

Agenda

Wednesday, March 30, 2022

Electronic Participation at 5.00 pm

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

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

Public Comments: The public may submit comments regarding agenda matters by contacting emunro@stcatharines.ca by March 28, 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
Kristin McNutt, Member

Staff Liaison:

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

-
1. **Call meeting to order (Chair)**
 2. **Recognition of Traditional Territories**
 3. **Additions / Deletions to the Agenda**
 4. **Motion to approve the agenda**
 5. **Motion to adopt the minutes of the previous meeting – February 23, 2022**
 6. **Motion to adopt the closed minutes of February 23, 2022**
 7. **Declarations of Interest**

8. **Request for Adjournment**

9. **Applications**

1. 1204 Lakeshore Road West, Minor Variance, A-80/21 – 21115798
2. 232 Vansickle Road, Consent, B-01/22SC – 21121028
232 Vansickle Road, Consent, B-02/22SC – 21121029
232 Vansickle Road, Consent, B-03/22SC – 21121030
232 Vansickle Road, Minor Variance, A-05/22 – 21121042
234A Vansickle Road, Minor Variance, A-06/22 – 21121046
234B Vansickle Road, Minor Variance, A-07/22 - 21121045
3. 13 Keele Street, Consent, B-04/22SC – 21121005
11 Keele Street, Consent, B-05/22SC - 21121011
4. 102 Broadway, Consent, B-07/22SC – 21120989
102 Broadway, Minor Variance, A-09/22 – 21120990
104 Broadway, Minor Variance, A-10/22 - 21120991
5. 48 Lakeport Road, Consent, B-10/22SC – 22100270
7 Canal Street, Minor Variance, A-15/22 – 22100276
48 Lakeport Road, Minor Variance, A-16/22 - 22100278
6. **10 Adelene Crescent, Consent, B-12/22SC – 22100900
8 Adelene Crescent, Minor Variance, A-22/22 – 22100901
10 Adelene Crescent, Minor Variance, A-23/22 - 22100902
7. 93 Lafayette Drive, Minor Variance, A-25/22 – 22100937
8. 7 St. Paul Street West / 7 McGuire Street, Minor Variance, A-39/22 – 22101212

**Planning Report Available on Monday, March 28, 2022

9. **New Business**

10. **Date of next meeting**

Wednesday April 13, 2022 at 5.00 pm

11. **Motion to Adjourn**

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

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

COMMENTS

A-80/21

**1204 Lakeshore Drive
(Deferred from September Hearing)**

**DATE OF HEARING:
March 30, 2022**

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Comments Received - 21115798. - 1204 Lakeshore Road West
Date: Tuesday, March 22, 2022 3:50:22 PM

Elaine Munro ACST

Committee Secretary and Planning Technician

Tel: 905.688.5601 x1715

Email: emunro@stcatharines.ca



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

From: Alan Bau <>
Sent: Tuesday, March 22, 2022 2:33 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: comments on 21115798.

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

I am the owner of 1198/1200 Lakeshore Rd west, the immediate neighbour to the east of 1204 lakeshore rd west.

I received the revised application 21115798.

I have significant concern with this revised application.

1) The setback of the new dwelling is still too close to the bank. A few years ago, we joined together to preserve the banks as concerned neighbours by building a continuous stone wall. This dwelling does NOT meet the setback by the niagara conservation. It would significantly impact our precarious bank negatively. I would urge the Niagara conservation to carefully study this setback and approve a setback that is further south.

2) in addition to the suboptimal setback, the proposed application has a conceptual pool to the north of the dwelling. This will further disturb the land and once the bank is eroded, it will be permanently damaged. Please consider this carefully as this application is a total disregard to the sensitivity of the land.

3) the distance between the dwelling to my fence line is only 1.22m. This is significantly encroaching on my privacy and will potentially disturb the surrounding tree growth. I am also unclear as to how this will impact my view and shading/shadowing from the sunlight.

Based on the above comments, I am strongly against the application, as I feel that this negatively affects the bank that we so carefully try to preserve. Please do NOT accept this application as the damage caused by this is irreversible.

Please contact me anytime if you wish any further discussion.

Yours,

Alan Bau, MD, FRCP(C)

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Comment Received RE: 1204 Lakeshore Road W., file #21115798
Date: Wednesday, March 23, 2022 2:50:50 PM

Elaine Munro ACST

Committee Secretary and Planning Technician

Tel: 905.688.5601 x1715

Email: emunro@stcatharines.ca



From: Kevin Morris <>
Sent: Wednesday, March 23, 2022 12:00 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: 1204 Lakeshore Road W., file #21115798

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.

As a longtime homeowner and neighbour of 1200 Lakeshore Road W., I would like to give you my perspective on the minor variance application.

The reduction of the easterly side yard from 3 meters to 1.2 meters would crowd my neighbours property and effectively further impact his privacy. The sunlight and openness feeling that is there now, will be further diminished.

We cannot prevent a monster size house from being built, but ask that the bylaws be respected.

Kevin Morris 1186 Lakeshore Road W.
(XXX) XXX-XXXX

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

March 23, 2022 - REVISED COMMENTS version 3

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

Hearing March 30, 2022, deferred from Sept 23, 2021

We are Derek Saunders and Patricia Latin, living at 1206 Lakeshore Rd W, St. Catharines, adjacent to the subject property on the west side. Our concerns expressed about the application last fall have for the most part been addressed in the new submission. We are still concerned about setback on the lakeside.

- the original drawings proposed building the house 9 M back from the top of the bank and it appears the new drawings are based on the position of a stable slope line provided by a geotechnical report. There is no set back shown between the start of the stable slope line and the edge of the pool. Our concern is that excavating for a pool that close to the unstable portion of the bank will not be good.
- The outside wall of the house is proposed to be set back 7.88M from the stable slope line and was originally 9M from the top of the bank. Again our concern is excavating too close to the unstable portion of the bank.
- Due to recent rains, frozen ground and poor drainage there is currently an open pit of water where the original house was removed and there is several hundred feet of ponding across the full width of the property from the house site towards Lakeshore Rd W. If construction including drainage repairs are not going to start soon we are concerned this pit is dangerous and will become a breeding ground for mosquitos. The excess water is also causing our sump pump to run nonstop.

Comments sent Sept 2021

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

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

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

Planning and Development Services

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

Via Email Only

March 21, 2022

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

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

Dear Ms. Munro:

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

Regional Planning and Development Services staff have reviewed the information circulated for the above-noted minor variance application, which is proposed to facilitate the construction of a new detached dwelling on the subject lands. The applicant is seeking a variance to permit a reduction in the easterly interior side yard setback to allow for the construction of the dwelling. The conceptual site plan also identifies a “conceptual pool” to the north of the proposed dwelling.

Regional staff previously reviewed a Minor Variance application for the lands, which proposed a reduction of the minimum interior side yard setback to allow for the construction of a dwelling. Staff provided comments on the Minor Variance by letter dated September 14, 2021, which identified the requirement for submission of a detailed sewage system design, landscape plan, and tree saving plan.

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

Provincial and Regional Policies

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

In addition to agricultural, agriculturally-related, and on-farm diversified uses, within the Unique Agricultural Area designation, both the Greenbelt Plan and ROP permit single dwellings on existing lots of record, provided they were zoned for this use prior to the effective date of the Greenbelt Plan (December 16, 2004).

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

Archaeological Potential

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

Based on the Ministry of Heritage, Sport, Tourism and Culture Industries' (MHSTCI) Criteria for Evaluating Archaeological Potential, the subject property exhibits high potential for the discovery of archaeological resources due to its proximity (within 300 metres) to the shoreline of Lake Ontario. Regional staff have reviewed aerial photography and confirm the location of the proposed dwelling has already been subject to recent, extensive and intensive disturbance resulting from the existing dwelling, and does not require archaeological evaluation. It is unclear whether the area of the conceptual pool has been subject to recent, extensive and intensive disturbance as defined by the Province. As such, Regional staff recommend that the applicant consult with a licensed archaeologist prior to construction and site alteration works occurring for the pool, to conduct any necessary archaeological evaluations of this area.

Core Natural Heritage System

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

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

The proposed dwelling and conceptual pool are to be located mainly within the existing development footprint and manicured lawn. Due to the scope, nature and location of the proposed development, staff are supportive of waiving the requirement for an EIS, but will require a 5 metre wide VPZ be established from the edge of the Significant Woodland, which is identified in the attachment as the green diagonal hatched area, to the north of the dwelling, along the top of slope, to satisfy Greenbelt Plan policies. A Landscape Plan will be required to be submitted to the satisfaction of the Region which illustrates how the VPZ will be established as natural self-sustaining vegetation. Staff also request the completion of a Tree Protection Plan (TPP) that indicates appropriate setbacks and mitigation measures to protect adjacent trees associated with the Significant Woodland. The TPP must be prepared in accordance with the Region's Woodland Conservation By-law (By-law 2020-79).

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

Private Servicing

Regional Private Sewage Systems (PSS) staff note that no records were found for the existing sewage system servicing the property. The proposed development will increase the sewage flow on the property and therefore a new septic system is required to be installed to service the site. Considering the shape of the lot, along with the additional sewage flows, there is limited usable area on the property to install a new septic system.

Staff has reviewed the Minor Variance application and submitted detailed septic design. The proposed septic system is partially located within NPCA-regulated lands, and the driveway is located within the mantle area. Regional PSS staff require confirmation from the NPCA that partially locating the septic system within the Regulated Shoreline is permitted, and revised plans to remove the driveway from the mantle area.

Regional PSS staff cannot support the application until such time as the above requirements are addressed. Pending revision of the driveway location and receipt of

NPCA confirmation, staff note that the scale of the proposed dwelling may need to be reduced to accommodate septic system requirements.

Future Road Widening

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

Conclusion

Regional Planning and Development Services staff are unable to support the proposed minor variance application as submitted, due to the constraints on the subject property and private servicing requirements. Staff require confirmation from the Niagara Peninsula Conservation Authority that the proposed septic system can be partially constructed within the Regulated Shoreline, and the submission of a revised plan to remove the driveway from the mantle area, for review and approval.

For information, the following conditions would be required, if private servicing requirements were addressed, to ensure the variance maintains the intent and purpose of Regional Official Plan policies pertaining to the conservation of natural heritage resources:

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

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

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

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

Best regards,

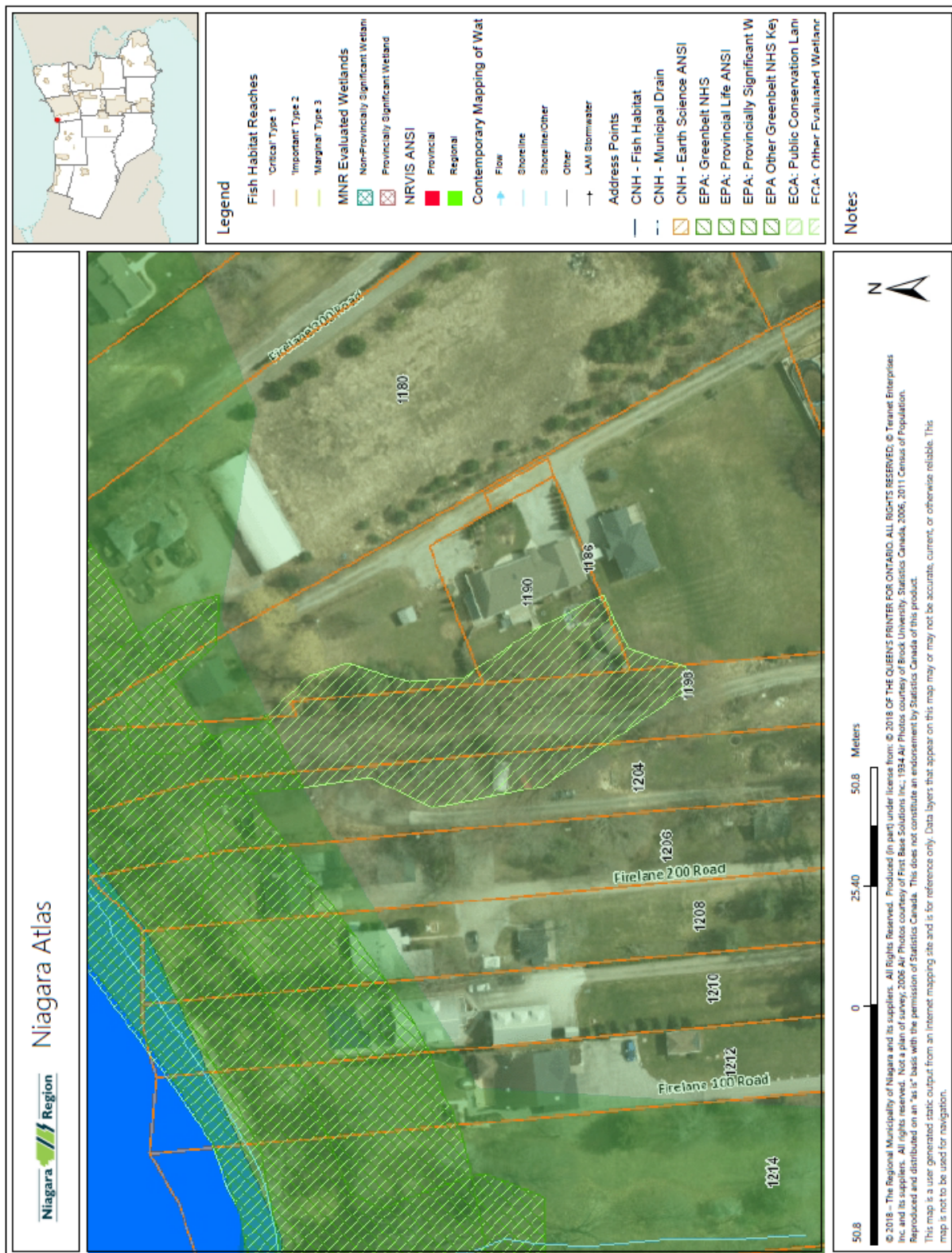
A handwritten signature in black ink, appearing to read 'Aimee Alderman', with a stylized, cursive script.

Aimee Alderman, MCIP, RPP
Senior Development Planner

cc: Lori Karlewicz, Planning Ecologist, Niagara Region
Matteo Ramundo, Private Sewage Systems Inspector, Niagara Region

Appendix: Core Natural Heritage Features Mapping

Appendix: Core Natural Heritage Features Mapping



March 17, 2022

Our File No.: PLMV202101281

BY E-MAIL ONLY

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

Attention: Elaine Munro, Secretary-Treasurer

Subject: Application for Minor Variance
1204 Lakeshore Road W, St. Catharines, ON

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

The purpose and effect of the application is to permit the construction of a new detached dwelling, while demolishing the existing dwelling on the property. A reduction of the easterly interior side yard setback for a detached dwelling from 3.0 metres to 1.2 metres is requested.

NPCA Policy

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

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

NPCA Mapping indicates the subject lands are impacted by the shoreline hazards of Lake Ontario. The proposed construction of a detached dwelling at 1204 Lakeshore Road W appears to remain within the Erosion Allowance of the lake, which can be permitted under policy. As per NPCA Policy 5.2.5.1, adequate shore protection to the satisfaction of the NPCA is required to be in place prior to development or site alteration. Photographs of current shoreline protection are to be submitted to this office for review, which can be submitted at the time of an NPCA Works Permit Application. Staff note that a Geotechnical Report has been completed for the proposal, and can also be submitted at the time of an NPCA Works Permit, along with a final grading plan for our review and approval. These documents will have no bearing on NPCA's approval of an interior lot line adjustment for this project.

NPCA Policy also requires a 5-metre-wide access route for future maintenance and upgrades to shoreline protection for waterfront lots. Staff have reviewed the justification provided by Upper Canada Consultants and agree with their findings. Due to the physical constraints of these lots, a full 5 metres on a single lot



**NIAGARA PENINSULA
CONSERVATION**
AUTHORITY

250 Thorold Road West, 3rd Floor, Welland, Ontario L3C 3W2
Telephone 905.788.3135 | Facsimile 905.788.1121 | www.npca.ca

may be difficult to attain. The NPCA has no objection to the findings of the Planning Brief as completed by Upper Canada Consultants for this subject application.

Conclusion:

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

I trust the above will be of assistance to you. Should you have any further questions or require further information in this matter, please do not hesitate to call. For administrative purposes, please forward any decisions and resolutions of your Committee. In the event of an appeal to the Ontario Land Tribunal (OLT), please send notice of any Case Management Conference.

Yours truly,

A handwritten signature in black ink, appearing to read 'Taran Lennard'.

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



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: March 25, 2022

Date of Meeting: March 30, 2022

Report Number: A-80/21

File: 21115798

Subject: 1204 Lakeshore Road West

Recommendation

That Application **A-80/21** by Arduino Sorge and Connie Candeloro, as outlined in the Notice of Hearing, be denied.

Report

Background

Application **A-80/21** was initially scheduled to be considered during the September 22, 2021 Hearing. The Application originally requested a reduced interior side yard setback of 1.5 metres along the westerly and easterly interior side yards. During staff review, the Region of Niagara identified that a septic system design, landscape plan and tree saving plan is required as part of the application. Therefore, the Application was deferred for up to one year, until a detailed septic system design was completed, reviewed and found acceptable by the Region of Niagara. The Region of Niagara has also requested that a landscape plan and tree savings plan be submitted as a condition should the Committee approve the Application.

The Proposal

Application **A-80/21** seeks relief from the City of St. Catharines By-law 2013-283, as amended, to construct a proposed two-storey detached dwelling and attached garage. The existing one-storey detached dwelling located on the subject lands will be demolished to facilitate the proposal. The requested variance is outlined in the table below.

Variance	Provision	Required	Proposed
1	Minimum interior side yard setback	3.0 metres	1.20 metres

Location and Site Description

The subject property is an interior lot located on the north side of Lakeshore Road West, east of Seventh Street. The subject lands are currently occupied by a one-storey detached dwelling. The surrounding area is mostly comprised of detached dwellings.

Lake Ontario abuts the subject property to the north. J. Armbrust Farm is located directly south of the subject property.

Circulation of Application

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

Comments from members of the public, including the neighbour immediately to the east, were received who voiced objections to the proposed variance with concerns regarding impacts to privacy and surrounding trees. Concerns were also raised regarding the proposed setback from Lake Ontario and potential impacts to the bank.

Planning Policy Context

Provincial and Regional Context

The subject property is located within the Prime Agricultural Area and further designated Specialty Crop Area in the Provincial Policy Statement (PPS, 2020). The subject property is located within the Protected Countryside and designated Specialty Crop Area – Niagara Peninsula Tender Fruit and Grape Area in the Greenbelt Plan (2004). The subject property is designated Unique Agricultural Area in the Niagara Regional Official Plan (ROP) (2014).

The Greenbelt Plan and ROP permit detached dwellings on existing lots of record within the Unique Agricultural Area, provided they were zoned for this use prior to the effective date of the Greenbelt Plan (December 14, 2004). The proposal to construct a new detached dwelling to replace an existing detached dwelling is consistent with the PPS and conforms to Provincial and Regional policies.

Official Plan (Garden City Plan)

A small northern portion of the subject property is designated Natural Areas on Schedule D1 of the Garden City Plan (GCP) and further designated Natural Areas on Schedule E11. The remaining portion of the subject lands are designated Agriculture on Schedule D1 of the GCP and further designated Agriculture on Schedule E11. The redevelopment of an existing detached dwelling is permitted within the area designated Agriculture.

Zoning By-law (2013-283)

The subject property is split-zoned Conservation / Natural Area (G1) and Agriculture (A1). The redevelopment of an existing detached dwelling is a permitted use within the area zoned A1.

Planning Analysis

The variance requests a reduction in the required minimum interior side yard setback along the easterly lot line from 3.0 metres to 1.20 metres, resulting in a reduction of 1.8 metres. This variance is requested to facilitate the construction of a proposed two-storey detached dwelling 9.14 metres in height.

The intent of the interior side yard setback is to ensure that the dwelling does not overwhelm abutting properties, to maintain sufficient separation, protect privacy, prevent overlook, and provide adequate drainage. The zoning by-law requires a minimum interior side yard setback of 3.0 metres for detached dwellings in the A1 zone to provide adequate separation within the area's context, which includes agricultural farms and associated detached dwellings that are well spread out. For comparison, the R1 zone requires a minimum interior side yard setback of 2.0 metres for detached dwellings with a building height over 7 metres. Staff are of the opinion that the proposed reduction, which is less than the residential standard within the urban area, is insufficient for the agricultural zone and as such is not considered minor or desirable for the appropriate use of the lands. Staff acknowledge that the subject lands are a long and narrow lot. However, given the lot area there is adequate space to construct a dwelling that meets the required 3.0 metre setback for both interior side yards. The minimum interior side yard setback is particularly appropriate given the proposed height and massing of the dwelling.

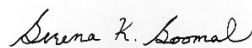
Section 7.1 of the GCP states that development and redevelopment will have regard for compatible building form, scale, massing, height, setbacks, and spacing with adjacent buildings, properties, and the surrounding neighbourhood. Staff are of the opinion that the proposed reduced setback does not provide adequate separation and overwhelms the lot along the easterly lot line.

In the opinion of staff, the proposed reduction of the easterly interior side yard setback is not minor in nature, is not desirable for the appropriate use of lands and does not meet the general intent of the Official Plan and Zoning By-law.

Conclusion

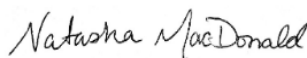
Having regard for matters under Section 45 of *The Planning Act*, staff are of the opinion that Application **A-80/21** is not minor in nature, is not desirable for the appropriate use of the lands and does not meet the general intent of the Official Plan and Zoning By-law. Staff recommend denial of the Application.

Prepared by:



Serena Soomal
Student Planner

Submitted by:



Natasha MacDonald
Planner I

Approved by:



Taya Devlin
Senior Planner

September 7, 2021

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

Attention: Elaine Munro

File# 21 115798

Re: 1204 Lakeshore Rd

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

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

We would also like to stipulate the following:

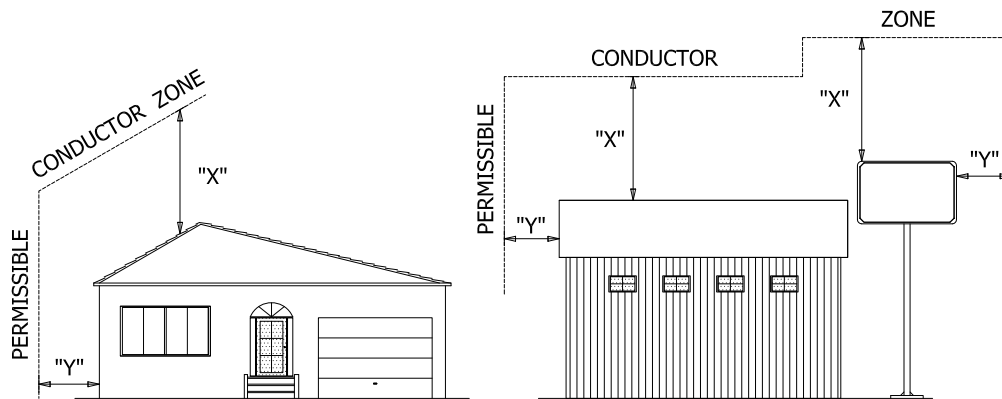
- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's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

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

Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital



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

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

* - INCLUDES MULTI-GROUNDED NEUTRALS

NOTES:

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

MEMORANDUM

To: Elaine Munro, 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: March 21, 2022

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – March 30, 2022 hearing

NO.	ADDRESS	COMMENTS
A-80/21	1204 Lakeshore Road West	<p>The current demolition permit (21116885RN -to demolish the existing dwelling) inspection shall be completed to the satisfaction of the Chief Building Official.</p> <p>Be advised that a building permit is required to construct a single detached dwelling and to complete all inspections to the satisfaction of the Chief Building Official.</p>
A-05/22	232 Vansickle Road	<p>Be advised that a demolition permit is required to remove a portion of the carport or the entire carport from the existing detached dwelling and to complete all inspections to the satisfaction of the Chief Building Official.</p>
A-06/22	234A Vansickle Road	<p>Be advised that a building permit is required to construct a semi-detached dwelling and to complete all inspections to the satisfaction of the Chief Building Official.</p>

NO.	ADDRESS	COMMENTS
A-07/22	234B Vansickle Road	Be advised that a building permit is required to construct a semi-detached dwelling and to complete all inspections to the satisfaction of the Chief Building Official.
A-09/22	102 Broadway	Be advised that a building permit is required to construct a semi-detached dwelling and to complete all inspections to the satisfaction of the Chief Building Official.
A-10/22	104 Broadway	Be advised that a building permit is required to construct a semi-detached dwelling and to complete all inspections to the satisfaction of the Chief Building Official.
A-15/22	7 Canal Street	No Comment
A-16/22	48 Lakeport Road	No Comment
A-22/22	8 Adelene Cres	No Comment
A-23/22	10 Adelene Cres	No Comment
A-25/22	93 Lafayette Drive	Be advised that a building permit is required to construct a 2 storey addition, front covered porch and rebuild the main floor and to complete all inspections to the satisfaction of the Chief Building Official.

NO.	ADDRESS	COMMENTS
A-39/22	St. Paul West	Be advised that a building permit is required to construct a 45 storey apartment building and to complete all inspections to the satisfaction of the Chief Building Official.



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

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

Cc:

From: Amanda Knutson, Community Project & Development Planner, CRCS

Date: March 23, 2022

Subject: Committee of Adjustment Applications – March 30, 2022 Hearing

CRCS staff have reviewed the above-noted applications and offer the following comments.

1204 Lakeshore Road West, Minor Variance, A-80/21, 21 115798

No comment.

232 Vansickle Road, Consent, B-01/22SC – 21121028

232 Vansickle Road, Consent, B-02/22SC – 21121029

232 Vansickle Road, Consent, B-03/22SC – 21121030

232 Vansickle Road, Minor Variance, A-05/22 – 21121042

234A Vansickle Road, Minor Variance, A-06/22 – 21121046

234B Vansickle Road, Minor Variance, A-07/22 – 21121045

CRCS staff have no objection to the proposed creation of two new lots for a semi-detached dwelling, subject to the following comments.

A landscape buffer is shown along the rear lot line of Part 3 to mitigate the impact of headlights on neighbouring homes to the south. It is recommended that this buffer be implemented through the necessary development agreement. Additionally, staff recommend that a wood board privacy fence be installed along the new rear lot line of the existing dwelling (Parts 1 and 2) to mitigate impacts of the proposed driveway/parking area on the private amenity area of the existing dwelling.

We offer no objection to the proposed minor variances, save and except for the requested increase in maximum paved area from 20% to 30% for Part 3. It is staff's opinion that landscaped open space and amenity areas will be compromised given the size of the proposed driveway/parking area. Further, the zoning by-law permits tandem parking for accessory dwelling units. The provision of tandem parking on this lot would significantly reduce the overall paved area, resulting in compliance with the by-law.

Should the application for consent be approved, CRCS recommends the following conditions be included:

1. 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.)
2. That the applicant submit a payment for the placement of a 60mm boulevard tree for each of the new lots, in accordance with the City's current Schedule of Rates and Fees.
3. That should the proposed driveway and parking area for Part 3 be approved to extend into the rear yard of that Part, and behind Parts 1 and 2, then the future development agreement shall implement the following:
 - a. Provision of a landscape strip along the rear lot line of Part 3, which is to be of sufficient width to support the installation of a row of closely planted cedar trees, or some similar species that will achieve an adequate buffer.
 - b. Installation of a 1.5m – 1.8m high wood board-on-board privacy fence along the rear lot line of Part 1 (height of the fence should be at least as tall as the existing wood board fence along the neighbouring private road development).

13 Keele Street, Consent, B-04/22SC – 21121005

11 Keele Street, Consent, B-05/22SC - 21121011

CRCS staff offer no objection to the proposed creation of one new lot for a detached dwelling. Should the applications for consent be approved, CRCS recommends the following conditions be included:

1. 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.)
2. 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.

102 Broadway, Consent, B-07/22SC – 21120989

102 Broadway, Minor Variance, A-09/22 – 21120990

104 Broadway, Minor Variance, A-10/22 - 21120991

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

1. 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.)
2. 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.

48 Lakeport Road, Consent, B-10/22SC – 22100270

7 Canal Street, Minor Variance, A-15/22 – 22100276

48 Lakeport Road, Minor Variance, A-16/22 – 22100278

CRCS has no concerns with the proposed consent to sever which will re-establish historic lot lines, nor the related minor variances.

10 Adelene Crescent, Consent, B-12/22SC – 22100900 - Natasha

8 Adelene Crescent, Minor Variance, A-22/22 – 22100901

10 Adelene Crescent, Minor Variance, A-23/22 - 22100902

CRCS has no concerns with the proposed boundary adjustment which was previously approved in 2015, nor the related minor variances.

93 Lafayette Drive, Minor Variance, A-25/22 – 22100937

There is an existing mature boulevard tree in the Lafayette road allowance, adjacent to the proposed entryway addition. Should the requested reduction in exterior side yard be approved in this area, then CRCS staff recommend that a condition be imposed requiring that the tree be protected. Specifically, prior to any construction activities commencing on site, a tree protection zone delineated by construction/snow fencing/hoarding is to be established around the trunk of the tree to be retained, and such tree protection zone is to remain in place for the duration of construction (minimum tree protection zone sizes are outlined in the table below. No soil, construction

materials, equipment, or vehicles of any sort are to be stored or otherwise located within the tree protection zone.

The Minimum Tree Protection Zone (MTPZ)

The following is a chart showing minimum required distances for determining a Minimum Tree Protection Zone. Some trees and some site conditions may require a larger Minimum Tree Protection Zone at the discretion of the City.

Table 1 – Minimum Tree Protection Zones

Trunk Diameter (DBH) ²	Minimum Tree Protection Zone (MTPZ) Distances Required ³	Critical Root Zone (CRZ) Distances Required ^{3&4}
< 10 cm	1.8 m	1.8 m
11 - 40 cm	2.4 m	4.0 m
41 - 50 cm	3.0 m	5.0 m
51 - 60 cm	3.6 m	6.0 m
61 - 70 cm	4.2 m	7.0 m
71 - 80 cm	4.8 m	8.0 m
81 - 90 cm	5.4 m	9.0 m
91 - 100+ cm	6.0 m	10.0 m

NOTES:

¹ The roots of a tree can extend from the trunk to approximately 2-3 times the distance of the drip line.

² Diameter at breast height (DBH) measurement of tree trunk taken at 1.4 metres above ground.

³ Minimum Tree Protection Zone and Critical Root Zone distances are to be measured from the outside edge of the tree base towards the drip line and may be limited by an existing paved surface, provided the existing paved surface remains intact throughout the construction work and is subject to Section 6 of this specification.

⁴ Where work is being performed beyond the Minimum Tree Protection Zone but within the Critical Root Zone the works are subject to Section 8 of this specification.

7 St. Paul Street West, Minor Variance, A-39/22 – 22101212

CRCS staff offer no objection to the minor variances requested. The shadow study submitted illustrates that neighbouring parks and public spaces will not be significantly impacted by shadows. Requirements related to landscaping, parkland dedication, park improvements, and streetscaping will be addressed through the concurrent site plan process.



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: March 10, 2022
Hearing Date: March 30, 2022
Subject: **Committee of Adjustment - Minor Variance Applications**
1204 Lakeshore Road West – A-80/21SC
232 (234) Vansickle Road - A-05,06&07/22SC
102 -104 Broadway – A-09&10/22SC
7 Canal Street – A-15/22SC
48 Lakeport Road – A-16/22SC
8 – 10 Adelene Crescent – A-22&23/22SC
93 Lafayette Drive – A-25/22SC
7 St. Paul Street West / 7 McGuire Street – A-39/22SC

Development Engineering have no comments or objections to the above noted applications, subject to the following;

- All applicants must acknowledge that although minimum Zoning setbacks may be reduced through Minor Variances, existing and additional widths greater than the minimum may be required to accommodate and maintain access and storm water conveyance, so as not to cause negative effects on the subject and adjacent properties; and
- The applicant for 1204 Lakeshore Road West be advised that a Grading Plan, prepared by a Professional Engineer or Ontario Land Surveyor, shall be required for submission through the building permit application process

Prepared by:

Brad Johnston, C.E.T.
Development Engineering 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-01/22SC, B-02/22SC, B-03/22SC,
A-05/22, A-06/22 & A-07/22**

232 Vansickle Road

**DATE OF HEARING:
March 30, 2022**

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Comments Received RE: Objection to Amanda No. 21121028 - Submission No. B-01/22SC - Application for Consent (Ashton Gobbo)
Date: Thursday, March 24, 2022 9:57:51 AM

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



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

From: <
Sent: Thursday, March 24, 2022 9:21 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Objection to Amanda No. 21121028 - Submission No. B-01/22SC - Application for Consent (Ashton Gobbo)

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.

Objection to Amanda No. 21121028 - Submission No. B-01/22SC - Application for Consent (Ashton Gobbo)

As the owner of 226 Vansickle Road, Unit 4, this email serves notice that I am vigorously opposed to this development proposal for the following reasons:

The proposed two-stall parking pad to be located in the back yard of Lot 2, 232 Vansickle Road, is an incompatible use of a residential property. Per the proposal Site Plan, the headlights or backup lights of motor vehicles would shine directly into my 93-year-old mother-in-law's bedroom and family room at 226 Vansickle Road, Unit 4. This incompatible parking scheme would also bring with it attendant noise and engine fumes associated with the starting of motor vehicle engines and the operation of brakes and sensors.

The proposed parking pad would also have have a significant negative impact on my mother-in-law's health and well-being. Her back deck and yard are her only private outdoor spaces not impacted by vehicular noise and toxic emissions. In these unprecedented times of pandemic restrictions and public health directives, maintaining this safe outdoor space for social interactions has become especially important in guarding my mother-in-law's already fragile mental health.

The two-stall parking pad will also adversely affect the property value of Units 3, 4 and 5 at 226 Vansickle Road, and the ability to sell these properties in the future.

This development proposal must be revisited by the developer to allow parking where it belongs - in front or beside the two semi-detached dwellings. Legal parking is also available

on both sides of Vansickle Road.

On Saturday, March 19, 2022, my mother-in-law received an unsolicited communication from a "Spencer, XXX-XXX-XXXX, XXXXXXXX@XXXX.XXX in the form of a letter deposited in her mailbox at her front door - see attached. This action on the part of the developer seriously compromises the integrity of the Notice of Hearing process and could be construed as an attempt to influence the Notice of Hearing outcome.

Additionally, it has upset my mother-in-law who is not the owner of the unit.

Please inform me of any action or decisions taken by the City of St.Catharines in reference to these objections.

Respectfully.

Marianne Blais

Owner

Unit 4, 226 Vansickle Road

St. Catharines, Ontario

L2S 2S7

XXXXXXXXXXXXXXXXXXXX

Dear Neighbour of 232 Vansickle Road,


I hope you are enjoying the warm weather lately and are looking forward to the summer months. You should have received a notice in the mail from the city outlining the project at 232 Vansickle. I just wanted to reach out as I'm one of the proponents of the project and I can answer any questions, should you have any.

We are proposing 1 semi-detached house on the north side of the existing house, right beside the hydro field. The existing house is being maintained as is.

Happy to talk to you about any comments, questions, or concerns.

Sincerely,

Spencer



APPLICATION 232 VANSICKLE RD

APPLICATION B-01/22SC

CURRENTLY I AM THE PRESIDENT OF THE BOARD
AT 226 VANSICKLE RD NNCC #74.

I AM STRONGLY OPPOSED TO THE
BASEMENT FOR A DRIVEWAY AND PARKING
BEHIND OUR PROPERTY LINE FENCE AT THE
REAR OF UNITS 3, 4, 5. I LIVE IN UNIT #3.

PRIVACY CONCERNS ALONG WITH CAR LIGHTS
SHINING IN OUR BEDROOM WINDOWS, NOISE
FROM VEHICLES AND PEOPLE ENTERING AND
EXITING AND ALSO FUMES FROM CAR EXHAUSTS

CONSIDERATION SHOULD BE MADE TO
CREATE A PARKING SPOT DIRECTLY
BEHIND THE SEMI LOT #2 PART #3
AS PER ATTACHED SITE PLAN

THANK YOU

WILLIAM LANGEAAN

3-226 VANSICKLE RD

ST. CATHARINES L2S 2S7

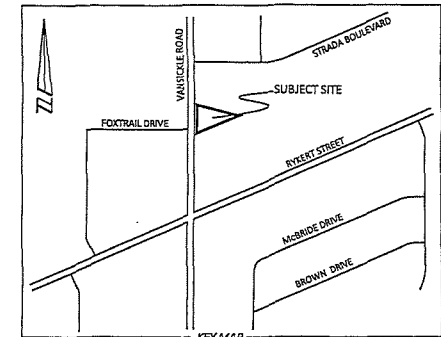
REF	DISC	INFO	P.B.S.	INT.
			REFERRED TO	
			Emunro	
DATE REC'D →		MAR 25 2022 SCAN <input type="checkbox"/>		
FILE NO				

LAND USE SCHEDULE			
	LOT 1	LOT 2	LOT 3
BUILDING COVERAGE	23 %	23.4 %	23 %
PARKING COVERAGE	13 %	18.5 %	2.8 %
LANDSCAPE COVERAGE	63 %	64.4 %	74 %

DESCRIPTION OF PROPERTY:
THIS SKETCH WAS PREPARED FOR SPENCER BROWN
232 VANSICKLE ROAD
ALL OF PIN 46161-0287 (LT)
ALL OF LOT 1, REGISTERED PLAN 258
CITY OF ST. CATHARINES, REGIONAL MUNICIPALITY OF NIAGARA
AREA = 1148.5m²

SKETCH SHOWING
PROPOSED SEVERANCE OF
232 VANSICKLE ROAD
CITY OF ST. CATHARINES
REGIONAL MUNICIPALITY OF NIAGARA

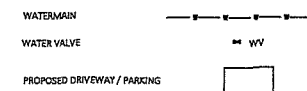
SCALE 1 : 200
0 2.5 5 7.5 10 METERS
VAN HARTEN SURVEYING INC.



AREA SCHEDULE:

RETAINED LANDS - "LOT 1"	PART 1	PART 2	1389 m ²
			225 m ²
SEVERED LANDS - "LOT 2"	PART 3		1355 m ²
SEVERED LANDS - "LOT 3"	PART 4		1380 m ²
TOTAL			1149 m ²

LEGEND:



NOTE:

- LOT 1 COMPRISED OF PARTS 1 AND 2.
- LOT 2 COMPRISED OF PART 3.
- LOT 3 COMPRISED OF PART 4.
- PART 2 IS A PROPOSED RIGHT-OF-WAY OVER LOT 1 IN FAVOR OF LOTS 2 AND 3.

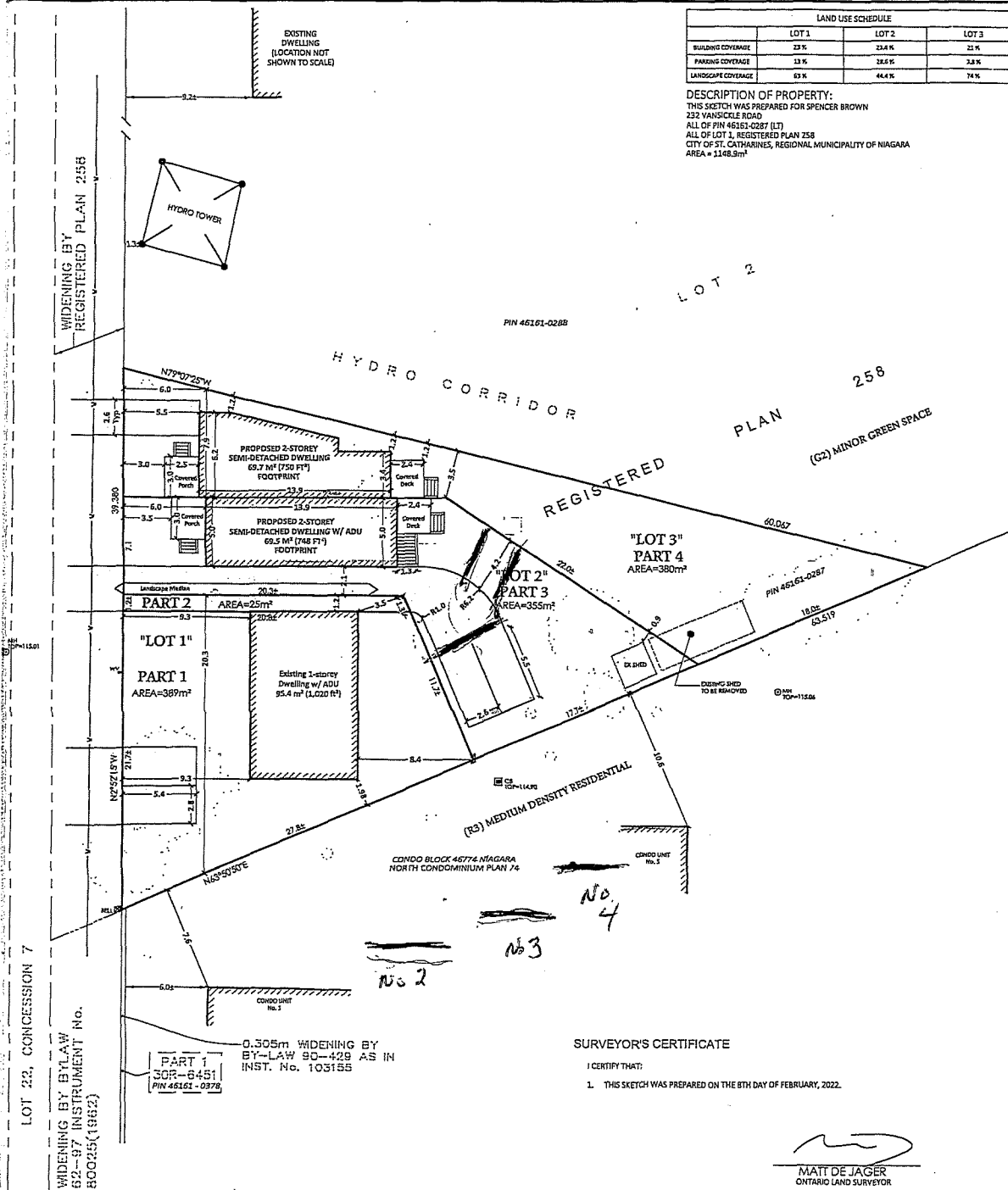
CAUTION

THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.

BOUNDARIES SHOWN IN HEAVY OUTLINE ARE IN ACCORDANCE WITH A SURVEYOR'S REAL PROPERTY REPORT BY VAN HARTEN SURVEYING INC. DATED JULY 16, 2021.

Van Harten
SURVEYING INC.
LAND SURVEYORS and ENGINEERS

Kitchener/Waterloo Ph: 519-742-8371	Guelph Ph: 519-821-2763	Orangeville Ph: 519-940-4110
www.vanharten.com		info@vanharten.com
DRAWN BY: FCF		CHECKED BY: MDI PROJECT No. 29829-21



SURVEYOR'S CERTIFICATE

I CERTIFY THAT:
1. THIS SKETCH WAS PREPARED ON THE 8TH DAY OF FEBRUARY, 2022.

MATT DE JAGER
ONTARIO LAND SURVEYOR

LOT 22, CONCESSION 7
WIDENING BY BY-LAW
62-97 INSTRUMENT No.
80025(1962)

PART 1
30R-6451
PIN 46161-0376

0.305m WIDENING BY
BY-LAW 90-439 AS IN
INST. No. 103155

Hydro One Networks Inc.
Facilities & Real Estate
P.O. Box 4300
Markham, Ontario L3R 5Z5
www.HydroOne.com

Courier:
185 Clegg Road
Markham, Ontario L6G 1B7



VIA E-MAIL ONLY TO emunro@stcatharines.ca

March 23, 2022

Committee Secretary and Planning Technician
Committee Standards Committee
City of St. Catharines

Attention: Elaine Munro

Dear Elaine Munro:

Re: Proposed Application for Consent, Ashton Gobbo
232 Vansickle Road
City of St Catharines
File: B-03/22SC

Please be advised that Hydro One Networks Inc. ("HONI") has completed a preliminary review of the above noted consent to sever application. As the subject property is abutting and/or bisected by a HONI high voltage transmission corridor (the "transmission corridor"), HONI has no objection *in principle* to the proposed severance, provided HONI's easement rights are protected and maintained.

Please be advised that any placement of permanent structures, facilities or landscaping within the transmission corridor is **prohibited** without the prior written approval of HONI.

If in the future the owner proceeds with a site plan, plan of subdivision and/or plan of condominium application, the owner must make arrangements satisfactory to HONI for lot grading and drainage, and any proposed uses on the transmission corridor. The costs of any relocations or revisions to HONI facilities which are necessary to accommodate this proposal will become the responsibility of the developer.

Our preliminary review only considers issues affecting HONI's transmission facilities and transmission corridor lands. For any proposals affecting distribution facilities (low voltage), the developer should consult the local distribution supplier.

If you have any questions, please contact me at dennis.derango@hydroone.com or at 905-946-6237.

Yours truly,

A handwritten signature in black ink that reads "Dennis Derango".

Dennis De Rango
Specialized Services Team Lead, Real Estate
Hydro One Networks Inc.



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: March 25, 2022

Date of Meeting: March 30, 2022

Report Number: B-01/22SC
B-02/22SC
B-03/22SC
A-05/22
A-06/22
A-07/22

File: 21121028
21121029
21121030
21121042
21121046
21121045

Subject: 232 Vansickle Road
234A Vansickle Road
234B Vansickle Road

Recommendation

Consent

That submission **B-01/22SC** by Ashton Gobbo, as outlined in the Notice of Hearing, be denied.

That submission **B-02/22SC** by Ashton Gobbo, 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 232 Vansickle Road addressing the following conditions:
 - a. That building permit plans for Part 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. That the final plan for Part 3 demonstrate that the required parking as appropriately dimensioned in compliance with the Zoning By-law is entirely located within the lot boundaries, and that the porch and parking area do not conflict.
 - c. That the Servicing and Grading 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 remove or relocate the existing sheds on Parts 3 and 4. Be advised that a building permit is required to remove or relocate both existing sheds from the property and to complete all inspections to the satisfaction of the Chief Building Official.

3. That the Owner have the Lot Servicing & Grading Plan prepared by a Professional Engineer and/or Ontario Land Surveyor submitted to and approved by City Staff.
4. That the Owner pay the fee (\$235.00) for City crews to located, trace, inspect, and document the sewer and water laterals servicing the existing dwellings.
5. That if the existing water service and/or sewer lateral are determined to conflict with any future and/or abutting lot lines, the Owner shall pay the City the fee to install new services and/or relocated the existing services within the Vansickle Road right-of-way, in order that the existing dwelling and proposed dwellings can all have independent services.
6. That the Owner pay the City for the decommissioning of any unused existing services.
7. That the Owner obtain a Plumbing Only Permit, to complete the reconnections of the water services and/or sewer lateral on the private property side to connect to the new or relocated services installed by the City.
8. That the Owner shall pay the City for the cost (\$11,814.00) for constructing a future sidewalk on the east side of Vansickle Road across the full frontage of the property at the current rate of \$200/m².
9. 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.
10. That the applicant submit a payment for the placement of a 60mm boulevard tree for each of the new lots, in accordance with the City's current Schedule of Rates and Fees.
11. That the Owner provide the Secretary-Treasurer with the acknowledgement and direction for conveyance of the subject parcel, together with a copy of the deposited reference plan, for use in the issuance of the Certificate of Consent.
12. 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.
13. That all conditions of consent be fulfilled by March 30, 2024

That submission **B-03/22SC** by Ashton Gobbo, as outlined in the Notice of Hearing, be approved.

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 232 Vansickle Road addressing the following conditions:
 - a. That building permit plans for Part 4, once submitted, be reviewed and confirmed to be generally in accordance with the site plan and elevation plans submitted with this application; and
 - b. That the Servicing and Grading 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 remove or relocate the existing sheds on Parts 3 and 4. Be advised that a building permit is required to remove or relocate both existing sheds from the property and to complete all inspections to the satisfaction of the Chief Building Official.
3. That the Owner have the Lot Servicing & Grading Plan prepared by a Professional Engineer and/or Ontario Land Surveyor submitted to and approved by City Staff.
4. That the Owner pay the fee (\$235.00) for City crews to located, trace, inspect, and document the sewer and water laterals servicing the existing dwellings.
5. That if the existing water service and/or sewer lateral are determined to conflict with any future and/or abutting lot lines, the Owner shall pay the City the fee to install new services and/or relocated the existing services within the Vansickle Road right-of-way, in order that the existing dwelling and proposed dwellings can all have independent services.
6. That the Owner pay the City for the decommissioning of any unused existing services.
7. That the Owner obtain a Plumbing Only Permit, to complete the reconnections of the water services and/or sewer lateral on the private property side to connect to the new or relocated services installed by the City.
8. That the Owner shall pay the City for the cost (\$11,814.00) for constructing a future sidewalk on the east side of Vansickle Road across the full frontage of the property at the current rate of \$200/m².
9. 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.
10. That the applicant submit a payment for the placement of a 60mm boulevard tree for each of the new lots, in accordance with the City's current Schedule of Rates and Fees.
11. That the Owner provide the Secretary-Treasurer with the acknowledgement and direction for conveyance of the subject parcel, together with a copy of the deposited reference plan, for use in the issuance of the Certificate of Consent.
12. 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.
13. That all conditions of consent be fulfilled by March 30, 2024.

Minor Variance

That submission **A-05/22** by Ashton Gobbo, as outlined in the Notice of Hearing, be approved.

That Variances 1 and 2 of submission **A-06/22** by Ashton Gobbo, as outlined in the Notice of Hearing, be approved.

That Variance 3 of submission **A-06/22** by Ashton Gobbo, as outlined in the Notice of Hearing, be denied.

That submission **A-07/22** by Ashton Gobbo, as outlined in the Notice of Hearing, be approved.

Report

The Proposal

The applicant proposes to sever the existing lot at 232 Vansickle Road for the proposed construction of a semi-detached dwelling. The proposed severances will create three lots, with the existing detached dwelling on Parts 1 and 2 and proposed semi-detached units on parts 3 and 4. The proposed consent for Part 2 seeks to establish an easement for ingress and egress for driveway and parking access to benefit Part 3. The requested variances are required to address a number of zoning deficiencies resulting from the severances. The requested consents and minor variances are outlined in the tables below.

Application	Part on Attached Plan	Land Area	Retained Parcel	Retained Area
B-01/22SC easement	Part 2	25m ²	Parts 1 & 2	413.5m ²
B-02/22SC severance	Part 3	354.7m ²	Parts 1 & 2	413.5m ²
B-03/22SC severance	Part 4	379.9m ²	Parts 1 to 3	768.6m ²

Application	Variance	Provision	Required	Proposed
A-05/22 (232 Vansickle Road)	1	Reduction of the minimum rear yard setback	7.5 metres	3.5 metres
A-06/22 (234A Vansickle Road)	1	Reduction of the minimum lot area per dwelling unit for a semi-detached dwelling	370 m ²	350 m ²
	2	Reduction of the minimum lot frontage	12.0 metres	7.1 metres
	3	An increase of the maximum paved area	20% of the total lot area	30% of the total lot area
A-07/22 (234B Vansickle Road)	1	Reduction of the minimum lot frontage	12.0 metres	7.9 metres

	2	Reduction of the front yard setback to dwelling	6.0 metres	5.5 metres
	3	Reduction of the minimum interior side yard setback for portion of dwelling in excess of 7 metres or greater in building height	2 metres	1.20 metres

Location and Site Description

The subject property is located on the east side of Vansickle Road, north of Rykert Street and south of Strada Boulevard. There is an existing detached dwelling to be retained on the south portion of the lands. The property is surrounded by detached dwellings to the west, an abutting townhouse development to the south and east, and a hydro corridor abutting the north side of the subject lands.

Circulation of Application

The application was circulated to all appropriate departments and agencies. No objections were received regarding the proposed consents to sever the land; a number of conditions of approval have been submitted and are included in the recommendation section of this report. The City's Community, Recreation and Culture Services department has objected to the approval of Variance 3 of application A-06/22 which requests an increase in the maximum amount of paved area on a lot. This is discussed in further detail in the Planning Analysis section of this report.

It has also been noted by the City's Development Engineering section that, although minimum zoning setbacks may be reduced through Minor Variances, existing and additional widths greater than the minimum may be required to accommodate and maintain access and storm water conveyance, as to not cause negative effects on the subject and adjacent properties. A Grading Plan, prepared by a Professional Engineer or Ontario Land Surveyor, shall be required for submission and review as a condition of the approval of the land severances.

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 E7. Detached dwellings and semi-detached dwellings are permitted in this designation. The intended density is 20 to 32 units per hectare of land. The proposal has a density of 26 units per hectare, which is in keeping with the targets of the GCP. No Official Plan amendment is required to facilitate this proposal.

Zoning By-law (2013-283)

The subject property is zoned Low Density Residential – Suburban Neighbourhood (R1). Detached dwellings and semi-detached dwellings are permitted in this zone. While the uses themselves are permitted, this development proposal requests several variances to the Zoning By-law, which are discussed in detail in the Planning Analysis section of this report.

Planning Analysis

Consents

Consent Applications **B-02/22SC (Part 3)** and **B-03/22SC (Part 4)** each propose to sever a new lot for the purpose of constructing a semi-detached dwelling unit. The semi-detached dwelling unit on Part 3 also contains a proposed interior accessory dwelling unit. The new lots are 354.7m² and 379.9m² respectively, with lot frontages of 7.1 and 7.9 metres. The minimum lot area requirement for a semi-detached dwelling in the R1 zone is 370 m² per unit, and the minimum lot frontage requirement for a semi-detached dwelling is 12 metres per unit. The retained lot containing the existing detached dwelling is 413.5 m² which meets the minimum lot area requirement for detached dwellings in the R1 zone.

Section 16.11.3 of the GCP states that consents to sever will only be given where they contribute to the infilling of areas that are already substantially developed, and where the size and shape of the parcel is appropriate for the use proposed and in terms of the optimum development of the surrounding area. Provincial land use plans, as well as the City's Official Plan, promote opportunities for intensification and redevelopment where it can be appropriately accommodated. Despite the reduced lot frontages for Parts 3 and 4, and the reduced lot area for Part 3, the proposed lots and proposed semi-detached development are of sufficient size and shape to accommodate adequate setbacks, parking, amenity space and building area for each of the proposed developments.

Section 7.1k) of the GCP states that alternative and innovative lottage patterns are supported provided that compatible street, building and site context sensitive design with adjacent properties and the surrounding neighbourhood can be achieved; and adequate and maintained access to a public road is provided and ensured. The original parcel is irregular in shape and the proposed lots, while also irregular, are able to provide sufficient amenity space in the rear, a functional building footprint, appropriate setbacks (setbacks are discussed further in the variance section of this report), and development that is overall compatible with the surrounding area.

However, as demonstrated on the plans, the applicants have also requested a 25 m² easement (Part 2) through Application **B-01/22SC** to allow the driveway for Part 3 to encroach onto the lot containing the existing dwelling. This driveway is for the sole benefit of Part 3. The driveway is proposed to be located directly abutting the existing dwelling, which includes a doorway that may cause issues with safety for vehicles and people who might be using that doorway. Staff are not supportive of the requested easement, due to the potential conflict and negative impact on the existing dwelling. If the easement were removed, the parking on Part 3 could be provided entirely on Part 3 in front of the dwelling.

There would only be space for one parking space as opposed to two, which is more appropriate due to the shape and size constraints of this parcel. This would result in the removal of the Accessory Dwelling unit (ADU) in the design for Part 3, and some alteration to the proposed porch design to allow for a 2.6 by 5.2 metre parking space in front of the face of the new dwelling. Staff are satisfied that there is sufficient width and area in the proposed front yard to accommodate parking, porch and landscaping.

Overall, the requested consents to sever the new parcels support increased intensification within a substantially developed area, demonstrates the efficient use of services and land, and are an innovative and effective use of the parcel fabric. However, this is only supported if the necessary parking and driveway for each unit can be fully accommodated within the parcel on which the unit sits, which includes removing the proposed rear yard parking for Part 3 from the design, and not approving the easement to access the rear yard parking. With the relocation of parking from the rear to the front of Part 3 and the removal of the ADU, the proposed parcels are able to function entirely within their own boundaries, without easements onto adjacent land, based on their size and configuration. Therefore, staff are supportive of applications **B-02/22SC** and **B-03/22SC** to create Parts 3 and 4, and staff are not supportive of application **B-01/22SC** which requests the establishment of an easement to accommodate a driveway.

Variances

Application A-05/22 (Parts 1 and 2 containing existing dwelling)

There is one variance requested through application A-05/22 for Part 1 containing the existing dwelling. The applicant is requesting a reduction of the minimum rear yard setback from 7.5 metres to 3.5 metres to reflect the narrowest point of the proposed rear yard of the existing dwelling. The proposed rear lot line for the existing dwelling is set at an angle from the dwelling, resulting in a backyard that ranges from 3.5 metres deep at its narrowest on the north side of the building to 8.4 metres deep at the south end of the house. The overall impact of the reduction in minimum setback is considered negligible, and the 4-metre reduction is considered minor in nature.

The intention of the rear yard setback is, in part, to ensure adequate spacing is provided between dwellings and adjacent land uses, and to provide sufficient amenity space for the residents. As proposed, the yard varies in depth and the 3.5 metre minimum at the north pinch point does not compromise the intent of the setback. The proposed rear yard is still in keeping with the intent and purpose of the Zoning By-law.

Given the irregular shape of the existing lot, some innovative lottage patterns are expected. By reducing the minimum rear yard setback for the existing dwelling at the proposed pinch point, the design allows for and facilitates greater, and adequate, amenity space to be provided for the proposed dwellings to the north. In this way, the variance is desirable for the appropriate development of the entire subject lands. Staff recommend that Application A-05/22 be approved.

Application A-06/22 (Part 3, proposed semi-detached dwelling)

Variance 1 of application A-06/22 requests a reduction of the minimum lot area per dwelling unit for a semi-detached dwelling from 370 m² to 350 m². The 20 m² reduction is considered minor in nature and is not anticipated to have negative impacts on surrounding uses. The intent of the minimum lot area in the Official Plan and Zoning By-law is, in part, to support the target density, being 20-32 units per hectare, and to ensure that the lot can adequately contain a building footprint, functional access and parking, appropriate setbacks and adequate amenity space for the residential dwelling. The lot will have a density of 28 units per hectare, which is within the target density. Additionally, the lot is able to accommodate the required setbacks, amenity space and access despite the reduced area. Parking will need to be redesigned, as discussed in the Consent section of this analysis, but staff are satisfied that there is enough room on the lot to do so.

Variance 2 of application A-06/22 requests a reduction of the minimum lot frontage from 12.0 metres to 7.1 metres. Similar to the lot area, the intent of the minimum lot frontage is to ensure that the lot has sufficient width to provide access, parking, functional building footprint, and appropriate setbacks. The frontage reduction is appropriate, provided the parking is entirely contained within Part 3 as discussed in the Consent section of this report. The 4.9 metre reduction in minimum lot frontage is considered minor in nature. The 7.1 metre width can accommodate a front yard parking area of up to 3.5 metres in width to replace the rear yard parking that is not supported by staff. The reduced frontage also accommodates a functional building footprint and adequate building setbacks. Staff are supportive of Variance 2.

Variance 3 of application A-06/22 requests an increase of the maximum paved area from 20% of the total lot area to 30% of the total lot area. Staff are not supportive of this increase in paved area, as it facilitates the construction of a driveway that encroaches onto the southerly abutting lot (by way of Part 2: easement) which is not considered adequate access due to potential conflict with and negative impacts on the adjacent building. Additionally, CRCS staff object to this variance as it is their opinion that landscaped open space and amenity areas will be compromised given the size of the proposed driveway/parking area. Therefore, an increase in paved area is not considered appropriate, nor in keeping with the intent of the Official Plan nor Zoning By-law. The parking will need to be relocated to the front of the dwelling. Only one space will be able to be provided, which results in the removal of the Accessory Dwelling Unit from the design of Part 3. Staff recommend denial of Variance 3.

Application A-07/22 (Part 4, proposed semi-detached dwelling)

Variance 1 of application A-07/22 requests a reduction of the minimum lot frontage from 12.0 metres to 7.9 metres. The intent of the minimum lot frontage is to ensure that the lot has sufficient width to provide access, parking, functional building footprint, and appropriate setbacks. The frontage reduction is appropriate, as all of these elements are provided entirely within Part 4. The intent and purpose of the Official Plan and Zoning By-law are therefore maintained. The 4.1 metre reduction in minimum lot frontage is considered minor in nature. Staff are supportive of Variance 1.

Variance 2 of application A-07/22 requests a reduction of the front yard setback requirement for a dwelling from 6.0 metres to 5.5 metres. The 0.5 metre reduction is considered minor in nature. The intent of the minimum setback is, in part, to uphold the Official Plan policies in Part D, Section 7.1 which encourage streetscape context sensitive design. The streetscape in this location is made up of the existing dwelling to the south which is set back approximately 9 metres, townhouses further south that are set back approximately 6 metres, the side walls of dwellings across the street that are setback approximately 5 metres, and a hydro corridor to the north. There is very little consistency and a 0.5 metre reduction in setback will not substantially impact the prevailing character of the neighbourhood. It is similar to some of the existing setbacks in the surrounding area and no negative impacts are anticipated as a result of the reduction. Staff are supportive of Variance 2.

Variance 3 of application A-07/22 requests a reduction of the minimum interior side yard setback requirement for a portion of a dwelling in excess of 7 metres or greater in building height from 2 metres to 1.20 metres. The intent of this setback is, in part, to avoid negative impacts on privacy and overlook of neighbouring lands, and to avoid negative impacts of shadowing. In this instance, the impacted property contains a hydro corridor. There are no privacy nor overlook concerns and Hydro One comments do not express any concerns with the development. Overall, the setback reduction is considered minor in nature and appropriate in this location. Staff are supportive of Variance 3.

Conclusion

Having regard for the matters under Section 53 of *The Planning Act*, staff are of the opinion that Consent Application **B-01/22SC** does not meet the intent and purpose of the Official Plan nor Zoning By-law. It has the potential to create conflicts with and negatively impact the existing dwelling. It is staff's recommendation that the requested consent application for an easement be denied.

Consent Applications **B-02/22SC** and **B-03/22SC** meet the intent and purpose of the Official Plan and Zoning By-law and do not have adverse impacts on the surrounding area. It is staff's recommendation that the requested consents 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 Application **A-05/22**, Variances 1 and 2 of Application **A-06/22**, and Application **A-07/22** 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 support approval of the above variances.

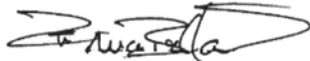
In the opinion of staff, Variance 3 of Application A-06/22 is not minor in nature, is not desirable for the appropriate development of the lands, nor in keeping with the general intent of the Official Plan and Zoning By-law. Staff recommend that Variance 3 of **A-06/22** be denied.

Prepared and Submitted by:

A handwritten signature in blue ink, appearing to read 'Charlotte McEwan'.

Charlotte McEwan, RPP, MCIP
Planner I

Approved by:

A handwritten signature in black ink, appearing to read 'Bruce Bellows'.

Bruce Bellows
Senior Project Manager

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Former Landfill - RE: 232 Vansickle & 93 Lafayette, Committee of Adjustment Hearing Notices & Applications - March 30, 2022 Hearing
Date: Friday, March 11, 2022 11:19:34 AM

232 Vansickle Road
93 Lafayette Drive

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



From: Vasko, Dennis <dvasko@stcatharines.ca>
Sent: Friday, March 11, 2022 10:33 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: RE: Committee of Adjustment Hearing Notices & Applications - March 30, 2022 Hearing

Hi Elaine,

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

Have a great weekend
Dennis

Dennis Vasko
Fill Site Technician
Tel: 905.688.5601 x2163
Email: 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: March 21, 2022

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – March 30, 2022 hearing

B-01/22SC – 232 Vansickle Road

Comment:

- No comment

Condition:

- A demolition permit is required to remove a portion of the carport or the entire carport from the existing detached dwelling to the satisfaction of the Chief Building Official.
- That the applicant shall satisfy the Chief Building Official for the City of St. Catharines that, as a result of the proposed severance, that spatial separation requirements for the glazed openings and type of construction for the exposed building face of the existing dwelling facing north, meet the requirements of Subsection 9.10.14 and 9.10.15 of the 2012 Ontario Building Code as applicable.

B-02/22SC – 232 Vansickle Road

Comment:

- Be advised that a building permit is required to construct a semi-detached dwelling.

Condition:

- Be advised that a building permit is required to remove or relocate both existing sheds from the property and to complete all inspections to the satisfaction of the Chief Building Official.

B-03/22SC – 232 Vansickle Road

Comment:

- Be advised that a building permit is required to construct a semi-detached dwelling.

Condition:

- Be advised that a building permit is required to remove or relocate both existing sheds from the property and to complete all inspections to the satisfaction of the Chief Building Official.

B-04/22SC – 13 Keele Street

Comment:

- Be advised that a building permit is required to construct a single detached dwelling.

Condition:

- No comment

B-05/22SC – 11 Keele Street

Comment:

- Be advised that a building permit is required to construct a single detached dwelling.

Condition:

- No comment

B-07/22SC – 102 Broadway

Comment:

- Be advised that a building permit is required to construct a semi-detached dwelling.

Condition:

- The current demolition permit (17112056RN – to demolish the existing dwelling) inspection shall be completed to the satisfaction of the Chief Building Official.

B-10/22SC – 48 Lakeport Road

Comment:

- No comment

Condition:

- That the applicant shall satisfy the Chief Building Official for the City of St. Catharines that, as a result of the proposed severance, that spatial separation requirements for the glazed openings and type of construction for the exposed building face of the existing commercial building facing north, meet the requirements of Subsection 9.10.14 and 9.10.15 of the 2012 Ontario Building Code as applicable.

B-12/22SC – 10 Adelene Crescent

Comment:

- No comment

Condition:

- That the applicant shall satisfy the Chief Building Official for the City of St. Catharines that, as a result of the proposed severance, that spatial separation requirements for the glazed openings and type of construction for the exposed building face of the existing dwelling facing west on Part 1, meet the requirements of Subsection 9.10.14 and 9.10.15 of the 2012 Ontario Building Code as applicable.



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: March 21, 2022

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – March 30, 2022 hearing

NO.	ADDRESS	COMMENTS
A-80/21	1204 Lakeshore Road West	<p>The current demolition permit (21116885RN -to demolish the existing dwelling) inspection shall be completed to the satisfaction of the Chief Building Official.</p> <p>Be advised that a building permit is required to construct a single detached dwelling and to complete all inspections to the satisfaction of the Chief Building Official.</p>
A-05/22	232 Vansickle Road	<p>Be advised that a demolition permit is required to remove a portion of the carport or the entire carport from the existing detached dwelling and to complete all inspections to the satisfaction of the Chief Building Official.</p>
A-06/22	234A Vansickle Road	<p>Be advised that a building permit is required to construct a semi-detached dwelling and to complete all inspections to the satisfaction of the Chief Building Official.</p>

NO.	ADDRESS	COMMENTS
A-07/22	234B Vansickle Road	Be advised that a building permit is required to construct a semi-detached dwelling and to complete all inspections to the satisfaction of the Chief Building Official.
A-09/22	102 Broadway	Be advised that a building permit is required to construct a semi-detached dwelling and to complete all inspections to the satisfaction of the Chief Building Official.
A-10/22	104 Broadway	Be advised that a building permit is required to construct a semi-detached dwelling and to complete all inspections to the satisfaction of the Chief Building Official.
A-15/22	7 Canal Street	No Comment
A-16/22	48 Lakeport Road	No Comment
A-22/22	8 Adelene Cres	No Comment
A-23/22	10 Adelene Cres	No Comment
A-25/22	93 Lafayette Drive	Be advised that a building permit is required to construct a 2 storey addition, front covered porch and rebuild the main floor and to complete all inspections to the satisfaction of the Chief Building Official.

NO.	ADDRESS	COMMENTS
A-39/22	St. Paul West	Be advised that a building permit is required to construct a 45 storey apartment building and to complete all inspections to the satisfaction of the Chief Building Official.



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

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

Cc:

From: Amanda Knutson, Community Project & Development Planner, CRCS

Date: March 23, 2022

Subject: Committee of Adjustment Applications – March 30, 2022 Hearing

CRCS staff have reviewed the above-noted applications and offer the following comments.

1204 Lakeshore Road West, Minor Variance, A-80/21, 21 115798

No comment.

232 Vansickle Road, Consent, B-01/22SC – 21121028

232 Vansickle Road, Consent, B-02/22SC – 21121029

232 Vansickle Road, Consent, B-03/22SC – 21121030

232 Vansickle Road, Minor Variance, A-05/22 – 21121042

234A Vansickle Road, Minor Variance, A-06/22 – 21121046

234B Vansickle Road, Minor Variance, A-07/22 – 21121045

CRCS staff have no objection to the proposed creation of two new lots for a semi-detached dwelling, subject to the following comments.

A landscape buffer is shown along the rear lot line of Part 3 to mitigate the impact of headlights on neighbouring homes to the south. It is recommended that this buffer be implemented through the necessary development agreement. Additionally, staff recommend that a wood board privacy fence be installed along the new rear lot line of the existing dwelling (Parts 1 and 2) to mitigate impacts of the proposed driveway/parking area on the private amenity area of the existing dwelling.

We offer no objection to the proposed minor variances, save and except for the requested increase in maximum paved area from 20% to 30% for Part 3. It is staff's opinion that landscaped open space and amenity areas will be compromised given the size of the proposed driveway/parking area. Further, the zoning by-law permits tandem parking for accessory dwelling units. The provision of tandem parking on this lot would significantly reduce the overall paved area, resulting in compliance with the by-law.

Should the application for consent be approved, CRCS recommends the following conditions be included:

1. 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.)
2. That the applicant submit a payment for the placement of a 60mm boulevard tree for each of the new lots, in accordance with the City's current Schedule of Rates and Fees.
3. That should the proposed driveway and parking area for Part 3 be approved to extend into the rear yard of that Part, and behind Parts 1 and 2, then the future development agreement shall implement the following:
 - a. Provision of a landscape strip along the rear lot line of Part 3, which is to be of sufficient width to support the installation of a row of closely planted cedar trees, or some similar species that will achieve an adequate buffer.
 - b. Installation of a 1.5m – 1.8m high wood board-on-board privacy fence along the rear lot line of Part 1 (height of the fence should be at least as tall as the existing wood board fence along the neighbouring private road development).

13 Keele Street, Consent, B-04/22SC – 21121005

11 Keele Street, Consent, B-05/22SC - 21121011

CRCS staff offer no objection to the proposed creation of one new lot for a detached dwelling. Should the applications for consent be approved, CRCS recommends the following conditions be included:

1. 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.)
2. 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.

102 Broadway, Consent, B-07/22SC – 21120989

102 Broadway, Minor Variance, A-09/22 – 21120990

104 Broadway, Minor Variance, A-10/22 - 21120991

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

1. 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.)
2. 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.

48 Lakeport Road, Consent, B-10/22SC – 22100270

7 Canal Street, Minor Variance, A-15/22 – 22100276

48 Lakeport Road, Minor Variance, A-16/22 – 22100278

CRCS has no concerns with the proposed consent to sever which will re-establish historic lot lines, nor the related minor variances.

10 Adelene Crescent, Consent, B-12/22SC – 22100900 - Natasha

8 Adelene Crescent, Minor Variance, A-22/22 – 22100901

10 Adelene Crescent, Minor Variance, A-23/22 - 22100902

CRCS has no concerns with the proposed boundary adjustment which was previously approved in 2015, nor the related minor variances.

93 Lafayette Drive, Minor Variance, A-25/22 – 22100937

There is an existing mature boulevard tree in the Lafayette road allowance, adjacent to the proposed entryway addition. Should the requested reduction in exterior side yard be approved in this area, then CRCS staff recommend that a condition be imposed requiring that the tree be protected. Specifically, prior to any construction activities commencing on site, a tree protection zone delineated by construction/snow fencing/hoarding is to be established around the trunk of the tree to be retained, and such tree protection zone is to remain in place for the duration of construction (minimum tree protection zone sizes are outlined in the table below. No soil, construction

materials, equipment, or vehicles of any sort are to be stored or otherwise located within the tree protection zone.

The Minimum Tree Protection Zone (MTPZ)

The following is a chart showing minimum required distances for determining a Minimum Tree Protection Zone. Some trees and some site conditions may require a larger Minimum Tree Protection Zone at the discretion of the City.

Table 1 – Minimum Tree Protection Zones

Trunk Diameter (DBH) ²	Minimum Tree Protection Zone (MTPZ) Distances Required ³	Critical Root Zone (CRZ) Distances Required ^{3&4}
< 10 cm	1.8 m	1.8 m
11 - 40 cm	2.4 m	4.0 m
41 - 50 cm	3.0 m	5.0 m
51 - 60 cm	3.6 m	6.0 m
61 - 70 cm	4.2 m	7.0 m
71 - 80 cm	4.8 m	8.0 m
81 - 90 cm	5.4 m	9.0 m
91 - 100+ cm	6.0 m	10.0 m

NOTES:

¹ The roots of a tree can extend from the trunk to approximately 2-3 times the distance of the drip line.

² Diameter at breast height (DBH) measurement of tree trunk taken at 1.4 metres above ground.

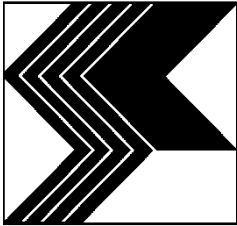
³ Minimum Tree Protection Zone and Critical Root Zone distances are to be measured from the outside edge of the tree base towards the drip line and may be limited by an existing paved surface, provided the existing paved surface remains intact throughout the construction work and is subject to Section 6 of this specification.

⁴ Where work is being performed beyond the Minimum Tree Protection Zone but within the Critical Root Zone the works are subject to Section 8 of this specification.

7 St. Paul Street West, Minor Variance, A-39/22 – 22101212

CRCS staff offer no objection to the minor variances requested. The shadow study submitted illustrates that neighbouring parks and public spaces will not be significantly impacted by shadows. Requirements related to landscaping, parkland dedication, park improvements, and streetscaping will be addressed through the concurrent site plan process.

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-1,2,3/22SC



March 10th, 2022

ENGINEERING FILE 300-36

Hearing Date: March 30th, 2022

Applicant: 2702121 Ontario Inc.
(Agent – Curtis Thompson, Better Neighbourhoods)

Location: 232 Vansickle Road

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

Comment(s):

General

It is noted that the Applicant proposes to sever Parts 2 & 3 on the attached surveyors sketch. Part 1 is to be retained for continued residential use.

Roads

Vansickle Road is designated a Collector Residential Corridor in the City's Master Transportation Plan with a desired right-of-way width of 20.0m. The Official Plan designates it as a collector. The current width meets the minimum requirement therefore, the City shall not require widening dedications along the frontages as conditions of this severance application.

Sidewalks and Curbs

The east side of Vansickle Road is on the City's list of priority sidewalks. The City's Master Transportation Plan indicates sidewalks should be installed on both sides of Collector Residential Corridors. Therefore, prior to the finalization of the severance the owner will be required pay the City for the cost of constructing a future sidewalk on the east side of Vansickle Road across the full frontage of the property. The current rate based on recent tenders received by the City for similar works is \$200.00/m² and includes construction, obtaining existing topo and elevations, engineering design, drawings, contract administration, and inspection. Based on the property frontage of 39.38m as provided on the surveyor's sketch provided with the application, and the standard width 1.5m, the total cost would be \$11,814.00. The exact cost will be determined once a final legal plan of survey is provided to determine the exact frontage.

Curb cuts and fills will be dealt with at the building permit stage.

Grading and Drainage

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 Servicing & Grading Plan is a requirement for review and approval at the building permit stage, it shall be required prior to the finalization of these severances to ensure that prior to the lots being created drainage can be conveyed to a suitable outlet while not adversely affect abutting properties or the City boulevard.

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 across the Vansickle Road frontage, sump pump flows shall be required to discharge at grade through the front wall of each dwelling. The sump pump and direction of discharge shall be identified on the Servicing and Grading Plan, in accordance with the Property Standards By-law (2014-248).

Linear Municipal Services

Existing

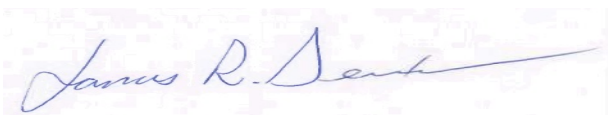
Water:	150mm A.C. (City) 900mm C.I. (Region)
Sanitary Sewer:	200mm P.V.C.
Storm Sewer:	450mm P.V.C.

City records indicate the existing dwelling’s sewer lateral is fed from the City Sanitary Sewer on Vansickle Road and the existing water service is connected to the City watermain. The Owner shall be responsible to pay the fee (\$235.00) for City crews to locate, trace, inspect and document the existing sewer lateral and water service locations currently in use for the existing dwelling, to confirm neither cross any abutting and/or future lot lines. The owner shall have the proposed lot lines located in the field to accommodate this investigation. This shall be completed prior to both the severance finalization and demolition permit issuance, whichever comes first. If it is determined there is a conflict, the Owner shall pay the City the fees required to install new services to the street line of the existing dwelling or relocate a portion of the existing service within the right-of-way to avoid conflicts and achieve independent services for each of the three lots. If any existing service cannot be re-used the owner shall pay for such service to be decommissioned to the satisfaction of the City. **The Applicant is hereby advised that servicing of the proposed new lots will not proceed or be scheduled prior to the creation and registration of the new lots.**

Condition(s):

Prior to final certification of the severance application, the Applicant shall,

- Have a Lot Servicing & Grading Plan prepared by a Professional Engineer and/or Ontario Land Surveyor submitted to and approved by City staff,
- Pay the fee (\$235.00) for City crews to locate, trace, inspect, and document the sewer and water laterals servicing the existing dwellings,
- If the existing water service and/or sewer lateral are determined to conflict with any future and/or abutting lot lines, the Applicant shall pay the City the fee to install new services and/or relocate the existing services within the Vansickle Road right-of-way, in order that the existing dwelling and the proposed dwellings can all have independent services.
- Pay the City for the decommissioning of any unused existing services,
- The Applicant obtain a Plumbing Only Permit, to complete the reconnections of the water service and/or sewer lateral on the private property side, to connect to the new or relocated services installed by the City.
- The applicant shall pay the City for the cost (\$11,814.00) for constructing a future sidewalk on the east side of Vansickle Road across the full frontage of the property at the current rate of \$200/m2.



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

c. B. Johnston, C.E.T. PBS (email only)



Memorandum

To: Elaine Munro, ACST, Committee Secretary & Planning Technician
From: Brad Johnston, C.E.T., Development Engineering Technologist
CC: City Committee of Adjustment Staff Members
Date: March 10, 2022
Hearing Date: March 30, 2022
Subject: **Committee of Adjustment - Minor Variance Applications**
1204 Lakeshore Road West – A-80/21SC
232 (234) Vansickle Road - A-05,06&07/22SC
102 -104 Broadway – A-09&10/22SC
7 Canal Street – A-15/22SC
48 Lakeport Road – A-16/22SC
8 – 10 Adelene Crescent – A-22&23/22SC
93 Lafayette Drive – A-25/22SC
7 St. Paul Street West / 7 McGuire Street – A-39/22SC

Development Engineering have no comments or objections to the above noted applications, subject to the following;

- All applicants must acknowledge that although minimum Zoning setbacks may be reduced through Minor Variances, existing and additional widths greater than the minimum may be required to accommodate and maintain access and storm water conveyance, so as not to cause negative effects on the subject and adjacent properties; and
- The applicant for 1204 Lakeshore Road West be advised that a Grading Plan, prepared by a Professional Engineer or Ontario Land Surveyor, shall be required for submission through the building permit application process

Prepared by:

Brad Johnston, C.E.T.
Development Engineering 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-04/22SC & B-05/22SC

11 & 13 Keele Street

DATE OF HEARING:
March 30, 2022

A copy of the Notice of Hearing and sketches were attached to each notice, but only 1 copy is attached at end of comments.

ACKNOWLEDGMENT OF RECEIPT OF NOTICE OF HEARING

- TO: Committee of Adjustments ("COA") for the Corporation of the City of St. Catharines
- RE: Application made by Mate Bodnar for a Consent to Sever in respect of the property at 11 Keele Street, St. Catharines to be heard on March 30, 2022
COA File No. 21121011, Submission No. B-05/22SC re Consent to Sever
- RE: Application made by Jean Marie O'Mara for a Consent to Sever in respect of the property at 13 Keele Street, St. Catharines to be heard on March 30, 2022
COA File No. 21121005, Submission No. B-04/22SC re Consent to Sever

The undersigned acknowledges receipt of the Notices of Hearing in respect of the hearing subject Applications for a Consent to sever the properties at 11 and 13 Keele Street to create a single building lot backing onto Kerr Lane and fronting onto Hazel Street.

I/We do not oppose these Applications to create a single building lot.

Dated at St. Catharines, ON on March 16, 2022

REF	DISC	INFO	P.B.S.	REFERRED TO	INT.
DATE REC'D →		MAR 23 2022		SCAN <input type="checkbox"/>	
FILE NO					

Print Name: Claire Joyce

Print Address:
28 Kerr St

Print Telephone:

Print Email:

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Dated at St. Catharines, ON on March 16, 2022


Print Name:

Print Address:

RPT	DISCAS	INFO		P.B.S.	REFERRED TO	INT.
DATE REC'D →		MAR 23 2022		SCAN <input type="checkbox"/>		
FILE NO						

Print Telephone 

Print Email:

34 kee street

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RPT	DISCUSS	INFO		P.B.S.	REFERRED TO	INT.
DATE REC'D →		MAR 23 2022		SCAN <input type="checkbox"/>		
FILE NO						

MARGARET FRASER

Print Name:

Print Address: 15 KEELE ST
ST. CATHARINES, ON

Print Telephone:

Print Email:

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I/We do not oppose these Applications to create a single building lot.

Dated at St. Catharines, ON on March 16, 2022

Katy Reynolds

Print Name:

Print Address: 17 Keele St.

Print Telephone:

Print Email:

RPT	DIS/SS	INFO	P.B.S.	REFERRED TO	INT.
DATE REC'D →		MAR 23 2022		SCAN <input type="checkbox"/>	
FILE NO					

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Dated at St. Catharines, ON on March 16th, 2022

Don Houser

Print Name: Don Houser

Print Address: 19 Keele St

RPT	DESC	INFO		P.B.S.
			RESERVED TO	INT.
DATE REC'D → MAR 23 2022 SCAN <input type="checkbox"/>				
FILE NO				

Print Telephone:

Print Email:

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Dated at St. Catharines, ON on March 16, 2022

RPT	DISCUSS	INFO	★	P.B.S.	
				REFERRED TO	INT.
DATE REC'D →		MAR 23 2022		SCAN	<input type="checkbox"/>
FILE NO					

Candy Lawrie
Print Name:

Print Address:

14 Keele St.
St. Catharines, On

Print Telephone: [REDACTED]

Print Email: [REDACTED]


ACKNOWLEDGMENT OF RECEIPT OF NOTICE OF HEARING

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RPT	DISCS	INFO		P.B.S.
				REFERRED TO
				INT.
DATE REC'D → MAR 23 2022 SCAN <input type="checkbox"/>				
FILE NO				

Deborah MacLaurin

Print Name:

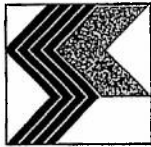
Print Address:

8 Keele St.

St. Catharines

Print Telephone:

Print Email:



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

Notice of Hearing

Amanda No. 21121005
Submission No. B-04/22SC
Roll No. 2629010011025000000

WHY ARE YOU RECEIVING THIS NOTICE?

You are receiving this notice because you own a property that is within 60 metres of a proposal to the Committee of Adjustment.

An application for **Consent** has been received from **Jean Marie O'Mara** under the above noted file number and will be heard by the Committee of Adjustment for the City of St. Catharines on:

Wednesday March 30, 2022 at 5:00 p.m.

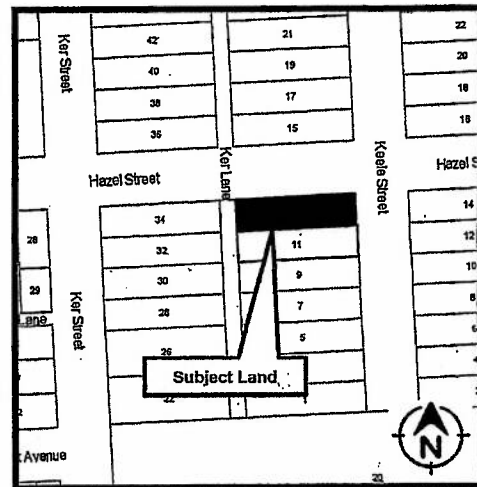
Under the authority of the *Municipal Act Emergency Management and Civil Protection Act* and the *Statutory Powers Procedure Act*, City Council approved Committee of Adjustment Hearings to be held electronically during an Emergency through By-law 2020-49.

Location of the Application:

13 Keele Street

CP 6 Lot 977, Corporation Plan No. 6

Located on the southwest corner of Keele Street and Hazel Street



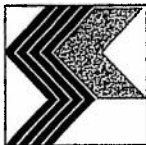
Application B-04/22SC is made for consent to a partial discharge of mortgage and for consent to sever 206 m² of land (Part 2 on the submitted sketch) which will be added to the abutting southerly parcel of land to create a new lot to construct a detached dwelling. A 350 m² remnant parcel (Part 1) with the existing detached dwelling would remain for continued residential purposes. There is a concurrent consent application, B-05/22SC.

Electronic Hearing Procedures How to get involved in the Virtual Hearing

St. Catharines City Hall is temporarily closed to help stop the spread of COVID-19. In-person Committee of Adjustment Hearings have been cancelled. On April 22, 2020, City Council approved Committee of Adjustment Hearings to be held electronically during the Emergency.

How to Submit Comments:

- All written comments (by mail or email) must be received by the Secretary-Treasurer no later than by **Wednesday March 23, 2022**.
- Advance registration is required to participate in the electronic hearing by visiting the Committee of Adjustment webpage and completing the Committee of Adjustment Electronic Delegation Application Form by **Friday March 25, 2022**.
- Residents without access to a computer, smartphone or tablet can participate in a meeting via telephone. You can register by calling 905-688-5601 extension 1715 and leave a message with your name, phone number and the application you wish to speak to by **Friday, March 25, 2022**. The Secretary-Treasurer will contact you and provide you with further details.



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

- As per Section 6(5) of the Statutory Powers Procedure Act, you may seek to have the Committee hold an oral/in-person hearing to address the application if you are able to demonstrate that holding an electronic hearing will cause you significant prejudice. If you wish to seek an oral/in-person meeting, please notify the Secretary-Treasurer by no later than the 14th day prior to the scheduled hearing. This is a public hearing for the purpose of hearing evidence in favour or against the application.
- Forward this information to those who may have an interest in the application and may not have received a copy.
- If you are the owner of any land that contains seven or more residential units, please post a copy of this notice in a location that is visible to all of the residents.
- An appeal to the Ontario Land Tribunal (OLT) may be dismissed if no written, or verbal submission were made at time of the hearing, before the Committee gives or refuses to give approval to an application.

If you have questions, wish to submit comments or request a copy of the Notice of Decision, please contact:

Elaine Munro, Secretary-Treasurer
Committee of Adjustment, City Hall
P.O. Box 3012, 50 Church Street
St. Catharines, ON L2R 7C2
905-688-5601 x1715
emunro@stcatharines.ca

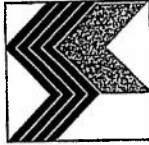
Other applications will be heard at this hearing. The agenda, planning report and all comments will be available by 4:30 p.m. the Friday prior to the hearing at <https://stcatharines.civicweb.net/filepro/documents/1315> or from the Planning and Building Services Department. For additional information, contact the undersigned during normal business hours; 8:30 am to 4:30 pm Monday to Friday.

NOTE

Personal information as defined in the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*, collected and recorded or submitted in writing or electronically as related to this planning application is collected under the authority of the *Planning Act*, and will be used by members of the Committee and City of St. Catharines staff in their review of this matter. Please be advised that your submissions will be part of the public record and will be made available to the public, including posting on the City's website, www.stcatharines.ca. By providing your information, you acknowledge that all personal information such as the telephone numbers, email addresses and signatures of individuals will be redacted by the Secretary-Treasurer on the on-line posting only. Questions regarding the collection, use and disclosure of personal information may be directed to the Corporate Records Coordinator at 905-688-5600, Ext. 1504.

Date of Mailing: Tuesday March 08, 2022

Elaine Munro, ACST, Secretary-Treasurer



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
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Fax: 905-688-5873
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Notice of Hearing

Amanda No. 21121011
Submission No. B-05/22SC
Roll No.2629010011024000000

WHY ARE YOU RECEIVING THIS NOTICE?

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Wednesday March 30, 2022 at 5:00 p.m.

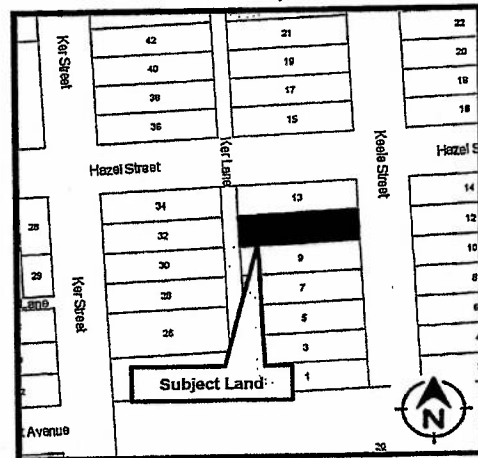
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Location of the Application:

11 Keele Street

Lot 976, Corporation Plan No. 6

Located on the west side of Keele Street, south of Hazel Street.



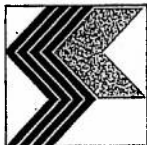
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- All Hearings will be live-streamed on the City of St. Catharines YouTube account.



City of St. Catharines

COMMITTEE OF ADJUSTMENT
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St. Catharines, ON L2R 7C2

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Fax: 905-688-5873
Email: emunro@stcatharines.ca

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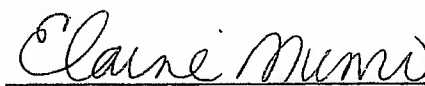
Elaine Munro, Secretary-Treasurer
Committee of Adjustment, City Hall
P.O. Box 3012, 50 Church Street
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Other applications will be heard at this hearing. The agenda, planning report and all comments will be available by 4:30 p.m. the Friday prior to the hearing at <https://stcatharines.civicweb.net/filepro/documents/1315> or from the Planning and Building Services Department. For additional information, contact the undersigned during normal business hours; 8:30 am to 4:30 pm Monday to Friday.

NOTE

Personal information as defined in the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*, collected and recorded or submitted in writing or electronically as related to this planning application is collected under the authority of the *Planning Act*, and will be used by members of the Committee and City of St. Catharines staff in their review of this matter. Please be advised that your submissions will be part of the public record and will be made available to the public, including posting on the City's website, www.stcatharines.ca. By providing your information, you acknowledge that all personal information such as the telephone numbers, email addresses and signatures of individuals will be redacted by the Secretary-Treasurer on the on-line posting only. Questions regarding the collection, use and disclosure of personal information may be directed to the Corporate Records Coordinator at 905-688-5600, Ext. 1504.

Date of Mailing: Tuesday March 08, 2022


Elaine Munro, ACST, Secretary-Treasurer

SCALE 1 : 250

ONTARIO LAND SURVEYORS

HAZEL STREET

PUBLIC TRAVELLED ROAD (20.1m WIDE)

No. 15
1 STOREY DWELLING

KEY PLAN (NOT TO SCALE)

KEELE STREET
PUBLIC TRAVELLED ROAD (20.1m WIDE) CENTRELINE OF ROAD

NOTE

THIS SKETCH IS INTENDED FOR USE OF
THE COMMITTEE OF ADJUSTMENT ONLY.
MEASUREMENTS MAY VARY UPON FIELD
SURVEY.

METRIC NOTE

DISTANCES SHOWN ON THIS PLAN ARE
IN METRES AND CAN BE CONVERTED TO
FEET BY DIVIDING BY 0.3048

	BUILDING AREA /STRUCTURE %	DRIVEWAY AREA %	GREENSPACE AREA %
PART 1	105 M ² 30%	45 M ² 12.9%	200 M ² 57.1%
PARTS 2 &3	129 M ² 31.3%	33 M ² 8.00%	250 M ² 60.7 %
PART 4	83 M ² 23.6%	65 M ² 18.5%	203 M ² 57.9 %

REVISED DATE : FEBRUARY 14, 2022
PLOT DATE : MAY 27, 2021

THIS PLAN IS NOT VALID UNLESS EMBOSSED WITH THE ORIGINAL SURVEYORS SEAL



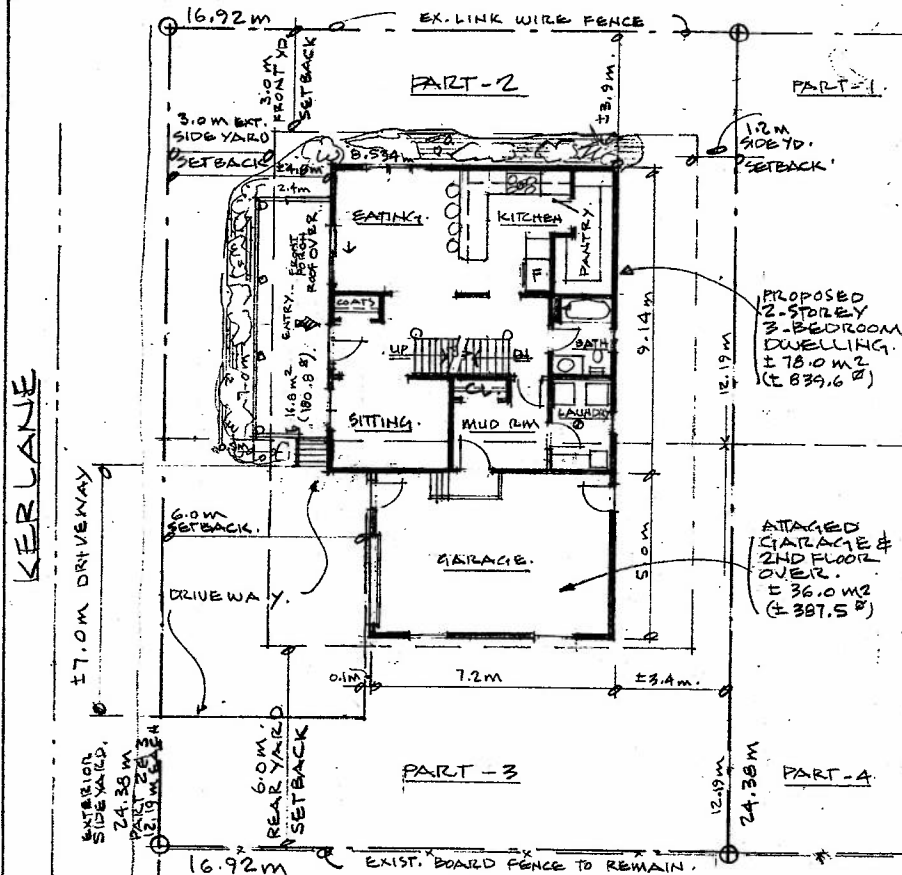
Kirkup Mascoe Ure Surveying
A Division of I.D. Barnes Limited

418 PORTAGE ROAD UNIT 2, NIAGARA FALLS, ON L2E 6A7
T: (905) 641-1907 F: (905) 641-4324 www.jchamco.com

DRAWN BY: CN	CHECKED BY: RSK	REFERENCE NO: 18-49-216-00 SKETCH
PLOTED: FEBRUARY 16, 2022		DATED: FEBRUARY 16, 2022



HAZEL STREET
(FRONT YARD).



16.3m
PUBLIC TRAVELLED
LANE.
3.15m
E KER
LANEWAY
PROP.
LINE

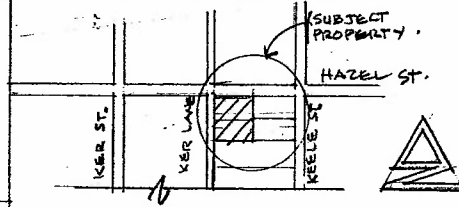
DESCRIPTION:
PART OF LOTS 976 & 977,
REGISTERED PLAN 6
11 & 13 KEELE ST

CALCULATIONS:

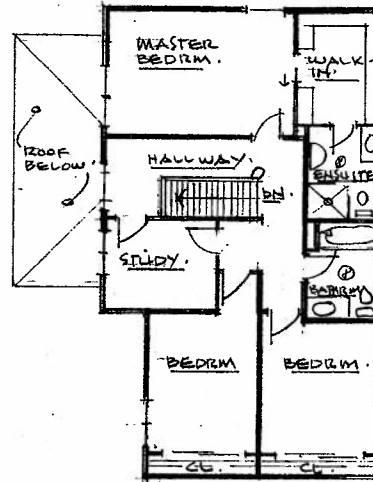
- LOT AREA = $\pm 412.5 \text{ m}^2$
- DWELLING
FOOTPRINT = $\pm 178.0 \text{ m}^2$
- 90 LOT COVER = $\pm 31.7\%$
- LANDSCAPE
AREA = $\pm 295.0 \text{ m}^2$ (71.5%)

NOTE: THIS DWG. ILLUSTRATES
A POSSIBLE HOUSE DESIGN.
THE CONCEPT MAY CHANGE
IN THE FINAL DESIGN & WILL
MAINTAIN ALL ZONING
ISSUES IMPOSED.

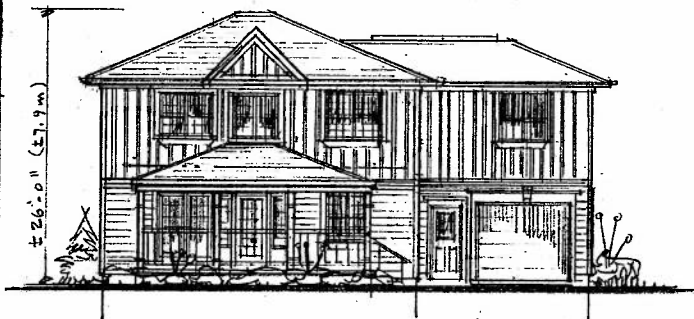
PROPOSED SITE DEVELOPMENT PLAN. SCALE:
1 = 100.0



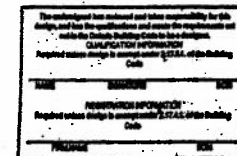
KEY PLAN. NTS.



UPPER FLOOR SCALE: 1 = 100.0



KER LANE CONCEPT ELEVATION. NTS.



CLIENT:
MATE BODHAR
289 697 9969
MATE.BODHAR@GMAIL.COM
11 & 13 KEELE ST.
SEVERANCE.
POSSIBLE HOUSE
DESIGN
ST. CATHARINES
ONTARIO

TRANS AND
ELEVATION.

ISSUED: APRIL 7 2020

Chris Cristelli MAATO

CHRIS
CRISTELLI
& ASSOCIATES INC.

Design Consultation
& Project Co-ordination

6255 Pine Grove Av.
Niagara Falls, Ontario L2G 4J1
905-374-2083

1 of 1

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: RE: 2022-03-09_CN Comments_13 Keele Street, St. Catharines
Date: Wednesday, March 9, 2022 9:18:08 AM
Attachments: [image001.png](#)

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



From: Saadia Jamil <Saadia.Jamil@cn.ca> **On Behalf Of** Proximity
Sent: Wednesday, March 9, 2022 2:23 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: 2022-03-09_CN Comments_13 Keele 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.

Hello,

Thank you for circulating CN. It is noted that the subject site is located in proximity to the CN railway corridor. CN recommends the following to be implemented as conditions of approval:

- The following clause to be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or lease of each dwelling unit within 300 metres of the railway right-of-way "Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way."
- Registration of an environmental easement for operational noise and vibration emissions, in favor of CN

Furthermore, CN recommends the implementation of certain basic mitigation measures in the dwelling design and construction in order to limit potential impacts, including:

- Provision for air-conditioning, allowing occupants to close windows during the warmer months;
- Exterior cladding facing the railway achieving a minimum STC rating of 54 or equivalent, e.g. masonry;
- Acoustically upgraded windows facing the railway with appropriate specifications;

- Locating noise sensitive rooms away from the railway side;

Sincerely,

Saadia Jamil

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



E : proximity@cn.ca
1600, René-Lévesque Ouest, 11e étage
Montréal (Québec)
H3H 1P9 CANADA
wsp.com



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: March 25, 2022

Date of Meeting: March 30, 2022

Report Number: B-04/22SC
B-05/22SC

File: 21121005 (13 Keele Street)
21121011 (11 Keele Street)

Subject: 13 and 11 Keele Street

Recommendation

That submission **B-04/22SC** by Jean Marie O'Mara, 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 11 and 13 Keele Street addressing the following conditions:
 - a. That building permit plans for Parts 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 Servicing and Grading 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 following clause be inserted in the development agreement: "Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way."
2. That the owner provide a Servicing and Grading 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 payment of 5% of the appraised value of the newly created 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.

4. 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.
5. That the Owner register an environmental easement for operational noise and vibration emissions, in favor of CN, on the new lot.
6. Pursuant to Section 50(12) of the Planning Act, it is hereby stipulated that section 50(3) or 50(5) shall apply to any subsequent conveyance of, or other transaction involving, the identical subject parcel of land. Therefore, the applicant will provide the Secretary-Treasurer with a solicitor's undertaking that the condition of the Committee of Adjustment will be implemented and the properties (Parts 2 and 3) will be merged and become one parcel of land.
7. 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.
8. 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.
9. That all conditions of consent be fulfilled by February 23, 2024.

That submission **B-05/22SC** by Jean Marie O'Mara, 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 11 and 13 Keele Street addressing the following conditions:
 - a. That building permit plans for Parts 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 Servicing and Grading 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 following clause be inserted in the development agreement: "Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way."
2. That the owner provide a Servicing and Grading 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 payment of 5% of the appraised value of the newly created 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.
4. That the Owner register an environmental easement for operational noise and vibration emissions, in favor of CN, on the new lot.
5. Pursuant to Section 50(12) of the Planning Act, it is hereby stipulated that section 50(3) or 50(5) shall apply to any subsequent conveyance of, or other transaction involving, the identical subject parcel of land. Therefore, the applicant will provide the Secretary-Treasurer with a solicitor's undertaking that the condition of the Committee of Adjustment will be implemented and the properties (Parts 2 and 3) will be merged and become one parcel of land.
6. 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.
7. 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.
8. That all conditions of consent be fulfilled by February 23, 2024.

Report

The Proposal

The applicant proposes to sever part of the rear yards of both 11 and 13 Keele Street. The severed rear lots will be merged to create one new lot, which will front on Hazel Street and be flanked by Ker Lane. The applicant proposes to construct a two-storey detached dwelling on the new lot, with driveway access to the new lot off of Ker Lane. The existing dwellings on the retained lots at 11 and 13 Keele Street will remain. The requested consent is outlined in the table below.

Application	Severed Parcel	Severed Area	Retained Parcel	Retained Area
B-04/22SC	Part 2	206 m ²	Part 1	350 m ²
B-05/22SC	Part 3	206 m ²	Part 4	351 m ²

Location and Site Description

The subject properties are located on the west side of Keele Street, immediately south of Hazel Street, with the rear of the lots backing onto Ker Lane. The subject properties are currently occupied by a detached dwelling on each lot. The surrounding neighbourhood is low density residential with detached dwellings being the primary building type. Valleyview Park is located at the south end of Keele Street..

Circulation of Application

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

Planning Policy Context

Official Plan (Garden City Plan)

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

Zoning By-law (2013-283)

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

Planning Analysis

Consent applications **B-04/22SC** and **B-05/22SC** request to sever a new lot (the rear portion) from each of the two adjacent properties, and to be merged in title to form one new lot, to construct a two-storey detached dwelling. Section 16.11 of the GCP sets out policies that applications for lot creation are evaluated against. Relevant policies are listed below with staff comments 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 lot will make use of existing infrastructure. Any required improvements to infrastructure such as municipal streets, water, wastewater, and stormwater services will be at the expense of the owner. As such there are no anticipated costs for the City.

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

The proposed severances are located within the City's built boundary and within an area that is substantially developed. The proposal includes constructing a two-storey detached dwelling, which supports 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 scale of the proposed dwelling and overall lot area maintains the prevailing character of the neighbourhood in terms of scale and massing. As such, the proposed severances will not result in any adverse impacts on surrounding properties. The proposed consent

does not create any zoning deficiencies, demonstrating that there is adequate space for landscaping, parking, and outdoor amenity areas.

The density range for the Low Density Residential designation in the GCP is 20 to 32 units per hectare. The proposed density for the new lot is approximately 25 units per hectare. The proposed density on the retained lots is approximately 29 units per hectare. The new lot and retained lots meet the density requirements of the GCP.

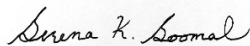
The creation of the proposed lot represents the efficient use of lands in an infill context and supports the optimum development of the area.

Staff recommend that consent applications **B-04/22SC** and **B-05/22SC** be approved, subject to conditions outlined in the recommendation.

Conclusion

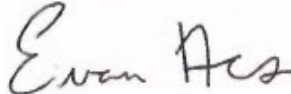
Having regard for the matters under Section 53 of *The Planning Act*, staff are of the opinion that Consent Applications **B-04/22SC** and **B-05/22SC** meet the intent and purpose of the Official Plan and Zoning By-law and will have no adverse impacts on the surrounding area and environment. It is staff's recommendation that the requested consents to sever be approved, subject to the conditions set out in the recommendation.

Prepared by:



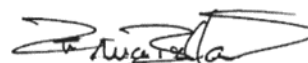
Serena Soomal
Student Planner

Submitted by:



Evan Acs
Planner I

Approved by:



Bruce Bellows
Senior Project Manager

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: March 21, 2022

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – March 30, 2022 hearing

B-01/22SC – 232 Vansickle Road

Comment:

- No comment

Condition:

- A demolition permit is required to remove a portion of the carport or the entire carport from the existing detached dwelling to the satisfaction of the Chief Building Official.
- That the applicant shall satisfy the Chief Building Official for the City of St. Catharines that, as a result of the proposed severance, that spatial separation requirements for the glazed openings and type of construction for the exposed building face of the existing dwelling facing north, meet the requirements of Subsection 9.10.14 and 9.10.15 of the 2012 Ontario Building Code as applicable.

B-02/22SC – 232 Vansickle Road

Comment:

- Be advised that a building permit is required to construct a semi-detached dwelling.

Condition:

- Be advised that a building permit is required to remove or relocate both existing sheds from the property and to complete all inspections to the satisfaction of the Chief Building Official.

B-03/22SC – 232 Vansickle Road

Comment:

- Be advised that a building permit is required to construct a semi-detached dwelling.

Condition:

- Be advised that a building permit is required to remove or relocate both existing sheds from the property and to complete all inspections to the satisfaction of the Chief Building Official.

B-04/22SC – 13 Keele Street

Comment:

- Be advised that a building permit is required to construct a single detached dwelling.

Condition:

- No comment

B-05/22SC – 11 Keele Street

Comment:

- Be advised that a building permit is required to construct a single detached dwelling.

Condition:

- No comment

B-07/22SC – 102 Broadway

Comment:

- Be advised that a building permit is required to construct a semi-detached dwelling.

Condition:

- The current demolition permit (17112056RN – to demolish the existing dwelling) inspection shall be completed to the satisfaction of the Chief Building Official.

B-10/22SC – 48 Lakeport Road

Comment:

- No comment

Condition:

- That the applicant shall satisfy the Chief Building Official for the City of St. Catharines that, as a result of the proposed severance, that spatial separation requirements for the glazed openings and type of construction for the exposed building face of the existing commercial building facing north, meet the requirements of Subsection 9.10.14 and 9.10.15 of the 2012 Ontario Building Code as applicable.

B-12/22SC – 10 Adelene Crescent

Comment:

- No comment

Condition:

- That the applicant shall satisfy the Chief Building Official for the City of St. Catharines that, as a result of the proposed severance, that spatial separation requirements for the glazed openings and type of construction for the exposed building face of the existing dwelling facing west on Part 1, meet the requirements of Subsection 9.10.14 and 9.10.15 of the 2012 Ontario Building Code as applicable.



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

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

Cc:

From: Amanda Knutson, Community Project & Development Planner, CRCS

Date: March 23, 2022

Subject: Committee of Adjustment Applications – March 30, 2022 Hearing

CRCS staff have reviewed the above-noted applications and offer the following comments.

1204 Lakeshore Road West, Minor Variance, A-80/21, 21 115798

No comment.

232 Vansickle Road, Consent, B-01/22SC – 21121028

232 Vansickle Road, Consent, B-02/22SC – 21121029

232 Vansickle Road, Consent, B-03/22SC – 21121030

232 Vansickle Road, Minor Variance, A-05/22 – 21121042

234A Vansickle Road, Minor Variance, A-06/22 – 21121046

234B Vansickle Road, Minor Variance, A-07/22 – 21121045

CRCS staff have no objection to the proposed creation of two new lots for a semi-detached dwelling, subject to the following comments.

A landscape buffer is shown along the rear lot line of Part 3 to mitigate the impact of headlights on neighbouring homes to the south. It is recommended that this buffer be implemented through the necessary development agreement. Additionally, staff recommend that a wood board privacy fence be installed along the new rear lot line of the existing dwelling (Parts 1 and 2) to mitigate impacts of the proposed driveway/parking area on the private amenity area of the existing dwelling.

We offer no objection to the proposed minor variances, save and except for the requested increase in maximum paved area from 20% to 30% for Part 3. It is staff's opinion that landscaped open space and amenity areas will be compromised given the size of the proposed driveway/parking area. Further, the zoning by-law permits tandem parking for accessory dwelling units. The provision of tandem parking on this lot would significantly reduce the overall paved area, resulting in compliance with the by-law.

Should the application for consent be approved, CRCS recommends the following conditions be included:

1. 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.)
2. That the applicant submit a payment for the placement of a 60mm boulevard tree for each of the new lots, in accordance with the City's current Schedule of Rates and Fees.
3. That should the proposed driveway and parking area for Part 3 be approved to extend into the rear yard of that Part, and behind Parts 1 and 2, then the future development agreement shall implement the following:
 - a. Provision of a landscape strip along the rear lot line of Part 3, which is to be of sufficient width to support the installation of a row of closely planted cedar trees, or some similar species that will achieve an adequate buffer.
 - b. Installation of a 1.5m – 1.8m high wood board-on-board privacy fence along the rear lot line of Part 1 (height of the fence should be at least as tall as the existing wood board fence along the neighbouring private road development).

13 Keele Street, Consent, B-04/22SC – 21121005

11 Keele Street, Consent, B-05/22SC - 21121011

CRCS staff offer no objection to the proposed creation of one new lot for a detached dwelling. Should the applications for consent be approved, CRCS recommends the following conditions be included:

1. 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.)
2. 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.

102 Broadway, Consent, B-07/22SC – 21120989

102 Broadway, Minor Variance, A-09/22 – 21120990

104 Broadway, Minor Variance, A-10/22 - 21120991

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

1. 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.)
2. 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.

48 Lakeport Road, Consent, B-10/22SC – 22100270

7 Canal Street, Minor Variance, A-15/22 – 22100276

48 Lakeport Road, Minor Variance, A-16/22 – 22100278

CRCS has no concerns with the proposed consent to sever which will re-establish historic lot lines, nor the related minor variances.

10 Adelene Crescent, Consent, B-12/22SC – 22100900 - Natasha

8 Adelene Crescent, Minor Variance, A-22/22 – 22100901

10 Adelene Crescent, Minor Variance, A-23/22 - 22100902

CRCS has no concerns with the proposed boundary adjustment which was previously approved in 2015, nor the related minor variances.

93 Lafayette Drive, Minor Variance, A-25/22 – 22100937

There is an existing mature boulevard tree in the Lafayette road allowance, adjacent to the proposed entryway addition. Should the requested reduction in exterior side yard be approved in this area, then CRCS staff recommend that a condition be imposed requiring that the tree be protected. Specifically, prior to any construction activities commencing on site, a tree protection zone delineated by construction/snow fencing/hoarding is to be established around the trunk of the tree to be retained, and such tree protection zone is to remain in place for the duration of construction (minimum tree protection zone sizes are outlined in the table below. No soil, construction

materials, equipment, or vehicles of any sort are to be stored or otherwise located within the tree protection zone.

The Minimum Tree Protection Zone (MTPZ)

The following is a chart showing minimum required distances for determining a Minimum Tree Protection Zone. Some trees and some site conditions may require a larger Minimum Tree Protection Zone at the discretion of the City.

Table 1 – Minimum Tree Protection Zones

Trunk Diameter (DBH) ²	Minimum Tree Protection Zone (MTPZ) Distances Required ³	Critical Root Zone (CRZ) Distances Required ^{3&4}
< 10 cm	1.8 m	1.8 m
11 - 40 cm	2.4 m	4.0 m
41 - 50 cm	3.0 m	5.0 m
51 - 60 cm	3.6 m	6.0 m
61 - 70 cm	4.2 m	7.0 m
71 - 80 cm	4.8 m	8.0 m
81 - 90 cm	5.4 m	9.0 m
91 - 100+ cm	6.0 m	10.0 m

NOTES:

¹ The roots of a tree can extend from the trunk to approximately 2-3 times the distance of the drip line.

² Diameter at breast height (DBH) measurement of tree trunk taken at 1.4 metres above ground.

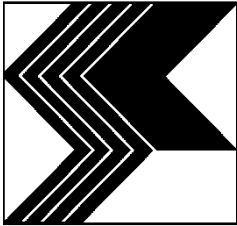
³ Minimum Tree Protection Zone and Critical Root Zone distances are to be measured from the outside edge of the tree base towards the drip line and may be limited by an existing paved surface, provided the existing paved surface remains intact throughout the construction work and is subject to Section 6 of this specification.

⁴ Where work is being performed beyond the Minimum Tree Protection Zone but within the Critical Root Zone the works are subject to Section 8 of this specification.

7 St. Paul Street West, Minor Variance, A-39/22 – 22101212

CRCS staff offer no objection to the minor variances requested. The shadow study submitted illustrates that neighbouring parks and public spaces will not be significantly impacted by shadows. Requirements related to landscaping, parkland dedication, park improvements, and streetscaping will be addressed through the concurrent site plan process.

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B – 04 & 05/22SC



March 14th, 2022

ENGINEERING FILE 300-36

Hearing Date: March 30th, 2022

Applicant: Mate Bodnar/Jean Marie O'Mara

Location: 11 & 13 Keele Street

Road Allowance Width: 20.12m

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

Comment(s):

General

It is noted that the Applicant proposes to sever Parts 2 & 3 on the attached surveyors sketch. Parts 1 & 4 are to be retained for continued residential use.

Roads

Keele Street and Hazel Street are both designated as Community Streets in the City's Master Transportation Plan and Local Streets in the City's Official Plan. The desired right-of-way width is 20.0m. The current widths meet the minimum requirement therefore, the City shall not require widenings along the frontages as a condition of these severance applications.

Sidewalks and Curbs

Sidewalks exist along the frontages of Keele Street and Hazel Street. A Sidewalk damage deposit will be required at the building permit stage.

Curb cuts and fills will also be dealt with at the building permit stage.

Linear Municipal Services

It is noted the existing services for the dwellings at #11 & #13 are connected to the existing watermain and sanitary sewer on Keele Street. The services for the proposed new lot are to come off Hazel Street. The following City owned existing linear municipal services exist on Hazel Street.

Water: 150mm A.C.

Sanitary Sewer: 250mm Clay (depth unknown)

Storm Sewer: 375mm Conc (+/- 2m deep)

Grading and Drainage

Increased drainage challenges occur in these types of in-fill lot developments, where new lots are being created within established plans communities occasionally do not have suitable drainage outlets in place. Although an individual lot grading plan is normally not a requirement for review and approval until the building permit stage, in

this instance a Site Servicing and Grading Plan is required as a condition of the finalization of these severances to ensure that prior to the lot being created drainage flows from and onto the existing property can be conveyed to a suitable outlet without adversely affecting adjacent properties or the City boulevard.

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 across the Hazel Street road frontage, sump pump flows shall be required to discharge at grade through the front wall of the proposed new dwelling. The proposed storm lateral location and the location of the sump pump shall be identified on the proposed lot grading and drainage plan.

Linear Municipal Services

As indicated above City records indicate the existing dwellings' sewer laterals are connected to the City Sanitary Sewer on Keele Street and the existing water services are connected to the City watermain on Keele Street.

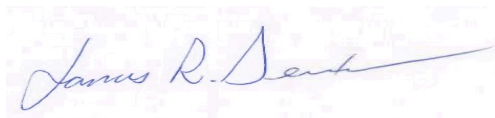
The location of the proposed services for the new lot shall be shown on the Site Servicing and Grading Plan.

The Applicant is advised that servicing of the proposed new lot cannot proceed or be scheduled prior to the creation and final registration of the new lot.

Condition(s):

Prior to final certification of the severance application, the Applicant shall,

- Have a Servicing & Grading Plan prepared by a Professional Engineer and/or Ontario Land Surveyor submitted to and approved by City staff.



Prepared by:

James Denham, P.Eng.
Development Engineering Technologist

c. B. Johnston, C.E.T. PBS (email only)

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-07/22SC, A-09/22 & A-10/22

102 Broadway

DATE OF HEARING:
March 30, 2022



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: March 25, 2022

Date of Meeting: March 30, 2022

Report Number: B-07/22SC
A-09/22
A-10/22

File: 21120989
21120990
21120991

Subject: 102 Broadway (to become 102 and 104 Broadway)

Recommendation

That submission **B-07/22SC** by Daniel Gallardi and Paul Gallardi, 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 102 Broadway 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, including the provision of an appropriately dimensioned parking space on Part 1 and Part 2 free and clear of any obstructions caused by building entrances and exterior staircases;
 - b. The Site Servicing and Grading 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; and
 - c. That the dwellings be equipped with a fire sprinkler system as approved by the Chief Building Official.
2. That the Owner submit a Site Servicing and Grading Plan acceptable to the City. The plan must be prepared by an Ontario Land Surveyor or Professional Engineer and must demonstrate how surface drainage and roof water run-off will be dealt with without negatively impacting adjacent private or public property. This plan shall also identify the location of the existing and proposed water services and sanitary laterals, the location of the sump pump discharge pipes, and the location, length, and diameter of any new culverts and existing culvert removals.
3. That the Owner pay to the City the \$235.00 fee for locating, inspecting, and documenting the location of the existing water service and sanitary lateral.
4. That the Owner pay for City crews to relocate any portion of such service within the municipal right-of-way if a conflict is identified but the owner wishes to reuse

either or both of the existing services The owner must obtain a Plumbing Only Permit for any relocation works on private property and hire a qualified contractor to do these works. If either of the existing services will not be reused the owner shall pay for City crews to decommission the service to the satisfaction of City staff

5. Pay to the City the estimated cost of \$13,794.00 for constructing a 1.50m wide concrete sidewalk across the Broadway, Runcorn Street, and Lakeside Drive frontages of the lots.
6. 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.
7. 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.
8. 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.
9. 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.
10. That all conditions of consent be fulfilled by March 30, 2024.

That Application **A-09/22** by Daniel Gallardi and Paul Gallardi, as outlined in the Notice of Hearing, be approved.

That Application **A-10/22** by Daniel Gallardi and Paul Gallardi, as outlined in the Notice of Hearing, be approved.

Report

The Proposal

The applicant proposes to sever the currently vacant property at 102 Broadway to permit the construction of a two-storey semi-detached dwelling. Both the proposed new lot and retained lot will contain one semi-detached dwelling unit. Both lots 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-07/22SC	Part 1 (104 Broadway)	244.7 m ²	Part 2 (102 Broadway)	253.9 m ²

Application	Variance	Provision	Required	Proposed
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A-09/22 (102 Broadway)	1	Reduction of minimum lot frontage	7.5 metres	3.05 metres
	2	Reduction of minimum lot area	280 m ²	253.9 m ²
	3	Reduction of minimum rear yard setback	6 metres	0 metres
A-10/22 (104 Broadway)	1	Reduction of minimum lot area	280 m ²	244.7 m ²

Location and Site Description

The subject property is located on the southeast corner of Broadway and Lakeside Drive. The surrounding neighbourhood is residential with a mix of dwelling types, including detached dwellings and townhouse dwellings. Jones Beach Park is located to the northwest of the subject lands. The subject lands are presently vacant.

Circulation of Application

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

Planning Policy Context

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential on Schedule E2. Semi-detached dwellings are permitted in this designation at a density generally ranging from 20 to 32 dwelling units per hectare. The application proposes a density of approximately 40 units per hectare.

Zoning By-law (2013-283)

The subject property is zoned Low Density Residential – Traditional Neighbourhood (R2). Semi-detached dwellings are permitted in this zone.

Planning Analysis

Consent

Consent application **B-07/22** proposes to sever the lot in order to construct a semi-detached dwelling, with each dwelling unit being on its own lot.

Section 16.11 of the Garden City Plan sets out 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. 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 and retained lot are under the minimum lot size for semi-detached dwellings in the R2 zone and will require a minor variance to address such. The retained lot requires further variances for reduced lot frontage and rear yard setback, due to the shape of the lot. These minor variances will be discussed in the next section of this report.

The proposed density of development is outside of the range generally permitted in the Low Density Residential designation. However, staff are satisfied that the increase in density does not represent over-development of the site. With the exception of the rear lot line setback on the retained lot (Part 2 on the sketch submitted), both the proposed semi-detached dwelling units meet required setbacks from neighbouring properties. The lots also meet parking requirements and provide adequate outdoor amenity space for each of the dwelling units. The semi-detached building form serves as a transition from the townhouse development on the north side of Lakeside Drive to the detached dwellings located to the south and west of the subject lands. In the opinion of staff, the proposed development represents the efficient use of infill lands, and the optimum development potential of the site.

In the opinion of staff, the proposed consent and construction of the semi-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-07/22SC**, subject to the conditions outlined in the recommendations.

Minor Variances

Variance 1 of Application A-09/22

Variance 1 seeks to reduce the minimum lot frontage from 7.5 metres to 3.05 metres for the retained lot, 102 Broadway (Part 2 on the sketch submitted). This variance is required to recognize the unique geometry of the retained lot. The zoning by-law defines the front lot line as the shortest line abutting a public street. Due to the way the lot at 102 Broadway has been assembled from the original plan of subdivision, the lot currently has a 3.05-metre-wide frontage on Runcorn Avenue. The retained lot will continue to have this deficient frontage. The exterior side lot line, flanking Broadway, will act as the principal means of accessing the lot, with the proposed dwelling oriented towards this lot line and the parking area being accessed from Broadway. The deficient lot frontage is an existing situation, is not proposed to be changed through the consent application, and is effectively a technical variance required to be recognized in order to permit the consent.

The 3.05 metre lot frontage reflects an existing situation, 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-09/22 and Variance 1 of Application A-10/22

To permit the consent to be approved, variances are required to reduce the required minimum lot size for both the new lot and the retained lot. Variance 2 of Application A-09/22 proposes to reduce the minimum lot size for a semi-detached dwelling unit from 280 square metres to 253.9 square metres for the retained lot (102 Broadway). Variance 1 of Application A-10/22 proposes a minimum lot area reduction from 280 square metres to 244.7 square metres.

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.

The reduction in lot area results in a density on the subject lands of approximately 40 units per hectare. While this is slightly above the range indicated in the Official Plan of 20 to 32 units per hectare, the Official Plan does allow some flexibility in increasing density. Existing lots to the west, south and east of the subject lands are of similar size to the proposed lot sizes. Further, apart from the rear yard setback on the retained lot, which is addressed below, all other required zoning setbacks are being met for both proposed dwelling units. The lot sizes are adequate for the provision of parking areas and outdoor amenity space. Staff find that the proposed lots are sized appropriately to accommodate the proposed semi-detached dwelling units and to mitigate any impacts on neighbouring properties.

Staff finds the requested variances are minor in nature, desirable for the appropriate development of the lands, and meet the intent of the Official Plan and Zoning By-law.

Variance 3 of Application A-09/22

Variance 3 seeks a decrease of the minimum rear yard setback from 6 metres to 0 metres for the retained lot, 102 Broadway (Part 2). This variance is required to recognize the unique geometry of the retained lot. The Zoning By-law defines the rear lot line as the lot line opposite from the front lot line. As identified previously, the front lot line is on Runcorn Avenue, and as such, the rear lot line is the common lot line between Part 1 and Part 2. Since the proposed semi-detached building type requires a common wall between the two properties, the rear yard setback needs to be reduced to 0.0 metres.

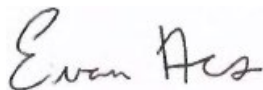
The Zoning By-law permits a 0.0 metre setback for common walls for semi-detached dwellings built on interior lot lines. In the opinion of staff, this variance is technical in nature to support the propose development, is considered minor in nature, supports the desirable and appropriate development of the lands, and meets 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-07/22** 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.

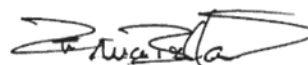
Having regard for the matters under Section 45(1) of *The Planning Act*, staff are of the opinion that Minor Variance Applications **A-09/22** and **A-10/22** are in keeping with the general intent of the Official Plan and Zoning By-law, are minor in nature, and are desirable for the appropriate development of the lands. Staff recommend that the applications be approved.

Prepared and submitted by:



Evan Acs
Planner I

Approved by:



Bruce Bellows
Senior Project Manager

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Comments from Fire - 102 Broadway - Fire Sprinklers
Date: Tuesday, March 15, 2022 12:23:30 PM

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



From: Papp, Len <lpapp@stcatharines.ca>
Sent: Tuesday, March 15, 2022 11:20 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Acs, Evan <eacs@stcatharines.ca>
Subject: Len reply: 102 Broadway - Fire Sprinklers

Elaine,

Good morning. Fire would like to request that these dwellings be fire sprinklered.

Thank you in advance.

Len Papp MPA, C.E.T., CMM III., CCFI-B
Chief Fire Prevention Officer
Tel: [905.688.5601](tel:905.688.5601) x4208
Email: lpapp@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: March 21, 2022

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – March 30, 2022 hearing

B-01/22SC – 232 Vansickle Road

Comment:

- No comment

Condition:

- A demolition permit is required to remove a portion of the carport or the entire carport from the existing detached dwelling to the satisfaction of the Chief Building Official.
- That the applicant shall satisfy the Chief Building Official for the City of St. Catharines that, as a result of the proposed severance, that spatial separation requirements for the glazed openings and type of construction for the exposed building face of the existing dwelling facing north, meet the requirements of Subsection 9.10.14 and 9.10.15 of the 2012 Ontario Building Code as applicable.

B-02/22SC – 232 Vansickle Road

Comment:

- Be advised that a building permit is required to construct a semi-detached dwelling.

Condition:

- Be advised that a building permit is required to remove or relocate both existing sheds from the property and to complete all inspections to the satisfaction of the Chief Building Official.

B-03/22SC – 232 Vansickle Road

Comment:

- Be advised that a building permit is required to construct a semi-detached dwelling.

Condition:

- Be advised that a building permit is required to remove or relocate both existing sheds from the property and to complete all inspections to the satisfaction of the Chief Building Official.

B-04/22SC – 13 Keele Street

Comment:

- Be advised that a building permit is required to construct a single detached dwelling.

Condition:

- No comment

B-05/22SC – 11 Keele Street

Comment:

- Be advised that a building permit is required to construct a single detached dwelling.

Condition:

- No comment

B-07/22SC – 102 Broadway

Comment:

- Be advised that a building permit is required to construct a semi-detached dwelling.

Condition:

- The current demolition permit (17112056RN – to demolish the existing dwelling) inspection shall be completed to the satisfaction of the Chief Building Official.

B-10/22SC – 48 Lakeport Road

Comment:

- No comment

Condition:

- That the applicant shall satisfy the Chief Building Official for the City of St. Catharines that, as a result of the proposed severance, that spatial separation requirements for the glazed openings and type of construction for the exposed building face of the existing commercial building facing north, meet the requirements of Subsection 9.10.14 and 9.10.15 of the 2012 Ontario Building Code as applicable.

B-12/22SC – 10 Adelene Crescent

Comment:

- No comment

Condition:

- That the applicant shall satisfy the Chief Building Official for the City of St. Catharines that, as a result of the proposed severance, that spatial separation requirements for the glazed openings and type of construction for the exposed building face of the existing dwelling facing west on Part 1, meet the requirements of Subsection 9.10.14 and 9.10.15 of the 2012 Ontario Building Code as applicable.



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: March 21, 2022

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – March 30, 2022 hearing

NO.	ADDRESS	COMMENTS
A-80/21	1204 Lakeshore Road West	<p>The current demolition permit (21116885RN -to demolish the existing dwelling) inspection shall be completed to the satisfaction of the Chief Building Official.</p> <p>Be advised that a building permit is required to construct a single detached dwelling and to complete all inspections to the satisfaction of the Chief Building Official.</p>
A-05/22	232 Vansickle Road	<p>Be advised that a demolition permit is required to remove a portion of the carport or the entire carport from the existing detached dwelling and to complete all inspections to the satisfaction of the Chief Building Official.</p>
A-06/22	234A Vansickle Road	<p>Be advised that a building permit is required to construct a semi-detached dwelling and to complete all inspections to the satisfaction of the Chief Building Official.</p>

NO.	ADDRESS	COMMENTS
A-07/22	234B Vansickle Road	Be advised that a building permit is required to construct a semi-detached dwelling and to complete all inspections to the satisfaction of the Chief Building Official.
A-09/22	102 Broadway	Be advised that a building permit is required to construct a semi-detached dwelling and to complete all inspections to the satisfaction of the Chief Building Official.
A-10/22	104 Broadway	Be advised that a building permit is required to construct a semi-detached dwelling and to complete all inspections to the satisfaction of the Chief Building Official.
A-15/22	7 Canal Street	No Comment
A-16/22	48 Lakeport Road	No Comment
A-22/22	8 Adelene Cres	No Comment
A-23/22	10 Adelene Cres	No Comment
A-25/22	93 Lafayette Drive	Be advised that a building permit is required to construct a 2 storey addition, front covered porch and rebuild the main floor and to complete all inspections to the satisfaction of the Chief Building Official.

NO.	ADDRESS	COMMENTS
A-39/22	St. Paul West	Be advised that a building permit is required to construct a 45 storey apartment building and to complete all inspections to the satisfaction of the Chief Building Official.



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

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

Cc:

From: Amanda Knutson, Community Project & Development Planner, CRCS

Date: March 23, 2022

Subject: Committee of Adjustment Applications – March 30, 2022 Hearing

CRCS staff have reviewed the above-noted applications and offer the following comments.

1204 Lakeshore Road West, Minor Variance, A-80/21, 21 115798

No comment.

232 Vansickle Road, Consent, B-01/22SC – 21121028

232 Vansickle Road, Consent, B-02/22SC – 21121029

232 Vansickle Road, Consent, B-03/22SC – 21121030

232 Vansickle Road, Minor Variance, A-05/22 – 21121042

234A Vansickle Road, Minor Variance, A-06/22 – 21121046

234B Vansickle Road, Minor Variance, A-07/22 – 21121045

CRCS staff have no objection to the proposed creation of two new lots for a semi-detached dwelling, subject to the following comments.

A landscape buffer is shown along the rear lot line of Part 3 to mitigate the impact of headlights on neighbouring homes to the south. It is recommended that this buffer be implemented through the necessary development agreement. Additionally, staff recommend that a wood board privacy fence be installed along the new rear lot line of the existing dwelling (Parts 1 and 2) to mitigate impacts of the proposed driveway/parking area on the private amenity area of the existing dwelling.

We offer no objection to the proposed minor variances, save and except for the requested increase in maximum paved area from 20% to 30% for Part 3. It is staff's opinion that landscaped open space and amenity areas will be compromised given the size of the proposed driveway/parking area. Further, the zoning by-law permits tandem parking for accessory dwelling units. The provision of tandem parking on this lot would significantly reduce the overall paved area, resulting in compliance with the by-law.

Should the application for consent be approved, CRCS recommends the following conditions be included:

1. 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.)
2. That the applicant submit a payment for the placement of a 60mm boulevard tree for each of the new lots, in accordance with the City's current Schedule of Rates and Fees.
3. That should the proposed driveway and parking area for Part 3 be approved to extend into the rear yard of that Part, and behind Parts 1 and 2, then the future development agreement shall implement the following:
 - a. Provision of a landscape strip along the rear lot line of Part 3, which is to be of sufficient width to support the installation of a row of closely planted cedar trees, or some similar species that will achieve an adequate buffer.
 - b. Installation of a 1.5m – 1.8m high wood board-on-board privacy fence along the rear lot line of Part 1 (height of the fence should be at least as tall as the existing wood board fence along the neighbouring private road development).

13 Keele Street, Consent, B-04/22SC – 21121005

11 Keele Street, Consent, B-05/22SC - 21121011

CRCS staff offer no objection to the proposed creation of one new lot for a detached dwelling. Should the applications for consent be approved, CRCS recommends the following conditions be included:

1. 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.)
2. 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.

102 Broadway, Consent, B-07/22SC – 21120989

102 Broadway, Minor Variance, A-09/22 – 21120990

104 Broadway, Minor Variance, A-10/22 - 21120991

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

1. 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.)
2. 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.

48 Lakeport Road, Consent, B-10/22SC – 22100270

7 Canal Street, Minor Variance, A-15/22 – 22100276

48 Lakeport Road, Minor Variance, A-16/22 – 22100278

CRCS has no concerns with the proposed consent to sever which will re-establish historic lot lines, nor the related minor variances.

10 Adelene Crescent, Consent, B-12/22SC – 22100900 - Natasha

8 Adelene Crescent, Minor Variance, A-22/22 – 22100901

10 Adelene Crescent, Minor Variance, A-23/22 - 22100902

CRCS has no concerns with the proposed boundary adjustment which was previously approved in 2015, nor the related minor variances.

93 Lafayette Drive, Minor Variance, A-25/22 – 22100937

There is an existing mature boulevard tree in the Lafayette road allowance, adjacent to the proposed entryway addition. Should the requested reduction in exterior side yard be approved in this area, then CRCS staff recommend that a condition be imposed requiring that the tree be protected. Specifically, prior to any construction activities commencing on site, a tree protection zone delineated by construction/snow fencing/hoarding is to be established around the trunk of the tree to be retained, and such tree protection zone is to remain in place for the duration of construction (minimum tree protection zone sizes are outlined in the table below. No soil, construction

materials, equipment, or vehicles of any sort are to be stored or otherwise located within the tree protection zone.

The Minimum Tree Protection Zone (MTPZ)

The following is a chart showing minimum required distances for determining a Minimum Tree Protection Zone. Some trees and some site conditions may require a larger Minimum Tree Protection Zone at the discretion of the City.

Table 1 – Minimum Tree Protection Zones

Trunk Diameter (DBH) ²	Minimum Tree Protection Zone (MTPZ) Distances Required ³	Critical Root Zone (CRZ) Distances Required ^{3&4}
< 10 cm	1.8 m	1.8 m
11 - 40 cm	2.4 m	4.0 m
41 - 50 cm	3.0 m	5.0 m
51 - 60 cm	3.6 m	6.0 m
61 - 70 cm	4.2 m	7.0 m
71 - 80 cm	4.8 m	8.0 m
81 - 90 cm	5.4 m	9.0 m
91 - 100+ cm	6.0 m	10.0 m

NOTES:

¹ The roots of a tree can extend from the trunk to approximately 2-3 times the distance of the drip line.

² Diameter at breast height (DBH) measurement of tree trunk taken at 1.4 metres above ground.

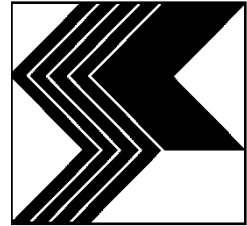
³ Minimum Tree Protection Zone and Critical Root Zone distances are to be measured from the outside edge of the tree base towards the drip line and may be limited by an existing paved surface, provided the existing paved surface remains intact throughout the construction work and is subject to Section 6 of this specification.

⁴ Where work is being performed beyond the Minimum Tree Protection Zone but within the Critical Root Zone the works are subject to Section 8 of this specification.

7 St. Paul Street West, Minor Variance, A-39/22 – 22101212

CRCS staff offer no objection to the minor variances requested. The shadow study submitted illustrates that neighbouring parks and public spaces will not be significantly impacted by shadows. Requirements related to landscaping, parkland dedication, park improvements, and streetscaping will be addressed through the concurrent site plan process.

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-07/22SC



March 11th, 2022

ENGINEERING FILE 300-36

Hearing Date: March 30th, 2022

Applicant: Paul and Daniel Gallardi (Owners)

Location: 102 Broadway

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

Comment(s): **General**

It is noted that the applicant proposes to sever Part 1 creating a new lot for the purpose of creating a semi-detached lot. A remnant parcel will be used for the other half of the semi-detached dwelling (Part 2). The severance would allow each half of the semi-detached dwelling to be owned and/or sold separately.

It is understood that these semi-detached units are concurrently going through the building permit process where individual lot grading plans have been reviewed and accepted by the City. However, the grading plan may have to be revised to accommodate the new lot lines. It is also noted that fees for servicing may still be outstanding and if so, are now subject to the new increases for 2022 as per the City of St. Catharines Schedule of Rates and Fees.

Roads, Sidewalks, and Curbs

Lakeside Drive is designated as a Community Street in the City's Transportation Master Plan with a desired right-of-way (ROW) width of 20m. The current ROW width along this property is approximately 20m. Therefore, a road widening is not required at this time.

Runcorn Street is designated as a Community Street in the City's Transportation Master Plan with a desired right-of-way (ROW) width of 20m. The current ROW width along this property is approximately 20m. Therefore, a road widening is not required at this time.

Broadway is designated as a Collector Residential Corridor in the City's Transportation Master Plan with a desired "minimum" right-of-way width of 20m. The current width along the Applicant frontage is approximately 20m. Therefore, a road widening will not be required.

There are presently no sidewalks on the south side of Lakeside Drive, and the north side of Runcorn Street. The Transportation Master Plan indicates these streets should have sidewalks on both sides of the road. Therefore, a contribution for a future 1.5m wide sidewalk on the south side of Lakeside Drive and the north side of Runcorn Street across the entire frontages will be required at this time.

There is no sidewalk on the east side of Broadway. The Transportation Master Plan indicates this street should have sidewalks on both sides of

the road. Therefore, as a condition of severance the Owner shall pay the City for the future construction of a 1.5m wide sidewalk across the entire frontage of Broadway.

The unit price used to determine the amount paid or deposited prior to finalizing the severance is based on recent prices received for similar City projects. The current unit rate is \$200.00/m2. Based on this and the total length along the Broadway (14.45m), Runcorn Street (3.05m) and Lakeside Drive (28.37m) frontages of 45.98m and using the standard boulevard sidewalk width of 1.5m, the amount of the contribution/or deposit is Length (45.96m) x Width 1.5m x Unit price \$200.00/m2 = \$13,794.00).

Culverts for new driveways and any culvert removals shall be dealt with at the Building Permit stage but must be shown on the Site Servicing & Grading Plan (see below).

Existing Municipal Services

Broadway	Lakeside Drive	
Water:	200mm P.V.C.	300 D.I.
Sanitary:	300mm P.V.C.	600mm Conc.
Storm:	None	300mm Conc.
Sidewalks:	No	No
R.O.W Width:	20.42m	20.12m

The owner must pay the fee of \$235.00 to have a City crew locate, inspect, and document the existing water service and sanitary lateral to determine if either can be used for one of the new units. The owner must identify the location of existing and proposed property lines to enable the crew to document the locations of these existing services. If for any reason either or both are not suitable for reuse due to condition or conflicts with existing or proposed new lot lines, the owner shall pay the City to relocate or install the appropriate servicing. The costs will be based on the City’s 2022 Schedule of Rates and Fees. Both units must have independent services. The location of the existing and proposed services shall be shown on the Site Services & Grading Plan (see below).

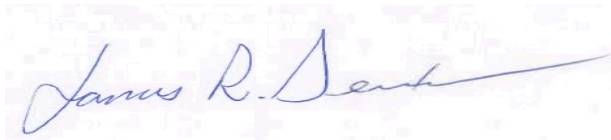
Note: Any new water and sewer services cannot be installed until after the severance has been finalized.

Grading and Drainage

Surface drainage and roof water run-off from intensified development such as the lots and structures proposed here present significant challenges. Therefore prior to finalizing the severance, a Servicing & Grading Plan must be prepared by a qualified Professional Engineer or Ontario Land Surveyor. The plan must detail how storm water run-off will be handled without creating negative impacts on adjacent properties and right of ways. This plan shall be submitted to and approved by City staff. It should be noted that a drainage easement in favour of the city exists across the easterly lot line of Part 1 & 2.

Condition(s): Prior to finalizing the severances the Applicant shall:

- Pay to the City the estimated cost of \$13,794.00 for constructing a 1.50m wide concrete sidewalk across the Broadway, Runcorn Street, and Lakeside Drive frontages of the lots.
- Pay to the City the \$235.00 fee for locating, inspecting, and documenting the location of the existing water service and sanitary lateral.
- If a conflict is identified but the owner wishes to reuse the either or both of the existing services, the owner shall pay for City crews to relocate any portion of such service within the municipal right-of-way. The owner must obtain a Plumbing Only Permit for any relocation works on private property and hire a qualified contractor to do these works. If either of the existing services will not be reused the owner shall pay for City crews to decommission the service to the satisfaction of City staff.
- Provide a Site Servicing & Grading Plan acceptable to the City. The plan must be prepared by an Ontario Land Surveyor or Professional Engineer and must demonstrate how surface drainage and roof water run-off will be dealt with without negatively impacting adjacent private or public property. This plan shall also identify the location of the existing and proposed water services and sanitary laterals, the location of the sump pump discharge pipes, and the location, length, and diameter of any new culverts and existing culvert removals.



Prepared By:

James R. Denham, P.Eng.
Development Engineering Technologist



Memorandum

To: Elaine Munro, ACST, Committee Secretary & Planning Technician
From: Brad Johnston, C.E.T., Development Engineering Technologist
CC: City Committee of Adjustment Staff Members
Date: March 10, 2022
Hearing Date: March 30, 2022
Subject: **Committee of Adjustment - Minor Variance Applications**
1204 Lakeshore Road West – A-80/21SC
232 (234) Vansickle Road - A-05,06&07/22SC
102 -104 Broadway – A-09&10/22SC
7 Canal Street – A-15/22SC
48 Lakeport Road – A-16/22SC
8 – 10 Adelene Crescent – A-22&23/22SC
93 Lafayette Drive – A-25/22SC
7 St. Paul Street West / 7 McGuire Street – A-39/22SC

Development Engineering have no comments or objections to the above noted applications, subject to the following;

- All applicants must acknowledge that although minimum Zoning setbacks may be reduced through Minor Variances, existing and additional widths greater than the minimum may be required to accommodate and maintain access and storm water conveyance, so as not to cause negative effects on the subject and adjacent properties; and
- The applicant for 1204 Lakeshore Road West be advised that a Grading Plan, prepared by a Professional Engineer or Ontario Land Surveyor, shall be required for submission though the building permit application process

Prepared by:

Brad Johnston, C.E.T.
Development Engineering 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-10/22SC, A-15/22 & A-16/22

48 Lakeport Road/7 Canal Street

DATE OF HEARING:
March 30, 2022

March 23, 2022

Committee of Adjustment

City of St. Catharines

Re: File No. B10/22, A15/22 and A16/22

Please accept my concerns, as a nearby property owner, related to the following Committee of Adjustment files, Consent B10/22 and Minor Variances A-15/22 and A16-22.

While I can appreciate that the applicant is trying to sever properties that have inadvertently merged in title, there is some concerns with future proposals. The current dwelling and commercial building do not adhere the zoning regulations of R2-7 and C2-9 although it is existing, some concerns that future development may also lead to further departures from the zoning by-law regulations.

Minor Variance A15/22 is requesting a reduced lot area from 300 m² to 180.1 m², which one could question is not minor. Unfortunately, the provided sketch (site plan) does not provide lot area or building structure area of either lot so difficult to determine lot coverage departures of each building and if they also are not in compliance with the zoning by-law. With the existing setbacks of the dwelling, most of which are not in compliance with the regulations one has concern that future development may include demolishing the existing dwelling and a new dwelling to be constructed which can meet regulations on such a small lot.

5.4 Provisions for Residential (R2) Zone

Permitted Uses	Lot Area ^(e)		Min. Lot Frontage ^(e)	Minimum Yards				Max. Building Height	Max. No. of Attached Dwelling Units ^(e)	Density Per Hectare ^(e)	Min. Landscaped Open Space	Total Lot Coverage
	Min.	Max.		Front Yard ^(f) ^(h)	Rear Yard	Interior Side Yard	Exterior Side Yard ^(f) ^(h)					
Dwelling, Detached	300 m ²	465 m ²	10 m	3 m to dwelling / 6 m to garage	6 m	1.2 m	3 m to dwelling / 6 m to garage	10 m	-	-	35 %	45% ⁽ⁱ⁾

Special Provision	Zone	Schedule A	Schedule B	Location	By-law
7	R2 R3	6, 7		Various Port Dalhousie Area	
Maximum Height – 9 m					

Minor Variance A16/22, the intent of the 7.5 m (or ½ height of the building whichever is greater) – note height unknown of existing commercial building – is to provide ample buffer between a commercial and residential property and the variance from 7.5 m to 1.4 m is not minor and does not meet the intention of the zoning by-law.

Further concern is if the property owner proposes to increase the height of the commercial building at some point in the future, residents abutting the property to the rear will be impacted by loss of view and site lines, shadowing, etc. While it is understood the zoning permits 11m (C2-9) concern for the addition of residential units and amenity space will be limited. The second variance request is for a landscape buffer from 3m to 1.4 m is of concern, currently the landscape buffer is questionable and appears more to be a dumping station for vegetation. The

intent of the landscape buffer is to provide an aesthetic and pleasing appearance to the property.

City of St. Catharines Zoning By-law
December 16, 2013

6.4 Provisions for Commercial (C1) to (C4) Zones

Zone	Max. Lot Area	Max. Non-residential glfa	Max. Percentage of Total glfa for Non-commercial uses ^(d)	Min. Yard Abutting a Residential Zone	Min. Front Yard	Max. Front Yard	Min. Exterior Side Yard	Max. Exterior Side Yard	Max. Building Height	Min. Landscape Buffer Abutting a Residential Zone
C1	4000 m ²	930 m ² (a)(b)	-	7.5 m	3 m	24 m	3 m	24 m	14 m	3 m
C2	-	5000 m ² (c)	40%	7.5 m or ½ height of the building whichever is greater	3 m	24 m	3 m	24 m	-	3 m

Special Provision	Zone	Schedule A	Location	By-law
9	C2	7	Port Dalhousie Core	
1.	Ground floor dwelling units are not permitted			
2.	Retail stores are permitted on upper floors only in conjunction with a ground floor commercial use			
3.	Maximum height:			11 m
4.	Non-residential uses are exempt from the parking requirements of Section 3.12.2 of this By-law.			
5.	Hotel / motel shall be permitted.			
6.	Minimum required front yard or exterior side yard			0 m

While the situation, of the merged properties, is unfortunate for the owners, special consideration should be made to ensure that future proposal will not negatively impact the neighbor and is cultural and historical characteristics.

We ask that the committee, when making their decision consider the comments above and make a decision that will be of benefit to the owner and the residents of Port Dalhousie.

Regards,

Jennifer St. Angelo

March 17, 2022

Our File No.: PLCON202200276

BY E-MAIL ONLY

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

Attention: Elaine Munro, Secretary-Treasurer

Subject: Application for Consent, & 2 Minor Variances
48 Lakeport Road, 7 Canal Street

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

The purpose and effect of the application is for a partial discharge of mortgage, and for consent to sever 305.4 square metres of land, re-creating the lot locally known at 48 Lakeport Road and including its existing commercial building. The lots inadvertently merged on title. The Minor Variances are to permit a reduction in the yard abutting a residential zone from 7.5 metres to 1.4 metres, and a reduction in the minimum landscape buffer abutting a residential zone from 3.0 metres to 1.4 metres. For 7 Canal Street, a variance to permit a reduction in the minimum lot area from 300 square metres to 180.1 square metres. No new development is proposed.

NPCA Policy

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

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

NPCA Mapping indicates the subject lands are impacted by an NPCA regulated slope, which crosses the properties along the rear of the lots. This slope is subject to NPCA's Policies.

The NPCA does not generally support the severing of natural features or their buffers, unless for legal or technical reasons. However, upon review of the application, this is a proposal to reinstate an existing condition, as two lots have inadvertently merged on title. No structural development is proposed. Therefore, the NPCA can entertain these applications.

A permit from this Office would not be required with plans as presented, as development or site alteration is not proposed. However, it should be of note to the applicant that if future works are to be proposed on either of these parcels, works permits and/or supporting studies in accordance with NPCA Policies may be required.

Conclusion:

Given the above, please be advised the NPCA is supportive of these applications, City File Numbers: B-10/22, A-15/22, & A-16/22. NPCA Staff do not offer objection to its approval.

I trust the above will be of assistance to you. Should you have any further questions or require further information in this matter, please do not hesitate to call. For administrative purposes, please forward any decisions and resolutions of your Committee. In the event of an appeal to the Ontario Land Tribunal (OLT) please send notice of any Case Management Conference.

Yours truly,



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



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: March 25, 2022

Date of Meeting: March 30, 2022

Report Number: B-10/22SC
A-15/22
A-16/22

File: 22100270
22100276 (7 Canal Street)
22100278 (48 Lakeport Road)

Subject: 48 Lakeport Road and 7 Canal Street

Recommendation

That submission **B-10/22SC** by Alis Kilicoglu, as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. That the applicant shall satisfy the Chief Building Official for the City of St. Catharines that, as a result of the proposed severance, spatial separation requirements for the glazed openings and type of construction for the exposed building face of the existing commercial building facing north, meet the requirements of Subsection 9.10.14 and 9.10.15 of the 2012 Ontario Building Code as applicable.
2. That final approval for the necessary minor variance applications (A-15/22 and A-16/22) be received by the Committee of Adjustment.
3. That the Owner provide the Secretary-Treasurer with the acknowledgement and direction for conveyance of the subject parcel, together with a copy of the deposited reference plan, for use in the issuance of the Certificate of Consent.
4. That 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.
5. That all conditions of consent be fulfilled by March 30, 2024.

That Application **A-15/22** by Alis Kilicoglu, as outlined in the Notice of Hearing, be approved.

That Application **A-16/22** by Alis Kilicoglu, as outlined in the Notice of Hearing, be approved.

Report The Proposal

The applicant is requesting to sever a lot that was previously two lots which inadvertently merged in title. The lot is currently occupied by two detached buildings under separate

zoning. The application seeks to re-establish the two lots as they previously existed. The existing uses of each lot will continue, and no new development on either lot is proposed in this application. There are concurrent minor variance applications requested to address zoning deficiencies created by the severance. The requested consent and minor variances are outlined in the tables below.

Application	Severed Parcel	Severed Area	Retained Parcel	Retained Area
B-10/22SC	Part 2 (48 Lakeport Rd)	305.4 m ²	Part 1 (7 Canal St)	180.1 m ²

Application	Variance	Provision	Required	Proposed
A-15/22 (7 Canal St)	1	Reduction of the minimum lot area for detached dwelling.	300 m ²	180.1 m ²
A-16/22 (48 Lakeport Rd)	1	Reduction of the minimum yard abutting a Residential Zone	7.5 metres	1.4 metres
	2	Reduction of the minimum landscape buffer abutting a Residential Zone	3.0 metres	1.4 metres

Location and Site Description

The subject property is a through lot, located between Canal Street and Lakeport Road, west of Lock Street. The subject property is currently occupied by a detached dwelling on Part 1 of the lot (7 Canal St) and a commercial building on Part 2 of the lot (48 Lakeport Rd). Between the two existing buildings there is a change in elevation, with the detached dwelling being at a higher elevation than the commercial building. The lands are surrounded by residential and commercial uses.

Circulation of Application

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

Planning Policy Context Official Plan (Garden City Plan)

Part 1 of the subject property is designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential on

Schedule E1. Part 2 is designated Commercial on Schedule D1 of the GCP and further designated Community Commercial on Schedule E1.

Zoning By-law (2013-283)

Part 1 of the subject property is zoned Low Density Residential – Traditional Neighbourhood with Special Provision 7 (R2-7). Special Provision 7 limits building height to 9 metres. Part 2 of the subject property is zoned Local Convenience Commercial with Special Provision 9 (C2-9). Special Provision 9 limits building height to 11 metres and relaxes some setbacks and parking requirements. It also adds and restricts certain uses.

Planning Analysis

Consent

Consent application **B-10/22SC** seeks to sever two lots that inadvertently merged in title so that each building is on its own lot.

Section 16.11 of the Garden City Plan sets out 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 and retained lots are each independently serviced. No costs for the City are anticipated as a result of this application.

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

The proposed and retained lots are within the City's built boundary and in an area that is substantially developed. Further, both lots are currently occupied by buildings. No new development is proposed with this application.

- 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 retained lot (7 Canal Street) is under the minimum lot size established by the Zoning By-law for the R2 zone and will require a minor variance to address lot area. This deficiency is discussed in the next section of this report. The proposed density of 55 units per hectare is also above the density range for the Low Density Residential designation. Staff note that the proposed density and lot area are similar to that of neighbouring properties. The boundary between the proposed lot and retained lot is on a hill side, which acts as a natural barrier between the properties. Alternative lot sizes to increase the size of the residential lot would not be in keeping with the existing residential neighbourhood,

and the change in elevation would result in part of a lot below the hill side which would be inaccessible from above.

Staff are satisfied that the size, shape and configuration of both the proposed severed and retained lots supports and achieves optimum development in a compatible manner at this location.

In addition to the retained lot being under the minimum lot area, the new lot (48 Lakeport Road) requires minor variances to address reduced setbacks. There are concurrent minor variance applications that seek to remedy these deficiencies.

Staff supports the approval of Consent Application **B-10/22SC**, subject to the conditions outlined in the recommendations.

Minor Variance

Variance 1 on A-15/22

Variance 1 of Application A-15/22 requests a reduction of the minimum lot area for detached dwelling from 300 m² to 180.1 m², resulting in a decrease of 119.8 m². This variance is requested to facilitate the severance of the subject lands and will allow the two existing buildings to be conveyed under separate ownership. There are no new developments taking place as a part of this application.

The intent of the minimum lot area provision is to ensure that a suitable building envelope comfortably fits within the boundaries of the property and maintains adequate amenity space, site access, drainage, landscaping, and parking. The subject lands are already developed, given the existing building footprint, and where the buildings are situated on the property, the proposed consent demonstrates optimum use of lands. Staff finds that this request is minor in nature, desirable for the appropriate development of the lands and in keeping with the general intent of the Official Plan and Zoning By-law.

Variance 1 on A-16/22

Variance 1 on Application A-16/22 seeks a reduction of the minimum yard abutting a Residential Zone from 7.5 metres to 1.4 metres, resulting in a decrease of 6.1 metres. This variance is requested to recognize an existing commercial building on the lot which no longer complies through the re-establishment of the lot line between Parts 1 and 2. The intent of the minimum yard abutting a Residential Zone is to provide a buffer between lots and maintain sufficient landscaped space and separation to the rear of the residential property. This reduced yard abuts a hillside between the commercial and residential zones. This change in elevation acts as a natural buffer between the two zones, which mitigates the sought reduction. Staff find the requested variance to be minor in nature, desirable for the appropriate development of the lands and in keeping with the general intent of the Official Plan and Zoning By-law.

Variance 2 on A-16/22

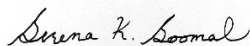
Variance 2 on Application A-16/22 requests a reduction of the minimum landscape buffer abutting a Residential Zone from 3.0 metres to 1.4 metres, resulting in a decrease of 1.6 metres. This variance is requested to re-establish an existing situation on the lot. The intent of the minimum landscape buffer is to provide sufficient separation and screening between lots and land uses. The reduction of 1.6 metres will not negatively affect the ability of the buffer to provide appropriate landscaping in the area. This reduced buffer abuts a hillside between the commercial and residential zones. This change in elevation acts as a natural buffer between the two zones, which mitigates the sought reduction. Staff find the requested variance to be minor in nature, desirable for the appropriate development 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 53 of *The Planning Act*, staff are of the opinion that Consent Application **B-10/22** 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.

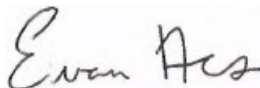
Having regard for the matters under Section 45(1) of *The Planning Act*, staff are of the opinion that Minor Variance Applications **A-15/22** and **A-16/22** are in keeping with the general intent of the Official Plan and Zoning By-law, are minor in nature, and are desirable for the appropriate development of the lands. Staff recommend that the applications be approved.

Prepared by:



Serena Soomal
Student Planner

Submitted by:



Evan Acs
Planner I

Approved by:



Taya Devlin
Senior Planner

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: March 21, 2022

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – March 30, 2022 hearing

B-01/22SC – 232 Vansickle Road

Comment:

- No comment

Condition:

- A demolition permit is required to remove a portion of the carport or the entire carport from the existing detached dwelling to the satisfaction of the Chief Building Official.
- That the applicant shall satisfy the Chief Building Official for the City of St. Catharines that, as a result of the proposed severance, that spatial separation requirements for the glazed openings and type of construction for the exposed building face of the existing dwelling facing north, meet the requirements of Subsection 9.10.14 and 9.10.15 of the 2012 Ontario Building Code as applicable.

B-02/22SC – 232 Vansickle Road

Comment:

- Be advised that a building permit is required to construct a semi-detached dwelling.

Condition:

- Be advised that a building permit is required to remove or relocate both existing sheds from the property and to complete all inspections to the satisfaction of the Chief Building Official.

B-03/22SC – 232 Vansickle Road

Comment:

- Be advised that a building permit is required to construct a semi-detached dwelling.

Condition:

- Be advised that a building permit is required to remove or relocate both existing sheds from the property and to complete all inspections to the satisfaction of the Chief Building Official.

B-04/22SC – 13 Keele Street

Comment:

- Be advised that a building permit is required to construct a single detached dwelling.

Condition:

- No comment

B-05/22SC – 11 Keele Street

Comment:

- Be advised that a building permit is required to construct a single detached dwelling.

Condition:

- No comment

B-07/22SC – 102 Broadway

Comment:

- Be advised that a building permit is required to construct a semi-detached dwelling.

Condition:

- The current demolition permit (17112056RN – to demolish the existing dwelling) inspection shall be completed to the satisfaction of the Chief Building Official.

B-10/22SC – 48 Lakeport Road

Comment:

- No comment

Condition:

- That the applicant shall satisfy the Chief Building Official for the City of St. Catharines that, as a result of the proposed severance, that spatial separation requirements for the glazed openings and type of construction for the exposed building face of the existing commercial building facing north, meet the requirements of Subsection 9.10.14 and 9.10.15 of the 2012 Ontario Building Code as applicable.

B-12/22SC – 10 Adelene Crescent

Comment:

- No comment

Condition:

- That the applicant shall satisfy the Chief Building Official for the City of St. Catharines that, as a result of the proposed severance, that spatial separation requirements for the glazed openings and type of construction for the exposed building face of the existing dwelling facing west on Part 1, meet the requirements of Subsection 9.10.14 and 9.10.15 of the 2012 Ontario Building Code as applicable.

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: March 21, 2022

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – March 30, 2022 hearing

NO.	ADDRESS	COMMENTS
A-80/21	1204 Lakeshore Road West	<p>The current demolition permit (21116885RN -to demolish the existing dwelling) inspection shall be completed to the satisfaction of the Chief Building Official.</p> <p>Be advised that a building permit is required to construct a single detached dwelling and to complete all inspections to the satisfaction of the Chief Building Official.</p>
A-05/22	232 Vansickle Road	<p>Be advised that a demolition permit is required to remove a portion of the carport or the entire carport from the existing detached dwelling and to complete all inspections to the satisfaction of the Chief Building Official.</p>
A-06/22	234A Vansickle Road	<p>Be advised that a building permit is required to construct a semi-detached dwelling and to complete all inspections to the satisfaction of the Chief Building Official.</p>

NO.	ADDRESS	COMMENTS
A-07/22	234B Vansickle Road	Be advised that a building permit is required to construct a semi-detached dwelling and to complete all inspections to the satisfaction of the Chief Building Official.
A-09/22	102 Broadway	Be advised that a building permit is required to construct a semi-detached dwelling and to complete all inspections to the satisfaction of the Chief Building Official.
A-10/22	104 Broadway	Be advised that a building permit is required to construct a semi-detached dwelling and to complete all inspections to the satisfaction of the Chief Building Official.
A-15/22	7 Canal Street	No Comment
A-16/22	48 Lakeport Road	No Comment
A-22/22	8 Adelene Cres	No Comment
A-23/22	10 Adelene Cres	No Comment
A-25/22	93 Lafayette Drive	Be advised that a building permit is required to construct a 2 storey addition, front covered porch and rebuild the main floor and to complete all inspections to the satisfaction of the Chief Building Official.

NO.	ADDRESS	COMMENTS
A-39/22	St. Paul West	Be advised that a building permit is required to construct a 45 storey apartment building and to complete all inspections to the satisfaction of the Chief Building Official.



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

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

Cc:

From: Amanda Knutson, Community Project & Development Planner, CRCS

Date: March 23, 2022

Subject: Committee of Adjustment Applications – March 30, 2022 Hearing

CRCS staff have reviewed the above-noted applications and offer the following comments.

1204 Lakeshore Road West, Minor Variance, A-80/21, 21 115798

No comment.

232 Vansickle Road, Consent, B-01/22SC – 21121028

232 Vansickle Road, Consent, B-02/22SC – 21121029

232 Vansickle Road, Consent, B-03/22SC – 21121030

232 Vansickle Road, Minor Variance, A-05/22 – 21121042

234A Vansickle Road, Minor Variance, A-06/22 – 21121046

234B Vansickle Road, Minor Variance, A-07/22 – 21121045

CRCS staff have no objection to the proposed creation of two new lots for a semi-detached dwelling, subject to the following comments.

A landscape buffer is shown along the rear lot line of Part 3 to mitigate the impact of headlights on neighbouring homes to the south. It is recommended that this buffer be implemented through the necessary development agreement. Additionally, staff recommend that a wood board privacy fence be installed along the new rear lot line of the existing dwelling (Parts 1 and 2) to mitigate impacts of the proposed driveway/parking area on the private amenity area of the existing dwelling.

We offer no objection to the proposed minor variances, save and except for the requested increase in maximum paved area from 20% to 30% for Part 3. It is staff's opinion that landscaped open space and amenity areas will be compromised given the size of the proposed driveway/parking area. Further, the zoning by-law permits tandem parking for accessory dwelling units. The provision of tandem parking on this lot would significantly reduce the overall paved area, resulting in compliance with the by-law.

Should the application for consent be approved, CRCS recommends the following conditions be included:

1. 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.)
2. That the applicant submit a payment for the placement of a 60mm boulevard tree for each of the new lots, in accordance with the City's current Schedule of Rates and Fees.
3. That should the proposed driveway and parking area for Part 3 be approved to extend into the rear yard of that Part, and behind Parts 1 and 2, then the future development agreement shall implement the following:
 - a. Provision of a landscape strip along the rear lot line of Part 3, which is to be of sufficient width to support the installation of a row of closely planted cedar trees, or some similar species that will achieve an adequate buffer.
 - b. Installation of a 1.5m – 1.8m high wood board-on-board privacy fence along the rear lot line of Part 1 (height of the fence should be at least as tall as the existing wood board fence along the neighbouring private road development).

13 Keele Street, Consent, B-04/22SC – 21121005

11 Keele Street, Consent, B-05/22SC - 21121011

CRCS staff offer no objection to the proposed creation of one new lot for a detached dwelling. Should the applications for consent be approved, CRCS recommends the following conditions be included:

1. 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.)
2. 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.

102 Broadway, Consent, B-07/22SC – 21120989

102 Broadway, Minor Variance, A-09/22 – 21120990

104 Broadway, Minor Variance, A-10/22 - 21120991

CRCS has no concerns with the proposed creation of a new lot to facilitate the construction of a semi-detached dwelling, nor the requested minor variances.

Should the application for consent be approved, CRCS recommends the following conditions be included:

1. 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.)
2. 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.

48 Lakeport Road, Consent, B-10/22SC – 22100270

7 Canal Street, Minor Variance, A-15/22 – 22100276

48 Lakeport Road, Minor Variance, A-16/22 – 22100278

CRCS has no concerns with the proposed consent to sever which will re-establish historic lot lines, nor the related minor variances.

10 Adelene Crescent, Consent, B-12/22SC – 22100900 - Natasha

8 Adelene Crescent, Minor Variance, A-22/22 – 22100901

10 Adelene Crescent, Minor Variance, A-23/22 - 22100902

CRCS has no concerns with the proposed boundary adjustment which was previously approved in 2015, nor the related minor variances.

93 Lafayette Drive, Minor Variance, A-25/22 – 22100937

There is an existing mature boulevard tree in the Lafayette road allowance, adjacent to the proposed entryway addition. Should the requested reduction in exterior side yard be approved in this area, then CRCS staff recommend that a condition be imposed requiring that the tree be protected. Specifically, prior to any construction activities commencing on site, a tree protection zone delineated by construction/snow fencing/hoarding is to be established around the trunk of the tree to be retained, and such tree protection zone is to remain in place for the duration of construction (minimum tree protection zone sizes are outlined in the table below. No soil, construction

materials, equipment, or vehicles of any sort are to be stored or otherwise located within the tree protection zone.

The Minimum Tree Protection Zone (MTPZ)

The following is a chart showing minimum required distances for determining a Minimum Tree Protection Zone. Some trees and some site conditions may require a larger Minimum Tree Protection Zone at the discretion of the City.

Table 1 – Minimum Tree Protection Zones

Trunk Diameter (DBH) ²	Minimum Tree Protection Zone (MTPZ) Distances Required ³	Critical Root Zone (CRZ) Distances Required ^{3&4}
< 10 cm	1.8 m	1.8 m
11 - 40 cm	2.4 m	4.0 m
41 - 50 cm	3.0 m	5.0 m
51 - 60 cm	3.6 m	6.0 m
61 - 70 cm	4.2 m	7.0 m
71 - 80 cm	4.8 m	8.0 m
81 - 90 cm	5.4 m	9.0 m
91 - 100+ cm	6.0 m	10.0 m

NOTES:

¹ The roots of a tree can extend from the trunk to approximately 2-3 times the distance of the drip line.

² Diameter at breast height (DBH) measurement of tree trunk taken at 1.4 metres above ground.

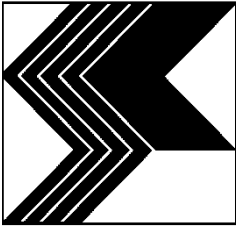
³ Minimum Tree Protection Zone and Critical Root Zone distances are to be measured from the outside edge of the tree base towards the drip line and may be limited by an existing paved surface, provided the existing paved surface remains intact throughout the construction work and is subject to Section 6 of this specification.

⁴ Where work is being performed beyond the Minimum Tree Protection Zone but within the Critical Root Zone the works are subject to Section 8 of this specification.

7 St. Paul Street West, Minor Variance, A-39/22 – 22101212

CRCS staff offer no objection to the minor variances requested. The shadow study submitted illustrates that neighbouring parks and public spaces will not be significantly impacted by shadows. Requirements related to landscaping, parkland dedication, park improvements, and streetscaping will be addressed through the concurrent site plan process.

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-10/22SC



March 9, 2022

ENGINEERING FILE 300-36

Hearing Date: March 30, 2022
Applicant: Alis Kilicoglu
Location: 48 Lakeport Road / 7 Canal Street

ENGINEERING SERVICES

Lakeport Road

Water: 250mm C.I. (City's within subject lands)
Sanitary Sewer: 200mm A.C. (service connection unknown)
Storm Sewer: 300mm (12") Regional
Sidewalks: Yes
Road Allowance Width: 26.2m Regional

COMMENTS AND CONDITIONS TO BE IMPOSED IF CONSENT GRANTED:

Comment(s): It is noted that the Applicant proposes to sever Parts 2 on the attached sketch to recreate the lot known as 48 Lakeport Road with the existing commercial building. Part 1 is to be retained for continued residential use as 7 Canal Street.

Municipal Services

The buildings fronting this area of Lakeport Road connect to a City watermain noted above, which exists on the individual properties, with the ultimate connection to the Lakeport Road watermain fronting 1 Lock Street. Easement rights to the City have been confirmed over these properties for the access and maintenance of the above noted 250mm main across the applicable lots.

A City maintenance hole and service is provided to 1 Lock Street's property line from the Lakeport Road sewer. It may also accommodate a private sewer lateral connection to 48 Lakeport Road, since no City records exist for an individual sewer connection to the Lakeport Road sewer main. It's unknown whether easement rights exist or have been established to the Owner of 48 Lakeport Road for this private connection access and maintenance over and within 1 Lock Street. It is recommended that the Owner locate, trace, inspect and document the sewer service lateral from the existing building, to confirm its location, and the Owner make efforts to establish and register, in perpetuity, an access and maintenance easement for the private sewer service to secure its continued functionality, if identified over 1 Lock Street.

Condition(s): Development Engineering have no conditions to impose for this application.

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: March 10, 2022
Hearing Date: March 30, 2022
Subject: **Committee of Adjustment - Minor Variance Applications**
1204 Lakeshore Road West – A-80/21SC
232 (234) Vansickle Road - A-05,06&07/22SC
102 -104 Broadway – A-09&10/22SC
7 Canal Street – A-15/22SC
48 Lakeport Road – A-16/22SC
8 – 10 Adelene Crescent – A-22&23/22SC
93 Lafayette Drive – A-25/22SC
7 St. Paul Street West / 7 McGuire Street – A-39/22SC

Development Engineering have no comments or objections to the above noted applications, subject to the following;

- All applicants must acknowledge that although minimum Zoning setbacks may be reduced through Minor Variances, existing and additional widths greater than the minimum may be required to accommodate and maintain access and storm water conveyance, so as not to cause negative effects on the subject and adjacent properties; and
- The applicant for 1204 Lakeshore Road West be advised that a Grading Plan, prepared by a Professional Engineer or Ontario Land Surveyor, shall be required for submission though the building permit application process

Prepared by:

Brad Johnston, C.E.T.
Development Engineering 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-12/22SC, A-22/22 & A-23/22

8 & 10 Adelene Crescent

DATE OF HEARING:
March 30, 2022

Mrs. Freda MacDonald

MAR 17 2022

March 11/22
15 Towering Hills Blvd
Apt. [REDACTED]
St. Catharines
L2T 3G7

Dear Mr. Menno;

I received the
application papers
of Adil Michael
Hakil and Sherie
Cesile Claire Hakil
to adjust their property
lines.

If you are asking
for my consent, I
give it.

Yours Sincerely
[REDACTED]

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: RE: 2022-03-09_CN Comments_10 Adelene Crescent, St. Catharines
Date: Wednesday, March 9, 2022 9:20:31 AM
Attachments: [image001.png](#)

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



From: Saadia Jamil <Saadia.Jamil@cn.ca> **On Behalf Of** Proximity
Sent: Wednesday, March 9, 2022 2:25 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: 2022-03-09_CN Comments_10 Adelene Crescent, 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.

Hello,

Thank you for circulating CN. It is noted that the subject site is located in proximity to the CN railway corridor. CN recommends the following to be implemented as conditions of approval:

- The following clause to be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or lease of each dwelling unit within 300 metres of the railway right-of-way "Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way."
- Registration of an environmental easement for operational noise and vibration emissions, in favor of CN

Sincerely,

Saadia Jamil

Planner (CN Proximity)
Planning, Landscape Architecture and Urban Design

Urbanisme, architecture de paysage et design urbain



E : proximity@cn.ca

1600, René-Lévesque Ouest, 11e étage

Montréal (Québec)

H3H 1P9 CANADA

wsp.com

March 17, 2022

Our File No.: PLCON202200278

BY E-MAIL ONLY

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

Attention: Elaine Munro, Secretary-Treasurer

Subject: Application for Consent, & 2 Minor Variances
8 & 10 Adelene Crescent

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

The purpose and effect of the application is for a partial discharge of mortgage, and for consent to sever 503.8 square metres of land from 10 Adelene Crescent, which will be added to the westerly abutting lot of 8 Adelene Crescent. A 686.0 square metre remnant parcel with a single detached swelling will remain. The Minor Variances are to permit an increase in the maximum lot area from 538 square metres to 1737.9 square metres (8 Adelene), and an increase in the maximum lot area from 538 square metres to 686 square metres (10 Adelene). No new development is proposed.

NPCA Policy

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

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

NPCA Mapping indicates the subject lands are impacted by a riverine valley, associated with this section of Dicks Creek. This valleyland system is subject to NPCA's Policies.

The NPCA does not generally support the severing of natural features or their buffers, unless for legal or technical reasons. However upon review of the application, this proposal is for a boundary adjustment only. No structural development is proposed on either lot, and both lots still contain sufficient room outside of NPCA's Hazard Layers for servicing and amenities. Therefore, the NPCA can entertain these applications.

As development or site alteration is not proposed, permits from the NPCA are not required at this time. However, it should be of note to both property owners that if future works are to be proposed on either of



**NIAGARA PENINSULA
CONSERVATION**
AUTHORITY

250 Thorold Road West, 3rd Floor, Welland, Ontario L3C 3W2
Telephone 905.788.3135 | Facsimile 905.788.1121 | www.npca.ca

these parcels, works permits and/or supporting studies (as completed by a qualified professional) in accordance with NPCA Policies may be required due to the proximity to the riverine valley.

Conclusion:

Given the above, please be advised the NPCA is supportive of these applications, City File Numbers: B-12/22, A-22/22, & A-23/22. NPCA Staff do not offer objection to their approval.

I trust the above will be of assistance to you. Should you have any further questions or require further information in this matter, please do not hesitate to call. For administrative purposes, please forward any decisions and resolutions of your Committee. In the event of an appeal to the Ontario Land Tribunal (OLT) please send notice of any Case Management Conference.

Yours truly,

A handwritten signature in black ink, appearing to read 'Taran Lennard'.

Taran Lennard
Watershed Planner
(905) 788-3135, ext. 277
tlennard@npca.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: March 21, 2022

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – March 30, 2022 hearing

B-01/22SC – 232 Vansickle Road

Comment:

- No comment

Condition:

- A demolition permit is required to remove a portion of the carport or the entire carport from the existing detached dwelling to the satisfaction of the Chief Building Official.
- That the applicant shall satisfy the Chief Building Official for the City of St. Catharines that, as a result of the proposed severance, that spatial separation requirements for the glazed openings and type of construction for the exposed building face of the existing dwelling facing north, meet the requirements of Subsection 9.10.14 and 9.10.15 of the 2012 Ontario Building Code as applicable.

B-02/22SC – 232 Vansickle Road

Comment:

- Be advised that a building permit is required to construct a semi-detached dwelling.

Condition:

- Be advised that a building permit is required to remove or relocate both existing sheds from the property and to complete all inspections to the satisfaction of the Chief Building Official.

B-03/22SC – 232 Vansickle Road

Comment:

- Be advised that a building permit is required to construct a semi-detached dwelling.

Condition:

- Be advised that a building permit is required to remove or relocate both existing sheds from the property and to complete all inspections to the satisfaction of the Chief Building Official.

B-04/22SC – 13 Keele Street

Comment:

- Be advised that a building permit is required to construct a single detached dwelling.

Condition:

- No comment

B-05/22SC – 11 Keele Street

Comment:

- Be advised that a building permit is required to construct a single detached dwelling.

Condition:

- No comment

B-07/22SC – 102 Broadway

Comment:

- Be advised that a building permit is required to construct a semi-detached dwelling.

Condition:

- The current demolition permit (17112056RN – to demolish the existing dwelling) inspection shall be completed to the satisfaction of the Chief Building Official.

B-10/22SC – 48 Lakeport Road

Comment:

- No comment

Condition:

- That the applicant shall satisfy the Chief Building Official for the City of St. Catharines that, as a result of the proposed severance, that spatial separation requirements for the glazed openings and type of construction for the exposed building face of the existing commercial building facing north, meet the requirements of Subsection 9.10.14 and 9.10.15 of the 2012 Ontario Building Code as applicable.

B-12/22SC – 10 Adelene Crescent

Comment:

- No comment

Condition:

- That the applicant shall satisfy the Chief Building Official for the City of St. Catharines that, as a result of the proposed severance, that spatial separation requirements for the glazed openings and type of construction for the exposed building face of the existing dwelling facing west on Part 1, meet the requirements of Subsection 9.10.14 and 9.10.15 of the 2012 Ontario Building Code as applicable.



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: March 21, 2022

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – March 30, 2022 hearing

NO.	ADDRESS	COMMENTS
A-80/21	1204 Lakeshore Road West	<p>The current demolition permit (21116885RN -to demolish the existing dwelling) inspection shall be completed to the satisfaction of the Chief Building Official.</p> <p>Be advised that a building permit is required to construct a single detached dwelling and to complete all inspections to the satisfaction of the Chief Building Official.</p>
A-05/22	232 Vansickle Road	<p>Be advised that a demolition permit is required to remove a portion of the carport or the entire carport from the existing detached dwelling and to complete all inspections to the satisfaction of the Chief Building Official.</p>
A-06/22	234A Vansickle Road	<p>Be advised that a building permit is required to construct a semi-detached dwelling and to complete all inspections to the satisfaction of the Chief Building Official.</p>

NO.	ADDRESS	COMMENTS
A-07/22	234B Vansickle Road	Be advised that a building permit is required to construct a semi-detached dwelling and to complete all inspections to the satisfaction of the Chief Building Official.
A-09/22	102 Broadway	Be advised that a building permit is required to construct a semi-detached dwelling and to complete all inspections to the satisfaction of the Chief Building Official.
A-10/22	104 Broadway	Be advised that a building permit is required to construct a semi-detached dwelling and to complete all inspections to the satisfaction of the Chief Building Official.
A-15/22	7 Canal Street	No Comment
A-16/22	48 Lakeport Road	No Comment
A-22/22	8 Adelene Cres	No Comment
A-23/22	10 Adelene Cres	No Comment
A-25/22	93 Lafayette Drive	Be advised that a building permit is required to construct a 2 storey addition, front covered porch and rebuild the main floor and to complete all inspections to the satisfaction of the Chief Building Official.

NO.	ADDRESS	COMMENTS
A-39/22	St. Paul West	Be advised that a building permit is required to construct a 45 storey apartment building and to complete all inspections to the satisfaction of the Chief Building Official.



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

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

Cc:

From: Amanda Knutson, Community Project & Development Planner, CRCS

Date: March 23, 2022

Subject: Committee of Adjustment Applications – March 30, 2022 Hearing

CRCS staff have reviewed the above-noted applications and offer the following comments.

1204 Lakeshore Road West, Minor Variance, A-80/21, 21 115798

No comment.

232 Vansickle Road, Consent, B-01/22SC – 21121028

232 Vansickle Road, Consent, B-02/22SC – 21121029

232 Vansickle Road, Consent, B-03/22SC – 21121030

232 Vansickle Road, Minor Variance, A-05/22 – 21121042

234A Vansickle Road, Minor Variance, A-06/22 – 21121046

234B Vansickle Road, Minor Variance, A-07/22 – 21121045

CRCS staff have no objection to the proposed creation of two new lots for a semi-detached dwelling, subject to the following comments.

A landscape buffer is shown along the rear lot line of Part 3 to mitigate the impact of headlights on neighbouring homes to the south. It is recommended that this buffer be implemented through the necessary development agreement. Additionally, staff recommend that a wood board privacy fence be installed along the new rear lot line of the existing dwelling (Parts 1 and 2) to mitigate impacts of the proposed driveway/parking area on the private amenity area of the existing dwelling.

We offer no objection to the proposed minor variances, save and except for the requested increase in maximum paved area from 20% to 30% for Part 3. It is staff's opinion that landscaped open space and amenity areas will be compromised given the size of the proposed driveway/parking area. Further, the zoning by-law permits tandem parking for accessory dwelling units. The provision of tandem parking on this lot would significantly reduce the overall paved area, resulting in compliance with the by-law.

Should the application for consent be approved, CRCS recommends the following conditions be included:

1. 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.)
2. That the applicant submit a payment for the placement of a 60mm boulevard tree for each of the new lots, in accordance with the City's current Schedule of Rates and Fees.
3. That should the proposed driveway and parking area for Part 3 be approved to extend into the rear yard of that Part, and behind Parts 1 and 2, then the future development agreement shall implement the following:
 - a. Provision of a landscape strip along the rear lot line of Part 3, which is to be of sufficient width to support the installation of a row of closely planted cedar trees, or some similar species that will achieve an adequate buffer.
 - b. Installation of a 1.5m – 1.8m high wood board-on-board privacy fence along the rear lot line of Part 1 (height of the fence should be at least as tall as the existing wood board fence along the neighbouring private road development).

13 Keele Street, Consent, B-04/22SC – 21121005

11 Keele Street, Consent, B-05/22SC - 21121011

CRCS staff offer no objection to the proposed creation of one new lot for a detached dwelling. Should the applications for consent be approved, CRCS recommends the following conditions be included:

1. 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.)
2. 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.

102 Broadway, Consent, B-07/22SC – 21120989

102 Broadway, Minor Variance, A-09/22 – 21120990

104 Broadway, Minor Variance, A-10/22 - 21120991

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

1. 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.)
2. 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.

48 Lakeport Road, Consent, B-10/22SC – 22100270

7 Canal Street, Minor Variance, A-15/22 – 22100276

48 Lakeport Road, Minor Variance, A-16/22 – 22100278

CRCS has no concerns with the proposed consent to sever which will re-establish historic lot lines, nor the related minor variances.

10 Adelene Crescent, Consent, B-12/22SC – 22100900 - Natasha

8 Adelene Crescent, Minor Variance, A-22/22 – 22100901

10 Adelene Crescent, Minor Variance, A-23/22 - 22100902

CRCS has no concerns with the proposed boundary adjustment which was previously approved in 2015, nor the related minor variances.

93 Lafayette Drive, Minor Variance, A-25/22 – 22100937

There is an existing mature boulevard tree in the Lafayette road allowance, adjacent to the proposed entryway addition. Should the requested reduction in exterior side yard be approved in this area, then CRCS staff recommend that a condition be imposed requiring that the tree be protected. Specifically, prior to any construction activities commencing on site, a tree protection zone delineated by construction/snow fencing/hoarding is to be established around the trunk of the tree to be retained, and such tree protection zone is to remain in place for the duration of construction (minimum tree protection zone sizes are outlined in the table below. No soil, construction

materials, equipment, or vehicles of any sort are to be stored or otherwise located within the tree protection zone.

The Minimum Tree Protection Zone (MTPZ)

The following is a chart showing minimum required distances for determining a Minimum Tree Protection Zone. Some trees and some site conditions may require a larger Minimum Tree Protection Zone at the discretion of the City.

Table 1 – Minimum Tree Protection Zones

Trunk Diameter (DBH) ²	Minimum Tree Protection Zone (MTPZ) Distances Required ³	Critical Root Zone (CRZ) Distances Required ^{3&4}
< 10 cm	1.8 m	1.8 m
11 - 40 cm	2.4 m	4.0 m
41 - 50 cm	3.0 m	5.0 m
51 - 60 cm	3.6 m	6.0 m
61 - 70 cm	4.2 m	7.0 m
71 - 80 cm	4.8 m	8.0 m
81 - 90 cm	5.4 m	9.0 m
91 - 100+ cm	6.0 m	10.0 m

NOTES:

¹ The roots of a tree can extend from the trunk to approximately 2-3 times the distance of the drip line.

² Diameter at breast height (DBH) measurement of tree trunk taken at 1.4 metres above ground.

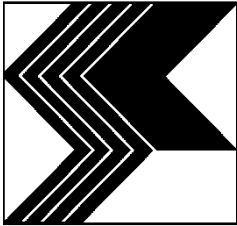
³ Minimum Tree Protection Zone and Critical Root Zone distances are to be measured from the outside edge of the tree base towards the drip line and may be limited by an existing paved surface, provided the existing paved surface remains intact throughout the construction work and is subject to Section 6 of this specification.

⁴ Where work is being performed beyond the Minimum Tree Protection Zone but within the Critical Root Zone the works are subject to Section 8 of this specification.

7 St. Paul Street West, Minor Variance, A-39/22 – 22101212

CRCS staff offer no objection to the minor variances requested. The shadow study submitted illustrates that neighbouring parks and public spaces will not be significantly impacted by shadows. Requirements related to landscaping, parkland dedication, park improvements, and streetscaping will be addressed through the concurrent site plan process.

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B – 12/22SC



March 14th, 2022

ENGINEERING FILE 300-36

Hearing Date: March 30th, 2022

Applicant: Adel Michael Wakil and Marie Cecile Claire Wakil

Location: 10 Adelene Crescent

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

Comment(s):

General

It is noted that the Applicant proposes to sever make an internal lot line adjustment as per the attached surveyors sketch included with the application.

Condition(s):

Development Engineering have no concerns or comments regarding this application.

Prepared by:

James Denham, P.Eng.
Development Engineering Technologist

c. B. Johnston, C.E.T. PBS (email only)



Memorandum

To: Elaine Munro, ACST, Committee Secretary & Planning Technician
From: Brad Johnston, C.E.T., Development Engineering Technologist
CC: City Committee of Adjustment Staff Members
Date: March 10, 2022
Hearing Date: March 30, 2022
Subject: **Committee of Adjustment - Minor Variance Applications**
1204 Lakeshore Road West – A-80/21SC
232 (234) Vansickle Road - A-05,06&07/22SC
102 -104 Broadway – A-09&10/22SC
7 Canal Street – A-15/22SC
48 Lakeport Road – A-16/22SC
8 – 10 Adelene Crescent – A-22&23/22SC
93 Lafayette Drive – A-25/22SC
7 St. Paul Street West / 7 McGuire Street – A-39/22SC

Development Engineering have no comments or objections to the above noted applications, subject to the following;

- All applicants must acknowledge that although minimum Zoning setbacks may be reduced through Minor Variances, existing and additional widths greater than the minimum may be required to accommodate and maintain access and storm water conveyance, so as not to cause negative effects on the subject and adjacent properties; and
- The applicant for 1204 Lakeshore Road West be advised that a Grading Plan, prepared by a Professional Engineer or Ontario Land Surveyor, shall be required for submission through the building permit application process

Prepared by:

Brad Johnston, C.E.T.
Development Engineering 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-25/22

93 Lafayette Drive

DATE OF HEARING:
March 30, 2022

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Comments Received RE: Amanda No. 22100937 Submission No. A-25/22 - 93 Lafayette Drive
Date: Tuesday, March 22, 2022 9:10:06 AM

Elaine Munro ACST

Committee Secretary and Planning Technician

Tel: 905.688.5601 x1715

Email: emunro@stcatharines.ca



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

From: Gord Nichols <>
Sent: Monday, March 21, 2022 3:35 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Amanda No. 22100937 Submission No. A-25/22

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

Hi Elaine

We live at 6 Chapleau Gate and are already suffering the results of greater population density. Any more would seem an assault. We have people living on Ontario St who take up a very large proportion of the parking on our little street. The house at Ontario and Chapleau has been divided into 2 rental properties and the street has never been the same. They have a huge antique tow truck just sitting and rusting away in their driveway. There are other cars parked regularly in front of our house from other houses on Ontario St. It's really a shame. Please don't allow this! We strongly oppose it.

Best regards

Gord & Dorothy Nichols



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: March 25, 2022

Date of Meeting: March 30, 2022

Report Number: A-25/22

File: 22100937

Subject: 93 Lafayette Drive

Recommendation

That Variances 1 and 2 of Application **A-25/22** by Cody Palmer-Almond, as outlined in the Notice of Hearing, be approved, subject to the following condition:

1. That the existing boulevard tree in front of the subject property along the exterior side yard be protected. Specifically, prior to any construction activities commencing on site, a tree protection zone is to be established around the trunk of the tree to be retained, and such tree protection zone is to remain in place for the duration of construction.

That Variance 3 of Application **A-25/22** by Cody Palmer-Almond, as outlined in the Notice of Hearing, be withdrawn.

Report

The Proposal

Application **A-25/22** seeks relief from the City of St. Catharines Zoning By-law 2013-283, as amended, to construct a proposed two-storey addition and platform structure (covered porch) to the existing detached dwelling. To facilitate the proposal, the applicant is requesting to reduce the minimum interior and exterior side yard setbacks and increase the maximum driveway width. The requested variances are outlined in the table below.

Variance	Provision	Permitted	Proposed
1	Minimum exterior side yard setback	4.0 metres	3.378 metres
2	Minimum interior side yard setback for any portion of the dwelling in excess of 7 metres in building height	2.0 metres	1.219 metres
3	Maximum driveway width of the front or exterior lot line	50%	100%

Location and Site Description

The subject property is a corner lot located on the southeast corner of Lafayette Drive, east of Ontario Street. The immediate surrounding neighbourhood is low density residential with commercial and medium density residential uses along Ontario Street to the west. The subject lands are occupied by a detached dwelling.

Circulation of Application

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

Comments from five nearby neighbours were received regarding the proposal. Four neighbours, including the dwelling abutting the subject property to the east, provided their support for the proposal. One nearby household is opposed to the proposal due to parking concerns in the area.

Planning Policy Context

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential on Schedule E1. Detached dwellings with platform structures are permitted in this designation.

Zoning By-law (2013-283)

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

Planning Analysis

Variance 1

Variance 1 seeks a reduction in the required minimum exterior side yard setback from 4.0 metres to 3.378 metres, resulting in a reduction of 0.622 metres. This variance is requested to facilitate the construction of a two-storey addition to the existing dwelling. The portion of the reduced setback applies to the proposed main entrance of the dwelling, with the remainder of the dwelling exceeding the minimum exterior side yard setback. The intent of the exterior side yard setback 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 buildings 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. The reduction of 0.622 metres for the proposed entrance will not negatively impact the streetscape, surrounding area or sightlines for drivers and pedestrians. Therefore, the proposed setback is considered desirable for the use of lands.

The proposed exterior side yard setback is in accordance with Section 7.1 of the GCP 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. The proposed two-storey addition and covered porch largely adhere to zoning requirements, save for the three requested variances, including building height, lot area and coverage, and landscaped open space. These provisions indicate that the proposed two-storey addition and covered porch have appropriate scale and massing and do not overwhelm the lot.

Staff find that the variance is 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

Variance 2 seeks a reduction of the minimum interior side yard setback from 2.0 metres to 1.219 metres, resulting in a decrease of 0.781 metres. The Zoning By-law requires a 2.0 metre setback for any portion of a detached dwelling with a building height in excess of 7 metres within an R1 zone. The intent of the interior side yard setback is to ensure adequate separation distance as to not overwhelm the lot and neighbouring properties, and to protect privacy, prevent overlook, and to provide sufficient drainage. The proposed reduction in the interior side yard is to facilitate the construction of a two-storey addition with the same setback as the existing dwelling. This will allow the applicant to facilitate the addition using the existing dwelling's footprint and prevent the demolition of a portion of the dwelling to meet the 2.0 metre setback for a dwelling with a building height of 7 metres or greater. Staff acknowledge that the existing setback of 1.219 metres meets the zoning by-law's interior side yard setback requirements for a detached dwelling less than 7 metres in height. The proposed reduced setback will maintain separation distance and adequate drainage. The proposed reduced setback will also maintain privacy and prevent overlook with the design containing two modest windows along this end wall.

The proposed interior side yard setback is in accordance with Section 7.1 of the GCP 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. The surrounding neighbourhood is primarily comprised of one- to 1.5-storey detached dwellings. The proposed two-storey addition and covered porch maintains the character of the neighbourhood and will not negatively impact the streetscape.

Staff find that the variance is minor in nature, desirable for the appropriate use of lands, and meets the general intent of the Official Plan and Zoning By-law.

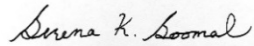
Variance 3

Following staff discussions with the applicant, the proposed driveway expansion will not be located along the front lot line and therefore there will be a driveway width of 0.0 metres along the front lot line. The requested variance to permit a driveway width of 100% of the lot line is no longer required. Therefore, staff recommend that the applicant withdraw this variance.

Conclusion

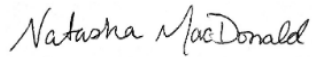
Having regard for matters under Section 45 of *The Planning Act*, staff are of the opinion that Variances 1 and 2 of Application **A-25/22** are in keeping with the general intent of the Official Plan and Zoning By-law, are minor in nature, and are desirable for the appropriate use of the lands. Staff recommend approval of Variances 1 and 2. Staff further recommend that Variance 3 be withdrawn.

Prepared by:



Serena Soomal
Student Planner

Submitted by:



Natasha MacDonald
Planner I

Approved by:



Taya Devlin
Senior Planner

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Former Landfill - RE: 232 Vansickle & 93 Lafayette, Committee of Adjustment Hearing Notices & Applications - March 30, 2022 Hearing
Date: Friday, March 11, 2022 11:19:34 AM

232 Vansickle Road
93 Lafayette Drive

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



From: Vasko, Dennis <dvasko@stcatharines.ca>
Sent: Friday, March 11, 2022 10:33 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: RE: Committee of Adjustment Hearing Notices & Applications - March 30, 2022 Hearing

Hi Elaine,

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

Have a great weekend
Dennis

Dennis Vasko
Fill Site Technician
Tel: 905.688.5601 x2163
Email: 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: March 21, 2022

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – March 30, 2022 hearing

NO.	ADDRESS	COMMENTS
A-80/21	1204 Lakeshore Road West	<p>The current demolition permit (21116885RN -to demolish the existing dwelling) inspection shall be completed to the satisfaction of the Chief Building Official.</p> <p>Be advised that a building permit is required to construct a single detached dwelling and to complete all inspections to the satisfaction of the Chief Building Official.</p>
A-05/22	232 Vansickle Road	<p>Be advised that a demolition permit is required to remove a portion of the carport or the entire carport from the existing detached dwelling and to complete all inspections to the satisfaction of the Chief Building Official.</p>
A-06/22	234A Vansickle Road	<p>Be advised that a building permit is required to construct a semi-detached dwelling and to complete all inspections to the satisfaction of the Chief Building Official.</p>

NO.	ADDRESS	COMMENTS
A-07/22	234B Vansickle Road	Be advised that a building permit is required to construct a semi-detached dwelling and to complete all inspections to the satisfaction of the Chief Building Official.
A-09/22	102 Broadway	Be advised that a building permit is required to construct a semi-detached dwelling and to complete all inspections to the satisfaction of the Chief Building Official.
A-10/22	104 Broadway	Be advised that a building permit is required to construct a semi-detached dwelling and to complete all inspections to the satisfaction of the Chief Building Official.
A-15/22	7 Canal Street	No Comment
A-16/22	48 Lakeport Road	No Comment
A-22/22	8 Adelene Cres	No Comment
A-23/22	10 Adelene Cres	No Comment
A-25/22	93 Lafayette Drive	Be advised that a building permit is required to construct a 2 storey addition, front covered porch and rebuild the main floor and to complete all inspections to the satisfaction of the Chief Building Official.

NO.	ADDRESS	COMMENTS
A-39/22	St. Paul West	Be advised that a building permit is required to construct a 45 storey apartment building and to complete all inspections to the satisfaction of the Chief Building Official.



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

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

Cc:

From: Amanda Knutson, Community Project & Development Planner, CRCS

Date: March 23, 2022

Subject: Committee of Adjustment Applications – March 30, 2022 Hearing

CRCS staff have reviewed the above-noted applications and offer the following comments.

1204 Lakeshore Road West, Minor Variance, A-80/21, 21 115798

No comment.

232 Vansickle Road, Consent, B-01/22SC – 21121028

232 Vansickle Road, Consent, B-02/22SC – 21121029

232 Vansickle Road, Consent, B-03/22SC – 21121030

232 Vansickle Road, Minor Variance, A-05/22 – 21121042

234A Vansickle Road, Minor Variance, A-06/22 – 21121046

234B Vansickle Road, Minor Variance, A-07/22 – 21121045

CRCS staff have no objection to the proposed creation of two new lots for a semi-detached dwelling, subject to the following comments.

A landscape buffer is shown along the rear lot line of Part 3 to mitigate the impact of headlights on neighbouring homes to the south. It is recommended that this buffer be implemented through the necessary development agreement. Additionally, staff recommend that a wood board privacy fence be installed along the new rear lot line of the existing dwelling (Parts 1 and 2) to mitigate impacts of the proposed driveway/parking area on the private amenity area of the existing dwelling.

We offer no objection to the proposed minor variances, save and except for the requested increase in maximum paved area from 20% to 30% for Part 3. It is staff's opinion that landscaped open space and amenity areas will be compromised given the size of the proposed driveway/parking area. Further, the zoning by-law permits tandem parking for accessory dwelling units. The provision of tandem parking on this lot would significantly reduce the overall paved area, resulting in compliance with the by-law.

Should the application for consent be approved, CRCS recommends the following conditions be included:

1. 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.)
2. That the applicant submit a payment for the placement of a 60mm boulevard tree for each of the new lots, in accordance with the City's current Schedule of Rates and Fees.
3. That should the proposed driveway and parking area for Part 3 be approved to extend into the rear yard of that Part, and behind Parts 1 and 2, then the future development agreement shall implement the following:
 - a. Provision of a landscape strip along the rear lot line of Part 3, which is to be of sufficient width to support the installation of a row of closely planted cedar trees, or some similar species that will achieve an adequate buffer.
 - b. Installation of a 1.5m – 1.8m high wood board-on-board privacy fence along the rear lot line of Part 1 (height of the fence should be at least as tall as the existing wood board fence along the neighbouring private road development).

13 Keele Street, Consent, B-04/22SC – 21121005

11 Keele Street, Consent, B-05/22SC - 21121011

CRCS staff offer no objection to the proposed creation of one new lot for a detached dwelling. Should the applications for consent be approved, CRCS recommends the following conditions be included:

1. 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.)
2. 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.

102 Broadway, Consent, B-07/22SC – 21120989

102 Broadway, Minor Variance, A-09/22 – 21120990

104 Broadway, Minor Variance, A-10/22 - 21120991

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

1. 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.)
2. 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.

48 Lakeport Road, Consent, B-10/22SC – 22100270

7 Canal Street, Minor Variance, A-15/22 – 22100276

48 Lakeport Road, Minor Variance, A-16/22 – 22100278

CRCS has no concerns with the proposed consent to sever which will re-establish historic lot lines, nor the related minor variances.

10 Adelene Crescent, Consent, B-12/22SC – 22100900 - Natasha

8 Adelene Crescent, Minor Variance, A-22/22 – 22100901

10 Adelene Crescent, Minor Variance, A-23/22 - 22100902

CRCS has no concerns with the proposed boundary adjustment which was previously approved in 2015, nor the related minor variances.

93 Lafayette Drive, Minor Variance, A-25/22 – 22100937

There is an existing mature boulevard tree in the Lafayette road allowance, adjacent to the proposed entryway addition. Should the requested reduction in exterior side yard be approved in this area, then CRCS staff recommend that a condition be imposed requiring that the tree be protected. Specifically, prior to any construction activities commencing on site, a tree protection zone delineated by construction/snow fencing/hoarding is to be established around the trunk of the tree to be retained, and such tree protection zone is to remain in place for the duration of construction (minimum tree protection zone sizes are outlined in the table below. No soil, construction

materials, equipment, or vehicles of any sort are to be stored or otherwise located within the tree protection zone.

The Minimum Tree Protection Zone (MTPZ)

The following is a chart showing minimum required distances for determining a Minimum Tree Protection Zone. Some trees and some site conditions may require a larger Minimum Tree Protection Zone at the discretion of the City.

Table 1 – Minimum Tree Protection Zones

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NOTES:

¹ The roots of a tree can extend from the trunk to approximately 2-3 times the distance of the drip line.

² Diameter at breast height (DBH) measurement of tree trunk taken at 1.4 metres above ground.

³ Minimum Tree Protection Zone and Critical Root Zone distances are to be measured from the outside edge of the tree base towards the drip line and may be limited by an existing paved surface, provided the existing paved surface remains intact throughout the construction work and is subject to Section 6 of this specification.

⁴ Where work is being performed beyond the Minimum Tree Protection Zone but within the Critical Root Zone the works are subject to Section 8 of this specification.

7 St. Paul Street West, Minor Variance, A-39/22 – 22101212

CRCS staff offer no objection to the minor variances requested. The shadow study submitted illustrates that neighbouring parks and public spaces will not be significantly impacted by shadows. Requirements related to landscaping, parkland dedication, park improvements, and streetscaping will be addressed through the concurrent site plan process.



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: March 10, 2022
Hearing Date: March 30, 2022
Subject: **Committee of Adjustment - Minor Variance Applications**
1204 Lakeshore Road West – A-80/21SC
232 (234) Vansickle Road - A-05,06&07/22SC
102 -104 Broadway – A-09&10/22SC
7 Canal Street – A-15/22SC
48 Lakeport Road – A-16/22SC
8 – 10 Adelene Crescent – A-22&23/22SC
93 Lafayette Drive – A-25/22SC
7 St. Paul Street West / 7 McGuire Street – A-39/22SC

Development Engineering have no comments or objections to the above noted applications, subject to the following;

- All applicants must acknowledge that although minimum Zoning setbacks may be reduced through Minor Variances, existing and additional widths greater than the minimum may be required to accommodate and maintain access and storm water conveyance, so as not to cause negative effects on the subject and adjacent properties; and
- The applicant for 1204 Lakeshore Road West be advised that a Grading Plan, prepared by a Professional Engineer or Ontario Land Surveyor, shall be required for submission through the building permit application process

Prepared by:

Brad Johnston, C.E.T.
Development Engineering 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-39/22

**7 St. Paul Street West /
7 McGuire Street**

**DATE OF HEARING:
March 30, 2022**

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

March 23, 2022

SUBJECT: APPLICATION A-39/22 7 St Paul Street West and 7 McGuire Street

Hello Elaine,

I want to start out by expressing that I am definitely in favour of the proposed development and how very positively it will enhance the downtown and bring much needed residential to this west end of St Paul Street.

As the owner of the only property that fronts onto and has access off St Paul Crescent we will be greatly affected by the construction activity and we will need these requests adhered to throughout the development.....

- 1) We will have continued unobstructed access during the development and beyond to our parking lots at 5 and 9 St Paul Crescent, with being able to enter from the north entrance off Westchester Crescent and also off the south entrance off McGuire Street.
- 2) As the construction activity will create a lot of dirt and dust the developers will be responsible at their own cost to clean twice annually during the construction activity the entire exterior of the building, including the windows, roof and parking lots at 5 and 9 St Paul Crescent.
- 3) The developers will put into force what is needed to mitigate any damage that may arise at 5 and 9 St Paul Crescent during construction, including, but not limited to cracking, settlement etc. of the property and structure and will be responsible for any and all remediation that may be needed. The developer will provide copies of insurance policies stating the same.

Respectfully,

Sally McGarr
Broker of Record
McGarr Realty Corp., Brokerage
Property Owner 5 and 9 St Paul Cres
905 687 9229



5 St. Paul Crescent
St. Catharines, ON
L2R 3P6
o 905 687 9229
f 905 687 3977

1615 Niagara Stone Road
Niagara-on-the-Lake, ON
L0S 1J0
o 905 468 9229
f 905 468 9232

McGarrRealty.com
Info@McGarrRealty.com

AdventureRealty.com
LeadingRE.com
LuxuryRealEstate.com



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: March 22, 2022

Date of Meeting: March 30, 2022

Report Number: A-39/22

File: 22 101212 MV

Subject: 7 St Paul Street West and 7 McGuire Street

Recommendation

The submission **A-12/22** by Einari Polus, Joseph Azoltini and Muriel Azotini, as outlined in the Notice of Hearing, be approved; and

That the maximum permitted building height for the portion of building located within 6.0 metres of St Paul Street West and St Paul Crescent, and within 3.0 metres of McGuire Street, shall be 17 meters; and

That the minimum rear yard setback shall apply only to the portion of building greater than 17 metres in building height.

Report The Proposal

Application **A-39/22** seeks relief from the City of St. Catharines By-law 2013-283, as amended, to permit the construction of a 45-storey mixed-use building. The proposed building includes a five-storey podium, with commercial uses lining St Paul Street West. The requested variances are outlined in the table below.

Variance	Provision	Required	Proposed
1	Maximum Lot Frontage (St Paul Street West)	30 metres	68 metres
2	Minimum front yard setback for portion of building 14 metres or greater in height (St Paul Street West)	5.0 metres	3.0 metres
3	Minimum exterior side yard setback for portion of building 14 metres or greater in height (St Paul Crescent)	5.0 metres	3.0 metres

4	Minimum exterior side yard setback for portion of building 14 metres or greater in height (McGuire Street)	5.0 metres	1.8 metres
5	Minimum rear yard setback (corner of St Paul Crescent and McGuire Street)	4.5 metres for the portion of building up to 14 metres in height, plus 0.5 metres for each additional 1 metre in building height	37 metres
6	Maximum non-residential gross leasable floor area	930 square metres	1,800 square metres
7	Minimum corner lot sight triangle (St Paul Street West and St Paul Crescent)	7.5 metres	6 metres

Location and Site Description

The subject properties occupy a triangular block bounded by St Paul Street West, St Paul Crescent and McGuire Street. The site is located at the southerly tip of Downtown St Catharines adjacent to the Burgoyne Bridge and opposite the St Catharines Cenotaph and adjacent commercial uses along St Paul Street West. To the east, across St Paul Crescent, is a real estate office, and to the south, across McGuire Street is the Twelve Mile Creek valley and Highway 406. The lands are currently vacant and used for parking and billboards, except for a two-storey building located at 7 McGuire Street, which would be removed.

Circulation of Application

This application was circulated to all appropriate departments and agencies. No objections were received. Road widenings will be required along the St Paul Street West and McGuire Street frontages and these widening are reflected on the submitted plans. The applicant will also be transferring a 10m-wide strip of land at the intersection of St Paul Street West and St Paul Crescent to allow for the creation of an enlarged public space at this corner.

Planning Policy Context

Official Plan (Garden City Plan)

The subject property is designated Downtown on Schedule D1 of the Garden City Plan (GCP) and further designated Mixed High Density Residential / Commercial on Schedule E10. The proposed high-density mixed-use building is a permitted use on the subject lands.

Zoning By-law (2013-283)

The subject property is zoned High Density Mixed Use (M3-93). Special Provision 93 provides an exemption from the residential parking requirements of the By-law. Commercial parking is still required. There is no maximum building height or maximum density in the M3 zone. For the purpose of this development, St Paul Street West is considered the front property line. The St Paul Crescent and McGuire Street frontages are both considered exterior side yards.

Planning Analysis

Variance 1 – Maximum Lot Frontage

The applicant has requested a variance to the permitted maximum lot frontage from 30 metres to 68 metres. 7 St Paul Street West is an existing lot and the requested variance would recognize an existing condition. Staff note that the lot frontage along St Paul Street West will decrease as a result of this development due to the planned land dedication at the corner of St Paul Street West and St Paul Crescent. Staff have no concerns with this variance to recognise the existing condition. Through site plan review, staff will ensure that the long street frontage is divided into several storefronts to provide a fine-grained streetscape character.

Variances 2, 3 & 4 – Minimum Front and Exterior Side Yard Setbacks

The proposed tower design includes a five-storey podium that covers most of the property and lines the three street frontages. The zoning by-law requires that buildings up to 14 metres tall be setback a minimum of 3.0 metres from the property line (front or exterior side yard). Buildings taller than 14 metres are required to be setback 5 metres. The proposed five-storey podium has a height of 16 metres, when measured from grade at the principle building entrance (lobby). The applicant is proposing a setback of 3.0 metres from the front property line, being St Paul Street West, 3.0 metres from the exterior side yard along St Paul Crescent, and 1.8 metres from the exterior side yard along McGuire Street.

Staff note that Niagara Region will require a road widening of 3.05 metres along the St Paul Street West frontage. The actual building setback from the municipal sidewalk along this frontage will exceed 6.0 metres. The reduced setback along McGuire Street is also a function of a road widening as the City will require dedication of an irregular widening of up to 3.2 metres along this frontage. Actual building setback between the building and the municipal sidewalk along McGuire Street will be at least 5.0 metres.

The intent of the minimum setback requirement is to promote a building design that lines the street with low to mid-rise building forms, with taller building elements, such as towers set further back from the street edge through the use of terracing or step-backs. The proposed built form achieves this objective through the use of a tower and podium approach that will promote a more comfortable pedestrian scale along the street frontage. The requested variance would permit the use of a podium that is 16 metres tall rather than the required 14 metre height, which is considered a minor increase. The proposed setback provides sufficient room for streetscape improvements to support the planned

commercial storefronts and is considered by staff to be appropriate for this site. Further assessment of massing and design execution will be addressed through the site plan review process. Staff support this variance and further recommend that an additional 1.0 metre of building height be permitted at the proposed building setbacks to allow for additional ceiling height for the proposed retail and office uses. The additional ceiling height will help to ensure these floors can attract a range of commercial tenants. The permitted podium height increase to 17 metres is reflected in the recommendation.

Variance 5 – Minimum Rear Yard Setback

The irregular configuration of the subject lands results in a rear yard that has been determined to be the point of intersection between McGuire Street and St Paul Crescent. The M3 zoning requires a minimum rear yard setback of 4.5 metres from this point (which is achieved by the proposal), plus an angular plane setback of additional 0.5 metres for each additional metre of building height. The intent of this provision is to achieve a compatible transition in building height between taller structures and the lands behind those structures. In this case, what is technically identified as a “rear yard” does not function as a rear yard and will rather appear and function as a street corner. The proposed building will not have an adjacent rear neighbour. Staff consider the rear yard setback reduction to be a technical variance and are satisfied that the policy intent is maintained. It is acknowledged that the proposed building is significantly taller than any existing structures in the area, but a tall building is consistent with the planned use of the lands for high-density mixed-use development.

Variance 6 – Maximum Non-Residential GLFA

The proposed building includes two levels of commercial uses. Three retail units are proposed along the St Paul Street West frontage, with a mix of office space and building amenities on the second floor. The requested increase in the permitted non-residential gross leasable floor area (GLFA) will provide the flexibility for the entirety of the second floor to be used as office space should the developer attract an office tenant that requires the additional space. The by-law limits non-residential GLFA to a maximum of 930 square metres. 1,800 square metres is proposed.

The intent of the non-residential GLFA cap in the M3 zoning is to ensure that commercial uses remain modest in size to prevent the establishment of large-format retailers and major office users in areas that are intended to be mixed-use. Higher density residential development is intended to be the principal land use on M3-zoned lands, with commercial uses being both modestly sized and subordinate to the overall residential function. The proposed retail units and office space will provide an appropriate street frontage in this downtown setting, without compromising the achievement of high-density residential uses on site. Further, the subject lands are a large property with significant street frontage, as described for Variance 1, and the additional commercial floor area is an appropriate reflection of this increased property size.

Variance 7 – Corner Lot Sight Triangle

The Zoning By-law requires a minimum sight triangle of 7.5 metres on all corner lots in non-residential zones. The corner lot sight triangle is intended to ensure that adequate

visibility will be maintained at intersections to improve public safety. The proposed corner lot sight triangle at the intersection of St Paul Street West and St Paul Crescent will be 6.0 metres in size following dedication of a road widening and additional land dedications for an enlarged plaza space at that corner. The actual proposed building setback from the edge of curb will exceed 7.5 metres and staff have no concerns that adequate sight lines will be maintained at that intersection

In the opinion of staff, each of the requested variances 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.

Conclusion

Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Application **A-39/22** 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 modification outlined in the recommendation.

Prepared and submitted by:

A handwritten signature in black ink, appearing to read 'Scott Ritchie', written over a light grey rectangular background.

Scott Ritchie
Senior Planner

Approved by:

A handwritten signature in black ink, appearing to read 'Bruce Bellows', written over a light grey rectangular background.

Bruce Bellows
Senior Project Manager

Planning and Development Services

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

Via Email Only

March 15, 2022

File No.: D.17.04.MV-22-0027

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

Dear Ms. Munro,

**Re: Regional and Provincial Comments
Application for Minor Variance
City File No.: A-39/22
Address: 7 St.Paul Street West and 7 McGuire Street, City of St. Catharines**

Niagara Region staff has completed a review for the above-mentioned application in which the applicant is requesting a minor variance for the following:

- An increase of the maximum lot frontage from 30 metres to 68 metres.
- A reduction of the minimum front yard (St. Paul St. West) for portion of building 14 metres or greater from 5.0 metres to 3.0 metres.
- A reduction of the minimum exterior side yard (St Paul Crescent lot line) for the portion of building 14 metres or greater from 5.0 metres to 3.0 metres
- A reduction of the minimum exterior side yard (McGuire Street lot line) for portion of building 14 metres or greater from 5.0 metres to 1.8 metre
- A reduction of the minimum rear yard (southeast corner at St. Paul Crescent and McGuire Street) from 4.5 metres for portion of building up to 14 metres in height with 0.5 metres for each additional 1 metre in building height, to 37 metres for the portion of building greater than 16 metres in building height.
- An increase of the maximum total non-residential glfa from 930 m2 glfa to 1,800 m2.
- A reduction in the size of a required Corner Lot Sight Triangle from 7.5 metres to 6 metres (corner of St Paul Street West and St Paul Crescent).

Regional Road Allowance

Regional staff note that the following road widening requirement is provided for information purposes to advise the applicant of the requirement and will not be requested as part of the current Minor Variance application.

The subject property has frontage along Regional Road 81 (St.Paul Street West). This section of road has a substandard road allowance. The designated road allowance for this section of

March 15, 2022

road is 26.2 metres. Therefore, in accordance with the current approved Regional Official Plan, Niagara Region would require, as part of future development applications, that the applicant grant the following gratuitously to the Region:

- An irregular widening of approximately 3.05m on the north end and 3.15m on the south end along the Regional Road 81 (St.Paul Street West) frontage of the subject property (see attached sketch);

The actual width of the required widening must be confirmed by an Ontario Land Surveyor as the information provided is only an approximation of the requirement.

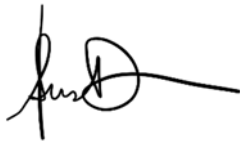
The final design should account for the widening along with the requested variances.

Conclusion

Based on the analysis and comments above, Regional staff offers no objection to the proposed Minor Variance application. If you have any questions or wish to discuss these comments, please contact the undersigned at extension 3661.

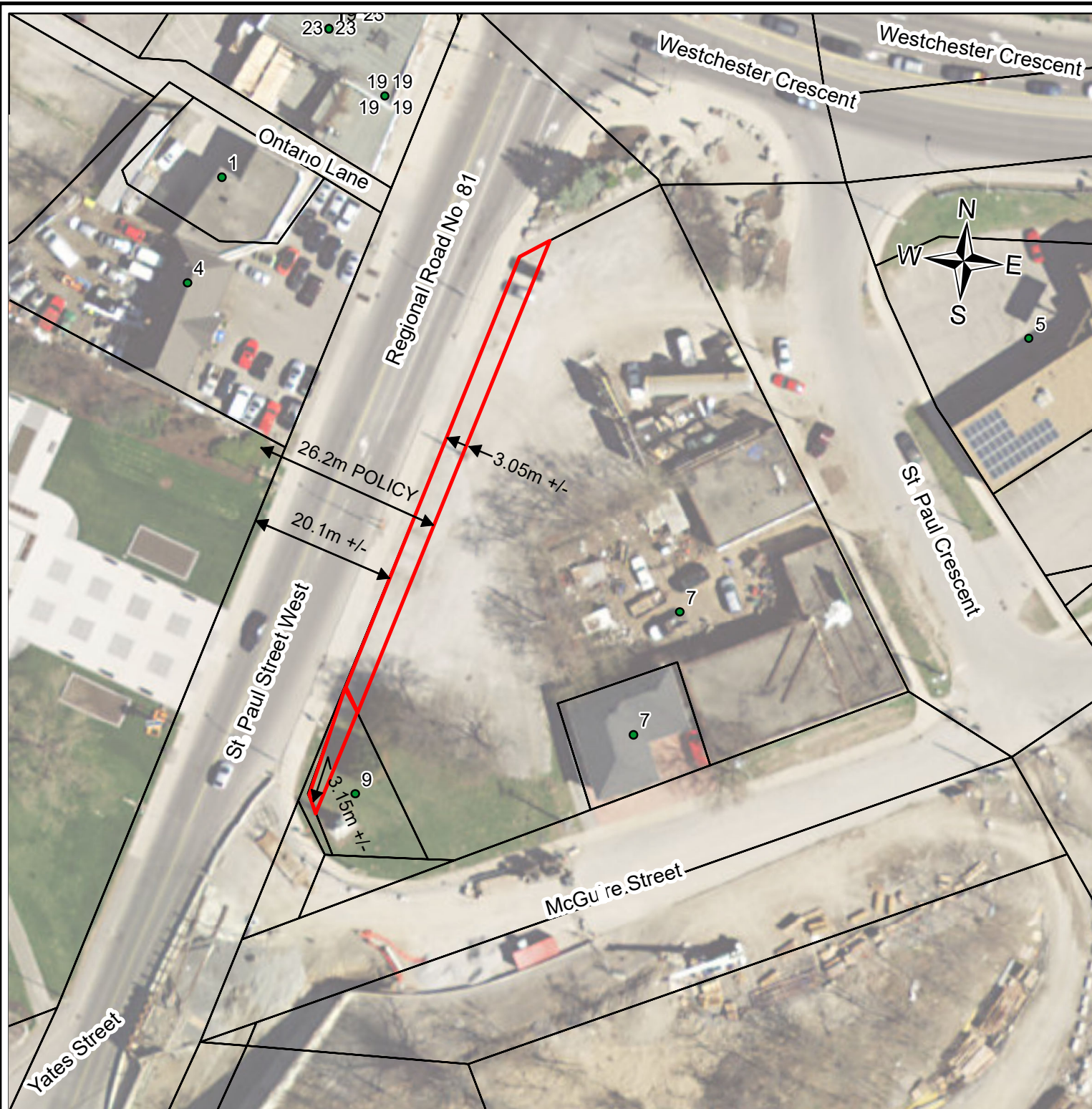
Please send notice of the Committee's decision with regard to this application.

Best Regards,

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

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

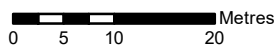
cc: Amiee Alderman, Senior Planner, Niagara Region



**ILLUSTRATION SHOWING APPROXIMATE LOCATION OF PROPOSED WIDENING
ALONG REGIONAL ROAD No.81 AT 7-9 ST. PAUL STREET WEST
CITY ST CATHARINES**



SCALE = 1:750



LEGEND:

- DENOTES TERANET MAPPING
- DENOTES PROPOSED WIDENING

CAUTION:

- This is not a Plan of Survey
- The proposed widened limits have been compiled from office records and the shown measurements are approximate.
- The final extent of the widening will be established through field survey by an Ontario Land Surveyor.

DISCLAIMER

This map was compiled from various sources and is current as of 2019
The Region of Niagara makes no representations or warranties whatsoever, either expressed or implied,
as to the accuracy, completeness, reliability, and currency or otherwise of the information shown on this map.
© 2019 Niagara Region and its suppliers. Projection is UTM, NAD 83, Zone 17. Airphoto (Spring 2015)

**Transportation Services
Surveys & Property Information
IR-19-033 Date: 2019-01-31**

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: March 21, 2022

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – March 30, 2022 hearing

NO.	ADDRESS	COMMENTS
A-80/21	1204 Lakeshore Road West	<p>The current demolition permit (21116885RN -to demolish the existing dwelling) inspection shall be completed to the satisfaction of the Chief Building Official.</p> <p>Be advised that a building permit is required to construct a single detached dwelling and to complete all inspections to the satisfaction of the Chief Building Official.</p>
A-05/22	232 Vansickle Road	<p>Be advised that a demolition permit is required to remove a portion of the carport or the entire carport from the existing detached dwelling and to complete all inspections to the satisfaction of the Chief Building Official.</p>
A-06/22	234A Vansickle Road	<p>Be advised that a building permit is required to construct a semi-detached dwelling and to complete all inspections to the satisfaction of the Chief Building Official.</p>

NO.	ADDRESS	COMMENTS
A-07/22	234B Vansickle Road	Be advised that a building permit is required to construct a semi-detached dwelling and to complete all inspections to the satisfaction of the Chief Building Official.
A-09/22	102 Broadway	Be advised that a building permit is required to construct a semi-detached dwelling and to complete all inspections to the satisfaction of the Chief Building Official.
A-10/22	104 Broadway	Be advised that a building permit is required to construct a semi-detached dwelling and to complete all inspections to the satisfaction of the Chief Building Official.
A-15/22	7 Canal Street	No Comment
A-16/22	48 Lakeport Road	No Comment
A-22/22	8 Adelene Cres	No Comment
A-23/22	10 Adelene Cres	No Comment
A-25/22	93 Lafayette Drive	Be advised that a building permit is required to construct a 2 storey addition, front covered porch and rebuild the main floor and to complete all inspections to the satisfaction of the Chief Building Official.

NO.	ADDRESS	COMMENTS
A-39/22	St. Paul West	Be advised that a building permit is required to construct a 45 storey apartment building and to complete all inspections to the satisfaction of the Chief Building Official.



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

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

Cc:

From: Amanda Knutson, Community Project & Development Planner, CRCS

Date: March 23, 2022

Subject: Committee of Adjustment Applications – March 30, 2022 Hearing

CRCS staff have reviewed the above-noted applications and offer the following comments.

1204 Lakeshore Road West, Minor Variance, A-80/21, 21 115798

No comment.

232 Vansickle Road, Consent, B-01/22SC – 21121028

232 Vansickle Road, Consent, B-02/22SC – 21121029

232 Vansickle Road, Consent, B-03/22SC – 21121030

232 Vansickle Road, Minor Variance, A-05/22 – 21121042

234A Vansickle Road, Minor Variance, A-06/22 – 21121046

234B Vansickle Road, Minor Variance, A-07/22 – 21121045

CRCS staff have no objection to the proposed creation of two new lots for a semi-detached dwelling, subject to the following comments.

A landscape buffer is shown along the rear lot line of Part 3 to mitigate the impact of headlights on neighbouring homes to the south. It is recommended that this buffer be implemented through the necessary development agreement. Additionally, staff recommend that a wood board privacy fence be installed along the new rear lot line of the existing dwelling (Parts 1 and 2) to mitigate impacts of the proposed driveway/parking area on the private amenity area of the existing dwelling.

We offer no objection to the proposed minor variances, save and except for the requested increase in maximum paved area from 20% to 30% for Part 3. It is staff's opinion that landscaped open space and amenity areas will be compromised given the size of the proposed driveway/parking area. Further, the zoning by-law permits tandem parking for accessory dwelling units. The provision of tandem parking on this lot would significantly reduce the overall paved area, resulting in compliance with the by-law.

Should the application for consent be approved, CRCS recommends the following conditions be included:

1. 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.)
2. That the applicant submit a payment for the placement of a 60mm boulevard tree for each of the new lots, in accordance with the City's current Schedule of Rates and Fees.
3. That should the proposed driveway and parking area for Part 3 be approved to extend into the rear yard of that Part, and behind Parts 1 and 2, then the future development agreement shall implement the following:
 - a. Provision of a landscape strip along the rear lot line of Part 3, which is to be of sufficient width to support the installation of a row of closely planted cedar trees, or some similar species that will achieve an adequate buffer.
 - b. Installation of a 1.5m – 1.8m high wood board-on-board privacy fence along the rear lot line of Part 1 (height of the fence should be at least as tall as the existing wood board fence along the neighbouring private road development).

13 Keele Street, Consent, B-04/22SC – 21121005

11 Keele Street, Consent, B-05/22SC - 21121011

CRCS staff offer no objection to the proposed creation of one new lot for a detached dwelling. Should the applications for consent be approved, CRCS recommends the following conditions be included:

1. 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.)
2. 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.

102 Broadway, Consent, B-07/22SC – 21120989

102 Broadway, Minor Variance, A-09/22 – 21120990

104 Broadway, Minor Variance, A-10/22 - 21120991

CRCS has no concerns with the proposed creation of a new lot to facilitate the construction of a semi-detached dwelling, nor the requested minor variances.

Should the application for consent be approved, CRCS recommends the following conditions be included:

1. 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.)
2. 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.

48 Lakeport Road, Consent, B-10/22SC – 22100270

7 Canal Street, Minor Variance, A-15/22 – 22100276

48 Lakeport Road, Minor Variance, A-16/22 – 22100278

CRCS has no concerns with the proposed consent to sever which will re-establish historic lot lines, nor the related minor variances.

10 Adelene Crescent, Consent, B-12/22SC – 22100900 - Natasha

8 Adelene Crescent, Minor Variance, A-22/22 – 22100901

10 Adelene Crescent, Minor Variance, A-23/22 - 22100902

CRCS has no concerns with the proposed boundary adjustment which was previously approved in 2015, nor the related minor variances.

93 Lafayette Drive, Minor Variance, A-25/22 – 22100937

There is an existing mature boulevard tree in the Lafayette road allowance, adjacent to the proposed entryway addition. Should the requested reduction in exterior side yard be approved in this area, then CRCS staff recommend that a condition be imposed requiring that the tree be protected. Specifically, prior to any construction activities commencing on site, a tree protection zone delineated by construction/snow fencing/hoarding is to be established around the trunk of the tree to be retained, and such tree protection zone is to remain in place for the duration of construction (minimum tree protection zone sizes are outlined in the table below. No soil, construction

materials, equipment, or vehicles of any sort are to be stored or otherwise located within the tree protection zone.

The Minimum Tree Protection Zone (MTPZ)

The following is a chart showing minimum required distances for determining a Minimum Tree Protection Zone. Some trees and some site conditions may require a larger Minimum Tree Protection Zone at the discretion of the City.

Table 1 – Minimum Tree Protection Zones

Trunk Diameter (DBH) ²	Minimum Tree Protection Zone (MTPZ) Distances Required ³	Critical Root Zone (CRZ) Distances Required ^{3&4}
< 10 cm	1.8 m	1.8 m
11 - 40 cm	2.4 m	4.0 m
41 - 50 cm	3.0 m	5.0 m
51 - 60 cm	3.6 m	6.0 m
61 - 70 cm	4.2 m	7.0 m
71 - 80 cm	4.8 m	8.0 m
81 - 90 cm	5.4 m	9.0 m
91 - 100+ cm	6.0 m	10.0 m

NOTES:

¹ The roots of a tree can extend from the trunk to approximately 2-3 times the distance of the drip line.

² Diameter at breast height (DBH) measurement of tree trunk taken at 1.4 metres above ground.

³ Minimum Tree Protection Zone and Critical Root Zone distances are to be measured from the outside edge of the tree base towards the drip line and may be limited by an existing paved surface, provided the existing paved surface remains intact throughout the construction work and is subject to Section 6 of this specification.

⁴ Where work is being performed beyond the Minimum Tree Protection Zone but within the Critical Root Zone the works are subject to Section 8 of this specification.

7 St. Paul Street West, Minor Variance, A-39/22 – 22101212

CRCS staff offer no objection to the minor variances requested. The shadow study submitted illustrates that neighbouring parks and public spaces will not be significantly impacted by shadows. Requirements related to landscaping, parkland dedication, park improvements, and streetscaping will be addressed through the concurrent site plan process.



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: March 10, 2022
Hearing Date: March 30, 2022
Subject: **Committee of Adjustment - Minor Variance Applications**
1204 Lakeshore Road West – A-80/21SC
232 (234) Vansickle Road - A-05,06&07/22SC
102 -104 Broadway – A-09&10/22SC
7 Canal Street – A-15/22SC
48 Lakeport Road – A-16/22SC
8 – 10 Adelene Crescent – A-22&23/22SC
93 Lafayette Drive – A-25/22SC
7 St. Paul Street West / 7 McGuire Street – A-39/22SC

Development Engineering have no comments or objections to the above noted applications, subject to the following;

- All applicants must acknowledge that although minimum Zoning setbacks may be reduced through Minor Variances, existing and additional widths greater than the minimum may be required to accommodate and maintain access and storm water conveyance, so as not to cause negative effects on the subject and adjacent properties; and
- The applicant for 1204 Lakeshore Road West be advised that a Grading Plan, prepared by a Professional Engineer or Ontario Land Surveyor, shall be required for submission though the building permit application process

Prepared by:

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