

Agenda

Wednesday, September 22, 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 September 20, 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
Robin McPherson, Member
Adam Selvig, Member

Regrets: Kerry Leask, Member

Staff Liaison:

Elaine Munro, Secretary-Treasurer
Wilrik Banda, Assistant Secretary-Treasurer
Natasha MacDonald, Planner
Evan Acs, Planner

-
1. **Call meeting to order (Chair)**
 2. **Recognition of Traditional Territories**
 3. **Additions / Deletions to the Agenda**
 4. **Motion to approve the agenda**
 5. **Motion to adopt the minutes of the previous meeting – August 25, 2021**
 6. **Declarations of Interest**

7. **Request for Adjournment**

Item #9 - 1204 Lakeshore Road West, Minor Variance, A-80/21 – 21115798
Regional Staff have requested a deferral until a detailed sewage system design is submitted for review and approval. The deferral request is supported by City Staff.

8. **Applications**

1. 19 ½ Centre Street, Consent, B-34/21SC – 21 117394
2. 47 Hastings Street, Minor Variance, A-58/21 – 21105118
8. 40 Merritt Street, Consent, B-23/21SC – 21115752
40 Merritt Street, Minor Variance, A-8321 – 21116090
38 Merritt Street, Minor Variance, A-82/21 – 21116091
3. 218 Ontario Street, Minor Variance, A-68/21 – 21114608
4. 43 Doncaster Drive, Minor Variance, A-72/21 – 21114662
5. 23 Clayburn Avenue, Minor Variance, A-77/21 - 21115707
6. 34 Highcourt Crescent, Minor Variance, A-78/21 – 21115712
7. 15 Keefer Road, Consent, B-22/21SC – 21115743
11 Keefer Road, Minor Variance, A-79/21 – 21115744
10. 75 Niagara Street, Minor Variance, A-81/21 – 21115772
11. 28 Hamilton Street, Consent, B-24/21SC – 21115765
28 Hamilton Street, Minor Variance, A-84/21 – 21116111
32 Hamilton Street, Minor Variance, A-85/21 - 21116114
12. 13 Willcher Drive, Consent, B-25/21SC - 21115780

9. **New Business**

10. **Date of next meeting**

Wednesday October 20, 2021 at 5.00 pm

11. **Motion to Adjourn**

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

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

COMMENTS

A-80/21

1204 Lakeshore St. W.

DATE OF HEARING:
September 22, 2021

Planning and Development Services

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
905-980-6000 Toll-free: 1-800-263-7215

Via Email Only

September 14, 2021

File No.: D.17.08.MV-21-0076

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

Dear Ms. Munro:

**Re: Regional and Provincial Comments
Minor Variance Application
City File No.: A-80/21
Applicant: Arduino Sorge and Connie Candeloro
Agent: Upper Canada Consultants (Ethan Laman)
1204 Lakeshore Road
City of St. Catharines**

Regional Planning and Development Services staff have reviewed the information circulated for the above-noted minor variance application, which has been proposed to facilitate the construction of a new detached dwelling on the subject lands. The applicant is seeking a variance to permit a reduction in the minimum interior side yard setback to allow for the construction of the dwelling.

The following Provincial and Regional comments are provided to assist the Committee in their consideration of the application.

Provincial and Regional Policies

The subject property is designated as being within a Prime Agricultural Area, and more specifically within a Specialty Crop Area, in the Provincial Policy Statement (PPS); within the Protected Countryside, and designated Specialty Crop Area – Niagara Peninsula Tender Fruit and Grape Area in the Greenbelt Plan; and designated Unique Agricultural Area in the Regional Official Plan (ROP).

In addition to agricultural, agriculturally-related, and on-farm diversified uses, within the Unique Agricultural Area designation, both the Greenbelt Plan and ROP permit single

dwelling on existing lots of record, provided they were zoned for this use prior to the effective date of the Greenbelt Plan (December 16, 2004).

The proposal is to construct a new dwelling to replace an existing single detached dwelling on the subject property. Accordingly, Regional staff are of the opinion that the dwelling is consistent with the PPS, and conforms to Provincial and Regional policies, subject to the comments below.

Archaeological Potential

The PPS and ROP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 10.C.2.1.13 of the ROP state that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved.

Based on the Ministry of Heritage, Sport, Tourism and Culture Industries' (MHSTCI) Criteria for Evaluating Archaeological Potential, the subject property exhibits high potential for the discovery of archaeological resources due to its proximity (within 300 metres) to the shoreline of Lake Ontario. Regional staff have reviewed aerial photography and confirm the location of the proposed dwelling has already been subject to recent, extensive and intensive disturbance resulting from the existing dwelling. Therefore, an archaeological assessment is not required.

Core Natural Heritage System

The subject property is impacted by the Region's Core Natural Heritage System (CNHS), consisting of Significant Woodland and Type 1 (Critical) Fish Habitat (see attached map). The property is also mapped as part of the Greenbelt Plan Provincial Natural Heritage System (NHS) which identifies these features as Key Natural Heritage Features (KNHF) and Key Hydrologic Features (KHF).

Greenbelt Plan policies typically require the completion of a Natural Heritage Evaluation (NHE) when development and/or site alteration is proposed within 120 metres of a KNHF/KHF. Regional policies similarly require the completion of an Environmental Impact Study (EIS) when development and/or site alteration is proposed within 50 metres of Significant Woodland, and within 30 metres of Type 1 Fish Habitat. Greenbelt Plan policies also require that a 30 metre Vegetation Protection Zone (VPZ), as measured from the outside boundary of a KNHF/KHF be established as natural self-sustaining vegetation.

The proposed dwelling is to be located mainly within the existing development footprint and manicured lawn. Due to the scope, nature and location of the proposed development, staff are supportive of waiving the requirement for an EIS, but will require a 5 metre wide VPZ be established from the edge of the Significant Woodland, which is identified in the attachment as the green diagonal hatched area, to the north of the

dwelling, along the top of slope, to satisfy Greenbelt Plan policies. A Landscape Plan will be required to be submitted to the satisfaction of the Region which illustrates how the VPZ will be established as natural self-sustaining vegetation. Staff also request the completion of a Tree Saving Plan (TSP) that indicates appropriate setbacks and mitigation measures to protect adjacent trees associated with the Significant Woodland. The TSP will have to be prepared in accordance with the Region's Woodland Conservation By-law (By-law 2020-79).

Regional staff note that the Niagara Peninsula Conservation Authority (NPCA) continues to be responsible for the review and comment on planning applications related to their regulated features. As such, the NPCA should be consulted with respect to their comments and potential Work Permit requirements pursuant to Ontario Regulation 155/06.

Private Servicing

Regional Private Sewage Systems (PSS) staff note that no records were found for the existing sewage system servicing the property. The proposed development will increase the sewage flow on the property and therefore a new septic system is required to be installed to service the site. Considering the shape of the lot, along with the additional sewage flows, there is limited usable area on the property to install a new septic system. A detailed septic design, prepared by an approved septic contractor/designer, must be submitted to the satisfaction of Regional staff to confirm the proposed development can be serviced on the restricted lot. Regional staff note that a new septic system may not be able to support the dwelling as proposed, and that the scale of the proposed dwelling may need to be reduced to accommodate septic system requirements.

Therefore, Regional PSS staff cannot support the application until a detailed sewage system design is submitted to Regional staff for review and approval.

Future Road Widening

The subject property has frontage along Regional Road 87 (Lakeshore Road West) which is currently deficient of the recommended policy width of 10.5 metres (measured from the centre line of Regional Road 87). Although a road widening will not be required as part of this minor variance application, Regional staff note for information that an irregular widening with a maximum width of 1.0 metres will be required as part of any future development applications on the subject property.

Conclusion

Regional Planning and Development Services staff are unable to support the proposed minor variance application as submitted, due to the constraints on the subject property and private servicing requirements. Staff recommend that a decision on the application

be deferred to allow the applicant to address Regional Private Sewage System requirements.

In addition to any further private servicing requirements that may arise as part of this review, Regional staff note for information that the following conditions will also be required to ensure the variance maintains the intent and purpose of Regional Official Plan policies pertaining to the conservation of natural heritage resources:

- That a Landscape Plan, which demonstrates the establishment of a 5 metre wide Vegetated Protection Zone from the edge of the Significant Woodland to the north of the dwelling along the top of slope, be submitted to Niagara Region for review and approval; and
- That a Tree Saving Plan, prepared in accordance with the Region's Woodland Conservation By-law (By-law 2020-79), that indicates appropriate setbacks and mitigation measures to protect adjacent trees, be submitted to Niagara Region for review and approval.

If you have any questions or wish to discuss these comments, please contact the following:

- Natural Heritage Comments: Lori Karlewicz, Planning Ecologist, at lori.karlewicz@niagararegion.ca
- Private Servicing Comments: Justin Noort, Private Sewage System Inspector at Justin.Noort@niagararegion.ca

Please send notice of the Committee's decision on this application.

Kind regards,



Amy Shanks
Development Planner

cc: Aimee Alderman, MCIP, RPP, Senior Development Planner, Niagara Region
Lori Karlewicz, Planning Ecologist, Niagara Region
Justin Noort, Private Sewage System Inspector, Niagara Region
Matteo Ramundo, Development Approvals Technician, Niagara Region

Appendix: Core Natural Heritage Features Mapping

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Receipt of Comments RE: Notice of Hearing Regarding Amanda No. 21115798 Submission NO. A-80/21
Date: Tuesday, September 14, 2021 11:07:11 AM

Elaine Munro ACST

Committee Secretary and Planning Technician

Tel: 905.688.5601 x1715

Email: emunro@stcatharines.ca



From: [REDACTED]
Sent: Tuesday, September 14, 2021 10:56 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: [REDACTED]
Subject: Notice of Hearing Regarding Amanda No. 21115798 Submission NO. A-80/21

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

Elaine Munro:

Re: Minor Variance - Amanda No. 21115798: Submission No. A-80/21

We are Derek Saunders and Patricia Latin, living at 1206 Lakeshore Rd W , St. Catharines, adjacent to the subject property. Our concerns about the application are as follows.

- Request to reduce the westerly side yard setback from 3.0M to 1.5M is in violation of the access rules from the NPCA Lake Ontario Shoreline Management Plan section 6.2.2.5 . The plan states a width of 5M is required for access to the new armour stone revetment which was built in the spring of 2020. Our home is 2M from the property line, and with a setback of 3M on the subject property, the 5M will be maintained.
- A 1.5M setback will also block natural light and sightlines to our property as the subject house is proposed to be two stories high.
- The plan also has a proposed setback of 9M from the top of the bank. Although the new revetment has stabilized the shoreline, the bank is very unstable. The subject property is a wet depression area that the new owners probably don't know about. During periods of significant rain, the water pools on 75% of the property to a depth of several inches. (The subject property is lower than the surrounding properties) Once the ground is saturated and the water pools, the exposed slope to the shoreline is saturated and slumping occurs.
- A 9M setback from the top of the bank will also block the natural light and

our sightlines as it will completely overshadow our house.

Thank you

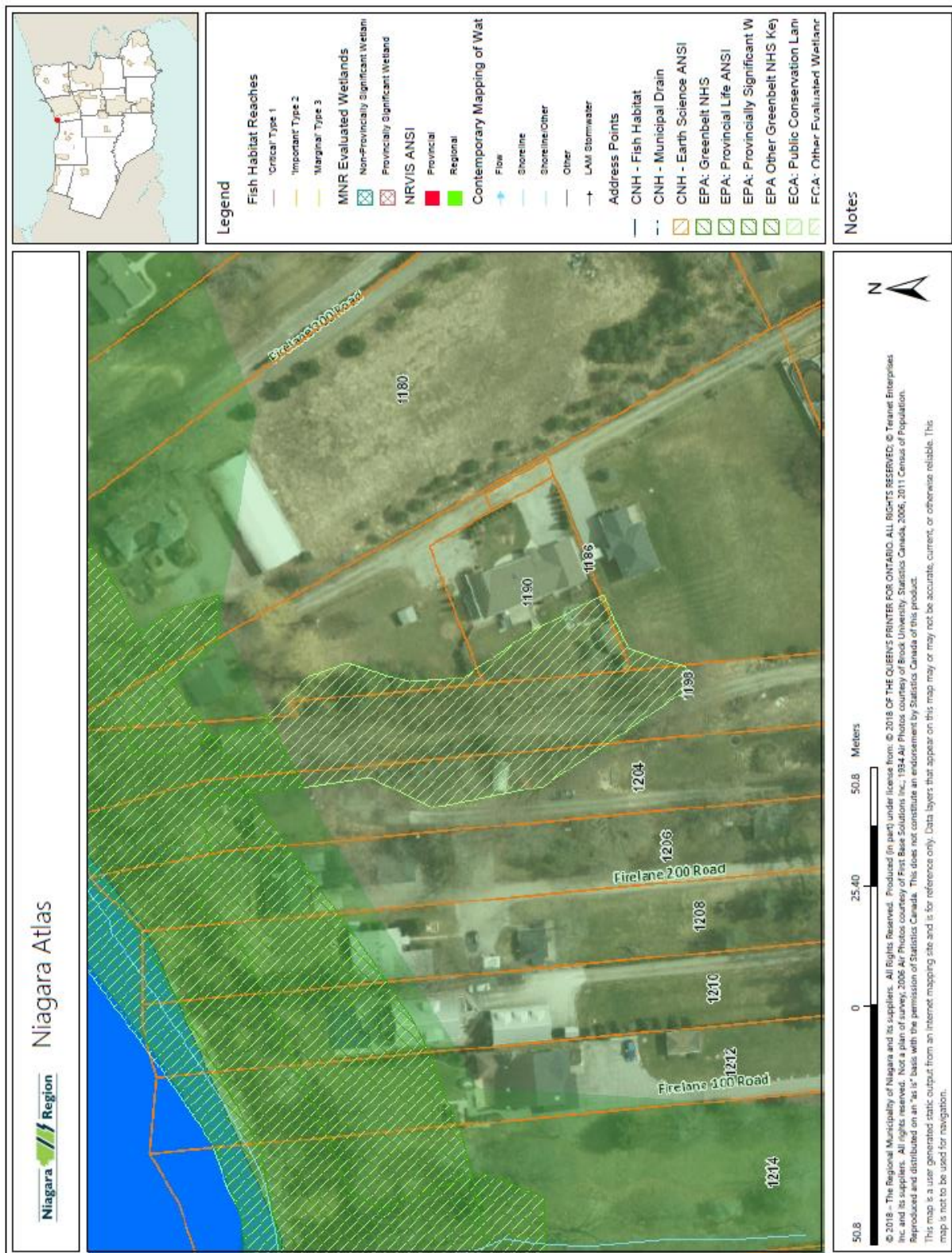
Derek Saunders

Patricia Latin

1206 Lakeshore RD. W St. Catharines ON L2R 6P9

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

Appendix: Core Natural Heritage Features Mapping



September 10, 2021

Our File No.: PLMV202101281

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: Application for Minor Variance
(A80-21)
1204 Lakeshore Road W, St. Catharines, ON

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

The purpose and effect of the application is to permit the construction of a new detached dwelling. A reduction of the easterly, and westerly interior side yard setback for a detached dwelling from 3.0 metres to 1.5 metres is requested.

NPCA Policy

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

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

NPCA Mapping indicates the subject lands are impacted by the shoreline hazards of Lake Ontario. The proposed construction of a detached dwelling at 1204 Lakeshore Road W appears to remain within the Erosion Allowance of the lake, which can be permitted under policy. As per NPCA Policy 5.2.5.1, adequate shore protection to the satisfaction of the NPCA is required to be in place prior to development or site alteration. Photographs of current shoreline protection are to be submitted to this office for review. Further, the setback to the stable slope allowance of Lake Ontario will need to be indicated on design drawings. This includes setbacks for the dwelling, septic systems, and any accessory structures/decks proposed. If the setback from edge of disturbance is projected at 7.5 metres or less from the stable slope allowance, a geotechnical study undertaken by a qualified Engineer, and lot grading plan will be required to support. Development and site alteration within an NPCA Regulated Areas require works permits from this office.

Conclusion:

Given the above, the NPCA offers no objections to the approval of this application, A-80/21. As this lot falls within the NPCA's Regulated Area, all future proposals for development or site alterations will need to be circulated to the NPCA for review and approval prior to the commencement of works on site to ensure compliance with the NPCA's policies. An NPCA Works Permit will be required for this project. A site visit may be required by NPCA Staff at the time of a permit application.

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 Ontario Land Tribunal (OLT), please send notice of any Case Management Conference.

Yours truly,



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

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Cogeco - No concerns RE: Committee of Adjustment Notices of Hearing for September 22, 2021 Hearing
Date: Wednesday, September 1, 2021 10:04:56 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, September 1, 2021 10:01 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Committee of Adjustment Notices of Hearing for September 22, 2021 Hearing

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

Hi Elaine

Cogeco has no concerns with these applications.

Have a wonderful day

Cheers

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

September 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 115798

Re: 1204 Lakeshore Rd

In response to your correspondence dated August 31, 2021, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

- For Residential/Commercial electrical service requirements, the Developer needs to contact our ICI and Layouts Department at 1-877-963-6900 ext: 25713 or visit our web site @ www.alectrautilities.com.
- Minimum 4m horizontal clearance from existing O/H line(s) must be maintained at all times as per Alectra Utilities Standard 3-105. Please consult with Alectra Utilities if further clarification is required.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.
- Developers to acquire an easement, if required.
- In order for Alectra Utilities to prepare design and procure the materials required to service this site in a timely manner, a minimum of 6 months notification is required. It would be advantages for the developer if Alectra Utilities were contacted at the stage where the new site plan becomes available. Please note that it takes approximately 20 weeks to purchase a transformer.

We would also like to stipulate the following:

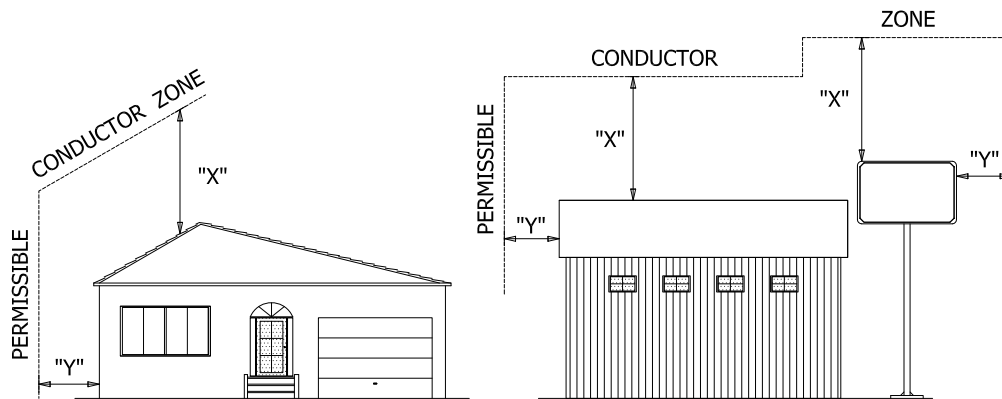
- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's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

We trust that you will find this information satisfactory and that the information contained within will be provided to the owner of this project. Should you have any questions regarding this response, please contact Charles Howell at 905-798-2517 in our Engineering Design Department.

Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital



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

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

* - INCLUDES MULTI-GROUNDED NEUTRALS

NOTES:

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



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: September 3, 2021
Hearing Date: September 22, 2021
Subject: **Committee of Adjustment - Minor Variance Applications**
23 Clayburn Avenue, A-77/21SC
43 Doncaster Avenue, A-72/21SC
28 & 32 Hamilton Street, A-84&85/21SC
47 Hastings Street, A-58/21SC
34 Highcourt Crescent, A-78/21SC
1201 Lakeshore Road West, A-80/21SC
38 & 40 Merritt Street, A-82&83/21SC
75 Niagara Street, A-81/21SC
218 Ontario Street, A-68/21SC

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
 - 23 Clayburn Avenue
 - 43 Doncaster Avenue
 - 15 Keefer Road
 - 1204 Lakeshore Road West

Prepared by:

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

cc. James Denham, PBS (email only)



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: September 14, 2021

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – September 22, 2021 hearing

NO.	ADDRESS	COMMENTS
A-58/21	47 Hasting Road	Be advised that a building permit is required for the proposed 54 unit apartment building.
A-68/21	218 Ontario Street	Be advised that a building permit for the proposed 5 unit townhouse
A-72/21	43 Doncaster Drive	Be advised that a building permit is required for the proposed carport and addition to the existing dwelling.
A-77/21	23 Clayburn Avenue	Be advised that a building permit is required for the addition to the existing dwelling
A-78/21	34 Highcourt Crescent	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-79/21	11 Keefer Road	No comment
A-83/21	40 Merritt Street	No comment
A-82/21	38 Merritt Street	No comment

NO.	ADDRESS	COMMENTS
A-80/21	1204 Lakeshore Road	Be advised that a demolition permit is required to demolish the existing dwelling. Be advised that a building permit is required to construct a new dwelling.
A-81/21	75 Niagara Street	Be advised that a building permit for the proposed 4 storey mixed use building
A-84/21	28 Hamilton Street	No comment
A-85/21	32 Hamilton Street	No comment

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

Be advised that a building permit is required for the proposed accessory dwelling unit.

Be advised that a building permit is required for the proposed single detached dwellings on each new lot.

Note: the existing demolition permit (20115228RN) is to be completed

Be advised that a building permit is required for the proposed 2 storey addition with attached garage and covered porch.

Be advised that a building permit is required to renovate the existing building.

Be advised that a building permit is required for the proposed second storey addition.

From: [Neilson, James](#)
To: [Munro, Elaine](#); [Banda, Wilrik](#)
Cc: [Seaman, Michael](#)
Subject: RE: Committee of Adjustment Notices and Applications for the September 22/21 CofA Hearing
Date: Tuesday, August 31, 2021 2:56:34 PM

Hi Elaine,
No heritage concerns for any of these properties.
James

James Neilson MES (Planning), CAHP

Heritage Planner

Tel: 905.688.5601 x1752

Email: jneilson@stcatharines.ca



From: Munro, Elaine <emunro@stcatharines.ca>
Sent: Tuesday, August 31, 2021 2:54 PM
To: Josipovic, Margaret <mjosipovic@stcatharines.ca>; Banda, Wilrik <wbanda@stcatharines.ca>; Acs, Evan <eacs@stcatharines.ca>; McEwan, Charlotte <cmcewan@stcatharines.ca>; Ritchie, Scott <sritchie@stcatharines.ca>; Bittner, Steve <sbittner@stcatharines.ca>; Johnston, Brad <bjohnston@stcatharines.ca>; Denham, James <jdenham@stcatharines.ca>; Papp, Len <lpapp@stcatharines.ca>; Grossi, Lou <lgrossi@stcatharines.ca>; Devlin, Taya <tdevlin@stcatharines.ca>; Bellows, Bruce <bbellows@stcatharines.ca>; MacDonald, Natasha <nmacdonald@stcatharines.ca>; Seaman, Michael <mseaman@stcatharines.ca>; Nanji, Adam <ananji@stcatharines.ca>; Neilson, James <jneilson@stcatharines.ca>; Green, Stuart <sgreen@stcatharines.ca>
Subject: Committee of Adjustment Notices and Applications for the September 22/21 CofA Hearing

Good Afternoon,

The Notices, applications and sketches can be found in the Amanda System under:

- Consent applications -
L:\ATTACHMENTS\PBS\PLANNING\LD\2021_NofH_Appl_Pln\September 22_21.
- Minor variance applications -
L:\ATTACHMENTS\PBS\PLANNING\MV\2021_NofH_Appl_Pln\September 22_21.

To view just the Notices and sketches, please go to: S:\WEBCONTENT - Agendas and Minutes PDFs\Committee of Adjustment\Notices of Hearing\NOH 2021\September 22, 2021....Files by Property.

Please forward your comments to Wil Banda & I by **Wednesday, September 11,**

2021. All comments will be saved in G Drive/Committee of Adjustment/Comments for CofA.

1. 47 Hastings Street, Minor Variance, A-58/21 – 21105118 – **Scott –
Deferred from August 25, 2021 Hearing**
2. 218 Ontario Street, Minor Variance, A-68/21 – 21114608 - **Charlotte**
3. 43 Doncaster Drive, Minor Variance, A-72/21 – 21114662 - **Natasha**
4. 23 Clayburn Avenue, Minor Variance, A-77/21 – 21115707 - **Natasha**
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32 Hamilton Street, Minor Variance, A-85/21 - 21116114
11. 13 Willcher Drive, Consent, B-25/21SC – 21115780 - **Natasha**

Thanks, Elaine

Elaine Munro ACST

Committee Secretary and Planning Technician

Tel: [905.688.5601](tel:905.688.5601) x1715

Email: emunro@stcatharines.ca



To: Elaine Munro, Committee Secretary and Planning Technician

Cc:

From: Steve Bittner, Transportation Technologist

Date: September 8, 2021

Subject: Committee of Adjustment Comments (September 22, 2021 Hearing)

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

Steve Bittner
Transportation Technologist

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

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

COMMENTS

B-34/21SC

19 ½ Centre Street

DATE OF HEARING:
September 22, 2021



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: September 17, 2021

Date of Meeting: September 22, 2021

Report Number: B-34/21SC

File: 21117394

Subject: 19 ½ Centre Street

Recommendation

That Application **B-34/21SC** by 11366319 Canada Inc., as outlined in the Notice of Hearing, be approved.

Report

The Proposal

The Application is made for Validation of Title for 226.3m² of land for continued residential use. The subject property contains a detached dwelling known municipally as 19 ½ Centre Street.

Location and Site Description

The subject property is located on the west side of Centre Street, south of Court Street. The subject property is located within the City's Downtown, with the surrounding area comprised of a mix of uses including office, institutional, commercial and residential uses. The surrounding residential uses range from detached dwellings to apartment buildings.

Planning Policy Context

Official Plan (Garden City Plan)

The subject property is designated Downtown on Schedule D1 of the Garden City Plan (GCP) and further designated Mixed Medium High Density Residential/Commercial on Schedule E10. The Mixed Medium High Density Residential/Commercial designation permits a range of residential uses such as detached, semi-detached, duplex, triplex, quadplex, fourplex, townhouse and apartment dwellings. The existing detached dwelling conforms to the policies of the Official Plan.

Zoning By-law (2013-283)

The subject property is zoned Medium/High Density Mixed Use (M2) with Special Provision Downtown Parking Exemption 92 (M2-92). The M2-92 zone permits a range of residential and institutional uses, including detached, semi-detached, townhouse and apartment dwellings. The existing detached dwelling conforms to the Zoning By-law.

Planning Analysis

Application **B-34/21SC** is to rectify a *Planning Act* contravention from 2017 when the subject property was purchased by the same owner of abutting property 29 Court Street. These properties abut at the rear of Centre Street and the rear of the side yard of Court Street. This purchase inadvertently merged the two properties on title. However, the property has continued to be used as if it were a separate lot since that time. The Validation of Title process is deemed necessary to clear title issues.

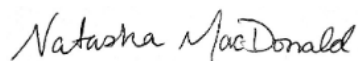
Under Section 57 the *Planning Act*, the Committee of Adjustment is responsible for Validation of Title applications. The Validation of Title is a technical process that corrects contraventions under the *Planning Act* for land transactions that have already occurred. As part of this process, there is no new lot or remnant parcel created and there is no public notification requirement or appeal process. *O. Reg. 144/95* states that no certificate under Section 57 of the *Planning Act* shall be issued unless the certificate *conforms* with the municipality's Official Plan, Zoning By-law and any relevant Minister's zoning order.

The City of St. Catharines' Official Plan and Zoning By-law permit the use of a detached dwelling on the subject property. In the opinion of staff, the Application meets the requirements of the *Planning Act* and conforms to the City's Official Plan and Zoning By-law.

Conclusion

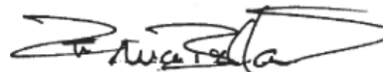
Having regard to matters under Section 57 of the *Planning Act* and *O. Reg. 144/95*, staff recommend that Application **B-34/21SC** for Validation of Title be approved.

Prepared and Submitted by:



Natasha MacDonald
Planner I

Approved by:



Bruce Bellows
Senior Planner

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-58/21

47 Hastings Street

DATE OF HEARING:
September 22, 2021



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: September 17, 2021

Date of Meeting: September 22, 2021

Report Number: A-58/21

File: 21 105118 MV

Subject: 47 Hastings Street

Recommendation

That Application **A-58/21** by 340A Lakeshore Road Inc., as outlined in the Notice of Hearing, be approved.

Report The Proposal

The Applicant has requested relief from the City of St Catharines Zoning By-Law (By-Law 2013-283, as amended) to facilitate the construction of a proposed a 5-storey, 54-unit apartment building. The following variances are requested:

Variance	Provision	Required	Provided/ Proposed
1	A reduction of minimum setback from rear lot line to a platform structure with a height 1.2 metres or greater above grade	4.5 metres	2.0 metres
2	A reduction of minimum rear yard setback to an apartment building	14.95 metres (height of building)	2.29 metres.
3	A reduction of minimum lot area per dwelling unit	100 m ² / unit	83.51 m ² /unit
4	A reduction of the minimum required landscape buffer between a parking area with more than 20 spaces but fewer than a 100 and a lot line abutting a public road (Hastings Street)	3.0 metres	1.85 metres
5	A reduction of the minimum required landscape buffer between a parking area with more than 20 spaces but fewer than a 100 and a lot line not abutting a public road (north)	3.0 metres	2.72 metres

6	A reduction of the minimum required landscape buffer between a parking area with more than 20 spaces but fewer than a 100 and a lot line not abutting a public road (east)	3.0 metres	0.79 metres
7	A reduction of the minimum required landscape buffer between a parking area with more than 20 spaces but fewer than a 100 and a lot line not abutting a public road (west)	3.0 metres	0.1 metres
8	A reduction of the minimum required parking spaces 1.25 spaces per unit)	68 spaces	63 spaces
9	To allow the waste and recycling bin enclosure to be located in the front yard where the Bylaw requires that the garbage storage area be only located in the rear or interior side yards.		

Location and Site Description

The subject property is located on the west side of Hastings Street, south of Chestnut Street. The property is surrounded by the Royal Canadian Legion and low-rise residential dwellings to the east, the Stone Mill Inn to the south, a commercial plaza to the west and vacant lands to the north which are anticipated to accommodate future residential development and a possible extension of Chestnut Street. The subject property is currently vacant and was previously used as an overflow parking area for the neighbouring Stone Mill Inn.

Circulation of Application

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

Site Plan Approval

This development is subject to the Site Plan Approval process. An application for Site Plan Approval is currently under review by staff. Site Plan Control is one of the City's primary tools for implementing City and agency standards and urban design guidelines, including matters related to architectural elevations, access, parking, site servicing, grading, drainage, lighting, landscaping, fencing, storage of waste and other details of site design. Once the applicant has met with the City's approval, a Site Plan Agreement is registered on title of the lands.

Planning Policy Context

Official Plan (Garden City Plan)

The subject property is designated Mixed Use on Schedule D1 of the Garden City Plan (GCP) and further designated Mixed Use on Schedule E9 – East Planning District. A range of commercial and residential uses are permitted, including apartment buildings.

Zoning By-law (2013-283)

The subject property is zoned M1-144 - Medium Density Mixed Use, Special Provision 144. The Medium Density Mixed Use zone permits freestanding apartment buildings with building heights up to 20 metres (generally six storeys). Special Provision 144 relates to landscaping provisions for a previous parking lot expansion at the adjacent Stone Mill Inn. The subject lands were part of the Stone Mill Inn property at the time and were therefore subject to the zoning by-law amendment that resulted in Special Provision 144.

Planning Analysis

Variance 1 and 2 – Reduced rear yard setback for building and balconies

The proposed site layout for the apartment building places the building towards the back of the site, away from Hastings Street and adjacent to a large open space and stormwater management facility to the rear of the neighbouring commercial plaza (Sobeys). The increased setback for the five-storey building from Hastings Street allows for a more gradual height transition between the new building and the lower buildings to the east but results in reduced rear yard setback. Given that the adjacent lands immediately to the rear are occupied primarily by a stormwater management facility, there do not appear to be any adverse impacts associated with the proposed rear setback reduction and staff have no concerns with these variances.

Variance 3 – Reduced lot area per dwelling unit

Variance 3 requests a reduction in the minimum lot area per dwelling unit from 100 m² to 83.51 m², resulting in a permitted density increase of 9 units (45 units permitted, 54 proposed). Staff are satisfied that the five-storey building form proposed is appropriate for the site and that the proposal can be adequately serviced without adverse impact on surrounding lands. Staff acknowledge that the same building could be constructed with 45 units, albeit with larger unit sizes. The addition of 9 units to the building is considered minor and staff have no concerns with this variance.

Variance 4, 5, 6 and 7 – Reduced landscape buffers

Variances 4 and 5 request a reduction in the required width of a landscape buffer along the east (Hastings Street) and north (planned Chestnut Street extension) sides of the proposed parking lot from the required 3.0 metres to 1.85 metres and 2.72 metres respectively. To compensate for the landscape buffer reductions along these frontages that applicant has proposed to install a low garden wall supplemented with plantings to provide screening of the parking area. Staff are satisfied that the garden wall approach will be effective in both screening the parking area and providing an attractive street frontage along the future sidewalks. Staff have no concerns with these variances as proposed. The garden walls will be secured through the site plan agreement.

Variance 6 requested a reduction in the minimum landscape buffer width along the south property boundary from 3.0 metres to 0.79 metres. The requested reduction is limited to pinch points and the required 3.0 metre width is provided along most of this yard. This landscape buffer is also located adjacent to a required landscape buffer for the Stone Mill Inn parking area which will also include tree plantings, resulting in a larger

combined planting area between these two uses. Staff have no concerns with the requested reduction.

Variance 7 requests a reduction in the width of the landscape buffer adjacent to the west property boundary, from 3.0 metres to 0.1 metres. This section of the parking area is located adjacent to a large stormwater management facility associated with the neighbouring commercial plaza and no adverse impacts are anticipated. The parking area will also be buffered by a wood board fence. Staff have no concerns with the landscape buffer reduction in this location.

Variance 8 – Parking reduction

Variance 8 requests a reduction in the number of required parking spaces from 68 spaces to 63 spaces, corresponding to a reduction in the number of spaces per unit from 1.25 to 1.17. The proposed building will maintain parking supply of at least one car per unit, plus a dedicated complement of both visitor parking stalls and accessible parking stalls. Staff have no concerns with the requested minor reduction in parking supply.

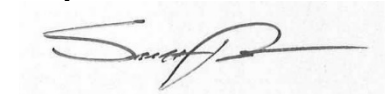
Variance 9 – Waste and Recycling Bin Location

Variance 9 requests permission to install waste and recycling bins along the Hastings Street frontage of the property, whereas the by-law limits the placement of these bins to side or rear yards. The applicant is proposing to install a row of four Earth Bin units, which accommodate most of their storage volume below grade. The bins would be aligned perpendicular to the street and be placed behind landscape buffering and a garden wall. Staff are satisfied that the low-profile nature of the Earth Bins, combined with the proposed screening will minimize visual impact of these bins along the street frontage. Staff have no concerns with this variance as proposed.

Conclusion

Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Application **A-58/21** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is desirable for the appropriate use of the lands. Staff recommend approval of the Application.

Prepared and Submitted by:



Scott Ritchie
Urban Design Planner

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Comments Received - Minor Variance, A-58/21, 47 Hastings Street RE: Parking space
Date: Wednesday, August 18, 2021 1:41:29 PM

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



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

From: Richard Lamothe <>
Sent: Wednesday, August 18, 2021 1:05 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Parking space

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

Hi Elaine

My name is Richard Lamothe and live at 210-2 Walnut St.
My problem is the lack of parking spaces. We already have an over flow of parking on our streets and the abuse of people using our parking area which affect our residents now. I believe that by lowering the parking spaces by five spots would not help our problem. So I am firmly against this change. If you wish more information from me I will be happy to reply.

Regards Richard

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Cogeco - No concerns RE: Committee of Adjustment Notices of Hearing for September 22, 2021 Hearing
Date: Wednesday, September 1, 2021 10:04:56 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, September 1, 2021 10:01 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Committee of Adjustment Notices of Hearing for September 22, 2021 Hearing

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

Hi Elaine

Cogeco has no concerns with these applications.

Have a wonderful day

Cheers

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

August 11, 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 102118

Re: 47 Hastings St

In response to your correspondence dated August 3, 2021, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

- For Residential/Commercial electrical service requirements, the Developer needs to contact our ICI and Layouts Department at 1-877-963-6900 ext: 25713 or visit our web site @ www.alectrautilities.com.
- Minimum 4m horizontal clearance from existing O/H line(s) must be maintained at all times as per Alectra Utilities Standard 3-105. Please consult with Alectra Utilities if further clarification is required.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.
- Developers to acquire an easement, if required.
- In order for Alectra Utilities to prepare design and procure the materials required to service this site in a timely manner, a minimum of 6 months notification is required. It would be advantages for the developer if Alectra Utilities were contacted at the stage where the new site plan becomes available. Please note that it takes approximately 20 weeks to purchase a transformer.

We would also like to stipulate the following:

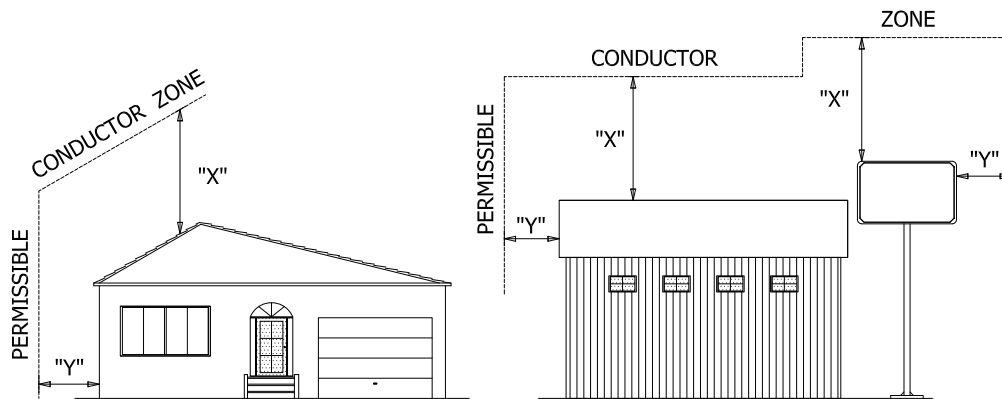
- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's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

We trust that you will find this information satisfactory and that the information contained within will be provided to the owner of this project. Should you have any questions regarding this response, please contact Charles Howell at 905-798-2517 in our Engineering Design Department.

Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital



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

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

* - INCLUDES MULTI-GROUNDED NEUTRALS

NOTES:

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



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: September 3, 2021
Hearing Date: September 22, 2021
Subject: **Committee of Adjustment - Minor Variance Applications**
23 Clayburn Avenue, A-77/21SC
43 Doncaster Avenue, A-72/21SC
28 & 32 Hamilton Street, A-84&85/21SC
47 Hastings Street, A-58/21SC
34 Highcourt Crescent, A-78/21SC
1201 Lakeshore Road West, A-80/21SC
38 & 40 Merritt Street, A-82&83/21SC
75 Niagara Street, A-81/21SC
218 Ontario Street, A-68/21SC

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
 - 23 Clayburn Avenue
 - 43 Doncaster Avenue
 - 15 Keefer Road
 - 1204 Lakeshore Road West

Prepared by:

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

cc. James Denham, PBS (email only)



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: September 14, 2021

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – September 22, 2021 hearing

NO.	ADDRESS	COMMENTS
A-58/21	47 Hasting Road	Be advised that a building permit is required for the proposed 54 unit apartment building.
A-68/21	218 Ontario Street	Be advised that a building permit for the proposed 5 unit townhouse
A-72/21	43 Doncaster Drive	Be advised that a building permit is required for the proposed carport and addition to the existing dwelling.
A-77/21	23 Clayburn Avenue	Be advised that a building permit is required for the addition to the existing dwelling
A-78/21	34 Highcourt Crescent	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-79/21	11 Keefer Road	No comment
A-83/21	40 Merritt Street	No comment
A-82/21	38 Merritt Street	No comment

NO.	ADDRESS	COMMENTS
A-80/21	1204 Lakeshore Road	Be advised that a demolition permit is required to demolish the existing dwelling. Be advised that a building permit is required to construct a new dwelling.
A-81/21	75 Niagara Street	Be advised that a building permit for the proposed 4 storey mixed use building
A-84/21	28 Hamilton Street	No comment
A-85/21	32 Hamilton Street	No comment

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

Be advised that a building permit is required for the proposed accessory dwelling unit.

Be advised that a building permit is required for the proposed single detached dwellings on each new lot.

Note: the existing demolition permit (20115228RN) is to be completed

Be advised that a building permit is required for the proposed 2 storey addition with attached garage and covered porch.

Be advised that a building permit is required to renovate the existing building.

Be advised that a building permit is required for the proposed second storey addition.

From: [Neilson, James](#)
To: [Munro, Elaine](#); [Banda, Wilrik](#)
Cc: [Seaman, Michael](#)
Subject: RE: Committee of Adjustment Notices and Applications for the September 22/21 CofA Hearing
Date: Tuesday, August 31, 2021 2:56:34 PM

Hi Elaine,
No heritage concerns for any of these properties.
James

James Neilson MES (Planning), CAHP

Heritage Planner

Tel: 905.688.5601 x1752

Email: jneilson@stcatharines.ca



From: Munro, Elaine <emunro@stcatharines.ca>
Sent: Tuesday, August 31, 2021 2:54 PM
To: Josipovic, Margaret <mjosipovic@stcatharines.ca>; Banda, Wilrik <wbanda@stcatharines.ca>; Acs, Evan <eacs@stcatharines.ca>; McEwan, Charlotte <cmcewan@stcatharines.ca>; Ritchie, Scott <sritchie@stcatharines.ca>; Bittner, Steve <sbittner@stcatharines.ca>; Johnston, Brad <bjohnston@stcatharines.ca>; Denham, James <jdenham@stcatharines.ca>; Papp, Len <lpapp@stcatharines.ca>; Grossi, Lou <lgrossi@stcatharines.ca>; Devlin, Taya <tdevlin@stcatharines.ca>; Bellows, Bruce <bbellows@stcatharines.ca>; MacDonald, Natasha <nmacdonald@stcatharines.ca>; Seaman, Michael <mseaman@stcatharines.ca>; Nanji, Adam <ananji@stcatharines.ca>; Neilson, James <jneilson@stcatharines.ca>; Green, Stuart <sgreen@stcatharines.ca>
Subject: Committee of Adjustment Notices and Applications for the September 22/21 CofA Hearing

Good Afternoon,

The Notices, applications and sketches can be found in the Amanda System under:

- Consent applications -
L:\ATTACHMENTS\PBS\PLANNING\LD\2021_NofH_Appl_Pln\September 22_21.
- Minor variance applications -
L:\ATTACHMENTS\PBS\PLANNING\MV\2021_NofH_Appl_Pln\September 22_21.

To view just the Notices and sketches, please go to: S:\WEBCONTENT - Agendas and Minutes PDFs\Committee of Adjustment\Notices of Hearing\NOH 2021\September 22, 2021....Files by Property.

Please forward your comments to Wil Banda & I by **Wednesday, September 11,**

2021. All comments will be saved in G Drive/Committee of Adjustment/Comments for CofA.

1. 47 Hastings Street, Minor Variance, A-58/21 – 21105118 – **Scott –
Deferred from August 25, 2021 Hearing**
2. 218 Ontario Street, Minor Variance, A-68/21 – 21114608 - **Charlotte**
3. 43 Doncaster Drive, Minor Variance, A-72/21 – 21114662 - **Natasha**
4. 23 Clayburn Avenue, Minor Variance, A-77/21 – 21115707 - **Natasha**
5. 34 Highcourt Crescent, Minor Variance, A-78/21 – 21115712 - **Natasha**
6. 15 Keefer Road, Consent, B-22/21SC – 21115743 - **Evan**
11 Keefer Road, Minor Variance, A-79/21 – 21115744
7. 40 Merritt Street, Consent, B-23/21SC – 21115752 - **Evan**
40 Merritt Street, Minor Variance, A-83/21 – 21116090
38 Merritt Street, Minor Variance, A-82/21 – 21116091
8. 1204 Lakeshore Road West, Minor Variance, A-80/21 – 21115798 -
Natasha
9. 75 Niagara Street, Minor Variance, A-81/21 – 21115772 - **Evan**
10. 28 Hamilton Street, Consent, B-24/21SC – 21115765 - **Natasha**
28 Hamilton Street, Minor Variance, A-84/21 – 21116111
32 Hamilton Street, Minor Variance, A-85/21 - 21116114
11. 13 Willcher Drive, Consent, B-25/21SC – 21115780 - **Natasha**

Thanks, Elaine

Elaine Munro ACST

Committee Secretary and Planning Technician

Tel: [905.688.5601](tel:905.688.5601) x1715

Email: emunro@stcatharines.ca



To: Elaine Munro, Committee Secretary and Planning Technician

Cc:

From: Steve Bittner, Transportation Technologist

Date: September 8, 2021

Subject: Committee of Adjustment Comments (September 22, 2021 Hearing)

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

Steve Bittner
Transportation Technologist

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

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

COMMENTS

B-23/21SC, A-82/21 & A-83/21

38 / 40 Merritt Street

DATE OF HEARING:
September 22, 2021



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: September 17, 2021 **Date of Meeting:** September 22, 2021

Report Number: A-82/21	File: 21116091
A-83/21	21116090
B-23/21SC	21115752

Subject: 40 Merritt Street (to become 38 and 40 Merritt Street)

Recommendation

Consent

That application **B-23/21SC** by Vincenzo Caputo, as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. That final approval of the concurrent Minor Variance application be granted.
2. 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.
3. 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.
4. That all conditions of consent be fulfilled by September 23, 2022.

Minor Variances

That Application **A-82/21** by Vincenzo Caputo, as outlined in the notice of hearing, be approved.

That Application **A-83/21** by Vincenzo Caputo, as outlined in the notice of hearing, be approved.

Report

The Proposal

The Applicant proposes to sever a lot with two existing detached dwellings so that each dwelling is on its own lot. The property was previously two separate lots that were previously inadvertently merged in title. The application seeks to re-establish the two lots as they previously existed. To facilitate the consent application, minor variances are required to address zoning deficiencies that will be created through the severance. The requested consent and minor variances are listed in the tables below.

Application	Severed Parcel	Severed Area	Retained Parcel	Retained Area
B-23/21SC	Part 2 (38 Merritt St)	533m ²	Part 1 (40 Merritt St)	508m ²

Application	Variance	Provision	Required	Proposed
A-82/21 (38 Merritt St)	1	Maximum lot area for detached dwelling	370m ²	533m ²
A-83/21 (40 Merritt St)	1	Maximum lot area for detached dwelling	370m ²	508m ²
	2	Maximum parking area coverage of lot area	20%	38%

Location and Site Description

The subject property is located on the east side of Merritt Street, between Ball Avenue East and Maplecrest Avenue. The surrounding uses are residential with detached dwellings being the primary building type. Across the street from the subject lands is an employment (industrial) use.

The subject lands are currently occupied by two existing detached dwellings.

Circulation of Application

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

Planning Policy Context

Official Plan (Garden City Plan)

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

Zoning By-law (2013-283)

The subject property is zoned Medium Density Residential (R3), with Special Provision 112 and Holding Provision 17 (R3-112-H17). The Special Provision and Holding Provision apply to redevelopment of properties within the Niagara Escarpment Plan area. These provisions do not apply to the proposed consent and minor variances. Detached dwellings are permitted in this zone. The retained and severed parcels meet all lot regulations in accordance with the Zoning By-law, except for the maximum lot area requirement, and one lot (40 Merritt) does not meet the parking area coverage requirements. Hence the necessity for the subject minor variance applications.

Planning Analysis

Consent

Consent Application **B-23/21SC** seeks to sever one lot from the subject property for the purpose of conveying a detached dwelling under separate ownership. The retained lot will also contain a detached dwelling.

Section 16.11 of the Garden City Plan sets out policies that applications for lot creation must be evaluated against. The proposed consent is to correct an existing situation where 2 lots merged together inadvertently, does not constitute any new development taking place, and does not compromise the severance policies contained in the Official Plan.

Variances

Variance 1 on A-82/21 and A-83/21

To facilitate the severance of the subject lands a minor variance is required to increase the maximum lot size for a detached dwelling in the R3 zone. The permitted maximum lot area is 370 square metres. Application A-82/21 proposes a lot area of 533 square metres for 38 Merritt Street, and Application A-83/21 proposes a lot area of 508 square metres for 40 Merritt Street. These variances will allow two existing detached dwellings to be conveyed under separate ownership, and no new development is proposed as part of this application.

The maximum lot area provisions of the Zoning By-law are established to ensure that oversized lots are not created for the intended use, and to support the efficient useability of lands. The subject land is already developed, and given the size and configuration of the parcel, and where the existing dwellings are situated on the property, it is staff's opinion that the proposed severance supports the optimum use of the lands, does not detract from the efficient useability of the lands, and meets the general intent of the Official Plan and Zoning By-law.

Variance 2 on A-83/21

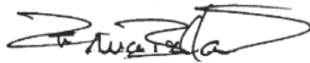
Variance 2 of Application A-83/21 requests an increase in the maximum parking area coverage for 40 Merritt Street from 20 percent to 38 percent. This increase recognizes an existing situation on the lot. The attached garage is on the north side of the dwelling but the driveway access is on the south side of the property, necessitated by an existing telephone pole located in the boulevard in front of the garage. This, therefore, creates the need for an angular driveway from south to north to access the garage, and also results in the parking area occupying a greater area of the front yard. In the opinion of staff, the existing parking area does not dominate the front yard as there is existing landscaping adjacent to the boulevard on the north half of the property. In addition, the parking area is confined to the front yard, and the increase in parking coverage is mitigated in that the landscaped open space on the proposed lot exceeds the minimum landscaped open space requirements of the Zoning By-law. In the opinion of staff, the requested variance is minor in nature and appropriate for the development on the lands.

Conclusion

Having regard for the matters under Section 53 of the *Planning Act*, staff are of the opinion that Consent Application **B-23/21SC** meets the intent and purpose of the Official Plan and Zoning By-law and will have no adverse impacts on the surrounding area and environment. It is staff's recommendation that the requested consent be approved subject to the conditions listed in the recommendation.

Having regard for the matters under Section 45(1) of the Planning Act, staff are of the opinion that Applications **A-82/21** and **A-83/21** 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 that the applications be approved.

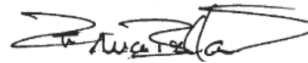
Prepared and Submitted by:



For

Evan Ach
Planner 1

Approved by:



Bruce Bellows
Senior Planner

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: NEC Comments - 38 & 40 Merritt Street, St. Catharines
Date: Monday, September 13, 2021 4:15:15 PM
Attachments: [image006.png](#)

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



From: Tansony, Cheryl (NDMNRF) <Cheryl.Tansony@ontario.ca>
Sent: Monday, September 13, 2021 3:30 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: RE: Consent & Minor Variance Applications - 38 & 40 Merritt Street, St. Catharines

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

Good afternoon Elaine,

38 and 40 Merritt St are outside of the Niagara Escarpment Commission area of Development Control therefore a Development Permit is not required for development on the properties. The properties are within the Niagara Escarpment Plan (NEP) area and are designated Urban Area in the NEP 2017.

We understand the applications seek to re-create a merged lot, which requires a minor variance for an increase in maximum lot area on both the retained and severed parcels and a minor variance for an increase in maximum paved area for Part 1.

The policies for the Urban Area are found in Part 1.7 of the NEP. Part 1.7.4 of the NEP states that the proposed uses and the creation of new lots may be permitted, subject to conformity with Part 2, Development Criteria, the Development Objectives and, where applicable, zoning by-laws that are not in conflict with the Niagara Escarpment Plan.

As the applications are to create a new lot in an Urban Area and no further development is proposed, NEC staff have no concerns with the above noted policies.

Please let me know if you have any questions or require clarification.

Sincerely,

Cheryl Tansony, MES (PI)
Senior Planner
Niagara Escarpment Commission

232 Guelph Street | Georgetown, ON | L7G 4B1

Tel: 905-703-5354 **Website:** www.escarpment.org

Please let me know if you require communication supports or alternate formats.



Niagara Escarpment Commission

An agency of the Government of Ontario

In order to ensure a safe and secure environment for staff and clients and in response to recommendations by health professionals, the NEC offices are closed to the public until further notice. The NEC is continuing to provide services via email and telephone. Updates can be found on our website: <https://www.escarpment.org/Commission/COVID19>

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Cogeco - No concerns RE: Committee of Adjustment Notices of Hearing for September 22, 2021 Hearing
Date: Wednesday, September 1, 2021 10:04:56 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, September 1, 2021 10:01 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Committee of Adjustment Notices of Hearing for September 22, 2021 Hearing

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

Hi Elaine

Cogeco has no concerns with these applications.

Have a wonderful day

Cheers

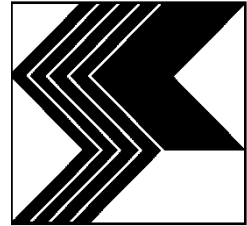
Doug Crown
Network Planning Department

Doug.crown@cogeco.com

7170 Mcleod Rd
Niagara Falls Ont Canada

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

REPORT TO PLANNING DEPARTMENT
Re: LAND DIVISION APPLICATION NUMBER B-23/21SC



August 27th, 2021

ENGINEERING FILE 300-36

Hearing Date: September 22nd, 2021

Applicant: Vincenzo Caputo

Location: 40 Merritt Street

Comment(s):

Linear Municipal Services

Municipal services are of no concern since the application is related only to a boundary line re-establishment and according to City records each lot is serviced independently.

Roads and Sidewalks

Existing Road Allowance Width: Merritt Street +/- 20m
Desired Road Allowance Width: Merritt Street 26m
Curbs and sidewalks exist across the frontage of these lots.

Lot Grading and Drainage

There is no construction or regrading proposed therefore the City will not required a Grading and Drainage Plan at this time.

Condition(s): None

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: September 3, 2021
Hearing Date: September 22, 2021
Subject: **Committee of Adjustment - Minor Variance Applications**
23 Clayburn Avenue, A-77/21SC
43 Doncaster Avenue, A-72/21SC
28 & 32 Hamilton Street, A-84&85/21SC
47 Hastings Street, A-58/21SC
34 Highcourt Crescent, A-78/21SC
1201 Lakeshore Road West, A-80/21SC
38 & 40 Merritt Street, A-82&83/21SC
75 Niagara Street, A-81/21SC
218 Ontario Street, A-68/21SC

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
 - 23 Clayburn Avenue
 - 43 Doncaster Avenue
 - 15 Keefer Road
 - 1204 Lakeshore Road West

Prepared by:

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

cc. James Denham, PBS (email only)



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: September 14, 2021

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – September 22, 2021 hearing

NO.	ADDRESS	COMMENTS
A-58/21	47 Hasting Road	Be advised that a building permit is required for the proposed 54 unit apartment building.
A-68/21	218 Ontario Street	Be advised that a building permit for the proposed 5 unit townhouse
A-72/21	43 Doncaster Drive	Be advised that a building permit is required for the proposed carport and addition to the existing dwelling.
A-77/21	23 Clayburn Avenue	Be advised that a building permit is required for the addition to the existing dwelling
A-78/21	34 Highcourt Crescent	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-79/21	11 Keefer Road	No comment
A-83/21	40 Merritt Street	No comment
A-82/21	38 Merritt Street	No comment

NO.	ADDRESS	COMMENTS
A-80/21	1204 Lakeshore Road	Be advised that a demolition permit is required to demolish the existing dwelling. Be advised that a building permit is required to construct a new dwelling.
A-81/21	75 Niagara Street	Be advised that a building permit for the proposed 4 storey mixed use building
A-84/21	28 Hamilton Street	No comment
A-85/21	32 Hamilton Street	No comment

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

Be advised that a building permit is required for the proposed accessory dwelling unit.

Be advised that a building permit is required for the proposed single detached dwellings on each new lot.

Note: the existing demolition permit (20115228RN) is to be completed

Be advised that a building permit is required for the proposed 2 storey addition with attached garage and covered porch.

Be advised that a building permit is required to renovate the existing building.

Be advised that a building permit is required for the proposed second storey addition.



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: September 14th, 2021

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – September 22, 2021 hearing

B-22/21SC – 15 Keefer Road

Comment:

- No comment

Condition:

- No comment

B-23/21SC – 40 Merritt Street

Comment:

- No comment

Condition:

- No comment

B-24/21SC – 28 Hamilton Street

Comment:

- No comment

Condition:

- No comment

B-25/21SC – 13 Willcher Drive

Comment:

- No comment

Condition:

- No comment

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

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

From: [Neilson, James](#)
To: [Munro, Elaine](#); [Banda, Wilrik](#)
Cc: [Seaman, Michael](#)
Subject: RE: Committee of Adjustment Notices and Applications for the September 22/21 CofA Hearing
Date: Tuesday, August 31, 2021 2:56:34 PM

Hi Elaine,
No heritage concerns for any of these properties.
James

James Neilson MES (Planning), CAHP

Heritage Planner

Tel: 905.688.5601 x1752

Email: jneilson@stcatharines.ca



From: Munro, Elaine <emunro@stcatharines.ca>
Sent: Tuesday, August 31, 2021 2:54 PM
To: Josipovic, Margaret <mjosipovic@stcatharines.ca>; Banda, Wilrik <wbanda@stcatharines.ca>; Acs, Evan <eacs@stcatharines.ca>; McEwan, Charlotte <cmcewan@stcatharines.ca>; Ritchie, Scott <sritchie@stcatharines.ca>; Bittner, Steve <sbittner@stcatharines.ca>; Johnston, Brad <bjohnston@stcatharines.ca>; Denham, James <jdenham@stcatharines.ca>; Papp, Len <lpapp@stcatharines.ca>; Grossi, Lou <lgrossi@stcatharines.ca>; Devlin, Taya <tdevlin@stcatharines.ca>; Bellows, Bruce <bbellows@stcatharines.ca>; MacDonald, Natasha <nmacdonald@stcatharines.ca>; Seaman, Michael <mseaman@stcatharines.ca>; Nanji, Adam <ananji@stcatharines.ca>; Neilson, James <jneilson@stcatharines.ca>; Green, Stuart <sgreen@stcatharines.ca>
Subject: Committee of Adjustment Notices and Applications for the September 22/21 CofA Hearing

Good Afternoon,

The Notices, applications and sketches can be found in the Amanda System under:

- Consent applications -
[L:\ATTACHMENTS\PBS\PLANNING\LD\2021_NofH_Appl_Pln\September 22_21.](#)
- Minor variance applications -
[L:\ATTACHMENTS\PBS\PLANNING\MV\2021_NofH_Appl_Pln\September 22_21.](#)

To view just the Notices and sketches, please go to: S:\WEBCONTENT - Agendas and Minutes PDFs\Committee of Adjustment\Notices of Hearing\NOH 2021\September 22, 2021....Files by Property.

Please forward your comments to Wil Banda & I by **Wednesday, September 11,**

2021. All comments will be saved in G Drive/Committee of Adjustment/Comments for CofA.

1. 47 Hastings Street, Minor Variance, A-58/21 – 21105118 – **Scott –
Deferred from August 25, 2021 Hearing**
2. 218 Ontario Street, Minor Variance, A-68/21 – 21114608 - **Charlotte**
3. 43 Doncaster Drive, Minor Variance, A-72/21 – 21114662 - **Natasha**
4. 23 Clayburn Avenue, Minor Variance, A-77/21 – 21115707 - **Natasha**
5. 34 Highcourt Crescent, Minor Variance, A-78/21 – 21115712 - **Natasha**
6. 15 Keefer Road, Consent, B-22/21SC – 21115743 - **Evan**
11 Keefer Road, Minor Variance, A-79/21 – 21115744
7. 40 Merritt Street, Consent, B-23/21SC – 21115752 - **Evan**
40 Merritt Street, Minor Variance, A-83/21 – 21116090
38 Merritt Street, Minor Variance, A-82/21 – 21116091
8. 1204 Lakeshore Road West, Minor Variance, A-80/21 – 21115798 -
Natasha
9. 75 Niagara Street, Minor Variance, A-81/21 – 21115772 - **Evan**
10. 28 Hamilton Street, Consent, B-24/21SC – 21115765 - **Natasha**
28 Hamilton Street, Minor Variance, A-84/21 – 21116111
32 Hamilton Street, Minor Variance, A-85/21 - 21116114
11. 13 Willcher Drive, Consent, B-25/21SC – 21115780 - **Natasha**

Thanks, Elaine

Elaine Munro ACST

Committee Secretary and Planning Technician

Tel: [905.688.5601](tel:905.688.5601) x1715

Email: emunro@stcatharines.ca



To: Elaine Munro, Committee Secretary and Planning Technician

Cc:

From: Steve Bittner, Transportation Technologist

Date: September 8, 2021

Subject: Committee of Adjustment Comments (September 22, 2021 Hearing)

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

Steve Bittner
Transportation Technologist

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

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

COMMENTS

A-68/21

218 Ontario Street

DATE OF HEARING:
September 22, 2021



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: September 17, 2021

Date of Meeting: September 22, 2021

Report Number: A-68/21

File No: 21114608

Subject: 218 Ontario Street

Recommendation

That Application **A-68/21** by 2732085 Ontario Inc. as outlined in the Notice of Hearing, be approved.

Report

The Proposal

Application **A-68/21** seeks relief from the City of St. Catharines By-law 2013-283, as amended, to facilitate the construction of a 5-unit townhouse block. There is a concurrent Site Plan Application. The applicant requests the following variances:

Variance	Provision	Permitted	Proposed
1	Increase of the maximum lot area per dwelling unit	250 m ²	271.35 m ²
2	Reduction of the minimum setback from a private road to a dwelling unit (Unit 1)	3 m	1.405 m
3	Reduction of the minimum setback from a private road to a dwelling unit (Unit 2)	3 m	2.957 m

Location and Site Description

The subject property is located on the east side of Ontario Street, south of Lowell Avenue. The property is surrounded by residential dwellings and small-scale commercial uses.

Circulation of Application

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

Planning Policy Context

Official Plan (Garden City Plan)

The subject property has a split designation. The majority of the property is designated Mixed Use on Schedules D1 and E4 of the Garden City Plan (GCP). The rear-most

portion of the property is designated Neighbourhood Residential on Schedule D1 of the GCP, and further designated Medium Density Residential on Schedule E4. Both designations permit residential private road developments.

Zoning By-law (2013-283)

The subject property is split-zoned. The majority of the property is zoned Medium Density Mixed Use (M1), and the rear-most portion of the lands is zone Medium Density Residential (R3). Both designations permit townhouse dwelling units and private road developments at a similar density.

Planning Analysis

Variance 1 – Maximum Lot Area per Unit

Variance 1 requests an increase of the maximum lot area per dwelling unit from 250 m² to 271.35 m². The intent of the maximum lot area provision in the M1 zone is to ensure that a minimum density threshold is maintained for residential developments in Medium Density Mixed Use zones. A maximum of 250 m² per dwelling results in a density being 40 units per hectare. The GCP recognizes 25-99 units per hectare as a minimum density target for residential units. The proposal has a density of 37 dwelling units per hectare, and is generally in keeping with the intent of the Zoning By-law and the Official Plan.

The subject property is an irregular shape that results in the building envelope being constrained to a small rear portion of the site. The applicant has been able to generally meet density targets while working within the constraints of the lot. To add additional units could result in a development with compatibility concerns with neighbouring uses and overcrowding of the developable area of the lot. The increase in lot area per dwelling is considered minor in nature, and appropriate for the desirable use of this parcel given its limitations.

Variances 2 and 3 – Setback from a Private Road (Units 1 and 2)

Variance 2 requests a reduction of the required setback from the private road to a dwelling unit from 3 metres to 1.405 metres for Unit 1. Variance 3 requests a reduction of the required setback from the private road to a dwelling unit from 3 metres to 2.957 metres for Unit 2. It is noted that the proposed front porches are not subject to this setback requirement. The 1.595 metre and 0.043 metre reductions are considered minor in nature. The reduced setbacks facilitate the construction of residential units on an irregularly shaped lot without compromising the rear yard amenity space, which is considered desirable for the appropriate development of the subject lands.

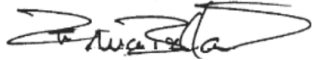
The intent of the required setback to a dwelling from a private road is, in part, to avoid having the streetscape be overwhelmed by buildings, and to provide sufficient space to enter and exit the buildings without encroaching on the private road/walkway. The reduced setbacks to the dwellings have very little impact on the streetscape. The proposed front porches on the dwelling units form the character of the streetscape more than the proximity of the face of the dwellings. The impact of the dwellings on the streetscape is buffered by the front porch area. Additionally, there are a total five units proposed, the majority of which maintain or exceed the minimum setback. In this way,

the intent of the Zoning By-law and Official Plan to avoid overwhelming the streetscape are maintained.

Conclusion

Having regard for the matters under Section 45(1) of the Planning Act, staff are of the opinion that Application **A-68/21** 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 development of the lands. Staff recommend that the application be approved.

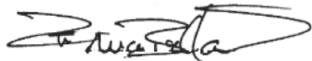
Prepared and Submitted by:



For

Charlotte McEwan, MCIP, RPP
Planner I

Approved by:



Bruce Bellows
Senior Planner

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Cogeco - No concerns RE: Committee of Adjustment Notices of Hearing for September 22, 2021 Hearing
Date: Wednesday, September 1, 2021 10:04:56 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, September 1, 2021 10:01 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Committee of Adjustment Notices of Hearing for September 22, 2021 Hearing

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

Hi Elaine

Cogeco has no concerns with these applications.

Have a wonderful day

Cheers

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

May 3, 2021

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

Attention: Charlotte McEwan

File# 21 103402 SP

Re: 218 Ontario St

In response to your correspondence dated April 27, 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.
- Developers to acquire an easement, if required.
- In order for Alectra Utilities to prepare design and procure the materials required to service this site in a timely manner, a minimum of 6 months notification is required. It would be advantages for the developer if Alectra Utilities were contacted at the stage where the new site plan becomes available. Please note that it takes approximately 20 weeks to purchase a transformer.

We would also like to stipulate the following:

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

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

We trust that you will find this information satisfactory and that the information contained within will be provided to the owner of this project. Should you have any questions regarding this response, please contact Charles Howell at 905-798-2517 in our Engineering Design Department.

Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital



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: September 3, 2021
Hearing Date: September 22, 2021
Subject: **Committee of Adjustment - Minor Variance Applications**
23 Clayburn Avenue, A-77/21SC
43 Doncaster Avenue, A-72/21SC
28 & 32 Hamilton Street, A-84&85/21SC
47 Hastings Street, A-58/21SC
34 Highcourt Crescent, A-78/21SC
1201 Lakeshore Road West, A-80/21SC
38 & 40 Merritt Street, A-82&83/21SC
75 Niagara Street, A-81/21SC
218 Ontario Street, A-68/21SC

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
 - 23 Clayburn Avenue
 - 43 Doncaster Avenue
 - 15 Keefer Road
 - 1204 Lakeshore Road West

Prepared by:

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

cc. James Denham, PBS (email only)



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: September 14, 2021

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – September 22, 2021 hearing

NO.	ADDRESS	COMMENTS
A-58/21	47 Hasting Road	Be advised that a building permit is required for the proposed 54 unit apartment building.
A-68/21	218 Ontario Street	Be advised that a building permit for the proposed 5 unit townhouse
A-72/21	43 Doncaster Drive	Be advised that a building permit is required for the proposed carport and addition to the existing dwelling.
A-77/21	23 Clayburn Avenue	Be advised that a building permit is required for the addition to the existing dwelling
A-78/21	34 Highcourt Crescent	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-79/21	11 Keefer Road	No comment
A-83/21	40 Merritt Street	No comment
A-82/21	38 Merritt Street	No comment

NO.	ADDRESS	COMMENTS
A-80/21	1204 Lakeshore Road	Be advised that a demolition permit is required to demolish the existing dwelling. Be advised that a building permit is required to construct a new dwelling.
A-81/21	75 Niagara Street	Be advised that a building permit for the proposed 4 storey mixed use building
A-84/21	28 Hamilton Street	No comment
A-85/21	32 Hamilton Street	No comment

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

Be advised that a building permit is required for the proposed accessory dwelling unit.

Be advised that a building permit is required for the proposed single detached dwellings on each new lot.

Note: the existing demolition permit (20115228RN) is to be completed

Be advised that a building permit is required for the proposed 2 storey addition with attached garage and covered porch.

Be advised that a building permit is required to renovate the existing building.

Be advised that a building permit is required for the proposed second storey addition.

From: [Neilson, James](#)
To: [Munro, Elaine](#); [Banda, Wilrik](#)
Cc: [Seaman, Michael](#)
Subject: RE: Committee of Adjustment Notices and Applications for the September 22/21 CofA Hearing
Date: Tuesday, August 31, 2021 2:56:34 PM

Hi Elaine,
No heritage concerns for any of these properties.
James

James Neilson MES (Planning), CAHP

Heritage Planner

Tel: 905.688.5601 x1752

Email: jneilson@stcatharines.ca



From: Munro, Elaine <emunro@stcatharines.ca>
Sent: Tuesday, August 31, 2021 2:54 PM
To: Josipovic, Margaret <mjosipovic@stcatharines.ca>; Banda, Wilrik <wbanda@stcatharines.ca>; Acs, Evan <eacs@stcatharines.ca>; McEwan, Charlotte <cmcewan@stcatharines.ca>; Ritchie, Scott <sritchie@stcatharines.ca>; Bittner, Steve <sbittner@stcatharines.ca>; Johnston, Brad <bjohnston@stcatharines.ca>; Denham, James <jdenham@stcatharines.ca>; Papp, Len <lpapp@stcatharines.ca>; Grossi, Lou <lgrossi@stcatharines.ca>; Devlin, Taya <tdevlin@stcatharines.ca>; Bellows, Bruce <bbellows@stcatharines.ca>; MacDonald, Natasha <nmacdonald@stcatharines.ca>; Seaman, Michael <mseaman@stcatharines.ca>; Nanji, Adam <ananji@stcatharines.ca>; Neilson, James <jneilson@stcatharines.ca>; Green, Stuart <sgreen@stcatharines.ca>
Subject: Committee of Adjustment Notices and Applications for the September 22/21 CofA Hearing

Good Afternoon,

The Notices, applications and sketches can be found in the Amanda System under:

- Consent applications -
L:\ATTACHMENTS\PBS\PLANNING\LD\2021_NofH_Appl_Pln\September 22_21.
- Minor variance applications -
L:\ATTACHMENTS\PBS\PLANNING\MV\2021_NofH_Appl_Pln\September 22_21.

To view just the Notices and sketches, please go to: S:\WEBCONTENT - Agendas and Minutes PDFs\Committee of Adjustment\Notices of Hearing\NOH 2021\September 22, 2021....Files by Property.

Please forward your comments to Wil Banda & I by **Wednesday, September 11,**

2021. All comments will be saved in G Drive/Committee of Adjustment/Comments for CofA.

1. 47 Hastings Street, Minor Variance, A-58/21 – 21105118 – **Scott –
Deferred from August 25, 2021 Hearing**
2. 218 Ontario Street, Minor Variance, A-68/21 – 21114608 - **Charlotte**
3. 43 Doncaster Drive, Minor Variance, A-72/21 – 21114662 - **Natasha**
4. 23 Clayburn Avenue, Minor Variance, A-77/21 – 21115707 - **Natasha**
5. 34 Highcourt Crescent, Minor Variance, A-78/21 – 21115712 - **Natasha**
6. 15 Keefer Road, Consent, B-22/21SC – 21115743 - **Evan**
11 Keefer Road, Minor Variance, A-79/21 – 21115744
7. 40 Merritt Street, Consent, B-23/21SC – 21115752 - **Evan**
40 Merritt Street, Minor Variance, A-83/21 – 21116090
38 Merritt Street, Minor Variance, A-82/21 – 21116091
8. 1204 Lakeshore Road West, Minor Variance, A-80/21 – 21115798 -
Natasha
9. 75 Niagara Street, Minor Variance, A-81/21 – 21115772 - **Evan**
10. 28 Hamilton Street, Consent, B-24/21SC – 21115765 - **Natasha**
28 Hamilton Street, Minor Variance, A-84/21 – 21116111
32 Hamilton Street, Minor Variance, A-85/21 - 21116114
11. 13 Willcher Drive, Consent, B-25/21SC – 21115780 - **Natasha**

Thanks, Elaine

Elaine Munro ACST

Committee Secretary and Planning Technician

Tel: [905.688.5601](tel:905.688.5601) x1715

Email: emunro@stcatharines.ca



To: Elaine Munro, Committee Secretary and Planning Technician

Cc:

From: Steve Bittner, Transportation Technologist

Date: September 8, 2021

Subject: Committee of Adjustment Comments (September 22, 2021 Hearing)

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

Steve Bittner
Transportation Technologist

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

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

COMMENTS

A-72/21

43 Doncaster Drive

DATE OF HEARING:
September 22, 2021



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: September 17, 2021

Date of Meeting: September 22, 2021

Report Number: A-72/21

File: 21114662

Subject: 43 Doncaster Boulevard

Recommendation

That Application **A-72/21** by Allan DeRoo and Keira Paniagua, 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 to facilitate the proposed construction of a carport over the existing driveway, and an addition to the rear of the existing detached dwelling. The Applicant is requesting the following variances:

Variance	Provision	Required	Proposed
1	Minimum interior side yard setback for the proposed carport (southerly interior side yard setback)	1.2m	0.45m
2	Minimum interior side yard setback for the proposed addition (northerly interior side yard setback)	1.2m	1.03m

Location and Site Description

The subject property is located on the southwest side of Doncaster Boulevard, south of Carlton Street. The subject property is currently occupied by a detached dwelling. The surrounding neighbourhood is primarily low density residential comprised of detached dwellings. An existing sewer line, an abandoned water line and an easement run through the rear portion of the yard but are not impacted by the proposed addition or carport.

Circulation of Application

This Application was circulated to all appropriate departments and agencies. No objections were received. However, it was noted that a Lot Grading Plan may be required at the building permit stage.

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 are permitted in this designation.

Zoning By-law (2013-283)

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

Planning Analysis

The Applicant is requesting two (2) variances to facilitate the proposed carport and addition to the dwelling.

Variance 1 (for carport) requests a reduction in the minimum southerly interior side yard setback from 1.2 m to 0.45 m, resulting in a reduction of 0.75 m to the required setback. The proposed carport would be open with five posts located along the southern lot line.

Variance 2 (for dwelling addition) requests a reduction in the minimum (northerly) interior side yard setback from 1.2 m to 1.03 m, resulting in a reduction of 0.17 m to the required setback.

In the opinion of staff, both of the proposed variances will not cause adverse impacts to neighbouring properties and are considered minor in nature.

The Official Plan and Zoning By-law permit a detached dwelling on the subject property. Part D, Section 7.1 of the Garden City Plan (GCP) states that development and redevelopment shall have regard for the integration of compatible building scale, massing, height, setbacks, orientation and façades with adjacent buildings, properties and the surrounding neighbourhood. It also states that development or redevelopment shall minimize adverse impacts on adjacent properties in regard to privacy and views. The proposed carport and addition are unlikely to result in adverse impacts to the neighbouring properties.

The proposed carport is open and unenclosed and is in line with the existing driveway. The proposed addition to the dwelling is in line with the existing northerly building wall of the existing dwelling. In the opinion of staff, the location of the carport and addition provides an appropriate buffer and separation from the property line to mitigate any drainage or privacy concerns from the neighbouring properties.

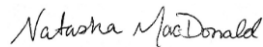
The proposed carport and addition adhere to all other zoning requirements, including maximum total lot coverage, maximum building height and minimum landscaped open space. These provisions are to ensure the dwelling has appropriate scale and massing, the property has adequate amenity space, and development does not overwhelm the lot. It is staff's opinion that the proposed variances are consistent with the general intent of the Official Plan and Zoning By-law.

The surrounding neighbourhood is largely comprised of detached dwellings, many of which include sheds, garages or carports. The proposed carport and addition to the detached dwelling aligns with the use and character of properties within the neighbourhood and would not negatively impact the streetscape. Given the surrounding context, the proposal is considered to be a desirable and appropriate use of the land. Staff recommend that the application be approved.

Conclusion

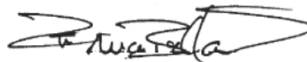
Having regard to matters under Section 45 of *The Planning Act*, staff are of the opinion that application **A-72/21** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature and is desirable for the appropriate use of the lands. Staff recommend approval of the Application.

Prepared and Submitted by:



Natasha MacDonald
Planner I

Approved by:



Bruce Bellows
Senior Planner

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Cogeco - No concerns RE: Committee of Adjustment Notices of Hearing for September 22, 2021 Hearing
Date: Wednesday, September 1, 2021 10:04:56 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, September 1, 2021 10:01 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Committee of Adjustment Notices of Hearing for September 22, 2021 Hearing

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

Hi Elaine

Cogeco has no concerns with these applications.

Have a wonderful day

Cheers

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, ACST, Committee Secretary & Planning Technician
From: Brad Johnston, C.E.T., Development Engineering Technologist
CC: City Committee of Adjustment Staff Members
Date: September 3, 2021
Hearing Date: September 22, 2021
Subject: **Committee of Adjustment - Minor Variance Applications**
23 Clayburn Avenue, A-77/21SC
43 Doncaster Avenue, A-72/21SC
28 & 32 Hamilton Street, A-84&85/21SC
47 Hastings Street, A-58/21SC
34 Highcourt Crescent, A-78/21SC
1201 Lakeshore Road West, A-80/21SC
38 & 40 Merritt Street, A-82&83/21SC
75 Niagara Street, A-81/21SC
218 Ontario Street, A-68/21SC

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
 - 23 Clayburn Avenue
 - 43 Doncaster Avenue
 - 15 Keefer Road
 - 1204 Lakeshore Road West

Prepared by:

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

cc. James Denham, PBS (email only)



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: September 14, 2021

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – September 22, 2021 hearing

NO.	ADDRESS	COMMENTS
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Lou Grossi, Dipl. T. Arch, CBCO
Building Inspector II

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Be advised that a building permit is required to renovate the existing building.

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From: [Neilson, James](#)
To: [Munro, Elaine](#); [Banda, Wilrik](#)
Cc: [Seaman, Michael](#)
Subject: RE: Committee of Adjustment Notices and Applications for the September 22/21 CofA Hearing
Date: Tuesday, August 31, 2021 2:56:34 PM

Hi Elaine,
No heritage concerns for any of these properties.
James

James Neilson MES (Planning), CAHP

Heritage Planner

Tel: 905.688.5601 x1752

Email: jneilson@stcatharines.ca



From: Munro, Elaine <emunro@stcatharines.ca>
Sent: Tuesday, August 31, 2021 2:54 PM
To: Josipovic, Margaret <mjosipovic@stcatharines.ca>; Banda, Wilrik <wbanda@stcatharines.ca>; Acs, Evan <eacs@stcatharines.ca>; McEwan, Charlotte <cmcewan@stcatharines.ca>; Ritchie, Scott <sritchie@stcatharines.ca>; Bittner, Steve <sbittner@stcatharines.ca>; Johnston, Brad <bjohnston@stcatharines.ca>; Denham, James <jdenham@stcatharines.ca>; Papp, Len <lpapp@stcatharines.ca>; Grossi, Lou <lgrossi@stcatharines.ca>; Devlin, Taya <tdevlin@stcatharines.ca>; Bellows, Bruce <bbellows@stcatharines.ca>; MacDonald, Natasha <nmacdonald@stcatharines.ca>; Seaman, Michael <mseaman@stcatharines.ca>; Nanji, Adam <ananji@stcatharines.ca>; Neilson, James <jneilson@stcatharines.ca>; Green, Stuart <sgreen@stcatharines.ca>
Subject: Committee of Adjustment Notices and Applications for the September 22/21 CofA Hearing

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Please forward your comments to Wil Banda & I by **Wednesday, September 11,**

2021. All comments will be saved in G Drive/Committee of Adjustment/Comments for CofA.

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Deferred from August 25, 2021 Hearing**
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11. 13 Willcher Drive, Consent, B-25/21SC – 21115780 - **Natasha**

Thanks, Elaine

Elaine Munro ACST

Committee Secretary and Planning Technician

Tel: [905.688.5601](tel:905.688.5601) x1715

Email: emunro@stcatharines.ca



To: Elaine Munro, Committee Secretary and Planning Technician

Cc:

From: Steve Bittner, Transportation Technologist

Date: September 8, 2021

Subject: Committee of Adjustment Comments (September 22, 2021 Hearing)

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

Steve Bittner
Transportation Technologist

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

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

COMMENTS

A-77/21

23 Clayburn Avenue

DATE OF HEARING:
September 22, 2021



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: September 17, 2021

Date of Meeting: September 22, 2021

Report Number: A-77/21

File: 21115707

Subject: 23 Clayburn Avenue

Recommendation

That Application **A-77/21** by M & S Adventures Inc., as outlined in the Notice of Hearing, be approved.

Report

Background

The existing 2-storey apartment building located on the subject property was built in 1952, with 5 apartment dwelling units and a basement area comprising of 5 tenant lockers. In 1962, the apartment building was recognized as a legal non-conforming use by the City. In 1976, Consent application B-344/76 was granted to add a southerly portion from abutting Lot 53 as it was used continuously for driveway purposes in conjunction with the apartment building on Lot 52, (23 Clayburn Ave). Most recently in 2018, the City approved building permits for renovations and property improvements, which included interior renovations, enhancements to the façade of the building, improvements to the site's landscaping and rear yard parking area.

The Proposal

The Applicant proposes to permit the extension of a legal non-conforming use to construct one additional dwelling unit to the existing 5-unit apartment building. The existing basement area used for tenant lockers is proposed to be converted to an apartment dwelling unit. The use of an apartment building at this location legally existed prior to the approval of the current City of St. Catharines' Zoning By-law 2013-283.

Location and Site Description

The subject property is located on the southern bend of Clayburn Avenue, south of Queenston Street and east of Westchester Crescent. The surrounding neighbourhood is low density and medium density residential comprised primarily of detached dwellings and townhouse blocks.

Circulation of Application

This Application was circulated to all appropriate departments and agencies to evaluate the proposal. No objections were received. However, it was noted that a Lot Grading Plan may be required at the building permit stage.

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. The Low Density Residential designation permits detached, semi-detached, duplex, triplex, quadplex, fourplex and townhouse dwellings at a density range generally between 20 and 32 units per hectare. The use of the property for an apartment building is not permitted in the Official Plan. However, the apartment building use is recognized as a legal non-conforming use. The addition of one apartment unit will slightly increase the existing density on the site to 64.51 dwelling units per hectare.

Zoning By-law (2013-283)

The subject property is zoned Low Density Residential – Traditional Neighbourhood (R2). The R2 zone permits a range of residential uses, such as detached, semi-detached, duplex and townhouse dwellings, but does not permit an apartment building. However, as stated above, the apartment building is recognized as a legal non-conforming use.

Planning Analysis

The City of St. Catharines' Official Plan and Zoning By-law do not permit the use of an apartment building at the subject property. The Applicant has declared that the existing apartment building was built in 1952, recognized as a legal non-conforming use in 1962, and has been used as such in continuity to this day. Staff have reviewed the history of the property and found this to be accurate.

Section 8 of the Garden City Plan supports the provision of a full range of housing opportunities, types and forms within Neighbourhood Residential designated areas of the City. The proposal to extend the legal non-conforming use of an apartment building to construct one additional dwelling unit supports City objectives to provide a range of housing for residents of varying ages, household types and income levels, including provision for more affordable rental units.

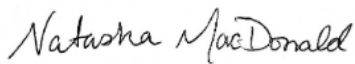
Although a legal non-conforming use is not subject to the City's current Zoning By-law requirements, it is important to note that the existing site plan meets the City's parking requirements for a six-unit apartment building and provides adequate landscaping and buffers to adjacent properties. No modifications to the existing site plan are proposed. To facilitate the additional unit, modest changes to the exterior of the building are required to add windows for the proposed unit. The proposal is considered minor in nature as it is not anticipated to cause adverse impacts to the surrounding area or adjacent properties.

In the opinion of staff, the Application is considered 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

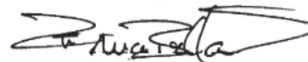
Having regard to matters under Section 45 of the *Planning Act*, staff are of the opinion that Application **A-77/21** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature and is desirable for the appropriate use of the lands. Staff recommend approval of the Application to extend the legal non-conforming use.

Prepared and Submitted by:



Natasha MacDonald
Planner I

Approved by:



Bruce Bellows
Senior Planner

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Cogeco - No concerns RE: Committee of Adjustment Notices of Hearing for September 22, 2021 Hearing
Date: Wednesday, September 1, 2021 10:04:56 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, September 1, 2021 10:01 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Committee of Adjustment Notices of Hearing for September 22, 2021 Hearing

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

Hi Elaine

Cogeco has no concerns with these applications.

Have a wonderful day

Cheers

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, ACST, Committee Secretary & Planning Technician
From: Brad Johnston, C.E.T., Development Engineering Technologist
CC: City Committee of Adjustment Staff Members
Date: September 3, 2021
Hearing Date: September 22, 2021
Subject: **Committee of Adjustment - Minor Variance Applications**
23 Clayburn Avenue, A-77/21SC
43 Doncaster Avenue, A-72/21SC
28 & 32 Hamilton Street, A-84&85/21SC
47 Hastings Street, A-58/21SC
34 Highcourt Crescent, A-78/21SC
1201 Lakeshore Road West, A-80/21SC
38 & 40 Merritt Street, A-82&83/21SC
75 Niagara Street, A-81/21SC
218 Ontario Street, A-68/21SC

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
 - 23 Clayburn Avenue
 - 43 Doncaster Avenue
 - 15 Keefer Road
 - 1204 Lakeshore Road West

Prepared by:

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

cc. James Denham, PBS (email only)



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: September 14, 2021

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – September 22, 2021 hearing

NO.	ADDRESS	COMMENTS
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A-68/21	218 Ontario Street	Be advised that a building permit for the proposed 5 unit townhouse
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Lou Grossi, Dipl. T. Arch, CBCO
Building Inspector II

Be advised that a building permit is required for the proposed accessory dwelling unit.

Be advised that a building permit is required for the proposed single detached dwellings on each new lot.

Note: the existing demolition permit (20115228RN) is to be completed

Be advised that a building permit is required for the proposed 2 storey addition with attached garage and covered porch.

Be advised that a building permit is required to renovate the existing building.

Be advised that a building permit is required for the proposed second storey addition.

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Former Landfill RE: Committee of Adjustment Notices of Hearing for September 22, 2021 Hearing
Date: Wednesday, September 1, 2021 12:46:27 PM

23 Clayburn Avenue
75 Niagarfa Street

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



From: Vasko, Dennis <dvasko@stcatharines.ca>
Sent: Wednesday, September 1, 2021 12:43 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Committee of Adjustment Notices of Hearing for September 22, 2021 Hearing

Hi Elaine,

There are no concerns on our end in respect to closed landfills.

Dennis

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



From: [Neilson, James](#)
To: [Munro, Elaine](#); [Banda, Wilrik](#)
Cc: [Seaman, Michael](#)
Subject: RE: Committee of Adjustment Notices and Applications for the September 22/21 CofA Hearing
Date: Tuesday, August 31, 2021 2:56:34 PM

Hi Elaine,
No heritage concerns for any of these properties.
James

James Neilson MES (Planning), CAHP

Heritage Planner

Tel: 905.688.5601 x1752

Email: jneilson@stcatharines.ca



From: Munro, Elaine <emunro@stcatharines.ca>
Sent: Tuesday, August 31, 2021 2:54 PM
To: Josipovic, Margaret <mjosipovic@stcatharines.ca>; Banda, Wilrik <wbanda@stcatharines.ca>; Acs, Evan <eacs@stcatharines.ca>; McEwan, Charlotte <cmcewan@stcatharines.ca>; Ritchie, Scott <sritchie@stcatharines.ca>; Bittner, Steve <sbittner@stcatharines.ca>; Johnston, Brad <bjohnston@stcatharines.ca>; Denham, James <jdenham@stcatharines.ca>; Papp, Len <lpapp@stcatharines.ca>; Grossi, Lou <lgrossi@stcatharines.ca>; Devlin, Taya <tdevlin@stcatharines.ca>; Bellows, Bruce <bbellows@stcatharines.ca>; MacDonald, Natasha <nmacdonald@stcatharines.ca>; Seaman, Michael <mseaman@stcatharines.ca>; Nanji, Adam <ananji@stcatharines.ca>; Neilson, James <jneilson@stcatharines.ca>; Green, Stuart <sgreen@stcatharines.ca>
Subject: Committee of Adjustment Notices and Applications for the September 22/21 CofA Hearing

Good Afternoon,

The Notices, applications and sketches can be found in the Amanda System under:

- Consent applications -
L:\ATTACHMENTS\PBS\PLANNING\LD\2021_NofH_Appl_Pln\September 22_21.
- Minor variance applications -
L:\ATTACHMENTS\PBS\PLANNING\MV\2021_NofH_Appl_Pln\September 22_21.

To view just the Notices and sketches, please go to: S:\WEBCONTENT - Agendas and Minutes PDFs\Committee of Adjustment\Notices of Hearing\NOH 2021\September 22, 2021....Files by Property.

Please forward your comments to Wil Banda & I by **Wednesday, September 11,**

2021. All comments will be saved in G Drive/Committee of Adjustment/Comments for CofA.

1. 47 Hastings Street, Minor Variance, A-58/21 – 21105118 – **Scott –
Deferred from August 25, 2021 Hearing**
2. 218 Ontario Street, Minor Variance, A-68/21 – 21114608 - **Charlotte**
3. 43 Doncaster Drive, Minor Variance, A-72/21 – 21114662 - **Natasha**
4. 23 Clayburn Avenue, Minor Variance, A-77/21 – 21115707 - **Natasha**
5. 34 Highcourt Crescent, Minor Variance, A-78/21 – 21115712 - **Natasha**
6. 15 Keefer Road, Consent, B-22/21SC – 21115743 - **Evan**
11 Keefer Road, Minor Variance, A-79/21 – 21115744
7. 40 Merritt Street, Consent, B-23/21SC – 21115752 - **Evan**
40 Merritt Street, Minor Variance, A-83/21 – 21116090
38 Merritt Street, Minor Variance, A-82/21 – 21116091
8. 1204 Lakeshore Road West, Minor Variance, A-80/21 – 21115798 -
Natasha
9. 75 Niagara Street, Minor Variance, A-81/21 – 21115772 - **Evan**
10. 28 Hamilton Street, Consent, B-24/21SC – 21115765 - **Natasha**
28 Hamilton Street, Minor Variance, A-84/21 – 21116111
32 Hamilton Street, Minor Variance, A-85/21 - 21116114
11. 13 Willcher Drive, Consent, B-25/21SC – 21115780 - **Natasha**

Thanks, Elaine

Elaine Munro ACST

Committee Secretary and Planning Technician

Tel: [905.688.5601](tel:905.688.5601) x1715

Email: emunro@stcatharines.ca



To: Elaine Munro, Committee Secretary and Planning Technician

Cc:

From: Steve Bittner, Transportation Technologist

Date: September 8, 2021

Subject: Committee of Adjustment Comments (September 22, 2021 Hearing)

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

Steve Bittner
Transportation Technologist

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

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

COMMENTS

A-78/21

34 Highcourt Crescent

DATE OF HEARING:
September 22, 2021



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: September 17, 2021

Date of Meeting: September 22, 2021

Report Number: A-78/21

File: 21115712

Subject: 34 Highcourt Crescent

Recommendation

That Application **A-78/21** by Jennifer Smith be approved. Please note that the Notice of Hearing outlines Variance 2 as requesting an increase of the maximum interior accessory dwelling unit floor area from 40% to 47.2%, however, it should read 46.4% as noted below.

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 following variances are required to facilitate the accessory dwelling unit:

Variance	Provision	Permitted	Proposed
1	Maximum floor area of an interior accessory dwelling unit	60m ²	74m ²
2	Maximum floor area of an interior accessory dwelling unit as a percentage of the floor area of the dwelling	40%	46.4%

Location and Site Description

The subject property is located on the south side of Highcourt Crescent, north of Scott Street and west of Vine Street. The surrounding neighbourhood is low density residential comprised primarily of detached dwellings. There are high density residential uses to the west and south along Scott Street and Vine 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 E3. Part D, Section 7.10 of the GCP supports the creation of an accessory apartment unit within a detached dwelling.

Zoning By-law (2013-283)

The subject property is zoned Low Density Residential – Suburban Neighbourhood (R1). Section 2.2.1 of City's Zoning By-law permits an interior accessory dwelling unit within a detached dwelling subject to size parameters.

Planning Analysis

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

The applicant is proposing an accessory dwelling unit with a floor area of 74 square meters, which will occupy 46.4 percent of the total floor area of the dwelling. The principal dwelling unit will remain larger in size than the accessory dwelling unit, and staff are satisfied that the accessory unit is subordinate in size and function to that of the principal dwelling unit. In accordance with 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 parking and amenity space provisions. There are currently two parking spaces on the property, which support the parking space requirements for the principal and accessory dwelling units. In the opinion of staff, the increase in size for the accessory dwelling unit will have no adverse impacts on adjacent properties.

In the opinion of staff, the increase in size for the proposed accessory dwelling unit 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 to provide a range and mix of housing types, including the provision of affordable housing opportunities.

Conclusion

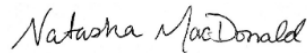
Having regard to matters under Section 45 of *The Planning Act*, staff are of the opinion that Application **A-78/21** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature and is desirable for the appropriate use of the lands. Staff recommend approval of the Application.

Prepared by:



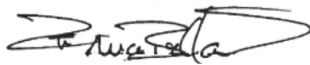
Adam Nanji
Student Planner

Submitted by:



Natasha MacDonald
Planner I

Approved by:



Bruce Bellows
Senior Planner

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Cogeco - No concerns RE: Committee of Adjustment Notices of Hearing for September 22, 2021 Hearing
Date: Wednesday, September 1, 2021 10:04:56 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, September 1, 2021 10:01 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Committee of Adjustment Notices of Hearing for September 22, 2021 Hearing

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

Hi Elaine

Cogeco has no concerns with these applications.

Have a wonderful day

Cheers

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, ACST, Committee Secretary & Planning Technician
From: Brad Johnston, C.E.T., Development Engineering Technologist
CC: City Committee of Adjustment Staff Members
Date: September 3, 2021
Hearing Date: September 22, 2021
Subject: **Committee of Adjustment - Minor Variance Applications**
23 Clayburn Avenue, A-77/21SC
43 Doncaster Avenue, A-72/21SC
28 & 32 Hamilton Street, A-84&85/21SC
47 Hastings Street, A-58/21SC
34 Highcourt Crescent, A-78/21SC
1201 Lakeshore Road West, A-80/21SC
38 & 40 Merritt Street, A-82&83/21SC
75 Niagara Street, A-81/21SC
218 Ontario Street, A-68/21SC

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
 - 23 Clayburn Avenue
 - 43 Doncaster Avenue
 - 15 Keefer Road
 - 1204 Lakeshore Road West

Prepared by:

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

cc. James Denham, PBS (email only)



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: September 14, 2021

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – September 22, 2021 hearing

NO.	ADDRESS	COMMENTS
A-58/21	47 Hasting Road	Be advised that a building permit is required for the proposed 54 unit apartment building.
A-68/21	218 Ontario Street	Be advised that a building permit for the proposed 5 unit townhouse
A-72/21	43 Doncaster Drive	Be advised that a building permit is required for the proposed carport and addition to the existing dwelling.
A-77/21	23 Clayburn Avenue	Be advised that a building permit is required for the addition to the existing dwelling
A-78/21	34 Highcourt Crescent	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-79/21	11 Keefer Road	No comment
A-83/21	40 Merritt Street	No comment
A-82/21	38 Merritt Street	No comment

NO.	ADDRESS	COMMENTS
A-80/21	1204 Lakeshore Road	Be advised that a demolition permit is required to demolish the existing dwelling. Be advised that a building permit is required to construct a new dwelling.
A-81/21	75 Niagara Street	Be advised that a building permit for the proposed 4 storey mixed use building
A-84/21	28 Hamilton Street	No comment
A-85/21	32 Hamilton Street	No comment

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

Be advised that a building permit is required for the proposed accessory dwelling unit.

Be advised that a building permit is required for the proposed single detached dwellings on each new lot.

Note: the existing demolition permit (20115228RN) is to be completed

Be advised that a building permit is required for the proposed 2 storey addition with attached garage and covered porch.

Be advised that a building permit is required to renovate the existing building.

Be advised that a building permit is required for the proposed second storey addition.

From: [Neilson, James](#)
To: [Munro, Elaine](#); [Banda, Wilrik](#)
Cc: [Seaman, Michael](#)
Subject: RE: Committee of Adjustment Notices and Applications for the September 22/21 CofA Hearing
Date: Tuesday, August 31, 2021 2:56:34 PM

Hi Elaine,
No heritage concerns for any of these properties.
James

James Neilson MES (Planning), CAHP

Heritage Planner

Tel: 905.688.5601 x1752

Email: jneilson@stcatharines.ca



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Sent: Tuesday, August 31, 2021 2:54 PM
To: Josipovic, Margaret <mjosipovic@stcatharines.ca>; Banda, Wilrik <wbanda@stcatharines.ca>; Acs, Evan <eacs@stcatharines.ca>; McEwan, Charlotte <cmcewan@stcatharines.ca>; Ritchie, Scott <sritchie@stcatharines.ca>; Bittner, Steve <sbittner@stcatharines.ca>; Johnston, Brad <bjohnston@stcatharines.ca>; Denham, James <jdenham@stcatharines.ca>; Papp, Len <lpapp@stcatharines.ca>; Grossi, Lou <lgrossi@stcatharines.ca>; Devlin, Taya <tdevlin@stcatharines.ca>; Bellows, Bruce <bbellows@stcatharines.ca>; MacDonald, Natasha <nmacdonald@stcatharines.ca>; Seaman, Michael <mseaman@stcatharines.ca>; Nanji, Adam <ananji@stcatharines.ca>; Neilson, James <jneilson@stcatharines.ca>; Green, Stuart <sgreen@stcatharines.ca>
Subject: Committee of Adjustment Notices and Applications for the September 22/21 CofA Hearing

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- Consent applications -
L:\ATTACHMENTS\PBS\PLANNING\LD\2021_NofH_Appl_Pln\September 22_21.
- Minor variance applications -
L:\ATTACHMENTS\PBS\PLANNING\MV\2021_NofH_Appl_Pln\September 22_21.

To view just the Notices and sketches, please go to: S:\WEBCONTENT - Agendas and Minutes PDFs\Committee of Adjustment\Notices of Hearing\NOH 2021\September 22, 2021....Files by Property.

Please forward your comments to Wil Banda & I by **Wednesday, September 11,**

2021. All comments will be saved in G Drive/Committee of Adjustment/Comments for CofA.

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Deferred from August 25, 2021 Hearing**
2. 218 Ontario Street, Minor Variance, A-68/21 – 21114608 - **Charlotte**
3. 43 Doncaster Drive, Minor Variance, A-72/21 – 21114662 - **Natasha**
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40 Merritt Street, Minor Variance, A-83/21 – 21116090
38 Merritt Street, Minor Variance, A-82/21 – 21116091
8. 1204 Lakeshore Road West, Minor Variance, A-80/21 – 21115798 -
Natasha
9. 75 Niagara Street, Minor Variance, A-81/21 – 21115772 - **Evan**
10. 28 Hamilton Street, Consent, B-24/21SC – 21115765 - **Natasha**
28 Hamilton Street, Minor Variance, A-84/21 – 21116111
32 Hamilton Street, Minor Variance, A-85/21 - 21116114
11. 13 Willcher Drive, Consent, B-25/21SC – 21115780 - **Natasha**

Thanks, Elaine

Elaine Munro ACST

Committee Secretary and Planning Technician

Tel: [905.688.5601](tel:905.688.5601) x1715

Email: emunro@stcatharines.ca



To: Elaine Munro, Committee Secretary and Planning Technician

Cc:

From: Steve Bittner, Transportation Technologist

Date: September 8, 2021

Subject: Committee of Adjustment Comments (September 22, 2021 Hearing)

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

Steve Bittner
Transportation Technologist

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

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

COMMENTS

B-24/21SC & A-79/21

15 Keefer Road

DATE OF HEARING:
September 22, 2021



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: September 17, 2021 **Date of Meeting:** September 22, 2021

Report Number: B-22/21SC **File:** 21115743
A-79/21 21115744

Subject: 11 and 15 Keefer Road

Recommendation

Consent

That application **B-22/21SC** by 1660778 Ontario Inc, as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. That final approval for the necessary minor variance application be received by the Committee of Adjustment.
2. That the applicant provide the Secretary-Treasurer with the acknowledgment 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.
3. That a final certification fee of \$218.90 per application payable to the Treasurer, City of St. Catharines, be submitted to the Secretary-Treasurer.
4. That all conditions of consent be fulfilled by September 22, 2022

Minor Variance

That application **A-79/21** by 1660778 Ontario Inc., as outlined in the Notice of Hearing, be approved.

Report The Proposal

The Applicant proposes a consent to sever 6,572.3 square metres of land (Part 2) to be known as 11 Keefer Road, for future development. An 11,450.1 square metre remnant parcel (Part 1) with the existing commercial building is to be retained for continued commercial use. There is a concurrent minor variance application A-79/21.

The requested consent and variance are described in the tables below.

Application	Severed Parcel	Severed Area	Retained Parcel	Retained Area
B-22/21SC	Part 2 (11 Keefer Road)	6,572.3 m ²	Part 1 (15 Keefer Road)	11,450.1 m ²

The concurrent Minor Variance Application A-79/21 seeks relief from the City of St. Catharines Zoning By-law through the variance outlined below:

Variance A-79/21	Zoning Provision	Required	Proposed
1.	Minimum Lot Frontage	60 m	58 m

Location and Site Description

The subject lands are located on the east side of Keefer Road, between Seaway Haulage Road and Northrup Crescent. The lands are surrounded by employment uses and an adjacent drainage feature to the east. The southern portion of the subject lands (Part 1) are currently occupied by a commercial building and the northern portion (Part 2) is 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 Employment on Schedule D1 of the Garden City Plan (GCP) and further designated General Employment on Schedule E2. A variety of employment and ancillary commercial uses are permitted in this designation.

Zoning By-law (2013-283)

The subject property is zoned General Employment (E2). A variety of employment uses and ancillary commercial uses are permitted in this zone. The existing commercial building is used for manufacturing with associated retail. The existing use is permitted in the E2 zone.

Planning Analysis

Consent

Consent Application **B-22/21SC** requests to sever part of 15 Keefer Road and create a new lot to be known as 11 Keefer Road.

Section 16.11.3 of the GCP states that consents to sever will only be permitted 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. Staff find that this application will not result in development that will cause significant expense by the City for public works, nor contribute to further development that would cause such expense. The application contributes to infilling by creating a lot for employment use on a currently underutilized portion of land.

Both the proposed and retained lots meet the zoning by-law requirements for lot area. The proposal demonstrates that there is sufficient space on the retained lot to accommodate the existing building in addition to parking and landscaping. Staff find that the size, shape and configuration of both the retained and proposed parcels are appropriate for the continued and intended uses and optimizes development potential of the lands.

Staff are satisfied that the proposal is consistent with the Official Plan. The concurrent Minor Variance Application considered in this report will address zoning deficiencies. There are no anticipated impacts as a result of the severance.

Staff are supportive of Consent Application **B-22/21SC**, subject to the conditions outlined in the recommendation.

Minor Variance

The minor variance application seeks a reduction of the minimum lot frontage from 60 metres to 58 metres for the proposed lot (Part 2). The intent of the minimum lot frontage is, in part, to ensure adequate access and function of employment sites. Part 2 of the subject lands is currently vacant and proposed to have lot area of 6,572.3 square metres, which exceeds the minimum 4,000 square metres required by the Zoning By-law. Staff are satisfied that proposed lot frontage of 58 metres is adequate to accommodate access to the site, and the size of the lot is appropriate to accommodate a suitable building envelope, site access, parking and landscaping. Staff find that this variance would not affect future development, will not result in a land use conflict and is considered desirable for the appropriate use of the lands.

No change to the use of the subject lands is proposed, nor is any new development proposed at this time. In the opinion of staff, the variance required to facilitate the proposed consent meets the general intent of the Official Plan and Zoning By-law.

The proposed 2 metre reduction has no negative impacts on the existing uses, nor on the surrounding area. It is considered minor in nature and appropriate for the use of the lands for employment. Staff are supportive of the requested variance.

Conclusion

Having regard for the matters under Section 53 of the *Planning Act*, staff are of the opinion that Consent Application **B-22/21SC** is consistent with the provisions of the Zoning By-law and will have no adverse impacts on the surrounding area and environment. It is

staff's recommendation that the requested consent to sever be approved, subject to the conditions outlined in the recommendation.

Having regard for the matters under Section 45(1) of the *Planning Act*, staff are of the opinion that Minor Variance application **A-79/21** 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 and function of the lands. Staff recommend that the application be approved.

Prepared by:



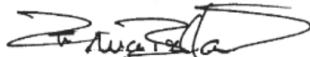
Adam Nanji
Student Planner

Submitted by:



Taya Devlin
Planner I

Approved by:



Bruce Bellows
Senior Planner

September 10, 2021

Our File No.: PLCON202101282

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: Application for Consent and Minor Variance
B-22/21SC, A-79/21**

Further to your request for comment for the Application for Consent and Minor Variance pertaining to the above noted properties the NPCA offers the following comments.

The application is being made for the Consent to Sever a 6,572.3 square metre parcel of land, recreating the lot locally known at 11 Keefer Road. An 11,450.1 square metre parcel (15 Keefer Road) is to remain. A concurrent minor variance has been requested for 11 Keefer Road to reduce the minimum lot frontage from 60 metres to 58 metres.

NPCA Policy

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

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

The NPCA's Regulation Mapping indicates the subject properties are impacted by a watercourse and associated 15 metre buffer that traverses the rear of the lots. As this proposed severance and concurrent variance are minor in nature, and will not further fracture the natural feature, the NPCA has no objection to the proposed Consent to Sever, or Minor Variance. If either property owner were to undertake development or site alteration within the 15-metre watercourse buffer in the future, an NPCA Work Permit would be required.

Conclusion:

At this time, NPCA staff have no objections to the application for Consent and Minor Variance (B-22/21SC), (A-79/21) subject to the following:

1. That the landowner obtains a Work Permit from the Niagara Peninsula Conservation Authority prior to beginning any work related to development or site alterations relating to the 15-metre setback from the watercourse, should future development or expansion take place.

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 Ontario Land Tribunal (OLT), please send notice of any Case Management Conference.

Yours truly,



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

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Cogeco - No concerns RE: Committee of Adjustment Notices of Hearing for September 22, 2021 Hearing
Date: Wednesday, September 1, 2021 10:04:56 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, September 1, 2021 10:01 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Committee of Adjustment Notices of Hearing for September 22, 2021 Hearing

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

Hi Elaine

Cogeco has no concerns with these applications.

Have a wonderful day

Cheers

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: September 14, 2021

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – September 22, 2021 hearing

NO.	ADDRESS	COMMENTS
A-58/21	47 Hasting Road	Be advised that a building permit is required for the proposed 54 unit apartment building.
A-68/21	218 Ontario Street	Be advised that a building permit for the proposed 5 unit townhouse
A-72/21	43 Doncaster Drive	Be advised that a building permit is required for the proposed carport and addition to the existing dwelling.
A-77/21	23 Clayburn Avenue	Be advised that a building permit is required for the addition to the existing dwelling
A-78/21	34 Highcourt Crescent	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-79/21	11 Keefer Road	No comment
A-83/21	40 Merritt Street	No comment
A-82/21	38 Merritt Street	No comment

NO.	ADDRESS	COMMENTS
A-80/21	1204 Lakeshore Road	Be advised that a demolition permit is required to demolish the existing dwelling. Be advised that a building permit is required to construct a new dwelling.
A-81/21	75 Niagara Street	Be advised that a building permit for the proposed 4 storey mixed use building
A-84/21	28 Hamilton Street	No comment
A-85/21	32 Hamilton Street	No comment

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

Be advised that a building permit is required for the proposed accessory dwelling unit.

Be advised that a building permit is required for the proposed single detached dwellings on each new lot.

Note: the existing demolition permit (20115228RN) is to be completed

Be advised that a building permit is required for the proposed 2 storey addition with attached garage and covered porch.

Be advised that a building permit is required to renovate the existing building.

Be advised that a building permit is required for the proposed second storey addition.



Memorandum

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

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Planning and Building Services

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

Date: September 14th, 2021

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – September 22, 2021 hearing

B-22/21SC – 15 Keefer Road

Comment:

- No comment

Condition:

- No comment

B-23/21SC – 40 Merritt Street

Comment:

- No comment

Condition:

- No comment

B-24/21SC – 28 Hamilton Street

Comment:

- No comment

Condition:

- No comment

B-25/21SC – 13 Willcher Drive

Comment:

- No comment

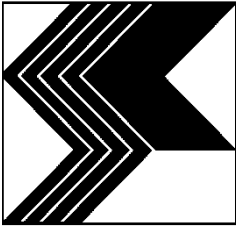
Condition:

- No comment

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

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

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-22/21SC



September 3, 2021

ENGINEERING FILE 300-36

Hearing Date: September 22, 2021

Applicant: 1660778 Ontario Inc.

Location: 11 & 15 Keefer Road

MUNICIPAL SERVICES

Water:	300mm D.I. No service currently provided to vacant parcel
Sanitary:	375mm Clay No service currently provided to vacant parcel
Storm:	None fronting lands directly. Roadside ditching only
Sidewalks:	None.
Road Allowance:	20.12m (66')

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

Comment(s): It is noted that the Owner proposes to sever Part 2 on the attached sketch recreating the lot to be known as 11 Keefer Road for a future development. The remnant parcel (Part 1) with the existing commercial building is to be retained for continued commercial use.

Condition(s): Development Engineering staff have no comment or objection to the proposed severance application, as typical engineering requirements shall be covered off during the review of detailed plans that shall be subject to a Planning application.

Prepared by:

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

c. James Denham, PBS (email only)

From: [Neilson, James](#)
To: [Munro, Elaine](#); [Banda, Wilrik](#)
Cc: [Seaman, Michael](#)
Subject: RE: Committee of Adjustment Notices and Applications for the September 22/21 CofA Hearing
Date: Tuesday, August 31, 2021 2:56:34 PM

Hi Elaine,
No heritage concerns for any of these properties.
James

James Neilson MES (Planning), CAHP

Heritage Planner

Tel: 905.688.5601 x1752

Email: jneilson@stcatharines.ca



From: Munro, Elaine <emunro@stcatharines.ca>
Sent: Tuesday, August 31, 2021 2:54 PM
To: Josipovic, Margaret <mjosipovic@stcatharines.ca>; Banda, Wilrik <wbanda@stcatharines.ca>; Acs, Evan <eacs@stcatharines.ca>; McEwan, Charlotte <cmcewan@stcatharines.ca>; Ritchie, Scott <sritchie@stcatharines.ca>; Bittner, Steve <sbittner@stcatharines.ca>; Johnston, Brad <bjohnston@stcatharines.ca>; Denham, James <jdenham@stcatharines.ca>; Papp, Len <lpapp@stcatharines.ca>; Grossi, Lou <lgrossi@stcatharines.ca>; Devlin, Taya <tdevlin@stcatharines.ca>; Bellows, Bruce <bbellows@stcatharines.ca>; MacDonald, Natasha <nmacdonald@stcatharines.ca>; Seaman, Michael <mseaman@stcatharines.ca>; Nanji, Adam <ananji@stcatharines.ca>; Neilson, James <jneilson@stcatharines.ca>; Green, Stuart <sgreen@stcatharines.ca>
Subject: Committee of Adjustment Notices and Applications for the September 22/21 CofA Hearing

Good Afternoon,

The Notices, applications and sketches can be found in the Amanda System under:

- Consent applications -
L:\ATTACHMENTS\PBS\PLANNING\LD\2021_NofH_Appl_Pln\September 22_21.
- Minor variance applications -
L:\ATTACHMENTS\PBS\PLANNING\MV\2021_NofH_Appl_Pln\September 22_21.

To view just the Notices and sketches, please go to: S:\WEBCONTENT - Agendas and Minutes PDFs\Committee of Adjustment\Notices of Hearing\NOH 2021\September 22, 2021....Files by Property.

Please forward your comments to Wil Banda & I by **Wednesday, September 11,**

2021. All comments will be saved in G Drive/Committee of Adjustment/Comments for CofA.

1. 47 Hastings Street, Minor Variance, A-58/21 – 21105118 – **Scott –
Deferred from August 25, 2021 Hearing**
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4. 23 Clayburn Avenue, Minor Variance, A-77/21 – 21115707 - **Natasha**
5. 34 Highcourt Crescent, Minor Variance, A-78/21 – 21115712 - **Natasha**
6. 15 Keefer Road, Consent, B-22/21SC – 21115743 - **Evan**
11 Keefer Road, Minor Variance, A-79/21 – 21115744
7. 40 Merritt Street, Consent, B-23/21SC – 21115752 - **Evan**
40 Merritt Street, Minor Variance, A-83/21 – 21116090
38 Merritt Street, Minor Variance, A-82/21 – 21116091
8. 1204 Lakeshore Road West, Minor Variance, A-80/21 – 21115798 -
Natasha
9. 75 Niagara Street, Minor Variance, A-81/21 – 21115772 - **Evan**
10. 28 Hamilton Street, Consent, B-24/21SC – 21115765 - **Natasha**
28 Hamilton Street, Minor Variance, A-84/21 – 21116111
32 Hamilton Street, Minor Variance, A-85/21 - 21116114
11. 13 Willcher Drive, Consent, B-25/21SC – 21115780 - **Natasha**

Thanks, Elaine

Elaine Munro ACST

Committee Secretary and Planning Technician

Tel: [905.688.5601](tel:905.688.5601) x1715

Email: emunro@stcatharines.ca



To: Elaine Munro, Committee Secretary and Planning Technician

Cc:

From: Steve Bittner, Transportation Technologist

Date: September 8, 2021

Subject: Committee of Adjustment Comments (September 22, 2021 Hearing)

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

Steve Bittner
Transportation Technologist

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

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

COMMENTS

A-81/21

75 Niagara Street

DATE OF HEARING:
September 22, 2021



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: September 17, 2021

Date of Meeting: September 22, 2021

Report Number: A-81/21

File No: 21115772

Subject: 75 Niagara Street

Recommendation

Minor Variances

That Variance 1 of Application **A-81/21** by 1244947 Ontario Ltd, as outlined in the Notice of Hearing, be approved.

That Variance 2 of Application **A-81/21** by 1244947 Ontario Ltd, as outlined in the Notice of Hearing, be approved, subject to the following condition:

1. That a minimum of eight bicycle parking spaces be provided on site.

Report

The Proposal

Application **A-81/21** seeks relief from the City of St. Catharines By-law 2013-283 to construct a four-storey mixed use building, comprised of ground floor commercial space with 12 upper floor dwelling units. Variances are required to locate the building further back from the front lot line, and provide less parking, than required in the Zoning By-law. The table below outlines the requested variances.

There is a concurrent Site Plan and Community Improvement Plan Application on the site.

Variance	Provision	Required	Proposed
1	Increase of the maximum front yard setback for a mixed-use building > 14 m in height	5 metres	15 metres
2	Reduction of minimum required parking spaces	16 spaces	15 spaces

Location and Site Description

The subject property is a through lot, running between Niagara Street and Welland Avenue, located southwest of Niagara Street/Welland Avenue intersection. As defined in the Zoning By-law, the lot frontage is on the south side Welland Avenue (6.29 metres)

and the flankage or exterior lot line (17.21 metres) is on the west side of Niagara Street. The property is currently vacant and is being used as a parking lot. Surrounding lots comprise of a mix of commercial uses, residential uses, and underutilized lands.

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 Downtown on Schedule D1 of the Garden City Plan (GCP) and further designated Mixed High Density Residential/Commercial on Schedule E10. The Mixed High Density Residential/Commercial designation permits mixed use buildings with apartment dwellings at a density range generally 85 dwelling units per hectare of land or greater. The proposed residential density for 12 dwelling units on the site is 83.4 units per hectare, and generally in accordance with the Official Plan density parameters.

Zoning By-law (2013-283)

The subject property is zoned High Density Mixed Use (M3). Mixed use commercial – residential buildings are permitted in this zone.

Planning Analysis

Variance 1 – Increase of Maximum Front Yard Setback

Variance 1 requests an increase in the maximum front yard setback from 5 metres to 15 metres.

The intent of the maximum front yard setback (5 metres) is to minimize front yard parking, and to animate the street, encouraging an accessible, walkable, landscaped streetscape, and consistent building fabric and setting. However, in this situation, given the irregular configuration of the lot, the maximum lot frontage requirement detracts from the optimal development of the site. The lot is narrow at both street frontages (Niagara St. 17.21 m/Welland Avenue 6.29 m), and widens out to approximately 35 meters in the middle of the lot. The irregular shape of the lot, and the 5m maximum setback requirement, makes it difficult to construct a functional building on the lot and also providing appropriate parking layout, access, and landscaping, and maintaining compliance with other Zoning By-law requirements. Other than requested Variance 1 and 2, the proposed development complies with all other zoning regulations.

With the increased front yard setback, the applicants are proposing a patio adjacent to Niagara Street to serve a commercial unit within the building, as well as providing enhanced landscaping in this area. Access for vehicular traffic will only be from Niagara Street, and a sidewalk through the site from Niagara Street to Welland Avenue provides a walkable and accessible environment. In the opinion of staff, the variance meets the general intent of the Official Plan and Zoning By-law, and is minor in nature.

Variance 2 – Reduction of Parking Spaces

Variance 2 seeks a reduction in the number of required parking spaces from 16 to 15. The requested reduction in parking will not affect the required accessible parking space.

Section 5.4.2 of the Official Plan establishes policies whereby the reduction in parking may be considered, including where: shared parking is possible; transit is readily available; bicycle parking and facilities is provided; and land, beyond minimum requirements, is dedicated for greening and landscaping initiatives. Considering these policies, staff find that the requested variance meets the intent of the Official Plan.

The subject lands are located within the downtown core, close to several transit stops and within proximity to the City's cycling network. The site is served by four bus routes that pass directly in front of the property. The site is within walking distance of transit stops that serve other routes and connect to the Downtown Bus Terminal.

Shared parking can be achieved on neighbouring sites that have commercial uses. The arrangement for shared parking is a private matter that can be negotiated between the property owner, or individual vehicle owners, and neighbouring property owners.

The submitted site plan does not explicitly state the number of bicycle parking spaces on the lot, however the location of a bike rack has been indicated. Staff recommend as a condition of approval a minimum of eight bicycle parking spaces, the number required by the zoning by-law, be provided.

With the increased front yard, as well as side and rear yards, the proposed development has a landscaped open space area of 35.55 percent of the lot area. Provision of an extra parking space on the lot would be at the expense of landscaped open space.

Conclusion

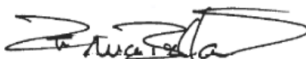
Having regard for the matters under Section 45(1) of the Planning Act, staff are of the opinion that Application **A-81/21** is minor in nature, is desirable for the appropriate development of the lands and is in keeping with the general intent of the Official Plan and Zoning By-law. Staff recommend that the application be approved, subject to the condition outlined in the recommendation.

Prepared by:



Adam Nanji
Student Planner

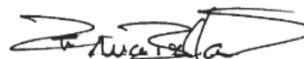
Submitted by:



For

Evan Acs
Planner I

Approved by:



Bruce Bellows
Senior Planner

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Cogeco - No concerns RE: Committee of Adjustment Notices of Hearing for September 22, 2021 Hearing
Date: Wednesday, September 1, 2021 10:04:56 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, September 1, 2021 10:01 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Committee of Adjustment Notices of Hearing for September 22, 2021 Hearing

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

Hi Elaine

Cogeco has no concerns with these applications.

Have a wonderful day

Cheers

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

May 3, 2021

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

Attention: Evan Acs

File# 21 102708 SP

Re: 75 Niagara St

In response to your correspondence dated April 26, 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.
- Developers to acquire an easement, if required.
- In order for Alectra Utilities to prepare design and procure the materials required to service this site in a timely manner, a minimum of 6 months notification is required. It would be advantages for the developer if Alectra Utilities were contacted at the stage where the new site plan becomes available. Please note that it takes approximately 20 weeks to purchase a transformer.

We would also like to stipulate the following:

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

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

We trust that you will find this information satisfactory and that the information contained within will be provided to the owner of this project. Should you have any questions regarding this response, please contact Charles Howell at 905-798-2517 in our Engineering Design Department.

Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital



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: September 3, 2021
Hearing Date: September 22, 2021
Subject: **Committee of Adjustment - Minor Variance Applications**
23 Clayburn Avenue, A-77/21SC
43 Doncaster Avenue, A-72/21SC
28 & 32 Hamilton Street, A-84&85/21SC
47 Hastings Street, A-58/21SC
34 Highcourt Crescent, A-78/21SC
1201 Lakeshore Road West, A-80/21SC
38 & 40 Merritt Street, A-82&83/21SC
75 Niagara Street, A-81/21SC
218 Ontario Street, A-68/21SC

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
 - 23 Clayburn Avenue
 - 43 Doncaster Avenue
 - 15 Keefer Road
 - 1204 Lakeshore Road West

Prepared by:

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

cc. James Denham, PBS (email only)



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: September 14, 2021

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – September 22, 2021 hearing

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

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Be advised that a building permit is required to renovate the existing building.

Be advised that a building permit is required for the proposed second storey addition.

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Former Landfill RE: Committee of Adjustment Notices of Hearing for September 22, 2021 Hearing
Date: Wednesday, September 1, 2021 12:46:27 PM

23 Clayburn Avenue
75 Niagarfa Street

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



From: Vasko, Dennis <dvasko@stcatharines.ca>
Sent: Wednesday, September 1, 2021 12:43 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Committee of Adjustment Notices of Hearing for September 22, 2021 Hearing

Hi Elaine,

There are no concerns on our end in respect to closed landfills.

Dennis

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



From: [Neilson, James](#)
To: [Munro, Elaine](#); [Banda, Wilrik](#)
Cc: [Seaman, Michael](#)
Subject: RE: Committee of Adjustment Notices and Applications for the September 22/21 CofA Hearing
Date: Tuesday, August 31, 2021 2:56:34 PM

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James

James Neilson MES (Planning), CAHP

Heritage Planner

Tel: 905.688.5601 x1752

Email: jneilson@stcatharines.ca



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Sent: Tuesday, August 31, 2021 2:54 PM
To: Josipovic, Margaret <mjosipovic@stcatharines.ca>; Banda, Wilrik <wbanda@stcatharines.ca>; Acs, Evan <eacs@stcatharines.ca>; McEwan, Charlotte <cmcewan@stcatharines.ca>; Ritchie, Scott <sritchie@stcatharines.ca>; Bittner, Steve <sbittner@stcatharines.ca>; Johnston, Brad <bjohnston@stcatharines.ca>; Denham, James <jdenham@stcatharines.ca>; Papp, Len <lpapp@stcatharines.ca>; Grossi, Lou <lgrossi@stcatharines.ca>; Devlin, Taya <tdevlin@stcatharines.ca>; Bellows, Bruce <bbellows@stcatharines.ca>; MacDonald, Natasha <nmacdonald@stcatharines.ca>; Seaman, Michael <mseaman@stcatharines.ca>; Nanji, Adam <ananji@stcatharines.ca>; Neilson, James <jneilson@stcatharines.ca>; Green, Stuart <sgreen@stcatharines.ca>
Subject: Committee of Adjustment Notices and Applications for the September 22/21 CofA Hearing

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32 Hamilton Street, Minor Variance, A-85/21 - 21116114
11. 13 Willcher Drive, Consent, B-25/21SC – 21115780 - **Natasha**

Thanks, Elaine

Elaine Munro ACST

Committee Secretary and Planning Technician

Tel: [905.688.5601](tel:905.688.5601) x1715

Email: emunro@stcatharines.ca



To: Elaine Munro, Committee Secretary and Planning Technician

Cc:

From: Steve Bittner, Transportation Technologist

Date: September 8, 2021

Subject: Committee of Adjustment Comments (September 22, 2021 Hearing)

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

Steve Bittner
Transportation Technologist

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

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

COMMENTS

**B-24/21SC, A-84/21 &
A-85/21**

28 Hamilton Street

**DATE OF HEARING:
September 22, 2021**



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: September 17, 2021 **Date of Meeting:** September 22, 2021

Report Number: A-84/21	File: 21116111
A-85/21	21116114
B-24/21SC	21115765

Subject: 28 Hamilton Street (to become 28 and 32 Hamilton Street)

Recommendation

Consent

That application **B-24/21SC** by 5029139 Ontario Ltd, as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. The owner shall provide an "As Constructed Grading" drawing, certified by a qualified engineer. Among other things, the "As Constructed Grading" drawing is to clearly indicate the driveways and swales were constructed in accordance with the approved plan.
2. That the Owner submit payment of 5% of the appraised value of Parts 1, 3 and 5, 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'.
3. That final approval of the concurrent Minor Variance application be granted.
4. 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.
5. 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.
6. That all conditions of consent be fulfilled by September 23, 2022.

Minor Variances

That Application **A-84/21** by 5029139 Ontario Ltd., as outlined in the notice of hearing, be approved.

That Application **A-85/21** by 5029139 Ontario Ltd., as outlined in the notice of hearing, be approved.

Report

Background

The current lot, 28 Hamilton Street, was subject to a Consent application B-26/08SC, approved in May 2008, which created 30 Hamilton Street for a duplex and retained the subject lands (28 Hamilton Street) for future construction of a semi-detached dwelling. Concurrent Minor Variance applications A-49/08 and A-50/08 addressed zoning deficiencies that arose from the application. A development agreement was approved as a condition of consent in 2008 and amended in 2019.

The Proposal

The Applicant proposes to sever an existing parcel of land with two semi-detached dwelling units under construction for the purpose of conveying each dwelling unit under separate ownership. A consent to sever is required to facilitate this proposal. Easements are also being sought to permit mutual drainage of both lots. Four variances are also requested for each lot to address zoning deficiencies caused by the consent. The requested consent, easements and variances are listed in the tables below.

Application	Severed Parcel	Severed Area	Retained Parcel	Retained Area
B-24/21SC	Parts 1, 3 and 5 (28 Hamilton St)	377m ²	Parts 2 and 4 (32 Hamilton St)	393m ²

Application	Easement	Easement Area	To the Benefit of
B-24/21SC	Parts 3 and 5 (Part of 28 Hamilton St)	174.7 m ²	Parts 2 and 4 (32 Hamilton St)
	Part 4 (Part of 32 Hamilton St)	9 m ²	Parts 1, 3 and 5 (28 Hamilton St)

Application	Variance	Provision	Required	Proposed
A-84/21 (28 Hamilton St)	1	Minimum lot frontage	7.5m	3.2m
	2	Maximum parking area coverage of lot area	20%	24.34%
	3	Maximum parking area width of front yard	50%	80%
	4	Maximum parking area coverage of front yard	50%	80%
A-85/21 (32 Hamilton St)	1	Minimum lot frontage	7.5m	3.2m
	2	Maximum parking area coverage of lot area	20%	29.9%
	3	Maximum parking area width of front yard	50%	80%

	4	Maximum parking area coverage of front yard	50%	80%
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Location and Site Description

The subject property is located on the south side of Hamilton Street, between Pelham Road and Leeper Street. The surrounding uses are residential with detached dwellings being the primary building type.

The subject lands are currently occupied by a semi-detached dwelling which is under construction.

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 E6/7. Residential dwellings, including semi-detached, are permitted in this designation at a density range generally between 20 and 32 units per hectare. The proposal achieves a density of 26.5 dwelling units per hectare on the proposed lot (28 Hamilton Street) and 25.4 dwelling units per hectare on the retained lot (32 Hamilton Street). 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 – Traditional Neighbourhood (R2). Semi-detached dwellings are permitted in this zone.

Planning Analysis

Consent

Consent Application **B-24/21SC** seeks to sever Parts 1, 3 and 5 for the purpose of conveying a semi-detached dwelling unit under separate ownership. The retained lot (Parts 2 and 4) will contain the corresponding semi-detached dwelling unit. The application also seeks to establish easements for stormwater and drainage swales.

Section 16.11.3 of the GCP provides that consents to sever will only be given where they contribute to the infilling of areas that are already substantially developed and the size and shape of the parcel is appropriate for the use proposed in terms of optimum development of the surrounding area.

The proposed severance will allow each of the two units within the existing semi-detached dwelling to be sold individually and held in separate ownership. The consent will result in the creation of lots that are permitted by the zoning by-law in terms of lot area, with minor variances required to recognize smaller lot frontage and deficiencies relating to the parking areas (driveways). There are concurrent minor variance applications that seek to

remedy these deficiencies, which are discussed later in this report. The scale of the proposed building 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 parking, landscaping, and amenity areas.

Staff is satisfied that the severance will not result in negative impacts on adjacent properties. Staff recommend that Consent Application **B-24/21SC** be approved, subject to the conditions outlined in the recommendation.

Variances

Variance 1 on A-84/21 and A-85/21

The first variance on each application asks for an identical reduction in the minimum lot frontage for a semi-detached dwelling unit from 7.5 metres to 3.2 metres. This reduction in frontage was previously approved in Minor Variance application A-50/08, which was a concurrent application with Consent application B-26/08SC, which created 28 Hamilton Street. However, now that the applicant is seeking to split 28 Hamilton Street into two lots, the reduced frontage needs to be recognized for both the new and retained lot.

The reduction in lot frontage for both lots will recognize the lot shape that has existed since its approval in 2008. Despite the reduced frontage, both the new and retained lot maintain separate frontage onto a public road with sufficient width for vehicular access and provision of municipal services and other utilities to the lots. Staff find that requested reduced frontage is minor in nature, desirable for the appropriate development of the lands, and meets the general intent of the Official Plan and Zoning By-law.

Variance 2 on A-84/21 and A-85/21

The second variance on each application requests an increase for the maximum parking area coverage. For 28 Hamilton Street the parking area coverage is proposed to increase from 20 percent to 24.34 percent; for 32 Hamilton Street the proposed increase is to 29.9 percent. This increase is necessitated by the shape of the lot causing the driveways to be of significant length. The increase in coverage is mitigated by the fact that both lots exceed the minimum landscaped open space requirements. The parking area is confined to the fronts of the dwellings, and the parking area coverage is minimized as much as possible. Staff find the request to be minor in nature and desirable for the appropriate development of the lands.

The intent of limiting parking area coverage to 20 percent is to ensure that driveways and parking areas do not overwhelm lots and allow sufficient area on the lot for landscaping. Despite the increase in parking area coverage, staff find that the driveways do not dominate the lots. The shape of the lots requires this increase, but parking areas have been kept minimal in size. As stated above, both lots exceed the minimum landscaped open space provisions. Staff find that the variances meet the general intent of the Official Plan and Zoning By-law.

Variances 3 and 4 on A-84/21 and A-85/21

The third and fourth requested variances are for parking area width and coverage of the front yard. For both lots, and for both variances, the increase being sought is from 50

percent front yard width and 50 percent front yard coverage to 80 percent front yard width and 80 percent front yard coverage for the parking area.

These variances are sought to recognize the driveways widths in the previously approved development agreement for these lots. The proposed driveway widths also generally match the suggested maximum driveway width of 2.59 metres provided in Development Engineering comments. A grading plan, indicating this driveway width and associated drainage swales, was approved for this site through the Development Agreement and further revised at the building permit stage. Staff finds that the driveway widths are not excessive and the requested variances are minor in nature and desirable for the appropriate development of the lands.

Conclusion

Having regard for the matters under Section 53 of the *Planning Act*, staff are of the opinion that Consent Application **B-24/21SC** meets the intent and purpose of the Official Plan and Zoning By-law and will have no adverse impacts on the surrounding area and environment. It is staff's recommendation that the requested consent be approved subject to the conditions listed in the recommendation. The applicant will have one year from the date notice was given to clear the conditions of consent.

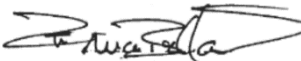
Having regard for the matters under Section 45(1) of the Planning Act, staff are of the opinion that Applications **A-84/21** and **A-85/21** are in keeping with the general intent of the Official Plan and Zoning By-law, are minor in nature, and are desirable for the appropriate development of the lands. Staff recommend that the applications be approved.

Prepared and Submitted by:



Taya Devlin
Planner I

Approved by:



Bruce Bellows
Senior Planner

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: CN Comments RE: 2021-08-31_CN_RES_28-32 Hamilton Street_
Date: Wednesday, September 1, 2021 9:25:18 AM
Attachments: [image001.png](#)

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



From: Ashkan Matlabi <Ashkan.Matlabi@cn.ca> **On Behalf Of** Proximity
Sent: Tuesday, August 31, 2021 5:25 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: 2021-08-31_CN_RES_28-32 Hamilton Street_Committee of Adjustment Notices of Hearing for September 22, 2021 Hearing

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

Hello Elaine,

Thank you for consulting CN on the application mentioned in subject. CN's guidelines reinforce the safety and well-being of any existing and future occupants of the area. Please refer to CN's guidelines for the development of sensitive uses in proximity to railways. These policies have been developed by the Railway Association of Canada and the Federation of Canadian Municipalities.

CN encourages the municipality to pursue the implementation of the following criteria as conditions of an eventual project approval:

1. The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 300m of the railway right-of-way:
"Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way."
2. Integration of the following noise mitigation measures in the design of the dwellings:
 - masonry exterior siding facing the railway right of way achieving a minimum STC rating of

- 54 or equivalent,
- central air system and air-conditioning
- acoustically upgraded windows facing the railway providing a minimum STC rating of 33 or equivalent;
- Locating noise sensitive rooms away from the railway side;

Thank you and don't hesitate to contact me for any questions.

Best regards

Ashkan Matlabi, Urb. OUQ. MBA

Urbaniste sénior / Senior Planner (CN Proximity)
Planning, Landscape Architecture and Urban Design
Urbanisme, architecture de paysage et design urbain



E : proximity@cn.ca

T : 1-438-459-9190

1600, René-Lévesque Ouest, 11e étage

Montréal (Québec)

H3H 1P9 CANADA

wsp.com

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

Sent: Tuesday, August 31, 2021 4:39 PM

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Cogeco - No concerns RE: Committee of Adjustment Notices of Hearing for September 22, 2021 Hearing
Date: Wednesday, September 1, 2021 10:04:56 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, September 1, 2021 10:01 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Committee of Adjustment Notices of Hearing for September 22, 2021 Hearing

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

Hi Elaine

Cogeco has no concerns with these applications.

Have a wonderful day

Cheers

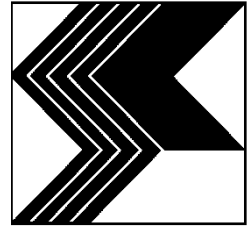
Doug Crown
Network Planning Department

Doug.crown@cogeco.com

7170 Mcleod Rd
Niagara Falls Ont Canada

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

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-24-21SC



September 1st, 2021

ENGINEERING FILE 300-36

Hearing Date: September 22nd, 2021

Applicant: 5029139 Ontario Ltd. (Mike Montazer)

Location: 28 Hamilton Street

Existing Road Allowance Width: 15.4m±

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

Comments:

General

It is noted the owner wishes to sever a recently constructed semi-detached structure to create two separate properties. The property is subject to an existing Development Agreement.

Roads and Sidewalks

Hamilton Street is designated as a Local Road in the City's Official Plan. It is recommended that Local Roads have a right-of-way (ROW) width of 20m. The present ROW width of Hamilton Street at this location is +/- 15.4m. Since a widening was not ask for as a condition of the previous severance, the City will not require one at this time.

Curbs and sidewalks exist across the frontage of this property. A sidewalk damage deposit was taken at the time of the building permit.

Linear Municipal Services

Linear municipal services are of no major concern and the units were serviced previously.

Grading and Drainage

A grading plan was approved for this site through the Development Agreement. The Grading Plan was revised at the building permit stage Both plans included a detail cross-section showing driveway widths of 2.59m with +/-0.3m drainage swales on each side of each driveway. The drainage swales are designed to drain the run-off from the driveways without negatively impacting neighbouring properties. The City requires the driveways and swales to be constructed in accordance with the approved plan.

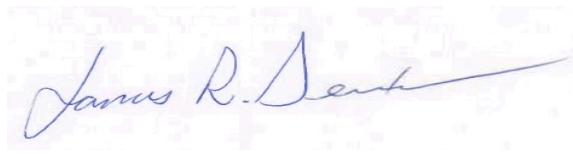
The Grading Plan also included a 2.0m wide rear lot swale across the westerly lot to accept drainage from the easterly lot. The surveyor's sketch provided with this application, prepared by Kirkup, Mascoe, Ure Surveying, revised August 18th, 2021 shows the full extent of the required swale.

The City will require proof that all required easements for drainage and access have been registered and will require copies of the final registered agreements prior to the severance being finalized.

Conditions:

If this application is approved it shall be subject to the following conditions which must be met prior to finalization of the severance.

- The driveways shall be constructed with a maximum width of 2.59m plus two +/-0.3m drainage swales on each side of each driveway.
- The owner shall provide an “As Constructed Grading” drawing, certified by a qualified engineer. Among other things, the “As Constructed Grading” drawing is to clearly indicate the driveways and swales were constructed in accordance with the approved plan.
- Copies of all easement agreements and proof of registration of same shall be provided to the City.



Prepared By:

James R 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: September 3, 2021
Hearing Date: September 22, 2021
Subject: **Committee of Adjustment - Minor Variance Applications**
23 Clayburn Avenue, A-77/21SC
43 Doncaster Avenue, A-72/21SC
28 & 32 Hamilton Street, A-84&85/21SC
47 Hastings Street, A-58/21SC
34 Highcourt Crescent, A-78/21SC
1201 Lakeshore Road West, A-80/21SC
38 & 40 Merritt Street, A-82&83/21SC
75 Niagara Street, A-81/21SC
218 Ontario Street, A-68/21SC

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
 - 23 Clayburn Avenue
 - 43 Doncaster Avenue
 - 15 Keefer Road
 - 1204 Lakeshore Road West

Prepared by:

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

cc. James Denham, PBS (email only)



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: September 14, 2021

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – September 22, 2021 hearing

NO.	ADDRESS	COMMENTS
A-58/21	47 Hasting Road	Be advised that a building permit is required for the proposed 54 unit apartment building.
A-68/21	218 Ontario Street	Be advised that a building permit for the proposed 5 unit townhouse
A-72/21	43 Doncaster Drive	Be advised that a building permit is required for the proposed carport and addition to the existing dwelling.
A-77/21	23 Clayburn Avenue	Be advised that a building permit is required for the addition to the existing dwelling
A-78/21	34 Highcourt Crescent	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-79/21	11 Keefer Road	No comment
A-83/21	40 Merritt Street	No comment
A-82/21	38 Merritt Street	No comment

NO.	ADDRESS	COMMENTS
A-80/21	1204 Lakeshore Road	Be advised that a demolition permit is required to demolish the existing dwelling. Be advised that a building permit is required to construct a new dwelling.
A-81/21	75 Niagara Street	Be advised that a building permit for the proposed 4 storey mixed use building
A-84/21	28 Hamilton Street	No comment
A-85/21	32 Hamilton Street	No comment

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

Be advised that a building permit is required for the proposed accessory dwelling unit.

Be advised that a building permit is required for the proposed single detached dwellings on each new lot.

Note: the existing demolition permit (20115228RN) is to be completed

Be advised that a building permit is required for the proposed 2 storey addition with attached garage and covered porch.

Be advised that a building permit is required to renovate the existing building.

Be advised that a building permit is required for the proposed second storey addition.



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: September 14th, 2021

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – September 22, 2021 hearing

B-22/21SC – 15 Keefer Road

Comment:

- No comment

Condition:

- No comment

B-23/21SC – 40 Merritt Street

Comment:

- No comment

Condition:

- No comment

B-24/21SC – 28 Hamilton Street

Comment:

- No comment

Condition:

- No comment

B-25/21SC – 13 Willcher Drive

Comment:

- No comment

Condition:

- No comment

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

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

From: [Neilson, James](#)
To: [Munro, Elaine](#); [Banda, Wilrik](#)
Cc: [Seaman, Michael](#)
Subject: RE: Committee of Adjustment Notices and Applications for the September 22/21 CofA Hearing
Date: Tuesday, August 31, 2021 2:56:34 PM

Hi Elaine,
No heritage concerns for any of these properties.
James

James Neilson MES (Planning), CAHP

Heritage Planner

Tel: 905.688.5601 x1752

Email: jneilson@stcatharines.ca



From: Munro, Elaine <emunro@stcatharines.ca>
Sent: Tuesday, August 31, 2021 2:54 PM
To: Josipovic, Margaret <mjosipovic@stcatharines.ca>; Banda, Wilrik <wbanda@stcatharines.ca>; Acs, Evan <eacs@stcatharines.ca>; McEwan, Charlotte <cmcewan@stcatharines.ca>; Ritchie, Scott <sritchie@stcatharines.ca>; Bittner, Steve <sbittner@stcatharines.ca>; Johnston, Brad <bjohnston@stcatharines.ca>; Denham, James <jdenham@stcatharines.ca>; Papp, Len <lpapp@stcatharines.ca>; Grossi, Lou <lgrossi@stcatharines.ca>; Devlin, Taya <tdevlin@stcatharines.ca>; Bellows, Bruce <bbellows@stcatharines.ca>; MacDonald, Natasha <nmacdonald@stcatharines.ca>; Seaman, Michael <mseaman@stcatharines.ca>; Nanji, Adam <ananji@stcatharines.ca>; Neilson, James <jneilson@stcatharines.ca>; Green, Stuart <sgreen@stcatharines.ca>
Subject: Committee of Adjustment Notices and Applications for the September 22/21 CofA Hearing

Good Afternoon,

The Notices, applications and sketches can be found in the Amanda System under:

- Consent applications -
L:\ATTACHMENTS\PBS\PLANNING\LD\2021_NofH_Appl_Pln\September 22_21.
- Minor variance applications -
L:\ATTACHMENTS\PBS\PLANNING\MV\2021_NofH_Appl_Pln\September 22_21.

To view just the Notices and sketches, please go to: S:\WEBCONTENT - Agendas and Minutes PDFs\Committee of Adjustment\Notices of Hearing\NOH 2021\September 22, 2021....Files by Property.

Please forward your comments to Wil Banda & I by **Wednesday, September 11,**

2021. All comments will be saved in G Drive/Committee of Adjustment/Comments for CofA.

1. 47 Hastings Street, Minor Variance, A-58/21 – 21105118 – **Scott –
Deferred from August 25, 2021 Hearing**
2. 218 Ontario Street, Minor Variance, A-68/21 – 21114608 - **Charlotte**
3. 43 Doncaster Drive, Minor Variance, A-72/21 – 21114662 - **Natasha**
4. 23 Clayburn Avenue, Minor Variance, A-77/21 – 21115707 - **Natasha**
5. 34 Highcourt Crescent, Minor Variance, A-78/21 – 21115712 - **Natasha**
6. 15 Keefer Road, Consent, B-22/21SC – 21115743 - **Evan**
11 Keefer Road, Minor Variance, A-79/21 – 21115744
7. 40 Merritt Street, Consent, B-23/21SC – 21115752 - **Evan**
40 Merritt Street, Minor Variance, A-83/21 – 21116090
38 Merritt Street, Minor Variance, A-82/21 – 21116091
8. 1204 Lakeshore Road West, Minor Variance, A-80/21 – 21115798 -
Natasha
9. 75 Niagara Street, Minor Variance, A-81/21 – 21115772 - **Evan**
10. 28 Hamilton Street, Consent, B-24/21SC – 21115765 - **Natasha**
28 Hamilton Street, Minor Variance, A-84/21 – 21116111
32 Hamilton Street, Minor Variance, A-85/21 - 21116114
11. 13 Willcher Drive, Consent, B-25/21SC – 21115780 - **Natasha**

Thanks, Elaine

Elaine Munro ACST

Committee Secretary and Planning Technician

Tel: [905.688.5601](tel:905.688.5601) x1715

Email: emunro@stcatharines.ca



To: Elaine Munro, Committee Secretary and Planning Technician

Cc:

From: Steve Bittner, Transportation Technologist

Date: September 8, 2021

Subject: Committee of Adjustment Comments (September 22, 2021 Hearing)

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

Steve Bittner
Transportation Technologist

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

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

COMMENTS

B-25/21SC

13 Willcher Drive

DATE OF HEARING:
September 22, 2021



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: September 17, 2021 **Date of Meeting:** September 22, 2021

Report Number: B-25/21SC **File:** 21115780

Subject: 13 Willcher Drive

Recommendation

That Application **B-25/21SC** by Dawn Major and Paul Major, as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. Submit a draft easement document for City review and approval regarding the proposed intent of the easement prior to the registration of the document on title of the two properties; and
2. Submit a copy of the registered easement document and registered reference plan to the City to ensure the easement has been registered on title of the two properties.
3. That the Owner provide the Secretary-Treasurer with the Acknowledgement and Direction for conveyance of the subject parcel, together with a copy of the deposited reference plan, for use in the issuance of the Certificate of Consent.
4. That the Owner submit to the Secretary-Treasurer of the Committee of Adjustment a final certification fee of \$218.90 (2021 rate) payable to the Treasurer, City of St. Catharines.
5. That all conditions of consent be fulfilled by September 22, 2022.

Report

Background

In 2011, the Emerald Common condominium of six townhouse blocks, comprising 22 townhouse dwelling units, was registered (Part 1 on the submitted sketch). At the time of development, an easement was not created for the Condominium's storm sewer, and as such, the existing storm sewer exits Emerald Common over lands that are not owned by the Condominium, but rather 13 Willcher Drive (Part 2 and 3 on the submitted sketch). This Application is to establish a storm sewer easement in perpetuity for the Emerald Common condominium.

The Proposal

Application **B-25/21SC** is made for consent to establish a sewer easement, in perpetuity, over 108.8m² of land (Part 2 on the submitted sketch), being part of 13 Willcher Drive, for the benefit of Emerald Common, being the westerly abutting lot known as 1 Willcher Drive (Part 1).

Location and Site Description

The subject property is located on the southwest corner of Willcher Drive and Sapphire Court, north of Lakeshore Road. There is an existing detached dwelling located on the subject property, which is located within a low to medium density residential area. The Emerald Common development is located immediately west of 13 Willcher Drive.

Circulation of Application

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

Planning Policy Context

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated Medium Density Residential on Schedule E2. The designation permits a range of residential uses including detached, semi-detached, townhouse and apartment dwellings. The existing detached dwelling is permitted on 13 Willcher Drive.

Zoning By-law (2013-283)

The subject property is zoned Low Density Residential – Suburban Neighbourhood (R1) which permits a variety of residential uses, including detached, semi-detached and townhouse dwellings. The existing detached dwelling is permitted on 13 Willcher Drive.

Planning Analysis

Consent Application **B-25/21SC** is made to establish a sewer easement, in perpetuity, over 108.8m² of land (Part 2 on the submitted sketch) for the benefit of the westerly abutting lot known as 1 Willcher Drive (Part 1).

The proposed easement for the existing sewer service is considered appropriate for the subject property. The City's Development Engineering have no objection to establishing the easement over 13 Willcher Drive and the easement is sufficient in size for its use. The easement is desirable as it will formally recognize the existing sewer service to the Emerald Common condominium development without adversely impacting the existing detached dwelling at 13 Willcher Drive.

Staff are satisfied that the proposal is consistent with the Official Plan. There are no negative impacts anticipated as a result of the approval of the requested easement. Staff are supportive of Consent Application **B-25/21SC** subject to the conditions outlined in the recommendation.

Request to Waive Fees

Given the history of the Emerald Common development, the Applicant has requested that the City of St. Catharines consider waiving the Application's associated fees for this application. Ultimately it is the Committee's consideration and decision to waive Application fees.

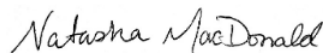
The rationale provided for this request includes the following:

1. NNCC 213 (Emerald Common) was registered as a Condominium in 2011.
2. The Condominium's storm sewer system exits the condominium lands over adjacent lands not owned by the condominium.
3. An easement over these lands was contemplated at the time of development, as a 3-metre strip parallel to Sapphire Court was identified on the Registered Plan.
4. Subsequently these lands changed ownership multiple times from the developer to the current owner. Neither the owners nor the City identified the need for the required easement.
5. Through contracted negotiations over the past two years the Condominium has obtained agreement from the current owner to support the creation of this easement.
6. The costs incurred today to create this easement are substantial. If completed at the time of development such cost would have been minimal in comparison but included in the purchase by individual owners.

Conclusion

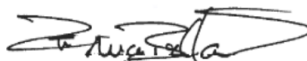
Having regard for matters under Section 53 of the *Planning Act*, staff are of the opinion that Consent Application **B-25/21SC** is consistent with the provisions of the Zoning By-law and will have no adverse impacts on the surrounding area and environment. It is staff's recommendation that the requested consent be approved, subject to the conditions outlined in the recommendation.

Prepared and Submitted by:



Natasha MacDonald
Planner I

Approved by:



Bruce Bellows
Senior Planner

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Request to Waive Consent fees RE: COA - Sept 22 Mtg Re: Easement to Emerald Common Condo NNCC 213
Date: Thursday, September 9, 2021 12:25:56 PM

Elaine Munro ACST

Committee Secretary and Planning Technician

Tel: 905.688.5601 x1715

Email: emunro@stcatharines.ca



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

From: Richard Baker <>

Sent: Wednesday, September 8, 2021 8:36 PM

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

Cc: Chown Don <DChown@chownmanagement.ca>; Bill & Mary Goodfellow <>; Frank and Lynda Stempski <>; aheywood@jdbarnes.com

Subject: COA - Sept 22 Mtg Re: Easement to Emerald Common Condo NNCC 213

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

Attention: Elaine Munro, St Catharines Committee of Adjustment

The condominium Corp NNCC 213 requests a waiver of all fees related to this application. A summary of relevant details are as follows:

1. NNCC 213 (Emerald Common) was registered as a Condominium in 2011.
2. The Condominiums storm sewer system exits the condo lands over adjacent lands not owned by the Condo.
3. An easement over these lands was contemplated at the time of development, as a 3 metre strip parallel to Sapphire Court (east/west) was identified on the Registered Plan.
4. Subsequently these lands changed ownership from the developer to the current owner some four times. None of these owners nor the City, either recognized the need for or made effort to initiate the required easement.
5. Through contracted negotiations over the past two years the Condominium has obtained agreement from the current owner to support the creation of this easement; which is now before you.
6. The costs incurred today to create this easement are substantial. If completed at the time of development such cost would have been minimal in comparison but included in the purchase by individual owners.

The Condominium Corporation requests your support in this matter and further requests that all COA fees related to this matter be waived.

Thank you,
Richard Baker
President, Emerald Common Condominium , NNCC 213

Sent from my iPad

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Cogeco - No concerns RE: Committee of Adjustment Notices of Hearing for September 22, 2021 Hearing
Date: Wednesday, September 1, 2021 10:04:56 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, September 1, 2021 10:01 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Committee of Adjustment Notices of Hearing for September 22, 2021 Hearing

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

Hi Elaine

Cogeco has no concerns with these applications.

Have a wonderful day

Cheers

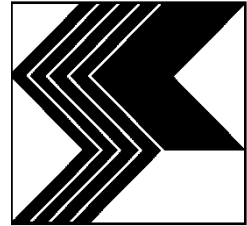
Doug Crown
Network Planning Department

Doug.crown@cogeco.com

7170 Mcleod Rd
Niagara Falls Ont Canada

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

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-25/21SC



September 3, 2021

ENGINEERING FILE 300-36

Hearing Date: September 22, 2021

Applicant: Dawn & Paul Major

Location: 13 Willcher Drive

MUNICIPAL SERVICES (Sapphire Court frontage)

Water:	200mm (8") P.V.C.
Sanitary:	200mm (8") P.V.C.
Storm:	600mm (24") Concrete 375mm (15") within future easement limits
Sidewalks:	None.
Road Allowance:	20.12m (66')

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

Comment(s): It is noted that the Owner proposes to establish an easement, in perpetuity, over Part 2 of the attached sketch for the benefit of the westerly abutting property known as 1 Willcher Drive (Part 1), for storm sewer access and maintenance purposes.

Condition(s): Development Engineering staff have no comment or objection to the proposed severance application, subject to the following conditions being satisfied prior to the finalization of the consent application:

- A draft easement document be provided to the City for review and approval regarding the proposed intent of the easement prior to the registration of the document on title of the two properties; and
- A copy of the registered easement document and registered reference plan be provided to the City for our records to ensure the easement has been registered on title of the two properties

Prepared by:

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

c. James Denham, PBS (email only)



Memorandum

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

Cc: Wilrik Banda
Planning and Building Services

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

Date: September 14th, 2021

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – September 22, 2021 hearing

B-22/21SC – 15 Keefer Road

Comment:

- No comment

Condition:

- No comment

B-23/21SC – 40 Merritt Street

Comment:

- No comment

Condition:

- No comment

B-24/21SC – 28 Hamilton Street

Comment:

- No comment

Condition:

- No comment

B-25/21SC – 13 Willcher Drive

Comment:

- No comment

Condition:

- No comment

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

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

From: [Neilson, James](#)
To: [Munro, Elaine](#); [Banda, Wilrik](#)
Cc: [Seaman, Michael](#)
Subject: RE: Committee of Adjustment Notices and Applications for the September 22/21 CofA Hearing
Date: Tuesday, August 31, 2021 2:56:34 PM

Hi Elaine,
No heritage concerns for any of these properties.
James

James Neilson MES (Planning), CAHP

Heritage Planner

Tel: 905.688.5601 x1752

Email: jneilson@stcatharines.ca



From: Munro, Elaine <emunro@stcatharines.ca>
Sent: Tuesday, August 31, 2021 2:54 PM
To: Josipovic, Margaret <mjosipovic@stcatharines.ca>; Banda, Wilrik <wbanda@stcatharines.ca>; Acs, Evan <eacs@stcatharines.ca>; McEwan, Charlotte <cmcewan@stcatharines.ca>; Ritchie, Scott <sritchie@stcatharines.ca>; Bittner, Steve <sbittner@stcatharines.ca>; Johnston, Brad <bjohnston@stcatharines.ca>; Denham, James <jdenham@stcatharines.ca>; Papp, Len <lpapp@stcatharines.ca>; Grossi, Lou <lgrossi@stcatharines.ca>; Devlin, Taya <tdevlin@stcatharines.ca>; Bellows, Bruce <bbellows@stcatharines.ca>; MacDonald, Natasha <nmacdonald@stcatharines.ca>; Seaman, Michael <mseaman@stcatharines.ca>; Nanji, Adam <ananji@stcatharines.ca>; Neilson, James <jneilson@stcatharines.ca>; Green, Stuart <sgreen@stcatharines.ca>
Subject: Committee of Adjustment Notices and Applications for the September 22/21 CofA Hearing

Good Afternoon,

The Notices, applications and sketches can be found in the Amanda System under:

- Consent applications -
L:\ATTACHMENTS\PBS\PLANNING\LD\2021_NofH_Appl_Pln\September 22_21.
- Minor variance applications -
L:\ATTACHMENTS\PBS\PLANNING\MV\2021_NofH_Appl_Pln\September 22_21.

To view just the Notices and sketches, please go to: S:\WEBCONTENT - Agendas and Minutes PDFs\Committee of Adjustment\Notices of Hearing\NOH 2021\September 22, 2021....Files by Property.

Please forward your comments to Wil Banda & I by **Wednesday, September 11,**

2021. All comments will be saved in G Drive/Committee of Adjustment/Comments for CofA.

1. 47 Hastings Street, Minor Variance, A-58/21 – 21105118 – **Scott –
Deferred from August 25, 2021 Hearing**
2. 218 Ontario Street, Minor Variance, A-68/21 – 21114608 - **Charlotte**
3. 43 Doncaster Drive, Minor Variance, A-72/21 – 21114662 - **Natasha**
4. 23 Clayburn Avenue, Minor Variance, A-77/21 – 21115707 - **Natasha**
5. 34 Highcourt Crescent, Minor Variance, A-78/21 – 21115712 - **Natasha**
6. 15 Keefer Road, Consent, B-22/21SC – 21115743 - **Evan**
11 Keefer Road, Minor Variance, A-79/21 – 21115744
7. 40 Merritt Street, Consent, B-23/21SC – 21115752 - **Evan**
40 Merritt Street, Minor Variance, A-83/21 – 21116090
38 Merritt Street, Minor Variance, A-82/21 – 21116091
8. 1204 Lakeshore Road West, Minor Variance, A-80/21 – 21115798 -
Natasha
9. 75 Niagara Street, Minor Variance, A-81/21 – 21115772 - **Evan**
10. 28 Hamilton Street, Consent, B-24/21SC – 21115765 - **Natasha**
28 Hamilton Street, Minor Variance, A-84/21 – 21116111
32 Hamilton Street, Minor Variance, A-85/21 - 21116114
11. 13 Willcher Drive, Consent, B-25/21SC – 21115780 - **Natasha**

Thanks, Elaine

Elaine Munro ACST

Committee Secretary and Planning Technician

Tel: [905.688.5601](tel:905.688.5601) x1715

Email: emunro@stcatharines.ca



To: Elaine Munro, Committee Secretary and Planning Technician

Cc:

From: Steve Bittner, Transportation Technologist

Date: September 8, 2021

Subject: Committee of Adjustment Comments (September 22, 2021 Hearing)

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