

Agenda

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

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

1. Chair to call the Hearing to Order
2. Recognition of Traditional Territories
3. Additions/Deletions to the Agenda
4. Declarations of Interest
5. Request for Adjournment

8 Paxton Avenue, Consent, B-22/20SC – 60.84.2299 & Minor Variance, A-45/20 – 60.81.5635 & 10 Paxton Avenue, Minor Variance, A-46/20 – 60.81.5636.

The Owner & Agent are requesting to defer the applications to the January 27, 2021 Hearing pending the receipt and review of an Arborist Report as requested by staff.

6. Motion to Adopt the Minutes of the previous Hearing held on November 19, 2020.
7. Application:
 1. 114 Lake Street, Consent, B-42/19SC – 60.84.2269
114 Lake Street, Minor Variance, A-136/19 – 60.81.5570
 2. 64 South Drive, Minor Variance, A-108/20 – 60.81.5698
 3. 68 Hannover Drive, Consent, B-49/20SC – 60.84.2326
281 Martindale Road, Minor Variance, A-29/19 – 60.81.5463
 4. 12 Main Street, Minor Variance, A-109/20 – 60.81.5699
 5. 74 Avery Crescent, Minor Variance, A-110/20 – 60.81.5700
 6. 26 Admiral Road, Consent, B-50.20SC – 60.84.2327
26 Admiral Road, Minor Variance, A-111/20 – 60.81.5701
 7. 140 Glendale Avenue, Consent, B-52/20SC – 60.84.2329
 8. 17 Glenbarr Road, Minor Variance, A-113/20 – 60.81.5703
 9. 26 Mountain Street, Minor Variance, A-114/20 – 60.81.5704

8. New Business:

9. Date of next Hearing: January 27, 2021 at 5:00 p.m.

10. Adjournment

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

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

COMMENTS

**B-42/19SC (60.84.2269) &
A-136/19 (60.81.5570)**

114 Lake Street

**DATE OF HEARING:
December 16, 2020**



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: December 9, 2020

Date of Meeting: December 16, 2020

Report Number: B-42/19SC
A-136/19

File: 60.84.2269
60.81.5570 (114 Lake Street)

Subject: 114 Lake Street

Recommendation Consent

That Application **B-42/19SC** by Byeongung Yang and Hyekyeong An, as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. That the Owner dedicate to the City, free and clear of any mortgages, liens, or encumbrances, a road allowance widening of 0.76 metres along the Lake Street frontage of Parts 1 & 2. The Owner shall provide the City with a draft reference plan indicating the proposed widening for review and approval, prior to registration of the plan in the Land Registry Office.
2. That the applicant shall satisfy the Chief Building Official for the City of St. Catharines that, as a result of the proposed severance, spatial separation requirements for the glazed openings and type of construction for the exposed building face of the existing dwelling facing Part 1 meet the requirements of Subsection 9.10.14 and 9.10.15 of the 2012 Ontario Building Code as applicable.
3. That final approval of the concurrent minor variance applications be received by the Committee of Adjustment.
4. That the Owner provide the Secretary-Treasurer of the Committee of Adjustment with the acknowledgement and direction for conveyance of Part 1, together with a copy of the deposited reference plan, for use in the issuance of the Certificate of Consent.
5. That the Owner submit to the Secretary-Treasurer of the Committee of Adjustment a final certification fee of \$214.80 payable to the Treasurer, City of St. Catharines.
6. That all conditions of consent be fulfilled by December 16, 2021.

Minor Variance

That Application **A-136/19** by Byeongung Yang and Hyekyeong An, as outlined in the Notice of Hearing, be approved.

Report Background

Consent Application **B-42/19SC** and then-concurrent Minor Variance Applications **A-136/19** and **A-142/19** were initially made to facilitate a boundary adjustment between 114 Lake Street and 112 Lake Street. The Applications were deferred from the November 27, 2019 Committee of Adjustment hearing so that the location of the existing water and sanitary laterals could be confirmed. As a result, revised applications were made with a reduction of the proposed area to be severed. The revised Applications were then deferred from the February 26, 2020 Committee of Adjustment hearing to give the Owner opportunity to work on the partial discharge of mortgage. Following this second deferral it was determined that the properties had merged as a result of the properties being owned under the same name.

Additionally, since the November 27, 2019 Committee of Adjustment, Application **A-142/19** was withdrawn, as determined to be not required by Staff.

The Proposal

The Applicant proposes a consent to return the site to its previous condition of two lots and in the process, the existing driveway and parking area previously associated with 114 Lake Street, will be retained with the lands known as 112 Lake Street so that these elements will serve the commercial function of that site.

Accordingly, Application **B-42/19SC** is made for consent to a partial discharge of mortgage and consent to sever 259.8 square metres of land (Part 1) to re-create the lot with the existing mixed residential and commercial use building known as 114 Lake Street. A 415.4 square metre remnant parcel with the existing commercial building would be retained (Part 2) for continued commercial use. Part 3 (18.6 m²) is being dedicated to the City for a road widening.

Concurrent Minor Variance Application **A-136/19** seeks relief from the provisions of the City of St. Catharines Zoning By-law 2013-283 as it pertains to 114 Lake Street through the variance detailed in the table below.

Variance #	Zoning Provision	Required	Proposed
1	Parking Requirement	2	0

Location and Site Description

The subject property is located on the east side of Lake Street, between Albert Street and Louisa Street. The property is surrounded by commercial development to the north, south, and west, and detached dwellings to the east.

The northerly parcel, 114 Lake Street, is a one-storey mixed use building. A one-storey commercial building exists on the southerly parcel at 112 Lake Street. The two buildings are separated by a driveway approximately 4 metres in width.

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 properties are designated Mixed Use on Schedule D1 of the Garden City Plan (GCP) and further designated Mixed Use on Schedule E4 thereof. The existing commercial and residential uses on these lands are permitted.

Zoning By-law (2013-283)

The subject properties are zoned Medium Density Mixed Use (M1). The existing commercial and residential uses on these lands are permitted.

Planning Analysis

Consent

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

The proposed lot sizes are in keeping with the general character of the surrounding neighbourhood, where lots vary in size and shape. No new development is proposed and therefore no likely impact will result from the proposed consent. The site previously existed as two lots however the properties merged through common ownership. The consent will return the site to its previous status as two lots.

Staff are satisfied that the proposed consent is appropriate and desirable for the continued use of the commercial building at 112 Lake Street and the mixed use building at 114 Lake Street. Staff are supportive of the proposed consent, subject to the conditions outlined in the recommendation.

Minor Variance

Application A-136/19

Zoning By-law 2013-283 requires a minimum of one (1) parking space per 20 square metres of gross leasable floor area for service commercial or retail uses. No parking space is required for the first four (4) apartment dwelling units in a mixed use building. The existing mixed-use building comprises one commercial unit with a gross leasable floor area of 31.9 square metres and one apartment dwelling unit. The Applicant is requesting a reduction of the required parking for 114 Lake Street from two (2) spaces to zero (0).

Part C, Section 5.4.2 of the GCP states that the City may consider the reduction or elimination of vehicular parking requirements where, among other scenarios, transit is readily available and where bicycle parking facilities are provided. On-street parking is

permitted along the east side of Lake Street, directly in front of the subject properties, and there are a number of transit stops and amenities within a five-minute walk (i.e. within 400 metres). Such amenities include a convenience store, restaurant, and pharmacy.

Nevertheless, the requested variance will not result in a change in the net parking provision of this site; it is simply the ownership of the parking space that will be retained with 112 Lake Street. Therefore, staff consider this variance to be administrative in nature and are recommending approval accordingly; no impacts will result.


Staff note that there is no net loss in the overall parking provision between the two properties (112 and 114 Lake Street); the reduction in parking will recognize that one existing parking space, which has historically served 114 Lake Street, will now serve 112 Lake Street. Given the availability of parking, transit, and other amenities within walking and cycling distance of the subject lands, and that there will be no net loss in parking, staff are recommending approval of Application **A-136/19**. The variance requested is minor in nature, desirable for the appropriate use of the lands, and is in keeping with the general intent of the Official Plan and Zoning By-law.

Conclusion

Having regard for the matters under Section 53 of the *Planning Act*, staff are of the opinion that Application **B-42/19SC** is compatible with the neighbourhood, consistent with the provisions of the Zoning By-law, and will have no adverse impacts on the surrounding area and environment. It is staff's recommendation that the requested consent to sever be approved, subject to the conditions outlined in the recommendation.

Having regard for the matters under Section 45(1) of the *Planning Act*, staff are of the opinion that Minor Variance Application **A-136/19** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is desirable for the appropriate use of the lands. Staff recommend approval accordingly.

Prepared and Submitted by:



Taya Devlin
Planner I

Approved by:



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

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: RE: Committee of Adjustment Applications for December 16, 2020 Hearing - Email 1 - 905-20-335
Date: Wednesday, December 2, 2020 9:55:25 AM

Elaine Munro ACST

Committee Secretary and Planning Technician

Tel: 905.688.5601 x1715

Email: emunro@stcatharines.ca

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

Sent: Wednesday, December 2, 2020 9:51 AM

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

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

Subject: RE: Committee of Adjustment Applications for December 16, 2020 Hearing - Email 1 - 905-20-335

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

Re: Severance application B-42/19SC

Subsequent to review of the severance at 114 Lake Street, Bell Canada's engineering department have determined that there are no concerns or issues with the proposed application.

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

Best regards,

Carrie Gordon



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

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: RE: 114 Lake Street, B-45/17SC and A-91/17, St. Catharines.
Date: Monday, November 30, 2020 10:10:42 AM

Elaine Munro ACST

Committee Secretary and Planning Technician

Tel: 905.688.5601 x1715

Email: emunro@stcatharines.ca

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

Sent: Monday, November 30, 2020 9:04 AM

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

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

Subject: Re: 114 Lake Street, B-45/17SC and A-91/17, St. Catharines.

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

Hi Elaine

Cogeco has no issue or concerns with these applications.

Thanks

Doug Crown

Network Planning Department

Doug.crown@cogeco.com

7170 Mcleod Rd
Niagara Falls Ont Canada

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: November 25, 2020

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – December 16, 2020 hearing

B-42/19SC – 114 Lake Street

Comment:

- No comment

Condition:

- That the applicant shall satisfy the Chief Building Official for the City of St. Catharines that, as a result of the proposed severance, that spatial separation requirements for the glazed openings and type of construction for the exposed building face of the existing dwelling facing Part 1 meet the requirements of Subsection 9.10.14 and 9.10.15 of the 2012 Ontario Building Code as applicable.

B-49/20SC – 68 Hannover Drive

Comment:

- No comment

Condition:

- No comment

B-50/20SC – 26 Admiral Road

Comment:

- No comment

Condition:

- No comment

B-52/20SC – 140 Glendale Avenue

Comment:

- No comment

Condition:

- No comment

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

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: November 25, 2020

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – December 16, 2020 hearing

NO.	ADDRESS	COMMENTS
A-136/19	114 Lake Street	No comment
A-108/20	64 South Drive	Be advised that a building permit is required for the proposed addition.
A-29/19	281 Martindale Road	No comment
A-109/20	12 Main Street	No comment
A-110/20	74 Avery Crescent	Be advised that a building permit is required for the proposed addition.
A-111/20	26 Admiral Road	No comment
A-113/20	17 Glenbarr Road	Be advised that a building permit is required for the proposed building.
A-114/20	26 Mountain Road	Be advised that revised drawings are required for the increase in building height.

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: December 1, 2020
Subject: Committee of Adjustment Hearing – December 16, 2020

CRCS has reviewed the Committee of Adjustment application for the hearing of December 16, 2020 and provides the following comments;

1. **114 Lake Street, Consent, B-42/19SC – 60.84.2269**
114 Lake Street, Minor Variance, A-136/19 – 60.81.5570
No comment.
2. **64 South Drive, Minor Variance, A-108/20 – 60.81.5698**
No comment.
3. **68 Hannover Drive, Consent, B-49/20SC – 60.84.2326**
281 Martindale Road, Minor Variance, A-29/19 – 60.81.5463
No comment.
4. **12 Main Street, Minor Variance, A-109/20 – 60.81.5699**
No objections to the requested parking reduction. CRCS encourages the reinstatement of sod in portions of the yard and boulevard which are not required for parking or access purposes. This will assist in greening initiatives, including the provision of boulevard plantings.
5. **74 Avery Crescent, Minor Variance, A-110/20 – 60.81.5700**
No comment.
6. **26 Admiral Road, Consent, B-50.20SC – 60.84.2327**
26 Admiral Road, Minor Variance, A-111/20 – 60.81.5701
No objections. Landscape design, fencing and tree protection will be addressed through the site plan agreement.

7. 140 Glendale Avenue, Consent, B-52/20SC – 60.84.2329

As a new lot is being created, CRCS request that the following be included as a condition of severance:

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.

8. 17 Glenbarr Road, Minor Variance, A-113/20 – 60.81.5703

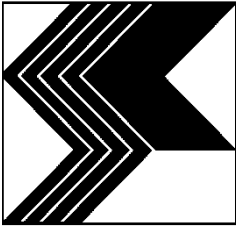
No comment.

9. 26 Mountain Street, Minor Variance, A-114/20 – 60.81.5704

No comment.

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

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-42/19SC



November 30, 2020

ENGINEERING FILE 300-36

Hearing Date: December 16, 2020
Applicant: Byeongung Yang and Hyekyeong An
Location: 114 Lake Street

MUNICIPAL SERVICES **Lake Street**

Water:	150mm P.V.C.
Sanitary Sewer:	300mm P.V.C.
Storm Sewer:	600mm
Sidewalks:	Yes
Curbs:	Yes
Road Allowance Width:	21.3m (70')

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

Comment(s): It is noted that the Applicant proposes to sever Part 1 on the Sketch Plan to recreate the lot with the existing mixed residential and commercial use building known as 114 Lake Street. A remnant parcel with the existing mixed-use building (Part 2) would be retained for continued commercial and residential use. Part 3 is to be dedicated to the City as a road widening.

Roads

Lake Street is designated an Arterial road in the City's Official Plan with a desired right-of-way width of 26.2m (86'). Its current width across the frontage of the subject property is 21.3m. The City previously obtained 2.43m (8') across 104 Lake Street in 1982, just south of the subject lands. The City shall therefore require a 0.76m widening across Parts 1 & 2 to be dedicated free and clear of encumbrances to be known as Public Highway Lake Street. The 0.76m was agreed to in order to avoid an encroachment of the existing awning and subsequent structures of the building on Part 2. The widening less than the 2.43m originally requested was accepted with the understanding that the full amount cannot be achieved through the existing building structures on Part 2.

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

- Provide the City a draft reference plan indicating the proposed widening for review and approval, prior to registration of the plan in the Land Registry Office; and
- Dedicate to the City, free and clear of any encumbrances, a 0.76m widening along the frontage of the subject properties, to be known as Public Highway Lake Street

A handwritten signature in black ink, appearing to read 'Brad Johnston'.

Prepared by: _____
Brad Johnston, C.E.T.
Development Engineering Technologist



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: December 2, 2020
Hearing Date: December 16, 2020
Subject: **Committee of Adjustment - Minor Variance Applications**
114 Lake Street, A-136/19SC
64 South Drive, A-108/20SC
281 Martindale Road, A-29/19SC
12 Main Street, A-109/20SC
74 Avery Crescent, A-110/20SC
26 Admiral Road, A-111/20SC
17 Glenbarr Road, A-113/20
26 Mountain Road, A-114/20

Development Engineering have reviewed the above applications and have no comments or objections other than the following:

Comments:

- 74 Avery Crescent
 - In an attempt to maintain rear-yard drainage in accordance with the approved master grading control plan for the subdivision, item #4 to reduce the minimum rear yard setback from 0.60m to 0.36m should be denied.
- 26 Mountain Street
 - All encroachments (fencing, vehicle storage, etc.) within the Bradley Street frontage, identified through a plan of survey, be removed along the Bradley Street frontage and the boulevard restored to the City's satisfaction.

Prepared by:

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

c. James Denham, PBS (email only)



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: November 24, 2020

Subject: Committee of Adjustment
Public Hearings – December 2, 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-108/20 (60.81.5698)

64 South Drive

DATE OF HEARING:
December 16, 2020

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: RE: 64 South Drive - File No. 60.81.5698
Date: Thursday, December 10, 2020 8:43:41 AM

Elaine Munro ACST
Committee Secretary and Planning Technician
Tel: 905.688.5601 x1715
Email: emunro@stcatharines.ca

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

From: Deb Neureuther <>
Sent: Wednesday, December 9, 2020 7:39 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: 64 South Drive - File No. 60.81.5698

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.

Hello

Regarding the variance at 64 South Drive, St. Catharines, Ontario - we have absolutely no issues with the plans which were sent to us. Thanks for your time -

Deb+Keith Neureuther
71 South Drive
St. Catharines, Ontario
L2R 4V5
905-XXX-XXXX

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: RE: 64 South Dr public hearing
Date: Sunday, November 29, 2020 3:26:17 PM

From: James Broderick < >
Sent: Sunday, November 29, 2020 3:04 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: 64 South Dr public hearing

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

Hi Elaine. As the the neighbor most affected by Kevin's planned construction (we are his rear neighbor at 13 Wychwood Rd), my wife and I have absolutely no objection to his plans.
If you have any questions or comments please let me know.
Thanks.
Jim and Therese Broderick

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

Elaine Munro ACST
Committee Secretary and Planning Technician
Tel: 905.688.5601 x1715
Email: emunro@stcatharines.ca



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: December 7, 2020

Date of Meeting: December 16, 2020

Report Number: A-108/20

File: 60.81.5698

Subject: 64 South Drive

Recommendation

That Application A-108/20 by Kevin Mark Emrich, as outlined in the Notice of Hearing, be approved, subject to the following condition:

1. Rear facing windows, which are located closer than 6 metres from the rear lot line on storeys above the ground floor, must be transom in nature, with the bottom of the window sitting at least 1.8 metres above the finished floor height of the storey the window will be located on, but this does not apply to landing windows.

Report

The Proposal

The Applicant proposes to build an addition at the rear of the existing detached dwelling at 64 South Drive. An existing detached garage will be demolished. The addition will project into the rear yard. The required minimum rear yard is 6 metres, while the Applicant is proposing a rear yard of 5 metres.

Location and Site Description

The subject lands are located on the west side of South Drive between Downing Street and Wychwood Road. The neighbourhood is primarily low-rise residential, with dwellings immediately adjacent to the subject property being a mix of one- and two-storey detached homes. The pie-shaped lot is currently occupied by a detached dwelling and a detached garage, the latter to be demolished prior to construction of the addition.

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 E8 thereof. Detached dwellings are permitted in this designation.

Zoning By-law (2013-283)

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

Planning Analysis

The Applicant has requested a reduction in the minimum rear yard from 6 metres to 5 metres to permit the proposed addition to be constructed one metre closer to the lot. The variance would only apply to less than 8 metres of wall length of the proposed addition. In that regard, the reduction is considered minor in nature. However, the section of the addition in question will contain a second story, and the living space on this second storey will have windows that face the rear lot line. Staff notes that while there are mature trees along this rear lot line, there is no mechanism to ensure that the trees always remain in place. And it is possible that they could be damaged during excavation for the building addition.

Staff note that the rear neighbours to the subject property have submitted comments stating they are not opposed to this Application, however staff is obligated to consider not only current residents, but also those who might be impacted in the future. There is concern that the proposed second floor windows will lead to overlook of the rear neighbouring property and, therefore, a loss of privacy. Staff are not satisfied that this impact is minor and are recommending that rear facing windows located closer than 6 metres from the lot line be of transom style and that the bottom of the window sit at least 1.8 metres from the finished floor height of the second floor of the addition. Windows of such design will prevent potential overlook and loss of privacy. With this condition, the reduced rear yard setback is considered desirable for the appropriate use of the subject lands.

The intent of the 6-metre minimum rear yard setback is to provide outdoor amenity space, facilitate drainage, reduce building massing and ensure privacy between neighbouring properties. The reduction will only apply to a limited section the proposed addition resulting in negligible impacts on outdoor amenity space, drainage and building massing. The recommended condition for transom style windows on the second floor of the addition will limit impacts on privacy. Staff consider the intent of the Zoning By-law to be upheld.

Section 7.1 of the GCP states that development and redevelopment shall be evaluated having regard for context sensitive design to ensure the integration of compatible building form, scale, height and setbacks with adjacent buildings and the surrounding neighbourhood. Adverse impacts on adjacent properties are to be minimized as they relate to transition in height and privacy. The proposed addition and rear yard setback are

not uncharacteristic of the area. As discussed above, the reduced setback for the addition, with the recommended condition for transom style windows on the second floor of the addition, is not expected to negatively impact the neighbouring properties. The proposal is in keeping with the spirit and intent of the Official Plan.

Conclusion

Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Application A-108/20 is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is desirable for the appropriate use of the lands. Staff recommend approval of the Application subject to the condition set out in the recommendation.

Prepared and Submitted by:

A handwritten signature in dark ink that reads "Evan Acs". The signature is fluid and cursive, with the first name "Evan" and last name "Acs" clearly distinguishable.

Evan Acs
Planner I

Approved by:

A handwritten signature in dark ink that reads "A Knutson". The signature is cursive and includes a date "11" at the end, likely indicating the month of November.

Amanda Knutson
Senior Development Planner
(Planner II)

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: RE: 64 South Drive, A-108/20, St. Catharines.
Date: Monday, November 30, 2020 10:11:15 AM

Elaine Munro ACST

Committee Secretary and Planning Technician

Tel: 905.688.5601 x1715

Email: emunro@stcatharines.ca

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

Sent: Monday, November 30, 2020 9:06 AM

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

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

Subject: Re: 64 South Drive, A-108/20, St. Catharines.

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

Hi Elaine

Cogeco has no issue or concerns with this application.

Thanks

Doug Crown

Network Planning Department

Doug.crown@cogeco.com

7170 Mcleod Rd
Niagara Falls Ont Canada

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: November 25, 2020

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – December 16, 2020 hearing

NO.	ADDRESS	COMMENTS
A-136/19	114 Lake Street	No comment
A-108/20	64 South Drive	Be advised that a building permit is required for the proposed addition.
A-29/19	281 Martindale Road	No comment
A-109/20	12 Main Street	No comment
A-110/20	74 Avery Crescent	Be advised that a building permit is required for the proposed addition.
A-111/20	26 Admiral Road	No comment
A-113/20	17 Glenbarr Road	Be advised that a building permit is required for the proposed building.
A-114/20	26 Mountain Road	Be advised that revised drawings are required for the increase in building height.

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: December 1, 2020
Subject: Committee of Adjustment Hearing – December 16, 2020

CRCS has reviewed the Committee of Adjustment application for the hearing of December 16, 2020 and provides the following comments;

1. **114 Lake Street, Consent, B-42/19SC – 60.84.2269**
114 Lake Street, Minor Variance, A-136/19 – 60.81.5570
No comment.
2. **64 South Drive, Minor Variance, A-108/20 – 60.81.5698**
No comment.
3. **68 Hannover Drive, Consent, B-49/20SC – 60.84.2326**
281 Martindale Road, Minor Variance, A-29/19 – 60.81.5463
No comment.
4. **12 Main Street, Minor Variance, A-109/20 – 60.81.5699**
No objections to the requested parking reduction. CRCS encourages the reinstatement of sod in portions of the yard and boulevard which are not required for parking or access purposes. This will assist in greening initiatives, including the provision of boulevard plantings.
5. **74 Avery Crescent, Minor Variance, A-110/20 – 60.81.5700**
No comment.
6. **26 Admiral Road, Consent, B-50.20SC – 60.84.2327**
26 Admiral Road, Minor Variance, A-111/20 – 60.81.5701
No objections. Landscape design, fencing and tree protection will be addressed through the site plan agreement.

7. 140 Glendale Avenue, Consent, B-52/20SC – 60.84.2329

As a new lot is being created, CRCS request that the following be included as a condition of severance:

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.

8. 17 Glenbarr Road, Minor Variance, A-113/20 – 60.81.5703

No comment.

9. 26 Mountain Street, Minor Variance, A-114/20 – 60.81.5704

No comment.

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



Memorandum

To: Elaine Munro, ACST, Committee Secretary & Planning Technician
Cc: City Committee of Adjustment Staff Members
From: Brad Johnston, C.E.T., Development Engineering Technologist
Date: December 2, 2020
Hearing Date: December 16, 2020
Subject: **Committee of Adjustment - Minor Variance Applications**
114 Lake Street, A-136/19SC
64 South Drive, A-108/20SC
281 Martindale Road, A-29/19SC
12 Main Street, A-109/20SC
74 Avery Crescent, A-110/20SC
26 Admiral Road, A-111/20SC
17 Glenbarr Road, A-113/20
26 Mountain Road, A-114/20

Development Engineering have reviewed the above applications and have no comments or objections other than the following:

Comments:

- 74 Avery Crescent
 - In an attempt to maintain rear-yard drainage in accordance with the approved master grading control plan for the subdivision, item #4 to reduce the minimum rear yard setback from 0.60m to 0.36m should be denied.
- 26 Mountain Street
 - All encroachments (fencing, vehicle storage, etc.) within the Bradley Street frontage, identified through a plan of survey, be removed along the Bradley Street frontage and the boulevard restored to the City's satisfaction.

Prepared by:

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

c. James Denham, PBS (email only)



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: November 24, 2020

Subject: Committee of Adjustment
Public Hearings – December 2, 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-49/20SC (60.84.2326) &
A-29/19 (60.81.5463)**

**68 Hannover Drive (Consent)
281 Martindale Road (Variance)**

**DATE OF HEARING:
December 16, 2020**



To: Elaine Monroe, Secretary-Treasurer, Committee of Adjustment
City of St. Catharines

Date: December 9, 2020

From: Niagara North Condominium Corporation #38
261 Martindale Road, St. Catharines, ON, L2W 1A1
(adjacent to the south of the subject lands)

Re: **Minor Variance Application File No. 60.81.5463**
Submission No. A-29-19
281 Martindale Road

On behalf of the businesses within the Commercial Condominium Corporation on abutting lands to the south of the above-noted subject property, we hereby submit serious concern that the requested variance to allow a proposed increase of total gross leasable floor area of accessory uses from 30% to 85% of the total glfa of principle uses, is not minor nor appropriate for the following reasons:

Tests of Compatibility:

1. Official Plan: No comment.
2. Is the Variance Minor? The proposed variance has the effect of increasing the total gross floor area of “accessory uses” by 55% which is almost double the amount intended by the Zoning By-law. As a result, the accessory use of the C-store / Restaurant would now become more principal in nature rather than subordinate to the primary uses. For instance, as demonstrated by the site plan submitted with the application, the land to be occupied by the “accessory use” would appear to occupy at least 50% of the total site area. Accordingly, the resulting effect will be to elevate the status of the “accessory uses” to more principal uses of the property. Therefore, we submit that this variance may not be minor.
3. Is the Variance Appropriate for the Property? As previously noted, the proposed variance would elevate the scale of the accessory uses of the property to higher, principal levels of activity. As a result, there are two large driveways proposed, one with 3 lanes and the other with 2 lanes of access-egress. The scale of each of the uses including the gas bar, car wash and C-Store / Restaurant may be somewhat equal in intensity; and on many days of the week these types of uses typically generate very high volumes of traffic which have the potential for line-ups on site and perhaps backing-up into the entry driveways. The north driveway access-egress on the Commercial Condominium at 261 Martindale was constructed along the south edge of the dividing lot line, as that was acceptable at the time of construction in the 1980’s. This driveway has been established for many years with a reasonable level of safety. The proposed plans on the

subject site show a new, two-way driveway approximately 3m from the existing driveway and thus, will have the effect of causing cross-over turning movements between the two driveways. (See Attached Plan).

While the driveway accesses to the proposed site may be technically justified by professional reviews, the businesses within the condominium site at 261 Martindale are concerned for their staff, customers and clients who may now be subject to a compromised level of safety using their north driveway access / egress where there will now be 4 lanes of access-egress with overlapping turning movements, across from two large driveways to businesses on the east side of the street. (See Attached Photo)

Accordingly, we submit that the requested variance, which will elevate the accessory use level of activity on site, is not appropriate for this property, in this location, near the interchange of the highway, on a high-volume traffic corridor, and amongst numerous established driveways used by long standing businesses and industries.

4. Is the Variance in keeping with the Intent and Spirit of the Zoning By-law? As noted in the previous comments, the requested variance has the effect of elevating the level of activity for accessory uses on this site. It is apparent that the term "accessory" is intended to mean subservient or subordinate to the principal use. It is obvious that the site plan submitted with the application illustrates 3 rather large prominent uses, each of which could be deemed a principal use which may generate higher levels of activity than the other uses of the site. As a result, we submit that the Intent and Spirit of the Zoning By-law is not maintained.

In accordance with the above noted comments, we submit that the proposed variance is not minor; not appropriate for this particular site and setting; and not in keeping with the general purpose and intent of the Zoning By-law.

Respectfully submitted,

Nick Colamartini, Property Manager

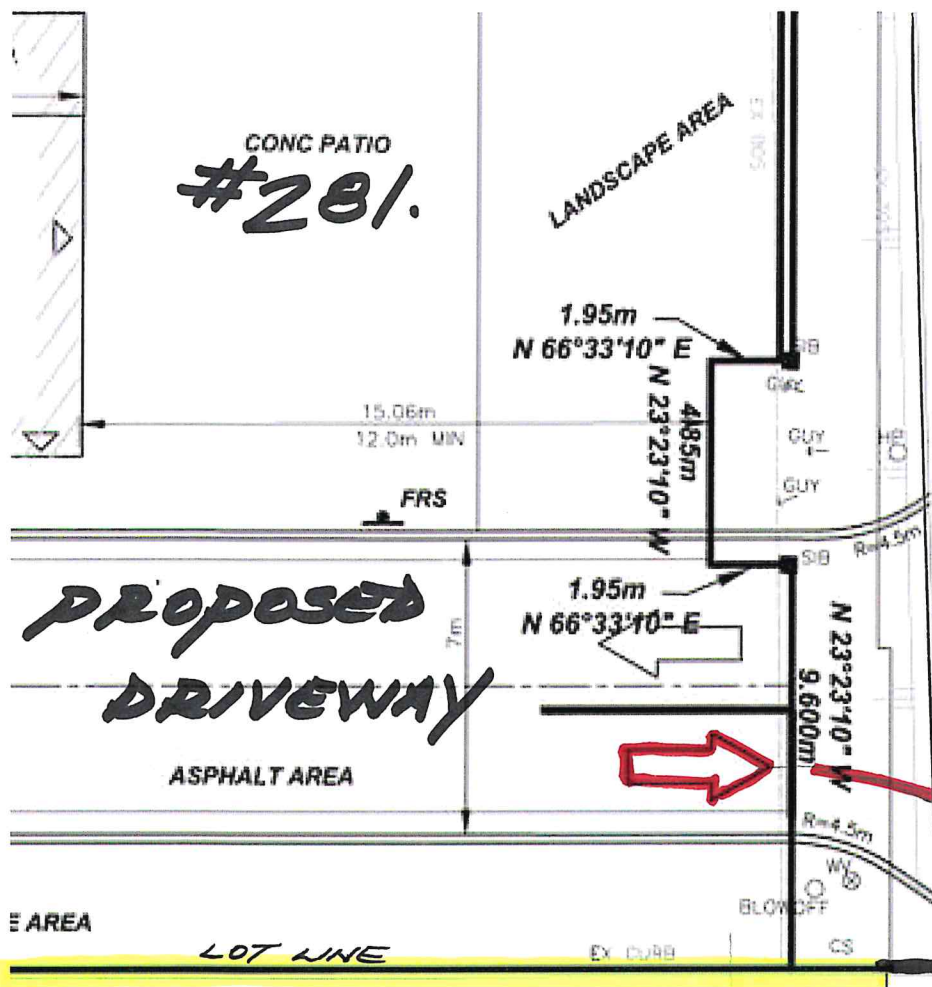
Niagara North Condominium Corporation #38
261 Martindale Road, St. Catharines, ON.



MARTINDALE ROAD

THANKS SIDEWALK

CURB



#261.



EXISTING

#261

#281

N



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: December 11, 2020

Date of Meeting: December 16, 2020

Report Number: B-49/20SC
A-29/19

File: 60.84.2326
60.81.5463

Subject: 68 Hannover Drive
281 Martindale Road

Recommendation

Consent

That Application **B-49/20SC** by 2645452 Ontario Inc., as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. Submit and register the reference plan to dedicate the Part(s) to the adjacent property known as 281 Martindale Road; and
2. Provide a Registered Copy of the Easement Agreement and proof it has been registered on title.
3. 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.
4. 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.
5. That final approval of the concurrent Minor Variance Applications be approved.
6. That all conditions of consent be fulfilled by December 16, 2021.

Minor Variance

That Application **A-29/19** by 2645452 Ontario Inc., as outlined in the Notice of Hearing, be approved.

Report

The Proposal

Application B-49/20SC is made for consent to establish a storm sewer easement, in perpetuity, over 765 m² of land (Part 1 on the submitted sketch) and a sanitary sewer easement, in perpetuity, over 739 m² of land (Part 2 on the submitted sketch) for the benefit of the northeast abutting lot known as 281 Martindale Road (Part 4).

Application A-29/19 seeks relief from the City of St. Catharines Zoning By-law 2013-283, as amended, for the following variance for an increase of the maximum Gross Leasable Floor Area (GLFA) of all accessory uses from 30% of the total GLFA of the principal uses

on the lot to 85% of the total GLFA of principal uses. The variance is requested to permit a proposed gas station with car wash, drive thru/take out restaurant and retail (C-store). The development is going through the Site Plan approval process concurrently.

Location and Site Description

The subject properties are located between Martindale Road and Hannover Drive, south of the Queen Elizabeth Way. The properties are surrounded by a mix of industrial uses.

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 properties are designated Employment on Schedule D1 of the Garden City Plan (GCP) and further designated Business Commercial Employment on Schedule E6 thereof. The designation permits a wide variety of employment uses including gas stations and car washes. The proposal generally complies with the Business Commercial Employment policies of the GCP.

Zoning By-law (2013-283)

The subject properties are zoned Business Commercial Employment (E1) which permits a variety of employment uses, including gas stations and car washes, as well as commercial uses to a maximum of 30% of the GLFA of the principal uses. The proposal requests 85%.

Planning Analysis

Consent

Consent Application **B-49/20SC** is made to establish a storm sewer easement and a sanitary sewer easement (Parts 1 and 2), in perpetuity, as outlined on the submitted sketch over 68 Hannover Drive for the benefit of the development proposed on 281 Martindale Road (Part 4).

The proposed easements for servicing are considered appropriate for the development of the subject lands. The City Engineers have no objection to servicing the Martindale parcel over the Hannover Drive parcel and the easements are sufficient in size for their proposed uses. The easements will facilitate development on 281 Martindale Road without detracting from the future developability of 68 Hannover Drive. The Region of Niagara noted through Site Plan review that the servicing over Hannover Drive avoids road cuts in the recently constructed Martindale Road, which is acceptable to the Region.

Staff are satisfied that the proposal is consistent with the Official Plan. There are no negative impacts anticipated as a result of the approval of the requested consent. Staff are supportive of Consent Application **B-49/20SC** subject to the conditions outlined recommendation herein.

Variance

The development proposal on 281 Martindale includes a gas station, car wash, restaurant (drive thru and take-out) and retail store. The E1 Zone established principal uses, which include gas stations and car washes. Commercial uses, such as the restaurant and retail store, are capped at a maximum GLFA of 30% of the GLFA of the principal uses. GLFA includes all the area within buildings and structures, measured from the interior of the exterior walls, that is accessible to the public. Offices, washrooms, the restaurant kitchen, utility rooms etc that the public cannot access are not counted towards the GLFA. Based on this definition, the principal uses on the lot being the gas pumps and the car wash have very little GLFA. As a result, the proposed store is 85% of the total GLFA of the principal uses on the site.

The intent of capping the commercial uses is, in part, to ensure that principal uses remain the dominant use of the site and to ensure that employment lands are not used inappropriately as commercial centres or destinations. Staff are of the opinion that despite the increase of 55 percentage points, the principal uses remain prominent on site. The calculation of the GLFA is not necessarily representative of the proportion of the site being used for principal versus accessory commercial uses. As such, the increase in permitted commercial GLFA is considered to be in keeping with the intent of the Official Plan and Zoning By-law.

The increase is considered minor in nature, as the overall use of the site is demonstrably a motor vehicle gas station and car wash. The impact of increasing the GLFA of commercial uses is considered negligible. The variance facilitates the desirable development of these lands with uses that are appropriate and do not detract from the overall intent of the employment area.

Conclusion

Having regard for the matters under Section 53 of the *Planning Act*, staff are of the opinion that Consent Application **B-49/20SC** is consistent with the provisions of the Zoning By-law and will have no adverse impacts on the surrounding area and environment. It is staff's recommendation that the requested consent be approved, subject to the conditions outlined in the recommendation.

Having regard for the matters under Section 45(1) of the *Planning Act*, staff are of the opinion that Variance Application A-29/19 is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is desirable for the appropriate use of the lands. Staff recommend that the Applications be approved.

Prepared and Submitted by:



Charlotte McEwan
Planner I

Approved by:



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

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: RE: 68 Hannover Drive, B-49/20SC and 281 Martindale Road, A-29/19, St. Catharines.
Date: Monday, November 30, 2020 10:11:48 AM

Elaine Munro ACST

Committee Secretary and Planning Technician

Tel: 905.688.5601 x1715

Email: emunro@stcatharines.ca

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

Sent: Monday, November 30, 2020 9:09 AM

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

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

Subject: Re: 68 Hannover Drive, B-49/20SC and 281 Martindale Road, A-29/19, St. Catharines.

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

Hi Elaine

Cogeco has no issue or concerns with these applications.

Thanks

Doug Crown

Network Planning Department

Doug.crown@cogeco.com

7170 Mcleod Rd
Niagara Falls Ont Canada

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: November 25, 2020

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – December 16, 2020 hearing

B-42/19SC – 114 Lake Street

Comment:

- No comment

Condition:

- That the applicant shall satisfy the Chief Building Official for the City of St. Catharines that, as a result of the proposed severance, that spatial separation requirements for the glazed openings and type of construction for the exposed building face of the existing dwelling facing Part 1 meet the requirements of Subsection 9.10.14 and 9.10.15 of the 2012 Ontario Building Code as applicable.

B-49/20SC – 68 Hannover Drive

Comment:

- No comment

Condition:

- No comment

B-50/20SC – 26 Admiral Road

Comment:

- No comment

Condition:

- No comment

B-52/20SC – 140 Glendale Avenue

Comment:

- No comment

Condition:

- No comment

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

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: November 25, 2020

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – December 16, 2020 hearing

NO.	ADDRESS	COMMENTS
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A-111/20	26 Admiral Road	No comment
A-113/20	17 Glenbarr Road	Be advised that a building permit is required for the proposed building.
A-114/20	26 Mountain Road	Be advised that revised drawings are required for the increase in building height.

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: December 1, 2020
Subject: Committee of Adjustment Hearing – December 16, 2020

CRCS has reviewed the Committee of Adjustment application for the hearing of December 16, 2020 and provides the following comments;

1. **114 Lake Street, Consent, B-42/19SC – 60.84.2269**
114 Lake Street, Minor Variance, A-136/19 – 60.81.5570
No comment.
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No comment.
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No comment.
4. **12 Main Street, Minor Variance, A-109/20 – 60.81.5699**
No objections to the requested parking reduction. CRCS encourages the reinstatement of sod in portions of the yard and boulevard which are not required for parking or access purposes. This will assist in greening initiatives, including the provision of boulevard plantings.
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6. **26 Admiral Road, Consent, B-50.20SC – 60.84.2327**
26 Admiral Road, Minor Variance, A-111/20 – 60.81.5701
No objections. Landscape design, fencing and tree protection will be addressed through the site plan agreement.

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As a new lot is being created, CRCS request that the following be included as a condition of severance:

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8. 17 Glenbarr Road, Minor Variance, A-113/20 – 60.81.5703

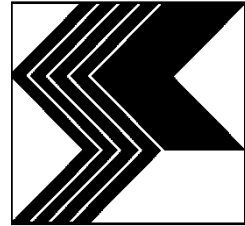
No comment.

9. 26 Mountain Street, Minor Variance, A-114/20 – 60.81.5704

No comment.

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

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-49/20SC



November 30th, 2020

ENGINEERING FILE 300-36

Hearing Date: December 16th, 2020

Applicant: Owner: 2645452 Ontario Inc. (Aftab Qaysar)
Agent: UCC (Matt Kernahan)

Location: 68 Hannover Drive

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

Comment(s): It is noted that the Applicant proposes to create two easements on the subject property to facilitate servicing of the lands to the east known as 281 Martindale. The most northerly easement, Part 1, is for a storm sewer outlet. The most southerly easement, Part 2, is for a sanitary sewer connection. Both easements will be 6.0m wide.

The site to the east, 281 Martindale Road, is the subject of a Site Plan Agreement Application. These easements are required to service the proposed site.

Condition(s): Prior to consent, the Applicant shall:

- Submit and register the reference plan to dedicate the Part(s) to the adjacent property known as 281 Martindale Road; and
- Provide a Registered Copy of the Easement Agreement and proof it has been registered on title.

Prepared By: _____
James Denham, P.Eng.
Development Engineering Technologist



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: November 25, 2020

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – December 16, 2020 hearing

NO.	ADDRESS	COMMENTS
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A-114/20	26 Mountain Road	Be advised that revised drawings are required for the increase in building height.

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



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: November 24, 2020

Subject: Committee of Adjustment
Public Hearings – December 2, 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-109/20 (60.81.5699)

12 Main Street

DATE OF HEARING:
December 16, 2020

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: RE: Application A-109/20
Date: Thursday, December 10, 2020 8:47:23 AM

From: Wendy Stapleford < >
Sent: Wednesday, December 9, 2020 7:53 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Application A-109/20

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.

As residents of Gertrude St, we have a few concerns about this application to reduce parking spaces at 12 Main Street:

1. Gertrude is the first side street into Port Dalhousie downtown core for employees and customers of downtown business to park on
2. Majority of homes on Gertrude are single car driveways so many of us use a spot on the street
3. Gertrude is the first street for parking run-over for the new condo (Beaches) corner of Lock/Dalhousie which has a shortage of parking spaces
4. With port Dalhousie expanding, and more businesses opening, the need for parking on side streets will continue to grow

Thank you for considering our concerns and we request a Notice of Decision
Wendy Stapleford

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

Elaine Munro ACST
Committee Secretary and Planning Technician
Tel: 905.688.5601 x1715
Email: emunro@stcatharines.ca

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: RE: 12 Main Street, A-109/20, St. Catharines.
Date: Monday, November 30, 2020 10:12:20 AM

Elaine Munro ACST
Committee Secretary and Planning Technician
Tel: 905.688.5601 x1715
Email: emunro@stcatharines.ca

From: Doug Crown <doug.crown@cogeco.com>
Sent: Monday, November 30, 2020 9:11 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: 12 Main Street, A-109/20, St. Catharines.

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

Hi Elaine
Cogeco has no issue or concerns with this application.
Thanks

Doug Crown
Network Planning Department
Doug.crown@cogeco.com

7170 Mcleod Rd
Niagara Falls Ont Canada

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



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: December 7, 2020

Date of Meeting: December 16, 2020

Report Number: A-109/20

File: 60.81.5699

Subject: 12 Main Street

Recommendation

That Application A-109/20 by Christopher Reynolds, Debra McIntosh and Edward Reynolds, as outlined in the Notice of Hearing, be approved subject to the following condition:

1. That the Owner enter into an agreement with the City for removal of the brick pavers located in the area shown on Schedule "A" attached to the notice of decision, which pavers are to be replaced with sod or landscaping, and that the Owner deposit with the City a \$5,000 security deposit to ensure the work is completed to the satisfaction of the Director of Planning and Building Services or her designate.

Report

The Proposal

The Applicant is seeking to legitimize a triplex at 12 Main Street. The property does not meet the minimum parking requirements for a triplex, so the Applicants have applied to reduce the minimum parking requirement from three spaces to zero. No new development is proposed with this Application.

Location and Site Description

The subject lands are located at the north corner of Main Street and Gertrude Street. The neighbourhood is primarily residential. Dwellings immediately adjacent to the subject property are a mix of one- and two-storey detached homes. The subject lands are presently occupied by a dwelling that currently has three dwelling units.

Circulation of Application

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

Planning Policy Context

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential on Schedule E1 thereof. Triplex dwellings are permitted in this designation.

Zoning By-law (2013-283)

The subject property is zoned Medium Density Residential with Special Provision 7 (R3-7). Triplex dwellings are permitted in this zone. Special Provision 7 limits building height to 9 metres.

Planning Analysis

The Applicant has requested a reduction in the minimum parking requirement for a triplex dwelling from three spaces to zero. The reduction will recognize use of the subject lands as a triplex. No new development or change of use is contemplated with this Application; approval of the variance would simply permit the triplex to continue being used as such. The reduction is considered minor in nature.

The proposed parking reduction is being sought because the existing parking area lacks sufficient depth for three cars to park wholly within the subject lands in a side-by-side fashion, perpendicular to the road. The topography of the site prevents any other parking configuration. The Applicant is proposing to continue parking vehicles in the current configuration with three parking spaces encroaching into the Gertrude Street road allowance by approximately 2.5 metres (although well clear of the sidewalk and travelled portion of the road). City staff from the Engineering, Facilities and Environmental Services department have no objection to the continuation of this parking arrangement. Staff are satisfied that the current parking arrangement is considered desirable for the appropriate use of the subject lands.

The intent of the minimum parking requirement is to ensure that there is an adequate supply of parking to accommodate residents of the triplex without relying on on-street parking and municipal lots. While the three existing parking spaces are not wholly on the subject lands, they are off the street and away from the municipal sidewalk. Staff consider the intent of the Zoning By-law to be upheld.

Section 5.4.2 of the GCP outlines policies under which the reduction or elimination of parking requirements may be considered. These are outlined below, together with a brief evaluation of each.

The City may consider the reduction or the elimination of vehicular parking requirements where:

i) shared parking is possible;

Shared parking is not being proposed for this property. The three existing parking spaces will continue to be for the exclusive use of 12 Main Street.

ii) transit is readily available or where transit facilities are provided;

Transit is available with a bi-directional bus route passing the subject property, with daytime, evening and weekend service.

iii) bicycle parking and facilities, or community facilities, are provided;

The Zoning By-law does not require the provision of bicycle parking for triplexes. Notwithstanding, there is sufficient space on the property and within the building to store bicycles, should tenants choose to do so. The subject property is well-served by Region of Niagara Bicycle Network (schedule C1 of the GCP).

iv) land, beyond minimum requirements, is dedicated for safe active transportation facilities and connectivity;

Not applicable to this application.

v) land, beyond minimum requirements, is dedicated for greening and landscaping initiatives.

Staff can confirm that the minimum 35 per percent landscape open space requirement for triplexes in the R3Zone is exceeded on this property at more than 50 per cent.

Staff are satisfied that this Application satisfies the criteria set out in the GCP for reducing parking requirements. The proposal is in keeping with the spirit and intent of the Official Plan.

Condition

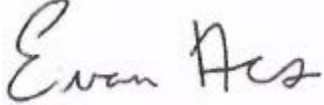
Staff note that one of the four existing parking spaces identified on the submitted site plan is located within the required site triangle for the Main Street and Gertrude Street intersection. While it is an existing parking space, its removal will bring the site into compliance with the Zoning By-law. Accordingly, staff are recommending that a condition be applied to the approval of this minor variance requiring the removal of the brick pavers in the area shown on Schedule "A", to this report, and their replacement with sod or landscaping. Staff are recommending that a development agreement be registered on title and securities of \$5,000 be held so that this minor variance will come into effect (and a building permit can be issued) before the work can realistically be completed and inspected after the winter months. This condition is reflected in the recommendation.

Conclusion

Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Application A-109/20 is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is desirable for the appropriate use of the

lands. Staff recommend approval of the Application subject to the condition set out in the recommendation.

Prepared and Submitted by:

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

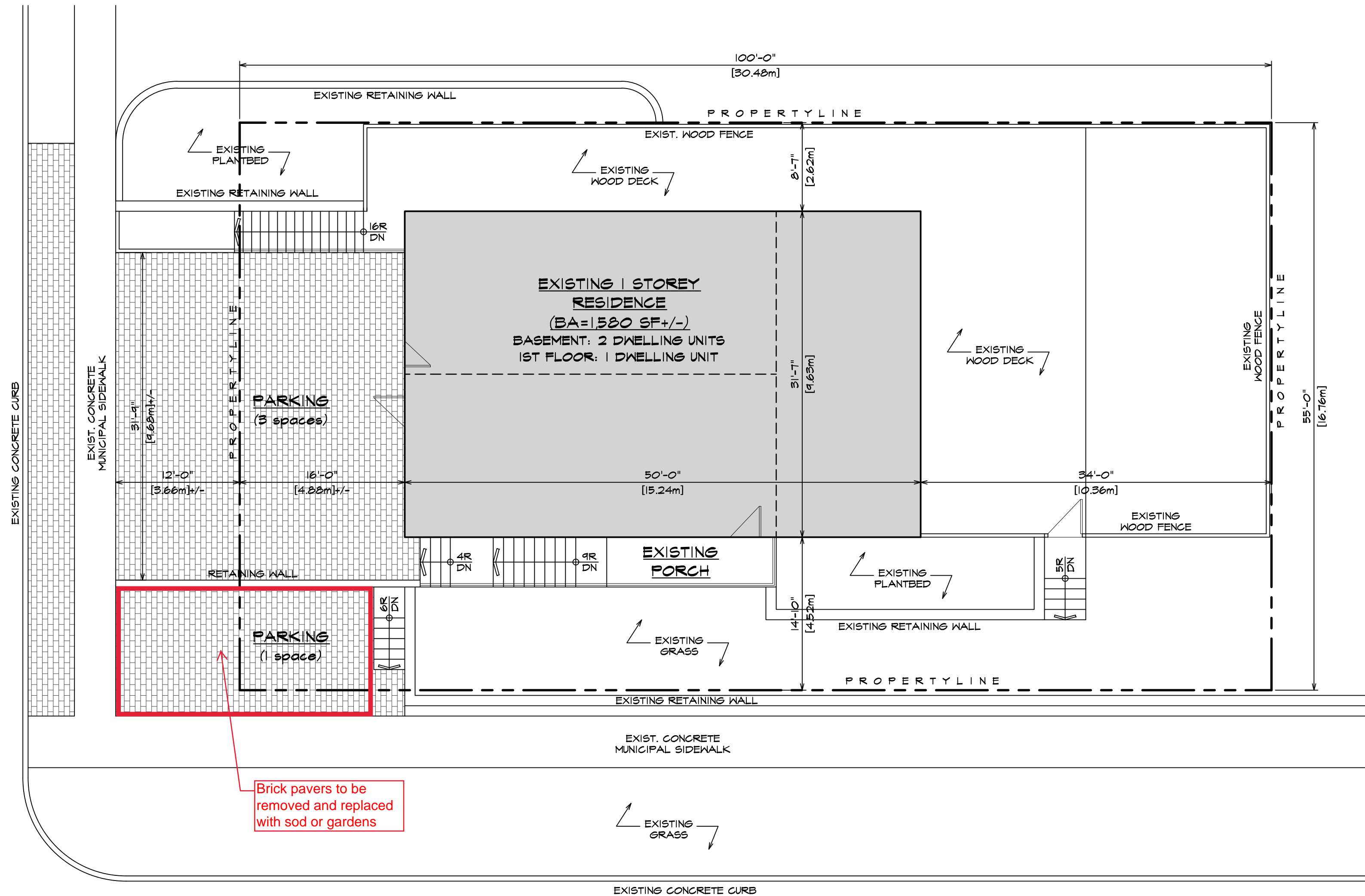
Evan Acs
Planner I

Approved by:

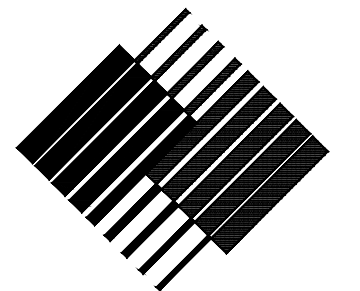
A handwritten signature in dark ink that reads "A Knutson". The signature is written in a cursive, slightly slanted style.

Amanda Knutson
Senior Development Planner
(Planner II)

THESE
STUDENTS
WILL
RECEIVE



2	ISSUED FOR REVIEW	OCT 22 2020
1	ISSUED FOR PERMIT	JUNE 2020
No.	Revision/Issue	Date



**LEX PARKER
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St. Catharines, On, (905) 641-2112
www.parkerdesign.com
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residential | commercial | industrial
E-mail: coredraft@live.ca Phone: 289-821-1870

Project Name and Address

BASEMENT ALTERATIONS

12 MAIN STREET
ST. CATHARINES

Dwg Title	SITE PLAN	Sheet	
Date	JUNE 2020		
Scale	AS NOTED		

Aot

Memorandum

To: Elaine Munro, Committee Secretary and Planning Technician
Cc: Evan Acs, Planner I
From: Michael Seaman, Heritage Planner, PBS
Date: November 30, 2020
Subject: Heritage Comments
Application for Minor Variance
12 Main Street,
Part of Lot 22, Plan 7, Lot 102, NP7
Christopher Reynolds, Debra McIntosh and Edward Reynolds.,
Owners
Our File No.: 60.81.5699
Submission No: A-109/20

I have received Committee of Adjustment Application 1-109/20 seeking relief from the City of St. Catharines By-law 2013-283, as amended for the following variance to recognize the existing triplex:

1. A request to reduce the required parking spaces from 3 parking spaces to 0 spaces.

The subject property is located in the Port Dalhousie Heritage Conservation District and as such is designated under Part V of the Ontario Heritage Act.

It appears that there are no physical alterations to the property, therefore there are no concerns related to heritage matters.

If any physical changes to the site or buildings are proposed as a result of this application Heritage Permit approval may be required.



Prepared by:

Michael Seaman, MCIP, RPP, CAHP
Heritage Planner



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: November 25, 2020

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – December 16, 2020 hearing

NO.	ADDRESS	COMMENTS
A-136/19	114 Lake Street	No comment
A-108/20	64 South Drive	Be advised that a building permit is required for the proposed addition.
A-29/19	281 Martindale Road	No comment
A-109/20	12 Main Street	No comment
A-110/20	74 Avery Crescent	Be advised that a building permit is required for the proposed addition.
A-111/20	26 Admiral Road	No comment
A-113/20	17 Glenbarr Road	Be advised that a building permit is required for the proposed building.
A-114/20	26 Mountain Road	Be advised that revised drawings are required for the increase in building height.

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: December 1, 2020
Subject: Committee of Adjustment Hearing – December 16, 2020

CRCS has reviewed the Committee of Adjustment application for the hearing of December 16, 2020 and provides the following comments;

1. **114 Lake Street, Consent, B-42/19SC – 60.84.2269**
114 Lake Street, Minor Variance, A-136/19 – 60.81.5570
No comment.
2. **64 South Drive, Minor Variance, A-108/20 – 60.81.5698**
No comment.
3. **68 Hannover Drive, Consent, B-49/20SC – 60.84.2326**
281 Martindale Road, Minor Variance, A-29/19 – 60.81.5463
No comment.
4. **12 Main Street, Minor Variance, A-109/20 – 60.81.5699**
No objections to the requested parking reduction. CRCS encourages the reinstatement of sod in portions of the yard and boulevard which are not required for parking or access purposes. This will assist in greening initiatives, including the provision of boulevard plantings.
5. **74 Avery Crescent, Minor Variance, A-110/20 – 60.81.5700**
No comment.
6. **26 Admiral Road, Consent, B-50.20SC – 60.84.2327**
26 Admiral Road, Minor Variance, A-111/20 – 60.81.5701
No objections. Landscape design, fencing and tree protection will be addressed through the site plan agreement.

7. 140 Glendale Avenue, Consent, B-52/20SC – 60.84.2329

As a new lot is being created, CRCS request that the following be included as a condition of severance:

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.

8. 17 Glenbarr Road, Minor Variance, A-113/20 – 60.81.5703

No comment.

9. 26 Mountain Street, Minor Variance, A-114/20 – 60.81.5704

No comment.

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



Memorandum

To: Elaine Munro, ACST, Committee Secretary & Planning Technician
Cc: City Committee of Adjustment Staff Members
From: Brad Johnston, C.E.T., Development Engineering Technologist
Date: December 2, 2020
Hearing Date: December 16, 2020
Subject: **Committee of Adjustment - Minor Variance Applications**
114 Lake Street, A-136/19SC
64 South Drive, A-108/20SC
281 Martindale Road, A-29/19SC
12 Main Street, A-109/20SC
74 Avery Crescent, A-110/20SC
26 Admiral Road, A-111/20SC
17 Glenbarr Road, A-113/20
26 Mountain Road, A-114/20

Development Engineering have reviewed the above applications and have no comments or objections other than the following:

Comments:

- 74 Avery Crescent
 - In an attempt to maintain rear-yard drainage in accordance with the approved master grading control plan for the subdivision, item #4 to reduce the minimum rear yard setback from 0.60m to 0.36m should be denied.
- 26 Mountain Street
 - All encroachments (fencing, vehicle storage, etc.) within the Bradley Street frontage, identified through a plan of survey, be removed along the Bradley Street frontage and the boulevard restored to the City's satisfaction.

Prepared by:

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

c. James Denham, PBS (email only)



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: November 24, 2020

Subject: Committee of Adjustment
Public Hearings – December 2, 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-110/20 (60.81.5700)

74 Avery Crescent

**DATE OF HEARING:
December 16, 2020**

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: RE: Minor Variance - 74 Avery Crescent
Date: Saturday, November 28, 2020 2:06:10 PM

Elaine Munro ACST
Committee Secretary and Planning Technician
Tel: 905.688.5601 x1715
Email: emunro@stcatharines.ca

From: Fred Read <>
Sent: Friday, November 27, 2020 7:28 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Minor Variance

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

Good morning:

We live at 16 Guest Place and we have no problem with our neighbours sunroom at 74 Avery Cres.

Thanks
Fred & Cheryl Read

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

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: RE: File No. 60.81.5700 David Mitchell and Marie Mitchell
Date: Monday, December 7, 2020 8:50:03 AM

Elaine Munro ACST

Committee Secretary and Planning Technician

Tel: 905.688.5601 x1715

Email: emunro@stcatharines.ca

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

From: Bettina Ihssen <>

Sent: Friday, December 4, 2020 2:21 PM

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

Subject: File No. 60.81.5700 David Mitchell and Marie Mitchell

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

To Mrs. Elaine Munroe.

My name is Bettina Ihssen, I live at 72 Avery Crsc., St. Catharines.

My husband and I bought this house 12 years ago, we were the first ones moving into this subdivision.

We have always enjoyed living in this neighbourhood, most of us are retired. Everyone is very friendly, and we all looking out for one another.

I was sorry to hear that we have a complaint from one of the neighbours about Marie and Dave Mitchell's sunroom.

Before the sunroom was built the Mitchell's asked everyone in the surrounding neighbourhood if anyone objected to the sunroom being built.

EVERYONE AGREED AND SAID IT WAS NO PROBLEM.....

The Mitchell's went ahead making arrangements with the contractor.

The sunroom was completed in November 2019.

Our neighbours are all in disbelief to hear a complaint about the structure of this sunroom.

Our townhouse is attached to the Mitchell's on the right side, the sunroom does not effect us in a negative way, or take away our privacy.

We can only assume that this complaint comes from 76 Avery. That property is the only one in the neighbourhood without a privacy fence, the deck is wide open.

In May of this year I overheard a confrontation between Marie Mitchell and the woman in 76 Avery. Because the argument and bad language from this woman became louder and louder, I decided to calm the situation. Unfortunately I also became a victim of foul language and insult.

All this was a fight over a small piece of grass that was apparently damaged when the sunroom was being built. The Mitchell's offered to have that strip of lawn resodded, but she refused.

There was no point to continue this conversation, so we walked away.

I will never understand how someone can be this hateful.

This sunroom was built, mainly to protect Dave Mitchell from the direct sun, without being exposed to the rays.

My husband Klaus Ihssen and I are fully supporting the Mitchell's.

Please consider all the facts before making a final decision.

Sincerely

Bettina Ihssen

Klaus Ihssen

Sent from my iPad



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: December 9, 2020

Date of Meeting: December 16, 2020

Report Number: A-110/20

File: 60.81.5700

Subject: 74 Avery Crescent

Recommendation

That Application A-110/20 by David Mitchell and Marie Mitchell, as outlined in the Notice of Hearing, be denied.

Report The Proposal

The Applicants have constructed an addition at the rear of their townhouse located at 74 Avery Crescent without obtaining a building permit. The Applicants are now attempting to obtain the necessary permit, however the addition projects into the required rear yard, requiring a minor variance. Additional zoning deficiencies were identified through the building permit application process. Application A-110/20 seeks relief from Zoning By-law 2013-283 through the variances outlined in the table below:

Variance No.	Zoning Provision	Required	Proposed
1.	Minimum Rear Yard	6m	3m
2.	Minimum Landscaped Open Space	35%	33.49%
3.	Minimum Interior Side Yard for Accessory Buildings and Structures	0.6m	0.36m <i>**Notice of Hearing erroneously states 0.37m.</i>
4.	Minimum Rear Yard for Accessory Buildings and Structures	0.6m	0.37m <i>**Notice of Hearing erroneously states 0.36m.</i>

Location and Site Description

The subject lands are located within the Heritage Point subdivision on the north side of Avery Crescent. The surrounding neighbourhood is primarily residential. Dwellings

immediately adjacent to the subject property are single-storey townhouses. The subject lands are presently occupied by an end-unit townhouse and an accessory building (shed).

Circulation of Application

This Application was circulated to all appropriate departments and agencies: The Development Engineering Division of Planning and Building Services recommend denial of Variance 4 due to impact on grading and drainage on the subject property and neighbouring lots within the Heritage Point plan of subdivision.

Planning Policy Context

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated Medium Density Residential on Schedule E9 thereof. Townhouse dwellings are permitted in this designation.

Zoning By-law (2013-283)

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

Planning Analysis

The Applicants have constructed an addition at the rear of their townhouse without a building permit. They are now attempting to obtain a building permit and require four minor variances. It should be noted that the Notice of Hearing indicated the wrong setbacks for Variances 3 and 4. The side yard setback for the accessory building is 0.36 metres, not 0.37 metres and the rear yard setback for the accessory building is 0.37 metres, not 0.36 metres.

Comments received from Development Engineering staff indicate that the reduced rear yard for the accessory structure is problematic. The subject lands facilitate overland drainage to a catch basin installed near the rear lot line between this lot and the adjacent lot at 76 Avery Crescent; therefore, the placement of the accessory building interferes with the drainage plan for neighbouring properties.

The requested variances will result in an over-built rear yard, dominated by the addition to the townhouse and the accessory building. The reduced landscaped open space on the site from 35 percent to 33.49 percent demonstrates how much of the property is covered with structures and hard surfaces. The impacts caused by the addition and accessory building cannot be considered minor in nature.

Staff considers the reduction of the required rear yard from 6 metres to 3 metres to be too great in the context of this neighbourhood. The surrounding blocks of townhomes all have rear yards of similar depths, providing consistent spacing between buildings in this compact subdivision. A 50 percent reduction in one rear yard changes the established pattern of building massing and spacing, which in turn impacts neighbouring properties.

The reduced setbacks for the accessory building further extends building mass toward the property lines.

Staff also find that privacy is impacted. The construction of the addition means there is now an interior living space with windows looking into rear yards of surrounding properties. While there used to be an open deck where the addition now stands, staff find that, since decks are not part of the main living space, there is a different intensity of use. The addition forms part of the main dwelling permitting year-round use in a heated, lighted interior space; this represents a greater impact on privacy to neighbouring properties than a deck. Staff also find that the addition is out of character with the neighbourhood, where neighbouring townhouse blocks have uniform building form and rear yards. The requested variances cannot be considered desirable for the appropriate use of the subject lands.

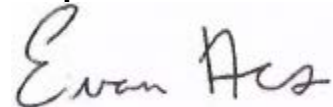
The intent of the 6-metre minimum rear yard setback is to provide outdoor amenity space, facilitate drainage, reduce the impacts of building massing, and to ensure the privacy of neighbouring properties. The intent of the accessory building setbacks is to maintain appropriate buffering between properties, facilitate drainage, and prevent building massing from imposing on neighbouring properties. The intent of the minimum landscaped open space provision is to facilitate drainage, prevent overdevelopment of a lot, and to allow for exterior amenity areas and landscaping. The requested variances will not achieve the intent of the Zoning By-law.

Section 7.1 of the GCP states that development and redevelopment shall be evaluated having regard for context sensitive design to ensure the integration of compatible building form, scale, height and setbacks with adjacent buildings and the surrounding neighbourhood. Adverse impacts on adjacent properties are to be minimized as they relate to transition in height and privacy. As described above, the reduced rear yard, decreased landscaped open space, and reduced setbacks for the accessory building do not align with these policies. The proposal is not in keeping with the spirit and intent of the Official Plan.

Conclusion

Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Application A-110/20 is in not keeping with the general intent of the Official Plan and Zoning By-law, is not minor in nature, and is not desirable for the appropriate use of the lands. Staff recommend denial of the Application.

Prepared and Submitted by:



Evan Acs
Planner I

Approved by:



Amanda Knutson
Senior Development Planner
(Planner II)

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: FW: 74 Avery Crescent, A-110/20, St. Catharines.
Date: Monday, November 30, 2020 11:13:15 AM

Elaine Munro ACST
Committee Secretary and Planning Technician
Tel: 905.688.5601 x1715
Email: emunro@stcatharines.ca

From: Doug Crown <doug.crown@cogeco.com>
Sent: Monday, November 30, 2020 9:26 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: 74 Avery Crescent, A-110/20, St. Catharines.

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

Hi Elaine
Cogeco has no issue or concerns with this application.
Thanks

Doug Crown
Network Planning Department
Doug.crown@cogeco.com

7170 Mcleod Rd
Niagara Falls Ont Canada

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

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Former Landfill Comments RE: Committee of Adjustment Applications for December 16, 2020 Hearing
Date: Friday, December 11, 2020 11:11:22 AM

74 Avery
26 Mountain

Elaine Munro ACST
Committee Secretary and Planning Technician
Tel: 905.688.5601 x1715
Email: emunro@stcatharines.ca

From: Vasko, Dennis <dvasko@stcatharines.ca>
Sent: Wednesday, November 25, 2020 9:30 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Committee of Adjustment Applications for December 16, 2020 Hearing

Hi Elaine,

No comments regarding these properties

Dennis

Dennis Vasko
Fill Site Technician
Tel: [905.688.5601](tel:905.688.5601) x2163
Email: dvasko@stcatharines.ca



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: November 25, 2020

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – December 16, 2020 hearing

NO.	ADDRESS	COMMENTS
A-136/19	114 Lake Street	No comment
A-108/20	64 South Drive	Be advised that a building permit is required for the proposed addition.
A-29/19	281 Martindale Road	No comment
A-109/20	12 Main Street	No comment
A-110/20	74 Avery Crescent	Be advised that a building permit is required for the proposed addition.
A-111/20	26 Admiral Road	No comment
A-113/20	17 Glenbarr Road	Be advised that a building permit is required for the proposed building.
A-114/20	26 Mountain Road	Be advised that revised drawings are required for the increase in building height.

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: December 1, 2020
Subject: Committee of Adjustment Hearing – December 16, 2020

CRCS has reviewed the Committee of Adjustment application for the hearing of December 16, 2020 and provides the following comments;

1. **114 Lake Street, Consent, B-42/19SC – 60.84.2269**
114 Lake Street, Minor Variance, A-136/19 – 60.81.5570
No comment.
2. **64 South Drive, Minor Variance, A-108/20 – 60.81.5698**
No comment.
3. **68 Hannover Drive, Consent, B-49/20SC – 60.84.2326**
281 Martindale Road, Minor Variance, A-29/19 – 60.81.5463
No comment.
4. **12 Main Street, Minor Variance, A-109/20 – 60.81.5699**
No objections to the requested parking reduction. CRCS encourages the reinstatement of sod in portions of the yard and boulevard which are not required for parking or access purposes. This will assist in greening initiatives, including the provision of boulevard plantings.
5. **74 Avery Crescent, Minor Variance, A-110/20 – 60.81.5700**
No comment.
6. **26 Admiral Road, Consent, B-50.20SC – 60.84.2327**
26 Admiral Road, Minor Variance, A-111/20 – 60.81.5701
No objections. Landscape design, fencing and tree protection will be addressed through the site plan agreement.

7. 140 Glendale Avenue, Consent, B-52/20SC – 60.84.2329

As a new lot is being created, CRCS request that the following be included as a condition of severance:

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.

8. 17 Glenbarr Road, Minor Variance, A-113/20 – 60.81.5703

No comment.

9. 26 Mountain Street, Minor Variance, A-114/20 – 60.81.5704

No comment.

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



Memorandum

To: Elaine Munro, ACST, Committee Secretary & Planning Technician
Cc: City Committee of Adjustment Staff Members
From: Brad Johnston, C.E.T., Development Engineering Technologist
Date: December 2, 2020
Hearing Date: December 16, 2020
Subject: **Committee of Adjustment - Minor Variance Applications**
114 Lake Street, A-136/19SC
64 South Drive, A-108/20SC
281 Martindale Road, A-29/19SC
12 Main Street, A-109/20SC
74 Avery Crescent, A-110/20SC
26 Admiral Road, A-111/20SC
17 Glenbarr Road, A-113/20
26 Mountain Road, A-114/20

Development Engineering have reviewed the above applications and have no comments or objections other than the following:

Comments:

- 74 Avery Crescent
 - In an attempt to maintain rear-yard drainage in accordance with the approved master grading control plan for the subdivision, item #4 to reduce the minimum rear yard setback from 0.60m to 0.36m should be denied.
- 26 Mountain Street
 - All encroachments (fencing, vehicle storage, etc.) within the Bradley Street frontage, identified through a plan of survey, be removed along the Bradley Street frontage and the boulevard restored to the City's satisfaction.

Prepared by:

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

c. James Denham, PBS (email only)



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: November 24, 2020

Subject: Committee of Adjustment
Public Hearings – December 2, 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-50/20SC (60.84.2327) &
A-111/20 (60.81.5701)**

26 Admiral Road

**DATE OF HEARING:
December 16, 2020**



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: December 9, 2020

Date of Meeting: December 16, 2020

Report Number: B-50/20SC
A-111/20

File: 60.84.2327
60.81.5701

Subject: 26 Admiral Road
Proposed Severance and Minor Variance

Recommendation

Consent

That Application **B-50/20SC** by Felix Martinez Pineda, as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. That the Owner provide the Secretary-Treasurer with the Acknowledgement and Direction for conveyance of the subject parcel, together with a copy of the deposited reference plan, for use in the issuance of the Certificate of Consent.
2. That the Owner submit to the Secretary-Treasurer of the Committee of Adjustment a final certification fee of \$214.80 (2020 rate) payable to the Treasurer, City of St. Catharines.
3. That final approval of the concurrent Minor Variance Application be approved.
4. That all conditions of consent be fulfilled by December 16, 2021.

Minor Variance

That Application **A-111/20** by Felix Martinez Pineda, as outlined in the Notice of Hearing, be approved.

Report

The Proposal

The existing property located at 26 Admiral Road is L-shaped, with a back yard that extends westward behind 22 and 24 Admiral. The applicant proposes to sever this portion of the property so that it may be added to neighbouring 33 Rockwood Avenue to facilitate future development on those lands. The existing home at 26 Admiral Road is proposed to be retained.

Approval of the concurrent Minor Variance application would be required in order to allow the proposed severance. The Minor Variance seeks relief from the zoning by-law's maximum lot area provision, allowing a lot area of 557 m² for the existing home on Part 1, whereas the maximum permitted lot area in the R2 zone is 465 m².

Location and Site Description

The subject property is located on the south side of Admiral Road, between Ferndale Avenue and Park Avenue. The property is surrounded by detached dwellings and is located opposite the Ferndale Public School yard and adjacent to an unopened road allowance. The property is currently occupied by a detached dwelling which is proposed to be retained.

Circulation of Application

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

Planning Policy Context

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential on Schedule E9 thereof. Detached dwellings are permitted in this designation at a density generally ranging from 20 to 32 units per hectare. The proposed retained detached dwelling would not meet this minimum density threshold due its larger lot size (18 units per hectare), however the severed lands will facilitate residential infilling, resulting in an overall density increase more in keeping with the target density range. Any proposal to develop the severed lands would require further site plan approvals. If an apartment building is contemplated for the adjacent lands, approval of an Official Plan would also be required as apartment buildings are not a permitted use within the Low Density Residential designation. Alternatively, the severed lands could be developed for a private road development which may include detached, semi-detached and townhouse type dwellings.

Zoning By-law (2013-283)

The subject property is zoned Low Density Residential – Traditional Neighbourhood (R2). Detached dwellings are a permitted use in this zone. As above, an apartment building on the severed lands would require a rezoning, but a private road development would be permitted.

Planning Analysis

Consent

Section 16.11.3 of the GCP states that consents to sever will only be given where they contribute to the infilling of areas that are already substantially developed, and where the size and shape of the parcel is appropriate for the use proposed and in terms of the optimum development of the surrounding area. Provincial land use plans, as well as the City's Official Plan, promote opportunities for intensification 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-50/20SC** requests to sever the subject property to facilitate future residential development of the vacant lands (Part 3 – 33 Rockwood). The existing house on Part 1 (26 Admiral) is proposed to be retained. The proposed severed lands are

intended to be merged with the Millbank Street road allowance in order to accommodate the construction of either a private road residential development, or, if the required policy amendments are approved by City Council, an apartment building. Development of the severed lands will require site plan approval and surrounding property owners will be consulted as part of that process.

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

Staff are supportive of Consent Application **B-50/20SC**, subject to the conditions outlined in the recommendations.

Minor Variance

The Applicant has requested an increase in the maximum permitted lot area for the existing home on Part 1 (26 Admiral). While being reduced from its original lot size, the retained lands would still be oversized at 557 m², whereas the maximum permitted lot area is 465 m². The larger lot area would accommodate the footprint of the existing home and accessory structures in the rear yard. Staff are satisfied that the proposal represents a more efficient development pattern and that overall density targets can be achieved.

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

Conclusion

Having regard for the matters under Section 53 of *The Planning Act*, staff are of the opinion that approval of Application **B-50/20SC** will allow for development that is compatible with the neighbourhood, consistent with the provisions of the Zoning By-law, and will have no adverse impacts on the surrounding area and environment, subject to the conditions outlined herein. It is staff's recommendation that the requested consent to sever be approved, subject to the conditions outlined herein.

Having regard for the matters under Section 45(1) of the *Planning Act*, staff are of the opinion that Minor Variance Application **A-111/20** would be in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is desirable for the appropriate use and function of the lands. Staff recommend that the Application be approved.

Prepared and Submitted by:



Scott Ritchie
Urban Design Planner

Approved by:



Judy Pihach
Manager, Planning Services

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Bell - 26 Admiral Road - 905-20-337
Date: Wednesday, December 2, 2020 10:52:22 AM

Elaine Munro ACST

Committee Secretary and Planning Technician

Tel: 905.688.5601 x1715

Email: emunro@stcatharines.ca

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

Sent: Wednesday, December 2, 2020 10:36 AM

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

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

Subject: RE: Committee of Adjustment Applications for December 16, 2020 Hearing - Email 3 - Last Email - 905-20-337

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,

Re: Severance application B50-20SC.

Subsequent to review of the severance at 26 Admiral Road, Bell Canada's engineering department have determined that there are no concerns or issues with the proposed application.

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

Best regards,

Carrie Gordon



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

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: RE: 26 Admiral Road, B-50/20SC and A-111/20, St. Catharines.
Date: Monday, November 30, 2020 10:28:25 AM

Elaine Munro ACST

Committee Secretary and Planning Technician

Tel: 905.688.5601 x1715

Email: emunro@stcatharines.ca

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

Sent: Monday, November 30, 2020 9:25 AM

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

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

Subject: Re: 26 Admiral Road, B-50/20SC and A-111/20, St. Catharines.

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

Hi Elaine

Cogeco has no issue or concerns with these applications.

Thanks

Doug Crown

Network Planning Department

Doug.crown@cogeco.com

7170 Mcleod Rd
Niagara Falls Ont Canada

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: November 25, 2020

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – December 16, 2020 hearing

B-42/19SC – 114 Lake Street

Comment:

- No comment

Condition:

- That the applicant shall satisfy the Chief Building Official for the City of St. Catharines that, as a result of the proposed severance, that spatial separation requirements for the glazed openings and type of construction for the exposed building face of the existing dwelling facing Part 1 meet the requirements of Subsection 9.10.14 and 9.10.15 of the 2012 Ontario Building Code as applicable.

B-49/20SC – 68 Hannover Drive

Comment:

- No comment

Condition:

- No comment

B-50/20SC – 26 Admiral Road

Comment:

- No comment

Condition:

- No comment

B-52/20SC – 140 Glendale Avenue

Comment:

- No comment

Condition:

- No comment

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

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: November 25, 2020

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – December 16, 2020 hearing

NO.	ADDRESS	COMMENTS
A-136/19	114 Lake Street	No comment
A-108/20	64 South Drive	Be advised that a building permit is required for the proposed addition.
A-29/19	281 Martindale Road	No comment
A-109/20	12 Main Street	No comment
A-110/20	74 Avery Crescent	Be advised that a building permit is required for the proposed addition.
A-111/20	26 Admiral Road	No comment
A-113/20	17 Glenbarr Road	Be advised that a building permit is required for the proposed building.
A-114/20	26 Mountain Road	Be advised that revised drawings are required for the increase in building height.

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: December 1, 2020
Subject: Committee of Adjustment Hearing – December 16, 2020

CRCS has reviewed the Committee of Adjustment application for the hearing of December 16, 2020 and provides the following comments;

1. **114 Lake Street, Consent, B-42/19SC – 60.84.2269**
114 Lake Street, Minor Variance, A-136/19 – 60.81.5570
No comment.
2. **64 South Drive, Minor Variance, A-108/20 – 60.81.5698**
No comment.
3. **68 Hannover Drive, Consent, B-49/20SC – 60.84.2326**
281 Martindale Road, Minor Variance, A-29/19 – 60.81.5463
No comment.
4. **12 Main Street, Minor Variance, A-109/20 – 60.81.5699**
No objections to the requested parking reduction. CRCS encourages the reinstatement of sod in portions of the yard and boulevard which are not required for parking or access purposes. This will assist in greening initiatives, including the provision of boulevard plantings.
5. **74 Avery Crescent, Minor Variance, A-110/20 – 60.81.5700**
No comment.
6. **26 Admiral Road, Consent, B-50.20SC – 60.84.2327**
26 Admiral Road, Minor Variance, A-111/20 – 60.81.5701
No objections. Landscape design, fencing and tree protection will be addressed through the site plan agreement.

7. 140 Glendale Avenue, Consent, B-52/20SC – 60.84.2329

As a new lot is being created, CRCS request that the following be included as a condition of severance:

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.

8. 17 Glenbarr Road, Minor Variance, A-113/20 – 60.81.5703

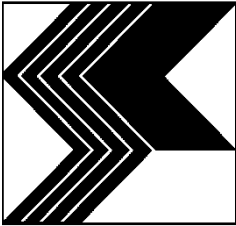
No comment.

9. 26 Mountain Street, Minor Variance, A-114/20 – 60.81.5704

No comment.

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

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-50/20SC



December 2, 2020

ENGINEERING FILE 300-36

Hearing Date: December 16, 2020

Applicant: Felix Martinez Pineda

Location: 26 Admiral Road

<u>MUNICIPAL SERVICES</u>	Admiral Road	Millbank Street
Water:	150mm AC	None.
Sanitary Sewer:	200mm	200mm Clay (Millbank Street)
Storm Sewer:	450mm	Ditching
Sidewalks:	Yes	None.
Road Allowance Width:	20m±	20m±

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

Comment(s): It is noted that the Applicant proposes to sever Part 2 on the existing sketch to be added to the abutting southerly parcel known as 33 Rockwood Avenue (Part 3) for the purposes of a future multi-residential development.

Roads Admiral Road is designated a Local road in the City’s Official plan with a desired right-of-way width of 20m. Its current width along this section is approximately 20m±. Therefore, a road widening will not be required at this time.

Millbank Street is currently designated a Local road in the City’s Official plan with a desired right-of-way width of 20m. It is currently in an unimproved state containing ditching for stormwater conveyance from lands to the south from Rockwood Avenue. The existing municipal sanitary sewer no longer conveys flows from any properties to the Admiral Street sanitary sewer, other than a previous shed on the rear portion of 33 Rockwood Avenue, which no longer exists.

Sidewalks Although sidewalks exist along Admiral Drive, they do not exist along the Millbank Street frontage of the subject property and will not be required as a condition of this severance application.

Condition(s): Development Engineering have no further comments or conditions to impose regarding this application.

Prepared By: 
Brad Johnston, C.E.T.
Development Engineering Technologist

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



Memorandum

To: Elaine Munro, ACST, Committee Secretary & Planning Technician
Cc: City Committee of Adjustment Staff Members
From: Brad Johnston, C.E.T., Development Engineering Technologist
Date: December 2, 2020
Hearing Date: December 16, 2020
Subject: **Committee of Adjustment - Minor Variance Applications**
114 Lake Street, A-136/19SC
64 South Drive, A-108/20SC
281 Martindale Road, A-29/19SC
12 Main Street, A-109/20SC
74 Avery Crescent, A-110/20SC
26 Admiral Road, A-111/20SC
17 Glenbarr Road, A-113/20
26 Mountain Road, A-114/20

Development Engineering have reviewed the above applications and have no comments or objections other than the following:

Comments:

- 74 Avery Crescent
 - In an attempt to maintain rear-yard drainage in accordance with the approved master grading control plan for the subdivision, item #4 to reduce the minimum rear yard setback from 0.60m to 0.36m should be denied.
- 26 Mountain Street
 - All encroachments (fencing, vehicle storage, etc.) within the Bradley Street frontage, identified through a plan of survey, be removed along the Bradley Street frontage and the boulevard restored to the City's satisfaction.

Prepared by:

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

c. James Denham, PBS (email only)



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: November 24, 2020

Subject: Committee of Adjustment
Public Hearings – December 2, 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-52/20SC (60.84.2329)

140 Glendale Avenue

DATE OF HEARING:
December 16, 2020

Mountainview United Church
150 Glendale Ave, St Catharines ON

Secretary Treasurer
Committee of Adjustment
City of St Catharines

Dear Ms Elaine Munroe, Secretary Treasurer

Re: Application B 52/ 20SC

Thank you for the notice of the above noted application.

The Trustees of Mountainview United Church, 150 Glendale Ave have no objection to the above noted application.

Respectfully,

David Gillis

Chair of Trustees, Mountainview United Church



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: December 7, 2020

Date of Meeting: December 16, 2020

Report Number: B-52/20SC

File: 60.84.2329

Subject: 140 Glendale Ave (to become 140A and 140B Glendale Ave)

Recommendation

Consent

That Application B-52/20SC by Antonette Torelli and Marc Torelli, as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. That the Owner submit payment for placement of a 60mm boulevard tree, in accordance with the City's current Schedule of Rates and Fees (2020 rate of \$466.40).
2. That the Owner provide the Secretary-Treasurer of the Committee of Adjustment with the Acknowledgement and Direction for conveyance of the subject parcel, together with a copy of the deposited reference plan, for use in issuance of the Certificate of Consent.
3. That the Owner submit to the Secretary-Treasurer of the Committee of Adjustment a final certification fee, payable to the Treasurer, City of St. Catharines, in accordance with the City's current Schedule of Rates and Fees (2020 rate of \$214.80).
4. That all conditions of consent be fulfilled by December 16, 2021.

Background

This property was previously subject of several applications to the Committee of Adjustment. Minor Variance Application A-64/18 approved reductions in setbacks to permit the semi-detached dwelling to be constructed. Consent Application B-27/19-SC and concurrent Minor Variance Applications A-84/19 and A-85/19 approved severing the lot in the same manner proposed in this current Application with reductions in lot area and lot frontage and an increase in driveway width. Despite being approved, Consent Application B-27/19-SC lapsed before final registration. As a result, the applicant is again seeking to split the semi-detached dwelling into two separate lots to allow each lot to be conveyed under separate ownership.

Report

The Proposal

The Applicant proposes to sever the lot at 140 Glendale Avenue containing an existing semi-detached dwelling into two lots (one new, one retained). No new development is proposed as a result of this Application.

Severed Parcel	Severed Area	Retained Parcel	Retained Area
Part 1 (to be known as 140A Glendale Ave)	367.6 m ²	Part 2 (to be known as 140B Glendale Ave)	367.6 m ²

Location and Site Description

The subject property is located on the south side of Glendale Avenue, between Valerie Drive and Wakil Drive and is surrounded by detached dwellings.

The property is currently occupied by a semi-detached dwelling, which will be retained with one dwelling unit on each lot.

Circulation of Application

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

Planning Policy Context

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential on Schedule E8 thereof. Semi-detached dwellings are permitted.

Zoning By-law (2013-283)

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

Planning Analysis

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

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Bell - 140 Glendale Avenue - 905-20-338
Date: Wednesday, December 2, 2020 10:39:04 AM

Elaine Munro ACST

Committee Secretary and Planning Technician

Tel: 905.688.5601 x1715

Email: emunro@stcatharines.ca

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

Sent: Wednesday, December 2, 2020 9:58 AM

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

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

Subject: RE: Committee of Adjustment Applications for December 16, 2020 Hearing - Email 2 - 905-20-338

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

Re: Severance application B-52/20SC

Subsequent to review of the severance at 140 Glendale Avenue, Bell Canada's engineering department have determined that there are no concerns or issues with the proposed application.

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

Best regards,

Carrie Gordon



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

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

Sent: Tuesday, November 24, 2020 2:40 PM

To: ROWCC <rowcentre@bell.ca>

Cc: Banda, Wilrik <

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: RE: 140 Glendale Avenue, B-52/20SC, St. Catharines.
Date: Monday, November 30, 2020 11:59:29 AM

Elaine Munro ACST

Committee Secretary and Planning Technician

Tel: 905.688.5601 x1715

Email: emunro@stcatharines.ca

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

Sent: Monday, November 30, 2020 9:29 AM

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

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

Subject: Re: 140 Glendale Avenue, B-52/20SC, St. Catharines.

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

Hi Elaine

Cogeco has no issue or concerns with this application.

Thanks

Doug Crown

Network Planning Department

Doug.crown@cogeco.com

7170 Mcleod Rd
Niagara Falls Ont Canada

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

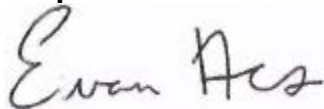
Consent Application B-52/20SC requests to sever the subject property into two lots. Each lot will contain one unit within the existing semi-detached dwelling. As noted above, a previous severance application identical to this one was approved but lapsed before registration. Through previously approved minor variances, the existing building and proposed lots meet all zoning requirements. The proposal also meets all requirements of the Official Plan. Staff consider this request to be reasonable.

Staff are supportive of Consent Application B-52/20SC, subject to the conditions outlined in the recommendation herein.

Conclusion

Having regard for the matters under Section 53 of the *Planning Act* staff are of the opinion that Consent Application B-52/20SC complies with the provisions of the Zoning By-law and will have no adverse impacts on the surrounding area and environment. It is staff's recommendation that the requested consent to sever be approved, subject to the conditions outlined in the recommendation.

Prepared and Submitted by:



Evan Acs
Planner I

Approved by:



Amanda Knutson
Senior Development Planner
(Planner 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: November 25, 2020

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – December 16, 2020 hearing

B-42/19SC – 114 Lake Street

Comment:

- No comment

Condition:

- That the applicant shall satisfy the Chief Building Official for the City of St. Catharines that, as a result of the proposed severance, that spatial separation requirements for the glazed openings and type of construction for the exposed building face of the existing dwelling facing Part 1 meet the requirements of Subsection 9.10.14 and 9.10.15 of the 2012 Ontario Building Code as applicable.

B-49/20SC – 68 Hannover Drive

Comment:

- No comment

Condition:

- No comment

B-50/20SC – 26 Admiral Road

Comment:

- No comment

Condition:

- No comment

B-52/20SC – 140 Glendale Avenue

Comment:

- No comment

Condition:

- No comment

A handwritten signature in blue ink, appearing to read 'Lou Grossi', with a horizontal line extending to the right and a vertical line crossing it.

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: December 1, 2020
Subject: Committee of Adjustment Hearing – December 16, 2020

CRCS has reviewed the Committee of Adjustment application for the hearing of December 16, 2020 and provides the following comments;

1. **114 Lake Street, Consent, B-42/19SC – 60.84.2269**
114 Lake Street, Minor Variance, A-136/19 – 60.81.5570
No comment.
2. **64 South Drive, Minor Variance, A-108/20 – 60.81.5698**
No comment.
3. **68 Hannover Drive, Consent, B-49/20SC – 60.84.2326**
281 Martindale Road, Minor Variance, A-29/19 – 60.81.5463
No comment.
4. **12 Main Street, Minor Variance, A-109/20 – 60.81.5699**
No objections to the requested parking reduction. CRCS encourages the reinstatement of sod in portions of the yard and boulevard which are not required for parking or access purposes. This will assist in greening initiatives, including the provision of boulevard plantings.
5. **74 Avery Crescent, Minor Variance, A-110/20 – 60.81.5700**
No comment.
6. **26 Admiral Road, Consent, B-50.20SC – 60.84.2327**
26 Admiral Road, Minor Variance, A-111/20 – 60.81.5701
No objections. Landscape design, fencing and tree protection will be addressed through the site plan agreement.

7. 140 Glendale Avenue, Consent, B-52/20SC – 60.84.2329

As a new lot is being created, CRCS request that the following be included as a condition of severance:

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.

8. 17 Glenbarr Road, Minor Variance, A-113/20 – 60.81.5703

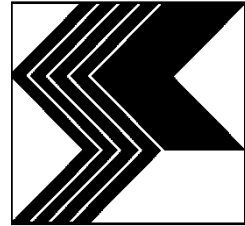
No comment.

9. 26 Mountain Street, Minor Variance, A-114/20 – 60.81.5704

No comment.

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

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-52/20SC



November 30th, 2020

ENGINEERING FILE 300-36

Hearing Date: December 16th, 2020

Applicant: Owner: Marc and Antonette Torelli

Location: 140 Glendale Avenue

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

Comment(s): It is noted that the Applicant has constructed two semi-detached units and now wishes to separate the two units shown as Part 1 and Part 2 on the sketch plan prepared by Richard Larocque Limited.

Since these units are already constructed through an approved building permit which included an approved grading plan, and have been individually serviced, we have no conditions to impose on this application.

Prepared By: _____
James Denham, P.Eng.
Development Engineering Technologist



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: November 24, 2020

Subject: Committee of Adjustment
Public Hearings – December 2, 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-113/20 (60.81.5703)

17 Glenbarr Road

DATE OF HEARING:
December 16, 2020



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: December 11, 2020 **Date of Meeting:** December 16, 2020

Report Number: A-113/20 **File:**60.81.5703

Subject: 17 Glenbarr Road

Recommendation

That Application **A-113/20** by Ronald Vahrmeyer, as outlined in the Notice of Hearing, be denied.

Report

The Proposal

Application A-113/20 seeks relief from the City of St. Catharines By-law 2013-283, as amended, for a reduction in the minimum rear yard from 7.5 metres to 4 metres for the proposed construction of a detached dwelling. The subject parcel was created through previously approved consent application B-66/16SC. At the time of consent, no rear yard reduction was requested, and the submitted sketch demonstrated a building footprint that met all required setbacks.

Location and Site Description

The subject property is located on the north side of Glenbarr Road, east of East Hampton Road. The property is surrounded by residential dwellings in all directions.

Circulation of Application

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

Planning Policy Context

Official Plan (Garden City Plan)

The subject properties are designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential on Schedule E8 thereof. The designation allows a variety of low-density residential uses including detached dwellings. No Official Plan Amendment is required.

Zoning By-law (2013-283)

The subject property is zoned Low Density Residential – Suburban Neighbourhood (R1) which permits a variety of low-density residential uses, including detached dwellings, subject to the provisions of the Zoning By-law.

Planning Analysis

The applicant has proposed to construct a detached dwelling on the subject property with a 4.0 metre rear yard setback. The By-law requires a 7.5 metre rear yard setback in the R1 zone. The R1 zone is intended to have greater setbacks than all other residential zones to maintain a suburban character. The proposed reduction in rear yard setback is not in keeping with the intent of the Zoning By-law to provide sufficient amenity space and setbacks that are appropriate for a suburban neighbourhood. The subject parcel was created in part based on a building footprint that was shown to meet all required setbacks.

The 3.5 metre reduction in rear yard setback is not considered to be minor. The rear yard amenity space is significantly reduced by the proposed setback and there is no provision of any other amenity space on the property to make up for the loss of rear yard. The reduced setback also results in a building being constructed much closer to the adjacent residential lot to the rear than is typical in the Suburban Neighbourhood zone. This is not appropriate in the intended development in the R1 zone, where new construction should be in keeping with the suburban neighbourhood character.

Section 7.1 of the Garden City Plan states that development and redevelopment in the City of St. Catharines shall be evaluated having regard for the following:

- c) Building, site, streetscape and neighbourhood context sensitive design to ensure:
- iv) Adequate and appropriate lot size, shape and configuration, access, on-site facilities and outdoor amenity areas to accommodate use;

This application is not in keeping with the intent of the Official Plan to ensure adequate and appropriate outdoor amenity areas given the suburban neighbourhood context.

Conclusion

Having regard for the matters under Section 45(1) of the *Planning Act*, staff are of the opinion that Variance Application A-29/19 is not in keeping with the general intent of the Official Plan and Zoning By-law, minor in nature, nor desirable for the appropriate use of the lands. Staff recommend that the Application be denied.

Prepared and Submitted by:



Charlotte McEwan
Planner I

Approved by:



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

December 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# 60.81.5703

Re: 17 Glenbarr Rd

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

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

We would also like to stipulate the following:

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

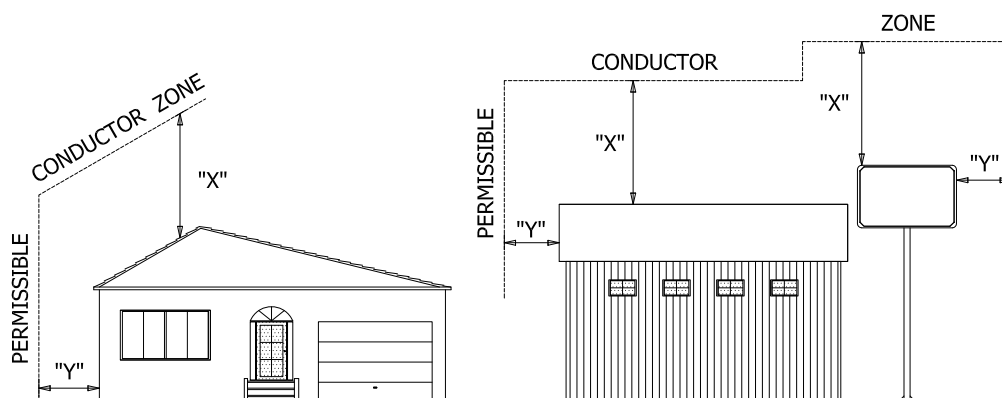
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Alectra Utilities must be contacted if the removal,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

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

Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital



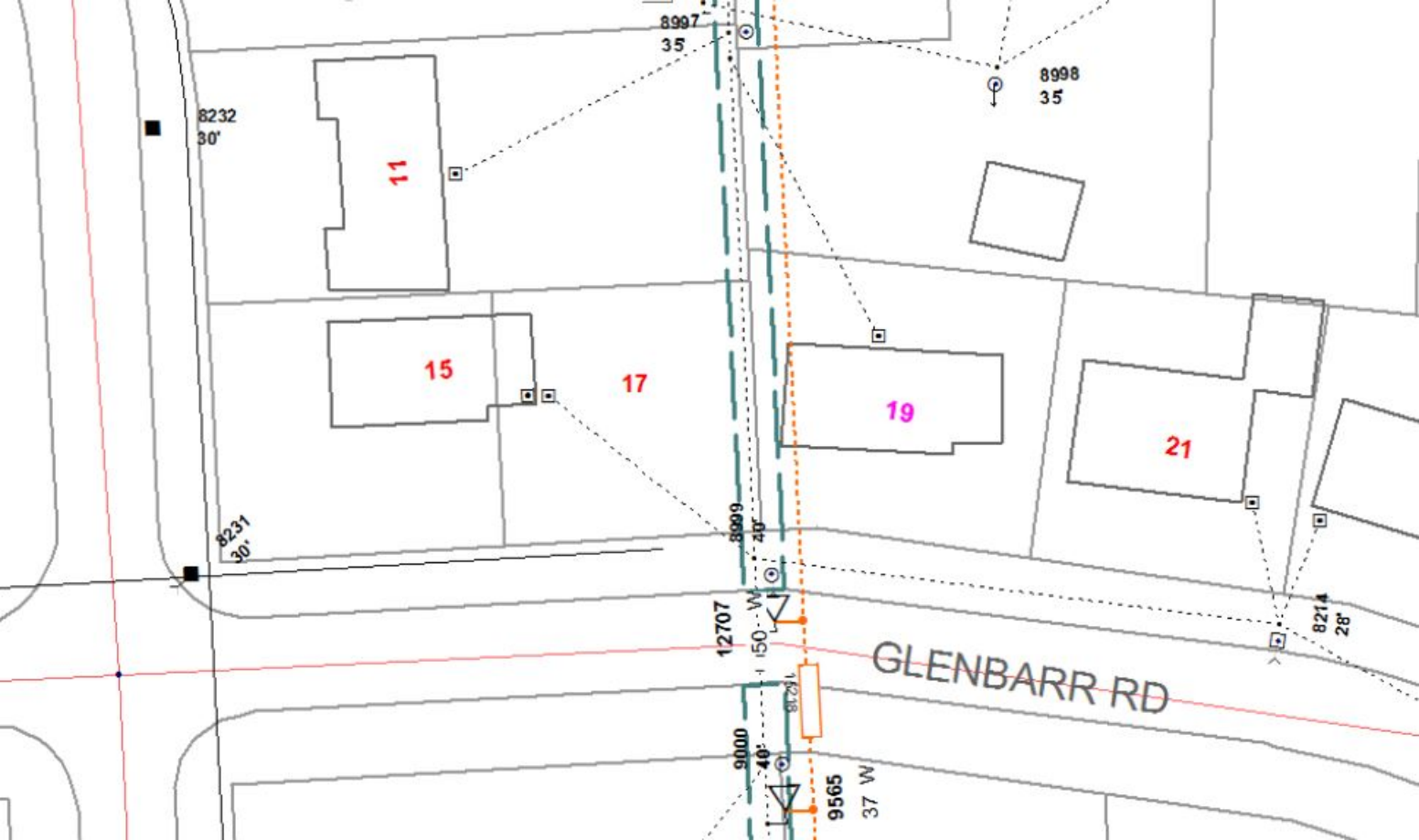
- UNDER NO CIRCUMSTANCES SHALL A CONDUCTOR BE PERMITTED TO PENETRATE THE ENVELOPE SHOWN BY THE DOTTED LINE.

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

* - INCLUDES MULTI-GROUNDED NEUTRALS

NOTES:

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



From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: RE: 17 Glenbarr Road, A-113/20, St. Catharines.
Date: Monday, November 30, 2020 12:00:01 PM

Elaine Munro ACST

Committee Secretary and Planning Technician

Tel: 905.688.5601 x1715

Email: emunro@stcatharines.ca

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

Sent: Monday, November 30, 2020 9:31 AM

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

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

Subject: Re: 17 Glenbarr Road, A-113/20, St. Catharines.

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

Hi Elaine
Cogeco has no issue or concerns with
this application.
Thanks

Doug Crown
Network Planning Department
Doug.crown@cogeco.com

7170 Mcleod Rd
Niagara Falls Ont Canada

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: November 25, 2020

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – December 16, 2020 hearing

NO.	ADDRESS	COMMENTS
A-136/19	114 Lake Street	No comment
A-108/20	64 South Drive	Be advised that a building permit is required for the proposed addition.
A-29/19	281 Martindale Road	No comment
A-109/20	12 Main Street	No comment
A-110/20	74 Avery Crescent	Be advised that a building permit is required for the proposed addition.
A-111/20	26 Admiral Road	No comment
A-113/20	17 Glenbarr Road	Be advised that a building permit is required for the proposed building.
A-114/20	26 Mountain Road	Be advised that revised drawings are required for the increase in building height.

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: December 1, 2020
Subject: Committee of Adjustment Hearing – December 16, 2020

CRCS has reviewed the Committee of Adjustment application for the hearing of December 16, 2020 and provides the following comments;

1. **114 Lake Street, Consent, B-42/19SC – 60.84.2269**
114 Lake Street, Minor Variance, A-136/19 – 60.81.5570
No comment.
2. **64 South Drive, Minor Variance, A-108/20 – 60.81.5698**
No comment.
3. **68 Hannover Drive, Consent, B-49/20SC – 60.84.2326**
281 Martindale Road, Minor Variance, A-29/19 – 60.81.5463
No comment.
4. **12 Main Street, Minor Variance, A-109/20 – 60.81.5699**
No objections to the requested parking reduction. CRCS encourages the reinstatement of sod in portions of the yard and boulevard which are not required for parking or access purposes. This will assist in greening initiatives, including the provision of boulevard plantings.
5. **74 Avery Crescent, Minor Variance, A-110/20 – 60.81.5700**
No comment.
6. **26 Admiral Road, Consent, B-50.20SC – 60.84.2327**
26 Admiral Road, Minor Variance, A-111/20 – 60.81.5701
No objections. Landscape design, fencing and tree protection will be addressed through the site plan agreement.

7. 140 Glendale Avenue, Consent, B-52/20SC – 60.84.2329

As a new lot is being created, CRCS request that the following be included as a condition of severance:

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.

8. 17 Glenbarr Road, Minor Variance, A-113/20 – 60.81.5703

No comment.

9. 26 Mountain Street, Minor Variance, A-114/20 – 60.81.5704

No comment.

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



Memorandum

To: Elaine Munro, ACST, Committee Secretary & Planning Technician
Cc: City Committee of Adjustment Staff Members
From: Brad Johnston, C.E.T., Development Engineering Technologist
Date: December 2, 2020
Hearing Date: December 16, 2020
Subject: **Committee of Adjustment - Minor Variance Applications**
114 Lake Street, A-136/19SC
64 South Drive, A-108/20SC
281 Martindale Road, A-29/19SC
12 Main Street, A-109/20SC
74 Avery Crescent, A-110/20SC
26 Admiral Road, A-111/20SC
17 Glenbarr Road, A-113/20
26 Mountain Road, A-114/20

Development Engineering have reviewed the above applications and have no comments or objections other than the following:

Comments:

- 74 Avery Crescent
 - In an attempt to maintain rear-yard drainage in accordance with the approved master grading control plan for the subdivision, item #4 to reduce the minimum rear yard setback from 0.60m to 0.36m should be denied.
- 26 Mountain Street
 - All encroachments (fencing, vehicle storage, etc.) within the Bradley Street frontage, identified through a plan of survey, be removed along the Bradley Street frontage and the boulevard restored to the City's satisfaction.

Prepared by:

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

c. James Denham, PBS (email only)



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: November 24, 2020

Subject: Committee of Adjustment
Public Hearings – December 2, 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-114/20 (60.81.5704)

26 Mountain Street

DATE OF HEARING:
December 16, 2020



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: December 7, 2020

Date of Meeting: December 16, 2020

Report Number: A-114/20

File: 60.81.5704

Subject: 26 Mountain Street

Recommendation

That Variance 1 in Application **A-114/20** by Gerard Murray, as outlined in the Notice of Hearing, be denied, as it is unnecessary.

That Variance 2 in Application **A-114/20** by Gerard Murray, as outlined in the Notice of Hearing, be approved.

Report The Proposal

The Applicant proposes to build a detached garage (an accessory building) to replace one that had been damaged by fire. The proposed garage is taller than permitted under the Zoning By-law. The Applicant is also requesting a variance to increase the maximum lot area for a detached dwelling to recognize the size of the existing lot.

Variance No.	Zoning Provision	Required	Proposed
1.	Maximum Lot Area - Detached Dwelling in R1 Zone	538m ²	778m ²
2.	Maximum Building Height – Accessory Buildings and Structures	4.5m	4.75m

Location and Site Description

The subject lands are located on the southeast corner of Mountain Road and Bradley Street. The neighbourhood is primarily low rise residential, with a park on the north side of Bradley Street. The subject property is currently occupied by a detached dwelling.

Circulation of Application

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

Planning Policy Context

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential on Schedule E9 thereof. Detached dwellings with accessory buildings are permitted in this designation.

Zoning By-law (2013-283)

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

Planning Analysis

Variance 1

The Applicant is seeking to increase the permitted lot area for a detached dwelling from 538 square metres to 778 square metres. Since the lot is existing and no new dwelling is being proposed, staff find this variance request to be unnecessary and recommend denial. Denial of this variance will have no impact on the Applicant's proposed accessory building.

Variance 2

The Applicant has requested an increase to the maximum height for an accessory building from 4.5 metres to 4.75 metres. Approval of this variance will permit a detached garage, which was previously destroyed by fire, to be reconstructed. The reduction is considered minor in nature.

The proposed accessory building is located in the rear yard of the subject property and meets all other required setbacks of the Zoning By-law. It is not anticipated that the requested 0.25 metre increase in height will have an impact on neighbouring properties. Given the proportions of the proposed accessory building, the height increase will be virtually indistinguishable from what is otherwise permitted. The increase in accessory building height is considered desirable for the appropriate use of the subject lands.

The intent of the height limit on accessory buildings is to ensure they are not oversized, to limit potential impacts on neighbouring properties, and to limit functionality of accessory buildings to ensure they remain accessory nature. The proposed increase in height from 4.5 metres to 4.75 metres represents such a minor increase that the building will not be oversized, will not impact neighbouring properties and will only serve as an accessory building to the principal dwelling on the property. Staff consider the intent of the Zoning By-law to be upheld.

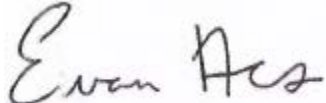
Section 7.1 of the GCP states that development and redevelopment shall be evaluated having regard for context sensitive design to ensure the integration of compatible building

form, scale, height and setbacks with adjacent buildings and the surrounding neighbourhood. Adverse impacts on adjacent properties are to be minimized as they relate to transition in height and privacy. The proposed accessory building is not uncharacteristic of the area. As discussed above, the increase in height for the accessory building is not expected to negatively impact the neighbouring properties. The proposal is in keeping with the spirit and intent of the Official Plan.

Conclusion


Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Variance 2 of Application A-114/20 is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is desirable for the appropriate use of the lands. Staff recommend approval of Variance 2 and denial of Variance 1, given the latter is unnecessary.

Prepared and Submitted by:



Evan Acs
Planner I

Approved by:



Amanda Knutson
Senior Development Planner
(Planner II)

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Former Landfill Comments RE: Committee of Adjustment Applications for December 16, 2020 Hearing
Date: Friday, December 11, 2020 11:11:22 AM

74 Avery
26 Mountain

Elaine Munro ACST
Committee Secretary and Planning Technician
Tel: 905.688.5601 x1715
Email: emunro@stcatharines.ca

From: Vasko, Dennis <dvasko@stcatharines.ca>
Sent: Wednesday, November 25, 2020 9:30 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Committee of Adjustment Applications for December 16, 2020 Hearing

Hi Elaine,

No comments regarding these properties

Dennis

Dennis Vasko
Fill Site Technician
Tel: [905.688.5601](tel:905.688.5601) x2163
Email: dvasko@stcatharines.ca

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: RE: 26 Mountain Street, A-114/20, St. Catharines - Last Email
Date: Monday, November 30, 2020 12:03:01 PM

Elaine Munro ACST

Committee Secretary and Planning Technician

Tel: 905.688.5601 x1715

Email: emunro@stcatharines.ca

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

Sent: Monday, November 30, 2020 9:56 AM

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

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

Subject: Re: 26 Mountain Street, A-114/20, St. Catharines - Last Email

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

Hi Elaine

Leave it to me. I already screwed up your new system.

I think I missed this one.

Cogeco has no issues or concerns with this application.

Thanks

Doug Crown

Network Planning Department

Doug.crown@cogeco.com

7170 Mcleod Rd
Niagara Falls Ont Canada

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: November 25, 2020

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – December 16, 2020 hearing

NO.	ADDRESS	COMMENTS
A-136/19	114 Lake Street	No comment
A-108/20	64 South Drive	Be advised that a building permit is required for the proposed addition.
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A-109/20	12 Main Street	No comment
A-110/20	74 Avery Crescent	Be advised that a building permit is required for the proposed addition.
A-111/20	26 Admiral Road	No comment
A-113/20	17 Glenbarr Road	Be advised that a building permit is required for the proposed building.
A-114/20	26 Mountain Road	Be advised that revised drawings are required for the increase in building height.

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: December 1, 2020
Subject: Committee of Adjustment Hearing – December 16, 2020

CRCS has reviewed the Committee of Adjustment application for the hearing of December 16, 2020 and provides the following comments;

1. **114 Lake Street, Consent, B-42/19SC – 60.84.2269**
114 Lake Street, Minor Variance, A-136/19 – 60.81.5570
No comment.
2. **64 South Drive, Minor Variance, A-108/20 – 60.81.5698**
No comment.
3. **68 Hannover Drive, Consent, B-49/20SC – 60.84.2326**
281 Martindale Road, Minor Variance, A-29/19 – 60.81.5463
No comment.
4. **12 Main Street, Minor Variance, A-109/20 – 60.81.5699**
No objections to the requested parking reduction. CRCS encourages the reinstatement of sod in portions of the yard and boulevard which are not required for parking or access purposes. This will assist in greening initiatives, including the provision of boulevard plantings.
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No comment.
6. **26 Admiral Road, Consent, B-50.20SC – 60.84.2327**
26 Admiral Road, Minor Variance, A-111/20 – 60.81.5701
No objections. Landscape design, fencing and tree protection will be addressed through the site plan agreement.

7. 140 Glendale Avenue, Consent, B-52/20SC – 60.84.2329

As a new lot is being created, CRCS request that the following be included as a condition of severance:

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.

8. 17 Glenbarr Road, Minor Variance, A-113/20 – 60.81.5703

No comment.

9. 26 Mountain Street, Minor Variance, A-114/20 – 60.81.5704

No comment.

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



Memorandum

To: Elaine Munro, ACST, Committee Secretary & Planning Technician
Cc: City Committee of Adjustment Staff Members
From: Brad Johnston, C.E.T., Development Engineering Technologist
Date: December 2, 2020
Hearing Date: December 16, 2020
Subject: **Committee of Adjustment - Minor Variance Applications**
114 Lake Street, A-136/19SC
64 South Drive, A-108/20SC
281 Martindale Road, A-29/19SC
12 Main Street, A-109/20SC
74 Avery Crescent, A-110/20SC
26 Admiral Road, A-111/20SC
17 Glenbarr Road, A-113/20
26 Mountain Road, A-114/20

Development Engineering have reviewed the above applications and have no comments or objections other than the following:

Comments:

- 74 Avery Crescent
 - In an attempt to maintain rear-yard drainage in accordance with the approved master grading control plan for the subdivision, item #4 to reduce the minimum rear yard setback from 0.60m to 0.36m should be denied.
- 26 Mountain Street
 - All encroachments (fencing, vehicle storage, etc.) within the Bradley Street frontage, identified through a plan of survey, be removed along the Bradley Street frontage and the boulevard restored to the City's satisfaction.

Prepared by:

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

c. James Denham, PBS (email only)



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: November 24, 2020

Subject: Committee of Adjustment
Public Hearings – December 2, 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