

## Revised Agenda

**Wednesday, December 15, 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](http://www.stcatharines.ca/youtube)

**Public Comments:** The public may submit comments regarding agenda matters by contacting [emunro@stcatharines.ca](mailto:emunro@stcatharines.ca) by December 13, 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  
Evan Acs, Planner

- 
1. **Call meeting to order (Chair)**
  2. **Recognition of Traditional Territories**
  3. **Additions / Deletions to the Agenda**
  4. **Motion to approve the agenda**
  5. **Motion to adopt the minutes of the previous meeting – November 17, 2021**
  6. **Declarations of Interest**

7. **Request for Adjournment / Withdrawn**

- i) 121 Moffatt Street, Consent, B-09/21SC -

*Consent applications B-08/21SC & B-09/21SC initially proposed constructing a semi-detached dwelling with the rear parcel to be used for future residential development. The applications were deferred at the April 28, 2021 Hearing as requested by staff and supported by the Owner in order for the site plan to show the road widening. The Owner further discussed the proposal with staff and changed the proposal to a detached dwelling with the rear parcel to be used for a future residential development which is being heard at today's Hearing. Consent application is no longer required and the Owner is withdrawing the application.*

The Owner is also requesting that the Committee consider a partial or full refund of this consent application according to Section 68 (2) of the Planning Act.

- ii) Item No. 2 - 115 Moffatt Street, Consent, B-39/21SC – 21119454  
115 Moffatt Street, Consent, B-40/21SC – 21119455  
115 Moffatt Street, Consent, B-41/21SC – 21119456  
115A Moffatt Street, Minor Variance, A-115/21 – 21119458  
117 Moffatt Street, Minor Variance, A-124/21 – 21120112

A request for deferral has been received by Staff. Staff have determined that it is premature for these applications to go forward until the conditions of application B-29/21SC (113 Moffatt St) are cleared and the final certificate has been issued. Staff have discussed this with the applicant and they understand/are agreeable.

8. **Request for Minor Change of Conditions**

- i) 113 Moffatt Street, Consent, B-29/21SC - 21117007

A request has been received from the Owner and Agent to request a Minor Change of Condition by deleting condition #1.

Alternatively, if the Committee is not prepared to remove condition #1, that the condition be amended to provide a Development Agreement be entered into to require the demolition of the dwelling at 115 Moffatt Street no later than December 15, 2022.

9. **Applications**

1. 121 Moffatt Street, Consent, B-08/21SC – 21102393  
121 Moffatt Street, Minor Variance, A-125/21 – 21120115
2. 115 Moffatt Street, Minor Variance, A-123/21 – 21120111
3. 75 Jacobson Avenue, Minor Variance, A-116/21 – 21119459
4. 1 Lakeview Avenue, Consent, B-42/21SC – 21119462  
1 Lakeview Avenue, Consent, B-43/21SC – 21119463  
1 Lakeview Avenue, Minor Variance, A-117/21 – 21119464  
1A Lakeview Avenue, Minor Variance, A-118/21 – 21119465  
42 Aquadale Drive, Minor Variance, A-119/21 – 21119466
5. 31 Ambrose Street, Minor Variance, A-120/21 – 21119525
6. 17 Oakmeadow Place, Minor Variance, A-121/21 – 21119526
7. 40 Duncan Drive, Minor Variance, A-122/21 – 21119533

9.     **New Business**
10.    **Date of next meeting**  
Wednesday January 26, 2022 at 5.00 pm
11.    **Motion to Adjourn**

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

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

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# **COMMENTS**

**B-06/21SC**

**121 Moffatt Street**

**DATE OF HEARING:**  
**December 15, 2021**



CITY OF  
ST. CATHARINES

## Technical Report

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**Report from** Planning and Building Services, Planning Services

**Date of Report:** December 10, 2021      **Date of Meeting:** December 15, 2021

**Report Number:** B-08/21SC      **File:** 21102393  
A-125/21      21120115

**Subject:** 121 Moffatt Street (to become 121 Moffatt Street and 121A Moffatt Street)

## Recommendation

### Consent

That revised Application **B-08/21SC** by 1473941 Ontario Limited, as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. That the Owner enter into a Development Agreement with the City of St. Catharines, to be registered on title to the lands, addressing the following conditions:
  - a. That building permit plans, including a site plan and elevations for Part 2, once submitted, be reviewed and confirmed to be generally in accordance with the site plan 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.
2. That the Owner submit payment of 5% of the appraised value of the new lot, as determined by a qualified appraiser, be made to the City in lieu of dedication of land for parks purposes. Section 53 (13) of the *Planning Act*, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of payment, the value of the land shall be determined as of the day before the day the provisional consent was given.'
3. That the Owner submit a payment for the placement of a 60mm boulevard for the new lot, in accordance with the City's current Schedule of Rates and Fees.
4. That the Owner provide the City a draft Reference Plan indicating the proposed road widening for review and approval, prior to registration of the plan in the Land Registry Office.
5. That the Owner dedicate to the City, free and clear of any encumbrances, the widening across the frontage of the subject properties, to be known as Public Highway Moffatt Street.
6. That the Owner have the Lot Grading & Drainage Plan prepared by a Professional Engineer or Ontario Land Surveyor submitted to the City for review and approval.
7. That the Owner pay the fee for City crews to locate, trace, inspect and document the sewer and water laterals servicing the existing dwelling.

8. That, if determined the existing services will conflict with abutting and/or future lot lines, the Owner shall be responsible to complete any relocation works on private property through a Plumbing Only permit and pay to the City the fees required to install new water services from the City main and a new sewer service, if authorized, from the Regional main to the individual front property line in order for each lot to be serviced independently.
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 December 15th, 2022.

## Minor Variance

That Application **A-125/21** by 1473941 Ontario Limited, as outlined in the Notice of Hearing, be approved.

## Report Background

In April 2021, the Applicant originally submitted Applications **B-08/21SC** and **B-09/21SC** to sever the subject property into two new lots to facilitate the construction of a semi-detached dwelling, with a 2870.77m<sup>2</sup> remnant lot for future development. Prior to the April 28, 2021 Hearing, the Application was deferred in order to revise the proposal. The revised proposal now submitted under Application **B-08/21SC** proposes to create one new lot for a detached dwelling (Part 2) with a 2981.80m<sup>2</sup> remnant parcel (Part 1) for future development.

Should this Application be approved, the remnant lot will merge with the resulting remnant parcels proposed to be created through Application **B-29/21SC** (approved October 20, 2021) and Applications **B-39/21SC**, **B-40/21SC** and **B-41/21SC** (to be considered at the December 15, 2021 Hearing) for future residential development.

## The Proposal

The Applicant proposes to demolish an existing detached dwelling on the property and sever the subject property to create a new lot for the purposes of constructing a new detached dwelling.

To facilitate the proposal, revised Application **B-08/21SC** is made to sever 334.86m<sup>2</sup> of land (Part 2 on the submitted sketch). A 2981.80m<sup>2</sup> vacant remnant parcel (Part 1 on the submitted sketch) is proposed for future residential development. As noted, the remnant parcel will be merged with adjacent vacant lands for future development, which are under the same ownership. Given the remnant lot is currently vacant and intended for future development, a minor variance for the oversized lot area has not been submitted concurrently with this Application as potential variances are unknown at this time.

As shown on the submitted sketch, Part 3 is to be dedicated to the City for a road widening along Moffatt Street.

The requested Consent is described in the table below:

Application	Severed Parcel	Severed Area	Remnant Parcel	Remnant Area
<b>B-08/21SC</b>	Part 2 (121 Moffatt St)	334.86m <sup>2</sup>	Part 1 (121A Moffatt St, to merge with adjacent lands)	2981.80m <sup>2</sup>

A concurrent Minor Variance Application seeks relief from the City of St. Catharines through the variance outlined below:

Application	Variance #	Zoning Provision	Required	Proposed
<b>A-125/21</b> 121 Moffatt Street (Part 2)	1	Minimum Front Yard Setback for Detached Dwelling	9.8m	6.1m

## Location and Site Description

The subject property is located on the west side of Moffatt Street, north of Disher Street. The property is surrounded by detached dwellings to the north and south, Highway 406 to the west and green space to the east. There is an existing detached dwelling on the property, which is proposed to be demolished.

## Circulation of Application

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

## Planning Policy Context

### Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential on Schedule E9. A range of residential uses such as detached, semi-detached and townhouse dwellings are permitted in this designation at a density generally ranging from 20 to 32 units per hectare.

### Zoning By-law (2013-283)

The subject property is zoned Low Density Residential – Traditional Neighbourhood (R2). A range of residential uses are permitted in this zone, including detached, semi-detached and townhouse dwellings.

## Planning Analysis

### Consent

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

Consent Application **B-08/21SC** requests to sever an appropriately sized lot for a detached dwelling. The remnant parcel is to be merged with adjacent lands to ultimately support further future development in support of Official Plan policy for redevelopment and intensification of residential uses within the City's built boundary and urban area, supporting the most efficient use of remaining vacant lands within the urban area, and ultimately helping to accommodate and achieve the City's population growth forecast to 2051.

In order to ensure that development of the proposed new lot (Part 2) proceeds in a manner that maintains compatibility with the surrounding neighbourhood and appropriately accounts for drainage impacts, a development agreement will be required as a condition of approval. Staff are satisfied that the proposed severance is consistent with the Official Plan in that lots are sufficiently sized and configured so as to accommodate appropriate and compatible construction.

Staff are supportive of Consent Application **B-08/21SC**, subject to the conditions outlined in the recommendation.

### Road Widening

Moffatt Road is designated a Local Road on Schedule C of the GCP with a desired right-of-way width of 20.0m. Its current width is deficient in this location and although has since recently been reconstructed to accommodate the oad, curb, gutter, and sidewalks within the current right-of-way, it remains at a width that restricts any further boulevard improvements on the back side of the sidewalk for boulevard tree plantings and future utility relocations.

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 4.21m strip of land across the frontage of the subject property be dedicated as Public Highway Moffatt Street to obtain half of the additional requirements necessary to ultimately achieve the desired road allowance width of 20.0m. The Applicant is aware of this request and have identified the 4.21m road widening dedication as Part 3 on the submitted survey sketch.

## Minor Variance

Minor Variance application **A-125/21** seeks to decrease the minimum front yard setback for a detached dwelling from 9.8m to 6.1m. To establish the minimum front yard setback, the Zoning By-Law applies the average front yard setbacks of the adjacent properties to calculate the required front yard setback for the subject property. The intent of this is to ensure that the front yard setback is generally aligned with the adjacent properties and to support a consistent streetscape.

When calculating minimum front yard setbacks based on averaging, road widenings are not taken into consideration. As such, it is possible that a front yard setback of a dwelling is in line with adjacent properties but does not meet the calculated requirement. Such is the case at the subject property with a 4.21m road widening. As a result, although the requested front yard setback does not meet the City's minimum requirement due to the averaging calculations, the proposed dwelling has a front yard setback in line with adjacent properties and thus satisfies the intent of the zoning provision. This results in a uniform streetscape and as such staff consider the front yard setback to be appropriate given the surrounding neighbourhood context. Staff find the variance to be minor in nature, deemed an appropriate use of the lands and in keeping with the intent and purpose of the Official Plan and Zoning By-law.

## Conclusion

Having regard for the matters under Section 53 of the *Planning Act*, staff are of the opinion that revised Consent Application **B-08/21SC** is in keeping with the 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 the matters under Section 45(1) of the *Planning Act*, staff are of the opinion that Minor Variance application **A-125/21** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is desirable for the appropriate use and development of the lands. Staff recommend that the application be approved.

**Prepared by:**



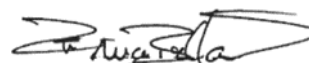
Adam Nanji  
Student Planner

**Submitted by:**



Natasha MacDonald  
Planner I

**Approved by:**



Bruce Bellows  
Senior Planner

**From:** [Munro, Elaine](#)  
**To:** [Munro, Elaine](#)  
**Subject:** Cogeco Comments - Committee of Adjustment Notices and Applications for the December 15/21 CofA Hearing  
**Date:** Wednesday, December 1, 2021 11:16:57 AM

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**Elaine Munro ACST**  
**Committee Secretary and Planning Technician**  
**Tel:** 905.688.5601 x1715  
**Email:** [emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)



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**From:** Doug Crown <[doug.crown@cogeco.com](mailto:doug.crown@cogeco.com)>  
**Sent:** Wednesday, December 1, 2021 8:42 AM  
**To:** Munro, Elaine <[emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)>  
**Cc:** Banda, Wilrik <[wbanda@stcatharines.ca](mailto:wbanda@stcatharines.ca)>  
**Subject:** Re: Request for Comments - Committee of Adjustment Notices and Applications for the December 15/21 CofA Hearing

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

Hi Elaine

Cogeco has no concerns with these applications.

Have a wonderful day

Doug Crown  
Network Planning Department  
[Doug.crown@cogeco.com](mailto:Doug.crown@cogeco.com)

7170 Mcleod Rd  
Niagara Falls Ont Canada

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

November 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 102393 and 21 120115

Re: 121 Moffatt St

In response to your correspondence dated November 23, 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](http://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.
- Hydro easement is to remain clear of encroachment of any kind.
- 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.
- Existing Alectra Utilities easement (SCH6172) at rear of proposed severed part 1 to remain clear of any proposed future development.

We would also like to stipulate the following:

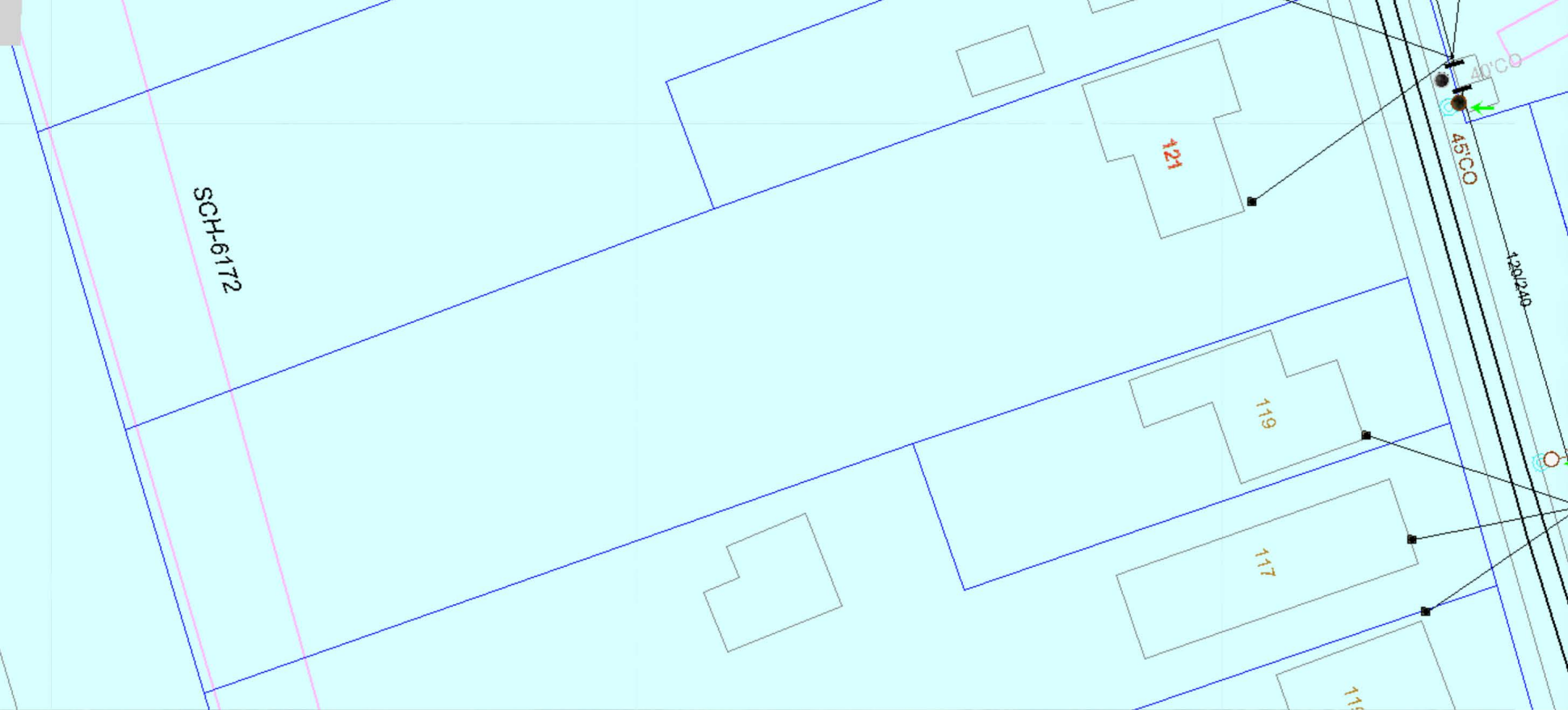
- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's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

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

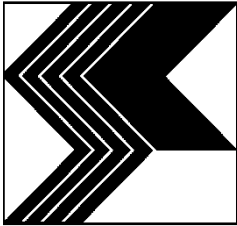
Sincerely,

*Mark Jakubowski*

Mark Jakubowski  
Supervisor, Design, Customer Capital



**REPORT TO PLANNING DEPARTMENT**  
**Re: CITY LAND DIVISION APPLICATION NUMBER B-08/21SC**



November 30, 2021

**ENGINEERING FILE 300-36**

**Hearing Date:** December 15, 2021

**Applicant:** 1473941 Ontario Ltd.

**Location:** 121 Moffatt Street

**ENGINEERING SERVICES**      **Moffatt Street**

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

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

**Storm Sewer:** None

**Sidewalks:** Yes - 1.50m

**Road Allowance Width:** Varies

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

**Comment(s):** It is noted that the Applicant proposes to sever Part 2 to create a new lot for construction of a detached dwelling. A remnant parcel (Part 1) will be retained for future residential development.

**Roads**

Moffatt Street is designated a Local road as per the City's Official Plan with a desired right-of-way width of 20.0m (66.0'). Its current width is deficient in this location and although has since recently been reconstructed to accommodate new road, curb, gutter, and sidewalks within the current right-of-way, it remains in a width that restricts any further boulevard improvements on the back side of the sidewalk for boulevard tree plantings and future utility relocations. The City acquired widenings on lands to the north in accordance with Part 3, Plan 30R-14907 (attached) to achieve half of an ultimate right-of-way width of 20.0m. The City shall require a similar widening to be dedicated free and clear of any encumbrances to be known as Public Highway Moffat Street. The ultimate width required would be approximately 4.20m± similar to the above plan however shall be based on half of the ultimate width to achieve a 20.0m right-of-way, measured from the centerline of the original road allowance as per Corporation Plan No. 6 (attached).

**Sidewalks and Curbs**

Curbs and sidewalks exist along the frontage of Moffatt Street, as the road has recently been reconstructed with these services installed. Sidewalk damage deposits for the frontage, given their existing, shall be required at the Building Permit stage, the costs of which to be determined based on the length of the frontage and as per the City's current Schedule of Rates & Fees. Care shall be taken not to damage these existing services during development of the site, if approved.

**Engineering Services**

Increased drainage challenges occur in these types of in-fill lot developments, where existing lots within established plans of subdivision occasionally do not have suitable drainage outlets in place. Although an individual lot drainage plan is a requirement for review and approval at the building permit stage, it shall be required as a condition of

severance to ensure that the lots can convey drainage flows to a suitable outlet and do not adversely affect abutting properties, nor the City boulevard, prior to the lots being created.

Sump pump flows are typically discharged to grade, when no opportunities to connect to a storm sewer in the road allowance exist. Since a storm sewer does not exist and is not envisioned for this section of Moffatt Street in terms of a main sewer within the road, sump pump flows and roof leaders shall be required to discharge to grade at the front yards and shall be identified as to how on the proposed lot grading and drainage plan, in accordance with the Property Standards By-law (2014-248).

The Owner shall be responsible to pay the fee for City crews to locate, trace, inspect and document the sewer and water service lateral locations 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 shall be completed prior to both the severance finalization and demolition permit issuance, whichever comes first. If the services are determined to conflict with or exist upon abutting and/or future lot lines, the Owner shall be responsible to relocate the portions of these services on private property through a Plumbing Only permit. The Owner shall pay the City the fees required to install new services for the new lot to the front property line during the building permit process. It must be noted that servicing of the proposed lot shall not be authorized prior to the creation/registration of the lot via the severance process.

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

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



Prepared by:

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

Attachments: Plan 30R-14907



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## Memorandum

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**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 29<sup>th</sup>, 2021  
**Hearing Date:** December 15<sup>th</sup>, 2021  
**Subject:** **Committee of Adjustment - Minor Variance Applications**  
121 Moffatt Street, A-125/21  
115 Moffatt Street, A-123/21  
115A Moffatt Street, A-115/21  
117 Moffatt Street, A-124/21  
75 Jacobson Avenue, A-116/21  
1A Lakeview Avenue, A-118/21  
42 Aquadale Drive, A-119/21  
31 Ambrose Street, A-120/21  
17 Oakmeadow Place, A-121/21  
40 Duncan Drive, A-122/21

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Development Engineering have no objections related to the above applications. However, all applicants should be advised that a Lot Grading Plan will be a requirement for any Building Permit where the building footprint is proposed to be increased from what previously existed. Also, while setbacks may be reduced through a Minor Variance, actual side yards may have to be greater than the Zoning minimum to permit side entrances and hard surface walkways, while still accommodating drainage swales.

Prepared by: \_\_\_\_\_  
James Denham, P.Eng.  
Development Engineering Technologist

cc. Brad Johnston, PBS (email only)



## **MEMORANDUM**

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

Cc: Wilrik Banda  
Planning and Building Services

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

Date: December 1st, 2021

Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance – December 15, 2021 hearing**

NO.	ADDRESS	COMMENTS
A-125/21	121 Moffatt Street	No comment
A-123/21	115 Moffatt Street	Be advised that a building permit is required to construct the 3 unit townhouse block.
A-115/21	115A Moffatt Street	Be advised that a building permit is required to construct the 3 unit townhouse block.
A-117/21	117 Moffatt Street	Be advised that a building permit is required to construct the 3 unit townhouse block.
A-116/21	75 Jacobson Avenue	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-117/21	1 Lakeview Avenue	Be advised that a building permit is required to construct the proposed single detached dwelling.
A-118/21	1A Lakeview Avenue	Be advised that a building permit is required to construct the proposed single detached dwelling.

NO.	ADDRESS	COMMENTS
A-119/21	42 Aquadale Drive	Be advised that a building permit is required to construct the proposed single detached dwelling.
A-120/21	31 Ambrose Street	That the applicant shall satisfy the Chief Building Official for the City of St. Catharines that, as a result of the proposed setbacks, that spatial separation requirements for the glazed openings and type of construction for the exposed building face of the left south side, meet the requirements of Subsection 9.10.14 and 9.10.15 of the 2012 Ontario Building Code as applicable.
A-121/21	17 Oakmeadow Place	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-122/21	40 Duncan Drive	Be advised that a building permit is required for the proposed accessory dwelling unit.

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

**MEMORANDUM**

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

Cc: Wilrik Banda  
Planning and Building Services

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

Date: December 1st, 2021

Subject: Building Comments on Applications to the Committee of Adjustment  
**Consents – December 15, 2021 hearing**

**B-08/21SC – 121 Moffatt Street**

## Comment:

- No comment

## Condition:

- Be advised that a building permit is required to demolish the existing dwelling.
- Be advised that a building permit is required to demolish the existing detached garage.
- Be advised that a building permit is required to demolish or relocate the existing shed.

**B-39/21SC – 115 Moffatt Street**

## Comment:

- No comment

## Condition:

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

**B-40/21SC – 115 Moffatt Street**

## Comment:

- No comment

## Condition:

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

**B-41/21SC – 115 Moffatt Street**

Comment:

- No comment

Condition:

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

**B-42/21SC – 1 Lakeview Avenue**

Comment:

- No comment

Condition:

- No comment

**B-43/21SC – 1 Lakeview Avenue**

Comment:

- No comment

Condition:

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



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



---

## Memorandum

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**To:** Elaine Munro, Secretary-Treasurer, Committee of Adjustment, PBS  
**CC:**  
**From:** Amanda Knutson, CRCS  
**Date:** December 1, 2021  
**Subject:** Committee of Adjustment Hearing – December 15, 2021 **\*\* Revised**

---

CRCS has reviewed the Committee of Adjustment applications for the hearing of December 15, 2021 and provides the following comments:

1. 121 Moffatt Street, Consent, B-08/21SC – 21102393  
121 Moffatt Street, Minor Variance, A-125/21 – 21120115

CRCS has no concerns with the proposed creation of a new lot for a detached dwelling, nor the requested minor variance. Should the application for consent be approved, CRCS recommends the following conditions be included:

- a) That payment of 5% of the appraised value of the new lot be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53(13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. That the appraisal be completed by a qualified appraiser. (If Planning and Building Services determines that parkland dedication can be collected for this application.)
  - b) That the applicant submit a payment for the placement of a 60mm boulevard tree for the new lot, in accordance with the City's current Schedule of Rates and Fees.
2. 115 Moffatt Street, Consent, B-39/21SC – 21119454  
115 Moffatt Street, Consent, B-40/21SC – 21119455  
115 Moffatt Street, Consent, B-41/21SC – 21119456  
115 Moffatt Street, Minor Variance, A-123/21 – 21120111  
115A Moffatt Street, Minor Variance, A-115/21 – 21119458  
117 Moffatt Street, Minor Variance, A-124/21 – 21120112

CRCS has no concerns with the proposed creation of three new lots for three street townhouses, nor the requested minor variances. Should the applications for consent be approved, CRCS recommends the following conditions be included:

- a) That payment of 5% of the appraised value of each of the three new lots be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53(13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. That the appraisal be completed by a qualified appraiser. (If Planning and Building Services determines that parkland dedication can be collected for these applications.)
- b) That the applicant submit a payment for the placement of a 60mm boulevard tree for each of the three new lots, in accordance with the City's current Schedule of Rates and Fees.

3. 75 Jacobson Avenue, Minor Variance, A-116/21 – 21119459 **\*\* Revised**

The extent of the boulevard tree canopy in front of the dwelling is not accurately reflected on the sketch submitted with this application; the canopy is much larger and extends to (or perhaps just over) the existing driveway. The proposed driveway/driveway apron extension will negatively impact this tree. In any event there appears to be sufficient space for two vehicles to park in tandem in the existing driveway. While CRCS staff have no concern with the requested variance for an increase in interior accessory dwelling unit size, any driveway extension to accommodate required parking for that dwelling unit is not supported.

4. 1 Lakeview Avenue, Consent, B-42/21SC – 21119462  
1 Lakeview Avenue, Consent, B-43/21SC – 21119463  
1 Lakeview Avenue, Minor Variance, A-117/21 – 21119464  
1A Lakeview Avenue, Minor Variance, A-118/21 – 21119465  
42 Aquadale Drive, Minor Variance, A-119/21 – 21119466

The consent sketch submitted indicates the presence of two mature trees on the adjacent property to the north, 46 Aquadale Drive. Both trees appear to be located less than one metre from the common boundary between 46 Aquadale Drive and the new lot at 42 Aquadale Drive; and approximately 2 metres or less from the proposed building footprint. Unfortunately, these trees were not shown on the draft sketch submitted at pre-submission consultation.

CRCS staff are concerned that construction of the new dwelling will negatively impact the neighbouring trees in question; a greater interior sideyard setback may be necessary. Given this, and the potential for the building footprint and proposed lot lines and requested variances to change, CRCS staff recommend that these concurrent applications for consent to sever and minor variance be deferred pending receipt of a tree preservation and protection plan (see requirements attached as Appendix 1). Alternatively, CRCS will require confirmation in writing

from the neighbouring landowner of 46 Aquadale Drive that they consent to the trees being removed at the applicant's expense.

Should these applications be considered prior to a tree preservation and protection plan being submitted, CRCS recommends the following conditions be imposed on approval of the consents to sever:

- a) That the applicant submit a tree preservation and protection plan for review and approval by CRCS and that any related mitigation measures and securities be implemented through the necessary development agreement. (Refer to tree preservation and protection requirements attached as Appendix 1 to this Memo).
- b) That payment of 5% of the appraised value of each new lot be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53(13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. That the appraisal be completed by a qualified appraiser. (If Planning and Building Services determines that parkland dedication can be collected for this application.)
- c) That the applicant submit a payment for the placement of a 60mm boulevard tree for each new lot, in accordance with the City's current Schedule of Rates and Fees.

5. 31 Ambrose Street, Minor Variance, A-120/21 – 21119525

No comment.

6. 17 Oakmeadow Place, Minor Variance, A-121/21 – 21119526

No comment.

7. 40 Duncan Drive, Minor Variance, A-122/21 – 21119533

No comment.

Amanda Knutson  
Community Project and Development Planner  
Community, Recreation and Culture Services

## **Appendix 1**

### **Tree Preservation and Protection Requirements**

A Tree Preservation and Protection Plan and Report is required when existing trees in the vicinity of construction activity are likely to be damaged without proper protection measures. The plan and report must be prepared by a professional certified by the International Society of Arboriculture (ISA) and shall have regard for the following:

- Include all trees on the subject property and within 3.0m of the lot line. All trees on City property in proximity to or fronting the development must be included in the tree protection plan; this includes trees on the road allowance.
- Trees to be preserved shall be fully protected with a minimum of snow fencing erected beyond their "drip line" to the satisfaction of the consulting arborist and the City. Groups of trees and other existing plantings to be protected shall be done in a like manner with snow fencing around the entire clump(s). Areas within the protective fencing shall remain undisturbed and shall not be used for storage of building materials or equipment. This work shall be completed prior to the commencement of site clearance, demolition or any type of construction.
- No cables of any type shall be wrapped around or otherwise attached to trees. Surplus soil, equipment, debris or material shall not be placed over root systems of the trees within the protective fencing. No contaminants will be dumped or flushed where feeder roots or trees exist.
- Every necessary precaution shall be taken to prevent damage to trees or shrubs which are to be retained on the site. Where limbs, roots or portions of trees must be removed to accommodate construction work, they should be removed in accordance with proper arboricultural practices and measures shall be taken to prevent any further damage.

The Tree Preservation and Protection Plan must:

- Include all General Drawing Requirements (i.e. be based on an actual survey prepared by an Ontario Land Surveyor, including bearings and dimensions, north arrow, scaled in metric, etc.)
- Include features intersecting or outside the development area that may affect the site vegetation or the adjacent site vegetation (streams, wetlands, "species at risk" habitat areas, etc.);



- Identify proposed and existing grades, entrances of driveways and utility services;
- Identify required excavation areas and locations for temporary fill placement.
- Identify all existing trees, including those trees on adjacent properties with canopies extending over the site, by:
  - Location as surveyed and identified on a survey plan prepared by an O.L.S.;
  - Size (caliper, D.B.H. in millimetres);
  - Common and botanical name;
  - Condition (excellent, fair, poor, dead);
  - Recommendation (preserve, relocate, remove);
- Show extent of crown of all existing trees and/or groups of trees;
- Identify individual specimen trees of substantial size and heritage, rare or significant value;
- Highlight and label tree protection fences and tree protection zones;
- Indicate location of any excavation that requires root pruning;
- Indicate location of construction staging areas;
- Indicate replacement trees by location, quantity, size, and common and botanical name;
- Include tree protection and preservation details;
- Include tree protection and preservation notes;
- Include after care notes for any trees to be preserved (i.e. watering, fertilizing, pruning, etc.); and
- Any trees located on public property that are proposed to be removed require special approval by the City and will require compensation as determined by the City.

### Tree Preservation Securities

- A monetary evaluation report by the consulting arborist shall be prepared for each existing tree to be preserved. The value of each tree shall be submitted to the City of St. Catharines, in the form of a security deposit, through the development agreement process.
- Should any tree(s) identified for preservation become damaged or decline in health as a result of the development, the applicant will be required to carry out the removal, restoration and replacement of the tree(s) with species appropriate trees as approved by the City. Should the applicant not carry out the removal, restoration and replacement of any damaged tree, the City shall retain the security.

- After construction is complete the applicant will be required to submit to the City a post construction report prepared by the consulting arborist at the expense of the applicant. This report must document compliance with the Tree Preservation and Protection Plan and associated report. The security deposit for tree preservation will not be returned until this report is submitted and any remedial work is complete.
- Trees shall be monitored for a period of three years after construction is completed.

**From:** [Munro, Elaine](#)  
**To:** [Munro, Elaine](#)  
**Subject:** Former Landfill Comments - 115 & 121 Moffatt St., 31 Ambrose St. & 17 Oakmeadow Pl.  
**Date:** Wednesday, November 24, 2021 7:37:37 AM

---

115 Moffatt Street  
121 Moffatt Street  
31 Ambrose Street  
17 Oakmeadow Place

**Elaine Munro ACST**  
**Committee Secretary and Planning Technician**  
**Tel:** 905.688.5601 x1715  
**Email:** [emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)



---

**From:** Vasko, Dennis <[dvasko@stcatharines.ca](mailto:dvasko@stcatharines.ca)>  
**Sent:** Tuesday, November 23, 2021 2:38 PM  
**To:** Munro, Elaine <[emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)>  
**Subject:** RE: Request for Comments - Committee of Adjustment Notices and Applications for the December 15/21 CofA Hearing

Hi Elaine,

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

Dennis

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



**To: Elaine Munro, Committee Secretary and Planning Technician**

**Cc:**

**From: Steve Bittner, Transportation Technologist**

**Date: November 23, 2021**

**Subject: Committee of Adjustment Comments (December 15, 2021 Hearing)**

---

**A-119/21 – 42 Aquadale Drive**

The existing gravel drive on Lakeview Avenue should be removed and reinstated to landscaping.

We have no concerns or requirements with the remaining applications.

Steve Bittner  
Transportation Technologist

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

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

---

# **COMMENTS**

**B-39/21SC, B-40/21SC, B-41/21SC,  
A-115/21**

**115 Moffatt Street**

**DATE OF HEARING:  
December 15, 2021**



## Technical Report

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**Report from** Planning and Building Services, Planning Services

**Date of Report:** December 13, 2021

**Date of Meeting:** December 15, 2021

**Report Number:** A-123/21

**File:** 21120111

**Subject:** 115 Moffatt Street

### Recommendation

That Variance 1 of Application **A-123/21** by 1473941 Ontario Limited, as outlined in the Notice of Hearing, be withdrawn by the Applicant.

That Variance 2 of Application **A-123/21** by 1473941 Ontario Limited, as outlined in the Notice of Hearing, be approved.

### Report

#### Background

On October 20, 2021, Application **B-29/21SC** to sever the rear portion of the lands at 113 Moffatt Street to be added to 115 Moffatt Street was approved subject to conditions. One of the conditions of the Application was to demolish the existing detached dwelling at 115 Moffatt Street. This condition was applied to address the resulting zoning deficiency of an oversized lot for a detached dwelling in an R2 zone once the rear portion of 113 Moffatt Street was merged with 115 Moffatt Street, as staff deemed that a variance would not be required for the oversized lot if the lands were vacant. Due to timing conflicts, the Applicant has requested that condition 1 of Application **B-29/21SC** be removed or revised as they are unable to demolish the existing dwelling until 2022. As such, variance 2 on Application **A-123/21** requests to allow the oversized lot in the interim before the demolition of the existing dwelling on 115 Moffatt Street can take place.

Concurrent severance applications for adjacent lands (**B-39/21SC**, **B-40/21SC** and **B-41/21SC**) were applied for to be considered during the December 15, 2021 Hearing and are now being recommended for deferral by staff. Should the deferred Applications **B-39/21SC**, **B-40/21SC** and **B-41/21SC** be approved at a later date, the remnant lot will merge with the resulting remnant lots from Application **B-29/21SC** (approved October 20, 2021) and Application **B-08/21SC** should it be approved during the December 15, 2021 Hearing. The merged remnant lots, to be known as 121A Moffatt Street, are to be used for future residential development.

#### The Proposal

The Applicant proposes a variance to increase the maximum lot area for an existing detached dwelling from 465m<sup>2</sup> to 3238.01m<sup>2</sup> at the property currently known as 115

Moffatt Street. As noted, this variance is to acknowledge a zoning deficiency in the interim until the detached dwelling can be demolished to facilitate future residential development.

The initial variance 2 for Application **A-123/21** circulated on the Notice of Hearing was calculated in error and has been revised to reflect the accurate lot area, as discussed in this report.

## **Location and Site Description**

The subject property known as 115 Moffatt Street is located on the west side of Moffatt Street, north of Disher Street. The property is surrounded by detached dwellings to the north and south, Highway 406 to the west and green space to the east. There is currently an existing detached dwelling on the property.

## **Circulation of Application**

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

## **Planning Policy Context**

### **Official Plan (Garden City Plan)**

The subject property is designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential on Schedule E9. A range of residential uses such as detached, semi-detached and townhouse dwellings are permitted in this designation at a density generally ranging from 20 to 32 units per hectare.

### **Zoning By-law (2013-283)**

The subject property is zoned Low Density Residential – Traditional Neighbourhood (R2). A range of residential uses are permitted in this zone, including detached, semi-detached and townhouse dwellings.

## **Planning Analysis**

### **Variance 1**

The Applicant is seeking to decrease the minimum front yard setback for a future townhouse dwelling. This variance is related to a proposed three-unit townhouse block that has been deferred until a later date. Staff note that since the accompanying consent applications have been deferred, it is premature for this variance to go forward at this time. As such, it is recommended that the Applicant withdraw this variance.

### **Variance 2**

The Applicant is seeking to increase the maximum lot area permitted for a detached dwelling in an R2 zone from 465m<sup>2</sup> to 3238.01m<sup>2</sup>. As noted, the oversized lot at 115 Moffatt Street is a result of the lot merging with the remnant lot from Application **B-29/21SC**. The variance is required to address the zoning deficiency due to the existing detached dwelling that is located on the oversized subject property. The Applicant intends to sever the oversized lot of 115 Moffatt Street and merge a remnant parcel with the rear

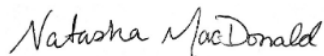
portion of 117 Moffatt Street (subject to future severance) and the proposed lot 121A Moffatt Street (resulting from Application **B-08/21SC** should it be approved December 15, 2021).

Staff recognize that the oversized lot is temporary and adequate in size and shape to accommodate future infill residential development in a manner that complies with the City's Official Plan policies and Zoning By-law provisions. As such, staff find the variance to be 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

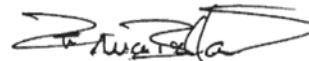
Having regard to matters under Section 45(1) of *The Planning Act*, staff are of the opinion that variance 1 of Application **A-123/21** be approved as the variance is in keeping with the general intent of the Official Plan and Zoning By-law, are minor in nature, and are desirable for the appropriate use and development of the lands. Staff further recommend that variance 1 of Application **A-123/21** be withdrawn.

**Submitted by:**



Natasha MacDonald  
Planner I

**Approved by:**



Bruce Bellows  
Senior Planner



November 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 119454, 21 119455, 21 119456, 21 112011, 21 119458 and 21 112012

Re: 115 Moffatt St

In response to your correspondence dated November 23, 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](http://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.
- Hydro easement is to remain clear of encroachment of any kind.
- 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.
- Existing Alectra Utilities easement (SCH6172) at rear of proposed severed part 1 to remain clear of any proposed future development.

We would also like to stipulate the following:

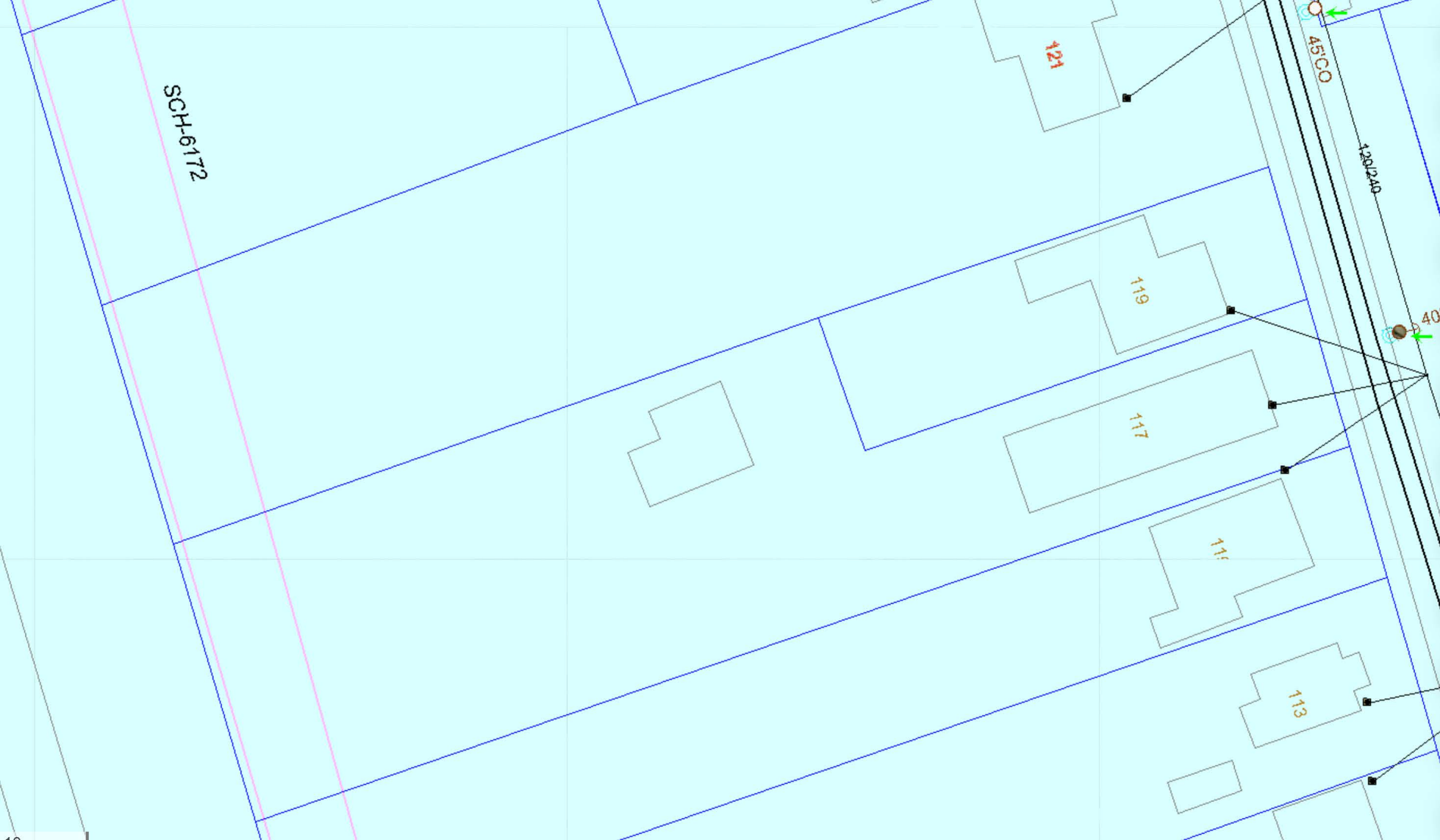
- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's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

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

Sincerely,

*Mark Jakubowski*

Mark Jakubowski  
Supervisor, Design, Customer Capital



**From:** [Munro, Elaine](#)  
**To:** [Munro, Elaine](#)  
**Subject:** Cogeco Comments - Committee of Adjustment Notices and Applications for the December 15/21 CofA Hearing  
**Date:** Wednesday, December 1, 2021 11:16:57 AM

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**Elaine Munro ACST**  
**Committee Secretary and Planning Technician**  
**Tel:** 905.688.5601 x1715  
**Email:** [emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)



---

**From:** Doug Crown <[doug.crown@cogeco.com](mailto:doug.crown@cogeco.com)>  
**Sent:** Wednesday, December 1, 2021 8:42 AM  
**To:** Munro, Elaine <[emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)>  
**Cc:** Banda, Wilrik <[wbanda@stcatharines.ca](mailto:wbanda@stcatharines.ca)>  
**Subject:** Re: Request for Comments - Committee of Adjustment Notices and Applications for the December 15/21 CofA Hearing

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

Hi Elaine

Cogeco has no concerns with these applications.

Have a wonderful day

Doug Crown  
Network Planning Department  
[Doug.crown@cogeco.com](mailto:Doug.crown@cogeco.com)

7170 Mcleod Rd  
Niagara Falls Ont Canada

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

**From:** [Munro, Elaine](#)  
**To:** [Munro, Elaine](#)  
**Subject:** Former Landfill Comments - 115 & 121 Moffatt St., 31 Ambrose St. & 17 Oakmeadow Pl.  
**Date:** Wednesday, November 24, 2021 7:37:37 AM

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115 Moffatt Street  
121 Moffatt Street  
31 Ambrose Street  
17 Oakmeadow Place

**Elaine Munro ACST**  
**Committee Secretary and Planning Technician**  
**Tel:** 905.688.5601 x1715  
**Email:** [emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)



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**Sent:** Tuesday, November 23, 2021 2:38 PM  
**To:** Munro, Elaine <[emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)>  
**Subject:** RE: Request for Comments - Committee of Adjustment Notices and Applications for the December 15/21 CofA Hearing

Hi Elaine,

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

Dennis

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



## **MEMORANDUM**

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

Cc: Wilrik Banda  
Planning and Building Services

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

Date: December 1st, 2021

Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance – December 15, 2021 hearing**

NO.	ADDRESS	COMMENTS
A-125/21	121 Moffatt Street	No comment
A-123/21	115 Moffatt Street	Be advised that a building permit is required to construct the 3 unit townhouse block.
A-115/21	115A Moffatt Street	Be advised that a building permit is required to construct the 3 unit townhouse block.
A-117/21	117 Moffatt Street	Be advised that a building permit is required to construct the 3 unit townhouse block.
A-116/21	75 Jacobson Avenue	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-117/21	1 Lakeview Avenue	Be advised that a building permit is required to construct the proposed single detached dwelling.
A-118/21	1A Lakeview Avenue	Be advised that a building permit is required to construct the proposed single detached dwelling.

NO.	ADDRESS	COMMENTS
A-119/21	42 Aquadale Drive	Be advised that a building permit is required to construct the proposed single detached dwelling.
A-120/21	31 Ambrose Street	That the applicant shall satisfy the Chief Building Official for the City of St. Catharines that, as a result of the proposed setbacks, that spatial separation requirements for the glazed openings and type of construction for the exposed building face of the left south side, meet the requirements of Subsection 9.10.14 and 9.10.15 of the 2012 Ontario Building Code as applicable.
A-121/21	17 Oakmeadow Place	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-122/21	40 Duncan Drive	Be advised that a building permit is required for the proposed accessory dwelling unit.

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



---

## Memorandum

---

**To:** Elaine Munro, Secretary-Treasurer, Committee of Adjustment, PBS  
**CC:**  
**From:** Amanda Knutson, CRCS  
**Date:** December 1, 2021  
**Subject:** Committee of Adjustment Hearing – December 15, 2021 \*\* Revised

---

CRCS has reviewed the Committee of Adjustment applications for the hearing of December 15, 2021 and provides the following comments:

1. 121 Moffatt Street, Consent, B-08/21SC – 21102393  
121 Moffatt Street, Minor Variance, A-125/21 – 21120115

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115 Moffatt Street, Consent, B-41/21SC – 21119456  
115 Moffatt Street, Minor Variance, A-123/21 – 21120111  
115A Moffatt Street, Minor Variance, A-115/21 – 21119458  
117 Moffatt Street, Minor Variance, A-124/21 – 21120112

CRCS has no concerns with the proposed creation of three new lots for three street townhouses, nor the requested minor variances. Should the applications for consent be approved, CRCS recommends the following conditions be included:



- a) That payment of 5% of the appraised value of each of the three new lots be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53(13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. That the appraisal be completed by a qualified appraiser. (If Planning and Building Services determines that parkland dedication can be collected for these applications.)
- b) That the applicant submit a payment for the placement of a 60mm boulevard tree for each of the three new lots, in accordance with the City's current Schedule of Rates and Fees.

3. 75 Jacobson Avenue, Minor Variance, A-116/21 – 21119459 **\*\* Revised**

The extent of the boulevard tree canopy in front of the dwelling is not accurately reflected on the sketch submitted with this application; the canopy is much larger and extends to (or perhaps just over) the existing driveway. The proposed driveway/driveway apron extension will negatively impact this tree. In any event there appears to be sufficient space for two vehicles to park in tandem in the existing driveway. While CRCS staff have no concern with the requested variance for an increase in interior accessory dwelling unit size, any driveway extension to accommodate required parking for that dwelling unit is not supported.

4. 1 Lakeview Avenue, Consent, B-42/21SC – 21119462  
1 Lakeview Avenue, Consent, B-43/21SC – 21119463  
1 Lakeview Avenue, Minor Variance, A-117/21 – 21119464  
1A Lakeview Avenue, Minor Variance, A-118/21 – 21119465  
42 Aquadale Drive, Minor Variance, A-119/21 – 21119466

The consent sketch submitted indicates the presence of two mature trees on the adjacent property to the north, 46 Aquadale Drive. Both trees appear to be located less than one metre from the common boundary between 46 Aquadale Drive and the new lot at 42 Aquadale Drive; and approximately 2 metres or less from the proposed building footprint. Unfortunately, these trees were not shown on the draft sketch submitted at pre-submission consultation.

CRCS staff are concerned that construction of the new dwelling will negatively impact the neighbouring trees in question; a greater interior sideyard setback may be necessary. Given this, and the potential for the building footprint and proposed lot lines and requested variances to change, CRCS staff recommend that these concurrent applications for consent to sever and minor variance be deferred pending receipt of a tree preservation and protection plan (see requirements attached as Appendix 1). Alternatively, CRCS will require confirmation in writing

from the neighbouring landowner of 46 Aquadale Drive that they consent to the trees being removed at the applicant's expense.

Should these applications be considered prior to a tree preservation and protection plan being submitted, CRCS recommends the following conditions be imposed on approval of the consents to sever:

- a) That the applicant submit a tree preservation and protection plan for review and approval by CRCS and that any related mitigation measures and securities be implemented through the necessary development agreement. (Refer to tree preservation and protection requirements attached as Appendix 1 to this Memo).
- b) That payment of 5% of the appraised value of each new lot be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53(13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. That the appraisal be completed by a qualified appraiser. (If Planning and Building Services determines that parkland dedication can be collected for this application.)
- c) That the applicant submit a payment for the placement of a 60mm boulevard tree for each new lot, in accordance with the City's current Schedule of Rates and Fees.

5. 31 Ambrose Street, Minor Variance, A-120/21 – 21119525

No comment.

6. 17 Oakmeadow Place, Minor Variance, A-121/21 – 21119526

No comment.

7. 40 Duncan Drive, Minor Variance, A-122/21 – 21119533

No comment.

Amanda Knutson  
Community Project and Development Planner  
Community, Recreation and Culture Services

## **Appendix 1**

### **Tree Preservation and Protection Requirements**

A Tree Preservation and Protection Plan and Report is required when existing trees in the vicinity of construction activity are likely to be damaged without proper protection measures. The plan and report must be prepared by a professional certified by the International Society of Arboriculture (ISA) and shall have regard for the following:

- Include all trees on the subject property and within 3.0m of the lot line. All trees on City property in proximity to or fronting the development must be included in the tree protection plan; this includes trees on the road allowance.
- Trees to be preserved shall be fully protected with a minimum of snow fencing erected beyond their "drip line" to the satisfaction of the consulting arborist and the City. Groups of trees and other existing plantings to be protected shall be done in a like manner with snow fencing around the entire clump(s). Areas within the protective fencing shall remain undisturbed and shall not be used for storage of building materials or equipment. This work shall be completed prior to the commencement of site clearance, demolition or any type of construction.
- No cables of any type shall be wrapped around or otherwise attached to trees. Surplus soil, equipment, debris or material shall not be placed over root systems of the trees within the protective fencing. No contaminants will be dumped or flushed where feeder roots or trees exist.
- Every necessary precaution shall be taken to prevent damage to trees or shrubs which are to be retained on the site. Where limbs, roots or portions of trees must be removed to accommodate construction work, they should be removed in accordance with proper arboricultural practices and measures shall be taken to prevent any further damage.

The Tree Preservation and Protection Plan must:

- Include all General Drawing Requirements (i.e. be based on an actual survey prepared by an Ontario Land Surveyor, including bearings and dimensions, north arrow, scaled in metric, etc.)
- Include features intersecting or outside the development area that may affect the site vegetation or the adjacent site vegetation (streams, wetlands, "species at risk" habitat areas, etc.);

- Identify proposed and existing grades, entrances of driveways and utility services;
- Identify required excavation areas and locations for temporary fill placement.
- Identify all existing trees, including those trees on adjacent properties with canopies extending over the site, by:
  - Location as surveyed and identified on a survey plan prepared by an O.L.S.;
  - Size (caliper, D.B.H. in millimetres);
  - Common and botanical name;
  - Condition (excellent, fair, poor, dead);
  - Recommendation (preserve, relocate, remove);
- Show extent of crown of all existing trees and/or groups of trees;
- Identify individual specimen trees of substantial size and heritage, rare or significant value;
- Highlight and label tree protection fences and tree protection zones;
- Indicate location of any excavation that requires root pruning;
- Indicate location of construction staging areas;
- Indicate replacement trees by location, quantity, size, and common and botanical name;
- Include tree protection and preservation details;
- Include tree protection and preservation notes;
- Include after care notes for any trees to be preserved (i.e. watering, fertilizing, pruning, etc.); and
- Any trees located on public property that are proposed to be removed require special approval by the City and will require compensation as determined by the City.

### Tree Preservation Securities

- A monetary evaluation report by the consulting arborist shall be prepared for each existing tree to be preserved. The value of each tree shall be submitted to the City of St. Catharines, in the form of a security deposit, through the development agreement process.
- Should any tree(s) identified for preservation become damaged or decline in health as a result of the development, the applicant will be required to carry out the removal, restoration and replacement of the tree(s) with species appropriate trees as approved by the City. Should the applicant not carry out the removal, restoration and replacement of any damaged tree, the City shall retain the security.

- After construction is complete the applicant will be required to submit to the City a post construction report prepared by the consulting arborist at the expense of the applicant. This report must document compliance with the Tree Preservation and Protection Plan and associated report. The security deposit for tree preservation will not be returned until this report is submitted and any remedial work is complete.
- Trees shall be monitored for a period of three years after construction is completed.



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## Memorandum

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**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 29<sup>th</sup>, 2021  
**Hearing Date:** December 15<sup>th</sup>, 2021  
**Subject:** **Committee of Adjustment - Minor Variance Applications**  
121 Moffatt Street, A-125/21  
115 Moffatt Street, A-123/21  
115A Moffatt Street, A-115/21  
117 Moffatt Street, A-124/21  
75 Jacobson Avenue, A-116/21  
1A Lakeview Avenue, A-118/21  
42 Aquadale Drive, A-119/21  
31 Ambrose Street, A-120/21  
17 Oakmeadow Place, A-121/21  
40 Duncan Drive, A-122/21

---

Development Engineering have no objections related to the above applications. However, all applicants should be advised that a Lot Grading Plan will be a requirement for any Building Permit where the building footprint is proposed to be increased from what previously existed. Also, while setbacks may be reduced through a Minor Variance, actual side yards may have to be greater than the Zoning minimum to permit side entrances and hard surface walkways, while still accommodating drainage swales.

Prepared by: \_\_\_\_\_  
James Denham, P.Eng.  
Development Engineering Technologist

cc. Brad Johnston, PBS (email only)

**To: Elaine Munro, Committee Secretary and Planning Technician**

**Cc:**

**From: Steve Bittner, Transportation Technologist**

**Date: November 23, 2021**

**Subject: Committee of Adjustment Comments (December 15, 2021 Hearing)**

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**A-119/21 – 42 Aquadale Drive**

The existing gravel drive on Lakeview Avenue should be removed and reinstated to landscaping.

We have no concerns or requirements with the remaining applications.

Steve Bittner  
Transportation Technologist

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

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

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# **COMMENTS**

**A-116/21**

**75 Jacobson Avenue**

**DATE OF HEARING:**  
**December 15, 2021**





## Technical Report

**Report from** Planning and Building Services, Planning Services

**Date of Report:** December 10, 2021

**Date of Meeting:** December 15, 2021

**Report Number:** A-116/21

**File:** 21119459

**Subject:** 75 Jacobson Avenue

### Recommendation

That Application **A-116/21** by Stephen Krishnaswami be approved, as outlined in the Notice of Hearing, subject to the following condition:

1. That a second parking space that complies with parking space provisions of the Zoning By-law be established on the property.

### 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 <sup>2</sup>	69.7m <sup>2</sup>
2	Maximum floor area of an interior accessory dwelling unit as a percentage of the floor area of the dwelling	40%	44.2%

#### Location and Site Description

The subject property is located on the east side of Jacobson Avenue, north of Glendale Avenue. The immediate neighbourhood to the north, south and west is residential and is comprised predominately of detached dwellings. Directly to the east and rear of the property is the Pen Centre shopping centre.

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 E8. 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 and parking provision. 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.

## **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.

The applicant is proposing an accessory dwelling unit with a floor area of 69.7 square meters, which will occupy 44.2 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 proposal complies with all other provisions of the By-law. This includes parking provisions which will be accommodated with the proposed widening of the existing driveway to accommodate two side-by-side parking spaces in compliance with driveway width and parking space provisions of the Zoning By-law. 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-116/21** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature and is desirable for the appropriate use of the lands. Staff recommend approval of the Application subject to the condition outlined in the recommendation.

**Prepared by:**



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Adam Nanji  
Student Planner

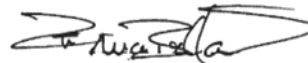
**Submitted by:**



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Evan Acs  
Planner I

**Approved by:**



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Bruce Bellows  
Senior Planner

**From:** [Munro, Elaine](#)  
**To:** [Munro, Elaine](#)  
**Subject:** Cogeco Comments - Committee of Adjustment Notices and Applications for the December 15/21 CofA Hearing  
**Date:** Wednesday, December 1, 2021 11:16:57 AM

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**Elaine Munro ACST**  
**Committee Secretary and Planning Technician**  
**Tel:** 905.688.5601 x1715  
**Email:** [emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)



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**From:** Doug Crown <[doug.crown@cogeco.com](mailto:doug.crown@cogeco.com)>  
**Sent:** Wednesday, December 1, 2021 8:42 AM  
**To:** Munro, Elaine <[emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)>  
**Cc:** Banda, Wilrik <[wbanda@stcatharines.ca](mailto:wbanda@stcatharines.ca)>  
**Subject:** Re: Request for Comments - Committee of Adjustment Notices and Applications for the December 15/21 CofA Hearing

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

Hi Elaine

Cogeco has no concerns with these applications.

Have a wonderful day

Doug Crown  
Network Planning Department  
[Doug.crown@cogeco.com](mailto:Doug.crown@cogeco.com)

7170 Mcleod Rd  
Niagara Falls Ont Canada

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



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## Memorandum

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**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 29<sup>th</sup>, 2021  
**Hearing Date:** December 15<sup>th</sup>, 2021  
**Subject:** **Committee of Adjustment - Minor Variance Applications**  
121 Moffatt Street, A-125/21  
115 Moffatt Street, A-123/21  
115A Moffatt Street, A-115/21  
117 Moffatt Street, A-124/21  
75 Jacobson Avenue, A-116/21  
1A Lakeview Avenue, A-118/21  
42 Aquadale Drive, A-119/21  
31 Ambrose Street, A-120/21  
17 Oakmeadow Place, A-121/21  
40 Duncan Drive, A-122/21

---

Development Engineering have no objections related to the above applications. However, all applicants should be advised that a Lot Grading Plan will be a requirement for any Building Permit where the building footprint is proposed to be increased from what previously existed. Also, while setbacks may be reduced through a Minor Variance, actual side yards may have to be greater than the Zoning minimum to permit side entrances and hard surface walkways, while still accommodating drainage swales.

Prepared by: \_\_\_\_\_  
James Denham, P.Eng.  
Development Engineering Technologist

cc. Brad Johnston, PBS (email only)

## **MEMORANDUM**

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

Cc: Wilrik Banda  
Planning and Building Services

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

Date: December 1st, 2021

Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance – December 15, 2021 hearing**

NO.	ADDRESS	COMMENTS
A-125/21	121 Moffatt Street	No comment
A-123/21	115 Moffatt Street	Be advised that a building permit is required to construct the 3 unit townhouse block.
A-115/21	115A Moffatt Street	Be advised that a building permit is required to construct the 3 unit townhouse block.
A-117/21	117 Moffatt Street	Be advised that a building permit is required to construct the 3 unit townhouse block.
A-116/21	75 Jacobson Avenue	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-117/21	1 Lakeview Avenue	Be advised that a building permit is required to construct the proposed single detached dwelling.
A-118/21	1A Lakeview Avenue	Be advised that a building permit is required to construct the proposed single detached dwelling.

NO.	ADDRESS	COMMENTS
A-119/21	42 Aquadale Drive	Be advised that a building permit is required to construct the proposed single detached dwelling.
A-120/21	31 Ambrose Street	That the applicant shall satisfy the Chief Building Official for the City of St. Catharines that, as a result of the proposed setbacks, that spatial separation requirements for the glazed openings and type of construction for the exposed building face of the left south side, meet the requirements of Subsection 9.10.14 and 9.10.15 of the 2012 Ontario Building Code as applicable.
A-121/21	17 Oakmeadow Place	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-122/21	40 Duncan Drive	Be advised that a building permit is required for the proposed accessory dwelling unit.

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



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## Memorandum

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**To:** Elaine Munro, Secretary-Treasurer, Committee of Adjustment, PBS  
**CC:**  
**From:** Amanda Knutson, CRCS  
**Date:** December 1, 2021  
**Subject:** Committee of Adjustment Hearing – December 15, 2021 **\*\* Revised**

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CRCS has reviewed the Committee of Adjustment applications for the hearing of December 15, 2021 and provides the following comments:

1. 121 Moffatt Street, Consent, B-08/21SC – 21102393  
121 Moffatt Street, Minor Variance, A-125/21 – 21120115

CRCS has no concerns with the proposed creation of a new lot for a detached dwelling, nor the requested minor variance. Should the application for consent be approved, CRCS recommends the following conditions be included:

- a) That payment of 5% of the appraised value of the new lot be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53(13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. That the appraisal be completed by a qualified appraiser. (If Planning and Building Services determines that parkland dedication can be collected for this application.)
  - b) That the applicant submit a payment for the placement of a 60mm boulevard tree for the new lot, in accordance with the City's current Schedule of Rates and Fees.
2. 115 Moffatt Street, Consent, B-39/21SC – 21119454  
115 Moffatt Street, Consent, B-40/21SC – 21119455  
115 Moffatt Street, Consent, B-41/21SC – 21119456  
115 Moffatt Street, Minor Variance, A-123/21 – 21120111  
115A Moffatt Street, Minor Variance, A-115/21 – 21119458  
117 Moffatt Street, Minor Variance, A-124/21 – 21120112

CRCS has no concerns with the proposed creation of three new lots for three street townhouses, nor the requested minor variances. Should the applications for consent be approved, CRCS recommends the following conditions be included:



- a) That payment of 5% of the appraised value of each of the three new lots be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53(13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. That the appraisal be completed by a qualified appraiser. (If Planning and Building Services determines that parkland dedication can be collected for these applications.)
- b) That the applicant submit a payment for the placement of a 60mm boulevard tree for each of the three new lots, in accordance with the City's current Schedule of Rates and Fees.

3. 75 Jacobson Avenue, Minor Variance, A-116/21 – 21119459 **\*\* Revised**

The extent of the boulevard tree canopy in front of the dwelling is not accurately reflected on the sketch submitted with this application; the canopy is much larger and extends to (or perhaps just over) the existing driveway. The proposed driveway/driveway apron extension will negatively impact this tree. In any event there appears to be sufficient space for two vehicles to park in tandem in the existing driveway. While CRCS staff have no concern with the requested variance for an increase in interior accessory dwelling unit size, any driveway extension to accommodate required parking for that dwelling unit is not supported.

4. 1 Lakeview Avenue, Consent, B-42/21SC – 21119462  
1 Lakeview Avenue, Consent, B-43/21SC – 21119463  
1 Lakeview Avenue, Minor Variance, A-117/21 – 21119464  
1A Lakeview Avenue, Minor Variance, A-118/21 – 21119465  
42 Aquadale Drive, Minor Variance, A-119/21 – 21119466

The consent sketch submitted indicates the presence of two mature trees on the adjacent property to the north, 46 Aquadale Drive. Both trees appear to be located less than one metre from the common boundary between 46 Aquadale Drive and the new lot at 42 Aquadale Drive; and approximately 2 metres or less from the proposed building footprint. Unfortunately, these trees were not shown on the draft sketch submitted at pre-submission consultation.

CRCS staff are concerned that construction of the new dwelling will negatively impact the neighbouring trees in question; a greater interior sideyard setback may be necessary. Given this, and the potential for the building footprint and proposed lot lines and requested variances to change, CRCS staff recommend that these concurrent applications for consent to sever and minor variance be deferred pending receipt of a tree preservation and protection plan (see requirements attached as Appendix 1). Alternatively, CRCS will require confirmation in writing

from the neighbouring landowner of 46 Aquadale Drive that they consent to the trees being removed at the applicant's expense.

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5. 31 Ambrose Street, Minor Variance, A-120/21 – 21119525

No comment.

6. 17 Oakmeadow Place, Minor Variance, A-121/21 – 21119526

No comment.

7. 40 Duncan Drive, Minor Variance, A-122/21 – 21119533

No comment.

Amanda Knutson  
Community Project and Development Planner  
Community, Recreation and Culture Services

## **Appendix 1**

### **Tree Preservation and Protection Requirements**

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  - Size (caliper, D.B.H. in millimetres);
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  - Condition (excellent, fair, poor, dead);
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- After construction is complete the applicant will be required to submit to the City a post construction report prepared by the consulting arborist at the expense of the applicant. This report must document compliance with the Tree Preservation and Protection Plan and associated report. The security deposit for tree preservation will not be returned until this report is submitted and any remedial work is complete.
- Trees shall be monitored for a period of three years after construction is completed.

**To: Elaine Munro, Committee Secretary and Planning Technician**

**Cc:**

**From: Steve Bittner, Transportation Technologist**

**Date: November 23, 2021**

**Subject: Committee of Adjustment Comments (December 15, 2021 Hearing)**

---

**A-119/21 – 42 Aquadale Drive**

The existing gravel drive on Lakeview Avenue should be removed and reinstated to landscaping.

We have no concerns or requirements with the remaining applications.

Steve Bittner  
Transportation Technologist

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

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

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# **COMMENTS**

**B-42/21SC, B-43/21SC, A-117/21,  
A-118/21 & A-119/21**

**1 Lakeview Avenue**

**DATE OF HEARING:  
December 15, 2021**

Elaine Munro, Secretary-Treasurer

Committee of Adjustment, City Hall

December 7, 2021

Re: Submissions A-117/21, A-118/21, A-119/21, B-42/21/SC, B-43/21SC

I am writing with concerns regarding the applications for Consent and Minor Variance submitted by Alex Agnino. As this is the first time a larger scale development has been proposed in our neighbourhood, it is especially important that precedents supportive of current residents be set.

## **Short Term Concerns**

### **Pedestrians**

The streets in this area, zoned low density residential, are narrow and without sidewalks. There are streetside ditches in most of the area. As a long term resident, over time I have noticed in our neighbourhood:

- an increase in pedestrian and cyclist traffic;
- elderly citizens remaining in their own homes, out walking as they can no longer drive; and,
- an increase in the number of families with children playing outside. Immediately across from the proposed development site, there are three households with children who play and exercise outside frequently.

These are features which contribute positively to the life of a neighbourhood and a healthy lifestyle.

As a daily walker, I have had more than a few close encounters with vehicles and have witnessed others. Often there is often no place to walk but in a ditch or in the middle of the street with the increase in delivery van traffic and cars and trucks parking onstreet. Vehicles turning at intersections pose a greater danger. Already there is little incentive for other than vehicular traffic.

### **Questions:**

What steps will be taken to mitigate the increased danger posed by construction and workers' personal vehicles to pedestrians, children playing, and cyclists during the whole of the construction period with onstreet parking at or close to an intersection?

Who will be responsible for monitoring safety on city property during construction?

### **Mature trees**

One of the biggest assets of our neighbourhood, both aesthetically and ecologically, is the large numbers of mature trees. Unfortunately, many are Ash trees that will likely need to come down in the next few years. There are currently mature trees on the 1 Lakeview property. Mature trees need to be protected.

### **Question:**

What measures will be taken to protect existing mature trees on this property?



## **Construction Noise**

In an area chosen by residents for its quiet, the impact of construction noise will be particularly noticeable.

### **Question:**

What are the standards for protection from excessive construction noise and who is responsible for monitoring these?

## **Long Term Concerns**

### **Pedestrians**

Concerns regarding pedestrian, cyclist and child safety in the neighbourhood have been noted above. According to the plan, three residences take the place of the current one. The planned three driveways are smaller than the current driveway. There is a strong possibility that this will cause an increase in onstreet parking. There is currently no signage on either Aquadale or Lakeview regarding parking close to the intersection.

### **Questions:**

How will the safety concerns regarding the possible increase in onstreet parking close to an intersection be addressed? Who is responsible for any cost needed to address these concerns?

### **Flooding**

During the last significant rainfall in the area (three or four years ago) several homeowners experienced basement flooding, myself included. The area that experienced the most flooding was that between numbers 1 and 3 Lakeview Avenue. The road was completely under water.

### **Question:**

What steps will be taken to ensure that storm water runoff does not again become an issue at this site, particularly given that less green space is allocated according to the developmen plans?

Thank you for your consideration.

Janet Maxwell

45 Aquadale Drive

St. Catharines

To: Committee of Adjustment  
Care of: Secretary-Treasurer, Elaine Munro

Regarding: Amanda No. 21119464 Submission No. A-117/21  
Amanda No. 21119465 Submission No. A-118/21  
Amanda No. 21119466 Submission No. A-119/21  
Amanda No. 21119462 Submission No. B-42/21SC Roll Number  
2629060017204000000  
Amanda No. 21119463 Submission No. B-43/21SC Roll Number.  
2629060017204000000

To the Committee of Adjustment,

My name is Corey Stirrett, and I am the owner of 3 Lakeview Avenue, St. Catharines, Ontario, L2N 2P8. I have resided at this property for the past 10 years, and am a lifelong resident of St. Catharines.

I am writing to express my concerns over the above-mentioned applications for minor variances submitted to the Committee of Adjustment for the properties located at 1 Lakeview Avenue and 42 Aquadale Drive. The land in question abuts my own property; specifically, the parcels noted in the minor variance requests as Part 2 and Part 3.

My concerns are as follows:

1. Currently, the property contains a single detached dwelling. The proposed development seeks to sever the lot at 1 Lakeview Avenue, and to build three homes with reduced front and back setbacks (i.e., the minor variance request). Will the proposed changes add additional **stress on exiting water and sewage infrastructure**? How will any anticipated issues be mitigated?
2. With the addition of so many impervious surfaces (e.g., rooftops, paved driveways, etc.), and a proposed reduction in front, back, and side yard setbacks, how will **stormwater runoff and drainage be appropriately managed**? Storms and heavy rainfall events have been increasing in both frequency and intensity (IPCC, 2021); thus, it is critically important to consider the environmental impact of reducing the amount of space for surface drainage. Additionally, my house was constructed in 1960, and the foundation of older homes such as mine are particularly vulnerable to water leakage and lot drainage problems created by new developments.
3. The proposed dwelling on 1A Lakeview ("Part 2" in the application) will be located very close to my current home (8 feet from wall to wall). I am concerned about the **reduction in light and privacy**, as well as potential indirect damage to my foundation as a result of this construction.
4. The proposed dwellings appear to be packed in as tightly as possible (or rather, *more* tightly than the bylaws allow, hence the minor variance requests for reductions in the

minimum setbacks). This degree of density appears to be **incongruent with the style and nature of this well-established neighbourhood.**

5. The requested “minor variances” do not appear to be appropriately justified. They do not appear necessary for topographical reasons, or because the current restrictions under the Bylaws of St. Catharines present an undue hardship. Instead, they appear to be requested so that the existing lots can be overbuilt. As such, the requested minor variances **do not appear to be in keeping with the intent of the Zoning By-laws of St. Catharines.**

Overall, I feel that the proposed “minor variances” are not at all minor in nature, and may have a significant negative impact on the neighbourhood. I have deep concerns about the environmental impact/sustainability of the proposed changes, as well as the additional strain on our water and sewage systems. Property setbacks exist for a reason and, respectfully, I believe that the requested variances are not in keeping with the intent of the Official Plan and Zoning By-laws of St. Catharines.

Thank you,

Corey Stirrett  
Resident

**From:** [Munro, Elaine](#)  
**To:** [Munro, Elaine](#)  
**Subject:** Comments Received - 1 Lakeview Avenue RE: Building proposal for Aquadale/Lakeview  
**Date:** Wednesday, December 8, 2021 7:34:32 AM

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## Elaine Munro ACST

**Committee Secretary and Planning Technician**

**Tel:** 905.688.5601 x1715

**Email:** [emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)



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

From: Anne Woodhouse <>

Sent: Tuesday, December 7, 2021 10:14 PM

To: Munro, Elaine <[emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)>

Cc: Dodge, Dawn <[ddodge@stcatharines.ca](mailto:ddodge@stcatharines.ca)>; Phillips, Bill <[bphillips@stcatharines.ca](mailto:bphillips@stcatharines.ca)>

Subject: Building proposal for Aquadale/Lakeview

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

I wish to express my concerns regarding the proposed land development for the corner of Lakeview and Aquadale in St Catharines. I live on Aquadale Dr and am not in favour of the proposed plan.

My primary concern is that this is not a high density neighbourhood. People buy here to get a yard and space to live. That is what a suburban area is. To take a lot that has one house on it and put three in its place is not at all fitting into the "culture" of this area. Putting three houses there will result in back yard space smaller than the recreation room in my home. This also impinges on the privacy of the neighbours.

If the idea is to attract families, as seems to be as the plans indicate three bedroom homes, then where are the children to play.. in the street? The nearest park is a good 10 minute walk away and is on Geneva Street. There is no direct access from Aquadale except to walk around on a busy street.

If it is to attract "downsizing" individuals then why 3 bedroom homes? Why not smaller buildings.

The site can definitely support two buildings without looking like a mini town home complex. The third house is just infilling and to be frank it is a greedy grab at profit at the expense of a lovely neighbourhood. This also gives room for more green space around the buildings.

As well, if new buildings are going up, why is St Catharines not insisting on more "green building" instead of bricks and mortar. There should be more green spaces not less, opportunities for gardens. Not taking down mature trees and planting new trees that take years to help our greening. There are only two community gardens in all of St Catharines. The Garden City is being depleted of its gardens!

This will be an ugly addition to this neighbourhood no matter how nice the houses are. Be sensible, two is sufficient and there probably would be no need for altering the variances as listed.

Anne Woodhouse  
48 Aquadale Dr.

**To the Committee of Adjustment:**

**Re: Consent and Minor Variance Applications – 1 Lakeview Avenue, St. Catharines**

I own and reside at 46 Aquadale Drive, St. Catharines, which is adjacent to Part 3 of the proposed development, located at 1 Lakeview Avenue, St. Catharines. I have had opportunity to consult with the applicant and his counsel. Our discussion focused on privacy, drainage, built form, construction timelines, and sight lines. The applicant has sufficiently addressed my concerns with respect to the above noted points. Provided an acceptable plot and grading plan is submitted and approved by the City, which eliminates any concern of water flowing on to my property, I am supportive of the proposed development.

Sincerely,



Tim O'Brien



## Technical Report

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**Report from** Planning and Building Services, Planning Services

**Date of Report:** December 10, 2021

**Date of Meeting:** December 15, 2021

**Report Number:** B-42/21SC  
B-43/21SC  
A-117/21  
A-118/21  
A-119/21

**File:** 21119462 (1 Lakeview Ave)  
21119463 (1 Lakeview Ave)  
21119464 (1 Lakeview Ave)  
21119465 (1A Lakeview Ave)  
21119466 (42 Aquadale Dr)

**Subject:** 1 Lakeview Avenue (to become 1, 1A Lakeview Ave and 42 Aquadale Drive)

## Recommendation

### Consent

That Application **B-42/21SC** by Alexander Agnino, 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 1 Lakeview Avenue addressing the following conditions:
  - a. That building permit plans for Parts 1, 2 and 3, once submitted, be reviewed and confirmed to be generally in accordance with the site plan and elevation plans submitted with this application; 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.
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 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.
4. 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.
5. That the Owner pay for City crews to trace and document the location of the existing water service.

6. That the Owner pay for City crews to decommission the existing water service. If one of the new water services can be located within 1.0m of where the existing water service is connected to the City watermain, the decommissioning fee can be returned once the new service is installed.
7. 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.
8. 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'.
9. That final approval of the concurrent Minor Variance applications be granted.
10. 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.
11. 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.
12. That all conditions of consent be fulfilled by December 15th, 2022.

That Application **B-43/21SC** by Alexander Agnino, 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 1 Lakeview Avenue addressing the following conditions:
  - a. That building permit plans for Parts 1, 2 and 3, once submitted, be reviewed and confirmed to be generally in accordance with the site plan and elevation plans submitted with this application; 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.
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 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.
4. 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.
5. That the Owner pay for City crews to trace and document the location of the existing water service.



6. That the Owner pay for City crews to decommission the existing water service. If one of the new water services can be located within 1.0m of where the existing water service is connected to the City watermain, the decommissioning fee can be returned once the new service is installed.
7. 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.
8. That the Owner submit payment of 5% of the appraised value of Part 1, as determined by a qualified appraiser, to the City in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of payment, the value of the land shall be determined as of the day before the day the provisional consent was given'.
9. That final approval of the concurrent Minor Variance applications be granted.
10. 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.
11. 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.
12. That all conditions of consent be fulfilled by December 15th, 2022.

## Minor Variance

That Application **A-117/21** by Alexander Agnino, as outlined in the Notice of Hearing, be approved.

That Application **A-118/21** by Alexander Agnino, as outlined in the Notice of Hearing, be approved.

That Application **A-119/21** by Alexander Agnino, as outlined in the Notice of Hearing, be approved.

## Report The Proposal

The applicant is proposing to demolish the existing detached dwelling at 1 Lakeview Avenue and sever the property into two new lots (Parts 1 and 3 on the survey sketch) with one retained lot (Part 2). The applicant further proposes to construct a detached dwelling on each of the three lots. The consent to sever and minor variance applications outlined in the tables below are required to facilitate this proposal.

Application	Severed Parcel	Severed Area	Retained Parcel	Retained Area
<b>B-42/21SC</b>	Part 3 (to become 42 Aquadale Drive)	546.1 m <sup>2</sup>	Part 1 & 2 (to become 1 & 1A Lakeview Ave)	908.40 m <sup>2</sup>

<b>B-43/21SC</b>	Part 1 (to become 1 Lakeview Ave)	472.3 m <sup>2</sup>	Part 2 (to become 1A Lakeview Ave)	436.1 m <sup>2</sup>
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<b>Application</b>	<b>Variance #</b>	<b>Zoning Provision</b>	<b>Required</b>	<b>Proposed</b>
<b>A-117/21</b> 1 Lakeview Ave (Part 1)	1	Minimum Rear Yard Setback	7.5 m	5.75 m
	2	Minimum Front Yard Setback	8.755 m	6.5 m
	3	Minimum Exterior Side Yard Setback	8.705 m	6.0 m
<b>A-118/21</b> 1A Lakeview Ave (Part 2)	1	Minimum Rear Yard Setback	7.5 m	5.75 m
	2	Minimum Front Yard Setback	8.755 m	6.5 m
<b>A-119/21</b> 42 Aquadale Dr (Part 3)	1	Minimum Lot Frontage	16.5 m	14.33 m
	2	Maximum Lot Area	538 m <sup>2</sup>	546.1 m <sup>2</sup>
	3	Maximum Lot Coverage	45%	45.2%

## Location and Site Description

The subject property is located on the northeast corner of Lakeview Avenue and Aquadale Drive, north of Lakeshore Road. The immediate neighbourhood is residential and comprised of detached dwellings.

The property is presently occupied by a detached dwelling with an accessory building, both of which are proposed to be demolished.

## Circulation of Application

This Application was circulated to all appropriate departments and agencies. Community, Recreation and Cultural Services provided comments expressing concern about the impact of development on a tree on 46 Aquadale Drive, the lot immediately north of Part 3 on the survey sketch. Planning staff recognize that the existing tree on 46 Aquadale Drive may be compromised by the proposed dwelling construction on Part 3. Notwithstanding, the setback of the proposed dwelling from the lot line at this location meets the yard setback requirements of the Zoning By-law, and the owner of 46 Aquadale Drive has submitted comments on the proposed development that are generally supportive of the applications and only expressed concern over site drainage.

## 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 dwelling units per hectare. The applications propose a density of about 20.7 dwelling units per hectare for the three lots.

### 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-42/21SC** and **B-43/21SC** 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. The detached dwelling that fronts onto Aquadale Drive (Part 3) will be single-storey. The detached dwellings that front onto Lakeview Avenue (Part 1 and 2) will be two storeys, with the second storey being a loft.

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. Comments from Development Engineering staff indicate no concerns about the impact of the proposed development on existing water and wastewater capacities.

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

The proposed severances are within the City's built boundary and 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.*

Two of the three proposed two new lots meet lot area requirements in the Zoning By-law, with the third being slightly over the maximum lot area, and the three lots have a density of 20.7 units per hectare, which meets the permitted density in the Official Plan. An application that resulted in fewer than three lots would be under the density parameters of the Official Plan and would result in the creation of significantly oversized lots in non-compliance with the Zoning By-law. Staff are satisfied that the proposed lot creation achieves optimum development in a compatible manner at this location.

The proposed lot that fronts on to Aquadale Drive will require a minor variance for being over the permitted maximum lot area while also being below the minimum lot frontage. The two proposed lots that front on to Lakeview Avenue require variances for reductions to required yards. There are concurrent minor variance applications that seek to remedy these deficiencies, which are discussed below.

In the opinion of staff, the proposal to sever two new lots and construct three detached dwellings on the subject lands satisfies the policies of the Official Plan for evaluation of consents to sever. Staff also find the lot sizes to be appropriate 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-42/21SC** and **B-43/21SC**, subject to the conditions outlined in the recommendations.

## **Minor Variance**

### **Variance 1 of Applications A-117/21 and A-118/21**

The applicant is requesting a reduction of the minimum rear yard setback for 1 (Part 1) and 1A (Part 2) Lakeview Ave, from 7.5 meters to 5.75 meters. The two dwellings will be aligned at the rear, and both have a covered deck 0.6m high which meets the rear setback requirements for a platform structure. The intent of the rear yard setback is to ensure dwellings have adequate amenity space and to control building massing from overwhelming neighbouring properties. The submitted floor plans indicate there will be no second floor windows along the rear of the dwellings, which mitigates privacy impacts on neighbouring properties. The width of each proposed lot is over 18 meters allowing adequate amenity space for residents. Staff find this variance to be minor in nature and desirable for the appropriate development of the lands.

Section 7.1 of the Official Plan sets out guidelines for redevelopment within already established neighbourhoods, and states that redevelopment within the urban area shall be context sensitive in terms of the integration of compatible building form, height,

facades, setbacks etc. The proposed lots on Lakeview Ave are compatible with the existing parcel fabric in the neighbourhood and fit the character and context of the surrounding area. The intent of the Zoning By-law is, as demonstrated above, achieved by providing compatible building design and suitable outdoor amenity space for the dwellings, and sufficient space to prevent building massing from overwhelming neighbouring properties. Staff are satisfied that the variances meet the intent of the Official Plan and Zoning By-law.

#### **Variance 2 of Applications A-117/21 and A-118/21**

The applicant is requesting a decrease to the minimum front yard setback for 1 (Part 1) and 1A (Part 2) Lakeview Ave from 8.755 metres to 6.5 metres. The minimum front yard setback for both dwellings was calculated using the Zoning By-law requirement to average the setback of the adjacent neighbouring properties. The intent of this provision is to maintain a consistent front yard in low density residential neighbourhoods to achieve a pleasant streetscape. While the proposed dwellings are closer to the front lot line than otherwise permitted, there is a substantial boulevard, which includes a roadside ditch, in front of the proposed lots that reduces the potential impact the decreased setbacks will have on the streetscape. 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 Lakeview Avenue, nor does the reduced setback impact required on-site parking provision. Staff are satisfied that this variance is minor in nature, desirable for the appropriate development of the lands and in keeping with the general intent of the Zoning By-law and Official Plan.

#### **Variance 3 of Application A-117/21**

The applicant is requesting a reduction of the minimum exterior side yard setback from 8.705m to 6.0m for 1 Lakeview Ave. (Part 1) The minimum exterior side yard setback for the proposed dwelling was calculated using the Zoning By-law requirement to average the setback of the adjacent neighbouring properties. The intent of this provision is to ensure that exterior side yards on corner lots are consistent with front yards on neighbouring properties in low density residential neighbourhoods. While the proposed dwelling is closer to the exterior side lot line than otherwise permitted, there is a substantial boulevard, which includes a roadside ditch, beside the proposed lot that reduces the impact the decreased setback will have on the streetscape. It is not anticipated that the proposed exterior side yard setback will result in adverse impacts to neighbouring properties or negatively impact the streetscape or orientation of the existing development fabric along Lakeview Avenue. In the opinion of staff, the variance is minor in nature, desirable for the appropriate development of the lands and in keeping with the general intent of the Zoning By-law and Official Plan.

#### **Variance 1 of Applications A-119/21**

The applicant is requesting a decrease to the minimum lot frontage for 42 Aquadale Drive (Part 3) from 16.5 meters to 14.33 meters. Approval of the variance will result in the proposed new lot being slightly narrower than otherwise permitted. Notwithstanding the reduced lot frontage, the proposed lot is over the maximum permitted lot area in the R1 zone due to its depth, providing an appropriate, compatible and viable lot size for development at this location. The submitted plans demonstrate that a detached dwelling

can be built on the lot and meet the minimum side yard setbacks. Staff find this request to be minor in nature.

The proposed lot is slightly narrower than most lots in the neighbourhood. Alternative development patterns that meet the minimum lot frontage for 42 Aquadale Drive would be at the expense of the lot depths for 1 and 1A Lakeview Avenue, and could render those proposed lots unviable for development. Despite the reduced frontage, the proposed detached dwelling is in keeping with the character of surrounding dwellings. Staff find the requested variance 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 supporting general alignment with the setbacks, orientation, and height of dwellings on adjacent properties. Staff are satisfied that the proposed lot frontage generally aligns with the surrounding area and streetscape, and will not result in adverse impacts to neighbouring properties. In the opinion of staff, the variance is in keeping with the general intent of the Official Plan and Zoning By-law.

#### **Variance 2 of Applications A-119/21**

The applicant is proposing an increase of the maximum lot area for a detached dwelling from 538 square metres to 546.1 square metres for the lot that will become 42 Aquadale Drive (Part 3). Approval of the variance will result in one new lot that is slightly larger in area than otherwise permitted. Despite being oversized with the current zoning requirements, the proposed lot will still be similar in lot area size with other lots in the surrounding neighbourhood. Staff find this request to be minor in nature and 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 supporting alignment with the setbacks, orientation, and height of dwellings on adjacent properties. Staff are satisfied that the proposed lot area generally aligns and is consistent with the surrounding area and streetscape and will not result in adverse impacts to neighbouring properties. In the opinion of staff, the variance is minor in nature and in keeping with the general intent of the Official Plan and Zoning By-law.

#### **Variance 3 of Applications A-119/21**

The applicant is proposing an increase to the maximum lot coverage of a detached dwelling from 45 per cent to 45.2 per cent for 42 Aquadale Drive (Part 3). The maximum lot coverage provision for detached dwellings in the R1 zone only applies when a lot is oversized and is intended to prevent the construction of 'monster homes'. Staff note that the proposed dwelling meets all zoning provisions for setbacks and landscaped open space, and the size of the dwelling relative to the lot area provides sufficient area on the lot for amenity space, parking, grading and drainage. The submitted plans show that the proposed dwelling will be single storey, and a size in keeping with the context of the

surrounding neighbourhood. Staff are satisfied that the variance is in keeping with the general intent of the Official Plan and Zoning By-law.

## Conclusion

Having regard for the matters under Section 53 of the *Planning Act*, staff are of the opinion that Consent Applications **B-42/21SC** and **B-43/21SC** 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-117/21SC**, **A-118/21SC** and **A-119/21SC** be approved as all 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 development of the lands.

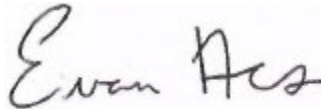
Prepared by:



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Adam Nanji  
Student Planner

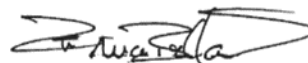
Submitted by:



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Evan Acs  
Planner I

Approved by:



---

Bruce Bellows  
Senior Planner

**From:** [Munro, Elaine](#)  
**To:** [Munro, Elaine](#)  
**Subject:** Cogeco Comments - Committee of Adjustment Notices and Applications for the December 15/21 CofA Hearing  
**Date:** Wednesday, December 1, 2021 11:16:57 AM

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**Elaine Munro ACST**  
**Committee Secretary and Planning Technician**  
**Tel:** 905.688.5601 x1715  
**Email:** [emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)



---

**From:** Doug Crown <[doug.crown@cogeco.com](mailto:doug.crown@cogeco.com)>  
**Sent:** Wednesday, December 1, 2021 8:42 AM  
**To:** Munro, Elaine <[emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)>  
**Cc:** Banda, Wilrik <[wbanda@stcatharines.ca](mailto:wbanda@stcatharines.ca)>  
**Subject:** Re: Request for Comments - Committee of Adjustment Notices and Applications for the December 15/21 CofA Hearing

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

Hi Elaine

Cogeco has no concerns with these applications.

Have a wonderful day

Doug Crown  
Network Planning Department  
[Doug.crown@cogeco.com](mailto:Doug.crown@cogeco.com)

7170 Mcleod Rd  
Niagara Falls Ont Canada

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



November 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 119462, 21 119463, 21 119464, 21 119465 and 21 119466

Re: 1 & 1A Lakeview Ave

In response to your correspondence dated November 23, 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](http://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.

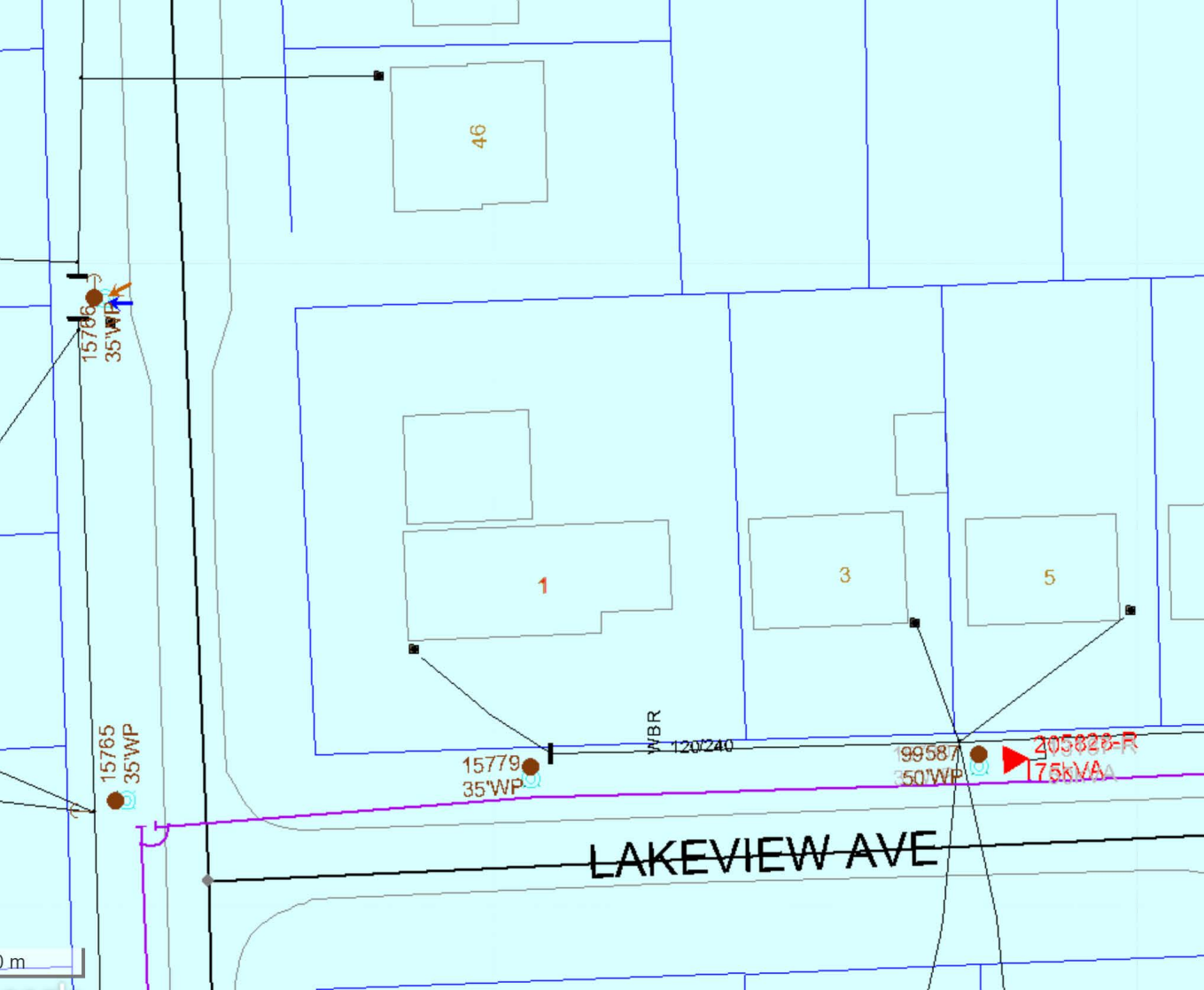
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Alectra Utilities must be contacted if the removal,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

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

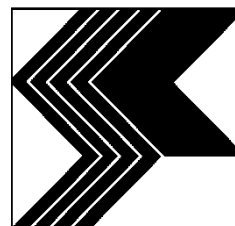
Sincerely,

*Mark Jakubowski*

Mark Jakubowski  
Supervisor, Design, Customer Capital



**REPORT TO PLANNING DEPARTMENT**  
**Re: LAND DIVISION APPLICATION NUMBER B - 42&43/21SC**



November 29<sup>th</sup>, 2021

**ENGINEERING FILE 300-36**

**Hearing Date:** December 15<sup>th</sup>, 2021

**Applicant:** Alexander Agrino

**Location:** 1 Lakeview Avenue

**Existing Road Allowance Width:** 20m±

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

**Comments:**

**General**

It is noted that the owner wishes to demolish the existing house and create two new lots, resulting in a total of three lots.

**Roads and Sidewalks**

Both Lakeview Avenue and Aquadale Drive are designated as Community Streets in the City's Transportation Master Plan. The present ROW widths at this location are both +/-20m. Therefore, widenings are not required at this time.

Sidewalks do not exist across the frontage of this property nor are they required at this time.

**Linear Municipal Services**

The existing dwelling is serviced by a water service and a sanitary lateral although the City has little information on the location of these services.

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

If the location of the existing sanitary 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 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 arranged 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 two additional sanitary laterals from the City sewer to the front property line for the other units to ensure all three units are serviced separately.

The existing water service appears to be undersized and cannot be re-used. At the Building Permit stage, the owner may apply for a free 25mm water service upgrade from the City watermain to the front property line to be used for one of the units. The owner will be responsible to install the portion on private property through a Plumbing Only Permit. 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 two new 25mm water services from the City main to the front property line for the other two lots. The owner will be responsible to install the portion on private property through a Plumbing Only Permit.

A storm sewer exists on Aquadale Drive. Therefore, at the Building Permit stage, the owner will be required to pay the City the fee for City crews to install a storm lateral to Part 3, from the existing storm sewer to the front property line. The owner will be required to extend this lateral from the front property line to the dwelling at his cost through a Plumbing Only Permit.

Storm sewers do not exist on Lakeview Avenue and therefore roof water and sump pump flows may discharge to grade but only at the front of the houses.

### **Grading and Drainage**

Increased drainage challenges occur in these types of in-fill lot developments. Although an individual lot grading plan is a requirement for review and approval at the building permit stage, prior to finalizing these severances, the owner must submit and receive approval from the City, of a site grading plan which will outline how run-off from the new lots will be handled without negatively impacting adjacent private properties or municipal right-of ways.

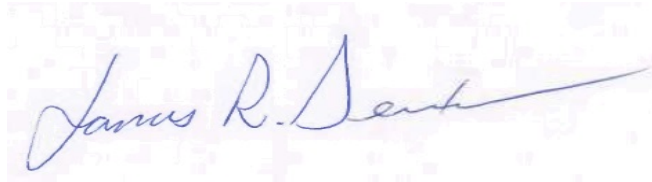
### **Conditions:**

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

- The owner must provide a site grading plan prepared by a qualified Professional Engineer or OLS. The plan must be submitted to and approved by the City. The plan must also show the location of the existing and proposed water and sewer services for Parts 1, 2, & 3.
- The owner shall 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. This must be completed prior to the finalization of the severances and the issuance of the demolition permit, whichever comes first.
- If the condition of the existing sanitary lateral is suitable but the location will result in crossing any existing or proposed side yard property line, the owner shall pay for City crews to relocate the portion within the right-of way. The owner shall

also arrange and pay for the portion on private property to be relocated to avoid the conflict and obtain a Plumbing Only Permit to do so.

- The owner shall pay for City crews to trace and document the location of the existing water service.
- The owner shall pay for City crews to decommission the existing water service. If one of the new water services can be located within 1.0m of where the existing water service is connected to the City watermain, the decommissioning fee can be returned once the new service is installed.



**Prepared By:**

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James R Denham, P.Eng.  
Development Engineering Technologist



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## Memorandum

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**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 29<sup>th</sup>, 2021  
**Hearing Date:** December 15<sup>th</sup>, 2021  
**Subject:** **Committee of Adjustment - Minor Variance Applications**  
121 Moffatt Street, A-125/21  
115 Moffatt Street, A-123/21  
115A Moffatt Street, A-115/21  
117 Moffatt Street, A-124/21  
75 Jacobson Avenue, A-116/21  
1A Lakeview Avenue, A-118/21  
42 Aquadale Drive, A-119/21  
31 Ambrose Street, A-120/21  
17 Oakmeadow Place, A-121/21  
40 Duncan Drive, A-122/21

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Development Engineering have no objections related to the above applications. However, all applicants should be advised that a Lot Grading Plan will be a requirement for any Building Permit where the building footprint is proposed to be increased from what previously existed. Also, while setbacks may be reduced through a Minor Variance, actual side yards may have to be greater than the Zoning minimum to permit side entrances and hard surface walkways, while still accommodating drainage swales.

Prepared by: \_\_\_\_\_  
James Denham, P.Eng.  
Development Engineering Technologist

cc. Brad Johnston, PBS (email only)

## **MEMORANDUM**

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

Cc: Wilrik Banda  
Planning and Building Services

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

Date: December 1st, 2021

Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance – December 15, 2021 hearing**

NO.	ADDRESS	COMMENTS
A-125/21	121 Moffatt Street	No comment
A-123/21	115 Moffatt Street	Be advised that a building permit is required to construct the 3 unit townhouse block.
A-115/21	115A Moffatt Street	Be advised that a building permit is required to construct the 3 unit townhouse block.
A-117/21	117 Moffatt Street	Be advised that a building permit is required to construct the 3 unit townhouse block.
A-116/21	75 Jacobson Avenue	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-117/21	1 Lakeview Avenue	Be advised that a building permit is required to construct the proposed single detached dwelling.
A-118/21	1A Lakeview Avenue	Be advised that a building permit is required to construct the proposed single detached dwelling.



NO.	ADDRESS	COMMENTS
A-119/21	42 Aquadale Drive	Be advised that a building permit is required to construct the proposed single detached dwelling.
A-120/21	31 Ambrose Street	That the applicant shall satisfy the Chief Building Official for the City of St. Catharines that, as a result of the proposed setbacks, that spatial separation requirements for the glazed openings and type of construction for the exposed building face of the left south side, meet the requirements of Subsection 9.10.14 and 9.10.15 of the 2012 Ontario Building Code as applicable.
A-121/21	17 Oakmeadow Place	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-122/21	40 Duncan Drive	Be advised that a building permit is required for the proposed accessory dwelling unit.

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

**MEMORANDUM**

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

Cc: Wilrik Banda  
Planning and Building Services

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

Date: December 1st, 2021

Subject: Building Comments on Applications to the Committee of Adjustment  
**Consents – December 15, 2021 hearing**

**B-08/21SC – 121 Moffatt Street**

## Comment:

- No comment

## Condition:

- Be advised that a building permit is required to demolish the existing dwelling.
- Be advised that a building permit is required to demolish the existing detached garage.
- Be advised that a building permit is required to demolish or relocate the existing shed.

**B-39/21SC – 115 Moffatt Street**

## Comment:

- No comment

## Condition:

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

**B-40/21SC – 115 Moffatt Street**

## Comment:

- No comment

## Condition:

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

**B-41/21SC – 115 Moffatt Street**

Comment:

- No comment

Condition:

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

**B-42/21SC – 1 Lakeview Avenue**

Comment:

- No comment

Condition:

- No comment

**B-43/21SC – 1 Lakeview Avenue**

Comment:

- No comment

Condition:

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



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



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## Memorandum

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**To:** Elaine Munro, Secretary-Treasurer, Committee of Adjustment, PBS  
**CC:**  
**From:** Amanda Knutson, CRCS  
**Date:** December 1, 2021  
**Subject:** Committee of Adjustment Hearing – December 15, 2021 \*\* Revised

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CRCS has reviewed the Committee of Adjustment applications for the hearing of December 15, 2021 and provides the following comments:

1. 121 Moffatt Street, Consent, B-08/21SC – 21102393  
121 Moffatt Street, Minor Variance, A-125/21 – 21120115

CRCS has no concerns with the proposed creation of a new lot for a detached dwelling, nor the requested minor variance. Should the application for consent be approved, CRCS recommends the following conditions be included:

- a) That payment of 5% of the appraised value of the new lot be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53(13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. That the appraisal be completed by a qualified appraiser. (If Planning and Building Services determines that parkland dedication can be collected for this application.)
  - b) That the applicant submit a payment for the placement of a 60mm boulevard tree for the new lot, in accordance with the City's current Schedule of Rates and Fees.
2. 115 Moffatt Street, Consent, B-39/21SC – 21119454  
115 Moffatt Street, Consent, B-40/21SC – 21119455  
115 Moffatt Street, Consent, B-41/21SC – 21119456  
115 Moffatt Street, Minor Variance, A-123/21 – 21120111  
115A Moffatt Street, Minor Variance, A-115/21 – 21119458  
117 Moffatt Street, Minor Variance, A-124/21 – 21120112

CRCS has no concerns with the proposed creation of three new lots for three street townhouses, nor the requested minor variances. Should the applications for consent be approved, CRCS recommends the following conditions be included:

- a) That payment of 5% of the appraised value of each of the three new lots be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53(13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. That the appraisal be completed by a qualified appraiser. (If Planning and Building Services determines that parkland dedication can be collected for these applications.)
- b) That the applicant submit a payment for the placement of a 60mm boulevard tree for each of the three new lots, in accordance with the City's current Schedule of Rates and Fees.

3. 75 Jacobson Avenue, Minor Variance, A-116/21 – 21119459 **\*\* Revised**

The extent of the boulevard tree canopy in front of the dwelling is not accurately reflected on the sketch submitted with this application; the canopy is much larger and extends to (or perhaps just over) the existing driveway. The proposed driveway/driveway apron extension will negatively impact this tree. In any event there appears to be sufficient space for two vehicles to park in tandem in the existing driveway. While CRCS staff have no concern with the requested variance for an increase in interior accessory dwelling unit size, any driveway extension to accommodate required parking for that dwelling unit is not supported.

4. 1 Lakeview Avenue, Consent, B-42/21SC – 21119462  
1 Lakeview Avenue, Consent, B-43/21SC – 21119463  
1 Lakeview Avenue, Minor Variance, A-117/21 – 21119464  
1A Lakeview Avenue, Minor Variance, A-118/21 – 21119465  
42 Aquadale Drive, Minor Variance, A-119/21 – 21119466

The consent sketch submitted indicates the presence of two mature trees on the adjacent property to the north, 46 Aquadale Drive. Both trees appear to be located less than one metre from the common boundary between 46 Aquadale Drive and the new lot at 42 Aquadale Drive; and approximately 2 metres or less from the proposed building footprint. Unfortunately, these trees were not shown on the draft sketch submitted at pre-submission consultation.

CRCS staff are concerned that construction of the new dwelling will negatively impact the neighbouring trees in question; a greater interior sideyard setback may be necessary. Given this, and the potential for the building footprint and proposed lot lines and requested variances to change, CRCS staff recommend that these concurrent applications for consent to sever and minor variance be deferred pending receipt of a tree preservation and protection plan (see requirements attached as Appendix 1). Alternatively, CRCS will require confirmation in writing

from the neighbouring landowner of 46 Aquadale Drive that they consent to the trees being removed at the applicant's expense.

Should these applications be considered prior to a tree preservation and protection plan being submitted, CRCS recommends the following conditions be imposed on approval of the consents to sever:

- a) That the applicant submit a tree preservation and protection plan for review and approval by CRCS and that any related mitigation measures and securities be implemented through the necessary development agreement. (Refer to tree preservation and protection requirements attached as Appendix 1 to this Memo).
- b) That payment of 5% of the appraised value of each new lot be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53(13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. That the appraisal be completed by a qualified appraiser. (If Planning and Building Services determines that parkland dedication can be collected for this application.)
- c) That the applicant submit a payment for the placement of a 60mm boulevard tree for each new lot, in accordance with the City's current Schedule of Rates and Fees.

5. 31 Ambrose Street, Minor Variance, A-120/21 – 21119525

No comment.

6. 17 Oakmeadow Place, Minor Variance, A-121/21 – 21119526

No comment.

7. 40 Duncan Drive, Minor Variance, A-122/21 – 21119533

No comment.

Amanda Knutson  
Community Project and Development Planner  
Community, Recreation and Culture Services

## **Appendix 1**

### **Tree Preservation and Protection Requirements**

A Tree Preservation and Protection Plan and Report is required when existing trees in the vicinity of construction activity are likely to be damaged without proper protection measures. The plan and report must be prepared by a professional certified by the International Society of Arboriculture (ISA) and shall have regard for the following:

- Include all trees on the subject property and within 3.0m of the lot line. All trees on City property in proximity to or fronting the development must be included in the tree protection plan; this includes trees on the road allowance.
- Trees to be preserved shall be fully protected with a minimum of snow fencing erected beyond their "drip line" to the satisfaction of the consulting arborist and the City. Groups of trees and other existing plantings to be protected shall be done in a like manner with snow fencing around the entire clump(s). Areas within the protective fencing shall remain undisturbed and shall not be used for storage of building materials or equipment. This work shall be completed prior to the commencement of site clearance, demolition or any type of construction.
- No cables of any type shall be wrapped around or otherwise attached to trees. Surplus soil, equipment, debris or material shall not be placed over root systems of the trees within the protective fencing. No contaminants will be dumped or flushed where feeder roots or trees exist.
- Every necessary precaution shall be taken to prevent damage to trees or shrubs which are to be retained on the site. Where limbs, roots or portions of trees must be removed to accommodate construction work, they should be removed in accordance with proper arboricultural practices and measures shall be taken to prevent any further damage.

The Tree Preservation and Protection Plan must:

- Include all General Drawing Requirements (i.e. be based on an actual survey prepared by an Ontario Land Surveyor, including bearings and dimensions, north arrow, scaled in metric, etc.)
- Include features intersecting or outside the development area that may affect the site vegetation or the adjacent site vegetation (streams, wetlands, "species at risk" habitat areas, etc.);

- Identify proposed and existing grades, entrances of driveways and utility services;
- Identify required excavation areas and locations for temporary fill placement.
- Identify all existing trees, including those trees on adjacent properties with canopies extending over the site, by:
  - Location as surveyed and identified on a survey plan prepared by an O.L.S.;
  - Size (caliper, D.B.H. in millimetres);
  - Common and botanical name;
  - Condition (excellent, fair, poor, dead);
  - Recommendation (preserve, relocate, remove);
- Show extent of crown of all existing trees and/or groups of trees;
- Identify individual specimen trees of substantial size and heritage, rare or significant value;
- Highlight and label tree protection fences and tree protection zones;
- Indicate location of any excavation that requires root pruning;
- Indicate location of construction staging areas;
- Indicate replacement trees by location, quantity, size, and common and botanical name;
- Include tree protection and preservation details;
- Include tree protection and preservation notes;
- Include after care notes for any trees to be preserved (i.e. watering, fertilizing, pruning, etc.); and
- Any trees located on public property that are proposed to be removed require special approval by the City and will require compensation as determined by the City.

### Tree Preservation Securities

- A monetary evaluation report by the consulting arborist shall be prepared for each existing tree to be preserved. The value of each tree shall be submitted to the City of St. Catharines, in the form of a security deposit, through the development agreement process.
- Should any tree(s) identified for preservation become damaged or decline in health as a result of the development, the applicant will be required to carry out the removal, restoration and replacement of the tree(s) with species appropriate trees as approved by the City. Should the applicant not carry out the removal, restoration and replacement of any damaged tree, the City shall retain the security.



- After construction is complete the applicant will be required to submit to the City a post construction report prepared by the consulting arborist at the expense of the applicant. This report must document compliance with the Tree Preservation and Protection Plan and associated report. The security deposit for tree preservation will not be returned until this report is submitted and any remedial work is complete.
- Trees shall be monitored for a period of three years after construction is completed.

**To: Elaine Munro, Committee Secretary and Planning Technician**

**Cc:**

**From: Steve Bittner, Transportation Technologist**

**Date: November 23, 2021**

**Subject: Committee of Adjustment Comments (December 15, 2021 Hearing)**

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**A-119/21 – 42 Aquadale Drive**

The existing gravel drive on Lakeview Avenue should be removed and reinstated to landscaping.

We have no concerns or requirements with the remaining applications.

Steve Bittner  
Transportation Technologist

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

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

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# **COMMENTS**

**A-120/21**

**31 Ambrose Street**

**DATE OF HEARING:**  
**December 15, 2021**

**From:** [Munro, Elaine](#)  
**To:** [Munro, Elaine](#)  
**Subject:** Comments Received RE: Minor Variance for 31 Ambrose street  
**Date:** Tuesday, December 7, 2021 8:02:26 AM

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**Elaine Munro ACST**  
**Committee Secretary and Planning Technician**  
**Tel:** 905.688.5601 x1715  
**Email:** [emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)



---

**From:** Jennifer Sacilot >  
**Sent:** Monday, December 6, 2021 8:35 PM  
**To:** Munro, Elaine <[emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)>  
**Cc:** Jennifer Sacilot <>  
**Subject:** Minor Variance for 31 Ambrose street

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

December 6th, 2021.

To: Elaine Munro,

My name is Jennifer Sacilot, I live at 29 Ambrose Street, St.Catharines, Ont.

I would like to submit my comments in regards to the Minor Variance located at 31 Ambrose street.

I live next door to Mr. and Mrs. Hildebrand.

I have looked over the application for the Minor Variance and have a number of concerns regarding my property.

The reduction of the minimum setback of 1.2 meters to 0.49 meters is of great concern.

Due to the following issues my concerns are as follows..

My drive way is a very narrow driveway, they want to build a building that is 40 feet high that

will come over my driveway. If you look at the other side of Mr. Hildebrand's property you will notice he has 3 meters of open space.

- By moving 0.49 meters from the property line his two-story addition is now encroaching on my property.
- Being 0.49 meters from my property means his eaves troughs will now hang over top of my driveway.
- Failure to clean the eaves troughs will mean over flow of water onto my property during the wet seasons.
- During the cold seasons the eaves troughs hanging over my property may form ice and or icicles which at the height of a two story may fall and cause severe damage to the property in my driveway, as well may cause serious personal injury to myself and or my family.( Example an abundance of ice and water freezing).
- Over the years I have had concerns with heavy snow falling off 31 Ambrose's roof and landing in my driveway causing problems and challenges for me. (This is a safety matter) With a two-story roof this will be even more of a safety concern.
- There are quite a few mature trees in both backyards that causes backed up in the eave's troughs, due to not cleaning them out I always have water and ice buildup, now with a two story this will cause even more issues making it harder to clean and more water and ice issues.

Please take all this information into consideration when making a decision.

Please let me know you have received this email.

Thank you

Jennifer Sacilot  
(XXX)XXX-XXXX

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



## Technical Report

**Report from** Planning and Building Services, Planning Services

**Date of Report:** December 10, 2021

**Date of Meeting:** December 15, 2021

**Report Number:** A-120/21

**File:** 21119525

**Subject:** 31 Ambrose Street

### Recommendation

That Application **A-120/21** by Gregory Hildebrand and Lisa Hildebrand, as outlined in the Notice of Hearing be approved, subject to the following condition:

1. That the Owner install a permanent privacy screen along the south side of the second storey covered deck. This shall be shown on plans submitted at the building permit stage.

### Report

#### The Proposal

The Applicant is seeking relief from the City of St. Catharines' Zoning By-law to facilitate the proposed construction of a two-storey rear addition to the existing dwelling, as well as a second storey covered deck at the rear of the property. The Applicant is requesting the following variances:

Variance	Provision	Required	Proposed
1	Minimum interior side yard setback (southerly side yard)	1.2m	0.49m
2	Minimum setback from interior side lot line to a platform structure (height above grade 1.2m or greater)	1.2m	0.49m

### Location and Site Description

The subject property is located on the west side of Ambrose Street, south of Ridley Road and Ridley College, and north of St. Paul Street West. The subject property is currently occupied by a detached dwelling. The immediate neighbourhood is primarily low density detached dwellings. The surrounding neighbourhood is a mix of institutional, commercial, residential, and industrial uses.

## **Circulation of Application**

This Application was circulated to all appropriate departments and agencies. Although staff have no objections with the proposed variances, following the submission and review of a lot grading plan at the building permit stage, it may be identified that a larger side yard setback be required for drainage purposes.

Comments were received from the adjacent property to the south, who expressed concerns with the height of the proposed addition and its proximity to the shared lot line. The resident expressed concerns regarding the encroaching eavestrough and potential drainage and safety concerns.

## **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 with platform structures are permitted in this designation.

### **Zoning By-law (2013-283)**

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

## **Planning Analysis**

### **Minor Variance**

The Applicant is requesting two variances to facilitate the proposed two-storey addition to the dwelling and a second storey covered deck.

**Variance 1** requests a reduction in the minimum interior side yard setback from 1.2m to 0.49m, resulting in a reduced setback of 0.71m. This variance is requested to facilitate a two-storey addition to the rear of the existing detached dwelling.

The existing interior side yard setback of 0.49m to the dwelling is considered legal non-complying as the dwelling was built prior to implementation of zoning standards. The surrounding neighbourhood on the west side of Ambrose Street has a distinct character with lots in the area being narrow and deep. As a result, many of the surrounding properties have existing dwellings with interior side yard setbacks that do not meet current zoning standards. The proposed addition meets all other provisions set out by the current Zoning By-law.

Section 4.3 of the Garden City Plan (GCP) sets out urban design guidelines that seek to regulate redevelopment of neighbourhoods within the City. The GCP states that redevelopment within urban areas should be compatible with the surrounding area in terms of building scale, height, and spacing. The proposed addition meets this policy by not encroaching further into the side yard than the existing dwelling and permitting an interior side yard setback that is characteristic of dwellings within the surrounding neighbourhood.

Staff find that this variance is considered minor in nature, deemed an appropriate and desirable use of the land, and is in keeping with the general intent of the Official Plan and Zoning By-law.

**Variance 2** requests a reduction in the minimum setback from an interior side lot line to a platform structure for a height above grade 1.2m or greater. This variance is requesting a 0.71m reduction from 1.2m to 0.49m to facilitate the construction of a second storey covered deck as part of the proposed building addition.

Platform structures with a height above grade 1.2m or greater require the same minimum interior side yard setback of 1.2m as a dwelling to ensure there is adequate space and privacy between buildings. The requested setback is in line with the existing dwelling and proposed variance 1. Currently there are trees located throughout the backyard that provide screening from adjacent properties and offer some privacy. To provide additional privacy and reduce potential adverse impacts to the adjacent southern property, staff recommend that a permanent privacy screening be installed along the south side of the platform structure as a condition of approval. Otherwise, staff do not have concerns as the proposed covered deck meets all other zoning requirements.

Staff find this variance to be minor in nature, an appropriate use of the lands, and 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-120/21** 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.

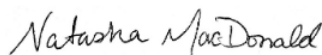
**Prepared by:**



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Adam Nanji  
Student Planner

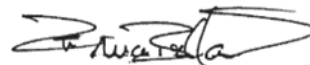
**Submitted by:**



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Natasha MacDonald  
Planner I

**Approved by:**



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Bruce Bellows  
Senior Planner





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## Memorandum

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**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 29<sup>th</sup>, 2021  
**Hearing Date:** December 15<sup>th</sup>, 2021  
**Subject:** **Committee of Adjustment - Minor Variance Applications**  
121 Moffatt Street, A-125/21  
115 Moffatt Street, A-123/21  
115A Moffatt Street, A-115/21  
117 Moffatt Street, A-124/21  
75 Jacobson Avenue, A-116/21  
1A Lakeview Avenue, A-118/21  
42 Aquadale Drive, A-119/21  
31 Ambrose Street, A-120/21  
17 Oakmeadow Place, A-121/21  
40 Duncan Drive, A-122/21

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Development Engineering have no objections related to the above applications. However, all applicants should be advised that a Lot Grading Plan will be a requirement for any Building Permit where the building footprint is proposed to be increased from what previously existed. Also, while setbacks may be reduced through a Minor Variance, actual side yards may have to be greater than the Zoning minimum to permit side entrances and hard surface walkways, while still accommodating drainage swales.

Prepared by: \_\_\_\_\_  
James Denham, P.Eng.  
Development Engineering Technologist

cc. Brad Johnston, PBS (email only)

## **MEMORANDUM**

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

Cc: Wilrik Banda  
Planning and Building Services

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

Date: December 1st, 2021

Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance – December 15, 2021 hearing**

NO.	ADDRESS	COMMENTS
A-125/21	121 Moffatt Street	No comment
A-123/21	115 Moffatt Street	Be advised that a building permit is required to construct the 3 unit townhouse block.
A-115/21	115A Moffatt Street	Be advised that a building permit is required to construct the 3 unit townhouse block.
A-117/21	117 Moffatt Street	Be advised that a building permit is required to construct the 3 unit townhouse block.
A-116/21	75 Jacobson Avenue	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-117/21	1 Lakeview Avenue	Be advised that a building permit is required to construct the proposed single detached dwelling.
A-118/21	1A Lakeview Avenue	Be advised that a building permit is required to construct the proposed single detached dwelling.

NO.	ADDRESS	COMMENTS
A-119/21	42 Aquadale Drive	Be advised that a building permit is required to construct the proposed single detached dwelling.
A-120/21	31 Ambrose Street	That the applicant shall satisfy the Chief Building Official for the City of St. Catharines that, as a result of the proposed setbacks, that spatial separation requirements for the glazed openings and type of construction for the exposed building face of the left south side, meet the requirements of Subsection 9.10.14 and 9.10.15 of the 2012 Ontario Building Code as applicable.
A-121/21	17 Oakmeadow Place	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-122/21	40 Duncan Drive	Be advised that a building permit is required for the proposed accessory dwelling unit.

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

**From:** [Munro, Elaine](#)  
**To:** [Munro, Elaine](#)  
**Subject:** Cogeco Comments - Committee of Adjustment Notices and Applications for the December 15/21 CofA Hearing  
**Date:** Wednesday, December 1, 2021 11:16:57 AM

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**Elaine Munro ACST**  
**Committee Secretary and Planning Technician**  
**Tel:** 905.688.5601 x1715  
**Email:** [emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)



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**From:** Doug Crown <[doug.crown@cogeco.com](mailto:doug.crown@cogeco.com)>  
**Sent:** Wednesday, December 1, 2021 8:42 AM  
**To:** Munro, Elaine <[emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)>  
**Cc:** Banda, Wilrik <[wbanda@stcatharines.ca](mailto:wbanda@stcatharines.ca)>  
**Subject:** Re: Request for Comments - Committee of Adjustment Notices and Applications for the December 15/21 CofA Hearing

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

Hi Elaine

Cogeco has no concerns with these applications.

Have a wonderful day

Doug Crown  
Network Planning Department  
[Doug.crown@cogeco.com](mailto:Doug.crown@cogeco.com)

7170 Mcleod Rd  
Niagara Falls Ont Canada

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



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## Memorandum

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**To:** Elaine Munro, Secretary-Treasurer, Committee of Adjustment, PBS  
**CC:**  
**From:** Amanda Knutson, CRCS  
**Date:** December 1, 2021  
**Subject:** Committee of Adjustment Hearing – December 15, 2021 **\*\* Revised**

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CRCS has reviewed the Committee of Adjustment applications for the hearing of December 15, 2021 and provides the following comments:

1. 121 Moffatt Street, Consent, B-08/21SC – 21102393  
121 Moffatt Street, Minor Variance, A-125/21 – 21120115

CRCS has no concerns with the proposed creation of a new lot for a detached dwelling, nor the requested minor variance. Should the application for consent be approved, CRCS recommends the following conditions be included:

- a) That payment of 5% of the appraised value of the new lot be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53(13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. That the appraisal be completed by a qualified appraiser. (If Planning and Building Services determines that parkland dedication can be collected for this application.)
  - b) That the applicant submit a payment for the placement of a 60mm boulevard tree for the new lot, in accordance with the City's current Schedule of Rates and Fees.
2. 115 Moffatt Street, Consent, B-39/21SC – 21119454  
115 Moffatt Street, Consent, B-40/21SC – 21119455  
115 Moffatt Street, Consent, B-41/21SC – 21119456  
115 Moffatt Street, Minor Variance, A-123/21 – 21120111  
115A Moffatt Street, Minor Variance, A-115/21 – 21119458  
117 Moffatt Street, Minor Variance, A-124/21 – 21120112

CRCS has no concerns with the proposed creation of three new lots for three street townhouses, nor the requested minor variances. Should the applications for consent be approved, CRCS recommends the following conditions be included:

- a) That payment of 5% of the appraised value of each of the three new lots be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53(13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. That the appraisal be completed by a qualified appraiser. (If Planning and Building Services determines that parkland dedication can be collected for these applications.)
- b) That the applicant submit a payment for the placement of a 60mm boulevard tree for each of the three new lots, in accordance with the City's current Schedule of Rates and Fees.

3. 75 Jacobson Avenue, Minor Variance, A-116/21 – 21119459 **\*\* Revised**

The extent of the boulevard tree canopy in front of the dwelling is not accurately reflected on the sketch submitted with this application; the canopy is much larger and extends to (or perhaps just over) the existing driveway. The proposed driveway/driveway apron extension will negatively impact this tree. In any event there appears to be sufficient space for two vehicles to park in tandem in the existing driveway. While CRCS staff have no concern with the requested variance for an increase in interior accessory dwelling unit size, any driveway extension to accommodate required parking for that dwelling unit is not supported.

4. 1 Lakeview Avenue, Consent, B-42/21SC – 21119462  
1 Lakeview Avenue, Consent, B-43/21SC – 21119463  
1 Lakeview Avenue, Minor Variance, A-117/21 – 21119464  
1A Lakeview Avenue, Minor Variance, A-118/21 – 21119465  
42 Aquadale Drive, Minor Variance, A-119/21 – 21119466

The consent sketch submitted indicates the presence of two mature trees on the adjacent property to the north, 46 Aquadale Drive. Both trees appear to be located less than one metre from the common boundary between 46 Aquadale Drive and the new lot at 42 Aquadale Drive; and approximately 2 metres or less from the proposed building footprint. Unfortunately, these trees were not shown on the draft sketch submitted at pre-submission consultation.

CRCS staff are concerned that construction of the new dwelling will negatively impact the neighbouring trees in question; a greater interior sideyard setback may be necessary. Given this, and the potential for the building footprint and proposed lot lines and requested variances to change, CRCS staff recommend that these concurrent applications for consent to sever and minor variance be deferred pending receipt of a tree preservation and protection plan (see requirements attached as Appendix 1). Alternatively, CRCS will require confirmation in writing

from the neighbouring landowner of 46 Aquadale Drive that they consent to the trees being removed at the applicant's expense.

Should these applications be considered prior to a tree preservation and protection plan being submitted, CRCS recommends the following conditions be imposed on approval of the consents to sever:

- a) That the applicant submit a tree preservation and protection plan for review and approval by CRCS and that any related mitigation measures and securities be implemented through the necessary development agreement. (Refer to tree preservation and protection requirements attached as Appendix 1 to this Memo).
- b) That payment of 5% of the appraised value of each new lot be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53(13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. That the appraisal be completed by a qualified appraiser. (If Planning and Building Services determines that parkland dedication can be collected for this application.)
- c) That the applicant submit a payment for the placement of a 60mm boulevard tree for each new lot, in accordance with the City's current Schedule of Rates and Fees.

5. 31 Ambrose Street, Minor Variance, A-120/21 – 21119525

No comment.

6. 17 Oakmeadow Place, Minor Variance, A-121/21 – 21119526

No comment.

7. 40 Duncan Drive, Minor Variance, A-122/21 – 21119533

No comment.

Amanda Knutson  
Community Project and Development Planner  
Community, Recreation and Culture Services

## **Appendix 1**

### **Tree Preservation and Protection Requirements**

A Tree Preservation and Protection Plan and Report is required when existing trees in the vicinity of construction activity are likely to be damaged without proper protection measures. The plan and report must be prepared by a professional certified by the International Society of Arboriculture (ISA) and shall have regard for the following:

- Include all trees on the subject property and within 3.0m of the lot line. All trees on City property in proximity to or fronting the development must be included in the tree protection plan; this includes trees on the road allowance.
- Trees to be preserved shall be fully protected with a minimum of snow fencing erected beyond their "drip line" to the satisfaction of the consulting arborist and the City. Groups of trees and other existing plantings to be protected shall be done in a like manner with snow fencing around the entire clump(s). Areas within the protective fencing shall remain undisturbed and shall not be used for storage of building materials or equipment. This work shall be completed prior to the commencement of site clearance, demolition or any type of construction.
- No cables of any type shall be wrapped around or otherwise attached to trees. Surplus soil, equipment, debris or material shall not be placed over root systems of the trees within the protective fencing. No contaminants will be dumped or flushed where feeder roots or trees exist.
- Every necessary precaution shall be taken to prevent damage to trees or shrubs which are to be retained on the site. Where limbs, roots or portions of trees must be removed to accommodate construction work, they should be removed in accordance with proper arboricultural practices and measures shall be taken to prevent any further damage.

The Tree Preservation and Protection Plan must:

- Include all General Drawing Requirements (i.e. be based on an actual survey prepared by an Ontario Land Surveyor, including bearings and dimensions, north arrow, scaled in metric, etc.)
- Include features intersecting or outside the development area that may affect the site vegetation or the adjacent site vegetation (streams, wetlands, "species at risk" habitat areas, etc.);



- Identify proposed and existing grades, entrances of driveways and utility services;
- Identify required excavation areas and locations for temporary fill placement.
- Identify all existing trees, including those trees on adjacent properties with canopies extending over the site, by:
  - Location as surveyed and identified on a survey plan prepared by an O.L.S.;
  - Size (caliper, D.B.H. in millimetres);
  - Common and botanical name;
  - Condition (excellent, fair, poor, dead);
  - Recommendation (preserve, relocate, remove);
- Show extent of crown of all existing trees and/or groups of trees;
- Identify individual specimen trees of substantial size and heritage, rare or significant value;
- Highlight and label tree protection fences and tree protection zones;
- Indicate location of any excavation that requires root pruning;
- Indicate location of construction staging areas;
- Indicate replacement trees by location, quantity, size, and common and botanical name;
- Include tree protection and preservation details;
- Include tree protection and preservation notes;
- Include after care notes for any trees to be preserved (i.e. watering, fertilizing, pruning, etc.); and
- Any trees located on public property that are proposed to be removed require special approval by the City and will require compensation as determined by the City.

### Tree Preservation Securities

- A monetary evaluation report by the consulting arborist shall be prepared for each existing tree to be preserved. The value of each tree shall be submitted to the City of St. Catharines, in the form of a security deposit, through the development agreement process.
- Should any tree(s) identified for preservation become damaged or decline in health as a result of the development, the applicant will be required to carry out the removal, restoration and replacement of the tree(s) with species appropriate trees as approved by the City. Should the applicant not carry out the removal, restoration and replacement of any damaged tree, the City shall retain the security.

- After construction is complete the applicant will be required to submit to the City a post construction report prepared by the consulting arborist at the expense of the applicant. This report must document compliance with the Tree Preservation and Protection Plan and associated report. The security deposit for tree preservation will not be returned until this report is submitted and any remedial work is complete.
- Trees shall be monitored for a period of three years after construction is completed.

**From:** [Munro, Elaine](#)  
**To:** [Munro, Elaine](#)  
**Subject:** Former Landfill Comments - 115 & 121 Moffatt St., 31 Ambrose St. & 17 Oakmeadow Pl.  
**Date:** Wednesday, November 24, 2021 7:37:37 AM

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115 Moffatt Street  
121 Moffatt Street  
31 Ambrose Street  
17 Oakmeadow Place

**Elaine Munro ACST**  
**Committee Secretary and Planning Technician**  
**Tel:** 905.688.5601 x1715  
**Email:** [emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)



---

**From:** Vasko, Dennis <[dvasko@stcatharines.ca](mailto:dvasko@stcatharines.ca)>  
**Sent:** Tuesday, November 23, 2021 2:38 PM  
**To:** Munro, Elaine <[emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)>  
**Subject:** RE: Request for Comments - Committee of Adjustment Notices and Applications for the December 15/21 CofA Hearing

Hi Elaine,

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

Dennis

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



**To: Elaine Munro, Committee Secretary and Planning Technician**

**Cc:**

**From: Steve Bittner, Transportation Technologist**

**Date: November 23, 2021**

**Subject: Committee of Adjustment Comments (December 15, 2021 Hearing)**

---

**A-119/21 – 42 Aquadale Drive**

The existing gravel drive on Lakeview Avenue should be removed and reinstated to landscaping.

We have no concerns or requirements with the remaining applications.

Steve Bittner  
Transportation Technologist

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

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

---

# **COMMENTS**

**A-121/21**

**17 Oakmeadow Place**

**DATE OF HEARING:**  
**December 15, 2021**

December 8 2021

emunroe@st.catharines.ca

Dear Sir/Madam:

My husband and I reside at 15 Oakmeadow Place, and are attached to 17 Oakmeadow Place, St. Catharines.

When we moved in 5 years ago, it was as single dwelling house which had been renovated from top to bottom by the young couple who lived there. The following year they sold it and the new owners converted it to a two unit apartment.

The top apartment was originally rented to an elderly couple who left the apartment in the middle of the night, never to return.

The bottom apartment was rented to a young couple, but once they found they were expecting, they moved out.

A young couple with a family moved in upstairs, and the bottom apartment, when there was occupants, caused problems for the upstairs neighbors, as well as the surrounding neighbors with their constant fighting, and cursing. The police attended on several occasions.

The house went up for sale again and the young family currently renting, put in an offer but the offer was not accepted. Subsequently, the for sale sign came down and the young couple were paid first and last months rent to vacate.

More recently, the tenant who was supposed to reside upstairs, is now living in the lower apartment. He had an old trailer caravan in the driveway which resulted in taking the outside water tap off. Water was flooding everywhere. The City were called to clean up blue paint which was running down the driveway, and the trailer was then dumped in Port Dalhousie.

There is a washer/dryer in the kitchen upstairs and a full kitchen and washer/dryer downstairs. The appliances were set up haphazardly with nothing grounded.

The upstairs tenants have no access to the furnace, water heater, water shut off, etc. This is a huge SAFETY concern for my husband and myself. Recently an electrician attended 17 Oakmeadow Place and we were told the residence was a fire hazard.

Last winter, I had a flood in my house as a result of ice building up on the roof. This resulted in a new roof, new siding, new door and indoor renovations of the downstairs hallway and upstairs bathroom, none of which was covered by insurance. We had to re-mortgage our home to pay for the \$30,000 in renovations. At this time I called the property manager to advise them of the problem and to tell them the roofer had suggested they replace the roof as he saw damage on his inspection. As of the writing of this letter, I have had no response.

Recently we had a sewer backup as a result of roots from a 43 year old tree, owned by the City. This has resulted in replacing the sewer line at our cost and a full renovation of the basement. The only item the insurance covered was the carpet and baseboards.

My point here is that these renovations are going to be well over \$30,000. So while we are trying to keep our property safe and maintained, the property attached to us is virtually being ignored and is not safe. This has been operating as an illegal dwelling for several years.

My husband and I are concerned our property will be devalued at the expense of a landlord who does not maintain their property and does not care what kind of tenants live there.

It would appear that 17 Oakmeadow Place has been operating as an illegal dwelling for several years, without an inspection until now.

When we purchased our home 5 years ago, we did NOT expect to be attached to an apartment dwelling. We are worried with a multi dwelling approval for 17 Oakmeadow Place, will set a precedence in the area.

My husband and I are opposed to 17 Oakmeadow Place being approved by the City as a multi dwelling place as we have concerns for our safety.

I sincerely ask for your consideration and our concerns with respect to this property.

Sincerely

Carol and Mark Berry

**From:** [Munro, Elaine](#)  
**To:** [Munro, Elaine](#)  
**Subject:** Comments Received RE: 17 Oakmeadow Place - variance  
**Date:** Saturday, December 11, 2021 5:57:29 PM

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**Elaine Munro ACST**  
**Committee Secretary and Planning Technician**  
**Tel:** 905.688.5601 x1715  
**Email:** [emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)



---

**From:** Denis Dunn <>  
**Sent:** Monday, November 29, 2021 10:11 AM  
**To:** Munro, Elaine <[emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)>  
**Subject:** Fw: 17 Oakmeadow Place - variance

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Attn. Ms. Elaine Munro  
Secretary-Treasurer  
Committee of Adjustments  
City of St Catharines

RE:  
File no. 21119526  
Submission no. A-121/21  
17 Oakmeadow Place, St Catharines - 2nd unit variance "to increase accessory dwelling unit floor area from 40 to 46.4%"

---

Hi, as a resident on Oakmeadow, I am against this variance proposal on principle.

I realize that the Province has allowed R1 zoning homeowners to add an additional unit to help alleviate the accommodation shortage and as a 'mortgage helper', but (in my view) the 2nd dwelling unit is supposed to be ancillary or supplemental, and not (almost) equivalent in size to the primary unit.

I am concerned that if this is approved, this ruling will set a precedent and more homeowners in my neighborhood will follow suit so that the area loses its single family dwelling characteristic.

Btw, I am glad to see that the 2nd unit will be conforming to code.

best wishes

**Denis Dunn**  
**32 Oakmeadow Place**  
**St. Catharines,**  
**Ont. Canada**  
**Tel. +1 xxx xxx xxxx**  
**xxxxx: xxxxxxxx**





## Technical Report

**Report from** Planning and Building Services, Planning Services

**Date of Report:** December 10, 2021

**Date of Meeting:** December 15, 2021

**Report Number:** A-121/21

**File:** 21119526

**Subject:** 17 Oakmeadow Place

### Recommendation

That Application **A-121/21** by Vijaymaran Manickam 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 semi-detached dwelling. The proposed accessory dwelling unit is larger than permitted in the City's Zoning By-law. The following variance is required to facilitate the accessory dwelling unit:

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

### Location and Site Description

The subject property is located on the east side of Oakmeadow Place, west of Westgate Park Drive. The immediate neighbourhood to the north and east is residential and contains a mix of townhouse, semi-detached and detached dwellings.

The subject lands are presently occupied by one semi-detached dwelling unit.

### Circulation of Application

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

## **Planning Policy Context**

### **Official Plan (Garden City Plan)**

The subject property is designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential on Schedule E1. Part D, Section 7.10 of the GCP supports the creation of an accessory apartment unit within a semi-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 semi-detached dwelling subject to size parameters and parking provision. 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.

## **Planning Analysis**

The applicant is requesting an increase to the permitted area for an interior accessory dwelling unit in a semi-detached dwelling. The current zoning provisions permit an accessory dwelling unit to occupy no more than the 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.

The applicant is proposing an accessory dwelling unit which will occupy 46.4 percent of the total floor area of the dwelling, while still meeting the maximum floor area of 60 square metres. 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 proposal complies with all other provisions of the By-law. This includes parking and landscaped open 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-121/21** 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.

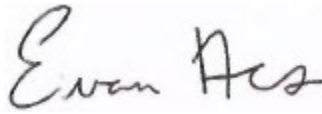
**Prepared by:**



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Adam Nanji  
Student Planner

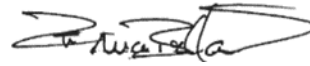
**Submitted by:**



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Evan Acs  
Planner I

**Approved by:**



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Bruce Bellows  
Senior Planner

**From:** [Munro, Elaine](#)  
**To:** [Munro, Elaine](#)  
**Subject:** Cogeco Comments - Committee of Adjustment Notices and Applications for the December 15/21 CofA Hearing  
**Date:** Wednesday, December 1, 2021 11:16:57 AM

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**Elaine Munro ACST**  
**Committee Secretary and Planning Technician**  
**Tel:** 905.688.5601 x1715  
**Email:** [emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)



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**From:** Doug Crown <[doug.crown@cogeco.com](mailto:doug.crown@cogeco.com)>  
**Sent:** Wednesday, December 1, 2021 8:42 AM  
**To:** Munro, Elaine <[emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)>  
**Cc:** Banda, Wilrik <[wbanda@stcatharines.ca](mailto:wbanda@stcatharines.ca)>  
**Subject:** Re: Request for Comments - Committee of Adjustment Notices and Applications for the December 15/21 CofA Hearing

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

Hi Elaine

Cogeco has no concerns with these applications.

Have a wonderful day

Doug Crown  
Network Planning Department  
[Doug.crown@cogeco.com](mailto:Doug.crown@cogeco.com)

7170 Mcleod Rd  
Niagara Falls Ont Canada

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



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## Memorandum

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**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 29<sup>th</sup>, 2021  
**Hearing Date:** December 15<sup>th</sup>, 2021  
**Subject:** **Committee of Adjustment - Minor Variance Applications**  
121 Moffatt Street, A-125/21  
115 Moffatt Street, A-123/21  
115A Moffatt Street, A-115/21  
117 Moffatt Street, A-124/21  
75 Jacobson Avenue, A-116/21  
1A Lakeview Avenue, A-118/21  
42 Aquadale Drive, A-119/21  
31 Ambrose Street, A-120/21  
17 Oakmeadow Place, A-121/21  
40 Duncan Drive, A-122/21

---

Development Engineering have no objections related to the above applications. However, all applicants should be advised that a Lot Grading Plan will be a requirement for any Building Permit where the building footprint is proposed to be increased from what previously existed. Also, while setbacks may be reduced through a Minor Variance, actual side yards may have to be greater than the Zoning minimum to permit side entrances and hard surface walkways, while still accommodating drainage swales.

Prepared by: \_\_\_\_\_  
James Denham, P.Eng.  
Development Engineering Technologist

cc. Brad Johnston, PBS (email only)

## **MEMORANDUM**

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

Cc: Wilrik Banda  
Planning and Building Services

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

Date: December 1st, 2021

Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance – December 15, 2021 hearing**

NO.	ADDRESS	COMMENTS
A-125/21	121 Moffatt Street	No comment
A-123/21	115 Moffatt Street	Be advised that a building permit is required to construct the 3 unit townhouse block.
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A-117/21	117 Moffatt Street	Be advised that a building permit is required to construct the 3 unit townhouse block.
A-116/21	75 Jacobson Avenue	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-117/21	1 Lakeview Avenue	Be advised that a building permit is required to construct the proposed single detached dwelling.
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Lou Grossi, Dipl. T. Arch, CBCO  
Building Inspector II



---

## Memorandum

---

**To:** Elaine Munro, Secretary-Treasurer, Committee of Adjustment, PBS  
**CC:**  
**From:** Amanda Knutson, CRCS  
**Date:** December 1, 2021  
**Subject:** Committee of Adjustment Hearing – December 15, 2021 **\*\* Revised**

---

CRCS has reviewed the Committee of Adjustment applications for the hearing of December 15, 2021 and provides the following comments:

1. 121 Moffatt Street, Consent, B-08/21SC – 21102393  
121 Moffatt Street, Minor Variance, A-125/21 – 21120115

CRCS has no concerns with the proposed creation of a new lot for a detached dwelling, nor the requested minor variance. Should the application for consent be approved, CRCS recommends the following conditions be included:

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  - b) That the applicant submit a payment for the placement of a 60mm boulevard tree for the new lot, in accordance with the City's current Schedule of Rates and Fees.
2. 115 Moffatt Street, Consent, B-39/21SC – 21119454  
115 Moffatt Street, Consent, B-40/21SC – 21119455  
115 Moffatt Street, Consent, B-41/21SC – 21119456  
115 Moffatt Street, Minor Variance, A-123/21 – 21120111  
115A Moffatt Street, Minor Variance, A-115/21 – 21119458  
117 Moffatt Street, Minor Variance, A-124/21 – 21120112

CRCS has no concerns with the proposed creation of three new lots for three street townhouses, nor the requested minor variances. Should the applications for consent be approved, CRCS recommends the following conditions be included:



- a) That payment of 5% of the appraised value of each of the three new lots be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53(13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. That the appraisal be completed by a qualified appraiser. (If Planning and Building Services determines that parkland dedication can be collected for these applications.)
- b) That the applicant submit a payment for the placement of a 60mm boulevard tree for each of the three new lots, in accordance with the City's current Schedule of Rates and Fees.

3. 75 Jacobson Avenue, Minor Variance, A-116/21 – 21119459 **\*\* Revised**

The extent of the boulevard tree canopy in front of the dwelling is not accurately reflected on the sketch submitted with this application; the canopy is much larger and extends to (or perhaps just over) the existing driveway. The proposed driveway/driveway apron extension will negatively impact this tree. In any event there appears to be sufficient space for two vehicles to park in tandem in the existing driveway. While CRCS staff have no concern with the requested variance for an increase in interior accessory dwelling unit size, any driveway extension to accommodate required parking for that dwelling unit is not supported.

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1 Lakeview Avenue, Consent, B-43/21SC – 21119463  
1 Lakeview Avenue, Minor Variance, A-117/21 – 21119464  
1A Lakeview Avenue, Minor Variance, A-118/21 – 21119465  
42 Aquadale Drive, Minor Variance, A-119/21 – 21119466

The consent sketch submitted indicates the presence of two mature trees on the adjacent property to the north, 46 Aquadale Drive. Both trees appear to be located less than one metre from the common boundary between 46 Aquadale Drive and the new lot at 42 Aquadale Drive; and approximately 2 metres or less from the proposed building footprint. Unfortunately, these trees were not shown on the draft sketch submitted at pre-submission consultation.

CRCS staff are concerned that construction of the new dwelling will negatively impact the neighbouring trees in question; a greater interior sideyard setback may be necessary. Given this, and the potential for the building footprint and proposed lot lines and requested variances to change, CRCS staff recommend that these concurrent applications for consent to sever and minor variance be deferred pending receipt of a tree preservation and protection plan (see requirements attached as Appendix 1). Alternatively, CRCS will require confirmation in writing

from the neighbouring landowner of 46 Aquadale Drive that they consent to the trees being removed at the applicant's expense.

Should these applications be considered prior to a tree preservation and protection plan being submitted, CRCS recommends the following conditions be imposed on approval of the consents to sever:

- a) That the applicant submit a tree preservation and protection plan for review and approval by CRCS and that any related mitigation measures and securities be implemented through the necessary development agreement. (Refer to tree preservation and protection requirements attached as Appendix 1 to this Memo).
- b) That payment of 5% of the appraised value of each new lot be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53(13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. That the appraisal be completed by a qualified appraiser. (If Planning and Building Services determines that parkland dedication can be collected for this application.)
- c) That the applicant submit a payment for the placement of a 60mm boulevard tree for each new lot, in accordance with the City's current Schedule of Rates and Fees.

5. 31 Ambrose Street, Minor Variance, A-120/21 – 21119525

No comment.

6. 17 Oakmeadow Place, Minor Variance, A-121/21 – 21119526

No comment.

7. 40 Duncan Drive, Minor Variance, A-122/21 – 21119533

No comment.

Amanda Knutson  
Community Project and Development Planner  
Community, Recreation and Culture Services

## **Appendix 1**

### **Tree Preservation and Protection Requirements**

A Tree Preservation and Protection Plan and Report is required when existing trees in the vicinity of construction activity are likely to be damaged without proper protection measures. The plan and report must be prepared by a professional certified by the International Society of Arboriculture (ISA) and shall have regard for the following:

- Include all trees on the subject property and within 3.0m of the lot line. All trees on City property in proximity to or fronting the development must be included in the tree protection plan; this includes trees on the road allowance.
- Trees to be preserved shall be fully protected with a minimum of snow fencing erected beyond their "drip line" to the satisfaction of the consulting arborist and the City. Groups of trees and other existing plantings to be protected shall be done in a like manner with snow fencing around the entire clump(s). Areas within the protective fencing shall remain undisturbed and shall not be used for storage of building materials or equipment. This work shall be completed prior to the commencement of site clearance, demolition or any type of construction.
- No cables of any type shall be wrapped around or otherwise attached to trees. Surplus soil, equipment, debris or material shall not be placed over root systems of the trees within the protective fencing. No contaminants will be dumped or flushed where feeder roots or trees exist.
- Every necessary precaution shall be taken to prevent damage to trees or shrubs which are to be retained on the site. Where limbs, roots or portions of trees must be removed to accommodate construction work, they should be removed in accordance with proper arboricultural practices and measures shall be taken to prevent any further damage.

The Tree Preservation and Protection Plan must:

- Include all General Drawing Requirements (i.e. be based on an actual survey prepared by an Ontario Land Surveyor, including bearings and dimensions, north arrow, scaled in metric, etc.)
- Include features intersecting or outside the development area that may affect the site vegetation or the adjacent site vegetation (streams, wetlands, "species at risk" habitat areas, etc.);

- Identify proposed and existing grades, entrances of driveways and utility services;
- Identify required excavation areas and locations for temporary fill placement.
- Identify all existing trees, including those trees on adjacent properties with canopies extending over the site, by:
  - Location as surveyed and identified on a survey plan prepared by an O.L.S.;
  - Size (caliper, D.B.H. in millimetres);
  - Common and botanical name;
  - Condition (excellent, fair, poor, dead);
  - Recommendation (preserve, relocate, remove);
- Show extent of crown of all existing trees and/or groups of trees;
- Identify individual specimen trees of substantial size and heritage, rare or significant value;
- Highlight and label tree protection fences and tree protection zones;
- Indicate location of any excavation that requires root pruning;
- Indicate location of construction staging areas;
- Indicate replacement trees by location, quantity, size, and common and botanical name;
- Include tree protection and preservation details;
- Include tree protection and preservation notes;
- Include after care notes for any trees to be preserved (i.e. watering, fertilizing, pruning, etc.); and
- Any trees located on public property that are proposed to be removed require special approval by the City and will require compensation as determined by the City.

### Tree Preservation Securities

- A monetary evaluation report by the consulting arborist shall be prepared for each existing tree to be preserved. The value of each tree shall be submitted to the City of St. Catharines, in the form of a security deposit, through the development agreement process.
- Should any tree(s) identified for preservation become damaged or decline in health as a result of the development, the applicant will be required to carry out the removal, restoration and replacement of the tree(s) with species appropriate trees as approved by the City. Should the applicant not carry out the removal, restoration and replacement of any damaged tree, the City shall retain the security.

- After construction is complete the applicant will be required to submit to the City a post construction report prepared by the consulting arborist at the expense of the applicant. This report must document compliance with the Tree Preservation and Protection Plan and associated report. The security deposit for tree preservation will not be returned until this report is submitted and any remedial work is complete.
- Trees shall be monitored for a period of three years after construction is completed.

**From:** [Munro, Elaine](#)  
**To:** [Munro, Elaine](#)  
**Subject:** Former Landfill Comments - 115 & 121 Moffatt St., 31 Ambrose St. & 17 Oakmeadow Pl.  
**Date:** Wednesday, November 24, 2021 7:37:37 AM

---

115 Moffatt Street  
121 Moffatt Street  
31 Ambrose Street  
17 Oakmeadow Place

**Elaine Munro ACST**  
**Committee Secretary and Planning Technician**  
**Tel:** 905.688.5601 x1715  
**Email:** [emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)



---

**From:** Vasko, Dennis <[dvasko@stcatharines.ca](mailto:dvasko@stcatharines.ca)>  
**Sent:** Tuesday, November 23, 2021 2:38 PM  
**To:** Munro, Elaine <[emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)>  
**Subject:** RE: Request for Comments - Committee of Adjustment Notices and Applications for the December 15/21 CofA Hearing

Hi Elaine,

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

Dennis

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



**To: Elaine Munro, Committee Secretary and Planning Technician**

**Cc:**

**From: Steve Bittner, Transportation Technologist**

**Date: November 23, 2021**

**Subject: Committee of Adjustment Comments (December 15, 2021 Hearing)**

---

**A-119/21 – 42 Aquadale Drive**

The existing gravel drive on Lakeview Avenue should be removed and reinstated to landscaping.

We have no concerns or requirements with the remaining applications.

Steve Bittner  
Transportation Technologist

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

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

---

# **COMMENTS**

**A-122/21**

**40 Duncan Drive**

**DATE OF HEARING:**  
**December 15, 2021**



**From:** [Munro, Elaine](#)  
**To:** [Munro, Elaine](#)  
**Subject:** Comments Received RE: 40 Duncan Drive  
**Date:** Tuesday, December 7, 2021 7:54:59 AM

---

**Elaine Munro ACST**  
**Committee Secretary and Planning Technician**  
**Tel:** 905.688.5601 x1715  
**Email:** [emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)



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

**From:** Jack Homer <[jack.homer@stcatharines.ca](mailto:jack.homer@stcatharines.ca)>  
**Sent:** Monday, December 6, 2021 3:13 PM  
**To:** Munro, Elaine <[emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)>  
**Subject:** 40 Duncan Drive

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Hi Elaine:

Jack and I wanted to express our concern and reservations on having this unit enlarged to accommodate more renters. The bi-law is set up for a reason and we feel it should be honoured. Duncan Drive has a French immersion school at the end of the street which already is busy with children being bused and dropped off. At times our street is pretty congested and we don't want more vehicles parked on the road. Hope to hear from you. Jack and Linda Homer (35 Duncan Drive)

Sent from my iPad



## Technical Report

**Report from** Planning and Building Services, Planning Services

**Date of Report:** December 10, 2021

**Date of Meeting:** December 15, 2021

**Report Number:** A-122/21

**File:** 21119533

**Subject:** 40 Duncan Drive

### Recommendation

That Application **A-122/21** by Mitesh Batra 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 <sup>2</sup>	76.73m <sup>2</sup>
2	Maximum floor area of an interior accessory dwelling unit as a percentage of the floor area of the dwelling	40%	47.5%

### Location and Site Description

The subject property is located on the east side of Duncan Drive, north of Glen Park Road. The neighbourhood surrounding the subject property is residential and is comprised predominately of detached dwellings, with park space to the west and a public school to the north.

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 E2. 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 and parking provision. 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.

## **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.

The applicant is proposing an accessory dwelling unit with a floor area of 76.73 square meters, which will occupy 47.5 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 property complies with all other provisions of the By-law. This includes parking and landscaped open 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-122/21** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature and is desirable for the appropriate use of the lands. Staff recommend approval of the Application.

**Prepared by:**



---

Adam Nanji  
Student Planner

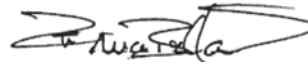
**Submitted by:**



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Evan Acs  
Planner I

**Approved by:**



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Bruce Bellows  
Senior Planner

**From:** [Munro, Elaine](#)  
**To:** [Munro, Elaine](#)  
**Subject:** Cogeco Comments - Committee of Adjustment Notices and Applications for the December 15/21 CofA Hearing  
**Date:** Wednesday, December 1, 2021 11:16:57 AM

---

**Elaine Munro ACST**  
**Committee Secretary and Planning Technician**  
**Tel:** 905.688.5601 x1715  
**Email:** [emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)



---

**From:** Doug Crown <[doug.crown@cogeco.com](mailto:doug.crown@cogeco.com)>  
**Sent:** Wednesday, December 1, 2021 8:42 AM  
**To:** Munro, Elaine <[emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)>  
**Cc:** Banda, Wilrik <[wbanda@stcatharines.ca](mailto:wbanda@stcatharines.ca)>  
**Subject:** Re: Request for Comments - Committee of Adjustment Notices and Applications for the December 15/21 CofA Hearing

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Hi Elaine

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Have a wonderful day

Doug Crown  
Network Planning Department  
[Doug.crown@cogeco.com](mailto:Doug.crown@cogeco.com)

7170 Mcleod Rd  
Niagara Falls Ont Canada

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



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## Memorandum

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**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 29<sup>th</sup>, 2021  
**Hearing Date:** December 15<sup>th</sup>, 2021  
**Subject:** **Committee of Adjustment - Minor Variance Applications**  
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Prepared by: \_\_\_\_\_  
James Denham, P.Eng.  
Development Engineering Technologist

cc. Brad Johnston, PBS (email only)

## **MEMORANDUM**

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

Cc: Wilrik Banda  
Planning and Building Services

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

Date: December 1st, 2021

Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance – December 15, 2021 hearing**

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





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## Memorandum

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**To:** Elaine Munro, Secretary-Treasurer, Committee of Adjustment, PBS  
**CC:**  
**From:** Amanda Knutson, CRCS  
**Date:** December 1, 2021  
**Subject:** Committee of Adjustment Hearing – December 15, 2021 **\*\* Revised**

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1 Lakeview Avenue, Consent, B-43/21SC – 21119463  
1 Lakeview Avenue, Minor Variance, A-117/21 – 21119464  
1A Lakeview Avenue, Minor Variance, A-118/21 – 21119465  
42 Aquadale Drive, Minor Variance, A-119/21 – 21119466

The consent sketch submitted indicates the presence of two mature trees on the adjacent property to the north, 46 Aquadale Drive. Both trees appear to be located less than one metre from the common boundary between 46 Aquadale Drive and the new lot at 42 Aquadale Drive; and approximately 2 metres or less from the proposed building footprint. Unfortunately, these trees were not shown on the draft sketch submitted at pre-submission consultation.

CRCS staff are concerned that construction of the new dwelling will negatively impact the neighbouring trees in question; a greater interior sideyard setback may be necessary. Given this, and the potential for the building footprint and proposed lot lines and requested variances to change, CRCS staff recommend that these concurrent applications for consent to sever and minor variance be deferred pending receipt of a tree preservation and protection plan (see requirements attached as Appendix 1). Alternatively, CRCS will require confirmation in writing

from the neighbouring landowner of 46 Aquadale Drive that they consent to the trees being removed at the applicant's expense.

Should these applications be considered prior to a tree preservation and protection plan being submitted, CRCS recommends the following conditions be imposed on approval of the consents to sever:

- a) That the applicant submit a tree preservation and protection plan for review and approval by CRCS and that any related mitigation measures and securities be implemented through the necessary development agreement. (Refer to tree preservation and protection requirements attached as Appendix 1 to this Memo).
- b) That payment of 5% of the appraised value of each new lot be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53(13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. That the appraisal be completed by a qualified appraiser. (If Planning and Building Services determines that parkland dedication can be collected for this application.)
- c) That the applicant submit a payment for the placement of a 60mm boulevard tree for each new lot, in accordance with the City's current Schedule of Rates and Fees.

5. 31 Ambrose Street, Minor Variance, A-120/21 – 21119525

No comment.

6. 17 Oakmeadow Place, Minor Variance, A-121/21 – 21119526

No comment.

7. 40 Duncan Drive, Minor Variance, A-122/21 – 21119533

No comment.

Amanda Knutson  
Community Project and Development Planner  
Community, Recreation and Culture Services

## **Appendix 1**

### **Tree Preservation and Protection Requirements**

A Tree Preservation and Protection Plan and Report is required when existing trees in the vicinity of construction activity are likely to be damaged without proper protection measures. The plan and report must be prepared by a professional certified by the International Society of Arboriculture (ISA) and shall have regard for the following:

- Include all trees on the subject property and within 3.0m of the lot line. All trees on City property in proximity to or fronting the development must be included in the tree protection plan; this includes trees on the road allowance.
- Trees to be preserved shall be fully protected with a minimum of snow fencing erected beyond their "drip line" to the satisfaction of the consulting arborist and the City. Groups of trees and other existing plantings to be protected shall be done in a like manner with snow fencing around the entire clump(s). Areas within the protective fencing shall remain undisturbed and shall not be used for storage of building materials or equipment. This work shall be completed prior to the commencement of site clearance, demolition or any type of construction.
- No cables of any type shall be wrapped around or otherwise attached to trees. Surplus soil, equipment, debris or material shall not be placed over root systems of the trees within the protective fencing. No contaminants will be dumped or flushed where feeder roots or trees exist.
- Every necessary precaution shall be taken to prevent damage to trees or shrubs which are to be retained on the site. Where limbs, roots or portions of trees must be removed to accommodate construction work, they should be removed in accordance with proper arboricultural practices and measures shall be taken to prevent any further damage.

The Tree Preservation and Protection Plan must:

- Include all General Drawing Requirements (i.e. be based on an actual survey prepared by an Ontario Land Surveyor, including bearings and dimensions, north arrow, scaled in metric, etc.)
- Include features intersecting or outside the development area that may affect the site vegetation or the adjacent site vegetation (streams, wetlands, "species at risk" habitat areas, etc.);

- Identify proposed and existing grades, entrances of driveways and utility services;
- Identify required excavation areas and locations for temporary fill placement.
- Identify all existing trees, including those trees on adjacent properties with canopies extending over the site, by:
  - Location as surveyed and identified on a survey plan prepared by an O.L.S.;
  - Size (caliper, D.B.H. in millimetres);
  - Common and botanical name;
  - Condition (excellent, fair, poor, dead);
  - Recommendation (preserve, relocate, remove);
- Show extent of crown of all existing trees and/or groups of trees;
- Identify individual specimen trees of substantial size and heritage, rare or significant value;
- Highlight and label tree protection fences and tree protection zones;
- Indicate location of any excavation that requires root pruning;
- Indicate location of construction staging areas;
- Indicate replacement trees by location, quantity, size, and common and botanical name;
- Include tree protection and preservation details;
- Include tree protection and preservation notes;
- Include after care notes for any trees to be preserved (i.e. watering, fertilizing, pruning, etc.); and
- Any trees located on public property that are proposed to be removed require special approval by the City and will require compensation as determined by the City.

### Tree Preservation Securities

- A monetary evaluation report by the consulting arborist shall be prepared for each existing tree to be preserved. The value of each tree shall be submitted to the City of St. Catharines, in the form of a security deposit, through the development agreement process.
- Should any tree(s) identified for preservation become damaged or decline in health as a result of the development, the applicant will be required to carry out the removal, restoration and replacement of the tree(s) with species appropriate trees as approved by the City. Should the applicant not carry out the removal, restoration and replacement of any damaged tree, the City shall retain the security.

- After construction is complete the applicant will be required to submit to the City a post construction report prepared by the consulting arborist at the expense of the applicant. This report must document compliance with the Tree Preservation and Protection Plan and associated report. The security deposit for tree preservation will not be returned until this report is submitted and any remedial work is complete.
- Trees shall be monitored for a period of three years after construction is completed.

**To: Elaine Munro, Committee Secretary and Planning Technician**

**Cc:**

**From: Steve Bittner, Transportation Technologist**

**Date: November 23, 2021**

**Subject: Committee of Adjustment Comments (December 15, 2021 Hearing)**

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**A-119/21 – 42 Aquadale Drive**

The existing gravel drive on Lakeview Avenue should be removed and reinstated to landscaping.

We have no concerns or requirements with the remaining applications.

Steve Bittner  
Transportation Technologist