

Agenda

Thursday, April 28, 2022

Electronic Participation at 5.00 pm

Under the authority of the *Statutory Powers Procedure Act*, 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 27, 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

-
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 – April 13, 2022**
 6. **Declarations of Interest**
 7. **Request for Adjournment**
 1. Item # 3 - 620 Bunting Road, Minor Variance, A-40/22 – 22101914
Staff have requested a deferral of the minor variance applications to the May 26, 2022 Committee of Adjustment Hearing due to an additional minor variance that is required for the garage being closer to the road than the dwelling and due to insufficient time to re-circulate a Revised Notice within the Planning Act circulation regulations.
 2. Item # 11 - 129 Oakdale Avenue, Consent, B-30/22SC – 22102428; 129 Oakdale Avenue, Minor Variance, A-48/22 – 22102429 and 131 Oakdale Avenue, Minor Variance, A-49/22 – 22102430
Staff have requested a requested a deferral of the consent and minor variance applications to the May 26, 2022 Committee of Adjustment Hearing due to a minor variance that needs to be revised and due to insufficient time to re-circulate a Revised Notice within the Planning Act circulation regulations.

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

- i) 374 Linwell Road, Consent, B-35/21SC – 21 118264
374 Linwell Road, Consent, B-36/21SC – 21 118265

Request to add demolition of existing dwelling as condition to approved consent decisions.

9. **Applications**

1. **10 Adelene Crescent, Consent, B-12/22SC – 22100900
8 Adelene Crescent, Minor Variance, A-22/22 – 22100901
10 Adelene Crescent, Minor Variance, A-23/22 - 22100902
2. 361 Grantham Avenue, Minor Variance, A-107/21 – 21118329
4. 51 Glenridge Avenue, Consent, B-23/22SC – 22102205
73 Downing Street, Consent, B-24/22SC – 22102206
71 Downing Street, Consent, B-25/22SC – 22102207
51 Glenridge Avenue, Minor Variance, A-41/22 – 22102208
5. 38 Neptune Drive, Consent, B-26/22SC – 22102224
38 Neptune Drive, Minor Variance, A-42/22 – 22102226
38A Neptune Drive, Minor Variance, A-43/22 – 22102228
6. 374A Linwell Road, Consent, B-27/22SC – 22102265
374B Linwell Road, Consent, B-28/22SC – 22102266
7. **19 Centre Street, Minor Variance, A-45/22 – 22102231
8. 1071 Lakeshore Road West, A-46/22 - 22102238
9. 26 Thompson Road, Minor Variance, A-47/22 – 22102240
10. 294 Vine Street, Consent, B-29/22SC – 22102247
12. 233/ Pelham Road, Consent, B-31/22SC – 22102341
233/ Pelham Road, Consent, B-32/22SC – 22102342
233/ Pelham Road, Consent, B-33/22SC – 22102343
231 Pelham Road, Minor Variance, A-51/22 – 22102345
233 Pelham Road, Minor Variance, A-52/22 – 22102346
233/ Pelham Road, Minor Variance, A-53/22 – 22102347

**Planning Report will be available on Monday, April 25, 2022.

9. **New Business**

10. **Date of next meeting**

Thursday May 26, 2022 at 5.00 pm

11. **Motion to Adjourn**

To: Committee of Adjustment

Cc: Evan Acs, Planner

From: Elaine Munro, Secretary-Treasurer

Date: April 22, 2022

Subject: Request for Minor Change of Conditions
374 Linwell Road
B-35/21C, Amanda No. 21118264
B-36/21SC, Amanda No. 21118265

The Committee of Adjustment approved consent applications, B-35/21C and B-36/21SC, 374 Linwell Road at the November 17, 2021 Hearing to permit the construction of a detached dwelling on each new lot subject to conditions noted in the Technical Report. (Copy of Decision attached)

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

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

MEMORANDUM

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

Cc: Wilrik Banda
Planning and Building Services

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

Date: November 4th, 2021

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

B-32/21SC – 37 Mountain Street

Comment:

- No comment

Condition:

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

B-35/21SC – 374 Linwell Road

Comment:

- No comment

Condition:

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

B-36/21SC – 374 Linwell Road

Comment:

- No comment

Condition:

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

B-37/21SC – 525 Welland Avenue

Comment:

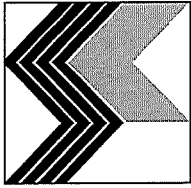
- No comment

Condition:

- No comment

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

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



City of St. Catharines

COMMITTEE OF ADJUSTMENT

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

Phone: 905-688-5600, Ext 1715

TTY: 905-688-4889

Fax: 905-688-5873

Email: emunro@stcatharines.ca

Notice of Decision

Submission No: B-35/21SC

File No: 21118264

Roll No: 2629050016135000000

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

Taydrien Developments Inc. - 374 Linwell Road

Application B-35/21SC is made for consent to sever 417.76 m² of land (Part 2 on the submitted sketch) for the proposed construction of a detached dwelling to be known as 374A Linwell Road. An 835.79 m² remnant parcel (Parts 3 & 4) is to be retained for the proposed construction of a detached dwelling on each new lot. Part 1 is to be dedicated to the City for a road widening. There is a concurrent consent application B-36/21SC and concurrent minor variance applications A-104/21, A-105/21 & A-106/21.

Decision: Granted

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

1. That the Owner enter into a Development Agreement with the City of St. Catharines, to be registered on title to the lands now known as 174 Linwell Road addressing the following conditions:
 - a. That building permit plans for Parts 2, 3 and 4, once submitted, be reviewed and confirmed to be generally in accordance with the site plan and elevation plans submitted with this application; and
 - b. 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. The Tree Preservation and Protection Plan, required as a condition of consent approval, be included in the Development Agreement, to ensure compliance during construction of the proposed dwellings.
2. That the Owner have prepared by a Professional Engineer or an Ontario Land Surveyor, a Lot Grading & Drainage plan for City review and approval. The plan must also show the location of the proposed water and sewer services.
3. That the Owner provide the City a draft Reference Plan indicating the proposed Part 1 right-of-way widening for review and approval, prior to registration of the plan in the Land Registry Office.
4. That the Owner dedicate to the City, free and clear of any encumbrances, the Part 1 right-of-way widening across the frontage of the subject properties, to be known as Public Highway Linwell Road.
5. That the Owner pay for the existing sanitary lateral to be video inspected by City crews to confirm its condition and location from the house to the main line sewer.
6. That the Owner, if the condition of the existing sanitary lateral is suitable but the location will result in crossing an existing or proposed side yard property line, pay for City crews to relocate the portion on private property and obtain a Plumbing only permit to do so.
7. That the Owner, if the condition of the existing sanitary lateral is suitable but the location will result in crossing an existing or proposed side yard property line, relocate the portion on private property and obtain a Plumbing Only Permit to do so.
8. That the Owner submit a payment for the placement of a 60mm caliper tree in front of Part 2, in accordance with the City's current Schedule of Rates and Fees.
9. That the Owner submit payment of 5% of the appraised value of Part 2, as determined by a qualified appraiser, to the City in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of payment, the value of the land shall be determined as of the day before the day the provisional consent was given'.
10. That the Owner have prepared by a qualified arborist a Tree Preservation and Protection Plan for trees on the western side of the property for review and approval by the director of Community, Recreation and Cultural Services department or his designate.

11. That final approval of the concurrent Minor Variance applications be granted.
12. 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.
13. That the Owner submit to the Secretary-Treasurer of the Committee of Adjustment a final certification fee of \$222.20 (2022 rate) payable to the Treasurer, City of St. Catharines.
14. That all conditions of consent be fulfilled by November 17, 2022.

Reasons:

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

Original Signed By G. Redden
Chair

Original Signed By D. Ringler
Vice Chair

Original Signed By K. Leask
Member

Original Signed By R. McPherson
Member

Original Signed by A. Selvig
Member

CERTIFICATION

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

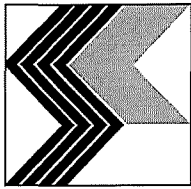
Date of Mailing: November 24, 2021


Elaine Munro, ACST, Secretary – Treasurer

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

December 14, 2021

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



City of St. Catharines

COMMITTEE OF ADJUSTMENT

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

Phone: 905-688-5600, Ext 1715

TTY: 905-688-4889

Fax: 905-688-5873

Email: emunro@stcatharines.ca

Notice of Decision

Submission No: B-36/21SC

File No: 21118265

Roll No: 2629050016135000000

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

Taydrien Developments Inc. - 374 Linwell Road

Application B-36/21SC is made for consent to sever 418.08 m² of land (Part 3 on the submitted sketch) for the proposed construction of a detached dwelling to be known as 374B Linwell Road. A 417.71 m² remnant parcel (Part 4) is to be retained for the proposed construction of a detached dwelling. Part 1 is to be dedicated to the City for a road widening. There is a concurrent consent application B-35/21SC and concurrent minor variance applications A-104/21, A-105/21 & A-106/21.

Decision: Granted

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

1. That the Owner enter into a Development Agreement with the City of St. Catharines, to be registered on title to the lands now known as 174 Linwell Road addressing the following conditions:
 - a. That building permit plans for Parts 2, 3 and 4, once submitted, be reviewed and confirmed to be generally in accordance with the site plan and elevation plans submitted with this application; and
 - b. 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. The Tree Preservation and Protection Plan, required as a condition of consent approval, be included in the Development Agreement, to ensure compliance during construction of the proposed dwellings.
2. That the Owner have prepared by a Professional Engineer or an Ontario Land Surveyor, a Lot Grading & Drainage plan for City review and approval. The plan must also show the location of the proposed water and sewer services.
3. That the Owner provide the City a draft Reference Plan indicating the proposed Part 1 right-of-way widening for review and approval, prior to registration of the plan in the Land Registry Office.
4. That the Owner dedicate to the City, free and clear of any encumbrances, the Part 1 right-of-way widening across the frontage of the subject properties, to be known as Public Highway Linwell Road.
5. That the Owner pay for the existing sanitary lateral to be video inspected by City crews to confirm its condition and location from the house to the main line sewer.
6. That the Owner, if the condition of the existing sanitary lateral is suitable but the location will result in crossing an existing or proposed side yard property line, pay for City crews to relocate the portion on private property and obtain a Plumbing only permit to do so.
7. That the Owner, if the condition of the existing sanitary lateral is suitable but the location will result in crossing an existing or proposed side yard property line, relocate the portion on private property and obtain a Plumbing Only Permit to do so.
8. That the Owner submit a payment for the placement of a 60mm caliper tree in front of Part 3, in accordance with the City's current Schedule of Rates and Fees.
9. That the Owner submit payment of 5% of the appraised value of Part 3, as determined by a qualified appraiser, to the City in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of payment, the value of the land shall be determined as of the day before the day the provisional consent was given'.
10. That the Owner have prepared by a qualified arborist a Tree Preservation and Protection Plan for trees on the western side of the property for review and approval by the director of Community, Recreation and Cultural Services department or his designate.
11. That final approval of the concurrent Minor Variance applications be granted.

12. 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.
13. That the Owner submit to the Secretary-Treasurer of the Committee of Adjustment a final certification fee of \$222.20 (2022 rate) payable to the Treasurer, City of St. Catharines.
14. That all conditions of consent be fulfilled by November 17, 2022.

Reasons:

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

**Original Signed By G. Redden
Chair**

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

**Original Signed By K. Leask
Member**

**Original Signed By R. McPherson
Member**

**Original Signed by A. Selvig
Member**

CERTIFICATION

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

Date of Mailing: November 24, 2021


Elaine Munro, ACST, Secretary – Treasurer

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

December 14, 2021

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

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

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

COMMENTS

B-12/22SC, A-22/22 & A-23/22

8 & 10 Adelene Drive

DATE OF HEARING:
April 28, 2022

Mrs. Freda MacDonald

MAR 17 2022

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

Dear Mr. Menno;

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

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

Yours Sincerely
[REDACTED]

March 17, 2022

Our File No.: PLCON202200278

BY E-MAIL ONLY

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

Attention: Elaine Munro, Secretary-Treasurer

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

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

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

NPCA Policy

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

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

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

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

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



**NIAGARA PENINSULA
CONSERVATION**
AUTHORITY

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

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

Conclusion:

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

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

Yours truly,

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

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

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

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



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

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

Hello,

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

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

Sincerely,

Saadia Jamil

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

Urbanisme, architecture de paysage et design urbain



E : proximity@cn.ca

1600, René-Lévesque Ouest, 11e étage

Montréal (Québec)

H3H 1P9 CANADA

wsp.com

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: April 20, 2022

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – April 28th, 2022 hearing

B-12/22SC – 10 Adelene Crescent

Comment:

- No comment

Condition:

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

B-23/22SC – 51 Glenridge Avenue

Comment:

- 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:

- No comment

B-24/22SC – 73 Downing Street

Comment:

- 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:

- No Comment

B-25/22SC – 71 Downing Street

Comment:

- 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 dwelling and to complete all inspections to the satisfaction of the Chief Building Official.

B-26/22SC – 38 Neptune Drive

Comment:

- No comment

Condition:

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

B-27/22SC – 374A Linwell Road

Comment:

- No comment

Condition:

- No comment

B-28/22SC – 374B Linwell Road

Comment:

- No comment

Condition:

- No comment

B-29/22SC – 294 Vine Street

Comment:

- No comment

Condition:

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

B-30/22SC – 129 Oakdale Avenue

Comment:

- 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:

- No comment

B-31/22SC – 233/ Pelham Road

Comment:

- No comment

Condition:

- No comment

B-32/22SC – 233/ Pelham Road

Comment:

- No comment

Condition:

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

B-33/22SC – 233/ Pelham Road

Comment:

- No comment

Condition:

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



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

MEMORANDUM

To: Elaine Munro, Committee Secretary & Planning Clerk
 Planning and Building Services
 Cc: Wilrik Banda
 Planning and Building Services
 From: Lou Grossi, Building Inspector II
 Planning and Building Services
 Date: April 20, 2022
 Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – April 28th, 2022 hearing

NO.	ADDRESS	COMMENTS
A-22/22	8 Adelene Crescent	No Comment
A-23/22	10 Adelene Crescent	No Comment
A-107/21	361 Grantham Avenue	Be advised that the current demolition permit (21101338AM) shall be completed prior to construction. Be advised that a building permit is required to construct the townhouse block.
A-40/22	620 Bunting Road	Be advised that a building permit is required to construct the garage addition to the single detached dwelling. Be advised that a demolition permit may be required to remove the existing deck.
A-41/22	51 Glenridge Avenue	No Comment
A-42/22	38 Neptune Drive	No Comment

NO.	ADDRESS	COMMENTS
A-43/22	38A Neptune Drive	Be advised that a building permit is required to construct the single detached dwelling.
A-45/22	19 Centre Street	Be advised that a building permit is to convert the existing 2 storey building to a triplex.
A-46/22	1071 Lakeshore Road	Be advised that the current building permit (19113075BS) shall be completed prior to the shed construction.
A-47/22	26 Thompson Road	Be advised that a building permit is required to construct the pool house structure.
A-48/22	129 Oakdale Avenue	No Comment
A-49/22	131 Oakdale Avenue	Be advised that a building permit is required to construct a single detached dwelling.
A-50/22	229 Pelham Road	No Comment
A-51/22	231 Pelham Road	No Comment
A-52/22	233 Pelham Road	No Comment



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 22, 2022

Subject: Committee of Adjustment Applications – April 28, 2022 Hearing

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

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

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

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

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

361 Grantham Avenue, Minor Variance, A-107/21 – 21118329

Comments on this application will follow separately.

620 Bunting Road, Minor Variance, A-40/22 – 22101914

CRCS have no objection to the applicant's request for a reduction of the interior side yard setback to facilitate construction of an attached garage. However, the requested increase in driveway width is of concern. If approved, the minor variance would facilitate installation of a vehicular turnaround/parking area in the front yard. Not only will this significantly reduce the amount of landscaped open space that can be accommodated in the front yard, but it is also likely that the existing mature boulevard tree directly adjacent to the proposed turnaround will be negatively impacted. We note that the tree's canopy is actually larger than what is depicted on the plans submitted. It is the opinion of CRCS staff that an increase in driveway width will result in negative impacts and we object to the requested variance accordingly.

51 Glenridge Avenue, Consent, B-23/22SC – 22102205

73 Downing Street, Consent, B-24/22SC – 22102206

71 Downing Street, Consent, B-25/22SC – 22102207

51 Glenridge Avenue, Minor Variance, A-41/22 – 22102208

At this time, CRCS is unable to submit comments on these applications due to a known conflict of interest.

38 Neptune Drive, Consent, B-26/22SC – 22102224

38 Neptune Drive, Minor Variance, A-42/22 – 22102226

38A Neptune Drive, Minor Variance, A-43/22 – 22102228

In support of these applications, the applicant has submitted a Tree Preservation Report, prepared by Arborwood Tree Service Inc., dated March 16, 2022. The Report confirms the locations and health of two mature City boulevard trees, 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 13 trees inventoried, based on the consent and site plan sketches submitted with the applications.

The Report indicates that the proposed driveway for the new dwelling will encroach into the minimum tree protection zone for the southerly boulevard tree (identified in the report as tree no. 1) and recommends that, in addition to installing hoarding, root exploration and pruning be undertaken using air spade or hydro vac methods. CRCS Forestry staff are satisfied with the report and its recommendations, however, we note that root exploration and pruning must be completed under the supervision of a certified arborist and must be completed prior to any construction activities or relating staging.

CRCS offers no objection to the requested minor variance for an increase in maximum lot area for the retained lot. With respect to the requested variance for a reduction in lot frontage for the new lot, CRCS staff recommends that the driveway width and location be limited to what is depicted in the plans submitted with these applications. If limitations are not imposed, then the size of the driveway could be enlarged in the future, reducing the amount of landscaped open space in the front yard, and also impacting the mature boulevard tree discussed above.

Should the applications be approved, CRCS recommends the following be included as a condition of consent:

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 Preservation Report, prepared by Arborwood Tree Service Inc., dated

March 16, 2022, particularly as they relate to two City boulevard trees, identified as tree nos. 1 and 2.

- b. That the approved plans forming part of the development agreement clearly illustrate tree protection zones and notes.
- c. That the consulting arborist attend the site during root excavation and pruning to oversee the works.
- d. That upon completion of root exploration and pruning, the consulting arborist provide confirmation to the City that the mitigation measures outlined in the Tree Preservation Report have been properly carried out.
- e. That no construction activities or construction staging occur until such time as root pruning and hoarding installation is complete.
- f. That the width of the driveway for the new lot not exceed 5.0 metres and that its location be consistent with what is shown on the plans submitted with the application for consent.

374A Linwell Road, Consent, B-27/22SC – 22102265

374B Linwell Road, Consent, B-28/22SC – 22102266

CRCS offers no objection to the proposed consents to create easements for storm drainage.

19 Centre Street, Minor Variance, A-45/22 – 22102231

CRCS has no objection to the requested minor variances; the building and parking areas exist and no expansions are proposed. In fact, the sketch submitted indicates the front yard parking, which currently occupies the entire front yard, will be reduced by approximately half to accommodate landscaped open space. CRCS is strongly supportive of this change.

1071 Lakeshore Road West, Minor Variance, A-46/22 – 22102238

CRCS offers no objection to the requested minor variance, which seeks a reduced interior side yard setback for an accessory structure (utility shed).

26 Thompson Road, Minor Variance, A-47/22 – 22102240

CRCS offers no objection to the requested minor variance, which seeks an increase in height for an accessory structure (pool house). We presume that the maximum lot coverage for all accessory structures prescribed by the Zoning By-law will not be exceeded.

294 Vine Street, Consent, B-29/22SC – 22102247

CRCS offers no objection to the proposal to create a new parcel for a future private road development. We note that an application for site plan approval has been submitted for the future development and, upon our preliminary review of the submission materials, it appears that the proposal is deficient in terms of the City's zoning and site plan standards for landscaping, open space, amenity areas, etc. The Committee and the applicant should not misconstrue this department's support of the consent to sever as

an endorsement of the site and landscaping designs submitted through the application for site plan approval.

Should this application be approved, CRCS recommends the following be included as a condition of consent:

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.)

129 Oakdale Avenue, Consent, B-30/22SC

129 Oakdale Avenue, Minor Variance, A-48/22

131 Oakdale Avenue, Minor Variance, A-49/22

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

We note that there is a mature tree located on the adjacent lands to the north, very close to the common lot line. A large portion of the tree's canopy overhangs the subject lands in the area of the proposed development and the tree will therefore need to be pruned to facilitate construction. Given this is a private civil matter, our comments pertaining to the tree are provided for information only.

Should the application for consent be approved, CRCS recommends the following conditions be included in the Committee's decision:

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.

233/ Pelham Road, Consent, B-31/22SC – 22102341

233/ Pelham Road, Consent, B-32/22SC – 22102342

233/ Pelham Road, Consent, B-33/22SC – 22102343

229 Pelham Road, Minor Variance, A-50//22 – 22102344

231 Pelham Road, Minor Variance, A-51/22 – 22102345

233 Pelham Road, Minor Variance, A-52/22 – 22102346

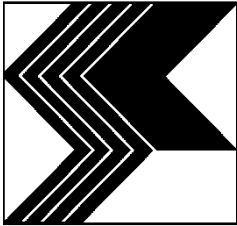
CRCS offers no objection to these applications, which will re-create three lots, each of which contains an existing dwelling. Should the applications be approved, CRCS recommends the following be included as a condition of consent:

1. That the applicant submit a payment for the placement of a 60mm boulevard tree for each of the two new lots, in accordance with the City's current Schedule of Rates and Fees.

Amanda Knutson

Community Project & Development Planner

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



March 14th, 2022

ENGINEERING FILE 300-36

Hearing Date: March 30th, 2022

Applicant: Adel Michael Wakil and Marie Cecile Claire Wakil

Location: 10 Adelene Crescent

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

Comment(s):

General

It is noted that the Applicant proposes to sever make an internal lot line adjustment as per the attached surveyors sketch included with the application.

Condition(s):

Development Engineering have no concerns or comments regarding this application.

Prepared by:

James Denham, P.Eng.
Development Engineering Technologist

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



Memorandum

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

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

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

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 28, 2022

Subject: Committee of Adjustment Comments (March 30, 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-107/21

361 Grantham Avenue

DATE OF HEARING:
April 28, 2022

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Comments Received RE: 361 Grantham Ave. revised variance application A-107/21
Date: Monday, April 18, 2022 9:27:45 AM

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



From: Christine <>
Sent: Sunday, April 17, 2022 2:39 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: 361 Grantham Ave. revised variance application A-107/21

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.

Re: Amanda No. 21118329, Submission No.A-107/21

Dear Ms. Monro,

Again as per my attached comments of November 1st 2021, I am the owner and resident of 19 Meadowbrook Cres., with a reminder that it has the shortest city approved 6.5m rear yard setback in the area. I continue to have concerns regarding the grading of the proposed project as well as the total lack of privacy WITHIN my home due to the minimal 7.5m setback from *my* "minimal rear setback".

Again, my concern is the vast amount of rainwater that will drain off the project's huge roof square footages onto the reduced oversaturated ground surface area. Currently during the spring thaw and heavy rains the Church's central rear yard becomes water logged with ponding. As it is now, this water soil saturation is far enough not to impact my aging weeping tile and foundation. However, if this development is at current grade or higher this is a guarantee for constant basement flooding at #19. I recommend a lower grading with the installation of a French drain system along the development property line.

Again, please note that the proposed 7.5m setback structure with its windows looking directly into my numerous multilevel picture windows is a total disregard for privacy for both parties. The introduction of the developer's minimal 6ft wood fence is a token gesture and total disregard. A 10ft wood fence would be at best a minimum patch of this current site plan. A further lowering of deck heights of units 12&13 would be of benefit as well.

Once again I suggest a reconfiguration of the site plan. Other than the developer's *need* to

maximizing the density I see no reason why block 3 (units 10-13) must be to be positioned against #17&19 Meadowbrook's lot line. There are other long property lines along #4,6,8 Kenworth and #6,8,10,12 Charleen where double blocks of townhouses can be creatively positioned or better yet just pull block #3 to a 15m set back. Regretfully I do not have CAD software access to help visualize these possible reconfigurations.

A respectful reminder to the City and Committee Members that all impacted residents and their families originally paid a premium price to purchase in this, a neighbourhood of fully detached homes, enjoying ample sunlight, open views and the PRIVACY of their homes. Again I place my trust and faith with the St.Catharines Planning Department, Committee of Adjustments and the Ontario Municipal Board to safeguard the current quality of life that these tax payers have invested in.

Regards,
Krystyna Grzebielucha
19 Meadowbrook Cres.

Sent from [Mail](#) for Windows

From: Christine
Sent: Monday, November 1, 2021 4:26 PM
To: emunro@stcatharines.ca
Subject: 361 Grantham Ave. variance application A-107/21

November 1, 2021.

ATTENTION: Elaine Munro, Secretary Treasurer

RE: **From:** Christine
Sent: Monday, November 1, 2021 4:26 PM
To: emunro@stcatharines.ca
Subject: 361 Grantham Ave. variance application A-107/21

November 1, 2021.

ATTENTION: Elaine Munro, Secretary Treasurer

RE: 361 Grantham Avenue, Amanda No. 20118329, Application No. A-107/21

Dear Elaine Munro,

I am the owner and resident of 19 Meadowbrook Cres., I wish to high light that my property has the shortest rear yard setback of all properties abutting the proposed development. Therefore, I have serious oppositions related to variances No.5 and 8.

I purchased 19 Meadowbrook Cres., for my three generational family's enjoyment. It offers us pleasant unobstructed views of the large church yard via our open chain link fence and zero trees and plantings. It faces eastward providing six hours of full morning sunlight, which is much needed by a family member diagnosed with Seasonal Affective Disorder. I appreciate that the abandoned church property needs to be redeveloped and I fully support a compatible and livable infill development. (Please view attached photo 1 showing open rear yard)



In 1974 the city approved the Meadowbrook site plan which allowed for an exaggeratedly large curve in the road design; hence the pie shaped lots, then the approval of the oversized side split, requiring a deep front setback resulting in a less than the minimum rear setback for that period. Not an issue with the wide open acreage of the church yard. Now, forty years later with my 6.5m reduced setback combined with the newly proposed 3.45m (covered deck) setback of unit 12, the resulting impacts are unacceptable. There are serious issues of privacy, lack of sunlight, removal of views, possible flooding and compromised enjoyment of the property. (Please view attachment 2, site plan sketch of 19 Meadowbrook's setback)



My house was designed with eight windows that look out onto the church yard. Of these

windows, three are 6.5x7.0 feet in size, all intended to take in the views and allow for the respective rooms to be sun filled. With only 9.95m between my house and the decks and the on looking windows of proposed units 12,13 of Block#3 privacy within my home is impacted. Unit 12 will have clear view of what is served on my dinner table. We take pride of our yard and enjoy the outdoors. With the 3.45m proximity of the future decks, outdoor conversations and barbeque aromas will virtually be at our patio thus compromising our outdoor privacy and enjoyment. With the rooflines of Block #3 units much of the sunlight will be eliminated, casting most of the yard into shadow, also limiting the 6 hours of the much required access to direct sunlight into my household. (Please view attached photo 3, view from 3.45m deck setback into 19Meadowbrook)



With our evolving weather patterns and increasing intensity of rain storms, site grading and drainage is a concern. The proposed high density of units, vastly expanded square footage of shingled roofs, all of which drain onto limited green space square footage, soil water saturation will be high. Having a 40 year old foundation and aging weeping tile system within a short 6.5meters of the saturated development, this is a guaranteed disaster.

The site plan provided is insufficient for the affected property owners to make informed decisions. How high above grade are the rooflines? What is the extension of roof overhangs onto the setback allotments? What are the square footages of these units? Where are the locations, quantity and size of above grade windows per unit? Are there lofts plus windows incorporated into the bungalow designs? Has there been a sun/shade seasonal study provided? Will the builder erect privacy buffers?

****Please note that a tenth variance is missing from the supplied list. Provision for a reduction**

of the minimum rear setback of covered decks Required=7.5m, Proposed=3.45m.

My goal is not to stop the development but to maintain the basic pleasures and rights to privacy, access to sunlight, structural integrity and enjoyment of my family's home. A simple solution would be to permit only detached bungalows on that site.

I respectfully request the Committee of Adjustment help remediate a 40 year old, rear yard setback oversight by not permitting yet another reduction of rear yard setbacks along the 19 Meadowbrook lot line. Please consider the following recommendation; as per the supplied site plan, units 14 to 16 (block 4) show generous rear setbacks of 15m abutting #357 Grantham Ave which also enjoys its ample rear setback of 12-15.9m. I suggest that the plans be reconfigured to either angle or move forward units 10-13 or block 3 by a minimum of 6m, which then moves block #4 6m into its generous rear setback. This adjustment of the site plan will still provide the developer his high density project and should reduce the impact on privacy and access to sunlight for 19 Meadowbrook.

I place my trust in the expertise and obligation of St. Catharines Planning Department, Committee of Adjustments and the Ontario Municipal Board to protect the character of this neighbourhood. Remembering that people chose to invest their families into this neighborhood based on the qualities of spaciousness, access to sunlight and privacy as dictated by the zoning by-laws in existence at the time of this neighbourhood development. We have all paid higher prices and taxes to enjoy these qualities and I trust that noted departments will safeguard our neighbourhood from the impacts of compromised zoning standards.

Sincerely,
Krystyna Grzebielucha
19 Meadowbrook Cres.

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

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Comments Received RE: Amanda No. 20118429 Submission No. A-107/21 - 361 Grantham Avenue
Date: Friday, April 22, 2022 3:11:22 PM

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



From: James Rourke <>
Sent: Friday, April 22, 2022 2:51 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Amanda No. 20118429 Submission No. A-107/21

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

My name is James Rourke and I own the property at 354 Grantham Avenue. Directly across from this proposed development.

By-law 2013-283 was put in place for a reason.

I believe that fire codes are there for a reason.

I do not consider the project's proposed amendments to be a minor variance and it goes against current by-law 2013-283

It seems like this developer is just being greedy and wants this variance in order to make more profit by squeezing in another unit. It will make the units very close to existing property lines and I do not believe they have provided enough on-street parking for "Stephanie Common".

My biggest concern regarding this development is the amount of traffic on Grantham Ave. It is currently a nightmare for my children playing in the front of the house with cars speeding at an average of 65km per hour down the avenue. Traffic is so heavy that it takes me ages just to get out of my driveway. Since the developer has only allowed 1 car spot per unit (and we know the average family these days has 2 or more vehicles) there will probably be cars now parking directly on Grantham Ave. I would predict that traffic will get even worse with this new development going in. I am wondering how the city fathers were planning on curbing this increased traffic. Is there a proposal for a stop light or sign to go along with this development?

I am against this proposed application for “Minor Variance”.

Regards,

James Rourke
354 Grantham Avenue

XXX XXX XXXX

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

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Comments Received RE: Application A-107/21, 361 Grantham Avenue
Date: Friday, April 22, 2022 12:57:28 PM

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



From: Martin Long <[Martin Long](#)>
Sent: Thursday, April 21, 2022 10:49 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Application A-107/21

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: Regarding Application A-107/21

I want to acknowledge that the notice of the hearing was sent, Oct., 26/21. Under normal circumstances this would have been plenty of time for me to send a response. With the life happening in real time, I have unfortunately messed up the response deadline.

I am sending my comments to you late and hoping that an exception can be made and I can be added to the speaker list I will follow up with you on Monday to see what we can do.

My comments are actually quite brief, and my questions are not really complex.

My opinion adding one extra unit will actually add to the density of the proposed development. I am concerned about the added noise traffic and parking. The existing building has been derelict long enough that it is rodent infested. The proposed setbacks relative to the existing homes will essentially put the new neighbours on our back door?

My Questions:

- 1) Will the developer send an exterminator to rid the church and any of the rodents before demolition begins?
- 2) Will a sound barrier or berm be included in the landscaping plan for the development.
- 3) For privacy, if the setbacks are allowed, will the developer build an 8 foot privacy fence along the perimeter?

4) Will the city put no parking signs along Grantham Avenue so that it does not become overflow parking for the development.

5) This development will add 30 - 50 additional cars that need access to Grantham Avenue. The traffic on Grantham Avenue is already intense. What plans does the city have to abate this additional traffic?

6) How do these variances affect the fire code? Is there an increased risk to the neighborhood? The private road is already too narrow, will there be enough room to get emergency vehicles to access these homes?

7) With the increase from four units to five units attached does that not change the bylaws for the fire codes?

Sincerely,
Martin Long
357 Grantham Ave,
XXX-XXX-XXXX

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

From: [Rodney Barron](#)
To: [Banda, Wilrik](#)
Subject: Revised application A-107/21
Date: Thursday, April 21, 2022 10:45:59 AM

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 just noticed tha Elaine is away this week. I sent this for comments to be added to the development application for Revised application A-107/21.

Good afternoon.

My name is Rodney Barron. I live at 355 Grantham Ave, St. Catharines, ON L2M 5B1, Canada.

Regarding the development requested at 361 Grantham Ave, I have some questions and concerns.

The first issue I want to raise concerns the buildings currently located on the property. The buildings are inhabited by rodents and I think that these rodents will disperse into the neighborhood once the buildings are disturbed. In order to mitigate the hazard of releasing this wildlife in the neighbourhood at large, I am requesting that the committee of adjustment order that the developer contract an exterminator to eradicate any and all wildlife found within.

My second request would be that a noise barrier be erected along the perimeter of the property. 20 new units will dramatically increase the noise levels.

I would like no parking , (11P.M to 6 A.M.), signs for at least 30 meters either side of the entrance to the new housing development to help reduce the overnight parking by residents of these new units. Grantham is a busy street and any impediment to the flow of traffic increases the risk of accidents. There are only 4 additional parking spaces for the 20 new housing units.

--

You cannot solve a problem with the same level of thinking that got you there in the first place.

A. Einstein

From: [Munro, Elaine](#)
To: [Banda, Wilrik](#)
Subject: Please respond - comments received FW: 361 Grantham Avenue
Date: Wednesday, April 20, 2022 9:00:50 AM

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



From: mario prudente [REDACTED] >
Sent: Wednesday, April 20, 2022 8:54 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: 361 Grantham Avenue

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,

The proposed required variances are much too large and are major for such a small property in a single family neighbourhood.

I object to all the variances (1-7).

Thank you,
Mario prudente
[REDACTED]

360 Grantham Ave.
St. Catharines, Ontario
L2M 5A6

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

August 23, 2021

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

Attention: Evan Acs

File# 21 114779 SP

Re: 361 Grantham Ave

In response to your correspondence dated August 13, 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 Subdivision or Townhouse development, the Developer needs to contact our Engineering Design Department @ 416-819-4975.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.
- Developers to acquire an easement, if required.
- In order for Alectra Utilities to prepare design and procure the materials required to service this site in a timely manner, a minimum of 6 months notification is required. It would be advantages for the developer if Alectra Utilities were contacted at the stage where the new site plan becomes available. Please note that it takes approximately 20 weeks to purchase a transformer.

We would also like to stipulate the following:

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

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

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

Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Cogeco - No concerns with any applications - Committee of Adjustment Applications for Hearing to be held on April 28, 2022
Date: Sunday, April 17, 2022 1:28:46 PM

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



From: Doug Crown <doug.crown@cogeco.com>
Sent: Friday, April 8, 2022 9:52 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Correct link for 620 Bunting Road RE: Request for Comments - Committee of Adjustment Applications for Hearing to be held on April 28, 2022

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 consens with these applications.

Have a great weekend

Cheers

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: April 20, 2022

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – April 28th, 2022 hearing

NO.	ADDRESS	COMMENTS
A-22/22	8 Adelene Crescent	No Comment
A-23/22	10 Adelene Crescent	No Comment
A-107/21	361 Grantham Avenue	Be advised that the current demolition permit (21101338AM) shall be completed prior to construction. Be advised that a building permit is required to construct the townhouse block.
A-40/22	620 Bunting Road	Be advised that a building permit is required to construct the garage addition to the single detached dwelling. Be advised that a demolition permit may be required to remove the existing deck.
A-41/22	51 Glenridge Avenue	No Comment
A-42/22	38 Neptune Drive	No Comment

NO.	ADDRESS	COMMENTS
A-43/22	38A Neptune Drive	Be advised that a building permit is required to construct the single detached dwelling.
A-45/22	19 Centre Street	Be advised that a building permit is to convert the existing 2 storey building to a triplex.
A-46/22	1071 Lakeshore Road	Be advised that the current building permit (19113075BS) shall be completed prior to the shed construction.
A-47/22	26 Thompson Road	Be advised that a building permit is required to construct the pool house structure.
A-48/22	129 Oakdale Avenue	No Comment
A-49/22	131 Oakdale Avenue	Be advised that a building permit is required to construct a single detached dwelling.
A-50/22	229 Pelham Road	No Comment
A-51/22	231 Pelham Road	No Comment
A-52/22	233 Pelham Road	No Comment



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 22, 2022

Subject: Committee of Adjustment - April 28, 2022 Hearing
Application A-107/21 – 21118329
361 Grantham Avenue

CRCS staff have reviewed the above-noted application and offer no objection to the minor variances requested. Most of the variances are for yard reductions at pinch points that are typical on a lot with unusual site geometry. Notwithstanding these yard reductions, there remains ample space on site for open space, landscaping, and amenity areas.

With respect to the requested minor variance for a reduction in landscape buffer width between the private road and the southerly lot line, CRCS notes that this also represents a pinch point due to site geometry. There is sufficient space on either side of the pinch point to provide enhanced landscaping, in addition to wood board privacy fencing along the southerly lot line. Fencing and landscaping will be secured through the site plan approval process to mitigate impacts from vehicles maneuvering within the private road development. CRCS would note, however, that there is likely not sufficient space in this area to accommodate both enhanced landscaping and drainage swales.

Amanda Knutson
Community Project & Development Planner



Memorandum

To: Elaine Munro, ACST, Committee Secretary & Planning Technician
From: James Denham, P.Eng. Development Engineering Technologist
CC: City Committee of Adjustment Planning Staff
Date: April 12th, 2022
Hearing Date: April 28th, 2022
Subject: **Committee of Adjustment - Minor Variance Applications**
361 Grantham Avenue - A - 107-21/SC
620 Bunting Road - A - 40 - 22/SC
51 Glenridge Avenue - A - 41 - 22/SC
38 Neptune Drive - A - 42 & 43 - 22/SC
19 Centre Street - A - 45 - 22/SC
1071 Lakeshore Road - A - 46 - 22/SC
26 Thompson Road - A - 47 - 22/SC
129 Oakdale Avenue - A - 48 & 49 - 22/SC
229 to 233/ Pelham Road - A - 50 to 53 - 22/SC

Development Engineering have have the following comments,

- The Applicant for 1071 Lakeshore Road is to be advised that if the proposed shed is going to be located closer to the property line than the standard setback a Grading Plan prepared by a Professional Engineer or an Ontario Land Surveyor will be required at the Building Permit stage. If at the Building Permit stage the Applicant revises the location of the shed to meet the required 1.20m setback, and the size of the shed is the same as what is being proposed on the sketch provided, a Grading Plan will likely not be required.
- All Applicants for Minor Variances where a grading plan is not required at this time are to be advised that a Grading Plan prepared by a qualified Professional Engineer or Ontario Land Surveyor will be required at the building permit stage if the building/structure is increasing the overall building/hard surface footprint or where sideyard pedestrian access and/or entrances are being proposed.
- All applicants are to be advised that although minimum zoning setbacks may be reduced through Minor Variances, sideyard widths greater than the zoning minimum may be required to accommodate and maintain both access and storm water conveyance.

Prepared by:

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

To: Elaine Munro, Committee Secretary and Planning Technician

Cc:

From: Steve Bittner, Transportation Technologist

Date: April 11, 2022

Subject: Committee of Adjustment Comments (April 28, 2022, Hearing)

A-045/22 – 19 Centre Street

No concerns with the proposed variances. The apron to access the parking is wider than what is required to access the parking. As such, the curb and boulevard should be reinstated for any portion of the apron that doesn't access the parking spaces.

A-052/22 – 233 Pelham Road

No concerns with the reduction in parking. However, the space that is currently shown as parking is insufficient to legally park a vehicle. As such, the curb cut should be reinstated.

We have no concerns or requirements with the remaining applications.

Steve Bittner
Transportation Technologist



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: April 22, 2022

Date of Meeting: April 28, 2022

Report Number: A-107/21

File: 21118329

Subject: 361 Grantham Avenue

Recommendation

That submission **A-107/21** by 2706703 Ontario Inc., as outlined in the Notice of Hearing, be approved.

Report The Proposal

Application **A-107/21** seeks relief from the City of St. Catharines By-law 2013-283, as amended, for a proposed private road development comprised of 20 single-storey townhouse units. The requested variances are outlined in the table below.

Variance	Provision	Required	Proposed
1	An increase of the maximum number of attached dwelling units (Units 1 to 5)	4 units	5 units
2	A reduction of the minimum front yard setback	8.18 metres	4.3 metres
3	A reduction of the minimum interior side yard from end wall	5.0 metres	2.8 metres
4	A reduction of the minimum interior side yard from rear wall	7.5 metres	6.1 metres
5	A reduction of the minimum setback between building and ends walls	3.0 metres	2.4 metres
6	A reduction of the minimum distance from private road to dwelling	3.0 metres	1.5 metres
7	A reduction of the required landscape buffer for parking area with 5 to 20 spaces	3.0 metres	1.65 metres

	between the interior lot line and the drive aisle abutting a residential zone		
--	---	--	--

Location and Site Description

The subject lands are located on the west side of Grantham Avenue, between Buchanan Road and Kenworth Drive. The property is located within a residential neighbourhood with detached dwellings being the dominant housing type.

The site is presently occupied by a former institutional building (place of worship) which is proposed to be demolished for the private road development.

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. Townhouse dwellings within a private road development are permitted in this designation at a density generally ranging from 20 to 32 units per hectare. The proposed development has a density of approximately 24 units per hectare.

Zoning By-law (2013-283)

The subject property is zoned Local Community Institutional (I1). This zone also allows the uses that are permissible within the Low Density Residential – Suburban Neighbourhood (R1) zone, which includes townhouse dwellings in private road developments.

Planning Analysis

Variance 1

The applicant is requesting an increase to the maximum number of attached dwelling units for townhouses from four to five units for one block of townhouses (units 1 to 5 on the submitted site plan). This zoning provision is in place to ensure townhouses in the R1 zone retain a suburban appearance by limiting the widths, massing and impact of townhouse blocks. By limiting the number of attached dwelling units to four there is increased space for landscaping. The proposed townhouses are part of a private road development consisting of townhouse units. The block of five will front on to a private road and only the end wall will be visible from a public street. The proposed townhouse block is single storey, which limits the massing of the building and mitigates the negative effects of the increased width of the block on neighbouring properties. As such, staff believe that the additional unit will have limited, if any, impact on the development itself and neighbouring properties. Staff find this variance to be minor in nature,

desirable for the appropriate development of the lands and meets the general intent of the Zoning By-law.

Section 4 of the Official Plan sets out urban design guidelines which relate to building massing, height, separation, and large expanses of brick/concrete walls. In this case, the townhouses are proposed to be single storey, limiting any building massing and height impacts. The proposed site plan has perimeter landscaping and extensive landscaping between the private road and the townhouse block. The additional unit is only being sought for one townhouse block in the development. Staff find that requested variances meet the general intent of the Official Plan.

Variance 2

The applicant is requesting a decrease to the minimum front yard setback from 8.2 metres to 4.3 metres for the end walls of the two townhouse blocks adjacent to Grantham Avenue (units 1 and 20). The proposed setback for unit 1 is 4.3 metres; the proposed setback for unit 20 is 5.98 metres.

The minimum front yard setback was calculated using the Zoning By-law requirement to average the setback of the adjacent neighbouring properties. Due to the required 3.05 metre road widening strip being dedicated to the City through the site plan approval process the front lot line has shifted back by 3.05 metres from the front lot line of adjacent properties. This causes the proposed building footprint to be shifted back by 3.05 metres compared to neighbouring properties, which directly impacts how the average front yard setback is applied. The submitted plans show that this variance is required to keep the proposed townhouse blocks in line with the adjacent properties. It is not anticipated that the proposed front yard setbacks will result in adverse impacts to neighbouring properties or negatively impact the streetscape or orientation of the existing development fabric along Grantham Avenue. In the opinion of staff, the variances are minor in nature, appropriate for the development of the lands and in keeping with the general intent of the Zoning By-law.

Section 7.1 of the GCP states that development and redevelopment shall be evaluated having regard for context sensitive design to ensure the integration of compatible building form, siting, orientation and setbacks with adjacent buildings and the surrounding neighbourhood. The reduction in the required front yard will achieve a consistent setback along the west side of Grantham Avenue with surrounding dwellings. This will provide a more context-sensitive design as it relates to the development's fit within the existing neighbourhood. The proposal is in keeping with the intent of the Official Plan.

Variance 3

The applicant is requesting a reduction in the interior side yard setback from an end wall from 5 metres to 2.8 metres. This variance applies to units 13 and 14. The proposed setback for unit 13 is 2.8 metres; for unit 14 it is 3.72 metres. Approval of the variances would permit these two dwelling units to be built closer to the interior side lot lines than would otherwise be permitted.

While the proposed setback reductions do impinge into a required yard established by the Zoning By-law for privacy between the development and neighbouring properties, there are several mitigating factors that reduce the impact of the up-to 2.2 metre shortfall. The proposed private road development is subject to site plan control and staff will ensure that there is significant landscaping screening along the perimeter lot lines to compensate for reduced setbacks. Staff note the presence of mature trees and a hedgerow on the adjacent properties to the affected units – 4 and 6 Kenworth Drive – which will maintain privacy for these dwellings. Further, the proposed townhouses are single storey, with minimal opportunity for overlook or shadowing. Staff find that these factors greatly reduce the impact the requested variances will have on neighbouring properties. The reduced setbacks between the proposed dwellings and the interior lot lines are considered minor in nature and desirable for the appropriate development of the subject lands.

The intent of the 5-metre setback between end walls and interior side lot lines is to facilitate drainage and landscaping for the overall site and to maintain a privacy buffer for neighbouring properties. As demonstrated above, the existing and proposed landscaping, as well as space between the proposed dwellings and neighbouring dwellings, demonstrate that any impacts to loss of privacy will be minimal. No concerns about the impact on site drainage have been identified. Staff consider the intent of the Zoning By-law to be upheld.

Section 7.1 of the GCP states that development and redevelopment shall be evaluated having regard for context sensitive design to ensure the integration of compatible building form, scale, height and setbacks with adjacent buildings and the surrounding neighbourhood. The reduced setbacks from end walls to interior side lot lines still maintain sensitivity to the established built neighbourhood and permit landscaping to serve as a buffer in the transition between the surrounding properties and the proposed development. The proposal is in keeping with the general intent of the Official Plan.

Variance 4

The applicant is requesting a reduction in the minimum interior side yard from a rear wall, from 7.5 metres to 6.1 metres. This variance will affect units 18, 19 and 20. The proposed setback for unit 18 is 6.3 metres; for unit 19 the setback is 6.18 metres, for unit 20 the setback is 6.42 metres. Approval of the variances will permit three townhouse dwelling units to be built closer to the interior side lot lines and rear lot line than would otherwise be permitted. The reductions are considered minor in nature.

While the proposed setback reductions do impinge into a required yard established by the Zoning By-law for privacy between the development and neighbouring properties, there are several mitigating factors that reduce the impact of the up-to 1.4 metre deficiency. The proposed private road development is subject to site plan control and staff will ensure that there is significant landscaping screening along the perimeter lot lines to compensate for these reduced setbacks. Further, the proposed townhouses are single storey, with minimal opportunity for overlook or shadowing. Staff find that these

factors reduce the impact the requested variances will have on neighbouring properties. The reduced setbacks between the proposed dwellings and the interior lot lines and rear lot line are considered desirable for the appropriate development of the subject lands.

The intent of the 7.5-metre setback between rear walls and interior side lot lines is to facilitate drainage and landscaping for the overall site, provide outdoor amenity space for the dwelling units and to maintain a privacy buffer for neighbouring properties. As demonstrated above, the proposed landscaping and single-storey design of the townhouses demonstrate that any impacts to loss of privacy will be minimal. The development will still need to have a grading plan approved that also accommodates landscaping in these reduced yards. Staff consider the intent of the Zoning By-law to be upheld.

Section 7.1 of the GCP states that development and redevelopment shall be evaluated having regard for context sensitive design to ensure the integration of compatible building form, scale, height and setbacks with adjacent buildings and the surrounding neighbourhood. The reduced setbacks from rear walls to interior side lot lines still maintain sensitivity to the established built neighbourhood and permit landscaping to serve as a buffer in the transition between the surrounding properties and the proposed development. The proposal is in keeping with the general intent of the Official Plan.

Variance 5

The applicant has requested a reduction in the minimum setback between structures in a private road development. The variance proposes the distance between the end walls of units 9 and 10 be reduced from the required 3 metres to 2.6 metres. Approval of the variances would permit two townhouse blocks to be built close together than is otherwise permitted. The reduction is considered minor in nature.

The proposed setback reduction permits the development to maintain greater setbacks between the proposed structures and the interior lot lines adjacent to surrounding homes. Although not anticipated by staff, any impact resulting from these variances would be internal to the site; no impacts on adjacent existing homes will result from this variance. The reduced setback between buildings is considered desirable for the appropriate development of the subject lands.

The intent of the 3-metre setback between end walls in private road developments is to provide visual breaks between blocks of townhouses and prevent overdevelopment on a site. Spaces between townhouse blocks can also serve as utility and drainage corridors, if required. Since the proposed townhouses are single storey, the building massing is limited. A slight reduction to the space between end walls will still provide visual breaks between townhouse blocks. The proposed density indicates that the site is not being overdeveloped. Staff consider the intent of the Zoning By-law to be upheld.

Section 7.1 of the GCP states that development and redevelopment shall be evaluated having regard for context sensitive design to ensure the integration of compatible

building form, scale, height and setbacks with adjacent buildings and the surrounding neighbourhood. As stated above, by reducing the setback between buildings in the private road development larger setbacks are being accommodated between the proposed buildings and the interior lot lines. This will provide a more context-sensitive design as it relates to the development's fit within the existing neighbourhood. The proposal is in keeping with the intent of the Official Plan.

Variance 6

The applicant has requested a reduction in the minimum setback between dwellings and the private road (by definition, the private road includes the paved portion of the road, curbing, sidewalks, and parking areas) from 3 metres to 1.5 metres. This variance will affect units 5 and 17. Unit 5 will have a setback of 1.89 metres from the private road. Unit 17 will have a setback of 2.72 metres from the sidewalk and 1.54 metres from parking stall, both of which are considered part of the private road. The normal required setback is 3 metres measured from the outside edge of the private road. It should be noted that for the two affected dwellings, the requested variance represents the narrowest pinch point between the dwellings and the private road. Much of the length of the private road-facing walls of each affected dwelling will be set further back from the private road. Approval of the variances would permit the dwelling units within the development to be built closer to the private road than otherwise permitted. The reductions are considered minor in nature.

The proposed setback reductions permit the development to maintain greater setbacks between the proposed structures and the overall boundaries of the site. Any impacts resulting from this variance will be internal to the private road development and affect only two units; there will be no impact on surrounding properties. Despite these proposed reductions, the applicant can provide sufficient landscaping between the affected units and the private road, as is required through the site plan process. The reduced setbacks between dwellings and the private road are considered desirable for the appropriate development of the subject lands.

The intent of the 3-metre setback between private roads and dwellings in a private road development is to facilitate landscaping for the overall site and maintain a buffer between the private road and dwelling units. As established above, the requested reductions will not have an impact on landscaping. The applicant can provide landscaping between the walls of the dwellings and the private road. Staff are satisfied that any privacy impacts on the dwelling occupants that may stem from the reduced setbacks will be minimal; the development is small in terms of unit count and, as a result, there will be very low traffic volumes on both the private road and sidewalk. Staff consider the intent of the Zoning By-law to be upheld.

Section 7.1 of the GCP states that development and redevelopment shall be evaluated having regard for context sensitive design to ensure the integration of compatible building form, scale, height and setbacks with adjacent buildings and the surrounding neighbourhood. The reduced setbacks are facilitating the inclusion of a sidewalk and visitors parking to the site which will create a pleasant development that will better

integrate with the surrounding neighbourhood. The proposal is in keeping with intent of the Official Plan.

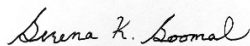
Variance 7

Variance 7 requests a reduction of the required landscape buffer for parking area with 5 to 20 spaces between the interior lot line and the drive aisle abutting a residential zone from 3.0 metres to 1.65 metres, resulting in a decrease of 1.35 metres. This variance applies to about 2.5 square metres of private road at the terminus of the road between units 13 and 14. This extension of road is required to permit unit 13 to have a functional driveway. The private road will also have very minimal traffic flows as it will only be used to access one unit. This stretch of the private road will abut the rear yard of 4 Kenworth Drive, which has an existing hedge along its rear lot line. As a result, there will be minimal adverse impacts on neighbouring properties. Section 7 of the Official Plan sets out general guidelines which state that zoning regulations must also be context sensitive as well as encourage efficient and accessible spaces. In this case, although the private road encroaches into the landscape buffer, it will have minimal impact on the surrounding area and is needed to ensure unit 13 has a functional driveway. Staff are satisfied that this variance is minor in nature, considered desirable for the appropriate development of the subject lands and is in keeping with the general intent of the Official Plan and Zoning By-law.

Conclusion


Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Minor Variance Application **A-107/21** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is desirable for the appropriate 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

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-40/22

620 Bunting Road

DATE OF HEARING:
April 28, 2022

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Alectra Comments RE: 620 Bunting Road, St. Catharines
Date: Tuesday, April 12, 2022 8:01:57 AM
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: Monday, April 11, 2022 2:34 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: RE: 620 Bunting 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](#).*

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,

It looks like the Glenridge link was attached to this one. Can you kindly send over the Bunting Rd link?

Thanks,

Samantha Burke

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Cogeco - No concerns with any applications - Committee of Adjustment Applications for Hearing to be held on April 28, 2022
Date: Sunday, April 17, 2022 1:28:46 PM

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



From: Doug Crown <doug.crown@cogeco.com>
Sent: Friday, April 8, 2022 9:52 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Correct link for 620 Bunting Road RE: Request for Comments - Committee of Adjustment Applications for Hearing to be held on April 28, 2022

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 consens with these applications.

Have a great weekend

Cheers

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: April 20, 2022

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – April 28th, 2022 hearing

NO.	ADDRESS	COMMENTS
A-22/22	8 Adelene Crescent	No Comment
A-23/22	10 Adelene Crescent	No Comment
A-107/21	361 Grantham Avenue	Be advised that the current demolition permit (21101338AM) shall be completed prior to construction. Be advised that a building permit is required to construct the townhouse block.
A-40/22	620 Bunting Road	Be advised that a building permit is required to construct the garage addition to the single detached dwelling. Be advised that a demolition permit may be required to remove the existing deck.
A-41/22	51 Glenridge Avenue	No Comment
A-42/22	38 Neptune Drive	No Comment

NO.	ADDRESS	COMMENTS
A-43/22	38A Neptune Drive	Be advised that a building permit is required to construct the single detached dwelling.
A-45/22	19 Centre Street	Be advised that a building permit is to convert the existing 2 storey building to a triplex.
A-46/22	1071 Lakeshore Road	Be advised that the current building permit (19113075BS) shall be completed prior to the shed construction.
A-47/22	26 Thompson Road	Be advised that a building permit is required to construct the pool house structure.
A-48/22	129 Oakdale Avenue	No Comment
A-49/22	131 Oakdale Avenue	Be advised that a building permit is required to construct a single detached dwelling.
A-50/22	229 Pelham Road	No Comment
A-51/22	231 Pelham Road	No Comment
A-52/22	233 Pelham Road	No Comment



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 22, 2022

Subject: Committee of Adjustment Applications – April 28, 2022 Hearing

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

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

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

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

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

361 Grantham Avenue, Minor Variance, A-107/21 – 21118329

Comments on this application will follow separately.

620 Bunting Road, Minor Variance, A-40/22 – 22101914

CRCS have no objection to the applicant's request for a reduction of the interior side yard setback to facilitate construction of an attached garage. However, the requested increase in driveway width is of concern. If approved, the minor variance would facilitate installation of a vehicular turnaround/parking area in the front yard. Not only will this significantly reduce the amount of landscaped open space that can be accommodated in the front yard, but it is also likely that the existing mature boulevard tree directly adjacent to the proposed turnaround will be negatively impacted. We note that the tree's canopy is actually larger than what is depicted on the plans submitted. It is the opinion of CRCS staff that an increase in driveway width will result in negative impacts and we object to the requested variance accordingly.

51 Glenridge Avenue, Consent, B-23/22SC – 22102205

73 Downing Street, Consent, B-24/22SC – 22102206

71 Downing Street, Consent, B-25/22SC – 22102207

51 Glenridge Avenue, Minor Variance, A-41/22 – 22102208

At this time, CRCS is unable to submit comments on these applications due to a known conflict of interest.

38 Neptune Drive, Consent, B-26/22SC – 22102224

38 Neptune Drive, Minor Variance, A-42/22 – 22102226

38A Neptune Drive, Minor Variance, A-43/22 – 22102228

In support of these applications, the applicant has submitted a Tree Preservation Report, prepared by Arborwood Tree Service Inc., dated March 16, 2022. The Report confirms the locations and health of two mature City boulevard trees, 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 13 trees inventoried, based on the consent and site plan sketches submitted with the applications.

The Report indicates that the proposed driveway for the new dwelling will encroach into the minimum tree protection zone for the southerly boulevard tree (identified in the report as tree no. 1) and recommends that, in addition to installing hoarding, root exploration and pruning be undertaken using air spade or hydro vac methods. CRCS Forestry staff are satisfied with the report and its recommendations, however, we note that root exploration and pruning must be completed under the supervision of a certified arborist and must be completed prior to any construction activities or relating staging.

CRCS offers no objection to the requested minor variance for an increase in maximum lot area for the retained lot. With respect to the requested variance for a reduction in lot frontage for the new lot, CRCS staff recommends that the driveway width and location be limited to what is depicted in the plans submitted with these applications. If limitations are not imposed, then the size of the driveway could be enlarged in the future, reducing the amount of landscaped open space in the front yard, and also impacting the mature boulevard tree discussed above.

Should the applications be approved, CRCS recommends the following be included as a condition of consent:

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 Preservation Report, prepared by Arborwood Tree Service Inc., dated

March 16, 2022, particularly as they relate to two City boulevard trees, identified as tree nos. 1 and 2.

- b. That the approved plans forming part of the development agreement clearly illustrate tree protection zones and notes.
- c. That the consulting arborist attend the site during root excavation and pruning to oversee the works.
- d. That upon completion of root exploration and pruning, the consulting arborist provide confirmation to the City that the mitigation measures outlined in the Tree Preservation Report have been properly carried out.
- e. That no construction activities or construction staging occur until such time as root pruning and hoarding installation is complete.
- f. That the width of the driveway for the new lot not exceed 5.0 metres and that its location be consistent with what is shown on the plans submitted with the application for consent.

374A Linwell Road, Consent, B-27/22SC – 22102265

374B Linwell Road, Consent, B-28/22SC – 22102266

CRCS offers no objection to the proposed consents to create easements for storm drainage.

19 Centre Street, Minor Variance, A-45/22 – 22102231

CRCS has no objection to the requested minor variances; the building and parking areas exist and no expansions are proposed. In fact, the sketch submitted indicates the front yard parking, which currently occupies the entire front yard, will be reduced by approximately half to accommodate landscaped open space. CRCS is strongly supportive of this change.

1071 Lakeshore Road West, Minor Variance, A-46/22 – 22102238

CRCS offers no objection to the requested minor variance, which seeks a reduced interior side yard setback for an accessory structure (utility shed).

26 Thompson Road, Minor Variance, A-47/22 – 22102240

CRCS offers no objection to the requested minor variance, which seeks an increase in height for an accessory structure (pool house). We presume that the maximum lot coverage for all accessory structures prescribed by the Zoning By-law will not be exceeded.

294 Vine Street, Consent, B-29/22SC – 22102247

CRCS offers no objection to the proposal to create a new parcel for a future private road development. We note that an application for site plan approval has been submitted for the future development and, upon our preliminary review of the submission materials, it appears that the proposal is deficient in terms of the City's zoning and site plan standards for landscaping, open space, amenity areas, etc. The Committee and the applicant should not misconstrue this department's support of the consent to sever as

an endorsement of the site and landscaping designs submitted through the application for site plan approval.

Should this application be approved, CRCS recommends the following be included as a condition of consent:

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.)

129 Oakdale Avenue, Consent, B-30/22SC

129 Oakdale Avenue, Minor Variance, A-48/22

131 Oakdale Avenue, Minor Variance, A-49/22

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

We note that there is a mature tree located on the adjacent lands to the north, very close to the common lot line. A large portion of the tree's canopy overhangs the subject lands in the area of the proposed development and the tree will therefore need to be pruned to facilitate construction. Given this is a private civil matter, our comments pertaining to the tree are provided for information only.

Should the application for consent be approved, CRCS recommends the following conditions be included in the Committee's decision:

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.

233/ Pelham Road, Consent, B-31/22SC – 22102341
233/ Pelham Road, Consent, B-32/22SC – 22102342
233/ Pelham Road, Consent, B-33/22SC – 22102343
229 Pelham Road, Minor Variance, A-50//22 – 22102344
231 Pelham Road, Minor Variance, A-51/22 – 22102345
233 Pelham Road, Minor Variance, A-52/22 – 22102346

CRCS offers no objection to these applications, which will re-create four lots, each of which contains an existing dwelling (two detached and two semi-detached). Should the applications be approved, CRCS recommends the following be included as a condition of consent:

1. That the applicant submit a payment for the placement of a 60mm boulevard tree for each of the three new lots, in accordance with the City's current Schedule of Rates and Fees.

Amanda Knutson
Community Project & Development Planner



Memorandum

To: Elaine Munro, ACST, Committee Secretary & Planning Technician
From: James Denham, P.Eng. Development Engineering Technologist
CC: City Committee of Adjustment Planning Staff
Date: April 12th, 2022
Hearing Date: April 28th, 2022
Subject: **Committee of Adjustment - Minor Variance Applications**
361 Grantham Avenue - A - 107-21/SC
620 Bunting Road - A - 40 - 22/SC
51 Glenridge Avenue - A - 41 - 22/SC
38 Neptune Drive - A - 42 & 43 - 22/SC
19 Centre Street - A - 45 - 22/SC
1071 Lakeshore Road - A - 46 - 22/SC
26 Thompson Road - A - 47 - 22/SC
129 Oakdale Avenue - A - 48 & 49 - 22/SC
229 to 233/ Pelham Road - A - 50 to 53 - 22/SC

Development Engineering have have the following comments,

- The Applicant for 1071 Lakeshore Road is to be advised that if the proposed shed is going to be located closer to the property line than the standard setback a Grading Plan prepared by a Professional Engineer or an Ontario Land Surveyor will be required at the Building Permit stage. If at the Building Permit stage the Applicant revises the location of the shed to meet the required 1.20m setback, and the size of the shed is the same as what is being proposed on the sketch provided, a Grading Plan will likely not be required.
- All Applicants for Minor Variances where a grading plan is not required at this time are to be advised that a Grading Plan prepared by a qualified Professional Engineer or Ontario Land Surveyor will be required at the building permit stage if the building/structure is increasing the overall building/hard surface footprint or where sideyard pedestrian access and/or entrances are being proposed.
- All applicants are to be advised that although minimum zoning setbacks may be reduced through Minor Variances, sideyard widths greater than the zoning minimum may be required to accommodate and maintain both access and storm water conveyance.

Prepared by:

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

To: Elaine Munro, Committee Secretary and Planning Technician

Cc:

From: Steve Bittner, Transportation Technologist

Date: April 11, 2022

Subject: Committee of Adjustment Comments (April 28, 2022, Hearing)

A-045/22 – 19 Centre Street

No concerns with the proposed variances. The apron to access the parking is wider than what is required to access the parking. As such, the curb and boulevard should be reinstated for any portion of the apron that doesn't access the parking spaces.

A-052/22 – 233 Pelham Road

No concerns with the reduction in parking. However, the space that is currently shown as parking is insufficient to legally park a vehicle. As such, the curb cut should be reinstated.

We have no concerns or requirements with the remaining applications.

Steve Bittner
Transportation Technologist

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

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

COMMENTS

**B-23/22SC, B-24/22SC,
B-25/22SC & A-41/22**

**51 Glenridge Avenue/
71 & 73 Downing Street**

**DATE OF HEARING:
April 28, 2022**

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Receipt of Comments RE: Notice of Hearing scheduled for April 28, 2022 regarding Downing/Wychwood Streets
Date: Sunday, April 17, 2022 10:46:32 AM

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



From: Sheila Weiner <>
Sent: Wednesday, April 13, 2022 3:05 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Notice of Hearing scheduled for April 28, 2022 regarding Downing/Wychwood Streets

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,

Thank you for the information you provided during our telephone conversation this afternoon.

As I mentioned in our conversation, we reside at 69 Downing Street and one of our concerns about this proposed house on Wychwood is water drainage. When the snow melts at the end of the winter or when we have heavy rainfall, it creates a large puddle of water in our backyard. It takes time for this water to settle into the ground. What will happen when there is a property built on most of that open space? Will we be faced with much larger water puddles or flooding? It is extremely important that this be brought up at the hearing.

As discussed, please send me the link so that I can register for the hearing. I would also like to listen in on the hearings that are taking place this evening so we can have an idea of what to expect.

Many thanks for your assistance.

Sheila Weiner

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

Ellen and Lawrence Collins

7 Wychwood Rd
St Catharines
[REDACTED]
[REDACTED]

18th April , 2022

Application B-23/22SC

Elaine Munro

Secretary-Treasurer
Committee of Adjustment
City of St Catharines

To the Committee of Adjustment,

We have drainage concerns with the proposed plan to create a building lot next to our home at 7 Wychwood Rd.

The area they want to create the building lot out of happens to be the storm swale for our homes and the block.

We have a "Robert McBeth" house, it's a walk-in, our basement windows are 76cm (30 inches) below grade.

In this time of living during an escalating climate crisis, where higher storm surges are becoming the norm, we are afraid our home is going to be damaged by flooding unless responsible smart growth development strategies for older mature neighbourhoods are put in place.

Our block has a storm sewer in the backyard of a home on Downing St. It was connected to a storm ditch that ran along the backyard of 9 Wychwood Rd. Unfortunately the previous owner illegally filled in the ditch. This resulted in the previous owner of 67 Downing St. raising their lot, causing the storm run-off to back up into the swales provided by the proposed development.

With climate change and more extreme weather events taking place, water management in older neighbourhoods is critical. The water has to go somewhere. Lets develop with water crisis management in mind. We are requesting that St. Catharines city staff do their due diligence in assessing any risk to flooding with the proposed creation of this building lot and work performed by staff made public.

Regards, Lawrence and Ellen Collins

Ellen and Lawrence Collins

7 Wychwood Rd
St Catharines



18th April , 2022

Application B-25/22SC

Elaine Munro

Secretary-Treasurer
Committee of Adjustment
City of St Catharines

To the Committee of Adjustment,

We have drainage concerns with the proposed plan to create a building lot next to our home at 7 Wychwood Rd.

The area they want to create the building lot out of happens to be the storm swale for our homes and the block.

We have a "Robert McBeth" house, it's a walk-in, our basement windows are 76cm (30 inches) below grade.

In this time of living during an escalating climate crisis, where higher storm surges are becoming the norm, we are afraid our home is going to be damaged by flooding unless responsible smart growth development strategies for older mature neighbourhoods are put in place.

Our block has a storm sewer in the backyard of a home on Downing St. It was connected to a storm ditch that ran along the backyard of 9 Wychwood Rd. Unfortunately the previous owner illegally filled in the ditch. This resulted in the previous owner of 67 Downing St. raising their lot, causing the storm run-off to back up into the swales provided by the proposed development.

With climate change and more extreme weather events taking place, water management in older neighbourhoods is critical. The water has to go somewhere. Lets develop with water crisis management in mind. We are requesting that St. Catharines city staff do their due diligence in assessing any risk to flooding with the proposed creation of this building lot and work performed by staff made public.

Regards, Lawrence and Ellen Collins

Ellen and Lawrence Collins

7 Wychwood Rd
St Catharines



18th April , 2022

Application B-24/22SC

Elaine Munro

Secretary-Treasurer
Committee of Adjustment
City of St Catharines

To the Committee of Adjustment,

We have drainage concerns with the proposed plan to create a building lot next to our home at 7 Wychwood Rd.

The area they want to create the building lot out of happens to be the storm swale for our homes and the block.

We have a "Robert McBeth" house, it's a walk-in, our basement windows are 76cm (30 inches) below grade.

In this time of living during an escalating climate crisis, where higher storm surges are becoming the norm, we are afraid our home is going to be damaged by flooding unless responsible smart growth development strategies for older mature neighbourhoods are put in place.

Our block has a storm sewer in the backyard of a home on Downing St. It was connected to a storm ditch that ran along the backyard of 9 Wychwood Rd. Unfortunately the previous owner illegally filled in the ditch. This resulted in the previous owner of 67 Downing St. raising their lot, causing the storm run-off to back up into the swales provided by the proposed development.

With climate change and more extreme weather events taking place, water management in older neighbourhoods is critical. The water has to go somewhere. Lets develop with water crisis management in mind. We are requesting that St. Catharines city staff do their due diligence in assessing any risk to flooding with the proposed creation of this building lot and work performed by staff made public.

Regards, Lawrence and Ellen Collins

Lawrence and Ellen Collins

7 Wychwood Rd St Catharines

18th April 2022

Application A-41/22

Elaine Munro

Secretary-Treasurer

Committee of Adjustment

City of St. Catharines

To the Committee of Adjustment,

We are a little confused as to what is being sought by the minor variance. It is asking for a 56% increase for a detached dwelling, 465m² to 725m² (Part 6), yet Part 6 is not affected by the proposed dwelling and the remaining lot size would already be 725m².

If the variance is part of the creation of the new lot, then we do have concerns.

First and foremost, drainage, as we addressed in the previous applications. We have a walk-in, Robert McBeth designed, 84 year old home. The water from storm drainage has to go somewhere when you build on the swale of the block.

Second, and equally important, a density increase of 56% in allowable dwelling size. According to the site plan and severance sketch, the proposed roof peak aligns almost perfectly to the back of our home. The design shows an 8m building height, with an additional 2m of roof for a total height of 10m (32 ft). Our home is 7.31m (24 ft). The new residence would also extend 7 plus metres past our home. The suggested height and length will remove after 84 years, all direct sunlight to the back of our home.

We are not against responsible development of the proposed lot severance. The home design is aesthetically pleasing. It just needs to be on a smaller scale to allow natural sunlight to continue to the back of our home.

Regards,

Ellen and Lawrence Collins

Enclosed are photos of our house at 7 Wychwood Rd showing the sunlight cascading on the back of our home

We only get the sun in late afternoon, and only starting in April.

Enclosed are photos to the back of the house that I took yesterday, starting at 4pm

The umbrella stand in the shadow is 8 feet tall and I used trigonometry for its location to show the shadow that will be created by the proposed building.











From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Comments Received - Committee of adjustment: B-23,24,25/22 - 51 Glenridge
Date: Friday, April 22, 2022 6:10:33 PM

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



From: KS <>
Sent: Thursday, April 14, 2022 4:49 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: committee of adjustment: B-23,24,25/22

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

Reference:

1. Applications B-23/22: Partial discharge of mortgage and to sever 43 M² Part 7
2. Applications B-24/22: Partial discharge of mortgage and to sever 204 M² Part 4
3. Applications B-25/22: Partial discharge of mortgage and to sever 218 M² Part 2
4. Application B 41/22 increase maximum lot area for detached dwelling from 465 M² to 725 M²

Hello Ms Elaine Munro:

My name is Kornel Strzałkowski and we live (my wife Fran Jones) at 67 Downing Street. I am writing to the Committee of Adjustment in reference to the above applications.

Our concern is the potential change of the natural drainage and the negative impact on the adjoining neighbours. Construction on the property has the potential to alter the landscape. For example, digging of basements / foundations has the possibility to alter the flow of rain water. We were told by people living in the Glendrige area during the late 60's and 70's, that there was a stream running through these properties prior to home construction on Downing and if this is true, the natural water flow will be disturbed. In addition, compounding the drainage we face in Glenridge, is that the soil is heavily clay based, enabling surface drainage to seek the lowest point.

Our question is, what assurance do the adjoining neighbours have that their properties will not be adversely affected by the new construction?

Thank you.

Regards,

Kornel Strzałkowski and Fran Jones.

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Alectra Comments RE: 51 Glenridge Avenue and 71 & 73 Downing Street, St. Catharines
Date: Tuesday, April 12, 2022 8:01:09 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: Monday, April 11, 2022 2:43 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: RE: 51 Glenridge Avenue and 71 & 73 Downing 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 - No concerns with any applications - Committee of Adjustment Applications for Hearing to be held on April 28, 2022
Date: Sunday, April 17, 2022 1:28:46 PM

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



From: Doug Crown <doug.crown@cogeco.com>
Sent: Friday, April 8, 2022 9:52 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Correct link for 620 Bunting Road RE: Request for Comments - Committee of Adjustment Applications for Hearing to be held on April 28, 2022

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 consens with these applications.

Have a great weekend

Cheers

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



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: April 22, 2022

Date of Meeting: April 28, 2022

Report Number: B-23/22SC
B-24/22SC
B-25/22SC
A-41/22

File: 22102205
22102206
22102207
22102208

Subject: 51 Glenridge Avenue, 71 Downing Street and 73 Downing Street

Recommendation

That application **B-23/22SC** by Linda Montague and Michael Montague, as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. That the Owner enter into a Development Agreement with the City of St. Catharines, to be registered on title of the lands to be known as 5 Wychwood Road addressing the following conditions:
 - a. That building permit plans for Parts 2, 4 and 7, 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. The garage be recessed a minimum 0.5 metres from the front façade of the dwelling; and
 - ii. A mix of materials, including brick, is to be utilized on the exterior façade.
 - b. The Lot Grading and Drainage Plan, required as a condition of consent approval, be included in the Development Agreement, to ensure compliance as part of the review and approval of a building permit.
2. That the 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 5 Wychwood Road (Parts 2, 4 and 7) prior to any development of the lands;
3. That payment of 5% of the appraised value of the new lot (Parts 2, 4, and 7) 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.
4. 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.

5. That final approval for the necessary minor variance application (A-41/22) be received by the Committee of Adjustment.
6. That final approval for the necessary concurrent Submission B-24/22SC and B-25/22SC be received by the Committee of Adjustment.
7. That the Owner have prepared by an Ontario Land Surveyor, a draft reference plan for review and approval by City Staff, prior to the plan's registration by the Registry Office.
8. Transfer to the City, free and clear of any encumbrances, the widenings as identified on the registered reference plan, to be known as Public Highway Wychwood Road.
9. That the Owner have prepared by a Professional Engineer or Ontario Land Surveyor, a Lot Grading & Drainage plan the lands to be known as 5 Wychwood Road (Parts 2, 4 and 7) for review and approval.
10. That the Owner pay the fee for City crews to locate, trace, inspect and document the sewer and water laterals servicing the existing dwellings.
11. That the Owner pay to the City the fees to install new services to the existing lot's property lines, to achieve independent services to each lot and avoid any conflicts, if the existing service laterals are determined to conflict with any future and/or abutting lot lines.
12. That the Owner obtain a Plumbing Only permit to complete the reconnections of the new water and sewer laterals provided by the City to the property lines, on the private property sides.
13. 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.
14. That a final certification fee of \$222.20 (2022 rate) per application payable to the Treasurer, City of St. Catharines, be submitted to the Secretary-Treasurer.
15. That all conditions of consent be fulfilled by April 28, 2024.

That application **B-24/22SC** by Cara Krezek and Matthew Montague, 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 the sewer and water laterals servicing the existing dwellings.
2. That the Owner pay to the City the fees to install new services to the existing lot's property lines, to achieve independent services to each lot and avoid any conflicts, if the existing service laterals are determined to conflict with any future and/or abutting lot lines.
3. That the Owner obtain a Plumbing Only permit to complete the reconnections of the new water and sewer laterals provided by the City to the property lines, on the private property sides.
4. 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.
5. 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.
6. That all conditions of consent be fulfilled by April 28, 2024.

That application **B-25/22SC** by Matthew Montague, 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 the sewer and water laterals servicing the existing dwellings.
2. That the Owner pay to the City the fees to install new services to the existing lot's property lines, to achieve independent services to each lot and avoid any conflicts, if the existing service laterals are determined to conflict with any future and/or abutting lot lines.
3. That the Owner obtain a Plumbing Only permit to complete the reconnections of the new water and sewer laterals provided by the City to the property lines, on the private property sides.
4. 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.
5. 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.
6. That all conditions of consent be fulfilled by April 28, 2024.

That application **A-41/22** by Linda Montague and Michael Montague, as outlined in the Notice of Hearing, be approved.

Report

The Proposal

The applicants propose to sever a rear portion of each of 71 Downing Street (Parts 1 & 2), 73 Downing Street (Parts 3, 4 & 5), and 51 Glenridge Avenue (Parts 6, 7, 8 & 9) to be merged together as a new lot to be known as 5 Wychwood Road (Parts 2, 4 & 7). The proposed lot (5 Wychwood Road) is intended to facilitate construction of a two-storey detached dwelling. Parts 5, 8, & 9 are to be dedicated to the city for a road widening. There is a concurrent minor variance application required to recognize the lot area of 51 Glenridge Avenue, which will exceed the maximum permitted lot area for a detached dwelling. The proposed applications for consents and minor variance are outlined in the tables below.

Application	Severed Parcel	Severed Area	Retained Parcel	Retained Area	Dedications
B-23/22SC 51 Glenridge Avenue (Parts 6, 7, 8 & 9)	Part 7	43 m ²	Part 6	725 m ²	Part 8 = 36 m ² Part 9 = 78 m ²
B-24/22SC 73 Downing Street (Parts 3, 4 & 5)	Part 4	204 m ²	Part 3	396 m ²	Part 5 = 5 m ²
B-25/22SC 71 Downing Street (Parts 1 & 2)	Part 2	218 m ²	Part 1	420 m ²	

Application	Variance	Provision	Required	Proposed
A-41/22 51 Glenridge Avenue	1	An increase of the maximum lot area for a detached dwelling	465 m ²	725 m ²

Location and Site Description

The subject lands are located in the South District on the northeast corner of Glenridge Avenue and Wychwood Road, and the southeast side of Downing Street. The surrounding neighbourhood is low density residential and is comprised predominantly of detached dwellings. The subject properties are each currently occupied by a detached dwelling.

Circulation of Application

The 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 E8. Detached dwellings are permitted in this designation.

Zoning By-law (2013-283)

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

Planning Analysis

Consents

Consent applications **B-23/22SC**, **B-24/22SC**, and **B-25/22SC** request to sever a portion of the rear of each of the subject properties, to be merged together for creation of a new lot, to facilitate construction of a two-storey detached dwelling. The existing detached dwellings on each of the subject properties are to be retained for continued residential use. 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 lot will make use of existing infrastructure. Any required improvements to infrastructure such as municipal streets, water, wastewater, and stormwater services are 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 severance is located within the City's built boundary and within an area that is substantially developed. The proposal seeks to facilitate construction of a two-storey detached dwelling, which supports context-sensitive infill development.

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

The proposed lot sizes (proposed lot and retained lots) meet all other zoning requirements except for maximum lot area for the retained 51 Glenridge Avenue (Part 6) indicating that appropriate amenity space, separation distance, setbacks, and space for parking is provided. The density for the proposed and retained lots are within the permitted range for Low-Density Residential developments, as outlined in the Official Plan. As such staff are satisfied that the retained lots and proposed lot represent the optimum development of the surrounding area. Staff recommend that consent applications **B-23/22SC**, **B-24/22SC**, and **B-25/22SC** be approved, subject to conditions outlined in the recommendation.

Minor Variances

The minor variance application **A-41/22** seeks to increase the maximum lot area for a detached dwelling from 465 m² to 725 m². The existing lot size for 51 Glenridge Avenue is approximately 882 m², and the result of the proposed severance will reduce the lot size by approximately 157 m² to 725 m². The proposed lot size will become more in line with the current density and zoning requirements set out by the Official Plan and the Zoning By-law and is not out of character for the development in the neighbourhood. Staff find the variance to be minor in nature, deemed an appropriate use of the lands and in keeping with the intent and purpose of the Official Plan and Zoning By-law.

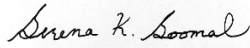
Conclusion

Having regard for the matters under Section 53 of *The Planning Act*, staff are of the opinion that Consent Applications **B-23/22SC**, **B-24/22SC**, and **B-25/22SC** meet the intent and purpose of the Official Plan and of the Zoning By-law and will have no adverse impacts on the surrounding area and environment. It is staff's recommendation that the requested consents to sever be approved.

Having regard for the matters under Section 45(1) of *The Planning Act*, staff are of the opinion that Minor Variance Application **A-41/22** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is desirable for the

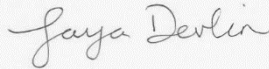
appropriate development of the lands. Staff recommend that the application be approved.

Prepared by:



Serena Soomal
Student Planner

Submitted by:



Taya Devlin
Senior Planner

Approved by:



Margaret Josipovic
Manager of Planning Services

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: April 20, 2022

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – April 28th, 2022 hearing

B-12/22SC – 10 Adelene Crescent

Comment:

- No comment

Condition:

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

B-23/22SC – 51 Glenridge Avenue

Comment:

- 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:

- No comment

B-24/22SC – 73 Downing Street

Comment:

- 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:

- No Comment

B-25/22SC – 71 Downing Street

Comment:

- 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 dwelling and to complete all inspections to the satisfaction of the Chief Building Official.

B-26/22SC – 38 Neptune Drive

Comment:

- No comment

Condition:

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

B-27/22SC – 374A Linwell Road

Comment:

- No comment

Condition:

- No comment

B-28/22SC – 374B Linwell Road

Comment:

- No comment

Condition:

- No comment

B-29/22SC – 294 Vine Street

Comment:

- No comment

Condition:

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

B-30/22SC – 129 Oakdale Avenue

Comment:

- 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:

- No comment

B-31/22SC – 233/ Pelham Road

Comment:

- No comment

Condition:

- No comment

B-32/22SC – 233/ Pelham Road

Comment:

- No comment

Condition:

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

B-33/22SC – 233/ Pelham Road

Comment:

- No comment

Condition:

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



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

MEMORANDUM

To: Elaine Munro, Committee Secretary & Planning Clerk
 Planning and Building Services
 Cc: Wilrik Banda
 Planning and Building Services
 From: Lou Grossi, Building Inspector II
 Planning and Building Services
 Date: April 20, 2022
 Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – April 28th, 2022 hearing

NO.	ADDRESS	COMMENTS
A-22/22	8 Adelene Crescent	No Comment
A-23/22	10 Adelene Crescent	No Comment
A-107/21	361 Grantham Avenue	Be advised that the current demolition permit (21101338AM) shall be completed prior to construction. Be advised that a building permit is required to construct the townhouse block.
A-40/22	620 Bunting Road	Be advised that a building permit is required to construct the garage addition to the single detached dwelling. Be advised that a demolition permit may be required to remove the existing deck.
A-41/22	51 Glenridge Avenue	No Comment
A-42/22	38 Neptune Drive	No Comment

NO.	ADDRESS	COMMENTS
A-43/22	38A Neptune Drive	Be advised that a building permit is required to construct the single detached dwelling.
A-45/22	19 Centre Street	Be advised that a building permit is to convert the existing 2 storey building to a triplex.
A-46/22	1071 Lakeshore Road	Be advised that the current building permit (19113075BS) shall be completed prior to the shed construction.
A-47/22	26 Thompson Road	Be advised that a building permit is required to construct the pool house structure.
A-48/22	129 Oakdale Avenue	No Comment
A-49/22	131 Oakdale Avenue	Be advised that a building permit is required to construct a single detached dwelling.
A-50/22	229 Pelham Road	No Comment
A-51/22	231 Pelham Road	No Comment
A-52/22	233 Pelham Road	No Comment



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 22, 2022

Subject: Committee of Adjustment Applications – April 28, 2022 Hearing

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

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

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

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

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

361 Grantham Avenue, Minor Variance, A-107/21 – 21118329

Comments on this application will follow separately.

620 Bunting Road, Minor Variance, A-40/22 – 22101914

CRCS have no objection to the applicant's request for a reduction of the interior side yard setback to facilitate construction of an attached garage. However, the requested increase in driveway width is of concern. If approved, the minor variance would facilitate installation of a vehicular turnaround/parking area in the front yard. Not only will this significantly reduce the amount of landscaped open space that can be accommodated in the front yard, but it is also likely that the existing mature boulevard tree directly adjacent to the proposed turnaround will be negatively impacted. We note that the tree's canopy is actually larger than what is depicted on the plans submitted. It is the opinion of CRCS staff that an increase in driveway width will result in negative impacts and we object to the requested variance accordingly.

51 Glenridge Avenue, Consent, B-23/22SC – 22102205

73 Downing Street, Consent, B-24/22SC – 22102206

71 Downing Street, Consent, B-25/22SC – 22102207

51 Glenridge Avenue, Minor Variance, A-41/22 – 22102208

At this time, CRCS is unable to submit comments on these applications due to a known conflict of interest.

38 Neptune Drive, Consent, B-26/22SC – 22102224

38 Neptune Drive, Minor Variance, A-42/22 – 22102226

38A Neptune Drive, Minor Variance, A-43/22 – 22102228

In support of these applications, the applicant has submitted a Tree Preservation Report, prepared by Arborwood Tree Service Inc., dated March 16, 2022. The Report confirms the locations and health of two mature City boulevard trees, 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 13 trees inventoried, based on the consent and site plan sketches submitted with the applications.

The Report indicates that the proposed driveway for the new dwelling will encroach into the minimum tree protection zone for the southerly boulevard tree (identified in the report as tree no. 1) and recommends that, in addition to installing hoarding, root exploration and pruning be undertaken using air spade or hydro vac methods. CRCS Forestry staff are satisfied with the report and its recommendations, however, we note that root exploration and pruning must be completed under the supervision of a certified arborist and must be completed prior to any construction activities or relating staging.

CRCS offers no objection to the requested minor variance for an increase in maximum lot area for the retained lot. With respect to the requested variance for a reduction in lot frontage for the new lot, CRCS staff recommends that the driveway width and location be limited to what is depicted in the plans submitted with these applications. If limitations are not imposed, then the size of the driveway could be enlarged in the future, reducing the amount of landscaped open space in the front yard, and also impacting the mature boulevard tree discussed above.

Should the applications be approved, CRCS recommends the following be included as a condition of consent:

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 Preservation Report, prepared by Arborwood Tree Service Inc., dated

March 16, 2022, particularly as they relate to two City boulevard trees, identified as tree nos. 1 and 2.

- b. That the approved plans forming part of the development agreement clearly illustrate tree protection zones and notes.
- c. That the consulting arborist attend the site during root excavation and pruning to oversee the works.
- d. That upon completion of root exploration and pruning, the consulting arborist provide confirmation to the City that the mitigation measures outlined in the Tree Preservation Report have been properly carried out.
- e. That no construction activities or construction staging occur until such time as root pruning and hoarding installation is complete.
- f. That the width of the driveway for the new lot not exceed 5.0 metres and that its location be consistent with what is shown on the plans submitted with the application for consent.

374A Linwell Road, Consent, B-27/22SC – 22102265

374B Linwell Road, Consent, B-28/22SC – 22102266

CRCS offers no objection to the proposed consents to create easements for storm drainage.

19 Centre Street, Minor Variance, A-45/22 – 22102231

CRCS has no objection to the requested minor variances; the building and parking areas exist and no expansions are proposed. In fact, the sketch submitted indicates the front yard parking, which currently occupies the entire front yard, will be reduced by approximately half to accommodate landscaped open space. CRCS is strongly supportive of this change.

1071 Lakeshore Road West, Minor Variance, A-46/22 – 22102238

CRCS offers no objection to the requested minor variance, which seeks a reduced interior side yard setback for an accessory structure (utility shed).

26 Thompson Road, Minor Variance, A-47/22 – 22102240

CRCS offers no objection to the requested minor variance, which seeks an increase in height for an accessory structure (pool house). We presume that the maximum lot coverage for all accessory structures prescribed by the Zoning By-law will not be exceeded.

294 Vine Street, Consent, B-29/22SC – 22102247

CRCS offers no objection to the proposal to create a new parcel for a future private road development. We note that an application for site plan approval has been submitted for the future development and, upon our preliminary review of the submission materials, it appears that the proposal is deficient in terms of the City's zoning and site plan standards for landscaping, open space, amenity areas, etc. The Committee and the applicant should not misconstrue this department's support of the consent to sever as

an endorsement of the site and landscaping designs submitted through the application for site plan approval.

Should this application be approved, CRCS recommends the following be included as a condition of consent:

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.)

129 Oakdale Avenue, Consent, B-30/22SC

129 Oakdale Avenue, Minor Variance, A-48/22

131 Oakdale Avenue, Minor Variance, A-49/22

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

We note that there is a mature tree located on the adjacent lands to the north, very close to the common lot line. A large portion of the tree's canopy overhangs the subject lands in the area of the proposed development and the tree will therefore need to be pruned to facilitate construction. Given this is a private civil matter, our comments pertaining to the tree are provided for information only.

Should the application for consent be approved, CRCS recommends the following conditions be included in the Committee's decision:

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.

233/ Pelham Road, Consent, B-31/22SC – 22102341
233/ Pelham Road, Consent, B-32/22SC – 22102342
233/ Pelham Road, Consent, B-33/22SC – 22102343
229 Pelham Road, Minor Variance, A-50//22 – 22102344
231 Pelham Road, Minor Variance, A-51/22 – 22102345
233 Pelham Road, Minor Variance, A-52/22 – 22102346

CRCS offers no objection to these applications, which will re-create four lots, each of which contains an existing dwelling (two detached and two semi-detached). Should the applications be approved, CRCS recommends the following be included as a condition of consent:

1. That the applicant submit a payment for the placement of a 60mm boulevard tree for each of the three new lots, in accordance with the City's current Schedule of Rates and Fees.

Amanda Knutson
Community Project & Development Planner

ENGINEERING FILE 300-36

Applicant: Matt Montague

Location: 51 Glenridge Avenue / 71-73 Downing Street

ENGINEERING SERVICES

	Glenridge Avenue	Wychwood Road	Downing Street
Water:	150mm PVC	150mm C.I.	150mm PVC
Sanitary Sewer:	200mm Concrete	250mm Clay	600mm Concrete
Storm Sewer:	None	None	None
Sidewalks:	Yes	Yes	Yes
Road Allowance Width:	18.28m (60') (Regional)	15.24m (50')	9.75m± (32') (Irregular)

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

Comment(s): It is noted that the Applicant proposes to sever Parts 2, 4 & 7 on the attached sketch for the proposed construction of a single-family dwelling to be known as 75 Wychwood Road. The remnant parcels (Parts 1, 3 & 6) will be retained for continued residential use of the existing dwellings. Parts 5, 8 & 9 are to be transferred to the City as road widening.

Roads

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

Wychwood Road is designated a Community Road as per the City's Transportation Master Plan with a desired ultimate width of 20.0m. Its width is deficient along the frontage at 15.24m, therefore the Owner shall transfer, free and clear of any encumbrances, a widening of 2.38m to the City to be known as Public Highway Wychwood Road.

Downing Street is designated a Community Road as per the City's Transportation Master Plan with a desired ultimate width of 20.0m. It is irregular along this section in proximity to the Glenridge Avenue intersection, therefore given the physical road orientation curve to Glenridge Avenue, the City will not be pursuing a widening along the frontage of Downing Street.

Sidewalks and Curbs

Sidewalks exist along all frontages. Damage deposits shall be a requirement 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 lots. The plan shall be submitted for review, and approval by City staff, prior to the finalization of the consent, to ensure that the drainage scheme of the existing, and proposed future lots convey drainage to suitable outlet(s), while at the same time do not propose adverse effects on existing 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 Wychwood Road at this time, weeping tile drainage shall be discharged via sump pump to grade through the front foundation wall and front yard only, and be identified on the proposed Master Lot Grading and Drainage plan. The house designs shall also ensure that rainwater leaders (downspouts) are directed/discharged to the front of the lot only. The locations and directions 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 sewer and water service lateral locations currently in use for the existing dwellings, to confirm they do not conflict with or exist upon any abutting and/or future lot lines. This shall be completed prior to the severance finalization and shall be a condition of consent. 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 dwellings to avoid conflicts and achieve independent services for each lot, through a Plumbing Only permit application, prior to the severance being finalized. The Owner must also pay the City to install a new water and sanitary lateral for the new lot from the City's sewer and watermain to the property line, 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. **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 process.**

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

- Have prepared by an Ontario Land Surveyor, a draft reference plan for review and approval by City Staff, prior to the plan's registration by the Registry Office; and
- Transfer to the City, free and clear of any encumbrances, the widenings as identified on the registered reference plan, to be known as Public Highway *Wychwood Road*; and
- Have prepared by a Professional Engineer or Ontario Land Surveyor, a Lot Grading & Drainage plan for review and approval; and
- Pay the fee for City crews to locate, trace, inspect and document the sewer and water laterals servicing the existing dwellings; and
- Pay to the City the fees to install new services to the existing lot's property lines, to achieve independent services to each lot and avoid any conflicts, if the existing service laterals are determined to conflict with any future and/or abutting lot lines; and
- Through a Plumbing Only permit, complete the reconnections of the new water and sewer laterals provided by the City to the property lines, on the private property sides

Prepared by:



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



Memorandum

To: Elaine Munro, ACST, Committee Secretary & Planning Technician
From: James Denham, P.Eng. Development Engineering Technologist
CC: City Committee of Adjustment Planning Staff
Date: April 12th, 2022
Hearing Date: April 28th, 2022
Subject: **Committee of Adjustment - Minor Variance Applications**
361 Grantham Avenue - A - 107-21/SC
620 Bunting Road - A - 40 - 22/SC
51 Glenridge Avenue - A - 41 - 22/SC
38 Neptune Drive - A - 42 & 43 - 22/SC
19 Centre Street - A - 45 - 22/SC
1071 Lakeshore Road - A - 46 - 22/SC
26 Thompson Road - A - 47 - 22/SC
129 Oakdale Avenue - A - 48 & 49 - 22/SC
229 to 233/ Pelham Road - A - 50 to 53 - 22/SC

Development Engineering have have the following comments,

- The Applicant for 1071 Lakeshore Road is to be advised that if the proposed shed is going to be located closer to the property line than the standard setback a Grading Plan prepared by a Professional Engineer or an Ontario Land Surveyor will be required at the Building Permit stage. If at the Building Permit stage the Applicant revises the location of the shed to meet the required 1.20m setback, and the size of the shed is the same as what is being proposed on the sketch provided, a Grading Plan will likely not be required.
- All Applicants for Minor Variances where a grading plan is not required at this time are to be advised that a Grading Plan prepared by a qualified Professional Engineer or Ontario Land Surveyor will be required at the building permit stage if the building/structure is increasing the overall building/hard surface footprint or where sideyard pedestrian access and/or entrances are being proposed.
- All applicants are to be advised that although minimum zoning setbacks may be reduced through Minor Variances, sideyard widths greater than the zoning minimum may be required to accommodate and maintain both access and storm water conveyance.

Prepared by:

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

To: Elaine Munro, Committee Secretary and Planning Technician

Cc:

From: Steve Bittner, Transportation Technologist

Date: April 11, 2022

Subject: Committee of Adjustment Comments (April 28, 2022, Hearing)

A-045/22 – 19 Centre Street

No concerns with the proposed variances. The apron to access the parking is wider than what is required to access the parking. As such, the curb and boulevard should be reinstated for any portion of the apron that doesn't access the parking spaces.

A-052/22 – 233 Pelham Road

No concerns with the reduction in parking. However, the space that is currently shown as parking is insufficient to legally park a vehicle. As such, the curb cut should be reinstated.

We have no concerns or requirements with the remaining applications.

Steve Bittner
Transportation Technologist

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

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

COMMENTS

B-26/22SC, A-42/22 & A-43/22

38 Neptune Drive

DATE OF HEARING:
April 28, 2022

From: [Munro, Elaine](#)
To: [Banda, Wilrik](#)
Subject: Comments received FW: Notice of Hearing - B-26/22sc == 38 Neptune
Date: Friday, April 22, 2022 6:02:33 PM

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

From: Ben <>
Sent: Tuesday, April 19, 2022 7:38 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Notice of 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.

Amanda No. 22102224, 22102226, 22102228
Submission No. B-26/22SC, A-42/22, A-43/22 Roll No. 2629050036043000000

Good Day

I am emailing in response to a notice of hearing that I received regarding a minor variance application for a nearby property. Im sure my comments will not have any impact on the outcome of the hearing, however I do wish to be on record as not in favour of such proposed changes.

This is a well developed, mature neighbourhood in the north end. The idea for someone to come into our neighbourhood to change things for sole purpose of making money is sickening to me. Dicing up a property into two, a large and a very small piece of land to wedge in a house will not only look bad, it will stand out in a negative way, and diminish our neighbourhood. This will change the characteristics of our neighbourhood by diminishing the views of the canal, adding needless construction traffic, dust and noise, all of which are not necessary. It isn't like someone lost their home in a fire and needs to rebuild.

If this application moves forward and is approved, I hope the city has plans to protect our neighbourhood. Small children live and play in this area. Will our homes become dusty and dirty requiring cleaning, of which, who will be responsible? There are elderly home owners that live in the circle at the end - will access for all emergency services be fully maintained at all times as to not delay any response?

Again, this build isn't required to be done. It's a want, a want that will disrupt this entire neighbourhood that brings nothing good to all the residents here.

I will end this message with 2 suggestions:

1 - Sever the land at the original lot line so as each property is a normal sized lot for the location. It would fit in better

2 - Number the houses properly. The current dwelling is numbered 38, however it is situated on 40. Re-number it to 40 and make the new dwelling number 38. At minimum, the numbering system would fit in with the area and not be some ridiculous 38a labelling. Since we are changing the rules on other stuff, making the numbering system make sense shouldn't be a stretch.

Thank you for your time.

Ben Hould



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: April 22, 2022

Date of Meeting: April 28, 2022

Report Number: B-26/22SC
A-42/22
A-43/22

File: 22102224
22102226
22102228

Subject: 38 Neptune Drive (to be known as 38 Neptune Drive and 38A Neptune Drive)

Recommendation

That Application **B-26/22SC** by Sandra Rempel and William Rempel, 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 38 Neptune Drive addressing the following conditions:
 - a. That building permit plans for Part 2, once submitted, be reviewed and confirmed to be in accordance with the survey sketch and elevations submitted with this application. This includes limiting the driveway width to a maximum of 5.0 metres and that its location be consistent with what is shown on the survey sketch;
 - 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;
 - c. That the applicant implements the recommendations of the Tree Preservation Report, prepared by Arborwood Tree Service Inc., dated March 16, 2022, particularly as they relate to two City boulevard trees, identified as tree nos. 1 and 2.
 - d. That the approved plans forming part of the development agreement clearly illustrate tree protection zones and notes.
 - e. That the consulting arborist attend the site during root excavation and pruning to oversee the works.
 - f. That upon completion of root exploration and pruning, the consulting arborist provide confirmation to the City that the mitigation measures outlined in the Tree Preservation Report have been properly carried out.
 - g. That no construction activities or construction staging occur until such time as root pruning and hoarding installation is complete.

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 include the location of the sump pumps, the location, and direction of discharge of the roof water downspouts, the existing and proposed water services, sanitary laterals, storm laterals, and curb cuts/fills.
3. That the Owner pay the fee for City crews to locate, trace, inspect, and document the location of all existing sanitary and storm laterals and water services currently being used for the existing dwelling, as well as any other set of services that were previously installed.
4. That the Owner pay to the City all required fees to install new services to the existing lot, to achieve independent services to each lot, if the existing service laterals conflict with future and/or abutting lots or are otherwise located in an unsuitable location.
5. That the Owner pay to the city the estimated fee to construct a future 1.5 m wide concrete sidewalk across the frontage of the subject lands.
6. That the Owner submit to the City of St. Catharines payment for 5% of the appraised value of the new lot 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.
7. That the Owner pay the fees to the City for the placement of a 60mm boulevard tree for the new lot, in accordance with the City's current Schedule of Rates and Fees.
8. That the 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 pursuant to Section 50(12) of The Planning Act, it is hereby stipulated that section 50(3) or 50(5) shall apply to any subsequent conveyance of, or other transaction involving, the identical subject parcel of land. Therefore, the Owner will provide the Secretary-Treasurer of the Committee of Adjustment with a solicitor's undertaking that the condition of the Committee of Adjustment will be implemented and the lot 39 and remaining portion of lot 40 will be merged and become one parcel of land (Part 1). The Owner will be responsible to pay the costs associated with the necessary Deeming By-law to deem Lots 39 and 40 on Registered Plan 577 to not be within a plan of subdivision.
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 28, 2024.

That Application **A-42/22** by Sandra Rempel and William Rempel, as outlined in the Notice of Hearing, be approved.

That Application **A-43/22** by Sandra Rempel and William Rempel, as outlined in the Notice of Hearing, be approved.

Report

The Proposal

The Applicant proposes to sever the subject property to create one new lot to facilitate the construction of a one-storey detached dwelling (Part 2), to be known as 38A Neptune Drive. The existing detached dwelling and attached garage will remain on the remnant lot (Part 1) 38 Neptune Drive. There are concurrent minor variance applications required to facilitate the severance of the lot.

The proposed consent and minor variances are outlined in the table below.

Application	Severed Parcel	Severed Area	Retained Parcel	Retained Area
B-26/22SC (38 Neptune Drive)	Part 2 (38A Neptune Drive)	454 m ²	Part 1 (38 Neptune Drive)	1,036 m ²

Application	Variance	Provision	Required	Proposed
A-42/22 (38 Neptune Drive)	1	Maximum lot area for a detached dwelling	538 m ²	1,036 m ²
A-43/22 (38A Neptune Drive)	1	Minimum lot frontage	16.5 metres	11.64 metres

Location and Site Description

The subject property is located on the east side of Neptune Drive, west of Welland Canals Parkway and south of Linwell Road. The subject lands are currently occupied by a detached dwelling, which will remain as part of the proposal. The surrounding neighbourhood is comprised of detached dwellings. The Welland Canal is located directly east of the subject lands.

The subject lands are lots 39 and 40 as established in the 1965 Linwell Park Plan of Subdivision. It appears there has only been the existing dwelling constructed on these lots since the Plan of Subdivision was registered, with the existing attached garage and rear covered porch located on both lots. City records and research conducted by the applicant's lawyer does not indicate that a Deeming By-law was passed to merge the two lots. To alter lots that are registered in a Plan of Subdivision, a Deeming By-law is required. As such, a Deeming By-law will be required to facilitate this proposal and is included as a condition of the application.

Circulation of Application

This application was circulated to all appropriate departments and agencies. No objections were received. It is noted by staff that a Grading Plan prepared by a qualified Professional Engineer or Ontario Land Surveyor may be required at the building permit stage.

Planning Policy Context

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential on Schedule E3. Detached dwellings are permitted in this designation.

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-26/22SC** requests to sever one new lot from the subject property to construct a one-storey detached dwelling. The remnant lot will contain the 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 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 severance 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 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 Low Density Residential designation permits a density range of generally 20 to 32 units per hectare. The proposed lot will have a density of 22 units per hectare and the remnant lot will have a density of 10 units per hectare. A minor variance is required to permit an increase in lot area for the remnant lot, which will be discussed in the next section.

The proposed lot is narrower than permitted in the zoning by-law and requires a minor variance for lot frontage. However, staff are satisfied that this lot pattern represents optimum development potential of the subject lands. The proposed dwelling meets density and height requirements set out in the Official Plan, indicating that the proposal is of appropriate scale and massing and will not overwhelm the lot or abutting properties. The Applicant has demonstrated that a one-storey detached dwelling can be built on the new lot. The remnant lot is being brought closer to conformity with Official Plan and Zoning By-law requirements and is sized to accommodate the existing dwelling as well as provide potential future redevelopment opportunities.

Staff find the proposal to contribute to the optimum development of the surrounding area. Staff recommend that Consent Application **B-26/22SC** be approved, subject to conditions outlined in the recommendation.

Minor Variances

Application A-42/22

Application **A-42/22** seeks an increase in the maximum permitted lot area for a detached dwelling in the R1 zone from 538 m² to 1,036 m². The intent of the maximum lot area is to ensure a consistent and 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 remnant lot will be oversized under current R1 provisions, 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 10 units per hectare for the remnant lot, which brings the current density of 7 units per hectare closer to the density requirements as set out in the Official Plan and Zoning By-law. All other zoning provisions, such as lot frontage, lot coverage, landscaped open space and setbacks are met. The remnant lot is also of adequate size and shape to accommodate potential future development opportunities.

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.

Application A-43/22

Application **A-43/22** seeks a reduction in the minimum lot frontage for a detached dwelling in an R1 zone from 16.5 metres to 11.64 metres, resulting in a decrease of 4.86 metres. The intent of the minimum lot frontage provision is to ensure lots are able to accommodate a sufficient building footprint, provide safe access and parking for the

lot, adequate side yard setbacks, landscaped open space, as well as maintain a consistent streetscape.

This variance is requested to facilitate the proposed development of a one-storey detached dwelling while avoiding partial demolition of the existing dwelling and attached garage. The proposal meets all other zoning requirements including lot area, required setbacks to the dwelling, lot coverage and landscaped open space. Although the proposed lot frontage will be less than what is currently permitted in the R1 zone, the proposed concept accommodates a suitable building envelope, provides adequate setbacks to abutting properties and would not result in adverse impacts to the surrounding area or streetscape. The Official Plan supports the creation of new lots to facilitate infill development in residential neighbourhoods that are compatible with the surrounding area. Staff find that the proposal is unlikely to cause adverse impacts on surrounding properties given that the majority of zoning provisions are being met and the one-storey dwelling is designed in a manner to fit within the existing neighbourhood.

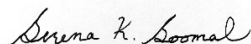
Staff are satisfied that the proposed variance is minor in nature, desirable for the appropriate use of lands, and meets the general intent of the Official Plan and Zoning By-law.

Conclusion

Having regard for matters under Section 53 of *The Planning Act*, staff are of the opinion that Consent Application **B-26/22** meets the intent and purpose of the Official Plan and of the Zoning By-law and will have no adverse impacts on the surrounding area and environment. It is staff's recommendation that the Application be approved.

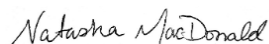
Having regard for matters under Section 45 of *The Planning Act*, staff are of the opinion that Minor Variance Applications **A-42/22** and **A-43/22** are in keeping with the general intent of the Official Plan and Zoning By-law, are minor in nature, and are desirable for the appropriate development 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 of Planning Services

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Alectra Comments RE: 38 Neptune Drive, St. Catharines
Date: Tuesday, April 12, 2022 8:00:13 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: Monday, April 11, 2022 2:44 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: RE: 38 Neptune Drive, 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: Bell - No Concerns or Comments - 905-22-182 - 38 Neptune Drive
Date: Sunday, April 17, 2022 1:27:25 PM

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



From: Gordon, Carrie <carrie.gordon@bell.ca>
Sent: Friday, April 8, 2022 9:54 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: RE: Request for Comments - Committee of Adjustment Applications for Hearing to be held on April 28, 2022 - 905-22-182 - 38 Neptune Drive

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

Re: B-26/22SC

Subsequent to review of the abovementioned application at 38 Neptune Drive, Bell Canada's engineering department have determined that there are no concerns or comments at this time.

Kind regards,

Carrie Gordon



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

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Cogeco - No concerns with any applications - Committee of Adjustment Applications for Hearing to be held on April 28, 2022
Date: Sunday, April 17, 2022 1:28:46 PM

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



From: Doug Crown <doug.crown@cogeco.com>
Sent: Friday, April 8, 2022 9:52 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Correct link for 620 Bunting Road RE: Request for Comments - Committee of Adjustment Applications for Hearing to be held on April 28, 2022

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 consens with these applications.

Have a great weekend

Cheers

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: April 20, 2022

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – April 28th, 2022 hearing

B-12/22SC – 10 Adelene Crescent

Comment:

- No comment

Condition:

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

B-23/22SC – 51 Glenridge Avenue

Comment:

- 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:

- No comment

B-24/22SC – 73 Downing Street

Comment:

- 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:

- No Comment

B-25/22SC – 71 Downing Street

Comment:

- 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 dwelling and to complete all inspections to the satisfaction of the Chief Building Official.

B-26/22SC – 38 Neptune Drive

Comment:

- No comment

Condition:

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

B-27/22SC – 374A Linwell Road

Comment:

- No comment

Condition:

- No comment

B-28/22SC – 374B Linwell Road

Comment:

- No comment

Condition:

- No comment

B-29/22SC – 294 Vine Street

Comment:

- No comment

Condition:

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

B-30/22SC – 129 Oakdale Avenue

Comment:

- 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:

- No comment

B-31/22SC – 233/ Pelham Road

Comment:

- No comment

Condition:

- No comment

B-32/22SC – 233/ Pelham Road

Comment:

- No comment

Condition:

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

B-33/22SC – 233/ Pelham Road

Comment:

- No comment

Condition:

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



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

MEMORANDUM

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

Cc: Wilrik Banda
Planning and Building Services

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

Date: April 20, 2022

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – April 28th, 2022 hearing

NO.	ADDRESS	COMMENTS
A-22/22	8 Adelene Crescent	No Comment
A-23/22	10 Adelene Crescent	No Comment
A-107/21	361 Grantham Avenue	Be advised that the current demolition permit (21101338AM) shall be completed prior to construction. Be advised that a building permit is required to construct the townhouse block.
A-40/22	620 Bunting Road	Be advised that a building permit is required to construct the garage addition to the single detached dwelling. Be advised that a demolition permit may be required to remove the existing deck.
A-41/22	51 Glenridge Avenue	No Comment
A-42/22	38 Neptune Drive	No Comment

NO.	ADDRESS	COMMENTS
A-43/22	38A Neptune Drive	Be advised that a building permit is required to construct the single detached dwelling.
A-45/22	19 Centre Street	Be advised that a building permit is to convert the existing 2 storey building to a triplex.
A-46/22	1071 Lakeshore Road	Be advised that the current building permit (19113075BS) shall be completed prior to the shed construction.
A-47/22	26 Thompson Road	Be advised that a building permit is required to construct the pool house structure.
A-48/22	129 Oakdale Avenue	No Comment
A-49/22	131 Oakdale Avenue	Be advised that a building permit is required to construct a single detached dwelling.
A-50/22	229 Pelham Road	No Comment
A-51/22	231 Pelham Road	No Comment
A-52/22	233 Pelham Road	No Comment



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 22, 2022

Subject: Committee of Adjustment Applications – April 28, 2022 Hearing

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

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

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

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

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

361 Grantham Avenue, Minor Variance, A-107/21 – 21118329

Comments on this application will follow separately.

620 Bunting Road, Minor Variance, A-40/22 – 22101914

CRCS have no objection to the applicant's request for a reduction of the interior side yard setback to facilitate construction of an attached garage. However, the requested increase in driveway width is of concern. If approved, the minor variance would facilitate installation of a vehicular turnaround/parking area in the front yard. Not only will this significantly reduce the amount of landscaped open space that can be accommodated in the front yard, but it is also likely that the existing mature boulevard tree directly adjacent to the proposed turnaround will be negatively impacted. We note that the tree's canopy is actually larger than what is depicted on the plans submitted. It is the opinion of CRCS staff that an increase in driveway width will result in negative impacts and we object to the requested variance accordingly.

51 Glenridge Avenue, Consent, B-23/22SC – 22102205

73 Downing Street, Consent, B-24/22SC – 22102206

71 Downing Street, Consent, B-25/22SC – 22102207

51 Glenridge Avenue, Minor Variance, A-41/22 – 22102208

At this time, CRCS is unable to submit comments on these applications due to a known conflict of interest.

38 Neptune Drive, Consent, B-26/22SC – 22102224

38 Neptune Drive, Minor Variance, A-42/22 – 22102226

38A Neptune Drive, Minor Variance, A-43/22 – 22102228

In support of these applications, the applicant has submitted a Tree Preservation Report, prepared by Arborwood Tree Service Inc., dated March 16, 2022. The Report confirms the locations and health of two mature City boulevard trees, 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 13 trees inventoried, based on the consent and site plan sketches submitted with the applications.

The Report indicates that the proposed driveway for the new dwelling will encroach into the minimum tree protection zone for the southerly boulevard tree (identified in the report as tree no. 1) and recommends that, in addition to installing hoarding, root exploration and pruning be undertaken using air spade or hydro vac methods. CRCS Forestry staff are satisfied with the report and its recommendations, however, we note that root exploration and pruning must be completed under the supervision of a certified arborist and must be completed prior to any construction activities or relating staging.

CRCS offers no objection to the requested minor variance for an increase in maximum lot area for the retained lot. With respect to the requested variance for a reduction in lot frontage for the new lot, CRCS staff recommends that the driveway width and location be limited to what is depicted in the plans submitted with these applications. If limitations are not imposed, then the size of the driveway could be enlarged in the future, reducing the amount of landscaped open space in the front yard, and also impacting the mature boulevard tree discussed above.

Should the applications be approved, CRCS recommends the following be included as a condition of consent:

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 Preservation Report, prepared by Arborwood Tree Service Inc., dated

March 16, 2022, particularly as they relate to two City boulevard trees, identified as tree nos. 1 and 2.

- b. That the approved plans forming part of the development agreement clearly illustrate tree protection zones and notes.
- c. That the consulting arborist attend the site during root excavation and pruning to oversee the works.
- d. That upon completion of root exploration and pruning, the consulting arborist provide confirmation to the City that the mitigation measures outlined in the Tree Preservation Report have been properly carried out.
- e. That no construction activities or construction staging occur until such time as root pruning and hoarding installation is complete.
- f. That the width of the driveway for the new lot not exceed 5.0 metres and that its location be consistent with what is shown on the plans submitted with the application for consent.

374A Linwell Road, Consent, B-27/22SC – 22102265

374B Linwell Road, Consent, B-28/22SC – 22102266

CRCS offers no objection to the proposed consents to create easements for storm drainage.

19 Centre Street, Minor Variance, A-45/22 – 22102231

CRCS has no objection to the requested minor variances; the building and parking areas exist and no expansions are proposed. In fact, the sketch submitted indicates the front yard parking, which currently occupies the entire front yard, will be reduced by approximately half to accommodate landscaped open space. CRCS is strongly supportive of this change.

1071 Lakeshore Road West, Minor Variance, A-46/22 – 22102238

CRCS offers no objection to the requested minor variance, which seeks a reduced interior side yard setback for an accessory structure (utility shed).

26 Thompson Road, Minor Variance, A-47/22 – 22102240

CRCS offers no objection to the requested minor variance, which seeks an increase in height for an accessory structure (pool house). We presume that the maximum lot coverage for all accessory structures prescribed by the Zoning By-law will not be exceeded.

294 Vine Street, Consent, B-29/22SC – 22102247

CRCS offers no objection to the proposal to create a new parcel for a future private road development. We note that an application for site plan approval has been submitted for the future development and, upon our preliminary review of the submission materials, it appears that the proposal is deficient in terms of the City's zoning and site plan standards for landscaping, open space, amenity areas, etc. The Committee and the applicant should not misconstrue this department's support of the consent to sever as

an endorsement of the site and landscaping designs submitted through the application for site plan approval.

Should this application be approved, CRCS recommends the following be included as a condition of consent:

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.)

129 Oakdale Avenue, Consent, B-30/22SC

129 Oakdale Avenue, Minor Variance, A-48/22

131 Oakdale Avenue, Minor Variance, A-49/22

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

We note that there is a mature tree located on the adjacent lands to the north, very close to the common lot line. A large portion of the tree's canopy overhangs the subject lands in the area of the proposed development and the tree will therefore need to be pruned to facilitate construction. Given this is a private civil matter, our comments pertaining to the tree are provided for information only.

Should the application for consent be approved, CRCS recommends the following conditions be included in the Committee's decision:

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.

233/ Pelham Road, Consent, B-31/22SC – 22102341
233/ Pelham Road, Consent, B-32/22SC – 22102342
233/ Pelham Road, Consent, B-33/22SC – 22102343
229 Pelham Road, Minor Variance, A-50//22 – 22102344
231 Pelham Road, Minor Variance, A-51/22 – 22102345
233 Pelham Road, Minor Variance, A-52/22 – 22102346

CRCS offers no objection to these applications, which will re-create four lots, each of which contains an existing dwelling (two detached and two semi-detached). Should the applications be approved, CRCS recommends the following be included as a condition of consent:

1. That the applicant submit a payment for the placement of a 60mm boulevard tree for each of the three new lots, in accordance with the City's current Schedule of Rates and Fees.

Amanda Knutson
Community Project & Development Planner

ENGINEERING FILE 300-36

Applicant: Sandra and William Rempel

Location: 28 Neptune Drive

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

Neptune Drive is designated as a Community Street in the City's Transportation Master Plan with desired right-of-way (ROW) width of 20m. Its current width is approximately 20m although the subject lands are at the north end of the street where the ROW widens out to accommodate a turning circle. The City will require not require a road widening as a condition of this severance application

Curbs currently exist across the frontage of the subject lands.

Sidewalks do not exist across the frontage of these lands. However, the City's Master Transportation Plan dictates sidewalks should be on both sides of all community Streets. Therefore, the applicant will be required to pay to the city an estimated fee to construct a future 1.5 m wide concrete sidewalk across the frontage of the subject lands. The fee will among other things include all design, tendering, construction, inspection, and contract administration costs. The current rate, \$200.00/m² is based on recently received prices for similar works completed by the City. Once a reference plan is submitted the exact amount can be calculated.

Neptune Drive

Water: 150mm Cl

Sanitary Sewer: 200mm AC

Storm Sewer: 450mm Concrete

It appears from the original construction drawings there are two sets of water services and sanitary & storm laterals to the subject lands. As a condition of severance, the owner shall pay for City crews to locate, inspect, and document all laterals and water services currently installed to the property and confirm which are being used for the existing dwelling. Prior to the City doing this work the owner shall arrange to have the new side lot lines from the front property line to the existing dwelling 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 continue to be used for the existing dwelling and possibly the new dwelling. Both dwellings must be serviced

independently. If the location of any of the existing services conflict with future lot lines the owner shall pay all costs for relocating those 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. If the second set of laterals shown on the construction drawings does exist but are not suitable for re-use the owner shall pay the City to decommission these services and install more appropriately located services.

It is to be noted that new services cannot be installed until the creation of the new lot has been finalized and registered.

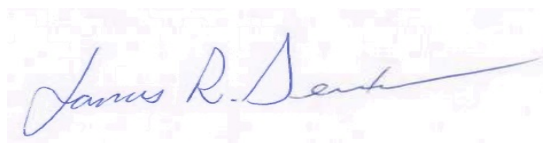
GRADING AND DRAINAGE

Increased drainage challenges occur with in-fill developments. 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 Neptune Drive, sump pump flows from the new dwelling shall be required to discharge to the individual storm lateral for the new lot.

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 include the location of the sump pumps, the location, and direction of discharge of the roof water downspouts, the existing and proposed water services, sanitary laterals, storm laterals, and curb cuts/fills.
- Pay for City crews to locate, inspect, and document the location of the sanitary & storm laterals and water services currently being used for the existing dwelling and the other set of services that were previously installed.
- If the location of any of the services being used by the existing dwelling conflict with future lot lines or for whatever reason are in an unsuitable location, the owner shall pay all costs for relocating the service(s) or installing new services to avoid such conflicts.
- Pay to the city the estimated fee to construct a future 1.5 m wide concrete sidewalk across the frontage of the subject lands.



Prepared by:

James R. Denham P.Eng.
Development Engineering Technologist

cc. Margaret Josipovic, John Lane, Brad Johnston, Elaine Munro, Natasha MacDonald, Wil Banda PBS (email only)



Memorandum

To: Elaine Munro, ACST, Committee Secretary & Planning Technician
From: James Denham, P.Eng. Development Engineering Technologist
CC: City Committee of Adjustment Planning Staff
Date: April 12th, 2022
Hearing Date: April 28th, 2022
Subject: **Committee of Adjustment - Minor Variance Applications**
361 Grantham Avenue - A - 107-21/SC
620 Bunting Road - A - 40 - 22/SC
51 Glenridge Avenue - A - 41 - 22/SC
38 Neptune Drive - A - 42 & 43 - 22/SC
19 Centre Street - A - 45 - 22/SC
1071 Lakeshore Road - A - 46 - 22/SC
26 Thompson Road - A - 47 - 22/SC
129 Oakdale Avenue - A - 48 & 49 - 22/SC
229 to 233/ Pelham Road - A - 50 to 53 - 22/SC

Development Engineering have have the following comments,

- The Applicant for 1071 Lakeshore Road is to be advised that if the proposed shed is going to be located closer to the property line than the standard setback a Grading Plan prepared by a Professional Engineer or an Ontario Land Surveyor will be required at the Building Permit stage. If at the Building Permit stage the Applicant revises the location of the shed to meet the required 1.20m setback, and the size of the shed is the same as what is being proposed on the sketch provided, a Grading Plan will likely not be required.
- All Applicants for Minor Variances where a grading plan is not required at this time are to be advised that a Grading Plan prepared by a qualified Professional Engineer or Ontario Land Surveyor will be required at the building permit stage if the building/structure is increasing the overall building/hard surface footprint or where sideyard pedestrian access and/or entrances are being proposed.
- All applicants are to be advised that although minimum zoning setbacks may be reduced through Minor Variances, sideyard widths greater than the zoning minimum may be required to accommodate and maintain both access and storm water conveyance.

Prepared by:

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

To: Elaine Munro, Committee Secretary and Planning Technician

Cc:

From: Steve Bittner, Transportation Technologist

Date: April 11, 2022

Subject: Committee of Adjustment Comments (April 28, 2022, Hearing)

A-045/22 – 19 Centre Street

No concerns with the proposed variances. The apron to access the parking is wider than what is required to access the parking. As such, the curb and boulevard should be reinstated for any portion of the apron that doesn't access the parking spaces.

A-052/22 – 233 Pelham Road

No concerns with the reduction in parking. However, the space that is currently shown as parking is insufficient to legally park a vehicle. As such, the curb cut should be reinstated.

We have no concerns or requirements with the remaining applications.

Steve Bittner
Transportation Technologist

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

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

COMMENTS

B-27/22SC & B-28/22SC

374 Linwell Avenue

DATE OF HEARING:

April 28, 2022

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Alectra RE: 374A & B Linwell Road, St. Catharines
Date: Tuesday, April 12, 2022 9:22:27 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: Tuesday, April 12, 2022 8:49 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: RE: 374A & B Linwell 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 morning 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: Bell - No concerns / comments - 905-22-183 - 374A and 374B Linwell Road
Date: Sunday, April 17, 2022 1:26:32 PM

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



From: Gordon, Carrie <carrie.gordon@bell.ca>
Sent: Friday, April 8, 2022 9:56 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: RE: Request for Comments - Committee of Adjustment Applications for Hearing to be held on April 28, 2022 - 905-22-183 - 374A and 374B Linwell 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.

Hello Elaine

Re: B-27/22SC-B-28/22SC

Subsequent to review of the abovementioned application at 374A and 374B Linwell Road, Bell Canada's engineering department have determined that there are no concerns or comments at this time.

Kind regards,

Carrie Gordon



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

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Cogeco - No concerns with any applications - Committee of Adjustment Applications for Hearing to be held on April 28, 2022
Date: Sunday, April 17, 2022 1:28:46 PM

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



From: Doug Crown <doug.crown@cogeco.com>
Sent: Friday, April 8, 2022 9:52 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Correct link for 620 Bunting Road RE: Request for Comments - Committee of Adjustment Applications for Hearing to be held on April 28, 2022

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 consens with these applications.

Have a great weekend

Cheers

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: April 20, 2022

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – April 28th, 2022 hearing

B-12/22SC – 10 Adelene Crescent

Comment:

- No comment

Condition:

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

B-23/22SC – 51 Glenridge Avenue

Comment:

- 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:

- No comment

B-24/22SC – 73 Downing Street

Comment:

- 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:

- No Comment

B-25/22SC – 71 Downing Street

Comment:

- 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 dwelling and to complete all inspections to the satisfaction of the Chief Building Official.

B-26/22SC – 38 Neptune Drive

Comment:

- No comment

Condition:

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

B-27/22SC – 374A Linwell Road

Comment:

- No comment

Condition:

- No comment

B-28/22SC – 374B Linwell Road

Comment:

- No comment

Condition:

- No comment

B-29/22SC – 294 Vine Street

Comment:

- No comment

Condition:

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

B-30/22SC – 129 Oakdale Avenue

Comment:

- 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:

- No comment

B-31/22SC – 233/ Pelham Road

Comment:

- No comment

Condition:

- No comment

B-32/22SC – 233/ Pelham Road

Comment:

- No comment

Condition:

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

B-33/22SC – 233/ Pelham Road

Comment:

- No comment

Condition:

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



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

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

Cc:

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

Date: April 22, 2022

Subject: Committee of Adjustment Applications – April 28, 2022 Hearing

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

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

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

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

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

361 Grantham Avenue, Minor Variance, A-107/21 – 21118329

Comments on this application will follow separately.

620 Bunting Road, Minor Variance, A-40/22 – 22101914

CRCS have no objection to the applicant's request for a reduction of the interior side yard setback to facilitate construction of an attached garage. However, the requested increase in driveway width is of concern. If approved, the minor variance would facilitate installation of a vehicular turnaround/parking area in the front yard. Not only will this significantly reduce the amount of landscaped open space that can be accommodated in the front yard, but it is also likely that the existing mature boulevard tree directly adjacent to the proposed turnaround will be negatively impacted. We note that the tree's canopy is actually larger than what is depicted on the plans submitted. It is the opinion of CRCS staff that an increase in driveway width will result in negative impacts and we object to the requested variance accordingly.

51 Glenridge Avenue, Consent, B-23/22SC – 22102205

73 Downing Street, Consent, B-24/22SC – 22102206

71 Downing Street, Consent, B-25/22SC – 22102207

51 Glenridge Avenue, Minor Variance, A-41/22 – 22102208

At this time, CRCS is unable to submit comments on these applications due to a known conflict of interest.

38 Neptune Drive, Consent, B-26/22SC – 22102224

38 Neptune Drive, Minor Variance, A-42/22 – 22102226

38A Neptune Drive, Minor Variance, A-43/22 – 22102228

In support of these applications, the applicant has submitted a Tree Preservation Report, prepared by Arborwood Tree Service Inc., dated March 16, 2022. The Report confirms the locations and health of two mature City boulevard trees, 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 13 trees inventoried, based on the consent and site plan sketches submitted with the applications.

The Report indicates that the proposed driveway for the new dwelling will encroach into the minimum tree protection zone for the southerly boulevard tree (identified in the report as tree no. 1) and recommends that, in addition to installing hoarding, root exploration and pruning be undertaken using air spade or hydro vac methods. CRCS Forestry staff are satisfied with the report and its recommendations, however, we note that root exploration and pruning must be completed under the supervision of a certified arborist and must be completed prior to any construction activities or relating staging.

CRCS offers no objection to the requested minor variance for an increase in maximum lot area for the retained lot. With respect to the requested variance for a reduction in lot frontage for the new lot, CRCS staff recommends that the driveway width and location be limited to what is depicted in the plans submitted with these applications. If limitations are not imposed, then the size of the driveway could be enlarged in the future, reducing the amount of landscaped open space in the front yard, and also impacting the mature boulevard tree discussed above.

Should the applications be approved, CRCS recommends the following be included as a condition of consent:

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 Preservation Report, prepared by Arborwood Tree Service Inc., dated

March 16, 2022, particularly as they relate to two City boulevard trees, identified as tree nos. 1 and 2.

- b. That the approved plans forming part of the development agreement clearly illustrate tree protection zones and notes.
- c. That the consulting arborist attend the site during root excavation and pruning to oversee the works.
- d. That upon completion of root exploration and pruning, the consulting arborist provide confirmation to the City that the mitigation measures outlined in the Tree Preservation Report have been properly carried out.
- e. That no construction activities or construction staging occur until such time as root pruning and hoarding installation is complete.
- f. That the width of the driveway for the new lot not exceed 5.0 metres and that its location be consistent with what is shown on the plans submitted with the application for consent.

374A Linwell Road, Consent, B-27/22SC – 22102265

374B Linwell Road, Consent, B-28/22SC – 22102266

CRCS offers no objection to the proposed consents to create easements for storm drainage.

19 Centre Street, Minor Variance, A-45/22 – 22102231

CRCS has no objection to the requested minor variances; the building and parking areas exist and no expansions are proposed. In fact, the sketch submitted indicates the front yard parking, which currently occupies the entire front yard, will be reduced by approximately half to accommodate landscaped open space. CRCS is strongly supportive of this change.

1071 Lakeshore Road West, Minor Variance, A-46/22 – 22102238

CRCS offers no objection to the requested minor variance, which seeks a reduced interior side yard setback for an accessory structure (utility shed).

26 Thompson Road, Minor Variance, A-47/22 – 22102240

CRCS offers no objection to the requested minor variance, which seeks an increase in height for an accessory structure (pool house). We presume that the maximum lot coverage for all accessory structures prescribed by the Zoning By-law will not be exceeded.

294 Vine Street, Consent, B-29/22SC – 22102247

CRCS offers no objection to the proposal to create a new parcel for a future private road development. We note that an application for site plan approval has been submitted for the future development and, upon our preliminary review of the submission materials, it appears that the proposal is deficient in terms of the City's zoning and site plan standards for landscaping, open space, amenity areas, etc. The Committee and the applicant should not misconstrue this department's support of the consent to sever as

an endorsement of the site and landscaping designs submitted through the application for site plan approval.

Should this application be approved, CRCS recommends the following be included as a condition of consent:

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.)

129 Oakdale Avenue, Consent, B-30/22SC

129 Oakdale Avenue, Minor Variance, A-48/22

131 Oakdale Avenue, Minor Variance, A-49/22

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

We note that there is a mature tree located on the adjacent lands to the north, very close to the common lot line. A large portion of the tree's canopy overhangs the subject lands in the area of the proposed development and the tree will therefore need to be pruned to facilitate construction. Given this is a private civil matter, our comments pertaining to the tree are provided for information only.

Should the application for consent be approved, CRCS recommends the following conditions be included in the Committee's decision:

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.

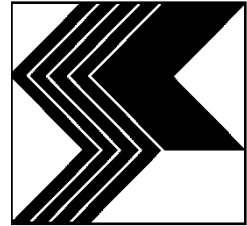
233/ Pelham Road, Consent, B-31/22SC – 22102341
233/ Pelham Road, Consent, B-32/22SC – 22102342
233/ Pelham Road, Consent, B-33/22SC – 22102343
229 Pelham Road, Minor Variance, A-50//22 – 22102344
231 Pelham Road, Minor Variance, A-51/22 – 22102345
233 Pelham Road, Minor Variance, A-52/22 – 22102346

CRCS offers no objection to these applications, which will re-create four lots, each of which contains an existing dwelling (two detached and two semi-detached). Should the applications be approved, CRCS recommends the following be included as a condition of consent:

1. That the applicant submit a payment for the placement of a 60mm boulevard tree for each of the three new lots, in accordance with the City's current Schedule of Rates and Fees.

Amanda Knutson
Community Project & Development Planner

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-27-28/22SC



April 13, 2022

ENGINEERING FILE 300-36

Hearing Date: April 28, 2022

Applicant: Taydrien Developments Inc.

Location: 374 Linwell Road

MUNICIPAL SERVICES

Water:	200mm P.V.C.
Sanitary:	450mm Concrete (5.0m± Depth)
Storm:	975mm Concrete
Sidewalks:	Yes
Road Allowance:	15.24m± Varied width along the frontage

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

Comment(s): It is noted the Owner wishes to establish an easement (Part 5) over the to accommodate storm sewer and storm drainage rights to benefit the easterly proposed parcels (Parts 3, 4, 7, 8 & 9). The remnant parcel (Parts 2, 5 & 6) will be retained for future construction of a detached dwelling. Part 1 remains to be dedicated to the City as Public Highway Linwell Road.

Roads

Linwell Road is designated an Arterial road as per the City's Official Plan with a desired right-of-way width of 26.0m (86.0'). Its current width is 18.28m (60'), 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 26.0m right-of-way width of approximately 3.86m (12.7'), dedicated free and clear of any encumbrances as Public Highway Linwell 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 dedication by Municipal By-law.

Sidewalks

Sidewalks exist along Linwell Road currently. Sidewalk damage deposits for the existing sidewalk 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 development lots. 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 along Linwell Road, weeping tile discharges via sump pump shall be required to discharge to provisioned storm sewer laterals at the costs of the owner and provided through the building permit process for each single-detached dwelling and shall be identified on the proposed Master Lot Grading plan through the front foundation wall only, in accordance with the Property Standards By-law (2014-248).

The house designs shall ensure rainwater leaders (downspouts) are directed/discharged to the front/rear of the lots. 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 sanitary 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, and the City shall **not** authorize the installation of lot services until confirmation is received that the lots **and easements** have 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 and easements, 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 Linwell Road; 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. The plan shall be submitted for review and approval by City staff;

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: April 11, 2022

Subject: Committee of Adjustment Comments (April 28, 2022, Hearing)

A-045/22 – 19 Centre Street

No concerns with the proposed variances. The apron to access the parking is wider than what is required to access the parking. As such, the curb and boulevard should be reinstated for any portion of the apron that doesn't access the parking spaces.

A-052/22 – 233 Pelham Road

No concerns with the reduction in parking. However, the space that is currently shown as parking is insufficient to legally park a vehicle. As such, the curb cut should be reinstated.

We have no concerns or requirements with the remaining applications.

Steve Bittner
Transportation Technologist



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: April 8, 2022

Date of Meeting: April 28, 2022

Report Number: B-27/22SC
B-28/22SC

File: 22102265
22102266

Subject: 374A and 374B Linwell Road

Recommendation

That submission **B-27/22SC** by Taydrien Developments Inc., as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. That the Owner provide the City a draft reference plan of the proposed easements and draft easement agreements for review and approval, prior to registration.
2. That the Owner provide the Secretary-Treasurer with a solicitor's undertaking that consent applications B-35/21SC and B-36/21SC will be registered with the Land Registry Office before this easement is registered.
3. That the Owner provide the Secretary-Treasurer with a solicitor's undertaking that the easement will be registered with the Land Registry Office after the final certificate is issued.
4. 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.
5. 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.
6. That all conditions of consent be fulfilled by April 28, 2024.

That submission **B-28/22SC** by Taydrien Developments Inc., as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. That the Owner provide the City a draft reference plan of the proposed easements and draft easement agreements for review and approval, prior to registration.
2. That the Owner provide the Secretary-Treasurer with a solicitor's undertaking that consent applications B-35/21SC and B-36/21SC will be registered with the Land Registry Office before this easement is registered.
3. That the Owner provide the Secretary-Treasurer with a solicitor's undertaking that the easement will be registered with the Land Registry Office after the final certificate is issued.

4. 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.
5. 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.
6. That all conditions of consent be fulfilled by April 28, 2024.

Report

Background

The lands at 374 Linwell Road were previously the subject of Committee of Adjustment applications B-35/21SC, B-36/21SC, A-104/21, A-105/21 and A-106/21. These applications, approved in November 2021, proposed creating two new building lots for the construction of three new detached dwellings – one on each of the new lots and the retained lot.

The Proposal

As a condition of the approval of the above-mentioned consent applications, the applicant is required to have a grading plan approved for the three lots. For approval of the proposed grading plan, the applicant requires the establishment of two easements to facilitate drainage of storm water from the three lots. The easements and beneficiaries are identified in the table below.

Application	Easement Part	Easement Area	Easement Beneficiary
B-27/22SC (374A Linwell Road)	Part 5	50.57 m ²	Parts 3, 4, 7, 8, and 9
B-28/22SC (374B Linwell Road)	Part 9	12.20 m ²	Parts 4 and 8

Location and Site Description

The subject property is located on the south side of Linwell Road, east of Vine Street and west of Niagara Street. The immediate surrounding area is comprised of mainly detached dwellings with a commercial use at 384 Linwell Road.

The property is currently vacant.

Circulation of Application

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

Planning Policy Context

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential on Schedule E3. 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

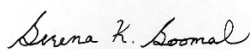
Consent to Easement

Application **B-27/22SC** proposes an easement over Part 5 to the benefit of Parts 3, 4, 7, 8, and 9. This easement is requested for service drainage. Application **B-28/22SC** proposes an easement over Part 9 to the benefit of Parts 4 and 8. This easement is sought for storm sewer drainage. The Official Plan does not present policies to evaluate applications for consent to easements against. However, the proposed easements achieve some policy goals outlined in Section 7.1c) the Official Plan which states that development and redevelopment shall be evaluated having regard for minimizing adverse impacts on adjacent properties through grading, drainage, location and design of service utilities and areas. The easements will facilitate development that is consistent with the lot creation policies in the GCP and in keeping with the zoning by-law. The easements will not impact the developability of the proposed lots, and the three detached dwellings proposed to be built on the subject lands can be accommodated on the lots after the easements are established. Staff find that the easements are appropriate and recommend approving the proposed easements in consent applications **B-27/22SC** and **B-28/22SC** be approved, subject to conditions outlined in the recommendation.

Conclusion

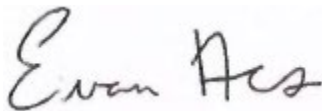
Having regard for the matters under Section 53 of *The Planning Act*, staff are of the opinion that Consent Application **B-27/22** and **B-28/22** meet the intent and purpose of the Official Plan and of the Zoning By-law and will have no adverse impacts on the surrounding area and environment. It is staff's recommendation that the requested consent to sever be approved.

Prepared by:



Serena Soomal
Student Planner

Submitted by:



Evan Acs, MA, MSC, RPP
Planner I

Approved by:



Margaret Josipovic
Manager of 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-45/22

19 Centre Street

DATE OF HEARING:

April 28, 2022

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Alectra RE: 19 Centre Street, St. Catharines
Date: Tuesday, April 12, 2022 9:21:33 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: Tuesday, April 12, 2022 8:50 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: RE: 19 Centre 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 morning 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 - No concerns with any applications - Committee of Adjustment Applications for Hearing to be held on April 28, 2022
Date: Sunday, April 17, 2022 1:28:46 PM

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



From: Doug Crown <doug.crown@cogeco.com>
Sent: Friday, April 8, 2022 9:52 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Correct link for 620 Bunting Road RE: Request for Comments - Committee of Adjustment Applications for Hearing to be held on April 28, 2022

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 consens with these applications.

Have a great weekend

Cheers

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: April 20, 2022

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – April 28th, 2022 hearing

NO.	ADDRESS	COMMENTS
A-22/22	8 Adelene Crescent	No Comment
A-23/22	10 Adelene Crescent	No Comment
A-107/21	361 Grantham Avenue	Be advised that the current demolition permit (21101338AM) shall be completed prior to construction. Be advised that a building permit is required to construct the townhouse block.
A-40/22	620 Bunting Road	Be advised that a building permit is required to construct the garage addition to the single detached dwelling. Be advised that a demolition permit may be required to remove the existing deck.
A-41/22	51 Glenridge Avenue	No Comment
A-42/22	38 Neptune Drive	No Comment

NO.	ADDRESS	COMMENTS
A-43/22	38A Neptune Drive	Be advised that a building permit is required to construct the single detached dwelling.
A-45/22	19 Centre Street	Be advised that a building permit is to convert the existing 2 storey building to a triplex.
A-46/22	1071 Lakeshore Road	Be advised that the current building permit (19113075BS) shall be completed prior to the shed construction.
A-47/22	26 Thompson Road	Be advised that a building permit is required to construct the pool house structure.
A-48/22	129 Oakdale Avenue	No Comment
A-49/22	131 Oakdale Avenue	Be advised that a building permit is required to construct a single detached dwelling.
A-50/22	229 Pelham Road	No Comment
A-51/22	231 Pelham Road	No Comment
A-52/22	233 Pelham Road	No Comment


 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 22, 2022

Subject: Committee of Adjustment Applications – April 28, 2022 Hearing

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

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

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

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

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

361 Grantham Avenue, Minor Variance, A-107/21 – 21118329

Comments on this application will follow separately.

620 Bunting Road, Minor Variance, A-40/22 – 22101914

CRCS have no objection to the applicant's request for a reduction of the interior side yard setback to facilitate construction of an attached garage. However, the requested increase in driveway width is of concern. If approved, the minor variance would facilitate installation of a vehicular turnaround/parking area in the front yard. Not only will this significantly reduce the amount of landscaped open space that can be accommodated in the front yard, but it is also likely that the existing mature boulevard tree directly adjacent to the proposed turnaround will be negatively impacted. We note that the tree's canopy is actually larger than what is depicted on the plans submitted. It is the opinion of CRCS staff that an increase in driveway width will result in negative impacts and we object to the requested variance accordingly.

51 Glenridge Avenue, Consent, B-23/22SC – 22102205

73 Downing Street, Consent, B-24/22SC – 22102206

71 Downing Street, Consent, B-25/22SC – 22102207

51 Glenridge Avenue, Minor Variance, A-41/22 – 22102208

At this time, CRCS is unable to submit comments on these applications due to a known conflict of interest.

38 Neptune Drive, Consent, B-26/22SC – 22102224

38 Neptune Drive, Minor Variance, A-42/22 – 22102226

38A Neptune Drive, Minor Variance, A-43/22 – 22102228

In support of these applications, the applicant has submitted a Tree Preservation Report, prepared by Arborwood Tree Service Inc., dated March 16, 2022. The Report confirms the locations and health of two mature City boulevard trees, 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 13 trees inventoried, based on the consent and site plan sketches submitted with the applications.

The Report indicates that the proposed driveway for the new dwelling will encroach into the minimum tree protection zone for the southerly boulevard tree (identified in the report as tree no. 1) and recommends that, in addition to installing hoarding, root exploration and pruning be undertaken using air spade or hydro vac methods. CRCS Forestry staff are satisfied with the report and its recommendations, however, we note that root exploration and pruning must be completed under the supervision of a certified arborist and must be completed prior to any construction activities or relating staging.

CRCS offers no objection to the requested minor variance for an increase in maximum lot area for the retained lot. With respect to the requested variance for a reduction in lot frontage for the new lot, CRCS staff recommends that the driveway width and location be limited to what is depicted in the plans submitted with these applications. If limitations are not imposed, then the size of the driveway could be enlarged in the future, reducing the amount of landscaped open space in the front yard, and also impacting the mature boulevard tree discussed above.

Should the applications be approved, CRCS recommends the following be included as a condition of consent:

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 Preservation Report, prepared by Arborwood Tree Service Inc., dated

March 16, 2022, particularly as they relate to two City boulevard trees, identified as tree nos. 1 and 2.

- b. That the approved plans forming part of the development agreement clearly illustrate tree protection zones and notes.
- c. That the consulting arborist attend the site during root excavation and pruning to oversee the works.
- d. That upon completion of root exploration and pruning, the consulting arborist provide confirmation to the City that the mitigation measures outlined in the Tree Preservation Report have been properly carried out.
- e. That no construction activities or construction staging occur until such time as root pruning and hoarding installation is complete.
- f. That the width of the driveway for the new lot not exceed 5.0 metres and that its location be consistent with what is shown on the plans submitted with the application for consent.

374A Linwell Road, Consent, B-27/22SC – 22102265

374B Linwell Road, Consent, B-28/22SC – 22102266

CRCS offers no objection to the proposed consents to create easements for storm drainage.

19 Centre Street, Minor Variance, A-45/22 – 22102231

CRCS has no objection to the requested minor variances; the building and parking areas exist and no expansions are proposed. In fact, the sketch submitted indicates the front yard parking, which currently occupies the entire front yard, will be reduced by approximately half to accommodate landscaped open space. CRCS is strongly supportive of this change.

1071 Lakeshore Road West, Minor Variance, A-46/22 – 22102238

CRCS offers no objection to the requested minor variance, which seeks a reduced interior side yard setback for an accessory structure (utility shed).

26 Thompson Road, Minor Variance, A-47/22 – 22102240

CRCS offers no objection to the requested minor variance, which seeks an increase in height for an accessory structure (pool house). We presume that the maximum lot coverage for all accessory structures prescribed by the Zoning By-law will not be exceeded.

294 Vine Street, Consent, B-29/22SC – 22102247

CRCS offers no objection to the proposal to create a new parcel for a future private road development. We note that an application for site plan approval has been submitted for the future development and, upon our preliminary review of the submission materials, it appears that the proposal is deficient in terms of the City's zoning and site plan standards for landscaping, open space, amenity areas, etc. The Committee and the applicant should not misconstrue this department's support of the consent to sever as

an endorsement of the site and landscaping designs submitted through the application for site plan approval.

Should this application be approved, CRCS recommends the following be included as a condition of consent:

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.)

129 Oakdale Avenue, Consent, B-30/22SC

129 Oakdale Avenue, Minor Variance, A-48/22

131 Oakdale Avenue, Minor Variance, A-49/22

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

We note that there is a mature tree located on the adjacent lands to the north, very close to the common lot line. A large portion of the tree's canopy overhangs the subject lands in the area of the proposed development and the tree will therefore need to be pruned to facilitate construction. Given this is a private civil matter, our comments pertaining to the tree are provided for information only.

Should the application for consent be approved, CRCS recommends the following conditions be included in the Committee's decision:

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.

233/ Pelham Road, Consent, B-31/22SC – 22102341
233/ Pelham Road, Consent, B-32/22SC – 22102342
233/ Pelham Road, Consent, B-33/22SC – 22102343
229 Pelham Road, Minor Variance, A-50//22 – 22102344
231 Pelham Road, Minor Variance, A-51/22 – 22102345
233 Pelham Road, Minor Variance, A-52/22 – 22102346

CRCS offers no objection to these applications, which will re-create four lots, each of which contains an existing dwelling (two detached and two semi-detached). Should the applications be approved, CRCS recommends the following be included as a condition of consent:

1. That the applicant submit a payment for the placement of a 60mm boulevard tree for each of the three new lots, in accordance with the City's current Schedule of Rates and Fees.

Amanda Knutson
Community Project & Development Planner



Memorandum

To: Elaine Munro, ACST, Committee Secretary & Planning Technician
From: James Denham, P.Eng. Development Engineering Technologist
CC: City Committee of Adjustment Planning Staff
Date: April 12th, 2022
Hearing Date: April 28th, 2022
Subject: **Committee of Adjustment - Minor Variance Applications**
361 Grantham Avenue - A - 107-21/SC
620 Bunting Road - A - 40 - 22/SC
51 Glenridge Avenue - A - 41 - 22/SC
38 Neptune Drive - A - 42 & 43 - 22/SC
19 Centre Street - A - 45 - 22/SC
1071 Lakeshore Road - A - 46 - 22/SC
26 Thompson Road - A - 47 - 22/SC
129 Oakdale Avenue - A - 48 & 49 - 22/SC
229 to 233/ Pelham Road - A - 50 to 53 - 22/SC

Development Engineering have have the following comments,

- The Applicant for 1071 Lakeshore Road is to be advised that if the proposed shed is going to be located closer to the property line than the standard setback a Grading Plan prepared by a Professional Engineer or an Ontario Land Surveyor will be required at the Building Permit stage. If at the Building Permit stage the Applicant revises the location of the shed to meet the required 1.20m setback, and the size of the shed is the same as what is being proposed on the sketch provided, a Grading Plan will likely not be required.
- All Applicants for Minor Variances where a grading plan is not required at this time are to be advised that a Grading Plan prepared by a qualified Professional Engineer or Ontario Land Surveyor will be required at the building permit stage if the building/structure is increasing the overall building/hard surface footprint or where sideyard pedestrian access and/or entrances are being proposed.
- All applicants are to be advised that although minimum zoning setbacks may be reduced through Minor Variances, sideyard widths greater than the zoning minimum may be required to accommodate and maintain both access and storm water conveyance.

Prepared by:

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

To: Elaine Munro, Committee Secretary and Planning Technician

Cc:

From: Steve Bittner, Transportation Technologist

Date: April 11, 2022

Subject: Committee of Adjustment Comments (April 28, 2022, Hearing)

A-045/22 – 19 Centre Street

No concerns with the proposed variances. The apron to access the parking is wider than what is required to access the parking. As such, the curb and boulevard should be reinstated for any portion of the apron that doesn't access the parking spaces.

A-052/22 – 233 Pelham Road

No concerns with the reduction in parking. However, the space that is currently shown as parking is insufficient to legally park a vehicle. As such, the curb cut should be reinstated.

We have no concerns or requirements with the remaining applications.

Steve Bittner
Transportation Technologist

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

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

COMMENTS

A-4622

1071 Lakeshore Road West

DATE OF HEARING:

April 28, 2022



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: April 22, 2022

Date of Meeting: April 28, 2022

Report Number: A-46/22

File: 22102238

Subject: 1071 Lakeshore Road West

Recommendation

That submission **A-46/22** by Eric Stark and Margaret Stark, as outlined in the Notice of Hearing, be approved.

Report The Proposal

Application **A-46/22** seeks relief from the City of St. Catharines By-law 2013-283, as amended, to construct a shed. The applicant proposed to reduce the minimum permitted interior side yard setback as outlined in the table below.

Variance	Provision	Required	Proposed
1	A reduction of the minimum interior yard setback to the accessory structure	2.0 metres*	1.2 metres

* Staff note that the Notice of Hearing that was issued identifies the required side yard setback as being 3 metres. The Zoning By-law actually requires a 2-metre interior side yard setback for sheds. The rest of this report will refer to the requirement as 2 metres.

Location and Site Description

The subject property is located in the Agriculture District on the south side of Lakeshore Road West, east of Fifth Street. The subject property is currently occupied by a detached dwelling. The property is surrounded by agricultural uses and residential dwellings.

Circulation of Application

This application was circulated to all appropriate departments and agencies; no objections were received. It is advised that although minimum zoning setbacks may be reduced through Minor Variances, side yard widths greater than the zoning minimum

may be required to accommodate and maintain both access and storm water conveyance.

Planning Policy Context

Official Plan (Garden City Plan)

The subject property is designated Agriculture on Schedule D1 of the Garden City Plan (GCP) and further designated Agriculture on Schedule E11. Detached dwellings with are permitted in this designation.

Zoning By-law (2013-283)

The subject property is zoned Agriculture (A1). Detached dwellings are permitted in this zone, along with accessory structures including sheds.

Planning Analysis

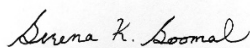
Application A-46/22 seeks to reduce the minimum interior side yard setback to an accessory structure from 2.0 metres to 1.2 metres, resulting in a decrease of 0.8 metres. The variance is requested to facilitate the construction of a shed as an accessory structure to the detached dwelling. The proposed shed is located at the rear of the property along the east side lot line, and it meets all other zoning requirements including height and maximum lot coverage.

The intent of the minimum interior side yard setback to an accessory structure is, in part, to ensure sufficient separation distance from abutting properties as to not overwhelm the surrounding lots, ensure adequate drainage and access for maintenance purposes. Overall, the accessory structure has appropriate scale and massing for the property. 1.2 metres in this location is sufficient to provide access around the shed, and to not overwhelm adjacent properties. The 0.8 metre reduction is unlikely to have any adverse impacts on surrounding properties. It is 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 Minor Variance Application **A-46/22** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is desirable for the appropriate use of the lands. Staff recommend approval of the Application.

Prepared by:



Serena Soomal
Student Planner

Submitted by:

Charlotte McEwan
Planner I

Approved by:



Margaret Josipovic
Manager of Planning Services

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Alectra RE: 1071 Lakeshore Road West, St. Catharines
Date: Tuesday, April 12, 2022 9:26:51 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: Tuesday, April 12, 2022 8:51 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: RE: 1071 Lakeshore Road West, 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 morning 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 - No concerns with any applications - Committee of Adjustment Applications for Hearing to be held on April 28, 2022
Date: Sunday, April 17, 2022 1:28:46 PM

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



From: Doug Crown <doug.crown@cogeco.com>
Sent: Friday, April 8, 2022 9:52 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Correct link for 620 Bunting Road RE: Request for Comments - Committee of Adjustment Applications for Hearing to be held on April 28, 2022

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 consens with these applications.

Have a great weekend

Cheers

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: April 20, 2022

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – April 28th, 2022 hearing

NO.	ADDRESS	COMMENTS
A-22/22	8 Adelene Crescent	No Comment
A-23/22	10 Adelene Crescent	No Comment
A-107/21	361 Grantham Avenue	Be advised that the current demolition permit (21101338AM) shall be completed prior to construction. Be advised that a building permit is required to construct the townhouse block.
A-40/22	620 Bunting Road	Be advised that a building permit is required to construct the garage addition to the single detached dwelling. Be advised that a demolition permit may be required to remove the existing deck.
A-41/22	51 Glenridge Avenue	No Comment
A-42/22	38 Neptune Drive	No Comment

NO.	ADDRESS	COMMENTS
A-43/22	38A Neptune Drive	Be advised that a building permit is required to construct the single detached dwelling.
A-45/22	19 Centre Street	Be advised that a building permit is to convert the existing 2 storey building to a triplex.
A-46/22	1071 Lakeshore Road	Be advised that the current building permit (19113075BS) shall be completed prior to the shed construction.
A-47/22	26 Thompson Road	Be advised that a building permit is required to construct the pool house structure.
A-48/22	129 Oakdale Avenue	No Comment
A-49/22	131 Oakdale Avenue	Be advised that a building permit is required to construct a single detached dwelling.
A-50/22	229 Pelham Road	No Comment
A-51/22	231 Pelham Road	No Comment
A-52/22	233 Pelham Road	No Comment



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 22, 2022

Subject: Committee of Adjustment Applications – April 28, 2022 Hearing

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

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

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

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

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

361 Grantham Avenue, Minor Variance, A-107/21 – 21118329

Comments on this application will follow separately.

620 Bunting Road, Minor Variance, A-40/22 – 22101914

CRCS have no objection to the applicant's request for a reduction of the interior side yard setback to facilitate construction of an attached garage. However, the requested increase in driveway width is of concern. If approved, the minor variance would facilitate installation of a vehicular turnaround/parking area in the front yard. Not only will this significantly reduce the amount of landscaped open space that can be accommodated in the front yard, but it is also likely that the existing mature boulevard tree directly adjacent to the proposed turnaround will be negatively impacted. We note that the tree's canopy is actually larger than what is depicted on the plans submitted. It is the opinion of CRCS staff that an increase in driveway width will result in negative impacts and we object to the requested variance accordingly.

51 Glenridge Avenue, Consent, B-23/22SC – 22102205

73 Downing Street, Consent, B-24/22SC – 22102206

71 Downing Street, Consent, B-25/22SC – 22102207

51 Glenridge Avenue, Minor Variance, A-41/22 – 22102208

At this time, CRCS is unable to submit comments on these applications due to a known conflict of interest.

38 Neptune Drive, Consent, B-26/22SC – 22102224

38 Neptune Drive, Minor Variance, A-42/22 – 22102226

38A Neptune Drive, Minor Variance, A-43/22 – 22102228

In support of these applications, the applicant has submitted a Tree Preservation Report, prepared by Arborwood Tree Service Inc., dated March 16, 2022. The Report confirms the locations and health of two mature City boulevard trees, 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 13 trees inventoried, based on the consent and site plan sketches submitted with the applications.

The Report indicates that the proposed driveway for the new dwelling will encroach into the minimum tree protection zone for the southerly boulevard tree (identified in the report as tree no. 1) and recommends that, in addition to installing hoarding, root exploration and pruning be undertaken using air spade or hydro vac methods. CRCS Forestry staff are satisfied with the report and its recommendations, however, we note that root exploration and pruning must be completed under the supervision of a certified arborist and must be completed prior to any construction activities or relating staging.

CRCS offers no objection to the requested minor variance for an increase in maximum lot area for the retained lot. With respect to the requested variance for a reduction in lot frontage for the new lot, CRCS staff recommends that the driveway width and location be limited to what is depicted in the plans submitted with these applications. If limitations are not imposed, then the size of the driveway could be enlarged in the future, reducing the amount of landscaped open space in the front yard, and also impacting the mature boulevard tree discussed above.

Should the applications be approved, CRCS recommends the following be included as a condition of consent:

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 Preservation Report, prepared by Arborwood Tree Service Inc., dated

March 16, 2022, particularly as they relate to two City boulevard trees, identified as tree nos. 1 and 2.

- b. That the approved plans forming part of the development agreement clearly illustrate tree protection zones and notes.
- c. That the consulting arborist attend the site during root excavation and pruning to oversee the works.
- d. That upon completion of root exploration and pruning, the consulting arborist provide confirmation to the City that the mitigation measures outlined in the Tree Preservation Report have been properly carried out.
- e. That no construction activities or construction staging occur until such time as root pruning and hoarding installation is complete.
- f. That the width of the driveway for the new lot not exceed 5.0 metres and that its location be consistent with what is shown on the plans submitted with the application for consent.

374A Linwell Road, Consent, B-27/22SC – 22102265

374B Linwell Road, Consent, B-28/22SC – 22102266

CRCS offers no objection to the proposed consents to create easements for storm drainage.

19 Centre Street, Minor Variance, A-45/22 – 22102231

CRCS has no objection to the requested minor variances; the building and parking areas exist and no expansions are proposed. In fact, the sketch submitted indicates the front yard parking, which currently occupies the entire front yard, will be reduced by approximately half to accommodate landscaped open space. CRCS is strongly supportive of this change.

1071 Lakeshore Road West, Minor Variance, A-46/22 – 22102238

CRCS offers no objection to the requested minor variance, which seeks a reduced interior side yard setback for an accessory structure (utility shed).

26 Thompson Road, Minor Variance, A-47/22 – 22102240

CRCS offers no objection to the requested minor variance, which seeks an increase in height for an accessory structure (pool house). We presume that the maximum lot coverage for all accessory structures prescribed by the Zoning By-law will not be exceeded.

294 Vine Street, Consent, B-29/22SC – 22102247

CRCS offers no objection to the proposal to create a new parcel for a future private road development. We note that an application for site plan approval has been submitted for the future development and, upon our preliminary review of the submission materials, it appears that the proposal is deficient in terms of the City's zoning and site plan standards for landscaping, open space, amenity areas, etc. The Committee and the applicant should not misconstrue this department's support of the consent to sever as

an endorsement of the site and landscaping designs submitted through the application for site plan approval.

Should this application be approved, CRCS recommends the following be included as a condition of consent:

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.)

129 Oakdale Avenue, Consent, B-30/22SC

129 Oakdale Avenue, Minor Variance, A-48/22

131 Oakdale Avenue, Minor Variance, A-49/22

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

We note that there is a mature tree located on the adjacent lands to the north, very close to the common lot line. A large portion of the tree's canopy overhangs the subject lands in the area of the proposed development and the tree will therefore need to be pruned to facilitate construction. Given this is a private civil matter, our comments pertaining to the tree are provided for information only.

Should the application for consent be approved, CRCS recommends the following conditions be included in the Committee's decision:

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.

233/ Pelham Road, Consent, B-31/22SC – 22102341
233/ Pelham Road, Consent, B-32/22SC – 22102342
233/ Pelham Road, Consent, B-33/22SC – 22102343
229 Pelham Road, Minor Variance, A-50//22 – 22102344
231 Pelham Road, Minor Variance, A-51/22 – 22102345
233 Pelham Road, Minor Variance, A-52/22 – 22102346

CRCS offers no objection to these applications, which will re-create four lots, each of which contains an existing dwelling (two detached and two semi-detached). Should the applications be approved, CRCS recommends the following be included as a condition of consent:

1. That the applicant submit a payment for the placement of a 60mm boulevard tree for each of the three new lots, in accordance with the City's current Schedule of Rates and Fees.

Amanda Knutson
Community Project & Development Planner



Memorandum

To: Elaine Munro, ACST, Committee Secretary & Planning Technician
From: James Denham, P.Eng. Development Engineering Technologist
CC: City Committee of Adjustment Planning Staff
Date: April 12th, 2022
Hearing Date: April 28th, 2022
Subject: **Committee of Adjustment - Minor Variance Applications**
361 Grantham Avenue - A - 107-21/SC
620 Bunting Road - A - 40 - 22/SC
51 Glenridge Avenue - A - 41 - 22/SC
38 Neptune Drive - A - 42 & 43 - 22/SC
19 Centre Street - A - 45 - 22/SC
1071 Lakeshore Road - A - 46 - 22/SC
26 Thompson Road - A - 47 - 22/SC
129 Oakdale Avenue - A - 48 & 49 - 22/SC
229 to 233/ Pelham Road - A - 50 to 53 - 22/SC

Development Engineering have have the following comments,

- The Applicant for 1071 Lakeshore Road is to be advised that if the proposed shed is going to be located closer to the property line than the standard setback a Grading Plan prepared by a Professional Engineer or an Ontario Land Surveyor will be required at the Building Permit stage. If at the Building Permit stage the Applicant revises the location of the shed to meet the required 1.20m setback, and the size of the shed is the same as what is being proposed on the sketch provided, a Grading Plan will likely not be required.
- All Applicants for Minor Variances where a grading plan is not required at this time are to be advised that a Grading Plan prepared by a qualified Professional Engineer or Ontario Land Surveyor will be required at the building permit stage if the building/structure is increasing the overall building/hard surface footprint or where sideyard pedestrian access and/or entrances are being proposed.
- All applicants are to be advised that although minimum zoning setbacks may be reduced through Minor Variances, sideyard widths greater than the zoning minimum may be required to accommodate and maintain both access and storm water conveyance.

Prepared by:

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

To: Elaine Munro, Committee Secretary and Planning Technician

Cc:

From: Steve Bittner, Transportation Technologist

Date: April 11, 2022

Subject: Committee of Adjustment Comments (April 28, 2022, Hearing)

A-045/22 – 19 Centre Street

No concerns with the proposed variances. The apron to access the parking is wider than what is required to access the parking. As such, the curb and boulevard should be reinstated for any portion of the apron that doesn't access the parking spaces.

A-052/22 – 233 Pelham Road

No concerns with the reduction in parking. However, the space that is currently shown as parking is insufficient to legally park a vehicle. As such, the curb cut should be reinstated.

We have no concerns or requirements with the remaining applications.

Steve Bittner
Transportation Technologist

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

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

COMMENTS

A-47/22

26 Thompson Road

DATE OF HEARING:
April 28, 2022

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Alectra RE: 26 Thompson Road, St. Catharines
Date: Tuesday, April 12, 2022 9:18:36 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: Tuesday, April 12, 2022 8:52 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: RE: 26 Thompson 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 morning 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 - No concerns with any applications - Committee of Adjustment Applications for Hearing to be held on April 28, 2022
Date: Sunday, April 17, 2022 1:28:46 PM

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



From: Doug Crown <doug.crown@cogeco.com>
Sent: Friday, April 8, 2022 9:52 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Correct link for 620 Bunting Road RE: Request for Comments - Committee of Adjustment Applications for Hearing to be held on April 28, 2022

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 consens with these applications.

Have a great weekend

Cheers

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



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: April 22, 2022

Date of Meeting: April 28, 2022

Report Number: A-47/22

File: 22102240

Subject: 26 Thompson Avenue

Recommendation

That submission **A-47/22** by Mario Arcuri, as outlined in the Notice of Hearing, be approved.

Report The Proposal

Application **A-47/22** seeks relief from the City of St. Catharines Zoning By-law 2013-283, as amended, to construct an accessory structure proposed to be used as a pool house. The applicant requests an increase to the permitted height of an accessory structure in the zoning By-law as outlined in the table below.

Variance	Provision	Required	Proposed
1	An increase to the maximum permitted height of an accessory structure	4.5 metres	5.9 metres

Location and Site Description

The subject property is located on the south side of Thompson Avenue, between Harcove Street and White Street. The surrounding neighbourhood is primarily residential. To the north, east and west of the subject lands are detached dwellings. To the south are apartment buildings in a private road development.

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. Accessory structures permitted in this designation.

Zoning By-law (2013-283)

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

Planning Analysis

The application seeks an increase in the maximum height of an accessory structure from 4.5 metres to 5.9 metres, resulting in an increase of 1.4 metres. This variance is requested to facilitate the construction of a proposed pool house. The applicant is requesting an increase in height of the accessory structure to permit additional storage areas.

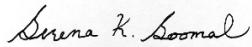
The intent of the maximum height of an accessory structure is to maintain appropriate scale and massing, protect privacy, and ensure that development does not overwhelm the lot. The proposed location of the pool house provides an appropriate buffer and separation distance from abutting properties to mitigate privacy and drainage concerns. The proposed pool house adheres to all other zoning requirements including setbacks, indicating that the proposal has appropriate scale and massing and therefore does not overwhelm the lot.

The proposal 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. With the increase in height being sought for additional storage, there will be no living area within the increase height, so staff have no concerns about impact from potential overlook into neighbouring yards. The increase in height by 1.4 metres is unlikely to create any adverse affects on neighbouring properties. In the opinion of staff, the requested variance is considered minor in nature, desirable for the appropriate development of lands, and meets the general intent of the Official Plan and Zoning By-law.

Conclusion

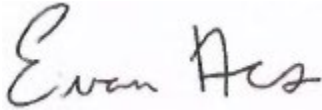
Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Minor Variance Application **A-47/22** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is desirable for the appropriate development of the lands. Staff 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

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: April 20, 2022

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – April 28th, 2022 hearing

NO.	ADDRESS	COMMENTS
A-22/22	8 Adelene Crescent	No Comment
A-23/22	10 Adelene Crescent	No Comment
A-107/21	361 Grantham Avenue	Be advised that the current demolition permit (21101338AM) shall be completed prior to construction. Be advised that a building permit is required to construct the townhouse block.
A-40/22	620 Bunting Road	Be advised that a building permit is required to construct the garage addition to the single detached dwelling. Be advised that a demolition permit may be required to remove the existing deck.
A-41/22	51 Glenridge Avenue	No Comment
A-42/22	38 Neptune Drive	No Comment

NO.	ADDRESS	COMMENTS
A-43/22	38A Neptune Drive	Be advised that a building permit is required to construct the single detached dwelling.
A-45/22	19 Centre Street	Be advised that a building permit is to convert the existing 2 storey building to a triplex.
A-46/22	1071 Lakeshore Road	Be advised that the current building permit (19113075BS) shall be completed prior to the shed construction.
A-47/22	26 Thompson Road	Be advised that a building permit is required to construct the pool house structure.
A-48/22	129 Oakdale Avenue	No Comment
A-49/22	131 Oakdale Avenue	Be advised that a building permit is required to construct a single detached dwelling.
A-50/22	229 Pelham Road	No Comment
A-51/22	231 Pelham Road	No Comment
A-52/22	233 Pelham Road	No Comment



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 22, 2022

Subject: Committee of Adjustment Applications – April 28, 2022 Hearing

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

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

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

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

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

361 Grantham Avenue, Minor Variance, A-107/21 – 21118329

Comments on this application will follow separately.

620 Bunting Road, Minor Variance, A-40/22 – 22101914

CRCS have no objection to the applicant's request for a reduction of the interior side yard setback to facilitate construction of an attached garage. However, the requested increase in driveway width is of concern. If approved, the minor variance would facilitate installation of a vehicular turnaround/parking area in the front yard. Not only will this significantly reduce the amount of landscaped open space that can be accommodated in the front yard, but it is also likely that the existing mature boulevard tree directly adjacent to the proposed turnaround will be negatively impacted. We note that the tree's canopy is actually larger than what is depicted on the plans submitted. It is the opinion of CRCS staff that an increase in driveway width will result in negative impacts and we object to the requested variance accordingly.

51 Glenridge Avenue, Consent, B-23/22SC – 22102205

73 Downing Street, Consent, B-24/22SC – 22102206

71 Downing Street, Consent, B-25/22SC – 22102207

51 Glenridge Avenue, Minor Variance, A-41/22 – 22102208

At this time, CRCS is unable to submit comments on these applications due to a known conflict of interest.

38 Neptune Drive, Consent, B-26/22SC – 22102224

38 Neptune Drive, Minor Variance, A-42/22 – 22102226

38A Neptune Drive, Minor Variance, A-43/22 – 22102228

In support of these applications, the applicant has submitted a Tree Preservation Report, prepared by Arborwood Tree Service Inc., dated March 16, 2022. The Report confirms the locations and health of two mature City boulevard trees, 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 13 trees inventoried, based on the consent and site plan sketches submitted with the applications.

The Report indicates that the proposed driveway for the new dwelling will encroach into the minimum tree protection zone for the southerly boulevard tree (identified in the report as tree no. 1) and recommends that, in addition to installing hoarding, root exploration and pruning be undertaken using air spade or hydro vac methods. CRCS Forestry staff are satisfied with the report and its recommendations, however, we note that root exploration and pruning must be completed under the supervision of a certified arborist and must be completed prior to any construction activities or relating staging.

CRCS offers no objection to the requested minor variance for an increase in maximum lot area for the retained lot. With respect to the requested variance for a reduction in lot frontage for the new lot, CRCS staff recommends that the driveway width and location be limited to what is depicted in the plans submitted with these applications. If limitations are not imposed, then the size of the driveway could be enlarged in the future, reducing the amount of landscaped open space in the front yard, and also impacting the mature boulevard tree discussed above.

Should the applications be approved, CRCS recommends the following be included as a condition of consent:

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 Preservation Report, prepared by Arborwood Tree Service Inc., dated

March 16, 2022, particularly as they relate to two City boulevard trees, identified as tree nos. 1 and 2.

- b. That the approved plans forming part of the development agreement clearly illustrate tree protection zones and notes.
- c. That the consulting arborist attend the site during root excavation and pruning to oversee the works.
- d. That upon completion of root exploration and pruning, the consulting arborist provide confirmation to the City that the mitigation measures outlined in the Tree Preservation Report have been properly carried out.
- e. That no construction activities or construction staging occur until such time as root pruning and hoarding installation is complete.
- f. That the width of the driveway for the new lot not exceed 5.0 metres and that its location be consistent with what is shown on the plans submitted with the application for consent.

374A Linwell Road, Consent, B-27/22SC – 22102265

374B Linwell Road, Consent, B-28/22SC – 22102266

CRCS offers no objection to the proposed consents to create easements for storm drainage.

19 Centre Street, Minor Variance, A-45/22 – 22102231

CRCS has no objection to the requested minor variances; the building and parking areas exist and no expansions are proposed. In fact, the sketch submitted indicates the front yard parking, which currently occupies the entire front yard, will be reduced by approximately half to accommodate landscaped open space. CRCS is strongly supportive of this change.

1071 Lakeshore Road West, Minor Variance, A-46/22 – 22102238

CRCS offers no objection to the requested minor variance, which seeks a reduced interior side yard setback for an accessory structure (utility shed).

26 Thompson Road, Minor Variance, A-47/22 – 22102240

CRCS offers no objection to the requested minor variance, which seeks an increase in height for an accessory structure (pool house). We presume that the maximum lot coverage for all accessory structures prescribed by the Zoning By-law will not be exceeded.

294 Vine Street, Consent, B-29/22SC – 22102247

CRCS offers no objection to the proposal to create a new parcel for a future private road development. We note that an application for site plan approval has been submitted for the future development and, upon our preliminary review of the submission materials, it appears that the proposal is deficient in terms of the City's zoning and site plan standards for landscaping, open space, amenity areas, etc. The Committee and the applicant should not misconstrue this department's support of the consent to sever as

an endorsement of the site and landscaping designs submitted through the application for site plan approval.

Should this application be approved, CRCS recommends the following be included as a condition of consent:

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.)

129 Oakdale Avenue, Consent, B-30/22SC

129 Oakdale Avenue, Minor Variance, A-48/22

131 Oakdale Avenue, Minor Variance, A-49/22

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

We note that there is a mature tree located on the adjacent lands to the north, very close to the common lot line. A large portion of the tree's canopy overhangs the subject lands in the area of the proposed development and the tree will therefore need to be pruned to facilitate construction. Given this is a private civil matter, our comments pertaining to the tree are provided for information only.

Should the application for consent be approved, CRCS recommends the following conditions be included in the Committee's decision:

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.

233/ Pelham Road, Consent, B-31/22SC – 22102341
233/ Pelham Road, Consent, B-32/22SC – 22102342
233/ Pelham Road, Consent, B-33/22SC – 22102343
229 Pelham Road, Minor Variance, A-50//22 – 22102344
231 Pelham Road, Minor Variance, A-51/22 – 22102345
233 Pelham Road, Minor Variance, A-52/22 – 22102346

CRCS offers no objection to these applications, which will re-create four lots, each of which contains an existing dwelling (two detached and two semi-detached). Should the applications be approved, CRCS recommends the following be included as a condition of consent:

1. That the applicant submit a payment for the placement of a 60mm boulevard tree for each of the three new lots, in accordance with the City's current Schedule of Rates and Fees.

Amanda Knutson
Community Project & Development Planner



Memorandum

To: Elaine Munro, ACST, Committee Secretary & Planning Technician
From: James Denham, P.Eng. Development Engineering Technologist
CC: City Committee of Adjustment Planning Staff
Date: April 12th, 2022
Hearing Date: April 28th, 2022
Subject: **Committee of Adjustment - Minor Variance Applications**
361 Grantham Avenue - A - 107-21/SC
620 Bunting Road - A - 40 - 22/SC
51 Glenridge Avenue - A - 41 - 22/SC
38 Neptune Drive - A - 42 & 43 - 22/SC
19 Centre Street - A - 45 - 22/SC
1071 Lakeshore Road - A - 46 - 22/SC
26 Thompson Road - A - 47 - 22/SC
129 Oakdale Avenue - A - 48 & 49 - 22/SC
229 to 233/ Pelham Road - A - 50 to 53 - 22/SC

Development Engineering have have the following comments,

- The Applicant for 1071 Lakeshore Road is to be advised that if the proposed shed is going to be located closer to the property line than the standard setback a Grading Plan prepared by a Professional Engineer or an Ontario Land Surveyor will be required at the Building Permit stage. If at the Building Permit stage the Applicant revises the location of the shed to meet the required 1.20m setback, and the size of the shed is the same as what is being proposed on the sketch provided, a Grading Plan will likely not be required.
- All Applicants for Minor Variances where a grading plan is not required at this time are to be advised that a Grading Plan prepared by a qualified Professional Engineer or Ontario Land Surveyor will be required at the building permit stage if the building/structure is increasing the overall building/hard surface footprint or where sideyard pedestrian access and/or entrances are being proposed.
- All applicants are to be advised that although minimum zoning setbacks may be reduced through Minor Variances, sideyard widths greater than the zoning minimum may be required to accommodate and maintain both access and storm water conveyance.

Prepared by:

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

To: Elaine Munro, Committee Secretary and Planning Technician

Cc:

From: Steve Bittner, Transportation Technologist

Date: April 11, 2022

Subject: Committee of Adjustment Comments (April 28, 2022, Hearing)

A-045/22 – 19 Centre Street

No concerns with the proposed variances. The apron to access the parking is wider than what is required to access the parking. As such, the curb and boulevard should be reinstated for any portion of the apron that doesn't access the parking spaces.

A-052/22 – 233 Pelham Road

No concerns with the reduction in parking. However, the space that is currently shown as parking is insufficient to legally park a vehicle. As such, the curb cut should be reinstated.

We have no concerns or requirements with the remaining applications.

Steve Bittner
Transportation Technologist

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

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

COMMENTS

B-29/22SC

294 Vine Street

DATE OF HEARING:
April 28, 2022

Attention: Elaine Munro Regarding: Amanda No. 22102247 Submission No. B-29/22SC Roll No.2629050001005000000

Location of the application: 294 Vine Street Part of Lot 14, Concession 4 Located on the east side of Vine Street, north of Carlton Street.

Good Afternoon Elaine Munro, My name is Michelle Ali and I am the property owner of 297 Vine Street, St. Catharines, Ontario L2M 4T4 and I am speaking not only on my behalf but also on the behalf of home owners that will be drastically effected by this new development which we ALL want to make it EXTREMELY clear that we are GREATLY OPPOSED to this new development going up! As homeowners we want to voice our opinions and views as the negative effect of this development going up. We are highly concerned about the flooding of the sewer systems and the drainage. When the building went up previously it created flooding in our backyards etc and we want to make it VERY CLEAR that if this new development goes up and creates ANY type of flooding, sewer, drainage etc we WILL sue for compensation. We are also NOT WILLING to lose any of our property due to the builder needing to run any pipe lines or ANYTHING needed to be done to support this new development!!! We are also concerned about the restrictions of our sidewalks etc. Our concerns are also with the growth of population. We can understand a 1-2 single family dwellings going up where 1 or 2 families would move in, BUT NOT an entire complex going up RIGHT ACROSS the street from us where DOZENS AND DOZENS of families will be moving in. We don't need to feel like we are living DEADSET downtown with all the unnecessary traffic of vehicles and people going in and out! NOT TO MENTION when the project starts, the amount of noise and mess and traffic that will create. The city was doing some work directly in front of our homes 2 weeks ago and the traffic was horrific trying to get in and out of our driveways. WE AGAIN want to make it EXTREMELY CLEAR that WE DO NOT APPROVE of this new development and WE WILL take EVERY measurement to see that this is new development IS NOT APPROVED and WE WILL APPEAL ANY decision that is in favor of building this new development.

Sincerely, From very upset homeowners! X Michelle Ali, Spokesman for the homeowners

Feel free to contact me via email or phone [REDACTED]

[Handwritten signatures in blue ink: Michelle Ali, Dawn Wyse, and others]

RPT	DISCUSS	INFO	P.B.S.	
			REFERRED TO	INT.
DATE REC'D →		APR 12 2022		SCAN <input type="checkbox"/>
FILE NO				

From: [REDACTED]
To: [Munro, Elaine](#)
Cc: [Banda, Wilrik](#)
Subject: Amanda No. 221102247 Submission No. B-29/22SC
Date: Wednesday, April 20, 2022 3:29:44 PM

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

Good Afternoon,

My name is Marlene Luszczyk-Paterson and I have resided at 298 Vine Street, St. Catharines for 37 years. I am writing to you regarding the proposed severance for 292 and 294 Vine Street, Part of Lot 14, Concession 4, in St. Catharines. I did leave a message for Elaine Munro earlier this morning, April 20, 2022, in hopes that she could provide me with some guidance on maneuvering the Committee of Adjustment Website, but it is my understanding that she is away. I apologize in advance for not following procedures or proper formatting of correspondence.

I would like to take part in the Public Meeting, however, I do not want to make an oral presentation to the Committee. I would like to hear other concerned citizens questions, comments and issues regarding the above development. I am not even sure if this is the Committee addressing the proposed 85 Unit Legacy on Vine or if this meeting is just regarding the severance of the existing property. I am submitting my comments in hopes that this is the right forum to do so for the future development plans of this land.

1. Has City Staff addressed the increase of sewer capacity on Vine Street with the proposed addition of 85 units? The repercussions of grey water alone after a severe storm which we have witnessed, floods Vine Street towards Carleton Street, to above vehicle wheel wells. Vehicles come to a complete stop because of the river they find themselves trying to drive through. These floods seem to be happening on a more regular basis, depending on the severity of storms. I also know for a fact, several neighbors that have had sewers back up into their basements. Our sewage infrastructure along Vine Street has never been updated, not that I can remember. With the additional water waste strain of these 85 Units, I need some assurance that my home is not going to be flooded.
2. Has City Staff addressed the increase of traffic? Vehicles travelling down towards Scott Street or for that matter up towards Carleton, do so at quite a speed. The center lane is often used as a passing lane, not the intended turning lane. There are also bike lanes on both sides of the street. Speaking for myself, it can be frustrating to get out of my driveway, especially with St. Alfred School, traffic patterns from St. Alfreds Church and just regular traffic and bike traffic. Pedestrians, children / high school students walking to and from their perspective schools will now possibly be put in harms way with the addition of these units and the increase of vehicular traffic, accommodating these units. Is the City possibly thinking of installing a traffic light to slow these traffic patterns at the entrance to the proposed development?
3. My next concern is snow removal for this proposed development. Again, speaking for myself,

I know that we do not have the space for the record amount of snow we seem to be getting in the winter. Where will the snow be piled within this development? The grade on our lot is substantially lower from 292 and 294 existing land and my concern is flooding when the snow melts. Water will run to the lowest point, our home will be a lower point in the grand scheme of things.

4. Presently, we have not seen any plans (Part 3) for the future Legion facility. The above concerns are also pertinent to the future of that proposed building as well. Possibly more so, considering the retaining wall is owned by the Legion that we share on our driveway. I am assuming that will be another Public Meeting and concerns will have to be again submitted for that meeting.

I would appreciate a response as to the procedure I am to follow for the April 28th Committee of Adjustment meeting. I would also appreciate the Committee to take my concerns under review and advisement and let me know their comments. I would also like to request a copy of the Notice of Decision. Please confirm that this email has reached its intended party. If you need further clarification, I can be reached at [REDACTED] anytime. I thank you for your understanding and I apologize again for not following formatted procedure.

Respectfully submitted,

Marlene Paterson

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

April 12, 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 102247 & 22 102383 SP

Re: 294 Vine St

In response to your correspondence dated April 7, 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.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.
- Developers to acquire an easement, if required.
- In order for Alectra Utilities to prepare design and procure the materials required to service this site in a timely manner, a minimum of 6 months notification is required. It would be advantages for the developer if Alectra Utilities were contacted at the stage where the new site plan becomes available. Please note that it takes approximately 20 weeks to purchase a transformer.

We would also like to stipulate the following:

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

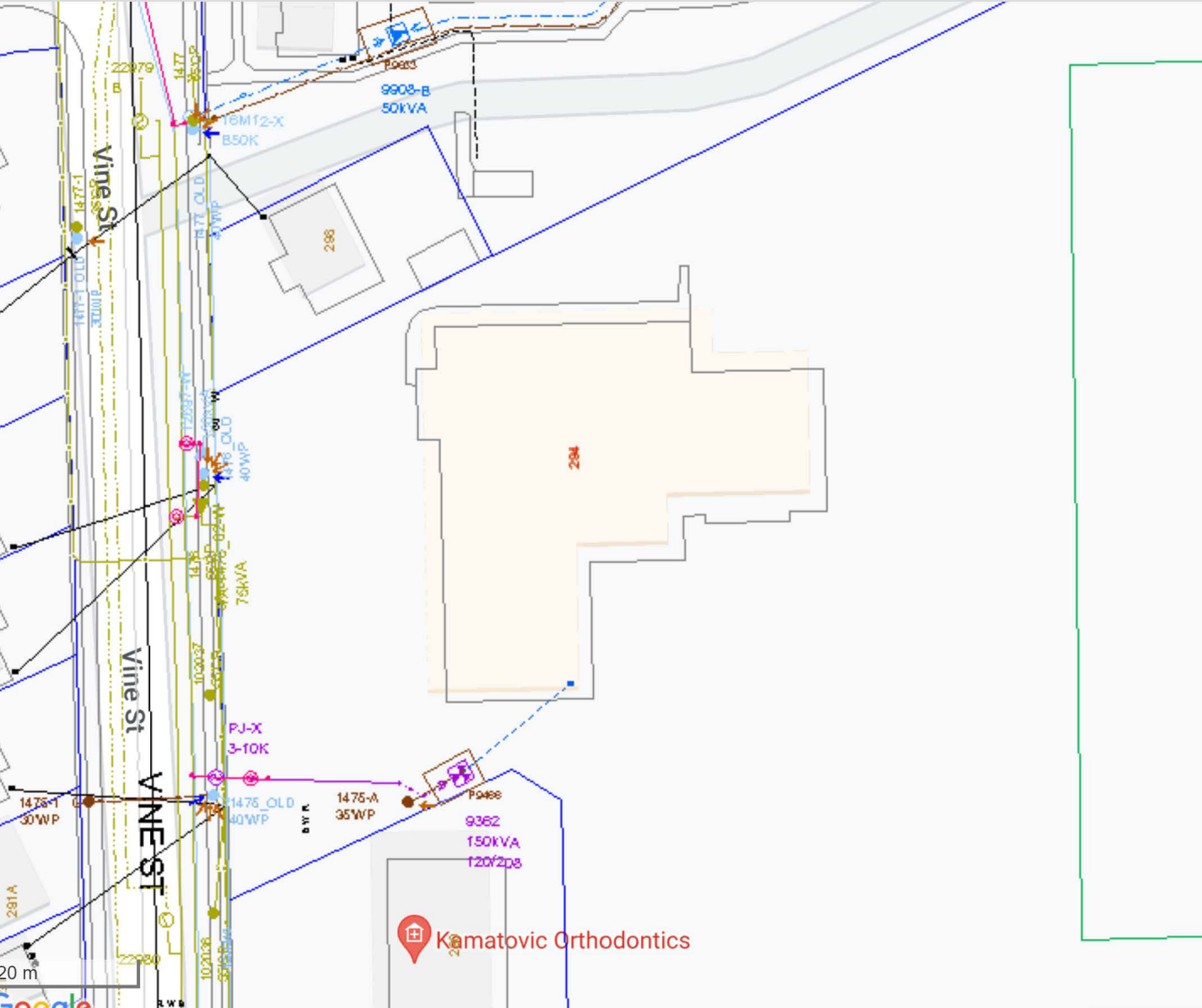
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Alectra Utilities must be contacted if the removal,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

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

Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital



From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Bell Comments - 294 Vine Street - 905-22-184
Date: Sunday, April 17, 2022 1:24:51 PM

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



From: Gordon, Carrie <carrie.gordon@bell.ca>
Sent: Friday, April 8, 2022 10:18 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: RE: Request for Comments - Committee of Adjustment Applications for Hearing to be held on April 28, 2022 - 905-22-184

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,

Re: B-29/22SC

Subsequent to review of the abovementioned application at **294 Vine Street**, Bell Canada's engineering department have determined that there are no concerns or comments at this time.

Kind regards,

Carrie Gordon



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

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Cogeco - No concerns with any applications - Committee of Adjustment Applications for Hearing to be held on April 28, 2022
Date: Sunday, April 17, 2022 1:28:46 PM

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



From: Doug Crown <doug.crown@cogeco.com>
Sent: Friday, April 8, 2022 9:52 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Correct link for 620 Bunting Road RE: Request for Comments - Committee of Adjustment Applications for Hearing to be held on April 28, 2022

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 consens with these applications.

Have a great weekend

Cheers

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: April 20, 2022

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – April 28th, 2022 hearing

B-12/22SC – 10 Adelene Crescent

Comment:

- No comment

Condition:

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

B-23/22SC – 51 Glenridge Avenue

Comment:

- 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:

- No comment

B-24/22SC – 73 Downing Street

Comment:

- 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:

- No Comment

B-25/22SC – 71 Downing Street

Comment:

- 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 dwelling and to complete all inspections to the satisfaction of the Chief Building Official.

B-26/22SC – 38 Neptune Drive

Comment:

- No comment

Condition:

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

B-27/22SC – 374A Linwell Road

Comment:

- No comment

Condition:

- No comment

B-28/22SC – 374B Linwell Road

Comment:

- No comment

Condition:

- No comment

B-29/22SC – 294 Vine Street

Comment:

- No comment

Condition:

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

B-30/22SC – 129 Oakdale Avenue

Comment:

- 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:

- No comment

B-31/22SC – 233/ Pelham Road

Comment:

- No comment

Condition:

- No comment

B-32/22SC – 233/ Pelham Road

Comment:

- No comment

Condition:

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

B-33/22SC – 233/ Pelham Road

Comment:

- No comment

Condition:

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



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

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

Cc:

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

Date: April 22, 2022

Subject: Committee of Adjustment Applications – April 28, 2022 Hearing

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

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

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

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

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

361 Grantham Avenue, Minor Variance, A-107/21 – 21118329

Comments on this application will follow separately.

620 Bunting Road, Minor Variance, A-40/22 – 22101914

CRCS have no objection to the applicant's request for a reduction of the interior side yard setback to facilitate construction of an attached garage. However, the requested increase in driveway width is of concern. If approved, the minor variance would facilitate installation of a vehicular turnaround/parking area in the front yard. Not only will this significantly reduce the amount of landscaped open space that can be accommodated in the front yard, but it is also likely that the existing mature boulevard tree directly adjacent to the proposed turnaround will be negatively impacted. We note that the tree's canopy is actually larger than what is depicted on the plans submitted. It is the opinion of CRCS staff that an increase in driveway width will result in negative impacts and we object to the requested variance accordingly.

51 Glenridge Avenue, Consent, B-23/22SC – 22102205

73 Downing Street, Consent, B-24/22SC – 22102206

71 Downing Street, Consent, B-25/22SC – 22102207

51 Glenridge Avenue, Minor Variance, A-41/22 – 22102208

At this time, CRCS is unable to submit comments on these applications due to a known conflict of interest.

38 Neptune Drive, Consent, B-26/22SC – 22102224

38 Neptune Drive, Minor Variance, A-42/22 – 22102226

38A Neptune Drive, Minor Variance, A-43/22 – 22102228

In support of these applications, the applicant has submitted a Tree Preservation Report, prepared by Arborwood Tree Service Inc., dated March 16, 2022. The Report confirms the locations and health of two mature City boulevard trees, 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 13 trees inventoried, based on the consent and site plan sketches submitted with the applications.

The Report indicates that the proposed driveway for the new dwelling will encroach into the minimum tree protection zone for the southerly boulevard tree (identified in the report as tree no. 1) and recommends that, in addition to installing hoarding, root exploration and pruning be undertaken using air spade or hydro vac methods. CRCS Forestry staff are satisfied with the report and its recommendations, however, we note that root exploration and pruning must be completed under the supervision of a certified arborist and must be completed prior to any construction activities or relating staging.

CRCS offers no objection to the requested minor variance for an increase in maximum lot area for the retained lot. With respect to the requested variance for a reduction in lot frontage for the new lot, CRCS staff recommends that the driveway width and location be limited to what is depicted in the plans submitted with these applications. If limitations are not imposed, then the size of the driveway could be enlarged in the future, reducing the amount of landscaped open space in the front yard, and also impacting the mature boulevard tree discussed above.

Should the applications be approved, CRCS recommends the following be included as a condition of consent:

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 Preservation Report, prepared by Arborwood Tree Service Inc., dated

March 16, 2022, particularly as they relate to two City boulevard trees, identified as tree nos. 1 and 2.

- b. That the approved plans forming part of the development agreement clearly illustrate tree protection zones and notes.
- c. That the consulting arborist attend the site during root excavation and pruning to oversee the works.
- d. That upon completion of root exploration and pruning, the consulting arborist provide confirmation to the City that the mitigation measures outlined in the Tree Preservation Report have been properly carried out.
- e. That no construction activities or construction staging occur until such time as root pruning and hoarding installation is complete.
- f. That the width of the driveway for the new lot not exceed 5.0 metres and that its location be consistent with what is shown on the plans submitted with the application for consent.

374A Linwell Road, Consent, B-27/22SC – 22102265

374B Linwell Road, Consent, B-28/22SC – 22102266

CRCS offers no objection to the proposed consents to create easements for storm drainage.

19 Centre Street, Minor Variance, A-45/22 – 22102231

CRCS has no objection to the requested minor variances; the building and parking areas exist and no expansions are proposed. In fact, the sketch submitted indicates the front yard parking, which currently occupies the entire front yard, will be reduced by approximately half to accommodate landscaped open space. CRCS is strongly supportive of this change.

1071 Lakeshore Road West, Minor Variance, A-46/22 – 22102238

CRCS offers no objection to the requested minor variance, which seeks a reduced interior side yard setback for an accessory structure (utility shed).

26 Thompson Road, Minor Variance, A-47/22 – 22102240

CRCS offers no objection to the requested minor variance, which seeks an increase in height for an accessory structure (pool house). We presume that the maximum lot coverage for all accessory structures prescribed by the Zoning By-law will not be exceeded.

294 Vine Street, Consent, B-29/22SC – 22102247

CRCS offers no objection to the proposal to create a new parcel for a future private road development. We note that an application for site plan approval has been submitted for the future development and, upon our preliminary review of the submission materials, it appears that the proposal is deficient in terms of the City's zoning and site plan standards for landscaping, open space, amenity areas, etc. The Committee and the applicant should not misconstrue this department's support of the consent to sever as

an endorsement of the site and landscaping designs submitted through the application for site plan approval.

Should this application be approved, CRCS recommends the following be included as a condition of consent:

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.)

129 Oakdale Avenue, Consent, B-30/22SC

129 Oakdale Avenue, Minor Variance, A-48/22

131 Oakdale Avenue, Minor Variance, A-49/22

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

We note that there is a mature tree located on the adjacent lands to the north, very close to the common lot line. A large portion of the tree's canopy overhangs the subject lands in the area of the proposed development and the tree will therefore need to be pruned to facilitate construction. Given this is a private civil matter, our comments pertaining to the tree are provided for information only.

Should the application for consent be approved, CRCS recommends the following conditions be included in the Committee's decision:

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.

233/ Pelham Road, Consent, B-31/22SC – 22102341
233/ Pelham Road, Consent, B-32/22SC – 22102342
233/ Pelham Road, Consent, B-33/22SC – 22102343
229 Pelham Road, Minor Variance, A-50//22 – 22102344
231 Pelham Road, Minor Variance, A-51/22 – 22102345
233 Pelham Road, Minor Variance, A-52/22 – 22102346

CRCS offers no objection to these applications, which will re-create four lots, each of which contains an existing dwelling (two detached and two semi-detached). Should the applications be approved, CRCS recommends the following be included as a condition of consent:

1. That the applicant submit a payment for the placement of a 60mm boulevard tree for each of the three new lots, in accordance with the City's current Schedule of Rates and Fees.

Amanda Knutson
Community Project & Development Planner

ENGINEERING FILE 300-36

Applicant: The Royal Canadian Legion Polish Veterans Branch No. 418

Location: 294 Vine Street

Comment(s): It is noted that the applicant proposes to sever a portion of the existing property to be used for the purpose of constructing a Residential Condominium Development.

The subject lands front onto Vine Street. Vine Street is designated as a Main Mixed-Use Corridor in the City's Transportation Master Plan (TMP). The recommended right-of-way width in the City's TMP is 26m. Its current width across this frontage is +/-20m. The present road structure includes, curb & gutter, sidewalks on both sides, two driving lanes and a centre turn lane, and a bike lane on each side. The City's Engineering Group (EFES) have been contacted and advise that a +/-3m right-of-way widening will be required across the entire frontage including both the lands to be severed and the lands to be retained. The widenings will be taken at the Severance Stage or Site Plan Stage, whichever occurs first.

The following linear municipal services exist on Vine Street.

200mm PVC
Water Service 100mm

250mm Concrete
Sanitary Lateral (size unknown)

None

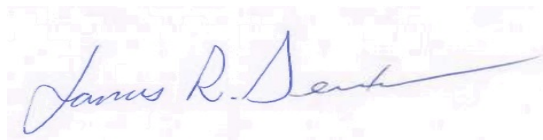
G:\PBS-Building & Development\Development Correspondence\CofA\Severance\2022\Vine Street, 294 B-29-22SC\B-29-22SC - Dev Eng Comments.docx

It is to be noted that new services to the severed lot cannot be installed until the creation of the lot has been finalized and registered.

Grading and Drainage will be dealt with when a formal Planning Application is made.

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

- Pay for City crews to locate, inspect, and document the location of all existing sewer laterals and water services currently being used for the existing building.
- If the location of any existing services to the building conflicts with future lot lines the owner shall pay all costs for relocating the service to eliminate such conflict. The owner shall pay the City to do the portion of the work within the municipal right-of-way. The owner shall be responsible for the portion on private property and shall obtain the necessary Plumbing Only Permit. If due to location, the existing service is unsuitable for reuse, the owner shall pay the City to decommission the existing service and install a new service.
- Dedicate free and clear to the City a +/-3m right-of-way widening across the entire frontage of the lands. The exact widening will be determined by the City's after reviewing the Reference Plan prepared by the developer's surveyor. The developer shall pay all costs associated with the granting and registering the widening.



Prepared by:

James R. Denham P.Eng.
Development Engineering Technologist

cc. Margaret Josipovic, John Lane, Brad Johnston, Elaine Munro, Natasha MacDonald, Wil Banda PBS (email only)

To: Elaine Munro, Committee Secretary and Planning Technician

Cc:

From: Steve Bittner, Transportation Technologist

Date: April 11, 2022

Subject: Committee of Adjustment Comments (April 28, 2022, Hearing)

A-045/22 – 19 Centre Street

No concerns with the proposed variances. The apron to access the parking is wider than what is required to access the parking. As such, the curb and boulevard should be reinstated for any portion of the apron that doesn't access the parking spaces.

A-052/22 – 233 Pelham Road

No concerns with the reduction in parking. However, the space that is currently shown as parking is insufficient to legally park a vehicle. As such, the curb cut should be reinstated.

We have no concerns or requirements with the remaining applications.

Steve Bittner
Transportation Technologist



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: April 22, 2022

Date of Meeting: April 28, 2022

Report Number: B-29/22SC

File: 22102247

Subject: 294 Vine Street (to be known as 294 Vine Street and 292 Vine Street)

Recommendation

That Application **B-29/22SC** by The Royal Canadian Legion, 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 the sewer laterals and water services to the existing building.
2. That the Owner pay to the City all required fees to install new services to the existing lot, to achieve independent services to each lot, if the existing service laterals conflict with future and/or abutting lot lines. The Owner shall pay the City to do the portion of the work within the municipal right-of-way.
3. That the Owner, through a Plumbing Only Permit, connect the new water and sewer laterals provided by the City to the property lines, on the private property portion. If the existing service is unsuitable for reuse, the Owner shall pay to the City to decommission the existing service and install a new service.
4. That the Owner dedicate free and clear to the City a +/-3 metre right-of-way widening across the entire frontage of the lands. The exact widening will be determined by the City after reviewing the Reference Plan prepared by the developer's surveyor. The developer shall pay all costs associated with the granting and registering the widening.
5. That the Owner demolish the existing building. A building permit shall be obtained for the demolition and inspections completed to the satisfaction of the Chief Building Official.
6. That the Owner submit to the City of St. Catharines payment for 5% of the appraised value of the new lot 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.
7. 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.

8. That a final certification fee of \$222.20 (2022 rate) per application payable to the Treasurer, City of St. Catharines, be submitted to the Secretary-Treasurer.
9. That all conditions of consent be fulfilled by April 28, 2024.

Report

The Proposal

The Applicant proposes to sever the existing lot at 294 Vine Street to facilitate a residential private road development and future construction of a new Royal Canadian Legion facility. The subject lands are currently occupied by the Royal Canadian Legion Polish Veterans Branch, which will be demolished to facilitate the proposal. The proposed lot (Parts 4, 5 and 6) will facilitate residential development and will be known as 292 Vine Street. The remnant lot (Part 3) will be used for a new Royal Canadian Legion facility to be built in the future. An easement over Part 5 will allow a shared driveway off Vine Street for the two lots. Parts 1 and 2, as shown on the sketch, will be dedicated to the City for a road widening. The requested severance is outlined in the table below.

Application	Severed Parcel	Severed Area	Remnant Parcel	Remnant Area
B-29/22SC	Parts 4, 5 and 6 (292 Vine Street)	16,545.8 m ²	Part 3 (294 Vine Street)	4,143.0 m ²

Application	Easement Parts	Easement Area	Easement Beneficiary
B-29/22SC	Part 5	283.2 m ²	Part 3

Location and Site Description

The subject property is located on the east side of Vine Street, north of Carlton Street. The surrounding neighbourhood is comprised of residential and community institutional uses. A detached dwelling and residential private road development abut the property to the north. Laura Secord Secondary School abuts the property to the east. Abutting to the west is a three-storey apartment building and a commercial plaza. Saint Alfred Elementary School abuts the property to the south. The subject property is currently occupied by the Royal Canadian Legion.

Circulation of Application

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

Comments from the resident to the north of the subject lands were received, with questions regarding the proposed residential development and new Legion facility. Application **B-29/22SC** considers the proposed severance and easement for the subject property but the development concepts for both lots are not being considered as part of this application. More information regarding the future development is discussed later in this report.

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. This designation permits a range of uses, including residential dwellings, schools, places of worship and other local public serving institutional uses, neighbourhood commercial uses, parks and open space uses.

Zoning By-law (2013-283)

The subject property is zoned Community Institutional (I2). A range of uses, including cultural facilities, places of assembly and worship, schools and medium density residential uses are permitted within this zone.

Planning Analysis

Consent to Severance

Consent Application **B-29/22SC** requests to sever a new lot to facilitate future residential development. It is intended that a new Legion facility will be constructed on the remnant lot in the future. The existing Legion facility will be demolished.

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 lot will make use of existing infrastructure. Any required improvements to infrastructure such as municipal streets, water, wastewater, and stormwater services are 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 severance is located within the City's built boundary and within an area that is substantially developed. The proposal seeks to facilitate a future residential development and reconstruct the Legion facility, 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 severance will result in a new lot of 16,545.8 square metres (Parts 4, 5 and 6) and a remnant lot of 4,143.0 square metres (Part 3). Staff consider the proposed lot sizes, shapes and configuration appropriate to accommodate the intended future developments. The proposed severance will create a new and remnant lot that can accommodate functional building footprints with appropriate access, setbacks and landscaped open space. Given the proposed lots are considered to be of adequate size and shape to accommodate future development, there are no anticipated adverse impacts to surrounding properties. Staff are satisfied that the proposed and remnant lot are appropriate for their intended use and optimum development of the surrounding area.

Given the size of the proposed new lot, staff are satisfied that future residential development can be accommodated in a manner that upholds City standards and requirements. A concurrent Site Plan Agreement application (file no. 22 102383 SP) has been submitted to the City for the lands to be known as 292 Vine Street, should Application **B-29/22SC** be approved. The proposal is in the early stages of the site plan process and may require a future Minor Variance application to address potential zoning deficiencies. Additional public consultation will take place for this site plan application once the proposal has gone through staff review.

A preliminary concept for the remnant lot was submitted with the Application to demonstrate to staff that the parcel is adequately sized to accommodate future development. The concept provided met all zoning requirements for a community institutional facility such as the Legion. However, the concept is subject to change and as such may require additional Committee of Adjustment application(s) in the future. The future proposal for the remnant lot will also require going through site plan control to ensure the development meets City standards and requirements. Public consultation for the proposed concept will be held during the process for future application(s).

Staff recommend that Consent Application **B-29/22SC** be approved, subject to the conditions outlined in the recommendation.

Consent to Easement

Application **B-29/22SC** also proposes an easement over Part 5 to the benefit of Part 3. This easement is being sought to permit ingress and egress over a shared driveway off Vine Street that will provide access to both lots.

The GCP offers no policies to evaluate applications for consent to easements. However, the proposed easement does achieve some policy goals of the GCP, including establishing a shared parking facility and improving the streetscape through minimizing front yard parking and the number of access points to a property. Staff find that the easement is acceptable to accommodate access to both lots and recommend that the proposed easement in Consent Application **B-29/22SC** be approved, subject to conditions outlined in the recommendation.

Road Widening

Vine Street is designated as a Main Mixed-Use Corridor in the City's Transportation Master Plan (TMP). The recommended right-of-way width for this road is 26.0 metres. Its current width of approximately 20.0 metres is deficient in this location to accommodate the curb & gutter, sidewalks on both sides, two driving lanes and a centre turn lane, and a bike lane on each side.

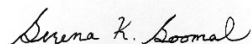
As per the Official Plan, Council is committed to achieving "Complete Streets and Walkable Communities" to which, in addition to accommodating vehicles, provides "safe, functional and attractive pedestrian and cycling environments". Section 5.2.1 indicates sidewalks shall be provided on both sides of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

To be consistent with road widening requirements and standards necessary to accommodate City and private utilities and complete street initiatives, staff are recommending as a condition that an approximate 3 metre strip of land across the frontage of the subject property be dedicated as Public Highway Vine Street to obtain half of the additional requirements necessary to ultimately achieve the desired road allowance width of 26.0m. The Applicant is aware of this request and have identified the 3 metre road widening dedication as Parts 1 and 2 on the submitted survey sketch.

Conclusion

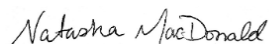
Having regard for the matters under Section 53 of *The Planning Act*, staff are of the opinion that Consent Application **B-29/22SC** is in keeping with the policies of the Official Plan, are consistent with the provisions of the Zoning By-law and will have no adverse impacts on the surrounding area and environment. It is staff's recommendation that the requested consent to sever and consent to easement be approved, subject to the conditions outlined in the recommendation.

Prepared by:



Serena Soomal
Student Planner

Submitted by:



Natasha MacDonald
Planner I

Approved by:



Margaret Josipovic
Manager of 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-31/22SC, B-32/22SC,
B-33/22SC, A-50/22, A-51/22,
A-52/22 & A-53/22**

229, 231, 233 & 233 ½ Pelham Road

**DATE OF HEARING:
April 28, 2022**

Bryan Dueck
11 Bascary Crescent,
St. Catharines, ON
L2S 3M6

April 18, 2022

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

This letter is in response to a Notice of Hearing for 233 Pelham Road (known as 229 Pelham Road). As the owner of adjacent properties 235 Pelham Road and 1 Glendale Avenue, I have an interest in the applications submitted pertaining to the entire subject land. I appreciate the efforts of the new owner(s) to improve the property. My only concern is that there is no fence defining the east and south boundaries of the subject land. The previous owner of the subject land felt entitled to use 1 Glendale to access the backyards with a dump truck and other equipment. In addition, the prevailing westerly winds blow the garbage onto our property and eventually to the adjacent land to the east owned by the city of St. Catharines.

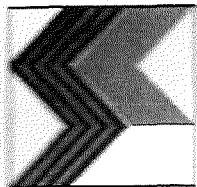
In order to prevent any future confrontation I am requesting an appropriate 6 foot privacy fence be constructed around the subject land, which would refer to 231 Pelham Road, part 3; 233 Pelham Road, part 1 and part 2; and 229 Pelham Road, part 4.

Your consideration of this matter would be greatly appreciated.

Signed,

Bryan Dueck





City of St. Catharines

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

Phone: 905-688-5600, Ext 1715
TTY: 905-688-4889
Fax: 905-688-5873
Email: emunro@stcatharines.ca

Notice of Hearing

Amanda No. 22102341
Submission No. B-31/22SC
Roll No. 2629020032059000000

WHY ARE YOU RECEIVING THIS NOTICE?

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

An application for **Consent** has been received from **Brian Bodnik, Frank Kasowski, Izabela Kasowski, Janina Kasowski, Joanna Bodnik and Stanislaw Bodnik** under the above noted file number and will be heard by the Committee of Adjustment for the City of St. Catharines on:

Thursday April 28, 2022 at 5:00 p.m.

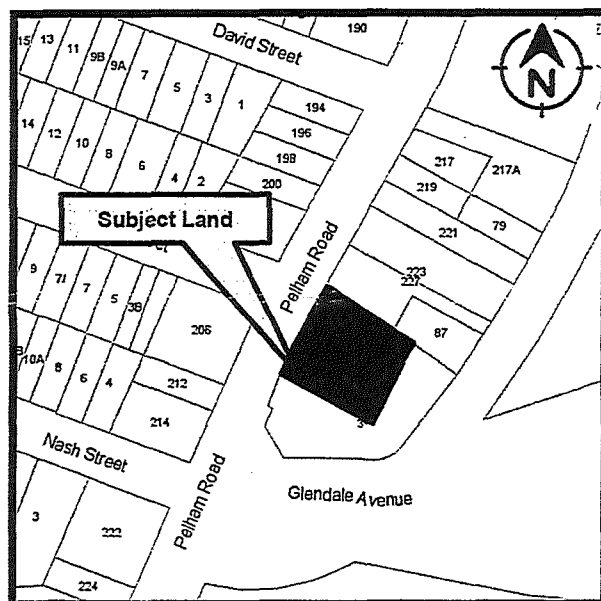
Under the authority of the *Statutory Powers Procedure Act*,
Committee of Adjustment Hearings are being held electronically.

Location of the Application:

233/ Pelham Road (known as 229 Pelham Road)

Part of Lot 19, Concession 8

Located on the east side of Pelham Road, north of Glendale Avenue.



Application B-31/22SC is made for consent to sever 488.0 m² of land (Part 4 on the submitted sketch) re-creating the lot known as 229 Pelham Road with the existing detached dwelling. A 940 m² remnant parcel (Parts 1 to 3) will be retained for continued residential use. Part 5 is to be dedicated to the City for a road widening. There are concurrent consent applications, B-32/22SC & B-33/22SC) and minor variance applications A-50/22, A-51/22, and A-52/22.

April 12, 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 102341, 22 102342, 22 102343, 22 102344, 22 102345 and 22 102346

Re: 229, 231 & 233 Pelham Rd

In response to your correspondence dated April 7, 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.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.
- In order for Alectra Utilities to prepare design and procure the materials required to service this site in a timely manner, a minimum of 6 months notification is required. It would be advantages for the developer if Alectra Utilities were contacted at the stage where the new site plan becomes available. Please note that it takes approximately 20 weeks to purchase a transformer.

We would also like to stipulate the following:

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

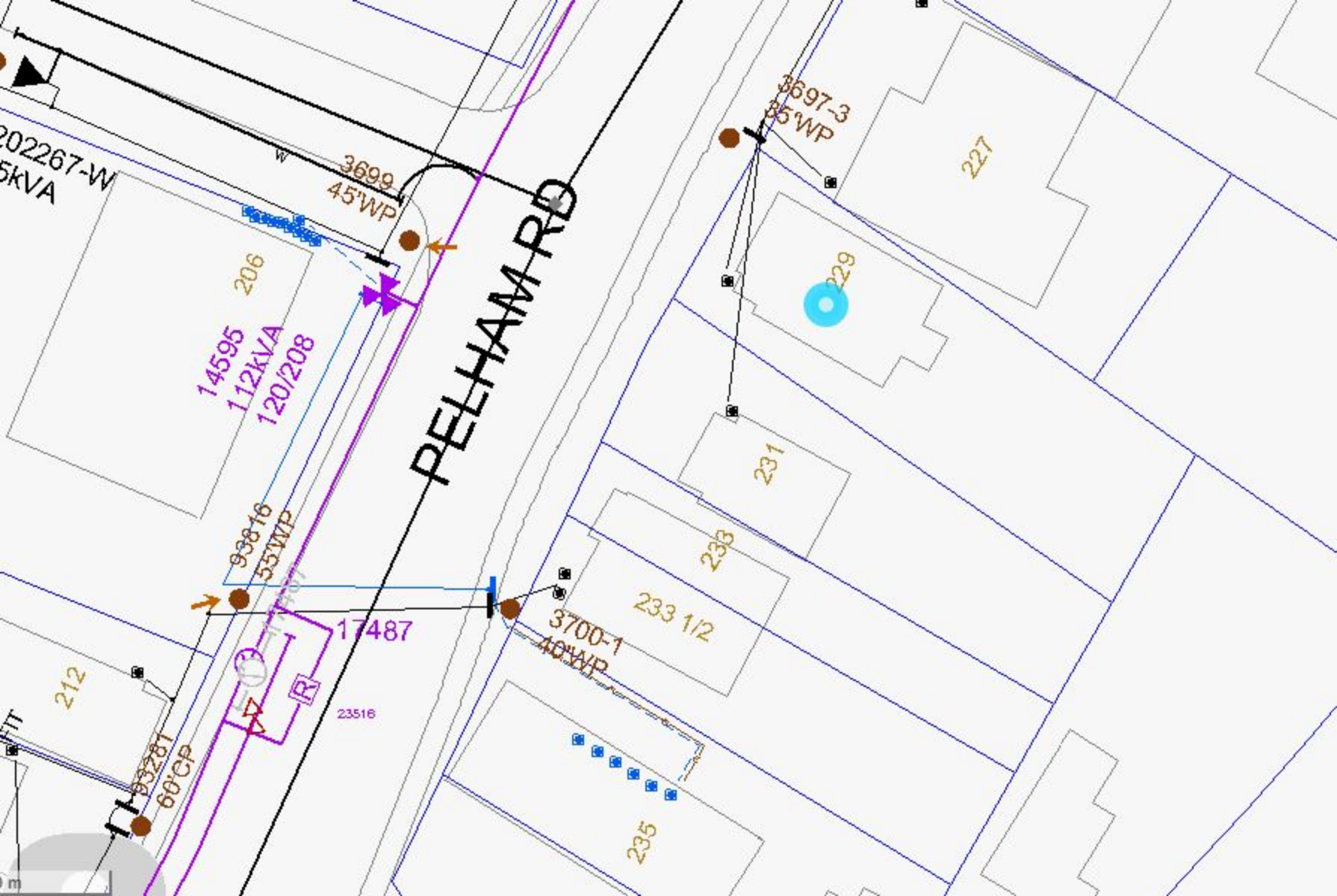
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Alectra Utilities must be contacted if the removal,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

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

Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital



From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Cogeco - No concerns with any applications - Committee of Adjustment Applications for Hearing to be held on April 28, 2022
Date: Sunday, April 17, 2022 1:28:46 PM

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



From: Doug Crown <doug.crown@cogeco.com>
Sent: Friday, April 8, 2022 9:52 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Correct link for 620 Bunting Road RE: Request for Comments - Committee of Adjustment Applications for Hearing to be held on April 28, 2022

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 consens with these applications.

Have a great weekend

Cheers

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: April 20, 2022

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – April 28th, 2022 hearing

B-12/22SC – 10 Adelene Crescent

Comment:

- No comment

Condition:

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

B-23/22SC – 51 Glenridge Avenue

Comment:

- 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:

- No comment

B-24/22SC – 73 Downing Street

Comment:

- 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:

- No Comment

B-25/22SC – 71 Downing Street

Comment:

- 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 dwelling and to complete all inspections to the satisfaction of the Chief Building Official.

B-26/22SC – 38 Neptune Drive

Comment:

- No comment

Condition:

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

B-27/22SC – 374A Linwell Road

Comment:

- No comment

Condition:

- No comment

B-28/22SC – 374B Linwell Road

Comment:

- No comment

Condition:

- No comment

B-29/22SC – 294 Vine Street

Comment:

- No comment

Condition:

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

B-30/22SC – 129 Oakdale Avenue

Comment:

- 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:

- No comment

B-31/22SC – 233/ Pelham Road

Comment:

- No comment

Condition:

- No comment

B-32/22SC – 233/ Pelham Road

Comment:

- No comment

Condition:

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

B-33/22SC – 233/ Pelham Road

Comment:

- No comment

Condition:

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



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

MEMORANDUM

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

Cc: Wilrik Banda
Planning and Building Services

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

Date: April 20, 2022

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – April 28th, 2022 hearing

NO.	ADDRESS	COMMENTS
A-22/22	8 Adelene Crescent	No Comment
A-23/22	10 Adelene Crescent	No Comment
A-107/21	361 Grantham Avenue	Be advised that the current demolition permit (21101338AM) shall be completed prior to construction. Be advised that a building permit is required to construct the townhouse block.
A-40/22	620 Bunting Road	Be advised that a building permit is required to construct the garage addition to the single detached dwelling. Be advised that a demolition permit may be required to remove the existing deck.
A-41/22	51 Glenridge Avenue	No Comment
A-42/22	38 Neptune Drive	No Comment

NO.	ADDRESS	COMMENTS
A-43/22	38A Neptune Drive	Be advised that a building permit is required to construct the single detached dwelling.
A-45/22	19 Centre Street	Be advised that a building permit is to convert the existing 2 storey building to a triplex.
A-46/22	1071 Lakeshore Road	Be advised that the current building permit (19113075BS) shall be completed prior to the shed construction.
A-47/22	26 Thompson Road	Be advised that a building permit is required to construct the pool house structure.
A-48/22	129 Oakdale Avenue	No Comment
A-49/22	131 Oakdale Avenue	Be advised that a building permit is required to construct a single detached dwelling.
A-50/22	229 Pelham Road	No Comment
A-51/22	231 Pelham Road	No Comment
A-52/22	233 Pelham Road	No Comment



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 22, 2022

Subject: Committee of Adjustment Applications – April 28, 2022 Hearing

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

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

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

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

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

361 Grantham Avenue, Minor Variance, A-107/21 – 21118329

Comments on this application will follow separately.

620 Bunting Road, Minor Variance, A-40/22 – 22101914

CRCS have no objection to the applicant's request for a reduction of the interior side yard setback to facilitate construction of an attached garage. However, the requested increase in driveway width is of concern. If approved, the minor variance would facilitate installation of a vehicular turnaround/parking area in the front yard. Not only will this significantly reduce the amount of landscaped open space that can be accommodated in the front yard, but it is also likely that the existing mature boulevard tree directly adjacent to the proposed turnaround will be negatively impacted. We note that the tree's canopy is actually larger than what is depicted on the plans submitted. It is the opinion of CRCS staff that an increase in driveway width will result in negative impacts and we object to the requested variance accordingly.

51 Glenridge Avenue, Consent, B-23/22SC – 22102205

73 Downing Street, Consent, B-24/22SC – 22102206

71 Downing Street, Consent, B-25/22SC – 22102207

51 Glenridge Avenue, Minor Variance, A-41/22 – 22102208

At this time, CRCS is unable to submit comments on these applications due to a known conflict of interest.

38 Neptune Drive, Consent, B-26/22SC – 22102224

38 Neptune Drive, Minor Variance, A-42/22 – 22102226

38A Neptune Drive, Minor Variance, A-43/22 – 22102228

In support of these applications, the applicant has submitted a Tree Preservation Report, prepared by Arborwood Tree Service Inc., dated March 16, 2022. The Report confirms the locations and health of two mature City boulevard trees, 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 13 trees inventoried, based on the consent and site plan sketches submitted with the applications.

The Report indicates that the proposed driveway for the new dwelling will encroach into the minimum tree protection zone for the southerly boulevard tree (identified in the report as tree no. 1) and recommends that, in addition to installing hoarding, root exploration and pruning be undertaken using air spade or hydro vac methods. CRCS Forestry staff are satisfied with the report and its recommendations, however, we note that root exploration and pruning must be completed under the supervision of a certified arborist and must be completed prior to any construction activities or relating staging.

CRCS offers no objection to the requested minor variance for an increase in maximum lot area for the retained lot. With respect to the requested variance for a reduction in lot frontage for the new lot, CRCS staff recommends that the driveway width and location be limited to what is depicted in the plans submitted with these applications. If limitations are not imposed, then the size of the driveway could be enlarged in the future, reducing the amount of landscaped open space in the front yard, and also impacting the mature boulevard tree discussed above.

Should the applications be approved, CRCS recommends the following be included as a condition of consent:

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 Preservation Report, prepared by Arborwood Tree Service Inc., dated

March 16, 2022, particularly as they relate to two City boulevard trees, identified as tree nos. 1 and 2.

- b. That the approved plans forming part of the development agreement clearly illustrate tree protection zones and notes.
- c. That the consulting arborist attend the site during root excavation and pruning to oversee the works.
- d. That upon completion of root exploration and pruning, the consulting arborist provide confirmation to the City that the mitigation measures outlined in the Tree Preservation Report have been properly carried out.
- e. That no construction activities or construction staging occur until such time as root pruning and hoarding installation is complete.
- f. That the width of the driveway for the new lot not exceed 5.0 metres and that its location be consistent with what is shown on the plans submitted with the application for consent.

374A Linwell Road, Consent, B-27/22SC – 22102265

374B Linwell Road, Consent, B-28/22SC – 22102266

CRCS offers no objection to the proposed consents to create easements for storm drainage.

19 Centre Street, Minor Variance, A-45/22 – 22102231

CRCS has no objection to the requested minor variances; the building and parking areas exist and no expansions are proposed. In fact, the sketch submitted indicates the front yard parking, which currently occupies the entire front yard, will be reduced by approximately half to accommodate landscaped open space. CRCS is strongly supportive of this change.

1071 Lakeshore Road West, Minor Variance, A-46/22 – 22102238

CRCS offers no objection to the requested minor variance, which seeks a reduced interior side yard setback for an accessory structure (utility shed).

26 Thompson Road, Minor Variance, A-47/22 – 22102240

CRCS offers no objection to the requested minor variance, which seeks an increase in height for an accessory structure (pool house). We presume that the maximum lot coverage for all accessory structures prescribed by the Zoning By-law will not be exceeded.

294 Vine Street, Consent, B-29/22SC – 22102247

CRCS offers no objection to the proposal to create a new parcel for a future private road development. We note that an application for site plan approval has been submitted for the future development and, upon our preliminary review of the submission materials, it appears that the proposal is deficient in terms of the City's zoning and site plan standards for landscaping, open space, amenity areas, etc. The Committee and the applicant should not misconstrue this department's support of the consent to sever as

an endorsement of the site and landscaping designs submitted through the application for site plan approval.

Should this application be approved, CRCS recommends the following be included as a condition of consent:

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.)

129 Oakdale Avenue, Consent, B-30/22SC

129 Oakdale Avenue, Minor Variance, A-48/22

131 Oakdale Avenue, Minor Variance, A-49/22

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

We note that there is a mature tree located on the adjacent lands to the north, very close to the common lot line. A large portion of the tree's canopy overhangs the subject lands in the area of the proposed development and the tree will therefore need to be pruned to facilitate construction. Given this is a private civil matter, our comments pertaining to the tree are provided for information only.

Should the application for consent be approved, CRCS recommends the following conditions be included in the Committee's decision:

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.

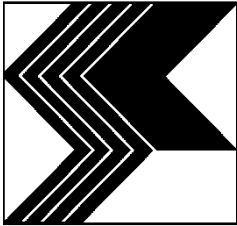
233/ Pelham Road, Consent, B-31/22SC – 22102341
233/ Pelham Road, Consent, B-32/22SC – 22102342
233/ Pelham Road, Consent, B-33/22SC – 22102343
229 Pelham Road, Minor Variance, A-50//22 – 22102344
231 Pelham Road, Minor Variance, A-51/22 – 22102345
233 Pelham Road, Minor Variance, A-52/22 – 22102346

CRCS offers no objection to these applications, which will re-create four lots, each of which contains an existing dwelling (two detached and two semi-detached). Should the applications be approved, CRCS recommends the following be included as a condition of consent:

1. That the applicant submit a payment for the placement of a 60mm boulevard tree for each of the three new lots, in accordance with the City's current Schedule of Rates and Fees.

Amanda Knutson
Community Project & Development Planner

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-31,32 & 33-22SC



April 12th, 2022

ENGINEERING FILE 300-36

Hearing Date: April 28th, 2022

Applicant: Brian, Joanna, and Stanislaw Bodnik

Location: 229 to 233/ Pelham Road

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

Comment(s): It is noted that the applicant proposes to sever portions of the existing property to be recreate lots 229 to 233/. Those lots previously merged by common title.

ROADS

The subject lands front onto Pelham Road which is designated as a “Main Mixed-Use Corridor” in the City’s Transportation Master Plan (TMP). The recommended right-of-way width in the City’s TMP for this section of Pelham Road is 20m. Its current width across this frontage varies and is less than 20m. The City’s Geomatics Group (EFES) have been contacted and advise that the widening be established approximately 10 metres from the centreline of the original Pelham Road. This would result in a straight line between a point approximately 1.3 m southeasterly along the southwesterly limit of Part 1 to a point 0.2 m southeasterly along the northeasterly limit of Part 4. This appears to have been shown on the surveyor’s sketch provided with the application.

The widening must be dedicated free and clear to the City and registered on title before the severances are finalized. All costs associated with the dedication shall be paid by the owner.

LINEAR MUNICIPAL SERVICES

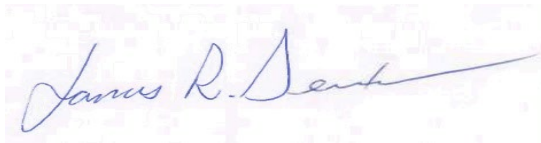
The owner will be required to pay for City crews to locate, inspect, and document the location of all sewer laterals and water services currently being used for the existing dwellings. If the location of any existing service conflicts with the re-established lot lines the owner shall pay all costs for relocating the service to eliminate such conflict. The owner shall pay the City to do the portion of the work within the municipal right-of-way. The owner shall be responsible for all costs associated with the portion on private property and shall obtain the necessary Plumbing Only Permit. If due to location, an existing service is unsuitable for reuse, the owner shall pay the City to decommission that service and install a new service from the main sewer or watermain to the front property line. All works must be completed before the final registration of the severance.

Grading and Drainage is not an issue since these are boundary line re-establishments only.

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

- Pay for City crews to locate, inspect, and document the location of all sewer laterals and water services currently being used for the existing dwellings.

- If the location of any existing service conflicts with a re-established lot line the owner shall pay all costs for relocating the service to eliminate such conflict. The owner shall pay the City to do the portion of the work within the municipal right-of-way. The owner shall also complete all relocation works on private property and obtain the necessary Plumbing Only Permit.
- If due to location, an existing service is unsuitable for reuse, the owner shall pay the City to decommission that service and install a new service from the existing main sewer or watermain to the front property line. The owner shall complete any associated works on private property.
- Dedicate to the City free and clear of any encumbrances, a right-of-way widening across the entire Pelham Road frontage of the lands. The exact widening will be determined by the City after reviewing the Reference Plan prepared by the owner's surveyor. The developer shall pay all costs associated with the granting and registering the widening.



Prepared by:

James R. Denham P.Eng.
Development Engineering Technologist

cc. Margaret Josipovic, John Lane, Brad Johnston, Elaine Munro, Natasha MacDonald, Wil Banda PBS (email only)



Memorandum

To: Elaine Munro, ACST, Committee Secretary & Planning Technician
From: James Denham, P.Eng. Development Engineering Technologist
CC: City Committee of Adjustment Planning Staff
Date: April 12th, 2022
Hearing Date: April 28th, 2022
Subject: **Committee of Adjustment - Minor Variance Applications**
361 Grantham Avenue - A - 107-21/SC
620 Bunting Road - A - 40 - 22/SC
51 Glenridge Avenue - A - 41 - 22/SC
38 Neptune Drive - A - 42 & 43 - 22/SC
19 Centre Street - A - 45 - 22/SC
1071 Lakeshore Road - A - 46 - 22/SC
26 Thompson Road - A - 47 - 22/SC
129 Oakdale Avenue - A - 48 & 49 - 22/SC
229 to 233/ Pelham Road - A - 50 to 53 - 22/SC

Development Engineering have have the following comments,

- The Applicant for 1071 Lakeshore Road is to be advised that if the proposed shed is going to be located closer to the property line than the standard setback a Grading Plan prepared by a Professional Engineer or an Ontario Land Surveyor will be required at the Building Permit stage. If at the Building Permit stage the Applicant revises the location of the shed to meet the required 1.20m setback, and the size of the shed is the same as what is being proposed on the sketch provided, a Grading Plan will likely not be required.
- All Applicants for Minor Variances where a grading plan is not required at this time are to be advised that a Grading Plan prepared by a qualified Professional Engineer or Ontario Land Surveyor will be required at the building permit stage if the building/structure is increasing the overall building/hard surface footprint or where sideyard pedestrian access and/or entrances are being proposed.
- All applicants are to be advised that although minimum zoning setbacks may be reduced through Minor Variances, sideyard widths greater than the zoning minimum may be required to accommodate and maintain both access and storm water conveyance.

Prepared by:

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

To: Elaine Munro, Committee Secretary and Planning Technician

Cc:

From: Steve Bittner, Transportation Technologist

Date: April 11, 2022

Subject: Committee of Adjustment Comments (April 28, 2022, Hearing)

A-045/22 – 19 Centre Street

No concerns with the proposed variances. The apron to access the parking is wider than what is required to access the parking. As such, the curb and boulevard should be reinstated for any portion of the apron that doesn't access the parking spaces.

A-052/22 – 233 Pelham Road

No concerns with the reduction in parking. However, the space that is currently shown as parking is insufficient to legally park a vehicle. As such, the curb cut should be reinstated.

We have no concerns or requirements with the remaining applications.

Steve Bittner
Transportation Technologist



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: April 22, 2022

Date of Meeting: April 28, 2022

Report Number: B-31/22SC
B-32/22SC
B-33/22SC
A-50/22
A-51/22
A-52/22

File: 22102341
22102342
22102343
22102344
22102345
22102346

Subject: 233/ Pelham Road (to be known as 229 Pelham Road, 231 Pelham Road, 233 Pelham Road and 233/ Pelham Road)

Recommendation

That Application **B-31/22SC** by Brian Bodnik, Frank Kasowski, Izabela Kasowski, Janina Kasowski, Joanna Bodnik, and Stanislaw Bodnik, as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. That the Owner pay the fees for City crews to locate, inspect and document the location of all sewer laterals and water services currently being used for the existing dwellings.
2. That the Owner pay to the City all required fees to relocate existing services if they conflict with the proposed re-established lot lines. The Owner shall pay the City to complete the portion of the works within the municipal right-of-way. The Owner shall also complete all relocation works on the private property portion and obtain a Plumbing Only Permit.
3. That the Owner pay to the City fees to decommission any services that are unsuitable for use due to its location. The Owner shall also pay the City to install a new service from the existing main sewer or watermain to the front property line if required. The Owner shall complete any associated works on the portion of private property.
4. That the Owner dedicate to the City free and clear of any encumbrances, a right-of-way widening across the entire Pelham Road frontage of the lands. The exact widening will be determined by the City after reviewing the Reference Plan prepared by the Owner's surveyor. The Owner shall pay all costs associated with granting and registering the widening.
5. That the Owner pay the fees to the City for the placement of a 60mm boulevard tree for each of the three new lots, in accordance with the City's current Schedule of Rates and Fees.
6. That final approval of the concurrent Minor Variance applications be granted.

7. 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.
8. That a final certification fee of \$222.20 (2022 rate) per application payable to the Treasurer, City of St. Catharines, be submitted to the Secretary-Treasurer.
9. That all conditions of consent be fulfilled by April 28, 2024.

That Application **B-32/22SC** by Brian Bodnik, Frank Kasowski, Izabela Kasowski, Janina Kasowski, Joanna Bodnik, and Stanislaw Bodnik, as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. That the Owner pay the fees for City crews to locate, inspect and document the location of all sewer laterals and water services currently being used for the existing dwellings.
2. That the Owner pay to the City all required fees to relocate existing services if they conflict with the proposed re-established lot lines. The Owner shall pay the City to complete the portion of the works within the municipal right-of-way. The Owner shall also complete all relocation works on the private property portion and obtain a Plumbing Only Permit.
3. That the Owner pay to the City fees to decommission any services that are unsuitable for use due to location. The Owner shall also pay the City to install a new service from the existing main sewer or watermain to the front property line if required. The Owner shall complete any associated works on the portion of private property.
4. That the Owner dedicate to the City free and clear of any encumbrances, a right-of-way widening across the entire Pelham Road frontage of the lands. The exact widening will be determined by the City after reviewing the Reference Plan prepared by the Owner's surveyor. The Owner shall pay all costs associated with granting and registering the widening.
5. That the Owner pay the fees to the City for the placement of a 60mm boulevard tree for each of the three new lots, in accordance with the City's current Schedule of Rates and Fees.
6. That the Owner, as a result of the proposed severance, satisfy the Chief Building Official for the City of St. Catharines regarding spatial separation requirements. Spatial separation requirements for the glazed openings and type of construction for the exposed building face of the existing dwelling facing north, must meet the requirements of Subsection 9.10.14 and 9.10.15 of the 2012 Ontario Building Code as applicable.
7. That final approval of the concurrent Minor Variance applications be granted.
8. 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.
9. That a final certification fee of \$222.20 (2022 rate) per application payable to the Treasurer, City of St. Catharines, be submitted to the Secretary-Treasurer.
10. That all conditions of consent be fulfilled by April 28, 2024.

That Application **B-33/22SC** by Brian Bodnik, Frank Kasowski, Izabela Kasowski, Janina Kasowski, Joanna Bodnik, and Stanislaw Bodnik, as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. That the Owner pay the fees for City crews to locate, inspect and document the location of all sewer laterals and water services currently being used for the existing dwellings.
2. That the Owner pay to the City all required fees to relocate existing services if they conflict with the proposed re-established lot lines. The Owner shall pay the City to complete the portion of the works within the municipal right-of-way. The Owner shall also complete all relocation works on the private property portion and obtain a Plumbing Only Permit.
3. That the Owner pay to the City fees to decommission any services that are unsuitable for use due to location. The Owner shall also pay the City to install a new service from the existing main sewer or watermain to the front property line if required. The Owner shall complete any associated works on the portion of private property.
4. That the Owner dedicate to the City free and clear of any encumbrances, a right-of-way widening across the entire Pelham Road frontage of the lands. The exact widening will be determined by the City after reviewing the Reference Plan prepared by the Owner's surveyor. The Owner shall pay all costs associated with granting and registering the widening.
5. That the Owner pay the fees to the City for the placement of a 60mm boulevard tree for each of the three new lots, in accordance with the City's current Schedule of Rates and Fees.
6. That the Owner, as a result of the proposed severance, satisfy the Chief Building Official for the City of St. Catharines regarding spatial separation requirements. Spatial separation requirements for the glazed openings and type of construction for the exposed building face of the existing dwelling facing north, must meet the requirements of Subsection 9.10.14 and 9.10.15 of the 2012 Ontario Building Code as applicable.
7. That final approval of the concurrent Minor Variance applications be granted.
8. 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.
9. That a final certification fee of \$222.20 (2022 rate) per application payable to the Treasurer, City of St. Catharines, be submitted to the Secretary-Treasurer.
10. That all conditions of consent be fulfilled by April 28, 2024.

That Application **A-50/22** by Brian Bodnik, Frank Kasowski, Izabela Kasowski, Janina Kasowski, Joanna Bodnik, and Stanislaw Bodnik, as outlined in the Notice of Hearing, be approved.

That Application **A-51/22** by Brian Bodnik, Frank Kasowski, Izabela Kasowski, Janina Kasowski, Joanna Bodnik, and Stanislaw Bodnik, as outlined in the Notice of Hearing, be approved.

That Application **A-52/22** by Brian Bodnik, Frank Kasowski, Izabela Kasowski, Janina Kasowski, Joanna Bodnik, and Stanislaw Bodnik, as outlined in the Notice of Hearing, be approved.

Report

The Proposal

The Applicant proposes to sever a lot that was previously four lots but have inadvertently merged on title. The lot is currently occupied by two detached dwellings and two semi-detached dwelling units. The application seeks to re-establish the four lots as they previously existed, to be known as 229 Pelham Road (Part 4), 231 Pelham Road (Part 3), 233 Pelham Road (Part 2) and 233/ Pelham Road (Part 1). Part 5 will be dedicated to the City for a road widening. To facilitate the consent applications, minor variances are required to address zoning deficiencies that will be created through the severances. The requested consents and minor variances are listed in the tables below.

Application	Severed Parcel	Severed Area	Retained Parcel	Retained Area
B-31/22SC	Part 4 (229 Pelham Road)	488.0 m ²	Parts 1, 2 and 3 (231, 233 and 233/ Pelham Road)	940 m ²
B-32/22SC	Part 3 (231 Pelham Road)	395.0 m ²	Parts 1 and 2 (233 and 233/ Pelham Road)	545 m ²
B-33/22SC	Part 2 (233 Pelham Road)	212.0 m ²	Part 1 (233/ Pelham Road)	333 m ²

Application	Variance	Provision	Required	Proposed
A-50/22 229 Pelham Road (Part 4)	1	Maximum lot area for a detached dwelling	465 m ²	488 m ²
A-51/22 231 Pelham Road (Part 3)	1	Minimum interior side yard setback	1.2 metres	1.1 metres
A-52/22 233 Pelham Road (Part 2)	1	Minimum lot area for a semi-detached dwelling	280 m ²	212 m ²
	2	Minimum lot frontage	7.5 metres	5.59 metres
	3	Minimum interior side yard setback	1.2 metres	1.0 metres

	4	Minimum number of required parking spaces (per dwelling unit)	1	0
--	---	---	---	---

Location and Site Description

The subject lands are located on the east side of Pelham Road, north of Glendale Avenue. The subject lands are currently occupied by two detached dwellings and two semi-detached dwelling units, which are proposed to remain. The surrounding area comprises primarily of low to medium density residential uses and commercial uses. Twelve Mile Creek is located to the east and West Park is located northwest of the subject lands.

Circulation of Application

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

Comments were received from an adjacent property owner, who raised concerns regarding vehicles previously accessing the subject lands from their property. The resident has requested that a privacy fence be added along the property line to avoid this in the future. This is considered a civil matter and would not be addressed through the proposed applications.

Planning Policy Context

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential on Schedule E7. Detached dwellings and semi-detached dwellings are permitted in this designation at a density range generally between 20 to 32 units per hectare.

Zoning By-law (2013-283)

The subject property is zoned Low Density Residential – Traditional Neighbourhood (R2). Detached dwellings and semi-detached dwellings are permitted in this zone at a density range generally between 20 to 32 units per hectare.

Planning Analysis

Consent

Consent Applications **B-31/22SC**, **B-32/22SC** and **B-33/22SC** request to sever three lots for the purpose of conveying the dwellings under separate ownership by reinstating the previous four lots.

Section 16.11 of the Garden City Plan sets out policies that applications for lot creation shall be evaluated against. The proposed consent applications are to correct an existing situation where four lots merged together inadvertently, do not constitute new development taking place, and do not compromise the severance policies contained in the Official Plan. The proposal to reinstate the four lots meets the density requirements

for the lands and will not result in adverse impacts to the surrounding area or environment. As such, staff recommend that Consent Applications **B-31/22SC**, **B-32/22SC** and **B-33/22SC** be approved, subject to conditions outlined in the recommendation.

Road Widening

Pelham Road is designated as a Main Mixed-Use Corridor in the City's Transportation Master Plan (TMP). The recommended right-of-way width for this road is 20.0 metres. Its current width across this frontage varies and is less than 20.0 metres, with a deficiency between 0.2 metres and 1.3 metres along the frontage of the subject property.

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

To be consistent with road widening requirements and standards necessary to accommodate City and private utilities and complete street initiatives, staff are recommending as a condition that a road widening across the frontage of the subject property be dedicated to the City to obtain half of the additional requirements necessary to ultimately achieve the desired road allowance width of 20.0m. The Applicant is aware of this request and have identified the road widening dedication as Part 5 on the submitted survey sketch.

Minor Variance

Application A-50/22 (Part 4)

Application **A-50/22** requests an increase in the maximum lot area for a detached dwelling in an R2 zone from 465 square metres to 488 square metres, resulting in an increase of 23 square metres. This will allow the existing detached dwelling to be conveyed under separate ownership and no new development is proposed as part of this application. The intent of the maximum lot area is to ensure a consistent and compact built form and prevent urban sprawl by guiding higher density development within an area. Given the size and configuration of the parcel, and where the existing dwellings are situated on the property, it is staff's opinion that the proposed severance and resulting minor variance supports the optimum use of the lands. Although the proposed lot area is larger than what is permitted, the density of 20 units per hectare meets Official Plan and Zoning By-law requirements for the lands.

Staff recommend that Application **A-50/22** be approved as the variance is considered to be minor in nature, desirable for the appropriate development of the lands and meets the intent of the Official Plan and Zoning By-law.

Application A-51/22 (Part 3)

Application **A-51/22** requests a reduction to the interior side yard setback along the southern lot line from 1.2 metres to 1.1 metres, resulting in a decrease of 0.1 metres. This will allow the existing detached dwelling to be conveyed under separate ownership and no new development is proposed as part of this application. The intent of the interior side yard setback is to ensure sufficient separation distance between properties, that dwellings do not overwhelm the lot, that there is access to the rear of the lot and adequate drainage, as well as prevent overlook and provide privacy. Given the proposed severance would result in a deficiency of 0.1 metres along the southern lot line, staff are satisfied that the 1.1 metre setback for the existing one-storey detached dwelling achieves these objectives. This variance is required given the location of the existing dwellings and the inability to propose lot lines that would provide the minimum 1.2 metre setback for all of the lots. Staff consider the variance to be minor in nature, desirable for the appropriate development of the lands and meets the intent of the Official Plan and Zoning By-law. As such, staff recommend that Application **A-51/22** be approved.

Application A-52/22 (Part 2)

This Application will allow the existing semi-detached dwelling unit to be conveyed under separate ownership and no new development is proposed.

Variance 1

Variance 1 of Application **A-52/22** requests a reduction to the minimum lot area for a semi-detached dwelling in an R2 zone from 280 square metres to 212 square metres, resulting in a decrease of 68 square metres. Given the location of the existing dwellings and the requirement to provide adequate interior side yard setbacks, the proposed lot lines, which will re-establish what previously existed, are unable to be placed in a way that would meet the minimum lot area for the dwelling unit. The intent of the minimum lot area provision is to ensure the lot can adequately contain a building footprint, functional access, appropriate setbacks and adequate amenity space for the dwelling. Staff are satisfied that this is achieved with the proposal and that there will be no adverse impacts as a result. Although the density of 47 units per hectare for this lot is higher than what is permitted within the existing designation and zone, the overall density of the subject lands is 28 units per hectare which is within the permitted density range.

Staff recommend that the variance be approved it is considered to be minor in nature, desirable for the appropriate development of the lands and meets the intent of the Official Plan and Zoning By-law.

Variance 2

Variance 2 of Application **A-52/22** requests a reduction to the minimum lot frontage for a semi-detached dwelling in an R2 zone from 7.5 metres to 5.59 metres, resulting in a reduction of 1.91 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 1.91 metres is sufficient to accommodate the existing building envelope, provide landscaping and site access with no changes to the existing streetscape. As such, staff are satisfied that the variance will not result in adverse impacts to the surrounding area.

Staff recommend that the variance be approved it is considered to be 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

Variance 3 of Application **A-52/22** requests a reduction to the interior side yard setback along the northern lot line from 1.2 metres to 1.0 metres, resulting in a decrease of 0.2 metres. The intent of the interior side yard setback is to ensure sufficient separation distance between properties, that dwellings do not overwhelm the lot, that there is access to the rear of the lot and adequate drainage, as well as prevent overlook and provide privacy. Given the proposed severance would result in a deficiency of 0.2 metres along the northern lot line, staff are satisfied that the 1.0 metre setback for the existing one-storey semi-detached dwelling unit achieves these objectives. As noted, this variance is required given the location of the existing dwellings and the inability to propose lot lines that would provide the minimum 1.2 metre setback for all of the lots.

Staff consider the variance to be minor in nature, desirable for the appropriate development of the lands and meets the intent of the Official Plan and Zoning By-law. As such, staff recommend that the variance be approved.

Variance 4

Variance 4 of Application **A-52/22** requests a reduction in the required number of parking spaces from 1 space to 0 spaces. This variance is required due to the road widening that will be dedicated to the City as part of this application. Currently there is one parking space in the driveway that meets the minimum parking space dimensions established in the Zoning By-law. However, once the road widening is taken into effect, the existing driveway no longer provides one parking space that meets the minimum dimensions.

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

- i) Shared parking is possible;
- ii) Transit is readily available or where transit facilities are provided;
- iii) Bicycle parking facilities, or community facilities are provided;

- iv) Land, beyond minimum requirements, is dedicated for safe active transportation facilities and connectivity;
- v) Land, beyond minimum requirements, is dedicated for greening and landscaping initiatives.

In this case, the subject property is located within 50m to a bus stop at the corner of Pelham Road and Glendale Avenue, and is located within 65m to a bus stop on Pelham Road. Both bus stops are well serviced by transit routes connecting to other parts of the City, including the Downtown Terminal and Pen Centre transfer point. The subject property is also located along and within proximity to cycling trails and routes in the City. On-street parking is not available along Pelham Road, however, there is on-street parking available along nearby side streets. The reduction of one parking space that meets City standards is not expected to have an adverse impact on parking supply in the area or cause excess parking spillover in the neighbourhood. Given the availability of on-street parking and close proximity to transit and cycling routes, staff find the variance to be desirable for the appropriate use of the lands and in keeping with the general intent of the Official Plan.

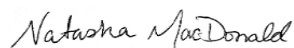
Considering the property has access to City bus transit routes, cycling routes and on-street parking, staff are of the opinion that this variance is considered minor in nature, appropriate for the desirable use of the lands and is in keeping with the general intent of the Official Plan and Zoning By-law.

Conclusion

Having regard for matters under Section 53 of *The Planning Act*, staff are of the opinion that Consent Applications **B-31/22SC**, **B-32/22SC** and **B-33/22SC** meet the intent and purpose of the Official Plan and Zoning By-law and will have no adverse impacts on the surrounding area or environment. It is staff's recommendation that the Applications be approved.

Having regard for matters under Section 45 of *The Planning Act*, staff are of the opinion that Minor Variance Applications **A-50/22**, **A-51/22** and **A-52/22** are in keeping with the general intent of the Official Plan and Zoning By-law, are minor in nature, and are desirable for the appropriate development of the lands. Staff recommend that the Applications be approved.

Prepared and Submitted by:



Natasha MacDonald
Planner I

Approved by:



Margaret Josipovic
Manager of Planning Services