Revised Agenda

Wednesday, June 23, 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 June 21, 2021 before 3:00 p.m. Comments submitted will be considered as public information and entered into public record.

Members:

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

Staff Liaison:

Elaine Munro, Secretary-Treasurer
Wilrik Banda, Assistant Secretary-Treasurer
Evan Acs, Planner
Taya Devlin, Planner
Charlotte McEwan, Planner
Natasha MacDonald, Planner

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1. **Call meeting to order (Chair)**

2. **Recognition of Traditional Territories**

3. **Additions / Deletions to the Agenda:**
   - **Outstanding Planning Reports were finalized on June 21, 2021 and circulated.**
   - **Request for Deferral added for 41 Moffatt Street**

4. **Motion to approve the agenda**

5. **Motion to adopt the minutes of the previous meeting – May 28, 2021 & June 10, 2021**

6. **Declarations of Interest**

7. **Request for Adjournment**

i) 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

Staff request that Applications **B-16/21SC**, **B-17/21SC**, **A-41/21**, **A-42/21**, and **A-43/21** be deferred for up to one year, until the Stage 4 archaeological assessment has been completed, reviewed and found acceptable by the Ministry of Tourism, Culture and Sport, and the inhibiting order, currently registered on the title of the lands, has been lifted.

ii) Within the written comments received for Minor Variance Application, A-48/21, 345 Geneva Street, two requests were received asking for the deferral of the application as it was believed that the statutory requirements prescribed by the Planning Act were not met.

8. **Applications**

2. 119 Welland Vale Road, Consent, B-14/21SC – 21103408
119 Welland Vale Road, Consent, B-15/21SC – 21103411
115 Welland Vale Road, Minor Variance, A-44/21 – 21103869
117 Welland Vale Road, Minor Variance, A-45/21 – 21103871
119lland Vale Road, Minor Variance, A-46/21 – 21103872
3. 3 Cherry Street, Minor Variance, A-47/21 – 21104826
4. 345 Geneva Street, Minor Variance, A-48/21 – 21104829
5. 8 Cindy Drive, Minor Variance, A-49/21 – 21104845
6. 236 St. Augustine Drive, Minor Variance, A-50/21 – 21104885
7. 35 Arthur Street, Consent, B-18/21SC – 21104902
39 Arthur Street, Consent, B-19/21SC – 21104903
35 Arthur Street, Minor Variance, A-51/21 – 21104906
37 Arthur Street, Minor Variance, A-52//21 – 21104912
39 Arthur Street, Minor Variance, A-53/21 – 21104914
8. 192 Rykert Street, Minor Variance, A-57/21 – 21104987
*Planning Report to follow
9. 21 Broadmore Avenue, Minor Variance, A-54/21 – 21104947
10. 30 Woodcrest Drive, Minor Variance, A-55/21 – 21104975
11. 528 Geneva Street, Minor Variance, A-56/21 – 21104947

9. **New Business**

10. **Date of next meeting**
Wednesday July 28, 2021 at 5.00 pm

11. **Motion to Adjourn**

St. Catharines

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

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

COMMENTS

B-16/21SC, B-17/21SC, A-41/21, A-42/21 & A-43/21

41 Moffatt Street

DATE OF HEARING: July 28, 2021

CITY OF ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: June 18, 2021 **Date of Meeting:** June 23, 2021

Report Number: **B-16/21SC**
B-17/21SC
A-41/21
A-42/21
A-43/21

File: **21103431**
21103432
21103435
21103436
21103437

Subject: 41 Moffatt Street

Recommendation

That Applications **B-16/21SC**, **B-17/21SC**, **A-41/21**, **A-42/21**, and **A-43/21** be deferred for up to one year, until the Stage 4 archaeological assessment has been completed, reviewed and found acceptable by the Ministry of Tourism, Culture and Sport, and the inhibiting order, currently registered on the title of the lands, has been lifted.

Report

Background

The subject property, 41 Moffatt Street (Block 8, Plan 30M-456), was created through a Plan of Subdivision registered in 2019. At that time, the subject lands were identified as having archaeological potential that required further evaluation prior to development of the lands. As such, an inhibiting order was registered on title.

The applicant was advised at the pre-consultation meeting for the subject applications that addressing the archaeological potential is required prior to consideration of any application for development on the lands. The applicants have elected to submit their application in advance of completing the required archaeological assessment.

The subject applications were on the May 26, 2021 agenda of the Committee of Adjustment. At that time, staff recommended deferral of the application for up to one year, to allow for completion and review of the necessary archaeological assessment prior to the Committee's consideration of the proposal. After hearing from the Applicant, the Committee directed staff to bring forward a Technical Report for consideration.

The Proposal

The Applicant proposes to sever the existing lot at 41 Moffatt Street into three lots. A detached dwelling is proposed to be constructed on each of the lots, to be known as 3, 5,

and 7 Marshall Lane. The following Consent Applications have been submitted for consideration:

Application	Severed Parcel	Severed Area	Retained Parcel	Retained Area
B-16/21SC	Part 3 (to be known as 7 Marshall Lane)	268.2 m^2	Parts 1 & 2	565.30 m^2
B-17/21SC	Part 2 (to be known as 5 Marshall Lane)	268.2 m^2	Part 1 (to be known as 3 Marshall Lane)	297.1 m^2

Concurrent Minor Variance Applications seek relief from the City of St. Catharines Zoning By-law 2013-283 through the variances outlined below:

Application	Zoning Provision	Required	Proposed
A-41/21 3 Marshall Lane (Part 1)	Minimum Lot Area	300 m^2	297.1 m^2
A-42/21 5 Marshall Lane (Part 2)	Minimum Lot Area	300 m^2	268.2 m^2
A-43/21 7 Marshall Lane (Part 3)	Minimum Lot Area	300 m^2	268.2 m^2

Location and Site Description

The subject property is located on the west side of Moffatt Street, north of Marshall Lane. The property is surrounded by detached dwellings to the north, townhouses to the south and west, and green space (associated with the first and second canal) to the east. The lands are currently vacant.

Circulation of Application

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

Planning Policy Context

Official Plan (Garden City Plan)

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

Zoning By-law (2013-283)

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

Planning Analysis

Through the review and approval of the Plan of Subdivision, a Stage 1, 2 and 3 archaeological assessment was completed and identified the subject lands as having cultural heritage value or interest. The Ministry of Tourism, Culture and Sport (MTCS) completed a review of the submitted assessments and outlined that avoidance and in situ preservation is not a viable option, as such the development impact to the site must be mitigated through complete Stage 4 recording and excavation prior to any activities that may disturb the cultural deposits. The MTCS cleared the other portions of the site as appropriate for development, which allowed for approvals and construction to proceed within those portions of the subdivision. The subject lands were identified as lands for future development, until such time as the necessary Stage 4 works were completed and an inhibiting order, to this effect, was registered on the title of the lands. The applicant has indicated that the required archaeological work is currently underway on the subject lands, however those works are not yet complete, and the subject lands have not received clearance for development by the MTCS.

It is premature to consider the proposed consents to sever and associated minor variances prior to completion of the Stage 4 assessment and confirmation from the MTCS that the lands have been cleared for development. Staff understand these works are currently underway and anticipated to be completed within a few months. In the absence of the required Stage 4 archaeological assessment, it is appropriate to defer the applications for consideration at a future meeting, when the assessment is available and staff can provide a recommendation with a complete understanding of the suitability of the proposed development for the site.

Consents

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

Consent Applications **B-16/21SC** and **B-17/21SC** request to sever two lots from the subject property for the purpose of constructing a detached dwelling on each of the new lots and the retained lot. The proposed lots do not meet the minimum lot area permitted by the Zoning By-law; both 5 and 7 Marshall Lane will have densities of about 37.29 units per hectare and 3 Marshall Lane will have a density of 33.66 units per hectare. While these densities are higher than what is generally permitted in the Low Density Residential designation, where 32 units per hectare is the maximum density, staff note that the

proposal meets all other zoning provisions and official plan policies. Staff are satisfied that these densities meet the intent of the GCP. Staff are of the opinion that the scale of the proposed buildings and overall lot area are in keeping with the character of the neighbourhood. The proposal demonstrates that there is sufficient space on each of the lots to accommodate a building envelope, parking, landscaping, and amenity areas.

Minor Variances

The Applicant has requested a reduction in the minimum lot area for each of the three lots for detached dwellings. The required minimum lot area for a detached dwelling is 300 square metres. The lots that will become 5 and 7 Marshall Lane (Parts 2 and 3) are each proposed to have a lot area of 268.2 square metres and the lot to become 3 Marshall Lane (Part 1) is proposed to have a lot area of 297.1 square metres. Approval of the variances would permit the severance of the new lots at a reduced lot area and permit the development of three detached dwelling units. The reduction is considered minor in nature.

The proposed lot area reduction would facilitate development of detached dwellings. The proposed detached dwellings are in compliance with all other zoning requirements and the reduction in lot area will be indiscernible from the street. The resulting building massing is generally in keeping with, and would not compromise, the character of the surrounding neighbourhood. The reduced lot areas are considered desirable for the appropriate use of the subject lands.

The intent of the 300 square metre minimum lot area is to ensure that a sufficiently sized yard is provided for detached dwelling units to accommodate parking, facilitate on-site drainage, provide outdoor amenity space and provide an acceptable building envelope for construction. The Applicant has demonstrated that parking, drainage and a building envelope with amenity area can be accommodated on these lots despite the reduced lot area. Staff consider the intent of the Zoning By-law to be upheld.

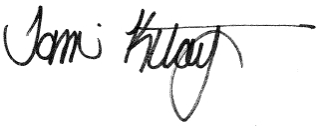
Section 7.1 of the GCP states that development and redevelopment shall be evaluated having regard for context sensitive design to ensure the integration of compatible building form, scale, height and setbacks with adjacent buildings and the surrounding neighbourhood. Adverse impacts on adjacent properties are to be minimized in regard to transition in height and privacy. Staff finds the proposed detached dwellings are able to achieve these policies; they are designed to fit the context of the earlier phases of the Plan of Subdivision, which have been recently constructed to the west as well as the established neighbourhood. The dwelling units meet side and rear yard setbacks and should not cause any adverse impacts on neighbouring properties. The proposal is in keeping with the intent of the Official Plan.

While the above indicates that Applications **B-16/21SC, B-17/21SC, A-41/21, A-42/21 and A-43/21** may be supportable in principle, it is premature to consider approval of the applications prior to completion of the Stage 4 assessment and confirmation from the MTCS that the lands have been cleared for development. Staff understand these works are currently underway and anticipated to be completed within a few months. In the absence of the required Stage 4 archaeological assessment, it is appropriate to defer the applications for consideration at a future meeting, when the assessment is available and

staff can provide a recommendation with a complete understanding of the suitability of the proposed development for the site.

Conclusion

Having regard for the matters under Section 53 of *The Planning Act*, staff are of the opinion that Applications **B-16/21SC**, **B17/21SC**, **A-41/21**, **A-42/21**, and **A-43/21** should be deferred for up to one year, as the applications are premature until such time as the previously identified Stage 4 archaeological assessment has been completed, reviewed and found acceptable by the Ministry of Tourism, Culture and Sport, and the inhibiting order, currently registered on the title of the lands, has been lifted.

Prepared by:	**Submitted by:**	**Approved by:**
		
_____	_____	_____
Cameron Rose Student Planner	Taya Devlin Planner I	Tami Kitay MPA, MCIP, RPP Director of Planning and Building Services

From:	Munro, Elaine
To:	Munro, Elaine
Subject:	MTO Comments - 41 Moffatt Street RE: Committee of Adjustment Applications for June 23, 2021 Hearing
Date:	Wednesday, June 2, 2021 12:27:32 PM
Attachments:	image006.png

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

From: Nunes, Paul (MTO) <Paul.Nunes@ontario.ca>
Sent: Wednesday, June 2, 2021 12:04 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Deluca, Peter (MTO) <Peter.Deluca@ontario.ca>
Subject: RE: Committee of Adjustment Applications for June 23, 2021 Hearing

Hi Elaine,

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

- **B-16/21SC** – 41 Moffatt Street (Consent)
- **B-17/21SC** – 41 Moffatt Street (Consent)

The property listed above appears to be located outside of the MTO Permit Control Area, and therefore, this office has no further comments.

Mr. Peter DeLuca, Corridor Management Officer (Niagara), will review the other Minor Variance locations and provide comments.

Thanks,

Paul Nunes
Planner (Niagara/Hamilton)
Highway Corridor Management Section – Central Operations

From:	Munro, Elaine
To:	Munro, Elaine
Subject:	Cogeco - No concerns RE: Committee of Adjustment Applications for June 23, 2021 Hearing
Date:	Wednesday, June 9, 2021 8:05:57 AM

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

From: Doug Crown <doug.crown@cogeco.com>
Sent: Wednesday, June 9, 2021 8:03 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Committee of Adjustment Applications for June 23, 2021 Hearing

Hi Elaine
Sorry for the delay.
Cogeco has no concerns with these applications.

Have a Wonderful Day

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 - 41 Moffatt, 3 Cherry, 30 Woodcrest RE: Review - Committee of Adjustment Applications for June 23, 2021 Hearing
Date:	Tuesday, June 8, 2021 11:31:19 AM

41 Moffatt Street,
3, 5 & 7 Marshall Lane
3 Cherry Street
30 Woodcrest Drive

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

From: Vasko, Dennis <dvasko@stcatharines.ca>
Sent: Tuesday, June 8, 2021 10:08 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: RE: Review - Committee of Adjustment Applications for June 23, 2021 Hearing

Hi Elaine,

There are no concerns in respect to closed landfills for these properties.

Dennis

Dennis Vasko
Fill Site Technician
Tel: 905.688.5601 x2163
Email: dvasko@stcatharines.ca

Memorandum

To: Elaine Munro, Committee Secretary & Planning Clerk
Planning and Building Services
Cc: Wilrik Banda
Planning and Building Services
From: Lou Grossi, Building Inspector II
Planning and Building Services
Date: June 10, 2021

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – June 23, 2021 hearing

B-14/21SC – 119 Welland Vale Road

Comment:
- No comment

Condition:
- No comment

B-15/21SC – 119 Welland Vale Road

Comment:
- No comment

Condition:
- No comment

B-18/21SC – 35 Arthur Street

Comment:
- No comment

Condition:
- No comment

B-19/21SC – 39 Arthur Street

Comment:
- No comment

Condition:
- Be advised that a building permit is required to relocated the existing shed.

B-16/21SC – 41 Moffat Street

Comment:
- No comment

Condition:
- No comment

B-17/21SC – 41 Moffat Street

Comment:
- No comment

Condition:
- No comment

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

Memorandum

To: Elaine Munro, Committee Secretary & Planning Clerk
Planning and Building Services
Cc: Wilrik Banda
Planning and Building Services
From: Lou Grossi, Building Inspector II
Planning and Building Services
Date: June 10, 2021

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – June 23, 2021 hearing

NO.	ADDRESS	COMMENTS
A-48/21	345 Geneva Street	Be advised that a building permit is required for the proposed 3 storey apartment building.
A-44/21	115 Welland Vale Road	Be advised that a building permit is required for the proposed single detached dwelling.
A-45/21	117 Welland Vale Road	Be advised that a building permit is required for the proposed single detached dwelling.
A-46/21	119 Welland Vale Road	Be advised that a building permit is required for the proposed single detached dwelling.
A-47/21	3 Cherry Street	Be advised that a building permit is required for the current rear roof structure and deck attached to the existing dwelling. Be advised that the inspections for building permit (13101259RN – front porch) are required to be scheduled and approved by building inspector.

NO.	ADDRESS	COMMENTS
A-49/21	8 Cindy Drive	Be advised that a building permit is required for the existing deck around the pool. Be advised that a building permit is required to demolish the existing detached garage. Be advised that a building permit is required to be completed for the proposed detached garage.
A-50/21	236 Augustine Drive	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-51/21	35 Arthur Street	Be advised that a building permit is required to demolish the existing shed if it exceeds 108sf in size.
A-52/21	37 Arthur Street	Be advised that a building permit is required for the proposed 1 storey single detached dwelling.
A-53/21	39 Arthur Street	No comment
A-54/21	21 Broadmore Avenue	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-55/21	30 Woodcrest Drive	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-56/21	528 Geneva Street	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-57/21	192 Rykert Street	Be advised that a building permit is required to be completed for the proposed 5 unit townhouse block and rear decks. Be advised that a building permit is required for the proposed 4 unit townhouse block and rear decks.
A-41/21	3 Marshall Lane	Be advised that a building permit is required for the proposed single detached dwelling.

NO.	ADDRESS	COMMENTS
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: June 8, 2021

Subject: Committee of Adjustment Hearing – June 23, 2021

CRCS has reviewed the Committee of Adjustment application for the hearing June 23, 2021 and provides the following comments.

1. 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

   No additional comments.

2. 119 Welland Vale Road, Consent, B-14/21SC – 21103408
   119Welland Vale Road, Consent, B-15/21SC – 21103411
   115 Welland Vale Road, Minor Variance, A-44/21 – 21103869
   117 Welland Vale Road, Minor Variance, A-45/21 – 21103871
   119 Welland Vale Road, Minor Variance, A-46/21 – 21103872

   CRCS staff have reviewed the Tree Protection Plan. Trees 26 and 27 are identified to be in good condition but are identified for removal to accommodate the proposed driveways for Part 1 and Part 2. Additional effort is required to address the feasibility of retaining trees 26 and 27 and may include modifications to driveway width, driveway location and site grading.

   If Planning and Building Services determines that parkland dedication can be collected for this application PRCS requests the following condition of each 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 each 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

3. 3 Cherry Street, Minor Variance, A-47/21 – 21104826
   No comment.

4. 345 Geneva Street, Minor Variance, A-48/21 – 21104829
   Landscape requirements and tree protection have been addressed through the site plan agreement.

5. 8 Cindy Drive, Minor Variance, A-49/21 – 21104845
   No comment.

6. 236 St. Augustine Drive, Minor Variance, A-50/21 – 21104885
   No comment.

7. 35 Arthur Street, Consent, B-18/21SC – 21104902
   39 Arthur Street, Consent, B-19/21SC – 211104903
   35 Arthur Street, Minor Variance, A-51/21 – 21104906
   37 Arthur Street, Minor Variance, A-52//21 – 21104912
   39 Arthur Street, Minor Variance, A-53/21 – 21104914

   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

8. 192 Rykert Street, Minor Variance, A-57/21 – 21104987
   CRCS staff have reviewed revised landscape plans through the Site Plan Process. New landscaping should be provided in the locations where trees 20, 23, and 30 were removed.

   Shifting the development to the north and removing the parallel parking for visitors would alleviate the need for many of the variances and provide additional space for both landscaping and drainage to the south of unit 2.

9. 21 Broadmore Avenue, Minor Variance, A-54/21 – 21104947
   No comment.

10. 30 Woodcrest Drive, Minor Variance, A-55/21 – 21104975
    No comment.

11. 528 Geneva Street, Minor Variance, A-56/21 – 21104947
    No comment.

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

REPORT TO PLANNING DEPARTMENT
Re: LAND DIVISION APPLICATION NUMBER B-16&17/21SC

June 10, 2021 **ENGINEERING FILE 300-36**

Hearing Date: June 23, 2021

Applicant: 1973941 Ontario Ltd. (Premium Building Group)

Location: 41 Moffatt Street

ROADS

This property does not have frontage on Moffatt Street. It has frontage on Marshall Lane.

MUNICIPAL SERVICES

The following municipal services are available on Marshall Lane.

Watermain	200mm P.V.C.
Sanitary Sewer:	450mm Conc. and 200mm P.V.C.
Storm Sewer:	425mm, 525mm and 900mm Conc.

COMMENTS AND CONDITIONS TO BE IMPOSED IF CONSENT GRANTED:

Comment(s):

Curbs exist at this location on Marshall Lane. The applicant will be required to pay for any curb cuts and/or curb fills at the building permit stage

A sidewalk does not exist across the Marshall Lane frontage. However, a sidewalk is to be constructed as part of the secondary services for the Marshall Estates Subdivision. Therefore, a contribution for a future sidewalk across the frontage of the subject lands is not required at this time.

The City must ensure that prior to the lots being created, grading and drainage can be adequately conveyed to a suitable secured outlet and not adversely affect any abutting properties. If side entrances with hard surface landings and/or walkways, are proposed, drainage must be accommodated. Therefore, as a condition of severance, an individual lot grading and drainage plan shall be submitted to and approved by City staff. This plan must be prepared by a qualified professional engineer. Unless a rear yard catch basin is being installed the houses shall be designed to ensure all roof water flows discharged to the front yards only. The location of the roof water downspouts shall be shown on the grading plan.

Sump pump discharge pipes shall only exit through the front foundation wall of any proposed dwelling and be connected to individual storm laterals. The proposed servicing for sanitary, storm and water for the lots must also be shown on the grading plan.

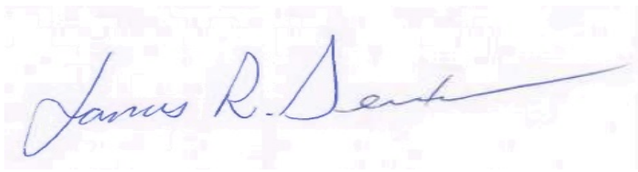
If the owner plans on extending the existing 200mm sanitary sewer along the previously provided sanitary sewer easement, a plan and profile design drawing must be prepared and submitted to the City for review and approval. An MOECP

Certificate of Approval will also be required for this extension. The applicant must also enter into a servicing Agreement with the City to facilitate these works since the sanitary sewer extension will ultimately become a City sewer.

It is our understanding there is an inhibiting order registered against these lands and the triangular shaped Block 9 to the east. This order must be lifted from the subject lands prior to the extended sanitary sewer being assumed by the City.

Condition(s): Prior to final certification of the severance application the applicant must,

- Have a professional engineer prepare and submit for City approval an overall Lot Grading, Drainage, and Servicing Plan.
- Enter into a Servicing Agreement for the extension of the existing 200mm sanitary sewer to service the three lots.
- Remove the inhibiting order.



Prepared By: _____

James Denham, P. Eng.
Development Engineering Technologist

cc. Brad Johnston, C.E.T., Development Engineering Technologist
Margaret Josipovic, Manager of Planning

Memorandum

To: Elaine Munro, ACST, Committee Secretary & Planning Technician
From: Brad Johnston, C.E.T., Development Engineering Technologist
CC: City Committee of Adjustment Staff Members
Date: June 10h, 2021
Hearing Date: June 23h, 2021
Subject: **Committee of Adjustment - Minor Variance Applications**
3, 5, 7 Marshall Lane, A-41, 42 & 43/21SC
115, 117, 119 Welland Vale Road, A-44, 45 & 46/21SC
3 Cherry Street, A-47/21SC
345 Geneva Street, A-48/21SC
8 Cindy Drive, A-49/21SC
236 St. Augustine Drive, A-50/21SC
35, 37 & 39 Arthur Street, A-51, 52 & 53/21SC
192 Rykert Street, A-57/21SC
21 Broadmore Avenue, A-54/21SC
30 Woodcrest Drive, A-55/21SC
528 Geneva Street, A-56/21SC

Development Engineering have reviewed the above applications and have no comments or objections to the above applications that are currently under our review through a Planning process, however for others we have the following:

- Applicants shall be advised that a Lot Grading Plan may be a requirement for applications that are subject to a Building Permit

Prepared by:

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

cc. James Denham, PBS (email only)

Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: June 8, 2021

Subject: Committee of Adjustment
Public Hearings – June 23, 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

St. Catharines

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

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

COMMENTS

B-14/21SC, B-15/21SC, A-44/2, A-45/21 & A-46/21

119 Welland Vale Road

DATE OF HEARING: June 23, 2021

CITY OF ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: June 18, 2021 **Date of Meeting:** June 23, 2021

Report Number: **B-14/21SC** **File:** **21103408** (115 Welland Vale Road)
B-15/21SC **21103411** (117 Welland Vale Road)
A-44/21 **21103869** (115 Welland Vale Road)
A-45/21 **21103871** (117 Welland Vale Road)
A-46/21 **21103872** (119 Welland Vale Road)

Subject: 119 Welland Vale Road (to become 115, 117 and 119 Welland Vale Road)

Recommendation

Consent

That application **B-14/21SC** by Taryan Real Estate Corporation, 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 119 Welland Vale Road addressing the following conditions:
    a. That building permit plans for Parts 1, 2 and 3, once submitted, be reviewed and confirmed to be generally in accordance with the site plan and elevation plans submitted with this application;
    b. That the trees identified as trees 26 and 27 on the submitted tree protection plan be retained and the driveways and grading be adjusted accordingly;
    c. 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. The Owner shall pay to the City the estimated cost to construct a future 1.5 metre wide sidewalk along the Welland Vale Road frontage of Parts 1, 2 & 3 (115, 117 and 119 Welland Vale Road), and the Welland Vale Road flankage of Part 3 (119 Welland Vale Road), the fee for which shall be in accordance with the City's current construction tender pricing average.
3. That the Owner prepare a Reference Plan for review and approval by the City identifying the Part(s) along Welland Vale Road to be dedicated to the City as Public Highway.
4. That the Owner submit and registered the reference plan to dedicate the Part(s) to the City of St. Catharines as Public Highway Welland Vale Road.
5. 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.
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 caliper tree in front of Part 1, in accordance with the City's current Schedule of Rates and Fees.
9. That the Owner submit payment of 5% of the appraised value of Part 1, as determined by a qualified appraiser, to the City in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of payment, the value of the land shall be determined as of the day before the day the provisional consent was given'.
10. That the Owner submit to the Regional Municipality of Niagara correspondence from the Ministry of Environment, Conservation and Parks that confirms that the protection measures identified in the tree protection plan are sufficient to protect the Butternut tree on adjacent lands at 141 Welland Vale Road.
11. That the Owner provide plan and profile drawings of any proposed service crossings of the sanitary sewer forcemain to the Regional Municipality of Niagara for review and approval.
12. That final approval of the concurrent Minor Variance applications be granted.
13. That the Owner provide the Secretary-Treasurer with the Acknowledgement and Direction for conveyance of the subject parcel, together with a copy of the deposited reference plan, for use in the issuance of the Certificate of Consent.
14. That the Owner submit to the Secretary-Treasurer of the Committee of Adjustment a final certification fee of $218.90 (2021 rate) payable to the Treasurer, City of St. Catharines.
15. That all conditions of consent be fulfilled by June 23, 2022.

That application **B-15/21SC** by Taryan Real Estate Corporation, 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 119 Welland Vale Road the following conditions:
    a. That building permit plans for Parts 1, 2 and 3, once submitted, be reviewed and confirmed to be generally in accordance with the site plan and elevation plans submitted with this application;
    b. That the trees identified as trees 26 and 27 on the submitted tree protection plan be retained and the driveways and grading be adjusted accordingly;
    c. 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. The Owner shall pay to the City the estimated cost to construct a future 1.5 metre wide sidewalk along the Welland Vale Road frontage of Parts 1, 2 & 3 (115, 117 and 119 Welland Vale Road), and the Welland Vale Road flankage of Part 3 (119

Welland Vale Road), the fee for which shall be in accordance with the City's current construction tender pricing average.

3. That the Owner prepare a Reference Plan for review and approval by the City identifying the Part(s) along Welland Vale Road to be dedicated to the City as Public Highway.
4. That the Owner submit and registered the reference plan to dedicate the Part(s) to the City of St. Catharines as Public Highway Welland Vale Road.
5. 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.
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 caliper 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 submit to the Regional Municipality of Niagara correspondence from the Ministry of Environment, Conservation and Parks that confirms that the protection measures identified in the tree protection plan are sufficient to protect the Butternut tree on adjacent lands at 141 Welland Vale Road.
11. That the Owner provide plan and profile drawings of any proposed service crossings of the sanitary sewer forcemain to the Regional Municipality of Niagara for review and approval.
12. That final approval of the concurrent Minor Variance applications be granted.
13. That the Owner provide the Secretary-Treasurer with the Acknowledgement and Direction for conveyance of the subject parcel, together with a copy of the deposited reference plan, for use in the issuance of the Certificate of Consent.
14. That the Owner submit to the Secretary-Treasurer of the Committee of Adjustment a final certification fee of $218.90 (2021 rate) payable to the Treasurer, City of St. Catharines.
15. That all conditions of consent be fulfilled by June 23, 2022.

Minor Variance

That Application **A-44/21** by Taryan Real Estate Corporation, as outlined in the Notice of Hearing, be approved.

That Application **A-45/21** by Taryan Real Estate Corporation, as outlined in the Notice of Hearing, be approved.

That variance 2 on Application **A-46/21** by Taryan Real Estate Corporation, as outlined in the Notice of Hearing, be approved, and that variances 1 and 3 be withdrawn.

Report
The Proposal

The applicant is proposing to sever the existing lot at 119 Welland Vale Road into two new lots with one retained lot. The applicant further proposes to construct detached dwellings on each of the three lots. The consent to sever and minor variance applications outlined in the tables below are required to facilitate this proposal.

Application	Severed Parcel	Severed Area	Retained Parcel	Retained Area
B-14/21SC	Part 1 (to become 115 Welland Vale Road)	471.9 m^2	Parts 2 & 3	928 m^2
B-14/21SC	Part 2 (to become 117 Welland Vale Road)	431.1 m^2	Part 3 (119 Welland Vale Road)	493.9 m^2

Application	Variance #	Zoning Provision	Required	Proposed
A-44/21 115 Welland Vale Road (Part 1)	1	Minimum lot frontage	16.5 m	15.74 m
A-45/21 117 Welland Vale Road (Part 2)	1	Minimum lot frontage	16.5 m	15.74 m
	2	Minimum front yard setback to a garage	7 m	6.25 m
A-46/21 119 Welland Vale Road (Part 3)	1*	Minimum lot frontage	16.5 m	15.83 m
	2	Minimum front yard setback to a garage	7 m	6.96 m

	3*	Minimum front yard setback for platform structure over 1.2 metres above grade	6 m	4.48 m

* Upon review by staff these variances have been deemed unnecessary. Please see Minor Variance section in this report.

Location and Site Description

The subject property is located on the south west side of Welland Vale Road. To the east of the subject property are detached dwellings. A private road development with townhouses is located to the south of the subject property. On the opposite side of Welland Vale Road is passive recreational lands and the 12 Mile Creek.

The subject property is currently vacant.

Circulation of Application

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

Planning Policy Context

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential on Schedule E6. Detached dwellings are permitted in this designation at a density range of generally 20 to 32 units per hectare. The proposed density across the gross site is about 21 units per hectare. The proposal complies with the Low Density Residential policies of the GCP.

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

Consent

Consent Applications **B-14/21SC** and **B-15/21SC** request to sever two lots from the subject property for the purpose of constructing one detached dwelling on each new lot. A detached dwelling will also be constructed on the retained lot.

Section 16.11 of the Garden City Plan provides seven policies that applications for lot creation must be evaluated against. The policies are listed below in italics with analysis and response provided under each.

1. Creation of lots shall only be effected through consent or plans of subdivision.

This policy is being met. The lots are being created through applications for consent to severance.

2. Consents to sever parts of lots as an alternative to a registered plan of subdivision will be discouraged and will only be permitted when such a plan would clearly not be needed to ensure the intent of applicable policies in this Plan are followed.

The proposed lots front on to an improved road with existing municipal services. A plan of subdivision is not required.

3. Consents to sever individual parcels of land, including land assembly and lot boundary adjustments will only be permitted where:

a) It is clearly apparent that no development could take place which would lead to significant expense by the City for public works or which would lead to further development leading to such expenses.

The proposed lots will be serviced by existing infrastructure. Any required improvements to the infrastructure, including water and wastewater laterals and service lines to the properties will be at the expense of the owner.

b) They contribute to the infilling of areas that are already substantially developed.

The proposed lots are on vacant parcel of land. The surrounding area has some environmental constraints on development but is otherwise substantially developed. The proposal is considered to be contributing to infilling.

c) The size, shape and configuration of the parcel is appropriate for the use proposed and in terms of the optimum development of the surrounding area.

The proposed lots are sized appropriately and shaped to maximize the development potential of the lands they are being established on. There are no other viable alternatives to development on these lands that could see an increase in units.

4. The creation of, and use, of new lots as well as remnant parcels of land created through consent, including new lots and remnant parcels created through land assembly or boundary adjustments, shall be evaluated having regard for the Urban Design policies and principles of this Plan, together with other relevant policies of this Plan.

Conditions of approval may be established, including but not limited to Development Agreements registered on title, to ensure that existing or new development/redevelopment on new lots or remnant parcels of land created through consent, including through land assembly and boundary adjustment, is in keeping with the policies of this Plan and having regard for the matters set out in Section 51 (24) of The Planning Act, as amended.

The proposed dwellings have been evaluated against the urban design policies of the Official Plan and are found to be appropriately sized and located on the lot to fit the fabric of the existing neighbourhood. The driveway and attached garage will not dominate the streetscape of the proposed lots. Staff recommend a development agreement be entered as a condition of consent to ensure the proposed dwellings are built in accordance with submitted plans.

> *5. As set out in Part C, Section 4.1.1 of this Plan, the City may consider the establishment of a Design Review Panel to provide knowledgeable guidance with respect to design matters, consistent with City Urban Design Guidelines and the policies of this Plan, and in a manner to support both the municipality and proponents in the evaluation of lot creation proposals, including land assembly and boundary adjustments, and the subsequent development and/or redevelopment of the subject lands.*

This policy is not relevant to this application. The City's Design Review Panel is currently in abeyance as it is under review. In its place., the City's urban design planner has conducted a review of the applications and is not opposed to the proposal.

> *6. Provisions for severing individual parcels of land within the Agriculture Area are found in the Agriculture policy section of the Plan.*

The proposed lots are within the urban area and in an area designated Neighbourhood Residential. The Agricultural policies do not apply.

> *7. It is the general intent of this Plan to provide for the severance of land or the creation of easements for public parks, open space and trails, where such consents do not result in the creation of additional building lots.*

The proposed lots do not abut parkland nor trails. No access easements are required in this application. Therefore, this policy does not apply.

The proposed lots meet the required density established in the Official Plan and the required lot area set out in the Zoning By-law. The proposed lots do not meet the required lot frontage for detached dwellings in the R1 zone. There are concurrent minor variance applications that seek to remedy these deficiencies, which are discussed later in this report.

Staff are supportive of approval of Consent Applications **B-14/21SC** and **B-15/21SC**, subject to the conditions outlined in the respective recommendations herein.

Proposed Conditions

In addition to the standard conditions of consent, City staff have requested the following conditions be incorporated into the recommendations for approval of the two consent applications.

The City's Community, Recreation and Cultural Services department recommends that additional efforts be undertaken to preserve trees identified as 26 and 27 on the submitted

tree protection plan, including modifications to driveway width, driveway location and site grading. Staff recommend as a condition of consent that proposed site plan and grading plan be revised to preserve trees 26 and 27.

Road Widening

Welland Vale Road is designated a Local Road on Schedule C of the GCP 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, hydro, gas, telecommunications, 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 strip of land of varying widths across the frontage of the subject property be dedicated as Public Highway Welland Vale Road to obtain half of the additional requirements necessary to ultimately achieve the desired road allowance width of 20.12 metres. The applicants are aware of this required and have identified the required road widening dedication as Part 4 on the submitted survey sketch.

Minor Variance

Variance 1 on application A-46/21

Staff note that variance 1 on Application A-46/21 has been requested in error. The proposed lot frontage, when measured in accordance with the Zoning By-law (6 metres offset from the front lot line) is about 18 metres, not 15.83 metres as stated in the application and on the notice of hearing. The proposed lot frontage is in compliance with the Zoning By-law. Therefore, variance 1 on application A-46/21 is not required. Accordingly, Staff recommend that the applicant withdraws this variance.

Variance 3 on application A-46/21

Staff note that variance 3 on Application A-46/21 has been requested in error. The proposed setback for a platform structure over 1.2 metres in height is actually in excess of 6 metres from the front lot line. This platform structure is located on the second storey above the garage. The variance requested in the application and on the Notice of Hearing provides a measurement of 4.48 metres, which is the setback from the covered verandah to the front lot line. Both the covered verandah and platform structure above the garage are in full compliance with the Zoning By-law and do not require minor variances. Therefore, variance 3 on application A-46/21 is not required. Staff recommend that the applicant withdraws this variance.

Variance 1 on applications A-44/21 and A-45/21

The applicant is requesting a reduction in the required frontage on both new lots. The required frontage in the R1 zone for a detached dwelling is 16.5 metres. The applicant is proposed frontages of 15.74 metres for the new lots. Approval of these variances will permit the creation of two new lots and the construction of three new detached dwellings. These reductions can be considered minor in nature and desirable for the appropriate development of the subject lands.

The intent of a minimum lot frontage is to regulate lot size and density, provide context for consistent lot sizes and maintain neighbourhood character. The proposed lot frontage reductions from 16.5 metres to 15.74 metres still achieves this intent. Despite the reduced width, the lots are still within the size range permitted in the R1 zone and meet density requirements. The lots are also of a similar width to other lots in this section of Welland Vale Road. The applicant has demonstrated that the lots are still capable of accommodating detached dwellings without the need to reduce the minimum side yard setback. Staff are satisfied that the sought reductions meet the intent of the Official Plan and Zoning By-law.

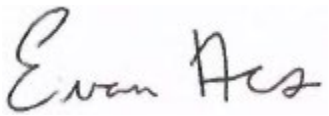
Variance 2 on applications A-45/21 and A-46/21
The applicant is requesting a reduction in the front yard setback from the front lot line to a garage from 7 metres to 6.25 metres on A-45/21 and 6.45 metres on A-46/21. The variances are necessitated by the geometry of the lot and the design and placement of the proposed dwellings. Approval of these variances will permit the garages to be closer to the front lot line than otherwise permitted. That said, the dwellings are designed in a manner that the main wall of the dwelling will still be closer to the road than the garages. Therefore, the garages will not dominate the streetscape. Furthermore, given the topography of the lot and the location and curvature of the road, these variances will be virtually unnoticeable from the street. Staff consider these variances to be minor in nature, desirable for the appropriate development of the subject lands, and meet the intent of the Official Plan and Zoning By-law.

Conclusion

Having regard for the matters under Section 53 of the *Planning Act*, staff are of the opinion that Consent Applications **B-14/21SC** and **B-15/21SC** are consistent with the provisions of the Zoning By-law and will have no adverse impacts on the surrounding area and environment. It is staff's recommendation that the requested consents to sever be approved, subject to the conditions outlined in the recommendation.

Having regard for the matters under Section 45(1) of the *Planning Act*, staff are of the opinion that Minor Variance Applications **A-44/21**, **A-45/21** and variance 2 on **A-46/21** be approved as these variances are all in keeping with the general intent of the Official Plan and Zoning By-law, are minor in nature, and are desirable for the appropriate development of the lands. Staff further recommend variances 1 and 3 on Minor Variance Application **A-46/21** be withdrawn.

Prepared and Submitted by: **Approved by:**



Evan Acs
Planner I

Tami Kitay MPA, MCIP, RPP
Director of Planning and Building Services

NIAGARA PENINSULA CONSERVATION AUTHORITY

250 Thorold Road West, 3rd Floor, Welland, Ontario L3C 3W2
Telephone 905.788.3135 | Facsimile 905.788.1121 | www.npca.ca

June 11, 2021

Our File No.: PLCON202100786

BY E-MAIL ONLY

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

Attention: Elaine Munro, Secretary-Treasurer

Subject: **Applications for Consent and Minor Variance**
(B-14/21), (B-15/21), (A-44/21), (A-45/21) & (A-46/21)
119 Welland Vale Road, St. Catharines, ON

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

The purpose and effect of the application is to facilitate the creation of new residential building lots. Each lot is proposed to have a new dwelling. The existing structures on the property are to be removed.

NPCA Policy

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

The NPCA regulates watercourses, flood plains (up to the 100-year flood level), Great Lakes shorelines, hazardous land, valleylands, and wetlands under *Ontario Regulation 155/06* of the *Conservation Authorities Act*. The NPCA's *Policies for the Administration of Ontario Regulation155/06 and The Planning Act.* (NPCA policies) provides direction for managing NPCA regulated features.

The feature impacting this property is a regulated hazardous slope and is subject to NPCA Policy 7.2.3.1. This section explains: "Development and/or site alteration shall not be permitted within 50 m of a hazardous site unless it can be demonstrated that there are no adverse impacts to the hazard with respect to the control of flooding, erosion, dynamic beaches, pollution and conservation of land. The NPCA may require a geotechnical study."

This proposed development will cut into steep slopes associated with the Twelve Mile Creek System. The NPCA will require confirmation from a qualified Geotechnical Engineer that development can be undertaken on this site in a manner that will not negatively impact the slope stability on this property, or the stability on adjacent lands. The NPCA will be required to review a detailed set of building plans, as well as lot grading

plans. The Geotechnical Engineer will need to review and approve the grading plans and discuss them within the context of their report.

Conclusion:

Given the above, please be advised the NPCA offers no objections in principle to the approval of this application. Future permits for development on this property will be required from this Office. The project drawings, grade plan, and Reports from the Geotechnical Engineer should be finalized and circulated to the NPCA to ensure conformity with NPCA Policies.

I trust the above will be of assistance to you. Should you have any further questions or require further information in this matter, please do not hesitate to call. For administrative purposes, please forward any decisions and resolutions of your Committee. In the event of an appeal to the Local Planning Appeal Tribunal (LPAT), please send notice of any Case Management Conference.

Yours truly,

Taran Lennard
Watershed Planner
(905) 788-3135, ext. 277
tlennard@npca.ca

Planning & Development Services
1815 Sir Isaac Brock Way, PO Box 1042, Thorold, ON L2V 4T7
Telephone: 905-980-6000 Toll-free: 1-800-263-7215
www.niagararegion.ca

VIA E-MAIL ONLY

June 16, 2021

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

Application for Consent

Proposal: Application B-15/21SC is made for consent for the proposed construction of a 2-storey detached dwelling to be known as 117 Welland Vale Road. A 493.9 m2 remnant parcel (Part 3) for the proposed 2-storey detached dwelling unit to be retained for continued residential use..

Location: 119 Welland Vale Road
In the City of St. Catharines

Our File: CS-21-0047

Regional Planning and Development Services staff have completed a review of the following materials which were provided as part of an application for a consent application for a severance located at 119 Welland Vale Road in the City of St. Catharines:

- Notice of Hearing and Application, dated June 01, 2021.

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

Core Natural Heritage

There are currently no mapped natural heritage features on the subject property. However, based on aerial imagery available to the Region, it appears that there are wooded areas on and adjacent to the subject property. As per Region Official Plan Policy 7.B.1.8, Environmental Planning staff typically require the completion of a Constraints Analysis to determine if these features meet the criteria for identification as Core Natural Heritage System features (Significant Woodland, Significant Wildlife Habitat, Habitat of Endangered or Threatened species, etc).

The proposed consent applications and concurrent minor variance applications are to establish 3 lots and construct 3 dwellings, directly adjacent to the wooded area. At the pre-consultation meeting on March 25, 2021, staff requested that a Tree Preservation Plan (TPP) be submitted in support of these applications, in lieu of a Constraints Analysis/EIS, that indicates appropriate setbacks and mitigation measures to protect the adjacent wooded areas.

Staff have reviewed the Tree Preservation Plan prepared by Jackson Arboriculture Inc. (dated May 31, 2021) and while we find the plan generally sufficient to fulfill regional requirements, there was a Butternut (Tree #28) identified within 11 m of the limit of development. Staff require correspondence from the Ministry of Environment, Conservation and Parks that confirms that the protection measures identified in the TPP are sufficient to protect this endangered species.

Site Servicing

A site servicing plan was not submitted with the material provided for the consents for these sites. It should be noted that if there is going to be a crossing of the Regions forcemain that the developer will provide a plan and profile showing the crossing required for the servicing of the new lots and ensure the following Regional staff are notified if there is work around the Regional forcemain. Area 3 Gerry Atkinson, Manager, Wastewater operations (905-651-1048) and John Daniels, Manager, Wastewater maintenance (289-241-2361).

Conclusion

Based on the analysis and comments above, Regional staff offers no objection to the application provided the conditions in Appendix I are included to ensure that the required correspondence from the Ministry of Environment, Conservation and Parks and the required plan and profiles are submitted to the Region for review and approval.

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

Best Regards,

Matteo Ramundo
Development Approvals Technician
Niagara Region

Attention: Appendix- Regional Conditions for Site Plan Approval

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

Lori Karlewicz, Planning Ecologist, Niagara Region.

APPENDIX I
Consent Conditions
119 Welland Vale Road, St.Catharines

- That correspondence from the Ministry of Environment, Conservation and Parks that confirms that the protection measures identified in the TPP are sufficient to protect this endangered species be provided to the Region.
- That the owner provide plan and profile drawings of any proposed service crossings of the Regional forcemain to the Region for review and approval.

June 7, 2021

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

Attention: Elaine Munro

File# 21 103408, 21 103411, 21 103869, 21 103871 & 21 103872

Re: 115, 117 and 119 Welland Vale Rd

In response to your correspondence dated June 1, 2021, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

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

We would also like to stipulate the following:

- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities respresentative 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.

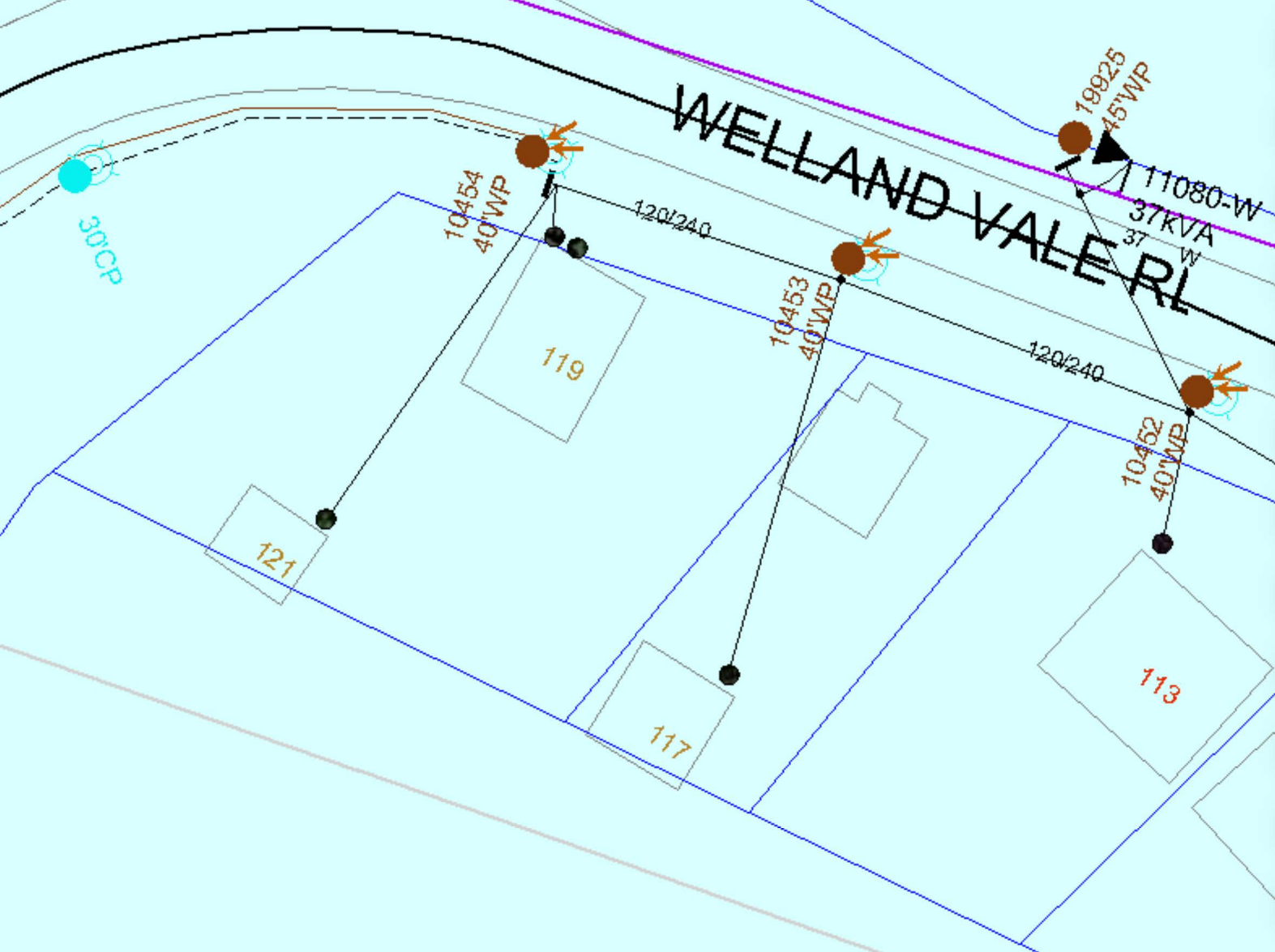
- Clearances from Overhead and Underground existing electrical distribution system must be maintained in according to:
    - Ontario Building Code (1997) Section 3.1 (3.1.18.1)
    - Electrical Safety Code Rule 75-312
    - Occupational Health and Safety Act (OH&SA) – Construction Projects (Electrical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

Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital


WELLAND VALE RL
30'CP
10454
40'WP
120/240
10453
40'WP
120/240
19925
45'WP
11080-W
37KVA
37
W
10452
40'WP
119
121
117
113

From:	Munro, Elaine
To:	Munro, Elaine
Subject:	Cogeco - No concerns RE: Committee of Adjustment Applications for June 23, 2021 Hearing
Date:	Wednesday, June 9, 2021 8:05:57 AM

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

From: Doug Crown <doug.crown@cogeco.com>
Sent: Wednesday, June 9, 2021 8:03 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Committee of Adjustment Applications for June 23, 2021 Hearing

Hi Elaine
Sorry for the delay.
Cogeco has no concerns with these applications.

Have a Wonderful Day

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: June 10, 2021

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – June 23, 2021 hearing

B-14/21SC – 119 Welland Vale Road

Comment:
- No comment

Condition:
- No comment

B-15/21SC – 119 Welland Vale Road

Comment:
- No comment

Condition:
- No comment

B-18/21SC – 35 Arthur Street

Comment:
- No comment

Condition:
- No comment

B-19/21SC – 39 Arthur Street

Comment:
- No comment

Condition:
- Be advised that a building permit is required to relocated the existing shed.

B-16/21SC – 41 Moffat Street

Comment:
- No comment

Condition:
- No comment

B-17/21SC – 41 Moffat Street

Comment:
- No comment

Condition:
- No comment

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

Memorandum

To: Elaine Munro, Committee Secretary & Planning Clerk
Planning and Building Services
Cc: Wilrik Banda
Planning and Building Services
From: Lou Grossi, Building Inspector II
Planning and Building Services
Date: June 10, 2021

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – June 23, 2021 hearing

NO.	ADDRESS	COMMENTS
A-48/21	345 Geneva Street	Be advised that a building permit is required for the proposed 3 storey apartment building.
A-44/21	115 Welland Vale Road	Be advised that a building permit is required for the proposed single detached dwelling.
A-45/21	117 Welland Vale Road	Be advised that a building permit is required for the proposed single detached dwelling.
A-46/21	119 Welland Vale Road	Be advised that a building permit is required for the proposed single detached dwelling.
A-47/21	3 Cherry Street	Be advised that a building permit is required for the current rear roof structure and deck attached to the existing dwelling. Be advised that the inspections for building permit (13101259RN – front porch) are required to be scheduled and approved by building inspector.

NO.	ADDRESS	COMMENTS
A-49/21	8 Cindy Drive	Be advised that a building permit is required for the existing deck around the pool. Be advised that a building permit is required to demolish the existing detached garage. Be advised that a building permit is required to be completed for the proposed detached garage.
A-50/21	236 Augustine Drive	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-51/21	35 Arthur Street	Be advised that a building permit is required to demolish the existing shed if it exceeds 108sf in size.
A-52/21	37 Arthur Street	Be advised that a building permit is required for the proposed 1 storey single detached dwelling.
A-53/21	39 Arthur Street	No comment
A-54/21	21 Broadmore Avenue	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-55/21	30 Woodcrest Drive	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-56/21	528 Geneva Street	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-57/21	192 Rykert Street	Be advised that a building permit is required to be completed for the proposed 5 unit townhouse block and rear decks. Be advised that a building permit is required for the proposed 4 unit townhouse block and rear decks.
A-41/21	3 Marshall Lane	Be advised that a building permit is required for the proposed single detached dwelling.

NO.	ADDRESS	COMMENTS
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: June 8, 2021

Subject: Committee of Adjustment Hearing – June 23, 2021

CRCS has reviewed the Committee of Adjustment application for the hearing June 23, 2021 and provides the following comments.

1. 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

   No additional comments.

2. 119 Welland Vale Road, Consent, B-14/21SC – 21103408
   119Welland Vale Road, Consent, B-15/21SC – 21103411
   115 Welland Vale Road, Minor Variance, A-44/21 – 21103869
   117 Welland Vale Road, Minor Variance, A-45/21 – 21103871
   119 Welland Vale Road, Minor Variance, A-46/21 – 21103872

   CRCS staff have reviewed the Tree Protection Plan. Trees 26 and 27 are identified to be in good condition but are identified for removal to accommodate the proposed driveways for Part 1 and Part 2. Additional effort is required to address the feasibility of retaining trees 26 and 27 and may include modifications to driveway width, driveway location and site grading.

   If Planning and Building Services determines that parkland dedication can be collected for this application PRCS requests the following condition of each 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 each 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

3. 3 Cherry Street, Minor Variance, A-47/21 – 21104826
   No comment.

4. 345 Geneva Street, Minor Variance, A-48/21 – 21104829
   Landscape requirements and tree protection have been addressed through the site plan agreement.

5. 8 Cindy Drive, Minor Variance, A-49/21 – 21104845
   No comment.

6. 236 St. Augustine Drive, Minor Variance, A-50/21 – 21104885
   No comment.

7. 35 Arthur Street, Consent, B-18/21SC – 21104902
   39 Arthur Street, Consent, B-19/21SC – 211104903
   35 Arthur Street, Minor Variance, A-51/21 – 21104906
   37 Arthur Street, Minor Variance, A-52//21 – 21104912
   39 Arthur Street, Minor Variance, A-53/21 – 21104914

   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

8. 192 Rykert Street, Minor Variance, A-57/21 – 21104987
   CRCS staff have reviewed revised landscape plans through the Site Plan Process. New landscaping should be provided in the locations where trees 20, 23, and 30 were removed.

   Shifting the development to the north and removing the parallel parking for visitors would alleviate the need for many of the variances and provide additional space for both landscaping and drainage to the south of unit 2.

9. 21 Broadmore Avenue, Minor Variance, A-54/21 – 21104947
   No comment.

10. 30 Woodcrest Drive, Minor Variance, A-55/21 – 21104975
    No comment.

11. 528 Geneva Street, Minor Variance, A-56/21 – 21104947
    No comment.

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

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-14&15/21SC

June 10, 2021 **ENGINEERING FILE 300-36**

Hearing Date: June 23rd, 2021

Applicant: Taryan Real Estate Corporation

Location: 119 Welland Vale Road

MUNICIPAL SERVICES

Water:	150mm P.V.C.
Sanitary:	200mm Concrete 200mm P.V.C. Regional Forcemain
Storm:	None fronting lands directly. 900mm outlet to Twelve Mile Creek north side of Welland Vale Road
Sidewalks:	None.
Road Allowance:	15.24m± Varied width along the frontage

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

Comment(s): It is noted that the Owner proposes to adjust the lot lines of two lots to create one new lot for the purpose of constructing one new dwelling.

Roads

Welland Vale Road is designated a Local Road in the City's Official Plan with a desired right-of-way width of 20.0m. Its current width varies at +/- 15.24m, therefore, the City shall require approximately 2.40m along the frontage of the property to join at the most north-easterly corner of 119 Welland Vale Road, to achieve a 10.0m distance from the centre of the road allowance, free of any encumbrances to be known as Public Highway Welland Vale Road. An attached sketch has been provided by our Geomatics section dictating the required widening limits.

Sidewalks

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

Given the City would like to remain consistent with past requirements to bring roads up to standards to accommodate future City utilities (storm sewer, upgraded watermain and sanitary sewer extensions), other private

utilities (Gas, Hydro, Bell, etc.), boulevard trees and sidewalks, bike lanes and meeting the Garden City Plan initiatives driven by Council, it is required that the Owner make a cash-in-lieu contribution for the construction of future 1.50m wide sidewalks along the entire property frontage of Welland Vale Road. The fee shall be in accordance with current average tender prices and construction pricing indexes, currently at $194.45.m^2 (2021). Based on this cost and the length of the frontages of approximately 77.0m, an estimated cash-in-lieu payment of approximately **$22,459.00** is expected.

Engineering Services

Increased drainage challenges occur in these types of in-fill developments where existing lots within established neighbourhoods sometimes do not have suitable drainage outlets in place. The owner must retain at their cost, a qualified Engineer or Ontario Land Surveyor to prepare a Master Lot Grading and Drainage plan for the proposed development lots. The plan shall be submitted for review, and approved by City staff, prior to the finalization of the consent. City staff will review the plan to ensure that the drainage scheme of the existing, and proposed future lots convey drainage to a suitable outlet(s), while at the same time not adversely affect abutting properties.

Sump pump flows are typically discharged to grade when no opportunities to connect to a piped storm sewer are available. Since a storm sewer does not exist at this location for available connections, sump pumps for the new dwellings shall be permitted to discharge weeping tile flows to grade, through the front foundation wall only, and towards Welland Vale Road. The location of the discharge pipes shall be shown on the Master Lot Grading and Drainage plan and be further coordinated with building foundation plans at the time Building Permit applications are made.

The house design shall ensure rainwater leaders (downspouts) are directed/discharged to the front of the lot. The location and direction of the roof water discharge pipes must also be identified on the grading and drainage plan.

The Owner shall be responsible to pay the fee for City crews to locate, trace, inspect and document the water and sewer service laterals for the existing dwelling, to confirm they do not conflict with any existing or future lot lines. If any of the existing services are determined to be in conflict with existing 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 also pay the City to relocate any portion of those services on public property. The Owner must also pay the City to install a water service and sanitary laterals for the new lots from the City sewers and watermain to the property line. Payment for the services for the newly created lot will be at the building permit stage.

Condition(s): Prior to the finalization of the proposed consent the Owner shall:

- Provide the City a draft reference plan indicating the proposed widening for review and approval, prior to registration of the plan in the Land Registry Office; and
- Dedicate to the City, free and clear of any encumbrances, the widening across the frontage of the subject properties, to be known as Public Highway Moffatt Street: and
- Pay the fee for City crews to locate, trace, inspect and document

the sewer laterals and water services to the existing dwellings; and

- If determined existing laterals or water services conflict with existing or future lot lines, the Owner shall complete any relocation works on private property through a Plumbing Only Permit. The Owner shall also pay the City to complete any associated relocation works required on City property; and
- Arrange to have a Master Lot Grading and Drainage plan prepared by a qualified Engineer or Ontario Land Surveyor. The plan shall be submitted for review and approval by City staff; and
- Pay to the City the estimated cash-in-lieu amount of **$22,459.00** for the provisions of a future 1.50m wide concrete sidewalk along the frontages of Welland Vale Road

Prepared by:

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

c. James Denham, PBS (email only)

Memorandum

To: Elaine Munro, ACST, Committee Secretary & Planning Technician
From: Brad Johnston, C.E.T., Development Engineering Technologist
CC: City Committee of Adjustment Staff Members
Date: June 10h, 2021
Hearing Date: June 23h, 2021
Subject: **Committee of Adjustment - Minor Variance Applications**
3, 5, 7 Marshall Lane, A-41, 42 & 43/21SC
115, 117, 119 Welland Vale Road, A-44, 45 & 46/21SC
3 Cherry Street, A-47/21SC
345 Geneva Street, A-48/21SC
8 Cindy Drive, A-49/21SC
236 St. Augustine Drive, A-50/21SC
35, 37 & 39 Arthur Street, A-51, 52 & 53/21SC
192 Rykert Street, A-57/21SC
21 Broadmore Avenue, A-54/21SC
30 Woodcrest Drive, A-55/21SC
528 Geneva Street, A-56/21SC

Development Engineering have reviewed the above applications and have no comments or objections to the above applications that are currently under our review through a Planning process, however for others we have the following:

- Applicants shall be advised that a Lot Grading Plan may be a requirement for applications that are subject to a Building Permit

Prepared by:

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

cc. James Denham, PBS (email only)

Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: June 8, 2021

Subject: Committee of Adjustment
Public Hearings – June 23, 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

St. Catharines

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

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

COMMENTS

A-47/21

3 Cherry Street

DATE OF HEARING:
June 23, 2021

CITY OF ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: May 28, 2021 **Date of Meeting:** June 23, 2021

Report Number: **A-47/21** **File:** **21104826**

Subject: 3 Cherry Street

Recommendation

That Variances 1 and 2 of Application **A-47/21** by Debralee van Dyk and Martin van Dyk, as outlined in the Notice of Hearing, be denied.

That Variances 3 and 4 of Application **A-47/21** by Debralee van Dyk and Martin van Dyk, as outlined in the Notice of Hearing, be approved.

Report

The Proposal

The Applicant seeks relief from the City of St. Catharines' Zoning By-law 2013-238 to recognize an existing platform and roof structure of the detached dwelling. The Applicant has applied for the following variances:

Variance	Provision	Required	Proposed
1	Minimum setback from the interior side lot line to a platform structure	1.2m	0.15m
2	Minimum setback from the interior side lot line to a roof structure	1.2m	0.00m
3	Minimum setback from the rear lot line to a platform structure above 1.2m from grade	4.5m	3.28m
4	Minimum setback from the rear lot line to a roof structure	4.5m	3.28m

Location and Site Description

The subject property is located on the south side of Cherry Street, south of Ontario Street and west of St. Paul Street West. The neighbourhood is comprised of residential and

commercial properties. The subject property is presently occupied by a single-detached dwelling.

Circulation of Application

This Application was circulated to all appropriate departments and agencies. The City's Building Services noted that building permits would be required for the existing rear roof structure and deck attached to the existing dwelling and that the existing structures were constructed without the appropriate permits and inspections. The City's Engineering staff advised that a Lot Grading Plan may be required as part of the building permit process.

Six letters of comment were received regarding this application, five in opposition and one in favour of the existing structure.

Comments in opposition to the application were received from owners of six neighbouring properties, including the property located directly west of 3 Cherry Street. The comments suggested that the existing awning support posts and roof structure be relocated to adhere to the Zoning By-law requirements. It should be noted that four of the properties are owned by the same corporate entity, whose "Officer/Director/Shareholder" also submitted a comment as owner of their personal residence.

The resident located diagonally rear to the property expressed their support for the applicant.

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 E10. 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 with accessory structures, such as a deck, are permitted in this zone.

Planning Analysis

The application is seeking relief from the Zoning By-law for four setback reductions to recognize the existing platform and roof structure.

Variance 1 is requesting a reduction to the minimum setback from the interior side lot line to a platform structure from 1.2m to 0.15m. **Variance 2** is requesting a reduction to the minimum setback from interior side lot line of a roof structure from 1.2m to 0.0m. Both variances are requested to permit the existing structures to be erected along the neighbouring lot line to the west. For an application to be deemed minor in nature, it must not have an adverse impact on the neighbouring area. Section 7.1 of the Official Plan states that development shall minimize adverse impacts on adjacent properties in regard to drainage, privacy, and views. The existing structure does not provide a side yard

setback and is located along the neighbouring lot line, which may result in adverse impacts to the neighbouring property such as runoff water and drainage or privacy and views of the adjacent property to the west. The intent of the minimum setback is to provide adequate distance between neighbouring properties. Given the resulting elimination of a side yard setback and the potential adverse impacts to the neighbouring property, these variances are not considered to be minor in nature. Staff recommend that variances 1 and 2 be denied, as they are not consistent with the general intent and purpose of the Official Plan and Zoning By-law, are not considered minor in nature nor a desired or appropriate use of the land.

Variance 3 is requesting a reduction to the minimum setback from the rear lot line to a platform structure 1.2m above grade from 4.5m to 3.28m. **Variance 4** is requesting a reduction to the minimum setback from the rear lot line to the roof structure from 4.5m to 3.28m. Both variances are to permit the proximity of the existing structures to the rear lot line, which will minimize the property's rear yard. The intent of a rear yard is to provide privacy as well as adequate separation from adjacent properties. A detached dwelling with an accessory structure and platform structures is permitted at this property under the Official Plan and Zoning By-law and is therefore considered a desirable and appropriate use of the land. Considering the existing structures do not exceed the permitted maximum area of a platform structure and provide a 3.28m rear yard, the 1.22m reduction in rear yard is not anticipated to result in adverse impacts to neighbouring properties, including the property south of 3 Cherry Street. As such, the proposed variance to reduce the rear yard setback is considered minor in nature. The request for variances 3 and 4 is considered minor in nature, desirable and aligns with the general intent of the City's Official Plan and Zoning By-law. Staff recommend that variance 3 and 4 be accepted.

Conclusion

Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that **Variances 3** and **4** on Application **A-47/21** are in keeping with the general intent of the Official Plan and Zoning By-law, are minor in nature, and are desirable for the appropriate development of the lands. Staff recommend approval of **Variances 3** and **4**.

Staff is of the opinion that **Variances 1** and **2** on Application **A-47/21**, as outlined in the Notice of Hearing, are not minor in nature, are not desirable for the appropriate use of the land, and do not meet the general intent of the Official Plan and Zoning By-law. Staff recommend denial of **Variances 1** and **2**.

Prepared by:

Cameron Rose
Student Planner

Submitted by:

Natasha MacDonald
Planner I

Approved by:

Tami Kitay MPA, MCIP, RPP
Director of Planning and Building Services

From:	Munro, Elaine
To:	Munro, Elaine
Subject:	Receipt of Comments RE: File No. 21104826 Submission No. A-47/21, 3 Cherry Street
Date:	Friday, June 18, 2021 4:53:21 PM

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

From: Athena Colman <>
Sent: Friday, June 18, 2021 3:13 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: File No. 21104826 Submission No. A-47/21

File No. 21104826
Submission No. A-47/21
Late submission consideration request

Dear Elaine,

We live at 14 Trafalgar Street, right next door to 3 Cherry St. and write this letter **in support of the property owner's application for a Minor Variance.**

I realize that we have regrettably issued this letter tow days late. Do you recommend we show up to read this into the record oe do you have a protocol for late inclusions?

This property is a benefit to the community in that it fits nicely and adds to the character of Cherry Street and the neighbouring historic streets. Across from this property Cherry Street fronts parking lots and commercial buildings with little or no landscaping. The resulting transition to residential properties, such as the applicant's property offers and provides an inviting environment that is appreciated by the neighbours.

The issues outlined on the notice board have in parts been located on the property for a long time, appear well built, and are hidden in view by the fence surrounding the property.

The other issues outlined on the notice board appear professionally designed, blend in with a colour palette like that of the surrounding buildings, provide privacy for the property owner and neighbours, and are aesthetically pleasing.

We encourage the Committee of Adjustments to grant the Minor Variance.

Yours truly,
Athena Colman and Jason Saxon
14 Trafalgar Street
St. Catharines, ON L2R 7N9
(XXX) XXX-XXXX

From: Munro, Elaine
To: Munro, Elaine
Subject: Comments Received RE: 3 Cherry St submission A-47/21
Date: Wednesday, June 16, 2021 8:39:15 AM

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

From: Paul Speck < >
Sent: Tuesday, June 15, 2021 5:24 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: FW: 3 Cherry St submission A-47/21

June 15, 2021

To whom it may concern,

We are somewhat shocked to learn that Mr. and Mrs. Van Dyk have built a structure that does not conform to the building code particularly based on what, in the past, has appeared to be a deep understanding of these codes based on their comments regarding other small developments in the neighbourhood. In any dense urban environment, particularly one as old as the Yates St. area it behooves neighbours to communicate and work together. We share a border with Cindy and Tony Fisher (as we do with the Van Dyk's) and they have been model neighbours, always communicating with us and even in a rare occurrence where we may not have fully agreed with each other we came to a fair and reasonable outcome that we were both happy with. The Fischer's have made significant investments in the area, for all of our benefit, particularly the building in question and we ask that their concerns be acknowledged and addressed in a way that suits them.

Paul and Melissa Speck
24 Yates St

E-mail: emunro@stcatharines.ca

June 16, 2021

Elaine Munro, Secretary-Treasurer
Committee of Adjustment, City Hall
50 Church Street
St. Catharines ON L2R 7C2

Re: Amanda No. 21104826 and Submission No. A-47/21

The applicants' application for a Minor Variance should be denied as it seeks simultaneous retroactive relief of 4 infractions of the City of St. Catharines By-law 2013-283.

Both the existing platform structure and the existing roof structure were installed by the applicants and/or their contractors when both knew, or ought to have known, that these structures were an absolute violation of By-law 2013-283. Furthermore, the applicants' fence was not properly installed as it is not entirely on their property. A pattern of disregard is evident.

I cannot with certainty claim that the existing platform structure was built to (any) code for loading, etc. so I defer to the Committee to make the appropriate decision with respect to the outcome of this structure as it relates to both its construction and location.

The awning frame towers overhead at the property line even when the canopy is removed. See provided picture.

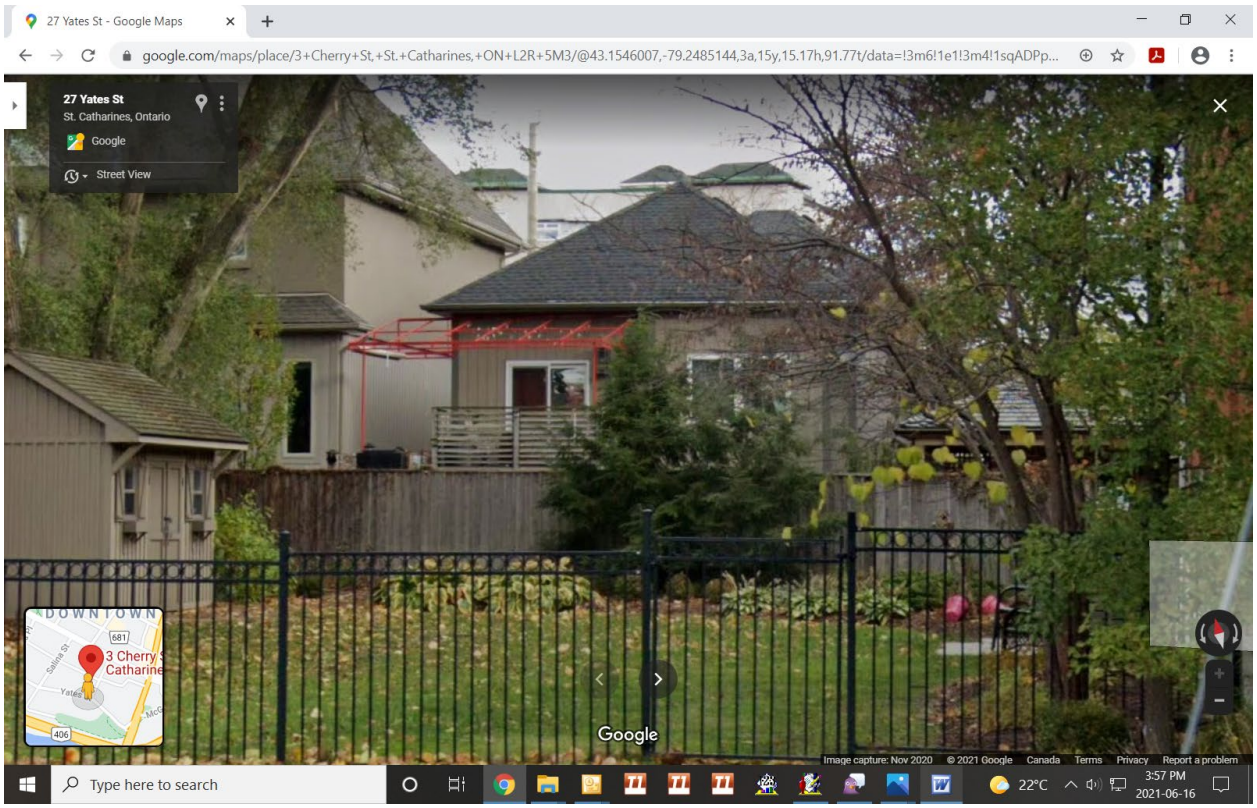
The privacy curtain is an eyesore as it soars above the fence line to the top of the roof line. When exiting the rear of 7A Cherry Street or when sitting on the patio, the oversized curtain overwhelms you as it sits on top of the property line. It is as if an addition was added to the home without regard to both side-yard and rear-yard setbacks. See provided pictures.

The solution is to relocate the awning support posts and the roof structure so as to uphold the By-law requirements.

Respectfully,

[redacted]

A.C. (Tony) Fischer
Officer / Director / Shareholder
DTFSL Equity Corp.
7A Cherry Street, St. Catharines


27 Yates St - Google Maps
google.com/maps/place/3+Cherry+St,+St.+Catharines,+ON+L2R+5M3/@43.1546007,-79.2485144,3a,15y,15.17h,91.77t/data=!3m6!1e1!3m4!1sqADPp...
27 Yates St
St. Catharines, Ontario
Google
Street View
DOWNTOWN
681
406
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3:57 PM
2021-06-16

E-mail: emunro@stcatharines.ca

June 16, 2021

Elaine Munro, Secretary-Treasurer
Committee of Adjustment, City Hall
50 Church Street
St. Catharines ON L2R 7C2

Re: Amanda No. 21104826 and Submission No. A-47/21

The applicants' application for a Minor Variance should be denied as it seeks simultaneous retroactive relief of 4 infractions of the City of St. Catharines By-law 2013-283.

Both the existing platform structure and the existing roof structure were installed by the applicants and/or their contractors when both knew, or ought to have known, that these structures were an absolute violation of By-law 2013-283. Furthermore, the applicants' fence was not properly installed as it is not entirely on their property. A pattern of disregard is evident.

I cannot with certainty claim that the existing platform structure was built to (any) code for loading, etc. so I defer to the Committee to make the appropriate decision with respect to the outcome of this structure as it relates to both its construction and location.

The awning frame towers overhead at the property line even when the canopy is removed. See provided picture.

The privacy curtain is an eyesore as it soars above the fence line to the top of the roof line. When exiting the rear of 7B Cherry Street or when sitting on the patio, the oversized curtain overwhelms you as it sits on top of the property line. It is as if an addition was added to the home without regard to both side-yard and rear-yard setbacks. See provided pictures.

The solution is to relocate the awning support posts and the roof structure so as to uphold the By-law requirements.

Respectfully,

[redacted]

A.C. (Tony) Fischer
Officer / Director / Shareholder
DTFSL Equity Corp.
7B Cherry Street, St. Catharines

E-mail: emunro@stcatharines.ca

June 16, 2021

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[redacted]

A.C. (Tony) Fischer
Officer / Director / Shareholder
DTFSL Equity Corp.
7C Cherry Street, St. Catharines

E-mail: emunro@stcatharines.ca

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Our neighbourhood should not be subject to any applicant(s) building whatever they choose and then begging for forgiveness by way of a Minor Variance application post-construction.

Respectfully,

[redacted]

A.C. (Tony) Fischer
Officer / Director / Shareholder
DTFSL Equity Corp.
12 Trafalgar Street, St. Catharines

E-mail: emunro@stcatharines.ca

June 16, 2021

Elaine Munro, Secretary-Treasurer
Committee of Adjustment, City Hall
50 Church Street
St. Catharines ON L2R 7C2

Re: Amanda No. 21104826 and Submission No. A-47/21

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Our neighbourhood should not be subject to any applicant(s) building whatever they choose and then begging for forgiveness by way of a Minor Variance application post-construction.

Respectfully,

[redacted]

A.C. (Tony) Fischer
Owner
26 Yates Street, St. Catharines

From:	Munro, Elaine
To:	Munro, Elaine
Subject:	Cogeco - No concerns RE: Committee of Adjustment Applications for June 23, 2021 Hearing
Date:	Wednesday, June 9, 2021 8:05:57 AM

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

From: Doug Crown <doug.crown@cogeco.com>
Sent: Wednesday, June 9, 2021 8:03 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Committee of Adjustment Applications for June 23, 2021 Hearing

Hi Elaine
Sorry for the delay.
Cogeco has no concerns with these applications.

Have a Wonderful Day

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 - 41 Moffatt, 3 Cherry, 30 Woodcrest RE: Review - Committee of Adjustment Applications for June 23, 2021 Hearing
Date:	Tuesday, June 8, 2021 11:31:19 AM

41 Moffatt Street,
3, 5 & 7 Marshall Lane
3 Cherry Street
30 Woodcrest Drive

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

From: Vasko, Dennis <dvasko@stcatharines.ca>
Sent: Tuesday, June 8, 2021 10:08 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: RE: Review - Committee of Adjustment Applications for June 23, 2021 Hearing

Hi Elaine,

There are no concerns in respect to closed landfills for these properties.

Dennis

Dennis Vasko
Fill Site Technician
Tel: 905.688.5601 x2163
Email: dvasko@stcatharines.ca

Memorandum

To: Elaine Munro, Committee Secretary & Planning Clerk
Planning and Building Services
Cc: Wilrik Banda
Planning and Building Services
From: Lou Grossi, Building Inspector II
Planning and Building Services
Date: June 10, 2021

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – June 23, 2021 hearing

NO.	ADDRESS	COMMENTS
A-48/21	345 Geneva Street	Be advised that a building permit is required for the proposed 3 storey apartment building.
A-44/21	115 Welland Vale Road	Be advised that a building permit is required for the proposed single detached dwelling.
A-45/21	117 Welland Vale Road	Be advised that a building permit is required for the proposed single detached dwelling.
A-46/21	119 Welland Vale Road	Be advised that a building permit is required for the proposed single detached dwelling.
A-47/21	3 Cherry Street	Be advised that a building permit is required for the current rear roof structure and deck attached to the existing dwelling. Be advised that the inspections for building permit (13101259RN – front porch) are required to be scheduled and approved by building inspector.

NO.	ADDRESS	COMMENTS
A-49/21	8 Cindy Drive	Be advised that a building permit is required for the existing deck around the pool. Be advised that a building permit is required to demolish the existing detached garage. Be advised that a building permit is required to be completed for the proposed detached garage.
A-50/21	236 Augustine Drive	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-51/21	35 Arthur Street	Be advised that a building permit is required to demolish the existing shed if it exceeds 108sf in size.
A-52/21	37 Arthur Street	Be advised that a building permit is required for the proposed 1 storey single detached dwelling.
A-53/21	39 Arthur Street	No comment
A-54/21	21 Broadmore Avenue	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-55/21	30 Woodcrest Drive	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-56/21	528 Geneva Street	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-57/21	192 Rykert Street	Be advised that a building permit is required to be completed for the proposed 5 unit townhouse block and rear decks. Be advised that a building permit is required for the proposed 4 unit townhouse block and rear decks.
A-41/21	3 Marshall Lane	Be advised that a building permit is required for the proposed single detached dwelling.

NO.	ADDRESS	COMMENTS
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: June 8, 2021

Subject: Committee of Adjustment Hearing – June 23, 2021

CRCS has reviewed the Committee of Adjustment application for the hearing June 23, 2021 and provides the following comments.

1. 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

   No additional comments.

2. 119 Welland Vale Road, Consent, B-14/21SC – 21103408
   119Welland Vale Road, Consent, B-15/21SC – 21103411
   115 Welland Vale Road, Minor Variance, A-44/21 – 21103869
   117 Welland Vale Road, Minor Variance, A-45/21 – 21103871
   119 Welland Vale Road, Minor Variance, A-46/21 – 21103872

   CRCS staff have reviewed the Tree Protection Plan. Trees 26 and 27 are identified to be in good condition but are identified for removal to accommodate the proposed driveways for Part 1 and Part 2. Additional effort is required to address the feasibility of retaining trees 26 and 27 and may include modifications to driveway width, driveway location and site grading.

   If Planning and Building Services determines that parkland dedication can be collected for this application PRCS requests the following condition of each 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 each 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

3. 3 Cherry Street, Minor Variance, A-47/21 – 21104826
   No comment.

4. 345 Geneva Street, Minor Variance, A-48/21 – 21104829
   Landscape requirements and tree protection have been addressed through the site plan agreement.

5. 8 Cindy Drive, Minor Variance, A-49/21 – 21104845
   No comment.

6. 236 St. Augustine Drive, Minor Variance, A-50/21 – 21104885
   No comment.

7. 35 Arthur Street, Consent, B-18/21SC – 21104902
   39 Arthur Street, Consent, B-19/21SC – 211104903
   35 Arthur Street, Minor Variance, A-51/21 – 21104906
   37 Arthur Street, Minor Variance, A-52//21 – 21104912
   39 Arthur Street, Minor Variance, A-53/21 – 21104914

   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

8. 192 Rykert Street, Minor Variance, A-57/21 – 21104987
   CRCS staff have reviewed revised landscape plans through the Site Plan Process. New landscaping should be provided in the locations where trees 20, 23, and 30 were removed.

   Shifting the development to the north and removing the parallel parking for visitors would alleviate the need for many of the variances and provide additional space for both landscaping and drainage to the south of unit 2.

9. 21 Broadmore Avenue, Minor Variance, A-54/21 – 21104947
   No comment.

10. 30 Woodcrest Drive, Minor Variance, A-55/21 – 21104975
    No comment.

11. 528 Geneva Street, Minor Variance, A-56/21 – 21104947
    No comment.

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

Memorandum

To: Elaine Munro, ACST, Committee Secretary & Planning Technician
From: Brad Johnston, C.E.T., Development Engineering Technologist
CC: City Committee of Adjustment Staff Members
Date: June 10h, 2021
Hearing Date: June 23h, 2021
Subject: **Committee of Adjustment - Minor Variance Applications**
3, 5, 7 Marshall Lane, A-41, 42 & 43/21SC
115, 117, 119 Welland Vale Road, A-44, 45 & 46/21SC
3 Cherry Street, A-47/21SC
345 Geneva Street, A-48/21SC
8 Cindy Drive, A-49/21SC
236 St. Augustine Drive, A-50/21SC
35, 37 & 39 Arthur Street, A-51, 52 & 53/21SC
192 Rykert Street, A-57/21SC
21 Broadmore Avenue, A-54/21SC
30 Woodcrest Drive, A-55/21SC
528 Geneva Street, A-56/21SC

Development Engineering have reviewed the above applications and have no comments or objections to the above applications that are currently under our review through a Planning process, however for others we have the following:

- Applicants shall be advised that a Lot Grading Plan may be a requirement for applications that are subject to a Building Permit

Prepared by:

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

cc. James Denham, PBS (email only)

Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: June 8, 2021

Subject: Committee of Adjustment
Public Hearings – June 23, 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

St. Catharines

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

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

COMMENTS

A-48/21

345 Geneva Street

DATE OF HEARING:
June 23, 2021

CITY OF ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: June 18, 2021 **Date of Meeting:** June 23, 2021

Report Number: **A-48/21** **File:** **21104829**

Subject: 345 Geneva Street

Recommendation

That Variances 1-5, and 10-14 Application **A-48/21** by Effort Trust Company, as outlined in the Proposal section of this report, be approved.

That Variance 6 of Application **A-48/21** by Effort Trust Company be approved as follows:

> *A reduction of the minimum width for a parking space obstructed on two sides from 3.5 metres to 3.2 metres for the driveway parking spaces of Units 1-8.*

That Variance 8 of Application **A-48/21** by Effort Trust Company, as outlined in the Proposal section of this report, be approved as follows:

> *A reduction of the minimum width for a parking space obstructed on two sides from 3.5 metres to 2.9 metres for the driveway parking spaces the Units 9-11.*

That Variance 9 of Application **A-48/21** by Effort Trust Company, as outlined in the Proposal section of this report, be approved as follows:

> *A reduction of the minimum width for a parking space obstructed on two sides from 3.5 metres to 3.4 metres for the garage parking space for Unit 9.*

That Variance 7 of Application **A-48/21** by Effort Trust Company, as outlined in the Proposal section of this report, be denied.

Report

The Proposal

The City is in receipt of a site plan application from Effort Trust Company, represented by Urban Solutions to construct eight back-to-back townhouse units and three townhouse units at the rear of an existing apartment building at 345 Geneva Street, on a private road. The townhouses are intended to be condominium tenure. In order to facilitate the proposal, the Applicant is seeking relief from the City of St. Catharines Zoning By-law 2013-283.

It is noted that the issued Notice of Hearing grouped together some of the requested variances. For the purpose of the Committee decision these variances should be outlined and considered individually. Therefore, notwithstanding the numbering of variances in the Notice of Hearing, this report considers the variances as numbered and outlined below:

Variance	Provision	Required	Proposed
1	A reduction of the required landscape buffer for a parking area with 5 to 20 parking spaces abutting a Residential Zone.	3.0 metres	1.0 metres (north lot line)
2	A reduction of the required landscape buffer for a parking area with 5 to 20 parking spaces abutting a Green Space Zone.	3.0 metres	0.5 metres (west lot line)
3	An increase of the maximum driveway width for Unit 9.	50% of unit width	56% of unit width
4	An increase of the maximum driveway width for Unit 10.	50% of unit width	66% of unit width
5	An increase of the maximum driveway width for Unit 11.	50% of unit width	64% of unit width
6	A reduction of the minimum required width of a parking space with obstructions on two sides for Units 1-8 (driveway).	3.5 metres	3.2 metres
7	A reduction of the minimum required width of a parking space with obstructions on two sides for Units 1-8, 10 & 11 (garage).	3.5 metres	3.0 metres
8	A reduction of the minimum required width of a parking space with obstructions on two sides for Units 9-11 (driveway).	3.5 metres	2.9 metres
9	A reduction of the minimum required width of a parking space with obstructions on two sides for Unit 9 (garage).	3.5 metres	3.4 metres

10	A reduction of the minimum rear yard setback from an end wall (Unit 9).	3.0 metres	1.8 metres
11	A reduction of the minimum rear yard setback from a rear wall (Unit 9).	6.0 metres	1.6 metres
12	A reduction of the minimum setback between buildings between rear walls (Units 1-8).	7.5 metres	0.0 metres
13	A reduction of the minimum distance from the private road to a dwelling (Units 4 & 5).	3.0 metres	2.4 metres
14	A reduction of the minimum distance from the private road to a porch (Units 4 & 5).	3.0 metres	2.4 metres

Location and Site Description

The subject property is located on the west side of Geneva Street, south of Scott Street, and north of Ted Street. There is an existing ten storey, 104-unit apartment building with associated surface and structure parking on the subject property. The proposed 11 townhouse units are located on the west part of the site, to the rear of the existing apartment building. This area is currently gravelled and unused. The property is surrounded by a residential apartment building to the north, commercial uses to the south, detached dwellings across Geneva Street to the east, and green space to the west.

Circulation of Application

This Application was circulated to all appropriate departments and agencies: to-date, no objections have been 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 High Density Residential on Schedule E1. Apartment buildings, townhouse dwellings, and private road developments are permitted in this designation with a density of generally 85 units per hectare of land or greater. The proposal would result in a density of 123 units per hectare, which is in keeping with the target density of the Official Plan.

Zoning By-law (2013-283)

The subject property is zoned High Density Residential (R4). Apartment buildings and townhouse dwellings within private road developments are permitted within the R4 zone, subject to the provisions of the Zoning By-law.

Planning Analysis

Variances 1 and 2 – Landscape Buffering

Variance 1 requests a reduction in the minimum required landscape buffer along a parking area with 5-20 spaces adjacent to the residential zone to the north. Variance 2 requests a reduction in the minimum required landscape buffer along a parking area with 5-20 spaces adjacent to the green space zone to the west. The required 3.0 metre landscape buffers are requested to be reduced to 1.0 metres along the residential zone and to 0.5 metres along the green space zone. The reduced landscape buffers are located along the proposed extension of the private road, which is technically considered a parking area of 5-20 parking spaces for the purpose of applying the zoning provisions.

Part D, Section 7.1 c) v) 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 the provision of parking areas that do not dominate the site physically or visually, and maximize opportunities for perimeter and internal landscaping. The intent of the minimum required landscape buffer along green space and residential zones in the Zoning By-law is, in part, to ensure compatibility of parking areas with more sensitive uses, and to ensure expansive paving is paired with landscaping to visually reduce the impact of parking on those uses.

The requested reduction along the Green Space zone to the west (0.50 metres) is only applicable to approximately 6 metres of pavement at the culmination of the private road. The reduction in this location for 6 metres is minor in nature as it is limited in scope and has no impact on the neighbouring greenspace to the west. The reduction in landscape buffer between the private road and abutting green space zone is appropriate for the desirable use of the land, as it facilitate appropriate infill intensification. The reduction allows the private road to extend beyond Units 8 and 9 so that vehicles that park in the driveways of these units can back out onto the street. The road does not include on-street parking, and the reduced buffer will not result in a parking area that, dominates the site. In these ways the intent of the GCP and Zoning By-law are maintained.

The reduction along the residential property to the north is proposed along the majority of the lot line adjacent to the private road. No parking spaces are provided along this lot line. Although vegetation will be limited along this portion of the private road, the private road has less impact on neighbouring lands than a typical parking area. Vehicle headlights and taillights will not be facing towards the neighbouring lot, and vehicles will not be parked adjacent to the residential use. In this way, the intent of the Zoning By-law is upheld. Staff are supportive of the reductions in landscape buffers on the site. The private road is more of a driveway than a parking area in function, with less need for substantial buffering. Due to the minimal impacts, the variance is considered minor in nature. There are existing trees on the neighbouring property which are to be retained through tree protection measures. The location of the private road is proposed to maximize landscaping along the existing apartment building, and provide a pedestrian walkway closer to the building, so the pavement does not dominate the site physically or visually. The reduction is thereby in keeping with the intent of the Official Plan and is desirable for the appropriate

development of the site with regards to pedestrian circulation and location of landscaping. The overall landscape coverage requirements are met, and tree protection requirements are being addressed through the site plan agreement to further ensure the intent of the Official Plan with regards to landscaping are upheld. Staff are supportive of the reductions in landscape buffers on the site.

Variances 3 - 5 – Driveway Widths (Units 9-11)
Variances 3 – 5 an increase in the maximum driveway widths for Units 9-11 from 50% of the unit width to 56% (Unit 9), 66% (Unit 10) and 64% (Unit 11).

Part D, Section 7.1 c) v) 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 the provision of parking areas that do not dominate the site physically or visually. This objective is carried into the Zoning By-law requirement to limit the width of driveways. The intent of the maximum driveway width is, in part, to minimize paved area and reduce the visual impact of paving and vehicle storage on streetscapes.

In this case, the public streetscape is not impacted by the proposed variance. The proposed development and driveways are located behind the existing apartment building. Any potential impact is within the private road development, as they have more prominence on the private streetscape. The impact on the private streetscape is minimised, provided that the proposed dwellings are designed in such a way that the dwelling portion of the building is more prominent than garage/parking area. This requirement is to be carried out through the site plan agreement. Staff are satisfied the intent of the Official Plan and Zoning By-law outlined above can be achieved with the proposed increase driveway widths

The requested increase in driveway widths in Variances 3, 4 and 5 are considered minor in nature, with no negative impacts anticipated given that the objectives of the GCP and Zoning By-law are maintained through the site plan process. The variances allow for the appropriate intensification of an irregular lot for which this built form is considered desirable. Staff are supportive of Variances 3 - 5.

Variances 6 - 9 – Parking Space Dimensions
Variances 6, 7, 8, and 9 request reductions in the width of parking spaces obstructed on two sides by the internal walls in the garages and obstructed on two sides by portions of the building facade in the driveways of each unit. The requested reductions of the width are from 3.5 metres to the widths are outlined with Variance numbers outlined below:

Units Impacted	Proposed Width

6. Units 1-8 (driveway) 7. Units 1-8, 10 & 11 (garage) 8. Units 9-11 (driveway) 9. Unit 9 (garage)	3.2 m 3.0 m 2.9 m 3.4 m

The applicant's proposal includes an increase in the length of the spaces to recognize the available parking area provided on the plan. The increase in length of the spaces is not necessary, nor is it expected to improve the functionality of spaces that have a reduced width. All of the spaces only require a minimum length of 5.2 metres, as per the Zoning By-law. Any additional length is permitted, but not required.

Part C, Section 5.4 of the GCP states that it is the intent of the GCP to ensure the location and design of parking facilities will provide sufficient and safe functioning of the transportation system. Section 5.4.1 states that vehicle parking standards will be established for all land uses in the implementing zoning by-law, and adequate off-street parking shall be provided for development/redevelopment in accordance with these standards. Zoning bylaws may establish maximum as well as minimum parking requirements for both vehicles and bicycles. The intent of the GCP is therefore implemented through the Zoning By-law. The intent of the minimum width of parking spaces with obstructions on two sides in the Zoning By-law is to ensure that adequate space is provided for opening vehicle doors, entering/exiting the vehicle, and moving around the vehicle, and to ensure the vehicle can safely and functionally enter/exit the space. The proposed widths of the spaces outlined above have been evaluated with this intent in mind.

In the case of the driveway spaces for all units (Variances 6 and 8), the obstructions are caused by portions of the dwelling units extending along each side of the driveway and extending between 0.9 and 1.9 metres into the spaces depending on the unit. These obstructions do not extend along the entirety of the spaces, and do not compromise the objectives of the Official Plan and Zoning By-law. The parking spaces in the driveways of Units 1 – 8 will function adequately with the proposed 3.2 metre width (Variance 6), and the driveway parking spaces of Units 9-11 will function with the proposed 2.9 metre width (Variance 8), given that the obstructions impact less than half of the parking space. The reduction is not expected to have any negative impacts on the subject or surrounding lands and is therefore considered minor in nature. The reduction in parking space width allows for more articulation in building façade, without compromising the actual function of the spaces, which is desirable for the appropriate development of these lands. Staff are supportive of the proposed reductions in parking space width for the driveway parking spaces for all units.

The proposed garage widths of 3.0 metres for Units 1-8, 10 and 11 (Variance 7) is not likely to fulfill the intent of the Zoning By-law provision, as there is not enough width for a parked vehicle to allow drive/passengers to functionally enter and exit the vehicle on both sides. The proposed 0.5 metre reduction in width inside the garage is not considered to

be appropriate and is not supported by staff. The garage parking spaces are not necessary to meet minimum parking requirements for the development. Should future residents wish to park inside their garages, they may do so. However, they are not appropriately size to be considered formal parking spaces as per the Zoning By-law.

With respect to the proposed reduction in garage parking width for Unit 9 (Variance 9), a 0.1 metre reduction is considered minor, as it will not significantly impact the function of this garage. The 0.1 metre reduction is not likely to compromise ingress and egress to parked vehicles, which is in keeping with the intent of the Official Plan and Zoning By-law. The space is considered appropriate to include in the functional parking provided on site.

Staff recommend approval of Variances 6, 8 and 9, as outlined in the recommendation, to permit a reduced width for the proposed driveway parking, and for the garage proposed in Unit 9. Staff do not recommend the approval of a reduced width for garage parking in Units 1-8, 10 and 11.

Variances 10 and 11 – Rear Yard Setbacks (Unit 9)
Variances 10 and 11 each request reduced setbacks to Unit 9 from the rear lot line. Variance 10 is for a reduction of the rear yard setback from the end wall of the unit from 3.0 metres to 1.8 metres, and Variance 11 requests a reduction of the rear yard setback from the rear wall of the unit from 6.0 metres to 1.6 metres. The irregular, angular shape of the lot relative to the proposed dwellings results in a unique situation in which the rear setback to Unit 9 is taken to both the end and rear wall of the same unit. There is City-owned green space to the west, which will not be negatively impacted by the reduced yards if setbacks are reduced. The impact is negligible, and the reductions are considered minor in nature.

Part D, Section 7.1 c) i) 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 integration of compatible building form, scale, massing, height, setbacks, spacing, siting, orientation, facades and architectural materials with adjacent buildings, properties and the surrounding neighbourhood.

To implement these objectives in the Official Plan, the intent of the required setbacks in the Zoning By-law is partly to ensure that adequate separation is provided between adjacent uses, to ensure access around the unit is provided, and to ensure adequate rear yard amenity space is available for each unit. The proposed 1.8 metre and 1.6 metre setbacks still allow for adequate access around the side and rear of the unit. The setback to the rear wall of Unit 9 is proposed to be 1.6 metres, which recognizes a pinch point at the rear corner of the unit. The dwelling is oriented such that there is still adequate amenity space available behind the unit despite the reduced setback to the rear corner of the dwelling. The approval of Variances 10 and 11 would allow for the infill development of the irregular lot in an appropriate manner that is in keeping with the intent of the GCP and Zoning By-law as described above, and with no negative impacts on adjacent City-owned green space.

Variance 12 – Setback Between Buildings (Units 1-8)
Variance 12 requests a reduced setback between the rear walls of buildings in a private road development from 7.5 metres to 0 metres for Units 1-8 to permit back-to-back townhouses. The built form of back-to-back townhouses is not a common built form in the City and has not been outlined formally in the Zoning By-law.

Part D, Section 7.1 c) i) 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 integration of compatible building form, scale, massing, height, setbacks, spacing, siting, orientation, facades and architectural materials with adjacent buildings, properties and the surrounding neighbourhood. This intent is carried through in the Zoning By-law where the minimum setback between buildings in a private road development is, in part, to ensure that units have adequate amenity space.

In this case, the site plan has identified designated amenity space in the northwest corner of the property. There is additional amenity space for the existing apartment building at the front and sides of the building. Additionally, both the existing apartment units and proposed townhouse units have external balconies, providing further outdoor amenity space for residents. The City-owned Lancaster Park is within a 5-minute walk to the south of the site, across Geneva Street. Two other nearby City-owned parks (John Page Park and Saint Alfred's Park) are within a 10-minute walk. There is sufficient on-site and nearby public outdoor amenity space for existing and future residents of the site, which upholds the intent of the GCP and Zoning By-law. The reduction of a 0-metre setback between the rear walls of the 8 townhouse units is considered minor in nature given the availability of nearby public and private amenity space. The back-to-back townhouse form allows for the appropriate and innovative intensification of the subject lands.

Variances 13 and 14 – Setbacks from Private Road (Units 4 and 5)
Variances 13 and 14 request reductions in the from the private road to the dwelling and porch of Units 4 and 5 from 3.0 metres to 2.4 metres. The 0.6 metre reductions are considered minor in nature. The requested setbacks are located at the east end of each unit.

Part D, Section 7.1 c) i) 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 integration of compatible building form, scale, massing, height, setbacks, spacing, siting, orientation, facades and architectural materials with adjacent buildings, properties and the surrounding neighbourhood. This intent is carried through in the Zoning By-law. The intent of the 3.0 metre setback requirement is to ensure that there is sufficient room for internal landscaping, to contribute to a visually appealing streetscape, and to generally improve safe sightlines along the private road and compatibility with surrounding buildings and properties.

The reduced setbacks to the dwellings are located at pinch points at the corners of the dwellings along the curve of the private road. The dwellings are setback the full required

distance at the front street-facing façade. These pinch point reductions do not have any anticipated impacts on the function of the development and are considered appropriate in this context of recognizing pinch points along the private road.

The reduced setbacks to the porches of Units 4 and 5 do not affect the safe function or sightlines along the private road. Appropriate landscaping is able to be provided throughout the site, which will be ensured through the site plan. The porches add visual interest and articulation to the end units and are generally appropriate for the development of the sight. In these ways, the intent of the GCP and Zoning By-law are maintained. Staff are supportive of Variances 13 and 14.

Conclusion

Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Variances 1 – 5, and 10 – 14 of Application **A-48/21**, as outlined in the Proposal section of this report, are in keeping with the general intent of the Official Plan and Zoning By-law, minor in nature, and desirable for the appropriate use of the lands. Staff recommend approval of these variances.

Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Variances 6, 8 and 9 of Application **A-48/21**, as outlined in the recommendation, are in keeping with the general intent of the Official Plan and Zoning By-law, minor in nature, and desirable for the appropriate use of the lands. Staff recommend approval of these variances as outlined in the recommendation.

Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Variance 7 of Application **A-48/21**, as outlined in the Proposal section of this report, is not in keeping with the general intent of the Official Plan and Zoning By-law, minor in nature, nor desirable for the appropriate use of the lands. Staff recommend that this variance be denied.

Prepared and Submitted by:

Charlotte McEwan, MCIP, RPP
Planner I

Approved by:

Tami Kitay MPA, MCIP, RPP
Director of Planning and Building Services

From: Munro, Elaine
To: Munro, Elaine
Subject: Comments Received FW: FILE: #21104829; SUBMISSION: A - 48/21
Date: Friday, June 18, 2021 12:52:56 PM

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

From: Katharine Hewko <>
Sent: Friday, June 18, 2021 10:18 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Porter, Karrie <kporter@stcatharines.ca>; Siscoe, Mathew <msiscoe@stcatharines.ca>
Subject: FILE: #21104829; SUBMISSION: A - 48/21

I have been a tenant at 345 Geneva Street, the Yorkshire Towers, since 1980. It appears that some time ago the City of St. Catharines gave the owners, Effort Trust Company, permission to build eleven (11) townhouses, with garages, in the backyard of the building.

The tenants were not aware of this until the city posted a notice in the front yard listing variances that have been requested by the owners. There were no notices – about the construction itself or the variances - posted inside the building, not on the bulletin board in the lobby and neither were individual notices delivered to each apartment. We have never been officially notified of the upcoming construction.

So, I have a couple of questions:

1. Is there not a bylaw that lays out the ratio of green space to floor space?
2. Is there a bylaw where the owners/builders have to notify the neighbours about the building. And the neighbours would include the tenants?

In building these townhouses, Effort Trust will not only take the entire backyard of 345 Geneva Street, it is destroying mature trees and bushes. Plus, the construction and placement of these units will create parking and traffic flow problems on Geneva Street and the surrounding area.

I understand that there is a hearing on June 23rd with respect to the requested variances. Since "in person" meetings are not allowed, I will be watching on YouTube.

Katharine Hewko
email removed
XXX-XXX-XXXX

From: Munro, Elaine
To: Munro, Elaine
Subject: Comments Received RE: 345 Geneva Street; File #21104829 / Submission #A-48/21
Date: Friday, June 18, 2021 7:29:54 PM

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

From: Susan L < >
Sent: Wednesday, June 16, 2021 3:30 PM
To: Munro, Elaine <emunro@stcatharines.ca>; Ling Susan >
Subject: 345 Geneva Street; File #21104829 / Submission #A-48/21

Greetings Elaine:

I would like to submit my comments on the above mentioned address and I would like to receive a copy of the Notice of Decision as well. First, I am a tenant at this building, second, I am not versed at reading drafting/engineering documents. Nonetheless, it goes without saying that this appears to be significant construction that will impact the lands and occupant's wellbeing (ex. noise, dust, usage and loss of greenspace).

Furthermore, the signage and information pertaining to the Public Hearing has been blocked ex. Public Hearing sign has not been very visible to curbside persons, and attempts to inform tenants of the upcoming hearing and to provide them with your email and City address has been met with verbal assaults and intimidation. A copy of the Notice of Hearing has been posted 3 times in the building and removed 3 times.

It is of my strong belief that this hearing be delayed because of the above mentioned details.

I myself am not in favour of the requested variances. This is simply trying to put too much into a small space all in the need of greed. Furthermore, the current structures on the property are over 50 years old. The under ramp parking is full with vehicles. Any structural deficiencies should be inspected first and foremost before proceeding.

Sincerely

Susan Ling

345 Geneva Street, Apt 706
St. Catharines, ON
XXX-XXX-XXXX
cell XXX-XXX-XXXX

Good Morning,

I am sending this e-mail regarding of **File# 21104829 / Submission# A-48/21**

I have reviewed drawing and plan regarding of Effort Trust engineering drawings for a new development at the back of Yorkshire Towers 345 Geneva Street property.

The drawing, and plans looks wonderful, **BUT** the space Effort Trust is planning to build it, it is way too small for this development. Not to mention, current and future residents at 345 Geneva street, would lose their (our) outdoor community, social space.

Squeezing this new building in to a small space would create a lot more traffic, noise, unsafe situations, claustrophobic feel, and anxiety for existing and future residents. Not to mention the residents would lose the free feeling and would be forced to stay indoors, many all alone. 75% of the residents are elderly couples or single living residents. Taking the outdoor space away could be crucial to their *mental health*. Residents won't have any place to gather, socialize, walk; residents will be forced to walk, walk their dogs on a busy street which is unsafe for many. Many residents will be forced to stay indoors within 4 walls, and this can be very damaging on anyone's *mental and physical health*. We have long cold winters, what can be hard on anyone, and now Effort trust is taking the only place away where they (we) can all re-charge, before the next winter season arrive.

I, myself am very thankful to be accepted and becoming a resident, member of this community, where everyone looks after one and other. I was looking for a quiet place, where I can come home and be safe and can relax after a long day of work. Each day I come home, I see smiling faces, welcoming hellos, waving ladies sitting chatting, supporting each other,. I can't tell you how wonderful this feels, how uplifting those smiles can be. I am looking forward each day to see those smiles and hellos. Now by building a housing development, I would not see any of those smiles, and won't be able to hear those hellos.

Bill and Sonja, and all management team at Yorkshire towers 345 Geneva Street, put so much effort and hard work to create supportive, safe environment and family feel community. All the hard work will be destroyed, because there will be no place to gather, to socialize, to get to know each other, to celebrate, to welcome new tenants.

Instead of housing development, give the residents an opportunity to clean up, upgrade the back space. Let each resident use their imagination, to help create gardens, (flower / vegetable); upgrade gathering space, where tenants can host family gatherings, can socialize with one another. Build them paths to be able to go for walks all through summer and winter months, instead of them using the upper parking area for walks, which can very dangerous and slippery especially in the winter months. Give them a space, where they can welcome family members and have BBQ with them; a place each resident can enjoy. Work with the tenants to create a happy safe place.

Haven't we learned anything from COVID? What damaging it was when it came to ***mental health*** due to being forced to stay within 4 walls?

We need to look after one another (young or old) – you cannot force people to stay indoors all the time. Would you want any of your family members living within 4 walls all the time? No outdoor space? No socializing, because there is no space for it?

Please take a moment and think what taking free space, outdoor space, calm quiet space away can do to anyone's *Mental Health*. Don't limit elderly residents or anyone as a matter of fact. Give them (us) and improve the space for them (us) and support them (us)

Thank you
Tunde Takach
Resident at 345 Geneva Street

John D. Levick
808-345 Geneva St., St. Catharines, Ont. L2N 2G4
T: [redacted] **E-mail:** [redacted]

Elaine Munroe, Secretary-Treasurer
Committee of Adjustment, City Hall
P.O. Box 3012, 50 Church St.
St. Catharines ON
L2R 7C2

Re- Notice of Hearing,
Amanda No.21104829
Submission A-48/21

Dear Elaine,

Further to our conversation of June 15, 2021 concerning Effort Trust not meeting the statutory requirements for posting the Notice of Hearing. Based on the submission as follows, we urgently request the application be postponed until all requirements are met and the public has sufficient time to comment on the application.
The company failed to:

1. Moved the “Public Notice” sign behind shrubbery to obscure the content of the sign. As witnessed by three tenants. The sign has since been moved by a tenant to allow viewing by the general public. It remains inaccessible by many elderly and infirmed tenants.
2. The apartments at 345 Geneva St. has 94 rental units. No posting of the Notice of Hearing documents were placed anywhere in or around the building by Effort Trust.
3. After I noticed the obscured sign on the front of the property, June 9, 2021, I printed copies of the application and put them on the message board adjacent to the lobby. This was immediately removed by the Superintendent or his agent. Two more copies were placed on the board and subsequently removed.
4. On June 14, 2021 a concerned tenant hand delivered an information sheet to all the residents (please see attachment 1.). She was confronted by the building Superintendent, the Assistant Superintendent and their spouses. She was told she was not allowed to distribute any information without his (the Superintendent's permission) and was further subjected to veiled threats and verbal abuse. She has since sought legal counsel. A message was placed on the notice board (see attachment 2).
5. On June 15, 2021 a new message was placed on the message board. (see attachment 3)

I feel there is sufficient evidence to demonstrate Effort Trust is not acting in good faith and has failed to meet the statutory requirements prescribed by the Planning act and the Committee of Adjustment.
As a direct result of this unfortunate series of events we have established the 345 Geneva Street Tenants Association to protect the interests of the tenants.
We ask that this matter be given the utmost priority to grant the postponement request to a later date.

Sincerely,

John Levick

cc). Linda Levick
cc). Karrie Porter
cc). Matt Siscoe
cc). 345 Geneva Tenants Association

TENANTS: MASKS SAVE LIVES!

PLEASE DISREGARD THE LETTER YOU GOT YESTERDAY THIS IS NOT FROM EFFORT TRUST!

TOWERS

Rental Suites

345 Geneva St.

Managed By
EFFORT TRUST

To Inquire
905-937-7841

effortrentals.com

THE CITY OF ST. CATHARINES

PUBLIC HEARING

TENANTS: MASKS SAVE LIVES!

PLEASE BE ADVISED THIS IS AN EFFORT TRUST BUILDING.... NO POSTING OF ANY INFORMATION ON THE BULLETIN BOARDS, ETC IS PERMITTED WITHOUT THE PERMISSION OF THE SUPERINTENDENT.

THANKS BILL

POSTAL CODE POSTAL

L2N 2G4

E THE SAFETY OF OUR
STAFF, AND PROPERTY

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TO YOUR TENANCY AGREEMENT

EFFORT TRUST

Important Notice From: Property Management

To: Residents of 345 Geneva – Yorkshire Tower Date: June 2nd ,2021

Re: Elevator Modernization

Dear Residents

Further to the general notices posted, we are pleased to announce the Elevators Modernization install date is **Monday June 21st 2021.**

Please note that throughout this modernization project, an elevator will remain available for service while another elevator is being modernized. We expect each elevator to take approximately 5-6 weeks.

We ask for your patience during this project and, encourage you to use the stairs where possible to reduce demand. Please ensure to discuss any moves, deliveries, or other special requests with your building site staff well in advanced.

If you have any questions or concerns please do not hesitate to speak with the Superintendent or the Property Manager.

Sincerely,
THE EFFORT TRUST COMPANY

Antony Silva
Property Manager

TUESDAY, JUNE 15,2021

TENANTS

PLEASE BE ADVISED THAT THIS IS AN EFFORT TRUST BUILDING...**NO** POSTING OF ANY INFORMATION, FLYERS OR THE SELLING OF ITEMS IS PERMITTED ON THE BULLETIN BOARDS, ELEVATORS, WALLS, LAUNDRY ROOM, OR SOLICITING TO OTHER TENANTS WITHOUT THE PERMISSION OF THE SUPERINTENDENT.

THANK YOU

BILL

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THANK YOU,
BILL
SUPERINTEND

YORKSHIRE TOWERS

Dog owners, visiting dogs, and dog walkers

There is a zero tolerance for the following rules:

1. No dogs are allowed to do their business in/on the property in front of building (push buttons, trees and sidewalks).
2. No dogs are to urinate on the front/side grass. No one appreciates brown trees and brown spots all over the yard. Be respectful of tenants that live on the bottom floor, that don't want to smell or step on anything.
3. All dogs must be on a leash, and the owner must have control of their pet/s at all times.
4. Do not allow your pet to jump on other tenants or visitors.
5. No dogs are allowed in the laundry room.

Scoop the poop it is the law!

Please abide by these rules. There is a back yard for your convenience. Please help us maintain a clean and safe building or further action will be taken.

Thanks
Bill Superintendent / Yorkshire Towers

EFFORT TRUST
Property Management

Attention Tenants Effective July 1st /2019

Re: Yorkshire Towers New Policies

The Property Manager and the Building Superintendent have been discussing our issues and polices. We have come to an agreement as follows, (Which is subject to change without notice)

-**Parking** - There will be a 15min drop off spot in front and 2 handicap 4-hour parking spots. These spots should be for our friends and family that need them while visiting. Tenants have their own spot to be parking. There will be no overnight parking in any of these spots. This will also relieve the congestion in that area for cars to get out. Vehicles will be towed at the owner's expense.

-**The lobby area** is for our tenants and visitors to come and go. The chairs are for tenants waiting for taxi/rides and **not for loitering.**

-**No dogs** are allowed in the lobby or the laundry room at any time.

-**ALL dogs** must be on a leash, while on the property of Yorkshire Towers.

-**ALL dogs** when exiting front doors, must be brought to the marked area around the back (west side) to do their business. Picking up after them **is the law.**

-**Barking and aggressive behaver, along with the issues on top** will be dealt with on an individual basis, being a **safety and health issue** and the **reasonable enjoyment** of our tenants.

Thank you

Effort Trust Building Superintendent and Management

The Effort Trust Company
242 Main Street East, Hamilton, Ontario L8N 1H5

January 25/2019

TENANTS:

Please be advised that in the last few weeks the property manager, Antony Silva and I have been discussing the issues of the light bulbs. (Effort Trust)

We have found a supplier and we have agreed to the cost of the LED light bulb.

The bulbs will stay at this price until further notice.

----- $2.00 per bulb
-----$5.00 per bulb if you need it installed

Thanks

Bill

DATE OF REQUEST
BUILDING NAME
TENANT'S NAME
SUITE #:
DESCRIPTION OF IS

From:	Munro, Elaine
To:	Munro, Elaine
Subject:	Comments Received RE: re File21104829/submission #A-48/21
Date:	Wednesday, June 16, 2021 10:12:15 AM

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

From: Betty Wong < >
Sent: Wednesday, June 16, 2021 10:02 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: re File21104829/submission #A-48/21

Dear Ms Munro.
i am a tenant of 345 Geneva St. I am like rest of the residence here v concerned...
We will loose all the green grassland, loose our family spaces and dog zones.
To start w the bldg failed to provide a common room。 The driveway will be very dangerous and pls reconsider. The space they wish to build is too narrow and not safe.
Thank you.
Sincerely,
Betty Wing. Apt 805
345 Geneva Street.
St Catharines.
L2N 2 G4

From:	Munro, Elaine
To:	Munro, Elaine
Subject:	Receipt of Comments RE: REFERENCE: File 21104829 - Submission #A-48/21
Date:	Wednesday, June 16, 2021 9:05:18 AM

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

From: Janet UlloaRiano < >
Sent: Wednesday, June 16, 2021 1:00 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: REFERENCE: File 21104829 - Submission #A-48/21

REFERENCE: File 21104829 - Submission #A-48/21

The design presented by the Effort Trust Company affects the lives of Yorkshire Towers residents. The construction areas with design parameters of an adequate common space are not being projected. For this reason it is necessary to carry out an analysis and a documentary review.

It should be noted that the space transformed into a place, acquires content from the recognition that exists between individuals and the place.

It is understood as common areas according to the law, those that due to their location or form of use are shared by two or more members of the community, in this case we would speak of owners or tenants of a condominium or complex, whose purpose is common use of residents, to create spaces for interaction between the residents themselves and social development.

It is important to maintain recreation areas, social use areas, green areas. The common areas include different components both recreational and specific, among these we find tennis courts, soccer courts, swimming pools, children's games among other facilities, in addition to the common corridors of the buildings, parking areas, communal hall, etc. Where a route of multiple physical and mental activities could be created. Places to be, where required conditions must be well achieved to create favorable moments and conditions for the user, these places must create moments of relaxation. Green areas, where is they locate natural elements such as plants, shrubs, flowers.

We cannot lose the connection spaces to the routes that link the different activities of the residential space, such as platforms, green spaces, strips, trails.

IT IS IMPORTANT TO MAINTAIN THE SUSTAINABILITY OF THE COMMON AREAS, satisfying the needs of the present generations, without compromising the possibilities of future generations.

Cordially,

Janet Ulloa Riano

From: Munro, Elaine
To: Munro, Elaine
Subject: Comments Received FW: Effort Trust file #21104829 / Submission #A-48/21
Date: Wednesday, June 16, 2021 8:57:35 AM

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

From: Bruce Huskins < >
Sent: Tuesday, June 15, 2021 7:08 PM
To: emunro@stcatharine.ca
Subject: Effort Trust file #21104829 / Submission #A-48/21

Elaine Munro, Secretary-Treasurer
Committee of Adjustment, City Hall
50 Church St.
St. Catharines, ON

Dear: Elaine Munro

I Sarah D Huskins @ apartment 705 writing you about your proposal of erecting 11 townhouses on the west end 345 Geneva St. St. Catharines Ont..

As a tenant in this building for 11 years I disagree of this building project because in my opinion it is too big for this parcel of land. There is a few heath and safety issues for going ahead.

Issues

- Emergence vehicles blocking entrance (fire trucks, ambulance, Niagara Regional Police) when a emergence arises.
- Tenant's crossing roadway going to their vehicles with children and grandchildren.
- If ramp needs to be repaired in the future, where will tenants park their cars?

Other issues for the Tennent's

- Out door gathering
- Family barbeque
- Removing the gazebo
- Removing south side garden
- Dog walking area

Please reconsider your recommendation of turning down these building townhouses, that may some buyers may not want two large apartment building in their front window?

Sarah D Huskins
705-345 Geneva St.,
St. Catharines, ON. L2N2G4
Email address removed

From:	Munro, Elaine
To:	Munro, Elaine
Subject:	Comments Received, 345 Geneva Street, RE: File#21104829/Submission #A-48/21
Date:	Wednesday, June 16, 2021 8:51:45 AM

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

From: Sheila Jones < >
Sent: Tuesday, June 15, 2021 6:35 PM
To: Siscoe, Mathew <msiscoe@stcatharines.ca>; Munro, Elaine <emunro@stcatharines.ca>
Subject: File#21104829/Submission #A-48/21

As tenants of Yorkshire Towers apartments at 345 Geneva Street, my husband and I learned of the proposed building of 11 townhouses directly behind our building. We are strongly opposed to this project as it would destroy our green space which is home to many birds, space for tenants to safely walk their dogs, an area where we can gather with friends, family and neighbors. The gardens around our building will surely be impacted. Please consider the fact that there will be 11 townhouses in a very small space and say no to this project.

Thank you
Sheila and Bill Jones

From: Munro, Elaine
To: Munro, Elaine
Subject: Comments received - 345 Geneva Street, A-48/21
Date: Wednesday, June 16, 2021 8:44:57 AM
Attachments: ATT00013

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

From: [redacted]
Sent: Tuesday, June 15, 2021 6:33 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject:

File # 21104829 / Submission #A-48/21 In regards to Effort Trust plans to construct an 11 unit townhouse at 345 Geneva Street St. Catharines. I am totally opposed to this preposterous plan of destroying our back yard. We have nice trees, picnic tables, a nice place for social gatherings and a great place to walk our dogs. We do not want to see our yard destroyed and our enjoyment taken away. Also, this townhouse unit will be too large for the space and buildings will be almost on top each other. This is from: terrysacravitch xxxxxxxxx

Elaine Munro, Secretary-Treasurer
Committee of Adjustment, City Hall
P.O. Box 3012, 50 Church Street
St. Catharines, ON L2R 7C2

Re: Amanda No. 21104829
Submission No. A-48/21
For: 345 Geneva Street Hearing Wed. June23, 2021

To Whom It May Concern,

I'm writing as a neighbour of 345 Geneva Street to express my objections to the Application by Effort Trust Company. I am a current tenant of 313A Geneva Street, a part of a group of senior rentals.

Their application is requesting a number of variances in order to construct eleven 3-storey condos in an area that butts up against the senior residences, of which I rent a unit.

I am objecting to the request for the large reduction of Landscape Buffers, as well as to be allowed to go forward with construction. Geneva Street is very busy and noisy, and the removal of any mature trees in the area that help to buffer that noise is simply not acceptable.

I also feel that by requesting multiple variances, it shows that they are not planning a construction project that fits within the existing property.

Since they are requesting too many variance changes, I feel the application should be denied.

Sincerely,

Judi DeGordick
303-313A Geneva St
St Catharines, ON
L2N 2G3
XXX-XXX-XXXX

From: Munro, Elaine
To: Munro, Elaine
Subject: Comments Received RE: Effort Trust File #21104829 / Submission #A-48/21
Date: Tuesday, June 15, 2021 4:56:54 PM

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

From: Bruce Huskins < >
Sent: Tuesday, June 15, 2021 3:59 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Effort Trust File #21104829 / Submission #A-48/21

Elaine Munro, Secretary-Treasurer
Committee of Adjustment, City Hall
50 Church St.
St. Catharines, ON
June 15 2021

Dear: Elaine Munro

I Brenda Huskins @ apartment 206 writing you about your proposal of erecting 11 townhouses on the west end 345 Geneva St. St. Catharines Ont..

As a tennent in this building for 6 years I disagree of this building project because in my opinion it is too big for this parcel of land. There is a few heath and safety issues for going ahead.

Issues

- Emergence vehicles blocking entrance (fire trucks, ambulance, Niagara Regional Police) when a emergence arises.
- Tennent's crossing roadway going to their vehicles with children and grandchildren

Other issues for the Tennent's

- Out door gathering
- Family barbeque
- Removing the gazebo
- Removing south side garden
- Dog walking area

Please reconsider your recommendation of turning down these building townhouses, that may some buyers may not want two large apartment building in their front window?

Brenda Huskins
206-345 Geneva St.,
St. Catharines, ON. L2N2G4
Email redacted

June 15, 2021

Elaine Munro, Secretary-Treasurer
Committee of Adjustment, City Hall
P.O. Box 3012, 50 Church Street
St. Catharines, ON L2R 7C2

Re: Amanda No. 21104829, Submission No. A-48/21, 345 Geneva Street
To be heard at Public Hearing Wed. June23, 2021 at 5:00pm

City Planners & Committee of Adjustment Members,

I'm writing as a resident of 345 Geneva Street to express my objections to the Minor Variances requested by Effort Trust. Their request for these variances in order to build 11 town houses on this existing property is, in my view, excessive, unpleasant and alarming.

Although Effort Trust may consider each of these variance changes to be minor; the proposed plan is too large and overpowering to be considered minor.

Aside from my objections, which I will list below, I believe that the proposed development is incompatible with the established building and the existing space, privacy, light and air that myself and the residents of this building currently enjoy.

This section of the property is calm and serene and allows for a respite that is needed from the noise of a very busy Geneva Street. It also allows space for families and/or friends to gather. This is of utmost importance for the current residents. As we have learned during the recent pandemic and lockdown orders, it can be the only place that many residents (mostly seniors) can visit with loved ones. This plan calls for the complete removal of any and all open and/or green space.

Objections to this Application

Changes to Landscape Buffer
- removal of multiple trees that act as buffers for noise, dust, etc.
- removal of green space for new roadways

Changes to Roadway / Minimum Distance from Private Road
- it is obvious with this application that there is not enough usable space for their proposed building plans
- the large amount of variance changes they are requesting proves that they are attempting to fill every available space with new construction and this overcrowding will be detrimental to all current residents

Stress During Construction
- constant noise of construction over a long period of time
- constant dirt, mud and dust ... having to keep my windows closed, and would be unable to use balcony

Once Completed
- increased traffic through the property, creating noise and safety issues
- more noise due to the overcrowding
- less privacy
- changes to light and air movement due to removal of trees
- amenity space removed from apartment tenants and given to new condo residents

Thank you for considering my objections to this application.

Regards,

R. Dickinson
606 – 345 Geneva Street
St. Catharines, ON L2N 2G4

From: Munro, Elaine
To: Munro, Elaine
Subject: Comments Received, 345 Geneva Street, RE: File 21104829 / submission A-48/21
Date: Tuesday, June 15, 2021 9:45:54 AM

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

From: Connie Carter < >
Sent: Tuesday, June 15, 2021 8:05 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: File 21104829 / submission A-48/21

Further to the above proposal I am in opposition as:
-They want to squeeze a large building project into an area that is too small for it
-This will encroach on existing parking
-It will be a hazard for people entering or exiting both existing parking lots as they plan on extending the driveway to the back units through existing areas
-It will take away the only green recreational space we currently have for social gatherings, dog walking, etc
-It will take away our trees
-If they proceed will Effort Trust be required to reduce our rent as we will have absolutely no recreational amenities or green space left

Please consider disallowing this large project in this tiny area and/or possibly scaling it down.

Regards,

Connie Carter
1004 - 345 Geneva St
St Cathatines, On
L2N2G4
Email removed
XXX-XXX-XXX

From: Munro, Elaine
To: Munro, Elaine
Subject: Comments Received RE: File#21104829/Submission#A-48/21
Date: Tuesday, June 15, 2021 9:43:14 AM

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

From: Debbie Schol < >
Sent: Monday, June 14, 2021 10:14 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: File#21104829/Submission#A-48/21

I understand there is to be 11 townhomes erected behind this building at 345 Geneva St. In St. Catharines which is our backyard.
This space is our yard which has a lovely gazebo for social gathering for families and tenants. There is picnic tables for barbecues and space dogs as well.
There is also a beautiful tree that provides shade and a garden area which tenants have worked very hard in the last few years to establish and take great pride in.
Many tenants have lived here for 15 to 25 years and enjoy socializing with fellow neighbours outside in our backyard.
Hopefully Effort Trust will reconsider this plan as it is huge and interrupts our daily living and is not fair to the tenants here. We all love it here as is.
Thank You
Debbie Schol
345 Geneva St.
St. Catharines L2N 2G4

Sent from my iPad

From: Munro, Elaine
To: Munro, Elaine
Subject: Receipt of Comments RE: 345 Geneva St. request for variants changes
Date: Tuesday, June 8, 2021 8:21:31 AM

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

From: ROSEMARY POIRIER <>
Sent: Tuesday, June 8, 2021 7:56 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: 345 Geneva St. request for variants changes

Hello,

My name is Rosemary Poirier I have been a resident at 345 Geneva St. since 2012. I am writing with concerns over the request for the owners of our building to build 11 single family units on the back part of our property. The request comes with 7 variants that they want changed which will affect our everyday living. These variants as I see them will reduce our parking garage and the parking spaces in the front of our building and each of them will encroach on our green space in the back of the building which is used on a daily basis by our residents and which will disappear from what I see on the plans. We already have limited space and now they want to take it all for this build. I feel that they are forcing us to move out of the building by making it impossible to live here. The one thing that is going to be a safety issue is the extension of the front driveway to the back of the building. This driveway will converge with the ramp that comes down from the upper parking area and with the reduction of parking spots at the front and under the parking structure this ramp will be used more and this poses a safety issue.

I am not the only person that is concerned about this request. I feel that because the owners of our building are unable to turn our building into condominiums they are doing this to make money. Their plan is to squeeze 11 units on to a small parcel of land and make life for the tenants of our building a living nightmare. So as a result of loosing our green space we will be sitting out front as this is the only green space we will have left. They are making this request on the backs of the tenants in this building and it is not right.

I am asking that this variants not be approved as we will be the ones directly effected by this.

I will be passing this email address along to the people who live in this building with the hopes that more will contact you with their concerns. I would like to participate in the zoom meeting on the 23rd if I could. Could you send me the information to register.

Thank you
Rosemary Poirier
345 Geneva St. Apt 410
St. Catharines Ontario
L2N 2G4
XXX-XXX-XXXX

From:	Munro, Elaine
To:	Munro, Elaine
Subject:	Cogeco - No concerns RE: Committee of Adjustment Applications for June 23, 2021 Hearing
Date:	Wednesday, June 9, 2021 8:05:57 AM

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

From: Doug Crown <doug.crown@cogeco.com>
Sent: Wednesday, June 9, 2021 8:03 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Committee of Adjustment Applications for June 23, 2021 Hearing

Hi Elaine
Sorry for the delay.
Cogeco has no concerns with these applications.

Have a Wonderful Day

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: June 10, 2021

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – June 23, 2021 hearing

NO.	ADDRESS	COMMENTS
A-48/21	345 Geneva Street	Be advised that a building permit is required for the proposed 3 storey apartment building.
A-44/21	115 Welland Vale Road	Be advised that a building permit is required for the proposed single detached dwelling.
A-45/21	117 Welland Vale Road	Be advised that a building permit is required for the proposed single detached dwelling.
A-46/21	119 Welland Vale Road	Be advised that a building permit is required for the proposed single detached dwelling.
A-47/21	3 Cherry Street	Be advised that a building permit is required for the current rear roof structure and deck attached to the existing dwelling. Be advised that the inspections for building permit (13101259RN – front porch) are required to be scheduled and approved by building inspector.

NO.	ADDRESS	COMMENTS
A-49/21	8 Cindy Drive	Be advised that a building permit is required for the existing deck around the pool. Be advised that a building permit is required to demolish the existing detached garage. Be advised that a building permit is required to be completed for the proposed detached garage.
A-50/21	236 Augustine Drive	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-51/21	35 Arthur Street	Be advised that a building permit is required to demolish the existing shed if it exceeds 108sf in size.
A-52/21	37 Arthur Street	Be advised that a building permit is required for the proposed 1 storey single detached dwelling.
A-53/21	39 Arthur Street	No comment
A-54/21	21 Broadmore Avenue	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-55/21	30 Woodcrest Drive	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-56/21	528 Geneva Street	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-57/21	192 Rykert Street	Be advised that a building permit is required to be completed for the proposed 5 unit townhouse block and rear decks. Be advised that a building permit is required for the proposed 4 unit townhouse block and rear decks.
A-41/21	3 Marshall Lane	Be advised that a building permit is required for the proposed single detached dwelling.

NO.	ADDRESS	COMMENTS
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: June 8, 2021

Subject: Committee of Adjustment Hearing – June 23, 2021

CRCS has reviewed the Committee of Adjustment application for the hearing June 23, 2021 and provides the following comments.

1. 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

   No additional comments.

2. 119 Welland Vale Road, Consent, B-14/21SC – 21103408
   119Welland Vale Road, Consent, B-15/21SC – 21103411
   115 Welland Vale Road, Minor Variance, A-44/21 – 21103869
   117 Welland Vale Road, Minor Variance, A-45/21 – 21103871
   119 Welland Vale Road, Minor Variance, A-46/21 – 21103872

   CRCS staff have reviewed the Tree Protection Plan. Trees 26 and 27 are identified to be in good condition but are identified for removal to accommodate the proposed driveways for Part 1 and Part 2. Additional effort is required to address the feasibility of retaining trees 26 and 27 and may include modifications to driveway width, driveway location and site grading.

   If Planning and Building Services determines that parkland dedication can be collected for this application PRCS requests the following condition of each 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 each 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

3. 3 Cherry Street, Minor Variance, A-47/21 – 21104826
   No comment.

4. 345 Geneva Street, Minor Variance, A-48/21 – 21104829
   Landscape requirements and tree protection have been addressed through the site plan agreement.

5. 8 Cindy Drive, Minor Variance, A-49/21 – 21104845
   No comment.

6. 236 St. Augustine Drive, Minor Variance, A-50/21 – 21104885
   No comment.

7. 35 Arthur Street, Consent, B-18/21SC – 21104902
   39 Arthur Street, Consent, B-19/21SC – 211104903
   35 Arthur Street, Minor Variance, A-51/21 – 21104906
   37 Arthur Street, Minor Variance, A-52//21 – 21104912
   39 Arthur Street, Minor Variance, A-53/21 – 21104914

   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

8. 192 Rykert Street, Minor Variance, A-57/21 – 21104987
   CRCS staff have reviewed revised landscape plans through the Site Plan Process. New landscaping should be provided in the locations where trees 20, 23, and 30 were removed.

   Shifting the development to the north and removing the parallel parking for visitors would alleviate the need for many of the variances and provide additional space for both landscaping and drainage to the south of unit 2.

9. 21 Broadmore Avenue, Minor Variance, A-54/21 – 21104947
   No comment.

10. 30 Woodcrest Drive, Minor Variance, A-55/21 – 21104975
    No comment.

11. 528 Geneva Street, Minor Variance, A-56/21 – 21104947
    No comment.

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

Memorandum

To: Elaine Munro, ACST, Committee Secretary & Planning Technician
From: Brad Johnston, C.E.T., Development Engineering Technologist
CC: City Committee of Adjustment Staff Members
Date: June 10h, 2021
Hearing Date: June 23h, 2021
Subject: **Committee of Adjustment - Minor Variance Applications**
3, 5, 7 Marshall Lane, A-41, 42 & 43/21SC
115, 117, 119 Welland Vale Road, A-44, 45 & 46/21SC
3 Cherry Street, A-47/21SC
345 Geneva Street, A-48/21SC
8 Cindy Drive, A-49/21SC
236 St. Augustine Drive, A-50/21SC
35, 37 & 39 Arthur Street, A-51, 52 & 53/21SC
192 Rykert Street, A-57/21SC
21 Broadmore Avenue, A-54/21SC
30 Woodcrest Drive, A-55/21SC
528 Geneva Street, A-56/21SC

Development Engineering have reviewed the above applications and have no comments or objections to the above applications that are currently under our review through a Planning process, however for others we have the following:

- Applicants shall be advised that a Lot Grading Plan may be a requirement for applications that are subject to a Building Permit

Prepared by:

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

cc. James Denham, PBS (email only)

Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: June 8, 2021

Subject: Committee of Adjustment
Public Hearings – June 23, 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

St. Catharines

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

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

COMMENTS

A-49/21

8 Cindy Drive

DATE OF HEARING:
June 23, 2021

CITY OF ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: May 28, 2021 **Date of Meeting:** June 23, 2021

Report Number: **A-49/21** **File:** **21104845**

Subject: 8 Cindy Drive

Recommendation

That Application **A-49/21** by Linda Riss, as outlined in the Notice of Hearing, be approved.

Report

The Proposal

The Applicant is seeking relief from the City of St. Catharines' Zoning By-law 2013-238 for an increased lot coverage for accessory buildings and structures to permit the existing above ground pool with an uncovered deck and the proposed detached garage. There is currently an accessory structure on the property which will be demolished to facilitate the construction of the proposed garage. The Applicant has applied for the following variance:

Variance	Provision	Maximum	Proposed
1	Accessory building / structure lot area coverage (s. 2.1 e))	10%	17%

Location and Site Description

The subject property is located on the north side of Cindy Drive, east of Vine Street and west of Arthur Street. The neighbourhood is predominantly residential and is mostly comprised of detached dwellings. The subject property is a single-detached dwelling with an above ground pool, uncovered deck, and accessory structure.

Circulation of Application

This Application was circulated to all appropriate departments and agencies. Comments received from the City's Building Services advised that building permits are required for the following:

1. The existing deck around the pool;
2. To demolish the existing detached garage; and
3. To complete the proposed detached garage.

The City's Engineering staff advised that a Lot Grading Plan may be required as part of the building permit process.

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 with accessory structures such as a garage, deck and pool are permitted in this zone.

Planning Analysis

The applicant is requesting to permit an increase in the maximum accessory structure lot coverage from 10% to 17%. This variance would permit the existing above ground pool and uncovered deck, and a proposed detached garage.

The Official Plan and Zoning By-law permits a single detached dwelling with accessory structures such as a garage, deck and swimming pool at this property. Section 2.1 of the Zoning By-law states that above ground pools are to be included when calculating the total lot coverage of accessory buildings and structures. The Zoning By-law does not include in-ground pools when making this calculation. As such, with the inclusion of the proposed garage, this property would have an accessory structure lot coverage of 7% above what is permitted. The existing pool and uncovered deck adhere to other zoning requirements such as yard setbacks. The proposed garage adheres to zoning requirements such as maximum height restrictions to ensure appropriate massing and yard setbacks to provide an adequate buffer from neighbouring properties. The proposal will not result in a loss of front yard amenity space and complies with the minimum requirement to provide 35% of the lot as open space. As such, this application is considered to be aligned with the general intent of the Official Plan and Zoning By-law.

The surrounding neighbourhood is comprised of single-detached dwellings, many of which have accessory structures such as garages, uncovered decks and swimming pools. The existing pool and uncovered deck in the rear yard of the property, along with the proposed garage, aligns with the use of properties in the neighbourhood. Given the surrounding context, the proposed accessory structures and resulting increase in lot coverage is considered a desirable and appropriate use of the land. This proposal complies with the necessary setbacks outlined in the City's Zoning By-law and does not impact the front yard or street view of the property. It is not anticipated that the approval of this variance would result in adverse impacts to the neighbouring properties. As such, this proposal is considered minor in nature. Staff recommend that the variance be approved.

Conclusion

Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that application **A-49/21** 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:

Natasha MacDonald
Planner I

Approved by:

Tami Kitay MPA, MCIP, RPP
Director of Planning and Building Services

From:	Munro, Elaine
To:	Munro, Elaine
Subject:	Cogeco - No concerns RE: Committee of Adjustment Applications for June 23, 2021 Hearing
Date:	Wednesday, June 9, 2021 8:05:57 AM

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

From: Doug Crown <doug.crown@cogeco.com>
Sent: Wednesday, June 9, 2021 8:03 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Committee of Adjustment Applications for June 23, 2021 Hearing

Hi Elaine
Sorry for the delay.
Cogeco has no concerns with these applications.

Have a Wonderful Day

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: June 10, 2021

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – June 23, 2021 hearing

NO.	ADDRESS	COMMENTS
A-48/21	345 Geneva Street	Be advised that a building permit is required for the proposed 3 storey apartment building.
A-44/21	115 Welland Vale Road	Be advised that a building permit is required for the proposed single detached dwelling.
A-45/21	117 Welland Vale Road	Be advised that a building permit is required for the proposed single detached dwelling.
A-46/21	119 Welland Vale Road	Be advised that a building permit is required for the proposed single detached dwelling.
A-47/21	3 Cherry Street	Be advised that a building permit is required for the current rear roof structure and deck attached to the existing dwelling. Be advised that the inspections for building permit (13101259RN – front porch) are required to be scheduled and approved by building inspector.

NO.	ADDRESS	COMMENTS
A-49/21	8 Cindy Drive	Be advised that a building permit is required for the existing deck around the pool. Be advised that a building permit is required to demolish the existing detached garage. Be advised that a building permit is required to be completed for the proposed detached garage.
A-50/21	236 Augustine Drive	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-51/21	35 Arthur Street	Be advised that a building permit is required to demolish the existing shed if it exceeds 108sf in size.
A-52/21	37 Arthur Street	Be advised that a building permit is required for the proposed 1 storey single detached dwelling.
A-53/21	39 Arthur Street	No comment
A-54/21	21 Broadmore Avenue	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-55/21	30 Woodcrest Drive	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-56/21	528 Geneva Street	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-57/21	192 Rykert Street	Be advised that a building permit is required to be completed for the proposed 5 unit townhouse block and rear decks. Be advised that a building permit is required for the proposed 4 unit townhouse block and rear decks.
A-41/21	3 Marshall Lane	Be advised that a building permit is required for the proposed single detached dwelling.

NO.	ADDRESS	COMMENTS
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: June 8, 2021

Subject: Committee of Adjustment Hearing – June 23, 2021

CRCS has reviewed the Committee of Adjustment application for the hearing June 23, 2021 and provides the following comments.

1. 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

   No additional comments.

2. 119 Welland Vale Road, Consent, B-14/21SC – 21103408
   119Welland Vale Road, Consent, B-15/21SC – 21103411
   115 Welland Vale Road, Minor Variance, A-44/21 – 21103869
   117 Welland Vale Road, Minor Variance, A-45/21 – 21103871
   119 Welland Vale Road, Minor Variance, A-46/21 – 21103872

   CRCS staff have reviewed the Tree Protection Plan. Trees 26 and 27 are identified to be in good condition but are identified for removal to accommodate the proposed driveways for Part 1 and Part 2. Additional effort is required to address the feasibility of retaining trees 26 and 27 and may include modifications to driveway width, driveway location and site grading.

   If Planning and Building Services determines that parkland dedication can be collected for this application PRCS requests the following condition of each 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 each 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

3. 3 Cherry Street, Minor Variance, A-47/21 – 21104826
   No comment.

4. 345 Geneva Street, Minor Variance, A-48/21 – 21104829
   Landscape requirements and tree protection have been addressed through the site plan agreement.

5. 8 Cindy Drive, Minor Variance, A-49/21 – 21104845
   No comment.

6. 236 St. Augustine Drive, Minor Variance, A-50/21 – 21104885
   No comment.

7. 35 Arthur Street, Consent, B-18/21SC – 21104902
   39 Arthur Street, Consent, B-19/21SC – 211104903
   35 Arthur Street, Minor Variance, A-51/21 – 21104906
   37 Arthur Street, Minor Variance, A-52//21 – 21104912
   39 Arthur Street, Minor Variance, A-53/21 – 21104914

   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:

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   CRCS staff have reviewed revised landscape plans through the Site Plan Process. New landscaping should be provided in the locations where trees 20, 23, and 30 were removed.

   Shifting the development to the north and removing the parallel parking for visitors would alleviate the need for many of the variances and provide additional space for both landscaping and drainage to the south of unit 2.

9. 21 Broadmore Avenue, Minor Variance, A-54/21 – 21104947
   No comment.

10. 30 Woodcrest Drive, Minor Variance, A-55/21 – 21104975
    No comment.

11. 528 Geneva Street, Minor Variance, A-56/21 – 21104947
    No comment.

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

Memorandum

To: Elaine Munro, ACST, Committee Secretary & Planning Technician
From: Brad Johnston, C.E.T., Development Engineering Technologist
CC: City Committee of Adjustment Staff Members
Date: June 10h, 2021
Hearing Date: June 23h, 2021
Subject: **Committee of Adjustment - Minor Variance Applications**
3, 5, 7 Marshall Lane, A-41, 42 & 43/21SC
115, 117, 119 Welland Vale Road, A-44, 45 & 46/21SC
3 Cherry Street, A-47/21SC
345 Geneva Street, A-48/21SC
8 Cindy Drive, A-49/21SC
236 St. Augustine Drive, A-50/21SC
35, 37 & 39 Arthur Street, A-51, 52 & 53/21SC
192 Rykert Street, A-57/21SC
21 Broadmore Avenue, A-54/21SC
30 Woodcrest Drive, A-55/21SC
528 Geneva Street, A-56/21SC

Development Engineering have reviewed the above applications and have no comments or objections to the above applications that are currently under our review through a Planning process, however for others we have the following:

- Applicants shall be advised that a Lot Grading Plan may be a requirement for applications that are subject to a Building Permit

Prepared by:

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

cc. James Denham, PBS (email only)

Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: June 8, 2021

Subject: Committee of Adjustment
Public Hearings – June 23, 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

St. Catharines

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

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

COMMENTS

A-50/21

236 St. Augustine Drive

DATE OF HEARING:
June 23, 2021

CITY OF ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: June 8, 2021 **Date of Meeting:** June 23, 2021

Report Number: **A-50/21** **File:** **21104885**

Subject: 236 St Augustine Drive

Recommendation

That Application **A-50/21** by Taneja Properties Inc, as outlined in the Notice of Hearing, be approved.

Report

The Proposal

The Applicant proposed to build an accessory dwelling unit in the basement of an existing semi-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	72.22m^2
2	Maximum floor area of an interior accessory dwelling unit as a percentage of the floor area of the dwelling	40%	47.8%

Location and Site Description

The subject property is located on the east side of St. Augustine Drive, south of Rockwood Avenue and across from Brackencrest Road. The neighbourhood is residential and is primarily comprised of semi-detached dwellings.

The property is presently occupied by a semi-detached dwelling.

Circulation of Application

This Application was circulated to all appropriate departments and agencies. To facilitate the construction of the accessory dwelling unit, a building permit will be required. Two

comment letters were received from nearby residents. The resident living in the semi-detached dwelling on the other side of 236 St. Augustine Drive expressed concerns about potential noise and inquired about soundproofing the unit. They also inquired about potential impacts to the front and rear yards of the property. A resident located within two properties of the subject site expressed concerns with the proposed unit's associated construction, impacts to on-street parking, the property's physical appearance, and the potential impacts to neighbouring property values.

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 and single-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). Semi-detached and single-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 semi-detached dwelling. The current zoning provisions permit an accessory dwelling unit to occupy no more than the lessor 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 has proposed a one-bedroom accessory dwelling unit located in the basement of an existing semi-detached dwelling with a floor area of 72.22 square meters, which will occupy 47.8 percent of the total floor area. 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. As required under section 2.2.1 of the City's Zoning By-law, the proposed interior accessory dwelling unit is located entirely within the exterior walls of the principal dwelling unit. There are currently two tandem parking spaces on the property, which meets the parking space requirements for the principal and accessory dwelling units. The only proposed changes to the exterior of the dwelling would be the addition of two south facing windows for the accessory dwelling unit.

The applicant is requesting an additional 12.22 square meters of floor area to accommodate the proposed accessory dwelling unit. This request is to make the best use of available space and create an accessory unit that provides adequate living space and is of a usable configuration. The proposed use is permitted and the resulting changes to

the exterior of the building would be to provide better natural lighting within the accessory dwelling unit. This proposal is not anticipated to have adverse impacts to the neighbouring properties and is considered minor in nature.

The applicant is requesting a 7.8 percent increase in the maximum floor area permitted to accommodate an interior accessory dwelling unit. The applicant expressed it would be difficult to provide an accessory dwelling unit with appropriate living space within the 40 percent requirement given the size of the semi-detached principal dwelling. The proposed accessory unit consists of a small living and dining room, a single bedroom, and a bathroom. The purpose of the 40 percent maximum floor area is to ensure that the interior dwelling is “accessory” to the main dwelling. Given the percentage of the proposed dwelling unit is less than 50 percent of the dwelling’s total floor area, this unit is considered accessory to the principal dwelling. As such, it is anticipated that the accessory unit would not result in any adverse impacts on neighbouring properties and the variance is considered minor in nature.

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-50/21** 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:

Natasha MacDonald
Planner I

Approved by:

Tami Kitay MPA, MCIP, RPP
Director of Planning and Building Services

From: Munro, Elaine
To: Munro, Elaine
Subject: Received Comments RE: Comment on file No. 21104885 / 236 St Augustine Dr
Date: Tuesday, June 15, 2021 12:11:02 PM

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

From: T Creighton < >
Sent: Tuesday, June 15, 2021 11:20 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Comment on file No. 21104885 / 236 St Augustine Dr

Hello,

I would like to comment on the application A-50/21 on 236 St. Augustine Dr.

I find this application a joke. This house is a semi-detached house, So I first think of the neighbor who is directly attached

- The months of construction and burden it will place on this homeowner who is directly attached will be outrageous.

- The 2 direct neighbor's property values will be diminished

- Parking - St. Augustine Dr. is already full of parked cars because most houses are only single lane drive ways. If this house is going to have 2 rental units with only 2 parking spaces this could mean an additional 2 to even 4 more cars on the street

- The proposal will look ugly and out of place. There are no other Semi-detached houses on St. Augustine Dr. that will look in any way like this.

- The City of St. Catharines is continuously making amendments against the Bi-laws for these companies from Toronto. These companies are getting richer either by tearing down a house on 1 lot to make 2 houses OR taking one house and making it 2 rental units. The people of St. Catharines want affordable housing they can buy, Not affordable housing they can rent.

Thanks you

Trevor & Kerri Creighton
230 St. Augustine Dr.
St. Catharines

From: Munro, Elaine
To: Munro, Elaine
Subject: Comments ReceivedRE: Public Hearing -236 St.Augustine Dr. St.Catharines ,Lot 27
Date: Thursday, June 17, 2021 1:23:47 PM

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

-----Original Message-----
From: SH < >
Sent: Thursday, June 17, 2021 1:15 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Public Hearing -236 St.Augustine Dr. St.Catharines ,Lot 27

Hello Elaine,
My home at 238 St.Augustine Drive is a semi detached single family residence since being built and still is. My immediate neighbours north and south of my building are also semi detached single family residences. By converting 236 St.Augustine Drive to a duplex is not a desirable situation for this neighbourhood or my house.

My concerns are :
-noise between our walls
-what Soundproofing will be added to the main floor living room /dining area ?*This area will now become family room/playroom/living room . This situation will increase noise level through the walls and floor (children running, dogs barking and loud entertainment) Unfortunately, the lower level floor family room will no longer be available for these activities.

--Front yard lawn area—
*what are the plans , not understood on blueprint

—Backyard lawn area—
*what are the plans , not understood on blueprint

What protection do I have , with regard to structural damage , to my house with said renovations at 236 St.Augustine Drive? This home was built in 1974.

Thank you for considering my concerns on this matter.
Susan Hollett
238 St.Augustine Drive
St.Catharines,On

From:	Munro, Elaine
To:	Munro, Elaine
Subject:	Cogeco - No concerns RE: Committee of Adjustment Applications for June 23, 2021 Hearing
Date:	Wednesday, June 9, 2021 8:05:57 AM

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

From: Doug Crown <doug.crown@cogeco.com>
Sent: Wednesday, June 9, 2021 8:03 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Committee of Adjustment Applications for June 23, 2021 Hearing

Hi Elaine
Sorry for the delay.
Cogeco has no concerns with these applications.

Have a Wonderful Day

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: June 10, 2021

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – June 23, 2021 hearing

NO.	ADDRESS	COMMENTS
A-48/21	345 Geneva Street	Be advised that a building permit is required for the proposed 3 storey apartment building.
A-44/21	115 Welland Vale Road	Be advised that a building permit is required for the proposed single detached dwelling.
A-45/21	117 Welland Vale Road	Be advised that a building permit is required for the proposed single detached dwelling.
A-46/21	119 Welland Vale Road	Be advised that a building permit is required for the proposed single detached dwelling.
A-47/21	3 Cherry Street	Be advised that a building permit is required for the current rear roof structure and deck attached to the existing dwelling. Be advised that the inspections for building permit (13101259RN – front porch) are required to be scheduled and approved by building inspector.

NO.	ADDRESS	COMMENTS
A-49/21	8 Cindy Drive	Be advised that a building permit is required for the existing deck around the pool. Be advised that a building permit is required to demolish the existing detached garage. Be advised that a building permit is required to be completed for the proposed detached garage.
A-50/21	236 Augustine Drive	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-51/21	35 Arthur Street	Be advised that a building permit is required to demolish the existing shed if it exceeds 108sf in size.
A-52/21	37 Arthur Street	Be advised that a building permit is required for the proposed 1 storey single detached dwelling.
A-53/21	39 Arthur Street	No comment
A-54/21	21 Broadmore Avenue	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-55/21	30 Woodcrest Drive	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-56/21	528 Geneva Street	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-57/21	192 Rykert Street	Be advised that a building permit is required to be completed for the proposed 5 unit townhouse block and rear decks. Be advised that a building permit is required for the proposed 4 unit townhouse block and rear decks.
A-41/21	3 Marshall Lane	Be advised that a building permit is required for the proposed single detached dwelling.

NO.	ADDRESS	COMMENTS
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: June 8, 2021

Subject: Committee of Adjustment Hearing – June 23, 2021

CRCS has reviewed the Committee of Adjustment application for the hearing June 23, 2021 and provides the following comments.

1. 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

   No additional comments.

2. 119 Welland Vale Road, Consent, B-14/21SC – 21103408
   119Welland Vale Road, Consent, B-15/21SC – 21103411
   115 Welland Vale Road, Minor Variance, A-44/21 – 21103869
   117 Welland Vale Road, Minor Variance, A-45/21 – 21103871
   119 Welland Vale Road, Minor Variance, A-46/21 – 21103872

   CRCS staff have reviewed the Tree Protection Plan. Trees 26 and 27 are identified to be in good condition but are identified for removal to accommodate the proposed driveways for Part 1 and Part 2. Additional effort is required to address the feasibility of retaining trees 26 and 27 and may include modifications to driveway width, driveway location and site grading.

   If Planning and Building Services determines that parkland dedication can be collected for this application PRCS requests the following condition of each 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 each 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

3. 3 Cherry Street, Minor Variance, A-47/21 – 21104826
   No comment.

4. 345 Geneva Street, Minor Variance, A-48/21 – 21104829
   Landscape requirements and tree protection have been addressed through the site plan agreement.

5. 8 Cindy Drive, Minor Variance, A-49/21 – 21104845
   No comment.

6. 236 St. Augustine Drive, Minor Variance, A-50/21 – 21104885
   No comment.

7. 35 Arthur Street, Consent, B-18/21SC – 21104902
   39 Arthur Street, Consent, B-19/21SC – 211104903
   35 Arthur Street, Minor Variance, A-51/21 – 21104906
   37 Arthur Street, Minor Variance, A-52//21 – 21104912
   39 Arthur Street, Minor Variance, A-53/21 – 21104914

   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

8. 192 Rykert Street, Minor Variance, A-57/21 – 21104987
   CRCS staff have reviewed revised landscape plans through the Site Plan Process. New landscaping should be provided in the locations where trees 20, 23, and 30 were removed.

   Shifting the development to the north and removing the parallel parking for visitors would alleviate the need for many of the variances and provide additional space for both landscaping and drainage to the south of unit 2.

9. 21 Broadmore Avenue, Minor Variance, A-54/21 – 21104947
   No comment.

10. 30 Woodcrest Drive, Minor Variance, A-55/21 – 21104975
    No comment.

11. 528 Geneva Street, Minor Variance, A-56/21 – 21104947
    No comment.

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

Memorandum

To: Elaine Munro, ACST, Committee Secretary & Planning Technician
From: Brad Johnston, C.E.T., Development Engineering Technologist
CC: City Committee of Adjustment Staff Members
Date: June 10h, 2021
Hearing Date: June 23h, 2021
Subject: **Committee of Adjustment - Minor Variance Applications**
3, 5, 7 Marshall Lane, A-41, 42 & 43/21SC
115, 117, 119 Welland Vale Road, A-44, 45 & 46/21SC
3 Cherry Street, A-47/21SC
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8 Cindy Drive, A-49/21SC
236 St. Augustine Drive, A-50/21SC
35, 37 & 39 Arthur Street, A-51, 52 & 53/21SC
192 Rykert Street, A-57/21SC
21 Broadmore Avenue, A-54/21SC
30 Woodcrest Drive, A-55/21SC
528 Geneva Street, A-56/21SC

Development Engineering have reviewed the above applications and have no comments or objections to the above applications that are currently under our review through a Planning process, however for others we have the following:

- Applicants shall be advised that a Lot Grading Plan may be a requirement for applications that are subject to a Building Permit

Prepared by:

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

cc. James Denham, PBS (email only)

Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: June 8, 2021

Subject: Committee of Adjustment
Public Hearings – June 23, 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

St. Catharines

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

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

COMMENTS

B-18/21SC, B-19/19SC, A-51/21, A-52/21 & A-53/21

35 & 39 Arthur Street

DATE OF HEARING: June 23, 2021

CITY OF ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: June 18, 2021 **Date of Meeting:** June 23, 2021

Report Number: **B-18/21SC** **File:** **21104902** (35 Arthur Street)
B-19/21SC **21104903** (39 Arthur Street)
A-51/21 **21104906** (35 Arthur Street)
A-52/21 **21104912** (37 Arthur Street)
A-53/21 **21104914** (39 Arthur Street)

Subject: 35 and 39 Arthur Street (to become 35, 37 and 39 Arthur Street)

Recommendation

Consent

That application **B-18/21SC** by Leonardo DiFabio, 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 35 and 39 Arthur Street addressing the following conditions:
    a. That building permit plans for Parts 2 and 3, 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. The Owner/Applicant shall pay to the City the estimated cost to construct a future 1.5 metre wide sidewalk along the Arthur Street frontage of Parts 1, 2, 3 & 4 (35, 37 and 39 Arthur Street), the fee for which shall be in accordance with the City's current construction tender pricing average.
3. 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.
4. 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.
5. 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.

6. That the Owner submit a payment for the placement of a 60mm caliper boulevard tree in front of Part 1, in accordance with the City's current Schedule of Rates and Fees.
7. That the Owner submit payment of 5% of the appraised value of Part 1, as determined by a qualified appraiser, to the City in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of payment, the value of the land shall be determined as of the day before the day the provisional consent was given'.
8. That final approval of the concurrent Minor Variance applications be granted.
9. That, pursuant to Section 50(12) of the Planning Act, it is hereby stipulated that Section 50(3) or 50(5) shall apply to any subsequent conveyance of, or other transaction involving, the identical subject parcel of land (Part 3). Therefore, the Applicant will provide the Secretary-Treasurer of the Committee of Adjustment with a solicitor's undertaking that the condition of the Committee of Adjustment will be implemented and the properties (Parts 2 and 3) will be merged and become one parcel of land.
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 June 23, 2022.

That application **B-19/21SC** by Jerry Manco and Julie Johanis, 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 35 and 39 Arthur Street addressing the following conditions:
    a. That building permit plans for Parts 2 and 3, 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. The Owner/Applicant shall pay to the City the estimated cost to construct a future 1.5 metre wide sidewalk along the Arthur Street frontage of Parts 1, 2, 3 & 4 (35, 37 and 39 Arthur Street), the fee for which shall be in accordance with the City's current construction tender pricing average.
3. 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.
4. 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.

5. 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.
6. That the Owner submit a payment for the placement of a 60mm caliper boulevard tree in front of Part 1, in accordance with the City's current Schedule of Rates and Fees.
7. That the Owner submit payment of 5% of the appraised value of Part 1, as determined by a qualified appraiser, to the City in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of payment, the value of the land shall be determined as of the day before the day the provisional consent was given'.
8. That final approval of the concurrent Minor Variance applications be granted.
9. That, pursuant to Section 50(12) of the Planning Act, it is hereby stipulated that Section 50(3) or 50(5) shall apply to any subsequent conveyance of, or other transaction involving, the identical subject parcel of land (Part 2). Therefore, the Applicant will provide the Secretary-Treasurer of the Committee of Adjustment with a solicitor's undertaking that the condition of the Committee of Adjustment will be implemented and the properties (Parts 2 and 3) will be merged and become one parcel of land.
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 June 23, 2022.

Minor Variance

That Application **A-51/21** by Leonardo DiFabio, as outlined in the Notice of Hearing, be approved.

That Application **A-52/21** by Jerry Manco, Julie Johanis and Leonardo DiFabio, as outlined in the Notice of Hearing, be approved.

That Application **A-53/21** by Jerry Manco and Julie Johanis, as outlined in the Notice of Hearing, be approved.

Report

The Proposal

The applicant is proposing to create a new lot between 35 and 39 Arthur Street through combining a portion of each of those lots. The applicant further proposes to build a detached dwelling on the new lot. The existing detached dwellings on the retained lots will remain. The consents to boundary adjustment and minor variances outlined in the tables below are required to facilitate this proposal.

Application	Severed Parcel	Severed Area	Retained Parcel	Retained Area
B-18/21SC	Part 3 (to become 37 Arthur Street when merged with Part 2)	141.5 m^2	Part 4 (35 Arthur Street)	586.5 m^2
B-19/21SC	Part 2 (to become 37 Arthur Street when merged with Part 3)	395 m^2 (Parts 2 & 3 combined will be 536.5 m^2)	Part 1 (39 Arthur Street)	1,183 m^2

Application	Variance #	Zoning Provision	Required	Proposed
A-51/21 35 Arthur Street (Part 4)	1	Maximum lot area for detached dwelling	538 m^2	566.5 m^2
	2	Minimum lot frontage	16.5 m	16.26 m
	3	Minimum interior side yard setback (southern interior side yard)	1.2 m	1.17 m
A-52/21 37 Arthur Street (Parts 2 & 3)	1	Minimum front yard setback to a dwelling	6 m	5.15 m
	2	Minimum front yard setback to a garage	7 m	6.15 m
A-53/21 39 Arthur Street (Part 4)	1	Maximum lot area for detached dwelling	538 m^2	1,183 m^2
	2	Minimum interior side yard setback (northern interior side yard)	1.2 m	0.92 m
	3	Maximum accessory structure coverage of total lot area	10%	20.44%

Location and Site Description

The subject properties are located on the west side of Arthur Street, between Nickel Street and Cindy Drive. The surrounding neighbourhood is residential with detached dwellings as the predominant building type. There is a semi-detached dwelling immediately south of 35 Arthur Street.

Both 35 and 39 Arthur Street are currently occupied by detached dwellings and accessory buildings. In addition, there is an inground pool at 39 Arthur Street.

Circulation of Application

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

Planning Policy Context

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential on Schedule E2. Detached dwellings are permitted in this designation at a density generally ranging from 20 to 32 units per hectare. The proposed density of the new lot is about 19 units per hectare, which staff accept as complying with the Official Plan.

Zoning By-law (2013-283)

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

Planning Analysis

Consent

Consent Application **B-18/21SC** requests to adjust the boundary of 35 Arthur Street to create a parcel of land that will merge with a parcel of land created through consent application **B-19/21SC**, which will adjust the boundary of 39 Arthur Street. Once merged, these parcels will create a new lot between 35 and 39 Arthur Street. The new lot will be 536.4 square metres in area with a frontage of about 20 metres. The applicant intends to build a detached dwelling on this new lot. The existing detached dwellings at 35 and 39 Arthur Street will remain for continued residential use.

Section 16.11 of the Garden City Plan provides seven policies that applications for lot creation must be evaluated against. Typically, these only apply to applications for consent to severance, but since the two consent to boundary adjustment applications considered in this report will result in the creation of a new lot, these policies are applicable. The policies are listed below in italics with analysis and response provided under each.

1. Creation of lots shall only be effected through consent or plans of subdivision.

This policy is being met. The lot is being created through applications for consent to boundary adjustment.

2. Consents to sever parts of lots as an alternative to a registered plan of subdivision will be discouraged and will only be permitted when such a plan would clearly not be needed to ensure the intent of applicable policies in this Plan are followed.

Since this application will result in the creation of a single in-fill lot on existing municipal services with frontage on an improved road a plan of subdivision is not required.

3. Consents to sever individual parcels of land, including land assembly and lot boundary adjustments will only be permitted where:

a) It is clearly apparent that no development could take place which would lead to significant expense by the City for public works or which would lead to further development leading to such expenses.

The proposed lot will be serviced by existing infrastructure. Any required improvements to the infrastructure, including water and wastewater laterals and service lines to the property will be at the expense of the owner.

b) They contribute to the infilling of areas that are already substantially developed.

The proposed lot is between two existing dwellings in an established neighbourhood. The application contributes to infilling in an area that is substantially developed.

c) The size, shape and configuration of the parcel is appropriate for the use proposed and in terms of the optimum development of the surrounding area.

The proposed lot is sized appropriately and is shaped to maximize the development potential of the lands it is being established on. There are no other viable alternatives to development on these lands that could see an increase in units.

4. The creation of, and use, of new lots as well as remnant parcels of land created through consent, including new lots and remnant parcels created through land assembly or boundary adjustments, shall be evaluated having regard for the Urban Design policies and principles of this Plan, together with other relevant policies of this Plan.

Conditions of approval may be established, including but not limited to Development Agreements registered on title, to ensure that existing or new development/redevelopment on new lots or remnant parcels of land created through consent, including through land assembly and boundary adjustment, is in keeping with the policies of this Plan and having regard for the matters set out in Section 51 (24) of The Planning Act, as amended.

The proposed dwelling has been evaluated against the urban design policies of the Official Plan and is found to be appropriately sized and located on the lot to fit the fabric

of the existing neighbourhood. The design of the dwelling is sympathetic to the area. The driveway and attached garage will not dominate the streetscape of the proposed lot. Staff recommend a development agreement be entered as a condition of consent to ensure the proposed dwelling is built in accordance with submitted plans.

> *5. As set out in Part C, Section 4.1.1 of this Plan, the City may consider the establishment of a Design Review Panel to provide knowledgeable guidance with respect to design matters, consistent with City Urban Design Guidelines and the policies of this Plan, and in a manner to support both the municipality and proponents in the evaluation of lot creation proposals, including land assembly and boundary adjustments, and the subsequent development and/or redevelopment of the subject lands.*

This policy is not relevant to this application. The City's Design Review Panel is currently in abeyance as it is under review. In its place., the City's urban design planner has conducted a review of the application and is not opposed to the proposal.

> *6. Provisions for severing individual parcels of land within the Agriculture Area are found in the Agriculture policy section of the Plan.*

The proposed lot is within the urban area and in an area designated Neighbourhood Residential. The Agricultural policies do not apply.

> *7. It is the general intent of this Plan to provide for the severance of land or the creation of easements for public parks, open space and trails, where such consents do not result in the creation of additional building lots.*

The proposed lot does not abut parkland, nor trails. No access easements are required in this application. Therefore, this policy does not apply.

The proposed lot complies with lot frontage and lot area requirements in the Zoning By-law. The application will create a buildable lot from presently underutilized land. The new lot will be of similar size to existing lots in the neighbourhood and can be considered desirable and appropriate development. The application will cause zoning deficiencies with the retained lots, which are being corrected through concurrent minor variance applications discussed in the section below.

Staff are supportive of approval of Consent Applications **B-18/21SC** and **B-19/21SC**, subject to the conditions outlined in the respective recommendations herein.

Minor Variance

Application A-51/21

Variance 1 requests an increase of the maximum lot area for a detached dwelling from 538 square metres to 566.5 square metres for the retained lot after the consent is approved. The existing lot is currently oversized, and the consent will bring the retained lot closer to conforming with the zoning requirements. The geometry of the lot and placement of the detached dwelling on the lot does not permit any additional land to be severed for further redevelopment. Staff find this variance to be minor in nature, desirable

for the appropriate development of the subject lands and meets the intent of the Official Plan and Zoning By-law.

Variance 2 requests a reduction of the minimum lot frontage from 16.5 metres to 16.26 metres. The reduction in frontage is caused by the boundary adjustment removing width from the lot. The retained lot will have a frontage that is 24 centimetres shorter than required in the Zoning By-law. Staff find this variance to be minor in nature and desirable for the appropriate development of the subject lands. Despite this reduction in frontage, the lot is still an appropriate size and will fit the existing context of the neighbourhood. Staff are satisfied that the sought reductions meet the intent of the Official Plan and Zoning By-law.

Variance 3 seeks an existing zoning deficiency be recognized. The southern side of the existing detached dwelling is 1.17 metres from the southern lot line. The required interior side yard setback is 1.2 metres. This is an existing situation that is not caused or exacerbated by the boundary adjustment application for this lot. Since this deficiency is long-standing and no new impacts are being caused, staff recommend approval of this variance.

Application A-52/21
This application seeks to reduce the required front yard setbacks for both the dwelling and attached garage on the detached dwelling proposed for 37 Arthur Street. The setback for the dwelling is proposed to be reduced from 6 metres to 5.15 metres; the setback for the garage is to be reduced from 7 metres to 6.15 metres. The variances will permit the construction of a detached dwelling 85 centimetres closer to the front lot line than otherwise permitted. The attached garage will still be set back 1 metre from the main wall of the dwelling, meaning the garage will not dominate the streetscape. Dwellings in the surrounding neighbourhood have varying front yard setbacks, and staff find the requested reductions not to be out of character with the existing built form on Arthur Street. Staff find these variances to be minor in nature, desirable for the appropriate development of the subject lands and meet the intent of the Official Plan and Zoning By-law.

Application A-53/21
Variance 1 requests an increase of the maximum lot area for a detached dwelling from 538 square metres to 1,183 square metres for the retained lot after the consent is approved. The existing lot is currently oversized, and the consent will bring the retained lot closer to conforming with the zoning requirements. The geometry of the lot and placement of the detached dwelling on the lot does not permit any additional land to be severed for further redevelopment at this time. Staff find this variance to be minor in nature, desirable for the appropriate development of the subject lands and meets the intent of the Official Plan and Zoning By-law.

Variance 2 seeks an existing zoning deficiency be recognized. The northern side of the existing detached dwelling is 0.97 metres from the northern interior lot line. The required interior side yard setback is 1.2 metres. This is an existing situation that is not caused or exacerbated by the boundary adjustment application for this lot. Since this deficiency is long-standing and no new impacts are being caused, staff recommend approval of this variance.

Variance 3 requests an increase in the permitted accessory structure coverage of the lot from 10 percent to 20.44 percent. This increase is being sought to recognize the existing accessory structures on the lot. Since the lot area for 39 Arthur Street is being reduced, accessory coverage is increasing from its current 15.32 percent to 20.44 percent after the boundary adjustment is applied. No new accessory structures are proposed with this variance. Staff consider this variance to be minor in nature.

The accessory buildings on the lot include a 208.1 square metre multi-vehicle detached garage, a 13.7 square metre shed and a 20 square metre gazebo. The detached garage is located in excess of the required 0.6 metre setback from the rear lot line. The garden shed is proposed to be relocated to accommodate the boundary adjustment but will be required to meet the minimum setbacks from lot lines. The gazebo is not located near any lot lines. There is no recent history of complaints about the use of the accessory buildings, nor impacts they may have on neighbouring properties. Staff find the accessory buildings are desirable for the appropriate development of the subject lands

The detached garage and gazebo are found to meet the required setbacks of the Zoning By-law. The shed, which is being relocated, will need to comply with the required setbacks since no additional variance was requested for such. The height of the accessory buildings are all below the required height limit of 4.5 metres. The Zoning By-law and Official Plan permit accessory structures on this lot. Therefore, staff find that this variance meets the intent of both the Zoning By-law and Official Plan. Staff recommend approval of this variance.

Conclusion

Having regard for the matters under Section 53 of the *Planning Act*, staff are of the opinion that Consent Applications **B-18/21SC** and **B-19/21SC** are consistent with the provisions of the Zoning By-law and will have no adverse impacts on the surrounding area and environment. It is staff's recommendation that the requested consents to sever be approved, subject to the conditions outlined in the recommendation.

Having regard for the matters under Section 45(1) of the *Planning Act*, staff are of the opinion that Minor Variance Applications **A-51/21**, **A-52/21** and **A-53/21** be approved as variances are all in keeping with the general intent of the Official Plan and Zoning By-law, are minor in nature, and are desirable for the appropriate development of the lands.

Prepared and Submitted by:

Evan Acs
Planner I

Approved by:

Tami Kitay MPA, MCIP, RPP
Director of Planning and Building Services

From:	Munro, Elaine
To:	Munro, Elaine
Subject:	Bell Comments - 35 & 39 Arthur Street RE: Committee of Adjustment Applications for June 23, 2021 Hearing - 905-21-243
Date:	Thursday, June 10, 2021 12:25:04 PM

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

From: Gordon, Carrie <carrie.gordon@bell.ca>
Sent: Thursday, June 10, 2021 12:03 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Committee of Adjustment Applications for June 23, 2021 Hearing - 905-21-243

Hi Elaine,

Re: Severance application B-18/21SC B-19/21SC

Subsequent to review of the abovementioned consent application at 35, 37, 39 Arthur 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

Bell

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

June 8, 2021

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

Attention: Elaine Munro

File# 21 104902, 21 104903, 21 104906, 21 104912 & 21 104914

Re: 35, 37 and 39 Arthur St

In response to your correspondence dated June 1, 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.
- In order for Alectra Utilities to prepare design and procure the materials required to service this site in a timely manner, a minimum of 6 months notification is required. It would be advantages for the developer if Alectra Utilities were contacted at the stage where the new site plan becomes available. Please note that it takes approximately 20 weeks to purchase a transformer.
- Proposed residential dwelling driveway as depicted on lot is in conflict with existing Alectra owned pole, anchor and associated overhead conductor location. Contact ICI group for new service location and new pole location options.

We would also like to stipulate the following:

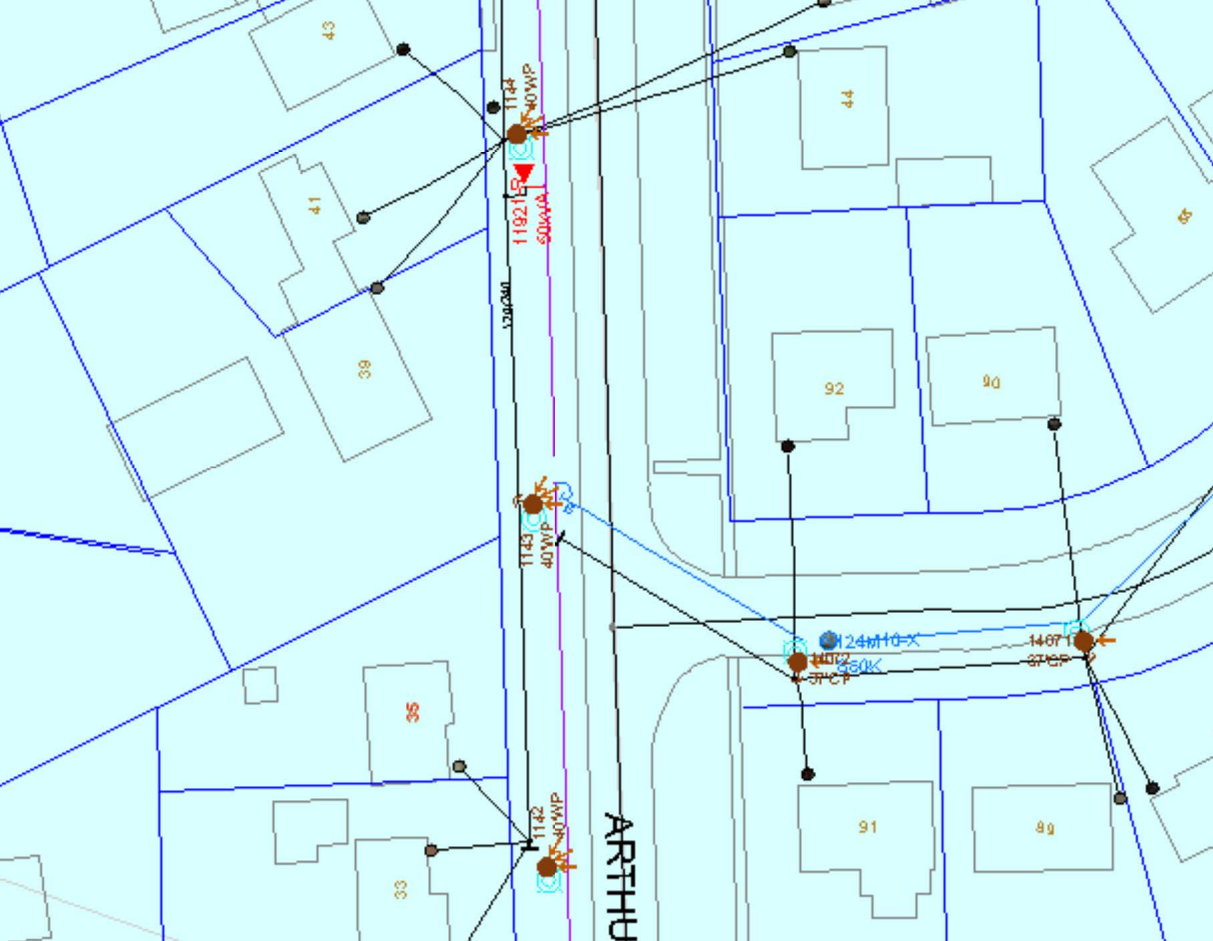
- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities respresentative and is present to provide direct supervision. Cost associated with this task shall be at the owner's 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 905-798-2517 in our Engineering Design Department.

Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital


43
41
39
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92
90
35
33
91
99
1144
40WP
11921
60kVA
1143
40WP
1142
40WP
124M10-X
3PCP
3PCP
ARTHU

From:	Munro, Elaine
To:	Munro, Elaine
Subject:	Cogeco - No concerns RE: Committee of Adjustment Applications for June 23, 2021 Hearing
Date:	Wednesday, June 9, 2021 8:05:57 AM

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

From: Doug Crown <doug.crown@cogeco.com>
Sent: Wednesday, June 9, 2021 8:03 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Committee of Adjustment Applications for June 23, 2021 Hearing

Hi Elaine
Sorry for the delay.
Cogeco has no concerns with these applications.

Have a Wonderful Day

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: June 10, 2021

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – June 23, 2021 hearing

B-14/21SC – 119 Welland Vale Road

Comment:
- No comment

Condition:
- No comment

B-15/21SC – 119 Welland Vale Road

Comment:
- No comment

Condition:
- No comment

B-18/21SC – 35 Arthur Street

Comment:
- No comment

Condition:
- No comment

B-19/21SC – 39 Arthur Street

Comment:
- No comment

Condition:
- Be advised that a building permit is required to relocated the existing shed.

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: June 10, 2021

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – June 23, 2021 hearing

NO.	ADDRESS	COMMENTS
A-48/21	345 Geneva Street	Be advised that a building permit is required for the proposed 3 storey apartment building.
A-44/21	115 Welland Vale Road	Be advised that a building permit is required for the proposed single detached dwelling.
A-45/21	117 Welland Vale Road	Be advised that a building permit is required for the proposed single detached dwelling.
A-46/21	119 Welland Vale Road	Be advised that a building permit is required for the proposed single detached dwelling.
A-47/21	3 Cherry Street	Be advised that a building permit is required for the current rear roof structure and deck attached to the existing dwelling. Be advised that the inspections for building permit (13101259RN – front porch) are required to be scheduled and approved by building inspector.

NO.	ADDRESS	COMMENTS
A-49/21	8 Cindy Drive	Be advised that a building permit is required for the existing deck around the pool. Be advised that a building permit is required to demolish the existing detached garage. Be advised that a building permit is required to be completed for the proposed detached garage.
A-50/21	236 Augustine Drive	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-51/21	35 Arthur Street	Be advised that a building permit is required to demolish the existing shed if it exceeds 108sf in size.
A-52/21	37 Arthur Street	Be advised that a building permit is required for the proposed 1 storey single detached dwelling.
A-53/21	39 Arthur Street	No comment
A-54/21	21 Broadmore Avenue	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-55/21	30 Woodcrest Drive	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-56/21	528 Geneva Street	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-57/21	192 Rykert Street	Be advised that a building permit is required to be completed for the proposed 5 unit townhouse block and rear decks. Be advised that a building permit is required for the proposed 4 unit townhouse block and rear decks.
A-41/21	3 Marshall Lane	Be advised that a building permit is required for the proposed single detached dwelling.

NO.	ADDRESS	COMMENTS
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

B-16/21SC – 41 Moffat Street

Comment:
- No comment

Condition:
- No comment

B-17/21SC – 41 Moffat Street

Comment:
- No comment

Condition:
- No comment

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

Memorandum

To: Elaine Munro, Planning and Building Services

CC:

From: Jessica Button, Community, Recreation and Culture Services

Date: June 8, 2021

Subject: Committee of Adjustment Hearing – June 23, 2021

CRCS has reviewed the Committee of Adjustment application for the hearing June 23, 2021 and provides the following comments.

1. 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

   No additional comments.

2. 119 Welland Vale Road, Consent, B-14/21SC – 21103408
   119Welland Vale Road, Consent, B-15/21SC – 21103411
   115 Welland Vale Road, Minor Variance, A-44/21 – 21103869
   117 Welland Vale Road, Minor Variance, A-45/21 – 21103871
   119 Welland Vale Road, Minor Variance, A-46/21 – 21103872

   CRCS staff have reviewed the Tree Protection Plan. Trees 26 and 27 are identified to be in good condition but are identified for removal to accommodate the proposed driveways for Part 1 and Part 2. Additional effort is required to address the feasibility of retaining trees 26 and 27 and may include modifications to driveway width, driveway location and site grading.

   If Planning and Building Services determines that parkland dedication can be collected for this application PRCS requests the following condition of each 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 each 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

3. 3 Cherry Street, Minor Variance, A-47/21 – 21104826
   No comment.

4. 345 Geneva Street, Minor Variance, A-48/21 – 21104829
   Landscape requirements and tree protection have been addressed through the site plan agreement.

5. 8 Cindy Drive, Minor Variance, A-49/21 – 21104845
   No comment.

6. 236 St. Augustine Drive, Minor Variance, A-50/21 – 21104885
   No comment.

7. 35 Arthur Street, Consent, B-18/21SC – 21104902
   39 Arthur Street, Consent, B-19/21SC – 211104903
   35 Arthur Street, Minor Variance, A-51/21 – 21104906
   37 Arthur Street, Minor Variance, A-52//21 – 21104912
   39 Arthur Street, Minor Variance, A-53/21 – 21104914

   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

8. 192 Rykert Street, Minor Variance, A-57/21 – 21104987
   CRCS staff have reviewed revised landscape plans through the Site Plan Process. New landscaping should be provided in the locations where trees 20, 23, and 30 were removed.

   Shifting the development to the north and removing the parallel parking for visitors would alleviate the need for many of the variances and provide additional space for both landscaping and drainage to the south of unit 2.

9. 21 Broadmore Avenue, Minor Variance, A-54/21 – 21104947
   No comment.

10. 30 Woodcrest Drive, Minor Variance, A-55/21 – 21104975
    No comment.

11. 528 Geneva Street, Minor Variance, A-56/21 – 21104947
    No comment.

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

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-18&19/21SC

May 26th, 2021 **ENGINEERING FILE 300-36**

Hearing Date: June 23rd, 2021

Applicant: Leo DiFabio

Location: 35 & 39 Arthur Street

MUNICIPAL SERVICES AVAILABLE

Water:	150mm A.C.
Sanitary:	200mm A.C.
Storm:	525mm on Croydon
Sidewalks:	None
Road Allowance:	26.4m±

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

Comment(s): It is noted that the Owner proposes to adjust the lot lines of two lots to create one new lot for the purpose of constructing one new dwelling.

Roads

Arthur Street is designated a Collector Road in the City's Official Plan with a desired right-of-way width of 20.0m. Its current width is +/- 26.4m, therefore, the City will not be requesting a right-of-way widening at this time.

Sidewalks and curbs do not exist along the frontage of the subject property. The City has identified sidewalks along this section of Arthur Street as a high priority. Therefore, as a condition of the approval of this severance, the Owner shall be required to pay the estimated cost for a future sidewalk across the frontage of the subject lands. Based on the sketch provided, the frontage is 61.32m. The area of a 1.5m wide sidewalk across the frontage is therefore 91.98m2. The current rate charge for future sidewalks is $194.45/m2 and is based on average tender prices received by the City for similar works over the past few years. The total to be paid by the applicant would therefore be $17,885.51.

Engineering Services

Increased drainage challenges occur in these types of in-fill developments where existing lots within established neighbourhoods sometimes do not have suitable drainage outlets in place. The owner must retain at their cost, a qualified Engineer or Ontario Land Surveyor to prepare a lot grading and drainage plan. The plan shall be submitted for review, and approved by City staff, prior to the finalization of the consent. City staff will review the proposed grading plan to ensure that the drainage scheme of the existing, and proposed future lots convey drainage to a suitable outlet(s), while at the same time will not adversely affect abutting properties. Proposed culverts and water, sanitary and

storm services shall also be shown on the drawing.

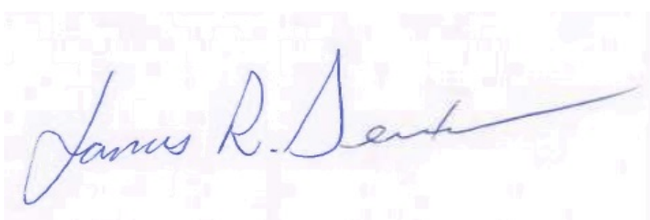
Sump pump flows are typically discharged to grade when no opportunities to connect to a piped storm sewer are available. Since a storm sewer exists at this location on Arthur Street, the sump pump for the new dwelling will not be permitted to discharge to grade. It must instead be connected to the new storm lateral. The sump pump discharge pipe is to be located at the front of the new dwelling and the pipe shall discharge through the front foundation wall only. The location of the discharge pipe shall be shown on the lot grading and drainage plan.

The house design shall ensure rainwater leaders (downspouts) are directed/discharged to the front of the lot. The location and direction of the roof water discharge pipes must be identified on the grading. The City may consider permitting some roof water to drain to the rear of the lot, but only if the owner's engineer can demonstrate that the quantity of the run-off does not exceed the pre-development run-off to the back of the lot.

The Owner shall be responsible to pay the fee for City crews to locate, trace, inspect and document the water and sewer service laterals for the existing dwelling, to confirm they do not conflict with any existing or future lot lines. If any of the existing services are determined to be in conflict with existing 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 also pay the City to relocate any portion of those services on public property. The Owner must also pay the City to install a water service and sanitary and storm laterals for the new lot from the City sewers and watermain to the front property. Payment for the services for the newly created lot will be at the building permit stage.

Condition(s): Prior to the finalization of the proposed consent the Owner shall:

- Pay the fee for City crews to locate, trace, inspect and document the sewer laterals and water services to the existing dwellings,
- If determined existing laterals or water services conflict with existing or future lot lines, the Owner shall complete any relocation works on private property through a Plumbing Only Permit. The Owner shall also pay the City to complete any associated relocation works required on City property,
- Arrange to have an individual lot grading and drainage plan prepared by a qualified Engineer or Ontario Land Surveyor. The plan shall be submitted for review and be approved by City staff,
- Pay the City the estimated cost of $17,885.51 for the construction of a future sidewalk along the frontage of Arthur Street.



Prepared by: _____

James Denham, P.Eng.
Development Engineering Technologist

Memorandum

To: Elaine Munro, ACST, Committee Secretary & Planning Technician
From: Brad Johnston, C.E.T., Development Engineering Technologist
CC: City Committee of Adjustment Staff Members
Date: June 10h, 2021
Hearing Date: June 23h, 2021
Subject: **Committee of Adjustment - Minor Variance Applications**
3, 5, 7 Marshall Lane, A-41, 42 & 43/21SC
115, 117, 119 Welland Vale Road, A-44, 45 & 46/21SC
3 Cherry Street, A-47/21SC
345 Geneva Street, A-48/21SC
8 Cindy Drive, A-49/21SC
236 St. Augustine Drive, A-50/21SC
35, 37 & 39 Arthur Street, A-51, 52 & 53/21SC
192 Rykert Street, A-57/21SC
21 Broadmore Avenue, A-54/21SC
30 Woodcrest Drive, A-55/21SC
528 Geneva Street, A-56/21SC

Development Engineering have reviewed the above applications and have no comments or objections to the above applications that are currently under our review through a Planning process, however for others we have the following:

- Applicants shall be advised that a Lot Grading Plan may be a requirement for applications that are subject to a Building Permit

Prepared by:

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

cc. James Denham, PBS (email only)

Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: June 8, 2021

Subject: Committee of Adjustment
Public Hearings – June 23, 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

St. Catharines

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

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

COMMENTS

A-57/21

192 Rykert Street

DATE OF HEARING:
June 23, 2021

February 9, 2021

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

Attention: Jennifer Zaroda-Harpwood

File# 21 100998 RN

Re: 192 Rykert St

In response to your correspondence dated February 1, 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 Subdivision or Townhouse development, the Developer needs to contact our Engineering Design Department @ 416-819-4975.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.
- Developers to acquire an easement, if required.
- In order for Alectra Utilities to prepare design and procure the materials required to service this site in a timely manner, a minimum of 6 months notification is required. It would be advantages for the developer if Alectra Utilities were contacted at the stage where the new site plan becomes available. Please note that it takes approximately 20 weeks to purchase a transformer.

We would also like to stipulate the following:

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

- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities respresentative 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 905-798-2517 in our Engineering Design Department.

Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital

From:	Munro, Elaine
To:	Munro, Elaine
Subject:	Cogeco - No concerns RE: Committee of Adjustment Applications for June 23, 2021 Hearing
Date:	Wednesday, June 9, 2021 8:05:57 AM

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

From: Doug Crown <doug.crown@cogeco.com>
Sent: Wednesday, June 9, 2021 8:03 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Committee of Adjustment Applications for June 23, 2021 Hearing

Hi Elaine
Sorry for the delay.
Cogeco has no concerns with these applications.

Have a Wonderful Day

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: June 10, 2021

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – June 23, 2021 hearing

NO.	ADDRESS	COMMENTS
A-48/21	345 Geneva Street	Be advised that a building permit is required for the proposed 3 storey apartment building.
A-44/21	115 Welland Vale Road	Be advised that a building permit is required for the proposed single detached dwelling.
A-45/21	117 Welland Vale Road	Be advised that a building permit is required for the proposed single detached dwelling.
A-46/21	119 Welland Vale Road	Be advised that a building permit is required for the proposed single detached dwelling.
A-47/21	3 Cherry Street	Be advised that a building permit is required for the current rear roof structure and deck attached to the existing dwelling. Be advised that the inspections for building permit (13101259RN – front porch) are required to be scheduled and approved by building inspector.

NO.	ADDRESS	COMMENTS
A-49/21	8 Cindy Drive	Be advised that a building permit is required for the existing deck around the pool. Be advised that a building permit is required to demolish the existing detached garage. Be advised that a building permit is required to be completed for the proposed detached garage.
A-50/21	236 Augustine Drive	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-51/21	35 Arthur Street	Be advised that a building permit is required to demolish the existing shed if it exceeds 108sf in size.
A-52/21	37 Arthur Street	Be advised that a building permit is required for the proposed 1 storey single detached dwelling.
A-53/21	39 Arthur Street	No comment
A-54/21	21 Broadmore Avenue	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-55/21	30 Woodcrest Drive	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-56/21	528 Geneva Street	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-57/21	192 Rykert Street	Be advised that a building permit is required to be completed for the proposed 5 unit townhouse block and rear decks. Be advised that a building permit is required for the proposed 4 unit townhouse block and rear decks.
A-41/21	3 Marshall Lane	Be advised that a building permit is required for the proposed single detached dwelling.

NO.	ADDRESS	COMMENTS
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: June 8, 2021

Subject: Committee of Adjustment Hearing – June 23, 2021

CRCS has reviewed the Committee of Adjustment application for the hearing June 23, 2021 and provides the following comments.

1. 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

   No additional comments.

2. 119 Welland Vale Road, Consent, B-14/21SC – 21103408
   119Welland Vale Road, Consent, B-15/21SC – 21103411
   115 Welland Vale Road, Minor Variance, A-44/21 – 21103869
   117 Welland Vale Road, Minor Variance, A-45/21 – 21103871
   119 Welland Vale Road, Minor Variance, A-46/21 – 21103872

   CRCS staff have reviewed the Tree Protection Plan. Trees 26 and 27 are identified to be in good condition but are identified for removal to accommodate the proposed driveways for Part 1 and Part 2. Additional effort is required to address the feasibility of retaining trees 26 and 27 and may include modifications to driveway width, driveway location and site grading.

   If Planning and Building Services determines that parkland dedication can be collected for this application PRCS requests the following condition of each 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 each 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

3. 3 Cherry Street, Minor Variance, A-47/21 – 21104826
   No comment.

4. 345 Geneva Street, Minor Variance, A-48/21 – 21104829
   Landscape requirements and tree protection have been addressed through the site plan agreement.

5. 8 Cindy Drive, Minor Variance, A-49/21 – 21104845
   No comment.

6. 236 St. Augustine Drive, Minor Variance, A-50/21 – 21104885
   No comment.

7. 35 Arthur Street, Consent, B-18/21SC – 21104902
   39 Arthur Street, Consent, B-19/21SC – 211104903
   35 Arthur Street, Minor Variance, A-51/21 – 21104906
   37 Arthur Street, Minor Variance, A-52//21 – 21104912
   39 Arthur Street, Minor Variance, A-53/21 – 21104914

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

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   CRCS request that the following be included as a condition of severance:

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

8. 192 Rykert Street, Minor Variance, A-57/21 – 21104987
   CRCS staff have reviewed revised landscape plans through the Site Plan Process. New landscaping should be provided in the locations where trees 20, 23, and 30 were removed.

   Shifting the development to the north and removing the parallel parking for visitors would alleviate the need for many of the variances and provide additional space for both landscaping and drainage to the south of unit 2.

9. 21 Broadmore Avenue, Minor Variance, A-54/21 – 21104947
   No comment.

10. 30 Woodcrest Drive, Minor Variance, A-55/21 – 21104975
    No comment.

11. 528 Geneva Street, Minor Variance, A-56/21 – 21104947
    No comment.

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

Memorandum

To: Elaine Munro, ACST, Committee Secretary & Planning Technician
From: Brad Johnston, C.E.T., Development Engineering Technologist
CC: City Committee of Adjustment Staff Members
Date: June 10h, 2021
Hearing Date: June 23h, 2021
Subject: **Committee of Adjustment - Minor Variance Applications**
3, 5, 7 Marshall Lane, A-41, 42 & 43/21SC
115, 117, 119 Welland Vale Road, A-44, 45 & 46/21SC
3 Cherry Street, A-47/21SC
345 Geneva Street, A-48/21SC
8 Cindy Drive, A-49/21SC
236 St. Augustine Drive, A-50/21SC
35, 37 & 39 Arthur Street, A-51, 52 & 53/21SC
192 Rykert Street, A-57/21SC
21 Broadmore Avenue, A-54/21SC
30 Woodcrest Drive, A-55/21SC
528 Geneva Street, A-56/21SC

Development Engineering have reviewed the above applications and have no comments or objections to the above applications that are currently under our review through a Planning process, however for others we have the following:

- Applicants shall be advised that a Lot Grading Plan may be a requirement for applications that are subject to a Building Permit

Prepared by:

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

cc. James Denham, PBS (email only)

Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: June 8, 2021

Subject: Committee of Adjustment
Public Hearings – June 23, 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

St. Catharines

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

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

COMMENTS

A-54/21

21 Broadmore Avenue

DATE OF HEARING:
June 23, 2021

CITY OF ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: May 28, 2021 **Date of Meeting:** June 23, 2021

Report Number: **A-54/21** **File:** **21104947**

Subject: 21 Broadmore Avenue

Recommendation

That Application **A-54/21** by Brent VanderWoude, as outlined in the Notice of Hearing, be approved.

Report

The Proposal

The Applicant proposed 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	60.00m^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%	46.12%

Location and Site Description

The subject property is located on the north side of Broadmore Avenue, east of Sunnylea Drive and west of Glenellen Drive. The neighbourhood is residential and is primarily comprised of detached dwellings.

The subject property is presently occupied by, and is surrounded on all sides by detached dwelling units.

Circulation of Application

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

Planning Policy Context

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential on Schedule E3. 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 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 lessor 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 has proposed an accessory dwelling unit located in the basement of an existing single-detached dwelling with a floor area of 71.62 square meters, which will occupy 46.12 percent of the total floor area. 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. As required under section 2.2.1 of the City's Zoning By-law, the proposed interior accessory dwelling unit is located entirely within the exterior walls of the principal dwelling unit and the lot complies with all other provisions of the By-law. This includes provisions regarding parking and exterior amenity space. There are currently two tandem parking spaces on the property, in addition to a garage, which meets the parking space requirements for the principal and accessory dwelling units. The only proposed change to the exterior of the dwelling would be to block a west-facing window to install a fireplace for the accessory dwelling unit.

The applicant is requesting an additional 11.16 square meters of floor area to accommodate the proposed accessory dwelling unit. This request is to make the best use of available space and create an accessory unit that provides adequate living space and is a usable configuration. The proposed use is permitted and the resulting changes to the exterior of the building is considered minor in nature as it is not expected to cause adverse impacts on neighbouring properties.

The applicant is requesting a 6.12 percent increase in the maximum floor area permitted to accommodate an interior accessory dwelling unit. The applicant expressed it would be difficult to provide an accessory dwelling unit with appropriate living space within the 40

percent requirement given the size of the principal dwelling. The purpose of the 40 percent maximum floor area is to ensure that the interior dwelling is “accessory” to the main dwelling. Given the percentage of the proposed dwelling unit is less than 50 percent of the dwelling’s total floor area, this unit is considered accessory to the principal dwelling. As such, it is anticipated that the accessory unit would not result in any adverse impacts on neighbouring properties and the variance is considered minor in nature.

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-54/21** 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:

Natasha MacDonald
Planner I

Approved by:

Tami Kitay MPA, MCIP, RPP
Director of Planning and Building Services

From:	Munro, Elaine
To:	Munro, Elaine
Subject:	Comments & Petition Received against File No 21104947 - Submission A 54/21
Date:	Friday, June 18, 2021 8:04:09 PM

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

From: Jeff Smith <a>
Sent: Friday, June 18, 2021 8:58 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Petition against File No 21104947 - Submission A 54/21

Hello,

I have been asked to submit the attached petition opposing the changes to the house at 21 Broadmore Ave.

It has been discussed that should the proposed changes permit the new owners to create a 2 dwelling rental property.

The East end of Broadmore Ave has always been a very quiet, low traffic area and we would like to keep it that way. We are aware that there are 3 or 4 rental units at the West end of Broadmore and find that the number of cars parked on the road at all times is concerning. We do not want our end to become congested as well.

We feel that our property values may be devalued as a result.

There are at least 2 more residents near this house that have voiced their opposition as well but were not available at the time the petition was prepared. We can get those signatures if required.

Please let me know if you require any further information.

Thank you,

Jeff Smith

24 Broadmore Ave.

XXX-XXX-XXXX

Petition against File # 21104947
Submission # A-54/21

We, the residents of Broadmore Ave., St Catharines
are wholeheartedly against the proposed changes to
the House at 21 Broadmore Ave for the purposes
of creating a 2 dwelling rental property.
We are concerned about the increased traffic, noise and devaluation of our properties.

Name (Print)	Address	Signature
ANTHONY ZOCCOLI	8 BROADMORE AVENUE	[redacted]
D FALKNER	18 BROADMORE Ave	
C.L. SHORE	23 GLENELLEN DR.	
M. WAKULICH.	22 BROADMORE AVE	
JOHN DEZLUSKIEWICZ	23 BROADMORE AVE	
[signature]	26 Broadmore Ave	
Jeff Smith	24 Broadmore Ave	

From:	Munro, Elaine
To:	Munro, Elaine
Subject:	Cogeco - No concerns RE: Committee of Adjustment Applications for June 23, 2021 Hearing
Date:	Wednesday, June 9, 2021 8:05:57 AM

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

From: Doug Crown <doug.crown@cogeco.com>
Sent: Wednesday, June 9, 2021 8:03 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Committee of Adjustment Applications for June 23, 2021 Hearing

Hi Elaine
Sorry for the delay.
Cogeco has no concerns with these applications.

Have a Wonderful Day

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: June 10, 2021

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – June 23, 2021 hearing

NO.	ADDRESS	COMMENTS
A-48/21	345 Geneva Street	Be advised that a building permit is required for the proposed 3 storey apartment building.
A-44/21	115 Welland Vale Road	Be advised that a building permit is required for the proposed single detached dwelling.
A-45/21	117 Welland Vale Road	Be advised that a building permit is required for the proposed single detached dwelling.
A-46/21	119 Welland Vale Road	Be advised that a building permit is required for the proposed single detached dwelling.
A-47/21	3 Cherry Street	Be advised that a building permit is required for the current rear roof structure and deck attached to the existing dwelling. Be advised that the inspections for building permit (13101259RN – front porch) are required to be scheduled and approved by building inspector.

NO.	ADDRESS	COMMENTS
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A-50/21	236 Augustine Drive	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-51/21	35 Arthur Street	Be advised that a building permit is required to demolish the existing shed if it exceeds 108sf in size.
A-52/21	37 Arthur Street	Be advised that a building permit is required for the proposed 1 storey single detached dwelling.
A-53/21	39 Arthur Street	No comment
A-54/21	21 Broadmore Avenue	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-55/21	30 Woodcrest Drive	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-56/21	528 Geneva Street	Be advised that a building permit is required for the proposed accessory dwelling unit.
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NO.	ADDRESS	COMMENTS
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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: June 8, 2021

Subject: Committee of Adjustment Hearing – June 23, 2021

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

   No additional comments.

2. 119 Welland Vale Road, Consent, B-14/21SC – 21103408
   119Welland Vale Road, Consent, B-15/21SC – 21103411
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   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,

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

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   No comment.

4. 345 Geneva Street, Minor Variance, A-48/21 – 21104829
   Landscape requirements and tree protection have been addressed through the site plan agreement.

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   No comment.

6. 236 St. Augustine Drive, Minor Variance, A-50/21 – 21104885
   No comment.

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   39 Arthur Street, Consent, B-19/21SC – 211104903
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9. 21 Broadmore Avenue, Minor Variance, A-54/21 – 21104947
   No comment.

10. 30 Woodcrest Drive, Minor Variance, A-55/21 – 21104975
    No comment.

11. 528 Geneva Street, Minor Variance, A-56/21 – 21104947
    No comment.

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

Memorandum

To: Elaine Munro, ACST, Committee Secretary & Planning Technician
From: Brad Johnston, C.E.T., Development Engineering Technologist
CC: City Committee of Adjustment Staff Members
Date: June 10h, 2021
Hearing Date: June 23h, 2021
Subject: **Committee of Adjustment - Minor Variance Applications**
3, 5, 7 Marshall Lane, A-41, 42 & 43/21SC
115, 117, 119 Welland Vale Road, A-44, 45 & 46/21SC
3 Cherry Street, A-47/21SC
345 Geneva Street, A-48/21SC
8 Cindy Drive, A-49/21SC
236 St. Augustine Drive, A-50/21SC
35, 37 & 39 Arthur Street, A-51, 52 & 53/21SC
192 Rykert Street, A-57/21SC
21 Broadmore Avenue, A-54/21SC
30 Woodcrest Drive, A-55/21SC
528 Geneva Street, A-56/21SC

Development Engineering have reviewed the above applications and have no comments or objections to the above applications that are currently under our review through a Planning process, however for others we have the following:

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Prepared by:

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

cc. James Denham, PBS (email only)

Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: June 8, 2021

Subject: Committee of Adjustment
Public Hearings – June 23, 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

St. Catharines

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

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

COMMENTS

A-55/21

30 Woodcrest Drive

DATE OF HEARING:
June 23, 2021

CITY OF ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: June 7, 2021 **Date of Meeting:** June 23, 2021

Report Number: **A-55/21** **File:** **21104975**

Subject: 30 Woodcrest Drive

Recommendation

That Application **A-55/21** by Douglas Heikamp and Hilda Heikamp, 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	73.79m^2
2	Maximum floor area of an interior accessory dwelling unit as a percentage of the floor area of the dwelling	40%	47.02%

Location and Site Description

The subject property is located on the east side of Woodcrest Drive, a cul-de-sac located west of Highway 406 and north of Chestnut Street West. The neighbourhood is residential and is primarily comprised of detached dwellings.

The subject property is presently occupied by, and surrounded by, detached dwellings.

Circulation of Application

This Application was circulated to all appropriate departments and agencies: no objections were received. To facilitate the construction of an accessory dwelling unit, a building permit will be required.

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 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 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 lessor 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 has proposed an accessory dwelling unit located in the basement of an existing single-detached dwelling with a floor area of 73.79 square meters, which will occupy 47.02 percent of the total floor area. 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. As required under section 2.2.1 of the City's Zoning By-law, the proposed interior accessory dwelling unit is located entirely within the exterior walls of the principal dwelling unit and the lot complies with all other provisions of the By-law. This includes provisions regarding parking and exterior amenity space. There are currently two tandem parking spaces on the property, which meets the parking space requirements for the principal and accessory dwelling units. The proposed interior accessory dwelling unit would not result in any exterior changes to the dwelling unit.

The applicant is requesting an additional 13.79 square meters of floor area to accommodate the proposed accessory dwelling unit. This request is to make the best use of available space and create an accessory unit that provides adequate living space and is of a usable configuration. The proposed use is permitted, and the proposal does not result in any changes to the exterior of the building or the property. It is not anticipated that the proposed accessory dwelling unit will result in any adverse impacts to the neighbouring properties. As such, the variance to permit this increase in floor area for the accessory dwelling unit is considered minor in nature.

The applicant is requesting a 7.02 percent increase in the maximum floor area permitted to accommodate an interior accessory dwelling unit. The applicant expressed it would be difficult to provide an accessory dwelling unit with appropriate living space within the 40 percent requirement given the size of the principal dwelling. The purpose of the 40 percent maximum floor area is to ensure that the interior dwelling is “accessory” to the main dwelling. Given the percentage of the proposed dwelling unit is less than 50 percent of the dwelling’s total floor area, this unit is considered accessory to the principal dwelling. As such, it is anticipated that the accessory unit would not result in any adverse impacts on neighbouring properties and the variance is considered minor in nature.

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-55/21** 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:

Natasha MacDonald
Planner I

Approved by:

Tami Kitay MPA, MCIP, RPP
Director of Planning and Building Services

From:	Munro, Elaine
To:	Munro, Elaine
Subject:	Cogeco - No concerns RE: Committee of Adjustment Applications for June 23, 2021 Hearing
Date:	Wednesday, June 9, 2021 8:05:57 AM

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

From: Doug Crown <doug.crown@cogeco.com>
Sent: Wednesday, June 9, 2021 8:03 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Committee of Adjustment Applications for June 23, 2021 Hearing

Hi Elaine
Sorry for the delay.
Cogeco has no concerns with these applications.

Have a Wonderful Day

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 - 41 Moffatt, 3 Cherry, 30 Woodcrest RE: Review - Committee of Adjustment Applications for June 23, 2021 Hearing
Date:	Tuesday, June 8, 2021 11:31:19 AM

41 Moffatt Street,
3, 5 & 7 Marshall Lane
3 Cherry Street
30 Woodcrest Drive

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

From: Vasko, Dennis <dvasko@stcatharines.ca>
Sent: Tuesday, June 8, 2021 10:08 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: RE: Review - Committee of Adjustment Applications for June 23, 2021 Hearing

Hi Elaine,

There are no concerns in respect to closed landfills for these properties.

Dennis

Dennis Vasko
Fill Site Technician
Tel: 905.688.5601 x2163
Email: dvasko@stcatharines.ca

Memorandum

To: Elaine Munro, Committee Secretary & Planning Clerk
Planning and Building Services
Cc: Wilrik Banda
Planning and Building Services
From: Lou Grossi, Building Inspector II
Planning and Building Services
Date: June 10, 2021

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – June 23, 2021 hearing

NO.	ADDRESS	COMMENTS
A-48/21	345 Geneva Street	Be advised that a building permit is required for the proposed 3 storey apartment building.
A-44/21	115 Welland Vale Road	Be advised that a building permit is required for the proposed single detached dwelling.
A-45/21	117 Welland Vale Road	Be advised that a building permit is required for the proposed single detached dwelling.
A-46/21	119 Welland Vale Road	Be advised that a building permit is required for the proposed single detached dwelling.
A-47/21	3 Cherry Street	Be advised that a building permit is required for the current rear roof structure and deck attached to the existing dwelling. Be advised that the inspections for building permit (13101259RN – front porch) are required to be scheduled and approved by building inspector.

NO.	ADDRESS	COMMENTS
A-49/21	8 Cindy Drive	Be advised that a building permit is required for the existing deck around the pool. Be advised that a building permit is required to demolish the existing detached garage. Be advised that a building permit is required to be completed for the proposed detached garage.
A-50/21	236 Augustine Drive	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-51/21	35 Arthur Street	Be advised that a building permit is required to demolish the existing shed if it exceeds 108sf in size.
A-52/21	37 Arthur Street	Be advised that a building permit is required for the proposed 1 storey single detached dwelling.
A-53/21	39 Arthur Street	No comment
A-54/21	21 Broadmore Avenue	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-55/21	30 Woodcrest Drive	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-56/21	528 Geneva Street	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-57/21	192 Rykert Street	Be advised that a building permit is required to be completed for the proposed 5 unit townhouse block and rear decks. Be advised that a building permit is required for the proposed 4 unit townhouse block and rear decks.
A-41/21	3 Marshall Lane	Be advised that a building permit is required for the proposed single detached dwelling.

NO.	ADDRESS	COMMENTS
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: June 8, 2021

Subject: Committee of Adjustment Hearing – June 23, 2021

CRCS has reviewed the Committee of Adjustment application for the hearing June 23, 2021 and provides the following comments.

1. 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

   No additional comments.

2. 119 Welland Vale Road, Consent, B-14/21SC – 21103408
   119Welland Vale Road, Consent, B-15/21SC – 21103411
   115 Welland Vale Road, Minor Variance, A-44/21 – 21103869
   117 Welland Vale Road, Minor Variance, A-45/21 – 21103871
   119 Welland Vale Road, Minor Variance, A-46/21 – 21103872

   CRCS staff have reviewed the Tree Protection Plan. Trees 26 and 27 are identified to be in good condition but are identified for removal to accommodate the proposed driveways for Part 1 and Part 2. Additional effort is required to address the feasibility of retaining trees 26 and 27 and may include modifications to driveway width, driveway location and site grading.

   If Planning and Building Services determines that parkland dedication can be collected for this application PRCS requests the following condition of each 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 each 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

3. 3 Cherry Street, Minor Variance, A-47/21 – 21104826
   No comment.

4. 345 Geneva Street, Minor Variance, A-48/21 – 21104829
   Landscape requirements and tree protection have been addressed through the site plan agreement.

5. 8 Cindy Drive, Minor Variance, A-49/21 – 21104845
   No comment.

6. 236 St. Augustine Drive, Minor Variance, A-50/21 – 21104885
   No comment.

7. 35 Arthur Street, Consent, B-18/21SC – 21104902
   39 Arthur Street, Consent, B-19/21SC – 211104903
   35 Arthur Street, Minor Variance, A-51/21 – 21104906
   37 Arthur Street, Minor Variance, A-52//21 – 21104912
   39 Arthur Street, Minor Variance, A-53/21 – 21104914

   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

8. 192 Rykert Street, Minor Variance, A-57/21 – 21104987
   CRCS staff have reviewed revised landscape plans through the Site Plan Process. New landscaping should be provided in the locations where trees 20, 23, and 30 were removed.

   Shifting the development to the north and removing the parallel parking for visitors would alleviate the need for many of the variances and provide additional space for both landscaping and drainage to the south of unit 2.

9. 21 Broadmore Avenue, Minor Variance, A-54/21 – 21104947
   No comment.

10. 30 Woodcrest Drive, Minor Variance, A-55/21 – 21104975
    No comment.

11. 528 Geneva Street, Minor Variance, A-56/21 – 21104947
    No comment.

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

Memorandum

To: Elaine Munro, ACST, Committee Secretary & Planning Technician
From: Brad Johnston, C.E.T., Development Engineering Technologist
CC: City Committee of Adjustment Staff Members
Date: June 10h, 2021
Hearing Date: June 23h, 2021
Subject: **Committee of Adjustment - Minor Variance Applications**
3, 5, 7 Marshall Lane, A-41, 42 & 43/21SC
115, 117, 119 Welland Vale Road, A-44, 45 & 46/21SC
3 Cherry Street, A-47/21SC
345 Geneva Street, A-48/21SC
8 Cindy Drive, A-49/21SC
236 St. Augustine Drive, A-50/21SC
35, 37 & 39 Arthur Street, A-51, 52 & 53/21SC
192 Rykert Street, A-57/21SC
21 Broadmore Avenue, A-54/21SC
30 Woodcrest Drive, A-55/21SC
528 Geneva Street, A-56/21SC

Development Engineering have reviewed the above applications and have no comments or objections to the above applications that are currently under our review through a Planning process, however for others we have the following:

- Applicants shall be advised that a Lot Grading Plan may be a requirement for applications that are subject to a Building Permit

Prepared by:

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

cc. James Denham, PBS (email only)

Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: June 8, 2021

Subject: Committee of Adjustment
Public Hearings – June 23, 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

St. Catharines

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

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

COMMENTS

A-56/21

528 Geneva Street

DATE OF HEARING:
June 23, 2021

CITY OF ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: June 9, 2021 **Date of Meeting:** June 23, 2021

Report Number: **A-56/21** **File:** **21104977**

Subject: 528 Geneva Street

Recommendation

That Application **A-56/21** by Carmelo Giannone and Maria Giannone 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	69.12m^2
2	Maximum floor area of an interior accessory dwelling unit as a percentage of the floor area of the dwelling	40%	45.39%

Location and Site Description

The subject property is located on the west side of Geneva Street, north of Linwell Road and south of Glen Park Road. 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. To facilitate the accessory dwelling unit, a building permit will be required.

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 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 lessor 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 has proposed an accessory dwelling unit located in the basement of an existing single-detached dwelling with a floor area of 69.12 square meters, which will occupy 45.39 percent of the total floor area. 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. As required under section 2.2.1 of the City's Zoning By-law, the proposed interior accessory dwelling unit is located entirely within the exterior walls of the principal dwelling unit and the lot complies with all other provisions of the By-law. This includes provisions regarding parking and exterior amenity space. There are currently two parking spaces on the property, one located in a garage and another located in the driveway, which meets the parking space requirements for the principal and accessory dwelling units.

The applicant is requesting an additional 9.12 square meters of floor area to accommodate the proposed accessory dwelling unit. This request is to make the best use of available space and create an accessory unit that provides adequate living space and is a usable configuration. The proposed use is permitted, and the proposal does not result in any changes to the exterior of the building or the property. It is not anticipated that the proposed accessory dwelling unit will result in any adverse impacts to the neighbouring properties. As such, the variance to permit this increase in floor area for the accessory dwelling unit is considered minor in nature.

The applicant is requesting a 5.39 percent increase in the maximum floor area permitted to accommodate an interior accessory dwelling unit. The applicant expressed it would be difficult to provide an accessory dwelling unit with appropriate living space within the 40 percent requirement given the size of the principal dwelling. The purpose of the 40 percent maximum floor area is to ensure that the interior dwelling is “accessory” to the main dwelling. Given the percentage of the proposed dwelling unit is less than 50 percent of the dwelling’s total floor area, this unit is considered accessory to the principal dwelling. As such, it is anticipated that the accessory unit would not result in any adverse impacts on neighbouring properties and the variance is considered minor in nature.

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-56/21** 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:

Natasha MacDonald
Planner I

Approved by:

Tami Kitay MPA, MCIP, RPP
Director of Planning and Building Services

From:	Munro, Elaine
To:	Munro, Elaine
Subject:	Cogeco - No concerns RE: Committee of Adjustment Applications for June 23, 2021 Hearing
Date:	Wednesday, June 9, 2021 8:05:57 AM

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

From: Doug Crown <doug.crown@cogeco.com>
Sent: Wednesday, June 9, 2021 8:03 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Committee of Adjustment Applications for June 23, 2021 Hearing

Hi Elaine
Sorry for the delay.
Cogeco has no concerns with these applications.

Have a Wonderful Day

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: June 10, 2021

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – June 23, 2021 hearing

NO.	ADDRESS	COMMENTS
A-48/21	345 Geneva Street	Be advised that a building permit is required for the proposed 3 storey apartment building.
A-44/21	115 Welland Vale Road	Be advised that a building permit is required for the proposed single detached dwelling.
A-45/21	117 Welland Vale Road	Be advised that a building permit is required for the proposed single detached dwelling.
A-46/21	119 Welland Vale Road	Be advised that a building permit is required for the proposed single detached dwelling.
A-47/21	3 Cherry Street	Be advised that a building permit is required for the current rear roof structure and deck attached to the existing dwelling. Be advised that the inspections for building permit (13101259RN – front porch) are required to be scheduled and approved by building inspector.

NO.	ADDRESS	COMMENTS
A-49/21	8 Cindy Drive	Be advised that a building permit is required for the existing deck around the pool. Be advised that a building permit is required to demolish the existing detached garage. Be advised that a building permit is required to be completed for the proposed detached garage.
A-50/21	236 Augustine Drive	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-51/21	35 Arthur Street	Be advised that a building permit is required to demolish the existing shed if it exceeds 108sf in size.
A-52/21	37 Arthur Street	Be advised that a building permit is required for the proposed 1 storey single detached dwelling.
A-53/21	39 Arthur Street	No comment
A-54/21	21 Broadmore Avenue	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-55/21	30 Woodcrest Drive	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-56/21	528 Geneva Street	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-57/21	192 Rykert Street	Be advised that a building permit is required to be completed for the proposed 5 unit townhouse block and rear decks. Be advised that a building permit is required for the proposed 4 unit townhouse block and rear decks.
A-41/21	3 Marshall Lane	Be advised that a building permit is required for the proposed single detached dwelling.

NO.	ADDRESS	COMMENTS
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: June 8, 2021

Subject: Committee of Adjustment Hearing – June 23, 2021

CRCS has reviewed the Committee of Adjustment application for the hearing June 23, 2021 and provides the following comments.

1. 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

   No additional comments.

2. 119 Welland Vale Road, Consent, B-14/21SC – 21103408
   119Welland Vale Road, Consent, B-15/21SC – 21103411
   115 Welland Vale Road, Minor Variance, A-44/21 – 21103869
   117 Welland Vale Road, Minor Variance, A-45/21 – 21103871
   119 Welland Vale Road, Minor Variance, A-46/21 – 21103872

   CRCS staff have reviewed the Tree Protection Plan. Trees 26 and 27 are identified to be in good condition but are identified for removal to accommodate the proposed driveways for Part 1 and Part 2. Additional effort is required to address the feasibility of retaining trees 26 and 27 and may include modifications to driveway width, driveway location and site grading.

   If Planning and Building Services determines that parkland dedication can be collected for this application PRCS requests the following condition of each 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 each 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

3. 3 Cherry Street, Minor Variance, A-47/21 – 21104826
   No comment.

4. 345 Geneva Street, Minor Variance, A-48/21 – 21104829
   Landscape requirements and tree protection have been addressed through the site plan agreement.

5. 8 Cindy Drive, Minor Variance, A-49/21 – 21104845
   No comment.

6. 236 St. Augustine Drive, Minor Variance, A-50/21 – 21104885
   No comment.

7. 35 Arthur Street, Consent, B-18/21SC – 21104902
   39 Arthur Street, Consent, B-19/21SC – 211104903
   35 Arthur Street, Minor Variance, A-51/21 – 21104906
   37 Arthur Street, Minor Variance, A-52//21 – 21104912
   39 Arthur Street, Minor Variance, A-53/21 – 21104914

   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

8. 192 Rykert Street, Minor Variance, A-57/21 – 21104987
   CRCS staff have reviewed revised landscape plans through the Site Plan Process. New landscaping should be provided in the locations where trees 20, 23, and 30 were removed.

   Shifting the development to the north and removing the parallel parking for visitors would alleviate the need for many of the variances and provide additional space for both landscaping and drainage to the south of unit 2.

9. 21 Broadmore Avenue, Minor Variance, A-54/21 – 21104947
   No comment.

10. 30 Woodcrest Drive, Minor Variance, A-55/21 – 21104975
    No comment.

11. 528 Geneva Street, Minor Variance, A-56/21 – 21104947
    No comment.

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

Memorandum

To: Elaine Munro, ACST, Committee Secretary & Planning Technician
From: Brad Johnston, C.E.T., Development Engineering Technologist
CC: City Committee of Adjustment Staff Members
Date: June 10h, 2021
Hearing Date: June 23h, 2021
Subject: **Committee of Adjustment - Minor Variance Applications**
3, 5, 7 Marshall Lane, A-41, 42 & 43/21SC
115, 117, 119 Welland Vale Road, A-44, 45 & 46/21SC
3 Cherry Street, A-47/21SC
345 Geneva Street, A-48/21SC
8 Cindy Drive, A-49/21SC
236 St. Augustine Drive, A-50/21SC
35, 37 & 39 Arthur Street, A-51, 52 & 53/21SC
192 Rykert Street, A-57/21SC
21 Broadmore Avenue, A-54/21SC
30 Woodcrest Drive, A-55/21SC
528 Geneva Street, A-56/21SC

Development Engineering have reviewed the above applications and have no comments or objections to the above applications that are currently under our review through a Planning process, however for others we have the following:

- Applicants shall be advised that a Lot Grading Plan may be a requirement for applications that are subject to a Building Permit

Prepared by:

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

cc. James Denham, PBS (email only)

Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: June 8, 2021

Subject: Committee of Adjustment
Public Hearings – June 23, 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