

Agenda

Thursday, May 26, 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 May 25, 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 and April 28, 2022**
 6. **Declarations of Interest**

7. **Request for Withdrawal or Adjournment**

- i. Item # 7, 37 Northglen Avenue, Minor Variance, A-55/22 – 22103790
The Owner has withdrawn minor variance application, A-55/22, in writing in order to retain a lawyer to acquire the lands at the rear of his property and asks the Committee to consider the application Abandoned without Prejudice.

The Owner is requesting that the Committee consider approving a refund of the minor variance application fees.

- ii. Item #2, 62 Marsdale Drive, Consent, B-13/22SC – 22100910
62 Marsdale Drive. Minor Variance, A-24/22 – 22100912
66A Marsdale Drive, Minor Variance, A-62/22 – 22103840
The Agent has requested that the applications be deferred for 6 months to allow the Owners time to acquire City lands to the west and abutting their lot.

8. **Applications**

1. 41 Moffatt Street, Consent, B-16/21SC – 21103431
41 Moffatt Street, Consent, B-17/21SC – 21103432
3 Marshall Lane, Minor Variance, A-41/21 – 21103435
5 Marshall Lane, Minor Variance, A-42/21 – 21103436
7 Marshall Lane, Minor Variance, A-43/21 – 21103437
3. 22 Inglewood Road, Consent, B-21/22SC – 22101253
22 Inglewood Road, Consent, B-22/22SC – 22101257
22A Inglewood Road, Minor Variance, A-35/22 – 22101265
22B Inglewood Road, Minor Variance, A-36/22 – 22101267
22C Inglewood Road, Minor Variance, A-37/22 – 22101268
4. 620 Bunting Road, Minor Variance, A-40/22 – 22101914
5. 129 Oakdale Avenue, Consent, B-30/22SC – 22102428
129 Oakdale Avenue, Minor Variance, A-48/22 – 22102429
131 Oakdale Avenue, Minor Variance, A-49/22 – 22102430
6. 11 Export Avenue, Minor Variance, A-54/22 – 22103762
8. 675 Niagara Street, Minor Variance, A-56/22 – 22103229
9. 1420 Fifth Street Louth, Minor Variance, A-58/22 – 22103805
10. 121 Cushman Road, Minor Variance, A-61/22 – 22103806

9. **New Business**

10. **Date of next meeting**

Wednesday June 22, 2022 at 5.00 pm

11. **Motion to Adjourn**

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

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

COMMENTS

B-13/22SC, A-24/22 & A-62/22

62 and 66A Marsdale Drive

DATE OF HEARING:
May 26, 2022

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Alectra - No Comments/Concerns RE: 62 & 66A Marsdale Drive, St. Catharines
Date: Thursday, May 12, 2022 12:46:03 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)

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



From: Network Info <network.info@horizonutilities.com>
Sent: Thursday, May 12, 2022 8:21 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: RE: 62 & 66A Marsdale 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 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*

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Bell - No concerns/comments_62 Marsdale Drive RE: Committee of Adjustment Notices of Hearing - May 26, 2022 Hearing - 905-22-218
Date: Tuesday, May 17, 2022 9:15:49 AM

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



From: Gordon, Carrie <carrie.gordon@bell.ca>
Sent: Tuesday, May 17, 2022 8:22 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Committee of Adjustment Notices of Hearing - May 26, 2022 Hearing - 905-22-218

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-13/22SC

Subsequent to review of the abovementioned application at 62 Marsdale 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 RE: Committee of Adjustment Notices of Hearing - May 26, 2022 Hearing
Date: Tuesday, May 10, 2022 5:33:29 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: Tuesday, May 10, 2022 7:47 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Committee of Adjustment Notices of Hearing - May 26, 2022 Hearing

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

Hi Elaine

Cogeco has no concerns with these applications.

Happy sunny day

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**

Planning and Development Services

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

Via email only

May 17, 2022

File No.: CS-22-0042

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

Dear Ms. Munro:

**RE: Regional Comments
Consent Application
City File No.: B-13-22SC
22 Marsdale Drive
Applicant: Amanda Jill Lapoint and Joshua James Cromb
City of St. Catharines**

Regional Planning and Development Services staff have reviewed the information circulated for the above-noted consent application, which proposes to sever Part 3 which will be added to Part 1 (66A Marsdale Drive). There are two concurrent Minor Variance applications to facilitate the Consent.

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

Core Natural Heritage System

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

The consent proposes a new lot line within Significant Woodland. However, ROP policy 7.B.1.18 does not allow for new lot lines within CNHS features or their buffer. As such, staff cannot support the consent application since the proposal does not conform to Regional Official Plan policy.

Conclusion

Regional Planning and Development Services are unable to support the proposed consent as submitted, due to the new lot line proposed within Significant Woodland.

Should you have any questions or wish to discuss these comments, please contact Lori Karlewicz, Planning Ecologist at 905-980-6000 ext. 3396 or lori.karlewicz@niagararegion.ca or alternatively please contact Cara Lampman, Manager, Environmental Planning at 905-980-6000 ext. 3430 or cara.lampman@niagararegion.ca.

Sincerely,

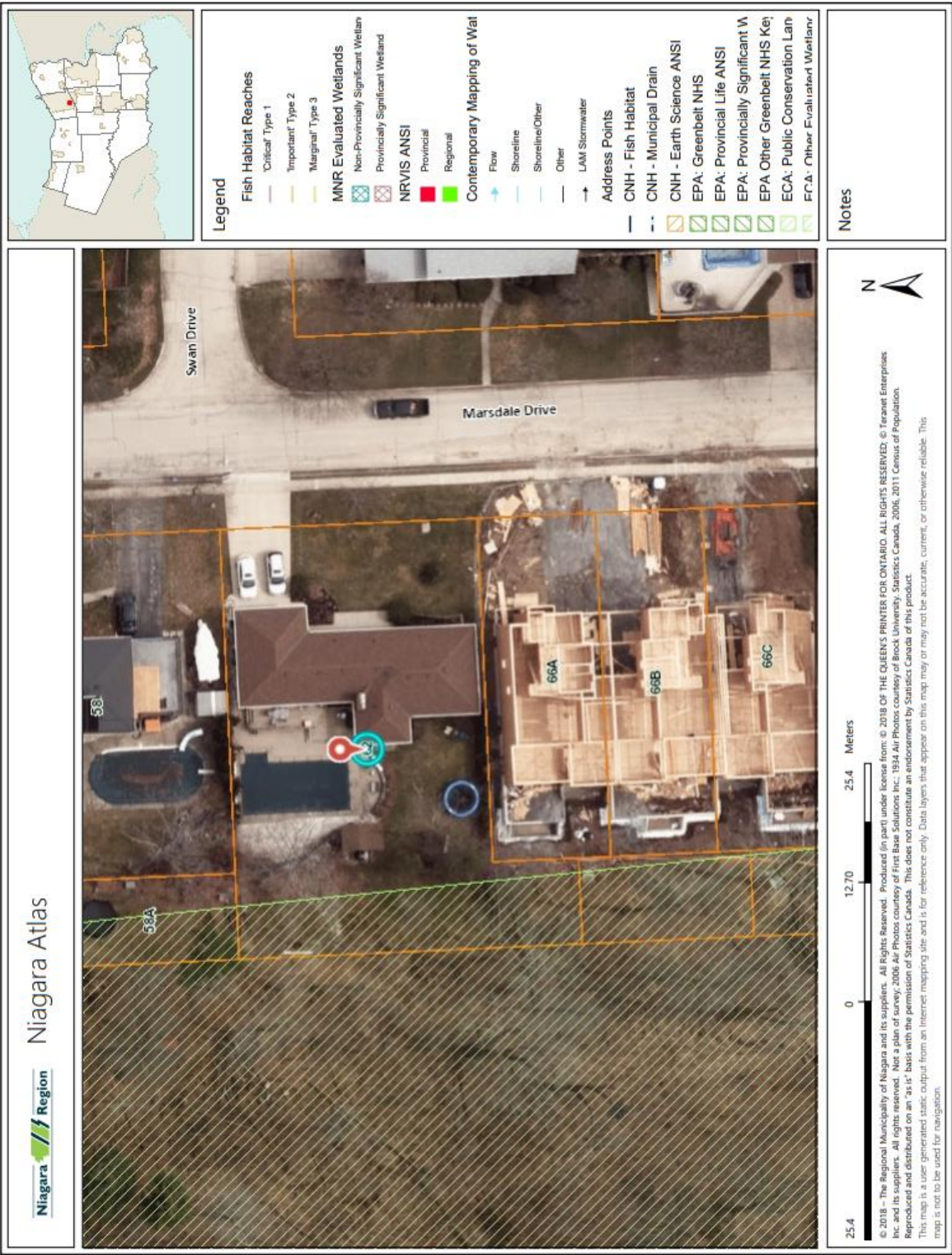


Lori Karlewicz, B.Sc.
Planning Ecologist

Cc: Aimee Alderman, Senior Development Planner, Niagara Region
Cara Lampman, Manager of Environmental Planning, Niagara Region

Appendix: Core Natural Heritage Features Mapping

Appendix: Core Natural Heritage Features Mapping



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: May 11, 2022

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

B-16/21SC – 41 Moffatt Street

Comment:

- No comment

Condition:

- No comment

B-17/21SC – 41 Moffatt Street

Comment:

- No comment

Condition:

- No comment

B-13/22SC – 62 Marsdale Drive

Comment:

- No comment

Condition:

- No Comment

B-21/22SC – 22A Inglewood Road

Comment:

- No comment

Condition:

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

B-22/22SC – 22B Inglewood Road

Comment:

- No comment

Condition:

- A building permit is required to demolish the existing shed 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



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: May 11, 2022
 Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – May 26th, 2022 hearing

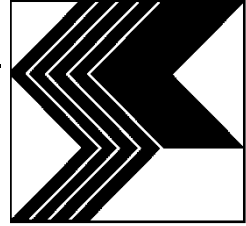
NO.	ADDRESS	COMMENTS
A-41/22	3 Marshall Lane	Be advised that a building permit is required to construct the single detached dwelling.
A-42/22	5 Marshall Lane	Be advised that a building permit is required to construct the single detached dwelling.
A-43/21	7 Marshall Lane	Be advised that a building permit is required to construct the single detached dwelling.
A-24/22	62 Marsdale Drive	No comment
A-62/22	66A Marsdale Drive	No Comment
A-35/22	22A Inglewood Road	Be advised that a building permit is required to construct a three unit townhouse.
A-36/22	22B Inglewood Road	Be advised that a building permit is required to construct a three unit townhouse.

NO.	ADDRESS	COMMENTS
A-37/22	22C Inglewood Road	Be advised that a building permit is required to construct a three unit townhouse.
A-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-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-54/22	11 Export Avenue	Be advised that a building permit is required to construct the new car dealership.
A-55/22	37 Northglen Avenue	Be advised that a building permit is required to construct the new sunroom.
A-56/22	675 Niagara Street	Be advised that a building permit is required to construct a rear covered porch and second story balcony.
A-58/22	1420 Fifth Street	Be advised that a building permit is required to construct the addition to the agricultural farm related commercial / industrial building.
A-61/22	121 Cushman Road	Be advised that a building permit is required to construct the warehouse addition.



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

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-13&36/22SC



May 11th, 2022

ENGINEERING FILE 300-36

Hearing Date: May 26th, 2022

Applicant: Judy Pihach

Location: 62 & 66A Marsdale Drive

GENERAL COMMENTS:

It is noted that the Applicant proposes to sever Parts 3 from Part 4 (62 Martindale) and add it to Part 1 (66A) Marsdale Drive for the purpose of increasing the size of the rear yard for Part 1.

Condition(s): This is a property boundary adjustment and Development Engineering have no comments or concerns.

A handwritten signature in blue ink, reading 'James R. Denham', written over a light blue grid background.

Prepared By: _____
James R. Denham P.Eng.
Development Engineering Technologist



Memorandum

To: Elaine Munro, ACST, Committee Secretary & Planning Technician
From: Brad Johnston, C.E.T., Development Engineering Technologist
CC: City Committee of Adjustment Staff Members
Date: May 12, 2022
Hearing Date: May 26, 2022
Subject: **Committee of Adjustment - Minor Variance Applications**
3, 5 & 7 Marshall Lane – A-41, 42 & 43/21SC
62 & 66A Marsdale Drive - A-24 & 62/22SC
22A, B & C Inglewood Road – A-35, 36 & 37/22SC
620 Bunting Road – A-40/22SC
129 & 131 Oakdale Avenue – A-48 & 49/22SC
11 Export Avenue – A-54/22SC
37 Northglen Avenue – A-55/22SC
675 Niagara Street – A-56/22SC
1420 Fifth Street Louth – A-58/22SC
121 Cushman Road – A-61/22SC

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 subject and adjacent properties; and
- All applicants be advised that a Grading Plan, prepared by a Professional Engineer or Ontario Land Surveyor, may be required as part of the submission for a building permit application for those sites required to obtain a building permit, but not subject to concurrent severance applications

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: May 12, 2022

Subject: Committee of Adjustment Comments (May 26, 2022, Hearing)

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

Steve Bittner
Transportation Technologist

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

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

COMMENTS

**B-16/21SC, B-17/21SC, A-41/21,
A-42/21 & A-43/21**

41 Moffatt Street

**DATE OF HEARING:
May 26, 2022**

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Alectra - No comments/objections RE: 41 Moffatt Street, St. Catharines
Date: Thursday, May 19, 2022 10:56:40 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: Thursday, May 19, 2022 10:49 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: RE: 41 Moffatt Street, St. Catharines




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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 or comments - 41 Moffatt Street RE: Committee of Adjustment Notices of Hearing - May 26, 2022 Hearing - 905-22-219
Date: Tuesday, May 17, 2022 9:21:00 AM

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



From: Gordon, Carrie <carrie.gordon@bell.ca>
Sent: Tuesday, May 17, 2022 8:20 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Committee of Adjustment Notices of Hearing - May 26, 2022 Hearing - 905-22-219

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Hello Elaine

Re: B16-21SC & B17-21SC

Subsequent to review of the abovementioned application at 41 Moffatt St, Bell Canada's engineering department have determined that there are no concerns or comments at this time.

Kind regards,

Carrie Gordon



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

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Cogeco - No Concerns RE: Committee of Adjustment Notices of Hearing - May 26, 2022 Hearing
Date: Tuesday, May 10, 2022 5:33:29 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: Tuesday, May 10, 2022 7:47 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Committee of Adjustment Notices of Hearing - May 26, 2022 Hearing

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

Hi Elaine

Cogeco has no concerns with these applications.

Happy sunny day

Doug Crown

Network Planning Department

Doug.crown@cogeco.com

7170 Mcleod Rd
Niagara Falls Ont Canada

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

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: MTO Comments - 41 Moffatt Street RE: Committee of Adjustment Applications for June 23, 2021 Hearing
Date: Tuesday, May 10, 2022 5:24:35 PM
Attachments: [image006.png](#)

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



From: Nunes, Paul (MTO) <Paul.Nunes@ontario.ca>
Sent: Wednesday, June 2, 2021 12:04 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Deluca, Peter (MTO) <Peter.Deluca@ontario.ca>
Subject: RE: Committee of Adjustment Applications for June 23, 2021 Hearing

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Hi Elaine,

MTO Highway Corridor Management Section has reviewed the locations of the following Applications for Consent:

- **B-16/21SC** – 41 Moffatt Street (Consent)
- **B-17/21SC** – 41 Moffatt Street (Consent)

The property listed above appears to be located outside of the MTO Permit Control Area, and therefore, this office has no further comments.

Mr. Peter DeLuca, Corridor Management Officer (Niagara), will review the other Minor Variance locations and provide comments.

Thanks,

Paul Nunes

Planner (Niagara/Hamilton)
Highway Corridor Management Section – Central Operations



From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: MTO Comments - 41 Moffatt Street / 3 & 5 & 7 Marshall Lane RE: Request for Comments, Committee of Adjustment Notices of Hearing - May 26, 2022 Hearing
Date: Tuesday, May 10, 2022 5:23:23 PM

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



From: Deluca, Peter (MTO) <Peter.Deluca@ontario.ca>
Sent: Tuesday, May 10, 2022 10:21 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: RE: Additional Application - 41 Moffatt Street RE: Request for Comments, Committee of Adjustment Notices of Hearing - May 26, 2022 Hearing

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

Hi Elaine,

MTO Highway Corridor Management Section has reviewed the locations of the following Applications for Minor Variances:

- **3 Marshall Lane, Minor Variance, A-41/21 – 21103435**
- **5 Marshall Lane, Minor Variance, A-42/21 – 21103436**
- **7 Marshall Lane, Minor Variance, A-43/21 – 21103437**

The property listed above appears to be located outside of the MTO Permit Control Area, and therefore, this office has no further comments.

For 41 Moffatt Street, the comments remain the same as the site is outside MTO Permit Control Area.

Thanks,
Peter DeLuca

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Regional Comments - 41 Moffatt Street RE: Committee of Adjustment Application, May 26, 2022 Hearing
Date: Friday, May 20, 2022 3:03:38 PM

Elaine Munro ACST

Committee Secretary and Planning Technician

Tel: 905.688.5601 x1715

Email: emunro@stcatharines.ca



From: Alderman, Aimee <Aimee.Alderman@niagararegion.ca>
Sent: Wednesday, May 11, 2022 9:34 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: RE: Additional application - 41 Moffatt Street RE: Committee of Adjustment Application, May 26, 2022 Hearing

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

Good morning Elaine,

Regional interests associated with the Consent files for 41 Moffatt Street, and concurrent Minor Variances along Marshall Lane, pertain to archaeological potential.

Regional staff has reviewed the circulated Stage 4 Mitigation of Impacts Moffatt Street Site (AgGt-240), prepared by Detritus Consulting Inc., dated October 14, 2021. This report was specific to one archaeological site (AgGt-240), as required by the Stage 3 Assessment (conducted by ASI in June 2017) given that avoidance and protection of the site was not a viable option, as confirmed by the proponent. Since the Stage 4 mitigation has been completed, the cultural heritage value and interest associated with this site has been documented; the site (AgGt-240) has no further cultural heritage value or interest. The Stage 4 Mitigation of Impacts Moffatt Street Site (AgGt-240) has been entered into the Ontario Public Register of Archaeological Reports and, as confirmed in the Ministry of Heritage, Sport, Tourism and Culture Industries acknowledgement letter (dated April 25, 2022), the report was conducted in accordance with the Ministry's fieldwork and reporting standards and guidelines. As such, Regional staff are satisfied that archaeological potential on this site has been addressed.

Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Heritage, Sport, Tourism and Culture Industries (416-212-8886) and contact a licensed archaeologist to carry out an archaeological assessment in accordance with

the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.

In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, the Ministry of Heritage, Sport, Tourism and Culture Industries should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act.

Should you have any questions regarding the above comments, please do not hesitate to contact me.

Thank you,

Aimee Alderman, MSc, MCIP, RPP

Senior Development Planner

Planning and Development Services

Regional Municipality of Niagara | www.niagararegion.ca

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7

Phone: 905-980-6000 ext. 3352 | Toll-free: 1-800-263-7215

Email: aimee.alderman@niagararegion.ca

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Former Landfill Comments - Committee of Adjustment Notices of Hearing - May 26, 2022
Date: Friday, May 20, 2022 3:07:16 PM

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



From: Vasko, Dennis <dvasko@stcatharines.ca>
Sent: Monday, May 9, 2022 1:25 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Additional Application RE: Request for Comments - Committee of Adjustment Notices of Hearing - May 26, 2022

Hi Elaine, the weekend was great. I hope yours was too.

There are no concerns with any of these properties (both emails) in respect to closed landfills.

Dennis

Dennis Vasko
Fill Site Technician
Tel: [905.688.5601](tel:905.688.5601) x2163
Email: dvasko@stcatharines.ca



MEMORANDUM

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

Cc: Wilrik Banda
Planning and Building Services

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

Date: May 11, 2022

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

B-16/21SC – 41 Moffatt Street

Comment:

- No comment

Condition:

- No comment

B-17/21SC – 41 Moffatt Street

Comment:

- No comment

Condition:

- No comment

B-13/22SC – 62 Marsdale Drive

Comment:

- No comment

Condition:

- No Comment

B-21/22SC – 22A Inglewood Road

Comment:

- No comment

Condition:

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

B-22/22SC – 22B Inglewood Road

Comment:

- No comment

Condition:

- A building permit is required to demolish the existing shed 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



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: May 11, 2022
 Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – May 26th, 2022 hearing

NO.	ADDRESS	COMMENTS
A-41/22	3 Marshall Lane	Be advised that a building permit is required to construct the single detached dwelling.
A-42/22	5 Marshall Lane	Be advised that a building permit is required to construct the single detached dwelling.
A-43/21	7 Marshall Lane	Be advised that a building permit is required to construct the single detached dwelling.
A-24/22	62 Marsdale Drive	No comment
A-62/22	66A Marsdale Drive	No Comment
A-35/22	22A Inglewood Road	Be advised that a building permit is required to construct a three unit townhouse.
A-36/22	22B Inglewood Road	Be advised that a building permit is required to construct a three unit townhouse.

NO.	ADDRESS	COMMENTS
A-37/22	22C Inglewood Road	Be advised that a building permit is required to construct a three unit townhouse.
A-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-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-54/22	11 Export Avenue	Be advised that a building permit is required to construct the new car dealership.
A-55/22	37 Northglen Avenue	Be advised that a building permit is required to construct the new sunroom.
A-56/22	675 Niagara Street	Be advised that a building permit is required to construct a rear covered porch and second story balcony.
A-58/22	1420 Fifth Street	Be advised that a building permit is required to construct the addition to the agricultural farm related commercial / industrial building.
A-61/22	121 Cushman Road	Be advised that a building permit is required to construct the warehouse addition.



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: May 13, 2022

Subject: Committee of Adjustment Applications – May 26 Hearing

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

41 Moffatt Street, Consent, B-16/21SC – 21103431
41 Moffatt Street, Consent, B-17/21SC – 21103432
3 Marshall Lane, Minor Variance, A-41/21 – 21103435
5 Marshall Lane, Minor Variance, A-42/21 – 21103436
7 Marshall Lane, Minor Variance, A-43/21 – 21103437
(T. Devlin, Assigned Planner)

CRCS has no concerns with the proposed creation of two new lots to facilitate the construction of three townhouse units, nor the requested variances for reduced lot area. Should the applications for consent be approved, CRCS recommends the following conditions be included:

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

62 Marsdale Drive, Consent, B-13/22SC – 22100910
62 Marsdale Drive, Minor Variance, A-24/22 – 22100912
66A Marsdale Drive, Minor Variance, A-62/22 – 22103840
(C. McEwan, Assigned Planner)

Comments will be provided under separate cover.

22 Inglewood Road, Consent, B-21/22SC 22101253
22 Inglewood Road, Consent, B-22/22SC – 22101257
22A Inglewood Road, Minor Variance, A-35/22 – 22101265
22B Inglewood Road, Minor Variance, A-36/22 – 22101267
22C Inglewood Road, Minor Variance, A-37/22 – 22101268
(N. MacDonald, Assigned Planner)

CRCS has no concerns with the proposed creation of two new lots to facilitate the construction of three townhouse units, nor the requested variances. In accordance with section 13.2.2.10 of the Garden City Plan the owner will be required to convey to the city the Natural Heritage Lands/Natural Hazard Lands at the rear of all three lots.

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

1. That payment of 5% of the appraised value of the new lots be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53(13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. The appraisal shall be completed by a qualified appraiser. (Condition subject to Planning and Building Services' determination that parkland dedication can, in fact, be collected for this application.)
2. That the applicant submit a payment for the placement of a 60mm boulevard tree for each new lot, in accordance with the City's current Schedule of Rates and Fees.
3. That the applicant dedicate gratuitously to the City, free and clear of any encumbrance, the natural hazard areas at the rear of lands, which have been identified as Part 4 on the survey sketch submitted with the applications.
4. That the future development agreement require the applicant to pay for and construct a 1.8-metre-high black vinyl-coated chain-link fence (OPSD 972.130) to delineate the boundary between privately-owned and publicly-owned lands and to prevent any future encroachment onto publicly-owned lands. The fence shall be constructed on the City's side of the future common lot line.

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

(C. McEwan, Assigned Planner)

This application was deferred from the April Committee of Adjustment hearing after concerns were raised by staff regarding the initial proposal. The applicant no longer intends to construct a vehicular turn-about area and has withdrawn their request for the related minor variance. CRCS no longer offers any object to the application.

129 Oakdale Avenue, Consent, B-30/22SC – 22102428

129 Oakdale Avenue, Minor Variance, A-48/22 – 22102429

131 Oakdale Avenue, Minor Variance, A-49/22 – 22102430

(E. Acs, Assigned Planner)

This application was deferred from the April Committee of Adjustment hearing. Comments provided by CRCS at that time remain unchanged.

11 Export Avenue, Minor Variance, A-54/22 – 22103762

(E. Acs, Assigned Planner)

CRCS offers no objection to the requested minor variances. Through the concurrent application for site plan approval, the applicant has submitted a landscape plan, prepared by Marten-Nikzad Landscape Architects Inc. (Drawing No. L100, last revised May 4, 2022) that provides for landscape buffers no less than 3.0 metres in width around the perimeter of all parking and outdoor storage areas, in addition to enhanced landscaping throughout the site in the form of landscaped islands. While the landscape plan has not yet been fully approved, CRCS is satisfied that the design approach will adequately screen the parking and storage areas from the public realm.

37 Northglen Avenue, Minor Variance, A-55/22 – 22103790

(N. MacDonald, Assigned Planner)

It is our understanding that this application will be deferred to a future hearing pending receipt of additional/revised information. CRCS will provide comments at that time.

675 Niagara Street, Minor Variance, A-56/22 – 22103229

(N. MacDonald, Assigned Planner)

CRCS offers no objection to the requested minor variance.

1420 Fifth Street Louth, Minor Variance, A-58/22 – 22103805

(E. Acs, Assigned Planner)

CRCS offers no objection to the requested minor variances. Through the concurrent application for site plan approval, the applicant has submitted a landscape plan (although not yet fully approved), which provides for some landscaping between the north façade of the new building and the adjacent lot line, where the requested yard reduction is being sought.

121 Cushman Road, Minor Variance, A-61/22 – 22103806

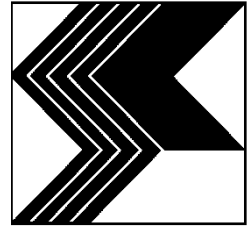
(C. McEwan, Assigned Planner)

CRCS offers no objection to the requested minor variances for reduced front and exterior side yards. Through the concurrent application for site plan approval, the applicant has submitted a landscape plan (although not yet approved), which provides for some landscaping between the north and east façades of the new building and the adjacent lot line, where the requested yard reductions are being sought.

Amanda Knutson

Community Project & Development Planner

REPORT TO PLANNING DEPARTMENT
Re: LAND DIVISION APPLICATION NUMBER B-16&17/21SC



May 12th, 2022

ENGINEERING FILE 300-36

Hearing Date: May 26th, 2022

Applicant: 1973941 Ontario Ltd. (Premium Building Group)

Location: 41 Moffatt Street

ROADS

This property does not have frontage on Moffatt Street. It has frontage on Marshall Lane.

MUNICIPAL SERVICES

The following municipal services are available on Marshall Lane.

Watermain	200mm P.V.C.
Sanitary Sewer:	450mm Conc. and 200mm P.V.C.
Storm Sewer:	425mm, 525mm and 900mm Conc.

COMMENTS AND CONDITIONS TO BE IMPOSED IF CONSENT GRANTED:

Comment(s):

Curbs exist at this location on Marshall Lane. The applicant will be required to pay for any curb cuts and/or curb fills at the building permit stage

A sidewalk does not exist across the Marshall Lane frontage. However, a sidewalk is to be constructed as part of the secondary services for the Marshall Estates Subdivision. Therefore, a contribution for a future sidewalk across the frontage of the subject lands is not required at this time.

The City must ensure that prior to the lots being created, grading and drainage can be adequately conveyed to a suitable secured outlet and not adversely affect any abutting properties. If side entrances with hard surface landings and/or walkways, are proposed, drainage must be accommodated. Therefore, as a condition of severance, a Site Servicing and Grading Plan for all three lots shall be submitted to and approved by City staff. This plan must be prepared by a qualified professional engineer. Unless a rear yard catch basin is being installed the houses should be designed to ensure all roof water flows are directed to the front yards only. The location of the roof water downspouts shall be shown on the grading plan.

Sump pump discharge pipes shall only exit through the front foundation wall of any proposed dwelling and be connected to individual storm laterals. The proposed servicing for sanitary, storm, and water for the lots must also be shown on the Site Servicing and Grading plan.

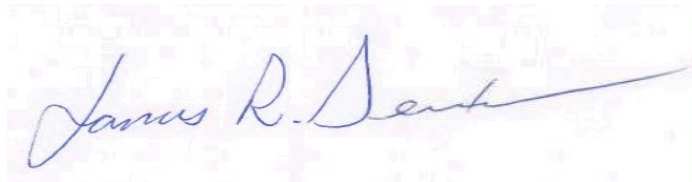
The extension of the existing 200mm sanitary sewer along the existing sanitary sewer easement will require a plan and profile design drawing prepared by a

qualified professional engineer. The drawing must be submitted to the City for review and approval. An MOECP Certificate of Approval will also be required for this extension. The applicant must also enter into a Servicing Agreement with the City to facilitate these works since the sanitary sewer extension will ultimately become a City sewer.

It is our understanding there may still be an inhibiting order registered against these lands. This order must be lifted from the subject lands prior to the extension of sanitary sewer being constructed.

Condition(s): Prior to final certification of the severance application the applicant must,

- Have a professional engineer prepare an overall Site Servicing and Grading Plan for all three lots and submit the drawing for review by City Development Engineering staff.
- Enter into a Servicing Agreement with the City. The agreement will among other things require the owner to provide the engineering design drawings and completed MOECP Certificate of Approval application forms required for the extension of the existing 200mm sanitary sewer and individual sanitary laterals to the three lots. The agreement will also require the developer to pay all costs associated with the sewer extension.
- Remove the inhibiting order if it still exists.



Prepared By:

James Denham, P. Eng.
Development Engineering Technologist

cc. Brad Johnston, C.E.T., Development Engineering Technologist
Margaret Josipovic, Manager of Planning



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: May 12, 2022
Hearing Date: May 26, 2022
Subject: **Committee of Adjustment - Minor Variance Applications**
3, 5 & 7 Marshall Lane – A-41, 42 & 43/21SC
62 & 66A Marsdale Drive - A-24 & 62/22SC
22A, B & C Inglewood Road – A-35, 36 & 37/22SC
620 Bunting Road – A-40/22SC
129 & 131 Oakdale Avenue – A-48 & 49/22SC
11 Export Avenue – A-54/22SC
37 Northglen Avenue – A-55/22SC
675 Niagara Street – A-56/22SC
1420 Fifth Street Louth – A-58/22SC
121 Cushman Road – A-61/22SC

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 subject and adjacent properties; and
- All applicants be advised that a Grading Plan, prepared by a Professional Engineer or Ontario Land Surveyor, may be required as part of the submission for a building permit application for those sites required to obtain a building permit, but not subject to concurrent severance applications

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: May 12, 2022

Subject: Committee of Adjustment Comments (May 26, 2022, Hearing)

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

Steve Bittner
Transportation Technologist



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: May 20, 2022

Date of Meeting: May 26, 2022

Report Number: B-16/21SC
B-17/21SC
A-41/21
A-42/21
A-43/21

File: 21103431
21103432
21103435
21103436
21103437

Subject: 41 Moffatt Street, 3, 5, and 7 Marshall Lane

Recommendation

That Application **B-16/21SC** by 1473941 Ontario Limited, as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. That the Owner enter into a development agreement with the City of St. Catharines, to be registered on title to the lands to be known as 7 Marshall Lane addressing the following conditions:
 - a. That building permit plans for Part 3, once submitted, be reviewed and confirmed to be generally in accordance with the site plan dated March 1, 2021 and elevation plans dated April 6, 2021; and
 - b. The lot grading and drainage plan, required as a condition of consent approval, be included in the development agreement, to ensure compliance as part of the review and approval of a building permit.
2. That the Owner have prepared by a Professional Engineer or Ontario Land Surveyor, a lot grading, drainage, and servicing plan for review and approval.
3. That the Owner enter into a Servicing Agreement for the extension of the existing 200mm sanitary sewer to service the three lots.
4. That the Owner submit a payment for the placement of a 60mm boulevard tree for the new lot, in accordance with the City's current Schedule of Rates and Fees.
5. That final approval of the concurrent Minor Variance applications (A-41/21, A-42/21 and A-43/21) be received from the Committee of Adjustment.
6. 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.
7. That a final certification fee of \$222.20 (2022 rate) per application payable to the Treasurer, City of St. Catharines, be submitted to the Secretary-Treasurer.
8. That all conditions of consent be fulfilled by May 26, 2024.

That Application **B-17/21SC** by 1473941 Ontario Limited, as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. That the Owner enter into a development agreement with the City of St. Catharines, to be registered on title to the lands to be known as 3 Marshall Lane (Part 1) and 5 Marshall Lane (Part 2) addressing the following conditions:
 - a. That building permit plans for Parts 1 and 2, once submitted, be reviewed and confirmed to be generally in accordance with the site plan dated March 1, 2021 and elevation plans dated April 6, 2021; and
 - b. The lot grading and drainage plan, required as a condition of consent approval, be included in the development agreement, to ensure compliance as part of the review and approval of a building permit.
2. That the Owner have prepared by a Professional Engineer or Ontario Land Surveyor, a lot grading, drainage, and servicing plan for review and approval.
3. That the Owner enter into a Servicing Agreement for the extension of the existing 200mm sanitary sewer to service the three lots.
4. That the Owner submit a payment for the placement of a 60mm boulevard tree for the new lot, in accordance with the City's current Schedule of Rates and Fees.
5. That final approval of the concurrent Minor Variance applications (A-41/21, A-42/21 and A-43/21) be received from the Committee of Adjustment.
6. 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.
7. That a final certification fee of \$222.20 (2022 rate) per application payable to the Treasurer, City of St. Catharines, be submitted to the Secretary-Treasurer.
8. That all conditions of consent be fulfilled by May 26, 2024.

That Applications **A-41/21, A-42/21 and A-43/21** by 1473941 Ontario Limited, as outlined in the Notice of Hearing, be approved.

Report

Background

The subject property, 41 Moffatt Street (Block 8, Plan 30M-456), was created through a Plan of Subdivision registered in 2019. At that time, the subject lands were identified as having archaeological potential that required further evaluation prior to development of the lands. As such, an inhibiting order was registered on title.

The applicant was advised at the pre-consultation meeting for the subject applications that addressing the archaeological potential is required prior to consideration of any application for development on the lands. The applicants elected to submit their applications in advance of completing the required archaeological assessment.

The subject applications were first on the May 26, 2021 agenda of the Committee of Adjustment. At that time, staff recommended deferral of the application for up to one year, to allow for completion and review of the necessary archaeological assessment prior to the Committee's consideration of the proposal. After hearing from the Applicant, the Committee directed staff to bring forward a Technical Report for consideration. A Technical Report was brought forward on the June 23, 2021 agenda of the Committee of Adjustment to further explain staff's recommendation for deferral. Following review of the Technical Report, the Committee deferred the applications for a period of up to one year, until the stage 4 archaeological assessment has been completed, reviewed and cleared by the Provincial ministry.

The Proposal

The Applicant proposes to sever the existing lot at 41 Moffatt Street into three lots. A detached dwelling is proposed to be constructed on each of the lots, to be known as 3, 5, and 7 Marshall Lane. The following Consent Applications have been submitted for consideration:

Application	Severed Parcel	Severed Area	Retained Parcel	Retained Area
B-16/21SC	Part 3 (to be known as 7 Marshall Lane)	268.2 m ²	Parts 1 & 2	565.30 m ²
B-17/21SC	Part 2 (to be known as 5 Marshall Lane)	268.2 m ²	Part 1 (to be known as 3 Marshall Lane)	297.1 m ²

Concurrent Minor Variance Applications seek relief from the City of St. Catharines Zoning By-law 2013-283 through the variances outlined below:

Application	Zoning Provision	Required	Proposed
A-41/21	Minimum Lot Area	300 m ²	297.1 m ²

3 Marshall Lane (Part 1)			
A-42/21 5 Marshall Lane (Part 2)	Minimum Lot Area	300 m ²	268.2 m ²
A-43/21 7 Marshall Lane (Part 3)	Minimum Lot Area	300 m ²	268.2 m ²

Location and Site Description

The subject property is located on the west side of Moffatt Street, north of Marshall Lane. The property is surrounded by detached dwellings to the north, townhouses to the south and west, and green space (associated with the first and second canal) to the east. The lands are currently vacant.

Circulation of Application

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

Planning Policy Context

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential on Schedule E9 thereof. Detached dwellings are permitted in this designation at a density generally ranging from 20 to 32 units per hectare.

Zoning By-law (2013-283)

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

Planning Analysis

Through the review and approval of the Plan of Subdivision, a Stage 1, 2 and 3 archaeological assessment was completed and identified the subject lands as having cultural heritage value or interest. The Ministry of Tourism, Culture and Sport (MTCS) completed a review of the submitted assessments and outlined that avoidance and in situ preservation is not a viable option, as such the development impact to the site must be mitigated through complete Stage 4 recording and excavation prior to any activities that may disturb the cultural deposits. The MTCS cleared the other portions of the site as appropriate for development, which allowed for approvals and construction to proceed within those portions of the subdivision. The subject lands were identified as lands for future development, until such time as the necessary Stage 4 works were completed and an inhibiting order, to this effect, was registered on the title of the lands.

The Stage 4 Mitigation of Impacts Moffatt Street Site (AgGt-240) has been entered into the Ontario Public Register of Archaeological Reports and, as confirmed in the MTCS acknowledgement letter (dated April 25, 2022), the report was conducted in accordance

with the Ministry's fieldwork and reporting standards and guidelines. The Ministry and Region have indicated they are satisfied that archaeological potential on this site has been addressed.

Consents

Section 16.11.3 of the GCP states that consents to sever will only be given where they contribute to the infilling of areas that are already substantially developed, and where the size and shape of the parcel is appropriate for the use proposed and in terms of the optimum development of the surrounding area. Provincial land use plans, as well as the City's Official Plan, promote opportunities for intensification and redevelopment where it can be appropriately accommodated. If done well, infill and intensification can improve existing neighbourhoods by bringing with it new life and vibrancy. The Garden City Plan supports a balanced approach to infill and intensification to ensure appropriate building site and streetscape design.

Consent Applications **B-16/21SC** and **B-17/21SC** request to sever two lots from the subject property for the purpose of constructing a detached dwelling on each of the new lots and the retained lot. The proposed lots do not meet the minimum lot area permitted by the Zoning By-law; both 5 and 7 Marshall Lane will have densities of about 37.29 units per hectare and 3 Marshall Lane will have a density of 33.66 units per hectare. While these densities are higher than what is generally permitted in the Low Density Residential designation, where 32 units per hectare is the maximum density, staff note that the proposal meets all other zoning provisions and official plan policies. Staff are satisfied that these densities meet the intent of the GCP. Staff are of the opinion that the scale of the proposed buildings and overall lot area are in keeping with the character of the neighbourhood. The proposal demonstrates that there is sufficient space on each of the lots to accommodate a building envelope, parking, landscaping, and amenity areas.

Staff recommend that consent applications **B-16/21SC** and **B-17/21SC** be approved, subject to conditions outlined in the recommendation.

Minor Variances

The Applicant has requested a reduction in the minimum lot area for each of the three lots for detached dwellings. The required minimum lot area for a detached dwelling is 300 square metres. The lots that will become 5 and 7 Marshall Lane (Parts 2 and 3) are each proposed to have a lot area of 268.2 square metres and the lot to become 3 Marshall Lane (Part 1) is proposed to have a lot area of 297.1 square metres. Approval of the variances would permit the severance of the new lots at a reduced lot area and permit the development of three detached dwelling units. The reduction is considered minor in nature.

The proposed lot area reduction would facilitate development of detached dwellings. The proposed detached dwellings are in compliance with all other zoning requirements and the reduction in lot area will be indiscernible from the street. The resulting building massing is generally in keeping with, and would not compromise, the character of the surrounding neighbourhood. The reduced lot areas are considered desirable for the appropriate use of the subject lands.

The intent of the 300 square metre minimum lot area is to ensure that a sufficiently sized yard is provided for detached dwelling units to accommodate parking, facilitate on-site drainage, provide outdoor amenity space and provide an acceptable building envelope for construction. The Applicant has demonstrated that parking, drainage and a building envelope with amenity area can be accommodated on these lots despite the reduced lot area. 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. Adverse impacts on adjacent properties are to be minimized in regard to transition in height and privacy. Staff finds the proposed detached dwellings are able to achieve these policies; they are designed to fit the context of the earlier phases of the Plan of Subdivision, which have been recently constructed to the west as well as the established neighbourhood. The dwelling units meet side and rear yard setbacks and should not cause any adverse impacts on neighbouring properties. The proposal is in keeping with the intent of the Official Plan.

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

Conclusion

Having regard for matters under Section 53 of *The Planning Act*, staff are of the opinion that Consent Applications **B-16/21SC** and **B-17/21SC** 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-41/21**, **A-42/21** and **A-43/21** 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:



Taya Devlin
Planner I

Approved by:



Margaret Josipovic
Manager Planning Services

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

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

COMMENTS

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

22 Inglewood Road

**DATE OF HEARING:
May 26, 2022**

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

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



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

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

Good afternoon,

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

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

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

Sincerely,
Jocelyn VandenBeukel

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

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Comments re 11 Inglewood Road
Date: Tuesday, April 12, 2022 3:03:21 PM

Elaine Munro ACST

Committee Secretary and Planning Technician

Tel: 905.688.5601 x1715

Email: emunro@stcatharines.ca



From: Matt Pringle >
Sent: Tuesday, April 12, 2022 2:09 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Re: Request update

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

To whom it may concern,

My name is Matt Pringle and I live at 11 Inglewood Rd, St. Catharines, ON L2P 2C5.

I want to express my concern with the building of three 2700 sq/ft homes on the property of 22 Inglewood Rd which is kitty cornered to my property.

The three 2700 sq/ft lots does not fit within the housing that resides in the neighbourhood. Every house on this street is between 800 and 1200 sq/ft. By putting 2700 sq/ft houses on a single lot, the houses will go all the way back to the property line before the ravine. Cutting off the environmental landscape views for 6 neighbours.

These properties that back on the ravine are all watershed properties, that's why they are up by the road and only 800 sq/ft. The owners are trying to get permission to build on a floodplain which if they get permission, will flood out the neighbours properties. The catch basin in the side yard of the after-mentioned property will have to be removed and the water diverted somewhere else. This will in turn cost the city 100's of thousands since they will have to put in sewers to handle the run off.

If they build these houses, they will become rentals, whether it's them who rents them or new owners. Like their previous builds they are set up for 2 apartments up and one down in the basement. In doing so will require a possibility of 9 to 18 cars that need to park. Our street is barely 12 feet across with no or limited parking on most of the streets, usually kept for the single dwelling homes. The street will not be able to hold up to the extra cars involved. You will need to fix the street which you will have to do when you have to put new sewers in.

If you are adding 3 more places to Inglewood Rd the water pressure will have to increase since everyone on the street has low pressure. Adding the places will result in extra pressure on the lines

coming into the neighbourhood which can't handle what we have now especially with the possibility of 9 plus bathrooms and 9 kitchens.

These houses they want to build do not fit in with the houses and size of the houses in the neighbourhood. I, as the rest of the neighbours are against this intrusive build.

My neighbour Tony will go into more detail about this and the entire neighbourhood gives him our support.

Thanks for reading this and hope you consider the ramifications of your decision.

Thank you,
Matt Pringle
11 Inglewood Rd

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

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



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

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Hi Elaine,

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

Regards

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

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

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

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



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

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Good Morning Elaine!

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

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

Tammy Rogg

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

Thank you

From: Tammy Rogg < >

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

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

Subject: against 22 inglewood rd development

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Hello Elaine:

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

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

Thank you

Tammy Rogg.

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

May 10, 2022

Our File No.: PLCON202200356

BY E-MAIL ONLY

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

Attention: Elaine Munro, Secretary-Treasurer

Subject: Application for 2 Consents and 3 Minor Variances
22 Inglewood Road

The Niagara Peninsula Conservation Authority (NPCA) has reviewed the above noted, corrected applications: B-21/22SC, B-22/22SC, A-35/22, A-36/22, and A-37-22 from the City of St. Catharines and offers the following comments for your hearing.

NPCA Policy

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

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

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

Valleyland Slopes are present at the rear of the subject lands. The NPCA has reviewed the "*Slope Assessment Letter Report – Proposed Residential Development, 22 Inglewood Rd, St. Catharines, Ontario*" as completed by Landtek Limited Consulting Engineers, dated October 20, 2021. The NPCA offers no objection to the report's conclusion that the stable top of slope is in the same location as the physical top of slope. As such, the NPCA would request that the new rear lot lines remain at or above the stable/physical tops of slope. New lot lines are not permitted to be located beyond the top of slope or onto the valley wall. On review of the plans provided through this application by Upper Canada Consultants, this appears to be the case. Furthermore, Part 4 is to be dedicated to the City as a Natural Area.

A permit from this Office would be required with plans as presented, as works will fall within 15 metres to the top of bank. Works permits and/or supporting studies are to be in accordance with NPCA Policies. Final

grade plans would need to be presented at the time of a work permit and be supported by the Geotechnical Engineer.

Conclusion:

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

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

Yours truly,



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

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Alectra - No Comments/objections RE: 22 Inglewood Road, St. Catharines
Date: Thursday, May 12, 2022 1:09:22 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)

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



From: Network Info <network.info@horizonutilities.com>
Sent: Thursday, May 12, 2022 8:22 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: RE: 22 Inglewood Road, St. Catharines




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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 or comments - 22 Inglewood Road_ Committee of Adjustment Hearing Notices & Applications - April 13, 2022 Hearing - 905-22-139
Date: Tuesday, May 17, 2022 9:28:59 AM

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



Sent: Tuesday, May 17, 2022 8:15 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Request for Comments, Committee of Adjustment Hearing Notices & Applications - April 13, 2022 Hearing - 905-22-139

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Hello Elaine,

Re: B-21/22SC - B22/22SC

Subsequent to review of the abovementioned application at 22 Inglewood 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 RE: Committee of Adjustment Notices of Hearing - May 26, 2022 Hearing
Date: Tuesday, May 10, 2022 5:33:29 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: Tuesday, May 10, 2022 7:47 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Committee of Adjustment Notices of Hearing - May 26, 2022 Hearing

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Hi Elaine

Cogeco has no concerns with these applications.

Happy sunny day

Doug Crown

Network Planning Department

Doug.crown@cogeco.com

7170 Mcleod Rd
Niagara Falls Ont Canada

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

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Former Landfill Comments - Committee of Adjustment Notices of Hearing - May 26, 2022
Date: Friday, May 20, 2022 3:07:16 PM

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



From: Vasko, Dennis <dvasko@stcatharines.ca>
Sent: Monday, May 9, 2022 1:25 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Additional Application RE: Request for Comments - Committee of Adjustment Notices of Hearing - May 26, 2022

Hi Elaine, the weekend was great. I hope yours was too.

There are no concerns with any of these properties (both emails) in respect to closed landfills.

Dennis

Dennis Vasko
Fill Site Technician
Tel: [905.688.5601](tel:905.688.5601) x2163
Email: dvasko@stcatharines.ca



MEMORANDUM

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

Cc: Wilrik Banda
Planning and Building Services

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

Date: May 11, 2022

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

B-16/21SC – 41 Moffatt Street

Comment:

- No comment

Condition:

- No comment

B-17/21SC – 41 Moffatt Street

Comment:

- No comment

Condition:

- No comment

B-13/22SC – 62 Marsdale Drive

Comment:

- No comment

Condition:

- No Comment

B-21/22SC – 22A Inglewood Road

Comment:

- No comment

Condition:

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

B-22/22SC – 22B Inglewood Road

Comment:

- No comment

Condition:

- A building permit is required to demolish the existing shed 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



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: May 11, 2022

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

NO.	ADDRESS	COMMENTS
A-41/22	3 Marshall Lane	Be advised that a building permit is required to construct the single detached dwelling.
A-42/22	5 Marshall Lane	Be advised that a building permit is required to construct the single detached dwelling.
A-43/21	7 Marshall Lane	Be advised that a building permit is required to construct the single detached dwelling.
A-24/22	62 Marsdale Drive	No comment
A-62/22	66A Marsdale Drive	No Comment
A-35/22	22A Inglewood Road	Be advised that a building permit is required to construct a three unit townhouse.
A-36/22	22B Inglewood Road	Be advised that a building permit is required to construct a three unit townhouse.

NO.	ADDRESS	COMMENTS
A-37/22	22C Inglewood Road	Be advised that a building permit is required to construct a three unit townhouse.
A-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-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-54/22	11 Export Avenue	Be advised that a building permit is required to construct the new car dealership.
A-55/22	37 Northglen Avenue	Be advised that a building permit is required to construct the new sunroom.
A-56/22	675 Niagara Street	Be advised that a building permit is required to construct a rear covered porch and second story balcony.
A-58/22	1420 Fifth Street	Be advised that a building permit is required to construct the addition to the agricultural farm related commercial / industrial building.
A-61/22	121 Cushman Road	Be advised that a building permit is required to construct the warehouse addition.



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: May 13, 2022

Subject: Committee of Adjustment Applications – May 26 Hearing

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

41 Moffatt Street, Consent, B-16/21SC – 21103431
41 Moffatt Street, Consent, B-17/21SC – 21103432
3 Marshall Lane, Minor Variance, A-41/21 – 21103435
5 Marshall Lane, Minor Variance, A-42/21 – 21103436
7 Marshall Lane, Minor Variance, A-43/21 – 21103437
(T. Devlin, Assigned Planner)

CRCS has no concerns with the proposed creation of two new lots to facilitate the construction of three townhouse units, nor the requested variances for reduced lot area. Should the applications for consent be approved, CRCS recommends the following conditions be included:

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

62 Marsdale Drive, Consent, B-13/22SC – 22100910
62 Marsdale Drive, Minor Variance, A-24/22 – 22100912
66A Marsdale Drive, Minor Variance, A-62/22 – 22103840
(C. McEwan, Assigned Planner)

Comments will be provided under separate cover.

22 Inglewood Road, Consent, B-21/22SC 22101253
22 Inglewood Road, Consent, B-22/22SC – 22101257
22A Inglewood Road, Minor Variance, A-35/22 – 22101265
22B Inglewood Road, Minor Variance, A-36/22 – 22101267
22C Inglewood Road, Minor Variance, A-37/22 – 22101268
(N. MacDonald, Assigned Planner)

CRCS has no concerns with the proposed creation of two new lots to facilitate the construction of three townhouse units, nor the requested variances. In accordance with section 13.2.2.10 of the Garden City Plan the owner will be required to convey to the city the Natural Heritage Lands/Natural Hazard Lands at the rear of all three lots.

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

1. That payment of 5% of the appraised value of the new lots be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53(13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. The appraisal shall be completed by a qualified appraiser. (Condition subject to Planning and Building Services' determination that parkland dedication can, in fact, be collected for this application.)
2. That the applicant submit a payment for the placement of a 60mm boulevard tree for each new lot, in accordance with the City's current Schedule of Rates and Fees.
3. That the applicant dedicate gratuitously to the City, free and clear of any encumbrance, the natural hazard areas at the rear of lands, which have been identified as Part 4 on the survey sketch submitted with the applications.
4. That the future development agreement require the applicant to pay for and construct a 1.8-metre-high black vinyl-coated chain-link fence (OPSD 972.130) to delineate the boundary between privately-owned and publicly-owned lands and to prevent any future encroachment onto publicly-owned lands. The fence shall be constructed on the City's side of the future common lot line.

620 Bunting Road, Minor Variance, A-40/22 – 22101914
(C. McEwan, Assigned Planner)

This application was deferred from the April Committee of Adjustment hearing after concerns were raised by staff regarding the initial proposal. The applicant no longer intends to construct a vehicular turn-about area and has withdrawn their request for the related minor variance. CRCS no longer offers any object to the application.

129 Oakdale Avenue, Consent, B-30/22SC – 22102428
129 Oakdale Avenue, Minor Variance, A-48/22 – 22102429
131 Oakdale Avenue, Minor Variance, A-49/22 – 22102430
(E. Acs, Assigned Planner)

This application was deferred from the April Committee of Adjustment hearing. Comments provided by CRCS at that time remain unchanged.

11 Export Avenue, Minor Variance, A-54/22 – 22103762

(E. Acs, Assigned Planner)

CRCS offers no objection to the requested minor variances. Through the concurrent application for site plan approval, the applicant has submitted a landscape plan, prepared by Marten-Nikzad Landscape Architects Inc. (Drawing No. L100, last revised May 4, 2022) that provides for landscape buffers no less than 3.0 metres in width around the perimeter of all parking and outdoor storage areas, in addition to enhanced landscaping throughout the site in the form of landscaped islands. While the landscape plan has not yet been fully approved, CRCS is satisfied that the design approach will adequately screen the parking and storage areas from the public realm.

37 Northglen Avenue, Minor Variance, A-55/22 – 22103790

(N. MacDonald, Assigned Planner)

It is our understanding that this application will be deferred to a future hearing pending receipt of additional/revised information. CRCS will provide comments at that time.

675 Niagara Street, Minor Variance, A-56/22 – 22103229

(N. MacDonald, Assigned Planner)

CRCS offers no objection to the requested minor variance.

1420 Fifth Street Louth, Minor Variance, A-58/22 – 22103805

(E. Acs, Assigned Planner)

CRCS offers no objection to the requested minor variances. Through the concurrent application for site plan approval, the applicant has submitted a landscape plan (although not yet fully approved), which provides for some landscaping between the north façade of the new building and the adjacent lot line, where the requested yard reduction is being sought.

121 Cushman Road, Minor Variance, A-61/22 – 22103806

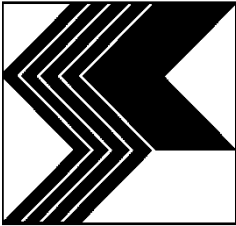
(C. McEwan, Assigned Planner)

CRCS offers no objection to the requested minor variances for reduced front and exterior side yards. Through the concurrent application for site plan approval, the applicant has submitted a landscape plan (although not yet approved), which provides for some landscaping between the north and east façades of the new building and the adjacent lot line, where the requested yard reductions are being sought.

Amanda Knutson

Community Project & Development Planner

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



May 12, 2022

ENGINEERING FILE 300-36

Hearing Date: May 26, 2021
Applicant: Charles Wah
Location: 22 Inglewood Road

MUNICIPAL SERVICES

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

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

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

Roads

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

Sidewalks

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

Engineering Services

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

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

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

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

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

- Provide the City a draft reference plan indicating the proposed widening for review and approval, prior to registration of the plan in the Land Registry Office; and
- Dedicate to the City, free and clear of any encumbrances, the widening across the frontage of the subject properties, to be known as Public Highway Inglewood 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 for review and approval by City staff
- Pay to the City the cash-in-lieu payment for a future 1.50m wide concrete sidewalk along the frontage of Inglewood Drive

Prepared by:



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



Memorandum

To: Elaine Munro, ACST, Committee Secretary & Planning Technician
From: Brad Johnston, C.E.T., Development Engineering Technologist
CC: City Committee of Adjustment Staff Members
Date: May 12, 2022
Hearing Date: May 26, 2022
Subject: **Committee of Adjustment - Minor Variance Applications**
3, 5 & 7 Marshall Lane – A-41, 42 & 43/21SC
62 & 66A Marsdale Drive - A-24 & 62/22SC
22A, B & C Inglewood Road – A-35, 36 & 37/22SC
620 Bunting Road – A-40/22SC
129 & 131 Oakdale Avenue – A-48 & 49/22SC
11 Export Avenue – A-54/22SC
37 Northglen Avenue – A-55/22SC
675 Niagara Street – A-56/22SC
1420 Fifth Street Louth – A-58/22SC
121 Cushman Road – A-61/22SC

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 subject and adjacent properties; and
- All applicants be advised that a Grading Plan, prepared by a Professional Engineer or Ontario Land Surveyor, may be required as part of the submission for a building permit application for those sites required to obtain a building permit, but not subject to concurrent severance applications

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: May 12, 2022

Subject: Committee of Adjustment Comments (May 26, 2022, Hearing)

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

Steve Bittner
Transportation Technologist



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: May 18, 2022

Date of Meeting: May 26, 2022

Report Number: B-21/22SC
B-22/22SC
A-35/22
A-36/22
A-37/22

File: 22101253
22101257
22101265
22101267
22101268

Subject: 22 Inglewood Road (to become 22A, 22B, and 22C Inglewood Road)

Recommendation

That Application **B-21/22SC** by Charles Wah, 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 22 Inglewood Road addressing the following conditions:
 - a. That building permit plans, including a site plan and elevations for Parts 1, 2 and 3, once submitted, be reviewed and approved to the satisfaction of the Director of Planning and Building Services;
 - 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; and
 - c. That the Owner pay for and construct a 1.8-metre-high black vinyl-coated chain-link fence (OPSD 972.130) to delineate the boundary between privately-owned and publicly-owned lands and to prevent any future encroachment onto publicly-owned lands. The fence shall be constructed on the City's side of the future common lot line.
2. That the Owner provide the City a draft reference plan indicating the proposed widening for review and approval, prior to registration of the plan in the Land Registry Office.
3. That the Owner dedicate to the City, free and clear of any encumbrances, the widening across the frontage of the subject properties, to be known as Public Highway Inglewood Road.
4. That the Owner pay the fee for City crews to locate, trace, inspect and document the sewer laterals and water services to the existing dwelling.
5. That the Owner, if it is determined existing laterals or water services conflict with existing or future lot lines, 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.

6. That the Owner arrange to have a Master Lot Grading and Drainage plan prepared by a qualified Engineer or Ontario Land Surveyor for review and approval by City staff.
7. That the Owner pay to the City the cash-in-lieu payment for a future 1.50m wide concrete sidewalk along the frontage of Inglewood Road.
8. That the Owner obtain a building permit to demolish the existing detached dwelling and complete all inspections to the satisfaction of the Chief Building Official.
9. 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.
10. 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.
11. That the Owner dedicate gratuitously to the City, free and clear of any encumbrance, the natural hazard areas at the rear of lands, which have been identified as Part 4 on the survey sketch submitted with the applications.
12. That the Owner obtain final approval of concurrent Minor Variance applications (A-35/22, A-36/22 and A-37/22) from the Committee of Adjustment.
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 May 26, 2024.

That Application **B-22/22SC** by Charles Wah, 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 22 Inglewood Road addressing the following conditions:
 - a. That building permit plans, including a site plan and elevations for Parts 1, 2 and 3, once submitted, be reviewed and approved to the satisfaction of the Director of Planning and Building Services; and
 - b. The Lot Grading and Drainage Plan, required as a condition of consent approval, be included in the Development Agreement, to ensure compliance as part of the review and approval of a building permit.
 - c. That the Owner pay for and construct a 1.8-metre-high black vinyl-coated chain-link fence (OPSD 972.130) to delineate the boundary between privately-owned and publicly-owned lands and to prevent any future

encroachment onto publicly-owned lands. The fence shall be constructed on the City's side of the future common lot line.

2. That the Owner provide the City a draft reference plan indicating the proposed widening for review and approval, prior to registration of the plan in the Land Registry Office.
3. That the Owner dedicate to the City, free and clear of any encumbrances, the widening across the frontage of the subject properties, to be known as Public Highway Inglewood Road.
4. That the Owner pay the fee for City crews to locate, trace, inspect and document the sewer laterals and water services to the existing dwelling.
5. That the Owner 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.
6. That the Owner arrange to have a Master Lot Grading and Drainage plan prepared by a qualified Engineer or Ontario Land Surveyor for review and approval by City staff.
7. That the Owner pay to the City the cash-in-lieu payment for a future 1.50m wide concrete sidewalk along the frontage of Inglewood Road.
8. That the Owner obtain a building permit to demolish the existing shed and complete all inspections to the satisfaction of the Chief Building Official.
9. 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.
10. 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.
11. That the Owner dedicate gratuitously to the City, free and clear of any encumbrance, the natural hazard areas at the rear of lands, which have been identified as Part 4 on the survey sketch submitted with the applications.
12. That the Owner obtain final approval of concurrent Minor Variance applications (A-35/22, A-36/22 and A-37/22) from the Committee of Adjustment.
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 May 26, 2024.

That Application **A-35/22** by Charles Wah, as outlined in the Notice of Hearing, be approved.

That Application **A-36/22** by Charles Wah, as outlined in the Notice of Hearing, be approved.

That Application **A-37/22** by Charles Wah, as outlined in the Notice of Hearing, be approved.

Report

Background

Applications **B-21/22SC**, **B-22/22SC**, **A-35/22**, **A-36/22** and **A-37/22** were originally scheduled to be considered during the April 13, 2022, Committee of Adjustment Hearing. Due to a typographical error on the Notice of Hearing for Application **B-22/22SC**, the Applications were recommended to be deferred to a future hearing to ensure the revised Notice of Hearing could be circulated with adequate notification as per *Planning Act* requirements.

The Proposal

The applicant is proposing to sever the existing lot at 22 Inglewood Road into two new lots with one retained lot. The applicant further proposes to construct a townhouse dwelling on each of the three lots. The existing detached dwelling on the current lot will be demolished. Part 4 will be dedicated to the City as Natural Area. Part 5 will be dedicated to the City for a road widening along Inglewood Road.

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

Application	Severed Parcel	Severed Area	Retained Parcel	Retained Area	Dedications
B-21/22SC	Part 1 (to become 22C Inglewood Road)	263 m ²	Parts 2 & 3 (to become 22B and 22A Inglewood Road)	478 m ²	Part 4 is to be dedicated to the City as Natural Area (51 m ²) Part 5 will be dedicated to the City for a road widening (50 m ²)
B-22/22SC	Part 2 (to become 22B Inglewood Road)	222 m ²	Part 3 (to become 22A Inglewood Road)	256 m ²	

Application	Variance	Provision	Required	Proposed
A-35/22 22A Inglewood Road (Part 3)	1	Minimum lot area per townhouse dwelling	280 m ²	250 m ²

	2	Minimum interior side yard setback to a platform structure (1.2 m height above grade)	1.2 m	0.70 m
A-36/22 22B Inglewood Road (Part 2)	1	Minimum lot area per townhouse dwelling	280 m ²	220 m ²
	2	Minimum landscaped open space	35% of total lot area	33% of total lot area
	3	Minimum interior side yard setback to a platform structure (1.2 m height above grade)	1.2 m	0.0 m
A-37/22 22C Inglewood Road (Part 1)	1	Minimum lot area per townhouse dwelling	280 m ²	260 m ²

Location and Site Description

The subject property is located on the south side of Inglewood Road, west of Hartzel Road. The subject property is currently occupied by a detached dwelling. The surrounding neighbourhood comprises of low density residential uses, the Garden City Golf Course to the west and the Hartzel Road mixed use corridor to the east.

To the south are Niagara Peninsula Conservation Authority (NPCA) designated features, including significant valley lands and floodplain associated with Carter Creek. The NPCA has reviewed the application and advised that the floodplain is confined to the valley system in this section of the watercourse. The NPCA advised they do not have concerns regarding the floodplain.

Circulation of Application

This application was circulated to all appropriate departments and agencies. This includes review from Development Engineering, Transportation, Planning and Building Services staff and the Niagara Peninsula Conservation Authority to identify potential impacts regarding traffic and parking, municipal infrastructure and servicing capacity, Ontario Building Code compliance and conflicts with natural features. No objections were received following staff review. The Applicant will require obtaining an NPCA work permit prior to construction should the Applications be approved.

Four comments from members of the public were received regarding this proposal. The nearby residents raised concerns with the proposal due to the size of the building footprint, rear yard setback, reduced greenspace, parking, drainage and water capacity. Residents also raised concerns about the potential for rental units.

Planning Policy Context

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential on Schedule E9. Townhouse dwellings are permitted in this designation at a density generally ranging from 20 to 32 units per hectare.

Zoning By-law (2013-283)

The subject property is zoned Low Density Residential – Traditional Neighbourhood (R2). Townhouse dwellings are permitted in this zone with a minimum density of 20 units per hectare.

Planning Analysis

Consent

Consent applications **B-21/22SC** and **B-22/22SC** request to sever the subject property into three lots to construct a three-unit townhouse dwelling. Section 16.11 of the GCP sets out a number of policies that applications for lot creation are evaluated against. Relevant policies are listed below with staff comments provided.

- 3) *Consents to sever individual parcels of land, including land assembly and lot boundary adjustments will only be permitted where:*
 - a) *It is clearly apparent that no development could take place which would lead to significant expense by the City for public works or which would lead to further development leading to such expenses.*

The proposed severed lots will make use of existing infrastructure. Any required improvements to infrastructure such as municipal streets, water, wastewater, and stormwater services will be at the expense of the owner. Therefore, there are no anticipated costs for the City.

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

The proposed consents are located within the City's built boundary and within an area that is substantially developed. The proposal seeks to construct a three-unit townhouse dwelling, which supports context-sensitive infill development and contributes to providing a range of housing types.

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

The proposed three-unit townhouse dwelling meets density and the majority of requirements as set out in the City's Zoning By-law, demonstrating that the dwelling has appropriate scale, massing and setbacks. The proposed lot areas fall under the minimum requirement for townhouse dwellings and therefore require minor variances. Staff are satisfied that the lot sizes achieve the optimal development for the lands. The proposed

new lots will require minor variances to address the zoning deficiencies created by the consent. There are concurrent minor variance applications that seek to remedy these deficiencies, which are discussed below. Staff note that given the required road widening and dedication of land for natural areas this removes 101m² of land for the proposed lots contributing to the requirement for variances. However, given the proposal meets the majority of zoning requirements, staff are supportive of the development. Staff recommend that consent applications **B-21/22SC** and **B-22/22SC** be approved, subject to conditions outlined in the recommendation.

Land Dedications

Road Widening

Inglewood Road is designated a Community Road in the City's Transportation Master Plan (TMP). The recommended right-of-way width for this road is 20.0m. Its current width is 15.24m, therefore a widening of 2.38m along the frontage of the subject property is requested.

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 of 2.38m 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.

Natural Area

Section 13.2 of the Garden City Plan outlines policies regarding the City's Natural Area, which is comprised of a range of natural areas and features. The GCP more specifically defines the Natural Area as Natural Hazard Lands and Natural Heritage, which includes but is not limited to floodplains, significant valleylands, wetlands, and significant woodlands.

An objective of Natural Area policies includes promoting the long-term sustainability of Natural Hazard Lands and Natural Heritage. Section 13.2.2.10 of the GCP states the City will pursue the acquisition of Natural Hazard Lands and Natural Heritage lands by way of dedication to support the protection of natural features.

In accordance with GCP policies, the Applicant will be required to convey to the City the lands identified to the rear to be designated Natural Area. Staff are recommending as a condition that 51m² of lands be dedicated to the City to be designated Natural Area. The Applicant is aware of this request and have identified the natural area dedication as Part 4 on the submitted survey sketch.

Minor Variances

Variance 1 of A-35/22, A-36/22, and A-37/22

The first variance of each application requests a reduction to the minimum lot area per townhouse dwelling. Application **A-35/22** proposes a reduced lot area from 280m² to 250m². Application **A-36/22** proposes a reduced lot area from 280m² to 220m². Application **A-37/22** proposes a reduced lot area from 280m² to 260m². These variances will allow the three lots and townhouse dwellings to be conveyed under separate ownership.

The intent of the minimum lot area is to ensure that there is sufficient space to accommodate a building envelope within the boundaries of the property, while ensuring there is adequate amenity space, site access, landscaping, parking, and buffering from abutting properties. The minimum lot area provision also works to ensure consistent lot sizes and built form within the surrounding neighbourhood. The proposed lot sizes are considered appropriate to accommodate the building envelope and safe access, landscaping and outdoor amenity space, parking, and provides adequate setbacks to the road and adjacent properties. The proposed lot areas are in accordance with section 2.3.3.5ii) of the Official Plan which emphasizes the provision of new housing through efficient use of vacant and occupied lands and small lot infill. The proposal is not considered overdevelopment as the lots meet nearly all other zoning requirements such as lot frontage, lot coverage, setbacks, building height and parking. The two end lots meet minimum landscaped open space. Application **A-36/22** is requesting a 2% reduction in landscaped open space for the middle unit; however, staff are satisfied that the reduction is minor in nature and that adequate landscape open space is being provided. Staff note that the lot area for each lot before land dedications are taken is 280m² which meets the zoning by-law requirement for a townhouse dwelling in the R2 zone.

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

Variance 2 of A-35/22 and Variance 3 of A-36/22

The second variance of Application **A-35/22** and the third variance of Application **A-36/22** both request a reduced minimum interior setback to a platform structure. Application **A-35/22** proposes a decreased setback from 1.2 metres to 0.7 metres for the rear deck. Application **A-36/22** proposes a decreased setback from 1.2 metres to 0.0 metres for the front porch.

Zoning By-law 2013-283 establishes a minimum setback from an interior lot line of 1.2 metres for platform structures. The provision is intended to ensure the structure does not

overwhelm the abutting yard, and to maintain a degree of separation from neighbouring properties, thereby mitigating safety, privacy, and overlook concerns. The proposed decreased setback for a platform structure to 0.7 metres for Application **A-35/22** provides some separation and does not overwhelm the abutting yard. Therefore, staff are satisfied that the reduced setback would not result in a loss of privacy or safety. Staff note that the proposed location of the rear deck is to accommodate a 7.5m setback to the top of slope, should this be identified as required by the NPCA during the work permit review process. The proposed decreased setback for a platform structure to 0.0m for Application **A-36/22** does not overwhelm the abutting yards or result in a loss of privacy or safety. The intent to protect privacy is upheld despite the setback of 0.0m, as to meet this setback it would require placing two front porches side by side, which would provide less privacy between the two structures. Staff prefer that a platform structure be provided with a setback of 0.0m to offer additional outdoor amenity space, maintain the architectural design of the overall townhouse block and improve the streetscape.

Staff are satisfied that the proposed setbacks to the platform structures do not negatively impact adjacent properties. The proposed variances are minor in nature, desirable for the appropriate use of lands, and meet the general intent of the Official Plan and Zoning By-law.

Variance 2 of A-36/22

The second variance of Application **A-36/22** seeks a reduction of the minimum landscaped open space from 35% of the total lot area to 33%, resulting in a reduction of 2%. This variance is for the middle unit, 22B Inglewood Road (Part 2). The intent of the minimum landscaped open space provision is to ensure the lot has adequate landscaping and softscapes to serve as amenity space and facilitate lot drainage. The intent of the provision is also to ensure the lot is not dominated by hard surfaces. The 2% reduction in landscaped open space does not negatively impact the ability to provide outdoor amenity space and staff do not have concerns regarding drainage. Staff note that due to the land dedications for the road widening and natural area, this removes portions of the lot that would otherwise be considered landscape open space.

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

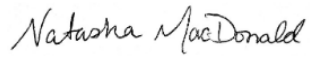
Conclusion

Having regard for the matters under Section 53 of *The Planning Act*, staff are of the opinion that Consent Applications **B-21/22SC** and **B-22/22SC** are consistent with the intent and purpose of the Official Plan and Zoning By-law and will have no adverse impacts on the surrounding area and environment. It is staff's recommendation that the requested consents to sever be approved, subject to the conditions outlined in the recommendation.

Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Minor Variance Applications **A-35/22**, **A-36/22**, and **A-37/22** be approved

as variances are all in keeping with the general intent of the Official Plan and Zoning By-law, are minor in nature, and are desirable for the appropriate development of the lands.

Prepared and 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

A-40/22

620 Bunting Road

DATE OF HEARING:
May 26, 2022

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Alectra - No Comments/Objections - 620 Bunting Road, St. Catharines
Date: Thursday, May 12, 2022 1:11:31 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)

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



From: Network Info <network.info@horizonutilities.com>
Sent: Thursday, May 12, 2022 8:23 AM
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 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 RE: Committee of Adjustment Notices of Hearing - May 26, 2022 Hearing
Date: Tuesday, May 10, 2022 5:33:29 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: Tuesday, May 10, 2022 7:47 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Committee of Adjustment Notices of Hearing - May 26, 2022 Hearing

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

Hi Elaine

Cogeco has no concerns with these applications.

Happy sunny day

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: May 11, 2022

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

NO.	ADDRESS	COMMENTS
A-41/22	3 Marshall Lane	Be advised that a building permit is required to construct the single detached dwelling.
A-42/22	5 Marshall Lane	Be advised that a building permit is required to construct the single detached dwelling.
A-43/21	7 Marshall Lane	Be advised that a building permit is required to construct the single detached dwelling.
A-24/22	62 Marsdale Drive	No comment
A-62/22	66A Marsdale Drive	No Comment
A-35/22	22A Inglewood Road	Be advised that a building permit is required to construct a three unit townhouse.
A-36/22	22B Inglewood Road	Be advised that a building permit is required to construct a three unit townhouse.

NO.	ADDRESS	COMMENTS
A-37/22	22C Inglewood Road	Be advised that a building permit is required to construct a three unit townhouse.
A-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-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-54/22	11 Export Avenue	Be advised that a building permit is required to construct the new car dealership.
A-55/22	37 Northglen Avenue	Be advised that a building permit is required to construct the new sunroom.
A-56/22	675 Niagara Street	Be advised that a building permit is required to construct a rear covered porch and second story balcony.
A-58/22	1420 Fifth Street	Be advised that a building permit is required to construct the addition to the agricultural farm related commercial / industrial building.
A-61/22	121 Cushman Road	Be advised that a building permit is required to construct the warehouse addition.



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: May 13, 2022

Subject: Committee of Adjustment Applications – May 26 Hearing

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

41 Moffatt Street, Consent, B-16/21SC – 21103431
41 Moffatt Street, Consent, B-17/21SC – 21103432
3 Marshall Lane, Minor Variance, A-41/21 – 21103435
5 Marshall Lane, Minor Variance, A-42/21 – 21103436
7 Marshall Lane, Minor Variance, A-43/21 – 21103437
(T. Devlin, Assigned Planner)

CRCS has no concerns with the proposed creation of two new lots to facilitate the construction of three townhouse units, nor the requested variances for reduced lot area. Should the applications for consent be approved, CRCS recommends the following conditions be included:

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

62 Marsdale Drive, Consent, B-13/22SC – 22100910
62 Marsdale Drive, Minor Variance, A-24/22 – 22100912
66A Marsdale Drive, Minor Variance, A-62/22 – 22103840
(C. McEwan, Assigned Planner)

Comments will be provided under separate cover.

22 Inglewood Road, Consent, B-21/22SC 22101253
22 Inglewood Road, Consent, B-22/22SC – 22101257
22A Inglewood Road, Minor Variance, A-35/22 – 22101265
22B Inglewood Road, Minor Variance, A-36/22 – 22101267
22C Inglewood Road, Minor Variance, A-37/22 – 22101268
(N. MacDonald, Assigned Planner)

CRCS has no concerns with the proposed creation of two new lots to facilitate the construction of three townhouse units, nor the requested variances. In accordance with section 13.2.2.10 of the Garden City Plan the owner will be required to convey to the city the Natural Heritage Lands/Natural Hazard Lands at the rear of all three lots.

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

1. That payment of 5% of the appraised value of the new lots be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53(13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. The appraisal shall be completed by a qualified appraiser. (Condition subject to Planning and Building Services' determination that parkland dedication can, in fact, be collected for this application.)
2. That the applicant submit a payment for the placement of a 60mm boulevard tree for each new lot, in accordance with the City's current Schedule of Rates and Fees.
3. That the applicant dedicate gratuitously to the City, free and clear of any encumbrance, the natural hazard areas at the rear of lands, which have been identified as Part 4 on the survey sketch submitted with the applications.
4. That the future development agreement require the applicant to pay for and construct a 1.8-metre-high black vinyl-coated chain-link fence (OPSD 972.130) to delineate the boundary between privately-owned and publicly-owned lands and to prevent any future encroachment onto publicly-owned lands. The fence shall be constructed on the City's side of the future common lot line.

620 Bunting Road, Minor Variance, A-40/22 – 22101914
(C. McEwan, Assigned Planner)

This application was deferred from the April Committee of Adjustment hearing after concerns were raised by staff regarding the initial proposal. The applicant no longer intends to construct a vehicular turn-about area and has withdrawn their request for the related minor variance. CRCS no longer offers any object to the application.

129 Oakdale Avenue, Consent, B-30/22SC – 22102428
129 Oakdale Avenue, Minor Variance, A-48/22 – 22102429
131 Oakdale Avenue, Minor Variance, A-49/22 – 22102430
(E. Acs, Assigned Planner)

This application was deferred from the April Committee of Adjustment hearing. Comments provided by CRCS at that time remain unchanged.

11 Export Avenue, Minor Variance, A-54/22 – 22103762

(E. Acs, Assigned Planner)

CRCS offers no objection to the requested minor variances. Through the concurrent application for site plan approval, the applicant has submitted a landscape plan, prepared by Marten-Nikzad Landscape Architects Inc. (Drawing No. L100, last revised May 4, 2022) that provides for landscape buffers no less than 3.0 metres in width around the perimeter of all parking and outdoor storage areas, in addition to enhanced landscaping throughout the site in the form of landscaped islands. While the landscape plan has not yet been fully approved, CRCS is satisfied that the design approach will adequately screen the parking and storage areas from the public realm.

37 Northglen Avenue, Minor Variance, A-55/22 – 22103790

(N. MacDonald, Assigned Planner)

It is our understanding that this application will be deferred to a future hearing pending receipt of additional/revised information. CRCS will provide comments at that time.

675 Niagara Street, Minor Variance, A-56/22 – 22103229

(N. MacDonald, Assigned Planner)

CRCS offers no objection to the requested minor variance.

1420 Fifth Street Louth, Minor Variance, A-58/22 – 22103805

(E. Acs, Assigned Planner)

CRCS offers no objection to the requested minor variances. Through the concurrent application for site plan approval, the applicant has submitted a landscape plan (although not yet fully approved), which provides for some landscaping between the north façade of the new building and the adjacent lot line, where the requested yard reduction is being sought.

121 Cushman Road, Minor Variance, A-61/22 – 22103806

(C. McEwan, Assigned Planner)

CRCS offers no objection to the requested minor variances for reduced front and exterior side yards. Through the concurrent application for site plan approval, the applicant has submitted a landscape plan (although not yet approved), which provides for some landscaping between the north and east façades of the new building and the adjacent lot line, where the requested yard reductions are being sought.

Amanda Knutson

Community Project & Development Planner



Memorandum

To: Elaine Munro, ACST, Committee Secretary & Planning Technician
From: Brad Johnston, C.E.T., Development Engineering Technologist
CC: City Committee of Adjustment Staff Members
Date: May 12, 2022
Hearing Date: May 26, 2022
Subject: **Committee of Adjustment - Minor Variance Applications**
3, 5 & 7 Marshall Lane – A-41, 42 & 43/21SC
62 & 66A Marsdale Drive - A-24 & 62/22SC
22A, B & C Inglewood Road – A-35, 36 & 37/22SC
620 Bunting Road – A-40/22SC
129 & 131 Oakdale Avenue – A-48 & 49/22SC
11 Export Avenue – A-54/22SC
37 Northglen Avenue – A-55/22SC
675 Niagara Street – A-56/22SC
1420 Fifth Street Louth – A-58/22SC
121 Cushman Road – A-61/22SC

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 subject and adjacent properties; and
- All applicants be advised that a Grading Plan, prepared by a Professional Engineer or Ontario Land Surveyor, may be required as part of the submission for a building permit application for those sites required to obtain a building permit, but not subject to concurrent severance applications

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: May 12, 2022

Subject: Committee of Adjustment Comments (May 26, 2022, Hearing)

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

Steve Bittner
Transportation Technologist



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: May 20, 2022

Date of Meeting: May 26, 2022

Report Number: A-40/22

File: 22101914

Subject: 620 Bunting Road

Recommendation

That Application **A-40/22** by Gloria Simon-Gould, as outlined in the Notice of Hearing, be approved.

Report The Proposal

The Applicant proposes the construction of an attached garage addition to an existing dwelling. To facilitate the proposed construction, Application A-40/22 seeks relief from the City of St. Catharines Zoning By-law 2013-283 through the variances detailed below.

- Variance 1 A reduction of the minimum interior side yard setback from 1.2m to 0.61m.*
Variance 2 Permission for the attached garage to protrude beyond the corresponding wall of the dwelling unit

Location and Site Description

The subject property is located on the east side of the intersection of Bunting Road and Tecumseh Street. The surrounding neighbourhood is residential with a variety of dwelling types including detached dwellings and townhouses. The property also has frontage on the Welland Canals Parkway, to the east. There is an existing detached dwelling on the property.

Circulation of Application

This Application was circulated to all appropriate departments and agencies. No objections were received. The City's Development Engineer has advised that 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 subject and adjacent properties.

Planning Policy Context

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential on Schedule E2. Detached dwellings are permitted in this designation.

Zoning By-law (2013-283)

The subject property is zoned Low Density Residential – Traditional Neighbourhood (R2). Detached dwellings are permitted in this zone, subject to the provisions of the By-law.

Planning Analysis

Variance 1

The Zoning By-law 2013-283 sets a minimum 1.2 metre interior yard setback for detached dwelling in the R2 zone. The applicant proposes an interior side yard setback of 0.61 metres. The minimum interior side yard setback is intended to ensure that a buffer is maintained between structures on adjacent properties for safety and privacy concerns, that sufficient space is maintained to support on-site drainage and access to rear yards, and to ensure that the massing of a dwelling does not overwhelm adjacent properties.

The proposed addition is modest in height and is unlikely to cause privacy or massing concerns with the adjacent property. Access to the rear yard has been demonstrated to be possible through the proposed garage through a rear man door. Maintenance of the exterior of the garage should be possible in the 0.61 metre setback, and there are no concerns from a safety perspective. The City's development engineer has not identified any specific concerns with the future drainage of this property. However, the engineer has noted that a Grading Plan, prepared by a Professional Engineer or Ontario Land Surveyor, may be required as part of the submission for a building permit application for those sites that are required to obtain a building permit, but not subject to concurrent severance applications. This site would fall under this categorization and the owners should be aware that if the setback does cause drainage concerns, they may be required to alter the location or reduce the width of the proposed garage.

The 0.59 metre reduction is considered minor in nature and facilitates an addition that is generally desirable for the appropriate use of the property. Staff are supportive of Variance 1.

Variance 2

Zoning By-law 2013-283 requires attached garages to be flush with, or recessed beyond, the corresponding wall of the dwelling unit. The intent of the provision is to ensure that the garage remains the subordinate component of the dwelling, resulting in a more appropriate streetscape and discourage car-centric design.

The Applicant is requesting that the attached garage for 620 Bunting Road be permitted to project 1.98 metres closer to the street than the corresponding front wall of the dwelling unit. Staff note that the addition includes a new entryway that is flush with the garage, architecturally, but that the angled configuration of the lot results in the front corner of the

garage extending technically further than the dwelling portion. The impact on the streetscape is negligible, as the house broadly appears to the passerby to meet the zoning requirements as the front wall remains flush. Additionally, there is a proposed covered porch that extends beyond the front face of the dwelling and garage, further reducing the prominence of the garage.

The variance is considered minor in nature and facilitates an addition that is generally desirable for the appropriate use of the property. Staff are supportive of Variance 2.

Conclusion

Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Application **A-40/22** 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:



Dasha
Student Planner

Submitted by:



Charlotte McEwan, MCIP, RPP
Planner I

Approved by:



Margaret Josipovic
Manager
Planning Services

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

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

COMMENTS

B-30/22SC, A-48/22 & A-49/22

129 Oakdale Avenue

DATE OF HEARING:
May 26, 2022

May 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 102428, 22 102429 and 22 102430

Re: 129 & 131 Oakdale Ave

In response to your correspondence dated May 6, 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.
- Proposed two storey house is in conflict with existing overhead service to 131 Oakdale Ave and will have to be relocated. Contact our ICI group for service relocation options.

We would also like to stipulate the following:

- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.

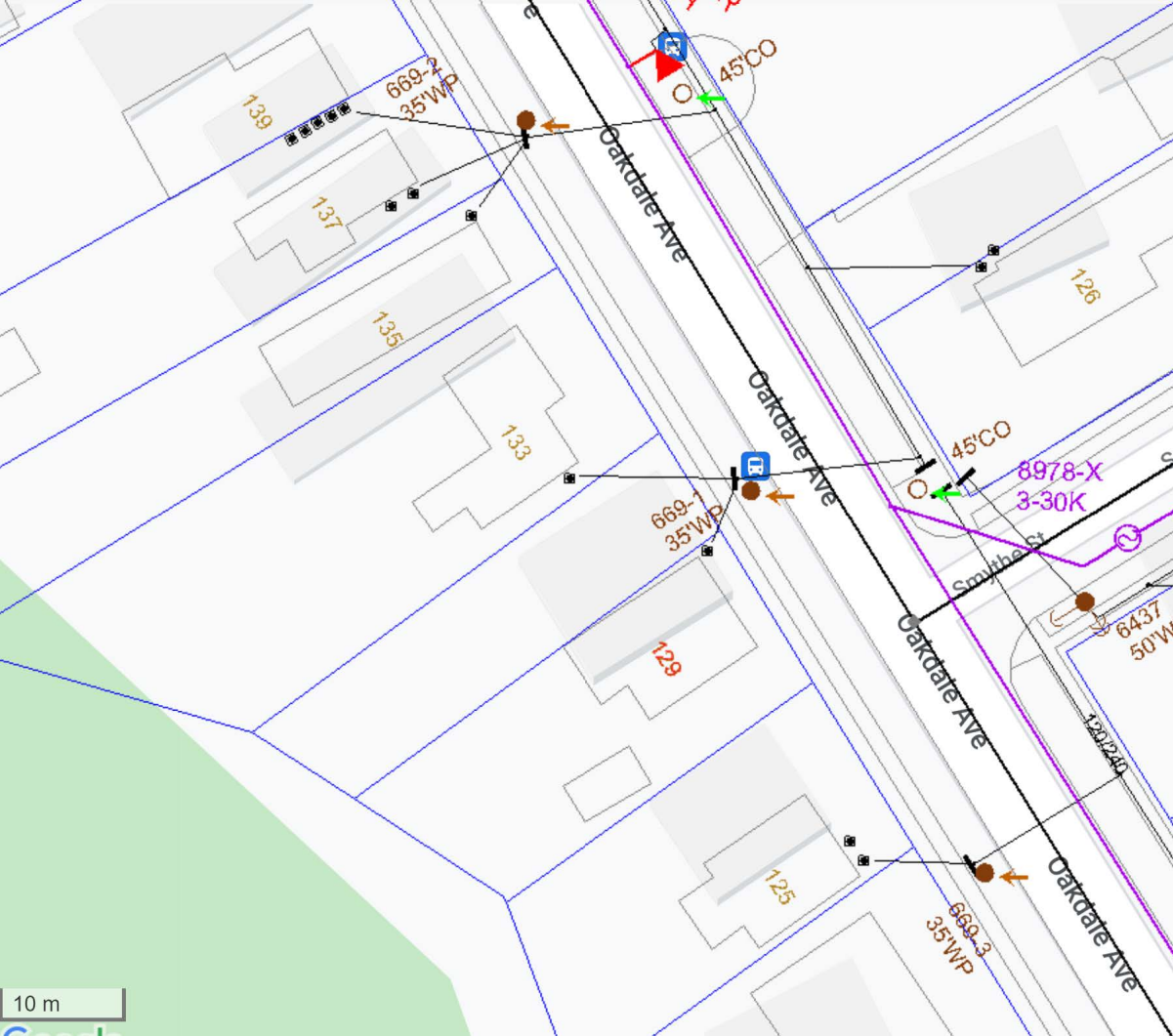
- Alectra Utilities must be contacted if the removal, isolation or relocation of existing plant is required, all cost associated with this work will be at the owners expense.
- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call @ 1-800-400-2255.
- Clearances from Overhead and Underground existing electrical distribution system must be maintained in according to:
 - Ontario Building Code (1997) Section 3.1 (3.1.18.1)
 - Electrical Safety Code Rule 75-312
 - Occupational Health and Safety Act (OH&SA) – Construction Projects (Electrical Hazards)
 - CAN/CSA-C22.3 No. 1-15, Overhead System
 - C22.3 No. 7-15 Underground Systems

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

Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital



From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Bell - No Concerns or Comments 129 Oakdale Avenue_ - Committee of Adjustment Applications for Hearing to be held on April 28, 2022 - 905-22-185
Date: Tuesday, May 17, 2022 9:22:01 AM

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



From: Gordon, Carrie <carrie.gordon@bell.ca>
Sent: Tuesday, May 17, 2022 8:17 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Request for Comments - Committee of Adjustment Applications for Hearing to be held on April 28, 2022 - 905-22-185

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-30/22SC

Subsequent to review of the abovementioned application at 129 Oakdale Avenue, Bell Canada's engineering department have determined that there are no concerns or comments at this time.

Kind regards,

Carrie Gordon



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

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Cogeco - No Concerns RE: Committee of Adjustment Notices of Hearing - May 26, 2022 Hearing
Date: Tuesday, May 10, 2022 5:33:29 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: Tuesday, May 10, 2022 7:47 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Committee of Adjustment Notices of Hearing - May 26, 2022 Hearing

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

Hi Elaine

Cogeco has no concerns with these applications.

Happy sunny day

Doug Crown

Network Planning Department

Doug.crown@cogeco.com

7170 Mcleod Rd
Niagara Falls Ont Canada

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

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Former Landfill Comments - Committee of Adjustment Notices of Hearing - May 26, 2022
Date: Friday, May 20, 2022 3:07:16 PM

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



From: Vasko, Dennis <dvasko@stcatharines.ca>
Sent: Monday, May 9, 2022 1:25 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Additional Application RE: Request for Comments - Committee of Adjustment Notices of Hearing - May 26, 2022

Hi Elaine, the weekend was great. I hope yours was too.

There are no concerns with any of these properties (both emails) in respect to closed landfills.

Dennis

Dennis Vasko
Fill Site Technician
Tel: [905.688.5601](tel:905.688.5601) x2163
Email: dvasko@stcatharines.ca



MEMORANDUM

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

Cc: Wilrik Banda
Planning and Building Services

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

Date: May 11, 2022

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

B-16/21SC – 41 Moffatt Street

Comment:

- No comment

Condition:

- No comment

B-17/21SC – 41 Moffatt Street

Comment:

- No comment

Condition:

- No comment

B-13/22SC – 62 Marsdale Drive

Comment:

- No comment

Condition:

- No Comment

B-21/22SC – 22A Inglewood Road

Comment:

- No comment

Condition:

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

B-22/22SC – 22B Inglewood Road

Comment:

- No comment

Condition:

- A building permit is required to demolish the existing shed 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



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: May 11, 2022

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

NO.	ADDRESS	COMMENTS
A-41/22	3 Marshall Lane	Be advised that a building permit is required to construct the single detached dwelling.
A-42/22	5 Marshall Lane	Be advised that a building permit is required to construct the single detached dwelling.
A-43/21	7 Marshall Lane	Be advised that a building permit is required to construct the single detached dwelling.
A-24/22	62 Marsdale Drive	No comment
A-62/22	66A Marsdale Drive	No Comment
A-35/22	22A Inglewood Road	Be advised that a building permit is required to construct a three unit townhouse.
A-36/22	22B Inglewood Road	Be advised that a building permit is required to construct a three unit townhouse.

NO.	ADDRESS	COMMENTS
A-37/22	22C Inglewood Road	Be advised that a building permit is required to construct a three unit townhouse.
A-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-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-54/22	11 Export Avenue	Be advised that a building permit is required to construct the new car dealership.
A-55/22	37 Northglen Avenue	Be advised that a building permit is required to construct the new sunroom.
A-56/22	675 Niagara Street	Be advised that a building permit is required to construct a rear covered porch and second story balcony.
A-58/22	1420 Fifth Street	Be advised that a building permit is required to construct the addition to the agricultural farm related commercial / industrial building.
A-61/22	121 Cushman Road	Be advised that a building permit is required to construct the warehouse addition.



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: May 13, 2022

Subject: Committee of Adjustment Applications – May 26 Hearing

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

41 Moffatt Street, Consent, B-16/21SC – 21103431
41 Moffatt Street, Consent, B-17/21SC – 21103432
3 Marshall Lane, Minor Variance, A-41/21 – 21103435
5 Marshall Lane, Minor Variance, A-42/21 – 21103436
7 Marshall Lane, Minor Variance, A-43/21 – 21103437
(T. Devlin, Assigned Planner)

CRCS has no concerns with the proposed creation of two new lots to facilitate the construction of three townhouse units, nor the requested variances for reduced lot area. Should the applications for consent be approved, CRCS recommends the following conditions be included:

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

62 Marsdale Drive, Consent, B-13/22SC – 22100910
62 Marsdale Drive, Minor Variance, A-24/22 – 22100912
66A Marsdale Drive, Minor Variance, A-62/22 – 22103840
(C. McEwan, Assigned Planner)

Comments will be provided under separate cover.

22 Inglewood Road, Consent, B-21/22SC 22101253
22 Inglewood Road, Consent, B-22/22SC – 22101257
22A Inglewood Road, Minor Variance, A-35/22 – 22101265
22B Inglewood Road, Minor Variance, A-36/22 – 22101267
22C Inglewood Road, Minor Variance, A-37/22 – 22101268
(N. MacDonald, Assigned Planner)

CRCS has no concerns with the proposed creation of two new lots to facilitate the construction of three townhouse units, nor the requested variances. In accordance with section 13.2.2.10 of the Garden City Plan the owner will be required to convey to the city the Natural Heritage Lands/Natural Hazard Lands at the rear of all three lots.

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

1. That payment of 5% of the appraised value of the new lots be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53(13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. The appraisal shall be completed by a qualified appraiser. (Condition subject to Planning and Building Services' determination that parkland dedication can, in fact, be collected for this application.)
2. That the applicant submit a payment for the placement of a 60mm boulevard tree for each new lot, in accordance with the City's current Schedule of Rates and Fees.
3. That the applicant dedicate gratuitously to the City, free and clear of any encumbrance, the natural hazard areas at the rear of lands, which have been identified as Part 4 on the survey sketch submitted with the applications.
4. That the future development agreement require the applicant to pay for and construct a 1.8-metre-high black vinyl-coated chain-link fence (OPSD 972.130) to delineate the boundary between privately-owned and publicly-owned lands and to prevent any future encroachment onto publicly-owned lands. The fence shall be constructed on the City's side of the future common lot line.

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

(C. McEwan, Assigned Planner)

This application was deferred from the April Committee of Adjustment hearing after concerns were raised by staff regarding the initial proposal. The applicant no longer intends to construct a vehicular turn-about area and has withdrawn their request for the related minor variance. CRCS no longer offers any object to the application.

129 Oakdale Avenue, Consent, B-30/22SC – 22102428

129 Oakdale Avenue, Minor Variance, A-48/22 – 22102429

131 Oakdale Avenue, Minor Variance, A-49/22 – 22102430

(E. Acs, Assigned Planner)

This application was deferred from the April Committee of Adjustment hearing. Comments provided by CRCS at that time remain unchanged.

11 Export Avenue, Minor Variance, A-54/22 – 22103762

(E. Acs, Assigned Planner)

CRCS offers no objection to the requested minor variances. Through the concurrent application for site plan approval, the applicant has submitted a landscape plan, prepared by Marten-Nikzad Landscape Architects Inc. (Drawing No. L100, last revised May 4, 2022) that provides for landscape buffers no less than 3.0 metres in width around the perimeter of all parking and outdoor storage areas, in addition to enhanced landscaping throughout the site in the form of landscaped islands. While the landscape plan has not yet been fully approved, CRCS is satisfied that the design approach will adequately screen the parking and storage areas from the public realm.

37 Northglen Avenue, Minor Variance, A-55/22 – 22103790

(N. MacDonald, Assigned Planner)

It is our understanding that this application will be deferred to a future hearing pending receipt of additional/revised information. CRCS will provide comments at that time.

675 Niagara Street, Minor Variance, A-56/22 – 22103229

(N. MacDonald, Assigned Planner)

CRCS offers no objection to the requested minor variance.

1420 Fifth Street Louth, Minor Variance, A-58/22 – 22103805

(E. Acs, Assigned Planner)

CRCS offers no objection to the requested minor variances. Through the concurrent application for site plan approval, the applicant has submitted a landscape plan (although not yet fully approved), which provides for some landscaping between the north façade of the new building and the adjacent lot line, where the requested yard reduction is being sought.

121 Cushman Road, Minor Variance, A-61/22 – 22103806

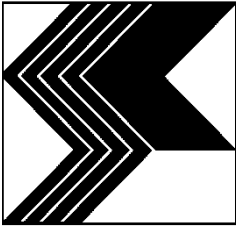
(C. McEwan, Assigned Planner)

CRCS offers no objection to the requested minor variances for reduced front and exterior side yards. Through the concurrent application for site plan approval, the applicant has submitted a landscape plan (although not yet approved), which provides for some landscaping between the north and east façades of the new building and the adjacent lot line, where the requested yard reductions are being sought.

Amanda Knutson

Community Project & Development Planner

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-30/22SC



May 12, 2022

ENGINEERING FILE 300-36

Hearing Date: May 26, 2022
Applicant: Robert Bedard
Location: 129 Oakdale Avenue

MUNICIPAL SERVICES

Water:	300mm PVC
Sanitary:	300mm Clay (east side) 300mm Clay (west side)
Storm:	None
Sidewalks:	Yes
Road Allowance:	16.96m±

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

Comment(s): It is noted the Owner wishes to sever Part 1 for a proposed single detached dwelling. A remnant parcel (Part 2) with the existing single detached dwelling is to be retained for continued residential use. Part 3 is to be transferred to the City for road widening purposes.

Roads

Oakdale Avenue is designated a Collector Mixed-use Corridor as per the City's Transportation Master Plan, with a desired minimum right-of-way width of 20.0m. It has been previously discussed that this section of Oakdale Avenue requires 23.0m of ultimate width to accommodate the City's Transportation Master Plan and Active Transportation Plan needs. Its current width is deficient at 16.96m. Since a 1.52m widening was previously obtained from Part 1 in the past, as per Plan 30R-8529, the City shall require an **additional 1.50m fronting Part 1** and a total of **3.02m along the frontage of the remnant parcel (Part 2)**, both transferred to the City free and clear of any encumbrances to be known as Public Highway *Oakdale Avenue*. A draft reference plan shall be submitted for review and approval prior to the registration in the Land Registry Office and forwarded to the City. The City will then move forward with acceptance of the land transfer by Municipal By-law.

The porch for the existing dwelling, because of the additional widening required, will encroached the future Municipal right-of-way, therefore will be subject to an Encroachment Agreement being entered into with the City to accommodate the existing structure within the future road allowance of Oakdale Avenue.

Sidewalks

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

Engineering Services

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

Sump pump flows are typically discharged to grade, when no opportunities to connect to a storm sewer in the road allowance exist. Since a storm sewer does not exist on Oakdale Avenue along this section, weeping tile drainage shall be discharged via sump pump to grade through the front/rear foundation wall only, and be identified on the proposed Master Lot Grading and Building plans. The house designs shall ensure rainwater leaders (downspouts) are directed/discharged to the front/rear of the lot as well and 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. **The City shall not authorize the installation of services prior to the lots been registered and legally created.**

Condition(s): Prior to the finalization of the proposed consent the 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 across the frontages of the subject properties, to be known as Public Highway *Oakdale Avenue*; 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 laterals and water services to the existing dwelling; 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: Brad Johnston, C.E.T., Development Engineering Technologist
CC: City Committee of Adjustment Staff Members
Date: May 12, 2022
Hearing Date: May 26, 2022
Subject: **Committee of Adjustment - Minor Variance Applications**
3, 5 & 7 Marshall Lane – A-41, 42 & 43/21SC
62 & 66A Marsdale Drive - A-24 & 62/22SC
22A, B & C Inglewood Road – A-35, 36 & 37/22SC
620 Bunting Road – A-40/22SC
129 & 131 Oakdale Avenue – A-48 & 49/22SC
11 Export Avenue – A-54/22SC
37 Northglen Avenue – A-55/22SC
675 Niagara Street – A-56/22SC
1420 Fifth Street Louth – A-58/22SC
121 Cushman Road – A-61/22SC

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 subject and adjacent properties; and
- All applicants be advised that a Grading Plan, prepared by a Professional Engineer or Ontario Land Surveyor, may be required as part of the submission for a building permit application for those sites required to obtain a building permit, but not subject to concurrent severance applications

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: May 12, 2022

Subject: Committee of Adjustment Comments (May 26, 2022, Hearing)

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

Steve Bittner
Transportation Technologist



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: May 19, 2022

Date of Meeting: May 26, 2022

Report Number: B-30/22SC
A-48/22
A-49/22

File: 22102428
22102429
22102430

Subject: 129 and 131 Oakdale Avenue

Recommendation

That submission **B-30/22SC** by Robert Bedard, 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 129 Oakdale Avenue addressing the following conditions:
 - a. That building permit plans for Part 1, once submitted, be reviewed and confirmed to be generally in accordance with the site plan and elevation plans submitted with this application; and
 - b. That the lot grading and drainage plan, required as a condition of consent approval, be included in the development agreement, to ensure compliance as part of the review and approval of a building permit.
2. That the Owner provide the City a draft reference plan indicating the proposed widening for review and approval, prior to registration of the plan in the Land Registry Office.
3. That the Owner dedicate to the City, free and clear of any encumbrances, the widening across the frontage of the subject properties, to be known as Public Highway Oakdale Avenue.
4. That the Owner pay the fee for City crews to locate, trace, inspect and document the sewer laterals and water services to the existing dwelling.
5. That the Owner if determined existing laterals or water services conflict with existing or future lot lines, complete any relocation works on private property through a plumbing only permit. The Owner shall also pay the City to complete any associated relocation works required on City property.
6. That the Owner arrange to have a lot grading and drainage plan prepared by a qualified engineer or Ontario Land Surveyor for review and approval by City staff.
7. That the Owner submit a payment of 5% of the appraised value of the new lot to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53(13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be

determined as of the day before the day the provisional consent was given'. The appraisal shall be completed by a qualified appraiser.

8. That the Owner submit a payment for the placement of a 60mm boulevard tree for the new lot, in accordance with the City's current Schedule of Rates and Fees.
9. That 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.
10. That a final certification fee of \$222.20 (2022 rate) per application payable to the Treasurer, City of St. Catharines, be submitted to the Secretary-Treasurer.
11. That all conditions of consent be fulfilled by May 26, 2024.

That submission **A-48/22** by Robert Bedard, as outlined in the Notice of Hearing, be approved.

That submission **A-49/22** by Robert Bedard, as outlined in the Notice of Hearing, be approved.

Report

The Proposal

The applicant proposes to sever the existing lot at 129 Oakdale Avenue to create a new lot for the purpose of constructing a two-storey detached dwelling. The retained parcel will continue to be used for the existing residential use. There are concurrent minor variance applications required to address the zoning deficiencies created by the consent. The requested consent and minor variances are outlined in the tables below.

Application	Severed Parcel	Severed Area	Retained Parcel	Retained Area
B-03/22SC	Part 1 (131 Oakdale Avenue)	358.7 m ²	Part 2 (129 Oakdale Avenue)	484.8 m ²

Application	Variance	Provision	Required	Proposed
A-48/22 (129 Oakdale Avenue)	1	Maximum lot area for a detached dwelling	465 m ²	484.8 m ²
A-49/22 (131 Oakdale Avenue)	1	Minimum lot frontage for a detached dwelling	10.0 metres	9.227 metres

Location and Site Description

The subject property is on the west side of Oakdale Avenue, south of Disher Street West. The surrounding neighbourhood is primarily residential with a mix of dwelling types. To the west of the subject lands is Canal Valley Park.

The subject property is currently occupied by a detached dwelling and three accessory buildings. One accessory building is to be removed as part of this application.

Circulation of Application

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

Planning Policy Context

Official Plan (Garden City Plan)

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

Zoning By-law (2013-283)

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

Planning Analysis

Consent

Consent application **B-30/22SC** requests to sever the subject property into two lots to construct a new detached dwelling. Section 16.11 of the GCP sets out policies that applications for lot creation are evaluated against. Relevant policies are listed below with staff comments provided.

- 3) *Consents to sever individual parcels of land, including land assembly and lot boundary adjustments will only be permitted where:*
 - a) *It is clearly apparent that no development could take place which would lead to significant expense by the City for public works or which would lead to further development leading to such expenses.*

The proposed severed lot will make use of existing infrastructure. The owner is responsible for any costs for required improvements to infrastructure such as municipal streets, water, wastewater, and stormwater services. As such, there are no anticipated costs for the City.

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

The proposed lot is located within the City's built boundary and within an area that is substantially developed. The proposal includes constructing a new detached dwelling that fits within the prevailing character and land use of the surrounding neighbourhood, which supports context-sensitive infill development.

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

The Low Density Residential designation permits a density range of generally 20 to 32 units per hectare. The proposed lot will have a density of about 27.9 units per hectare; the retained lot will be about 20.6 units per hectare. A minor variance is required to permit an increase in lot area for the retained lot, which will be discussed in the next section.

The proposed lot is narrower than permitted in the zoning by-law, and requires a minor variance for lot frontage. However, staff is satisfied that this lot pattern represents appropriate development of the subject lands. The applicant has demonstrated that a detached dwelling can be built on the new lot. The retained lot is being brought closer to conformity with Official Plan and Zoning By-law requirements.

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

Right-of-Way Widening

Oakdale Avenue is designated a Collector Mixed-use Corridor in the City's Transportation Master Plan with a desired right-of-way width of 23 metres. The current width of the road in front the retained lot is deficient at approximately 20 metres. The road width in front of the proposed lot is at the required width.

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

To be consistent with road widening requirements and standards necessary to accommodate City and private utilities and complete street initiatives, staff are recommending as a condition that a 1.5-metre-wide strip of land across the frontage of the retained lot be dedicated as Public Highway Oakdale Avenue to obtain half of the additional requirements necessary to ultimately achieve the desired road allowance width of 23 metres.

Minor Variance

Variance 1 on A-48/22

Variance 1 of Application **A-48/22** is requesting to increase the maximum lot area for a detached dwelling from 465 square metres to 484.8 square metres, resulting in an increased lot area of 19.8 square metres. The intent of the maximum lot area is to ensure a compact built form and prevent urban sprawl by guiding higher density development

within an area. The proposal will contribute to the development of a compact built form through the creation of a new lot for a detached dwelling. Although the retained lot will be oversized, the proposal facilitates residential infill development, which aligns with Official Plan policies to support intensification to provide a range and mix of housing. The proposal will result in a density of about 23.7 units per hectare over the whole site, which meets density requirements as set out in the Official Plan and Zoning By-law. Staff note that the density of the existing detached dwelling at 129 Oakdale Avenue is about 11.5 units per hectare, which is below the density target outlined in the Official Plan and Zoning By-law. Therefore, the proposal brings the lands into conformity with City policy.

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

Variance 1 of A-49/22

Variance 1 of Application **A-49/22** (Part 1) is seeking a reduction to the minimum lot frontage for a detached dwelling from 10.0 metres to 9.227 metres, resulting in a decrease of 0.773 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 9.227 metres is sufficient to accommodate a suitable building envelope, provide landscaping and site access while also maintaining the existing streetscape. Staff note that the surrounding area comprises of lots with varying frontage widths and overall size. The area includes lots that are moderately narrower than the proposed 131 Oakdale Ave as well as lot that are larger in size than the remnant 129 Oakdale Ave. The proposed lots are consistent with the width, size and shape of the surrounding lots. As such, staff are satisfied that the variance will not result in adverse impacts to the surrounding area.

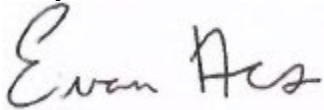
Staff find the requested variance to be minor in nature, desirable for the appropriate development of lands, and meets the general intent of the Official Plan and Zoning By-law.

Conclusion

Having regard for matters under Section 53 of *The Planning Act*, staff are of the opinion that Consent Application **B-30/22SC** meets the intent and purpose of the Official Plan and Zoning By-law and will have no adverse impacts on the surrounding area and environment. It is staff's recommendation that the requested consent to sever be approved, subject to the conditions set out in the recommendation.

Having regard for matters under Section 45 of *The Planning Act*, staff are of the opinion that Minor Variance Applications **A-48/22** and **A-49/22** 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 approval of the Applications.

Prepared and submitted by:

A handwritten signature in blue ink that reads "Evan Acs". The signature is written in a cursive, flowing style.

Evan Acs, MSC, RPP
Planner I

Approved by:

A handwritten signature in blue ink that reads "Margaret Josipovic". The signature is written in a cursive, flowing style.

Margaret Josipovic
Manager, Planning Services

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

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

COMMENTS

A-54/22

11 Export Avenue

DATE OF HEARING:
May 26, 2022

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: MTO Comments - 11 Export Avenue and 1420 Fifth Street Louth, Committee of Adjustment Notices of Hearing - May 26, 2022 Hearing
Date: Tuesday, May 17, 2022 11:47:25 AM

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



From: Deluca, Peter (MTO) <Peter.Deluca@ontario.ca>
Sent: Monday, May 16, 2022 2:28 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: RE: Request for Comments, Committee of Adjustment Notices of Hearing - May 26, 2022 Hearing

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Hi Elaine,

1. 11 Export Avenue, Minor Variance, A-54/22 – 22103762

-The MTO setback for surplus parking is 3m. Any essential site parking must be outside of the MTO's 14m setback. So with regards to the minor variance, we have no objection as long as any parking within 3-14m from the MTO's property line is surplus parking to the site.

2. 1420 Fifth Street Louth, Minor Variance, A-58/22 – 22103805

-Based on our records, North Service Rd adjacent to the site is municipal property, therefore all changes will be outside the MTO's 14m setback. No objections to the minor variance.

Both sites are within MTO permit control and will require MTO BLU and sign (if applicable) permits.

Thanks,
Peter DeLuca

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Alectra - No Comments/objections RE: 11 Export Avenue, St. Catharines
Date: Thursday, May 12, 2022 1:13:01 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)

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



From: Network Info <network.info@horizonutilities.com>
Sent: Thursday, May 12, 2022 8:24 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: RE: 11 Export Avenue, St. Catharines




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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](#).*

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Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: May 19, 2022

Date of Meeting: May 26, 2022

Report Number: A-54/22

File: 22103762

Subject: 11 Export Avenue

Recommendation

That Application **A-54/22** by Polco Investments Limited, as outlined in the Notice of Hearing, be approved, subject to the following condition:

1. That only new and used automobiles may stored and displayed in the front yard.

Background

The property that is now 11 Export Ave was previously subject of three committee of adjustment applications. Minor variances A-58/18 and A-59/18 to permit an increase in retail sales space from 15% of the gross leasable floor area to 40% for an Automotive Sales and Service Centre. Consent application B-20/21SC was a boundary adjustment to add land to 11 Export Avenue from 99 Dieppe Road.

The property is also subject to an approved site plan agreement for a Motor Vehicle Repair Garage with sales. This site plan agreement is now being amended to accommodate the increase in lot area from the approved boundary adjustment.

Report The Proposal

The Applicant proposes the development of a Motor Vehicle Repair Garage with sales. on the subject lands. The reduction of the landscape buffer for the parking area and allowance for outdoor storage in the front yard are required. The variances outlined in the table below are required to facilitate the proposal.

Variance	Provision	Required	Proposed
1	Minimum landscape buffer between a parking area with 100 or greater parking spaces and lot line abutting a Public Road	6.0m	3.0m

2	To permit outdoor storage, display and sale of vehicles in the front yard.	n/a	n/a
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Location and Site Description

The subject lands are located on the north side of Dieppe Road, west of Export Avenue. To the north of the site is commercial development. To the east and west are employment uses. The Queen Elizabeth Way is south of the site.

The subject property is presently occupied by two vacant buildings, both of which are proposed for demolition to facilitate the Motor Vehicle Repair Garage with sales.

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 Employment on Schedule D1 of the Garden City Plan (GCP) and further designated General Employment on Schedule E2. Uses associated with Automotive Sales and Service Centres are permitted in this designation.

Zoning By-law (2013-283)

The subject property is zoned General Employment (E2). Uses associated with Motor Vehicle Repair Garage with sales are permitted in this zone.

Planning Analysis

Variance 1

The applicant is requesting a reduction of the required landscape buffer for a lot line abutting a public road for a parking area with more than 100 parking spaces from 6.0 metres to 3.0 metres. This variance is being requested for the Export Avenue and Dieppe Road lot lines. The intent of the provision is to ensure an appropriate transition between neighbouring land uses through screening of parking areas and breaking up large areas of asphalt. The provision also implements perimeter landscaping along lot lines to increase the amount of landscaped open space and improve the public realm. Staff are satisfied that the requested reduction to 3.0 metres can provide adequate screening of the parking areas and that no negative impact on the interface between the public and private realms will result. The property is subject to site plan control, and through that process staff will ensure that the proposed buffers will include enhanced landscaping materials. Staff are of the opinion that the requested variance is minor in nature, desirable for the appropriate development of the lands, and is in keeping with the general intent of the Official Plan and Zoning By-law. Staff recommend approval of this variance.

Variance 2

Zoning By-law 2013-283 only permits outdoor storage areas in an interior side yard or a rear yard. The intent of the provision is to ensure an appropriate transition between neighbouring land uses and maintain a pleasant streetscape. The Applicant is requesting permission for outdoor storage, display and sale of vehicles in the front yard of the subject property. In the zoning by-law, automobiles that are parked or displayed for storage and sales purposes are considered to be outdoor storage. Staff find that the display of vehicles is a typical characteristic of Motor Vehicle Repair Garage with sales uses. Further, the display of new and used vehicles is distinct from the general outdoor storage that the zoning by-law seeks to eliminate in employment zones, such as raw materials, bulk goods, or building supplies. Storage and display of new and used vehicles are similar to vehicle parking in terms of intensity of land use and impact on surrounding properties. The area where the new and used vehicles are proposed to be displayed in the affected yard is considered a parking area in the zoning by-law and will have the appropriate landscaping and hard surface required for parking areas. Staff are of the opinion that this variance is minor in nature, is desirable for the appropriate use of the lands, and is in keeping with the general intent of the Official Plan and Zoning By-law. Staff recommend approval of this variance subject to a condition to limit outdoor storage and display in a front yard to new and used automobiles.

Conclusion

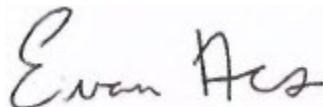
Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Application **A-54/22** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is desirable for the appropriate development and use of the lands. Staff recommend approval of the Application, subject to the condition set out in the recommendation.

Prepared by:



Dasha Litviniuc
Student Planner

Submitted by:



Evan Acs, MSC, RPP
Planner I

Approved by:



Margaret Josipovic
Manager, 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: May 11, 2022

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

NO.	ADDRESS	COMMENTS
A-41/22	3 Marshall Lane	Be advised that a building permit is required to construct the single detached dwelling.
A-42/22	5 Marshall Lane	Be advised that a building permit is required to construct the single detached dwelling.
A-43/21	7 Marshall Lane	Be advised that a building permit is required to construct the single detached dwelling.
A-24/22	62 Marsdale Drive	No comment
A-62/22	66A Marsdale Drive	No Comment
A-35/22	22A Inglewood Road	Be advised that a building permit is required to construct a three unit townhouse.
A-36/22	22B Inglewood Road	Be advised that a building permit is required to construct a three unit townhouse.

NO.	ADDRESS	COMMENTS
A-37/22	22C Inglewood Road	Be advised that a building permit is required to construct a three unit townhouse.
A-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-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-54/22	11 Export Avenue	Be advised that a building permit is required to construct the new car dealership.
A-55/22	37 Northglen Avenue	Be advised that a building permit is required to construct the new sunroom.
A-56/22	675 Niagara Street	Be advised that a building permit is required to construct a rear covered porch and second story balcony.
A-58/22	1420 Fifth Street	Be advised that a building permit is required to construct the addition to the agricultural farm related commercial / industrial building.
A-61/22	121 Cushman Road	Be advised that a building permit is required to construct the warehouse addition.


 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: May 13, 2022

Subject: Committee of Adjustment Applications – May 26 Hearing

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

41 Moffatt Street, Consent, B-16/21SC – 21103431
41 Moffatt Street, Consent, B-17/21SC – 21103432
3 Marshall Lane, Minor Variance, A-41/21 – 21103435
5 Marshall Lane, Minor Variance, A-42/21 – 21103436
7 Marshall Lane, Minor Variance, A-43/21 – 21103437
(T. Devlin, Assigned Planner)

CRCS has no concerns with the proposed creation of two new lots to facilitate the construction of three townhouse units, nor the requested variances for reduced lot area. Should the applications for consent be approved, CRCS recommends the following conditions be included:

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

62 Marsdale Drive, Consent, B-13/22SC – 22100910
62 Marsdale Drive, Minor Variance, A-24/22 – 22100912
66A Marsdale Drive, Minor Variance, A-62/22 – 22103840
(C. McEwan, Assigned Planner)

Comments will be provided under separate cover.

22 Inglewood Road, Consent, B-21/22SC 22101253
22 Inglewood Road, Consent, B-22/22SC – 22101257
22A Inglewood Road, Minor Variance, A-35/22 – 22101265
22B Inglewood Road, Minor Variance, A-36/22 – 22101267
22C Inglewood Road, Minor Variance, A-37/22 – 22101268
(N. MacDonald, Assigned Planner)

CRCS has no concerns with the proposed creation of two new lots to facilitate the construction of three townhouse units, nor the requested variances. In accordance with section 13.2.2.10 of the Garden City Plan the owner will be required to convey to the city the Natural Heritage Lands/Natural Hazard Lands at the rear of all three lots.

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

1. That payment of 5% of the appraised value of the new lots be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53(13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. The appraisal shall be completed by a qualified appraiser. (Condition subject to Planning and Building Services' determination that parkland dedication can, in fact, be collected for this application.)
2. That the applicant submit a payment for the placement of a 60mm boulevard tree for each new lot, in accordance with the City's current Schedule of Rates and Fees.
3. That the applicant dedicate gratuitously to the City, free and clear of any encumbrance, the natural hazard areas at the rear of lands, which have been identified as Part 4 on the survey sketch submitted with the applications.
4. That the future development agreement require the applicant to pay for and construct a 1.8-metre-high black vinyl-coated chain-link fence (OPSD 972.130) to delineate the boundary between privately-owned and publicly-owned lands and to prevent any future encroachment onto publicly-owned lands. The fence shall be constructed on the City's side of the future common lot line.

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

(C. McEwan, Assigned Planner)

This application was deferred from the April Committee of Adjustment hearing after concerns were raised by staff regarding the initial proposal. The applicant no longer intends to construct a vehicular turn-about area and has withdrawn their request for the related minor variance. CRCS no longer offers any object to the application.

129 Oakdale Avenue, Consent, B-30/22SC – 22102428

129 Oakdale Avenue, Minor Variance, A-48/22 – 22102429

131 Oakdale Avenue, Minor Variance, A-49/22 – 22102430

(E. Acs, Assigned Planner)

This application was deferred from the April Committee of Adjustment hearing. Comments provided by CRCS at that time remain unchanged.

11 Export Avenue, Minor Variance, A-54/22 – 22103762

(E. Acs, Assigned Planner)

CRCS offers no objection to the requested minor variances. Through the concurrent application for site plan approval, the applicant has submitted a landscape plan, prepared by Marten-Nikzad Landscape Architects Inc. (Drawing No. L100, last revised May 4, 2022) that provides for landscape buffers no less than 3.0 metres in width around the perimeter of all parking and outdoor storage areas, in addition to enhanced landscaping throughout the site in the form of landscaped islands. While the landscape plan has not yet been fully approved, CRCS is satisfied that the design approach will adequately screen the parking and storage areas from the public realm.

37 Northglen Avenue, Minor Variance, A-55/22 – 22103790

(N. MacDonald, Assigned Planner)

It is our understanding that this application will be deferred to a future hearing pending receipt of additional/revised information. CRCS will provide comments at that time.

675 Niagara Street, Minor Variance, A-56/22 – 22103229

(N. MacDonald, Assigned Planner)

CRCS offers no objection to the requested minor variance.

1420 Fifth Street Louth, Minor Variance, A-58/22 – 22103805

(E. Acs, Assigned Planner)

CRCS offers no objection to the requested minor variances. Through the concurrent application for site plan approval, the applicant has submitted a landscape plan (although not yet fully approved), which provides for some landscaping between the north façade of the new building and the adjacent lot line, where the requested yard reduction is being sought.

121 Cushman Road, Minor Variance, A-61/22 – 22103806

(C. McEwan, Assigned Planner)

CRCS offers no objection to the requested minor variances for reduced front and exterior side yards. Through the concurrent application for site plan approval, the applicant has submitted a landscape plan (although not yet approved), which provides for some landscaping between the north and east façades of the new building and the adjacent lot line, where the requested yard reductions are being sought.

Amanda Knutson

Community Project & Development Planner



Memorandum

To: Elaine Munro, ACST, Committee Secretary & Planning Technician
From: Brad Johnston, C.E.T., Development Engineering Technologist
CC: City Committee of Adjustment Staff Members
Date: May 12, 2022
Hearing Date: May 26, 2022
Subject: **Committee of Adjustment - Minor Variance Applications**
3, 5 & 7 Marshall Lane – A-41, 42 & 43/21SC
62 & 66A Marsdale Drive - A-24 & 62/22SC
22A, B & C Inglewood Road – A-35, 36 & 37/22SC
620 Bunting Road – A-40/22SC
129 & 131 Oakdale Avenue – A-48 & 49/22SC
11 Export Avenue – A-54/22SC
37 Northglen Avenue – A-55/22SC
675 Niagara Street – A-56/22SC
1420 Fifth Street Louth – A-58/22SC
121 Cushman Road – A-61/22SC

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 subject and adjacent properties; and
- All applicants be advised that a Grading Plan, prepared by a Professional Engineer or Ontario Land Surveyor, may be required as part of the submission for a building permit application for those sites required to obtain a building permit, but not subject to concurrent severance applications

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: May 12, 2022

Subject: Committee of Adjustment Comments (May 26, 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-56/22

675 Niagara Street

DATE OF HEARING:
May 26, 2022

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Comments Received RE: AMANDA No. 22103229 675 Niagara Street -- Minor Variance
Date: Tuesday, May 17, 2022 1:51:27 PM

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



From: Debbie Bellefielle <>
Sent: Monday, May 16, 2022 9:44 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Michael LeClair <>
Subject: AMANDA No. 22103229 675 Niagara Street -- Minor Variance

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 Secretary - Treasurer,

Regarding the Minor Variance of the Notice of Hearing, we absolutely have no objection.

I would like to take this opportunity to express how delighted we are to have our neighbours at 675 Niagara Street.

The house and property have never been so well taken care of.

Knowing we have a family living there and working so hard to make their home beautiful only helps us neighbours with a positive effect and result.

Kind regards,

Debbie Bellefielle
2 Woodcroft Ave.

Get [Outlook for Android](#)

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Comments Received RE: AMANDA No. 22103229 675 Niagara Street -- Minor Variance
Date: Friday, May 20, 2022 3:56:09 PM

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



From: Angie Chaffe <>
Sent: Friday, May 20, 2022 10:28 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Re: AMANDA No. 22103229 675 Niagara Street -- Minor Variance

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.

Please le

From: Angie Chaffe
Sent: May 18, 2022 9:49 AM
To: emunroe@stcatharines.ca <emunroe@stcatharines.ca>
Subject: AMANDA No. 22103229 675 Niagara Street -- Minor Variance

Good Morning Elaine, Secretary-Treasurer,

I am writing to you today with respect to the Minor Variance of the Notice of Hearing, we absolutely have **no** objection.

I would like to take this opportunity to express how thrilled we are to have our neighbours at 675 Niagara Street.

I have lived on this street for 45 years and the house and property has never been improved or maintained as well as it has now. The work that they are doing is exceptional!

It is very comforting knowing that we have a family living there that is working so hard consistently to make their home and property beautiful that we as neighbours will benefit as well.

Sincerely,

Angie Chaffe
3 Woodcroft Avenue

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

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Alectra - No comments/objections RE: 675 Niagara Street, St. Catharines
Date: Thursday, May 12, 2022 2:18:54 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)

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



From: Network Info <network.info@horizonutilities.com>
Sent: Thursday, May 12, 2022 8:26 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: RE: 675 Niagara 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 RE: Committee of Adjustment Notices of Hearing - May 26, 2022 Hearing
Date: Tuesday, May 10, 2022 5:33:29 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: Tuesday, May 10, 2022 7:47 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Committee of Adjustment Notices of Hearing - May 26, 2022 Hearing

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

Hi Elaine

Cogeco has no concerns with these applications.

Happy sunny day

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: May 11, 2022

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

NO.	ADDRESS	COMMENTS
A-41/22	3 Marshall Lane	Be advised that a building permit is required to construct the single detached dwelling.
A-42/22	5 Marshall Lane	Be advised that a building permit is required to construct the single detached dwelling.
A-43/21	7 Marshall Lane	Be advised that a building permit is required to construct the single detached dwelling.
A-24/22	62 Marsdale Drive	No comment
A-62/22	66A Marsdale Drive	No Comment
A-35/22	22A Inglewood Road	Be advised that a building permit is required to construct a three unit townhouse.
A-36/22	22B Inglewood Road	Be advised that a building permit is required to construct a three unit townhouse.

NO.	ADDRESS	COMMENTS
A-37/22	22C Inglewood Road	Be advised that a building permit is required to construct a three unit townhouse.
A-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-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-54/22	11 Export Avenue	Be advised that a building permit is required to construct the new car dealership.
A-55/22	37 Northglen Avenue	Be advised that a building permit is required to construct the new sunroom.
A-56/22	675 Niagara Street	Be advised that a building permit is required to construct a rear covered porch and second story balcony.
A-58/22	1420 Fifth Street	Be advised that a building permit is required to construct the addition to the agricultural farm related commercial / industrial building.
A-61/22	121 Cushman Road	Be advised that a building permit is required to construct the warehouse addition.



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: May 13, 2022

Subject: Committee of Adjustment Applications – May 26 Hearing

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

41 Moffatt Street, Consent, B-16/21SC – 21103431
41 Moffatt Street, Consent, B-17/21SC – 21103432
3 Marshall Lane, Minor Variance, A-41/21 – 21103435
5 Marshall Lane, Minor Variance, A-42/21 – 21103436
7 Marshall Lane, Minor Variance, A-43/21 – 21103437
(T. Devlin, Assigned Planner)

CRCS has no concerns with the proposed creation of two new lots to facilitate the construction of three townhouse units, nor the requested variances for reduced lot area. Should the applications for consent be approved, CRCS recommends the following conditions be included:

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

62 Marsdale Drive, Consent, B-13/22SC – 22100910
62 Marsdale Drive, Minor Variance, A-24/22 – 22100912
66A Marsdale Drive, Minor Variance, A-62/22 – 22103840
(C. McEwan, Assigned Planner)

Comments will be provided under separate cover.

22 Inglewood Road, Consent, B-21/22SC 22101253
22 Inglewood Road, Consent, B-22/22SC – 22101257
22A Inglewood Road, Minor Variance, A-35/22 – 22101265
22B Inglewood Road, Minor Variance, A-36/22 – 22101267
22C Inglewood Road, Minor Variance, A-37/22 – 22101268
(N. MacDonald, Assigned Planner)

CRCS has no concerns with the proposed creation of two new lots to facilitate the construction of three townhouse units, nor the requested variances. In accordance with section 13.2.2.10 of the Garden City Plan the owner will be required to convey to the city the Natural Heritage Lands/Natural Hazard Lands at the rear of all three lots.

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

1. That payment of 5% of the appraised value of the new lots be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53(13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. The appraisal shall be completed by a qualified appraiser. (Condition subject to Planning and Building Services' determination that parkland dedication can, in fact, be collected for this application.)
2. That the applicant submit a payment for the placement of a 60mm boulevard tree for each new lot, in accordance with the City's current Schedule of Rates and Fees.
3. That the applicant dedicate gratuitously to the City, free and clear of any encumbrance, the natural hazard areas at the rear of lands, which have been identified as Part 4 on the survey sketch submitted with the applications.
4. That the future development agreement require the applicant to pay for and construct a 1.8-metre-high black vinyl-coated chain-link fence (OPSD 972.130) to delineate the boundary between privately-owned and publicly-owned lands and to prevent any future encroachment onto publicly-owned lands. The fence shall be constructed on the City's side of the future common lot line.

620 Bunting Road, Minor Variance, A-40/22 – 22101914
(C. McEwan, Assigned Planner)

This application was deferred from the April Committee of Adjustment hearing after concerns were raised by staff regarding the initial proposal. The applicant no longer intends to construct a vehicular turn-about area and has withdrawn their request for the related minor variance. CRCS no longer offers any object to the application.

129 Oakdale Avenue, Consent, B-30/22SC – 22102428
129 Oakdale Avenue, Minor Variance, A-48/22 – 22102429
131 Oakdale Avenue, Minor Variance, A-49/22 – 22102430
(E. Acs, Assigned Planner)

This application was deferred from the April Committee of Adjustment hearing. Comments provided by CRCS at that time remain unchanged.

11 Export Avenue, Minor Variance, A-54/22 – 22103762

(E. Acs, Assigned Planner)

CRCS offers no objection to the requested minor variances. Through the concurrent application for site plan approval, the applicant has submitted a landscape plan, prepared by Marten-Nikzad Landscape Architects Inc. (Drawing No. L100, last revised May 4, 2022) that provides for landscape buffers no less than 3.0 metres in width around the perimeter of all parking and outdoor storage areas, in addition to enhanced landscaping throughout the site in the form of landscaped islands. While the landscape plan has not yet been fully approved, CRCS is satisfied that the design approach will adequately screen the parking and storage areas from the public realm.

37 Northglen Avenue, Minor Variance, A-55/22 – 22103790

(N. MacDonald, Assigned Planner)

It is our understanding that this application will be deferred to a future hearing pending receipt of additional/revised information. CRCS will provide comments at that time.

675 Niagara Street, Minor Variance, A-56/22 – 22103229

(N. MacDonald, Assigned Planner)

CRCS offers no objection to the requested minor variance.

1420 Fifth Street Louth, Minor Variance, A-58/22 – 22103805

(E. Acs, Assigned Planner)

CRCS offers no objection to the requested minor variances. Through the concurrent application for site plan approval, the applicant has submitted a landscape plan (although not yet fully approved), which provides for some landscaping between the north façade of the new building and the adjacent lot line, where the requested yard reduction is being sought.

121 Cushman Road, Minor Variance, A-61/22 – 22103806

(C. McEwan, Assigned Planner)

CRCS offers no objection to the requested minor variances for reduced front and exterior side yards. Through the concurrent application for site plan approval, the applicant has submitted a landscape plan (although not yet approved), which provides for some landscaping between the north and east façades of the new building and the adjacent lot line, where the requested yard reductions are being sought.

Amanda Knutson

Community Project & Development Planner



Memorandum

To: Elaine Munro, ACST, Committee Secretary & Planning Technician
From: Brad Johnston, C.E.T., Development Engineering Technologist
CC: City Committee of Adjustment Staff Members
Date: May 12, 2022
Hearing Date: May 26, 2022
Subject: **Committee of Adjustment - Minor Variance Applications**
3, 5 & 7 Marshall Lane – A-41, 42 & 43/21SC
62 & 66A Marsdale Drive - A-24 & 62/22SC
22A, B & C Inglewood Road – A-35, 36 & 37/22SC
620 Bunting Road – A-40/22SC
129 & 131 Oakdale Avenue – A-48 & 49/22SC
11 Export Avenue – A-54/22SC
37 Northglen Avenue – A-55/22SC
675 Niagara Street – A-56/22SC
1420 Fifth Street Louth – A-58/22SC
121 Cushman Road – A-61/22SC

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 subject and adjacent properties; and
- All applicants be advised that a Grading Plan, prepared by a Professional Engineer or Ontario Land Surveyor, may be required as part of the submission for a building permit application for those sites required to obtain a building permit, but not subject to concurrent severance applications

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: May 12, 2022

Subject: Committee of Adjustment Comments (May 26, 2022, Hearing)

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

Steve Bittner
Transportation Technologist



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: May 19, 2022

Date of Meeting: May 26, 2022

Report Number: A-56/22

File: 20103229

Subject: 675 Niagara Street

Recommendation

That Application **A-56/22** by Lorri Willis, Stephanie McKee and Trevor Willis, as outlined in the Notice of Hearing, be approved.

Report The Proposal

The Applicant requests to recognize an existing platform structure for the detached dwelling. The exterior side yard setback to the existing platform structure is closer to the lot line than permitted in the City's zoning by-law. The variance outlined in the table below is required to facilitate the proposal.

Variance	Provision	Required	Proposed
1	Minimum setback from the exterior side lot line to a platform structure (height above the grade from 0.15m to 0.6m)	3.0m	2.57m

Location and Site Description

The subject property is located on the southwest corner of Niagara Street and Woodcroft Avenue. The property is currently occupied by a two-storey detached dwelling with platform structures and a pool. The property is surrounded by detached dwellings in the neighborhood. A church and retirement home are located southwest of the property.

Circulation of Application

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

Planning Policy Context

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential on Schedule E2. Detached dwellings with platform structures are permitted at a density range generally between 20 and 32 units per hectare of land.

Zoning By-law (2013-283)

The subject property is zoned Low Density Residential – Suburban Neighbourhood (R1) pursuant to Zoning By-law 2013-283. Detached dwellings with platform structures are permitted in this zone.

Planning Analysis

Zoning By-law 2013-283 establishes a 3.0 metre minimum setback from the exterior side yard to platform structures, such as porches and decks, that are less than 0.6 metres in height. The applicant is seeking a relief from the City's by-law to recognize the existing platform structure with a setback of 2.57 metres from the exterior side yard lot line. The provision is intended to ensure the platform structure does not overwhelm the yard and to maintain a degree of separation from neighbouring properties, thereby mitigating safety, privacy, and overlook concerns.

The Applicant is requesting a reduction to the minimum exterior side yard setback from 3.0 metres to 2.57 metres for an existing platform structure with a height less than 0.6m above grade. The built structure functions as a complete deck that has two exits for safety. On the exterior side of the property where the deck is located, there is adequate separation between the platform structure and the lot line. There is also an existing wood panelled fence along the lot line that encloses the platform structure, preventing potential adverse impacts. Staff find this variance to be minor in nature, desirable for the appropriate use of the lands, and meets the general intent of the Official Plan and Zoning By-law. Staff recommend that the Application be approved.

Conclusion

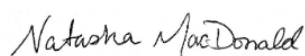
Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Application **A-56/22** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is desirable for the appropriate use of the lands. Staff recommend approval of the Application.

Prepared by:



Dasha Litviniuc
Student Planner

Submitted by:



Natasha MacDonald
Planner I

Approved by:



Margaret Josipovic
Manager, Planning Services

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

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

COMMENTS

A-58/22

1420 Fifth Street Louth

DATE OF HEARING:
May 26, 2022

January 31, 2022

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

Attention: Natasha MacDonald

File# 21 116080 SP

Re: 1420 Fifth St.

In response to your correspondence dated January 24, 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: Cogeco - No Concerns RE: Committee of Adjustment Notices of Hearing - May 26, 2022 Hearing
Date: Tuesday, May 10, 2022 5:33:29 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: Tuesday, May 10, 2022 7:47 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Committee of Adjustment Notices of Hearing - May 26, 2022 Hearing

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

Hi Elaine

Cogeco has no concerns with these applications.

Happy sunny day

Doug Crown

Network Planning Department

Doug.crown@cogeco.com

7170 Mcleod Rd
Niagara Falls Ont Canada

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

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: MTO Comments - 11 Export Avenue and 1420 Fifth Street Louth, Committee of Adjustment Notices of Hearing - May 26, 2022 Hearing
Date: Tuesday, May 17, 2022 11:47:25 AM

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



From: Deluca, Peter (MTO) <Peter.Deluca@ontario.ca>
Sent: Monday, May 16, 2022 2:28 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: RE: Request for Comments, Committee of Adjustment Notices of Hearing - May 26, 2022 Hearing

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

Hi Elaine,

1. 11 Export Avenue, Minor Variance, A-54/22 – 22103762

-The MTO setback for surplus parking is 3m. Any essential site parking must be outside of the MTO's 14m setback. So with regards to the minor variance, we have no objection as long as any parking within 3-14m from the MTO's property line is surplus parking to the site.

2. 1420 Fifth Street Louth, Minor Variance, A-58/22 – 22103805

-Based on our records, North Service Rd adjacent to the site is municipal property, therefore all changes will be outside the MTO's 14m setback. No objections to the minor variance.

Both sites are within MTO permit control and will require MTO BLU and sign (if applicable) permits.

Thanks,
Peter DeLuca

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: May 11, 2022

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

NO.	ADDRESS	COMMENTS
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A-62/22	66A Marsdale Drive	No Comment
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A-36/22	22B Inglewood Road	Be advised that a building permit is required to construct a three unit townhouse.

NO.	ADDRESS	COMMENTS
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A-55/22	37 Northglen Avenue	Be advised that a building permit is required to construct the new sunroom.
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A-61/22	121 Cushman Road	Be advised that a building permit is required to construct the warehouse addition.



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



Memorandum

To: Elaine Munro, ACST, Committee Secretary & Planning Technician
From: Brad Johnston, C.E.T., Development Engineering Technologist
CC: City Committee of Adjustment Staff Members
Date: May 12, 2022
Hearing Date: May 26, 2022
Subject: **Committee of Adjustment - Minor Variance Applications**
3, 5 & 7 Marshall Lane – A-41, 42 & 43/21SC
62 & 66A Marsdale Drive - A-24 & 62/22SC
22A, B & C Inglewood Road – A-35, 36 & 37/22SC
620 Bunting Road – A-40/22SC
129 & 131 Oakdale Avenue – A-48 & 49/22SC
11 Export Avenue – A-54/22SC
37 Northglen Avenue – A-55/22SC
675 Niagara Street – A-56/22SC
1420 Fifth Street Louth – A-58/22SC
121 Cushman Road – A-61/22SC

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 subject and adjacent properties; and
- All applicants be advised that a Grading Plan, prepared by a Professional Engineer or Ontario Land Surveyor, may be required as part of the submission for a building permit application for those sites required to obtain a building permit, but not subject to concurrent severance applications

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: May 12, 2022

Subject: Committee of Adjustment Comments (May 26, 2022, Hearing)

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

Steve Bittner
Transportation Technologist



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: May 16, 2022

Date of Meeting: May 26, 2022

Report Number: A-58/22

File: 22103805

Subject: 1420 Fifth Street Louth

Recommendation

That Application **A-58/22** by 1923384 Ontario Inc., as outlined in the Notice of Hearing, be approved.

Report

Background

On August 26, 2015, Minor Variance Application **A-66/15** was approved, subject to conditions, to facilitate the construction of the existing floral distribution warehouse. Variances granted included a reduction in vehicle and bicycle parking, to permit loading spaces located in the exterior side yard, and to increase the maximum lot coverage for an agriculture farm related commercial or industrial use from 930m² gross leasable floor area (GLFA) to 1120m² GLFA. On October 5, 2016, Minor Variance Application **A-103/16** was also approved to facilitate the construction of the existing floral distribution warehouse. This Application granted a reduction to the interior side yard setback from 6.0m to 3.78m. These Applications are still in effect.

To facilitate the proposed addition, there is a concurrent site plan application (File no. 21 116080 SP) to register a Site Plan Agreement on title to the lands. Application **A-58/22** is required to facilitate the proposed site plan agreement. Staff have reviewed the proposed addition through the site plan process and are generally supportive.

The Proposal

The Applicant proposes to construct an addition to the existing floral distribution warehouse, Trillium Floral, for its continued use. The proposed addition requires a reduction to the minimum interior side yard than what is required in Zoning By-law 2013-283. The Applicant also seeks relief to increase the maximum lot coverage for an agriculture farm related use. The variances outlined in the table below are required to facilitate the proposal.

Variance	Provision	Required	Proposed
1	Minimum interior side yard	6.0m	2.5m

2	Maximum lot coverage for an agriculture farm related commercial or industrial use	930m ² GLFA (gross leasable floor area)	1605m ² GLFA
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Location and Site Description

The subject property is located on the northeast corner of North Service Road and Fifth Street Louth. The subject property is presently occupied by a detached dwelling and detached garage, which are accessible from Fifth Street Louth, and a floral distribution warehouse, which is accessible from North Service Road. The surrounding properties are designated agricultural and comprise of detached dwellings and agricultural uses.

Circulation of Application

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

Planning Policy Context

Official Plan (Garden City Plan)

The subject property is designated Agriculture on Schedule D1 of the Garden City Plan (GCP) and further designated Agriculture on Schedule E11. Agriculture farm related commercial or industrial uses are permitted in this designation.

Zoning By-law (2013-283)

The subject property is zoned Agriculture (A1) in Zoning By-law 2013-283. Agriculture farm related commercial and industrial uses are permitted in this zone.

Planning Analysis

Variance 1

Zoning By-law 2013-283 establishes a minimum interior side yard of 6.0m from the lot line for the existing agriculture farm related commercial or industrial use (floral distribution warehouse). This provision is intended to ensure there is adequate space for lot drainage, and to maintain a degree of separation from neighbouring properties, thereby mitigating potential safety or privacy concerns. The reduced interior side yard setback from 6.0m to 2.5m is requested to align the proposed addition to the west of the building with the rest of the existing building, which does not meet the required 6.0m setback. Application **A-103/16** granted a reduced interior side yard setback of 3.78m for the building, which was deemed satisfactory to provide adequate separation distance and prevent adverse impacts to the abutting agriculture field. Further, staff were of the opinion that the reduced setback is compatible with the area given the wide range of existing setbacks present in the area.

The proposed setback of 2.5m is not anticipated to result in adverse impacts to the abutting property, nor result in concerns regarding drainage or maintaining safe access to the building. Staff note that the proposed addition can not be located on the east side of the building as there is an existing private septic system which can not be relocated.

As such, staff are of the opinion that the variance is minor in nature, is desirable for the appropriate use of the lands, and is in keeping with the general intent of the Official Plan and Zoning By-law. Staff recommend that the variance be approved.

Variance 2

The Zoning By-law establishes a maximum of 930m² GLFA for agriculture farm related commercial or industrial uses in the A1 zone. The intent of this provision is to ensure that commercial and/or industrial uses do not dominant agricultural lots, thereby preventing other permitted uses, such as an agriculture farm.

Application **A-66/15** granted an increased lot coverage for the farm related use to 1120m² GLFA. The Applicant is requesting an additional lot coverage of 487.8 m², increasing the total lot coverage for the farm related use to 1605m² GLFA. Application **A-66/15** resulted in permitting the agriculture commercial and/or industrial use as the dominant use of the lands. The subject lands are not currently used as an agriculture farm for growing plants. Therefore, this addition will not result in a loss of agricultural production. Further, the lot area of 1.6ha is considerably undersized for an agricultural lot. In comparison, the Zoning By-law requires a minim lot area of 16.2ha for an agriculture farm. The proposed increase in lot coverage is to continue the use of the floral distribution warehouse by expanding the warehouse and adding two loading docks. The addition is proposed to go between a fire pond and the existing building. An extension of the existing building is considered a minor change to the property. As noted, the proposed addition will not result in adverse impacts to surrounding properties.

Staff consider the proposed addition to the existing agriculture farm related use to be minor in nature, desirable for the appropriate use of the lands, and is in keeping with the general intent of the Official Plan and Zoning By-law. Staff recommend that the variance be approved.

Conclusion

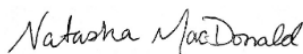
Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Application **A-58/22** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is desirable for the appropriate use of the lands. Staff recommend approval of the Application.

Prepared by:



Dasha Litviniuc
Student Planner

Submitted by:



Natasha MacDonald
Planner I

Approved by:



Margaret Josipovic
Manager, Planning Services

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

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

COMMENTS

A-61/22

121 Cushman Road

DATE OF HEARING:
May 26, 2022

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Receipt of Comments RE: Amanda 22103806 Submission A-61/22 121 Cushman Rd. 2215667 Ontario Inc.
Date: Tuesday, May 10, 2022 1:58:41 PM

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



From: Peter Bicknell <>
Sent: Tuesday, May 10, 2022 1:46 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: nancybicknell; bobbyslack
Subject: Amanda 22103806 Submission A-61/22 121 Cushman Rd. 2215667 Ontario Inc.

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.

On behalf of Peter Bicknell Automotive Inc. we have No Problem with the Minor Variance and Addition to the property.

Its nice to see Manufactures in St. Catharines doing well.

Sincerely,
email redacted
Pete Bicknell Cell XXX-XXX-XXXX
Bicknell Racing Products Inc. Bicknell Racing Products USA, Pete's Automotive,
Hoosier Tire Canada- NY, CSC Racing, Bell Helmets,

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

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Receipt of Comments RE: Amanda no. 22103806 submission no A-61/62 121 Cushman Road NOTICE OF HEARING
Date: Wednesday, May 18, 2022 11:07:16 AM

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



From: Greg Galbraith <>
Sent: Wednesday, May 11, 2022 10:25 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Fwd: Amanda no. 22103806 submission no A-61/62 121 Cushman Road 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.

----- Forwarded message -----

From: **Greg Galbraith** <[G](#)>
Date: Wed, May 11, 2022 at 10:20 AM
Subject: Amanda no. 22103806 submission no A-61/62 121 Cushman Road NOTICE OF HEARING
To: Elaine Munro <emunro@stcatharines.ca>

My name is Greg Galbraith and my company is the owner of the adjacent property at 3 Seapark Drive.

This letter is to confirm my support for this variance and hope that it goes through

I also would like to receive email notification of the result of this hearing.

If you have any questions please feel free to contact me at your convenience.

Thanks Greg Galbraith
3 Seapark Drive.
St. Catharines

XXX XXX XXXX

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

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Alectra - No comments/objections RE: 121 Cushman Road, St. Catharines (Last Email)
Date: Thursday, May 12, 2022 2:21:24 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)

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



From: Network Info <network.info@horizonutilities.com>
Sent: Thursday, May 12, 2022 8:31 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: RE: 121 Cushman Road, St. Catharines (Last Email)

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 RE: Committee of Adjustment Notices of Hearing - May 26, 2022 Hearing
Date: Tuesday, May 10, 2022 5:33:29 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: Tuesday, May 10, 2022 7:47 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Committee of Adjustment Notices of Hearing - May 26, 2022 Hearing

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

Hi Elaine

Cogeco has no concerns with these applications.

Happy sunny day

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: May 11, 2022
 Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – May 26th, 2022 hearing

NO.	ADDRESS	COMMENTS
A-41/22	3 Marshall Lane	Be advised that a building permit is required to construct the single detached dwelling.
A-42/22	5 Marshall Lane	Be advised that a building permit is required to construct the single detached dwelling.
A-43/21	7 Marshall Lane	Be advised that a building permit is required to construct the single detached dwelling.
A-24/22	62 Marsdale Drive	No comment
A-62/22	66A Marsdale Drive	No Comment
A-35/22	22A Inglewood Road	Be advised that a building permit is required to construct a three unit townhouse.
A-36/22	22B Inglewood Road	Be advised that a building permit is required to construct a three unit townhouse.

NO.	ADDRESS	COMMENTS
A-37/22	22C Inglewood Road	Be advised that a building permit is required to construct a three unit townhouse.
A-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-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-54/22	11 Export Avenue	Be advised that a building permit is required to construct the new car dealership.
A-55/22	37 Northglen Avenue	Be advised that a building permit is required to construct the new sunroom.
A-56/22	675 Niagara Street	Be advised that a building permit is required to construct a rear covered porch and second story balcony.
A-58/22	1420 Fifth Street	Be advised that a building permit is required to construct the addition to the agricultural farm related commercial / industrial building.
A-61/22	121 Cushman Road	Be advised that a building permit is required to construct the warehouse addition.



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: May 13, 2022

Subject: Committee of Adjustment Applications – May 26 Hearing

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

41 Moffatt Street, Consent, B-16/21SC – 21103431
41 Moffatt Street, Consent, B-17/21SC – 21103432
3 Marshall Lane, Minor Variance, A-41/21 – 21103435
5 Marshall Lane, Minor Variance, A-42/21 – 21103436
7 Marshall Lane, Minor Variance, A-43/21 – 21103437
(T. Devlin, Assigned Planner)

CRCS has no concerns with the proposed creation of two new lots to facilitate the construction of three townhouse units, nor the requested variances for reduced lot area. Should the applications for consent be approved, CRCS recommends the following conditions be included:

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

62 Marsdale Drive, Consent, B-13/22SC – 22100910
62 Marsdale Drive, Minor Variance, A-24/22 – 22100912
66A Marsdale Drive, Minor Variance, A-62/22 – 22103840
(C. McEwan, Assigned Planner)

Comments will be provided under separate cover.

22 Inglewood Road, Consent, B-21/22SC 22101253
22 Inglewood Road, Consent, B-22/22SC – 22101257
22A Inglewood Road, Minor Variance, A-35/22 – 22101265
22B Inglewood Road, Minor Variance, A-36/22 – 22101267
22C Inglewood Road, Minor Variance, A-37/22 – 22101268
(N. MacDonald, Assigned Planner)

CRCS has no concerns with the proposed creation of two new lots to facilitate the construction of three townhouse units, nor the requested variances. In accordance with section 13.2.2.10 of the Garden City Plan the owner will be required to convey to the city the Natural Heritage Lands/Natural Hazard Lands at the rear of all three lots.

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

1. That payment of 5% of the appraised value of the new lots be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53(13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. The appraisal shall be completed by a qualified appraiser. (Condition subject to Planning and Building Services' determination that parkland dedication can, in fact, be collected for this application.)
2. That the applicant submit a payment for the placement of a 60mm boulevard tree for each new lot, in accordance with the City's current Schedule of Rates and Fees.
3. That the applicant dedicate gratuitously to the City, free and clear of any encumbrance, the natural hazard areas at the rear of lands, which have been identified as Part 4 on the survey sketch submitted with the applications.
4. That the future development agreement require the applicant to pay for and construct a 1.8-metre-high black vinyl-coated chain-link fence (OPSD 972.130) to delineate the boundary between privately-owned and publicly-owned lands and to prevent any future encroachment onto publicly-owned lands. The fence shall be constructed on the City's side of the future common lot line.

620 Bunting Road, Minor Variance, A-40/22 – 22101914
(C. McEwan, Assigned Planner)

This application was deferred from the April Committee of Adjustment hearing after concerns were raised by staff regarding the initial proposal. The applicant no longer intends to construct a vehicular turn-about area and has withdrawn their request for the related minor variance. CRCS no longer offers any object to the application.

129 Oakdale Avenue, Consent, B-30/22SC – 22102428
129 Oakdale Avenue, Minor Variance, A-48/22 – 22102429
131 Oakdale Avenue, Minor Variance, A-49/22 – 22102430
(E. Acs, Assigned Planner)

This application was deferred from the April Committee of Adjustment hearing. Comments provided by CRCS at that time remain unchanged.

11 Export Avenue, Minor Variance, A-54/22 – 22103762

(E. Acs, Assigned Planner)

CRCS offers no objection to the requested minor variances. Through the concurrent application for site plan approval, the applicant has submitted a landscape plan, prepared by Marten-Nikzad Landscape Architects Inc. (Drawing No. L100, last revised May 4, 2022) that provides for landscape buffers no less than 3.0 metres in width around the perimeter of all parking and outdoor storage areas, in addition to enhanced landscaping throughout the site in the form of landscaped islands. While the landscape plan has not yet been fully approved, CRCS is satisfied that the design approach will adequately screen the parking and storage areas from the public realm.

37 Northglen Avenue, Minor Variance, A-55/22 – 22103790

(N. MacDonald, Assigned Planner)

It is our understanding that this application will be deferred to a future hearing pending receipt of additional/revised information. CRCS will provide comments at that time.

675 Niagara Street, Minor Variance, A-56/22 – 22103229

(N. MacDonald, Assigned Planner)

CRCS offers no objection to the requested minor variance.

1420 Fifth Street Louth, Minor Variance, A-58/22 – 22103805

(E. Acs, Assigned Planner)

CRCS offers no objection to the requested minor variances. Through the concurrent application for site plan approval, the applicant has submitted a landscape plan (although not yet fully approved), which provides for some landscaping between the north façade of the new building and the adjacent lot line, where the requested yard reduction is being sought.

121 Cushman Road, Minor Variance, A-61/22 – 22103806

(C. McEwan, Assigned Planner)

CRCS offers no objection to the requested minor variances for reduced front and exterior side yards. Through the concurrent application for site plan approval, the applicant has submitted a landscape plan (although not yet approved), which provides for some landscaping between the north and east façades of the new building and the adjacent lot line, where the requested yard reductions are being sought.

Amanda Knutson

Community Project & Development Planner



Memorandum

To: Elaine Munro, ACST, Committee Secretary & Planning Technician
From: Brad Johnston, C.E.T., Development Engineering Technologist
CC: City Committee of Adjustment Staff Members
Date: May 12, 2022
Hearing Date: May 26, 2022
Subject: **Committee of Adjustment - Minor Variance Applications**
3, 5 & 7 Marshall Lane – A-41, 42 & 43/21SC
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37 Northglen Avenue – A-55/22SC
675 Niagara Street – A-56/22SC
1420 Fifth Street Louth – A-58/22SC
121 Cushman Road – A-61/22SC

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 subject and adjacent properties; and
- All applicants be advised that a Grading Plan, prepared by a Professional Engineer or Ontario Land Surveyor, may be required as part of the submission for a building permit application for those sites required to obtain a building permit, but not subject to concurrent severance applications

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: May 12, 2022

Subject: Committee of Adjustment Comments (May 26, 2022, Hearing)

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

Steve Bittner
Transportation Technologist



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: May 20, 2022

Date of Meeting: May 26, 2022

Report Number: A-61/22

File: 22103806

Subject: 121 Cushman Road

Recommendation

That Application **A-61/22** by 2215667 Ontario Inc, as outlined in the Notice of Hearing, be approved.

Report The Proposal

The Applicant proposes the construction of an industrial warehouse addition. The proposed development requires reductions of minimum exterior side yard and front yard setback outlined in the City's Zoning By-law. The variances outlined in the table below are required to facilitate the proposal.

Variance	Provision	Required	Proposed
1	Minimum exterior side yard setback	12.0m	7.05m
2	Minimum front yard setback	12.0m	7.2m

Location and Site Description

The subject property is located on the southwest corner of Cushman Road and Seapark Drive. Properties in this area are general employment, with several heavy and light industrial uses. The subject property is presently occupied by an industrial warehouse.

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 Employment on Schedule D1 of the Garden City Plan (GCP) and further designated General Employment on Schedule E3. The existing industrial warehouse use is permitted in this designation.

Zoning By-law (2013-283)

The subject property is zoned General Employment (E2). The existing industrial warehouse use is generally permitted in this designation, subject to the provisions outlined in the Zoning By-law.

Planning Analysis

Zoning By-Law 283-2013 requires the exterior side yard and front yard setbacks to be a minimum of 12 metres in the General Employment (E2) zone. The Applicant has requested a reduction of the minimum exterior side yard setback from 12 metres to 7.05 metres and a reduction in the front yard setback from 12 metres to 7.2 metres. The variances are requested to facilitate a proposed construction of an industrial warehouse addition.

The proposed setback reductions are located at pinch points. Due to an irregular lot configuration, and the angle and location of the existing building, the proposed setbacks to the addition are located at pinchpoints to corners of the building. The bulk of the proposed addition is largely located even further from the property line. The ~5 metre setback reductions are considered minor, and appropriate for the use of the land as they are recognizing pinchpoints, and they facilitate the appropriate expansion of the existing business on the site.

The intent of the front yard and exterior side yard setbacks is, in part, to soften the impact of employment-related uses and buildings on the streetscape and public realm visually and physically. The building is located in a primarily industrial area and will not be out of character in appearance. Wide boulevards along both street frontages help to mitigate the visual impact of the reduced setbacks. Additionally, through the concurrent application for site plan approval, the applicant has submitted a landscape plan (still under review which provides for some landscaping between the north and east façades of the new building and the adjacent lot line, where the requested yard reductions are being sought. Prior to construction, the landscape plan will have to be approved and a site plan will be registered on-title to ensure the landscaping is installed, which will further reduce any potential impacts of the setback reduction and soften its impact on the streetscape. Overall, staff are satisfied that the intent of the Official Plan and Zoning By-law are being maintained with this application and recommend approval of the application.

Conclusion

Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Application **A-61/22** 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:

A blue ink signature, likely of Dasha, written in a cursive style.

Dasha
Student Planner

Submitted by:

A blue ink signature, likely of Charlotte McEwan, written in a cursive style.

Charlotte McEwan, MCIP, RPP
Planner I

Approved by:

A blue ink signature, likely of Margaret Josipovic, written in a cursive style.

Margaret Josipovic
Manager
Planning Services