

Agenda

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

This Meeting may be viewed online at www.stcatharines.ca/youtube

1. Chair to call the Hearing to Order
2. Recognition of Traditional Territories
3. Additions/Deletions to the Agenda
 - i) A request for a minor change of conditions has been received from staff regarding 12 Lloyd Street B-38/19SC – 60.84.2265; to remove Condition 1 from the Consent.
4. Declarations of Interest
5. Request for Adjournment
 - i) 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 further extend the deferral of the applications, that were approved at the September 23, 2020 Hearing, to the November 19, 2020 Hearing to review the revised sketch.
6. Motion to Adopt the Minutes of the previous Hearing held on August 26, 2020.
7. Application:
 1. *29 Laird Drive, Consent, B-38/20SC – 60.84.2315
29A Laird Drive, Minor Variance, A-82/20 – 60.81.5672
29B Laird Drive, Minor Variance, A-86/20 – 60.81.5676
 2. 59 Cindy Drive, Minor Variance, A-92/20 – 60.81.5682
 3. *23 Michigan Avenue, Minor Variance, A-93/20 – 60.81.5683
 4. 52 Lloyd Street, Consent, B-42/20SC – 60.84.2319
52A Lloyd Street, Minor Variance, A-94/20 – 60.81.5684
52B Lloyd Street, Minor Variance, A-95/20 – 60.81.5685
8. New Business:
9. Date of next Hearing: Thursday November 19, 2020 at 5:00 p.m.
10. Adjournment

*** Report not available until Monday October 19, 2020.**



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: October 15, 2020

Date of Meeting: October 21, 2020

Report Number: B-38/19SC

File: 60.84.2265

Subject: 12 Lloyd Street (12A and 12B Lloyd Street)

Recommendation

That Condition of Consent 1 for Application **B-38/19SC** can be waived; and

That such change is considered to be minor in nature.

Report

Background

The properties now known as 12A and 12B Lloyd Street were subject to applications **B-38/19SC**, **A-112/19** and **A113/19**, all of which were approved on August 28th 2019. Application **B-38/19SC** proposed severing a lot for the purpose of building a semi-detached dwelling. Applications **A-112/19** and **A113/19** were made to facilitate the construction of the semi-detached dwelling through varying zoning requirements.

The applicant had previously applied for, and been granted, a building permit for the semi-detached dwelling. At the time the planning applications were filed the City required a consent to be granted before a building permit would be issued for a semi-detached dwelling. The City had instituted this policy between the building permit being issued and the consent and minor variances being applied for. Staff prepared the committee report for the three applications unaware that the building permit had been issued. As a result, staff recommended a condition of consent be for the applicant to enter into a development agreement to control design of the semi-detached dwelling. This condition was included in the Committee's decision.

The applicant is now seeking to clear all conditions in order to receive final certification for the consent. He has applied for a development agreement as required, but staff are reticent to enter into a development agreement controlling the design of a structure that has already been constructed. Therefore, staff are recommending that the condition for a development agreement be waived, and that this change to conditions be considered minor.

Planning Analysis

Approved condition 1 for **B-38/19SC** reads as follows:

1. *That the Owner enters into a Development Agreement with the City of St. Catharines, to be registered on title to the lands, addressing the following conditions:*
 - a. *That building permit plans, including elevation plans, for 12 and 12 B Lloyd Street be generally in accordance with the plans submitted to the Design Review Panel at the August 27, 2019 meeting, and that these plans be submitted to satisfy the City's Urban Design Planner of the following:*
 - i. *That the setback of the units be staggered;*
 - ii. *That the upper floor cladding material differ from the upper floor cladding used at 10 Lloyd Street; and*
 - iii. *That the ground floor of the front façade be clad in brick, wrapping around the sides of the dwellings by at least 3 feet.*
 - b. *That the Development Agreement include a grading and drainage plan that is acceptable to staff.*

Staff have reviewed the approved plans for the building permit as well as the constructed semi-detached dwelling and can confirm that all design changes requested in clause “a” have been met. The setbacks are staggered, with the main wall for 12A Lloyd Street being set back about 0.6 metres from the main wall for 12B Lloyd Street. The upper floor cladding for 12A and 12B Lloyd Street is taupe vinyl siding. The cladding for 10 Lloyd Street is dark blue vinyl siding. Staff can also confirm that the brick on the ground floor façade of 12 A and 12 B Lloyd Street wraps around the north and south sides of the dwelling by about 0.91 metres.

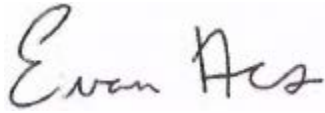
For clause “b”, a grading and drainage plan was submitted and approved prior to the issuance of the building permit. This requirement has also been met.

Given that all requirements that would be set out in the development agreement have already been fulfilled, and the semi-detached dwelling has been constructed, staff recommend waiving this condition of consent. Because this condition pertained to design elements of the semi, and has no discernible impact on neighbouring property owners, staff recommend that this change to condition be considered minor, meaning this change is not subject to appeal.

Conclusion

Having regard for the matters under Section 53 (23) and (26) of *The Planning Act*, staff are of the opinion that Condition of Consent 1 for Application **B-38/19SC** can be waived and such change is minor in nature.

Prepared and Submitted by:

A handwritten signature in blue ink that reads "Evan Acs". The signature is written in a cursive, slightly slanted style.

Evan Acs
Planner I

Approved by:

A handwritten signature in blue ink that reads "Judy Pihach". The signature is written in a cursive, slightly slanted style.

Judy Pihach
Manager, Planning Services

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

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

COMMENTS

**B-38/20SC (60.84.2315), A-82/20
(60.81.5672) & A-86/20 (60.81.5676)**

29 Laird Drive

**DATE OF HEARING:
October 21, 2020**

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: RE: Hearing for 29 Laird Drive
Date: Saturday, October 17, 2020 3:48:33 PM

From: Charlene Stephenson <>
Sent: Saturday, October 10, 2020 4:25 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Hearing for 29 Laird Drive

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 live at lot 17. We have a drainage problem in our back yard. It pools very badly at our shed and proceeds along the back fence to the side fence which connects to my neighbors house (lot 18) . I understand there is a proposed garage in this area. I can't have the ground raised higher than mine or it will flood my property.

Thank you

Charlene Stephenson

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



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: October 15, 2020

Date of Meeting: October 21, 2020

Report Number: B-38/20SC
A-82/20
A-86/20

File: 60.84.2315
60.81.5672
60.81.5676

Subject: 29 Laird Drive (to be come 29A and 29B Laird Drive)
Proposed Severance and Minor Variances

Recommendation

Consent

That Application **B-40/38SC** by Brant Vanderwoude and Cherita Vanderwoude, as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. That the Owner enter into a Development Agreement with the City of St. Catharines, to be registered on title to the lands, addressing the following conditions:
 - a. That building permit plans, including a site plan and elevations for both new lots be submitted to the Director of Planning and Building Services, or her designate, generally consistent with the submitted plans and illustrating the following modifications:
 - i. House setback to be increased to 8.5 m, generally in line the principal front building wall of the existing dwelling; and
 - ii. Ground floor façade to be clad in brick, including side walls.
 - b. That the lot grading and drainage plan required as condition of this consent be included in the Development Agreement to ensure compliance as part of the building permit review process.
2. That a lot grading and drainage plan for both lots, prepared by an Ontario Land Surveyor or Professional Engineer, be submitted to the Director of Planning and Building Services, or her designate, illustrating how runoff from all roofs, rear yards, side yards, front yards, and sump pump discharges will be accommodated without adversely affecting neighbouring properties.
3. That the Owner shall apply to have the existing sanitary sewer easement on the property deregistered and released from title of the lands;
4. That the Owner shall pay the fee for City crews to locate, trace, inspect and document the location of the sewer and water laterals for the existing building.

5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. That the Owner submit to the Secretary-Treasurer of the Committee of Adjustment a final certification fee of \$214.80 (2020 rate) payable to the Treasurer, City of St. Catharines.
11. That final approval of the concurrent Minor Variance Application be approved.
12. That all conditions of consent be fulfilled by October 21, 2021.

Minor Variance

That Variance Application **A-82/20**, as outlined in the Notice of Hearing, be approved.

That Variance Application **A-86/20**, as outlined in the Notice of Hearing, be approved, subject to the following limitations

1. That the minimum front yard setback shall be 8.5 metres; and
2. That the front and side walls shall be constructed of or clad in brick for at least the ground floor.

Report The Proposal

The Applicant proposes to construct a new two-storey detached dwelling in the side yard of the existing home at 29 Laired Drive. Both lots would utilize the existing site driveway access. The proposed new detached dwelling would include a basement accessory dwelling unit as would the existing home. To facilitate the proposal, Application **B-**

38/20SC is made to sever 325 square metres of land (Part 1 on the submitted sketch) for the propose of constructing a two-storey detached dwelling on the new parcel.

The proposed new lot, the submitted new house design, and the basement conversion of the existing home each require the approval of minor variances to the zoning by-law. Concurrent Minor Variance Applications **A-82/20** and **A-86/20** seek relief from the City of St. Catharines Zoning By-law 2013-283 through the following variances:

Application	Variance #	Zoning Provision	Required	Proposed
A-82/20 (29A Laird Drive)	1	Maximum Accessory Dwelling Unit Size	60 m ²	73 m ²
A-86/20 (29B Laird Drive)	1	Maximum Accessory Dwelling Unit Size	60 m ²	73 m ²
	2	Minimum Lot Area	400 m ²	325 m ²
	3	Minimum Lot Frontage	16.5 m	11.05 m

Location and Site Description

The lands are located on the west side of Laird Drive, between Arlington Avenue and Eastchester Avenue. The existing property is 831 m² in size and contains a one-storey detached dwelling. The property is surrounded by other detached dwellings.

Circulation of Application

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

Planning Policy Context

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential on Schedule E9 (East Planning District) thereof. Detached dwellings are permitted in this designation at a density generally ranging from 20 to 32 units per hectare. The proposed development would fit within this target density range (24 units per hectare).

Zoning By-law (2013-283)

The subject property is zoned Low Density Residential – Traditional Neighbourhood (R2). Semi-detached dwellings are a permitted use in this zone. The proposed semis, as currently designed, would require variances for lot frontage, garage setback and parking stall size.

Planning Analysis

Consent

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

Consent Application **B-38/20SC** requests to sever the side yard of the subject property to allow for the construction of a new detached dwelling with accessory dwelling unit. The proposed new lot is undersized in terms of both lot area and lot frontage. Staff are however satisfied that the large side yard of the existing home represents an appropriate infilling opportunity and can be developed appropriately, subject to the recommended conditions outlined in this report.

In order to help ensure that construction on the new lot will be compatible with surrounding homes and streetscape, a development agreement will be required as a condition of approval. Staff are recommending that approval be conditional on some modifications to the proposed plan, including an increased building setback to better align with other homes on the street, and the use of brick cladding to improve fit with surrounding homes. These modifications are further discussed in the Minor Variances section of this report.

Staff are satisfied that the proposed severance is consistent with the Official Plan in that that lots are sufficiently sized and configured to accommodate appropriate and compatible construction. The concurrent Minor Variance Applications considered in this report will address the lot frontage, garage setback and parking deficiencies.

Staff are supportive of Consent Application **B-38/20SC**, subject to the conditions outlined in the recommendation.

Minor Variances

Accessory Dwelling Unit Size: Variance 1 of Applications A-82/20 and A-86/20

Both the new and existing dwellings are proposed to include basement accessory dwelling units. Zoning By-law 2013-283 permits one interior accessory dwelling unit in any detached dwelling unit provided it has a floor area not greater than 60 square metres or 40 per cent of the overall floor area, whichever is less. The intent of the size limitations is to ensure that the interior accessory dwelling unit is subordinate in terms of its scale and relationship to the primary dwelling unit. The applicant is requesting an increase in area from 60 to 73 square metres for both units, which would allow for conversion of the entire existing house basement.

Staff consider this requested increase to be minor in nature. The additional living area does not appear to create any adverse impact on the surrounding neighbourhood.

Additionally, the accessory dwelling units will remain subordinate to the primary two-storey dwelling units upstairs.

Section 2.3.3.5(iv) of the Garden City Plan (Official Plan) provides that new housing will be encouraged to support housing diversity for a range of life stages, incomes and ages to promote social inclusion, reduce isolation, and promote affordable housing opportunities. Staff are of the opinion that the application follows the intent of the Official Plan and is desirable for the appropriate use of the lands. Staff recommend approval of these variances accordingly.

Lot Area and Lot Frontage: Variance 2 and 3 of Application A-86/20

In order to facilitate the proposed severance, the Applicant has requested a reduction in the minimum required lot area and lot frontage for the new lot. A lot area of 325 m² is requested, whereas a minimum lot area of 400 m² is required. A lot frontage of 11.05 m is requested, whereas a minimum lot frontage of 16.5 m is required. The intent of the minimum lot area and lot frontage requirements is to ensure that any new lots are compatibly sized within a typical suburban context. Staff acknowledge that the existing lot area of 831 m² is sufficiently large to accommodate two lots and that the reduced lot area for the new dwelling allows for the retention of the existing home. The proposal also allows for the reuse of the existing driveway access to serve both lots.

Staff are satisfied that the proposed lot represents an efficient and appropriate development pattern for these lands. While supportive of the reduced new lot size in order to preserve the existing home, staff also acknowledge that the proposed new lot will be smaller than any other lots on Laird Street. To help ensure that the new dwelling fits harmoniously within the existing streetscape, the development agreement will include controls on building placement and architectural design. Staff are generally supportive of the building plans submitted by the applicant but will require modifications. These modifications are considered

- **Building setback:** existing homes on the west side Laird Drive have fairly consistent front yard setbacks, with homes generally aligned. In order to promote an appropriate fit within the streetscape, the new house will need to be set back to align with this well-established setback pattern. The large covered front porch is also a desirable element but will uncharacteristically project into the streetscape. Staff are recommending a minimum setback of 8.5 metres, generally aligning with the setback of neighbouring dwellings. The proposed new lot has ample rear yard to accommodate the change.
- **Brick façade:** Every house on Laird Drive is clad primarily in brick. There are some examples of vinyl siding on the street but that siding is limited to the upper floors. If a small house on an undersized lot is to be permitted in this context, it's materials should match that of its surroundings to promote a more harmonious fit. Given the lot's location on the inside of a curve, the side wall will also be very visible and the brick should continue along the side walls, as it does on the other homes.

Staff are of the opinion that Variance 2 and 3 are in keeping with the general intent of the Official Plan and Zoning By-law, are minor in nature, and are desirable for the appropriate use of the lands. As such, staff recommend approval of Variance 1 of both of Applications **A-82/20** and **A-86/20**, subject to the conditions outlined in the recommendation.

Conclusion

Having regard for the matters under Section 53 of *The Planning Act*, staff are of the opinion that approval of Application **B-38/20SC** will allow for the creation of an appropriately-sized lot that can reasonably accommodate the construction of a compatible detached dwelling, subject to the undertaking of a development agreement to address the details of building and site design. It is staff's recommendation that the requested consent to sever be approved, subject to the conditions outlined herein.

Having regard for the matters under Section 45(1) of the *Planning Act*, staff are of the opinion that Minor Variance Applications **A-82/20** and **A-86/20** are in keeping with the general intent of the Official Plan and Zoning By-law, are minor in nature, and are desirable for the appropriate use and function of the lands. Staff recommend approval of variances, subject to the conditions outlined in the recommendation.

Prepared and Submitted by:



Scott Ritchie
Urban Design Planner

Approved by:



Judy Pihach
Manager, Planning Services

October 1, 2020

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

Attention: Elaine Munro

File# 60.84.2315, 60.81.5672 & 60.81.5676

Re: 29, 29A and 29B Laird Dr

In response to your correspondence dated September 25, 2020, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

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

We would also like to stipulate the following:

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

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

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

Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital

Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the October 21/20 CofA Hearing - Email 1 of 2

29 Laird Drive – Please note comments below.

59 Cindy.

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

Sent: Monday, September 28, 2020 8:57 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 October 21/20 CofA Hearing - Email 1 of 2

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

Hi Elaine

Email 1

Cogeco has a pedestal on city property at 27/ 29 Laird Dr.

If this pedestal requires to be relocated the owner will be responsible for 100% cost recovery for relocation.

Cindy Dr Cogecos has no concerns.

Thanks

Doug Crown
Network Planning Department

7170 Mcleod Rd
Niagara Falls Ont Canada

Doug.crown@cogeco.com

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



Memorandum

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

Cc: Judy Pihach, Wilrik Banda
Planning and Building Services

From: Lou Grossi, Building Inspector II
Planning and Building Services

Date: September 21, 2020

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – October 21, 2020 hearing

B-28/20SC – 29 Laird Drive

Comment:

- Be advised that a building permit is required for the proposed detached dwelling and accessory dwelling unit on Part 1.
- Be advised that revised drawings are to be submitted to the building section for review and approval for the interior accessory unit in the existing dwelling on part 2.

Condition:

- Be advised that a building permit is required to demolish the detached garage and complete all inspections with sign offs from the building inspector.
- Be advised that a building permit is required to demolish the existing pool and complete all inspections with sign offs from the building inspector.

B-42/20SC – 52 Lloyd Street

Comment:

- Be advised that a building permit is required for the proposed semi-detached Dwelling with interior accessory dwelling units in each.

Condition:

- Be advised that a building permit is required to demolish the detached dwelling and detached garage and complete all inspections with sign offs from the building inspector.

Lou Grossi, Dipl. T. Arch, CBCO
Building Inspector II



Memorandum

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

Cc: Judy Pihach, Wilrik Banda
Planning and Building Services

From: Lou Grossi, Building Inspector II
Planning and Building Services

Date: September 21, 2020

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – October 21, 2020 hearing

NO.	ADDRESS	COMMENTS
A-82/20	29A Laird Drive	Be advised that a building permit is required for the proposed detached dwelling on part 2
A-86/20	29B Laird Drive	Be advised that a building permit is required for the proposed detached dwelling on part 1
A-92/20	59 Cindy Drive	Be advised that revised drawings are to be submitted to the building department for review and approval.
A-93/20	23 Michigan Avenue	Upon completion of the site plan agreement, be advised that a building permit is required for the proposed detached dwelling.
A-94/20	52A Lloyd Street	No comment
A-95/20	52B Lloyd Street	No comment

Lou Grossi, Dipl. T. Arch, CBCO
Building Inspector II



Memorandum

To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Community, Recreation and Culture Services
Date: October 2, 2020
Subject: Committee of Adjustment Hearing – October 21, 2020

CRCS has reviewed the Committee of Adjustment application for the hearing of October 21, 2020 and provides the following comments;

1. **29 Laird Drive, Consent, B-38/20SC – 60.84.2315**
29A Laird Drive, Minor Variance, A-82/20 – 60.81.5672
29B Laird Drive, Minor Variance, A-86/20 – 60.81.5676

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. **59 Cindy Drive, Minor Variance, A-92/20 – 60.81.5682**

No comment.

3. **23 Michigan Avenue, Minor Variance, A-93/20 – 60.81.5683**

CRCS has commented during the Site Plan review that additional information is required to properly review tree protection and landscaping requirements. Until these matters have been addressed, CRCS cannot comment on appropriate setbacks.

**4. 52 Lloyd Street, Consent, B-42/20SC – 60.84.2319
52A Lloyd Street, Minor Variance, A-94/20 – 60.81.5684
52B Lloyd Street, Minor Variance, A-95/20 – 60.81.5685**

Tree removal of the northerly and southerly boulevard trees will be at the cost of the applicant. Replacements plantings will be required at a 2:1 ratio in addition to standard planting requirements. The center tree is in poor health and will be removed by the City at no cost to the applicant.

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 be responsible for the the costs associated with the removal of two boulevard trees and submit payment for the 4 boulevard trees to replace the existing mature trees.

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

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

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

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

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-38/20SC



October 2, 2020

ENGINEERING FILE 308-15-18

Hearing Date: October 21, 2020

Applicant: Brent Vanderwoude

Location: 29 Laird Drive

ENGINEERING SERVICES **Laird Drive**

Water: 150mm (6") PVC
Sanitary Sewer: 250mm (10") (~3.0m depth)
Storm Sewer: 525mm (21")
Sidewalks: Yes
Road Allowance Width: 20.12m± Varies

GENERAL DEVELOPMENT ENGINEERING COMMENTS AND CONDITIONS TO BE IMPOSED IF CONSENT APPLIED FOR AND GRANTED:

Comment(s): It is noted that the Applicant proposes to sever Part 1 for the proposed construction of a single detached dwelling. A remnant parcel (Part 2) is to be retained for continued residential use.

Roads

Laird Drive is considered a Local road in the City's Official Plan with a desired right-of-way width of 20.0m. It's current widths varies along the frontage to that of the minimum width (req'd) plus additional width. The City shall not be pursuing additional land dedications along the frontage of Laird Drive for road widening purposes with this proposed Consent application.

Sidewalks and Curbs

Laird Drive currently has sidewalks however no curbs along the frontage of the subject lands. Care shall be taken to avoid unnecessary damage to the sidewalks and curbs during development of the site, as damage deposits shall be obtained through the applicable building permit process for the proposed single detached dwelling, if the consent is granted.

Additional costs shall be provisioned through the building permit for a proposed driveway culvert given there are road side ditches on Laird Street, unless it can be determined that the existing driveway can also accommodate the proposed lot access, through the severance application.

Engineering Services

A remnant sanitary sewer is identified to exist below ground on the site from Laird Drive to the north-west, previously in use for conveyance of sanitary effluent from the neighbourhood. The City has since completed improvements to this area and realigned this sewer, justifying its abandonment for continued use. It is no longer in service beneath the subject lands, however may be identified during excavation of the proposed single detached dwelling, during construction. The applicant shall be made aware of this existing condition.

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 lot 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 through the severance process.

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 Laird Drive, sump pump flows shall be required to discharge directly to the storm sewer via a storm sewer lateral, installed by City crews to the property line through the building permit process at the cost of the applicant. This information shall be identified along with the locations of downspouts discharging to grade towards the front yard only, 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. This service shall be completed prior to both the severance finalization or demolition permit issuance, whichever comes first. 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 mains and watermain to the front property line during the building permit process.

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

- Prepare by an Ontario Land Surveyor or Professional Engineer, a Lot Drainage plan for review and approval; 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 and sewer services from the City mains to the individual front property lines in order for each lot to be serviced independently; and
- Apply to have the existing sanitary sewer easement on the property deregistered and released from title of the lands;



Prepared by:

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

c. James Denham, PBS (email only)



Memorandum

To: Elaine Munro, ACST, Committee Secretary & Planning Technician
Cc: City Committee of Adjustment Staff Members
From: Brad Johnston, C.E.T., Development Engineering Technologist
Date: October 2, 2020
Hearing Date: October 21, 2020
Subject: **Committee of Adjustment - Minor Variance Applications**
29A&B Laird Drive, A-82&86/20SC
52A&B Lloyd Street, A-94&95/20SC
59 Cindy Drive, A-92/20SC
23 Michigan Avenue, A-93/20SC

Development Engineering have reviewed the above applications and have no comments or objections to the proposed variance requests.

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 29, 2020

Subject: Committee of Adjustment
Public Hearings – October 21, 2020
File No. 305-17-01

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

Steve Bittner
Transportation Technologist

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

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

COMMENTS

A-92/20 (60.81.5682)

59 Cindy Drive

DATE OF HEARING:
October 21, 2020

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: RE: Minor variance 59 Cindy drive
Date: Monday, October 19, 2020 3:11:04 PM

From: Adriana O'Brien <>
Sent: Monday, October 19, 2020 3:00 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Minor variance 59 Cindy drive

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

I am writing you in regards to the application for minor variance at [59 Cindy Drive](#).

My family and I live at [63 Cindy Drive](#).

We have owned the home for just over 8 years.

I am quite concerned with 59 Cindy drive being rented out to multiple persons and in particular the potential to be used as an air b n b. We know the majority of our neighbours very well and feel comfortable raising our young family in this well established north end community. I am not comfortable with different people coming and going just two doors down from our home.

Thank you for your time.

Adriana O'Brien

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

Munro, Elaine

Subject:

RE: File No 60.81.5682. Submission No A-92/20

From: BarbSkitch <[b](#)>

Sent: Tuesday, October 13, 2020 2:13 PM

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

Subject: File No 60.81.5682. Submission No A-92/20

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.

With respect to the above noted, an application for a minor variance at 59 Cindy Drive, I would like my objection to this noted. I feel basement apartments in an single family subdivision is the opening that would allow this neighborhood to start to have the problems facing the south end of the city. I also feel it is not a minor variance to increase from 60 to 80 m. It increases the size by about 1/3 and does not seem to be minor to me. Your consideration would be appreciated.

Barbara Skitch
1 Lakebreeze Cr.

Sent from my iPad



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: October 15, 2020

Date of Meeting: October 21, 2020

Report Number: A-92/20

File: 60.81.5682

Subject: 59 Cindy Drive

Recommendation

That Application **A-92/20** by Sergei Okolov and Olga Okolova, as outlined in the Notice of Hearing, be approved.

Report

The Proposal

The Applicant proposes to create an accessory dwelling unit in the basement level of an existing detached dwelling.

Application **A-92/20** seeks relief from Zoning By-law 2012-283 to permit an increase in the maximum floor area for an interior accessory dwelling unit from 60 to 80.54 square metres.

Location and Site Description

The subject property is located on the south side of Cindy Drive, between Vine Street and Willcher Drive. The property is part of a suburban residential subdivision of detached dwellings.

The existing home is a bungalow with full basement and double driveway. The basement is accessed by stairs located to the rear of the house.

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 thereof. The proposed residential use is permitted on these lands at a density range generally between 20 and 32 units per hectare of land.

Zoning By-law (2013-283)

The subject property is zoned Low Density Residential – Suburban Neighbourhood (R1). Accessory dwelling units are permitted within detached dwellings in the R1 zone, subject to the provisions of the Zoning By-law.

Planning Analysis

Zoning By-law 2013-283 permits one interior accessory dwelling unit in any detached dwelling unit provided it has a floor area not greater than 60 square metres or 40 per cent of the overall floor area, whichever is less. The intent of the size limitations is to ensure that the interior accessory dwelling unit is subordinate in terms of its scale and relationship to the primary dwelling unit. The applicant is requesting an increase in area from 60 to 80.54 square metres, which corresponds to the dimensions of the existing basement. No additions to the building are proposed.

Staff consider this requested increase in maximum area for an interior accessory dwelling unit from 60 to 80.51 square metres to be minor in nature. The additional living area does not create any adverse impact to the surrounding neighbourhood. Additionally, the accessory dwelling units will remain subordinate to the primary dwelling unit upstairs. The interior accessory dwelling unit is visually undetectable from the street and has its own entrance to the rear. The subject property meets all other zoning provisions in consideration of the interior accessory dwelling unit, including parking.

Section 2.3.3.5(iv) of the Garden City Plan (Official Plan) provides that new housing will be encouraged to support housing diversity for a range of life stages, incomes and ages to promote social inclusion, reduce isolation, and promote affordable housing opportunities. The proposed interior accessory dwelling unit contributes to the range of dwelling types within the City. As such, Staff are of the opinion that the application follows the intent of the Official Plan and is desirable for the appropriate use of the lands. Staff recommend approval of Application **A-92/20** accordingly.

Conclusion

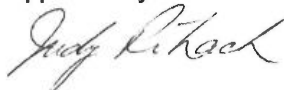
Having regard for the matters under Section 45(1) of the *Planning Act*, staff are of the opinion that Application **A-92/20** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is desirable for the appropriate use of the land. Staff recommend that the Application be approved.

Submitted by:



Scott Ritchie
Urban Design Planner

Approved by:



Judy Pihach
Manager of Planning Services

Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the October 21/20 CofA Hearing - Email 1 of 2

29 Laird Drive – Please note comments below.

59 Cindy.

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

Sent: Monday, September 28, 2020 8:57 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 October 21/20 CofA Hearing - Email 1 of 2

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

Hi Elaine

Email 1

Cogeco has a pedestal on city property at 27/ 29 Laird Dr.

If this pedestal requires to be relocated the owner will be responsible for 100% cost recovery for relocation.

Cindy Dr Cogecos has no concerns.

Thanks

Doug Crown
Network Planning Department

7170 Mcleod Rd
Niagara Falls Ont Canada

Doug.crown@cogeco.com

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



Memorandum

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

Cc: Judy Pihach, Wilrik Banda
Planning and Building Services

From: Lou Grossi, Building Inspector II
Planning and Building Services

Date: September 21, 2020

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – October 21, 2020 hearing

NO.	ADDRESS	COMMENTS
A-82/20	29A Laird Drive	Be advised that a building permit is required for the proposed detached dwelling on part 2
A-86/20	29B Laird Drive	Be advised that a building permit is required for the proposed detached dwelling on part 1
A-92/20	59 Cindy Drive	Be advised that revised drawings are to be submitted to the building department for review and approval.
A-93/20	23 Michigan Avenue	Upon completion of the site plan agreement, be advised that a building permit is required for the proposed detached dwelling.
A-94/20	52A Lloyd Street	No comment
A-95/20	52B Lloyd Street	No comment

Lou Grossi, Dipl. T. Arch, CBCO
Building Inspector II



Memorandum

To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Community, Recreation and Culture Services
Date: October 2, 2020
Subject: Committee of Adjustment Hearing – October 21, 2020

CRCS has reviewed the Committee of Adjustment application for the hearing of October 21, 2020 and provides the following comments;

1. **29 Laird Drive, Consent, B-38/20SC – 60.84.2315**
29A Laird Drive, Minor Variance, A-82/20 – 60.81.5672
29B Laird Drive, Minor Variance, A-86/20 – 60.81.5676

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. **59 Cindy Drive, Minor Variance, A-92/20 – 60.81.5682**

No comment.

3. **23 Michigan Avenue, Minor Variance, A-93/20 – 60.81.5683**

CRCS has commented during the Site Plan review that additional information is required to properly review tree protection and landscaping requirements. Until these matters have been addressed, CRCS cannot comment on appropriate setbacks.

**4. 52 Lloyd Street, Consent, B-42/20SC – 60.84.2319
52A Lloyd Street, Minor Variance, A-94/20 – 60.81.5684
52B Lloyd Street, Minor Variance, A-95/20 – 60.81.5685**

Tree removal of the northerly and southerly boulevard trees will be at the cost of the applicant. Replacements plantings will be required at a 2:1 ratio in addition to standard planting requirements. The center tree is in poor health and will be removed by the City at no cost to the applicant.

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 be responsible for the the costs associated with the removal of two boulevard trees and submit payment for the 4 boulevard trees to replace the existing mature trees.

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

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

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

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



Memorandum

To: Elaine Munro, ACST, Committee Secretary & Planning Technician
Cc: City Committee of Adjustment Staff Members
From: Brad Johnston, C.E.T., Development Engineering Technologist
Date: October 2, 2020
Hearing Date: October 21, 2020
Subject: **Committee of Adjustment - Minor Variance Applications**
29A&B Laird Drive, A-82&86/20SC
52A&B Lloyd Street, A-94&95/20SC
59 Cindy Drive, A-92/20SC
23 Michigan Avenue, A-93/20SC

Development Engineering have reviewed the above applications and have no comments or objections to the proposed variance requests.

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 29, 2020

Subject: Committee of Adjustment
Public Hearings – October 21, 2020
File No. 305-17-01

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

Steve Bittner
Transportation Technologist

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

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

COMMENTS

A-93/20 (60.81.5683)

23 Michigan Avenue

DATE OF HEARING:
October 21, 2020



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: October 15, 2020

Date of Meeting: October 21, 2020

Report Number: A-93/20

File: 60.84.5683

Subject: 23 Michigan Avenue
Proposed Minor Variances

Recommendation

That Variance Application **A-93/20**, as outlined in the Notice of Hearing, be approved, subject to the following revision:

1. That the minimum required density shall be 17.7 units per hectare.

Report The Proposal

The Applicant proposes to construct a 7-unit private road condominium development. The two existing detached dwelling on site (23 and 25 Michigan Avenue) would be demolished. The applicant is seeking approval of several minor variances in order to permit the construction of their development proposal for these lands, which is subject to a concurrent site plan application. Application **A-93/20** seeks relief from the City of St. Catharines Zoning By-law 2013-283 for the following variances:

Variance #	Zoning Provision	Required	Proposed
1	Minimum density	20 units/Ha	17.9 units/Ha
2	Minimum setback from rear wall	6.0 m	1.5 m - 5.5 m
3	Minimum setback from side wall	5.0 m	1.5 m – 2.4 m
4	Minimum rear yard setback for balconies	4.5 m	1.3 m – 3.5 m
5	Minimum side setback for balconies	5.0 m	2.4 m
6	Maximum balcony size	30 m ²	57.2 m ²
7	Minimum landscape buffer adjacent to parking area	3.0 m	2.4 m
8	Maximum front yard setback to Michigan Avenue (averaging)	8.5 m	15.7 m

9	Garage setback	not to be located closer to street than front facade	To be located in front of dwelling (unit 1)
10	Minimum setback from garage to private road	6.0 m	3.5 m (unit 1)

Location and Site Description

The lands are located on the north side of Michigan Avenue near its terminus at a cul-de-sac and a pedestrian connection down to Lighthouse Road. The property is 3,939 m² in size and backs onto a steep treed slope to the north and east. Michigan Avenue is lined with detached dwellings. The property contains two existing detached dwellings which are both proposed to be removed.

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 (East Planning District) thereof. Detached dwellings are permitted in this designation at a density generally ranging from 20 to 32 units per hectare. The proposed development would fall slightly below this target density range (17.7 units per hectare).

Zoning By-law (2013-283)

The subject property is zoned Low Density Residential – Traditional Neighbourhood (R2). Detached dwellings are a permitted use in this zone, including those located within a private road development. The proposed dwellings, as currently designed, would require several variances, as detailed above.

Planning Analysis

Several minor variances have been requested to permit the proposed development plans. Many of these variances relate to reduced setbacks from the adjacent treed slopes to the north and east of the property which are owned by the City and not intended for future development. Construction in proximity to the slope is regulated by the NPCA. The NPCA has reviewed the geotechnical investigations provided by the applicant and have identified no objection to the proposed building locations, subject to certain conditions being included as part of the site plan agreement.

For the purpose of evaluating the minor variances sought by the Applicant for this project, they have been grouped by theme for the purpose of this report.

Minimum Density: Variance 1

The proposed private road development does not achieve the minimum density threshold of 20 units per hectare. Staff are however of the opinion that the proposed plans represents an appropriately scaled infill project for the area. Staff further acknowledge that the shape of the parcel results in a single-loaded private road pattern which further limits opportunity for additional units. Staff have no concern with the proposed minor density reduction. Staff are satisfied that the proposed lots represent an efficient and appropriate development pattern for these lands.

The Notice of Hearing states that a density reduction to 17.9 units/ha is requested, however, based on the lot area of 0.3939 ha as noted on the site plan, a density reduction to 17.7 units/ha is required. This change is noted in the recommendation.

Rear Wall and End Wall Setbacks: Variances 2 and 3

By-law 2013-283 requires a minimum setback of 6.0 m from a rear wall to a property boundary and 5.0 m from an end wall to a property boundary for private road developments in the R2 zone. Proposed rear yard setbacks for units 2, 5, 6 and 7 are deficient to varying degrees along the rear property line adjacent to the treed slope. The applicant has prepared a geotechnical evaluation and tree protection plan as part of the concurrent site plan approval process which demonstrate that the proposed reduced setbacks will not adversely impact the slope or its trees. The applicant also prepared a visual impact assessment which demonstrates that the new construction will not be visible above the tree line when viewed from across the harbour. A reduced rear wall setback is also proposed from Unit 1 which also abuts open space. Amenity space for this dwelling is provided in its side yard. The reduced rear yard setbacks provide adequate outdoor amenity space, allow for adequate maintenance access and do not appear to adversely impact surrounding lands.

Reduced end wall setbacks of 2.4 m and 1.5 m are proposed for units 2 and 7 respectively. Both end walls abut treed areas that are zoned as greenspace. The submitted tree preservation plan identifies that the reduced setbacks will not compromise tree protection requirements. Tree preservation requirements will be further secured through the site plan agreement. The submitted elevation plans also show minimal openings on these side walls. There do not appear to be any adverse impacts on surrounding lands or the functionality of the site resulting from the setback reductions.

Balcony Setbacks and Size: Variances 4, 5 and 6

The by-law requires that raised decks and balconies taller than 1.2 m above grade be setback at least 4.5 m from a rear property boundary and the required side yard building setback from a side property boundary (5.0 m for Unit 2). Each unit in the proposed development includes a large second level cantilevered balcony. Balconies are all oriented away from neighbouring homes, thereby avoiding any privacy impacts. Trees in proximity to the proposed balcony location are also to be preserved per the Applicant's tree preservation plan. Staff have no concerns with the reduced balcony setbacks.

The by-law also limits the size of individual balconies to a maximum of 30 m². The proposed balcony for Unit 2 is 57.2 m². Given the location of this balcony, adjacent to tree canopy on both sides, staff have no concern with the proposed increase.

Landscape Buffer: Variance 7

The proposal includes a small visitor parking lot at the south end of the private road adjacent to 17 Michigan Avenue. The by-law required a minimum 3.0 m landscape buffer between this parking area and the property line. 3.93 m is proposed adjacent to the visitor parking stalls, but only 2.4 m is proposed at the end of the associated drive aisle. The landscape plan submitted for the project proposed a combination of large evergreen plantings and reed grass in this location. A 1.8 m wood privacy fence will also be constructed. Staff consider the proposed plantings to be adequate for fulfill the landscape buffering intent of the by-law.

Unit 1 Front Yard and Garage Setbacks: Variances 8, 9 and 10

Unit 1 within the proposed development includes a garage structure adjacent to the Michigan Avenue frontage. The garage is oriented towards and accessed from the private road. The principle dwelling unit is attached to this garage by a pergola roof. The Applicant has advised that placing the driveway and garage towards the Michigan Avenue frontage facilitates the retention of a large existing tree on site, while also providing outdoor amenity space for that dwelling.

The zoning by-law requires a maximum building setback of 8.5 m for Unit 1, consistent with the average setback of the neighbouring dwellings, whereas the living area portion of the dwelling is setback 15.7 m from the street, behind the garage. The by-law also requires that any garage be located flush with or behind the front face of the dwelling unit, whereas in this case, the garage sits completely in front of the dwelling along Michigan Avenue. Staff acknowledge the awkward configuration of the site which tapers towards Michigan Avenue and support the preservation of the large tree on site. Staff also note that the proposed garage structure is located within the permitted average setback range and has been designed to include street-facing windows and front yard landscaping that provide for an appropriate streetscape condition along the Michigan Avenue frontage.

An additional garage-related variance is requested to permit the proposed Unit1 garage to be setback 3.5 m from the private road. A setback of 6.0 m is required. This setback ensures that the driveway can be used for parking and helps to ensure that the street is not dominated by garages. In this instance, adequate parking for two vehicles is provided in the garage and the carport and the garage remains set back behind the front wall of the proposed new dwelling. Staff have no concern with the variances related to the proposed garage placement and orientation for Unit 1.

Conclusion

Having regard for the matters under Section 45(1) of the *Planning Act*, staff are of the opinion that Minor Variance Application **A-93/20** is 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 and function of the lands. Staff recommend approval of the variances, subject to the revisions outlined in the recommendation.

Prepared and Submitted by:

A handwritten signature in black ink, appearing to read "Scott Ritchie", with a long horizontal flourish extending to the right.

Scott Ritchie
Urban Design Planner

Approved by:

A handwritten signature in black ink, appearing to read "Judy Pihach", with a long horizontal flourish extending to the right.

Judy Pihach
Manager, Planning Services



October 09, 2020

Our File No.: PLSPC202000441

BY E-MAIL ONLY

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

Attention: Scott Ritchie M.C.I.P., R.P.P, Urban Design Planner

Subject: Application for Site Plan Control
19 MICHIGAN AVE 25 MICHIGAN AVE 23 MICHIGAN AVE

Further to our last formal correspondence on this file (May 22, 2020), NPCA staff have reviewed the materials under the second submission including the revised Site Plan (SPA-1) prepared by 2M Architects (rev.6 August 14, 2020); the revised Site Services and Grading Plan prepared by Quartek (rev.C August 25, 2020); and supplementary Geotechnical comments prepared by Soil-Mat Engineers in an email sent to the NPCA on September 29, 2020. Based on our review, NPCA staff offer the following comments.

The revised Site Plan clearly indicates the Stable top of slope and refers to the Soil-Mat report that confirmed its location. NPCA staff also notes that the balconies once proposed beyond the stable top of slope have been removed and all balconies will remain outside of the stable top of slope limit. The limited grading for the proposed patios that will slightly encroach beyond the stable top of slope (but not beyond the physical top of slope) comply with NPCA policies as the minor removal or addition of fill and patio stones required for this patio work is less than the NPCA's maximum of 25 cubic meters (with the total for this work being 9 cubic meters). The patio work was specifically addressed by Soil-Mat Engineers and it was confirmed this work will not have any impact on the over all stability of the slope over the long term.

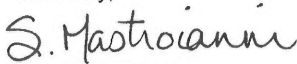
To conclude, as our previous concerns have been addressed, the NPCA offers no objections to this proposed Vacant Land of Condominium development subject to the following clauses being added into the text of the Agreement:

- A. The applicant agrees to obtain all required NPCA work Permits for all works within 15m from the adjacent valley;
- B. The Applicant agrees to ensure all recommendations from the Slope Stability Assessment prepared by Soil Mat Report (prepared on August 9, 2018 and revised on October 30, 2019) and any addendums are adhered to and followed;
- C. A permanent chain-link fence (standard height) shall be installed along the rear property limit to ensure no encroachment into the adjacent valley;

- D. The Applicant agrees to install appropriate Sediment and Erosion Control Measures prior to undertaking any works on site and maintain it in good working order until all areas are re-stabilized after construction to ensure muddy water and sediment do not discharge into the valley;
- E. The Applicant agrees to install a Limit of Work Fence along the Sediment and Erosion Control Fencing and maintain it until all construction is complete to ensure the dumping or storage of any materials, equipment or machinery does not occur within the adjacent valley;
- F. There shall be no overland drainage directed over the top of slope in a concentrated manner;
- G. There shall be no disturbances to the existing grades or vegetation below the top of slope, on the valley wall; and,
- H. All disturbed areas are restored and revegetated immediately upon completion of the construction phases.

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

Yours truly,

A handwritten signature in cursive script, reading "S. Mastroianni".

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

Munro, Elaine

Subject: RE: Additional MV Application - 23 Michigan Avenue RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the October 21/20 CofA Hearing - Email 1 of 2

23 Michigan

From: Doug Crown <doug.crown@cogeco.com>
Sent: Tuesday, September 29, 2020 1:28 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Additional MV Application - 23 Michigan Avenue RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the October 21/20 CofA Hearing - Email 1 of 2

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

Hi Elaine

Cogeco has no concerns with this application.

Thanks

Have a great day

Doug Crown
Network Planning Department

7170 Mcleod Rd
Niagara Falls Ont Canada

Doug.crown@cogeco.com

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

October 1, 2020

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

Attention: Elaine Munro

File# 60.81.5683

Re: 23 Michigan Ave

In response to your correspondence dated September 29, 2020, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

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

We would also like to stipulate the following:

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

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

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

Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital



Memorandum

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

Cc: Judy Pihach, Wilrik Banda
Planning and Building Services

From: Lou Grossi, Building Inspector II
Planning and Building Services

Date: September 21, 2020

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – October 21, 2020 hearing

NO.	ADDRESS	COMMENTS
A-82/20	29A Laird Drive	Be advised that a building permit is required for the proposed detached dwelling on part 2
A-86/20	29B Laird Drive	Be advised that a building permit is required for the proposed detached dwelling on part 1
A-92/20	59 Cindy Drive	Be advised that revised drawings are to be submitted to the building department for review and approval.
A-93/20	23 Michigan Avenue	Upon completion of the site plan agreement, be advised that a building permit is required for the proposed detached dwelling.
A-94/20	52A Lloyd Street	No comment
A-95/20	52B Lloyd Street	No comment

Lou Grossi, Dipl. T. Arch, CBCO
Building Inspector II



Memorandum

To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Community, Recreation and Culture Services
Date: October 2, 2020
Subject: Committee of Adjustment Hearing – October 21, 2020

CRCS has reviewed the Committee of Adjustment application for the hearing of October 21, 2020 and provides the following comments;

1. **29 Laird Drive, Consent, B-38/20SC – 60.84.2315**
29A Laird Drive, Minor Variance, A-82/20 – 60.81.5672
29B Laird Drive, Minor Variance, A-86/20 – 60.81.5676

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. **59 Cindy Drive, Minor Variance, A-92/20 – 60.81.5682**

No comment.

3. **23 Michigan Avenue, Minor Variance, A-93/20 – 60.81.5683**

CRCS has commented during the Site Plan review that additional information is required to properly review tree protection and landscaping requirements. Until these matters have been addressed, CRCS cannot comment on appropriate setbacks.

**4. 52 Lloyd Street, Consent, B-42/20SC – 60.84.2319
52A Lloyd Street, Minor Variance, A-94/20 – 60.81.5684
52B Lloyd Street, Minor Variance, A-95/20 – 60.81.5685**

Tree removal of the northerly and southerly boulevard trees will be at the cost of the applicant. Replacements plantings will be required at a 2:1 ratio in addition to standard planting requirements. The center tree is in poor health and will be removed by the City at no cost to the applicant.

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 be responsible for the the costs associated with the removal of two boulevard trees and submit payment for the 4 boulevard trees to replace the existing mature trees.

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

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

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

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



Memorandum

To: Elaine Munro, ACST, Committee Secretary & Planning Technician
Cc: City Committee of Adjustment Staff Members
From: Brad Johnston, C.E.T., Development Engineering Technologist
Date: October 2, 2020
Hearing Date: October 21, 2020
Subject: **Committee of Adjustment - Minor Variance Applications**
29A&B Laird Drive, A-82&86/20SC
52A&B Lloyd Street, A-94&95/20SC
59 Cindy Drive, A-92/20SC
23 Michigan Avenue, A-93/20SC

Development Engineering have reviewed the above applications and have no comments or objections to the proposed variance requests.

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 29, 2020

Subject: Committee of Adjustment
Public Hearings – October 21, 2020
File No. 305-17-01

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

Steve Bittner
Transportation Technologist

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

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

COMMENTS

**B-42/20SC (60.84.2319), A-94/20
(60.81.5684) & A-95/20 (60.81.5685)**

52 Lloyd Street

**DATE OF HEARING:
October 21, 2020**



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: October 15, 2020

Date of Meeting: October 21, 2020

Report Number: B-40/20SC
A-94/20
A-95/20

File: 60.84.2319
60.81.5684
60.81.5685

Subject: 52 Lloyd Street (to be come 52A and 52B Lloyd Street)
Proposed Severance and Minor Variances

Recommendation

Consent

That Application **B-40/20SC** by 2486997 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, addressing the following conditions:
 - a. That building permit plans, including a site plan and elevations for both new lots be submitted to the Director of Planning and Building Services, or her designate, illustrating general compliance with the City's Urban Design Guidelines for Infill Housing. The plans shall demonstrate the following:
 - i. Attached garages, if proposed, shall be flush with or recessed behind the ground level front building wall;
 - ii. Setbacks of the semi-detached dwellings to be staggered;
 - iii. Driveway placement to be revised to maximize protection of existing boulevard trees, except for the middle boulevard tree which is poor health and may be removed.
 - iv. Driveway width shall be limited to 3.0 metres, with the balance of the lot frontage landscaped.
 - b. That the lot grading and drainage plan, required to be submitted and approved as a condition of the consent, be included in the Development Agreement to ensure review and compliance as part of the Building Permit review process.
2. That a lot grading and drainage plan, to be prepared by a Professional Engineer, be submitted to the Director of Planning and Building Services, or her designate, illustrating how runoff from all roofs, rear yards, side yards, front yards, and sump

pump discharges will be accommodated without adversely affecting neighbouring properties.

3. That the existing 1 storey detached dwelling and accessory structures be removed. Demolition permits are required and shall be completed to the satisfaction of the chief Building Official of the City of St. Catharines.
4. That the owner shall dedicate a road widening along Lloyd Street of 0.86 m, gratuitously, free and clear of any encumbrances, as Public Highway to be known as Lloyd Street.
5. That the owner shall submit and register the reference plan to dedicate the Part(s) to the City of St. Catharines as Public Highway known as Lloyd Street.
6. That the Owner shall pay the fee for City crews to locate, trace, inspect and document the location of the sewer and water laterals for the existing building.
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 applicant shall submit payment for 2 replacement 60 mm boulevard trees to replace the existing tree proposed to be removed.
10. 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.
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 A-94/20 & A-95/20 be approved.
14. That all conditions of consent be fulfilled by October 21, 2021.

Minor Variance

That Variances 1 and 3 of Application **A-94/20**, as outlined in the Notice of Hearing, be approved.

That Variance 2 of Application **A-94/20**, as outlined in the Notice of Hearing, be denied.

That Variances 1 and 3 of Application **A-95/20**, as outlined in the Notice of Hearing, be approved.

That Variance 2 of Application **A-95/20**, as outlined in the Notice of Hearing, be denied.

Report

The Proposal

The Applicant proposes to demolish the existing detached dwelling and sever the subject property for the purpose of constructing two semi-detached dwellings. Each new dwelling would also include a basement accessory dwelling unit. The submitted plans reflect a 0.86 m road widening along the site's frontage.

To facilitate the proposal, Application **B-40/20SC** is made to sever 338 square metres of land (Part 1 on the submitted sketch) for the propose of constructing a two-storey semi-detached dwelling on each parcel.

The proposed new lots and the submitted house designs would require the approval of minor variances to the zoning by-law. Concurrent Minor Variance Applications **A-94/20** and **A-95/20** seek relief from the City of St. Catharines Zoning By-law 2013-283 through the following variances:

Application	Variance #	Zoning Provision	Required	Proposed
A-94/20 (52A Lloyd Street)	1	Minimum Lot Frontage	7.5 m	7.163 m
	2	Minimum Garage Setback	Shall not project beyond front building face	2.16 m projection
	3	Minimum Parking Stall Size (obstructed on two sides)	3.5 m wide	3.14 m wide
A-95/20 (52B Lloyd Street)	1	Minimum Lot Frontage	7.5 m	7.163 m
	2	Minimum Garage Setback	Shall not project beyond front building face	2.16 m projection
	3	Minimum Parking Stall Size (obstructed on two sides)	3.5 m wide	3.14 m wide

Location and Site Description

The lands are located on the west side of Lloyd Street, between Rykert Street and Chetwood Street. The existing property is 687 m² in size and contains a one-storey detached dwelling. The property surrounded by other detached, with a recent constructed semi to the north at 43 Lloyd Street

Circulation of Application

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

Planning Policy Context

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential on Schedule E6/E7 (GO Transit Station Secondary Plan) thereof. Semi-detached dwellings are permitted in this designation at a density generally ranging from 20 to 32 units per hectare. The proposed 2-unit development would fit within this target density range (29 units per hectare).

Zoning By-law (2013-283)

The subject property is zoned Low Density Residential – Traditional Neighbourhood (R2). Semi-detached dwellings are a permitted use in this zone. The proposed semis, as currently designed, would require variances for lot frontage, garage setback and parking stall size.

Planning Analysis

Consent

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

Consent Application **B-40/20SC** requests to sever the subject property to allow for the replacement of the existing detached dwelling with two new dwellings on separate lots. The proposed lots are consistent with the target density range for low density residential development. Two semi-detached dwelling units are considered by staff to be an appropriate development option for this site.

In order to ensure that development of the new lots proceeds in a manner that maintains compatibility with the surrounding neighbourhood and appropriately accounts for

drainage impacts, a development agreement will be required as a condition of approval. Staff do have concerns with the submitted house plans for the lots, which will be discussed in the Minor Variances section of this report. The development agreement and associated controls on site and building design will address these concerns through modified or alternate building plans.

Staff are satisfied that the proposed severance is consistent with the Official Plan in that that lots are sufficiently sized and configured so as to accommodate appropriate and compatible construction. The concurrent Minor Variance Applications considered in this report will address the lot frontage, garage setback and parking deficiencies.

Staff are supportive of Consent Application **B-40/20SC**, subject to the conditions outlined in the recommendation.

Minor Variances

Lot Frontage: Variance 1 of Applications A-94/20 and A-95/20

In order to facilitate the proposed severance, the Applicant has requested a reduction in the minimum required lot frontage for both new lots. Lot frontages of 7.163 m are requested for both lots, whereas a minimum lot frontage of 7.5 m is required. The intent of the 7.5 m minimum lot frontage is to promote a built form that is generally compatible with the surrounding area in terms of typical building width and spacing.

Staff note that typical building widths on this section of Lloyd Street generally range from 6-8 metres. The proposed lot width will accommodate new construction that is generally consistent with this pattern, with each new dwelling unit having a width of nearly 6 metres. To further promote compatibility and help to mitigate the impact of the reduced lot width, staff are recommending that the front yard setback of the two dwellings be staggered and that the driveway width be limited to 3.0 m so as not to dominate the reduced front yard width.

Staff are of the opinion that Variance 1 of each of application are in keeping with the general intent of the Official Plan and Zoning By-law, are minor in nature, and are desirable for the appropriate use of the lands. As such, staff recommend approval of Variance 1 of both of Applications **A-94/20** and **A-95/20**.

Garage Setback: Variance 2 of Applications A-94/20 and A-95/20

The zoning by-law prohibits the construction of garages that project out beyond the front face of the dwelling as proposed. Where attached garages are proposed they must be flush with or recessed behind the front building wall. The applicant has proposed attached garages which project 2.16 m into the front yard. The intent of the by-law provision is to promote a built form and streetscape that is not garage-dominated and to promote building design that is compatible with surrounding building stock.

Few homes on this block of Lloyd Street have attached garages and none have garages that project beyond the front building wall, including the new semis under construction at 43 Lloyd Street. The proposed garage placement would be out of character for the street

and is not desirable or compatible. The impact of these projecting garages is not mitigated by the proposed covered porches. Staff also note that the significant depth of both properties provides ample space to accommodate an appropriate and compatible house design that achieves the required garage setback. Staff are of the opinion that Variance 2 of each of application are not in keeping with the general intent of the Official Plan and Zoning By-law, are not minor in nature, and are not desirable for the appropriate use of the lands. As such, staff recommend denial of Variance 2 of both of Applications **A-94/20** and **A-95/20**.

Parking Stall Size: Variance 3 of Applications A-94/20 and A-95/20

Given that the applicant has proposed basement accessory dwelling units on each side of the proposed semi-detached dwelling, two parking spaces will be required for each lot. These parking spaces may be provided in tandem, as has been proposed, with one parking space in the driveway and the other in the garage. The driveway parking stalls comply with the size requirement, but the garage parking spaces are undersized. Parking stalls that are obstructed by walls on two sides are required to have a minimum width of 3.5 m. The garages have an interior width of 3.15 m (20').

Staff are satisfied that the parking in the proposed garage will provide adequate parking for the new dwelling. Staff also note that if the garage width is enlarged, it will result in additional driveway width in front of these undersized lots which is not desirable. Staff are of the opinion that Variance 3 of each of application are in keeping with the general intent of the Official Plan and Zoning By-law, are minor in nature, and are desirable for the appropriate use of the lands. As such, staff recommend approval of Variance 3 of both of Applications **A-94/20** and **A-95/20**.

Conclusion

Having regard for the matters under Section 53 of *The Planning Act*, staff are of the opinion that approval of Application **B-40/20SC** will allow for the creation of two appropriately-sized lots that can reasonably accommodate the construction of compatible detached dwellings, subject to the undertaking of a development agreement to address the details of building and site design. It is staff's recommendation that the requested consent to sever be approved, subject to the conditions outlined herein.

Having regard for the matters under Section 45(1) of the *Planning Act*, staff are of the opinion that Minor Variance Applications **A-94/20** and **A-495/20** would in part be keeping with the general intent of the Official Plan and Zoning By-law, would in part be minor in nature, and would in part be desirable for the appropriate use and function of the lands. Staff recommend approval of variances for lot frontage reduction and parking stall size, but recommend denial of the variance for garage setback.

Prepared and Submitted by:



Scott Ritchie
Urban Design Planner

Approved by:



Judy Pihach
Manager, Planning Services

Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the October 21/20 CofA Hearing - Email 2 of 2

52 Lloyd

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

Sent: Monday, September 28, 2020 9:01 AM

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

Subject: Re: Committee of Adjustment Notices and Applications, City of St. Catharines, for the October 21/20 CofA Hearing - Email 2 of 2

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

Hi Elaine

Email 2

Cogeco has no concerns.

Thanks

Doug Crown
Network Planning Department

7170 McLeod Rd
Niagara Falls Ont Canada

Doug.crown@cogeco.com

T 289-296-6266 Ext 8434 | C 906-401-9967

October 1, 2020

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

Attention: Elaine Munro

File# 60.84.2319, 60.81.5684 & 60.81.5685

Re: 52, 52A and 52B Lloyd St

In response to your correspondence dated September 25, 2020, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

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

We would also like to stipulate the following:

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

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

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

Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital



Memorandum

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

Cc: Judy Pihach, Wilrik Banda
Planning and Building Services

From: Lou Grossi, Building Inspector II
Planning and Building Services

Date: September 21, 2020

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – October 21, 2020 hearing

B-28/20SC – 29 Laird Drive

Comment:

- Be advised that a building permit is required for the proposed detached dwelling and accessory dwelling unit on Part 1.
- Be advised that revised drawings are to be submitted to the building section for review and approval for the interior accessory unit in the existing dwelling on part 2.

Condition:

- Be advised that a building permit is required to demolish the detached garage and complete all inspections with sign offs from the building inspector.
- Be advised that a building permit is required to demolish the existing pool and complete all inspections with sign offs from the building inspector.

B-42/20SC – 52 Lloyd Street

Comment:

- Be advised that a building permit is required for the proposed semi-detached Dwelling with interior accessory dwelling units in each.

Condition:

- Be advised that a building permit is required to demolish the detached dwelling and detached garage and complete all inspections with sign offs from the building inspector.

Lou Grossi, Dipl. T. Arch, CBCO
Building Inspector II



Memorandum

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

Cc: Judy Pihach, Wilrik Banda
Planning and Building Services

From: Lou Grossi, Building Inspector II
Planning and Building Services

Date: September 21, 2020

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – October 21, 2020 hearing

NO.	ADDRESS	COMMENTS
A-82/20	29A Laird Drive	Be advised that a building permit is required for the proposed detached dwelling on part 2
A-86/20	29B Laird Drive	Be advised that a building permit is required for the proposed detached dwelling on part 1
A-92/20	59 Cindy Drive	Be advised that revised drawings are to be submitted to the building department for review and approval.
A-93/20	23 Michigan Avenue	Upon completion of the site plan agreement, be advised that a building permit is required for the proposed detached dwelling.
A-94/20	52A Lloyd Street	No comment
A-95/20	52B Lloyd Street	No comment

Lou Grossi, Dipl. T. Arch, CBCO
Building Inspector II



Memorandum

To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Community, Recreation and Culture Services
Date: October 2, 2020
Subject: Committee of Adjustment Hearing – October 21, 2020

CRCS has reviewed the Committee of Adjustment application for the hearing of October 21, 2020 and provides the following comments;

1. **29 Laird Drive, Consent, B-38/20SC – 60.84.2315**
29A Laird Drive, Minor Variance, A-82/20 – 60.81.5672
29B Laird Drive, Minor Variance, A-86/20 – 60.81.5676

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. **59 Cindy Drive, Minor Variance, A-92/20 – 60.81.5682**

No comment.

3. **23 Michigan Avenue, Minor Variance, A-93/20 – 60.81.5683**

CRCS has commented during the Site Plan review that additional information is required to properly review tree protection and landscaping requirements. Until these matters have been addressed, CRCS cannot comment on appropriate setbacks.

**4. 52 Lloyd Street, Consent, B-42/20SC – 60.84.2319
52A Lloyd Street, Minor Variance, A-94/20 – 60.81.5684
52B Lloyd Street, Minor Variance, A-95/20 – 60.81.5685**

Tree removal of the northerly and southerly boulevard trees will be at the cost of the applicant. Replacements plantings will be required at a 2:1 ratio in addition to standard planting requirements. The center tree is in poor health and will be removed by the City at no cost to the applicant.

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 be responsible for the the costs associated with the removal of two boulevard trees and submit payment for the 4 boulevard trees to replace the existing mature trees.

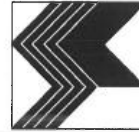
That the applicant submit a payment for the placement of a 60mm boulevard tree, in accordance with the City's current Schedule of Rates and Fees.

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

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

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

**REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-42/20SC**



October 2, 2020

ENGINEERING FILE 308-15-18

Hearing Date: October 21, 2020

Applicant: 2486997 Ontario Inc.

Location: 52 Lloyd Street

ENGINEERING SERVICES Lloyd Street

Water: 150mm (6") Cast Iron

Sanitary Sewer: 250mm (10") (~4.0m depth)

Storm Sewer: None

Sidewalks: Yes

Road Allowance Width: 18.28m (60')

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

Comment(s): It is noted that the Applicant proposes to sever Part 1 creating a new lot to be known as 52A Lloyd Street for the purposes of severing one-half of the proposed semi-detached dwelling. A remnant parcel (Part 2) would be the other half of the proposed semi-detached dwelling that would be retained for residential purposes. The application would allow each unit of the proposed semi-detached dwelling to be sold separately.

Roads

Lloyd Street is considered a Local road in the City's Official Plan with a desired right-of-way width of 20.0m. It's current width along the frontage is deficient at 18.2m, therefore, the City shall require a 0.86m widening as a condition of the proposed severance application, be dedicated to the City free and clear of any encumbrances to be known as Public Highway Lloyd Street.

Sidewalks and Curbs

Lloyd Street currently has sidewalks and curbs along the frontage of the subject lands. Care shall be taken to avoid unnecessary damage to these during construction of the proposed development, if approved and damage deposits shall be obtained through the applicable building permit process to protect these services, if the consent is granted.

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 submitted for review and approval as a condition of severance. It is additionally required that the buildings be designed to ensure roof flows can be discharged to the front yards only, and that side entrances shall not be proposed with hard surfaces in the side yards that would interfere with drainage requirements applicable for the site.

It is noted that the submitted grading plan with the pre-consultation meeting with the

City, identified a proposal for flows to be conveyed to the rear yards and outlet into pop-up drains. This will not be accepted as the intent is to have all additional storm water flows outlet to Lloyd Street at all costs, in addition to the rear yards not being altered in any matter. Existing drainage concerns within the rear yards of this area are typical, given that no public outlet exists for rear yard flows to be conveyed to. Excess foundation excavation material shall not be permitted to be spread within the rear yards, knowing that existing drainage concerns are apparent. The City's intent is that prior to the lots being created through the severance process, we are made satisfied a grading and drainage plan prepared by a Professional Engineer can adequately convey drainage to a suitable secured outlet and not adversely affect any abutting properties.

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 on Lloyd Street at this time, sump pump flows shall be required to discharge only to the front yard through the front foundation wall. This information shall be identified along with the locations of downspouts discharging to grade towards the front yard through the front foundation wall only, noted on the grading and 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. This service shall be completed prior to both the severance finalization and demolition permit issuance, whichever comes first. 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 create or allow conflicts to exist on proposed or abutting lots. The Owner shall pay the City the fees required to install new water and sanitary sewer services for the new lots 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, when applied for, 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, to be known as Public Highway Lloyd Street; and
- Have prepared by a Professional Engineer, a Lot Grading & Drainage plan for review and approval; 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 and sewer services from the City mains to the individual front property lines in order for each lot to be serviced independently;

Prepared by:


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

c. James Denham, PBS (email only)



Memorandum

To: Elaine Munro, ACST, Committee Secretary & Planning Technician
Cc: City Committee of Adjustment Staff Members
From: Brad Johnston, C.E.T., Development Engineering Technologist
Date: October 2, 2020
Hearing Date: October 21, 2020
Subject: **Committee of Adjustment - Minor Variance Applications**
29A&B Laird Drive, A-82&86/20SC
52A&B Lloyd Street, A-94&95/20SC
59 Cindy Drive, A-92/20SC
23 Michigan Avenue, A-93/20SC

Development Engineering have reviewed the above applications and have no comments or objections to the proposed variance requests.

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 29, 2020

Subject: Committee of Adjustment
Public Hearings – October 21, 2020
File No. 305-17-01

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

Steve Bittner
Transportation Technologist