In-Camera Meeting Agenda
To be held on November 17, 2021 at 4:35 pm
To discuss Legal Matters

Members:

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

Staff Liaison:

Tami Kitay, Director of Planning & Building Services
Margaret Josipovic, Planning Manager
Elaine Munro, Secretary-Treasurer

Revised Agenda

Wednesday, November 17, 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 November 15, 2021 before 3:00 p.m. Comments submitted will be considered as public information and entered into public record.

Members:

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

Staff Liaison:

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

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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 – October 20, 2021**

6. **Declarations of Interest**

7. **Request for Adjournment**

1. Item No. 5 - 361 Grantham Avenue, Minor Variance, A-107/21 – 21 118329

Staff are requesting the deferral of this application as there are concerns with the reduced setbacks working with the grading plan and landscaping plan.

8. **Applications**

1. 37 Mountain Street, Consent, B-32/21SC – 21 117225
   37 Mountain Street, Minor Variance, A-93/21 – 21 117228
   39 Mountain Street, Minor Variance, A-94/21 – 21 117231
2. 106 Marsdale Drive, Minor Variance, A-103/21 – 21 118120
3. *374 Linwell Road, Consent, B-35/21SC – 21 118264
   374 Linwell Road, Consent, B-36/21SC – 21 118268
   374A Linwell Road, Minor Variance, A-104/21 – 21 118268
   374B Linwell Road, Minor Variance, A-105/21 – 21 118272
   374C Linwell Road, Minor Variance, A-106/21 – 21 118273
4. 525 Welland Avenue, Consent, B-37/21SC – 21 118277
6. 179 Lake Street, Minor Variance, A-108/21 – 21 118290
7. 36 Highcourt Crescent, Minor Variance, A-109/21 – 21 118317
8. 33 Arthur Street, Minor Variance, A-110/21 – 21 118341
9. 33A Arthur Street, Minor Variance, A-111/21 – 21 118316
10. 114 Chetwood Street, Minor Variance, A-112/21 – 21 118331

* Planning Recommendation Report – available on Saturday.

9. **New Business**

10. **Date of next meeting**
Wednesday December 15, 2021 at 5.00 pm

11. **Motion to Adjourn**

St. Catharines

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

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

COMMENTS

A-107/21

361 Grantham Avenue

DATE OF HEARING: November 17, 2021

From: Munro, Elaine
To: Munro, Elaine
Subject: Comments Received FW: 361 Grantham Ave. variance application A-107/21
Date: Monday, November 1, 2021 4:51:19 PM

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

From: Christine < >
Sent: Monday, November 1, 2021 4:27 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: 361 Grantham Ave. variance application A-107/21

November 1, 2021.

Committee of Adjustment
PO Box 3012
50 Church Street
St. Catharines, ON L2R 7C2

ATTENTION: Elaine Munro, Secretary Treasurer

RE: 361 Grantham Avenue, Amanda No. 20118329, Application No. A-107/21

Dear Elaine Munro,

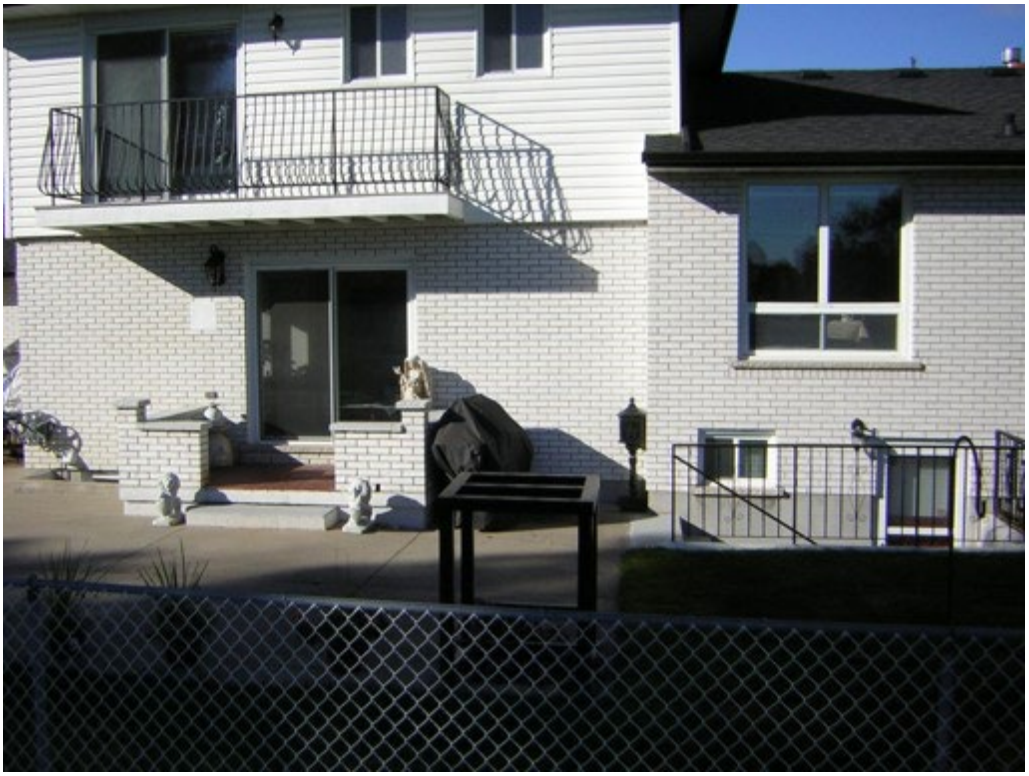
I am the owner and resident of 19 Meadowbrook Cres., I wish to high light that my property has the shortest rear yard setback of all properties abutting the proposed development. Therefore, I have serious oppositions related to variances No.5 and 8.

I purchased 19 Meadowbrook Cres., for my three generational family's enjoyment. It offers us pleasant unobstructed views of the large church yard via our open chain link fence and zero trees and plantings. It faces eastward providing six hours of full morning sunlight, which is much needed by a family member diagnosed with Seasonal Affective Disorder. I appreciate that the abandoned church property needs to be redeveloped and I fully support a compatible and livable infill development. (Please view attached photo 1 showing open rear yard)

In 1974 the city approved the Meadowbrook site plan which allowed for an exaggeratedly large curve in the road design; hence the pie shaped lots, then the approval of the oversized side split, requiring a deep front setback resulting in a less than the minimum rear setback for that period. Not an issue with the wide open acreage of the church yard. Now, forty years later with my 6.5m reduced setback combined with the newly proposed 3.45m (covered deck) setback of unit 12, the resulting impacts are unacceptable. There are serious issues of privacy, lack of sunlight, removal of views, possible flooding and compromised enjoyment of the property. (Please view attachment 2, site plan sketch of 19 Meadowbrook's setback)

My house was designed with eight widows that look out onto the church yard. Of these windows, three are 6.5x7.0 feet in size, all intended to take in the views and allow for the respective rooms to be sun filled. With only 9.95m between my house and the decks and the on looking windows of proposed units 12,13 of Block#3 privacy within my home is impacted. Unit 12 will have clear view of what is served on my dinner table. We take pride of our yard and enjoy the outdoors. With the 3.45m proximity of the future decks, outdoor conversations and barbeque aromas will virtually be at our patio thus compromising our outdoor privacy and

enjoyment. With the rooflines of Block #3 units much of the sunlight will be eliminated, casting most of the yard into shadow, also limiting the 6 hours of the much required access to direct sunlight into my household. (Please view attached photo 3, view from 3.45m deck setback into 19Meadowbrook)



With our evolving weather patterns and increasing intensity of rain storms, site grading and drainage is a concern. The proposed high density of units, vastly expanded square footage of shingled roofs, all of which drain onto limited green space square footage, soil water saturation will be high. Having a 40 year old foundation and aging weeping tile system within a short 6.5meters of the saturated development, this is a guaranteed disaster.

The site plan provided is insufficient for the affected property owners to make informed decisions. How high above grade are the rooflines? What is the extension of roof overhangs onto the setback allotments? What are the square footages of these units? Where are the locations, quantity and size of above grade windows per unit? Are there lofts plus windows incorporated into the bungalow designs? Has there been a sun/shade seasonal study provided? Will the builder erect privacy buffers?

**Please note that a tenth variance is missing from the supplied list. Provision for a reduction of the minimum rear setback of covered decks Required=7.5m, Proposed=3.45m.

My goal is not to stop the development but to maintain the basic pleasures and rights to privacy, access to sunlight, structural integrity and enjoyment of my family's home. A simple solution would be to permit only detached bungalows on that site.

I respectfully request the Committee of Adjustment help remediate a 40 year old, rear yard setback oversight by not permitting yet another reduction of rear yard setbacks along the 19 Meadowbrook lot line. Please consider the following recommendation; as per the supplied site plan, units 14 to 16 (block 4) show generous rear setbacks of 15m abutting #357 Grantham Ave which also enjoys its ample rear setback of 12-15.9m. I suggest that the plans be reconfigured to either angle or move forward units10-13 or block 3 by a minimum of 6m, which then moves block#4 6m into its generous rear setback. This adjustment of the site pan will still provide the developer his high density project and should reduce the impact on privacy and access to sunlight for 19 Meadowbrook.

I place my trust in the expertise and obligation of St. Catharines Planning Department, Committee of Adjustments and the Ontario Municipal Board to protect the character of this neighbourhood. Remembering that people chose to invest their families into this neighborhood based on the qualities of spaciousness, access to sunlight and privacy as dictated by the zoning by-laws in existence at the time of this neighbourhood development. We have all paid higher prices and taxes to enjoy these qualities and I trust that noted departments will safeguard our neighbourhood from the impacts of compromised zoning standards.

Sincerely,

Krystyna Grzebielucha
19 Meadowbrook Cres.

From:	Munro, Elaine
To:	Munro, Elaine
Subject:	Comments Received RE: Amanda No. 20118429 Submission No. A-107/21 - 361 Grantham Avenue
Date:	Tuesday, November 2, 2021 11:26:17 AM

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

From: James Rourke <>
Sent: Saturday, October 30, 2021 4:52 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Amanda No. 20118429 Submission No. A-107/21

Hello Elaine

My name is James Rourke and I own the property at 354 Grantham Avenue. Directly across from this proposed development.

By-law 2013-283 was put in place for a reason.

I do not consider the project's proposed amendments to be a minor variance and it goes against current by-law 2013-283

It seems like this developer is just being greedy and wants this variance in order to make more profit by squeezing in another unit. It will make the units very close to existing property lines and I do not believe they have provided enough on-street parking for "Stephanie Common".

My biggest concern regarding this development is the amount of traffic on Grantham Ave. It is currently a nightmare for my children playing in the front of the house with cars speeding at an average of 65km per hour down the avenue. Traffic is so heavy that it takes me ages just to get out of my driveway. I would predict that traffic will get even worse with this new development going in. I am wondering how the city fathers were planning on curbing this increased traffic. Is there a proposal for a stop light or sign to go along with this development?

I am against this proposed application for "Minor Variance".

Regards,

James Rourke
354 Grantham Avenue

XXX XXX XXXX

From:	Munro, Elaine
To:	Munro, Elaine
Subject:	Comments Received RE: Application A- 107/21
Date:	Wednesday, November 10, 2021 8:25:44 AM

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

From: Rodney Barron < >
Sent: Tuesday, November 9, 2021 4:35 PM
To: Munro, Elaine <emunro@stcatharines.ca>; Denise Barron < >
Subject: Application A- 107/21

Good afternoon.

My name us Rodney Barron. I live at 355 Grantham Ave, St. Catharines, ON L2M 5B1, Canada.

Regarding the development requested at 361 Grantham Ave, I have some question and concerns.

The first issue I want to raise concerns the buildings currently located on the property. The buildings are inhabited by rodents and I think that these rodents will disperse into the neighborhood once the buildings are disturbed. In order to mitigate the hazard of releasing this wildlife in the neighbourhood at large, I am requesting that the committee of adjustment order that the developer contract an exterminator to eradicate any and all wildlife found within.

My second request would be that a noise barrier be erected along the perimeter of the property. 20 new units will drastically increase the noise levels.

August 23, 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 114779 SP

Re: 361 Grantham Ave

In response to your correspondence dated August 13, 2021, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

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

We would also like to stipulate the following:

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

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

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

Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital

St. Catharines

Planning and Building Services
Building and Development

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: October 12, 2021

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – November 17, 2021 hearing

NO.	ADDRESS	COMMENTS
A-93/21	37 Mountain Street	Be advised that a building permit is required to construct the semi-detached dwelling.
A-94/21	39 Mountain Street	Be advised that a building permit is required to demolish the existing dwelling and detached garage. Be advised that a building permit is required to construct the semi-detached dwelling.
A-103/21	106 Marsdale Drive	Be advised that a building permit is required to construct the proposed pergola. Be advised that a pool permit is required to install the pool.
A-104/21	374A Linwell Road	Be advised that a building permit is required to construct a single detached dwellings.
A-105/21	374B Linwell Road	Be advised that a building permit is required to construct a single detached dwellings.
A-106/21	374C Linwell Road	Be advised that a building permit is required to construct a single detached dwellings.

NO.	ADDRESS	COMMENTS
A-107/21	361 Grantham Avenue	Be advised that the demolition permit shall be completed and issued prior to the demolition of the existing church. Be advised that a building permit is required to construct the townhouse blocks.
A-108/21	179 Lake Street	Be advised that a building permit is required to convert the existing single detached dwelling into a triplex.
A-109/21	36 Highcourt Crescent	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-110/21	33 Arthur Street	No comment
A-111/21	33A Arthur Street	No comment
A-112/21	114 Chetwood Street	Be advised that a building permit is required to convert the existing commercial business to a single detached dwelling unit.

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

From: Munro, Elaine
To: Munro, Elaine
Subject: CRCS Comments- Committee of Adjustment Notices and Applications for the November 17/21 CofA Hearing
Date: Friday, November 12, 2021 11:02:38 AM

Hi Elaine

Here are my comments.

1. 37 Mountain Street, Consent, B-32/21SC – 21 117225
   37 Mountain Street, Minor Variance, A-93/21 – 21 117228
   39 Mountain Street, Minor Variance, A-94/21 – 21 117231

   The existing boulevard tree is required to be preserved. During construction the tree should be protected at the drip line and no utilities should be located within the drip line.

   A new boulevard tree will be required for the created lot. A cash deposit for the tree will be required in the approved amount in the City's Rates and Fees.

2. 106 Marsdale Drive, Minor Variance, A-103/21 – 21 118120

   No comments.

3. 374 Linwell Road, Consent, B-35/21SC – 21 118264
   374 Linwell Road, Consent, B-36/21SC – 21 118268
   374A Linwell Road, Minor Variance, A-104/21 – 21 118268
   374B Linwell Road, Minor Variance, A-105/21 – 21 118272
   374C Linwell Road, Minor Variance, A-106/21 – 21 118273

   The existing boulevard tree is required to be preserved. During construction the tree should be protected at the drip line and no utilities should be located within the drip line.

   A tree preservation plan should be provided for the trees along the western property line.

   A new boulevard tree for each lot will be required. A cash deposit for each tree will be required in the approved amount in the City's Rates and Fees.

4. 525 Welland Avenue, Consent, B-37/21SC – 21 118277

   No comments.

5. 361 Grantham Avenue, Minor Variance, A-107/21 – 21 118329

   No comments.

6. 179 Lake Street, Minor Variance, A-108/21 – 21 118290

   No comments.

7. 36 Highcourt Crescent, Minor Variance, A-109/21 – 21 118317

   No comments.

8. 33 Arthur Street, Minor Variance, A-110/21 – 21 118341

   No comments.

9. 33A Arthur Street, Minor Variance, A-111/21 – 21 118316

   No comments.

10. 114 Chetwood Street, Minor Variance, A-112/21 – 21 118331

    No comments.

Stuart Green OALA

Landscape Architect/Planner
Tel: 905.688.5601 x3155
Email: sgreen@stcatharines.ca

Elaine Munro ACST

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: November 2, 2021
Hearing Date: November 17, 2021
Subject: **Committee of Adjustment - Minor Variance Applications**
37-39 Mountain Street, A-93&94/21SC
106 Marsdale Drive, A-103/21SC
374A,B&C Linwell Road, A-104,105&106/21SC
361 Grantham Avenue, A-107/21SC
179 Lake Street, A-108/21SC
36 Highcourt Crescent, A-109/21SC
33-33A Arthur Street, A-110&111/21SC
114 Chetwood Street, A-112/21SC

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 shall be a requirement for applications that are subject to a Building Permit
    - 37-39 Mountain Street
    - 374ABC Linwell Road
    - 361 Grantham Avenue
    - 179 Lake Street (proposed hard surfaced parking areas)
    - 114 Chetwood Street

- The Applicant of 361 Grantham Avenue shall be advised that reduced setbacks for this application are not acceptable related to required drainage conveyance and required landscaped areas for the development currently proposed and subject to an existing Site Plan Agreement application

Prepared by:

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

cc. James Denham, PBS (email only)

St. Catharines | Memorandum

To: Elaine Munro, Committee Secretary and Planning Technician

Cc:

From: Steve Bittner, Transportation Technologist

Date: November 1, 2021

Subject: Committee of Adjustment Comments (November 17, 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

St. Catharines

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

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

COMMENTS

B-32/21SC, A-93/21 & A-94/21

37 Mountain Street

DATE OF HEARING:
November 17, 2021

From: Munro, Elaine
To: Munro, Elaine
Subject: Comments Received RE: Amanda No 21117228 Notice of Hearing - 37 Mountain Street
Date: Monday, November 8, 2021 5:26:36 PM

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

From: Don Morris <>
Sent: Monday, November 8, 2021 8:55 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Amanda No 21117228 Notice of Hearing

Good morning Elaine My name is Don Morris, and I live at 21 Mountain St, St. Catharines

I noticed a sign on 37—39 Mountain St for a Notice of Hearing seeking Minor Variances for the proposed building on these 2 lots. I Have no objections to granting these variances, but do have a couple of questions

1. Part 3 is to be dedicated to the city for road widening. What does this mean? Hopefully there will be no parking on either side of Mountain St. The sight lines around the curve on Mountain St are not very good. and I cringe every time the Garbage Truck is going up, or down, Mountain St. People pass the stopped truck and I am waiting for the big bang meeting someone barreling down Mountain St. (Or any other service truck that cannot fit in driveways). The same applies even when someone does park a car on the street
2. Why can't the building designers design the building to fit the lot and comply with the building by-laws for set- backs etc., instead of designing a building that does not comply, and then have to seek variances?
3. Comment. The City takes good care of the hill on Mountain, and Bradley, in the winter for plowing and sanding. There has been an incident when someone was barreling down Mountain in the winter, and hit the Hydro pole close to the property line of 33-35, straight on, on the opposite side(crossed center line). Fortunately, no injuries, and no one happened to be going up. The road was in good shape when this happened.

Thank You Don Morris Phone (XXX) XXX-XXXX or e mail XXXXXXX

From:	Munro, Elaine
To:	Munro, Elaine
Subject:	Comments Received RE: 37 Mountain Street
Date:	Wednesday, November 10, 2021 8:39:15 AM

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

From: Connie Tamburrino < >
Sent: Tuesday, November 9, 2021 6:20 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Re: 37 Mountain Street

Hello Elaine
Here are the questions/concerns submitted by the following owners

35 Mountain St, St. Catharines, ON L2T 2S3
1 Parkhill Rd. St Catharines, L2T 1V5

1. Will a swale be created between 35 Mountain Street and 37 Mountain Street, to ensure proper drainage?

2. We would like a 6' privacy fence along the north and south borders of the property to replace the existing fencing.

Thanks Elaine

Sincerely
Connie Tamburrino
Vito Tamburrino
Marc Tamburrino

From:	Munro, Elaine
To:	Munro, Elaine
Subject:	RE: Request for Comments - Committee of Adjustment Notices and Applications for the November 17/21 CofA Hearing
Date:	Friday, November 12, 2021 10:49:31 AM
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: Tuesday, November 2, 2021 3:54 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: RE: Request for Comments - Committee of Adjustment Notices and Applications for the November 17/21 CofA Hearing

Good afternoon Elaine,

Thank you for circulating us. NEC comments are below:

37 & 39 Mountain St

- The subject property is within the Niagara Escarpment Plan area is designated as Urban Area.
- The property is not within the NEC's Development Control Area. No Development Permit is required.
- We understand the proposal includes a consent to sever for the construction of a semi-detached dwelling and minor variances to accommodate the construction.
- 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.
- Part 1.7.5 of the NEP lists the Development Objectives that apply to growth and development within the Urban Area, including the following:
    - Part 1.7.5.1 states that all development shall be compatible with the scenic resources of the Escarpment. Where appropriate, provision for maximum heights, adequate setbacks and screening are required to minimize the visual impact of urban development. NEC staff understand the proposed height meets the zoning by-law requirements.
    - Part 1.7.5.2 states that Development within Urban Areas should encourage

reduced energy consumption, improved air quality, reduced greenhouse gas emissions and work towards the long term goal of low-carbon communities, including net-zero communities and increased resilience to climate change, including through maximizing opportunities for the use of green infrastructure and appropriate low impact development.
    - Part 1.7.5.9 states that growth and development in Urban Areas shall be compatible with and provide for… (e) considerations for reductions in greenhouse gas emissions and improved resilience to the impacts of a changing climate; (f) sustainable use of water resources for ecological and servicing needs; and (g) compliance with the targets, criteria and recommendations of applicable water, wastewater and stormwater master plans, approved watershed planning and/or sub watershed plans in land use planning.
- Based on the above, NEC staff have no objection to the consent and minor variance applications, provided that they conform within the Zoning by-law (the applications to vary from the by-law are in fact minor in nature) and the above noted Development Objectives.

106 Marsdale Drive

- The subject property is just outside of the NEP Area and is not within the NEC's Development Control Area.
- NEC staff have no comments.

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

Kind regards,

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.

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

October 29, 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 117225, 21 117231 and 21 117228

Re: 37 & 39 Mountain St

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

We would also like to stipulate the following:

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

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

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

Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital

CITY OF ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: November 12, 2021 **Date of Meeting:** November 17, 2021

Report Number: **B-32/21SC**
A-93/21
A-94/21

File: **21117225**
21117228
21117231

Subject: 37 & 39 Mountain Street

Recommendation

Consent

That application **B-32/21SC** by Michael Giancaterino and Olivia Giancaterino, as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. That the Owner enter into a Development Agreement with the City of St. Catharines, to be registered on title to the lands now known as 37 Mountain Street addressing the following conditions:
    a. That building permit plans for Parts 1 and 2, once submitted, be reviewed and confirmed to be generally in accordance with the site plan and elevation plans submitted with this application;
    b. The Lot Grading and Drainage Plan, required as a condition of consent approval, be included in the Development Agreement, to ensure compliance as part of the review and approval of a building permit;
    c. That the Owner preserve the existing boulevard tree in front of 37 Mountain Street. The tree shall be protected during construction at the drip line and no utilities shall be located within the drip line.

2. That the Owner submit a payment for the placement of a 60mm caliper tree in front of Parts 1 and 2, in accordance with the City's current Schedule of Rates and Fees,
3. That the Owner submit payment of 5% of the appraised value of Part 2, as determined by a qualified appraiser, to the City in lieu of dedication of land for parks purposes. Section 53 (13) of the *Planning Act,* R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of payment, the value of the land shall be determined as of the day before the day the provisional consent was given.'
4. That the Owner have prepared by a Professional Engineer or an Ontario Land Surveyor, a Lot Grading & Drainage plan for City review and approval. The plan must also show the location of the proposed water and sewer services.
5. That the Owner provide the City a draft Reference Plan indicating the proposed Part 3 widening for review and approval, prior to registration of the plan in the Land Registry Office.

6. That the Owner dedicate to the City, free and clear of any liens, mortgages and encumbrances, the Part 3 widening across the frontage of the subject properties, to be known as Public Highway Mountain Street.
7. That the Owner pay for the existing sanitary lateral to be video inspected by City crews to confirm its condition and location from the house to the main line sewer.
8. That the Owner, if the condition of the existing sanitary lateral is suitable but the location will result in crossing an existing or proposed side yard property line, pay for City crews to relocate the portion on private property and obtain a Plumbing only permit to do so, OR,

   That the Owner, if the condition of the existing sanitary lateral is suitable but the location will result in crossing an existing or proposed side yard property line, relocate the portion on private property and obtain a Plumbing Only Permit to do so.
9. That the Owner 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.
10. That the Owner submit to the Secretary-Treasurer of the Committee of Adjustment a final certification fee of $222.20 (2022 rate) payable to the Treasurer, City of St. Catharines.
11. That all conditions of consent be fulfilled by October 17th, 2022.

Minor Variance

That Variance 1, 3 and 4 of application **A-93/21** by Michael Giancaterino and Olivia Giancaterino, as outlined in the Notice of Hearing, be approved.

That Variance 1 and 3 of application **A-94/21** by Michael Giancaterino and Olivia Giancaterino, as outlined in the Notice of Hearing, be approved.

That Variance 2 of application **A-93/21** and **A-94/21** Michael Giancaterino and Olivia Giancaterino, as outlined in the Notice of Hearing, be withdrawn by the applicant.

Report

The Proposal

The Applicant proposes a consent to sever 387.94 m² of land (Part 1) for the proposed construction of one half of a semi-detached dwelling to be known as 39 Mountain Street. A 377.12m² remnant parcel (Part 2) to be known as 37 Mountain Street will facilitate the construction of the other semi-detached dwelling. The existing detached dwelling and garage will be demolished to facilitate the proposal. Part 3 will be dedicated to the City for a road widening. There are concurrent minor variance applications **A-93/21** and **A-94/21** requesting relief from Zoning By-law requirements to support the proposal.

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

Application	Severed Parcel	Severed Area	Retained Parcel	Retained Area
B-32/21SC	Part 1 (39 Mountain St)	387.94 m²	Part 2 (37 Mountain St)	377.12 m²

The concurrent Minor Variance Applications A-93/21 and A-94/21 seeks relief from the City of St. Catharines Zoning By-law requirements as outlined below:

Variance A-93/21 (part 2 on sketch)	Zoning Provision	Required	Proposed
1	Minimum lot frontage	12 m	10.8 m
2*	Minimum interior side yard setback for portion of dwelling in excess of 7 metres or greater in building height	2m	1.2m
3	Minimum interior side yard setback, not along a common wall	1.2 m	0 m
4	Minimum front yard setback	6 m	5.5 m

Variance A-94/21 (part 1 on sketch)	Zoning Provision	Required	Proposed
1	Minimum lot frontage	12 m	10.6 m
2*	Minimum interior side yard setback for portion of dwelling in excess of 7 metres or greater in building height	2 m	1.2 m
3	Minimum interior side yard setback from a platform structure, not along a common wall	1.2 m	0 m

*Upon review by staff it has been identified that this variance is not required. Please see the Minor Variance section in this report for more information.

Location and Site Description

The subject lands are located on the west side of Mountain Street, south of Glendale Avenue and north of Parkhill Road. The immediate neighbourhood is mainly bungalow-style detached dwellings with a few two-storey detached dwellings. The subject property backs onto the Burleigh Hill Public School and its large school yard.

Circulation of Application

This Application was circulated to all appropriate departments and agencies: no objections were received. This included review from the Niagara Escarpment

Commission and City heritage staff. Two comments were received from members of the public, who asked questions about the road widening, swales, privacy fencing, and winter maintenance of the street.

Planning Policy Context

Ontario Heritage Act

A Cultural Heritage Evaluation Report (CHER) was prepared to determine whether the subject property was previously used as a public school for the Village of Merritton in the 1800s. No evidence was uncovered to indicate the building was used for educational purposes. The subject property was assessed using the criteria in Regulation 9/06, and it was determined that the property had no cultural heritage value or interest. From a heritage perspective, there are no objections to the proposal.

Niagara Escarpment Plan

The subject property is designated Urban Area within the Niagara Escarpment Plan. However, the subject property is not located within the Niagara Escarpment Commission's (NEC) Development Control Area. As such, no Development Permit with the NEC is required for the proposal.

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. This designation permits a variety of dwelling types, including semi-detached dwellings, at a density generally ranging from 20 to 32 units per hectare of land. The existing property has a residential density of approximately 13 units per hectare. The proposed development would increase the density to 25 units per hectare, which is within the target density outlined in the GCP.

Zoning By-law (2013-283)

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

Planning Analysis

Consent

Consent Application **B-32/21SC** requests to sever part of 37 Mountain Street to create a new lot to be known as 39 Mountain Street. Section 16.11.3 of the GCP states that consents to sever will 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 proposed use, and whether it is apparent that development would not lead to significant expense by the City.

The purpose of the proposal is to facilitate the construction of a two-storey semi-detached dwelling at 37 and 39 Mountain Street. The proposed lot size of 37 Mountain Street is 377m^2 and 39 Mountain Street is 387m^2. The proposed lot sizes meet the Zoning By-law requirements and staff are satisfied with the size and layout of the lots. The proposal to construct the two-storey semi-detached dwelling does not exceed the height requirement

for the prescribed zone. The rear of the property abuts a local public school, reducing the impact of any potential privacy concerns.

The proposed lots meet the general density requirement established in the Official Plan and the required minimum lot area set out in the Zoning By-law. The proposed lots have some minor zoning deficiencies, including minimum lot frontage, minimum front yard setback and minimum interior side yard setback not along a common wall for semi-detached dwellings in the R1 zone. There are concurrent minor variance applications that seek approval of these deficiencies, which are discussed later in this report.

In the opinion of staff, the proposal to establish semi-detached dwellings on the subject lands satisfy the policies of the Official Plan for evaluation of consents to sever. Staff supports the approval of Consent Application **B-32/21SC**, subject to the conditions outlined in the recommendations herein.

Variance 1 of Applications A-93/21 and A-94/21
The applicant is requesting a reduction to the minimum lot frontage from 12.0m to 10.8m for 37 Mountain Street (part 2 on the submitted sketch) and 10.6m for 39 Mountain Street. The intent of a minimum lot frontage is to regulate lot size and density, provide context for consistent lot sizes and maintain neighbourhood character. The proposed lot frontage reduction from 12m to 10.8m and 10.6m does not negatively impact this intent. Despite the reduced width, the lots are still within the size range permitted in the R1 zone and meets density requirements. It is also important to note the irregular lot shape with the southerly side lot line being 3.63m longer than the northerly side lot line.

Section 4 of the Official Plan outlines urban design guidelines that the zoning provisions seek to uphold. In this case, minimum lot frontages are required to facilitate an even streetscape of a neighbourhood and provide adequate landscaping at the front of the property. On the proposed lots, the total landscaped area is approximately 50%, which exceeds the required coverage of 35%. This is due to the depth and shape of the lots. The proposed dwellings are also set back from the street similar to the neighbouring properties, resulting in an even streetscape.

Staff are satisfied that the variances are minor in nature, an appropriate use of the lands, and in keeping with the intent of the Zoning By-law and Official Plan.

Variance 2 of Applications A-93/21 and A-94/21
The applicant is requesting a reduction in the minimum interior side yard setback for a portion of the dwelling in excess of 7m or greater in building height from 2m to 1.2m for both properties. Staff note that the portion of the dwelling that is above 7m in height is located beyond 2m from the interior side lot line, and that the proposed dwelling meets the required setback of 1.2m. Therefore, variance 2 on Applications A-93/21 and A-94/21 are not required. Accordingly, staff recommend that the Applicant withdraws this variance.

Variance 3 of Applications A-93/21 and A-94/21
Variance 3 for Applications A-93/21 and A-94/21 are both requesting a reduction in interior side yard setbacks not along a common wall. Variance 3 for Application A-93/21

is requesting to reduce the interior side yard setback from the dwelling to the lot line not along a common wall from 1.2m to 0.0m. Variance 3 for A-94/21 is requesting to reduce the interior side yard setback from the platform structure to the lot line not along a common wall. This is for a small portion of the end wall at 37 Mountain Street and the platform structure at 39 Mountain Street.

Zoning By-law 2013-283 establishes a minimum setback from an interior lot line of 1.2 metres for dwellings and platform structures. The provision is intended to ensure the dwelling does not overwhelm the abutting yard, and to maintain a degree of separation from neighbouring properties, thereby mitigating safety, privacy, and overlook concerns.

The variance is required to address the proposed location of the platform structure (deck) for 39 Mountain Street, which is partially within the building footprint of the semi-detached dwelling. The location of the deck would be enclosed on three sides, providing additional privacy. Given the adequate rear yard setbacks and amenity space of the dwelling units, the proposed variance to the lot line not along a common wall will not cause adverse impacts to the adjacent lot. Section 7.1 of the Official Plan outlines general policies which allow for redevelopment of lands in a way that would protect the privacy of all individuals through the built environment, which is achieved with this variance.

Staff find this variance to be minor in nature, an appropriate use of the lands as well as in keeping with the general intent of the Official Plan and Zoning By-law.

Variance 4 of Application A-93/21
The applicant is requesting a reduction in the required minimum front yard setback from 6m to 5.5m. This would facilitate the semi-detached dwelling as proposed. Staff recognize the irregular shape of the lot as Mountain Street is set at an angle, making the northerly side lot line shorter than the southerly lot line. As per the urban design guidelines set out in section 4 of the Official Plan, the design of the streetscape can be context sensitive in regard to the built form. In this case, the proposed dwelling is located at a similar angle to other properties fronting Mountain Street, and it would be undesirable to rotate the building to meet this setback, as the streetscape would not look uniform. The average setback for both semi detached dwellings is approximately 11.5m prior to any road widening, which is very close to the setback of the neighbouring property to the north.

Staff find this variance to be minor in nature, an appropriate use of the lands as well as in keeping with the general intent of the Official Plan and Zoning By-law.

Conclusion

Having regard for matters under Section 53 of the *Planning Act*, staff are of the opinion that Consent Application **B-32/21SC** is in keeping with the relevant policies of the Official Plan, are consistent with the provisions of the Zoning By-law and will have no adverse impacts on the surrounding area and environment. It is staff's recommendation that the requested consent to sever be approved, subject to the conditions outlined in the recommendation.

Having regard for matters under Section 45(1) of the *Planning Act*, staff are of the opinion that variances 1, 3 and 4 of Minor Variance Application **A-93/21,** and variances 1 and 3

of Minor Variance Application **A-94/21** be approved as variances are in keeping with the general intent of the Official Plan and Zoning By-law, are minor in nature, and are desirable for the appropriate use and development of the lands. Staff further recommend variance 2 on Minor Variance Applications **A-93/21** and **A-94/21** be withdrawn.

Prepared by:	**Submitted by:**	**Approved by:**
Adam Nanji	Natasha MacDonald	Bruce Bellows
Student Planner	Planner I	Senior Planner

From:	Munro, Elaine
To:	Munro, Elaine
Subject:	Heritage Comments - Fw: Committee of Adjustment Notices and Applications for the November 17/21 CofA Hearing
Date:	Monday, November 1, 2021 9:35:56 AM

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

From: Neilson, James <jneilson@stcatharines.ca>
Sent: Tuesday, October 26, 2021 9:59 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Committee of Adjustment Notices and Applications for the November 17/21 CofA Hearing

Hi Elaine,
Only comment I have is that I have reviewed the CHER for 37 Mountain and we have no interest in the property from a heritage perspective.

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, October 26, 2021 9:37 AM

Subject: Committee of Adjustment Notices and Applications for the November 17/21 CofA Hearing

Good Morning,

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

1. 37 Mountain Street, Consent, B-32/21SC – 21 117225
   37 Mountain Street, Minor Variance, A-93/21 – 21 117228

St. Catharines

Planning and Building Services
Building and Development

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: November 4th, 2021
Subject: Building Comments on Applications to the Committee of Adjustment
Consents – November 17, 2021 hearing

B-32/21SC – 37 Mountain Street

Comment:
- No comment

Condition:
- Be advised that a building permit is required to demolish the existing dwelling and detached garage.

B-35/21SC – 374 Linwell Road

Comment:
- No comment

Condition:
- Be advised that a building permit is required to demolish the existing dwelling.

B-36/21SC – 374 Linwell Road

Comment:
- No comment

Condition:
- Be advised that a building permit is required to demolish the existing dwelling.

B-37/21SC – 525 Welland Avenue

Comment:

- No comment

Condition:

- No comment

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

St. Catharines

Planning and Building Services
Building and Development

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: October 12, 2021

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – November 17, 2021 hearing

NO.	ADDRESS	COMMENTS
A-93/21	37 Mountain Street	Be advised that a building permit is required to construct the semi-detached dwelling.
A-94/21	39 Mountain Street	Be advised that a building permit is required to demolish the existing dwelling and detached garage. Be advised that a building permit is required to construct the semi-detached dwelling.
A-103/21	106 Marsdale Drive	Be advised that a building permit is required to construct the proposed pergola. Be advised that a pool permit is required to install the pool.
A-104/21	374A Linwell Road	Be advised that a building permit is required to construct a single detached dwellings.
A-105/21	374B Linwell Road	Be advised that a building permit is required to construct a single detached dwellings.
A-106/21	374C Linwell Road	Be advised that a building permit is required to construct a single detached dwellings.

NO.	ADDRESS	COMMENTS
A-107/21	361 Grantham Avenue	Be advised that the demolition permit shall be completed and issued prior to the demolition of the existing church. Be advised that a building permit is required to construct the townhouse blocks.
A-108/21	179 Lake Street	Be advised that a building permit is required to convert the existing single detached dwelling into a triplex.
A-109/21	36 Highcourt Crescent	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-110/21	33 Arthur Street	No comment
A-111/21	33A Arthur Street	No comment
A-112/21	114 Chetwood Street	Be advised that a building permit is required to convert the existing commercial business to a single detached dwelling unit.

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

From: Munro, Elaine
To: Munro, Elaine
Subject: CRCS Comments- Committee of Adjustment Notices and Applications for the November 17/21 CofA Hearing
Date: Friday, November 12, 2021 11:02:38 AM

Hi Elaine

Here are my comments.

1. 37 Mountain Street, Consent, B-32/21SC – 21 117225
   37 Mountain Street, Minor Variance, A-93/21 – 21 117228
   39 Mountain Street, Minor Variance, A-94/21 – 21 117231

   The existing boulevard tree is required to be preserved. During construction the tree should be protected at the drip line and no utilities should be located within the drip line.

   A new boulevard tree will be required for the created lot. A cash deposit for the tree will be required in the approved amount in the City's Rates and Fees.

2. 106 Marsdale Drive, Minor Variance, A-103/21 – 21 118120

   No comments.

3. 374 Linwell Road, Consent, B-35/21SC – 21 118264
   374 Linwell Road, Consent, B-36/21SC – 21 118268
   374A Linwell Road, Minor Variance, A-104/21 – 21 118268
   374B Linwell Road, Minor Variance, A-105/21 – 21 118272
   374C Linwell Road, Minor Variance, A-106/21 – 21 118273

   The existing boulevard tree is required to be preserved. During construction the tree should be protected at the drip line and no utilities should be located within the drip line.

   A tree preservation plan should be provided for the trees along the western property line.

   A new boulevard tree for each lot will be required. A cash deposit for each tree will be required in the approved amount in the City's Rates and Fees.

4. 525 Welland Avenue, Consent, B-37/21SC – 21 118277

   No comments.

5. 361 Grantham Avenue, Minor Variance, A-107/21 – 21 118329

   No comments.

6. 179 Lake Street, Minor Variance, A-108/21 – 21 118290

   No comments.

7. 36 Highcourt Crescent, Minor Variance, A-109/21 – 21 118317

   No comments.

8. 33 Arthur Street, Minor Variance, A-110/21 – 21 118341

   No comments.

9. 33A Arthur Street, Minor Variance, A-111/21 – 21 118316

   No comments.

10. 114 Chetwood Street, Minor Variance, A-112/21 – 21 118331

    No comments.

Stuart Green OALA

Landscape Architect/Planner
Tel: 905.688.5601 x3155
Email: sgreen@stcatharines.ca

Elaine Munro ACST

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-32/21SC

October 29th, 2021 **ENGINEERING FILE 300-36**

Hearing Date: November 17th, 2021

Applicant: Michael and Olivia Giancaterino

Location: 37 Mountain Street

EXISTING LINEAR MUNICIPAL SERVICES

	Mountain Street
Water:	150mm P.V.C.
Sanitary Sewer:	200mm Clay (+/-1.8m deep)
Storm Sewer:	600mm Conc.
Sidewalks:	Yes
Road Allowance Width:	17.94m to 19.32m

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

Comment(s): It is noted that the Applicant proposes to sever Part 2 for the purposes of creating a new lot to be known as 39 Mountain Street for the purposes of constructing and severing one-half of a semi-detached dwelling. A remnant parcel (Part 1) will be retained for residential use of the remaining half of the proposed semi-detached dwelling.

Roads

Mountain Street is designated a Collector Residential Corridor in the City's Transportation Master Plan with a minimum right-of-way width of 20.0m. Its current width is deficient in this location varying from +/-17.94m to +/-19.32m. The City shall require a widening of varying width from +/-0.34m to +/-1.03m to be dedicated as Public Highway free and clear of any encumbrances to be known Mountain Street.

Sidewalks and Curbs

Sidewalks and curbs exist along the frontage of Mountain Street. A sidewalk damage deposit shall be required at the Building Permit stage, the costs of which to be determined based on the length of the frontage and as per the City's current Schedule of Rates & Fees. Care shall be taken not to damage these existing services during development of the site.

The owner will be required to pay for curb cuts and curb fills to accommodate driveways. Curb cuts and fills will also be dealt with at the building Permit stage.

Engineering Services

Increased drainage challenges occur in these types of in-fill lot developments, where existing lots may not have suitable drainage outlets in place. Although an individual lot drainage plan is a normally a requirement for review and approval at the building permit stage, in this case it shall be required as a condition of severance to ensure that prior to the lots being created, a suitable outlet for storm drainage run-off is available without adversely affecting abutting properties or the City boulevard.

Sump pump flows are typically discharged to grade when no opportunities exist to connect to a storm sewer in the road allowance. Since a storm sewer does exist on Mountain Street, sump pump flows shall be required to discharge to new storm laterals to be installed by City Crews from the City main line storm sewer on Mountain Street to the front property line. These shall be installed at the building permit stage at the owner's expense and shall be identified on the lot drainage plan.

The Owner shall be responsible to pay the fee for City crews to locate, trace, inspect and document the location of the sewer lateral currently in use for the existing dwelling, to confirm it does not conflict with or exist upon any abutting and/or future lot lines. This must be completed prior to both the severance finalization and demolition permit issuance, whichever comes first.

If the location of the existing lateral is acceptable to the City but the condition of the existing lateral is such that it cannot be reused, the City will install a replacement lateral at no charge to the owner. If the condition of this lateral makes it suitable for re-use and the location does not result in conflicts with proposed side yard property lines, then the owner may use it for one of the units. If the condition of the existing sanitary lateral is suitable but the location will result in the lateral crossing an existing or proposed side yard property line the owner must pay for City crews to relocate the portion within the right-of way to eliminate the conflict. The relocation of the portion on private property would be arrange for and paid for by the owner and would be subject to a Plumbing Only Permit and associated fee. This work must be completed and paid for prior to the severance being finalized

At the building permit stage, the owner will be required to pay the City to install one additional sanitary lateral from the City sewer to the front property line for the other unit.

The existing water service is undersized and cannot be re-used. At the building permit stage, the owner may apply for a free 25mm water service upgrade to be used for one of the units from the City watermain to the front property line. The owner will be responsible to install the portion on private property. The owner will also have to pay the City to abandon the old service.

At the building permit stage, the owner will have to pay the City to install one new 25mm water service from the City main to the front property line for the other lot. The owner will be responsible to install the portion on private property.

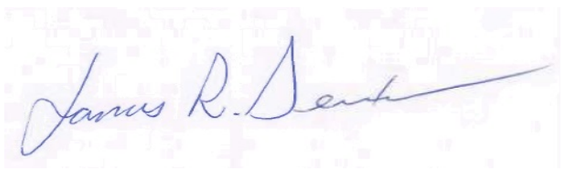
Since there is a storm sewer on Mountain Street at this location, at the building permit stage the owner must pay the City to install two new storm laterals to the front property line. The owner will be responsible to install the portion on private property and must connect the sump pump discharge pipes from each of the two new units to these laterals.

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

- Provide the City a draft reference plan indicating the proposed widening for review and approval, prior to registration of the plan in the Land Registry Office.
- Dedicate to the City, free and clear of any encumbrances, the widening across the frontage of the subject properties, to be known as Public Highway Mountain Street.
- Pay for the existing sanitary lateral to be video inspected by City crews to confirm its condition and location from the house to the main line sewer.
- If the condition of the existing sanitary lateral is suitable but the location will

result in crossing an existing or proposed side yard property line, pay for City crews to relocate the portion within the right-of way.

- If the condition of the existing sanitary lateral is suitable but the location will result in crossing an existing or proposed side yard property line, relocate the portion on private property and obtain a Plumbing Only Permit to do so.
- Have a site grading plan prepared by a qualified engineer or OLS. The plan must be submitted to and approved by the City. The plan must also show the location of the proposed water and sewer services.



Prepared by: _____
James R Denham P.Eng.
Development Engineering Technologist

c. Brad Johnston C.E.T. PBS (email only)

Memorandum

To: Elaine Munro, ACST, Committee Secretary & Planning Technician
From: Brad Johnston, C.E.T., Development Engineering Technologist
CC: City Committee of Adjustment Staff Members
Date: November 2, 2021
Hearing Date: November 17, 2021
Subject: **Committee of Adjustment - Minor Variance Applications**
37-39 Mountain Street, A-93&94/21SC
106 Marsdale Drive, A-103/21SC
374A,B&C Linwell Road, A-104,105&106/21SC
361 Grantham Avenue, A-107/21SC
179 Lake Street, A-108/21SC
36 Highcourt Crescent, A-109/21SC
33-33A Arthur Street, A-110&111/21SC
114 Chetwood Street, A-112/21SC

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 shall be a requirement for applications that are subject to a Building Permit
    - 37-39 Mountain Street
    - 374ABC Linwell Road
    - 361 Grantham Avenue
    - 179 Lake Street (proposed hard surfaced parking areas)
    - 114 Chetwood Street

- The Applicant of 361 Grantham Avenue shall be advised that reduced setbacks for this application are not acceptable related to required drainage conveyance and required landscaped areas for the development currently proposed and subject to an existing Site Plan Agreement application

Prepared by:

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

cc. James Denham, PBS (email only)

St. Catharines | Memorandum

To: Elaine Munro, Committee Secretary and Planning Technician

Cc:

From: Steve Bittner, Transportation Technologist

Date: November 1, 2021

Subject: Committee of Adjustment Comments (November 17, 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

St. Catharines

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

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

COMMENTS

A-103/21

106 Marsdale Drive

DATE OF HEARING: November 17, 2021

From: Munro, Elaine
To: Munro, Elaine
Subject: Comments Received RE: 106 Marsdale Drive
Date: Wednesday, November 10, 2021 9:07:49 AM

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

From: The Esq < >
Sent: Tuesday, November 9, 2021 7:45 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Re: Request to submit written comments instead of speaking at the Hearing RE: 106 Marsdale Drive public hearing

The following is my comment:

I would like to voice my opposition to the construction of the driveway proposed at 106 Marsdale Drive.
For some years now we have seen the reduction of native tree cover on Marsdale Drive, which has been of some concern.
My concern is rooted in the past destruction of woodlands in Marsdale and its vicinity, where the current woodlands known as Town and Country Park stretched farther South, East, and West than it does today, as evidenced by aerial photos from 1921, 1934, 1954, and 1960.

Between 1954 and 1960, large portions of this woodland were destroyed to make way for Briarfield Crescent, Wood Dale Drive, Marsdale Drive, and Marwood Circle. Despite this, the properties maintained a higher tree cover than other streets in the area such as Masterson and Lochinvar Drive. The further construction of Cranbrook Terrace and Woodington Crescent by 1965 further damaged the woodland, as did the continued deforestation along Briarfield.

Today, we have some beautiful stands of mature trees here in the Marsdale neighbourhood, especially along Wood Dale. As we have lost so much wooded land I believe it is our responsibility as a community to support a more natural level of native tree and plant cover.
If the construction of a new driveway at 106 Marsdale Drive were to go forward, it would make present and future native plant cover much more difficult to attain.
It should also be mentioned that hard surfaces like driveways make it more difficult for rain water to infiltrate the ground.

Please consider reading my comment at the hearing. I understand that it is not common to read comments at hearings like this, but I believe my input may be of interest to those attending.

To the recipients of my comment, the relevant aerial photos of the woodland and neighbourhood in question can be found attached.

Sincerely,

Kiran Larsen

NOTE: Aerial Photos are attached to comments in chronological order (1921, 1934, 1954, 1960 & 1965)


H 20 42 0 1921

CITY OF ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: November 12, 2021 **Date of Meeting:** November 17, 2021

Report Number: **A-103/21** **File:** **21118120**

Subject: 106 Marsdale Drive

Recommendation

That Application **A-103/21** by James Bloomfield, as outlined in the Notice of Hearing, be denied.

Report

The Proposal

The Applicant is seeking relief from the Zoning By-law to install a curved wrapped around driveway, extending south from the existing driveway to a second curb cut at the southern end of the property. The requested variances are outlined below:

Variance	Provision	Required	Proposed
1	Maximum Driveway Width	7.5 m	30.09 m
2	Maximum Allowable Driveway Area, percent of Front Yard	50%	55%

Location and Site Description

The subject property is located on the west side of Marsdale Drive, between Lockhart Drive and Glendale Avenue. The surrounding neighbourhood is primarily low-density residential dwellings comprised of detached homes.

Circulation of Application

This Application was circulated to all appropriate departments and agencies. There are no objections to the proposal.

Planning Policy Context

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential on Schedule E8.

Zoning By-law (2013-283)

The subject property is zoned Low Density Residential – Suburban Neighbourhood (R1).

Planning Analysis

The applicant is requesting an increase in maximum driveway width from 7.5 metres to 30.09 metres and an increase the maximum allowable driveway area of the front yard from 50 percent to 55 precent. Staff find that a driveway width of 30.09 metres, which represents over 82 percent of the lot width, and a driveway area of 55 percent will create a lot dominated by a driveway and a streetscape dominated by hard surface and vehicle parking. Therefore, staff do not find this application to be minor in nature.

The subject property is in a suburban neighbourhood where lots are typically wide with deep front yards. Between Glendale Avenue and Lockhart Drive there are 56 properties that have front or flanking yards on Marsdale Drive. Only three of these properties have curved driveways similar to that being proposed in this application. The front and flanking yards on most of the properties on Marsdale Drive are landscaped open space, with driveways occupying only a small area of the yard. Therefore, a curved driveway on the subject lands, with the driveway width and area proposed, will not compliment the existing built form and streetscape of the neighbourhood. Therefore, staff find that this application is not desirable for the appropriate development of the lands.

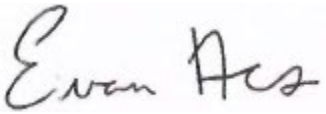
The intent of the 7.5 metre limit in driveway width in the zoning by-law is to allow driveways to accommodate side-by-side parking but prevent the driveways from dominating the front yard of the dwelling. The same intent can be ascribed to the 50 percent maximum driveway area for a front yard. The minimum parking requirement for detached dwellings in the R1 zone is one parking space. There is no stated maximum, but the limitations on driveway width and parking area coverage establish a maximum dependent on the size of the lot. Increasing the driveway and parking area coverage, as proposed, will create an excessive number of parking spaces on the subject lands. The requested increases to a driveway width of 30.09 metres and driveway area of 55 percent of the front yard is counter to the intent of the zoning by-law and will, as stated above, allow the front yard to be dominated by vehicle parking and hard surface. While the subject property is wider than typical lots in the R1 zone, the intent remains the same – driveway width and area are to be limited to maintain appropriate greenspace and a pleasant streetscape. Therefore, staff find that the application is not in keeping with the general intent of the Zoning By-law.

Urban Design policies in the Official Plan speak to limiting the impact of parking area on the property itself, as well as neighbouring properties and the environment. Specific policies call for the “consolidation and minimizing the width or driveways and curb cuts” and “limiting surface parking between the front and flanking face of a building and a public street.” Increasing the width of the driveway to 30.09 metres and driveway area coverage of the front yard to 55 percent will contravene these policies. Additional parking areas will be established between the dwelling on the subject lands and the street. The curved shape of the driveway will require an additional curb cut and sidewalk crossing. The size

of the parking area will not be minimized. Therefore, staff find that the application is not in keeping with the general intent of the Official Plan.

Conclusion

Having regard to matters under Section 45 of *The Planning Act*, staff are of the opinion that Application **A-103/21** is not in keeping with the general intent of the Official Plan and Zoning By-law and is not minor in nature. Staff recommend denial of the Application.

Prepared by:	**Submitted by:**	**Approved by:**
		
_____	_____	_____
Adam Nanji	Evan Acs	Tami Kitay, MPA MCIP RPP
Student Planner	Planner I	Director of Planning and Building

St. Catharines

Planning and Building Services
Building and Development

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: October 12, 2021

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – November 17, 2021 hearing

NO.	ADDRESS	COMMENTS
A-93/21	37 Mountain Street	Be advised that a building permit is required to construct the semi-detached dwelling.
A-94/21	39 Mountain Street	Be advised that a building permit is required to demolish the existing dwelling and detached garage. Be advised that a building permit is required to construct the semi-detached dwelling.
A-103/21	106 Marsdale Drive	Be advised that a building permit is required to construct the proposed pergola. Be advised that a pool permit is required to install the pool.
A-104/21	374A Linwell Road	Be advised that a building permit is required to construct a single detached dwellings.
A-105/21	374B Linwell Road	Be advised that a building permit is required to construct a single detached dwellings.
A-106/21	374C Linwell Road	Be advised that a building permit is required to construct a single detached dwellings.

NO.	ADDRESS	COMMENTS
A-107/21	361 Grantham Avenue	Be advised that the demolition permit shall be completed and issued prior to the demolition of the existing church. Be advised that a building permit is required to construct the townhouse blocks.
A-108/21	179 Lake Street	Be advised that a building permit is required to convert the existing single detached dwelling into a triplex.
A-109/21	36 Highcourt Crescent	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-110/21	33 Arthur Street	No comment
A-111/21	33A Arthur Street	No comment
A-112/21	114 Chetwood Street	Be advised that a building permit is required to convert the existing commercial business to a single detached dwelling unit.

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

From: Munro, Elaine
To: Munro, Elaine
Subject: CRCS Comments- Committee of Adjustment Notices and Applications for the November 17/21 CofA Hearing
Date: Friday, November 12, 2021 11:02:38 AM

Hi Elaine

Here are my comments.

1. 37 Mountain Street, Consent, B-32/21SC – 21 117225
   37 Mountain Street, Minor Variance, A-93/21 – 21 117228
   39 Mountain Street, Minor Variance, A-94/21 – 21 117231

   The existing boulevard tree is required to be preserved. During construction the tree should be protected at the drip line and no utilities should be located within the drip line.

   A new boulevard tree will be required for the created lot. A cash deposit for the tree will be required in the approved amount in the City's Rates and Fees.

2. 106 Marsdale Drive, Minor Variance, A-103/21 – 21 118120

   No comments.

3. 374 Linwell Road, Consent, B-35/21SC – 21 118264
   374 Linwell Road, Consent, B-36/21SC – 21 118268
   374A Linwell Road, Minor Variance, A-104/21 – 21 118268
   374B Linwell Road, Minor Variance, A-105/21 – 21 118272
   374C Linwell Road, Minor Variance, A-106/21 – 21 118273

   The existing boulevard tree is required to be preserved. During construction the tree should be protected at the drip line and no utilities should be located within the drip line.

   A tree preservation plan should be provided for the trees along the western property line.

   A new boulevard tree for each lot will be required. A cash deposit for each tree will be required in the approved amount in the City's Rates and Fees.

4. 525 Welland Avenue, Consent, B-37/21SC – 21 118277

   No comments.

5. 361 Grantham Avenue, Minor Variance, A-107/21 – 21 118329

   No comments.

6. 179 Lake Street, Minor Variance, A-108/21 – 21 118290

   No comments.

7. 36 Highcourt Crescent, Minor Variance, A-109/21 – 21 118317

   No comments.

8. 33 Arthur Street, Minor Variance, A-110/21 – 21 118341

   No comments.

9. 33A Arthur Street, Minor Variance, A-111/21 – 21 118316

   No comments.

10. 114 Chetwood Street, Minor Variance, A-112/21 – 21 118331

    No comments.

Stuart Green OALA

Landscape Architect/Planner
Tel: 905.688.5601 x3155
Email: sgreen@stcatharines.ca

Elaine Munro ACST

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: November 2, 2021
Hearing Date: November 17, 2021
Subject: **Committee of Adjustment - Minor Variance Applications**
37-39 Mountain Street, A-93&94/21SC
106 Marsdale Drive, A-103/21SC
374A,B&C Linwell Road, A-104,105&106/21SC
361 Grantham Avenue, A-107/21SC
179 Lake Street, A-108/21SC
36 Highcourt Crescent, A-109/21SC
33-33A Arthur Street, A-110&111/21SC
114 Chetwood Street, A-112/21SC

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 shall be a requirement for applications that are subject to a Building Permit
    - 37-39 Mountain Street
    - 374ABC Linwell Road
    - 361 Grantham Avenue
    - 179 Lake Street (proposed hard surfaced parking areas)
    - 114 Chetwood Street

- The Applicant of 361 Grantham Avenue shall be advised that reduced setbacks for this application are not acceptable related to required drainage conveyance and required landscaped areas for the development currently proposed and subject to an existing Site Plan Agreement application

Prepared by:

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

cc. James Denham, PBS (email only)

St. Catharines | Memorandum

To: Elaine Munro, Committee Secretary and Planning Technician

Cc:

From: Steve Bittner, Transportation Technologist

Date: November 1, 2021

Subject: Committee of Adjustment Comments (November 17, 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

St. Catharines

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

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

COMMENTS

B-35/21SC, B-36/21SC, A-104/21, A-105/21 & A-106/21

374 Linwell Road

DATE OF HEARING: November 17, 2021

CITY OF ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: November 12, 2021 **Date of Meeting:** November 17, 2021

Report Number: **B-35/21SC**
B-36/21SC
A-104/21
A-105/21
A-106/21

File: **21118264** (374 Linwell Road)
21118265 (374 Linwell Road)
21118268 (374A Linwell Road)
21118272 (374B Linwell Road)
21118273 (374C Linwell Road)

Subject: 374 Linwell Road (to become 374A, 374B and 374C Linwell Road)

Recommendation

Consent

That Application **B-35/21** by Taydrien Developments Inc, as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. That the Owner enter into a Development Agreement with the City of St. Catharines, to be registered on title to the lands now known as 174 Linwell Road addressing the following conditions:
    a. That building permit plans for Parts 2, 3 and 4, once submitted, be reviewed and confirmed to be generally in accordance with the site plan and elevation plans submitted with this application; and
    b. The Lot Grading and Drainage Plan, required as a condition of consent approval, be included in the Development Agreement, to ensure compliance as part of the review and approval of a building permit.
    c. The Tree Preservation and Protection Plan, required as a condition of consent approval, be included in the Development Agreement, to ensure compliance during constriction of the proposed dwellings.
2. That the Owner have prepared by a Professional Engineer or an Ontario Land Surveyor, a Lot Grading & Drainage plan for City review and approval. The plan must also show the location of the proposed water and sewer services.
3. That the Owner provide the City a draft Reference Plan indicating the proposed Part 1 right-of-way widening for review and approval, prior to registration of the plan in the Land Registry Office.
4. That the Owner dedicate to the City, free and clear of any encumbrances, the Part 1 right-of-way widening across the frontage of the subject properties, to be known as Public Highway Linwell Road.
5. That the Owner pay for the existing sanitary lateral to be video inspected by City crews to confirm its condition and location from the house to the main line sewer.
6. That the Owner, if the condition of the existing sanitary lateral is suitable but the location will result in crossing an existing or proposed side yard property line, pay

for City crews to relocate the portion on private property and obtain a Plumbing only permit to do so.

7. That the Owner, if the condition of the existing sanitary lateral is suitable but the location will result in crossing an existing or proposed side yard property line, relocate the portion on private property and obtain a Plumbing Only Permit to do so.
8. That the Owner submit a payment for the placement of a 60mm caliper tree in front of Part 2, in accordance with the City's current Schedule of Rates and Fees.
9. That the Owner submit payment of 5% of the appraised value of Part 2, as determined by a qualified appraiser, to the City in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of payment, the value of the land shall be determined as of the day before the day the provisional consent was given'.
10. That the Owner have prepared by a qualified arborist a Tree Preservation and Protection Plan for trees on the western side of the property for review and approval by the director of Community, Recreation and Cultural Services department or his designate.
11. That final approval of the concurrent Minor Variance applications be granted.
12. That the Owner 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.
13. That the Owner submit to the Secretary-Treasurer of the Committee of Adjustment a final certification fee of $222.20 (2022 rate) payable to the Treasurer, City of St. Catharines.
14. That all conditions of consent be fulfilled by November 17th, 2022.

That Application **B-36/21** by Taydrien Developments Inc, as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. That the Owner enter into a Development Agreement with the City of St. Catharines, to be registered on title to the lands now known as 174 Linwell Road addressing the following conditions:
    a. That building permit plans for Parts 2, 3 and 4, once submitted, be reviewed and confirmed to be generally in accordance with the site plan and elevation plans submitted with this application; and
    b. The Lot Grading and Drainage Plan, required as a condition of consent approval, be included in the Development Agreement, to ensure compliance as part of the review and approval of a building permit.
    c. The Tree Preservation and Protection Plan, required as a condition of consent approval, be included in the Development Agreement, to ensure compliance during constriction of the proposed dwellings.
2. That the Owner have prepared by a Professional Engineer or an Ontario Land Surveyor, a Lot Grading & Drainage plan for City review and approval. The plan must also show the location of the proposed water and sewer services.
3. That the Owner provide the City a draft Reference Plan indicating the proposed Part 1 right-of-way widening for review and approval, prior to registration of the plan in the Land Registry Office.

4. That the Owner dedicate to the City, free and clear of any encumbrances, the Part 1 right-of-way widening across the frontage of the subject properties, to be known as Public Highway Linwell Road.
5. That the Owner pay for the existing sanitary lateral to be video inspected by City crews to confirm its condition and location from the house to the main line sewer.
6. That the Owner, if the condition of the existing sanitary lateral is suitable but the location will result in crossing an existing or proposed side yard property line, pay for City crews to relocate the portion on private property and obtain a Plumbing only permit to do so.
7. That the Owner, if the condition of the existing sanitary lateral is suitable but the location will result in crossing an existing or proposed side yard property line, relocate the portion on private property and obtain a Plumbing Only Permit to do so.
8. That the Owner submit a payment for the placement of a 60mm caliper tree in front of Part 3, in accordance with the City's current Schedule of Rates and Fees.
9. That the Owner submit payment of 5% of the appraised value of Part 3, as determined by a qualified appraiser, to the City in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of payment, the value of the land shall be determined as of the day before the day the provisional consent was given'.
10. That the Owner have prepared by a qualified arborist a Tree Preservation and Protection Plan for trees on the western side of the property for review and approval by the director of Community, Recreation and Cultural Services department or his designate.
11. That final approval of the concurrent Minor Variance applications be granted.
12. That the Owner 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.
13. That the Owner submit to the Secretary-Treasurer of the Committee of Adjustment a final certification fee of $222.20 (2022 rate) payable to the Treasurer, City of St. Catharines.
14. That all conditions of consent be fulfilled by November 17th, 2022.

Minor Variance

That Application **A-104/21** by Taydrien Developments Inc, as outlined in the Notice of Hearing, be approved.

That Application **A-105/21** by Taydrien Developments Inc, as outlined in the Notice of Hearing, be approved.

That Application **A-106/21** by Taydrien Developments Inc, as outlined in the Notice of Hearing, be approved.

Report
The Proposal

The applicant is proposing to sever the existing lot at 374 Linwell Road into two new lots with one retained lot. The applicant further proposes to construct three one-and-one-half storey split level detached dwellings on each of the three lots. The existing detached dwelling on the current lot will be demolished. The consent to sever and minor variance applications outlined in the tables below are required to facilitate this proposal. Part 1 is dedicated for a road widening.

Application	Severed Parcel	Severed Area	Retained Parcel	Retained Area
B-35/21SC	Part 2 (to become 374A Linwell Road)	417.76 m^2	Part 3 & 4 (to become 374B & 374C Linwell Road)	835.79 m^2 (to be further subdivided into Part 3 and 4)
B-36/21SC	Part 3 (to become 374B Linwell Road)	418.08 m^2	Part 4 (to become 374C Linwell Road)	417.71 m^2

Application	Variance #	Zoning Provision	Required	Proposed
A-104/21 374A Linwell Road (Part 2)	1	Minimum Lot Frontage	16.5 m	12.19 m
	2	Minimum Front Yard Setback	8.2 m	6 m
A-105/21 374B Linwell Road (Part 3)	1	Minimum Lot Frontage	16.5 m	12.2 m
	2	Minimum Front Yard Setback	8.2 m	6 m
A-106/21 374C Linwell Road (Part 4)	1	Minimum Lot Frontage	16.5 m	12.19 m
	2	Minimum Front Yard Setback	8.2 m	6 m

Location and Site Description

The subject property is located on the south side of Linwell Road, east of Vine Street and west of Niagara Street. The immediate surrounding area is comprised of mainly detached dwellings with a commercial use at 384 Linwell Road.

The property is presently occupied by a detached dwelling which is proposed to be demolished.

Circulation of Application

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

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 at a density generally ranging from 20 to 32 units per hectare. The application proposes a density of about 24 units per hectare.

Zoning By-law (2013-283)

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

Planning Analysis

Consent

Consent applications **B-35/21SC** and **B-36/21SC** request to sever two lots from the subject property for the purpose of constructing one detached dwelling on each new lot as well as the retained lot.

Section 16.11 of the Garden City Plan sets out a number of policies that applications for lot creation are to be evaluated against. Applicable policies are listed below with staff comment provided.

3) *Consents to sever individual parcels of land, including land assembly and lot boundary adjustments will only be permitted where:*
    a) *It is clearly apparent that no development could take place which would lead to significant expense by the City for public works or which would lead to further development leading to such expenses.*

The proposed severed lots will make use of existing infrastructure, including municipal streets, water, wastewater and stormwater services. The applicant will be responsible for connecting the new lots to City infrastructure. No costs for the City are anticipated as a result of this application.

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

The proposed severances are within the City's built boundary and is in an area that is substantially developed. The proposal includes constructing three new detached dwellings, which matches the predominant land-use in the immediate neighbourhood. This application will contribute to context-sensitive infilling.

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

The proposed two new lots and one retained lot meet lot area requirements in the Zoning By-law and have a density of 23.9 units per hectare, which meets the permitted density in the Official Plan. The lots do not meet the minimum frontage requirement for the R1 zone, which is subject of concurrent minor variance applications. Severing the property into one new lot and one retained lot would result in lot sizes over the maximum permitted in the Zoning By-law and a density of 15.9 units per hectare, which is below the permitted density range in the Official Plan. As such, there are no alternative development patterns that could result in additional units being built on this property. Staff are satisfied that this application achieves the optimum development potential of the subject lands and the surrounding area.

In addition to the reduced lot frontages, the proposed three one-and-one-half storey split level detached dwellings do not meet the required front yard setback due to the averaging provision for front yards in the R1 zone. There are concurrent minor variance applications that seek to remedy these deficiencies, which are discussed later in this report.

In the opinion of staff, the proposal to sever two new lots and establish three detached dwellings on the subject lands satisfies the policies of the Official Plan and Zoning By-law for evaluation of consents to sever. Staff also find the lot sizes to be desirable and compatible with the surrounding area with no adverse impacts to the surrounding built or natural environment. Staff supports the approval of Consent Applications **B-35/21SC** and **B-36/21SC**, subject to the conditions outlined in the recommendations herein.

Road Widening

Linwell Road is designated an Arterial Road on Schedule C of the GCP with a desired right-of-way width of 26 metres. The current width along this section of the road is deficient, at approximately 18.28 metres.

As per the Official Plan, Council is committed to achieving "Complete Streets and Walkable Communities" to which, in addition to accommodating vehicles, provides "safe, functional and attractive pedestrian and cycling environments". Section 5.2.1 indicates sidewalks shall be provided on both sides of all local streets. Section 5.2.3 states all existing roads shall be brought up to current standards, recognizing that this may take many years due to the anticipated expense, and that if necessary, land acquisition by way of dedications may be taken. Section 5.2 also directs the City to ensure all roads have secured locations for utilities (sewer/water, hydro, gas, telecommunications, etc.).

To be consistent with road widening requirements and standards necessary to accommodate City and private utilities and complete street initiatives, staff are recommending as a condition that a 3.86 metre strip of land across the frontage of the subject property be dedicated as Public Highway Linwell Road to obtain half of the additional requirements necessary to ultimately achieve the desired road allowance width of 26 metres. The applicants are aware of this required and have identified the required road widening dedication as Part 1 on the submitted survey sketch.

Minor Variance

Variance 1 of Applications A-104/21, A-105/21 and A-106/21

The applicant is requesting a decrease to the minimum lot frontages for Part 2 and 4 from 16.5 meters to 12.19 meters and for Part 3 from 16.5 meters to 12.2 meters. Approval of the variances will result in three new lots that are slightly narrower than otherwise permitted. Despite the proposed narrowness, the proposed lots all exceed the minimum lot area requirements due to their depth, resulting in three viable building lots that meet density requirements. The submitted plans demonstrate that detached dwellings can be built on the lots and meet the minimum side yard setbacks. Staff find these requests to be minor in nature.

The proposed lot frontages are not uncommon in the broader neighbourhood, and lots narrower than being proposed can be found on the west side of Vine Street. Alternative development patterns that meet lot frontage requirements for the subject lands would see only two oversized lots that would be under density provisions. Despite the reduced frontage, the proposed detached dwellings are in keeping with surrounding dwellings. Therefore, staff find the requested variances are desirable for the appropriate development of the lands.

To ensure that redevelopment compliments an established neighbourhood, section 7.1 of the Official Plan states that redevelopment shall be evaluated to ensure there is an integration of compatible building form, scale, massing, height, setbacks, and orientation. The proposal meets these requirements by generally aligning with the setbacks, orientation, and height of the adjacent properties. Further, the Zoning By-law applies general guidelines for minimum and maximum lot frontages to ensure redevelopment complements existing properties and streetscapes. Staff are satisfied that the proposed lot frontages generally align with the surrounding area and will not result in adverse impacts to the neighbouring properties. In the opinion of staff, the variances are in keeping with the general intent of the Official Plan and Zoning By-law.

Variance 2 of Applications A-104/21, A-105/21 and A-106/21

The applicant is requesting a decrease to the minimum front yard setback from 8.2 metres to 6 metres for each proposed dwelling. The minimum front yard setback was calculated using the Zoning By-law requirement to average the setback of the adjacent neighbouring properties. Due to the required 3.86 metre road widening strip being dedicated to the City the front lot line has shifted back by 3.86 meters from the front lot line of adjacent properties. This causes the proposed building footprint to be shifted back by 3.86 metres compared to neighbouring prosperities, which directly impacts how the average front yard setback is applied. The submitted plans show that these variances are required to keep the proposed dwellings and their porches in line with the adjacent properties. It is not

anticipated that the proposed front yard setbacks will result in adverse impacts to neighbouring properties or negatively impact the streetscape or orientation of the existing development fabric along Linwell Road. In the opinion of staff, the variances are minor in nature, appropriate for the use of the lands and in keeping with the general intent of the Zoning By-law and Official Plan.

Conclusion

Having regard for the matters under Section 53 of the *Planning Act*, staff are of the opinion that Consent Applications **B-35/21SC** and **B-36/21SC** are consistent with the provisions of the Zoning By-law and will have no adverse impacts on the surrounding area and environment. It is staff's recommendation that the requested consents to sever be approved, subject to the conditions outlined in the recommendation.

Having regard for the matters under Section 45(1) of the *Planning Act*, staff are of the opinion that Minor Variance Applications **A-104/21SC, A-105/21SC** and **A-106/21SC** be approved as variances are all in keeping with the general intent of the Official Plan and Zoning By-law, are minor in nature, and are desirable for the appropriate development of the lands.

Prepared by:	**Submitted by:**	**Approved by:**
Adam Nanji	Evan Acs	Tami Kitay, MPA MCIP RPP
Student Planner	Planner I	Director of Planning and Building

From: Munro, Elaine
To: Munro, Elaine
Subject: Comments Received FW: Comments RE: B-35/21SC, B36/21SC, A-104/21, A-105/21 & A-106/21
Date: Thursday, November 11, 2021 8:56:56 AM

Elaine Munro ACST

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

From: Maki Uegaki < >
Sent: Wednesday, November 10, 2021 8:21 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Mike Grant < >
Subject: Comments RE: B-35/21SC, B36/21SC, A-104/21, A-105/21 & A-106/21

Dear Ms Elaine Munro,

My name is Maki Uegaki. My partner, Michael Grant, and I are the residents of 3 Gordon Place, St. Catharines, L2M 2A3.

We are opposed to all five applications (B-35/21SC, B36/21SC, A-104/21, A-105/21 & A-106/21) put forth by Taydrien Developments Inc. for the following reasons:

1) Squeezing three nearly identical detached houses onto 417.76 m-squared of land is not in keeping with the aesthetics of the neighbourhood, which is characterized by wide minimum lot frontages, large front yards and widely separated homes. Moreover, the neighbourhood boasts a variety of architectural styles, which is the complete antithesis to the submitted "cookie cutter" designs.

2) Two additional detached houses will significantly increase traffic volume and congestion in the neighbourhood. This area of Linwell Road and Gordon Place already feels the effects of increased traffic flow due to Fat Louie's. This is a major safety concern especially because there are three families with young children living on Gordon Place and many local residents (and their furry friends) include Gordon Place as part of their regular walking routes.

3) Two additional detached houses will drastically increase the volume of street parking on Gordon Place. Cars belonging to nearby residents, their visitors, as well as spillover from Fat Louie's already clog Gordon Place. This results in traffic bottlenecks, which have made for some very close calls between cars turning onto and off of Gordon Place. These parked cars also often end up blocking our front entrance walkway and can make it precarious for our

neighbours to pull into and out of their driveways.

Furthermore, two residents from a house around the corner from Gordon Place on Linwell Road park three of their many vehicles in front of our property on a daily basis, one of whom regularly violates street parking by-laws. This has been going on for years.

The last thing this neighbourhood needs is the potential of increased traffic flow and decreased driving accessibility due to excessive parking on Gordon Place stemming from the addition of two superfluous detached residences that do not fit in with the aesthetics of this well-established, north end neighbourhood.

It is our hope that these applications will be rejected and reconsidered for the building of just one detached dwelling.

Thank you for your time and consideration.

Best regards,

Michael Grant and Maki Uegaki
3 Gordon Place
St. Catharines, ON
L2M 2A3

From: Munro, Elaine
To: Munro, Elaine
Subject: Comments Received FW: Comments on 374 Linwell Road Application
Date: Thursday, November 11, 2021 8:54:45 AM

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

From: Jennifer Turner < >
Sent: Wednesday, November 10, 2021 7:41 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Comments on 374 Linwell Road Application

Dear Elaine Munro,

We are writing to you regarding the Notice of Hearing for 374 Linwell Road (roll no. 2629050016135000000) with our comments/concerns. Our concerns stem from living on Northdale Drive for over nine years, a well-developed and well-established neighbourhood. Our property was purchased with the intent of maintaining privacy, however this proposed application would impede privacy in our backyard and the demolition with new construction would cause a nuisance (with an undetermined completion date). We are supportive of growth in the City of St. Catharines but there are other areas being developed that this project would be better suited to. The three proposed homes by Taydrien Developments Inc are obtrusive compared to the existing dwellings on Linwell road and the surrounding properties. The proposed lot sizes do not maintain the originality of the other mature well-developed lots in this area. As concerned neighbours, we also see potential privacy issues for other neighbouring and adjacent lots, along with drainage issues, sight line issues, and impediment of natural light to neighbouring properties due to the height and proximity of the proposed dwellings. We also noticed that there are inconsistencies with measurements in the drawings provided – so these drawings should be further reviewed by the committee.

Thank you for considering our concerns. Please confirm receipt of these comments.

Sincerely,

Dustin & Jennifer Turner

From: Munro, Elaine
To: Munro, Elaine
Subject: Comments Received - 374 Linwell Road
Date: Thursday, November 11, 2021 9:00:40 AM

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

From: Toni-Marie Catchpaw < >
Sent: Wednesday, November 10, 2021 4:47 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc:
Subject: Attention: Ms. Elain Munro, Secretary-Treasurer

Attention: Ms. Elain Munro, Secretary-Treasurer

Dear Ms. Munro,

I am writing you to communicate our family's **complete disagreement** the plans for 374 Linwell Road, St. Catharines ON L2M 2P2 (see details below).
We are opposed to all details within the following Notice of hearing statements received by our household:

Amanda No. 21118264
Submission No. B-35/21SC
Roll no. 2629050016135000000

Amanda No. 21118265
Submission No. B-36/21SC
Roll no. 2629050016135000000

Amanda No. 21118268
Submission No. A-104/21

Amanda No. 21118272
Submission No. A-105/21

Amanda No. 21118273

Submission No. A-106/21

A Notice of Hearing is scheduled on Wednesday November 17th, 2021 at 5:00PM, which we will all attend.

Please note that all household members oppose this severance and the plans associated with it:

- Toni-Marie Catchpaw
- Mark Catchpaw
- Devon Catchpaw
- Dylan Catchpaw

It is completely against the nature and beautiful landscape of our neighborhood to divide/sub-divide 374 Linwell Road with its single-family home, into 3 properties with 3 homes on a lot intended for one.
This goes against the design of our neighborhood and the reason we purchased our home at 370 Linwell Road on June 24th, 1994.
It is our home and an investment for our nearing retirement.

We also have many questions:

When is the road being widened as mentioned in one of the plans?
How much property will we lose because of the widening?

Where can we find more information and details about the plans for 374 Linwell Road?
What else can be done to oppose this severance?

Ms. Munro, any assistance you can provide is greatly appreciated.
Some direction on what is happening, the process and where to find more information online.

Best regards,
Toni-Marie Catchpaw

TMC Business Solutions
370 Linwell Road
St. Catharines, ON L2M 2P2

October 29, 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 118264, 21 118268, 21 118272 and 21 118273

Re: 37, 37A, 37B, 37C Linwell Rd

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

We would also like to stipulate the following:

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

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

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

Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital

Bell Canada
Fl-2, 140 Bayfield St.
Barrie, Ontario
L4M 3B1

Fax: 705-722-2263
Tel: 705-722-2244
E-mail: carrie.gordon@bell.ca

November 1, 2021

City of St Catharines
Committee of Adjustment
P.O. Box 3012
50 Church St.
St. Catharines, ON
L2R 7C2

Attn: Elaine Munro, Committee Secretary and Planning Technician
By email only: Munro, Elaine <emunro@stcatharines.ca>

Dear Ms. Munro:

Subject: Application for Consent – Severance
374 Linwell Rd., St Catharines
Part of Lot 14, Concession 3; ST. CATHARINES
CofA File: B-35/21 SC Bell File: 905-21-458

We acknowledge receipt and thank you for your correspondence October 26, 2021.

Subsequent to review of the above noted Consent Application by our local Engineering Department, it has been identified that Bell Canada will require a transfer of easement over these lands, to protect existing buried facilities, supply service to the properties and to maintain service in the area.

Bell Canada would like to confirm that Parts 2, 3 & 4, or a 1.6m wide corridor to be measured 1.5m on north side of the buried facilities found approximately 0.1m off the south property boundary (location shown on the attached illustration), as can be accommodated, would satisfy our needs. With respect to the buried plant, it will be necessary for the surveyor to arrange for a cable locate to identify its location.

Since the easement is necessary in order to provide and maintain service to this area, all costs associated with this transaction is the responsibility of the landowner. Compensation should be set to the nominal amount of $2.00 for the acquisition of these rights. Additionally, Bell Canada requires separate, registered postponements for any mortgages and certification of title.

We hope this proposal meets with your approval and request a copy of the Committee of Adjustments decision. We look forward to the owners' Solicitor contacting us with a draft reference plan and accompanying draft easement documents for our approval prior to registration, along with an acknowledgement and direction for our execution.

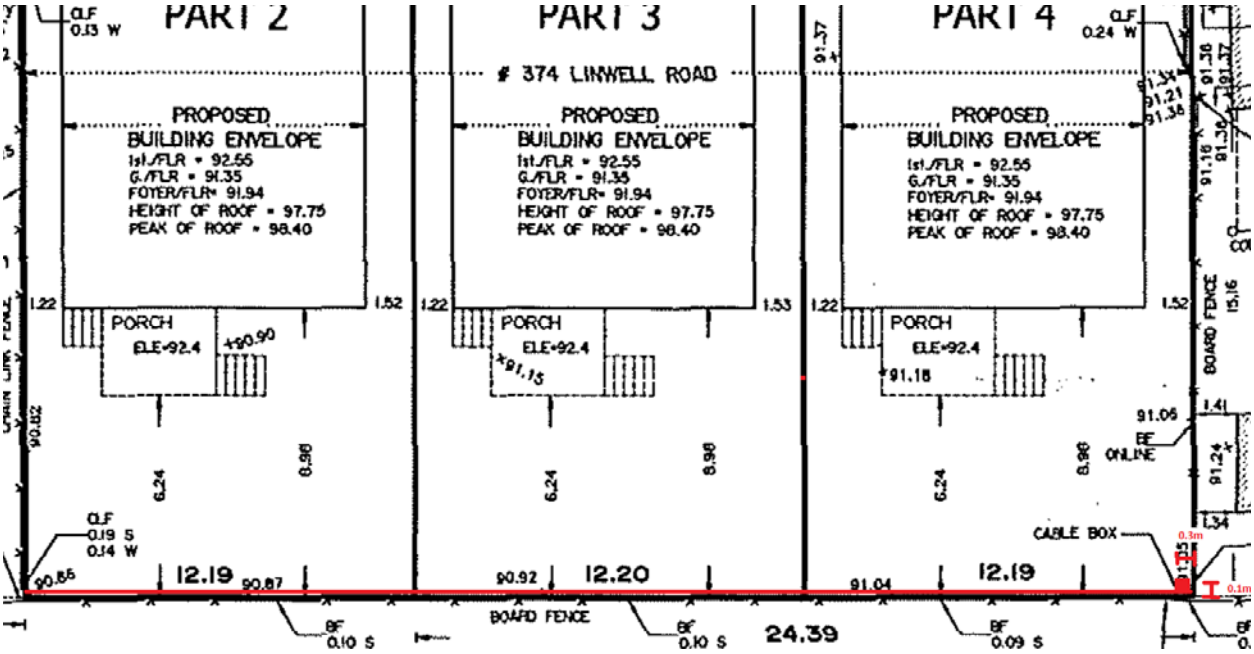
If you have any questions or concerns, please feel free to contact me.

Yours truly,

Carrie Gordon

Carrie Gordon
Right of Way Associate

Encls.


PART 2
PART 3
PART 4
374 LINWELL ROAD
PROPOSED
BUILDING ENVELOPE
1st./FLR = 92.55
G./FLR = 91.35
FOYER/FLR= 91.94
HEIGHT OF ROOF = 97.75
PEAK OF ROOF = 98.40
PORCH
ELE=92.4
12.19
12.20
12.19
24.39
BOARD FENCE
CABLE BOX
ONLINE
0.3m
0.1m

St. Catharines

Planning and Building Services
Building and Development

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: November 4th, 2021
Subject: Building Comments on Applications to the Committee of Adjustment
Consents – November 17, 2021 hearing

B-32/21SC – 37 Mountain Street

Comment:
- No comment

Condition:
- Be advised that a building permit is required to demolish the existing dwelling and detached garage.

B-35/21SC – 374 Linwell Road

Comment:
- No comment

Condition:
- Be advised that a building permit is required to demolish the existing dwelling.

B-36/21SC – 374 Linwell Road

Comment:
- No comment

Condition:
- Be advised that a building permit is required to demolish the existing dwelling.

B-37/21SC – 525 Welland Avenue

Comment:

- No comment

Condition:

- No comment

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

St. Catharines

Planning and Building Services
Building and Development

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: October 12, 2021

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – November 17, 2021 hearing

NO.	ADDRESS	COMMENTS
A-93/21	37 Mountain Street	Be advised that a building permit is required to construct the semi-detached dwelling.
A-94/21	39 Mountain Street	Be advised that a building permit is required to demolish the existing dwelling and detached garage. Be advised that a building permit is required to construct the semi-detached dwelling.
A-103/21	106 Marsdale Drive	Be advised that a building permit is required to construct the proposed pergola. Be advised that a pool permit is required to install the pool.
A-104/21	374A Linwell Road	Be advised that a building permit is required to construct a single detached dwellings.
A-105/21	374B Linwell Road	Be advised that a building permit is required to construct a single detached dwellings.
A-106/21	374C Linwell Road	Be advised that a building permit is required to construct a single detached dwellings.

NO.	ADDRESS	COMMENTS
A-107/21	361 Grantham Avenue	Be advised that the demolition permit shall be completed and issued prior to the demolition of the existing church. Be advised that a building permit is required to construct the townhouse blocks.
A-108/21	179 Lake Street	Be advised that a building permit is required to convert the existing single detached dwelling into a triplex.
A-109/21	36 Highcourt Crescent	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-110/21	33 Arthur Street	No comment
A-111/21	33A Arthur Street	No comment
A-112/21	114 Chetwood Street	Be advised that a building permit is required to convert the existing commercial business to a single detached dwelling unit.

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

From: Munro, Elaine
To: Munro, Elaine
Subject: CRCS Comments- Committee of Adjustment Notices and Applications for the November 17/21 CofA Hearing
Date: Friday, November 12, 2021 11:02:38 AM

Hi Elaine

Here are my comments.

1. 37 Mountain Street, Consent, B-32/21SC – 21 117225
   37 Mountain Street, Minor Variance, A-93/21 – 21 117228
   39 Mountain Street, Minor Variance, A-94/21 – 21 117231

   The existing boulevard tree is required to be preserved. During construction the tree should be protected at the drip line and no utilities should be located within the drip line.

   A new boulevard tree will be required for the created lot. A cash deposit for the tree will be required in the approved amount in the City's Rates and Fees.

2. 106 Marsdale Drive, Minor Variance, A-103/21 – 21 118120

   No comments.

3. 374 Linwell Road, Consent, B-35/21SC – 21 118264
   374 Linwell Road, Consent, B-36/21SC – 21 118268
   374A Linwell Road, Minor Variance, A-104/21 – 21 118268
   374B Linwell Road, Minor Variance, A-105/21 – 21 118272
   374C Linwell Road, Minor Variance, A-106/21 – 21 118273

   The existing boulevard tree is required to be preserved. During construction the tree should be protected at the drip line and no utilities should be located within the drip line.

   A tree preservation plan should be provided for the trees along the western property line.

   A new boulevard tree for each lot will be required. A cash deposit for each tree will be required in the approved amount in the City's Rates and Fees.

4. 525 Welland Avenue, Consent, B-37/21SC – 21 118277

   No comments.

5. 361 Grantham Avenue, Minor Variance, A-107/21 – 21 118329

   No comments.

6. 179 Lake Street, Minor Variance, A-108/21 – 21 118290

   No comments.

7. 36 Highcourt Crescent, Minor Variance, A-109/21 – 21 118317

   No comments.

8. 33 Arthur Street, Minor Variance, A-110/21 – 21 118341

   No comments.

9. 33A Arthur Street, Minor Variance, A-111/21 – 21 118316

   No comments.

10. 114 Chetwood Street, Minor Variance, A-112/21 – 21 118331

    No comments.

Stuart Green OALA

Landscape Architect/Planner
Tel: 905.688.5601 x3155
Email: sgreen@stcatharines.ca

Elaine Munro ACST

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-35&36/21SC

November 2, 2021 **ENGINEERING FILE 300-36**

Hearing Date: June 23rd, 2021

Applicant: Taydrien Developments Inc.

Location: 374 Linwell Road

MUNICIPAL SERVICES

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

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

Comment(s): It is noted the Owner wishes to sever Part 2 from Parts 3 & 4, and Part 3 from Part 4 for the proposed construction of single detached dwellings on each new lot. Part 1 is to be dedicated to the City as Public Highway Linwell Road.

Roads

Linwell Road is designated an Arterial road as per the City's Official Plan with a desired right-of-way width of 26.0m (86.0'). Its current width is 18.28m (60'), therefore the City shall require a widening along the frontage established based on the centreline of the original road allowance to obtain half of the required amount desired to achieve a 26.0m right-of-way width of approximately 3.86m (12.7'), dedicated free and clear of any encumbrances as Public Highway Linwell Road. A draft reference plan shall be submitted for review and approval prior to the registration in the Land Registry Office and forwarded to the City. The City will then move forward with acceptance of the land dedication by Municipal By-law.

Sidewalks

Sidewalks exist along Linwell Road currently. Sidewalk damage deposits for the existing sidewalk shall be required at the Building Permit stage, the costs of which to be determined based on the length of the frontage and as per the City's current Schedule of Rates & Fees. Care shall be taken not to damage these existing services during servicing and construction of the development site, if approved.

Engineering Services

Increased drainage challenges occur in these types of in-fill

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

Sump pump flows are typically discharged to grade, when no opportunities to connect to a storm sewer in the road allowance exist. Since a storm sewer does exist along Linwell Road, weeping tile discharges via sump pump shall be required to discharge to a provisioned storm sewer lateral at the costs of the owner and provided through the building permit process for each single-detached dwelling and shall be identified on the proposed Master Lot Grading plan through the front foundation wall only, in accordance with the Property Standards By-law (2014-248).

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

The Owner shall be responsible to pay the fee for City crews to locate, trace, inspect and document the water and sewer service laterals for the existing dwelling, to confirm they do not conflict with any existing or future lot lines. If any of the existing services are determined to conflict with existing or future lot lines, the Owner shall be responsible to relocate the portions of these services on private property through a Plumbing Only permit. The Owner shall also pay the City to relocate any portion of those services on public property. The Owner must also pay the City to install a water service and sanitary laterals for the new lots from the City sewers and watermain to the property line. It must be noted that the existing main sewer is approximately 5.50m deep and additional servicing costs above and beyond typical depths to provide these service connections may apply, at the cost of the Owners through the building permit process. Payment for the services for the newly created lots shall be obtained at the building permit stage, and the City shall **not** authorize the installation of lot services until confirmation is received that the lots have been registered and legally created.

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

- Provide the City a draft reference plan indicating the proposed widening for review and approval, prior to registration of the plan in the Land Registry Office; and
- Dedicate to the City, free and clear of any encumbrances, the widening across the frontage of the subject properties, to be known as Public Highway Linwell Road: and
- Pay the fee for City crews to locate, trace, inspect and document the sewer laterals and water services to the existing dwelling; and
- If determined existing laterals or water services conflict with existing or future lot lines, the Owner shall complete any relocation works on private property through a Plumbing Only Permit. The Owner shall also pay the City to complete any associated relocation works required on City property; and
- Arrange to have a Master Lot Grading and Drainage plan prepared

by a qualified Engineer or Ontario Land Surveyor. The plan shall be submitted for review and approval by City staff;

Prepared by: 

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

c. James Denham, PBS (email only)

Memorandum

To: Elaine Munro, ACST, Committee Secretary & Planning Technician
From: Brad Johnston, C.E.T., Development Engineering Technologist
CC: City Committee of Adjustment Staff Members
Date: November 2, 2021
Hearing Date: November 17, 2021
Subject: **Committee of Adjustment - Minor Variance Applications**
37-39 Mountain Street, A-93&94/21SC
106 Marsdale Drive, A-103/21SC
374A,B&C Linwell Road, A-104,105&106/21SC
361 Grantham Avenue, A-107/21SC
179 Lake Street, A-108/21SC
36 Highcourt Crescent, A-109/21SC
33-33A Arthur Street, A-110&111/21SC
114 Chetwood Street, A-112/21SC

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 shall be a requirement for applications that are subject to a Building Permit
    - 37-39 Mountain Street
    - 374ABC Linwell Road
    - 361 Grantham Avenue
    - 179 Lake Street (proposed hard surfaced parking areas)
    - 114 Chetwood Street

- The Applicant of 361 Grantham Avenue shall be advised that reduced setbacks for this application are not acceptable related to required drainage conveyance and required landscaped areas for the development currently proposed and subject to an existing Site Plan Agreement application

Prepared by:

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

cc. James Denham, PBS (email only)

St. Catharines | Memorandum

To: Elaine Munro, Committee Secretary and Planning Technician

Cc:

From: Steve Bittner, Transportation Technologist

Date: November 1, 2021

Subject: Committee of Adjustment Comments (November 17, 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

St. Catharines

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

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

COMMENTS

B-37/21SC

525 Welland Avenue

DATE OF HEARING: November 17, 2021

CITY OF ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: November 12, 2021 **Date of Meeting:** November 17, 2021

Report Number: **B-37/21SC** **File:** **21118277**

Subject: 525 Welland Avenue

Recommendation

That application **B-37/21SC** by Retrocom Mid-Market Properties Inc., as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. 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.
2. That a final certification fee of $222.20 (2022 rate) per application payable to the Treasurer, City of St. Catharines, be submitted to the Secretary-Treasurer.
3. That all conditions of consent be fulfilled by November 17th, 2022.

Report

The Proposal

The Application is made for consent to a long-term lease (greater than 21 years) of 3000 m² +/- of land (Parts 1-14) for an existing commercial building (Tim Hortons/Wendy's), parking and drive-thru aisles. The remnant lands will continue to be part of the commercial plaza.

Location and Site Description

The subject property is located on the north side of Welland Avenue, west of Bunting Road and east of Grantham Avenue. The proposed leased lands are part of a larger property (the Lincoln Mall), and our surrounded by various commercial uses to the east and west, a mix of commercial and light industrial uses to the south, and high-density residential uses to the north.

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 Mixed Use on Schedule D1 of the Garden City Plan (GCP) and further designated Mixed Use on Schedule E3. Section 12 of the GCP

supports a broad array and mix of medium and higher density housing, retail and service commercial, local office, institutional, indoor recreation, and cultural uses within this designation. The existing Tim Hortons/Wendy's restaurant, parking area and drive-thru aisles are permitted.

Zoning By-law (2013-283)

The subject property is zoned Medium Density Mixed Use with Special Provision 79 (M1-79). A mix of commercial, residential and institutional uses are permitted in this zone. The existing restaurants are permitted uses in the M1-79 zone. The existing Tim Hortons/Wendys restaurant, parking area and drive-thru aisles are permitted in this zone.

Planning Analysis

Consent

Application **B-37/21SC** requests a consent for a long-term lease (greater than 21 years) for the continued use of the existing commercial building, associated parking and drive thru aisles. The consent is requested because a new lease agreement is required between the landlord and the existing tenant (Tim Hortons/Wendy's). Any lease term greater than 21 years requires the approval of the Committee of Adjustment.

The lease applies to the building itself and the associated parking stalls and two drive thru aisles for the facility. Approval of the lease will permit the continued operation of the current restaurant. There is an existing Site Plan Agreement registered on title of the lands, and no change to the current site layout is proposed as a result of the subject application. Staff considers the lands suitable for the existing use as it is permitted under the City's Official Plan, Zoning By-law, and complies with the existing approved site plan on the property. There will be no adverse impacts to the surrounding area as a result of the requested consent.

Conclusion

Having regard for matters under Section 53 of the *Planning Act*, staff are of the opinion that Consent Application **B-37/21SC** meets the intent of the Official Plan, Zoning By-law and will have no adverse impacts on the surrounding area and environment. Staff recommend that the requested consent be approved subject to the conditions listed in the recommendation.

Prepared by:	**Submitted by:**	**Approved by:**
Adam Nanji	Natasha MacDonald	Bruce Bellows
Student Planner	Planner I	Senior Planner

St. Catharines

Planning and Building Services
Building and Development

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: November 4th, 2021
Subject: Building Comments on Applications to the Committee of Adjustment
Consents – November 17, 2021 hearing

B-32/21SC – 37 Mountain Street

Comment:
- No comment

Condition:
- Be advised that a building permit is required to demolish the existing dwelling and detached garage.

B-35/21SC – 374 Linwell Road

Comment:
- No comment

Condition:
- Be advised that a building permit is required to demolish the existing dwelling.

B-36/21SC – 374 Linwell Road

Comment:
- No comment

Condition:
- Be advised that a building permit is required to demolish the existing dwelling.

B-37/21SC – 525 Welland Avenue

Comment:

- No comment

Condition:

- No comment

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

From: Munro, Elaine
To: Munro, Elaine
Subject: CRCS Comments- Committee of Adjustment Notices and Applications for the November 17/21 CofA Hearing
Date: Friday, November 12, 2021 11:02:38 AM

Hi Elaine

Here are my comments.

1. 37 Mountain Street, Consent, B-32/21SC – 21 117225
   37 Mountain Street, Minor Variance, A-93/21 – 21 117228
   39 Mountain Street, Minor Variance, A-94/21 – 21 117231

   The existing boulevard tree is required to be preserved. During construction the tree should be protected at the drip line and no utilities should be located within the drip line.

   A new boulevard tree will be required for the created lot. A cash deposit for the tree will be required in the approved amount in the City's Rates and Fees.

2. 106 Marsdale Drive, Minor Variance, A-103/21 – 21 118120

   No comments.

3. 374 Linwell Road, Consent, B-35/21SC – 21 118264
   374 Linwell Road, Consent, B-36/21SC – 21 118268
   374A Linwell Road, Minor Variance, A-104/21 – 21 118268
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4. 525 Welland Avenue, Consent, B-37/21SC – 21 118277

   No comments.

5. 361 Grantham Avenue, Minor Variance, A-107/21 – 21 118329

   No comments.

6. 179 Lake Street, Minor Variance, A-108/21 – 21 118290

   No comments.

7. 36 Highcourt Crescent, Minor Variance, A-109/21 – 21 118317

   No comments.

8. 33 Arthur Street, Minor Variance, A-110/21 – 21 118341

   No comments.

9. 33A Arthur Street, Minor Variance, A-111/21 – 21 118316

   No comments.

10. 114 Chetwood Street, Minor Variance, A-112/21 – 21 118331

    No comments.

Stuart Green OALA

Landscape Architect/Planner
Tel: 905.688.5601 x3155
Email: sgreen@stcatharines.ca

Elaine Munro ACST

From:	Johnston, Brad
To:	Munro, Elaine
Cc:	Acs, Evan; MacDonald, Natasha; Banda, Wilrik; Denham, James; Josipovic, Margaret
Subject:	November 17, 2021 - CofA Severance DevEng Comments Memo Planning
Date:	Wednesday, November 3, 2021 5:37:46 PM
Attachments:	B-35-36-21SC - DevEng Comments Memo to Planning.pdf

Hi Elaine,

Please see attached. Please note we have no comments or objections to the 525 Welland Avenue application.

Regards,

Brad Johnston C.E.T.

Development Engineering Technologist
Tel: 905.688.5601 x1620
Email: bjohnston@stcatharines.ca

St. Catharines | Memorandum

To: Elaine Munro, Committee Secretary and Planning Technician

Cc:

From: Steve Bittner, Transportation Technologist

Date: November 1, 2021

Subject: Committee of Adjustment Comments (November 17, 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

St. Catharines

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

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

COMMENTS

A-108/21

179 Lake Street

DATE OF HEARING: November 17, 2021

CITY OF ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: November 12, 2021 **Date of Meeting:** November 17, 2021

Report Number: **A-108/21** **File:** **21118290**

Subject: 179 Lake Street

Recommendation

That Application **A-108/21** by Padder Properties Inc., as outlined in the Notice of Hearing, be approved subject to the following condition:

1. That the Owner provide proof of a registered right-of-way over the adjacent property to the south (179 A Lake Street) for the purposes of providing an easement laneway to access the proposed rear yard parking on 179 Lake Street.
2. That the Owner remove the proposed strip of asphalt immediately north of the proposed parking spaces and adjacent to the northern lot line in the rear yard of the property, and to be replaced with sod or a permeable surface.

Report

The Proposal

The Applicant is seeking relief from the City of St. Catharines' Zoning By-law to facilitate the conversion of the current two-storey detached dwelling to a two-storey triplex dwelling. The Applicant is requesting the following variances:

Variance	Provision	Required	Proposed
1	Minimum lot frontage	12 m	11.46 m
2	Minimum lot area	420 m^2	406 m^2
3	Minimum interior side yard setback (northerly interior side yard setback)	1.2 m	0 m
4	Minimum interior side yard setback (southerly interior side yard setback)	1.2 m	0.91 m

Location and Site Description
The subject property is located on the west side of Lake Street, north of Pleasant Avenue and south of Russell Avenue. The surrounding neighbourhood is a mix of low to medium density residential, commercial and institutional uses. Many of the surrounding buildings are two-storey dwellings, comparable to the existing building on the subject property.

Circulation of Application
This Application was circulated to all appropriate departments and agencies. No objections were received. However, it is noted that the proposed strip of asphalt in the rear yard of the property, immediately north of the proposed parking spaces and adjacent to the northern lot line, is not required to meet the minimum parking space dimension requirements of the Zoning By-law, and should be removed and replaced in favour of sodding or a permeable surface to support optimum drainage and reduction of potential runoff around the proposed parking area.

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 E4. A range of residential uses are permitted in this designation, including detached, semi-detached, duplex, triplex, townhouse and apartment dwellings.

This designation supports a density range of 25 to 99 units per hectare of land. The existing detached dwelling has a density of 24 units per hectare. The proposed triplex dwelling would increase the density to 74 units per hectare, which is within the supported density range for this designation in the Official Plan.

Zoning By-law (2013-283)
The subject property is zoned Medium Density Residential (R3) in the City's Zoning By-law. A range of residential uses including detached, semi-detached, duplex, triplex and apartment dwellings are permitted within this zone.

Planning Analysis
Variance 1
The applicant is requesting a reduction in the minimum lot frontage from 12m to 11.46m, which is the subject property's existing lot frontage. Lot frontage requirements are set out in order to facilitate a consistent streetscape and an adequate and balanced provision for landscaped space, driveway area and spacing between buildings to support intended uses. Currently there is no parking provision on site, and the entire front yard is landscaped open space with a sidewalk to the front door. Other than constructing a new front porch and stairs, the character of the front yard will remain unchanged. The applicant proposes to establish 3 parking spaces in the rear yard of the property to be accessed by a right-of -way easement over the adjacent property to

the south (179A Lake Street). Neighbouring residential lots in the area have comparable lot frontages as the subject property, and the proposal will not alter the appearance of the dwelling structure from the streetscape. Staff also acknowledge the lot has a depth of more than four times the lot frontage, which provides adequate parking provision and amenity space in the rear yard for the proposed use. In the opinion of staff, the reduction to the minimum lot frontage requirement by 0.54m is minor in nature, the reduced lot frontage is adequate and appropriate to support the intended use, and is in keeping with the intent of the Official Plan and Zoning By-law.

Variance 2
The applicant is requesting to reduce the minimum lot area for a triplex dwelling from $420m^2$ to $406m^2$. The Zoning By-law's provisions regarding lot area is intended to ensure lots are adequately sized to facilitate functional development and also providing adequate landscaped open space, amenity space, privacy and parking provision. Lot area requirements is also a mechanism to ensure appropriate densities depending on the use and area of the City. The proposal would result in a density of 74 units per hectare, which is within the range supported by the Official Plan for lands designated Medium Density Residential. The proposal complies with most other zoning provisions, such as maximum total lot coverage, minimum landscape open space, maximum building height and minimum parking provision. The proposal would result in minimal exterior changes to the existing building, maintain the existing streetscape, and would not result in adverse impacts to neighbouring properties. In the opinion of staff, the variance is minor in nature, will not negatively impact the use of the property for a triplex, and will facilitate an appropriate use of the lands in keeping with the intent of the Official Plan and Zoning By-law.

Variance 3
The applicant is requesting a reduction in the northerly side yard setback from 1.2m to 0m, which is the existing setback to the dwelling. The intent of interior side yard setbacks includes providing a buffer and privacy between buildings, as well as space for drainage and access for servicing and emergency service purposes. The surrounding area comprises various smaller lots with dwellings located close to or along their interior lot lines, which is not uncharacteristic of neighbourhoods near the downtown core. The existing adjacent church to the north has a setback of approximately 3m from the shared lot line and provides adequate access to the rear of each property, if required. The variance is required to recognize an existing situation. The side yard setback is existing, is not a result of, and will not be affected by, the proposed conversion of the existing structure to a triplex dwelling. Staff find that this variance is minor in nature and is deemed appropriate for the proposed use of the lands in keeping with the general intent of the Official Plan and Zoning By-law.

Variance 4
The applicant is requesting a reduction in the southerly side yard setback from 1.2m to 0.91m, which is the existing setback to the dwelling. There is a open laneway which runs along the south of the property line which mitigates any potential impacts that the reduced building setback may create for other development on neighbouring properties

to the south, and which does not detract from gaining access to the rear of the property if required for emergency services. The variance is required to recognize an existing situation. The side yard setback is existing, is not a result of, and will not be affected by, the proposed conversion of the existing structure to a triplex dwelling. Staff find that this variance is minor in nature and is deemed appropriate for the proposed use of the lands in keeping with 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-108/21** 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:	**Submitted by:**	**Approved by:**
Adam Nanji	Natasha MacDonald	Bruce Bellows
Student Planner	Planner I	Senior Planner

St. Catharines

Planning and Building Services
Building and Development

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: October 12, 2021

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – November 17, 2021 hearing

NO.	ADDRESS	COMMENTS
A-93/21	37 Mountain Street	Be advised that a building permit is required to construct the semi-detached dwelling.
A-94/21	39 Mountain Street	Be advised that a building permit is required to demolish the existing dwelling and detached garage. Be advised that a building permit is required to construct the semi-detached dwelling.
A-103/21	106 Marsdale Drive	Be advised that a building permit is required to construct the proposed pergola. Be advised that a pool permit is required to install the pool.
A-104/21	374A Linwell Road	Be advised that a building permit is required to construct a single detached dwellings.
A-105/21	374B Linwell Road	Be advised that a building permit is required to construct a single detached dwellings.
A-106/21	374C Linwell Road	Be advised that a building permit is required to construct a single detached dwellings.

NO.	ADDRESS	COMMENTS
A-107/21	361 Grantham Avenue	Be advised that the demolition permit shall be completed and issued prior to the demolition of the existing church. Be advised that a building permit is required to construct the townhouse blocks.
A-108/21	179 Lake Street	Be advised that a building permit is required to convert the existing single detached dwelling into a triplex.
A-109/21	36 Highcourt Crescent	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-110/21	33 Arthur Street	No comment
A-111/21	33A Arthur Street	No comment
A-112/21	114 Chetwood Street	Be advised that a building permit is required to convert the existing commercial business to a single detached dwelling unit.

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

From: Munro, Elaine
To: Munro, Elaine
Subject: CRCS Comments- Committee of Adjustment Notices and Applications for the November 17/21 CofA Hearing
Date: Friday, November 12, 2021 11:02:38 AM

Hi Elaine

Here are my comments.

1. 37 Mountain Street, Consent, B-32/21SC – 21 117225
   37 Mountain Street, Minor Variance, A-93/21 – 21 117228
   39 Mountain Street, Minor Variance, A-94/21 – 21 117231

   The existing boulevard tree is required to be preserved. During construction the tree should be protected at the drip line and no utilities should be located within the drip line.

   A new boulevard tree will be required for the created lot. A cash deposit for the tree will be required in the approved amount in the City's Rates and Fees.

2. 106 Marsdale Drive, Minor Variance, A-103/21 – 21 118120

   No comments.

3. 374 Linwell Road, Consent, B-35/21SC – 21 118264
   374 Linwell Road, Consent, B-36/21SC – 21 118268
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   A new boulevard tree for each lot will be required. A cash deposit for each tree will be required in the approved amount in the City's Rates and Fees.

4. 525 Welland Avenue, Consent, B-37/21SC – 21 118277

   No comments.

5. 361 Grantham Avenue, Minor Variance, A-107/21 – 21 118329

   No comments.

6. 179 Lake Street, Minor Variance, A-108/21 – 21 118290

   No comments.

7. 36 Highcourt Crescent, Minor Variance, A-109/21 – 21 118317

   No comments.

8. 33 Arthur Street, Minor Variance, A-110/21 – 21 118341

   No comments.

9. 33A Arthur Street, Minor Variance, A-111/21 – 21 118316

   No comments.

10. 114 Chetwood Street, Minor Variance, A-112/21 – 21 118331

    No comments.

Stuart Green OALA

Landscape Architect/Planner
Tel: 905.688.5601 x3155
Email: sgreen@stcatharines.ca

Elaine Munro ACST

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: November 2, 2021
Hearing Date: November 17, 2021
Subject: **Committee of Adjustment - Minor Variance Applications**
37-39 Mountain Street, A-93&94/21SC
106 Marsdale Drive, A-103/21SC
374A,B&C Linwell Road, A-104,105&106/21SC
361 Grantham Avenue, A-107/21SC
179 Lake Street, A-108/21SC
36 Highcourt Crescent, A-109/21SC
33-33A Arthur Street, A-110&111/21SC
114 Chetwood Street, A-112/21SC

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 shall be a requirement for applications that are subject to a Building Permit
    - 37-39 Mountain Street
    - 374ABC Linwell Road
    - 361 Grantham Avenue
    - 179 Lake Street (proposed hard surfaced parking areas)
    - 114 Chetwood Street

- The Applicant of 361 Grantham Avenue shall be advised that reduced setbacks for this application are not acceptable related to required drainage conveyance and required landscaped areas for the development currently proposed and subject to an existing Site Plan Agreement application

Prepared by:

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

cc. James Denham, PBS (email only)

St. Catharines | Memorandum

To: Elaine Munro, Committee Secretary and Planning Technician

Cc:

From: Steve Bittner, Transportation Technologist

Date: November 1, 2021

Subject: Committee of Adjustment Comments (November 17, 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

St. Catharines

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

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

COMMENTS

A-109/21

36 Highcourt Crescent

DATE OF HEARING: November 17, 2021

CITY OF ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: November 12, 2021 **Date of Meeting:** November 17, 2021

Report Number: **A-109/21** **File:** **21118317**

Subject: 36 Highcourt Crescent

Recommendation

That Application **A-109/21** by Angela Briguglio, Michael Briguglio and Santo Briguglio be approved, as outlined in the Notice of Hearing.

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	80.45m^2
2	Maximum floor area of an interior accessory dwelling unit as a percentage of the floor area of the dwelling	40%	47.2%

Location and Site Description

The subject property is located on the south side of Highcourt Crescent, south of Densgrove Drive. The immediate neighbourhood to the north east and west is residential and is comprised predominately of detached dwellings. To the south of the subject lands is high density residential apartment buildings and commercial uses fronting on to Scott Street.

The subject lands are presently occupied by a detached dwelling.

Circulation of Application

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

Planning Policy Context

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential on Schedule E3. 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

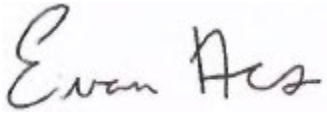
The applicant is requesting an increase to the permitted area for an interior accessory dwelling unit in a detached dwelling. The current zoning provisions permit an accessory dwelling unit to occupy no more than the lesser of 60 square metres or 40 percent of the floor area of the dwelling, with the 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 80.45 square meters, which will occupy 47.2 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-109/21** 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:	**Submitted by:**	**Approved by:**
		
Adam Nanji	Evan Acs	Tami Kitay, MPA MCIP RPP
Student Planner	Planner I	Director of Planning and Building

St. Catharines

Planning and Building Services
Building and Development

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: October 12, 2021

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Minor Variance – November 17, 2021 hearing

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   No comments.

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   No comments.

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   No comments.

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    No comments.

Stuart Green OALA

Landscape Architect/Planner
Tel: 905.688.5601 x3155
Email: sgreen@stcatharines.ca

Elaine Munro ACST

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: November 2, 2021
Hearing Date: November 17, 2021
Subject: **Committee of Adjustment - Minor Variance Applications**
37-39 Mountain Street, A-93&94/21SC
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361 Grantham Avenue, A-107/21SC
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- The Applicant of 361 Grantham Avenue shall be advised that reduced setbacks for this application are not acceptable related to required drainage conveyance and required landscaped areas for the development currently proposed and subject to an existing Site Plan Agreement application

Prepared by:

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

cc. James Denham, PBS (email only)

St. Catharines | Memorandum

To: Elaine Munro, Committee Secretary and Planning Technician

Cc:

From: Steve Bittner, Transportation Technologist

Date: November 1, 2021

Subject: Committee of Adjustment Comments (November 17, 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

St. Catharines

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

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

COMMENTS

A-110/21

33 Arthur Street

DATE OF HEARING: November 17, 2021

CITY OF ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: November 12, 2021 **Date of Meeting:** November 17, 2021

Report Number: **A-110/20** **File:** **21118314**

Subject: 33 Arthur Street

Recommendation

That Application **A-110/21** by Mark Eitzen and Wendy Eitzen., as outlined in the Notice of Hearing, be approved.

Report

Background

Application **A-110/21** follows previous Applications **B-48/19SC, A-148/19** and **A-149/19** to sever 33 Arthur Street into two lots to facilitate the construction of a semi-detached dwelling. These applications were approved on December 19, 2019 and building construction has been completed. The original site plan intended to provide two parking spaces that meet City standards for each semi-detached dwelling. The provision of two parking spaces per semi-detached dwelling was to provide a parking space for the principal dwelling unit and also an interior accessory dwelling unit for each property. During construction, the parking spaces in the garages of the semi-detached dwellings became smaller than intended and do not meet Zoning By-law size requirements for parking spaces within a garage. As such, both semi-detached dwellings with an interior accessory dwelling unit at 33 and 33A Arthur Street require the minor variance outlined in this Application and concurrent Application **A-111/21.**

The Proposal

The Applicant is seeking relief from the City of St. Catharines' Zoning By-law 2013-283 through a reduction of the minimum number of parking spaces for a principal dwelling and an interior accessory dwelling unit from 2 spaces to 1 space. The variance was originally seeking a reduction in the width of the existing parking space in the garage. However, this was amended to request a reduction in the number of parking spaces following staff review.

Variance	Provision	Required	Proposed
1	Minimum number of required parking spaces (1 space per dwelling unit)	2	1

Location and Site Description

The subject property is located on the west side of Arthur Street, Nickel Street and Cindy Drive. The property is surrounded by one- storey and one-and-a-half-storey detached dwellings.

Circulation of Application

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

Planning Policy Context

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential on Schedule E2. Semi-detached dwellings and interior accessory apartments are permitted.

Zoning By-law (2013-283)

The subject property is zoned Low Density Residential – Suburban Neighbourhood (R1). Semi-detached dwellings and interior accessory apartments are permitted.

Planning Analysis

The applicant is requesting a reduction in the number of parking spaces required for an existing semi-detached dwelling with a proposed accessory dwelling unit. This variance is required because the size of the parking space within the existing garage does not comply with the minimum parking space dimensions for an obstructed parking space on two sides established in the Zoning By-law.

Policy 5.4.2 of the Official Plan states the City will consider the reduction or elimination of vehicular parking requirements where some of these factors may apply:

i) Shared parking is possible;
ii) Transit is readily available or where transit facilities are provided;
iii) Bicycle parking facilities, or community facilities are provided;
iv) Land, beyond minimum requirements, is dedicated for safe active transportation facilities and connectivity;
v) Land, beyond minimum requirements, is dedicated for greening and landscaping initiatives.

In this case, the subject property is located within 50m to a bus stop on Arthur Street and 300m to Lakeshore Road, which is well serviced by transit routes connecting to other parts of the City. The subject property is also located within proximity to various cycling trails and routes in the City. There is on-street parking available for visitors or local

residents to use along both sides of Arthur Street. The reduction of one parking space is not expected to have an adverse impact on parking supply in the area or cause excess parking in the neighbourhood. Given the provision of one parking space onsite that meets City requirements, the availability of on-street parking and close proximity to transit, staff find the variance to be in keeping with the general intent of the Official Plan. Further, the variance supports Official Plan policy to provide a full range of housing opportunities, types and forms within Neighbourhood Residential areas of the City.

The Zoning By-law currently requires a minimum of one parking space per dwelling unit for semi-detached and accessory dwelling units. The City requires that obstructed parking spaces have a minimum dimension of 5.2m deep by 3.5m wide. The standard parking space dimensions is 5.2m deep by 2.6m wide. The existing garage does not comply with the obstructed space regulation. The parking space within the garage is 3.14m in width, significantly greater than the standard size, and although able to adequately accommodate vehicles, the width may compromise the ability to get in and out of the vehicle from both sides. There is a parking space that meets City regulations for the subject property's principal dwelling.

The subject property provides one parking space that meets City requirements, the garage can accommodate another vehicle, albeit entering and exit of the vehicle may be slightly compromised, and the property has access to on-street parking and accessibility to City bus transit routes. As such, staff are of the opinion that this variance is considered minor in nature, appropriate for the desirable use of the lands and is in keeping with the general intent of the Official Plan and Zoning By-law.

Conclusion

Having regard for the matters under Section 45(1) of the *Planning Act*, staff are of the opinion that Application **A-110/21** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is desirable for the appropriate use of the lands. Staff recommend that the variance be approved.

Prepared by:	**Submitted by:**	**Approved by:**
Adam Nanji	Natasha MacDonald	Bruce Bellows
Student Planner	Planner I	Senior Planner

St. Catharines

Planning and Building Services
Building and Development

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: October 12, 2021

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – November 17, 2021 hearing

NO.	ADDRESS	COMMENTS
A-93/21	37 Mountain Street	Be advised that a building permit is required to construct the semi-detached dwelling.
A-94/21	39 Mountain Street	Be advised that a building permit is required to demolish the existing dwelling and detached garage. Be advised that a building permit is required to construct the semi-detached dwelling.
A-103/21	106 Marsdale Drive	Be advised that a building permit is required to construct the proposed pergola. Be advised that a pool permit is required to install the pool.
A-104/21	374A Linwell Road	Be advised that a building permit is required to construct a single detached dwellings.
A-105/21	374B Linwell Road	Be advised that a building permit is required to construct a single detached dwellings.
A-106/21	374C Linwell Road	Be advised that a building permit is required to construct a single detached dwellings.

NO.	ADDRESS	COMMENTS
A-107/21	361 Grantham Avenue	Be advised that the demolition permit shall be completed and issued prior to the demolition of the existing church. Be advised that a building permit is required to construct the townhouse blocks.
A-108/21	179 Lake Street	Be advised that a building permit is required to convert the existing single detached dwelling into a triplex.
A-109/21	36 Highcourt Crescent	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-110/21	33 Arthur Street	No comment
A-111/21	33A Arthur Street	No comment
A-112/21	114 Chetwood Street	Be advised that a building permit is required to convert the existing commercial business to a single detached dwelling unit.

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

From: Munro, Elaine
To: Munro, Elaine
Subject: CRCS Comments- Committee of Adjustment Notices and Applications for the November 17/21 CofA Hearing
Date: Friday, November 12, 2021 11:02:38 AM

Hi Elaine

Here are my comments.

1. 37 Mountain Street, Consent, B-32/21SC – 21 117225
   37 Mountain Street, Minor Variance, A-93/21 – 21 117228
   39 Mountain Street, Minor Variance, A-94/21 – 21 117231

   The existing boulevard tree is required to be preserved. During construction the tree should be protected at the drip line and no utilities should be located within the drip line.

   A new boulevard tree will be required for the created lot. A cash deposit for the tree will be required in the approved amount in the City's Rates and Fees.

2. 106 Marsdale Drive, Minor Variance, A-103/21 – 21 118120

   No comments.

3. 374 Linwell Road, Consent, B-35/21SC – 21 118264
   374 Linwell Road, Consent, B-36/21SC – 21 118268
   374A Linwell Road, Minor Variance, A-104/21 – 21 118268
   374B Linwell Road, Minor Variance, A-105/21 – 21 118272
   374C Linwell Road, Minor Variance, A-106/21 – 21 118273

   The existing boulevard tree is required to be preserved. During construction the tree should be protected at the drip line and no utilities should be located within the drip line.

   A tree preservation plan should be provided for the trees along the western property line.

   A new boulevard tree for each lot will be required. A cash deposit for each tree will be required in the approved amount in the City's Rates and Fees.

4. 525 Welland Avenue, Consent, B-37/21SC – 21 118277

   No comments.

5. 361 Grantham Avenue, Minor Variance, A-107/21 – 21 118329

   No comments.

6. 179 Lake Street, Minor Variance, A-108/21 – 21 118290

   No comments.

7. 36 Highcourt Crescent, Minor Variance, A-109/21 – 21 118317

   No comments.

8. 33 Arthur Street, Minor Variance, A-110/21 – 21 118341

   No comments.

9. 33A Arthur Street, Minor Variance, A-111/21 – 21 118316

   No comments.

10. 114 Chetwood Street, Minor Variance, A-112/21 – 21 118331

    No comments.

Stuart Green OALA

Landscape Architect/Planner
Tel: 905.688.5601 x3155
Email: sgreen@stcatharines.ca

Elaine Munro ACST

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: November 2, 2021
Hearing Date: November 17, 2021
Subject: **Committee of Adjustment - Minor Variance Applications**
37-39 Mountain Street, A-93&94/21SC
106 Marsdale Drive, A-103/21SC
374A,B&C Linwell Road, A-104,105&106/21SC
361 Grantham Avenue, A-107/21SC
179 Lake Street, A-108/21SC
36 Highcourt Crescent, A-109/21SC
33-33A Arthur Street, A-110&111/21SC
114 Chetwood Street, A-112/21SC

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 shall be a requirement for applications that are subject to a Building Permit
    - 37-39 Mountain Street
    - 374ABC Linwell Road
    - 361 Grantham Avenue
    - 179 Lake Street (proposed hard surfaced parking areas)
    - 114 Chetwood Street

- The Applicant of 361 Grantham Avenue shall be advised that reduced setbacks for this application are not acceptable related to required drainage conveyance and required landscaped areas for the development currently proposed and subject to an existing Site Plan Agreement application

Prepared by:

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

cc. James Denham, PBS (email only)

St. Catharines | Memorandum

To: Elaine Munro, Committee Secretary and Planning Technician

Cc:

From: Steve Bittner, Transportation Technologist

Date: November 1, 2021

Subject: Committee of Adjustment Comments (November 17, 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

St. Catharines

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

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

COMMENTS

A-111/21

33A Arthur Street

DATE OF HEARING: November 17, 2021

CITY OF ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: November 12, 2021 **Date of Meeting:** November 17, 2021

Report Number: **A-111/20** **File:** **21118316**

Subject: 33A Arthur Street

Recommendation

That Application **A-111/21** by 1962963 Ontario Inc., as outlined in the Notice of Hearing, be approved.

Report

Background

Application **A-111/21** follows previous Applications **B-48/19SC, A-148/19** and **A-149/19** to sever 33 Arthur Street into two lots to facilitate the construction of a semi-detached dwelling. These applications were approved on December 19, 2019 and building construction has been completed. The original site plan intended to provide two parking spaces that meet City standards for each semi-detached dwelling. The provision of two parking spaces per semi-detached dwelling was to provide a parking space for the principal dwelling unit and an interior accessory dwelling unit for each property. During construction, the parking spaces in the garages of the semi-detached dwellings became smaller than intended and do not meet City requirements. As such, both semi-detached dwellings with an interior accessory dwelling unit at 33 and 33A Arthur Street require the minor variance outlined in this Application and concurrent Application **A-110/21.**

The Proposal

The Applicant is seeking relief from the City of St. Catharines' Zoning By-law 2013-283 through a reduction of the minimum number of parking spaces for a principal dwelling and an interior accessory dwelling unit from 2 spaces to 1 space. The variance was originally seeking a reduction in the width of the existing parking space in the garage. However, this was amended to request a reduction in the number of parking spaces following staff review.

Variance	Provision	Required	Proposed
1	Minimum number of required parking spaces (1 space per dwelling unit)	2	1

Location and Site Description

The subject property is located on the west side of Arthur Street, between Nickel Street and Cindy Drive. The property is surrounded by one-storey and one-and-a-half-storey detached dwellings.

Circulation of Application

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

Planning Policy Context

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential on Schedule E2. Semi-detached dwellings with an interior accessory apartment unit are permitted.

Zoning By-law (2013-283)

The subject property is zoned Low Density Residential – Suburban Neighbourhood (R1). Semi-detached dwellings with an interior accessory dwelling unit are permitted.

Planning Analysis

The applicant is requesting a reduction in the number of parking spaces required for an existing semi-detached dwelling with a proposed accessory dwelling unit. This variance is required because the size of the parking space within the existing garage does not comply with the minimum parking space dimensions for an obstructed parking space on two sides established in the Zoning By-law.

Policy 5.4.2 of the Official Plan states the City will consider the reduction or elimination of vehicular parking requirements where some of these factors may apply:

i) Shared parking is possible;
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iii) Bicycle parking facilities, or community facilities are provided;
iv) Land, beyond minimum requirements, is dedicated for safe active transportation facilities and connectivity;
v) Land, beyond minimum requirements, is dedicated for greening and landscaping initiatives.

In this case, the subject property is located within 50m to a bus stop on Arthur Street and 300m to Lakeshore Road, which is well serviced by transit routes connecting to other parts of the City. The subject property is also located within proximity to various cycling trails and routes in the City. There is on-street parking available for visitors or local residents to use along both sides of Arthur Street. The reduction of one parking space is not expected to have an adverse impact on parking supply in the area or cause excess parking spillover in the neighbourhood. Given the provision of one parking space onsite that meets City requirements, the availability of on-street parking and close proximity to

transit, staff find the variance to be in keeping with the general intent of the Official Plan. Further, the variance supports Official Plan policy to provide a full range of housing opportunities, types and forms within Neighbourhood Residential areas of the City.

The Zoning By-law currently requires a minimum of one parking space per dwelling unit for semi-detached and accessory dwelling units. The City requires that obstructed parking spaces have a minimum dimension of 5.2m deep by 3.5m wide. The standard parking space dimensions is 5.2m deep by 2.6m wide. The existing garage does not comply with the obstructed space regulation. The parking space within the garage is 3.14m in width, significantly greater than the standard size, and although able to adequately accommodate vehicles, the width may compromise the ability to get in and out of the vehicle from both sides. There is a parking space that meets City regulations for the subject property's principal dwelling.

The subject property provides one parking space that meets City requirements, the garage can accommodate another vehicle, albeit entering and exit of the vehicle may be slightly compromised, and the property has access to on-street parking and City bus transit routes. As such, staff are of the opinion that this variance is considered minor in nature, appropriate for the desirable use of the lands and is in keeping with the general intent of the Official Plan and Zoning By-law.

Conclusion

Having regard for the matters under Section 45(1) of the *Planning Act*, staff are of the opinion that Application **A-111/21** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is desirable for the appropriate use of the lands. Staff recommend that the variance be approved.

Prepared by:	**Submitted by:**	**Approved by:**
Adam Nanji	Natasha MacDonald	Bruce Bellows
Student Planner	Planner I	Senior Planner

St. Catharines

Planning and Building Services
Building and Development

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: October 12, 2021

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – November 17, 2021 hearing

NO.	ADDRESS	COMMENTS
A-93/21	37 Mountain Street	Be advised that a building permit is required to construct the semi-detached dwelling.
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A-104/21	374A Linwell Road	Be advised that a building permit is required to construct a single detached dwellings.
A-105/21	374B Linwell Road	Be advised that a building permit is required to construct a single detached dwellings.
A-106/21	374C Linwell Road	Be advised that a building permit is required to construct a single detached dwellings.

NO.	ADDRESS	COMMENTS
A-107/21	361 Grantham Avenue	Be advised that the demolition permit shall be completed and issued prior to the demolition of the existing church. Be advised that a building permit is required to construct the townhouse blocks.
A-108/21	179 Lake Street	Be advised that a building permit is required to convert the existing single detached dwelling into a triplex.
A-109/21	36 Highcourt Crescent	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-110/21	33 Arthur Street	No comment
A-111/21	33A Arthur Street	No comment
A-112/21	114 Chetwood Street	Be advised that a building permit is required to convert the existing commercial business to a single detached dwelling unit.

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

From: Munro, Elaine
To: Munro, Elaine
Subject: CRCS Comments- Committee of Adjustment Notices and Applications for the November 17/21 CofA Hearing
Date: Friday, November 12, 2021 11:02:38 AM

Hi Elaine

Here are my comments.

1. 37 Mountain Street, Consent, B-32/21SC – 21 117225
   37 Mountain Street, Minor Variance, A-93/21 – 21 117228
   39 Mountain Street, Minor Variance, A-94/21 – 21 117231

   The existing boulevard tree is required to be preserved. During construction the tree should be protected at the drip line and no utilities should be located within the drip line.

   A new boulevard tree will be required for the created lot. A cash deposit for the tree will be required in the approved amount in the City's Rates and Fees.

2. 106 Marsdale Drive, Minor Variance, A-103/21 – 21 118120

   No comments.

3. 374 Linwell Road, Consent, B-35/21SC – 21 118264
   374 Linwell Road, Consent, B-36/21SC – 21 118268
   374A Linwell Road, Minor Variance, A-104/21 – 21 118268
   374B Linwell Road, Minor Variance, A-105/21 – 21 118272
   374C Linwell Road, Minor Variance, A-106/21 – 21 118273

   The existing boulevard tree is required to be preserved. During construction the tree should be protected at the drip line and no utilities should be located within the drip line.

   A tree preservation plan should be provided for the trees along the western property line.

   A new boulevard tree for each lot will be required. A cash deposit for each tree will be required in the approved amount in the City's Rates and Fees.

4. 525 Welland Avenue, Consent, B-37/21SC – 21 118277

   No comments.

5. 361 Grantham Avenue, Minor Variance, A-107/21 – 21 118329

   No comments.

6. 179 Lake Street, Minor Variance, A-108/21 – 21 118290

   No comments.

7. 36 Highcourt Crescent, Minor Variance, A-109/21 – 21 118317

   No comments.

8. 33 Arthur Street, Minor Variance, A-110/21 – 21 118341

   No comments.

9. 33A Arthur Street, Minor Variance, A-111/21 – 21 118316

   No comments.

10. 114 Chetwood Street, Minor Variance, A-112/21 – 21 118331

    No comments.

Stuart Green OALA

Landscape Architect/Planner
Tel: 905.688.5601 x3155
Email: sgreen@stcatharines.ca

Elaine Munro ACST

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: November 2, 2021
Hearing Date: November 17, 2021
Subject: **Committee of Adjustment - Minor Variance Applications**
37-39 Mountain Street, A-93&94/21SC
106 Marsdale Drive, A-103/21SC
374A,B&C Linwell Road, A-104,105&106/21SC
361 Grantham Avenue, A-107/21SC
179 Lake Street, A-108/21SC
36 Highcourt Crescent, A-109/21SC
33-33A Arthur Street, A-110&111/21SC
114 Chetwood Street, A-112/21SC

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 shall be a requirement for applications that are subject to a Building Permit
    - 37-39 Mountain Street
    - 374ABC Linwell Road
    - 361 Grantham Avenue
    - 179 Lake Street (proposed hard surfaced parking areas)
    - 114 Chetwood Street

- The Applicant of 361 Grantham Avenue shall be advised that reduced setbacks for this application are not acceptable related to required drainage conveyance and required landscaped areas for the development currently proposed and subject to an existing Site Plan Agreement application

Prepared by:

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

cc. James Denham, PBS (email only)

St. Catharines | Memorandum

To: Elaine Munro, Committee Secretary and Planning Technician

Cc:

From: Steve Bittner, Transportation Technologist

Date: November 1, 2021

Subject: Committee of Adjustment Comments (November 17, 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

St. Catharines

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

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

COMMENTS

A-112/21

114 Chetwood Street

DATE OF HEARING:
November 17, 2021

CITY OF ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: November 12, 2021 **Date of Meeting:** November 17, 2021

Report Number: **A-112/21** **File:** **21118331**

Subject: 114 Chetwood Street

Recommendation

That Application **A-112/21** by Donnie Uskin, 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 convert a vacant commercial building to a detached dwelling. The commercial use on the property dates from before 1956. The building was used as a small grocery store to 1982, after which it became a second-hand goods charity shop. The building has been vacant in recent years, but the commercial use could likely be established as legal non-conforming. By converting the property to a detached dwelling, the non-conforming status will end. The applicant is requesting the following variances to facilitate this conversion:

Variance	Provision	Required	Proposed
1	Minimum rear yard setback	6m	2m (existing)
2	Maximum lot area for a detached dwelling	465m^2	720m^2 (existing)

Location and Site Description

The subject property is located on the south side of Chetwood Street, between Edith Street and Churchill Street. The subject property was previously occupied by a commercial business and is located within a mainly residential neighbourhood comprised mainly of detached dwellings.

Circulation of Application

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

Planning Policy Context

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential on Schedule E6/7. Detached dwellings are permitted under 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

Variance 1

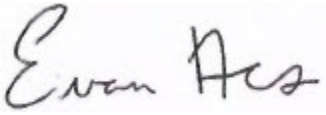
The Applicant is requesting to reduce the rear yard setback from 6 metres to 2 metres to facilitate the conversion of the existing commercial building to a detached dwelling. The 2-metre setback is an existing zoning deficiency, recognizing the extent of the building on the subject lands. The building is not increasing in size through this variance. Rear yard setbacks are required by the Zoning By-law to ensure adequate landscaped space to the rear of the property for outdoor amenity space and to provide a buffer between neighbouring properties. Despite the reduced rear yard, the lot still meets the required minimum open space, meaning that amenity space for the dwelling can be provided elsewhere on the lot. Furthermore, along the rear property line there are several large trees which provide a buffer between the subject property and the detached dwelling to the south of the property. The conversion of the building to a detached dwelling will align with the Official Plan and Zoning By-law's goals of reverting non-conforming uses to a use compatible with neighbouring properties. Staff find this variance to be minor in nature, appropriate for the use of the lands and in keeping with the general intent of the Official Plan and Zoning By-law.

Variance 2

The second variance seeks to increase the maximum lot area for a detached dwelling from 465 square metres to 720 square metres. This variance is recognizing the existing lot size and is required to change the use on the property to a detached dwelling. Within the neighbourhood there are many lots that are of similar size or larger, meaning this lot will be in keeping with the neighbourhood. Given the location of the building on the lot, there is little opportunity to create an additional building lot without a partial demolition of the existing structure. Staff find this variance to be minor in nature, appropriate for the use of the lands and in keeping with 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-112/21** 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:	**Submitted by:**	**Approved by:**
		
Adam Nanji Student Planner	Evan Acs Planner I	Tami Kitay, MPA MCIP RPP Director of Planning and Building

St. Catharines

Planning and Building Services
Building and Development

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: October 12, 2021

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – November 17, 2021 hearing

NO.	ADDRESS	COMMENTS
A-93/21	37 Mountain Street	Be advised that a building permit is required to construct the semi-detached dwelling.
A-94/21	39 Mountain Street	Be advised that a building permit is required to demolish the existing dwelling and detached garage. Be advised that a building permit is required to construct the semi-detached dwelling.
A-103/21	106 Marsdale Drive	Be advised that a building permit is required to construct the proposed pergola. Be advised that a pool permit is required to install the pool.
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A-106/21	374C Linwell Road	Be advised that a building permit is required to construct a single detached dwellings.

NO.	ADDRESS	COMMENTS
A-107/21	361 Grantham Avenue	Be advised that the demolition permit shall be completed and issued prior to the demolition of the existing church. Be advised that a building permit is required to construct the townhouse blocks.
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A-110/21	33 Arthur Street	No comment
A-111/21	33A Arthur Street	No comment
A-112/21	114 Chetwood Street	Be advised that a building permit is required to convert the existing commercial business to a single detached dwelling unit.

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

From: Munro, Elaine
To: Munro, Elaine
Subject: CRCS Comments- Committee of Adjustment Notices and Applications for the November 17/21 CofA Hearing
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1. 37 Mountain Street, Consent, B-32/21SC – 21 117225
   37 Mountain Street, Minor Variance, A-93/21 – 21 117228
   39 Mountain Street, Minor Variance, A-94/21 – 21 117231

   The existing boulevard tree is required to be preserved. During construction the tree should be protected at the drip line and no utilities should be located within the drip line.

   A new boulevard tree will be required for the created lot. A cash deposit for the tree will be required in the approved amount in the City's Rates and Fees.

2. 106 Marsdale Drive, Minor Variance, A-103/21 – 21 118120

   No comments.

3. 374 Linwell Road, Consent, B-35/21SC – 21 118264
   374 Linwell Road, Consent, B-36/21SC – 21 118268
   374A Linwell Road, Minor Variance, A-104/21 – 21 118268
   374B Linwell Road, Minor Variance, A-105/21 – 21 118272
   374C Linwell Road, Minor Variance, A-106/21 – 21 118273

   The existing boulevard tree is required to be preserved. During construction the tree should be protected at the drip line and no utilities should be located within the drip line.

   A tree preservation plan should be provided for the trees along the western property line.

   A new boulevard tree for each lot will be required. A cash deposit for each tree will be required in the approved amount in the City's Rates and Fees.

4. 525 Welland Avenue, Consent, B-37/21SC – 21 118277

   No comments.

5. 361 Grantham Avenue, Minor Variance, A-107/21 – 21 118329

   No comments.

6. 179 Lake Street, Minor Variance, A-108/21 – 21 118290

   No comments.

7. 36 Highcourt Crescent, Minor Variance, A-109/21 – 21 118317

   No comments.

8. 33 Arthur Street, Minor Variance, A-110/21 – 21 118341

   No comments.

9. 33A Arthur Street, Minor Variance, A-111/21 – 21 118316

   No comments.

10. 114 Chetwood Street, Minor Variance, A-112/21 – 21 118331

    No comments.

Stuart Green OALA

Landscape Architect/Planner
Tel: 905.688.5601 x3155
Email: sgreen@stcatharines.ca

Elaine Munro ACST

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: November 2, 2021
Hearing Date: November 17, 2021
Subject: **Committee of Adjustment - Minor Variance Applications**
37-39 Mountain Street, A-93&94/21SC
106 Marsdale Drive, A-103/21SC
374A,B&C Linwell Road, A-104,105&106/21SC
361 Grantham Avenue, A-107/21SC
179 Lake Street, A-108/21SC
36 Highcourt Crescent, A-109/21SC
33-33A Arthur Street, A-110&111/21SC
114 Chetwood Street, A-112/21SC

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 shall be a requirement for applications that are subject to a Building Permit
    - 37-39 Mountain Street
    - 374ABC Linwell Road
    - 361 Grantham Avenue
    - 179 Lake Street (proposed hard surfaced parking areas)
    - 114 Chetwood Street

- The Applicant of 361 Grantham Avenue shall be advised that reduced setbacks for this application are not acceptable related to required drainage conveyance and required landscaped areas for the development currently proposed and subject to an existing Site Plan Agreement application

Prepared by:

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

cc. James Denham, PBS (email only)

St. Catharines | Memorandum

To: Elaine Munro, Committee Secretary and Planning Technician

Cc:

From: Steve Bittner, Transportation Technologist

Date: November 1, 2021

Subject: Committee of Adjustment Comments (November 17, 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