be advised that a building permit is required for the proposed cabana.
A-81/20	50 Woodland Avenue	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-89/20	48 Woodland Avenue	Be advised that a building permit is required for the proposed Detached Dwelling. 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-83/20	18A Merigold St.	No Comment
A-84/20	18B Merigold St.	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.

NO.	ADDRESS	COMMENTS
A-85/20	18C Merigold St.	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-87/20	2 Keswick Street	Be advised that a building permit is required for the proposed Semi-Detached Dwelling.  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-88/20	4 Keswick Street	Be advised that a building permit is required for the proposed Semi-Detached Dwelling.  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-90/20	100 Oakdale Ave.	Be advised that building permits are required for the proposed 3 – Multi Unit Buildings.  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-91/20	44 Runcorn Street	Be advised that a building permit is required for the proposed 2-Storey Dwelling.



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



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## Memorandum

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

**CC:**

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

**Date:** August 28, 2020

**Subject:** Committee of Adjustment Hearing – September 23, 2020

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CRCS has reviewed the Committee of Adjustment application for the hearing of September 23, 2020 and provides the following comments;

1. **11 Moffatt Street, Consent, B-45/17SC – 60.84.2130**  
**11 Moffatt Street, Minor Variance, A-91/17 – 60.81.5260**

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

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

If Planning and Building Services determines that parkland dedication can be collected for this application, CRCS requests the following condition of severance:

That payment of 5% of the appraised value of the new lot be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. That the appraisal be completed by a qualified appraiser.

2. **14 Queen Street, Consent, B-40/20SC – 60.84.2317**  
No comment.
3. **7 Lancaster Avenue, Consent, B-35/20SC – 60.84.2312**  
**9 Lancaster Avenue, Minor Variance, A-77/20 – 60.81.5667**

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4.      **600 Read Road, Consent, B-36/20SC – 60.84.2313**  
         **600 Read Road, Minor Variance, A-78/20 – 60.81.5668**  
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No comment.

5.      **8 Howard Street, Minor Variance, A-80/20 – 60.81.5670**  
No comment.

6.      **50 Woodland Avenue, Consent, B-37/20SC – 60.84.2314**  
         **50 Woodland Avenue, Minor Variance, A-81/20 – 60.81.5671**  
         **48 Woodland Avenue, Minor Variance, A-89/20 – 60.81.5679**

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No comment.

9.      **75 Niagara Street, Consent, B-39/20SC – 60.84.2316**

No comment.

10.     **4 Keswick Street, Consent, B-41/20SC – 60.84.2318**  
         **2 Keswick Street, Minor Variance, A-87/20 – 60.81.5677**  
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That the applicant submit a payment for the placement of a 60mm boulevard tree, in accordance with the City's current Schedule of Rates and Fees.

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



**REPORT TO PLANNING DEPARTMENT**  
**Re: CITY LAND DIVISION APPLICATION NUMBER B-45-17SC**

September 4, 2020

**ENGINEERING FILE 300-36**



**Hearing Date:** September 23, 2020

**Applicant:** Bruce Greenlaw

**Location:** 11 Moffatt Street

**ENGINEERING SERVICES**      **Moffatt Street**

**Water:** 150mm (6") P.V.C.

**Sanitary Sewer:** No local service main  
675mm Regional Trunk Sewer

**Storm Sewer:** None

**Sidewalks:** None

**Road Allowance Width:** Varies

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

**Comment(s):** It is noted that the Applicant proposes a revision to a previous consent to sever Part 1 for the proposed construction of a detached dwelling to be known as 13 Moffatt Street. A remnant parcel (Part 2) is to be retained for continued residential use as 11 Moffatt Street.

**Roads**

Moffatt Street is considered a Local road in the City's Official Plan with a desired right-of-way width of 20.0m. Its width varies since it runs along current City greenspace of the Welland Canal Valley lands. The City shall not request a widening along the frontage of Moffatt Street with this application.

**Sidewalks and Curbs**

This section of Moffatt Street is currently in the final stages of design and tendering for reconstruction for fall of 2020, contract pending. The works shall include additional provisions for new curbing and sidewalks, therefore no requirements from the Applicant in this regard are justified.

**Engineering Services**

Increased drainage challenges occur in these types of in-fill lot developments, where existing lots within established plans of subdivision occasionally do not have suitable drainage outlets in place. Although an individual lot drainage plan is a requirement for review and approval at the building permit stage, it shall be required as a condition of severance to ensure that the lots can convey drainage flows to a suitable outlet and do not adversely affect abutting properties, nor the City boulevard, prior to the lots being created.

Sump pump flows are typically discharged to grade, when no opportunities to connect to a storm sewer in the road allowance exist. Since a storm sewer does not exist and is not envisioned for this section of Moffat Street in terms of a main sewer within the road, sump pump flows and roof leaders shall be required to discharge to grade at the front yards or rear yard, and shall be identified as to how on the prepared lot drainage plan,

in accordance with the Property Standards By-law (2014-248).

There are also no local sanitary sewer installation works proposed for this section of Moffatt Street's reconstruction. The Owner shall be responsible to pay the fee for City crews to locate, trace, inspect and document the sewer service lateral location and outlet currently in use for the existing dwelling, to confirm it does not conflict with or exist upon any abutting and/or future lot lines. This service shall be completed prior to both the severance finalization or demolition permit issuance, whichever comes first. If the service is determined to conflict with or exist upon abutting and/or future lot lines, the Owner shall be responsible to relocate the portions of these services on private property through a Plumbing Only permit and approval through the Regional Municipality of Niagara. The Owner shall pay the City the fees required to install a new water service for the new lot from the City owned watermain to the front property line during the building permit process, or pay to have the City's Contactor provide this service through the existing City contract for Moffatt Street's reconstruction.

It must be noted that since a local (municipal) sanitary sewer main does not exist on Moffatt Street, only the Regional trunk sewer, that as per current Regional policies, no additional private services are authorized to connect to current Regional infrastructure, typically. It shall be a condition of the severance application that the Owner confirm with the Region and provide in writing confirmation from the Region that a private residential connection is permitted and authorized to the Regional trunk main. Otherwise, there is no option other than the Owner entertaining the extension of a local sewer main to the closest available outlet at Marshal Lane & Moffatt Street, entirely at the Owner's cost.

It may be considered however that any provisional requests for servicing to the future lot be solicited with the City's Engineering, Facilities and Environmental Services section administering the current Moffatt Street project, where the Owner would be expected to prepay for costs to provide an additional water service and sanitary sewer lateral, if authorized, to the future lot, as cash payments, so as to be based on actual costs of the installations. It shall be noted that the City does not typically provide services to lots that have not yet been created, also that it may not be possible to achieve Regional approval for a connection to the Regional trunk sewer.

**Condition(s):** Prior to final certification of the severance application, the Applicant shall;

- Solicit with the Region written authorization for a residential connection to the 675mm Regional trunk sanitary sewer; or provide an alternate solution for a local sanitary sewer on Moffatt Street for a new residential connection, to the City's satisfaction, at the cost of the Owner; and
- Pay the fee for City crews to locate, trace, inspect and document the sewer and water laterals servicing the existing dwelling; and
- If determined existing services will conflict with abutting and/or future lot lines, the Owner shall be responsible to complete any relocation works on private property through a Plumbing Only permit and pay to the City the fees required to install new water services from the City main and a new sewer service, if authorized, from the Regional main to the individual front property line in order for each lot to be serviced independently;
- Confirm that payments have been made for the City's Contractor to provide an additional water service and sanitary sewer lateral for the future lot, with all associated construction and Regional costs included, based on actual costs of the works through the Moffatt Street reconstruction project

Prepared by:

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

- c. James Denham, PBS (email only)  
Susan Dunsmore, Niagara Region (email only)  
Imtiaz Ahmad, EFES (email only)



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## Memorandum

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**To:** Elaine Munro, ACST, Committee Secretary & Planning Technician  
**Cc:** City Committee of Adjustment Staff Members  
**From:** Brad Johnston, C.E.T., Development Engineering Technologist  
**Date:** September 4, 2020  
**Hearing Date:** September 23, 2020  
**Subject:** **Committee of Adjustment - Minor Variance Applications**  
8 Howard Avenue, A-80/20SC  
2-4 Keswick Street, A-87-88/20SC  
9 Lancaster Avenue, A-77/20SC  
18A,B&C Merigold Street A-83,84,85/20SC  
11 Moffatt Street, A-91/17SC  
100 Oakdale Avenue, A-90/20SC  
600-610 Read Road, A-78-79/20SC  
44 Runcorn Street, A-91/20SC  
48&50 Woodland Avenue, A-81&89/20SC

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Development Engineering have reviewed the above applications and have the following comments.

- 1/2 Keswick Street, A-87/20  
The Owner must be able to demonstrate that adequate grading and drainage can be maintained resulting from the construction of the dwelling and the increased driveway width with respect to abutting neighbouring properties, if approved, for Variance items #4 & #5;
- 18A, B & C Merigold Street, A-83 & 84/20SC  
Considering the lots have already been constructed, they are subject to an already approved and accepted Grading & Drainage Plan. Approving these applications for Minor Variances would conflict with the intent of the grading plan in terms of increased hard surface area for the driveway locations, there were initially not acceptable

Trusting this information is satisfactory.

Regards,

Prepared by:

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



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## Memorandum

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

**Cc:**

**From:** Steve Bittner  
Transportation Technologist

**Date:** September 4, 2020

**Subject:** Committee of Adjustment  
Public Hearings – September 23, 2020  
File No. 305-17-01

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

Steve Bittner  
Transportation Technologist

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

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

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# **COMMENTS**

**B-40/20SC (60.84.2317)**

**14 Queen Street**

**DATE OF HEARING:**  
**September 23, 2020**



CITY OF  
ST. CATHARINES

## Technical Report

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

**Date of Report:** September 16, 2020      **Date of Hearing:** September 23, 2020

**Submission(s):** B-40/20SC      **File:** 60.84.2317

**Subject:** 14 Queen Street

### Recommendation

That Submission **B-40/20SC** by 14 Queen Street Investments Inc, as outlined in the Notice of Hearing, be approved, subject to the following conditions:

1. The owner provide Engineering Certification that all internal plumbing is separate for each building on its own lot, and there are no interconnections between Part 1 and Part 2;
2. If interconnections are identified, that the Owner complete all necessary internal plumbing to facilitate independent plumbing for each building.
3. The applicant shall satisfy the Chief Building Official for the City of St. Catharines that the required Firewall between the two buildings (the common wall/lot line between Parts 1 & 2) meets the requirements of subsection 3.1.10. of the 2012 Ontario Building Code; and,
4. A building permit be submitted, reviewed, issued, works completed and all inspections completed.
5. That the Owner provide the Secretary-Treasurer with the Acknowledgement and Direction for conveyance of the subject parcel, together with a copy of the deposited reference plan, for use in the issuance of the Certificate of Consent.
6. That 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.
7. That all conditions of consent be fulfilled by September 23, 2021.

### Report The Proposal

Application **B-40/20SC** is made for consent to sever 571.07m<sup>2</sup> land (Part 2 on the submitted sketch) re-creating the lot known as 16 Queen Street with the existing

commercial building and proposed residential units (2<sup>nd</sup> floor). A 462.15m<sup>2</sup> remnant parcel with the existing commercial building and proposed residential units (2<sup>nd</sup> floor) (Part 2) would be retained.

## **Location and Site Description**

The subject property is located on the northeast side of Queen Street, west of St. Paul Street and is surrounded by a mix of commercial buildings in all directions.

## **Circulation of Application**

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

## **Background**

The subject property previously submitted applications **B-28/18SC** and **B-21/19SC** for consent to sever 571.07 m<sup>2</sup> land, re-creating the lot known as 16 Queen Street, with the existing commercial building and proposed residential units (2<sup>nd</sup> floor). The consents were both granted with conditions. The applications have both since lapsed.

## **Planning Policy Context**

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

The subject lands are designated Downtown as per Schedule D1 of the Garden City Plan (GCP) and further designated Commercial Core as per Schedule E10 of the GCP. The Commercial Core designation permits retail and service commercial uses, institutional, education, civic, government, office, finance, indoor recreation, creative and cultural uses, hospitality, restaurants, entertainment, and residential apartment units. Auto related service uses or dealerships, and adult oriented uses are not permitted.

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

The subject land is zoned Downtown Commercial Core with a special provision (C5-92). The C5 zone permits animal care establishments, apartment buildings and dwelling units, commercial parking, cultural facilities, day cares, emergency services, hospitals, hotels/motels, long term care facilities and major transit stations. The special provision (92) omits this area from certain parking requirements.

## **Planning Analysis**

### **Consent**

Application **B-40/20SC** proposes to sever 571.07m<sup>2</sup> of land (Part 2), re-creating the lot known as 16 Queen Street with the existing commercial building and proposed residential units (2<sup>nd</sup> floor). A 462.15 m<sup>2</sup> remnant parcel with the existing commercial building and proposed residential units (2<sup>nd</sup> floor) (Part 1) would be retained.

Part F, Section 16.11.3 of the GCP states that consents to sever will only be given where they contribute to the infilling of areas that are already substantially developed and the

size and shape of the parcel is appropriate for the use proposed in terms of optimum development of the surrounding area.

The consent is requested to separate two existing commercial properties with office space on the second floor of both buildings in the downtown core. The properties were previously existing lots which have since merged due to a change in ownership. The office space of both buildings is proposed to be converted to residential units on the second floor of the buildings. The proposed lots are considered appropriate, given that they were previously existing, provided that each lot is independently serviced. The proposed mixed use will not impact surrounding uses. The proposed mix of uses is encouraged in the downtown core. The proposed lots are of similar sizes to many of the lots in the surrounding area of the subject property. The buildings already exist and the creation of one additional lot will not compromise the character of the neighbourhood. Both the new and remnant parcels conform to the provisions of the Zoning By-law.

The Development and Engineering Department noted through previous applications that Queen Street is designated an Arterial Road in the City's Official Plan with a desired right-of-way width of 26m. Its current width along the Applicant's frontage is deficient at +/- 18m. While the City would ideally desire a 26m right-of-way, the front face of many of the existing buildings along this section of Queen Street would not accommodate this. Therefore a widening will not be required at this time. Helliwells Lane is designated a Local Road in the City's Official Plan with a desired width of 20m. Its current width is 3.2m. However it is considered a rear lot laneway and therefore a widening on Helliwells Lane is also not required at this time.

The buildings on the proposed lots are existing and the City has very little information on the size or location of the existing sewer and water services. The owner must provide the City with an engineering drawing showing where the existing sanitary and storm sewer laterals and the existing water services exit the building. The purpose of the drawing is to confirm that each building/lot is serviced independently from the other. If the buildings are not serviced independently, the Owner shall pay to have the City install additional services to achieve independent servicing. These services shall be installed and any related internal plumbing completed prior to finalization of the severance. The fees for these installations will be as per the City's Schedule of Rates and Fees in effect at the time. The service installations must be completed prior to finalization of the severance.

The condition for the issuance of a building permit and the completion and final inspection of all of the interior alterations is to ensure each lot is functionally independent from the other.

## Conclusion

Staff are satisfied that the consent requested through application **B-40/20SC** is desirable and compatible with the surrounding area and that there will not be any adverse impacts on surrounding properties as a result of the application. The proposed consent is in keeping with the intent and purpose of the Official Plan and Zoning By-law. Staff



recommend that the application be approved, subject to the conditions outlined in the recommendation.

**Prepared and Submitted by:**

A handwritten signature in cursive script, appearing to read 'Charlotte McEwan'.

Charlotte McEwan  
Planner I

**Approved by:**

A handwritten signature in cursive script, appearing to read 'Judy Pihach'.

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

## Munro, Elaine

---

**Subject:** RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the September 23/20 CofA Hearing

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

**Sent:** Monday, August 31, 2020 2:33 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 September 23/20 CofA Hearing

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

Hi Elaine,

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

**B-45/17SC** – 11 Moffatt Street (Consent)

**A-91/17** – 11 Moffatt Street (Minor Variance)

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

**B-35/20SC** – 7 Lancaster Avenue (Consent)

**A-77/20** – 9 Lancaster Avenue (Minor Variance)

**B-40/20SC** – 14 Queen Street (Consent)

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

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

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

Thank you,

**Paul Nunes** | Corridor Management Officer

Ministry of Transportation | Corridor Management Section | Niagara Region

159 Sir William Hearst Avenue, 7<sup>th</sup> floor Building D, Downsview, ON M3M 0B7

(416) 235-5559 | [paul.nunes@ontario.ca](mailto:paul.nunes@ontario.ca)

## Munro, Elaine

---

**Subject:** RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the September 23/20 CofA Hearing - Email 1

**From:** Munro, Elaine <emunro@stcatharines.ca>  
**Sent:** Tuesday, September 1, 2020 1:03 PM  
**To:** Munro, Elaine <emunro@stcatharines.ca>  
**Subject:** Re: Committee of Adjustment Notices and Applications, City of St. Catharines, for the September 23/20 CofA Hearing - Email 1

11 Moffatt  
14 Queen  
75 Niagara

---

**From:** Doug Crown <doug.crown@cogeco.com>  
**Sent:** Friday, August 28, 2020 4:04 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 September 23/20 CofA Hearing - Email 5

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

Hi Elaine  
Email 1

Cogeco has no issues or concerns with these applications.

Thanks

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

7170 Mcleod Rd  
Niagara Falls Ont Canada

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



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Memorandum

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

Cc: Judy Pihach, Wilrik Banda  
Planning and Building Services

From: Steven Sunderland, Building Inspector  
Planning and Building Services

Date: September 9, 2020

Subject: Building Comments on Applications to the Committee of Adjustment  
**Consents – September 23, 2020 hearing**

---

**B-45/17SC – 11 Moffatt Street**

Comment:

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

Condition:

- The existing detached garage is to be removed on Part 1. A demolition permit is required and shall be completed to the satisfaction of the chief Building Official of the City of St. Catharines.

**B-35/20SC – 7 Lancaster Avenue**

Comment:

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

Condition:

- No Comment

**B-36/20SC – 600 Read Road**

Comment:

- No Comment

Condition:

- No Comment

**B-37/20SC – 50 Woodland Avenue**

**Comment:**

- Be advised that a building permit is required for the proposed Detached Dwelling on Part 3.

**Condition:**

- The existing vinyl garage is to be removed. A demolition permit is required and shall be completed to the satisfaction of the chief Building Official of the City of St. Catharines.

**B-39/20SC – 75 Niagara Street**

**Comment:**

- No Comment

**Condition:**

- No Comment

**B-40/20SC – 14 Queen Street**

**Comment:**

- Be advised that building permits are required for the proposed 2<sup>nd</sup> Floor Residential Units on Parts 1 and 2.

**Condition:**

- No Comment


**B-41/20SC – 4 Keswick Street**

**Comment:**

- Be advised that a building permit is required for the proposed Semi-Detached Dwelling.

**Condition:**

- The existing 1 Storey Detached Dwelling is to be removed. A demolition permit is required and shall be completed to the satisfaction of the chief Building Official of the City of St. Catharines.

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

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



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## Memorandum

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**To:** Elaine Munro, Planning and Building Services  
**CC:**  
**From:** Jessica Button, Community, Recreation and Culture Services  
**Date:** August 28, 2020  
**Subject:** Committee of Adjustment Hearing – September 23, 2020

---

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       **2 Keswick Street, Minor Variance, A-87/20 – 60.81.5677**  
       **4 Keswick Street, Minor Variance, A-88/20 – 60.81.5678**

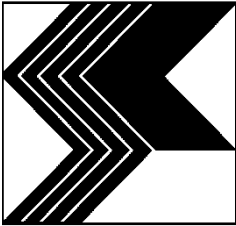
CRCS request that the following be included as a condition of severance or included within a Development Agreement for the subject lands:

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

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



REPORT TO PLANNING DEPARTMENT  
Re: CITY LAND DIVISION APPLICATION NUMBER B-40/20SC



September 3<sup>rd</sup>, 2020ENGINEERING FILE 300-36

Hearing Date:September 23<sup>rd</sup>, 2020  
Owner:14 Queen Investments Inc.  
Location:14 Queen Street

MUNICIPAL SERVICES

	Queen Street	Helliwells Lane
Water:	400mm PVC 150mm C.I.	200mm PVC 100mm C.I.
Sanitary Sewer:	250mm PVC +/-3.8m Depth	250mm Re-lined Plastic +/- 2.2m Depth
Storm Sewer:	600mm Conc. +/-2.6m Depth	300mm Conc. +/-2.5m Depth
Sidewalks:	Both Sides	None
Existing Road Allowance Width:	+/-18m	+/-3.2m

GENERAL COMMENTS:

The owner wishes to sever one lot into two lots to separate two buildings with a common wall.

ENGINEERING COMMENTS:

Roads

Queen Street is designated an Arterial Road in the City’s Official Plan with a desired right-of-way width of 26m. Its current width along the Applicant’s frontage is deficient at +/-18m. While the City would ideally desire a 26m right-of-way, the front face of many of the existing buildings along this section of Queen Street would not accommodate this. Therefore a widening will not be required at this time  
Helliwells Lane is designated a Local Road in the City’s Official Plan with a desired width of 20m. Its current width is 3.2m. However, it is considered a rear lot laneway and therefore a widening on Helliwells Lane is also not required at this time.

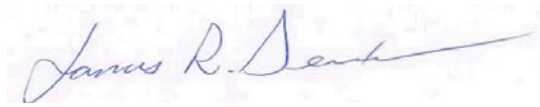
Engineering Services

The buildings on these lots are existing and the City has very little information on the size or location of the existing sewer and water services. The owner has provided an engineering drawing prepared by Karugu Consulting Inc. and stamped and sealed by G.W. Karugu P.Eng. showing the approximate locations of the existing sanitary and storm

sewer laterals and the existing water services servicing the building. The purpose of the drawing is to confirm that each building is serviced independently from the other. We also require a letter from the engineer confirming there are no interconnections between the internal plumbing of the two buildings. If any internal interconnections are identified they must be separated prior to finalization of the severance.

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

1. Provide Engineering Certification that all internal plumbing is separate for each Part and there are no interconnections between Part 1 and Part 2.
2. If interconnections are identified, complete all necessary internal plumbing to facilitate independent plumbing for each building.

A handwritten signature in blue ink, reading "Jim Denham", is positioned above a horizontal line.

**Prepared By:** \_\_\_\_\_  
Jim Denham P.Eng.  
Development Engineering Technologist



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## Memorandum

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

**Cc:**

**From:** Steve Bittner  
Transportation Technologist

**Date:** September 4, 2020

**Subject:** Committee of Adjustment  
Public Hearings – September 23, 2020  
File No. 305-17-01

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

Steve Bittner  
Transportation Technologist

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

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

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# **COMMENTS**

**B-35/20SC (60.84.2312) &  
A-77/20 (60.81.5667)**

**7 Lancaster Avenue**

**DATE OF HEARING:  
September 23, 2020**



CITY OF  
ST. CATHARINES

## Technical Report

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

**Date of Report:** September 16, 2020      **Date of Meeting:** September 23, 2020

**Report Number:** B-35/20SC      **File:**60.84.2312 (7 Lancaster Avenue)  
A-77/20      60.81.5667 (9 Lancaster Avenue)

**Subject:** 7 Lancaster Avenue (to become 7 and 9 Lancaster Avenue)

### Recommendation Consent

That Application **B-35/20SC** by Mike DiPaola, as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. That the Owner enter into a Development Agreement with the City of St. Catharines, to be registered on title to the lands now known as 7 Lancaster Avenue, requiring the following:
  - i. That building permit plans for Parts 1 & 2, once submitted, be reviewed and confirmed to be generally in accordance with the site plan and elevation plans submitted with this application, and
  - ii. The Lot Grading and Drainage Plan, required as a condition of approval, be included in the Development Agreement, to ensure compliance as part of the review and approval of a building permit.
2. That the existing portion of the deck on Part 1, as identified on the sketch submitted with the application, that does not comply with the required setback to the new lot line, be removed.
3. That the Owner have prepared a Reference Plan for review and approval by the City identifying the Part(s) along Lancaster Avenue to be dedicated to the City as Public Highway.
4. That the Owner have submitted and registered the reference plan to dedicate the Part(s) to the City of St. Catharines as Public Highway Lancaster Avenue.
5. That the Owner have prepared by an Ontario Land Surveyor or Professional Engineer, a Lot Grading and Drainage Plan for review and approval prior to a Final Certificate being issued; and to be included in the Development Agreement.
6. That the Owner pay the fee for City crews to locate, trace, inspect and document the location of the sewer and water laterals for the existing building.
7. 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.
8. 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.

9. That the Owner submit a payment for the placement of a 60mm boulevard tree, in accordance with the City's current Schedule of Rates and Fees.
10. That the Owner submit payment of 5% of the appraised value of Part 2, as determined by a qualified appraiser, to the City in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of payment, the value of the land shall be determined as of the day before the day the provisional consent was given'.
11. 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.
12. 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.
13. That final approval of the concurrent Minor Variance Applications be approved.
14. That all conditions of consent be fulfilled by September 23, 2021.

## Minor Variance

That Application **A-77** by Mike DiPaola, as outlined in the Notice of Hearing, be approved.

## Report The Proposal

The Applicant proposes to sever the existing lot known as 7 Lancaster in order to create a new residential lot for the purpose of constructing a detached dwelling. The new lot and the retained lot would be known as 7 and 9 Lancaster Avenue. An existing detached dwelling will be retained on Part 1 for continued residential use. Accordingly, the following Consent Applications have been submitted for consideration:

Application	Severed Parcel	Severed Area	Retained Parcel	Retained Area
<b>B-35/20SC</b>	Part 2 (9 Lancaster Avenue)	256 m <sup>2</sup>	Part 1 (7 Lancaster Avenue)	317 m <sup>2</sup>

A concurrent Minor Variance Application seeks relief from the City of St. Catharines for the new lot to be known as 9 Lancaster (Part 2 on the submitted sketch) through a reduction of the minimum lot area from 300 m<sup>2</sup> to 256 m<sup>2</sup>.

## Location and Site Description

The subject property is located on the north side of Lancaster Avenue, east of Berryman Avenue. The property is surrounded by residential dwellings to the east, west and south, and an automobile repair business to the north.

The property is currently occupied by a detached dwelling, which the applicant is proposing to retain for continued residential use.

## **Circulation of Application**

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

## **Planning Policy Context**

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

The subject property is designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential on Schedule E5 thereof. Detached dwellings are permitted in this designation at a density range of 20 to 32 units per hectare. Together, the existing and proposed detached dwellings represent a density of just under 35 units per hectare. The is generally in compliance with the density targets of the GCP. No Official Plan amendment is required.

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

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

## **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. If done well, infill and intensification can improve existing neighbourhoods by bringing with it new life and vibrancy. The Garden City Plan supports a balanced approach to infill and intensification to ensure appropriate building site and streetscape design.

Consent Application **B-35/20SC** request to sever the subject property for the purpose of creating a residential lot for the construction of a new detached dwelling. Both proposed lots meet the zoning by-law requirements for lot frontage, and all setbacks, landscaping requirements and parking requirements are accommodated on each lot. Part 2 requires a variance for a reduction in minimum lot area. However, as stated above, the proposed density of about 35 units per hectare meets the general requirements of the Official Plan. Additionally, the proposal demonstrates that there is sufficient space on each of the lots to accommodate a building envelope, parking, landscaping, and amenity areas. Staff are of the opinion that the scale of the proposed dwelling is consistent with the character of the street.

Staff are satisfied that the proposal is consistent with the Official Plan. The concurrent Minor Variance Application considered in this report will address zoning deficiencies. There are no anticipated impacts as a result of the severance.

Staff are supportive of Consent Application **B-35/20SC** subject to the conditions outlined recommendation herein.

### **Design Review Panel**

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

The Applicant's proposal was submitted to the DRP for consideration in January 2020 as a 3-unit development. DRP members expressed some concern that the proposal represented overdevelopment of the site and that 2 units would be more appropriate.

Ultimately, the DRP supported the proposed severances for 3 units and associated elevation plans, subject to some external modifications.

The submitted plans have incorporated the recommendation to reduce to 2 units overall. As a condition of consent, staff will be requiring the Applicant to enter into a development agreement with the City to ensure the dwellings are built in general accordance with the submitted plans.

### **Road Widening**

Lancaster Avenue is designated a Local road per the City's Official plan with a desired right-of-way width of 20.12m. Its current width along this section is deficient at 15.24m±.

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

Given the City would like to remain consistent with past requirements for road widenings and bring roads up to standards to accommodate future City utilities (storm sewer, upgraded water main and sanitary sewer extensions), other private utilities (Gas, Hydro, Bell, etc.), boulevard trees and sidewalks, bike lanes and meeting the Garden City Plan initiatives driven by Council, it is therefore required that the City obtain a road widening of 2.44m along the frontage to be dedicated as Public Highway Lancaster Avenue to obtain half of the desired road allowance width of 20.12m.

### **Minor Variance**

Application A-77/20 requests relief from the Zoning By-law for 9 Lancaster (Part 2 on the submitted sketch) through a reduction of the minimum lot area from 300 m<sup>2</sup> to 256 m<sup>2</sup>. The reduction is 44 m<sup>2</sup>, and staff note that the majority of this area is as a result of the required road widening. The lot would be ~ 7 m<sup>2</sup> undersized without the widening.



Overall, the lot area reduction is considered minor in nature and no negative impacts are anticipated as a result. The proposal demonstrates that appropriate frontage, building setbacks, parking area, amenity space and landscaping can be accommodated on the undersized lot, satisfying the general intent of the City's Zoning provisions for minimum lot area. The overall density of the development is in keeping with the targets of the Official Plan, and the reduction allows for the intensification of an underutilized parcel.

## Conclusion

Having regard for the matters under Section 53 of the *Planning Act*, staff are of the opinion that Consent Application **B-35/20SC** is consistent with the provisions of the Zoning By-law and will have no adverse impacts on the surrounding area and environment. It is staff's recommendation that the requested consent to sever be approved, subject to the conditions outlined in the recommendation.

Having regard for the matters under Section 45(1) of the *Planning Act*, staff are of the opinion that Minor Variance Application **A-77/20** 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 that the Application be approved.

**Prepared and Submitted by:**



Charlotte McEwan  
Planner I

**Approved by:**



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

**Munro, Elaine**

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**Subject:** RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the September 23/20 CofA Hearing

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

**Sent:** Monday, August 31, 2020 2:33 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 September 23/20 CofA Hearing

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

Hi Elaine,

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

**B-45/17SC** – 11 Moffatt Street (Consent)

**A-91/17** – 11 Moffatt Street (Minor Variance)

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

**B-35/20SC** – 7 Lancaster Avenue (Consent)

**A-77/20** – 9 Lancaster Avenue (Minor Variance)

**B-40/20SC** – 14 Queen Street (Consent)

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

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

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

Thank you,

**Paul Nunes** | Corridor Management Officer

Ministry of Transportation | Corridor Management Section | Niagara Region

159 Sir William Hearst Avenue, 7<sup>th</sup> floor Building D, Downsview, ON M3M 0B7

(416) 235-5559 | [paul.nunes@ontario.ca](mailto:paul.nunes@ontario.ca)



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Memorandum

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

Cc: Judy Pihach, Wilrik Banda  
Planning and Building Services

From: Steven Sunderland, Building Inspector  
Planning and Building Services

Date: September 9, 2020

Subject: Building Comments on Applications to the Committee of Adjustment  
**Consents – September 23, 2020 hearing**

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**B-45/17SC – 11 Moffatt Street**

Comment:

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

Condition:

- The existing detached garage is to be removed on Part 1. A demolition permit is required and shall be completed to the satisfaction of the chief Building Official of the City of St. Catharines.

**B-35/20SC – 7 Lancaster Avenue**

Comment:

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

Condition:

- No Comment

**B-36/20SC – 600 Read Road**

Comment:

- No Comment

Condition:

- No Comment

**B-37/20SC – 50 Woodland Avenue**

Comment:

- Be advised that a building permit is required for the proposed Detached Dwelling on Part 3.

Condition:

- The existing vinyl garage is to be removed. A demolition permit is required and shall be completed to the satisfaction of the chief Building Official of the City of St. Catharines.

**B-39/20SC – 75 Niagara Street**

Comment:

- No Comment

Condition:

- No Comment

**B-40/20SC – 14 Queen Street**

Comment:

- Be advised that building permits are required for the proposed 2<sup>nd</sup> Floor Residential Units on Parts 1 and 2.

Condition:

- No Comment

**B-41/20SC – 4 Keswick Street**

Comment:

- Be advised that a building permit is required for the proposed Semi-Detached Dwelling.

Condition:

- The existing 1 Storey Detached Dwelling is to be removed. A demolition permit is required and shall be completed to the satisfaction of the chief Building Official of the City of St. Catharines.

A handwritten signature in black ink, appearing to be 'S. Sunderland', written in a cursive style.

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



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## Memorandum

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

Cc: Judy Pihach, Wilrik Banda  
Planning and Building Services

From: Steven Sunderland, Building Inspector  
Planning and Building Services

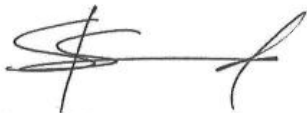
Date: September 9, 2020

Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance – September 23, 2020 hearing**

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NO.	ADDRESS	COMMENTS
A-91/17	11 Moffatt Street	Be advised that a building permit is required for the proposed detached dwelling.
A-77/20	9 Lancaster Avenue	Be advised that a building permit is required for the proposed Detached Dwelling.
A-78/20	600 Read Road	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-79/20	610 Read Road	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-80/20	8 Howard Street	Be advised that a building permit is required for the proposed cabana.
A-81/20	50 Woodland Avenue	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-89/20	48 Woodland Avenue	Be advised that a building permit is required for the proposed Detached Dwelling.
A-83/20	18A Merigold St.	No Comment
A-84/20	18B Merigold St.	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.

NO.	ADDRESS	COMMENTS
A-85/20	18C Merigold St.	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-87/20	2 Keswick Street	Be advised that a building permit is required for the proposed Semi-Detached Dwelling.  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-88/20	4 Keswick Street	Be advised that a building permit is required for the proposed Semi-Detached Dwelling.  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-90/20	100 Oakdale Ave.	Be advised that building permits are required for the proposed 3 – Multi Unit Buildings.  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-91/20	44 Runcorn Street	Be advised that a building permit is required for the proposed 2-Storey Dwelling.



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



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## Memorandum

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**To:** Elaine Munro, Planning and Building Services  
**CC:**  
**From:** Jessica Button, Community, Recreation and Culture Services  
**Date:** August 28, 2020  
**Subject:** Committee of Adjustment Hearing – September 23, 2020

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CRCS has reviewed the Committee of Adjustment application for the hearing of September 23, 2020 and provides the following comments;

1. **11 Moffatt Street, Consent, B-45/17SC – 60.84.2130**  
**11 Moffatt Street, Minor Variance, A-91/17 – 60.81.5260**

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

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

If Planning and Building Services determines that parkland dedication can be collected for this application, CRCS requests the following condition of severance:

That payment of 5% of the appraised value of the new lot be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. That the appraisal be completed by a qualified appraiser.

2. **14 Queen Street, Consent, B-40/20SC – 60.84.2317**  
No comment.
3. **7 Lancaster Avenue, Consent, B-35/20SC – 60.84.2312**  
**9 Lancaster Avenue, Minor Variance, A-77/20 – 60.81.5667**

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

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

If Planning and Building Services determines that parkland dedication can be collected for this application, CRCS requests the following condition of severance:

That payment of 5% of the appraised value of the new lot be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. That the appraisal be completed by a qualified appraiser.

4.     **600 Read Road, Consent, B-36/20SC – 60.84.2313**  
          **600 Read Road, Minor Variance, A-78/20 – 60.81.5668**  
          **610 Read Road, Minor Variance, A-79/20 – 60.81.5669**  
No comment.

5.     **8 Howard Street, Minor Variance, A-80/20 – 60.81.5670**  
No comment.

6.     **50 Woodland Avenue, Consent, B-37/20SC – 60.84.2314**  
          **50 Woodland Avenue, Minor Variance, A-81/20 – 60.81.5671**  
          **48 Woodland Avenue, Minor Variance, A-89/20 – 60.81.5679**

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

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

If Planning and Building Services determines that parkland dedication can be collected for this application, CRCS requests the following condition of severance:

That payment of 5% of the appraised value of the new lot be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. That the appraisal be completed by a qualified appraiser.



7.      **18A Merigold Street, Minor Variance, A-83/20 – 60.81.5673**  
         **18B Merigold Street, Minor Variance, A-84/20 – 60.81.5674**  
         **18C Merigold Street, Minor Variance, A-85/20 – 60.81.5675**

No comment.

9.      **75 Niagara Street, Consent, B-39/20SC – 60.84.2316**

No comment.

10.    **4 Keswick Street, Consent, B-41/20SC – 60.84.2318**  
         **2 Keswick Street, Minor Variance, A-87/20 – 60.81.5677**  
         **4 Keswick Street, Minor Variance, A-88/20 – 60.81.5678**

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

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

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

**REPORT TO PLANNING DEPARTMENT**  
**Re: CITY LAND DIVISION APPLICATION NUMBER B-35/20SC**



September 4, 2020

**ENGINEERING FILE 300-36**

**Hearing Date:** September 23, 2020

**Applicant:** Mike DiPaola

**Location:** 7 Lancaster Avenue

**MUNICIPAL SERVICES** Lancaster Avenue

**Water:** 150mm (6") P.V.C.

**Sanitary Sewer:** 200mm (8") Concrete

**Storm Sewer:** 1200mm (48")

**Sidewalks:** Yes

**Road Allowance Width:** 15.24m±

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

Comment(s): It is noted that the Applicant proposes to sever Part 2 creating a new lot to be known as 9 Lancaster Avenue for the purposes of constructing a 2-storey detached dwelling. A remnant parcel (Part 1) will be retained for continued residential use as 7 Lancaster Avenue.

Roads Lancaster Avenue is designated a Local road per the City's Official plan with a desired right-of-way width of 20.12m. Its current width along this section is deficient at 15.24m±.

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

Given the City would like to remain consistent with past requirements for road widenings and bring roads up to standards to accommodate future City utilities (storm sewer, upgraded water main and sanitary sewer extensions), other private utilities (Gas, Hydro, Bell, etc.), boulevard trees and sidewalks, bike lanes and meeting the Garden City Plan initiatives driven by Council, it is therefore required that the City obtain a road widening of 2.44m along the frontage to be dedicated as Public Highway Lancaster Avenue to obtain half of the desired road allowance width of 20.12m.

Sidewalks Sidewalks exist along the frontage of the subject property therefore a damage deposit shall be collected through the building permit process, to ensure the protection of the municipal sidewalk throughout construction of the proposed dwelling, if approved.

Services

Increased drainage challenges occur in these types of in-fill lot developments, where existing lots within established plans of subdivision sometimes do not have suitable drainage outlets in place. Although an individual lot drainage plan is a requirement for review and approval at the building permit stage, it shall be required as a condition of severance to ensure that the lots can convey drainage flows to a suitable outlet and do not adversely affect abutting properties, nor the City boulevard, prior to the lots being created. Sump pump flows are typically discharged to grade, when no opportunities to connect to a storm sewer in the road allowance exist. Since a storm sewer does exist on Lancaster Avenue, sump pump flows shall be required to discharge to the storm sewer via a storm sewer lateral provision paid for through the building permit process and identified as on the prepared lot drainage plan.

The Owner shall pay to have City forces confirm that both the location and condition of the existing water service and sewer lateral to the existing dwelling do not cross any abutting and/or future lot lines. If these services are determined to cross abutting and/or future lot lines, the Owner shall be responsible to relocate the portion of these works on private property through a Plumbing Only Permit. The Owner shall also pay the City the fee to install any new water service and/or sewer lateral, from the City owned main line sewer and water main to the front property line, in order for each property to be serviced individually. Fees to complete this work shall be paid prior to the issuance of the permit.

Condition(s):

Prior to consent, the Applicant shall:

- Prepare a draft Reference Plan for review and approval by the City identifying the Part(s) along Lancaster Avenue to be dedicated to the City as Public Highway; and
- Submit and register the reference plan to dedicate the Part(s) to the City of St. Catharines as Public Highway Lancaster Avenue; and
- Prepare by an Ontario Land Surveyor or Professional Engineer, a Lot Drainage plan for review and approval prior to a Final Certificate being issued; and
- Pay the fee for City crews to locate, trace, inspect and document the location of the existing sewer and water laterals on private property and within the Lancaster Avenue right-of-way; and
- Complete, if deemed necessary, any relocation of the existing sanitary lateral and/or water service on private property if the existing services cross existing abutting or future side lot lines; and
- Pay the City to relocate any portion of the existing water service and/or sanitary sewer lateral on City property that may be required to eliminate services crossing existing abutting or future side lot lines;

Prepared by: 

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

c. James Denham, PBS (email only)



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## Memorandum

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**To:** Elaine Munro, ACST, Committee Secretary & Planning Technician  
**Cc:** City Committee of Adjustment Staff Members  
**From:** Brad Johnston, C.E.T., Development Engineering Technologist  
**Date:** September 4, 2020  
**Hearing Date:** September 23, 2020  
**Subject:** **Committee of Adjustment - Minor Variance Applications**  
8 Howard Avenue, A-80/20SC  
2-4 Keswick Street, A-87-88/20SC  
9 Lancaster Avenue, A-77/20SC  
18A,B&C Merigold Street A-83,84,85/20SC  
11 Moffatt Street, A-91/17SC  
100 Oakdale Avenue, A-90/20SC  
600-610 Read Road, A-78-79/20SC  
44 Runcorn Street, A-91/20SC  
48&50 Woodland Avenue, A-81&89/20SC

---

Development Engineering have reviewed the above applications and have the following comments.

- 1/ 2 Keswick Street, A-87/20  
The Owner must be able to demonstrate that adequate grading and drainage can be maintained resulting from the construction of the dwelling and the increased driveway width with respect to abutting neighbouring properties, if approved, for Variance items #4 & #5;
- 18A, B & C Merigold Street, A-83 & 84/20SC  
Considering the lots have already been constructed, they are subject to an already approved and accepted Grading & Drainage Plan. Approving these applications for Minor Variances would conflict with the intent of the grading plan in terms of increased hard surface area for the driveway locations, there were initially not acceptable

Trusting this information is satisfactory.

Regards,

Prepared by:

---

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



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## Memorandum

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

**Cc:**

**From:** Steve Bittner  
Transportation Technologist

**Date:** September 4, 2020

**Subject:** Committee of Adjustment  
Public Hearings – September 23, 2020  
File No. 305-17-01

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

Steve Bittner  
Transportation Technologist

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

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

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# **COMMENTS**

**B-36/20SC (60.84.2313), A-78/20  
(60.81.5669) & A-79/20 (60.81.5670)**

**600 Read Road**

**DATE OF HEARING:  
September 23, 2020**



CITY OF  
ST. CATHARINES

## Technical Report

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

**Date of Report:** September 16, 2020

**Date of Meeting:** September 23, 2020

**Report Number:** B-36/20SC

A-78/20

A-79/20

**File:** 60.84.2313 (600 Read Road)

60.81.5668 (600 Read Road)

60.81.5669 (610 Read Road)

**Subject:** 600 Read Road (to become 600 and 610 Read Road)

## Recommendation

### Consent

That Application **B-36/20SC** by 1931055 Ontario Ltd, as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. That the Owner provide the Secretary-Treasurer with the Acknowledgement and Direction for conveyance of the subject parcel, together with a copy of the deposited reference plan, for use in the issuance of the Certificate of Consent.
2. That the Owner submit to the Secretary-Treasurer of the Committee of Adjustment a final certification fee of \$214.80 (2020 rate) payable to the Treasurer, City of St. Catharines.
3. That final approval of the concurrent Minor Variance Applications be approved.
4. That all conditions of consent be fulfilled by September 23, 2021.

### Minor Variance

That Applications **A-78/20** and **A-79/20** by 1931055 Ontario Ltd, as outlined in the respective Notices of Hearing, be approved.

## Report

### The Proposal

The Applicant proposes to sever 5,572.08 m<sup>2</sup> land (Part 2 on the submitted sketch) re-creating the lot known as 600 Read Road with the existing commercial building. A 5,572.08 m<sup>2</sup> remnant parcel with the existing commercial building (Part 1) would be retained and is known as 610 Read Road. The properties were once separate parcels and have inadvertently merged on title.

Concurrent Minor Variance Applications seek relief from the City of St. Catharines through the variances outlined below:

Application A-78/20 seeks relief from the City of St. Catharines Zoning By-law 2013-283, as amended, for the following variance to facilitate the concurrent consent application B-36/20SC to re-create the lot known as 600 Read Road with the existing commercial building (Part 2):

1. A reduction of the minimum lot frontage from 60 metres to 45.72 metres.

Application A-79/20 seeks relief from the City of St. Catharines Zoning By-law 2013-283, as amended, for the following variance to facilitate the concurrent consent application B-36/20SC to re-create the lot known as 610 Read Road with the existing commercial building (Part 1):

1. A reduction of the minimum lot frontage from 60 metres to 45.72 metres.

## **Location and Site Description**

The subject property is located on the west side of Read Road, north of Lakeshore Road. The property is surrounded by farmland to the east, industrial uses to the north and south, and greenspace and industrial uses to the west.

The property is currently occupied by two industrial uses that operate independently from one another. The buildings were once located on separately properties but have merged on title.

## **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 E2 thereof. The existing industrial uses are permitted by the Official Plan. No Official Plan Amendment is required.

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

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

## **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.

Consent Application **B-36/20SC** request to sever the subject property to allow the two independent industrial uses to be owned and sold separately. Both proposed lots meet the zoning by-law requirements for lot area, and adequately accommodate all necessary functions for the existing uses currently on the property. The proposal demonstrates that



there is sufficient space on each of the lots to accommodate the existing buildings in addition to parking, landscaping, and the industrial functions.

Staff are satisfied that the proposal is consistent with the Official Plan. Concurrent Minor Variance Applications considered in this report will address zoning deficiencies. There are no anticipated impacts as a result of the severances.

Staff are supportive of Consent Application **B-36/20SC** subject to the conditions outlined recommendation herein.

### Minor Variances

The applicant is requesting a reduction in the minimum lot frontage for each lot from 60 metres to 45.72 metres. The intent of the minimum lot frontage is, in part, to ensure adequate access and function of industrial sites. In this context, the uses, buildings and site circulation is all existing. Both sites contain adequate parking, circulation, landscaping and space to accommodate the existing uses.

The approximate 15 metre reduction has no negative impacts on the existing uses, nor on the surrounding area. It is considered minor in nature and appropriate for the use of the lands, which have always been intended to operate independently from one another. Staff are supportive of both requested variances.

### Conclusion

Having regard for the matters under Section 53 of the *Planning Act*, staff are of the opinion that Consent Application **B-36/20SC** is consistent with the provisions of the Zoning By-law and will have no adverse impacts on the surrounding area and environment. It is staff's recommendation that the requested consent to sever be approved, subject to the conditions outlined in the recommendation.


Having regard for the matters under Section 45(1) of the *Planning Act*, staff are of the opinion that Minor Variance Applications **A-78/20** and **A-79/20** are all in keeping with the general intent of the Official Plan and Zoning By-law, are minor in nature, and are desirable for the appropriate use of the lands. Staff recommend that the Applications be approved.

**Prepared and Submitted by:**



Charlotte McEwan  
Planner I

**Approved by:**



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



**NIAGARA PENINSULA  
CONSERVATION  
AUTHORITY**

250 Thorold Road West, 3rd Floor, Welland, Ontario L3C 3W2  
Telephone 905.788.3135 | Facsimile 905.788.1121 | [www.npca.ca](http://www.npca.ca)

September 3, 2020

Our File No.: PLCON202000878

BY E-MAIL ONLY

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

Attention: Elaine Munro, Secretary-Treasurer

**Subject: Application for Consent and 2 Minor Variances**  
(B-36/20SC), (A-78/20) & (A-79/20)  
600 and 610 Read Road, St. Catharines, ON  
**ARN: 262905004561004, 262905004561101**

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Further to your request for comment for the Application for Consent and Minor Variance pertaining to the above noted properties the NPCA offers the following comments.

The application is being made for the Consent to Sever to commercial properties that were merged on title in error. The lands are also subject to concurrent Minor Variance applications for a reduced lot frontage on Read Road. Zoning By-law 2013-283, as amended, requires 60 metres frontage whereas 45.72 metres is requested for both properties.

#### **NPCA Policy**

**NPCA Policies, Procedures and Guidelines for the Administration of Ontario Regulation 155/06 and Land Use Planning Policy Document.**

The NPCA regulates watercourses, flood plains (up to the 100 year flood level), Great Lakes shorelines, hazardous land, valleylands, and wetlands under *Ontario Regulation 155/06 of the Conservation Authorities Act*. The NPCA's *Policies for the Administration of Ontario Regulation 155/06 and The Planning Act*. (NPCA policies) provides direction for managing NPCA regulated features.

The NPCA's Regulation Mapping indicates the subject properties are impacted by a watercourse and associated 15 metre buffer that transverses the rear of the lots, as well as a small tributary and

buffer between both parcels. As this proposed severance is to correct a title error that caused the subject lands to be inadvertently merged as one, the NPCA has no objection to the proposed Consent to Sever, or Minor Variances. If either property owner were to undertake development or site alteration within the 15 metre watercourse buffer in the future, an NPCA Work Permit would be required.

Conclusion:

At this time, NPCA staff have no objections to the application for Consent and Minor Variances (B-36/20SC), (A-78/20) & (A-79/20) subject to the following:

1. That the landowner obtains a Work Permit from the Niagara Peninsula Conservation Authority prior to beginning any work related to development or site alterations relating to the 15-metre setback from the watercourse, should future development or expansion take place.

I trust the above will be of assistance to you. Should you have any further questions or require further information in this matter, please do not hesitate to call. For administrative purposes, please forward any decisions and resolutions of your Committee.

Yours truly,



Taran Lennard  
Watershed Planner  
(905) 788-3135, ext. 277

## Munro, Elaine

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**Subject:** RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the September 23/20 CofA Hearing - Email 3 - 905-20-231 - Severance - B-36/20SC - 600 Read Rd

---

**From:** Gordon, Carrie <carrie.gordon@bell.ca>  
**Sent:** Wednesday, September 2, 2020 11:39 AM  
**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 September 23/20 CofA Hearing - Email 3 - 905-20-231 - Severance - B-36/20SC - 600 Read Rd

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

Good morning,

Re: Severance Application B-36/20SC

Subsequent to review of the Consent Application at 600 Read Rd., Bell Canada's engineering department have determined that there are no concerns or issues with the proposed severance.

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

**Munro, Elaine**

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**Subject:** RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the September 23/20 CofA Hearing - Email 3

600 Read Road

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**From:** Doug Crown <[doug.crown@cogeco.com](mailto:doug.crown@cogeco.com)>  
**Sent:** Friday, August 28, 2020 12:12 PM  
**To:** Munro, Elaine <[emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)>  
**Cc:** Banda, Wilrik <[wbanda@stcatharines.ca](mailto:wbanda@stcatharines.ca)>  
**Subject:** Re: Committee of Adjustment Notices and Applications, City of St. Catharines, for the September 23/20 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

Cogeco has no issues or concerns with these applications.

Thanks

Doug Crown  
Network Planning Department

7170 Mcleod Rd  
Niagara Falls Ont Canada

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

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



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Memorandum

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

Cc: Judy Pihach, Wilrik Banda  
Planning and Building Services

From: Steven Sunderland, Building Inspector  
Planning and Building Services

Date: September 9, 2020

Subject: Building Comments on Applications to the Committee of Adjustment  
**Consents – September 23, 2020 hearing**

---

**B-45/17SC – 11 Moffatt Street**

Comment:

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

Condition:

- The existing detached garage is to be removed on Part 1. A demolition permit is required and shall be completed to the satisfaction of the chief Building Official of the City of St. Catharines.

**B-35/20SC – 7 Lancaster Avenue**

Comment:

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

Condition:

- No Comment

**B-36/20SC – 600 Read Road**

Comment:

- No Comment

Condition:

- No Comment

**B-37/20SC – 50 Woodland Avenue**

Comment:

- Be advised that a building permit is required for the proposed Detached Dwelling on Part 3.

Condition:

- The existing vinyl garage is to be removed. A demolition permit is required and shall be completed to the satisfaction of the chief Building Official of the City of St. Catharines.

**B-39/20SC – 75 Niagara Street**

Comment:

- No Comment

Condition:

- No Comment

**B-40/20SC – 14 Queen Street**

Comment:

- Be advised that building permits are required for the proposed 2<sup>nd</sup> Floor Residential Units on Parts 1 and 2.

Condition:

- No Comment

**B-41/20SC – 4 Keswick Street**

Comment:

- Be advised that a building permit is required for the proposed Semi-Detached Dwelling.

Condition:

- The existing 1 Storey Detached Dwelling is to be removed. A demolition permit is required and shall be completed to the satisfaction of the chief Building Official of the City of St. Catharines.

A handwritten signature in black ink, appearing to be 'S. Sunderland', written in a cursive style.

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



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## Memorandum

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

Cc: Judy Pihach, Wilrik Banda  
Planning and Building Services

From: Steven Sunderland, Building Inspector  
Planning and Building Services

Date: September 9, 2020

Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance – September 23, 2020 hearing**

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NO.	ADDRESS	COMMENTS
A-91/17	11 Moffatt Street	Be advised that a building permit is required for the proposed detached dwelling.
A-77/20	9 Lancaster Avenue	Be advised that a building permit is required for the proposed Detached Dwelling.
A-78/20	600 Read Road	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-79/20	610 Read Road	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-80/20	8 Howard Street	Be advised that a building permit is required for the proposed cabana.
A-81/20	50 Woodland Avenue	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-89/20	48 Woodland Avenue	Be advised that a building permit is required for the proposed Detached Dwelling. 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-83/20	18A Merigold St.	No Comment
A-84/20	18B Merigold St.	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.



NO.	ADDRESS	COMMENTS
A-85/20	18C Merigold St.	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-87/20	2 Keswick Street	Be advised that a building permit is required for the proposed Semi-Detached Dwelling.  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-88/20	4 Keswick Street	Be advised that a building permit is required for the proposed Semi-Detached Dwelling.  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-90/20	100 Oakdale Ave.	Be advised that building permits are required for the proposed 3 – Multi Unit Buildings.  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-91/20	44 Runcorn Street	Be advised that a building permit is required for the proposed 2-Storey Dwelling.



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



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## Memorandum

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**To:** Elaine Munro, Planning and Building Services  
**CC:**  
**From:** Jessica Button, Community, Recreation and Culture Services  
**Date:** August 28, 2020  
**Subject:** Committee of Adjustment Hearing – September 23, 2020

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CRCS has reviewed the Committee of Adjustment application for the hearing of September 23, 2020 and provides the following comments;

1. **11 Moffatt Street, Consent, B-45/17SC – 60.84.2130**  
**11 Moffatt Street, Minor Variance, A-91/17 – 60.81.5260**

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

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

If Planning and Building Services determines that parkland dedication can be collected for this application, CRCS requests the following condition of severance:

That payment of 5% of the appraised value of the new lot be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. That the appraisal be completed by a qualified appraiser.

2. **14 Queen Street, Consent, B-40/20SC – 60.84.2317**  
No comment.
3. **7 Lancaster Avenue, Consent, B-35/20SC – 60.84.2312**  
**9 Lancaster Avenue, Minor Variance, A-77/20 – 60.81.5667**

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

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

If Planning and Building Services determines that parkland dedication can be collected for this application, CRCS requests the following condition of severance:

That payment of 5% of the appraised value of the new lot be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. That the appraisal be completed by a qualified appraiser.

4.      **600 Read Road, Consent, B-36/20SC – 60.84.2313**  
         **600 Read Road, Minor Variance, A-78/20 – 60.81.5668**  
         **610 Read Road, Minor Variance, A-79/20 – 60.81.5669**  
No comment.

5.      **8 Howard Street, Minor Variance, A-80/20 – 60.81.5670**  
No comment.

6.      **50 Woodland Avenue, Consent, B-37/20SC – 60.84.2314**  
         **50 Woodland Avenue, Minor Variance, A-81/20 – 60.81.5671**  
         **48 Woodland Avenue, Minor Variance, A-89/20 – 60.81.5679**

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

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

If Planning and Building Services determines that parkland dedication can be collected for this application, CRCS requests the following condition of severance:

That payment of 5% of the appraised value of the new lot be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. That the appraisal be completed by a qualified appraiser.

7.     **18A Merigold Street, Minor Variance, A-83/20 – 60.81.5673**  
       **18B Merigold Street, Minor Variance, A-84/20 – 60.81.5674**  
       **18C Merigold Street, Minor Variance, A-85/20 – 60.81.5675**

No comment.

9.     **75 Niagara Street, Consent, B-39/20SC – 60.84.2316**

No comment.

10.    **4 Keswick Street, Consent, B-41/20SC – 60.84.2318**  
       **2 Keswick Street, Minor Variance, A-87/20 – 60.81.5677**  
       **4 Keswick Street, Minor Variance, A-88/20 – 60.81.5678**

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

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

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

**REPORT TO PLANNING DEPARTMENT**  
**Re: CITY LAND DIVISION APPLICATION NUMBER B-36/20SC**



September 4, 2020

**ENGINEERING FILE 300-36**

Hearing Date: September 23, 2020

Applicant: 1931055 Ontario Ltd.

Location: 600 Read Road

<b><u>MUNICIPAL SERVICES</u></b>	<b>Read Road</b>
<b>Water:</b>	200 D.I.
<b>Sanitary Sewer:</b>	525mm Clay
<b>Storm Sewer:</b>	None
<b>Sidewalks:</b>	None
<b>Road Allowance Width:</b>	20.12m± (66') Varies

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

**Comment(s):** It is noted that the Applicant proposes to sever Part 2 recreating the lot known as 600 Read Road with the existing commercial building. A remnant parcel with the existing commercial building on 610 Read Road (Part 1) shall be retained for continued use.

**Roads** Read Road is designated a Local road as per the City's Official Plan with a desired right-of-way width of 20.12m (66'). Its current width is sufficient, and the City shall not be pursuing any additional dedications with this application.


**Sidewalks** Sidewalks and curbs do not exist along the frontage of the subject property as the road is in a semi-urban cross-section state. Sidewalk construction on Read Road is not on the City's Sidewalk Priority list, therefore a contribution to the construction of a future sidewalk across the frontage of the subject property is not required with this application.

**Municipal Services**

Services have since been confirmed that independent water and sewer laterals from the City mains to the property lines exist, therefore further investigations and fees for this information shall not be required.

**Condition(s):** Development Engineering do not have any further comments or objections to the approval of this application.

Prepared by:

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

c. James Denham, PBS (email only)



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## Memorandum

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**To:** Elaine Munro, ACST, Committee Secretary & Planning Technician  
**Cc:** City Committee of Adjustment Staff Members  
**From:** Brad Johnston, C.E.T., Development Engineering Technologist  
**Date:** September 4, 2020  
**Hearing Date:** September 23, 2020  
**Subject:** **Committee of Adjustment - Minor Variance Applications**  
8 Howard Avenue, A-80/20SC  
2-4 Keswick Street, A-87-88/20SC  
9 Lancaster Avenue, A-77/20SC  
18A,B&C Merigold Street A-83,84,85/20SC  
11 Moffatt Street, A-91/17SC  
100 Oakdale Avenue, A-90/20SC  
600-610 Read Road, A-78-79/20SC  
44 Runcorn Street, A-91/20SC  
48&50 Woodland Avenue, A-81&89/20SC

---

Development Engineering have reviewed the above applications and have the following comments.

- 1/ 2 Keswick Street, A-87/20  
The Owner must be able to demonstrate that adequate grading and drainage can be maintained resulting from the construction of the dwelling and the increased driveway width with respect to abutting neighbouring properties, if approved, for Variance items #4 & #5;
- 18A, B & C Merigold Street, A-83 & 84/20SC  
Considering the lots have already been constructed, they are subject to an already approved and accepted Grading & Drainage Plan. Approving these applications for Minor Variances would conflict with the intent of the grading plan in terms of increased hard surface area for the driveway locations, there were initially not acceptable

Trusting this information is satisfactory.

Regards,

Prepared by:

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



---

## Memorandum

---

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

**Cc:**

**From:** Steve Bittner  
Transportation Technologist

**Date:** September 4, 2020

**Subject:** Committee of Adjustment  
Public Hearings – September 23, 2020  
File No. 305-17-01

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

Steve Bittner  
Transportation Technologist

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

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

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# **COMMENTS**

**A-80/20 (60.81.5670)**

**8 Howard Street**

**DATE OF HEARING:**  
**September 23, 2020**



**Munro, Elaine**

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**Subject:** RE: File No. 60.81.5670 / Submission No. A-80/20

**From:** Monica B. Kolb <>  
**Sent:** Sunday, September 13, 2020 12:04 AM  
**To:** Munro, Elaine <emunro@stcatharines.ca>  
**Subject:** File No. 60.81.5670 / Submission No. A-80/20

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

Comments regarding the addition of the Colbey Cabana

We have no objection to the building addition to the Colbey's property as they have always proven to be good neighbours.

Our only concern is the possible blocking of our street and driveways by any construction equipment as we have an old narrow Grantham township street and already have quite enough traffic on our street as of now. If the parking lot at the church can be utilized for constructions crews etc., it may help elevate that possible problem.

Other than that, we're good to go

Gertrude Kolb  
Monica B.Kolb  
9 Howard Avenue  
St. Catharines ON L2N 3W8

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



## Technical Report

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

**Date of Report:** September 16, 2020

**Date of Meeting:** September 23, 2020

**Report Number:** A-80/20

**File:** 60.81.5670

**Subject:** 8 Howard Avenue

### Recommendation

That Application **A-80/20** by Christine Colbey and Scott Colbey, as outlined in the Notice of Hearing, be approved.

### Report

#### The Proposal

The Applicants have proposed to construct a one-storey cabana building on the property known as 8 Howard Avenue. To facilitate this development, Application A-80/20 seeks relief from the City of St. Catharines By-law 2013-283, as amended, for an increase of the maximum accessory structure coverage from 10% to 12.8% of the total lot area.

#### Location and Site Description

The subject property is located on the east side of Howard Avenue, north of Linwell Road. The property is surrounded by detached dwellings in all directions.

#### Circulation of Application

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

#### Planning Policy Context

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

The subject property is designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential on Schedule E1. The Low Density Residential designation permits a range of dwelling types at a density generally between 20 and 32 units per hectare. The proposed variance does not require an Official Plan Amendment.

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

The subject property is zoned Low Density Residential – Suburban Neighbourhood (R1). Detached dwellings with accessory structures are permitted in this zone. The Zoning By-law requires that accessory structure coverage be limited to 10% of the lot area. The

applicant is proposing to build a cabana building which, when combined with the coverage of the existing detached garage, will result in 12.8% lot coverage by accessory structures.

## Planning Analysis

The variance is requested for increase of the maximum accessory structure coverage from 10% to 12.8% of the total lot area. The requested increase is considered minor in nature.

The intent of the maximum coverage provision in the Zoning By-law is, in part, to ensure that the accessory structures are subordinate to the primary use of the lot, and to avoid over crowding of lots. The existing and proposed accessory structures do not detract from the primary residential use. The cabana is located towards the rear of the property, and does not negatively impact the character of the lot. The proposed cabana meets all the required setbacks and height requirements for an accessory structure. The proposed variance is in keeping with the intent of the Zoning By-law.

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 cabana is located towards the rear of the property, and does not negatively impact the character of the lot. The proposed cabana meets all the required setbacks and height requirements for an accessory structure. The proposed variance is in keeping with the intent of the Official Plan.

The increased lot coverage facilitates the construction of an accessory building that is contextually appropriate in a low density neighbourhood. Overall, the requested variance is considered appropriate for the desirable use of the lands.

## Conclusion

Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Application **A-80/20** 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:**



Charlotte McEwan  
Planner I

**Approved by:**



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



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## Memorandum

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

Cc: Judy Pihach, Wilrik Banda  
Planning and Building Services

From: Steven Sunderland, Building Inspector  
Planning and Building Services

Date: September 9, 2020

Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance – September 23, 2020 hearing**

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NO.	ADDRESS	COMMENTS
A-91/17	11 Moffatt Street	Be advised that a building permit is required for the proposed detached dwelling.
A-77/20	9 Lancaster Avenue	Be advised that a building permit is required for the proposed Detached Dwelling.
A-78/20	600 Read Road	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-79/20	610 Read Road	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-80/20	8 Howard Street	Be advised that a building permit is required for the proposed cabana.
A-81/20	50 Woodland Avenue	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-89/20	48 Woodland Avenue	Be advised that a building permit is required for the proposed Detached Dwelling. 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-83/20	18A Merigold St.	No Comment
A-84/20	18B Merigold St.	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.

NO.	ADDRESS	COMMENTS
A-85/20	18C Merigold St.	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-87/20	2 Keswick Street	Be advised that a building permit is required for the proposed Semi-Detached Dwelling.  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-88/20	4 Keswick Street	Be advised that a building permit is required for the proposed Semi-Detached Dwelling.  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-90/20	100 Oakdale Ave.	Be advised that building permits are required for the proposed 3 – Multi Unit Buildings.  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-91/20	44 Runcorn Street	Be advised that a building permit is required for the proposed 2-Storey Dwelling.



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



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## Memorandum

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

**CC:**

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

**Date:** August 28, 2020

**Subject:** Committee of Adjustment Hearing – September 23, 2020

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CRCS has reviewed the Committee of Adjustment application for the hearing of September 23, 2020 and provides the following comments;

1. **11 Moffatt Street, Consent, B-45/17SC – 60.84.2130**  
**11 Moffatt Street, Minor Variance, A-91/17 – 60.81.5260**

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

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

If Planning and Building Services determines that parkland dedication can be collected for this application, CRCS requests the following condition of severance:

That payment of 5% of the appraised value of the new lot be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. That the appraisal be completed by a qualified appraiser.

2. **14 Queen Street, Consent, B-40/20SC – 60.84.2317**  
No comment.

3. **7 Lancaster Avenue, Consent, B-35/20SC – 60.84.2312**  
**9 Lancaster Avenue, Minor Variance, A-77/20 – 60.81.5667**

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

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

If Planning and Building Services determines that parkland dedication can be collected for this application, CRCS requests the following condition of severance:

That payment of 5% of the appraised value of the new lot be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. That the appraisal be completed by a qualified appraiser.

4.      **600 Read Road, Consent, B-36/20SC – 60.84.2313**  
         **600 Read Road, Minor Variance, A-78/20 – 60.81.5668**  
         **610 Read Road, Minor Variance, A-79/20 – 60.81.5669**  
No comment.

5.      **8 Howard Street, Minor Variance, A-80/20 – 60.81.5670**  
No comment.

6.      **50 Woodland Avenue, Consent, B-37/20SC – 60.84.2314**  
         **50 Woodland Avenue, Minor Variance, A-81/20 – 60.81.5671**  
         **48 Woodland Avenue, Minor Variance, A-89/20 – 60.81.5679**

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

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

If Planning and Building Services determines that parkland dedication can be collected for this application, CRCS requests the following condition of severance:

That payment of 5% of the appraised value of the new lot be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. That the appraisal be completed by a qualified appraiser.

7.      **18A Merigold Street, Minor Variance, A-83/20 – 60.81.5673**  
         **18B Merigold Street, Minor Variance, A-84/20 – 60.81.5674**  
         **18C Merigold Street, Minor Variance, A-85/20 – 60.81.5675**  
No comment.

9.      **75 Niagara Street, Consent, B-39/20SC – 60.84.2316**  
No comment.

10.     **4 Keswick Street, Consent, B-41/20SC – 60.84.2318**  
         **2 Keswick Street, Minor Variance, A-87/20 – 60.81.5677**  
         **4 Keswick Street, Minor Variance, A-88/20 – 60.81.5678**

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

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

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





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## Memorandum

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**To:** Elaine Munro, ACST, Committee Secretary & Planning Technician  
**Cc:** City Committee of Adjustment Staff Members  
**From:** Brad Johnston, C.E.T., Development Engineering Technologist  
**Date:** September 4, 2020  
**Hearing Date:** September 23, 2020  
**Subject:** **Committee of Adjustment - Minor Variance Applications**  
8 Howard Avenue, A-80/20SC  
2-4 Keswick Street, A-87-88/20SC  
9 Lancaster Avenue, A-77/20SC  
18A,B&C Merigold Street A-83,84,85/20SC  
11 Moffatt Street, A-91/17SC  
100 Oakdale Avenue, A-90/20SC  
600-610 Read Road, A-78-79/20SC  
44 Runcorn Street, A-91/20SC  
48&50 Woodland Avenue, A-81&89/20SC

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Development Engineering have reviewed the above applications and have the following comments.

- 1/2 Keswick Street, A-87/20  
The Owner must be able to demonstrate that adequate grading and drainage can be maintained resulting from the construction of the dwelling and the increased driveway width with respect to abutting neighbouring properties, if approved, for Variance items #4 & #5;
- 18A, B & C Merigold Street, A-83 & 84/20SC  
Considering the lots have already been constructed, they are subject to an already approved and accepted Grading & Drainage Plan. Approving these applications for Minor Variances would conflict with the intent of the grading plan in terms of increased hard surface area for the driveway locations, there were initially not acceptable

Trusting this information is satisfactory.

Regards,

Prepared by:

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



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## Memorandum

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

**Cc:**

**From:** Steve Bittner  
Transportation Technologist

**Date:** September 4, 2020

**Subject:** Committee of Adjustment  
Public Hearings – September 23, 2020  
File No. 305-17-01

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

Steve Bittner  
Transportation Technologist

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

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

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# **COMMENTS**

**B-37/20SC (60.84.2314), A-81/20  
(60.81.5671) & A-89/20 (60.81.5679)**

**50 Woodland Avenue**

**DATE OF HEARING:  
September 23, 2020**



CITY OF  
ST. CATHARINES

## Technical Report

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

**Date of Report:** September 16, 2020      **Date of Meeting:** September 23, 2020

<b>Report Number:</b> B-37/20SC	<b>File:</b> 60.84.2314 (50 Woodland Avenue)
A-81/20	60.81.5671 (50 Woodland Avenue)
A-89/20	60.81.5679 (48 Woodland Avenue)

**Subject:** 50 Woodland Avenue (to become 48 and 50 Woodland Avenue)

## Recommendation

### Consent

That Application **B-37/20SC** by 2706703 Ontario Inc., as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. That the Owner enter into a Development Agreement with the City of St. Catharines, to be registered on title to the lands now known as 50 Woodland Avenue (Parts 1 & 3) addressing the following conditions:
  - i. that building permit plans for Part 3, including site plan and elevations, be generally in accordance with the plans submitted with the Consent Application.
  - ii. that the proposed covered deck at the rear of the dwelling on Part 3 be located to the opposite side of the rear wall of the dwelling to minimize overlook and protect privacy for the abutting lot to the south, being 48 Woodland Ave.
  - iii. that the proposed dwelling on Part 3 be located generally in line with the buildings along Woodland Avenue (approximately 1.0 metre from the Woodland Ave lot line, after the road widening is dedicated).
  - iv. The approved Lot Grading and Drainage Plan for Part 3, required as a condition of consent, be included in the Development Agreement to ensure compliance as part of the review and approval of a building permit.
2. That the existing detached garage over the proposed lot line between Parts 1 & 3 be removed. Demolition permits are required, and work shall be completed to the satisfaction of the chief Building Official of the City of St. Catharines.
3. That the Owner have prepared a Reference Plan for review and approval by the City identifying the Part(s) along Woodland Avenue to be dedicated to the City as Public Highway (Parts 2 & 4 on the sketch submitted with the application).

4.

5. That the Owner dedicate to the City, free and clear of any encumbrances, (except for the Encroachment Agreement required as a condition of this consent), the road allowance widening across Woodland Avenue for both the retained and severed parcels, as public highway to be known as Woodland Avenue.
6. For Part 1, the existing dwelling, the Owner enter into an Encroachment Agreement with the City to address the existing porch and stairs within the proposed widened portion of Woodland Avenue.
7. For Parts 1 & 3, the Owner have prepared by an Ontario Land Surveyor or Professional Engineer, a Lot Grading and Drainage Plan for review and approval prior to a Final Certificate being issued, and to be included in the Development Agreement.
8. That the Owner pay the fee for City crews to locate, trace, inspect and document the location of the sewer and water laterals for the existing building on private property and on Woodland Avenue.
9. 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.
10. 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.
11. That the Owner submit a payment for the placement of a 60mm boulevard tree, in accordance with the City's current Schedule of Rates and Fees.
12. That payment of 5% of the appraised value of the new lot be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. That the appraisal be completed by a qualified appraiser.
13. 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.
14. 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.
15. That final approval of the concurrent Minor Variance Applications be approved.
16. That all conditions of consent be fulfilled by September 23, 2021.

## Minor Variance

That Variances 2 through 5 Applications **A-81/20** and Variance 3 **A-89/20** by 2706703 Ontario Inc., as outlined in the respective Notices of Hearing, be approved.

That Variance 1 of Application **A-81/20** and Variance 1 of Application **A-89/20** by 2706703 Ontario Inc., as outlined in the respective Notices of Hearing, be denied.

That Variance 2 of Application **A-89/20** by 2706703 Ontario Inc., be approved as follows:

*A reduction of the required minimum rear yard setback from 6.0 metres to 1.0 metres (Woodland Avenue setback).*

## **Report**

### **The Proposal**

The applicant wishes to sever 343.2 m<sup>2</sup> of land (Parts 3 & 4 on the submitted sketch) for the proposed construction of a detached dwelling to be known as 48 Woodland Avenue. A 251.9 m<sup>2</sup> remnant parcel (Parts 1 & 2) known as 50 Woodland Avenue with the existing detached dwelling would be retained for continued residential use. Parts 2 and 4 are requested to be dedicated to the City as Public Highway and have been identified as such on the plans and incorporated into the requested variances.

Concurrent Minor Variance Applications seek relief from the City of St. Catharines through the variances outlined below.

Application A-81/20 (Part 1) seeks relief from the City of St. Catharines Zoning By-law 2013-283, as amended, for the following variances to recognize the existing detached dwelling:

1. A reduction of the minimum lot frontage from 9 metres to 6.24 metres.
2. A reduction of the minimum lot area for a detached dwelling from 275 m<sup>2</sup> to 229 m<sup>2</sup>.
3. A reduction of the minimum rear yard setback from 6.0 metres to 0.74 metres.
4. A reduction of the interior side yard setback from 1.2 metres to 0.58 metres.
5. An increase of the maximum parking area from 20% to 24% of total lot area.

Application A-89/20 (Part 3) seeks relief from the City of St. Catharines Zoning By-law 2013-283, as amended, for the following variances for the proposed dwelling:

1. A reduction of the required minimum lot frontage from 9 metres to 6.61 metres;
2. A reduction of the required minimum rear yard setback from 6.0 metres to 3.0 metres.
3. An increase to the maximum allowable driveway width from 50% to 63% of the front lot line.

### **Location and Site Description**

The subject property is located on the east side of Woodland south of Railway Street, which it also has frontage on. The property is surrounded by detached dwellings to the north and south, green space to the east and St. Catharines Collegiate school to the west.

The property is currently occupied by a detached dwelling which is proposed to be retained for continued residential use.

### **Circulation of Application**

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

## **Planning Policy Context**

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

The subject property is designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated Medium Density Residential on Schedule E4 thereof. Detached dwellings are permitted in this designation at a density range of 25 to 99 units per hectare. The proposed dwellings represent a density of about 36 units per hectare. The proposal complies with the Medium Density Residential policies of the GCP.

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

The subject property is zoned Medium Density Residential (R3). Detached dwellings are permitted in this zone.

## **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. If done well, infill and intensification can improve existing neighbourhoods by bringing with it new life and vibrancy. The Garden City Plan supports a balanced approach to infill and intensification to ensure appropriate building site and streetscape design.

Consent Application **B-37/20SC** requests to sever Part 3 to construct an additional detached dwelling, with Part 1 remaining to recognize the existing dwelling. The overall proposed density of about 36 units per hectare meets the general requirements of the Official Plan, and the proposal demonstrates that there is sufficient space on each of the lots to accommodate a building envelope, parking, landscaping, and amenity areas, subject to certain minor variances. Staff are of the opinion that the scale of the proposed dwelling is consistent with the character of the street.

Staff are satisfied that the proposal is consistent with the Official Plan. Concurrent Minor Variance Applications considered in this report will address zoning deficiencies. There are no anticipated impacts as a result of the severances.

Staff are supportive of Consent Application **B-37/20SC** subject to the conditions outlined recommendation herein.

### **Road Widening**

Woodland Avenue and Railway Street are designated Local roads in the City's Official Plan with desired right-of-way widths of 20.0m. Their current widths are deficient at approximately 15.24m± and 13.31m respectively. The City requires a dedication of land in an amount to avoid an encroachment agreement with the remnant parcel of approximately 2.54m to be dedicated gratuitously free and clear of any encumbrances to be known as Public Highway Woodland Avenue. The City shall not be pursuing a widening along the Railway Street frontage through this application.

As a result of the road widening, the existing steps up to the existing house will encroach onto public right of way. As a condition of the consent, the City requires that the Owner enter in an encroachment agreement to recognize the existing steps.

## **Minor Variances**

### **Reduced Lot Frontage (Part 1 & Part 3)**

Variance 1 of Application A-81/20 (Part 1), and Variance 1 of Application A-89/20 (Part 3) each request a reduction in lot frontage for the new and retained parcels from 9 metres to 6.24 metres and 6.61 metres respectively. These variances acknowledge the lot frontage definition of the zoning by-law which is the shortest lot line along a public street. This proposal triggers the lot frontage to be measured on Railway Street rather than Woodland Ave. The Zoning By-law states that lot frontage shall be measured 6 metres from the front lot line, parallel to the front lot line. The applicant has provided an updated sketch showing the lot frontage setback 6 metres from the front lot line, and both lots meet the minimum 9 metre frontage. As such, Variance 1 of both applications A-81/20 and A-89/20 are not required and should be denied.

### **Reduced Rear Yard Setback (Part 1 & Part 3)**

Variance 3 of Application A-81/20 (Part 1), and Variance 2 of Application A-89/20 (Part 3) each request a reduction in rear yard setback from 6.0 metres to 0.74 metres and 3.0 metres respectively. The request to reduce the rear yard setback is required as a result of the way that the Zoning By-law defines the front and rear of a lot. The front lot line is defined as the shortest lot line along a public road which, in this case, is the lot line along Railway Street. The dwellings, however, are oriented towards the Woodland Avenue frontage. The technical rear yard setback is the setback to the front face of the dwellings along Woodland Ave.

On Part 1, the existing dwelling is staying in its existing location and the setback is considered existing and compatible with the area. The technical definition of the yard does not change the function of the lot and there is sufficient amenity space on the lot despite the requested variance.

The new construction proposed on Part 3 will also be oriented towards Woodland Avenue. It is preferable to staff that this house be set back similarly to the existing dwellings along Woodland Avenue. Urban Design staff request a further decrease to the rear yard setback to allow the house to sit even closer to 50 Woodland Avenue. In order to be consistent with the general setback along Woodland Avenue, staff recommend approving the reduction from 6 metres to 1 metre to allow for flexibility in the location of the proposed dwelling and the final setback will be approved through the required Development Agreement.

### **Reduced Lot Area (Part 1)**

Variance 2 of Application A- 81/20 requests a reduction of the minimum lot area for a detached dwelling from 275 m<sup>2</sup> to 229 m<sup>2</sup>. The reduced lot area does not compromise



the lot's ability to accommodate landscaping, adequate parking, amenity space, and appropriate setbacks. The lot area is reduced in part by a request by the City for a road widening and will not compromise the overall function of the site. The variance is considered minor in nature and no negative impacts are anticipated as a result. Staff are supportive of the requested variance.

### **Reduced Interior Side Yard Setback (Part 1)**

The Applicant has requested Variance 4 (Application A-81/20) to recognize the existing northerly interior side yard setback of the dwellings on Part 1, being 0.58 metres where 1.2 metres is required. The setback does not have any impacts on the surrounding area and is part of the established character of the neighbourhood. There is sufficient space provided on the proposed southerly interior side yard to provide access around the dwelling and ensure adequate spacing between the existing house and proposed lot line. The existing setback is considered appropriate in this context and will allow the continued use of an existing dwelling. Staff are supportive of the proposed variance.

### **Increase in Maximum Parking Area (Part 1)**

Variance 5 of Application A-81/20 requests an increase of the maximum parking area from 20% to 24% of total lot area. As a result of the City's requested road widening, the proposed parking area on Part 1 will be over the maximum permitted parking coverage for the residential lot. The 4% increase is considered minor in nature. No negative impacts are anticipated as a result of the increase. To ensure there are no drainage impacts due to additional paving on the small lot, a Lot Grading and Drainage Plan must be submitted for the City's review and approval prior the finalization of the proposed severance and be included in the Development Agreement to ensure ongoing compliance. With this condition in place, staff are supportive of the proposed increase in parking coverage on the subject site.

### **Increase in Driveway Width (Part 3)**

Variance 3 of Application A-89/20 requests an increase to the maximum allowable driveway width from 50% to 63% of the front lot line. This is as a result of the narrow front lot line along Railway Street, which is treated more as a rear laneway in this proposal than as a frontage.

The intent of the maximum driveway width is, in part, to ensure that parking areas do not overwhelm the public streetscape. Railway Street has no driveways along this stretch, and the additional access to the new and remnant parcels will not overwhelm the existing streetscape. There is a park and trail across the street, alleviating the impact of additional paving at the entrance to the property. Staff prefer the entrance be permitted from Railway Street to avoid impacting the Woodland Avenue frontage which already has several entrances to dwellings. Overall, the policy intent is upheld with this proposal, and it is appropriate for the use of these lands.

## **Conclusion**

Having regard for the matters under Section 53 of the *Planning Act*, staff are of the opinion that Consent Application **B-37/20SC** is consistent with the provisions of the Zoning By-law and will have no adverse impacts on the surrounding area and environment. It is

staff's recommendation that the requested consent to sever be approved, subject to the conditions outlined in the recommendation.

Having regard for the matters under Section 45(1) of the *Planning Act*, staff are of the opinion that Variances 2 – 5 of Application **A-81/20**, Variance 2 (as amended) and Variance 3 of Application **A-89/20** are all in keeping with the general intent of the Official Plan and Zoning By-law, are minor in nature, and are desirable for the appropriate use of the lands. Staff recommend that the Applications be approved, as outlined in the recommendation. Variance 1 of Application **A-81/20** and Variance 1 of Application **A-89/20** are not required to allow the proposed development and should be denied.

**Prepared and Submitted by:**



Charlotte McEwan  
Planner I

**Approved by:**

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

**Munro, Elaine**

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**Subject:** RE: 50 Woodland Comments

**From:** Caroline Romanek <>  
**Sent:** Wednesday, September 16, 2020 3:48 PM  
**To:** Munro, Elaine <[emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)>  
**Cc:**  
**Subject:** Re: 50 Woodland Comments

**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,

Here are our comments regarding the minor variances requested for the property at 50 Woodland Ave.

1. Severance application - The by-law states the minimum lot size needs to be 275 square metres. This application reduces 50 Woodland to 229.2 square metres which is 45.8 square metres less than the minimum lot size allowable. That is 492.9 square feet or an area approximately 22 x 22 feet. This is much too great a difference from the existing bylaws which were put in place by the city.
2. All of the other eight additional requests for variances range from extremely unreasonable to within centimeters of the existing city bylaws. This includes front and rear set back distances, oversized increased parking areas, and over allowable driveway width on Railway St. Overall, the request is asking for too large of proposed (new and old) housing units which creates two more properties with too big of buildings accordingly.
3. The new proposed single family dwelling on 48 Woodland Ave. will be very intrusive and will obstruct North and East views from inside and outside of our dwelling (46 Woodland Ave.) This includes the blocking of our three large North facing picture windows which gives us natural light to our living space. The proposed raised balcony would look into our yard, garage and bathroom. We feel this to be a privacy and security issue.
4. The proposed idea of another house on these streets (Woodland and Railway) will create much more traffic, noise and parking difficulties which already exist.
5. Overall, if this proposal is approved the entire neighbourhood property values, resale values and desirability will decrease immensely.

Pictures can be provided if required to more easily explain the areas of obstruction, privacy and parking.

Please confirm receipt of this email and if there is any other advice on how to proceed.

Thank you,

Caroline Romanek  
Dino Zulynik

## Munro, Elaine

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**From:** Munro, Elaine  
**Sent:** Wednesday, September 16, 2020 4:07 PM  
**To:** Munro, Elaine  
**Subject:** FW: 50 Woodland Comments

**From:** randall hachey <>  
**Sent:** Wednesday, September 16, 2020 3:06 PM  
**To:** Banda, Wilrik <[wbanda@stcatharines.ca](mailto:wbanda@stcatharines.ca)>  
**Subject:**

**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 I am printing you this letter about my disappointment/disturbance on what is attempting to happen to the prosperity known as the Barrett home /dwelling. Ward and Belle family home .It would also be known to the city of St Catharines as 50 woodland ave. 48 Woodland ave has never been known to exist. Most of the older people and younger truly know the home.which had been in that family for over 60 years as the Barrett home. For an investor/developer to come into this beautiful neighbourhood and change the whole structure of this peoperity. Is a sin .The homes on this street all have side driveways, big yards and detached garages.for this investor/developer to come into this neighbourhood and change this though minor amendments is very questionable to me .They are devaluearing this home at 50 woodland ave. To make money off another home that does not exist for greed .No one benefits from this but the developer/investor. and. The corp of St Catharines not any of the other people who live in this area.I would hope that the committee of adjustments are a lot more wiser than this. I believe this application will devalue other homes on both sides and behind. The neighbourhood property like this is very hard to find today. I am sure another family such as the barretts would appreciate the property and home and would love to raise a family in a home such as this. **But this investor bought this property up so fast as an investment to do what he is asking you to do for him with no regards to anyone in this neighbourhood** I do not believe. With all the changes these investors/developers are asking for are not minor variance but much more and if this committee believes this to be true. that they are minor. Then i would believe anyone can build anything anywhere in the corp. of St Catharines money talks but I know for sure it does not print up letters like this

Thank~you  
;Randall~Joseph` Hachey  
a Living People

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

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**Munro, Elaine**

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**Subject:** RE: Issues regarding 50 Woodland Avenue proposed changes.

**From:** Krista Teneycke <>  
**Sent:** Wednesday, September 16, 2020 10:42 PM  
**To:** Munro, Elaine <emunro@stcatharines.ca>  
**Subject:** Issues regarding 50 Woodland Avenue proposed changes.

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

Dear Elaine,

I am writing in regards to 50 Woodland Avenue and the proposed new dwelling and driveway etc. on that property. I have lived at the end of Water street for approximately 20 years. Having a parking lot and/or driveway coming onto Railway Street does not seem feasible. The road is always lined with cars parked on Terry Fox trail side and it causes congestion. The congestion is due to parking along that side by the attendants of the church on Geneva Street and Collegiate High School students , staff and visitors. Also, the vehicles drive on 33 Water Street's lawn constantly trying to move over enough for other vehicles to pass through going the other way. They leave muddy ruts and destroy the grass from the tires especially in the wetter weather. Garbage trucks can barely get down the street without difficulties and its not exactly great for larger emergency vehicles to get down the street at certain times of the day now. Coming in and out of that lot onto Railway Street will cause more difficulties for everyone.

There are already a few rental properties on Woodland Ave. at this end and bringing another rental property onto this lot is not adding value to our homes. It will decrease the value of our homes as this neighbourhood already has stigma attached to it and is seen as an unappealing place to live. And finally, the noise of more cars in and out of the proposed parking area will be disruptive to nearby neighbours.

I hope this information will be considered. Thank you for taking the time to read my concerns.

Krista Teneycke

31 Water Street

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

**Munro, Elaine**

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**Subject:** RE: Consent Corrected FW: Committee of Adjustment Notices and Applications, City of St. Catharines, for the September 23/20 CofA Hearing - Email 4

50 Woodland

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**From:** Doug Crown <[doug.crown@cogeco.com](mailto:doug.crown@cogeco.com)>  
**Sent:** Friday, August 28, 2020 4:09 PM  
**To:** Munro, Elaine <[emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)>  
**Cc:** Banda, Wilrik <[wbanda@stcatharines.ca](mailto:wbanda@stcatharines.ca)>  
**Subject:** Re: Consent Corrected FW: Committee of Adjustment Notices and Applications, City of St. Catharines, for the September 23/20 CofA Hearing - Email 4

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


Hi Elaine

Cogeco has no issues or concerns with these applications.

Thanks

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

7170 Mcleod Rd  
Niagara Falls Ont Canada

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



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Memorandum

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

Cc: Judy Pihach, Wilrik Banda  
Planning and Building Services

From: Steven Sunderland, Building Inspector  
Planning and Building Services

Date: September 9, 2020

Subject: Building Comments on Applications to the Committee of Adjustment  
Consents – September 23, 2020 hearing

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**B-45/17SC – 11 Moffatt Street**

Comment:

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

Condition:

- The existing detached garage is to be removed on Part 1. A demolition permit is required and shall be completed to the satisfaction of the chief Building Official of the City of St. Catharines.

**B-35/20SC – 7 Lancaster Avenue**

Comment:

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

Condition:

- No Comment

**B-36/20SC – 600 Read Road**

Comment:

- No Comment

Condition:

- No Comment

**B-37/20SC – 50 Woodland Avenue**

Comment:

- Be advised that a building permit is required for the proposed Detached Dwelling on Part 3.

Condition:

- The existing vinyl garage is to be removed. A demolition permit is required and shall be completed to the satisfaction of the chief Building Official of the City of St. Catharines.

**B-39/20SC – 75 Niagara Street**

Comment:

- No Comment

Condition:

- No Comment

**B-40/20SC – 14 Queen Street**

Comment:

- Be advised that building permits are required for the proposed 2<sup>nd</sup> Floor Residential Units on Parts 1 and 2.

Condition:

- No Comment

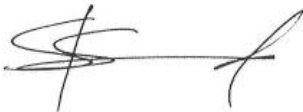
**B-41/20SC – 4 Keswick Street**

Comment:

- Be advised that a building permit is required for the proposed Semi-Detached Dwelling.

Condition:

- The existing 1 Storey Detached Dwelling is to be removed. A demolition permit is required and shall be completed to the satisfaction of the chief Building Official of the City of St. Catharines.

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

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





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## Memorandum

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

Cc: Judy Pihach, Wilrik Banda  
Planning and Building Services

From: Steven Sunderland, Building Inspector  
Planning and Building Services

Date: September 9, 2020

Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance – September 23, 2020 hearing**

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NO.	ADDRESS	COMMENTS
A-91/17	11 Moffatt Street	Be advised that a building permit is required for the proposed detached dwelling.
A-77/20	9 Lancaster Avenue	Be advised that a building permit is required for the proposed Detached Dwelling.
A-78/20	600 Read Road	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-79/20	610 Read Road	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-80/20	8 Howard Street	Be advised that a building permit is required for the proposed cabana.
A-81/20	50 Woodland Avenue	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-89/20	48 Woodland Avenue	Be advised that a building permit is required for the proposed Detached Dwelling. 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-83/20	18A Merigold St.	No Comment
A-84/20	18B Merigold St.	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.

NO.	ADDRESS	COMMENTS
A-85/20	18C Merigold St.	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-87/20	2 Keswick Street	Be advised that a building permit is required for the proposed Semi-Detached Dwelling.  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-88/20	4 Keswick Street	Be advised that a building permit is required for the proposed Semi-Detached Dwelling.  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-90/20	100 Oakdale Ave.	Be advised that building permits are required for the proposed 3 – Multi Unit Buildings.  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-91/20	44 Runcorn Street	Be advised that a building permit is required for the proposed 2-Storey Dwelling.



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



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## Memorandum

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**To:** Elaine Munro, Planning and Building Services  
**CC:**  
**From:** Jessica Button, Community, Recreation and Culture Services  
**Date:** August 28, 2020  
**Subject:** Committee of Adjustment Hearing – September 23, 2020

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CRCS has reviewed the Committee of Adjustment application for the hearing of September 23, 2020 and provides the following comments;

1. **11 Moffatt Street, Consent, B-45/17SC – 60.84.2130**  
**11 Moffatt Street, Minor Variance, A-91/17 – 60.81.5260**

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

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

If Planning and Building Services determines that parkland dedication can be collected for this application, CRCS requests the following condition of severance:

That payment of 5% of the appraised value of the new lot be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. That the appraisal be completed by a qualified appraiser.

2. **14 Queen Street, Consent, B-40/20SC – 60.84.2317**  
No comment.

3. **7 Lancaster Avenue, Consent, B-35/20SC – 60.84.2312**  
**9 Lancaster Avenue, Minor Variance, A-77/20 – 60.81.5667**

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

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

If Planning and Building Services determines that parkland dedication can be collected for this application, CRCS requests the following condition of severance:

That payment of 5% of the appraised value of the new lot be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. That the appraisal be completed by a qualified appraiser.

4.      **600 Read Road, Consent, B-36/20SC – 60.84.2313**  
         **600 Read Road, Minor Variance, A-78/20 – 60.81.5668**  
         **610 Read Road, Minor Variance, A-79/20 – 60.81.5669**  
No comment.

5.      **8 Howard Street, Minor Variance, A-80/20 – 60.81.5670**  
No comment.

6.      **50 Woodland Avenue, Consent, B-37/20SC – 60.84.2314**  
         **50 Woodland Avenue, Minor Variance, A-81/20 – 60.81.5671**  
         **48 Woodland Avenue, Minor Variance, A-89/20 – 60.81.5679**

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

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

If Planning and Building Services determines that parkland dedication can be collected for this application, CRCS requests the following condition of severance:

That payment of 5% of the appraised value of the new lot be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. That the appraisal be completed by a qualified appraiser.

7.      **18A Merigold Street, Minor Variance, A-83/20 – 60.81.5673**  
         **18B Merigold Street, Minor Variance, A-84/20 – 60.81.5674**  
         **18C Merigold Street, Minor Variance, A-85/20 – 60.81.5675**

No comment.

9.      **75 Niagara Street, Consent, B-39/20SC – 60.84.2316**

No comment.

10.     **4 Keswick Street, Consent, B-41/20SC – 60.84.2318**  
         **2 Keswick Street, Minor Variance, A-87/20 – 60.81.5677**  
         **4 Keswick Street, Minor Variance, A-88/20 – 60.81.5678**

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

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

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

**REPORT TO PLANNING DEPARTMENT**  
**Re: CITY LAND DIVISION APPLICATION NUMBER B-37-20SC**

September 4, 2020

**ENGINEERING FILE 300-36**



**Hearing Date:** September 23, 2020

**Applicant:** 2706703 Ontario Inc.

**Location:** 50 Woodland Avenue

<b><u>ENGINEERING SERVICES</u></b>	<b>Woodland Avenue</b>	<b>Railway Street</b>
<b>Water:</b>	150mm (6") PVC	150 C.I.
<b>Sanitary Sewer:</b>	250mm (10") A.C.	300mm (12") P.V.C.
<b>Storm Sewer:</b>	525mm (21")	600mm (24")
<b>Sidewalks:</b>	Yes	No
<b>Road Allowance Width:</b>	12.92m (42')±	13.31m (44')±

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

**Comment(s):** It is noted that the Applicant proposes to sever Parts 3 & 4 for the proposed construction of a detached dwelling to be known as 48 Woodland Avenue. A remnant parcel (Parts 1 & 2) known as 50 Woodland Avenue will be retained for continued residential use.

**Roads** Woodland Avenue and Railway Street are designated Local roads in the City's Official Plan with desired right-of-way widths of 20.0m. Their current widths are deficient at approximately 12.92m± and 13.31m respectively. The City requires a dedication of land in an amount to achieve half of an ultimate right-of-way width of 18.28m, dedicated gratuitously free and clear of any encumbrances to be known as Public Highway Woodland Avenue. It is understood that with this requirement and an existing private porch and steps, an Encroachment Agreement shall also be required to be entered into with the City to address the porch and stair encroachments. The City shall not be pursuing a widening along the Railway Street frontage through this application.

**Sidewalks and Curbs**

Woodland Avenue currently has sidewalks fronting the subject remnant parcel. Railway Street does not have sidewalks however abuts the City's existing multi-use trail to the north. Understanding that Railway Street is not currently on a priority sidewalk list for construction in the future, the City will not require a cash-in-lieu payment towards sidewalks with this application.

**Engineering Services**

Increased drainage challenges occur in these types of in-fill lot developments, where existing lots within established plans of subdivision sometimes do not have suitable drainage outlets in place. Although an individual lot drainage plan is a requirement for review and approval at the building permit stage, it shall be required as a condition of severance to ensure that the lots can convey drainage flows to a suitable outlet and

do not adversely affect abutting properties, nor the City boulevard, prior to the lots being created.

Sump pump flows are typically discharged to grade, when no opportunities to connect to a storm sewer in the road allowance exist. Since a storm sewer exists on Woodland Avenue, sump pump flows shall be required to discharge directly to the storm sewer via storm lateral and be identified on the prepared lot drainage plan, in accordance with the Property Standards By-law (2014-248).

The Owner shall be responsible to pay the fee for City crews to locate, trace, inspect and document the water and sewer service laterals currently in use for the existing dwelling, to confirm they do not conflict with any existing abutting and/or future lot lines. If these services are determined to conflict with existing abutting and/or future lot lines, the Owner shall be responsible to relocate the portions of these services on private property through a Plumbing Only permit so as not to allow conflicts to exist. The Owner shall pay the City the fees required to install new water, sanitary and storm sewer services for the new lot from the City owned sewer main and watermain to the front property line during the building permit process.

Condition(s):

Prior to final certification of the severance application, the Applicant shall;

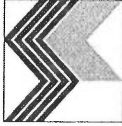
- Provide the City a draft reference plan indicating the proposed widening for review and approval, prior to registration of the plan in the Land Registry Office; and
- Dedicate to the City, free and clear of any encumbrances, the widening across the frontage of the subject properties, as public highway to be known as Woodland Avenue; and
- Enter into an Encroachment Agreement with the City to address the existing porch and stairs within the proposed widened portion of Woodland Avenue; and
- Prepare by an Ontario Land Surveyor or Professional Engineer, a Lot Drainage plan for review and approval prior to a Final Certificate being issued; and
- Pay the fee for City crews to locate, trace, inspect and document the location of the existing sewer lateral and water service on private property and the Woodland Avenue right-of-way; and
- Complete, if deemed necessary, any relocation of the existing sanitary lateral and/or water service on private property if the existing services cross existing or future side lot lines; and
- Pay the City to relocate any portion of the existing water service and/or sanitary sewer lateral on City property that may be required to eliminate services crossing existing or future side lot lines;



Prepared by:

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

c. James Denham, PBS (email only)



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## Memorandum

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**To:** Elaine Munro, ACST, Committee Secretary & Planning Technician  
**Cc:** City Committee of Adjustment Staff Members  
**From:** Brad Johnston, C.E.T., Development Engineering Technologist  
**Date:** September 4, 2020  
**Hearing Date:** September 23, 2020  
**Subject:** **Committee of Adjustment - Minor Variance Applications**  
8 Howard Avenue, A-80/20SC  
2-4 Keswick Street, A-87-88/20SC  
9 Lancaster Avenue, A-77/20SC  
18A,B&C Merigold Street A-83,84,85/20SC  
11 Moffatt Street, A-91/17SC  
100 Oakdale Avenue, A-90/20SC  
600-610 Read Road, A-78-79/20SC  
44 Runcorn Street, A-91/20SC  
48&50 Woodland Avenue, A-81&89/20SC

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Development Engineering have reviewed the above applications and have the following comments.

- 1/2 Keswick Street, A-87/20  
The Owner must be able to demonstrate that adequate grading and drainage can be maintained resulting from the construction of the dwelling and the increased driveway width with respect to abutting neighbouring properties, if approved, for Variance items #4 & #5;
- 18A, B & C Merigold Street, A-83 & 84/20SC  
Considering the lots have already been constructed, they are subject to an already approved and accepted Grading & Drainage Plan. Approving these applications for Minor Variances would conflict with the intent of the grading plan in terms of increased hard surface area for the driveway locations, there were initially not acceptable

Trusting this information is satisfactory.

Regards,

Prepared by:

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





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## Memorandum

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

**Cc:**

**From:** Steve Bittner  
Transportation Technologist

**Date:** September 4, 2020

**Subject:** Committee of Adjustment  
Public Hearings – September 23, 2020  
File No. 305-17-01

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

Steve Bittner  
Transportation Technologist

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

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

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# **COMMENTS**

**A-83/20 (60.81.5673), A-84/20  
(60.81.5674) & A-85/20 (60.81.5675)**

**18A, B & C Merigold Street**

**DATE OF HEARING:  
September 23, 2020**



CITY OF  
ST. CATHARINES

## Technical Report

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

**Date of Report:** September 16, 2020

**Date of Meeting:** September 23, 2020

**Report Number:** A-83/20  
A-84/20  
A-85/20

**File:** 60.81.5673 (18A Merigold Street)  
60.81.5674 (18B Merigold Street)  
60.81.5675 (18C Merigold Street)

**Subject:** 18A Merigold Street  
18B Merigold Street  
18C Merigold Street

### Recommendation

That Application **A-83/20**, Variances 1 and 3 of Application **A-84/20** and Application **A-85/20** by 2494551 Ontario Inc., as outlined in the Notice of Hearing, be approved.

That Variance 2 of Application **A-74/20**, by 2494551 Ontario Inc., as outlined in the Notice of Hearing, be denied.

### Report

#### The Proposal

The Applicants have constructed a 3-unit townhouse for which they received approval and building permits. Since construction, some zoning discrepancies have been discovered in the as-built development. Accordingly, the Applicant is seeking the following variances:

Application A-83/20, for Part 1 (18A Merigold Street)

1. A reduction of the minimum required parking for an interior accessory dwelling unit from 1 space to 0 spaces.
2. An increase of the maximum allowable width of a driveway from 50% to 51% of the front lot line.

Application A-84/20, for Part 2 (18B Merigold Street)

1. A reduction of the minimum required parking for an interior accessory dwelling unit from 1 space to 0 spaces.
2. An increase of the maximum allowable width of a driveway from 50% to 60% of the front lot line.
3. A reduction of the minimum interior side yard setback for a platform structure from 1.2 metres to 0.45 metres.

Application A-85/20, for Part 3 (18C Merigold Street)

1. A reduction of the minimum required parking for an interior accessory dwelling unit from 1 space to 0 spaces.
2. A reduction of the minimum rear yard setback for a platform structure from 4.5 metres to 3.0 metres.

Staff note that Variance 2 of Application A-85/20 was listed on the Notice of Hearing as being a reduction of the minimum interior side yard setback for a platform structure from 1.2 metres to 0.45 metres. It has been corrected in the list above and addressed correctly in this report.

## **Background**

The subject lands were issued a building permit on August 16, 2019 for a 3-unit townhouse unit known as 18A Merigold Street, 18B Merigold Street, 18C Merigold Street. Consent Applications **B-72/18SC** and **B-73/18SC** and concurrent minor variance Application **A-119/18** which were submitted for consideration and were approved on September 26, 2018. The Owner entered into a Development Agreement with the City which was registered on title to ensure the building plans submitted were generally in accordance with the plans seen at the Committee of Adjustment. The current minor variances are being sought to address zoning deficiencies that have been noted following the construction of the townhouse dwelling units.

## **Location and Site Description**

The subject properties are located on the west side of Merigold Street, north of Chetwood Street. Lincoln Park is located directly south of the subject property. The surrounding area consists of a combination of single detached houses, commercial and industrial properties.

## **Circulation of Application**

This Applications were circulated to all appropriate departments and agencies: the Development Engineer has provided some objections outlined in the body of this report.

## **Planning Policy Context**

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

The subject property is designated Mixed Use as per Schedule D1 of the Garden City Plan. The subject property is further designated Mixed Use 1 within the GO Transit Station Secondary Plan (GTSSP), as per schedule E6/7 of the GCP.

Permitted uses in the Mixed Use 1 designation include triplex, fourplex, townhouse and apartment dwellings as well as retail, service commercial, office, institutional, indoor recreation and community and cultural facilities.

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

The subject property is zoned Medium Density Mixed Use (M1). The M1 zone permits a variety of dwelling types including triplex, fourplex, townhouse and apartment dwellings, as well as commercial, institutional and recreational uses.

## **Planning Analysis**

### **Reduction in Required Parking (Parts 1, 2 and 3)**

The applicant is requesting a reduction in the minimum parking requirements for an interior accessory dwelling unit for each of the 3 townhouse units. The building is too close to the street to fit two tandem parking spaces of 5.2 metres in length between the property line and the front face of the building. Part 1 is deficient by 1.54 metres, Part 2 is deficient by 0.93 metres, and Part 3 is deficient by 0.31 metres. There is sufficient driveway space between the front property line and the public sidewalk to prevent overhang of vehicles into the public sidewalk if 2 cars were to park in each driveway. Additionally, each unit had a single-car garage that does not meet the width requirements of the Zoning By-law, but may be an option for tenant parking.

Overall the reduction in parking spaces for the accessory dwelling units from 1 space to 0 spaces is considered minor in nature. It is not anticipated that parking supply will be aggravated by the proposed reduction, and that the site will function successfully with the single recognized parking space on the lands. Staff are supportive of the proposed variances to required parking.

### **Increase in Maximum Driveway Width (Parts 1 and 2)**

The applicant is requesting to increase the maximum required driveway width from 50% of the unit width to 51% on Part 1, and to 60% on Part 2. Staff consider the increase of one additional percent on Part 1 to be of negligible impact, and it is minor in nature. The increase on Part 1 is supported by staff.

The requested increase on Part 2 from 50% to 60% is not considered to be minor or of negligible impact. Comments have been received from the City Engineer in objection to this variance. The existing lots are currently are subject to an already approved and accepted Lot Grading & Drainage Plan. Approving the increase in hardscaped area conflicts with the approved grading plan. Staff do not consider the impact minor, nor in keeping with the intent of the Official Plan nor Zoning By-law. Staff recommend that this Variance, being Variance 2 of Application A-84/20, be denied.

### **Reduction in Setback to a Platform Structure (Parts 2 and 3)**

The Applicant is requesting a reduction in the required side yard setback for a platform structure from 1.2 metres to 0.45 metres for the unit on Part 2 and a reduction in the required rear yard to a platform structure that is greater than 1.2 metres in height from 4.5 metres to 3 metres. These variances are considered minor in nature. The reduction in interior side yard setback will not negatively impact the subject nor surrounding lands. The reduction in rear yard setback is required due to the deck being constructed slightly taller than initially portrayed. The setback itself has not changed, and the increase in

height is of negligible impact. Staff are supportive of the requested setback reductions to the platform structures on Part 2 and Part 3.

## Conclusion

Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Application **A-83/20**, Variances 1 and 3 of Application **A-84/20**, and Application **A-85/20** are in keeping with the general intent of the Official Plan and Zoning By-law, minor in nature, and desirable for the appropriate use of the lands. Staff recommend approval of the applications.

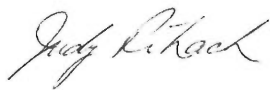
Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Variance 2 of Application **A-84/20**, is not in keeping with the general intent of the Official Plan and Zoning By-law, nor desirable for the appropriate use of the lands. Staff recommend denial of the said Variance.

**Prepared and Submitted by:**



Charlotte McEwan  
Planner I

**Approved by:**



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

**From:** [Munro, Elaine](#)  
**To:** [Munro, Elaine](#)  
**Subject:** Cogeco Comments RE: FW: Committee of Adjustment Notices and Applications, City of St. Catharines, for the September 23/20 CofA Hearing - Email 5  
**Date:** Tuesday, September 8, 2020 4:43:02 PM

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18A, B & C Merigold

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

---

**From:** Doug Crown <[doug.crown@cogeco.com](mailto:doug.crown@cogeco.com)>  
**Sent:** Tuesday, September 8, 2020 4:06 PM  
**To:** Munro, Elaine <[emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)>  
**Cc:** Banda, Wilrik <[wbanda@stcatharines.ca](mailto:wbanda@stcatharines.ca)>  
**Subject:** Re: FW: Committee of Adjustment Notices and Applications, City of St. Catharines, for the September 23/20 CofA Hearing - Email 5

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

Correct Cogeco has no issue or concerns with these applications

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

7170 Mcleod Rd  
Niagara Falls Ont Canada

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



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## Memorandum

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

Cc: Judy Pihach, Wilrik Banda  
Planning and Building Services

From: Steven Sunderland, Building Inspector  
Planning and Building Services

Date: September 9, 2020

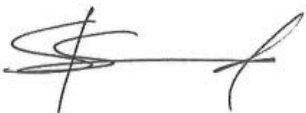
Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance – September 23, 2020 hearing**

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NO.	ADDRESS	COMMENTS
A-91/17	11 Moffatt Street	Be advised that a building permit is required for the proposed detached dwelling.
A-77/20	9 Lancaster Avenue	Be advised that a building permit is required for the proposed Detached Dwelling.
A-78/20	600 Read Road	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-79/20	610 Read Road	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-80/20	8 Howard Street	Be advised that a building permit is required for the proposed cabana.
A-81/20	50 Woodland Avenue	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-89/20	48 Woodland Avenue	Be advised that a building permit is required for the proposed Detached Dwelling. 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-83/20	18A Merigold St.	No Comment
A-84/20	18B Merigold St.	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.



NO.	ADDRESS	COMMENTS
A-85/20	18C Merigold St.	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-87/20	2 Keswick Street	Be advised that a building permit is required for the proposed Semi-Detached Dwelling.  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-88/20	4 Keswick Street	Be advised that a building permit is required for the proposed Semi-Detached Dwelling.  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-90/20	100 Oakdale Ave.	Be advised that building permits are required for the proposed 3 – Multi Unit Buildings.  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-91/20	44 Runcorn Street	Be advised that a building permit is required for the proposed 2-Storey Dwelling.



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



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## Memorandum

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**To:** Elaine Munro, Planning and Building Services  
**CC:**  
**From:** Jessica Button, Community, Recreation and Culture Services  
**Date:** August 28, 2020  
**Subject:** Committee of Adjustment Hearing – September 23, 2020

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CRCS has reviewed the Committee of Adjustment application for the hearing of September 23, 2020 and provides the following comments;

1. **11 Moffatt Street, Consent, B-45/17SC – 60.84.2130**  
**11 Moffatt Street, Minor Variance, A-91/17 – 60.81.5260**

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

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

If Planning and Building Services determines that parkland dedication can be collected for this application, CRCS requests the following condition of severance:

That payment of 5% of the appraised value of the new lot be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. That the appraisal be completed by a qualified appraiser.

2. **14 Queen Street, Consent, B-40/20SC – 60.84.2317**  
No comment.
3. **7 Lancaster Avenue, Consent, B-35/20SC – 60.84.2312**  
**9 Lancaster Avenue, Minor Variance, A-77/20 – 60.81.5667**

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

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

If Planning and Building Services determines that parkland dedication can be collected for this application, CRCS requests the following condition of severance:

That payment of 5% of the appraised value of the new lot be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. That the appraisal be completed by a qualified appraiser.

4.      **600 Read Road, Consent, B-36/20SC – 60.84.2313**  
         **600 Read Road, Minor Variance, A-78/20 – 60.81.5668**  
         **610 Read Road, Minor Variance, A-79/20 – 60.81.5669**

No comment.

5.      **8 Howard Street, Minor Variance, A-80/20 – 60.81.5670**

No comment.

6.      **50 Woodland Avenue, Consent, B-37/20SC – 60.84.2314**  
         **50 Woodland Avenue, Minor Variance, A-81/20 – 60.81.5671**  
         **48 Woodland Avenue, Minor Variance, A-89/20 – 60.81.5679**

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

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

If Planning and Building Services determines that parkland dedication can be collected for this application, CRCS requests the following condition of severance:

That payment of 5% of the appraised value of the new lot be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. That the appraisal be completed by a qualified appraiser.

7.      **18A Merigold Street, Minor Variance, A-83/20 – 60.81.5673**  
         **18B Merigold Street, Minor Variance, A-84/20 – 60.81.5674**  
         **18C Merigold Street, Minor Variance, A-85/20 – 60.81.5675**

No comment.

9.      **75 Niagara Street, Consent, B-39/20SC – 60.84.2316**

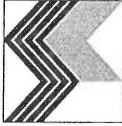
No comment.

10.     **4 Keswick Street, Consent, B-41/20SC – 60.84.2318**  
         **2 Keswick Street, Minor Variance, A-87/20 – 60.81.5677**  
         **4 Keswick Street, Minor Variance, A-88/20 – 60.81.5678**

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

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

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



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## Memorandum

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**To:** Elaine Munro, ACST, Committee Secretary & Planning Technician  
**Cc:** City Committee of Adjustment Staff Members  
**From:** Brad Johnston, C.E.T., Development Engineering Technologist  
**Date:** September 4, 2020  
**Hearing Date:** September 23, 2020  
**Subject:** **Committee of Adjustment - Minor Variance Applications**  
8 Howard Avenue, A-80/20SC  
2-4 Keswick Street, A-87-88/20SC  
9 Lancaster Avenue, A-77/20SC  
18A,B&C Merigold Street A-83,84,85/20SC  
11 Moffatt Street, A-91/17SC  
100 Oakdale Avenue, A-90/20SC  
600-610 Read Road, A-78-79/20SC  
44 Runcorn Street, A-91/20SC  
48&50 Woodland Avenue, A-81&89/20SC

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Development Engineering have reviewed the above applications and have the following comments.

- 1/2 Keswick Street, A-87/20  
The Owner must be able to demonstrate that adequate grading and drainage can be maintained resulting from the construction of the dwelling and the increased driveway width with respect to abutting neighbouring properties, if approved, for Variance items #4 & #5;
- 18A, B & C Merigold Street, A-83 & 84/20SC  
Considering the lots have already been constructed, they are subject to an already approved and accepted Grading & Drainage Plan. Approving these applications for Minor Variances would conflict with the intent of the grading plan in terms of increased hard surface area for the driveway locations, there were initially not acceptable

Trusting this information is satisfactory.

Regards,

Prepared by:

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



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## Memorandum

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

**Cc:**

**From:** Steve Bittner  
Transportation Technologist

**Date:** September 4, 2020

**Subject:** Committee of Adjustment  
Public Hearings – September 23, 2020  
File No. 305-17-01

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

Steve Bittner  
Transportation Technologist

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

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

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# **COMMENTS**

**B-39/20SC (60.84.2316)**

**75 Niagara Street**

**DATE OF HEARING:  
September 23, 2020**

**Munro, Elaine**

---

**Subject:** RE: 75 Niagara St

**From:** Teacy Vanduzen <v  
**Sent:** Wednesday, September 9, 2020 12:58 PM  
**To:** Munro, Elaine <[emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)>  
**Subject:** Re: 75 Niagara St

**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

Sorry to be a pain in the butt lol.

I am new to this process of public hearings.

Am I allowed to review the actual application. If so, would you please be able to email me a copy? Thank you if you can.

Next, if you cannot disclose ownership of the company can you point me to how I can do a FOI ACT search. This company has already had an appeal with LPAT & the OMB and I am just trying to figure out why this company wants to severe that parcel of land so badly.

There are 2 reasons why I was wondering whom the actual owners are with respect to relief of the mortgage. If the owner is the family who owns the fry truck, I was going to say they had ample opportunity to earn income but refused to open even after Tim Horton's opened for take out business. This family could have done the same, therefore, can they appeal to the emergency act for mortgage relief?

This numbered company has already under the omb had an appeal process under car wash variances. I am not sure what that was about. Can I get a copy of this information?

My next comment is in respect to, if the owners, are the same ppl who own Tim Hortons, would providing a communications infrastructure interfere with Tim Horton's wifi service? Many customers have come to rely on their wifi service.

A third point, and most important, is any construction of the parking lot will negatively impact the customers who regularly use that parking lot. For example, the dream center of facer street, every Tuesday, feed the poor from that parking lot. Low income ppl have come to rely on this food. This would interfere with the delivery of that food in a major way.

Also customers of Tim's and the fry truck use that parking lot for socializing.

When ppl exit Tim's drive through, they use a portion of that parking lot to exit onto Welland Ave. I would think this would also affect Tims' bottom line as it will cause a further traffic jam exiting the parking lot. It is often difficult to already enter the Tim's lot when they are busy.

Finally, the small plaza where Strombolis is located across Niagara St might also experience negative traffic impact as well as one of their exit entrances is just a few feet from the proposed parking lot.

Can these comments I have made today become part of the discussion when considering this application? I don't think this application should go forward based on the negative impact overall.



Thank you for your help. I appreciate it.  
Tracy Van Duzen



CITY OF  
ST. CATHARINES

## Technical Report

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

**Date of Report:** September 16, 2020

**Date of Meeting:** September 23, 2020

**Report Number:** B-39/20SC

**File:** 60.84.2316

**Subject:** 75 Niagara Street  
Proposed Severance

## Recommendation

### Consent

That Application **B-39/20SC** by 1244947 Ontario Limited, as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. That the Owner shall provide to the City an inspection via video and report as to the existing condition of the Municipal sanitary sewer main bisecting the property for the City's records
2. 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.
3. 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.
4. That all conditions of consent be fulfilled by September 23, 2021.

## Report

### The Proposal

The applicant has proposed to sever 662 m<sup>2</sup> of the subject lands (Part 1) so they may be transferred to Cogeco and developed for new communications infrastructure building. The plans for the communications facility include an area for future expansion to the rear of the building. An easement (Part 3) would be established over the retained lands to provide access. The retained lands (Parts 2 and 3) are intended for future development, which may take the form of a 4-storey, 12-unit mixed-use building as depicted on the submitted plans. Development of both the severed lands and the retained lands will require site plan approval. No site plan applications have yet been submitted.

### Location and Site Description

The subject property is located on the north side of Niagara Street, between North Street and Welland Avenue. The property is surrounded by commercial uses, including a Tim Horton's to the west, which enjoys access rights to Niagara Street over a portion of the

Report Page 1 of 3

subject lands via an existing easement. This access easement is located on the retained lands. The property was previously developed as a gas station but has been vacant for several years.

## **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 Downtown on Schedule D1 of the Garden City Plan (GCP) and further designated Mixed High Density Residential / Commercial on Schedule E10 thereof. Apartment dwellings are permitted in this designation at a density generally 85 units per hectare or greater. Utility infrastructure is a permitted use in all land use designations of the Plan.

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

The subject property is zoned High Density Mixed-Use (M3). Mixed-use buildings with commercial at grade and apartment dwellings above are a permitted use in this zone. The uses proposed on the retained lands would be permitted but minor variances would be required to permit the site layout depicted in the submitted drawings. This would be the subject of a future application. The By-law states that nothing in the By-law shall prevent the use of any land for the erection of buildings or structures providing public utilities by a regulated company or government agency. The Proposed Cogeco communication facility is therefor not subject to any provision of the zoning By-law.

## **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 but also recognise the importance of planning for and accommodating utility networks to serve existing and anticipated needs. The proposed Cogeco facility will help to meet the growing needs for internet service in the community. Given that the site is located with the Downtown St. Catharines Urban Growth Centre, lands must also be used efficiently in order to achieve density targets.

Consent Application **B-39/20SC** requests to sever the subject property to allow for the construction of Cogeco fiber optic communications facility to serve the community. The applicant has made efforts to minimize the footprint of the Cogeco facility, thereby maximizing the size of the retained lands for more intensive future development more in keeping with the development objectives for this area. The access easement is desirable as it eliminates the need for an additional driveway access to Niagara Street and allows for the more efficient use of the lands.

A video camera inspection of the existing sanitary sewer traversing the subject lands is recommended as a condition to inform the review of future development of the new and retained lots.

Staff are satisfied that the proposal is consistent with the Official Plan. There are no anticipated impacts as a result of the severance or the easement. Staff are supportive of application **B-39/20SC**, subject to the conditions outlined in the recommendations.

## Conclusion

Having regard for the matters under Section 53 of *The Planning Act*, staff are of the opinion that approval of Application **B-39/20SC** will allow for development that is compatible with the surrounding area, 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 and easement be approved, subject to the conditions outlined herein.

**Prepared and Submitted by:**

A handwritten signature in black ink, appearing to read "Scott Ritchie".

Scott Ritchie  
Urban Design Planner

**Approved by:**

A handwritten signature in black ink, appearing to read "Judy Pihach".

Judy Pihach  
Manager, Planning Services

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VIA E-MAIL ONLY

September 10, 2020

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

**Application for Consent**

Proposal: A partial discharge of mortgage and for consent to sever 662 m2 of land (Part 1 on the submitted sketch) to be known as 77 Niagara Street for the proposed Communications Infrastructure Facility, together with an easement, in perpetuity, over Part 3 for access to benefit Part 1. A 1,437 m2 (Parts 2 & 3) vacant parcel will be retained for future residential/commercial development.

Location: 75 Niagara Street  
In the City of St. Catharines

Our File: CS-20-0041

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Regional Planning and Development Services staff have completed a review of provided materials as part of a consent application for a severance and recreation of new lot for a single detached dwelling located at 75 Niagara Street in the City of St. Catharines.

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

**Archaeological Potential**

Based on the Provincial screening criteria for evaluating archaeological potential, the subject lands exhibits a high potential for the discovery of archaeological resources given the close proximity (i.e. 300m) to eighteen (18) registered archaeological sites. Typically, an archaeological assessment prepared by a licensed archaeologist would be required. However, at the pre-consultation meeting held on May 28, 2020, Regional staff advised that the subject lands are considered to be disturbed from past underground works such as grading and the installation of sanitary and storm infrastructure. As such, Regional staff will require that future development agreements, including future Site Plan agreement, include an archaeological clause for the potential discovery of archaeological resources and remains during construction and grading activities.

While an assessment is not requested, staff recommends that the applicant consider undertaking a Stage 1 and 2 Archaeological Assessment as part of their own due diligence, dependent on construction timing, as any resources discovered as part of construction will require that all works cease to allow an archaeologist to assess the site.

## **Noise**

Regional staff notes that Parts 2 and 3 of the submitted sketch will be retained for a future residential/commercial development. At the pre-consultation meeting, staff advised that a Noise Impact Study would be required for the mixed-use development to address current and increasing traffic on Niagara Street and Welland Avenue, and stationary noise sources within the area including any mechanical equipment from the proposed Communication Infrastructure Facility. As such, Regional staff recommends that the proposed lot line and size for Part 1 consider the placement of the proposed building and accessory mechanical equipment as to minimize the potential noise impact on the future mixed-use development. The Noise Impact Study continues to be required with the future detailed Site Plan application submission for the mixed-use development.

## **Conclusion**

Based on the analysis and comments above, Regional staff offers no objection to the application, and ask that the above recommendations be considered.

If you have any questions or wish to discuss these comments please contact the undersigned at extension 3345, or Susan Dunsmore, Manager Development Engineering, at extension 3661.

Best Regards,



Matteo Ramundo  
Development Approvals Technician  
Niagara Region

Attention: Appendix- Regional Conditions for Site Plan Approval

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

September 4, 2020

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

**Attention: Elaine Munro**

File# 60.84.2316

Re: 75 Niagara St

In response to your correspondence dated August 27, 2020, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

- For Residential/Commercial electrical service requirements, the Developer needs to contact our ICI and Layouts Department at 1-877-963-6900 ext: 25713 or visit our web site @ [www.alectrautilities.com](http://www.alectrautilities.com).
- 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.

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

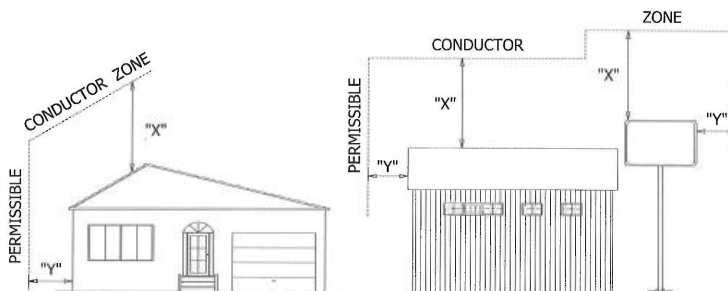
We trust that you will find this information satisfactory and that the information contained within will be provided to the owner of this project. Should you have any questions regarding this response, please contact Charles Howell at 905-522-6611 ext: 4729 in our Engineering Design Department.

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.

## Munro, Elaine

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**Subject:** RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the September 23/20 CofA Hearing - Email 1

**From:** Munro, Elaine <emunro@stcatharines.ca>  
**Sent:** Tuesday, September 1, 2020 1:03 PM  
**To:** Munro, Elaine <emunro@stcatharines.ca>  
**Subject:** Re: Committee of Adjustment Notices and Applications, City of St. Catharines, for the September 23/20 CofA Hearing - Email 1

11 Moffatt  
14 Queen  
75 Niagara

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**From:** Doug Crown <doug.crown@cogeco.com>  
**Sent:** Friday, August 28, 2020 4:04 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 September 23/20 CofA Hearing - Email 5

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


Hi Elaine  
Email 1

Cogeco has no issues or concerns with these applications.

Thanks

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

7170 Mcleod Rd  
Niagara Falls Ont Canada

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



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Memorandum

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

Cc: Judy Pihach, Wilrik Banda  
Planning and Building Services

From: Steven Sunderland, Building Inspector  
Planning and Building Services

Date: September 9, 2020

Subject: Building Comments on Applications to the Committee of Adjustment  
Consents – September 23, 2020 hearing

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**B-45/17SC – 11 Moffatt Street**

Comment:

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

Condition:

- The existing detached garage is to be removed on Part 1. A demolition permit is required and shall be completed to the satisfaction of the chief Building Official of the City of St. Catharines.

**B-35/20SC – 7 Lancaster Avenue**

Comment:

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

Condition:

- No Comment

**B-36/20SC – 600 Read Road**

Comment:

- No Comment

Condition:

- No Comment

**B-37/20SC – 50 Woodland Avenue**

**Comment:**

- Be advised that a building permit is required for the proposed Detached Dwelling on Part 3.

**Condition:**

- The existing vinyl garage is to be removed. A demolition permit is required and shall be completed to the satisfaction of the chief Building Official of the City of St. Catharines.

**B-39/20SC – 75 Niagara Street**

**Comment:**

- No Comment

**Condition:**

- No Comment

**B-40/20SC – 14 Queen Street**

**Comment:**

- Be advised that building permits are required for the proposed 2<sup>nd</sup> Floor Residential Units on Parts 1 and 2.

**Condition:**

- No Comment

**B-41/20SC – 4 Keswick Street**

**Comment:**

- Be advised that a building permit is required for the proposed Semi-Detached Dwelling.

**Condition:**

- The existing 1 Storey Detached Dwelling is to be removed. A demolition permit is required and shall be completed to the satisfaction of the chief Building Official of the City of St. Catharines.

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

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



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## Memorandum

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**To:** Elaine Munro, Planning and Building Services  
**CC:**  
**From:** Jessica Button, Community, Recreation and Culture Services  
**Date:** August 28, 2020  
**Subject:** Committee of Adjustment Hearing – September 23, 2020

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CRCS has reviewed the Committee of Adjustment application for the hearing of September 23, 2020 and provides the following comments;

**1. 11 Moffatt Street, Consent, B-45/17SC – 60.84.2130**  
**11 Moffatt Street, Minor Variance, A-91/17 – 60.81.5260**

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

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

If Planning and Building Services determines that parkland dedication can be collected for this application, CRCS requests the following condition of severance:

That payment of 5% of the appraised value of the new lot be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. That the appraisal be completed by a qualified appraiser.

**2. 14 Queen Street, Consent, B-40/20SC – 60.84.2317**  
No comment.

**3. 7 Lancaster Avenue, Consent, B-35/20SC – 60.84.2312**  
**9 Lancaster Avenue, Minor Variance, A-77/20 – 60.81.5667**

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

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

If Planning and Building Services determines that parkland dedication can be collected for this application, CRCS requests the following condition of severance:

That payment of 5% of the appraised value of the new lot be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. That the appraisal be completed by a qualified appraiser.

4.      **600 Read Road, Consent, B-36/20SC – 60.84.2313**  
         **600 Read Road, Minor Variance, A-78/20 – 60.81.5668**  
         **610 Read Road, Minor Variance, A-79/20 – 60.81.5669**  
No comment.

5.      **8 Howard Street, Minor Variance, A-80/20 – 60.81.5670**  
No comment.

6.      **50 Woodland Avenue, Consent, B-37/20SC – 60.84.2314**  
         **50 Woodland Avenue, Minor Variance, A-81/20 – 60.81.5671**  
         **48 Woodland Avenue, Minor Variance, A-89/20 – 60.81.5679**

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

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

If Planning and Building Services determines that parkland dedication can be collected for this application, CRCS requests the following condition of severance:

That payment of 5% of the appraised value of the new lot be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. That the appraisal be completed by a qualified appraiser.

- 7. 18A Merigold Street, Minor Variance, A-83/20 – 60.81.5673**  
**18B Merigold Street, Minor Variance, A-84/20 – 60.81.5674**  
**18C Merigold Street, Minor Variance, A-85/20 – 60.81.5675**

No comment.

- 9. 75 Niagara Street, Consent, B-39/20SC – 60.84.2316**

No comment.

- 10. 4 Keswick Street, Consent, B-41/20SC – 60.84.2318**  
**2 Keswick Street, Minor Variance, A-87/20 – 60.81.5677**  
**4 Keswick Street, Minor Variance, A-88/20 – 60.81.5678**

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

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

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

**REPORT TO PLANNING DEPARTMENT**  
**Re: CITY LAND DIVISION APPLICATION NUMBER B-39/20SC**



**Date:** September 4, 2020

**Hearing Date:** September 23, 2020

**Applicant:** 1244947 Ontario Ltd.

**Location:** 75 Niagara Street

**Development Engineering File:** 300-36

**MUNICIPAL SERVICES**

	<b><u>Niagara Street</u></b>	<b><u>Welland Avenue</u></b>
<b>Water:</b>	150mm C.I.	200mm C.I.
<b>Sanitary:</b>	375mm Concrete (Bisecting Property)	450mm Concrete
<b>Storm:</b>	450mm Concrete (Regional)	675mm Concrete
<b>Sidewalks &amp; Curbs:</b>	Yes	Yes
<b>Road Allowance:</b>	23.15m± (Regional)	27.0m± Variable Width (Regional)

**Comment(s):** It is noted that the Applicant proposes to sever Part 1 to be known as 77 Niagara Street for a proposed communications infrastructure facility, together with an easement in perpetuity over Part 3 for access to benefit Part 1. A vacant parcel (Parts 2 & 3) shall be retained for future residential / commercial development.

**Roads** Both Niagara Street and Welland Avenue are designated as Regional roads in the City's Official Plan with desired right-of-way widths of 26m. Any requirements shall be at the jurisdiction of Niagara Region.

Sidewalks and curbs exist across the frontage of both Niagara Street and Welland Avenue. Sidewalk damage deposits shall be obtained through the building permit process to ensure the protection of these services throughout construction of the proposed development, if approved.

**Municipal Services**

There is currently one water connection to the City watermain on Welland Avenue, as well as existing sanitary and storm sewer laterals on the property from the City's sanitary sewer main bisecting the site and storm sewer serving both properties, which previously accommodated a building long since demolished. Prior to the severances being finalized the owner shall have a qualified engineer design a servicing scheme that will provide separate individual water services and sewer laterals to each of the proposed properties. The design must be submitted and approved by the City through the subsequent Site Plan Agreement application process. New services and related private property connections shall be paid for by the Owner and constructed to the satisfaction of the City through a Building and Plumbing Only permit process, if approved.

An inspection of the existing Municipal sanitary sewer bisecting the



property shall be completed at the at the cost of the Owner and information provided to the City to obtain existing conditions of the sewer main prior to construction.

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

- Provide to the City an inspection via video and report as to the existing condition of the Municipal sanitary sewer main bisecting the property for the City's records

Prepared by:



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



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## Memorandum

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

**Cc:**

**From:** Steve Bittner  
Transportation Technologist

**Date:** September 4, 2020

**Subject:** Committee of Adjustment  
Public Hearings – September 23, 2020  
File No. 305-17-01

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

Steve Bittner  
Transportation Technologist