

## Revised Agenda

**Wednesday, February 23, 2022**

**Closed Meeting at 4:35pm**

**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 February 19, 2022 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  
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. **Closed Session**

Closed Session pursuant to By-law 2015-121, Section 11.1(b), personal matters about an identifiable individual, including municipal or local board employees.”

Committee of Adjustment to discuss and recommend an individual to fill the Committee of Adjustment vacancy to St. Catharines City Council for approval.

4. **Motion Arising from Closed Session**

5. **Additions / Deletions to the Agenda**
6. **Motion to approve the agenda**
7. **Motion to adopt the minutes of the previous meeting – January 26, 2022**
8. **Declarations of Interest**
9. **Request for Adjournment**
10. **Request for a Minor Change of Conditions**
  - i) 37 Mountain Street, Consent, B-32/21SC – 21 117225
  - ii) 121 Moffatt Street, Consent, B-08/21SC – 21 102393
11. **Applications**
  1. 115 Moffatt Street, Consent, B-39/21SC – 21 119454
  - 115 Moffatt Street, Consent, B-40/21SC – 21 119455
  - 115 Moffatt Street, Consent, B-41/21SC – 21 119456
  - 117 Moffatt Street, Minor Variance, A-124/21 – 21 120112
  - 115A Moffatt Street, Minor Variance, A-115/21 – 21 119458
  - 115 Moffatt Street, Minor Variance, A-21/22 – 22 100602
  2. 574 Ontario Street, Consent, B-08/22SC – 22100284
  - 574 Ontario Street, Consent, B-09/22SC – 22100289
  3. 132 Main Street, Minor Variance, A-11/22 – 22100081
  4. 527 Geneva Street, Minor Variance, A-12/22 – 22100243
  5. 1 Belair Drive, Minor Variance, A-13/22 – 22100244
  6. 10 Lyman Street, Minor Variance, A-14/22 – 22100245
  7. 44 Howard Avenue, Consent, B-11/22SC – 22100290
  - 44 Howard Avenue, Minor Variance, A-17/22 – 22100293
  - 6 Charlotte Street, Minor Variance, A-18/22 – 22100294
9. **New Business**
10. **Date of next meeting**

Wednesday March 30, 2022 at 5.00 pm
11. **Motion to Adjourn**

**To:** Committee of Adjustment

**Cc:** Natasha MacDonald, Planner

**From:** Elaine Munro, Secretary-Treasurer

**Date:** February 17, 2022

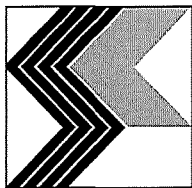
**Subject:** Request for Minor Change of Conditions  
37 Mountain Street  
B-37/21C, Amanda No. 21117225

---

The Committee of Adjustment approved consent B-37/21C, 37 Mountain Street at the November 17, 2021 Hearing to permit the construction of a semi-detached dwelling subject to conditions noted in the Technical Report. (Copy of Decision attached)

The Building Division requested the demolition of the existing detached dwelling and detached garage as a condition of the consent prior to the finalization of the consent which was part of the Comment Package circulated and posted on the City's website (See attached). The condition was inadvertently omitted from the Technical Report.

Staff are requesting that this minor change of condition be approved. If approved, this condition would be added to the decision and would not be subject to appeal or change the deadline of conditions required to be cleared. As per the amended Planning Act, effective January 1, 2022, the one year deadline to clear condition has been extended to two years.



City of St. Catharines

**COMMITTEE OF ADJUSTMENT**

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

Phone: 905-688-5600, Ext 1715

TTY: 905-688-4889

Fax: 905-688-5873

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

## Notice of Decision

**Submission No: B-32/21SC**

**File No: 20117225**

**Roll No: 2629010007051000000**

In the matter of the Planning Act; Revised Statutes of Ontario, 1990, Chapter P. 13 and;  
In the matter of an application for consent on behalf of:

**Michael Giancaterino and Olivia Giancaterino - 37 Mountain Street**

Application B-32/21SC is made for a partial discharge of mortgage and for consent to sever 387.94 m<sup>2</sup> of land (Part 1 on the submitted sketch) for the proposed construction of one-half of a semi-detached dwelling to be known as 39 Mountain street. A 377.12 m<sup>2</sup> remnant parcel (Part 2) to be known as 37 Mountain Street for the other half of the proposed semi-detached dwelling which will be retained for residential use. The application would allow each unit of the semi-detached dwelling to be owned and/or sold separately. Part 3 is to be dedicated to the City for a road widening. There are concurrent minor variance applications A-93/21 & A-94/21.

**Decision: Granted**

The above decision is subject to the following condition(s):

1. That the Owner enter into a Development Agreement with the City of St. Catharines, to be registered on title to the lands now known as 37 Mountain Street addressing the following conditions:
  - a. That building permit plans for Parts 1 and 2, once submitted, be reviewed and confirmed to be generally in accordance with the site plan and elevation plans submitted with this application;
  - b. The Lot Grading and Drainage Plan, required as a condition of consent approval, be included in the Development Agreement, to ensure compliance as part of the review and approval of a building permit;
  - c. That the Owner preserve the existing boulevard tree in front of 37 Mountain Street. The tree shall be protected during construction at the drip line and no utilities shall be located within the drip line.
2. That the Owner submit a payment for the placement of a 60mm caliper tree in front of Parts 1 and 2, in accordance with the City's current Schedule of Rates and Fees,
3. That the Owner submit payment of 5% of the appraised value of Part 2, as determined by a qualified appraiser, to the City in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of payment, the value of the land shall be determined as of the day before the day the provisional consent was given.'
4. That the Owner have prepared by a Professional Engineer or an Ontario Land Surveyor, a Lot Grading & Drainage plan for City review and approval. The plan must also show the location of the proposed water and sewer services.
5. That the Owner provide the City a draft Reference Plan indicating the proposed Part 3 widening for review and approval, prior to registration of the plan in the Land Registry Office.
6. That the Owner dedicate to the City, free and clear of any liens, mortgages and encumbrances, the Part 3 widening across the frontage of the subject properties, to be known as Public Highway Mountain Street.
7. That the Owner pay for the existing sanitary lateral to be video inspected by City crews to confirm its condition and location from the house to the main line sewer.
8. That the Owner, if the condition of the existing sanitary lateral is suitable but the location will result in crossing an existing or proposed side yard property line, pay for City crews to relocate the portion on private property and obtain a Plumbing only permit to do so, OR,

That the Owner, if the condition of the existing sanitary lateral is suitable but the location will result in crossing an existing or proposed side yard property line, relocate the portion on private property and obtain a Plumbing Only Permit to do so.

9. That the Owner provide the Secretary-Treasurer with the acknowledgment and direction for conveyance of the subject parcel, together with a copy of the deposited reference plan, for use in the issuance of the Certificate of Consent.
10. That the Owner submit to the Secretary-Treasurer of the Committee of Adjustment a final certification fee of \$222.20 (2022 rate) payable to the Treasurer, City of St. Catharines.
11. That all conditions of consent be fulfilled by November 17, 2022.

**Reasons:**

1. This decision is rendered having regard to the provisions of Section 51(24) of the Planning Act, R.S.O. 1990, Chapter P.13.
2. The application conforms to the policies of the Official Plan and with conditions fulfilled, it will also comply with the zoning by-law.
3. The application maintains the intent and purpose of the Provincial Policy Statement and does not conflict with any applicable provincial plan.
4. The Committee of Adjustment considered all written and oral submissions and finds that, subject to the conditions of provisional consent this application meets the Planning Act criteria.

**Original Signed By G. Redden**  
**Chair**

**Original Signed By D. Ringler**  
**Vice Chair**

**Original Signed By K. Leask**  
**Member**

**Original Signed By R. McPherson**  
**Member**

**Original Signed by A. Selvig**  
**Member**

**CERTIFICATION**

I hereby certify this to be a true and certified copy of the Decision of the City of St. Catharines Committee of Adjustment and this decision was concurred by a majority of the members, who heard this application at a meeting duly held on **17th day of November, 2021**.

Date of Mailing: November 24, 2021



Elaine Munro, ACST, Secretary – Treasurer

**Last date of filing an appeal to the Ontario Land Tribunal under Section 53 of the Planning Act:**

**December 14, 2021**

You will be entitled to receive notice of any changes to the conditions of the provisional consent if you have made a written request to be notified of changes to the conditions of provisional consent. Only individuals, corporations and public bodies may appeal decisions in respect of applications for consent to the Ontario Land Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.



In compliance with Sections 45 and/or 53 of the Planning Act, R.S.O. 1990, as amended and Ontario Regulations 71/18 and/or 72/18 thereunder, we enclose one or more notices of decision of the Committee of Adjustment (C of A).

#### **Appeal to the Ontario Land Tribunal (OLT)**

The applicant, the Minister or any other person or public body who has an interest in the matter may within 20 days of the making of the minor variance decision (20 days from date of mailing of consent decision) appeal to the Ontario Land Tribunal (OLT) against the decision of the Committee by filing with the Secretary-Treasurer of the Committee a completed Appellant Form (A1) accompanied by payment of the fee. **A copy of the appeal form is available from the OLT website at <https://olt.gov.on.ca/appeals-process/forms/#head2>**

Fees are payable by certified cheque, money order, or credit card, and must be in Canadian funds. Certified cheques and money orders should be made payable to the "Minister of Finance." If you would like to pay the fee by credit card, please indicate this on the appeal form and staff will phone you to complete the transaction – do not record any credit card details on the appeal form. <https://olt.gov.on.ca/appeals-process/fee-chart/>

*N.B. The notice of decision specifies the last day for filing a notice of appeal. Only individuals, corporations and public bodies may appeal decisions to the Ontario Land Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.*

#### **Cost of the Appeal**

The cost of an appeal is \$400.00 for the first consent, or minor variance application. Each additional appeal filed by the same appellant against connected consent or minor variance applications is \$25.00. Appeal fees may be paid by certified cheque or money order payable to the **Minister of Finance**.

#### **OLT Process**

On an appeal to the OLT, the Tribunal shall, except if all appeals are withdrawn or if the Tribunal dismisses the appeal, hold a hearing of which notice shall be given to the applicant, the appellant, the secretary-treasurer of the committee and to such other persons and in such manner as the Tribunal may determine.

If within such 20 days no notice of appeal is given, the decision of the Committee is final and binding, and the secretary-treasurer shall notify the applicant. Where all appeals to the OLT are withdrawn the decision of the committee is final and binding and the secretary of the Tribunal shall notify the secretary-treasurer of the committee who in turn shall notify the applicant.

#### **OLT dismissal without Hearing**

Before dismissing an appeal, the Tribunal shall notify the appellant and give the appellant an opportunity to make representation in respect of the appeal and the Tribunal may dismiss an appeal after holding a hearing or without holding a hearing on the motion, as it considers appropriate.

The OLT may dismiss the appeal and may make any decision that the committee could have made on the original application.

The OLT may dismiss all or part of any appeal without holding a hearing, on its own motion or on the motion of any party if it is the opinion that,

- 1) The reasons set out in the notice of appeal do not disclose any apparent land use,
- 2) Planning ground which the Tribunal could allow all or part of the appeal,
- 3) The appeal is not made in good faith, or is frivolous, or vexatious,
- 4) The appeal is only made for the purpose of delay,
- 5) The appellant has not provided written reasons for the appeal,
- 6) The appellant has not paid the fee prescribed under the Ontario Land Tribunal Act, or;
- 7) The appellant has not responded to a request by the OLT for further information within the time specified by the Tribunal.

**MEMORANDUM**

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

Cc: Wilrik Banda  
Planning and Building Services

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

Date: November 4th, 2021

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

**B-32/21SC – 37 Mountain Street**

## Comment:

- No comment

## Condition:

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

**B-35/21SC – 374 Linwell Road**

## Comment:

- No comment

## Condition:

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

**B-36/21SC – 374 Linwell Road**

## Comment:

- No comment

## Condition:

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

**B-37/21SC – 525 Welland Avenue**

Comment:

- No comment

Condition:

- No comment

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

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



**To:** Committee of Adjustment

**Cc:** Natasha MacDonald, Planner

**From:** Elaine Munro, Secretary-Treasurer

**Date:** February 17, 2022

**Subject:** Request for Minor Change of Conditions  
121 Moffatt Street  
B-08/21C, Amanda No. 21102393

---

The Committee of Adjustment approved consent B-08/21C, 121 Moffatt Street at the December 15, 2021 Hearing to permit the construction of a detached dwelling subject to conditions noted in the Technical Report. (Copy of Decision attached)

The Building Division requested that a building permit be required for the demolition of the existing detached dwelling and detached garage and that a building permit be required for either the demolition or relocation of the existing shed as conditions of the consent to be cleared prior to the finalization of the consent. The building comments were included in the Comment Package circulated and posted on the City's website (see attached) but were inadvertently omitted from the Technical Report.

Staff are requesting that this minor change of condition be approved. If approved, this condition would be added to the decision and would not be subject to appeal or change the deadline of conditions required to be cleared. As per the amended Planning Act, effective January 1, 2022, the one year deadline to clear condition has been extended to two years.

**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:

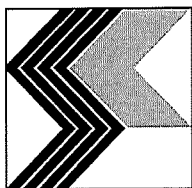
- No comment

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



City of St. Catharines

**COMMITTEE OF ADJUSTMENT**

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

Phone: 905-688-5600, Ext 1715

TTY: 905-688-4889

Fax: 905-688-5873

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

## Notice of Decision

**Submission No: B-08/21SC**

**File No: 21102393**

**Roll No: 2629010014036000000**

In the matter of the Planning Act; Revised Statutes of Ontario, 1990, Chapter P. 13 and;  
In the matter of an application for consent on behalf of:

**1473941 Ontario Limited - 121 Moffatt Street**

Revised Application B-08/21SC is made for consent to sever 334.86 m<sup>2</sup> of land (Part 2 on the submitted sketch) for the purpose of creating a new lot for the proposed construction of a detached dwelling. A 2,981.80 m<sup>2</sup> remnant parcel (Part 1) will be retained to merge with the lands to the south for a future residential development. Part 3 is to be dedicated to the City for a road widening. There is a concurrent minor variance application A-125/21.

**Decision: Granted**

The above decision is subject to the following condition(s):

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 tree 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, liens or mortgages, 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.

**Reasons:**

1. This decision is rendered having regard to the provisions of Section 51(24) of the Planning Act, R.S.O. 1990, Chapter P.13.
2. The application conforms to the policies of the Official Plan and with conditions fulfilled, it will also comply with the zoning by-law.
3. The application maintains the intent and purpose of the Provincial Policy Statement and does not conflict with any applicable provincial plan.
4. The Committee of Adjustment considered all written and oral submissions and finds that, subject to the conditions of provisional consent this application meets the Planning Act criteria.

**Original Signed By G. Redden  
Chair**

**Original Signed By D. Ringler  
Vice Chair**

**Original Signed By K. Leask  
Member**

**Original Signed By R. McPherson  
Member**

**Original Signed by A. Selvig  
Member**

**CERTIFICATION**

I hereby certify this to be a true and certified copy of the Decision of the City of St. Catharines Committee of Adjustment and this decision was concurred by a majority of the members, who heard this application at a meeting duly held on **15th day of December, 2021**.

Date of Mailing: December 17, 2021

  
Elaine Munro, ACST, Secretary – Treasurer

**Last date of filing an appeal to the Ontario Land Tribunal under Section 53 of the Planning Act:**

**January 06, 2022**

You will be entitled to receive notice of any changes to the conditions of the provisional consent if you have made a written request to be notified of changes to the conditions of provisional consent. Only individuals, corporations and public bodies may appeal decisions in respect of applications for consent to the Ontario Land Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.



In compliance with Sections 45 and/or 53 of the Planning Act, R.S.O. 1990, as amended and Ontario Regulations 71/18 and/or 72/18 thereunder, we enclose one or more notices of decision of the Committee of Adjustment (C of A).

#### **Appeal to the Ontario Land Tribunal (OLT)**

The applicant, the Minister or any other person or public body who has an interest in the matter may within 20 days of the making of the minor variance decision (20 days from date of mailing of consent decision) appeal to the Ontario Land Tribunal (OLT) against the decision of the Committee by filing with the Secretary-Treasurer of the Committee a completed Appellant Form (A1) accompanied by payment of the fee. **A copy of the appeal form is available from the OLT website at <https://olt.gov.on.ca/appeals-process/forms/#head2>**

Fees are payable by certified cheque, money order, or credit card, and must be in Canadian funds. Certified cheques and money orders should be made payable to the "Minister of Finance." If you would like to pay the fee by credit card, please indicate this on the appeal form and staff will phone you to complete the transaction – do not record any credit card details on the appeal form. <https://olt.gov.on.ca/appeals-process/fee-chart/>

*N.B. The notice of decision specifies the last day for filing a notice of appeal. Only individuals, corporations and public bodies may appeal decisions to the Ontario Land Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.*

#### **Cost of the Appeal**

The cost of an appeal is \$400.00 for the first consent, or minor variance application. Each additional appeal filed by the same appellant against connected consent or minor variance applications is \$25.00. Appeal fees may be paid by certified cheque or money order payable to the **Minister of Finance**.

#### **OLT Process**

On an appeal to the OLT, the Tribunal shall, except if all appeals are withdrawn or if the Tribunal dismisses the appeal, hold a hearing of which notice shall be given to the applicant, the appellant, the secretary-treasurer of the committee and to such other persons and in such manner as the Tribunal may determine.

If within such 20 days no notice of appeal is given, the decision of the Committee is final and binding, and the secretary-treasurer shall notify the applicant. Where all appeals to the OLT are withdrawn the decision of the committee is final and binding and the secretary of the Tribunal shall notify the secretary-treasurer of the committee who in turn shall notify the applicant.

#### **OLT dismissal without Hearing**

Before dismissing an appeal, the Tribunal shall notify the appellant and give the appellant an opportunity to make representation in respect of the appeal and the Tribunal may dismiss an appeal after holding a hearing or without holding a hearing on the motion, as it considers appropriate.

The OLT may dismiss the appeal and may make any decision that the committee could have made on the original application.

The OLT may dismiss all or part of any appeal without holding a hearing, on its own motion or on the motion of any party if it is the opinion that,

- 1) The reasons set out in the notice of appeal do not disclose any apparent land use,
- 2) Planning ground which the Tribunal could allow all or part of the appeal,
- 3) The appeal is not made in good faith, or is frivolous, or vexatious,
- 4) The appeal is only made for the purpose of delay,
- 5) The appellant has not provided written reasons for the appeal,
- 6) The appellant has not paid the fee prescribed under the Ontario Land Tribunal Act, or;
- 7) The appellant has not responded to a request by the OLT for further information within the time specified by the Tribunal.

**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, A-124/21 & A-21/22**

**115 & 117 Moffatt Street  
(Deferred from December Hearing)**

**DATE OF HEARING:  
February 23, 2022**



## Technical Report

---

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

**Date of Report:** February 16, 2022

**Date of Meeting:** February 23, 2022

**Report Number:** B-39/21SC  
B-40/21SC  
B-41/21SC  
A-115/21  
A-124/21  
A-21/22

**File:** 21119454 (115 Moffatt Street)  
21119455 (115 Moffatt Street)  
21119456 (115 Moffatt Street)  
21119458 (115A Moffatt Street)  
21120112 (117 Moffatt Street)  
22100602 (115 Moffatt Street)

**Subject:** 115 & 117 Moffatt Street (to become 115, 115A, 117 and 121A Moffatt Street)

## Recommendation Consent

That Application **B-39/21SC** 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 to be known as 117 Moffatt Street 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 tree on the new lot, in accordance with the City's current Schedule of Rates and Fees.
4. That the Owner provides 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 property, 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 the Owner obtain a demolition permit from the City Building Department to remove the existing detached dwelling on Parts 1 and 2 to the satisfaction of the Chief Building Official.
9. That the Owner shall provide the Secretary-Treasurer of the Committee of Adjustment with a solicitor's undertaking that the condition of the Committee of Adjustment will be implemented, and the properties (Part 1 of Application B-39/21SC, Part 1 of Application B-29/21 SC, and Part 1 of Application B-08/21 SC) will be merged and become one parcel of land.
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 February 23rd, 2024.

That Application **B-40/21SC** 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 to be known as 115A Moffatt Street addressing the following conditions:
  - a. That building permit plans, including a site plan and elevations for Part 3, 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 tree on the new lot, in accordance with the City's current Schedule of Rates and Fees.
4. That the Owner provides 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 property, 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 the Owner obtain a demolition permit from the City Building Department to remove the existing detached dwelling on Parts 3 and 4 to the satisfaction of the Chief Building Official.
9. That the Owner shall provide the Secretary-Treasurer of the Committee of Adjustment with a solicitor's undertaking that the condition of the Committee of Adjustment will be implemented, and the properties (Part 1 of Application B-40/21SC, Part 1 of Application B-29/21 SC, and Part 1 of Application B-08/21 SC) will be merged and become one parcel of land.
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 February 23rd, 2024.

That Application **B-41/21SC** 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 to be known as 115 Moffatt Street addressing the following conditions:
  - a. That building permit plans, including a site plan and elevations for Part 4, 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 tree on the new lot, in accordance with the City's current Schedule of Rates and Fees.
4. That the Owner provides 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 property, 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 the Owner obtain a demolition permit from the City Building Department to remove the existing detached dwelling on Parts 3 and 4 to the satisfaction of the Chief Building Official.
9. That the Owner shall provide the Secretary-Treasurer of the Committee of Adjustment with a solicitor's undertaking that the condition of the Committee of Adjustment will be implemented, and the properties (Part 1 of Application B-41/21SC, Part 1 of Application B-29/21 SC, and Part 1 of Application B-08/21 SC) will be merged and become one parcel of land.
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 February 23rd, 2024.

## Minor Variance

That Application **A-115/21** by 1473941 Ontario Limited, as outlined in the Notice of Hearing, be approved.

That Application **A-124/21** by 1473941 Ontario Limited, as outlined in the Notice of Hearing, be approved.

That Application **A-21/22** 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 merge with 115 Moffatt Street was approved. This resulted in an oversized lot with an existing detached dwelling at 115 Moffatt Street. Concurrent with Application **B-29/21SC**, Variance 2 of Application **A-123/21** was approved to temporarily address the oversized lot until the existing dwelling at 115 Moffatt Street is demolished and additional land consolidation is completed with adjacent properties 117 and 121 Moffatt Street for future residential development.

On December 15, 2021, Application **B-08/21SC** was approved to sever 121 Moffatt Street to facilitate the construction of a detached dwelling. The resulting remnant lot 121A Moffatt Street is dedicated for future development.

Should Applications **B-39/21SC**, **B-40/21SC** and **B-41/21SC** be approved, the remnant lot (Part 1) created from these applications will merge with the remnant lots created

through Applications **B-29/21SC** and **B-08/21SC**. The merged remnant lots, to be known as 121A Moffatt Street, are to be used for future residential development.

## The Proposal

The Applicant proposes to sever three lots (Parts 2, 3 and 4) from the subject properties (115 and 117 Moffatt Street) for the purpose of constructing a two-storey three-unit townhouse block, with one dwelling on each of the new lots. The remnant lot (Part 1) will merge with 121A Moffatt Street to be used for future development. The existing detached dwellings at 115 and 117 Moffatt Street will be demolished to facilitate this proposal.

As shown on the submitted sketch, Part 5 is to be dedicated to the City for a road widening along Moffatt Street.

The requested Consents are described in the table below:

Application	Severed Parcel	Severed Area	Remnant Parcel	Remnant Area
<b>B-39/21SC</b>	Part 2 (to become 117 Moffatt St)	324.69 m <sup>2</sup>	Parts 1, 3, 4 (to become 121A, 115A and 115 Moffatt St)	4,367.23 m <sup>2</sup>
<b>B-40/21SC</b>	Part 3 (to become 115A Moffatt St)	240.21 m <sup>2</sup>	Parts 1 & 4 (to become 121A and 115 Moffatt St)	4,127.02 m <sup>2</sup>
<b>B-41/21SC</b>	Part 4 (to become 115 Moffatt St)	308.32 m <sup>2</sup>	Part 1 (to merge with adjacent lands to the north and south, to be known as 121A Moffatt St)	3,818.70 m <sup>2</sup>

Concurrent Minor Variance Applications seek relief from the City of St. Catharines through the variances outlined below:

Application	Variance #	Zoning Provision	Required	Proposed
<b>A-115/21</b> 115A Moffatt Street (Part 3)	1	Minimum lot area for townhouse dwelling	280 m <sup>2</sup>	240.21 m <sup>2</sup>
	2	Minimum front yard setback	7.5 m	6.55 m

<b>A-124/21</b> 117 Moffatt Street (Part 2)	1	Minimum front yard setback	7.5 m	7.08 m
<b>A-21/22</b> 115 Moffatt Street (Part 4)	1	Minimum front yard setback	7.5m	6.1m

## Location and Site Description

The subject lands are 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 each of the properties (115 and 117 Moffatt Street), which are 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

Consent applications **B-39/21SC**, **B-40/21SC** and **B-41/21SC** request to sever three lots from the subject properties for the purpose of constructing a three-unit townhouse block, with one dwelling on each of the new lots. The remnant lot will merge with lands to the north and south for future residential development.

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

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

The proposed lots are within the City's built boundary and is in an area that is substantially developed. The proposal includes constructing three townhouse dwellings, which will contribute to context-sensitive infill 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 three proposed lots are sized appropriately and shaped to accommodate the optimum potential of the subject lands. Two of the three proposed lots meet lot area requirements in the Zoning By-law and the overall density of the three lots is 34.4 units per hectare, which aligns with the general range of 20 – 32 units per hectare supported in the Official Plan. None of the three lots meet the minimum front yard requirement for the R2 zone, which is subject to concurrent minor variance applications. The proposed middle lot for the three-unit townhouse block is also deficient in lot area and a concurrent minor variance application has been submitted. The lots meet required rear yard setbacks and staff are satisfied adequate amenity space is provided.

The remnant lot will have a lot area exceeding the maximum lot area permitted in the Zoning By-law. Notwithstanding, the lot will be used for future development to facilitate and contribute to the optimum development of the area and support Official Plan policies towards intensification and infill, and the efficient use of land and services, within the built-up area of the city's urban area.

In the opinion of staff, the proposal to create three new lots and construct a three-unit townhouse block on the subject lands satisfy the policies of the Official Plan for evaluation of consents to sever. Staff support the approval of Consent Applications **B-39/21SC**, **B-40/21SC** and **B-41/21SC**, subject to the conditions outlined in the recommendations herein.

## **Road Widening**

Moffatt Street 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 it has recently been reconstructed to accommodate the road, curb, gutter, and sidewalks within the current right-of-way, the right-of-way 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 1.62m 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 applicants are aware of this requirement and have identified the 1.62m road widening dedication as Part 5 on the submitted survey sketch.

## **Minor Variance**

### **Variance 1 of Application A-115/21**

The Applicant is seeking a decrease in the minimum lot area for a townhouse dwelling in an R2 zone from 280m<sup>2</sup> to 240.21m<sup>2</sup>. This variance is requested for the middle unit (Part 3) in the proposed three-unit townhouse block. The other two townhouse dwellings (Parts 2 and 4) meet the minimum lot area zoning provision.

The intent of this provision is to ensure lots are sized in a manner that is compatible with existing development and aligns with the surrounding and/or future density permissions. The proposed density for all three lots is 34.4 units per hectare, which aligns with the general range of 20 – 32 units per hectare supported in the Official Plan. Minimum lot area requirements also ensures that development is completed in a way that provides appropriate building mass, adequate amenity space and ensures proper drainage and safety measures are in place. Given the proposed development is a three-unit townhouse block, the lots for the two exterior units require additional area to provide side yard setbacks, which is not required for the middle unit. The resulting reduced lot area for Part 3 does not impact the size of the dwelling unit nor does it impact the appropriate amount of amenity space, as there is over 9m of amenity space to the rear of each unit.

Staff are of the opinion this variance is minor in nature, deemed an appropriate use of the lands, and is in keeping with the general intent of the Official Plan and Zoning By-law.

### **Variance 2 of Application A-115/21**

#### **Variance 1 of Applications A-124/21 and A-21/22**

The Applicant is seeking to decrease the minimum front yard setback for a townhouse dwelling in an R2 zone. Variance 2 of Application **A-115/21** is requesting to reduce the minimum front yard setback for Part 3 from 7.5m to 6.55m. Variance 1 of Application **A-21/22** is requesting to reduce the minimum front yard setback for Part 4 from 7.5m to 6.1m. Variance 1 of Application **A-124/21** is requesting to reduce the minimum front yard setback for Part 2 from 7.5m to 7.08m. 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 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 properties with a 1.62m road widening. Although the requested front yard setback does not meet the City's minimum requirement due to the requested road widening and averaging calculations, the proposed dwellings have 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. It is not anticipated that the proposed front yard setbacks will result in adverse impacts to neighbouring properties or negatively impact the streetscape.

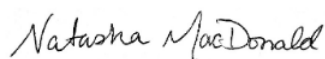
Staff find the variances are minor in nature, appropriate for the use of the lands and in keeping with the general intent of the Zoning By-law and Official Plan.

## Conclusion

Having regard for the matters under Section 53 of the *Planning Act*, staff are of the opinion that Consent Applications **B-39/21SC**, **B-40/21SC** and **B-41/21SC** are in keeping with the relevant policies of the Official Plan, are consistent with the provisions of the Zoning By-law and will have no adverse impacts on the surrounding area and environment. It is staff's recommendation that the requested consents to sever be approved, subject to the conditions outlined in the recommendation.

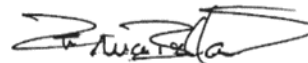
Having regard for the matters under Section 45(1) of the *Planning Act*, staff are of the opinion that Minor Variance Applications **A-115/21**, **A-124/21** and **A-21/22** be approved as the variances are in keeping with the general intent of the Official Plan and Zoning By-law, are minor in nature, and are desirable for the appropriate use and development of the lands. Staff recommend that the applications be approved.

### Prepared and Submitted by:



Natasha MacDonald  
Planner I

### Approved by:



Bruce Bellows  
Senior Planner

February 7, 2022

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 119458, 21 120112 & 22 10602

Re: 115 & 117 Moffatt St

In response to your correspondence dated February 1, 2022, 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.
- Developers to acquire an easement, if required.
- 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:

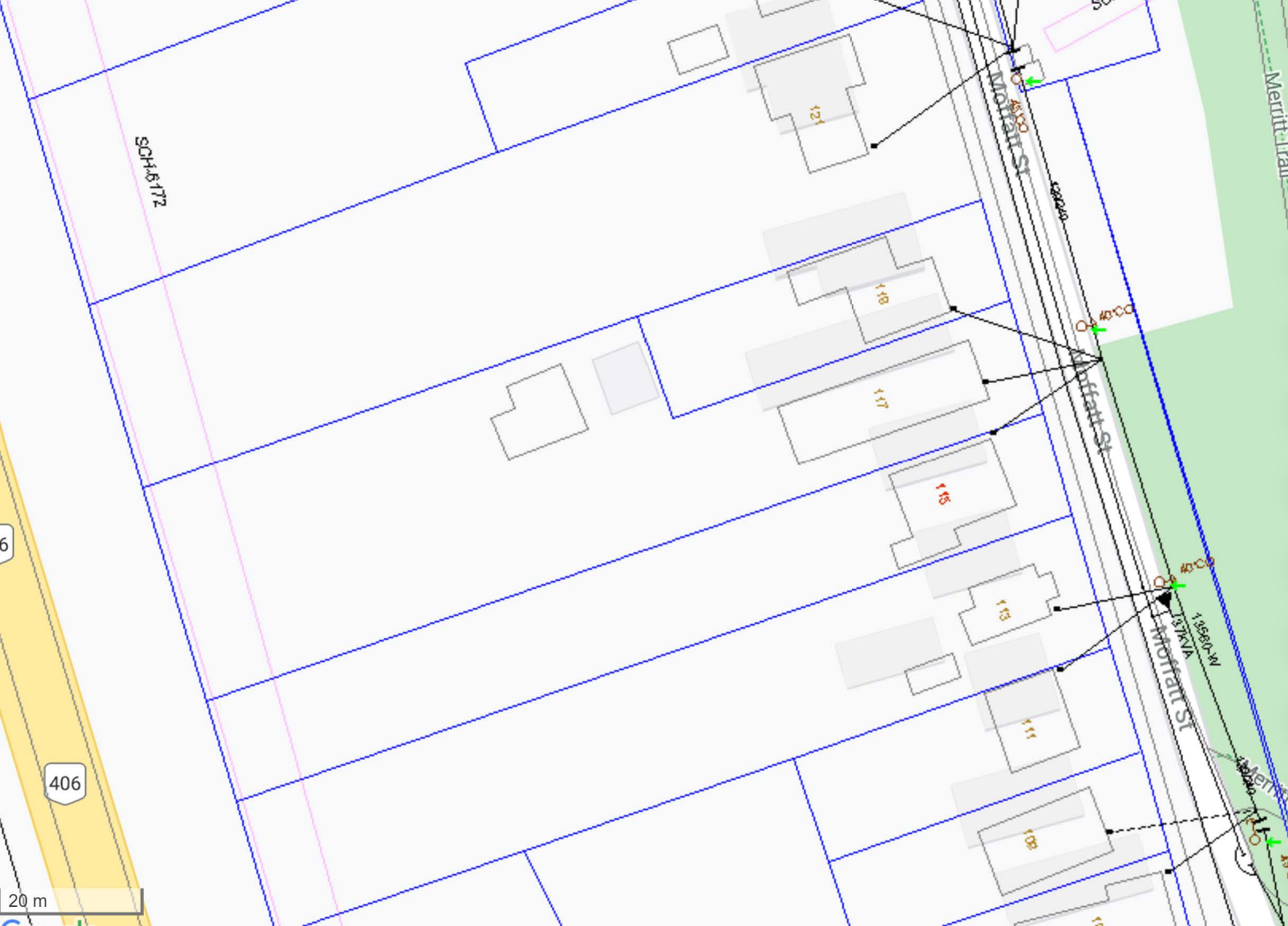
- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's 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:** RE: Additional Applications for the February 23, 2022 Committee of Adjustment Hearing re: 115 Moffatt Street, St. Catharines - 905-22-073  
**Date:** Thursday, February 3, 2022 7:47:38 AM

---

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



---

**From:** Gordon, Carrie <[carrie.gordon@bell.ca](mailto:carrie.gordon@bell.ca)>  
**Sent:** Thursday, February 3, 2022 7:46 AM  
**To:** Munro, Elaine <[emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)>  
**Cc:** Banda, Wilrik <[wbanda@stcatharines.ca](mailto:wbanda@stcatharines.ca)>  
**Subject:** RE: Additional Applications for the February 23, 2022 Committee of Adjustment Hearing re: 115 Moffatt Street, St. Catharines - 905-22-073

**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

Re: B-39/21SC, B-40/21SC, B-41/21SC

Subsequent to review of the abovementioned application at 115 Moffatt Street, St., 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



**From:** [Munro, Elaine](#)  
**To:** [Munro, Elaine](#)  
**Subject:** Cogeco - No Concerns 115 Moffatt Street - February 23, 2022 Committee of Adjustment Hearing re: 115 Moffatt Street, St. Catharines  
**Date:** Wednesday, February 2, 2022 9:01:13 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, February 2, 2022 7:27 AM  
**To:** Munro, Elaine <[emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)>  
**Cc:** Banda, Wilrik <[wbanda@stcatharines.ca](mailto:wbanda@stcatharines.ca)>  
**Subject:** Re: Additional Applications for the February 23, 2022 Committee of Adjustment Hearing re: 115 Moffatt Street, St. Catharines

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

H  
Good Morning Elaine  
Cogeco has no concerns with this application.

Have fun today

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

---

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)



**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: February 9, 2022

Subject: Building Comments on Applications to the Committee of Adjustment  
**Consents – February 23, 2022 hearing**

**B-39/21SC – 117 Moffatt Street**

## Comment:

- No comment

## Condition:

- A demolition permit is required to remove the existing detached dwelling on Part 1 and 2 to the satisfaction of the Chief Building Official.

**B-40/21SC – 115A Moffatt Street**

## Comment:

- No comment

## Condition:

- A demolition permit is required to remove the existing detached dwelling on Part 3 and 4 to the satisfaction of the Chief Building Official.

**B-41/21SC – 115 Moffatt Street**

## Comment:

- No comment

## Condition:

- A demolition permit is required to remove the existing detached dwelling on Part 3 and 4 to the satisfaction of the Chief Building Official.

**B-08/22SC – 574 Ontario Avenue**

Comment:

- No comment

Condition:

- A demolition permit is required to remove the existing detached garage to the satisfaction of the Chief Building Official.

**B-09/22SC – 574 Ontario Street**

Comment:

- No comment

Condition:

- A demolition permit is required to remove the existing detached dwelling on Part 1 and 2 to the satisfaction of the Chief Building Official.

**B-11/22SC – 44 Howard Street**

Comment:

- No comment

Condition:

- A demolition permit is required to remove the 2 existing sheds on Part 2 to the satisfaction of the Chief Building Official.



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: February 9, 2022

Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance – February 23, 2022 hearing**

NO.	ADDRESS	COMMENTS
A-115/21	115A Moffatt Street	Be advised that a building permit is required to construct the 3 unit townhouse block.
A-21/22	115 Moffatt Street	Be advised that a building permit is required to construct the 3 unit townhouse block.
A-124/21	117 Moffatt Street	Be advised that a building permit is required to construct the 3 unit townhouse block.
A-11/22	132 Main Street	Be advised that a building permit is required to demolish the existing shed.  Be advised that a building permit is required to construct a 2 storey rear addition and attached garage.
A-12/22	527 Geneva Street	Be advised that the current building permit (21119083RN) shall be completed prior to construction.
A-13/22	1 Belair Drive	Be advised that a building permit is required to construct an attached garage and mudroom addition.

NO.	ADDRESS	COMMENTS
A-14/22	44 Howard Avenue	No comment
A-17/22	10 Lyman Street	Be advised that a building permit is required to convert the detached dwelling to a fourplex.
A-18/22	6 Charlotte Street	Be advised that a building permit is required to construct a single detached dwelling.

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:** February 9, 2022  
**Subject:** Committee of Adjustment Hearing – February 23, 2022 \*Revised

---

CRCS has reviewed the Committee of Adjustment applications for the hearing of February 23, 2022 and provides the following comments:

**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**  
**115 Moffatt Street, Minor Variance, A-21/22 – 22100602**

\*\*Deferred from December 2021 Hearing

Our comments remain unchanged from those provided December 1, 2021.

**574 Ontario Street, Consent, B-08/22SC – 22100284**  
**574 Ontario Street, Consent, B-09/22SC – 22100289**

No concerns regarding the proposed creation of two new lots to facilitate the construction of three freehold townhomes. Requirements for the removal and replacement of boulevard trees will be at the discretion of the Niagara Region, given Ontario Street is a Regional road. 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 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'. The appraisal shall be completed by a qualified appraiser. (Condition subject to Planning and Building Services' determination that parkland dedication can, in fact, be collected for this application.)



**132 Main Street, Minor Variance, A-11/22 – 22100081**

No comment.

**527 Geneva Street, Minor Variance, A-12/22 – 22100243**

No comment.

**1 Belair Drive, Minor Variance, A-13/22 – 22100244**

No comment.

**10 Lyman Street, Minor Variance, A-14/22 – 22100245**

No comment regarding the requested increase in front yard setback.

The sketch submitted with the application shows an area in the front yard that is to be reserved for temporary storage of waste on public collection days. The area is immediately adjacent an existing tree. Provided this temporary storage area remains as sod (and not hard surfaced), CRCS has no concerns or requirements regarding the request for reduced lot frontage.

**44 Howard Avenue, Consent, B-11/22SC – 22100290**

**44 Howard Avenue, Minor Variance, A-17/22 – 22100293**

**6 Charlotte Street, Minor Variance, A-18/22 – 22100294**

CRCS has no concerns with the proposed creation of a new lot to facilitate the construction of a dwelling fronting on Charlotte Street, nor the requested minor variances. We note, however, that a mature tree exists in the Charlotte Street boulevard and care must be taken not to damage this tree during construction. CRCS recommends that certain mitigation measures be implemented through the future development agreement to address this.

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'. The appraisal shall be completed by a qualified appraiser. (Condition subject to Planning and Building Services' determination that parkland dedication can, in fact, 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.
- c) That the future development agreement address the following requirements:
  - a. That prior to any construction activities commencing on site, a tree protection zone at least 2 metres in radius be installed around the trunk of the tree to be retained, and that such tree protection zone remain in place for the duration of construction.
  - b. That no soil, construction materials, equipment, or vehicles of any sort be stored or otherwise located within the tree protection zone.
  - c. That the garage and driveway for the proposed dwelling at 6 Charlotte Street be located adjacent to the easterly lot line, as far as possible from the retained tree.
  - d. That servicing for the new dwelling be located – and all excavation occur - as far as possible from the base of the retained tree.

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

## 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:

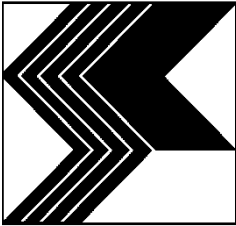
- Include all trees on the subject property and within 3.0m of the northerly lot line, specifically in the location of the proposed development (i.e. the proposed building addition).
- Trees to be preserved shall be fully protected with a minimum of snow fencing erected beyond their "drip line" to the satisfaction of the consulting arborist and the City. 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 which are to be retained. 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 plan of 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.

**REPORT TO PLANNING DEPARTMENT**  
**Re: CITY LAND DIVISION APPLICATION NUMBER B-39,40&41/21SC**



February 8, 2022

**ENGINEERING FILE 300-36**

**Hearing Date:** February 23, 2022

**Applicant:** 1473941 Ontario Limited

**Location:** 115 - 117 Moffatt Street

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

**Water:** 200mm PVC

**Sanitary Sewer:** 300mm PVC

**Storm Sewer:** None

**Sidewalks:** Yes – Curb-faced

**Road Allowance Width:** 16.7m± (55')

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

**Comment(s):** It is noted that the Applicant proposes to sever Parts 2, 3 & 4 on the attached sketch for the proposed construction of a three-unit street townhouse development. Part 1 is to be retained for future residential development. Part 5 is to be dedicated to the City for a road widening as Public Highway Moffatt Street.

**Roads**

Moffatt Street is designated as per the City's Transportation Master Plan with a desired right-of-way width of 20.0m (66.0'). Its current width is deficient in this location as noted above 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 shall require a widening be dedicated free and clear of any encumbrances to be known as Public Highway Moffat Street, of approximately 1.62m±.

**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 dwellings, to confirm they do 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. The Owner shall pay the City the fees required to install new services for the new lots to the front property lines during the building permit process. It must be noted that servicing of the proposed lots shall not be authorized prior to the creation/registration of the lots 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 dwellings



Prepared by:

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

c. James Denham, PBS (email only)



---

## Memorandum

---

**To:** Elaine Munro, ACST, Committee Secretary & Planning Technician  
**From:** Brad Johnston, C.E.T., Development Engineering Technologist  
**CC:** City Committee of Adjustment Staff Members  
**Date:** February 7<sup>th</sup>, 2022  
**Hearing Date:** February 23<sup>rd</sup>, 2022  
**Subject:** **Committee of Adjustment - Minor Variance Applications**  
115A Moffatt Street - A-115/21  
117 Moffatt Street - A-124/21  
115 Moffatt Street - A-21/22  
132 Main Street - A-11/22  
527 Geneva Street - A-12/22  
1 Belair Drive - A-13/22  
10 Lyman Street - A-14/22  
7 Canal Street - A-15/22  
48 Lakeport - A16-/22  
44 Howard Avenue - A-17/22  
6 Charlotte Street - A-18/22

---

Development Engineering have no objections to the above noted applications, but applicants should be advised of the following comments;

- The applicants for the Minor Variances for 115 Moffatt Street, 115A Moffatt Street, 117 Moffatt Street, and 44 Howard (6 Charlotte) should be advised that a Grading & Drainage Plan prepared by a Professional Engineer or Ontario Land Surveyor, will be required and must be submitted to the City for approval at the building permit application stage.
- Applicants must understand that although zoning setbacks may be reduced through a Minor Variance, actual side yards widths may have to be greater than the minimum to accommodate both access to rear yards and drainage swales to enable storm water run-off to be managed without causing negative effects on both the subject lands and adjacent properties.

Prepared by:

---

James Denham, P. Eng.  
Development Engineering Technologist

jd.



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

**Cc:**

**From: Steve Bittner, Transportation Technologist**

**Date: February 7, 2022**

**Subject: Committee of Adjustment Comments (February 23, 2022 Hearing)**

---

**A-012/22 – 527 Geneva Street**

The property has a large asphalt strip across the frontage of the property entirely within the City boulevard. Consideration should be given to removing the asphalt strip and reinstating it to landscaping. Parking on the asphalt strip isn't permitted under By-law 89-2000 (Traffic and Parking By-law).

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-08/22SC & B-09/22SC**

**574 Ontario Street**

**DATE OF HEARING:**  
**February 23, 2022**



## Technical Report

---

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

**Date of Report:** February 18, 2022

**Date of Meeting:** February 23, 2022

**Report Number:** B-08/22SC  
B-09/22SC

**File:** 220100284  
220100289

**Subject:** 574 Ontario Street (to become 574A, 574B and 574C Ontario Street)

### Recommendation

That Application **B-08/22SC** by 1703306 Ontario Inc., as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. That the Owner enter into a Development Agreement with the City of St. Catharines, to be registered on title to the lands now known as 574 Ontario Street 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. The owner must provide a site grading/servicing plan prepared by a qualified Professional Engineer or Ontario Land Surveyor. The plan must be submitted to and approved by City staff, and it shall include the location of the proposed new services.
3. That if the grading design results in the need for drainage easements, the easements shall be shown on the grading/servicing plan.
4. That if easements for drainage are necessary, the owner shall obtain the necessary easements to facilitate the grading and servicing plan. The required reference plan and easements agreements must be submitted to City staff for review and approval before the easements are obtained. The reference plan must be deposited with the Land Registry Office and the easement agreements must be registered on title. All costs associated with obtaining the required easements shall be borne by the applicant.
5. The owner shall pay for the existing sanitary lateral to be video inspected by City crews to confirm its condition and the issuance of the demolition permit, whichever comes first.
6. That if the condition of the existing sanitary lateral is suitable for re-use but the location will result in crossing any existing or proposed side property line, the

owner shall pay for City crews to relocate the portion within the Ontario Street right-of way. At the owner's cost they shall also have the portion on private property relocated and obtain a Plumbing Only Permit to do so.

7. The owner shall pay for City crews to trace and document the location of the existing water service.
8. The owner shall pay for City crews to decommission the existing water service.
9. That a demolition permit is required to remove the existing accessory building to the satisfaction of the Chief Building Official.
10. That a demolition permit is required to remove the existing detached dwelling on Part 1 and 2 to the satisfaction of the Chief building Official.
11. That payment of 5% of the appraised value of the 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'. The appraisal shall be completed by a qualified appraiser.
12. That the owner pay the cash in lieu for the planned removal of the 2 Regional street trees at a replacement requirement of 2 trees for each tree removed. (4 trees x \$500/tree = \$2,000)
13. That the applicant provide the Secretary-Treasurer with the acknowledgment and direction for conveyance of the subject parcel, together with a copy of the deposited reference plan, for use in the issuance of the Certificate of Consent.
14. 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.
15. That all conditions of consent be fulfilled by February 23, 2024.

That Application **B-09/22SC** by 1703306 Ontario Inc., as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. That the Owner enter into a Development Agreement with the City of St. Catharines, to be registered on title to the lands now known as 574 Ontario Street 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. The owner must provide a site grading/servicing plan prepared by a qualified Professional Engineer or Ontario Land Surveyor. The plan must be submitted to and approved by City staff, and it shall include the location of the proposed new services.
3. That if the grading design results in the need for drainage easements, the easements shall be shown on the grading/servicing plan.
4. That if easements for drainage are necessary, the owner shall obtain the necessary easements to facilitate the grading and servicing plan. The required

reference plan and easements agreements must be submitted to City staff for review and approval before the easements are obtained. The reference plan must be deposited with the Land Registry Office and the easement agreements must be registered on title. All costs associated with obtaining the required easements shall be borne by the applicant.

5. The owner shall pay for the existing sanitary lateral to be video inspected by City crews to confirm its condition and the issuance of the demolition permit, whichever comes first.
6. That if the condition of the existing sanitary lateral is suitable for re-use but the location will result in crossing any existing or proposed side property line, the owner shall pay for City crews to relocate the portion within the Ontario Street right-of way. At the owner's cost they shall also have the portion on private property relocated and obtain a Plumbing Only Permit to do so.
7. The owner shall pay for City crews to trace and document the location of the existing water service.
8. The owner shall pay for City crews to decommission the existing water service.
9. That a demolition permit is required to remove the existing accessory building to the satisfaction of the Chief Building Official.
10. That a demolition permit is required to remove the existing detached dwelling on Part 1 and 2 to the satisfaction of the Chief building Official.
11. That payment of 5% of the appraised value of the 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'. The appraisal shall be completed by a qualified appraiser.
12. That the owner pay the cash in lieu for the planned removal of the 2 Regional street trees at a replacement requirement of 2 trees for each tree removed. (4 trees x \$500/tree = \$2,000)
13. That the applicant provide the Secretary-Treasurer with the acknowledgment and direction for conveyance of the subject parcel, together with a copy of the deposited reference plan, for use in the issuance of the Certificate of Consent.
14. 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.
15. That all conditions of consent be fulfilled by February 23, 2024

## **Report**

### **The Proposal**

The applicant proposes to sever the existing lot at 574 Ontario Street to create two new lots with one retained lot. The applicant proposes to demolish the existing dwelling and accessory structure on site in order to construct a three-unit townhouse block. Each unit will be on its own lot. The consents to sever outlined in the table below are required to facilitate this proposal.

Application	Severed Parcel	Severed Area	Retained Parcel	Retained Area
<b>B-08/22SC</b>	Part 3 (to become 574A Ontario Street)	312.0 m <sup>2</sup>	Parts 1 & 2 (to become 574B and 574C Ontario Street)	579.6 m <sup>2</sup>
<b>B-09/22SC</b>	Part 2 (to become 574B Ontario Street)	267.6 m <sup>2</sup>	Part 1 (to become 574C Ontario Street)	312.0 m <sup>2</sup>

## Location and Site Description

The subject property is located on the east side of Ontario Street and north of Lakehurst Drive. The surrounding neighbourhood is a mix of residential housing types and densities with some commercial uses. There are three low-rise apartment buildings immediately adjacent to the subject lands.

The subject lands are currently occupied by a detached dwelling with an accessory building. Both structures are proposed to be demolished through this application.

## 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 E1. Section 8.1 of the GCP permits townhouse dwellings at a density range generally between 25 to 99 units per hectare. The proposed development has a density of approximately 33 units per hectare.

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

The subject property is zoned Medium Density Residential (R3). Townhouse dwellings are permitted in this zone.

## Planning Analysis

Consent applications **B-08/22SC** and **B-09/22SC** request to sever two new lots from the subject property to construct a three-unit townhouse block with each unit being on its own lot. The proposed townhouses are two storeys.

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 townhouse dwellings, which contributes to the mix of residential uses and densities in the surrounding neighbourhood. This application supports context-sensitive infilling.

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

The proposed lot sizes and frontages meet the requirements in the zoning by-law. No minor variances are required for the construction of the proposed dwellings. Staff are satisfied this application represents the optimum development of the surrounding area.

The proposed lots meet density requirements set out in the Official Plan and meet lot size requirements established in the Zoning By-law. The proposed severances do not create any zoning deficiencies, demonstrating that adequate amenity space, setback distances, and parking areas are being provided. The subject lands are located between two low-rise apartment buildings and the proposed scale and massing of the townhouse block will contribute to the existing streetscape. As such, the proposed severances will not result in any adverse impacts on surrounding properties.

Staff recommend that consent applications **B-08/22SC** and **B-09/22SC** be approved, subject to conditions outlined in the recommendation.

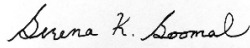
## Conclusion

Having regard for the matters under Section 53 of *The Planning Act*, staff are of the opinion that Consent Applications **B-08/22SC** and **B-09/22SC** meet the intent and purpose of the Official Plan and 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.

**Prepared by:**



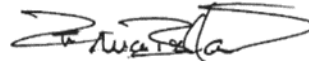
Serena Soomal  
Student Planner

**Submitted by:**



Evan Acs  
Planner I

**Approved by:**



Bruce Bellows  
Senior Planner

VIA E-MAIL ONLY

February 11, 2022

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

## **Application for Consent**

**Proposal:** Application B-08/22SC is made for consent for partial discharge of mortgage and for consent to sever 312.0 m<sup>2</sup> of land (Part 3 on the submitted sketch) for the proposed construction of one unit of a 3-unit townhouse to be known as 574A Ontario Street. A 579.6 m<sup>2</sup> remnant parcel (Parts 1 and 2) of the proposed 3-unit townhouse would be retained for residential use. The application would allow each unit to be owned and/or sold separately. There is a concurrent consent application (B-09/22SC).

**Location:** 574 Ontario Street  
In the City of St. Catharines

Our File: CS-22-0017 and CS-22-0018

---

Regional Planning and Development Services staff have completed a review of the following materials which were provided as part of an application for a consent application for a severance located at 574 Ontario Street in the City of St. Catharines:

- Notice of Hearing and Applications, dated February 1, 2022.

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

### **Regional Road Allowance**

The current width of Ontario Street, in St. Catharines, at No 574 is approximately 26.2 m and satisfies the Official Plan Policy Width of 26.2 m. Therefore no further widening is recommended.

Ontario Street from Lakeshore Road to Linwell Road currently has a reconstruction project scheduled for 2023, pending capital budget approval, with detailed design underway at this time.

As part of this project the road will be urbanized with curb and gutter. At the time that entrance permits are being applied for we would suggest you reach out to Stephannie Huppunen, CET, Manager, Capital Projects Transportation Engineering to coordinate the grading/entrance plans for the proposed lots.

### **REGIONAL CONSTRUCTION ENCROACHMENT & ENTRANCE PERMIT**

Prior to any construction/work taking place within the Regional road allowance, a Regional Construction, Encroachment, and entrance Permit must be obtained from the Transportation Services Division, Public Works Department. This can be done using the link below:

<http://niagararegion.ca/living/roads/permits/default.aspx>

### **Urban Design (Regional Street Trees)**

The proposed concept plan proposes the removal of 2 Regional street trees, please note that any trees proposed to be removed within the municipal boulevard will require the replacement of 2 trees for 1 removed. The costs to remove the tree and stumps is the responsibility of the developer/owner. In this instance, 4 replacement trees will be required, however, since the road reconstruction project is scheduled we will ask that cash-in-lieu of street tree planting be provided to the Region and the trees will be planted as part of the road reconstruction project.

### **Site Servicing**

A site servicing plan was not submitted with the material provided for the consents for these sites. Services for the new dwelling units are to be from the existing local sanitary sewer and watermain in the Ontario Street ROW.

There is a Regional trunk sewer in the Ontario Street ROW and any new water services will have to cross the sewer. Normally cross sections would be required however, in this case the trunk sewer is located at a significant depth that the water services should not affect the trunk sewer.

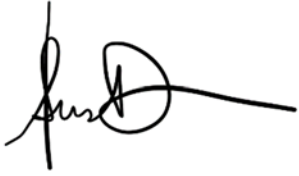
Please note that any work/cuts in the Ontario Street ROW will require a Regional Construction permit and will have to be restored to meet Regional standards. Coordination with the current road reconstruction work should be explored as cuts in a newly paved Regional road will not be permitted.

### **Conclusion**

Based on the analysis and comments above, Regional staff offers no objection to the application.

If you have any questions or wish to discuss these comments please contact the undersigned at extension 3661.

Best Regards,

A handwritten signature in black ink, appearing to read 'Susan M. Dunsmore', with a long horizontal stroke extending to the right.

Susan M. Dunsmore, P.Eng  
Manager, Development Engineering  
Niagara Region

Attention: Appendix- Regional Conditions

cc. Stephannie Huppunen, CET, Manager, Capital Projects Transportation Engineering  
Aimee Alderman, Senior Planner, Niagara Region

**APPENDIX I**  
**Consent Conditions**  
**574 Ontario Street, St.Catharines**

---

- That the owner pay the cash in lieu for the planned removal of the 2 Regional street trees at a replacement requirement of 2 trees for each tree removed. (4 trees x \$500/tree = \$2,000)

February 7, 2022

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

**Attention: Elaine Munro**

File# 22 100284 and 22 100289

Re: 574 Ontario St

In response to your correspondence dated January 31, 2022, 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.
- Developers to acquire an easement, if required.
- In order for Alectra Utilities to prepare design and procure the materials required to service this site in a timely manner, a minimum of 6 months notification is required. It would be advantages for the developer if Alectra Utilities were contacted at the stage where the new site plan becomes available. Please note that it takes approximately 20 weeks to purchase a transformer.

We would also like to stipulate the following:

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

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

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

Sincerely,

*Mark Jakubowski*

Mark Jakubowski  
Supervisor, Design, Customer Capital





**From:** [Munro, Elaine](#)  
**To:** [Munro, Elaine](#)  
**Subject:** Bell - No Concerns or Comments - 574 Ontario Street, Notices of Hearing, Applications and Sketches - February 23, 2022 CofA Hearing - 905-22-067  
**Date:** Wednesday, February 16, 2022 8:44:54 AM

---

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



---

**From:** Gordon, Carrie <[carrie.gordon@bell.ca](mailto:carrie.gordon@bell.ca)>  
**Sent:** Wednesday, February 16, 2022 7:38 AM  
**To:** Munro, Elaine <[emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)>  
**Subject:** RE: Request for Comments - Notices of Hearing, Applications and Sketches - February 23, 2022 CofA Hearing - 905-22-067

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

Hello,

Re: B-08/22SC

Subsequent to review of the abovementioned application at 574 Ontario Street, 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

**From:** [Munro, Elaine](#)  
**To:** [Munro, Elaine](#)  
**Subject:** Cogeco - No Concerns RE: Request for Comments - Notices of Hearing, Applications and Sketches - February 23, 2022 CofA Hearing  
**Date:** Thursday, February 3, 2022 9:36:28 AM

---

574 Ontario Street  
132 Main Street  
527 Geneva Street  
1 Belair Drive  
10 Lyman Street  
44 Howard Avenue

**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:** Tuesday, February 1, 2022 9:04 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 - Notices of Hearing, Applications and Sketches - February 23, 2022 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.

Hope you have a great week.

Thanks

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 - 574 Ontario St. & 132 Main St. RE: Request for Comments - Notices of Hearing, Applications and Sketches - February 23, 2022 CofA Hearing  
**Date:** Thursday, February 3, 2022 9:30:53 AM

---

574 Ontario Street  
132 Main Street

**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, February 1, 2022 9:58 AM  
**To:** Munro, Elaine <[emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)>  
**Cc:** Banda, Wilrik <[wbanda@stcatharines.ca](mailto:wbanda@stcatharines.ca)>  
**Subject:** RE: Resent - Additional application RE: Request for Comments - Notices of Hearing, Applications and Sketches - February 23, 2022 CofA Hearing

Hi Elaine, I hope all is well with you

There are no concerns with either of these properties in respect to closed landfills.

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: February 9, 2022

Subject: Building Comments on Applications to the Committee of Adjustment  
**Consents – February 23, 2022 hearing**

**B-39/21SC – 117 Moffatt Street**

## Comment:

- No comment

## Condition:

- A demolition permit is required to remove the existing detached dwelling on Part 1 and 2 to the satisfaction of the Chief Building Official.

**B-40/21SC – 115A Moffatt Street**

## Comment:

- No comment

## Condition:

- A demolition permit is required to remove the existing detached dwelling on Part 3 and 4 to the satisfaction of the Chief Building Official.

**B-41/21SC – 115 Moffatt Street**

## Comment:

- No comment

## Condition:

- A demolition permit is required to remove the existing detached dwelling on Part 3 and 4 to the satisfaction of the Chief Building Official.

**B-08/22SC – 574 Ontario Avenue**

Comment:

- No comment

Condition:

- A demolition permit is required to remove the existing detached garage to the satisfaction of the Chief Building Official.

**B-09/22SC – 574 Ontario Street**

Comment:

- No comment

Condition:

- A demolition permit is required to remove the existing detached dwelling on Part 1 and 2 to the satisfaction of the Chief Building Official.

**B-11/22SC – 44 Howard Street**

Comment:

- No comment

Condition:

- A demolition permit is required to remove the 2 existing sheds on Part 2 to the satisfaction of the Chief Building Official.



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:** February 9, 2022  
**Subject:** Committee of Adjustment Hearing – February 23, 2022 \*Revised

---

CRCS has reviewed the Committee of Adjustment applications for the hearing of February 23, 2022 and provides the following comments:

**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**  
**115 Moffatt Street, Minor Variance, A-21/22 – 22100602**

\*\*Deferred from December 2021 Hearing

Our comments remain unchanged from those provided December 1, 2021.

**574 Ontario Street, Consent, B-08/22SC – 22100284**  
**574 Ontario Street, Consent, B-09/22SC – 22100289**

No concerns regarding the proposed creation of two new lots to facilitate the construction of three freehold townhomes. Requirements for the removal and replacement of boulevard trees will be at the discretion of the Niagara Region, given Ontario Street is a Regional road. 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 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'. The appraisal shall be completed by a qualified appraiser. (Condition subject to Planning and Building Services' determination that parkland dedication can, in fact, be collected for this application.)

**132 Main Street, Minor Variance, A-11/22 – 22100081**

No comment.

**527 Geneva Street, Minor Variance, A-12/22 – 22100243**

No comment.

**1 Belair Drive, Minor Variance, A-13/22 – 22100244**

No comment.

**10 Lyman Street, Minor Variance, A-14/22 – 22100245**

No comment regarding the requested increase in front yard setback.

The sketch submitted with the application shows an area in the front yard that is to be reserved for temporary storage of waste on public collection days. The area is immediately adjacent an existing tree. Provided this temporary storage area remains as sod (and not hard surfaced), CRCS has no concerns or requirements regarding the request for reduced lot frontage.

**44 Howard Avenue, Consent, B-11/22SC – 22100290**

**44 Howard Avenue, Minor Variance, A-17/22 – 22100293**

**6 Charlotte Street, Minor Variance, A-18/22 – 22100294**

CRCS has no concerns with the proposed creation of a new lot to facilitate the construction of a dwelling fronting on Charlotte Street, nor the requested minor variances. We note, however, that a mature tree exists in the Charlotte Street boulevard and care must be taken not to damage this tree during construction. CRCS recommends that certain mitigation measures be implemented through the future development agreement to address this.

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'. The appraisal shall be completed by a qualified appraiser. (Condition subject to Planning and Building Services' determination that parkland dedication can, in fact, 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.
- c) That the future development agreement address the following requirements:
  - a. That prior to any construction activities commencing on site, a tree protection zone at least 2 metres in radius be installed around the trunk of the tree to be retained, and that such tree protection zone remain in place for the duration of construction.
  - b. That no soil, construction materials, equipment, or vehicles of any sort be stored or otherwise located within the tree protection zone.
  - c. That the garage and driveway for the proposed dwelling at 6 Charlotte Street be located adjacent to the easterly lot line, as far as possible from the retained tree.
  - d. That servicing for the new dwelling be located – and all excavation occur - as far as possible from the base of the retained tree.

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

## 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:

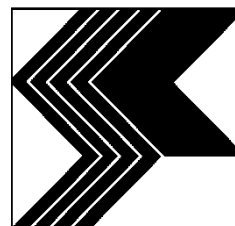
- Include all trees on the subject property and within 3.0m of the northerly lot line, specifically in the location of the proposed development (i.e. the proposed building addition).
- Trees to be preserved shall be fully protected with a minimum of snow fencing erected beyond their "drip line" to the satisfaction of the consulting arborist and the City. 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 which are to be retained. 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 plan of 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.

**REPORT TO PLANNING DEPARTMENT “REVISED”  
Re: LAND DIVISION APPLICATION NUMBER B - 08&09/22SC**



February 7th, 2022.

**ENGINEERING FILE 300-36**

**Hearing Date:** February 23<sup>rd</sup>, 2022

**Applicant:** 1703306 Ontario Inc. (R. O. Beam & Sons Construction)

**Location:** 574 Ontario Street (Reg Rd #42)

**Existing Road Allowance Width:** 26m±

**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 garage, and create two new lots, resulting in a total of three lots.

**Roads and Sidewalks**

Ontario Street is designated as a Regional Road (#42) in the City's Transportation Master Plan. The present ROW width at this location is +/-26m. The Region of Niagara will comment on the need for any widenings.

A sidewalk exists across the frontage of this property. A sidewalk damage deposit will be required at the Building Permit stage.

**Linear Municipal Services**

The existing dwelling is serviced by a small diameter water service which due to its size will not be unsuitable for reuse. New water services will be required for all three units. At the Building Permit stage, the owner must pay City crews to install these services from the mainline watermain on Ontario Street to the front property line of the subject lands. The owner may be entitled to a free upgrade for the existing service. This determination will be made at the Building Permit stage. The owner will be responsible to extend all of these services from the front property line to the new dwellings, through a Plumbing Only Permit at the Building Permit stage. The owner must also pay for City crews to decommission the existing undersized water service at the Demolition Permit stage for the existing dwelling.

City records indicate the existing dwelling is serviced by a sanitary lateral. The City has little information on the location of this service. As a condition of severance, the owner shall pay the fee for City crews to locate, trace, inspect and document the location of the sewer lateral, to confirm its suitability for reuse for one of the new units and that its location does 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

If the existing lateral is suitable for re-use, 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. It should be noted these sanitary laterals must be connected to the City sanitary sewer rather than the Regional trunk sanitary sewer.

A storm sewer exists on Ontario Street. Therefore, at the Building Permit stage, the owner will be required to pay the City the fee for City crews to install three new storm laterals, one for each unit, from the existing City storm sewer to the property line.

The owner will be required to extend the storm laterals from the property line to the dwelling at his cost through a Plumbing Only Permit. The purpose of these laterals is to provide an outlet for sump pump discharge. Roof water leaders/downspouts will not be permitted to be connected to these laterals.

It should be noted there is an existing City storm sewer running parallel to the north property line. This sewer is on an easement. The storm lateral for the most northerly unit might be able to be connected to this sewer rather than the storm sewer on Ontario Street. This may result in a cost savings to the owner.

**Grading and Drainage**

Increased drainage challenges occur in these types of in-fill lot developments. Although an individual lot grading plan is not normally required for review and approval until 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. This plan must be prepared by a qualified professional engineer or Ontario Land Surveyor. It should be noted that drainage easements may be required. The plan should also show the location of the proposed water, sanitary, and storm services.

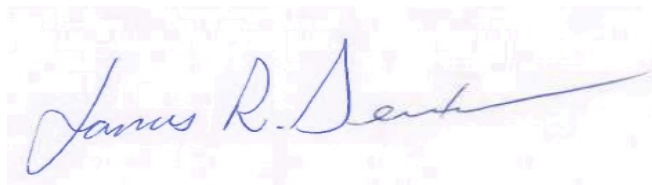
**Conditions:**

Development Engineering has no objection to the proposed severances subject to the following conditions being met prior to finalization of the severance.

1. The owner must provide a site grading/servicing plan prepared by a qualified Professional Engineer or Ontario Land Surveyor. The plan must be submitted to and

approved by City staff, and it shall include the location of the proposed new services.

2. If the grading design results in the need for drainage easements, the easements shall be shown on the grading/servicing plan.
3. If easements for drainage are necessary, the owner shall arrange for the required Reference Plan and Easement Agreements which shall be submitted to City staff for review and approval.
4. The Reference Plan and Easement Agreements must be registered on title.
5. All costs associated with the preparation and registration of the Reference Plan and Easement Agreements shall be paid for by the owner.
6. 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.
7. If the condition of the existing sanitary lateral is suitable for re-use but the location will result in crossing any existing or proposed side property line, the owner shall pay for City crews to relocate the portion within the Ontario Street right-of way. At the owner's cost they shall also have the portion on private property relocated and obtain a Plumbing Only Permit to do so.
8. The owner shall pay for City crews to trace and document the location of the existing water service.
9. The owner shall pay for City crews to decommission the existing water service.



**Prepared By:**

---

James R Denham, P.Eng.  
Development Engineering Technologist

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

**Cc:**

**From: Steve Bittner, Transportation Technologist**

**Date: February 7, 2022**

**Subject: Committee of Adjustment Comments (February 23, 2022 Hearing)**

---

**A-012/22 – 527 Geneva Street**

The property has a large asphalt strip across the frontage of the property entirely within the City boulevard. Consideration should be given to removing the asphalt strip and reinstating it to landscaping. Parking on the asphalt strip isn't permitted under By-law 89-2000 (Traffic and Parking By-law).

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-11/22**

**132 Main Street**

**DATE OF HEARING:**  
**February 23, 2022**





## Technical Report

Report from Planning and Building Services, Planning Services

**Date of Report:** February 18, 2022

**Date of Meeting:** February 23, 2022

**Report Number:** A-11/22

**File:** 220100081

**Subject:** 132 Main Street

## Recommendation

That Application **A-11/22** by Christine Prendergast and James Prendergast, as outlined in the Notice of Hearing, be approved.

## Report The Proposal

Application **A-11/22** seeks relief from the City of St. Catharines By-law 2013-283, as amended, to construct a rear two-storey addition and attached garage to an existing detached dwelling. The applicant proposes to reduce the interior side yard setbacks than what is permitted in the zoning by-law. The requested variances are outlined in the table below.

Variance	Provision	Required	Proposed
1	Minimum interior side yard setback (easterly yard)	1.2 metres	1.093 metres
2	Minimum interior side yard setback (westerly yard)	1.2 metres	0.513 metres

## Location and Site Description

The subject property is an interior lot located on the north side of Main Street and east of Christie Street. The surrounding neighbourhood is primarily low density residential with some medium density residential uses.

## Circulation of Application

This application was circulated to all appropriate departments and agencies. Given the subject property is located within the Port Dalhousie Heritage Conservation District, the application was also reviewed by the City's Heritage Planner and Heritage Permit Advisory Committee. 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. Detached dwellings with an accessory structure are permitted in this designation. The subject property is also located within the Port Dalhousie Heritage Conservation District.

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

The subject property is zoned Low Density Residential – Traditional Neighbourhood (R2). Detached dwellings with an accessory structure are permitted in this zone.

## **Planning Analysis**

The variances seek a reduction in the minimum easterly and westerly interior side yard setback. The proposed easterly interior side yard setback will decrease from 1.2 metres to 1.093 metres, resulting in a decrease of 0.107 metres. The proposed westerly interior side yard setback decrease is from 1.2 metres to 0.513 metres, resulting in a decrease of 0.687 metres. These variances are requested to facilitate the proposed construction of a rear two-storey addition and an attached garage to the existing detached dwelling.

The intent of the interior side yard setback is to maintain adequate separation distance from neighbouring properties, so that the dwelling does not overwhelm the abutting property, protect privacy, prevent overlook, and ensure adequate drainage and access to the rear yard. The proposed interior side yard setback reductions are to facilitate a two-storey rear addition and attached garage that align with the existing setback of the detached dwelling and accessory structures. The existing shed on the property will be removed to facilitate the proposed garage, however, the proposed building footprint and setback will remain generally the same as what currently exists. The proposed setbacks will maintain sufficient separation distance, drainage, and mitigate privacy and overlook concerns.

The proposed reductions in the interior side yard setback is in accordance with section 7.1 of the Official Plan which states that development and redevelopment will have regard for compatible building form, scale, massing, height, setbacks, and spacing with adjacent buildings, properties, and the surrounding neighbourhood. It also states that adverse impacts on adjacent properties will be minimized regarding drainage, privacy, and views.

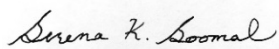
The proposed additions adhere to all other zoning requirements as set out in the Zoning By-law, such as building height and lot coverage, indicating that the dwelling has appropriate scale and massing and does not overwhelm the lot. The proposed development and reduced setbacks demonstrate that there is adequate amenity space and separation distance from adjacent properties. Many of the surrounding properties are detached dwellings that contain carports and attached garages. The proposed attached garage and rear addition will maintain the prevailing character of the neighbourhood and will not negatively impact the streetscape.

In the opinion of staff, the proposed two-storey rear addition and attached garage will not create any adverse impacts on neighbouring properties, and that the requested variances are considered minor in nature, desirable for the appropriate use of lands, and meets the general intent of the Official Plan and Zoning By-law.

## Conclusion

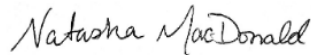
Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Application **A-11/22** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is desirable for the appropriate use of the lands. Staff recommend approval of the Application.

**Prepared by:**



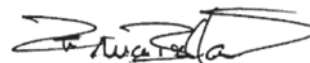
Serena Soomal  
Student Planner

**Submitted by:**



Natasha MacDonald  
Planner I

**Approved by:**



Bruce Bellows  
Senior Planner

**From:** [Munro, Elaine](#)  
**To:** [Munro, Elaine](#)  
**Subject:** Cogeco - No Concerns RE: Request for Comments - Notices of Hearing, Applications and Sketches - February 23, 2022 CofA Hearing  
**Date:** Thursday, February 3, 2022 9:36:28 AM

---

574 Ontario Street  
132 Main Street  
527 Geneva Street  
1 Belair Drive  
10 Lyman Street  
44 Howard Avenue

**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:** Tuesday, February 1, 2022 9:04 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 - Notices of Hearing, Applications and Sketches - February 23, 2022 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.

Hope you have a great week.

Thanks

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 - 574 Ontario St. & 132 Main St. RE: Request for Comments - Notices of Hearing, Applications and Sketches - February 23, 2022 CofA Hearing  
**Date:** Thursday, February 3, 2022 9:30:53 AM

---

574 Ontario Street  
132 Main Street

**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, February 1, 2022 9:58 AM  
**To:** Munro, Elaine <[emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)>  
**Cc:** Banda, Wilrik <[wbanda@stcatharines.ca](mailto:wbanda@stcatharines.ca)>  
**Subject:** RE: Resent - Additional application RE: Request for Comments - Notices of Hearing, Applications and Sketches - February 23, 2022 CofA Hearing

Hi Elaine, I hope all is well with you

There are no concerns with either of these properties in respect to closed landfills.

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, Secretary-Treasurer, Committee of Adjustment**

**Cc:**

**From: James Neilson, Heritage Planner**

**Date: February 8, 2022**

**Subject: 132 Main Street, Minor Variance Application**

---

Please be advised that the property at 132 Main Street is designated under Part V of the Ontario Heritage Act as the property is located within the Port Dalhousie Heritage Conservation District.

The applicant consulted with Heritage Planning staff to develop proposed alterations to the property that are consistent with the guidelines of the Heritage Conservation District. The applicant applied for a heritage permit and brought these plans to the December 16, 2021 meeting of the Heritage Permit Advisory Committee, where the following recommendation was made:

“That the SCHPAC recommends approval of the proposed alterations to 132 Main Street.”

Staff agreed with this recommendation and provided the applicant with a heritage permit. Though the proposed variances were not considered as part of the heritage permit application, the Committee of Adjustment should be advised that it is Heritage Planning Staff's opinion that the required variances will not have a negative impact on the Heritage Conservation District.

## **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: February 9, 2022

Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance – February 23, 2022 hearing**

NO.	ADDRESS	COMMENTS
A-115/21	115A Moffatt Street	Be advised that a building permit is required to construct the 3 unit townhouse block.
A-21/22	115 Moffatt Street	Be advised that a building permit is required to construct the 3 unit townhouse block.
A-124/21	117 Moffatt Street	Be advised that a building permit is required to construct the 3 unit townhouse block.
A-11/22	132 Main Street	Be advised that a building permit is required to demolish the existing shed.  Be advised that a building permit is required to construct a 2 storey rear addition and attached garage.
A-12/22	527 Geneva Street	Be advised that the current building permit (21119083RN) shall be completed prior to construction.
A-13/22	1 Belair Drive	Be advised that a building permit is required to construct an attached garage and mudroom addition.

NO.	ADDRESS	COMMENTS
A-14/22	44 Howard Avenue	No comment
A-17/22	10 Lyman Street	Be advised that a building permit is required to convert the detached dwelling to a fourplex.
A-18/22	6 Charlotte Street	Be advised that a building permit is required to construct a single detached dwelling.

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:** February 9, 2022  
**Subject:** Committee of Adjustment Hearing – February 23, 2022 \*Revised

---

CRCS has reviewed the Committee of Adjustment applications for the hearing of February 23, 2022 and provides the following comments:

**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**  
**115 Moffatt Street, Minor Variance, A-21/22 – 22100602**

\*\*Deferred from December 2021 Hearing

Our comments remain unchanged from those provided December 1, 2021.

**574 Ontario Street, Consent, B-08/22SC – 22100284**  
**574 Ontario Street, Consent, B-09/22SC – 22100289**

No concerns regarding the proposed creation of two new lots to facilitate the construction of three freehold townhomes. Requirements for the removal and replacement of boulevard trees will be at the discretion of the Niagara Region, given Ontario Street is a Regional road. 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 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'. The appraisal shall be completed by a qualified appraiser. (Condition subject to Planning and Building Services' determination that parkland dedication can, in fact, be collected for this application.)

**132 Main Street, Minor Variance, A-11/22 – 22100081**

No comment.

**527 Geneva Street, Minor Variance, A-12/22 – 22100243**

No comment.

**1 Belair Drive, Minor Variance, A-13/22 – 22100244**

No comment.

**10 Lyman Street, Minor Variance, A-14/22 – 22100245**

No comment regarding the requested increase in front yard setback.

The sketch submitted with the application shows an area in the front yard that is to be reserved for temporary storage of waste on public collection days. The area is immediately adjacent an existing tree. Provided this temporary storage area remains as sod (and not hard surfaced), CRCS has no concerns or requirements regarding the request for reduced lot frontage.

**44 Howard Avenue, Consent, B-11/22SC – 22100290**

**44 Howard Avenue, Minor Variance, A-17/22 – 22100293**

**6 Charlotte Street, Minor Variance, A-18/22 – 22100294**

CRCS has no concerns with the proposed creation of a new lot to facilitate the construction of a dwelling fronting on Charlotte Street, nor the requested minor variances. We note, however, that a mature tree exists in the Charlotte Street boulevard and care must be taken not to damage this tree during construction. CRCS recommends that certain mitigation measures be implemented through the future development agreement to address this.

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'. The appraisal shall be completed by a qualified appraiser. (Condition subject to Planning and Building Services' determination that parkland dedication can, in fact, 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.
- c) That the future development agreement address the following requirements:
  - a. That prior to any construction activities commencing on site, a tree protection zone at least 2 metres in radius be installed around the trunk of the tree to be retained, and that such tree protection zone remain in place for the duration of construction.
  - b. That no soil, construction materials, equipment, or vehicles of any sort be stored or otherwise located within the tree protection zone.
  - c. That the garage and driveway for the proposed dwelling at 6 Charlotte Street be located adjacent to the easterly lot line, as far as possible from the retained tree.
  - d. That servicing for the new dwelling be located – and all excavation occur - as far as possible from the base of the retained tree.

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

## 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 northerly lot line, specifically in the location of the proposed development (i.e. the proposed building addition).
- 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. 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 which are to be retained. 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 plan of 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.



---

## 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:** February 7<sup>th</sup>, 2022  
**Hearing Date:** February 23<sup>rd</sup>, 2022  
**Subject:** **Committee of Adjustment - Minor Variance Applications**  
115A Moffatt Street - A-115/21  
117 Moffatt Street - A-124/21  
115 Moffatt Street - A-21/22  
132 Main Street - A-11/22  
527 Geneva Street - A-12/22  
1 Belair Drive - A-13/22  
10 Lyman Street - A-14/22  
7 Canal Street - A-15/22  
48 Lakeport - A16-/22  
44 Howard Avenue - A-17/22  
6 Charlotte Street - A-18/22

---

Development Engineering have no objections to the above noted applications, but applicants should be advised of the following comments;

- The applicants for the Minor Variances for 115 Moffatt Street, 115A Moffatt Street, 117 Moffatt Street, and 44 Howard (6 Charlotte) should be advised that a Grading & Drainage Plan prepared by a Professional Engineer or Ontario Land Surveyor, will be required and must be submitted to the City for approval at the building permit application stage.
- Applicants must understand that although zoning setbacks may be reduced through a Minor Variance, actual side yards widths may have to be greater than the minimum to accommodate both access to rear yards and drainage swales to enable storm water run-off to be managed without causing negative effects on both the subject lands and adjacent properties.

Prepared by:

---

James Denham, P. Eng.  
Development Engineering Technologist

jd.

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

**Cc:**

**From: Steve Bittner, Transportation Technologist**

**Date: February 7, 2022**

**Subject: Committee of Adjustment Comments (February 23, 2022 Hearing)**

---

**A-012/22 – 527 Geneva Street**

The property has a large asphalt strip across the frontage of the property entirely within the City boulevard. Consideration should be given to removing the asphalt strip and reinstating it to landscaping. Parking on the asphalt strip isn't permitted under By-law 89-2000 (Traffic and Parking By-law).

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-12/22**

**527 Geneva Street**

**DATE OF HEARING:**  
**February 23, 2022**





## Technical Report

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

**Date of Report:** February 18, 2022

**Date of Meeting:** February 23, 2022

**Report Number:** A-12/22

**File:** 22100243

**Subject:** 527 Geneva Street

### Recommendation

The submission **A-12/22** by Weiru Li, as outlined in the Notice of Hearing, be approved subject to the following condition:

1. That the Owner remove the existing asphalt strip located within the City boulevard and reinstate the area to landscaping.

### Report

#### The Proposal

Application **A-12/22** seeks relief from the City of St. Catharines By-law 2013-283, as amended, to construct an interior accessory dwelling unit and recognize existing zoning deficiencies for a portion of the detached dwelling that was built without a building permit. The requested variances are outlined in the table below.

Variance	Provision	Required	Proposed
1	Minimum interior side yard setback (southerly yard)	1.2 metres	0.90 metres
2	Minimum rear yard setback	7.5 metres	6.53 metres
3	Maximum floor area of an interior accessory dwelling unit	60 m <sup>2</sup>	76.58 m <sup>2</sup>

### Location and Site Description

The subject property is an interior lot located on the west side of Geneva Street, north of Linwell Road and south of St. Columbia Drive. The surrounding neighbourhood is primarily low density residential with Parnall Public School to the south of the property and a Place of Worship located immediately to the west of the property. The subject lands are currently occupied by a detached dwelling.

## **Circulation of Application**

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

Staff noted that there is currently a large asphalt strip across the frontage of the property within the City boulevard. Staff are requesting that the asphalt strip be removed and reinstated to landscaping as it was not lawfully established. It is noted that parking on the asphalt strip is not permitted under By-law 89-2000.

## **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. Section 7.10 of the GCP permits 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 the City's Zoning By-law permits an interior accessory dwelling unit within a detached dwelling.

## **Planning Analysis**

### **Variance 1**

The applicant is requesting a reduction to the required minimum interior side yard setback from 1.2 meters to 0.90 metres, resulting in a reduction of 0.3 metres. This variance is requested for the southerly interior side yard to recognize a portion of the detached dwelling that was constructed without a building permit more than thirty years ago. This portion of the detached dwelling is the location of the proposed interior accessory dwelling unit. The intent of the interior side yard setback is to maintain separation distance from the abutting property, ensure privacy, and provide adequate space for drainage and rear yard access. The proposed 0.3 metre reduction in the side yard setback is for an existing building and will not have an adverse impact on drainage or privacy. Staff are satisfied that the reduced setback maintains adequate separation distance and provides a sufficient buffer to the lot line.

Section 7.1 of the GCP states that development and redevelopment will have regard for compatible building form, scale, massing, height, setbacks and orientation. It also states that adverse impacts will be minimized on neighbouring properties such as drainage, privacy and views. In the opinion of staff, the reduced setback of the existing dwelling maintains the intent of GCP policies and will not result in adverse impacts to neighbouring properties.

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

## **Variance 2**

The applicant is requesting a reduction to the required minimum rear yard setback from 7.5 meters to 6.53 metres, resulting in a reduction of 0.97 metres. This variance is requested to recognize the portion of the existing detached dwelling that was constructed without a building permit more than thirty years ago. The intent of the rear yard setback is to maintain sufficient separation distance from the abutting property, control massing of the dwelling as to not overwhelm the lot, ensure sufficient outdoor amenity space, protect privacy, and prevent overlook. Staff are satisfied that the reduced setback maintains adequate separation distance and privacy to abutting lots and provides amenity space for the subject property.

Section 7.1 of the GCP states that development and redevelopment will have regard for compatible building form, scale, massing, height, setbacks and orientation. It also states that adverse impacts will be minimized on neighbouring properties such as drainage, privacy and views. In the opinion of staff, the reduced setback of the existing dwelling maintains the intent of GCP policies and does not result in adverse impacts to neighbouring properties.

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

## **Variance 3**

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

The applicant is proposing an accessory dwelling unit with a floor area of 76.58 square meters, which will occupy 33.33 percent of the total floor area of the dwelling. The proposed accessory unit is less than the maximum 40 percent floor area ratio, but greater than the maximum permitted size by 16.58 square meters. The principal dwelling unit will remain larger in size than the accessory dwelling unit, and staff are satisfied that the accessory unit is subordinate in size and function to that of the principal dwelling unit. In accordance with Section 2.2.1 of the City's Zoning By-law, the proposed interior accessory dwelling unit is located entirely within the exterior walls of the principal dwelling unit and the lot complies with all other provisions of the By-law, save the two variances requested for the existing structure. This includes parking and amenity space provisions. There are currently five parking spaces on the property, which exceeds the minimum 2 parking space requirement for the principal and accessory dwelling units. The five parking spaces provided are located in the driveway and attached garage and does not include the existing asphalt strip on the City

boulevard. The existing asphalt strip is not permitted and is recommended for removal. In the opinion of staff, the increase in size for the accessory dwelling unit will have no adverse impacts on adjacent properties.

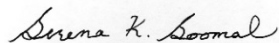
The City supports the use of interior accessory dwelling units within existing detached, semi-detached and townhouse dwellings as this offers the opportunity for additional and modest housing units within a neighbourhood. The use of accessory dwelling units is supported by Section 8 of the Official Plan to provide a full range of housing opportunities, types and forms within Neighbourhood Residential designated areas of the city. The proposal to construct the accessory dwelling unit, with a relatively minor increase in size, supports City policies to provide a range of housing for residents of varying ages, household types and income levels. Staff are satisfied that the application meets the general intent of the Official Plan and Zoning By-law.

Staff are satisfied that the increase in size for the proposed accessory dwelling unit is minor in nature, desirable for the appropriate use of the lands, and in keeping with the general intent of the Official Plan and Zoning By-law.

## Conclusion

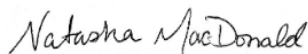
Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Application **A-12/22** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is desirable for the appropriate use of the lands. Staff recommend approval of the Application, subject to the condition outlined in the recommendation.

**Prepared by:**



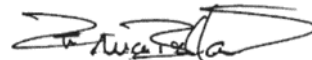
Serena Soomal  
Student Planner

**Submitted by:**



Natasha MacDonald  
Planner I

**Approved by:**



Bruce Bellows  
Senior Planner

**From:** [Munro, Elaine](#)  
**To:** [Munro, Elaine](#)  
**Subject:** Cogeco - No Concerns RE: Request for Comments - Notices of Hearing, Applications and Sketches - February 23, 2022 CofA Hearing  
**Date:** Thursday, February 3, 2022 9:36:28 AM

---

574 Ontario Street  
132 Main Street  
527 Geneva Street  
1 Belair Drive  
10 Lyman Street  
44 Howard Avenue

**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:** Tuesday, February 1, 2022 9:04 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 - Notices of Hearing, Applications and Sketches - February 23, 2022 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.

Hope you have a great week.

Thanks

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

## **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: February 9, 2022

Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance – February 23, 2022 hearing**

NO.	ADDRESS	COMMENTS
A-115/21	115A Moffatt Street	Be advised that a building permit is required to construct the 3 unit townhouse block.
A-21/22	115 Moffatt Street	Be advised that a building permit is required to construct the 3 unit townhouse block.
A-124/21	117 Moffatt Street	Be advised that a building permit is required to construct the 3 unit townhouse block.
A-11/22	132 Main Street	Be advised that a building permit is required to demolish the existing shed.  Be advised that a building permit is required to construct a 2 storey rear addition and attached garage.
A-12/22	527 Geneva Street	Be advised that the current building permit (21119083RN) shall be completed prior to construction.
A-13/22	1 Belair Drive	Be advised that a building permit is required to construct an attached garage and mudroom addition.

NO.	ADDRESS	COMMENTS
A-14/22	44 Howard Avenue	No comment
A-17/22	10 Lyman Street	Be advised that a building permit is required to convert the detached dwelling to a fourplex.
A-18/22	6 Charlotte Street	Be advised that a building permit is required to construct a single detached dwelling.

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:** February 9, 2022  
**Subject:** Committee of Adjustment Hearing – February 23, 2022 \*Revised

---

CRCS has reviewed the Committee of Adjustment applications for the hearing of February 23, 2022 and provides the following comments:

**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**  
**115 Moffatt Street, Minor Variance, A-21/22 – 22100602**

\*\*Deferred from December 2021 Hearing

Our comments remain unchanged from those provided December 1, 2021.

**574 Ontario Street, Consent, B-08/22SC – 22100284**  
**574 Ontario Street, Consent, B-09/22SC – 22100289**

No concerns regarding the proposed creation of two new lots to facilitate the construction of three freehold townhomes. Requirements for the removal and replacement of boulevard trees will be at the discretion of the Niagara Region, given Ontario Street is a Regional road. 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 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'. The appraisal shall be completed by a qualified appraiser. (Condition subject to Planning and Building Services' determination that parkland dedication can, in fact, be collected for this application.)



**132 Main Street, Minor Variance, A-11/22 – 22100081**

No comment.

**527 Geneva Street, Minor Variance, A-12/22 – 22100243**

No comment.

**1 Belair Drive, Minor Variance, A-13/22 – 22100244**

No comment.

**10 Lyman Street, Minor Variance, A-14/22 – 22100245**

No comment regarding the requested increase in front yard setback.

The sketch submitted with the application shows an area in the front yard that is to be reserved for temporary storage of waste on public collection days. The area is immediately adjacent an existing tree. Provided this temporary storage area remains as sod (and not hard surfaced), CRCS has no concerns or requirements regarding the request for reduced lot frontage.

**44 Howard Avenue, Consent, B-11/22SC – 22100290**

**44 Howard Avenue, Minor Variance, A-17/22 – 22100293**

**6 Charlotte Street, Minor Variance, A-18/22 – 22100294**

CRCS has no concerns with the proposed creation of a new lot to facilitate the construction of a dwelling fronting on Charlotte Street, nor the requested minor variances. We note, however, that a mature tree exists in the Charlotte Street boulevard and care must be taken not to damage this tree during construction. CRCS recommends that certain mitigation measures be implemented through the future development agreement to address this.

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'. The appraisal shall be completed by a qualified appraiser. (Condition subject to Planning and Building Services' determination that parkland dedication can, in fact, 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.
- c) That the future development agreement address the following requirements:
  - a. That prior to any construction activities commencing on site, a tree protection zone at least 2 metres in radius be installed around the trunk of the tree to be retained, and that such tree protection zone remain in place for the duration of construction.
  - b. That no soil, construction materials, equipment, or vehicles of any sort be stored or otherwise located within the tree protection zone.
  - c. That the garage and driveway for the proposed dwelling at 6 Charlotte Street be located adjacent to the easterly lot line, as far as possible from the retained tree.
  - d. That servicing for the new dwelling be located – and all excavation occur - as far as possible from the base of the retained tree.

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

## 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 northerly lot line, specifically in the location of the proposed development (i.e. the proposed building addition).
- 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. 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 which are to be retained. 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 plan of 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.



---

## 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:** February 7<sup>th</sup>, 2022  
**Hearing Date:** February 23<sup>rd</sup>, 2022  
**Subject:** **Committee of Adjustment - Minor Variance Applications**  
115A Moffatt Street - A-115/21  
117 Moffatt Street - A-124/21  
115 Moffatt Street - A-21/22  
132 Main Street - A-11/22  
527 Geneva Street - A-12/22  
1 Belair Drive - A-13/22  
10 Lyman Street - A-14/22  
7 Canal Street - A-15/22  
48 Lakeport - A16-/22  
44 Howard Avenue - A-17/22  
6 Charlotte Street - A-18/22

---

Development Engineering have no objections to the above noted applications, but applicants should be advised of the following comments;

- The applicants for the Minor Variances for 115 Moffatt Street, 115A Moffatt Street, 117 Moffatt Street, and 44 Howard (6 Charlotte) should be advised that a Grading & Drainage Plan prepared by a Professional Engineer or Ontario Land Surveyor, will be required and must be submitted to the City for approval at the building permit application stage.
- Applicants must understand that although zoning setbacks may be reduced through a Minor Variance, actual side yards widths may have to be greater than the minimum to accommodate both access to rear yards and drainage swales to enable storm water run-off to be managed without causing negative effects on both the subject lands and adjacent properties.

Prepared by:

---

James Denham, P. Eng.  
Development Engineering Technologist

jd.

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

**Cc:**

**From: Steve Bittner, Transportation Technologist**

**Date: February 7, 2022**

**Subject: Committee of Adjustment Comments (February 23, 2022 Hearing)**

---

**A-012/22 – 527 Geneva Street**

The property has a large asphalt strip across the frontage of the property entirely within the City boulevard. Consideration should be given to removing the asphalt strip and reinstating it to landscaping. Parking on the asphalt strip isn't permitted under By-law 89-2000 (Traffic and Parking By-law).

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-13/22**

**1 Belair Drive**

**DATE OF HEARING:**  
**February 23, 2022**



## Technical Report

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

**Date of Report:** February 16, 2022

**Date of Meeting:** February 23, 2022

**Report Number:** A-13/22

**File:** 22100244

**Subject:** 1 Belair Drive

### Recommendation

That Application **A-13/22** by Jared Rubinoff, as outlined in the Notice of Hearing, be denied.

### Report The Proposal

Application **A-13/22** seeks relief from the City of St. Catharines By-law 2013-283, as amended, to construct a proposed attached garage. The requested variance is outlined in the table below.

Variance	Provision	Required	Proposed
1	Minimum exterior side yard setback (to garage)	4.0 metres	1.7 metres

### Location and Site Description

The subject property is a corner lot located on the southwest corner of Belair Drive and Cambria Drive. The surrounding neighbourhood is low density residential and is primarily comprised of detached dwellings. To the east of the subject property is Cambria Park.

### 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. 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 City's Zoning By-law requires a minimum exterior side yard setback of 4.0 metres to the attached garage along Cambria Drive. The applicant is proposing an exterior side yard setback of 1.7 metres, resulting in a decrease of 2.3 metres.

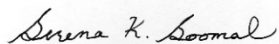
The intent of the exterior side yard setbacks is to ensure that yards on corner lots are consistent with both exterior side yards and front yards of neighbouring properties. The intent of the setback is also to ensure massing conformity within an area, that a dwelling and accessory structures do not overwhelm the site or neighbouring properties, and that adequate sight lines are maintained for drivers approaching the corner and to maintain a degree of distance for safety from the road. Given the reduced setback and massing of the structure, the proposed attached garage may result in adverse impacts to the streetscape and sightlines for drivers and pedestrians. Further, the setbacks to Cambria Drive for the surrounding properties align with the existing dwelling on the subject property. Therefore, the proposed setback is not in keeping with the character of the immediate neighbourhood. Section 7.1 of the Garden City Plan states that development and redevelopment will have regard for compatible building form, scale, massing, height, setbacks, and spacing with adjacent buildings, properties, and the surrounding neighbourhood. Staff are of the opinion that the proposed attached garage does not have an appropriate setback.

In the opinion of staff, the requested variance is not considered minor in nature or desirable for the appropriate use of lands, and does not meet the intent of the Official Plan or Zoning By-law.

## Conclusion

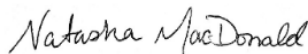
Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Application **A-13/22** is not in keeping with the general intent of the Official Plan and Zoning By-law, is not minor in nature, and is not desirable for the appropriate use of the lands. Staff recommend denial of the Application.

**Prepared by:**



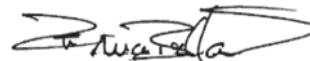
Serena Soomal  
Student Planner

**Submitted by:**



Natasha MacDonald  
Planner I

**Approved by:**



Bruce Bellows  
Senior Planner

**From:** [Munro, Elaine](#)  
**To:** [Munro, Elaine](#)  
**Subject:** Cogeco - No Concerns RE: Request for Comments - Notices of Hearing, Applications and Sketches - February 23, 2022 CofA Hearing  
**Date:** Thursday, February 3, 2022 9:36:28 AM

---

574 Ontario Street  
132 Main Street  
527 Geneva Street  
1 Belair Drive  
10 Lyman Street  
44 Howard Avenue

**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:** Tuesday, February 1, 2022 9:04 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 - Notices of Hearing, Applications and Sketches - February 23, 2022 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.

Hope you have a great week.

Thanks

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

## **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: February 9, 2022

Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance – February 23, 2022 hearing**

NO.	ADDRESS	COMMENTS
A-115/21	115A Moffatt Street	Be advised that a building permit is required to construct the 3 unit townhouse block.
A-21/22	115 Moffatt Street	Be advised that a building permit is required to construct the 3 unit townhouse block.
A-124/21	117 Moffatt Street	Be advised that a building permit is required to construct the 3 unit townhouse block.
A-11/22	132 Main Street	Be advised that a building permit is required to demolish the existing shed.  Be advised that a building permit is required to construct a 2 storey rear addition and attached garage.
A-12/22	527 Geneva Street	Be advised that the current building permit (21119083RN) shall be completed prior to construction.
A-13/22	1 Belair Drive	Be advised that a building permit is required to construct an attached garage and mudroom addition.

NO.	ADDRESS	COMMENTS
A-14/22	44 Howard Avenue	No comment
A-17/22	10 Lyman Street	Be advised that a building permit is required to convert the detached dwelling to a fourplex.
A-18/22	6 Charlotte Street	Be advised that a building permit is required to construct a single detached dwelling.

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:** February 9, 2022  
**Subject:** Committee of Adjustment Hearing – February 23, 2022 \*Revised

---

CRCS has reviewed the Committee of Adjustment applications for the hearing of February 23, 2022 and provides the following comments:

**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**  
**115 Moffatt Street, Minor Variance, A-21/22 – 22100602**

\*\*Deferred from December 2021 Hearing

Our comments remain unchanged from those provided December 1, 2021.

**574 Ontario Street, Consent, B-08/22SC – 22100284**  
**574 Ontario Street, Consent, B-09/22SC – 22100289**

No concerns regarding the proposed creation of two new lots to facilitate the construction of three freehold townhomes. Requirements for the removal and replacement of boulevard trees will be at the discretion of the Niagara Region, given Ontario Street is a Regional road. 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 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'. The appraisal shall be completed by a qualified appraiser. (Condition subject to Planning and Building Services' determination that parkland dedication can, in fact, be collected for this application.)

**132 Main Street, Minor Variance, A-11/22 – 22100081**

No comment.

**527 Geneva Street, Minor Variance, A-12/22 – 22100243**

No comment.

**1 Belair Drive, Minor Variance, A-13/22 – 22100244**

No comment.

**10 Lyman Street, Minor Variance, A-14/22 – 22100245**

No comment regarding the requested increase in front yard setback.

The sketch submitted with the application shows an area in the front yard that is to be reserved for temporary storage of waste on public collection days. The area is immediately adjacent an existing tree. Provided this temporary storage area remains as sod (and not hard surfaced), CRCS has no concerns or requirements regarding the request for reduced lot frontage.

**44 Howard Avenue, Consent, B-11/22SC – 22100290**

**44 Howard Avenue, Minor Variance, A-17/22 – 22100293**

**6 Charlotte Street, Minor Variance, A-18/22 – 22100294**

CRCS has no concerns with the proposed creation of a new lot to facilitate the construction of a dwelling fronting on Charlotte Street, nor the requested minor variances. We note, however, that a mature tree exists in the Charlotte Street boulevard and care must be taken not to damage this tree during construction. CRCS recommends that certain mitigation measures be implemented through the future development agreement to address this.

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'. The appraisal shall be completed by a qualified appraiser. (Condition subject to Planning and Building Services' determination that parkland dedication can, in fact, 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.
- c) That the future development agreement address the following requirements:
  - a. That prior to any construction activities commencing on site, a tree protection zone at least 2 metres in radius be installed around the trunk of the tree to be retained, and that such tree protection zone remain in place for the duration of construction.
  - b. That no soil, construction materials, equipment, or vehicles of any sort be stored or otherwise located within the tree protection zone.
  - c. That the garage and driveway for the proposed dwelling at 6 Charlotte Street be located adjacent to the easterly lot line, as far as possible from the retained tree.
  - d. That servicing for the new dwelling be located – and all excavation occur - as far as possible from the base of the retained tree.

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

## 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 northerly lot line, specifically in the location of the proposed development (i.e. the proposed building addition).
- 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. 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 which are to be retained. 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 plan of 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.



---

## 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:** February 7<sup>th</sup>, 2022  
**Hearing Date:** February 23<sup>rd</sup>, 2022  
**Subject:** **Committee of Adjustment - Minor Variance Applications**  
115A Moffatt Street - A-115/21  
117 Moffatt Street - A-124/21  
115 Moffatt Street - A-21/22  
132 Main Street - A-11/22  
527 Geneva Street - A-12/22  
1 Belair Drive - A-13/22  
10 Lyman Street - A-14/22  
7 Canal Street - A-15/22  
48 Lakeport - A16-/22  
44 Howard Avenue - A-17/22  
6 Charlotte Street - A-18/22

---

Development Engineering have no objections to the above noted applications, but applicants should be advised of the following comments;

- The applicants for the Minor Variances for 115 Moffatt Street, 115A Moffatt Street, 117 Moffatt Street, and 44 Howard (6 Charlotte) should be advised that a Grading & Drainage Plan prepared by a Professional Engineer or Ontario Land Surveyor, will be required and must be submitted to the City for approval at the building permit application stage.
- Applicants must understand that although zoning setbacks may be reduced through a Minor Variance, actual side yards widths may have to be greater than the minimum to accommodate both access to rear yards and drainage swales to enable storm water run-off to be managed without causing negative effects on both the subject lands and adjacent properties.

Prepared by:

---

James Denham, P. Eng.  
Development Engineering Technologist

jd.

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

**Cc:**

**From: Steve Bittner, Transportation Technologist**

**Date: February 7, 2022**

**Subject: Committee of Adjustment Comments (February 23, 2022 Hearing)**

---

**A-012/22 – 527 Geneva Street**

The property has a large asphalt strip across the frontage of the property entirely within the City boulevard. Consideration should be given to removing the asphalt strip and reinstating it to landscaping. Parking on the asphalt strip isn't permitted under By-law 89-2000 (Traffic and Parking By-law).

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-14/22**

**10 Lyman Street**

**DATE OF HEARING:**  
**February 23, 2022**



## Technical Report

---

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

**Date of Report:** February 18, 2022

**Date of Meeting:** February 23, 2022

**Report Number:** A-14/22

**File:** 220100245

**Subject:** 10 Lyman Street

### Recommendation

That Application **A-14/22** by Raemax Properties Inc., as outlined in the Notice of Hearing, be approved.

### Report The Proposal

Application **A-14/22** seeks relief from the City of St. Catharines By-law 2013-283, as amended, to convert an existing two-and-a-half storey detached dwelling to a fourplex. The conversion makes use of the existing building on the lot. The requested variances are outlined in the table below.

Variance	Provision	Required	Proposed
1	Reduction of the minimum lot frontage.	18.0 metres	12.34 metres
2	Increase the maximum front yard setback.	5.0 metres	6.7 metres

### Location and Site Description

The subject property is located in the downtown area on the north side of Lyman Street and southeast of Raymond Street. The surrounding neighbourhood is a mix of residential, commercial and institutional uses.

The subject property is presently occupied by a detached dwelling and an accessory building.

### Circulation of Application

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

## **Planning Policy Context**

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

The subject property is designated Downtown on Schedule D1 of the Garden City Plan (GCP) and further designated Mixed Medium High Density Residential / Commercial on Schedule E10. Fourplex dwellings are permitted in this designation.

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

The subject property is zoned Medium/High Density Mixed Use with Special Provision 93 (M2-93). Fourplex dwellings are permitted in this zone. Special Provision 93 exempts this property from residential parking requirements in the zoning by-law.

## **Planning Analysis**

### **Variance 1 – Minimum lot frontage**

The variance seeks a reduction in the required minimum lot frontage from 18.0 metres to 12.34 metres, resulting in a reduction of 5.66 metres. The intent of lot frontage is to accommodate a sufficient building envelope, ensure suitable width for vehicular access, and provide adequate landscaping and site access. With both the lot and building existing, it is demonstrated that the lot can provide a suitable building envelope. With the parking requirements exempted for this property, additional lot width to accommodate four parking spaces is not necessary. Staff are satisfied that the conversion of the dwelling will not result in any new land-use conflicts with surrounding properties as a result of the reduced frontage. In the opinion of staff, the requested lot frontage is minor in nature, desirable for the appropriate development of lands, and is in keeping with the general intent of the Official Plan and Zoning By-law.

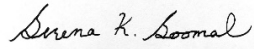
### **Variance 2 – Maximum front yard setback**

The variance requests an increase in the maximum required front yard setback from 5.0 metres to 6.7 metres, resulting in an increase of 1.7 metres. This variance is requested to facilitate the conversion of an existing detached dwelling into a fourplex. The intent of a maximum front yard setback is to create a uniform streetscape and ensure that front yards are kept to an appropriate size to promote efficient development of properties. The front yard setbacks on Lyman Street are varied with no consistent development pattern. No change to the existing building footprint, or existing setback, is proposed, and in the opinion of staff, there will be no adverse impact on the existing streetscape, nor any new land use conflicts caused by this proposal. Staff find that the requested change in the front yard setback requirement is minor in nature, desirable for the appropriate development of lands, and is in keeping with the general intent of the Official Plan and Zoning By-law.

## **Conclusion**

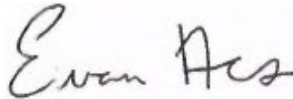
Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Application **A-14/22** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is desirable for the appropriate development of the lands. Staff recommend approval of the Application.

**Prepared by:**



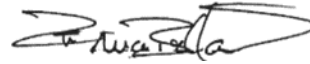
Serena Soomal  
Student Planner

**Submitted by:**



Evan Acs  
Planner I

**Approved by:**



Bruce Bellows  
Senior Planner

February 7, 2022

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

**Attention: Elaine Munro**

File# 22 100245

Re: 10 Lyman St

In response to your correspondence dated January 31, 2022, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- Existing rear lot overhead service clearance requirements may be in conflict with the proposed location of the new rear second storey egress stairs. Confirm required clearances for pedestrians with ESA prior to placement and construction of rear stairs.

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.

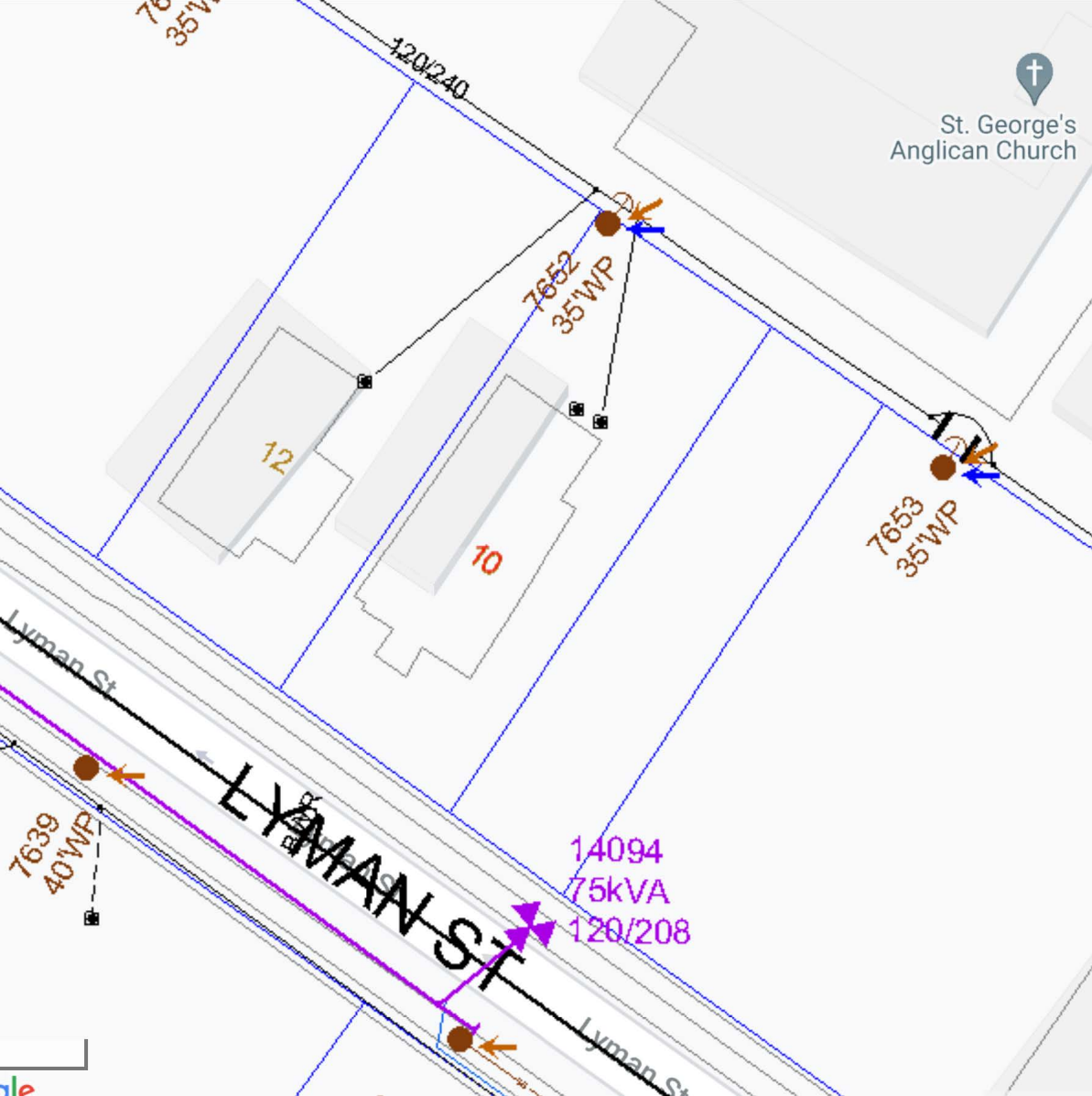
Sincerely,

*Mark Jakubowski*

Mark Jakubowski  
Supervisor, Design, Customer Capital



St. George's  
Anglican Church



**From:** [Munro, Elaine](#)  
**To:** [Munro, Elaine](#)  
**Subject:** Cogeco - No Concerns RE: Request for Comments - Notices of Hearing, Applications and Sketches - February 23, 2022 CofA Hearing  
**Date:** Thursday, February 3, 2022 9:36:28 AM

---

574 Ontario Street  
132 Main Street  
527 Geneva Street  
1 Belair Drive  
10 Lyman Street  
44 Howard Avenue

**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:** Tuesday, February 1, 2022 9:04 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 - Notices of Hearing, Applications and Sketches - February 23, 2022 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.

Hope you have a great week.

Thanks

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

## **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: February 9, 2022

Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance – February 23, 2022 hearing**

NO.	ADDRESS	COMMENTS
A-115/21	115A Moffatt Street	Be advised that a building permit is required to construct the 3 unit townhouse block.
A-21/22	115 Moffatt Street	Be advised that a building permit is required to construct the 3 unit townhouse block.
A-124/21	117 Moffatt Street	Be advised that a building permit is required to construct the 3 unit townhouse block.
A-11/22	132 Main Street	Be advised that a building permit is required to demolish the existing shed.  Be advised that a building permit is required to construct a 2 storey rear addition and attached garage.
A-12/22	527 Geneva Street	Be advised that the current building permit (21119083RN) shall be completed prior to construction.
A-13/22	1 Belair Drive	Be advised that a building permit is required to construct an attached garage and mudroom addition.

NO.	ADDRESS	COMMENTS
A-14/22	44 Howard Avenue	No comment
A-17/22	10 Lyman Street	Be advised that a building permit is required to convert the detached dwelling to a fourplex.
A-18/22	6 Charlotte Street	Be advised that a building permit is required to construct a single detached dwelling.

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:** February 9, 2022  
**Subject:** Committee of Adjustment Hearing – February 23, 2022 \*Revised

---

CRCS has reviewed the Committee of Adjustment applications for the hearing of February 23, 2022 and provides the following comments:

**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**  
**115 Moffatt Street, Minor Variance, A-21/22 – 22100602**

\*\*Deferred from December 2021 Hearing

Our comments remain unchanged from those provided December 1, 2021.

**574 Ontario Street, Consent, B-08/22SC – 22100284**  
**574 Ontario Street, Consent, B-09/22SC – 22100289**

No concerns regarding the proposed creation of two new lots to facilitate the construction of three freehold townhomes. Requirements for the removal and replacement of boulevard trees will be at the discretion of the Niagara Region, given Ontario Street is a Regional road. 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 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'. The appraisal shall be completed by a qualified appraiser. (Condition subject to Planning and Building Services' determination that parkland dedication can, in fact, be collected for this application.)

**132 Main Street, Minor Variance, A-11/22 – 22100081**

No comment.

**527 Geneva Street, Minor Variance, A-12/22 – 22100243**

No comment.

**1 Belair Drive, Minor Variance, A-13/22 – 22100244**

No comment.

**10 Lyman Street, Minor Variance, A-14/22 – 22100245**

No comment regarding the requested increase in front yard setback.

The sketch submitted with the application shows an area in the front yard that is to be reserved for temporary storage of waste on public collection days. The area is immediately adjacent an existing tree. Provided this temporary storage area remains as sod (and not hard surfaced), CRCS has no concerns or requirements regarding the request for reduced lot frontage.

**44 Howard Avenue, Consent, B-11/22SC – 22100290**

**44 Howard Avenue, Minor Variance, A-17/22 – 22100293**

**6 Charlotte Street, Minor Variance, A-18/22 – 22100294**

CRCS has no concerns with the proposed creation of a new lot to facilitate the construction of a dwelling fronting on Charlotte Street, nor the requested minor variances. We note, however, that a mature tree exists in the Charlotte Street boulevard and care must be taken not to damage this tree during construction. CRCS recommends that certain mitigation measures be implemented through the future development agreement to address this.

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'. The appraisal shall be completed by a qualified appraiser. (Condition subject to Planning and Building Services' determination that parkland dedication can, in fact, 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.
- c) That the future development agreement address the following requirements:
  - a. That prior to any construction activities commencing on site, a tree protection zone at least 2 metres in radius be installed around the trunk of the tree to be retained, and that such tree protection zone remain in place for the duration of construction.
  - b. That no soil, construction materials, equipment, or vehicles of any sort be stored or otherwise located within the tree protection zone.
  - c. That the garage and driveway for the proposed dwelling at 6 Charlotte Street be located adjacent to the easterly lot line, as far as possible from the retained tree.
  - d. That servicing for the new dwelling be located – and all excavation occur - as far as possible from the base of the retained tree.

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



## 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 northerly lot line, specifically in the location of the proposed development (i.e. the proposed building addition).
- 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. 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 which are to be retained. 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 plan of 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.



---

## 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:** February 7<sup>th</sup>, 2022  
**Hearing Date:** February 23<sup>rd</sup>, 2022  
**Subject:** **Committee of Adjustment - Minor Variance Applications**  
115A Moffatt Street - A-115/21  
117 Moffatt Street - A-124/21  
115 Moffatt Street - A-21/22  
132 Main Street - A-11/22  
527 Geneva Street - A-12/22  
1 Belair Drive - A-13/22  
10 Lyman Street - A-14/22  
7 Canal Street - A-15/22  
48 Lakeport - A16-/22  
44 Howard Avenue - A-17/22  
6 Charlotte Street - A-18/22

---

Development Engineering have no objections to the above noted applications, but applicants should be advised of the following comments;

- The applicants for the Minor Variances for 115 Moffatt Street, 115A Moffatt Street, 117 Moffatt Street, and 44 Howard (6 Charlotte) should be advised that a Grading & Drainage Plan prepared by a Professional Engineer or Ontario Land Surveyor, will be required and must be submitted to the City for approval at the building permit application stage.
- Applicants must understand that although zoning setbacks may be reduced through a Minor Variance, actual side yards widths may have to be greater than the minimum to accommodate both access to rear yards and drainage swales to enable storm water run-off to be managed without causing negative effects on both the subject lands and adjacent properties.

Prepared by:

---

James Denham, P. Eng.  
Development Engineering Technologist

jd.

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

**Cc:**

**From: Steve Bittner, Transportation Technologist**

**Date: February 7, 2022**

**Subject: Committee of Adjustment Comments (February 23, 2022 Hearing)**

---

**A-012/22 – 527 Geneva Street**

The property has a large asphalt strip across the frontage of the property entirely within the City boulevard. Consideration should be given to removing the asphalt strip and reinstating it to landscaping. Parking on the asphalt strip isn't permitted under By-law 89-2000 (Traffic and Parking By-law).

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-11/22SC, A-17/22 & A-18/22**

**44 Howard Avenue**

**DATE OF HEARING:**  
**February 23, 2022**

Mrs. Janet Pfeifer  
42 Howard Avenue, St. Catharines ON L2N 3X1

February 14, 2022

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

**Re: Notices of Hearing - February 23, 2022**  
**Amanda No. 22100290 - 44 Howard Avenue**  
**Amanda No. 22100293 - 44 Howard Avenue**  
**Amanda No. 22100294 - 6 Charlotte Street**

I am writing to object to the Applications for the Committee of Adjustment for Consent and Minor Variances being requested under the above file numbers.

I have lived at 42 Howard Avenue for the past 29 years, and my backyard lies directly next to the backyard of 44 Howard Avenue.

#### PRIVACY

The proposed construction of a house at 6 Charlotte Street will have a negative effect on my right of enjoyment of my backyard. The back of the proposed new house will be situated only 6 metres from our property line.

The submitted rear elevation drawing shows a set of patio doors and 8 windows looking into my back yard: 3 main floor windows, 2 second-story windows, and 3 basement windows. The set of patio doors are approximately 4' above ground level; although it is not shown in the drawings, a deck could be built extending from the patio doors, looking directly in to my backyard.

There is no mention of preserving the existing trees in the owner's backyard, nor any mention of a privacy fence. Currently there is a chain-link fence between our properties, owned by me.

#### DRAINAGE

My backyard drains towards Charlotte Street, and is often mushy in the rainy spring months. Will this proposed development have a negative impact on the drainage from surrounding properties?

#### DRAWINGS OMISSION

One final point to note is that the drawing of my property on the submitted planning sketch is incorrect, as it doesn't show the 7-metre extension built on the back of my house in 2003.

Regards,



**From:** [Munro, Elaine](#)  
**To:** [Munro, Elaine](#)  
**Subject:** Comments Received RE: Notice of Hearing - 44 Howard Avenue Lot 25, Plan 286  
**Date:** Tuesday, February 15, 2022 11:15:55 AM

---

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



---

**From:** Heather Bray <>  
**Sent:** Tuesday, February 15, 2022 11:04 AM  
**To:** Munro, Elaine <[emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)>  
**Subject:** Notice of Hearing - 44 Howard Avenue Lot 25, Plan 286

**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 morning Elaine,

This letter is outlining the concerns in regards to Lot 25, Plan 286 to build a new dealing at 6 Charlotte Street.

With the severance of land and the proposed construction of a detached dwelling, there is a concern about the negative impact this dwelling will have on the drainage of the backyards on Jefferson and Howard. The new dwelling may block the natural right of drainage that allows water to flow downhill to the end of the properties.

What considerations are being put in place to ensure that this new dwelling will not create an issue in the backyards and houses south of the new lot.

Sincerely Heather Bray  
27 Jefferson Drive

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

**From:** [Munro, Elaine](#)  
**To:** [Munro, Elaine](#)  
**Subject:** Comments Received RE: 44 Howard Ave. Proposed Severance  
**Date:** Wednesday, February 9, 2022 7:13:30 AM

---

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



---

**From:** Greg McMillan <>  
**Sent:** Tuesday, February 8, 2022 7:23 PM  
**To:** Munro, Elaine <[emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)>  
**Subject:** 44 Howard Ave. Proposed Severance

**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 there Elaine. I noticed the sign on the property and received my notice. I am wanting to express my concern for the proposed severance at 44 Howard Ave. I live at the corner of Jefferson Dr and Charlotte Dr. Every house in our neighborhood is a side split that is truly a 1.5 storey or a bungalow. The proposed new house would be a true 2 storey house that looks down at all other houses. The deviances from the allowed property spacing seems to be excessive on some of them(30% in some cases) leave very little yard space which takes away from the spacious, beautiful properties throughout the neighborhood. I would like to be added to attend the online discussion regarding the property. This has been a quick sale from last year, quick fix up of the house and now a proposed severance. This appears to be a purely profit driven initiative and not about the betterment of the neighborhood. Thank you for listening to my concern and look forward to discussion going forward.

Greg McMillan  
XXXXXXXXXX

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





## Technical Report

---

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

**Date of Report:** February 18, 2022

**Date of Meeting:** February 23, 2022

**Report Number:** B-11/22SC  
A-17/22  
A-18/22

**File:** 22100290  
22100293  
22100294

**Subject:** 44 Howard Avenue (to become 44 Howard Avenue and 6 Charlotte Street)

## Recommendation

That submission **B-11/22SC** by Darryl Stiles, 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 of the lands now known as 44 Howard Avenue addressing the following conditions:
  - a. That building permit plans for Part 2, once submitted, be reviewed and confirmed to be generally in accordance with the site plan and elevation plans submitted with this application, including the provision of an appropriately dimensioned attached garage to accommodate a minimum one (1) parking space in compliance with Zoning By-law regulations; and
  - b. The Lot Grading and Drainage Plan, required as a condition of consent approval, be included in the Development Agreement, to ensure compliance as part of the review and approval of a building permit.
  - c. That prior to any construction activities commencing on site, a tree protection zone at least 2 metres in radius be installed around the trunk of the tree to be retained, and that such tree protection zone remain in place for the duration of construction.
  - d. That no soil, construction materials, equipment, or vehicles of any sort be stored or otherwise located within the tree protection zone.
  - e. That the garage and driveway for the proposed dwelling at 6 Charlotte Street be located adjacent to the easterly lot line, as far as possible from the retained tree.
  - f. That servicing for the new dwelling be located – and all excavation occur - as far as possible from the base of the retained tree
2. That the applicant shall have prepared by a Professional Engineer or Ontario Land Surveyor, a Lot Grading & Drainage plan for review and approval.
3. That the applicant pay the fee for City crews to located, trace, inspect and document the sewer and water laterals servicing the existing dwellings.

4. That if the existing water and sewer laterals are determined to conflict with any future and/or abutting lot lines, the Applicant pay to the City the fees to install new services to the existing lot's Howard Avenue/Charlotte Street Property line, to achieve independent services to each lot and avoid any conflicts.
5. That the Applicant, through a Plumbing Only Permit, complete the reconnections of the water and sewer laterals on the private property side, to connect to the new service installations provided by the City.
6. That the owner obtain demolition permits and remove the two existing accessory buildings on Part 2 to the satisfaction of the Chief Building Official.
7. 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.
8. 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.
9. That the applicant provide the Secretary-Treasurer with the acknowledgment and direction for conveyance of the subject parcel, together with a copy of the deposited reference plan, for use in the issuance of the Certificate of Consent.
10. 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.
11. That all conditions of consent be fulfilled by February 23, 2024.

That Application **A-17/22** by Darryl Stiles, as outlined in the Notice of Hearing, be approved.

That Application **A-18/22** by Darryl Stiles, as outlined in the Notice of Hearing, be approved.

## Report

### The Proposal

The applicant proposes to sever one new lot from 44 Howard Avenue to construct a new detached dwelling (Part 2 on submitted sketch). The existing detached dwelling will remain on the retained lot (Part 1 on the submitted sketch). Both the retained lot and new lot require minor variances to facilitate the proposal. The requested consent and minor variances are outlined in the tables below.

Application	Severed Parcel	Severed Area	Retained Parcel	Retained Area
<b>B-11/22SC</b>	Part 2 (6 Charlotte St)	379.9 m <sup>2</sup>	Part 1 (44 Howard Ave)	426.7 m <sup>2</sup>

<b>Application</b>	<b>Variance</b>	<b>Provision</b>	<b>Required</b>	<b>Proposed</b>
<b>A-17/22</b> (44 Howard Ave)	1	Reduction of minimum rear yard setback	7.5 metres	3.71 metres
<b>A-18/22</b> (6 Charlotte St)	1	Reduction of minimum rear yard setback	7.5 metres	6.0 metres
	2	Reduction of minimum lot area for a detached dwelling	400 m <sup>2</sup>	379.9 m <sup>2</sup>
	3	Reduction of minimum front yard setback to the garage	7.0 metres	5.0 metres
	4	Reduction of minimum front yard setback to the dwelling	6.0 metres	4.0 metres

## Location and Site Description

The subject property is located on the southeast corner of Howard Avenue and Charlotte Street. The surrounding neighbourhood is residential with detached dwellings being the primary building type.

The subject property is currently occupied by a detached dwelling and two accessory buildings. The accessory buildings will be removed as a result of this application; the dwelling is being retained.

## 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. 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 26 units per hectare on the new lot and 23 units per hectare on the retained lot.

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

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

## **Planning Analysis**

### **Consent**

Consent application **B-08/22** proposes to sever one new lot from the subject property for the purpose of constructing a detached dwelling. The retained lot will contain the existing detached dwelling. The proposed dwelling will be two storeys with the second storey limited to being over the attached garage.

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 applicant will be responsible for connecting the new 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 proposed severance is within the City's built boundary and in an area that is substantially developed. The proposal includes constructing one new detached dwelling, which matches the predominant land use in the immediate neighbourhood. This application will contribute to context-sensitive infilling.

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

The proposed new lot is under the minimum lot size in the R1 zone and will require a minor variance to address lot area. However, the density for the new and retained lots are both within the permitted range of the Low Density Residential designation in the Official Plan. Staff are satisfied that the size, shape and configuration of both the proposed severed and retained lot supports and achieves optimum development in a compatible manner at this location.

In addition to the new lot being under the minimum lot area, both the new lot and retained lot require minor variances to address reduced setbacks. 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 one new lot and build one new detached dwelling 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 Application **B-11/22SC**, subject to the conditions outlined in the recommendations.

## **Minor Variances**

### **Variance 1 of Application A-17/22**

The variance requested through Application A-17/22 seeks to reduce the minimum rear yard setback from 7.5 metres to 3.71 metres for the retained lot, 44 Howard Avenue. This variance is requested to facilitate the location of the proposed lot line on the property.

The intent of the rear yard setback is to provide appropriate separation from adjacent lots, protect privacy and overlook, and to provide adequate outdoor amenity space. The proposed 3.71 metre rear yard represents a pinch point where the rear wall of the dwelling is closest to the proposed rear lot line. Most of the rear yard will be approximately 6.7 metres deep. Further, the existing dwelling is only one storey. In the opinion of staff, the proposed reduction in the rear yard setback does not impact privacy nor overlook onto adjacent lots, and supports the appropriate provision of rear yard amenity space.

In the opinion of staff, the 3.71 metre rear yard setback will have no adverse impacts on adjacent properties and is considered minor in nature, desirable for the appropriate development of the lands, and meets the intent of the Official Plan and Zoning By-law.

### **Variance 1 of Application A-18/22**

Variance 1 seeks to reduce the minimum required rear yard setback from 7.5 metres to 6.0 metres for the proposed dwelling on the new lot. The intent of the rear yard setback is to provide appropriate separation from adjacent lots, protect privacy and overlook, and to provide adequate amenity space.

The proposed dwelling is two storeys, with the second storey being limited to the area above the attached garage. The remainder of the house is a single storey design. The proposed height of the dwelling is approximately 6.75 metres in height, and below the permitted 10 metre height limit in the R1 zone. In the opinion of staff, a 1.5 metre reduction in the rear yard setback does not impact privacy or overlook onto adjacent lots, and that the proposed rear yard provides adequate amenity space on the lot to serve the proposed use.

The 1.5 metre reduction in the rear yard setback will have no adverse impacts on adjacent properties and is considered minor in nature, desirable for the appropriate development of the lands, and meets the intent of the Official Plan and Zoning By-law.

**Variance 2 of Application A-18/22**

Variance 2 seeks a decrease of the minimum lot area for a detached dwelling from 400 square metres to 379.9 square metres for the proposed new lot. The intent of the minimum lot area provision is to ensure that a building envelope can comfortably fit within the boundaries of the property, while ensuring that adequate space is maintained for outdoor amenity areas, landscaping, parking, access around the building, stormwater management, and adequate buffering from neighbouring properties and dwellings. The minimum lot area provisions are also intended to support a generally consistent lot fabric and built form within the neighbourhood. In the opinion of staff, the proposed lot size is appropriate to provide an adequate building footprint for a detached dwelling, together with adequate outdoor space to provide an amenity area, landscaping, parking, to ensure drainage compliance and building setbacks to support buffering from adjacent uses and minimize any privacy or overlook concerns.

The Official Plan recognises the need for infill within residential neighbourhoods given the lack of vacant development land in St Catharines. Density is a contributing factor when considering a reduction in lot size. The proposed density of 26 units per hectare on the proposed lot meets the density requirements set out by the Official Plan. Staff are satisfied that the variance is considered minor in nature, desirable for the appropriate development of the lands, and meets the intent of the Official Plan and Zoning By-law.

**Variance 3 and 4 of Application A-18/22**

Variance 3 proposes to reduce the required setback from the front lot line to the garage on the new dwelling from 7 metres to 5 metres. Variance 4 proposes to reduce the required setback from the front lot line to the front wall of the new dwelling from 6 metres to 4 metres. The intent of the minimum front yard setbacks is to provide adequate parking space dimensions, ensure a consistent streetscape, prevent garages from dominating the streetscape, and to support enhanced visibility for vehicles and pedestrian safety. The proposed lot will be the only one fronting onto the south side of Charlotte Street between Howard Avenue and Jefferson Drive, and as such, the reduction in front yard setbacks for the garage and dwelling will have negligible impact on the established streetscape. The dwelling will still project beyond the front face of the garage in a manner that the garage is subordinate to the façade.

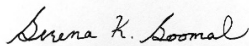
The Zoning By-law requires 1 parking space for the dwelling at a dimension of 5.2 metres in length and 2.6 metres in width. With the proposed garage appropriately dimensioned to accommodate the required 1 parking space, the reduced garage setback, and resulting reduction in driveway dimension, will not negatively impact the ability to meet parking requirement provisions on the lot, and in the opinion of staff, will maintain sufficient visibility for a vehicle exiting the property. Staff are satisfied that the variances are considered minor in nature, desirable for the appropriate development of the lands, and meet the intent of the Official Plan and Zoning By-law.

## Conclusion

Having regard for the matters under Section 53 of *The Planning Act*, staff are of the opinion that Consent Application **B-11/22** meets the intent and purpose of the Official Plan and Zoning By-law and will have no adverse impacts on the surrounding area and environment. It is staff's recommendation that the requested consent to sever be approved, subject to the conditions set out in the recommendation.

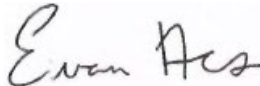
Having regard for the matters under Section 45(1) of *The Planning Act*, staff are of the opinion that Minor Variance Applications **A-17/22** and **A-18/22** are in keeping with the general intent of the Official Plan and Zoning By-law, are minor in nature, and are desirable for the appropriate development of the lands. Staff recommend that the applications be approved.

**Prepared by:**



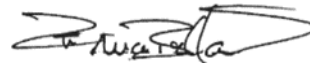
Serena Soomal  
Student Planner

**Submitted by:**



Evan Acs  
Planner I

**Approved by:**



Bruce Bellows  
Senior Planner

February 7, 2022

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

**Attention: Elaine Munro**

File# 22 100290, 22 100293 and 22 100294

Re: 44 Howard Ave and 6 Charlotte St

In response to your correspondence dated January 31, 2022, 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.



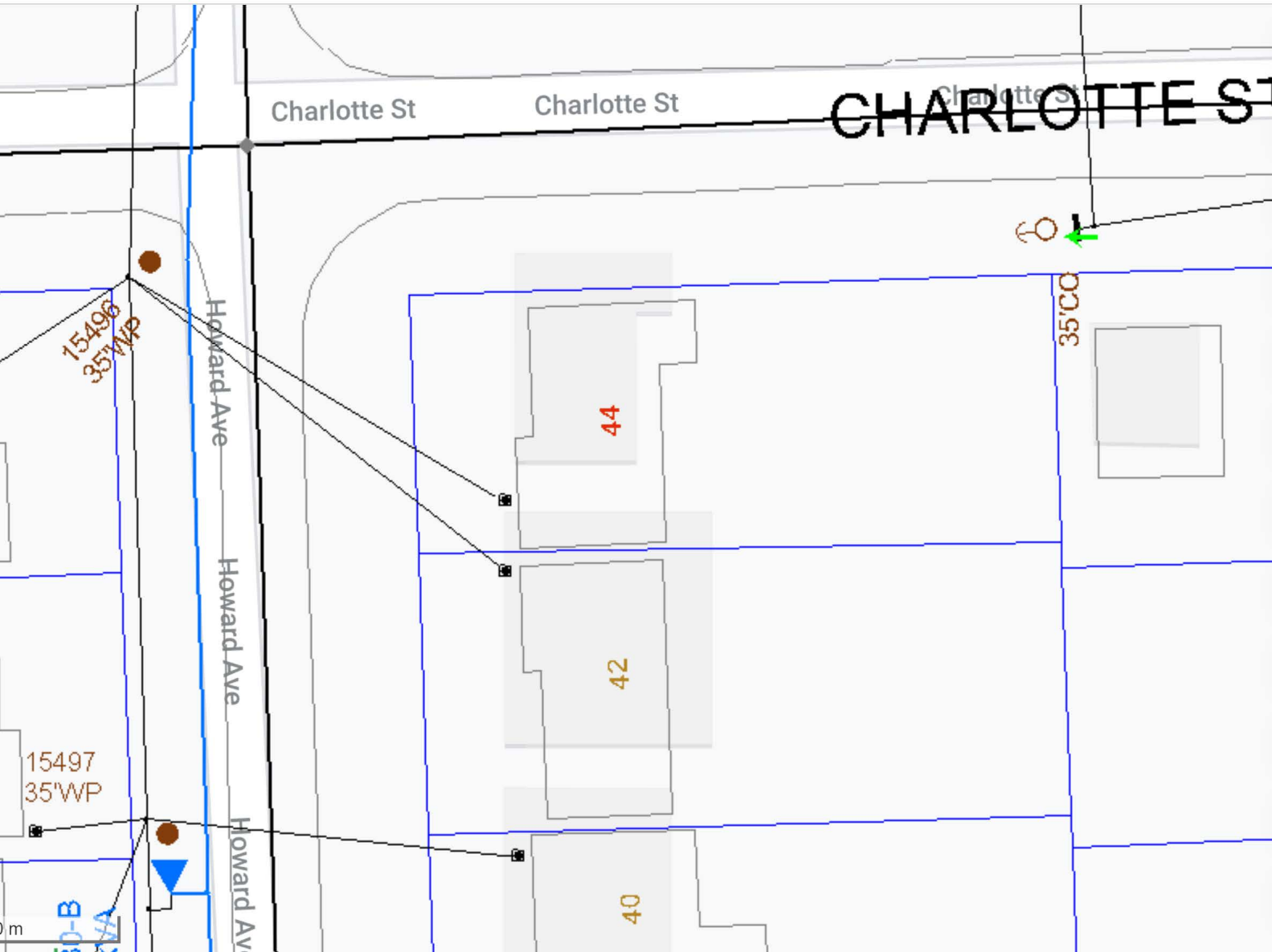
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Alectra Utilities must be contacted if the removal, 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



**From:** [Munro, Elaine](#)  
**To:** [Munro, Elaine](#)  
**Subject:** Bell - No Concerns or Comments - 44 Howard Avenue, Notices of Hearing, Applications and Sketches - February 23, 2022 CofA Hearing - 905-22-068  
**Date:** Wednesday, February 16, 2022 8:46:56 AM

---

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



---

**From:** Gordon, Carrie <[carrie.gordon@bell.ca](mailto:carrie.gordon@bell.ca)>  
**Sent:** Wednesday, February 16, 2022 7:40 AM  
**To:** Munro, Elaine <[emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)>  
**Subject:** RE: Request for Comments - Notices of Hearing, Applications and Sketches - February 23, 2022 CofA Hearing - 905-22-068

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

Hello,

Re: B-11/22SC,

Subsequent to review of the abovementioned application at 44 Howard Avenue, 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

**From:** [Munro, Elaine](#)  
**To:** [Munro, Elaine](#)  
**Subject:** Cogeco - No Concerns RE: Request for Comments - Notices of Hearing, Applications and Sketches - February 23, 2022 CofA Hearing  
**Date:** Thursday, February 3, 2022 9:36:28 AM

---

574 Ontario Street  
132 Main Street  
527 Geneva Street  
1 Belair Drive  
10 Lyman Street  
44 Howard Avenue

**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:** Tuesday, February 1, 2022 9:04 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 - Notices of Hearing, Applications and Sketches - February 23, 2022 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.

Hope you have a great week.

Thanks

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

**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: February 9, 2022

Subject: Building Comments on Applications to the Committee of Adjustment  
**Consents – February 23, 2022 hearing**

**B-39/21SC – 117 Moffatt Street**

## Comment:

- No comment

## Condition:

- A demolition permit is required to remove the existing detached dwelling on Part 1 and 2 to the satisfaction of the Chief Building Official.

**B-40/21SC – 115A Moffatt Street**

## Comment:

- No comment

## Condition:

- A demolition permit is required to remove the existing detached dwelling on Part 3 and 4 to the satisfaction of the Chief Building Official.

**B-41/21SC – 115 Moffatt Street**

## Comment:

- No comment

## Condition:

- A demolition permit is required to remove the existing detached dwelling on Part 3 and 4 to the satisfaction of the Chief Building Official.

**B-08/22SC – 574 Ontario Avenue**

Comment:

- No comment

Condition:

- A demolition permit is required to remove the existing detached garage to the satisfaction of the Chief Building Official.

**B-09/22SC – 574 Ontario Street**

Comment:

- No comment

Condition:

- A demolition permit is required to remove the existing detached dwelling on Part 1 and 2 to the satisfaction of the Chief Building Official.

**B-11/22SC – 44 Howard Street**

Comment:

- No comment

Condition:

- A demolition permit is required to remove the 2 existing sheds on Part 2 to the satisfaction of the Chief Building Official.



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: February 9, 2022

Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance – February 23, 2022 hearing**

NO.	ADDRESS	COMMENTS
A-115/21	115A Moffatt Street	Be advised that a building permit is required to construct the 3 unit townhouse block.
A-21/22	115 Moffatt Street	Be advised that a building permit is required to construct the 3 unit townhouse block.
A-124/21	117 Moffatt Street	Be advised that a building permit is required to construct the 3 unit townhouse block.
A-11/22	132 Main Street	Be advised that a building permit is required to demolish the existing shed.  Be advised that a building permit is required to construct a 2 storey rear addition and attached garage.
A-12/22	527 Geneva Street	Be advised that the current building permit (21119083RN) shall be completed prior to construction.
A-13/22	1 Belair Drive	Be advised that a building permit is required to construct an attached garage and mudroom addition.

NO.	ADDRESS	COMMENTS
A-14/22	44 Howard Avenue	No comment
A-17/22	10 Lyman Street	Be advised that a building permit is required to convert the detached dwelling to a fourplex.
A-18/22	6 Charlotte Street	Be advised that a building permit is required to construct a single detached dwelling.

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:** February 9, 2022  
**Subject:** Committee of Adjustment Hearing – February 23, 2022 \*Revised

---

CRCS has reviewed the Committee of Adjustment applications for the hearing of February 23, 2022 and provides the following comments:

**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**  
**115 Moffatt Street, Minor Variance, A-21/22 – 22100602**

\*\*Deferred from December 2021 Hearing

Our comments remain unchanged from those provided December 1, 2021.

**574 Ontario Street, Consent, B-08/22SC – 22100284**  
**574 Ontario Street, Consent, B-09/22SC – 22100289**

No concerns regarding the proposed creation of two new lots to facilitate the construction of three freehold townhomes. Requirements for the removal and replacement of boulevard trees will be at the discretion of the Niagara Region, given Ontario Street is a Regional road. 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 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'. The appraisal shall be completed by a qualified appraiser. (Condition subject to Planning and Building Services' determination that parkland dedication can, in fact, be collected for this application.)

**132 Main Street, Minor Variance, A-11/22 – 22100081**

No comment.

**527 Geneva Street, Minor Variance, A-12/22 – 22100243**

No comment.

**1 Belair Drive, Minor Variance, A-13/22 – 22100244**

No comment.

**10 Lyman Street, Minor Variance, A-14/22 – 22100245**

No comment regarding the requested increase in front yard setback.

The sketch submitted with the application shows an area in the front yard that is to be reserved for temporary storage of waste on public collection days. The area is immediately adjacent an existing tree. Provided this temporary storage area remains as sod (and not hard surfaced), CRCS has no concerns or requirements regarding the request for reduced lot frontage.

**44 Howard Avenue, Consent, B-11/22SC – 22100290**

**44 Howard Avenue, Minor Variance, A-17/22 – 22100293**

**6 Charlotte Street, Minor Variance, A-18/22 – 22100294**

CRCS has no concerns with the proposed creation of a new lot to facilitate the construction of a dwelling fronting on Charlotte Street, nor the requested minor variances. We note, however, that a mature tree exists in the Charlotte Street boulevard and care must be taken not to damage this tree during construction. CRCS recommends that certain mitigation measures be implemented through the future development agreement to address this.

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'. The appraisal shall be completed by a qualified appraiser. (Condition subject to Planning and Building Services' determination that parkland dedication can, in fact, 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.
- c) That the future development agreement address the following requirements:
  - a. That prior to any construction activities commencing on site, a tree protection zone at least 2 metres in radius be installed around the trunk of the tree to be retained, and that such tree protection zone remain in place for the duration of construction.
  - b. That no soil, construction materials, equipment, or vehicles of any sort be stored or otherwise located within the tree protection zone.
  - c. That the garage and driveway for the proposed dwelling at 6 Charlotte Street be located adjacent to the easterly lot line, as far as possible from the retained tree.
  - d. That servicing for the new dwelling be located – and all excavation occur - as far as possible from the base of the retained tree.

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

## 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 northerly lot line, specifically in the location of the proposed development (i.e. the proposed building addition).
- 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. 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 which are to be retained. 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 plan of 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.

# ENGINEERING FILE 300-36

**Applicant:** Darryl Stiles

**Location:** 44 Howard Avenue

<b><u>ENGINEERING SERVICES</u></b>	<b>Howard Avenue</b>	<b>Charlotte Street</b>
<b>Water:</b>	150mm A.C.	150mm C.I.
<b>Sanitary Sewer:</b>	200mm A.C.	200mm A.C. (2.50m± Depth)
<b>Storm Sewer:</b>	None	675mm Conc.
<b>Sidewalks:</b>	None	None
<b>Road Allowance Width:</b>	20.12m	20.12m

**Comment(s):** It is noted that the Applicant proposes to sever Part 2 on the attached sketch for the proposed construction of a detached single-family dwelling. Part 1 is to be retained for continued residential use.

Both Howard Avenue and Charlotte Street are designated Community Streets per the City's Transportation Master Plan with a desired right-of-way width of 20.0m. Thier current widths meet the minimum requirements, therefore the City shall not require widening dedications along the frontages as conditions of this severance application.

Curbs and sidewalks do not exist along the frontages of either rights-of-way. It is not required for the Owner/Applicant to provision for these services through this application and any building permit application after the finalization of the severance.

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 exist on the Charlotte Street frontage, sump pump flows shall be required to directly connect to a storm sewer lateral, provisioned and paid for by the Owner through the Building Permit process, and roof leaders be required to discharge to grade at the front yard. These shall be identified on the proposed lot grading and drainage plan, in accordance with the Property Standards By-law (2014-248).

Although City records indicate the existing dwelling's sewer lateral is fed from the Howard Avenue sewer, 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 both do 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 determined to conflict with the above-noted future and/or abutting property lines, the Owner shall pay the City the fees required to install new services to the street line of the existing dwelling to avoid conflicts and achieve independent services for each lot. **It shall be noted that servicing of the proposed lot shall not be authorized prior to the creation/registration of the lot via the severance finalization process.**

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

- 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 dwellings; and
- If the existing water and sewer laterals are determined to conflict with any future and/or abutting lot lines, the Applicant pay to the City the fees to install new services to the existing lot's Howard Avenue / Charlotte Street property line, to achieve independent services to each lot and avoid any conflicts; and
- The Applicant, through a Plumbing Only permit, complete the reconnections of the water and sewer laterals on the private property side, to connect to the new service installations provided by the City.



Prepared by:

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

c. James Denham, PBS (email only)



---

## Memorandum

---

**To:** Elaine Munro, ACST, Committee Secretary & Planning Technician  
**From:** Brad Johnston, C.E.T., Development Engineering Technologist  
**CC:** City Committee of Adjustment Staff Members  
**Date:** February 7<sup>th</sup>, 2022  
**Hearing Date:** February 23<sup>rd</sup>, 2022  
**Subject:** **Committee of Adjustment - Minor Variance Applications**  
115A Moffatt Street - A-115/21  
117 Moffatt Street - A-124/21  
115 Moffatt Street - A-21/22  
132 Main Street - A-11/22  
527 Geneva Street - A-12/22  
1 Belair Drive - A-13/22  
10 Lyman Street - A-14/22  
7 Canal Street - A-15/22  
48 Lakeport - A16-/22  
44 Howard Avenue - A-17/22  
6 Charlotte Street - A-18/22

---

Development Engineering have no objections to the above noted applications, but applicants should be advised of the following comments;

- The applicants for the Minor Variances for 115 Moffatt Street, 115A Moffatt Street, 117 Moffatt Street, and 44 Howard (6 Charlotte) should be advised that a Grading & Drainage Plan prepared by a Professional Engineer or Ontario Land Surveyor, will be required and must be submitted to the City for approval at the building permit application stage.
- Applicants must understand that although zoning setbacks may be reduced through a Minor Variance, actual side yards widths may have to be greater than the minimum to accommodate both access to rear yards and drainage swales to enable storm water run-off to be managed without causing negative effects on both the subject lands and adjacent properties.

Prepared by:

---

James Denham, P. Eng.  
Development Engineering Technologist

jd.



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

**Cc:**

**From: Steve Bittner, Transportation Technologist**

**Date: February 7, 2022**

**Subject: Committee of Adjustment Comments (February 23, 2022 Hearing)**

---

**A-012/22 – 527 Geneva Street**

The property has a large asphalt strip across the frontage of the property entirely within the City boulevard. Consideration should be given to removing the asphalt strip and reinstating it to landscaping. Parking on the asphalt strip isn't permitted under By-law 89-2000 (Traffic and Parking By-law).

We have no concerns or requirements with the remaining applications.

Steve Bittner  
Transportation Technologist