

## Agenda

**Wednesday, August 24, 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 [mjosipovic@stcatharines.ca](mailto:mjosipovic@stcatharines.ca) by August 23, 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:**

Margaret Josipovic, Acting Secretary-Treasurer  
Natasha MacDonald, Planner  
Evan Acs, Planner  
Brenda Stan, Planner  
Jelena Pusara, Development Agreement Coordinator

- 
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 – July 27, 2022**
  6. **Declarations of Interest**
  7. **Request for Adjournment**

8. **Applications**

1. 38 Elgin Street, Minor Variance, A-87/22 – 22 106666
2. 74 Rochelle Drive, Minor Variance, A-97/22 – 22106969
3. 51 Valerie Drive, Minor Variance, A-98/22 – 22107190
4. 401 Ontario Street, Minor Variance, A-99/22 – 22108607
5. 261 Scott Street, Consent, B-49/22 22108613  
261A Scott Street, Minor Variance, A-100/22 – 22108620  
261B Scott Street, Minor Variance, A-101/22 – 22108623
6. 40 Benfield Drive, Minor Variance, A-102/22 – 22108626
7. 58 Dorchester Boulevard, Minor Variance, A-103/22 – 22108628
8. 28 Highcourt Crescent, Minor Variance, A-104/22 – 22108630
9. 41 Shoreline Drive, Minor Variance, A-105/22 – 22108633
10. 16 Melbourne Avenue, Minor Variance, A-106/22 – 22108635
11. 87 Richelieu Drive, Minor Variance, A-107/22 – 22108636
12. 172/ Niagara Street, Minor Variance, A-108/22 – 22108638
13. 112 St. Augustine Drive, Minor Variance, A-109/22 - 22108661

9. **New Business**

- a) Appointment of Director of Planning and Building Services, Tami Kitay, as the interim Acting Secretary-Treasurer.

11. **Date of next meeting**

Wednesday September 21, 2022 at 5.00 pm

12. **Motion to Adjourn**

**File No. 22 108666**

# **COMMITTEE OF ADJUSTMENT COMMENTS**

**38 Elgin Street**

**DATE OF HEARING:  
August 24, 2022**



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## Memorandum

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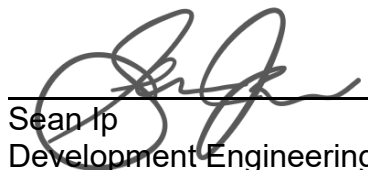
**To:** Wilrik Banda, ACST(A), Council and Committee Coordinator  
**From:** Sean Ip, Development Engineering Technologist  
**CC:** City Committee of Adjustment Staff Members  
**Date:** August 9, 2022  
**Hearing Date:** August 24, 2022  
**Subject:** **Committee of Adjustment - Minor Variance Applications**  
38 Elgin Street – A-87/22  
74 Rochelle Drive – A-97/22  
51 Valerie Drive – A-98/22  
401 Ontario Street – A-99/22  
261A Scott Street – A-100/22  
261B Scott Street – A-101/22  
40 Benfield Drive – A-102/22  
58 Dorchester Boulevard – A-103/22  
28 Highcourt Crescent – A-104/22  
41 Shoreline Drive – A-105/22  
16 Melbourne Avenue – A-106/22  
87 Richelieu Drive – A-107/22  
172½ Niagara Street – A-108/22  
112 St. Augustine Drive – A-109/22

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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: Wilrik Banda, Council and Committee Coordinator**

**Cc:**

**From: Steve Bittner, Transportation Technologist**

**Date: August 4, 2022**

**Subject: Committee of Adjustment Comments (August 24, 2022, Hearing)**

---

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

Steve Bittner  
Transportation Technologist

**From:** Network Info <[network.Info@horizonutilities.com](mailto:network.Info@horizonutilities.com)>

**Sent:** Tuesday, August 9, 2022 9:29 AM

**To:** Banda, Wilrik <[wbanda@stcatharines.ca](mailto:wbanda@stcatharines.ca)>

**Cc:** Josipovic, Margaret <[mjosipovic@stcatharines.ca](mailto:mjosipovic@stcatharines.ca)>; Risi, Rosa <[rrisi@stcatharines.ca](mailto:rrisi@stcatharines.ca)>; Pusara, Jelena <[jpusara@stcatharines.ca](mailto:jpusara@stcatharines.ca)>; Semple, Claire <[csemple@stcatharines.ca](mailto:csemple@stcatharines.ca)>

**Subject:** August 2, 2022 applications

**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 Wilrik,

Our office has no comments/conflicts with the remaining 12 applications that were submitted on August 2, 2022.

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:** Banda, Wilrik <[wbanda@stcatharines.ca](mailto:wbanda@stcatharines.ca)>

**Sent:** Tuesday, August 2, 2022 3:52 PM

**To:** Samantha Burke <[samantha.burke@alectrautilities.com](mailto:samantha.burke@alectrautilities.com)>; Mark Jakubowski <[mark.jakubowski@alectrautilities.com](mailto:mark.jakubowski@alectrautilities.com)>

**Cc:** Josipovic, Margaret <[mjosipovic@stcatharines.ca](mailto:mjosipovic@stcatharines.ca)>; Risi, Rosa <[rrisi@stcatharines.ca](mailto:rrisi@stcatharines.ca)>; Pusara, Jelena <[jpusara@stcatharines.ca](mailto:jpusara@stcatharines.ca)>; Semple, Claire <[csemple@stcatharines.ca](mailto:csemple@stcatharines.ca)>

**Subject:** 38 Elgin St, St. Catharines

**NOT FROM ALECTRA!** Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

Attached are the Notices of Hearing, Applications and sketches scheduled for the Committee of Adjustment Hearing on August 24, 2022 @ 5pm.

If you have any comments, please forward them to us by **Tuesday, August 16, 2022**. There are 13 properties in total.

1. 38 Elgin Street, Minor Variance, A-87/22 – 22 106666

[http://dropbox.stcatharines.ca/dropbox/downloadfile.aspx?FileId=Qg2hpbfBD  
DPbg7LbmLbIYgeQuAleQuAl](http://dropbox.stcatharines.ca/dropbox/downloadfile.aspx?FileId=Qg2hpbfBD<br/>DPbg7LbmLbIYgeQuAleQuAl)

## WilrikBandaMPlan, CPT, ACST(A)

Council and Committee Coordinator

Email:wbanda@stcatharines.ca

Tel: 905.688.5601 x1524 TTY:905.688.4TTY (4889)

Mail: PO Box 3012, 50 Church Street, St. Catharines, ON L2R 7C2



**From:** Vasko, Dennis <[dvasko@stcatharines.ca](mailto:dvasko@stcatharines.ca)>

**Sent:** Monday, August 8, 2022 9:13 AM

**To:** Banda, Wilrik <[wbanda@stcatharines.ca](mailto:wbanda@stcatharines.ca)>

**Subject:** Re: CofA Notices of Hearing - Wednesday, August 24, 2022

Hi Wilrik,

There are no concerns from our end in respect to closed landfills and these properties.

Dennis

**DennisVasko**

**Fill Site Technician**

**Tel:**905.688.5601 x2163

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



**How are you feeling?**

Find mental health resources that can help.

---

**To:** Margaret Josipovic, Manager of Planning, PBS

**Cc:**

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

**Date:** August 10, 2022

**Subject:** Committee of Adjustment Applications – August 24, 2022 Hearing

---

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

**38 Elgin Street, Minor Variance, A-87/22 – 22 106666 (B. Stan, Planner)**

CRCS continues to offer no objection to this revised application.

**74 Rochelle Drive, Minor Variance, A-97/22 – 22106969 (S. Ritchie, Planner)**

No objection.

**51 Valerie Drive, Minor Variance, A-98/22 – 22107190 (E. Acs, Planner)**

No objection.

**401 Ontario Street, Minor Variance, A-99/22 – 22108607 (C. McEwan, Planner)**

The applicant has submitted a landscape plan through the concurrent application for site plan approval, which was found to be acceptable. While the landscape buffer in question has been reduced in width, the landscape plan demonstrates that sufficient planting materials and trees can be accommodated within it to buffer the parking area. CRCS offers no objection to the requested minor variance for a reduced landscape buffer width.

**261 Scott Street, Consent, B-49/22 22108613**

**261A Scott Street, Minor Variance, A-100/22 – 22108620**

**261B Scott Street, Minor Variance, A-101/22 – 22108623 (M. Josipovic, Planner)**

CRCS offers no objection to the requested consent to sever to permit each of the semi-detached dwelling units to be individually conveyed, nor the requested minor variances. No new development or expansion of existing parking areas is proposed. Should the applications be approved, CRCS recommends that the following condition of consent be imposed:

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

**40 Benfield Drive, Minor Variance, A-102/22 – 22108626 (N. MacDonald, Planner)**

The applicant has submitted a landscape plan through the concurrent application for site plan approval, which was found to be acceptable. While the landscape buffer in question has been reduced in width along a portion of the westerly lot line, the landscape plan demonstrates that sufficient planting materials and trees can be accommodated to buffer the proposed parking area. CRCS offers no objection to the requested minor variance for a reduced landscape buffer width.

**58 Dorchester Boulevard, Minor Variance, A-103/22 – 22108628 (No Planner assigned)**

No objection.

**28 Highcourt Crescent, Minor Variance, A-104/22 – 22108630 (No Planner assigned)**

No objection.

**41 Shoreline Drive, Minor Variance, A-105/22 – 22108633 (No Planner assigned)**

No objection.

**16 Melbourne Avenue, Minor Variance, A-106/22 – 22108635 (E. Acs, Planner)**

No objection.

**87 Richelieu Drive, Minor Variance, A-107/22 – 22108636 (B. Stan, Planner)**

No objection.

**172/ Niagara Street, Minor Variance, A-108/22 – 22108638 (B. Stan, Planner)**

CRCS offers no objection to the requested minor variances, provided the applicant has submitted sufficient evidence to confirm that the front yard parking area was legally established. Staff is not confident that this is the case, given the existing curb cut does not extend along the entirety of the lot frontage. If the parking area has not been legally established, then CRCS recommends that the minor variances for increases in maximum parking coverage and maximum parking area width be denied. Further, we recommend that any approval of a reduction in lot frontage be conditional upon the applicant being required to replace a portion of the front parking area with landscaped open space in order to comply with the requirements of the Zoning By-law. We note that the applicant has requested a reduction in the parking requirement from three spaces to one, which directly conflicts with their request to recognize the existing parking area. In any event, CRCS is supportive of a parking requirement reduction, provided it results in an increase in landscaped open space in the front yard.

**112 St. Augustine Drive, Minor Variance, A-109/22 – 22108661 (No Planner assigned)**

No objection.

*Amanda Knutson*

## *Community Project and Development Planner*



## Technical Report

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

**Date of Report:** August 19, 2022

**Date of Meeting:** August 24, 2022

**Report Number:** A-87/22

**File:** 22106666

**Subject:** 38 Elgin Street

### Recommendation

That Application **A-87/22** by Celina Javier, Christina Javier and Darren Javier, 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 requirements for a short-term rental license application. No new development is proposed with this application. The applicants have applied to reduce the minimum parking requirement from three parking spaces to one parking space. The variance outlined in the table below is required to facilitate the proposal:

Variance	Provision	Required	Proposed
1	Minimum parking spaces per bedroom for Short-term Rental	3 parking spaces	1 parking spaces

### Location and Site Description

The subject property is on the east side of Elgin Street and north of Dalhousie Avenue. 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 E1. Detached dwellings are permitted in this designation.

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

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

## **Planning Analysis**

The Zoning By-law requires a minimum of one parking space per bedroom for a short-term rental. The applicants' short-term rental has three bedrooms and therefore requests a reduction in the minimum parking requirement from three parking spaces to one parking space. No new development is proposed with this application. Requests to reduce parking for short-term rental units are reviewed in the same manner that staff evaluate similar requests to reduce residential parking. The application is evaluated against the four tests established by Section 45 (1) of the Planning Act and relevant City policies.

The proposed parking reduction is being requested because there is only one parking space in the driveway that meets the Zoning By-law's parking space dimensions. The parking space in the garage does not meet the required zoning width dimension as the parking space is obstructed on two sides. While technically it is possible to park two cars on the property, there is only one parking space that meets the City's minimum parking space requirement.

The applicants state that the property has two functional parking spaces. While the applicants intend to continue using the driveway and garage 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 is within walking and bikeable distance to a number of community and commercial facilities. 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 an adequate supply of on-site parking to reduce reliance on on-street parking. The subject property's location being within walking distance of Lakeside Park Beach, 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 access the site by public transit or active transportation. Furthermore, there is an 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 the Zoning By-law.

On-street parking is not restricted on Elgin Street. There are no time-of-use restrictions or permit 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 proposed for this property.

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

Transit is available with two bus routes on Main Street with daytime, evening and weekend service available at a bus stop 160 metres from the subject lands.

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.

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

As a detached dwelling, this does not apply. Notwithstanding, the site is well located to support active transportation opportunities.

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-87/22** 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:**



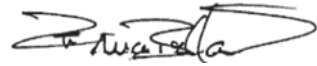
Dasha Litviniuc  
Student Planner

**Submitted by:**



Brenda Stan  
Planner

**Approved by:**

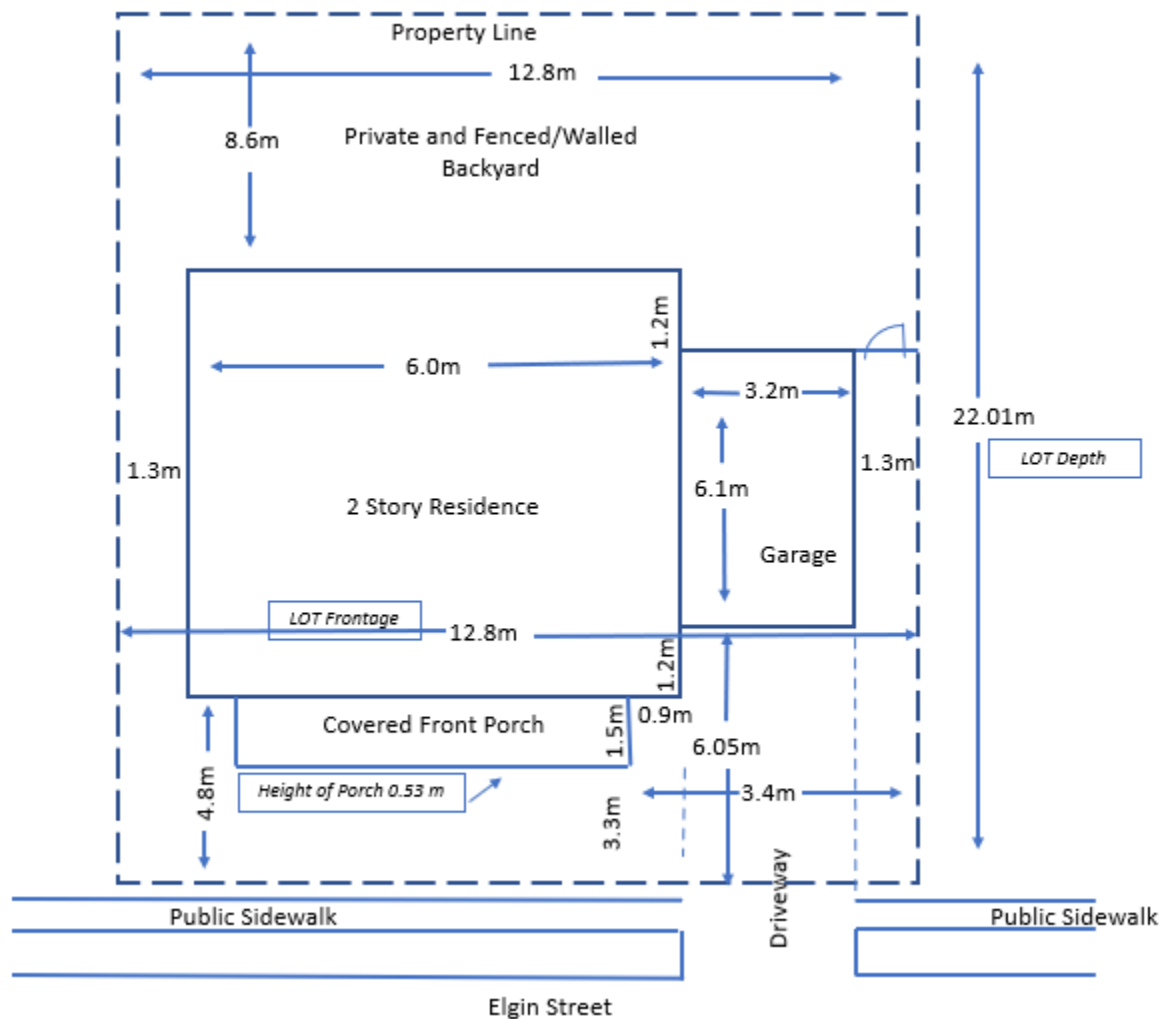


Bruce Bellows  
Senior Project Manager

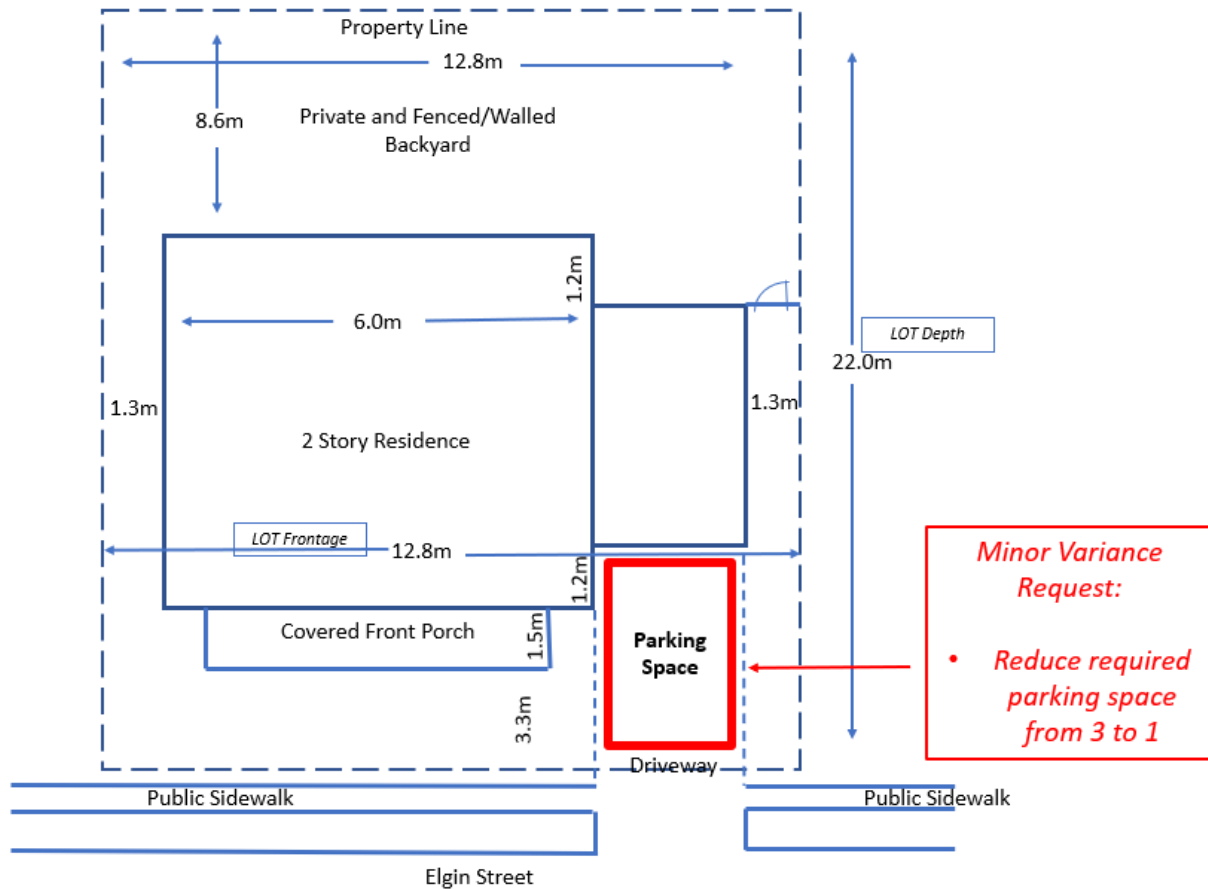
## 38 Elgin St, St, Catharines, ON L2N 5G7

- 38 Elgin house is a 3-bedroom single detached house.
- This is an application for a Minor Variance:
  - For a reduction in the required parking spaces to 1 instead of 3.
- Please see below:
  - Site Plan, the Parking Management Plan and some pictures.

### Site Plan



## Parking Management Plan





**File No. 22 106969**

# **COMMITTEE OF ADJUSTMENT COMMENTS**

**74 Rochelle Drive**

**DATE OF HEARING:  
August 24, 2022**

**From:** S. Gabriel

**Sent:** Thursday, August 18, 2022 8:33 AM

**To:** Josipovic, Margaret <[mjosipovic@stcatharines.ca](mailto:mjosipovic@stcatharines.ca)>

**Subject:** Minor Variance Application A-97/22 for 74 Rochelle Drive Plan 461 Lot 64

**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 Margaret Josipovic,

I am writing this letter as I oppose the Minor Variance Application A-97/22 for 74 Rochelle Drive Plan 461 Lot 64 located in St. Catharines. I am opposed as this variance will allow for very little distance for water runoff from the carport roof as well as the covered patio between 74 Rochelle Drive and 76 Rochelle Drive. What will be done to ensure that 76 Rochelle Drive is not flooded in their basement due to going from a minimum interior side yard setback from 1.2 metres to 0.29 metres for the large carport and from 1.2 metres to 0.6 metres for the covered porch? Is there any guarantee that the homeowner will not take the carport and turn it into a garage at a later date as the carport appears to be wide enough for a garage door? If you allow this to happen, you will be opening the door for others to do the same thing. If this happens, what is the city of St. Catharines going to do to ensure that flooding does not happen?

Please consider all parties involved such as the neighbours who are the ones that will have to live with your decision!

Susan Gabriel

1 Gavin Drive

St. Catharines

Sent from [Mail](#) for Windows





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## Memorandum

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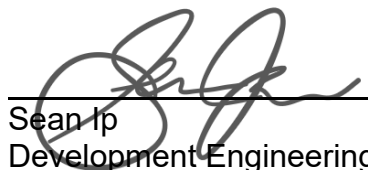
**To:** Wilrik Banda, ACST(A), Council and Committee Coordinator  
**From:** Sean Ip, Development Engineering Technologist  
**CC:** City Committee of Adjustment Staff Members  
**Date:** August 9, 2022  
**Hearing Date:** August 24, 2022  
**Subject:** **Committee of Adjustment - Minor Variance Applications**  
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172½ Niagara Street – A-108/22  
112 St. Augustine Drive – A-109/22

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

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Prepared by:

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

**To: Wilrik Banda, Council and Committee Coordinator**

**Cc:**

**From: Steve Bittner, Transportation Technologist**

**Date: August 4, 2022**

**Subject: Committee of Adjustment Comments (August 24, 2022, Hearing)**

---

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

Steve Bittner  
Transportation Technologist

**From:** Vasko, Dennis <[dvasko@stcatharines.ca](mailto:dvasko@stcatharines.ca)>

**Sent:** Monday, August 8, 2022 9:13 AM

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**Subject:** Re: CofA Notices of Hearing - Wednesday, August 24, 2022

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Dennis

**DennisVasko**

**Fill Site Technician**

**Tel:**905.688.5601 x2163

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



**How are you feeling?**

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**Cc:** Josipovic, Margaret <mjosipovic@stcatharines.ca>; Risi, Rosa <rrisi@stcatharines.ca>; Pusara, Jelena <jpusara@stcatharines.ca>; Semple, Claire <csemple@stcatharines.ca>

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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](#).*

**To:** Margaret Josipovic, Manager of Planning, PBS

**Cc:**

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

**Date:** August 10, 2022

**Subject:** Committee of Adjustment Applications – August 24, 2022 Hearing

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

**38 Elgin Street, Minor Variance, A-87/22 – 22 106666 (B. Stan, Planner)**

CRCS continues to offer no objection to this revised application.

**74 Rochelle Drive, Minor Variance, A-97/22 – 22106969 (S. Ritchie, Planner)**

No objection.

**51 Valerie Drive, Minor Variance, A-98/22 – 22107190 (E. Acs, Planner)**

No objection.

**401 Ontario Street, Minor Variance, A-99/22 – 22108607 (C. McEwan, Planner)**

The applicant has submitted a landscape plan through the concurrent application for site plan approval, which was found to be acceptable. While the landscape buffer in question has been reduced in width, the landscape plan demonstrates that sufficient planting materials and trees can be accommodated within it to buffer the parking area. CRCS offers no objection to the requested minor variance for a reduced landscape buffer width.

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**261A Scott Street, Minor Variance, A-100/22 – 22108620**

**261B Scott Street, Minor Variance, A-101/22 – 22108623 (M. Josipovic, Planner)**

CRCS offers no objection to the requested consent to sever to permit each of the semi-detached dwelling units to be individually conveyed, nor the requested minor variances. No new development or expansion of existing parking areas is proposed. Should the applications be approved, CRCS recommends that the following condition of consent be imposed:

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

**40 Benfield Drive, Minor Variance, A-102/22 – 22108626 (N. MacDonald, Planner)**

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**58 Dorchester Boulevard, Minor Variance, A-103/22 – 22108628 (No Planner assigned)**

No objection.

**28 Highcourt Crescent, Minor Variance, A-104/22 – 22108630 (No Planner assigned)**

No objection.

**41 Shoreline Drive, Minor Variance, A-105/22 – 22108633 (No Planner assigned)**

No objection.

**16 Melbourne Avenue, Minor Variance, A-106/22 – 22108635 (E. Acs, Planner)**

No objection.

**87 Richelieu Drive, Minor Variance, A-107/22 – 22108636 (B. Stan, Planner)**

No objection.

**172/ Niagara Street, Minor Variance, A-108/22 – 22108638 (B. Stan, Planner)**

CRCS offers no objection to the requested minor variances, provided the applicant has submitted sufficient evidence to confirm that the front yard parking area was legally established. Staff is not confident that this is the case, given the existing curb cut does not extend along the entirety of the lot frontage. If the parking area has not been legally established, then CRCS recommends that the minor variances for increases in maximum parking coverage and maximum parking area width be denied. Further, we recommend that any approval of a reduction in lot frontage be conditional upon the applicant being required to replace a portion of the front parking area with landscaped open space in order to comply with the requirements of the Zoning By-law. We note that the applicant has requested a reduction in the parking requirement from three spaces to one, which directly conflicts with their request to recognize the existing parking area. In any event, CRCS is supportive of a parking requirement reduction, provided it results in an increase in landscaped open space in the front yard.

**112 St. Augustine Drive, Minor Variance, A-109/22 – 22108661 (No Planner assigned)**

No objection.

*Amanda Knutson*

## *Community Project and Development Planner*



## Technical Report

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

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

**Date of Meeting:** August 24, 2022

**Report Number:** A-97/22

**File:** 22106969

**Subject:** 74 Rochelle Drive

### Recommendation

That Application **A-97/22** submitted by Sharon Carniello, as outlined in the Notice of Hearing, be approved.

### Report The Proposal

Application **A-97/22** seeks relief from the City of St. Catharines' Zoning By-law 2013-283, as amended, to construct a carport over the existing driveway. The Applicant proposes to reduce the interior side yard setback to the carport, as outlined in the table below.

Variance	Provision	Required	Proposed
1	Minimum interior side yard setback	1.2 m	0.29 m

### Location and Site Description

The subject property is located on the east side of Rochelle Drive, south of Linwell Road. The surrounding neighbourhood is low density residential and primarily comprised of detached dwellings. 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 E3. Detached dwellings, including a carport, are permitted within this designation.



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

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

## **Planning Analysis**

Application **A-97/22** seeks to reduce the minimum interior side yard setback from 1.2 metres to 0.29 metres to facilitate the construction of a carport as an addition to the existing detached dwelling. The proposed unenclosed carport will be built over the existing driveway within the lot's interior side yard.

The City of St. Catharines' Zoning By-law 2013-283 requires a 1.2 metre interior side yard setback to a detached dwelling, including carport, in the R1 zone. This provision is intended to provide a buffer between structures on adjacent properties to ensure safety and privacy, to support onsite drainage and access to rear yards, and to ensure that the massing of a dwelling does not overwhelm adjacent properties. Part D, Section 7.1 of the Garden City Plan (GCP) states that development and redevelopment shall have regard for the integration of compatible building scale, massing, height, setbacks, orientation and façades with adjacent buildings, properties and the surrounding neighbourhood. It also states that development or redevelopment shall minimize adverse impacts on adjacent properties in regard to privacy and views.

The proposed carport is an unenclosed addition to the dwelling and is in line with the existing driveway. In the opinion of staff, the location and nature of the carport provides an adequate buffer between the adjacent property line and will not result in safety or privacy concerns. Given the proposed carport will be built on the existing concrete driveway, it is unlikely to negatively impact onsite drainage. Access to the rear yard will remain possible through the carport addition as it is open on three sides. The existing dwelling and proposed carport complies with other current zoning requirements, including maximum total lot coverage, maximum building height and minimum landscaped open space. These provisions are to ensure the dwelling has appropriate scale and massing, the property has adequate amenity space, and development does not overwhelm the lot, reflecting the GCP policies noted above. The surrounding neighbourhood is largely comprised of detached dwellings, many of which have sheds or garages. The proposed carport to the detached dwelling aligns with the use and character of properties within the neighbourhood and would not negatively impact the streetscape.

As such, staff find that the Application is minor in nature, is desirable for the appropriate use of the lands, and meets the general intent of the Official Plan and Zoning By-law.

## **Conclusion**

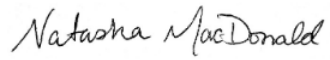
Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Application **A-97/22** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is desirable for the appropriate use of the lands. Staff recommend approval of the Application.

**Prepared by:**



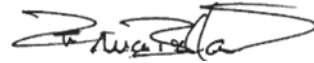
Dasha Litviniuc  
Student Planner

**Submitted by:**

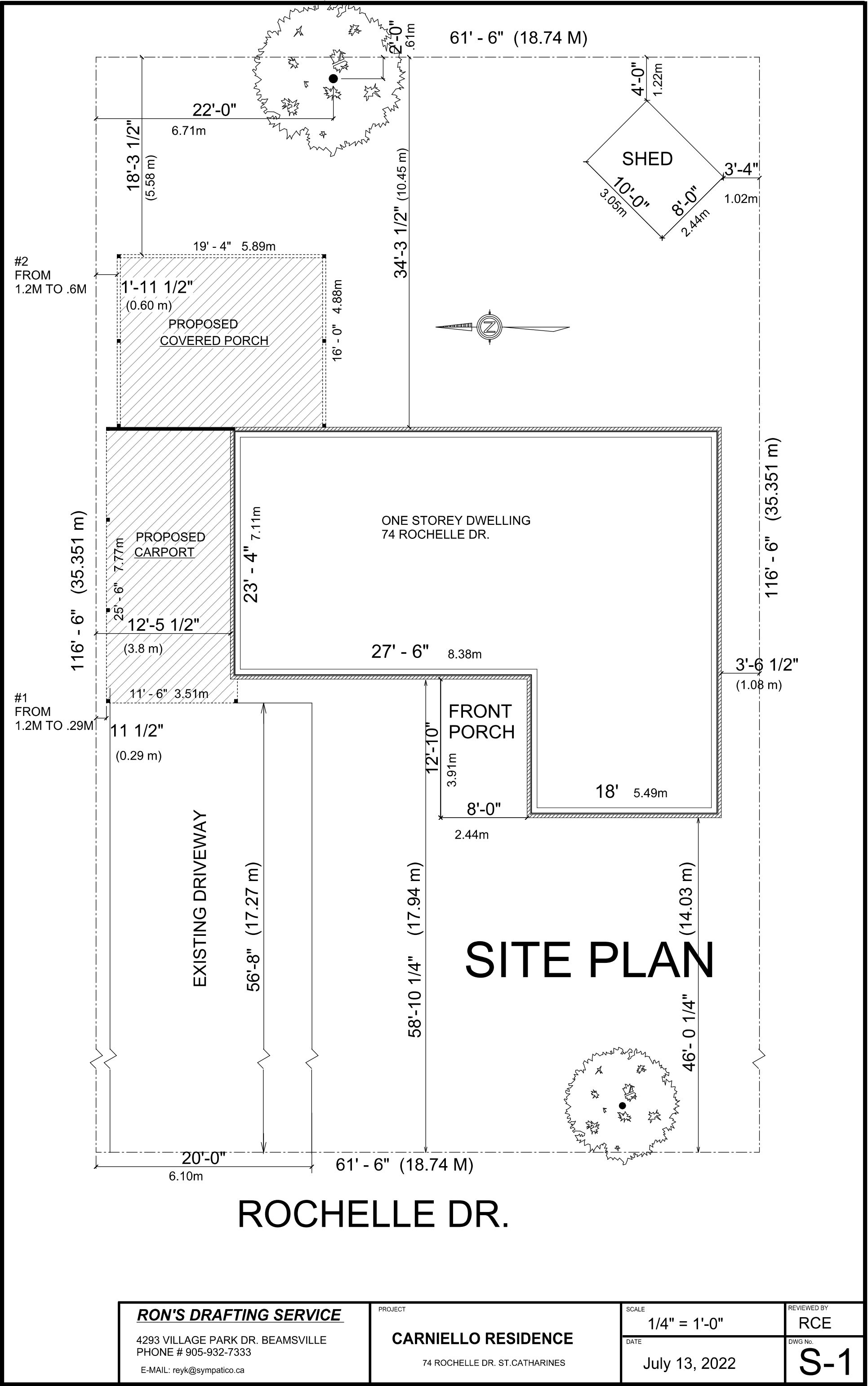


Natasha MacDonald  
Planner I

**Approved by:**



Bruce Bellows  
Senior Project Manager



**File No. 22 107190**

# **COMMITTEE OF ADJUSTMENT COMMENTS**

**51 Valerie Drive**

**DATE OF HEARING:  
August 24, 2022**



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## Memorandum

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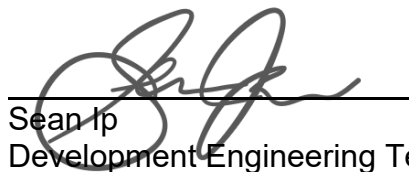
**To:** Wilrik Banda, ACST(A), Council and Committee Coordinator  
**From:** Sean Ip, Development Engineering Technologist  
**CC:** City Committee of Adjustment Staff Members  
**Date:** August 9, 2022  
**Hearing Date:** August 24, 2022  
**Subject:** **Committee of Adjustment - Minor Variance Applications**  
38 Elgin Street – A-87/22  
74 Rochelle Drive – A-97/22  
51 Valerie Drive – A-98/22  
401 Ontario Street – A-99/22  
261A Scott Street – A-100/22  
261B Scott Street – A-101/22  
40 Benfield Drive – A-102/22  
58 Dorchester Boulevard – A-103/22  
28 Highcourt Crescent – A-104/22  
41 Shoreline Drive – A-105/22  
16 Melbourne Avenue – A-106/22  
87 Richelieu Drive – A-107/22  
172½ Niagara Street – A-108/22  
112 St. Augustine Drive – A-109/22

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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: Wilrik Banda, Council and Committee Coordinator**

**Cc:**

**From: Steve Bittner, Transportation Technologist**

**Date: August 4, 2022**

**Subject: Committee of Adjustment Comments (August 24, 2022, Hearing)**

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

Steve Bittner  
Transportation Technologist

**From:** Vasko, Dennis <[dvasko@stcatharines.ca](mailto:dvasko@stcatharines.ca)>  
**Sent:** Monday, August 8, 2022 9:13 AM  
**To:** Banda, Wilrik <[wbanda@stcatharines.ca](mailto:wbanda@stcatharines.ca)>  
**Subject:** Re: CofA Notices of Hearing - Wednesday, August 24, 2022

Hi Wilrik,

There are no concerns from our end in respect to closed landfills and these properties.

Dennis

**Dennis Vasko**

**Fill Site Technician**

**Tel:** 905.688.5601 x2163

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



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**From:** Banda, Wilrik <[wbanda@stcatharines.ca](mailto:wbanda@stcatharines.ca)>  
**Sent:** Tuesday, August 2, 2022 6:28 PM  
**To:** Vasko, Dennis <[dvasko@stcatharines.ca](mailto:dvasko@stcatharines.ca)>  
**Cc:** Josipovic, Margaret <[mjosipovic@stcatharines.ca](mailto:mjosipovic@stcatharines.ca)>; Risi, Rosa <[rrisi@stcatharines.ca](mailto:rrisi@stcatharines.ca)>; Pusara, Jelena <[jpusara@stcatharines.ca](mailto:jpusara@stcatharines.ca)>; Semple, Claire <[csemple@stcatharines.ca](mailto:csemple@stcatharines.ca)>  
**Subject:** CofA Notices of Hearing - Wednesday, August 24, 2022

Good afternoon,

Attached please find the links to the following applications that includes the Notice of Hearing, application, justification report and sketches scheduled for the Wednesday, August 24, 2022 Hearing @ 5pm.

If you have any comments, please forward them to us by **Friday, August 12, 2022.**

Good Afternoon Committee Chair & Members:

Attached are the July 27, 2022 Notices of Decision for your information.

Below are the links to the notices, applications and sketches for the August 24, 2022 Committee of Hearing. The packages will be delivered to you in the near future.

1. 38 Elgin Street, Minor Variance, A-87/22 – 22 106666
2. 74 Rochelle Drive, Minor Variance, A-97/22 – 22106969
3. 51 Valerie Drive, Minor Variance, A-98/22 – 22107190

4. 401 Ontario Street, Minor Variance, A-99/22 – 22108607
5. 261 Scott Street, Consent, B-49/22 22108613  
261A Scott Street, Minor Variance, A-100/22 – 22108620  
261B Scott Street, Minor Variance, A-101/22 – 22108623
6. 40 Benfield Drive, Minor Variance, A-102/22 – 22108626
7. 58 Dorchester Boulevard, Minor Variance, A-103/22 – 22108628
8. 28 Highcourt Crescent, Minor Variance, A-104/22 – 22108630
9. 41 Shoreline Drive, Minor Variance, A-105/22 – 22108633
10. 16 Melbourne Avenue, Minor Variance, A-106/22 – 22108635  
Included as an attachment.
11. 87 Richelieu Drive, Minor Variance, A-107/22 – 22108636
12. 172/ Niagara Street, Minor Variance, A-108/22 – 22108638
13. 112 St. Augustine Drive, Minor Variance, A-109/22 - 22108661

## **WilrikBandaMPlan, CPT, ACST(A)**

**Council and Committee Coordinator**

**Tel:** 905.688.5601 x1524

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



**How are you feeling?**

Find mental health resources that can help.



**From:** Network Info <network.info@horizonutilities.com>

**Sent:** Tuesday, August 9, 2022 9:29 AM

**To:** Banda, Wilrik <wbanda@stcatharines.ca>

**Cc:** Josipovic, Margaret <mjosipovic@stcatharines.ca>; Risi, Rosa <rrisi@stcatharines.ca>; Pusara, Jelena <jpusara@stcatharines.ca>; Semple, Claire <csemple@stcatharines.ca>

**Subject:** August 2, 2022 applications

**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 Wilrik,

Our office has no comments/conflicts with the remaining 12 applications that were submitted on August 2, 2022.

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](#).*

**To:** Margaret Josipovic, Manager of Planning, PBS

**Cc:**

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

**Date:** August 10, 2022

**Subject:** Committee of Adjustment Applications – August 24, 2022 Hearing

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

**38 Elgin Street, Minor Variance, A-87/22 – 22 106666 (B. Stan, Planner)**

CRCS continues to offer no objection to this revised application.

**74 Rochelle Drive, Minor Variance, A-97/22 – 22106969 (S. Ritchie, Planner)**

No objection.

**51 Valerie Drive, Minor Variance, A-98/22 – 22107190 (E. Acs, Planner)**

No objection.

**401 Ontario Street, Minor Variance, A-99/22 – 22108607 (C. McEwan, Planner)**

The applicant has submitted a landscape plan through the concurrent application for site plan approval, which was found to be acceptable. While the landscape buffer in question has been reduced in width, the landscape plan demonstrates that sufficient planting materials and trees can be accommodated within it to buffer the parking area. CRCS offers no objection to the requested minor variance for a reduced landscape buffer width.

**261 Scott Street, Consent, B-49/22 22108613**

**261A Scott Street, Minor Variance, A-100/22 – 22108620**

**261B Scott Street, Minor Variance, A-101/22 – 22108623 (M. Josipovic, Planner)**

CRCS offers no objection to the requested consent to sever to permit each of the semi-detached dwelling units to be individually conveyed, nor the requested minor variances. No new development or expansion of existing parking areas is proposed. Should the applications be approved, CRCS recommends that the following condition of consent be imposed:

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

**40 Benfield Drive, Minor Variance, A-102/22 – 22108626 (N. MacDonald, Planner)**

The applicant has submitted a landscape plan through the concurrent application for site plan approval, which was found to be acceptable. While the landscape buffer in question has been reduced in width along a portion of the westerly lot line, the landscape plan demonstrates that sufficient planting materials and trees can be accommodated to buffer the proposed parking area. CRCS offers no objection to the requested minor variance for a reduced landscape buffer width.

**58 Dorchester Boulevard, Minor Variance, A-103/22 – 22108628 (No Planner assigned)**

No objection.

**28 Highcourt Crescent, Minor Variance, A-104/22 – 22108630 (No Planner assigned)**

No objection.

**41 Shoreline Drive, Minor Variance, A-105/22 – 22108633 (No Planner assigned)**

No objection.

**16 Melbourne Avenue, Minor Variance, A-106/22 – 22108635 (E. Acs, Planner)**

No objection.

**87 Richelieu Drive, Minor Variance, A-107/22 – 22108636 (B. Stan, Planner)**

No objection.

**172/ Niagara Street, Minor Variance, A-108/22 – 22108638 (B. Stan, Planner)**

CRCS offers no objection to the requested minor variances, provided the applicant has submitted sufficient evidence to confirm that the front yard parking area was legally established. Staff is not confident that this is the case, given the existing curb cut does not extend along the entirety of the lot frontage. If the parking area has not been legally established, then CRCS recommends that the minor variances for increases in maximum parking coverage and maximum parking area width be denied. Further, we recommend that any approval of a reduction in lot frontage be conditional upon the applicant being required to replace a portion of the front parking area with landscaped open space in order to comply with the requirements of the Zoning By-law. We note that the applicant has requested a reduction in the parking requirement from three spaces to one, which directly conflicts with their request to recognize the existing parking area. In any event, CRCS is supportive of a parking requirement reduction, provided it results in an increase in landscaped open space in the front yard.

**112 St. Augustine Drive, Minor Variance, A-109/22 – 22108661 (No Planner assigned)**

No objection.

*Amanda Knutson*

## *Community Project and Development Planner*



CITY OF  
ST. CATHARINES

## Technical Report

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

**Date of Report:** August 19, 2022

**Date of Meeting:** August 24, 2022

**Report Number:** A-98/22

**File:** 22107190

**Subject:** 51 Valerie Drive

### Recommendation

That Application **A-98/22** submitted by Adrian Zuleta, as outlined in the Notice of Hearing, be approved.

### Report The Proposal

Application A-08/22 seeks relief from certain provisions of the City of St. Catharines By-law 2013-283, as amended, to facilitate the construction of a second-storey addition over an existing attached garage, and establishment of an interior accessory dwelling unit withing the addition. The requested variances are outlined in the table below:

Variance	Provision	Required	Proposed
1	Maximum floor area of an interior accessory dwelling unit	60 m <sup>2</sup>	70.17 m <sup>2</sup>
2	Minimum interior side yard setback to a platform structure between 0.15 metres and 0.6 metres in height	1.2 m	0 m
3	Minimum rear yard setback to a platform structure with a height above grade 1.2 metres or greater	4.5 m	1.81 m
4	Minimum rear yard setback for the second-storey addition	7.5 m	1.22 m

### Location and Site Description

The subject property is located on the southwest corner of Valerie Drive and Brian Avenue. The surrounding neighbourhood is residential with primarily low-density detached dwelling types.

The subject property is presently occupied by a detached dwelling, platform structures 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 E8. Detached dwellings and accessory apartments thereto are permitted in this designation.

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

The subject property is zoned Low Density Residential - Suburban Neighbourhood (R1). Detached dwellings and accessory apartments thereto are permitted in this zone.

## **Planning Analysis**

### **Variance 1**

Zoning By-law 2013-283 permits one interior accessory dwelling unit in any detached dwelling unit provided the unit has a floor area not greater than 60 square metres or 40 per cent of the overall floor area, whichever is less. The applicant is requesting an increase in floor area from 60 to 70.17 square metres, which would allow for the construction of an interior accessory dwelling unit as a second-storey addition over an existing attached garage.

The intent of the size limitations is, in part, to ensure that the interior accessory dwelling unit is subordinate in terms of its scale and relationship to the primary dwelling unit. Although slightly larger than what the Zoning By-Law permits, the accessory dwelling unit is secondary in size to the principal ground floor unit, and less than 40% of the area of the floor area of the overall dwelling, 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.

Staff consider the requested increase in maximum floor area for an interior accessory dwelling unit from 60 square metres to 70.17 square metres to be minor in nature. The additional 10.17 square metres in living area does not create any additional impact on the surrounding neighbourhood. The second-floor addition for the purpose of an accessory dwelling unit will not negatively impact the streetscape, as the neighbourhood comprises of variety of properties with 1, 1½ and 2 storey dwellings.

Part B, 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 and supports the increased provision of attainable housing opportunities. As such, Staff find that this application meets the general intent of the Official Plan and is desirable of the appropriate use of the land. Staff recommend approval of Variance 1.

### **Variance 2**

Zoning By-law 2013-283 establishes a 1.2 metre minimum setback from the interior side yard to platform structures, such as porches and decks, that are less than 0.6 metres in height. The applicant is seeking a relief from the City's by-law to recognize the existing platform structure with a setback of 0 metres from the interior side yard lot line. The provision is intended to ensure the platform structure does not overwhelm the yard and to maintain a degree of separation from neighbouring properties, thereby mitigating safety, privacy, and overlook concerns.

The Applicant is requesting a reduction to the minimum interior side yard setback from 1.2 metres to 0 metres for the existing platform structure along the south property line that is less than 0.6m above grade. The deck functions as a part of the amenity space on the property. There is an existing wood panelled fence along the lot line that encloses the platform structure, mitigating any potential adverse impacts on privacy to the neighbouring lot. Staff find this variance to be minor in nature, desirable for the appropriate use of the lands, and meets the general intent of the Official Plan and Zoning By-law. Staff recommend that Variance 2 be approved.

### **Variance 3**

Zoning By-law 2013-283 establishes a 4.5 metre minimum setback from the rear lot line to platform structures, such as porches and decks, that are 1.2 metres in height or greater above grade. The applicant is seeking a relief from the City's by-law to construct a proposed platform structure with a setback of 1.81 metres from the rear lot line. The intent of the Zoning By-law for a rear yard setback for a platform structure of this height is, in part, to maintain adequate separation and buffering from neighbouring properties, and to minimize overlook and privacy impacts.

The existing detached dwelling faces Valerie Drive, while the zoning by-law defines Brain Avenue as the front of this property. The technical rear yard is therefore functioning as interior side yard, which typically requires a 1.2 metre setback for platform structures over 1.2 metres above grade. The proposed 1.81 metre setback is considered appropriate and adequate spacing from the proposed platform structure to the neighbouring lot. The reduced rear yard setback is considered to be in keeping with the general intent and purpose of the Official Plan and Zoning By-law.

The proposed platform structure will make use of existing space to provide outdoor amenity area for the upstairs unit, while maintaining adequate compatibility with the neighbouring properties. As such, the variance is considered desirable for the appropriate development of the lands, and is considered minor in nature.

#### **Variance 4**

Zoning By-law 2013-283 requires a setback of 7.5 metres from the rear lot line to the dwelling. The intention of the rear yard setback in the Zoning By-law, based on development policies in Section 7.1 of the Official Plan, 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-98/22 requests a reduction of the minimum rear yard setback from 7.5 metres to 1.22 metres for the proposed second-storey addition over the existing attached garage. The existing rear yard setback to the first story is 1.22 metres to the attached garage, and the applicant has requested to construct a second storey on the same footprint as the first storey garage.

As stated in the analysis of Variance 3, the existing detached dwelling faces Valerie Drive, while the zoning by-law defines Brain Avenue as the front of this property. The technical rear yard is therefore functioning as an interior side yard, which typically requires a 1.2 metre setback to a dwelling. The proposed 1.22 metre setback is considered appropriate and adequate spacing from the dwelling to the neighbouring lot. The functional amenity space is located to the south of the dwelling and is not compromised by the proposed second storey addition. The reduced rear yard setback is considered to be in keeping with the general intent and purpose of the Official Plan and Zoning By-law.

By adding a second-storey addition over the existing attached garage, the owners are able to modestly increase the amount of indoor space on their property without any substantial alterations or new encroachments into existing yards. As such, the variance is considered desirable for the appropriate development of the lands, and is considered minor in nature.

#### **Conclusion**

Having regard for the matters under Section 45 of The Planning Act, staff are of the opinion that Application **A-98/22** 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 and development of the lands. Staff recommend approval of the Application.

**Prepared by:**



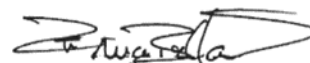
Dasha Litviniuc  
Student Planner

**Submitted by:**



Charlotte McEwan  
Planner I

**Approved by:**



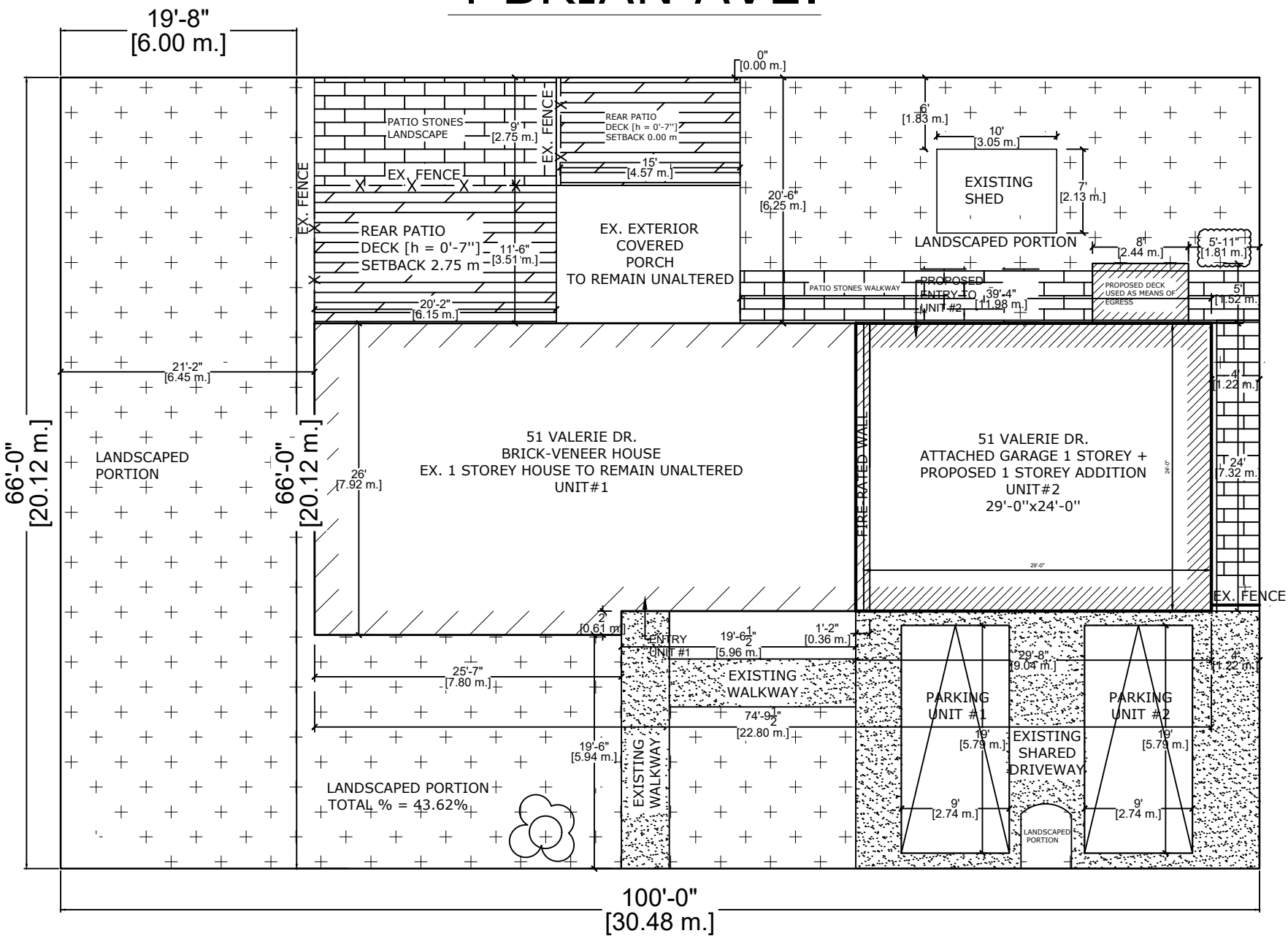
Bruce Bellows  
Senior Project Manager



4 BRIAN AVE.

BRIAN AVE.

55 VALERIE DRIVE



VALERIE DRIVE

1 SITE PLAN  
A0.01

NOT TO SCALE

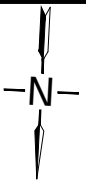
EXISTING BASEMENT  
GROSS AREA:  
A= 1130. SQFT 105.0 M2  
FINISHED AREA  
A= 900.00 SQFT. OR 83.61 M2

EXISTING FIRST FL  
EXISTING AREA  
A= 1143.36 SQFT. OR 106.22 M2  
GARAGE EXISTING AREA  
A= 701.00 SQFT. OR 65.12 M2  
TOTAL EXISTING AREA:  
A.EX.= 1844.36 SQFT. OR 171.34 M2

UNIT #2 AREA CALCULATION:  
STAIRWELL (FIRST FLOOR):  
A= 98.14 SQFT. OR 9.12 M2  
LIVING SPACE (SECOND FLOOR):  
A= 657.17SQFT. OR 61.05 M2  
UNIT#2 TOTAL AREA:  
A.UNIT#2= 751.31 SQFT. OR 70.17 M2

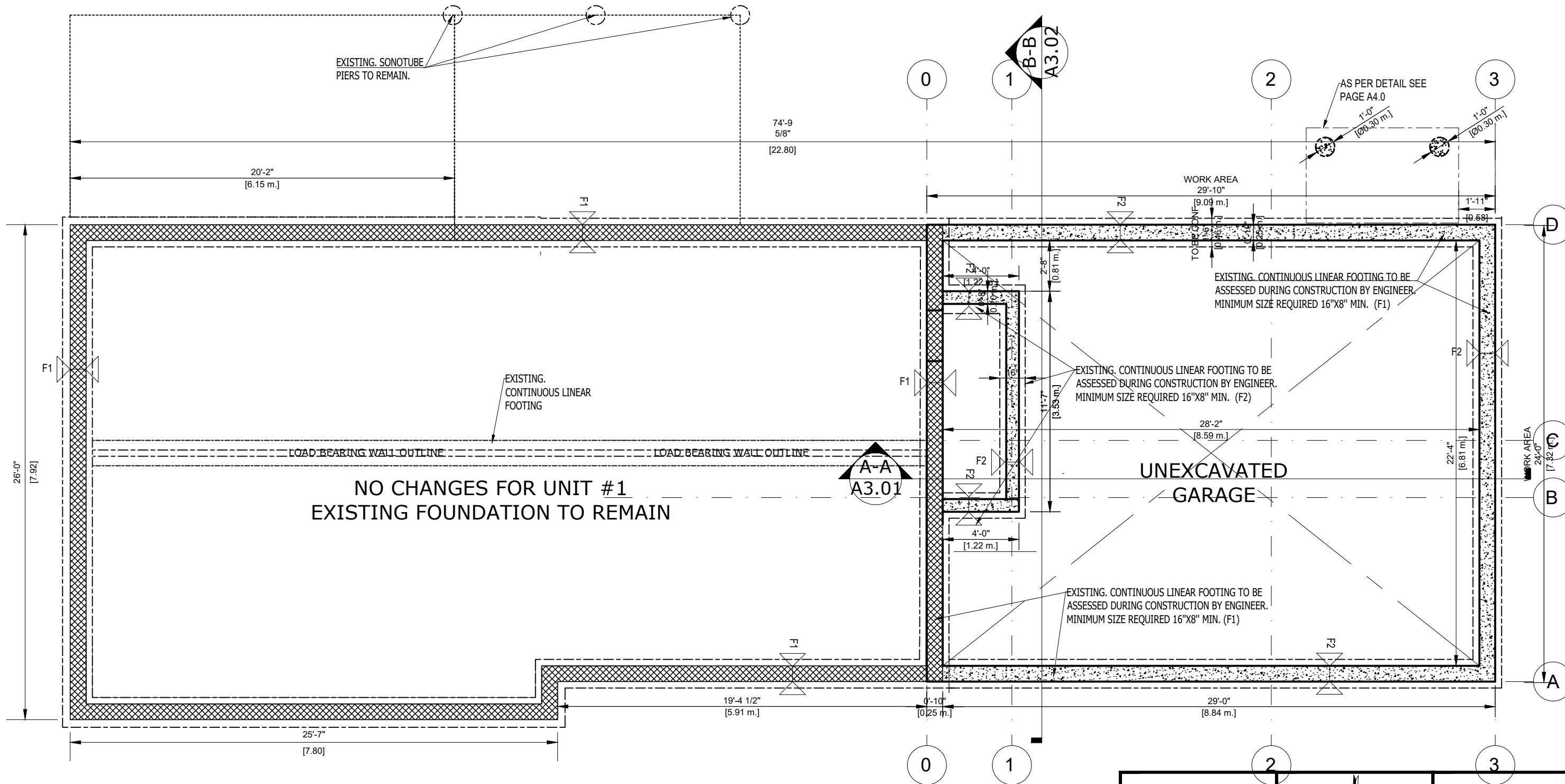
ENG. NOTES: SITE PLAN  
ACCURATE TO NIAGARA  
NAVIGATOR

PROJECT SUMMARY  
UNIT#1 = 1844.36 SQFT. OR 171.34 M2  
- STAIRWELL= 98.14 SQFT. OR 9.12 M2  
+ UNIT#2 = 751.31 SQFT. OR 70.17 M2  
% OF MAIN UNIT = 36.76%  
TOTAL = 2497.53 SQFT. OR 232.02 M2



REV	DATE	DESCRIPTION	BY
0	07/10/2022	ISSUED FOR PERMIT	AZD
1	07/28/2022	ZONING AMENDMENTS	AZD
2			

DRAWN	AZDR	APPROVED	
SCALE	AS SHOWN	DATE	07/10/2022
PROJECT	PROPOSED ADDITION TO SINGLE FAMILY DWELLING 51 VALERIE DR. ST. CATHARINES ON. L2T 3G6		
TITLE	SITE PLAN		
DRAWING NO.	A0.01		REV 0



1  
A1.01

# EXISTING FOUNDATION PLAN

Scale: 3/16"= 1'-0"

Structural Integrity: All members shall be so framed, fastened, tied, braced and anchored to provide the necessary strength, rigidity and stability per O.B.C 9.23.2.1

Structural Adequacy: verify / reinforce existing support system, including foundations, for loads imposed by the proposed construction.

Renovation Note: Provide all bracing, shoring and needling necessary for the safe execution of this work.

Support-Post: provide posts under all Beams/ Girder trusses, etc. posts are to run continuous to the foundation or equivalent support. OBC 9.20.8.3, 9.23.8.1, 9.23.10.7

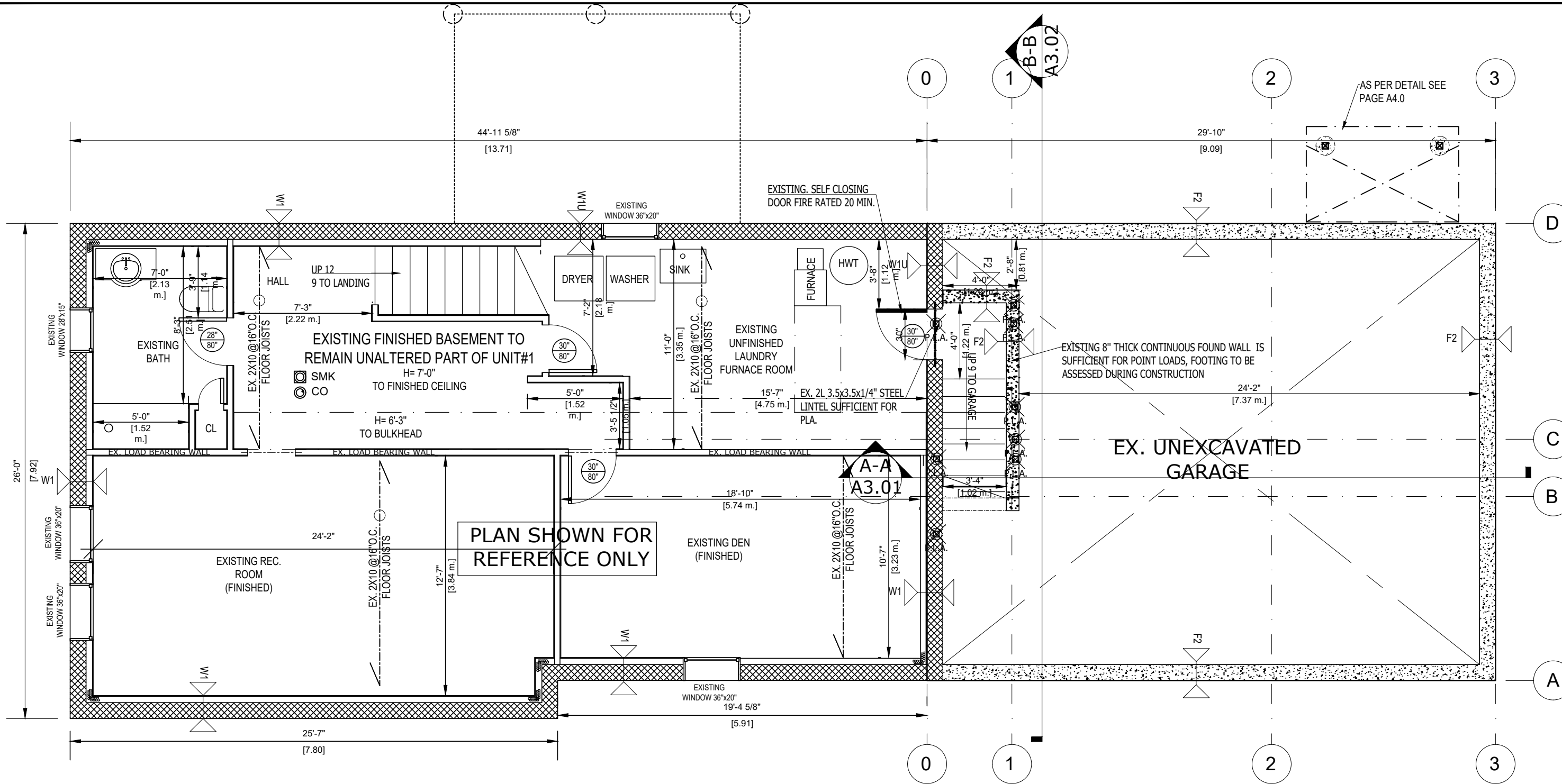
Support- Loads: All loads must be supported and transferred to foundation or adequate support. OBC 9.23.4.2, 9.17.9.15, 9.20.8.3, 9.23.8.1, 9.23.10.7. and 9.23.9.8.

AFFECTED/CHANGES  
ARE REFLECTED IN A  
THICKER LINEWEIGHT

P.L.A. = POINT LOAD  
FROM ABOVE

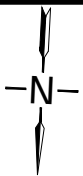


N	
DRAWN AZDR	APPROVED
SCALE AS SHOWN	DATE 07/10/2022
PROJECT PROPOSED ADDITION TO SINGLE FAMILY DWELLING 51 VALERIE DR. ST. CATHARINES ON. L2T 3G6	
TITLE EXISTING FOUNDATION PLAN	
REV 0 1 2	DATE 07/10/2022 ISSUED FOR PERMIT
DRAWING NO. A1.01	
REV 0	



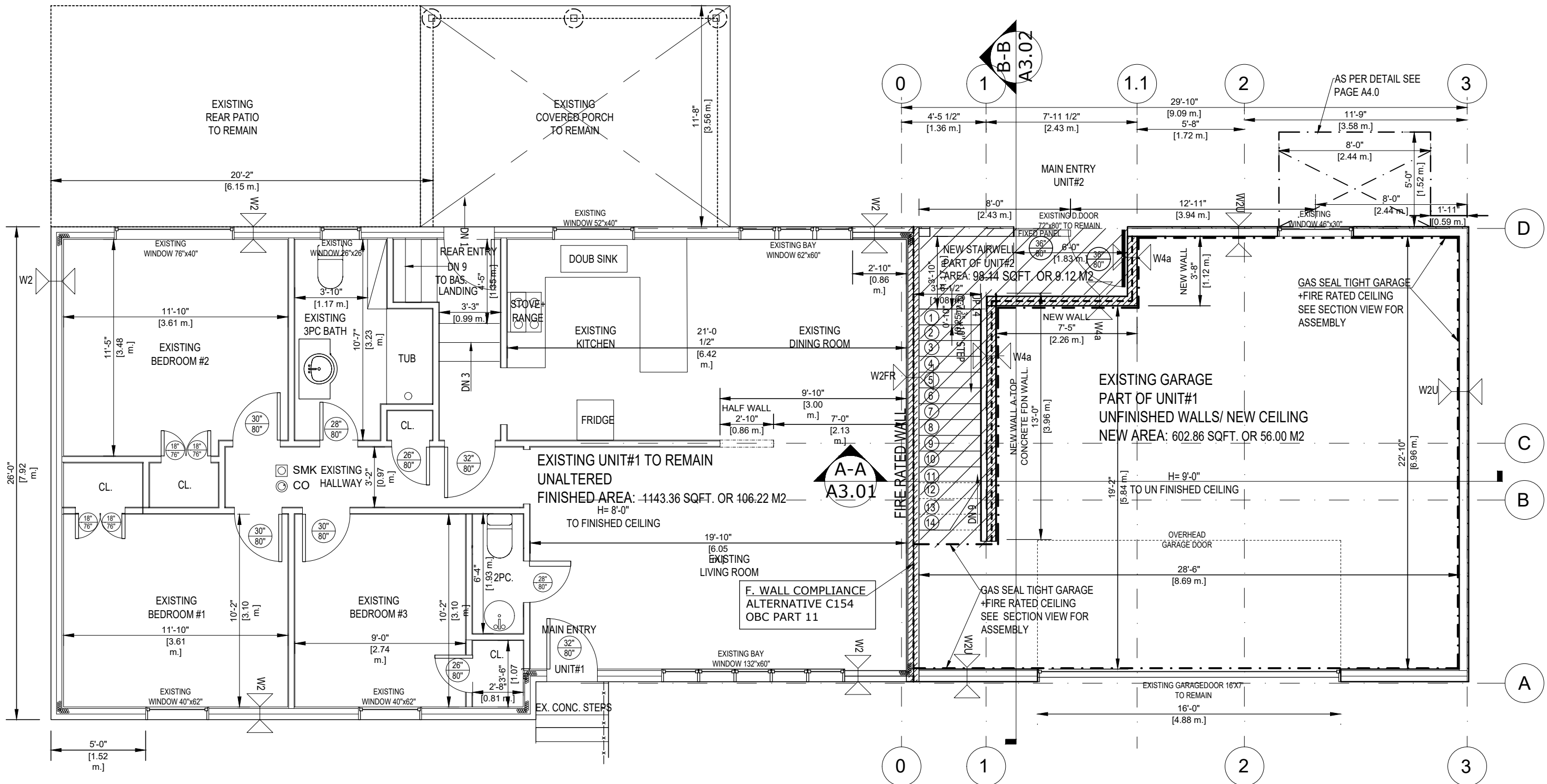
1 EXISTING BASEMENT AND GARAGE PLAN  
A1.02  
Scale: 3/16" = 1'-0"

P.L.A. = POINT LOAD  
FROM ABOVE



REV	DATE	DESCRIPTION	BY
0	07/10/2022	ISSUED FOR PERMIT	AZDR
1			
2			

DRAWN	AZDR	APPROVED	
SCALE	AS SHOWN	DATE	07/10/2022
PROJECT	PROPOSED ADDITION TO SINGLE FAMILY DWELLING 51 VALERIE DR. ST. CATHARINES ON. L2T 3G6		
TITLE	EXISTING BASEMENT PLAN		
DRAWING NO.	A1.02	REV	0



**1** EXISTING FIRST FLOOR PLAN  
A1.03  
Scale: 3/16" = 1'-0"

**HATCH CODE**

FIRE RATED ASSEMBLY WALL AND CEILING.	
---------------------------------------	--

**ANCHORS FOR NEW WALLS:**  
USE 1/2" DIAM. x 5 1/2" ANCHOR BOLTS @24" O.C.  
+ HILTI 100 EPOXY

**STAIRS**  
MIN. RUN/RISE  
11" x 7.75"

**LABELS:**  
EXISTING WINDOW WIDTH"xHEIGHT"

SCALE: AS SHOWN

DATE: 07/10/2022

PROJECT: PROPOSED ADDITION TO SINGLE FAMILY DWELLING  
51 VALERIE DR.  
ST. CATHARINES ON. L2T 3G6

**EXISTING/PROPOSED FIRST FLOOR PLAN**

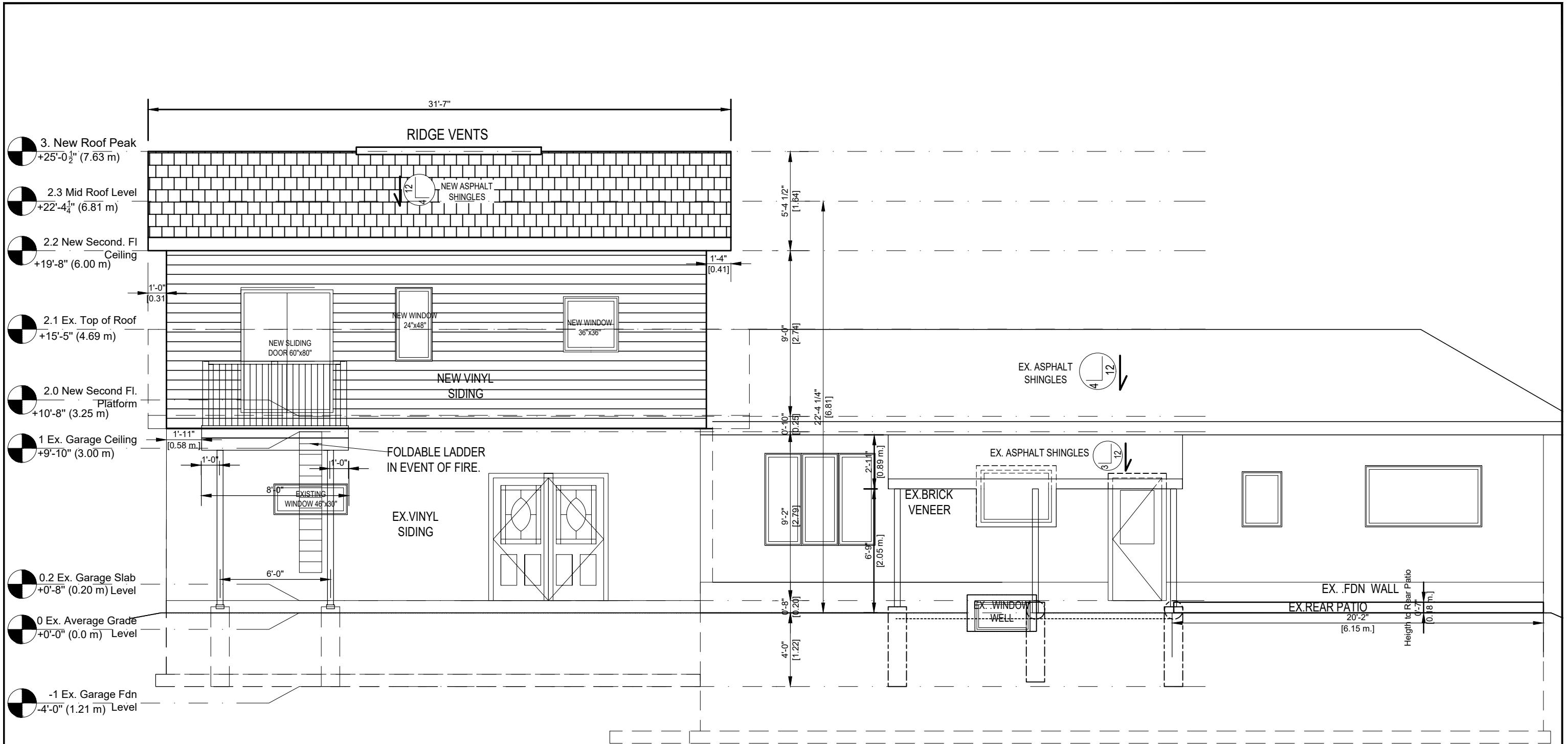
DRAWING NO. A1.03  
REV 0





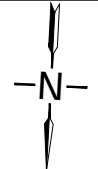






1 PROPOSED SOUTH ELEVATION

Scale: 3/16"= 1'-0"

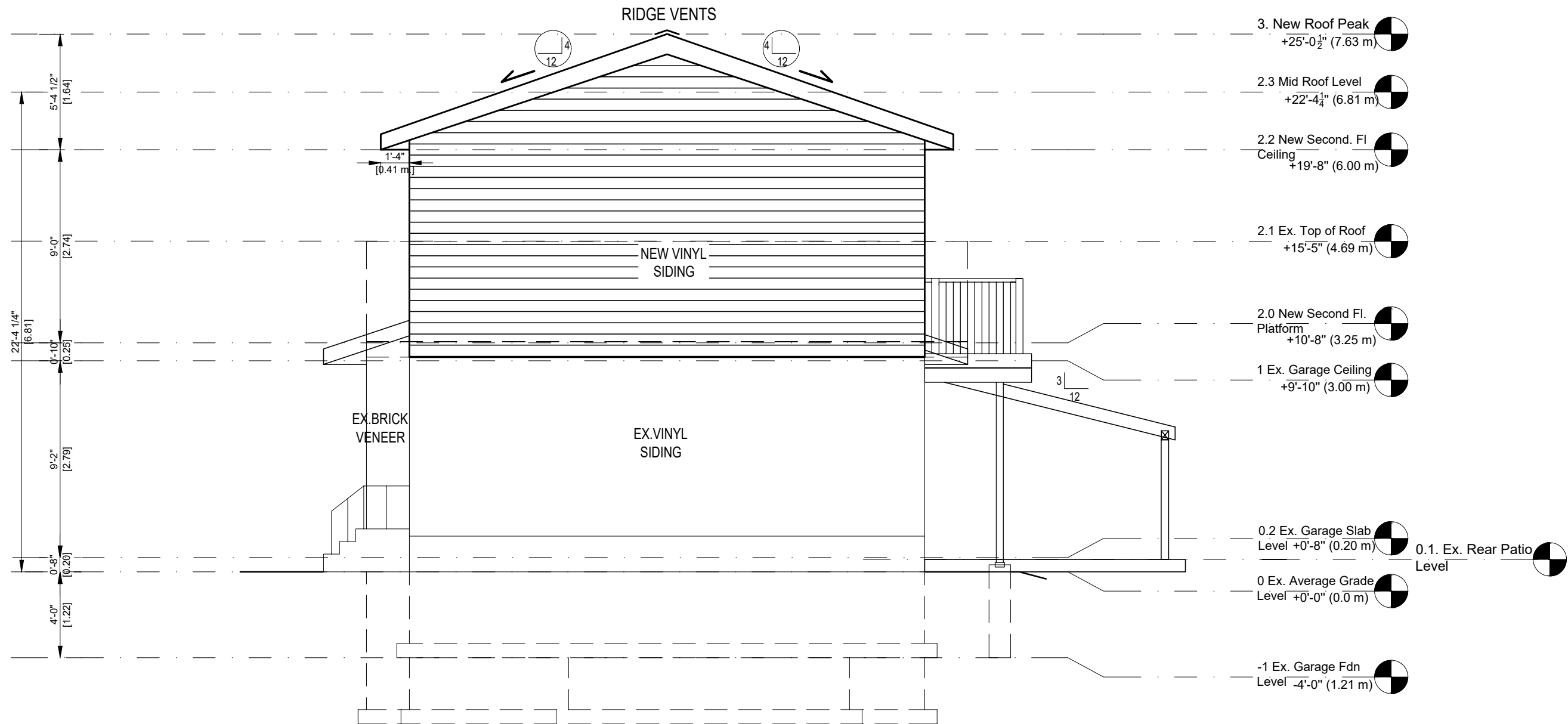


REV	DATE	DESCRIPTION	BY
0	07/10/2022	ISSUED FOR PERMIT	AZDR
1			
2			

DRAWN	AZDR	APPROVED	
SCALE	AS SHOWN	DATE	07/10/2022
PROJECT	PROPOSED ADDITION TO SINGLE FAMILY DWELLING 51 VALERIE DR. ST. CATHARINES ON. L2T 3G6		
TITLE	PROPOSED ELEVATIONS		
DRAWING NO.	A2.02	REV	0

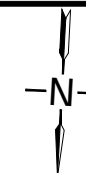


SPATIAL SEPARATION WEST ELEVATION:			
TOTAL AREA OF OPENINGS:			
BASEMENT LEVEL:	NO OPENINGS	=	0 SQFT
FIRST FLOOR LEVEL:	NO OPENINGS	=	0 SQFT
SECOND FLOOR LEVEL:	NO OPENINGS	=	0 SQFT
TOTAL			0 SQFT



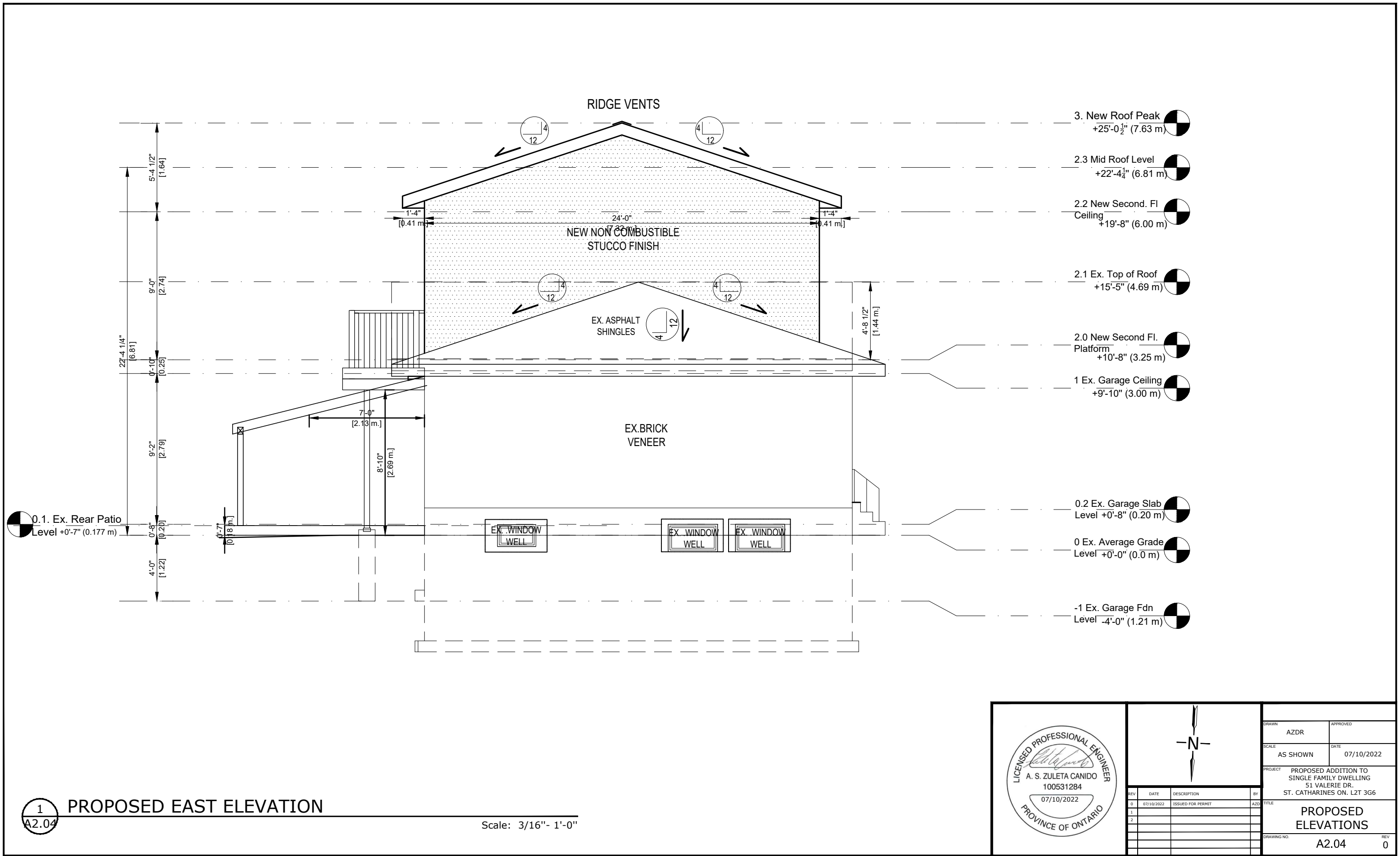
1 PROPOSED WEST ELEVATION

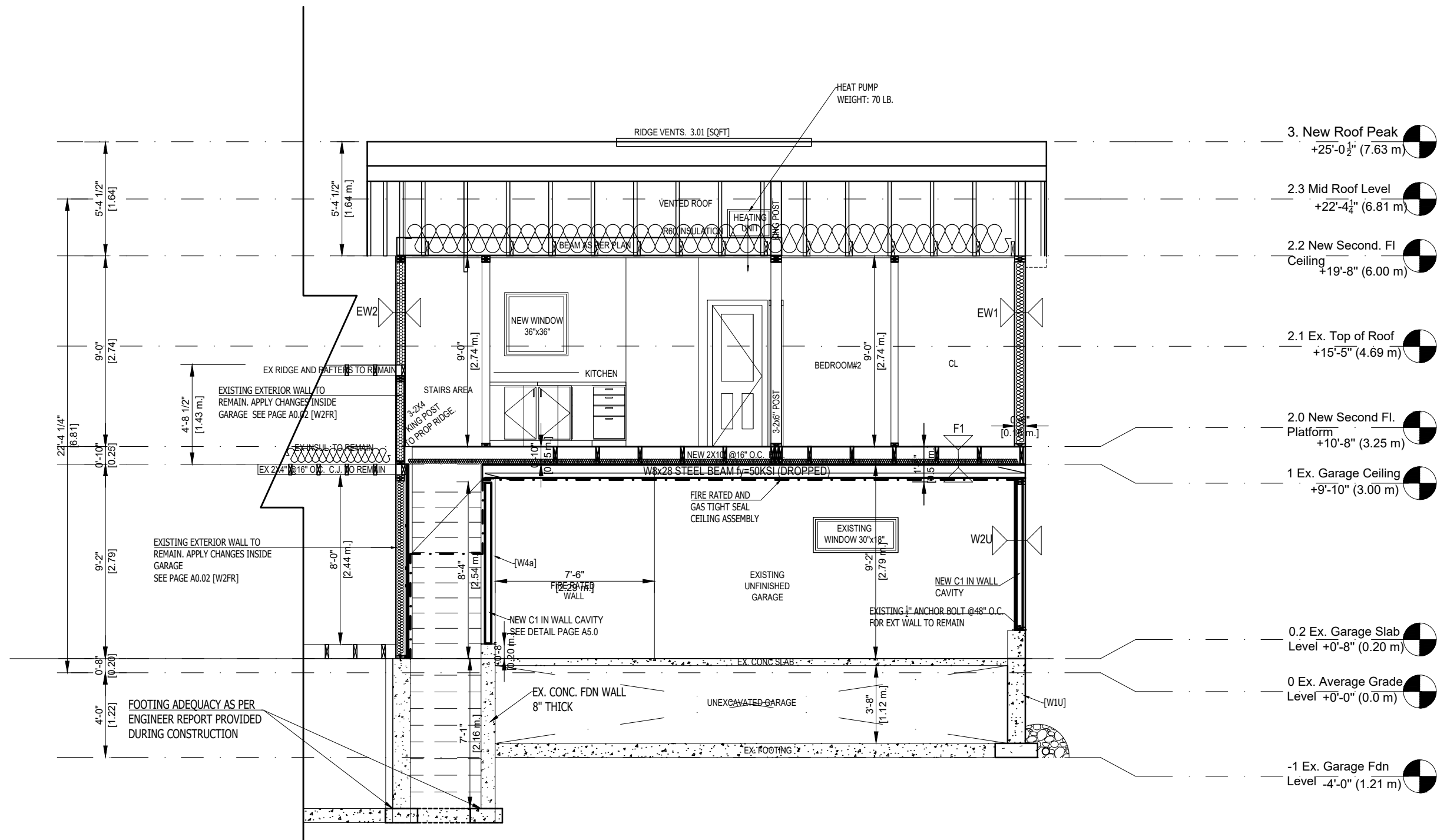
Scale: 3/16"= 1'-0"



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1			
2			

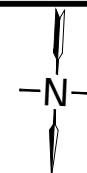
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SCALE	AS SHOWN	DATE	07/10/2022
PROJECT	PROPOSED ADDITION TO SINGLE FAMILY DWELLING 51 VALERIE DR. ST. CATHARINES ON. L2T 3G6		
TITLE	PROPOSED ELEVATIONS		
DRAWING NO.	A2.03	REV	0





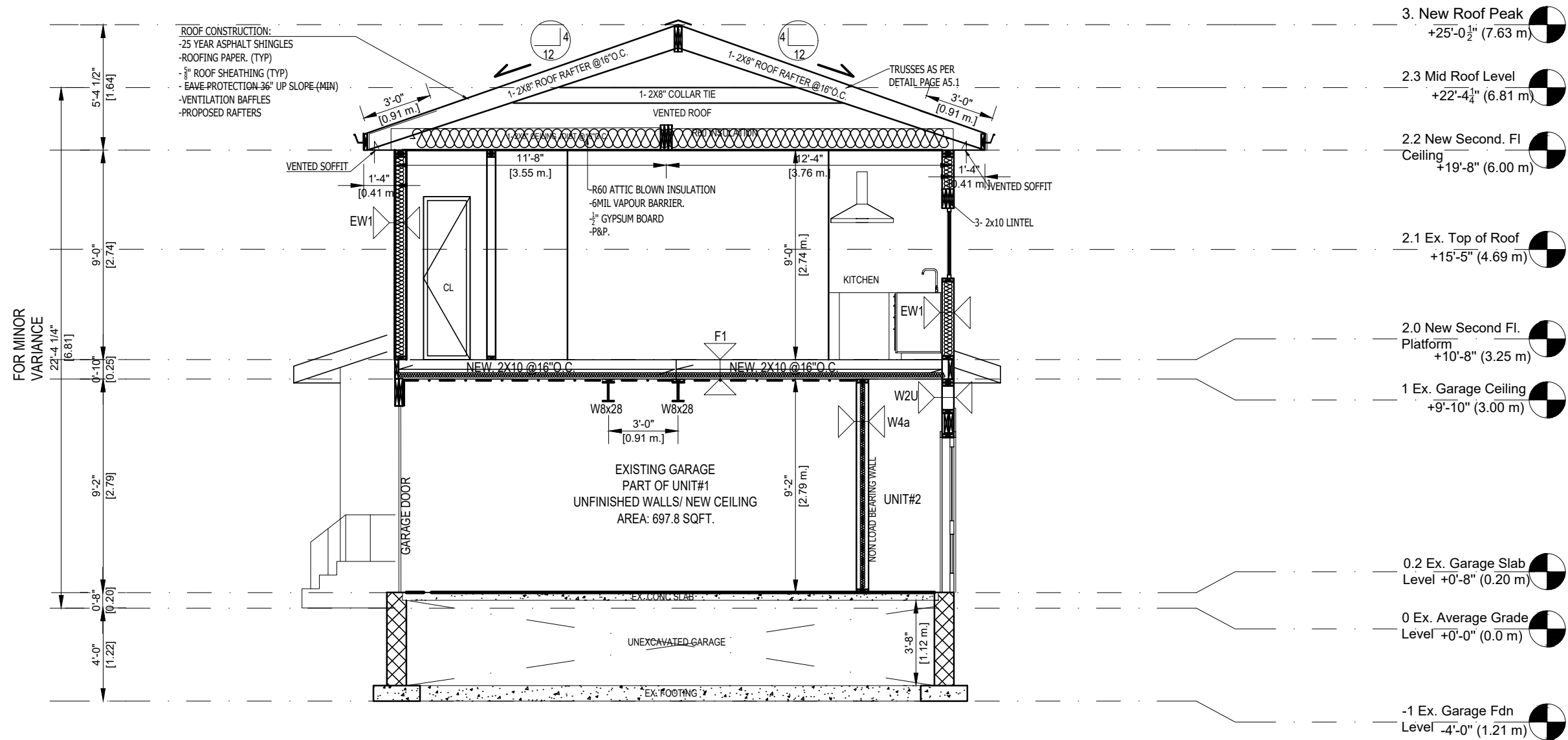
1 SECTION A-A  
A3.01

Scale: 3/16" = 1'-0"



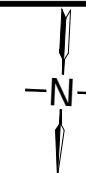
REV	DATE	DESCRIPTION	BY
0	07/10/2022	ISSUED FOR PERMIT	AZDR
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2			

DRAWN	AZDR	APPROVED	
SCALE	AS SHOWN	DATE	07/10/2022
PROJECT	PROPOSED ADDITION TO SINGLE FAMILY DWELLING 51 VALERIE DR. ST. CATHARINES ON. L2T 3G6		
TITLE	PROPOSED SECTIONS		
DRAWING NO.	A3.01	REV	0



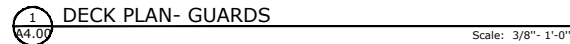
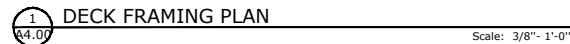
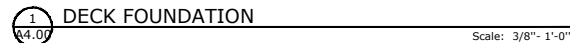
1 SECTION B-B  
A3.02

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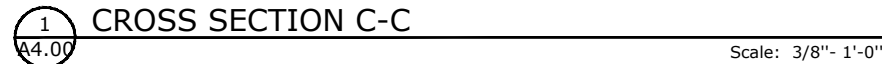


REV	DATE	DESCRIPTION	BY
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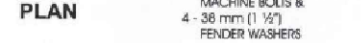
DRAWN	APPROVED
AZDR	
SCALE	DATE
AS SHOWN	07/10/2022
PROJECT	PROPOSED ADDITION TO SINGLE FAMILY DWELLING 51 VALERIE DR. ST. CATHARINES ON. L2T 3G6
TITLE	PROPOSED SECTIONS
DRAWING NO.	REV
A3.02	0



AS INDICATED



P.T.W. = PRESSURE  
TREATED WOOD



**Notes:**

1. Decking is omitted from the plan view and the axonometric view for clarity.
2. 38 mm (1½") post projection is not required where the maximum spacing between posts does not exceed 1.20 m (3'-11").
3. Joists may be spaced at 610 mm (24") o.c. or 406 mm (16") o.c..
4. Where floor joists are spaced at 610 mm (24") o.c. decking shall have a minimum thickness of 38 mm (1½") and shall be fastened to the floor with 2 - 76 mm (3") nails.
5. Dimensions shown are in mm unless otherwise specified.

1 OBC SB-7 EB-5  
44.00 N/A

1

A4.00

OBC SB-7 EB-5

N/A

TITLE  
 DECK

DRAWN AZDR	APPROVED
SCALE AS SHOWN	DATE 07/10/2022
PROJECT PROPOSED ADDITION SINGLE FAMILY DWELLING 51 VALERIE DRIVE ST. CATHARINES ON.	

REV	DATE	DESCRIPTION	BY
0	07/10/2022	ISSUED FOR PERMIT	AZD
1			
2			

TITLE DECK	DRAWING NO. A4.00
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**File No. 22 108607**

# **COMMITTEE OF ADJUSTMENT COMMENTS**

**401 Ontario Street**

**DATE OF HEARING:  
August 24, 2022**



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## Memorandum

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**To:** Wilrik Banda, ACST(A), Council and Committee Coordinator  
**From:** Sean Ip, Development Engineering Technologist  
**CC:** City Committee of Adjustment Staff Members  
**Date:** August 9, 2022  
**Hearing Date:** August 24, 2022  
**Subject:** **Committee of Adjustment - Minor Variance Applications**  
38 Elgin Street – A-87/22  
74 Rochelle Drive – A-97/22  
51 Valerie Drive – A-98/22  
401 Ontario Street – A-99/22  
261A Scott Street – A-100/22  
261B Scott Street – A-101/22  
40 Benfield Drive – A-102/22  
58 Dorchester Boulevard – A-103/22  
28 Highcourt Crescent – A-104/22  
41 Shoreline Drive – A-105/22  
16 Melbourne Avenue – A-106/22  
87 Richelieu Drive – A-107/22  
172½ Niagara Street – A-108/22  
112 St. Augustine Drive – A-109/22

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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



**From:** Network Info <network.info@horizonutilities.com>

**Sent:** Tuesday, August 9, 2022 9:29 AM

**To:** Banda, Wilrik <wbanda@stcatharines.ca>

**Cc:** Josipovic, Margaret <mjosipovic@stcatharines.ca>; Risi, Rosa <rrisi@stcatharines.ca>; Pusara, Jelena <jpusara@stcatharines.ca>; Semple, Claire <csemple@stcatharines.ca>

**Subject:** August 2, 2022 applications

**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 Wilrik,

Our office has no comments/conflicts with the remaining 12 applications that were submitted on August 2, 2022.

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:** Vasko, Dennis <[dvasko@stcatharines.ca](mailto:dvasko@stcatharines.ca)>

**Sent:** Monday, August 8, 2022 9:13 AM

**To:** Banda, Wilrik <[wbanda@stcatharines.ca](mailto:wbanda@stcatharines.ca)>

**Subject:** Re: CofA Notices of Hearing - Wednesday, August 24, 2022

Hi Wilrik,

There are no concerns from our end in respect to closed landfills and these properties.

Dennis

**DennisVasko**

**Fill Site Technician**

**Tel:**905.688.5601 x2163

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



**How are you feeling?**

Find mental health resources that can help.

---

**To: Wilrik Banda, Council and Committee Coordinator**

**Cc:**

**From: Steve Bittner, Transportation Technologist**

**Date: August 4, 2022**

**Subject: Committee of Adjustment Comments (August 24, 2022, Hearing)**

---

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

Steve Bittner  
Transportation Technologist

**To:** Margaret Josipovic, Manager of Planning, PBS

**Cc:**

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

**Date:** August 10, 2022

**Subject:** Committee of Adjustment Applications – August 24, 2022 Hearing

---

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

**38 Elgin Street, Minor Variance, A-87/22 – 22 106666 (B. Stan, Planner)**

CRCS continues to offer no objection to this revised application.

**74 Rochelle Drive, Minor Variance, A-97/22 – 22106969 (S. Ritchie, Planner)**

No objection.

**51 Valerie Drive, Minor Variance, A-98/22 – 22107190 (E. Acs, Planner)**

No objection.

**401 Ontario Street, Minor Variance, A-99/22 – 22108607 (C. McEwan, Planner)**

The applicant has submitted a landscape plan through the concurrent application for site plan approval, which was found to be acceptable. While the landscape buffer in question has been reduced in width, the landscape plan demonstrates that sufficient planting materials and trees can be accommodated within it to buffer the parking area. CRCS offers no objection to the requested minor variance for a reduced landscape buffer width.

**261 Scott Street, Consent, B-49/22 22108613**

**261A Scott Street, Minor Variance, A-100/22 – 22108620**

**261B Scott Street, Minor Variance, A-101/22 – 22108623 (M. Josipovic, Planner)**

CRCS offers no objection to the requested consent to sever to permit each of the semi-detached dwelling units to be individually conveyed, nor the requested minor variances. No new development or expansion of existing parking areas is proposed. Should the applications be approved, CRCS recommends that the following condition of consent be imposed:

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

**40 Benfield Drive, Minor Variance, A-102/22 – 22108626 (N. MacDonald, Planner)**

The applicant has submitted a landscape plan through the concurrent application for site plan approval, which was found to be acceptable. While the landscape buffer in question has been reduced in width along a portion of the westerly lot line, the landscape plan demonstrates that sufficient planting materials and trees can be accommodated to buffer the proposed parking area. CRCS offers no objection to the requested minor variance for a reduced landscape buffer width.

**58 Dorchester Boulevard, Minor Variance, A-103/22 – 22108628 (No Planner assigned)**

No objection.

**28 Highcourt Crescent, Minor Variance, A-104/22 – 22108630 (No Planner assigned)**

No objection.

**41 Shoreline Drive, Minor Variance, A-105/22 – 22108633 (No Planner assigned)**

No objection.

**16 Melbourne Avenue, Minor Variance, A-106/22 – 22108635 (E. Acs, Planner)**

No objection.

**87 Richelieu Drive, Minor Variance, A-107/22 – 22108636 (B. Stan, Planner)**

No objection.

**172/ Niagara Street, Minor Variance, A-108/22 – 22108638 (B. Stan, Planner)**

CRCS offers no objection to the requested minor variances, provided the applicant has submitted sufficient evidence to confirm that the front yard parking area was legally established. Staff is not confident that this is the case, given the existing curb cut does not extend along the entirety of the lot frontage. If the parking area has not been legally established, then CRCS recommends that the minor variances for increases in maximum parking coverage and maximum parking area width be denied. Further, we recommend that any approval of a reduction in lot frontage be conditional upon the applicant being required to replace a portion of the front parking area with landscaped open space in order to comply with the requirements of the Zoning By-law. We note that the applicant has requested a reduction in the parking requirement from three spaces to one, which directly conflicts with their request to recognize the existing parking area. In any event, CRCS is supportive of a parking requirement reduction, provided it results in an increase in landscaped open space in the front yard.

**112 St. Augustine Drive, Minor Variance, A-109/22 – 22108661 (No Planner assigned)**

No objection.

*Amanda Knutson*

## *Community Project and Development Planner*



## Technical Report

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

**Date of Report:** August 19, 2022

**Date of Meeting:** August 24, 2022

**Report Number:** A-99/22

**File:** 22108607

**Subject:** 401 Ontario Street

### Recommendation

That Application **A-99/22** submitted by 401 Ontario Street Inc., as outlined in the Notice of Hearing, be approved.

### Report Background

In 2021, Application A-12/21 was approved by the Committee of Adjustment for the subject property to increase the total gross leasable floor area (GLFA) for non-commercial uses on the site from 40% to 100%. The variance was requested to facilitate the construction of a mixed-use building consisting of a dental office (ground floor) and two residential apartments (2nd floor). The site is undergoing a concurrent Site Plan application review.

### The Proposal

Application A-08/22 seeks relief from the City's Zoning By-law 2013-283, as amended, to facilitate the proposed construction of a surface parking area containing 17 parking spaces for the two storey mixed use office/residential building. The variance required to facilitate the proposal is outlined in the table below.

Variance	Provision	Required	Proposed
1	Minimum landscape buffer for a parking area with 5 to 20 parking spaces for a lot line abutting a residential or institutional zone	3.0 m	1.06 m

### Location and Site Description

The subject property is located on the west side of Ontario Street and north of Cecil Street. The surrounding uses include Alzheimer Society of Niagara Region and Linhaven Long-term Care to the north, Henley Square to the west, Speer Opticians to the south, and Straight Smiles Orthodontics to the east.

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 Commercial on Schedule D1 of the Garden City Plan (GCP) and further designated Community Commercial on Schedule E1. Office and residential uses are permitted in this designation.

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

The subject property is zoned Community Commercial (C2). Office and residential uses are permitted in this zone.

## **Planning Analysis**

Zoning By-law 2013-283 establishes a minimum 3 metres landscape buffer between the edge of a parking area abutting a residential or institution zone with 5 to 20 parking spaces. The Applicant proposes a reduction from 3 to 1.06 metres.

The intent of the provision is to provide an appropriate buffer and screening between neighbouring land uses. Section 7.1 of the GCP states that development and redevelopment shall be evaluated having regard for building, site, streetscape and neighbourhood context sensitive design. This includes ensuring there are adequate setbacks and spacing, that adverse impacts on adjacent properties are minimized and that the provision of parking areas and drive aisles do not dominate the site physically or visually. The driveway along which the reduced buffer width is requested is adjacent to a substantial landscape strip and drive aisle on the neighbouring lot. No adverse impacts are anticipated on the adjacent property.

The applicant has submitted a landscape plan through the concurrent application for site plan approval, which was found to be acceptable. While the landscape buffer in question has been reduced in width, the landscape plan demonstrates that sufficient planting materials and trees can be accommodated within it to buffer the parking area. The Community, Recreation and Culture Services Department which reviews landscaping offers no objection to the requested minor variance for a reduced landscape buffer width.

With the approval of a landscape plan that is overall acceptable to CRCS staff, the reduction of 1.94 metres of the northerly landscape buffer facilitates a development that is in keeping with the intent of the official plan and zoning by-law. Staff are satisfied that the requested reductions in landscape buffer is minor, that adequate separation and screening of the parking areas will be provided.

## Conclusion

Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Application **A-99/22** 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:**

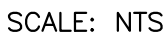



Charlotte McEwan  
Planner I

**Approved by:**

Planner  
Senior Planner



[illegible]

LEGEND	
○ BF	BARRIER FREE SIGN LOC'N
	P. CONC. WALKWAY
	COLOURED/PATTERNED CONCRETE
⊙ LP	LIGHTS POLE
⊙ WM	WALL MOUNTED LIGHTS

OWNER'S NAME \_\_\_\_\_

SIGNATURE

THE CORPORATION OF  
THE CITY OF ST. CATHARINES

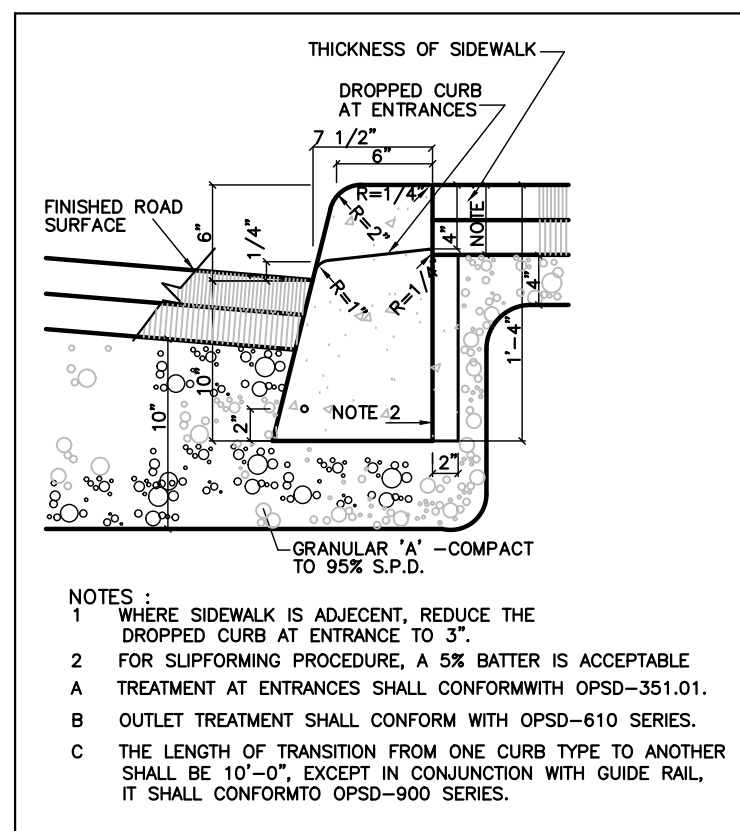
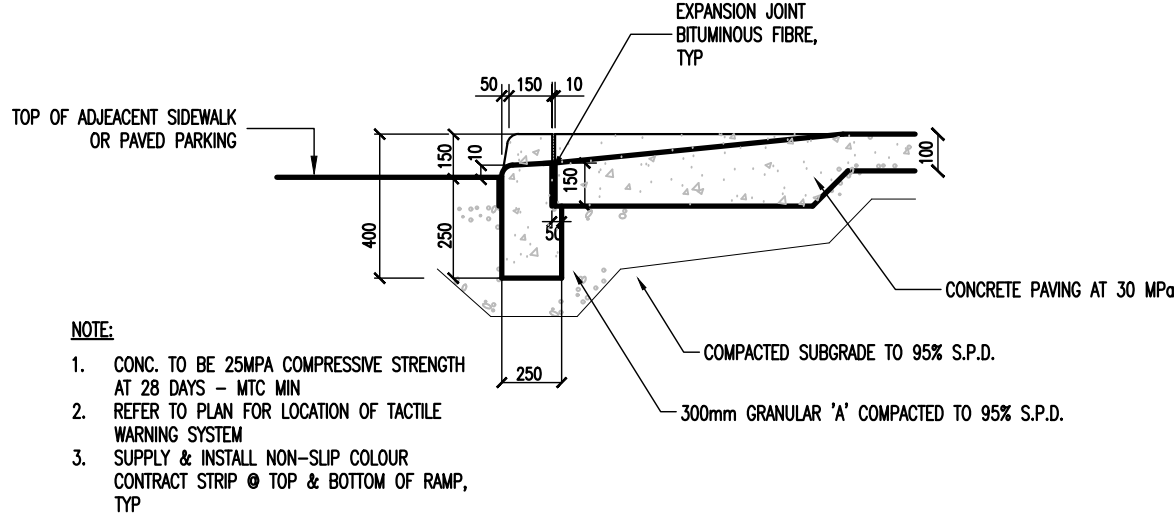
DIRECTOR OF PLANNING & BUILDING SERVICES

DATE: \_\_\_\_\_, 20\_\_

NOTE: The dimensions, areas and locations shown on this plan are approximate and may be slightly altered in the final design, providing the intent and purpose of the original plan is maintained and all relevant zoning provisions complied with. Further and notwithstanding anything shown on this plan to the contrary, all site servicing, grading and drainage shall be in accordance with plans approved by the engineer.

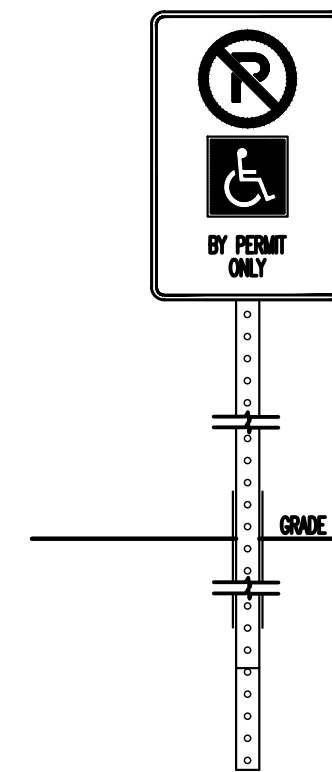


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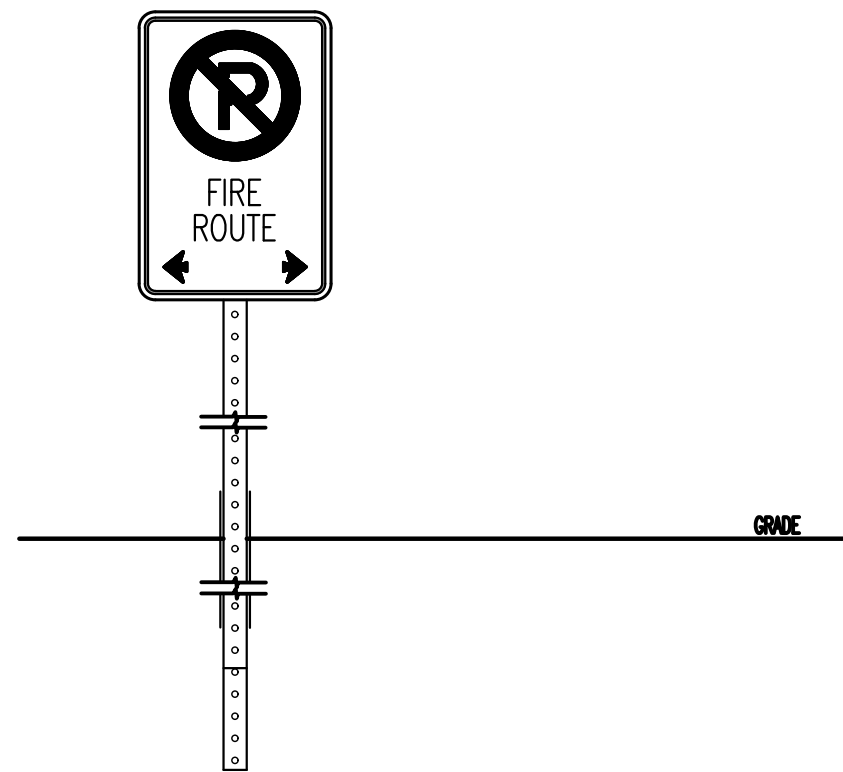


## SIDEWALK CURB DETAIL

SCALE: N.T.S.



- **BARRIER FREE PARKING: SIGNAGE REQUIREMENTS**
- ALL DISABLED PARKING STALLS SHALL BE DESIGNATED BY SIGNAGE AS PER BY-LAW.
- ONE SIGN PER BAY IS REQUIRED UNLESS A ROW OF SEVERAL BAYS IS PROVIDED IN WHICH CASE, A SIGN AT EACH END OF THE ROW W/ APPROPRIATE DIRECTIONAL ARROWS
- THE SIGN SHALL BE MOUNTED AT A HEIGHT OF 1.5-2.5 METERS FROM TOP OF CURB TO CENTRE OF SIGN.
- SIGN(S) WILL BE MOUNTED AT LEAST 600mm & NOT MORE THAN 1900mm FROM THE FACE OF THE CURB.
- SIGN FACE - 16 GAUGE ALUM. SIGN BLANK-WHITE BACKGROUND
- SIGNS MUST NOT OBSTRUCT SIDEWALK. MINIMUM OF 1200mm REQUIRED BEHIND SIGN REQUIRED FOR B.F. PARKING OF TRUCKS.
- SIGN & POST/LEG(S) BOLTED TOGETHER W/ 8mm<sup>2</sup> THREADED, GALV. TAMPER PROOF CORNER BOLT W/ GALV. WASHERS & SELF LOCKING NUTS



- FIRE ROUTE SIGNAGE REQUIREMENTS
  - THE SIGN SHALL BE MOUNTED AT A HEIGHT OF 1.5-2.5 METERS FROM TOP OF CURB TO CENTRE OF SIGN.
  - FIRE ROUTE SIGNS SHALL BE POSTED IN COMPLIANCE W/ THE HIGHWAY TRAFFIC ACT & OR THE ONTARIO TRAFFIC MANUAL.
  - ALL SIGNS SHALL CONFORM TO THE ONTARIO TRAFFIC MANUAL AS PER HIGHWAY TRAFFIC ACT.
  - ALL FIRE ROUTE SIGNS SHALL BE DESIGNATED BY SIGNAGE AS: PER BY-LAW.
  - SIGN FACE- 15 GAUGE ALUM. SIGN BLANK-WHITE BACKGROUND
  - SIGNS MUST NOT OBSTRUCT SIDEWALK. MINIMUM OF 1200mm REQUIRED BEHIND SIGN REQUIRED FOR B.F. PATH OF TRAVEL.
  - SIGN & POSTS JOINED TOGETHER W/ 8mm THREADED, GALV. TAMPER PROOF CORNER BOLT W/ GALV. WASHERS & SELF LOCKING NUTS.
  - SIGN(S) SHALL BE MOUNTED AT A MINIMUM OF 1000mm FROM CURB.
  - FIRE ROUTE SIGNS LOCATED AT ENDS OF A FIRE ROUTE SHALL DISPLAY SINGLE HEADED ARROWS POINTING IN THE DIRECTION IN WHICH THE DESIGNATED FIRE ROUTE TAKES EFFECT.
  - SIGN(S) SHALL BE INSTALLED SUCH THAT THERE ARE NO VISUAL OBSTRUCTIONS WITHIN 6000mm OF THE SIGN & BE VISIBLE TO ENCROACHING TRAFFIC.

Firm Name: 2M Architects Inc. Certificate of Practice Number: 3103 115 Lake Street St. Catharines, ON Canada - L2R 5X7 Tel: (905) 687-9777 Fax: (905) 687-9897 2marchitects@copeco.net www.2marchitects.ca The Certificate of Practice Number of the holder is the holders BCIN. Name of Project: 401 ONTARIO STREET Location: 401 ONTARIO STREET										The architect noted above has exercised responsible control with respect to design activities. The architect's seal number is the architect's BCIN.		
Item	2012 Ontario Building Code Data Matrix- Parts 3 or 9								OBC Reference			
1	Project Description: NEW 2 STOREY MIXED COMMERCIAL/RESIDENTIAL BLDG. <div>□ Change of Use</div>					<div><input checked="" type="checkbox"/> New □ Addition □ Alteration</div>	<div><input type="checkbox"/> Part 11 11.1 to 11.4</div>	<div><input type="checkbox"/> Part 3 1.1.2.[A]</div>	<div><input checked="" type="checkbox"/> Part 9 1.1.2.[A] 9.10.1.3</div>			
2	Major Occupancy(s) : GRD. FLR. COM. OFFICE--GROUP D & 2ND. FLR. RESID.--GROUP C									9.10.2		
3	Building Area (m2) Existing <u>0</u> New <u>398.5</u> Total <u>398.5</u>							1.4.1.2.[A]	1.4.1.2.[A]			
4	Gross Area Existing <u>0</u> New <u>712.5</u> Total <u>712.5</u>							1.4.1.2.[A]	1.4.1.2.[A]			
5	Number of Storeys Above Grade <u>2</u> Below Grade <u>1</u>								9.10.4			
6	Number of Streets/ Fire Fighter Access : 1								9.10.20			
7	Building Classification : Classification 9.10.2. GROUP D 2ND GROUP C								9.10.2			
8	Sprinkler System Proposed					<div><input type="checkbox"/> Entire Building □ Basement Only □ In Lieu of Roof Rating <input checked="" type="checkbox"/> Not Required</div>			9.10.8.2			
9	Standpipe Required					<div><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</div>			N/A			
10	Fire Alarm Required					<div><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</div>			9.10.18			
11	Water Service/ Supply is Adequate					<div><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</div>			N/A			
12	High Building					<div><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</div>			N/A			
13	Permitted Construction <input checked="" type="checkbox"/> Combustible <input type="checkbox"/> Non-Combustible <input type="checkbox"/> Both Actual Construction <input type="checkbox"/> Combustible <input type="checkbox"/> Non-Combustible <input checked="" type="checkbox"/> Both								9.10.6			
14	Mezzanine(s) Area m2 : N/A								9.10.4.1			
15	Occupancy Load Based on <input type="checkbox"/> m2/ person <input checked="" type="checkbox"/> design of building								9.19.3			
Basement: Occupancy Load <u>sf./factor=0</u> Persons												
First floor: COMMERCIAL Occupancy Load <u>18</u> Persons												
Second floor: RESID. Occupancy <u>2 PER BEDRM.</u> Load <u>8</u> Persons												
						Load TOTAL: <u>26</u> Persons						
16	Barrier-free Design					<div><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (explain)</div>			9.5.2			
17	Hazardous Substances					<div><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</div>			9.10.1.3 (4)			
18	Required Fire Resistance Rating (FRR)	Horizontal Assemblies FRR (Hours)			Listed Design No. or Description (SG-2)				9.10.8			
Floors <u>3/4</u> Hours									9.10.9			
Roof <u>0</u> Hours					RESIDENTIAL, 3/4 HOURS							
Mezzanine <u>-</u> Hours					N/A							
Supporting Members <u>0</u> Hours					3/4 WHERE SUPPORTING RATING							
18	Provided	Floors <u>3/4</u> Hours										
Roof <u>3/4</u> Hours												
Mezzanine <u>-</u> Hours					N/A							
Supporting Members <u>-</u> Hours					3/4 WHERE SUPPORTING RATING							
19	Spatial Separation-- Construction of Exterior Walls									9.10.14		
	Wall	Area of EBF (m sq.)	L/D (m)	L/H or H/L	Permitted Max. % of Openings	Proposed % of Openings	FRR (Hours)	Listed Design or Description	Comb Const	Comb. Const. Nonc. Cladding	Non-Comb. Const.	
	North	127	2.15	1/2	8	8	1HR			YES	YES	
	South	127	2.16	1/2	8	8	1HR			YES	YES	
	East	133	33.28	1/2	10	60	3/4HR					
	West	133	3.03	1/2	10	18	1HR		YES			
			7.3	2ND FLR.								
20	Separation between occupancies : GROUP C / GROUP D = 1HR									3.1.3.1/3.3.1.1	9.10.9.11-17	
22	Public Corridor Separation : N/A										9.10.9.15	
21	Travel Distance				Maximum = 25m							
23	Exit Capacity				Doorway @ 36" MIN 36/0.25 = 144 persons per door 2 x 144 = total exit capacity of 288 persons							
24	Washroom Fixture Calculations				18 / 2 = 9 sex - 1 per/sex req'd RESIDENCES HAVE INDIVIDUAL WASHROOMS					3.7.4.7		
25	Employee Washrooms				N/A					3.7.4/Table 3.7.4.3.F		
26	Seismic Reinforcement											

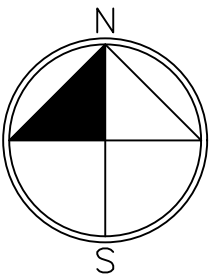
THESE DOCUMENTS ARE NOT TO BE SCALED.

THE DESIGN AND DOCUMENTS REMAIN THE PROPERTY OF THE ARCHITECT. THESE DOCUMENTS ARE NOT TO BE REPRODUCED, COPIED, ALTERED WITHOUT THEIR EXPRESSED WRITTEN CONSENT. ALL DOCUMENTS TO BE RETURNED AT COMPLETION OF WORK.

CONTRACTOR TO SITE VERIFY ALL DETAILS AND DIMENSIONS AND REPORT ANY AND ALL DISCREPANCIES TO THE ARCHITECT BEFORE COMMENCING WITH THAT RELATED PORTION OF THE WORK.

ONLY SIGNED SEALED AND STAMPED DOCUMENTS ARE TO BE USED FOR CONSTRUCTION PURPOSES.

NO:	BY:	DATE:	REVISION:
01	RR	2020-08-21	ISSUED FOR PERMIT
02	RR	2020-11-30	RE-ISSUED FOR PERMIT
03	RR	2021-02-24	RE-ISSUED FOR PERMIT
04	RR	2021-06-03	BASMENT LEVEL REMOVED
05	RR	2021-08-06	NEW CLIMC LAYOUT
06	RR	2021-10-12	RE-ISSUED FOR PERMIT
07	RR	2021-12-07	RE-ISSUED SPA FOR PERMIT
08	RR	2022-06-16	RECD PARKING SPACE RECALC.
09	RR	2022-07-04	ISSUED FOR MINOR VARIANCE



**2M architects inc.**  
115 Lake Street  
St. Catharines, ON  
Canada L2R 5X7  
Tel: 905-687-9777  
Fax: 905-687-9997

2M  
**architects**

2Marchitects@coogeco.net  
[www.2marchitects.ca](http://www.2marchitects.ca)

drawn by:	RR	plot scale:	1:1
design by:	LJM	approved by:	MRM
		scale:	AS NOTED

date:  
 JUL 4, 2022

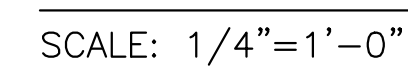
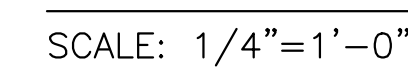
project title: **PROPOSED  
NEW BUILDING  
401 ONTARIO STREET  
ST. CATHARINES, ONTARIO**

## ANNEX C APPENDIX C C-1

revision number:	19-89
growing number:	

**A-1**

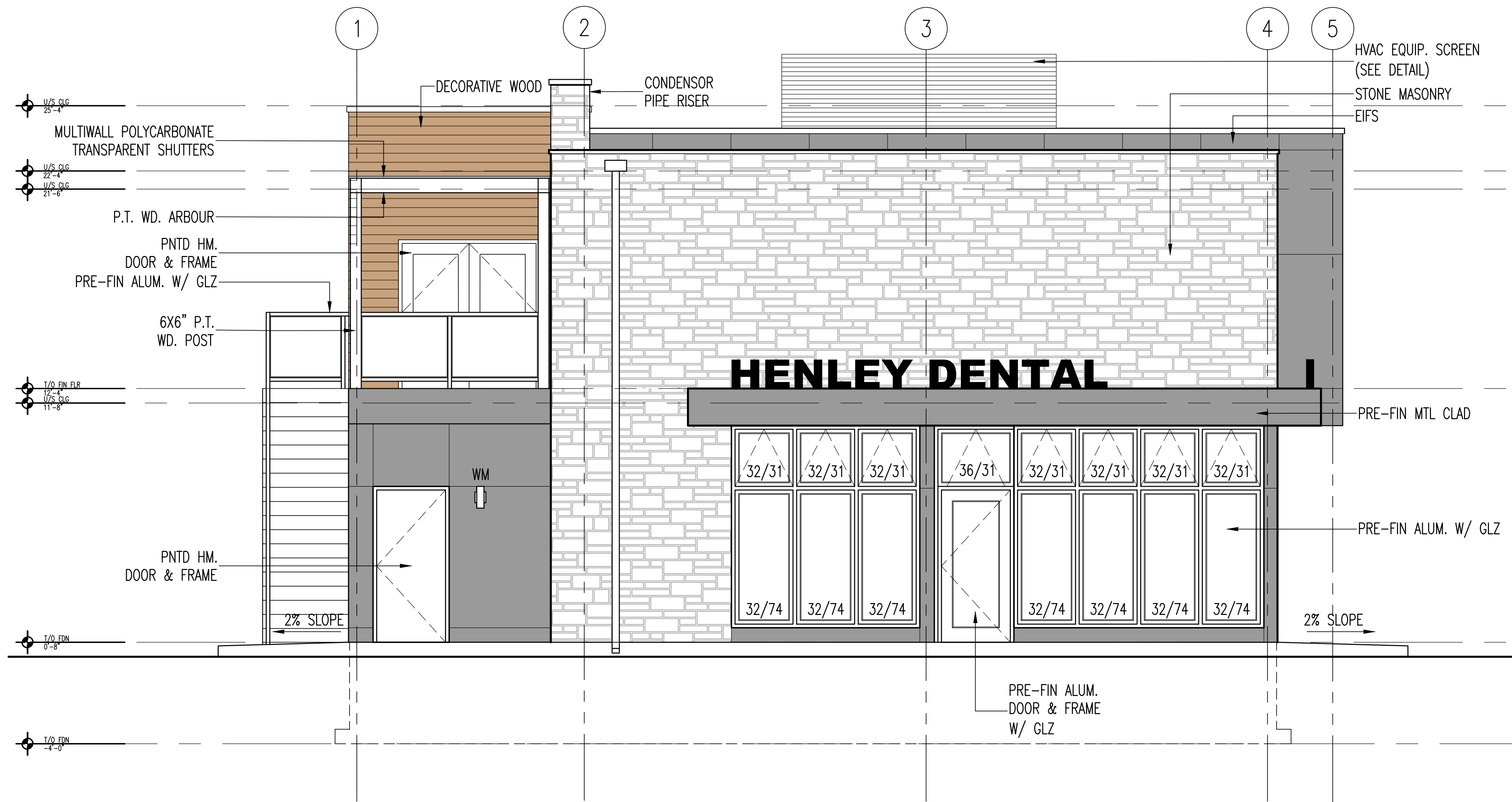




NOTE: The dimensions, areas and locations shown on this plan are approximate and may be slightly altered in the final design, providing the intent and purpose of the original plan is maintained and all relevant zoning provisions complied with. Further and notwithstanding anything shown on this plan to the contrary, all site servicing, grading and drainage shall be in accordance with plans approved by the engineer.

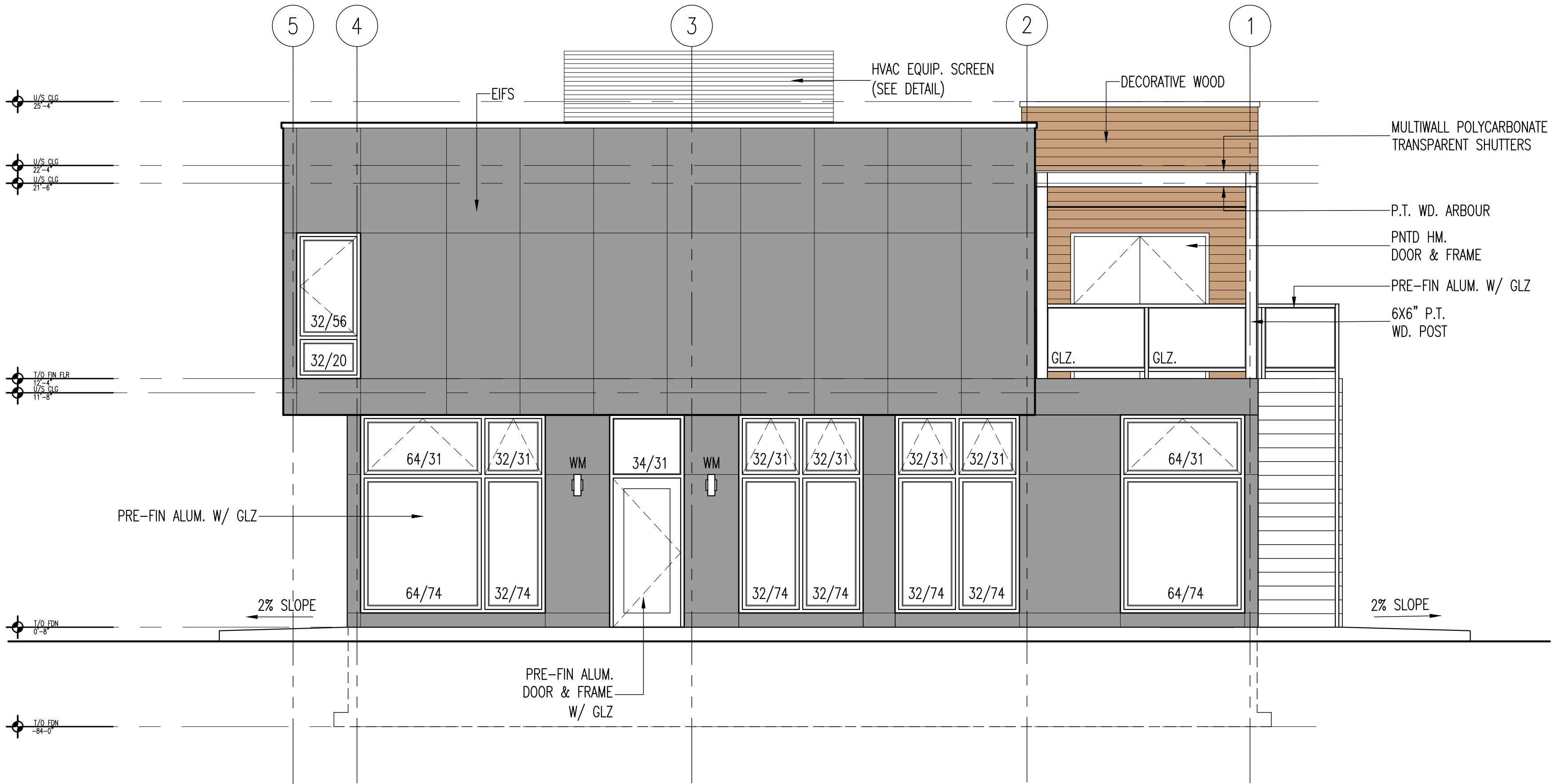
job number: 19-89	revision number:
drawing number:	

# A-2



PROPOSED EAST ELEVATION

SCALE: 1/4"=1'-0"



PROPOSED WEST ELEVATION

SCALE: 1/4"=1'-0"

OWNER'S NAME

SIGNATURE

THE CORPORATION OF  
THE CITY OF ST. CATHARINES

DIRECTOR OF PLANNING & BUILDING SERVICES

DATE: \_\_\_\_\_,20\_\_

NOTE: The dimensions, areas and locations shown on this plan are approximate and may be slightly altered in the final design, providing the intent and purpose of the original plan is maintained and all relevant zoning provisions complied with. Further and not withstanding anything shown on this plan to the contrary, all site servicing, grading and drainage shall be in accordance with plans approved by the engineer.

2M architects inc.  
115 Lake Street  
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Canada L2R 5X7  
Tel: 905-687-9777  
Fax: 905-687-9997  
2Marchitects@cogeco.net  
www.2marchitects.ca

drawn by:  
RR

design by:  
LJM

approved by:  
MRM

date:  
JUL 4, 2022

project title:  
PROPOSED  
NEW BUILDING  
401 ONTARIO STREET  
ST. CATHARINES, ONTARIO

zoning title:  
PROPOSED EAST ELEVATION  
PROPOSED WEST ELEVATION

job number:  
19-89

revision number:  
A-3

**File No. 22108613; 22 108620; 22 108623**

# **COMMITTEE OF ADJUSTMENT COMMENTS**

**261 Scott Street**

**DATE OF HEARING:  
August 24, 2022**



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## Memorandum

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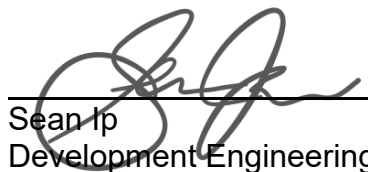
**To:** Wilrik Banda, ACST(A), Council and Committee Coordinator  
**From:** Sean Ip, Development Engineering Technologist  
**CC:** City Committee of Adjustment Staff Members  
**Date:** August 9, 2022  
**Hearing Date:** August 24, 2022  
**Subject:** **Committee of Adjustment - Minor Variance Applications**  
38 Elgin Street – A-87/22  
74 Rochelle Drive – A-97/22  
51 Valerie Drive – A-98/22  
401 Ontario Street – A-99/22  
261A Scott Street – A-100/22  
261B Scott Street – A-101/22  
40 Benfield Drive – A-102/22  
58 Dorchester Boulevard – A-103/22  
28 Highcourt Crescent – A-104/22  
41 Shoreline Drive – A-105/22  
16 Melbourne Avenue – A-106/22  
87 Richelieu Drive – A-107/22  
172½ Niagara Street – A-108/22  
112 St. Augustine Drive – A-109/22

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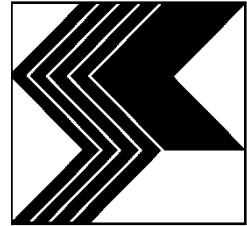
Development Engineering have no comments or objections to the above noted applications, subject to the following;

- 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

**REPORT TO PLANNING DEPARTMENT**  
**Re: LAND DIVISION APPLICATION NUMBER B – 49/22SC**



August 15<sup>th</sup>, 2022.

**ENGINEERING FILE 300-36**

**Hearing Date:** September 21<sup>st</sup>, 2022

**Applicant:** 2675384 Ontario Inc.

**Location:** 261 Scott Street

**Existing Road Allowance Width:** +/-20m

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

**Comments:**

**General**

It is noted that the owner wishes to sever an existing lot with an existing 2unit dwelling. The result will be two separate semi-detached lots.

**Roads and Sidewalks**

The property fronts on Scott Street. Scott Street is classified as a Main Mixed-Use Corridor in the City's Transportation Master Plan with a desired ROW width of 26m. The current width across the frontage of the subject lands is +/-26m and therefore the City will not be requiring a widening at this time.

Curbs exist along Scott Steet at this location. The current driveways are not changing and therefore new curb cut and/or curb fills will not be required.

A sidewalk exists across the Scott Street frontage. No exterior construction is taming place and therefore a sidewalk damage deposit will likely not be required at the Building Permit stage.

**Linear Municipal Services**

City records indicate the existing dwelling is serviced by one small diameter (19mm) water service and one sanitary lateral. The City has a service card with information on the existing water service. However, there is no information on the location of the sanitary lateral.

The Owner shall pay the fee for City crews to locate, trace, inspect, and document the location and condition of the sewer lateral and water service currently in use for the existing dwelling to confirm they will not conflict with any abutting and/or future lot lines and confirm they are suitable for re-use. This must be completed prior to the finalization of the severance.

If the location of the existing sanitary lateral is acceptable to the City but the condition of the existing lateral is such that it cannot be reused, the City will replace the lateral at the same location and depth from the main line sewer to the front property line at no charge to the owner. If the

portion on private property needs to be replaced that shall be the owner's responsibility.

If the condition of the existing sanitary lateral is suitable but the location will result in the lateral crossing an existing or proposed side yard property line the owner must pay for City crews to relocate the portion within the right-of way to eliminate the conflict. The relocation of the portion on private property would be arranged for and paid for by the owner and would be subject to a Plumbing Only Permit and associated fee. This work must be completed prior to the severance being finalized.

Prior to finalizing the severance, the owner will be required to pay the City to install an additional sanitary lateral from the City sewer to the front property line for the other unit to ensure each unit is serviced separately. The sanitary plumbing inside the dwelling must also be separated into two independent systems prior to finalization of the severance and is to be included in the Plumbing Only Permit.

The size of the existing water services is suitable for re-use for one of the units. However, if the location will result in the water service crossing an existing or proposed side yard property line the owner must pay for City crews to relocate the portion within the right-of way to eliminate the conflict. The relocation of the portion on private property would be arranged for and paid for by the owner and would be subject to a Plumbing Only Permit and associated fee. This work must be completed prior to the severance being finalized.

Prior to finalization of the severance the owner must pay the City to install a new 19mm water service from the City main to the front property line for the other unit. The owner will be responsible to install the portion on private property through a Plumbing Only Permit. The plumbing inside the dwelling must also be separated into two independent systems prior to finalization of the severance.

### **Grading and Drainage**

Grading and drainage are not issues since the dwelling already exists.

### **Conditions:**

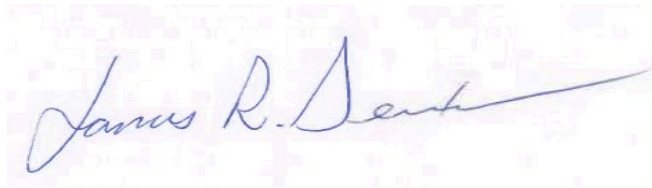
If this application is approved, it shall be subject to the following conditions which must be met prior to finalization of the severance.

- The owner shall pay for City crews to inspect the existing sanitary lateral and water service to the subject lands.
- If the condition of the existing sanitary lateral is suitable but the location will result in crossing any existing or proposed side yard property line, the owner shall pay for City crews to relocate the portion within the right-of way. The owner shall complete the relocation on private property and obtain a Plumbing Only Permit to do so.
- The owner shall pay to have City crews to install a sanitary lateral from the main line sewer on the street to the front property line for the second unit. The owner must extend this lateral from the front property line to the dwelling and complete the reconfiguration of the internal plumbing to provide for two separate and independent internal sanitary systems. This work must be completed through the



### Plumbing Only Permit.

- The owner shall pay for City crews to trace and document the location of the existing water service.
- If the location of the existing water service will result in crossing any existing or proposed side yard property line, the owner shall pay for City crews to relocate the portion within the right-of way. The owner shall complete the relocation on private property through the Plumbing Only Permit.
- The owner shall pay to have City crews to install a water service for the second unit. The owner must extend this water service from the front property line to the dwelling and complete the reconfiguration of the internal plumbing to provide for two separate and independent internal water systems. This work must be completed through the Plumbing Only Permit.



**Prepared By:**

---

James R Denham, P.Eng.  
Development Engineering Technologist



**To: Wilrik Banda, Council and Committee Coordinator**

**Cc:**

**From: Steve Bittner, Transportation Technologist**

**Date: August 4, 2022**

**Subject: Committee of Adjustment Comments (August 24, 2022, Hearing)**

---

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

Steve Bittner  
Transportation Technologist

**From:** Vasko, Dennis <[dvasko@stcatharines.ca](mailto:dvasko@stcatharines.ca)>

**Sent:** Monday, August 8, 2022 9:13 AM

**To:** Banda, Wilrik <[wbanda@stcatharines.ca](mailto:wbanda@stcatharines.ca)>

**Subject:** Re: CofA Notices of Hearing - Wednesday, August 24, 2022

Hi Wilrik,

There are no concerns from our end in respect to closed landfills and these properties.

Dennis

**DennisVasko**

**Fill Site Technician**

**Tel:**905.688.5601 x2163

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



**How are you feeling?**

Find mental health resources that can help.

---

**From:** Network Info <network.info@horizonutilities.com>

**Sent:** Tuesday, August 9, 2022 9:29 AM

**To:** Banda, Wilrik <wbanda@stcatharines.ca>

**Cc:** Josipovic, Margaret <mjosipovic@stcatharines.ca>; Risi, Rosa <rrisi@stcatharines.ca>; Pusara, Jelena <jpusara@stcatharines.ca>; Semple, Claire <csemple@stcatharines.ca>

**Subject:** August 2, 2022 applications

**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 Wilrik,

Our office has no comments/conflicts with the remaining 12 applications that were submitted on August 2, 2022.

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](#).*

**To:** Margaret Josipovic, Manager of Planning, PBS

**Cc:**

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

**Date:** August 10, 2022

**Subject:** Committee of Adjustment Applications – August 24, 2022 Hearing

---

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

**38 Elgin Street, Minor Variance, A-87/22 – 22 106666 (B. Stan, Planner)**

CRCS continues to offer no objection to this revised application.

**74 Rochelle Drive, Minor Variance, A-97/22 – 22106969 (S. Ritchie, Planner)**

No objection.

**51 Valerie Drive, Minor Variance, A-98/22 – 22107190 (E. Acs, Planner)**

No objection.

**401 Ontario Street, Minor Variance, A-99/22 – 22108607 (C. McEwan, Planner)**

The applicant has submitted a landscape plan through the concurrent application for site plan approval, which was found to be acceptable. While the landscape buffer in question has been reduced in width, the landscape plan demonstrates that sufficient planting materials and trees can be accommodated within it to buffer the parking area. CRCS offers no objection to the requested minor variance for a reduced landscape buffer width.

**261 Scott Street, Consent, B-49/22 22108613**

**261A Scott Street, Minor Variance, A-100/22 – 22108620**

**261B Scott Street, Minor Variance, A-101/22 – 22108623 (M. Josipovic, Planner)**

CRCS offers no objection to the requested consent to sever to permit each of the semi-detached dwelling units to be individually conveyed, nor the requested minor variances. No new development or expansion of existing parking areas is proposed. Should the applications be approved, CRCS recommends that the following condition of consent be imposed:

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

**40 Benfield Drive, Minor Variance, A-102/22 – 22108626 (N. MacDonald, Planner)**

The applicant has submitted a landscape plan through the concurrent application for site plan approval, which was found to be acceptable. While the landscape buffer in question has been reduced in width along a portion of the westerly lot line, the landscape plan demonstrates that sufficient planting materials and trees can be accommodated to buffer the proposed parking area. CRCS offers no objection to the requested minor variance for a reduced landscape buffer width.

**58 Dorchester Boulevard, Minor Variance, A-103/22 – 22108628 (No Planner assigned)**

No objection.

**28 Highcourt Crescent, Minor Variance, A-104/22 – 22108630 (No Planner assigned)**

No objection.

**41 Shoreline Drive, Minor Variance, A-105/22 – 22108633 (No Planner assigned)**

No objection.

**16 Melbourne Avenue, Minor Variance, A-106/22 – 22108635 (E. Acs, Planner)**

No objection.

**87 Richelieu Drive, Minor Variance, A-107/22 – 22108636 (B. Stan, Planner)**

No objection.

**172/ Niagara Street, Minor Variance, A-108/22 – 22108638 (B. Stan, Planner)**

CRCS offers no objection to the requested minor variances, provided the applicant has submitted sufficient evidence to confirm that the front yard parking area was legally established. Staff is not confident that this is the case, given the existing curb cut does not extend along the entirety of the lot frontage. If the parking area has not been legally established, then CRCS recommends that the minor variances for increases in maximum parking coverage and maximum parking area width be denied. Further, we recommend that any approval of a reduction in lot frontage be conditional upon the applicant being required to replace a portion of the front parking area with landscaped open space in order to comply with the requirements of the Zoning By-law. We note that the applicant has requested a reduction in the parking requirement from three spaces to one, which directly conflicts with their request to recognize the existing parking area. In any event, CRCS is supportive of a parking requirement reduction, provided it results in an increase in landscaped open space in the front yard.

**112 St. Augustine Drive, Minor Variance, A-109/22 – 22108661 (No Planner assigned)**

No objection.

*Amanda Knutson*

## *Community Project and Development Planner*



## Technical Report

---

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

**Date of Report:** August 19, 2022

**Date of Meeting:** August 24, 2022

**Report Number:** B-49/22SC  
A-100/22  
A-101/22

**File:** 22108613  
22108620  
22108623

**Subject:** 261 Scott Street (to be known as 261A Scott Street and 261B Scott Street)

## Recommendation

### Consent

That Application **B-49/22SC** submitted by 2675384 Ontario Inc., as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. That the owner shall pay for City crews to inspect the existing sanitary lateral and water service to the subject lands.
2. If the condition of the existing sanitary lateral is suitable but the location will result in crossing any existing or proposed side yard property line, that the owner shall pay for City crews to relocate the portion within the right-of-way. The owner shall complete the relocation on private property and obtain a Plumbing Only Permit to do so.
3. That the owner shall pay to have City crews install a sanitary lateral from the main line sewer on the street to the front property line for the second unit. The owner must extend this lateral from the front property line to the dwelling and complete the reconfiguration of the internal plumbing to provide for two separate and independent internal sanitary systems. This work must be completed through the Plumbing Only Permit.
4. That the owner shall pay for City crews to trace and document the location of the existing water service.
5. If the location of the existing water service will result in crossing any existing or proposed side yard property line, that the owner shall pay for City crews to relocate the portion within the right-of way. The owner shall complete the relocation on private property through the Plumbing Only Permit.
6. That the owner shall pay to have City crews to install a water service for the second unit. The owner must extend this water service from the front property line to the dwelling and complete the reconfiguration of the internal plumbing to provide for two separate and independent internal water systems. This work must be completed through the Plumbing Only Permit.

7. That the applicant submits a payment for the placement of a 60 mm boulevard tree for each new lot, in accordance with the City's current Schedule of Rates and Fees.
8. That the Owner provide the Secretary-Treasurer with the acknowledgement and direction for conveyance of the subject parcel, together with a copy of the deposited reference plan, for use in the issuance of the Certificate of Consent.
9. That a final certification fee of \$222.20 (2022 rate) per application payable to the Treasurer, City of St. Catharines, be submitted to the Secretary-Treasurer.
10. That all conditions of consent be fulfilled by August 24, 2024.

## Minor Variance

That Application **A-100/22** submitted by 2675384 Ontario Inc., as outlined in the Notice of Hearing, be approved.

That Application **A-101/22** submitted by 2675384 Ontario Inc., as outlined in the Notice of Hearing, be approved.

## Report The Proposal

The Applicant is proposing a partial discharge of mortgage and consent to sever 395.01 square metres of land (Part 2), to be known as 261B Scott Street with an existing semi-detached dwelling for continued residential use. The 511.57 square metre remnant parcel (Part 1), to be known as 261A Scott Street would be retained with an existing semi-detached dwelling for continued residential use. There are concurrent minor variance applications **A-100/22** and **A-101/22** to facilitate the proposal. The requested severance and variances are described in the tables below.

Application	Severed Parcel	Severed Area	Retained Parcel	Retained Area
<b>B-49/22SC</b>	Part 2 (261B Scott Street)	395.01 m <sup>2</sup>	Part 1 (261A Scott Street)	511.57 m <sup>2</sup>

Application	Variance	Zoning Provision	Required	Proposed
<b>A-100/22</b> 261A Scott Street (Part 1)	1	Maximum lot area	465 m <sup>2</sup>	512 m <sup>2</sup>
	2	Minimum lot frontage	12.0 m	9.25 m
	3	Minimum interior side yard lot line to a platform structure (height more than 0.6 m and less than 1.2 m above grade)	1.2 m	0 m
<b>A-101/22</b> 261B Scott Street (Part 2)	1	Minimum lot frontage	12.0 m	7.43 m
	2	Minimum interior side yard setback to a platform structure	1.2 m	0 m



		(height more than 0.6 m and less than 1.2 m above grade)		
	3	Maximum parking area coverage	50%	69%
	4	Maximum parking width	50%	69.9%

## Location and Site Description

The subject properties are located on the north side of Scott Street east of Geneva Street. The surrounding neighbourhood is residential with a variety of low-density dwellings, with townhouse dwellings to the west and semi-detached dwellings to the east.

The subject property is presently occupied by a semi-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 E3. Semi-detached dwellings are permitted in this designation, at a density generally between 20 and 32 units per hectare of land.

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

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

## Planning Analysis

### Consent

Application **B-49/22SC** requests to sever the subject property into two lots for continued residential use as a semi-detached dwelling. Section 16.11 of the GCP sets out a number of policies that applications for lot creation are evaluated against. Relevant policies are listed below with staff comments provided:

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

The proposed severed lots will use the 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 consent is located within the City's built boundary and within an area that is substantially developed. The proposal seeks to sever the existing semi-detached dwelling, which supports context-sensitive infill development and contributes to providing a range of housing types.

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

The existing semi-detached dwelling meets the density and the majority of requirements as set out in the City's Zoning By-law, demonstrating that the dwelling has appropriate scale, massing and setbacks. The proposed lot frontages fall under the minimum requirement for semi-detached dwellings and therefore require minor variances. The proposed new lot (Part 1) will require minor variance to address the zoning deficiency created by the consent with respect to lot area. There are concurrent minor variance applications that seek to remedy these deficiencies, which are discussed below. However, given the proposal is to separate an existing semi-detached structure into two units, and meets the majority of zoning requirements, staff are supportive of the development. Staff recommend that consent application **B-49/22SC** be approved, subject to conditions outlined in the recommendation.

## **Minor Variances**

### **Variance 1 Application A-100/22 (Part 1)**

Variance 1 of Application A-100/22 requests an increase in the maximum lot area of a semi-detached dwelling unit. The maximum permitted lot area for a semi-detached dwelling unit in the R1 zone is 465 square metres. The proposed lot area is 512 square metres for Part 1 which is an increase of 47 square metres.

The intent of the maximum lot area per dwelling unit is to ensure that there is sufficient space to accommodate dwellings within the boundaries of the property while ensuring there is adequate amenity space, site access, landscaping, parking, and buffering from abutting properties. The maximum lot area per dwelling unit provision also guides the density of a development, and to ensure that the lot area is appropriate for its intended use. The lot area is not proposed to change through this application. The proposed increased lot area of 47 square metres for one semi-detached dwelling unit on this property is considered minor in nature, as the existing semi-detached dwelling can accommodate front, rear and exterior setbacks, provide safe access and adequate landscaping. The proposed lot area for Part 1 of the semi-detached dwelling unit is in accordance with Part B, Section 2.3.3.5 ii) of the Official Plan, which emphasizes the provision of new housing through efficient use of vacant and occupied lands and small lot infill. The proposal is not considered overdevelopment as the lot meets many zoning requirements and the semi-detached dwelling is an existing structure on the lot. There are requests for minor variances regarding lot frontages, interior yard setbacks, and parking area, however, staff are satisfied that the overall site plan is in keeping with the intent of the Official Plan and Zoning By-law.

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 Application A-100/22 and Variance 1 of Application A-101/22**

Variance 2 of Application A-100/22 and Variance 1 of Application A-101/22 request a reduction to the lot frontage for the proposed lots. Application A-100/22 requests to reduce the lot frontage for the existing semi-detached dwelling unit at 261A Scott Street from 12.0 metres to 9.25 metres, resulting in a reduction of 2.75 metres. Variance 2 of Application A-101/22 requests to reduce the lot frontage for the existing semi-dwelling unit at 261B Scott Street from 12.0 metres to 7.43 metres, resulting in a reduction of 4.57 metres. The proposed reduced lot frontages are considered to be minor in nature.

The intent of the minimum lot frontage requirement is to ensure appropriate lot shapes and sizes to accommodate specific uses. A minimum lot frontage also ensures that there is adequate access to a site and maintain a consistent streetscape. The proposed lot frontages of 9.25 metres and 7.43 metres are sufficient to accommodate the existing semi-detached dwellings, appropriate setbacks, landscaping and site access. Staff note that the surrounding area is comprised of lots with varying frontage widths and overall size. The proposed lots are consistent with the prevailing character of the surrounding lots. Overall, the proposed reduction in lot frontages is not anticipated to have negative impacts on the surrounding lands and are considered appropriate for the existing dwellings.

Section 7.1 of the GCP states that development and redevelopment shall be evaluated having regard for context sensitive design to ensure the integration of compatible building form, scale, height and setbacks with adjacent buildings and the surrounding neighbourhood. Staff find the requested variances to be minor in nature, desirable for the appropriate use of lands, and meets the general intent of the Official Plan and Zoning By-law.

### **Variance 3 Application A-100/22 and Variance 2 of Application A-101/22**

Variance 3 of Application A-100/22 and Variance 2 of Application A-101/22 request a reduction of the minimum interior side yard setback to a platform structure. Zoning By-law 2013-283 establishes a 1.2 metre minimum setback from the interior side yard to platform structures, such as porches and decks, that are more than 0.6 metres and less than 1.2 metres in height above grade.. The provision is intended to ensure the platform structure does not overwhelm the yard and to maintain a degree of separation from neighbouring properties, thereby mitigating safety, privacy, and overlook concerns. The applicant is seeking a relief from the City's by-law to recognize the existing platform structures on both Part 1 and Part 2 with a setback of 0 metres from the interior side yard lot line for a semi-detached dwelling

The existing built platform structure functions as a porch for the front door entrances at 261A Scott Street and 261B Scott Street. The concrete porch is built as one continuous structure for both units which results in a 0 metre interior yard setback. The variances are required now as the existing platform structure will be divided in half by the proposed severance line to separate the two units on to individual lots. Staff find the

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

### **Variance 3 and 4 of Application A-101/22**

The Zoning By-law permits a maximum driveway width of 7.5 m or 50% of the front lot line distance (whichever is less) and permits a maximum parking area coverage of 50% of the front yard. The purpose of the provisions restricting driveway width and parking area coverage are intended to limit the amount of space in a front yard dedicated to vehicular parking. Large parking surfaces reduce the opportunity for landscaping in the front yard and detract from the aesthetics of the street. Section 4.3.2 of the GCP states that development/redevelopment should design parking to minimize the impact on the property, surrounding area, and environment. This can be achieved by consolidating and minimizing widths of driveways and curb cuts.

The applicant is requesting minor variances to increase the driveway width to 5.22 m on Part 2, which represents 69.9% of the lot frontage, and is also requesting to increase the parking area coverage to 69%. This extent of these increases is visually not prominent and will not negatively affect the aesthetic of the streetscape. Staff are of the opinion that approving the existing increased driveway width will not have noticeable visual impacts and will not negatively affect the streetscape. City policies seek to minimize the amount of land dedicated to vehicular parking. The sketch shows adequate tandem parking for 2 vehicles on 261B Scott Street. The driveway is an existing condition for this unit and the reduction of the driveway width will result in a loss of a second space in the driveway, since there is not enough space to park two cars behind each other. Staff recommend approval of Variances 3 and 4 for Application A-101/22, as they meet the purpose and intent of the Zoning By-law and Official Plan, are minor in nature, and are desirable for the appropriate use of the lands.

## **Conclusion**

Having regard for matters under Section 53 of the *Planning Act*, staff are of the opinion that Consent Application **B-49/22SC** is in keeping with the policies of the Official Plan and will have no adverse impacts on the surrounding area or environment. It is staff's recommendation that the requested consent be approved, subject to the conditions outlined in the recommendation.

Having regard for matters under Section 45 of *The Planning Act*, staff are of the opinion that Applications **A-100/22** and **A-101/22** 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:**



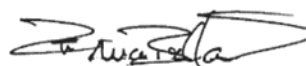
Dasha Litviniuc  
Student Planner

**Submitted by:**

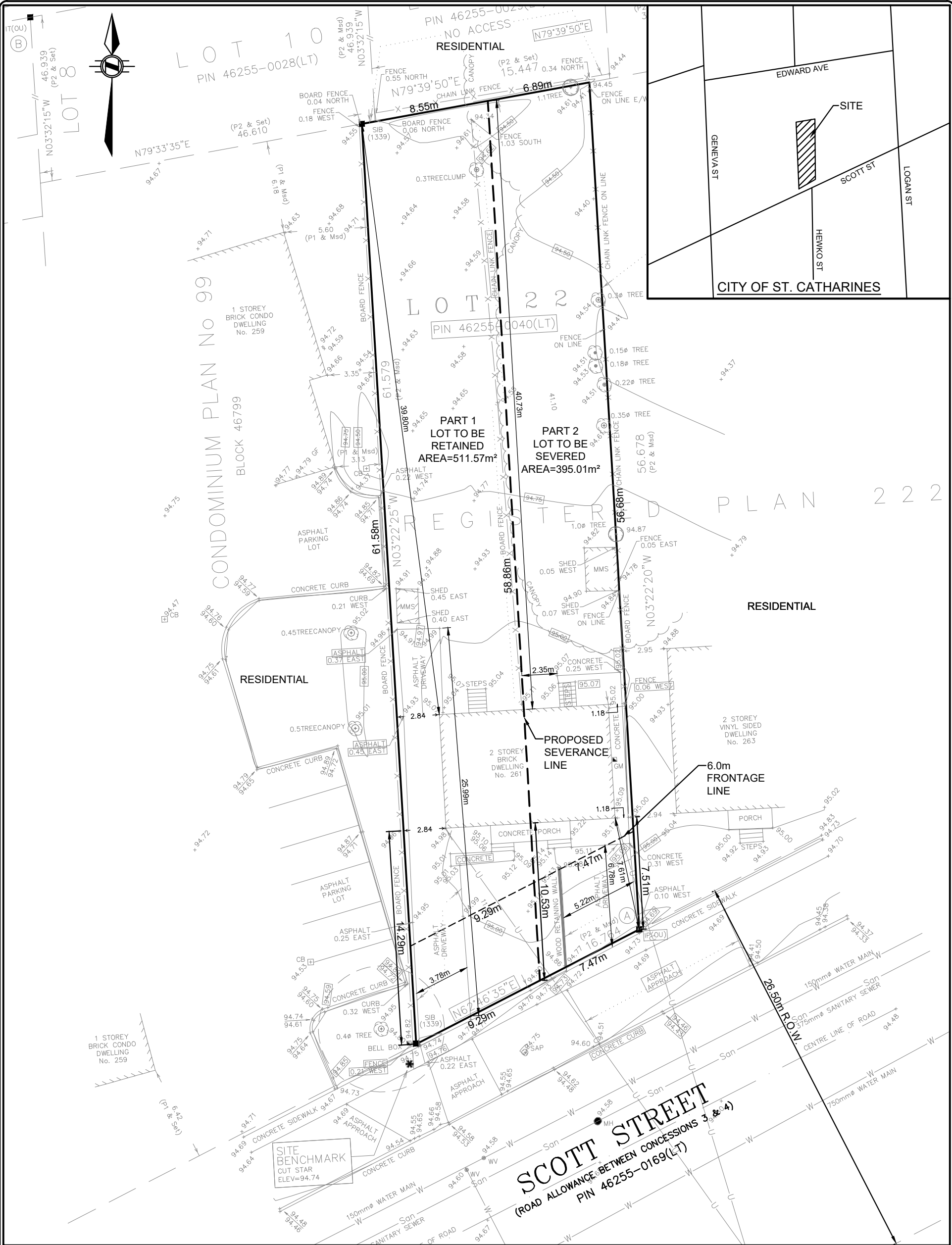


Brenda Stan  
Planner

**Approved by:**



Bruce Bellows  
Senior Project Manager



NOTE: SEVERANCE SKETCH BASED ON A.T.  
McLAREN LIMITED SURVEY DATED MAY 05 2022

- LOT TO BE RETAINED**
  - LANDSCAPED OPEN SPACE 72.9% 372.83m²
  - LOT COVERAGE 10.8% 55.45m²
  - DRIVEWAY COVERAGE 40.6% 22.65m²
- LOT TO BE SEVERED**
  - LANDSCAPED OPEN SPACE 72.3% 285.74m²
  - LOT COVERAGE 19.2% 75.70m²
  - DRIVEWAY COVERAGE 68.7% 30.80m²

**GATEWAY GROUP**

PROJECT  
**261 SCOTT STREET,  
ST. CATHARINES**

DRAWING  
**PROPOSED  
SEVERANCE SKETCH**

1.	05/27/22	ISSUED FOR CONSENT APPLICATION	DJI
No.	DATE	REVISION	BY
SCALE: 1:250			

SURVEYOR'S CERTIFICATE

I CERTIFY THAT THE BOUNDARIES ARE OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.

  
ROBERT McLAREN  
ONTARIO LAND SURVEYOR

DATE  
**08 JUN 22**



**July 8, 2022**

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

**Attn: Elaine Munro, Committee Secretary & Planning Technician**

**RE: 261 Scott Street, St. Catharines**  
**Cover Letter & Planning Brief – Applications for Consent and Minor Variance**

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On behalf of our client, 2675384 Ontario Inc. o/a Gateway Group, Upper Canada Consultants is pleased to submit the enclosed consent and minor variance applications for lands municipally known as 261 Scott Street in the City of St. Catharines, located at the north side of Scott Street, with Geneva Street to the west, Logan Street to the east, and Hewko Street to the south.

Included in the submission are the following items:

- One (1) Consent Application signed by the Owner;
- Two (2) Minor Variance applications signed by the owner;
- One (1) cheque in the amount of **\$5,171.45** made payable to the City of St. Catharines;
- One (1) Severance Sketch prepared by McLaren Limited; and,
- One (1) Parcel Register from the Land Registry Office.

The subject lands are 906.58 square metres and currently contain an existing two storey semi-detached dwelling. The applications propose to sever the existing lot down the common wall of the existing dwelling to permit separate ownership of the lands. The proposed severance requires a total of seven (7) variances: three (3) for Part 1 and four (4) for Part 2. All seven (7) variances are required to legalize the existing condition as there is no new development being proposed.

Based on discussions between the Owner and Margaret Josipovic, it was determined by the City that a pre-consultation was not required prior to submission of the above noted applications.

If any further information is pertaining to this submission is required, please do not hesitate to contact the undersigned.

Sincerely,

Eric Beauregard  
Planning Assistant

Upper Canada Consultants

cc: William Heikoop, Upper Canada Consultants  
Charles Wah, Gateway Group





## **PLANNING BRIEF**

The purpose of this Planning Brief is to provide a detailed description of the proposal and to demonstrate how the applications conform to good planning principles and satisfy the Four Tests of subsection 45(1) of the Planning Act.

### **Property and Planning Context**

The subject lands municipally known as 261 Scott Street are located on the north side of Scott Street, with Geneva Street to the west, Logan Street to the east, and Hewko Street located to the south (the “Subject Lands”). Below in **Figure 1** is a photo of the existing dwelling.



*Figure 1 – Photo of 261 Scott Street taken by Upper Canada Consultants*

The surrounding lands contain the following land uses:

<b>North:</b>	Residential	(Single detached dwelling)
<b>West:</b>	Residential	(Townhouse dwellings)
<b>South:</b>	Municipal Road (Scott Street)	
<b>East:</b>	Residential	(Semi-detached dwelling)

The Subject Lands are designated Urban Area and Built-Up Area in the Niagara Region Official Plan and Low Density Residential in the City of St. Catharines Official Plan. The City of St. Catharines Zoning By-law 2013-283 has zoned the property Low Density Residential – Suburban Neighbourhood (“R1”).

The applications propose to sever the existing lot into two parcels to permit separate ownership over the existing dwelling units. No physical development is being proposed. Semi-detached dwellings are permitted on lands zoned R1; however, relief from the Zoning By-law is required for both the proposed and retained parcels in order to permit the severance. The requested relief is as follows:



Remnant Parcel (Part 1)

- An increase of the maximum lot area for a semi-detached dwelling from 465 square metres to 512 square metres (Section 5.3 of By-law 2103-283).
- A decrease of the minimum lot frontage for a dwelling unit of a semi-detached dwelling from 12 metres per dwelling unit to 9.25 metres per dwelling unit (Section 5.3 of By-law 2103-283).
- A decrease of the minimum setback from interior side yard of platform structure (front porch) from 1.2/2.0 metres to 0.0 metres (Section 2.10.2 of By-Law 2103-283).

Subject Parcel (Part 2)

- A decrease of the minimum lot frontage of a dwelling unit of a semi-detached dwelling from 12 metres per dwelling unit to 7.43 metres (Section 5.3 of By-law 2103-283).
- A decrease of the minimum setback from interior side yard of platform structure (front porch) from 1.2/2.0 metres to 0.0 metres (Section 2.10.2 of By-Law 2103-283).
- An increase of the maximum parking area coverage from 50% to 69% of the front yard (Section 3.9 of By-law 2103-283).
- An increase of the maximum parking area width from 50% to 68% of the front lot line distance (Section 3.9 of By-law 2103-283).

The requested minor variances are necessary to facilitate the creation of the new lot. Please see attached **Schedule "A"** (Zoning Matrix) and **Schedule "B"** (Severance Sketch) for an overview of departures from Zoning By-law 2013-283.

**Policy Review**

The applications are consistent with the 2020 Provincial Policy Statement and conform with the 2019 Growth Plan for the Greater Golden Horseshoe as the existing dwelling is an appropriate development in the St. Catharines Urban Area (i.e. Settlement Area) where residential intensification is strongly encouraged. The applications also conform to the Regional Municipality of Niagara's land use vision as outlined in the Regional Official Plan as they represent an efficient development of serviced land within the Urban Boundary and Built-up Area.

The Subject Lands are designated as Low Density Residential in the Garden City Official Plan. The existing semi-detached dwelling is a permitted use within the Low Density Residential designation and the proposal makes efficient use of residential land and municipal infrastructure in accordance with the applicable Official Plan policies by being connecting to existing municipal services (i.e water, sanitary, storm).



## **Planning Opinion**

### **Minor Variances**

Pursuant to the requirements of Section 45 (1) of the *Planning Act*, there are four (4) tests that must be met when considering a minor variance. These tests include:

1. Does the variance meet the general intent and purpose of the official plan;
2. Does the variance meet the general intent and purpose of the zoning by-law;
3. Is the variance desirable for the appropriate development or use of the land, building or structure; and,
4. Is the variance minor in nature?

The following analysis will evaluate the requested minor variances.

#### **1. Do the Variances Meet the General Intent and Purpose of the Official Plan?**

As set out on Part D, Section 7 of the Official Plan, the Official Plan “emphasizes more compact, innovative and alternative design to manage development”. To achieve this, the plan directs that development and redevelopment be context sensitive, limit adverse impacts on established areas, and utilize existing systems such as infrastructure, roads and transit. With regard to platform structures, Policy 4.3.1 e) states that “e) The placement, number, type and proportion of doors, windows and other features including garages, porches and other platform structures” is a design consideration.

The Subject Lands contain an existing dwelling, which will remain in its current built form with no new physical development being proposed. The affected platform structure is located at the front of the existing dwelling. The variances regarding the platform structure are necessary as the proposed lot line will traverse through the centre of the existing dwelling. As a result of the lot line location, the platform structure will be on the new lot line and need relief.

The intent of the Official Plan policies for built form considerations is to ensure that the character of neighbourhoods are maintained through intensification and infilling development. As the dwelling and platform structure are existing, there is no impact on the existing built form of the neighbourhood. Accordingly, the variances are considered to meet the intent and purpose of the official Plan.

#### **2. Do the Variances Maintain the General Intent and Purpose of the Zoning By-law?**

##### **Maximum Lot Area**

The Applicant is requesting an increase of the maximum lot area for a semi-detached dwelling from 465 square metres to 512 square metres on the remnant parcel (Part 1). The intent of the maximum lot area provision of the R1 zone is to prevent the creation of lots that are not compatible within the existing fabric of neighbourhoods in the municipality, to ensure amenity areas, and to establish the scale of development.



The original parcel is similar in size and shape as many of the surrounding lots on the block. Existing scale of development is maintained and the rear yard has sufficient space for amenities.

The proposed severance will result in the lot area of the remnant parcel being less than it was originally, and therefore bringing it into closer conformity with the maximum lot area provision of the R1 zone. For these reasons, the minor variance meets the general intent and purpose of the Zoning By-Law.

#### Minimum Lot Frontage

The Applicant is requesting a reduction of the minimum lot frontage for both the remnant parcel and subject parcel from the required 12 metres per dwelling unit to 9.25 metres and 7.43 metres, respectively. The general intent and purpose of the minimum lot frontage provisions are to permit the creation of lots that maintain the character of the established neighbourhoods and limit adverse impacts. The Zoning By-law requires a lot frontage of 12 metres per dwelling unit in the R1 zone. The remnant parcel has a proposed lot frontage of 9.25 metres and is thus deficient 2.75 metres, and the subject parcel has a lot frontage of 7.43 metres and is thus deficient 4.57 metres. Despite the deficiencies, the parcel contains adequate parking and sight lines, meets required side yard setbacks thus resulting in no adverse impacts. For these reasons, the variance is considered to meet the general intent and purposes of the Zoning By-law.

#### Minimum Interior Side Yard Setback of Platform Structure (Front Porch)

The Applicant is requesting a reduction of the minimum interior side yard setback for platform structure from 1.2/2.0 metres to 0.0 metres for both the remnant and subject parcels. The intent of the minimum setback from interior side yard of platform structure of 1.2 metres is to provide adequate separation to prevent adverse impacts to adjacent properties and to provide access to the rear yard. The existing platform structure is attached to the dwelling that shares a common wall with the dwelling unit on the subject parcel.

The platform structure is an existing element on the remnant parcel that is sought to remain. As the platform is existing and is located in front of the dwelling unit on the subject parcel, its proximity to the lot line will be overtly known to any future occupant.

Overall, the impacts of retaining the platform are minimal and will not create any adverse impacts on the new lot, or any other property in the neighbourhood. Accordingly, the variance is considered to meet the general and purpose of the zoning by-law.

#### Maximum Parking Coverage & Width

The Applicant is requesting an increase in the maximum parking coverage and width of the parking area on the subject lands from 50% to 69% and 50% to 68%, respectively. The intent of the maximum driveway coverage and width provisions are to ensure that properties and the streetscape in general are not overwhelmed by driveways and that opportunities for landscaping and pervious surfaces can be provided.

As noted, the driveway in question exists and has formed as part of the character of the streetscape for several years. The driveway is relatively short when compared to the remnant parcels driveway, but is



wider. Contributing to the driveway coverage is the location of the dwelling on the existing parcel, which has resulted in the subject parcel having significantly less front yard than the remnant parcel. Despite the excess parking area coverage, the landscaped area at the front of the dwelling unit contributes positively to the streetscape. Moreover, the landscaping in the front yard of the remnant parcel contributes to the overall streetscape of the Subject Lands, as the creation of a lot line is not physically perceivable. For these reasons, the variance is considered to meet the general intent and purpose of the Zoning By-law.

3. Are the Variances Desirable for the Appropriate Development or Use of the Land, Building, or Structure?

The variances are desirable for the appropriate development and use of the land as they will enable the continuation of the existing low-density residential use. The requested variances will have no impact on adjacent properties or the neighbourhood as there is no proposed physical development. For these reasons, the variances are desirable for the appropriate development and use of the lands.

4. Are the Variances Minor in Nature?

As no physical development is proposed on the remnant parcel, the retention of the home, amenity space and other yard elements are considered appropriate for the character of the neighbourhood. For these reasons, the proposed minor variances would have no adverse impacts on adjacent properties and are therefore reasonable and measured requests that are minor in nature.

**Conclusion**

The submitted consent and minor variance applications propose the severance of an existing property into two separate parcels to permit separate ownership of the existing dwelling units.

The requested consent and minor variance applications are not considered to facilitate, or have any negative impacts on the character and function of the neighbourhood or surrounding properties. Overall, the proposed severance results in no changes to the existing dwelling and provides further opportunity for home ownership in the City of St. Catharines.

Based on the above, it is my opinion that the consent and minor variance applications are appropriate for the subject lands, adhere to and conform with applicable planning legislation, plans and policies and represent good planning. For these reasons, the applications should be supported by the municipality.

Respectfully Submitted,

Prepared By:

Eric Beauregard, M.A.  
Planning Assistant  
Upper Canada Consultants

Reviewed By:

William Heikoop, B.U.R.Pl., MCIP, RPP  
Planner  
Upper Canada Consultants



**SCHEDULE "A"**

**Zoning Matrix – Provisions for Residential (R1) Zone – Dwelling, Semi-Detached**

Section 5.3 Residential (R1) Zone	Requirement	Proposed	Explanation
<b>Permitted Uses</b>	(a) Dwelling, Detached; (b) Dwelling, Semi- Detached; (c) Dwelling, Quadruplex; (d) Townhouse (e) Private Road Development;	<b>No Change Proposed.</b>	The proposed use is permitted.
<b>Lot Area per Dwelling Unit</b>	<u>Minimum</u> 370m <sup>2</sup>  <u>Maximum</u> 465m <sup>2</sup>	<b>Maximum 512m<sup>2</sup> (Part 1)</b>	The remnant parcel (Part 1) has a lot area of 511.57m <sup>2</sup> and exceeds the maximum lot area requirement.
<b>Required Lot Frontage</b>	<u>Minimum Lot Frontage</u>  12m	<b>Minimum 9.25m (Part 1)</b>  <b>Minimum 7.43m (Part 2)</b>	The subject parcel has a lot frontage of 9.29m (Part 1) and the remnant parcel has a lot frontage of 7.47m (Part 2), both being deficient.
<b>Minimum Front Yard Setback</b>	6m to dwelling/7m to garage  the garage shall be flush with, or recessed beyond, the corresponding wall of dwelling unit.	<b>No change Proposed</b>	Both parcels exceed the minimum front yard setback requirements.
<b>Minimum Rear Yard Setback</b>	6m	<b>No Change Proposed.</b>	Both parcels exceed the minimum rear yard setback requirements.
<b>Minimum Interior Side Yard Setback</b>	1.2m/2.0m	<b>No Change Proposed.</b>	The semi-detached dwelling is divided along the common wall.



Section 5.3 Residential (R1) Zone	Requirement	Proposed	Explanation
Maximum Building Height	10m	No Change Proposed.	Height of the dwelling is legal non-conforming.
Minimum Landscaped Open Space	35%	No Change Proposed.	Both parcels exceed the minimum landscaped open space requirements.
Total Lot Coverage	45%	No Change Proposed	Both parcels are below the maximum lot coverage requirements.

### Zoning Matrix – General Provisions

Section 2.10.2 Platform Structure	Requirement	Proposed	Explanation
Minimum Setback from Interior Side Lot Line **	Required interior side yard of principal building (1.2m/2.0m)	0m	Both the remnant parcel (Part 1) and subject parcel (Part 2) have an uncovered platform structure that directly abuts the proposed lot line.

### Zoning Matrix – General Parking Provisions

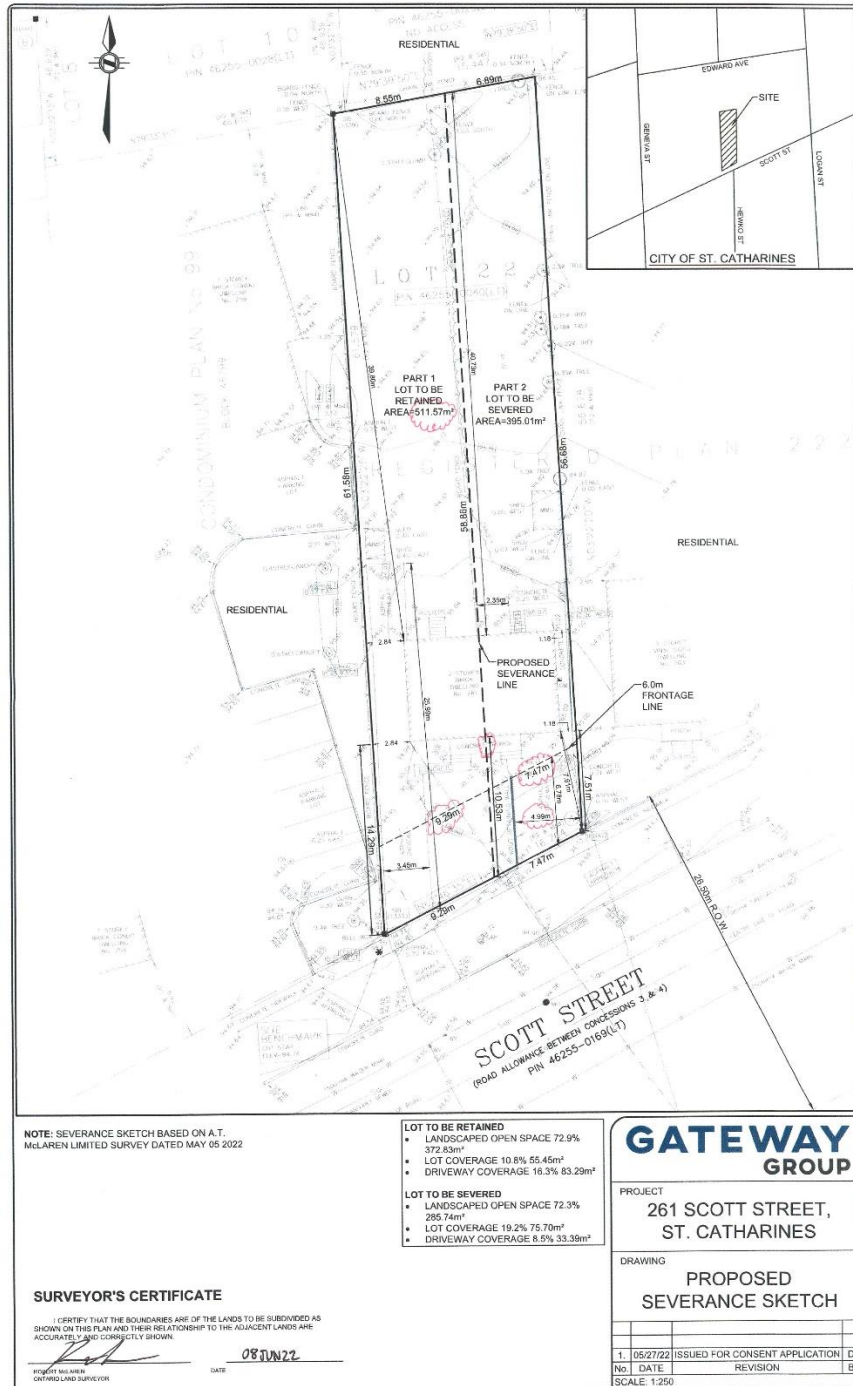
Section 3.9 Residential Parking	Requirement	Proposed	Explanation
Maximum Parking Area Coverage	50%	69%	The subject parcel has 68.7% driveway coverage due to the location of the proposed lot line resulting in a relatively small front yard, which exceeds the 50% maximum parking coverage.
Maximum Width	7.5 m or 50% of the front or	68%	50% of the driveway width of the subject parcel should be



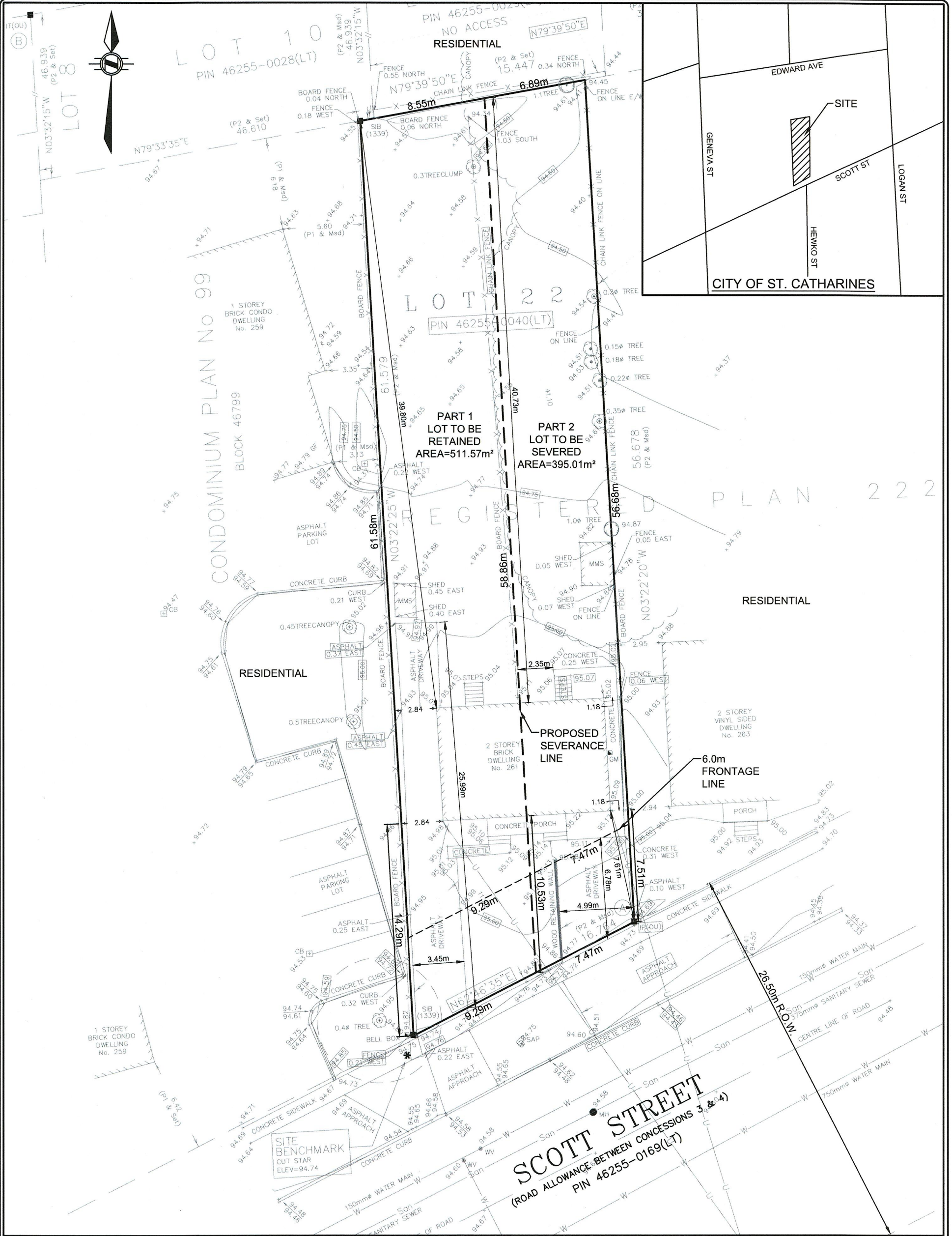
	exterior side lot line distance, whichever is less		3.7m, and the width of the driveway is 4.99m, which exceeds the maximum parking width requirement.
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**SCHEDULE "B"**







NOTE: SEVERANCE SKETCH BASED ON A.T.  
McLAREN LIMITED SURVEY DATED MAY 05 2022

- LOT TO BE RETAINED**
- LANDSCAPED OPEN SPACE 72.9% 372.83m²
  - LOT COVERAGE 10.8% 55.45m²
  - DRIVEWAY COVERAGE 40.6% 22.65m²
- LOT TO BE SEVERED**
- LANDSCAPED OPEN SPACE 72.3% 285.74m²
  - LOT COVERAGE 19.2% 75.70m²
  - DRIVEWAY COVERAGE 68.7% 30.80m²

**GATEWAY GROUP**

PROJECT  
**261 SCOTT STREET,  
ST. CATHARINES**

DRAWING  
**PROPOSED  
SEVERANCE SKETCH**

**SURVEYOR'S CERTIFICATE**

I CERTIFY THAT THE BOUNDARIES ARE OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.

  
ROBERT McLAREN  
ONTARIO LAND SURVEYOR

DATE  
**08 JUN 22**

1.	05/27/22	ISSUED FOR CONSENT APPLICATION	DJI
No.	DATE	REVISION	BY

SCALE: 1:250



**File No. 22108626**

# **COMMITTEE OF ADJUSTMENT COMMENTS**

**40 Benfield Drive**

**DATE OF HEARING:  
August 24, 2022**



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## Memorandum

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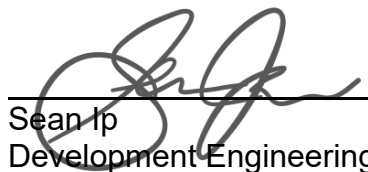
**To:** Wilrik Banda, ACST(A), Council and Committee Coordinator  
**From:** Sean Ip, Development Engineering Technologist  
**CC:** City Committee of Adjustment Staff Members  
**Date:** August 9, 2022  
**Hearing Date:** August 24, 2022  
**Subject:** **Committee of Adjustment - Minor Variance Applications**  
38 Elgin Street – A-87/22  
74 Rochelle Drive – A-97/22  
51 Valerie Drive – A-98/22  
401 Ontario Street – A-99/22  
261A Scott Street – A-100/22  
261B Scott Street – A-101/22  
40 Benfield Drive – A-102/22  
58 Dorchester Boulevard – A-103/22  
28 Highcourt Crescent – A-104/22  
41 Shoreline Drive – A-105/22  
16 Melbourne Avenue – A-106/22  
87 Richelieu Drive – A-107/22  
172½ Niagara Street – A-108/22  
112 St. Augustine Drive – A-109/22

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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

**From:** Vasko, Dennis <[dvasko@stcatharines.ca](mailto:dvasko@stcatharines.ca)>

**Sent:** Monday, August 8, 2022 9:13 AM

**To:** Banda, Wilrik <[wbanda@stcatharines.ca](mailto:wbanda@stcatharines.ca)>

**Subject:** Re: CofA Notices of Hearing - Wednesday, August 24, 2022

Hi Wilrik,

There are no concerns from our end in respect to closed landfills and these properties.

Dennis

**DennisVasko**

**Fill Site Technician**

**Tel:**905.688.5601 x2163

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



**How are you feeling?**

Find mental health resources that can help.

---

**To: Wilrik Banda, Council and Committee Coordinator**

**Cc:**

**From: Steve Bittner, Transportation Technologist**

**Date: August 4, 2022**

**Subject: Committee of Adjustment Comments (August 24, 2022, Hearing)**

---

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

Steve Bittner  
Transportation Technologist

**From:** Ashkan Matlabi <[Ashkan.Matlabi@cn.ca](mailto:Ashkan.Matlabi@cn.ca)> **On Behalf Of** Proximity

**Sent:** Wednesday, August 3, 2022 11:23 PM

**To:** Banda, Wilrik <[wbanda@stcatharines.ca](mailto:wbanda@stcatharines.ca)>

**Subject:** 2022-08-03\_CN\_RES\_40 Benfield Drive\_CofA Notices of Hearing - Wednesday, August 24, 2022

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

Hello Wilrik,

Thank you for consulting CN on the application mentioned in subject. It is noted that the subject site is adjacent to CN's Main Line. CN encourages the municipality to pursue the implementation of the following criteria as conditions of an eventual project approval:

1. Safety setback of principal buildings from the railway rights-of-way to be a minimum of 15 metres for a warehouse use.
2. The Owner shall install and maintain a chain link fence of minimum 1.83 meter height along the mutual property line.
3. The storm water management facility must be designed to direct away all runoff waters away from CN right of way including ditches, culverts and tracks.

CN anticipates the opportunity to review a site plan illustrating the recommended fence (with a note to its proposed height and material) and a storm water management report taking into consideration CN development guidelines.

Thank you and do not hesitate to contact me with any questions.

Best regards

**Ashkan Matlabi**, Urb. OUQ. MBA

Urbaniste sénior / Senior Planner (CN Proximity)

Planning, Landscape Architecture and Urban Design

Urbanisme, architecture de paysage et design urbain



E : [proximity@cn.ca](mailto:proximity@cn.ca)

T : 1-438-459-9190

1600, René-Lévesque Ouest, 11e étage

Montréal (Québec)

H3H 1P9 CANADA

[wsp.com](http://wsp.com)

**To:** Margaret Josipovic, Manager of Planning, PBS

**Cc:**

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

**Date:** August 10, 2022

**Subject:** Committee of Adjustment Applications – August 24, 2022 Hearing

---

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

**38 Elgin Street, Minor Variance, A-87/22 – 22 106666 (B. Stan, Planner)**

CRCS continues to offer no objection to this revised application.

**74 Rochelle Drive, Minor Variance, A-97/22 – 22106969 (S. Ritchie, Planner)**

No objection.

**51 Valerie Drive, Minor Variance, A-98/22 – 22107190 (E. Acs, Planner)**

No objection.

**401 Ontario Street, Minor Variance, A-99/22 – 22108607 (C. McEwan, Planner)**

The applicant has submitted a landscape plan through the concurrent application for site plan approval, which was found to be acceptable. While the landscape buffer in question has been reduced in width, the landscape plan demonstrates that sufficient planting materials and trees can be accommodated within it to buffer the parking area. CRCS offers no objection to the requested minor variance for a reduced landscape buffer width.

**261 Scott Street, Consent, B-49/22 22108613**

**261A Scott Street, Minor Variance, A-100/22 – 22108620**

**261B Scott Street, Minor Variance, A-101/22 – 22108623 (M. Josipovic, Planner)**

CRCS offers no objection to the requested consent to sever to permit each of the semi-detached dwelling units to be individually conveyed, nor the requested minor variances. No new development or expansion of existing parking areas is proposed. Should the applications be approved, CRCS recommends that the following condition of consent be imposed:

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

**40 Benfield Drive, Minor Variance, A-102/22 – 22108626 (N. MacDonald, Planner)**

The applicant has submitted a landscape plan through the concurrent application for site plan approval, which was found to be acceptable. While the landscape buffer in question has been reduced in width along a portion of the westerly lot line, the landscape plan demonstrates that sufficient planting materials and trees can be accommodated to buffer the proposed parking area. CRCS offers no objection to the requested minor variance for a reduced landscape buffer width.

**58 Dorchester Boulevard, Minor Variance, A-103/22 – 22108628 (No Planner assigned)**

No objection.

**28 Highcourt Crescent, Minor Variance, A-104/22 – 22108630 (No Planner assigned)**

No objection.

**41 Shoreline Drive, Minor Variance, A-105/22 – 22108633 (No Planner assigned)**

No objection.

**16 Melbourne Avenue, Minor Variance, A-106/22 – 22108635 (E. Acs, Planner)**

No objection.

**87 Richelieu Drive, Minor Variance, A-107/22 – 22108636 (B. Stan, Planner)**

No objection.

**172/ Niagara Street, Minor Variance, A-108/22 – 22108638 (B. Stan, Planner)**

CRCS offers no objection to the requested minor variances, provided the applicant has submitted sufficient evidence to confirm that the front yard parking area was legally established. Staff is not confident that this is the case, given the existing curb cut does not extend along the entirety of the lot frontage. If the parking area has not been legally established, then CRCS recommends that the minor variances for increases in maximum parking coverage and maximum parking area width be denied. Further, we recommend that any approval of a reduction in lot frontage be conditional upon the applicant being required to replace a portion of the front parking area with landscaped open space in order to comply with the requirements of the Zoning By-law. We note that the applicant has requested a reduction in the parking requirement from three spaces to one, which directly conflicts with their request to recognize the existing parking area. In any event, CRCS is supportive of a parking requirement reduction, provided it results in an increase in landscaped open space in the front yard.

**112 St. Augustine Drive, Minor Variance, A-109/22 – 22108661 (No Planner assigned)**

No objection.

*Amanda Knutson*

## *Community Project and Development Planner*



**From:** Network Info <network.info@horizonutilities.com>

**Sent:** Tuesday, August 9, 2022 9:29 AM

**To:** Banda, Wilrik <wbanda@stcatharines.ca>

**Cc:** Josipovic, Margaret <mjosipovic@stcatharines.ca>; Risi, Rosa <rrisi@stcatharines.ca>; Pusara, Jelena <jpusara@stcatharines.ca>; Semple, Claire <csemple@stcatharines.ca>

**Subject:** August 2, 2022 applications

**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 Wilrik,

Our office has no comments/conflicts with the remaining 12 applications that were submitted on August 2, 2022.

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](#).*



## Technical Report

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

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

**Date of Meeting:** August 24, 2022

**Report Number:** A-102/22

**File:** 22108626

**Subject:** 40 Benfield Drive

### Recommendation

That Application **A-102/22** submitted by Sun Country Leisure Products Inc., as outlined in the Notice of Hearing, be approved.

### Report The Proposal

Application **A-102/22** seeks relief from the City of St. Catharines By-law 2013-283, as amended, to facilitate the construction of a proposed warehouse and sewing shop. The variance required to facilitate the proposal is outlined in the table below.

Variance	Provision	Required	Proposed
1	Minimum landscape buffer for a parking area with more than 20 spaces but fewer than 100 spaces for a lot line not abutting a public road	3.0 m	1.0 m

There is a concurrent site plan application (File no. 21 118757 SP) to register a Site Plan Agreement on title to the lands for the proposed warehouse and sewing shop. Application **A-102/22** is required to facilitate the proposed site plan agreement. The site plan application is in its third submission and staff are generally satisfied with the proposed site plan.

### Location and Site Description

The subject property is located on the south side of Benfield Drive, south of Fourth Avenue. The subject property is located within an employment area comprised of various industrial uses and vacant lots along the south side of Benfield Drive. Directly to the north is the SmartCentres St. Catharines West commercial node. Directly to the south is the CN railway. The subject property is currently vacant.

## **Circulation of Application**

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

Staff note that comments received from CN Rail state requirements for a 15-metre setback from the CN right-of-way and a 1.8-metre fence. These items are being addressed through the site plan application and are conditions of final approval.

## **Planning Policy Context**

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

The subject property is designated Employment on Schedule D1 of the Garden City Plan (GCP) and further designated General Employment on Schedule E6/7 (West Planning District – GO Transit Station Secondary Plan). A range of heavy and light industrial facilities are permitted in this designation.

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

The subject property is zoned General Employment (E2). A range of heavy and light industrial facilities with ancillary uses are permitted in this zone.

## **Planning Analysis**

Application **A-102/22** seeks location-specific reductions in the minimum landscape buffer from 3.0 metres to 1.0 metre on the subject property along the southern lot line, a portion of the eastern lot line and a portion of the western lot line, including the westerly entrance of the property. The remaining portions of the eastern and western lot lines, as well as the eastern entrance of the property and frontage onto Benfield Drive have at minimum a 3.0 metre landscape buffer.

The City of St. Catharines' Zoning By-law 2013-283 requires a minimum 3.0 metre landscape buffer between a parking area with 20 to 100 parking spaces and a lot line. The intent of the provision is to ensure there is an appropriate buffer and screening between lots and the road. The intent of the provision also supports onsite drainage. Section 7.1 of the GCP states that development and redevelopment shall be evaluated having regard for building, site, streetscape and neighbourhood context sensitive design. This includes ensuring there are adequate setbacks and screening, that adverse impacts on adjacent properties are minimized and that the provision of parking areas and drive aisles do not dominate the site.

The proposed reduced landscape buffers along the southern lot line and portions of the eastern and western lot lines are adjacent to a gravel drive aisle that will be primarily used for larger vehicles to maneuver within the site. Staff note that given this portion of the site will be a gravel drive aisle, the reduced landscape buffers will not result in adverse impacts to the surrounding area from a drainage perspective. In terms of providing adequate buffer and screening between adjacent uses, a 1.8 metre fence is being installed along these lot lines in addition to the 1.0 metre landscape buffer. Staff note that given the existing car wash to the west, a vacant industrial lot to the east, and the CN Rail

right-of-way to the south, staff are satisfied that the reduced landscape buffers will not result in adverse impacts to surrounding properties.

The proposed reduced landscape buffer at the western entrance of the property is to accommodate the required fire route for the site. Staff do not have concerns with this reduction and consider it minor given all other landscape buffers near the front of the property are at least 3.0 metres in width. Staff note that although the landscape buffer near the western entrance is proposed to be reduced in width, the landscape plan submitted with the site plan application demonstrates that sufficient planting materials and trees can be accommodated to buffer the proposed parking area from the road and adjacent properties.

Staff are satisfied that the specific locations of the reduced landscape buffers will not result in adverse impacts to the surrounding properties. As such, staff find that the Application is minor in nature, is desirable for the appropriate use 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-102/22** 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:**



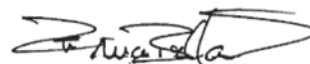
Dasha Litviniuc  
Student Planner

**Submitted by:**

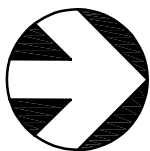
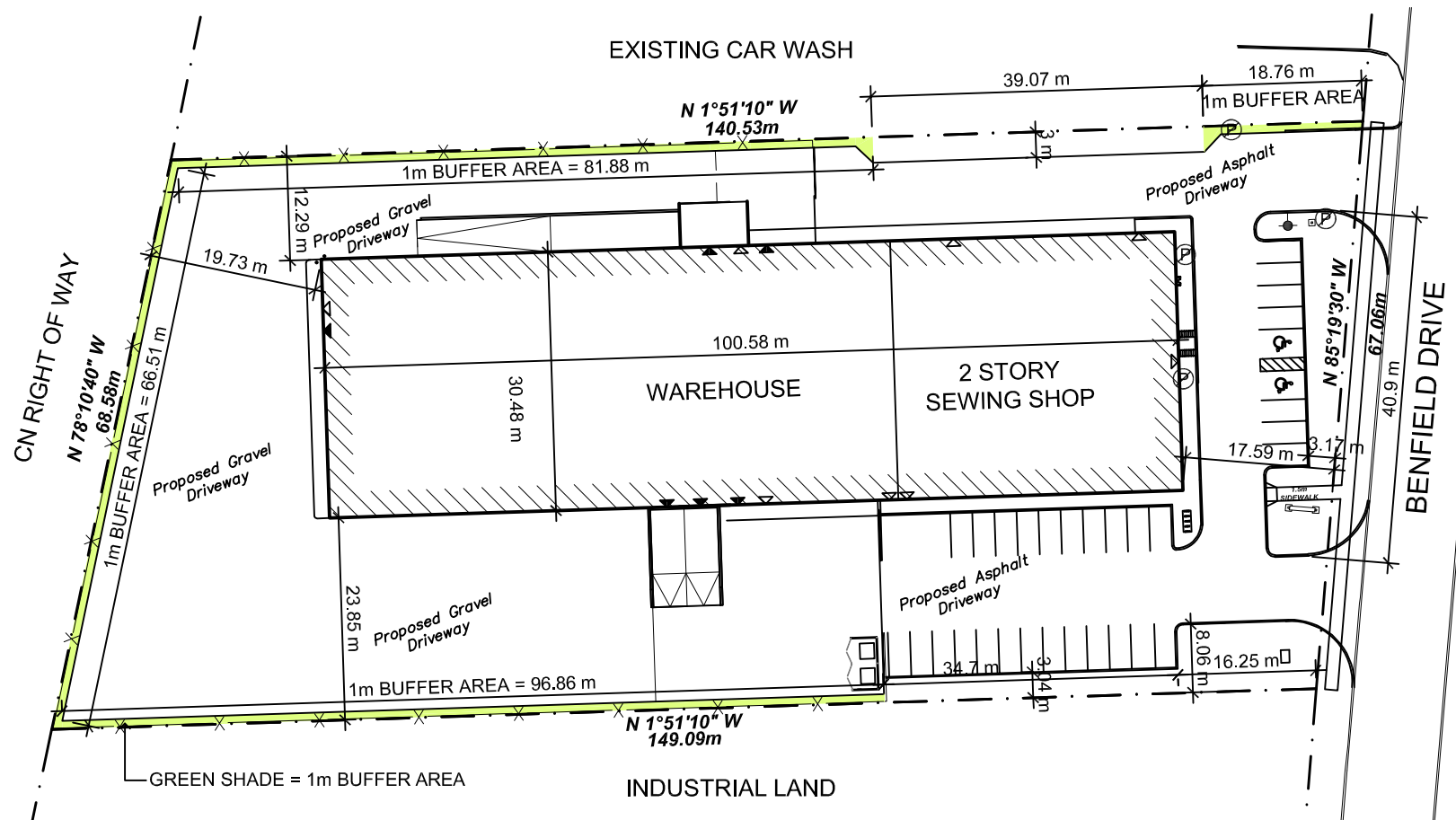


Natasha MacDonald  
Planner I

**Approved by:**



Bruce Bellows  
Senior Project Manager



NORTH

**SHOALTS**  
ENGINEERING

P.O. BOX 218  
FENWICK, ON  
L0S 1C0  
905-892-2110

PROJECT TITLE:  
**SEWING SHOP  
& WAREHOUSE**

FOR

-

40 BENFIELD DRIVE  
ST. CATHARINES, ONTARIO

DRAWING TITLE:  
**SITE PLAN**

SCALE: 1 : 800

PAPER SIZE: 8.5" x 11"

DRAWN BY: J. VAN MUYEN

APPROVED: R. M. SHOALTS

DATE: JULY 6, 2022

PROJECT #:

DRAWING #:

**0-1**

**File No. 22 108628**

# **COMMITTEE OF ADJUSTMENT COMMENTS**

**58 Dorchester Blvd**

**DATE OF HEARING:  
August 24, 2022**



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## Memorandum

---

**To:** Wilrik Banda, ACST(A), Council and Committee Coordinator  
**From:** Sean Ip, Development Engineering Technologist  
**CC:** City Committee of Adjustment Staff Members  
**Date:** August 9, 2022  
**Hearing Date:** August 24, 2022  
**Subject:** **Committee of Adjustment - Minor Variance Applications**  
38 Elgin Street – A-87/22  
74 Rochelle Drive – A-97/22  
51 Valerie Drive – A-98/22  
401 Ontario Street – A-99/22  
261A Scott Street – A-100/22  
261B Scott Street – A-101/22  
40 Benfield Drive – A-102/22  
58 Dorchester Boulevard – A-103/22  
28 Highcourt Crescent – A-104/22  
41 Shoreline Drive – A-105/22  
16 Melbourne Avenue – A-106/22  
87 Richelieu Drive – A-107/22  
172½ Niagara Street – A-108/22  
112 St. Augustine Drive – A-109/22

---

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

**From:** Network Info <network.info@horizonutilities.com>

**Sent:** Tuesday, August 9, 2022 9:29 AM

**To:** Banda, Wilrik <wbanda@stcatharines.ca>

**Cc:** Josipovic, Margaret <mjosipovic@stcatharines.ca>; Risi, Rosa <rrisi@stcatharines.ca>; Pusara, Jelena <jpusara@stcatharines.ca>; Semple, Claire <csemple@stcatharines.ca>

**Subject:** August 2, 2022 applications

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Good morning Wilrik,

Our office has no comments/conflicts with the remaining 12 applications that were submitted on August 2, 2022.

Regards,



**Samantha Burke**  
**Engineering Clerk, ICI & Layouts**

55 John Street North, Hamilton, ON, L8R 3M8

t 905.798.2971

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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](#).*



**From:** Vasko, Dennis <[dvasko@stcatharines.ca](mailto:dvasko@stcatharines.ca)>

**Sent:** Monday, August 8, 2022 9:13 AM

**To:** Banda, Wilrik <[wbanda@stcatharines.ca](mailto:wbanda@stcatharines.ca)>

**Subject:** Re: CofA Notices of Hearing - Wednesday, August 24, 2022

Hi Wilrik,

There are no concerns from our end in respect to closed landfills and these properties.

Dennis

**DennisVasko**

**Fill Site Technician**

**Tel:**905.688.5601 x2163

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



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Find mental health resources that can help.

---

**To: Wilrik Banda, Council and Committee Coordinator**

**Cc:**

**From: Steve Bittner, Transportation Technologist**

**Date: August 4, 2022**

**Subject: Committee of Adjustment Comments (August 24, 2022, Hearing)**

---

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

Steve Bittner  
Transportation Technologist

**To:** Margaret Josipovic, Manager of Planning, PBS

**Cc:**

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

**Date:** August 10, 2022

**Subject:** Committee of Adjustment Applications – August 24, 2022 Hearing

---

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

**38 Elgin Street, Minor Variance, A-87/22 – 22 106666 (B. Stan, Planner)**

CRCS continues to offer no objection to this revised application.

**74 Rochelle Drive, Minor Variance, A-97/22 – 22106969 (S. Ritchie, Planner)**

No objection.

**51 Valerie Drive, Minor Variance, A-98/22 – 22107190 (E. Acs, Planner)**

No objection.

**401 Ontario Street, Minor Variance, A-99/22 – 22108607 (C. McEwan, Planner)**

The applicant has submitted a landscape plan through the concurrent application for site plan approval, which was found to be acceptable. While the landscape buffer in question has been reduced in width, the landscape plan demonstrates that sufficient planting materials and trees can be accommodated within it to buffer the parking area. CRCS offers no objection to the requested minor variance for a reduced landscape buffer width.

**261 Scott Street, Consent, B-49/22 22108613**

**261A Scott Street, Minor Variance, A-100/22 – 22108620**

**261B Scott Street, Minor Variance, A-101/22 – 22108623 (M. Josipovic, Planner)**

CRCS offers no objection to the requested consent to sever to permit each of the semi-detached dwelling units to be individually conveyed, nor the requested minor variances. No new development or expansion of existing parking areas is proposed. Should the applications be approved, CRCS recommends that the following condition of consent be imposed:

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

**40 Benfield Drive, Minor Variance, A-102/22 – 22108626 (N. MacDonald, Planner)**

The applicant has submitted a landscape plan through the concurrent application for site plan approval, which was found to be acceptable. While the landscape buffer in question has been reduced in width along a portion of the westerly lot line, the landscape plan demonstrates that sufficient planting materials and trees can be accommodated to buffer the proposed parking area. CRCS offers no objection to the requested minor variance for a reduced landscape buffer width.

**58 Dorchester Boulevard, Minor Variance, A-103/22 – 22108628 (No Planner assigned)**

No objection.

**28 Highcourt Crescent, Minor Variance, A-104/22 – 22108630 (No Planner assigned)**

No objection.

**41 Shoreline Drive, Minor Variance, A-105/22 – 22108633 (No Planner assigned)**

No objection.

**16 Melbourne Avenue, Minor Variance, A-106/22 – 22108635 (E. Acs, Planner)**

No objection.

**87 Richelieu Drive, Minor Variance, A-107/22 – 22108636 (B. Stan, Planner)**

No objection.

**172/ Niagara Street, Minor Variance, A-108/22 – 22108638 (B. Stan, Planner)**

CRCS offers no objection to the requested minor variances, provided the applicant has submitted sufficient evidence to confirm that the front yard parking area was legally established. Staff is not confident that this is the case, given the existing curb cut does not extend along the entirety of the lot frontage. If the parking area has not been legally established, then CRCS recommends that the minor variances for increases in maximum parking coverage and maximum parking area width be denied. Further, we recommend that any approval of a reduction in lot frontage be conditional upon the applicant being required to replace a portion of the front parking area with landscaped open space in order to comply with the requirements of the Zoning By-law. We note that the applicant has requested a reduction in the parking requirement from three spaces to one, which directly conflicts with their request to recognize the existing parking area. In any event, CRCS is supportive of a parking requirement reduction, provided it results in an increase in landscaped open space in the front yard.

**112 St. Augustine Drive, Minor Variance, A-109/22 – 22108661 (No Planner assigned)**

No objection.

*Amanda Knutson*

## *Community Project and Development Planner*



## Technical Report

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

**Date of Report:** August 19, 2022

**Date of Meeting:** August 24, 2022

**Report Number:** A-103/22

**File:** 22108628

**Subject:** 58 Dorchester Boulevard

### Recommendation

That Application **A-103/22** submitted by Jason Murray, as outlined in the Notice of Hearing, be approved.

### Report

#### The Proposal

The Applicant proposes to create an accessory dwelling unit in the basement of an existing semi-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	60 m <sup>2</sup>	72.9 m <sup>2</sup>
2	Maximum floor area of an interior accessory dwelling unit as a percentage of the floor area of the dwelling	40 %	47.1 %

### Location and Site Description

The subject property is located on the northeast corner of Dorchester Blvd and Meredith Drive. The surrounding neighbourhood is primarily low and medium density residential comprising of a variety of dwelling types with Berkley Park to the west.

The subject property is presently occupied by a semi-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 E3. Semi-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). Semi-detached dwellings with an accessory dwelling unit are permitted in this zone.

Staff note that a potential increase in the current permitted size and / or percentage floor area of an accessory dwelling unit has been identified as an item for consideration under an upcoming housekeeping review of the Zoning By-law.

## **Planning Analysis**

The Applicant is requesting an increase in maximum area for an interior accessory dwelling unit in a semi-detached dwelling. Zoning By-law 2013-283 permits one interior accessory dwelling unit in a residential 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 floor area from 60 to 72.9 square metres, and from 40% to 47.1%.

The alterations to the existing semi-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 72.9 square metres to be minor in nature. The additional 12.9 square metres in living area does 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 91.8 square metre primary one-storey semi-detached dwelling. The dwelling will retain the appearance of a semi-detached dwelling and will have access to an existing entrance at the exterior side yard. Although larger than the Zoning By-law permits, the accessory dwelling unit is considered secondary to the principal dwelling 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.

Part B, 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 and supports the increased provision of attainable housing

opportunities. 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

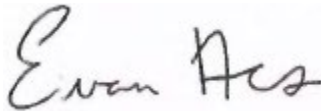
Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Application **A-103/22** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is desirable for the appropriate development of the lands. Staff recommend approval of the Application.

**Prepared by:**



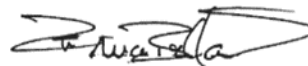
Dasha Litviniuc  
Student Planner

**Submitted by:**



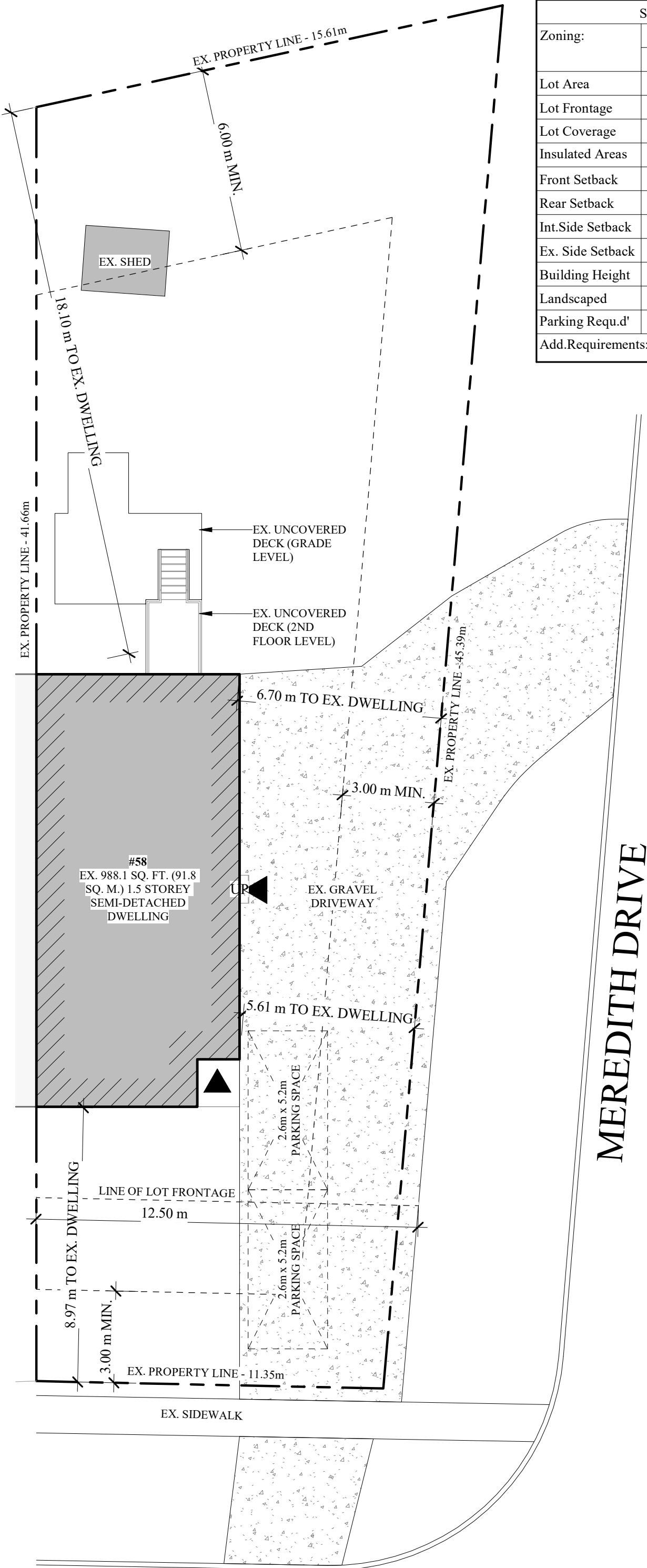
Evan Acs, MSc, RPP  
Planner I

**Approved by:**



Bruce Bellows  
Senior Project Manager





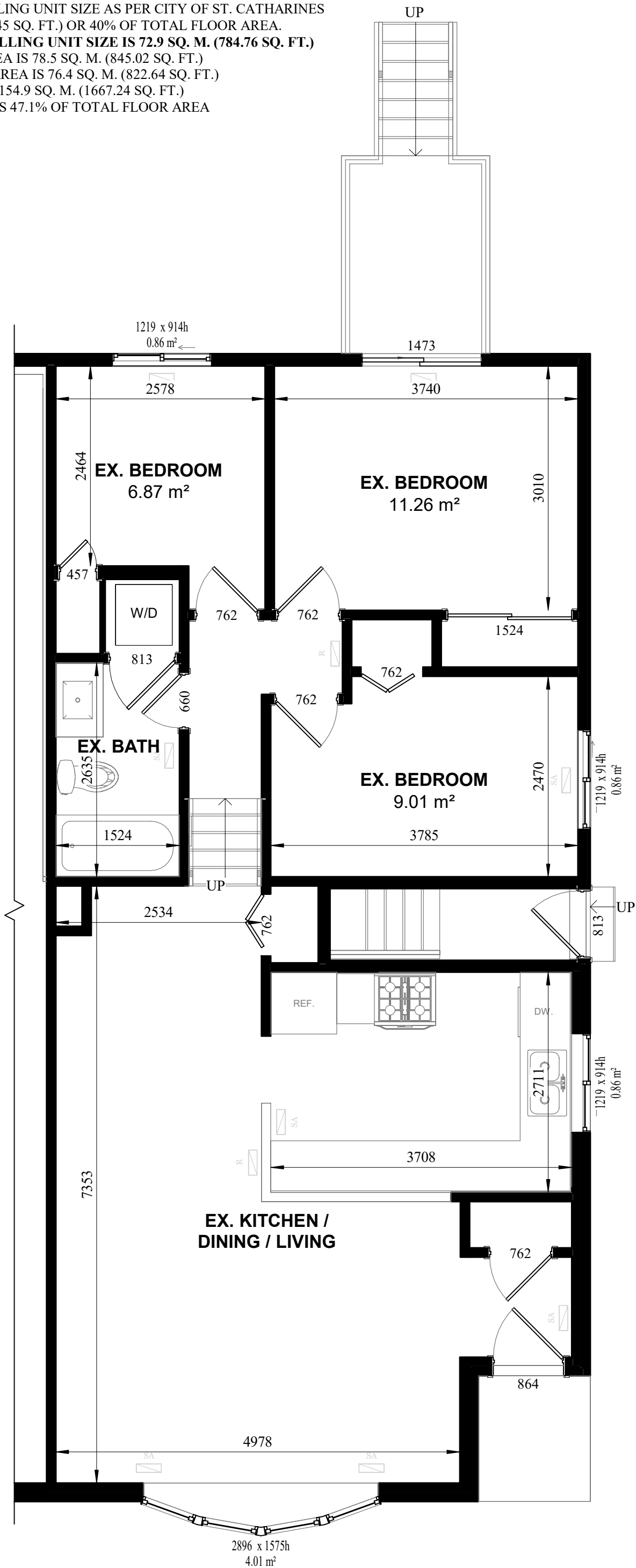
info@jordanstationdesignco.ca

# ACCESSORY DWELLING UNIT

58 Dorchester Boulevard,  
St. Catharines, ON L2M 6V2

2022-07-12 12:46:36 PM

-MAXIMUM ACCESSORY DWELLING UNIT SIZE AS PER CITY OF ST. CATHARINES ZONING BY LAW IS 60 SQ. M. (645 SQ. FT.) OR 40% OF TOTAL FLOOR AREA.  
-**PROPOSED ACCESSORY DWELLING UNIT SIZE IS 72.9 SQ. M. (784.76 SQ. FT.)**  
-EXISTING GROUND FLOOR AREA IS 78.5 SQ. M. (845.02 SQ. FT.)  
-EXISTING BASEMENT FLOOR AREA IS 76.4 SQ. M. (822.64 SQ. FT.)  
-TOTAL GROSS FLOOR AREA IS 154.9 SQ. M. (1667.24 SQ. FT.)  
-ACCESSORY DWELLING UNIT IS 47.1% OF TOTAL FLOOR AREA



1 PROPOSED GROUND/SECOND FLOOR  
1 : 50

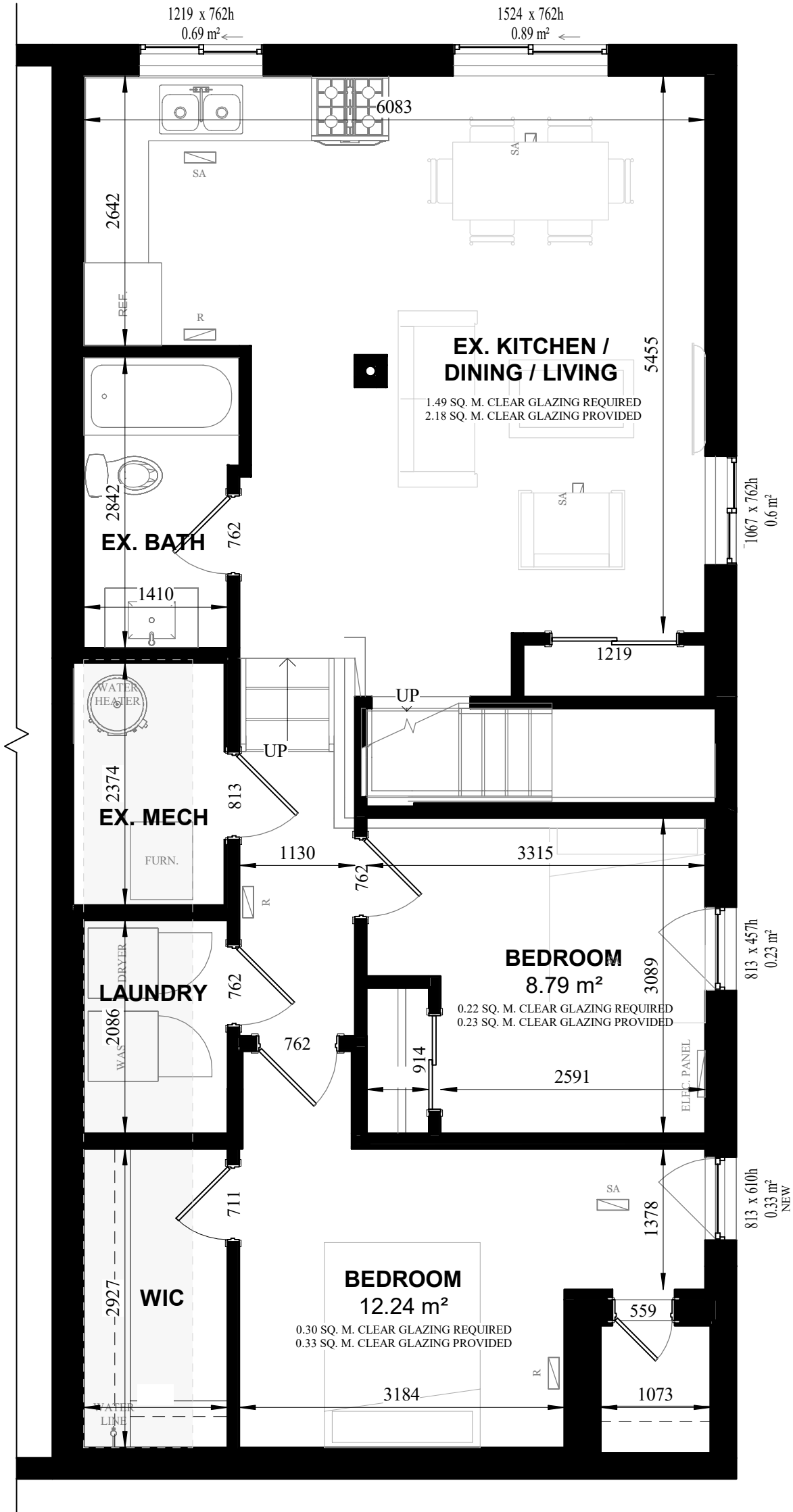


info@jordanstationdesignco.ca

# ACCESSORY DWELLING UNIT

58 Dorchester Boulevard,  
St. Catharines, ON L2M 6V2

2022-07-12 12:46:35 PM



1 PROPOSED BASEMENT PLAN  
1 : 50

- MAXIMUM ACCESSORY DWELLING UNIT SIZE AS PER CITY OF ST. CATHARINES ZONING BY LAW IS 60 SQ. M. (645 SQ. FT.) OR 40% OF TOTAL FLOOR AREA.
- PROPOSED ACCESSORY DWELLING UNIT SIZE IS 72.9 SQ. M. (784.76 SQ. FT.)
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- TOTAL GROSS FLOOR AREA IS 154.9 SQ. M. (1667.24 SQ. FT.)
- ACCESSORY DWELLING UNIT IS 47.1% OF TOTAL FLOOR AREA



info@jordanstationdesignco.ca

ACCESSORY  
DWELLING UNIT

58 Dorchester Boulevard,  
St. Catharines, ON L2M 6V2

2022-07-12 12:46:36 PM



# **MINOR VARIANCE - PLANNING JUSTIFICATION REPORT**

## **58 Dorchester Boulevard, St. Catharines, ON Region of Niagara**

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## Introduction

The purpose of this report is to outline and justify the proposal for 58 Dorchester Boulevard, St. Catharines, ON, as illustrated in the attached floor plans and architectural site plan by Jordan Station Design Co. Inc. This report is created to:

- Review the proposed use of the property
- Provides justification to support the proposed minor variance application
- Demonstrate how the proposal complies with good planning practices and principles and is in compliance with the Provincial Policy Statement (PPS), the Niagara Regional Official Plan, the St. Catharines Official Plan (Garden City Plan), and the St. Catharines Zoning By-Law Version 2013-283.

The subject property is located at 58 Dorchester Boulevard with the nearest major intersection being Welland Avenue and Bunting Road. The subject property is a corner lot approximately 574.7 square metres in size, with frontage on Dorchester Boulevard along the West side of the property boundary and the exterior side yard along Meredith Drive to the South side. The property is designated R2 for low density residential - traditional neighbourhoods, which is the second lowest density residential zone as provided by the St. Catharines Zoning By-law. The R2 zone permits a range of uses including detached dwellings, semi-detached dwellings, duplex dwellings, triplex dwellings, quadruplex dwellings, townhouse, and private road developments.

## Site Context and Surrounding Uses

Site characteristics define the current use of the subject property and the surrounding uses in the area. The subject property is a corner lot on the East side of Dorchester Boulevard, with access provided by Carlton Avenue to the North and Welland Avenue to the South. It contains an existing 1.5 storey semi-detached dwelling without an attached garage. As illustrated in the image below, the site is located in a cluster of low to mid density residential lots, with a range of appropriate mixed-use zones nearby.



## Description of the Proposal

The proposed minor variances are in relation to the proposed interior renovations to create an accessory dwelling unit within the extents of the existing detached dwelling. We are asking for relief of the St. Catharines Zoning By-law Section 2.2.1(b) in relation to the maximum size of an interior accessory dwelling unit. This section of the By-law requires that an interior accessory dwelling unit not exceed a maximum area of 60 square metres (645 square feet) or 40% of the gross floor area of the dwelling, whichever is less.

Our minor variance application for this subject property proposes an allowed increase in the size of the interior accessory dwelling unit located at 58 Dorchester Boulevard to exceed the maximum allowable area to an increased amount of 784.76 square feet (72.9 square metres) and 47.1% of the gross floor area. This is an ask for an increase in area of 139.76 square feet (13.0 square metres) and 7.1% of the gross floor area.

## Provincial Policy Statement

The Provincial Policy Statement is a consolidated statement of the government of Ontario's policies on land use planning. The PPS provides direction on essential land use planning items that impact communities such as:

- efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term
- the provision of sufficient housing to meet changing needs, including affordable housing and a market-based range of housing types
- Avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas
- Promoting the integration of land use planning, growth management, transit supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs

Section 3 of the Planning Act requires that decisions in relation to planning matters "shall be consistent with" policy statements issued under the Act. The Provincial Policy Statement then creates diverse statements for areas in Ontario, with contextual differences to address unique local focuses

while upholding the provincial interests. Provincial Policy Statements are a representation of the minimum standards.

The subject property is located within a Settlement Area as defined in Section 1.1.3.1 of the PPS. Settlement Areas are the main focus of growth and development within Ontario and contain a variety of land uses and densities to create functional communities. These communities are also based on a range of uses and opportunities for intensification and redevelopment. The targeted land use patterns shall incorporate the efficient use of land and resources; are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or economical expansion; minimize negative impacts to air quality and climate change, and promote energy efficiency; prepare for the negative impacts of a changing climate; support active transportation; are transit-supportive, where transit is planned, exists, or may be developed; and are freight-supportive.

Policy 1.1.3.4. States appropriate development standards should be promoted in a way to facilitate intensification, redevelopment, and compact built form, while also avoiding or mitigating risks to public health or safety. As per Policy Section 1.4.3, planning authorities are to provide opportunity to create an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

- Permitting and facilitating:
  - All housing options required to meet the social, health, economic, and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and
  - All types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3.
- Directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
- Promoting densities for new housing which efficiently use land, resources, infrastructure, and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;
- Requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; and



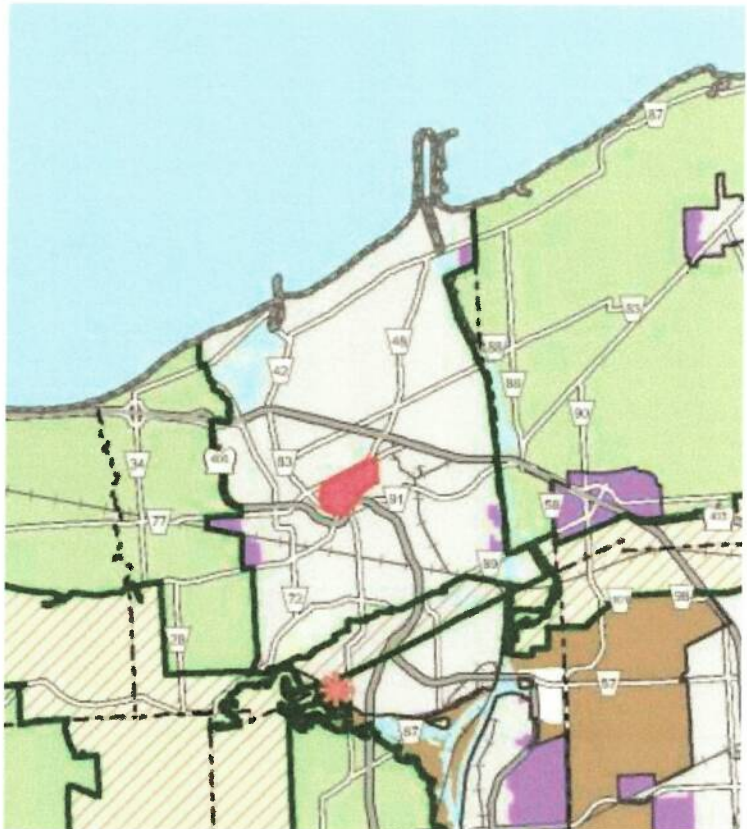
- Establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

The importance of intensification has been highlighted in recent years as the population growth in urban centres has increased and continues to climb. The demands and trends of the housing market have noticeably increased the demand for affordable residential units in both the form of purchasing and renting. The growing need for residential units in affordable, accessible and safe dwelling units has dramatically altered the landscape of residential neighbourhoods throughout the province. The Provincial Policy Statement declares a great need for intensification in settlement areas; especially those with existing or proposed transit, infrastructure, and complete communities. Accessory dwelling units provide an exceptional answer for a growing problem as they often meet both the Province's demand for intensification and the demand for increased housing by the population of Ontario.

## Official Plan

The subject lands at 58 Dorchester Boulevard are within the Niagara Region Official Plan Built-Up area. The Built-Up area designates an area that is within the Niagara Region built boundary, and is the focus of residential and employment intensification and redevelopment in the Region over the long term. The subject property contains an existing single family detached dwelling, which is consistent with the Official Plan target for the Built-Up area.

Regional Growth is a large topic that is regulated by the Niagara Region Official Plan. General intensification is highly encouraged within the Built-Up area boundary. The Region promotes general intensification in these areas by:





- Providing a Regional framework for measuring intensification
- Supporting infrastructure development and improvements in Local Municipally Designated Intensification Areas where upgrades or improvements to Regional infrastructure works are required
- Working with local municipalities to develop intensification strategies including but not limited to coordination between growth management and the maintenance and expansion of utility infrastructure, both in terms of technological advancement and service provision.
- Monitoring intensification rates across the Region on an annual basis.

Local intensification is promoted by Policy 4.C.2.1., where the Official Plan encourages Local Official Plans to contain policies to address:

- Planning of Intensification Area to attract a significant portion of population and employment growth, relative to the shape and character of the community
- Planning each Intensification Area to achieve higher densities than currently exist within the Intensification Area. It is expected that Intensification Areas will generally achieve higher densities than surrounding areas.
- Ensure that Intensification Areas provide appropriate densities and transitional area to ensure relative compatibility with surrounding areas to ensure relative compatibility with surrounding neighbourhoods including the use of minimum and maximum heights and densities.
- Develop official plan policies and zoning provisions to support and encourage growth and redevelopment within the Intensification Areas

It has been predicted that by the year 2015 and for each year thereafter, a minimum of 40% of all residential development occurring annually within Niagara will occur within the Built-up area of Niagara's communities. As shown below in the Table comprising Policy 4.C.4.2., the Residential Intensification Target for St. Catharines must target the creation of 95% of the total annual development.

**Policy 4.C.4.2**

Local municipalities will develop their own residential *intensification* targets and strategies, which may equal or exceed these minimum standards, and incorporate the targets into their official plans.

Municipality	Residential Intensification Target (percent of total annual development)
Town of Fort Erie	15%
Town of Grimsby	80%
Town of Lincoln	40%
City of Niagara Falls	40%
Town of Niagara on-the-Lake	15%
Town of Pelham	15%
City of Port Colborne	15%
City of St. Catharines	95%
City of Thorold	15%
Township of Wainfleet	-
City of Welland	40%
Township of West Lincoln	15%
<b>REGION OF NIAGARA</b>	<b>40%</b>

The St. Catharines Official Plan (the Garden City Plan) is the Official Plan framework at the municipal level, and further designates and outlines how to enact policies and targets from the Niagara Region Official Plan at a municipal level. The subject property is located within the Urban Area boundary of the Municipal Structure map, and is located in extremely close proximity to an area specifically noted as an Intensification Area on this map. The subject property is further designated as Neighbourhood Residential, and is located within the North District. The Garden City Plan further regulates and promotes the ideals as set out by the Niagara Region Official Plan to intensify existing communities in a more specific way. The Garden City Plan promotes good urban design, and is concerned with how buildings, landscaped, and public spaces look and function together to create an overall character that reflects unique aspects of a community's history and culture. The intent is to create safe, accessible, and appealing places to live and visit for residents. Urban design can apply to individual sites, neighbourhoods, and communities as a whole. Since intensification is a major target of the Garden City Plan, it promotes compact, innovative, and sensitive design to ensure compatibility and to create a sense of space.

The Neighbourhood Residential designation is then divided into areas of targeted densities. The subject property is located in the Low Density Residential land use designation, and therefore has a target density of 20 to 32 units per hectare. It must be noted that accessory dwelling units do not contribute to the density of a property, therefore no alteration should be considered towards the existing density of the subject property.

The Niagara Region Official Plan and the Garden City Plan are both extremely supportive of intensification within Built-Up areas to ensure that municipalities achieve the designated density and growth targets as set out by the Official Plan. It is important that municipalities follow the guidelines to ensure they are creating sustainable, complete communities. The proposal for the subject property is consistent with the overall goal to promote intensification within an already existing residential neighbourhood. The proposed addition is compatible with the existing characteristics of the surrounding residential uses, and promotes intensification of the existing residential dwelling. Intensification within the existing Urban Area, especially within close proximity to a designated Intensification Area, should be highly encouraged to ensure communities are developing in the direction that will allow the City of St. Catharines to meet or exceed its intensification targets.

## Zoning By-Law

Zoning By-law provisions are created by specific targets created by the Garden City Plan. These by-laws are created to ensure compatible design is created and maintained and to encourage complete cities. The subject property is designated as R2 Low Density Residential - Traditional Neighbourhood. The surrounding area is similar zoning, as most of the surrounding neighbourhoods consist of mainly existing residential dwellings. The existing use of the subject property is a detached dwelling, and there are no proposed alterations to the exterior outside of the building code requirements to create a safe dwelling. The current St. Catharines Zoning By-law allows the creation of interior accessory dwelling units but the accessory units are not to exceed an area of 60 square metres or 40% of the gross floor area, whichever is lesser. While the provision allowing accessory dwelling units is a step in the right direction in terms of intensification, it is extremely restrictive in the types of dwelling units that can be created and does not allow for a range of affordable housing types to be effectively established without requiring a minor variance. An important aspect of residential design is the health and safety of its occupants. In our experience, the majority of interior accessory dwelling units are constructed within the extents of the basement space within the existing dwelling, placing an even greater necessity around conscious design. The size and scale of spaces can be detrimental to the health and safety of the building occupants, which is why the Ontario Building Code places minimum area requirements for room sizes, and provides minimum height requirements. Since the St. Catharines Zoning By-law places a restriction on the space that can be dedicated towards an interior accessory dwelling unit, they are limiting the allowable areas for essential living spaces within the dwelling units. This also drastically limits the types of dwelling units that can be created, further restricting the growth of the community. As shown in the Table below sourced from the Niagara Region Official Plan, this is an estimate for the Population, Household, and Employment Forecast. Among many things, this table highlights the average number of persons occupying a household within Niagara, and demonstrates the necessity to provide housing to accurately reflect the scale of the average Niagara Region household.

Table 4-1: Niagara Region, Population, Household and Employment Forecast by Local Municipality, 2006-2031									
Development Location	Forecast Period	Total Households	Total Population	Total Population With Undercount <sup>1</sup>	Total Population in Households <sup>4</sup>	Persons Per Household (PPH)	Total Employment	Total Employment Including NFPOW <sup>1</sup>	Total Employment Activity Rate <sup>1</sup>
St. Catharines	2006	54,725	132,000	137,300	134,900	2.47	59,750	65,750	0.48
	2011	55,830	132,300	137,600	135,200	2.42	60,600	66,600	0.48
	2016	57,020	132,500	137,800	135,400	2.37	61,090	67,130	0.49
	2021	58,330	132,200	137,500	135,100	2.32	61,750	67,800	0.49
	2026	59,720	131,700	137,000	134,600	2.25	62,130	68,190	0.50
	2031	61,120	132,700	137,919	135,600	2.22	62,640	68,740	0.50

## Four Tests

### **Are the variances minor in nature?**

We are of the opinion that the variances are extremely minor in nature. Currently the St. Catharines Zoning By-law allows for the creation of interior accessory dwelling units below 60 square metres (645 square feet) in size, or to a maximum of 40% of the gross floor area. We are asking for relief from these restrictions to create an interior accessory dwelling unit of 784.76 square feet (72.9 square metres) in size, equivalent to 47.1% of the gross floor area. This proposal is minor in nature since it only proposes an increase in the allowable size of the interior accessory dwelling unit of 139.76 square feet (13.0 square metres) or 7.1% of the gross floor area. The purpose of an interior accessory dwelling unit is to keep the accessory unit clearly subordinate to the main dwelling unit, and this intent is still maintained through our proposal, and therefore is still minor in nature. The proposed increase in floor area is approximately equivalent to creating a second bedroom to create a two-bedroom unit.

The proposed increase in allowable size of the interior accessory dwelling unit is desirable for the use of land, building, or structure. The current use of the subject property is low density residential, and this use will continue to be maintained through the creation of an interior accessory dwelling unit. Allowance of the increase in size of the interior accessory dwelling unit will have no negative impacts on the use of land, building, or structure, and remains consistent with the Provincial Policy Statement, Niagara Region Official Plan, and Garden City Plan desire to promote intensification within existing build-up urban areas.

### **Do the variances maintain the general intent and purpose of the Zoning By-law?**

The general intent and purpose of the Zoning By-law is still maintained through this minor variance proposal. The existing dwelling is located within a zone designated as R2 - Low density residential, which is upheld through our proposal for the subject property. The existing residential use will continue, and the proposal will not impact the other aspects of the property regulated by the Zoning By-law. The general intent and purpose of the Zoning By-law in regards to interior accessory dwelling units is to keep the accessory unit subordinate in size to the main dwelling unit, and our proposal maintains that intent in a desirable way while still allowing for an increase in area for the dwelling unit. As the R2 zone is stated as being a traditional neighborhood, it is important to provide a variety of different housing options and intensities to meet the various demands of the neighborhood.

### **Do the variances maintain the general intent and purpose of the Official Plan?**

The proposal for increased area of an interior accessory dwelling unit at this subject property does maintain the general intent and purpose of the Official Plan, and will not have any impact on the density or use of the subject property, and maintain the urban design principles as set forth in the Garden City Plan. Accessory dwelling units provide an opportunity for intensification, while having no impact on density, which is supportive of the intensification targets of the Official Plan. The Official Plan expresses a desire to create complete communities and provides guidelines on how to achieve this, and this minor variance is a proposal that is consistent with the growth and intensification targets of the Provincial Growth Plan stating the need for intensification within the built boundary.

### **Conclusion**

Jordan Station Design Co. is under the strong impression that all of the four tests are met for all of the variances that have been requested. All relevant and applicable policies have been considered and were regarded during design, including but not limited to the Provincial Policy Statement, the Niagara Region Official Plan, the Garden City Plan, and the St. Catharines Zoning By-law. The proposed variance is minor in nature and upholds and maintains the general intent and purpose of both the St. Catharines Zoning By-law and Official Plan by ensuring that the design has minimal visual impact on the subject property and surrounding neighbourhood. The proposed variance is extremely minor in nature and will have no negative impact if approved. We strongly encourage you to consider the small scale of our proposal during your considerations and recommend that these minor variance be approved.

**File No. 22 108630**

# **COMMITTEE OF ADJUSTMENT COMMENTS**

**28 Highcourt Crescent**

**DATE OF HEARING:  
August 24, 2022**

**To: Wilrik Banda, Council and Committee Coordinator**

**Cc:**

**From: Steve Bittner, Transportation Technologist**

**Date: August 4, 2022**

**Subject: Committee of Adjustment Comments (August 24, 2022, Hearing)**

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

Steve Bittner  
Transportation Technologist



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## Memorandum

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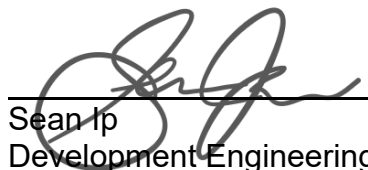
**To:** Wilrik Banda, ACST(A), Council and Committee Coordinator  
**From:** Sean Ip, Development Engineering Technologist  
**CC:** City Committee of Adjustment Staff Members  
**Date:** August 9, 2022  
**Hearing Date:** August 24, 2022  
**Subject:** **Committee of Adjustment - Minor Variance Applications**  
38 Elgin Street – A-87/22  
74 Rochelle Drive – A-97/22  
51 Valerie Drive – A-98/22  
401 Ontario Street – A-99/22  
261A Scott Street – A-100/22  
261B Scott Street – A-101/22  
40 Benfield Drive – A-102/22  
58 Dorchester Boulevard – A-103/22  
28 Highcourt Crescent – A-104/22  
41 Shoreline Drive – A-105/22  
16 Melbourne Avenue – A-106/22  
87 Richelieu Drive – A-107/22  
172½ Niagara Street – A-108/22  
112 St. Augustine Drive – A-109/22

---

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



**From:** Network Info <[network.Info@horizonutilities.com](mailto:network.Info@horizonutilities.com)>

**Sent:** Tuesday, August 9, 2022 9:29 AM

**To:** Banda, Wilrik <[wbanda@stcatharines.ca](mailto:wbanda@stcatharines.ca)>

**Cc:** Josipovic, Margaret <[mjosipovic@stcatharines.ca](mailto:mjosipovic@stcatharines.ca)>; Risi, Rosa <[rrisi@stcatharines.ca](mailto:rrisi@stcatharines.ca)>; Pusara, Jelena <[jpusara@stcatharines.ca](mailto:jpusara@stcatharines.ca)>; Semple, Claire <[csemple@stcatharines.ca](mailto:csemple@stcatharines.ca)>

**Subject:** August 2, 2022 applications

**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 Wilrik,

Our office has no comments/conflicts with the remaining 12 applications that were submitted on August 2, 2022.

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:** Vasko, Dennis <[dvasko@stcatharines.ca](mailto:dvasko@stcatharines.ca)>

**Sent:** Monday, August 8, 2022 9:13 AM

**To:** Banda, Wilrik <[wbanda@stcatharines.ca](mailto:wbanda@stcatharines.ca)>

**Subject:** Re: CofA Notices of Hearing - Wednesday, August 24, 2022

Hi Wilrik,

There are no concerns from our end in respect to closed landfills and these properties.

Dennis

**DennisVasko**

**Fill Site Technician**

**Tel:**905.688.5601 x2163

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



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---

**To:** Margaret Josipovic, Manager of Planning, PBS

**Cc:**

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

**Date:** August 10, 2022

**Subject:** Committee of Adjustment Applications – August 24, 2022 Hearing

---

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

**38 Elgin Street, Minor Variance, A-87/22 – 22 106666 (B. Stan, Planner)**

CRCS continues to offer no objection to this revised application.

**74 Rochelle Drive, Minor Variance, A-97/22 – 22106969 (S. Ritchie, Planner)**

No objection.

**51 Valerie Drive, Minor Variance, A-98/22 – 22107190 (E. Acs, Planner)**

No objection.

**401 Ontario Street, Minor Variance, A-99/22 – 22108607 (C. McEwan, Planner)**

The applicant has submitted a landscape plan through the concurrent application for site plan approval, which was found to be acceptable. While the landscape buffer in question has been reduced in width, the landscape plan demonstrates that sufficient planting materials and trees can be accommodated within it to buffer the parking area. CRCS offers no objection to the requested minor variance for a reduced landscape buffer width.

**261 Scott Street, Consent, B-49/22 22108613**

**261A Scott Street, Minor Variance, A-100/22 – 22108620**

**261B Scott Street, Minor Variance, A-101/22 – 22108623 (M. Josipovic, Planner)**

CRCS offers no objection to the requested consent to sever to permit each of the semi-detached dwelling units to be individually conveyed, nor the requested minor variances. No new development or expansion of existing parking areas is proposed. Should the applications be approved, CRCS recommends that the following condition of consent be imposed:

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

**40 Benfield Drive, Minor Variance, A-102/22 – 22108626 (N. MacDonald, Planner)**

The applicant has submitted a landscape plan through the concurrent application for site plan approval, which was found to be acceptable. While the landscape buffer in question has been reduced in width along a portion of the westerly lot line, the landscape plan demonstrates that sufficient planting materials and trees can be accommodated to buffer the proposed parking area. CRCS offers no objection to the requested minor variance for a reduced landscape buffer width.

**58 Dorchester Boulevard, Minor Variance, A-103/22 – 22108628 (No Planner assigned)**

No objection.

**28 Highcourt Crescent, Minor Variance, A-104/22 – 22108630 (No Planner assigned)**

No objection.

**41 Shoreline Drive, Minor Variance, A-105/22 – 22108633 (No Planner assigned)**

No objection.

**16 Melbourne Avenue, Minor Variance, A-106/22 – 22108635 (E. Acs, Planner)**

No objection.

**87 Richelieu Drive, Minor Variance, A-107/22 – 22108636 (B. Stan, Planner)**

No objection.

**172/ Niagara Street, Minor Variance, A-108/22 – 22108638 (B. Stan, Planner)**

CRCS offers no objection to the requested minor variances, provided the applicant has submitted sufficient evidence to confirm that the front yard parking area was legally established. Staff is not confident that this is the case, given the existing curb cut does not extend along the entirety of the lot frontage. If the parking area has not been legally established, then CRCS recommends that the minor variances for increases in maximum parking coverage and maximum parking area width be denied. Further, we recommend that any approval of a reduction in lot frontage be conditional upon the applicant being required to replace a portion of the front parking area with landscaped open space in order to comply with the requirements of the Zoning By-law. We note that the applicant has requested a reduction in the parking requirement from three spaces to one, which directly conflicts with their request to recognize the existing parking area. In any event, CRCS is supportive of a parking requirement reduction, provided it results in an increase in landscaped open space in the front yard.

**112 St. Augustine Drive, Minor Variance, A-109/22 – 22108661 (No Planner assigned)**

No objection.

*Amanda Knutson*

## *Community Project and Development Planner*



## Technical Report

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

**Date of Report:** August 19, 2022

**Date of Meeting:** August 24, 2022

**Report Number:** A-104/22

**File:** 22108630

**Subject:** 28 Highcourt Crescent

### Recommendation

That Application **A-104/22** submitted by Shannon Macdonald and Shawn Macdonald, as outlined in the Notice of Hearing, be approved.

### Report The Proposal

The Applicants propose to create 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	60 m <sup>2</sup>	76.6 m <sup>2</sup>
2	Maximum floor area of an interior accessory dwelling unit as a percentage of the floor area of the dwelling	40 %	44.8 %

### Location and Site Description

The subject property is located on the south side of Highcourt Crescent, south of Densgrove Drive. The neighbourhood to the north, east and west of the subject lands is primarily comprised of detached dwellings. To the south, and further to the west, are mid-rise apartment buildings fronting on to Scott Street and Vine 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 E3. 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.

Staff note that a potential increase in the current permitted size and / or percentage floor area of an accessory dwelling unit has been identified as an item for consideration under an upcoming housekeeping review of the Zoning By-law.

## **Planning Analysis**

The Applicants are requesting an increase to the permitted floor area for an interior accessory dwelling unit from 60 to 76.6 square metres, and from 40% to 44.8%. The current zoning provisions permit an accessory dwelling unit to occupy no more than the lesser of 60 square metres or 40 percent of the total floor area of the dwelling. The provision is intended to ensure the interior accessory dwelling unit is subordinate in terms of its scale and relationship to the primary dwelling unit.

Staff consider the requested increase to the maximum area for an interior accessory dwelling unit to be minor in nature, as the unit will be subordinate to the 101.3 square metre dwelling. The alterations to the detached dwelling are entirely internal; there is no addition proposed nor an increase in building mass. The new accessory dwelling unit contains two bedrooms and is limited to the basement of the existing dwelling. The additional 16.6 square metres in living area does not create any additional impact to the surrounding neighbourhood. The dwelling will retain the appearance of a detached dwelling. The subject property meets all other zoning provisions in consideration of the interior accessory dwelling unit, including the provision of one parking space per unit.

Part B, Section 2.3.3.5 (iv) of the Garden City Plan (Official Plan) states 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, and supports the provision of more attainable housing opportunities.

In the opinion of staff, Application A-104/22 is minor in nature, is desirable for the appropriate use of the building, and meets the general intent of the Official Plan and Zoning By-law. Staff recommend approval of Application A-104/22 accordingly.

## Conclusion

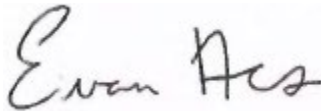
Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Application **A-104/22** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is desirable for the appropriate use of the building. Staff recommend approval of the Application.

**Prepared by:**



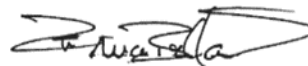
Dasha Litviniuc  
Student Planner

**Submitted by:**



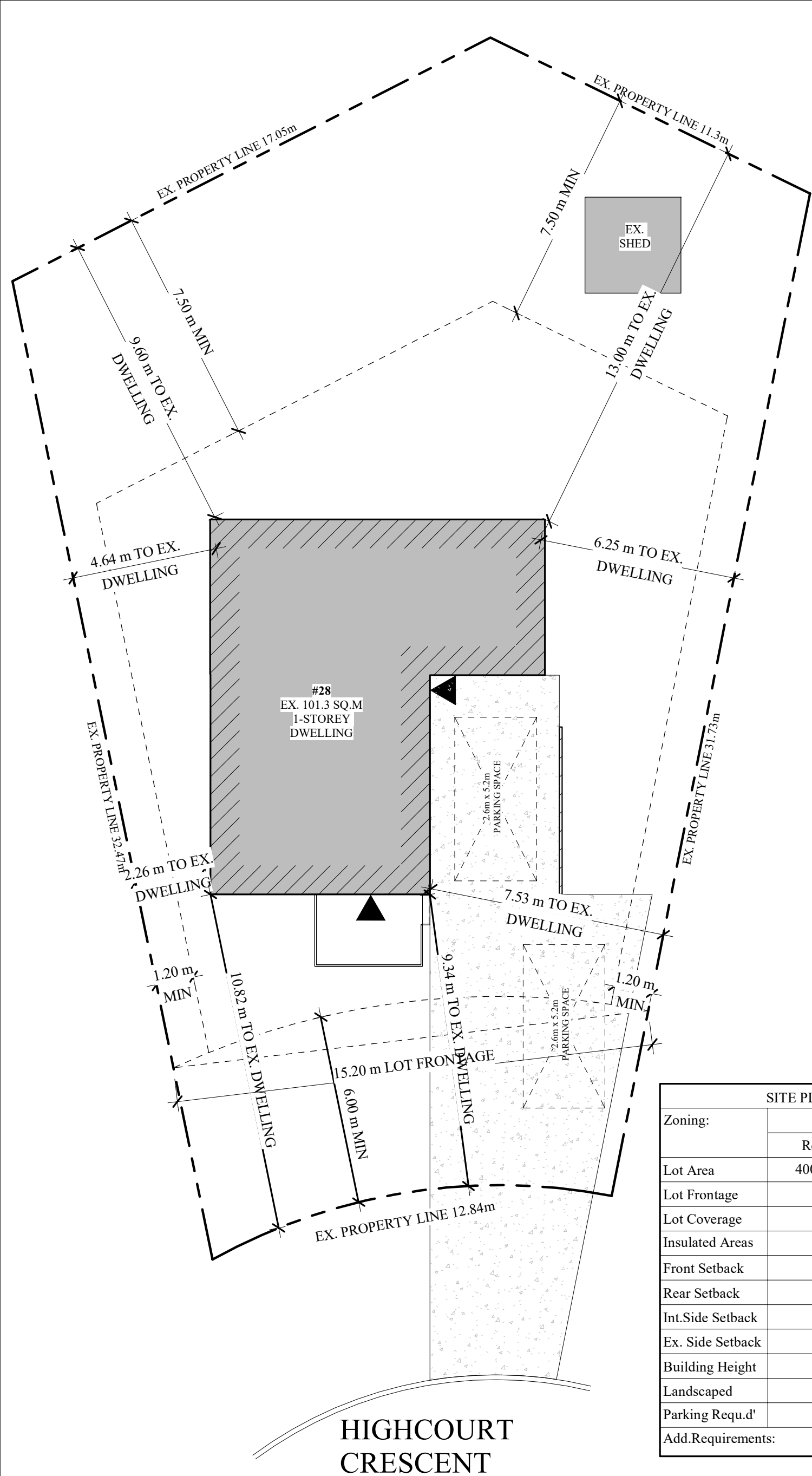
Evan Acs, MSc, RPP  
Planner I

**Approved by:**



Bruce Bellows  
Senior Project Manager





SITE PLAN AND BUILDING STATISTICS			
Zoning:	Low Density Residential - Suburban Neighbourhood		
	Required	Existing	Proposed
Lot Area	400 - 538 SQ.M	665.7 SQ.M	AS EXISTING
Lot Frontage	16.5m	12.84m	AS EXISTING
Lot Coverage	45%	17.8%	AS EXISTING
Insulated Areas	N/A	N/A	AS EXISTING
Front Setback	6m	9.34m	AS EXISTING
Rear Setback	7.5m	9.6m	AS EXISTING
Int.Side Setback	1.2m	2.26m / 6.25m	AS EXISTING
Ex. Side Setback	N/A	N/A	AS EXISTING
Building Height	10m	4.18m	AS EXISTING
Landscaped	35%	30.7%	AS EXISTING
Parking Requ.d'	2	1	2
Add.Requirements:			

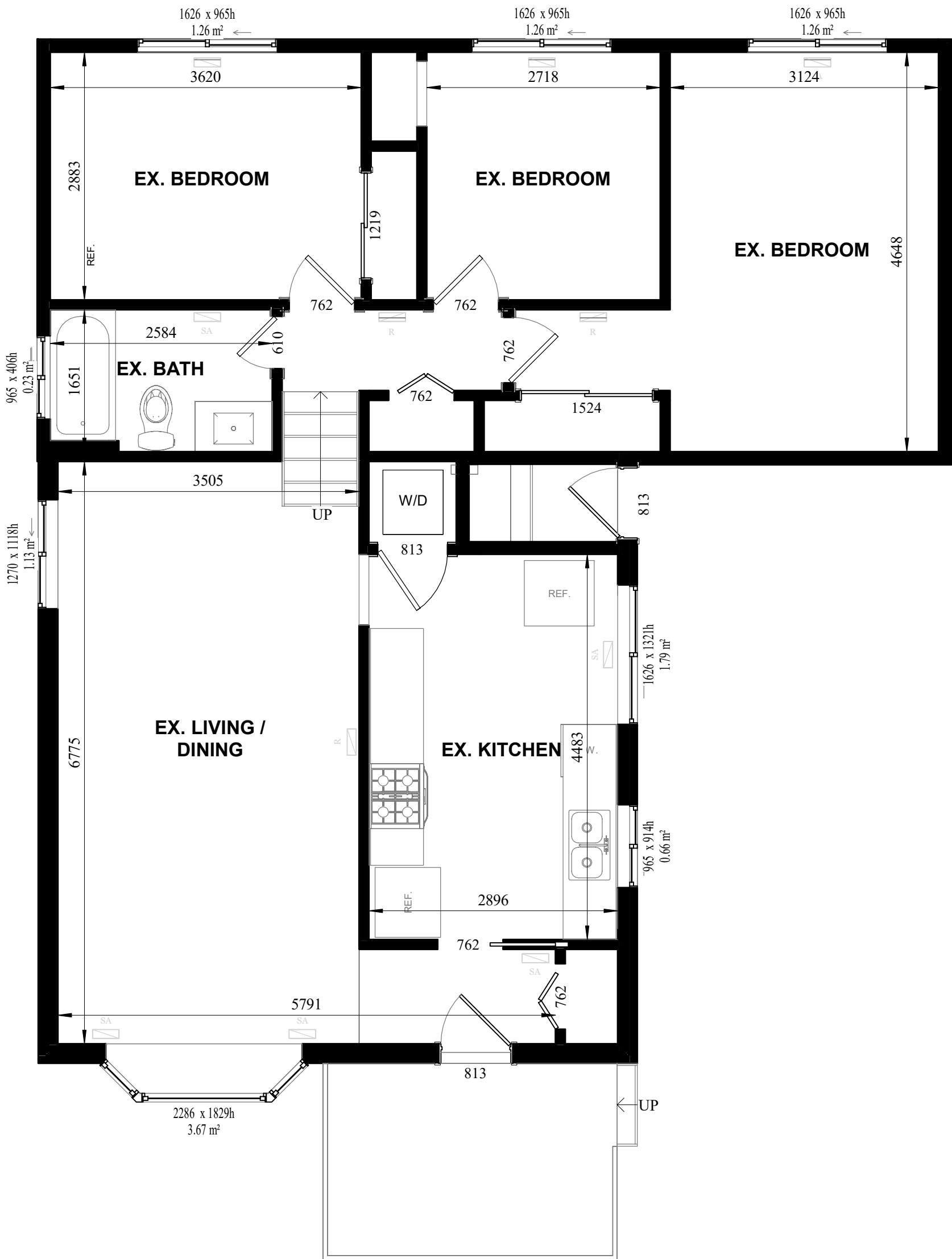
1 SITE PLAN  
1 : 130



info@jordanstationdesignco.ca

# ACCESSORY DWELLING UNIT

28 Highcourt Cres., St. Catharines, ON, L2M 3M6  
2022-07-12 10:10:57 AM



1 PROPOSED GROUND FLOOR PLAN  
1 : 50

-MAXIMUM ACCESSORY DWELLING UNIT SIZE AS PER CITY OF ST. CATHARINES ZONING BY LAW IS 60 SQ. M. (645 SQ. FT.) OR 40% OF TOTAL FLOOR AREA.  
**-PROPOSED ACCESSORY DWELLING UNIT SIZE IS 76.6 SQ. M. (822.21 SQ. FT.)**  
-EXISTING GROUND FLOOR AREA IS 86.2 SQ. M. (927.39 SQ. FT.)  
-EXISTING BASEMENT FLOOR AREA IS 84.7 SQ. M. (911.83 SQ. FT.)  
-TOTAL GROSS FLOOR AREA IS 170.9 SQ. M. (1839.22 SQ. FT.)  
-ACCESSORY DWELLING UNIT IS 44.7% OF TOTAL FLOOR AREA



# ACCESSORY DWELLING UNIT

28 Highcourt Cres., St. Catharines, ON, L2M 3M6  
2022-07-12 10:10:56 AM





# MINOR VARIANCE - PLANNING JUSTIFICATION REPORT

## 28 Highcourt Crescent, St. Catharines, ON Region of Niagara

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## Introduction

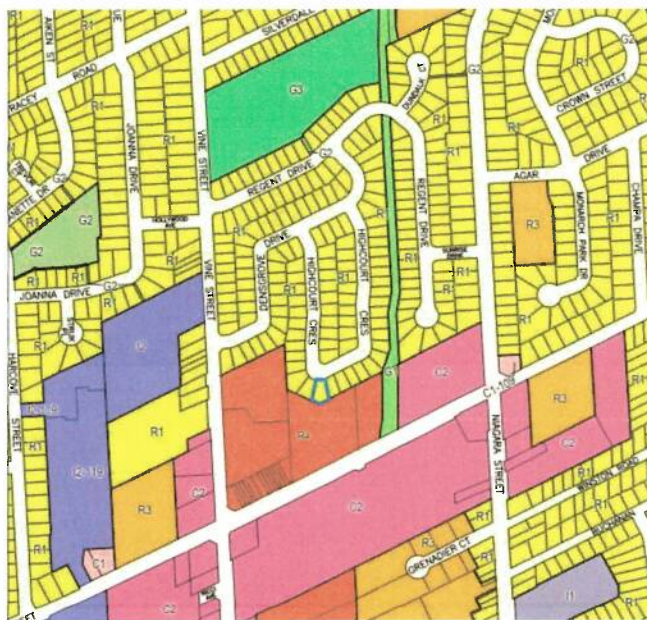
The purpose of this report is to outline and justify the proposal for 28 Highcourt Crescent, St. Catharines, ON, as illustrated in the attached floor plans and architectural site plan by Jordan Station Design Co. Inc. This report is created to:

- Review the proposed use of the property
- Provides justification to support the proposed minor variance application
- Demonstrate how the proposal complies with good planning practices and principles and is in compliance with the Provincial Policy Statement (PPS), the Niagara Regional Official Plan, the St. Catharines Official Plan (Garden City Plan), and the St. Catharines Zoning By-Law Version 2013-283.

The subject property is located at 28 Highcourt Crescent, with the nearest major intersection being Scott Street and Vine Street. The subject property is approximately 665.7 square metres in size, with frontage on Highcourt Crescent along the North side of the property boundary. The property is designated R1 for low density residential - suburban neighbourhoods, which is the lowest density residential zone as provided by the St. Catharines Zoning By-law. The R1 zone permits a range of uses including detached dwellings, semi-detached dwellings, quadruplex dwellings, townhouse, and private road developments.

## Site Context and Surrounding Uses

Site characteristics define the current use of the subject property and the surrounding uses in the area. The subject property is an interior lot on the North side of Highcourt Crescent, with access to the crescent provided by Densgrove Drive to the North. It contains an existing 1.5 storey detached dwelling without an attached garage. As illustrated in the image below, the site is located in a cluster of low-density residential lots, with a range of appropriate mixed-use zones nearby.



## Description of the Proposal

The proposed minor variances are in relation to the proposed interior renovations to create an accessory dwelling unit within the extents of the existing detached dwelling. We are asking for relief of the St. Catharines Zoning By-law Section 2.2.1(b) in relation to the maximum size of an interior accessory dwelling unit. This section of the By-law requires that an interior accessory dwelling unit not exceed a maximum area of 60 square metres (645 square feet) or 40% of the gross floor area of the dwelling, whichever is less.

Our minor variance application for this subject property proposes an allowed increase in the size of the interior accessory dwelling unit located at 28 Highcourt Crescent to exceed the maximum allowable area to an increased amount of 824.31 square feet (76.6 square metres) and 44.8% of the gross floor area. This is an ask for an increase in area of 179.31 square feet (16.6 square metres) and 4.8% of the gross floor area.

## Provincial Policy Statement

The Provincial Policy Statement is a consolidated statement of the government of Ontario's policies on land use planning. The PPS provides direction on essential land use planning items that impact communities such as:

- efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term
- the provision of sufficient housing to meet changing needs, including affordable housing and a market-based range of housing types
- Avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas
- Promoting the integration of land use planning, growth management, transit supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs

Section 3 of the Planning Act requires that decisions in relation to planning matters "shall be consistent with" policy statements issued under the Act. The Provincial Policy Statement then creates diverse statements for areas in Ontario, with contextual differences to address unique local focuses

while upholding the provincial interests. Provincial Policy Statements are a representation of the minimum standards.

The subject property is located within a Settlement Area as defined in Section 1.1.3.1 of the PPS. Settlement Areas are the main focus of growth and development within Ontario and contain a variety of land uses and densities to create functional communities. These communities are also based on a range of uses and opportunities for intensification and redevelopment. The targeted land use patterns shall incorporate the efficient use of land and resources; are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or economical expansion; minimize negative impacts to air quality and climate change, and promote energy efficiency; prepare for the negative impacts of a changing climate; support active transportation; are transit-supportive, where transit is planned, exists, or may be developed; and are freight-supportive.

Policy 1.1.3.4. States appropriate development standards should be promoted in a way to facilitate intensification, redevelopment, and compact built form, while also avoiding or mitigating risks to public health or safety. As per Policy Section 1.4.3, planning authorities are to provide opportunity to create an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

- Permitting and facilitating:
  - All housing options required to meet the social, health, economic, and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and
  - All types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3.
- Directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
- Promoting densities for new housing which efficiently use land, resources, infrastructure, and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;
- Requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; and



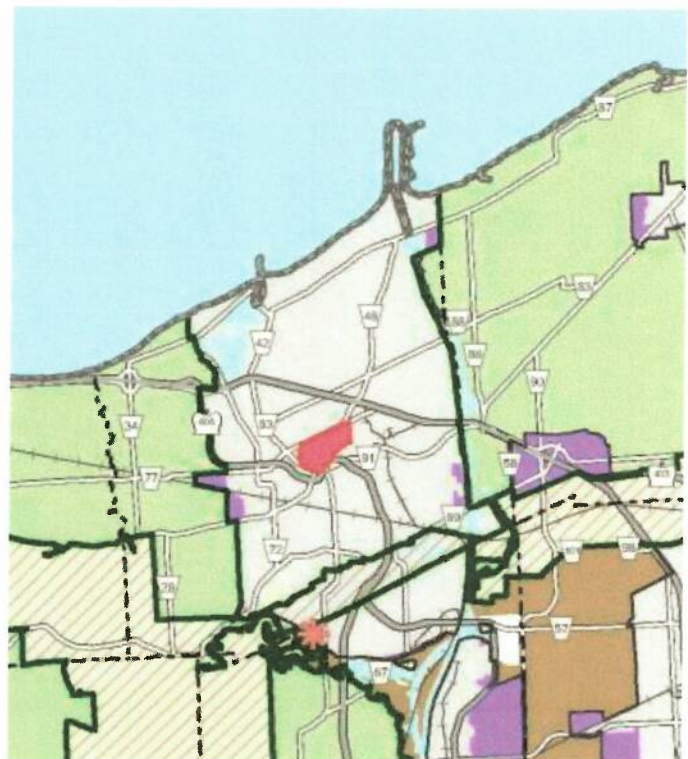
- Establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

The importance of intensification has been highlighted in recent years as the population growth in urban centres has increased and continues to climb. The demands and trends of the housing market have noticeably increased the demand for affordable residential units in both the form of purchasing and renting. The growing need for residential units in affordable, accessible and safe dwelling units has dramatically altered the landscape of residential neighbourhoods throughout the province. The Provincial Policy Statement declares a great need for intensification in settlement areas; especially those with existing or proposed transit, infrastructure, and complete communities. Accessory dwelling units provide an exceptional answer for a growing problem as they often meet both the Province's demand for intensification and the demand for increased housing by the population of Ontario.

## Official Plan

The subject lands at 28 Highcourt Crescent are within the Niagara Region Official Plan Built-Up area. The Built-Up area designates an area that is within the Niagara Region built boundary, and is the focus of residential and employment intensification and redevelopment in the Region over the long term. The subject property contains an existing single family detached dwelling, which is consistent with the Official Plan target for the Built-Up area.

Regional Growth is a large topic that is regulated by the Niagara Region Official Plan. General intensification is highly encouraged within the Built-Up area boundary. The Region promotes general intensification in these areas by:



- Providing a Regional framework for measuring intensification



- Supporting infrastructure development and improvements in Local Municipally Designated Intensification Areas where upgrades or improvements to Regional infrastructure works are required
- Working with local municipalities to develop intensification strategies including but not limited to coordination between growth management and the maintenance and expansion of utility infrastructure, both in terms of technological advancement and service provision.
- Monitoring intensification rates across the Region on an annual basis.

Local intensification is promoted by Policy 4.C.2.1., where the Official Plan encourages Local Official Plans to contain policies to address:

- Planning of Intensification Area to attract a significant portion of population and employment growth, relative to the shape and character of the community
- Planning each Intensification Area to achieve higher densities than currently exist within the Intensification Area. It is expected that Intensification Areas will generally achieve higher densities than surrounding areas.
- Ensure that Intensification Areas provide appropriate densities and transitional area to ensure relative compatibility with surrounding areas to ensure relative compatibility with surrounding neighbourhoods including the use of minimum and maximum heights and densities.
- Develop official plan policies and zoning provisions to support and encourage growth and redevelopment within the Intensification Areas

It has been predicted that by the year 2015 and for each year thereafter, a minimum of 40% of all residential development occurring annually within Niagara will occur within the Built-up area of Niagara's communities. As shown below in the Table comprising Policy 4.C.4.2., the Residential Intensification Target for St. Catharines must target the creation of 95% of the total annual development.

**Policy 4.C.4.2** Local municipalities will develop their own residential *intensification* targets and strategies, which may equal or exceed these minimum standards, and incorporate the targets into their official plans.

Municipality	Residential Intensification Target (percent of total annual development)
Town of Fort Erie	15%
Town of Grimsby	80%
Town of Lincoln	40%
City of Niagara Falls	40%
Town of Niagara on-the-Lake	15%
Town of Pelham	15%
City of Port Colborne	15%
City of St. Catharines	95%
City of Thorold	15%
Township of Wainfleet	-
City of Welland	40%
Township of West Lincoln	15%
<b>REGION OF NIAGARA</b>	<b>40%</b>

The St. Catharines Official Plan (the Garden City Plan) is the Official Plan framework at the municipal level, and further designates and outlines how to enact policies and targets from the Niagara Region Official Plan at a municipal level. The subject property is located within the Urban Area boundary of the Municipal Structure map, and is located in extremely close proximity to an area specifically noted as an Intensification Area on this map. The subject property is further designated as Neighbourhood Residential, and is located within the North District. The Garden City Plan further regulates and promotes the ideals as set out by the Niagara Region Official Plan to intensify existing communities in a more specific way. The Garden City Plan promotes good urban design, and is concerned with how buildings, landscaped, and public spaces look and function together to create an overall character that reflects unique aspects of a community's history and culture. The intent is to create safe, accessible, and appealing places to live and visit for residents. Urban design can apply to individual sites, neighbourhoods, and communities as a whole. Since intensification is a major target of the Garden City Plan, it promotes compact, innovative, and sensitive design to ensure compatibility and to create a sense of space.

The Neighbourhood Residential designation is then divided into areas of targeted densities. The subject property is located in the Low Density Residential land use designation, and therefore has a target density of 20 to 32 units per hectare. It must be noted that accessory dwelling units do not contribute to the density of a property, therefore no alteration should be considered towards the existing density of the subject property.

The Niagara Region Official Plan and the Garden City Plan are both extremely supportive of intensification within Built-Up areas to ensure that municipalities achieve the designated density and growth targets as set out by the Official Plan. It is important that municipalities follow the guidelines to ensure they are creating sustainable, complete communities. The proposal for the subject property is consistent with the overall goal to promote intensification within an already existing residential neighbourhood. The proposed addition is compatible with the existing characteristics of the surrounding residential uses, and promotes intensification of the existing residential dwelling. Intensification within the existing Urban Area, especially within close proximity to a designated Intensification Area, should be highly encouraged to ensure communities are developing in the direction that will allow the City of St. Catharines to meet or exceed its intensification targets.

## Zoning By-Law

Zoning By-law provisions are created by specific targets created by the Garden City Plan. These by-laws are created to ensure compatible design is created and maintained and to encourage complete cities. The subject property is designated as R1 Low Density Residential - Traditional Neighbourhood. The surrounding area is similar zoning, as most of the surrounding neighbourhoods consist of mainly existing residential dwellings. The existing use of the subject property is a detached dwelling, and there are no proposed alterations to the exterior outside of the building code requirements to create a safe dwelling. The current St. Catharines Zoning By-law allows the creation of interior accessory dwelling units but the accessory units are not to exceed an area of 60 square metres or 40% of the gross floor area, whichever is lesser. While the provision allowing accessory dwelling units is a step in the right direction in terms of intensification, it is extremely restrictive in the types of dwelling units that can be created and does not allow for a range of affordable housing types to be effectively established without requiring a minor variance. An important aspect of residential design is the health and safety of its occupants. In our experience, the majority of interior accessory dwelling units are constructed within the extents of the basement space within the existing dwelling, placing an even greater necessity around conscious design. The size and scale of spaces can be detrimental to the health and safety of the building occupants, which is why the Ontario Building Code places minimum area requirements for room sizes, and provides minimum height requirements. Since the St. Catharines Zoning By-law places a restriction on the space that can be dedicated towards an interior accessory dwelling unit, they are limiting the allowable areas for essential living spaces within the dwelling units. This also drastically limits the types of dwelling units that can be created, further restricting the growth of the community. As shown in the Table below sourced from the Niagara Region Official Plan, this is an estimate for the Population, Household, and Employment Forecast. Among many things, this table highlights the average number of persons occupying a household within Niagara, and demonstrates the necessity to provide housing to accurately reflect the scale of the average Niagara Region household.

Table 4-1: Niagara Region, Population, Household and Employment Forecast by Local Municipality, 2006-2031									
Development Location	Forecast Period	Total Households	Total Population	Total Population With Undercount <sup>1</sup>	Total Population in Households <sup>4</sup>	Persons Per Household (PPH)	Total Employment	Total Employment Including NFPOW <sup>1</sup>	Total Employment Activity Rate <sup>1</sup>
St. Catharines	2006	54,725	132,000	137,300	134,900	2.47	59,750	65,750	0.48
	2011	55,830	132,300	137,600	135,200	2.42	60,600	66,600	0.48
	2016	57,020	132,500	137,800	135,400	2.37	61,090	67,130	0.49
	2021	58,330	132,200	137,500	135,100	2.32	61,750	67,800	0.49
	2026	59,720	131,700	137,000	134,600	2.25	62,130	68,190	0.50
	2031	61,120	132,700	137,919	135,600	2.22	62,640	68,740	0.50

## Four Tests

### **Are the variances minor in nature?**

We are of the opinion that the variances are extremely minor in nature. Currently the St. Catharines Zoning By-law allows for the creation of interior accessory dwelling units below 60 square metres (645 square feet) in size, or to a maximum of 40% of the gross floor area. We are asking for relief from these restrictions to create an interior accessory dwelling unit of 824.31 square feet (76.6 square metres) in size, equivalent to 44.8% of the gross floor area. This proposal is minor in nature since it only proposes an increase in the allowable size of the interior accessory dwelling unit of 179.31 square feet (16.7 square metres) or 4.8% of the gross floor area. The purpose of an interior accessory dwelling unit is to keep the accessory unit clearly subordinate to the main dwelling unit, and this intent is still maintained through our proposal, and therefore is still minor in nature.

### **Are the variances desirable for the appropriate use of land, building, or structure?**

The proposed increase in allowable size of the interior accessory dwelling unit is desirable for the use of land, building, or structure. The current use of the subject property is low density residential, and this use will continue to be maintained through the creation of an interior accessory dwelling unit. Allowance of the increase in size of the interior accessory dwelling unit will have no negative impacts on the use of land, building, or structure, and remains consistent with the Provincial Policy Statement, Niagara Region Official Plan, and Garden City Plan desire to promote intensification within existing build-up urban areas.

### **Do the variances maintain the general intent and purpose of the Zoning By-law?**

The general intent and purpose of the Zoning By-law is still maintained through this minor variance proposal. The existing dwelling is located within a zone designated as R1 - Low density residential, which is upheld through our proposal for the subject property. The existing residential use will continue, and the proposal will not impact the other aspects of the property regulated by the Zoning By-law. The general intent and purpose of the Zoning By-law in regards to interior accessory dwelling units is to keep the accessory unit subordinate in size to the main dwelling unit, and our proposal maintains that intent in a desirable way while still allowing for an increase in area for the dwelling unit.

### **Do the variances maintain the general intent and purpose of the Official Plan?**

The proposal for increased area of an interior accessory dwelling unit at this subject property does maintain the general intent and purpose of the Official Plan, and will not have any impact on the density or use of the subject property, and maintain the urban design principles as set forth in the Garden City Plan. Accessory dwelling units provide an opportunity for intensification, while having no impact on density, which is supportive of the intensification targets of the Official Plan. The Official Plan expresses a desire to create complete communities and provides guidelines on how to achieve this, and this minor variance is a proposal that is consistent with the growth and intensification targets of the Provincial Growth Plan stating the need for intensification within the built boundary.

### **Conclusion**

Jordan Station Design Co. is under the strong impression that all of the four tests are met for all of the variances that have been requested. All relevant and applicable policies have been considered and were regarded during design, including but not limited to the Provincial Policy Statement, the Niagara Region Official Plan, the Garden City Plan, and the St. Catharines Zoning By-law. The proposed variance is minor in nature and upholds and maintains the general intent and purpose of both the St. Catharines Zoning By-law and Official Plan by ensuring that the design has minimal visual impact on the subject property and surrounding neighbourhood. The proposed variance is extremely minor in nature and will have no negative impact if approved. We strongly encourage you to consider the small scale of our proposal during your considerations and recommend that these minor variance be approved.

**File No. 22 108633**

# **COMMITTEE OF ADJUSTMENT COMMENTS**

**41 Shoreline Drive**

**DATE OF HEARING:  
August 24, 2022**



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## Memorandum

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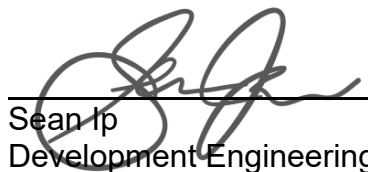
**To:** Wilrik Banda, ACST(A), Council and Committee Coordinator  
**From:** Sean Ip, Development Engineering Technologist  
**CC:** City Committee of Adjustment Staff Members  
**Date:** August 9, 2022  
**Hearing Date:** August 24, 2022  
**Subject:** **Committee of Adjustment - Minor Variance Applications**  
38 Elgin Street – A-87/22  
74 Rochelle Drive – A-97/22  
51 Valerie Drive – A-98/22  
401 Ontario Street – A-99/22  
261A Scott Street – A-100/22  
261B Scott Street – A-101/22  
40 Benfield Drive – A-102/22  
58 Dorchester Boulevard – A-103/22  
28 Highcourt Crescent – A-104/22  
41 Shoreline Drive – A-105/22  
16 Melbourne Avenue – A-106/22  
87 Richelieu Drive – A-107/22  
172½ Niagara Street – A-108/22  
112 St. Augustine Drive – A-109/22

---

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: Wilrik Banda, Council and Committee Coordinator**

**Cc:**

**From: Steve Bittner, Transportation Technologist**

**Date: August 4, 2022**

**Subject: Committee of Adjustment Comments (August 24, 2022, Hearing)**

---

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

Steve Bittner  
Transportation Technologist



**From:** Vasko, Dennis <[dvasko@stcatharines.ca](mailto:dvasko@stcatharines.ca)>

**Sent:** Monday, August 8, 2022 9:13 AM

**To:** Banda, Wilrik <[wbanda@stcatharines.ca](mailto:wbanda@stcatharines.ca)>

**Subject:** Re: CofA Notices of Hearing - Wednesday, August 24, 2022

Hi Wilrik,

There are no concerns from our end in respect to closed landfills and these properties.

Dennis

**DennisVasko**

**Fill Site Technician**

**Tel:**905.688.5601 x2163

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



**How are you feeling?**

Find mental health resources that can help.

---

**From:** Network Info <network.info@horizonutilities.com>

**Sent:** Tuesday, August 9, 2022 9:29 AM

**To:** Banda, Wilrik <wbanda@stcatharines.ca>

**Cc:** Josipovic, Margaret <mjosipovic@stcatharines.ca>; Risi, Rosa <rrisi@stcatharines.ca>; Pusara, Jelena <jpusara@stcatharines.ca>; Semple, Claire <csemple@stcatharines.ca>

**Subject:** August 2, 2022 applications

**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 Wilrik,

Our office has no comments/conflicts with the remaining 12 applications that were submitted on August 2, 2022.

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](#).*

**To:** Margaret Josipovic, Manager of Planning, PBS

**Cc:**

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

**Date:** August 10, 2022

**Subject:** Committee of Adjustment Applications – August 24, 2022 Hearing

---

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

**38 Elgin Street, Minor Variance, A-87/22 – 22 106666 (B. Stan, Planner)**

CRCS continues to offer no objection to this revised application.

**74 Rochelle Drive, Minor Variance, A-97/22 – 22106969 (S. Ritchie, Planner)**

No objection.

**51 Valerie Drive, Minor Variance, A-98/22 – 22107190 (E. Acs, Planner)**

No objection.

**401 Ontario Street, Minor Variance, A-99/22 – 22108607 (C. McEwan, Planner)**

The applicant has submitted a landscape plan through the concurrent application for site plan approval, which was found to be acceptable. While the landscape buffer in question has been reduced in width, the landscape plan demonstrates that sufficient planting materials and trees can be accommodated within it to buffer the parking area. CRCS offers no objection to the requested minor variance for a reduced landscape buffer width.

**261 Scott Street, Consent, B-49/22 22108613**

**261A Scott Street, Minor Variance, A-100/22 – 22108620**

**261B Scott Street, Minor Variance, A-101/22 – 22108623 (M. Josipovic, Planner)**

CRCS offers no objection to the requested consent to sever to permit each of the semi-detached dwelling units to be individually conveyed, nor the requested minor variances. No new development or expansion of existing parking areas is proposed. Should the applications be approved, CRCS recommends that the following condition of consent be imposed:

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

**40 Benfield Drive, Minor Variance, A-102/22 – 22108626 (N. MacDonald, Planner)**

The applicant has submitted a landscape plan through the concurrent application for site plan approval, which was found to be acceptable. While the landscape buffer in question has been reduced in width along a portion of the westerly lot line, the landscape plan demonstrates that sufficient planting materials and trees can be accommodated to buffer the proposed parking area. CRCS offers no objection to the requested minor variance for a reduced landscape buffer width.

**58 Dorchester Boulevard, Minor Variance, A-103/22 – 22108628 (No Planner assigned)**

No objection.

**28 Highcourt Crescent, Minor Variance, A-104/22 – 22108630 (No Planner assigned)**

No objection.

**41 Shoreline Drive, Minor Variance, A-105/22 – 22108633 (No Planner assigned)**

No objection.

**16 Melbourne Avenue, Minor Variance, A-106/22 – 22108635 (E. Acs, Planner)**

No objection.

**87 Richelieu Drive, Minor Variance, A-107/22 – 22108636 (B. Stan, Planner)**

No objection.

**172/ Niagara Street, Minor Variance, A-108/22 – 22108638 (B. Stan, Planner)**

CRCS offers no objection to the requested minor variances, provided the applicant has submitted sufficient evidence to confirm that the front yard parking area was legally established. Staff is not confident that this is the case, given the existing curb cut does not extend along the entirety of the lot frontage. If the parking area has not been legally established, then CRCS recommends that the minor variances for increases in maximum parking coverage and maximum parking area width be denied. Further, we recommend that any approval of a reduction in lot frontage be conditional upon the applicant being required to replace a portion of the front parking area with landscaped open space in order to comply with the requirements of the Zoning By-law. We note that the applicant has requested a reduction in the parking requirement from three spaces to one, which directly conflicts with their request to recognize the existing parking area. In any event, CRCS is supportive of a parking requirement reduction, provided it results in an increase in landscaped open space in the front yard.

**112 St. Augustine Drive, Minor Variance, A-109/22 – 22108661 (No Planner assigned)**

No objection.

*Amanda Knutson*

## *Community Project and Development Planner*



## Technical Report

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

**Date of Report:** August 19, 2022

**Date of Meeting:** August 24, 2022

**Report Number:** A-105/22

**File:** 22108633

**Subject:** 41 Shoreline Drive

### Recommendation

That Application **A-105/22** submitted by Jason Murray, as outlined in the Notice of Hearing, be approved.

### Report

#### The Proposal

The Applicant proposes to create 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	60 m <sup>2</sup>	78.3 m <sup>2</sup>
2	Maximum floor area of an interior accessory dwelling unit as a percentage of the floor area of the dwelling	40 %	43.5 %

### Location and Site Description

The subject property is located on the west side of Shoreline Drive, north of Grenada Drive. The surrounding neighbourhood is primarily low density residential comprised of detached dwellings.

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 E1. 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.

Staff note that a potential increase in the current permitted size and / or percentage floor area of an accessory dwelling unit has been identified as an item for consideration under an upcoming housekeeping review of the Zoning By-law.

## **Planning Analysis**

The Applicant is requesting an increase in maximum size 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 the floor area of the accessory apartment from 60 to 78.3 square metres, and from 40% to 43.5%.

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 78.3 square metres to be minor in nature. The additional 18.3 square metres in living area does not create any additional impact to the surrounding neighbourhood. Additionally, the accessory dwelling unit will remain subordinate to the primary 133.3 square metre one-storey dwelling. The dwelling will retain the appearance of a detached dwelling with the accessory dwelling unit having its own entrance from the rear yard. 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.

Part B, 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, and supports the increased provision of attainable housing opportunities. 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

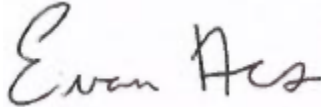
Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Application **A-105/22** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is desirable for the appropriate development of the lands. Staff recommend approval of the Application.

**Prepared by:**



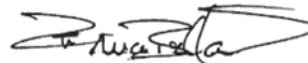
Dasha Litviniuc  
Student Planner

**Submitted by:**



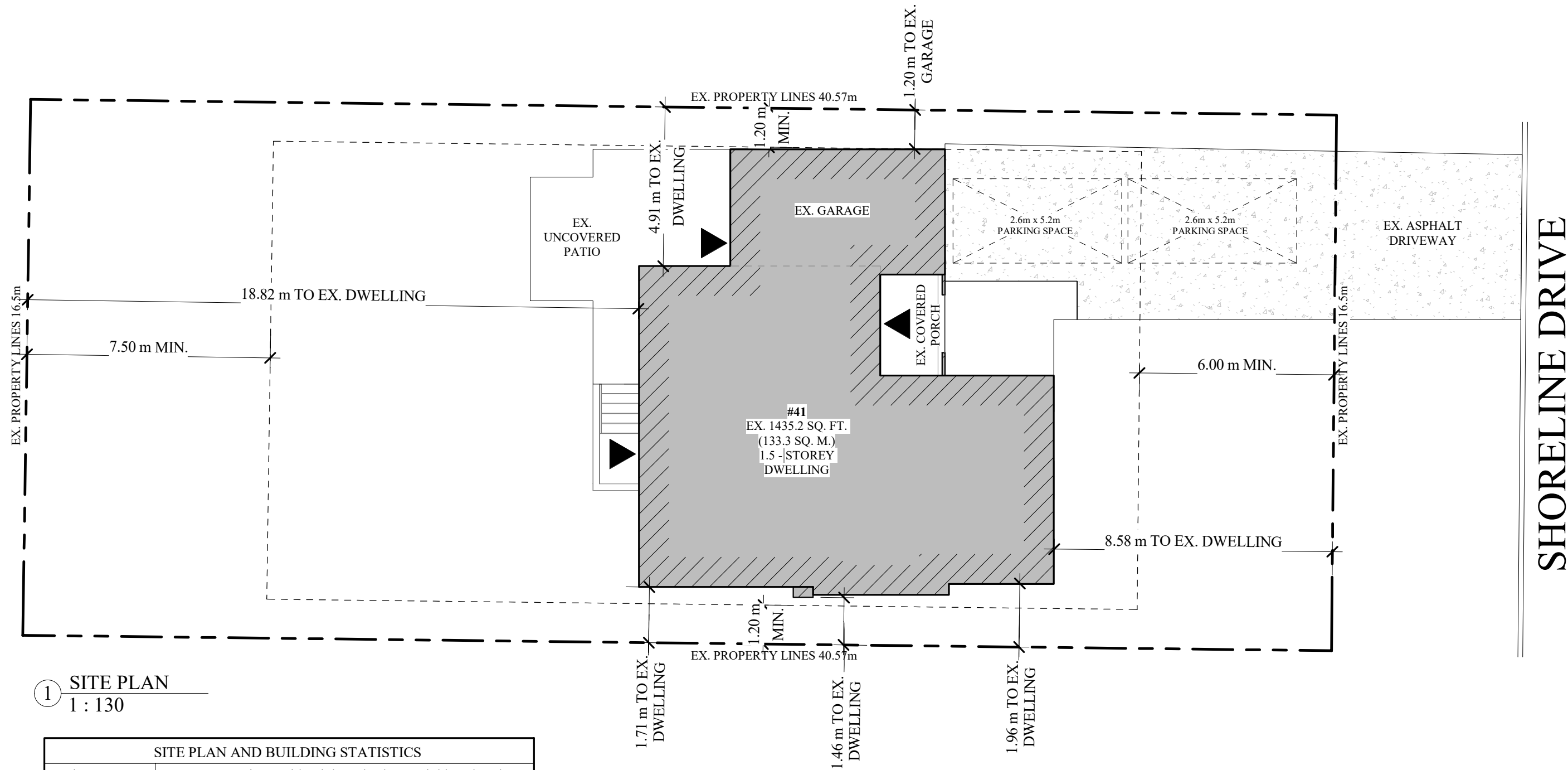
Evan ACS, MSC, RPP  
Planner I

**Approved by:**



Bruce Bellows  
Senior Project Manager





1 SITE PLAN  
1 : 130

SITE PLAN AND BUILDING STATISTICS			
Zoning:	Low Density Residential - Suburban Neighbourhood		
	Required	Existing	Proposed
Lot Area	400 - 538 sq. m.	665.0 sq. m.	AS EXISTING
Lot Frontage	16.5m	16.5m	AS EXISTING
Lot Coverage	45%	21.6%	AS EXISTING
Insulated Areas	N/A	N/A	AS EXISTING
Front Setback	6.0m	8.58m	AS EXISTING
Rear Setback	7.5m	18.82m	AS EXISTING
Int.Side Setback	1.2m	1.46m / 1.12m	AS EXISTING
Ex. Side Setback	N/A	N/A	AS EXISTING
Building Height	10.0m	5.2m	AS EXISTING
Landscaped	35%	30.7%	AS EXISTING
Parking Requ.d'	2	1	2
Add.Requirements:			

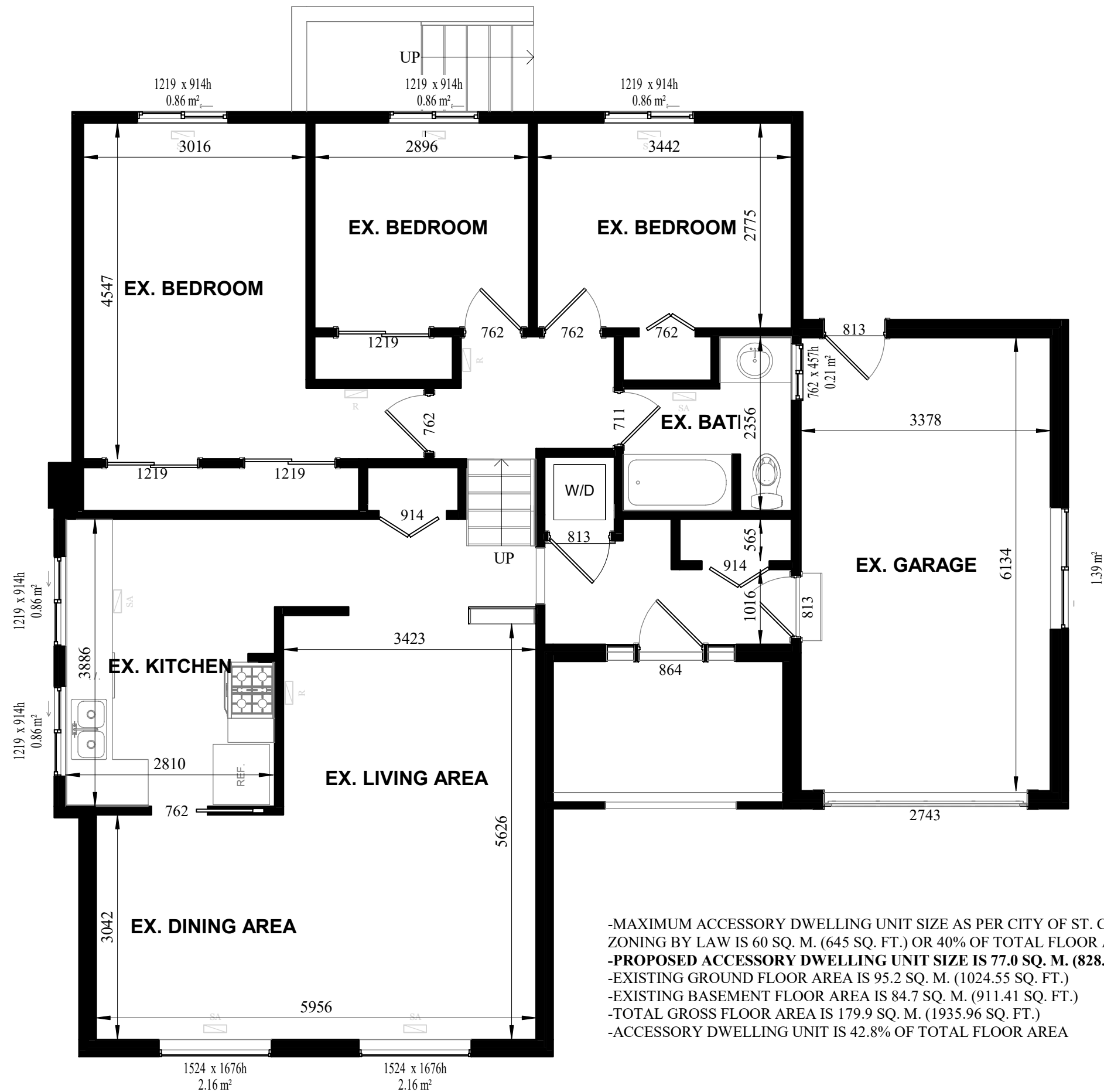


info@jordanstationdesignco.ca

## ACCESSORY DWELLING UNIT

41 Shoreline Drive, St.Catharines, ON, L2N 3V9

2022-07-12 1:32:59 PM



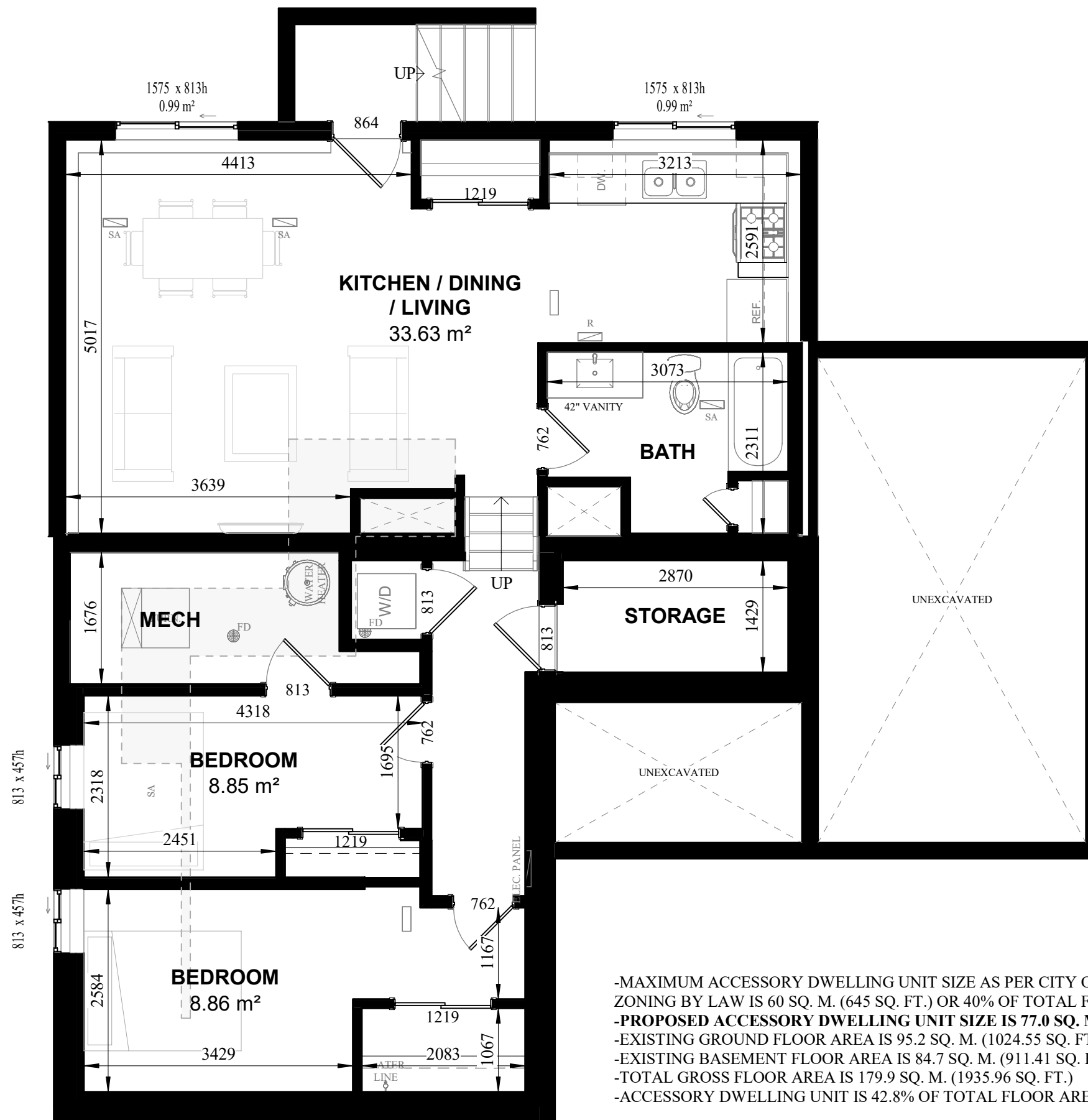
-MAXIMUM ACCESSORY DWELLING UNIT SIZE AS PER CITY OF ST. CATHARINES ZONING BY LAW IS 60 SQ. M. (645 SQ. FT.) OR 40% OF TOTAL FLOOR AREA.  
**-PROPOSED ACCESSORY DWELLING UNIT SIZE IS 77.0 SQ. M. (828.56 SQ. FT.)**  
 -EXISTING GROUND FLOOR AREA IS 95.2 SQ. M. (1024.55 SQ. FT.)  
 -EXISTING BASEMENT FLOOR AREA IS 84.7 SQ. M. (911.41 SQ. FT.)  
 -TOTAL GROSS FLOOR AREA IS 179.9 SQ. M. (1935.96 SQ. FT.)  
 -ACCESSORY DWELLING UNIT IS 42.8% OF TOTAL FLOOR AREA



## ACCESSORY DWELLING UNIT

41 Shoreline Drive, St.Catharines, ON, L2N 3V9

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- MAXIMUM ACCESSORY DWELLING UNIT SIZE AS PER CITY OF ST. CATHARINES ZONING BY LAW IS 60 SQ. M. (645 SQ. FT.) OR 40% OF TOTAL FLOOR AREA.
- PROPOSED ACCESSORY DWELLING UNIT SIZE IS 77.0 SQ. M. (828.56 SQ. FT.)**
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- TOTAL GROSS FLOOR AREA IS 179.9 SQ. M. (1935.96 SQ. FT.)
- ACCESSORY DWELLING UNIT IS 42.8% OF TOTAL FLOOR AREA



## ACCESSORY DWELLING UNIT

41 Shoreline Drive, St.Catharines, ON, L2N 3V9

2022-07-12 1:32:59 PM

② **PROPOSED BASEMENT FLOOR PLAN**  
1 : 60

# MINOR VARIANCE - PLANNING JUSTIFICATION REPORT

## 41 Shoreline Drive, St. Catharines, ON Region of Niagara

### Table of Contents

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## Introduction

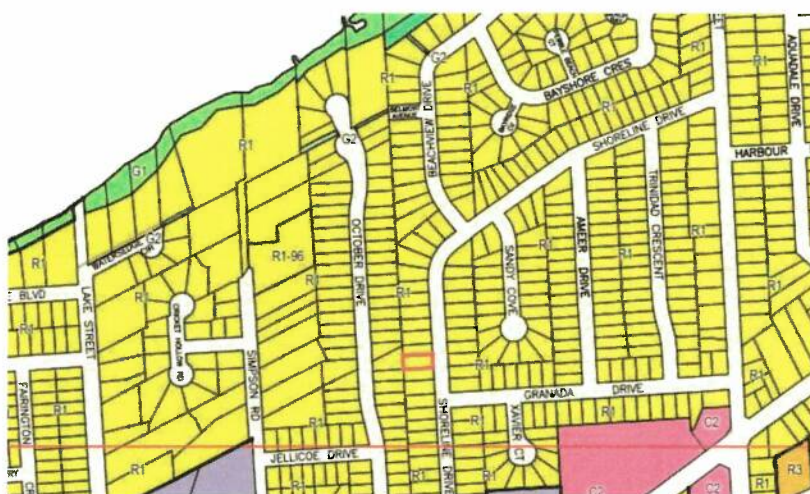
The purpose of this report is to outline and justify the proposal for 41 Shoreline Drive, St. Catharines, ON, as illustrated in the attached floor plans and architectural site plan by Jordan Station Design Co. Inc. This report is created to:

- Review the proposed use of the property
  - Provides justification to support the proposed minor variance application
  - Demonstrate how the proposal complies with good planning practices and principles and is in compliance with the Provincial Policy Statement (PPS), the Niagara Regional Official Plan, the St. Catharines Official Plan (Garden City Plan), and the St. Catharines Zoning By-Law
- Version 2013-283.

The subject property is located at 41 Shoreline Drive with the nearest major intersection being Lakeshore Road and Geneva Street. The subject property is 665.0 square metres in size, with frontage on Shoreline Drive along the East side of the property boundary. The property is designated R1 for low density residential - suburban neighbourhoods, which is the lowest density residential zone as provided by the St. Catharines Zoning By-law. The R1 zone permits a range of uses including detached dwellings, semi-detached dwellings, quadruplex dwellings, townhouse, and private road developments.

## Site Context and Surrounding Uses

Site characteristics define the current use of the subject property and the surrounding uses in the area. The subject property is an interior lot on the East side of Shoreline Drive, with access provided by Lakeshore Road to the South. It contains an existing 1.5 storey detached dwelling without an attached garage. As illustrated in the image below, the site is located in a cluster of low density residential lots, with various commercial plazas located within close proximity.



## Description of the Proposal

The proposed minor variances are in relation to the proposed interior renovations to create an accessory dwelling unit within the extents of the existing detached dwelling. We are asking for relief of the St. Catharines Zoning By-law Section 2.2.1(b) in relation to the maximum size of an interior accessory dwelling unit. This section of the By-law requires that an interior accessory dwelling unit not exceed a maximum area of 60 square metres (645 square feet) or 40% of the gross floor area of the dwelling, whichever is less.

Our minor variance application for this subject property proposes an allowed increase in the size of the interior accessory dwelling unit located at 41 Shoreline Boulevard to exceed the maximum allowable area to an increased amount of 842.66 square feet (78.3 square metres) and 43.5% of the gross floor area. This is an ask for an increase in area of 197.66 square feet (18.4 square metres) and 3.5% of the gross floor area.

## Provincial Policy Statement

The Provincial Policy Statement is a consolidated statement of the government of Ontario's policies on land use planning. The PPS provides direction on essential land use planning items that impact communities such as:

- efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term
- the provision of sufficient housing to meet changing needs, including affordable housing and a market-based range of housing types
- Avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas
- Promoting the integration of land use planning, growth management, transit supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs

Section 3 of the Planning Act requires that decisions in relation to planning matters "shall be consistent with" policy statements issued under the Act. The Provincial Policy Statement then creates diverse statements for areas in Ontario, with contextual differences to address unique local focuses

while upholding the provincial interests. Provincial Policy Statements are a representation of the minimum standards.

The subject property is located within a Settlement Area as defined in Section 1.1.3.1 of the PPS. Settlement Areas are the main focus of growth and development within Ontario and contain a variety of land uses and densities to create functional communities. These communities are also based on a range of uses and opportunities for intensification and redevelopment. The targeted land use patterns shall incorporate the efficient use of land and resources; are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or economical expansion; minimize negative impacts to air quality and climate change, and promote energy efficiency; prepare for the negative impacts of a changing climate; support active transportation; are transit-supportive, where transit is planned, exists, or may be developed; and are freight-supportive.

Policy 1.1.3.4. States appropriate development standards should be promoted in a way to facilitate intensification, redevelopment, and compact built form, while also avoiding or mitigating risks to public health or safety. As per Policy Section 1.4.3, planning authorities are to provide opportunity to create an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

- Permitting and facilitating:
  - All housing options required to meet the social, health, economic, and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and
  - All types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3.
- Directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
- Promoting densities for new housing which efficiently use land, resources, infrastructure, and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;
- Requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; and



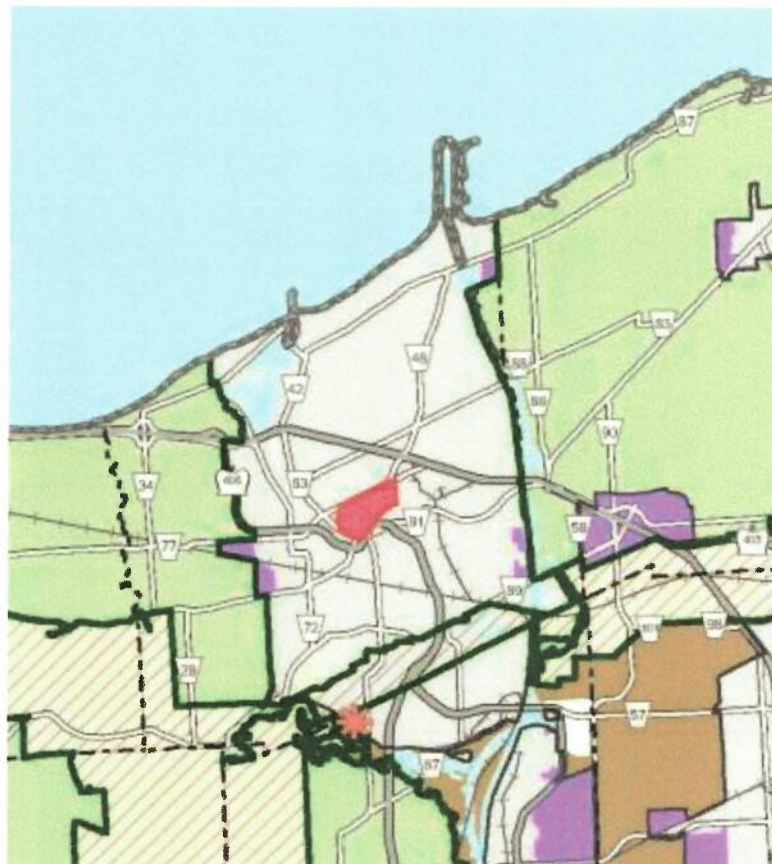
- Establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

The importance of intensification has been highlighted in recent years as the population growth in urban centres has increased and continues to climb. The demands and trends of the housing market have noticeably increased the demand for affordable residential units in both the form of purchasing and renting. The growing need for residential units in affordable, accessible and safe dwelling units has dramatically altered the landscape of residential neighbourhoods throughout the province. The Provincial Policy Statement declares a great need for intensification in settlement areas; especially those with existing or proposed transit, infrastructure, and complete communities. Accessory dwelling units provide an exceptional answer for a growing problem as they often meet both the Province's demand for intensification and the demand for increased housing by the population of Ontario.

## Official Plan

The subject lands at 41 Shoreline Drive are within the Niagara Region Official Plan Built-Up area. The Built-Up area designates an area that is within the Niagara Region built boundary, and is the focus of residential and employment intensification and redevelopment in the Region over the long term. The subject property contains an existing single family detached dwelling, which is consistent with the Official Plan target for the Built-Up area.

Regional Growth is a large topic that is regulated by the Niagara Region Official Plan. General intensification is highly encouraged within the Built-Up area boundary. The Region promotes general intensification in these areas by:





- Providing a Regional framework for measuring intensification
- Supporting infrastructure development and improvements in Local Municipally Designated Intensification Areas where upgrades or improvements to Regional infrastructure works are required
- Working with local municipalities to develop intensification strategies including but not limited to coordination between growth management and the maintenance and expansion of utility infrastructure, both in terms of technological advancement and service provision.
- Monitoring intensification rates across the Region on an annual basis.

Local intensification is promoted by Policy 4.C.2.1., where the Official Plan encourages Local Official Plans to contain policies to address:

- Planning of Intensification Area to attract a significant portion of population and employment growth, relative to the shape and character of the community
- Planning each Intensification Area to achieve higher densities than currently exist within the Intensification Area. It is expected that Intensification Areas will generally achieve higher densities than surrounding areas.
- Ensure that Intensification Areas provide appropriate densities and transitional area to ensure relative compatibility with surrounding areas to ensure relative compatibility with surrounding neighbourhoods including the use of minimum and maximum heights and densities.
- Develop official plan policies and zoning provisions to support and encourage growth and redevelopment within the Intensification Areas

It has been predicted that by the year 2015 and for each year thereafter, a minimum of 40% of all residential development occurring annually within Niagara will occur within the Built-up area of Niagara's communities. As shown below in the Table comprising Policy 4.C.4.2., the Residential Intensification Target for St. Catharines must target the creation of 95% of the total annual development.

**Policy 4.C.4.2**

Local municipalities will develop their own residential *intensification* targets and strategies, which may equal or exceed these minimum standards, and incorporate the targets into their official plans.

Municipality	Residential Intensification Target (percent of total annual development)
Town of Fort Erie	15%
Town of Grimsby	80%
Town of Lincoln	40%
City of Niagara Falls	40%
Town of Niagara-on-the-Lake	15%
Town of Pelham	15%
City of Port Colborne	15%
City of St. Catharines	95%
City of Thorold	15%
Township of Wainfleet	-
City of Welland	40%
Township of West Lincoln	15%
<b>REGION OF NIAGARA</b>	<b>40%</b>

The St. Catharines Official Plan (the Garden City Plan) is the Official Plan framework at the municipal level, and further designates and outlines how to enact policies and targets from the Niagara Region Official Plan at a municipal level. The subject property is located within the Urban Area boundary of the Municipal Structure map, and is located in extremely close proximity to an area specifically noted as an Intensification Area on this map. The subject property is further designated as Neighbourhood Residential, and is located within the North District. The Garden City Plan further regulates and promotes the ideals as set out by the Niagara Region Official Plan to intensify existing communities in a more specific way. The Garden City Plan promotes good urban design, and is concerned with how buildings, landscaped, and public spaces look and function together to create an overall character that reflects unique aspects of a community's history and culture. The intent is to create safe, accessible, and appealing places to live and visit for residents. Urban design can apply to individual sites, neighbourhoods, and communities as a whole. Since intensification is a major target of the Garden City Plan, it promotes compact, innovative, and sensitive design to ensure compatibility and to create a sense of space.

The Neighbourhood Residential designation is then divided into areas of targeted densities. The subject property is located in the Low Density Residential land use designation, and therefore has a target density of 20 to 32 units per hectare. It must be noted that accessory dwelling units do not contribute to the density of a property, therefore no alteration should be considered towards the existing density of the subject property.

The Niagara Region Official Plan and the Garden City Plan are both extremely supportive of intensification within Built-Up areas to ensure that municipalities achieve the designated density and growth targets as set out by the Official Plan. It is important that municipalities follow the guidelines to ensure they are creating sustainable, complete communities. The proposal for the subject property is consistent with the overall goal to promote intensification within an already existing residential neighbourhood. The proposed addition is compatible with the existing characteristics of the surrounding residential uses, and promotes intensification of the existing residential dwelling. Intensification within the existing Urban Area, especially within close proximity to a designated Intensification Area, should be highly encouraged to ensure communities are developing in the direction that will allow the City of St. Catharines to meet or exceed its intensification targets.

## Zoning By-Law

Zoning By-law provisions are created by specific targets created by the Garden City Plan. These by-laws are created to ensure compatible design is created and maintained and to encourage complete cities. The subject property is designated as R1 Low Density Residential - Suburban Neighbourhood. The surrounding area is similar zoning, as most of the surrounding neighbourhoods consist of mainly existing residential dwellings. The existing use of the subject property is a detached dwelling, and there are no proposed alterations to the exterior outside of the building code requirements to create a safe dwelling. The current St. Catharines Zoning By-law allows the creation of interior accessory dwelling units but the accessory units are not to exceed an area of 60 square metres or 40% of the gross floor area, whichever is lesser. While the provision allowing accessory dwelling units is a step in the right direction in terms of intensification, it is extremely restrictive in the types of dwelling units that can be created and does not allow for a range of affordable housing types to be effectively established without requiring a minor variance. An important aspect of residential design is the health and safety of its occupants. In our experience, the majority of interior accessory dwelling units are constructed within the extents of the basement space within the existing dwelling, placing an even greater necessity around conscious design. The size and scale of spaces can be detrimental to the health and safety of the building occupants, which is why the Ontario Building Code places minimum area requirements for room sizes, and provides minimum height requirements. Since the St. Catharines Zoning By-law places a restriction on the space that can be dedicated towards an interior accessory dwelling unit, they are limiting the allowable areas for essential living spaces within the dwelling units. This also drastically limits the types of dwelling units that can be created, further restricting the growth of the community. As shown in the Table below sourced from the Niagara Region Official Plan, this is an estimate for the Population, Household, and Employment Forecast. Among many things, this table highlights the average number of persons occupying a household within Niagara, and demonstrates the necessity to provide housing to accurately reflect the scale of the average Niagara Region household.

Table 4-1: Niagara Region, Population, Household and Employment Forecast by Local Municipality, 2006-2031									
Development Location	Forecast Period	Total Households	Total Population	Total Population With Undercount <sup>1</sup>	Total Population in Households <sup>4</sup>	Persons Per Household (PPH)	Total Employment	Total Employment Including NFPOW <sup>5</sup>	Total Employment Activity Rate <sup>1</sup>
St. Catharines	2006	54,725	132,000	137,300	134,900	2.47	59,750	65,750	0.48
	2011	55,830	132,300	137,600	135,200	2.42	60,600	66,600	0.48
	2016	57,020	132,500	137,800	135,400	2.37	61,090	67,130	0.49
	2021	58,330	132,200	137,500	135,100	2.32	61,750	67,800	0.49
	2026	59,720	131,700	137,000	134,600	2.25	62,130	68,190	0.50
	2031	61,120	132,700	137,919	135,600	2.22	62,640	68,740	0.50

## Four Tests

### **Are the variances minor in nature?**

We are of the opinion that the variances are extremely minor in nature. Currently the St. Catharines Zoning By-law allows for the creation of interior accessory dwelling units below 60 square metres (645 square feet) in size, or to a maximum of 40% of the gross floor area. We are asking for relief from these restrictions to create an interior accessory dwelling unit of 842.66 square feet (78.3 square metres) in size, equivalent to 43.5% of the gross floor area. This proposal is minor in nature since it only proposes an increase in the allowable size of the interior accessory dwelling unit of 197.66 square feet (18.4 square metres) or 3.5% of the gross floor area. The purpose of an interior accessory dwelling unit is to keep the accessory unit clearly subordinate to the main dwelling unit, and this intent is still maintained through our proposal, and therefore is still minor in nature. The proposed increase in floor area is approximately equivalent to creating a second bedroom to create a two-bedroom unit.

The proposed increase in allowable size of the interior accessory dwelling unit is desirable for the use of land, building, or structure. The current use of the subject property is low density residential, and this use will continue to be maintained through the creation of an interior accessory dwelling unit. Allowance of the increase in size of the interior accessory dwelling unit will have no negative impacts on the use of land, building, or structure, and remains consistent with the Provincial Policy Statement, Niagara Region Official Plan, and Garden City Plan desire to promote intensification within existing build-up urban areas.

### **Do the variances maintain the general intent and purpose of the Zoning By-law?**

The general intent and purpose of the Zoning By-law is still maintained through this minor variance proposal. The existing dwelling is located within a zone designated as R1 - Low density residential, which is upheld through our proposal for the subject property. The existing residential use will continue, and the proposal will not impact the other aspects of the property regulated by the Zoning By-law. The general intent and purpose of the Zoning By-law in regards to interior accessory dwelling units is to keep the accessory unit subordinate in size to the main dwelling unit, and our proposal maintains that intent in a desirable way while still allowing for an increase in area for the dwelling unit.

### **Do the variances maintain the general intent and purpose of the Official Plan?**

The proposal for increased area of an interior accessory dwelling unit at this subject property does maintain the general intent and purpose of the Official Plan, and will not have any impact on the density or use of the subject property, and maintain the urban design principles as set forth in the Garden City Plan. Accessory dwelling units provide an opportunity for intensification, while having no impact on density, which is supportive of the intensification targets of the Official Plan. The Official Plan expresses a desire to create complete communities and provides guidelines on how to achieve this, and this minor variance is a proposal that is consistent with the growth and intensification targets of the Provincial Growth Plan stating the need for intensification within the built boundary.

## Conclusion

Jordan Station Design Co. is under the strong impression that all of the four tests are met for all of the variances that have been requested. All relevant and applicable policies have been considered and were regarded during design, including but not limited to the Provincial Policy Statement, the Niagara Region Official Plan, the Garden City Plan, and the St. Catharines Zoning By-law. The proposed variance is minor in nature and upholds and maintains the general intent and purpose of both the St. Catharines Zoning By-law and Official Plan by ensuring that the design has minimal visual impact on the subject property and surrounding neighbourhood. The proposed variance is extremely minor in nature and will have no negative impact if approved. We strongly encourage you to consider the small scale of our proposal during your considerations and recommend that these minor variance be approved.

**File No. 22 108635**

# **COMMITTEE OF ADJUSTMENT COMMENTS**

**16 Melbourne Avenue**

**DATE OF HEARING:  
August 24, 2022**

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

From: Brett Friesen

Sent: Tuesday, August 9, 2022 1:25 PM

To: PBS, Website Information Mailbox <[pbs@stcatharines.ca](mailto:pbs@stcatharines.ca)>

Subject: Re: minor variance application A-106/22

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.

To whom it may concern,  
regarding application A-106/22. We are writing to express our sincere displeasure with the proposed application from Sphere Developments GP Inc. We are firmly against the reduction of the minimum front yard setback proposed in the application. The distance of the buildings in question to the yards of our and our neighbours is simply too close. It is our opinion that this by law was passed for a reason, and therefore should stand. We certainly do not want to have our home so incredibly close to a three-story apartment building. The fact that these are apartment style buildings in the first place is disappointing, let alone the proximity they are proposing to put them to the existing homes.

Brett and Claudia Friesen  
27 Blain Place



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## Memorandum

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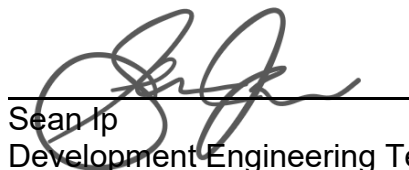
**To:** Wilrik Banda, ACST(A), Council and Committee Coordinator  
**From:** Sean Ip, Development Engineering Technologist  
**CC:** City Committee of Adjustment Staff Members  
**Date:** August 9, 2022  
**Hearing Date:** August 24, 2022  
**Subject:** **Committee of Adjustment - Minor Variance Applications**  
38 Elgin Street – A-87/22  
74 Rochelle Drive – A-97/22  
51 Valerie Drive – A-98/22  
401 Ontario Street – A-99/22  
261A Scott Street – A-100/22  
261B Scott Street – A-101/22  
40 Benfield Drive – A-102/22  
58 Dorchester Boulevard – A-103/22  
28 Highcourt Crescent – A-104/22  
41 Shoreline Drive – A-105/22  
16 Melbourne Avenue – A-106/22  
87 Richelieu Drive – A-107/22  
172½ Niagara Street – A-108/22  
112 St. Augustine Drive – A-109/22

---

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: Wilrik Banda, Council and Committee Coordinator**

**Cc:**

**From: Steve Bittner, Transportation Technologist**

**Date: August 4, 2022**

**Subject: Committee of Adjustment Comments (August 24, 2022, Hearing)**

---

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

Steve Bittner  
Transportation Technologist

**From:** Deluca, Peter (MTO) <Peter.Deluca@ontario.ca>

**Sent:** Wednesday, August 3, 2022 10:44 AM

**To:** Banda, Wilrik <wbanda@stcatharines.ca>

**Cc:** Josipovic, Margaret <mjosipovic@stcatharines.ca>; Risi, Rosa <rrisi@stcatharines.ca>; Pusara, Jelena <jpusara@stcatharines.ca>; Semple, Claire <csemple@stcatharines.ca>

**Subject:** RE: CofA Notices of Hearing - Wednesday, August 24, 2022

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

Hi Wilrik,

Overall no objections with the minor variance as the MTO 14m setback remains.

The MTO will be required to review the proposed work and an MTO building and land use permit will be required.

Any visible signs to the MTO right of way will also require MTO sign permits.

Thanks,  
Peter DeLuca

**To:** Margaret Josipovic, Manager of Planning, PBS

**Cc:**

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

**Date:** August 10, 2022

**Subject:** Committee of Adjustment Applications – August 24, 2022 Hearing

---

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

**38 Elgin Street, Minor Variance, A-87/22 – 22 106666 (B. Stan, Planner)**

CRCS continues to offer no objection to this revised application.

**74 Rochelle Drive, Minor Variance, A-97/22 – 22106969 (S. Ritchie, Planner)**

No objection.

**51 Valerie Drive, Minor Variance, A-98/22 – 22107190 (E. Acs, Planner)**

No objection.

**401 Ontario Street, Minor Variance, A-99/22 – 22108607 (C. McEwan, Planner)**

The applicant has submitted a landscape plan through the concurrent application for site plan approval, which was found to be acceptable. While the landscape buffer in question has been reduced in width, the landscape plan demonstrates that sufficient planting materials and trees can be accommodated within it to buffer the parking area. CRCS offers no objection to the requested minor variance for a reduced landscape buffer width.

**261 Scott Street, Consent, B-49/22 22108613**

**261A Scott Street, Minor Variance, A-100/22 – 22108620**

**261B Scott Street, Minor Variance, A-101/22 – 22108623 (M. Josipovic, Planner)**

CRCS offers no objection to the requested consent to sever to permit each of the semi-detached dwelling units to be individually conveyed, nor the requested minor variances. No new development or expansion of existing parking areas is proposed. Should the applications be approved, CRCS recommends that the following condition of consent be imposed:

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

**40 Benfield Drive, Minor Variance, A-102/22 – 22108626 (N. MacDonald, Planner)**

The applicant has submitted a landscape plan through the concurrent application for site plan approval, which was found to be acceptable. While the landscape buffer in question has been reduced in width along a portion of the westerly lot line, the landscape plan demonstrates that sufficient planting materials and trees can be accommodated to buffer the proposed parking area. CRCS offers no objection to the requested minor variance for a reduced landscape buffer width.

**58 Dorchester Boulevard, Minor Variance, A-103/22 – 22108628 (No Planner assigned)**

No objection.

**28 Highcourt Crescent, Minor Variance, A-104/22 – 22108630 (No Planner assigned)**

No objection.

**41 Shoreline Drive, Minor Variance, A-105/22 – 22108633 (No Planner assigned)**

No objection.

**16 Melbourne Avenue, Minor Variance, A-106/22 – 22108635 (E. Acs, Planner)**

No objection.

**87 Richelieu Drive, Minor Variance, A-107/22 – 22108636 (B. Stan, Planner)**

No objection.

**172/ Niagara Street, Minor Variance, A-108/22 – 22108638 (B. Stan, Planner)**

CRCS offers no objection to the requested minor variances, provided the applicant has submitted sufficient evidence to confirm that the front yard parking area was legally established. Staff is not confident that this is the case, given the existing curb cut does not extend along the entirety of the lot frontage. If the parking area has not been legally established, then CRCS recommends that the minor variances for increases in maximum parking coverage and maximum parking area width be denied. Further, we recommend that any approval of a reduction in lot frontage be conditional upon the applicant being required to replace a portion of the front parking area with landscaped open space in order to comply with the requirements of the Zoning By-law. We note that the applicant has requested a reduction in the parking requirement from three spaces to one, which directly conflicts with their request to recognize the existing parking area. In any event, CRCS is supportive of a parking requirement reduction, provided it results in an increase in landscaped open space in the front yard.

**112 St. Augustine Drive, Minor Variance, A-109/22 – 22108661 (No Planner assigned)**

No objection.

*Amanda Knutson*

## *Community Project and Development Planner*

**From:** Vasko, Dennis <[dvasko@stcatharines.ca](mailto:dvasko@stcatharines.ca)>

**Sent:** Monday, August 8, 2022 9:13 AM

**To:** Banda, Wilrik <[wbanda@stcatharines.ca](mailto:wbanda@stcatharines.ca)>

**Subject:** Re: CofA Notices of Hearing - Wednesday, August 24, 2022

Hi Wilrik,

There are no concerns from our end in respect to closed landfills and these properties.

Dennis

**DennisVasko**

**Fill Site Technician**

**Tel:**905.688.5601 x2163

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



**How are you feeling?**

Find mental health resources that can help.

---

**From:** Network Info <network.info@horizonutilities.com>

**Sent:** Tuesday, August 9, 2022 9:20 AM

**To:** Banda, Wilrik <wbanda@stcatharines.ca>

**Cc:** Risi, Rosa <rrisi@stcatharines.ca>; Pusara, Jelena <jpusara@stcatharines.ca>; Josipovic, Margaret <mjosipovic@stcatharines.ca>; Semple, Claire <csemple@stcatharines.ca>

**Subject:** RE: 16 Melbourne Ave, St. Catharines

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

Good morning Wilrik,

Our comments remain the same from the last review of this address. Please see attached.

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](#).*

January 19, 2022

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

**Attention: Taya Devlin**

File# 21 121665 SP

Re: 16 Melbourne Ave

In response to your correspondence dated January 12, 2022, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

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

We would also like to stipulate the following:

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



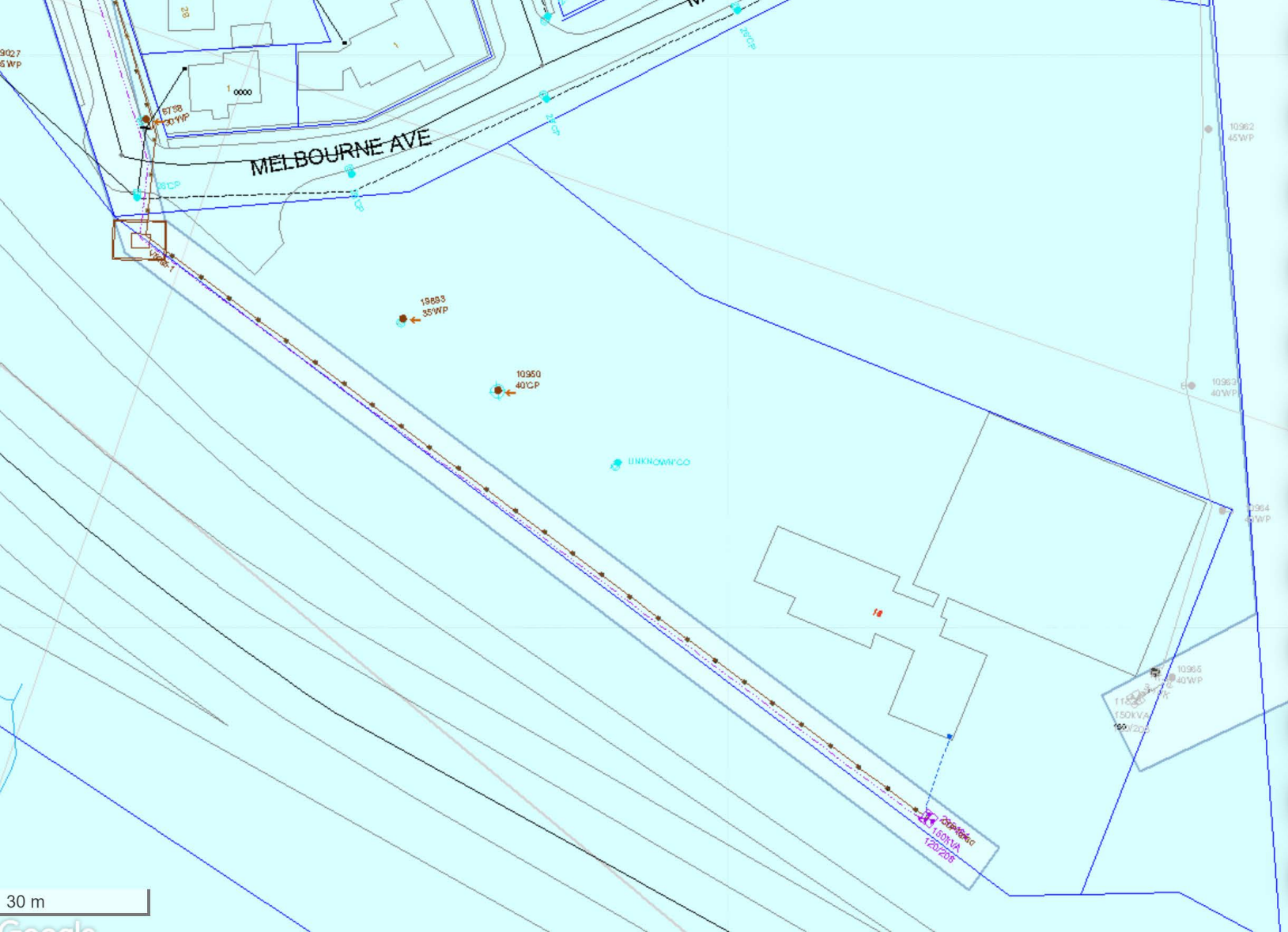
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Alectra Utilities must be contacted if the removal,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

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

Sincerely,

*Mark Jakubowski*

Mark Jakubowski  
Supervisor, Design, Customer Capital





## Technical Report

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

**Date of Report:** August 19, 2022

**Date of Meeting:** August 24, 2022

**Report Number:** A-106/22

**File:** 22108635

**Subject:** 16 Melbourne Avenue

### Recommendation

That Application **A-106/22** submitted by Sphere Developments (Melbourne) GP Inc., as outlined in the Notice of Hearing, be approved.

### Background

When the City's Zoning By-law was adopted in 2013, 16 Melbourne Avenue was zoned Medium Density Residential with special provision 41 (R3-41). This zoning was based on a development proposal the City had received at the time, with a 140-unit, 50 metre high apartment building located at the southeast of the site with an indoor/outdoor private recreation facility located between Melbourne Avenue and the apartment building. Therefore, special provision 41 was put in place to establish where the proposed 50-metre-tall apartment building could be located on the site. The proposal that prompted the R3-41 has since been abandoned, but the special provision continues to apply to the site. The current proposal is for a different development concept from that contemplated when the zoning by-law was approved.

### Report

#### The Proposal

The Applicant proposes to construct 104 apartment units building in four four-storey "stacked townhouse" style buildings with 130 surface-level parking spaces in a private road development. The current site-specific zoning requires one minor variance to facilitate the proposal.

Variance	Provision	Required	Proposed
1	Minimum front yard setback (for a building over 3 storeys in height)	115 m	3 m

### Location and Site Description

The subject property is located on the south side of Melbourne Avenue, west of Princess Park, and directly east of Highway 406. The surrounding neighbourhood is residential

primarily comprised of detached dwellings. There are three low-rise apartment buildings located in close proximity to the site on the north side of Westchester Crescent

The subject property is currently occupied by an indoor/outdoor recreation club, which is 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 Medium Density Residential and High Density Residential on Schedule E9. Apartment buildings are permitted in both designations as well as indoor and outdoor recreation facilities.

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

The subject property is zoned R3 (Medium Density Residential) with special provision 41 (R3-41). Special provision 41 includes site specific setback requirements, a cap on the number of residential units on the site at 140, and permits an indoor or outdoor recreation facility to be located on the lot. Apartment buildings to a height of 50 metres are permitted in this zone.

## **Planning Analysis**

While the R3 zone typically permits a minimum front yard setback of 5 metres for an apartment building on a local road, special provision 41 requires a minimum front yard setback of 115 metres for apartment buildings greater than three storeys in height on the subject lands. The proposal has a four-storey, 24-unit apartment building located 3 metres from the front lot line. The apartment building is a “stacked townhouse” style, with each unit having its own exterior entrance. The design has eight units with entrances that face Melbourne Avenue. The other 16 units in the development will have entrances that face a private road off Melbourne Avenue. The proposed 3-metre setback applies only to a pinch-point at the northeast corner of the proposed building. The reduced setback is further compounded by a 2.5 metre right-of-way dedication being requested by the City through the site plan process. The proposed building is situated 5.5 metres from the current front lot line.

The intent of a front yard setback is to establish appropriate separation between a street and building, allowing for landscaping and site access to be located between the building and the street. The intent of the increased setback in special provision 41 was to facilitate a development proposal for an apartment building 50 metres in height to be located at the southeastern half of the site. The development concept has changed considerably from that envisioned in the R3-41 zoning.

With the proposed apartment building having eight units facing Melbourne Avenue, it is better integrated into the streetscape. A walkway directly connects the exterior doors to each unit to the City's sidewalk. The scale and massing of the proposed building compliments the surrounding neighbourhood. Proposed landscaping between the building and the sidewalk will further mitigate the impact of the reduced setback.

Part D, Section 7.1 of the GCP states that development and redevelopment shall be evaluated having regard for context sensitive design to ensure the integration of compatible building form, scale, height and setbacks with adjacent buildings and the surrounding neighbourhood. As stated above, a reduced front-yard setback for the proposed apartment building will maintain a context-sensitive design. In the opinion of the staff, the requested variance is considered minor in nature, desirable for the appropriate development of the lands, and meets the general intent of the Official Plan and Zoning By-law.

## Conclusion

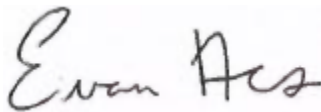
Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Application **A-106/22** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is desirable for the appropriate development of the lands. Staff recommend approval of the Application.

**Prepared by:**



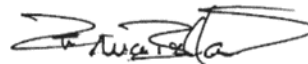
Dasha Litviniuc  
Student Planner

**Submitted by:**



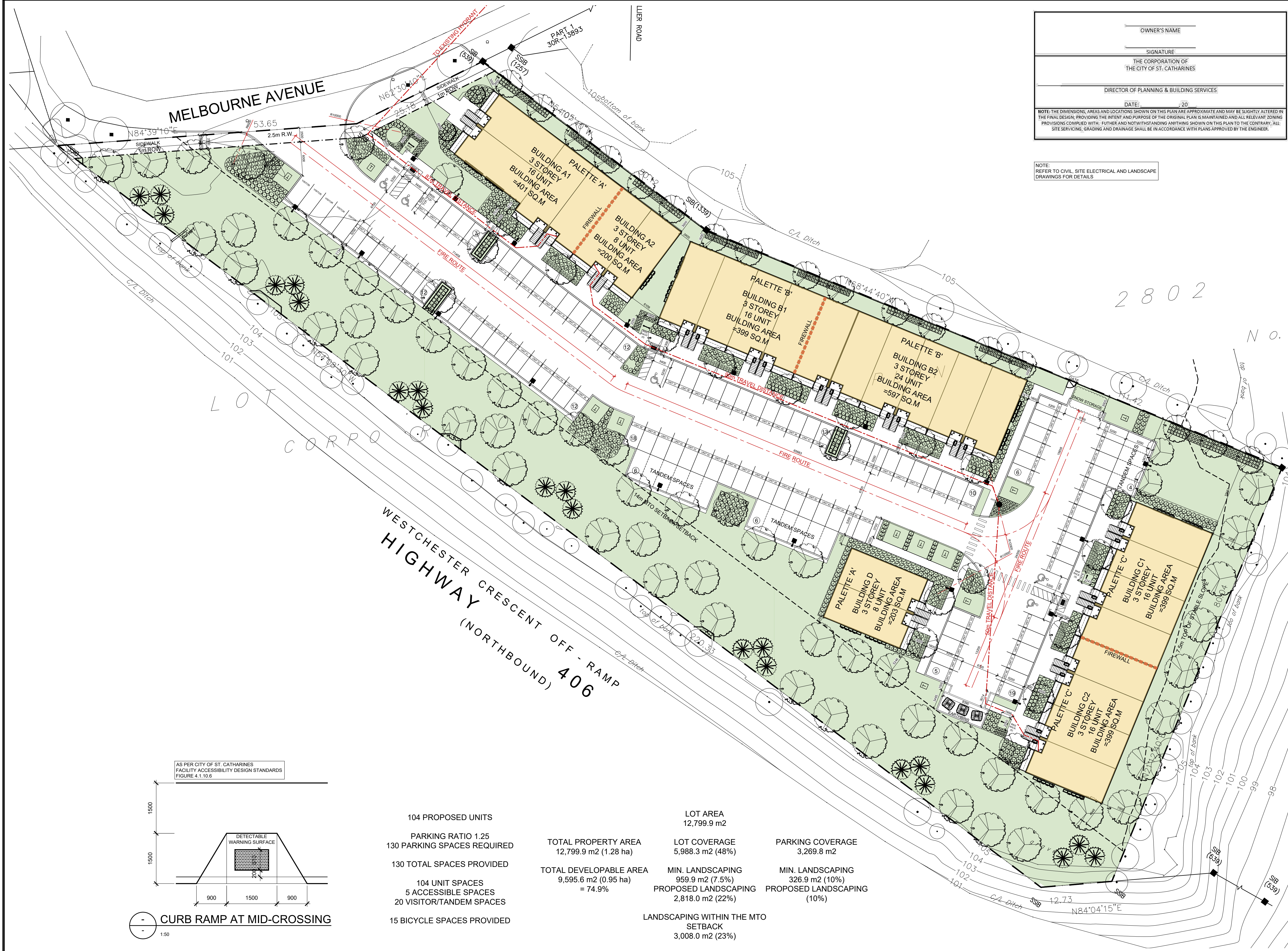
Evan Acs, MSc, RPP  
Planner I

**Approved by:**



Bruce Bellows  
Senior Project Manager





OWNER'S NAME  
SIGNATURE  
THE CORPORATION OF  
THE CITY OF ST. CATHARINES  
DIRECTOR OF PLANNING & BUILDING SERVICES  
DATE: 20

NOTE: THE DIMENSIONS, AREAS AND LOCATIONS SHOWN ON THIS PLAN ARE APPROXIMATE AND MAY BE SLIGHTLY ALTERED IN THE FINAL DESIGN, PROVIDING THE INTENT AND PURPOSE OF THE ORIGINAL PLAN IS MAINTAINED AND ALL RELEVANT ZONING PROVISIONS COMPLIED WITH. FURTHER AND NOTWITHSTANDING ANYTHING SHOWN ON THIS PLAN TO THE CONTRARY, ALL SITE SERVICING, GRADING AND DRAINAGE SHALL BE IN ACCORDANCE WITH PLANS APPROVED BY THE ENGINEER.

NOTE: REFER TO CIVIL, SITE ELECTRICAL AND LANDSCAPE DRAWINGS FOR DETAILS

CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS AND JOB CONDITIONS BEFORE PROCEEDING WITH WORK.  
ALL DRAWINGS MAY BE SUBJECT TO CHANGE DUE TO COMMENTS FROM MUNICIPAL DEPARTMENTS AND OTHER AGENCIES WITH AUTHORITY.  
ALL DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF THE ARCHITECTS AND MUST BE RETURNED AT THE COMPLETION OF THE WORK.  
THE CONTRACTOR WORKING FROM DRAWINGS NOT SPECIFICALLY MARKED FOR CONSTRUCTION MUST ASSUME FULL RESPONSIBILITY AND BEAR COSTS FOR ANY CORRECTIONS OR DAMAGES RESULTING FROM HIS OR HER WORK.

KEY TO DETAIL LOCATION

No.	DETAIL NUMBER
No.	DRAWING SHEET NUMBER

DRAWING SETS ISSUED	No.	DATE (DD.MM.YY)	BY
FOR SITE PLAN APPROVAL	1	08.12.21	AB
FOR CLIENT REVIEW	2	17.03.22	AB
FOR CLIENT REVIEW	3	24.03.22	AB
FOR COORDINATION	4	30.03.22	AB
FOR COORDINATION	5	26.04.22	AB
FOR SITE PLAN APPROVAL	6	02.05.22	AB

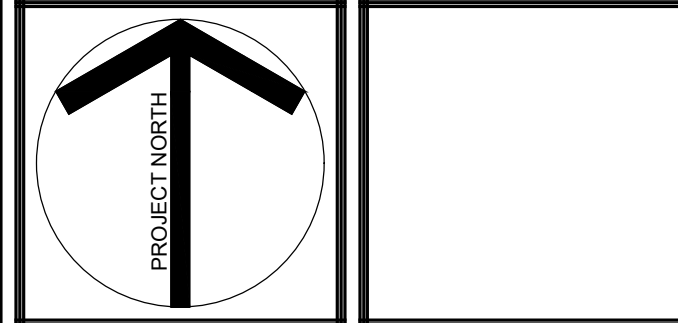
ALL PREVIOUS ISSUES OF THIS DRAWING ARE SUPERSEDED

REVISIONS TO DRAWING	No.	DATE (DD.MM.YY)	BY
TRANSFORMER LOCATION	1	06.04.22	AB
BUILDING LAYOUTS & PARKING	2	08.04.22	AB
BUILDING LAYOUTS & PARKING	3	13.04.22	AB
ACCESS STAIRS TO UNITS	4	29.04.22	AB

BUILDING PERMIT NUMBER:  
NOT FOR CONSTRUCTION WITHOUT PERMIT

**KNYMH**  
ARCHITECTURE • SOLUTIONS

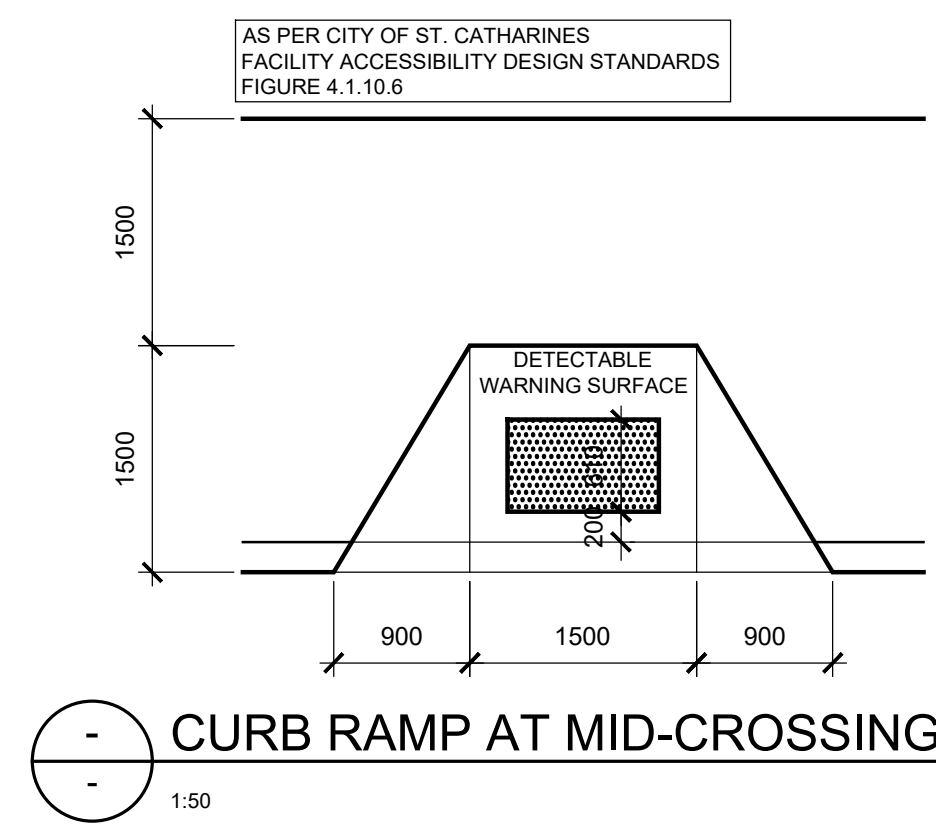
KNYMH INC.  
1006 SKYVIEW DRIVE • SUITE 101  
BURLINGTON, ONTARIO • L7P 0V1  
T 905.639.6595  
F 905.639.0394  
www.knymh.com info@knymh.com



**16 MELBOURNE STACKS**  
16 MELBOURNE  
ST. CATHARINES, ONTARIO

DRAWING SHEET TITLE:  
**SITE PLAN**

DRAWING SCALE: 1:300	PROJECT NUMBER: <b>21034</b>
DRAWN BY: AB	CHECKED BY: PM
DRAWING VERSION:	DRAWING SHEET NUMBER: <b>SP1</b>
PLOT DATE: May 9, 2022	



104 PROPOSED UNITS	LOT AREA 12,799.9 m <sup>2</sup>		
PARKING RATIO 1.25			
130 PARKING SPACES REQUIRED	TOTAL PROPERTY AREA 12,799.9 m <sup>2</sup> (1.28 ha)	LOT COVERAGE 5,988.3 m <sup>2</sup> (48%)	PARKING COVERAGE 3,269.8 m <sup>2</sup>
130 TOTAL SPACES PROVIDED	TOTAL DEVELOPABLE AREA 9,595.6 m <sup>2</sup> (0.95 ha) = 74.9%	MIN. LANDSCAPING 959.9 m <sup>2</sup> (7.5%) PROPOSED LANDSCAPING 2,818.0 m <sup>2</sup> (22%)	MIN. LANDSCAPING 326.9 m <sup>2</sup> (10%) PROPOSED LANDSCAPING (10%)
104 UNIT SPACES		LANDSCAPING WITHIN THE MTO SETBACK 3,008.0 m <sup>2</sup> (23%)	
5 ACCESSIBLE SPACES			
20 VISITOR/TANDEM SPACES			
15 BICYCLE SPACES PROVIDED			



**File No. 22 108636**

# **COMMITTEE OF ADJUSTMENT COMMENTS**

**87 Richelieu Drive**

**DATE OF HEARING:  
August 24, 2022**



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## Memorandum

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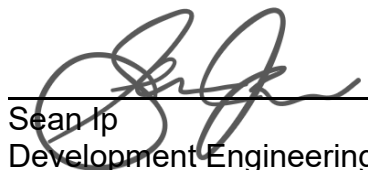
**To:** Wilrik Banda, ACST(A), Council and Committee Coordinator  
**From:** Sean Ip, Development Engineering Technologist  
**CC:** City Committee of Adjustment Staff Members  
**Date:** August 9, 2022  
**Hearing Date:** August 24, 2022  
**Subject:** **Committee of Adjustment - Minor Variance Applications**  
38 Elgin Street – A-87/22  
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Development Engineering have no comments or objections to the above noted applications, subject to the following;

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Prepared by:

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



**To: Wilrik Banda, Council and Committee Coordinator**

**Cc:**

**From: Steve Bittner, Transportation Technologist**

**Date: August 4, 2022**

**Subject: Committee of Adjustment Comments (August 24, 2022, Hearing)**

---

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

Steve Bittner  
Transportation Technologist

**From:** Taran Lennard  
**Sent:** Friday, June 17, 2022 12:46 PM  
**To:** [scottperrault@cogeco.ca](mailto:scottperrault@cogeco.ca)  
**Subject:** FW: NPCA Review - Addition to 87 Richelieu Dr, St. Catharines

Good Afternoon Scott,

Thanks for sending me a copy of the plans!

The NPCA offers no objection to the approval of your application. I have digitally stamped your plans for your records. Be advised that the NPCA will not require works permits from this Office for your project with the plans as presented. Do ensure that there is no dumping of materials, fill, etc., into or around Walker's Creek throughout the duration of construction.

You are welcome to forward a copy of this email to the City of St. Catharines for their records and eventual release of a building permit.

Should there be any questions, please reach out to me directly. Thank you.

**Taran Lennard**

### **Watershed Planner**

Niagara Peninsula Conservation Authority (NPCA)

250 Thorold Road West, 3<sup>rd</sup> Floor | Welland, ON L3C 3W2

Tel: 905-788-3135 | extension 277  
email: [tlennard@npca.ca](mailto:tlennard@npca.ca)

### **NPCA Watershed Explorer**

Due to the COVID-19 pandemic, the NPCA has taken measures to protect staff and public while providing continuity of services. The NPCA main office is open by appointment only with limited staff, please refer to the [Staff Directory](#) and reach out to the staff member you wish to speak or meet with directly.

Updates regarding NPCA operations and activities can be found at [Get Involved NPCA Portal](#), or on social media at [facebook.com/NPCAOntario](https://facebook.com/NPCAOntario) & [twitter.com/NPCA\\_Ontario](https://twitter.com/NPCA_Ontario).

For more information on Permits, Planning and Forestry please go to the Permits & Planning webpage at <https://npca.ca/administration/permits>.

**From:** Vasko, Dennis <[dvasko@stcatharines.ca](mailto:dvasko@stcatharines.ca)>

**Sent:** Monday, August 8, 2022 9:13 AM

**To:** Banda, Wilrik <[wbanda@stcatharines.ca](mailto:wbanda@stcatharines.ca)>

**Subject:** Re: CofA Notices of Hearing - Wednesday, August 24, 2022

Hi Wilrik,

There are no concerns from our end in respect to closed landfills and these properties.

Dennis

**DennisVasko**

**Fill Site Technician**

**Tel:** 905.688.5601 x2163

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



**How are you feeling?**

Find mental health resources that can help.

---

**From:** Network Info <network.info@horizonutilities.com>

**Sent:** Tuesday, August 9, 2022 9:29 AM

**To:** Banda, Wilrik <wbanda@stcatharines.ca>

**Cc:** Josipovic, Margaret <mjosipovic@stcatharines.ca>; Risi, Rosa <rrisi@stcatharines.ca>; Pusara, Jelena <jpusara@stcatharines.ca>; Semple, Claire <csemple@stcatharines.ca>

**Subject:** August 2, 2022 applications

**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 Wilrik,

Our office has no comments/conflicts with the remaining 12 applications that were submitted on August 2, 2022.

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](#).*

**To:** Margaret Josipovic, Manager of Planning, PBS

**Cc:**

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

**Date:** August 10, 2022

**Subject:** Committee of Adjustment Applications – August 24, 2022 Hearing

---

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

**38 Elgin Street, Minor Variance, A-87/22 – 22 106666 (B. Stan, Planner)**

CRCS continues to offer no objection to this revised application.

**74 Rochelle Drive, Minor Variance, A-97/22 – 22106969 (S. Ritchie, Planner)**

No objection.

**51 Valerie Drive, Minor Variance, A-98/22 – 22107190 (E. Acs, Planner)**

No objection.

**401 Ontario Street, Minor Variance, A-99/22 – 22108607 (C. McEwan, Planner)**

The applicant has submitted a landscape plan through the concurrent application for site plan approval, which was found to be acceptable. While the landscape buffer in question has been reduced in width, the landscape plan demonstrates that sufficient planting materials and trees can be accommodated within it to buffer the parking area. CRCS offers no objection to the requested minor variance for a reduced landscape buffer width.

**261 Scott Street, Consent, B-49/22 22108613**

**261A Scott Street, Minor Variance, A-100/22 – 22108620**

**261B Scott Street, Minor Variance, A-101/22 – 22108623 (M. Josipovic, Planner)**

CRCS offers no objection to the requested consent to sever to permit each of the semi-detached dwelling units to be individually conveyed, nor the requested minor variances. No new development or expansion of existing parking areas is proposed. Should the applications be approved, CRCS recommends that the following condition of consent be imposed:

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

**40 Benfield Drive, Minor Variance, A-102/22 – 22108626 (N. MacDonald, Planner)**

The applicant has submitted a landscape plan through the concurrent application for site plan approval, which was found to be acceptable. While the landscape buffer in question has been reduced in width along a portion of the westerly lot line, the landscape plan demonstrates that sufficient planting materials and trees can be accommodated to buffer the proposed parking area. CRCS offers no objection to the requested minor variance for a reduced landscape buffer width.

**58 Dorchester Boulevard, Minor Variance, A-103/22 – 22108628 (No Planner assigned)**

No objection.

**28 Highcourt Crescent, Minor Variance, A-104/22 – 22108630 (No Planner assigned)**

No objection.

**41 Shoreline Drive, Minor Variance, A-105/22 – 22108633 (No Planner assigned)**

No objection.

**16 Melbourne Avenue, Minor Variance, A-106/22 – 22108635 (E. Acs, Planner)**

No objection.

**87 Richelieu Drive, Minor Variance, A-107/22 – 22108636 (B. Stan, Planner)**

No objection.

**172/ Niagara Street, Minor Variance, A-108/22 – 22108638 (B. Stan, Planner)**

CRCS offers no objection to the requested minor variances, provided the applicant has submitted sufficient evidence to confirm that the front yard parking area was legally established. Staff is not confident that this is the case, given the existing curb cut does not extend along the entirety of the lot frontage. If the parking area has not been legally established, then CRCS recommends that the minor variances for increases in maximum parking coverage and maximum parking area width be denied. Further, we recommend that any approval of a reduction in lot frontage be conditional upon the applicant being required to replace a portion of the front parking area with landscaped open space in order to comply with the requirements of the Zoning By-law. We note that the applicant has requested a reduction in the parking requirement from three spaces to one, which directly conflicts with their request to recognize the existing parking area. In any event, CRCS is supportive of a parking requirement reduction, provided it results in an increase in landscaped open space in the front yard.

**112 St. Augustine Drive, Minor Variance, A-109/22 – 22108661 (No Planner assigned)**

No objection.

*Amanda Knutson*

## *Community Project and Development Planner*



## Technical Report

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

**Date of Report:** August 19, 2022

**Date of Meeting:** August 24, 2022

**Report Number:** A-107/22

**File:** 22108636

**Subject:** 87 Richelieu Drive

### Recommendation

That Application **A-107/22** submitted by Anne Krause, Arnold Krause, Lori Perrault, and Scott Perrault, as outlined in the Notice of Hearing, be approved.

### Report

#### The Proposal

The Applicants propose a reduction of the rear yard setback to facilitate the construction of a second storey addition. The variance outlined in the table below is required to facilitate the proposed addition.

Variance	Provision	Required	Proposed
1	Minimum rear yard setback	7.5 m	3.48 m

### Location and Site Description

The subject property is located on the southwest corner of Parnell Road and Richelieu Drive. The property is surrounded by detached dwellings to the south and east. Walker's Creek Trail is located to the north and west of the property.

The subject property is presently occupied by a detached dwelling, shed and gazebo.

### Circulation of Application

This Application was circulated to all appropriate departments and agencies: To date, no objections have been received.

### Planning Policy Context

#### Official Plan (Garden City Plan)

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



## Zoning By-law (2013-283)

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

## Planning Analysis

Zoning By-law 2013-283, as amended, requires a setback of 7.5 metres from the rear lot line to the dwelling. The intention of the rear yard setback in the Zoning By-law (based on development policies in Section 7.1 of the Official Plan) 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-107/22** requests a reduction of the minimum rear yard setback from 7.5 metres to 3.48 metres for the proposed construction of a second storey addition. The existing rear yard setback is 3.48 metres and the second storey addition will not negatively impact it. Although the front door and driveway of the detached driveway faces Richelieu Drive, based on the zoning definition, Parnell Road is considered the front yard of this property. The rear yard setback is therefore functioning as the interior side yard. The required setback of an interior side yard is 1.2 metres, which is being exceeded with the current 3.48 metre setback. All other required zoning provisions are maintained.

The reduced rear yard setback is considered to be in keeping with the general intent and purpose of the Official Plan and Zoning By-law. By adding a second-storey addition, the owners can modestly increase the amount of indoor space and useability of the dwelling. As such, the variance is considered desirable for the appropriate development of the lands.

## Conclusion

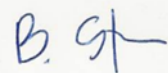
Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Application **A-107/22** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is desirable for the appropriate use of the lands. Staff recommend approval of the Application.

**Prepared by:**



Dasha Litviniuc  
Student Planner

**Submitted by:**



Brenda Stan  
Planner

**Approved by:**

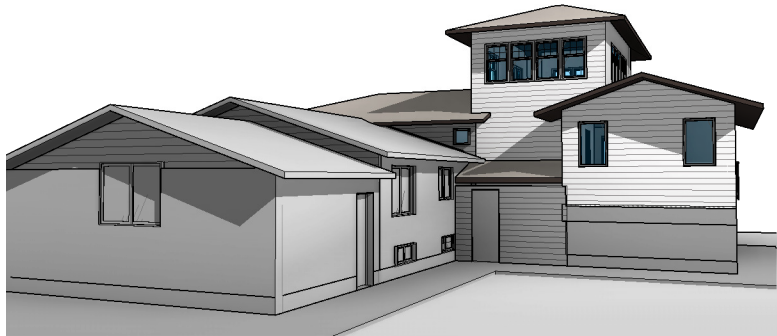


Bruce Bellows  
Senior Project Manager



**87 Richelieu Drive  
St. Catharines, ON.**

**SP**

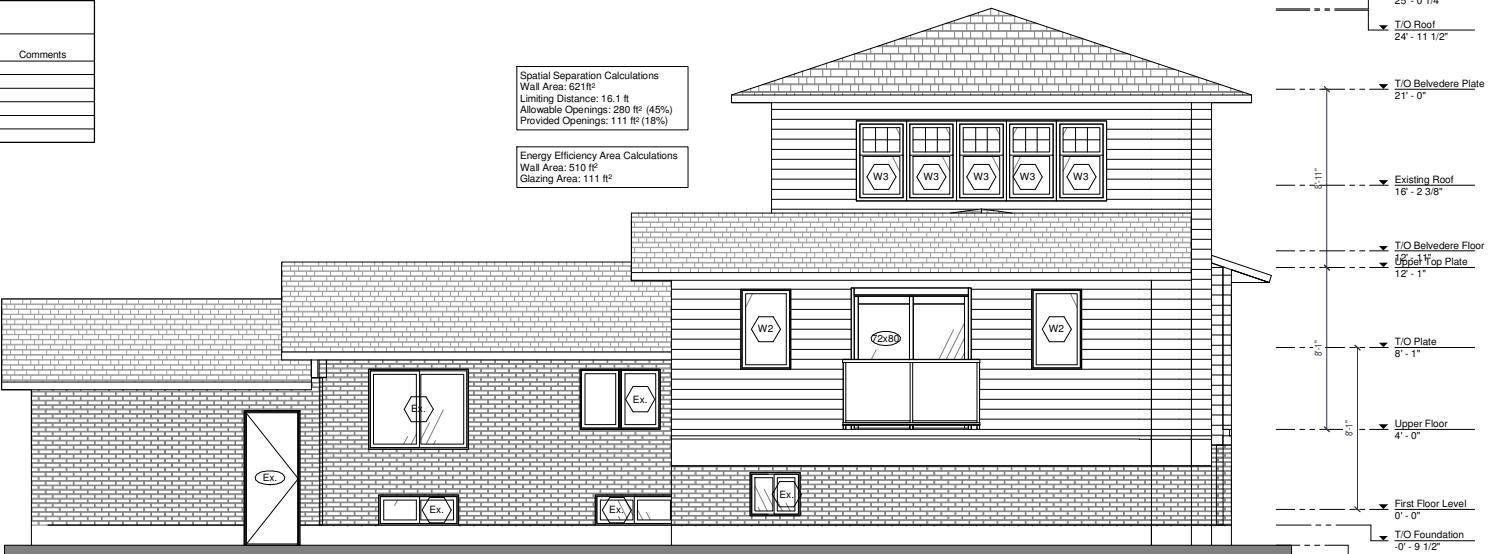


5 3D View 1  
A3-000

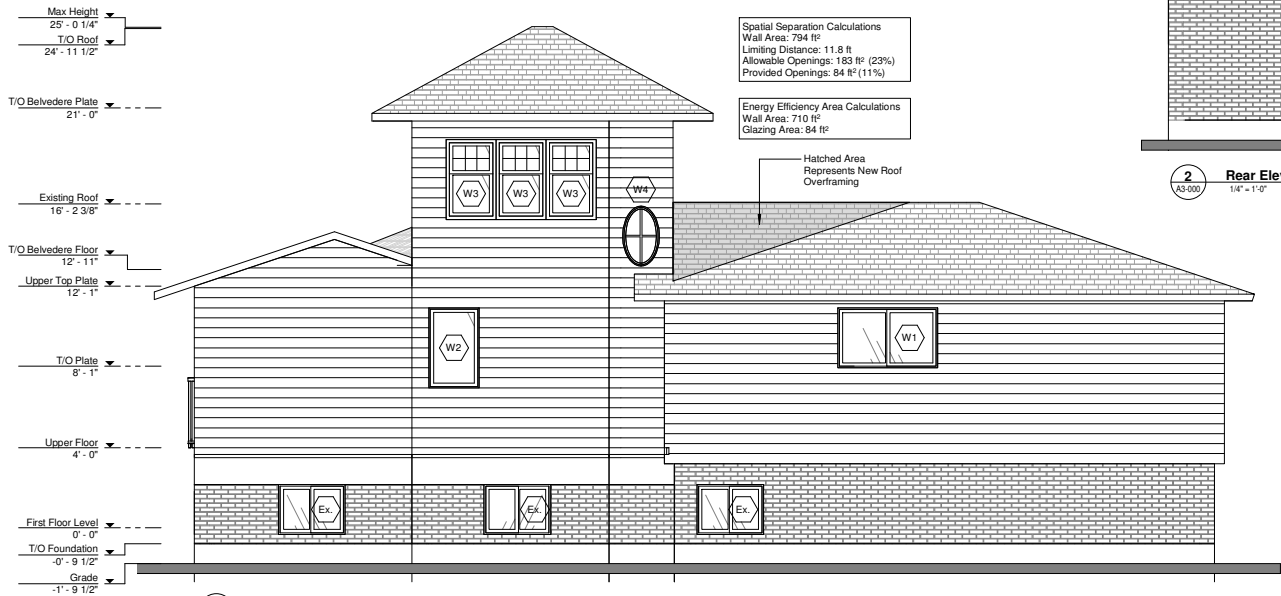
Window Schedule					
Mark	Count	Size		Sill Height	Comments
W1	1	5'-0"	3'-0"	4'-0"	
W2	5	2'-6"	4'-0"	3'-0"	
W3	16	2'-6"	4'-0"	3'-4"	
W4	1	1'-10"	3'-0"	1'-0"	
W5	1	1'-8"	1'-8"	5'-4"	

Spatial Separation Calculations  
Wall Area: 6211 ft<sup>2</sup>  
Limiting Distance: 16.1 ft  
Allowable Openings: 280 ft<sup>2</sup> (45%)  
Provided Openings: 1111 ft<sup>2</sup> (18%)

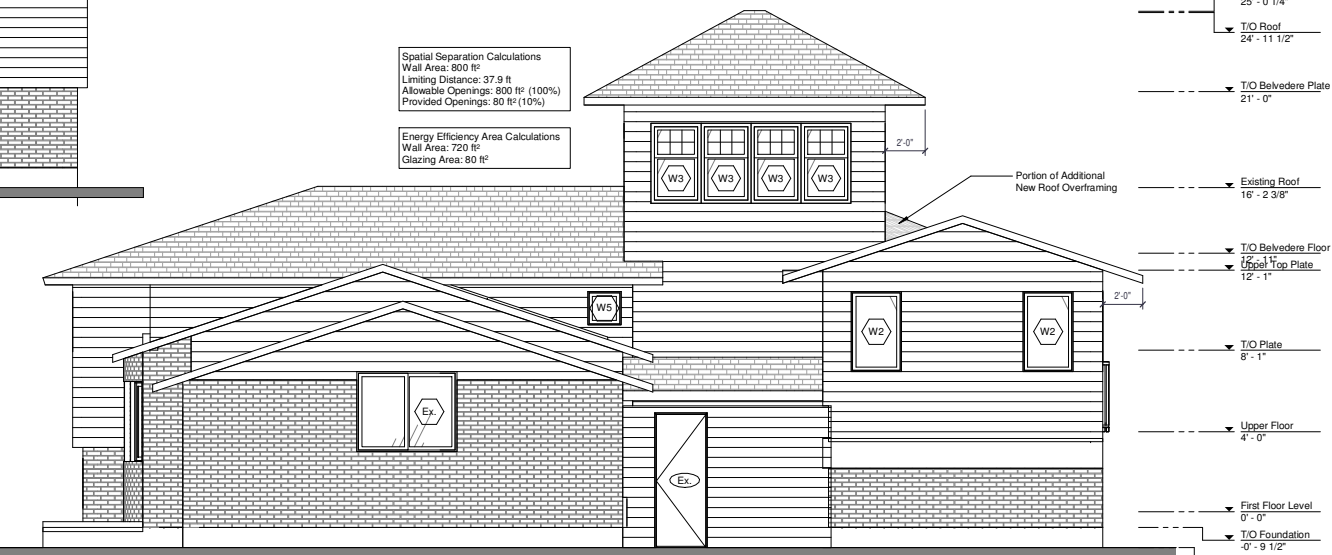
Energy Efficiency Area Calculations  
Wall Area: 510 ft<sup>2</sup>  
Glazing Area: 111 ft<sup>2</sup>



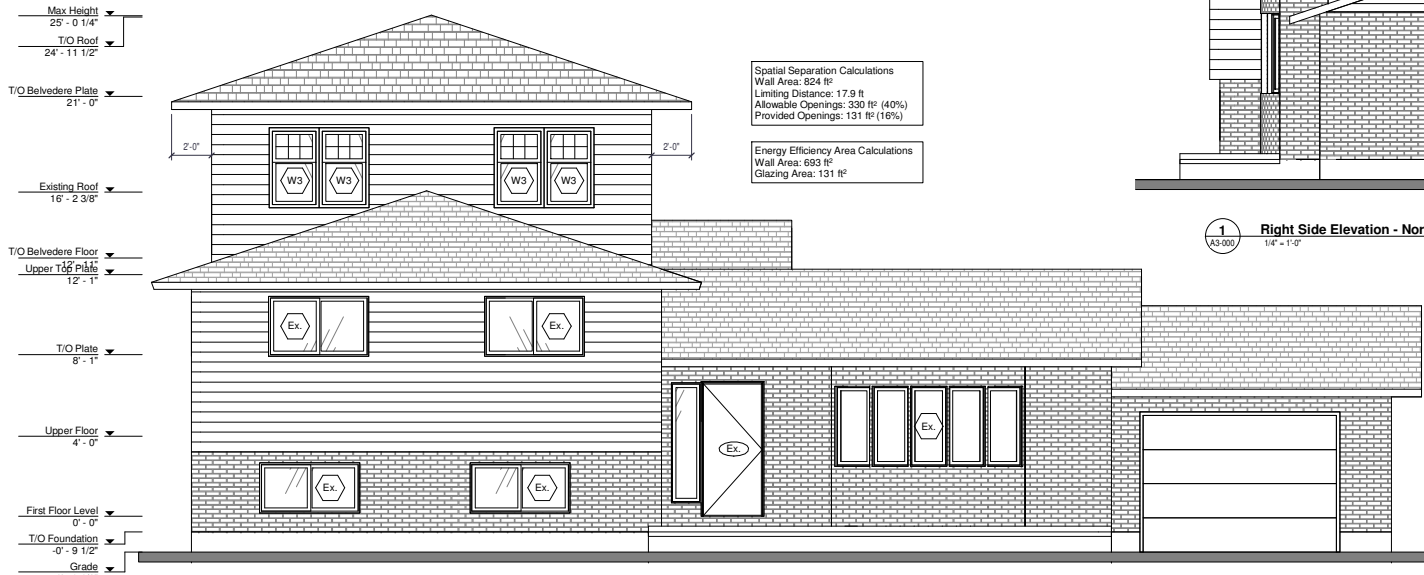
2 Rear Elevation - West  
1/4" = 1'-0"



4 Left Elevation - South  
1/4" = 1'-0"



1 Right Side Elevation - North  
1/4" = 1'-0"



3 Front Elevation - East  
1/4" = 1'-0"



6 Perspective View - A  
A3-000

Interior Renovation / Addition  
87 Richieu Drive  
St. Catharines, ON  
Perrault Residence  
Building Elevations

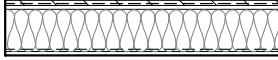
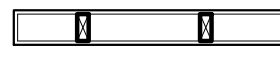
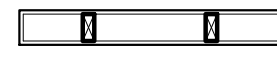

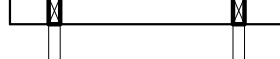
A3-000

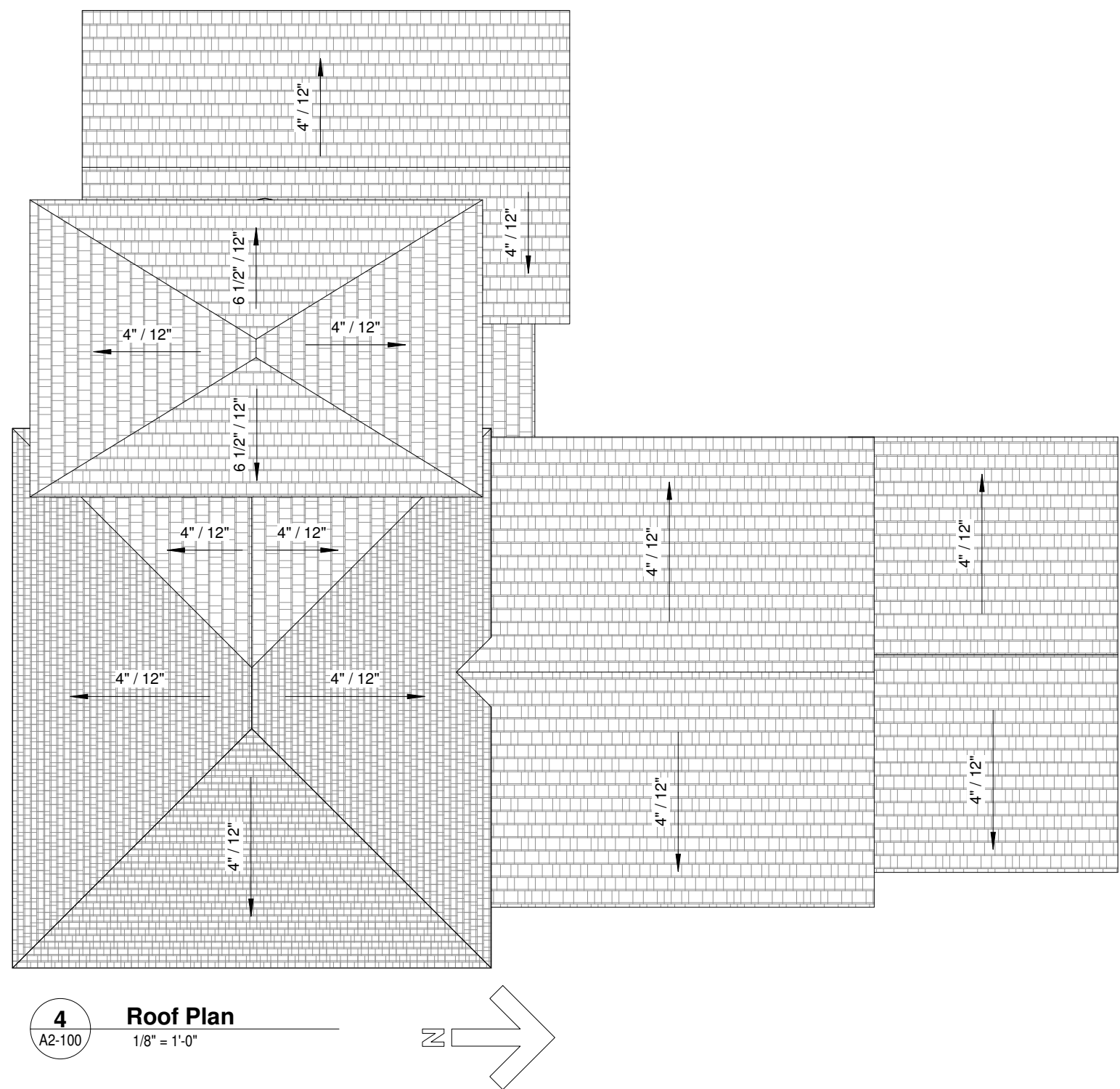
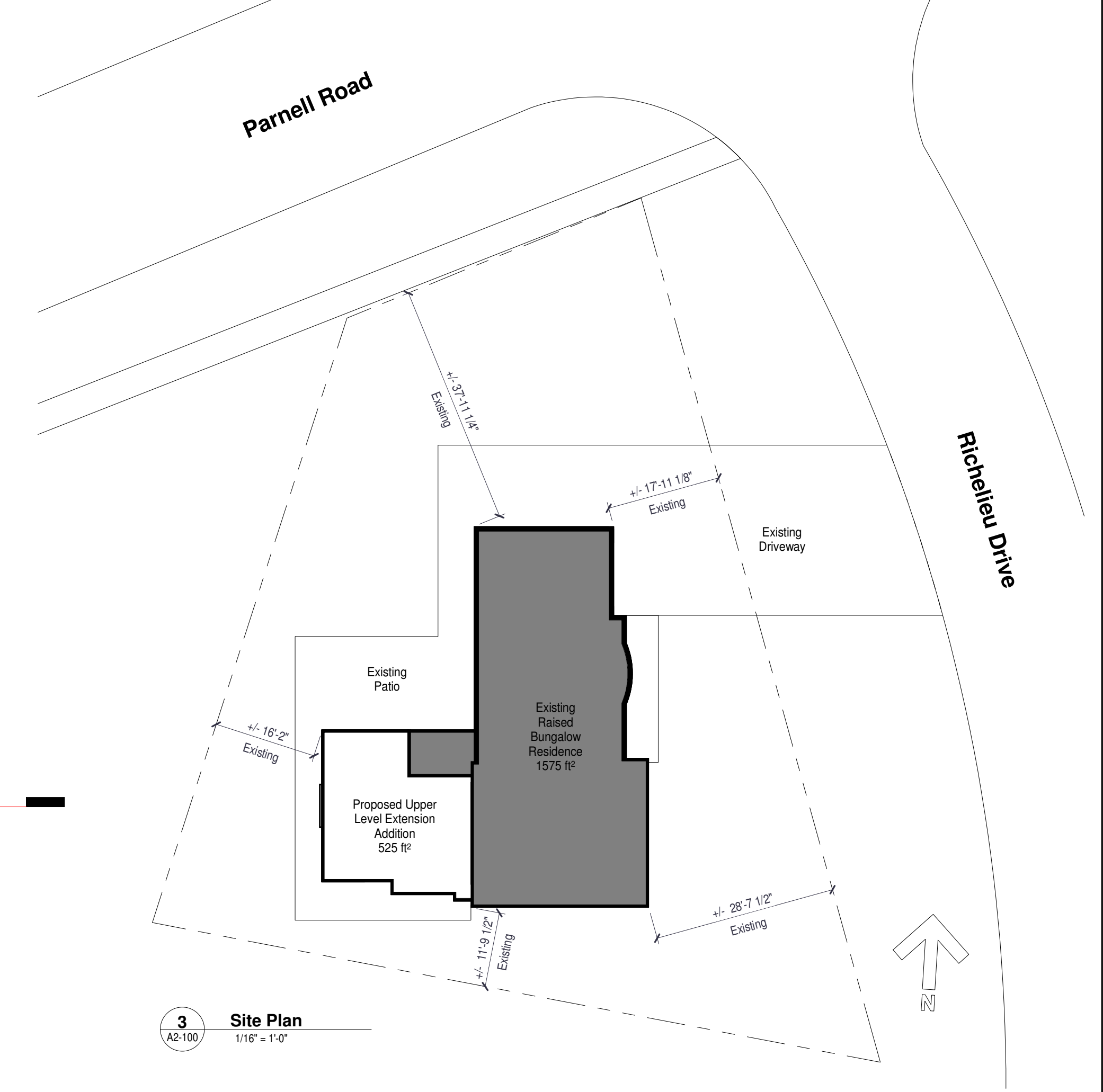
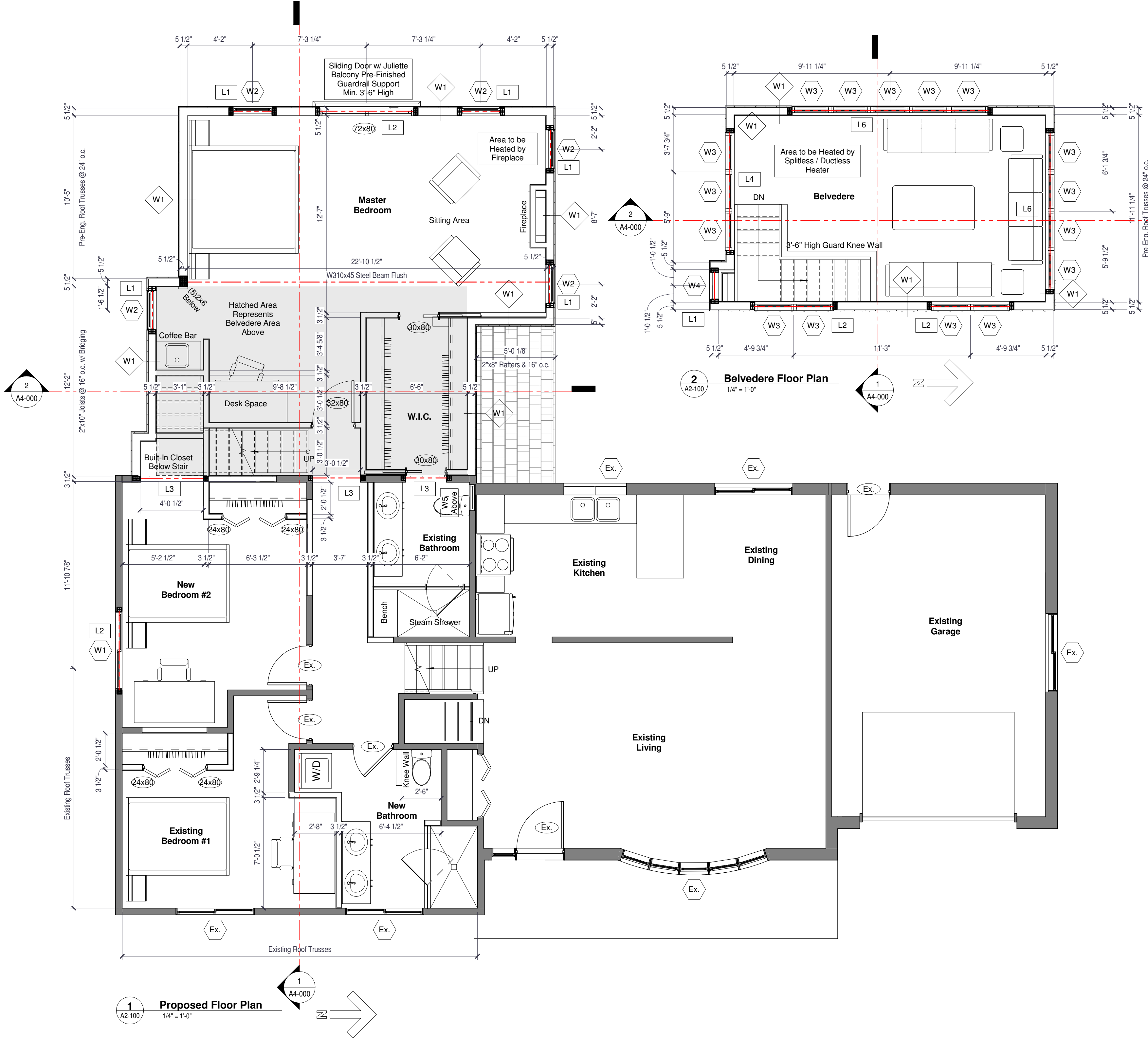


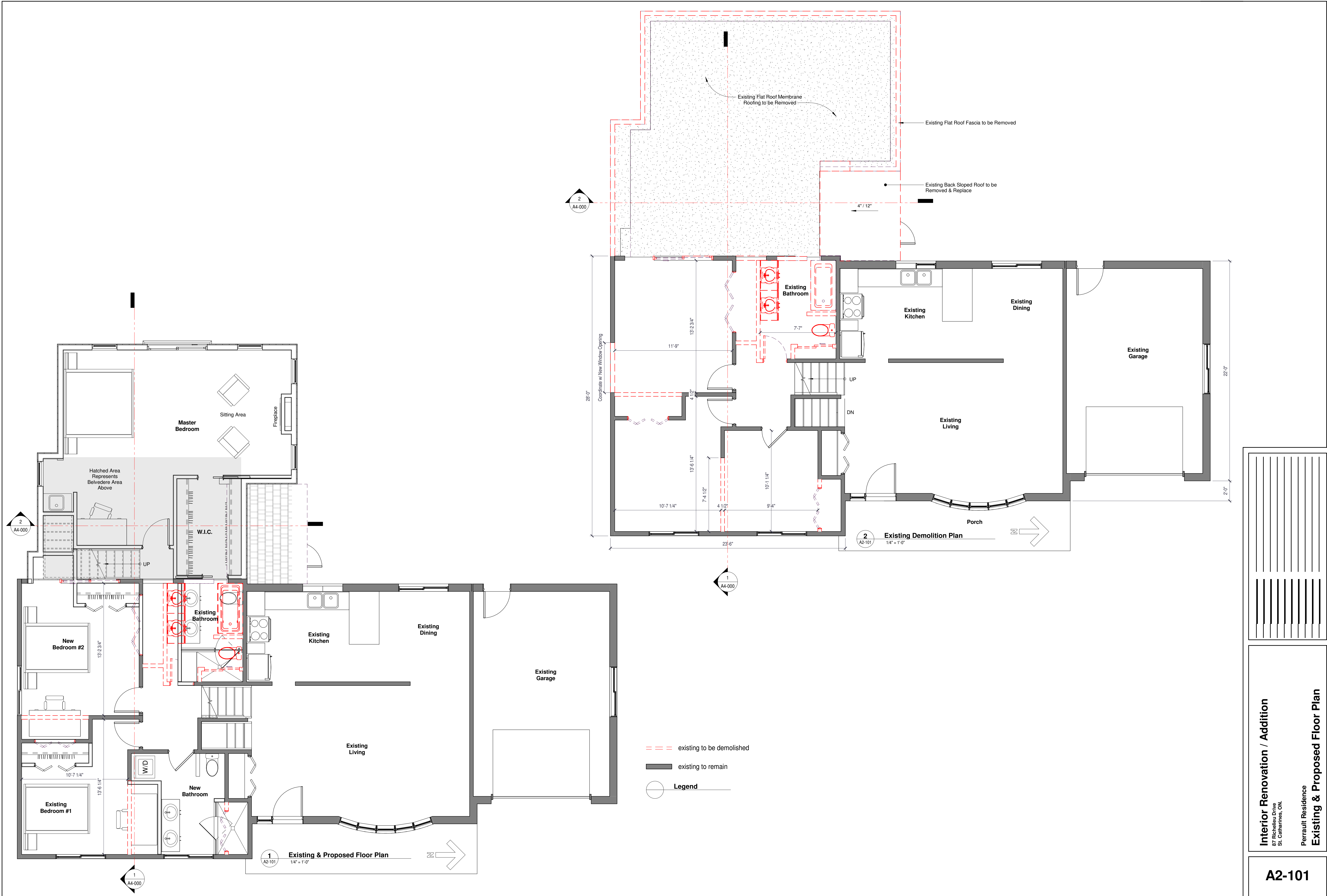
Window Schedule					
Mark	Count	Size		Sill Height	Comments
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W1	1	5'-0"	3'-0"	4'-0"	
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W5	1	1'-8"	1'-8"	5'-4"	

FIRST FLOOR LINTELS					
#	SIZE	SPAN (max)		POST	
		EXTERIOR	INTERIOR	EXTERIOR	INTERIOR
L1	2'-2" x 4"	4'-2"	3'-0"	2'-2" x 6"	2'-2" x 4"
L2	2'-2" x 6"	6'-4"	4'-5"	2'-2" x 6"	2'-2" x 4"
L3	2'-2" x 8"	7'-8"	5'-4"	2'-2" x 6"	2'-2" x 4"
L4	2'-2" x 10"	9'-5"	6'-7"	2'-2" x 6"	2'-2" x 4"
L5	2'-2" x 12"	10'-11"	7'-7"	2'-2" x 6"	2'-2" x 4"
L6	Pre Eng. LVL Header				

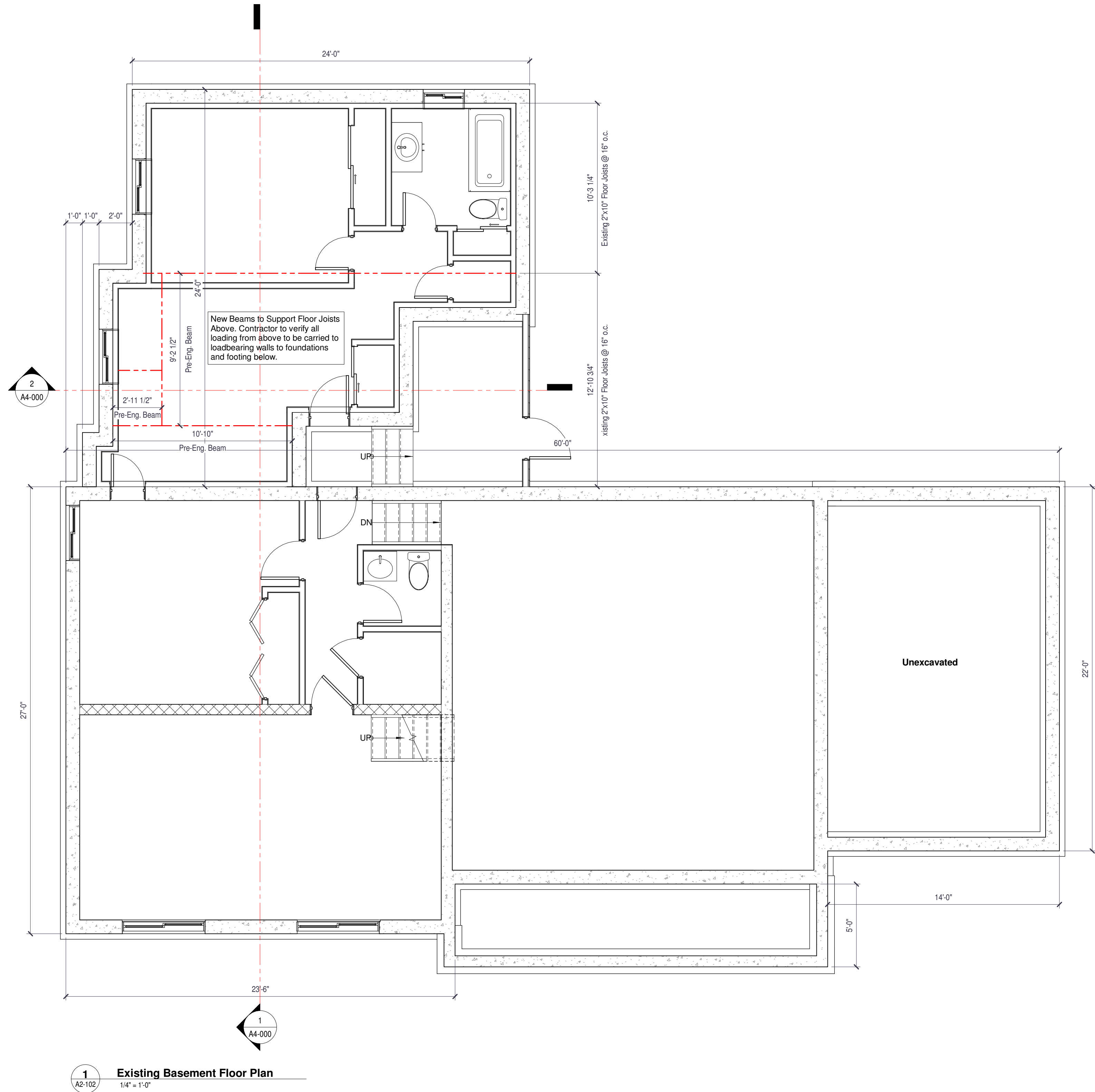
NOTES:  
-WOOD LINTELS - ROOF & CEILING ONLY  
-ALL WOOD IS S.P.F. No. 1 / 2 U.N.O.

	<b>W1 - Typical Exterior Wall</b> Siding (Colour Type T.B.D.) Stapping as pr Manuf. Guidelines Tyvek Air Barrier 7/16" OSB Exterior Grade Sheathing 2"x8" Wood Studs @ 16" o.c. R-22 Batt Insulation 6 mil Poly Vapour Barrier 1/2" Gypsum Board Taped & Sanded		<b>P1 - Typical Interior Partition</b> 1/2" Gypsum Board Taped & Sanded 2"x4" Wood Studs @ 16" o.c. 1/2" Gypsum Board Taped & Sanded		<b>BW1 - Interior Bearing Wall</b> 1/2" Gypsum Board Taped & Sanded 2"x4" Wood Studs @ 16" o.c. 1/2" Gypsum Board Taped & Sanded On 18" x 6" Footing
	<b>FL1 - Typical Floor</b> 3/4" T+G Floor Sheathing (Glued & Nailed) 2"x10" Floor Joists @ 16" o.c. w/ Bridging 1/2" Gypsum Board		<b>R1 - Typical Roof</b> 35 Year Asphalt Shingles Roof Underlayment 1/2" Plywood Roof Sheathing Pre-Engineered Roof Trusses R60 Blown Insulation 6 mil Poly Vapour Barrier 1/2" Gypsum Board		





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**1**  
A2-102  
**Existing Basement Floor Plan**  
1/4" = 1'-0"



ENERGY EFFICIENCY DESIGN SUMMARY

SEE ATTACHED ENERGY EFFICIENCY DESIGN SUMMARY DECLARATION FORM SUBMITTED WITH THESE CONSTRUCTION DOCUMENTS. (PART 9 RESIDENTIAL)

A. PROJECT INFORMATION

Building number, street name 87 Richelleu		Unit number	Lot/Con
Municipality St. Catharines	Postal code	Reg. Plan number/other description	

B. COMPLIANCE OPTION

<input checked="" type="checkbox"/> SB-12 PRESCRIPTIVE (SB-12-2.1.1.)	Table: 3.1.1.2.A	Package: A1
<input type="checkbox"/> SB-12 PERFORMANCE (SB-12-2.1.2.)	Attach energy performance calculations using an approved software	
<input type="checkbox"/> Energy Star (SB-12-2.1.3.)	Attach BOP form. House must be labeled on completion by Energy Star	
<input type="checkbox"/> EnerGuide 80	House must be evaluated by NRCan advisor and meet a rating of 80	

C. PROJECT DESIGN CONDITIONS

Climatic Zone (SB-1)	Heating Equipment Efficiency	Space Heating Fuel Source		
<input checked="" type="checkbox"/> Zone 1 (<5000 degree days)	<input checked="" type="checkbox"/> ≥ 90% AFUE	<input checked="" type="checkbox"/> Gas	<input type="checkbox"/> Propane	<input type="checkbox"/> Solid Fuel
<input type="checkbox"/> Zone 2 (>5000 degree days)	<input type="checkbox"/> ≥ 78% < 90% AFUE	<input type="checkbox"/> Oil	<input checked="" type="checkbox"/> Electric	<input type="checkbox"/> Earth Energy
Windows + Skylights + Glass Doors		Other Building Conditions		
Gross Wall Area = 2633 ft²	% Windows+ .15.4 %	<input type="checkbox"/> ICF Basement	<input type="checkbox"/> Walkout Basement	<input type="checkbox"/> Log Post+Bm
Gross Window + Area = 406 ft²		<input type="checkbox"/> ICF above Grade	<input type="checkbox"/> Slab-on-ground	<input type="checkbox"/>

D. BUILDING SPECIFICATIONS

Building Component	RSV R Values	Building Component	Efficiency Ratings
Thermal Insulation		Windows + Doors	
Ceiling with Attic Space	R60	Windows/Sliding Glass Doors	0.28
Ceiling without Attic Space	R31	Skylights	N/A
Exposed Floor	R31	Mechanicals	
Walls above Grade	R22	Space Heating Equip.	96%
Basement Walls	R12	HRV Efficiency (%)	75%
Slab (all < 600mm below grade)	-	DHW Heater (EF)	0.8
Slab (edge only < 600mm below grade)	10	Notes:	
Slab (all < 600mm below grade, or heated)	10	1. Provide U-Value in W-M2/K, or EER rating 2. Provide AFUE or indicate if condensing type combined system used	

E. PERFORMANCE DESIGN VERIFICATION

~~SB-12 Performance~~

The annual energy consumption using 2.1.1. SB-12 Package \_\_\_\_\_ is \_\_\_\_\_ GJ (1 GJ = 1000M)

The annual energy consumption of this house as designed is \_\_\_\_\_ GJ (1 GJ = 1000M)

The software used to simulate the annual energy use of the building is: \_\_\_\_\_

The building is being designed using an air leakage of \_\_\_\_\_ air changes per hour @50Pa.

Energy Star: BOP form attached. The house will be labeled on completion by: \_\_\_\_\_

Energy Star and EnerGuide80 \_\_\_\_\_

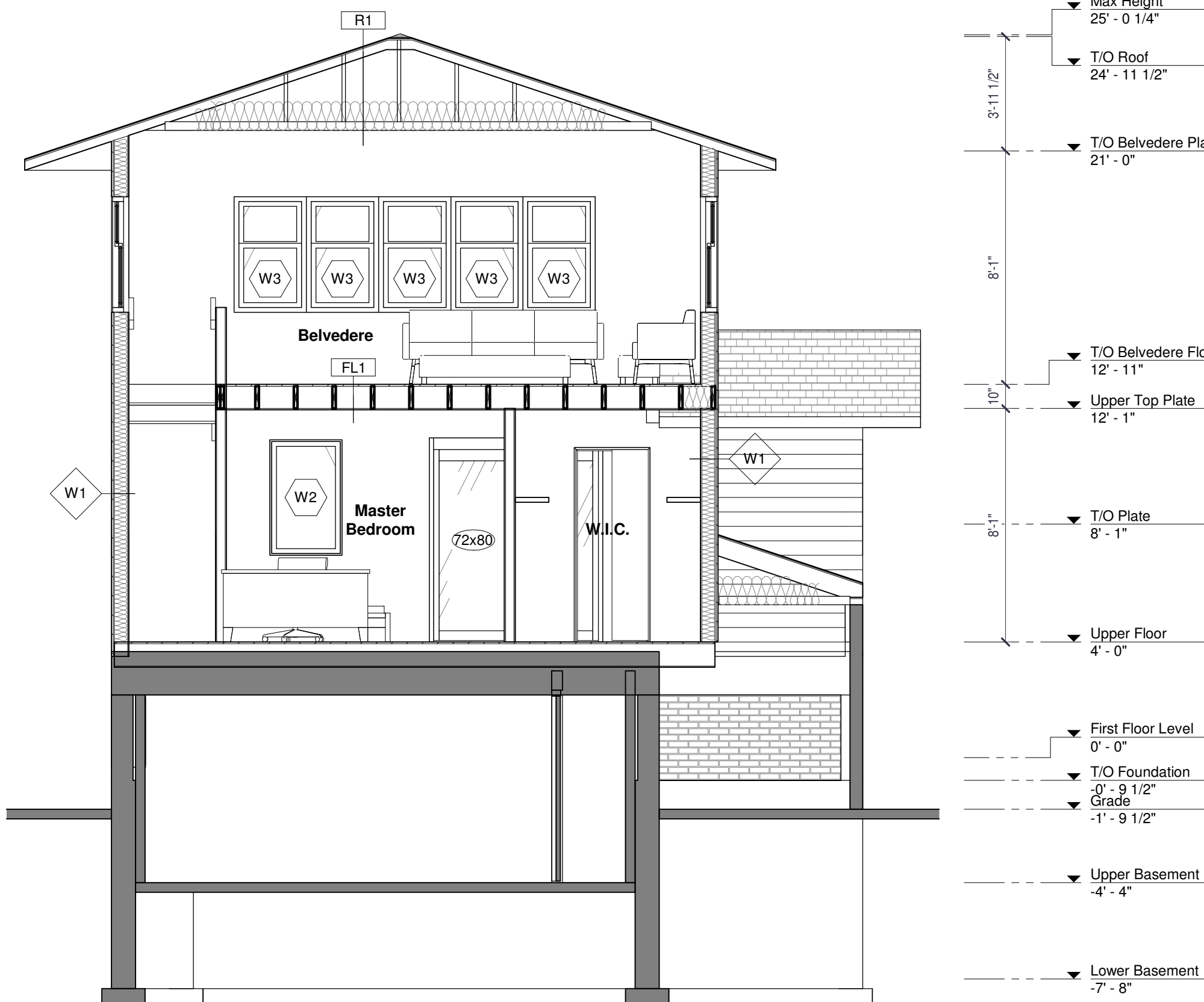
Evaluator/Advisor/Ratee Name: \_\_\_\_\_ Evaluator/Advisor/Ratee Licence #: \_\_\_\_\_

Note:  
Adherence to the Building Specifications indicated above is required. Failure to incorporate building components specified may result in the non-issuance of an occupancy permit.

	<b>W1 - Typical Exterior Wall</b> Siding (Colour/ Type T.B.D.) Stapping as pr Manuf. Guidelines Tyvek Air Barrier 7/16" OSB Exterior Grade Sheathing 2"x6" Wood Studs @ 16" o.c. R-22 Batt Insulation 6 mil Poly Vapour Barrier 1/2" Gypsum Board Taped & Sanded		<b>P1 - Typical Interior Partition</b> 1/2" Gypsum Board Taped & Sanded 2"x4" Wood Studs @ 16" o.c. 1/2" Gypsum Board Taped & Sanded		<b>BW1 - Interior Bearing Wall</b> 1/2" Gypsum Board Taped & Sanded 2"x4" Wood Studs @ 16" o.c. 1/2" Gypsum Board Taped & Sanded On 18" x 6" Footing
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1 Cross Section 1  
1/4" = 1'-0"



2 Cross Section 2  
1/4" = 1'-0"

Interior Renovation / Addition

87 Richelleu Drive  
St. Catharines, ON.

Perrault Residence  
Building Sections (Large Scale)

A4-000

**File No. 22 108638**

# **COMMITTEE OF ADJUSTMENT COMMENTS**

**172/ Niagara Street**

**DATE OF HEARING:  
August 24, 2022**





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## Memorandum

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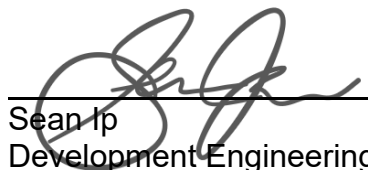
**To:** Wilrik Banda, ACST(A), Council and Committee Coordinator  
**From:** Sean Ip, Development Engineering Technologist  
**CC:** City Committee of Adjustment Staff Members  
**Date:** August 9, 2022  
**Hearing Date:** August 24, 2022  
**Subject:** **Committee of Adjustment - Minor Variance Applications**  
38 Elgin Street – A-87/22  
74 Rochelle Drive – A-97/22  
51 Valerie Drive – A-98/22  
401 Ontario Street – A-99/22  
261A Scott Street – A-100/22  
261B Scott Street – A-101/22  
40 Benfield Drive – A-102/22  
58 Dorchester Boulevard – A-103/22  
28 Highcourt Crescent – A-104/22  
41 Shoreline Drive – A-105/22  
16 Melbourne Avenue – A-106/22  
87 Richelieu Drive – A-107/22  
172½ Niagara Street – A-108/22  
112 St. Augustine Drive – A-109/22

---

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: Wilrik Banda, Council and Committee Coordinator**

**Cc:**

**From: Steve Bittner, Transportation Technologist**

**Date: August 4, 2022**

**Subject: Committee of Adjustment Comments (August 24, 2022, Hearing)**

---

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

Steve Bittner  
Transportation Technologist

**From:** Vasko, Dennis <[dvasko@stcatharines.ca](mailto:dvasko@stcatharines.ca)>

**Sent:** Monday, August 8, 2022 9:13 AM

**To:** Banda, Wilrik <[wbanda@stcatharines.ca](mailto:wbanda@stcatharines.ca)>

**Subject:** Re: CofA Notices of Hearing - Wednesday, August 24, 2022

Hi Wilrik,

There are no concerns from our end in respect to closed landfills and these properties.

Dennis

**DennisVasko**

**Fill Site Technician**

**Tel:**905.688.5601 x2163

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



**How are you feeling?**

Find mental health resources that can help.

---

**From:** Network Info <network.info@horizonutilities.com>

**Sent:** Tuesday, August 9, 2022 9:29 AM

**To:** Banda, Wilrik <wbanda@stcatharines.ca>

**Cc:** Josipovic, Margaret <mjosipovic@stcatharines.ca>; Risi, Rosa <rrisi@stcatharines.ca>; Pusara, Jelena <jpusara@stcatharines.ca>; Semple, Claire <csemple@stcatharines.ca>

**Subject:** August 2, 2022 applications

**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 Wilrik,

Our office has no comments/conflicts with the remaining 12 applications that were submitted on August 2, 2022.

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](#).*

**To:** Margaret Josipovic, Manager of Planning, PBS

**Cc:**

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

**Date:** August 10, 2022

**Subject:** Committee of Adjustment Applications – August 24, 2022 Hearing

---

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

**38 Elgin Street, Minor Variance, A-87/22 – 22 106666 (B. Stan, Planner)**

CRCS continues to offer no objection to this revised application.

**74 Rochelle Drive, Minor Variance, A-97/22 – 22106969 (S. Ritchie, Planner)**

No objection.

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No objection.

**401 Ontario Street, Minor Variance, A-99/22 – 22108607 (C. McEwan, Planner)**

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**41 Shoreline Drive, Minor Variance, A-105/22 – 22108633 (No Planner assigned)**

No objection.

**16 Melbourne Avenue, Minor Variance, A-106/22 – 22108635 (E. Acs, Planner)**

No objection.

**87 Richelieu Drive, Minor Variance, A-107/22 – 22108636 (B. Stan, Planner)**

No objection.

**172/ Niagara Street, Minor Variance, A-108/22 – 22108638 (B. Stan, Planner)**

CRCS offers no objection to the requested minor variances, provided the applicant has submitted sufficient evidence to confirm that the front yard parking area was legally established. Staff is not confident that this is the case, given the existing curb cut does not extend along the entirety of the lot frontage. If the parking area has not been legally established, then CRCS recommends that the minor variances for increases in maximum parking coverage and maximum parking area width be denied. Further, we recommend that any approval of a reduction in lot frontage be conditional upon the applicant being required to replace a portion of the front parking area with landscaped open space in order to comply with the requirements of the Zoning By-law. We note that the applicant has requested a reduction in the parking requirement from three spaces to one, which directly conflicts with their request to recognize the existing parking area. In any event, CRCS is supportive of a parking requirement reduction, provided it results in an increase in landscaped open space in the front yard.

**112 St. Augustine Drive, Minor Variance, A-109/22 – 22108661 (No Planner assigned)**

No objection.

*Amanda Knutson*

## *Community Project and Development Planner*



## Technical Report

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

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

**Date of Meeting:** August 24, 2022

**Report Number:** A-108/22

**File:** 22108638

**Subject:** 172/ Niagara Street

### Recommendation

That Variances 1, 2, 3 and 6 of Application **A-108/22** by Alisa Batic and Roberto Celis, as outlined in the Notice of Hearing, be approved.

That Variances 4 and 5 of Application **A-108/22** by Alisa Batic and Roberto Celis, as outlined in the Notice of Hearing, be withdrawn.

### Report

#### The Proposal

The Applicant proposes to legally establish an existing triplex dwelling. To facilitate the proposal, multiple variances are required to acknowledge the existing lot area, building location and parking area. The variances outlined in the table below are required to facilitate the proposal.

Variance	Provision	Required / Permitted	Proposed
1	Minimum interior side yard setback	1.2 m	0.72 m
2	Minimum lot frontage	16 m	11.04 m
3	Minimum lot area	300 m <sup>2</sup>	294 m <sup>2</sup>
4*	Maximum parking area coverage	50% of the front yard	100%
5*	Maximum parking width	50% of the front lot line distance	100%
6	Minimum parking spaces	3 parking spaces	1 parking space

\*Staff note that Variances 4 and 5 are no longer required and as such recommend that they be withdrawn. This is discussed further below.



## **Location and Site Description**

The subject property is located on the east side of Niagara Street, north of Manning Street. The surrounding neighbourhood consists of a mix of low-rise residential, commercial, mixed-use and institutional buildings. The subject property is occupied by an existing triplex dwelling that was not legally established.

## **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 within this designation.

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

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

## **Planning Analysis**

### **Variance 1**

Variance 1 requests a reduction to the minimum interior side yard setback for a triplex dwelling from 1.2 metres to 0.72 metres. This variance is to facilitate the legalization of an existing triplex dwelling.

Zoning By-law 2013-283 sets a minimum 1.2 metre interior yard setback for triplex dwellings in the M1 zone. The intent of this provision is to ensure an adequate buffer is maintained between structures on adjacent properties for safety and privacy concerns, that sufficient space is maintained to support onsite drainage and access to rear yards and to ensure that the massing of a dwelling does not overwhelm adjacent properties. This zoning provision helps to achieve Section 7.1 of the GCP, which states that development and redevelopment shall have regard for the integration of compatible building scale, massing, height, setbacks, orientation and façades with adjacent buildings, properties and the surrounding neighbourhood. The reduction of 0.48 metres to the interior side yard setback will facilitate the legalization of a triplex dwelling in an existing building that is of a scale and massing that is appropriate and consistent with the surrounding area. Staff note that the existing 0.72 metre interior side yard setback is consistent with setbacks of the surrounding lots on the street.

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

## **Variance 2**

Variance 2 requests a reduction to the minimum lot frontage required for a triplex dwelling in the M1 zone. This variance requests to reduce the lot frontage for the triplex dwelling from 16 metres to 11.04 metres, resulting in a reduction of 4.96 metres.

The intent of the minimum lot frontage provision is to ensure lot shapes and sizes are appropriate to accommodate specific uses. A minimum lot frontage also ensures that there is adequate access to a site and maintain a consistent streetscape. This zoning provision helps to achieve Section 7.1 of the GCP, which states that development and redevelopment shall have regard for the integration of compatible building scale, massing, height, setbacks, orientation and façades with adjacent buildings, properties and the surrounding neighbourhood. The proposed lot frontage of 11.04 metres is demonstrated to be sufficient to accommodate the existing dwelling with adequate setbacks, site access and one parking space that meets current zoning requirements. Staff note that the surrounding area is comprised of lots with varying frontages and lot areas. The area includes several lots similar in length and/or width to 172/ Niagara Street. The proposed lot frontage is consistent with the prevailing character of the surrounding lots. Overall, the proposed reduction in lot frontage is not anticipated to have negative impacts on the surrounding lands and is considered appropriate for the proposed legalization of the triplex dwelling.

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 3**

Variance 3 requests a reduction in the minimum lot area for a triplex dwelling. The required minimum lot area for a triplex dwelling in the M1 zone is 300 square metres. The proposed lot area is 294 square metres, resulting in a decrease of 6 square metres. This variance is being sought to legalize the existing triplex dwelling.

The intent of the minimum lot area provision is to ensure that there is sufficient space to accommodate dwellings within the boundaries of the property while ensuring there is adequate amenity space, site access, landscaping, parking, and buffering from adjacent properties. The proposed lot area is in accordance with section Part B, Section 2.3.3.5 ii) of the Official Plan, which emphasizes the provision of housing through efficient use of vacant and occupied lands and small lot infill. The proposed reduced lot area would facilitate the legalization of the existing triplex dwelling. The existing dwelling is generally in keeping with, and would not compromise, the character of the surrounding neighbourhood. The reduced lot area is 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 development of the lands and meets the intent of the Official Plan and Zoning By-law.

### **Variances 4 and 5**

Staff note that Variances 4 and 5, as outlined in the Notice of Hearing, are no longer required. Following staff discussions with the Applicant, the site plan has been revised to reinstate the majority of the front yard to landscaping, as shown on the updated sketch submitted. The current front yard is entirely paved, which is not permitted in the current Zoning By-law for a triplex dwelling in the M1 zone. The updated site plan includes a driveway at the front south portion of the lot with the remainder of the front yard to be landscaped. The updated site plan has a front yard that complies with the maximum parking area coverage and maximum parking width, therefore variances 4 and 5 are no longer required. Accordingly, staff recommend that the Applicant withdraws these variances.

### **Variance 6**

Variance 6 requests a reduction in the minimum parking requirement for the existing triplex dwelling from three spaces to one space. Zoning By-law 2013-283 requires a minimum of one parking space per dwelling unit, therefore three spaces are required for the triplex dwelling. The proposed reduction will facilitate the use of a triplex dwelling. Staff note that parking spaces two and three on the submitted sketch do not meet the minimum dimensions required for obstructed parking spaces in the current Zoning By-law. Staff also note that the City's approach regarding parking spaces that do not comply with the Zoning By-law is to reduce the number of parking spaces rather than legalize undersized parking spaces. Since parking space one on the sketch is the only parking space on the property that meets current Zoning By-law requirements, a variance is required to reduce the number of required parking spaces from three to one.

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

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

In this case, the subject property is located within 20 metres and 75 metres to bus stops on Niagara Street. Both bus stops are serviced by the 307 transit route which directly connects to the Downtown Terminal, offering connection to other parts of the City. The subject property is located within 400 metres to a Welland Avenue bus stop serviced by four transit routes and 750 metres to a Geneva Street bus stop serviced by three transit routes. The subject property is within walking distance to the City's downtown core which offers access to a range of uses and services. Given the property's location and availability of active modes of transportation, this demonstrates that private vehicle ownership may not be required or desirable for all future residents of the dwelling units. In terms of parking, there is no on-street parking available along Niagara Street, but on-street parking is available on Manning Street and Page Street, south of the subject

property. There is some space on the property that could be used for parking, however, they are deficient in size to be recognized as parking spaces under the current Zoning By-law.

Considering the availability of active modes of transportation and on-street parking, staff are of the opinion that this variance is considered minor in nature, appropriate for the desirable use of the lands and is in keeping with the general intent of the Official Plan and Zoning By-law.

## Conclusion

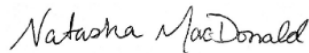
Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that **Variances 1, 2, 3 and 6** of Application **A-108/22** are in keeping with the general intent of the Official Plan and Zoning By-law, are minor in nature, and are desirable for the appropriate use of the lands. Staff recommend approval of the variances. Staff further recommend that **Variances 4 and 5** of Application **A-108/22** be withdrawn.

**Prepared by:**



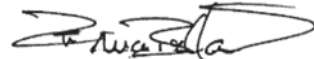
Dasha Litviniuc  
Student Planner

**Submitted by:**



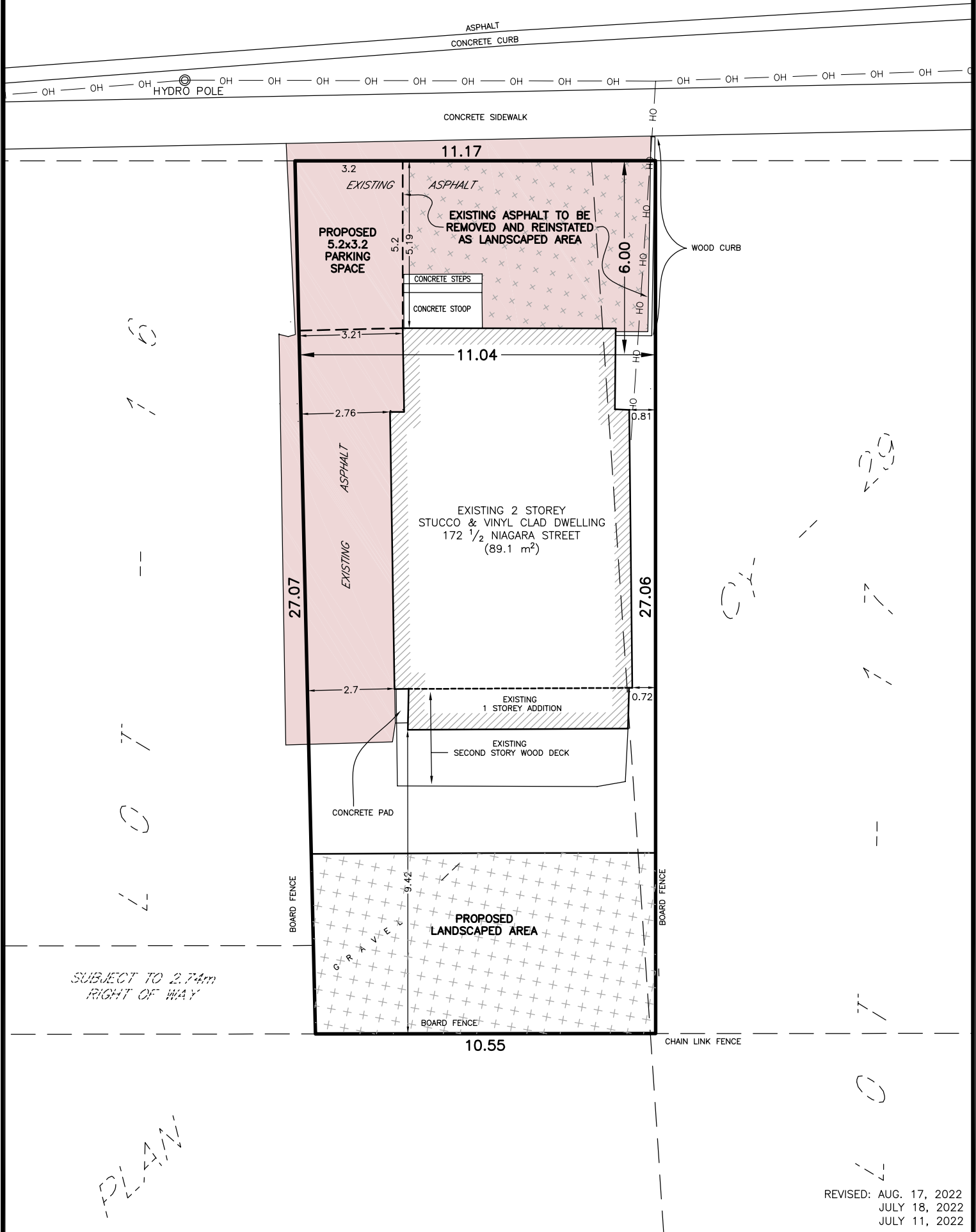
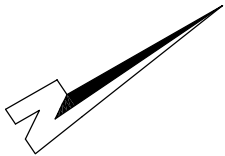
Natasha MacDonald  
Planner I

**Approved by:**



Bruce Bellows  
Senior Project Manager

NIAGARA STREET



REVISED: AUG. 17, 2022  
JULY 18, 2022  
JULY 11, 2022

LOT STATISTICS

SKETCH

PREPARED FOR MINOR VARIANCE APPLICATION

PART OF LOT 16 AND 17  
PLAN CY-29

IN THE  
CITY OF ST. CATHARINES  
REGIONAL MUNICIPALITY OF NIAGARA  
SCALE 1 : 150 (METRIC)

NOTE: THIS SKETCH IS PREPARED FROM COMPILED AND  
CALCULATED INFORMATION, NOT FROM AN ACTUAL SURVEY.  
DO NOT SCALE FROM THIS DRAWING.  
ALL MEASUREMENTS ARE +/- MEASUREMENTS.

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DWG 19008-2\_MV FILE 19-08-2

**File No. 22 108661**

# **COMMITTEE OF ADJUSTMENT COMMENTS**

**112 St. Augustine Dr**

**DATE OF HEARING:  
August 24, 2022**



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## Memorandum

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**To:** Wilrik Banda, ACST(A), Council and Committee Coordinator  
**From:** Sean Ip, Development Engineering Technologist  
**CC:** City Committee of Adjustment Staff Members  
**Date:** August 9, 2022  
**Hearing Date:** August 24, 2022  
**Subject:** **Committee of Adjustment - Minor Variance Applications**  
38 Elgin Street – A-87/22  
74 Rochelle Drive – A-97/22  
51 Valerie Drive – A-98/22  
401 Ontario Street – A-99/22  
261A Scott Street – A-100/22  
261B Scott Street – A-101/22  
40 Benfield Drive – A-102/22  
58 Dorchester Boulevard – A-103/22  
28 Highcourt Crescent – A-104/22  
41 Shoreline Drive – A-105/22  
16 Melbourne Avenue – A-106/22  
87 Richelieu Drive – A-107/22  
172½ Niagara Street – A-108/22  
112 St. Augustine Drive – A-109/22

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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: Wilrik Banda, Council and Committee Coordinator**

**Cc:**

**From: Steve Bittner, Transportation Technologist**

**Date: August 4, 2022**

**Subject: Committee of Adjustment Comments (August 24, 2022, Hearing)**

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

Steve Bittner  
Transportation Technologist



**From:** Vasko, Dennis <[dvasko@stcatharines.ca](mailto:dvasko@stcatharines.ca)>

**Sent:** Monday, August 8, 2022 9:13 AM

**To:** Banda, Wilrik <[wbanda@stcatharines.ca](mailto:wbanda@stcatharines.ca)>

**Subject:** Re: CofA Notices of Hearing - Wednesday, August 24, 2022

Hi Wilrik,

There are no concerns from our end in respect to closed landfills and these properties.

Dennis

**DennisVasko**

**Fill Site Technician**

**Tel:** 905.688.5601 x2163

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



**How are you feeling?**

Find mental health resources that can help.

---

**From:** Network Info <network.info@horizonutilities.com>

**Sent:** Tuesday, August 9, 2022 9:29 AM

**To:** Banda, Wilrik <wbanda@stcatharines.ca>

**Cc:** Josipovic, Margaret <mjosipovic@stcatharines.ca>; Risi, Rosa <rrisi@stcatharines.ca>; Pusara, Jelena <jpusara@stcatharines.ca>; Semple, Claire <csemple@stcatharines.ca>

**Subject:** August 2, 2022 applications

**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 Wilrik,

Our office has no comments/conflicts with the remaining 12 applications that were submitted on August 2, 2022.

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](#).*

**To:** Margaret Josipovic, Manager of Planning, PBS

**Cc:**

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

**Date:** August 10, 2022

**Subject:** Committee of Adjustment Applications – August 24, 2022 Hearing

---

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

**38 Elgin Street, Minor Variance, A-87/22 – 22 106666 (B. Stan, Planner)**

CRCS continues to offer no objection to this revised application.

**74 Rochelle Drive, Minor Variance, A-97/22 – 22106969 (S. Ritchie, Planner)**

No objection.

**51 Valerie Drive, Minor Variance, A-98/22 – 22107190 (E. Acs, Planner)**

No objection.

**401 Ontario Street, Minor Variance, A-99/22 – 22108607 (C. McEwan, Planner)**

The applicant has submitted a landscape plan through the concurrent application for site plan approval, which was found to be acceptable. While the landscape buffer in question has been reduced in width, the landscape plan demonstrates that sufficient planting materials and trees can be accommodated within it to buffer the parking area. CRCS offers no objection to the requested minor variance for a reduced landscape buffer width.

**261 Scott Street, Consent, B-49/22 22108613**

**261A Scott Street, Minor Variance, A-100/22 – 22108620**

**261B Scott Street, Minor Variance, A-101/22 – 22108623 (M. Josipovic, Planner)**

CRCS offers no objection to the requested consent to sever to permit each of the semi-detached dwelling units to be individually conveyed, nor the requested minor variances. No new development or expansion of existing parking areas is proposed. Should the applications be approved, CRCS recommends that the following condition of consent be imposed:

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

**40 Benfield Drive, Minor Variance, A-102/22 – 22108626 (N. MacDonald, Planner)**

The applicant has submitted a landscape plan through the concurrent application for site plan approval, which was found to be acceptable. While the landscape buffer in question has been reduced in width along a portion of the westerly lot line, the landscape plan demonstrates that sufficient planting materials and trees can be accommodated to buffer the proposed parking area. CRCS offers no objection to the requested minor variance for a reduced landscape buffer width.

**58 Dorchester Boulevard, Minor Variance, A-103/22 – 22108628 (No Planner assigned)**

No objection.

**28 Highcourt Crescent, Minor Variance, A-104/22 – 22108630 (No Planner assigned)**

No objection.

**41 Shoreline Drive, Minor Variance, A-105/22 – 22108633 (No Planner assigned)**

No objection.

**16 Melbourne Avenue, Minor Variance, A-106/22 – 22108635 (E. Acs, Planner)**

No objection.

**87 Richelieu Drive, Minor Variance, A-107/22 – 22108636 (B. Stan, Planner)**

No objection.

**172/ Niagara Street, Minor Variance, A-108/22 – 22108638 (B. Stan, Planner)**

CRCS offers no objection to the requested minor variances, provided the applicant has submitted sufficient evidence to confirm that the front yard parking area was legally established. Staff is not confident that this is the case, given the existing curb cut does not extend along the entirety of the lot frontage. If the parking area has not been legally established, then CRCS recommends that the minor variances for increases in maximum parking coverage and maximum parking area width be denied. Further, we recommend that any approval of a reduction in lot frontage be conditional upon the applicant being required to replace a portion of the front parking area with landscaped open space in order to comply with the requirements of the Zoning By-law. We note that the applicant has requested a reduction in the parking requirement from three spaces to one, which directly conflicts with their request to recognize the existing parking area. In any event, CRCS is supportive of a parking requirement reduction, provided it results in an increase in landscaped open space in the front yard.

**112 St. Augustine Drive, Minor Variance, A-109/22 – 22108661 (No Planner assigned)**

No objection.

*Amanda Knutson*

## *Community Project and Development Planner*



## Technical Report

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

**Date of Report:** August 19, 2022

**Date of Meeting:** August 24, 2022

**Report Number:** A-109/22

**File:** 22108661

**Subject:** 112 St Augustine Drive

### Recommendation

That Application **A-109/22** submitted by Bhargavi Karlapudi, as outlined in the Notice of Hearing, be approved.

### Report

#### The Proposal

The Applicant proposes to create 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	60 m <sup>2</sup>	84.81 m <sup>2</sup>
2	Maximum floor area of an interior accessory dwelling unit as a percentage of the floor area of the dwelling	40 %	45.8 %

### Location and Site Description

The subject property is located on the south side of St. Augustine Drive and east of Wembley Drive. The surrounding neighbourhood is primarily low and medium density residential comprising of a variety of dwelling types with Wembly Drive Park to the west. There are employment uses in the vicinity of the subject lands, fronting onto Glendale Avenue.

The subject property is presently occupied by a detached dwelling, an accessory structure and a platform 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 E9. 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.

Staff note that a potential increase in the current permitted size and / or percentage floor area of an accessory dwelling unit has been identified as an item for consideration under an upcoming housekeeping review of the Zoning By-law.

## **Planning Analysis**

The Applicant is requesting an increase to the permitted floor area for an interior accessory dwelling unit from 60 to 84.81 square metres, and from 40% to 45.8%. The current zoning provisions permit an accessory dwelling unit to occupy no more than the lesser of 60 square metres or 40 percent of the total floor area of the dwelling. The provision intends to ensure the interior accessory dwelling unit is subordinate in terms of its scale and relationship to the primary dwelling unit.

Staff consider the requested increase to the maximum area for an interior accessory dwelling unit to be minor in nature, as the unit will be subordinate to the primary dwelling. The alterations to the detached dwelling are entirely internal; there is no addition proposed nor an increase in building mass. The new accessory dwelling unit contains two bedrooms and is limited to the basement of the existing dwelling. The additional 24.81 square metres in living area does not create any additional impact to the surrounding neighbourhood. The dwelling will retain the appearance of a detached dwelling. The subject property meets all other zoning provisions in consideration of the interior accessory dwelling unit, including the provision of one parking space per unit.

Part B, Section 2.3.3.5(iv) of the Garden City Plan (Official Plan) states 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, and supports the increased provision of attainable housing. As such, staff find that the 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. Staff recommend approval of Application **A-109/22** accordingly.

## Conclusion

Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Application **A-109/22** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is desirable for the appropriate development of the lands. Staff recommend approval of the Application.

**Prepared by:**



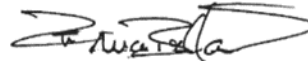
Dasha Litviniuc  
Student Planner

**Submitted by:**



Evan Acs, MSc, RPP  
Planner I

**Approved by:**

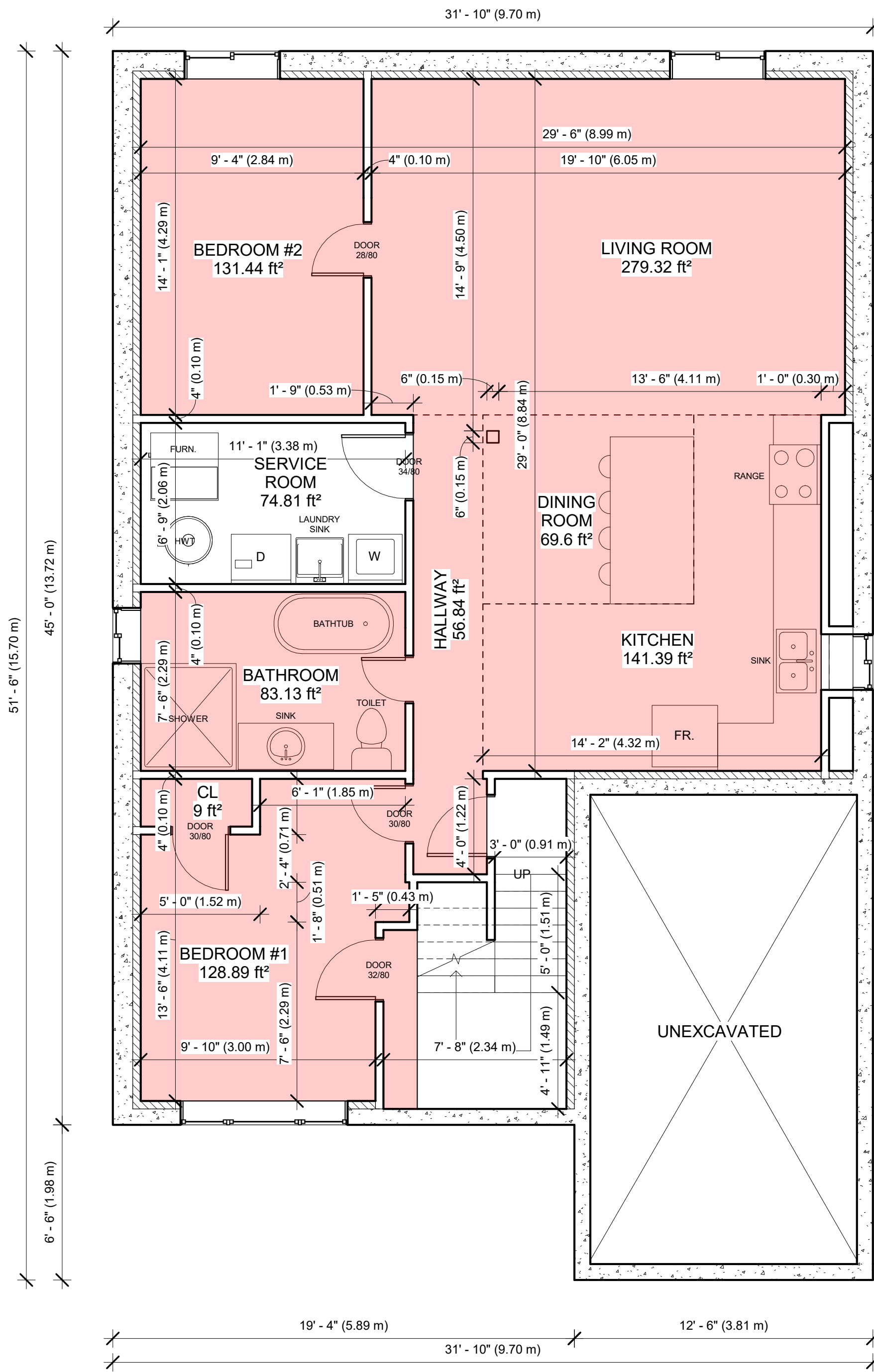


Bruce Bellows  
Senior Project Manager



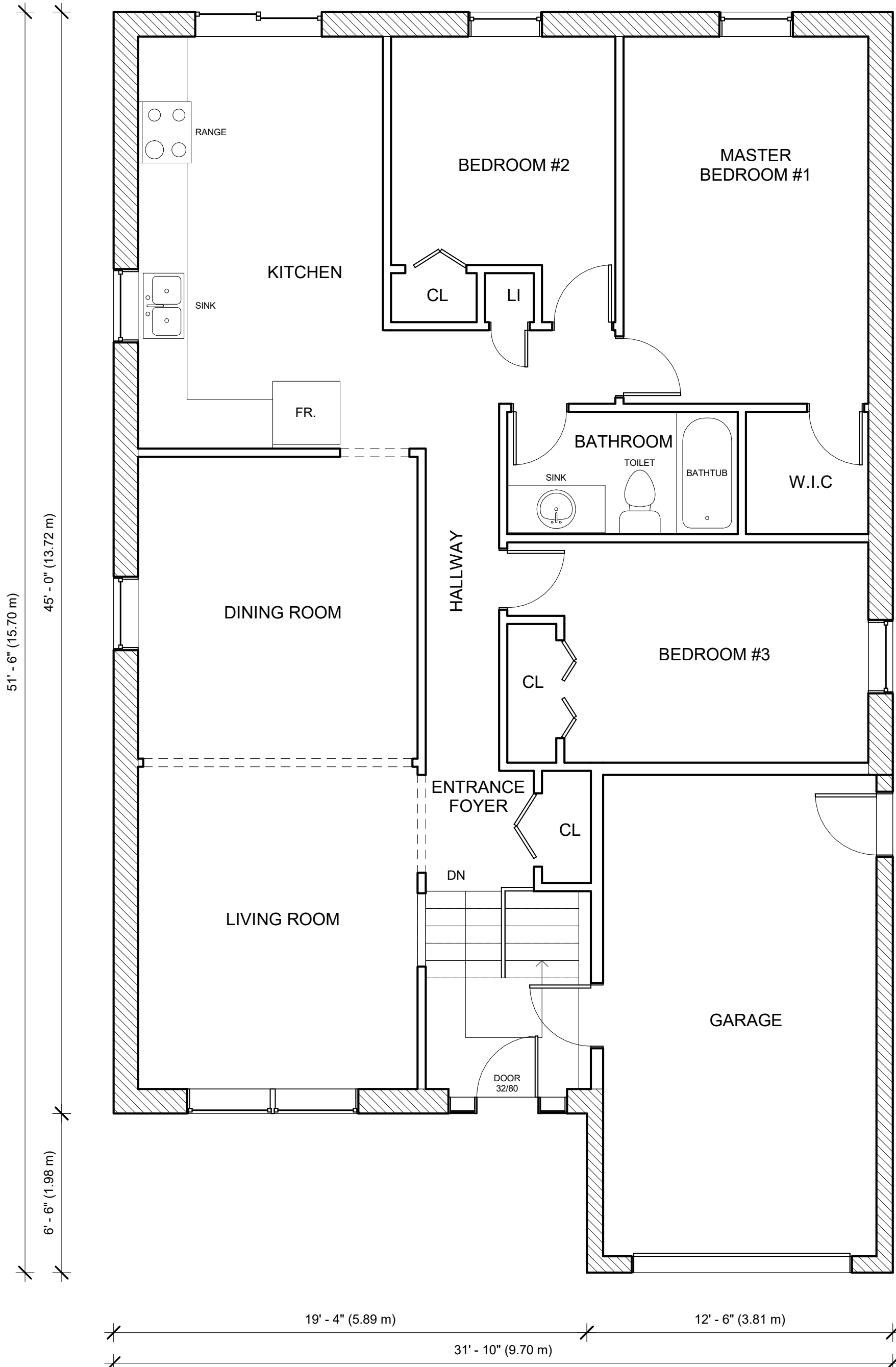






- HARD WIRED INTERCONNECTED COMBINATION SMOKE/STROBE ALARMS MAIN FLOOR AND BASEMENT APARTMENT.
- HARD WIRED INTERCONNECTED CO ALARMS MAIN FLOOR AND BASEMENT APARTMENT.
- 20 MINUTE FIRE RATED DOOR WITH SELF-CLOSING, SELF-LATCHING DEVICE
- NEW PARTITION WALLS 2"x4" @ 16" O.C. - 1/2" DRYWALL EACH SIDE SIMILAR TO W1C WALL ASSEMBLY 30 MIN. FRR. PROVIDED (SEE DETAIL #5)
- NEW 30 MINUTE FIRE RATED WALLS W4A - WALL ASSEMBLY STC RATING 50 (SEE DETAIL #2)
- WALLS TO BE REMOVED

PROPOSED BASEMENT APARTMENT FLOOR PLAN (913 SQ.FT)  
1/4" = 1'-0"



- HARD WIRED INTERCONNECTED COMBINATION SMOKE/STROBE ALARMS MAIN FLOOR AND BASEMENT APARTMENT.
- HARD WIRED INTERCONNECTED CO ALARMS MAIN FLOOR AND BASEMENT APARTMENT.
- 20 MINUTE FIRE RATED DOOR WITH SELF-CLOSING, SELF-LATCHING DEVICE
- NEW PARTITION WALLS 2"x4" @ 16" O.C. - 1/2" DRYWALL EACH SIDE SIMILAR TO W1C WALL ASSEMBLY 30 MIN. FRR. PROVIDED (SEE DETAIL #5)
- NEW 30 MINUTE FIRE RATED WALLS W4A - WALL ASSEMBLY STC RATING 50 (SEE DETAIL #2)
- EXIST. PLASTER FIRE SEPARATIONS PROVIDING 60 MIN. FRR (MINIMUM REQ'D IS 30 MINUTES)

EXISTING MAIN FLOOR PLAN (1082 SQ.FT)  
1/4" = 1'-0"

EXISTING MAIN FLOOR WALLS AND CEILING ARE PLASTER CONSTRUCTION  
-16mm PLASTER WITH 9.5mm GYPSUM LATH WITH 2"x4" FRAMING PROVIDES 60 MINUTE FIRE RESISTANCE RATING TABLE 2.3.4B-SB2

PENETRATIONS OF FIRE SEPARATIONS AND FIRE STOPPING

9.10.9.6. Penetration of Fire Separations  
(1) Piping, tubing, ducts, chimneys, wiring, conduit, electrical outlet boxes and other similar service equipment that penetrate a required fire separation shall be tightly fitted or fire stopped to maintain the integrity of the separation.

A-9.10.9.6.(1) Penetration of Fire-Rated Assemblies by Service Equipment.  
This Sentence, together with Article3.1.9.1., is intended to ensure that the integrity of fire-rated assemblies is maintained where they are penetrated by various types of service equipment.

For buildings regulated by the requirements in Part 3, fire stop materials used to seal openings around building services, such as pipes, ducts and electrical outlet boxes, must meet a minimum level of performance demonstrated by standard test criteria.

THIS IS DIFFERENT FROM THE APPROACH IN PART 3. BECAUSE OF THE TYPE OF CONSTRUCTION, NORMALLY USED FOR BUILDINGS REGULATED BY THE REQUIREMENTS OF PART 9. IT IS ASSUMED THAT THIS REQUIREMENT IS SATISFIED BY THE USE OF GENERIC FIRE STOP MATERIALS SUCH AS MINERAL WOOL, GYPSUM PLASTER OR PORTLAND CEMENT MORTAR.

A-3.1.9.1.(1)(b) Tightly Fitted.  
The intention behind the use of the term "tightly fitted" is to reinforce that there are to be no gaps between the building service or other penetrating item and the membrane or assembly it penetrates.

CONTRACTOR MUST VERIFY AND ACCEPT RESPONSIBILITY FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB AND MUST REPORT ANY DISCREPANCIES TO THE DESIGNER BEFORE PROCEEDING WITH WORK. ALL CHANGES MUST BE AUTHORIZED & APPROVED BY THE DESIGNER.

JK Home & Commercial Inspection Services  
www.jkinspectionsservices.ca  
2275s Experience as a City Building Inspector  
BCIN # 2124 (Building Code Identification Number)  
John Kedzierski (Owner)  
113 Woodward St., St. Catharines ON L2N 4C4  
Call: 905-325-INSPE(4677)  
jkhomeinspectors@gmail.com

(MMAH) BCIN#21234  
(Building Code Identification Number)  
X

COMMERCIAL INSPECTIONS  
BCIN DESIGN SERVICES  
JK HOME

112 St Augustine Dr  
St. Catharines, ON  
L2P 3W9

Revision Schedule		
No.	Description	Date

DATE AND STAMP TIME  
13/07/2022 10:55:21 a. m.

PROJECT NAME:  
PROPOSED  
BASEMENT  
APARTMENT

SHEET TITLE:

FLOOR PLAN /  
WINDOW CHART

DRAWN BY: D.C  
CHECKED BY: J.K  
SCALE: 1/4" = 1'-0"  
SHEET: 2 of 4  
DWG No.