

Agenda

Wednesday, April 13, 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 April 12, 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
Kristen McNutt, Member

Staff Liaison:

Elaine Munro, Secretary-Treasurer
Wilrik Banda, Assistant Secretary-Treasurer
Natasha MacDonald, Planner
Evan Acs, Planner
Charlotte McEwan, Planner
Taya Devlin, Senior Planner
Margaret Josipovic, Manager of Planning

-
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 – March 30, 2022**
 6. **Declarations of Interest**

7. **Request for Adjournment**

- i) Item #10 - 22 Inglewood Road, Consent, B-21/22SC – 22101253
22 Inglewood Road, Consent, B-22/22SC – 22101257
22A Inglewood Road, Minor Variance, A-35/22 – 22101265
22B Inglewood Road, Minor Variance, A-36/22 – 22101267
22C Inglewood Road, Minor Variance, A-37/22 – 22101268

Staff have requested a deferral of the consent and minor variance applications to the May 26, 2022 Committee of Adjustment Hearing due to a typographical error on the Notice of Hearing, B-22/22SC, and due to the lack of adequate time to re-circulate a Revised Notice before the Hearing.

The notice outlined the severed lot as being 263 m2 for Part 1 (22B Inglewood) and the retained as being 256 m2 for Part 3 (22A Inglewood), whereas it should have stated the severed lot as being 222 m2 for Part 2 (22B Inglewood), 256 m2 for Part 3 (22A Inglewood).

8. **Applications**

- 1. 152 Lakeshore Road, Consent, B-38/21SC – 21118450
152B Lakeshore Road, Consent, B-14/22SC – 22100934
152A Lakeshore Road, Minor Variance, A-113/21 – 21118453
152B Lakeshore Road, Minor Variance, A-114/21 – 21118454
- 2. 34 Oakdale Avenue, Consent, B-15/22SC – 22101119
34 Oakdale Avenue, Minor Variance, A-26/22 – 22101120
36 Oakdale Avenue, Minor Variance, A-27/22 – 22101123
- 3. 4 Clearview Crescent, Minor Variance, A-19/22 – 22100841
- 4. 14 Glen Park Road, Minor Variance, A-20/22 – 22100843
- 5. 427 Vine Street, Consent, B-16/22SC – 22101141
427A Vine Street, Minor Variance, A-28/22 – 22101144
427B Vine Street, Minor Variance, A-29/22 – 22101145
- 6. 583 Welland Avenue, Minor Variance, A-30/22 – 22101184
- 7. 543 Geneva Street, Consent, B-17/22SC – 22101208
543 Geneva Street, Minor Variance, A-31/22 – 22101215
- 8. 2 Dawn Road, Consent, B-18/22SC – 22101220
4 Dawn Road, Consent, B-19/22SC – 22101221
32A Dorothy Street, Consent, B-20/22SC – 22101222
32A Dorothy Street, Minor Variance, A-32/22 – 22101240
32B Dorothy Street, Minor Variance, A-33/22 – 22101241
- 9. 68 Jarrow Road, Minor Variance, A-34/22- 22101242
- 11. 72 Concord Avenue, Minor Variance, A-38/22 – 22101275

9. **New Business**

10. **Date of next meeting**

Thursday April 28, 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

**B-21/22SC, B-22/22SC, A-35/22,
A-36/22 & A-37/22**

22 Inglewood Road

**DATE OF HEARING:
April 13, 2022**

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Comments Received RE: 22 Inglewood Road
Date: Monday, April 4, 2022 6:58:11 PM

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



From: Steve <>
Sent: Monday, April 4, 2022 3:46 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: 22 Inglewood Road

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,

thanks for the prompt call back, My name is Steve Boortolussi and reside at 28 Inglewood Road, I was made aware of a Committee of Adjustment hearing coming on April 13 for the 22 Inglewood Road property from one of my neighbors that started a petition against the project as proposed, I never received notification from the city regarding this committee meeting, I was showed some small photocopies of the documents and was surprised to see that the city would even consider such proposal, the footprint is way too large, the green portion way to restricted especially this days that we are subject to increasing carbon taxes and here we have a project that wants to cut the green space to unacceptable levels, the rear of the property is on a flood plain and it seems that the setbacks are less than required by the conservation authority, parking is another big issue, the proposal is for six independent units on three lots, that a minimum of two cars per lot, where are they going to put them within the proposed setbacks?, street parking is already at full capacity and there is no room for more, I know that time is short but I would like to receive a copy of the application that for some reason I did not receive as an interested party, I would also like to participate in the meeting, why is the meeting virtual?, not everyone is comfortable with that and we have reached a point that in person meeting should be the norm again.

Regards

Steve Bortolussi
28 Inglewood Road
St Catharines L2P 2C4 XXX XXX XXXX Cell XXX XXX XXXX

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

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: RE: Receipt of Comments and How to Register to speak at the Hearing RE: against 22 Inglewood rd development
Date: Friday, April 8, 2022 12:39:16 PM

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



From: Tammy Rogg <>
Sent: Friday, April 8, 2022 11:32 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Re: Receipt of Comments and How to Register to speak at the Hearing RE: against 22 Inglewood rd development

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

Good Morning Elaine!

To elaborate on my concerns, which I think most have will be too many vehicles on the street. The developer came to my house and said there would be no basement but I heard of them having underhanded tactics of making amendments to put a basement in later. I see the purpose of these homes being rental units which brings nothing but trouble to our neighbourhood. It needs to stay as a single-family home that the homeowner lives in. We have first hand seen this bring trouble with address of 12 Inglewood. This once was a single family home that is now a duplex with renters in it. The home owners live away and have allowed trouble tenants live there. We had nothing but police action there all last summer. I had to call 911 several times because of the criminals that lived there, there was drugs seized and fights. Also I had 2 of my vehicles broken into, I made police reports as well as contacting OLG because my lotto tickets were stolen from one of the vehicles.

What I see happening here is gentrification. I do not think the developers would like this happening next door to them! Aside from all this trouble, the building will be an eyesore because it is out of character with these wartime homes on the street, as well as taking up too much space on the property to allow for greenspace. I had to limit the size of my pool that I had a permit for because it took up too much yard space. How can the city allow for pretty much the whole building taking up the whole lot? it makes no sense!

Tammy Rogg

I would like to be signed up for the zoom part of the meeting to show I attended and my protest be heard!

Thank you

From: Tammy Rogg < >

Sent: Tuesday, April 5, 2022 6:54 PM

To: Munro, Elaine <emunro@stcatharines.ca>

Subject: against 22 inglewood rd development

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 Elaine:

I am amongst the several residence on Inglewood Rd opposed to the development at 22 Inglewood Rd.

Please register me to participate in the hearing on April 13th.

Thank you

Tammy Rogg.

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

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Comments Received RE: 22 Inglewood Road
Date: Friday, April 8, 2022 9:31:55 PM

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



From: Jocelyn VandenBeukel <>
Sent: Monday, April 4, 2022 4:27 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: 22 Inglewood Road

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

Good afternoon,

I live at 26 Inglewood Road. I received the plans for lots 339 and 340 Inglewood Road. I'm writing to let you know of my concerns about the townhouse development plans. There is barely any street parking on this road as is. Adding this many more dwellings will only serve to exacerbate this problem. The plans that we were given for these townhomes are also a concern to me. The townhomes that they are planning to build on these lots do not fit in with the rest of the homes on the street.

I would ask that these plans are considered carefully as I have concerns about them and have also heard other neighbours in the area expressing concerns over the same matters.

As I will not be able to attend the hearing virtually, please consider these concerns that I've sent via email.

Sincerely,
Jocelyn VandenBeukel

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

April 4, 2022

Our File No.: PLCON202200356

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 2 Consents and 3 Minor Variances
22 Inglewood Road

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

The purpose and effect of the application is to permit a is made for consent for a partial discharge of mortgage and for consent to sever 263 m2 of land (Part 1) for the proposed construction of one unit of a 3-unit townhouse (23 A, B, C Inglewood Road). A 478 m2 remnant parcel would be retained for the other 2 units of the proposed 3-unit townhouse (Parts 2 and 3). Part 5 is to be dedicated to the City for a road widening and Part 4 is also to be dedicated to the City. There is a concurrent consent application (B-22/22SC) and minor variance applications (A-35/22, A-36/22 and A-37/22).

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.

The NPCA has reviewed these subject consent and minor variance applications and note the proposal abuts the valleyland slopes and floodplain associated with Carter Creek. It is of the opinion of NPCA Staff that the floodplain is confined to the valley system in this section of the watercourse. The NPCA does not offer concerns in regard to the floodplain.

Valleyland Slopes are present at the rear of the subject lands. The NPCA has reviewed the "*Slope Assessment Letter Report – Proposed Residential Development, 22 Inglewood Rd, St. Catharines, Ontario*" as completed by Landtek Limited Consulting Engineers, dated October 20, 2021. The NPCA offers no objection to the report's conclusion that the stable top of slope is in the same location as the physical top of slope. As such, the NPCA would request that the new rear lot lines remain at or above the stable/physical tops of slope. New lot lines are not permitted to be located beyond the top of slope or onto the valley wall.



On review of the plans provided through this application by Upper Canada Consultants, this appears to be the case.

A permit from this Office would be required with plans as presented, as works will fall within 15 metres to the top of bank. Works permits and/or supporting studies are to be in accordance with NPCA Policies. Final grade plans would need to be presented at the time of a work permit and be supported by the Geotechnical Engineer.

Conclusion:

Given the above, please be advised the NPCA is supportive of these applications, City File Numbers: B-21/22SC, B22/22SC, A-35/22, A-36/22, A-37/22. NPCA Staff do not offer objection to its approval. Work Permits from the NPCA will be required.

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 blue ink, appearing to read 'Taran Lennard'.

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

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Alectra RE: 22 Inglewood Road, St. Catharines
Date: Friday, April 1, 2022 4:48:11 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)

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



From: Network Info <network.info@horizonutilities.com>
Sent: Friday, April 1, 2022 1:30 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: RE: 22 Inglewood Road, St. Catharines

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Good afternoon Elaine,

Our office has no comment/objections based on the drawing(s) provided.

Regards,



Samantha Burke
Engineering Clerk, ICI & Layouts
55 John Street North, Hamilton, ON, L8R 3M8
t 905.798.2971
alectrautilities.com



*At Alectra, the health and safety of our employees remains our highest priority and we have implemented vaccination policies for all our worksites and offices. Effective **November 12, 2021**, all visitors and contractors entering any Alectra worksite or*

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Cogeco Comments, Committee of Adjustment Hearing Notices & Applications - April 13, 2022 Hearing
Date: Wednesday, March 30, 2022 11:11:55 AM

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



From: Doug Crown <doug.crown@cogeco.com>
Sent: Wednesday, March 30, 2022 10:41 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Request for Comments, Committee of Adjustment Hearing Notices & Applications - April 13, 2022 Hearing

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Hi Elaine

Cogeco has no concerns with these applications.

Have the best day ever

Doug Crown
Network Planning Department
Doug.crown@cogeco.com

7170 Mcleod Rd
Niagara Falls Ont Canada

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

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Former Landfill Comments RE: Request for Comments, Committee of Adjustment Hearing Notices & Applications - April 13, 2022 Hearing
Date: Tuesday, March 29, 2022 10:35:04 AM

34 Oakdale Avenue
22 Inglewood Road

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



From: Vasko, Dennis <dvasko@stcatharines.ca>
Sent: Tuesday, March 29, 2022 10:15 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: RE: Request for Comments, Committee of Adjustment Hearing Notices & Applications - April 13, 2022 Hearing

Hi Elaine,

There are no concerns with the properties in respect to any closed landfills.

Dennis

Dennis Vasko
Fill Site Technician
Tel: [905.688.5601](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 29, 2022

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

B-38/21SC – 152 Lakeshore Road

Comment:

- 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.

Condition:

- A building permit is required to relocate the existing detached dwelling to Part 4 and to complete all inspections to the satisfaction of the Chief Building Official.
- A building permit is required to demolish the existing detached garage and to complete all inspections to the satisfaction of the Chief Building Official.
- A building permit is required to demolish the existing deck and to complete all inspections to the satisfaction of the Chief Building Official.

B-14/21SC – 152B Lakeshore Road

Comment:

- No comment

Condition:

- No comment

34 Oakdale Avenue – B15/22SC

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, meet the requirements of Subsection 9.10.14 and 9.10.15 of the 2012 Ontario Building Code as applicable.

B-16/22SC – 427 Vine Street

Comment:

- No comment

Condition:

- A building permit is required to demolish the existing detached dwelling and to complete all inspections to the satisfaction of the Chief Building Official.
- A building permit is required to demolish the existing accessory structure on Part 2 and to complete all inspections to the satisfaction of the Chief Building Official.

B-17/22SC – 543 Geneva Street

Comment:

- 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.

Condition:

- A building permit is required to demolish the existing detached garage and greenhouse and to complete all inspections to the satisfaction of the Chief Building Official.
- A building permit is required to demolish the existing shed and to complete all inspections 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 west, meet the requirements of Subsection 9.10.14 and 9.10.15 of the 2012 Ontario Building Code as applicable.

B-18/22SC – 2 Dawn Road

Comment:

- No comment

Condition:

- A building permit is required to demolish the existing garage and to complete all inspections to the satisfaction of the Chief Building Official.

B-19/22SC – 4 Dawn Road

Comment:

- No comment

Condition:

- No comment

B-20/22SC – 32A Dorothy Street

Comment:

- No comment

Condition:

- No comment

B-21/22SC – 22A Inglewood Road

Comment:

- No comment

Condition:

- A building permit is required to demolish the existing detached dwelling and to complete all inspections to the satisfaction of the Chief Building Official.

B-22/22SC – 22B Inglewood Road

Comment:

- No comment

Condition:

- A building permit is required to demolish the existing detached dwelling and to complete all inspections to the satisfaction of the Chief Building Official.

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

MEMORANDUM

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

Cc: Wilrik Banda
Planning and Building Services

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

Date: March 29, 2022

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

NO.	ADDRESS	COMMENTS
A-113/21	152A Lakeshore Road	Be advised that a building permit is required to construct the single detached dwelling.
A-114/21	152BA Lakeshore Road	No Comment
A-26/22	34 Oakdale Avenue	No Comment
A-27/22	36 Oakdale Avenue	Be advised that a building permit is required to construct the single detached dwelling.
A-19/22	4 Clearview Crescent	Be advised that the current building permit (21118297RN) shall be completed prior to construction. Be advised that a building permit is required to construct an attached garage.

NO.	ADDRESS	COMMENTS
A-20/22	14 Glen Park Road	<p>Be advised that a building permit is required to demolish the existing detached garage.</p> <p>Be advised that a building permit is required to construct the detached garage.</p>
A-28/22	427A Vine Street	Be advised that a building permit is required to construct the semi-detached dwelling.
A-29/22	427B Vine Street	Be advised that a building permit is required to construct the semi-detached dwelling.
A-30/22	583 Welland Avenue	Be advised that a building permit is required to construct two 5 storey apartment buildings.
A-31/22	543 Geneva Street	Be advised that a building permit is required to construct a single detached dwelling.
A-32/22	32A Dorothy Street	Be advised that a building permit is required to construct a single detached dwelling.
A-33/22	32B Dorothy Street	Be advised that a building permit is required to construct a single detached dwelling.
A-34/22	68 Jarrow Road	Be advised that a building permit is required to construct a sunroom.
A-35/22	22A Inglewood Road	Be advised that a building permit is required to construct a three unit townhouse.
A-36/22	22B Inglewood Road	Be advised that a building permit is required to construct a three unit townhouse.

NO.	ADDRESS	COMMENTS
A-37/22	22C Inglewood Road	Be advised that a building permit is required to construct a three unit townhouse.
A-38/22	72 Concord Avenue	Be advised that a building permit is required for the proposed accessory dwelling unit.



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: April 8, 2022

Subject: Committee of Adjustment Applications – April 13, 2022 Hearing

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

152 Lakeshore Road, Consent, B-38/21SC – 21118450
152B Lakeshore Road, Consent, B-14/22SC – 22100934
152A Lakeshore Road, Minor Variance, A-113/21 – 21118453
152B Lakeshore Road, Minor Variance, A-114/21 – 21118454

In support of these applications, the applicant has submitted a Tree Inventory and Preservation Plan Report, prepared by Jackson Arboriculture Inc., dated March 25, 2022. The Report confirms the locations and health of one City boulevard tree, trees on the subject site and adjacent properties, as well as boundary trees. The Report provides recommendations for either preservation or removal for each of the 18 trees inventoried, based on the drawings submitted with the initial application.

The report indicates that there are several Norway Maple trees located on the neighbouring property to the east, and on the common boundary between that neighbouring property and the subject lands. The report recommends that these trees be removed, with permission from the neighbouring homeowner, to facilitate relocation of the existing dwelling. The report does suggest, however, that the trees in question could be saved if a greater front yard setback were provided for the relocated dwelling.

Following submission of this Report, the applicant provided updated drawings that show the relocated home positioned further back on the lot and rotated to achieve greater front and interior side yards. Additionally, it is our understanding that the Applicant will be withdrawing its request for a reduced front yard setback and will comply with the minimum 13.8 metres prescribed. CRCS is supportive of the increased front and interior side yard setbacks, which provide greater protection to the Norway Maple trees discussed above. CRCS staff would otherwise object to the minor variance to reduce the front yard setback.

The applicant is proposing a common driveway, which will extend into the rear yards and provide access to two parking spaces on each lot. To mitigate the impact that vehicle headlights might have on neighbouring properties, CRCS staff recommend that the existing wood board fence be retained for both lots, as well as the stand of mature trees along the rear lot line.

The applicant has requested several minor variances for the new dwelling, including reductions in front yard setback, interior side yard setback, lot frontage, as well as an increase in maximum paved area. The applicant has also requested a minor variance for reduced lot frontage for the relocated dwelling. All of these variances will reduce the overall amount of greenspace that can be provided on the subject lands. Staff have no objection to these variances on the condition that the future development agreement restrict the use of the front yards for parking in any area that hasn't already been illustrated on the drawings submitted with the applications. Without such a condition in place, it is possible that gravel parking areas could be installed in the front yards, further reducing on-site greenspace. This would also impact the overall character of the street, where front yards generally consist of wide lawn areas.

Should the applications for consent and minor variance 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.
3. That the future development agreement address the following requirements:
 - a. That the applicant implement the recommendations of the Tree Inventory and Preservation Plan Report, prepared by Jackson Arboriculture Inc., dated March 25, 2022, for trees 1, 2, and 8 thru 18 identified in that report.
 - b. That for trees 3 thru 7 identified in the same Report, the applicant implement standard mitigation measures and best practices for tree preservation and protection described in Table 2 and Section 6.2 "Tree Preservation" thereof.
 - c. That the approved plans clearly illustrate tree protection zones and notes.

- d. That the front yard driveways and parking areas for both lots be restricted to what is generally shown on the plans submitted with these applications.

34 Oakdale Avenue, Consent, B-15/22SC – 22101119

34 Oakdale Avenue, Minor Variance, A-26/22 – 22101120

36 Oakdale Avenue, Minor Variance, A-27/22 – 22101123

CRCS has no concerns with the proposed creation of a new lot to facilitate the construction of a detached dwelling, nor the majority of the minor variances being sought. With respect to the requested variance to reduce the minimum lot frontage for the new lot, CRCS is satisfied that adequate open space/amenity area will be achieved in the front yard so long as the proposed driveway does not exceed the size shown on the plans.

Staff note that there are two mature trees located in front of the existing home. Once the required road widening is dedicated to the City, these trees will be located within the public road allowance. Staff are awaiting comments from the Forestry Section as to whether the trees will need to be removed or can remain.

Should the applications for consent and minor variance 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.
3. That the future development agreement restrict the width of the driveway on 36 Oakdale Avenue to 3.5 metres.

4 Clearview Crescent, Minor Variance, A-19/22 – 22100841

No comment.

14 Glen Park Road, Minor Variance, A-20/22 – 22100843

No comment

427 Vine Street, Consent, B-16/22SC – 22101141

427A Vine Street, Minor Variance, A-28/22 – 22101144

427B Vine Street, Minor Variance, A-29/22 – 22101145

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

Staff note that there is a tree within the Vine Street boulevard that conflicts with the proposed driveway for the southerly unit. Typically these conflicts are flagged during the pre-submission consultation stage and the applicant would be required to adjust the location of the driveway and/or submit a tree preservation and protection plan to ensure the tree is retained unharmed. Given this conflict was not flagged during that previous application, the tree will need to be removed and replaced with a specimen of equal value. The applicant will be responsible for the costs associated with this.

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.
3. That the applicant submit a payment for the removal and replacement of the existing boulevard tree by City forces, in accordance with the City's current Schedule of Rates and Fees.

583 Welland Avenue, Minor Variance, A-30/22 – 22101184

CRCS staff have no concerns with the requested increase in density, nor the requested reduced lot frontage. Staff acknowledge that the minor variance required for reduced landscape open space is a result of an oversight in zoning compliance that occurred during the site plan approval process. An approved landscape plan is in place as part of the site plan agreement. It is staff's opinion that requiring the applicant to comply with the landscaping requirements of the Zoning By-law at this point would be onerous. Accordingly, staff offer no objection to the application.

543 Geneva Street, Consent, B-17/22SC – 22101208
543 Geneva Street, Minor Variance, A-31/22 – 22101215

CRCS has no concerns with the proposed creation of a new lot to facilitate the construction of a detached dwelling fronting onto Marsten Drive, nor the requested minor variance being sought. Staff note that the majority of the proposed rear yard of the existing home is covered by a concrete driveway. A reduction in the minimum rear yard is sought, however staff is satisfied that there is opportunity to create sufficient private amenity area by shortening the length of the driveway, if desired by the applicant.

We note that a mature tree exists in the Marsten Drive boulevard and care must be taken not to damage this tree during construction of the new dwelling. CRCS recommends that certain mitigation measures be implemented through the future development agreement to address this.

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

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.
3. That the future development agreement address the following requirements:
 - a. That prior to any construction activities commencing on site, a tree protection zone at least 4 metres in radius be installed around the trunk of the tree to be retained, and that such tree protection zone remain in place for the duration of construction.
 - b. That no soil, construction materials, equipment, or vehicles of any sort be stored or otherwise located within the tree protection zone.
 - c. That the garage and driveway for the new dwelling be located adjacent to the westerly lot line, as far as possible from the retained tree.
 - d. That servicing for the new dwelling be located – and all excavation occur - as far as possible from the critical root zone of the retained tree (approximately 6.0 metres from the trunk).

2 Dawn Road, Consent, B-18/22SC – 22101220
4 Dawn Road, Consent, B-19/22SC – 22101221
32A Dorothy Street, Consent, B-20/22SC – 22101222
32A Dorothy Street, Minor Variance, A-32/22 – 22101240
32B Dorothy Street, Minor Variance, A-33/22 – 22101241

CRCS has no concerns with the proposed creation of two new lots to facilitate the construction of two detached dwellings fronting onto Dorothy Street. With respect to the requested minor variances to reduce the minimum lot frontage for each new lot, CRCS is satisfied that adequate open space/landscaped area can be achieved so long as the proposed driveways do not exceed the size shown on the plans. Should the applications for consent and minor variance 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 the future development agreement restrict the width of the driveways to 6.1 metres for 32A Dorothy Street and 6.0 metres for 23B Dorothy Street.

68 Jarrow Road, Minor Variance, A-34/22- 22101242

No comment.

22 Inglewood Road, Consent, B-21/22S 2101253
22 Inglewood Road, Consent, B-22/22SC – 22101257
22A Inglewood Road, Minor Variance, A-35/22 – 22101265
22B Inglewood Road, Minor Variance, A-36/22 – 22101267
22C Inglewood Road, Minor Variance, A-37/22 – 22101268

CRCS has no concerns with the proposed creation of two new lots to facilitate the construction of three street townhomes, nor the requested minor variances.

In accordance with section 13.2.2.10 of the Garden City Plan the applicant will be required to convey to the city the natural/conservation area at the rear of all three lots (Part 4), which will be merged with the adjacent City-owned lands. Further, the applicant

will be required to pay for and construct a 1.8 metre high black vinyl chain link fence along the new rear lot lines to ensure encroachment into the natural areas is prevented in the future.

In lieu of the applicant submitting a tree preservation and protection plan, staff suggest that the existing fencing at the rear of all three lots remain in place throughout construction of the proposed dwellings to ensure existing trees in the natural area are retained.

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 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 the applicant dedicate gratuitously to the City, free and clear of any contamination encumbrance, the natural areas at the rear of all three lots, illustrated as Part 4 on the submitted survey sketch.
4. That the future development agreement address the following requirements:
 - a. That the existing fence located at the rear of the subject lands remain in place throughout construction of the townhomes to ensure existing trees within the natural area are protected.
 - b. Upon completion of construction of the townhomes and removal of the existing fence referred to above, the applicant will be required to construct, at its own expense, a 1.8 metre high black vinyl chain link fence (OPSD 972.130) along the future rear lot lines of the townhomes (to be constructed on City-owned lands).

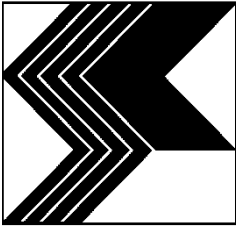
72 Concord Avenue, Minor Variance, A-38/22 – 22101275

No comment.

Amanda Knutson

Community Project & Development Planner

REPORT TO PLANNING DEPARTMENT
Re: LAND DIVISION APPLICATION NUMBER B-21&22/22SC



March 29, 2022

ENGINEERING FILE 300-36

Hearing Date: April 13, 2021

Applicant: Charles Wah

Location: 22 Inglewood Road

MUNICIPAL SERVICES

Water:	150mm PVC
Sanitary:	200mm
Storm:	None
Sidewalks:	None
Road Allowance:	15.24m

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

Comment(s): It is noted the Owner wishes to sever Parts 1, 2 & 3 for the construction of a 3-unit townhouse that would allow each unit to be sold separately. Part 4 is to be dedicated to the City as open space whereas Part 5 is to be dedicated to the City as a road widening.

Roads

Inglewood Road is designated a Community road as per the City’s Transportation Master Plan, with a desired right-of-way width of 20.0m. Its current width is 15.24m, therefore a widening along the frontage established based on the centreline of the original road allowance to obtain half of the required amount desired to achieve a 20.0m right-of-way width of approximately 2.38m, shall be transferred to the City free and clear of any encumbrances to be known as Public Highway Inglewood Road. A draft reference plan shall be submitted for review and approval prior to the registration in the Land Registry Office and forwarded to the City. The City will then move forward with acceptance of the land transfer by Municipal By-law.

Sidewalks

Sidewalks do not exist along Inglewood Avenue currently. The City’s Transportation Master Plan indicates that these streets should accommodate sidewalks on both sides of the road. It is therefore required that a cash-in-lieu contribution for a future 1.50m wide sidewalk along the entire frontage will be required as a condition of this application. The costs shall be based on the City’s current average tender document pricing at the time of payment (\$200.00/m² – 2022).

Engineering Services

Increased drainage challenges occur in these types of in-fill developments where existing lots within established neighbourhoods sometimes do not have suitable drainage outlets in place. The owner must retain at their cost, a qualified Engineer or Ontario Land Surveyor to prepare a Master Lot Grading and Drainage plan for the proposed lot. The plan shall be submitted for review, and approved by City staff, prior to the finalization of the consent. City staff will review the plan to ensure that the

drainage scheme of the existing, and proposed future lots convey drainage to a suitable outlet(s), while at the same time not adversely affect abutting properties.

Sump pump flows are typically discharged to grade, when no opportunities to connect to a storm sewer in the road allowance exist. Since a storm sewer does **not** exist on Inglewood Road, weeping tile drainage shall be discharged via sump pump to grade to the front yard only, and be identified on the proposed Master Lot Grading and Drainage plan through the front foundation wall only. The house designs and Master Lot Grading and Drainage plan shall ensure rainwater leaders (downspouts) are directed and discharged to the front/rear of the lot only.

A private storm catch basin exists in the front yard of the lot, likely capturing drainage flows within the front yard however discharges these flows to the Inglewood Road combined sewer, noted above. There is no dedicated storm sewer along this section, therefore the Owner shall arrange for the removal and capping of the catch basin and lead at the property line, to no longer accept storm flows to discharge to the sanitary combined sewer. The existing storm lead shall be inspected by City crews to identify the pipe can be re-used as one of the proposed townhouse unit's sanitary sewer pipes. The Owner shall be responsible to pay the fees for City crews to locate, trace, inspect and document the water and sewer service laterals for the existing dwelling as well, to confirm they do not conflict with any existing or future lot lines. If any of the existing services are determined to conflict with existing or future lot lines, the Owner shall be responsible to relocate the portions of these services on private property through a Plumbing Only permit. The Owner shall also pay the City to relocate any portion of those services on public property. The Owner must also pay the City to install a water service and sanitary laterals for the new lots from the City sewers and watermain to the property line. Payment for the services for the newly created lots shall be obtained at the building permit stage. **The City shall not authorize the installation of services prior to the lots been registered and legally created.**

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

- Provide the City a draft reference plan indicating the proposed widening for review and approval, prior to registration of the plan in the Land Registry Office; and
- Dedicate to the City, free and clear of any encumbrances, the widening across the frontage of the subject properties, to be known as Public Highway Oakdale Avenue; and
- Pay the fee for City crews to locate, trace, inspect and document the sewer laterals and water services to the existing dwelling; and
- If determined existing laterals or water services conflict with existing or future lot lines, the Owner shall complete any relocation works on private property through a Plumbing Only Permit. The Owner shall also pay the City to complete any associated relocation works required on City property; and
- Arrange to have a Master Lot Grading and Drainage plan prepared by a qualified Engineer or Ontario Land Surveyor for review and approval by City staff
- Pay to the City the cash-in-lieu payment for a future 1.50m wide concrete sidewalk along the frontage of Inglewood Drive

Prepared by:



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

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 29, 2022

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

NO.	ADDRESS	COMMENTS
A-113/21	152A Lakeshore Road	Be advised that a building permit is required to construct the single detached dwelling.
A-114/21	152BA Lakeshore Road	No Comment
A-26/22	34 Oakdale Avenue	No Comment
A-27/22	36 Oakdale Avenue	Be advised that a building permit is required to construct the single detached dwelling.
A-19/22	4 Clearview Crescent	Be advised that the current building permit (21118297RN) shall be completed prior to construction. Be advised that a building permit is required to construct an attached garage.

NO.	ADDRESS	COMMENTS
A-20/22	14 Glen Park Road	Be advised that a building permit is required to demolish the existing detached garage. Be advised that a building permit is required to construct the detached garage.
A-28/22	427A Vine Street	Be advised that a building permit is required to construct the semi-detached dwelling.
A-29/22	427B Vine Street	Be advised that a building permit is required to construct the semi-detached dwelling.
A-30/22	583 Welland Avenue	Be advised that a building permit is required to construct two 5 storey apartment buildings.
A-31/22	543 Geneva Street	Be advised that a building permit is required to construct a single detached dwelling.
A-32/22	32A Dorothy Street	Be advised that a building permit is required to construct a single detached dwelling.
A-33/22	32B Dorothy Street	Be advised that a building permit is required to construct a single detached dwelling.
A-34/22	68 Jarrow Road	Be advised that a building permit is required to construct a sunroom.
A-35/22	22A Inglewood Road	Be advised that a building permit is required to construct a three unit townhouse.
A-36/22	22B Inglewood Road	Be advised that a building permit is required to construct a three unit townhouse.

NO.	ADDRESS	COMMENTS
A-37/22	22C Inglewood Road	Be advised that a building permit is required to construct a three unit townhouse.
A-38/22	72 Concord Avenue	Be advised that a building permit is required for the proposed accessory dwelling unit.



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

To: Elaine Munro, Committee Secretary and Planning Technician

Cc:

From: Steve Bittner, Transportation Technologist

Date: March 24, 2022

Subject: Committee of Adjustment Comments (April 13, 2022 Hearing)

Upon review of the applications, we have no concerns or requirements.

Steve Bittner
Transportation Technologist

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

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

COMMENTS

**B-38/21SC, B-14/22SC, A-113/21 &
A-114/21**

152 Lakeshore Road

**DATE OF HEARING:
April 13, 2022**



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: April 8, 2022

Date of Meeting: April 13, 2022

Report Number: B-38/21SC
B-14/22SC
A-113/21
A-114/21

File: 21118450
21100934
21118453
21118454

Subject: 152 Lakeshore Road to be known as 152A and 152B Lakeshore Road

Recommendation

That application **B-38/21SC** by Natasa Zougras and Vasillios Zougras, 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 152 Lakeshore Road 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 revised site plan dated March 31, 2022 and elevation plans submitted with this application; and
 - b. The lot grading and drainage plan, required as a condition of consent approval, be included in the development agreement, to ensure compliance as part of the review and approval of a building permit.
 - c. That the applicant implement the recommendations of the Tree Inventory and Preservation Plan Report, prepared by Jackson Arboriculture Inc., dated March 25, 2022, for trees 1, 2, and 8 through 18 identified in that report.
 - d. That for trees 3 through 7 identified in the same Report, the applicant implement standard mitigation measures and best practices for tree preservation and protection described in Table 2 and Section 6.2 "Tree Preservation" thereof.
 - e. That the approved plans clearly illustrate tree protection zones and notes.
 - f. That the front yard driveways and parking areas for both lots be restricted to what is generally shown on the plans submitted with these applications.
1. That the Owner have prepared by a Professional Engineer or Ontario Land Surveyor, a lot grading and drainage plan for review and approval.
2. That the Owner pay the fee for City crews to locate, trace, inspect and document the sewer and water laterals servicing the existing dwellings. If the existing water and sewer laterals are determined to conflict with any future and/or abutting lot lines, the Owner shall pay the fees for the City to install new services to the existing

lot's Lakeshore Road property line to achieve independent services to each lot and avoid any conflicts.

3. That the Owner, through a Plumbing Only permit, complete the reconnections of the water and sewer laterals on the private property side, to connect to the new service installations provided by the City.
4. That the Owner obtain a building permit and relocate the existing detached dwelling in accordance with the revised site plan dated March 31, 2022 and complete all inspections to the satisfaction of the Chief Building Official.
5. That the Owner obtain a building permit and demolish the existing detached garage and complete all inspections to the satisfaction of the Chief Building Official.
6. That the Owner obtain a building permit and demolish the existing deck and complete all inspections to the satisfaction of the Chief Building Official.
7. 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.
8. That the Owner submit a payment for the placement of a 60mm boulevard tree for the new lot, in accordance with the City's current Schedule of Rates and Fees.
9. That final approval for the necessary minor variance applications (A-113/21 and A-114/21) be received from the Committee of Adjustment.
10. 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.
11. 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.
12. That all conditions of consent be fulfilled by April 13, 2024.

That application **B-14/22SC** by Natasa Zougras and Vasillios Zougras, as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. 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.
2. That a final certification fee of \$222.20 (2022 rate) per application payable to the Treasurer, City of St. Catharines, be submitted to the Secretary-Treasurer.
3. That all conditions of consent be fulfilled by April 13, 2024.

That Variances 1, 2 and 3 on application **A-113/21** by Natasa Zougras and Vasillios Zougras, as outlined in the Notice of Hearing, be approved.

That Variance 4 on application **A-113/21** as outlined in the Notice of Hearing, be denied, and that the revised request of a maximum paved area of 24% of the lot area be approved and that no recirculation of the notice of hearing be required.

That Variance 1 on application **A-114/21** by Natasa Zougras and Vasillios Zougras, as outlined in the Notice of Hearing, be approved, and that Variance 2 be denied.

Report

The Proposal

The applicant proposes to sever the existing lot at 152 Lakeshore Road for the proposed construction of a two-story detached dwelling and relocation of the existing detached dwelling. The new lot (Parts 1 and 2) is proposed to have a new detached dwelling. The retained lot (Parts 3 and 4) is proposed to have the existing detached dwelling relocated to it. Easements over Parts 2 and 3 will allow a shared central driveway between the new and relocated dwellings and will permit access for both lots to rear parking areas. The requested consent to sever, consents to easement and minor variances are outlined in the tables below.

Application	Severed Parcel	Severed Area	Retained Parcel	Retained Area
B-38/21SC	Parts 1 and 2 (152A Lakeshore Road)	513 m ²	Parts 3 and 4 (152B Lakeshore Road)	529 m ²

Application	Easement Parts	Easement Area	Easement Beneficiary
B-38/21SC	Part 2	95.5 m ²	Parts 3 and 4
B-14/22SC	Part 3	61.8 m ²	Parts 1 and 2

Application	Variance	Provision	Required	Proposed
A-113/21 (152A Lakeshore Road)	1	Reduction of the minimum lot frontage	16.5 metres	12.0 metres
	2	Reduction of the front yard setback	13.07 metres	8.0 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
	4	Increase the maximum paved area	20% of the total area	24% of the total area (applicant changed from 25% after notice was mailed)

A-114/21 (152B Lakeshore Road)	1	Reduction of the minimum lot frontage	16.5 metres	12.38 metres
	2	Reduction of the front yard setback	13.07 metres	9.9 metres (applicant is no longer requesting this variance)

Location and Site Description

The subject property is located on the south side of Lakeshore Road, east of Geneva Street. The surrounding neighbourhood is low density residential with detached dwellings being the primary building type. There are commercial uses to the west of Geneva Street.

The subject property is currently occupied by a detached dwelling and an accessory structure.

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. Detached dwellings are permitted in this designation

Zoning By-law (2013-283)

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

Planning Analysis

Consent to Severance

Consent application **B-38/21SC** requests to sever one new lot from the subject property 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 severed 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. Therefore, 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-story detached dwelling and relocating an existing 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 density of the proposed lot will be about 19.5 units per hectare. For the retained lot, the density will be about 18.9 units per hectare. While these densities are slightly below the range of 20 to 32 units per hectare contemplated for the Low Density Residential designation, the size of both lots are within the maximum size permitted in the zoning by-law for the R1 zone, being 538 square metres. As such, staff find that this reduction in density is acceptable.

The requested minor variances to reduce the lot frontage for both the new and retained lots will be analyzed in the Minor Variance section of this comment. Minor variances are also required for some zoning deficiencies on the new lot.

Staff is satisfied that the proposed consent to sever represents the optimum development potential of the subject lands and will contribute to context-sensitive infilling. Staff recommend that the proposed lot creation in consent application **B-38/21SC** be approved, subject to conditions outlined in the recommendation.

Consent to Easement

Application **B-38/21SC** also proposes an easement over Part 2 to the benefit of Parts 3 and 4. Application **B-14/22SC** proposes an easement over Part 3 to the benefit of Parts 1 and 2. These easements are being sought to permit ingress and egress over a shared driveway that will run between the new and retained lot to rear parking areas.

The GCP offers no policies to evaluate applications for consent to easements against. However, the proposed easements do achieve some policy goals of the GCP, including establishing a shared parking facility and improving the streetscape through minimizing garages and front yard parking. Staff find that the easements are acceptable and recommend approving the proposed easements in consent application **B-38/21SC** and **B-14/22SC** be approved, subject to conditions outlined in the recommendation.

Minor Variance

Variance 1 on A-113/21 and A-114/21

The first variance on each application is requesting a reduction of the minimum lot frontage. For application A-113/21, the minimum lot frontage is proposed to decrease

from 16.5 metres to 12.0 metres; for application A-114/21 the proposed decrease is from 16.5 metres to 12.38 metres. These variances are requested to facilitate the proposed construction of a two-story detached dwelling and the relocation of the existing detached dwelling.

The intent of lot frontage is to provide a functional building footprint, landscaping, site access, and ensure sufficient width for vehicular access. The proposed scale and massing of the dwellings indicates that adequate landscaping, parking, amenity space, and site access will be provided. The proposed decrease in 4.5 metres for application A-113/21 and 4.12 metres for application A-114/21 can accommodate a functional building footprint. The application also proposes a shared driveway between the two dwellings to access parking areas at the rear of each dwelling. By having a shared driveway and rear parking, the lots do not need to each be sized to accommodate separate driveways and parking areas at the front or sides of the dwellings.

Staff find that the requested variance is considered minor in nature, desirable for the appropriate development of the lands, and meets the general intent of the Official Plan and Zoning By-law.

Variance 2 on A-113/21

The second variance on application A-113/21 is seeking a reduction in the front yard setback. The front yard setback is proposed to decrease from 13.07 metres to 8.0 metres. The intent of the front yard setback is to provide adequate parking space dimensions, create a uniform streetscape, and to ensure appropriate sizes for front yards as to promote efficient development. The averaging provision of the zoning by-law requires the front yard setbacks of neighbouring dwellings to be used to calculate the suggested setbacks for the proposed dwellings. In this instance, the average is skewed by the house design at 154A Lakeshore Road, with the front wall of that dwelling being setback 16.74 metres from the front lot line, a setback that is not found on other lots in the immediate area. This makes the sought reduction appear rather large, even though an 8-metre front yard setback is prevalent in the area.

The proposed lots will have a shared driveway and separate parking area located at the rear of the property. The reduced front yard setback will not negatively impact the ability to meet parking requirements for both lots. The proposed decrease of 5.07 metres is unlikely to negatively impact the streetscape.

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

Variance 3 on A-113/21

The third variance on application A-113/21 is requesting a reduction of the minimum interior side yard setback for portion of dwelling in excess of 7 metres or greater in building height from 2 metres to 1.20 metres, resulting in a decrease of 0.8 metres. This variance is requested to facilitate the construction of a two-story detached dwelling. The intent of

the interior side yard setback is to protect privacy, ensure separation distance from adjacent properties, and provide ample space for drainage and rear yard access. The proposed reduction in 0.8 metres will not create any adverse impacts on drainage and will protect privacy.

The reduced setback will maintain separation distance and will provide a sufficient buffer to the lot line. The proposed setback is in accordance with section 7.1 of the Official Plan which states that development and redevelopment will have regard for compatible building form, scale, massing, height, setbacks and orientation. It also states that adverse impacts will be minimized on neighbouring properties such as drainage, privacy and views.

The dwelling at 150 Lakeshore Road, the immediately impacted property, is two storeys in height and has only one smaller ground-floor window that faces the proposed dwelling, with no windows on the second floor. The proposed dwelling and the neighbouring dwelling are built in line with each other, so the building massing will be complementary. Staff find that the proposed interior side yard setback meets the intent of the policies outlined in the GCP and will not create any adverse impacts on surrounding properties.

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

Variance 4 on A-113/21

The fourth variance on application A-113/21 is requesting to increase the maximum paved area from 20% of the total area to 24% of the total area, resulting in an increase of 4%. The applicant has revised the application since the notice of hearing was circulated, reducing the requested variance from 25% to 24%. The intent of the maximum paved area is to ensure that lots are not dominated by impervious surfaces and vehicular parking. The proposal meets the requirements for minimum landscaped area. As such, the increase in paved area of 4% of the total area is minor in nature. The surrounding neighbourhood contains three other lots with a curved driveway, similar to the driveway proposed in this application. As such, the proposed curved driveway and driveway width will maintain the streetscape of the neighbourhood.

As a condition of consent, prior to the new lot being created a Lot Grading and Drainage Plan must be approved by the City. This grading plan will need to be designed to accommodate the increase in the impervious surface on the lot sought by this variance and ensure that the lot is able to drain to an appropriate outlet without draining on neighbouring properties. Therefore, the impact caused by this variance will be minimized by a condition of consent.

Staff find that the requested variance is considered minor in nature, desirable for the appropriate development of the lands, and meets the general intent of the Official Plan and Zoning By-law.

Variance 2 on A-114/21

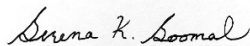
The applicant has submitted a revised plan showing the detached dwelling that is proposed to be relocated meeting the average setback of 13.8 metres. This change to the setback will accommodate existing trees along the lot line with 154A Lakeshore Road. As such, Variance 2 on A-114/21 is no longer required and the applicant has requested this variance to be withdrawn.

Conclusion

Having regard for the matters under Section 53 of *The Planning Act*, staff are of the opinion that Consent Applications **B-38/21SC** and **B-14/22SC** 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 consent to sever and consents to easement be approved, subject to the conditions set out in the recommendation.

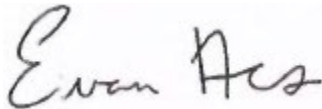
Having regard for the matters under Section 45(1) of the *Planning Act*, staff are of the opinion that Minor Variance Application **A-113/21**, as revised, and variance 1 on **A-114/21** be approved as these variances are all in keeping with the general intent of the Official Plan and Zoning By-law, are minor in nature, and are desirable for the appropriate development of the lands. Staff further recommend variance 2 on Minor Variance Application **A-114/21** be withdrawn.

Prepared by:



Serena Soomal
Student Planner

Submitted by:



Evan Acs, MA, MSC, RPP
Planner I

Approved by:



Margaret Josipovic
Manager of Planning Services

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Alectra Comments RE: 152 Lakeshore Road, St. Catharines
Date: Saturday, April 2, 2022 10:22:30 AM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)

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



From: Network Info <network.info@horizonutilities.com>
Sent: Friday, April 1, 2022 1:13 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: RE: 152 Lakeshore Road, 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.

Good afternoon Elaine,

Our office has no comment/objections based on the drawing(s) provided.

Regards,



Samantha Burke
Engineering Clerk, ICI & Layouts
55 John Street North, Hamilton, ON, L8R 3M8
t 905.798.2971
alectrautilities.com
  

*At Alectra, the health and safety of our employees remains our highest priority and we have implemented vaccination policies for all our worksites and offices. Effective **November 12, 2021**, all visitors and contractors entering any Alectra worksite or facility must provide satisfactory proof of vaccination at Security when requested. Couriers and deliveries are excluded. Please review our*

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Bell Comments, Committee of Adjustment Hearing Notices & Applications - April 13, 2022 Hearing - 905-22-134 - 152 Lakeshore Rd
Date: Wednesday, March 30, 2022 11:13:07 AM

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



From: Gordon, Carrie <carrie.gordon@bell.ca>
Sent: Wednesday, March 30, 2022 10:53 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Request for Comments, Committee of Adjustment Hearing Notices & Applications - April 13, 2022 Hearing - 905-22-134 - 152 Lakeshore Rd

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Hi Elaine,

Re: B-38/21SC

Subsequent to review of the abovementioned application at 152 Lakeshore Rd , Bell Canada's engineering department have determined that there are no concerns or comments at this time.

Kind regards,

Carrie Gordon



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

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Cogeco Comments, Committee of Adjustment Hearing Notices & Applications - April 13, 2022 Hearing
Date: Wednesday, March 30, 2022 11:11:55 AM

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



From: Doug Crown <doug.crown@cogeco.com>
Sent: Wednesday, March 30, 2022 10:41 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Request for Comments, Committee of Adjustment Hearing Notices & Applications - April 13, 2022 Hearing

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

Hi Elaine

Cogeco has no concerns with these applications.

Have the best day ever

Doug Crown
Network Planning Department
Doug.crown@cogeco.com

7170 Mcleod Rd
Niagara Falls Ont Canada

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

MEMORANDUM

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

Cc: Wilrik Banda
Planning and Building Services

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

Date: March 29, 2022

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

B-38/21SC – 152 Lakeshore Road

Comment:

- 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.

Condition:

- A building permit is required to relocate the existing detached dwelling to Part 4 and to complete all inspections to the satisfaction of the Chief Building Official.
- A building permit is required to demolish the existing detached garage and to complete all inspections to the satisfaction of the Chief Building Official.
- A building permit is required to demolish the existing deck and to complete all inspections to the satisfaction of the Chief Building Official.

B-14/21SC – 152B Lakeshore Road

Comment:

- No comment

Condition:

- No comment

34 Oakdale Avenue – B15/22SC

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, meet the requirements of Subsection 9.10.14 and 9.10.15 of the 2012 Ontario Building Code as applicable.

B-16/22SC – 427 Vine Street

Comment:

- No comment

Condition:

- A building permit is required to demolish the existing detached dwelling and to complete all inspections to the satisfaction of the Chief Building Official.
- A building permit is required to demolish the existing accessory structure on Part 2 and to complete all inspections to the satisfaction of the Chief Building Official.

B-17/22SC – 543 Geneva Street

Comment:

- 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.

Condition:

- A building permit is required to demolish the existing detached garage and greenhouse and to complete all inspections to the satisfaction of the Chief Building Official.
- A building permit is required to demolish the existing shed and to complete all inspections 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 west, meet the requirements of Subsection 9.10.14 and 9.10.15 of the 2012 Ontario Building Code as applicable.

B-18/22SC – 2 Dawn Road

Comment:

- No comment

Condition:

- A building permit is required to demolish the existing garage and to complete all inspections to the satisfaction of the Chief Building Official.

B-19/22SC – 4 Dawn Road

Comment:

- No comment

Condition:

- No comment

B-20/22SC – 32A Dorothy Street

Comment:

- No comment

Condition:

- No comment

B-21/22SC – 22A Inglewood Road

Comment:

- No comment

Condition:

- A building permit is required to demolish the existing detached dwelling and to complete all inspections to the satisfaction of the Chief Building Official.

B-22/22SC – 22B Inglewood Road

Comment:

- No comment

Condition:

- A building permit is required to demolish the existing detached dwelling and to complete all inspections to the satisfaction of the Chief Building Official.

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

MEMORANDUM

To: Elaine Munro, Committee Secretary & Planning Clerk
 Planning and Building Services
 Cc: Wilrik Banda
 Planning and Building Services
 From: Lou Grossi, Building Inspector II
 Planning and Building Services
 Date: March 29, 2022
 Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – March 30, 2022 hearing

NO.	ADDRESS	COMMENTS
A-113/21	152A Lakeshore Road	Be advised that a building permit is required to construct the single detached dwelling.
A-114/21	152BA Lakeshore Road	No Comment
A-26/22	34 Oakdale Avenue	No Comment
A-27/22	36 Oakdale Avenue	Be advised that a building permit is required to construct the single detached dwelling.
A-19/22	4 Clearview Crescent	Be advised that the current building permit (21118297RN) shall be completed prior to construction. Be advised that a building permit is required to construct an attached garage.

NO.	ADDRESS	COMMENTS
A-20/22	14 Glen Park Road	<p>Be advised that a building permit is required to demolish the existing detached garage.</p> <p>Be advised that a building permit is required to construct the detached garage.</p>
A-28/22	427A Vine Street	Be advised that a building permit is required to construct the semi-detached dwelling.
A-29/22	427B Vine Street	Be advised that a building permit is required to construct the semi-detached dwelling.
A-30/22	583 Welland Avenue	Be advised that a building permit is required to construct two 5 storey apartment buildings.
A-31/22	543 Geneva Street	Be advised that a building permit is required to construct a single detached dwelling.
A-32/22	32A Dorothy Street	Be advised that a building permit is required to construct a single detached dwelling.
A-33/22	32B Dorothy Street	Be advised that a building permit is required to construct a single detached dwelling.
A-34/22	68 Jarrow Road	Be advised that a building permit is required to construct a sunroom.
A-35/22	22A Inglewood Road	Be advised that a building permit is required to construct a three unit townhouse.
A-36/22	22B Inglewood Road	Be advised that a building permit is required to construct a three unit townhouse.

NO.	ADDRESS	COMMENTS
A-37/22	22C Inglewood Road	Be advised that a building permit is required to construct a three unit townhouse.
A-38/22	72 Concord Avenue	Be advised that a building permit is required for the proposed accessory dwelling unit.



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: April 8, 2022

Subject: Committee of Adjustment Applications – April 13, 2022 Hearing

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

152 Lakeshore Road, Consent, B-38/21SC – 21118450
152B Lakeshore Road, Consent, B-14/22SC – 22100934
152A Lakeshore Road, Minor Variance, A-113/21 – 21118453
152B Lakeshore Road, Minor Variance, A-114/21 – 21118454

In support of these applications, the applicant has submitted a Tree Inventory and Preservation Plan Report, prepared by Jackson Arboriculture Inc., dated March 25, 2022. The Report confirms the locations and health of one City boulevard tree, trees on the subject site and adjacent properties, as well as boundary trees. The Report provides recommendations for either preservation or removal for each of the 18 trees inventoried, based on the drawings submitted with the initial application.

The report indicates that there are several Norway Maple trees located on the neighbouring property to the east, and on the common boundary between that neighbouring property and the subject lands. The report recommends that these trees be removed, with permission from the neighbouring homeowner, to facilitate relocation of the existing dwelling. The report does suggest, however, that the trees in question could be saved if a greater front yard setback were provided for the relocated dwelling.

Following submission of this Report, the applicant provided updated drawings that show the relocated home positioned further back on the lot and rotated to achieve greater front and interior side yards. Additionally, it is our understanding that the Applicant will be withdrawing its request for a reduced front yard setback and will comply with the minimum 13.8 metres prescribed. CRCS is supportive of the increased front and interior side yard setbacks, which provide greater protection to the Norway Maple trees discussed above. CRCS staff would otherwise object to the minor variance to reduce the front yard setback.

The applicant is proposing a common driveway, which will extend into the rear yards and provide access to two parking spaces on each lot. To mitigate the impact that vehicle headlights might have on neighbouring properties, CRCS staff recommend that the existing wood board fence be retained for both lots, as well as the stand of mature trees along the rear lot line.

The applicant has requested several minor variances for the new dwelling, including reductions in front yard setback, interior side yard setback, lot frontage, as well as an increase in maximum paved area. The applicant has also requested a minor variance for reduced lot frontage for the relocated dwelling. All of these variances will reduce the overall amount of greenspace that can be provided on the subject lands. Staff have no objection to these variances on the condition that the future development agreement restrict the use of the front yards for parking in any area that hasn't already been illustrated on the drawings submitted with the applications. Without such a condition in place, it is possible that gravel parking areas could be installed in the front yards, further reducing on-site greenspace. This would also impact the overall character of the street, where front yards generally consist of wide lawn areas.

Should the applications for consent and minor variance 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.
3. That the future development agreement address the following requirements:
 - a. That the applicant implement the recommendations of the Tree Inventory and Preservation Plan Report, prepared by Jackson Arboriculture Inc., dated March 25, 2022, for trees 1, 2, and 8 thru 18 identified in that report.
 - b. That for trees 3 thru 7 identified in the same Report, the applicant implement standard mitigation measures and best practices for tree preservation and protection described in Table 2 and Section 6.2 "Tree Preservation" thereof.
 - c. That the approved plans clearly illustrate tree protection zones and notes.

- d. That the front yard driveways and parking areas for both lots be restricted to what is generally shown on the plans submitted with these applications.

34 Oakdale Avenue, Consent, B-15/22SC – 22101119

34 Oakdale Avenue, Minor Variance, A-26/22 – 22101120

36 Oakdale Avenue, Minor Variance, A-27/22 – 22101123

CRCS has no concerns with the proposed creation of a new lot to facilitate the construction of a detached dwelling, nor the majority of the minor variances being sought. With respect to the requested variance to reduce the minimum lot frontage for the new lot, CRCS is satisfied that adequate open space/amenity area will be achieved in the front yard so long as the proposed driveway does not exceed the size shown on the plans.

Staff note that there are two mature trees located in front of the existing home. Once the required road widening is dedicated to the City, these trees will be located within the public road allowance. Staff are awaiting comments from the Forestry Section as to whether the trees will need to be removed or can remain.

Should the applications for consent and minor variance 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.
3. That the future development agreement restrict the width of the driveway on 36 Oakdale Avenue to 3.5 metres.

4 Clearview Crescent, Minor Variance, A-19/22 – 22100841

No comment.

14 Glen Park Road, Minor Variance, A-20/22 – 22100843

No comment

427 Vine Street, Consent, B-16/22SC – 22101141

427A Vine Street, Minor Variance, A-28/22 – 22101144

427B Vine Street, Minor Variance, A-29/22 – 22101145

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

Staff note that there is a tree within the Vine Street boulevard that conflicts with the proposed driveway for the southerly unit. Typically these conflicts are flagged during the pre-submission consultation stage and the applicant would be required to adjust the location of the driveway and/or submit a tree preservation and protection plan to ensure the tree is retained unharmed. Given this conflict was not flagged during that previous application, the tree will need to be removed and replaced with a specimen of equal value. The applicant will be responsible for the costs associated with this.

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.
3. That the applicant submit a payment for the removal and replacement of the existing boulevard tree by City forces, in accordance with the City's current Schedule of Rates and Fees.

583 Welland Avenue, Minor Variance, A-30/22 – 22101184

CRCS staff have no concerns with the requested increase in density, nor the requested reduced lot frontage. Staff acknowledge that the minor variance required for reduced landscape open space is a result of an oversight in zoning compliance that occurred during the site plan approval process. An approved landscape plan is in place as part of the site plan agreement. It is staff's opinion that requiring the applicant to comply with the landscaping requirements of the Zoning By-law at this point would be onerous. Accordingly, staff offer no objection to the application.

543 Geneva Street, Consent, B-17/22SC – 22101208
543 Geneva Street, Minor Variance, A-31/22 – 22101215

CRCS has no concerns with the proposed creation of a new lot to facilitate the construction of a detached dwelling fronting onto Marsten Drive, nor the requested minor variance being sought. Staff note that the majority of the proposed rear yard of the existing home is covered by a concrete driveway. A reduction in the minimum rear yard is sought, however staff is satisfied that there is opportunity to create sufficient private amenity area by shortening the length of the driveway, if desired by the applicant.

We note that a mature tree exists in the Marsten Drive boulevard and care must be taken not to damage this tree during construction of the new dwelling. CRCS recommends that certain mitigation measures be implemented through the future development agreement to address this.

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

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.
3. That the future development agreement address the following requirements:
 - a. That prior to any construction activities commencing on site, a tree protection zone at least 4 metres in radius be installed around the trunk of the tree to be retained, and that such tree protection zone remain in place for the duration of construction.
 - b. That no soil, construction materials, equipment, or vehicles of any sort be stored or otherwise located within the tree protection zone.
 - c. That the garage and driveway for the new dwelling be located adjacent to the westerly lot line, as far as possible from the retained tree.
 - d. That servicing for the new dwelling be located – and all excavation occur - as far as possible from the critical root zone of the retained tree (approximately 6.0 metres from the trunk).

2 Dawn Road, Consent, B-18/22SC – 22101220
4 Dawn Road, Consent, B-19/22SC – 22101221
32A Dorothy Street, Consent, B-20/22SC – 22101222
32A Dorothy Street, Minor Variance, A-32/22 – 22101240
32B Dorothy Street, Minor Variance, A-33/22 – 22101241

CRCS has no concerns with the proposed creation of two new lots to facilitate the construction of two detached dwellings fronting onto Dorothy Street. With respect to the requested minor variances to reduce the minimum lot frontage for each new lot, CRCS is satisfied that adequate open space/landscaped area can be achieved so long as the proposed driveways do not exceed the size shown on the plans. Should the applications for consent and minor variance 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 the future development agreement restrict the width of the driveways to 6.1 metres for 32A Dorothy Street and 6.0 metres for 23B Dorothy Street.

68 Jarrow Road, Minor Variance, A-34/22- 22101242

No comment.

22 Inglewood Road, Consent, B-21/22S 2101253
22 Inglewood Road, Consent, B-22/22SC – 22101257
22A Inglewood Road, Minor Variance, A-35/22 – 22101265
22B Inglewood Road, Minor Variance, A-36/22 – 22101267
22C Inglewood Road, Minor Variance, A-37/22 – 22101268

CRCS has no concerns with the proposed creation of two new lots to facilitate the construction of three street townhomes, nor the requested minor variances.

In accordance with section 13.2.2.10 of the Garden City Plan the applicant will be required to convey to the city the natural/conservation area at the rear of all three lots (Part 4), which will be merged with the adjacent City-owned lands. Further, the applicant

will be required to pay for and construct a 1.8 metre high black vinyl chain link fence along the new rear lot lines to ensure encroachment into the natural areas is prevented in the future.

In lieu of the applicant submitting a tree preservation and protection plan, staff suggest that the existing fencing at the rear of all three lots remain in place throughout construction of the proposed dwellings to ensure existing trees in the natural area are retained.

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 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 the applicant dedicate gratuitously to the City, free and clear of any contamination encumbrance, the natural areas at the rear of all three lots, illustrated as Part 4 on the submitted survey sketch.
4. That the future development agreement address the following requirements:
 - a. That the existing fence located at the rear of the subject lands remain in place throughout construction of the townhomes to ensure existing trees within the natural area are protected.
 - b. Upon completion of construction of the townhomes and removal of the existing fence referred to above, the applicant will be required to construct, at its own expense, a 1.8 metre high black vinyl chain link fence (OPSD 972.130) along the future rear lot lines of the townhomes (to be constructed on City-owned lands).

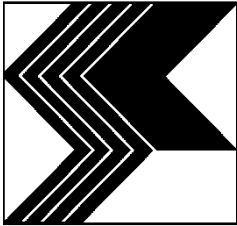
72 Concord Avenue, Minor Variance, A-38/22 – 22101275

No comment.

Amanda Knutson

Community Project & Development Planner

REPORT TO PLANNING DEPARTMENT
Re: LAND DIVISION APPLICATION NUMBER B-38/21SC & B-14/22SC



March 29, 2022

ENGINEERING FILE 300-36

Hearing Date: April 13, 2022

Applicant: Natasa & Vasillios Zougras

Location: 152 Lakeshore Road

ENGINEERING SERVICES **Lakeshore Road**

Water: 300mm PVC

Sanitary Sewer: 300mm Concrete

Storm Sewer: 825mm Concrete

Sidewalks: Yes

Road Allowance Width: 24.50m± (Regional)

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

Comment(s): It is noted that the Applicant proposes to sever Parts 1 & 2 on the attached sketch for the proposed construction of a single-family dwelling to be known as 152A Lakeshore Road, subject to an easement over Part 2 for the purposes of ingress and egress for the easterly proposed abutting lot (Parts 3 & 4). The remnant parcels (Parts 3 & 4) will be retained for proposed residential use with the relocation of the existing detached dwelling, subject to a concurrent consent application B-14/22SC. Conversely, Parts 3 & 4 are proposed to be severed to be known as 152 Lakeshore Road, subject to an easement over Part 3 for the purposes of ingress and egress for the westerly proposed abutting lot (Parts 1 & 2).

Roads

Lakeshore Road is under Regional jurisdiction, therefore any requirements with respect to the right-of-way shall be at their discretion.

Sidewalks and Curbs

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

Engineering Services

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

Sump pump flows are typically discharged to grade, when no opportunities to connect to a storm sewer in the road allowance exist. Since a storm sewer exists on Lakeshore Road, weeping tile drainage shall be discharged via sump pump to a storm sewer lateral provided, at the costs of the owner, through the building permit process for the single-detached dwelling, and be identified on the proposed Master Lot Grading and Drainage plan through the front foundation wall only. The house designs shall ensure rainwater leaders (downspouts) are directed/discharged to the front/rear of the lot only. The location and direction of the roof water discharge pipes must also be identified on the grading and drainage plan.

Although City records indicate the existing dwelling's sewer lateral is fed from the Lakeshore Road sewer, the Owner shall be responsible to pay the fee for City crews to locate, trace, inspect and document the sewer and water service lateral locations currently in use for the existing dwelling, to confirm both do not conflict with or exist upon any abutting and/or future lot lines. This shall be completed prior to both the severance finalization and demolition permit issuance, whichever comes first. If determined to conflict with the above-noted future and/or abutting property lines, the Owner shall pay the City the fees required to install new services to the street line of the existing dwelling to avoid conflicts and achieve independent services for each lot. **It shall be noted that servicing of the proposed lot shall not be authorized prior to the creation/registration of the lot via the severance finalization process.**

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

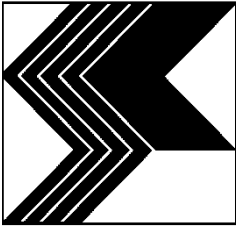
- Have prepared by a Professional Engineer or Ontario Land Surveyor, a Lot Grading & Drainage plan for review and approval; and
- Pay the fee for City crews to locate, trace, inspect and document the sewer and water laterals servicing the existing dwellings; and
- If the existing water and sewer laterals are determined to conflict with any future and/or abutting lot lines, the Applicant pay to the City the fees to install new services to the existing lot's Howard Avenue / Charlotte Street property line, to achieve independent services to each lot and avoid any conflicts; and
- The Applicant, through a Plumbing Only permit, complete the reconnections of the water and sewer laterals on the private property side, to connect to the new service installations provided by the City.



Prepared by:

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

REPORT TO PLANNING DEPARTMENT
Re: LAND DIVISION APPLICATION NUMBER B-38/21SC & B-14/22SC



March 29, 2022

ENGINEERING FILE 300-36

Hearing Date: April 13, 2022

Applicant: Natasa & Vasillios Zougras

Location: 152 Lakeshore Road

ENGINEERING SERVICES **Lakeshore Road**

Water: 300mm PVC

Sanitary Sewer: 300mm Concrete

Storm Sewer: 825mm Concrete

Sidewalks: Yes

Road Allowance Width: 24.50m± (Regional)

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

Comment(s): It is noted that the Applicant proposes to sever Parts 1 & 2 on the attached sketch for the proposed construction of a single-family dwelling to be known as 152A Lakeshore Road, subject to an easement over Part 2 for the purposes of ingress and egress for the easterly proposed abutting lot (Parts 3 & 4). The remnant parcels (Parts 3 & 4) will be retained for proposed residential use with the relocation of the existing detached dwelling, subject to a concurrent consent application B-14/22SC. Conversely, Parts 3 & 4 are proposed to be severed to be known as 152 Lakeshore Road, subject to an easement over Part 3 for the purposes of ingress and egress for the westerly proposed abutting lot (Parts 1 & 2).

Roads

Lakeshore Road is under Regional jurisdiction, therefore any requirements with respect to the right-of-way shall be at their discretion.

Sidewalks and Curbs

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

Engineering Services

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

Sump pump flows are typically discharged to grade, when no opportunities to connect to a storm sewer in the road allowance exist. Since a storm sewer exists on Lakeshore Road, weeping tile drainage shall be discharged via sump pump to a storm sewer lateral provided, at the costs of the owner, through the building permit process for the single-detached dwelling, and be identified on the proposed Master Lot Grading and Drainage plan through the front foundation wall only. The house designs shall ensure rainwater leaders (downspouts) are directed/discharged to the front/rear of the lot only. The location and direction of the roof water discharge pipes must also be identified on the grading and drainage plan.

Although City records indicate the existing dwelling's sewer lateral is fed from the Lakeshore Road sewer, the Owner shall be responsible to pay the fee for City crews to locate, trace, inspect and document the sewer and water service lateral locations currently in use for the existing dwelling, to confirm both do not conflict with or exist upon any abutting and/or future lot lines. This shall be completed prior to both the severance finalization and demolition permit issuance, whichever comes first. If determined to conflict with the above-noted future and/or abutting property lines, the Owner shall pay the City the fees required to install new services to the street line of the existing dwelling to avoid conflicts and achieve independent services for each lot. **It shall be noted that servicing of the proposed lot shall not be authorized prior to the creation/registration of the lot via the severance finalization process.**

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

- Have prepared by a Professional Engineer or Ontario Land Surveyor, a Lot Grading & Drainage plan for review and approval; and
- Pay the fee for City crews to locate, trace, inspect and document the sewer and water laterals servicing the existing dwellings; and
- If the existing water and sewer laterals are determined to conflict with any future and/or abutting lot lines, the Applicant pay to the City the fees to install new services to the existing lot's Howard Avenue / Charlotte Street property line, to achieve independent services to each lot and avoid any conflicts; and
- The Applicant, through a Plumbing Only permit, complete the reconnections of the water and sewer laterals on the private property side, to connect to the new service installations provided by the City.



Prepared by:

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

To: Elaine Munro, Committee Secretary and Planning Technician

Cc:

From: Steve Bittner, Transportation Technologist

Date: March 24, 2022

Subject: Committee of Adjustment Comments (April 13, 2022 Hearing)

Upon review of the applications, we have no concerns or requirements.

Steve Bittner
Transportation Technologist

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

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

COMMENTS

**B-15/22SC, A-26/22 &
A-27/22**

34 Oakdale Avenue

**DATE OF HEARING:
April 13, 2022**



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: April 8, 2022

Date of Meeting: April 13, 2022

Report Number: B-15/22SC
A-26/22
A-27/22

File: 22101119
22101120
22101123

Subject: 34 and 36 Oakdale Avenue

Recommendation

That submission **B-15/22SC** by George Gadula and Joanne Gadula, 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 34 Oakdale Avenue addressing the following conditions:
 - a. That building permit plans for Part 1, once submitted, be reviewed and confirmed to be generally in accordance with the site plan and elevation plans submitted with this application, including limiting the driveway width to a maximum of 3.5 metres;
 - b. That a master lot 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 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 the City a draft reference plan indicating the proposed widening for review and approval, prior to registration of the plan in the Land Registry Office.
3. That the H1 Holding Provision be removed from the property.

4. That the Owner dedicate to the City, free and clear of any encumbrances, the widening across the frontage of the subject properties, to be known as Public Highway Oakdale Avenue.
5. That the Owner pay the fee for City crews to locate, trace, inspect and document the sewer laterals and water services to the existing dwelling.
6. That the Owner if determined existing laterals or water services conflict with existing or future lot lines, complete any relocation works on private property through a plumbing only permit. The Owner shall also pay the City to complete any associated relocation works required on City property.
7. That the Owner arrange to have a master lot grading and drainage plan prepared by a qualified engineer or Ontario Land Surveyor for review and approval by City staff.
8. That the Owner register an environmental easement for operational noise and vibration emissions, in favor of CN, on the new lot.
9. That the Owner 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, meet the requirements of Subsection 9.10.14 and 9.10.15 of the 2012 Ontario Building Code as applicable.
10. That the Owner submit a payment of 5% of the appraised value of the new lot 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.
11. That the Owner submit a payment for the placement of a 60mm boulevard tree for the new lot, in accordance with the City's current Schedule of Rates and Fees.
12. 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.
13. 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.
14. That all conditions of consent be fulfilled by April 13, 2024.

That submission **A-26/22** by George Gadula and Joanne Gadula, as outlined in the Notice of Hearing, be approved.

That submission **A-27/22** by George Gadula and Joanne Gadula, as outlined in the Notice of Hearing, be approved.

Report

The Proposal

The applicant proposes to sever the existing lot at 34 Oakdale to create a new lot for the purpose of constructing a two-storey detached dwelling. The retained parcel will be used for continued residential use. There is a concurrent application to lift the Holding Provision

on the subject property. There are concurrent minor variance applications required to address the zoning deficiencies created by the consent. The requested minor variances and consent are outlined in the tables below.

Application	Severed Parcel	Severed Area	Retained Parcel	Retained Area
B-15/22SC	Part 1 (36 Oakdale Avenue)	320 m ²	Part 2 (34 Oakdale Avenue)	489.5 m ²

Application	Variance	Provision	Required	Proposed
A-26/22 (34 Oakdale Avenue)	1	Minimum standard parking space dimension (obstructed on one side)	3.0 metres x 5.2 metres	2.77 metres x 5.2 metres
	2	Maximum lot area for a detached dwelling	370 m ²	489.5 m ²
A-27/22 (36 Oakdale Avenue)	1	Minimum lot frontage for a detached dwelling	9.0 metres	7.95 metres
	2	Minimum interior side yard setback	1.2 metres	0.6 metres
	3	Minimum front yard setback to the dwelling	3.0 metres	2.96 metres
	4	Minimum front yard setback to the garage	6.0 metres	2.96 metres
	5	Minimum setback from front lot line to platform structure (0.15 metres to 0.6 metres above grade)	3.0 metres	1.13 metres

Location and Site Description

The subject property is on the north side of Oakdale Avenue, west of Ellis Avenue. The surrounding neighbourhood is primarily residential with a mix of dwelling types. There are commercial and institutional uses along the west side of Merritt Street north of Oakdale Avenue.

The subject property is currently occupied by a detached dwelling and two accessory buildings.

Circulation of Application

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

Planning Policy Context

Official Plan (Garden City Plan)

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

Zoning By-law (2013-283)

The subject property is zoned Medium Density Residential (R3). Detached dwellings are permitted in this zone. The property also has the H1 Holding Provision applied to it, which requires the site to be seemed safe for development through a Record of Site Condition or similar documentation before the Holding Provision can be lifted. Building permits will not be issued for the property while the Holding Provision is in place.

Planning Analysis

Consent

Consent application **B-15/22SC** requests to sever the subject property into two lots to construct a new 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 severed lot will make use of existing infrastructure. The owner is responsible for any costs for required improvements to infrastructure such as municipal streets, water, wastewater, and stormwater services. 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 lot is located within the City's built boundary and within an area that is substantially developed. The proposal includes constructing a new detached dwelling that fits within the prevailing character and land use of the surrounding neighbourhood, 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 Medium Density Residential designation permits a density range of generally 25 to 99 units per hectare. The proposed lot will have a density of about 34 units per hectare;

the retained lot will be about 22 units per hectare. A minor variance is required to permit an increase in lot area for the retained lot, which will be discussed in the next section.

The proposed lot is narrower than permitted in the zoning by-law, and requires minor variances for lot frontage, front yard set backs and a side yard setback. However, staff is satisfied that this lot pattern represents optimum development potential of the subject lands. The applicant has demonstrated that a detached dwelling can be built on the new lot. The retained lot is being brought closer to conformity with Official Plan and Zoning By-law requirements and is sized to permit future re-development opportunities.

Staff find the proposal to contribute to the optimum development of the surrounding area. Staff recommend that consent applications **B-15/22SC** be approved, subject to conditions outlined in the recommendation.

Right-of-Way Widening

Oakdale Avenue is designated a Collector Mixed-use road in the City's Transportation Master Plan with a desired right-of-way width of 26 metres. The current width along this section of the road is deficient, at approximately 20.12 metres.

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

To be consistent with road widening requirements and standards necessary to accommodate City and private utilities and complete street initiatives, staff are recommending as a condition that a 3.05 metre wide strip of land across the frontage of the subject property be dedicated as Public Highway Oakdale Avenue to obtain half of the additional requirements necessary to ultimately achieve the desired road allowance width of 26 metres.

Minor Variance

Variance 1 of A-26/22

Variance 1 of Application **A-26/22** (Part 2) seeks a reduction to the minimum standard parking space dimension obstructed on one side from 3.0 metres by 5.2 metres to 2.77 metres by 5.2 metres. The intent of the minimum standard parking space dimension is to ensure adequate space for vehicular parking and access. The reduced driveway width of 0.23 metres is a result of the road widening that is being taken along Oakdale Avenue. The proposed width of 2.77 metres acknowledges the existing driveway width, which has been functional in the past. It is anticipated that the existing driveway would remain functional following the proposed severance and development of the two-storey dwelling

to the west, as the existing driveway is located on the opposite side of the lot. The reduced width of 0.23 metres will acknowledge the existing situation and therefore will not cause adverse impacts to the surrounding area.

Staff find the proposed 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 on A-26/22

Variance 2 of Application **A-26/22** is requesting to increase the maximum lot area for a detached dwelling from 370 m² to 489.5 m², resulting in an increased lot area of 119.5 m². The intent of the maximum lot area is to ensure a compact built form and prevent urban sprawl by guiding higher density development within an area. The proposal will contribute to the development of a compact built form through the creation of a new lot for a detached dwelling. Although the retained lot will be oversized, the proposal facilitates residential infill development, which aligns with Official Plan policies to support intensification to provide a range and mix of housing. The proposal will result in a density of 27 units per hectare, which meets density requirements as set out in the Official Plan and Zoning By-law.

Staff are satisfied that the proposed 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 1 of A-27/22

Variance 1 of Application **A-27/22** (Part 1) is seeking a reduction to the minimum lot frontage for a detached dwelling from 9.0 metres to 7.95 metres, resulting in a decrease of 1.05 metres. The intent of providing a minimum lot frontage is to ensure there is adequate area to accommodate the building envelope, provide safe access to the lot and landscaping, as well as maintain a consistent streetscape. The proposed reduced lot frontage of 1.05 metres is sufficient to accommodate a suitable building envelope, provide landscaping and site access while also maintaining the existing streetscape. As such, staff are satisfied that the variance will not result in adverse impacts to the surrounding area.

Staff find the requested variance to be 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 of A-27/22

Variance 2 of Application **A-27/22** is requesting a reduction to the minimum interior side yard setback from 1.2 metres to 0.6 metres, resulting in a decrease of 0.6 metres. This variance is requested to facilitate the construction of the proposed two-storey detached dwelling and attached garage. The intent of the interior side yard setback is to ensure sufficient separation distance between properties, ensure the dwelling does not

overwhelm the lot, provide access to the rear of the lot, ensure there is adequate drainage, prevent overlook and provide privacy.

The portion of the dwelling with the reduced setback of 0.6 metres is the attached garage, which is required to be 3.5 metres in width to be considered a parking space obstructed on two sides by the zoning by-law. The remainder of the proposed dwelling has an interior side yard setback of 1.23 metres along the lot line. The interior side yard setback of 1.23 metres on the other side of the dwelling meets zoning requirements and can provide access to the rear of the lot. The proposed height and density of the dwellings meets requirements as set out in the Official Plan, demonstrating that the building has appropriate scale and massing and does not overwhelm the lot. As such, staff find there is sufficient separation distance, adequate drainage and rear yard access, as well as mitigate privacy and overlook concerns. The proposed setback is in accordance with section 7.1 of the Official Plan which states that that development and redevelopment will have regard for compatible building form, scale, massing, height, setbacks, and spacing with adjacent buildings, properties, and the surrounding neighbourhood. It also states that adverse impacts on adjacent properties will be minimized regarding drainage, privacy, and views.

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

Variances 3 and 4 of A-27/22

Variance 3 of Application **A-27/22** proposes to reduce the minimum front yard setback to the dwelling from 3.0 metres to 2.96 metres. Variance 4 of Application **A-27/22** proposes to reduce the minimum front yard setback to the garage from 6.0 metres to 2.96 metres. This variance is requested to facilitate the construction of a two-story detached dwelling with an attached garage. The intent of the minimum front yard setback includes providing sufficient separation from the road, provide safe access to the property, and provide landscaped open space. The intent of requiring a greater setback for garages than dwellings is to prevent garages from protruding beyond the front wall of the dwelling and therefore dominating the streetscape, as well as to support pedestrian and vehicle visibility for the adjacent road. The proposed garage will not protrude beyond the front of the dwelling and will be flush with the façade of the dwelling. To have the garage set further back would result in a staggered streetscape, as the proposed setback of the dwelling and garage generally aligns with the adjacent properties. Therefore, staff are of the opinion that the proposed variances would not negatively impact the streetscape.

The minimum front yard setback provision does not consider potential road widenings, illustrating that it is possible for dwellings to be generally in line with neighbouring properties and provide a sufficient setback, but do not meet the requirements set out in the City's Zoning By-law. The proposed setback for the dwelling is 0.04 metres deficient and the proposed setback for the garage does not meet the minimum 6.0 metres, however, the dwelling and garage are generally in line with the surrounding dwellings, provides sufficient separation from the road and the location of the garage does not

protrude beyond the front of the dwelling. Staff are satisfied the variances meet the intent of the Official Plan and Zoning By-law as it will maintain a uniform streetscape.

In the opinion of staff, the proposed variances are minor in nature, desirable for the appropriate use of lands, and meets the general intent of the Official Plan and Zoning By-law.

Variance 5 of A-27/22

Variance 5 of Application **A-27/22** seeks a reduction to the minimum setback from the front lot line for a platform structure (0.15 metres to 0.6 metres above grade) from 3.0 metres to 1.13 metres. This variance is requested to facilitate the proposed construction of a platform structure (covered porch). The intent of the setback from the front lot line to a platform structure is to ensure there is adequate separation between the platform structure and road and to maintain a consistent streetscape. The provisions regarding setbacks for dwellings and platform structures do not consider potential road widenings, illustrating that it is possible for dwellings or structures to be in line with neighbouring properties and provide a sufficient setback, but do not meet the requirements set out in the City's Zoning By-law. The proposed setback for the platform structure does not meet the minimum 3.0 metres, however, the structure is in line with the existing dwelling to the west and provides sufficient separation from the front lot line. If the road widening was not required, the proposed platform structure would meet the zoning by-law's minimum setback from the front lot line. Staff are satisfied the variance meets the intent of the Official Plan and Zoning By-law as it will maintain a uniform streetscape.

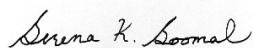
As such, staff find that the requested variance is minor in nature, appropriate for the use of the lands and in keeping with the general intent of the Zoning By-law and Official Plan.

Conclusion

Having regard for matters under Section 53 of *The Planning Act*, staff are of the opinion that Consent Application **B-15/22SC** 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.

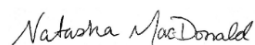
Having regard for matters under Section 45 of *The Planning Act*, staff are of the opinion that Minor Variance Applications **A-26/22 and A-27/22** are in keeping with the general intent of the Official Plan and Zoning By-law, are minor in nature, and are desirable for the appropriate use of the lands. Staff recommend approval of the Applications.

Prepared by:



Serena Soomal
Student Planner

Submitted by:



Natasha MacDonald
Planner I

Approved by:



Margaret Josipovic
Manager, Planning Services

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Alectra Comments RE: 34 Oakdale Avenue, St. Catharines
Date: Saturday, April 2, 2022 10:21:54 AM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)

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



From: Network Info <network.info@horizonutilities.com>
Sent: Friday, April 1, 2022 1:15 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: RE: 34 Oakdale Avenue, 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.

Good afternoon Elaine,

Our office has no comment/objections based on the drawing(s) provided.

Regards,



Samantha Burke
Engineering Clerk, ICI & Layouts
55 John Street North, Hamilton, ON, L8R 3M8
t 905.798.2971
alectrautilities.com
  

*At Alectra, the health and safety of our employees remains our highest priority and we have implemented vaccination policies for all our worksites and offices. Effective **November 12, 2021**, all visitors and contractors entering any Alectra worksite or facility must provide satisfactory proof of vaccination at Security when requested. Couriers and deliveries are excluded. Please review our [visitor vaccine policy](#).*

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: 2022-03-24_CN Comments_34 Oakdale Avenue, St. Catharines
Date: Thursday, March 24, 2022 9:11:07 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: Thursday, March 24, 2022 12:48 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: 2022-03-24_CN Comments_34 Oakdale Avenue, St. Catharines

Thank you for circulating CN on the subject severance application. Given the scale of the subject application, for the creation of a single family residential dwelling on the severed lot and existing dwelling on the retained lot, CN will not be pursuing implementation of its typical criteria for development of sensitive uses in proximity to the railway corridor.

CN recommends the following to be implemented as a condition of approval for the retained and severed lots:

- 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 implementation of certain basic mitigation measures in the dwelling design and construction of the proposed dwelling on the severed lot, 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

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Cogeco Comments, Committee of Adjustment Hearing Notices & Applications - April 13, 2022 Hearing
Date: Wednesday, March 30, 2022 11:11:55 AM

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



From: Doug Crown <doug.crown@cogeco.com>
Sent: Wednesday, March 30, 2022 10:41 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Request for Comments, Committee of Adjustment Hearing Notices & Applications - April 13, 2022 Hearing

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

Hi Elaine

Cogeco has no concerns with these applications.

Have the best day ever

Doug Crown
Network Planning Department
Doug.crown@cogeco.com

7170 Mcleod Rd
Niagara Falls Ont Canada

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

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Former Landfill Comments RE: Request for Comments, Committee of Adjustment Hearing Notices & Applications - April 13, 2022 Hearing
Date: Tuesday, March 29, 2022 10:35:04 AM

34 Oakdale Avenue
22 Inglewood Road

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



From: Vasko, Dennis <dvasko@stcatharines.ca>
Sent: Tuesday, March 29, 2022 10:15 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: RE: Request for Comments, Committee of Adjustment Hearing Notices & Applications - April 13, 2022 Hearing

Hi Elaine,

There are no concerns with the properties in respect to any closed landfills.

Dennis

Dennis Vasko
Fill Site Technician
Tel: [905.688.5601](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 29, 2022

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

B-38/21SC – 152 Lakeshore Road

Comment:

- 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.

Condition:

- A building permit is required to relocate the existing detached dwelling to Part 4 and to complete all inspections to the satisfaction of the Chief Building Official.
- A building permit is required to demolish the existing detached garage and to complete all inspections to the satisfaction of the Chief Building Official.
- A building permit is required to demolish the existing deck and to complete all inspections to the satisfaction of the Chief Building Official.

B-14/21SC – 152B Lakeshore Road

Comment:

- No comment

Condition:

- No comment

34 Oakdale Avenue – B15/22SC

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, meet the requirements of Subsection 9.10.14 and 9.10.15 of the 2012 Ontario Building Code as applicable.

B-16/22SC – 427 Vine Street

Comment:

- No comment

Condition:

- A building permit is required to demolish the existing detached dwelling and to complete all inspections to the satisfaction of the Chief Building Official.
- A building permit is required to demolish the existing accessory structure on Part 2 and to complete all inspections to the satisfaction of the Chief Building Official.

B-17/22SC – 543 Geneva Street

Comment:

- 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.

Condition:

- A building permit is required to demolish the existing detached garage and greenhouse and to complete all inspections to the satisfaction of the Chief Building Official.
- A building permit is required to demolish the existing shed and to complete all inspections 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 west, meet the requirements of Subsection 9.10.14 and 9.10.15 of the 2012 Ontario Building Code as applicable.

B-18/22SC – 2 Dawn Road

Comment:

- No comment

Condition:

- A building permit is required to demolish the existing garage and to complete all inspections to the satisfaction of the Chief Building Official.

B-19/22SC – 4 Dawn Road

Comment:

- No comment

Condition:

- No comment

B-20/22SC – 32A Dorothy Street

Comment:

- No comment

Condition:

- No comment

B-21/22SC – 22A Inglewood Road

Comment:

- No comment

Condition:

- A building permit is required to demolish the existing detached dwelling and to complete all inspections to the satisfaction of the Chief Building Official.

B-22/22SC – 22B Inglewood Road

Comment:

- No comment

Condition:

- A building permit is required to demolish the existing detached dwelling and to complete all inspections to the satisfaction of the Chief Building Official.

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

MEMORANDUM

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

Cc: Wilrik Banda
Planning and Building Services

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

Date: March 29, 2022

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

NO.	ADDRESS	COMMENTS
A-113/21	152A Lakeshore Road	Be advised that a building permit is required to construct the single detached dwelling.
A-114/21	152BA Lakeshore Road	No Comment
A-26/22	34 Oakdale Avenue	No Comment
A-27/22	36 Oakdale Avenue	Be advised that a building permit is required to construct the single detached dwelling.
A-19/22	4 Clearview Crescent	Be advised that the current building permit (21118297RN) shall be completed prior to construction. Be advised that a building permit is required to construct an attached garage.

NO.	ADDRESS	COMMENTS
A-20/22	14 Glen Park Road	Be advised that a building permit is required to demolish the existing detached garage. Be advised that a building permit is required to construct the detached garage.
A-28/22	427A Vine Street	Be advised that a building permit is required to construct the semi-detached dwelling.
A-29/22	427B Vine Street	Be advised that a building permit is required to construct the semi-detached dwelling.
A-30/22	583 Welland Avenue	Be advised that a building permit is required to construct two 5 storey apartment buildings.
A-31/22	543 Geneva Street	Be advised that a building permit is required to construct a single detached dwelling.
A-32/22	32A Dorothy Street	Be advised that a building permit is required to construct a single detached dwelling.
A-33/22	32B Dorothy Street	Be advised that a building permit is required to construct a single detached dwelling.
A-34/22	68 Jarrow Road	Be advised that a building permit is required to construct a sunroom.
A-35/22	22A Inglewood Road	Be advised that a building permit is required to construct a three unit townhouse.
A-36/22	22B Inglewood Road	Be advised that a building permit is required to construct a three unit townhouse.

NO.	ADDRESS	COMMENTS
A-37/22	22C Inglewood Road	Be advised that a building permit is required to construct a three unit townhouse.
A-38/22	72 Concord Avenue	Be advised that a building permit is required for the proposed accessory dwelling unit.



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: April 8, 2022

Subject: Committee of Adjustment Applications – April 13, 2022 Hearing

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

152 Lakeshore Road, Consent, B-38/21SC – 21118450
152B Lakeshore Road, Consent, B-14/22SC – 22100934
152A Lakeshore Road, Minor Variance, A-113/21 – 21118453
152B Lakeshore Road, Minor Variance, A-114/21 – 21118454

In support of these applications, the applicant has submitted a Tree Inventory and Preservation Plan Report, prepared by Jackson Arboriculture Inc., dated March 25, 2022. The Report confirms the locations and health of one City boulevard tree, trees on the subject site and adjacent properties, as well as boundary trees. The Report provides recommendations for either preservation or removal for each of the 18 trees inventoried, based on the drawings submitted with the initial application.

The report indicates that there are several Norway Maple trees located on the neighbouring property to the east, and on the common boundary between that neighbouring property and the subject lands. The report recommends that these trees be removed, with permission from the neighbouring homeowner, to facilitate relocation of the existing dwelling. The report does suggest, however, that the trees in question could be saved if a greater front yard setback were provided for the relocated dwelling.

Following submission of this Report, the applicant provided updated drawings that show the relocated home positioned further back on the lot and rotated to achieve greater front and interior side yards. Additionally, it is our understanding that the Applicant will be withdrawing its request for a reduced front yard setback and will comply with the minimum 13.8 metres prescribed. CRCS is supportive of the increased front and interior side yard setbacks, which provide greater protection to the Norway Maple trees discussed above. CRCS staff would otherwise object to the minor variance to reduce the front yard setback.

The applicant is proposing a common driveway, which will extend into the rear yards and provide access to two parking spaces on each lot. To mitigate the impact that vehicle headlights might have on neighbouring properties, CRCS staff recommend that the existing wood board fence be retained for both lots, as well as the stand of mature trees along the rear lot line.

The applicant has requested several minor variances for the new dwelling, including reductions in front yard setback, interior side yard setback, lot frontage, as well as an increase in maximum paved area. The applicant has also requested a minor variance for reduced lot frontage for the relocated dwelling. All of these variances will reduce the overall amount of greenspace that can be provided on the subject lands. Staff have no objection to these variances on the condition that the future development agreement restrict the use of the front yards for parking in any area that hasn't already been illustrated on the drawings submitted with the applications. Without such a condition in place, it is possible that gravel parking areas could be installed in the front yards, further reducing on-site greenspace. This would also impact the overall character of the street, where front yards generally consist of wide lawn areas.

Should the applications for consent and minor variance 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.
3. That the future development agreement address the following requirements:
 - a. That the applicant implement the recommendations of the Tree Inventory and Preservation Plan Report, prepared by Jackson Arboriculture Inc., dated March 25, 2022, for trees 1, 2, and 8 thru 18 identified in that report.
 - b. That for trees 3 thru 7 identified in the same Report, the applicant implement standard mitigation measures and best practices for tree preservation and protection described in Table 2 and Section 6.2 "Tree Preservation" thereof.
 - c. That the approved plans clearly illustrate tree protection zones and notes.

- d. That the front yard driveways and parking areas for both lots be restricted to what is generally shown on the plans submitted with these applications.

34 Oakdale Avenue, Consent, B-15/22SC – 22101119

34 Oakdale Avenue, Minor Variance, A-26/22 – 22101120

36 Oakdale Avenue, Minor Variance, A-27/22 – 22101123

CRCS has no concerns with the proposed creation of a new lot to facilitate the construction of a detached dwelling, nor the majority of the minor variances being sought. With respect to the requested variance to reduce the minimum lot frontage for the new lot, CRCS is satisfied that adequate open space/amenity area will be achieved in the front yard so long as the proposed driveway does not exceed the size shown on the plans.

Staff note that there are two mature trees located in front of the existing home. Once the required road widening is dedicated to the City, these trees will be located within the public road allowance. Staff are awaiting comments from the Forestry Section as to whether the trees will need to be removed or can remain.

Should the applications for consent and minor variance 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.
3. That the future development agreement restrict the width of the driveway on 36 Oakdale Avenue to 3.5 metres.

4 Clearview Crescent, Minor Variance, A-19/22 – 22100841

No comment.

14 Glen Park Road, Minor Variance, A-20/22 – 22100843

No comment

427 Vine Street, Consent, B-16/22SC – 22101141

427A Vine Street, Minor Variance, A-28/22 – 22101144

427B Vine Street, Minor Variance, A-29/22 – 22101145

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

Staff note that there is a tree within the Vine Street boulevard that conflicts with the proposed driveway for the southerly unit. Typically these conflicts are flagged during the pre-submission consultation stage and the applicant would be required to adjust the location of the driveway and/or submit a tree preservation and protection plan to ensure the tree is retained unharmed. Given this conflict was not flagged during that previous application, the tree will need to be removed and replaced with a specimen of equal value. The applicant will be responsible for the costs associated with this.

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.
3. That the applicant submit a payment for the removal and replacement of the existing boulevard tree by City forces, in accordance with the City's current Schedule of Rates and Fees.

583 Welland Avenue, Minor Variance, A-30/22 – 22101184

CRCS staff have no concerns with the requested increase in density, nor the requested reduced lot frontage. Staff acknowledge that the minor variance required for reduced landscape open space is a result of an oversight in zoning compliance that occurred during the site plan approval process. An approved landscape plan is in place as part of the site plan agreement. It is staff's opinion that requiring the applicant to comply with the landscaping requirements of the Zoning By-law at this point would be onerous. Accordingly, staff offer no objection to the application.

543 Geneva Street, Consent, B-17/22SC – 22101208
543 Geneva Street, Minor Variance, A-31/22 – 22101215

CRCS has no concerns with the proposed creation of a new lot to facilitate the construction of a detached dwelling fronting onto Marsten Drive, nor the requested minor variance being sought. Staff note that the majority of the proposed rear yard of the existing home is covered by a concrete driveway. A reduction in the minimum rear yard is sought, however staff is satisfied that there is opportunity to create sufficient private amenity area by shortening the length of the driveway, if desired by the applicant.

We note that a mature tree exists in the Marsten Drive boulevard and care must be taken not to damage this tree during construction of the new dwelling. CRCS recommends that certain mitigation measures be implemented through the future development agreement to address this.

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

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.
3. That the future development agreement address the following requirements:
 - a. That prior to any construction activities commencing on site, a tree protection zone at least 4 metres in radius be installed around the trunk of the tree to be retained, and that such tree protection zone remain in place for the duration of construction.
 - b. That no soil, construction materials, equipment, or vehicles of any sort be stored or otherwise located within the tree protection zone.
 - c. That the garage and driveway for the new dwelling be located adjacent to the westerly lot line, as far as possible from the retained tree.
 - d. That servicing for the new dwelling be located – and all excavation occur - as far as possible from the critical root zone of the retained tree (approximately 6.0 metres from the trunk).

2 Dawn Road, Consent, B-18/22SC – 22101220
4 Dawn Road, Consent, B-19/22SC – 22101221
32A Dorothy Street, Consent, B-20/22SC – 22101222
32A Dorothy Street, Minor Variance, A-32/22 – 22101240
32B Dorothy Street, Minor Variance, A-33/22 – 22101241

CRCS has no concerns with the proposed creation of two new lots to facilitate the construction of two detached dwellings fronting onto Dorothy Street. With respect to the requested minor variances to reduce the minimum lot frontage for each new lot, CRCS is satisfied that adequate open space/landscaped area can be achieved so long as the proposed driveways do not exceed the size shown on the plans. Should the applications for consent and minor variance 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 the future development agreement restrict the width of the driveways to 6.1 metres for 32A Dorothy Street and 6.0 metres for 23B Dorothy Street.

68 Jarrow Road, Minor Variance, A-34/22- 22101242

No comment.

22 Inglewood Road, Consent, B-21/22S 2101253
22 Inglewood Road, Consent, B-22/22SC – 22101257
22A Inglewood Road, Minor Variance, A-35/22 – 22101265
22B Inglewood Road, Minor Variance, A-36/22 – 22101267
22C Inglewood Road, Minor Variance, A-37/22 – 22101268

CRCS has no concerns with the proposed creation of two new lots to facilitate the construction of three street townhomes, nor the requested minor variances.

In accordance with section 13.2.2.10 of the Garden City Plan the applicant will be required to convey to the city the natural/conservation area at the rear of all three lots (Part 4), which will be merged with the adjacent City-owned lands. Further, the applicant

will be required to pay for and construct a 1.8 metre high black vinyl chain link fence along the new rear lot lines to ensure encroachment into the natural areas is prevented in the future.

In lieu of the applicant submitting a tree preservation and protection plan, staff suggest that the existing fencing at the rear of all three lots remain in place throughout construction of the proposed dwellings to ensure existing trees in the natural area are retained.

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

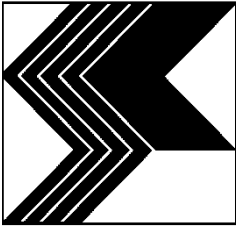
1. That payment of 5% of the appraised value of the new lots be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53(13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the 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 the applicant dedicate gratuitously to the City, free and clear of any contamination encumbrance, the natural areas at the rear of all three lots, illustrated as Part 4 on the submitted survey sketch.
4. That the future development agreement address the following requirements:
 - a. That the existing fence located at the rear of the subject lands remain in place throughout construction of the townhomes to ensure existing trees within the natural area are protected.
 - b. Upon completion of construction of the townhomes and removal of the existing fence referred to above, the applicant will be required to construct, at its own expense, a 1.8 metre high black vinyl chain link fence (OPSD 972.130) along the future rear lot lines of the townhomes (to be constructed on City-owned lands).

72 Concord Avenue, Minor Variance, A-38/22 – 22101275

No comment.

Amanda Knutson
Community Project & Development Planner

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-15/22SC



March 29, 2022

ENGINEERING FILE 300-36

Hearing Date: April 13, 2021
Applicant: George & Joanne Gadula
Location: 34 Oakdale Avenue

MUNICIPAL SERVICES

Water:	300mm C.I.
Sanitary:	600mm Concrete
Storm:	525mm Concrete
Sidewalks:	Yes
Road Allowance:	20.12m

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

Comment(s): It is noted the Owner wishes to sever Part 1 for a proposed single detached dwelling. A remnant parcel (Part 2) with the existing single detached dwelling is to be retained for continued residential use.

Roads

Oakdale Avenue is designated a Collector Mixed-use road as per the City’s Transportation Master Plan, with a desired right-of-way width of 26.0m along this section. Its current width is 20.12m, therefore the City shall require a widening along the frontage established based on the centreline of the original road allowance to obtain half of the required amount desired to achieve a 26.12m right-of-way width of approximately 3.05m, transferred to the City free and clear of any encumbrances to be known as Public Highway Oakdale Avenue. A draft reference plan shall be submitted for review and approval prior to the registration in the Land Registry Office and forwarded to the City. The City will then move forward with acceptance of the land transfer by Municipal By-law.

Sidewalks

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

Engineering Services

Increased drainage challenges occur in these types of in-fill developments where existing lots within established neighbourhoods sometimes do not have suitable drainage outlets in place. The owner must retain at their cost, a qualified Engineer or Ontario Land Surveyor to prepare a Master Lot Grading and Drainage plan for the proposed lot. The plan shall be submitted for review, and approved by City staff, prior to the finalization of the consent. City staff will review the plan to ensure that the drainage scheme of the existing, and proposed future lots convey drainage to a

suitable outlet(s), while at the same time not adversely affect abutting properties.

Sump pump flows are typically discharged to grade, when no opportunities to connect to a storm sewer in the road allowance exist. Since a storm sewer exists on Oakdale Avenue, weeping tile drainage shall be discharged via sump pump to a storm sewer lateral provided, at the costs of the owner, through the building permit process for the single-detached dwelling and be identified on the proposed Master Lot Grading plan through the front foundation wall only. The house designs shall ensure rainwater leaders (downspouts) are directed/discharged to the front/rear of the lot only. The location and direction of the roof water discharge pipes must also be identified on the grading and drainage plan.

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

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

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

Prepared by:



Brad Johnston, C.E.T.
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 29, 2022
Hearing Date: April 13, 2022
Subject: **Committee of Adjustment - Minor Variance Applications**
152A&B Lakeshore Road – A-113&114/21SC
34 Oakdale Avenue - A-26&27/22SC
4 Clearview Crescent – A-19/22SC
14 Glen Park Road – A-20/22SC
427A&B Vine Street – A-28&29/22SC
583 Welland Avenue – A-30/22SC
543 Geneva Street – A-31/22SC
32A&B Dorothy Street – A-32&33/22SC
68 Jarrow Road – A-34/22SC
22A,B&C Inglewood Road – A-35,36&37/22SC
72 Concord Avenue – A-38/22SC

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.

Development Engineering have no comments or objections, subject to the following, applicable to;

- The Applicant of **14 Glen Park Road** be advised that a Grading Plan, prepared by a Professional Engineer or an Ontario Land Surveyor, shall be required as part of the submission and review of the building permit application process; and
- The Minor Variance application for **68A Jarrow Road** be **deferred** until such time as a localized Grading Plan, prepared by a Professional Engineer or an Ontario Land Surveyor, is submitted for review and approval by the City, or else the applicant meet the required 1.20m setback

Prepared by:

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

To: Elaine Munro, Committee Secretary and Planning Technician

Cc:

From: Steve Bittner, Transportation Technologist

Date: March 24, 2022

Subject: Committee of Adjustment Comments (April 13, 2022 Hearing)

Upon review of the applications, we have no concerns or requirements.

Steve Bittner
Transportation Technologist

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

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

COMMENTS

A-19/22

4 Clearview Crescent

DATE OF HEARING:
April 13, 2022



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: April 8, 2022

Date of Meeting: April 13, 2022

Report Number: A-19/22

File: 20100841

Subject: 4 Clearview Crescent

Recommendation

That submission **A-19/22** by 1703306 Ontario Inc., as outlined in the Notice of Hearing, be approved.

Report The Proposal

Application **A-19/22** seeks relief from the City of St. Catharines By-law 2013-283, as amended, to construct a proposed attached garage. The applicant proposed to extend the legal non-conforming use to permit a portion of the proposed attached garage to fall within the Conservation / Natural Area (G1) Zone. The applicant is requesting permission for the garage to protrude beyond the dwelling unit, increase the maximum driveway width, and reduce the minimum side yard setback than permitted in the zoning By-law. There is currently a carport on the property that would need to be demolished to facilitate this proposal. The requested variances are outlined in the table below.

Variance	Provision	Required	Proposed
-	Permission to extend the legal non-conforming use to allow a portion of the proposed attached garage to extend into the Conservation / Natural Area (G1) Zone		
1	Permission for the attached garage to protrude beyond the corresponding wall of the dwelling unit		
2	Increase of the maximum driveway width	7.5 metres	9.22 metres
3	Reduction of the minimum side yard setback for an accessory structure	0.6 metres	0.52 metres

Location and Site Description

The subject property is located on the east side of Clearview Crescent and north of Rockdale Avenue. The neighbourhood is low density residential and is primarily comprised of detached dwellings.

Circulation of Application

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

Planning Policy Context

Official Plan (Garden City Plan)

The northwest portion 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 E9. The southeast portion of the subject property is designated Natural Areas on Schedule D1 and E9 of the GCP.

Zoning By-law (2013-283)

The northwest portion of the subject property is zoned Low Density Residential – Suburban Neighbourhood (R1). The southeast portion of the subject property is zoned Conservation / Natural Area (G1).

Planning Analysis

Extension of Non-Conforming Use (Residential Dwelling)

The applicant requests permission to extend the legal non-conforming use to allow a portion of the proposed attached garage to extend into the Conservation / Natural Area (G1) Zone. The existing dwelling was constructed in 1960 and has been used as such in continuity to this day. A rear corner portion of the dwelling is located within the G1 designation outlined in the current Zoning By-law. The G1 zone does not permit detached dwellings, and so this building is non-conforming where it extends into the G1 designated lands. The applicant is requesting to enclose a carport and extend it southward, resulting in a corner of the new enclosed garage to encroach into the G1 zone as well.

The G1 designation is in place due to a slope regulated by the Niagara Peninsula Conservation Authority (NPCA), and a Regionally recognized Significant Woodland. The slope crosses the property to the rear. The NPCA has reviewed this application and note that the project remains a considerable distance from the slope on the property. They have no objection to this proposal. An Environmental Impact Study (EIS) is generally required in support of site alteration and/or development proposed within 50 m of Significant Woodland. The proposed garage is within 50 m of Significant Woodland, but is located in the front yard in the general footprint of an existing carport, and separated from the feature by the existing dwelling. As such, Niagara Region's Environmental Planning staff offer no objection to the proposal.

The change in elevation along the southern portion of the property serves as a natural buffer, mitigating any impact on the adjacent property to the south. Due to the irregular shape of the lot and the orientation of the existing dwelling, there is limited space on the property that is identified as being within the R1 Zone that can comfortably accommodate the proposed garage. It is considered most appropriate to locate the garage on the foundation of the former carport. The proposed extension of the garage into the G1 zone is considered appropriate and staff recommend approval of this request.

Variance 1

The second variance seeks permission for the attached garage to protrude beyond the corresponding wall of the dwelling unit. The intent of this provision is to ensure that garages do not dominate the streetscape and façade of the dwelling, and to ensure consistent built form within the neighbourhood. The projection of the garage beyond the front of the dwelling is proposed due to the irregular shape of the lot, the orientation of the existing building, and the location of the existing driveway and carport. The garage is intended to replace the existing carport in largely the same location. There are no anticipated adverse affects on surrounding properties. The proposed attached garage meets height requirements and will not negatively affect the streetscape or façade of the dwelling. Staff find that the requested variance is considered minor in nature, desirable for the appropriate use of lands, and meets the general intent of the Official Plan and Zoning By-law.

Variance 2

The third variance requests an increase to the maximum driveway width from 7.5 metres to 9.22 metres, resulting in an increase of 1.72 metres. The intent of the maximum driveway width is to ensure that the property is not dominated by hard surfaces and to ensure that adequate width is provided for vehicular parking and access. This variance is requested to facilitate the proposed construction of an attached garage. The proposal meets landscaping and parking requirements, indicating that the property will not be dominated by impervious surfaces and sufficient space will be provided for parking. As such, the proposed variance will not result in any adverse effects on neighbouring properties. The request variance does not compromise the prevailing character of the neighbourhood and does not negatively impact the streetscape. Staff find that the requested variance is considered minor in nature, desirable for the appropriate use of lands, and meets the general intent of the Official Plan and Zoning By-law.

Variance 3

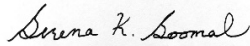
The fourth variance seeks a reduction of the minimum side yard setback for an accessory structure from 0.6 metres to 0.52 metres, resulting in a decrease of 0.08 metres. The intent of the side yard setback for an accessory structure is to provide sufficient separation distance from abutting properties as to not overwhelm the lot, ensure adequate drainage, access to for maintenance purposes, protect privacy, and prevent overlook. The accessory structure is a shed located along the north property line in the rear yard. In the opinion of staff, the requested variance is considered minor

in nature, desirable for the appropriate use of lands, and meets the general intent of the Official Plan and Zoning By-law.

Conclusion

Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Variances 1, 2 and 3 of Application **A-19/22** 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. Additionally, staff are of the opinion that the request to extend a legal non-conforming use is appropriate, compatible with the surrounding area and will have no negative impacts. Staff recommend approval of the Application.

Prepared by:



Serena Soomal
Student Planner

Submitted by:



Charlotte McEwan, MCIP, RPP
Planner I

Approved by:



Margaret Josipovic, BES, MPA
Manager of Planning Services

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Regional Comments - 4 Clearview Cres., & 68 Jarrow Road - Committee of Adjustment Hearing Notices & Applications - April 13, 2022 Hearing
Date: Wednesday, April 6, 2022 2:19:22 PM

Elaine Munro ACST

Committee Secretary and Planning Technician

Tel: 905.688.5601 x1715

Email: emunro@stcatharines.ca



How are you feeling?

Find mental health resources that can help.

From: Dunsmore, Susan <Susan.Dunsmore@niagararegion.ca>
Sent: Wednesday, April 6, 2022 2:03 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>; Aimee Alderman <aimee.alderman@niagararegion.ca>
Subject: RE: Request for Comments_ Committee of Adjustment Hearing Notices & Applications - April 13, 2022 Hearing

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

Hello Elaine,

Our Environmental staff have reviewed the following two minor variances and have provided the following comments, we will not be issuing a formal letter if you would please provided the following information to the applicants we would appreciate it.

If you have any questions or concerns please contact me at your convenience.

Thank you

Susan M. Dunsmore, P. Eng.

Manager, Development Engineering
Planning and Development Services

Phone: (905) 980-6000 or 1-800-263-7215 ext 3661

Address: 1815 Sir Isaac Brock Way, Thorold ON, L2V4T7



MV-22-0031 – 4 Clearview – A19/22

- The subject property is impacted by the Region's Core Natural Heritage System (CNHS), consisting of Significant Woodland. Consistent with Regional Official Plan (ROP) Policy 7.B.1.11, an Environmental Impact Study (EIS) is generally required in support of site alteration and/or development proposed within 50 m of Significant Woodland.

The proposed garage is within 50 m of Significant Woodland, but is located in the front yard in the general footprint of an existing carport, and separated from the feature by the existing dwelling. As such, Environmental Planning staff offer no objection to the minor variance.

MV-22-0032 – 68 Jarrow – A34/22

- The subject property is impacted by the Region's Core Natural Heritage System (CNHS), consisting of Significant Woodland and Type 2 (Important) Fish Habitat. Consistent with Regional Official Plan (ROP) Policy 7.B.1.11 and 7.B.1.15, an Environmental Impact Study (EIS) is generally required in support of site alteration and/or development proposed within 50 m of Significant Woodland and within 15 m of Type 2 Fish Habitat.

The proposed sunroom is within 50 m of Significant Woodland, but is separated from the feature by an existing garage. As such, Environmental Planning staff offer no objection to the minor variance.

April 4, 2022

Our File No.: PLMV202200354

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
4 Clearview Crescent

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

The purpose and effect of the application is to permit to extend the legal non-conforming use to allow a portion of the proposed attached garage to extend into the Green Space (G1) Zone; and to permit the attached garage to protrude beyond the corresponding wall of the dwelling unit. An increase of the maximum driveway width from 7.5 metres to 9.22 metres, and a reduction of the minimum side yard setback for an accessory structure from 0.6 metres to 0.52 metres is also 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 an NPCA regulated slope, which crosses the property. The NPCA has reviewed this application, but note the project remains a considerable distance from the slope on the property. Staff do not offer objection to the proposed. A permit from this Office would not be required with plans as presented.

Conclusion:

Given the above, please be advised the NPCA is supportive of this application, City File Number: A-19/22. 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



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

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 blue ink, appearing to read "Taran Lennard".

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

November 1, 2021

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

Attention: Kanwal Paul

File# 21 118297 RN

Re: 4 Clearview Cres

In response to your correspondence dated October 21, 2021, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

- For Residential/Commercial electrical service requirements, the Developer needs to contact our ICI and Layouts Department at 1-877-963-6900 ext: 25713 or visit our web site @ www.alectrautilities.com.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.
- Existing underground secondary service is in conflict with proposed garage addition. Contact ICI group for new service relocation options.

We would also like to stipulate the following:

- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Alectra Utilities must be contacted if the removal, isolation or relocation of existing plant is required, all cost associated with this work will be at the owners expense.

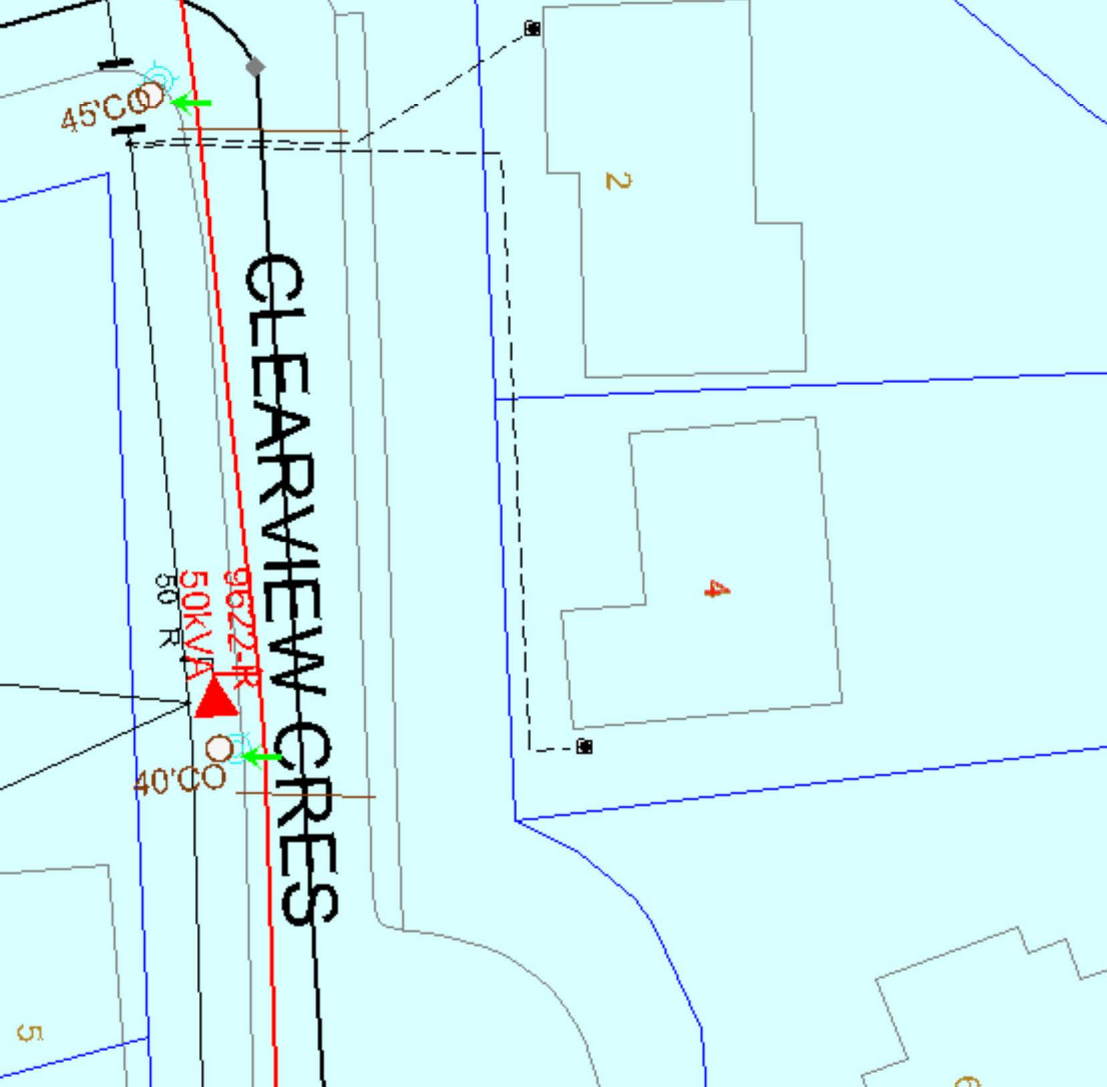
- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call @ 1-800-400-2255.
- Clearances from Overhead and Underground existing electrical distribution system must be maintained in according to:
 - Ontario Building Code (1997) Section 3.1 (3.1.18.1)
 - Electrical Safety Code Rule 75-312
 - Occupational Health and Safety Act (OH&SA) – Construction Projects (Electrical Hazards)
 - CAN/CSA-C22.3 No. 1-15, Overhead System
 - C22.3 No. 7-15 Underground Systems

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

Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital



From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Cogeco Comments, Committee of Adjustment Hearing Notices & Applications - April 13, 2022 Hearing
Date: Wednesday, March 30, 2022 11:11:55 AM

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



From: Doug Crown <doug.crown@cogeco.com>
Sent: Wednesday, March 30, 2022 10:41 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Request for Comments, Committee of Adjustment Hearing Notices & Applications - April 13, 2022 Hearing

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

Hi Elaine

Cogeco has no concerns with these applications.

Have the best day ever

Doug Crown
Network Planning Department
Doug.crown@cogeco.com

7170 Mcleod Rd
Niagara Falls Ont Canada

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

MEMORANDUM

To: Elaine Munro, Committee Secretary & Planning Clerk
 Planning and Building Services
 Cc: Wilrik Banda
 Planning and Building Services
 From: Lou Grossi, Building Inspector II
 Planning and Building Services
 Date: March 29, 2022
 Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – March 30, 2022 hearing

NO.	ADDRESS	COMMENTS
A-113/21	152A Lakeshore Road	Be advised that a building permit is required to construct the single detached dwelling.
A-114/21	152BA Lakeshore Road	No Comment
A-26/22	34 Oakdale Avenue	No Comment
A-27/22	36 Oakdale Avenue	Be advised that a building permit is required to construct the single detached dwelling.
A-19/22	4 Clearview Crescent	Be advised that the current building permit (21118297RN) shall be completed prior to construction. Be advised that a building permit is required to construct an attached garage.

NO.	ADDRESS	COMMENTS
A-20/22	14 Glen Park Road	Be advised that a building permit is required to demolish the existing detached garage. Be advised that a building permit is required to construct the detached garage.
A-28/22	427A Vine Street	Be advised that a building permit is required to construct the semi-detached dwelling.
A-29/22	427B Vine Street	Be advised that a building permit is required to construct the semi-detached dwelling.
A-30/22	583 Welland Avenue	Be advised that a building permit is required to construct two 5 storey apartment buildings.
A-31/22	543 Geneva Street	Be advised that a building permit is required to construct a single detached dwelling.
A-32/22	32A Dorothy Street	Be advised that a building permit is required to construct a single detached dwelling.
A-33/22	32B Dorothy Street	Be advised that a building permit is required to construct a single detached dwelling.
A-34/22	68 Jarrow Road	Be advised that a building permit is required to construct a sunroom.
A-35/22	22A Inglewood Road	Be advised that a building permit is required to construct a three unit townhouse.
A-36/22	22B Inglewood Road	Be advised that a building permit is required to construct a three unit townhouse.

NO.	ADDRESS	COMMENTS
A-37/22	22C Inglewood Road	Be advised that a building permit is required to construct a three unit townhouse.
A-38/22	72 Concord Avenue	Be advised that a building permit is required for the proposed accessory dwelling unit.



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: April 8, 2022

Subject: Committee of Adjustment Applications – April 13, 2022 Hearing

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

152 Lakeshore Road, Consent, B-38/21SC – 21118450
152B Lakeshore Road, Consent, B-14/22SC – 22100934
152A Lakeshore Road, Minor Variance, A-113/21 – 21118453
152B Lakeshore Road, Minor Variance, A-114/21 – 21118454

In support of these applications, the applicant has submitted a Tree Inventory and Preservation Plan Report, prepared by Jackson Arboriculture Inc., dated March 25, 2022. The Report confirms the locations and health of one City boulevard tree, trees on the subject site and adjacent properties, as well as boundary trees. The Report provides recommendations for either preservation or removal for each of the 18 trees inventoried, based on the drawings submitted with the initial application.

The report indicates that there are several Norway Maple trees located on the neighbouring property to the east, and on the common boundary between that neighbouring property and the subject lands. The report recommends that these trees be removed, with permission from the neighbouring homeowner, to facilitate relocation of the existing dwelling. The report does suggest, however, that the trees in question could be saved if a greater front yard setback were provided for the relocated dwelling.

Following submission of this Report, the applicant provided updated drawings that show the relocated home positioned further back on the lot and rotated to achieve greater front and interior side yards. Additionally, it is our understanding that the Applicant will be withdrawing its request for a reduced front yard setback and will comply with the minimum 13.8 metres prescribed. CRCS is supportive of the increased front and interior side yard setbacks, which provide greater protection to the Norway Maple trees discussed above. CRCS staff would otherwise object to the minor variance to reduce the front yard setback.

The applicant is proposing a common driveway, which will extend into the rear yards and provide access to two parking spaces on each lot. To mitigate the impact that vehicle headlights might have on neighbouring properties, CRCS staff recommend that the existing wood board fence be retained for both lots, as well as the stand of mature trees along the rear lot line.

The applicant has requested several minor variances for the new dwelling, including reductions in front yard setback, interior side yard setback, lot frontage, as well as an increase in maximum paved area. The applicant has also requested a minor variance for reduced lot frontage for the relocated dwelling. All of these variances will reduce the overall amount of greenspace that can be provided on the subject lands. Staff have no objection to these variances on the condition that the future development agreement restrict the use of the front yards for parking in any area that hasn't already been illustrated on the drawings submitted with the applications. Without such a condition in place, it is possible that gravel parking areas could be installed in the front yards, further reducing on-site greenspace. This would also impact the overall character of the street, where front yards generally consist of wide lawn areas.

Should the applications for consent and minor variance 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.
3. That the future development agreement address the following requirements:
 - a. That the applicant implement the recommendations of the Tree Inventory and Preservation Plan Report, prepared by Jackson Arboriculture Inc., dated March 25, 2022, for trees 1, 2, and 8 thru 18 identified in that report.
 - b. That for trees 3 thru 7 identified in the same Report, the applicant implement standard mitigation measures and best practices for tree preservation and protection described in Table 2 and Section 6.2 "Tree Preservation" thereof.
 - c. That the approved plans clearly illustrate tree protection zones and notes.

- d. That the front yard driveways and parking areas for both lots be restricted to what is generally shown on the plans submitted with these applications.

34 Oakdale Avenue, Consent, B-15/22SC – 22101119

34 Oakdale Avenue, Minor Variance, A-26/22 – 22101120

36 Oakdale Avenue, Minor Variance, A-27/22 – 22101123

CRCS has no concerns with the proposed creation of a new lot to facilitate the construction of a detached dwelling, nor the majority of the minor variances being sought. With respect to the requested variance to reduce the minimum lot frontage for the new lot, CRCS is satisfied that adequate open space/amenity area will be achieved in the front yard so long as the proposed driveway does not exceed the size shown on the plans.

Staff note that there are two mature trees located in front of the existing home. Once the required road widening is dedicated to the City, these trees will be located within the public road allowance. Staff are awaiting comments from the Forestry Section as to whether the trees will need to be removed or can remain.

Should the applications for consent and minor variance 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.
3. That the future development agreement restrict the width of the driveway on 36 Oakdale Avenue to 3.5 metres.

4 Clearview Crescent, Minor Variance, A-19/22 – 22100841

No comment.

14 Glen Park Road, Minor Variance, A-20/22 – 22100843

No comment

427 Vine Street, Consent, B-16/22SC – 22101141

427A Vine Street, Minor Variance, A-28/22 – 22101144

427B Vine Street, Minor Variance, A-29/22 – 22101145

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

Staff note that there is a tree within the Vine Street boulevard that conflicts with the proposed driveway for the southerly unit. Typically these conflicts are flagged during the pre-submission consultation stage and the applicant would be required to adjust the location of the driveway and/or submit a tree preservation and protection plan to ensure the tree is retained unharmed. Given this conflict was not flagged during that previous application, the tree will need to be removed and replaced with a specimen of equal value. The applicant will be responsible for the costs associated with this.

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.
3. That the applicant submit a payment for the removal and replacement of the existing boulevard tree by City forces, in accordance with the City's current Schedule of Rates and Fees.

583 Welland Avenue, Minor Variance, A-30/22 – 22101184

CRCS staff have no concerns with the requested increase in density, nor the requested reduced lot frontage. Staff acknowledge that the minor variance required for reduced landscape open space is a result of an oversight in zoning compliance that occurred during the site plan approval process. An approved landscape plan is in place as part of the site plan agreement. It is staff's opinion that requiring the applicant to comply with the landscaping requirements of the Zoning By-law at this point would be onerous. Accordingly, staff offer no objection to the application.

543 Geneva Street, Consent, B-17/22SC – 22101208
543 Geneva Street, Minor Variance, A-31/22 – 22101215

CRCS has no concerns with the proposed creation of a new lot to facilitate the construction of a detached dwelling fronting onto Marsten Drive, nor the requested minor variance being sought. Staff note that the majority of the proposed rear yard of the existing home is covered by a concrete driveway. A reduction in the minimum rear yard is sought, however staff is satisfied that there is opportunity to create sufficient private amenity area by shortening the length of the driveway, if desired by the applicant.

We note that a mature tree exists in the Marsten Drive boulevard and care must be taken not to damage this tree during construction of the new dwelling. CRCS recommends that certain mitigation measures be implemented through the future development agreement to address this.

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

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.
3. That the future development agreement address the following requirements:
 - a. That prior to any construction activities commencing on site, a tree protection zone at least 4 metres in radius be installed around the trunk of the tree to be retained, and that such tree protection zone remain in place for the duration of construction.
 - b. That no soil, construction materials, equipment, or vehicles of any sort be stored or otherwise located within the tree protection zone.
 - c. That the garage and driveway for the new dwelling be located adjacent to the westerly lot line, as far as possible from the retained tree.
 - d. That servicing for the new dwelling be located – and all excavation occur - as far as possible from the critical root zone of the retained tree (approximately 6.0 metres from the trunk).

2 Dawn Road, Consent, B-18/22SC – 22101220
4 Dawn Road, Consent, B-19/22SC – 22101221
32A Dorothy Street, Consent, B-20/22SC – 22101222
32A Dorothy Street, Minor Variance, A-32/22 – 22101240
32B Dorothy Street, Minor Variance, A-33/22 – 22101241

CRCS has no concerns with the proposed creation of two new lots to facilitate the construction of two detached dwellings fronting onto Dorothy Street. With respect to the requested minor variances to reduce the minimum lot frontage for each new lot, CRCS is satisfied that adequate open space/landscaped area can be achieved so long as the proposed driveways do not exceed the size shown on the plans. Should the applications for consent and minor variance 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 the future development agreement restrict the width of the driveways to 6.1 metres for 32A Dorothy Street and 6.0 metres for 23B Dorothy Street.

68 Jarrow Road, Minor Variance, A-34/22- 22101242

No comment.

22 Inglewood Road, Consent, B-21/22S 2101253
22 Inglewood Road, Consent, B-22/22SC – 22101257
22A Inglewood Road, Minor Variance, A-35/22 – 22101265
22B Inglewood Road, Minor Variance, A-36/22 – 22101267
22C Inglewood Road, Minor Variance, A-37/22 – 22101268

CRCS has no concerns with the proposed creation of two new lots to facilitate the construction of three street townhomes, nor the requested minor variances.

In accordance with section 13.2.2.10 of the Garden City Plan the applicant will be required to convey to the city the natural/conservation area at the rear of all three lots (Part 4), which will be merged with the adjacent City-owned lands. Further, the applicant

will be required to pay for and construct a 1.8 metre high black vinyl chain link fence along the new rear lot lines to ensure encroachment into the natural areas is prevented in the future.

In lieu of the applicant submitting a tree preservation and protection plan, staff suggest that the existing fencing at the rear of all three lots remain in place throughout construction of the proposed dwellings to ensure existing trees in the natural area are retained.

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 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 the applicant dedicate gratuitously to the City, free and clear of any contamination encumbrance, the natural areas at the rear of all three lots, illustrated as Part 4 on the submitted survey sketch.
4. That the future development agreement address the following requirements:
 - a. That the existing fence located at the rear of the subject lands remain in place throughout construction of the townhomes to ensure existing trees within the natural area are protected.
 - b. Upon completion of construction of the townhomes and removal of the existing fence referred to above, the applicant will be required to construct, at its own expense, a 1.8 metre high black vinyl chain link fence (OPSD 972.130) along the future rear lot lines of the townhomes (to be constructed on City-owned lands).

72 Concord Avenue, Minor Variance, A-38/22 – 22101275

No comment.

Amanda Knutson

Community Project & Development Planner



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 29, 2022
Hearing Date: April 13, 2022
Subject: **Committee of Adjustment - Minor Variance Applications**
152A&B Lakeshore Road – A-113&114/21SC
34 Oakdale Avenue - A-26&27/22SC
4 Clearview Crescent – A-19/22SC
14 Glen Park Road – A-20/22SC
427A&B Vine Street – A-28&29/22SC
583 Welland Avenue – A-30/22SC
543 Geneva Street – A-31/22SC
32A&B Dorothy Street – A-32&33/22SC
68 Jarrow Road – A-34/22SC
22A,B&C Inglewood Road – A-35,36&37/22SC
72 Concord Avenue – A-38/22SC

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.

Development Engineering have no comments or objections, subject to the following, applicable to;

- The Applicant of **14 Glen Park Road** be advised that a Grading Plan, prepared by a Professional Engineer or an Ontario Land Surveyor, shall be required as part of the submission and review of the building permit application process; and
- The Minor Variance application for **68A Jarrow Road** be **deferred** until such time as a localized Grading Plan, prepared by a Professional Engineer or an Ontario Land Surveyor, is submitted for review and approval by the City, or else the applicant meet the required 1.20m setback

Prepared by:

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

To: Elaine Munro, Committee Secretary and Planning Technician

Cc:

From: Steve Bittner, Transportation Technologist

Date: March 24, 2022

Subject: Committee of Adjustment Comments (April 13, 2022 Hearing)

Upon review of the applications, we have no concerns or requirements.

Steve Bittner
Transportation Technologist

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

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

COMMENTS

A-20/22

14 Glen Park Road

DATE OF HEARING:

April 13, 2022

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Comments ReceivedRE: Subject: 14 Glen Park Road Application A-20/22
Date: Monday, April 4, 2022 4:41:43 PM

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



From: wendy marlow <>
Sent: Monday, April 4, 2022 8:50 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Subject: 14 Glen Park Road Application A-20/22

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.

Hello,

As a neighbour and resident of St. Catharines, I have a few concerns regarding the removal and building / and construction of the proposed building at 14 Glen Park Road St. Catharines.

Will the height of the building block the sun/ natural light to the surrounding properties and the trees?

The height of the building appears to be too high to be appropriate for the neighbourhood. Natural light is very important for the growth of grass and trees and such.

Will the look of the new building be in keeping with the surrounding garages?

The neighbourhood currently has a comfortable, older looking appeal. The added garage may not be in keeping with this, but may look modern which is not appropriate for the existing neighbourhood. It is very unappealing when garages look the same size or larger than the house.

For what purpose is the construction of the building? Rental unit? Garage for transport truck? Since the size of the garage is to be much larger than currently existing and includes 2 covered patios, and appears larger than the house on the property, it appears that the garage can fit more than just one vehicle. The resale of the existing surrounding properties will be devalued.

I would appreciate that my concerns may be addressed and please reply back to this email.

Sincerely,
Wendy Marlow
Email redacted

9 Glen Park Road
St. Catharines

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



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: April 8, 2022

Date of Meeting: April 13, 2022

Report Number: A-20/22

File: 22100843

Subject: 14 Glen Park Road

Recommendation

That submission **A-20/22** by David Malone, as outlined in the Notice of Hearing, be denied.

Report The Proposal

Application **A-20/22** seeks relief from the City of St. Catharines By-law 2013-283, as amended, for the proposed construction of a detached garage which exceeds the maximum permitted height and lot coverage. The requested variances are outlined in the table below.

Variance	Provision	Required	Proposed
1	Increase the maximum height of an accessory structure	4.5 metres	5.282 metres
2	Increase the maximum accessory structure coverage	10%	19.3%

Location and Site Description

The subject property is located on the south side of Glen Park Road, east of Geneva Street and between Lora Street and Duncan Drive. The property is currently occupied by a one-storey detached dwelling and detached garage. The existing detached garage is proposed to be demolished. The surrounding neighbourhood is low density residential and predominantly comprised of detached dwellings.

Circulation of Application

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

Planning Policy Context

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential on Schedule E2. Detached dwellings with associated accessory structures, including a detached garage, are permitted in this designation.

Zoning By-law (2013-283)

The subject property is zoned Low Density Residential – Suburban Neighbourhood (R1). Detached dwellings with accessory structures, including a detached garage, are permitted in this zone.

Planning Analysis

Variance 1

Variance 1 requests an increase in the maximum height of an accessory structure from 4.5 metres to 5.282 metres, resulting in an increase of 0.782 metres.

Zoning By-law 2013-283 restricts the height of accessory structures to 4.5 metres. The intent of the provision is to minimize the impacts of massing, so that structures do not overwhelm neighbouring properties and amenity areas. In part, the height is limited to avoid overshadowing impacts on neighbouring properties, since accessory structures are permitted closer to the edges of the property than the primary dwelling. The proposed garage is located at a 0.71 metre setback along the interior side lot line and 0.610 metre setback along the rear lot line. While these setbacks comply with the minimum required for an accessory structure, little to no additional setback has been provided to mitigate any potential impacts associated with the proposed increase in height. Further, the proposed garage is shown to be located closer to the lot lines than the existing detached garage that it will replace. While the roof of the garage angles away from the neighbouring property to the west, the garage is proposed to be over 18 metres in length along the westerly interior side lot line and there is a proposed window in the roof gable, within 1 metre of the rear lot line. The proposed variance is not in keeping with the intent of the Zoning By-law.

Section 7.1 (c) of the Garden City Plan states that development and redevelopment shall be evaluated having regard for building, site, streetscape and neighbourhood context sensitive design to ensure the integration of compatible building form, scale, massing, height, setbacks, spacing, siting, orientation, facades and architectural materials with adjacent buildings, properties and the surrounding neighbourhood. The location of the proposed garage is not sensitive to the surrounding neighbourhood in terms of the form, scale, massing and height of the building. The elevations indicate a window in the roof gable resulting in potential overlook and impacts on the neighbouring property to the south, and the building is not setback sufficiently for its height. The proposal is not in keeping with the spirit and intent of the Official Plan.

The increase in maximum height for the detached garage is not considered minor, as submitted. There are negative impacts anticipated as a result of the increase in height. The proposed increased height, combined with the proposed increase in lot coverage will result in the detached garage exceeding the size of the existing detached dwelling and overwhelming the lot. As such, it is the opinion of staff that the proposal is not minor in nature, nor can it be considered desirable for the appropriate use of the subject lands

Variance 2

Variance 2 requests an increase in the maximum lot coverage for accessory structures from 10% to 19.3%. The subject property currently has a detached garage, which is proposed to be removed and a new, larger detached garage, with associated covered patio, constructed in its place. Approval of the variance would permit the enlargement of the detached garage and addition of a covered patio to be added to the lot coverage.

The Zoning By-law does not permit accessory structures to exceed 10% coverage of the total lot area. This is to ensure that garages and detached structures remain accessory to the primary use of a property, as well as to avoid potential conflicts with neighbouring dwellings which includes overlook or overwhelming the subject or neighbouring yards.

Part D, Section 7.1 of the Garden City Plan states that development and redevelopment within the Urban Area shall be evaluated having regard for building, site and context sensitive design to ensure the integration of compatible building form, scale, massing, height, siting, and orientation with adjacent buildings, properties and the surrounding neighbourhood. As described above, the increased coverage does not align with these policies. It is not sensitive to the context of the neighbourhood and does not integrate into the established built form of its surroundings. The proposal is not in keeping with the spirit and intent of the Official Plan.

Accessory structures are defined as being incidental and secondary to the principal use on the same lot, and should be low profile and innocuous in relation to the primary use of the property. An increase in the permitted lot coverage of 9.3% is not considered minor in nature and appropriate for the use of the subject lands. Staff is of the opinion that the detached structure will have an impact on the subject property and adjacent properties, as the combined increased footprint of the garage and requested increase in the height of the detached garage will overwhelm the site and result in a detached garage that is not subordinate in size to the primary use of the property (detached dwelling). The proposal also indicates the new garage to be located closer to the interior side and rear lot lines than the existing detached garage, with little to no increase in the required setbacks to mitigate the potential impacts of the increased size and height. The requested increase is not compatible with the surrounding neighbourhood and while it does meet the minimum setbacks established in the zoning by-law for accessory structures, it exceeds the maximum permitted height. The requested variance does not achieve the intent of the lot coverage provision in the Zoning By-law.

It is staff's opinion that the requested variances are not minor in nature, are not appropriate and desirable for the use of the land, and do not maintain the general intent and purpose of the Zoning By-law and Official Plan.

Staff recommend that the variances be denied.

Conclusion

Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Minor Variance Application **A-20/22** is not in keeping with the general intent of the Official Plan and Zoning By-law, is not minor in nature, and is not desirable for the appropriate use of the lands. Staff recommend denial of the Application.

Prepared and Submitted by:



Taya Devlin
Senior Planner

Approved by:



Margaret Josipovic
Manager Planning Services

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Alectra Comments RE: 14 Glen Park Road, St. Catharines
Date: Saturday, April 2, 2022 10:19:29 AM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)

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



From: Network Info <network.info@horizonutilities.com>
Sent: Friday, April 1, 2022 1:20 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: RE: 14 Glen Park Road, St. Catharines




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Good afternoon Elaine,

Our office has no comment/objections based on the drawing(s) provided.

Regards,



Samantha Burke
Engineering Clerk, ICI & Layouts
55 John Street North, Hamilton, ON, L8R 3M8
t 905.798.2971
alectrautilities.com
  

*At Alectra, the health and safety of our employees remains our highest priority and we have implemented vaccination policies for all our worksites and offices. Effective **November 12, 2021**, all visitors and contractors entering any Alectra worksite or facility must provide satisfactory proof of vaccination at Security when requested. Couriers and deliveries are excluded. Please review our [visitor vaccine policy](#).*

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Cogeco Comments, Committee of Adjustment Hearing Notices & Applications - April 13, 2022 Hearing
Date: Wednesday, March 30, 2022 11:11:55 AM

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



From: Doug Crown <doug.crown@cogeco.com>
Sent: Wednesday, March 30, 2022 10:41 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Request for Comments, Committee of Adjustment Hearing Notices & Applications - April 13, 2022 Hearing

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Hi Elaine

Cogeco has no concerns with these applications.

Have the best day ever

Doug Crown
Network Planning Department
Doug.crown@cogeco.com

7170 Mcleod Rd
Niagara Falls Ont Canada

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

MEMORANDUM

To: Elaine Munro, Committee Secretary & Planning Clerk
 Planning and Building Services
 Cc: Wilrik Banda
 Planning and Building Services
 From: Lou Grossi, Building Inspector II
 Planning and Building Services
 Date: March 29, 2022
 Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – March 30, 2022 hearing

NO.	ADDRESS	COMMENTS
A-113/21	152A Lakeshore Road	Be advised that a building permit is required to construct the single detached dwelling.
A-114/21	152BA Lakeshore Road	No Comment
A-26/22	34 Oakdale Avenue	No Comment
A-27/22	36 Oakdale Avenue	Be advised that a building permit is required to construct the single detached dwelling.
A-19/22	4 Clearview Crescent	Be advised that the current building permit (21118297RN) shall be completed prior to construction. Be advised that a building permit is required to construct an attached garage.

NO.	ADDRESS	COMMENTS
A-20/22	14 Glen Park Road	Be advised that a building permit is required to demolish the existing detached garage. Be advised that a building permit is required to construct the detached garage.
A-28/22	427A Vine Street	Be advised that a building permit is required to construct the semi-detached dwelling.
A-29/22	427B Vine Street	Be advised that a building permit is required to construct the semi-detached dwelling.
A-30/22	583 Welland Avenue	Be advised that a building permit is required to construct two 5 storey apartment buildings.
A-31/22	543 Geneva Street	Be advised that a building permit is required to construct a single detached dwelling.
A-32/22	32A Dorothy Street	Be advised that a building permit is required to construct a single detached dwelling.
A-33/22	32B Dorothy Street	Be advised that a building permit is required to construct a single detached dwelling.
A-34/22	68 Jarrow Road	Be advised that a building permit is required to construct a sunroom.
A-35/22	22A Inglewood Road	Be advised that a building permit is required to construct a three unit townhouse.
A-36/22	22B Inglewood Road	Be advised that a building permit is required to construct a three unit townhouse.

NO.	ADDRESS	COMMENTS
A-37/22	22C Inglewood Road	Be advised that a building permit is required to construct a three unit townhouse.
A-38/22	72 Concord Avenue	Be advised that a building permit is required for the proposed accessory dwelling unit.



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: April 8, 2022

Subject: Committee of Adjustment Applications – April 13, 2022 Hearing

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

152 Lakeshore Road, Consent, B-38/21SC – 21118450
152B Lakeshore Road, Consent, B-14/22SC – 22100934
152A Lakeshore Road, Minor Variance, A-113/21 – 21118453
152B Lakeshore Road, Minor Variance, A-114/21 – 21118454

In support of these applications, the applicant has submitted a Tree Inventory and Preservation Plan Report, prepared by Jackson Arboriculture Inc., dated March 25, 2022. The Report confirms the locations and health of one City boulevard tree, trees on the subject site and adjacent properties, as well as boundary trees. The Report provides recommendations for either preservation or removal for each of the 18 trees inventoried, based on the drawings submitted with the initial application.

The report indicates that there are several Norway Maple trees located on the neighbouring property to the east, and on the common boundary between that neighbouring property and the subject lands. The report recommends that these trees be removed, with permission from the neighbouring homeowner, to facilitate relocation of the existing dwelling. The report does suggest, however, that the trees in question could be saved if a greater front yard setback were provided for the relocated dwelling.

Following submission of this Report, the applicant provided updated drawings that show the relocated home positioned further back on the lot and rotated to achieve greater front and interior side yards. Additionally, it is our understanding that the Applicant will be withdrawing its request for a reduced front yard setback and will comply with the minimum 13.8 metres prescribed. CRCS is supportive of the increased front and interior side yard setbacks, which provide greater protection to the Norway Maple trees discussed above. CRCS staff would otherwise object to the minor variance to reduce the front yard setback.

The applicant is proposing a common driveway, which will extend into the rear yards and provide access to two parking spaces on each lot. To mitigate the impact that vehicle headlights might have on neighbouring properties, CRCS staff recommend that the existing wood board fence be retained for both lots, as well as the stand of mature trees along the rear lot line.

The applicant has requested several minor variances for the new dwelling, including reductions in front yard setback, interior side yard setback, lot frontage, as well as an increase in maximum paved area. The applicant has also requested a minor variance for reduced lot frontage for the relocated dwelling. All of these variances will reduce the overall amount of greenspace that can be provided on the subject lands. Staff have no objection to these variances on the condition that the future development agreement restrict the use of the front yards for parking in any area that hasn't already been illustrated on the drawings submitted with the applications. Without such a condition in place, it is possible that gravel parking areas could be installed in the front yards, further reducing on-site greenspace. This would also impact the overall character of the street, where front yards generally consist of wide lawn areas.

Should the applications for consent and minor variance 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.
3. That the future development agreement address the following requirements:
 - a. That the applicant implement the recommendations of the Tree Inventory and Preservation Plan Report, prepared by Jackson Arboriculture Inc., dated March 25, 2022, for trees 1, 2, and 8 thru 18 identified in that report.
 - b. That for trees 3 thru 7 identified in the same Report, the applicant implement standard mitigation measures and best practices for tree preservation and protection described in Table 2 and Section 6.2 "Tree Preservation" thereof.
 - c. That the approved plans clearly illustrate tree protection zones and notes.

- d. That the front yard driveways and parking areas for both lots be restricted to what is generally shown on the plans submitted with these applications.

34 Oakdale Avenue, Consent, B-15/22SC – 22101119

34 Oakdale Avenue, Minor Variance, A-26/22 – 22101120

36 Oakdale Avenue, Minor Variance, A-27/22 – 22101123

CRCS has no concerns with the proposed creation of a new lot to facilitate the construction of a detached dwelling, nor the majority of the minor variances being sought. With respect to the requested variance to reduce the minimum lot frontage for the new lot, CRCS is satisfied that adequate open space/amenity area will be achieved in the front yard so long as the proposed driveway does not exceed the size shown on the plans.

Staff note that there are two mature trees located in front of the existing home. Once the required road widening is dedicated to the City, these trees will be located within the public road allowance. Staff are awaiting comments from the Forestry Section as to whether the trees will need to be removed or can remain.

Should the applications for consent and minor variance 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.
3. That the future development agreement restrict the width of the driveway on 36 Oakdale Avenue to 3.5 metres.

4 Clearview Crescent, Minor Variance, A-19/22 – 22100841

No comment.

14 Glen Park Road, Minor Variance, A-20/22 – 22100843

No comment

427 Vine Street, Consent, B-16/22SC – 22101141

427A Vine Street, Minor Variance, A-28/22 – 22101144

427B Vine Street, Minor Variance, A-29/22 – 22101145

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

Staff note that there is a tree within the Vine Street boulevard that conflicts with the proposed driveway for the southerly unit. Typically these conflicts are flagged during the pre-submission consultation stage and the applicant would be required to adjust the location of the driveway and/or submit a tree preservation and protection plan to ensure the tree is retained unharmed. Given this conflict was not flagged during that previous application, the tree will need to be removed and replaced with a specimen of equal value. The applicant will be responsible for the costs associated with this.

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.
3. That the applicant submit a payment for the removal and replacement of the existing boulevard tree by City forces, in accordance with the City's current Schedule of Rates and Fees.

583 Welland Avenue, Minor Variance, A-30/22 – 22101184

CRCS staff have no concerns with the requested increase in density, nor the requested reduced lot frontage. Staff acknowledge that the minor variance required for reduced landscape open space is a result of an oversight in zoning compliance that occurred during the site plan approval process. An approved landscape plan is in place as part of the site plan agreement. It is staff's opinion that requiring the applicant to comply with the landscaping requirements of the Zoning By-law at this point would be onerous. Accordingly, staff offer no objection to the application.

543 Geneva Street, Consent, B-17/22SC – 22101208
543 Geneva Street, Minor Variance, A-31/22 – 22101215

CRCS has no concerns with the proposed creation of a new lot to facilitate the construction of a detached dwelling fronting onto Marsten Drive, nor the requested minor variance being sought. Staff note that the majority of the proposed rear yard of the existing home is covered by a concrete driveway. A reduction in the minimum rear yard is sought, however staff is satisfied that there is opportunity to create sufficient private amenity area by shortening the length of the driveway, if desired by the applicant.

We note that a mature tree exists in the Marsten Drive boulevard and care must be taken not to damage this tree during construction of the new dwelling. CRCS recommends that certain mitigation measures be implemented through the future development agreement to address this.

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

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.
3. That the future development agreement address the following requirements:
 - a. That prior to any construction activities commencing on site, a tree protection zone at least 4 metres in radius be installed around the trunk of the tree to be retained, and that such tree protection zone remain in place for the duration of construction.
 - b. That no soil, construction materials, equipment, or vehicles of any sort be stored or otherwise located within the tree protection zone.
 - c. That the garage and driveway for the new dwelling be located adjacent to the westerly lot line, as far as possible from the retained tree.
 - d. That servicing for the new dwelling be located – and all excavation occur - as far as possible from the critical root zone of the retained tree (approximately 6.0 metres from the trunk).

2 Dawn Road, Consent, B-18/22SC – 22101220
4 Dawn Road, Consent, B-19/22SC – 22101221
32A Dorothy Street, Consent, B-20/22SC – 22101222
32A Dorothy Street, Minor Variance, A-32/22 – 22101240
32B Dorothy Street, Minor Variance, A-33/22 – 22101241

CRCS has no concerns with the proposed creation of two new lots to facilitate the construction of two detached dwellings fronting onto Dorothy Street. With respect to the requested minor variances to reduce the minimum lot frontage for each new lot, CRCS is satisfied that adequate open space/landscaped area can be achieved so long as the proposed driveways do not exceed the size shown on the plans. Should the applications for consent and minor variance 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 the future development agreement restrict the width of the driveways to 6.1 metres for 32A Dorothy Street and 6.0 metres for 23B Dorothy Street.

68 Jarrow Road, Minor Variance, A-34/22- 22101242

No comment.

22 Inglewood Road, Consent, B-21/22S 2101253
22 Inglewood Road, Consent, B-22/22SC – 22101257
22A Inglewood Road, Minor Variance, A-35/22 – 22101265
22B Inglewood Road, Minor Variance, A-36/22 – 22101267
22C Inglewood Road, Minor Variance, A-37/22 – 22101268

CRCS has no concerns with the proposed creation of two new lots to facilitate the construction of three street townhomes, nor the requested minor variances.

In accordance with section 13.2.2.10 of the Garden City Plan the applicant will be required to convey to the city the natural/conservation area at the rear of all three lots (Part 4), which will be merged with the adjacent City-owned lands. Further, the applicant

will be required to pay for and construct a 1.8 metre high black vinyl chain link fence along the new rear lot lines to ensure encroachment into the natural areas is prevented in the future.

In lieu of the applicant submitting a tree preservation and protection plan, staff suggest that the existing fencing at the rear of all three lots remain in place throughout construction of the proposed dwellings to ensure existing trees in the natural area are retained.

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 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 the applicant dedicate gratuitously to the City, free and clear of any contamination encumbrance, the natural areas at the rear of all three lots, illustrated as Part 4 on the submitted survey sketch.
4. That the future development agreement address the following requirements:
 - a. That the existing fence located at the rear of the subject lands remain in place throughout construction of the townhomes to ensure existing trees within the natural area are protected.
 - b. Upon completion of construction of the townhomes and removal of the existing fence referred to above, the applicant will be required to construct, at its own expense, a 1.8 metre high black vinyl chain link fence (OPSD 972.130) along the future rear lot lines of the townhomes (to be constructed on City-owned lands).

72 Concord Avenue, Minor Variance, A-38/22 – 22101275

No comment.

Amanda Knutson

Community Project & Development Planner



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 29, 2022
Hearing Date: April 13, 2022
Subject: **Committee of Adjustment - Minor Variance Applications**
152A&B Lakeshore Road – A-113&114/21SC
34 Oakdale Avenue - A-26&27/22SC
4 Clearview Crescent – A-19/22SC
14 Glen Park Road – A-20/22SC
427A&B Vine Street – A-28&29/22SC
583 Welland Avenue – A-30/22SC
543 Geneva Street – A-31/22SC
32A&B Dorothy Street – A-32&33/22SC
68 Jarrow Road – A-34/22SC
22A,B&C Inglewood Road – A-35,36&37/22SC
72 Concord Avenue – A-38/22SC

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.

Development Engineering have no comments or objections, subject to the following, applicable to;

- The Applicant of **14 Glen Park Road** be advised that a Grading Plan, prepared by a Professional Engineer or an Ontario Land Surveyor, shall be required as part of the submission and review of the building permit application process; and
- The Minor Variance application for **68A Jarrow Road** be **deferred** until such time as a localized Grading Plan, prepared by a Professional Engineer or an Ontario Land Surveyor, is submitted for review and approval by the City, or else the applicant meet the required 1.20m setback

Prepared by:

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

To: Elaine Munro, Committee Secretary and Planning Technician

Cc:

From: Steve Bittner, Transportation Technologist

Date: March 24, 2022

Subject: Committee of Adjustment Comments (April 13, 2022 Hearing)

Upon review of the applications, we have no concerns or requirements.

Steve Bittner
Transportation Technologist

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

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

COMMENTS

B-16/22SC, A-28/22 & A—29/22

427 Vine Street

DATE OF HEARING:
April 13, 2022

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Comments Received RE: Comments on Application for Property Development: 427 Vine St., St. Catharines
Date: Friday, April 8, 2022 8:37:40 PM

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



From:
Sent: Wednesday, April 6, 2022 4:08 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Comments on Application for Property Development: 427 Vine St., 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.

Amanda No. 22101144
Submission No. A-28/22

Location: **427 Vine St., St. Catharines, ON**

In May 2005, I opposed the building of the duplex/semi-detached dwelling at 423 Vine St., St. Catharines on the basis of: incompatibility with the surrounding neighbourhood of single-storey, detached dwellings; increased noise and air pollution from the presence of vehicles and traffic from two dwellings; and, the negative impact on the landscape with the removal of a mature boulevard tree and the reduction of green space due to the size of the building.

My presentation at a Council meeting and my in-person participation in the public hearing regarding this development came to no avail. Nevertheless, I am writing at this time, to reiterate strongly the concerns that I expressed in 2005, hoping for a different outcome.

Further, the negative impact of another two-storey semi-detached dwelling abutting my single-storey residence will be substantial in terms of the psychological distress due to a lack of privacy and a real sense of crowding.

In terms of an environmental concern, if the Committee of Adjustment approves the removal of the mature tree on the boulevard at 427 Vine St. to accommodate a driveway, I adamantly request the planting of two older saplings in this space.

For the record, the board fence shown in the sketch for the proposal on the south side of 427 Vine St. is well on my property at 425 Vine St., approximately 8" from the property line.

Thank you in advance for your consideration of these comments.

Respectfully,

Rosalind Tracey
425 Vine St.
St. Catharines, ON
XXX-XXX-XXXX

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Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: April 8, 2022

Date of Meeting: April 13, 2022

Report Number: B-16/22SC
A-28/22
A-29/22

File: 22101141
22101144
22101145

Subject: 427 Vine Street (to become 427A and 427B Vine Street)

Recommendation

That Application **B-16/22SC** by 1346704 Ontario Inc., as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. That the Owner enter into a development agreement with the City of St. Catharines, to be registered on title to the lands now known as 427 Vine Street addressing the following conditions:
 - a. That building permit plans, including a site plan and elevations for Parts 1 and 2, once submitted, be reviewed and approved to the satisfaction of the Director of Planning; and
 - b. The a lot grading and drainage plan, required as a condition of consent approval, be included in the development agreement, to ensure compliance as part of the review and approval of a building permit.
2. That the Owner submit a lot servicing and grading plan for review and approval by City staff. The plan must be prepared by an Ontario Land Surveyor or Professional Engineer and also include the location of sump pumps, the proposed new storm laterals, the location and direction of discharge of the roof water downspouts, the existing and proposed water services, sanitary laterals, and curb cuts/fills.
3. That the Owner pay for City crews to locate, inspect, and document the location of the sanitary lateral and water service currently being used for the existing dwelling.
4. That the Owner, if the location of either the existing services conflict with future lot lines, shall pay all costs for relocating the service(s) to avoid such conflicts.
5. That the Owner pay all costs associated with dedicating to the City free and clear of any encumbrances, a 3.0m strip of land across the frontage of the subject property, for the purposes of widening the Public Highway known as Vine Street.
6. That the Owner, prior to registering the Reference Plan for the road widening in the Land Registry Office, provide the City with a copy for review and approval.

7. That the Owner demolish the existing detached dwelling. A building permit shall be obtained for the demolition and inspections completed to the satisfaction of the Chief Building Official.
8. That the Owner demolish the existing accessory structure on Part 2. A building permit shall be obtained for the demolition and inspections completed to the satisfaction of the Chief Building Official.
9. That the Owner submit a payment of 5% of the appraised value of the new lot 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 Owner submit a payment for the placement of a 60mm boulevard tree for the new lot, in accordance with the City's current Schedule of Rates and Fees.
11. That the Owner submit a payment for the removal and replacement of the existing boulevard tree by City forces, in accordance with the City's current Schedule of Rates and Fees.
12. 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.
13. 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.
14. That all conditions of consent be fulfilled by April 13, 2024.

That Application **A-28/22** by 1346704 Ontario Inc., as outlined in the Notice of Hearing, be approved.

That Application **A-29/22** by 1346704 Ontario Inc., as outlined in the Notice of Hearing, be approved.

Report

The Proposal

The applicant proposes to sever the existing lot at 427 Vine Street into one new lot and one retained lot (Parts 1 and 2). This is to facilitate the construction of one semi-detached structure (two semi-detached dwelling units), to be known as 427A and 427B Vine Street. The existing detached dwelling on the subject property will be demolished to facilitate this proposal. Part 3 will be dedicated to the City for a road widening.

The consent to sever and minor variance applications outlined in the tables below are required to facilitate this proposal.

Application	Severed Parcel	Severed Area	Retained Parcel	Retained Area
B-16/22SC	Part 1	422.0 m ²	Part 2	422.0 m ²

	(427A Vine Street)		(427B Vine Street)	
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Application	Variance	Provision	Required	Proposed
A-28/22 427A Vine Street (Part 1)	1	Minimum lot frontage	12 metres	11.25 metres
	2	Minimum interior side yard setback	1.2 metres	0.0 metres
	3	Minimum interior side yard setback (for portion of dwelling in excess of 7 metres or greater in building height)	2.0 metres	0.0 metres
	4	Minimum interior side yard setback for platform structure	1.2 metres	0.0 metres
	5	Minimum interior side yard setback for platform structure (for portion of structure in excess of 7 metres or greater in building height)	2.0 metres	0.0 metres
A-29/22 427B Vine Street (Part 2)	1	Minimum lot frontage	12 metres	11.25 metres
	2	Minimum interior side yard setback	1.2 metres	0.0 metres
	3	Minimum interior side yard setback (for portion of dwelling in excess of 7 metres or greater in building height)	2.0 metres	0.0 metres
	4	Minimum interior side yard setback for platform structure	1.2 metres	0.0 metres
	5	Minimum interior side yard setback for platform structure (for portion of structure in excess of 7 metres or greater in building height)	2.0 metres	0.0 metres

		Permission for garage to protrude beyond corresponding wall of dwelling	-	-
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Location and Site Description

The subject property is located on the west side of Vine Street, north of Scott Street. The subject property is currently occupied by a detached dwelling. The surrounding neighbourhood is comprised of detached dwellings and apartment buildings to the south. Our Lady of Fatima Catholic Elementary School abuts the subject property directly to the north and west. Realty Park is located north of the subject lands.

Circulation of Application

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

Planning Policy Context

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential on Schedule E3. Semi-detached dwellings at a density range of 20 to 32 units per hectare are permitted in this designation.

Zoning By-law (2013-283)

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

Planning Analysis

Consent

Consent Application **B-16/22SC** requests to sever one new lot from the subject property to construct two semi-detached dwelling units. Section 16.11 of the GCP sets out a number of 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 proposal will make use of existing infrastructure. The owner will be at expense for any required improvements to infrastructure such as municipal streets, water, wastewater, and stormwater services. As such there are no anticipated costs for the City.

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

The subject lands are located within the City's built boundary and within an area that is substantially developed. The proposal includes constructing a semi-detached dwelling, which supports context-sensitive infill development and contributes to providing a range of housing types.

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 semi-detached dwelling meets lot area, density, and height requirements indicating that the proposal has appropriate scale and massing. The proposed lot sizes are consistent with the lot fabric of the neighbourhood and are unlikely to create any adverse impacts on the surrounding area or natural environment. The requested severance creates a zoning deficiency regarding lot frontages. Due to the design of the proposed semi-detached dwellings, additional zoning deficiencies regarding interior side yard setbacks and permission for the garage to protrude beyond the corresponding wall of the dwelling need to be addressed. As such, concurrent minor variance applications have been submitted to address these deficiencies. Staff recommend that consent Application **B-16/22SC** be approved, subject to conditions outlined in the recommendation.

Minor Variances

Variance 1 of A-28/22 and A-29/22

Variance 1 of Applications **A-28/22** and **A-29/22** requests a reduction to the minimum lot frontage for a semi-detached dwelling from 12.0 metres to 11.25 metres. The intent of providing a minimum lot frontage is to ensure there is adequate area to accommodate the building envelope, provide safe access to the lot and landscaping, as well as maintain a consistent streetscape. The proposed lots with a 0.75 metre reduction in lot frontage is sufficient to accommodate a suitable building envelope, provide landscaping and site access while also maintaining the existing streetscape. As such, staff are satisfied that the variance will not result in adverse impacts to the surrounding area. Staff find the requested variance to be minor in nature, desirable for the appropriate use of lands, and meets the general intent of the Official Plan and Zoning By-law.

Variances 2, 3, 4 and 5 of A-28/22 and A-29/22

Variance 2 of both Applications requests a reduction to the interior side yard setback from 1.2 metres to 0.0 metres. Variance 3 of both Applications requests a reduction to the minimum interior side yard setback for the portion of the dwelling in excess of 7 metres or greater in building height from 2.0 metres to 0.0 metres. Variance 4 of both Applications seeks a reduction to the minimum interior side yard setback for a platform structure from 1.2 metres to 0.0 metres. Variance 5 of both Applications requests a reduction to the minimum side yard setback for a platform structure in excess of 7 metres or greater in building height from 2.0 metres to 0.0 metres.

The intent of the interior side yard setback is to ensure sufficient separation distance as to not overwhelm the neighbouring property, ensure adequate drainage, rear yard access, protect privacy, and prevent overlook. The proposed semi-detached dwelling shares a common wall which extends to the front porch to the rear of the dwelling. The zoning by-law allows for a 0.0 metre setback for common walls of semi detached dwellings, however, due to the design of the semi-detached dwellings which have a very slight staggering along the common walls at the front and rear of the dwellings, variances are required. This design and resulting variances is partly a result of the angle of the road and irregular lot shape. However, the proposed semi-detached dwellings are consistent with the surrounding area's built form and meet most other zoning provisions, including other minimum setbacks, landscaped open space and lot area. As such, the proposed interior side yard setbacks do not create adverse effects on surrounding properties. In the opinion of staff, the reduced interior side yard setback is minor in nature, desirable for the appropriate use of lands, and meets the general intent of the Official Plan and Zoning By-law.

Variance 6 of A-29/22

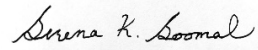
Variance 6 of Application **A-29/22** seeks permission for the attached garage to protrude beyond the corresponding wall of the dwelling unit. The intent of this provision is to ensure that garages do not dominate the streetscape and façade of the dwelling. Due to the irregular shape of the lot and the orientation of the proposed semi-detached dwellings, a portion of the garage for 427B Vine Street (Part 2) is located closer to the front lot line at 7.06 metres than the front of the dwelling at 8.03 metres. This is due to the angle of Vine Street. Given that the setback of 6.03 metres for the front porch projects beyond the garage and front of the dwelling, the streetscape will not be negatively impacted by the proposed location of the garage. Although a portion of the attached garage is located closer to the front lot line than the front wall of the dwelling, given the angle of the road and location of the front porch, the impact of this protrusion is considered minor and maintains the prevailing character of the neighbourhood. Staff find that the requested variance is considered minor in nature, desirable for the appropriate use of lands, and meets the general intent of the Official Plan and Zoning By-law.

Conclusion

Having regard for matters under Section 53 of *The Planning Act*, staff are of the opinion that Consent Application **B-16/22SC** 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.

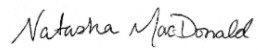
Having regard for matters under Section 45(1) of *The Planning Act*, staff are of the opinion that Minor Variance Applications **A-28/22** and **A-29/22** are in keeping with the general intent of the Official Plan and Zoning By-law, are minor in nature, and are desirable for the appropriate development of the lands. Staff recommend that the Applications be approved.

Prepared by:



Serena Soomal
Student Planner

Submitted by:



Natasha MacDonald
Planner I

Approved by:



Margaret Josipovic
Manager, Planning Services

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Alectra Comments RE: 427 Vine Street, St. Catharines
Date: Saturday, April 2, 2022 10:18:55 AM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)

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



From: Network Info <network.info@horizonutilities.com>
Sent: Friday, April 1, 2022 1:20 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: RE: 427 Vine Street, St. Catharines




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Good afternoon Elaine,

Our office has no comment/objections based on the drawing(s) provided.

Regards,



Samantha Burke
Engineering Clerk, ICI & Layouts
55 John Street North, Hamilton, ON, L8R 3M8
t 905.798.2971
alectrautilities.com
  

*At Alectra, the health and safety of our employees remains our highest priority and we have implemented vaccination policies for all our worksites and offices. Effective **November 12, 2021**, all visitors and contractors entering any Alectra worksite or facility must provide satisfactory proof of vaccination at Security when requested. Couriers and deliveries are excluded. Please review our [visitor vaccine policy](#).*

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Cogeco Comments, Committee of Adjustment Hearing Notices & Applications - April 13, 2022 Hearing
Date: Wednesday, March 30, 2022 11:11:55 AM

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



From: Doug Crown <doug.crown@cogeco.com>
Sent: Wednesday, March 30, 2022 10:41 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Request for Comments, Committee of Adjustment Hearing Notices & Applications - April 13, 2022 Hearing

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Hi Elaine

Cogeco has no concerns with these applications.

Have the best day ever

Doug Crown
Network Planning Department
Doug.crown@cogeco.com

7170 Mcleod Rd
Niagara Falls Ont Canada

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

MEMORANDUM

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

Cc: Wilrik Banda
Planning and Building Services

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

Date: March 29, 2022

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

B-38/21SC – 152 Lakeshore Road

Comment:

- 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.

Condition:

- A building permit is required to relocate the existing detached dwelling to Part 4 and to complete all inspections to the satisfaction of the Chief Building Official.
- A building permit is required to demolish the existing detached garage and to complete all inspections to the satisfaction of the Chief Building Official.
- A building permit is required to demolish the existing deck and to complete all inspections to the satisfaction of the Chief Building Official.

B-14/21SC – 152B Lakeshore Road

Comment:

- No comment

Condition:

- No comment

34 Oakdale Avenue – B15/22SC

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, meet the requirements of Subsection 9.10.14 and 9.10.15 of the 2012 Ontario Building Code as applicable.

B-16/22SC – 427 Vine Street

Comment:

- No comment

Condition:

- A building permit is required to demolish the existing detached dwelling and to complete all inspections to the satisfaction of the Chief Building Official.
- A building permit is required to demolish the existing accessory structure on Part 2 and to complete all inspections to the satisfaction of the Chief Building Official.

B-17/22SC – 543 Geneva Street

Comment:

- 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.

Condition:

- A building permit is required to demolish the existing detached garage and greenhouse and to complete all inspections to the satisfaction of the Chief Building Official.
- A building permit is required to demolish the existing shed and to complete all inspections 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 west, meet the requirements of Subsection 9.10.14 and 9.10.15 of the 2012 Ontario Building Code as applicable.

B-18/22SC – 2 Dawn Road

Comment:

- No comment

Condition:

- A building permit is required to demolish the existing garage and to complete all inspections to the satisfaction of the Chief Building Official.

B-19/22SC – 4 Dawn Road

Comment:

- No comment

Condition:

- No comment

B-20/22SC – 32A Dorothy Street

Comment:

- No comment

Condition:

- No comment

B-21/22SC – 22A Inglewood Road

Comment:

- No comment

Condition:

- A building permit is required to demolish the existing detached dwelling and to complete all inspections to the satisfaction of the Chief Building Official.

B-22/22SC – 22B Inglewood Road

Comment:

- No comment

Condition:

- A building permit is required to demolish the existing detached dwelling and to complete all inspections to the satisfaction of the Chief Building Official.

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

MEMORANDUM

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

Cc: Wilrik Banda
Planning and Building Services

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

Date: March 29, 2022

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

NO.	ADDRESS	COMMENTS
A-113/21	152A Lakeshore Road	Be advised that a building permit is required to construct the single detached dwelling.
A-114/21	152BA Lakeshore Road	No Comment
A-26/22	34 Oakdale Avenue	No Comment
A-27/22	36 Oakdale Avenue	Be advised that a building permit is required to construct the single detached dwelling.
A-19/22	4 Clearview Crescent	Be advised that the current building permit (21118297RN) shall be completed prior to construction. Be advised that a building permit is required to construct an attached garage.

NO.	ADDRESS	COMMENTS
A-20/22	14 Glen Park Road	Be advised that a building permit is required to demolish the existing detached garage. Be advised that a building permit is required to construct the detached garage.
A-28/22	427A Vine Street	Be advised that a building permit is required to construct the semi-detached dwelling.
A-29/22	427B Vine Street	Be advised that a building permit is required to construct the semi-detached dwelling.
A-30/22	583 Welland Avenue	Be advised that a building permit is required to construct two 5 storey apartment buildings.
A-31/22	543 Geneva Street	Be advised that a building permit is required to construct a single detached dwelling.
A-32/22	32A Dorothy Street	Be advised that a building permit is required to construct a single detached dwelling.
A-33/22	32B Dorothy Street	Be advised that a building permit is required to construct a single detached dwelling.
A-34/22	68 Jarrow Road	Be advised that a building permit is required to construct a sunroom.
A-35/22	22A Inglewood Road	Be advised that a building permit is required to construct a three unit townhouse.
A-36/22	22B Inglewood Road	Be advised that a building permit is required to construct a three unit townhouse.

NO.	ADDRESS	COMMENTS
A-37/22	22C Inglewood Road	Be advised that a building permit is required to construct a three unit townhouse.
A-38/22	72 Concord Avenue	Be advised that a building permit is required for the proposed accessory dwelling unit.



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: April 8, 2022

Subject: Committee of Adjustment Applications – April 13, 2022 Hearing

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

152 Lakeshore Road, Consent, B-38/21SC – 21118450
152B Lakeshore Road, Consent, B-14/22SC – 22100934
152A Lakeshore Road, Minor Variance, A-113/21 – 21118453
152B Lakeshore Road, Minor Variance, A-114/21 – 21118454

In support of these applications, the applicant has submitted a Tree Inventory and Preservation Plan Report, prepared by Jackson Arboriculture Inc., dated March 25, 2022. The Report confirms the locations and health of one City boulevard tree, trees on the subject site and adjacent properties, as well as boundary trees. The Report provides recommendations for either preservation or removal for each of the 18 trees inventoried, based on the drawings submitted with the initial application.

The report indicates that there are several Norway Maple trees located on the neighbouring property to the east, and on the common boundary between that neighbouring property and the subject lands. The report recommends that these trees be removed, with permission from the neighbouring homeowner, to facilitate relocation of the existing dwelling. The report does suggest, however, that the trees in question could be saved if a greater front yard setback were provided for the relocated dwelling.

Following submission of this Report, the applicant provided updated drawings that show the relocated home positioned further back on the lot and rotated to achieve greater front and interior side yards. Additionally, it is our understanding that the Applicant will be withdrawing its request for a reduced front yard setback and will comply with the minimum 13.8 metres prescribed. CRCS is supportive of the increased front and interior side yard setbacks, which provide greater protection to the Norway Maple trees discussed above. CRCS staff would otherwise object to the minor variance to reduce the front yard setback.

The applicant is proposing a common driveway, which will extend into the rear yards and provide access to two parking spaces on each lot. To mitigate the impact that vehicle headlights might have on neighbouring properties, CRCS staff recommend that the existing wood board fence be retained for both lots, as well as the stand of mature trees along the rear lot line.

The applicant has requested several minor variances for the new dwelling, including reductions in front yard setback, interior side yard setback, lot frontage, as well as an increase in maximum paved area. The applicant has also requested a minor variance for reduced lot frontage for the relocated dwelling. All of these variances will reduce the overall amount of greenspace that can be provided on the subject lands. Staff have no objection to these variances on the condition that the future development agreement restrict the use of the front yards for parking in any area that hasn't already been illustrated on the drawings submitted with the applications. Without such a condition in place, it is possible that gravel parking areas could be installed in the front yards, further reducing on-site greenspace. This would also impact the overall character of the street, where front yards generally consist of wide lawn areas.

Should the applications for consent and minor variance 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.
3. That the future development agreement address the following requirements:
 - a. That the applicant implement the recommendations of the Tree Inventory and Preservation Plan Report, prepared by Jackson Arboriculture Inc., dated March 25, 2022, for trees 1, 2, and 8 thru 18 identified in that report.
 - b. That for trees 3 thru 7 identified in the same Report, the applicant implement standard mitigation measures and best practices for tree preservation and protection described in Table 2 and Section 6.2 "Tree Preservation" thereof.
 - c. That the approved plans clearly illustrate tree protection zones and notes.

- d. That the front yard driveways and parking areas for both lots be restricted to what is generally shown on the plans submitted with these applications.

34 Oakdale Avenue, Consent, B-15/22SC – 22101119

34 Oakdale Avenue, Minor Variance, A-26/22 – 22101120

36 Oakdale Avenue, Minor Variance, A-27/22 – 22101123

CRCS has no concerns with the proposed creation of a new lot to facilitate the construction of a detached dwelling, nor the majority of the minor variances being sought. With respect to the requested variance to reduce the minimum lot frontage for the new lot, CRCS is satisfied that adequate open space/amenity area will be achieved in the front yard so long as the proposed driveway does not exceed the size shown on the plans.

Staff note that there are two mature trees located in front of the existing home. Once the required road widening is dedicated to the City, these trees will be located within the public road allowance. Staff are awaiting comments from the Forestry Section as to whether the trees will need to be removed or can remain.

Should the applications for consent and minor variance 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.
3. That the future development agreement restrict the width of the driveway on 36 Oakdale Avenue to 3.5 metres.

4 Clearview Crescent, Minor Variance, A-19/22 – 22100841

No comment.

14 Glen Park Road, Minor Variance, A-20/22 – 22100843

No comment

427 Vine Street, Consent, B-16/22SC – 22101141

427A Vine Street, Minor Variance, A-28/22 – 22101144

427B Vine Street, Minor Variance, A-29/22 – 22101145

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

Staff note that there is a tree within the Vine Street boulevard that conflicts with the proposed driveway for the southerly unit. Typically these conflicts are flagged during the pre-submission consultation stage and the applicant would be required to adjust the location of the driveway and/or submit a tree preservation and protection plan to ensure the tree is retained unharmed. Given this conflict was not flagged during that previous application, the tree will need to be removed and replaced with a specimen of equal value. The applicant will be responsible for the costs associated with this.

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.
3. That the applicant submit a payment for the removal and replacement of the existing boulevard tree by City forces, in accordance with the City's current Schedule of Rates and Fees.

583 Welland Avenue, Minor Variance, A-30/22 – 22101184

CRCS staff have no concerns with the requested increase in density, nor the requested reduced lot frontage. Staff acknowledge that the minor variance required for reduced landscape open space is a result of an oversight in zoning compliance that occurred during the site plan approval process. An approved landscape plan is in place as part of the site plan agreement. It is staff's opinion that requiring the applicant to comply with the landscaping requirements of the Zoning By-law at this point would be onerous. Accordingly, staff offer no objection to the application.

543 Geneva Street, Consent, B-17/22SC – 22101208
543 Geneva Street, Minor Variance, A-31/22 – 22101215

CRCS has no concerns with the proposed creation of a new lot to facilitate the construction of a detached dwelling fronting onto Marsten Drive, nor the requested minor variance being sought. Staff note that the majority of the proposed rear yard of the existing home is covered by a concrete driveway. A reduction in the minimum rear yard is sought, however staff is satisfied that there is opportunity to create sufficient private amenity area by shortening the length of the driveway, if desired by the applicant.

We note that a mature tree exists in the Marsten Drive boulevard and care must be taken not to damage this tree during construction of the new dwelling. CRCS recommends that certain mitigation measures be implemented through the future development agreement to address this.

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

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.
3. That the future development agreement address the following requirements:
 - a. That prior to any construction activities commencing on site, a tree protection zone at least 4 metres in radius be installed around the trunk of the tree to be retained, and that such tree protection zone remain in place for the duration of construction.
 - b. That no soil, construction materials, equipment, or vehicles of any sort be stored or otherwise located within the tree protection zone.
 - c. That the garage and driveway for the new dwelling be located adjacent to the westerly lot line, as far as possible from the retained tree.
 - d. That servicing for the new dwelling be located – and all excavation occur - as far as possible from the critical root zone of the retained tree (approximately 6.0 metres from the trunk).

2 Dawn Road, Consent, B-18/22SC – 22101220
4 Dawn Road, Consent, B-19/22SC – 22101221
32A Dorothy Street, Consent, B-20/22SC – 22101222
32A Dorothy Street, Minor Variance, A-32/22 – 22101240
32B Dorothy Street, Minor Variance, A-33/22 – 22101241

CRCS has no concerns with the proposed creation of two new lots to facilitate the construction of two detached dwellings fronting onto Dorothy Street. With respect to the requested minor variances to reduce the minimum lot frontage for each new lot, CRCS is satisfied that adequate open space/landscaped area can be achieved so long as the proposed driveways do not exceed the size shown on the plans. Should the applications for consent and minor variance 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 the future development agreement restrict the width of the driveways to 6.1 metres for 32A Dorothy Street and 6.0 metres for 23B Dorothy Street.

68 Jarrow Road, Minor Variance, A-34/22- 22101242

No comment.

22 Inglewood Road, Consent, B-21/22S 2101253
22 Inglewood Road, Consent, B-22/22SC – 22101257
22A Inglewood Road, Minor Variance, A-35/22 – 22101265
22B Inglewood Road, Minor Variance, A-36/22 – 22101267
22C Inglewood Road, Minor Variance, A-37/22 – 22101268

CRCS has no concerns with the proposed creation of two new lots to facilitate the construction of three street townhomes, nor the requested minor variances.

In accordance with section 13.2.2.10 of the Garden City Plan the applicant will be required to convey to the city the natural/conservation area at the rear of all three lots (Part 4), which will be merged with the adjacent City-owned lands. Further, the applicant

will be required to pay for and construct a 1.8 metre high black vinyl chain link fence along the new rear lot lines to ensure encroachment into the natural areas is prevented in the future.

In lieu of the applicant submitting a tree preservation and protection plan, staff suggest that the existing fencing at the rear of all three lots remain in place throughout construction of the proposed dwellings to ensure existing trees in the natural area are retained.

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 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 the applicant dedicate gratuitously to the City, free and clear of any contamination encumbrance, the natural areas at the rear of all three lots, illustrated as Part 4 on the submitted survey sketch.
4. That the future development agreement address the following requirements:
 - a. That the existing fence located at the rear of the subject lands remain in place throughout construction of the townhomes to ensure existing trees within the natural area are protected.
 - b. Upon completion of construction of the townhomes and removal of the existing fence referred to above, the applicant will be required to construct, at its own expense, a 1.8 metre high black vinyl chain link fence (OPSD 972.130) along the future rear lot lines of the townhomes (to be constructed on City-owned lands).

72 Concord Avenue, Minor Variance, A-38/22 – 22101275

No comment.

Amanda Knutson
Community Project & Development Planner

ENGINEERING FILE 300-36

Applicant: 1346704 Ontario Inc. (Marken Homes)

Location: 427 Vine Street

Comment(s): It is noted that the applicant proposes to sever Part 1 from Part 2 for the purpose of constructing and selling two semi-detached dwellings.

Vine Street

Sanitary Sewer: 450 Conc.

Sidewalks: Yes

Road Allowance Width: +/-20m

Vine Street is designated as an Arterial “Main Residential Corridor” road in the City’s Transportation Master Plan with desired right-of-way width of 26m. Its current width is approximately 20m. To be consistent with the widening taken on the property immediately to the north, the City will require a 3.0m road widening to be dedicated free and clear of any encumbrances as a condition of this severance application. **It is noted there appears to be an easement across the frontage of this property where this widening would be required. This would have to be removed prior to dedicating the lands to the City.**

Sidewalks and curbs currently exist across the frontage of the subject lands. A sidewalk damage deposit will be taken at the building permit stage. The deposit is to ensure that any damage to the sidewalk related to the construction of the dwellings will be reinstated to City standards and in a timely manner.

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

As a condition of severance and prior to the demolition permit being issued for the existing house, the owner shall pay for City crews to locate, inspect, and document the sanitary lateral and water service currently being used for the existing dwelling. Prior to

the City doing this work the owner shall arrange to have the new side and front lot lines identified in the field. If the size of the existing services is suitable, they are in good condition, and they do not conflict with future property lines, they may be re-used for one of the semi-detached units.

However, if the location of either of these services conflicts with future lot lines the owner shall pay all costs for relocating the service(s) to avoid such conflicts. If any relocation work is required within the municipal right-of-way it shall be completed by City crews at the owner's expense. Any relocation on the private side is to be arranged for and paid for by the owner. The private side works will require a Plumbing Only Permit.

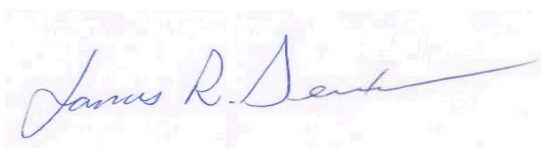
It is to be noted that no new services can be installed until the creation of the lots has been finalized and registered.

Increased drainage challenges occur with in-fill developments, where existing lots do not always have suitable drainage outlets in place. Although an individual lot grading and drainage plan is normally a requirement for review and approval at the building permit stage, in this situation it shall be required as a condition of severance to ensure that the storm run-off to and from these lots, can be conveyed to a suitable outlet without adversely affecting adjacent properties, the municipal right-of-way, or any other City owned lands.

Sump pump flows are typically discharged to grade when no opportunities exist to connect to a storm sewer. However, since a storm sewer does exist on Vine Street, sump pump flows from each dwelling shall be required to discharge to new individual storm laterals to be installed by the City at the owner's expense. The owner shall pay to have these laterals installed at the building permit stage.

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

- Submit a Lot Servicing and Grading Plan for review and approval by City staff. The plan must be prepared by an Ontario Land Surveyor or Professional Engineer and also include the location of the sump pumps, the proposed new storm laterals, the location, and direction of discharge of the roof water downspouts, the existing and proposed water services, sanitary laterals, and curb cuts/fills.
- Pay for City crews to locate, inspect, and document the location of the sanitary lateral and water service currently being used for the existing dwelling.
- If the location of either of the existing services conflict with future lot lines the owner shall pay all costs for relocating the service(s) to avoid such conflicts.
- Pay all costs associated with dedicating to the City free and clear of any encumbrances, a 3.0m strip of land across the frontage of the subject property, for the purposes of widening the Public Highway known as Vine Street.
- Prior to registering the Reference Plan for the road widening in the Land Registry Office, provide the City with a copy for review and approval.



Prepared by:

James R. Denham P.Eng.

B-16/22SC

427 Vine Street

March 15th, 2022

Development Engineering Technologist

cc. Brad Johnston, 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 29, 2022
Hearing Date: April 13, 2022
Subject: **Committee of Adjustment - Minor Variance Applications**
152A&B Lakeshore Road – A-113&114/21SC
34 Oakdale Avenue - A-26&27/22SC
4 Clearview Crescent – A-19/22SC
14 Glen Park Road – A-20/22SC
427A&B Vine Street – A-28&29/22SC
583 Welland Avenue – A-30/22SC
543 Geneva Street – A-31/22SC
32A&B Dorothy Street – A-32&33/22SC
68 Jarrow Road – A-34/22SC
22A,B&C Inglewood Road – A-35,36&37/22SC
72 Concord Avenue – A-38/22SC

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.

Development Engineering have no comments or objections, subject to the following, applicable to;

- The Applicant of **14 Glen Park Road** be advised that a Grading Plan, prepared by a Professional Engineer or an Ontario Land Surveyor, shall be required as part of the submission and review of the building permit application process; and
- The Minor Variance application for **68A Jarrow Road** be **deferred** until such time as a localized Grading Plan, prepared by a Professional Engineer or an Ontario Land Surveyor, is submitted for review and approval by the City, or else the applicant meet the required 1.20m setback

Prepared by:

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

To: Elaine Munro, Committee Secretary and Planning Technician

Cc:

From: Steve Bittner, Transportation Technologist

Date: March 24, 2022

Subject: Committee of Adjustment Comments (April 13, 2022 Hearing)

Upon review of the applications, we have no concerns or requirements.

Steve Bittner
Transportation Technologist

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

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

COMMENTS

A-30/22

583 Welland Avenue

DATE OF HEARING:
April 13, 2022

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Receipt of Comments RE: Amanda No. 22101184, Submission NO. A-30/22 - 583 Welland Avenue
Date: Monday, April 4, 2022 7:01:44 AM

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



From: John Charlton <>
Sent: Sunday, April 3, 2022 2:08 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Amanda No. 22101184, Submission NO. A-30/22

Spoofing Indicators

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.

Dear Ms. Munro,

I have reviewed the Notice of Hearing for Cosmopolitan Homes (Niagara) Ltd. Amanda No. 22101184, Submission No. A-30/22. The variance that worries me the most is #3. A reduction in the minimum landscaped open space within a parking area with 100 or more parking spaces from 10% to 2.28%.

Studying the site plan it looks like the development will be the two 5 story apartment units surrounded by parking spaces with virtually no green space except for a strip along the north side of Welland Avenue. In the proposed 178 rental units surely there will be lots of children and dogs. Where are the children supposed to play outside and where will the dogs get walked? I do not agree with the reduction in landscaped area being asked for.

Respectfully submitted,
John Charlton
65 Dorchester Blvd, Unit 48
St Catharines, ON, L2M 7T7

Cell: XXX-XXX-XXXX

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From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Comments Received RE: Committee of Adjustment Hearing April 13, 2022 Cosmopolitan Homes - 583 Welland Avenue
Date: Monday, April 4, 2022 5:07:55 PM

Elaine Munro ACST

Committee Secretary and Planning Technician

Tel: 905.688.5601 x1715

Email: emunro@stcatharines.ca



How are you feeling?

Find mental health resources that can help.

From: Karin Lampman <>
Sent: Monday, April 4, 2022 1:48 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Committee of Adjustment Hearing April 13, 2022 Cosmopolitan Homes (Niagara) 583 Welland Ave.

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Ms. Munro,

Re: Amanda No. 22101184

Submission No. A-30/22

Cosmopolitan Homes (Niagara) Ltd.

I am a homeowner residing at 13 Dorchester Blvd. S. (Lot 7) and I would like to make some comments concerning Cosmopolitan Homes' application.

1. An increase in maximum density from 99 units per hectare to 111.36 units per hectare.

With a request to increase the density of the development by 10 units per building for a total of 20 units, and that all servicing infrastructure is now buried, has the City confirmed that the

sanitary sewer and water mains have been properly sized to accommodate the proposed increase in density by approximately 12.5%??

It was mentioned at the Public Open House in July 2019 that the proposed pipe sizings were too small and now this increase in density would represent an even larger loading on the same water and sanitary sewers. This is quite significant for a so-called Minor Variance!!

According to the previous site plan, parking requirements were for 198 spaces plus 7 accessible spaces for a total of 225 parking spaces. Now, the revised plan has parking requirements for 223 spaces plus 8 accessible spaces for a total of 231 parking spaces. Where will the developer accommodate the extra spaces??

It appears the developer is attempting to squeeze more and more onto a site without regard to the surrounding area!

2. A reduction in the minimum lot frontage from 30 metres to 7 metres.

I am not sure what the frontage reduction from 30 metres to 7 metres refers to but since it represents an approximate 77% reduction from current zoning regulations, this suggests that this requested change is again not a Minor Variance.

3. A reduction in the minimum landscaped open space within a parking area with 100 or more parking spaces from 10% to 2.28%.

As confirmed by the City Planner in an email that I received March 11, 2021 regarding 583 Welland Ave., is as follows:

"The design does provide for a minimum 21 metre setback (greater than the

height of the building) from the apartments buildings to the rear of the properties along the west side of Dorchester. In addition, a 4 metre wide landscape strip will be located between the property line and parking area, with plantings, including a variety of trees and shrubs.....The development will also be required to construct a 1.8 metre high wood board fencing along the property line."

So the question is, what does this reduction in landscape open space mean?

I do have major concerns with the so-called Minor Variances requested which appear NOT TO BE MINOR to me.

I trust that City staff and counselors are carefully scrutinizing this developer's request to ensure the development is carried out in the best interests of the City and not ignoring the interests of the current neighbouring property owners.

Karin Lampman
13 Dorchester Blvd. S.
St. Catharines L2M 0B8
XXX-XXX-XXXX

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From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Comments Received RE: Amanda No. 22101184; Submission No. A-30/22
Date: Tuesday, April 5, 2022 9:59:05 AM

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



From: Craig Aris <>
Sent: Monday, April 4, 2022 7:53 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Amanda No. 22101184; Submission No. A-30/22

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Dear Ms. Munro

I am tendering this submission in reference to Application A-30/22 seeking relief for St Catharines By-law 2013-283

The Submission seeks to increase the number of units in each of the two buildings by 11.24% while at the same time reducing the lot frontage by 76.7% and the landscaped open space by over 70%. Therefore it becomes obvious that the reduction in frontage and landscaped space is a direct result of the desire to add twenty additional units and their required parking spaces.

It is with the aforementioned in mind, that we respectfully submit the following objections to the variance requested by Cosmopolitan Homes (Niagara) Ltd.

The recently completed developments that border the development at 583 Welland Avenue are home to over one hundred residents who will now look out upon this development daily, greatly affecting the resident's quality of life and whose property values will be greatly affected by the outcome of this application. The new developments in question all have landscaped greenspace adding to the rejuvenation of the neighborhood and providing the inhabitants with a pleasant environment in which to live, and the City of St Catharines with a standard that provides its ratepayers with environmentally sensitive developments that place value on residents' quality of life. I can appreciate a developer wishing to maximize their profit, however this cannot be at the expense of others. The proposed variance will result in two concrete boxes surrounded by asphalt with an extremely small ribbon of grass on three sides of the building. The plan allows for no common green space, no trees, or gardens, simply asphalt. The original plan called for the same two five story buildings but with 77% greater frontage and over three times the greenspace and as such it is with respect that we ask for Application A-30/22 to be denied, and the greenspace provision of 10% to be

enforced.

Best regards,

Craig & Cindy Aris
45 Dorchester Blvd Unit 8
St Catharines, ON
L2M 0C4

Email redacted
XXX XXX XXXX

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From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Comments Received RE: application A-30/22 - 583 Welland Avenue
Date: Wednesday, April 6, 2022 9:53:28 AM

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



From: Helen Doig <>
Sent: Wednesday, April 6, 2022 9:19 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: application A-30/22

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My wife and I own and live at 45 Dorchester Blvd., Unit 44, St Catharines, L2M0C4. Our unit backs directly on to the property known as 583 Welland Avenue.

We wish to object to the current application to increase the maximum density from 99 units per hectare to 111.36 units per hectare.

The existing approval is already at the maximum density permitted by the existing zoning. All other residential buildings / dwellings in the neighborhood are townhouses or single units with the appropriate density for such developments. Therefore the buildings in the subject development are already approved at higher density than the surrounding neighbors.

To increase that density further would not complement the existing residential area.

To allow a development to exceed the existing zoning density would set an unwelcome precedent which would lead to a significant change in the neighborhood.

Thank you for your consideration.

Regards,

Mel and Helen Doig

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From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Comments Received RE: 583 Welland Ave
Date: Wednesday, April 6, 2022 1:51:17 PM

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



From: Alice Mirtsos <>
Sent: Wednesday, April 6, 2022 12:34 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: 583 Welland Ave

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Dear Ms Munro,

We are writing to make a submission to object to the variances requested by Cosmopolitan Homes Ltd, Application A-30/22, seeking relief from Bylaw 2014-283.

We purchased our home from Marken Homes in March 2019 and moved in March 2020. When we purchased our home, the site plan for 583 Welland Ave (Enclave) consisted of townhouse bungalows and 2 story townhouses. The greenspace and style of homes in this community were significant factors in our decision to move to St Catharines and specifically this location.

At no point were we given notification of a change to the site plan. This site plan remained on Cosmopolitan's website until less than a year ago. It became obvious that the plan had changed when the watermain and roadway were installed in 2021.

Our first notification of an ammendment to the plan came in March 2022 with the notice for this public meeting.

If the ammendments are passed, the area will consist of 97.72% concrete buildings, asphalt and parking with only 2.28% allotted for grass and landscaped areas. It appears that there will be mostly a ribbon of grass at the border of the property where the swales are.

Is St Catharines still referred to as THE GARDEN CITY?

The large buildings and lack of green space significantly effects our quality of life and our property value. These buildings will tower over our home. 583 Welland Ave is on higher ground than our property. We are concerned about the amount of rainwater that will settle on our property. We know that water always seeks the lowest point. We are already concerned that our sump pump runs excessively and that rainwater runs towards our home. We can only imagine how much worse this will be when this housing complex is finished.

Our backyard has an easement. We border on this property. Will a reduction in the landscaping bring the asphalt closer to the easement?

With the variety of unit sizes, shall we assume that families with children or pets may purchase or rent? Where will the children play? Where will people walk their dogs? Shall we expect to see an influx of people walking their dogs in our subdivision since it is the closest area with sidewalks and grass?

We respectfully request that the application for amendments (Application A-30/22) be denied and that the density, lot frontage and greenspace remain unchanged.

Thank you

Alice and Steve Mirtsos

49 - 45 Dorchester Blvd

St Catharines

April 6th, 2022

Elaine Munro, Secretary-Treasurer
Committee of Adjustment, City Hall
P.O. Box 3012
50 Church Street
St. Catharines ON, L2R 7C2
Tel: (905) 688-5600 Ext 1715

Hello Elaine Munro,

Re: Amanda No. 22101184
Submission No. A-30/22

As requested by my Client, namely The Elmwood Group Ltd. (Elmwood) (please see attached letter of authorization), I ask to participate in the Committee of Adjustment hearing on April 13, 2022, at 5:00 pm.

Elmwood operates a kitchen cabinet manufacturing facility directly south across Welland Avenue from the proposed development at 570 Welland Avenue. The facility currently operates under Environmental Activity Sector Registry Registration (EASR) Number R-010-5112285553, filed with the Ministry of the Environment and Climate Change, and signed and sealed by myself.

My specific concerns are that the movement of the proposed 5-story condominium building 23-metres closer to Elmwood will negatively impact perceived noise, odour and air emissions at receptors. At the hearing, I hope to be able to further explain these concerns, with respect to the reports that supported the EASR registration and the potential effect on Elmwood's EASR as a result of the proposed variances.

Elmwood would like to be very clear on the fact that they do not oppose development, provided appropriate studies and efforts (if required) are taken to safeguard residents. The last thing Cosmopolitan Homes (Niagara) Ltd. (CHNL), the City of St. Catharines or Elmwood need are complainants from new residents.

Quite simply, the proposed variances to this development will change the criteria by which all the businesses on the property at 570 Welland Ave. are measured. We are hopeful that the appropriate steps are being/have been taken by CHNL to avoid negatively impacting neighbouring business operations.

Yours truly,

Oakhill Environmental Inc.



Fil Barillaro M.A.Sc., P. Eng., QP, Consulting Engineer
President

April 5th, 2022



City of St. Catharines
COMMITTEE OF ADJUSTMENT
P.O. Box 3012
50 Church Street
St. Catharines ON, L2R 7C2
Tel: (905) 688-5600 Ext 1715
Fax: (905) 688-5873

Re: **Notice of Hearing – Cosmopolitan Homes (Niagara) Ltd,
583 Welland Avenue, St. Catharines, ON.**

To Whom It May Concern:

The Elmwood Group Ltd. (Elmwood) has retained Fil Barillaro of Oakhill Environmental Inc. as its technical contact and representative to respond to Notice of Hearing for Submission No. A-30/22, as he has successfully obtained Elmwood's historic Environmental Compliance Approvals from the Ministry of the Environment, Conservation and Parks, and helps to maintain their current Environmental Activity Sector Registry registration. Please contact the following for any information:

Fil Barillaro, M.A.Sc., P.Eng., QP
Principal Engineer
Oakhill Environmental
16 Walnut Street
St. Catharines, ON
L2T 1H3
Fil@oakhillenvironmental.com
Tel: 905-988-1243
Fax: 905-988-1887

Sincerely,

Michel Plante
Chief Financial Officer

570 Welland Avenue
St. Catharines, ON
L2M 5V6
CANADA

T 905 688-5205
TF 1 800 267-1695

elmwoodcabinets.com

April 5, 2022

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

Attention: Elaine Munro

File# 22 101184

Re: 583 Welland Ave

In response to your correspondence dated March 23, 2022, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

- For Residential/Commercial electrical service requirements, the Developer needs to contact our ICI and Layouts Department at 1-877-963-6900 ext: 25713 or visit our web site @ www.alectrautilities.com.
- 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:

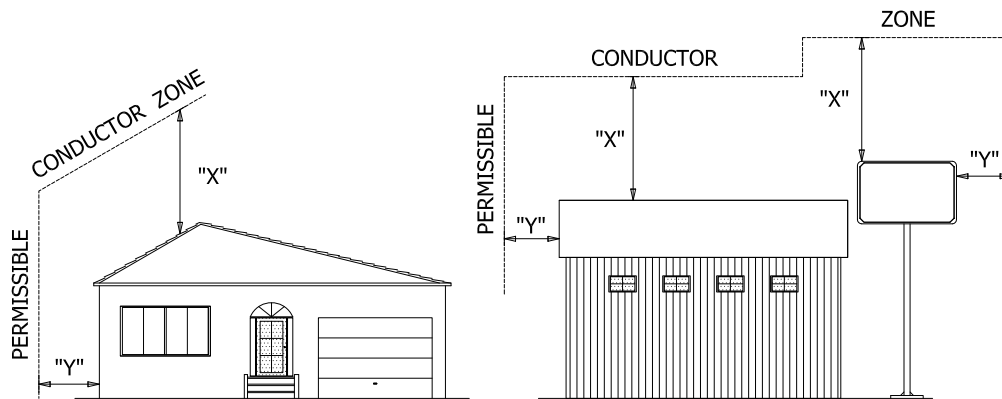
- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's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



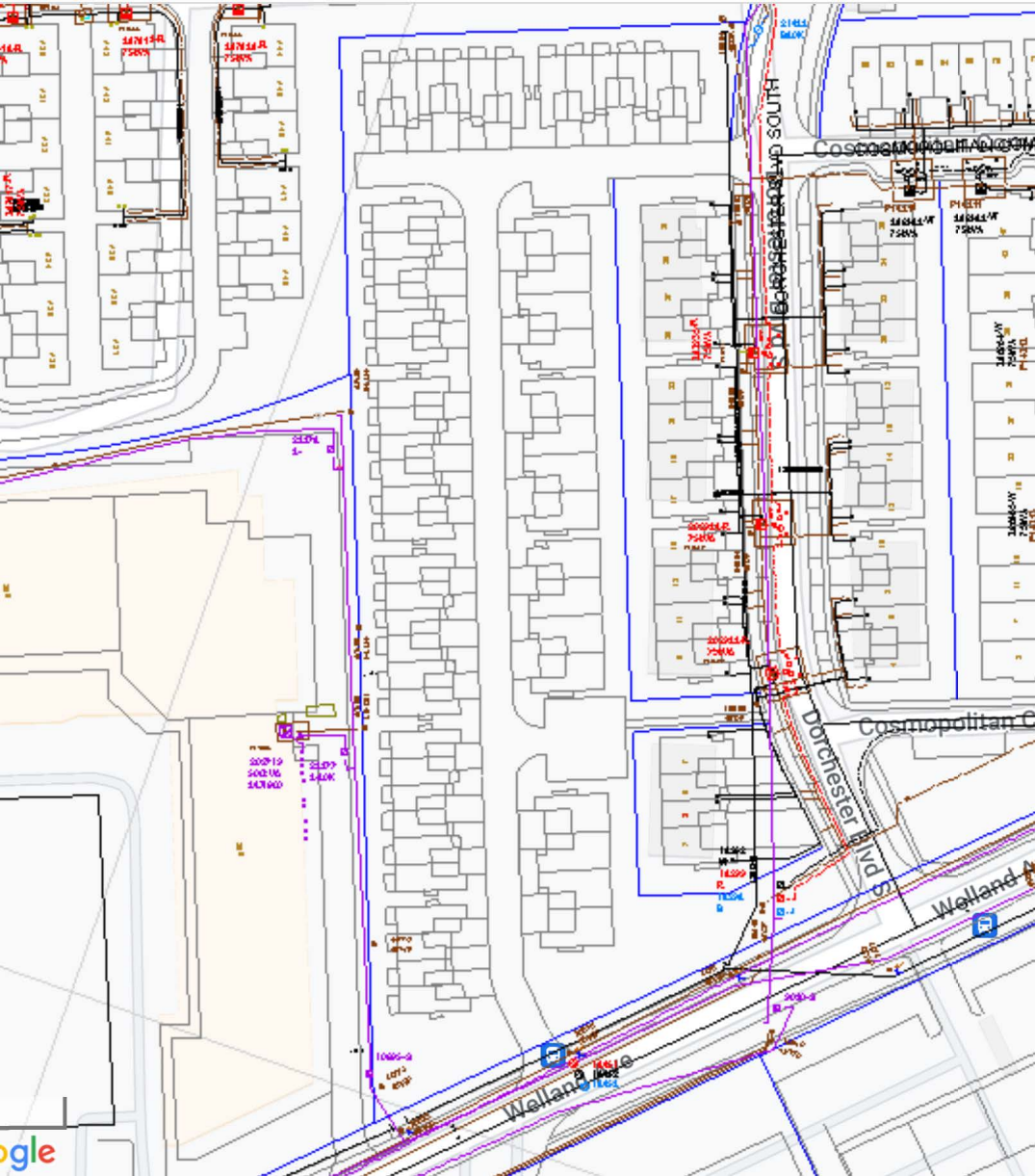
- UNDER NO CIRCUMSTANCES SHALL A CONDUCTOR BE PERMITTED TO PENETRATE THE ENVELOPE SHOWN BY THE DOTTED LINE.

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:

1. 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.
2. THIS CLEARANCE IS MADE UP OF A 3.0 m MINIMUM APPROACH CLEARANCE PLUS A 1.0 m ALLOWANCE FOR CONDUCTOR SWING.
3. 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)
4. 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).
5. 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.





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From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Cogeco Comments, Committee of Adjustment Hearing Notices & Applications - April 13, 2022 Hearing
Date: Wednesday, March 30, 2022 11:11:55 AM

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



From: Doug Crown <doug.crown@cogeco.com>
Sent: Wednesday, March 30, 2022 10:41 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Request for Comments, Committee of Adjustment Hearing Notices & Applications - April 13, 2022 Hearing

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

Hi Elaine

Cogeco has no concerns with these applications.

Have the best day ever

Doug Crown
Network Planning Department
Doug.crown@cogeco.com

7170 Mcleod Rd
Niagara Falls Ont Canada

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

MEMORANDUM

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

Cc: Wilrik Banda
Planning and Building Services

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

Date: March 29, 2022

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

NO.	ADDRESS	COMMENTS
A-113/21	152A Lakeshore Road	Be advised that a building permit is required to construct the single detached dwelling.
A-114/21	152BA Lakeshore Road	No Comment
A-26/22	34 Oakdale Avenue	No Comment
A-27/22	36 Oakdale Avenue	Be advised that a building permit is required to construct the single detached dwelling.
A-19/22	4 Clearview Crescent	Be advised that the current building permit (21118297RN) shall be completed prior to construction. Be advised that a building permit is required to construct an attached garage.

NO.	ADDRESS	COMMENTS
A-20/22	14 Glen Park Road	Be advised that a building permit is required to demolish the existing detached garage. Be advised that a building permit is required to construct the detached garage.
A-28/22	427A Vine Street	Be advised that a building permit is required to construct the semi-detached dwelling.
A-29/22	427B Vine Street	Be advised that a building permit is required to construct the semi-detached dwelling.
A-30/22	583 Welland Avenue	Be advised that a building permit is required to construct two 5 storey apartment buildings.
A-31/22	543 Geneva Street	Be advised that a building permit is required to construct a single detached dwelling.
A-32/22	32A Dorothy Street	Be advised that a building permit is required to construct a single detached dwelling.
A-33/22	32B Dorothy Street	Be advised that a building permit is required to construct a single detached dwelling.
A-34/22	68 Jarrow Road	Be advised that a building permit is required to construct a sunroom.
A-35/22	22A Inglewood Road	Be advised that a building permit is required to construct a three unit townhouse.
A-36/22	22B Inglewood Road	Be advised that a building permit is required to construct a three unit townhouse.

NO.	ADDRESS	COMMENTS
A-37/22	22C Inglewood Road	Be advised that a building permit is required to construct a three unit townhouse.
A-38/22	72 Concord Avenue	Be advised that a building permit is required for the proposed accessory dwelling unit.



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: April 8, 2022

Subject: Committee of Adjustment Applications – April 13, 2022 Hearing

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

152 Lakeshore Road, Consent, B-38/21SC – 21118450
152B Lakeshore Road, Consent, B-14/22SC – 22100934
152A Lakeshore Road, Minor Variance, A-113/21 – 21118453
152B Lakeshore Road, Minor Variance, A-114/21 – 21118454

In support of these applications, the applicant has submitted a Tree Inventory and Preservation Plan Report, prepared by Jackson Arboriculture Inc., dated March 25, 2022. The Report confirms the locations and health of one City boulevard tree, trees on the subject site and adjacent properties, as well as boundary trees. The Report provides recommendations for either preservation or removal for each of the 18 trees inventoried, based on the drawings submitted with the initial application.

The report indicates that there are several Norway Maple trees located on the neighbouring property to the east, and on the common boundary between that neighbouring property and the subject lands. The report recommends that these trees be removed, with permission from the neighbouring homeowner, to facilitate relocation of the existing dwelling. The report does suggest, however, that the trees in question could be saved if a greater front yard setback were provided for the relocated dwelling.

Following submission of this Report, the applicant provided updated drawings that show the relocated home positioned further back on the lot and rotated to achieve greater front and interior side yards. Additionally, it is our understanding that the Applicant will be withdrawing its request for a reduced front yard setback and will comply with the minimum 13.8 metres prescribed. CRCS is supportive of the increased front and interior side yard setbacks, which provide greater protection to the Norway Maple trees discussed above. CRCS staff would otherwise object to the minor variance to reduce the front yard setback.

The applicant is proposing a common driveway, which will extend into the rear yards and provide access to two parking spaces on each lot. To mitigate the impact that vehicle headlights might have on neighbouring properties, CRCS staff recommend that the existing wood board fence be retained for both lots, as well as the stand of mature trees along the rear lot line.

The applicant has requested several minor variances for the new dwelling, including reductions in front yard setback, interior side yard setback, lot frontage, as well as an increase in maximum paved area. The applicant has also requested a minor variance for reduced lot frontage for the relocated dwelling. All of these variances will reduce the overall amount of greenspace that can be provided on the subject lands. Staff have no objection to these variances on the condition that the future development agreement restrict the use of the front yards for parking in any area that hasn't already been illustrated on the drawings submitted with the applications. Without such a condition in place, it is possible that gravel parking areas could be installed in the front yards, further reducing on-site greenspace. This would also impact the overall character of the street, where front yards generally consist of wide lawn areas.

Should the applications for consent and minor variance 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.
3. That the future development agreement address the following requirements:
 - a. That the applicant implement the recommendations of the Tree Inventory and Preservation Plan Report, prepared by Jackson Arboriculture Inc., dated March 25, 2022, for trees 1, 2, and 8 thru 18 identified in that report.
 - b. That for trees 3 thru 7 identified in the same Report, the applicant implement standard mitigation measures and best practices for tree preservation and protection described in Table 2 and Section 6.2 "Tree Preservation" thereof.
 - c. That the approved plans clearly illustrate tree protection zones and notes.

- d. That the front yard driveways and parking areas for both lots be restricted to what is generally shown on the plans submitted with these applications.

34 Oakdale Avenue, Consent, B-15/22SC – 22101119

34 Oakdale Avenue, Minor Variance, A-26/22 – 22101120

36 Oakdale Avenue, Minor Variance, A-27/22 – 22101123

CRCS has no concerns with the proposed creation of a new lot to facilitate the construction of a detached dwelling, nor the majority of the minor variances being sought. With respect to the requested variance to reduce the minimum lot frontage for the new lot, CRCS is satisfied that adequate open space/amenity area will be achieved in the front yard so long as the proposed driveway does not exceed the size shown on the plans.

Staff note that there are two mature trees located in front of the existing home. Once the required road widening is dedicated to the City, these trees will be located within the public road allowance. Staff are awaiting comments from the Forestry Section as to whether the trees will need to be removed or can remain.

Should the applications for consent and minor variance 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.
3. That the future development agreement restrict the width of the driveway on 36 Oakdale Avenue to 3.5 metres.

4 Clearview Crescent, Minor Variance, A-19/22 – 22100841

No comment.

14 Glen Park Road, Minor Variance, A-20/22 – 22100843

No comment

427 Vine Street, Consent, B-16/22SC – 22101141

427A Vine Street, Minor Variance, A-28/22 – 22101144

427B Vine Street, Minor Variance, A-29/22 – 22101145

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

Staff note that there is a tree within the Vine Street boulevard that conflicts with the proposed driveway for the southerly unit. Typically these conflicts are flagged during the pre-submission consultation stage and the applicant would be required to adjust the location of the driveway and/or submit a tree preservation and protection plan to ensure the tree is retained unharmed. Given this conflict was not flagged during that previous application, the tree will need to be removed and replaced with a specimen of equal value. The applicant will be responsible for the costs associated with this.

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.
3. That the applicant submit a payment for the removal and replacement of the existing boulevard tree by City forces, in accordance with the City's current Schedule of Rates and Fees.

583 Welland Avenue, Minor Variance, A-30/22 – 22101184

CRCS staff have no concerns with the requested increase in density, nor the requested reduced lot frontage. Staff acknowledge that the minor variance required for reduced landscape open space is a result of an oversight in zoning compliance that occurred during the site plan approval process. An approved landscape plan is in place as part of the site plan agreement. It is staff's opinion that requiring the applicant to comply with the landscaping requirements of the Zoning By-law at this point would be onerous. Accordingly, staff offer no objection to the application.

543 Geneva Street, Consent, B-17/22SC – 22101208
543 Geneva Street, Minor Variance, A-31/22 – 22101215

CRCS has no concerns with the proposed creation of a new lot to facilitate the construction of a detached dwelling fronting onto Marsten Drive, nor the requested minor variance being sought. Staff note that the majority of the proposed rear yard of the existing home is covered by a concrete driveway. A reduction in the minimum rear yard is sought, however staff is satisfied that there is opportunity to create sufficient private amenity area by shortening the length of the driveway, if desired by the applicant.

We note that a mature tree exists in the Marsten Drive boulevard and care must be taken not to damage this tree during construction of the new dwelling. CRCS recommends that certain mitigation measures be implemented through the future development agreement to address this.

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

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.
3. That the future development agreement address the following requirements:
 - a. That prior to any construction activities commencing on site, a tree protection zone at least 4 metres in radius be installed around the trunk of the tree to be retained, and that such tree protection zone remain in place for the duration of construction.
 - b. That no soil, construction materials, equipment, or vehicles of any sort be stored or otherwise located within the tree protection zone.
 - c. That the garage and driveway for the new dwelling be located adjacent to the westerly lot line, as far as possible from the retained tree.
 - d. That servicing for the new dwelling be located – and all excavation occur - as far as possible from the critical root zone of the retained tree (approximately 6.0 metres from the trunk).

2 Dawn Road, Consent, B-18/22SC – 22101220
4 Dawn Road, Consent, B-19/22SC – 22101221
32A Dorothy Street, Consent, B-20/22SC – 22101222
32A Dorothy Street, Minor Variance, A-32/22 – 22101240
32B Dorothy Street, Minor Variance, A-33/22 – 22101241

CRCS has no concerns with the proposed creation of two new lots to facilitate the construction of two detached dwellings fronting onto Dorothy Street. With respect to the requested minor variances to reduce the minimum lot frontage for each new lot, CRCS is satisfied that adequate open space/landscaped area can be achieved so long as the proposed driveways do not exceed the size shown on the plans. Should the applications for consent and minor variance 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 the future development agreement restrict the width of the driveways to 6.1 metres for 32A Dorothy Street and 6.0 metres for 23B Dorothy Street.

68 Jarrow Road, Minor Variance, A-34/22- 22101242

No comment.

22 Inglewood Road, Consent, B-21/22S 2101253
22 Inglewood Road, Consent, B-22/22SC – 22101257
22A Inglewood Road, Minor Variance, A-35/22 – 22101265
22B Inglewood Road, Minor Variance, A-36/22 – 22101267
22C Inglewood Road, Minor Variance, A-37/22 – 22101268

CRCS has no concerns with the proposed creation of two new lots to facilitate the construction of three street townhomes, nor the requested minor variances.

In accordance with section 13.2.2.10 of the Garden City Plan the applicant will be required to convey to the city the natural/conservation area at the rear of all three lots (Part 4), which will be merged with the adjacent City-owned lands. Further, the applicant

will be required to pay for and construct a 1.8 metre high black vinyl chain link fence along the new rear lot lines to ensure encroachment into the natural areas is prevented in the future.

In lieu of the applicant submitting a tree preservation and protection plan, staff suggest that the existing fencing at the rear of all three lots remain in place throughout construction of the proposed dwellings to ensure existing trees in the natural area are retained.

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 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 the applicant dedicate gratuitously to the City, free and clear of any contamination encumbrance, the natural areas at the rear of all three lots, illustrated as Part 4 on the submitted survey sketch.
4. That the future development agreement address the following requirements:
 - a. That the existing fence located at the rear of the subject lands remain in place throughout construction of the townhomes to ensure existing trees within the natural area are protected.
 - b. Upon completion of construction of the townhomes and removal of the existing fence referred to above, the applicant will be required to construct, at its own expense, a 1.8 metre high black vinyl chain link fence (OPSD 972.130) along the future rear lot lines of the townhomes (to be constructed on City-owned lands).

72 Concord Avenue, Minor Variance, A-38/22 – 22101275

No comment.

Amanda Knutson

Community Project & Development Planner



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 29, 2022
Hearing Date: April 13, 2022
Subject: **Committee of Adjustment - Minor Variance Applications**
152A&B Lakeshore Road – A-113&114/21SC
34 Oakdale Avenue - A-26&27/22SC
4 Clearview Crescent – A-19/22SC
14 Glen Park Road – A-20/22SC
427A&B Vine Street – A-28&29/22SC
583 Welland Avenue – A-30/22SC
543 Geneva Street – A-31/22SC
32A&B Dorothy Street – A-32&33/22SC
68 Jarrow Road – A-34/22SC
22A,B&C Inglewood Road – A-35,36&37/22SC
72 Concord Avenue – A-38/22SC

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.

Development Engineering have no comments or objections, subject to the following, applicable to;

- The Applicant of **14 Glen Park Road** be advised that a Grading Plan, prepared by a Professional Engineer or an Ontario Land Surveyor, shall be required as part of the submission and review of the building permit application process; and
- The Minor Variance application for **68A Jarrow Road** be **deferred** until such time as a localized Grading Plan, prepared by a Professional Engineer or an Ontario Land Surveyor, is submitted for review and approval by the City, or else the applicant meet the required 1.20m setback

Prepared by:

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

To: Elaine Munro, Committee Secretary and Planning Technician

Cc:

From: Steve Bittner, Transportation Technologist

Date: March 24, 2022

Subject: Committee of Adjustment Comments (April 13, 2022 Hearing)

Upon review of the applications, we have no concerns or requirements.

Steve Bittner
Transportation Technologist



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: April 8, 2022

Date of Meeting: April 13, 2022

Report Number: A-30/22

File: 22101184

Subject: 583 Welland Avenue

Recommendation

The submission **A-30/22** by Cosmopolitan Homes (Niagara) Ltd, as outlined in the Notice of Hearing, be approved.

Report Background

The subject lands were the subject of applications for zoning by-law amendment and plan of subdivision in 2006. Following a series of open houses and public hearings Council granted planning approvals for medium density residential, allowing for a mix of residential units, including apartments. A site-specific zoning provision was also established to address setbacks, landscape buffers, accessory structures, and other matters.

A related application for site plan approval was later submitted (2019), reviewed by staff, and presented to the public. While detailed designs for two five-storey apartment buildings, with a total of 158 units, were eventually accepted by the City, construction of the buildings has not yet commenced on site.

The Proposal

Application **A-30/22** seeks relief from the City of St. Catharines By-law 2013-283, as amended, to permit the inclusion of 20 additional apartment units, resulting in a density that exceeds the maximum permitted in the R3 zone. The 20 additional apartment units are proposed to be accommodated in the approved footprint, with no change to the building's massing, height, or the site's parking and landscaping. The requested variances are outlined in the table below.

Variance	Provision	Required	Proposed
1	Maximum density	99 units per hectare	111.36 units per hectare
2	Minimum lot frontage	30 metres	7 metres
3	Minimum landscaped open space within a parking area	10%	2.28%

	with 100 or more parking spaces		
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Location and Site Description

The subject property is located on the north side of Welland Avenue, west of Dorchester Boulevard South. The lands are currently vacant and are the last phase of a subdivision, with the other phases (to the east) having been developed and now occupied by residents. The surrounding uses are residential to the north and east, employment to the south and commercial to the west.

Circulation of Application

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

Planning Policy Context

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated Medium Density Residential on Schedule E3. Apartment buildings are a permitted use in this designation.

Zoning By-law (2013-283)

The subject property is zoned Medium Density Residential with a Special Provision (M3-81). Special Provision 81 provides site specific setbacks and landscape buffers. Apartment buildings are a permitted use in the R3 zone.

Planning Analysis

Variance 1 – Maximum Density

The Applicant seeks relief from the density provisions of the Zoning By-law that apply to the subject lands. While a maximum density of 99 units per hectare is permitted (158 dwelling units on this property), the Applicant is proposing a density of 111.36 units per hectare (178 dwelling units on this property).

The site plan submitted with this Application, which is consistent with the existing approved Site Plan, demonstrates that all required parking for the 178 apartment units can be provided on-site at the prescribed ratio of 1.25 parking spaces per unit. The Transportation Section of Engineering, Facilities, and Environmental Services is satisfied that there is sufficient capacity on Welland Avenue and in the surrounding street network to accommodate the additional 20 apartment units sought and that the additional trips resulting from these units will not negatively impact the street network. Further, the Development Section of Planning and Building Services has reviewed and accepted the Functional Servicing Report submitted, which confirms there is capacity in the City's sanitary sewer to accommodate the additional units requested. The requested variance for an increase in density from 99 to 111.36 units per hectare is minor in nature.

The intent of the density provisions of the Zoning By-law is to achieve the density targets set out in the Garden City Plan, (GCP), which implement the Provincial Growth Plan. Density targets seek to increase the City's housing supply while efficiently using lands and preventing urban sprawl; intensification is directed to serviced lands in the urban area. Section 8.1.2 of the GCP sets out a density range generally between 25 and 99 units per hectare for lands designated Medium Density Residential, such as the subject lands. Staff are satisfied that while the proposal of 178 dwelling units, which equates to 111.36 units per hectare exceeds the maximum 99 units per hectare, the additional units are proposed to be accommodated within the approved building footprint, with no change in the building's massing or height, with adequate parking and services provided. Staff are therefore satisfied that the proposed increase in density is generally aligned with the density range prescribed by the GCP and that the intent and purpose of the Zoning By-law and Official Plan will be maintained.

Variances 2 – Minimum Frontage

Variance 2 seeks to reduce the minimum lot frontage from 30 metres to 7 metres. This variance is required to recognize the unique geometry of the lot. The zoning by-law defines the front lot line as the shortest line abutting a public street. Due to the lots multiple frontages on Dorchester Boulevard South, the shortest lot line along the road is a 7-metre-wide frontage on Dorchester Boulevard South, where a pedestrian walkway is intended to be established. The property has a second lot line along Dorchester Boulevard South, at the north east extent of the site, which exceeds 30 metres in width. Further, the Welland Avenue frontage, defined as the exterior side yard in the City's Zoning By-law, exceeds a width of 100 metres. Both the north east frontage on Dorchester Boulevard South and the frontage along Welland Avenue will act as the principal means of accessing the lot by a vehicle. The deficient lot frontage is an existing situation, is not proposed to be changed through the proposed increase in density and is effectively a technical variance required to be recognized.

The 7 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 3 – Minimum Landscaping within a Parking Area

Variance 3 seeks to reduce the minimum landscaped open space within a parking area with 100 or more parking spaces from 10% to 2.28%. The requested variance is necessary to recognize a deficiency in the landscaping within the proposed parking area that was inadvertently missed during the site plan approval process. The deficiency is not caused by the proposed additional units and is not proposed to be changed through the proposed increase in density. In this case, the reduction in landscaped open space is to recognize a situation that has been issued approval through the City's Site Plan process and unfortunately the approved parking area does not include the minimum required landscaped open space. Due to the advanced stage of approvals and nature of the landscaping on site, acknowledging the reduced landscaped open space is required.

The intent of the provision for landscaped open space within a parking area with 100 or more parking spaces is to ensure larger parking areas and expanses of pavement are broken up, and adequate landscaping is provided to assist with stormwater management, providing shade to assist with heat effects from pavement, and visual improvement to a parking area. While the cumulative parking area includes a total of 181 surface spaces and an additional 44 spaces within garages, the parking area circles the proposed buildings, with parking provided towards the site edges, abutting the perimeter landscape buffers, which include a variety of tree and shrub plantings. The location and layout of the parking area, along with the vegetated landscape buffers around the site's perimeter provides visual interest around the parking area, and creates separation between sections of the parking area (on each side of the buildings).

With regards to drainage and stormwater management, the Development Section of Planning and Building Services has reviewed and accepted the stormwater management and grading plan for the site, ensuring that the stormwater runoff for the site, including the parking area, has been adequately managed to the City's standards. Staff from Community Recreation and Culture Services acknowledge that the minor variance required for reduced landscape open space is a result of an oversight in zoning compliance that occurred during the site plan approval process. An approved landscape plan is in place as part of the site plan agreement. It is staff's opinion that requiring the applicant to comply with the landscaping requirements of the Zoning By-law at this point would be onerous. Staff are satisfied that the intent and purpose of the Zoning By-law and Official Plan will be maintained.

The reduction in landscaped open space within the parking area will have no adverse impacts on adjacent properties, as the perimeter landscape buffers are maintained and stormwater management for the site has been accepted, and is therefore considered minor in nature, desirable for the 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 45 of *The Planning Act*, staff are of the opinion that Application **A-30/22** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is desirable for the appropriate use of the lands. Staff recommend approval of the Application.

Prepared and submitted by:



Taya Devlin
Senior Planner

Approved by:



Margaret Josipovic
Manager Planning Services

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-17/22SC & A-31/22

543 Geneva Street

DATE OF HEARING:
April 13, 2022

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Comments Received RE: Amanda no 21101208 & Amanda no 22101215 - 543 Geneva Street
Date: Thursday, March 31, 2022 4:42:43 PM
Attachments: [image001.png](#)

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



From: Dave Hingston <>
Sent: Wednesday, March 30, 2022 11:38 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Amanda no 21101208 & Amanda no 22101215

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

I live next door to the property 543 Geneva St (I live at 4 Marten dr.)

That has applied for a severance and minor variance

I strongly disagree with this because

1- we already have a drainage issue with ground water this house will add to the problem (I believe there was a drainage creek swale right where this house is proposed to go)

2 -there is a safety concern about parked cars at entrance to Marten drive (this house will now create more vehicles with nowhere to park)

3- When we bought our house this was an established neighborhood with nice lot sizes this house will now change that (privacy will now be gone)

4- This new lot size should only be in new areas where you are buying into that type of neighborhood

5- we have been approached by several neighbors that have the same concerns

Dave Hingston

Email redacted

XXX-XXX-XXXX



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



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: April 8, 2022

Date of Meeting: April 13, 2022

Report Number: B-17/22SC
A-31/22

File: 22101208
22101215

Subject: 543 Geneva Street

Recommendation

That submission **B-17/22SC** by Emmy Montemurro-Baxter, 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 543 Geneva Street addressing the following conditions:
 - a. That building permit plans for Part 1, once submitted, be reviewed and confirmed to be generally in accordance with the site plan and elevation plans submitted with this application, provided the elevation be mirrored to place the garage and driveway on the west side of the lot per the submitted site plan; and
 - b. That a 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 prior to any construction activities commencing on site, a tree protection zone at least 4 metres in radius be installed around the trunk of the tree to be retained within the City boulevard in front of Part 1, and that such tree protection zone remain in place for the duration of construction.
 - d. That no soil, construction materials, equipment, or vehicles of any sort be stored or otherwise located within the tree protection zone.
 - e. That the garage and driveway for the new dwelling be located adjacent to the westerly lot line, as far as possible from the retained tree.
 - f. That servicing for the new dwelling be located, and all excavation occur, as far as possible from the critical root zone of the retained tree (approximately 6.0 metres from the trunk).
2. That the owner demolish the existing shed and detached garage and greenhouse and complete all inspections to the satisfaction of the Chief Building Official. A building permit is required for the demolition.
3. That the owner 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, meet the requirements of Subsection 9.10.14 and 9.10.15 of the 2012 Ontario Building Code as applicable.

4. That the owner submit a lot servicing and grading plan for review and approval by City staff. The plan must be prepared by an Ontario Land Surveyor or Professional Engineer and also include the location of the sump pumps, the proposed new storm laterals, the location, and direction of discharge of the roof water downspouts, and the existing and proposed water services, sanitary laterals, and curb cuts/fills.
5. That the owner pay for City crews to locate, inspect, and document the location of the sanitary lateral and water service currently being used for the existing dwelling.
6. That if the location of either of the existing services conflict with future lot lines the owner shall pay all costs for relocating the service(s) to avoid such conflicts.
7. That the owner pay to the City the estimated cost of \$10,684.00. for the future construction of a sidewalk across the Marsden Drive frontage.
8. 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.
9. 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.
10. That approval of all necessary minor variances outlined in concurrent Application A-31/22 be obtained.
11. That the owner provide the Secretary-Treasurer with the acknowledgment and direction for conveyance of the subject parcel, together with a copy of the deposited reference plan, for use in the issuance of the Certificate of Consent.
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 February 23, 2024.

That submission **A-31/22** by Emmy Montemurro-Baxter, as outlined in the Notice of Hearing, be approved.

Report

The Proposal

The applicant proposes to sever the existing lot at 543 Geneva Street into two lots for the purpose of constructing a proposed detached dwelling on Part 1 of the lot. The remnant lot (Part 2) will be used for existing residential use. There is a concurrent minor variance application required to address the zoning deficiency created by the consent. The requested minor variance and consent are outlined in the tables below.

Application	Severed Parcel	Severed Area	Retained Parcel	Retained Area
B-17/22SC	Part 1	434.2 m ²	Part 2	434.2 m ²

Application	Variance	Provision	Required	Proposed
A-31/22	1	Reduction of minimum rear yard setback	7.5 metres	4.79 metres

Location and Site Description

The subject property is located in the North District on the northwest corner of Geneva Street and Marsten Drive. The subject property is currently occupied by a detached dwelling. The neighbourhood is mostly comprised of detached dwellings. Guy Road Park is located northeast of the subject lands.

Circulation of Application

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

Planning Policy Context

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential on Schedule E1. Detached dwellings are permitted in this designation at a density of 20-32 units per hectare of land. The proposed development has a density of 23 units per hectare.

Zoning By-law (2013-283)

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

Planning Analysis

Consent

Consent application **B-17/22SC** requests to sever the subject property to create two lots in order to construct a one-story detached dwelling and retain an existing detached dwelling. Section 16.11 of the GCP sets out a number of 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 severed lots will make use of existing infrastructure. The owner is at expense for any required improvements to infrastructure such as municipal streets, water, wastewater, and stormwater services. Therefore, 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 new one-story 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 proposed and retained parcel are both well within the required lot area for detached dwellings and meet the density targets for the Low Density Residential designation. The proposed severance of an oversized lot into two lots that meet the density targets for the lands is considered to be appropriate and represent optimum development of the area. The severance facilitates infill development in an established area that is context sensitive and appropriate for the residential use. The proposed severances will not result in any adverse impacts on surrounding properties.

Staff note that the existing dwelling requires a variance for rear yard setback as a result of the proposed severance. The reduction is discussed in the Minor Variance section of this report. Despite the reduction, the lot contains acceptable area to accommodate amenity space. The building is existing, and there are no negative impacts anticipated on surround properties as a result of the reduced setback to the north. Both lots meet all other zoning provisions for detached dwellings in the R1 zone, containing sufficient space for parking, front and side yard setbacks, landscaped area and do not exceed maximum parking area coverage. Staff recommend that consent application **B-17/22SC** be approved, subject to conditions outlined in the recommendation.

Minor Variance

The applicant is requesting a reduction in the rear yard setback from 7.5 metres to 4.79 metres, resulting in a decrease of 2.71 metres. The intent of the rear yard setback is to maintain separation distance from the adjacent property, ensure adequate amenity space, protect privacy, and reduce overlook. The setback is existing along the north property line but, as a result of the severance, the setback is being redefined from an interior side yard setback (requiring 1.2 metres) to a rear yard setback (requiring 7.5 metres). The severance is removing the majority of the current rear yard amenity space for the purpose of constructing a new dwelling. The resulting lot containing the existing house maintains adequate lot area and frontage to support a detached dwelling. However, due to the orientation and location of the existing dwelling, the rear yard is reduced while the interior side yard, exterior side yard and front yard exceed minimum requirements.

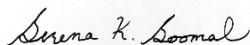
Staff are satisfied that the reduced setback maintains separation distance from abutting properties. Privacy is not compromised, and the building is not proposed to be expanded or changed in any way that would impact neighbouring lots. Despite the reduction, the lot contains sufficient outdoor amenity space overall, provided in the front, exterior side and rear yard. The 4.79 metre rear yard currently contains a driveway. However, this area could be converted to usable amenity space without compromising the sufficient provision of parking on-site. Staff find that the proposed setback meets the intent of the policies outlined in the GCP and does not create any adverse impacts on surrounding properties. The requested variance is considered minor in nature, desirable for the appropriate use of lands, and meets the general intent of the Official Plan and Zoning By-law.

Conclusion

Having regard for the matters under Section 53 of *The Planning Act*, staff are of the opinion that Consent Application **B-17/22SC** 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 of *The Planning Act*, staff are of the opinion that Minor Variance Applications **A-31/22** 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 the application.

Prepared by:



Serena Soomal
Student Planner

Submitted by:



Charlotte McEwan, MCIP, RPP
Planner I

Approved by:



Margaret Josipovic, BES, MPA
Manager of Planning Services

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Alectra RE: 543 Geneva Street, St. Catharines
Date: Friday, April 1, 2022 4:40:18 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)

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



From: Network Info <network.info@horizonutilities.com>
Sent: Friday, April 1, 2022 1:22 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: RE: 543 Geneva 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.

Good afternoon Elaine,

Our office has no comment/objections based on the drawing(s) provided.

Regards,



Samantha Burke
Engineering Clerk, ICI & Layouts
55 John Street North, Hamilton, ON, L8R 3M8
t 905.798.2971
alectrautilities.com
  

*At Alectra, the health and safety of our employees remains our highest priority and we have implemented vaccination policies for all our worksites and offices. Effective **November 12, 2021**, all visitors and contractors entering any Alectra worksite or*

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Cogeco Comments, Committee of Adjustment Hearing Notices & Applications - April 13, 2022 Hearing
Date: Wednesday, March 30, 2022 11:11:55 AM

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



From: Doug Crown <doug.crown@cogeco.com>
Sent: Wednesday, March 30, 2022 10:41 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Request for Comments, Committee of Adjustment Hearing Notices & Applications - April 13, 2022 Hearing

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

Hi Elaine

Cogeco has no concerns with these applications.

Have the best day ever

Doug Crown
Network Planning Department
Doug.crown@cogeco.com

7170 Mcleod Rd
Niagara Falls Ont Canada

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

MEMORANDUM

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

Cc: Wilrik Banda
Planning and Building Services

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

Date: March 29, 2022

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

B-38/21SC – 152 Lakeshore Road

Comment:

- 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.

Condition:

- A building permit is required to relocate the existing detached dwelling to Part 4 and to complete all inspections to the satisfaction of the Chief Building Official.
- A building permit is required to demolish the existing detached garage and to complete all inspections to the satisfaction of the Chief Building Official.
- A building permit is required to demolish the existing deck and to complete all inspections to the satisfaction of the Chief Building Official.

B-14/21SC – 152B Lakeshore Road

Comment:

- No comment

Condition:

- No comment

34 Oakdale Avenue – B15/22SC

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, meet the requirements of Subsection 9.10.14 and 9.10.15 of the 2012 Ontario Building Code as applicable.

B-16/22SC – 427 Vine Street

Comment:

- No comment

Condition:

- A building permit is required to demolish the existing detached dwelling and to complete all inspections to the satisfaction of the Chief Building Official.
- A building permit is required to demolish the existing accessory structure on Part 2 and to complete all inspections to the satisfaction of the Chief Building Official.

B-17/22SC – 543 Geneva Street

Comment:

- 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.

Condition:

- A building permit is required to demolish the existing detached garage and greenhouse and to complete all inspections to the satisfaction of the Chief Building Official.
- A building permit is required to demolish the existing shed and to complete all inspections 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 west, meet the requirements of Subsection 9.10.14 and 9.10.15 of the 2012 Ontario Building Code as applicable.

B-18/22SC – 2 Dawn Road

Comment:

- No comment

Condition:

- A building permit is required to demolish the existing garage and to complete all inspections to the satisfaction of the Chief Building Official.

B-19/22SC – 4 Dawn Road

Comment:

- No comment

Condition:

- No comment

B-20/22SC – 32A Dorothy Street

Comment:

- No comment

Condition:

- No comment

B-21/22SC – 22A Inglewood Road

Comment:

- No comment

Condition:

- A building permit is required to demolish the existing detached dwelling and to complete all inspections to the satisfaction of the Chief Building Official.

B-22/22SC – 22B Inglewood Road

Comment:

- No comment

Condition:

- A building permit is required to demolish the existing detached dwelling and to complete all inspections to the satisfaction of the Chief Building Official.

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

MEMORANDUM

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

Cc: Wilrik Banda
Planning and Building Services

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

Date: March 29, 2022

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

NO.	ADDRESS	COMMENTS
A-113/21	152A Lakeshore Road	Be advised that a building permit is required to construct the single detached dwelling.
A-114/21	152BA Lakeshore Road	No Comment
A-26/22	34 Oakdale Avenue	No Comment
A-27/22	36 Oakdale Avenue	Be advised that a building permit is required to construct the single detached dwelling.
A-19/22	4 Clearview Crescent	Be advised that the current building permit (21118297RN) shall be completed prior to construction. Be advised that a building permit is required to construct an attached garage.

NO.	ADDRESS	COMMENTS
A-20/22	14 Glen Park Road	<p>Be advised that a building permit is required to demolish the existing detached garage.</p> <p>Be advised that a building permit is required to construct the detached garage.</p>
A-28/22	427A Vine Street	Be advised that a building permit is required to construct the semi-detached dwelling.
A-29/22	427B Vine Street	Be advised that a building permit is required to construct the semi-detached dwelling.
A-30/22	583 Welland Avenue	Be advised that a building permit is required to construct two 5 storey apartment buildings.
A-31/22	543 Geneva Street	Be advised that a building permit is required to construct a single detached dwelling.
A-32/22	32A Dorothy Street	Be advised that a building permit is required to construct a single detached dwelling.
A-33/22	32B Dorothy Street	Be advised that a building permit is required to construct a single detached dwelling.
A-34/22	68 Jarrow Road	Be advised that a building permit is required to construct a sunroom.
A-35/22	22A Inglewood Road	Be advised that a building permit is required to construct a three unit townhouse.
A-36/22	22B Inglewood Road	Be advised that a building permit is required to construct a three unit townhouse.

NO.	ADDRESS	COMMENTS
A-37/22	22C Inglewood Road	Be advised that a building permit is required to construct a three unit townhouse.
A-38/22	72 Concord Avenue	Be advised that a building permit is required for the proposed accessory dwelling unit.



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: April 8, 2022

Subject: Committee of Adjustment Applications – April 13, 2022 Hearing

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

152 Lakeshore Road, Consent, B-38/21SC – 21118450
152B Lakeshore Road, Consent, B-14/22SC – 22100934
152A Lakeshore Road, Minor Variance, A-113/21 – 21118453
152B Lakeshore Road, Minor Variance, A-114/21 – 21118454

In support of these applications, the applicant has submitted a Tree Inventory and Preservation Plan Report, prepared by Jackson Arboriculture Inc., dated March 25, 2022. The Report confirms the locations and health of one City boulevard tree, trees on the subject site and adjacent properties, as well as boundary trees. The Report provides recommendations for either preservation or removal for each of the 18 trees inventoried, based on the drawings submitted with the initial application.

The report indicates that there are several Norway Maple trees located on the neighbouring property to the east, and on the common boundary between that neighbouring property and the subject lands. The report recommends that these trees be removed, with permission from the neighbouring homeowner, to facilitate relocation of the existing dwelling. The report does suggest, however, that the trees in question could be saved if a greater front yard setback were provided for the relocated dwelling.

Following submission of this Report, the applicant provided updated drawings that show the relocated home positioned further back on the lot and rotated to achieve greater front and interior side yards. Additionally, it is our understanding that the Applicant will be withdrawing its request for a reduced front yard setback and will comply with the minimum 13.8 metres prescribed. CRCS is supportive of the increased front and interior side yard setbacks, which provide greater protection to the Norway Maple trees discussed above. CRCS staff would otherwise object to the minor variance to reduce the front yard setback.

The applicant is proposing a common driveway, which will extend into the rear yards and provide access to two parking spaces on each lot. To mitigate the impact that vehicle headlights might have on neighbouring properties, CRCS staff recommend that the existing wood board fence be retained for both lots, as well as the stand of mature trees along the rear lot line.

The applicant has requested several minor variances for the new dwelling, including reductions in front yard setback, interior side yard setback, lot frontage, as well as an increase in maximum paved area. The applicant has also requested a minor variance for reduced lot frontage for the relocated dwelling. All of these variances will reduce the overall amount of greenspace that can be provided on the subject lands. Staff have no objection to these variances on the condition that the future development agreement restrict the use of the front yards for parking in any area that hasn't already been illustrated on the drawings submitted with the applications. Without such a condition in place, it is possible that gravel parking areas could be installed in the front yards, further reducing on-site greenspace. This would also impact the overall character of the street, where front yards generally consist of wide lawn areas.

Should the applications for consent and minor variance 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.
3. That the future development agreement address the following requirements:
 - a. That the applicant implement the recommendations of the Tree Inventory and Preservation Plan Report, prepared by Jackson Arboriculture Inc., dated March 25, 2022, for trees 1, 2, and 8 thru 18 identified in that report.
 - b. That for trees 3 thru 7 identified in the same Report, the applicant implement standard mitigation measures and best practices for tree preservation and protection described in Table 2 and Section 6.2 "Tree Preservation" thereof.
 - c. That the approved plans clearly illustrate tree protection zones and notes.

- d. That the front yard driveways and parking areas for both lots be restricted to what is generally shown on the plans submitted with these applications.

34 Oakdale Avenue, Consent, B-15/22SC – 22101119

34 Oakdale Avenue, Minor Variance, A-26/22 – 22101120

36 Oakdale Avenue, Minor Variance, A-27/22 – 22101123

CRCS has no concerns with the proposed creation of a new lot to facilitate the construction of a detached dwelling, nor the majority of the minor variances being sought. With respect to the requested variance to reduce the minimum lot frontage for the new lot, CRCS is satisfied that adequate open space/amenity area will be achieved in the front yard so long as the proposed driveway does not exceed the size shown on the plans.

Staff note that there are two mature trees located in front of the existing home. Once the required road widening is dedicated to the City, these trees will be located within the public road allowance. Staff are awaiting comments from the Forestry Section as to whether the trees will need to be removed or can remain.

Should the applications for consent and minor variance 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.
3. That the future development agreement restrict the width of the driveway on 36 Oakdale Avenue to 3.5 metres.

4 Clearview Crescent, Minor Variance, A-19/22 – 22100841

No comment.

14 Glen Park Road, Minor Variance, A-20/22 – 22100843

No comment

427 Vine Street, Consent, B-16/22SC – 22101141

427A Vine Street, Minor Variance, A-28/22 – 22101144

427B Vine Street, Minor Variance, A-29/22 – 22101145

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

Staff note that there is a tree within the Vine Street boulevard that conflicts with the proposed driveway for the southerly unit. Typically these conflicts are flagged during the pre-submission consultation stage and the applicant would be required to adjust the location of the driveway and/or submit a tree preservation and protection plan to ensure the tree is retained unharmed. Given this conflict was not flagged during that previous application, the tree will need to be removed and replaced with a specimen of equal value. The applicant will be responsible for the costs associated with this.

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.
3. That the applicant submit a payment for the removal and replacement of the existing boulevard tree by City forces, in accordance with the City's current Schedule of Rates and Fees.

583 Welland Avenue, Minor Variance, A-30/22 – 22101184

CRCS staff have no concerns with the requested increase in density, nor the requested reduced lot frontage. Staff acknowledge that the minor variance required for reduced landscape open space is a result of an oversight in zoning compliance that occurred during the site plan approval process. An approved landscape plan is in place as part of the site plan agreement. It is staff's opinion that requiring the applicant to comply with the landscaping requirements of the Zoning By-law at this point would be onerous. Accordingly, staff offer no objection to the application.

543 Geneva Street, Consent, B-17/22SC – 22101208
543 Geneva Street, Minor Variance, A-31/22 – 22101215

CRCS has no concerns with the proposed creation of a new lot to facilitate the construction of a detached dwelling fronting onto Marsten Drive, nor the requested minor variance being sought. Staff note that the majority of the proposed rear yard of the existing home is covered by a concrete driveway. A reduction in the minimum rear yard is sought, however staff is satisfied that there is opportunity to create sufficient private amenity area by shortening the length of the driveway, if desired by the applicant.

We note that a mature tree exists in the Marsten Drive boulevard and care must be taken not to damage this tree during construction of the new dwelling. CRCS recommends that certain mitigation measures be implemented through the future development agreement to address this.

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

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.
3. That the future development agreement address the following requirements:
 - a. That prior to any construction activities commencing on site, a tree protection zone at least 4 metres in radius be installed around the trunk of the tree to be retained, and that such tree protection zone remain in place for the duration of construction.
 - b. That no soil, construction materials, equipment, or vehicles of any sort be stored or otherwise located within the tree protection zone.
 - c. That the garage and driveway for the new dwelling be located adjacent to the westerly lot line, as far as possible from the retained tree.
 - d. That servicing for the new dwelling be located – and all excavation occur - as far as possible from the critical root zone of the retained tree (approximately 6.0 metres from the trunk).

2 Dawn Road, Consent, B-18/22SC – 22101220
4 Dawn Road, Consent, B-19/22SC – 22101221
32A Dorothy Street, Consent, B-20/22SC – 22101222
32A Dorothy Street, Minor Variance, A-32/22 – 22101240
32B Dorothy Street, Minor Variance, A-33/22 – 22101241

CRCS has no concerns with the proposed creation of two new lots to facilitate the construction of two detached dwellings fronting onto Dorothy Street. With respect to the requested minor variances to reduce the minimum lot frontage for each new lot, CRCS is satisfied that adequate open space/landscaped area can be achieved so long as the proposed driveways do not exceed the size shown on the plans. Should the applications for consent and minor variance 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 the future development agreement restrict the width of the driveways to 6.1 metres for 32A Dorothy Street and 6.0 metres for 23B Dorothy Street.

68 Jarrow Road, Minor Variance, A-34/22- 22101242

No comment.

22 Inglewood Road, Consent, B-21/22S 2101253
22 Inglewood Road, Consent, B-22/22SC – 22101257
22A Inglewood Road, Minor Variance, A-35/22 – 22101265
22B Inglewood Road, Minor Variance, A-36/22 – 22101267
22C Inglewood Road, Minor Variance, A-37/22 – 22101268

CRCS has no concerns with the proposed creation of two new lots to facilitate the construction of three street townhomes, nor the requested minor variances.

In accordance with section 13.2.2.10 of the Garden City Plan the applicant will be required to convey to the city the natural/conservation area at the rear of all three lots (Part 4), which will be merged with the adjacent City-owned lands. Further, the applicant

will be required to pay for and construct a 1.8 metre high black vinyl chain link fence along the new rear lot lines to ensure encroachment into the natural areas is prevented in the future.

In lieu of the applicant submitting a tree preservation and protection plan, staff suggest that the existing fencing at the rear of all three lots remain in place throughout construction of the proposed dwellings to ensure existing trees in the natural area are retained.

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 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 the applicant dedicate gratuitously to the City, free and clear of any contamination encumbrance, the natural areas at the rear of all three lots, illustrated as Part 4 on the submitted survey sketch.
4. That the future development agreement address the following requirements:
 - a. That the existing fence located at the rear of the subject lands remain in place throughout construction of the townhomes to ensure existing trees within the natural area are protected.
 - b. Upon completion of construction of the townhomes and removal of the existing fence referred to above, the applicant will be required to construct, at its own expense, a 1.8 metre high black vinyl chain link fence (OPSD 972.130) along the future rear lot lines of the townhomes (to be constructed on City-owned lands).

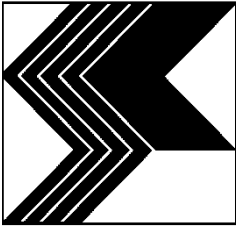
72 Concord Avenue, Minor Variance, A-38/22 – 22101275

No comment.

Amanda Knutson

Community Project & Development Planner

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-17-22SC
DEVELOPMENT ENGINEERING FILE 300-36



Date: March 28th, 2022

Hearing Date: April 13th, 2022

Applicant: Morgan Young (Owner Emmy Montemurro-Baxter)

Location: 543 Geneva Street

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

Comment(s):

It is noted that the applicant proposes to sever Part 1 from Part 2 for the purpose of constructing and selling a new detached dwelling fronting Marsden Drive. Part 2 will remain with the existing dwelling.

EXISTING MUNICIPAL SERVICES

	<u>Geneva Street</u>	<u>Marsten Drive</u>
Water:	200mm PVC	150mm AC
Sanitary Sewer:	525mm Conc.	200mm Conc. (2.3m Deep)
Storm Sewer:	1800mm Concrete	525mm (Material unknown)
Sidewalks:	Yes	No
ROW Width:	+/-26	+/-20m

ROADS

Marsden Drive is designated as an “Community Street” in the City’s Transportation Master Plan with desired right-of-way width of 20m. Its current width is approximately +/-20m. Therefore, a widening of Marsden Drive will not be required at this time.

Geneva Street is designated as a “Main Residential Corridor” in the City’s Transportation Master Plan with desired right-of-way width of 26m. Its current width is Approximately +/-26m. Therefore, a widening of Geneva Street will not be required at this time.

SIDEWALKS & CURBS

Sidewalks and curbs currently exist across the Geneva Street frontage of the subject lands. Since construction will not be undertaken on the remnant lot at this time, a sidewalk damage deposit will not be taken.

Sidewalks do not currently exist across the Marsden Drive frontage of the subject lands. The City’s Transportation Master Plan requires sidewalks on both sides of Community Streets. The applicant will be required to pay to the City the estimated cost

of a future 1.5m wide sidewalk across the Marsden Drive frontage of the entire property as a condition of severance. The surveyor's sketch provided with the application indicates the frontage is 35.614m. Based on prices received for recent City contracts for sidewalk works including the design, construction, inspection, and administration the all-inclusive unit price for sidewalks is \$200/m. The amount to be paid is 35.614m (frontage) x 1.5m (width) x \$200.00/m (rate) = \$10,684.00.

SERVICES AND GRADING

As a condition of severance and prior to the demolition permit being issued for the existing house, the owner shall pay for City crews to locate, inspect, and document the sanitary lateral and water service currently being used for the existing dwelling. Prior to the City doing this work the owner shall arrange to have the new side and front lot lines identified in the field. If the size of the existing services is suitable, they are in good condition, and they do not conflict with future property lines, they may be re-used for one of the lots.

However, if the location of either of these services conflicts with future lot lines the owner shall pay all costs for relocating the service(s) to avoid such conflicts. If any relocation work is required within the municipal right-of-way it shall be completed by City crews at the owner's expense. Any relocation on the private side is to be arranged for and paid for by the owner. The private side works will require a Plumbing Only Permit.

It is to be noted that no new services can be installed until the creation of the lots has been finalized and registered.

Increased drainage challenges occur with in-fill developments. Although a Lot Grading and Servicing Plan is normally a not a requirement until the building permit stage, in this situation it shall be required as a condition of severance to ensure that the storm run-off to and from these lots, can be conveyed to a suitable outlet without adversely affecting adjacent properties, the municipal right-of-way, or any other City owned lands. This plan shall also show the location of all existing and proposed water services, sanitary laterals, and storm laterals. It should be noted that City records indicate a portion of an old concrete box culvert may exist on the subject property near the Marsden Drive frontage. This culvert was abandoned when the new storm sewer was installed on Marsden Drive.

Sump pump flows are typically discharged to grade when no opportunities exist to connect to a storm sewer. However, since a storm sewer does exist on Vine Street, sump pump flows from each dwelling shall be required to discharge to new individual storm laterals to be installed by the City at the owner's expense. The owner shall pay to have these laterals installed at the building permit stage.

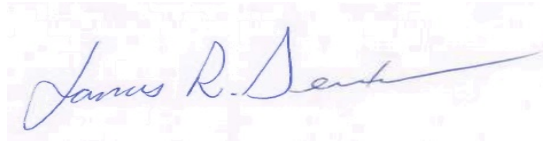
Condition(s):

Prior to final certification of the severance the Owner shall,

- Submit a Lot Servicing and Grading Plan for review and approval by City staff. The plan must be prepared by an Ontario Land Surveyor or Professional Engineer and also include the location of the sump pumps, the proposed new storm laterals, the location, and direction of discharge of the roof water downspouts, and the existing and proposed water services, sanitary laterals, and curb cuts/fills.
- Pay for City crews to locate, inspect, and document the location of the sanitary lateral and water service currently being used for the

existing dwelling.

- If the location of either of the existing services conflict with future lot lines the owner shall pay all costs for relocating the service(s) to avoid such conflicts.
- Pay to the City the estimated cost of \$10,684.00. for the future construction of a sidewalk across the Marsden Drive frontage.



Prepared by:

James R. Denham P.Eng.
Development Engineering Technologist

cc. Brad Johnston, 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 29, 2022
Hearing Date: April 13, 2022
Subject: **Committee of Adjustment - Minor Variance Applications**
152A&B Lakeshore Road – A-113&114/21SC
34 Oakdale Avenue - A-26&27/22SC
4 Clearview Crescent – A-19/22SC
14 Glen Park Road – A-20/22SC
427A&B Vine Street – A-28&29/22SC
583 Welland Avenue – A-30/22SC
543 Geneva Street – A-31/22SC
32A&B Dorothy Street – A-32&33/22SC
68 Jarrow Road – A-34/22SC
22A,B&C Inglewood Road – A-35,36&37/22SC
72 Concord Avenue – A-38/22SC

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.

Development Engineering have no comments or objections, subject to the following, applicable to;

- The Applicant of **14 Glen Park Road** be advised that a Grading Plan, prepared by a Professional Engineer or an Ontario Land Surveyor, shall be required as part of the submission and review of the building permit application process; and
- The Minor Variance application for **68A Jarrow Road** be **deferred** until such time as a localized Grading Plan, prepared by a Professional Engineer or an Ontario Land Surveyor, is submitted for review and approval by the City, or else the applicant meet the required 1.20m setback

Prepared by:

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

To: Elaine Munro, Committee Secretary and Planning Technician

Cc:

From: Steve Bittner, Transportation Technologist

Date: March 24, 2022

Subject: Committee of Adjustment Comments (April 13, 2022 Hearing)

Upon review of the applications, we have no concerns or requirements.

Steve Bittner
Transportation Technologist

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

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

COMMENTS

**B-18/22SC, B-19/22SC, B-20/22SC,
A-32/22 & A-33/22**

2 & 4 Dawn Street

**DATE OF HEARING:
April 13, 2022**

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Comments Received RE: 4 Dawn Road application for adjustments
Date: Monday, March 28, 2022 8:15:40 AM

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



From: Paul McCowell <>
Sent: Monday, March 28, 2022 8:00 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: 4 Dawn Road application for adjustments

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 disagree with this. It will complicate the intersection with no parking for corner house.
Also the house adjacent to Dawn street just completed an extensive renovation which increased its size and occupants have to park on street(Dorothy). Dorothy st traffic has increased alot since the new car dealerships on Lake use it for test drives.
The design of these 2 houses also dont reflect the kind of neighbourhood.
I see no real reason for this other than pure profit for the individuals asking for the change.
Thank you for your time.
Paul McCowell
XXX XXX XXXX

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

Submittal To: City of St.Catharines - Committee of Adjustment

Hearing Date: April 13, 2022

Date Prepared: March 31, 2022

We are responding with our opposition to;

Amanda No 22101220 - Application to sever 2 Dawn Rd

Amanda No 22101221 - Application to sever 4 Dawn Rd

Amanda No 22101222 - Application to draw new lot lines creating 32A & 32B Dorothy

Amanda No 22101240 - Application to reduce lot frontage from 16.5m to 13.11m

Amanda No 22101241 - Application to reduce lot frontage from 16.5m to 13.11m

Prepared by D.Lea on behalf of Dorothy St. & Dawn Rd. residents;

L. Andres	P. Maynard	R. Vaughan	J. Muniak	B. Walsworth	W. Epp
J. Andres	W. Dilts	K. Abreau	S. Nauta	R. Dreyer	K. Clark
J. Ramsbotten	L. Dilts	D. Lea	R. Steele	B. Chamberlain	
P. McCowell	H. Chalmers	L. Battnick	M. Lidgett	J. Armstrong	
T. Kornelson	C. Walsworth	L. Sirard	A. Lundy	M. Foster	
R. Leblanc	M. Male	S. Muniak	E. Desrosier		

Dorothy St

One of St. Catharines most desirable streets. A quiet neighbourhood of classic family modest homes on large lots with ample parking. We all move here and remain here for these reasons. Many spend their entire lives here. Most homes only going up for sale upon ones passing.

Front Setback

A typical home on the south side of Dorothy St. has a front yard setback of 12.24m. The proposal places two new homes nearly 5m closer to the roadway. We feel this would make it completely out of place and not in keeping with the neighbourhood. Of note, 6 Dorothy was an empty lot for years. When a new home was built there they maintained the same setback as other homes. Newer setbacks of 6m should be intended for new subdivisions.

The picture below shows the front of all the homes only varying by less than a meter.



Lot Size & House Footprint

Below is an analysis and comparison of the lot size and housing footprint of nearby homes on Dorothy St.

North side Dorothy

House #	Lot area M2	House area M2	Lot coverage
5	1050	96	9%
7	1050	88	8%
9	1120	84	8%
11	1050	135	13%
13	1344	126	9%
15	1260	80	6%
17	1260	105	8%
19	1008	140	14%
21	1260	90	7%
23	924	90	10%
25	1008	84	8%
27	1268	83.6	7%
29	1680	70	4%
31	924	72	8%
33	1008	120	12%
35	1008	81	8%
37	924	72	8%
39	1008	72	7%
41	1008	71	7%
43	840	72	9%
45	1176	100	9%
47	1260	110	9%
49	1260	110	9%
Average	1117.3	93.5	9%

South side Dorothy

House #	Lot area M2	House area M2	Lot coverage
2	840	140	17%
4	840	140	17%
6	600	112	19%
12	660	120	18%
14	705	86	12%
16	700	84	12%
18	660	90	14%
20	840	90	11%
22	684	80	12%
24	900	86	10%
26	780	90	12%
28	910	126	14%
30	900	86	10%
Average	770.7	102.3	13.5%

Proposed #	Lot area	House area	Lot coverage
32a	400	159	40%
32b	400	159	40%

Combined Lot Area average = 992m2
Combined House Area average = 96.7m2
Combined lot coverage average = 10.3%

The proposed lot area is less than half of a typical lot and the lot coverage is 4 times that of a typical home.

This neighborhood is not known for high density dwellings. The proposal is not in keeping with the neighbourhood.

Parking Concerns

A typical home on Dorothy St has an average of 5 parking spots excluding any garage.

The current tenants at 2 Dawn road have 2 vehicles and 2 boats. They have a garage and one parking space. They currently park one vehicle on Dawn Rd. and the other on Dorothy St on angle between the sidewalk and the roadway. Likely contrary to bylaws. This indicates inadequate parking for that existing home.

The proposal only allows for 2 parking spaces for each dwelling. With a house area of 159M2 the likely residents will have a minimum of two cars plus any cars of their teenage children. With a house area of 159M2 the probability of a future basement apartment is rather high. Where will these possible tenants park?

There is a high probability that we could have street parking issues in the future. With ditches aligning the roadway, when people park on the roadway $\frac{1}{4}$ of their vehicle is on the soft shoulder and $\frac{3}{4}$ is out in the roadway causing traffic issues.

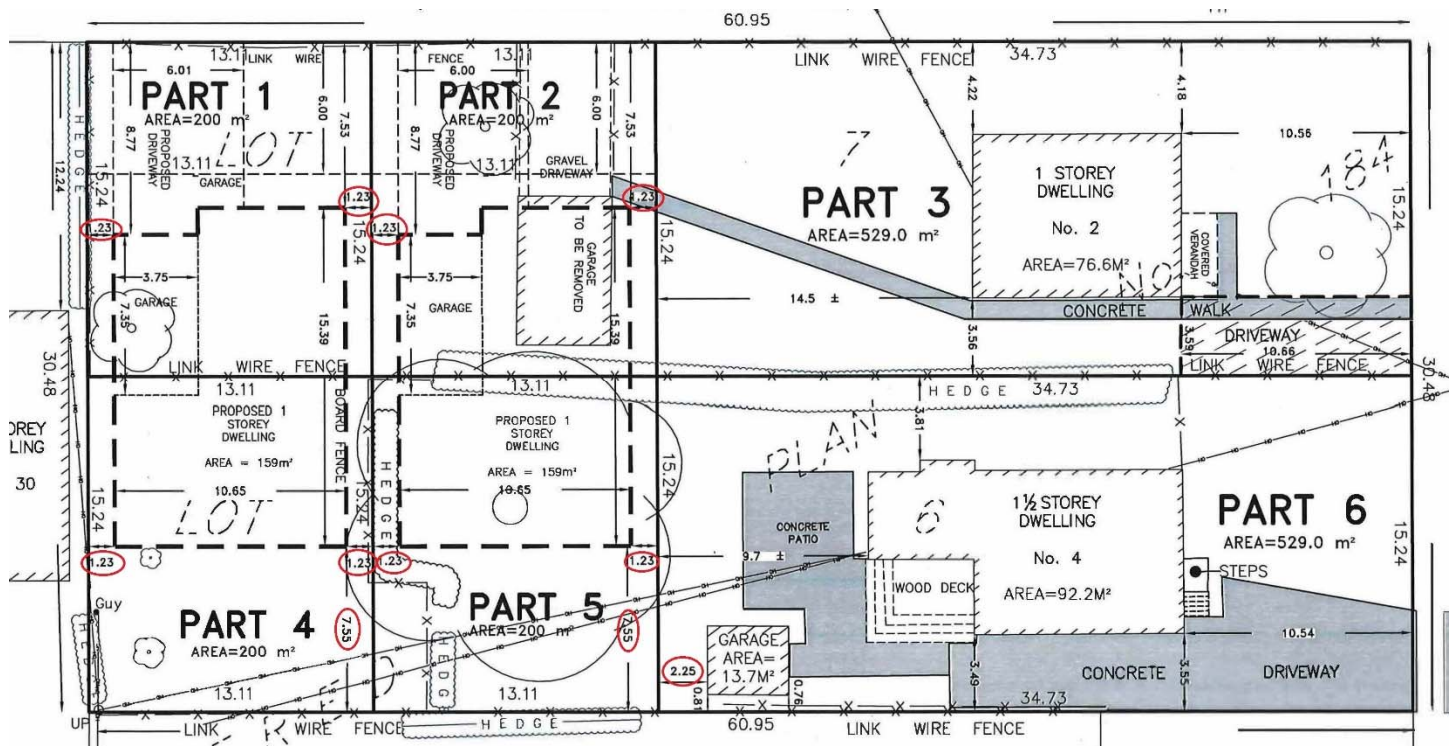
The homes on Dorothy St. have an average of 5 parking spaces each as shown below.

North side	
House #	Parking spots
5	4
7	3
9	7
11	5
13	8
15	8
17	4
19	5
21	5
23	6
25	12
27	4
29	4
31	3
33	5
35	6
37	6
39	5
41	5
43	6
45	6
47	5
49	5
Average	5.5

South side	
House #	Parking spots
2	4
4	4
6	4
12	3
14	4
16	4
18	4
20	7
22	3
24	4
26	4
28	6
30	5
36	4

Average	4.3
---------	-----

Combined average = 5



Summary

We feel the proposal is not compatible with existing homes in the neighbourhood with respect to size, setbacks, and scale, and would be detrimental to the character of the neighbourhood. It appears little effort has been made to maintain the character of the neighbourhood of large lots, large parking areas and classic homes.

	Lot Area	Lot Coverage	Parking spots
Typical home	992m2	10%	5
Proposed build	400m2	40%	2

While infill is part of the city's official plan. The City Official plan states in PART D : LAND USE POLICIES 7.1, Part C

c) Building, site, streetscape and neighbourhood context sensitive design to ensure:

i) Integration of compatible building form, scale, massing, height, setbacks, spacing, siting, orientation, facades and architectural materials with adjacent buildings, properties and the surrounding neighbourhood;

Based on the proposal all efforts were concentrated on maximizing the house footprint on the smallest possible lot. These would become the largest homes on the smallest lots on the street.

We feel any new development on this land needs to be reconsidered.

We strongly oppose the current proposal on all accounts.

The location of those that oppose are outlined in red. The subject land is outlined in yellow.



Those who oppose have signed below.

Signatories below are signing to declare their **Opposition** to the approval of requests to sever lots and redraw lot lines. To receive a variance on two lots each of 3.37m, and the proposal to construct two new dwellings.

Amanda No 22101220 - Application to sever 2 Dawn Rd

Amanda No 22101221 - Application to sever 4 Dawn Rd

Amanda No 22101222 - Application to draw new lot lines creating 32A & 32B Dorothy

Amanda No 22101240 - Application to reduce lot frontage from 16.5m to 13.11m

Amanda No 22101241 - Application to reduce lot frontage from 16.5m to 13.11m

Date	Name	Address	Years of Residency	Signature
3/31/22	D. Lea	27 Dorothy	36	
3/31/22	L. Lillard	29 DOROTHY	54	
3/31/22	E. DESROSIER	35 DOROTHY	51	
3/31/22	R. LeBLANC	19 DOROTHY ST	45	
3/31/22	L. Batnick	28 DOROTHY ST	19	
3/31/22	S. MUNIAK	30 DOROTHY	20	
3/31/22	J. S. MUNIAK	30 DOROTHY -	20	
3/31/22	R. Vaughan	25 Dorothy St.	11	
3/31/22	J. Ramsden	17 Dorothy St	6	
3/31/22	P. McAvell	17 Dorothy St	6	
3/31/22	K. ABREU	26 " "	4 1/2	
4/01/22	K. Clark	6 Dawn.	5	
4/01/22	W. DILTS	21 Dorothy st	21	
	S. NAKTA	31 - 4 -	48	
01/04/22	R. SEELE	8 Dawn Rd.	27	
01/04/22	H. Chalmers	22 Dorothy St.	24	
01/04/22	B. Walcott	10 DAWN RD	45	
01/04/22	C. Walsworth	10 Dawn Rd.	45	
04/01/22	J. Armstrong	7 Dawn Rd	7	
04/01/22	Adam Lundy	7 Dawn Rd	7	
04/01/22	WEANIE EPP	1 DAWN RD	18	
04/01/22	Erik Fillion Megan male	12 Dawn Rd.	35 Erik	
04/01/22	Rob Dreyer	39 Dorothy St.	15	
4/02/22	B. Chamberlain	43 Dorothy	35	
4/02/22	B. Chamberlain	41 Dorothy	12	
4/02/22	M. Lidgett	20 Dorothy Street	21	
4/02/22	L. DILTS	21 Dorothy St	20	

Signatories below are signing to declare their **Opposition** to the approval of requests to sever lots and redraw lot lines. To receive a variance on two lots each of 3.39m, and the proposal to construct two new dwellings.

Amanda No 22101220 - Application to sever 2 Dawn Rd

Amanda No 22101221 - Application to sever 4 Dawn Rd

Amanda No 22101222 - Application to draw new lot lines creating 32A & 32B Dorothy

Amanda No 22101240 - Application to reduce lot frontage from from 16.5m to 13.11m

Amanda No 22101241 - Application to reduce lot frontage from from 16.5m to 13.11m

[illegible]

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Alectra Comments RE: 2 & 4 Dawn Road, St. Catharines
Date: Friday, April 1, 2022 4:39:17 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)

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



From: Network Info <network.info@horizonutilities.com>
Sent: Friday, April 1, 2022 1:23 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: RE: 2 & 4 Dawn Road, 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.

Good afternoon Elaine,

Our office has no comment/objections based on the drawing(s) provided.

Regards,



Samantha Burke
Engineering Clerk, ICI & Layouts
55 John Street North, Hamilton, ON, L8R 3M8
t 905.798.2971
alectrautilities.com
  

*At Alectra, the health and safety of our employees remains our highest priority and we have implemented vaccination policies for all our worksites and offices. Effective **November 12, 2021**, all visitors and contractors entering any Alectra worksite or facility must provide satisfactory proof of vaccination at Security when requested. Couriers and deliveries are excluded. Please review our [visitor vaccine policy](#).*

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Cogeco Comments, Committee of Adjustment Hearing Notices & Applications - April 13, 2022 Hearing
Date: Wednesday, March 30, 2022 11:11:55 AM

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



From: Doug Crown <doug.crown@cogeco.com>
Sent: Wednesday, March 30, 2022 10:41 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Request for Comments, Committee of Adjustment Hearing Notices & Applications - April 13, 2022 Hearing

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

Hi Elaine

Cogeco has no concerns with these applications.

Have the best day ever

Doug Crown
Network Planning Department
Doug.crown@cogeco.com

7170 Mcleod Rd
Niagara Falls Ont Canada

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

MEMORANDUM

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

Cc: Wilrik Banda
Planning and Building Services

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

Date: March 29, 2022

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

B-38/21SC – 152 Lakeshore Road

Comment:

- 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.

Condition:

- A building permit is required to relocate the existing detached dwelling to Part 4 and to complete all inspections to the satisfaction of the Chief Building Official.
- A building permit is required to demolish the existing detached garage and to complete all inspections to the satisfaction of the Chief Building Official.
- A building permit is required to demolish the existing deck and to complete all inspections to the satisfaction of the Chief Building Official.

B-14/21SC – 152B Lakeshore Road

Comment:

- No comment

Condition:

- No comment

34 Oakdale Avenue – B15/22SC

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, meet the requirements of Subsection 9.10.14 and 9.10.15 of the 2012 Ontario Building Code as applicable.

B-16/22SC – 427 Vine Street

Comment:

- No comment

Condition:

- A building permit is required to demolish the existing detached dwelling and to complete all inspections to the satisfaction of the Chief Building Official.
- A building permit is required to demolish the existing accessory structure on Part 2 and to complete all inspections to the satisfaction of the Chief Building Official.

B-17/22SC – 543 Geneva Street

Comment:

- 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.

Condition:

- A building permit is required to demolish the existing detached garage and greenhouse and to complete all inspections to the satisfaction of the Chief Building Official.
- A building permit is required to demolish the existing shed and to complete all inspections 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 west, meet the requirements of Subsection 9.10.14 and 9.10.15 of the 2012 Ontario Building Code as applicable.

B-18/22SC – 2 Dawn Road

Comment:

- No comment

Condition:

- A building permit is required to demolish the existing garage and to complete all inspections to the satisfaction of the Chief Building Official.

B-19/22SC – 4 Dawn Road

Comment:

- No comment

Condition:

- No comment

B-20/22SC – 32A Dorothy Street

Comment:

- No comment

Condition:

- No comment

B-21/22SC – 22A Inglewood Road

Comment:

- No comment

Condition:

- A building permit is required to demolish the existing detached dwelling and to complete all inspections to the satisfaction of the Chief Building Official.

B-22/22SC – 22B Inglewood Road

Comment:

- No comment

Condition:

- A building permit is required to demolish the existing detached dwelling and to complete all inspections to the satisfaction of the Chief Building Official.

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

MEMORANDUM

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

Cc: Wilrik Banda
Planning and Building Services

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

Date: March 29, 2022

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

NO.	ADDRESS	COMMENTS
A-113/21	152A Lakeshore Road	Be advised that a building permit is required to construct the single detached dwelling.
A-114/21	152BA Lakeshore Road	No Comment
A-26/22	34 Oakdale Avenue	No Comment
A-27/22	36 Oakdale Avenue	Be advised that a building permit is required to construct the single detached dwelling.
A-19/22	4 Clearview Crescent	Be advised that the current building permit (21118297RN) shall be completed prior to construction. Be advised that a building permit is required to construct an attached garage.

NO.	ADDRESS	COMMENTS
A-20/22	14 Glen Park Road	Be advised that a building permit is required to demolish the existing detached garage. Be advised that a building permit is required to construct the detached garage.
A-28/22	427A Vine Street	Be advised that a building permit is required to construct the semi-detached dwelling.
A-29/22	427B Vine Street	Be advised that a building permit is required to construct the semi-detached dwelling.
A-30/22	583 Welland Avenue	Be advised that a building permit is required to construct two 5 storey apartment buildings.
A-31/22	543 Geneva Street	Be advised that a building permit is required to construct a single detached dwelling.
A-32/22	32A Dorothy Street	Be advised that a building permit is required to construct a single detached dwelling.
A-33/22	32B Dorothy Street	Be advised that a building permit is required to construct a single detached dwelling.
A-34/22	68 Jarrow Road	Be advised that a building permit is required to construct a sunroom.
A-35/22	22A Inglewood Road	Be advised that a building permit is required to construct a three unit townhouse.
A-36/22	22B Inglewood Road	Be advised that a building permit is required to construct a three unit townhouse.

NO.	ADDRESS	COMMENTS
A-37/22	22C Inglewood Road	Be advised that a building permit is required to construct a three unit townhouse.
A-38/22	72 Concord Avenue	Be advised that a building permit is required for the proposed accessory dwelling unit.



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: April 8, 2022

Subject: Committee of Adjustment Applications – April 13, 2022 Hearing

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

152 Lakeshore Road, Consent, B-38/21SC – 21118450
152B Lakeshore Road, Consent, B-14/22SC – 22100934
152A Lakeshore Road, Minor Variance, A-113/21 – 21118453
152B Lakeshore Road, Minor Variance, A-114/21 – 21118454

In support of these applications, the applicant has submitted a Tree Inventory and Preservation Plan Report, prepared by Jackson Arboriculture Inc., dated March 25, 2022. The Report confirms the locations and health of one City boulevard tree, trees on the subject site and adjacent properties, as well as boundary trees. The Report provides recommendations for either preservation or removal for each of the 18 trees inventoried, based on the drawings submitted with the initial application.

The report indicates that there are several Norway Maple trees located on the neighbouring property to the east, and on the common boundary between that neighbouring property and the subject lands. The report recommends that these trees be removed, with permission from the neighbouring homeowner, to facilitate relocation of the existing dwelling. The report does suggest, however, that the trees in question could be saved if a greater front yard setback were provided for the relocated dwelling.

Following submission of this Report, the applicant provided updated drawings that show the relocated home positioned further back on the lot and rotated to achieve greater front and interior side yards. Additionally, it is our understanding that the Applicant will be withdrawing its request for a reduced front yard setback and will comply with the minimum 13.8 metres prescribed. CRCS is supportive of the increased front and interior side yard setbacks, which provide greater protection to the Norway Maple trees discussed above. CRCS staff would otherwise object to the minor variance to reduce the front yard setback.

The applicant is proposing a common driveway, which will extend into the rear yards and provide access to two parking spaces on each lot. To mitigate the impact that vehicle headlights might have on neighbouring properties, CRCS staff recommend that the existing wood board fence be retained for both lots, as well as the stand of mature trees along the rear lot line.

The applicant has requested several minor variances for the new dwelling, including reductions in front yard setback, interior side yard setback, lot frontage, as well as an increase in maximum paved area. The applicant has also requested a minor variance for reduced lot frontage for the relocated dwelling. All of these variances will reduce the overall amount of greenspace that can be provided on the subject lands. Staff have no objection to these variances on the condition that the future development agreement restrict the use of the front yards for parking in any area that hasn't already been illustrated on the drawings submitted with the applications. Without such a condition in place, it is possible that gravel parking areas could be installed in the front yards, further reducing on-site greenspace. This would also impact the overall character of the street, where front yards generally consist of wide lawn areas.

Should the applications for consent and minor variance 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.
3. That the future development agreement address the following requirements:
 - a. That the applicant implement the recommendations of the Tree Inventory and Preservation Plan Report, prepared by Jackson Arboriculture Inc., dated March 25, 2022, for trees 1, 2, and 8 thru 18 identified in that report.
 - b. That for trees 3 thru 7 identified in the same Report, the applicant implement standard mitigation measures and best practices for tree preservation and protection described in Table 2 and Section 6.2 "Tree Preservation" thereof.
 - c. That the approved plans clearly illustrate tree protection zones and notes.

- d. That the front yard driveways and parking areas for both lots be restricted to what is generally shown on the plans submitted with these applications.

34 Oakdale Avenue, Consent, B-15/22SC – 22101119

34 Oakdale Avenue, Minor Variance, A-26/22 – 22101120

36 Oakdale Avenue, Minor Variance, A-27/22 – 22101123

CRCS has no concerns with the proposed creation of a new lot to facilitate the construction of a detached dwelling, nor the majority of the minor variances being sought. With respect to the requested variance to reduce the minimum lot frontage for the new lot, CRCS is satisfied that adequate open space/amenity area will be achieved in the front yard so long as the proposed driveway does not exceed the size shown on the plans.

Staff note that there are two mature trees located in front of the existing home. Once the required road widening is dedicated to the City, these trees will be located within the public road allowance. Staff are awaiting comments from the Forestry Section as to whether the trees will need to be removed or can remain.

Should the applications for consent and minor variance 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.
3. That the future development agreement restrict the width of the driveway on 36 Oakdale Avenue to 3.5 metres.

4 Clearview Crescent, Minor Variance, A-19/22 – 22100841

No comment.

14 Glen Park Road, Minor Variance, A-20/22 – 22100843

No comment

427 Vine Street, Consent, B-16/22SC – 22101141

427A Vine Street, Minor Variance, A-28/22 – 22101144

427B Vine Street, Minor Variance, A-29/22 – 22101145

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

Staff note that there is a tree within the Vine Street boulevard that conflicts with the proposed driveway for the southerly unit. Typically these conflicts are flagged during the pre-submission consultation stage and the applicant would be required to adjust the location of the driveway and/or submit a tree preservation and protection plan to ensure the tree is retained unharmed. Given this conflict was not flagged during that previous application, the tree will need to be removed and replaced with a specimen of equal value. The applicant will be responsible for the costs associated with this.

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.
3. That the applicant submit a payment for the removal and replacement of the existing boulevard tree by City forces, in accordance with the City's current Schedule of Rates and Fees.

583 Welland Avenue, Minor Variance, A-30/22 – 22101184

CRCS staff have no concerns with the requested increase in density, nor the requested reduced lot frontage. Staff acknowledge that the minor variance required for reduced landscape open space is a result of an oversight in zoning compliance that occurred during the site plan approval process. An approved landscape plan is in place as part of the site plan agreement. It is staff's opinion that requiring the applicant to comply with the landscaping requirements of the Zoning By-law at this point would be onerous. Accordingly, staff offer no objection to the application.

543 Geneva Street, Consent, B-17/22SC – 22101208
543 Geneva Street, Minor Variance, A-31/22 – 22101215

CRCS has no concerns with the proposed creation of a new lot to facilitate the construction of a detached dwelling fronting onto Marsten Drive, nor the requested minor variance being sought. Staff note that the majority of the proposed rear yard of the existing home is covered by a concrete driveway. A reduction in the minimum rear yard is sought, however staff is satisfied that there is opportunity to create sufficient private amenity area by shortening the length of the driveway, if desired by the applicant.

We note that a mature tree exists in the Marsten Drive boulevard and care must be taken not to damage this tree during construction of the new dwelling. CRCS recommends that certain mitigation measures be implemented through the future development agreement to address this.

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

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.
3. That the future development agreement address the following requirements:
 - a. That prior to any construction activities commencing on site, a tree protection zone at least 4 metres in radius be installed around the trunk of the tree to be retained, and that such tree protection zone remain in place for the duration of construction.
 - b. That no soil, construction materials, equipment, or vehicles of any sort be stored or otherwise located within the tree protection zone.
 - c. That the garage and driveway for the new dwelling be located adjacent to the westerly lot line, as far as possible from the retained tree.
 - d. That servicing for the new dwelling be located – and all excavation occur - as far as possible from the critical root zone of the retained tree (approximately 6.0 metres from the trunk).

2 Dawn Road, Consent, B-18/22SC – 22101220
4 Dawn Road, Consent, B-19/22SC – 22101221
32A Dorothy Street, Consent, B-20/22SC – 22101222
32A Dorothy Street, Minor Variance, A-32/22 – 22101240
32B Dorothy Street, Minor Variance, A-33/22 – 22101241

CRCS has no concerns with the proposed creation of two new lots to facilitate the construction of two detached dwellings fronting onto Dorothy Street. With respect to the requested minor variances to reduce the minimum lot frontage for each new lot, CRCS is satisfied that adequate open space/landscaped area can be achieved so long as the proposed driveways do not exceed the size shown on the plans. Should the applications for consent and minor variance 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 the future development agreement restrict the width of the driveways to 6.1 metres for 32A Dorothy Street and 6.0 metres for 23B Dorothy Street.

68 Jarrow Road, Minor Variance, A-34/22- 22101242

No comment.

22 Inglewood Road, Consent, B-21/22S 2101253
22 Inglewood Road, Consent, B-22/22SC – 22101257
22A Inglewood Road, Minor Variance, A-35/22 – 22101265
22B Inglewood Road, Minor Variance, A-36/22 – 22101267
22C Inglewood Road, Minor Variance, A-37/22 – 22101268

CRCS has no concerns with the proposed creation of two new lots to facilitate the construction of three street townhomes, nor the requested minor variances.

In accordance with section 13.2.2.10 of the Garden City Plan the applicant will be required to convey to the city the natural/conservation area at the rear of all three lots (Part 4), which will be merged with the adjacent City-owned lands. Further, the applicant

will be required to pay for and construct a 1.8 metre high black vinyl chain link fence along the new rear lot lines to ensure encroachment into the natural areas is prevented in the future.

In lieu of the applicant submitting a tree preservation and protection plan, staff suggest that the existing fencing at the rear of all three lots remain in place throughout construction of the proposed dwellings to ensure existing trees in the natural area are retained.

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 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 the applicant dedicate gratuitously to the City, free and clear of any contamination encumbrance, the natural areas at the rear of all three lots, illustrated as Part 4 on the submitted survey sketch.
4. That the future development agreement address the following requirements:
 - a. That the existing fence located at the rear of the subject lands remain in place throughout construction of the townhomes to ensure existing trees within the natural area are protected.
 - b. Upon completion of construction of the townhomes and removal of the existing fence referred to above, the applicant will be required to construct, at its own expense, a 1.8 metre high black vinyl chain link fence (OPSD 972.130) along the future rear lot lines of the townhomes (to be constructed on City-owned lands).

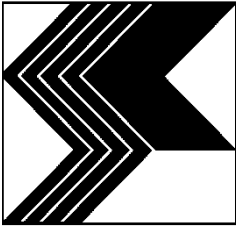
72 Concord Avenue, Minor Variance, A-38/22 – 22101275

No comment.

Amanda Knutson

Community Project & Development Planner

REPORT TO PLANNING DEPARTMENT
Re: LAND DIVISION APPLICATION NUMBER B-18,19&20/22SC



March 29, 2022

ENGINEERING FILE 300-36

Hearing Date: April 13, 2021

Applicant: Sarah & Terrence Groockock

Location: 2 & 4 Dawn Road (34A Dorothy Street)

MUNICIPAL SERVICES **Dorothy Street**

Water:	150mm AC
Sanitary:	250mm Concrete
Storm:	None
Sidewalks:	Yes
Road Allowance:	20.12m

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

Comment(s): It is noted the Owner wishes to sever Parts 1 & 2 for a proposal to add them to Parts 4 & 5, resulting in a boundary adjustment creating two new parcels to be known as 32A & B Dorothy Street. Remnant parcels (Parts 3 & 6) with the existing single detached dwellings are to be retained for continued residential use.

Roads

Dorothy Street is designated a Community Road as per the City’s Transportation Master Plan, with a desired right-of-way width of 20.0m. Its current width is sufficient therefore the City shall not be requiring a widening as a condition of this application.

Sidewalks

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

Engineering Services

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

Sump pump flows are typically discharged to grade, when no opportunities to connect to a storm sewer in the road allowance exist. Since a storm sewer does not exist on Dorothy Street, weeping tile drainage shall be discharged via sump pump to grade to

the front yard only, and be identified on the proposed Master Lot Grading plan. The grading plan and house designs shall ensure rainwater leaders (downspouts) are directed/discharged to the front/rear of the lot as well.

The Owner shall be responsible to pay the fee for City crews to locate, trace, inspect and document the water and sewer service laterals for the existing dwelling, to confirm they do not conflict with any existing or future lot lines. If any of the existing services are determined to conflict with existing or future lot lines, the Owner shall be responsible to relocate the portions of these services on private property through a Plumbing Only permit. The Owner shall also pay the City to relocate any portion of those services on public property. The Owner must also pay the City to install a water service and sanitary laterals for the new lots from the City sewers and watermain to the property line. Payment for the services for the newly created lots shall be obtained at the building permit stage. **The City shall not authorize the installation of services prior to the lots been registered and legally created.**

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

- Pay the fee for City crews to locate, trace, inspect and document the sewer laterals and water services to the existing dwelling; and
- If determined existing laterals or water services conflict with existing or future lot lines, the Owner shall complete any relocation works on private property through a Plumbing Only Permit. The Owner shall also pay the City to complete any associated relocation works required on City property; and
- Arrange to have a Master Lot Grading and Drainage plan prepared by a qualified Engineer or Ontario Land Surveyor for review and approval by City staff

Prepared by:



Brad Johnston, C.E.T.
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 29, 2022
Hearing Date: April 13, 2022
Subject: **Committee of Adjustment - Minor Variance Applications**
152A&B Lakeshore Road – A-113&114/21SC
34 Oakdale Avenue - A-26&27/22SC
4 Clearview Crescent – A-19/22SC
14 Glen Park Road – A-20/22SC
427A&B Vine Street – A-28&29/22SC
583 Welland Avenue – A-30/22SC
543 Geneva Street – A-31/22SC
32A&B Dorothy Street – A-32&33/22SC
68 Jarrow Road – A-34/22SC
22A,B&C Inglewood Road – A-35,36&37/22SC
72 Concord Avenue – A-38/22SC

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.

Development Engineering have no comments or objections, subject to the following, applicable to;

- The Applicant of **14 Glen Park Road** be advised that a Grading Plan, prepared by a Professional Engineer or an Ontario Land Surveyor, shall be required as part of the submission and review of the building permit application process; and
- The Minor Variance application for **68A Jarrow Road** be **deferred** until such time as a localized Grading Plan, prepared by a Professional Engineer or an Ontario Land Surveyor, is submitted for review and approval by the City, or else the applicant meet the required 1.20m setback

Prepared by:

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

To: Elaine Munro, Committee Secretary and Planning Technician

Cc:

From: Steve Bittner, Transportation Technologist

Date: March 24, 2022

Subject: Committee of Adjustment Comments (April 13, 2022 Hearing)

Upon review of the applications, we have no concerns or requirements.

Steve Bittner
Transportation Technologist



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: April 8, 2022

Date of Meeting: April 13, 2022

Report Number: B-18/22SC
B-19/22SC
B-20/22SC
A-32/22
A-33/22

File: 22101220
22101221
22101222
22101240
22101241

Subject: 2 Dawn Road
4 Dawn Road
32A Dorothy Street
32B Dorothy Street

Recommendation

That submission **B-18/22SC** by Terrence Groockock as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. That the Owner enter into a solicitors undertaking confirming that the Owner will proceed with registration of all three consent applications (B-18/22SC, B-19/22SC, and B-20/22SC).
2. That the Owner pay the fee for City crews to locate, trace, inspect and document if sewer laterals and water services to the existing dwelling.
3. That if determined the existing laterals and water services conflict with existing or future lot lines, the Owner shall complete any relocation works on private property through a Plumbing Only Permit. The Owner shall also pay the City to complete any associated relocation works required on City property.
4. That the Owner arrange to have a master lot grading and drainage plan prepared by a qualified Engineer or Ontario Land Surveyor for review and approval by City Staff.
5. 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.
6. 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.
7. That all conditions of consent be fulfilled by February 23, 2024.

That submission **B-19/22SC** by Sarah Groockock and Terrence Groockock as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. That the Owner pay the fee for City crews to locate, trace, inspect and document if sewer laterals and water services to the existing dwelling.

2. That if determined the existing laterals and water services conflict with existing or future lot lines, the Owner shall complete any relocation works on private property through a Plumbing Only Permit. The Owner shall also pay the City to complete any associated relocation works required on City property.
3. That the Owner arrange to have a master lot grading and drainage plan prepared by a qualified Engineer or Ontario Land Surveyor for review and approval by City Staff.
4. That the Owner enter into a development agreement with the City of St. Catharines, to be registered on title to the lands to be known as 32B Dorothy Street addressing the following conditions:
 - a. That building permit plans for Parts 2 and 5, once submitted, be reviewed and confirmed to be generally in accordance with the site plan and elevation plans submitted with this application demonstrating the following:
 - i. A maximum driveway width of 6 metres
 - ii. The garage be recessed a minimum 1 metre from the front façade of the dwelling; 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.
5. That the Development Agreement, once to the satisfaction of the Manager of Planning Services, be executed and registered on the title of the property to be known as 32B Dorothy Street (Parts 2 and 5) prior to any development of the lands;
6. That payment of 5% of the appraised value of the new lot (Parts 2 and 5) 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 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 boulevard tree, in accordance with the City's current Schedule of Rates and Fees.
8. That final approval for the necessary minor variance application (A-33/22) be received by the Committee of Adjustment.
9. That Submission B-18/22SC be registered preceding the registry of Submission B-19/22SC.
10. 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.
11. 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.
12. That all conditions of consent be fulfilled by February 23, 2024.

That submission **B-20/22SC** by Sarah Grocock and Terrence Grocock as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. That the Owner pay the fee for City crews to locate, trace, inspect and document if sewer laterals and water services to the existing dwelling.

2. That if determined the existing laterals and water services conflict with existing or future lot lines, the Owner shall complete any relocation works on private property through a Plumbing Only Permit. The Owner shall also pay the City to complete any associated relocation works required on City property.
3. That the Owner arrange to have a master lot grading and drainage plan prepared by a qualified Engineer or Ontario Land Surveyor for review and approval by City Staff.
4. That the Owner enter into a development agreement with the City of St. Catharines, to be registered on title to the lands to be known as 32A Dorothy Street addressing the following conditions:
 - a. That building permit plans for Parts 1 and 4, once submitted, be reviewed and confirmed to be generally in accordance with the site plan and elevation plans submitted with this application demonstrating the following:
 - i. A maximum driveway width of 6 metres
 - ii. The garage be recessed a minimum 1 metre from the front façade of the dwelling; 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.
5. That the development agreement, once to the satisfaction of the Manager of Planning Services, be executed and registered on the title of the property to be known as 32A Dorothy Street (Parts 1 and 4) prior to any development of the lands;
6. That payment of 5% of the appraised value of the new lot (Parts 1 and 4) 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 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 boulevard tree, in accordance with the City's current Schedule of Rates and Fees.
8. That final approval for the necessary minor variance application (A-32/22) be received by the Committee of Adjustment.
9. That Submission B-19/22SC be registered preceding the registry of Submission B-20/22SC.
10. 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.
11. 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.
12. That all conditions of consent be fulfilled by February 23, 2024.

That submission **A-32/22** by Sarah Groock and Terrence Groock as outlined in the Notice of Hearing, be approved.

That submission **A-33/22** by Sarah Grocock and Terrence Grocock as outlined in the Notice of Hearing, be approved.

Report

The Proposal

The applicant proposes to sever Parts 1 and 2 from the existing lot at 2 Dawn Road (Parts 1, 2 and 3) and Parts 4 and 5 from the existing lot at 4 Dawn Road (Parts 4, 5 and 6). Parts 1 and 4 are then to merge to create a new lot for a proposed a one-storey detached dwelling, to be known as 32A Dorothy Street and Parts 2 and 5 are proposed to merge to create a new lot for a one-storey detached dwelling, to be known as 32B Dorothy Street. Remanent parcels (Part 3 and 6) will be retained for continued residential use. There are concurrent minor variance applications required to address the zoning deficiencies created by the consents. The requested consents and minor variances are outlined in the tables below.

Application	Severed Parcel	Severed Area	Retained Parcel	Retained Area
B-18/22SC (2 Dawn Road)	Parts 1 & 2	400 m ²	Part 3	529 m ²
B-19/22SC (4 Dawn Road)	Parts 4 & 5	400 m ²	Part 6	529 m ²
B-20/22SC (32A Dorothy Street)	Parts 1 & 4	400 m ²	Parts 2 & 5	400 m ²

Application	Provision	Required	Proposed
A-32/22 (32A Dorothy Street)	Reduction of the minimum lot frontage	16.5 metres	13.11 metres
A-33/22 (32B Dorothy Street)	Reduction of the minimum lot frontage	16.5 metres	13.11 metres

Location and Site Description

The subject properties are located on the southwest corner of Dawn Road and Dorothy Street. The subject properties (2 and 4 Dawn Road) are each currently occupied by a detached dwelling. The surrounding neighbourhood is low density residential with detached dwellings being the primary building type. The subject lands are located north of the Queen Elizabeth Way.

Circulation of Application

The subject applications were circulated to all appropriate departments and agencies; no objections were received.

Planning Policy Context

Official Plan (Garden City Plan)

The subject properties are designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential on Schedule E1. Detached dwellings are permitted in this designation.

Zoning By-law (2013-283)

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

Planning Analysis

Consent applications **B-18/22SC**, **B-19/22SC**, and **B-20/22SC** request to sever two new lots from the subject property to construct two one-storey detached dwellings on their own lots. Section 16.11 of the GCP sets out a number of 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 severed lots will make use of existing infrastructure. The owner is at expense for 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 seeks to construct two one-story detached dwellings, 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 proposed detached dwellings meet height, density, and lot size requirements, demonstrating that the proposed dwelling has appropriate size, shape, and configuration. The proposal adheres to all other zoning requirements except for the minimum lot frontage, therefore indicating that the property has appropriate amenity space, separation distance, and does not overwhelm the lot. There are concurrent minor variance applications to address the minimum lot frontage that are discussed later in this report. Staff recommend that consent applications **B-18/22SC**, **B-19/22SC**, and **B-20/22SC** be approved, subject to conditions outlined in the recommendation.

Minor Variance

Variance 1 on A-32/22 and A-33/22

The variance on both applications requests an identical reduction in the minimum lot frontage from 16.5 metres to 13.11 metres, resulting in a decrease of 3.39 metres. The intent of the minimum lot frontage is to accommodate a suitable building envelope, ensure sufficient width for vehicular parking, site access, and landscaping. The proposed lots meet density requirements as set out in the Official Plan and lot size requirements as outlined in the City's Zoning By-law, demonstrating that the proposed dwellings have appropriate scale and massing. As such, the reduced lot frontage is sufficient to accommodate a functional building footprint, ensure site access and ensure parking. The proposal also meets parking space requirements for an R1 zone, indicating that there is adequate space for vehicular parking and access.

The proposed lot frontage is in accordance with section 7.1 of the Official Plan which states that development and redevelopment shall have regard for the integration of compatible building scale, massing, height, setbacks, and orientation with the surrounding neighbourhood. It also states that adverse impacts will be minimized on neighbouring properties such as drainage, privacy, and views. The proposed reduction of 3.39 metres does not create any adverse impacts to the surrounding properties, as the application demonstrates adequate site access, provision of parking, landscaped areas and a building envelope that accommodates suitable setbacks and building height that are permitted by the Zoning By-law and in keeping with the surrounding neighbourhood.

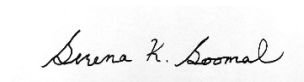
In the opinion of staff, the requested variances are considered minor in nature, desirable for the appropriate use of lands, and meet the general intent of the Official Plan and Zoning By-law.

Conclusion

Having regard for the matters under Section 53 of *The Planning Act*, staff are of the opinion that Consent Applications **B-18/22SC**, **B-19/22SC** and **B-20/22SC** 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.

Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Applications **A-32/22** and **A-33/22** 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 the Applications.

Prepared by:



Submitted by:



Approved by:



Serena Soomal
Student Planner

Taya Devlin
Senior Planner

Margaret Josipovic
Manager Planning Services

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-34/22

68 Jarrow Road

DATE OF HEARING:
April 13, 2022

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Receipt of Comments RE: 68 Jarrow
Date: Monday, April 4, 2022 4:38:15 PM

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



From: [REDACTED]
Sent: Monday, April 4, 2022 10:41 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: 68 Jarrow

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.

Howdy Elaine,

I understand that Paul Stock is applying for a minor variance at 68 Jarrow. I have no problems with that, especially since it's not directly next door to my property.

Mr. B.

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

April 4, 2022

Our File No.: PLMV202200355

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
68 Jarrow Road

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

The purpose and effect of the application is to permit a reduction the interior side yard setback from 1.2 metres to 0.6 metres for the construction of a sunroom.

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.

The NPCA has reviewed this application and have no concerns in relation to the slope on the property. The NPCA is of the opinion that there are no slope hazards present on the subject lands, and therefore no further Geotechnical or Engineering Reports are required. Furthermore, the NPCA is satisfied the proposed works will remain outside of the floodplain on the property, and as such no topographic survey is required. As such, the NPCA has no objection to this proposal.

A permit from this Office would not be required with plans as presented. However, it should be of note to the applicant that if future works are to be proposed in the rear of the property, works permits and/or supporting studies in accordance with NPCA Policies may be required due to the presence of the floodplain.

Conclusion:

Given the above, please be advised the NPCA is supportive of this application, City File Number: A-34/22. NPCA Staff do not offer objection to its approval.



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

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

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Regional Comments - 4 Clearview Cres., & 68 Jarrow Road - Committee of Adjustment Hearing Notices & Applications - April 13, 2022 Hearing
Date: Wednesday, April 6, 2022 2:19:22 PM

Elaine Munro ACST

Committee Secretary and Planning Technician

Tel: 905.688.5601 x1715

Email: emunro@stcatharines.ca



From: Dunsmore, Susan <Susan.Dunsmore@niagararegion.ca>
Sent: Wednesday, April 6, 2022 2:03 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>; Aimee Alderman <aimee.alderman@niagararegion.ca>
Subject: RE: Request for Comments_ Committee of Adjustment Hearing Notices & Applications - April 13, 2022 Hearing

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Hello Elaine,

Our Environmental staff have reviewed the following two minor variances and have provided the following comments, we will not be issuing a formal letter if you would please provided the following information to the applicants we would appreciate it.

If you have any questions or concerns please contact me at your convenience.

Thank you

Susan M. Dunsmore, P. Eng.

Manager, Development Engineering
Planning and Development Services

Phone: (905) 980-6000 or 1-800-263-7215 ext 3661

Address: 1815 Sir Isaac Brock Way, Thorold ON, L2V4T7



MV-22-0031 – 4 Clearview – A19/22

- The subject property is impacted by the Region's Core Natural Heritage System (CNHS), consisting of Significant Woodland. Consistent with Regional Official Plan (ROP) Policy 7.B.1.11, an Environmental Impact Study (EIS) is generally required in support of site alteration and/or development proposed within 50 m of Significant Woodland.

The proposed garage is within 50 m of Significant Woodland, but is located in the front yard in the general footprint of an existing carport, and separated from the feature by the existing dwelling. As such, Environmental Planning staff offer no objection to the minor variance.

MV-22-0032 – 68 Jarrow – A34/22

- The subject property is impacted by the Region's Core Natural Heritage System (CNHS), consisting of Significant Woodland and Type 2 (Important) Fish Habitat. Consistent with Regional Official Plan (ROP) Policy 7.B.1.11 and 7.B.1.15, an Environmental Impact Study (EIS) is generally required in support of site alteration and/or development proposed within 50 m of Significant Woodland and within 15 m of Type 2 Fish Habitat.

The proposed sunroom is within 50 m of Significant Woodland, but is separated from the feature by an existing garage. As such, Environmental Planning staff offer no objection to the minor variance.

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Alectra - RE: 68 Jarrow Road, St. Catharines
Date: Friday, April 1, 2022 4:38:28 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)

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



From: Network Info <network.info@horizonutilities.com>
Sent: Friday, April 1, 2022 1:24 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: RE: 68 Jarrow Road, St. Catharines




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Good afternoon Elaine,

Our office has no comment/objections based on the drawing(s) provided.

Regards,



Samantha Burke
Engineering Clerk, ICI & Layouts
55 John Street North, Hamilton, ON, L8R 3M8
t 905.798.2971
alectrautilities.com
  

*At Alectra, the health and safety of our employees remains our highest priority and we have implemented vaccination policies for all our worksites and offices. Effective **November 12, 2021**, all visitors and contractors entering any Alectra worksite or facility must provide satisfactory proof of vaccination at Security when requested. Couriers and deliveries are excluded. Please review our [visitor vaccine policy](#).*

From: Munro, Elaine <emunro@stcatharines.ca>
Sent: Wednesday, March 23, 2022 7:56 AM
To: Samantha Burke <samantha.burke@alectrautilities.com>; Mark Jakubowski <mark.jakubowski@alectrautilities.com>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: 68 Jarrow Road, St. Catharines

NOT FROM ALECTRA! Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Morning:

Attached please find the links for each application that includes the Notice of Hearing, application, justification reports and sketches scheduled for the Wednesday, April 13, 2022 Hearing @ 5pm. If you have any comments, please forward them to us by **Wednesday, April 6, 2022**. There are 11 properties all together.

9. 68 Jarrow Road, Minor Variance, A-34/22- 22101242
<http://dropbox.stcatharines.ca/dropbox/downloadfile.aspx?FileId=0bgrLYFuXfPIUsMKiMO7uUO5IA5HgeQuAleQuAl>

Thanks, Elaine

Elaine Munro ACST

Committee Secretary and Planning Technician

Email: emunro@stcatharines.ca

Tel: [905.688.5601](tel:905.688.5601) x1715 TTY: 905.688.4TTY (4889)

Mail: PO Box 3012, 50 Church Street, St. Catharines, ON L2R 7C2



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From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Cogeco Comments, Committee of Adjustment Hearing Notices & Applications - April 13, 2022 Hearing
Date: Wednesday, March 30, 2022 11:11:55 AM

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



From: Doug Crown <doug.crown@cogeco.com>
Sent: Wednesday, March 30, 2022 10:41 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Request for Comments, Committee of Adjustment Hearing Notices & Applications - April 13, 2022 Hearing

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

Hi Elaine

Cogeco has no concerns with these applications.

Have the best day ever

Doug Crown
Network Planning Department
Doug.crown@cogeco.com

7170 Mcleod Rd
Niagara Falls Ont Canada

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

MEMORANDUM

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

Cc: Wilrik Banda
Planning and Building Services

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

Date: March 29, 2022

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

NO.	ADDRESS	COMMENTS
A-113/21	152A Lakeshore Road	Be advised that a building permit is required to construct the single detached dwelling.
A-114/21	152BA Lakeshore Road	No Comment
A-26/22	34 Oakdale Avenue	No Comment
A-27/22	36 Oakdale Avenue	Be advised that a building permit is required to construct the single detached dwelling.
A-19/22	4 Clearview Crescent	Be advised that the current building permit (21118297RN) shall be completed prior to construction. Be advised that a building permit is required to construct an attached garage.

NO.	ADDRESS	COMMENTS
A-20/22	14 Glen Park Road	<p>Be advised that a building permit is required to demolish the existing detached garage.</p> <p>Be advised that a building permit is required to construct the detached garage.</p>
A-28/22	427A Vine Street	Be advised that a building permit is required to construct the semi-detached dwelling.
A-29/22	427B Vine Street	Be advised that a building permit is required to construct the semi-detached dwelling.
A-30/22	583 Welland Avenue	Be advised that a building permit is required to construct two 5 storey apartment buildings.
A-31/22	543 Geneva Street	Be advised that a building permit is required to construct a single detached dwelling.
A-32/22	32A Dorothy Street	Be advised that a building permit is required to construct a single detached dwelling.
A-33/22	32B Dorothy Street	Be advised that a building permit is required to construct a single detached dwelling.
A-34/22	68 Jarrow Road	Be advised that a building permit is required to construct a sunroom.
A-35/22	22A Inglewood Road	Be advised that a building permit is required to construct a three unit townhouse.
A-36/22	22B Inglewood Road	Be advised that a building permit is required to construct a three unit townhouse.

NO.	ADDRESS	COMMENTS
A-37/22	22C Inglewood Road	Be advised that a building permit is required to construct a three unit townhouse.
A-38/22	72 Concord Avenue	Be advised that a building permit is required for the proposed accessory dwelling unit.



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: April 8, 2022

Subject: Committee of Adjustment Applications – April 13, 2022 Hearing

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

152 Lakeshore Road, Consent, B-38/21SC – 21118450
152B Lakeshore Road, Consent, B-14/22SC – 22100934
152A Lakeshore Road, Minor Variance, A-113/21 – 21118453
152B Lakeshore Road, Minor Variance, A-114/21 – 21118454

In support of these applications, the applicant has submitted a Tree Inventory and Preservation Plan Report, prepared by Jackson Arboriculture Inc., dated March 25, 2022. The Report confirms the locations and health of one City boulevard tree, trees on the subject site and adjacent properties, as well as boundary trees. The Report provides recommendations for either preservation or removal for each of the 18 trees inventoried, based on the drawings submitted with the initial application.

The report indicates that there are several Norway Maple trees located on the neighbouring property to the east, and on the common boundary between that neighbouring property and the subject lands. The report recommends that these trees be removed, with permission from the neighbouring homeowner, to facilitate relocation of the existing dwelling. The report does suggest, however, that the trees in question could be saved if a greater front yard setback were provided for the relocated dwelling.

Following submission of this Report, the applicant provided updated drawings that show the relocated home positioned further back on the lot and rotated to achieve greater front and interior side yards. Additionally, it is our understanding that the Applicant will be withdrawing its request for a reduced front yard setback and will comply with the minimum 13.8 metres prescribed. CRCS is supportive of the increased front and interior side yard setbacks, which provide greater protection to the Norway Maple trees discussed above. CRCS staff would otherwise object to the minor variance to reduce the front yard setback.

The applicant is proposing a common driveway, which will extend into the rear yards and provide access to two parking spaces on each lot. To mitigate the impact that vehicle headlights might have on neighbouring properties, CRCS staff recommend that the existing wood board fence be retained for both lots, as well as the stand of mature trees along the rear lot line.

The applicant has requested several minor variances for the new dwelling, including reductions in front yard setback, interior side yard setback, lot frontage, as well as an increase in maximum paved area. The applicant has also requested a minor variance for reduced lot frontage for the relocated dwelling. All of these variances will reduce the overall amount of greenspace that can be provided on the subject lands. Staff have no objection to these variances on the condition that the future development agreement restrict the use of the front yards for parking in any area that hasn't already been illustrated on the drawings submitted with the applications. Without such a condition in place, it is possible that gravel parking areas could be installed in the front yards, further reducing on-site greenspace. This would also impact the overall character of the street, where front yards generally consist of wide lawn areas.

Should the applications for consent and minor variance 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.
3. That the future development agreement address the following requirements:
 - a. That the applicant implement the recommendations of the Tree Inventory and Preservation Plan Report, prepared by Jackson Arboriculture Inc., dated March 25, 2022, for trees 1, 2, and 8 thru 18 identified in that report.
 - b. That for trees 3 thru 7 identified in the same Report, the applicant implement standard mitigation measures and best practices for tree preservation and protection described in Table 2 and Section 6.2 "Tree Preservation" thereof.
 - c. That the approved plans clearly illustrate tree protection zones and notes.

- d. That the front yard driveways and parking areas for both lots be restricted to what is generally shown on the plans submitted with these applications.

34 Oakdale Avenue, Consent, B-15/22SC – 22101119

34 Oakdale Avenue, Minor Variance, A-26/22 – 22101120

36 Oakdale Avenue, Minor Variance, A-27/22 – 22101123

CRCS has no concerns with the proposed creation of a new lot to facilitate the construction of a detached dwelling, nor the majority of the minor variances being sought. With respect to the requested variance to reduce the minimum lot frontage for the new lot, CRCS is satisfied that adequate open space/amenity area will be achieved in the front yard so long as the proposed driveway does not exceed the size shown on the plans.

Staff note that there are two mature trees located in front of the existing home. Once the required road widening is dedicated to the City, these trees will be located within the public road allowance. Staff are awaiting comments from the Forestry Section as to whether the trees will need to be removed or can remain.

Should the applications for consent and minor variance 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.
3. That the future development agreement restrict the width of the driveway on 36 Oakdale Avenue to 3.5 metres.

4 Clearview Crescent, Minor Variance, A-19/22 – 22100841

No comment.

14 Glen Park Road, Minor Variance, A-20/22 – 22100843

No comment

427 Vine Street, Consent, B-16/22SC – 22101141
427A Vine Street, Minor Variance, A-28/22 – 22101144
427B Vine Street, Minor Variance, A-29/22 – 22101145

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

Staff note that there is a tree within the Vine Street boulevard that conflicts with the proposed driveway for the southerly unit. Typically these conflicts are flagged during the pre-submission consultation stage and the applicant would be required to adjust the location of the driveway and/or submit a tree preservation and protection plan to ensure the tree is retained unharmed. Given this conflict was not flagged during that previous application, the tree will need to be removed and replaced with a specimen of equal value. The applicant will be responsible for the costs associated with this.

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.
3. That the applicant submit a payment for the removal and replacement of the existing boulevard tree by City forces, in accordance with the City's current Schedule of Rates and Fees.

583 Welland Avenue, Minor Variance, A-30/22 – 22101184

CRCS staff have no concerns with the requested increase in density, nor the requested reduced lot frontage. Staff acknowledge that the minor variance required for reduced landscape open space is a result of an oversight in zoning compliance that occurred during the site plan approval process. An approved landscape plan is in place as part of the site plan agreement. It is staff's opinion that requiring the applicant to comply with the landscaping requirements of the Zoning By-law at this point would be onerous. Accordingly, staff offer no objection to the application.

543 Geneva Street, Consent, B-17/22SC – 22101208
543 Geneva Street, Minor Variance, A-31/22 – 22101215

CRCS has no concerns with the proposed creation of a new lot to facilitate the construction of a detached dwelling fronting onto Marsten Drive, nor the requested minor variance being sought. Staff note that the majority of the proposed rear yard of the existing home is covered by a concrete driveway. A reduction in the minimum rear yard is sought, however staff is satisfied that there is opportunity to create sufficient private amenity area by shortening the length of the driveway, if desired by the applicant.

We note that a mature tree exists in the Marsten Drive boulevard and care must be taken not to damage this tree during construction of the new dwelling. CRCS recommends that certain mitigation measures be implemented through the future development agreement to address this.

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

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.
3. That the future development agreement address the following requirements:
 - a. That prior to any construction activities commencing on site, a tree protection zone at least 4 metres in radius be installed around the trunk of the tree to be retained, and that such tree protection zone remain in place for the duration of construction.
 - b. That no soil, construction materials, equipment, or vehicles of any sort be stored or otherwise located within the tree protection zone.
 - c. That the garage and driveway for the new dwelling be located adjacent to the westerly lot line, as far as possible from the retained tree.
 - d. That servicing for the new dwelling be located – and all excavation occur - as far as possible from the critical root zone of the retained tree (approximately 6.0 metres from the trunk).

2 Dawn Road, Consent, B-18/22SC – 22101220
4 Dawn Road, Consent, B-19/22SC – 22101221
32A Dorothy Street, Consent, B-20/22SC – 22101222
32A Dorothy Street, Minor Variance, A-32/22 – 22101240
32B Dorothy Street, Minor Variance, A-33/22 – 22101241

CRCS has no concerns with the proposed creation of two new lots to facilitate the construction of two detached dwellings fronting onto Dorothy Street. With respect to the requested minor variances to reduce the minimum lot frontage for each new lot, CRCS is satisfied that adequate open space/landscaped area can be achieved so long as the proposed driveways do not exceed the size shown on the plans. Should the applications for consent and minor variance 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 the future development agreement restrict the width of the driveways to 6.1 metres for 32A Dorothy Street and 6.0 metres for 23B Dorothy Street.

68 Jarrow Road, Minor Variance, A-34/22- 22101242

No comment.

22 Inglewood Road, Consent, B-21/22S 2101253
22 Inglewood Road, Consent, B-22/22SC – 22101257
22A Inglewood Road, Minor Variance, A-35/22 – 22101265
22B Inglewood Road, Minor Variance, A-36/22 – 22101267
22C Inglewood Road, Minor Variance, A-37/22 – 22101268

CRCS has no concerns with the proposed creation of two new lots to facilitate the construction of three street townhomes, nor the requested minor variances.

In accordance with section 13.2.2.10 of the Garden City Plan the applicant will be required to convey to the city the natural/conservation area at the rear of all three lots (Part 4), which will be merged with the adjacent City-owned lands. Further, the applicant

will be required to pay for and construct a 1.8 metre high black vinyl chain link fence along the new rear lot lines to ensure encroachment into the natural areas is prevented in the future.

In lieu of the applicant submitting a tree preservation and protection plan, staff suggest that the existing fencing at the rear of all three lots remain in place throughout construction of the proposed dwellings to ensure existing trees in the natural area are retained.

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 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 the applicant dedicate gratuitously to the City, free and clear of any contamination encumbrance, the natural areas at the rear of all three lots, illustrated as Part 4 on the submitted survey sketch.
4. That the future development agreement address the following requirements:
 - a. That the existing fence located at the rear of the subject lands remain in place throughout construction of the townhomes to ensure existing trees within the natural area are protected.
 - b. Upon completion of construction of the townhomes and removal of the existing fence referred to above, the applicant will be required to construct, at its own expense, a 1.8 metre high black vinyl chain link fence (OPSD 972.130) along the future rear lot lines of the townhomes (to be constructed on City-owned lands).

72 Concord Avenue, Minor Variance, A-38/22 – 22101275

No comment.

Amanda Knutson

Community Project & Development Planner



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 29, 2022
Hearing Date: April 13, 2022
Subject: **Committee of Adjustment - Minor Variance Applications**
152A&B Lakeshore Road – A-113&114/21SC
34 Oakdale Avenue - A-26&27/22SC
4 Clearview Crescent – A-19/22SC
14 Glen Park Road – A-20/22SC
427A&B Vine Street – A-28&29/22SC
583 Welland Avenue – A-30/22SC
543 Geneva Street – A-31/22SC
32A&B Dorothy Street – A-32&33/22SC
68 Jarrow Road – A-34/22SC
22A,B&C Inglewood Road – A-35,36&37/22SC
72 Concord Avenue – A-38/22SC

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.

Development Engineering have no comments or objections, subject to the following, applicable to;

- The Applicant of **14 Glen Park Road** be advised that a Grading Plan, prepared by a Professional Engineer or an Ontario Land Surveyor, shall be required as part of the submission and review of the building permit application process; and
- The Minor Variance application for **68A Jarrow Road** be **deferred** until such time as a localized Grading Plan, prepared by a Professional Engineer or an Ontario Land Surveyor, is submitted for review and approval by the City, or else the applicant meet the required 1.20m setback

Prepared by:

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

To: Elaine Munro, Committee Secretary and Planning Technician

Cc:

From: Steve Bittner, Transportation Technologist

Date: March 24, 2022

Subject: Committee of Adjustment Comments (April 13, 2022 Hearing)

Upon review of the applications, we have no concerns or requirements.

Steve Bittner
Transportation Technologist

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

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

COMMENTS

A-38/22

72 Concord Avenue

DATE OF HEARING:
April 13, 2022

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Comments Received RE: Minor Variance Application-Amanda No. 22101275 Submission No. A38/22
Date: Friday, April 8, 2022 8:28:01 PM

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



From: Wayne Gadula <[munro@stcatharines.ca](#)>
Sent: Wednesday, April 6, 2022 11:46 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Minor Variance Application-Amanda No. 22101275 Submission No. A38/22

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.

Hello!

These written comments refer to Minor Variance Application-Amanda No. 22101275 Submission No. A38/22 by Jeremiah Raffay in regard to dwelling at 72 Concord Avenue, Lot 21, Plan 104.

Comments regarding application:

- Is this a proposal or existing? Three mailboxes suggest three units exist.
- Minor variance is almost twice the size allowed which doesn't seem so minor.
- Are zoning conditions met?
- Does the electrical service meet the load of the units safely?
- Will or do any fire codes be met or comply with by-laws? (ie. Firestop, Detectors, etc)
- According to the 'Site Plan and Building Statistics' one parking space is existing and one will be provided. Three dwellings, having one parking spot each would equal three spots minimum. (spot on the road would not be owned nor included in any requirement.)
- Existing vehicles parked on the street, due to inadequate dwelling parking cause visual impairment to driveway reversing and passing motorists.
- Existing concrete drive and walk extend over property line. Does this comply with any by-law, and provide adequate space safely for the proposed dwelling?
- Section 12 of 2013-283 includes definitions. Under 'Dwelling Unit' is defined the proposed/existing area. It defines Floor Area: Means: the area of all floors in a building or structure as calculated from the interior of the exterior walls, exclusive of cellars, basements, garages, carports or porches. The 'Site Plan and Building Statistics' include both the proposed second floor and proposed basement dwelling areas in the total gross area total. The second

floor area (proposed) and the basement area which does not comply to the by-law should not be included.

- Section 13.1 of the by-law Additional Fees may apply if the proposed dwellings already exist.

Concerned Citizen, Wayne Gadula

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Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: April 8, 2022

Date of Meeting: April 13, 2022

Report Number: A-38/22

File: 22101275

Subject: 72 Concord Avenue

Recommendation

That submission **A-38/22** by Jeremiah Raffay, as outlined in the Notice of Hearing, be approved.

Report The Proposal

Application **A-38/22** seeks relief from the City of St. Catharines By-law 2013-283, as amended, to increase the second-floor interior accessory dwelling unit size. The applicant proposes an interior accessory dwelling unit larger than the floor area permitted in the zoning By-law. The requested variance is outlined in the table below.

Variance	Provision	Required	Proposed
1	Increase the maximum interior accessory dwelling unit floor area	60 m ²	113.8 m ²

Location and Site Description

The subject property is located on the east side of Concord Avenue, south of Garnet Street. The neighbourhood is residential and is primarily comprised of detached dwellings.

The subject lands are presently occupied by a two-storey detached dwelling with an accessory building.

Circulation of Application

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

Planning Policy Context

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential on Schedule E3. Detached dwellings with an interior accessory dwelling unit are permitted in this designation.

Zoning By-law (2013-283)

The subject property is zoned Low Density Residential – Traditional Neighbourhood (R2). Section 2.2.1 of City's Zoning By-law permits an interior accessory dwelling unit within a detached dwelling subject to size parameters and parking provision. Staff note that a potential increase in the current permitted size and / or percentage floor area of an accessory dwelling unit has been identified as an item for consideration under an upcoming housekeeping review of the Zoning By-law.

Planning Analysis

The variance requests an increase in the maximum interior accessory dwelling unit floor area from 60 square metres to 113.8 square metres, an increase of 53.8 square metres. This variance is requested to facilitate the increase in the second-floor interior accessory dwelling unit size. Despite the requested increase in size, the proposed interior accessory dwelling unit will occupy 34% of the floor area of the dwelling, which is below the 40% permitted maximum for interior accessory dwelling units.

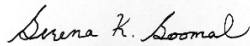
The current zoning provisions permit an accessory dwelling unit to occupy no more than the lesser of 60 square metres or 40% of the floor area of the dwelling, with the intent that the accessory dwelling unit be subordinate in size and function to the primary dwelling. The proposed interior accessory dwelling unit floor area is less than maximum 40% floor area but greater than the permitted size by 53.8 square metres. The principal dwelling unit will remain larger in size than the accessory dwelling unit, and staff are satisfied that the accessory unit is subordinate in size and function to that of the principal dwelling unit. In accordance with Section 2.2.1 of the City's Zoning By-law, the proposed interior accessory dwelling unit is located entirely within the exterior walls of the principal dwelling unit and the property complies with all other provisions of the By-law. This includes parking and landscaped open space provisions. There are currently two parking spaces on the property, which support the parking space requirements for the principal and accessory dwelling units. In the opinion of staff, the increase in size for the accessory dwelling unit will have no adverse impacts on adjacent properties.

In addition, the proposed interior accessory dwelling unit is in accordance with section 8 of the Official Plan which emphasizes providing a range of housing opportunities, types, and forms, and appropriate housing for all socio-economic groups. Staff are satisfied that the increase in the interior accessory dwelling unit meets the general intent of the Official Plan and Zoning By-law.

Conclusion

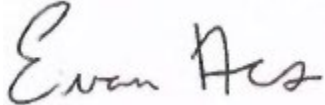
Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Minor Variance Application **A-38/22** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is desirable for the appropriate development of the lands. Staff recommend approval of the Application.

Prepared by:



Serena Soomal
Student Planner

Submitted by:



Evan Acs, MA, MSC, RPP
Planner I

Approved by:



Margaret Josipovic
Manager of Planning Services

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Alectra RE: 72 Concord Avenue, St. Catharines - Last Email
Date: Friday, April 1, 2022 4:47:00 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)

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



From: Network Info <network.info@horizonutilities.com>
Sent: Friday, April 1, 2022 1:53 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: RE: 72 Concord Avenue, St. Catharines - Last Email




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Good afternoon Elaine,

Our office has no comment/objections based on the drawing(s) provided.

Regards,



Samantha Burke
Engineering Clerk, ICI & Layouts
55 John Street North, Hamilton, ON, L8R 3M8
t 905.798.2971
alectrautilities.com
  

*At Alectra, the health and safety of our employees remains our highest priority and we have implemented vaccination policies for all our worksites and offices. Effective **November 12, 2021**, all visitors and contractors entering any Alectra worksite or facility must provide satisfactory proof of vaccination at Security when requested. Couriers and deliveries are excluded. Please review our [visitor vaccine policy](#).*

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Cogeco Comments, Committee of Adjustment Hearing Notices & Applications - April 13, 2022 Hearing
Date: Wednesday, March 30, 2022 11:11:55 AM

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



From: Doug Crown <doug.crown@cogeco.com>
Sent: Wednesday, March 30, 2022 10:41 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Request for Comments, Committee of Adjustment Hearing Notices & Applications - April 13, 2022 Hearing

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

Hi Elaine

Cogeco has no concerns with these applications.

Have the best day ever

Doug Crown
Network Planning Department
Doug.crown@cogeco.com

7170 Mcleod Rd
Niagara Falls Ont Canada

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

MEMORANDUM

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

Cc: Wilrik Banda
Planning and Building Services

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

Date: March 29, 2022

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

NO.	ADDRESS	COMMENTS
A-113/21	152A Lakeshore Road	Be advised that a building permit is required to construct the single detached dwelling.
A-114/21	152BA Lakeshore Road	No Comment
A-26/22	34 Oakdale Avenue	No Comment
A-27/22	36 Oakdale Avenue	Be advised that a building permit is required to construct the single detached dwelling.
A-19/22	4 Clearview Crescent	Be advised that the current building permit (21118297RN) shall be completed prior to construction. Be advised that a building permit is required to construct an attached garage.

NO.	ADDRESS	COMMENTS
A-20/22	14 Glen Park Road	Be advised that a building permit is required to demolish the existing detached garage. Be advised that a building permit is required to construct the detached garage.
A-28/22	427A Vine Street	Be advised that a building permit is required to construct the semi-detached dwelling.
A-29/22	427B Vine Street	Be advised that a building permit is required to construct the semi-detached dwelling.
A-30/22	583 Welland Avenue	Be advised that a building permit is required to construct two 5 storey apartment buildings.
A-31/22	543 Geneva Street	Be advised that a building permit is required to construct a single detached dwelling.
A-32/22	32A Dorothy Street	Be advised that a building permit is required to construct a single detached dwelling.
A-33/22	32B Dorothy Street	Be advised that a building permit is required to construct a single detached dwelling.
A-34/22	68 Jarrow Road	Be advised that a building permit is required to construct a sunroom.
A-35/22	22A Inglewood Road	Be advised that a building permit is required to construct a three unit townhouse.
A-36/22	22B Inglewood Road	Be advised that a building permit is required to construct a three unit townhouse.

NO.	ADDRESS	COMMENTS
A-37/22	22C Inglewood Road	Be advised that a building permit is required to construct a three unit townhouse.
A-38/22	72 Concord Avenue	Be advised that a building permit is required for the proposed accessory dwelling unit.



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: April 8, 2022

Subject: Committee of Adjustment Applications – April 13, 2022 Hearing

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

152 Lakeshore Road, Consent, B-38/21SC – 21118450
152B Lakeshore Road, Consent, B-14/22SC – 22100934
152A Lakeshore Road, Minor Variance, A-113/21 – 21118453
152B Lakeshore Road, Minor Variance, A-114/21 – 21118454

In support of these applications, the applicant has submitted a Tree Inventory and Preservation Plan Report, prepared by Jackson Arboriculture Inc., dated March 25, 2022. The Report confirms the locations and health of one City boulevard tree, trees on the subject site and adjacent properties, as well as boundary trees. The Report provides recommendations for either preservation or removal for each of the 18 trees inventoried, based on the drawings submitted with the initial application.

The report indicates that there are several Norway Maple trees located on the neighbouring property to the east, and on the common boundary between that neighbouring property and the subject lands. The report recommends that these trees be removed, with permission from the neighbouring homeowner, to facilitate relocation of the existing dwelling. The report does suggest, however, that the trees in question could be saved if a greater front yard setback were provided for the relocated dwelling.

Following submission of this Report, the applicant provided updated drawings that show the relocated home positioned further back on the lot and rotated to achieve greater front and interior side yards. Additionally, it is our understanding that the Applicant will be withdrawing its request for a reduced front yard setback and will comply with the minimum 13.8 metres prescribed. CRCS is supportive of the increased front and interior side yard setbacks, which provide greater protection to the Norway Maple trees discussed above. CRCS staff would otherwise object to the minor variance to reduce the front yard setback.

The applicant is proposing a common driveway, which will extend into the rear yards and provide access to two parking spaces on each lot. To mitigate the impact that vehicle headlights might have on neighbouring properties, CRCS staff recommend that the existing wood board fence be retained for both lots, as well as the stand of mature trees along the rear lot line.

The applicant has requested several minor variances for the new dwelling, including reductions in front yard setback, interior side yard setback, lot frontage, as well as an increase in maximum paved area. The applicant has also requested a minor variance for reduced lot frontage for the relocated dwelling. All of these variances will reduce the overall amount of greenspace that can be provided on the subject lands. Staff have no objection to these variances on the condition that the future development agreement restrict the use of the front yards for parking in any area that hasn't already been illustrated on the drawings submitted with the applications. Without such a condition in place, it is possible that gravel parking areas could be installed in the front yards, further reducing on-site greenspace. This would also impact the overall character of the street, where front yards generally consist of wide lawn areas.

Should the applications for consent and minor variance 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.
3. That the future development agreement address the following requirements:
 - a. That the applicant implement the recommendations of the Tree Inventory and Preservation Plan Report, prepared by Jackson Arboriculture Inc., dated March 25, 2022, for trees 1, 2, and 8 thru 18 identified in that report.
 - b. That for trees 3 thru 7 identified in the same Report, the applicant implement standard mitigation measures and best practices for tree preservation and protection described in Table 2 and Section 6.2 "Tree Preservation" thereof.
 - c. That the approved plans clearly illustrate tree protection zones and notes.

- d. That the front yard driveways and parking areas for both lots be restricted to what is generally shown on the plans submitted with these applications.

34 Oakdale Avenue, Consent, B-15/22SC – 22101119

34 Oakdale Avenue, Minor Variance, A-26/22 – 22101120

36 Oakdale Avenue, Minor Variance, A-27/22 – 22101123

CRCS has no concerns with the proposed creation of a new lot to facilitate the construction of a detached dwelling, nor the majority of the minor variances being sought. With respect to the requested variance to reduce the minimum lot frontage for the new lot, CRCS is satisfied that adequate open space/amenity area will be achieved in the front yard so long as the proposed driveway does not exceed the size shown on the plans.

Staff note that there are two mature trees located in front of the existing home. Once the required road widening is dedicated to the City, these trees will be located within the public road allowance. Staff are awaiting comments from the Forestry Section as to whether the trees will need to be removed or can remain.

Should the applications for consent and minor variance 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.
3. That the future development agreement restrict the width of the driveway on 36 Oakdale Avenue to 3.5 metres.

4 Clearview Crescent, Minor Variance, A-19/22 – 22100841

No comment.

14 Glen Park Road, Minor Variance, A-20/22 – 22100843

No comment

427 Vine Street, Consent, B-16/22SC – 22101141

427A Vine Street, Minor Variance, A-28/22 – 22101144

427B Vine Street, Minor Variance, A-29/22 – 22101145

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

Staff note that there is a tree within the Vine Street boulevard that conflicts with the proposed driveway for the southerly unit. Typically these conflicts are flagged during the pre-submission consultation stage and the applicant would be required to adjust the location of the driveway and/or submit a tree preservation and protection plan to ensure the tree is retained unharmed. Given this conflict was not flagged during that previous application, the tree will need to be removed and replaced with a specimen of equal value. The applicant will be responsible for the costs associated with this.

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.
3. That the applicant submit a payment for the removal and replacement of the existing boulevard tree by City forces, in accordance with the City's current Schedule of Rates and Fees.

583 Welland Avenue, Minor Variance, A-30/22 – 22101184

CRCS staff have no concerns with the requested increase in density, nor the requested reduced lot frontage. Staff acknowledge that the minor variance required for reduced landscape open space is a result of an oversight in zoning compliance that occurred during the site plan approval process. An approved landscape plan is in place as part of the site plan agreement. It is staff's opinion that requiring the applicant to comply with the landscaping requirements of the Zoning By-law at this point would be onerous. Accordingly, staff offer no objection to the application.

543 Geneva Street, Consent, B-17/22SC – 22101208
543 Geneva Street, Minor Variance, A-31/22 – 22101215

CRCS has no concerns with the proposed creation of a new lot to facilitate the construction of a detached dwelling fronting onto Marsten Drive, nor the requested minor variance being sought. Staff note that the majority of the proposed rear yard of the existing home is covered by a concrete driveway. A reduction in the minimum rear yard is sought, however staff is satisfied that there is opportunity to create sufficient private amenity area by shortening the length of the driveway, if desired by the applicant.

We note that a mature tree exists in the Marsten Drive boulevard and care must be taken not to damage this tree during construction of the new dwelling. CRCS recommends that certain mitigation measures be implemented through the future development agreement to address this.

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

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.
3. That the future development agreement address the following requirements:
 - a. That prior to any construction activities commencing on site, a tree protection zone at least 4 metres in radius be installed around the trunk of the tree to be retained, and that such tree protection zone remain in place for the duration of construction.
 - b. That no soil, construction materials, equipment, or vehicles of any sort be stored or otherwise located within the tree protection zone.
 - c. That the garage and driveway for the new dwelling be located adjacent to the westerly lot line, as far as possible from the retained tree.
 - d. That servicing for the new dwelling be located – and all excavation occur - as far as possible from the critical root zone of the retained tree (approximately 6.0 metres from the trunk).

2 Dawn Road, Consent, B-18/22SC – 22101220
4 Dawn Road, Consent, B-19/22SC – 22101221
32A Dorothy Street, Consent, B-20/22SC – 22101222
32A Dorothy Street, Minor Variance, A-32/22 – 22101240
32B Dorothy Street, Minor Variance, A-33/22 – 22101241

CRCS has no concerns with the proposed creation of two new lots to facilitate the construction of two detached dwellings fronting onto Dorothy Street. With respect to the requested minor variances to reduce the minimum lot frontage for each new lot, CRCS is satisfied that adequate open space/landscaped area can be achieved so long as the proposed driveways do not exceed the size shown on the plans. Should the applications for consent and minor variance 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 the future development agreement restrict the width of the driveways to 6.1 metres for 32A Dorothy Street and 6.0 metres for 23B Dorothy Street.

68 Jarrow Road, Minor Variance, A-34/22- 22101242

No comment.

22 Inglewood Road, Consent, B-21/22S 2101253
22 Inglewood Road, Consent, B-22/22SC – 22101257
22A Inglewood Road, Minor Variance, A-35/22 – 22101265
22B Inglewood Road, Minor Variance, A-36/22 – 22101267
22C Inglewood Road, Minor Variance, A-37/22 – 22101268

CRCS has no concerns with the proposed creation of two new lots to facilitate the construction of three street townhomes, nor the requested minor variances.

In accordance with section 13.2.2.10 of the Garden City Plan the applicant will be required to convey to the city the natural/conservation area at the rear of all three lots (Part 4), which will be merged with the adjacent City-owned lands. Further, the applicant

will be required to pay for and construct a 1.8 metre high black vinyl chain link fence along the new rear lot lines to ensure encroachment into the natural areas is prevented in the future.

In lieu of the applicant submitting a tree preservation and protection plan, staff suggest that the existing fencing at the rear of all three lots remain in place throughout construction of the proposed dwellings to ensure existing trees in the natural area are retained.

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 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 the applicant dedicate gratuitously to the City, free and clear of any contamination encumbrance, the natural areas at the rear of all three lots, illustrated as Part 4 on the submitted survey sketch.
4. That the future development agreement address the following requirements:
 - a. That the existing fence located at the rear of the subject lands remain in place throughout construction of the townhomes to ensure existing trees within the natural area are protected.
 - b. Upon completion of construction of the townhomes and removal of the existing fence referred to above, the applicant will be required to construct, at its own expense, a 1.8 metre high black vinyl chain link fence (OPSD 972.130) along the future rear lot lines of the townhomes (to be constructed on City-owned lands).

72 Concord Avenue, Minor Variance, A-38/22 – 22101275

No comment.

Amanda Knutson

Community Project & Development Planner



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 29, 2022
Hearing Date: April 13, 2022
Subject: **Committee of Adjustment - Minor Variance Applications**
152A&B Lakeshore Road – A-113&114/21SC
34 Oakdale Avenue - A-26&27/22SC
4 Clearview Crescent – A-19/22SC
14 Glen Park Road – A-20/22SC
427A&B Vine Street – A-28&29/22SC
583 Welland Avenue – A-30/22SC
543 Geneva Street – A-31/22SC
32A&B Dorothy Street – A-32&33/22SC
68 Jarrow Road – A-34/22SC
22A,B&C Inglewood Road – A-35,36&37/22SC
72 Concord Avenue – A-38/22SC

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.

Development Engineering have no comments or objections, subject to the following, applicable to;

- The Applicant of **14 Glen Park Road** be advised that a Grading Plan, prepared by a Professional Engineer or an Ontario Land Surveyor, shall be required as part of the submission and review of the building permit application process; and
- The Minor Variance application for **68A Jarrow Road** be **deferred** until such time as a localized Grading Plan, prepared by a Professional Engineer or an Ontario Land Surveyor, is submitted for review and approval by the City, or else the applicant meet the required 1.20m setback

Prepared by:

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

To: Elaine Munro, Committee Secretary and Planning Technician

Cc:

From: Steve Bittner, Transportation Technologist

Date: March 24, 2022

Subject: Committee of Adjustment Comments (April 13, 2022 Hearing)

Upon review of the applications, we have no concerns or requirements.

Steve Bittner
Transportation Technologist