

Agenda

Wednesday, May 26, 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 May 24, 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

-
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**

1. Item #12, 41 Moffatt Street, Consent, B-16/21SC – 21103431, 41 Moffatt Street, Consent, B-17/21SC – 21103432, 3 Marshall Lane, Minor Variance, A-41/21 – 21103435, 5 Marshall Lane, Minor Variance, A-42/21 – 21103436 and 7 Marshall Lane, Minor Variance, A-43/21 – 21103437

Staff is requesting a deferral of the subject applications for one (1) year, until the archaeological assessment has been completed and reviewed by staff. Staff need to be satisfied that the proposed development is suitable for the lands, and that no archaeological resources have been identified, potentially impacting the location of proposed lot lines and building envelopes.

2. 121 Moffatt Street, Consent, B-08/21SC – 21102393 and 121 Moffatt Street, Consent, B-09/21SC – 21102406

A request to extend the deferral that was approved at the April 28th Hearing until June 23rd Hearing for an additional 6 months to review the proposal.

8. **Applications**

1. 125A Russell Avenue, A-106/20 – 20117516
2. 36 The Cedars, Minor Variance, A-03/21 – 20119062
3. 498 Ontario Street, Consent, B-10/21SC – 21103302
4. 12 Grammar Avenue, Minor Variance, A-34/21 – 21103328
5. 4 Hessford Street, Minor Variance, A-35/21 – 21103260
6. 684 Vine Street, Minor Variance, A-36/21 – 21103261
7. 9 Broadmore Avenue, Minor Variance, A-37/21 – 21103265
8. 17 Prestwick Road, Minor Variance, A-38/21 – 21103274
9. 13 McKenzie Street, Minor Variance, A-39/21 – 21103278
10. 10 Smythe Street, Consent, B-13/21SC – 21103308
11. 100 Glenwood Avenue, Minor Variance, A-40/21 – 21103367

9. **New Business**

- i) Request for Confirmation of Minor Variance, 92B Louth Street, A-33/21

10. **Date of next meeting**

Thursday, June 10, 2021 at 5:00pm (Special Hearing)
Wednesday June 29, 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

A-106/20

125A Russell Avenue

DATE OF HEARING:
May 26, 2021



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: May 21, 2020

Date of Meeting: May 26, 2020

Report Number: A-106/20

File: 20117516

Subject: 125A Russell Avenue

Recommendation

That application **A-106/20** by Brandon Gervais, as outlined in the Notice of Hearing, be approved.

Report The Proposal

The Applicant requests the following minor variances listed in the table below to accommodate the construction of a 2-storey mixed use building with an office on the ground floor and one residential unit on the second floor. The proposal is subject to the Site Plan Approval process. The plans are under review by City staff and, if approved, a site plan agreement will be registered on title of the lands. The following variances are requested to facilitate the proposed building.

Variance #	Zoning Provision	Required	Proposed
1	Minimum yard abutting a Residential Zone	7.5 metres	0.31 metres
2	Minimum front yard setback	3.0 metres	0.04 metres
3	Minimum exterior side yard setback	3.0 metres	0.32 metres
4	Minimum landscape buffer abutting a Residential Zone	3.0 metres	0.1 metres
5	Minimum corner lot sight triangle	7.5 m x 7.5 m	0 m x 0 m
6	Minimum number of accessible parking spaces	1 space	0 spaces

Location and Site Description

The subject property is located on the northwest corner of Russell Avenue and Rodman Street. The property is surrounded by detached dwellings to the north and west, an

apartment building to the south, and the Terry Fox Trail to the west. There is an existing vacant commercial building on the property that is to be removed.

Circulation of Application

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

Planning Policy Context

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential on Schedule E4 thereof. The Neighbourhood Residential designation permits neighbourhood commercial uses which includes Local Neighbourhood Convenience Commercial Centres. These centres cater to the day to day convenience needs of nearby local residents and may include office uses and residential dwelling units.

The GCP also states that residential intensification of local neighbourhood convenience commercial centres is encouraged where it does not detract from the primary convenience commercial function of the centre. In this instance, the second-floor residential unit does not detract from the ground floor convenience use. The redevelopment of the parcel from a commercial unit to a mixed office/residential building is supported by the Local Convenience Commercial policies of the GCP.

Zoning By-law (2013-283)

The subject property is zoned Local Convenience Commercial (C1). Commercial uses, office space, and apartment dwelling units, and mixed-use buildings containing a mix of these uses, are permitted in this zone subject to the provisions of the Zoning By-law.

Planning Analysis

Variance 1 is requesting a reduction in the minimum yard abutting a residential zone from 7.5 metres to 0.31 metres. **Variance 4** is requesting a reduction in the landscape buffer abutting a residential zone from 3 metres to 0.1 metres. Both Variances are requested along the north property line which abuts a residential lot containing a residential dwelling. The intent of these provisions is, in part, to ensure that local convenience commercial uses do not negatively impact abutting residential lots by way of noise, drainage, or any other nuisance. The convenience uses are intended to fit into a residential neighbourhood compatibly.

In this situation, the proposed development will replace an existing commercial building that is located closer to the north property line than the proposed building. The development represents a compatible improvement on the existing situation, and should lessen any existing or potential drainage, nuisance or noise concerns with adjacent properties.

Variance 2 is requesting a reduction in the minimum front yard setback from 3 metres to 0.04 metres along Rodman Street. **Variance 3** is requesting a reduction in the minimum exterior side yard setback from 3 metres to 0.32 metres along Russell Avenue. Both

setbacks would facilitate the siting of the new building further from each of the respective streets than the existing commercial building, which currently encroaches onto the City right-of-way. The new proposed setbacks are in keeping with the established character of the neighbourhood in which corner commercial uses tend to sit close to the streets and contribute to an active streetscape. The setbacks do not negatively impact the public realm. The reduced front and exterior side yard setbacks are considered appropriate for the subject parcel.

Variance 5 requests a reduction of the corner lot sight triangle from 7.5 m x 7.5 m to 0m x 0m. The Zoning By-law requires an unobstructed sight triangle at the intersection of roads on all corner lots in all zone categories. The proposed building is intended to be oriented in roughly the same location as the existing building. However, unlike the existing building, the proposed building will not encroach into the Russell Avenue right-of-way, and additionally, will be pushed back further from Rodman Street as a result of a road widening required through the Site Plan process. Due to the relocation of the building and the road widening, the proposed development will be located further from the existing streets than the existing building, providing better sightlines to drivers at this intersection. If the full sight triangle were to be provided, the building footprint would be significantly constrained, particularly combined with other required setbacks. Traffic staff have reviewed this application and have no objections to the reduction in the corner lot sight triangle. Staff recommend approval of Variance 5.

Variance 6 requests a reduction in the minimum number of required accessible parking spaces from 1 space to 0 spaces. The intent of the provision is to provide parking for people in need of accessibility accommodations in close proximity to the building entrance. Due to the constrained lot size, there is very little room to provide parking on the lot. The applicant is proposing the minimum 2 parking spaces on site, but has not provided an accessible dimensioned space (3.4 metres in width with a 1.5 metre hatched aisle). The amount of space required for the accessible space may compromise the appropriate development of the site. If one accessible space were provided, it is likely that no standard spaces could be accommodated. It is considered appropriate to maintain 2 standard spaces and reduce the number of accessible spaces from 1 to 0 in this instance. The reduction is considered minor in nature, and no significant impacts are anticipated as a result of the reduction. It will allow 2 full parking spaces and facilitate the appropriate redevelopment of the proposed lot.

Conclusion

Overall, staff do not anticipate any negative impacts as a result of the combined variances. The requested variances support a more compatible development than currently existing on site, and should not negatively impact appropriate spacing of buildings with adjacent lots, or the established streetscape.

Together the variances allow for the appropriate and compatible redevelopment of a parcel that has substantial development constraints under the applicable zoning provisions. The proposed development makes efficient use of the land. It is in keeping with and does not detract from the character of the surrounding neighbourhood. The proposed variances are desirable for the appropriate development of the land.

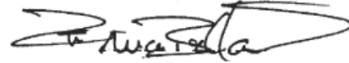
Having regard for the matters under Section 45(1) of the *Planning Act*, staff are of the opinion that Application **A-106/20** is in keeping with the general intent of the Official Plan and Zoning By-law, minor in nature, and desirable for the appropriate use of the lands. Staff recommend that the application be approved.

Prepared and Submitted by:

A handwritten signature in blue ink, appearing to read 'Charlotte McEwan'.

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

Approved by:

A handwritten signature in black ink, appearing to read 'Bruce Bellows'.

Bruce Bellows
Senior Planner

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Comments Received and Photo RE: File# 20107516 125A Russell Ave
Date: Wednesday, May 19, 2021 3:11:15 PM

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



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

From: info@esolutionsgroup.ca <info@esolutionsgroup.ca> On Behalf Of Diane Goldsworthy
Sent: Wednesday, May 19, 2021 2:58 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: File# 20107516 125A Russell Ave

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

Hello. I live on Colbey St. just around the corner from this address. Our neighborhood had a serious parking problem. There are many lots with no driveways and many multiple dwellings with no where near enough parking for the number of people that live in them. We have a problem on Colbey St. Where a semi has turned into an illegal 4 plex with only enough room for 4 cars. There is no parking on Russell Ave where this application is.

Rodman St. Is always packed with cars as is Colbey and McGhie. People on McGhie park on Colbey forcing Colbey St residents to park on Rodman. There is a constant battle for parking spots all over this neighborhood.

The application at 125A says there will be a business down stairs and a residence upstairs AND NO PARKING SPACES!!!!

THIS CANNOT BE ALLOWED!!!

I took pictures of every parking space being used on Rodman, McGhie and Colbey but I'm only allowed one attachment here.

Please advise as to how I can participate in this meeting.

Origin: <https://www.stcatharines.ca/en/governin/committee-of-adjustment.asp>

This email was sent to you by Diane Goldsworthy< through <https://www.stcatharines.ca/>.



From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: RE: Application for 125A Russell Ave
Date: Tuesday, May 18, 2021 5:58:43 PM

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



From: Lynda Kroeker <>
Sent: Tuesday, May 18, 2021 3:36 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Application for 125A Russell Ave

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

Good afternoon.

I am emailing in regards to the application for amendment at 125A Russell Avenue.

I live at 6 Colbey St, St. Catharines, ON, just one block north east of this corner. I am very concerned about the proposal of putting a business AND an apartment at that location, with no parking for either the apartment or the business. Parking along this section of Russell, as well as Rodman and Colbey Streets is already an issue.

While there is the parking lot at the Community Centre, when COVID restrictions are lifted and the centre reopens, I am envisioning the Rec Centre taking umbrage with customers for whatever business goes into that space having issue with them using their lot to park.

As it is, it is already a huge challenge for residents of Russell Avenue, Colbey Street and McGhie Street to park anywhere near their homes; many residents do not have driveways, or not enough driveway space for their own vehicles, let alone family/friends when they come to visit. I cannot tell you the number of times I have seen driveways blocked or partially blocked by people parking poorly or illegally (either completely blocking a driveway, mine included), or directly across from a driveway, often RIGHT UNDERNEATH A NO PARKING ON THIS SIDE OF THE STREET SIGN).

While, in theory, I have no issue with an apartment above a business going in at this location (I am all for bringing more small businesses to this area, and if the city can add even one more hopefully affordable residence, GREAT!!!), the plan to take out ALL parking for that location is only going to negatively impact this neighborhood.

Sincerely and concernedly,
Lynda Kroeker

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

May 11, 2021

City of Hamilton
Planning and Economic Development Department
71 Main St W
Hamilton, Ontario
L8P 4Y5

Attention: Elaine Munro

File# 60.81.5696

Re: 125A Russell Ave

In response to your correspondence dated May 4, 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.
- Minimum 4m horizontal clearance from existing O/H line(s) must be maintained at all times as per Alectra Utilities Standard 3-105. Please consult with Alectra Utilities if further clarification is required.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.

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.

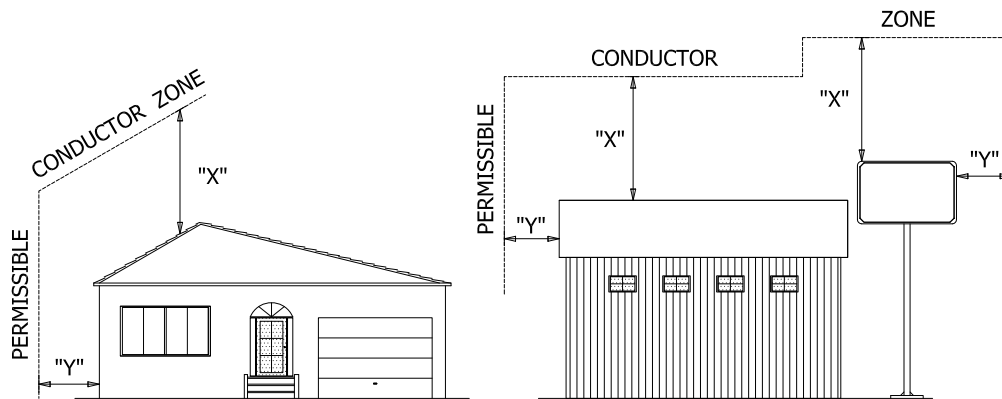
- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call @ 1-800-400-2255.
- Clearances from Overhead and Underground existing electrical distribution system must be maintained in accordance to:
 - Ontario Building Code (1997) Section 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 905-798-2517 in our Engineering Design Department.

Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital



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

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

* - INCLUDES MULTI-GROUNDED NEUTRALS

NOTES:

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

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: RE: Committee of Adjustment Hearing NOHs, Applications & Sketches for May 26, 2021 Hearing
Date: Monday, May 10, 2021 2:22:48 PM

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



From: Doug Crown <doug.crown@cogeco.com>
Sent: Monday, May 10, 2021 12:58 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Committee of Adjustment Hearing NOHs, Applications & Sketches for May 26, 2021 Hearing

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

Hi Elaine
Sorry for the delay. Cogeco has no concerns with these applications.
Have a wonderful afternoon
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: Wilrik Banda
Planning and Building Services

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

Date: May 12, 2021

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – May 26, 2021 hearing

NO.	ADDRESS	COMMENTS
A-106/20	125A Russel Avenue	Be advised that a demolition permit is required to remove the existing building. Be advised that a building permit is required for the proposed 2 storey building.
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-34/21	12 Grammar Avenue	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-35/21	4 Hessford Street	Be advised that the current building permit is required to be completed for the proposed accessory dwelling unit.
A-36/21	684 Vine Street	Be advised that the current building permit is required to be completed for the proposed accessory dwelling unit.

NO.	ADDRESS	COMMENTS
A-37/21	9 Broadmore Avenue	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-38/21	17 Prestwick Road	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-39/21	13 McKenzie Street	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-40/21	100 Glenwood Avenue	Be advised that revised drawings are required to be submitted for review and acceptance for the current building permit 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-41/21	3 Marshall Lane	Be advised that a building permit is required for the proposed single detached dwelling.
A-42/21	5 Marshall Lane	Be advised that a building permit is required for the proposed single detached dwelling.
A-43/21	7 Marshall Lane	Be advised that a building permit is required for the proposed single detached dwelling.

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: May 7, 2021
Subject: Committee of Adjustment Hearing – May 26, 2021

CRCS has reviewed the Committee of Adjustment application for the hearing of May 26, 2021 and provides the following comments.

1. 125A Russell Avenue, A-106/20 – 60.81.5696
No objections to the requested variance. The applicant will be proving for the placement of boulevard trees through the site plan agreement to offset the reduction in landscaping.
2. 36 The Cedars, Minor Variance, A-03/21 – 20119062
No comment.
3. 498 Ontario Street, Consent, B-10/21SC – 21103302
No comment.
4. 12 Grammar Avenue, Minor Variance, A-34/21 – 21103328
No comment.
5. 4 Hessford Street, Minor Variance, A-35/21 – 21103260
No comment.
6. 684 Vine Street, Minor Variance, A-36/21 – 21103261
No comment.
7. 9 Broadmore Avenue, Minor Variance, A-37/21 – 21103265
No comment.
8. 17 Prestwick Road, Minor Variance, A-38/21 – 21103274
No comment.
9. 13 McKenzie Street, Minor Variance, A-39/21 – 21103278
No comment.

10. 10 Smythe Street, Consent, B-13/21SC – 21103308

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 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.

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.

11. 100 Glenwood Avenue, Minor Variance, A-40/21 – 21103367

No comment.

12. 41 Moffatt Street, Consent, B-16/21SC – 21103431

41 Moffatt Street, Consent, B-17/21SC – 21103432

3 Marshall Lane, Minor Variance, A-41/21 – 21103435

5 Marshall Lane, Minor Variance, A-42/21 – 21103436

7 Marshall Lane, Minor Variance, A-43/21 – 21103437

CRCS notes that boulevard trees for the subject lands were not included in the streetscape plan for the subdivision. Staff request that the applicant submit a payment for the placement of 3, 60mm boulevard tree, in accordance with the City's current Schedule of Rates and Fees.

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



Memorandum

To: Elaine Munro, ACST, Committee Secretary & Planning Technician
From: Jim Denham, P.Eng. Development Engineering Technologist
Date: May 07th, 2021
Hearing Date: May 26th, 2021
Subject: **Committee of Adjustment - Minor Variance Applications**

125A Russell Avenue, A-106/20
36 The Cedars, Minor Variance, A-03/21
12 Grammar Avenue, Minor Variance, A-34/21
4 Hessford Street, Minor Variance, A-35/21
684 Vine Street, Minor Variance, A-36/21
9 Broadmore Avenue, Minor Variance, A-37/21
17 Prestwick Road, Minor Variance, A-38/21
13 McKenzie Street, Minor Variance, A-39/21
100 Glenwood Avenue, Minor Variance, A-40/21
3 Marshall Lane, Minor Variance, A-41/21
5 Marshall Lane, Minor Variance, A-42/21
7 Marshall Lane, Minor Variance, A-43/21

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

- The applicant for the Minor Variance requested at 12 Grammar Avenue is to be advised that a Grading Plan will be required at the Building Permit stage.

Prepared by:

James R Denham, P.Eng.
Development Engineering Technologist

cc. (email only) Brad Johnston
Margaret Josipovic
Wilrik Banda



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: May 4, 2021

Subject: Committee of Adjustment
Public Hearings – May 26, 2021
File No. 305-17-01

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

Steve Bittner
Transportation Technologist

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

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

COMMENTS

A-03/21

36 The Cedars

DATE OF HEARING:
May 26, 2021



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: February 17, 2021

Date of Meeting: May 26, 2021

Report Number: A-03/21

File: 20119062

Subject: 36 The Cedars

Recommendation

That Application A-03/21 by Shelley Anne Tenbroeck, as outlined in the Notice of Hearing, be denied.

Report The Proposal

The Applicant has partially constructed an attached garage at the front of the existing dwelling at 36 The Cedars without obtaining a building permit. The Applicant is now attempting to obtain the necessary permits to complete the construction. The new attached garage projects into the required front yard and protrudes past the front main wall of the dwelling, requiring approval of variances in order to obtain a building permit. Application A-03/21 seeks relief from Zoning By-law 2013-283 through the variances outlined in the table below.

Variance No.	Zoning Provision	Required	Proposed
1.	Minimum Front Yard Setback to the Garage	9.9315m	2.032m
2.	Permission for Garage to Protrude Beyond Corresponding Wall of Dwelling	-	-

Location and Site Description

The subject lands are located on the west side of The Cedars. The surrounding neighbourhood is residential. Dwellings immediately adjacent to the subject property are single-storey detached dwellings. The subject lands are presently occupied by a detached dwelling and in-ground swimming pool.

Circulation of Application

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

Planning Policy Context

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential on Schedule E2. Detached dwellings are permitted in this designation.

Zoning By-law (2013-283)

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

Planning Analysis

The Applicant has partially constructed an attached garage on the front of the existing dwelling. The garage has been constructed without a building permit. The applicant is now attempting to obtain a building permit for the garage and requires two minor variances to permit the garage to remain in place. The requested variances will result in the attached garage being 2.032 metres from the front lot line, protruding beyond the main front wall of the dwelling. Based on the Zoning By-law provision for averaging based on front yards of adjacent properties, the required front yard setback is 9.9315 metres.

Staff considers the reduction of the required front yard to be significant in the context of this neighbourhood. The surrounding detached dwellings have front yards of similar depths, with an average of 9.9215 metres, providing consistent setbacks between the public and private realms in this subdivision. The proposed 79.5 percent reduction in the subject front yard changes the established pattern of building footprint, massing and spacing along the street, which in turn impacts neighbouring properties. While there are some examples of garages protruding past the main wall of dwellings in the surrounding neighbourhood, these tend to be the exception. Most garages are flush with, or recessed behind, the main wall of their dwellings. The partially constructed protrusion is significant in the context of the neighbourhood. Given the negative impact to the existing streetscape, the encroachment towards the public realm and the effects on neighbouring properties, it is staffs opinion that the proposal is not minor in nature, nor can it be considered desirable for the appropriate use of the subject lands

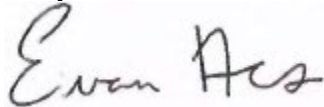
Front yard setbacks establish streetscapes and, especially in lower density neighbourhoods, create greenspace and privacy buffers between streets and dwellings. Consistent front yard depths also establish the context of a streetscape and neighbourhood. The partially constructed garage breaks this consistency by protruding well beyond the main wall of the dwelling, leaving only 2.032 metres between the front of the garage and the front lot line. The requested variance does not achieve the intent of the averaging provision in the Zoning By-law.

Section 7.1 of the GCP states that development and redevelopment shall be evaluated having regard for context sensitive design to ensure the integration of compatible building form, scale, height and setbacks with adjacent buildings and the surrounding neighbourhood. As described above, the reduced front yard setback with a garage protruding 79.5 percent into the required front yard does not align with these policies. It is not sensitive to the context of the neighbourhood and does not integrate into the established built form of its surroundings. The proposal is not in keeping with the spirit and intent of the Official Plan.

Conclusion

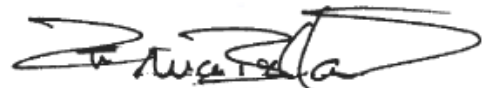
Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Application A-03/21 is in not keeping with the general intent of the Official Plan and Zoning By-law, is not minor in nature, and is not desirable for the appropriate use of the lands. Staff recommend denial of the Application.

Prepared and Submitted by:



Evan Acs
Planner I

Approved by:



Bruce Bellows
Senior Planner

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Receipt of Comments - MV - 36 The Cedars
Date: Monday, May 17, 2021 9:41:18 AM

Elaine Munro ACST

Committee Secretary and Planning Technician

Tel: 905.688.5601 x1715

Email: emunro@stcatharines.ca



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

From: info@esolutionsgroup.ca <info@esolutionsgroup.ca> On Behalf Of Patricia McGlynn
Sent: Monday, May 17, 2021 9:18 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Shelly Anne Tenbroeck

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.

We have seen a picture of the finished house. In my opinion it will look terrific. Improving the looks of our neighbourhood.

Origin: <https://www.stcatharines.ca/en/governin/Committee-Of-Adjustment.asp>

This email was sent to you by Patricia McGlynn<> through <https://www.stcatharines.ca/>.

34 The Cedars
St. Catharines, Ontario
L2M 6M8

May 16, 2021

Elaine Munro, Secretary-Treasurer
Committee of Adjustment, City Hall
P.O. Box 3012, 50 Church Street
St. Catharines, ON L2R 7C2
Via email to: emunro@stcatharines.ca

Dear Ms. Munro:

I own and occupy the residence located at 34 The Cedars in St. Catharines and I have resided here for almost twenty years.

My neighbour immediately to the south at 36 The Cedars, Shelley Tenbroeck, has applied to the City of St. Catharines for a variance for her property. The variance would allow a garage under construction (currently halted pending the variance and permit application) on her property to be completed.

Due to work commitments, I will be unable to log in to the meeting scheduled for Wednesday, May 26th. Please accept this document as my comments on the matter in lieu of my attendance.

Please be advised that I have no objections to the City granting a variance to Ms. Tenbroeck for the garage. The garage is designed to blend in with other architecture in the area and does not appear to be any closer to the roadway than other structures in our area. I understand that the setback of my residence may affect the average setback for other residences in the neighbourhood, however the setback of my residence was pre-determined when this subdivision was planned and should not affect the application by Ms. Tenbroeck.

If I can provide any further input regarding the variance requested by Ms. Tenbroeck, please do not hesitate to contact me.

Sincerely:

Kevin Andrew



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: May 16, 2021

Address: 48 The Cedars

Phone



Signature:



Date: May 16, 2021

Address: 48 The Cedars

Phone:



From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Comments Received - 36 The Cedars RE: File # 20119062 Sub # A-03/21
Date: Tuesday, May 18, 2021 6:21:08 PM

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



From: Rick Rikkerink <>
Sent: Tuesday, May 18, 2021 5:00 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 "Revised 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

XXX-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

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
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.

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: Committee of Adjustment Hearing NOHs, Applications & Sketches for May 26, 2021 Hearing
Date: Monday, May 10, 2021 2:22:48 PM

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



From: Doug Crown <doug.crown@cogeco.com>
Sent: Monday, May 10, 2021 12:58 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Committee of Adjustment Hearing NOHs, Applications & Sketches for May 26, 2021 Hearing

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

Hi Elaine
Sorry for the delay. Cogeco has no concerns with these applications.
Have a wonderful afternoon
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, Planning and Building Services
CC:
From: Jessica Button, Community, Recreation and Culture Services
Date: May 7, 2021
Subject: Committee of Adjustment Hearing – May 26, 2021

CRCS has reviewed the Committee of Adjustment application for the hearing of May 26, 2021 and provides the following comments.

1. 125A Russell Avenue, A-106/20 – 60.81.5696
No objections to the requested variance. The applicant will be proving for the placement of boulevard trees through the site plan agreement to offset the reduction in landscaping.
2. 36 The Cedars, Minor Variance, A-03/21 – 20119062
No comment.
3. 498 Ontario Street, Consent, B-10/21SC – 21103302
No comment.
4. 12 Grammar Avenue, Minor Variance, A-34/21 – 21103328
No comment.
5. 4 Hessford Street, Minor Variance, A-35/21 – 21103260
No comment.
6. 684 Vine Street, Minor Variance, A-36/21 – 21103261
No comment.
7. 9 Broadmore Avenue, Minor Variance, A-37/21 – 21103265
No comment.
8. 17 Prestwick Road, Minor Variance, A-38/21 – 21103274
No comment.
9. 13 McKenzie Street, Minor Variance, A-39/21 – 21103278
No comment.

10. 10 Smythe Street, Consent, B-13/21SC – 21103308

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 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.

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.

11. 100 Glenwood Avenue, Minor Variance, A-40/21 – 21103367

No comment.

12. 41 Moffatt Street, Consent, B-16/21SC – 21103431

41 Moffatt Street, Consent, B-17/21SC – 21103432

3 Marshall Lane, Minor Variance, A-41/21 – 21103435

5 Marshall Lane, Minor Variance, A-42/21 – 21103436

7 Marshall Lane, Minor Variance, A-43/21 – 21103437

CRCS notes that boulevard trees for the subject lands were not included in the streetscape plan for the subdivision. Staff request that the applicant submit a payment for the placement of 3, 60mm boulevard tree, in accordance with the City's current Schedule of Rates and Fees.

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



Memorandum

To: Elaine Munro, ACST, Committee Secretary & Planning Technician
From: Jim Denham, P.Eng. Development Engineering Technologist
Date: May 07th, 2021
Hearing Date: May 26th, 2021
Subject: **Committee of Adjustment - Minor Variance Applications**

125A Russell Avenue, A-106/20
36 The Cedars, Minor Variance, A-03/21
12 Grammar Avenue, Minor Variance, A-34/21
4 Hessford Street, Minor Variance, A-35/21
684 Vine Street, Minor Variance, A-36/21
9 Broadmore Avenue, Minor Variance, A-37/21
17 Prestwick Road, Minor Variance, A-38/21
13 McKenzie Street, Minor Variance, A-39/21
100 Glenwood Avenue, Minor Variance, A-40/21
3 Marshall Lane, Minor Variance, A-41/21
5 Marshall Lane, Minor Variance, A-42/21
7 Marshall Lane, Minor Variance, A-43/21

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

- The applicant for the Minor Variance requested at 12 Grammar Avenue is to be advised that a Grading Plan will be required at the Building Permit stage.

Prepared by:

James R Denham, P.Eng.
Development Engineering Technologist

cc. (email only) Brad Johnston
Margaret Josipovic
Wilrik Banda



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: May 4, 2021

Subject: Committee of Adjustment
Public Hearings – May 26, 2021
File No. 305-17-01

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

Steve Bittner
Transportation Technologist

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

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

COMMENTS

B-10/21SC

498 Ontario Street

DATE OF HEARING:
May 26, 2021



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: May 21, 2021

Date of Meeting: May 26, 2021

Report Number: B-10/21SC

File: 21103302

Subject: 498 Ontario Street

Recommendation

That application **B-10/21SC** by Allied Business Holdings Ltd. and Avondale Stores Ltd., as outlined in the Notice of Hearing, be approved.

Report

The Proposal

The Application is made for consent to a long-term lease (greater than 21 years) of 219.1 m² of land (Part 1) for an existing commercial building (Tim Hortons). The remnant lands will continue to be part of the agreement between the Owner and the Tenant regarding parking, access, loading zones etc.

Location and Site Description

The subject property is located on the east side of Ontario Street. The property is surrounded by low-density residential to the east and various commercial uses to the north, south and west. There is an existing restaurant with associated drive thru (Tim Hortons) on the property.

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 Commercial on Schedule D1 of the Garden City Plan (GCP) and further designated Community Commercial on Schedule E1 thereof. A range of commercial uses are permitted in this designation.

Zoning By-law (2013-283)

The subject property is zoned Community Commercial (C2). Commercial uses, including restaurants, are permitted in this zone.

Planning Analysis

Consent

Application **B-10/21SC** requests a consent for a long term lease (greater than 21 years) for the continued use of the existing commercial building. The consent is requested because a new lease agreement is required between the landlord and the existing tenant (Tim Hortons). Any lease term greater than 21 years requires the approval of the Committee of Adjustment.

The lease does not apply to any area beyond the walls of the existing commercial building. Approval of the lease will permit the continued operation of the current restaurant. There is an existing Site Plan Agreement registered on title of the lands from 1999 which addresses site design and no changes to the site (building, parking, or landscaping) are proposed as a result of the subject application. Staff considers the lands suitable for the existing use. No adverse impacts on the surrounding area are anticipated as a result of the requested consent.

Conclusion

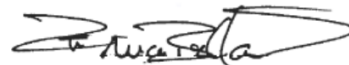
Having regard for the matters under Section 53 of the *Planning Act*, staff are of the opinion that Consent Application **B-10/21SC** meets the intent of the Zoning By-law and will have no adverse impacts on the surrounding area and environment. It is staff's recommendation that the requested consent be approved.

Prepared and Submitted by:



Taya Devlin
Planner I

Approved by:



Bruce Bellows
Senior Planner

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Bell - No Concerns or Comments - 498 Ontario Street - 905-21-200
Date: Wednesday, May 5, 2021 10:09:56 AM

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



From: Gordon, Carrie <carrie.gordon@bell.ca>
Sent: Wednesday, May 5, 2021 9:45 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Committee of Adjustment Hearing NOHs, Applications & Sketches for May 26, 2021 Hearing - 905-21-200

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

Hi Elaine,

Re: Severance application B-10/21SC

Subsequent to review of the abovementioned severance application at 498 Ontario Street, Bell Canada's engineering department have determined that there are no concerns or comments at this time.

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

Kind regards,

Carrie Gordon



Associate, 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: Committee of Adjustment Hearing NOHs, Applications & Sketches for May 26, 2021 Hearing
Date: Monday, May 10, 2021 2:22:48 PM

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



From: Doug Crown <doug.crown@cogeco.com>
Sent: Monday, May 10, 2021 12:58 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Committee of Adjustment Hearing NOHs, Applications & Sketches for May 26, 2021 Hearing

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

Hi Elaine
Sorry for the delay. Cogeco has no concerns with these applications.
Have a wonderful afternoon
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: Wilrik Banda
Planning and Building Services

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

Date: May 12, 2021

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – May 26, 2021 hearing

B-10/21SC – 498 Ontario Street

Comment:

- No comment

Condition:

- No comment

B-13/21SC – 10 Smythe Street

Comment:

- Be advised that a building permit is required for the proposed semi - detached dwelling.

Condition:

- Be advised that the current building permit to demolish the detached dwelling shall be completed with all inspections sign offs from the building inspector.

B-16/21SC – 41 Moffat Street

Comment:

- No comment

Condition:

- No comment

B-17/21SC – 41 Moffat Street

Comment:

- No comment

Condition:

- No comment

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

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



Memorandum

To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Community, Recreation and Culture Services
Date: May 7, 2021
Subject: Committee of Adjustment Hearing – May 26, 2021

CRCS has reviewed the Committee of Adjustment application for the hearing of May 26, 2021 and provides the following comments.

1. 125A Russell Avenue, A-106/20 – 60.81.5696
No objections to the requested variance. The applicant will be proving for the placement of boulevard trees through the site plan agreement to offset the reduction in landscaping.
2. 36 The Cedars, Minor Variance, A-03/21 – 20119062
No comment.
3. 498 Ontario Street, Consent, B-10/21SC – 21103302
No comment.
4. 12 Grammar Avenue, Minor Variance, A-34/21 – 21103328
No comment.
5. 4 Hessford Street, Minor Variance, A-35/21 – 21103260
No comment.
6. 684 Vine Street, Minor Variance, A-36/21 – 21103261
No comment.
7. 9 Broadmore Avenue, Minor Variance, A-37/21 – 21103265
No comment.
8. 17 Prestwick Road, Minor Variance, A-38/21 – 21103274
No comment.
9. 13 McKenzie Street, Minor Variance, A-39/21 – 21103278
No comment.

10. 10 Smythe Street, Consent, B-13/21SC – 21103308

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 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.

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.

11. 100 Glenwood Avenue, Minor Variance, A-40/21 – 21103367

No comment.

12. 41 Moffatt Street, Consent, B-16/21SC – 21103431

41 Moffatt Street, Consent, B-17/21SC – 21103432

3 Marshall Lane, Minor Variance, A-41/21 – 21103435

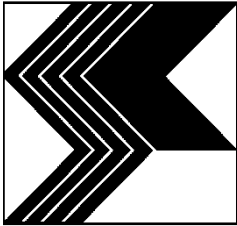
5 Marshall Lane, Minor Variance, A-42/21 – 21103436

7 Marshall Lane, Minor Variance, A-43/21 – 21103437

CRCS notes that boulevard trees for the subject lands were not included in the streetscape plan for the subdivision. Staff request that the applicant submit a payment for the placement of 3, 60mm boulevard tree, in accordance with the City's current Schedule of Rates and Fees.

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

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-10/21SC



May 10, 2021

ENGINEERING FILE 300-36

Hearing Date: May 26, 2021

Applicant: Allied Business Holdings Ltd. & Avondale Stores Ltd.

Location: 498 Ontario Street

ENGINEERING SERVICES **Ontario Street**

Water: 150mm A.C. & 300mm C.I.

Sanitary Sewer: 200mm (8") Concrete
1650mm (64") Concrete (Regional)

Storm Sewer: 300mm (12") P.V.C.

Sidewalks: Yes

Road Allowance Width: 26.21m (86') Regional

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

Comment(s): It is noted that the Applicant proposes to renew a long-term lease over Part 1 for the existing commercial building. The remnant lands will continue to be part of the agreement between the Owner and the Tenant regarding parking, access, loading zones, etc.

It must be noted that the City continues to hold existing Site Plan securities with respect to outstanding Landscaping obligations in accordance with the registered Site Plan Agreement, in the amount of **\$2,791.25**. It should be verified with the City's Landscape Planner for compliance with the Site Plan Agreement for the City to release these on-hand securities.

Roads

Ontario Street is designated a Regional Arterial road as per the City's Official Plan with a desired right-of-way width of 26.21m (86.0'). Its current width appears sufficient in this location however given the road is the Region's jurisdiction, comments for any further requirements will be at their discretion.

Sidewalks and Curbs

Both services exist along the frontage of Ontario Street only. The City has no further comments or requirements regarding these services based on the severance application proposed.

Engineering Services

It is highly unlikely that during the approval process in 1999 that the site accommodated stormwater quality controls to a 'normal' standard, as is the City's accepted standard. The requires the Owner to accommodate and confirm that the site is retrofitted to accommodate this current standard to the satisfaction of the City Engineer. The Owner shall provide current mitigation measures for the capture of stormwater quality control to a 'normal' standard has been installed, and certification be provided by a Professional Engineer that the works have been completed as a

condition of the severance application. The City is open to methods of retrofitting the existing parking lot catch basins with CB Shields or an approved equal, to achieve a 'normal' standard of quality control.

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

- Provide certification by a Professional Engineer that the existing parking lot flows have been accommodated and retrofitted to achieve the City's desired 'normal' stormwater quality control standard to the satisfaction of the City Engineer



Prepared by:

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

- c. James Denham, PBS (email only)
Jessica Button, PRCS (email only)



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: May 4, 2021

Subject: Committee of Adjustment
Public Hearings – May 26, 2021
File No. 305-17-01

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

Steve Bittner
Transportation Technologist

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

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

COMMENTS

A-34/21

12 Grammar Avenue

DATE OF HEARING:
May 26, 2021



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: May 21, 2021

Date of Meeting: May 26, 2021

Report Number: A-34/21

File: 21103328

Subject: 12 Grammar Avenue

Recommendation

That Application **A-34/21** by Graham Campbell and Stephanie Campbell, as outlined in the Notice of Hearing, be approved.

Report The Proposal

Application A-34/21 seeks relief from Zoning By-law 2013-283 to reduce the minimum interior side yard setback from 1.2 metres to 0.61 metres. A proposed two-storey addition to the rear of the existing dwelling will connect the existing detached garage to the dwelling, resulting in it becoming an attached garage.

Variance	Provision	Required	Proposed
1	Minimum interior side yard setback	1.2 metres	0.61 metres

Location and Site Description

The subject property is located on the east side of Grammar Avenue, north of Manor Road. The neighbourhood is residential with primarily detached dwellings. The subject property is presently occupied by a detached dwelling and accessory structure (the 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 E2. Detached dwellings are permitted in this designation.

Zoning By-law (2013-283)

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

Planning Analysis

The applicant is requesting a minor variance to reduce the required interior side yard setback (north side) from 1.2 meters to 0.61 meters. An addition to the dwelling is proposed and will cause the existing detached garage to become attached to the dwelling, which results in a change in setback requirements. A detached accessory structure is required to provide an interior side yard setback of 0.6 metres while an attached garage is considered part of the dwelling, and requires a setback of 1.2 metres. The location of the existing detached garage has historically been located 0.61 meters from the property line, in compliance with Zoning By-law regulations, and there will be no change in proximity to neighbouring properties. Changing the condition of the garage from a detached to an attached condition is not expected to cause or increase any negative impacts on neighbouring properties. As such, the reduction of the setback from 1.2 metres to 0.61 metres is considered minor.

This application is made to accommodate the proposed addition which will join to the existing detached garage changing its status to attached. This will support greater usability of an existing dwelling. The use of the garage structure will not change, nor will the change from it being detached to attached affect the character of development on the property, or affect consistency with the character of development in the neighbourhood. The spacing of the buildings is an established situation that is not exacerbated by the building addition. All other zoning by-law requirements for the building addition are being met. The continuation of the established setback is considered desirable for the appropriate use of the land, and the intent of both the Official Plan and Zoning By-law are maintained.

Conclusion

Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Application **A-34/21** 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 by:



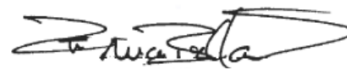
Cameron Rose
Student Planner

Submitted by:



Taya Devlin
Planner I

Approved by:



Bruce Bellows
Senior Planner

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: RE: Committee of Adjustment Hearing NOHs, Applications & Sketches for May 26, 2021 Hearing
Date: Monday, May 10, 2021 2:22:48 PM

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



From: Doug Crown <doug.crown@cogeco.com>
Sent: Monday, May 10, 2021 12:58 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Committee of Adjustment Hearing NOHs, Applications & Sketches for May 26, 2021 Hearing

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

Hi Elaine
Sorry for the delay. Cogeco has no concerns with these applications.
Have a wonderful afternoon
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: Wilrik Banda
Planning and Building Services

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

Date: May 12, 2021

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – May 26, 2021 hearing

NO.	ADDRESS	COMMENTS
A-106/20	125A Russel Avenue	Be advised that a demolition permit is required to remove the existing building. Be advised that a building permit is required for the proposed 2 storey building.
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-34/21	12 Grammar Avenue	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-35/21	4 Hessford Street	Be advised that the current building permit is required to be completed for the proposed accessory dwelling unit.
A-36/21	684 Vine Street	Be advised that the current building permit is required to be completed for the proposed accessory dwelling unit.

NO.	ADDRESS	COMMENTS
A-37/21	9 Broadmore Avenue	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-38/21	17 Prestwick Road	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-39/21	13 McKenzie Street	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-40/21	100 Glenwood Avenue	Be advised that revised drawings are required to be submitted for review and acceptance for the current building permit 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-41/21	3 Marshall Lane	Be advised that a building permit is required for the proposed single detached dwelling.
A-42/21	5 Marshall Lane	Be advised that a building permit is required for the proposed single detached dwelling.
A-43/21	7 Marshall Lane	Be advised that a building permit is required for the proposed single detached dwelling.

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: May 7, 2021
Subject: Committee of Adjustment Hearing – May 26, 2021

CRCS has reviewed the Committee of Adjustment application for the hearing of May 26, 2021 and provides the following comments.

1. 125A Russell Avenue, A-106/20 – 60.81.5696
No objections to the requested variance. The applicant will be proving for the placement of boulevard trees through the site plan agreement to offset the reduction in landscaping.
2. 36 The Cedars, Minor Variance, A-03/21 – 20119062
No comment.
3. 498 Ontario Street, Consent, B-10/21SC – 21103302
No comment.
4. 12 Grammar Avenue, Minor Variance, A-34/21 – 21103328
No comment.
5. 4 Hessford Street, Minor Variance, A-35/21 – 21103260
No comment.
6. 684 Vine Street, Minor Variance, A-36/21 – 21103261
No comment.
7. 9 Broadmore Avenue, Minor Variance, A-37/21 – 21103265
No comment.
8. 17 Prestwick Road, Minor Variance, A-38/21 – 21103274
No comment.
9. 13 McKenzie Street, Minor Variance, A-39/21 – 21103278
No comment.

10. 10 Smythe Street, Consent, B-13/21SC – 21103308

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 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.

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.

11. 100 Glenwood Avenue, Minor Variance, A-40/21 – 21103367

No comment.

12. 41 Moffatt Street, Consent, B-16/21SC – 21103431

41 Moffatt Street, Consent, B-17/21SC – 21103432

3 Marshall Lane, Minor Variance, A-41/21 – 21103435

5 Marshall Lane, Minor Variance, A-42/21 – 21103436

7 Marshall Lane, Minor Variance, A-43/21 – 21103437

CRCS notes that boulevard trees for the subject lands were not included in the streetscape plan for the subdivision. Staff request that the applicant submit a payment for the placement of 3, 60mm boulevard tree, in accordance with the City's current Schedule of Rates and Fees.

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



Memorandum

To: Elaine Munro, ACST, Committee Secretary & Planning Technician
From: Jim Denham, P.Eng. Development Engineering Technologist
Date: May 07th, 2021
Hearing Date: May 26th, 2021
Subject: **Committee of Adjustment - Minor Variance Applications**

125A Russell Avenue, A-106/20
36 The Cedars, Minor Variance, A-03/21
12 Grammar Avenue, Minor Variance, A-34/21
4 Hessford Street, Minor Variance, A-35/21
684 Vine Street, Minor Variance, A-36/21
9 Broadmore Avenue, Minor Variance, A-37/21
17 Prestwick Road, Minor Variance, A-38/21
13 McKenzie Street, Minor Variance, A-39/21
100 Glenwood Avenue, Minor Variance, A-40/21
3 Marshall Lane, Minor Variance, A-41/21
5 Marshall Lane, Minor Variance, A-42/21
7 Marshall Lane, Minor Variance, A-43/21

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

- The applicant for the Minor Variance requested at 12 Grammar Avenue is to be advised that a Grading Plan will be required at the Building Permit stage.

Prepared by:

James R Denham, P.Eng.
Development Engineering Technologist

cc. (email only) Brad Johnston
Margaret Josipovic
Wilrik Banda



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: May 4, 2021

Subject: Committee of Adjustment
Public Hearings – May 26, 2021
File No. 305-17-01

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

Steve Bittner
Transportation Technologist

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

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

COMMENTS

A-35/21

4 Hessford Street

DATE OF HEARING:
May 26, 2021



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: May 21, 2021

Date of Meeting: May 26, 2021

Report Number: A-35/21

File: 21103260

Subject: 4 Hessford Street

Recommendation

That Application **A-35/21** by Gloria Brook and Jamie Brook, as outlined in the Notice of Hearing, be approved.

Report The Proposal

The Applicant proposes to build an accessory dwelling unit in the basement of an existing detached dwelling. The proposed accessory dwelling unit is larger than permitted in the City's zoning by-law. The variances outlined in the table below are required to facilitate the accessory dwelling unit.

Variance	Provision	Required	Proposed
1	Maximum floor area of an interior accessory dwelling unit	60m ²	75.25m ²
2	Maximum floor area of an interior accessory dwelling unit as a percentage of the floor area of the dwelling	40%	41.7%

Location and Site Description

The subject property is located on the west side of Hessford Street. The neighbourhood is residential with a variety of ground-oriented dwelling types.

The subject property is presently occupied by a detached dwelling.

Circulation of Application

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

Planning Policy Context

Official Plan (Garden City Plan)

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

Zoning By-law (2013-283)

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

Planning Analysis

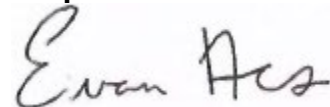
The applicant is requesting an increase to the permitted area for an interior accessory dwelling unit in a detached dwelling. The current zoning provisions permit an accessory dwelling unit to occupy no more than the lesser of 60 square metres or 40 percent of the floor area of the dwelling. Staff note that a potential increase in the current permitted size and/or percentage floor area of an accessory dwelling unit has been identified as an item for consideration under an upcoming housekeeping review of the Zoning By-law.

Effectively, this application is made to increase the size, adding a second bedroom, to support greater useability of an accessory unit currently under construction in the basement of the detached dwelling. The applicant is proposing an accessory dwelling unit with a floor area of 75.25 square metres, which will occupy 41.7 percent of the floor area of the dwelling. The principal dwelling unit will remain larger in size than the accessory dwelling unit, and staff are satisfied that the accessory unit is subordinate in size and function to that of the principal dwelling unit, and will not result in the dwelling becoming a duplex dwelling. All other requirements for an accessory dwelling unit on this property are being met. There are two parking spaces provided, as required, and maintenance for exterior amenity space for both units. Staff find that this application is minor in nature, is desirable for the appropriate use of the lands, and meets the general intent of the Official Plan and Zoning By-law.

Conclusion

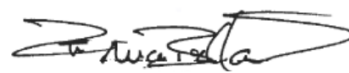
Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Application **A-35/21** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is desirable for the appropriate use of the lands. Staff recommend approval of the Application

Prepared and Submitted by:



Evan Acs
Planner I

Approved by:



Bruce Bellows
Senior Planner

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: RE: Committee of Adjustment Hearing NOHs, Applications & Sketches for May 26, 2021 Hearing
Date: Monday, May 10, 2021 2:22:48 PM

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



From: Doug Crown <doug.crown@cogeco.com>
Sent: Monday, May 10, 2021 12:58 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Committee of Adjustment Hearing NOHs, Applications & Sketches for May 26, 2021 Hearing

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

Hi Elaine
Sorry for the delay. Cogeco has no concerns with these applications.
Have a wonderful afternoon
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: Wilrik Banda
Planning and Building Services

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

Date: May 12, 2021

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – May 26, 2021 hearing

NO.	ADDRESS	COMMENTS
A-106/20	125A Russel Avenue	Be advised that a demolition permit is required to remove the existing building. Be advised that a building permit is required for the proposed 2 storey building.
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-34/21	12 Grammar Avenue	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-35/21	4 Hessford Street	Be advised that the current building permit is required to be completed for the proposed accessory dwelling unit.
A-36/21	684 Vine Street	Be advised that the current building permit is required to be completed for the proposed accessory dwelling unit.

NO.	ADDRESS	COMMENTS
A-37/21	9 Broadmore Avenue	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-38/21	17 Prestwick Road	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-39/21	13 McKenzie Street	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-40/21	100 Glenwood Avenue	Be advised that revised drawings are required to be submitted for review and acceptance for the current building permit 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-41/21	3 Marshall Lane	Be advised that a building permit is required for the proposed single detached dwelling.
A-42/21	5 Marshall Lane	Be advised that a building permit is required for the proposed single detached dwelling.
A-43/21	7 Marshall Lane	Be advised that a building permit is required for the proposed single detached dwelling.

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: May 7, 2021
Subject: Committee of Adjustment Hearing – May 26, 2021

CRCS has reviewed the Committee of Adjustment application for the hearing of May 26, 2021 and provides the following comments.

1. 125A Russell Avenue, A-106/20 – 60.81.5696
No objections to the requested variance. The applicant will be proving for the placement of boulevard trees through the site plan agreement to offset the reduction in landscaping.
2. 36 The Cedars, Minor Variance, A-03/21 – 20119062
No comment.
3. 498 Ontario Street, Consent, B-10/21SC – 21103302
No comment.
4. 12 Grammar Avenue, Minor Variance, A-34/21 – 21103328
No comment.
5. 4 Hessford Street, Minor Variance, A-35/21 – 21103260
No comment.
6. 684 Vine Street, Minor Variance, A-36/21 – 21103261
No comment.
7. 9 Broadmore Avenue, Minor Variance, A-37/21 – 21103265
No comment.
8. 17 Prestwick Road, Minor Variance, A-38/21 – 21103274
No comment.
9. 13 McKenzie Street, Minor Variance, A-39/21 – 21103278
No comment.

10. 10 Smythe Street, Consent, B-13/21SC – 21103308

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 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.

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.

11. 100 Glenwood Avenue, Minor Variance, A-40/21 – 21103367

No comment.

12. 41 Moffatt Street, Consent, B-16/21SC – 21103431

41 Moffatt Street, Consent, B-17/21SC – 21103432

3 Marshall Lane, Minor Variance, A-41/21 – 21103435

5 Marshall Lane, Minor Variance, A-42/21 – 21103436

7 Marshall Lane, Minor Variance, A-43/21 – 21103437

CRCS notes that boulevard trees for the subject lands were not included in the streetscape plan for the subdivision. Staff request that the applicant submit a payment for the placement of 3, 60mm boulevard tree, in accordance with the City's current Schedule of Rates and Fees.

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



Memorandum

To: Elaine Munro, ACST, Committee Secretary & Planning Technician
From: Jim Denham, P.Eng. Development Engineering Technologist
Date: May 07th, 2021
Hearing Date: May 26th, 2021
Subject: **Committee of Adjustment - Minor Variance Applications**

125A Russell Avenue, A-106/20
36 The Cedars, Minor Variance, A-03/21
12 Grammar Avenue, Minor Variance, A-34/21
4 Hessford Street, Minor Variance, A-35/21
684 Vine Street, Minor Variance, A-36/21
9 Broadmore Avenue, Minor Variance, A-37/21
17 Prestwick Road, Minor Variance, A-38/21
13 McKenzie Street, Minor Variance, A-39/21
100 Glenwood Avenue, Minor Variance, A-40/21
3 Marshall Lane, Minor Variance, A-41/21
5 Marshall Lane, Minor Variance, A-42/21
7 Marshall Lane, Minor Variance, A-43/21

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

- The applicant for the Minor Variance requested at 12 Grammar Avenue is to be advised that a Grading Plan will be required at the Building Permit stage.

Prepared by:

James R Denham, P.Eng.
Development Engineering Technologist

cc. (email only) Brad Johnston
Margaret Josipovic
Wilrik Banda



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: May 4, 2021

Subject: Committee of Adjustment
Public Hearings – May 26, 2021
File No. 305-17-01

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

Steve Bittner
Transportation Technologist

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

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

COMMENTS

A-36/21

684 Vine Street

DATE OF HEARING:
May 26, 2021



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: May 21, 2021

Date of Meeting: May 26, 2021

Report Number: A-36/21

File: 21103261

Subject: 684 Vine Street

Recommendation

That Application **A-36/21** by Fallon Patel and Jatinder Gill, as outlined in the Notice of Hearing, be approved, subject to the following condition:

1. That the driveway be widened to permit two 2.6 metre by 5.2 metre parking spaces side-by-side.

Report

The Proposal

The Applicant proposes to build an accessory dwelling unit in the basement of an existing detached dwelling. The proposed accessory dwelling unit is larger than permitted in the City's Zoning By-law. The variances outlined in the table below are required to facilitate the accessory dwelling unit.

Variance	Provision	Required	Proposed
1	Maximum floor area of an interior accessory dwelling unit	60m ²	71.16m ²
2	Maximum floor area of an interior accessory dwelling unit as a percentage of the floor area of the dwelling	40%	46.54%

Location and Site Description

The subject property is located on the east side of Vine Street, north of Cindy Drive. The neighbourhood is residential and is primarily comprised of detached dwellings.

The subject property is presently occupied by a detached dwelling.

Circulation of Application

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

Planning Policy Context

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential on Schedule E2. Detached dwellings with an accessory dwelling unit are permitted in this designation.

Zoning By-law (2013-283)

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

Planning Analysis

The applicant is requesting an increase to the permitted area for an interior accessory dwelling unit in a detached dwelling. The current zoning provisions permit an accessory dwelling unit to occupy no more than the lesser of 60 square metres or 40 percent of the floor area of the dwelling. Staff note that a potential increase in the current permitted size and/or percentage floor area of an accessory dwelling unit has been identified as an item for consideration under an upcoming housekeeping review of the Zoning By-law.

Effectively, this application is made to increase the size and functionality of the kitchen to support greater useability of an existing accessory unit in the basement of the detached dwelling. The applicant is proposing an accessory dwelling unit with a floor area of 71.16 square metres, which will occupy 46.54 percent of the floor area of the dwelling. The principal dwelling unit will remain larger in size than the accessory dwelling unit, and staff are satisfied that the accessory unit is subordinate in size and function to that of the principal dwelling unit, and will not result in the dwelling becoming a duplex dwelling.

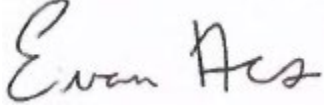
Staff note that there are not currently two parking spaces on the property that meet the parking space size requirements established in the Zoning By-law. The applicant has proposed adding 1.2 metres to the south side of the existing driveway. The widened driveway will comply with the Zoning By-law and provide for the required two parking spaces necessary to accommodate the detached dwelling and accessory dwelling unit. Staff recommend making this a condition of the variance. All other requirements for an accessory dwelling unit on this property are being met. There is maintenance for exterior amenity space for both units. Staff find that this application is minor in nature, is desirable for the appropriate use of the lands, and meets the general intent of the Official Plan and Zoning By-law.

Conclusion

Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Application **A-36/21** 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

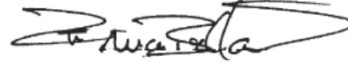
lands. Staff recommend approval of the Application subject to the condition outlined in the recommendation.

Prepared and Submitted by:

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

Evan Acs
Planner I

Approved by:

A handwritten signature in dark ink that reads "Bruce Bellows". The signature is more stylized and cursive than the one on the left, with a large, sweeping loop at the end of the last name.

Bruce Bellows
Senior Planner

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Comments Received RE: File No.21103261 Minor Variance
Date: Friday, May 21, 2021 1:19:48 PM

From: Lil Sawyer < >

Sent: Friday, May 21, 2021 1:15 PM

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

Subject: Re: Comments included in Package to Committee RE: File No.21103261 Minor Variance, A-36/21, 684 Vine 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.

Hi Elaine, thankyou for the update. Another concern was parking, since the driveway is small and can only fit 2 vehicles behind one another which means they will park on the roadside which is intended for guest parking and visitors. Thanks again for your help and have a great weekend as well!

Elaine Munro ACST

Committee Secretary and Planning Technician

Tel: 905.688.5601 x1715

Email: emunro@stcatharines.ca



From: Lil Sawyer < >

Sent: Wednesday, May 19, 2021 1:59 PM

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

Subject: File No.21103261 Minor Variance

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

Good Afternoon Elaine,

I am writing to you on behalf of myself as well as concerned neighbors who live around the 684 Vine St. property which is displaying a public hearing notice. The application A-36/21 regards the proposed increase of interior accessory dwelling unit size. This home has always been a single family dwelling and we as neighbours are concerned that the new owners of this property are trying to turn this single family home into a multi-family unit which no one in this neighborhood wishes to see happen.

If this is the case, what can we do to prevent this from happening? Thank you for your attention to this matter.

Best Regards,
Lil Sawyer,
688 Vine St.,St.Catharines

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

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: RE: Committee of Adjustment Hearing NOHs, Applications & Sketches for May 26, 2021 Hearing
Date: Monday, May 10, 2021 2:22:48 PM

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



From: Doug Crown <doug.crown@cogeco.com>
Sent: Monday, May 10, 2021 12:58 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Committee of Adjustment Hearing NOHs, Applications & Sketches for May 26, 2021 Hearing

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

Hi Elaine
Sorry for the delay. Cogeco has no concerns with these applications.
Have a wonderful afternoon
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: Wilrik Banda
Planning and Building Services

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

Date: May 12, 2021

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – May 26, 2021 hearing

NO.	ADDRESS	COMMENTS
A-106/20	125A Russel Avenue	Be advised that a demolition permit is required to remove the existing building. Be advised that a building permit is required for the proposed 2 storey building.
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-34/21	12 Grammar Avenue	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-35/21	4 Hessford Street	Be advised that the current building permit is required to be completed for the proposed accessory dwelling unit.
A-36/21	684 Vine Street	Be advised that the current building permit is required to be completed for the proposed accessory dwelling unit.

NO.	ADDRESS	COMMENTS
A-37/21	9 Broadmore Avenue	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-38/21	17 Prestwick Road	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-39/21	13 McKenzie Street	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-40/21	100 Glenwood Avenue	Be advised that revised drawings are required to be submitted for review and acceptance for the current building permit 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-41/21	3 Marshall Lane	Be advised that a building permit is required for the proposed single detached dwelling.
A-42/21	5 Marshall Lane	Be advised that a building permit is required for the proposed single detached dwelling.
A-43/21	7 Marshall Lane	Be advised that a building permit is required for the proposed single detached dwelling.

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: May 7, 2021
Subject: Committee of Adjustment Hearing – May 26, 2021

CRCS has reviewed the Committee of Adjustment application for the hearing of May 26, 2021 and provides the following comments.

1. 125A Russell Avenue, A-106/20 – 60.81.5696
No objections to the requested variance. The applicant will be proving for the placement of boulevard trees through the site plan agreement to offset the reduction in landscaping.
2. 36 The Cedars, Minor Variance, A-03/21 – 20119062
No comment.
3. 498 Ontario Street, Consent, B-10/21SC – 21103302
No comment.
4. 12 Grammar Avenue, Minor Variance, A-34/21 – 21103328
No comment.
5. 4 Hessford Street, Minor Variance, A-35/21 – 21103260
No comment.
6. 684 Vine Street, Minor Variance, A-36/21 – 21103261
No comment.
7. 9 Broadmore Avenue, Minor Variance, A-37/21 – 21103265
No comment.
8. 17 Prestwick Road, Minor Variance, A-38/21 – 21103274
No comment.
9. 13 McKenzie Street, Minor Variance, A-39/21 – 21103278
No comment.

10. 10 Smythe Street, Consent, B-13/21SC – 21103308

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 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.

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.

11. 100 Glenwood Avenue, Minor Variance, A-40/21 – 21103367

No comment.

12. 41 Moffatt Street, Consent, B-16/21SC – 21103431

41 Moffatt Street, Consent, B-17/21SC – 21103432

3 Marshall Lane, Minor Variance, A-41/21 – 21103435

5 Marshall Lane, Minor Variance, A-42/21 – 21103436

7 Marshall Lane, Minor Variance, A-43/21 – 21103437

CRCS notes that boulevard trees for the subject lands were not included in the streetscape plan for the subdivision. Staff request that the applicant submit a payment for the placement of 3, 60mm boulevard tree, in accordance with the City's current Schedule of Rates and Fees.

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



Memorandum

To: Elaine Munro, ACST, Committee Secretary & Planning Technician
From: Jim Denham, P.Eng. Development Engineering Technologist
Date: May 07th, 2021
Hearing Date: May 26th, 2021
Subject: **Committee of Adjustment - Minor Variance Applications**

125A Russell Avenue, A-106/20
36 The Cedars, Minor Variance, A-03/21
12 Grammar Avenue, Minor Variance, A-34/21
4 Hessford Street, Minor Variance, A-35/21
684 Vine Street, Minor Variance, A-36/21
9 Broadmore Avenue, Minor Variance, A-37/21
17 Prestwick Road, Minor Variance, A-38/21
13 McKenzie Street, Minor Variance, A-39/21
100 Glenwood Avenue, Minor Variance, A-40/21
3 Marshall Lane, Minor Variance, A-41/21
5 Marshall Lane, Minor Variance, A-42/21
7 Marshall Lane, Minor Variance, A-43/21

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

- The applicant for the Minor Variance requested at 12 Grammar Avenue is to be advised that a Grading Plan will be required at the Building Permit stage.

Prepared by:

James R Denham, P.Eng.
Development Engineering Technologist

cc. (email only) Brad Johnston
Margaret Josipovic
Wilrik Banda



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: May 4, 2021

Subject: Committee of Adjustment
Public Hearings – May 26, 2021
File No. 305-17-01

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

Steve Bittner
Transportation Technologist

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

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

COMMENTS

A-37/21

9 Broadmore Avenue

DATE OF HEARING:
May 26, 2021



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: May 21, 2021

Date of Meeting: May 26, 2021

Report Number: A-37/21

File: 21103265

Subject: 9 Broadmore Avenue

Recommendation

That Application **A-37/21** by Chirag Parikh and Vaishali Parikh, as outlined in the Notice of Hearing, be approved.

Report The Proposal

The Applicant proposes to build an accessory dwelling unit in the basement of an existing detached dwelling. The proposed accessory dwelling unit is larger than permitted in the City's zoning by-law. The variances outlined in the table below are required to facilitate the accessory dwelling unit.

Variance	Provision	Required	Proposed
1	Maximum floor area of an interior accessory dwelling unit	60m ²	69.06m ²
2	Maximum floor area of an interior accessory dwelling unit as a percentage of the floor area of the dwelling	40%	42.55%

Location and Site Description

The subject property is located on the north side of Broadmore Avenue. The neighbourhood is residential and is primarily comprised of detached dwellings.

The subject property is presently occupied by a detached dwelling.

Circulation of Application

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

Planning Policy Context

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential on Schedule E3. Detached dwellings with an accessory dwelling unit is permitted in this designation.

Zoning By-law (2013-283)

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

Planning Analysis

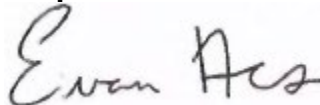
The applicant is requesting an increase to the permitted area for an interior accessory dwelling unit in a detached dwelling. The current zoning provisions permit an accessory dwelling unit to occupy no more than the lesser of 60 square metres or 40 percent of the floor area of the dwelling. Staff note that a potential increase in the current permitted size and/or percentage floor area of an accessory dwelling unit has been identified as an item for consideration under an upcoming housekeeping review of the Zoning By-law.

The applicant is proposing an accessory dwelling unit with a floor area of 69.06 square metres, which will occupy 42.55 percent of the floor area of the dwelling. The principal dwelling unit will remain larger in size than the accessory dwelling unit, and staff are satisfied that the accessory unit is subordinate in size and function to that of the principal dwelling unit, and will not result in the dwelling becoming a duplex dwelling. All other requirements for an accessory dwelling unit on this property are being met. There are two parking spaces provided, as required, and maintenance for exterior amenity space for both units. Staff find that this application is minor in nature, is desirable for the appropriate use of the lands, and meets the general intent of the Official Plan and Zoning By-law.

Conclusion

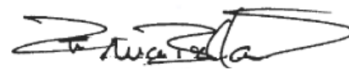
Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Application **A-27/21** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is desirable for the appropriate use of the lands. Staff recommend approval of the Application

Prepared and Submitted by:



Evan Acs
Planner I

Approved by:



Bruce Bellows
Senior Planner

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Receipt of Comments, RE: Submission No A-37/21, 9 Broadmore Avenue
Date: Wednesday, May 12, 2021 5:39:08 PM

Elaine Munro ACST

Committee Secretary and Planning Technician

Tel: 905.688.5601 x1715

Email: emunro@stcatharines.ca



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

From: info@esolutionsgroup.ca <info@esolutionsgroup.ca> On Behalf Of Tracey Turavani
Sent: Wednesday, May 12, 2021 5:20 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Submission No A-37/21

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 Elaine Munroe,

I am writing to express our concern for a variance request for 9 Broadmore Ave. This is not something that we will not support, as long standing residence of this community.

We have been living in our home for almost 19 years. Over the years, many seniors have left their homes and some newer younger families have come to occupy the homes in our neighborhood. When newer families come in, most look at improving the properties and homes – thus impacting the neighborhood positively.

It is our concern that should this variance be permitted – this will create a wave of additional homes being converted into 2 separate units (especially with the rise in outside buyers purchasing homes sight unseen – for investment purposes). Our concerns for having a home converting into 2 units would be:

- More renters vs home owners will occupy the neighborhood.
- An increase traffic and noise.
- Increased garbage from more people
- Potential increase in crime, due to increased persons in the neighborhood
- Renters may not maintain homes the way home owners do.

It is our feeling that an increase in investment homes for renters will only negatively impact our property values.

We strongly object to this home being converted into 2 legal units.

We would like to be informed of the final result of this hearing, kindly inform us through email at [REDACTED] or by mail to 18 Roseland Ave. St. Catharines, Ontario

L2M 5Z2

If you need anything else, from us to object this request, please let me know.

Best regards,

Tracey Turavani,

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: RE: Committee of Adjustment Hearing NOHs, Applications & Sketches for May 26, 2021 Hearing
Date: Monday, May 10, 2021 2:22:48 PM

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



From: Doug Crown <doug.crown@cogeco.com>
Sent: Monday, May 10, 2021 12:58 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Committee of Adjustment Hearing NOHs, Applications & Sketches for May 26, 2021 Hearing

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

Hi Elaine
Sorry for the delay. Cogeco has no concerns with these applications.
Have a wonderful afternoon
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: Wilrik Banda
Planning and Building Services

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

Date: May 12, 2021

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – May 26, 2021 hearing

NO.	ADDRESS	COMMENTS
A-106/20	125A Russel Avenue	Be advised that a demolition permit is required to remove the existing building. Be advised that a building permit is required for the proposed 2 storey building.
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-34/21	12 Grammar Avenue	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-35/21	4 Hessford Street	Be advised that the current building permit is required to be completed for the proposed accessory dwelling unit.
A-36/21	684 Vine Street	Be advised that the current building permit is required to be completed for the proposed accessory dwelling unit.

NO.	ADDRESS	COMMENTS
A-37/21	9 Broadmore Avenue	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-38/21	17 Prestwick Road	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-39/21	13 McKenzie Street	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-40/21	100 Glenwood Avenue	Be advised that revised drawings are required to be submitted for review and acceptance for the current building permit 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-41/21	3 Marshall Lane	Be advised that a building permit is required for the proposed single detached dwelling.
A-42/21	5 Marshall Lane	Be advised that a building permit is required for the proposed single detached dwelling.
A-43/21	7 Marshall Lane	Be advised that a building permit is required for the proposed single detached dwelling.

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



Memorandum

To: Elaine Munro, ACST, Committee Secretary & Planning Technician
From: Jim Denham, P.Eng. Development Engineering Technologist
Date: May 07th, 2021
Hearing Date: May 26th, 2021
Subject: **Committee of Adjustment - Minor Variance Applications**

125A Russell Avenue, A-106/20
36 The Cedars, Minor Variance, A-03/21
12 Grammar Avenue, Minor Variance, A-34/21
4 Hessford Street, Minor Variance, A-35/21
684 Vine Street, Minor Variance, A-36/21
9 Broadmore Avenue, Minor Variance, A-37/21
17 Prestwick Road, Minor Variance, A-38/21
13 McKenzie Street, Minor Variance, A-39/21
100 Glenwood Avenue, Minor Variance, A-40/21
3 Marshall Lane, Minor Variance, A-41/21
5 Marshall Lane, Minor Variance, A-42/21
7 Marshall Lane, Minor Variance, A-43/21

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

- The applicant for the Minor Variance requested at 12 Grammar Avenue is to be advised that a Grading Plan will be required at the Building Permit stage.

Prepared by:

James R Denham, P.Eng.
Development Engineering Technologist

cc. (email only) Brad Johnston
Margaret Josipovic
Wilrik Banda



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: May 4, 2021

Subject: Committee of Adjustment
Public Hearings – May 26, 2021
File No. 305-17-01

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

Steve Bittner
Transportation Technologist

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

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

COMMENTS

A-38/21

17 Prestwick Road

DATE OF HEARING:
May 26, 2021



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: May 21, 2021

Date of Meeting: May 26, 2021

Report Number: A-38/21

File No: 21103274

Subject: 17 Prestwick Avenue

Recommendation

That Variances 1 and 2 of Application A-38/21 by Edward Fajardo and Valerie Valencia-Fajardo, as outlined in the Notice of Hearing, be denied.

Report

The Proposal

Application A-38/21 seeks relief from the City of St. Catharines Zoning By-law 2013-283, as amended, for the following variances for the conversion of a detached dwelling to a duplex dwelling:

1. A reduction of the minimum lot area for a duplex dwelling from 560 m² to 439.41 m².
2. To permit required parking to be in tandem whereas tandem parking is not permitted for a duplex dwelling.

Location and Site Description

The subject property is located on the west side of Prestwick Avenue, north of Lincoln Avenue. The immediate neighbourhood is characterized by detached dwellings, and the property is surrounded by residential dwellings to the north, east and south and greenspace (Garden City Golf Course) to the west.

Circulation of Application

This Application was circulated to all appropriate departments and agencies: No objections were received from those circulated.

Planning Policy Context

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential on Schedule E9 thereof. The designation allows a variety of low-density residential uses including detached, semi-detached, duplex, triplex, quadruplex, fourplex and townhouse dwellings at a density of 20 to 32 units per hectare.

A duplex on the subject property would have a density of 46 units per hectare, which is not within the target density 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 detached, semi-detached, duplex, triplex, quadruplex, fourplex and townhouse dwellings subject to the provisions of the Zoning By-law. The Zoning By-law also permits an interior accessory dwelling unit within a detached, semi-detached or townhouse dwelling unit.

Planning Analysis

The Applicant has proposed to convert the existing detached dwelling into a duplex and accommodate the two required parking spaces in the driveway, in tandem.

Variance 1 – Lot Area

The By-law provisions for duplex dwellings in the R2 zone require a minimum lot area of 560 m². The Applicant is proposing a reduced lot area of 439.41 m², so 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 45.5 units per hectare, which is not in keeping with the intent of the Official Plan nor the Zoning By-law.

The proposed reduction in minimum lot area to facilitate the duplex dwelling is not considered minor in nature, as it is 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 reduction in lot area be denied.

Variance 2 – Tandem Parking

The By-law establishes a parking requirement of one space per unit, meaning a duplex dwelling is required to provide two parking spaces. The By-law does not permit parking in tandem for a duplex. The Applicant is proposing to accommodate the two required parking spaces in the existing driveway, in tandem. Tandem parking assists in consolidating the width of driveways and curb cuts and limiting surface parking between the face of the building and the public street, which is encouraged by the City's Official Plan. However, staff notes that tandem parking is suited to a shared parking situation, to accommodate shared parking that serves the same use/unit, or to serve an accessory use. A duplex is comprised of two independent units and having parking spaces in tandem is not in keeping with the intent of the Official Plan nor the Zoning By-law.

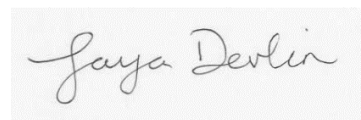
The proposed provision of parking in tandem is not considered minor in nature, as it is not in keeping with the intent of the Zoning By-law. The provision of parking in tandem presents a functional challenge for the occupants of the duplex and is not considered to be desirable for the appropriate use of the lands. Staff recommend that the request to permit parking in tandem for a duplex 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, and although an accessory dwelling unit at this location may be smaller in size than contemplated by the applicant, ADUs are not counted in the calculation of a site's density, and since an ADU is accessory to the principal dwelling unit, providing parking in tandem is appropriate and permitted under the Zoning By-law.

Conclusion

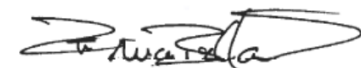
Having regard for the matters under Section 45(1) of the Planning Act, staff are of the opinion that Variances 1 and 2 of Application A-38/21 are not in keeping with the general intent of the Official Plan and Zoning By-law, are not minor in nature, nor are they desirable for the appropriate use of the lands. Staff recommend that Variances 1 and 2 of the Application be denied.

Prepared and Submitted by:



Taya Devlin
Planner I

Approved by:



Bruce Bellows
Senior Planner

Elaine Munro ACST
Committee Secretary and Planning Technician
Email: emunro@stcatharines.ca
Tel: 905.688.5601 x1715
TTY: 905.688.4TTY (4889)
Mail: PO Box 3012, 50 Church Street, St. Catharines, ON L2R 7C2

Good morning..

Could you please give a call or an email verifying the receipt of our comments for the hearing:

Wednesday May 26, 2021 at 5:00 p.m.
Amanda No 21103274
A38/21

17 Prestwick Avenue Part of Lots 12 and 13, Plan 120 Located on the west side of Prestwick Avenue, north of Lincoln Ave.

Thank you

Kevin. Bland
15 Prestwick ave

RPT	CCURS	INFO	P.D.S	REFERRER TO	UNIT.
DATE REC'D →			MAY 20 2021		SCAN <input type="checkbox"/>
FILE NO					

Below you will find our comments, and additional supporting documentation with regards to the proposed changes for 17 Prestwick Ave, part of lots 12 and 13, plan 120...from a single detached dwelling to a duplex. As well, I will try to explain why this should not be approved as per the provisions of the current bylaws with regards to the 4 tests for a minor variance.

We have four predominant concerns in the context of the Application for a Minor Variance with respect to the property at 17 Prestwick Avenue.

A reduction of the minimum lot area for a duplex dwelling from 560m² to 436.89m².

Revised to:

A reduction of the minimum lot area for a duplex dwelling from 560m² to 439.41m².

The diagram dimensions of the perceived property frontage boundary have not changed, as identified by both original and revised sketches, however, the May 11, 2021 revision has inexplicably increased the sum of the total frontage width. What is the rationale for the mathematical discrepancy in increasing this total amount?

The submitted sketch of the property outline is inadequate as support for the Minor Variance application for 17 Prestwick Avenue. The entire south side of the sketch shows an assumed property line and does show encroachment on the true property line of 15 Prestwick Ave, as supported by the submitted registered building location survey of 15 Prestwick Ave which has been filed with the City of St Catharines.

The original sketch of the 17 Prestwick Avenue property indicates the location of the south side property line based on its proximity to a shed. That shed is measured to be .640m from the "property line". Despite the May 11, 2021 revision sketch, the location of the same perceived property line was used. In actuality, the wooden fence belonging to 15 Prestwick Ave, which was used to obtain this measurement, sits about .91m inside the true property line of 15 Prestwick Ave. The official land survey, dated Jan 10, 1983 specifically identifies a three foot high chain link fence placed two feet within the property boundary. The wooden fence was erected a further foot into the property as a measure of protection from a previous neighbour's guard dog. Photographic evidence has also been submitted to support the location of the posts from this original chain link fence and the "dog house". We request that a more accurate and official survey with corrected lot dimensions be provided. The initial request for a lot area reduction was already a significant change. A further reduction based on a more accurate measurements makes the reduction request even more significant.

An additional document submitted for review is a legal agreement signed in January 1983 between the previous owners of 17 Prestwick Ave, the Sandonato family and ourselves, the residents of 15 Prestwick Ave. Section 3A states that the concrete driveway, concrete curb and metal shed are owned by the Sandonatos. Section 4A clearly states that these three aforementioned items do encroach on our property. The agreement, listed under 1B, also stipulates that regardless of the error in placing these items on property which they do not own, they do not make claim to any of the encroached upon land. The remainder of the agreement indicates that the title of the property remains in our name, and any removal of items will not be replaced without our consent, which we will not provide.

The final point pertains to the request for tandem parking, whereas tandem parking is not permitted. We have also submitted a photograph of an average early morning and how street parking impacts our small residential street. Only one side of the street has permitted parking. A duplex requires one parking space to be available for each unit; the request for tandem parking would breach the parking by law requirements. With the increased intensification and redevelopment of this property, it will result in more occupants, as well as persons visiting. This leads to more vehicles on site creating problems related to street and unlicensed front yard parking causing visual impacts on adjoining yards.

How can construction or renovations have even started without a public hearing with regards to the proposed changes. Demolition, electrical, plumbing, structural (large and long steel beam put in the house) and HVAC contractors have been on the premises since mid March.

As you all are aware of Sub-section 45(1) of the Planning Act (PA) sets out four statutory tests which must be considered by the tribunal and satisfied by the applicant, before an application for zoning variance can succeed.

If the application fails any one of the four tests, while passing the other three, then the application must fail. These tests, being created by statute, are mandatory and accordingly all must be met. However, notwithstanding that if a proponent may satisfy all Four Tests, the tribunal may in its discretion still refuse relief.

- 1) Why is the variance minor in nature?
- 2) Why are the variances desirable for the appropriate use of the land?
- 3) Does it meet the intent and purpose of the Official Plan?
- 4) Does it meet the intent and purpose of the Zoning By-law?

Parking
issues on
Prestwick Ave

PUBLIC
HEARING



No PARKING on one side of Street



#1 end of Street (towards dead end)

These all taken @ 7:30 Am Friday morning



2 front of 17 Prestwick Ave
same blue car (continued from page 1)



3

same red car (continued from page 2)
looking towards Lincoln Ave



4 looking towards end of Street at Lincoln Ave.

same dark blue vehicle (continued from page 3)





Shed
Encroachment

Shed
Encroachment







Property/
Boundary Line

Property
Boundary Line



Property
Boundary Line

Property
Boundary Line





RICHARD LAROCQUE LIMITED

Ontario Land Surveyors

P.O. BOX 174
12 LYMAN STREET
ST. CATHARINES, ONTARIO
L2R 6S4
688-1413

RICHARD LAROCQUE, O.L.S.

January 11, 1983

Lancaster, Mix, Welch,
Thorsteinson & Edwards
Barristers & Solicitors
P.O. Box 790
St. Catharines, Ontario
L2R 6Z1

Attention: Mr. John B. Hanna

Gentlemen:

Re: Harrison purchase from Kazragis
Lot 11 and Part of Lot 12
Registered Plan 120
Formerly in the Township of Grantham
In the County of Lincoln
Now in the City of St. Catharines
In the Regional Municipality of Niagara
Municipal No. 15 Prestwick Avenue

Pursuant to your letter dated December 22, 1982, we have provided certain surveying services as requested in connection with the parcel of land as described above.

The surveying services provided are as set out on our Invoice No. 12052, attached hereto for your consideration.

We confirm that copies of the plan as prepared in connection with the above noted survey were delivered to your office on January 10, 1983.

We confirm that Mr. Larocque has discussed with you the details on the plan concerning the relationship of the fences to the property limits, encroachments as shown on the plan, etcetera.

We trust the surveying services rendered have been satisfactory to both you and your client, and we look forward to the opportunity to provide you with additional surveying services at some time in the near future.

Yours very truly,

Richard Larocque Limited


(Mrs.) Joan Larocque
Secretary-Treasurer

JL:kn
File: 82-317

RICHARD LAROCQUE LIMITED

Ontario Land Surveyors

P.O. BOX 174

ST. CATHARINES, ONTARIO

L2R 6S4

INV. No 12052

TO Lancaster, Mix, Welch,
Thorsteinson & Edwards
Barristers & Solicitors
P.O. Box 790
St. Catharines, Ontario
L2R 6Z1

DATE Jan. 11, 1983

ATTENTION: Mr. John B. Hanna
 ACCOUNT DUE WHEN RENDERED

RE FILE # 82-317

TO PROFESSIONAL SERVICES RENDERED:

Registry Office searches as conducted at the Registry Office for the Registry Division of Niagara North, St. Catharines, Ontario, for purposes of obtaining necessary documentation; and

Survey of, calculations and monumentation of the South-East angle of the parcel of land as set out below, including the necessary investigations and analysis of survey records and found survey evidence, in accordance with Ontario Regulation 221/81, Section 7 of The Surveys Act; and

Survey to locate a building and other pertinent physical features on the said parcel of land; and

Calculations, including computer and technologist, to determine accurate setbacks to the said building from the limits of the parcel of land, and

Preparation of a plan to illustrate the survey; and

Supervision of all phases by an Ontario Land Surveyor, including receiving instructions and reporting on the said survey; and

Certain miscellaneous surveying services incidental thereto and disbursements as incurred, all in connection with:

Harrison purchase from Kazragis
 Lot 11 and Part of Lot 12
 Registered Plan 120
 Formerly in the Township of Grantham
 In the County of Lincoln
 Now in the City of St. Catharines
 In the Regional Municipality of Niagara
 Municipal No. 15 Prestwick Avenue

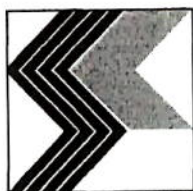
TO OUR FEE HEREIN: \$475.00

Disbursements: 14.25

TOTAL: \$489.25

Disbursements include Registry Office search, production, and copy fees; iron bar, mileage, and whiteprints.

INTEREST CHARGED ON OVERDUE ACCOUNTS AFTER 30 DAYS INTEREST RATE IS 2% PER MONTH ON THE UNPAID BALANCE



City of 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
Email: emunro@stcatharines.ca

Notice of Hearing

Amanda No. 21103274
Submission No. A-38/21

WHY ARE YOU RECEIVING THIS NOTICE?

You are receiving this notice because you own a property that is within 60 metres of a proposal to the Committee of Adjustment.

An application for **Minor Variance** has been received from **Edward Fajardo and Valerie Valencia-Fajardo** under the above noted file number and will be heard by the Committee of Adjustment for the City of St. Catharines on:

Wednesday May 26, 2021 at 5:00 p.m.

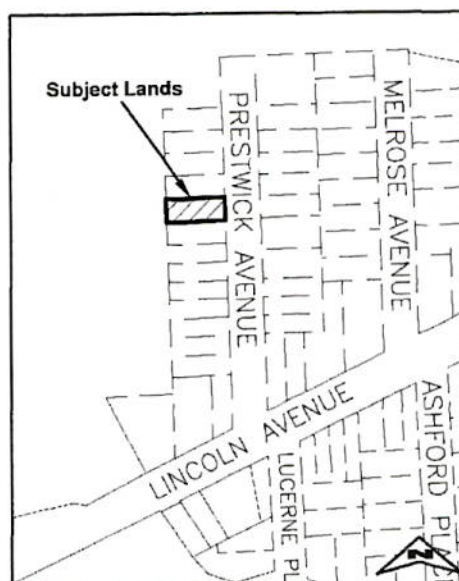
Under the authority of the *Municipal Act Emergency Management and Civil Protection Act* and the *Statutory Powers Procedure Act*, City Council approved Committee of Adjustment Hearings to be held electronically during an Emergency through By-law 2020-49.

Location of the Application:

17 Prestwick Avenue

Part of Lots 12 and 13, Plan 120

Located on the west side of Prestwick Avenue,
north of Lincoln Avenue.



Application A-38/21 seeks relief from the City of St. Catharines By-law 2013-283, as amended for the following variances for the proposed conversion of the existing detached dwelling to a duplex dwelling:

1. A reduction of the minimum lot area for a duplex dwelling from 560 m² to 436.89 m².
2. A reduction of the minimum side yard to the lot line for an accessory structure from 0.6 metres to 0.18 metres.
3. Request permission to allow required parking to be in tandem whereas tandem parking is not permitted.

Electronic Hearing Procedures

How to get involved in the Virtual Hearing

St. Catharines City Hall is temporarily closed to help stop the spread of COVID-19. In-person Committee of Adjustment Hearings have been cancelled. On April 22, 2020, City Council approved Committee of Adjustment Hearings to be held electronically during the Emergency.

How to Submit Comments:

- All written comments (by mail or email) must be received by the Secretary-Treasurer no later than by **Wednesday May 19, 2021**.
- Advance registration is required to participate in the electronic hearing by visiting the Committee of Adjustment webpage and completing the Committee of Adjustment Electronic Delegation Application Form by **Friday May 21, 2021**.
- Residents without access to a computer, smartphone or tablet can participate in a meeting via telephone. You can register by calling 905-688-5601 extension 1715 and leave a message with your name, phone number and the application you wish to speak to by **Friday, May 21, 2021**. The Secretary-Treasurer will contact you and provide you with further details.

- All Hearings will be live-streamed on the City of St. Catharines YouTube account.
- As per Section 6(5) of the Statutory Powers Procedure Act, you may seek to have the Committee hold an oral/in-person hearing to address the application if you are able to demonstrate that holding an electronic hearing will cause you significant prejudice. If you wish to seek an oral/in-person meeting, please notify the Secretary-Treasurer by no later than the 14th day prior to the scheduled hearing. This is a public hearing for the purpose of hearing evidence in favour or against the application.
- Forward this information to those who may have an interest in the application and may not have received a copy.
- If you are the owner of any land that contains seven or more residential units, please post a copy of this notice in a location that is visible to all of the residents.
- An appeal to the Local Planning Appeal Tribunal (LPAT) may be dismissed if no written, or verbal submission were made at time of the hearing, before the Committee gives or refuses to give approval to an application.

If you have questions, wish to submit comments or request a copy of the Notice of Decision, please contact:

Elaine Munro, Secretary-Treasurer
 Committee of Adjustment, City Hall
 P.O. Box 3012, 50 Church Street
 St. Catharines, ON L2R 7C2
 905-688-5601 x1715
emunro@stcatharines.ca

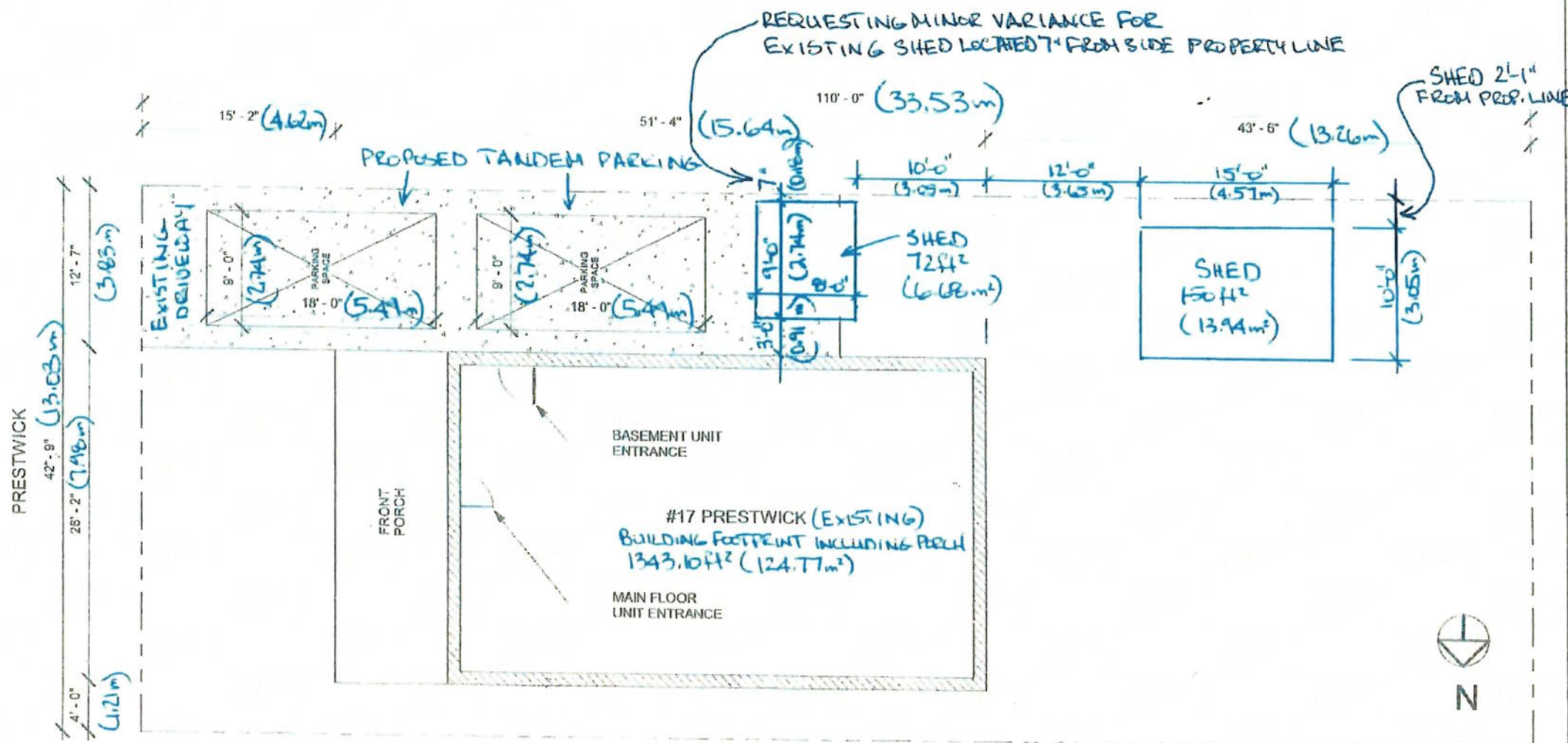
Other applications will be heard at this hearing. The agenda, planning report and all comments will be available by 4:30 p.m. the Friday prior to the hearing at www.stcatharines.ca/en/governin/committee-of-adjustment.asp or from the Planning and Building Services Department. For additional information, contact the undersigned during normal business hours; 8:30 am to 4:30 pm Monday to Friday.

NOTE

Personal information as defined in the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*, collected and recorded or submitted in writing or electronically as related to this planning application is collected under the authority of the *Planning Act*, and will be used by members of the Committee and City of St. Catharines staff in their review of this matter. Please be advised that your submissions will be part of the public record and will be made available to the public, including posting on the City's website, www.stcatharines.ca. By providing your information, you acknowledge that all personal information such as the telephone numbers, email addresses and signatures of individuals will be redacted by the Secretary-Treasurer on the on-line posting only. Questions regarding the collection, use and disclosure of personal information may be directed to the Corporate Records Coordinator at 905-688-5600, Ext. 1504.

Date of Mailing: Tuesday May 04, 2021

Elaine Munro, ACST, Secretary-Treasurer



(1) Plot Plan
1/8" = 1'-0"

- Lot Area - 4,702.5 ft² (436.89 m²)
- Lot Coverage - 1,565.1 ft² (145.40 m²) → 33.28%
(INCLUDING ACCESSORY BUILDINGS)



17 Prestwick Ave. St.
Catharines, ON
L2P 2E5

PROPOSED
BASEMENT
APARTMENT

Checked by J.K.
Drawn by D.C.
Date 28/02/21

Plot Plan

No. _____ Date _____

A-100

Scale
1/8" = 1'-0"



City of 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

Email: emunro@stcatharines.ca

***Revised Notice of Hearing**

Amanda No. 21103274
Submission No. A-38/21

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You are receiving this notice because you own a property that is within 60 metres of a proposal to the Committee of Adjustment.

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

Location of the Application:

17 Prestwick Avenue

Part of Lots 12 and 13, Plan 120

Located on the west side of Prestwick Avenue,
north of Lincoln Avenue.

*Sketch and variances have been revised.



Revised Application A-38/21 seeks relief from the City of St. Catharines By-law 2013-283, as amended for the following variances for the proposed conversion of the existing detached dwelling to a duplex dwelling:

- 1. A reduction of the minimum lot area for a duplex dwelling from 560 m² to 436.89 439.41 m².**
- 2. A reduction of the minimum side yard to the lot line for an accessory structure from 0.6 metres to 0.18 metres. Owner to remove shed.**
- 3. Request permission to allow required parking to be in tandem whereas tandem parking is not permitted.**

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Committee of Adjustment, City Hall
P.O. Box 3012, 50 Church Street
St. Catharines, ON L2R 7C2
905-688-5601 x1715
emunro@stcatharines.ca

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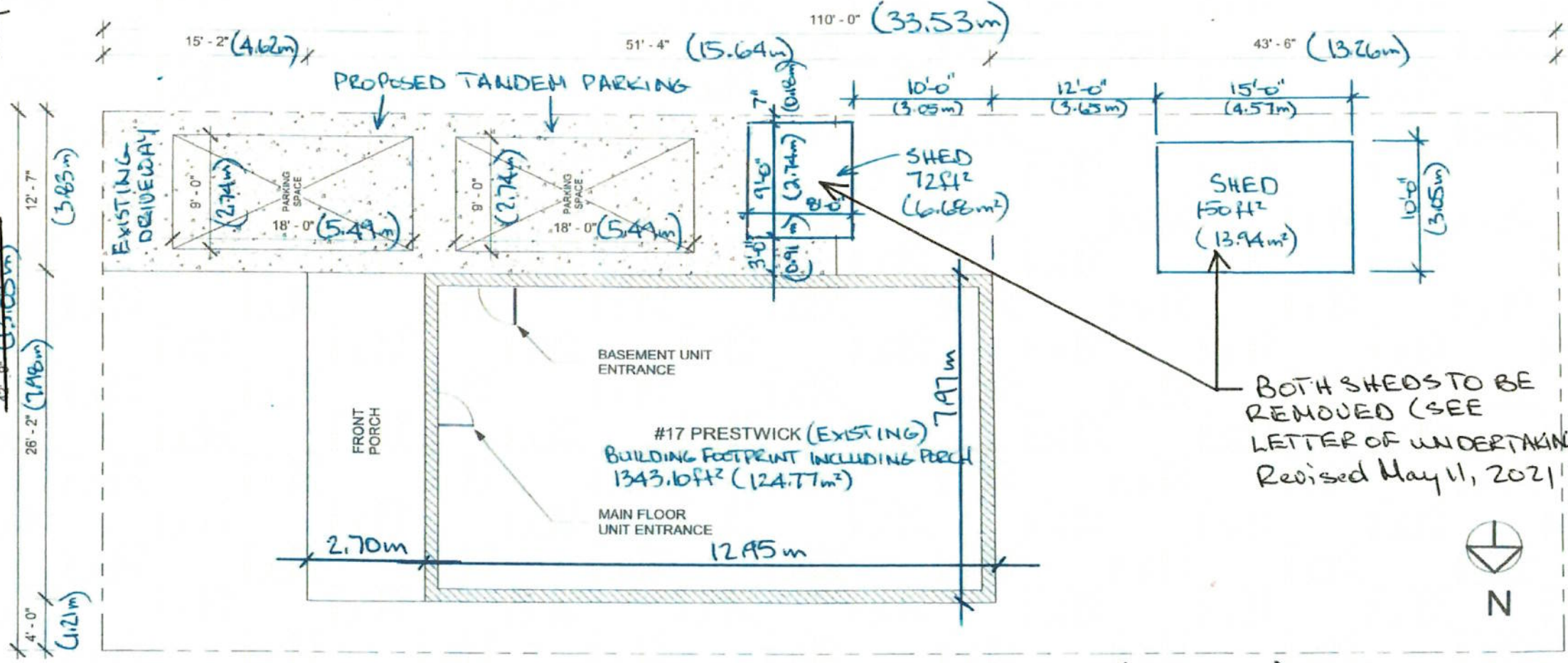
Date of Mailing: Tuesday May 04, 2021

Date of Mailing Revised Notice: Wednesday, May 12, 2021



Elaine Munro, ACST, Secretary-Treasurer

PRESTWICK 43'-0" (13.106m) Revised May 11, 2021



BOTH SHEDS TO BE REMOVED (SEE LETTER OF UNDERTAKING)
Revised May 11, 2021



1 Plot Plan
1/8" = 1'-0"

Revised May 11, 2021

- Lot Area - 4,730 ft² (439.41 m²)
- Lot Coverage - 1,343.10 ft² (124.77 m²) - 28.39%
- Lot Coverage - 1,565.11 ft² (145.40 m²) - 33.28% (INCLUDING ACCESSORY BUILDINGS)



17 Prestwick Ave. St. Catharines, ON L2P 2E5

PROPOSED BASEMENT APARTMENT

Checked by J.K.
Drawn by D.C.
Date 28/02/21

Plot Plan

No.	Date

A-100

Scale
1/8" = 1'-0"

THIS AGREEMENT made in duplicate this 12th day of January, 1983.

B E T W E E N:

JOHN SANDONATO, and MARIA SANDONATO,
both of the City of St. Catharines,
in the Regional Municipality of
Niagara

Hereinafter referred to as the "Sandonatos"

- and -

CLARENCE HARRISSON and FRANCINE
HARRISSON, both of the City of St.
Catharines, in the Regional Municipality
of Niagara

Hereinafter referred to as the "Harrissons"

WHEREAS:

1A The Harrissons are purchasers of lands,
hereinafter referred to as the "subject lands", known municipally
as 15 Prestwick Avenue, in the City of St. Catharines and more
particularly described in Schedule "A" attached to this
Agreement.

2A The Sandonatos are the owners of lands known
municipally as 17 Prestwick Avenue, lying to the North of,
and abutting, the subject lands.

3A There is situate at or near the boundary line
between the two said properties a concrete driveway, concrete
curb and metal shed used by the Sandonatos. There is also
a three-foot high chain link fence situate near the said
boundary line.

4A A survey dated the 10th day of January, 1983,
a copy of which is attached as Schedule "B", to this Agreement,
has shown that portions of the concrete driveway, concrete
curb, and metal shed, and all of the chain link fence encroach
upon the subject lands.

5A The parties to this Agreement desire to clarify
the matter of title to encroached-upon portions of the subject
lands.

NOW THIS AGREEMENT WITNESSETH that in consideration of mutual
covenants and agreements contained herein, the parties agree as
follows:

1B The Sandonatos acknowledge that any use, or
placement of the things or material, either fixed or movable,
referred to in paragraph 3A and 4A above was made/~~on done with the~~
and done in error

of the location of the property lines and not by reason of claiming any right, title or interest in the subject lands.

2B The Sandonatos state that they have no interest of any kind, save and except as hereinafter stated, in the subject lands, and in consideration of the forbearance granted in paragraph 3B.

3B The Harrissons will permit the said encroachment indefinitely provided the Sandonatos acknowledge that the title is in the names of the Harrissons or their successors in title.

4B It is understood and agreed that, notwithstanding the foregoing provisions of this Agreement, if any of the things, or materials, referred to in paragraphs 3A and 4A should at any time be removed or destroyed, the Sandonatos shall not repair or replace that which is removed or destroyed upon the subject lands except with the consent of the Harrissons or their successors in title.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals this day of January, 1983.

SIGNED, SEALED AND DELIVERED
in the presence of:

[Redacted Signature]

As to Signature of John
Sandonato & Maria Sandonato

[Redacted Signature]

As to Signature of Clarence
Harrisson & Francine
Harrisson

[Redacted Signature]

John Sandonato

[Redacted Signature]

Maria Sandonato

[Redacted Signature]

Clarence Harrisson

[Redacted Signature]

Francine Harrisson

AFFIDAVIT OF SUBSCRIBING WITNESS

I, Sally Horncastle
of the City of St. Catharines
in the Regional Municipality of Niagara

make oath and say:

*See footnote I am a subscribing witness to the attached instrument and I was present and saw it executed at St. Catharines, Ontario by JOHN SANDONATO and MARIA SANDONATO

*See footnote I verily believe that each person whose signature I witnessed is the party of the same name referred to in the instrument.

SWORN before me at the City of St.
Catharines, in the Regional
Municipality of Niagara
this 13th day of January 19 83.


A COMMISSIONER FOR TAKING AFFIDAVITS, ETC.

* Where a party is unable to read the instrument or where a party signs by making his mark or in foreign characters add "after instrument had been read to him and he appeared fully to understand it". Where executed under a power of attorney insert "(name of attorney) as attorney for (name of party)"; and for next clause substitute "I verily believe that the person whose signature I witnessed was authorized to execute the instrument as attorney for (name)".

AFFIDAVIT AS TO AGE AND SPOUSAL STATUS

I / WE

of the

in the

* If attorney, see footnote (severally) make oath and say: When I / WE executed the attached instrument,

I WAS / WE WERE EACH at least eighteen years old;

and within the meaning of section 1(f) of the Family Law Reform Act,

(a) I WAS / I WAS NOT a spouse.

Strike out inapplicable clauses. (b) was my spouse.

(c) We were spouses of one another.

** Not a matrimonial home, etc., see footnote.

Resident of Canada, etc.

(SEVERALLY) SWORN before me at the

this day of 19

A COMMISSIONER FOR TAKING AFFIDAVITS, ETC.

* Note: Where affidavit made by an attorney substitute: "When I executed the attached instrument as attorney for (name), he/she was (spousal status, and if applicable, name of other spouse) within the meaning of section 1(f) of the Family Law Reform Act and when he/she executed the power of attorney, he/she had attained the age of majority".

** Note: See Section 42(3) (b) (c) and (d) of the Family Law Reform Act. If spouse does not join in or consent, either insert explanation or complete a separate affidavit.

AFFIDAVIT OF SUBSCRIBING WITNESS

I, JOHN B. HANNA

of the City of St. Catharines

in the Regional Municipality of Niagara

make oath and say:

I am a subscribing witness to the attached instrument and I was present and saw it executed
at St. Catharines by Clarence Harrisson
and Francine Harrisson

*See footnote

*See footnote

I verily believe that each person whose signature I witnessed is the party of the same name referred
to in the instrument.

SWORN before me at the City of St.
Catharines, in the Regional
Municipality of Niagara

this 15th day of January 19 83

John B. Hanna

A COMMISSIONER FOR TAKING AFFIDAVITS, ETC.

* Where a party is unable to read the instrument or where a party signs by making his mark or in foreign characters add
"after the instrument had been read to him and he appeared fully to understand it". Where executed under a power of attorney
insert "(name of attorney) as attorney for (name of party)"; and for next clause substitute "I verily believe that the person whose
signature I witnessed was authorized to execute the instrument as attorney for (name)".

AFFIDAVIT AS TO AGE AND SPOUSAL STATUS

X/WE Clarence Harrisson and Francine Harrisson

of the City of St. Catharines

in the Regional Municipality of Niagara

* If attorney
see footnote

make oath and say: When we executed the attached instrument,

X/WE were at least eighteen years old.

Within the meaning of section 1(f) of The Family Law Reform Act, 1978:—

Strike out
inapplicable
clauses.

~~XXXXXXXXXXXXXXXXXXXX~~

b) We were spouses of one another.

~~XX~~

~~XXXXXXXXXXXX~~

**Not a
Matrimonial
Home, etc.
see footnote.

(SEVERALLY) SWORN before me at the City
of St. Catharines, in the
Regional Municipality of Niagara

this 15th day of January 19 83

CLARENCE HARRISSON

FRANCINE HARRISSON

A COMMISSIONER FOR TAKING AFFIDAVITS, ETC.

*Where affidavit made by attorney substitute: "When I executed the attached instrument as attorney for (name), he/she was (spousal
status and, if applicable, name of spouse) within the meaning of Section 1(f) of The Family Law Reform Act, 1978, and when he/she
executed the power of attorney, he/she had attained the age of majority".

**Where spouse does not join in or consent, see Section 42(3) of The Family Law Reform Act, 1978 (or complete separate affidavit).

I / WE

of the

in the

(severally) make oath and say:

When I / WE executed the attached instrument,

I WAS / WE WERE EACH at least eighteen years old;

and within the meaning of section 1(f) of The Family Law Reform Act, 1978,

(a) I WAS / I WAS NOT a spouse.

(b) was my spouse.

(c) We were spouses of one another.

(SEVERALLY) SWORN before me at the

this day of 19

A COMMISSIONER FOR TAKING AFFIDAVITS, ETC.

* Note: Where affidavit made by an attorney substitute: "When I executed the attached instrument as attorney for (name), he/she was (spousal status, and if applicable, name of other spouse) within the meaning of section 1(f) of The Family Law Reform Act, 1978 and when he/she executed the power of attorney, he/she had attained the age of majority".

** Note: See Section 42(3) of The Family Law Reform Act, 1978 where spouse does not join in or consent; or complete a separate affidavit.

AFFIDAVIT AS TO AGE AND SPOUSAL STATUS

I / WE JOHN SANDONATO AND MARIA SANDONATO

of the CITY OF ST. CATHARINES

in the REGIONAL MUNICIPALITY OF NIAGARA

(severally) make oath and say:

When I / WE executed the attached instrument,

I WAS / WE WERE EACH at least eighteen years old;

and within the meaning of section 1(f) of The Family Law Reform Act, 1978,

(a) I WAS / I WAS NOT a spouse.

(b) was my spouse.

(c) We were spouses of one another.

(SEVERALLY) SWORN before me at the City of
St Catharines, in the Regional
Municipality of Niagara
this 12th day of January 19 83

A COMMISSIONER FOR TAKING AFFIDAVITS, ETC.

* Note: Where affidavit made by an attorney substitute: "When I executed the attached instrument as attorney for (name), he/she was (spousal status, and if applicable, name of other spouse) within the meaning of section 1(f) of The Family Law Reform Act, 1978 and when he/she executed the power of attorney, he/she had attained the age of majority".

** Note: See Section 42(3) of The Family Law Reform Act, 1978 where spouse does not join in or consent; or complete a separate affidavit.

of the
ADJUTANT
SET ON VERIF

DATED: January 12th, 1983

B E T W E E N:

JOHN SANDONATO AND MARIA
SANDONATO

- and -

CLARENCE HARRISSON AND
FRANCINE HARRISSON

A G R E E M E N T

LANCASTER MIX WELCH
THORSTEINSON & EDWARDS
Barristers and Solicitors
154 James Street
St. Catharines, Ontario
L2R 6Z1

JBH:kb

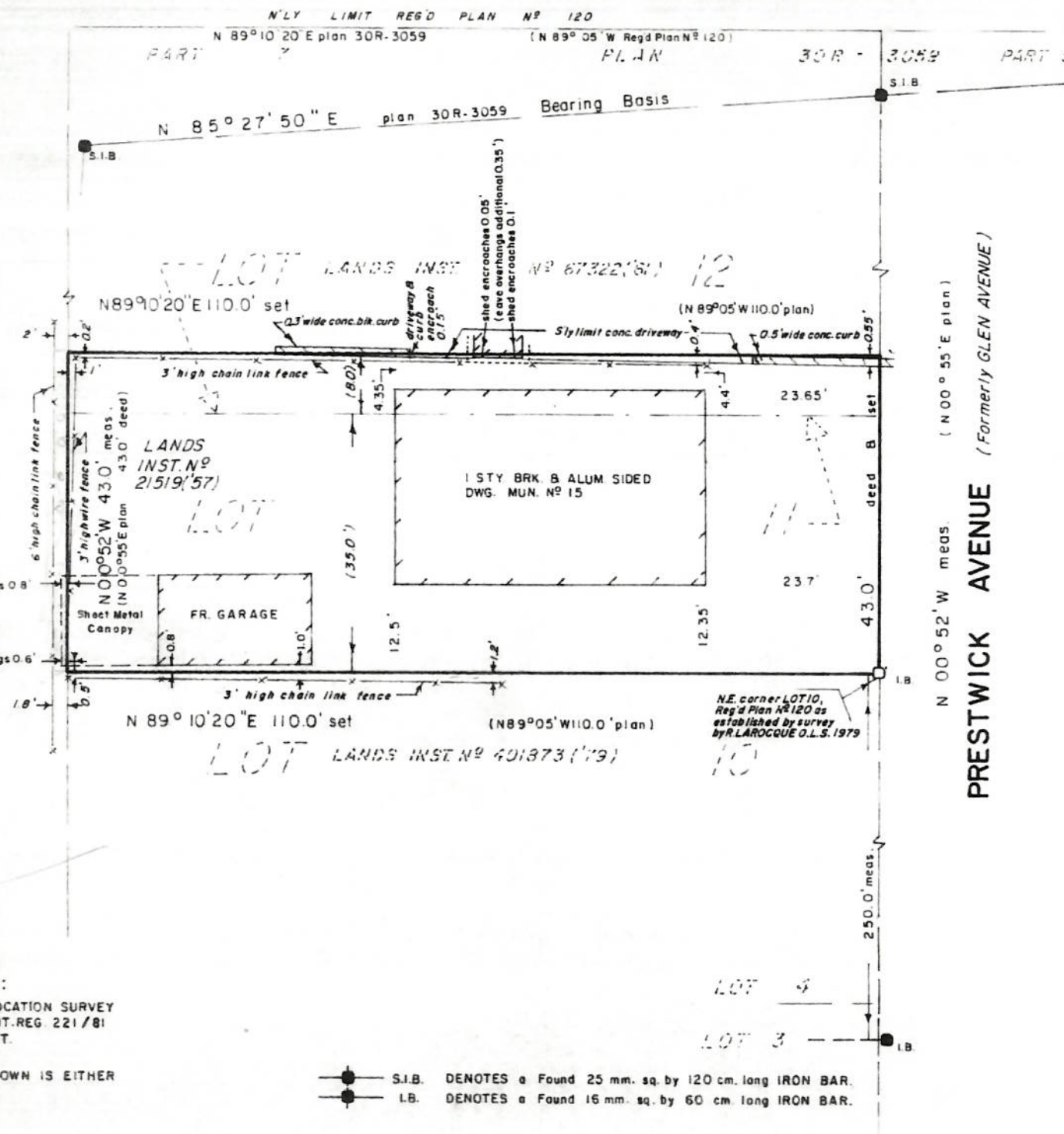
BUILDING LOCATION SURVEY OF
LOT 11 AND PART OF LOT 12,
REGISTERED PLAN N^o 120
 FORMERLY TOWNSHIP OF GRANTHAM, COUNTY OF LINCOLN
NOW CITY OF ST. CATHARINES
REGIONAL MUNICIPALITY OF NIAGARA
 SCALE 1 IN. = 20 FT.
 1983



NOTE: THIS PLAN IS NOT VALID
 WITHOUT THE SURVEYOR'S SEAL.

Richard Larocque O.L.S.
RICHARD LAROCQUE LTD.
 ONTARIO LAND SURVEYORS
 ST. CATHARINES ONTARIO
 DATE: JAN. 10, 1983 FILE: 82-317

PRESTWICK AVENUE
 (Formerly GLEN AVENUE)



I CERTIFY THAT:
 This is a BUILDING LOCATION SURVEY
 in accordance with ONT. REG. 221/81
 of THE SURVEYS ACT.

MONUMENTATION SHOWN IS EITHER
 SET OR VERIFIED.

● S.I.B. DENOTES a Found 25 mm. sq. by 120 cm. long IRON BAR.
 ● L.B. DENOTES a Found 16 mm. sq. by 60 cm. long IRON BAR.

I have at least one
signature from every
household (except one)
on this street. We don't
want to see houses being
converted to duplexes.

Glenn Williams

[REDACTED]
22 Prastwick Ave.

[REDACTED]
Please email me
verification upon receiving
this petition T.Y.

Petition to DENY MINOR VARIANCE

Petition summary and background	Converting 17 PRESTWICK AVE. from a single family dwelling to a duplex. An application has been forwarded by the new owners to seek relief from the current by-law (2013-283) regarding lot size and parking issues.
Action petitioned for	We, the undersigned, are concerned citizens who want to dismiss this application and stop any duplex conversions in the future.

Printed Name	Signature	Address	Comment	Date
Loney Williams-Obee		20 Prestwick Ave	zoom our concerns	May 15/21
KEVIN BLAND		15 Prestwick	zoom our concerns	May 15/21
Francine Harrison		15 Prestwick Ave	zoom our concerns	May 15/21
MARY YATES		12 Prestwick	"	May 15/21
W. RAYWARD		12 Prestwick Ave	"	May 15/21
Tyler Wills		9 Prestwick Ave	"	May 15/21
Ashton Wills		9 Prestwick Ave	"	May 15/21
Lo BROWN		4 Prestwick Ave	"	May 15/21
JAN LEET		2 Prestwick.	" "	05/15/21
Ashley Flynn		13 Prestwick		05/15/21
Oksana Lacroix		19 Prestwick		05/15/21
Janet Collins		23 Prestwick	"	5/15/21

Printed Name	Signature	Address	Comment	Date
Emily MURRAY		25 Prestwick Ave,	Don't like the idea	May 15
KETH SWIDERSKI		28 PRESTWICK AVE.		May 15
TIANNA DESROCHES		28 Prestwick Ave		May 15
Alexandra FORD		30 prestwick Ave		May 15
Nessa Ross		7 Prestwick Ave		May 15
Jim Elaszchak		3 Prestwick ave -	NO Room -	May 16
NELLY GROOT V		5 Prestwick		May 15
Jamie Urias		26 Prestwick Ave	not enough parking as it is	May 15
Steve Jenckes		24 Prestwick Ave		May 15
Jon BAUNTON		18 PRESTWICK AVE	- NO ROOM / NO PARKING -	May 15
Ken BAUNTON		18 prestwick Ave	- ALL SINGLE Family homes.	May 15
BILL ORBEE.		20 Prestwick	Absent Landlord no tandem parking	May 15
Caroline Donaghue		26 Prestwick Ave	- no parking	May 15
Paul-John		21 Prestwick Ave	- no parking	May 15
Dustin Jenckes		26 Prestwick Ave	* zero parking no room, winter plowing issues	May 16
GLENN WILLIAMS		27 Prestwick Ave -		May 15

Petition summary and background	[Enter the background of and reasons for this petition]
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to [Enter action item(s) for which you are petitioning]

[illegible]

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Comments Received RE: Notice of Hearing re 17 Prestwick Ave.
Date: Wednesday, May 19, 2021 8:08:07 AM

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



From: Jeanette Frazer <>
Sent: Wednesday, May 19, 2021 7:30 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Notice of Hearing re 17 Prestwick Ave.

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

I am writing this letter to you in response to a letter I received regarding an application for a Minor Variance at 17 Prestwick Ave , (Application A-38/21). I have lived on this street for almost 65 years and it has always been a nice quiet street to live on . It is an older neighbourhood and as such the street is not very wide. Several homes have been turned into rental properties over the years and at times there are many cars parked on the street because of this. There are again now a few families with young children living in this neighbourhood. At times it can be busy on this street. Adding these 2 tandem parking spots would increase the busyness and could become a safety issue for the neighbours. People take care of their yards and this tandem parking would also take away from the appearance of the neighbourhood. I am against this tandem parking in our residential street. Is this applicant planning to run a business out of the home? This is a residential neighbourhood and should be left as such. Thank you.

Nelly Grootveld
5 Prestwick Ave.

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

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: RE: Committee of Adjustment Hearing NOHs, Applications & Sketches for May 26, 2021 Hearing
Date: Monday, May 10, 2021 2:22:48 PM

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



From: Doug Crown <doug.crown@cogeco.com>
Sent: Monday, May 10, 2021 12:58 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Committee of Adjustment Hearing NOHs, Applications & Sketches for May 26, 2021 Hearing

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

Hi Elaine
Sorry for the delay. Cogeco has no concerns with these applications.
Have a wonderful afternoon
Thanks

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

7170 Mcleod Rd
Niagara Falls Ont Canada

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

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Former Landfill - No concerns - 17 Prestwick, 10 Smythe & 41 Moffatt
Date: Thursday, May 6, 2021 11:14:01 AM

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



From: Vasko, Dennis <dvasko@stcatharines.ca>
Sent: Wednesday, May 5, 2021 12:51 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Green, Mark <mgreen@stcatharines.ca>
Subject: RE: Committee of Adjustment Hearing NOHs, Applications & Sketches for May 26, 2021 Hearing

Hi Elaine,

There are no concerns on our end for the properties discussed in your email.

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: Wilrik Banda
Planning and Building Services

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

Date: May 12, 2021

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – May 26, 2021 hearing

NO.	ADDRESS	COMMENTS
A-106/20	125A Russel Avenue	Be advised that a demolition permit is required to remove the existing building. Be advised that a building permit is required for the proposed 2 storey building.
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-34/21	12 Grammar Avenue	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-35/21	4 Hessford Street	Be advised that the current building permit is required to be completed for the proposed accessory dwelling unit.
A-36/21	684 Vine Street	Be advised that the current building permit is required to be completed for the proposed accessory dwelling unit.

NO.	ADDRESS	COMMENTS
A-37/21	9 Broadmore Avenue	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-38/21	17 Prestwick Road	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-39/21	13 McKenzie Street	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-40/21	100 Glenwood Avenue	Be advised that revised drawings are required to be submitted for review and acceptance for the current building permit 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-41/21	3 Marshall Lane	Be advised that a building permit is required for the proposed single detached dwelling.
A-42/21	5 Marshall Lane	Be advised that a building permit is required for the proposed single detached dwelling.
A-43/21	7 Marshall Lane	Be advised that a building permit is required for the proposed single detached dwelling.

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: May 7, 2021
Subject: Committee of Adjustment Hearing – May 26, 2021

CRCS has reviewed the Committee of Adjustment application for the hearing of May 26, 2021 and provides the following comments.

1. 125A Russell Avenue, A-106/20 – 60.81.5696
No objections to the requested variance. The applicant will be proving for the placement of boulevard trees through the site plan agreement to offset the reduction in landscaping.
2. 36 The Cedars, Minor Variance, A-03/21 – 20119062
No comment.
3. 498 Ontario Street, Consent, B-10/21SC – 21103302
No comment.
4. 12 Grammar Avenue, Minor Variance, A-34/21 – 21103328
No comment.
5. 4 Hessford Street, Minor Variance, A-35/21 – 21103260
No comment.
6. 684 Vine Street, Minor Variance, A-36/21 – 21103261
No comment.
7. 9 Broadmore Avenue, Minor Variance, A-37/21 – 21103265
No comment.
8. 17 Prestwick Road, Minor Variance, A-38/21 – 21103274
No comment.
9. 13 McKenzie Street, Minor Variance, A-39/21 – 21103278
No comment.

10. 10 Smythe Street, Consent, B-13/21SC – 21103308

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 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.

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.

11. 100 Glenwood Avenue, Minor Variance, A-40/21 – 21103367

No comment.

12. 41 Moffatt Street, Consent, B-16/21SC – 21103431

41 Moffatt Street, Consent, B-17/21SC – 21103432

3 Marshall Lane, Minor Variance, A-41/21 – 21103435

5 Marshall Lane, Minor Variance, A-42/21 – 21103436

7 Marshall Lane, Minor Variance, A-43/21 – 21103437

CRCS notes that boulevard trees for the subject lands were not included in the streetscape plan for the subdivision. Staff request that the applicant submit a payment for the placement of 3, 60mm boulevard tree, in accordance with the City's current Schedule of Rates and Fees.

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



Memorandum

To: Elaine Munro, ACST, Committee Secretary & Planning Technician
From: Jim Denham, P.Eng. Development Engineering Technologist
Date: May 07th, 2021
Hearing Date: May 26th, 2021
Subject: **Committee of Adjustment - Minor Variance Applications**

125A Russell Avenue, A-106/20
36 The Cedars, Minor Variance, A-03/21
12 Grammar Avenue, Minor Variance, A-34/21
4 Hessford Street, Minor Variance, A-35/21
684 Vine Street, Minor Variance, A-36/21
9 Broadmore Avenue, Minor Variance, A-37/21
17 Prestwick Road, Minor Variance, A-38/21
13 McKenzie Street, Minor Variance, A-39/21
100 Glenwood Avenue, Minor Variance, A-40/21
3 Marshall Lane, Minor Variance, A-41/21
5 Marshall Lane, Minor Variance, A-42/21
7 Marshall Lane, Minor Variance, A-43/21

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

- The applicant for the Minor Variance requested at 12 Grammar Avenue is to be advised that a Grading Plan will be required at the Building Permit stage.

Prepared by:

James R Denham, P.Eng.
Development Engineering Technologist

cc. (email only) Brad Johnston
Margaret Josipovic
Wilrik Banda



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: May 4, 2021

Subject: Committee of Adjustment
Public Hearings – May 26, 2021
File No. 305-17-01

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

Steve Bittner
Transportation Technologist

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

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

COMMENTS

A-39/21

13 McKenzie Street

DATE OF HEARING:
May 26, 2021



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: May 21, 2021

Date of Meeting: May 26, 2021

Report Number: A-39/21

File: 21103278

Subject: 13 McKenzie Street

Recommendation

That Application **A-39/21** by Karming Charrey and Tamia Charrey, as outlined in the Notice of Hearing, be approved.

Report The Proposal

The Applicant proposes to build an accessory dwelling unit in the basement of an existing detached dwelling. The proposed accessory dwelling unit is larger than permitted in the City's zoning by-law. The variances outlined in the table below are required to facilitate the accessory dwelling unit.

Variance	Provision	Required	Proposed
1	Maximum floor area of an interior accessory dwelling unit	60m ²	70.93m ²
2	Maximum floor area of an interior accessory dwelling unit as a percentage of the floor area of the dwelling	40%	42.4%

Location and Site Description

The subject property is located on the north side of McKenzie Street. The neighbourhood is low density residential characterized by detached dwellings. The subject property is occupied by a detached dwelling.

Circulation of Application

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

Planning Policy Context

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential on Schedule E2. Detached dwellings with an accessory dwelling unit is permitted in this designation.

Zoning By-law (2013-283)

The subject property is zoned Low Density Residential – Suburban Neighbourhood (R1). Detached dwellings with an interior accessory dwelling unit is permitted in this zone.

Planning Analysis

The applicant is requesting an increase to the permitted area for an interior accessory dwelling unit in a detached dwelling. The current zoning provisions permit an accessory dwelling unit to occupy no more than 60 square metres or 40 percent of the floor area of the dwelling. Staff note that a potential increase in the current permitted size and/or percentage floor area of an accessory dwelling unit has been identified as an item for consideration under an upcoming housekeeping review of the Zoning By-law.

This application is made to convert the existing basement space into an accessory dwelling unit to support greater useability of an existing detached dwelling. The applicant is proposing an accessory dwelling unit with a floor area of 70.93 square metres, which will occupy 42.4 percent of the floor area of the dwelling. The principal dwelling unit will remain larger in size than the accessory dwelling unit, and staff are satisfied that the accessory unit is subordinate in size and function to that of the principal dwelling unit, and will not result in the dwelling becoming a duplex dwelling. All other zoning requirements for an accessory dwelling unit on this property are being met. There are two parking spaces provided, as required, and maintenance for exterior amenity space for both units. Staff find that this application is minor in nature, is desirable for the appropriate use of the lands, and meets the general intent of the Official Plan and Zoning By-law.

Conclusion

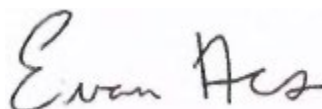
Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Application **A-39/21** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is desirable for the appropriate use of the lands. Staff recommend approval of the Application.

Prepared by:



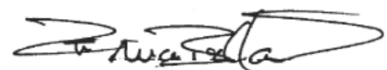
Cameron Rose
Student Planner

Submitted by:



Evan Acs
Planner I

Approved by:



Bruce Bellows
Planner II

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: RE: Committee of Adjustment Hearing NOHs, Applications & Sketches for May 26, 2021 Hearing
Date: Monday, May 10, 2021 2:22:48 PM

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



From: Doug Crown <doug.crown@cogeco.com>
Sent: Monday, May 10, 2021 12:58 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Committee of Adjustment Hearing NOHs, Applications & Sketches for May 26, 2021 Hearing

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Hi Elaine
Sorry for the delay. Cogeco has no concerns with these applications.
Have a wonderful afternoon
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: Wilrik Banda
Planning and Building Services

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

Date: May 12, 2021

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – May 26, 2021 hearing

NO.	ADDRESS	COMMENTS
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A-43/21	7 Marshall Lane	Be advised that a building permit is required for the proposed single detached dwelling.

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: May 7, 2021
Subject: Committee of Adjustment Hearing – May 26, 2021

CRCS has reviewed the Committee of Adjustment application for the hearing of May 26, 2021 and provides the following comments.

1. 125A Russell Avenue, A-106/20 – 60.81.5696
No objections to the requested variance. The applicant will be proving for the placement of boulevard trees through the site plan agreement to offset the reduction in landscaping.
2. 36 The Cedars, Minor Variance, A-03/21 – 20119062
No comment.
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No comment.
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8. 17 Prestwick Road, Minor Variance, A-38/21 – 21103274
No comment.
9. 13 McKenzie Street, Minor Variance, A-39/21 – 21103278
No comment.

10.10 Smythe Street, Consent, B-13/21SC – 21103308

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 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.

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.

11.100 Glenwood Avenue, Minor Variance, A-40/21 – 21103367

No comment.

12.41 Moffatt Street, Consent, B-16/21SC – 21103431

41 Moffatt Street, Consent, B-17/21SC – 21103432

3 Marshall Lane, Minor Variance, A-41/21 – 21103435

5 Marshall Lane, Minor Variance, A-42/21 – 21103436

7 Marshall Lane, Minor Variance, A-43/21 – 21103437

CRCS notes that boulevard trees for the subject lands were not included in the streetscape plan for the subdivision. Staff request that the applicant submit a payment for the placement of 3, 60mm boulevard tree, in accordance with the City's current Schedule of Rates and Fees.

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



Memorandum

To: Elaine Munro, ACST, Committee Secretary & Planning Technician
From: Jim Denham, P.Eng. Development Engineering Technologist
Date: May 07th, 2021
Hearing Date: May 26th, 2021
Subject: **Committee of Adjustment - Minor Variance Applications**

125A Russell Avenue, A-106/20
36 The Cedars, Minor Variance, A-03/21
12 Grammar Avenue, Minor Variance, A-34/21
4 Hessford Street, Minor Variance, A-35/21
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9 Broadmore Avenue, Minor Variance, A-37/21
17 Prestwick Road, Minor Variance, A-38/21
13 McKenzie Street, Minor Variance, A-39/21
100 Glenwood Avenue, Minor Variance, A-40/21
3 Marshall Lane, Minor Variance, A-41/21
5 Marshall Lane, Minor Variance, A-42/21
7 Marshall Lane, Minor Variance, A-43/21

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

- The applicant for the Minor Variance requested at 12 Grammar Avenue is to be advised that a Grading Plan will be required at the Building Permit stage.

Prepared by:

James R Denham, P.Eng.
Development Engineering Technologist

cc. (email only) Brad Johnston
Margaret Josipovic
Wilrik Banda



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: May 4, 2021

Subject: Committee of Adjustment
Public Hearings – May 26, 2021
File No. 305-17-01

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

Steve Bittner
Transportation Technologist

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

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

COMMENTS

B-13/21SC

10 Smythe Street

DATE OF HEARING:
May 26, 2021



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: May 21, 2021

Date of Meeting: May 26, 2021

Report Number: B-13/21SC

File:21103308

Subject: 10 Smythe Street (to become 10A and 10B Smythe Street)

Recommendation

That application **B-13/21SC** by John Rosa and Jonathan Nauta, 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 10 Smythe Street addressing the following conditions:
 - a. That building permit plans for Parts 1 & 2, once submitted, be reviewed and confirmed to be generally in accordance with the site plan and elevation plans submitted with this application;
 - b. The Lot Grading and Drainage Plan, required as a condition of consent 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 prepare a Reference Plan for review and approval by the City identifying the Part(s) along Smythe Street to be dedicated to the City as Public Highway.
3. That the Owner submit and registered the reference plan to dedicate the Part(s) to the City of St. Catharines as Public Highway Smythe Street.
4. 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. (why is this condition necessary if it's to be included in Development Agreement). If not necessary, add to Condition 1 b that Lot Grading and Drainage Plan is to be prepared by Ontario Land Surveyor or Professional Engineer
5. That the Owner pay the fee for City crews to locate, trace, inspect and document the location of the sewer and water laterals for the existing building.
6. That the Owner pay the City to complete, on public property, the relocation of any portion of a sanitary lateral and/or water service that might be necessary to ensure no service crosses an existing or future lot line, as identified through the above-noted inspection.
7. That the Owner complete, on private property, the relocation of any portion of a sanitary lateral and/or water service that might be necessary to ensure no service crosses an existing or future lot line, as identified through the above-noted inspection.
8. That the Owner submit a payment for the placement of a 60mm boulevard tree in front of Part 2, in accordance with the City's current Schedule of Rates and Fees.

9. That the Owner submit payment of 5% of the appraised value of Part 2, as determined by a qualified appraiser, to the City in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of payment, the value of the land shall be determined as of the day before the day the provisional consent was given'.
10. That the Owner provide the Secretary-Treasurer with the Acknowledgement and Direction for conveyance of the subject parcel, together with a copy of the deposited reference plan, for use in the issuance of the Certificate of Consent.
11. That the Owner submit to the Secretary-Treasurer of the Committee of Adjustment a final certification fee of \$218.90 (2021 rate) payable to the Treasurer, City of St. Catharines.
12. That all conditions of consent be fulfilled by May 26, 2022.

Report

The Proposal

The Applicant proposes to sever an existing parcel of land for the purpose of constructing a new semi-detached dwelling. An existing detached dwelling will be demolished, and two new semi-detached dwelling units will be constructed. Both the proposed severed and retained lots meet the lot area requirements of the Zoning By-law for semi-detached dwellings. A consent is required to sever the land into two parcels to accommodate the proposal. The requested severance is described in the table below.

Application	Severed Parcel	Severed Area	Retained Parcel	Retained Area
B-13/21SC	10B Smythe Street (Part 2)	413.52 m ²	10A Smythe Street (Part 1)	444.5 m ²

Location and Site Description

The subject property is located on the south side of Smythe Street. The neighbourhood is primarily residential with a mix of detached dwellings and multi-unit buildings. There is an existing detached dwelling on the property. The building is proposed to be removed and replaced with two semi-detached dwellings.

Circulation of Application

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

Planning Policy Context

Official Plan (Garden City Plan)

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

units per hectare. The density of the proposed semi-detached dwelling is approximately 23 units per hectare.

Zoning By-law (2013-283)

The subject property is zoned Low Density Residential – Traditional Neighbourhood (R2). Semi-detached dwellings are permitted in this zone. The proposed lot sizes and configuration, and location of the semi-detached dwellings as per the site plan submitted with the application, comply with the lot and yard provisions of the R2 zone.

Planning Analysis

Consent

Consent Application **B-13/21SC** requests to sever an existing 858 square metre lot into two lots. The new lot will be 413.52 square metres, the retained lot will be 444.5 square metres. Each new lot will contain a semi-detached dwelling unit. The R2 Zone establishes a range of between a minimum (280 m²) and maximum (465 m²) lot area for a semi-detached unit.

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 proposed lots and proposed semi-detached development are of sufficient size and shape to accommodate adequate setbacks, parking, amenity space and building area for each of the proposed developments.

The requested consent supports increased intensification within an existing urban space, optimizes the efficient use of services and land, and is consistent with the urban fabric of the area. Overall, staff are supportive of Consent application **B-13/21SC**.

Road Widening

Smythe Street is designated a Local road as per the City's Official Plan with a desired right-of-way width of 20.12 metres. The current width along this section of the road is deficient, at approximately 15.24 metres.

As per the Official Plan, Council is committed to achieving "Complete Streets and Walkable Communities" to which, in addition to accommodating vehicles, provides "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 current 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 (sewer/water, bell, hydro, gas, cctv, etc.).

To be consistent with road widening requirements and standards necessary to accommodate City and private utilities and complete street initiatives, staff are recommending as a condition that a 2.38 metre wide strip of land across the frontage of

the subject property be dedicated as Public Highway Smythe Street to obtain half of the additional requirements necessary to ultimately achieve the desired road allowance width of 20.12 metres.

Conclusion

Having regard for the matters under Section 53 of the *Planning Act*, staff are of the opinion that Consent Application **B-13/21SC** meets the intent and purpose of the Official Plan and Zoning By-law and will have no adverse impacts on the surrounding area and environment. It is staff's recommendation that the requested consent be approved subject to the conditions listed in the recommendation.

Prepared by:



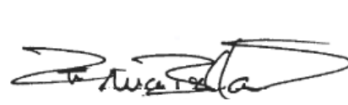
Cameron Rose
Student Planner

Submitted by:



Evan Acs
Planner I

Approved by:



Bruce Bellows
Senior Planner

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: RE: Committee of Adjustment Hearing NOHs, Applications & Sketches for May 26, 2021 Hearing
Date: Monday, May 10, 2021 2:22:48 PM

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



From: Doug Crown <doug.crown@cogeco.com>
Sent: Monday, May 10, 2021 12:58 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Committee of Adjustment Hearing NOHs, Applications & Sketches for May 26, 2021 Hearing

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

Hi Elaine
Sorry for the delay. Cogeco has no concerns with these applications.
Have a wonderful afternoon
Thanks

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

7170 Mcleod Rd
Niagara Falls Ont Canada

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

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Former Landfill - No concerns - 17 Prestwick, 10 Smythe & 41 Moffatt
Date: Thursday, May 6, 2021 11:14:01 AM

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



From: Vasko, Dennis <dvasko@stcatharines.ca>
Sent: Wednesday, May 5, 2021 12:51 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Green, Mark <mgreen@stcatharines.ca>
Subject: RE: Committee of Adjustment Hearing NOHs, Applications & Sketches for May 26, 2021 Hearing

Hi Elaine,

There are no concerns on our end for the properties discussed in your email.

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: Wilrik Banda
Planning and Building Services

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

Date: May 12, 2021

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – May 26, 2021 hearing

B-10/21SC – 498 Ontario Street

Comment:

- No comment

Condition:

- No comment

B-13/21SC – 10 Smythe Street

Comment:

- Be advised that a building permit is required for the proposed semi - detached dwelling.

Condition:

- Be advised that the current building permit to demolish the detached dwelling shall be completed with all inspections sign offs from the building inspector.

B-16/21SC – 41 Moffat Street

Comment:

- No comment

Condition:

- No comment

B-17/21SC – 41 Moffat Street

Comment:

- No comment

Condition:

- No comment

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

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



Memorandum

To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Community, Recreation and Culture Services
Date: May 7, 2021
Subject: Committee of Adjustment Hearing – May 26, 2021

CRCS has reviewed the Committee of Adjustment application for the hearing of May 26, 2021 and provides the following comments.

1. 125A Russell Avenue, A-106/20 – 60.81.5696
No objections to the requested variance. The applicant will be proving for the placement of boulevard trees through the site plan agreement to offset the reduction in landscaping.
2. 36 The Cedars, Minor Variance, A-03/21 – 20119062
No comment.
3. 498 Ontario Street, Consent, B-10/21SC – 21103302
No comment.
4. 12 Grammar Avenue, Minor Variance, A-34/21 – 21103328
No comment.
5. 4 Hessford Street, Minor Variance, A-35/21 – 21103260
No comment.
6. 684 Vine Street, Minor Variance, A-36/21 – 21103261
No comment.
7. 9 Broadmore Avenue, Minor Variance, A-37/21 – 21103265
No comment.
8. 17 Prestwick Road, Minor Variance, A-38/21 – 21103274
No comment.
9. 13 McKenzie Street, Minor Variance, A-39/21 – 21103278
No comment.

10. 10 Smythe Street, Consent, B-13/21SC – 21103308

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 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.

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.

11. 100 Glenwood Avenue, Minor Variance, A-40/21 – 21103367

No comment.

12. 41 Moffatt Street, Consent, B-16/21SC – 21103431

41 Moffatt Street, Consent, B-17/21SC – 21103432

3 Marshall Lane, Minor Variance, A-41/21 – 21103435

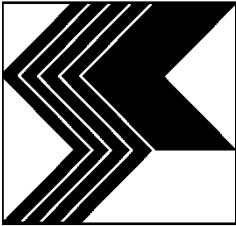
5 Marshall Lane, Minor Variance, A-42/21 – 21103436

7 Marshall Lane, Minor Variance, A-43/21 – 21103437

CRCS notes that boulevard trees for the subject lands were not included in the streetscape plan for the subdivision. Staff request that the applicant submit a payment for the placement of 3, 60mm boulevard tree, in accordance with the City's current Schedule of Rates and Fees.

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

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-13/21SC



May 10, 2021

ENGINEERING FILE 300-36

Hearing Date: May 26, 2021

Applicant: John Rosa and Jonathan Nauta

Location: 10 Smythe Street

ENGINEERING SERVICES **Smythe Street**

Water: 200mm (8") P.V.C.

Sanitary Sewer: 200mm (8") Concrete

Storm Sewer: None

Sidewalks: Yes

Road Allowance Width: 15.24m (50')

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

Comment(s): It is noted that the Applicant proposes to sever Part 2 for the purposes of creating a new lot to be known as 10B Smythe Street for the purposes of constructing and severing one-half of a semi-detached dwelling. A remnant parcel (Part 1) will be retained for residential use of the remaining half of the proposed semi-detached dwelling.

Roads

Smythe Street is designated a Local road as per the City's Official Plan with a desired right-of-way width of 20.0m (66.0'). Its current width is deficient in this location at 15.24m (50'). The City shall require a widening of 2.38m be dedicated free and clear of any encumbrances to be known as Public Highway Smythe Street.

Sidewalks and Curbs

Sidewalks exist along the frontage of Smythe Street only, as the road is in a semi-urban cross-section state. Sidewalk damage deposits for the frontage, given their existing, shall be required at the Building Permit stage, the costs of which to be determined based on the length of the frontage and as per the City's current Schedule of Rates & Fees. Care shall be taken not to damage these existing services during development of the site, if approved.

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 exist to connect to a storm sewer in the road allowance. Since a storm sewer does not exist and is not envisioned for this section of Smythe Street, sump pump flows and roof

leaders shall be required to discharge to grade at the front yards only, 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 sewer service lateral and water service location currently in use for the existing dwelling, to confirm it does not conflict with or exist upon any abutting and/or future lot lines. This service shall be completed prior to both the severance finalization and demolition permit issuance, whichever comes first. If the services are determined to conflict with or exist upon abutting and/or future lot lines, the Owner shall be responsible to relocate the portions of these services on private property through a Plumbing Only permit. The Owner shall pay the City the fees required for City crews to install new water and sewer services to the new property lines during the building permit process.

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

- Provide the City a draft reference plan indicating the proposed widening for review and approval, prior to registration of the plan in the Land Registry Office; and
- Dedicate to the City, free and clear of any encumbrances, the widening across the frontage of the subject properties, to be known as Public Highway Smythe Street: and
- Have prepared by a Professional Engineer or an Ontario Land Surveyor, a Lot Grading & Drainage plan for review and approval; and
- Pay the fee for City crews to locate, trace, inspect and document the sewer and water laterals servicing the existing dwelling; and
- If determined existing services will conflict with abutting and/or future lot lines, the Owner shall be responsible to complete any relocation works on private property through a Plumbing Only permit and pay to the City the fees required to install new water services from the City main and a new sewer service, to the individual front property line 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
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: May 4, 2021

Subject: Committee of Adjustment
Public Hearings – May 26, 2021
File No. 305-17-01

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

Steve Bittner
Transportation Technologist

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

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

COMMENTS

A-40/21

100 Glenwood Avenue

DATE OF HEARING:
May 26, 2021



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: May 21, 2021

Date of Meeting: May 26, 2021

Report Number: A-40/21

File: 21103367

Subject: 100 Glenwood Avenue

Recommendation

That Application **A-40/21** by Kevin Daly and Leisa Daly, as outlined in the Notice of Hearing, be approved.

Report

The Proposal

The Applicant is requesting a minor variance for the reduction of the minimum interior side yard setback from 1.2 metres to 0.903 metres for a proposed 2 storey addition currently under construction.

Location and Site Description

The subject property is located on the west side of Glenwood Avenue, north of Ridgewood Road. The property is surrounded by detached dwellings and there is an existing detached dwelling on site.

Circulation of Application

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

Planning Policy Context

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential on Schedule E8. 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 variance requests a reduction of the minimum interior side yard setback from 1.2 metres to 0.903 metres for a proposed 2 storey addition currently under construction. The north side yard is the only side yard proposed to be reduced.

Section 7.1 of the GCP states that development and redevelopment within the Urban Area shall be evaluated having regard for building, site, streetscape and neighbourhood context sensitive design to ensure:

- i) Integration of compatible building form, scale, massing, height, setbacks, spacing, siting, orientation, facades and architectural materials with adjacent buildings, properties and the surrounding neighbourhood;
- ii) Adverse impacts on adjacent properties are minimized in regard to grading, drainage, location and design of service utilities and areas, access and circulation, parking, transition in height, privacy, views, vistas, microclimatic conditions, and protection of the natural features, functions and hazards

The proposed reduction of the interior side yard setback does not conflict with the policies of the GCP. The building form and spacing is compatible with the surrounding neighbourhood, which has varied setbacks and is characterized by two-storey dwellings. The City's Development Engineer has reviewed the proposal and expressed no concerns with the reduction with respect to drainage. The proposed addition contains no windows or openings on the north side, is located adjacent to a detached garage on the neighbouring property to the north, and does not create any concerns with regards to privacy. Access along the side of the building addition and access to the rear yard of the subject lot remains viable. The intent of the minimum side yard setback provision in the Zoning By-law is generally to ensure that the intention of Section 7.1 of the Official Plan is carried out. The proposed setback reduction is in keeping with the intent and purpose of the Official Plan and Zoning By-law.

The requested variance allows for appropriate expansion of the existing dwelling on the lot which is a desirable use of the residential property. The 0.297 metre reduction is considered minor in nature. No negative impacts are anticipated as a result of the reduction.

Conclusion

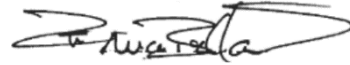
Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Application **A-40/21** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is desirable for the appropriate use of the lands. Staff recommend the application be approved.

Prepared and Submitted by:

A handwritten signature in blue ink, appearing to read 'Charlotte McEwan'.

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

Approved by:

A handwritten signature in black ink, appearing to read 'Bruce Bellows'.

Bruce Bellows
Senior Planner

May 11, 2021

City of Hamilton
Planning and Economic Development Department
71 Main St W
Hamilton, Ontario
L8P 4Y5

Attention: Elaine Munro

File# 21 103367

Re: 100 Glenwood Ave

In response to your correspondence dated May 4, 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.
- Proposed rear second story addition is in conflict with existing overhead rear lot secondary service location. Contact ICI group to discuss relocation options before construction.

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.

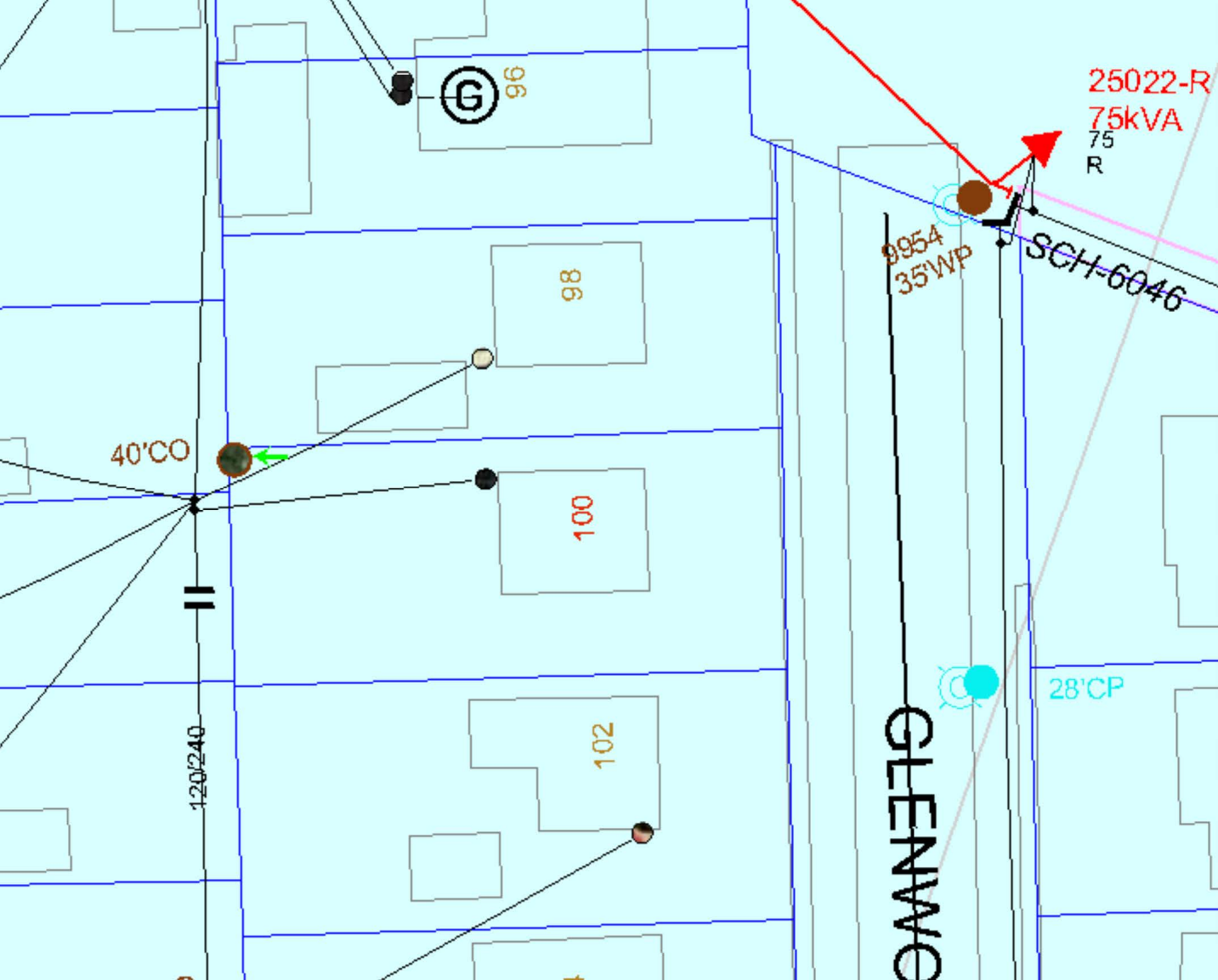
- Clearances from Overhead and Underground existing electrical distribution system must be maintained in accordance to:
 - Ontario Building Code (1997) Section 3.1 (3.1.18.1)
 - Electrical Safety Code Rule 75-312
 - Occupational Health and Safety Act (OH&SA) – Construction Projects (Electrical Hazards)
 - 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 905-798-2517 in our Engineering Design Department.

Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital



From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: RE: Committee of Adjustment Hearing NOHs, Applications & Sketches for May 26, 2021 Hearing
Date: Monday, May 10, 2021 2:22:48 PM

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



From: Doug Crown <doug.crown@cogeco.com>
Sent: Monday, May 10, 2021 12:58 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Committee of Adjustment Hearing NOHs, Applications & Sketches for May 26, 2021 Hearing

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

Hi Elaine
Sorry for the delay. Cogeco has no concerns with these applications.
Have a wonderful afternoon
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: Wilrik Banda
Planning and Building Services

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

Date: May 12, 2021

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – May 26, 2021 hearing

NO.	ADDRESS	COMMENTS
A-106/20	125A Russel Avenue	Be advised that a demolition permit is required to remove the existing building. Be advised that a building permit is required for the proposed 2 storey building.
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-34/21	12 Grammar Avenue	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-35/21	4 Hessford Street	Be advised that the current building permit is required to be completed for the proposed accessory dwelling unit.
A-36/21	684 Vine Street	Be advised that the current building permit is required to be completed for the proposed accessory dwelling unit.

NO.	ADDRESS	COMMENTS
A-37/21	9 Broadmore Avenue	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-38/21	17 Prestwick Road	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-39/21	13 McKenzie Street	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-40/21	100 Glenwood Avenue	Be advised that revised drawings are required to be submitted for review and acceptance for the current building permit 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-41/21	3 Marshall Lane	Be advised that a building permit is required for the proposed single detached dwelling.
A-42/21	5 Marshall Lane	Be advised that a building permit is required for the proposed single detached dwelling.
A-43/21	7 Marshall Lane	Be advised that a building permit is required for the proposed single detached dwelling.

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: May 7, 2021

Subject: Committee of Adjustment Hearing – May 26, 2021

CRCS has reviewed the Committee of Adjustment application for the hearing of May 26, 2021 and provides the following comments.

1. 125A Russell Avenue, A-106/20 – 60.81.5696
No objections to the requested variance. The applicant will be proving for the placement of boulevard trees through the site plan agreement to offset the reduction in landscaping.
2. 36 The Cedars, Minor Variance, A-03/21 – 20119062
No comment.
3. 498 Ontario Street, Consent, B-10/21SC – 21103302
No comment.
4. 12 Grammar Avenue, Minor Variance, A-34/21 – 21103328
No comment.
5. 4 Hessford Street, Minor Variance, A-35/21 – 21103260
No comment.
6. 684 Vine Street, Minor Variance, A-36/21 – 21103261
No comment.
7. 9 Broadmore Avenue, Minor Variance, A-37/21 – 21103265
No comment.
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No comment.
9. 13 McKenzie Street, Minor Variance, A-39/21 – 21103278
No comment.

10. 10 Smythe Street, Consent, B-13/21SC – 21103308

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 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.

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.

11. 100 Glenwood Avenue, Minor Variance, A-40/21 – 21103367

No comment.

12. 41 Moffatt Street, Consent, B-16/21SC – 21103431

41 Moffatt Street, Consent, B-17/21SC – 21103432

3 Marshall Lane, Minor Variance, A-41/21 – 21103435

5 Marshall Lane, Minor Variance, A-42/21 – 21103436

7 Marshall Lane, Minor Variance, A-43/21 – 21103437

CRCS notes that boulevard trees for the subject lands were not included in the streetscape plan for the subdivision. Staff request that the applicant submit a payment for the placement of 3, 60mm boulevard tree, in accordance with the City's current Schedule of Rates and Fees.

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



Memorandum

To: Elaine Munro, ACST, Committee Secretary & Planning Technician
From: Jim Denham, P.Eng. Development Engineering Technologist
Date: May 07th, 2021
Hearing Date: May 26th, 2021
Subject: **Committee of Adjustment - Minor Variance Applications**

125A Russell Avenue, A-106/20
36 The Cedars, Minor Variance, A-03/21
12 Grammar Avenue, Minor Variance, A-34/21
4 Hessford Street, Minor Variance, A-35/21
684 Vine Street, Minor Variance, A-36/21
9 Broadmore Avenue, Minor Variance, A-37/21
17 Prestwick Road, Minor Variance, A-38/21
13 McKenzie Street, Minor Variance, A-39/21
100 Glenwood Avenue, Minor Variance, A-40/21
3 Marshall Lane, Minor Variance, A-41/21
5 Marshall Lane, Minor Variance, A-42/21
7 Marshall Lane, Minor Variance, A-43/21

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

- The applicant for the Minor Variance requested at 12 Grammar Avenue is to be advised that a Grading Plan will be required at the Building Permit stage.

Prepared by:

James R Denham, P.Eng.
Development Engineering Technologist

cc. (email only) Brad Johnston
Margaret Josipovic
Wilrik Banda



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: May 4, 2021

Subject: Committee of Adjustment
Public Hearings – May 26, 2021
File No. 305-17-01

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

Steve Bittner
Transportation Technologist