

Agenda

Wednesday, January 26, 2022

Electronic Participation at 5.00 pm

As part of the City's commitment to safety during the COVID-19 pandemic, this meeting of the **Committee of Adjustment** will be held electronically.

This Meeting may be viewed online at www.stcatharines.ca/youtube

Public Comments: The public may submit comments regarding agenda matters by contacting emunro@stcatharines.ca by January 24, 2022 before 3:00 p.m. Comments submitted will be considered as public information and entered into public record.

Members:

Greg Redden, Chair
Kerry Leask, Member
Adam Selvig, Member

Regrets: David Ringler, Vice Chair

Staff Liaison:

Elaine Munro, Secretary-Treasurer
Wilrik Banda, Assistant Secretary-Treasurer
Natasha MacDonald, Planner
Evan Acs, Planner
Charlotte McEwan, 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 – December 15, 2021**
 6. **Declarations of Interest**
 7. **Request for Adjournment**
 8. **Applications**
 1. 3 Mountainview Street, Minor Variance, A-02/22 – 21120712
 2. 5 Napier Street, Minor Variance, A-04/22 – 21120902
 3. 473 Carlton Street, Minor Variance, A-08/22 – 21120976
 4. 1956 Third Street Louth, Consent, B-06/22SC – 21121025
 9. **New Business**
 10. **Date of next meeting**
Wednesday February 23, 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

COMMENTS

A-02/22

3 Mountainview Drive

DATE OF HEARING:
January 26, 2022



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: January 17, 2022

Date of Meeting: January 26, 2022

Report Number: A-02/22

File: 21120712

Subject: 3 Mountainview Drive

Recommendation

That application **A-02/22** by Ineke Brinkman, as outlined in the Notice of Hearing, be approved.

Report The Proposal

Application **A-02/22** seeks relief from the City of St. Catharines Zoning By-law 2013-283, as amended, to construct a proposed extension of the existing carport. The applicant proposes to reduce the minimum interior side yard setback from what is required in the Zoning By-law. The requested variance is outlined in the table below.

Variance	Provision	Required	Proposed
1	Reduction of the minimum interior side yard setback	1.2 metres	0.622 metres

Location and Site Description

The subject property is an interior lot located on the east side of Mountainview Drive, north of Glendale Avenue. The neighbourhood is low density residential and is mostly comprised of detached dwellings with accessory structures.

Circulation of Application

This application was circulated to all appropriate departments and agencies: no objections were received. It is noted that a building permit will be required to remove and reinstall the posts for the carport.

Planning Policy Context Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential on Schedule E8. Detached dwellings with an accessory structure are permitted in this designation.

Zoning By-law (2013-283)

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

Planning Analysis

The variance requests a reduction in the required minimum interior side yard setback from 1.2 metres to 0.622 metres, resulting in a reduction of 0.578 metres. This variance is requested to facilitate a proposed extension of an existing carport.

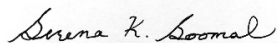
The existing unenclosed carport is located on the northern portion of the property. The proposed addition would also be unenclosed and would reduce the interior side yard setback by 0.58 metres. All other minimum required setbacks outlined in the Zoning By-law are met on this property. The proposed extension of the carport will maintain adequate distance from the neighbouring property, does not affect a change in height of the existing structure, and will not cause any adverse impacts to the surrounding area. The proposed extension will maintain the prevailing character of the neighbourhood as many of the surrounding properties also have carports and garages. As such, the streetscape will not be negatively affected. The proposed extension is considered a desirable use of the lands. In accordance with section 4.3 of the Official Plan, the proposed extension is compatible with the surrounding area in terms of building scale and height and spacing of buildings, as the proposed addition maintains adequate amenity space and distance between adjacent properties.

In the opinion of staff, the reduction in the required interior side yard setback is minor in nature, desirable for the appropriate use of lands, and meets the general intent of the Official Plan and Zoning By-law.

Conclusion

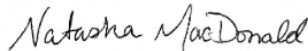
Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Application **A-02/22** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is desirable for the appropriate use of the lands. Staff recommend approval of the Application.

Prepared by:



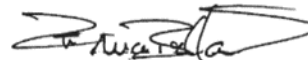
Serena Soomal
Student Planner

Submitted by:



Natasha MacDonald
Planner I

Approved by:



Bruce Bellows
Senior Planner

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Cogeco - No Concerns - Committee of Adjustment Applications for January 26, 2022 Hearing
Date: Thursday, January 6, 2022 5:43:27 PM

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



From: Doug Crown <doug.crown@cogeco.com>
Sent: Thursday, January 6, 2022 9:31 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Request for Comments - Committee of Adjustment Applications for January 26, 2022 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

Yes , great holidays. I hope yours was as well.

Cogeco has no concerns with these applications.

Have a great day and talk soon

Doug Crown
Network Planning Department

Doug.crown@cogeco.com

7170 Mcleod Rd
Niagara Falls Ont Canada

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

MEMORANDUM

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

Cc: Wilrik Banda
Planning and Building Services

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

Date: January 11, 2022

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – January 26, 2022 hearing

NO.	ADDRESS	COMMENTS
A-02/22	3 Mountainview Street	Be advised that a building permit is required to remove and reinstall new posts for the carport.
A-04/22	5 Napier Street	Be advised that a building permit is required for the new addition and the interior alterations.
A-08/22	473 Carlton Street	Be advised that a building permit is required to construct the 4 storey apartment building.


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



Memorandum

To: Elaine Munro, ACST, Committee Secretary & Planning Technician
From: Brad Johnston, C.E.T., Development Engineering Technologist
CC: City Committee of Adjustment Staff Members
Date: January 17, 2022
Hearing Date: January 26, 2022
Subject: **Committee of Adjustment - Minor Variance Applications**
3 Mountainview Drive – A-02/22SC
5 Napier Street – A-04/22SC
473 Carlton Street – A-08/22SC

Development Engineering have no comments or objections to the above noted applications, subject to the following comment regarding the 5 Napier Street application;

- The applicant shall be advised that a localized Grading Plan, prepared by a Professional Engineer or Ontario Land Surveyor, shall be required and submitted at the building permit application stage, given the proposed addition for the basement entrance requires excavation down to existing footing elevations in close proximity to the neighbouring property line. Although setbacks may be reduced through a Minor Variance, side yards may have to be accommodated to consider drainage without causing negative effects on the subject and abutting properties.

Prepared by:

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

cc. James Denham, PBS (email only)

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Traffic Comments except 5 Napier RE: Committee of Adjustment Notices and Applications January 26, 2022
Date: Thursday, January 20, 2022 3:50:38 PM

Elaine Munro ACST

Committee Secretary and Planning Technician

Tel: 905.688.5601 x1715

Email: emunro@stcatharines.ca



From: Bittner, Steve <sbittner@stcatharines.ca>

Sent: Wednesday, January 12, 2022 8:58 AM

To: Banda, Wilrik <wbanda@stcatharines.ca>

Cc: Munro, Elaine <emunro@stcatharines.ca>; Bellows, Bruce <bbellows@stcatharines.ca>; Acs, Evan <eacs@stcatharines.ca>; MacDonald, Natasha <nmacdonald@stcatharines.ca>; Josipovic, Margaret <mjosipovic@stcatharines.ca>

Subject: RE: Committee of Adjustment Notices and Applications January 26, 2022

Wilrik,

Traffic has no concerns or requirements, except for 5 Napier Street, which we are still discussing. Knowing that the deadline was yesterday, I didn't want to hold up any of the other applications.

Steve Bittner

Transportation Technologist

Tel: [905.688.5601](tel:905.688.5601) x1663

Email: sbittner@stcatharines.ca



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-04/22

5 Napier Street

DATE OF HEARING:
January 26, 2022

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Receipt of Comments, 5 Napier Street, A-04/22
Date: Tuesday, January 18, 2022 4:36:10 PM

Elaine Munro ACST

Committee Secretary and Planning Technician

Tel: 905.688.5601 x1715

Email: emunro@stcatharines.ca



From: Joan Dundas <>
Sent: Tuesday, January 18, 2022 3:03 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Comments on Notice of Hearing A-04/22

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

Good afternoon,

My main concern about the proposed Zoning Bylaw change at 5 Napier Street revolves around my Maple tree. This may seem like a small item, but this tree is now about 40 years old and I have had it professionally groomed in order to not cause difficulties for the tenants of 5 Napier Street. My concern is damage to this tree either in limbs lost or roots cut through/dug up.

The new addition/basement entrance will (most likely) go in beside where my tree grows, which is close to the communal fence. If needed, I can provide measurements. This tree provides much needed shade for the apartments at the rear of the property, as well as for my home.

I want it on record that this is of great concern to me, having owned my home at 9 Napier Street for 26/27 years (not 100%

sure how long, but it's been a LONG time).

Of course, I realize that the building will now be closer to my property line, but that is progress and, I assume, a much needed improvement.

Best Regards, Joan Dundas

9 Napier Street

XXX-XXX-XXXX

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

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Comments Received RE: 5 Napier Street, A- 04/22
Date: Wednesday, January 19, 2022 12:03:24 PM

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



From: ROBERTA CRAINE <>
Sent: Wednesday, January 19, 2022 8:23 AM
To: Citizens First <CITIZENSFIRST@stcatharines.ca>;
Subject: 5 Napier 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.

To: Committee of Adjustments
Re: 5 Napier Street

On behalf of the Optimist club of St Catharines, I would like to express our disagreement to allowing the proposed amendment.

Napier Street is a small, narrow side street running between Welland Avenue and Elizabeth Street. The street consists of the subject property, another small apartment building, eight houses and the Optimist club of St Catharines. The Optimist Club has been on Napier Street since 1951.

Two of the houses have small driveways, allowing room to park one small to medium sized vehicle. One house has a driveway that will allow for multiple vehicles. The other houses have no driveway.

Most of the street is zoned as no parking. There is a limited section near the Elizabeth Street end that allows for a few vehicles to park. The signs state 2 hour parking but these spots are in use 24 hours a day, 7 days a week. The on street parking is therefore limited to the vehicles that can get to the spot first.

Unfortunately, some of the on-street parking is directly across from the exit from the Optimist parking lot. In the clearest weather, it can be difficult to exit the lot, due to the narrowness of the street.

If there is a snowfall, Napier Street is not a priority for plowing. As stated, it is a small side street. Getting in and out of the Optimist lot becomes even more difficult in the winter.

With the narrowness of the street and the fact that it is not a priority to be plowed, even just driving on Napier Street can be challenging in the winter. When the plows do clear the street, it is difficult for them to drive down the street and even more difficult to clear the snow. Thus, driving becomes harder when you combine vehicles parked on a narrow, poorly plowed street.

The other issue involved with the lack of on street parking is the use of the Optimist club lot by area residents. We often find vehicles in the parking lot that belong to neighbouring houses. While we want to be good neighbours, in non-covid times, our parking lot is needed for the groups and organizations that use our hall.

This is, of course, private property and we have to discourage those who live in the neighborhood from using our lot.

The proposal before the Committee would reduce the parking lot of the apartment building known as 5 Napier Street by a total of five parking spaces. On a small side street where parking is already extremely limited and the street is crowded, this is not ideal.

There is no parking available on Welland Avenue. Elizabeth Street is also a small, narrow side street with limited space to park. The few available spots are used by those who live on Elizabeth Street.

Reducing the parking at 5 Napier Street will add to the already crowded streets. If the city issues a no parking announcement due to the plows needing to get the streets cleaned, there is nowhere for these vehicles.

While we appreciate the owners are adding an apartment to the city, it is not ideal as this will add to the parking congestion in the area.

We, the members of the Optimist club of St Catharines, therefore request that the Committee of Adjustments deny the request to reduce the parking requirements for 5 Napier Street as it is detrimental to the area.

Yours in Optimism
Robbie Davidson
President
Optimist Club of St. Catharines

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Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: January 21, 2022

Date of Meeting: January 26, 2022

Report Number: A-04/22

File: 21120902

Subject: 5 Napier Street

Recommendation

That application **A-04/22** by 2846037 Ontario Inc., as outlined in the Notice of Hearing, be approved.

Report The Proposal

Application **A-04/22** seeks relief from the City of St. Catharines Zoning By-law 2013-283 to construct a one-storey 5.05 square metre rear addition, and an addition of one residential dwelling unit to the existing 11-unit apartment building. The requested variances outlined below are required to facilitate the proposal.

Variance	Provision	Required	Proposed
1	Minimum required parking	15 spaces	9 spaces
2	Maximum density per hectare	99 units per hectare	106 units per hectare
3	Minimum interior side yard setback	1.7 metres (½ the height of building addition)	1.59 metres

Location and Site Description

The subject property is located on the west side of Napier Street, north of Welland Avenue, and just north of the downtown core. The subject property is a through lot with main access via York Street and the building's façade fronting Napier Street. The surrounding area primarily consists of low and medium density residential uses, with community institutional uses to the east.

Circulation of Application

This application was circulated to all appropriate departments and agencies: no staff objections were received. It was noted that a building permit is required for the rear addition and interior alterations.

Two comments were received by members of the public. The resident whose yard abuts the proposed one-storey addition expressed concern regarding potential impacts to a mature tree located near the lot line. An individual from the Optimist Club across the street raised concerns regarding the reduced number of parking spaces and limited on-street parking in the area.

Planning Policy Context

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated Medium Density Residential on Schedule E4. As outlined in section 8.1 of the GCP, a range of residential dwelling types, including apartment buildings, are permitted in this designation at a density ranging generally between 25 to 99 units per hectare.

Zoning By-law (2013-283)

The subject property is zoned Medium Density Residential (R3). A range of residential uses, including detached, semi-detached, duplex and townhouse dwellings, as well as apartment buildings, are permitted within this zone at a density range between 25 and 99 units per hectare.

Planning Analysis

Minor Variance

The applicant is requesting three variances to facilitate the one-story rear addition and the addition of one dwelling unit to the existing 11-unit apartment building.

Variance 1 – Reduced Parking

Variance 1 requests a reduction in the number of parking spaces required for a 12-unit apartment building from fifteen (15) spaces to nine (9) spaces. Given the existing building and site layout, the subject property currently is unable to provide the minimum required number of parking spaces under the current Zoning By-law. The applicant is revising the site plan to provide the required one (1) accessible parking space but is otherwise not making changes to the existing parking area or number of parking spaces. The site currently provides nine (9) parking spaces that meet City standards, has on-street parking available, is serviced by multiple transit routes and is within walking distance to a variety of uses and services. The subject property is also located just north of the downtown core which has a Zoning By-law special provision that exempts residential parking due to the walkability of the area and access to alternative modes of transportation. As such, it is not expected that the reduced number of parking spaces will result in any adverse impacts. Therefore, staff find the variance to be minor in nature and in keeping with the general intent of the Zoning By-law.

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

- i) Shared parking is possible;

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

The subject property is located within walking distance to four transit stops, which connect to multiple local routes, as well as the downtown transit station which provides further access to local and Regional transit routes. Limited on-street parking is also available along Napier Street, York Street and Elizabeth Street. The subject property is within close proximity to a range of commercial and community uses and services. Therefore, staff find the variance to be in keeping with the general intent of the Official Plan.

In the opinion of staff, the variance is minor in nature, desirable for the appropriate use of the lands, and is in keeping with the intent of the Official Plan and Zoning By-law.

Variance 2 – Increased Density

Variance 2 requests an increase in the permitted density from 99 units per hectare to 106 units per hectare. This variance is requested to facilitate the addition of one residential unit to the existing 11-unit apartment building. The current density of the apartment building is 97 units per hectare.

The additional dwelling unit is proposed by converting a portion of the basement of the apartment building. Therefore, most of the construction will be within the interior of the existing building, except for the 5.05 square metre one-storey addition to the rear of the building to provide access to the unit. The additional unit will not result in any changes to the building from the streetscape. As discussed for Variance 1, the site provides adequate parking and access to alternative modes of transportation. As such, the increase in density will have no adverse affects on neighbouring properties.

This variance will result in an increased density from 97 units per hectare to 106 units per hectare. Although the applicant is requesting a variance for reduced parking and a reduced interior side yard to align with the building, the existing building meets all other current zoning by-law provisions. Staff are satisfied that the proposal will not result in adverse impacts to the surrounding area and thus meets the general intent of the Zoning By-law.

The proposal for the additional apartment dwelling unit is supported by Section 8 of the GCP to provide a full range of housing opportunities, types and forms within Neighbourhood Residential areas of the City. Given the proposal is for one additional unit within an existing apartment building, which is located just north of the downtown core with access to a variety of uses, services and alternative modes of transportation, this proposal is considered to be desirable for the appropriate development of the lands and meets the intent, and general density parameters, of the Official Plan.

In the opinion of staff, the variance is minor in nature, desirable for the appropriate use of the lands, and is in keeping with the intent of the Official Plan and Zoning By-law.

Variance 3 – Reduced Interior Side Yard Setback

Variance 3 requests a reduction to the interior side yard setback from 1.7 metres to 1.59 metres, resulting in a decrease of 0.11 metres to the required zoning standard. This variance is requested to accommodate a small one-storey addition to the rear of the existing apartment building. This addition will provide access to the proposed additional dwelling unit.

Section 7.1 of the GCP states that development and redevelopment will minimize adverse impacts to adjacent properties regarding privacy and drainage. In accordance with the GCP, the addition will not result in any adverse impacts as the proposed setback aligns with the existing setback of the building and provides an adequate buffer to the lot line. As such, it is desirable development and an appropriate use of the lands and aligns with the intent of the Official Plan.

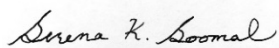
The intent of the zoning by-law provision for minimum interior side yard setback is to ensure the dwelling has appropriate scale and massing, provides adequate buffer and separation from the property line to mitigate drainage and privacy from neighbouring properties. The proposed addition is 5.05 square metres in area, is one-storey in height and has a setback that aligns with the existing building. As such, staff consider this to be minor in nature and that it aligns with the intent of the Zoning By-law.

In the opinion of staff, the variance is minor in nature, desirable for the appropriate use of the lands, and is in keeping with the intent of the Official Plan and Zoning By-law.

Conclusion

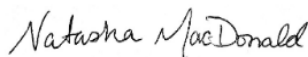
Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Application **A-04/22** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is desirable for the appropriate use of the lands. Staff recommend approval of the Application.

Prepared by:



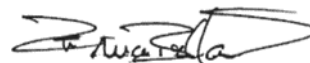
Serena Soomal
Student Planner

Submitted by:



Natasha MacDonald
Planner I

Approved by:



Bruce Bellows
Senior Planner

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Cogeco - No Concerns - Committee of Adjustment Applications for January 26, 2022 Hearing
Date: Thursday, January 6, 2022 5:43:27 PM

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



From: Doug Crown <doug.crown@cogeco.com>
Sent: Thursday, January 6, 2022 9:31 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Request for Comments - Committee of Adjustment Applications for January 26, 2022 Hearing

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Hi Elaine

Yes , great holidays. I hope yours was as well.

Cogeco has no concerns with these applications.

Have a great day and talk soon

Doug Crown
Network Planning Department

Doug.crown@cogeco.com

7170 Mcleod Rd
Niagara Falls Ont Canada

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

MEMORANDUM

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

Cc: Wilrik Banda
Planning and Building Services

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

Date: January 11, 2022

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – January 26, 2022 hearing

NO.	ADDRESS	COMMENTS
A-02/22	3 Mountainview Street	Be advised that a building permit is required to remove and reinstall new posts for the carport.
A-04/22	5 Napier Street	Be advised that a building permit is required for the new addition and the interior alterations.
A-08/22	473 Carlton Street	Be advised that a building permit is required to construct the 4 storey apartment building.


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



Memorandum

To: Elaine Munro, ACST, Committee Secretary & Planning Technician
From: Brad Johnston, C.E.T., Development Engineering Technologist
CC: City Committee of Adjustment Staff Members
Date: January 17, 2022
Hearing Date: January 26, 2022
Subject: **Committee of Adjustment - Minor Variance Applications**
3 Mountainview Drive – A-02/22SC
5 Napier Street – A-04/22SC
473 Carlton Street – A-08/22SC

Development Engineering have no comments or objections to the above noted applications, subject to the following comment regarding the 5 Napier Street application;

- The applicant shall be advised that a localized Grading Plan, prepared by a Professional Engineer or Ontario Land Surveyor, shall be required and submitted at the building permit application stage, given the proposed addition for the basement entrance requires excavation down to existing footing elevations in close proximity to the neighbouring property line. Although setbacks may be reduced through a Minor Variance, side yards may have to be accommodated to consider drainage without causing negative effects on the subject and abutting properties.

Prepared by:

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

cc. James Denham, PBS (email only)

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Traffic Comments RE: 5 Napier Street - C of A Application
Date: Thursday, January 20, 2022 3:53:29 PM

Thanks Natasha,

Given this (the revision of the site plan to provide the required accessible space), we (Traffic) have no concerns or requirements.

Steve Bittner

Transportation Technologist

Tel: 905.688.5601 x1663

Email: sbittner@stcatharines.ca



Elaine Munro ACST

Committee Secretary and Planning Technician

Tel: 905.688.5601 x1715

Email: emunro@stcatharines.ca



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-08/22

473 Carlton Street

DATE OF HEARING:
January 26, 2022

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Comments Received - No. 21120976 - - 473 Carlton Street
Date: Thursday, January 20, 2022 10:10:40 AM

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



From: Kayla Fyfe <>
Sent: Wednesday, January 19, 2022 10:11 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Notice of Hearing - No. 21120976 - - 472 Carlton Street - Questions and Comments

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

To whom it may concern,

I would like to share my questions, comments and concerns regarding the proposed property at 472 Carlton Street.

1. By adding this building, there will be much more foot and vehicle traffic in our already very busy neighborhood. Safety is a huge concern, as there is no crosswalk between Niagara and Grantham road. Many people walk across the street, and in fact there have been multiple accidents in that area specifically. There are already 2 residential buildings, plus the Kiwanas center. This means a ton of people drive this area everyday and adding another building will increase that number, increasing the number of possible accidents.
2. The proposed building is 4 stories high. Other buildings in the area only have 2 floors. This building will stick out like a sore thumb, especially because our large and beautiful park.
3. We feel it is important to keep as much greenery around as possible. Rather than turn this beautiful piece of land into another building, please consider a dog park, a baseball diamond, a spot to plant more trees, or a garden. A lot of our beautiful city has been turned into more and more buildings, it would be wonderful to keep this as is!
4. Parking is already a nightmare in this area. People from the buildings on Carlton St, Pearson Park and other areas use side streets as overflow parking. With your building

only having 1 spot per unit, and a limited number of visitor spots, this issue is only going to get worse.

5. Street maintenance in this area is awful. The wear and tear of the roads (the corner of Oblate and Carlton especially) is evident. The city has sent workers approximately 4 times in the last two years to fix this corner specifically, only for the road to crack or break again months later
6. Multiple homes in our area have had floods recently as there seems to be drainage issues in the area. With the existing aquatic center and two large apartment buildings, the proposed apartment building will make this problem worse.
7. I am concerned that the value of my home will decrease as the family friendly neighborhood environment we currently have will not be the same if another apartment building is added.

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

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Receipt of Comment RE: Notice of Hearing - Amanda No. 21120976 - Submission No. A-08/22 -473 Carlton Street
Date: Thursday, January 20, 2022 2:49:33 PM

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



From: grace rybak <>
Sent: Wednesday, January 19, 2022 9:10 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: grace <[REDACTED]>
Subject: Notice of Hearing - Amanda No. 21120976 - Submission No. A-08/22 - 472 Carlton Street - Questions and Comments

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Hello,

We would like to forward our questions and comments regarding the Notice of Hearing we received, Amanda No. 21120976, Submission No. A-08/22, location of application: 473 Carlton Street.

Comments:

Our kids are our future

Lester B. Pearson Park has been for so many generations fun for families and friends.

They come to play ball, enjoy fresh air and see the beautiful city skyline around its landscape.

We are aware the current city scape in the area has no building taller than 2 floors high. This 4-story building proposal will change this landscape considerably and remove greenery in what is known as the Garden City.

The four-story building proposal is like a twelve-story tall building in the eyes of a small child.

This is so sad to see that today those children have no say in this matter.

An option to maintain the greenery landscape in this city would be to transform that property into an extended park zone for children and the public to enjoy.

Every year the area is growing with more children and more elderly. However, we are not able to grow more land for them all to enjoy.

There are many ways to utilize this property for our children and elderly to enjoy, as well as others. Ideas include a fitness park, dog park, or extended seating areas and additional room for the elderly to exercise with their walkers for those in the nearby apartments.

We already have parking pressures in this area. People from these apartments do park on the side streets. Our concern is this proposed apartment complex will add more to this problem with more vehicles parking on the side streets. We don't want to add more traffic here considering the safety of the children, elderly and four-legged friends. There are already 2 apartment complexes here with many vehicles. This is especially concerning with the recent and unfortunate occurrence of one of the elderly residents in one of these complexes nearby who was hit by a car and did not survive the incident.

There is increased traffic with the added multiple bus routes on Oblate Street in the past year. The wear and tear on Oblate Street is evident as a result.

We are also concerned about the wastewater collection in the area. After a rainfall the wastewater basins on Carlton Street (right across from this property proposal at 473 Carlton Street) overflow onto Carlton Street and sidewalks.

Our concern is this proposed apartment complex on 473 Carlton Street will make this problem worse.

Additionally, we have just purchased a single-family dwelling home, across from 473 Carlton Street, and have experienced flooding in our home in recent months.

Questions:

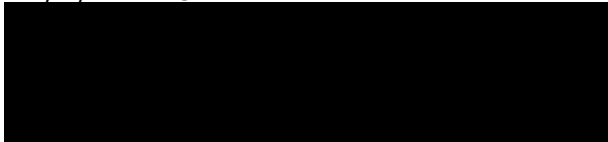
What is the purpose for this apartment complex proposal? For example, senior residence, low-income housing, condos for sale, etc?

Should this 4-story proposal be approved, will homes in the immediate vicinity be able to also build additional floors onto their homes?

If you need anything further, please don't hesitate to contact per below.

Thank you and take care,

Contact information below (please do not post our contact information below publicly)
Krystyna and Grace



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Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: January 7, 2022

Date of Meeting: January 26, 2022

Report Number: A-08/22

File: 21120976

Subject: 473 Carlton Street

Recommendation

That application **A-08/22** by 473 Carlton Inc., as outlined in the Notice of Hearing, be approved.

Report

The Proposal

Application **A-08/22** seeks relief from certain provisions of the City of St. Catharines By-law 2013-283, as amended, to facilitate the construction of a proposed four storey, 24-unit apartment building. The requested variances are outlined in the table below.

Variance	Provision	Required	Proposed
1	Minimum required landscape buffer for a parking area with more than 20 parking spaces but fewer than 100, and abutting a Green Space Zone boundary line	3 meters	2.85 meters
2	Maximum density	25-99 units per hectare	106 units per hectare

Location and Site Description

The subject property is currently vacant. The parcel is located on the north side of Carlton Street, west of Grantham Avenue, and east of Niagara Street. The surrounding uses include Lester B. Pearson Park and the Kiwanis Aquatics Centre immediately to the west, apartment buildings to the north and east, and detached dwellings and apartment buildings to the south.

Circulation of Application

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

Planning Policy Context

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated Medium Density Residential on Schedule E3. This designation permits a range of dwelling types, including apartment dwellings, at a density of between 25 and 99 dwelling units per hectare of land. The proposed development would result in a density of 106 units per hectare, which is just above but generally in keeping with the target density range for this site.

Zoning By-law (2013-283)

The subject property is zoned Medium Density Residential (R3). Apartment buildings are a permitted use in this zone.

Planning Analysis

Variance 1 requests a reduction in the minimum required landscape buffer for a parking area with more than 20 parking spaces but fewer than 100, and abutting a Green Space Zone (Lester B. Pearson Park and the Kiwanis Aquatics Centre) boundary line, from 3 meters to 2.85 meters. The 0.15 metre reduction is considered minor in nature.

The purpose of the 3-metre minimum buffer in the Zoning By-law is, in part, to provide sufficient space to sustain appropriate plantings that visually and physically buffer the parking area from Green Space zoned lands. Section 7.1 c) v) of the Official Plan encourages the provision of parking areas that do not dominate the site physically or visually and maximize opportunities for perimeter and internal landscaping. The 0.15 metre reduction will not compromise the ability of the buffer to accommodate appropriate landscaping in the area. The variance does not conflict with the Official Plan direction to maximize perimeter landscaping and is generally in keeping with the intent of the Official Plan and Zoning By-law for landscape buffering.

Appropriate landscape materials will be required in the reduced buffer area through the Site Plan Approval process. Given that the landscaping will not be negatively impacted by the requested reduction, the requested variance is considered appropriate for the use of the lands.

Staff note that the plan submitted with this application indicates a buffer width of 2.848 meters, which is 0.002 metres less than the requested width. The applicant is advised that, should the current variance request be approved, the site plan will need to be revised to show a setback of 2.85 metres prior to site plan approval.

Variance 2 requests an increase in the required maximum density from 99 units per hectare to 106 units per hectare, resulting in an increase in 7 units per hectare. This

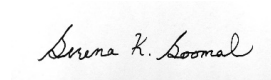
variance is requested to facilitate the construction of a four storey, 24-unit apartment building. The density increase translates to 2 additional apartment units beyond the 22 permitted based on the Zoning By-law. In the opinion of staff, the increase in maximum density by 7 units per hectare is minor in nature.

The intent of the target density in the Official Plan is to ensure areas develop at appropriate densities based on available services, proximity to amenities, access to and level of available road network, and neighbourhood context. The Medium Density target range is established in the Official Plan as 25-99 units per hectare, and this range is applied through the Zoning By-law as well. A density of 106 units per hectare, or 2 additional units in this case, is consistent with and generally in keeping with the intent of the density range for the property that is established in the Official Plan. The increase in density is minimal, and unlikely to have any negative impacts on surrounding uses, nor on the traffic in the area. Servicing accommodation is established through the site plan approval process, and the engineering staff have not expressed any concerns with the proposed density. The proposed variance is generally in keeping with the intent of the Official Plan and Zoning By-law, and appropriate for the use of the subject lands.

Conclusion

Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Application **A-08/22** 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:




Serena Soomal
Student Planner

Submitted by:



Charlotte McEwan, MCIP, RPP
Planner I

Approved by:



Bruce Bellows
Senior Planner

July 10, 2020

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

Attention: Charlotte McEwan

Re: 473 Carlton St

In response to your correspondence dated June 26, 2020, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

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

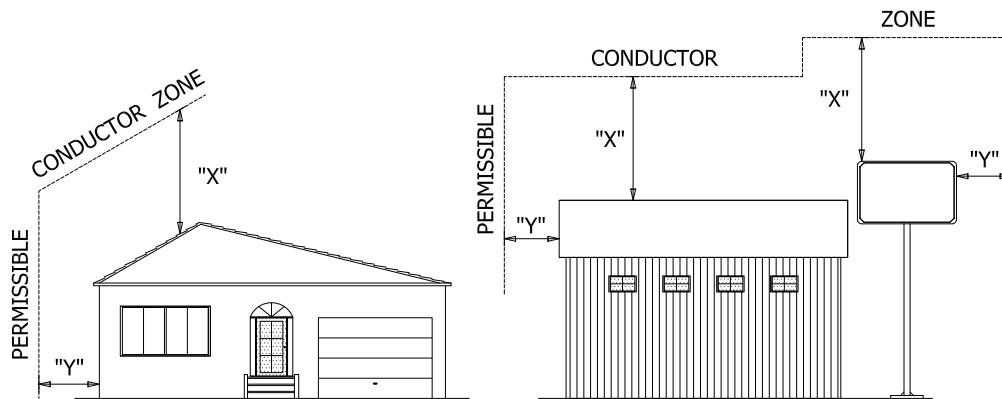
- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's 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 905-522-6611 ext: 4729 in our Engineering Design Department.

Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital



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

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

* - INCLUDES MULTI-GROUNDED NEUTRALS

NOTES:

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

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Cogeco - No Concerns - Committee of Adjustment Applications for January 26, 2022 Hearing
Date: Thursday, January 6, 2022 5:43:27 PM

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



From: Doug Crown <doug.crown@cogeco.com>
Sent: Thursday, January 6, 2022 9:31 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Request for Comments - Committee of Adjustment Applications for January 26, 2022 Hearing

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Hi Elaine

Yes , great holidays. I hope yours was as well.

Cogeco has no concerns with these applications.

Have a great day and talk soon

Doug Crown
Network Planning Department

Doug.crown@cogeco.com

7170 Mcleod Rd
Niagara Falls Ont Canada

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

MEMORANDUM

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

Cc: Wilrik Banda
Planning and Building Services

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

Date: January 11, 2022

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – January 26, 2022 hearing

NO.	ADDRESS	COMMENTS
A-02/22	3 Mountainview Street	Be advised that a building permit is required to remove and reinstall new posts for the carport.
A-04/22	5 Napier Street	Be advised that a building permit is required for the new addition and the interior alterations.
A-08/22	473 Carlton Street	Be advised that a building permit is required to construct the 4 storey apartment building.


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



Memorandum

To: Elaine Munro, ACST, Committee Secretary & Planning Technician
From: Brad Johnston, C.E.T., Development Engineering Technologist
CC: City Committee of Adjustment Staff Members
Date: January 17, 2022
Hearing Date: January 26, 2022
Subject: **Committee of Adjustment - Minor Variance Applications**
3 Mountainview Drive – A-02/22SC
5 Napier Street – A-04/22SC
473 Carlton Street – A-08/22SC

Development Engineering have no comments or objections to the above noted applications, subject to the following comment regarding the 5 Napier Street application;

- The applicant shall be advised that a localized Grading Plan, prepared by a Professional Engineer or Ontario Land Surveyor, shall be required and submitted at the building permit application stage, given the proposed addition for the basement entrance requires excavation down to existing footing elevations in close proximity to the neighbouring property line. Although setbacks may be reduced through a Minor Variance, side yards may have to be accommodated to consider drainage without causing negative effects on the subject and abutting properties.

Prepared by:

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

cc. James Denham, PBS (email only)

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Traffic Comments except 5 Napier RE: Committee of Adjustment Notices and Applications January 26, 2022
Date: Thursday, January 20, 2022 3:50:38 PM

Elaine Munro ACST

Committee Secretary and Planning Technician

Tel: 905.688.5601 x1715

Email: emunro@stcatharines.ca



From: Bittner, Steve <sbittner@stcatharines.ca>

Sent: Wednesday, January 12, 2022 8:58 AM

To: Banda, Wilrik <wbanda@stcatharines.ca>

Cc: Munro, Elaine <emunro@stcatharines.ca>; Bellows, Bruce <bbellows@stcatharines.ca>; Acs, Evan <eacs@stcatharines.ca>; MacDonald, Natasha <nmacdonald@stcatharines.ca>; Josipovic, Margaret <mjosipovic@stcatharines.ca>

Subject: RE: Committee of Adjustment Notices and Applications January 26, 2022

Wilrik,

Traffic has no concerns or requirements, except for 5 Napier Street, which we are still discussing. Knowing that the deadline was yesterday, I didn't want to hold up any of the other applications.

Steve Bittner

Transportation Technologist

Tel: [905.688.5601](tel:905.688.5601) x1663

Email: sbittner@stcatharines.ca



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-06/22SC

1956 Third Street Louth

DATE OF HEARING:
January 26, 2022



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: January 21, 2022

Date of Meeting: January 26, 2022

Report Number: B-06/22SC

File: 21121025

Subject: 1956 Third Street Louth

Recommendation

That application **B-06/22SC** by 2794590 Ontario Inc and Fermo Holdings Ltd, as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. That the applicant decommission one set of existing water, wastewater and stormwater service laterals to Parts 2 and 3.
2. That the applicant provides the Secretary-Treasurer with the acknowledgment and direction for conveyance of the subject parcel, together with a copy of the deposited reference plan, for use in the issuance of the Certificate of Consent.
3. That a final certification fee of \$222.20 (2022 rate) per application payable to the Treasurer, City of St. Catharines, be submitted to the Secretary-Treasurer.
4. That all conditions of consent be fulfilled by January 26th, 2024.

Report

The Proposal

The application seeks to sever a new lot for future development, with the remnant lands also being retained for future development. The proposed use of the new lot is a long-term care home, which is not presently permitted on the property. An official plan amendment and zoning by-law amendment are required to develop the new lot for a long term care home use . The requested consent to sever is described in the table below.

Application	Severed Parcel	Severed Area	Retained Parcel	Retained Area
B-06/22SC	Parts 2 and 3	19,020 m ²	Part 1	6,881 m ²

Location and Site Description

The subject property is currently vacant and located on the east side of Third Street Louth, south of Pathstone Way. Surrounding land uses include a medical and professional office to the north and vacant currently designated employment lands to the northeast and east.

The property is immediately adjacent to the CN Rail to the south, and further to the south, and to the west of the property are agricultural lands. The subject lands are presently vacant.

Circulation of Application

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

Planning Policy Context Official Plan (Garden City Plan)

The subject property is currently designated Employment on Schedule D1 of the Garden City Plan (GCP) and further designated Business Commercial Employment on Schedule E11. A proposed use of the property for a long term care home facility is not permitted within a Business Commercial Employment designation.

Note: The subject lands are part of a municipal wide Employment Land Needs Assessment (ELNA) that has recently been completed by the City, and which resulted in City Council and Region of Niagara approval of Amendment 26 to the City's Official Plan. Amendment 26, in part, redesignates the subject lands from Business Commercial Employment to Mixed Use. The Mixed Use designation will permit the use of the lands for a long term care home facility. Notwithstanding, the approval of Official Plan Amendment 26 has been appealed by another landowner to the Ontario Land Tribunal, and at this time is not in effect. As such, the subject lands currently remain designated Business Commercial Employment until the appeal is adjudicated at the Ontario Land Tribunal.

Zoning By-law (2013-283)

The subject property is zoned Business Commercial Employment with Special Provision 5 (E1-5). The special provision adds several additional uses and setback requirements for these lands.

Planning Analysis

Consent application **B-06/22SC** requests to sever one lot from the subject property for future development, potentially as a long-term care home. The retained lot will also be developed in the future.

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 lot will make use of existing infrastructure, including municipal streets, water, wastewater and stormwater services. The new lot presently has municipal services. The applicant will be responsible for connecting the retained lot 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 subject lands are not in an area that is substantially developed. However, they are located within the City's urban area and have been identified for future development. The proposed severance will contribute to the development of this area, regardless of whether the future use of the lands are for Business Commercial Employment or Mixed Use purposes (long term care, etc), and should not detract from appropriate and compatible development.

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

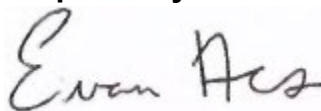
The new lot and retained lot both meet the current minimum lot area and lot frontage requirements in the Zoning By-law. Staff are satisfied that the proposed lot creation achieves optimum development potential for the area regardless of whether the future use of the lands are for Business Commercial Employment or Mixed Use purposes.

In the opinion of staff, the proposal to sever one lot from the subject lands satisfies the policies of the Official Plan for evaluation of consents to sever. Staff also find the proposed severed and retained 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 Application **B-06/22SC** subject to the conditions outlined in the recommendations.

Conclusion

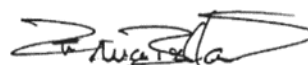
Having regard for matters under Section 53 of the *Planning Act*, staff are of the opinion that Consent Application **B-06/22SC** meets the intent of the Official Plan and Zoning By-law, will have no adverse impacts on the surrounding area and environment, and supports the optimal development of the subject lands. Staff recommend that the requested consent be approved subject to the conditions listed in the recommendation.

Prepared by:



Evan Acs
Planner I

Approved by:



Bruce Bellows
Senior Planner

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Bell - No Concerns - 1956 Third St. Louth, Committee of Adjustment Applications for January 26, 2022 Hearing - 905-22-028
Date: Friday, January 7, 2022 11:05:30 AM

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



From: Gordon, Carrie <carrie.gordon@bell.ca>
Sent: Friday, January 7, 2022 10:37 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Request for Comments - Committee of Adjustment Applications for January 26, 2022 Hearing - 905-22-028

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Hi Elaine,

Re: B-06/22SC

Subsequent to review of the abovementioned application at 1956 Third Street Louth, Bell Canada's engineering department have determined that there are no concerns or comments at this time.

Kind regards,

Carrie Gordon



Associate, External Liaison
Right of Way Control Centre
140 Bayfield St, Fl 2
Barrie ON, L4M 3B1
T: 705-722-2244/844-857-7942
F :705-726-4600

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

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: RE: 2022-01-05_CN Comments_1956 Third Street Louth, St. Catharines
Date: Thursday, January 6, 2022 6:05:33 PM
Attachments: [image001.png](#)

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



From: Saadia Jamil <Saadia.Jamil@cn.ca> **On Behalf Of** Proximity
Sent: Wednesday, January 5, 2022 11:34 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: 2022-01-05_CN Comments_1956 Third Street Louth, St. Catharines

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Hello,

Thank you for circulating CN on the subject application. It is noted that the subject site is located in proximity to the CN railway corridor. CN has concerns of developing/densifying residential uses abutting our railway right-of-way. This is due to noise, vibration and potential trespass issues that will result. Development of sensitive uses in proximity to railway operations cultivates an environment in which land use incompatibility issues are exacerbated.

It is noted that the site is intended to be developed for a future Retirement/Long Term facility. Please refer to attached CN's guidelines for the development of sensitive uses in proximity to railways. CN's guidelines reinforce the safety and well-being of any existing and future occupants of the area. CN urges the municipality pursue the implementation of the criterion as conditions of approval. These policies have been developed by the Railway Association of Canada and the Federation of Canadian Municipalities. Please visit <http://www.proximityissues.ca> for more information.

Sincerely,

Saadia Jamil

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



E : proximity@cn.ca

1600, René-Lévesque Ouest, 11e étage

Montréal (Québec)

H3H 1P9 CANADA

wsp.com



Railway Properties

1 Administration Rd
Concord, ON L4K 1B9
Telephone: 514-399-7627
Fax: 514-399-4296

PRINCIPAL MAIN LINE REQUIREMENTS

- A. Safety setback of habitable buildings from the railway rights-of-way to be a minimum of 30 metres in conjunction with a safety berm. The safety berm shall be adjoining and parallel to the railway rights-of-way with returns at the ends, 2.5 metres above grade at the property line, with side slopes not steeper than 2.5 to 1.
 - B. The Owner shall engage a consultant to undertake an analysis of noise. At a minimum, a noise attenuation barrier shall be adjoining and parallel to the railway rights-of-way, having returns at the ends, and a minimum total height of 5.5 metres above top-of-rail. Acoustic fence to be constructed without openings and of a durable material weighing not less than 20 kg. per square metre of surface area. Subject to the review of the noise report, the Railway may consider other measures recommended by an approved Noise Consultant.
 - C. Ground-borne vibration transmission to be evaluated in a report through site testing to determine if dwellings within 75 metres of the railway rights-of-way will be impacted by vibration conditions in excess of 0.14 mm/sec RMS between 4 Hz and 200 Hz. The monitoring system should be capable of measuring frequencies between 4 Hz and 200 Hz, ± 3 dB with an RMS averaging time constant of 1 second. If in excess, isolation measures will be required to ensure living areas do not exceed 0.14 mm/sec RMS on and above the first floor of the dwelling.
 - D. The Owner shall install and maintain a chain link fence of minimum 1.83 metre height along the mutual property line.
 - E. The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 300m of the railway right-of-way: "Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way."
 - F. Any proposed alterations to the existing drainage pattern affecting railway property must receive prior concurrence from the Railway and be substantiated by a drainage report to the satisfaction of the Railway.
 - G. The Owner shall through restrictive covenants to be registered on title and all agreements of purchase and sale or lease provide notice to the public that the safety berm, fencing and vibration isolation measures implemented are not to be tampered with or altered and further that the Owner shall have sole responsibility for and shall maintain these measures to the satisfaction of CN.
 - H. The Owner shall enter into an Agreement with CN stipulating how CN's concerns will be resolved and will pay CN's reasonable costs in preparing and negotiating the agreement.
 - I. The Owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN.
-

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Cogeco - No Concerns - Committee of Adjustment Applications for January 26, 2022 Hearing
Date: Thursday, January 6, 2022 5:43:27 PM

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



From: Doug Crown <doug.crown@cogeco.com>
Sent: Thursday, January 6, 2022 9:31 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Request for Comments - Committee of Adjustment Applications for January 26, 2022 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

Yes , great holidays. I hope yours was as well.

Cogeco has no concerns with these applications.

Have a great day and talk soon

Doug Crown
Network Planning Department

Doug.crown@cogeco.com

7170 Mcleod Rd
Niagara Falls Ont Canada

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

MEMORANDUM

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

Cc: Wilrik Banda
Planning and Building Services

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

Date: January 11, 2022

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – January 26, 2022 hearing

B-06/22SC – 1956 Third Street Louth

Comment:

- No comment

Condition:

- No comment



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

ENGINEERING FILE 300-36

Applicant: 2794590 Ontario Inc. and Fermo Holdings Ltd.

<u>ENGINEERING SERVICES</u>	Third Street Louth	Pathstone Way
Water:	None.	200mm PVC
Sanitary Sewer:	None.	200mm PVC
Storm Sewer:	375mm PVC	375mm PVC 675mm Conc
Sidewalks:	None.	Not currently. (Owed)
Road Allowance Width:	20.12m (66')	20.12m (66')

Comment(s): It is noted that the Applicant proposes to sever Parts 2 and 3 for the purposes of constructing a Long-Term Care Facility. A remnant parcel (Part 1) would be retained for a future Retirement / Long-Term Care Facility.

Third Street Louth is designated a Community Street with a desired right-of-way width of 20.0m. Its current width is sufficient along this section therefore the City will not be pursuing a widening with this application. It should be noted however that the lands fall within a current plan of subdivision to which the Developer remains obliged in terms of maintenance until assumption by the City. These lands are subject to a 0.30m Reserve Block along the Third Street Louth frontage, restricting all access and servicing needs to Pathstone Way only.

Pathstone Way is also designated a Community Street with a desired right-of-way width of 20.0m. Its current width is sufficient as it was previously constructed to this standard in accordance with the above noted Plan of Subdivision agreement, currently in the maintenance obligations of the Developer until assumption by the City.

Sidewalks do not exist along the frontage of Third Street Louth are not a requirement for this section currently. A 1.50m wide concrete sidewalk was provisioned for the Pathstone Way frontage in accordance with the obligations of the above-mentioned Plan of Subdivision agreement. Ultimately, sidewalks shall be constructed along this section of Pathstone Way however by the subdivision Developer. It shall **not** be a requirement of this application for severance, as adequate securities exist on-hand with the City to ensure these are constructed in accordance with the Plan of Subdivision agreement.

Two independent sets of services have previously been provided to these lots through

the development of the overall site through the Plan of Subdivision process. These parcels proposed for severance fall within the limits of Lot 3, 30M-416, however the proposed frontage limits of Part 2 encumber the servicing laterals previously provided to Part 1 as per the as-constructed engineering drawings for the plan of subdivision (attached). It shall be required that the limits of the frontage of the proposed Part 2 lot be shifted for Part 1 to access service laterals without the needs of additional easements being registered over Part 2, or the services themselves be relocated.

Given each parcel is proposed for a future Long-Term Care / Retirement Facility, and that the subdivision has been previously serviced with allocated sewer flows, it shall be required that at a Development Planning application for each new parcel, include the Owner/Applicant have a Functional Servicing Report prepared and certified by an Engineering Consultant. Each report shall confirm the proposed total peak sanitary flows for each new parcel do not exceed the allotment of sanitary sewer design flows for the proportional allotment for Lot 3, 30M-416. The reports shall be submitted for review and approval to the satisfaction of the City Engineer, as a condition of and prior to the finalization of future development applications for these lands.

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

- Revise the limits of the east boundary of Part 2 westerly, to allow Part 1 continued access to existing service laterals, or;
- The one set of existing services provided be decommissioned and relocated / installed to within the frontage limits of the proposed Part 1 lands;



Prepared by:

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

c. James Denham, PBS (email only)

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Traffic Comments except 5 Napier RE: Committee of Adjustment Notices and Applications January 26, 2022
Date: Thursday, January 20, 2022 3:50:38 PM

Elaine Munro ACST

Committee Secretary and Planning Technician

Tel: 905.688.5601 x1715

Email: emunro@stcatharines.ca



From: Bittner, Steve <sbittner@stcatharines.ca>

Sent: Wednesday, January 12, 2022 8:58 AM

To: Banda, Wilrik <wbanda@stcatharines.ca>

Cc: Munro, Elaine <emunro@stcatharines.ca>; Bellows, Bruce <bbellows@stcatharines.ca>; Acs, Evan <eacs@stcatharines.ca>; MacDonald, Natasha <nmacdonald@stcatharines.ca>; Josipovic, Margaret <mjosipovic@stcatharines.ca>

Subject: RE: Committee of Adjustment Notices and Applications January 26, 2022

Wilrik,

Traffic has no concerns or requirements, except for 5 Napier Street, which we are still discussing. Knowing that the deadline was yesterday, I didn't want to hold up any of the other applications.

Steve Bittner

Transportation Technologist

Tel: [905.688.5601](tel:905.688.5601) x1663

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