

Agenda

Wednesday, January 27, 2021

Electronic Participation at 5.00 pm

As part of the City's commitment to safety during the COVID-19 pandemic, this meeting of the **Committee of Adjustment** will be held electronically.

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

Public Comments: The public may submit comments regarding agenda matters by contacting emunro@stcatharines.ca by January 25, 2021 before 3:00 p.m. Comments submitted will be considered as public information and entered into public record.

Members:

Greg Redden, Chair
David Ringler, Vice Chair
Kerry Leask, Member
Robin McPherson, Member
Adam Selvig, Member

Staff Liaison:

Elaine Munro, Secretary-Treasurer
Wilrik Banda, Assistant Secretary-Treasurer
Evan Acs, Planner
Charlotte McEwan, Planner
Scott Ritchie, Planner

-
1. **Call meeting to order (Chair)**
 2. **Recognition of Traditional Territories**
 3. **Additions / Deletions to the Agenda**
 4. **Motion to approve the agenda**
 5. **Motion to adopt the minutes of the previous meeting**
 6. **Declarations of Interest**

7. Request for Adjournment

- i) 102 Broadway, Consent, B-07/19SC – 60.84.2235, 102 Broadway, Minor Variance, A-19/19 – 60.81.5453, 2 Lakeside Drive, Minor Variance, A-20/19 – 60.81.5454

A request has been received from the Owner to further extend the deferral of the consent and minor variance applications for 3 months to evaluate next steps.

Agent: Frank DiPietro

8. Applications

- 1. 71 Bradley Street, Consent, B-51/20SC – 60.84.2328
- 2. 8 Paxton Avenue, Consent, B-22/20SC – 60.84.2299
 - 8 Paxton Avenue, Minor Variance, A-45/20 – 60.81.5635
 - 10 Paxton Avenue, Minor Variance, A-46/20 – 60.81.5636
- 3. 50 Herrick Avenue, Minor Variance, A-02/21 – 20119039
- 4. 35 Mountain Street, Minor Variance, A-01/21 – 20119004
- 5. *36 The Cedars, Minor Variance, A-03/21 – 20119062
- 6. 41 Ravine Road, Minor Variance, A-04/21 – 20119069
- 7. 91 Henry Street, Minor Variance, A-05/21 – 20119064
- 8. 159 Beech Street, Minor Variance, A-06/21 – 20119073
- 9. 189 Geneva Street, Minor Variance, A-07/21 – 20119084

*Under Review – To Confirm on Monday

9. New Business

10. Date of next meeting

Wednesday February 24, 2021 at 5.00 pm

11. Motion to Adjourn

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-51/20SC

71 Bradley Street

DATE OF HEARING:
January 27, 2021

From: [Paul Stefanchuk](#)
To: [Munro, Elaine](#)
Subject: Comments for Hearing, file No. 60.84.2328, 71 Bradley Street
Date: Tuesday, January 19, 2021 11:50:11 PM

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.

Ms. Munro,

Listed below are my comments/concerns regarding the proposed construction of a semi-detached dwelling on 71 Bradley Street. I am joint owner with my wife of the adjacent property at 69 Bradley Street.

- 1) Our home builder built our home at an elevation that is lower than the current elevation of the lot at 71 Bradley. What is the grading plan for 71 Bradley? I am concerned that the new construction will be done at a higher finished ground level resulting in storm water runoff over the culvert and draining onto our property. I am also concerned about soil erosion and soil falling onto our side of the culvert. (I have included three pictures along the culvert in the easement showing the difference between our final grade and the existing ground elevation on 71 Bradley.)
- 2) I would like a construction fence placed up on the east side of the property to prevent construction debris on our property.
- 3) Regarding the trees above the retaining wall. We have lost some of our trees because a neighbour had entered our property and cut down trees until we stopped him. We want to make sure the owners of 71 Bradley Street are aware that the trees above the retaining wall cannot be removed or pruned without the consent of the Niagara Escarpment Commission.
- 4) The culvert in the easement has some damage. There is a whole in the top of the culvert which I have placed a large rock over since racoons were frequently seen entering and exiting the culvert. I would like the new owners to be careful when excavating near the culvert not to damage it further.

--

Regards,
Paul Stefanchuk

Paul Stefanchuk
69 Bradley Street
St. Catharines, ON

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CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: January 21, 2021

Date of Meeting: January 27, 2021

Report Number: B-51/20SC

File: 60.84.2328

Subject: 71 Bradley Street (to become 71 and 71 A Bradley Street)

Recommendation

Consent

That Application B-51/20SC by 5034318 Ontario Ltd, as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. That the Owner enter into a Development Agreement with the City of St. Catharines, to be registered on title to the lands now known as 71 Bradley Street addressing the following conditions:
 - a. That building permit plans for Parts 1 and 2, once submitted, be reviewed and confirmed to be generally in accordance with the site plan and elevation plans submitted with this application, and
 - b. That requirements, including costs, for connecting to the Niagara Region's sanitary sewer are identified.
 - c. The Lot Grading and Drainage Plan, required as a condition of approval, be included in the Development Agreement, to ensure compliance as part of the review and approval of a building permit.
2. That the Owner have prepared by an Ontario Land Surveyor or Professional Engineer, a Lot Drainage plan for review and approval prior to a Final Certificate being issued.
3. That the Owner provide written authorization for an additional residential connection to the Regional trunk sanitary sewer; or provide an alternate solution for a local sanitary sewer on Bradley Street for a new residential connection, to the City's satisfaction, at the cost of the Owner;
4. That the Owner submit a payment for the placement of a 60mm boulevard tree in front of Part 1, in accordance with the City's current Schedule of Rates and Fees.
5. That the Owner provide the Secretary-Treasurer with the Acknowledgement and Direction for conveyance of the subject parcel, together with a copy of the deposited reference plan, for use in the issuance of the Certificate of Consent.
6. That the Owner submit to the Secretary-Treasurer of the Committee of Adjustment a final certification fee of \$218.90 (2021 rate) payable to the Treasurer, City of St. Catharines.
7. That final approval of the concurrent Minor Variance Applications be approved.
8. That all conditions of consent be fulfilled by January 27, 2022.

Background

This property was part of a larger parcel that was reduced in size through a number of consent applications. Most recently, the subject property was subject of consent application B-67/18SC, which lapsed before final certification was issued. The current Application is for a similar proposal to that submitted in 2018.

Report The Proposal

The Applicant proposes to construct a semi-detached dwelling at 71 Bradley Street. The Application seeks to sever the property so each unit of the semi-detached dwelling can be conveyed separately. The proposed severed parcel and retained parcel are identified in the table below.

Severed Parcel	Severed Area	Retained Parcel	Retained Area
Part 1 (to be known as 70A Bradley Street)	367.6 m ²	Parts 2 & 3 (to be known as 70 Bradley Street)	344.5 m ²

Location and Site Description

The subject property is located on the south side of Bradley Street, between Townline Road West and Dundas Crescent. The neighbourhood primarily consists of detached dwellings. Mountain Locks Park is on the north side of Bradley Street, opposite the subject property.

The property is currently vacant.

Circulation of Application

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

Planning Policy Context

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential and Natural Areas on Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential and Natural Areas on Schedule E9 thereof. Schedule D of the GCP identifies the property as being within the Provincial Greenbelt Plan Area as part of the Niagara Escarpment Plan.

The Low Density Residential designation permits detached, semi-detached, duplex, triplex, quadruplex, fourplex and townhouse dwellings at a density range generally between 20 and 32 units per hectare of land.

Zoning By-law (2013-283)

Notwithstanding Zoning By-law 2013-283 is not legally binding within the NEC development control area, it acts as a guide to City staff in commenting on NEC permit applications.

The subject property is zoned Low Density Residential – Suburban Neighbourhood (R1) with part of the property being zoned Conservation/Natural Area (G1). The R1 zone permits semi-detached residential dwellings. The G1 zone permits limited uses and is intended to preserve environmentally sensitive lands from development. The proposed semi-detached dwelling will be entirely contained within the R1 portion of the properties.

The proposed lot 70A Bradley Street (Part 1) meets the minimum lot area in the zoning by-law but is deficient in lot frontage by 1.36 metres (minimum lot frontage is 12 metres, only 10.64 metres is provided). The proposed lot 70 Bradley Street (Parts 2 and 3) is deficient in lot area by 25.5 square metres (370 square metres is required for minimum lot area, only 344.5 square is provided). This lot is also deficient in frontage by 1.76 metres (minimum lot frontage is 12 metres, only 10.24 metres is provided). Staff finds that these deficiencies are in keeping with other semi-detached dwellings that front on to Bradley Street and accordingly have no concerns regarding the lot configuration.

Planning Analysis

The subject lands are located completely within the Niagara Escarpment Development Control area as established through *O. Reg. 826.90 – 'Designation of Area of Development Control'*. Lands within Development Control are not regulated by zoning administered under the *Planning Act* but instead are subject to a development permit system administered under the *Niagara Escarpment Planning and Development Act (NEPDA)*. Under this system, the definition of "development" includes a change in use of any land, building or structure, and lot creation. The lands subject to the proposed consent application are designated as "Urban Area".

The NEPDA treats lot creation within the area of Development Control as a form of development that would require an NEC Development Permit. NEC Staff informed the City that due to lot creation being proposed, a Development Permit is required from the NEC prior to the creation of a new lot.

NEC Permit N/R/2020-2021/430 has been granted for the both the consent of the lot and the construction of the semi-detached dwelling. The consent meets all relevant GCP policies. Therefore, the City has no objection to the proposed consent.

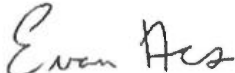
Conditions

Planning staff recommend that approval of this application be conditional on the Applicant entering a development agreement with the City to ensure that the proposed semi-detached dwelling is built substantially in accordance with the plans submitted with the application. The development agreement will also address the Niagara Region's comments regarding connecting to the Region's sanitary sewer on Bradley Street. Finally, the approved grading plan will also be included in the development agreement to bind the property to the grading plan. The City's standard consent conditions also apply.

Conclusion

Having regard for the matters under Section 53 of the *Planning Act* staff are of the opinion that Consent Application B-51/20SC 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:



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

VIA E-MAIL ONLY

January 11, 2021

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

Application for Consent

Proposal: to sever 372.8 m2 of land creating a new lot to be known as 71A Bradley Street for the proposed construction of a semi-detached dwelling.

Location: 71 Bradley Street
In the City of St. Catharines

Our File: CS-21-0001

Regional Planning and Development Services staff have completed a review of the following materials which were provided as part of an application for a consent application for a severance located at 71 Bradley Street in the City of St. Catharines:

- Notice of Hearing and Application, dated January 05, 2021.

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

Site Servicing

Regional staff have had discussion with our Waster and Wastewater engineering staff and if a new connection is the only option for servicing, we will allow a new connection however, a manhole will have to be installed on the Regional Trunk sewer. As per the normal connection process the Region will require the following:

- Letter from the City requesting the connection
- Plan and profile of the lateral and connection (manhole)
- Connection permit fee of \$1,250

Regional staff also ask that the applicant enter into a development agreement with the City to be registered on title identifying the costs involved with servicing this lot with a sanitary

sewer lateral which will ensure future purchasers are aware of their responsibility with respect to servicing and the costs associated with it. Region will not approve the connection for the lot until just prior to the lot being built on to avoid lateral connections that are not being used by the unit in the ground that can be a source of infiltration/inflow into the sanitary sewer system.

Conclusion

Based on the analysis and comments above, Regional staff offers no objection to the application, subject a connection permit being applied for and the applicant entering into a development agreement with the City for the works.

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

Best Regards,



Matteo Ramundo
Development Approvals Technician
Niagara Region

Attention: Appendix- Regional Conditions for Site Plan Approval

cc. Susan Dunsmore, Manager, Development Engineer, Niagara Region

APPENDIX I
Consent Conditions
71 Bradley Street, St.Catharines

1. That the owner enter into a development agreement with the City to be registered on title identifying the costs involved with servicing this lot with sanitary sewer which will ensure future purchasers are aware of their responsibility with respect to servicing and cost

January 13, 2021

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

Attention: Elaine Munro

File# 60.84.2328

Re: 71 Bradley St.

In response to your correspondence dated January 5, 2021, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

- For Residential/Commercial electrical service requirements, the Developer needs to contact our ICI and Layouts Department at 1-877-963-6900 ext: 25713 or visit our web site @ www.alectrautilities.com.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.

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

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: RE: 71 Bradley Street, St. Catharines - 905-21-032
Date: Thursday, January 7, 2021 9:02:09 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: Thursday, January 7, 2021 8:36 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: RE: 71 Bradley Street, St. Catharines - 905-21-032

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Hi Elaine,

Re: Application B-51-20SC

Subsequent to review of the severance at 71 Bradley 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: 71 Bradley Street, St. Catharines. Email 1
Date: Wednesday, January 6, 2021 11:43:22 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: Wednesday, January 6, 2021 10:58 AM

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

Subject: Re: 71 Bradley Street, St. Catharines. Email 1

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

Hi Elaine

Happy new year

Cogeco has no 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: January 8, 2021

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – January 27, 2021 hearing

B-22/20SC – 8 Paxton Avenue

Comment:

- Be advised that building permits are required for the proposed detached dwellings on Parts 1 and 2. A demolition permit is also required to remove the existing detached dwelling on Part 2.

Condition:

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

B-51/20SC – 71 Bradley Street

Comment:

- Be advised that building permits are required for the proposed detached dwellings on Parts 1 and 2.

Condition:

- No comment

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



Memorandum

To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Community, Recreation and Culture Services
Date: January 15, 2021
Subject: Committee of Adjustment Hearing – January 27, 2021

CRCS has reviewed the Committee of Adjustment application for the hearing of January 27, 2021 and provides the following comments;

1. 71 Bradley Street, Consent, B-51/20SC – 60.84.2328

If Planning and Building Services determines that parkland dedication can be collected for this application PRCS requests the following condition of severance: That payment of 5% of the appraised value of the new lot (Part 1) be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. That the appraisal be completed by a qualified appraiser.

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.

2. 50 Herrick Avenue, Minor Variance, A-02/21 – 20119039
No comment.

3. 35 Mountain Street, Minor Variance, A-01/21 – 20119004
No comment.

4. 36 The Cedars, Minor Variance, A-03/21 – 20119062
No comment.

5. 41 Ravine Road, Minor Variance, A-04/21 – 20119069
No comment.

6. 91 Henry Street, Minor Variance, A-05/21 – 20119064
No comment.
7. 159 Beech Street, Minor Variance, A-06/21 – 20119073
No comment.
8. 189 Geneva Street, Minor Variance, A-07/21 – 20119084
No comment.
9. 8 Paxton Avenue, Consent, B-22/20SC – 60.84.2299
8 Paxton Avenue, Minor Variance, A-45/20 – 60.81.5635
10 Paxton Avenue, Minor Variance, A-46/20 – 60.81.5636

If Planning and Building Services determines that parkland dedication can be collected for this application PRCS requests the following condition of severance: That payment of 5% of the appraised value of the new lot (Part 1) be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. That the appraisal be completed by a qualified appraiser.

As a new lot is being created, CRCS request 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.

The Owner shall implement the recommendations of the Arborist Report prepared by Beacon Environmental, dated January 2021, including the following:

- i) In accordance with the Arborist Report, tree 8 is to be retained and shall be protected through the establishment of a tree protection zone (TPZ) as illustrated on the Tree Protection Plan (TP-1). The TPZ shall be installed before any construction, site alterations, servicing or grading takes place and demarcated with sediment and erosion control fencing and signage.
- ii) The area within the protective fencing shall remain undisturbed for the duration of the demolition and construction period and shall not be used for the storage of building materials and equipment.
- iii) Hoarding is to remain in place until construction is complete.
- iv) No trees shall be damaged or removed prior to the City's acceptance of this report.
- v) All tree work (pruning, excavation, grading, etc.) is to be conducted by or under the supervision of a Certified Arborist.
- vi) Where limbs or portions of trees, including roots, are removed to accommodate construction, they will be removed in accordance with accepted arboricultural practice, by or under the supervision of a certified arborist.

- vii) Where root systems of protected trees adjacent to construction are exposed or damaged, they shall be neatly trimmed, and the area backfilled with appropriate material to prevent desiccation.
- viii) No rigging cables shall be wrapped around or installed in the trees and surplus soil, equipment, debris or materials shall not be placed over the root systems of the trees within the protective hoarding. No contaminants will be dumped or flushed where feeder roots of trees exist.
- ix) Any landscaping works proposed in the landscape buffer that overlaps with the tree hoarding are to be completed using hand tools. No large plant stock should be installed in this area to avoid any damage to roots.

The Owner shall submit a \$14,000 security deposit for tree preservation in accordance with the City's appraised value of the tree. After construction is complete the applicant shall submit to the City a post construction report prepared by a Certified Arborist at the expense of the Owner. This report shall document compliance with the Arborist Report and Protection Plan prepared by Beacon Environmental, dated January 2021. Should the tree identified for preservation become damaged or decline in health as a result of the development, the Owner agrees to carry out the removal, restoration and replacement of the tree with species appropriate trees as approved by the City. The security deposit for tree preservation will not be returned until this report is submitted and any remedial work is complete.

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

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-51-20SC



January 5, 2021 **ENGINEERING FILE 300-36**

Hearing Date: January 27, 2021

Applicant: 5034318 Ontario Ltd.

Location: 71 Bradley Street

ENGINEERING SERVICES **Bradley Street**

Water: 150mm P.V.C

Sanitary Sewer: 600mm Regional Trunk Sewer

Storm Sewer: 600mm traversing the easterly limit through an access and maintenance easement to the City of St. Catharines (Part 3 on the attached sketch).

Sidewalks: None

Road Allowance Width: 20.0m (66')

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

Comment(s): It is noted that the Applicant proposes to sever Part 1 to be known as 71A Bradley Street for the proposed construction of a semi-detached dwelling. A remnant parcel (Parts 2 & 3) with the other half of the semi-detached dwelling is to be retained. The application would allow each unit of the semi-detached dwelling to be sold separately.

Roads

Bradley Street is designated a Local road as per the City's Official Plan with a desired right-of-way width of 20.0m (66'). Its current width is sufficient and therefore no further widenings will be obtained through this application. It is currently in a semi-urban cross section state, where no curb and gutter exist, nor sidewalks.

Sidewalks and Curbs

Bradley Street does not currently have sidewalks or curbs as the road exists in a semi-urban cross-section state. As per the Garden City Plan, Council has directed we achieve "Complete Streets and Walkable Communities" to which, in addition to accommodating vehicles, provide "safe, functional and attractive pedestrian and cycling environments". Section 5.2.1 indicates sidewalks shall be provided on both sides of all local streets. Section 5.2.3 states all existing roads shall be brought up to today's standards, recognizing that this may take many years due to the anticipated expense, and that if necessary, land acquisition by way of dedications may be taken. Section 5.2 also directs the City to ensure all roads have secured locations for utilities (bell, hydro, Gas, CCTV etc.).

Given the City would like to remain consistent with past requirements to bring roads up to standards to accommodate future City utilities (storm sewer, upgraded watermain and sanitary sewer extensions), other private utilities (Gas, Hydro, Bell, etc.), boulevard trees and sidewalks, bike lanes and meeting the Garden City Plan initiatives driven by Council, it is normally required that the Owner make a cash contribution for the construction of future sidewalks along the frontage Bradley Street. Understanding that Bradley Street is not currently on a priority sidewalk list for construction in the near

future, the City will not require a cash-in-lieu payment towards sidewalks with this application.

Engineering Services

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

Sump pump flows are typically discharged to grade, when no opportunities to connect to a storm sewer in the road allowance exist. Although a storm sewer does not exist along the Bradley Street frontage, a boulevard catch basin does and connects to the City's storm sewer that crosses Bradley Street at the easterly portion of the property. Sump pump flows shall be required to be discharged directly to this boulevard catch basin by provisions of individual storm lateral to each parcel, installation costs paid at the time of building permit application at the cost of the Owner. Roof leaders shall be required to discharge to grade at the front yards or rear yard. This information shall be identified on the proposed lot drainage plan for review and approval.

The Owner shall pay the City the fees required to install a new water and sanitary sewer service for the new lot from the municipal services on Bradley Street to the front property line during the building permit process. It must be noted that since a local (municipal) sanitary sewer main does not exist on Bradley Street, only the Regional trunk sewer, that as per current Regional policies, no additional private services are authorized to connect to current Regional infrastructure, typically. It shall be a condition of the severance application that the Owner confirm with and provide confirmation from the Region that a private individual residential connection will be permitted and authorized for connection to the Regional trunk main for the additional semi-detached dwelling. All units must have an individual sanitary sewer service, not shared. Otherwise, there is no option other than the Owner entertaining the extension of a local sewer main to the closest available outlet, three (3) lots east of the subject parcel, entirely at the Owner's cost.

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

- Prepare by an Ontario Land Surveyor or Professional Engineer, a Lot Drainage plan for review and approval; and
- Solicit with the Region written authorization for an additional residential connection to the Regional trunk sanitary sewer; or provide an alternate solution for a local sanitary sewer on Bradley Street for a new residential connection, to the City's satisfaction, at the cost of the Owner;



Prepared by:

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

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



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: January 8, 2021

Subject: Committee of Adjustment
Public Hearings – January 27, 2021
File No. 305-17-01

Upon review of the applications, we offer the following comments:

A-06/21 – 159 Beech Street

A proposed parking stall of 4 metres by 2.1 metres is not of adequate size to accommodate a standard sized vehicle. As such, we cannot support the proposed reduction in the parking stall size. The applicant should consider reducing their parking requirement.

No concerns or requirements with the remaining applications.

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
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COMMENTS

B-22/20SC, A-45/20 & A-46/20

8 Paxton Avenue

DATE OF HEARING:
January 27, 2021

January 8, 2020

Patrick and Sue McCurrie
6 Paxton Avenue, St. Catharines, Ont.

Elaine Munro, Secretary-Treasurer
Committee of Adjustment, City Hall
St. Catharines, Ont. L2R 7C2

Re: 8 and 10 Paxton Avenue, St. Catharines, Ontario
Submission No. B-22/20SC
Application No. A-46/20 and A-45/20

Good Day Elaine

We have reviewed the applications as noted above and have the following comments. Part of the severance approval includes a tree study prepared by a certified arborist in relation to the London Plane tree situated on the northwest corner of our property. We have obtained an independent arborist report which is attached to this submission. We also understand the applicants have obtained their own certified arborist report. To date, we have not viewed the applicant's tree study in order to compare recommendations outlined by their arborist. We request the city to compare both documents to ensure conformity to the tree protection plans are similar. Our biggest concern is that proper protection protocols are followed as outlined in our report, including boarding off this area prior to any demolition or excavation on the subject lands.

Our only other concern is in regard to the increase of the maximum lot coverage from 40% to 50% (Proposals are approx. 48%). We have attached a chart outlining building coverage ratios on Paxton Avenue. There was also a similar study prepared by Upper Canada Consultants as commissioned by the applicant. Comparing our chart to Upper Canada's chart, indicates most calculations are similar to each other. We have estimated all coverage ratios on our chart are below 40% with an average of 26% overall. Their chart regarding the same properties and two on nearby Bayview Ave., indicates one property over 40% with an average of 28%. These numbers are far below the applicant's request and we oppose allowing 10% above the maximum allowed and 24% above the average for the street. The latter numbers reflect the normal for Paxton Avenue and building coverage ratios of approx. 48% (approval for 50%) will result in buildings that will dominate the street scape of Paxton Avenue.

We are not opposed to re-development of compatible dwellings in the neighbourhood and in our opinion this re-design fits in with existing dwellings in the Port Dalhousie Cottage District. However the proposed increase in building coverage ratios for both proposed lots does not. The above are our only concerns in relation to this proposal.

Regards
Pat and Sue McCurrie

Proposed Severance and Variance for 8 Paxton Ave., St. Catharines
26-Jan-21

Address	Lot size	Lot Area S.F.	Lot Area m2	Building Footprint	% Lot Coverage	Building Style	Year Built
1 Paxton Avenue	34.83 x 68.90	2399	222.87	800 sq.ft.	33%	Bungalow	1935
3 Paxton Avenue	30 x 70	2100	195.1	800 sq.ft.	38%	Bungalow	2017
4 Paxton Avenue	70 x 49	3430	318.66	800 sq.ft.	23%	1.5 Storey	1948
5 Paxton Avenue	40 x 120.55	4822	447.98	600 sq.ft.	12%	Bungalow	1930
6 Paxton Avenue	50 x 50	2500	232.66	880 sq.ft.	35%	2 Storey	1942/2018
7 Paxton Avenue	40 x 70	2800	260.13	800 sq.ft.	29%	Bungalow	1932
9 Paxton Avenue	60 x 70 Irr	3670	340.95	500 sq.ft.	14%	Bungalow	1941
13 Paxton Avenue	58.49 x 57.48	3879	362.04	910 sq.ft.	23%	1.5 Storey	1927
14 Paxton Avenue	50 x 108.63	5431	504.56	1310 sq.ft.	24%	Bungalow	1930
Average					26%		

All of the above information on this chart has been obtained from several reliable sources. All lot sizes and lot areas were obtained from Teranet Inc. Geowarehouse Services which is an on-line registry search program with links to MPAC Services and Assessment records. Verification of this information is available upon request. Square footage of all building footprints was obtained from several sources, including assessment records, previous MLS realty listings, as well as I have personally measured 7 of the 10 properties, with some of the same having a second confirmation from the forementioned sources. Most of the properties are small bungalow design so this task was not difficult



PROFESSIONAL TREE CARE

Patrick McCurrie

6 Paxton Avenue, St. Catharines

September 2020

Prepared By

Ben Nielsen, Certified Arborist

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1 – Introduction - Arborist Report for a London Plane Tree (*Platanus x acerifolia*) at 6 Paxton Avenue, St. Catharines

1.1 Description

In July of 2020 Patrick McCurrie of 6 Paxton Avenue approached Safe Tree Ltd., soliciting a report on the health and value of a London Plane Tree in the northwest corner of his front yard. Further, he expressed concern about planned excavation under the tree, near to its trunk, and asked Safe Tree to describe recommended methods for safely performing construction projects near his tree, without damaging its health. This document lays out a specimen valuation, health report, and describes recommended excavation and construction techniques for preserving the health of mature trees.

2 – Specimen Health and Condition

2.1 - Description – Vigor and Vitality

The specimen is a young Plane well on its way to sustainable maturity. With a height of 50', a spread of 50', and a medium growth rate, it is estimated that this tree is half its maximum size. With an estimated age of 50-70 years, it is perhaps currently 30-40% of its maximum age.

The specimen exhibits strong vigor and vitality. The callous tissue has completely sealed dozens of old pruning wounds, and is eminently present at more recent pruning sites. Adequate soil nutrition is evident through even spacing of growth nodules and a lack of chlorosis. There is no tip dieback present, indicating a healthy and robust vascular system.

2.2 – Lack of Pests and Disease

Upon initial examination the specimen presents as especially healthy and free of insect infestation and fungal infection. There is little to no deadwood present in the canopy, which is full and spreading. There is a distinct absence of pests and other pathogens. Leaves are completely intact with no holes from insect predation, or blotches from fungal infection.

2.3 – Mechanical Conditions

Closer examination of the trunk does present some concern. Typically *P. x acerifolia* develops extensive and severe freeze-thaw cracks in this growth zone. There is a small crack developing on the East side of the trunk, which is issuing some flux (pictured). Over time, this may require a brace to stabilize. In addition, the spreading canopy is currently stable and will remain so for quite some time. All branch attachments are stable with no visible inclusions. Over time, the spreading nature of the canopy may require reductive pruning to alleviate branch end-weight and windsail, and/or stabilization through a cabling system.

2.4 – Figures

Figure 1 – Specimen aesthetically framing the home



Figure 2 – Main branch attachments showing strong unions



Figure 3 – Freeze- thaw crack, exuding flux



Figure 4 – Two pruning cuts, one sealed, one showing strong callous tissue formation, indicating vigor



3 - Valuation

3.1 - Methodology

As Ontario Qualified arborists, Safe Tree Company Ltd. used an industry standard methodology for ascertaining tree values. This method is called the Council of Tree and Landscape Appraisers (CLTA) method. It is the most commonly used method in North America for providing tree values. More information on the method can be found here: <http://auf.isa-arbor.com/request.asp?JournalID=1&ArticleID=21&Type=2>

As the tree in question is too large to be replaced, simply pricing a replacement is not a feasible solution for valuation. Using the CLTA method, we ascertain a maximum value based on the size of the Plane tree and the price of the same tree bought from a nursery. This value is determined by measuring the area of a cross section of the tree trunk in a nursery, and determining a dollar value per cm². Then, multiplying that dollar value per cm² and the total cm² of the tree being appraised produces a total maximum value. See the formula below:

$$\text{Estimation of Value} = \text{Cost of nursery tree (\$/cm}^2\text{)} \times \text{cross section area of appraised tree (cm}^2\text{)}$$

However, a tree is very rarely worth its maximum value. Factors such as species, condition, location and land value contribute to the loss of value of a tree. Each of these factors is ranked from 0 to 1 and multiplied by the total maximum value. A factor ranking 1 will not affect the value of the appraised tree, but any single factor ranking 0 will eliminate any monetary value of the tree. See the full formula below:

$$\text{Estimation of Value} = \text{Cost of nursery tree (\$/cm}^2\text{)} \times \text{cross section area of appraised tree (cm}^2\text{)} \times \text{species factor} \times \text{condition factor} \times \text{location factor} \times \text{landscape value factor}$$

3.2 – Table of Values

Cost of nursery stock tree (\$/cm ²)	\$8.99/cm ² based on the sale of the same species of tree for \$225+HST with a trunk cross section measuring 28.27cm ² . This tree was priced at Willowbrook Nurseries. https://www.willowbrooknurseries.com/
Cross section of appraised tree at breast height or 1.37m (cm ²)	4417.86cm ² – This measurement is based on a trunk diameter measurement of 75cm.
Species factor (rating 0 to 1)	<i>Platanus acerifolia</i> – London Plane. This species is identifiable by its signature bark colouration, growth habit, and globose fruit which forms a dense fuzzy ball, often in clusters of two. It is a frequently planted signature tree which is more resistant to pests and diseases, and is less messy, than its American cousin, the Sycamore. It is a desirable addition to both private and public landscapes. In the right conditions, this tree can expect to live upwards of 200 years. We have given this tree a species rating of 0.8/1.0.
Condition factor (rating 0 to 1)	See the section of this report titled <i>Specimen Health and Condition</i> for details. 0.9/1.0
Location factor (rating 0 to 1)	This factor refers to the tree's physical location. A tree in the middle of a forest or in a field has less value than one in a highly trafficked urban location. The location of this tree is somewhat problematic. Given the highly desirable real estate market of Port Dalhousie, and the area's ascribed value of its urban canopy, the tree receives a high factor rating. Additionally, it is not crowding or shading other competing trees. However, the tree's ongoing root flare expansion will

	eventually begin to impinge on roadside curbs and into a neighbouring property, which will lead to future care complications. We give this a 0.7/1.0
Landscape Value (rating 0 to 1)	Landscape value factor refers to the value a tree adds to the property it inhabits. A tree hidden from view, a nuisance tree, hazardous trees, and others receive a lower score than those which provide added landscape value. This tree is stable (see <i>Specimen Health</i>), providing long-term shade to multiple residences and properties. In the front corner of the property, it aesthetically frames the house without blocking views. It provides privacy and improves quality of life for the residents. Rating is 0.95/1.0

3.3 – Calculation

When we enter these numbers into the equation:

Estimation of value = $\$8.99/\text{cm}^2 \times 4417.86\text{cm}^2 \times 0.8 \times 0.9 \times 0.7 \times 0.95$

Estimation of value = \$19 016.29

It is our understanding that after applying the CLTA method, this specimen should be valued at **\$19 016.29**.

4 – Guidelines for Construction and Excavation in Specimen Dripline

Much of the following information is included in the City of Toronto *Tree Protection Policy and Specifications for Construction Near Trees* (<https://www.toronto.ca/data/parks/pdf/trees/tree-protection-specs.pdf>).

4.1 – Tree Protection Zones (TPZ)

A TPZ establishes an area surrounding a tree which cannot in any way be disturbed by the construction process. This minimum area of protection is designed to retain the minimum number of roots required for tree stabilization as well as nutrient absorption. It is important to remember that roots serve two essential functions: they anchor a tree to the ground, providing stabilization in inclement weather; and they absorb water and nutrients from the soil which trees need to thrive. A tree is eligible for the implementation of a TPZ when a construction envelope approaches 6 meters from the tree's base.

A TPZ is established by way of erecting temporary fencing around the trunk of the tree. The fence, also known as hoarding, delineates where construction can occur. It should be sturdy, ideally made of plywood, so that it is not easily dismantled by contractors and then reassembled afterwards. Other prohibited activities inside a TPZ include: equipment storage, trespassing of people or equipment, excavation under TPZ (i.e. tunneling), piling of landfill or other waste, among others. Essentially, no person or object may enter the TPZ until after the construction project has completed.

4.2 – Minimum Protections and Excavation Guidelines

In the case of this particular specimen, based on a trunk diameter of 75cm, a TPZ should be established at least 4.8 metres from the outside of the trunk in all directions, prior to the commencement of a construction project. Should construction inside that prescribed distance be required, special consideration for the tree should be present throughout the construction process.

Any contractor engaging in the work inside the TPZ needs to adhere to an established and prescribed **tree protection plan**, developed and supervised by a qualified arborist in conjunction with construction supervisors. Such a plan should include details on how to perform sensitive excavation procedures inside the TPZ. These measures might include exploratory excavation prior to work commencement. Use of compressed air, hydro-excavation, or hand tools, are ways to carefully remove soil from around root structures. Once roots are exposed, proper root pruning of only structures necessary to project completion can be performed. Any pruning of a canopy necessary for a construction project should also take into consideration the extent of root pruning required, and be factored in the tree protection plan.

Also important to the construction process are site visits and before, during and after construction. Ongoing visits of the site from a supervising arborist, contracted by the construction firm, are necessary to ensure the protection plan is being followed. Further, site remediation is important to preserving tree health. Excavation inside a root zone is stressful for a tree, causing it to lose nutrient absorption abilities and perhaps even destabilizing the specimen. To help alleviate the stress, it is recommended that steps be taken prior, during and after construction to improve soil quality in areas outside the construction envelope. Compaction of the surrounding area is another common tree stressor during a construction project. Frequent trampling of a root zone causes the soil to become compacted, which decreases its ability to absorb and retain water, and creates difficult root growth conditions. Application of mulch throughout the tree's dripline, before, during and after construction, helps alleviate compaction.

5 – Disclaimer

Those using information included in this report do so at their own risk. Neither Safe Tree Ltd., nor the report author(s), accept any responsibility, explicit or implied, for liability, loss, or consequential damage arising from the manner in which the materials presented in this report are used.

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: RE: COMMENTS - FILE NO 60.84.2299 - SUBMISSIONS B-22/20SC, A-46/20 and A-45/20
Date: Monday, January 18, 2021 4:11:38 PM

From: Michel Maisonneuve < >

Sent: Monday, January 18, 2021 2:52 PM

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

Subject: COMMENTS - FILE NO 60.84.2299 - SUBMISSIONS B-22/20SC, A-46/20 and A-45/20

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.

Dear Ms Munro :

I wish to comment on the subject applications by Joseph and Barbara Colonna for the Committee meeting of 27 January 2021.

I have no problem with the revised application for consent. I believe the Colonnas have taken all previous comments into account and adjusted their plan and application commensurately. I support the submissions referenced above. Please do not hesitate to contact me for further details.

Best,

J.O.Michel Maisonneuve
Lieutenant-général (ret)
3 Paxton Ave
St. Catharines, ON L2N 5H7
+X-XXX-XXX-XXXX

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

Munro, Elaine

From: Munro, Elaine
Sent: Wednesday, January 20, 2021 10:42 AM
To: Munro, Elaine
Subject: RE: COMMENTS - FILE NO 60.84.2299 - SUBMISSIONS B-22/20SC, A-46/20 and A-45/20

From: Barbara Maisonneuve <>
Sent: Tuesday, January 19, 2021 4:27 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: COMMENTS - FILE NO 60.84.2299 - SUBMISSIONS B-22/20SC, A-46/20 and A-45/20

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Dear Ms Munro;

I have reviewed the updated proposal for 8 Paxton Avenue submitted by Joseph and Barbara Colonna. I find the new plans address all of the concerns I had with the initial submission and find them both aesthetically pleasing and well suited to the heritage district of Port Dalhousie. I would recommend approving them as they have been submitted.

Sincerely,

Barbara Maisonneuve
3 Paxton Avenue
St Catharines
L2N 5H7

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: Comments regarding minor variance
Date: Wednesday, January 20, 2021 4:30:06 PM

From: Aliya Turner < >
Sent: Wednesday, January 20, 2021 4:19 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Comments regarding minor variance

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This is in regards to the following file numbers:

60.81.5635

60.81.5636

60.84.2299

I am opposed to all requested variances.

The characterization of the variances as "minor" seems an understatement. The scale of the existing architect is such that two homes crammed into a small lot on a narrow, one way street would completely overwhelm the street. Further, Port Dalhousie is not known for its tract housing. Yet the plan is to erect two mirror-image homes within spitting distance of each other and their neighbors on an otherwise unique and quaint block of Port.

Thank you.

Aliya Turner

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



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: July 19, 2020

Date of Meeting: August 26, 2020

Report Number: B-22/20SC
A-45/20
A-46/20

File: 60.84.2299
60.81.5635
60.81.5636

Subject: 8 Paxton Avenue (to become 8 and 10 Paxton Avenue)
Proposed Severance and Minor Variances

Recommendation

Consent

That Application **B-22/20SC** by Barbara and Joseph Colonna, as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. That the Owner enter into a Development Agreement with the City of St. Catharines, to be registered on title to the lands, addressing the following conditions:
 - a. That building permit plans, including a site plan and elevations for both new lots be submitted to the Director of Planning and Building Services, or her designate, illustrating substantial compliance with submitted plans.
 - b. That the Owner shall implement the recommendations of the Arborist Report prepared by Beacon Environmental, dated January 2021.
 - c. That the Owner shall submit a \$14,000 security deposit for tree preservation in accordance with the City's appraised value of the tree.
 - d. The Lot Grading and Drainage Plan, a condition of the consent, be included in the Development Agreement to ensure compliance for building permit purposes.
2. That the owner obtain heritage permits for the proposed design of the new dwellings.
3. That a Lot Grading and Drainage Plan, to be prepared by an Ontario land Surveyor or Professional Engineer, be submitted to the satisfaction of the Director of Planning and Building Services, or her designate.
4. That the existing 1 storey detached dwelling and any accessory structure be removed. Demolition permits are required and shall be completed to the satisfaction of the chief Building Official of the City of St. Catharines.

5. That the owner shall dedicate a road widening along Paxton Avenue of 2.317 m, gratuitously, free and clear of any encumbrances, as Public Highway to be known as Paxton Avenue.
6. That the owner shall submit and register the reference plan to dedicate the Part(s) to the City of St. Catharines as Public Highway known as Paxton Avenue.
7. That the Owner shall pay the fee for City crews to locate, trace, inspect and document the location of the sewer and water laterals for the existing building.
8. That if existing services are determined to conflict with abutting and/or future lot lines, the Owner shall be responsible to complete any relocation works on private property through a Plumbing Only permit and pay to the City the fees required to install new water and sewer services from the City mains to the individual front property lines in order for each lot to be serviced independently
9. That the applicant submit payment for the placement of a 60mm boulevard tree, in accordance with the City's current Schedule of Rates and Fees.
10. That payment of 5% of the appraised value of the new lot be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. That the appraisal be completed by a qualified appraiser.
11. That the Owner provide the Secretary-Treasurer with the Acknowledgement and Direction for conveyance of the subject parcel, together with a copy of the deposited reference plan, for use in the issuance of the Certificate of Consent.
12. That the Owner submit to the Secretary-Treasurer of the Committee of Adjustment a final certification fee of \$218.90 (2021 rate) payable to the Treasurer, City of St. Catharines.
13. That the concurrent Minor Variance Applications be approved.
14. That all conditions of consent be fulfilled by January 27, 2021.

Minor Variance

That Application **A-45/20**, as outlined in the Notice of Hearing, be approved.

That Application **A-46/20**, as outlined in the Notice of Hearing, be approved.

Report Background

The subject lands are in the cottage area of the Port Dalhousie Heritage Conservation District. The Applicant attended the Design Review Panel on November 26, 2019 and the St. Catharines Heritage Permit Advisory Committee on January 30, 2020. The applicant has obtained heritage permits to allow for the demolition of the existing house on the

lands, as well as conditional heritage permits for the two new proposed dwellings, subject to Committee of Adjustment approval of the associated severance and required variances. The heritage permit approvals were for an earlier design iteration of the proposed dwellings and the revised plans that accompanied this application will require new heritage approvals.

The Proposal

The Applicant proposes to demolish the existing detached dwelling and to sever the subject property for the purpose of constructing two detached dwellings. The submitted plans account for a 2.317 m road widening along most of the site's frontage (Part 3).

To facilitate the proposal, Application **B-22/20SC** is made to sever 201.5 square metres of land (Part 1 on the submitted sketch) for the propose of constructing a two-storey dwelling on the lands to be known as 8 Paxton Avenue. A 214.7 square-metre remnant parcel (Part 2), to be known as 10 Paxton Avenue, would be retained for the proposed construction of second two-storey detached dwelling.

The proposed new house designs for each lot would require the approval of a number of minor variances to the zoning by-law. Concurrent Minor Variance Applications **A-45/20** and **A-46/20** seek relief from the City of St. Catharines Zoning By-law 2013-283 through the following variances:

Application	Variance #	Zoning Provision	Required	Proposed
A-45/20 (8 Paxton Avenue)	1	Minimum Lot Area	232 m ²	200 m ²
	2	Minimum Front Yard	3.0 m	2.18 m
	3	Minimum Front Yard to Garage	6.0 m	4.16 m
	4	Minimum Setback from Front Lot Line for Platform Structure	3.0 m	0.68 m
	5	Maximum Lot Coverage	40%	50%
A-46/20 (10 Paxton Avenue)	1	Minimum Lot Area	232 m ²	210 m ²
	2	Minimum Front Yard	3.0 m	2.18 m
	3	Minimum Front Yard to Garage	6.0 m	4.16 m
	4	Minimum Setback from Front Lot Line for Platform Structure	3.0 m	0.68 m
	5	Maximum Lot Coverage	40%	50%

Location and Site Description

The lands are located on the north side of Paxton Avenue, at the terminus of Peel Street. The existing property is 472.2 m² in size and contains a one-storey detached dwelling. The property is located within the cottage area of the Port Dalhousie Heritage Conservation District and is surrounded by 1 and 2 storey detached dwellings.

Circulation of Application

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

Planning Policy Context

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential on Schedule E1 thereof. Detached dwellings are permitted in this designation at a density generally ranging from 20 to 32 units per hectare. The proposed 2-unit development would exceed this maximum density threshold due its smaller lot size (42 units per hectare), however the severed lands would be similarly sized to other lots in the Port Dalhousie cottage area, which is characterized by small lots and this established character is codified in special zoning provisions for this area.

Zoning By-law (2013-283)

The subject property is zoned Low Density Residential – Traditional Neighbourhood, Special Provision 6 (R2-6). Detached dwellings are a permitted use in this zone. Special Provision 6 applies to all lots with the cottage area, generally bound by Considine Avenue, Bayview Avenue, and Christie Street. The cottage area zoning includes reduced lot size and rear yard setback requirements, along with a reduced height limit of 7.5m and a requirement to provide landscaped amenity space. The proposed new homes would require several variances, though it is noted that some of these variances are triggered by or increased by the land dedication for the road widening.

Planning Analysis

Consent

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

Consent Application **B-22/20SC** requests to sever the subject property to allow for the replacement of the existing detached dwelling with two new dwellings on separate lots. While the lots exceed the target density range for low density residential development, they are generally in keeping with the established lotting pattern of the Port Dalhousie Cottage area. Staff also acknowledge that the required land dedication for a road widening has the effect of reducing the size of both new lots, which would otherwise meet the minimum lot size requirements for the cottage area. Two detached dwelling units are considered by staff to be an appropriate development option for this site.

In order to ensure that development of the new lots proceeds in a manner that maintains compatibility with the surrounding neighbourhood, ensures the protection of neighbouring trees, and appropriately accounts for drainage impacts, a development agreement will be required as a condition of approval. Staff are generally satisfied with the proposed development plans for the two lots. With respect to tree protection, staff have identified concerns with the proximity of the proposed construction and excavation on Part 1 relative to the large tree located on the front corner of 6 Paxton Avenue. The applicant has prepared a tree protection plan and these protection measures will need to be implemented as a condition of approval, with an associated security deposit.

Staff are satisfied that the proposed severance is consistent with the Official Plan in that the lots are sufficiently sized and configured so as to accommodate appropriate and compatible house construction. The concurrent Minor Variance Applications considered in this report will further address the lot area deficiencies and the minor variances associated with the proposed building plans. There are no anticipated adverse impacts as a result of the severances.

Staff are supportive of Consent Application **B-22/20SC**, subject to the conditions outlined in the recommendation.

Design Review Panel

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

An earlier iteration of the Applicant's proposal was considered by the DRP in November of 2019. That proposal featured larger buildings on each lot, with reduced setbacks and increased building height. DRP members acknowledged that modern buildings can be compatible with and contribute positively to a heritage area. DRP members noted that proposed amenity areas appeared usable and had no concerns with the proposed setback reductions in this context. The proposal was considered by the DRP to be appropriate for the area. The applicant was cautioned about the impacts of a likely road widening along the project frontage, but the DRP also advised that they would be supportive of front yard setback reductions to offset the impact of such a widening. The DRP supported the severance as proposed.

Minor Variances

Lot Area: Variance 1

In order to facilitate the proposed severance, the Applicant has requested a reduction in the minimum required lot area for both new lots. Lot areas of 200 m² and 210 m² are requested for Parts 1 and 2 respectively, whereas a minimum lot area of 232 m² is required. The intent of the 232 m² minimum lot area is to ensure that any new lots in the cottage area are compatibly sized within this distinct area. Staff acknowledge that the existing lot area of 472.2 m² is sufficiently large to accommodate two lots that meet the lot size requirement and that the requested lot area reduction is a function of the 2.317 m road widening that has the effect of bringing the lot areas below the by-law's size threshold. Staff also note that neighbouring properties 6 Paxton and 11 Paxton (vacant) are also similarly sized at 230 m² and 209 m² respectively. The intent of the 232 m² minimum lot area includes ensuring that any new lots in the cottage area are compatibly sized within this distinct area. Staff have no concern with the proposed lot area reductions. Staff are satisfied that the proposed lots represent an efficient and appropriate development pattern for these lands.

Front Yard Setback: Variance 2

The applicant has requested a front yard setback of 2.18 m for both new buildings, whereas the zoning by-law requires a minimum setback of 3.0 m. Staff note that proposal would have complied with the front yard setback requirement if not for the required road widening. The proposed dwellings will be setback further from the street than the existing home and will generally be aligned with the setback of the neighbouring home at 14 Paxton. Staff are of the opinion the proposed front yard setback is appropriate and is consistent with typical setbacks on this block.

Garage Setback: Variance 3

The applicant has requested a garage setback of 4.16 m for the proposed new dwellings, whereas the zoning by-law requires a minimum setback of 6.0 m for garages. The intent of the 6.0 m garage setback includes ensuring that the driveway space in front of the garage will be sufficiently sized to accommodate a parked vehicle without that vehicle overhanging the street or sidewalk and minimizing the visibility and prominence of garage doors within the streetscape. The proposed garage doors are recessed behind the front building wall of each dwelling, thereby reducing their prominence in the streetscape. Each proposed dwelling also includes an oversized single car garage which will accommodate the required off-street parking. Staff note that the required road widening will provide additional separation between the garage and the travelled portion of Paxton Avenue. Staff are satisfied that the proposed garage setback is appropriate in this context.

Platform Structure Front Setback: Variance 4

The applicant has requested a front yard setback of 0.68 m to the front porch (platform structure) for both new buildings, whereas the zoning by-law requires a minimum setback of 3.0 m. The proposed concrete front porches are both proposed to be created using retaining walls with side-facing steps leading to the driveway. The requested 0.69 m setback is from the new front property line, after the 2.317 m road widening, and would

place the porch further from the street than the location of both the existing house on the site and the wooden porch at neighbouring 14 Paxton. The proposed porches are limited in height to approximately 1 m above grade and will be separated from the actual paved portion of Paxton Avenue by at least 3.0 metres. Staff have no concerns with this requested variance.

Building Coverage: Variance 5

The applicant has requested increases in the maximum permitted lot coverage for both new dwellings of 50%, whereas the maximum permitted lot coverage is 40%. Staff acknowledge that the road widening reduces the lot area for both dwellings, however, staff also note that both lots would still not have complied with the 40% coverage requirement without the road widening as the proposed buildings at 8 and 10 Paxton would have a coverages of 42% and 43% respectively.

The cottage area zoning standards are intended to facilitate the development of modestly sized homes on small lots, consistent with the established character of the Port Dalhousie cottage area. The intent of the 40% maximum building coverage provision includes ensuring that sites are not over developed, ensuring that there is adequate space for landscaping, amenities and drainage on site, and ensuring some continuity in the scale of the built form relative to the parcel size. It is the opinion of staff that the proposed dwellings are generally consistent with the built form character of the cottage area and do not represent an over development of the site. Staff acknowledge the efforts of the applicant to reduce the height and massing of the proposed building by integrating the second floor predominantly within the roof structure which has improved compatibility with the surrounding area.

Staff are of the opinion that Variances 1 through 5 are in keeping with the general intent of the Official Plan and Zoning By-law, are minor in nature, and are desirable for the appropriate use of the lands. As such, staff recommend approval of Applications **A-45/20** and **A-46/20**.

Conclusion

Having regard for the matters under Section 53 of *The Planning Act*, staff are of the opinion that approval of Application **B-22/20SC** will allow for the creation of two appropriately-sized lots that can accommodate the construction of compatible detached dwellings, subject to the undertaking of a development agreement to address the details of building and site design and the obtaining of heritage permits. It is staff's recommendation that the requested consent to sever be approved, subject to the conditions outlined herein.

Having regard for the matters under Section 45(1) of the *Planning Act*, staff are of the opinion that Minor Variance Applications **A-45/20** and **A-46/20** are in keeping with the general intent of the Official Plan and Zoning By-law, would be minor in nature, and would be desirable for the appropriate use and function of the lands. Staff recommend approval of variances, as detailed in the Notice of Hearing.

Prepared and Submitted by:

A handwritten signature in black ink, appearing to read "Scott Ritchie", written over a light gray rectangular background.

Scott Ritchie
Urban Design Planner

Approved by:

A handwritten signature in blue ink, appearing to read "Judy Pihach", written over a light gray rectangular background.

Judy Pihach
Manager, Planning Services



January 13, 2021

Our File No.: PLCON202000374

BY E-MAIL ONLY

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

Attention: Elaine Munro, Secretary-Treasurer

Subject: Applications for Consent and Minor Variance
(B-22/20), (A-45/20) & (A-46/20)
8-10 Paxton Avenue, St. Catharines, ON

The Niagara Peninsula Conservation Authority (NPCA) has reviewed the above noted applications and offers the following comments for your hearing.

The purpose and effect of the application is to facilitate the creation of a new residential building lot. Each lot is proposed to have a new dwelling.

NPCA Policy

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

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

The subject lands are situated along the regulated section of the Lake Ontario Shoreline. In particular, the subject lands of 8-10 Paxton Avenue fall under the Regulatory Erosion Hazard limit along this section of the shoreline. NPCA Policies require all new development be set back from the flooding, slope stability, and erosion hazard limits along the lake front. Unless however, these hazards have been appropriately mitigated to the satisfaction of the Authority. To adequately mitigate the Erosion Hazard, proper shoreline protection is typically installed along the lake frontage of the property.

The subject lands at 8-10 Paxton Avenue do not have lakefront ownership in this instance. This property is set back quite far from the shoreline and are separated from the lake by several other lots. As such, shoreline protection is not required.

Conclusion:

Given the above, please be advised the NPCA offers no objections to the approval of these applications. As these lots fall within the NPCA's Regulated Area, work permits from this office will be required for any development or site alteration proposed on each lot.

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

Yours truly,



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

April 22, 2020

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

Attention: Elaine Munro

File# 60.84.2299, 60.81.5635 and 60.81.5636

Re: 8 and 10 Paxton Ave

In response to your correspondence dated April 17, 2020, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

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

We would also like to stipulate the following:

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

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

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

Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: RE: 8 Paxton Avenue, St. Catharines. Email 9 - 905-21-033
Date: Thursday, January 7, 2021 4:37:01 PM

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, January 6, 2021 10:11 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: RE: 8 Paxton Avenue, St. Catharines. Email 9 - 905-21-033

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

Good morning Elaine,

Re: File B-22/20SC

Subsequent to review of the severance at 8 Paxton Avenue, Bell Canada's engineering department have determined that there are no concerns or issues with the 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

Munro, Elaine

From: Munro, Elaine
Sent: Wednesday, January 6, 2021 4:21 PM
To: Munro, Elaine
Subject: RE: 8 Paxton Avenue (Consent), St. Catharines. Email 10

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: Wednesday, January 6, 2021 3:39 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: 8 Paxton Avenue (Consent), St. Catharines. Email 10

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Hi Elaine

Cogeco has no concerns with this application

Thanks

Doug Crown
Network Planning Department

7170 Mcleod Rd
Niagara Falls Ont Canada

Doug.crown@cogeco.com

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

Munro, Elaine

From: Munro, Elaine
Sent: Wednesday, January 6, 2021 4:20 PM
To: Munro, Elaine
Subject: RE: 8 Paxton Avenue (Minor Variances), St. Catharines. Email 9

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: Wednesday, January 6, 2021 3:37 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: 8 Paxton Avenue (Minor Variances), St. Catharines. Email 9

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

Hi Elaine

Cogeco has no concerns with this application

Thanks

Doug Crown
Network Planning Department

7170 Mcleod Rd
Niagara Falls Ont Canada

Doug.crown@cogeco.com

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

Memorandum

To: Elaine Munro, Committee Secretary and Planning Technician

Cc:

From: Michael Seaman, Heritage Planner, PBS

Date: January 15, 2021

Subject: Heritage Comments
Application for Minor Variance and Consent
8 Paxton Avenue, Consent, B-22/20SC – 60.84.2299
8 Paxton Avenue, Minor Variance, A-45/20 – 60.81.5635
10 Paxton Avenue, Minor Variance, A-46/20 – 60.81.5636
Barbara Colonna and Joseph Colonna, Owners

I have received Committee of Adjustment Applications for Consent and Minor Variance for the properties at 8 and 10 Paxton Avenue as noted above.

The subject lands are designated under Part V of the Ontario Heritage Act as part of the Port Dalhousie Heritage Conservation District.

The proposal to demolish the existing house on the site to permit the construction of two new dwellings was previously approved.

At its January 30, 2020 meeting the St. Catharines Heritage Permit Advisory Committee (SCHPAC) received heritage permit applications for two new dwellings at 8 and 10 Paxton Avenue. The following recommendation was adopted by the Committee:

“That the St. Catharines Heritage Permit Advisory Committee recommend approval of the heritage permit application for 8 Paxton Avenue for the construction of two new residential buildings pending Committee of Adjustment approvals (e.g. Severances”.

It is noted that the drawings for the two new dwellings submitted as part of the Minor Variance and Consent process differ significantly from the proposed new dwellings for which a heritage permit was conditionally approved. The proposed new designs, may be of equal or greater compatibility than the designs that were previously endorsed, however,

since the dwellings are essentially completely new structures, the owner will be required to obtain new heritage permits from the City for the proposed designs. The applicant's planning justification report acknowledges this.

For the purpose of reviewing the proposed consent and variances, it appears that there is no substantial difference from what the SCHPAC previously endorsed, with conditions.

There are no concerns related to heritage matters with this application, however it is recommended that the following be attached as a condition of approval to the decisions related to both of the minor variance applications:

1. That the owner be required to obtain a heritage permit for the proposed design for new dwellings at 8 and 10 Paxton Avenue.



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: January 8, 2021

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – January 27, 2021 hearing

B-22/20SC – 8 Paxton Avenue

Comment:

- Be advised that building permits are required for the proposed detached dwellings on Parts 1 and 2. A demolition permit is also required to remove the existing detached dwelling on Part 2.

Condition:

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

B-51/20SC – 71 Bradley Street

Comment:

- Be advised that building permits are required for the proposed detached dwellings on Parts 1 and 2.

Condition:

- No comment

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: January 8, 2021

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – January 27, 2021 hearing

NO.	ADDRESS	COMMENTS
A-45/20	8 Paxton Avenue	Be advised that a building permit is required for the proposed detached dwelling on Part 1.
A-46/20	8 Paxton Avenue	Be advised that a building permit is required for the proposed detached dwelling on Part 2. A demolition permit is also required to remove the existing detached dwelling on Part 2.
A-02/21	50 Herrick Avenue	No comment
A-01/21	35 Mountain Street	Be advised that a building permit is required for the proposed carport. Note, be advised that reductions in the required yard setbacks may have spatial separation implications affecting the permitted area if a wall (permitted type of construction) and glazed opening(s) are proposed facing those yards.
A-03/21	36 The Cedars	Be advised that a building permit is required for the proposed attached garage. Note, be advised that reductions in the required yard setbacks may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing those yards.
A-04/21	41 Ravine Road	Be advised that a building permit is required for the proposed duplex.

NO.	ADDRESS	COMMENTS
A-05/21	91 Henry Street	Be advised that a building permit is required to be completed for the proposed addition. Note, be advised that reductions in the required yard setbacks may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing those yards.
A-06/21	159 Beech Street	Be advised that a building permit is required to be completed for the proposed addition.
A-07/21	189 Geneva Street	Be advised that a building permit is required to be completed for the proposed carport.

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: January 15, 2021
Subject: Committee of Adjustment Hearing – January 27, 2021

CRCS has reviewed the Committee of Adjustment application for the hearing of January 27, 2021 and provides the following comments;

1. 71 Bradley Street, Consent, B-51/20SC – 60.84.2328

If Planning and Building Services determines that parkland dedication can be collected for this application PRCS requests the following condition of severance: That payment of 5% of the appraised value of the new lot (Part 1) be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. That the appraisal be completed by a qualified appraiser.

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.

2. 50 Herrick Avenue, Minor Variance, A-02/21 – 20119039
No comment.
3. 35 Mountain Street, Minor Variance, A-01/21 – 20119004
No comment.
4. 36 The Cedars, Minor Variance, A-03/21 – 20119062
No comment.
5. 41 Ravine Road, Minor Variance, A-04/21 – 20119069
No comment.

6. 91 Henry Street, Minor Variance, A-05/21 – 20119064
No comment.
7. 159 Beech Street, Minor Variance, A-06/21 – 20119073
No comment.
8. 189 Geneva Street, Minor Variance, A-07/21 – 20119084
No comment.
9. 8 Paxton Avenue, Consent, B-22/20SC – 60.84.2299
8 Paxton Avenue, Minor Variance, A-45/20 – 60.81.5635
10 Paxton Avenue, Minor Variance, A-46/20 – 60.81.5636

If Planning and Building Services determines that parkland dedication can be collected for this application PRCS requests the following condition of severance: That payment of 5% of the appraised value of the new lot (Part 1) be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. That the appraisal be completed by a qualified appraiser.

As a new lot is being created, CRCS request 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.

The Owner shall implement the recommendations of the Arborist Report prepared by Beacon Environmental, dated January 2021, including the following:

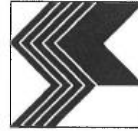
- i) In accordance with the Arborist Report, tree 8 is to be retained and shall be protected through the establishment of a tree protection zone (TPZ) as illustrated on the Tree Protection Plan (TP-1). The TPZ shall be installed before any construction, site alterations, servicing or grading takes place and demarcated with sediment and erosion control fencing and signage.
- ii) The area within the protective fencing shall remain undisturbed for the duration of the demolition and construction period and shall not be used for the storage of building materials and equipment.
- iii) Hoarding is to remain in place until construction is complete.
- iv) No trees shall be damaged or removed prior to the City's acceptance of this report.
- v) All tree work (pruning, excavation, grading, etc.) is to be conducted by or under the supervision of a Certified Arborist.
- vi) Where limbs or portions of trees, including roots, are removed to accommodate construction, they will be removed in accordance with accepted arboricultural practice, by or under the supervision of a certified arborist.

- vii) Where root systems of protected trees adjacent to construction are exposed or damaged, they shall be neatly trimmed, and the area backfilled with appropriate material to prevent desiccation.
- viii) No rigging cables shall be wrapped around or installed in the trees and surplus soil, equipment, debris or materials shall not be placed over the root systems of the trees within the protective hoarding. No contaminants will be dumped or flushed where feeder roots of trees exist.
- ix) Any landscaping works proposed in the landscape buffer that overlaps with the tree hoarding are to be completed using hand tools. No large plant stock should be installed in this area to avoid any damage to roots.

The Owner shall submit a \$14,000 security deposit for tree preservation in accordance with the City's appraised value of the tree. After construction is complete the applicant shall submit to the City a post construction report prepared by a Certified Arborist at the expense of the Owner. This report shall document compliance with the Arborist Report and Protection Plan prepared by Beacon Environmental, dated January 2021. Should the tree identified for preservation become damaged or decline in health as a result of the development, the Owner agrees to carry out the removal, restoration and replacement of the tree with species appropriate trees as approved by the City. The security deposit for tree preservation will not be returned until this report is submitted and any remedial work is complete.

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

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-22-20SC



January 5, 2021

ENGINEERING FILE 300-36

Hearing Date: January 27, 2021

Applicant: Barbara & Joseph Colonna

Location: 8 Paxton Avenue

ENGINEERING SERVICES Paxton Avenue

Water: 150mm (6") C.I.
Sanitary Sewer: 200mm (8") (~2.0m depth)
Storm Sewer: None
Sidewalks: None
Road Allowance Width: 20.12m

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

Comment(s): It is noted that the Applicant proposes to sever Part 1 for the proposed construction of a 2-storey detached dwelling to be known as 8 Paxton Avenue. A remnant parcel (Part 2) to be known as 10 Paxton Avenue is to be retained for construction of an additional 2-storey detached dwelling. Part 3 is proposed to be dedicated to the City as a road widening.

Roads

Paxton Avenue is considered a Local road in the City's Official Plan with a desired right-of-way width of 20.0m. The City recognizes that although these streets within Port Dalhousie are current deficient in widths, we take these opportunities with new developments to obtain what's possible in accordance with previous obtained widths. To maintain consistency on Paxton Avenue, the City shall obtain a 2.32m (7.6') widening as reflected on the Owner's Severance Application Sketch and in accordance with a deed and measured on Plan 30R-1690, gratuitously, free and clear of any encumbrances to be known as Public Highway Paxton Avenue. The Owner shall have a draft reference plan prepared and submitted to the City for review and approval prior to the plan being deposited in the Land Registry Office.

Sidewalks and Curbs

Paxton Avenue does not currently have sidewalks or curbs as the road exists in a semi-urban cross-section state. As per the Garden City Plan, Council has directed we achieve "Complete Streets and Walkable Communities" to which, in addition to accommodating vehicles, provide "safe, functional and attractive pedestrian and cycling environments". Section 5.2.1 indicates sidewalks shall be provided on both sides of all local streets. Section 5.2.3 states all existing roads shall be brought up to today's standards, recognizing that this may take many years due to the anticipated expense, and that if necessary, land acquisition by way of dedications may be taken. Section 5.2 also directs the City to ensure all roads have secured locations for utilities (bell, hydro, Gas, CCTV etc.).

Given the City would like to remain consistent with past requirements to bring

roads up to standards to accommodate future City utilities (storm sewer, upgraded watermain and sanitary sewer extensions), other private utilities (Gas, Hydro, Bell, etc.), boulevard trees and sidewalks, bike lanes and meeting the Garden City Plan initiatives driven by Council, it is normally required that the Owner make a cash contribution for the construction of future sidewalks along the frontage Paxton Avenue. Understanding that Paxton Avenue is not currently on a priority sidewalk list for construction in the near future, the City will not require a cash-in-lieu payment towards sidewalks with this application.

Engineering Services

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

Sump pump flows are typically discharged to grade, when no opportunities to connect to a storm sewer in the road allowance exist. Since a storm sewer does not exist on Paxton Avenue, sump pump flows and roof leaders shall be required to discharge to grade at the front yards, and shall be identified as to how on the prepared lot drainage plan, in accordance with the Property Standards By-law (2014-248).

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

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

- Dedicate a road widening along Paxton Avenue of 2.32m, gratuitously, free and clear of any encumbrances as Public Highway to be known as Paxton Avenue;
- Prepare by an Ontario Land Surveyor or Professional Engineer, a Lot Drainage plan for review and approval; and
- Pay the fee for City crews to locate, trace, inspect and document the sewer and water laterals servicing the existing dwelling; and
- If determined existing services will conflict with abutting and/or future lot lines, the Owner shall be responsible to complete any relocation works on private property through a Plumbing Only permit and pay to the City the fees required to install new water and sewer services from the City mains to the individual front property lines in order for each lot to be serviced independently;

Prepared by:



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

c. James Denham, PBS (email only)



Memorandum

To: Elaine Munro, ACST, Committee Secretary & Planning Technician
Cc: City Committee of Adjustment Staff Members
From: Brad Johnston, C.E.T., Development Engineering Technologist
Date: January 12, 2021
Hearing Date: January 27, 2021
Subject: **Committee of Adjustment - Minor Variance Applications**
8-10 Paxton Avenue, A-45-46/20SC
159 Beech Street, A-06/21SC
189 Geneva Street, A-07/21SC
91 Henry Street, A-05/21SC
50 Herrick Avenue, A-02/21SC
35 Mountain Street, A-01/21SC
41 Ravine Road, A-04/21SC
36 The Cedars, A-03/21SC

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

- 36 The Cedars
 - The Owner have an Ontario Land Surveyor or Professional Engineer prepare a topographic grading plan submitted with a Building Permit, identifying all existing versus proposed grades on the subject lands and all abutting properties in order to establish the existing drainage patterns on and adjacent to the site, for review and approval to ensure no negative affects are caused to the abutting properties

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: January 8, 2021

Subject: Committee of Adjustment
Public Hearings – January 27, 2021
File No. 305-17-01

Upon review of the applications, we offer the following comments:

A-06/21 – 159 Beech Street

A proposed parking stall of 4 metres by 2.1 metres is not of adequate size to accommodate a standard sized vehicle. As such, we cannot support the proposed reduction in the parking stall size. The applicant should consider reducing their parking requirement.

No concerns or requirements with the remaining applications.

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



St. Catharines

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-02/20

50 Herrick Avenue

DATE OF HEARING:
January 27, 2021

Munro, Elaine

Subject: RE: Application number A02/21 protest

From: Todd Reinhart < >
Sent: Monday, January 18, 2021 1:39 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Application number A02/21 protest

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 Whom It May Concern,

My name is Todd Reinhart, my wife and I live at 1 Guest Place. I am emailing to formally submit our objection to the so called "minor" variance that Marydell homes development has submitted to the city of St.Catharines.

The developer wants to build a 253 condo unit with only 83-86 parking spots which means that they are only planning to build 233 legal parking spots to support 253 units and on average the majority of units will probably have 2 vehicles. The obvious question and major concern is "Where are the rest of the people in the building going to park?" I think we all know the honest answer to that. The strong probability is that the new residents will choose parking on the street for free than pay nearly \$7,500 for one onsite parking space. If they have to pay for the one spot you can guarantee that the other car will be parked on the street. Harrick Rd, as it is now, is far too small to accommodate vehicles being parked. The residents of Harrick park on the street instead of using their open driveways and it becomes hazardous when turning right from Westchester. This is an issue that bylaw officers need to address on its own.

Furthermore, the city of St.Catharines has made a huge mistake by even allowing this lot to be developed for housing especially when there is ample and more efficient use of space for new development where the hospital has been taken down. Our area of housing has no greenspace for families and children. In the summer, children are having to skateboard and ride their bikes right on Woodburn. There is nowhere close and safe for them to go. This area with a natural pond should have been made into a residential park area. We were told by the last developer, very matter of factly, that our greenspace is the golf course. And the city agreed. REALLY!!!! The golf course. So shall my wife and I go have a picnic lunch on the 18th green? Or shall we send all the children in our neighbourhood over to fly their kites and play?

I was born and raised in St. Catharines, I have been here all my life. Unfortunately I am on medical retirement due to a lung disease. Having all these cars parked along the road by my end unit home on Woodburn will have an impact on my health due to all the extra car exhaust. Let us not forget about all the extra noise that will come with cars roaring up and down the streets. We already have an issue that has been discussed with Lisa Littleton regarding speeding up and down Woodburn. A three way stop NEEDS to be installed at the corner of Harrick and Woodburn. As I live right by this corner I have seen numerous close calls. It is only a matter of time when someone isn't paying attention and ends up in my backyard or kills someone, like the children playing (as mentioned before). This is not an exaggeration by means.

I understand the objective of the city for infill due to the lack of expansion but if we are to do right by our children and the people of St. Catharines we must not let the almighty dollar take precedence in this situation especially when there are better alternatives for building. We need to protect our existing neighbourhoods and greenspace. I hope that you will take everything I have written into consideration and deny Marydell homes their "minor" variance request.

Thank you for your time. I can be reached by email at [REDACTED] or by phone at [REDACTED]

Respectfully yours,

Todd Reinhart
1 Guest Place
St. Catharines

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

City of St Catharines
50 Church Street
P.O. Box 3012
St Catharines, Ontario
L2R 7C2

January 18, 2021

Attention: Elaine Munro Secretary –Treasurer, Planning and Building Services

Submitted by: Woodburn-Herrick Residents Committee (WHRC)

Re: File No. 20119039 Submission No. A-02/21 – 50 Herrick Avenue

The attached aerial photo **Appendix A** identifies the Proposed Development in yellow and six side streets: Terrace Hill; Clayburn; Herrick; Avery; Guest Place; and Woodburn. Total: 181 properties. These are the properties that WHRC supports and represents.

The citizens of WHRC strongly opposed this variance.

- There is a lack of clarity of the City's planning process which has led the community to question "why" this variance has been put forward by the Developer.

WHRC believes the history of this development will illustrate to the Committee of Adjustment (COA) to better understand that among the three stakeholders (City/Developer/Citizens), the citizens, have not been equitably represented. When one considers the size of the proposed build and its associated parking problems.

To clearly demonstrate the magnitude of this variance, we ask the COA to consider the following:

The condo apartments proposed at 253 units represent 40% more residences than the current 181 properties located on all six (6) side streets.

- The Developer has not provided the results of the Geotechnical Survey, promised by the City on January 21, 2020.
- As written to Mayor Sendzik on January 8, 2020, there is a need to confirm that either our homes are vulnerable to flooding and damage from the underground streams and soil instability, or to confirm that there is no risk to the community and proposed new development.

WHRC maintains that the Developer should not build Underground Parking without formally addressing the Community, on how it will be safely constructed amid the Underground Streams associated with the subject property.

Lack of transparency creates confusion = lack of public trust

November 27, 2020. The above issues as well as others not associated with parking led to a formal complaint to the Office of the Ombudsman of Ontario. **WHRC** asked for a review of all the

planning and building processes involved in the build of this project. Lisa Fuser is The Early Resolutions Officer assigned to our complaint.

The Planning for this Development spans over 13 years.

January 2018: Planning Justification Report submitted by LANDx, the Developers' Agent, was submitted as a basis for the May 3, 2018 Open Community Meeting.

Approval History reproduced from the above report:

"Council approved the Heritage Point Draft Plan of Subdivision, which includes the 40 Woodburn portion of the consolidated property, on October 15th, 2007. The entire subdivision was given approval for single detached dwellings, street townhouse dwellings and apartment units.

November 12th, 2007 Council passed By-Law 2007-312 that re-zoned the Heritage Point subdivision as Mixed Density Residential. This mixed density provision permits a variety of residential built forms, including the proposed apartment buildings.

November 7th, 2011 Council approved an application under the Brownfield Tax Increment Based Incentive Grant Program for the 40 Woodburn Avenue portion of the subject property. The approval included the development of (4) condominium apartment buildings, for a total of 252 residential units.

January 2018 Developers Justification Report: *"The concept has been refined since these previous approvals. Municipal feedback, public consultation and recent changes in market conditions has made the proposed concept of 208 units in 3 buildings the preferred choice, while maintaining conformity with Provincial, Regional and City policies."*

Which numbers are the truth?

January 2021: The variance for 253 condo units.

November 2011: Council approved 252.

How did 208 units in January 2018 convert into 253 in January 2020?

How were these unit numbers increased without a public meeting? The City has known since the May, 2018 Community Meeting that Parking has been the 'hot button' of the development.

There have been significant changes to Zoning By-Laws over the past 13 years since this development was approved.

Part One: Legal precedence demonstrates that this request is not a 'minor variance'.

WHRC refers to a Report by the City Solicitor of the City of Ottawa presented to their Planning & Environmental Committee in October 2018. The subject was MINOR VARIANCES. Below are City Solicitor excerpts:

“The Four Tests Determining a Minor Variance Application to be ‘minor’ are not adequate in today’s world. In 2005, DeGasperis v. Toronto (City) Committee of Adjustment (2005) 51 O.M.B.R. 1 (O.M.B.) was referred to the Ontario Divisional Court, becoming the authoritative decision respecting the application of the four-part test for minor variances.”

“DeGasperis provides an in-depth discussion with respect to how the scope of “minor” is determined by size and impact.

“Justice Matlow, DeGasperis, p.7 Commentary: “A minor variance is, according to the definition of “minor” given in the Concise Oxford Dictionary, one that is “lesser or comparatively small in size or importance”. This definition is similar to what is given in many other authoritative dictionaries and is also how the word, in my experience, is used in common parlance.

It follows that a variance can be more than a minor variance for two reasons, namely, that it is too large to be considered minor or that it is too important to be considered minor. The likely impact of a variance is often considered to be the only factor which determines whether or not it qualifies as minor but, in my view, such an approach incorrectly overlooks the first factor, size.”

The “size” of the variance and its importance to the community does not make it “minor”. Approval of this variance has the potential to destroy the community’s livability.

The effect of this variance, if approved, could create an unmanageable community parking situation. It is unknown if the non-compliant parking spaces will cause more street parking. Because owners and visitors are reluctant to risk using the undersized underground parking. Whether due to vehicle size, personal physical abilities or disabilities or awkward location.

Consider parking density in this community. This site requires 317 parking stalls. The Developer states that 237 are fully compliant with the zoning by-law.

This could mean that there is a potential of 83 vehicles parked in front of our homes.

- The site requires 317 parking spots for 253 units.
- The proposal states 237 parking spots are fully compliant with the zoning by-law.
- This represents a potential of 83 vehicles, dispersed among 6 side streets.
- Adding 13-14 vehicles per street. A huge burden especially in winter.

Not one of our six streets can accommodate an additional 13-14 cars.

The Developer currently requires residential parking spaces to be purchased. Pricing is separate from the condo apartment unit. New owners may consider street parking to save money. Or, after paying nearly \$7,500 for one onsite parking space, a second vehicle may indefinitely be street parked in front of our homes.

Housing in St. Catharines requires permanent parking. Public transit is not as accessible as it is in Toronto and other major centres.

Part Two: Parking is a primary source of conflict between Citizens and the City

WHRC since May 2018 has provided ongoing research and communication, City responses follow:

June 2018: **WHRC** conducted a parking survey with a fifty-four percent (54%) response rate. The results were a ratio of 1.957 vehicles per household. The City Zoning By-law (2013-283) is therefore of considerable concern. The City established ratio of 1.25 parking spots per unit appears insufficient in this neighbourhood.

July 9 and August 13, 2018 Public Meetings. The following is taken from Reports presented to City Council, prepared by: Taya Devlin Planner I, Submitted by: Judy Pihach, MCIP, RPP Manager, Planning Services Approved by: James N. Riddell, M.P.L., MCIP, RPP Director, Planning and Building Services:

***"Parking Comment:** A citizen led survey of the neighbourhood has indicated an average of 1.957 vehicles per household. How is a parking ratio of 1.25 parking spaces per unit sufficient?*

***Response:** The City's Official Plan identifies that sufficient and safe parking shall be provided in accordance with the standards established in the implementing Zoning By-law which requires a minimum 1.25 parking spaces per apartment dwelling.*

The Site Plan Agreement will require that adequate parking... is maintained on site. If through the development of site design, it is determined that parking cannot be provided ... the design would need to be revised to demonstrate that the required parking can be provided on site. At no time will construction be permitted to take place that does not provide adequate parking in accordance with the zoning by-law."

WHRC Why is the City planning department not upholding the Zoning By-law (2013-283)? The above was a solid commitment from the City. Why is the developer bringing forward this variance? Did the Developer or Developer's Agent not read/accept the Planning Department Reports to City Council?

Did this Toronto-based Developer and architect decide that St Catharines and Toronto share the same by-laws?

Is this variance application easier for the Developer than resubmitting proper St Catharines-based zoning plans? Why should residents (current and future) be potentially parking impaired for as long as they live in the community?

Currently the application shows a maximum of 237 compliant parking spaces. At 1.25 parking spaces per apartment, the building would then house a maximum of 189 residential units.

By-Laws are created and implemented to better our communities whether it be Heritage Point or Port Dalhousie part of the City.

Part Three: Can the pond on the site be safely converted to underground parking? What happened to Council Direction?

At the August 13, 2018 Council Meeting the following direction was given:

"Staff is directed through the site plan approval process to further address the concerns of the ponding source and the eventual technical evaluation to ensure that drainage is adequately addressed." The Director of Planning stated 'if it is a completely and utterly natural pond then staff will be looking after that and conferring with the conservation authority. We are not going to pave over something that is natural.'"

As you can see Council did not fully accept the City Staff Response to Community Concerns as outlined below:

"The proposed development involves the construction of three 5-storey apartment buildings, 16m in height. 265 parking spaces will be provided, 51 at grade and 214 underground. A sizable portion of 40 Woodburn Ave. is presently the location of an excavated pit that has filled with rainwater. This pit was dug as part of remediation efforts related to the industrial landfill which previously existed on the property."

Despite asking numerous times, there was no response from the City as to when this Geo Technical Survey was to occur. WHRC wrote to Mayor Sendzik on January 8, 2020. The letter included the following:

"Our community are however opposed to the issuing of building permits when community elders have specifically identified sizeable underground streams associated with 40 Woodburn Avenue. Developers also commonly want to know about potential risk and issues. The Geotechnical Survey will either confirm that our homes are vulnerable to flooding and damage from the underground streams and soil instability or will confirm that there is no risk to the community and proposed new development."

August and September 2018 the **WHRC** interviewed eight (8) elders who know the history of the proposed Development lands. It was stated repeatedly that there were several underground streams which would be feeding the 'pond'. Signed written statements were submitted to the City via Counsellor Lori Littleton.

January 21, 2020 City Staff informed **WHRC** that the City:

"will have the developer complete a Geotechnical Survey as part of the submission for a building permit approval process."

Having not heard from the City after asking several times, in writing, about the outcome of the Geotechnical Survey **WHRC** requested and received a meeting with local Counsellors Littleton and Miller.

WHRC presented to them on October 29, 2020 (via a virtual call) a petition signed by over 51% of the community. The petition wording:

"THE COMMUNITY PETITIONS CITY COUNCIL TO DIRECT CITY STAFF TO: Provide the results of the recently conducted Geotechnical Survey conducted August 2020."

As a result, the City submitted a Geotechnical Survey dated August 2019.

WHRC has never seen the August 2020 Geotechnical Survey results.

WHRC submitted to its local Counsellors, in November 2020, a Surveyors Map, circa 1974, showing that Carter Creek runs as an underground stream on the Development property.

This development is an infill site built on about 3.85 acres in which the 'pond' represents approximately 26% of the land mass. It is obvious that this request for variance is a direct result of the developer's inability to meet the required parking stall sizes as outlined in Zoning By-Law 2013-283 due to Carters Creek being an active underground stream.

This appears to be a parallel situation which occurred at 6-10 Dalhousie Avenue in Port Dalhousie in that it was also built on wetlands?

For Citizens it has been a long and frustrating 13 years. This build needs to start, with our properties protected from the effects of constructing Underground Parking on a spring fed pond. Parking must be managed on the development property and not on our small streets.

For the City there is a need to make this project income producing. We accept the City needs an increased tax base to thrive and become more livable.

The Developer must accept the build must be smaller to make it happen. The variance is therefore too large and too important to be granted.

As stated by the City: "At no time will construction be permitted to take place that does not provide adequate parking in accordance with the zoning by-law."

Lastly, **WHRC** single-mindedly believes that it is the Citizens (current and new) that ultimately own the community, not the Developer.

Respectfully submitted on behalf of the Woodburn-Herrick Residents Committee:

Gilles Marceau
14 Woodburn Avenue
St Catharines, Ontario
L2P 2W7

Attachments:

Appendix A - Development Aerial Photo

Appendix "A"

Aerial Photo
Surrounding Area

Niagara Regional Aerial Photo (April, 2015)



Subject Lands

50 Herrick Avenue

Files: 60.30.338 & 60.35.1039



Adjacent Lands Owned by Applicant

40 Woodburn Avenue

Proposed Amendment to existing Special Provision 47

Munro, Elaine

From: Munro, Elaine
Sent: Wednesday, January 20, 2021 10:49 AM
To: Munro, Elaine
Cc: Banda, Wilrik
Subject: RE: Objection to Marydell housing

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

From: Kathleen Cahill <>
Sent: Tuesday, January 19, 2021 10:39 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Fw: Objection to Marydell housing

“From Kathleen Cahill, 1 Guest Place”.

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To Whom It May Concern,

My name is Todd Reinhart; my wife and I live at 1 Guest Place. I am emailing to formally submit our objection to the so called "minor" variance that Marydell homes development has submitted to the city of St.Catharines.

The developer wants to build a 253 condo unit with only 83-86 parking spots which means that they are only planning to build 233 legal parking spots to support 253 units and on average the majority of units will probably have 2 vehicles. The obvious question and major concern is "Where are the rest of the people in the building going to park?" I think we all know the honest answer to that. The strong probability is that the new residents will choose parking on the street for free than pay nearly \$7,500 for one onsite parking space. If they have to pay for the one spot you can guarantee that the other car will be parked on the street. Herrick Rd, as it is now, is far too narrow to accommodate vehicles being parked. Currently, the residents of Herrick park on the street instead of using their open driveways and it becomes hazardous when turning right from Westchester. This is an issue that bylaw officers need to address on its own.

Furthermore, the city of St.Catharines has made a huge mistake by even allowing this lot to be developed for housing especially when there is ample and more efficient use of space for new development where the hospital has been taken down. Our area of housing has no greenspace for families and children. In the summer, children are having to skateboard and ride their bikes right on Woodburn. There is nowhere close and safe for them to go. This area with a natural pond should have been made into a residential park area. We were told by the last developer, very matter of factly, that our greenspace is the golf course. And the city agreed. REALLY!!!! The golf course. So shall my wife and I go have a picnic lunch on the 18th green? Or shall we send all the children in our neighbourhood over to fly their kites and play?

I was born and raised in St. Catharines, I have been here all my life. Unfortunately I am on medical retirement due to a lung disease. Having all these cars parked along the road by my end unit home on Woodburn and Guest Place will have an impact on my health due to all the extra car exhaust. Let us not forget about all the extra noise that will come with cars roaring up and down the streets. We already have an issue that has been discussed with Lisa Littleton regarding speeding up and down Woodburn. A three way stop NEEDS to be installed at the corner of Harrick and Woodburn. As I live right by this corner I have seen numerous close calls. It is only a matter of time when someone isn't paying attention and ends up in my backyard or kills someone, like the children playing (as mentioned before). This is not an exaggeration by any means.

I understand the objective of the city for infill due to the lack of expansion but if we are to do right by our children and the people of St. Catharines we must not let the almighty dollar take precedence in this situation especially when there are better alternatives for building. We need to protect our existing neighbourhoods and greenspace. I hope that you will take everything I have written into consideration and deny Marydell homes their "minor" variance request.

Thank you for your time. I can be reached by email at XXX or by phone at XXX-XXX-XXXX.

Respectfully yours,

Todd Reinhart
1 Guest Place
St. Catharines

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

Munro, Elaine

From: Munro, Elaine
Sent: Wednesday, January 20, 2021 10:46 AM
To: Munro, Elaine
Subject: RE: Application for minor variance at 50 Herrick Avenue. A-02/21

From: Barb Linton <>
Sent: Tuesday, January 19, 2021 6:17 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Re: Application for minor variance at 50 Herrick Avenue. A-02/21

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City of St Catharines

Committee of Adjustment

January 20, 2021

Attention: Elaine Munro Secretary –Treasurer, Planning and Building Services

Re: File No. 20119039

Submission number A - 02/21

I would like to add my letter of concern to the others submitted by the Woodburn-Herrick Residents Committee regarding the application for a Minor Variance from Marydel Homes.

The citizens of Woodburn-Herrick Residents Committee (WHRC) strongly oppose this variance. There is a lack of clarity of the City's planning process which has led the community to question "why" this variance has been put forward by the Developer. WHRC believes the history of this development will illustrate to the Committee of Adjustment (COA) to better understand that among the three stakeholders (City/Developer/Citizens), the citizens, have not been equitably represented.

Legal precedence demonstrates that this request is not a 'minor variance'.

The “size” of the variance and its importance to the community does not make it “minor”. Approval of this variance has the potential to destroy the community’s livability. The effect of this variance, if approved, could create an unmanageable community parking situation. It is unknown if the lessening of condo parking spaces will cause more street parking. Future owners and visitors may be reluctant to risk using the undersized underground parking, whether due to vehicle size, personal physical abilities or disabilities or awkward location.

As previously stated by the City: “At no time will construction be permitted to take place that does not provide adequate parking in accordance with the zoning by-law.”

Community parking has been an issue brought before the city of St. Catharines as well as concerns regarding the water issues in the proposed building lot.

Therefore I would like to add my voice to those of others of the WHRC. I am not in favour of going forward until all issues are resolved. This variance is pre-mature.

Yours truly,

Barb Linton

3 Guest Place

St. Catharines L2P 0B9

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Elaine Munro ACST

Committee Secretary and Planning Technician

Tel: 905.688.5601 x1715

Email: emunro@stcatharines.ca

Munro, Elaine

From: Munro, Elaine
Sent: Wednesday, January 20, 2021 11:17 AM
To: Munro, Elaine
Subject: RE: Notice of Hearing - File No. 20119039 - Submission No. A-02/21

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

From: Edson Mattos < >
Sent: Wednesday, January 20, 2021 9:56 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Notice of Hearing - File No. 20119039 - Submission No. A-02/21
Importance: High

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

Dear Ms. Munro,

My name is Edson Mattos.

I live at 23 Avery Cres. – St. Catharines

As a resident of the neighbourhood where Marydel Homes is intending to build a very large number of condo apartments I'm very concern about the city's decision about this project.

First of all what the developer is asking for is not a Minor Variance. This is a huge change.

It's very clear the developer is trying to obtain the City's permission to build 253 condo units in the site by presenting the request as a "minor variance project" going against our city by-laws and the preservation of our natural resources.

It is very clear to anyone who knows and lives in our neighbourhood that the developer is intending to build the condo on top of a natural spring source.

This may put our community and all future residents of the site at risk.

At the same time the fact that the developer is intending to build the condo without providing the required city's by-laws parking spaces for such project is not admissible.

This will cause a huge parking problem to our community because there is no parking space available in our streets surrounding the site.

Our neighbourhood does not have the infra structure to accommodate a large number of cars parked in our streets.

In case the developer intends to move forward with the project the City should require the developer to reduce the number of units to be built in order to accommodate the number of parking spaces that could be built according to the City's by-laws. If I'm not mistaken our City's by-laws requires 1.25 parking spaces per unit.

Because the developer states that can only accommodate 233 parking spaces the number of units built should never exceed 186 units.

I do hope the Committee of Adjustment will look into all these details to deny the developer's request.

I would appreciate if you could register my name to attend the meeting. I'm intending to join using my phone [REDACTED]

Thank you very much.

Regards,

Edson Mattos

XXXXXXXXXXXXXXXXX

(XXX) XXX-XXXX

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Munro, Elaine

From: Munro, Elaine
Sent: Wednesday, January 20, 2021 11:24 AM
To: Munro, Elaine
Subject: RE: Variance application A02/21

From: Vince Goldsworthy < >
Sent: Wednesday, January 20, 2021 10:10 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Variance application A02/21

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 day.

This submission relates to Application A-02/21 for a property at 50 Herrick Ave. to be heard by the Committee of Adjustment on January 27 2021. We would like to submit our opposition to the reduction in the number of parking spaces proposed for this apartment development. Such a reduction is inconsistent with the surrounding neighborhood and particularly with respect to the current on-street parking situation

We have a significant concern with the effects this proposal will have on the on-street parking in the neighborhood. The homes along Herrick Ave., which abut the site, have limited off-street parking and as a result there are always vehicles parked along the roadway. A photo is attached for your information.

By reducing the parking requirements for this development there will be increased demand for on-street parking in the surrounding area. This would include our properties along Woodburn Ave, Herrick Ave and Avery Crescent. Vehicles, including ours, are regularly parked along Woodburn Ave and on Avery Crescent. A photo for each street is attached. Please note that the photo of Woodburn Ave., because of the

time of day it was taken, does not show the several vehicles that regularly park overnight just north of Avery Cres.

We are also concerned that with a price tag of \$7,500 per parking space it is very likely that condo residents may choose to park outside, or that those with two vehicles will opt for on-street parking for their second vehicle, further exacerbating the parking issue.

This is a small neighborhood with a combination of older and newer dwellings. The area will not be able to handle additional pressure for on-street parking. Reduction in the number of parking spaces will have an adverse impact on the surrounding area and for this reason we oppose the application.

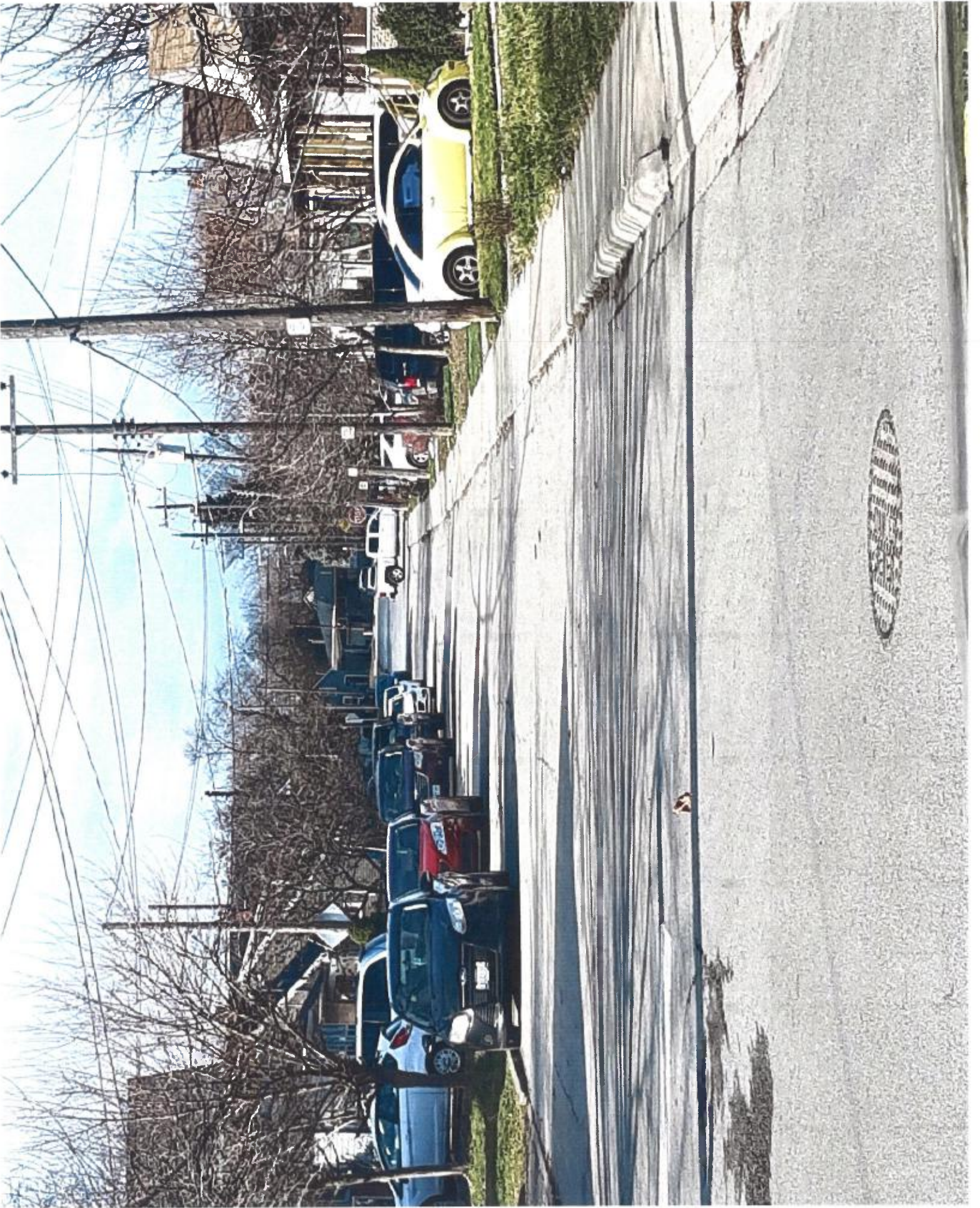
The development should be required to provide the number of parking spaces as mandated in the City's bylaw at 1.25 spaces per unit. Alternatively the number of units should be reduced so that the parking requirements are met.

Please provide us with confirmation of receipt of this message and a copy of the Committee's decision.

Thank you
Vince and Betty Goldsworthy
78 Avery Crescent
XXX-XXX-XXXX

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







Munro, Elaine

From: Munro, Elaine
Sent: Wednesday, January 20, 2021 2:43 PM
To: Munro, Elaine
Subject: RE: Minor Variance application A02/21

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

From: Marc de Grosbois <>
Sent: Wednesday, January 20, 2021 2:35 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Minor Variance application A02/21

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Attn: Elaine Munro, Secretary-Treasurer
Committee of Adjustments, City Hall

Submission:

To the Committee of Adjustments
Re: Application A02/21

My wife and I do not support this application. The applicant is seeking a 26% reduction in the required parking allotment for their development. This does not seem to be a minor variance from the proposed, but rather, I would submit, it is a change in plan. Approving this application sets a dangerous precedent for future development in R2 zoned neighborhoods. Approving this proposal would require the neighborhood to absorb potentially 83 to 86 new vehicles for regular day long street parking. If this committee does not see the erosion of the by-laws validity and rejects this proposal outright, perhaps, prior to approving this application, they might require an independent parking study be done for the neighborhood as a whole. Street parking is at a premium as it is, and having to park around the block to accommodate guests and visitors is not unusual.

Perhaps as an alternative Marydel Homes, the applicant, might be required to exercise proper planning at the front end, and reduce the number of units under construction to 186, thereby accommodating our current parking by-law. It would seem this is what they are admitting to by tabling this application, anyway.

Marc de Grosbois
Celine de Grosbois
30 Herrick Ave.
St. Catharines, ON.

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

Munro, Elaine

From: Munro, Elaine
Sent: Friday, January 22, 2021 8:41 AM
To: Munro, Elaine
Subject: RE: Woodburn-Herrick Resident

Begin forwarded message:

Elaine Munro ACST
Committee Secretary and Planning Technician
Tel: 905.688.5601 x1715
Email: emunro@stcatharines.ca
From: Campbell Kenroy <>
Date: January 21, 2021 at 12:22:53 PM EST
To: gr
Subject: Woodburn-Herrick Resident

Hi good day I here by support the Woodbury-Herrick Residents committee, in protest against Marydel Homes Developer. This a note to register my protest of application A02/21. My make is Kenroy Campbell, home owner at 19 Avery Crescent L2P0B7.

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Munro, Elaine

From: Munro, Elaine
Sent: Thursday, January 21, 2021 3:36 PM
To: Munro, Elaine
Subject: RE: Application Number A02/21

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

From: Don Heaton < >
Sent: Thursday, January 21, 2021 3:19 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Application Number A02/21

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Hi Elaine,

My wife and I are opposed to letting Marydel Homes have a variance to build 83 less parking spaces for their 253 condo units.

Stay with the city by-law 1.25 per unit, which would mean 316 parking spaces.

Thank you,

Don and Mary Heaton
9 Avery Crescent

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From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: RE: Woodburn Herrick Development
Date: Friday, January 22, 2021 8:49:05 AM

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

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

From: Keith Pidduck <>
Sent: Thursday, January 21, 2021 5:14 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Woodburn Herrick Development

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Regarding application A02/21.

Please be advised that we are opposed to this “minor” variance. It is truly unreasonable and should not be approved.

Respectfully Submitted

Keith and Mary Lynn Pidduck

1 Avery Crescent

St Catharines. L2P 0B

XXX-XXX-XXXX

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: RE: Variance Application # A02/21
Date: Friday, January 22, 2021 4:20:35 PM

From: James Hyatt < >
Sent: Friday, January 22, 2021 4:10 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Variance Application # A02/21

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

Dear Sir/Madam,

I want to indicate my opposition to the requested variance. The City has well established policy requirements regarding parking capacity for new multi-unit residential developments. The policy is clear and it is based on extensive experience. Approving the request would create a monumental parking shortage in the neighborhood.

Thank you for considering my objection to this matter.

James Hyatt
11 Avery Crescent, St. Catharines, ON L2P0B7
XXX-XXX-XXXX

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



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: January 21, 2021

Date of Meeting: January 27, 2021

Report Number: A-02/21

File: 20119039

Subject: 50 Herrick Avenue

Recommendation

That Application A-02/21 by Marydel Homes (STCC) Inc., be approved, but the wording of the variance be revised to reflect a reduction in parking space width for spaces impacted by obstructions (columns, pillars etc) rather than a reduction in total parking spaces on site to eliminate parking spaces so impacted from being *required* spaces by the zoning by-law, as requested by the applicant. Staff recommend the following wording for the variance:

Where an obstruction (column, pillar etc) is located within 1.3 metres of either end of a parking space, the minimum required parking space width shall be 2.6 metres.

And that the Committee has considered the rewording of the requested variance and determines that no further notice is required under the Planning Act.

The Proposal

The Applicant is seeking to build a 253-unit, five storey apartment building. The building will have a mix of surface-level and below-ground parking for a total of 320 parking stalls (only 316 are required). There are 256 parking stalls in the below-ground parking garage, 68 parking stalls are surface-level. Due to design constraints, 86 parking stalls in the below-ground parking garage do not meet the width requirements in the Zoning By-law. The Application proposes to reduce the parking requirements for the site from 316 to 233 to recognize the deficient stall widths.

The subject property is currently subject of a site plan control application for the construction of the proposed apartment building.

Location and Site Description

The subject lands are located south of Herrick Avenue and west of Woodburn Avenue, north of the Garden City Golf Course. The property is surrounded by a mix of detached dwellings and townhomes. The subject lands are currently vacant.

Circulation of Application

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

Planning Policy Context

Official Plan (Garden City Plan)

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

Zoning By-law (2013-283)

The subject property is zoned Medium Density Residential with Special Provision 47 (R3-47). Apartment buildings are permitted in this zone. Special Provision 47 covers several zoning requirements for lot frontage, minimum yards and density. The proposed apartment building meets all R3-47 zoning requirements.

Planning Analysis

The Applicant has requested a reduction in the minimum parking requirement for a 253-unit apartment building from 316 parking spaces to 233 parking stalls. The applicant has submitted documentation that, of the 256 underground parking stalls proposed, 86 parking stalls are impacted by columns or pillars and accordingly are unable to meet the minimum parking space width prescribed in the zoning by-law. The applicant has applied for a reduction in overall parking so that those spaces impacted by columns and pillars are not considered *required* parking pursuant to zoning requirements but provided none the less.

The manner in which the variance is worded is misleading in staff's view, since it can easily be misinterpreted to be an actual reduction in total parking for the development, an outcome staff does not support. Staff support the actual reduction in parking space width for those parking spaces impacted by columns and pillars, but that the variance be expressed as a reduction in parking space width only, not a reduction in the total number of parking spaces.

The applicant has provided rationale from a qualified professional indicating that parking spaces impacted by columns and pillars remain functional if the column or pillar is located within 1.3 metres of either end of the parking space, as is the case in this proposal. The City's zoning by-law requires parking stalls to be 2.6 metres wide. When a stall abuts a column or wall on one side, the width must be 3 metres; stalls abutting a column or wall on two sides need to be 3.5 metres wide. The increase in width is to permit room for vehicle doors to open and for people to be able to move around a parked vehicle. In other municipalities, the required width is relaxed if the obstruction only occurs within the first metre of the stall depth, meaning doors could still open on most models of cars. The City of St Catharines' Zoning By-law does not currently make that distinction. The Planning and Building Services department is currently working on a staff-initiated zoning by-law amendment to address this.

For the proposed building, 86 of the underground parking stalls that abut columns are 2.6 metres in width. The columns are located within the first metre or so of the parking stalls, meaning they will not interfere with opening vehicle doors. The columns are on only one side of the parking stall, meaning people can maneuver around the column by walking around the other side of the vehicle, if required. The drive aisles are 6.7 metres in width, which will provide enough room to access the parking stalls.

The applicants submitted a review of the parking design by RV Anderson and Associates, a consulting engineering firm. The review concludes "Given the placement of the columns relative to the parking stall, these columns will not interfere with vehicle doors and as such should not be considered an 'obstruction' under the City By-Law." The City's traffic technologist reviewed the parking garage layout and the RV Anderson and Associates report and concurs with the findings that the 86 parking stalls deficient in width can still fully function as parking stalls.

Since the parking spaces impacted by columns or pillars remain functional parking spaces, staff recommend the variance be approved, conditional on the wording as recommended by staff (reduction in parking space width) and not the proposed wording of the applicant (reduction in total parking spaces). The intended outcome is the same, so there is no need to reissue public notice for this application. Staff recommend the parking space width be varied from 3.0 m wide for a space obstructed on one side, and 3.5m wide for a parking space obstructed on two sides, to 2.6 metres wide providing the obstruction (column/pillar) is located within 1.3 metre of either end of the parking space.

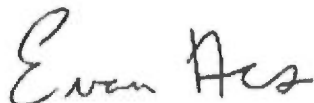
Staff are satisfied that the variance is considered desirable for the appropriate use of the subject lands and all spaces remain functional.

Staff consider the intent of the Zoning By-law to be upheld.

Conclusion

Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Application A-02/21 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 as revised in the recommendation.

Prepared and Submitted by:



Evan Acs
Planner I

Approved by:



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



R.V. Anderson Associates Limited
43 Church Street Suite 104
St. Catharines Ontario L2R 7E1 Canada
Tel 905 685 5049 Fax 855 833 4022
www.rvanderson.com

December 3, 2020

RVA 205564

Marydel Homes (STCC) Inc.
100 Caster Avenue
Woodbridge, Ontario
L4L 5Y9

Attention: Marydel Homes (STCC) Inc.

Re: Parking Review for the Proposed Montebello Apartment Development
50 Herrick Avenue, City of St. Catharines

INTRODUCTION

Marydel Homes (STCC) Inc. retained R.V. Anderson Associates Limited (RVA) to carry out a Parking Review for the proposed Montebello Apartment development situated at 50 Herrick Avenue in the City of St. Catharines. The primary focus of the review is to evaluate the 86 parking spaces in the proposed parking level that have been identified by the City as “non-compliant” with respect to applicable City by-laws concerning parking space dimensions and adjacent “obstructions”.

This memorandum presents our findings and recommendations concerning the proposed parking stall dimensions, their conformance to the City’s and other municipalities’ by-law requirements, and their anticipated operation under the proposed configuration.

CITY OF ST. CATHARINES BY-LAW REQUIREMENTS

The subject development is proposing a total of 256 parking spaces in the underground parking level, of which 86 spaces are considered “non-conforming” to the City’s applicable by-law. These spaces of concern have dimensions of 2.6 metres by 5.2 metres and are abutting support columns on one side, dimensioned at 300 millimetres by 900 millimetres. The support columns are not protruding into the adjacent parking spaces and are situated within a 600-millimetre-wide hatched pavement marking area adjacent and parallel to the parking spaces.

Per the City of St. Catharines Zoning-By-Law (2013-283), parking space dimensions for “single side obstructions” are required to be 3.0 metres by 5.2 metres, as shown in Table 1 below. The width of the 86 “non-conforming” spaces (2.6 metres) are therefore 0.4 metres less than the City’s minimum by-law requirement (3.0 metres) for situations with an “obstruction on one side”, but meet the 2.6 metre requirement for a Standard Parking Space. The proposed parking space depth (5.2 metres) meets all applicable requirements. The intent for the requirement of additional parking stall width is to accommodate access and egress from a vehicle when an obstruction on one side impacts the opening of the vehicle’s door.

Table 1: City of St. Catharines - Zoning By-Law 2013-283 - Parking Space Dimensions

	Min. Width (m)	Min. Depth (m)	Conditions
Standard Parking Space	2.6	5.2	-
Standard Parking Space Obstructed on Two Sides	3.5	5.2	abutting any wall, column, or structure on both sides
Standard Space Obstructed on One Side	3	5.2	abutting any wall or column, or structure on one side
Accessible Space	3.4	5.2	1.5 m hatched access aisle shall be provided
Two (2) Accessible Spaces Side by Side	3.4	5.2	1.5 m hatched access aisle shall be provided between accessible spaces

BY-LAW REQUIREMENTS FOR OTHER MUNICIPALITIES

RVA has completed a review of the parking by-law requirements for other Ontario municipalities, specifically as they pertain to obstructions abutting one side of a parking space. Our reviewed identified four (4) municipalities that identify parking stall widths of 2.6m as being sufficient when situated next to an obstruction. The municipalities and applicable sections of their respective by-laws are presented in Table 2.

Table 2: Other Municipal By-Laws concerning Parking Requirements and Obstructions

Municipality By-law #	Parking By-law Requirement
City of Ottawa #2008-250	<p><i>"Where a parking space is located abutting or near a wall, column or other similar surface that obstructs the opening of the doors of a parked vehicle or limits access to a parking space, that parking space must have a minimum width of 2.6 m."</i> (Section 106.5)</p> <p>The minimum required width for a standard parking space with no obstruction is also 2.6 metres.</p>
City of Brantford #160-90	<p><i>"Pillars and other ceiling support elements may project a maximum of 0.15m into a parking space."</i> (Section 6.18.1.5)</p> <p>The minimum required width for a standard parking space with no obstruction is also 2.75 metres. Therefore, with an obstruction projecting 0.15 metres into the space, the resulting usable width is reduced to 2.6 metres.</p>
Town of Halton Hills #2010-0050	<p>The standard parking space width is 2.6 metres, with no additional requirements pertaining to obstructions.</p>
Town of Caledon #2006-50	<p>The standard parking space width is 2.6 metres, with no additional requirements pertaining to obstructions.</p>

These municipalities' by-laws indicate that a parking space width of 2.6 metres is considered sufficient with the presence of an obstruction (i.e. column) on one side of the parking space, and that vehicles should be able to sufficiently ingress and egress the parking space despite the presence of the column.

COLUMN LOCATIONS

In reviewing how other municipalities define when a fixed object adjacent to a parking stall is considered an obstruction, we have referenced the City of Toronto Zoning By-law (569-2013) which provides the following definition:

"The side of a parking space is obstructed if any part of a fixed object such as a wall, column, bollard, fence or pipe is situated:

- (i) within 0.3 metres of the side of the parking space, measured at right angles, and*
- (ii) more than 1.0 metre from the front or rear of the parking space."*

In this excerpt we see the reference to the location of the column as having a bearing on whether the column is considered an obstruction. Specifically, if the column location does not interfere with the central part of the vehicle where car doors are located then the column is not deemed an obstruction and no additional parking stall width is required.

It is important to note that the columns in the proposed parking garage layout for 50 Herrick Avenue are situated at the entry point of the parking spaces (within 1 metre from the front of the parking space). This locates the columns away from the vehicle doors. Therefore, the columns do not pose an obstruction to vehicle doors and therefore are outside the "intent" of the 0.4 metre additional width requirement.

Furthermore, as previously described, the columns are situated within a hatched pavement marking area adjacent to the parking spaces and are not protruding into the adjacent parking spaces. Therefore, opening vehicle doors are provided an additional 0.6 metres of separation from the adjacent parking space due to the hatched area, actually improving the accessibility of vehicle occupants entering/exiting their respective vehicles at these specific parking spaces.

RECOMMENDATION

Given the placement of the columns relative to the parking stall, these columns will not interfere with vehicle doors and as such should not be considered an "obstruction" under the City By-Law.

It is recommended the standard parking space requirement of 2.6 metres by 5.2 metres be applied to the identified 86 "non-conforming" spaces, given the fact that columns are not an obstruction to vehicle doors thus removing the need for the additional 0.4m parking stall width. Also, the additional 0.6m wide hatched pavement area in which the columns are placed increases the parking stall separation on that side and provides more room for vehicle doors to open when parked.

CLOSING

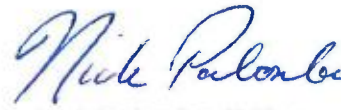
If you have any questions requiring clarification, please feel free to contact Adam Mildenberger at 905-818-2542 or by email at AMildenberger@rvanderson.com

Yours very truly,

R.V. ANDERSON ASSOCIATES LIMITED



Adam Mildenberger, C.E.T., B.A.
Transportation Planner



Nick Palomba, P.Eng.
Principal, Manager
Transportation Planning

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: RE: 50 Herrick Avenue, St. Catharines. Email 2
Date: Wednesday, January 6, 2021 4:00:47 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: Wednesday, January 6, 2021 3:19 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: 50 Herrick Avenue, St. Catharines. Email 2

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

Hi Elaine

Cogeco has no 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: RE: Request for Comments, 50 Herrick Avenue, 35 Mountain St., 41 Ravine Road - Committee of Adjustment January 27, 2021 Hearing - Email32 of 3
Date: Thursday, January 7, 2021 3:25:06 PM

Elaine Munro ACST
Committee Secretary and Planning Technician

Tel: 905.688.5601 x1715

Email: emunro@stcatharines.ca

From: Vasko, Dennis <dvasko@stcatharines.ca>

Sent: Thursday, January 7, 2021 10:03 AM

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

Cc: Green, Mark <mgreen@stcatharines.ca>

Subject: RE: Request for Comments, 50 Herrick Avenue, 35 Mountain St., 41 Ravine Road - Committee of Adjustment January 27, 2021 Hearing - Email32 of 3

Hi Elaine, Happy New Year

There are no concerns with any of the properties. The house at 41 Ravine Rd. backs onto the golf course which is a closed landfill, but if the proposed work only involves the driveway and a basement reno I see no issues.

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: January 8, 2021

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – January 27, 2021 hearing

NO.	ADDRESS	COMMENTS
A-45/20	8 Paxton Avenue	Be advised that a building permit is required for the proposed detached dwelling on Part 1.
A-46/20	8 Paxton Avenue	Be advised that a building permit is required for the proposed detached dwelling on Part 2. A demolition permit is also required to remove the existing detached dwelling on Part 2.
A-02/21	50 Herrick Avenue	No comment
A-01/21	35 Mountain Street	Be advised that a building permit is required for the proposed carport. Note, be advised that reductions in the required yard setbacks may have spatial separation implications affecting the permitted area if a wall (permitted type of construction) and glazed opening(s) are proposed facing those yards.
A-03/21	36 The Cedars	Be advised that a building permit is required for the proposed attached garage. Note, be advised that reductions in the required yard setbacks may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing those yards.
A-04/21	41 Ravine Road	Be advised that a building permit is required for the proposed duplex.

NO.	ADDRESS	COMMENTS
A-05/21	91 Henry Street	Be advised that a building permit is required to be completed for the proposed addition. Note, be advised that reductions in the required yard setbacks may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing those yards.
A-06/21	159 Beech Street	Be advised that a building permit is required to be completed for the proposed addition.
A-07/21	189 Geneva Street	Be advised that a building permit is required to be completed for the proposed carport.



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: January 15, 2021
Subject: Committee of Adjustment Hearing – January 27, 2021

CRCS has reviewed the Committee of Adjustment application for the hearing of January 27, 2021 and provides the following comments;

1. 71 Bradley Street, Consent, B-51/20SC – 60.84.2328

If Planning and Building Services determines that parkland dedication can be collected for this application PRCS requests the following condition of severance: That payment of 5% of the appraised value of the new lot (Part 1) be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. That the appraisal be completed by a qualified appraiser.

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.

2. 50 Herrick Avenue, Minor Variance, A-02/21 – 20119039
No comment.

3. 35 Mountain Street, Minor Variance, A-01/21 – 20119004
No comment.

4. 36 The Cedars, Minor Variance, A-03/21 – 20119062
No comment.

5. 41 Ravine Road, Minor Variance, A-04/21 – 20119069
No comment.

6. 91 Henry Street, Minor Variance, A-05/21 – 20119064
No comment.
7. 159 Beech Street, Minor Variance, A-06/21 – 20119073
No comment.
8. 189 Geneva Street, Minor Variance, A-07/21 – 20119084
No comment.
9. 8 Paxton Avenue, Consent, B-22/20SC – 60.84.2299
8 Paxton Avenue, Minor Variance, A-45/20 – 60.81.5635
10 Paxton Avenue, Minor Variance, A-46/20 – 60.81.5636

If Planning and Building Services determines that parkland dedication can be collected for this application PRCS requests the following condition of severance: That payment of 5% of the appraised value of the new lot (Part 1) be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. That the appraisal be completed by a qualified appraiser.

As a new lot is being created, CRCS request 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.

The Owner shall implement the recommendations of the Arborist Report prepared by Beacon Environmental, dated January 2021, including the following:

- i) In accordance with the Arborist Report, tree 8 is to be retained and shall be protected through the establishment of a tree protection zone (TPZ) as illustrated on the Tree Protection Plan (TP-1). The TPZ shall be installed before any construction, site alterations, servicing or grading takes place and demarcated with sediment and erosion control fencing and signage.
- ii) The area within the protective fencing shall remain undisturbed for the duration of the demolition and construction period and shall not be used for the storage of building materials and equipment.
- iii) Hoarding is to remain in place until construction is complete.
- iv) No trees shall be damaged or removed prior to the City's acceptance of this report.
- v) All tree work (pruning, excavation, grading, etc.) is to be conducted by or under the supervision of a Certified Arborist.
- vi) Where limbs or portions of trees, including roots, are removed to accommodate construction, they will be removed in accordance with accepted arboricultural practice, by or under the supervision of a certified arborist.

- vii) Where root systems of protected trees adjacent to construction are exposed or damaged, they shall be neatly trimmed, and the area backfilled with appropriate material to prevent desiccation.
- viii) No rigging cables shall be wrapped around or installed in the trees and surplus soil, equipment, debris or materials shall not be placed over the root systems of the trees within the protective hoarding. No contaminants will be dumped or flushed where feeder roots of trees exist.
- ix) Any landscaping works proposed in the landscape buffer that overlaps with the tree hoarding are to be completed using hand tools. No large plant stock should be installed in this area to avoid any damage to roots.

The Owner shall submit a \$14,000 security deposit for tree preservation in accordance with the City's appraised value of the tree. After construction is complete the applicant shall submit to the City a post construction report prepared by a Certified Arborist at the expense of the Owner. This report shall document compliance with the Arborist Report and Protection Plan prepared by Beacon Environmental, dated January 2021. Should the tree identified for preservation become damaged or decline in health as a result of the development, the Owner agrees to carry out the removal, restoration and replacement of the tree with species appropriate trees as approved by the City. The security deposit for tree preservation will not be returned until this report is submitted and any remedial work is complete.

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: January 12, 2021
Hearing Date: January 27, 2021
Subject: **Committee of Adjustment - Minor Variance Applications**
8-10 Paxton Avenue, A-45-46/20SC
159 Beech Street, A-06/21SC
189 Geneva Street, A-07/21SC
91 Henry Street, A-05/21SC
50 Herrick Avenue, A-02/21SC
35 Mountain Street, A-01/21SC
41 Ravine Road, A-04/21SC
36 The Cedars, A-03/21SC

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

- 36 The Cedars
 - The Owner have an Ontario Land Surveyor or Professional Engineer prepare a topographic grading plan submitted with a Building Permit, identifying all existing versus proposed grades on the subject lands and all abutting properties in order to establish the existing drainage patterns on and adjacent to the site, for review and approval to ensure no negative affects are caused to the abutting properties

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: January 8, 2021

Subject: Committee of Adjustment
Public Hearings – January 27, 2021
File No. 305-17-01

Upon review of the applications, we offer the following comments:

A-06/21 – 159 Beech Street

A proposed parking stall of 4 metres by 2.1 metres is not of adequate size to accommodate a standard sized vehicle. As such, we cannot support the proposed reduction in the parking stall size. The applicant should consider reducing their parking requirement.

No concerns or requirements with the remaining applications.

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-01/21

35 Mountain Street

DATE OF HEARING:
January 27, 2021



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: January 21, 2021

Date of Meeting: January 27, 2021

Report Number: A-01/21

File: 20119004

Subject: 35 Mountain Street

Recommendation

That Variance 1 in Application **A-01/21** by Concetta and Vito Tamburrino, as outlined in the Notice of Hearing, be approved.

Report

The Proposal

The Applicants propose to build a carport attached to the north side of their existing dwelling. The carport is closer to the side lot line than otherwise permitted. The Application seeks to reduce the minimum interior side yard from 1.2 metres to 0.609 metres.

Location and Site Description

The subject lands are located on the west side of Mountain Road between Glendale Avenue and Parkhill Road. The neighbourhood is primarily low density residential, with an elementary school to the west of the property. The subject property is currently occupied by a detached dwelling with a detached garage.

Circulation of Application

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

Planning Policy Context

Official Plan (Garden City Plan)

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

Zoning By-law (2013-283)

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

Planning Analysis

The Applicant has requested a decrease to the minimum interior side yard from 1.2 metres to 0.609 metres. Approval of this variance will permit the construction of a carport. The reduction is considered minor in nature.

The proposed carport is in the interior side yard subject property and meets all other requirements of the Zoning By-law. The carport will abut a detached garage and driveway on the neighbouring property to the north, limiting the impact the side yard reduction will have on this property. The carport is proposed to be single storey and will have no potential for overlook on neighbouring properties. The carport is proposed to be inline with the front wall of the dwelling, meaning it will not overwhelm the streetscape and front appearance of the property. The decrease in the interior side yard setback is considered desirable for the appropriate use of the subject lands.


The intent of the 1.2 metre minimum side yard setback is to ensure that a sufficient buffer is maintained between structures on adjacent properties, and to facilitate on-site drainage and access to rear yards. The proposed decrease to 0.609 metres is inline with an existing detached garage to the rear of the proposed carport. The carport is being built over an existing hard-surfaced driveway, resulting in limited changes to the grading of the property and no increase in the impermeable surface area on the lot. Access to the rear yard will not be impeded. 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. As discussed above, the carport is not anticipated to have any impacts on neighbouring properties. The property will maintain appearance of being a suburban home, in keeping with the surrounding area. 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-01/21 is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is desirable for the appropriate use of the lands. Staff recommend approval of the Application.

Prepared and Submitted by:



Evan Acs
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: 35 Mountain Street, St. Catharines. Email 3
Date: Wednesday, January 6, 2021 3:59:38 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: Wednesday, January 6, 2021 3:10 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Re: 35 Mountain Street, St. Catharines. Email 3

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

Hi Elaine

Cogeco has no 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: RE: Request for Comments, 50 Herrick Avenue, 35 Mountain St., 41 Ravine Road - Committee of Adjustment
January 27, 2021 Hearing - Email32 of 3
Date: Thursday, January 7, 2021 3:25:06 PM

Elaine Munro ACST
Committee Secretary and Planning Technician

Tel: 905.688.5601 x1715

Email: emunro@stcatharines.ca

From: Vasko, Dennis <dvasko@stcatharines.ca>

Sent: Thursday, January 7, 2021 10:03 AM

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

Cc: Green, Mark <mgreen@stcatharines.ca>

Subject: RE: Request for Comments, 50 Herrick Avenue, 35 Mountain St., 41 Ravine Road -
Committee of Adjustment January 27, 2021 Hearing - Email32 of 3

Hi Elaine, Happy New Year

There are no concerns with any of the properties. The house at 41 Ravine Rd. backs onto the golf course which is a closed landfill, but if the proposed work only involves the driveway and a basement reno I see no issues.

Dennis

Dennis Vasko

Fill Site Technician

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: January 8, 2021

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – January 27, 2021 hearing

NO.	ADDRESS	COMMENTS
A-45/20	8 Paxton Avenue	Be advised that a building permit is required for the proposed detached dwelling on Part 1.
A-46/20	8 Paxton Avenue	Be advised that a building permit is required for the proposed detached dwelling on Part 2. A demolition permit is also required to remove the existing detached dwelling on Part 2.
A-02/21	50 Herrick Avenue	No comment
A-01/21	35 Mountain Street	Be advised that a building permit is required for the proposed carport. Note, be advised that reductions in the required yard setbacks may have spatial separation implications affecting the permitted area if a wall (permitted type of construction) and glazed opening(s) are proposed facing those yards.
A-03/21	36 The Cedars	Be advised that a building permit is required for the proposed attached garage. Note, be advised that reductions in the required yard setbacks may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing those yards.
A-04/21	41 Ravine Road	Be advised that a building permit is required for the proposed duplex.

NO.	ADDRESS	COMMENTS
A-05/21	91 Henry Street	Be advised that a building permit is required to be completed for the proposed addition. Note, be advised that reductions in the required yard setbacks may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing those yards.
A-06/21	159 Beech Street	Be advised that a building permit is required to be completed for the proposed addition.
A-07/21	189 Geneva Street	Be advised that a building permit is required to be completed for the proposed carport.



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: January 15, 2021
Subject: Committee of Adjustment Hearing – January 27, 2021

CRCS has reviewed the Committee of Adjustment application for the hearing of January 27, 2021 and provides the following comments;

1. 71 Bradley Street, Consent, B-51/20SC – 60.84.2328

If Planning and Building Services determines that parkland dedication can be collected for this application PRCS requests the following condition of severance: That payment of 5% of the appraised value of the new lot (Part 1) be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. That the appraisal be completed by a qualified appraiser.

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.

2. 50 Herrick Avenue, Minor Variance, A-02/21 – 20119039
No comment.
3. 35 Mountain Street, Minor Variance, A-01/21 – 20119004
No comment.
4. 36 The Cedars, Minor Variance, A-03/21 – 20119062
No comment.
5. 41 Ravine Road, Minor Variance, A-04/21 – 20119069
No comment.

6. 91 Henry Street, Minor Variance, A-05/21 – 20119064
No comment.
7. 159 Beech Street, Minor Variance, A-06/21 – 20119073
No comment.
8. 189 Geneva Street, Minor Variance, A-07/21 – 20119084
No comment.
9. 8 Paxton Avenue, Consent, B-22/20SC – 60.84.2299
8 Paxton Avenue, Minor Variance, A-45/20 – 60.81.5635
10 Paxton Avenue, Minor Variance, A-46/20 – 60.81.5636

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- i) In accordance with the Arborist Report, tree 8 is to be retained and shall be protected through the establishment of a tree protection zone (TPZ) as illustrated on the Tree Protection Plan (TP-1). The TPZ shall be installed before any construction, site alterations, servicing or grading takes place and demarcated with sediment and erosion control fencing and signage.
- ii) The area within the protective fencing shall remain undisturbed for the duration of the demolition and construction period and shall not be used for the storage of building materials and equipment.
- iii) Hoarding is to remain in place until construction is complete.
- iv) No trees shall be damaged or removed prior to the City's acceptance of this report.
- v) All tree work (pruning, excavation, grading, etc.) is to be conducted by or under the supervision of a Certified Arborist.
- vi) Where limbs or portions of trees, including roots, are removed to accommodate construction, they will be removed in accordance with accepted arboricultural practice, by or under the supervision of a certified arborist.

- vii) Where root systems of protected trees adjacent to construction are exposed or damaged, they shall be neatly trimmed, and the area backfilled with appropriate material to prevent desiccation.
- viii) No rigging cables shall be wrapped around or installed in the trees and surplus soil, equipment, debris or materials shall not be placed over the root systems of the trees within the protective hoarding. No contaminants will be dumped or flushed where feeder roots of trees exist.
- ix) Any landscaping works proposed in the landscape buffer that overlaps with the tree hoarding are to be completed using hand tools. No large plant stock should be installed in this area to avoid any damage to roots.

The Owner shall submit a \$14,000 security deposit for tree preservation in accordance with the City's appraised value of the tree. After construction is complete the applicant shall submit to the City a post construction report prepared by a Certified Arborist at the expense of the Owner. This report shall document compliance with the Arborist Report and Protection Plan prepared by Beacon Environmental, dated January 2021. Should the tree identified for preservation become damaged or decline in health as a result of the development, the Owner agrees to carry out the removal, restoration and replacement of the tree with species appropriate trees as approved by the City. The security deposit for tree preservation will not be returned until this report is submitted and any remedial work is complete.

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: January 12, 2021
Hearing Date: January 27, 2021
Subject: **Committee of Adjustment - Minor Variance Applications**
8-10 Paxton Avenue, A-45-46/20SC
159 Beech Street, A-06/21SC
189 Geneva Street, A-07/21SC
91 Henry Street, A-05/21SC
50 Herrick Avenue, A-02/21SC
35 Mountain Street, A-01/21SC
41 Ravine Road, A-04/21SC
36 The Cedars, A-03/21SC

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

- 36 The Cedars
 - The Owner have an Ontario Land Surveyor or Professional Engineer prepare a topographic grading plan submitted with a Building Permit, identifying all existing versus proposed grades on the subject lands and all abutting properties in order to establish the existing drainage patterns on and adjacent to the site, for review and approval to ensure no negative affects are caused to the abutting properties

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: January 8, 2021

Subject: Committee of Adjustment
Public Hearings – January 27, 2021
File No. 305-17-01

Upon review of the applications, we offer the following comments:

A-06/21 – 159 Beech Street

A proposed parking stall of 4 metres by 2.1 metres is not of adequate size to accommodate a standard sized vehicle. As such, we cannot support the proposed reduction in the parking stall size. The applicant should consider reducing their parking requirement.

No concerns or requirements with the remaining applications.

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-03/21

36 The Cedars

DATE OF HEARING:
January 27, 2020

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: RE: File # 20119062 Sub # A-03/21
Date: Monday, January 11, 2021 9:47:55 AM

Elaine Munro ACST

Committee Secretary and Planning Technician

Tel: 905.688.5601 x1715

Email: emunro@stcatharines.ca

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

From: Rick Rikkerink <>

Sent: Sunday, January 10, 2021 2:15 PM

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

Subject: File # 20119062 Sub # A-03/21

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.

Elaine Munro, Secretary Treasurer,

I would like to respond to the "Notice of Hearing" received via mail (File # 20119062 Submission # A-03/21).

I will be unavailable to attend the hearing, but wanted to submit my opinion on the request for a minor variance.

I appreciate that our neighbours are investing in their properties, not just number 36, also # 23, currently. It is time for these homes, in my opinion, to be updated.

The current work on house 36, including the position of the garage, I have no concerns with the structure, it fits well in this community and I have no objection to its completion.

Thank you in advance for accepting this submission.

Sincerely,

Johan Rikkerink
40 The Cedars
St. Catharines, ON
L2M 6M8

905-XXX-XXXX

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: FW: Minor Variance----Submission No. A-03/21
Date: Monday, January 11, 2021 9:57:34 AM

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

From: Bob <>
Sent: Monday, January 11, 2021 9:04 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Minor Variance----Submission No. A-03/21

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Elaine Munro, Secretary-Treasurer
Committee of Adjustment, City Hall
St. Catharines, ON L2R 7C6

Please be advised that we support the variance as presented.

Robert and Jo-Anne Lawler
50 The Cedars,
St. Catharines, ON L2M 6M8

Sent from [Mail](#) for Windows 10

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

Letter in Support of Variance Request

Dear Ms. Munro,

My name is Tom Smelle, and my wife is Kathy Copeland Smelle.

We have lived at 48 the Cedars for the last 36 years.

We would like to express our support for Shelly Tenbroeck's, request of a variance for her property at 36 The Cedars, File No. 20119062 Submission No. A-03/21.

Please be advised that we have no objections to the City granting approval of the variance to Ms. Tenbroeck.

Signature:



Date:

16/01/2021

Address:

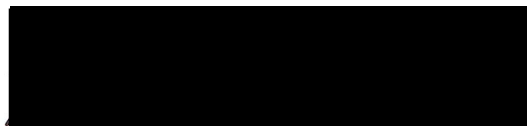
48 THE CEDARS

Phone

905-



Signature:



Date:

16/01/2021

Address:

48 THE CEDARS

Phone:

905-



January 13, 2021

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

Attention: Elaine Munro

File# 20 119062

Re: 36 The Cedars

In response to your correspondence dated January 5, 2021, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

- For Residential/Commercial electrical service requirements, the Developer needs to contact our ICI and Layouts Department at 1-877-963-6900 ext: 25713 or visit our web site @ www.alectrautilities.com.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.
- Existing underground secondary service may be in conflict with proposed front garage addition. Contact our ICI department to review service options.

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

36

14522
28'

38

14509
50
W

THE CEDARS
P470

14523
28'

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: RE: 36 The Cedars, St. Catharines. Email 4
Date: Wednesday, January 6, 2021 4:00:15 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: Wednesday, January 6, 2021 3:17 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: 36 The Cedars, St. Catharines. Email 4

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

Hi Elaine
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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: January 8, 2021

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – January 27, 2021 hearing

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To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Community, Recreation and Culture Services
Date: January 15, 2021
Subject: Committee of Adjustment Hearing – January 27, 2021

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No comment.
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Jessica Button
Project and Development Planner
Community, Recreation and Culture Services

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



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: January 12, 2021
Hearing Date: January 27, 2021
Subject: **Committee of Adjustment - Minor Variance Applications**
8-10 Paxton Avenue, A-45-46/20SC
159 Beech Street, A-06/21SC
189 Geneva Street, A-07/21SC
91 Henry Street, A-05/21SC
50 Herrick Avenue, A-02/21SC
35 Mountain Street, A-01/21SC
41 Ravine Road, A-04/21SC
36 The Cedars, A-03/21SC

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- 36 The Cedars
 - The Owner have an Ontario Land Surveyor or Professional Engineer prepare a topographic grading plan submitted with a Building Permit, identifying all existing versus proposed grades on the subject lands and all abutting properties in order to establish the existing drainage patterns on and adjacent to the site, for review and approval to ensure no negative affects are caused to the abutting properties

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: January 8, 2021

Subject: Committee of Adjustment
Public Hearings – January 27, 2021
File No. 305-17-01

Upon review of the applications, we offer the following comments:

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No concerns or requirements with the remaining applications.

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-04/21

41 Ravine Road

DATE OF HEARING:
January 27, 2021



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: January 22, 2021

Date of Meeting: January 27, 2021

Report Number: A-04/21

File No: 20 119069 MV

Subject: 41 Ravine Road

Recommendation

That Variances 3 and 4 of Application A-04/21 by Dániel Jarnevic and Ilona Jarnevic, as outlined in the Notice of Hearing, be approved; and

That Variances 1 and 2 of the same Application be denied.

Report

The Proposal

Application A-04/21 seeks relief from the City of St. Catharines By-law 2013-283, as amended, for the following variances to facilitate the conversion of a detached dwelling to a duplex dwelling:

Variance No.	Zoning Provision	Required	Proposed
1.	Minimum Lot Area for a Duplex Dwelling	560 m ²	352 m ²
2.	Minimum Lot Frontage for a Duplex Dwelling	12 m	10.05 m
3.	Maximum Parking Area Width	50% of the Front Lot Line	52% of the Front Lot Line
4.	Maximum Parking Area Coverage	50% of the Front Yard	52% of the Front Yard

Location and Site Description

The subject property is located on the east side of Ravine Road, south of Queenston Street. The property is primarily surrounded by residential dwellings. Garden City Golf Course is located to the east.

Circulation of Application

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

Planning Policy Context

Official Plan (Garden City Plan)

The subject lands are designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential on Schedule E9 thereof. The designation allows a variety of low-density residential uses including duplexes at a density of 20 to 32 units per hectare. A duplex on the subject property would represent a density of 56.8 units per hectare, which is not in keeping with the target densities outlined in the Official Plan.

Zoning By-law (2013-283)

The subject property is zoned Low Density Residential – Traditional Neighbourhood (R2) which permits a variety of low-density residential uses, including duplex dwellings, subject to the provisions of the Zoning By-law.

Planning Analysis

The Applicant has proposed to construct a dwelling unit in the basement of the existing detached dwelling on the subject property, and to widen the driveway to accommodate a second parking space.

Variances 1 and 2 – Lot Frontage and Lot Area

The By-law provisions for duplex dwellings in the R2 zone require a minimum lot area of 560 square metres, and a minimum lot frontage of 12 metres. The Applicant is proposing a reduced lot area of 352 m², and a reduced lot frontage of 10.05 metres so that the existing detached dwelling on the lot can be converted to a duplex dwelling. The R2 zone is intended to provide for a variety of dwelling types at a low density range of 20 to 32 units per hectare, as identified in the Official Plan. The proposed conversion of the existing detached dwelling to a duplex dwelling would result in a density of 56.8 units per hectare, which is not in keeping with the intent of the Official Plan nor the Zoning By-law.

The proposed reductions in minimum lot area and lot frontage to facilitate the duplex dwelling are not considered minor in nature, as they are not in keeping with the intent of the Official Plan. The substantial increase in density by establishing a duplex is not considered to be desirable for the appropriate use of the lands. Staff recommend that the requested reductions in lot area and lot frontage be denied.

Staff note that it would be more appropriate for the applicants to consider converting the basement of the existing detached dwelling to an interior accessory dwelling unit (ADU). ADUs are limited in size and scale in relation to the existing dwelling area. Further, ADUs are not counted in the calculation of a site's density.

Variances 3 and 4 – Driveway Width and Driveway Area

The applicant is requesting an increase in the maximum allowable driveway width from 50% to 52% of the front lot line and an increase in the maximum allowable driveway area from 50% to 52% of the front yard. The variances are requested to accommodate the addition of one parking space on the property. The 2% increase in maximum driveway width and area is considered minor.

The intent of the maximum driveway width and area provisions is to ensure parking does not visually dominate the streetscape. A two percent increase is not significant visually as proposed; it is in keeping with the intent of the Official Plan and Zoning By-law. The minor increase would allow the applicants to provide 2 formal parking spaces; this would facilitate the construction of the interior accessory dwelling unit suggested by staff, without detracting from the surrounding character of the neighbourhood.

Conclusion

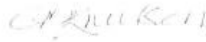
Having regard for the matters under Section 45(1) of the Planning Act, staff are of the opinion that Variances 1 and 2 of Application A-04/21 are not in keeping with the general intent of the Official Plan and Zoning By-law, are not minor in nature, nor are they desirable for the appropriate use of the lands. Staff recommend that Variances 1 and 2 of the Application be denied. Staff are, however, of the opinion that Variances 3 and 4 are in keeping with the general intent of the Official Plan and Zoning By-law, are minor in nature, and are desirable for the appropriate use of the lands. Staff recommend that Variances 3 and 4 of the Application be approved.

Prepared and Submitted by:



Charlotte McEwan M.C.I.P., R.P.P.
Planner I

Approved by:



Amanda Knutson
Senior Planner

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: RE: 41 Ravine Road, St. Catharines. Email 5
Date: Wednesday, January 6, 2021 4:18:27 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: Wednesday, January 6, 2021 3:21 PM

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

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

Subject: Re: 41 Ravine Road, St. Catharines. Email 5

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

Hi Elaine
Cogeco has no 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: RE: Request for Comments, 50 Herrick Avenue, 35 Mountain St., 41 Ravine Road - Committee of Adjustment January 27, 2021 Hearing - Email32 of 3
Date: Thursday, January 7, 2021 3:25:06 PM

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

From: Vasko, Dennis <dvasko@stcatharines.ca>
Sent: Thursday, January 7, 2021 10:03 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Green, Mark <mgreen@stcatharines.ca>
Subject: RE: Request for Comments, 50 Herrick Avenue, 35 Mountain St., 41 Ravine Road - Committee of Adjustment January 27, 2021 Hearing - Email32 of 3

Hi Elaine, Happy New Year

There are no concerns with any of the properties. The house at 41 Ravine Rd. backs onto the golf course which is a closed landfill, but if the proposed work only involves the driveway and a basement reno I see no issues.

Dennis

Dennis Vasko
Fill Site Technician
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: January 8, 2021

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – January 27, 2021 hearing

NO.	ADDRESS	COMMENTS
A-45/20	8 Paxton Avenue	Be advised that a building permit is required for the proposed detached dwelling on Part 1.
A-46/20	8 Paxton Avenue	Be advised that a building permit is required for the proposed detached dwelling on Part 2. A demolition permit is also required to remove the existing detached dwelling on Part 2.
A-02/21	50 Herrick Avenue	No comment
A-01/21	35 Mountain Street	Be advised that a building permit is required for the proposed carport. Note, be advised that reductions in the required yard setbacks may have spatial separation implications affecting the permitted area if a wall (permitted type of construction) and glazed opening(s) are proposed facing those yards.
A-03/21	36 The Cedars	Be advised that a building permit is required for the proposed attached garage. Note, be advised that reductions in the required yard setbacks may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing those yards.
A-04/21	41 Ravine Road	Be advised that a building permit is required for the proposed duplex.

NO.	ADDRESS	COMMENTS
A-05/21	91 Henry Street	Be advised that a building permit is required to be completed for the proposed addition. Note, be advised that reductions in the required yard setbacks may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing those yards.
A-06/21	159 Beech Street	Be advised that a building permit is required to be completed for the proposed addition.
A-07/21	189 Geneva Street	Be advised that a building permit is required to be completed for the proposed carport.



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: January 15, 2021
Subject: Committee of Adjustment Hearing – January 27, 2021

CRCS has reviewed the Committee of Adjustment application for the hearing of January 27, 2021 and provides the following comments;

1. 71 Bradley Street, Consent, B-51/20SC – 60.84.2328

If Planning and Building Services determines that parkland dedication can be collected for this application PRCS requests the following condition of severance: That payment of 5% of the appraised value of the new lot (Part 1) be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. That the appraisal be completed by a qualified appraiser.

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.

2. 50 Herrick Avenue, Minor Variance, A-02/21 – 20119039
No comment.
3. 35 Mountain Street, Minor Variance, A-01/21 – 20119004
No comment.
4. 36 The Cedars, Minor Variance, A-03/21 – 20119062
No comment.
5. 41 Ravine Road, Minor Variance, A-04/21 – 20119069
No comment.

6. 91 Henry Street, Minor Variance, A-05/21 – 20119064
No comment.
7. 159 Beech Street, Minor Variance, A-06/21 – 20119073
No comment.
8. 189 Geneva Street, Minor Variance, A-07/21 – 20119084
No comment.
9. 8 Paxton Avenue, Consent, B-22/20SC – 60.84.2299
8 Paxton Avenue, Minor Variance, A-45/20 – 60.81.5635
10 Paxton Avenue, Minor Variance, A-46/20 – 60.81.5636

If Planning and Building Services determines that parkland dedication can be collected for this application PRCS requests the following condition of severance: That payment of 5% of the appraised value of the new lot (Part 1) be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. That the appraisal be completed by a qualified appraiser.

As a new lot is being created, CRCS request 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.

The Owner shall implement the recommendations of the Arborist Report prepared by Beacon Environmental, dated January 2021, including the following:

- i) In accordance with the Arborist Report, tree 8 is to be retained and shall be protected through the establishment of a tree protection zone (TPZ) as illustrated on the Tree Protection Plan (TP-1). The TPZ shall be installed before any construction, site alterations, servicing or grading takes place and demarcated with sediment and erosion control fencing and signage.
- ii) The area within the protective fencing shall remain undisturbed for the duration of the demolition and construction period and shall not be used for the storage of building materials and equipment.
- iii) Hoarding is to remain in place until construction is complete.
- iv) No trees shall be damaged or removed prior to the City's acceptance of this report.
- v) All tree work (pruning, excavation, grading, etc.) is to be conducted by or under the supervision of a Certified Arborist.
- vi) Where limbs or portions of trees, including roots, are removed to accommodate construction, they will be removed in accordance with accepted arboricultural practice, by or under the supervision of a certified arborist.

- vii) Where root systems of protected trees adjacent to construction are exposed or damaged, they shall be neatly trimmed, and the area backfilled with appropriate material to prevent desiccation.
- viii) No rigging cables shall be wrapped around or installed in the trees and surplus soil, equipment, debris or materials shall not be placed over the root systems of the trees within the protective hoarding. No contaminants will be dumped or flushed where feeder roots of trees exist.
- ix) Any landscaping works proposed in the landscape buffer that overlaps with the tree hoarding are to be completed using hand tools. No large plant stock should be installed in this area to avoid any damage to roots.

The Owner shall submit a \$14,000 security deposit for tree preservation in accordance with the City's appraised value of the tree. After construction is complete the applicant shall submit to the City a post construction report prepared by a Certified Arborist at the expense of the Owner. This report shall document compliance with the Arborist Report and Protection Plan prepared by Beacon Environmental, dated January 2021. Should the tree identified for preservation become damaged or decline in health as a result of the development, the Owner agrees to carry out the removal, restoration and replacement of the tree with species appropriate trees as approved by the City. The security deposit for tree preservation will not be returned until this report is submitted and any remedial work is complete.

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: January 12, 2021
Hearing Date: January 27, 2021
Subject: **Committee of Adjustment - Minor Variance Applications**
8-10 Paxton Avenue, A-45-46/20SC
159 Beech Street, A-06/21SC
189 Geneva Street, A-07/21SC
91 Henry Street, A-05/21SC
50 Herrick Avenue, A-02/21SC
35 Mountain Street, A-01/21SC
41 Ravine Road, A-04/21SC
36 The Cedars, A-03/21SC

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

- 36 The Cedars
 - The Owner have an Ontario Land Surveyor or Professional Engineer prepare a topographic grading plan submitted with a Building Permit, identifying all existing versus proposed grades on the subject lands and all abutting properties in order to establish the existing drainage patterns on and adjacent to the site, for review and approval to ensure no negative affects are caused to the abutting properties

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: January 8, 2021

Subject: Committee of Adjustment
Public Hearings – January 27, 2021
File No. 305-17-01

Upon review of the applications, we offer the following comments:

A-06/21 – 159 Beech Street

A proposed parking stall of 4 metres by 2.1 metres is not of adequate size to accommodate a standard sized vehicle. As such, we cannot support the proposed reduction in the parking stall size. The applicant should consider reducing their parking requirement.

No concerns or requirements with the remaining applications.

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-05/21

91 Henry Street

DATE OF HEARING:
January 27, 2021

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: RE: File No 20119064 Submission A-05/21
Date: Friday, January 8, 2021 8:50:20 AM

From: Carolin VandenHaak < >
Sent: Thursday, January 7, 2021 5:41 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: File No 20119064 Submission A-05/21

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.

In response to the Notice of Hearing relative to the above file, I have no objections to the requested variances. The footprint of the new structure remains the same as the old structure. Also it is quite attractive.

Thank you
Carolin VandenHaak
92 Henry St, St. Catharines, ON L2R 5V5

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



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: January 21, 2021

Date of Meeting: January 27, 2021

Report Number: A-05/21

File: 20119064

Subject: 91 Henry Street

Recommendation

That Application A-05/21 by Carolyn Eich, as outlined in the Notice of Hearing, be approved.

Report

The Proposal

The Applicant removed the covered front porch from her dwelling and built an addition in the footprint of the former porch. The addition was built without a building permit. The following variances are required to permit the addition to remain.

Variance No.	Zoning Provision	Required	Proposed
1.	Minimum Exterior Side Yard to Dwelling	3m	1.7m
2.	Minimum Front Yard to Dwelling	3m	2.95m
3.	To Permit a Structure in a Sight Triangle	-	-

Location and Site Description

The subject lands are located at the northwest corner of Henry Street and Pleasant Avenue. The neighbourhood is primarily residential, with an elementary school on the southeast corner of Henry Street and Pleasant Avenue. Dwellings immediately adjacent to the subject property are a mix of one- and two-storey detached homes. The subject property is presently occupied by a detached dwelling (with addition) and accessory buildings.

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 E4 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 exterior side yard setback from 3 metres to 1.7 metres, a reduction in the minimum front yard setback from 3 metres to 2.95 metres and permission to have a structure in a sight triangle. These variances will allow an addition that was built without a building permit to remain. The application is considered minor in nature.

The addition has been constructed in the footprint of a former covered platform structure (front porch). The new addition is just about the same distance from the front lot line and exterior side lot line as the former platform structure. The addition's incursion into the sight triangle is the same as the former platform structure. The only discernable change from the former covered platform structure is that the new addition has solid walls. The addition will have negligible impact on surrounding properties. The application is considered desirable for the appropriate use of the subject lands.

The intent of the 3 metre minimum front yard setback and exterior side yard setback is to ensure that a sufficient buffer is maintained between the public and private realms, facilitate on-site drainage and provide pleasant streetscapes. The intent of the sight triangle is to ensure there is sufficient sightlines at corner properties for pedestrians and road-users to see oncoming traffic. The addition will not change the existing drainage, streetscape, or buffer between the public and private realms from the former covered platform structure. The addition obscures no more of the sight triangle than the platform structure previously did. The intersection of Henry Street and Pleasant Avenue is an all-way stop, adding a level of safety that mitigates the reduced sight triangle. 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 exterior side yard and front yard setbacks are not uncharacteristic of the area, nor is the reduced sight triangle. 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-05/21 is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is desirable for the appropriate use of the lands. Staff recommend approval of the Application.

Prepared and Submitted by:



Evan Acs
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: 91 Henry Street, St. Catharines. Email 6
Date: Wednesday, January 6, 2021 4:20:00 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: Wednesday, January 6, 2021 3:31 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: 91 Henry Street, St. Catharines. Email 6

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

Hi Elaine

Cogeco has no concerns with this application

Thanks

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: January 8, 2021

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – January 27, 2021 hearing

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A-01/21	35 Mountain Street	Be advised that a building permit is required for the proposed carport. Note, be advised that reductions in the required yard setbacks may have spatial separation implications affecting the permitted area if a wall (permitted type of construction) and glazed opening(s) are proposed facing those yards.
A-03/21	36 The Cedars	Be advised that a building permit is required for the proposed attached garage. Note, be advised that reductions in the required yard setbacks may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing those yards.
A-04/21	41 Ravine Road	Be advised that a building permit is required for the proposed duplex.

NO.	ADDRESS	COMMENTS
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A-06/21	159 Beech Street	Be advised that a building permit is required to be completed for the proposed addition.
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Lou Grossi, Dipl. T. Arch, CBCO
Building Inspector II



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CC:
From: Jessica Button, Community, Recreation and Culture Services
Date: January 15, 2021
Subject: Committee of Adjustment Hearing – January 27, 2021

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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.

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No comment.
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No comment.
4. 36 The Cedars, Minor Variance, A-03/21 – 20119062
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5. 41 Ravine Road, Minor Variance, A-04/21 – 20119069
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No comment.
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The Owner shall implement the recommendations of the Arborist Report prepared by Beacon Environmental, dated January 2021, including the following:

- i) In accordance with the Arborist Report, tree 8 is to be retained and shall be protected through the establishment of a tree protection zone (TPZ) as illustrated on the Tree Protection Plan (TP-1). The TPZ shall be installed before any construction, site alterations, servicing or grading takes place and demarcated with sediment and erosion control fencing and signage.
- ii) The area within the protective fencing shall remain undisturbed for the duration of the demolition and construction period and shall not be used for the storage of building materials and equipment.
- iii) Hoarding is to remain in place until construction is complete.
- iv) No trees shall be damaged or removed prior to the City's acceptance of this report.
- v) All tree work (pruning, excavation, grading, etc.) is to be conducted by or under the supervision of a Certified Arborist.
- vi) Where limbs or portions of trees, including roots, are removed to accommodate construction, they will be removed in accordance with accepted arboricultural practice, by or under the supervision of a certified arborist.

- vii) Where root systems of protected trees adjacent to construction are exposed or damaged, they shall be neatly trimmed, and the area backfilled with appropriate material to prevent desiccation.
- viii) No rigging cables shall be wrapped around or installed in the trees and surplus soil, equipment, debris or materials shall not be placed over the root systems of the trees within the protective hoarding. No contaminants will be dumped or flushed where feeder roots of trees exist.
- ix) Any landscaping works proposed in the landscape buffer that overlaps with the tree hoarding are to be completed using hand tools. No large plant stock should be installed in this area to avoid any damage to roots.

The Owner shall submit a \$14,000 security deposit for tree preservation in accordance with the City's appraised value of the tree. After construction is complete the applicant shall submit to the City a post construction report prepared by a Certified Arborist at the expense of the Owner. This report shall document compliance with the Arborist Report and Protection Plan prepared by Beacon Environmental, dated January 2021. Should the tree identified for preservation become damaged or decline in health as a result of the development, the Owner agrees to carry out the removal, restoration and replacement of the tree with species appropriate trees as approved by the City. The security deposit for tree preservation will not be returned until this report is submitted and any remedial work is complete.

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: January 12, 2021
Hearing Date: January 27, 2021
Subject: **Committee of Adjustment - Minor Variance Applications**
8-10 Paxton Avenue, A-45-46/20SC
159 Beech Street, A-06/21SC
189 Geneva Street, A-07/21SC
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41 Ravine Road, A-04/21SC
36 The Cedars, A-03/21SC

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

- 36 The Cedars
 - The Owner have an Ontario Land Surveyor or Professional Engineer prepare a topographic grading plan submitted with a Building Permit, identifying all existing versus proposed grades on the subject lands and all abutting properties in order to establish the existing drainage patterns on and adjacent to the site, for review and approval to ensure no negative affects are caused to the abutting properties

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: January 8, 2021

Subject: Committee of Adjustment
Public Hearings – January 27, 2021
File No. 305-17-01

Upon review of the applications, we offer the following comments:

A-06/21 – 159 Beech Street

A proposed parking stall of 4 metres by 2.1 metres is not of adequate size to accommodate a standard sized vehicle. As such, we cannot support the proposed reduction in the parking stall size. The applicant should consider reducing their parking requirement.

No concerns or requirements with the remaining applications.

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-06/21

159 Beech Street

DATE OF HEARING:
January 27, 2021

Maureen Young
53 Henry Street
St. Catharines, On L2R5T

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

ATTN; ELAINE MUNRO

Dear Elaine

I am writing you these comments regarding the property at 159 Beech Street, St Catharines which has a 25.5 foot frontage.

This home was purchased as a single family residence within the past year. Having lived in this area for over 35 years our major problem was and still is parking. Parking is at a premium and with the onset of families becoming two car families it has been even more difficult. Over the past 10 years we have seen more illegal operating of basement apartments and homes accommodating two families hence a further lack of available parking.

Has the city confirmed that this is a DEEDED legal right of way drive beginning at the top of the drive. The current owner on the east of this property may be willing to accommodate this driveway usage but if this is not a deeded right of way, there is nothing stopping a new purchaser or the current owner from erecting a fence or erecting an obstruction of rocks or angle iron to deny access to the rear yard which is where the requested reduced parking area is situated. What happens then??????

Beech Street is always crammed with on street parking now and this is before we have a triplex. Not too long ago the owner of 64 Henry had asked to convert his property to a four plex.... his variance was denied, partly due to parking issues. Might I add, at that time 159 Beech Street was operating as a single family home.

Nothing has changed we have inadequate parking and now we are allowing higher density..... Is this a benefit to the city's coffers at the detriment of the single family homeowners.

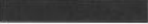
Are we going to allow rear yards and gardens on properties to become parking lots.

While I can appreciate the fact that we have a rental shortage a larger lot would best be suitable for a triplex. A confirmation on the shared drive (which can only accommodate cars with a certain width) should be investigated if it has not been done.

I have attached a list outlining the parking

Thank you

Maureen Young

Maureen Young
53 Henry Street,
St. Catharines, On L2R5T7


Committee of Adjustment, City of St. Catharines

Attn: Elaine Munroe

RE: 159 BEECH STREET

The current parking is as follows

155 Beech Street.	NO PARKING
161 Beech Street.	NO PARKING
154 Beech Street	NO PARKING

157 Beech Street	1 (one) PARKING PAD
169 Beech Street	(1 (one) PARKING PAD (At Rear & accessed by Mutual Drive)
171 Beech Street	1(one) PARKING PAD (At Rear & Accessed by Mutual Drive)
156 Beech Street	1 PARKING PAD
148 Beech Street.	1 PARKING PAD

146 Beech Street	Nice Driveway
150 Beech Street	Nice Driveway
152 Beech Street	Nice Driveway

64 Henry Street	Parking for Triplex
61 Henry	NO PARKING. (CORNER OF BEECH & HENRY)
61 1/2 Henry	One Parking Pad
62 Henry	1 PARKING PAD
63 Henry	1 PARKING PAD
63 1/2 Henry St	1 PARKING PAD

Southeast and northeast homes on the corner of Beech and George both have parking for one car with drive way access only off Beech so their preferred street parking is Beech Street which accommodates their entry to their homes

Munro, Elaine

From: Munro, Elaine
Sent: Tuesday, January 12, 2021 12:53 PM
To: Munro, Elaine
Subject: Comments regarding 159 Beech Street, Minor Variance

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

From: Scott Armstrong < >
Sent: Tuesday, January 12, 2021 12:20 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Re: comments regarding 159 Beech Street.

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.

Concerned about parking in the neighborhood.

As it is now there is almost never any parking spots, because of residents and we also have businesses in the neighborhood (maestros, the tile factory). Many households have 2 cars nowadays and I am not sure where they will park, especially come winter with the new city by-law I heard about saying you cant park on street after big snowfall, I could be wrong about it.

Scott Armstrong

Munro, Elaine

Subject:

RE: Comments Rec'd Jan. 15_21 RE: 159 Beech Street

From: Kahlin Holmes <>

Sent: Friday, January 15, 2021 8:42 AM

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

Subject: Re: 159 Beech Street

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

Good morning Elaine,

I trust this finds you well. Please see my note below regarding this address up for review at the next committee meeting.

ATTN: Elaine Munro, Secretary Treasurer, Committee of Adjustment St. Catharines
RE: 159 Beech Street

This is to express my support for requested variances 1 to 5 to permit the triplex building at 159 Beech. Living just up the street I can confirm that enhancements made to the building have provided an attractive frontage that continues to contribute positively to the street and public realm. It appears that many of the adjustments needed have been triggered in order to permit the existing building to have a third unit within which I enthusiastically support. Conversions such as these provide just the kind of affordable rental option that is much needed in our city, and allows for growth in existing neighbourhoods that supports local businesses and transit service.

Regarding variances 6 and 7: without knowing more about the circumstances for reduced parking stall size and increase to parking area, it seems the intent is to allow for the potential storage of 1 vehicle per dwelling unit, as required by the zoning by-law. While these variances appear to be minor given the nature of the application, I would personally prefer to see a reduction in the required parking stalls given the availability of on-street parking in front of, and transit within close proximity to the property. Arguments that minimum parking requirements are a detriment to walkable urban design aside, this alternative would maintain a more attractive amenity space by preserving more landscaping, and as parked cars provide a buffer for pedestrians and encourage slower movement of vehicles would enhance the safety of the street for other road users. Notwithstanding this quibble, I trust the committee to make a prudent decision on behalf of the applicant and wider City interests.

Respectfully submitted for your consideration,

Kahlin Holmes
MPI., CNU-A

174 Beech Street
St. Catharines

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

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: RE: File no 20119073
Date: Friday, January 22, 2021 6:04:32 PM

From: Alex Lau < >
Sent: Thursday, January 7, 2021 4:01 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Re: File no 20119073

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

I just concern outside parking space why they can rent out for 3 family is it approved by city of St. Catharines, at night time outside no more parking space on the road I remember on beech st also have one house want to upgrade and rent out , but that time not approved but why his house can rent out for 3 family

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



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: January 22, 2021

Date of Meeting: January 27, 2021

Report Number: A-06/21

File No: 20 119073 MV

Subject: 159 Beech Street

Recommendation

That Application A-06/21 by Benjamin Wadeson, as outlined in the Notice of Hearing, be denied.

Report

The Proposal

Application A-06/21 seeks relief from the City of St. Catharines By-law 2013-283, as amended, for the following variances for the conversion of a detached dwelling to a triplex dwelling:

Variance	Provision	Required	Proposed
1	Minimum Lot Area	840 m ²	348 m ²
2	Minimum Lot Frontage	12 metres	7.6 metres
3	Minimum Interior Side Yard (west)	1.2 metres	0.24 metres
4	Minimum Interior Side Yard (east)	1.2 metres	0.58 metres
5	Minimum Setback to an Accessory Structure (garage)	0.6 metres	0 metres
6	Minimum Parking Space Size	5.2m x 2.6m	4m x 2.1m
7	Maximum Parking Area Coverage	20% of lot area	30% of lot area

Location and Site Description

The subject property is located on the north side of Beech Street, east of Henry Street. The property is surrounded by residential dwellings in all directions.

Background

In 1983, land severance and minor variance applications were approved to separate 159 Beech Street (with an existing single detached dwelling) and 161 Beech Street (also with an existing single detached dwelling) with a right-of-way on 161 Beech Street for the purpose of gaining access to the rear yards. The City supported the variances as appropriate for a single detached residential use and recognized the location of the existing garage on 159 Beech Street.

In 2007, a variance application was submitted for 159 Beech Street requesting nine variances to permit the detached dwelling to be converted into a duplex dwelling. The City did not support requested variances to legalize the use of the property as a duplex. Staff considered the lot to be substandard for further residential intensification. The application was denied.

In 2013, the Zoning By-law was repealed and replaced with the current Bylaw 2013-283. Provisions and land use permissions on the property changed slightly, but not substantially. The application is now made to convert the building into a triplex, and 7 variances are requested under the current Zoning By-law.

Circulation of Application

This Application was circulated to all appropriate departments and agencies: Traffic staff objected to the proposed parking space dimensions (Variance 6), stating: A proposed parking stall of 4 metres by 2.1 metres is not of adequate size to accommodate a standard sized vehicle. As such, we cannot support the proposed reduction in the parking stall size.

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 E4 thereof. The designation allows a variety of low-density residential uses including triplexes at a density of 20 to 32 units per hectare. A triplex on the subject property would have a density of 86 units per hectare, which is not in keeping with the target densities in the Official Plan.

Zoning By-law (2013-283)

The subject property is zoned Low Density Residential – Traditional Neighbourhood (R2) which permits a variety of low-density residential uses, including triplex dwellings, subject to the provisions of the Zoning By-law.

Planning Analysis

Variance 1 and 2 – Lot Area and Lot Frontage

The By-law provisions for triplex dwellings in the R2 zone require a minimum lot area for of 840 m², and a minimum lot frontage of 12 metres. The applicant is proposing a reduced minimum lot area of 348 m², and a minimum lot frontage of 7.6 metres. The R2 zone is intended to provide for a variety of dwelling types at a low density, identified in the Official Plan as being 20 to 32 units per hectare of land. The proposed triplex would have a density of 86 units per hectare, which is not in keeping with the intent of the Official Plan nor Zoning By-law.

The proposed reductions in minimum lot area and lot frontage to facilitate the triplex are not considered minor in nature. The reduced lot area does not allow for enough amenity space, adequate parking and appropriate access for a triplex on the property. The substantial increase in density by establishing a triplex is not considered to be desirable for the appropriate use of the lands.

It would be more appropriate for the building to continue to be used as a detached dwelling. Staff recommends denial of these variances.

Variance 3 and 4 – Side Yard Setbacks

In order to renovate the existing building into a triplex, the applicant has requested a reduction of the westerly interior side yard setback from 1.2 metres to 0.24 metres. And a reduction of the easterly interior side yard setback from 1.2 metres to 0.58 metres to recognize the location of the existing building walls. These variances are not considered appropriate as the triplex is not considered to be a desirable development on the subject lands. The reductions in side yard setbacks are not required for the existing building to continue to be used as a detached dwelling. Staff recommend these variances be denied.

Variance 5 – Garage Setback

Variance 5 requests a reduction of the setback from the easterly lot line to the accessory structure (detached garage) from 0.6 metres to 0 metres. The location of the garage was recognized and approved in 1983 when the property was severed from the neighbouring 161 Beech Street. As such, the garage is considered legal non-complying and no variances are required to permit its continued existence on the lot.

Variances 6 and 7 – Parking Space Size and Parking Area

The property has a right of way across a neighbouring property to access an existing parking area at the rear of the site. The applicant proposes the 3 required parking spaces for the triplex be located in this parking area. In order to accommodate all 3 spaces, Variance 6 requests a reduction of the minimum standard parking space size from 5.2 m x 2.6 metres to 4 metres x 2.1 metres. These dimensions are not adequate for the average vehicle which is approximately 2 metres in width. Section 5.4.1 of the Official Plan states that vehicle parking standards will be established for all land uses in the implementing zoning by-law, and adequate off-street parking shall be provided for development/redevelopment in accordance with these standards. The reduced size of the parking spaces does not meet the intent of the Official Plan and Zoning By-law to, as adequate parking is not provided for a triplex. Staff do not consider the reduction in parking space size to be minor in nature, nor is it desirable for the appropriate use of these lands.

Variance 7 requests an increase of the maximum parking area from 20% to 30% of total lot area to permit the parking for 3 vehicles in the rear parking area. 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:
- v) Provision of parking areas that do not dominate the site physically or visually and maximize opportunities for perimeter and internal landscaping.

The proposed parking area taking up 30% of the subject lands and the majority of the available amenity space in the rear yard is not in keeping with the intent of the Official Plan and Zoning By-law to avoid parking areas which physically dominate the site. The 10% increase in coverage is not considered minor in nature, nor is it desirable for the appropriate use of the lands. The parking area should be a maximum of 20% of the lot area and any existing parking area above this should be reinstated to landscaping.

Conclusion

Staff consider a triplex to be an overuse of the existing building and lot. A triplex exceeds the intended density of this neighbourhood as outlined in the Official Plan. The number and nature of the of the requested variances indicates a significant departure from zoning standards, indicating to a triplex is not a good fit for this neighbourhood, and that permitting such use results in overdevelopment of the lot. Having regard for the matters under Section 45(1) of the *Planning Act*, staff are of the opinion that Variances 1-4, 6 and 7 of Application A-06/21 are 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 in its entirety.

Prepared and Submitted by:



Charlotte McEwan M.C.I.P., R.P.P.
Planner I

Approved by:



Judy Pihach MCIP, RPP
Manager, Planning Services

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: RE: 159 Beech Street, St. Catharines. Email 7
Date: Wednesday, January 6, 2021 4:18:58 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: Wednesday, January 6, 2021 3:25 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: 159 Beech Street, St. Catharines. Email 7

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

Hi Elaine

Cogeco has no concerns with this application

Thanks

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: January 8, 2021

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – January 27, 2021 hearing

NO.	ADDRESS	COMMENTS
A-45/20	8 Paxton Avenue	Be advised that a building permit is required for the proposed detached dwelling on Part 1.
A-46/20	8 Paxton Avenue	Be advised that a building permit is required for the proposed detached dwelling on Part 2. A demolition permit is also required to remove the existing detached dwelling on Part 2.
A-02/21	50 Herrick Avenue	No comment
A-01/21	35 Mountain Street	Be advised that a building permit is required for the proposed carport. Note, be advised that reductions in the required yard setbacks may have spatial separation implications affecting the permitted area if a wall (permitted type of construction) and glazed opening(s) are proposed facing those yards.
A-03/21	36 The Cedars	Be advised that a building permit is required for the proposed attached garage. Note, be advised that reductions in the required yard setbacks may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing those yards.
A-04/21	41 Ravine Road	Be advised that a building permit is required for the proposed duplex.

NO.	ADDRESS	COMMENTS
A-05/21	91 Henry Street	Be advised that a building permit is required to be completed for the proposed addition. Note, be advised that reductions in the required yard setbacks may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing those yards.
A-06/21	159 Beech Street	Be advised that a building permit is required to be completed for the proposed addition.
A-07/21	189 Geneva Street	Be advised that a building permit is required to be completed for the proposed carport.



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: January 15, 2021
Subject: Committee of Adjustment Hearing – January 27, 2021

CRCS has reviewed the Committee of Adjustment application for the hearing of January 27, 2021 and provides the following comments;

1. 71 Bradley Street, Consent, B-51/20SC – 60.84.2328

If Planning and Building Services determines that parkland dedication can be collected for this application PRCS requests the following condition of severance: That payment of 5% of the appraised value of the new lot (Part 1) be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. That the appraisal be completed by a qualified appraiser.

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.

2. 50 Herrick Avenue, Minor Variance, A-02/21 – 20119039
No comment.

3. 35 Mountain Street, Minor Variance, A-01/21 – 20119004
No comment.

4. 36 The Cedars, Minor Variance, A-03/21 – 20119062
No comment.

5. 41 Ravine Road, Minor Variance, A-04/21 – 20119069
No comment.

6. 91 Henry Street, Minor Variance, A-05/21 – 20119064
No comment.
7. 159 Beech Street, Minor Variance, A-06/21 – 20119073
No comment.
8. 189 Geneva Street, Minor Variance, A-07/21 – 20119084
No comment.
9. 8 Paxton Avenue, Consent, B-22/20SC – 60.84.2299
8 Paxton Avenue, Minor Variance, A-45/20 – 60.81.5635
10 Paxton Avenue, Minor Variance, A-46/20 – 60.81.5636

If Planning and Building Services determines that parkland dedication can be collected for this application PRCS requests the following condition of severance: That payment of 5% of the appraised value of the new lot (Part 1) be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. That the appraisal be completed by a qualified appraiser.

As a new lot is being created, CRCS request 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.

The Owner shall implement the recommendations of the Arborist Report prepared by Beacon Environmental, dated January 2021, including the following:

- i) In accordance with the Arborist Report, tree 8 is to be retained and shall be protected through the establishment of a tree protection zone (TPZ) as illustrated on the Tree Protection Plan (TP-1). The TPZ shall be installed before any construction, site alterations, servicing or grading takes place and demarcated with sediment and erosion control fencing and signage.
- ii) The area within the protective fencing shall remain undisturbed for the duration of the demolition and construction period and shall not be used for the storage of building materials and equipment.
- iii) Hoarding is to remain in place until construction is complete.
- iv) No trees shall be damaged or removed prior to the City's acceptance of this report.
- v) All tree work (pruning, excavation, grading, etc.) is to be conducted by or under the supervision of a Certified Arborist.
- vi) Where limbs or portions of trees, including roots, are removed to accommodate construction, they will be removed in accordance with accepted arboricultural practice, by or under the supervision of a certified arborist.

- vii) Where root systems of protected trees adjacent to construction are exposed or damaged, they shall be neatly trimmed, and the area backfilled with appropriate material to prevent desiccation.
- viii) No rigging cables shall be wrapped around or installed in the trees and surplus soil, equipment, debris or materials shall not be placed over the root systems of the trees within the protective hoarding. No contaminants will be dumped or flushed where feeder roots of trees exist.
- ix) Any landscaping works proposed in the landscape buffer that overlaps with the tree hoarding are to be completed using hand tools. No large plant stock should be installed in this area to avoid any damage to roots.

The Owner shall submit a \$14,000 security deposit for tree preservation in accordance with the City's appraised value of the tree. After construction is complete the applicant shall submit to the City a post construction report prepared by a Certified Arborist at the expense of the Owner. This report shall document compliance with the Arborist Report and Protection Plan prepared by Beacon Environmental, dated January 2021. Should the tree identified for preservation become damaged or decline in health as a result of the development, the Owner agrees to carry out the removal, restoration and replacement of the tree with species appropriate trees as approved by the City. The security deposit for tree preservation will not be returned until this report is submitted and any remedial work is complete.

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: January 12, 2021
Hearing Date: January 27, 2021
Subject: **Committee of Adjustment - Minor Variance Applications**
8-10 Paxton Avenue, A-45-46/20SC
159 Beech Street, A-06/21SC
189 Geneva Street, A-07/21SC
91 Henry Street, A-05/21SC
50 Herrick Avenue, A-02/21SC
35 Mountain Street, A-01/21SC
41 Ravine Road, A-04/21SC
36 The Cedars, A-03/21SC

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

- 36 The Cedars
 - The Owner have an Ontario Land Surveyor or Professional Engineer prepare a topographic grading plan submitted with a Building Permit, identifying all existing versus proposed grades on the subject lands and all abutting properties in order to establish the existing drainage patterns on and adjacent to the site, for review and approval to ensure no negative affects are caused to the abutting properties

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: January 8, 2021

Subject: Committee of Adjustment
Public Hearings – January 27, 2021
File No. 305-17-01

Upon review of the applications, we offer the following comments:

A-06/21 – 159 Beech Street

A proposed parking stall of 4 metres by 2.1 metres is not of adequate size to accommodate a standard sized vehicle. As such, we cannot support the proposed reduction in the parking stall size. The applicant should consider reducing their parking requirement.

No concerns or requirements with the remaining applications.

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



St. Catharines

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-07/21

189 Geneva Street

DATE OF HEARING:
January 27, 2021



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: January 22, 2021

Date of Meeting: January 27, 2021

Report Number: A-07/21

File No: 20 119084 MV

Subject: 189 Geneva Street

Recommendation

That Application A-07/21 by Kim Bruce Mallysh, as outlined in the Notice of Hearing, be approved.

Report

The Proposal

The applicant has proposed to construct a carport attached to the existing dwelling on the subject property with a setback of 0.609 metres, while the Zoning By-law requires a 1.2 metre side yard setback to dwellings in the R3 zone. Accordingly, Application A-07/21 seeks relief from the City of St. Catharines Zoning By-law 2013-283, as amended, for a reduction of the minimum interior side yard setback from 1.2 metres to 0.609 metres for the proposed attached carport.

Location and Site Description

The subject property is located on the west side of Geneva Street, between St. Patrick Street and Russell Avenue. 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.

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 Medium Density Residential on Schedule E4 thereof. The designation allows a variety of medium-density residential uses at a density of 25 to 99 units per hectare. The proposed carport does not impact the density and no Official Plan amendment is required.

Zoning By-law (2013-283)

The subject property is zoned Medium Density Residential (R3) which permits a variety of medium-density residential uses, subject to the provisions of the Zoning By-law. The

carport is generally permitted accessory to a residential use, subject to the minimum setbacks of the Zoning By-law.

Planning Analysis

The applicant has proposed to construct a carport that will sit closer to the interior side lot line than what would otherwise be permitted by the Zoning By-law. The proposed reduction in side yard setback by ~0.6 metres is considered minor in nature. The setback affects only a small portion of the side yard, and no negative impacts are expected as a result of the reduced setback.

The intent of the minimum 1.2 metre interior side yard setback is, in part, to ensure adequate access to the rear yard is maintained, and to ensure dwellings are not spaced so closely as to result in privacy concerns. The proposed setback to the carport of 0.6 metres is in keeping with this intent. Adequate access to the rear yard is provided through the proposed carport. The carport does not introduce privacy concerns between the subject property and adjacent dwellings. The intent of the Zoning By-law is maintained.

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 building, site, streetscape and neighbourhood context sensitive design to ensure the "integration of compatible building form, scale, massing, height, setbacks, spacing, siting, orientation, facades and architectural materials with adjacent buildings, properties and the surrounding neighbourhood."

The nearby dwellings are characterized by single story garages that sit very close to the side lot lines. The proposed carport would not look out of place based on the established spacing and massing of similar structures along the streetscape. This application is in keeping with the intent of the Official Plan to ensure compatible built form given the neighbourhood context.

The context sensitive location of the carport is appropriate for the desirable development of the lands. Staff are supportive of the requested variance.

Conclusion

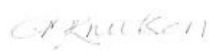
Having regard for the matters under Section 45(1) of the Planning Act, staff are of the opinion that Application A-07/21 is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is desirable for the appropriate use of the lands. Staff recommend that the Application be approved.

Prepared and Submitted by:



Charlotte McEwan M.C.I.P., R.P.P.
Planner I

Approved by:



Amanda Knutson
Senior Planner

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: RE: 189 Geneva Street, St. Catharines. Email 8
Date: Wednesday, January 6, 2021 4:19:29 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: Wednesday, January 6, 2021 3:26 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: 189 Geneva Street, St. Catharines. Email 8

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

Hi Elaine

Cogeco has no concerns with this application

Thanks

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: January 8, 2021

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – January 27, 2021 hearing

NO.	ADDRESS	COMMENTS
A-45/20	8 Paxton Avenue	Be advised that a building permit is required for the proposed detached dwelling on Part 1.
A-46/20	8 Paxton Avenue	Be advised that a building permit is required for the proposed detached dwelling on Part 2. A demolition permit is also required to remove the existing detached dwelling on Part 2.
A-02/21	50 Herrick Avenue	No comment
A-01/21	35 Mountain Street	Be advised that a building permit is required for the proposed carport. Note, be advised that reductions in the required yard setbacks may have spatial separation implications affecting the permitted area if a wall (permitted type of construction) and glazed opening(s) are proposed facing those yards.
A-03/21	36 The Cedars	Be advised that a building permit is required for the proposed attached garage. Note, be advised that reductions in the required yard setbacks may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing those yards.
A-04/21	41 Ravine Road	Be advised that a building permit is required for the proposed duplex.

NO.	ADDRESS	COMMENTS
A-05/21	91 Henry Street	Be advised that a building permit is required to be completed for the proposed addition. Note, be advised that reductions in the required yard setbacks may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing those yards.
A-06/21	159 Beech Street	Be advised that a building permit is required to be completed for the proposed addition.
A-07/21	189 Geneva Street	Be advised that a building permit is required to be completed for the proposed carport.



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: January 15, 2021
Subject: Committee of Adjustment Hearing – January 27, 2021

CRCS has reviewed the Committee of Adjustment application for the hearing of January 27, 2021 and provides the following comments;

1. 71 Bradley Street, Consent, B-51/20SC – 60.84.2328

If Planning and Building Services determines that parkland dedication can be collected for this application PRCS requests the following condition of severance: That payment of 5% of the appraised value of the new lot (Part 1) be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. That the appraisal be completed by a qualified appraiser.

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.

2. 50 Herrick Avenue, Minor Variance, A-02/21 – 20119039
No comment.
3. 35 Mountain Street, Minor Variance, A-01/21 – 20119004
No comment.
4. 36 The Cedars, Minor Variance, A-03/21 – 20119062
No comment.
5. 41 Ravine Road, Minor Variance, A-04/21 – 20119069
No comment.

6. 91 Henry Street, Minor Variance, A-05/21 – 20119064
No comment.
7. 159 Beech Street, Minor Variance, A-06/21 – 20119073
No comment.
8. 189 Geneva Street, Minor Variance, A-07/21 – 20119084
No comment.
9. 8 Paxton Avenue, Consent, B-22/20SC – 60.84.2299
8 Paxton Avenue, Minor Variance, A-45/20 – 60.81.5635
10 Paxton Avenue, Minor Variance, A-46/20 – 60.81.5636

If Planning and Building Services determines that parkland dedication can be collected for this application PRCS requests the following condition of severance: That payment of 5% of the appraised value of the new lot (Part 1) be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. That the appraisal be completed by a qualified appraiser.

As a new lot is being created, CRCS request 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.

The Owner shall implement the recommendations of the Arborist Report prepared by Beacon Environmental, dated January 2021, including the following:

- i) In accordance with the Arborist Report, tree 8 is to be retained and shall be protected through the establishment of a tree protection zone (TPZ) as illustrated on the Tree Protection Plan (TP-1). The TPZ shall be installed before any construction, site alterations, servicing or grading takes place and demarcated with sediment and erosion control fencing and signage.
- ii) The area within the protective fencing shall remain undisturbed for the duration of the demolition and construction period and shall not be used for the storage of building materials and equipment.
- iii) Hoarding is to remain in place until construction is complete.
- iv) No trees shall be damaged or removed prior to the City's acceptance of this report.
- v) All tree work (pruning, excavation, grading, etc.) is to be conducted by or under the supervision of a Certified Arborist.
- vi) Where limbs or portions of trees, including roots, are removed to accommodate construction, they will be removed in accordance with accepted arboricultural practice, by or under the supervision of a certified arborist.

- vii) Where root systems of protected trees adjacent to construction are exposed or damaged, they shall be neatly trimmed, and the area backfilled with appropriate material to prevent desiccation.
- viii) No rigging cables shall be wrapped around or installed in the trees and surplus soil, equipment, debris or materials shall not be placed over the root systems of the trees within the protective hoarding. No contaminants will be dumped or flushed where feeder roots of trees exist.
- ix) Any landscaping works proposed in the landscape buffer that overlaps with the tree hoarding are to be completed using hand tools. No large plant stock should be installed in this area to avoid any damage to roots.

The Owner shall submit a \$14,000 security deposit for tree preservation in accordance with the City's appraised value of the tree. After construction is complete the applicant shall submit to the City a post construction report prepared by a Certified Arborist at the expense of the Owner. This report shall document compliance with the Arborist Report and Protection Plan prepared by Beacon Environmental, dated January 2021. Should the tree identified for preservation become damaged or decline in health as a result of the development, the Owner agrees to carry out the removal, restoration and replacement of the tree with species appropriate trees as approved by the City. The security deposit for tree preservation will not be returned until this report is submitted and any remedial work is complete.

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: January 12, 2021
Hearing Date: January 27, 2021
Subject: **Committee of Adjustment - Minor Variance Applications**
8-10 Paxton Avenue, A-45-46/20SC
159 Beech Street, A-06/21SC
189 Geneva Street, A-07/21SC
91 Henry Street, A-05/21SC
50 Herrick Avenue, A-02/21SC
35 Mountain Street, A-01/21SC
41 Ravine Road, A-04/21SC
36 The Cedars, A-03/21SC

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

- 36 The Cedars
 - The Owner have an Ontario Land Surveyor or Professional Engineer prepare a topographic grading plan submitted with a Building Permit, identifying all existing versus proposed grades on the subject lands and all abutting properties in order to establish the existing drainage patterns on and adjacent to the site, for review and approval to ensure no negative affects are caused to the abutting properties

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: January 8, 2021

Subject: Committee of Adjustment
Public Hearings – January 27, 2021
File No. 305-17-01

Upon review of the applications, we offer the following comments:

A-06/21 – 159 Beech Street

A proposed parking stall of 4 metres by 2.1 metres is not of adequate size to accommodate a standard sized vehicle. As such, we cannot support the proposed reduction in the parking stall size. The applicant should consider reducing their parking requirement.

No concerns or requirements with the remaining applications.

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