

## Agenda

**Wednesday, June 22, 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](http://www.stcatharines.ca/youtube)

**Public Comments:** The public may submit comments regarding agenda matters by contacting [emunro@stcatharines.ca](mailto:emunro@stcatharines.ca) by June 21, 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

- 
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 – May 26, 2022**
  6. **Declarations of Interest**
  7. **Request for Adjournment**

8. **Applications**

- 1) 34 Maplewood Drive, Minor Variance, A-63/22 – 22 104029
- 2) 38 Tecumseh Street, Minor Variance, A-64/22 – 22 104944
- 3) 61 Kinsey Street, Minor Variance, A-65/22 – 22 104952
- 4) 80 Page Street, Minor Variance, A-66/22 – 22 105013
- 5) 131 Niagara Street, Minor Variance, A-67/22 – 22 104929
- 6) 48 Permilla Street, Minor Variance, A-69/22 – 22 105017
- 7) 249 Vine Street, Consent, B-37/22SC – 22 105055  
249 Vine Street, Minor Variance, A-70/22 – 22 105057  
251 Vine Street, Minor Variance, A-71/22 – 22 105059
- 8) 63 Hamilton Street, Minor Variance, A-72/22 – 22 105047
- 9) 24 Welland Avenue, Minor Variance, A-73/22 – 22 105150

9. **New Business**

10. **Date of next meeting**

Wednesday July 27, 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

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# **COMMENTS**

**A-63/22**

**34 Maplewood Drive**

**DATE OF HEARING:**  
**June 22, 2022**

**From:** [Munro, Elaine](#)  
**To:** [Munro, Elaine](#)  
**Subject:** Alectra - No comments/Objections RE: Application responses  
**Date:** Wednesday, June 8, 2022 1:30:25 PM  
**Attachments:** [image002.png](#)  
[image003.png](#)  
[image004.png](#)

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



---

**From:** Network Info <[network.info@horizonutilities.com](mailto:network.info@horizonutilities.com)>  
**Sent:** Tuesday, June 7, 2022 9:23 AM  
**To:** Munro, Elaine <[emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)>  
**Cc:** Banda, Wilrik <[wbanda@stcatharines.ca](mailto:wbanda@stcatharines.ca)>  
**Subject:** Application responses

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

Good morning Elaine,

This is to confirm that our office has no comment/objections to all applications sent over on June 1/22.

34 Maplewood  
38 Tecumseh  
61 Kinsey  
80 Page  
131 Niagara  
48 Permillia  
249/251 Vine  
63 Hamilton  
24 Welland

Regards,



**Samantha Burke**  
**Engineering Clerk, ICI & Layouts**  
55 John Street North, Hamilton, ON, L8R 3M8  
t 905.798.2971  
[alectrautilities.com](http://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 - June 22, 2022 Hearing  
**Date:** Thursday, June 2, 2022 10:44:02 AM

---

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



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Hi Elaine

Cogeco has no concerns with these applications

Hope you have the best day ever.

Thanks

Doug Crown  
Network Planning Department

[Doug.crown@cogeco.com](mailto:Doug.crown@cogeco.com)

7170 Mcleod Rd  
Niagara Falls Ont Canada

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

## MEMORANDUM

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

Cc: Wilrik Banda  
Planning and Building Services

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

Date: June 10, 2022

Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance – June 22nd, 2022 hearing**

NO.	ADDRESS	COMMENTS
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A-64/22	38 Techumseh Street	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-65/22	61 Kinsey Street	Be advised that a building permit is required to construct an addition to the existing single detached dwelling.
A-66/22	80 Page Street	Be advised that a building permit is required to convert the existing mixed use commercial building to a triplex dwelling.
A-67/22	131 Niagara Street	Be advised that a building permit is required to construct an addition to the existing commercial building for the addition of the 3 apartment units.
A-69/22	48 Permilla Street	No comment

NO.	ADDRESS	COMMENTS
A-70/22	249 Vine Street	Be advised that a building permit is required to construct two single detached dwellings.
A-71/22	251 Vine Street	Be advised that a building permit is required to construct two single detached dwellings.
A-72/22	63 Hamilton Street	Be advised that a building permit is required to construct a detached garage.
A-73/22	24 Welland Avenue	Be advised that a building permit is required to alter the existing legal non-conforming commercial/ residential building to create an additional second residential unit.



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

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

**Cc:**

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

**Date:** June 9, 2022

**Subject:** Committee of Adjustment Applications – May 26 Hearing

---

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

**34 Maplewood Drive, Minor Variance A-63/22 – 22104029  
(E. Acs, Planner)**

No concerns or requirements.

**38 Tecumseh Street, Minor Variance A-64/22 – 22104944  
(N. MacDonald, Planner)**

No concerns or requirements.

**61 Kinsey Street, Minor Variance A-65/22 – 22104952  
(N. MacDonald, Planner)**

No concerns or requirements.

**80 Page Street, Minor Variance A-66/22 – 22105013  
(E. Acs, Planner)**

CRCS has no objection to the requested minor variances, given the building, parking and landscaped open space areas exist; there will be no loss in landscaped open space as a result of the building's conversion to a triplex.

**131 Niagara Street, Minor Variance A-67/22 – 22104929  
(C. McEwan, Planner)**

CRCS has no objection to the requested reduced yards to facilitate a building addition, provided the prescribed minimum landscape buffers adjacent to residential zones are achieved.



**48 Permillia Street, Minor Variance A-69/22 – 22105017  
(E. Acs, Planner)**

In its application for minor variance, the applicant indicates that the concrete pad located in the front yard was created to provide additional parking for this detached dwelling and short-term rental unit. Front yard parking, however, is not permitted by the Zoning By-law. The revised plan submitted indicates that the concrete pad will now be used as a patio or “courtyard”, in lieu of parking.

CRCS is supportive of the requested parking reduction given it prioritizes open space and amenity area over front yard parking. To prevent use of the concrete pad for parking in the future, CRCS recommends that as a condition of the minor variance, the owner be required to install on their own lands (i.e. not within the City’s road allowance) a permanent barrier between the driveway and the courtyard. A low metal fence (maximum 1.0 metre tall) of open-type construction is recommended, however we suggest that the condition of approval be flexible enough to allow time for the applicant to discuss alternative approaches to the barrier with Planning and CRCS staff.

**249 Vine Street, Consent B-37/22SC – 22105055  
249 Vine Street, Minor Variance A-70/22 – 22105057  
251 Vine Street, Minor Variance A-71/22 – 22105059  
(C. McEwan, Planner)**

**C. McEwan**

CRCS has no concerns with the proposed creation of one new lot to facilitate the construction of two new detached dwellings, nor the related minor variances to reduce the minimum lot area. With respect to the requested variance for a reduction in lot frontage, CRCS staff recommends that the driveway width and location for both lots be limited to what is depicted in the plans submitted with these applications. If limitations are not imposed, then the size of the driveway could be enlarged in the future, reducing the amount of landscaped open space in the front yard to nearly zero.

The applicant should be aware that, pursuant to the Ontario Forestry Act, boundary trees (i.e. trees whose trunks straddle more than one property) may not be removed or destroyed unless express written permission is obtained from the co-owner of the tree. The survey sketch submitted with the application indicates there is a boundary tree at the southwest corner of the property.

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 future development agreement include provisions to limit the width of the driveway for each lot to 3.0 metres.

**63 Hamilton Street, Minor Variance A-72/22 – 22105047  
(C. McEwan, Planner)**

No concerns or requirements.

**24 Welland Avenue, Minor Variance A-73/22 – 22105150  
(N. MacDonald, Planner)**

CRCS has no objection to the requested extension of a legal non-conforming use to facilitate a second residential unit within the existing mixed-use building. The building, parking area, and landscaped open space exist; there will be no loss in landscaped open space as a result of the additional dwelling.

*Amanda Knutson  
Community Project & Development Planner*



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## Memorandum

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**To:** Elaine Munro, ACST, Committee Secretary & Planning Technician  
**From:** Sean Ip, Development Engineering Technologist  
**CC:** City Committee of Adjustment Staff Members  
**Date:** June 9, 2022  
**Hearing Date:** June 22, 2022  
**Subject:** **Committee of Adjustment - Minor Variance Applications**  
34 Maplewood Drive – A-63/22  
38 Tecumseh Street – A-64/22  
61 Kinsey Street – A-65/22  
80 Page Street – A-66/22  
131 Niagara Street – A-67/22  
48 Permilla Street – A-69/22  
249 & 251 Vine Street – A-70 & 71 /22  
63 Hamilton Street – A-72/22  
24 Welland Avenue – A-73/22

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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:

  
\_\_\_\_\_  
Sean Ip  
Development Engineering Technologist

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

**Cc:**

**From: Steve Bittner, Transportation Technologist**

**Date: June 7, 2022**

**Subject: Committee of Adjustment Comments (June 22, 2022, Hearing)**

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**A-066/22 – 80 Page Street**

The sketch that was submitted with the application shows a fence on the property line. When looking at an aerial photo of the property, it appears that the fence is well within the subject property. The location of the fence could impact the amount of space available for parking, which could result in a further parking reduction requirement.

We have no concerns or requirements with the remaining applications.

Steve Bittner  
Transportation Technologist



## Technical Report

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

**Date of Report:** June 17, 2022

**Date of Meeting:** June 22, 2022

**Report Number:** A-63/22

**File:** 22104029

**Subject:** 34 Maplewood Drive

### Recommendation

That Application **A-63/22** by David McAuley, as outlined in the Notice of Hearing, be approved, subject to the following condition:

1. That no second storey windows be located on the south side of the accessory structure.

### Report The Proposal

The Applicant wishes to construct an accessory structure on the property known as 34 Maplewood Drive. Accordingly, application **A-63/22** seeks relief from the City of St. Catharines Zoning By-law 2013-283, as amended, for an increase of the maximum permitted height of the proposed detached garage from 4.5 metres to 7.1 metres. The proposed accessory structure will be used as a garage with vehicle storage on the main floor and additional storage on the second level. The variance outlined in the table below is required to facilitate the construction of the accessory structure.

Variance	Provision	Required	Proposed
1	Maximum accessory structure height	4.5m	7.1m

### Location and Site Description

The subject property is located on the east side of Maplewood Drive, south of Linwell Road. The surrounding neighbourhood comprises of low-density residential uses, with a church located to the north.

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

## **Circulation of Application**

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

## **Planning Policy Context**

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

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

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

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

## **Planning Analysis**

As proposed, the requested increase in height for the accessory structure from 4.5 to 7.1 metres (an increase of 2.6 metres) will result in a building that is similar in height to the existing dwelling on the property. There are no negative impacts anticipated as a result of the increase in height. The subject property is large enough to accommodate an accessory structure of this height while maintaining compatibility and mitigating impacts on the surrounding neighbourhood. The increase in maximum height for the accessory structure is considered minor in nature.

The variance will facilitate the construction of an accessory structure that will increase the storage area on this property, while remaining well within the maximum lot coverage for an accessory structure. It will complement the existing dwelling, and the increase in permitted height will not take away from the character of the area. The accessory structure will meet all required setbacks. As such, the application is considered desirable for the appropriate development of the land.

The intent of the height limit for accessory structures in the Zoning By-law is to limit impact on neighbouring properties and ensuring the accessory structure remains secondary to the primary dwelling in use and appearance. The height is limited to avoid overshadowing impacts on neighbouring properties, since accessory structures are permitted to sit closer to the edges of the property than the primary dwelling. The proposed accessory building meets all required setbacks. The second-storey windows on the north side of the proposed garage are facing the applicant's backyard and will not cause privacy concerns. The height will have no unreasonable impact on neighbouring lots.

The height is also limited to ensure that the use of any accessory structure(s) remains secondary in size and use to the principle dwelling on the lot. The proposed garage, while exceeding the height, is well within the maximum area for an accessory structure on this lot. Additionally, it is set back substantially from the existing dwelling, making it subordinate in its appearance from the street. The increase in height allows for the inclusion of an attic storage above the garage. Overall, the proposed height is in keeping

with the intent of the Zoning By-law. Staff recommend a condition to ensure to ensure that no second-storey windows are located on the south side of the proposed accessory building to prevent concerns about overlook into the rear yard of 32 Maplewood Drive.

Section 7.1 (c) of the Garden City Plan states that development and redevelopment shall be evaluated having regard for building, site, streetscape and neighbourhood context sensitive design to ensure the integration of compatible building form, scale, massing, height, setbacks, spacing, siting, orientation, facades and architectural materials with adjacent buildings, properties and the surrounding neighbourhood. The location of the proposed accessory structure is sensitive to the surrounding neighbourhood in terms of the form, scale, massing and height of the building. The roofline is designed to reduce any potential impacts on the neighbouring property to the south, and the building is setback sufficiently for its height. The roof is pitched away from the southerly abutting property, mitigating any impacts that may have occurred as a result of the proposed height. The building is facing towards the front of the property and will be visible from the street. It has been designed to complement the existing dwelling so that the view from the street is cohesive and appropriate. The height does not negatively impact the streetscape, and it facilitates the inclusion of a complementary gable that blends well with the existing architecture on the property. The proposal has been developed with the surrounding context in mind, and the resulting design is in keeping with the intent of the Official Plan.

## Conclusion

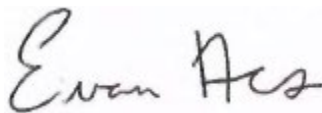
Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Application **A-63/22** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is desirable for the appropriate development of the lands. Staff recommend approval of the Application, subject to the condition outlined in the recommendation.

**Prepared by:**



Dasha Litviniuc  
Student Planner

**Submitted by:**



Evan Acs, MSc, 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  
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---

# **COMMENTS**

**A-64/22**

**38 Tecumseh Street**

**DATE OF HEARING:**  
**June 22, 2022**



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**Subject:** Alectra - No comments/Objections RE: Application responses  
**Date:** Wednesday, June 8, 2022 1:30:25 PM  
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**Engineering Clerk, ICI & Layouts**  
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*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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## MEMORANDUM

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CRCS has no concerns with the proposed creation of one new lot to facilitate the construction of two new detached dwellings, nor the related minor variances to reduce the minimum lot area. With respect to the requested variance for a reduction in lot frontage, CRCS staff recommends that the driveway width and location for both lots be limited to what is depicted in the plans submitted with these applications. If limitations are not imposed, then the size of the driveway could be enlarged in the future, reducing the amount of landscaped open space in the front yard to nearly zero.

The applicant should be aware that, pursuant to the Ontario Forestry Act, boundary trees (i.e. trees whose trunks straddle more than one property) may not be removed or destroyed unless express written permission is obtained from the co-owner of the tree. The survey sketch submitted with the application indicates there is a boundary tree at the southwest corner of the property.

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 future development agreement include provisions to limit the width of the driveway for each lot to 3.0 metres.

**63 Hamilton Street, Minor Variance A-72/22 – 22105047  
(C. McEwan, Planner)**

No concerns or requirements.

**24 Welland Avenue, Minor Variance A-73/22 – 22105150  
(N. MacDonald, Planner)**

CRCS has no objection to the requested extension of a legal non-conforming use to facilitate a second residential unit within the existing mixed-use building. The building, parking area, and landscaped open space exist; there will be no loss in landscaped open space as a result of the additional dwelling.

*Amanda Knutson*  
*Community Project & Development Planner*



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## Memorandum

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**To:** Elaine Munro, ACST, Committee Secretary & Planning Technician  
**From:** Sean Ip, Development Engineering Technologist  
**CC:** City Committee of Adjustment Staff Members  
**Date:** June 9, 2022  
**Hearing Date:** June 22, 2022  
**Subject:** **Committee of Adjustment - Minor Variance Applications**  
34 Maplewood Drive – A-63/22  
38 Tecumseh Street – A-64/22  
61 Kinsey Street – A-65/22  
80 Page Street – A-66/22  
131 Niagara Street – A-67/22  
48 Permilla Street – A-69/22  
249 & 251 Vine Street – A-70 & 71 /22  
63 Hamilton Street – A-72/22  
24 Welland Avenue – A-73/22

---

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:

  
\_\_\_\_\_  
Sean Ip  
Development Engineering Technologist



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

**Cc:**

**From: Steve Bittner, Transportation Technologist**

**Date: June 7, 2022**

**Subject: Committee of Adjustment Comments (June 22, 2022, Hearing)**

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**A-066/22 – 80 Page Street**

The sketch that was submitted with the application shows a fence on the property line. When looking at an aerial photo of the property, it appears that the fence is well within the subject property. The location of the fence could impact the amount of space available for parking, which could result in a further parking reduction requirement.

We have no concerns or requirements with the remaining applications.

Steve Bittner  
Transportation Technologist



## Technical Report

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

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

**Date of Meeting:** June 22, 2022

**Report Number:** A-64/22

**File:** 22104944

**Subject:** 38 Tecumseh Street

### Recommendation

That Application **A-64/22** by Joan Dekker and Steven Dekker, as outlined in the Notice of Hearing, be approved.

### Report The Proposal

The Applicants propose to build an accessory dwelling unit in the basement of an existing detached dwelling. The proposed accessory dwelling unit is larger than permitted in the City's Zoning By-law. The variances outlined in the table below are required to facilitate the accessory dwelling unit.

Variance	Provision	Required	Proposed
1	Maximum floor area of an interior accessory dwelling unit	60m <sup>2</sup>	80.5m <sup>2</sup>
2	Maximum floor area of an interior accessory dwelling unit as a percentage of the total floor area of the dwelling	40%	43.7%

### Location and Site Description

The subject property is located on the south side of Tecumseh Street, east of Niagara Street. The surrounding neighbourhood is primarily low density residential comprising of detached dwellings with Louis Park to the south.

The subject property is presently occupied by a detached dwelling.

### 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 an accessory dwelling unit are permitted in this designation.

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

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

## **Planning Analysis**

The Applicant is requesting an increase in maximum area for an interior accessory dwelling unit in a detached dwelling. Zoning By-law 2013-283 permits one interior accessory dwelling unit in a detached dwelling provided it has a floor area not greater than 60 square metres or 40 per cent of the overall floor area, whichever is less. The intent of the size limitations is to ensure that the interior accessory dwelling unit is subordinate in terms of its scale and relationship to the primary dwelling unit. The applicant is requesting an increase in area from 60 to 80.5 square metres, and from 40% to 43.7%.

The alterations to the detached dwelling are entirely internal; there is no addition proposed nor an increase in building mass. Staff consider the requested increase in maximum area for an interior accessory dwelling unit from 60 to 80.5 square metres to be minor in nature. The additional 20.5 square metres in living area do not create any additional impact to the surrounding neighbourhood. The additional living area will not create any adverse impact on the surrounding neighbourhood. Additionally, the accessory dwelling unit will remain subordinate to the primary one-storey dwelling. The interior accessory dwelling unit is visually undetectable from the street and has its own entrance. Although larger than the Zoning By-law permits, the accessory dwelling unit is considered secondary to the principal ground floor unit, maintaining the intent and purpose of the Zoning By-law. The subject property meets all other zoning provisions in consideration of the interior accessory dwelling unit, including parking requirements.

Section 2.3.3.5(iv) of the Garden City Plan (Official Plan) provides that new housing will be encouraged to support housing diversity for a range of life stages, incomes and ages to promote social inclusion, reduce isolation, and promote affordable housing opportunities. The proposed interior accessory dwelling unit contributes to the range of dwelling types within the City. Staff find that this application is minor in nature, is desirable for the appropriate development of the lands, and meets the general intent of the Official Plan and Zoning By-law.

## **Conclusion**

Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Application **A-64/22** is in keeping with the general intent of the Official Plan

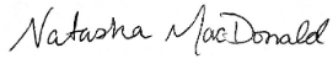
and Zoning By-law, is minor in nature, and is desirable for the appropriate use of the lands. Staff recommend approval of the Application

**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-65/22**

**61 Kinsey Street**

**DATE OF HEARING:**  
**June 22, 2022**

**From:** [Munro, Elaine](#)  
**To:** [Munro, Elaine](#)  
**Subject:** Alectra - No comments/Objections RE: Application responses  
**Date:** Wednesday, June 8, 2022 1:30:25 PM  
**Attachments:** [image002.png](#)  
[image003.png](#)  
[image004.png](#)

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



---

**From:** Network Info <[network.info@horizonutilities.com](mailto:network.info@horizonutilities.com)>  
**Sent:** Tuesday, June 7, 2022 9:23 AM  
**To:** Munro, Elaine <[emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)>  
**Cc:** Banda, Wilrik <[wbanda@stcatharines.ca](mailto:wbanda@stcatharines.ca)>  
**Subject:** Application responses

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

Good morning Elaine,

This is to confirm that our office has no comment/objections to all applications sent over on June 1/22.

34 Maplewood  
38 Tecumseh  
61 Kinsey  
80 Page  
131 Niagara  
48 Permillia  
249/251 Vine  
63 Hamilton  
24 Welland

Regards,



**Samantha Burke**  
**Engineering Clerk, ICI & Layouts**  
55 John Street North, Hamilton, ON, L8R 3M8  
t 905.798.2971  
[alectrautilities.com](http://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 - June 22, 2022 Hearing  
**Date:** Thursday, June 2, 2022 10:44:02 AM

---

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



---

**From:** Doug Crown <[doug.crown@cogeco.com](mailto:doug.crown@cogeco.com)>  
**Sent:** Thursday, June 2, 2022 9:09 AM  
**To:** Munro, Elaine <[emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)>  
**Cc:** Banda, Wilrik <[wbanda@stcatharines.ca](mailto:wbanda@stcatharines.ca)>  
**Subject:** Re: Committee of Adjustment Notices of Hearing - June 22, 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

Hope you have the best day ever.

Thanks

Doug Crown  
Network Planning Department

[Doug.crown@cogeco.com](mailto:Doug.crown@cogeco.com)

7170 Mcleod Rd  
Niagara Falls Ont Canada

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

## **MEMORANDUM**

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

Cc: Wilrik Banda  
Planning and Building Services

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

Date: June 10, 2022

Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance – June 22nd, 2022 hearing**

NO.	ADDRESS	COMMENTS
A-63/22	34 Maplewood Drive	Be advised that a demolition permit is required to demolish the existing detached garage.  Be advised that a building permit is required to construct a detached accessory structure.
A-64/22	38 Techumseh Street	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-65/22	61 Kinsey Street	Be advised that a building permit is required to construct an addition to the existing single detached dwelling.
A-66/22	80 Page Street	Be advised that a building permit is required to convert the existing mixed use commercial building to a triplex dwelling.
A-67/22	131 Niagara Street	Be advised that a building permit is required to construct an addition to the existing commercial building for the addition of the 3 apartment units.
A-69/22	48 Permilla Street	No comment



NO.	ADDRESS	COMMENTS
A-70/22	249 Vine Street	Be advised that a building permit is required to construct two single detached dwellings.
A-71/22	251 Vine Street	Be advised that a building permit is required to construct two single detached dwellings.
A-72/22	63 Hamilton Street	Be advised that a building permit is required to construct a detached garage.
A-73/22	24 Welland Avenue	Be advised that a building permit is required to alter the existing legal non-conforming commercial/ residential building to create an additional second residential unit.

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

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

**Cc:**

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

**Date:** June 9, 2022

**Subject:** Committee of Adjustment Applications – May 26 Hearing

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

**34 Maplewood Drive, Minor Variance A-63/22 – 22104029  
(E. Acs, Planner)**

No concerns or requirements.

**38 Tecumseh Street, Minor Variance A-64/22 – 22104944  
(N. MacDonald, Planner)**

No concerns or requirements.

**61 Kinsey Street, Minor Variance A-65/22 – 22104952  
(N. MacDonald, Planner)**

No concerns or requirements.

**80 Page Street, Minor Variance A-66/22 – 22105013  
(E. Acs, Planner)**

CRCS has no objection to the requested minor variances, given the building, parking and landscaped open space areas exist; there will be no loss in landscaped open space as a result of the building's conversion to a triplex.

**131 Niagara Street, Minor Variance A-67/22 – 22104929  
(C. McEwan, Planner)**

CRCS has no objection to the requested reduced yards to facilitate a building addition, provided the prescribed minimum landscape buffers adjacent to residential zones are achieved.

**48 Permillia Street, Minor Variance A-69/22 – 22105017  
(E. Acs, Planner)**

In its application for minor variance, the applicant indicates that the concrete pad located in the front yard was created to provide additional parking for this detached dwelling and short-term rental unit. Front yard parking, however, is not permitted by the Zoning By-law. The revised plan submitted indicates that the concrete pad will now be used as a patio or “courtyard”, in lieu of parking.

CRCS is supportive of the requested parking reduction given it prioritizes open space and amenity area over front yard parking. To prevent use of the concrete pad for parking in the future, CRCS recommends that as a condition of the minor variance, the owner be required to install on their own lands (i.e. not within the City’s road allowance) a permanent barrier between the driveway and the courtyard. A low metal fence (maximum 1.0 metre tall) of open-type construction is recommended, however we suggest that the condition of approval be flexible enough to allow time for the applicant to discuss alternative approaches to the barrier with Planning and CRCS staff.

**249 Vine Street, Consent B-37/22SC – 22105055  
249 Vine Street, Minor Variance A-70/22 – 22105057  
251 Vine Street, Minor Variance A-71/22 – 22105059  
(C. McEwan, Planner)**

**C. McEwan**

CRCS has no concerns with the proposed creation of one new lot to facilitate the construction of two new detached dwellings, nor the related minor variances to reduce the minimum lot area. With respect to the requested variance for a reduction in lot frontage, CRCS staff recommends that the driveway width and location for both lots be limited to what is depicted in the plans submitted with these applications. If limitations are not imposed, then the size of the driveway could be enlarged in the future, reducing the amount of landscaped open space in the front yard to nearly zero.

The applicant should be aware that, pursuant to the Ontario Forestry Act, boundary trees (i.e. trees whose trunks straddle more than one property) may not be removed or destroyed unless express written permission is obtained from the co-owner of the tree. The survey sketch submitted with the application indicates there is a boundary tree at the southwest corner of the property.

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 future development agreement include provisions to limit the width of the driveway for each lot to 3.0 metres.

**63 Hamilton Street, Minor Variance A-72/22 – 22105047  
(C. McEwan, Planner)**

No concerns or requirements.

**24 Welland Avenue, Minor Variance A-73/22 – 22105150  
(N. MacDonald, Planner)**

CRCS has no objection to the requested extension of a legal non-conforming use to facilitate a second residential unit within the existing mixed-use building. The building, parking area, and landscaped open space exist; there will be no loss in landscaped open space as a result of the additional dwelling.

*Amanda Knutson  
Community Project & Development Planner*



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## Memorandum

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**To:** Elaine Munro, ACST, Committee Secretary & Planning Technician  
**From:** Sean Ip, Development Engineering Technologist  
**CC:** City Committee of Adjustment Staff Members  
**Date:** June 9, 2022  
**Hearing Date:** June 22, 2022  
**Subject:** **Committee of Adjustment - Minor Variance Applications**  
34 Maplewood Drive – A-63/22  
38 Tecumseh Street – A-64/22  
61 Kinsey Street – A-65/22  
80 Page Street – A-66/22  
131 Niagara Street – A-67/22  
48 Permilla Street – A-69/22  
249 & 251 Vine Street – A-70 & 71 /22  
63 Hamilton Street – A-72/22  
24 Welland Avenue – A-73/22

---

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:

  
\_\_\_\_\_  
Sean Ip  
Development Engineering Technologist

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

**Cc:**

**From: Steve Bittner, Transportation Technologist**

**Date: June 7, 2022**

**Subject: Committee of Adjustment Comments (June 22, 2022, Hearing)**

---

**A-066/22 – 80 Page Street**

The sketch that was submitted with the application shows a fence on the property line. When looking at an aerial photo of the property, it appears that the fence is well within the subject property. The location of the fence could impact the amount of space available for parking, which could result in a further parking reduction requirement.

We have no concerns or requirements with the remaining applications.

Steve Bittner  
Transportation Technologist



## Technical Report

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

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

**Date of Meeting:** June 22, 2022

**Report Number:** A-65/22

**File:** 22104952

**Subject:** 61 Kinsey Street

### Recommendation

That Application **A-65/22** by Corey Macdonald and Robbie-Lyn Fawcett, as outlined in the Notice of Hearing, be approved.

### Report The Proposal

The Applicant proposes to construct a one-storey addition to the existing one-storey detached dwelling. The proposal will facilitate the construction of an accessory dwelling unit. The variance outlined in the table below is required to facilitate the proposed addition.

Variance	Provision	Required	Proposed
1	Minimum rear yard setback	6.0m	1.37m

### Location and Site Description

The subject property is located on the south side of Kinsey Street, east of Pelham Road. The surrounding neighbourhood is low density residential comprising mostly of detached dwellings. To the south and east of the subject lands is Parker Street Park.

The subject property is presently occupied by a detached dwelling.

### 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 E7. Detached dwellings with an accessory dwelling unit are permitted in this designation.

## Zoning By-law (2013-283)

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

## Planning Analysis

Zoning By-law 2013-283 requires a setback of 6.0 metres from the rear lot line to the dwelling. The intent of the rear yard setback is to ensure adequate amenity space is provided on a property, to maintain adequate separation distance and buffering between neighbouring properties, to minimize overlook and privacy impacts, and to provide sufficient space for property maintenance and stormwater management.

Application **A-65/22** requests a reduction of the minimum 6.0 metres for a rear yard to 1.37 metres for the proposed one-storey addition. Staff note that given the shape and angle of the lot, the Zoning By-law defines this yard as the rear yard, however, it functions as an interior side yard to the abutting property. The Zoning By-law requires an interior side yard setback of 1.2 metres, which is exceeded by the proposed setback of 1.37m for the addition. Staff have no concerns that the requested reduction will present any new conflicts regarding overlook, privacy, property maintenance or stormwater management. All other required zoning provisions, including those related to the proposed interior accessory dwelling unit, are being maintained.

As such, staff are of the opinion that the requested variance is minor in nature, is desirable for the appropriate development of the lands and is in keeping with the intent of the Official Plan and Zoning By-law. Staff are recommending approval, accordingly.

## Conclusion

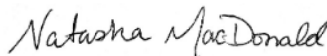
Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Application **A-65/22** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is desirable for the appropriate use of the lands. Staff recommend approval 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-66/22**

**80 Page Street**

**DATE OF HEARING:**  
**June 22, 2022**

**From:** [Munro, Elaine](#)  
**To:** [Munro, Elaine](#)  
**Subject:** Cogeco - No Concerns RE: Committee of Adjustment Notices of Hearing - June 22, 2022 Hearing  
**Date:** Thursday, June 2, 2022 10:44:02 AM

---

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



---

**From:** Doug Crown <[doug.crown@cogeco.com](mailto:doug.crown@cogeco.com)>  
**Sent:** Thursday, June 2, 2022 9:09 AM  
**To:** Munro, Elaine <[emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)>  
**Cc:** Banda, Wilrik <[wbanda@stcatharines.ca](mailto:wbanda@stcatharines.ca)>  
**Subject:** Re: Committee of Adjustment Notices of Hearing - June 22, 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

Hope you have the best day ever.

Thanks

Doug Crown  
Network Planning Department

[Doug.crown@cogeco.com](mailto:Doug.crown@cogeco.com)

7170 Mcleod Rd  
Niagara Falls Ont Canada

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

## **MEMORANDUM**

**To:** Elaine Munro, Committee Secretary & Planning Clerk  
 Planning and Building Services  
**Cc:** Wilrik Banda  
 Planning and Building Services  
**From:** Lou Grossi, Building Inspector II  
 Planning and Building Services  
**Date:** June 10, 2022  
**Subject:** Building Comments on Applications to the Committee of Adjustment  
**Minor Variance – June 22nd, 2022 hearing**

<b>NO.</b>	<b>ADDRESS</b>	<b>COMMENTS</b>
A-63/22	34 Maplewood Drive	<p>Be advised that a demolition permit is required to demolish the existing detached garage.</p> <p>Be advised that a building permit is required to construct a detached accessory structure.</p>
A-64/22	38 Techumseh Street	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-65/22	61 Kinsey Street	Be advised that a building permit is required to construct an addition to the existing single detached dwelling.
A-66/22	80 Page Street	Be advised that a building permit is required to convert the existing mixed use commercial building to a triplex dwelling.
A-67/22	131 Niagara Street	Be advised that a building permit is required to construct an addition to the existing commercial building for the addition of the 3 apartment units.
A-69/22	48 Permilla Street	No comment

NO.	ADDRESS	COMMENTS
A-70/22	249 Vine Street	Be advised that a building permit is required to construct two single detached dwellings.
A-71/22	251 Vine Street	Be advised that a building permit is required to construct two single detached dwellings.
A-72/22	63 Hamilton Street	Be advised that a building permit is required to construct a detached garage.
A-73/22	24 Welland Avenue	Be advised that a building permit is required to alter the existing legal non-conforming commercial/ residential building to create an additional second residential unit.



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

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

**Cc:**

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

**Date:** June 9, 2022

**Subject:** Committee of Adjustment Applications – May 26 Hearing

---

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

**34 Maplewood Drive, Minor Variance A-63/22 – 22104029  
(E. Acs, Planner)**

No concerns or requirements.

**38 Tecumseh Street, Minor Variance A-64/22 – 22104944  
(N. MacDonald, Planner)**

No concerns or requirements.

**61 Kinsey Street, Minor Variance A-65/22 – 22104952  
(N. MacDonald, Planner)**

No concerns or requirements.

**80 Page Street, Minor Variance A-66/22 – 22105013  
(E. Acs, Planner)**

CRCS has no objection to the requested minor variances, given the building, parking and landscaped open space areas exist; there will be no loss in landscaped open space as a result of the building's conversion to a triplex.

**131 Niagara Street, Minor Variance A-67/22 – 22104929  
(C. McEwan, Planner)**

CRCS has no objection to the requested reduced yards to facilitate a building addition, provided the prescribed minimum landscape buffers adjacent to residential zones are achieved.

**48 Permillia Street, Minor Variance A-69/22 – 22105017  
(E. Acs, Planner)**

In its application for minor variance, the applicant indicates that the concrete pad located in the front yard was created to provide additional parking for this detached dwelling and short-term rental unit. Front yard parking, however, is not permitted by the Zoning By-law. The revised plan submitted indicates that the concrete pad will now be used as a patio or “courtyard”, in lieu of parking.

CRCS is supportive of the requested parking reduction given it prioritizes open space and amenity area over front yard parking. To prevent use of the concrete pad for parking in the future, CRCS recommends that as a condition of the minor variance, the owner be required to install on their own lands (i.e. not within the City’s road allowance) a permanent barrier between the driveway and the courtyard. A low metal fence (maximum 1.0 metre tall) of open-type construction is recommended, however we suggest that the condition of approval be flexible enough to allow time for the applicant to discuss alternative approaches to the barrier with Planning and CRCS staff.

**249 Vine Street, Consent B-37/22SC – 22105055  
249 Vine Street, Minor Variance A-70/22 – 22105057  
251 Vine Street, Minor Variance A-71/22 – 22105059  
(C. McEwan, Planner)**

**C. McEwan**

CRCS has no concerns with the proposed creation of one new lot to facilitate the construction of two new detached dwellings, nor the related minor variances to reduce the minimum lot area. With respect to the requested variance for a reduction in lot frontage, CRCS staff recommends that the driveway width and location for both lots be limited to what is depicted in the plans submitted with these applications. If limitations are not imposed, then the size of the driveway could be enlarged in the future, reducing the amount of landscaped open space in the front yard to nearly zero.

The applicant should be aware that, pursuant to the Ontario Forestry Act, boundary trees (i.e. trees whose trunks straddle more than one property) may not be removed or destroyed unless express written permission is obtained from the co-owner of the tree. The survey sketch submitted with the application indicates there is a boundary tree at the southwest corner of the property.

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 future development agreement include provisions to limit the width of the driveway for each lot to 3.0 metres.

**63 Hamilton Street, Minor Variance A-72/22 – 22105047  
(C. McEwan, Planner)**

No concerns or requirements.

**24 Welland Avenue, Minor Variance A-73/22 – 22105150  
(N. MacDonald, Planner)**

CRCS has no objection to the requested extension of a legal non-conforming use to facilitate a second residential unit within the existing mixed-use building. The building, parking area, and landscaped open space exist; there will be no loss in landscaped open space as a result of the additional dwelling.

*Amanda Knutson  
Community Project & Development Planner*



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## Memorandum

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**To:** Elaine Munro, ACST, Committee Secretary & Planning Technician  
**From:** Sean Ip, Development Engineering Technologist  
**CC:** City Committee of Adjustment Staff Members  
**Date:** June 9, 2022  
**Hearing Date:** June 22, 2022  
**Subject:** **Committee of Adjustment - Minor Variance Applications**  
34 Maplewood Drive – A-63/22  
38 Tecumseh Street – A-64/22  
61 Kinsey Street – A-65/22  
80 Page Street – A-66/22  
131 Niagara Street – A-67/22  
48 Permilla Street – A-69/22  
249 & 251 Vine Street – A-70 & 71 /22  
63 Hamilton Street – A-72/22  
24 Welland Avenue – A-73/22

---

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:

  
\_\_\_\_\_  
Sean Ip  
Development Engineering Technologist



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

**Cc:**

**From: Steve Bittner, Transportation Technologist**

**Date: June 7, 2022**

**Subject: Committee of Adjustment Comments (June 22, 2022, Hearing)**

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**A-066/22 – 80 Page Street**

The sketch that was submitted with the application shows a fence on the property line. When looking at an aerial photo of the property, it appears that the fence is well within the subject property. The location of the fence could impact the amount of space available for parking, which could result in a further parking reduction requirement.

We have no concerns or requirements with the remaining applications.

Steve Bittner  
Transportation Technologist



## Technical Report

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

**Date of Report:** June 17, 2022

**Date of Meeting:** June 22, 2022

**Report Number:** A-66/22

**File:** 22105013

**Subject:** 80 Page Street

### Recommendation

That Application **A-66/22** by Niceplace Homes Inc, as outlined in the Notice of Hearing, be approved.

### Report The Proposal

The Applicant proposed to convert an existing mixed-use building to a triplex dwelling. Because the lot size and building are existing, the proposed conversion does not meet five zoning provisions for a triplex dwelling. The variances outlined in the table below are required to facilitate the proposal.

Variance	Provision	Required	Proposed
1.	Minimum lot area	300m <sup>2</sup>	225m <sup>2</sup> (existing)
2.	Minimum front yard setback (Page Street)	3m	0.178m (existing)
3.	Minimum exterior side yard setback (Welland Avenue)	3m	0.127m (existing)
4.	Minimum landscaped open space	25%	21%
5.	Minimum parking spaces	3	2

### Location and Site Description

The subject property is located on the northeast corner of Page Street and Welland Avenue. The surrounding area comprises primarily of medium density mixed uses and residential uses, with commercial uses along Welland Avenue.

The subject property is presently occupied by mixed-use building.

### Circulation of Application

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

## **Planning Policy Context**

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

The subject property is designated Mixed Use on Schedule D1 of the Garden City Plan (GCP) and further designated Mixed Use on Schedule E5. Triplex dwellings are permitted in this designation.

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

The subject property is zoned Medium Density Mixed Use (M1). Triplex dwellings are permitted in this zone.

## **Planning Analysis**

### **Variance 1**

The Applicant has requested a reduction in the minimum lot area of a triplex dwelling. The required minimum lot area for a triplex dwelling is 300 square metres. The proposed lot area is 225 square metres, resulting in a decrease of 75 square metres. The lot area is not proposed to change through this application – the unique size and shape of the lot is an existing condition. This variance is being sought to permit the conversion of the existing building on the lot from a mixed-use building to a triplex. The intent of the 300 square metre minimum lot area is to ensure that a sufficiently sized yard is provided for triplex dwelling units to accommodate parking, facilitate on-site drainage and provide outdoor amenity space. The proposed lot area reduction would facilitate the use of the existing mixed-use building into a triplex dwelling. The existing building 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. Staff recommend that this variance be approved as it is considered to be minor in nature, desirable for the appropriate use of the lands and meets the intent of the Official Plan and Zoning By-law.

### **Variance 2 and 3**

Zoning By-Law 283-2013 requires the exterior side yard and front yard setbacks to be a minimum of 3 metres in the Medium Density Mixed Use (M1) zone. The Applicant has requested a reduction of the minimum exterior side yard setback from 3 metres to 0.127 metres on Welland Avenue and a reduction in the front yard setback from 3 metres to 0.178 metres on Page Street. The variances are requested to facilitate a proposed conversion of an existing mixed-use building to a triplex dwelling. The reduced setbacks are already existing. The building is not proposed to increase in size in this application. The intent of the front yard and exterior side yard setbacks is, in part, to soften the impact of mixed-use-related uses and buildings on the streetscape. The building is located in a medium density mixed use area and is not out of character in appearance. The city boulevard along the Page Street frontage mitigates the visual impact of the reduced front yard setback. For the exterior side yard setback, the reduction will apply to only a pinch-point at the corner of the building. The 3-metre setback is achieved for much of the exterior side yard. New landscaping in the exterior side yard will further mitigate the reduction. Staff recommend that this variance be approved as it is considered to be minor

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

#### **Variance 4**

Variance 4 seeks a reduction of the minimum landscaped open space from 25% of the total lot area to 21%, resulting in a reduction of 4%. 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 4% reduction in landscaped open space does not negatively impact the streetscape and there is sufficient room area on the lot for outdoor amenity space for tenants. The property is proximal to Bartlett Park on Tasker Street, which offers outdoor recreation which compensates for any reduction in outdoor amenity space. Staff do not have concerns regarding drainage. Staff find the proposed variance is minor in nature, desirable for the appropriate use of lands, and meets the general intent of the Official Plan and Zoning By-law.

#### **Variance 5**

The Applicant has requested a reduction in the minimum parking requirement for a triplex dwelling from three spaces to two. Zoning By-law 2013-283 requires a minimum of three parking space for a triplex dwelling. The reduction will facilitate the use of the subject lands as a triplex. No new development is contemplated with this application; approval of the variance would simply permit the mixed-use building to be used as a triplex dwelling.

This variance is required due to limited surface space available. Currently there are two parking spaces in on the lot that meet the minimum parking space dimensions established in the Zoning By-law. The intent of the minimum parking requirement is to ensure that there is an adequate supply of parking to accommodate residents of the triplex.

Policy 5.4.2 of the Official Plan states the City will consider the reduction or elimination of vehicular parking requirements where some of these factors may apply:

- i) Shared parking is possible;
- ii) Transit is readily available or where transit facilities are provided;
- iii) Bicycle parking facilities, or community facilities are provided;
- iv) Land, beyond minimum requirements, is dedicated for safe active transportation facilities and connectivity;
- v) Land, beyond minimum requirements, is dedicated for greening and landscaping initiatives.

The subject property is within walking distance of numerous transit stops in the area, including stops on Welland Avenue and Niagara Street within 300 meters. Transit is available with a bi-directional bus route passing the subject property, with daytime, evening and weekend service. On-street parking is available on Page Street. The reduction of one parking space for the dwelling unit is not expected to impact the parking supply in the area, nor cause unacceptable spillover parking in the neighbourhood. Staff are of the opinion that the requested parking reduction maintains the intent of the Official Plan.

Staff are satisfied that there is a sufficient supply of on-street parking and alternative transportation methods, causing no adverse impact on the neighbourhood. Staff are of the opinion that the requested reductions are minor in nature, appropriate for the desirable use of the lands and maintains the intent of the Zoning By-law and the Official Plan. Staff are recommending approval of the variance.

## Conclusion

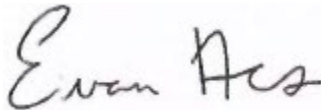
Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Application **A-66/22** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is desirable for the appropriate use of the lands. Staff recommend approval of the Application

**Prepared by:**



Dasha Litviniuc  
Student Planner

**Submitted by:**



Evan Acs, MSc, 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

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# **COMMENTS**

**A-67/22**

**131 Niagara Street**

**DATE OF HEARING:**  
**June 22, 2022**

125 Niagara St.,  
St.Catharines, Ont.,  
L2R-4L6.  
June 13, 2022.

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

Re: Application A-67/22 from #2088266 Ontario Inc. at 131 Niagara St.,  
St.Catharines for Minor Variance from By-law 2013-283.

Dear Committee Members,

We object to the expansion of the adjacent property from 1 apartment to 4 apartments. This quadruples the residential density in addition to the storefront bakery planned. With this development the parking is reduced to only 4 spaces which does not appear adequate.

We further object to the placement of a garbage bin adjacent to our rear property line as shown in the site plan. This will attract vermin and emit odours.

Approximately 2 years ago the previous owner's garbage bin (then located in the N.W. corner of their property) was set on fire by an arsonist in the middle of the night and extinguished by the Fire Department. The current site plan proposal would situate the garbage bin very close to a mature tree on our property presenting a potential fire spread hazard.

For these reasons, it would be more appropriate if the bin is placed adjacent to the building at 131 Niagara St. secured in a fire proof locked structure.

Thank you for your consideration of our concerns. We request a copy of the Notice of Decision.

Sincerely,

Stephen F. Pullen

Wendy C. Pullen

SEARCHED	INDEXED	SERIALIZED	FILED	JUN 13 2022	
RECEIVED TO				INT.	
DATE JUN 13 2022					
FILE NO					

**From:** [Munro, Elaine](#)  
**To:** [Munro, Elaine](#)  
**Subject:** Alectra - No comments/Objections RE: Application responses  
**Date:** Wednesday, June 8, 2022 1:30:25 PM  
**Attachments:** [image002.png](#)  
[image003.png](#)  
[image004.png](#)

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



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**From:** Network Info <[network.info@horizonutilities.com](mailto:network.info@horizonutilities.com)>  
**Sent:** Tuesday, June 7, 2022 9:23 AM  
**To:** Munro, Elaine <[emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)>  
**Cc:** Banda, Wilrik <[wbanda@stcatharines.ca](mailto:wbanda@stcatharines.ca)>  
**Subject:** Application responses

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

Good morning Elaine,

This is to confirm that our office has no comment/objections to all applications sent over on June 1/22.

34 Maplewood  
38 Tecumseh  
61 Kinsey  
80 Page  
131 Niagara  
48 Permillia  
249/251 Vine  
63 Hamilton  
24 Welland

Regards,



**Samantha Burke**  
**Engineering Clerk, ICI & Layouts**  
55 John Street North, Hamilton, ON, L8R 3M8  
t 905.798.2971  
[alectrautilities.com](http://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 - June 22, 2022 Hearing  
**Date:** Thursday, June 2, 2022 10:44:02 AM

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



---

**From:** Doug Crown <[doug.crown@cogeco.com](mailto:doug.crown@cogeco.com)>  
**Sent:** Thursday, June 2, 2022 9:09 AM  
**To:** Munro, Elaine <[emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)>  
**Cc:** Banda, Wilrik <[wbanda@stcatharines.ca](mailto:wbanda@stcatharines.ca)>  
**Subject:** Re: Committee of Adjustment Notices of Hearing - June 22, 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

Hope you have the best day ever.

Thanks

Doug Crown  
Network Planning Department

[Doug.crown@cogeco.com](mailto:Doug.crown@cogeco.com)

7170 Mcleod Rd  
Niagara Falls Ont Canada

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

## **MEMORANDUM**

**To:** Elaine Munro, Committee Secretary & Planning Clerk  
 Planning and Building Services  
**Cc:** Wilrik Banda  
 Planning and Building Services  
**From:** Lou Grossi, Building Inspector II  
 Planning and Building Services  
**Date:** June 10, 2022  
**Subject:** Building Comments on Applications to the Committee of Adjustment  
**Minor Variance – June 22nd, 2022 hearing**

<b>NO.</b>	<b>ADDRESS</b>	<b>COMMENTS</b>
A-63/22	34 Maplewood Drive	<p>Be advised that a demolition permit is required to demolish the existing detached garage.</p> <p>Be advised that a building permit is required to construct a detached accessory structure.</p>
A-64/22	38 Techumseh Street	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-65/22	61 Kinsey Street	Be advised that a building permit is required to construct an addition to the existing single detached dwelling.
A-66/22	80 Page Street	Be advised that a building permit is required to convert the existing mixed use commercial building to a triplex dwelling.
A-67/22	131 Niagara Street	Be advised that a building permit is required to construct an addition to the existing commercial building for the addition of the 3 apartment units.
A-69/22	48 Permilla Street	No comment

NO.	ADDRESS	COMMENTS
A-70/22	249 Vine Street	Be advised that a building permit is required to construct two single detached dwellings.
A-71/22	251 Vine Street	Be advised that a building permit is required to construct two single detached dwellings.
A-72/22	63 Hamilton Street	Be advised that a building permit is required to construct a detached garage.
A-73/22	24 Welland Avenue	Be advised that a building permit is required to alter the existing legal non-conforming commercial/ residential building to create an additional second residential unit.



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

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

**Cc:**

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

**Date:** June 9, 2022

**Subject:** Committee of Adjustment Applications – May 26 Hearing

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

**34 Maplewood Drive, Minor Variance A-63/22 – 22104029  
(E. Acs, Planner)**

No concerns or requirements.

**38 Tecumseh Street, Minor Variance A-64/22 – 22104944  
(N. MacDonald, Planner)**

No concerns or requirements.

**61 Kinsey Street, Minor Variance A-65/22 – 22104952  
(N. MacDonald, Planner)**

No concerns or requirements.

**80 Page Street, Minor Variance A-66/22 – 22105013  
(E. Acs, Planner)**

CRCS has no objection to the requested minor variances, given the building, parking and landscaped open space areas exist; there will be no loss in landscaped open space as a result of the building's conversion to a triplex.

**131 Niagara Street, Minor Variance A-67/22 – 22104929  
(C. McEwan, Planner)**

CRCS has no objection to the requested reduced yards to facilitate a building addition, provided the prescribed minimum landscape buffers adjacent to residential zones are achieved.

**48 Permillia Street, Minor Variance A-69/22 – 22105017  
(E. Acs, Planner)**

In its application for minor variance, the applicant indicates that the concrete pad located in the front yard was created to provide additional parking for this detached dwelling and short-term rental unit. Front yard parking, however, is not permitted by the Zoning By-law. The revised plan submitted indicates that the concrete pad will now be used as a patio or “courtyard”, in lieu of parking.

CRCS is supportive of the requested parking reduction given it prioritizes open space and amenity area over front yard parking. To prevent use of the concrete pad for parking in the future, CRCS recommends that as a condition of the minor variance, the owner be required to install on their own lands (i.e. not within the City’s road allowance) a permanent barrier between the driveway and the courtyard. A low metal fence (maximum 1.0 metre tall) of open-type construction is recommended, however we suggest that the condition of approval be flexible enough to allow time for the applicant to discuss alternative approaches to the barrier with Planning and CRCS staff.

**249 Vine Street, Consent B-37/22SC – 22105055  
249 Vine Street, Minor Variance A-70/22 – 22105057  
251 Vine Street, Minor Variance A-71/22 – 22105059  
(C. McEwan, Planner)**

**C. McEwan**

CRCS has no concerns with the proposed creation of one new lot to facilitate the construction of two new detached dwellings, nor the related minor variances to reduce the minimum lot area. With respect to the requested variance for a reduction in lot frontage, CRCS staff recommends that the driveway width and location for both lots be limited to what is depicted in the plans submitted with these applications. If limitations are not imposed, then the size of the driveway could be enlarged in the future, reducing the amount of landscaped open space in the front yard to nearly zero.

The applicant should be aware that, pursuant to the Ontario Forestry Act, boundary trees (i.e. trees whose trunks straddle more than one property) may not be removed or destroyed unless express written permission is obtained from the co-owner of the tree. The survey sketch submitted with the application indicates there is a boundary tree at the southwest corner of the property.

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 future development agreement include provisions to limit the width of the driveway for each lot to 3.0 metres.

**63 Hamilton Street, Minor Variance A-72/22 – 22105047**  
**(C. McEwan, Planner)**

No concerns or requirements.

**24 Welland Avenue, Minor Variance A-73/22 – 22105150**  
**(N. MacDonald, Planner)**

CRCS has no objection to the requested extension of a legal non-conforming use to facilitate a second residential unit within the existing mixed-use building. The building, parking area, and landscaped open space exist; there will be no loss in landscaped open space as a result of the additional dwelling.

*Amanda Knutson*  
*Community Project & Development Planner*



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## Memorandum

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**To:** Elaine Munro, ACST, Committee Secretary & Planning Technician  
**From:** Sean Ip, Development Engineering Technologist  
**CC:** City Committee of Adjustment Staff Members  
**Date:** June 9, 2022  
**Hearing Date:** June 22, 2022  
**Subject:** **Committee of Adjustment - Minor Variance Applications**  
34 Maplewood Drive – A-63/22  
38 Tecumseh Street – A-64/22  
61 Kinsey Street – A-65/22  
80 Page Street – A-66/22  
131 Niagara Street – A-67/22  
48 Permilla Street – A-69/22  
249 & 251 Vine Street – A-70 & 71 /22  
63 Hamilton Street – A-72/22  
24 Welland Avenue – A-73/22

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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:

  
\_\_\_\_\_  
Sean Ip  
Development Engineering Technologist

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

**Cc:**

**From: Steve Bittner, Transportation Technologist**

**Date: June 7, 2022**

**Subject: Committee of Adjustment Comments (June 22, 2022, Hearing)**

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**A-066/22 – 80 Page Street**

The sketch that was submitted with the application shows a fence on the property line. When looking at an aerial photo of the property, it appears that the fence is well within the subject property. The location of the fence could impact the amount of space available for parking, which could result in a further parking reduction requirement.

We have no concerns or requirements with the remaining applications.

Steve Bittner  
Transportation Technologist





## Technical Report

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

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

**Date of Meeting:** June 22, 2022

**Report Number:** A-67/22

**File:** 22104929

**Subject:** 131 Niagara Street

### Recommendation

That Application **A-67/22** by 2088266 Ontario Inc, as outlined in the Notice of Hearing, be approved.

### Report

#### Background

On September 28, 1977, Minor Variance Application A-96/77 was approved, subject to conditions, to provide sufficient space for parking requirement acceptable to the City Engineering department. Variances granted included a rear landscaping strip 5 feet (1.5 metre) wide and a front landscaping strip having a minimum width of 16 feet (4.8 metres).

#### The Proposal

The Applicant proposes additions to expand the existing commercial use and for the addition of three apartment units. The proposed additions require a reduction of the minimum yard abutting a residential zone than permitted in the City's zoning by-law. The variances outlined in the table below are required to facilitate the proposed additions.

Variance	Provision	Required	Proposed
1	Minimum yard abutting a residential zone (addition #1)	7.5m or ½ height of building	4.7m
2	Minimum yard abutting a residential zone (addition #2)	7.5m or ½ height of building	1.2m

#### Location and Site Description

The subject property is located on the west side of Niagara Street. The surrounding neighbourhood is mixed use, commercial and residential buildings. The subject property is presently occupied by a mixed-use building with ground floor commercial and one apartment unit above.

## **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 Mixed Use on Schedule D1 of the Garden City Plan (GCP) and further designated Mixed Use on Schedule E5. The proposed mix of commercial and residential uses is permitted within this designation.

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

The subject property is zoned Medium Density Mixed Use (M1). The proposed mix of commercial and residential uses is permitted in this zone.

## **Planning Analysis**

The applicant is requesting a reduction of the minimum yard abutting a residential zone for the proposed additions to an existing mixed-use building. The current zoning provisions require a minimum yard of 7.5 metres or 1/2 height of building, whichever is greater, where the building abuts a residential zone. The intent of the minimum yard abutting a Residential Zone is, in part, to provide adequate separation from active commercial uses to neighbouring residential properties to avoid impact from commercial-related activities and mitigate privacy impacts. The proposed additions are intended to accommodate a modest increase in the size of the commercial unit to allow a bakery to establish on the ground floor, and to add three apartment units.

Variance 1 on Application **A-67/22** seeks a reduction of the minimum yard abutting a Residential Zone from 7.5 metres to 4.7 metres for the rear-most, resulting in a decrease of 2.8 metres. The 2.8 metre reduction is considered minor in nature. There are no anticipated negative impacts from the slightly expanded bakery space, nor privacy on the abutting residential property as a result of the proposed reduction. The 2.8 metre reduction to the larger addition will not substantially increase any overlook on the adjacent residential property. There are no negative impacts anticipated on the adjacent residential use as a result of the addition being permitted as proposed. Staff are supportive of Variance 1.

Variance 2 seeks a reduction of the minimum yard abutting a Residential Zone from 7.5 metres to 1.2 metres for the second addition, resulting in a decrease of 6.3 metres. The second addition does not run directly adjacent to the residential lot line but is within 1.2 metres of the nearest corner of the residential property. The requested reduction is considered minor in nature. The 6.3 metre reduction to the smaller addition will have little to no impact on adjacent residential due to its location being offset from the residential lot line. The majority of the second addition abuts commercial property. There are no overlook concerns, and the proximity of the addition is unlikely to result in any negative impacts on the abutting residential land.

Staff find the requested variances to both be in keeping with the general intent of the Official Plan and Zoning By-law. The variances facilitate appropriate intensification of a property as well as the appropriate expansion of an existing commercial unit, and are desirable for the use of the lands.

## Conclusion

Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Application **A-67/22** 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:**



Charlotte McEwan  
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-69/22**

**48 Permilla Street**

**DATE OF HEARING:**  
**June 22, 2022**

**From:** [Munro, Elaine](#)  
**To:** [Munro, Elaine](#)  
**Subject:** Comments Received - 48 Permilla Street RE: Committee of Adjustment Hearing Jun 22, 2022 Submission A-69/22  
**Date:** Tuesday, June 14, 2022 4:37:03 PM

---

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



---

**From:** >  
**Sent:** Tuesday, June 14, 2022 3:33 PM  
**To:** Munro, Elaine <[emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)>  
**Cc**  
**Subject:** Re: Committee of Adjustment Hearing Jun 22, 2022 Submission A-69/22

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

Hi Elaine

We live at 14 Dexter St, kitty corner across from 48 Permilla. We have lived here for 7 years. Our house faces Permilla.

We fully support the application for this minor variance.

Specifically:

1. We have no issue with a car parked on the street.
2. We fully support the presence of this Short Term Rental. It is so low key that it was 1.5 years before we were aware it was even there.

Sue is a great neighbour who cares about her property and her neighbours. The before and after photos in the application don't do the transformation justice. She has transformed a once neglected and dingy house into an oasis. The new gardens and her new driveway have literally rejuvenated the street. It would be awesome to have more citizens following her example.

We plan to attend the meeting in support of the application, and will pre-register online.

Regards,

Gerrit Visser/Pat Scully

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

**From:** [Munro, Elaine](#)  
**To:** [Munro, Elaine](#)  
**Subject:** Comments Received - 48 Permilla Street RE: File A-69/22  
**Date:** Wednesday, June 15, 2022 2:31:35 PM

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



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

**From:** PBS, Website Information Mailbox <[pbs@stcatharines.ca](mailto:pbs@stcatharines.ca)>  
**Sent:** Wednesday, June 15, 2022 1:15 PM  
**To:** Munro, Elaine <[emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)>; Banda, Wilrik <[wbanda@stcatharines.ca](mailto:wbanda@stcatharines.ca)>  
**Subject:** FW: File A-69/22

Elaine/Wil: FYI

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

**From:** [noreply@esolutionsgroup.ca](mailto:noreply@esolutionsgroup.ca) <[noreply@esolutionsgroup.ca](mailto:noreply@esolutionsgroup.ca)> On Behalf Of Grace Houston  
**Sent:** Wednesday, June 15, 2022 12:45 PM  
**To:** PBS, Website Information Mailbox <[pbs@stcatharines.ca](mailto:pbs@stcatharines.ca)>  
**Subject:** File A-69/22

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

I write in support of Gillian and Michael Barclay and Sue Rogers in their application to the City of St. Catharine's to amend By-Law 2013-283. I have no objection to the short term rental on the property and have no concerns with regards to parking as it has never been a problem in the past. I live at 42 Permilla - 2 houses from the property. I ask that you please permit the variance.

Sincerely,  
Grace Houston

-----  
**Origin:** <https://www.stcatharines.ca/en/planning-and-development/committee-of-adjustment.aspx>  
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This email was sent to you by Grace Houston< > through <https://www.stcatharines.ca>.

**From:** [Munro, Elaine](#)  
**To:** [Munro, Elaine](#)  
**Subject:** Comments Received RE: 48 Permilla St - Hearing  
**Date:** Tuesday, June 14, 2022 4:35:31 PM

---

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



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

**From:** PBS, Website Information Mailbox <[pbs@stcatharines.ca](mailto:pbs@stcatharines.ca)>  
**Sent:** Tuesday, June 14, 2022 4:25 PM  
**To:** Munro, Elaine <[emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)>; Banda, Wilrik <[wbanda@stcatharines.ca](mailto:wbanda@stcatharines.ca)>  
**Subject:** FW: 48 Permilla St - Hearing

Elaine/Wil: FYI

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

**From:** [noreply@esolutionsgroup.ca](mailto:noreply@esolutionsgroup.ca) <[noreply@esolutionsgroup.ca](mailto:noreply@esolutionsgroup.ca)> On Behalf Of Cynthia Arsenault  
**Sent:** Tuesday, June 14, 2022 4:18 PM  
**To:** PBS, Website Information Mailbox <[pbs@stcatharines.ca](mailto:pbs@stcatharines.ca)>  
**Subject:** 48 Permilla St - 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.

To whom in may concern: My neighbour, Sue Rogers lives directly in front of our home has been running an Airbnb in her basement when the law permits. She lives at 48 Permilla st. We have moved to this neighbourhood 2 years ago, and we have seen her guests come in and out of the house without any issues. Sue and her guests have been respectful of the neighbours, and we don't have any concerns. It is a very quiet neighbourhood and we have never heard any noise. As her neighbour, I can tell you that Sue will always be mindful of us and can stay a Super Airbnb Host! We don't mind if anyone park on the street either. It is always nice to see visitors enjoying our beautiful Niagara Region. If you have any questions, please don't hesitate to contact us at (XXX) XXX-XXXX.

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Origin: <https://www.stcatharines.ca/en/planning-and-development/committee-of-adjustment.aspx>  
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This email was sent to you by Cynthia Arsenault< > through <https://www.stcatharines.ca>.

**From:** [Munro, Elaine](#)  
**To:** [Munro, Elaine](#)  
**Subject:** RE: Comments Regarding June 22 Hearing  
**Date:** Monday, June 13, 2022 4:17:56 PM

---

## Elaine Munro ACST

**Committee Secretary and Planning Technician**

**Tel:** 905.688.5601 x1715

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



---

**From:** Jennifer Warlow <>  
**Sent:** Monday, June 13, 2022 3:38 PM  
**To:** Munro, Elaine <[emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)>  
**Subject:** Comments Regarding June 22 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.

Dear Ms. Munro,

I am writing regarding the upcoming hearing on June 22 (Notice No. 22105017, Submission No. A-69/22), in support of my neighbour Susan Rogers' application for a minor variance for 48 Permilla St.

My husband and I are very supportive of Sue running an Airbnb out of her home – as previous guests (when purchasing our current home) I know she has very strict rules out of consideration for her neighbours. As I understand, the variance is around parking, which may necessitate her Airbnb renters to park on the street; if this were the case, we have absolutely no concerns (some of our neighbours who have usable driveway space elect to park on the street from time to time, which causes no issue).

As a neighbour with direct sightline of Sue's home, we find her frontage, including the parking pad, very visually pleasing (she has put hedging in place to help improve the view in the odd instance she has had to park on the pad), and she keeps her entire property immaculate -- more than I can say for some of the folks on our street. Seeing the "before" pictures included in the notice, I'm especially appreciative of all the improvements Sue has made.

I'm happy to provide additional information in support of Sue's application, or answer any specific questions. I have registered to attend the Zoom session in case it would be beneficial to Sue's application to provide comments during the hearing.

Thank you for the opportunity to provide input.

Jennifer Warlow (and Jason McDonald)

XXX-XXX-XXXX




Cynthia and Paolo Espadin  
47 Permilla St. St. Catharines, On

March 19, 2022

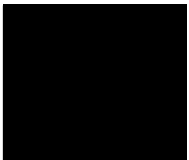
City of St. Catharines  
Planning + Building Services

To whom in may concern:

My neighbour, Sue Rogers lives directly in front of our home. She has been running an Airbnb in her basement when the law permits. She lives at 48 Permilla st. We have moved to this neighbourhood 2 years ago, and we have seen her guests come in and out of the house without any issues. Sue and her guests have been respectful of the neighbours, and we don't have any concerns. It is a very quiet neighbourhood and we have never heard any noise. As her neighbour, I can tell you that Sue will always be mindful of us and can stay a Super Airbnb Host!

It is always nice to see visitors enjoying our beautiful Niagara Region. If you have any questions, please don't hesitate to contact us at 

Best regards,\*



Cynthia and Paolo Espadin

City of St.Catharines ,Planning and Building Services

Dear Sir or Madam,


Please accept this letter endorsing my next door neighbour Sue Rogers, 48 Permilla St, St.Catharines in her right and practice to operate an Airbnb suite in her home.

On all those occasions when this operation has occurred, her visitors have been unfailingly considerate and of absolutely no inconvenience to me.

Again, I readily endorse and support her in this operation.

Thank you for your consideration and attention in this matter.

Sincerely,

Rick Ficek,  
46 Permilla St.  
St.Catharines,  
L2S 2G2,  


**From:** [Munro, Elaine](#)  
**To:** [Munro, Elaine](#)  
**Subject:** Alectra - No comments/Objections RE: Application responses  
**Date:** Wednesday, June 8, 2022 1:30:25 PM  
**Attachments:** [image002.png](#)  
[image003.png](#)  
[image004.png](#)

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



---

**From:** Network Info <[network.info@horizonutilities.com](mailto:network.info@horizonutilities.com)>  
**Sent:** Tuesday, June 7, 2022 9:23 AM  
**To:** Munro, Elaine <[emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)>  
**Cc:** Banda, Wilrik <[wbanda@stcatharines.ca](mailto:wbanda@stcatharines.ca)>  
**Subject:** Application responses

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

Good morning Elaine,

This is to confirm that our office has no comment/objections to all applications sent over on June 1/22.

34 Maplewood  
38 Tecumseh  
61 Kinsey  
80 Page  
131 Niagara  
48 Permillia  
249/251 Vine  
63 Hamilton  
24 Welland

Regards,



**Samantha Burke**  
**Engineering Clerk, ICI & Layouts**  
55 John Street North, Hamilton, ON, L8R 3M8  
t 905.798.2971  
[alectrautilities.com](http://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 - June 22, 2022 Hearing  
**Date:** Thursday, June 2, 2022 10:44:02 AM

---

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



---

**From:** Doug Crown <[doug.crown@cogeco.com](mailto:doug.crown@cogeco.com)>  
**Sent:** Thursday, June 2, 2022 9:09 AM  
**To:** Munro, Elaine <[emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)>  
**Cc:** Banda, Wilrik <[wbanda@stcatharines.ca](mailto:wbanda@stcatharines.ca)>  
**Subject:** Re: Committee of Adjustment Notices of Hearing - June 22, 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

Hope you have the best day ever.

Thanks

Doug Crown  
Network Planning Department

[Doug.crown@cogeco.com](mailto:Doug.crown@cogeco.com)

7170 Mcleod Rd  
Niagara Falls Ont Canada

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

**From:** [Munro, Elaine](#)  
**To:** [Munro, Elaine](#)  
**Subject:** Former Landfill - No Concerns - 48 Permill - RE: Committee of Adjustment Notice and Application - 48 Permill Street - June 22, 2022  
**Date:** Thursday, June 2, 2022 10:54:45 AM

---

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



---

**From:** Vasko, Dennis <[dvasko@stcatharines.ca](mailto:dvasko@stcatharines.ca)>  
**Sent:** Thursday, June 2, 2022 10:24 AM  
**To:** Munro, Elaine <[emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)>  
**Cc:** Banda, Wilrik <[wbanda@stcatharines.ca](mailto:wbanda@stcatharines.ca)>  
**Subject:** RE: Committee of Adjustment Notice and Application - 48 Permill Street - June 22, 2022

Hi Elaine,

There are no concerns with this property in respect to closed landfills.

Have a great day and weekend

Dennis

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



## MEMORANDUM

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

Cc: Wilrik Banda  
Planning and Building Services

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

Date: June 10, 2022

Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance – June 22nd, 2022 hearing**

NO.	ADDRESS	COMMENTS
A-63/22	34 Maplewood Drive	Be advised that a demolition permit is required to demolish the existing detached garage.  Be advised that a building permit is required to construct a detached accessory structure.
A-64/22	38 Techumseh Street	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-65/22	61 Kinsey Street	Be advised that a building permit is required to construct an addition to the existing single detached dwelling.
A-66/22	80 Page Street	Be advised that a building permit is required to convert the existing mixed use commercial building to a triplex dwelling.
A-67/22	131 Niagara Street	Be advised that a building permit is required to construct an addition to the existing commercial building for the addition of the 3 apartment units.
A-69/22	48 Permilla Street	No comment

NO.	ADDRESS	COMMENTS
A-70/22	249 Vine Street	Be advised that a building permit is required to construct two single detached dwellings.
A-71/22	251 Vine Street	Be advised that a building permit is required to construct two single detached dwellings.
A-72/22	63 Hamilton Street	Be advised that a building permit is required to construct a detached garage.
A-73/22	24 Welland Avenue	Be advised that a building permit is required to alter the existing legal non-conforming commercial/ residential building to create an additional second residential unit.



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

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

**Cc:**

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

**Date:** June 9, 2022

**Subject:** Committee of Adjustment Applications – May 26 Hearing

---

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

**34 Maplewood Drive, Minor Variance A-63/22 – 22104029  
(E. Acs, Planner)**

No concerns or requirements.

**38 Tecumseh Street, Minor Variance A-64/22 – 22104944  
(N. MacDonald, Planner)**

No concerns or requirements.

**61 Kinsey Street, Minor Variance A-65/22 – 22104952  
(N. MacDonald, Planner)**

No concerns or requirements.

**80 Page Street, Minor Variance A-66/22 – 22105013  
(E. Acs, Planner)**

CRCS has no objection to the requested minor variances, given the building, parking and landscaped open space areas exist; there will be no loss in landscaped open space as a result of the building's conversion to a triplex.

**131 Niagara Street, Minor Variance A-67/22 – 22104929  
(C. McEwan, Planner)**

CRCS has no objection to the requested reduced yards to facilitate a building addition, provided the prescribed minimum landscape buffers adjacent to residential zones are achieved.



**48 Permillia Street, Minor Variance A-69/22 – 22105017  
(E. Acs, Planner)**

In its application for minor variance, the applicant indicates that the concrete pad located in the front yard was created to provide additional parking for this detached dwelling and short-term rental unit. Front yard parking, however, is not permitted by the Zoning By-law. The revised plan submitted indicates that the concrete pad will now be used as a patio or “courtyard”, in lieu of parking.

CRCS is supportive of the requested parking reduction given it prioritizes open space and amenity area over front yard parking. To prevent use of the concrete pad for parking in the future, CRCS recommends that as a condition of the minor variance, the owner be required to install on their own lands (i.e. not within the City’s road allowance) a permanent barrier between the driveway and the courtyard. A low metal fence (maximum 1.0 metre tall) of open-type construction is recommended, however we suggest that the condition of approval be flexible enough to allow time for the applicant to discuss alternative approaches to the barrier with Planning and CRCS staff.

**249 Vine Street, Consent B-37/22SC – 22105055  
249 Vine Street, Minor Variance A-70/22 – 22105057  
251 Vine Street, Minor Variance A-71/22 – 22105059  
(C. McEwan, Planner)**

**C. McEwan**

CRCS has no concerns with the proposed creation of one new lot to facilitate the construction of two new detached dwellings, nor the related minor variances to reduce the minimum lot area. With respect to the requested variance for a reduction in lot frontage, CRCS staff recommends that the driveway width and location for both lots be limited to what is depicted in the plans submitted with these applications. If limitations are not imposed, then the size of the driveway could be enlarged in the future, reducing the amount of landscaped open space in the front yard to nearly zero.

The applicant should be aware that, pursuant to the Ontario Forestry Act, boundary trees (i.e. trees whose trunks straddle more than one property) may not be removed or destroyed unless express written permission is obtained from the co-owner of the tree. The survey sketch submitted with the application indicates there is a boundary tree at the southwest corner of the property.

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 future development agreement include provisions to limit the width of the driveway for each lot to 3.0 metres.

**63 Hamilton Street, Minor Variance A-72/22 – 22105047  
(C. McEwan, Planner)**

No concerns or requirements.

**24 Welland Avenue, Minor Variance A-73/22 – 22105150  
(N. MacDonald, Planner)**

CRCS has no objection to the requested extension of a legal non-conforming use to facilitate a second residential unit within the existing mixed-use building. The building, parking area, and landscaped open space exist; there will be no loss in landscaped open space as a result of the additional dwelling.

*Amanda Knutson  
Community Project & Development Planner*



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## Memorandum

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**To:** Elaine Munro, ACST, Committee Secretary & Planning Technician  
**From:** Sean Ip, Development Engineering Technologist  
**CC:** City Committee of Adjustment Staff Members  
**Date:** June 9, 2022  
**Hearing Date:** June 22, 2022  
**Subject:** **Committee of Adjustment - Minor Variance Applications**  
34 Maplewood Drive – A-63/22  
38 Tecumseh Street – A-64/22  
61 Kinsey Street – A-65/22  
80 Page Street – A-66/22  
131 Niagara Street – A-67/22  
48 Permilla Street – A-69/22  
249 & 251 Vine Street – A-70 & 71 /22  
63 Hamilton Street – A-72/22  
24 Welland Avenue – A-73/22

---

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:

  
\_\_\_\_\_  
Sean Ip  
Development Engineering Technologist

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

**Cc:**

**From: Steve Bittner, Transportation Technologist**

**Date: June 7, 2022**

**Subject: Committee of Adjustment Comments (June 22, 2022, Hearing)**

---

**A-066/22 – 80 Page Street**

The sketch that was submitted with the application shows a fence on the property line. When looking at an aerial photo of the property, it appears that the fence is well within the subject property. The location of the fence could impact the amount of space available for parking, which could result in a further parking reduction requirement.

We have no concerns or requirements with the remaining applications.

Steve Bittner  
Transportation Technologist



## Technical Report

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

**Date of Report:** June 17, 2022

**Date of Meeting:** June 22, 2022

**Report Number:** A-69/22

**File:** 22105017

**Subject:** 48 Permilla Street

### Recommendation

That Application **A-69/22** by Gillian Barclay, Michael Barclay, and Susan Rogers, as outlined in the Notice of Hearing, be approved.

### Report

#### The Proposal

The Applicants are seeking to operate a short-term rental within a detached dwelling on a property that does not meet the minimum parking requirement for short term rental license application. The Applicants have applied to reduce the minimum parking requirement from two spaces to zero. No new development is proposed with this Application. The variance outlined in the table below is required to facilitate the proposal.

Variance	Provision	Required	Proposed
1	Required Parking for a Short Term Rental	1 parking space per bedroom (2 spaces)	0 parking spaces

#### Location and Site Description

The subject property located on the north side of Permilla Street, east of Dexter Street. The neighbourhood is primarily low rise residential, with a park on the east side of Permilla Street.

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

#### Circulation of Application

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

## **Planning Policy Context**

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

The subject property is designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential on Schedule E6/7. 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. The zoning by-law also permits short-term rental units in detached dwellings with a parking requirement of one parking space per bedroom.

## **Planning Analysis**

The Applicant has requested a reduction in the minimum parking requirement for a short-term rental unit with two bedrooms from two spaces to zero. No new development is contemplated with this Application. Requests to reduce parking for short-term rental units must be considered and reviewed in the same manner that staff approach similar requests to reduce residential parking. The application will be evaluated against the four tests established by the Section 45 (1) of the Planning Act and relevant City policies.

The proposed parking reduction is being sought because the existing parking area lacks sufficient width and depth for two tandem parking spaces that meet the size requirements in the zoning by-law. The driveway is 2.7 metres wide and is located between the sidewalk of the dwelling and an interior side lot line. Since the driveway is obstructed on one side by the dwelling, the parking spaces must be a minimum of 3.0 metres wide. The drive is 10 metres deep, between a fence to the north and the front lot line to the south. The City's zoning by-law requires a parking stall depth of 5.2 metres, which means two tandem parking spaces must be 10.4 metres deep. There is approximately 1.52 metres between the sidewalk and the front lot line. The City's Parking by-law requires a minimum of 0.3 metres between the sidewalk and a parking space. This means it is possible to park two cars in tandem in the driveway without violating the City's parking by-law, even if the width and depth of the driveway do not meet the legal-size requirements established in the zoning by-law.

Parking of vehicles in this driveway is a long-standing practice and the applicants state that the driveway does have two functional parking spaces. While the applicants intend to continue using the driveway for parking, the variance is required for the applicants to operate a short-term rental on the property. The property is well-served by public transit and bicycle routes and is within walking distance of a variety of shops and services. The application is considered minor in nature and the reduced parking requirement is considered desirable for the appropriate use of the subject lands.

The intent of the minimum parking requirement for short-term rentals of one space per bedroom is to mitigate the impact of the short-term rental on neighbouring properties and ensure there is adequate supply of on-site parking to reduce reliance on on-street parking.

The subject property's location being within walking distance of Downtown St Catharines and the "Louth Street Node" commercial areas, availability of public transportation and opportunities for active transportation demonstrate that private vehicle ownership is not a pre-requisite for living at the property. Similarly, guests staying at the short-term rental can arrive by public transit or active transportation. Furthermore, there is opportunity for parking on the subject lands, despite the parking areas being deficient in size. Staff are satisfied that the application is in keeping with the intent of zoning by-law.

With regards to on-street parking, staff note that on the south side of Permilla Street, parking is restricted between 8:00am and 5:00pm on weekdays. There are no similar restrictions in place on the north side of Permilla. There are no other time-of-use restrictions or permitting requirements for on-street parking in the neighbourhood. On-street parking is available on a first-come-first-served basis, subject to the City's parking by-law. While it is the intent of the Zoning By-law to limit on-street parking, on-street parking is a legal and available alternative in the neighbourhood.

Section 5.4.2 of the GCP outlines policies under which the reduction or elimination of parking requirements may be considered. These are outlined below, together with a brief evaluation of each.

*The City may consider the reduction or the elimination of vehicular parking requirements where:*

*i) shared parking is possible;*

Shared parking is not being proposed for this property.

*ii) transit is readily available or where transit facilities are provided;*

Transit is available with two bus routes on St Paul Street West with daytime, evening and weekend service available at a bus stop 160 metres from the subject lands. The St Catharines Train Station, serviced by GO and Via Rail, is located at the western end of Permilla street, about 300 metres away.

*iii) bicycle parking and facilities, or community facilities, are provided;*

The Zoning By-law does not require the provision of bicycle parking for detached dwellings, nor short-term rentals. Notwithstanding, there is sufficient space on the property to store bicycles, should guests choose to do so. The subject property is off of St Paul Street West, which is part of the Region of Niagara Bicycle Network.

*iv) land, beyond minimum requirements, is dedicated for safe active transportation facilities and connectivity;*

As a detached dwelling, this does not apply.

*v) land, beyond minimum requirements, is dedicated for greening and landscaping initiatives.*

As a detached dwelling, this does not apply.

Staff are satisfied that this Application satisfies the criteria set out in the GCP for reducing parking requirements. The proposal is in keeping with the spirit and intent of the Official Plan.

## Conclusion

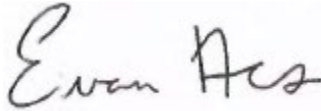
Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Application **A-69/22** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is desirable for the appropriate use of the lands. Staff recommend approval of the Application

**Prepared by:**

A blue ink signature, appearing to read 'DLG', written in a cursive style.

Dasha Litviniuc  
Student Planner

**Submitted by:**

A blue ink signature, appearing to read 'Evan Acs', written in a cursive style.

Evan Acs, MSc, RPP  
Planner I

**Approved by:**

A blue ink signature, appearing to read 'M. Josipovic', written in a cursive 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

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# **COMMENTS**

**B-37/22SC, A-70/22 & A-71/22**

**249 Vine Street**

**DATE OF HEARING:**  
**June 22, 2022**

**From:** [Munro, Elaine](#)  
**To:** [Munro, Elaine](#)  
**Subject:** Alectra - No comments/Objections RE: Application responses  
**Date:** Wednesday, June 8, 2022 1:30:25 PM  
**Attachments:** [image002.png](#)  
[image003.png](#)  
[image004.png](#)

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



---

**From:** Network Info <[network.info@horizonutilities.com](mailto:network.info@horizonutilities.com)>  
**Sent:** Tuesday, June 7, 2022 9:23 AM  
**To:** Munro, Elaine <[emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)>  
**Cc:** Banda, Wilrik <[wbanda@stcatharines.ca](mailto:wbanda@stcatharines.ca)>  
**Subject:** Application responses

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

Good morning Elaine,

This is to confirm that our office has no comment/objections to all applications sent over on June 1/22.

34 Maplewood  
38 Tecumseh  
61 Kinsey  
80 Page  
131 Niagara  
48 Permillia  
249/251 Vine  
63 Hamilton  
24 Welland

Regards,



**Samantha Burke**  
**Engineering Clerk, ICI & Layouts**  
55 John Street North, Hamilton, ON, L8R 3M8  
t 905.798.2971  
[alectrautilities.com](http://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 RE: Committee of Adjustment Notices of Hearing - June 22, 2022 Hearing - 905-22-278  
**Date:** Friday, June 17, 2022 3:31:41 PM

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



---

**From:** Gordon, Carrie <[carrie.gordon@bell.ca](mailto:carrie.gordon@bell.ca)>  
**Sent:** Friday, June 17, 2022 11:03 AM  
**To:** Munro, Elaine <[emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)>  
**Subject:** RE: Committee of Adjustment Notices of Hearing - June 22, 2022 Hearing - 905-22-278

**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-37/22SC

Subsequent to review of the abovementioned application at 249 Vine Street, Bell Canada's engineering department have determined that there are no concerns or comments at this time.

Kind regards,

*Carrie Gordon*



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

**From:** [Munro, Elaine](#)  
**To:** [Munro, Elaine](#)  
**Subject:** Cogeco - No Concerns RE: Committee of Adjustment Notices of Hearing - June 22, 2022 Hearing  
**Date:** Thursday, June 2, 2022 10:44:02 AM

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



---

**From:** Doug Crown <[doug.crown@cogeco.com](mailto:doug.crown@cogeco.com)>  
**Sent:** Thursday, June 2, 2022 9:09 AM  
**To:** Munro, Elaine <[emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)>  
**Cc:** Banda, Wilrik <[wbanda@stcatharines.ca](mailto:wbanda@stcatharines.ca)>  
**Subject:** Re: Committee of Adjustment Notices of Hearing - June 22, 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

Hope you have the best day ever.

Thanks

Doug Crown  
Network Planning Department

[Doug.crown@cogeco.com](mailto:Doug.crown@cogeco.com)

7170 Mcleod Rd  
Niagara Falls Ont Canada

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

**MEMORANDUM**

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

Cc: Wilrik Banda  
Planning and Building Services

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

Date: June 10, 2022

Subject: Building Comments on Applications to the Committee of Adjustment  
**Consents – June 22nd, 2022 hearing**

**B-37/22SC – 249 Vine Street**

Comment:

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

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: June 10, 2022

Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance – June 22nd, 2022 hearing**

NO.	ADDRESS	COMMENTS
A-63/22	34 Maplewood Drive	Be advised that a demolition permit is required to demolish the existing detached garage.  Be advised that a building permit is required to construct a detached accessory structure.
A-64/22	38 Techumseh Street	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-65/22	61 Kinsey Street	Be advised that a building permit is required to construct an addition to the existing single detached dwelling.
A-66/22	80 Page Street	Be advised that a building permit is required to convert the existing mixed use commercial building to a triplex dwelling.
A-67/22	131 Niagara Street	Be advised that a building permit is required to construct an addition to the existing commercial building for the addition of the 3 apartment units.
A-69/22	48 Permilla Street	No comment

NO.	ADDRESS	COMMENTS
A-70/22	249 Vine Street	Be advised that a building permit is required to construct two single detached dwellings.
A-71/22	251 Vine Street	Be advised that a building permit is required to construct two single detached dwellings.
A-72/22	63 Hamilton Street	Be advised that a building permit is required to construct a detached garage.
A-73/22	24 Welland Avenue	Be advised that a building permit is required to alter the existing legal non-conforming commercial/ residential building to create an additional second residential unit.



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

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

**Cc:**

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

**Date:** June 9, 2022

**Subject:** Committee of Adjustment Applications – May 26 Hearing

---

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

**34 Maplewood Drive, Minor Variance A-63/22 – 22104029  
(E. Acs, Planner)**

No concerns or requirements.

**38 Tecumseh Street, Minor Variance A-64/22 – 22104944  
(N. MacDonald, Planner)**

No concerns or requirements.

**61 Kinsey Street, Minor Variance A-65/22 – 22104952  
(N. MacDonald, Planner)**

No concerns or requirements.

**80 Page Street, Minor Variance A-66/22 – 22105013  
(E. Acs, Planner)**

CRCS has no objection to the requested minor variances, given the building, parking and landscaped open space areas exist; there will be no loss in landscaped open space as a result of the building's conversion to a triplex.

**131 Niagara Street, Minor Variance A-67/22 – 22104929  
(C. McEwan, Planner)**

CRCS has no objection to the requested reduced yards to facilitate a building addition, provided the prescribed minimum landscape buffers adjacent to residential zones are achieved.



**48 Permillia Street, Minor Variance A-69/22 – 22105017  
(E. Acs, Planner)**

In its application for minor variance, the applicant indicates that the concrete pad located in the front yard was created to provide additional parking for this detached dwelling and short-term rental unit. Front yard parking, however, is not permitted by the Zoning By-law. The revised plan submitted indicates that the concrete pad will now be used as a patio or “courtyard”, in lieu of parking.

CRCS is supportive of the requested parking reduction given it prioritizes open space and amenity area over front yard parking. To prevent use of the concrete pad for parking in the future, CRCS recommends that as a condition of the minor variance, the owner be required to install on their own lands (i.e. not within the City’s road allowance) a permanent barrier between the driveway and the courtyard. A low metal fence (maximum 1.0 metre tall) of open-type construction is recommended, however we suggest that the condition of approval be flexible enough to allow time for the applicant to discuss alternative approaches to the barrier with Planning and CRCS staff.

**249 Vine Street, Consent B-37/22SC – 22105055  
249 Vine Street, Minor Variance A-70/22 – 22105057  
251 Vine Street, Minor Variance A-71/22 – 22105059  
(C. McEwan, Planner)**

**C. McEwan**

CRCS has no concerns with the proposed creation of one new lot to facilitate the construction of two new detached dwellings, nor the related minor variances to reduce the minimum lot area. With respect to the requested variance for a reduction in lot frontage, CRCS staff recommends that the driveway width and location for both lots be limited to what is depicted in the plans submitted with these applications. If limitations are not imposed, then the size of the driveway could be enlarged in the future, reducing the amount of landscaped open space in the front yard to nearly zero.

The applicant should be aware that, pursuant to the Ontario Forestry Act, boundary trees (i.e. trees whose trunks straddle more than one property) may not be removed or destroyed unless express written permission is obtained from the co-owner of the tree. The survey sketch submitted with the application indicates there is a boundary tree at the southwest corner of the property.

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 future development agreement include provisions to limit the width of the driveway for each lot to 3.0 metres.

**63 Hamilton Street, Minor Variance A-72/22 – 22105047  
(C. McEwan, Planner)**

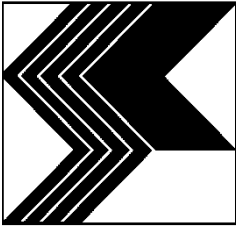
No concerns or requirements.

**24 Welland Avenue, Minor Variance A-73/22 – 22105150  
(N. MacDonald, Planner)**

CRCS has no objection to the requested extension of a legal non-conforming use to facilitate a second residential unit within the existing mixed-use building. The building, parking area, and landscaped open space exist; there will be no loss in landscaped open space as a result of the additional dwelling.

*Amanda Knutson  
Community Project & Development Planner*

**PRE-CONSULTATION REPORT TO PLANNING DEPARTMENT**  
**Re: CITY LAND DIVISION APPLICATION NUMBER B-37-22SC**



June 8<sup>th</sup>, 2022, **ENGINEERING FILE 300-36**

**Hearing Date:** June 22<sup>nd</sup>, 2022

**Applicant:** Mike Paxton (Vince Torelli)

**Location:** 249 Vine Street

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

**Comment(s):** It is noted that the owner/applicant proposes to sever one lot into two lots for the purpose of constructing and selling two detached dwellings.

**EXISTING LINEAR MUNICIPAL SERVICES**

	Vine Street
<b>Water:</b>	300mm PVC
<b>Sanitary Sewer:</b>	250 Clay
<b>Storm Sewer:</b>	525mm
<b>Sidewalks:</b>	Yes

**ROADS**

**Existing Road Allowance Width:** +/-14m

Vine Street is designated as an Arterial “Main Residential Corridor” road in the City’s Transportation Master Plan with desired right-of-way width of 20m. Its current width is approximately +/-14m. To be consistent with the widenings taken on properties to the south between this property and Niagara Street, the City will require a +/-3.0m road widening to be dedicated free and clear of any encumbrances as a condition of this severance application. The exact amount of the widening will be determined by the City upon receipt of the draft Reference Plan.

**SIDEWALKS & CURBS**

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

Curb cuts and fills will be at the applicant/owner’s expense and will also be dealt with at the building permit stage.

**SERVICES AND GRADING**

As a condition of severance and prior to the demolition permit being issued for the existing house, the owner shall pay for City crews to locate, inspect, and document the sanitary lateral and water service currently being used for the existing dwelling. Prior to the City doing this work the owner shall arrange to have the new side and front lot lines identified in the field. If the size of the existing services is suitable, they are in good

condition, and they do not conflict with future property lines, they may be re-used for one of the new units.

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

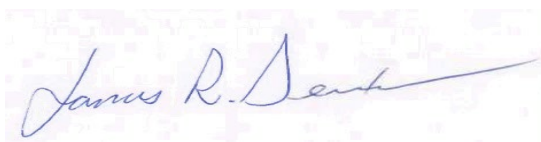
Sump pump flows are typically discharged to grade when no opportunities exist to connect to a storm sewer. However, since a storm sewer does exist on Vine Street, sump pump flows from each dwelling shall discharge to a new individual storm lateral for each lot, to be installed by the City at the owner/applicant's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

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

Increased drainage challenges occur with in-fill developments. Although a Lot Servicing and Grading Plan is often a requirement for review and approval at the building permit stage, in this situation it shall be required as a condition of severance to ensure that the storm run-off to and from these lots, can be conveyed to a suitable outlet without adversely affecting adjacent properties, the municipal right-of-way, or any other City owned lands. The Site Servicing & Grading Plan shall also show the sump pump discharge pipe locations, the driveways, the curb cuts and curb fills, and all new and existing water services, sanitary laterals, and storm laterals.

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

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



Prepared by:

James R. Denham P.Eng.  
Development Engineering Technologist

cc. Brad Johnston, PBS (email only)



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## Memorandum

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**To:** Elaine Munro, ACST, Committee Secretary & Planning Technician  
**From:** Sean Ip, Development Engineering Technologist  
**CC:** City Committee of Adjustment Staff Members  
**Date:** June 9, 2022  
**Hearing Date:** June 22, 2022  
**Subject:** **Committee of Adjustment - Minor Variance Applications**  
34 Maplewood Drive – A-63/22  
38 Tecumseh Street – A-64/22  
61 Kinsey Street – A-65/22  
80 Page Street – A-66/22  
131 Niagara Street – A-67/22  
48 Permilla Street – A-69/22  
249 & 251 Vine Street – A-70 & 71 /22  
63 Hamilton Street – A-72/22  
24 Welland Avenue – A-73/22

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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:

  
\_\_\_\_\_  
Sean Ip  
Development Engineering Technologist

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

**Cc:**

**From: Steve Bittner, Transportation Technologist**

**Date: June 7, 2022**

**Subject: Committee of Adjustment Comments (June 22, 2022, Hearing)**

---

**A-066/22 – 80 Page Street**

The sketch that was submitted with the application shows a fence on the property line. When looking at an aerial photo of the property, it appears that the fence is well within the subject property. The location of the fence could impact the amount of space available for parking, which could result in a further parking reduction requirement.

We have no concerns or requirements with the remaining applications.

Steve Bittner  
Transportation Technologist



## Technical Report

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

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

**Date of Meeting:** June 22, 2022

**Report Number:** B-37/22SC  
A-70/22  
A-71/22

**File:** 22105055  
22105057  
22105059

**Subject:** 249 Vine Street  
251 Vine Street

## Recommendation Consent

That the consent to sever in Application **B-37/22SC** by 1032438 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 currently known municipally as 249 Vine Street addressing the following conditions:
  - a) That building permit plans, including a site plan and elevations for Parts 1 and 2, once submitted, be reviewed and approved to the satisfaction of the Director of Planning and 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 development agreement include provisions to limit the width of the driveway for each lot to 3.0 metres.
2. That the Owner submit a Lot Servicing and Grading Plan for review and approval by City staff. The plan must be prepared by an Ontario Land Surveyor or Professional Engineer and must also include the location of the sump pump discharge pipes, the proposed new storm laterals, the location and direction of discharge of the roof water downspouts, the existing and proposed water services, sanitary laterals, and driveway curb cuts/fills.
3. That the Owner pay for City crews to locate, inspect, and document the location of the sanitary lateral and water service currently being used for the existing dwelling.
4. That, if determined the location of either of the existing services conflict with future lot lines, the owner shall pay all costs for relocating the service(s) or installing a new service(s) to avoid such conflicts. If a new service(s) is required, the owner shall pay to decommission the existing service(s).
5. That the Owner pay all costs associated with dedicating to the City free and clear of any encumbrances, a +/-3.0m strip of land across the frontage of the subject property for the purposes of widening the Public Highway known as Vine Street.

6. That the Owner, prior to registering the Reference Plan for the road widening in the Land Registry Office, provide the City with a copy for review and approval.
7. That the Owner provide 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.
8. That the Owner 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.
9. That the Owner obtain final approval of concurrent Minor Variance applications (A-70/22 and A-71/22) from the Committee of Adjustment.
10. That the Owner provide the Secretary-Treasurer with the acknowledgement and direction for conveyance of the subject parcel, together with a copy of the deposited reference plan, for use in the issuance of the Certificate of Consent.
11. That a final certification fee of \$222.20 (2022 rate) per application payable to the Treasurer, City of St. Catharines, be submitted to the Secretary-Treasurer.
12. That all conditions of consent be fulfilled by June 22, 2024.

## Minor Variance

That Variances 1 and 2 of Application **A-70/22** by 1032438 Ontario Limited, as outlined in the respective Notice of Hearing, be approved.

That Variance 1 and 2 of Application **A-71/22** by 1032438 Ontario Limited, as outlined in the respective Notice of Hearing, be approved.

## Report The Proposal

Application B-37/22SC is made for consent to sever 398.7 m<sup>2</sup> of land (Part 2 on the submitted sketch) for the proposed construction of a two-storey detached dwelling to be known as 249 Vine Street. A 398.7 m<sup>2</sup> remnant parcel (Part 1) is to be retained for the proposed construction of a two-storey detached dwelling to be known as 251 Vine Street. Part 3 is to be dedicated to the City for a road widening along Vine Street. The existing 1 storey house is to be demolished. There a variances requested on both parcels. The requested severance and variances are described in the tables below.

Application	Severed Parcel	Severed Area	Retained Parcel	Retained Area
<b>B-37/22SC</b>	Parts 2 (to become 249 Vine Street)	398.7 m <sup>2</sup>	Parts 1 (to become 251 Vine Street)	398.7 m <sup>2</sup>



Application	Variance	Zoning Provision	Required	Proposed
<b>A-70/22</b> 249 Vine Street (Parts 2)	1	Minimum lot frontage per detached dwelling	16.5 m	10.052 m
	2	Minimum lot area per detached dwelling	400m <sup>2</sup>	398.7m <sup>2</sup>
<b>A-71/22</b> 251 Vine Street (Parts 1)	1	Minimum lot frontage per detached dwelling	16.5 m	10.052 m
	2	Minimum lot area per detached dwelling	400m <sup>2</sup>	398.7m <sup>2</sup>

## Location and Site Description

The subject properties are located on the west side of Vine Street, south of Carlton Street. The neighbourhood is low density residential with a variety of dwelling types. The subject property is currently occupied by a detached dwelling and a shed. The existing buildings are proposed to be demolished.

## Circulation of Application

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

## Planning Policy Context

### Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential on Schedule E3 thereof. Detached dwellings are permitted in this designation, at a density of generally between 20 and 32 units per hectare of land. The proposed development has a density of 25 units per hectare.

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

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

## Planning Analysis

### Consent

Consent application **B-37/22SC** requests to sever the subject property into two lots to construct two detached dwellings. 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 two detached dwellings, which represents 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.*

Despite the reduction in lot area and lot frontage, both parcels meet the target density and the majority of requirements as set out in the City's Zoning By-law. The dwellings each have appropriate and compliant setbacks, parking provisions, access, and landscaped area. The surrounding area is comprised a wide variety of lot sizes and widths, with several adjacent and nearby lots having similar frontages. As such, the character and massing is in keeping with the prevailing character of the area. Staff are satisfied that the consent achieve an optimal development for the lands. The proposed new lots will require minor variances to address the zoning deficiencies created by the consent, which are discussed below. However, subject to the approval of the necessary minor variances, staff are supportive of the development. Staff recommend that consent application **B-37/22SC** be approved, subject to conditions outlined in the recommendation.

## **Minor Variances**

### **Variance 1 of A-70/22, and A-71/22**

Variance 1 of Application A-70/21 and Variance 1 of Application A-71/21 each request a reduction in lot frontage. The proposed lot has a frontage of 10.052 metres, for the severed and the retained lots.

The minimum required lot frontage is 16.5 metres in the R1 zone, resulting in a decrease of 6.448 metres. The proposed reduction in lot frontages is considered to be minor in nature. The intent of the minimum lot frontage is to ensure adequate building spacing, lot area, driveway access and consistent character of development in the area. The proposed reduced lot frontage of 6.448 metres is demonstrated to be sufficient to accommodate a building envelope, appropriate setbacks, landscaping and adequate parking and site access. Staff note that the surrounding area comprises of lots with varying frontage widths and overall size. The area includes several lots similar in size and/or width to 249 Vine St and 251 Vine St. The proposed lots are consistent with the prevailing character of the surrounding lots.

Overall, the reductions in lot frontage for each lot are not anticipated to have any negative impacts on the surrounding lands and are considered appropriate for the proposed developments. The dwellings have adequate spacing on either side, and the proposed

lot areas are in keeping with the zoning requirements for the R1 zone. 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.

### **Variance 2 of A-70/22, and A-71/22**

The second variance of each application requests a reduction to the minimum lot area per detached dwelling. Applications **A-70/22** and **A-71/22** propose a reduced lot area from 400 m<sup>2</sup> to 398.7 m<sup>2</sup>, resulting in a decrease of 1.3 square metres.

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 1.3 square metre reduction on each lot is considered minor in nature and no adverse impacts are anticipated as a result of the proposed lot areas. The lots are able to function adequately and the parcel fabric is similar to other adjacent and nearby residential parcels. Staff are supportive of the proposed variances.

## **Conclusion**

Having regard for the matters under Section 53 of the *Planning Act*, staff are of the opinion that Consent Application **B-37/22SC** is in keeping with the policies of the Official Plan and is appropriate for the development of the land. It is staff's recommendation that the requested consent 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 Applications **A-70/22** and **A-71/22** are in keeping with the general intent of the Official Plan and Zoning By-law, are minor in nature, and are desirable for the appropriate use of the lands. Staff recommend approval of the Applications.

**Prepared by:**



Dasha Litviniuc  
Student Planner

**Submitted by:**



Charlotte McEwan  
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-72/22***

**63 Hamilton Street**

**DATE OF HEARING:  
June 22, 2022**

Christopher Heagle  
65 Hamilton St.  
St. Catharines, ON L2S 1K8  
May 06, 2022

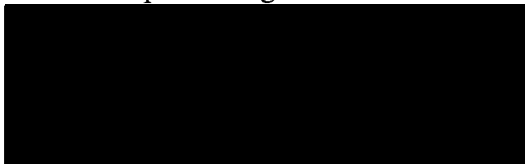
Dear City of St. Catharines,

After communication with Jon, I, Christopher Heagle, support the Variance Application for building a garage/outbuilding at his home, 63 Hamilton Street. I reside at 65 Hamilton St, directly beside and am in full support of building a garage/outbuilding.

The proposed garage/outbuilding will not negatively affect our lifestyle, sightline and will not be intrusive in any way. To be clear, as a neighbor who lives directly adjacent to his home, I fully endorse the proposal.

Regards,

Christopher Heagle



**From:** [Munro, Elaine](#)  
**To:** [Munro, Elaine](#)  
**Subject:** Comments received RE: (63 Hamilton St.  
**Date:** Tuesday, May 31, 2022 8:53:11 AM

---

## Elaine Munro ACST

Committee Secretary and Planning Technician

**Tel:** 905.688.5601 x1715

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



How are you feeling?

Find mental health resources that can help.

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

From: **Jerry Archer** <[a](#)>

Date: Fri, May 27, 2022 at 19:59

Subject: Garage

To:

I'm ok with Jon building his garage

Jerry Artiga

61 Hamilton St., St. Catharines, ON

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

**From:** [Munro, Elaine](#)  
**To:** [Munro, Elaine](#)  
**Subject:** Comments Received 63 Hamilton Street RE: Submission #A-72/22, AMANDA # 22105047  
**Date:** Thursday, June 16, 2022 10:27:39 AM

---

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



---

**From:** Heather Klassen <>  
**Sent:** Monday, June 13, 2022 11:24 AM  
**To:** Munro, Elaine <[emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)>  
**Cc:** Chris Vogin <>  
**Subject:** RE: Submission #A-72/22, AMANDA # 22105047

**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,

Regarding: 63 Hamilton Street, St. Catharines  
Submission #A-72/22, AMANDA # 22105047

Please be advised, as owners and current tenants of 8 Glen Ave, St. Catharines, we **fully support** the construction of the detached garage at 63 Hamilton Street, St. Catharines.  
Jon is an excellent backyard neighbour to us. He had previously made us aware of the plans for construction of the garage and we have no concerns with him proceeding.

Should you require any further information, please do not hesitate to contact us.

Thank you,

Heather Klassen  
Christophe Vogin  
8 Glen Ave, St. Catharines, ON L2S 1L1  
XXX.XXX.XXXX

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

**From:** [Munro, Elaine](#)  
**To:** [Munro, Elaine](#)  
**Subject:** Alectra - No comments/Objections RE: Application responses  
**Date:** Wednesday, June 8, 2022 1:30:25 PM  
**Attachments:** [image002.png](#)  
[image003.png](#)  
[image004.png](#)

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



---

**From:** Network Info <[network.info@horizonutilities.com](mailto:network.info@horizonutilities.com)>  
**Sent:** Tuesday, June 7, 2022 9:23 AM  
**To:** Munro, Elaine <[emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)>  
**Cc:** Banda, Wilrik <[wbanda@stcatharines.ca](mailto:wbanda@stcatharines.ca)>  
**Subject:** Application responses

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

Good morning Elaine,

This is to confirm that our office has no comment/objections to all applications sent over on June 1/22.

34 Maplewood  
38 Tecumseh  
61 Kinsey  
80 Page  
131 Niagara  
48 Permillia  
249/251 Vine  
63 Hamilton  
24 Welland

Regards,



**Samantha Burke**  
**Engineering Clerk, ICI & Layouts**  
55 John Street North, Hamilton, ON, L8R 3M8  
t 905.798.2971  
[alectrautilities.com](http://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 - June 22, 2022 Hearing  
**Date:** Thursday, June 2, 2022 10:44:02 AM

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



---

**From:** Doug Crown <[doug.crown@cogeco.com](mailto:doug.crown@cogeco.com)>  
**Sent:** Thursday, June 2, 2022 9:09 AM  
**To:** Munro, Elaine <[emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)>  
**Cc:** Banda, Wilrik <[wbanda@stcatharines.ca](mailto:wbanda@stcatharines.ca)>  
**Subject:** Re: Committee of Adjustment Notices of Hearing - June 22, 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

Hope you have the best day ever.

Thanks

Doug Crown  
Network Planning Department

[Doug.crown@cogeco.com](mailto:Doug.crown@cogeco.com)

7170 Mcleod Rd  
Niagara Falls Ont Canada

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

## MEMORANDUM

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

Cc: Wilrik Banda  
Planning and Building Services

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

Date: June 10, 2022

Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance – June 22nd, 2022 hearing**

NO.	ADDRESS	COMMENTS
A-63/22	34 Maplewood Drive	Be advised that a demolition permit is required to demolish the existing detached garage.  Be advised that a building permit is required to construct a detached accessory structure.
A-64/22	38 Techumseh Street	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-65/22	61 Kinsey Street	Be advised that a building permit is required to construct an addition to the existing single detached dwelling.
A-66/22	80 Page Street	Be advised that a building permit is required to convert the existing mixed use commercial building to a triplex dwelling.
A-67/22	131 Niagara Street	Be advised that a building permit is required to construct an addition to the existing commercial building for the addition of the 3 apartment units.
A-69/22	48 Permilla Street	No comment

NO.	ADDRESS	COMMENTS
A-70/22	249 Vine Street	Be advised that a building permit is required to construct two single detached dwellings.
A-71/22	251 Vine Street	Be advised that a building permit is required to construct two single detached dwellings.
A-72/22	63 Hamilton Street	Be advised that a building permit is required to construct a detached garage.
A-73/22	24 Welland Avenue	Be advised that a building permit is required to alter the existing legal non-conforming commercial/ residential building to create an additional second residential unit.

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

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

**Cc:**

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

**Date:** June 9, 2022

**Subject:** Committee of Adjustment Applications – May 26 Hearing

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

**34 Maplewood Drive, Minor Variance A-63/22 – 22104029  
(E. Acs, Planner)**

No concerns or requirements.

**38 Tecumseh Street, Minor Variance A-64/22 – 22104944  
(N. MacDonald, Planner)**

No concerns or requirements.

**61 Kinsey Street, Minor Variance A-65/22 – 22104952  
(N. MacDonald, Planner)**

No concerns or requirements.

**80 Page Street, Minor Variance A-66/22 – 22105013  
(E. Acs, Planner)**

CRCS has no objection to the requested minor variances, given the building, parking and landscaped open space areas exist; there will be no loss in landscaped open space as a result of the building's conversion to a triplex.

**131 Niagara Street, Minor Variance A-67/22 – 22104929  
(C. McEwan, Planner)**

CRCS has no objection to the requested reduced yards to facilitate a building addition, provided the prescribed minimum landscape buffers adjacent to residential zones are achieved.

**48 Permillia Street, Minor Variance A-69/22 – 22105017  
(E. Acs, Planner)**

In its application for minor variance, the applicant indicates that the concrete pad located in the front yard was created to provide additional parking for this detached dwelling and short-term rental unit. Front yard parking, however, is not permitted by the Zoning By-law. The revised plan submitted indicates that the concrete pad will now be used as a patio or “courtyard”, in lieu of parking.

CRCS is supportive of the requested parking reduction given it prioritizes open space and amenity area over front yard parking. To prevent use of the concrete pad for parking in the future, CRCS recommends that as a condition of the minor variance, the owner be required to install on their own lands (i.e. not within the City’s road allowance) a permanent barrier between the driveway and the courtyard. A low metal fence (maximum 1.0 metre tall) of open-type construction is recommended, however we suggest that the condition of approval be flexible enough to allow time for the applicant to discuss alternative approaches to the barrier with Planning and CRCS staff.

**249 Vine Street, Consent B-37/22SC – 22105055  
249 Vine Street, Minor Variance A-70/22 – 22105057  
251 Vine Street, Minor Variance A-71/22 – 22105059  
(C. McEwan, Planner)**

**C. McEwan**

CRCS has no concerns with the proposed creation of one new lot to facilitate the construction of two new detached dwellings, nor the related minor variances to reduce the minimum lot area. With respect to the requested variance for a reduction in lot frontage, CRCS staff recommends that the driveway width and location for both lots be limited to what is depicted in the plans submitted with these applications. If limitations are not imposed, then the size of the driveway could be enlarged in the future, reducing the amount of landscaped open space in the front yard to nearly zero.

The applicant should be aware that, pursuant to the Ontario Forestry Act, boundary trees (i.e. trees whose trunks straddle more than one property) may not be removed or destroyed unless express written permission is obtained from the co-owner of the tree. The survey sketch submitted with the application indicates there is a boundary tree at the southwest corner of the property.

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 future development agreement include provisions to limit the width of the driveway for each lot to 3.0 metres.

**63 Hamilton Street, Minor Variance A-72/22 – 22105047  
(C. McEwan, Planner)**

No concerns or requirements.

**24 Welland Avenue, Minor Variance A-73/22 – 22105150  
(N. MacDonald, Planner)**

CRCS has no objection to the requested extension of a legal non-conforming use to facilitate a second residential unit within the existing mixed-use building. The building, parking area, and landscaped open space exist; there will be no loss in landscaped open space as a result of the additional dwelling.

*Amanda Knutson*  
*Community Project & Development Planner*



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## Memorandum

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**To:** Elaine Munro, ACST, Committee Secretary & Planning Technician  
**From:** Sean Ip, Development Engineering Technologist  
**CC:** City Committee of Adjustment Staff Members  
**Date:** June 9, 2022  
**Hearing Date:** June 22, 2022  
**Subject:** **Committee of Adjustment - Minor Variance Applications**  
34 Maplewood Drive – A-63/22  
38 Tecumseh Street – A-64/22  
61 Kinsey Street – A-65/22  
80 Page Street – A-66/22  
131 Niagara Street – A-67/22  
48 Permilla Street – A-69/22  
249 & 251 Vine Street – A-70 & 71 /22  
63 Hamilton Street – A-72/22  
24 Welland Avenue – A-73/22

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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:

  
\_\_\_\_\_  
Sean Ip  
Development Engineering Technologist

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

**Cc:**

**From: Steve Bittner, Transportation Technologist**

**Date: June 7, 2022**

**Subject: Committee of Adjustment Comments (June 22, 2022, Hearing)**

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**A-066/22 – 80 Page Street**

The sketch that was submitted with the application shows a fence on the property line. When looking at an aerial photo of the property, it appears that the fence is well within the subject property. The location of the fence could impact the amount of space available for parking, which could result in a further parking reduction requirement.

We have no concerns or requirements with the remaining applications.

Steve Bittner  
Transportation Technologist





## Technical Report

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

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

**Date of Meeting:** June 22, 2022

**Report Number:** A-72/22

**File:** 22105047

**Subject:** 63 Hamilton Street

### Recommendation

That Variance 1 of Application **A-72/22** by Jonathan McMillan, as outlined in the Notice of Hearing, be approved.

That Variance 2 of Application **A-72/22** by Jonathan McMillan, as outlined in the Notice of Hearing, be denied.

### Report

#### The Proposal

The Applicant proposes to build a detached garage (accessory building) to the rear of an existing residential dwelling. The variances outlined in the table below are requested to facilitate the proposed garage:

Variance	Provision	Required	Proposed
1	Maximum accessory structure height	4.5m	4.65m
2	Maximum total lot coverage of accessory structures	10%	15.6%

#### Location and Site Description

The subject property is located on the north side of Hamilton Street. The neighbourhood is residential with a variety of dwelling types. The subject property is presently occupied by a detached dwelling.

#### 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 E6/7. Detached dwellings with an accessory structure are permitted in this designation.

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

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

## **Planning Analysis**

### **Variance 1**

Variance 1 of Application A-72/22 requests an increase to the maximum height for an accessory building from 4.5 metres to 4.65 metres. The 0.15 metre increase in height is considered minor in nature.

The proposed accessory building is proposed to be located in the rear yard of the subject property and meets all other typically required setbacks of the Zoning By-law. The intent of the height limit on accessory buildings is, in part, to avoid a building massing that is physically imposing on adjacent lots, and to enforce the required incidental and secondary nature of the structure to the principal residential dwelling by limiting functionality and size.

It is not anticipated that the requested 0.15 metre increase in height will have an impact on neighbouring properties. Given the proportions of the roof of the proposed accessory building, the height increase will be virtually indistinguishable from what is otherwise permitted. The slight increase in height does not compromise the intent and purposed of the Official Plan and Zoning By-law. It is generally considered appropriate for the use of the lands.

### **Variance 2**

Variance 2 of Application A-72/22 an increase to the maximum lot area of an accessory building from 10% to 15.6% to accommodate a new detached garage.

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

Part D, Section 7.1 of the Garden City Plan states that development and redevelopment within the Urban Area shall be evaluated having regard for building, site and context sensitive design to ensure the integration of compatible building form, scale, massing, height, siting, and orientation with adjacent buildings, properties and the surrounding neighbourhood. As proposed, the increased coverage does not align with these policies. The lot coverage of the garage is approaching that of the single-storey dwelling on the

lot. It is not sensitive to the context of the neighbourhood and does not integrate into the established built form of its surroundings. The proposal is not in keeping with the spirit and intent of the Official Plan.

Accessory structures are defined as being incidental and secondary to the principal use on the same lot and should be low profile in relation to the primary use of the property. An increase in the permitted lot coverage of 5.6% is not considered minor in nature and appropriate for the use of the subject lands in this context. The detached garage will overwhelm the site and the increased coverage will result in a structure that is not subordinate in size to the primary use of the property (detached dwelling). The requested variance does not achieve the intent of the lot coverage provision in the Zoning By-law. Staff recommend that the variance be denied.

## Conclusion

Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Variance 1 of Application **A-72/22** 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.

Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Variance 2 of Application **A-72/22** is not keeping with the general intent of the Official Plan and Zoning By-law, minor in nature, nor desirable for the appropriate use of the lands.

Staff recommend approval of Variance 1 and that Variance 2 be denied.

**Prepared by:**



Dasha Litviniuc  
Student Planner

**Submitted by:**



Charlotte McEwan  
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-73/22**

**24 Welland Avenue**

**DATE OF HEARING:**  
**June 22, 2022**

**From:** [Munro, Elaine](#)  
**To:** [Munro, Elaine](#)  
**Subject:** Comments Received - 24 Welland Avenue RE: Application A-73/22 (AMANDA No. 22105150)  
**Date:** Thursday, June 16, 2022 10:19:20 AM

---

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



---

**From:** JUDITH MASTERS <>  
**Sent:** Wednesday, June 15, 2022 6:48 PM  
**To:** Munro, Elaine <[emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)>  
**Subject:** Application A-73/22 (AMANDA No. 22105150)

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

Re: application A-73/22 (24 Welland Ave., St Catharines, ON)

Dear Elaine Munro.

My property, 28 Welland Ave. (LOT 847 Corp plan 2), is situated directly on the east side of "24 Welland Ave".

The proposed new door, opening on their east side wall into the driveway and facing the west side of my home, is a concern.

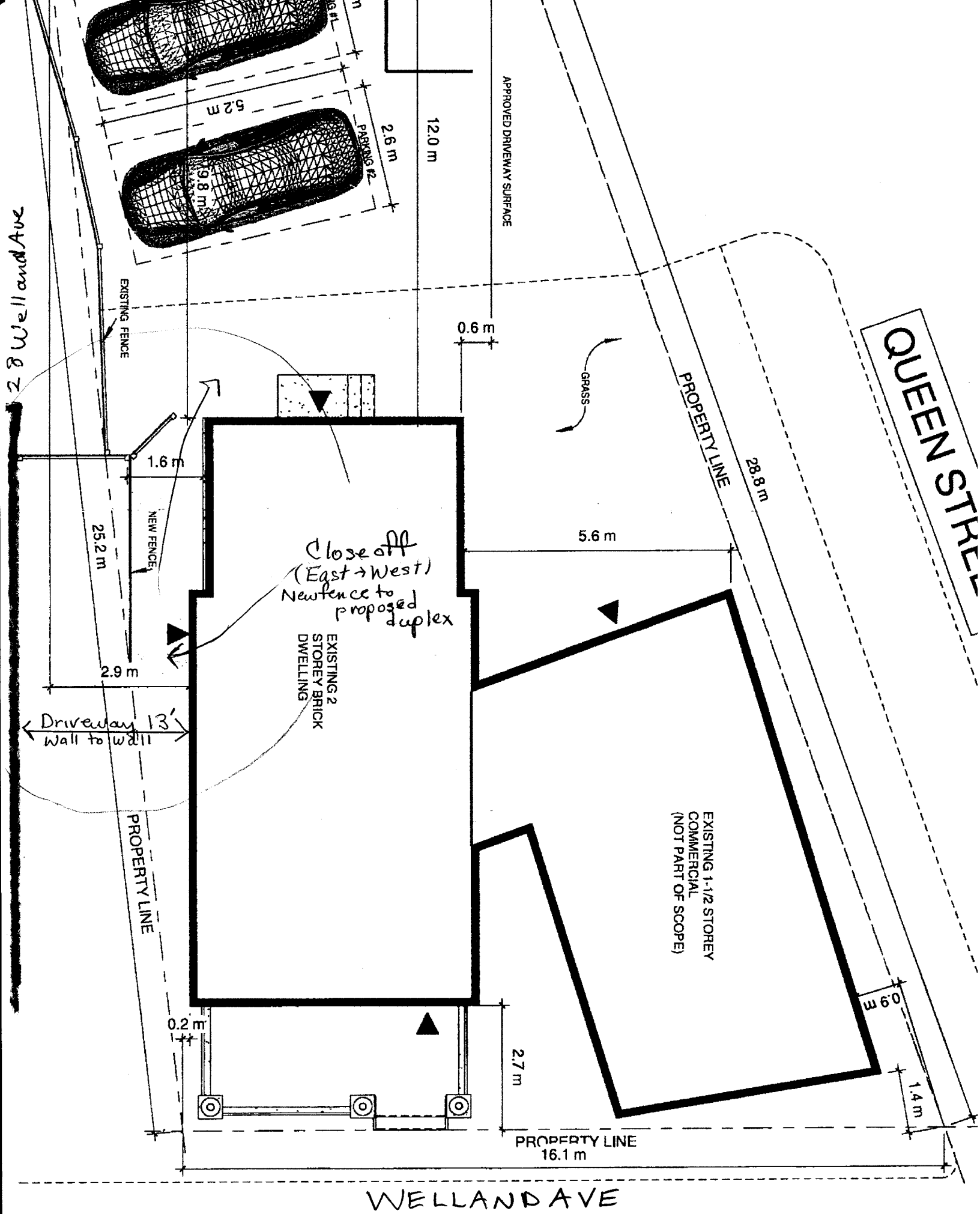
If this approved, I would like to be reassured that there would be a fence east to west on Welland side (see attachment). So the new exit would open towards their parking area on the south side. That way no one would be walking down my driveway to Welland Ave.

My driveway is 13 ft. across (wall to wall) the paved area is 10 ft across and is long enough to park 2 cars on the pavement. It is very important for me to know the exact measurements of what would be fenced off.

sincerely,  
Judy Masters  
28 Welland Ave

attached map and photo (from google maps)

28 Welland Ave







**From:** [Munro, Elaine](#)  
**To:** [Munro, Elaine](#)  
**Subject:** Alectra - No comments/Objections RE: Application responses  
**Date:** Wednesday, June 8, 2022 1:30:25 PM  
**Attachments:** [image002.png](#)  
[image003.png](#)  
[image004.png](#)

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



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**From:** Network Info <[network.info@horizonutilities.com](mailto:network.info@horizonutilities.com)>  
**Sent:** Tuesday, June 7, 2022 9:23 AM  
**To:** Munro, Elaine <[emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)>  
**Cc:** Banda, Wilrik <[wbanda@stcatharines.ca](mailto:wbanda@stcatharines.ca)>  
**Subject:** Application responses

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

Good morning Elaine,

This is to confirm that our office has no comment/objections to all applications sent over on June 1/22.

34 Maplewood  
38 Tecumseh  
61 Kinsey  
80 Page  
131 Niagara  
48 Permillia  
249/251 Vine  
63 Hamilton  
24 Welland

Regards,



**Samantha Burke**  
**Engineering Clerk, ICI & Layouts**  
55 John Street North, Hamilton, ON, L8R 3M8  
t 905.798.2971  
[alectrautilities.com](http://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 - June 22, 2022 Hearing  
**Date:** Thursday, June 2, 2022 10:44:02 AM

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



---

**From:** Doug Crown <[doug.crown@cogeco.com](mailto:doug.crown@cogeco.com)>  
**Sent:** Thursday, June 2, 2022 9:09 AM  
**To:** Munro, Elaine <[emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)>  
**Cc:** Banda, Wilrik <[wbanda@stcatharines.ca](mailto:wbanda@stcatharines.ca)>  
**Subject:** Re: Committee of Adjustment Notices of Hearing - June 22, 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

Hope you have the best day ever.

Thanks

Doug Crown  
Network Planning Department

[Doug.crown@cogeco.com](mailto:Doug.crown@cogeco.com)

7170 Mcleod Rd  
Niagara Falls Ont Canada

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

## MEMORANDUM

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

Cc: Wilrik Banda  
Planning and Building Services

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

Date: June 10, 2022

Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance – June 22nd, 2022 hearing**

NO.	ADDRESS	COMMENTS
A-63/22	34 Maplewood Drive	Be advised that a demolition permit is required to demolish the existing detached garage.  Be advised that a building permit is required to construct a detached accessory structure.
A-64/22	38 Techumseh Street	Be advised that a building permit is required for the proposed accessory dwelling unit.
A-65/22	61 Kinsey Street	Be advised that a building permit is required to construct an addition to the existing single detached dwelling.
A-66/22	80 Page Street	Be advised that a building permit is required to convert the existing mixed use commercial building to a triplex dwelling.
A-67/22	131 Niagara Street	Be advised that a building permit is required to construct an addition to the existing commercial building for the addition of the 3 apartment units.
A-69/22	48 Permilla Street	No comment

NO.	ADDRESS	COMMENTS
A-70/22	249 Vine Street	Be advised that a building permit is required to construct two single detached dwellings.
A-71/22	251 Vine Street	Be advised that a building permit is required to construct two single detached dwellings.
A-72/22	63 Hamilton Street	Be advised that a building permit is required to construct a detached garage.
A-73/22	24 Welland Avenue	Be advised that a building permit is required to alter the existing legal non-conforming commercial/ residential building to create an additional second residential unit.

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

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

**Cc:**

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

**Date:** June 9, 2022

**Subject:** Committee of Adjustment Applications – May 26 Hearing

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

**34 Maplewood Drive, Minor Variance A-63/22 – 22104029  
(E. Acs, Planner)**

No concerns or requirements.

**38 Tecumseh Street, Minor Variance A-64/22 – 22104944  
(N. MacDonald, Planner)**

No concerns or requirements.

**61 Kinsey Street, Minor Variance A-65/22 – 22104952  
(N. MacDonald, Planner)**

No concerns or requirements.

**80 Page Street, Minor Variance A-66/22 – 22105013  
(E. Acs, Planner)**

CRCS has no objection to the requested minor variances, given the building, parking and landscaped open space areas exist; there will be no loss in landscaped open space as a result of the building's conversion to a triplex.

**131 Niagara Street, Minor Variance A-67/22 – 22104929  
(C. McEwan, Planner)**

CRCS has no objection to the requested reduced yards to facilitate a building addition, provided the prescribed minimum landscape buffers adjacent to residential zones are achieved.

**48 Permillia Street, Minor Variance A-69/22 – 22105017  
(E. Acs, Planner)**

In its application for minor variance, the applicant indicates that the concrete pad located in the front yard was created to provide additional parking for this detached dwelling and short-term rental unit. Front yard parking, however, is not permitted by the Zoning By-law. The revised plan submitted indicates that the concrete pad will now be used as a patio or “courtyard”, in lieu of parking.

CRCS is supportive of the requested parking reduction given it prioritizes open space and amenity area over front yard parking. To prevent use of the concrete pad for parking in the future, CRCS recommends that as a condition of the minor variance, the owner be required to install on their own lands (i.e. not within the City’s road allowance) a permanent barrier between the driveway and the courtyard. A low metal fence (maximum 1.0 metre tall) of open-type construction is recommended, however we suggest that the condition of approval be flexible enough to allow time for the applicant to discuss alternative approaches to the barrier with Planning and CRCS staff.

**249 Vine Street, Consent B-37/22SC – 22105055  
249 Vine Street, Minor Variance A-70/22 – 22105057  
251 Vine Street, Minor Variance A-71/22 – 22105059  
(C. McEwan, Planner)**

**C. McEwan**

CRCS has no concerns with the proposed creation of one new lot to facilitate the construction of two new detached dwellings, nor the related minor variances to reduce the minimum lot area. With respect to the requested variance for a reduction in lot frontage, CRCS staff recommends that the driveway width and location for both lots be limited to what is depicted in the plans submitted with these applications. If limitations are not imposed, then the size of the driveway could be enlarged in the future, reducing the amount of landscaped open space in the front yard to nearly zero.

The applicant should be aware that, pursuant to the Ontario Forestry Act, boundary trees (i.e. trees whose trunks straddle more than one property) may not be removed or destroyed unless express written permission is obtained from the co-owner of the tree. The survey sketch submitted with the application indicates there is a boundary tree at the southwest corner of the property.

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 future development agreement include provisions to limit the width of the driveway for each lot to 3.0 metres.

**63 Hamilton Street, Minor Variance A-72/22 – 22105047**  
**(C. McEwan, Planner)**

No concerns or requirements.

**24 Welland Avenue, Minor Variance A-73/22 – 22105150**  
**(N. MacDonald, Planner)**

CRCS has no objection to the requested extension of a legal non-conforming use to facilitate a second residential unit within the existing mixed-use building. The building, parking area, and landscaped open space exist; there will be no loss in landscaped open space as a result of the additional dwelling.

*Amanda Knutson*  
*Community Project & Development Planner*



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## Memorandum

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**To:** Elaine Munro, ACST, Committee Secretary & Planning Technician  
**From:** Sean Ip, Development Engineering Technologist  
**CC:** City Committee of Adjustment Staff Members  
**Date:** June 9, 2022  
**Hearing Date:** June 22, 2022  
**Subject:** **Committee of Adjustment - Minor Variance Applications**  
34 Maplewood Drive – A-63/22  
38 Tecumseh Street – A-64/22  
61 Kinsey Street – A-65/22  
80 Page Street – A-66/22  
131 Niagara Street – A-67/22  
48 Permilla Street – A-69/22  
249 & 251 Vine Street – A-70 & 71 /22  
63 Hamilton Street – A-72/22  
24 Welland Avenue – A-73/22

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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:

  
\_\_\_\_\_  
Sean Ip  
Development Engineering Technologist

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

**Cc:**

**From: Steve Bittner, Transportation Technologist**

**Date: June 7, 2022**

**Subject: Committee of Adjustment Comments (June 22, 2022, Hearing)**

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**A-066/22 – 80 Page Street**

The sketch that was submitted with the application shows a fence on the property line. When looking at an aerial photo of the property, it appears that the fence is well within the subject property. The location of the fence could impact the amount of space available for parking, which could result in a further parking reduction requirement.

We have no concerns or requirements with the remaining applications.

Steve Bittner  
Transportation Technologist





## Technical Report

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

**Date of Report:** June 17, 2022

**Date of Meeting:** June 22, 2022

**Report Number:** A-73/22

**File:** 22105150

**Subject:** 24 Welland Avenue

### Recommendation

That Application **A-73/22** by Electric MX Corporation as outlined in the Notice of Hearing, be approved.

### Report The Proposal

The Applicant proposes adding a use similar to the existing mixed-use building containing one residential and one commercial unit by adding a second residential unit. The existing mixed-use building was built in 1890 and legally existed prior to the approval of the current City of St. Catharines' Zoning By-law 2013-283. Historically, the building contained one residential unit and one retail commercial unit, which has been used as a butcher shop and/or small grocer. The proposal would maintain the retail commercial unit and add a second residential unit.

Staff note that the Application requested an extension to the legal non-conforming use, however, under Section 45 (2) of the *Planning Act*, the proposal is better identified as adding a use similar to the legal non-conforming use. Although the Notice of Hearing references the proposal as a request to extend the legal non-conforming use and not an addition to a use similar to the legal non-conforming use, staff are satisfied that adequate notification was provided for the proposal. Both extensions of a legal non-conforming use and approval of "a use similar to" fall under Other Powers of the Committee of Adjustment in the Planning Act. This technical change in the application does not impact what is being proposed or staff's recommendation of the proposal.

### Location and Site Description

The subject property is located on the northeast corner of Welland Avenue and Queen Street. The surrounding neighbourhood is low density and medium density residential comprised of a variety of dwelling types. The subject property is presently occupied by a mixed-use building.

## **Circulation of Application**

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

Comments were submitted from two members of the public. Comments received included inquiries regarding parking onsite and the future commercial use. Although there is no requirement to provide parking onsite given the legal non-conforming status and Section 2.13.2 of the Zoning By-law, the current provision of two parking spaces will remain. Staff note that given the historic commercial use has been small-scale retail, this type of use would be permitted to continue. A departure from this type of use would not be considered legal non-conforming and would require undergoing staff review and potential additional planning applications to determine whether the use is considered compatible and appropriate for the location.

Comments were also received from the resident abutting the subject property at 28 Welland Avenue, who raised concerns regarding the proposed access to the residential unit located on the side of the building. Staff note that the existing fence is proposed to be extended to provide separation and privacy between the two lots.

## **Planning Policy Context Official Plan (Garden City Plan)**

The subject property is designated Downtown on Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential on Schedule E10. The subject property is located within the Queen Street Heritage District. The Low Density Residential designation permits detached, semi-detached, duplex, triplex, quadplex, fourplex and townhouse dwellings at a density range generally between 20 and 32 units per hectare. A mixed-use building is not permitted under the current Official Plan designation. However, the existing mixed-use building is recognized as a legal non-conforming use.

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

The subject property is zoned Low Density Residential – Traditional Neighbourhood (R2). The R2 zone permits a range of residential uses, such as detached, semi-detached, duplex and townhouse dwellings. The R2 zone does not permit a mixed-use building. However, the existing mixed-use building is recognized as a legal non-conforming use.

## **Planning Analysis**

The proposed addition of a use similar to the existing legal non-conforming use, which lawfully predates the adoption of the current Zoning By-law, is requested to facilitate a second residential unit in the existing mixed-use building. The Applicant has declared that the existing building was built in 1890 as one residential and one commercial unit and has been used as such in continuity. Staff have reviewed the history of the property and found this to be accurate according to City records.

Section 45 (2) Other Powers in the *Planning Act* grants the Committee of Adjustment authority to permit where any land, building or structure were lawfully established on the

day a Zoning By-law was passed, the enlargement or extension of a legal non-conforming use or the use of land, building or structure for a purpose that is similar to the use on the day the by-law was passed.

Consistent with the *Planning Act*, section 16.12.4 of the Garden City Plan (GCP) states that in special circumstances it may be appropriate to consider the extension or enlargement of non-conforming uses provided that certain criteria are met. The criteria include that the expansion or enlargement shall not jeopardize the possibility of future development/redevelopment in the vicinity, that special efforts are made to enhance the compatibility of uses, and that the expansion or enlargement is directed to areas outside of natural heritage and natural hazard lands. Although the GCP does not speak directly to the addition of a use similar to legal non-conforming uses, the criteria apply when evaluating this proposal. The proposed second residential addition is not anticipated to cause adverse impacts to the subject lands or surrounding properties, nor jeopardize potential future development or redevelopment in the vicinity. The proposal will not impact the existing building other than adding a new entrance for the unit. The proposal will also extend the existing fence to screen the new entrance from the abutting property and will provide separation and privacy between the two lots. Regarding compatibility, there are no concerns with the proposal to add one residential unit to the existing mixed-use building in an area that is predominantly residential. Further, the subject lands do not contain any natural heritage or natural hazard lands.

Staff are satisfied that the addition of a use similar to the existing legal non-conforming use will not cause adverse impacts on the subject or surrounding lands. The proposal is in keeping with the policies of the Garden City Plan and is considered appropriate for the use of the property.

Although legal non-conforming uses are not subject to the City's current Zoning By-law, it is worth noting that the existing site plan meets the intent of the by-law provisions by providing adequate setbacks and separations, some landscaped open space and parking spaces onsite. To facilitate the additional unit, modest changes to the exterior of the building are required with the addition of a second entrance for the proposed unit. The Applicant is in the process of obtaining a permit from the Heritage Permit Advisory Committee for the addition of the door to provide a separate entrance for the second residential unit.

## Conclusion

Having regard for matters under Section 45 (2) of *The Planning Act*, staff are of the opinion that Application **A-73/22** will not have any adverse impacts on the subject or surrounding lands. The addition of a use similar to the existing legal non-conforming use is in keeping with the policies of the Garden City Plan and is considered appropriate for the use of the lands. Staff recommend approval of the Application.

**Prepared by:**

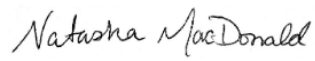
**Submitted by:**

**Approved by:**





Dasha Litviniuc  
Student Planner



Natasha MacDonald  
Planner I

Margaret Josipovic  
Manager, Planning Services