

Agenda

Wednesday, September 21, 2022

Electronic Participation at 5.00 pm

Under the authority of the *Statutory Powers Procedure Act*, this meeting of the **Committee of Adjustment** will be held electronically.

This Meeting may be viewed online at www.stcatharines.ca/youtube

Public Comments: The public may submit comments regarding agenda matters by contacting pbs@stcatharines.ca by September 20, 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:

Tami Kitay, Acting Secretary-Treasurer
Charlotte McEwan, 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- August 24, 2022 minutes to be added to the October 19, 2022 Hearing Agenda**
 6. **Declarations of Interest**
 7. **Request for Adjournment**

8. **Motion to consider revised Variances**

- i. 18 Josephine Street MV A-89/22 – 22 106817 MV
Variance 3: Increase of the maximum permitted floor area for ADUs from 60m² to 69.7m² instead of from 60m² to 69.1m² as outlined in the Notice of Hearing.
- ii. 20 Josephine Street MV A-90/22 – 22 106819 MV
Variance 5: Increase of the maximum permitted floor area for ADUs from 60m² to 69.5m² instead of from 60m² to 68.0m² as outlined in the Notice of Hearing
- iii. 24 Josephine Street A-92/22 – 22 106845 MV
Variance 5: Increase of the maximum permitted floor area for ADUs from 60m² to 69.5m² instead of from 60m² to 68.0m² as outlined in the Notice of Hearing

9. **Applications**

1. 69 Broadway, A117/22 - 22109688 MV
2. 22 Cypress Street, A-118/22 – 22 106640MV
3. 17 Gertrude St./16 Main St, B-51/22 – 22 109412 LD
17 Gertrude St./16 Main St, A-110/22 – 22 109545 MV
4. 22-24 Josephine Street B-43/22SC–22 106984 LD
22-24 Josephine Street B-44/22SC–22 106985 LD
22-24 Josephine Street B-45/22SC–22 106988 LD
22-24 Josephine Street B-46/22SC–22 106990 LD
26 Josephine Street B-50/22SC- 22 108732 LD
18 Josephine Street MV A-89/22 – 22 106817 MV
20 Josephine Street MV A-90/22 – 22 106819 MV
22 Josephine Street MV A-91/22–22 106840 MV
24 Josephine Street A-92/22 – 22 106845 MV
26A Josephine Street A-93/22 – 22 106847 MV
26B Josephine Street MV A-94/22 – 22 106850
5. 24 Manning St, B-53/22 – 22 109637 LD
24 Manning St., B-54/22 – 22 109638 LD
24 Manning St., (35 East St.) A-116/22 – 22 109640MV
24 Manning St. (33 East St.), A-115/22 – 22 109639 MV
6. 199 Ontario St., A-110/22 – 22 109331 MV
7. 140 Parnell Rd, A-112/22 – 22 109298 MV
8. 1027 Pelham Rd., B-52/22 – 22 109522 LD
1027B Pelham Rd., A- 113/22 – 22 109553 MV
1027A Pelham Rd., A-114/22 – 22 109554 MV
9. 47 Port Master Drive, A-88/22 – 22 106736 MV
- 10.4 Woodglen Dr. No. A-75/22 – 22 106640 MV

10. **New Business**

11. **Date of next meeting**

Wednesday October 19, 2022 at 5.00 pm

12. **Motion to Adjourn**

**Amanda No. 22 109688
Submission No. A-117/22**

**COMMITTEE OF ADJUSTMENT
69 Broadway Ave**

**DATE OF HEARING:
September 21, 2022**



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: September 9, 2022

Date of Meeting: September 21, 2022

Report Number: A-117/22

File: 22 109688

Subject: 69 Broadway Street

Recommendation

That Application **A-117/22** submitted by Atia Asif and Joveria Asif, as outlined in the Notice of Hearing, be approved.

Report

The Proposal

Application **A-117/22** seeks relief from the City of St. Catharines' Zoning By-law 2013-283, as amended, to construct a new detached dwelling with a reduced minimum front yard setback of 4.35 metres whereas a minimum front yard setback of 6.685 m is required.

Location and Site Description

The property is located on the west side of Broadway Street, north of Pierport Common. The surrounding neighbourhood is low density residential and primarily comprised of detached dwellings and townhouse units. The subject property is presently occupied by a detached dwelling and shed.

Circulation of Application

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

Planning Policy Context

Official Plan (Garden City Plan)

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

Zoning By-law (2013-283)

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

Planning Analysis

Application **A-117/22** proposes to reduce the minimum front yard setback to permit the construction of a new detached dwelling. The minimum front yard setback in the R2 zone is 3 metres to the dwelling and 6 metres to the garage. However, the Zoning By-law states that if the average front yard of adjacent properties is in excess of 2 metres of the stated minimum, the average front yard setbacks of the adjacent properties is used to calculate the required front yard setback for the subject property, plus/minus 0.75 metres. This ensures that the front yard setback is generally aligned with adjacent properties and provides a consistent streetscape. The house to the north (2 Brigantine Court) has an exterior side yard (facing Broadway Street) of 4.87 metres. The house to the south (61 Broadway Street) was recently demolished and the new house proposed has a significant front yard setback of 10 metres. The average of the front yard setbacks for these two properties is 7.43 metres. As such, the required setback for 69 Broadway Street is 7.43 metres plus/minus 0.75 metres (between 6.685 m to 8.815 metres).

The initial submission proposed a minimum front yard setback of 3.06 metres and included a large window well in the front yard. Through discussions with staff, the application was revised to reduce the size of the window well and increase the front yard setback to 4.35 metres. Staff also recognize the irregular shape of the lot. If the proposed dwelling were to be moved back on the lot to meet the front yard setback, the minimum rear yard setback could not be met. Additionally, the house at 61 Broadway (one of the properties that determines the average setback for 69 Broadway Street) is not directly adjacent to the lot as there is a new street (Pierport Common) between the two houses, and also, the lots south of Pierport Common are significantly deeper than the subject lands. The proposed setbacks on the subject lands are more closely aligned with the setbacks of the existing house and garage at 2 Brigantine Court, which is immediately adjacent to the site. The proposed minimum front yard setback would not negatively impact the streetscape. Due to the nature of the surrounding context, staff have no concerns with the proposed minimum front yard setback. It is not anticipated that the proposed front yard setback will result in adverse impacts to neighbouring properties or negatively impact the streetscape.

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

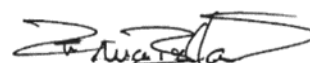
Conclusion

Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Application **A-117/22** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is desirable for the appropriate use of the lands. Staff recommend approval of the Application.

Prepared and Submitted by:



Approved by:



Brenda Stan
Planner

Bruce Bellows
Senior Project Manager

MEMORANDUM

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

Cc: Wilrik Banda
Planning and Building Services

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

Date: September 9, 2022

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – September 21, 2022 hearing

NO.	ADDRESS	COMMENTS
A-117/22	69 Broadway	No comment
A-118/22	22 Cypress Street	Be advised that a building permit is required to construct the proposed accessory dwelling unit.
A-75/22	4 Woodglen Drive	Be advised that a building permit is required to construct the detached garage.
A-112/22	140 Parnell Road	Be advised that a building permit is required to construct the proposed enclosed structure.
A-111/22	199 Ontario Street	Be advised that a building permit is required to construct the proposed fourplex dwelling.
A-110/22	17 Gertrude Street	No comment
A-113/22	1027 Pelham Road	Be advised that a building permit is required to construct the proposed detached dwelling.

NO.	ADDRESS	COMMENTS
A-114/22	1027 Pelham Road	Be advised that a building permit is required to construct the proposed detached dwelling.
A-89/22	18-26 Josephine Street	Be advised that a building permit is required to construct the proposed detached dwelling with accessory dwelling unit.
A-90/22	18-26 Josephine Street	Be advised that a building permit is required to construct the proposed 3 unit townhouse with accessory dwelling unit.
A-91/22	18-26 Josephine Street	Be advised that a building permit is required to construct the proposed 3 unit townhouse.
A-92/22	18-26 Josephine Street	Be advised that a building permit is required to construct the proposed 3 unit townhouse.
A-93/22	18-26 Josephine Street	Be advised that a building permit is required to construct the proposed semi-detached dwelling with accessory dwelling unit.
A-94/22	18-26 Josephine Street	Be advised that a building permit is required to construct the proposed semi-detached dwelling.
A-115/22	24 Manning Street	Be advised that a building permit is required to construct the proposed 3 unit townhouse block.
A-116/22	24 Manning Street	Be advised that a building permit is required to construct the proposed 3 unit townhouse block.



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



Memorandum

To: Jelena Pusara, Development Agreement Coordinator
From: Brad Johnston, Development Engineering Technologist
CC: City Committee of Adjustment Staff Members
Date: September 8, 2022
Hearing Date: September 21, 2022
Subject: **Committee of Adjustment - Minor Variance Applications**
4 Woodglen Drive – A-75/22SC
18-26 Josephine Street – A-89-94/22SC
17 Gertrude Street – A-110/22SC
199 Ontario Street – A-111/22SC
140 Parnell Road – A-112/22SC
1027 Pelham Road – A-113&114/22SC
24 Manning Street – A-115&116/22SC
69 Broadway – A-117/22SC
22 Cypress Street – A-118/22SC

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

- All applicants must acknowledge that although minimum Zoning setbacks may be reduced through Minor Variances, existing and additional widths greater than the minimum may be required to accommodate and maintain access and storm water conveyance, so as not to cause negative effects on subject and adjacent properties; and,
- All applicants be advised that a Grading Plan, prepared by a Professional Engineer or Ontario Land Surveyor, may be required as part of the submission for a building permit application for those sites required to obtain a building permit, but not subject to concurrent severance applications.

Prepared by:

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

To: Jelena Pusara, Development Agreement Coordinator

Cc:

From: Steve Bittner, Transportation Technologist

Date: September 9, 2022

Subject: Committee of Adjustment Comments (September 21, 2022, Hearing)

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

Steve Bittner
Transportation Technologist

To: Jelena Pusara, Development Agreement Coordinator, PBS
Claire Semple, Community Improvement Plan Coordinator, PBS

Cc:

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

Date: September 16, 2022

Subject: Committee of Adjustment Applications – September 21, 2022 Hearing

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

69 Broadway, Minor Variance, A-117/22 – 22109688 (B. Stan, Planner)

No objection.

22 Cypress Street, Minor Variance, A-118/22 – 22 109696

No objection.

4 Woodglen Drive, Minor Variance, A-75/22 – 22 106640

No objection.

140 Parnell Road, Minor Variance, A-112/22 – 22 109298

No objection.

199 Ontario Street, Minor Variance, A-111/22 – 22 109331

CRCS offers no objection to the requested minor variances to facilitate the conversion of the existing building to a fourplex, subject to the condition that the applicant be required to remove the excess portion of the existing front yard parking area, consistent with the recommendation outlined in Planning Services' Technical Report.

17 Gertrude Street, Consent, B-51/22SC – 22 109412

17 Gertrude Street, Minor Variance – A-110/22 – 22 109545

No objection.

1027 Pelham Road, Consent, B-52/22SC – 22 109552

1027 Pelham Road, Minor Variance, A-113/22 – 22 109553

1027 Pelham Road, Minor Variance, A-114/22 – 22 109554

CRCS offers no objection to the proposed creation of a new lot to facilitate the construction of two new dwellings (following demolition of the existing home), nor the requested minor variances.

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

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

1. That payment of 5% of the appraised value of the new lot be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53(13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. The appraisal shall be completed by a qualified appraiser. (Condition subject to Planning and Building Services' determination that parkland dedication can, in fact, be collected for this application.)
2. That the applicant submit a payment for the placement of a 60mm boulevard tree for the new lot, in accordance with the City's current Schedule of Rates and Fees.

18-26 Josephine Street, Consent, B-50/22SC – 22 108732

18-26 Josephine Street, Consent, B-43/22SC – 22 106984

18-26 Josephine Street, Consent, B-44/22SC – 22 106985

18-26 Josephine Street, Consent, B-45/22SC – 22 106988

18-26 Josephine Street, Consent, B-43/22SC – 22 106984

18-26 Josephine Street, Minor Variance, A-89/22 – 22 106817

18-26 Josephine Street, Minor Variance, A-90/22 – 22 106819

18-26 Josephine Street, Minor Variance, A-91/22 – 22 106840

18-26 Josephine Street, Minor Variance, A-92/22 – 22 106845

18-26 Josephine Street, Minor Variance, A-93/22 – 22 106847

18-26 Josephine Street, Minor Variance, A-94/22 – 22 106850

CRCS offers no objection to the proposed creation of five new lots to facilitate the construction of one detached dwelling, three townhouse units, and two semi-detached dwelling units, plus associated interior accessory dwelling units. Further, CRCS offers no objection to the majority of the requested minor variances, with the exception of those related to front yard setbacks for front porches. As proposed by the applicant, these setbacks will impact the amount of open space that can be provided in the front yard and limit opportunities for landscaping. It is the opinion of CRCS staff that this would result in negative impacts on the existing streetscape. CRCS is however, supportive of the larger setbacks to the front porches being recommended by Planning staff in their Technical Report.

We note that there is one existing young boulevard tree in the Josephine Street boulevard that will be impacted by the new driveway for the middle townhouse unit. The applicant will be required to pay the cost for City crews to remove and replace that tree elsewhere.

The applicant is encouraged to retain as many mature trees on site as possible and should be made aware that, pursuant to the Ontario Forestry Act, boundary trees (i.e. trees whose trunks straddle more than one property) may not be removed or destroyed unless express written permission is obtained from the co-owner of the tree.

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

1. That payment of 5% of the appraised value of each new lot be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53(13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. The appraisal shall be completed by a qualified appraiser. (Condition subject to Planning and Building Services' determination that parkland dedication can, in fact, be collected for this application.)
2. That the applicant submit a payment for the placement of a 60mm boulevard tree for each new lot, in accordance with the City's current Schedule of Rates and Fees.
3. That the applicant submit payment for the removal and replacement of the existing boulevard tree located within the Josephine Street road allowance.

24 Manning Street, Consent, B-53/22SC – 22 109637

24 Manning Street, Consent, B-54/22SC – 22 109638

24 Manning Street, Minor Variance, A-115/22 – 22 109639

24 Manning Street, Minor Variance, A-116/22 – 22 109640

CRCS offers no objection to the proposed creation of two new lots to facilitate the construction of three townhomes fronting onto East Street, nor the requested minor variances.

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

1. That payment of 5% of the appraised value of the new lots be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53(13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. The appraisal shall be completed by a qualified appraiser. (Condition subject to Planning and Building Services' determination that parkland dedication can, in fact, be collected for this application.)
2. That the applicant submit a payment for the placement of a 60mm boulevard tree for each new lot, in accordance with the City's current Schedule of Rates and Fees.

*Amanda Knutson
Community Project and Development Planner*

Amanda No. 22 109696
Submission No. A-118/22

COMMITTEE OF ADJUSTMENT
22 Cypress St

DATE OF HEARING:
September 21, 2022



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: September 16, 2022

Date of Meeting: September 21, 2022

Report Number: A-118/22

File: 22 109696

Subject: 22 Cypress Street

Recommendation

That Application **A-118/22** 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 proposed accessory dwelling unit.

Variance	Provision	Required	Proposed
1	Maximum floor area of an interior accessory dwelling unit	60m ²	80.2 m ²
2	Maximum floor area of an interior accessory dwelling unit as a percentage of the floor area of the dwelling	40%	46.4%

Location and Site Description

The subject property is located on the south side of Cypress Street east of Lakeport Road. The neighbourhood is residential with a variety of dwelling types, including apartment buildings and long-term care homes. There are commercial properties to the north of the site, fronting on Lakeport Road. The subject property is presently occupied by a one-storey semi-detached dwelling without an attached garage.

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. 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 - Suburban Neighbourhood (R1). 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 Applicants are requesting an increase to the permitted floor area for an interior accessory dwelling unit from 60 to 80.2 square metres, and from 40% to 46.4% of the floor area of the semi-detached dwelling. 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 size, function 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 in size to the 171.9 square metre dwelling. The alterations to the 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 20.2 square metres in living area does not create any additional impact to the surrounding neighbourhood. The dwelling will retain the appearance of a semi-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 provides that new housing is encouraged to support housing diversity for a range of life stages, incomes and ages to promote social inclusion, reduce isolation, and support housing affordability. The proposed interior accessory dwelling unit contributes to the range of dwelling types within the city. Staff find that this application is minor in nature, is desirable for the appropriate development of the lands, and meets the general intent of the Official Plan and Zoning By-law.

Conclusion

Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Application **A-118/22** is in keeping with the general intent of the Official Plan

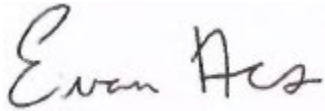
and Zoning By-law, is minor in nature, and is desirable for the appropriate use of the lands. Staff recommend approval of the Application.

Prepared by:



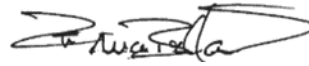
Elika Zamani
Student Planner

Submitted by:

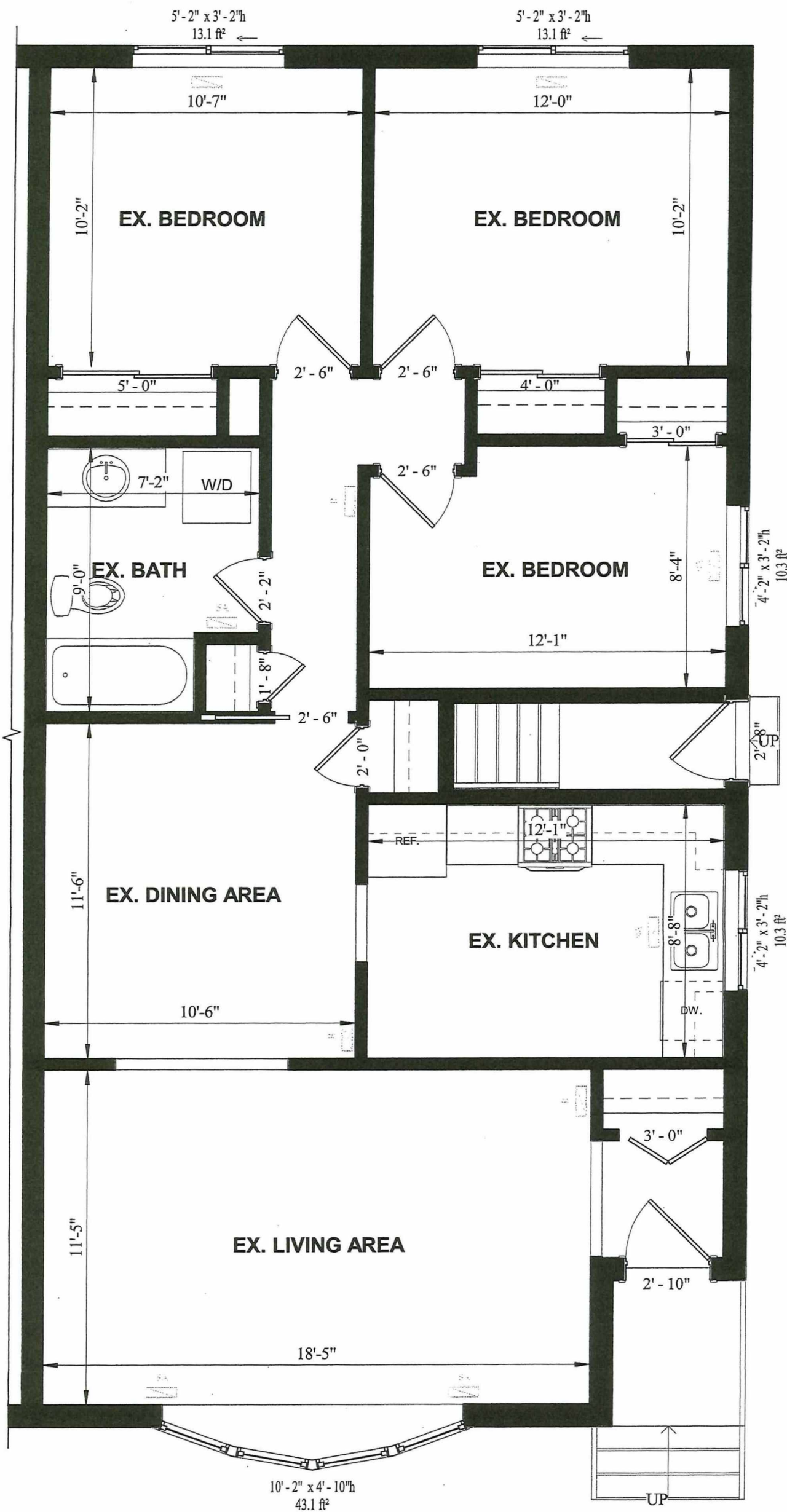


Evan Acs, MSc, RPP
Planner I

Approved by:



Bruce Bellows
Senior Project Manager



1 PROPOSED GROUND FLOOR PLAN
1/4" = 1'-0"

- MAXIMUM ACCESSORY DWELLING UNIT SIZE AS PER CITY OF ST. CATHARINES ZONING BY LAW IS 645 SQ. FT. (60 SQ. M.) OR 40% OF TOTAL FLOOR AREA.
- PROPOSED ACCESSORY DWELLING UNIT SIZE IS 839.4 SQ. FT. (78.0 SQ. M.)
- EXISTING GROUND FLOOR AREA IS 929.95 SQ. FT. (86.4 SQ. M.)
- EXISTING BASEMENT FLOOR AREA IS 919.95 SQ. FT. (85.5 SQ. M.)
- TOTAL GROSS FLOOR AREA IS 1849.90 SQ. FT. (171.9 SQ. M.)
- ACCESSORY DWELLING UNIT IS 45.4% OF TOTAL FLOOR AREA



info@jordanstationdesignco.ca

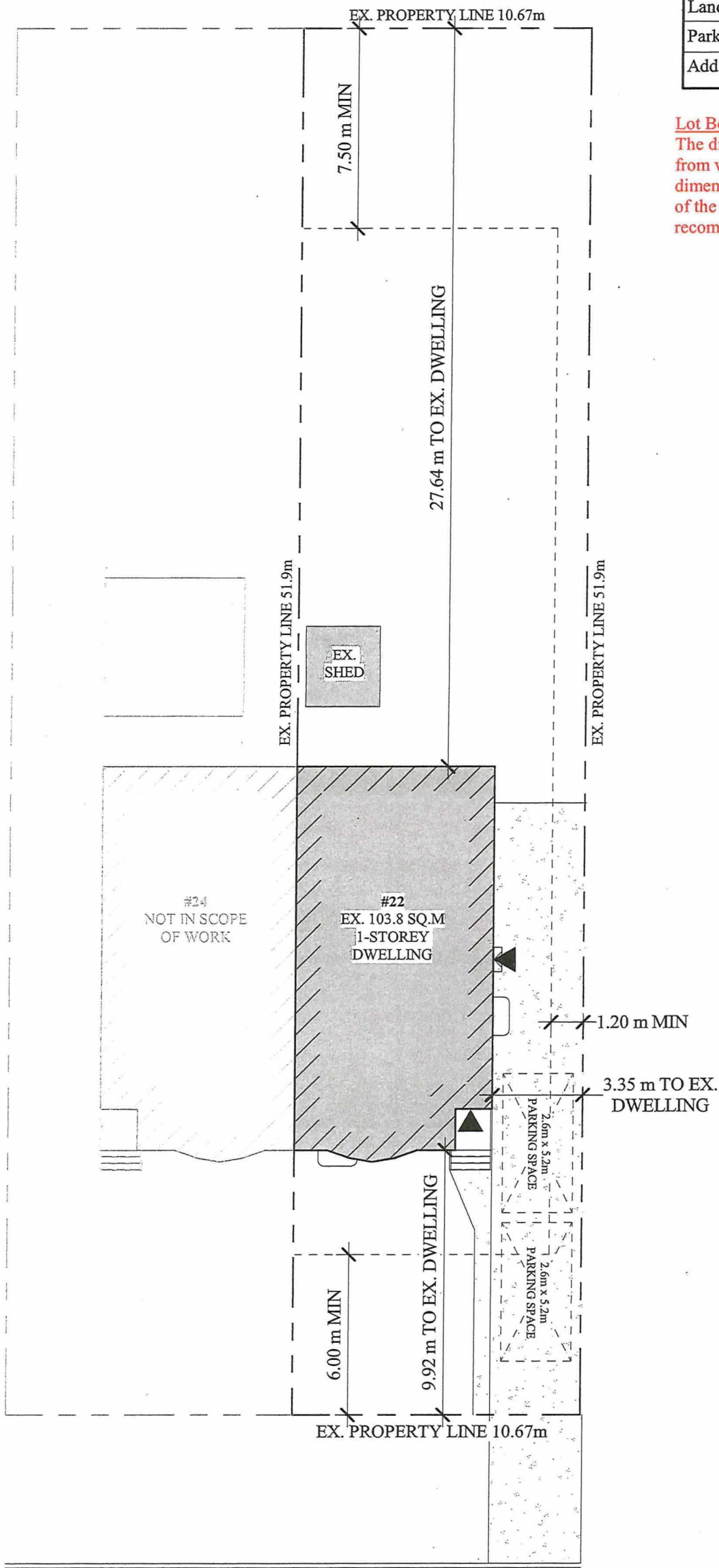
ACCESSORY DWELLING UNIT

22 Cypress Street, St. Catharines, ON, L2N 4J1

2022-07-07 12:42:11 PM

SITE PLAN AND BUILDING STATISTICS			
Zoning:	Low Density Residential - Suburban Neighbourhood		
	Required	Existing	Proposed
Lot Area	370 - 465 SQ.M	553.8 SQ.M	AS EXISTING
Lot Frontage	12m	10.67m	AS EXISTING
Lot Coverage	45%	20.8%	AS EXISTING
Insulated Areas	N/A	N/A	AS EXISTING
Front Setback	6m	9.92m	AS EXISTING
Rear Setback	7.5m	27.64m	AS EXISTING
Int.Side Setback	1.2m	3.42m	AS EXISTING
Ex. Side Setback	N/A	N/A	AS EXISTING
Building Height	10m	4m (approximate)	AS EXISTING
Landscaped	35%	36.2%	AS EXISTING
Parking Requ.d'	2	1	2
Add.Requirements:			

Lot Boundary Dimensions & Siting:
The dimensions and position of the building(s) shown on this site plan are derived from various GIS mapping software images and may not reflect the exact dimensions of the property. JSDCo shall not be held responsible for the accuracy of the site plan dimensions depicted. Prior to proceeding with construction, JSDCo recommends a surveyor confirm lot line locations and permitted setbacks.



info@jordanstationdesignco.ca

ACCESSORY DWELLING UNIT

22 Cypress Street, St. Catharines, ON, L2N 4J1
2022-07-07 12:42:11 PM

MEMORANDUM

To: Elaine Munro, Committee Secretary & Planning Clerk
 Planning and Building Services
 Cc: Wilrik Banda
 Planning and Building Services
 From: Lou Grossi, Building Inspector II
 Planning and Building Services
 Date: September 9, 2022
 Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – September 21, 2022 hearing

NO.	ADDRESS	COMMENTS
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A-92/22	18-26 Josephine Street	Be advised that a building permit is required to construct the proposed 3 unit townhouse.
A-93/22	18-26 Josephine Street	Be advised that a building permit is required to construct the proposed semi-detached dwelling with accessory dwelling unit.
A-94/22	18-26 Josephine Street	Be advised that a building permit is required to construct the proposed semi-detached dwelling.
A-115/22	24 Manning Street	Be advised that a building permit is required to construct the proposed 3 unit townhouse block.
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Lou Grossi, Dipl. T. Arch, CBCO
Building Inspector II



Memorandum

To: Jelena Pusara, Development Agreement Coordinator
From: Brad Johnston, Development Engineering Technologist
CC: City Committee of Adjustment Staff Members
Date: September 8, 2022
Hearing Date: September 21, 2022
Subject: **Committee of Adjustment - Minor Variance Applications**
4 Woodglen Drive – A-75/22SC
18-26 Josephine Street – A-89-94/22SC
17 Gertrude Street – A-110/22SC
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24 Manning Street – A-115&116/22SC
69 Broadway – A-117/22SC
22 Cypress Street – A-118/22SC

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

- All applicants must acknowledge that although minimum Zoning setbacks may be reduced through Minor Variances, existing and additional widths greater than the minimum may be required to accommodate and maintain access and storm water conveyance, so as not to cause negative effects on subject and adjacent properties; and,
- All applicants be advised that a Grading Plan, prepared by a Professional Engineer or Ontario Land Surveyor, may be required as part of the submission for a building permit application for those sites required to obtain a building permit, but not subject to concurrent severance applications.

Prepared by:

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

To: Jelena Pusara, Development Agreement Coordinator

Cc:

From: Steve Bittner, Transportation Technologist

Date: September 9, 2022

Subject: Committee of Adjustment Comments (September 21, 2022, Hearing)

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

Steve Bittner
Transportation Technologist

To: Jelena Pusara, Development Agreement Coordinator, PBS
Claire Semple, Community Improvement Plan Coordinator, PBS

Cc:

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

Date: September 16, 2022

Subject: Committee of Adjustment Applications – September 21, 2022 Hearing

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

69 Broadway, Minor Variance, A-117/22 – 22109688 (B. Stan, Planner)

No objection.

22 Cypress Street, Minor Variance, A-118/22 – 22 109696

No objection.

4 Woodglan Drive, Minor Variance, A-75/22 – 22 106640

No objection.

140 Parnell Road, Minor Variance, A-112/22 – 22 109298

No objection.

199 Ontario Street, Minor Variance, A-111/22 – 22 109331

CRCS offers no objection to the requested minor variances to facilitate the conversion of the existing building to a fourplex, subject to the condition that the applicant be required to remove the excess portion of the existing front yard parking area, consistent with the recommendation outlined in Planning Services' Technical Report.

17 Gertrude Street, Consent, B-51/22SC – 22 109412

17 Gertrude Street, Minor Variance – A-110/22 – 22 109545

No objection.

1027 Pelham Road, Consent, B-52/22SC – 22 109552

1027 Pelham Road, Minor Variance, A-113/22 – 22 109553

1027 Pelham Road, Minor Variance, A-114/22 – 22 109554

CRCS offers no objection to the proposed creation of a new lot to facilitate the construction of two new dwellings (following demolition of the existing home), nor the requested minor variances.

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

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

1. That payment of 5% of the appraised value of the new lot be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53(13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. The appraisal shall be completed by a qualified appraiser. (Condition subject to Planning and Building Services' determination that parkland dedication can, in fact, be collected for this application.)
2. That the applicant submit a payment for the placement of a 60mm boulevard tree for the new lot, in accordance with the City's current Schedule of Rates and Fees.

18-26 Josephine Street, Consent, B-50/22SC – 22 108732

18-26 Josephine Street, Consent, B-43/22SC – 22 106984

18-26 Josephine Street, Consent, B-44/22SC – 22 106985

18-26 Josephine Street, Consent, B-45/22SC – 22 106988

18-26 Josephine Street, Consent, B-43/22SC – 22 106984

18-26 Josephine Street, Minor Variance, A-89/22 – 22 106817

18-26 Josephine Street, Minor Variance, A-90/22 – 22 106819

18-26 Josephine Street, Minor Variance, A-91/22 – 22 106840

18-26 Josephine Street, Minor Variance, A-92/22 – 22 106845

18-26 Josephine Street, Minor Variance, A-93/22 – 22 106847

18-26 Josephine Street, Minor Variance, A-94/22 – 22 106850

CRCS offers no objection to the proposed creation of five new lots to facilitate the construction of one detached dwelling, three townhouse units, and two semi-detached dwelling units, plus associated interior accessory dwelling units. Further, CRCS offers no objection to the majority of the requested minor variances, with the exception of those related to front yard setbacks for front porches. As proposed by the applicant, these setbacks will impact the amount of open space that can be provided in the front yard and limit opportunities for landscaping. It is the opinion of CRCS staff that this would result in negative impacts on the existing streetscape. CRCS is however, supportive of the larger setbacks to the front porches being recommended by Planning staff in their Technical Report.

We note that there is one existing young boulevard tree in the Josephine Street boulevard that will be impacted by the new driveway for the middle townhouse unit. The applicant will be required to pay the cost for City crews to remove and replace that tree elsewhere.

The applicant is encouraged to retain as many mature trees on site as possible and should be made aware that, pursuant to the Ontario Forestry Act, boundary trees (i.e. trees whose trunks straddle more than one property) may not be removed or destroyed unless express written permission is obtained from the co-owner of the tree.

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

1. That payment of 5% of the appraised value of each new lot be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53(13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. The appraisal shall be completed by a qualified appraiser. (Condition subject to Planning and Building Services' determination that parkland dedication can, in fact, be collected for this application.)
2. That the applicant submit a payment for the placement of a 60mm boulevard tree for each new lot, in accordance with the City's current Schedule of Rates and Fees.
3. That the applicant submit payment for the removal and replacement of the existing boulevard tree located within the Josephine Street road allowance.

24 Manning Street, Consent, B-53/22SC – 22 109637

24 Manning Street, Consent, B-54/22SC – 22 109638

24 Manning Street, Minor Variance, A-115/22 – 22 109639

24 Manning Street, Minor Variance, A-116/22 – 22 109640

CRCS offers no objection to the proposed creation of two new lots to facilitate the construction of three townhomes fronting onto East Street, nor the requested minor variances.

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

1. That payment of 5% of the appraised value of the new lots be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53(13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. The appraisal shall be completed by a qualified appraiser. (Condition subject to Planning and Building Services' determination that parkland dedication can, in fact, be collected for this application.)
2. That the applicant submit a payment for the placement of a 60mm boulevard tree for each new lot, in accordance with the City's current Schedule of Rates and Fees.

Amanda Knutson
Community Project and Development Planner

**Amanda No. 22 109545; 22 109412
Submission No. A-110/22; B-51/22SC**

**COMMITTEE OF ADJUSTMENT
17 Gertrude St/ 16
Main St**

**DATE OF HEARING:
September 21, 2022**



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: September 12, 2022 **Date of Meeting:** September 21, 2022

Report Number: B-51/22SC **File:** 22109412
A-110/22 22109545

Subject: 17 Gertrude Street / 16 Main Street

Recommendation

Consent

That Application **B-51/22SC** submitted by 1568233 Ontario Inc. (Allen and Jocelyne Thompson), as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. That the Owner shall pay the fee for City crews to locate, trace, inspect and document the sewer laterals and water services to the existing dwelling.
2. That the Owner shall complete any relocation works on private property through a Plumbing Only permit if it is determined that the existing sewer or water services conflict with existing or proposed lot lines. The Owner shall also pay the City to complete any associated relocation works required within the public rights-of-way
3. 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.
4. Pursuant to Section 50(12) of the Planning Act, it is hereby stipulated that section 50(3) or 50(5) shall apply to any subsequent conveyance of, or other transaction involving, the identical subject parcel of land. Therefore, the applicant will provide the Secretary-Treasurer with a solicitor's undertaking that the condition of the Committee of Adjustment will be implemented and the properties (Parts 1 and 2) will be merged and become one parcel of land.
5. That a final certification fee of \$222.20 (2022 rate) per application payable to the Treasurer, City of St. Catharines, be submitted to the Secretary-Treasurer.
6. That all conditions of consent be fulfilled by September 21, 2024.

Extension of Legal Non-Conforming Use

That Application **A-110/22** submitted by 1568233 Ontario Inc. (Allen and Jocelyne Thompson), as outlined in the Notice of Hearing, be approved.

Report

The Proposal

The Applicant proposes a partial discharge of mortgage and a boundary adjustment to sever 34.9 square metres of land (Part 2) from 16 Main Street (Part 2 and 3) to add to 17 Gertrude Street (Part 1) for continued residential use. The 610.3 square metre remnant parcel (Part 3) will be retained with an existing detached dwelling for continued residential use at 16 Main Street. The requested severance is described in the following table:

Application	Severed Parcel	Severed Area	Retained Parcel	Retained Area
B-51/22SC	Part 2 (17 Gertrude St)	34.9 m ²	Part 3 (16 Main St)	610.3 m ²

There is a concurrent application A-110/22 to permit the extension of a legal non-conforming use to allow for Part 2 of Consent B-51/22 to be used for residential uses in conjunction with 17 Gertrude Street. It is currently zoned Local Convenience Commercial (C1). In 2012, the Committee of Adjustment granted approval of application A-44/12 to extend the legal non-conforming use at 17 Gertrude Street to permit additions and renovations to the existing residential detached dwelling. According to the information provided with that application, a detached dwelling existed on the subject lands prior to the City of St. Catharines Zoning By-Law 88-72.

Location and Site Description

The subject property is located on the south side of Gertrude Street and north of Main Street. The surrounding neighbourhood is residential with a variety of commercial uses. 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. The subject property is located within the Port Dalhousie Heritage District. The Low-Density Residential designation permits detached, semi-detached, duplex, triplex, quadplex, fourplex and townhouse dwellings at a density range generally between 20 and 32 units per hectare. Detached dwellings are permitted in this designation under the current Official Plan designation.

Zoning By-law (2013-283)

The subject property is zoned Local Convenience Commercial (C1). Detached dwellings are not permitted in this zone. The Local Convenience Commercial designation permits a range of smaller scale commercial, office, recreation and institutional uses, as well as apartment dwelling units in association with the above. While the C1 zone does not permit

Report Page 2 of 5

a detached dwelling, the existing detached dwelling is recognized as a legal non-conforming use.

Planning Analysis

Consent

Application **B-51/22SC** proposes a boundary adjustment to sever lands from the rear of 16 Main Street (Part 2), and which includes an existing accessory structure, and to add the parcel of land to the existing residential dwelling at 17 Gertrude Street (Part 1). No new development is proposed and both properties will continue to be used for residential uses.

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 residential 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 a small parcel of land from an existing detached dwelling property, 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 detached dwelling meets the density and the majority of requirements in the City's Zoning By-law, demonstrating that the dwelling has appropriate scale, massing and setbacks. As the lands are zoned Local Convenience Commercial (C1) and detached dwellings are not permitted in this zone, there is a concurrent minor variance application to recognize the legal non-conforming use on the new parcel (Part 2) which is discussed below. Staff also considered the boundary adjustment's impact on future commercial development on these lands and determined that due to the small size of this parcel, it would have minimal effect on the future development of the lands. As the proposal is to sever a small parcel of the subject lands and since the new lots meet most of the zoning requirements, staff are supportive of the application. Staff recommend that Consent application **B-51/22SC** be approved, subject to conditions outlined in the recommendation.

Application to Extend Legal Non-Conforming Use

The Applicant requests the extension of the non-conforming use, which lawfully predates the adoption of the current Zoning By-law, to facilitate the boundary adjustment. In 2012, Application (A44/12) was granted by the Committee of Adjustment to legalize the non-conforming use at 17 Gertrude Street to allow an addition and renovations to the existing residential dwelling located thereon. With the proposed boundary adjustment, the residential uses, including the existing accessory shed, on the Part 2 lands (which are zoned Local Convenience Commercial C1) need to be further recognized as legal non-conforming in order to be used with the existing residential uses at 17 Gertrude Street. City mapping shows that residential uses on the subject lands have existed since at least 2006, and the applicant advises that residential uses have existed on these lands since 1954. Staff are satisfied that the residential uses on the subject lands pre-date the establishment of Local Convenience Commercial (C1) zoning on the lands in 1988.

Section 45 (2) of the Planning Act grants the Committee of Adjustment authority to permit, where any land, building or structure were lawfully established on the day a Zoning By-law was passed, the enlargement or extension of a legal non-conforming use or the use of land, building or structure for a purpose that is similar to the use on the day the by-law was passed.

Consistent with the Planning Act, Section 16.12 of the Garden City Plan (GCP) enables consideration to extend or enlarge a non-conforming use provided certain criteria are met. The criteria include that the expansion or enlargement shall not jeopardize the possibility of future development/redevelopment in the vicinity, that special efforts are made to enhance the compatibility of uses, and that the expansion or enlargement is directed to areas outside of natural heritage and natural hazard lands.

The Applicant requires a variance to allow the existing residential uses on Part 2 due to the boundary adjustment created by the consent application. No new development or alterations to the existing uses on Part 2 are proposed, nor will the proposed boundary adjustment impact compatibility of uses within the area. The proposal is not anticipated to cause adverse impacts to the subject lands or surrounding properties, nor jeopardize potential future development or redevelopment in the vicinity. The existing accessory structure which is located on Part 2 will remain in the rear yard of 17 Gertrude Street after the boundary adjustment.

Conclusion

Having regard for matters under Section 53 of the *Planning Act*, staff are of the opinion that Consent Application **B-51/22SC** 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 (2) of The Planning Act, staff are of the opinion that Application **A-110/22** will not have any adverse impacts on the subject or surrounding lands. Extending the legal non-conforming use is in keeping with the policies

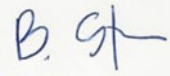
of the Garden City Plan and is considered appropriate for the use of the lands. Staff recommend approval of the Application.

Prepared by:



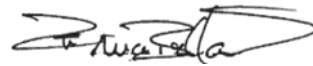
Dasha Litviniuc
Student Planner

Submitted by:



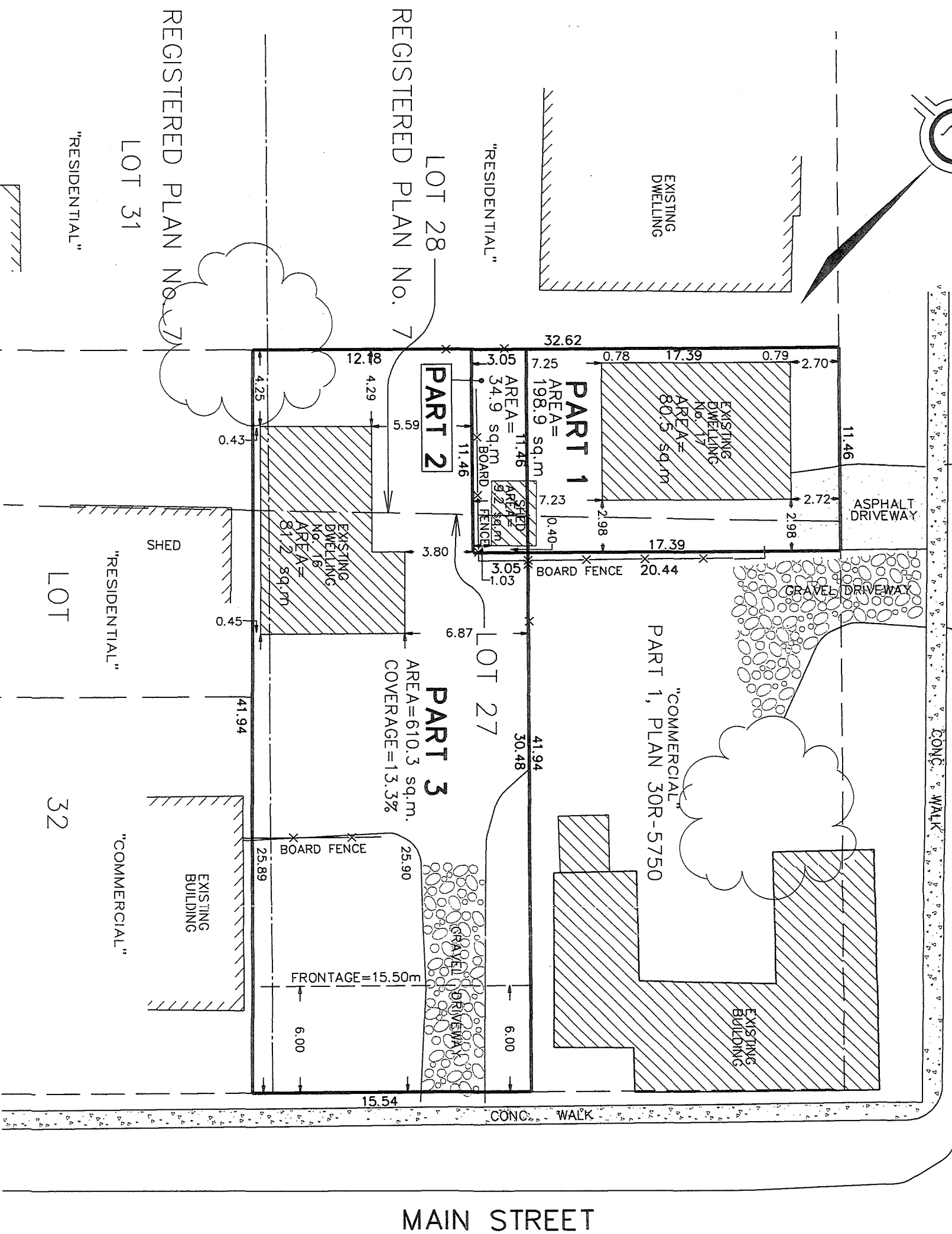
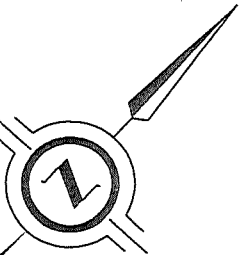
Brenda Stan
Planner

Approved by:



Bruce Bellows
Senior Project Manager

GERTRUDE STREET
(MUNICIPAL ROAD - 20.12 WIDE)



CAUTION

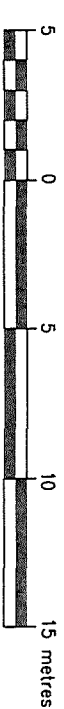
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SKETCH FOR PLANNING PURPOSES ONLY

16 MAIN STREET

CITY OF ST. CATHARINES
REGIONAL MUNICIPALITY OF NIAGARA

SCALE 1 : 250



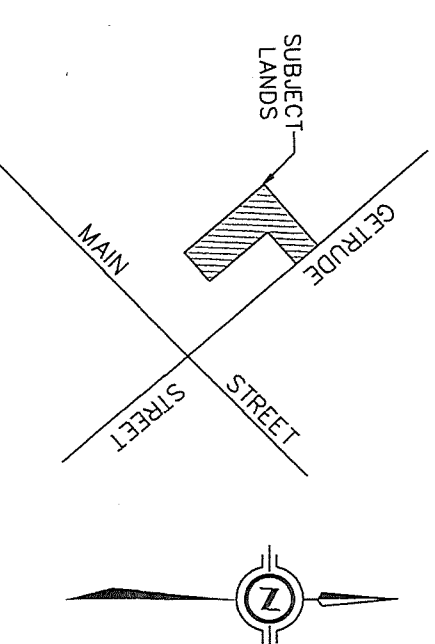
J.D. BARNES LIMITED

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METRIC NOTE

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE
CONVERTED TO FEET BY DIVIDING BY 0.3048

KEY PLAN (not to scale)



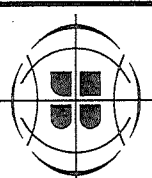
CITY OF ST. CATHARINES

LEGAL DESCRIPTION

PART OF LOTS 27 & 28, REGISTERED PLAN TP No. 7
BOUNDARY INFORMATION HAS BEEN DERIVED FROM AVAILABLE
RECORDS AND/OR FIELD MEASUREMENTS. THIS IS NOT A PLAN
OF SURVEY.

SOME FEATURES SHOWN ON THIS SKETCH HAVE BEEN DIGITIZED FROM
AERIAL PHOTOGRAPHY - LOCATION IS APPROXIMATE.

DATE: 14/18/2022
DASHA PAGE
ONTARIO LAND SURVEYOR



J.D. BARNES

LAND INFORMATION SPECIALISTS

LIMITED

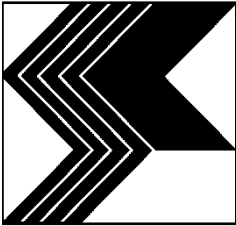
SURVEYING

MAPING GIS

4318 PORTAGE ROAD - UNIT 2, NIAGARA FALLS, ON L2E 6A4
T: (905) 358-3693 F: (905) 358-6224 www.jdbarnes.com

Ref. No. 22-16-034-00

REPORT TO PLANNING DEPARTMENT
Re: LAND DIVISION APPLICATION NUMBER B-51/22SC



September 12, 2022

ENGINEERING FILE 300-36

Hearing Date: September 21, 2021

Applicant: Allen & Jocelyne Thompson

Location: 17 Gertrude Street and 16 Main Street

<u>MUNICIPAL SERVICES</u>	Gertrude Street	Main Street
Water:	38mm (1 ½”) Copper	150mm C.I.
Sanitary:	200mm PVC	400mm Concrete 450mm Clay
Storm:	None	None
Sidewalks:	Yes	Yes
Road Allowance:	20.12m	20.12m (Regional)

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

Comment(s): It is noted the Owner wishes to sever Part 2 and convey it with Part 1 for continued residential use for a detached dwelling. Part 3 (16 Main Street) will be retained for continued residential use.

Roads

Gertrude Street is designated a Community Road as per the City’s Transportation Master Plan, with a desired right-of-way width of 20.0m. Its current width is sufficient therefore the City shall not be requiring a widening as a condition of this application.

Main Street is designated a Regional road, and therefore any requirements for the Main Street right-of-way shall be at their discretion.

Sidewalks

Sidewalks exist along both Gertrude Street and Main Street, and no further sidewalk requirements are warranted.

Engineering Services

It is understood no additional development or construction is proposed on and within these lots, and the purpose of this application is for the request to adjust the boundaries of the subject lands. In older areas of the City, specifically old Port Dalhousie, instances exist where private services conflict with abutting private properties, currently unknown and on record with the City, and no established agreements are registered, nor are there plans available noting such.

The Owner shall be responsible to pay the fees for City crews to locate, trace, inspect and document the water and sewer service laterals for the existing dwellings at both 17 Gertrude Street and 16 Main Street, to confirm they do not conflict with any existing or proposed lot lines. If any of the existing services are determined to conflict with existing or future lot lines, the Owner shall be responsible to relocate the portions of these services on private property to the applicable fronting road services, through a

Plumbing Only permit. If determined conflicts exist, the Owner shall also pay the City the fees required to relocate any portion of those services within public rights-of-way of both Gertrude Street and/or Main Street.

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

- Pay the fee for City crews to locate, trace, inspect and document the sewer laterals and water services to the existing dwelling; and
- If determined existing sewer or water services conflict with existing or proposed lot lines, the Owner shall complete any relocation works on private property through a Plumbing Only permit. The Owner shall also pay the City to complete any associated relocation works required within the public rights-of-way

Prepared by:



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



Memorandum

To: Jelena Pusara, Development Agreement Coordinator
From: Brad Johnston, Development Engineering Technologist
CC: City Committee of Adjustment Staff Members
Date: September 8, 2022
Hearing Date: September 21, 2022
Subject: **Committee of Adjustment - Minor Variance Applications**
4 Woodglen Drive – A-75/22SC
18-26 Josephine Street – A-89-94/22SC
17 Gertrude Street – A-110/22SC
199 Ontario Street – A-111/22SC
140 Parnell Road – A-112/22SC
1027 Pelham Road – A-113&114/22SC
24 Manning Street – A-115&116/22SC
69 Broadway – A-117/22SC
22 Cypress Street – A-118/22SC

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

- All applicants must acknowledge that although minimum Zoning setbacks may be reduced through Minor Variances, existing and additional widths greater than the minimum may be required to accommodate and maintain access and storm water conveyance, so as not to cause negative effects on subject and adjacent properties; and,
- All applicants be advised that a Grading Plan, prepared by a Professional Engineer or Ontario Land Surveyor, may be required as part of the submission for a building permit application for those sites required to obtain a building permit, but not subject to concurrent severance applications.

Prepared by:

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

MEMORANDUM

To: Elaine Munro, Committee Secretary & Planning Clerk
 Planning and Building Services
 Cc: Wilrik Banda
 Planning and Building Services
 From: Lou Grossi, Building Inspector II
 Planning and Building Services
 Date: September 9, 2022
 Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – September 21, 2022 hearing

NO.	ADDRESS	COMMENTS
A-117/22	69 Broadway	No comment
A-118/22	22 Cypress Street	Be advised that a building permit is required to construct the proposed accessory dwelling unit.
A-75/22	4 Woodglen Drive	Be advised that a building permit is required to construct the detached garage.
A-112/22	140 Parnell Road	Be advised that a building permit is required to construct the proposed enclosed structure.
A-111/22	199 Ontario Street	Be advised that a building permit is required to construct the proposed fourplex dwelling.
A-110/22	17 Gertrude Street	No comment
A-113/22	1027 Pelham Road	Be advised that a building permit is required to construct the proposed detached dwelling.

NO.	ADDRESS	COMMENTS
A-114/22	1027 Pelham Road	Be advised that a building permit is required to construct the proposed detached dwelling.
A-89/22	18-26 Josephine Street	Be advised that a building permit is required to construct the proposed detached dwelling with accessory dwelling unit.
A-90/22	18-26 Josephine Street	Be advised that a building permit is required to construct the proposed 3 unit townhouse with accessory dwelling unit.
A-91/22	18-26 Josephine Street	Be advised that a building permit is required to construct the proposed 3 unit townhouse.
A-92/22	18-26 Josephine Street	Be advised that a building permit is required to construct the proposed 3 unit townhouse.
A-93/22	18-26 Josephine Street	Be advised that a building permit is required to construct the proposed semi-detached dwelling with accessory dwelling unit.
A-94/22	18-26 Josephine Street	Be advised that a building permit is required to construct the proposed semi-detached dwelling.
A-115/22	24 Manning Street	Be advised that a building permit is required to construct the proposed 3 unit townhouse block.
A-116/22	24 Manning Street	Be advised that a building permit is required to construct the proposed 3 unit townhouse block.



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

MEMORANDUM

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

Cc: Wilrik Banda
Planning and Building Services

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

Date: September 9, 2022

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – September 21, 2022 hearing

B-51/22SC – 17 Gertrude Street

Comment:

- No comment

Condition:

- That the applicant shall satisfy the Chief Building Official for the City of St. Catharines that, as a result of the proposed severance, that spatial separation requirements for the glazed openings and type of construction for the exposed building face of the existing dwelling facing south and east on Part 1,2, meet the requirements of Subsection 9.10.14 and 9.10.15 of the 2012 Ontario Building Code as applicable.

B-52/22SC – 1027 Pelham Road

Comment:

- No comment

Condition:

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

B-50/22SC – 18-26 Josephine Street

Comment:

- No comment

Condition:

- No comment

B-43/22SC – 18-26 Josephine Street

Comment:

- No comment

Condition:

- No comment

B-44/22SC – 18-26 Josephine Street

Comment:

- No comment

Condition:

- No comment

B-45/22SC – 18-26 Josephine Street

Comment:

- No comment

Condition:

- No comment



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

To: Jelena Pusara, Development Agreement Coordinator

Cc:

From: Steve Bittner, Transportation Technologist

Date: September 9, 2022

Subject: Committee of Adjustment Comments (September 21, 2022, Hearing)

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Steve Bittner
Transportation Technologist

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Claire Semple, Community Improvement Plan Coordinator, PBS

Cc:

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

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17 Gertrude Street, Minor Variance – A-110/22 – 22 109545

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1027 Pelham Road, Minor Variance, A-114/22 – 22 109554

CRCS offers no objection to the proposed creation of a new lot to facilitate the construction of two new dwellings (following demolition of the existing home), nor the requested minor variances.

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

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

1. That payment of 5% of the appraised value of the new lot be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53(13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. The appraisal shall be completed by a qualified appraiser. (Condition subject to Planning and Building Services' determination that parkland dedication can, in fact, be collected for this application.)
2. That the applicant submit a payment for the placement of a 60mm boulevard tree for the new lot, in accordance with the City's current Schedule of Rates and Fees.

18-26 Josephine Street, Consent, B-50/22SC – 22 108732

18-26 Josephine Street, Consent, B-43/22SC – 22 106984

18-26 Josephine Street, Consent, B-44/22SC – 22 106985

18-26 Josephine Street, Consent, B-45/22SC – 22 106988

18-26 Josephine Street, Consent, B-43/22SC – 22 106984

18-26 Josephine Street, Minor Variance, A-89/22 – 22 106817

18-26 Josephine Street, Minor Variance, A-90/22 – 22 106819

18-26 Josephine Street, Minor Variance, A-91/22 – 22 106840

18-26 Josephine Street, Minor Variance, A-92/22 – 22 106845

18-26 Josephine Street, Minor Variance, A-93/22 – 22 106847

18-26 Josephine Street, Minor Variance, A-94/22 – 22 106850

CRCS offers no objection to the proposed creation of five new lots to facilitate the construction of one detached dwelling, three townhouse units, and two semi-detached dwelling units, plus associated interior accessory dwelling units. Further, CRCS offers no objection to the majority of the requested minor variances, with the exception of those related to front yard setbacks for front porches. As proposed by the applicant, these setbacks will impact the amount of open space that can be provided in the front yard and limit opportunities for landscaping. It is the opinion of CRCS staff that this would result in negative impacts on the existing streetscape. CRCS is however, supportive of the larger setbacks to the front porches being recommended by Planning staff in their Technical Report.

We note that there is one existing young boulevard tree in the Josephine Street boulevard that will be impacted by the new driveway for the middle townhouse unit. The applicant will be required to pay the cost for City crews to remove and replace that tree elsewhere.

The applicant is encouraged to retain as many mature trees on site as possible and should be made aware that, pursuant to the Ontario Forestry Act, boundary trees (i.e. trees whose trunks straddle more than one property) may not be removed or destroyed unless express written permission is obtained from the co-owner of the tree.

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

1. That payment of 5% of the appraised value of each new lot be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53(13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. The appraisal shall be completed by a qualified appraiser. (Condition subject to Planning and Building Services' determination that parkland dedication can, in fact, be collected for this application.)
2. That the applicant submit a payment for the placement of a 60mm boulevard tree for each new lot, in accordance with the City's current Schedule of Rates and Fees.
3. That the applicant submit payment for the removal and replacement of the existing boulevard tree located within the Josephine Street road allowance.

24 Manning Street, Consent, B-53/22SC – 22 109637

24 Manning Street, Consent, B-54/22SC – 22 109638

24 Manning Street, Minor Variance, A-115/22 – 22 109639

24 Manning Street, Minor Variance, A-116/22 – 22 109640

CRCS offers no objection to the proposed creation of two new lots to facilitate the construction of three townhomes fronting onto East Street, nor the requested minor variances.

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

1. That payment of 5% of the appraised value of the new lots be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53(13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. The appraisal shall be completed by a qualified appraiser. (Condition subject to Planning and Building Services' determination that parkland dedication can, in fact, be collected for this application.)
2. That the applicant submit a payment for the placement of a 60mm boulevard tree for each new lot, in accordance with the City's current Schedule of Rates and Fees.

Amanda Knutson
Community Project and Development Planner

Submission No.:	B-43/22 SC	Amanda No.:	22 106984
	B-44/22 SC		22 106985
	B-45/22 SC		22 106988
	B-46/22 SC		22 106990
	B-50/22 SC		22 108732
	A-89/22		22 106817
	A-90/22		22 106819
	A-91/22		22 106840
	A-92/22		22 106845
	A-93/22		22 106847
	A-94/22		22 106850

COMMITTEE OF ADJUSTMENT COMMENTS

22-24, 26 Josephine Street

**DATE OF HEARING:
September 21, 2022**



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: September 16, 2022

Date of Meeting: September 21, 2022

Application: **B-43/22 SC**
 B-44/22 SC
 B-45/22 SC
 B-46/22 SC
 B-50/22 SC

File: **22 106984** (18 Josephine Street)
 22 106985 (20 Josephine Street)
 22 106988 (22 Josephine Street)
 22 106990 (24 Josephine Street)
 22 108732 (26A Josephine Street)

A-89/22
A-90/22
A-91/22
A-92/22
A-93/22
A-94/22

22 106817 (18 Josephine Street)
22 106819 (20 Josephine Street)
22 106840 (22 Josephine Street)
22 106845 (24 Josephine Street)
22 106847 (26A Josephine Street)
22 106850 (26B Josephine Street)

Subject: 18, 20, 22, 24, 26A and 26B Josephine Street

Recommendation

Consents

That Application **B-43/22 SC** by 1631601 Ontario Limited, as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. That the Owner enter into a Development Agreement with the City of St. Catharines, to be registered on title to the lands to be known as 18 Josephine Street addressing the following conditions:
 - a. That building permit plans, including a site plan and elevations for 18 Josephine Street, once submitted, be reviewed and confirmed to be generally in accordance with the site plan and elevations submitted with this application; and
 - b. The Lot Grading and Drainage Plan, required as a condition of consent approval, be included in the Development Agreement, to ensure compliance as part of the review and approval of a building permit.
2. That the Owner submit payment of 5% of the appraised value of the new lot, as determined by a qualified appraiser, be made to the City in lieu of dedication of land for parks purposes. Section 53 (13) of the *Planning Act*, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of payment, the value of the land shall be determined as of the day before the day the provisional consent was given.'
3. That the Owner 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.

4. That the Owner dedicate to the City, free and clear of any encumbrances, a 0.86m widening across the entire frontage of the subject lands. All costs associated with the dedication, including but not limited to, plan preparation, legal services, and registration are to be paid for by the owner/applicants. All plans and documents related to the road widening and dedication are to be submitted to the City for review and approval prior to registration. Copies of the registered documents are to be provided to the City.
5. That the Owner submit a revised Site Grading and Servicing Plans, prepared by a professional engineer, to the satisfaction of the City.
6. That the Owner provide an update of the SWM Report and preliminary design prepared by a professional engineer, to the satisfaction of the City.
7. That the Owner pay for City crews to inspect all existing sanitary laterals to the subject lands. This must be completed prior to the finalization of the severances or the issuance of the demolition permit, whichever comes first.
8. That the Owner agree if the condition of the existing sanitary laterals 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 also arrange and pay for the portion on private property to be relocated and obtain a Plumbing Only Permit to do so.
9. That the Owner pay for City crews to trace and document the location of the existing water services.
10. That the Owner pay for City crews to decommission the existing water services. If the connection to the watermain for the new water services can be located within 1.0m of the existing water service, the decommissioning fee can be returned once the new service is installed.
11. That the Owner agree that all private easement agreements for any private catch basin or drainage swales must be established and registered on title at the owner's cost.
12. That the Owner provide the Secretary-Treasurer with a solicitor's undertaking that consent application B-43/22SC will be registered with the Land Registry Office before these easements are registered.
13. That the Owner provide the Secretary-Treasurer with a solicitor's undertaking that the easements will be registered with the Land Registry Office after the final certificate is issued.
14. That the Owner provide the Secretary-Treasurer with the acknowledgment and direction for conveyance of the subject parcel, together with a copy of the deposited reference plan, for use in the issuance of the Certificate of Consent.
15. That the Owner submit to the Secretary-Treasurer of the Committee of Adjustment a final certification fee of \$222.20 (2022 rate) payable to the Treasurer, City of St. Catharines.
16. That all conditions of consent be fulfilled by September 21st, 2024.

That Application **B-44/22 SC** by 1631601 Ontario Limited, as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. That the Owner enter into a Development Agreement with the City of St. Catharines, to be registered on title to the lands to be known as 20 Josephine Street addressing the following conditions:
 - a. That building permit plans, including a site plan and elevations for 20 Josephine Street, once submitted, be reviewed and confirmed to be generally in accordance with the site plan and elevations submitted with this application; and
 - b. The Lot Grading and Drainage Plan, required as a condition of consent approval, be included in the Development Agreement, to ensure compliance as part of the review and approval of a building permit.
2. That the Owner submit payment of 5% of the appraised value of the new lot, as determined by a qualified appraiser, be made to the City in lieu of dedication of land for parks purposes. Section 53 (13) of the *Planning Act*, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of payment, the value of the land shall be determined as of the day before the day the provisional consent was given.'
3. That the Owner 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.
4. That the Owner dedicate to the City, free and clear of any encumbrances, a 0.86m widening across the entire frontage of the subject lands. All costs associated with the dedication, including but not limited to, plan preparation, legal services, and registration are to be paid for by the owner/applicants. All plans and documents related to the road widening and dedication are to be submitted to the City for review and approval prior to registration. Copies of the registered documents are to be provided to the City.
5. That the Owner submit a revised Site Grading and Servicing Plans, prepared by a professional engineer, to the satisfaction of the City.
6. That the Owner provide an update of the SWM Report and preliminary design prepared by a professional engineer, to the satisfaction of the City.
7. That the Owner pay for City crews to inspect all existing sanitary laterals to the subject lands. This must be completed prior to the finalization of the severances or the issuance of the demolition permit, whichever comes first.
8. That the Owner agree if the condition of the existing sanitary laterals 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 also arrange and pay for the portion on private property to be relocated and obtain a Plumbing Only Permit to do so.
9. That the Owner pay for City crews to trace and document the location of the existing water services.
10. That the Owner pay for City crews to decommission the existing water services. If the connection to the watermain for the new water services can be located within 1.0m of the existing water service, the decommissioning fee can be returned once the new service is installed.

11. That the Owner agree that all private easement agreements for any private catch basin or drainage swales must be established and registered on title at the owner's cost.
12. That the Owner provide the Secretary-Treasurer with a solicitor's undertaking that consent application B-44/22SC will be registered with the Land Registry Office before these easements are registered.
13. That the Owner provide the Secretary-Treasurer with a solicitor's undertaking that the easements will be registered with the Land Registry Office after the final certificate is issued.
14. That the Owner provide the Secretary-Treasurer with the acknowledgment and direction for conveyance of the subject parcel, together with a copy of the deposited reference plan, for use in the issuance of the Certificate of Consent.
15. That the Owner submit to the Secretary-Treasurer of the Committee of Adjustment a final certification fee of \$222.20 (2022 rate) payable to the Treasurer, City of St. Catharines.
16. That all conditions of consent be fulfilled by September 21st, 2024.

That Application **B-45/22 SC** by 1631601 Ontario Limited, as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. That the Owner enter into a Development Agreement with the City of St. Catharines, to be registered on title to the lands to be known as 22 Josephine Street addressing the following conditions:
 - a. That building permit plans, including a site plan and elevations for 22 Josephine Street, once submitted, be reviewed and confirmed to be generally in accordance with the site plan and elevations submitted with this application; and
 - b. The Lot Grading and Drainage Plan, required as a condition of consent approval, be included in the Development Agreement, to ensure compliance as part of the review and approval of a building permit.
2. That the Owner submit payment of 5% of the appraised value of the new lot, as determined by a qualified appraiser, be made to the City in lieu of dedication of land for parks purposes. Section 53 (13) of the *Planning Act*, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of payment, the value of the land shall be determined as of the day before the day the provisional consent was given.'
3. That the Owner 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.
4. That the Owner dedicate to the City, free and clear of any encumbrances, a 0.86m widening across the entire frontage of the subject lands. All costs associated with the dedication, including but not limited to, plan preparation, legal services, and registration are to be paid for by the owner/applicants. All plans and documents related to the road widening and dedication are to be submitted to the City for review and approval prior to registration. Copies of the registered documents are to be provided to the City.

5. That the Owner submit a revised Site Grading and Servicing Plans, prepared by a professional engineer, to the satisfaction of the City.
6. That the Owner provide an update of the SWM Report and preliminary design prepared by a professional engineer, to the satisfaction of the City.
7. That the Owner pay for City crews to inspect all existing sanitary laterals to the subject lands. This must be completed prior to the finalization of the severances or the issuance of the demolition permit, whichever comes first.
8. That the Owner agree if the condition of the existing sanitary laterals 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 also arrange and pay for the portion on private property to be relocated and obtain a Plumbing Only Permit to do so.
9. That the Owner pay for City crews to trace and document the location of the existing water services.
10. That the Owner pay for City crews to decommission the existing water services. If the connection to the watermain for the new water services can be located within 1.0m of the existing water service, the decommissioning fee can be returned once the new service is installed.
11. That the Owner agree that all private easement agreements for any private catch basin or drainage swales must be established and registered on title at the owner's cost.
12. That the Owner provide the Secretary-Treasurer with a solicitor's undertaking that consent application B-45/22SC will be registered with the Land Registry Office before these easements are registered.
13. That the Owner provide the Secretary-Treasurer with a solicitor's undertaking that the easements will be registered with the Land Registry Office after the final certificate is issued.
14. That the Owner provide the Secretary-Treasurer with the acknowledgment and direction for conveyance of the subject parcel, together with a copy of the deposited reference plan, for use in the issuance of the Certificate of Consent.
15. That the Owner submit to the Secretary-Treasurer of the Committee of Adjustment a final certification fee of \$222.20 (2022 rate) payable to the Treasurer, City of St. Catharines.
16. That all conditions of consent be fulfilled by September 21st, 2024.

That Application **B-46/22 SC** by 1631601 Ontario Limited, as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. That the Owner enter into a Development Agreement with the City of St. Catharines, to be registered on title to the lands to be known as 24 Josephine Street addressing the following conditions:
 - a. That building permit plans, including a site plan and elevations for 24 Josephine Street, once submitted, be reviewed and confirmed to be generally in accordance with the site plan and elevations submitted with this application; and

- b. The Lot Grading and Drainage Plan, required as a condition of consent approval, be included in the Development Agreement, to ensure compliance as part of the review and approval of a building permit.
2. That the Owner submit payment of 5% of the appraised value of the new lot, as determined by a qualified appraiser, be made to the City in lieu of dedication of land for parks purposes. Section 53 (13) of the *Planning Act*, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of payment, the value of the land shall be determined as of the day before the day the provisional consent was given.'
3. That the Owner 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.
4. That the Owner dedicate to the City, free and clear of any encumbrances, a 0.86m widening across the entire frontage of the subject lands. All costs associated with the dedication, including but not limited to, plan preparation, legal services, and registration are to be paid for by the owner/applicants. All plans and documents related to the road widening and dedication are to be submitted to the City for review and approval prior to registration. Copies of the registered documents are to be provided to the City.
5. That the Owner submit a revised Site Grading and Servicing Plans, prepared by a professional engineer, to the satisfaction of the City.
6. That the Owner provide an update of the SWM Report and preliminary design prepared by a professional engineer, to the satisfaction of the City.
7. That the Owner pay for City crews to inspect all existing sanitary laterals to the subject lands. This must be completed prior to the finalization of the severances or the issuance of the demolition permit, whichever comes first.
8. That the Owner agree if the condition of the existing sanitary laterals 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 also arrange and pay for the portion on private property to be relocated and obtain a Plumbing Only Permit to do so.
9. That the Owner pay for City crews to trace and document the location of the existing water services.
10. That the Owner pay for City crews to decommission the existing water services. If the connection to the watermain for the new water services can be located within 1.0m of the existing water service, the decommissioning fee can be returned once the new service is installed.
11. That the Owner agree that all private easement agreements for any private catch basin or drainage swales must be established and registered on title at the owner's cost.
12. That the Owner provide the Secretary-Treasurer with a solicitor's undertaking that consent application B-46/22SC will be registered with the Land Registry Office before these easements are registered.
13. That the Owner provide the Secretary-Treasurer with a solicitor's undertaking that the easements will be registered with the Land Registry Office after the final certificate is issued.

14. That the Owner provide the Secretary-Treasurer with the acknowledgment and direction for conveyance of the subject parcel, together with a copy of the deposited reference plan, for use in the issuance of the Certificate of Consent.
15. That the Owner submit to the Secretary-Treasurer of the Committee of Adjustment a final certification fee of \$222.20 (2022 rate) payable to the Treasurer, City of St. Catharines.
16. That all conditions of consent be fulfilled by September 21st, 2024.

That Application **B-50/22 SC** by 1631601 Ontario Limited, as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. That the Owner enter into two Development Agreements with the City of St. Catharines, to be registered respectively on title to the lands to be known as 26A and 26B Josephine Street addressing the following conditions:
 - a. That building permit plans, including a site plan and elevations for 26A and 26B Josephine Street, once submitted, be reviewed and confirmed to be generally in accordance with the site plan and elevations submitted with this application; and
 - b. The Lot Grading and Drainage Plan, required as a condition of consent approval, be included in the Development Agreement, to ensure compliance as part of the review and approval of a building permit.
2. That the Owner submit payment of 5% of the appraised value of the new lot, as determined by a qualified appraiser, be made to the City in lieu of dedication of land for parks purposes. Section 53 (13) of the *Planning Act*, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of payment, the value of the land shall be determined as of the day before the day the provisional consent was given.'
3. That the Owner 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.
4. That the Owner dedicate to the City, free and clear of any encumbrances, a 0.86m widening across the entire frontage of the subject lands. All costs associated with the dedication, including but not limited to, plan preparation, legal services, and registration are to be paid for by the owner/applicants. All plans and documents related to the road widening and dedication are to be submitted to the City for review and approval prior to registration. Copies of the registered documents are to be provided to the City.
5. That the Owner submit a revised Site Grading and Servicing Plans, prepared by a professional engineer, to the satisfaction of the City.
6. That the Owner provide an update of the SWM Report and preliminary design prepared by a professional engineer, to the satisfaction of the City.
7. That the Owner pay for City crews to inspect all existing sanitary laterals to the subject lands. This must be completed prior to the finalization of the severances or the issuance of the demolition permit, whichever comes first.
8. That the Owner agree if the condition of the existing sanitary laterals 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 also arrange and pay for the portion on private property to be relocated and obtain a Plumbing Only Permit to do so.

9. That the Owner pay for City crews to trace and document the location of the existing water services.
10. That the Owner pay for City crews to decommission the existing water services. If the connection to the watermain for the new water services can be located within 1.0m of the existing water service, the decommissioning fee can be returned once the new service is installed.
11. That the Owner agree that all private easement agreements for any private catch basin or drainage swales must be established and registered on title at the owner's cost.
12. That the Owner provide the Secretary-Treasurer with a solicitor's undertaking that consent application B-50/22SC will be registered with the Land Registry Office before these easements are registered.
13. That the Owner provide the Secretary-Treasurer with a solicitor's undertaking that the easements will be registered with the Land Registry Office after the final certificate is issued.
14. That the Owner provide the Secretary-Treasurer with the acknowledgment and direction for conveyance of the subject parcel, together with a copy of the deposited reference plan, for use in the issuance of the Certificate of Consent.
15. That the Owner submit to the Secretary-Treasurer of the Committee of Adjustment a final certification fee of \$222.20 (2022 rate) payable to the Treasurer, City of St. Catharines.
16. That all conditions of consent be fulfilled by September 21st, 2024.

Minor Variance

That Variances 1 and 3 of Application **A-89/22** by 1631601 Ontario Limited, as outlined in the Notice of Hearing, be approved.

That Variances 2 and 4 of Application **A-89/22** by 1631601 Ontario Limited, as outlined in the Notice of Hearing, be approved as follows:

2. *A reduction of the minimum front yard setback to a platform structure with a height of 1.2 metres or greater from 5.95 metres to 1.9 metres.*
4. *An increase of the maximum floor area for an interior accessory dwelling unit from 60 square metres to 69.7 square metres.*

That Variances 1, 3, 5 and 6 of Application **A-90/22** by 1631601 Ontario Limited, as outlined in the Notice of Hearing, be approved.

That Variances 2 and 4 of Application **A-90/22** by 1631601 Ontario Limited, as outlined in the Notice of Hearing, be approved as follows:

2. *A reduction of the minimum front yard setback to a platform structure with a height of 1.2 metres or greater from 5.95 metres to 1.9 metres.*
4. *An increase of the maximum floor area for an interior accessory dwelling unit from 60 square metres to 69.5 square metres.*

That Applications **A-91/22** by 1631601 Ontario Limited, as outlined in the Notice of Hearing, be approved.

That Variances 1, 3, 5 and 6 of Application **A-92/22** by 1631601 Ontario Limited, as outlined in the Notice of Hearing, be approved.

That Variances 2 and 4 of Application **A-92/22** by 1631601 Ontario Limited, as outlined in the Notice of Hearing, be approved as follows:

2. *A reduction of the minimum front yard setback to a platform structure with a height of 1.2 metres or greater from 5.95 metres to 1.9 metres.*
4. *An increase of the maximum floor area for an interior accessory dwelling unit from 60 square metres to 69.5 square metres.*

That Variances 1, 3, 5 and 6 of Application **A-93/22** by 1631601 Ontario Limited, as outlined in the Notice of Hearing, be approved.

That Variances 2 and 4 of Application **A-93/22** by 1631601 Ontario Limited, as outlined in the Notice of Hearing, be approved as follows:

2. *A reduction of the minimum front yard setback to a platform structure with a height of 1.2 metres or greater from 5.95 metres to 1.9 metres.*
4. *An increase of the maximum floor area for an interior accessory dwelling unit from 60 square metres to 69.5 square metres.*

That Application **A-94/22** by 1631601 Ontario Limited, as outlined in the Notice of Hearing, be approved.

Report

The Proposal

The Applicant proposes to sever the subject lands into six lots for the purpose of constructing one detached dwelling with an accessory dwelling unit (ADU), three townhouse units (two with ADUs), and two semi-detached dwelling units (one with an ADU). To accommodate the proposed development layout, the applicant requests the establishment of multiple easements for vehicular access, eaves and gutter maintenance, catch basin maintenance, drainage and rear yard maintenance. Two existing detached dwellings at 24 and 26 Josephine Street are to be demolished to facilitate this proposal. As shown on the submitted sketch, Part 29 is to be dedicated to

the City for a road widening along Josephine Street. The requested consents, easements and minor variances are outlined in the tables below.

Summary of Consent applications:

Application	Severed Parcel	Area	Remnant Parcel	Easements Benefitting Adjacent Lots
B-43/22 SC	Parts 1-4 (to become 18 Josephine Street)	341m ²	Parts 5-28	Part 3 for catch basin maintenance Part 4 for vehicular access
B-44/23SC	Parts 5-9 (to become 20 Josephine Street)	291.8 m ²	Parts 10-28	Part 5 for catch basin maintenance Part 7 for vehicular access Part 9 for eaves and gutter maintenance
B-45/22SC	Parts 10-13 (to become 22 Josephine Street)	200.5 m ²	Parts 14-28	Part 12 for eaves and gutter maintenance Part 13 for eaves and gutter maintenance
B-46/22SC	Parts 14-18 (to become 24 Josephine Street)	291.7 m ²	Parts 19-28	Part 14 for eaves and gutter maintenance Parts 16 and 17 for swale drainage Part 17 for catch basin maintenance Parts 16-18 for rear yard maintenance Part 18 for vehicular access
B-50/22SC	Parts 19-25 (to become 26A Josephine Street)	298 m ²	Parts 26-28 (to be known as 26B Josephine Street)	Parts 19 and 20 for vehicular access Part 21 for catch basin maintenance Parts 21-23 for swale drainage Part 25 for eaves and gutter maintenance Part 26 for eaves and gutter maintenance

Summary of Variance applications:

Application	Variance #	Zoning Provision	Required	Proposed
A-89/22 18 Josephine Street (Parts 1-4) Detached Dwelling ADU	1	Minimum front yard setback	5.95 m	3.0 m
	2	Minimum front yard setback to a platform structure with a height of 1.2 metres or greater	5.95 m	0.6 m
	3	Maximum parking area coverage	20%	24.1%

	4	Maximum floor area of an interior accessory dwelling unit	60 m ²	69.7 m ²
A-90/22 20 Josephine Street (Parts 5-9) Townhouse Dwelling ADU	1	Minimum front yard setback	5.95 m	3.9 m
	2	Minimum front yard setback to a platform structure with a height of 1.2 metres or greater	5.95 m	1.5 m
	3	Maximum parking area coverage	20%	28.2%
	4	Maximum floor area of an interior accessory dwelling unit	60 m ²	69.5 m ²
	5	Maximum encroachment eaves and gutters into interior side yard	within 0.15 m of the lot line	within 0 m of the lot line
	6	Minimum interior side yard setback	1.2 m	0 m
A-91/22 22 Josephine Street (Parts 10-13) Townhouse Dwelling	1	Maximum front yard setback	7.45 m	8.88 m
	2	Minimum front yard setback to a platform structure with a height between 0.15 and 0.6 metres	1.2 m	0 m
	3	Maximum encroachment of the eaves and gutters into interior side yard	within 0.15 m of the lot line	within 0 m of the lot line
	4	Minimum interior side yard setback	1.2 m	0 m
	5	Minimum lot area for a townhouse dwelling	280.0 m ²	200.5 m ²
A-92/22 24 Josephine Street (Parts 14-18) Townhouse Dwelling ADU	1	Minimum front yard setback	5.95 m	3.0 m
	2	Minimum front yard setback to a platform structure with a height of 1.2 metres or greater	5.95 m	0.6 m
	3	Maximum parking area coverage	20%	28.3%
	4	Maximum floor area of an interior accessory dwelling unit	60.0 m ²	69.5 m ²
	5	Maximum encroachment of the eaves and gutters into interior side yard	within 0.15 m of the lot line	within 0 m of the lot line
	6	Minimum interior side yard setback	1.2 m	0 m

A-93/22 26A Josephine Street (Parts 19-25) Semi-Detached Dwelling ADU	1	Minimum front yard setback	5.95 m	3.9
	2	Minimum front yard setback to a platform structure with a height of 1.2 metres or greater	5.95 m	1.5 m
	3	Maximum parking area coverage	20%	27.6%
	4	Maximum floor area of an interior accessory dwelling unit	60.0 m ²	69.5 m ²
	5	Maximum encroachment of the eaves and gutters into interior side yard	within 0.15 m of the lot line	within 0 m of the lot line
	6	Minimum interior side yard setback	1.2 m	0 m
A-94/22 26B Josephine Street (Parts 26-28) Semi-Detached Dwelling ADU	1	Maximum front yard setback	7.45 m	8.88 m
	2	Maximum encroachment of the eaves and gutters into interior side yard	within 0.15 m of the lot line	within 0 m of the lot line
	3	Minimum interior side yard setback	1.2 m	0 m
	4	Minimum lot area for a semi-detached dwelling	280.0 m ²	241.2 m ²

Location and Site Description

The subject lands are currently made up of three residential properties known municipally as 22, 24 and 26 Josephine Street. The properties are located on the north side of Josephine Street, east of Pelham Road. The surrounding area is primarily residential, with a mix of detached, semi-detached and multi-unit dwellings. There are two existing detached dwellings at 22 and 26 Josephine Street, which are proposed to be demolished. 24 Josephine Street is currently vacant.

Circulation of Application

This Application was circulated to all appropriate departments and agencies. No objections were received. All conditions of approval requested by circulated departments/agencies have been included in the recommendation section of this report.

Planning Policy Context

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential on Schedule E7. A range of residential uses including detached, semi-detached and townhouse dwellings are permitted in this designation at a density generally ranging from 20 to 32 units per

hectare. The proposed development has a density of 36 units per hectare, which is generally in keeping with the target density of the GCP.

Zoning By-law (2013-283)

The subject property is zoned Low Density Residential – Traditional Neighbourhood (R2). A range of residential uses are permitted in this zone, including detached, semi-detached and townhouse dwellings, and accessory dwelling units, subject to the provisions of the Zoning By-law. The proposal includes a number of requests for variances to the provisions of the by-law, which are addressed in the planning analysis section of this report.

Planning Analysis

Consents to Sever

Consent applications **B-43/22SC**, **B-44/22SC**, **B-45/22SC**, **B-46/22SC** and **B-50/22SC** request to sever six lots for the purpose of constructing one detached dwelling with an accessory dwelling unit (ADU), three townhouse units (two with ADUs), and two semi-detached dwelling units (one with an ADU). Section 16.11 of the Garden City Plan sets out a number of policies that applications for lot creation are to be evaluated against. Applicable policies are listed below with staff comment 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 lots will be serviced by existing infrastructure. Any required improvements to the infrastructure, including water and wastewater laterals and service lines to the property will be at the expense of the owner.

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

The proposed lots are within the City's built boundary and located in a residential area that is substantially developed. The lands are currently three separate parcels and through this application they would become six parcels. The development represents appropriate infill in a developed neighbourhood using existing underutilized lands.

- 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 six proposed lots are sized and shaped appropriately to accommodate the proposed six-unit development comprised of one detached dwelling, three townhouse dwellings and two semi-detached dwellings. The dwellings each have appropriate setbacks, adequate parking, sufficient access, and compliant landscaped area. Four of the proposed lots meet or exceed minimum lot area requirements as required by the Zoning By-law and the overall density of the six lots is 36 units per hectare, which aligns with the general target

range of 20 – 32 units per hectare outlined in the Official Plan. All six lots comply with lot frontage requirements. Despite the deficiencies in lot area for two of the proposed parcels, the development layout proposed on those parcels demonstrates that the function, access, and compatibility of the proposed dwelling types is maintained. Variances for reduced lot area are required to facilitate the consent.

The surrounding area is comprised of a wide variety of lot sizes and widths, with several adjacent and nearby lots having similar size and shape as those proposed. As such, the character and massing are in keeping with the prevailing character of the area. The proposed new lots will require minor variances to address some zoning deficiencies resulting from the proposed design and consent layout. These variances are discussed in greater detail later in this report.

Overall, subject to the approval of the requested variances, staff are supportive of the creation of the proposed lots. Staff is satisfied that the proposed consent to sever represents the optimum development potential of the subject lands and will contribute to context-sensitive infilling. Staff recommend that the proposed consent applications be approved, subject to the conditions outlined in the recommendations herein.

Easements

A number of easements are requested by the applicant to facilitate the proposed development. These easements are outlined in the table earlier in this report and in the Notices of Hearing issued for these applications. The proposed easements help the development to achieve several policy goals outlined in Section 7.1c) of the Official Plan which states that development and redevelopment shall be evaluated having regard for minimizing adverse impacts on adjacent properties through grading, drainage, location and design of service utilities and areas. The proposal achieves these goals by establishing easements for shared catch basins to ensure the maintenance of the catch basins can be completed without conflict, and by establishing drainage easements to protect the areas where water will flow towards the catch basins.

Section 7.1c) also encourages the provision of parking areas that do not dominate the site physically or visually, and maximize opportunities for perimeter and internal landscaping. This is achieved through the shared driveways, which are made functional by the proposed easements. These policies are upheld by the creation of easements which facilitate a shared parking configuration which reduces the visual impact of garages and front yard parking on the streetscape. There are also a number of easements to permit maintenance of the eaves and gutters that hang over shared property lines, and easements to assist in maintenance access to the rear yard of the centre townhouse unit, which otherwise would require maintenance equipment to be maneuvered through the unit itself.

Altogether, the proposed easements will facilitate development that is consistent with the lot creation policies in the GCP. The easements do not conflict with the Zoning By-law. Staff find that the easements are appropriate and recommend approving the proposed

easements in consent applications **B-43/22SC, B-44/22SC, B-45/22SC, B-46/22SC and B-50/22SC**, subject to conditions outlined in the recommendation.

Road Widening

Josephine Street is designated a Local Road on Schedule C of the GCP with a desired right-of-way width of 20 metres. It is further designated as a Community Street in the City's Transportation Master Plan which also has a desired right-of-way of 20 metres. The present right-of-way (ROW) width at this location is +/-18.28m. Therefore, prior to finalizing the severances, the owner shall dedicate to the City, free and clear of any encumbrances, a 0.86m widening across the entire frontage of the subject lands. The applicants are aware of this requirement and have identified the road widening dedication as Part 29 on the submitted survey sketch.

Minor Variance

Minimum and maximum front yard setbacks – 18, 20, 22, 24, 26A and 26B

Josephine Street

To establish the front yard setback in this context, the Zoning By-law applies the average of the front yard setbacks of the immediately adjacent properties plus/minus 0.75 metres, which in this case establishes a 5.95 metre minimum front yard setback and a 7.45 metre maximum front yard setback. Through the six variance applications, the applicant has requested a reduction of the minimum front yard setback to the dwelling from 5.95 metres to the following:

3.0 metres for 18 and 24 Josephine Street

3.9 metres for 20 and 26A Josephine Street.

The applicant has also requested an increase of the maximum front yard setback to the dwelling from 7.45 metres to 8.88 metres for 22 and 26B Josephine Street.

The intent of the averaged front yard provision is to ensure that the front yard setback of new construction is generally aligned with existing buildings in close proximity to the site, and to support a consistent streetscape where the average setback is substantially greater than the standard 3.0 metre setback of the R2 zone. This intent is supported by section 7.1 of the GCP which encourages development that has a compatible building form, scale, massing, height, siting, and orientation with adjacent building, properties and the surrounding neighbourhood.

The average setback, for the purpose of applying the zoning provision, is determined using the setback of the dwellings on the adjacent lots on either side of the subject lands. Notwithstanding that context, the new development is proposed to take up a large swath of the streetscape. These dwellings will create their own context and streetscape due to the number of lots being developed. The existing streetscape won't be compromised, instead it will be defined by the proposed setbacks of this development. The averaging of setbacks is not as necessary in establishing compatibility in a case where such a long frontage is being infilled.

The intent of the Official Plan and Zoning By-law to achieve compatible development with surrounding context is being achieved, as the dwellings develop an appropriate streetscape for an R2 neighbourhood. None are setback closer than the standard 3.0 metre setback for the R2 zone, and the units are staggered so that those that are situated further back beyond the maximum setback are visually balanced by those that are situated closer. The variation in the setbacks add visual interest and also creates pockets of privacy in which porches and amenity space can be provided for future residents.

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

Minimum front yard setback to a platform structure with a height of 1.2 metres or greater – 18, 20, 24 and 26A Josephine Street

Zoning By-law 2013-283 requires that platform structures, such as porches and decks, that are 1.2 metres in height or greater above grade achieve the same minimum front yard setback required by the dwelling. In this case, a 5.95 metre minimum front yard setback is required to the porches that are 1.2 metres in height. The applicant is seeking a relief from the City's by-law to construct porches with a setback of 0.6 metres at 18 and 24 Josephine Street, and a setback of 1.5 metres for 20 and 26A Josephine Street.

Section 7.1c) of the Official Plan states that development will be evaluated having regard for building, site, streetscape and neighbourhood context sensitive design to ensure:

- i) Integration of compatible building form, scale, massing, height, setbacks, spacing, siting, orientation, facades and architectural materials with adjacent buildings, properties and the surrounding neighbourhood;

The proposed porches, which extend into the already-reduced dwelling setbacks, are considered by planning and urban design staff to be too close to the sidewalk to uphold the above GCP policy. The height and setback combination is not compatible with the established nor desired character of the surrounding neighbourhood. The combined reduction in both dwelling and porch setbacks overwhelms the streetscape by creating what, in the opinion of staff, would resemble a 1.2-metre-high wall in close proximity to the public sidewalk.

The city's urban design planner has reviewed the application and stated that any reduction in setback to the proposed porches must be at minimum 3 metres from the edge of the public sidewalk. If this minimum is met, then the variance is considered to be in keeping with the intent of the Official Plan policy outlined above, as the impacts on the public sidewalk are mitigated. The porches would be less overwhelming on the streetscape if they are set back that much further. Staff note that there is adequate space on all the impacted properties to shift the structures to avoid having such tall porches in such close proximity to the public realm. A priority of planning and design staff is the public realm. In this regard, a 3 metre setback from the back of the sidewalk is more appropriate for this street, particularly at the heights proposed.

Based on the City's review of the plans and the City's own mapping, taking into account the required road widening, a setback of 1.9 metres from the proposed front property line would effectively accomplish the desired 3 metre setback from the City sidewalk. As such, staff are supportive of a reduction in front yard setback to the proposed porches for 18, 20, 24 and 26A Josephine, provided the setbacks are reduced to no less than 1.9 metres, as outlined in the recommendation of this report. This reduction is considered minor, appropriate for the desirable use of the land, and in keeping with the intent of the GCP and Zoning By-law.

Minimum interior side yard setback to a platform structure with a height between 0.15 metres and 0.6 metres – 22 Josephine Street

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 permit the construction of a front porch setback of 0 metres from the interior side yard lot line for the townhouse dwelling to be known as 22 Josephine Street.

The proposed porch is intended to access the front door of the center townhouse unit. The porch is proposed to be located against the abutting wall of the neighbouring townhouse, resulting in a 0m setback from the common lot line. The location of the porch against the neighbouring dwelling wall mitigates any potential privacy impacts. There is not overlook caused by the reduced setback. 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.

Minimum interior side yard setback to the dwelling - 20, 22, 24, 26A and 26B Josephine Street

The applicant has requested a reduction of the minimum interior side yard setback for the portion of the wall that extends beyond the common wall from 1.2 metres to 0 metres for five of the proposed units.

The intent of this provision is, in part, 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. Where dwellings share a common wall, the setback to the common wall is permitted to be 0 metres. In this proposal, the townhouse dwellings and semi-detached dwellings are staggered so that a portion of each dwelling protrudes beyond the front or rear of the adjacent dwelling, resulting in a non-common wall that is in line with the common wall at 0 metres setback.

The proposed reduction allows for more visual definition and variation in the units. No privacy nor safety concerns are anticipated as a result of the setback reductions on the

subject lots. Overall, the variances are considered minor, appropriate and in keeping with the general intent of the Official Plan and Zoning By-law.

Maximum encroachment of eaves and gutters into interior side yard – 20, 22, 24, 26A and 26B Josephine Street

Zoning By-law 2013-283 provides that eaves and gutters may encroach into a required yard but must be set back a minimum of 0.15 metres from a lot line. The provision is intended to ensure sufficient space is maintained for building maintenance and so that stormwater runoff from the roofline is wholly contained within the boundaries of a lot. Due to the staggered design of the townhouse and semi-detached units, there are sections of eaves and gutters along the roof that overhang onto the neighbouring property, and as such, the applicant has requested that the eaves and gutters be permitted at a 0m setback at the property line for all of the proposed attached unit types.

To ensure that no negative impacts are created, the applicant has proposed maintenance easements over the location of the encroaching eaves and gutters. Staff are satisfied that the requested eaves encroachment for these five lots is minor in nature, desirable for the appropriate use of the land, and that the intent of the Official Plan and Zoning By-law are being upheld.

Maximum parking area coverage – 18, 20, 24 and 26A Josephine Street

The third variance on applications A-89/22, A-90/22, A-92/22, and A-93/22 is requesting to increase the maximum paved area from 20% of the total lot area to the following for each lot:

24.1% for 18 Josephine Street
28.2% for 20 Josephine Street
28.3% for 24 Josephine Street
27.6% for 26A Josephine Street

The intent of the maximum paved area is to ensure that lots are not dominated by impervious surfaces and vehicular parking. Each of the four affected lots meet the requirements for minimum landscaped area, despite the increase in paved area.

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. Large parking surfaces reduce the opportunity for landscaping in the front yard and detract from the aesthetics of the street. The applicant's proposal prioritizes placing shared parking in the rear of the proposed dwellings in order to reduce the amount of parking in the front. This results in an increase in the paved area, in order to pave the access to the rear of the site. However, it also ensures the proposed parking area will not overwhelm the streetscape. The increase is also requested to accommodate enough parking to construct accessory dwelling units in the proposed dwellings. The applicant has demonstrated that this can be achieved without compromising landscaped open space, lot functionality, or urban design.

As a condition of consent, prior to the new lots being created, a Lot Grading and Drainage Plan must be approved by the City. The drainage design must accommodate the increase in the impervious surface on the lot and ensure that the lot is able to drain to an appropriate outlet without draining onto neighbouring properties. Through this requirement, any impact on drainage that may be caused by this variance will be minimized.

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

Maximum area of an accessory dwelling unit – 18, 20, 24 and 26A Josephine Street
Zoning By-law 2013-283 permits one interior accessory dwelling unit (ADUs) in any detached, semi-detached or townhouse dwelling, provided there is a parking space for the accessory unit on-site, and provided the accessory 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 proposing to construct ADUs in four of the proposed dwellings. Each is to occupy the basement of the proposed dwellings, and each is slightly larger than the permitted maximum floor area, as outlined below.

Variance 4 of Application A-89/22 requests an increase in floor area from 60 to 69.7 square metres for the ADU at 18 Josephine Street.

Variance 4 of Applications A-90/22, A-92/22 and A-93/22 are requesting an increase in floor area to 69.5 square metres for the ADUs at 20, 24 and 26A Josephine

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 properties meet 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 the maximum of 69.5 and 69.7 square metres to be minor in nature. The additional 9.5 and 9.7 square metres of living area does not create any negative impact on the surrounding neighbourhood and is considered minor in nature. The interior accessory dwelling unit is limited to a single storey footprint and will not negatively impact the streetscape as the increase in size will not be discernible. All of the proposed ADUs have adequate parking provided on-site, and all are under 40% of the dwelling floor area of their respective dwellings. Staff consider the general intent and purpose of the Zoning By-law to be upheld.

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 in a manner that is compatible with the surrounding area. As such, Staff find that these applications meet the general intent of the Official Plan and are desirable for the appropriate use of the land.

Minimum lot area – 22 and 26B Josephine Street

Variance 5 of Application A-91/22 requests a reduction of the minimum lot area for a townhouse dwelling from 280 square metres to 200.5 square metres per unit. Variance 4 of Application A-94/22 requests a reduction of the minimum lot area for a semi-detached dwelling from 280 square metres to 241.2 square metres per unit. These variances will facilitate the creation of the two lots (22 Josephine Street and 26B Josephine Street) and construction of the proposed residential dwelling types.

The intent of the minimum lot area is to ensure that there is sufficient space to accommodate a building envelope within the boundaries of the property, while ensuring there is adequate amenity space, site access, landscaping, parking, and buffering from abutting properties. The minimum lot area provision also works to ensure consistent lot sizes and built form within the surrounding neighbourhood. The proposed lot sizes are considered appropriate to accommodate an adequate building envelope and provide sufficient access, landscaped area, outdoor amenity space, and parking. All of the required setbacks from adjacent residential properties meet or exceed minimum requirements. The proposed lots are sized appropriately to accommodate the proposed semi-detached and townhouse units without negative impacts on neighbouring properties.

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

Request for Refund of Fees

The Applicant has requested that the City of St. Catharines consider refunding the majority of application fees for this development. The rationale provided is that there is only one review and circulation process, as well as one Committee hearing for a project that is expected to positively contribute to the quality of housing in St. Catharines. Ultimately it is the Committee's consideration and decision to waive Application fees. The City has the following points in response to the applicant, and advises against refunding the application fees:

- Regardless of the number of applications received by a single owner, each application has a cost and each is reviewed individually on its own merit by Staff and by the Committee.
- Comments by circulated staff and agencies, and any conditions of approval, are developed in consideration of each individual application.

- Significant administration time and effort has been put into this file through resubmissions and the administration of the Committee, as each file must be processed individually. Notices of hearing have been prepared for each individual application, and Notices of Decision will need to be prepared for each as well. If these applications are approved, the clearing of conditions must be administered for each individual consent application.
- While the discussion of many of the variances and of the consents is grouped into sections in this report, it has only been done to avoid repetition. A review of every individual application has been conducted and this report is a summary of staff's position following those reviews.
- This particular proposal has been reviewed by committee of adjustment staff, zoning staff and planning staff several times through multiple resubmissions of the eleven applications.
- Zoning checks and reviews of the requested consents for severance and easements each took a significant number of staff hours to conduct due to the complexity and number of applications in this project.
- Staff note that the applicants could have chosen to significantly reduce costs by making an effort to avoid variances. Approximately \$9,300 in application fees was paid to request variances that could have been designed around.

Conclusion

Having regard for the matters under Section 53 of the *Planning Act*, staff are of the opinion that Consent Applications **B-43/22SC**, **B-44/22SC**, **B-45/22SC**, **B-46/22SC** and **B-50/22SC** are in keeping with the relevant policies of the Official Plan, are consistent with the provisions of the Zoning By-law and will have no adverse impacts on the surrounding area and environment. It is staff's recommendation that the requested consents be approved, subject to the conditions outlined in the recommendation.

Having regard for the matters under Section 45(1) of the *Planning Act*, staff are of the opinion that the variances requested through Applications **A-89/22**, **A-90/22**, **A-91/22**, **A-92/22**, **A-93/22**, and **A-94/22**, as outlined in the recommendation of this report, 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 and development of the lands. Staff recommend that the applications be approved as outlined in the recommendation.

Prepared by:



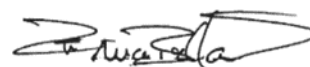
Dasha Litviniuc
Student Planner

Submitted by:

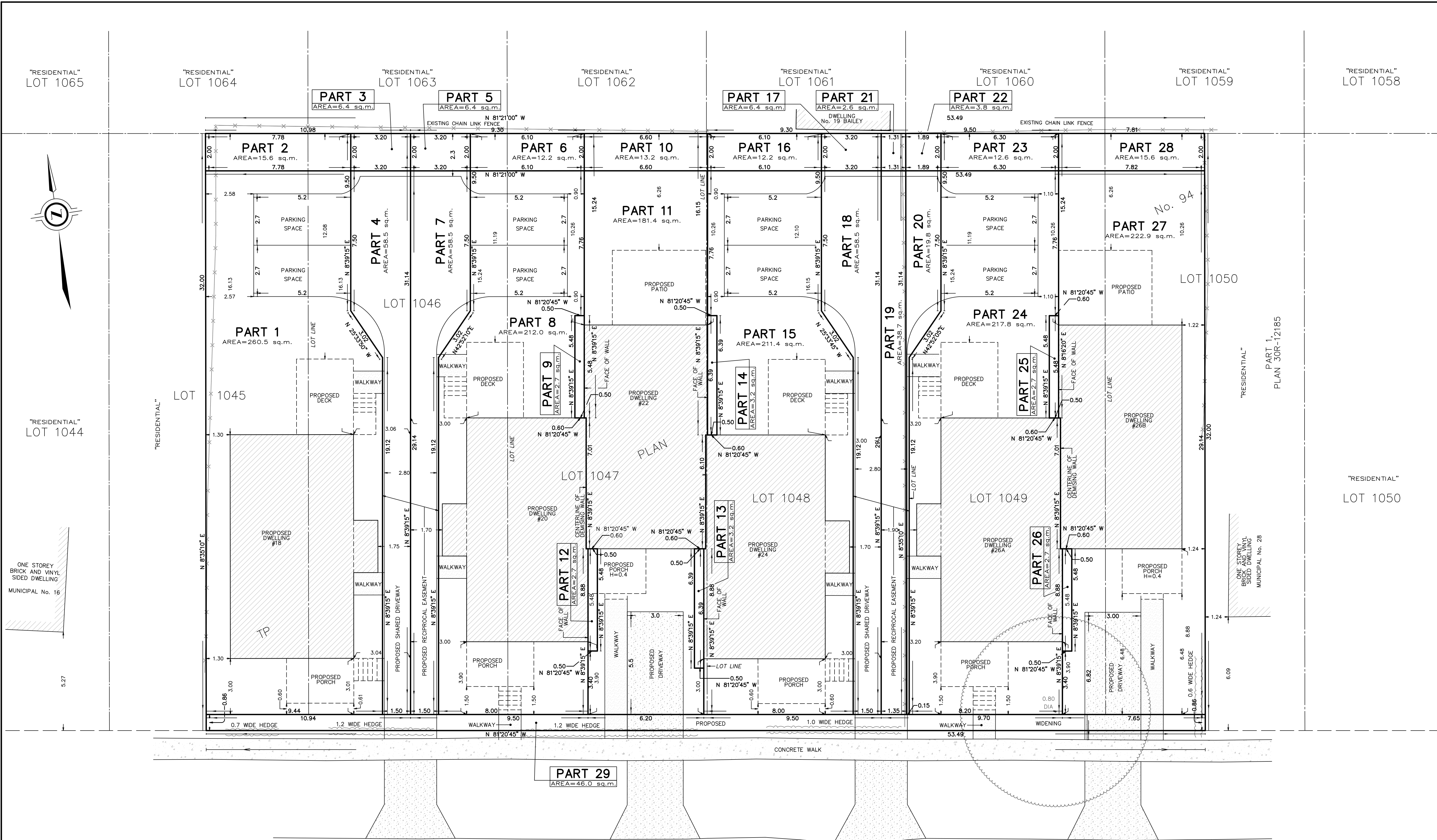


Charlotte McEwan, MCIP, RPP
Planner I

Approved by:



Bruce Bellows
Senior Project Manager



NOTE: THIS SKETCH IS NOT A PLAN OF SURVEY

SKETCH FOR PLANNING PURPOSES ONLY

22 & 26 JOSEPHINE STREET
CITY OF ST. CATHARINES
REGIONAL MUNICIPALITY OF NIAGARA
J.D. BARNES LIMITED
© COPYRIGHT 2022

SCALE 1 : 100

METRIC NOTE
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

KEY PLAN (not to scale)

CITY OF ST. CATHARINES

LEGAL DESCRIPTION
PART OF LOTS 1045 & 1050, ALL OF LOTS 1046-1049 (BOTH INCLUSIVE), TP PLAN No. 94
BOUNDARY INFORMATION HAS BEEN DERIVED FROM A FIELD SURVEY DATED OCTOBER 14, 2021. THIS IS NOT A PLAN OF SURVEY.

LAND USE SCHEDULE (EXCLUDING PART 29)								
UNIT	PARTS	LOT AREA (sq.m)	FRONTAGE (m)	BUILDING AREA (sq.m)	BUILDING COVERAGE	PAVEMENT AREA (sq.m)	PAVEMENT COVERAGE	LANDSCAPE AREA (sq.m)
18	1-4	341.0	10.94	105.2	30.9%	82.3	24.1%	153.5
20	5-9	291.8	9.50	103.3	35.4%	82.3	28.2%	106.2
22	10-13	200.5	6.20	105.2	52.5%	16.5	8.2%	78.8
24	14-18	291.7	9.50	103.4	35.4%	82.6	28.3%	104.1
26A	19-25	298.0	9.70	103.3	34.7%	82.3	27.6%	112.4
26B	26-28	241.2	7.65	106.1	44.0%	16.5	6.8%	118.6
TOTAL	-	1664.2	-	626.5	-	350.6	-	673.6

NOTE:
BUILDING AREA(S) AND COVERAGE(S) INCLUDE PORCH(S) AND DECK(S) ABOVE GRADE.
UNLESS OTHERWISE NOTED, PORCHES AND DECKS ARE 1.2 ABOVE GRADE.
LOT FRONTAGES ARE MEASURED 6m BACK FROM FRONT LOT LINE

JOSEPHINE STREET
(MUNICIPAL ROAD - 18.29 WIDE)

CAUTION

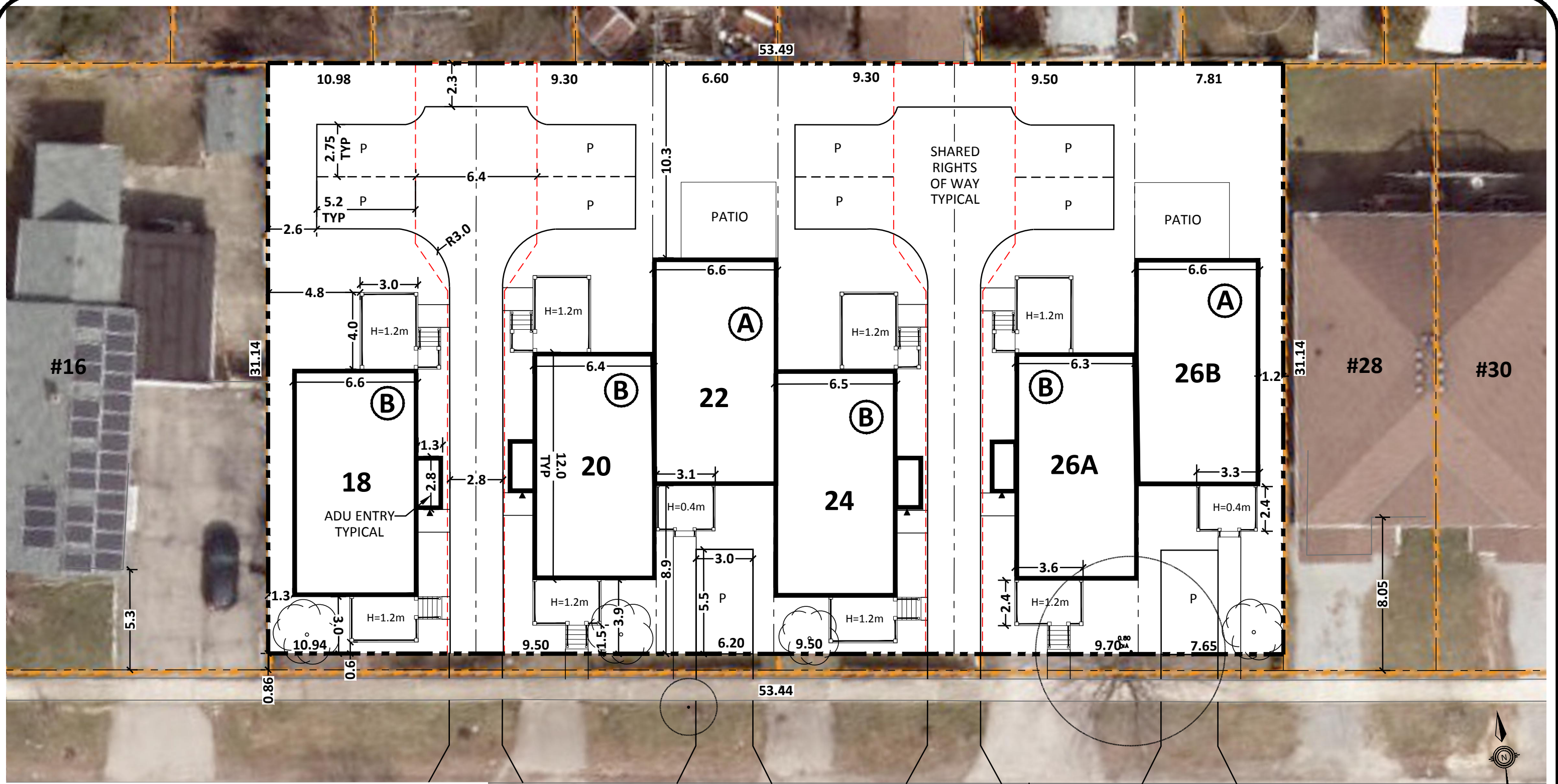
- (A) THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.
- (B) THIS SKETCH IS PROTECTED BY COPYRIGHT.

JULY 28, 2022
DATE

ALLAN J. REYNOLDS
ONTARIO LAND SURVEYOR

J.D. BARNES LIMITED
LAND INFORMATION SPECIALISTS
450 PRESTIGE ROAD - UNIT 10, NIAGARA FALLS, ON L2E 6A4
T: (905) 336-1005 F: (905) 336-0224 www.jdbarnes.com

IN CHARGE
AH
DATE
JULY 28/22
PLOTED
7/28/2022



LAND USE SCHEDULE

HOUSE No.	LOT AREA	BUILDING AREA (sq.m.)	BUILDING COVERAGE	PAVEMENT AREA (sq.m.)	PAVEMENT COVERAGE	LANDSCAPE AREA (sq.m.)	LANDSCAPE COVERAGE
18	341.0	105.2	30.9%	82.3	24.1%	153.5	45.0%
20	291.8	103.3	35.4%	82.3	28.2%	106.2	36.4%
22	200.5	105.2	52.5%	16.5	8.2%	78.8	39.3%
24	291.7	103.4	35.4%	82.6	28.3%	104.1	35.7%
26A	298.0	103.3	34.7%	82.3	27.6%	112.4	37.7%
26B	241.2	106.1	44.0%	16.5	6.8%	118.6	49.2%
TOTAL	1649.2	626.5		350.6		672.1	

JOSEPHINE STREET



better neighbourhoods
DEVELOPMENT CONSULTANTS
190A Ontario Street, St Catharines, ON L2R 5K9
Studio: 905-684-8585 betterneighbourhoods.ca

PROJECT TITLE:
**18-26 JOSEPHINE STREET,
St. Catharines, Ontario**

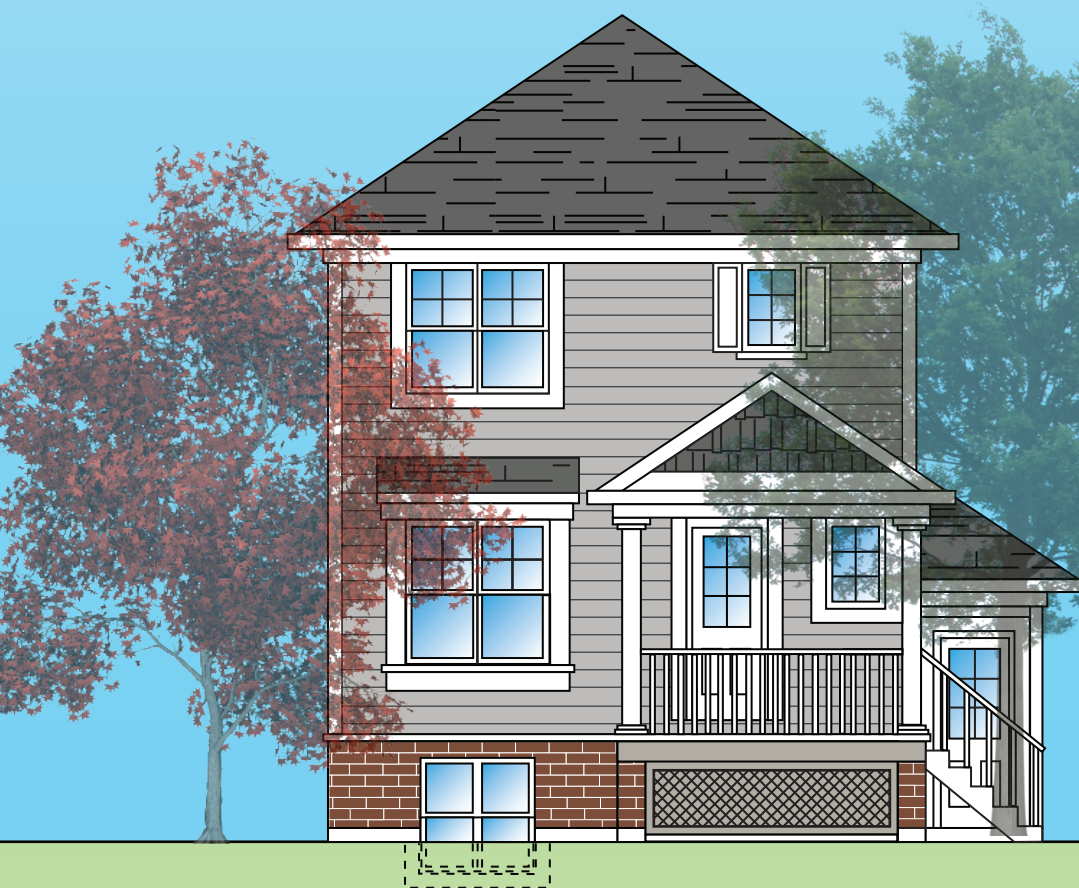
DRAWING TITLE:
**PRELIMINARY
SITE PLAN**

DATE OF ISSUE:
2022 07 28

DRAWING No: **0386 SP 1** REV No: **1**

18-26 Josephine Street
Coloured Building Elevations
2022 04 18

18

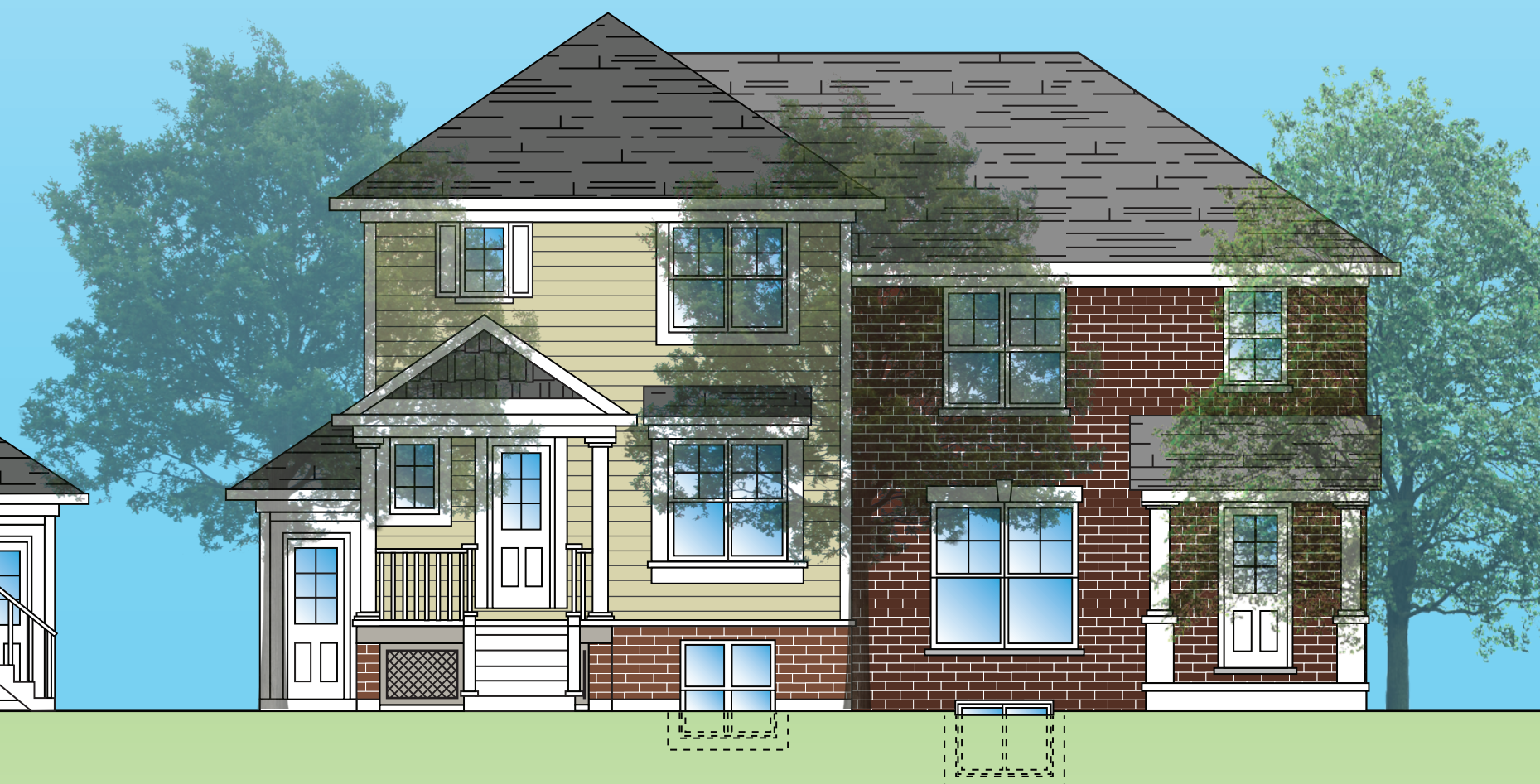


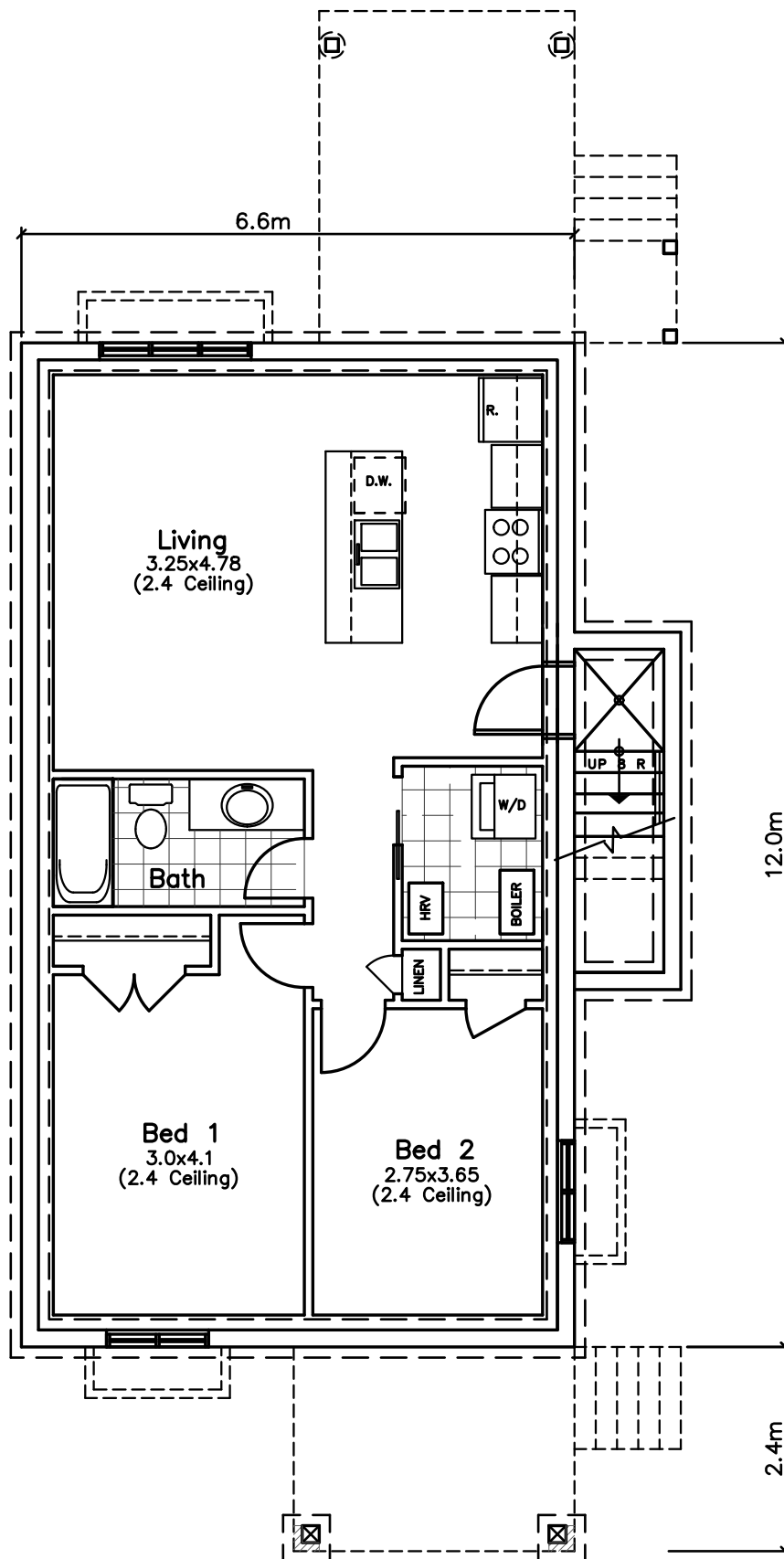
20



26A

26B





PRELIMINARY

CLOSS DESIGN
GROUP INC.

18

PLAN 'C'

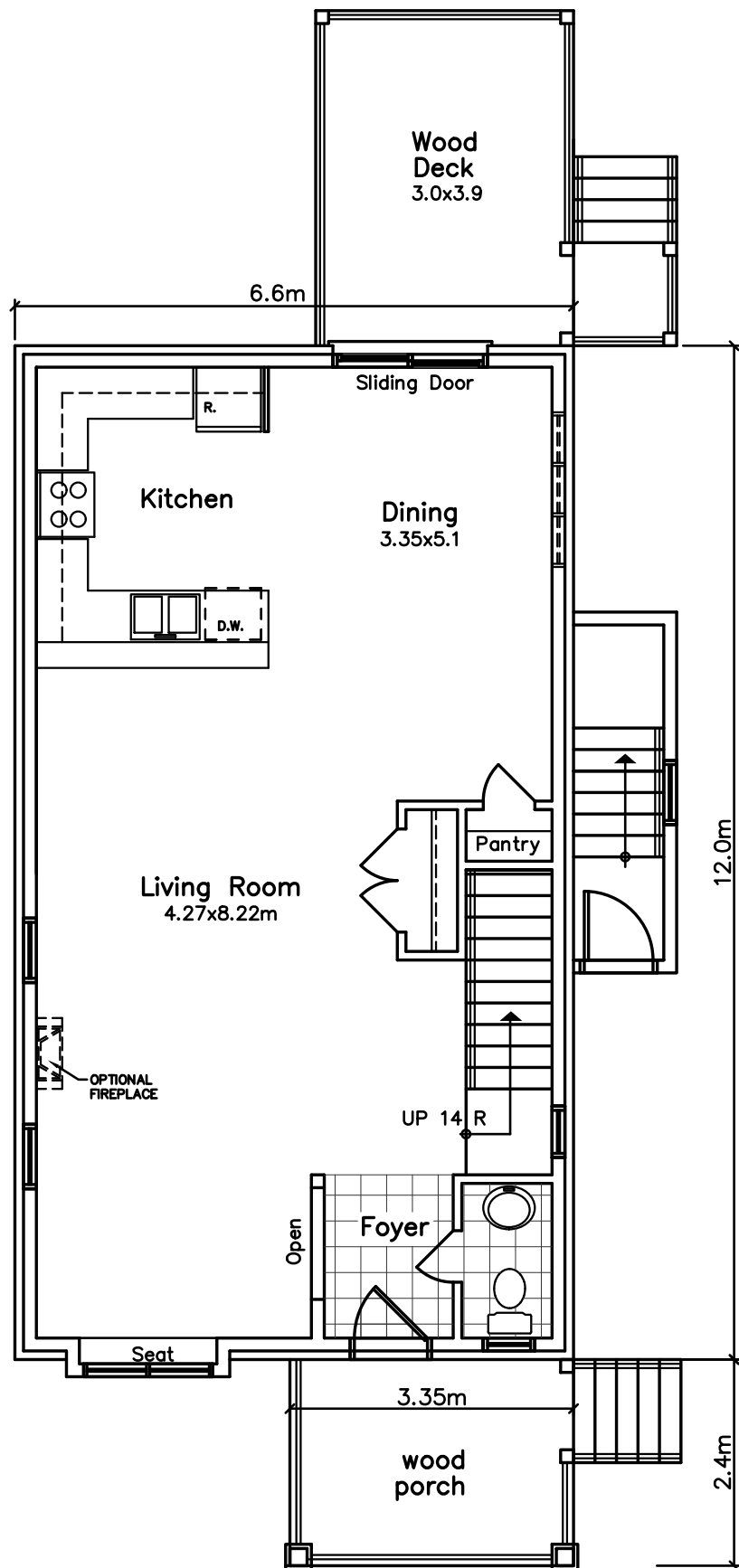
A.D.U. - 69.7m²

BASEMENT PLAN

18-26 JOSEPHINE STREET

ST. CATHARINES, ONTARIO

JUNE 24/22



PRELIMINARY

CLOSS DESIGN
GROUP INC.

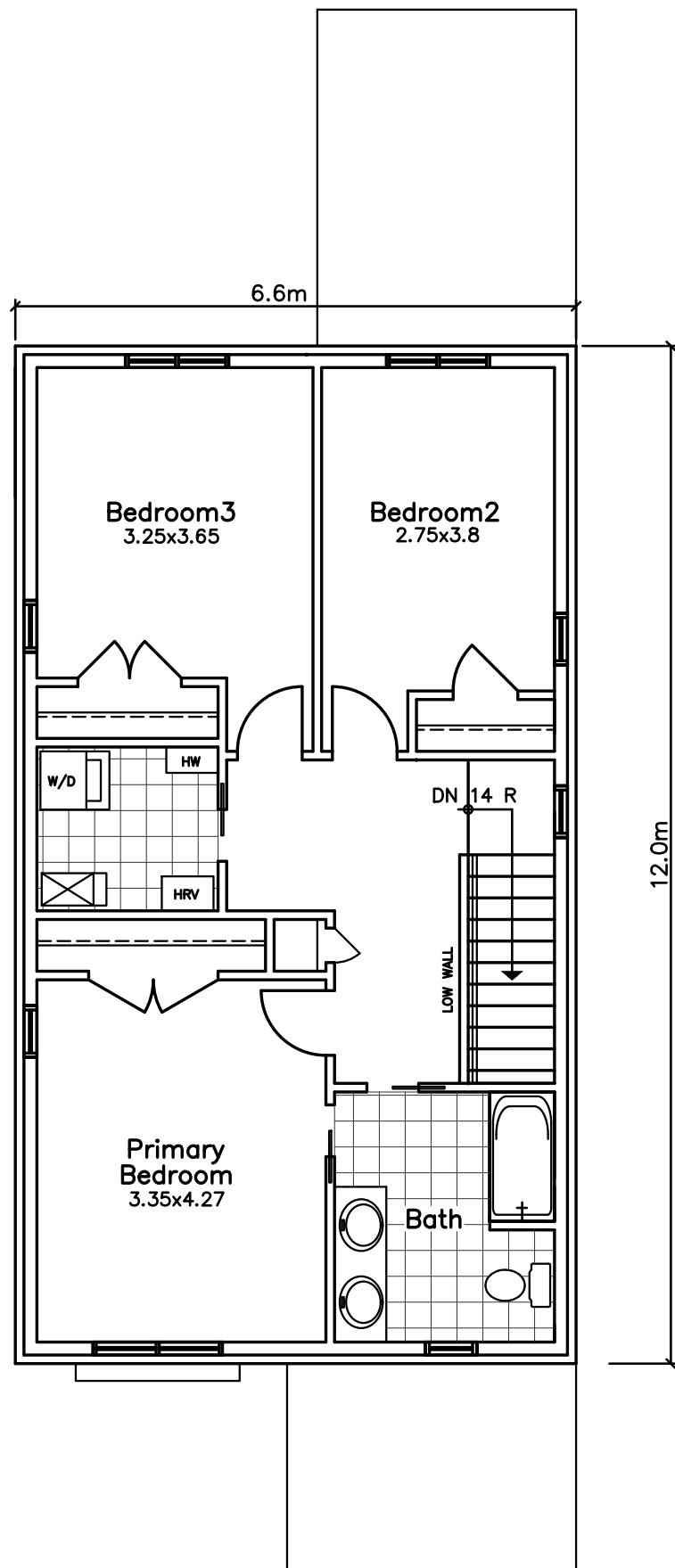
18
PLAN 'C'

MAIN FLOOR PLAN 70.0m²

18-26 JOSEPHINE STREET

ST. CATHARINES, ONTARIO

JUNE 24/22



PRELIMINARY

CLOSS DESIGN
GROUP INC.

18

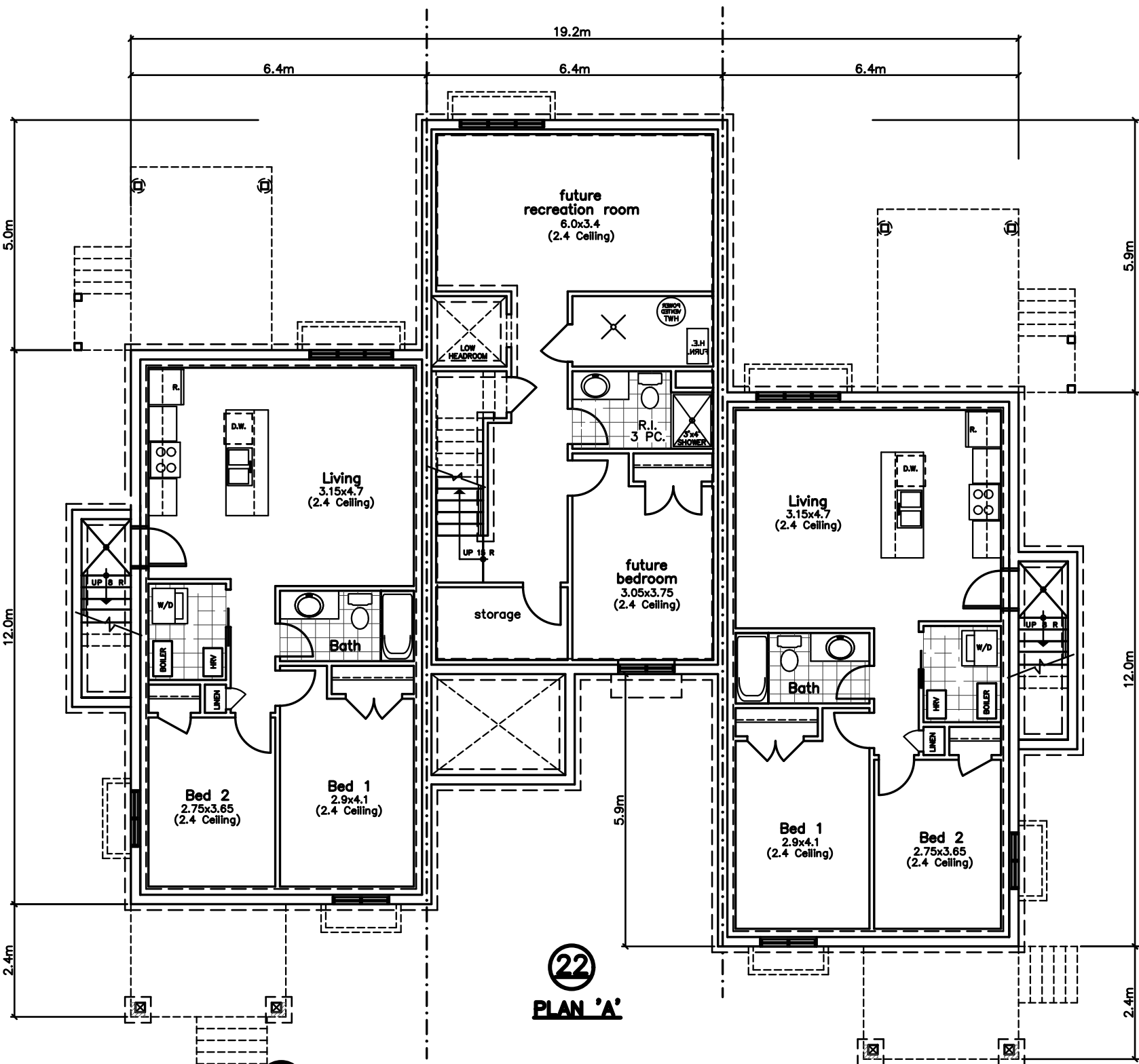
PLAN 'C'

SECOND FLOOR PLAN 70.0m²

18-26 JOSEPHINE STREET

ST. CATHARINES, ONTARIO

JUNE 24/22

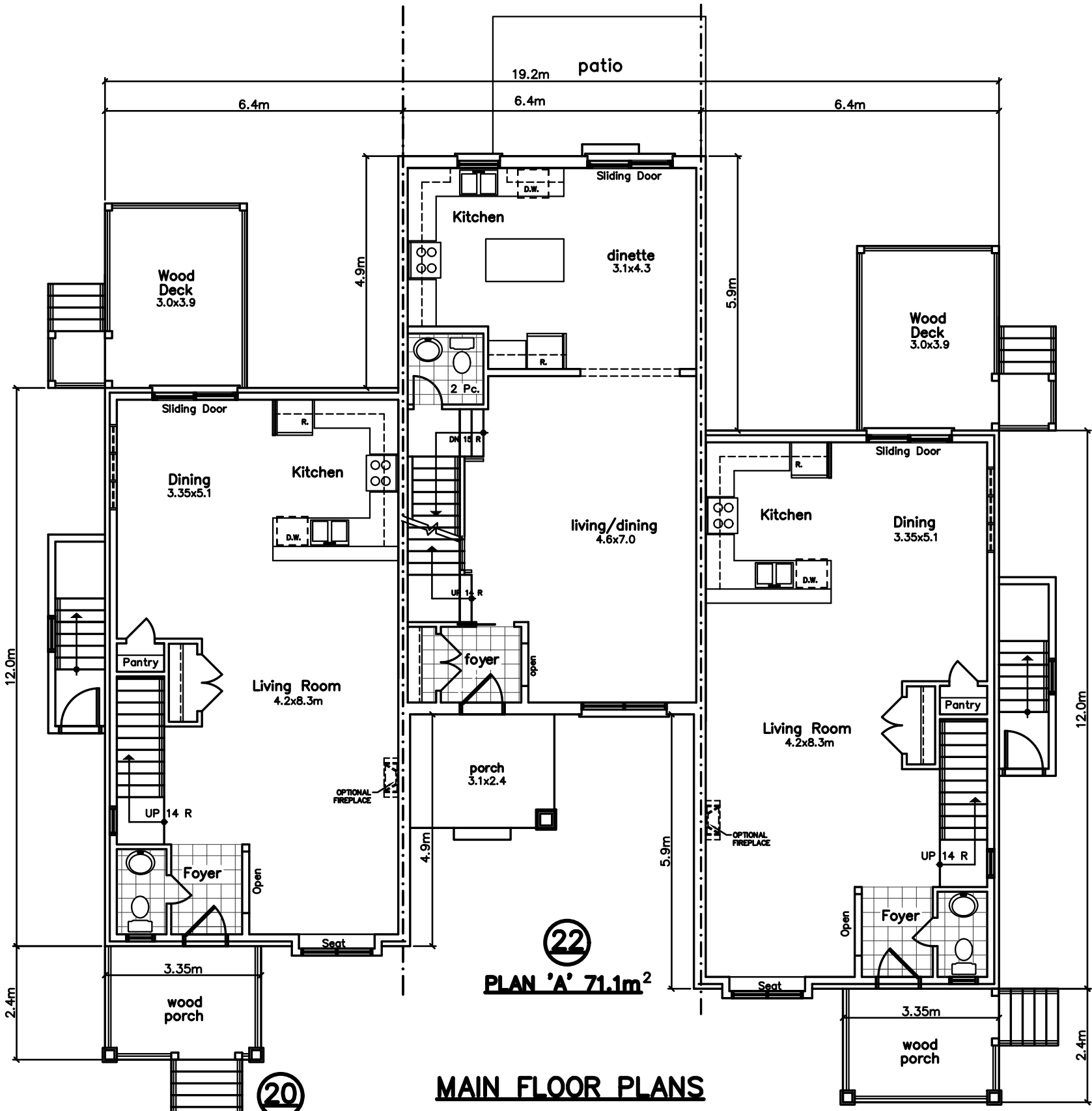


22
PLAN 'A'

20
PLAN 'C'
A.D.U. - 69.5m²
PRELIMINARY
CLOSS DESIGN
GROUP INC.

BASEMENT PLANS
18-26 JOSEPHINE STREET
ST. CATHARINES, ONTARIO
JUNE 24/22

24
PLAN 'C'
A.D.U. - 69.5m²



PRELIMINARY

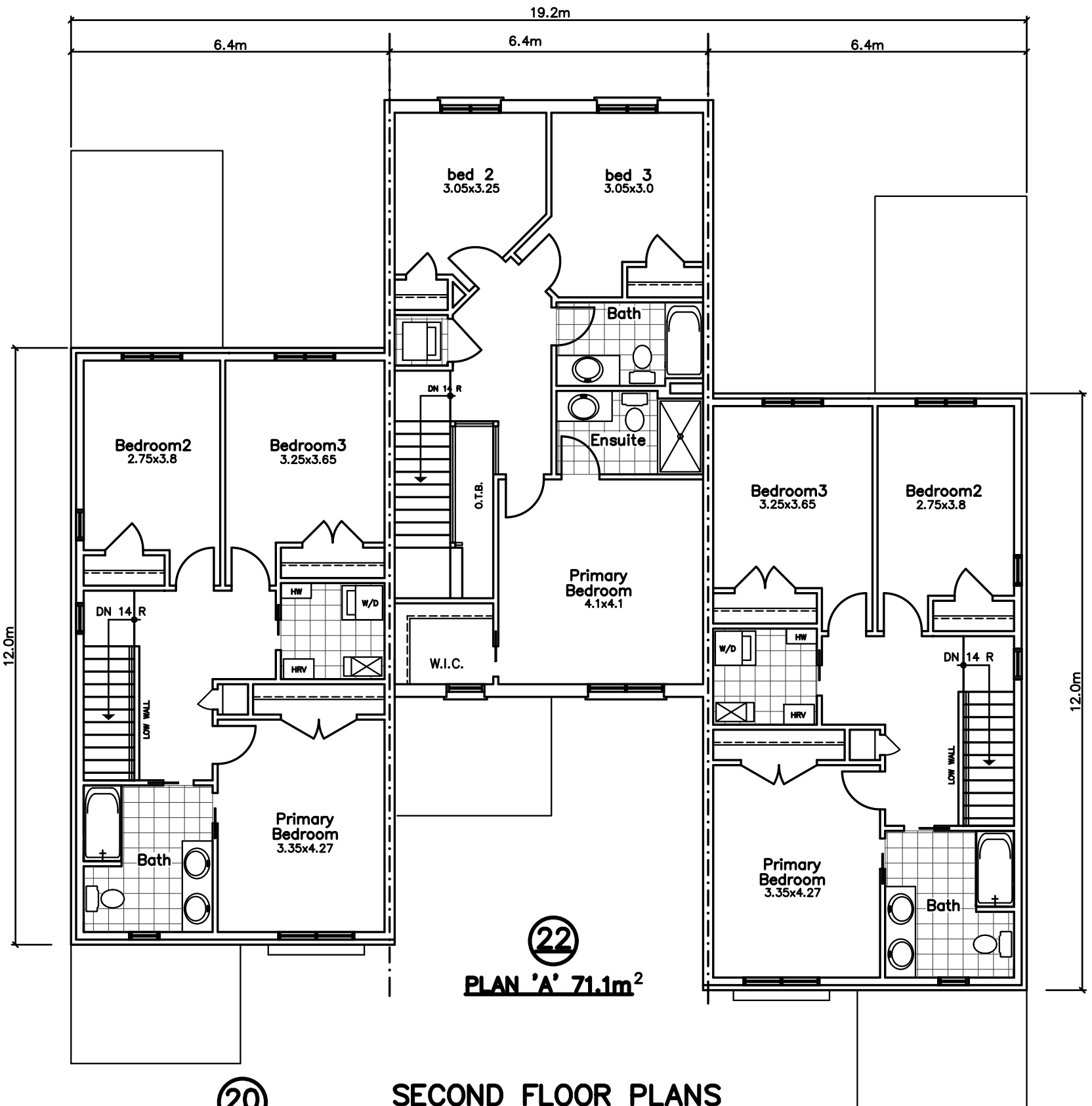
PLAN 'C' 69.4m²

22
PLAN 'A' 71.1m²

24
PLAN 'C' 69.4m²

MAIN FLOOR PLANS
18-26 JOSEPHINE STREET
ST. CATHARINES, ONTARIO
JUNE 24/22

CLOSS DESIGN
GROUP INC.



(22)

PLAN 'A' 71.1m²

(20)

SECOND FLOOR PLANS

PLAN 'C' 69.4m²

18-26 JOSEPHINE STREET

ST. CATHARINES, ONTARIO

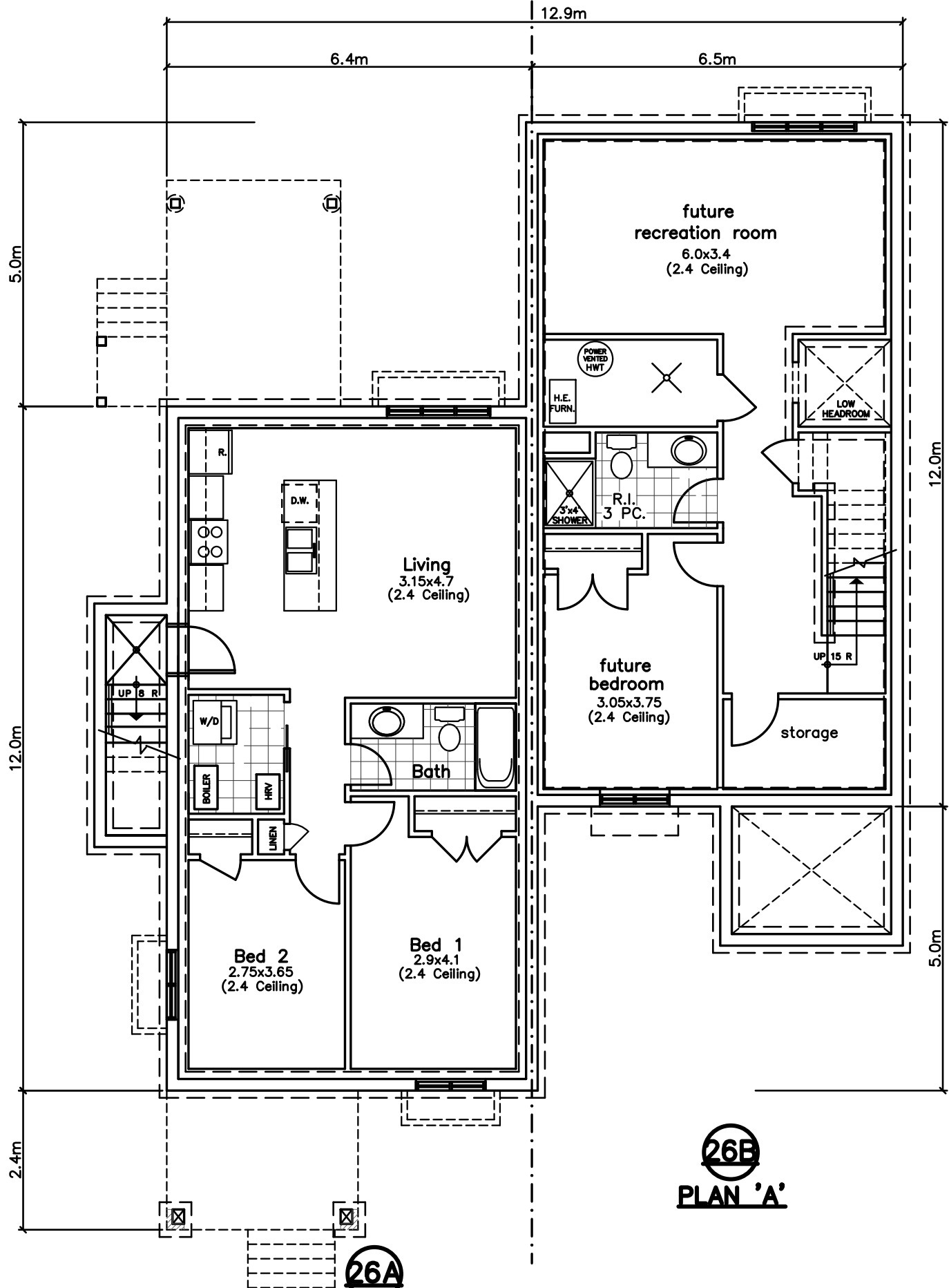
JUNE 24/22

PRELIMINARY

**CLOSS DESIGN
GROUP INC.**

(24)

PLAN 'C' 69.4m²



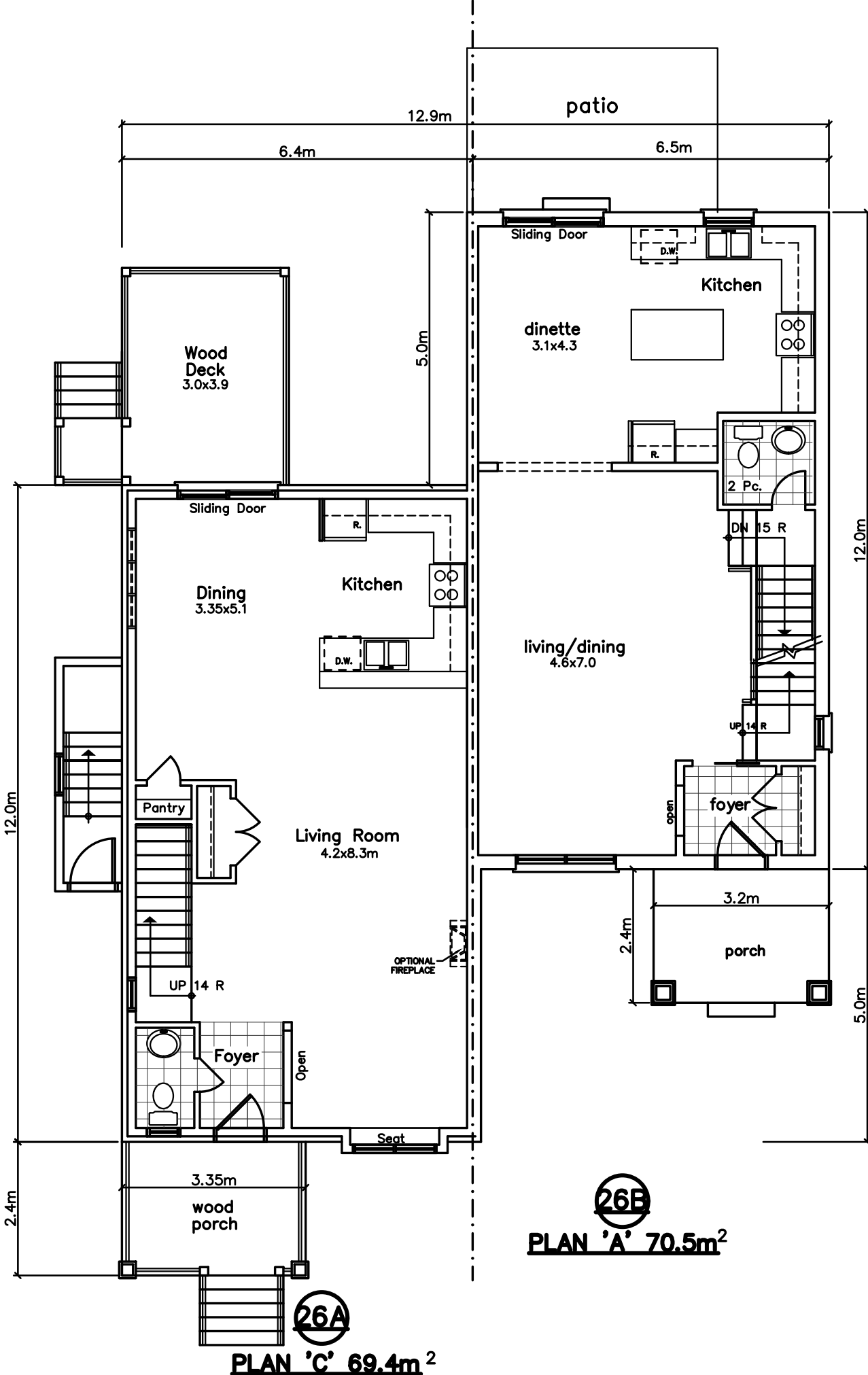
26A
PLAN 'C'
A.D.U. - 69.5m²

26B
PLAN 'A'

PRELIMINARY

CLOSS DESIGN
 GROUP INC.

BASEMENT PLANS
18-26 JOSEPHINE STREET
ST. CATHARINES, ONTARIO
 JUNE 24/22



MAIN FLOOR PLANS

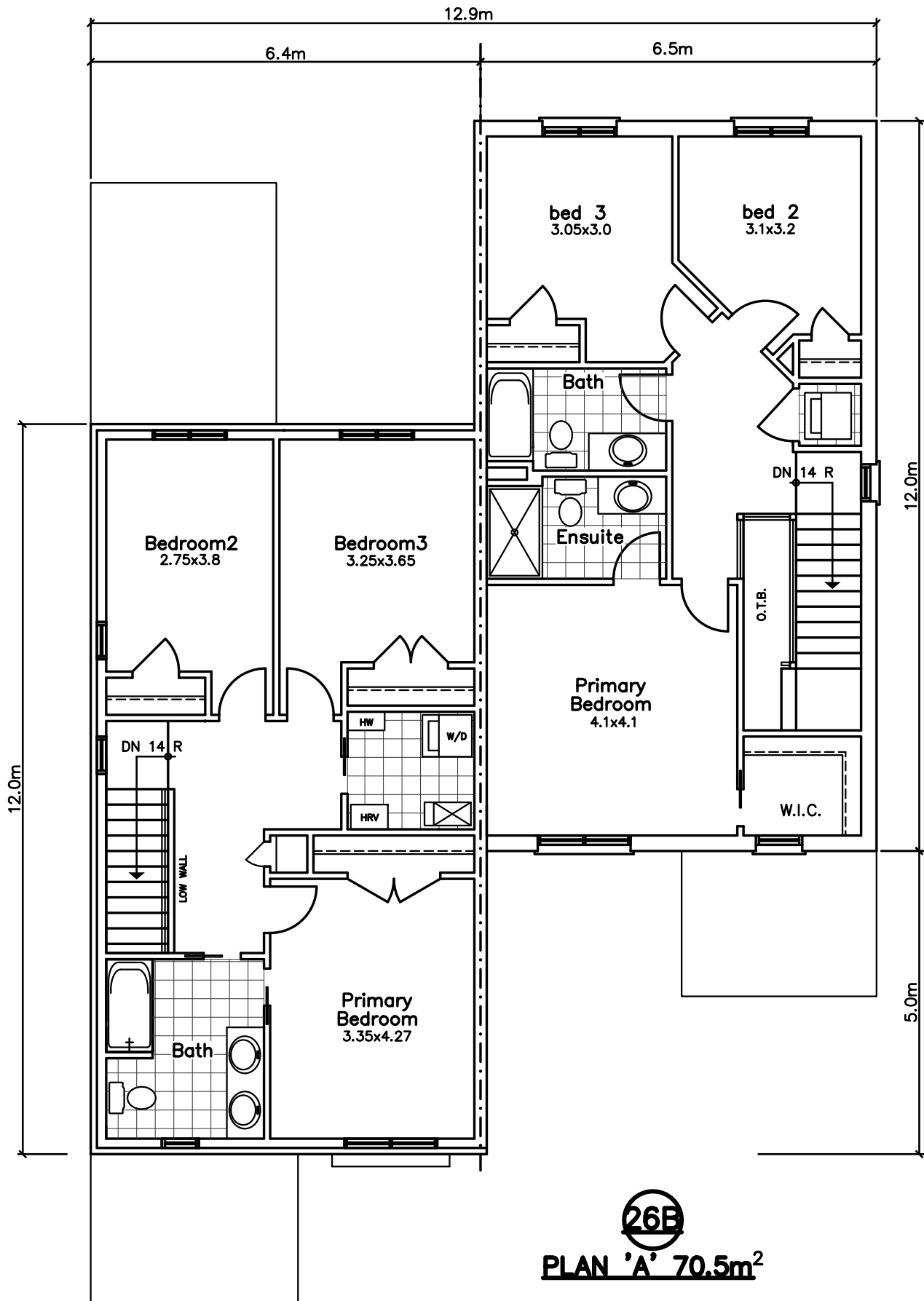
PRELIMINARY

18-26 JOSEPHINE STREET

ST. CATHARINES, ONTARIO

JUNE 24/22

CLOSS DESIGN
GROUP INC.



26A

PLAN 'C' 69.4m²

PRELIMINARY

CLOSS DESIGN
GROUP INC.

SECOND FLOOR PLANS

18-26 JOSEPHINE STREET

ST. CATHARINES, ONTARIO

JUNE 24/22

September 7, 2022

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

Attention: Jelena Pusara

File# 22 108732, 22 106984, 22 106985, 22 106988, 22 106817, 22 106819, 22 106840, 22 106845, 22 106847 and 22 106850

Re: 18-26 Josephine St

In response to your correspondence dated August 31, 2022, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

- For Residential/Commercial electrical service requirements, the Developer needs to contact our ICI and Layouts Department at 1-877-963-6900 ext: 25713 or visit our web site @ www.alectrautilities.com.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.
- Developers to acquire an easement, if required.
- In order for Alectra Utilities to prepare design and procure the materials required to service this site in a timely manner, a minimum of 6 months notification is required. It would be advantages for the developer if Alectra Utilities were contacted at the stage where the new site plan becomes available. Please note that it takes approximately 20 weeks to purchase a transformer.

We would also like to stipulate the following:

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

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

Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital



19

22

26

28

30

Josephine St

Josephine St

Josephine St

7062
35"WP

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Google

17

Map data ©2022 Google Terms of Use Report



Memorandum

To: Jelena Pusara, Development Agreement Coordinator
From: Brad Johnston, Development Engineering Technologist
CC: City Committee of Adjustment Staff Members
Date: September 8, 2022
Hearing Date: September 21, 2022
Subject: **Committee of Adjustment - Minor Variance Applications**
4 Woodglen Drive – A-75/22SC
18-26 Josephine Street – A-89-94/22SC
17 Gertrude Street – A-110/22SC
199 Ontario Street – A-111/22SC
140 Parnell Road – A-112/22SC
1027 Pelham Road – A-113&114/22SC
24 Manning Street – A-115&116/22SC
69 Broadway – A-117/22SC
22 Cypress Street – A-118/22SC

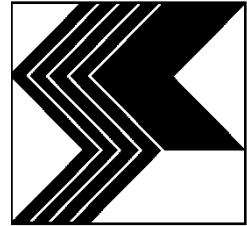
Development Engineering have no comments or objections to the above noted applications, subject to the following;

- All applicants must acknowledge that although minimum Zoning setbacks may be reduced through Minor Variances, existing and additional widths greater than the minimum may be required to accommodate and maintain access and storm water conveyance, so as not to cause negative effects on subject and adjacent properties; and,
- All applicants be advised that a Grading Plan, prepared by a Professional Engineer or Ontario Land Surveyor, may be required as part of the submission for a building permit application for those sites required to obtain a building permit, but not subject to concurrent severance applications.

Prepared by:

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

REPORT TO PLANNING DEPARTMENT
Re: LAND DIVISION APPLICATION B – 43 to 46, and 50/22SC



August 15th, 2022.

ENGINEERING FILE 300-36

Hearing Date: September 21st, 2022

Applicant: 1631601 Ontario Inc. (Ernie Reimer)

Location: 18, 22, 24, & 26 Josephine Street

Existing Road Allowance Width: +/-18.28m

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

Comments:

General

It is noted that the owner wishes to demolish two existing houses and create six lots from the three existing lots. The result will be one single, two semies, and three townhouses.

Roads and Sidewalks

Josephine Street is designated as a Community Street in the City's Transportation Master Plan. The present right-of-way (ROW) width at this location is +/-18.28m. The desired ROW width for a Community Street is 20m. Therefore, prior to finalizing the severances, the owner shall dedicate to the City, free and clear of any encumbrances, a 0.86m widening across the entire frontage of the subject lands. All costs associated with the road widening and dedication, including but not limited to, plan preparation, legal services, and registration are to be paid for by the owner/applicants. All plans and documents are to be submitted to the City for review and approval prior to registration. Copies of the registered documents are to be provided to the City.

Sidewalks exist across the frontage of the frontages of these properties. Sidewalk damage deposits will be required at the Building Permit stage.

There are no curbs along the frontage of these properties. Road and boulevard drainage is handled by shallow swales and a series of catch basins. Existing driveways which will not continue to be used must be removed and replaced with topsoil and sod. New driveways must be graded to ensure continued flow in the roadway swales. Any relocation of the existing catch basins required to accommodate services, new driveways, or rear yard catch basin leads, will be done so at the owner/applicant's expense.

Linear Municipal Services

The existing dwellings are serviced by two small diameter water services and sanitary laterals although the City has little information on the location of these services.

The Owner shall pay the fee for City crews to locate, trace, inspect and document the location and condition of the sewer laterals and water

services currently in use for the existing dwellings to confirm they do/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 severances and the issuance of the demolition permit, whichever comes first.

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 install a replacement lateral at no charge to the owner.

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 and paid for prior to the severance being finalized.

At the Building Permit stage, the owner will be required to pay the City to install additional sanitary laterals from the City sewer to the front property line for the other units to ensure all units are serviced separately.

The existing water services appear to be undersized and cannot be re-used. At the Building Permit stage, the owner may apply for two free 25mm water service upgrades from the City watermain to the front property line to be used for two of the units. The owner will be responsible to install the portion on private property through a Plumbing Only Permit. The owner will also pay the City to abandon the old services.

At the Building Permit stage, the owner will have to pay the City to install new 25mm water services from the City main to the front property line for the other lots. The owner will be responsible to install the portion on private property through a Plumbing Only Permit.

A storm sewer exists on Josephine Street. Therefore, at the Building Permit stage, the owner will be required to pay the City the fee for City crews to install individual storm laterals for each new unit, from the existing storm sewer to the front property line.

It is noted the owner's engineer has submitted a "Preliminary Grading and Servicing Plan" which shows two rear yard catch basins and leads connected to the City storm sewer on Josephine Street. Some of the new individual storm laterals could be connected to these leads. The catch basin leads and any swale receiving drainage from an adjacent property must be located within an easement in favour of the property requiring the drainage outlet. These easements must be identified on a reference plan and along with the easement agreements must be registered on title as a condition of severance.

The owner will be required to extend any portion of the storm laterals and catch basin leads on private property at his cost through a Plumbing Only Permit.

Grading and Drainage

Increased drainage challenges occur in these types of in-fill lot developments. Although an individual lot grading plan is normally a

requirement for review and approval at the building permit stage, prior to finalizing these severances, the owner must submit and receive approval from the City, of a site grading plan which will outline how run-off from the new lots will be handled without negatively impacting adjacent private properties or municipal right-of ways. While "Preliminary" Grading and Site Servicing Plans have been submitted with this application, they will require minor modifications. A Storm Water Management Report has also been submitted. We have reviewed the report and note that the run-off coefficient the consulting engineer has used for the proposed development should be reviewed and possibly increased as it appears the actual run-off coefficient based on the proposed plans may be greater than the 0.4 used. The contributing area is also greater than the sub-catchment area used in the storm sewer design. This is recognized by the engineer in the SWM report.

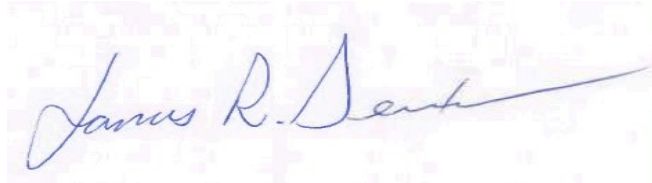
The storm design submitted with these applications suggests the increase in the post development rate of run-off is insignificant compared to the pre-development rate used in the storm sewer design. The impact of intensification on storm drainage and the capacity of the City's existing storm sewer systems is becoming a concern as the number of infill developments increases. The incidents of downstream flooding appear to be increasing. To reduce flooding downstream, Development Engineering believes that any increase over and above the original design flows of the storm sewer system, require quantity control. Often these controls can be implemented without significant cost to the developer. The revised design, drawings, and reports must be re-submitted and approved by Development Engineering staff.

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 dedicate to the City, free and clear of any encumbrances, a 0.86m widening across the entire frontage of the subject lands. All costs associated with the dedication, including but not limited to, plan preparation, legal services, and registration are to be paid for by the owner/applicants. All plans and documents related to the road widening and dedication are to be submitted to the City for review and approval prior to registration. Copies of the registered documents are to be provided to the City.
- The owner must have their engineer revise the Site Grading and Servicing Plans to the satisfaction of the City.
- The owner must have their engineer provide an update of the SWM Report and preliminary design to the satisfaction of the City.
- The owner shall pay for City crews to inspect all existing sanitary laterals to the subject lands. This must be completed prior to the finalization of the severances or the issuance of the demolition permit, whichever comes first.
- If the condition of the existing sanitary laterals 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 also arrange and pay for the portion on private property to be relocated and obtain a Plumbing Only Permit to do so.

- The owner shall pay for City crews to trace and document the location of the existing water services.
- The owner shall pay for City crews to decommission the existing water services. If the connection to the watermain for the new water services can be located within 1.0m of the existing water service, the decommissioning fee can be returned once the new service is installed.
- All private easement agreements for any private catch basin or drainage swales must be established and registered on title at the owner's cost.



Prepared By:

James R Denham, P.Eng.
Development Engineering Technologist

To: Jelena Pusara, Development Agreement Coordinator

Cc:

From: Steve Bittner, Transportation Technologist

Date: September 9, 2022

Subject: Committee of Adjustment Comments (September 21, 2022, Hearing)

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

Steve Bittner
Transportation Technologist

MEMORANDUM

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

Cc: Wilrik Banda
Planning and Building Services

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

Date: September 9, 2022

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – September 21, 2022 hearing

NO.	ADDRESS	COMMENTS
A-117/22	69 Broadway	No comment
A-118/22	22 Cypress Street	Be advised that a building permit is required to construct the proposed accessory dwelling unit.
A-75/22	4 Woodglen Drive	Be advised that a building permit is required to construct the detached garage.
A-112/22	140 Parnell Road	Be advised that a building permit is required to construct the proposed enclosed structure.
A-111/22	199 Ontario Street	Be advised that a building permit is required to construct the proposed fourplex dwelling.
A-110/22	17 Gertrude Street	No comment
A-113/22	1027 Pelham Road	Be advised that a building permit is required to construct the proposed detached dwelling.

NO.	ADDRESS	COMMENTS
A-114/22	1027 Pelham Road	Be advised that a building permit is required to construct the proposed detached dwelling.
A-89/22	18-26 Josephine Street	Be advised that a building permit is required to construct the proposed detached dwelling with accessory dwelling unit.
A-90/22	18-26 Josephine Street	Be advised that a building permit is required to construct the proposed 3 unit townhouse with accessory dwelling unit.
A-91/22	18-26 Josephine Street	Be advised that a building permit is required to construct the proposed 3 unit townhouse.
A-92/22	18-26 Josephine Street	Be advised that a building permit is required to construct the proposed 3 unit townhouse.
A-93/22	18-26 Josephine Street	Be advised that a building permit is required to construct the proposed semi-detached dwelling with accessory dwelling unit.
A-94/22	18-26 Josephine Street	Be advised that a building permit is required to construct the proposed semi-detached dwelling.
A-115/22	24 Manning Street	Be advised that a building permit is required to construct the proposed 3 unit townhouse block.
A-116/22	24 Manning Street	Be advised that a building permit is required to construct the proposed 3 unit townhouse block.



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

MEMORANDUM

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

Cc: Wilrik Banda
Planning and Building Services

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

Date: September 9, 2022

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – September 21, 2022 hearing

B-51/22SC – 17 Gertrude Street

Comment:

- No comment

Condition:

- That the applicant shall satisfy the Chief Building Official for the City of St. Catharines that, as a result of the proposed severance, that spatial separation requirements for the glazed openings and type of construction for the exposed building face of the existing dwelling facing south and east on Part 1,2, meet the requirements of Subsection 9.10.14 and 9.10.15 of the 2012 Ontario Building Code as applicable.

B-52/22SC – 1027 Pelham Road

Comment:

- No comment

Condition:

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

B-50/22SC – 18-26 Josephine Street

Comment:

- No comment

Condition:

- No comment

B-43/22SC – 18-26 Josephine Street

Comment:

- No comment

Condition:

- No comment

B-44/22SC – 18-26 Josephine Street

Comment:

- No comment

Condition:

- No comment

B-45/22SC – 18-26 Josephine Street

Comment:

- No comment

Condition:

- No comment



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

To: Jelena Pusara, Development Agreement Coordinator, PBS
Claire Semple, Community Improvement Plan Coordinator, PBS

Cc:

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

Date: September 16, 2022

Subject: Committee of Adjustment Applications – September 21, 2022 Hearing

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

69 Broadway, Minor Variance, A-117/22 – 22109688 (B. Stan, Planner)

No objection.

22 Cypress Street, Minor Variance, A-118/22 – 22 109696

No objection.

4 Woodglen Drive, Minor Variance, A-75/22 – 22 106640

No objection.

140 Parnell Road, Minor Variance, A-112/22 – 22 109298

No objection.

199 Ontario Street, Minor Variance, A-111/22 – 22 109331

CRCS offers no objection to the requested minor variances to facilitate the conversion of the existing building to a fourplex, subject to the condition that the applicant be required to remove the excess portion of the existing front yard parking area, consistent with the recommendation outlined in Planning Services' Technical Report.

17 Gertrude Street, Consent, B-51/22SC – 22 109412

17 Gertrude Street, Minor Variance – A-110/22 – 22 109545

No objection.

1027 Pelham Road, Consent, B-52/22SC – 22 109552

1027 Pelham Road, Minor Variance, A-113/22 – 22 109553

1027 Pelham Road, Minor Variance, A-114/22 – 22 109554

CRCS offers no objection to the proposed creation of a new lot to facilitate the construction of two new dwellings (following demolition of the existing home), nor the requested minor variances.

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

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

1. That payment of 5% of the appraised value of the new lot be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53(13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. The appraisal shall be completed by a qualified appraiser. (Condition subject to Planning and Building Services' determination that parkland dedication can, in fact, be collected for this application.)
2. That the applicant submit a payment for the placement of a 60mm boulevard tree for the new lot, in accordance with the City's current Schedule of Rates and Fees.

18-26 Josephine Street, Consent, B-50/22SC – 22 108732

18-26 Josephine Street, Consent, B-43/22SC – 22 106984

18-26 Josephine Street, Consent, B-44/22SC – 22 106985

18-26 Josephine Street, Consent, B-45/22SC – 22 106988

18-26 Josephine Street, Consent, B-43/22SC – 22 106984

18-26 Josephine Street, Minor Variance, A-89/22 – 22 106817

18-26 Josephine Street, Minor Variance, A-90/22 – 22 106819

18-26 Josephine Street, Minor Variance, A-91/22 – 22 106840

18-26 Josephine Street, Minor Variance, A-92/22 – 22 106845

18-26 Josephine Street, Minor Variance, A-93/22 – 22 106847

18-26 Josephine Street, Minor Variance, A-94/22 – 22 106850

CRCS offers no objection to the proposed creation of five new lots to facilitate the construction of one detached dwelling, three townhouse units, and two semi-detached dwelling units, plus associated interior accessory dwelling units. Further, CRCS offers no objection to the majority of the requested minor variances, with the exception of those related to front yard setbacks for front porches. As proposed by the applicant, these setbacks will impact the amount of open space that can be provided in the front yard and limit opportunities for landscaping. It is the opinion of CRCS staff that this would result in negative impacts on the existing streetscape. CRCS is however, supportive of the larger setbacks to the front porches being recommended by Planning staff in their Technical Report.

We note that there is one existing young boulevard tree in the Josephine Street boulevard that will be impacted by the new driveway for the middle townhouse unit. The applicant will be required to pay the cost for City crews to remove and replace that tree elsewhere.

The applicant is encouraged to retain as many mature trees on site as possible and should be made aware that, pursuant to the Ontario Forestry Act, boundary trees (i.e. trees whose trunks straddle more than one property) may not be removed or destroyed unless express written permission is obtained from the co-owner of the tree.

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

1. That payment of 5% of the appraised value of each new lot be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53(13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. The appraisal shall be completed by a qualified appraiser. (Condition subject to Planning and Building Services' determination that parkland dedication can, in fact, be collected for this application.)
2. That the applicant submit a payment for the placement of a 60mm boulevard tree for each new lot, in accordance with the City's current Schedule of Rates and Fees.
3. That the applicant submit payment for the removal and replacement of the existing boulevard tree located within the Josephine Street road allowance.

24 Manning Street, Consent, B-53/22SC – 22 109637

24 Manning Street, Consent, B-54/22SC – 22 109638

24 Manning Street, Minor Variance, A-115/22 – 22 109639

24 Manning Street, Minor Variance, A-116/22 – 22 109640

CRCS offers no objection to the proposed creation of two new lots to facilitate the construction of three townhomes fronting onto East Street, nor the requested minor variances.

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

1. That payment of 5% of the appraised value of the new lots be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53(13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. The appraisal shall be completed by a qualified appraiser. (Condition subject to Planning and Building Services' determination that parkland dedication can, in fact, be collected for this application.)
2. That the applicant submit a payment for the placement of a 60mm boulevard tree for each new lot, in accordance with the City's current Schedule of Rates and Fees.

*Amanda Knutson
Community Project and Development Planner*

**Amanda No. 22 109638; 22 109639; 22 109640; 22 109637
Submission No. B-54/22SC; A-115/22; A-116/22; B-53/22SC**

COMMITTEE OF ADJUSTMENT 24 Manning St

24 Manning Street

**DATE OF HEARING:
September 21, 2022**



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: September 16, 2022

Date of Meeting: September 21, 2022

Application No.: B-53/22
B-54/22
A-115/22
A-116/22

File No.: 22 109637
22 109638
22 109639
22 109640

Subject: 24 Manning Street

Recommendation

Consent

That Applications **B-53/22** and **B-54/22** submitted by 2675384 Ontario Inc., as outlined in the Notices of Hearing, be approved subject to the following conditions:

1. That the Owner enter into a Development Agreement with the City of St. Catharines, to be registered on title to the lands currently known as 24 Manning Street addressing the following conditions:
 - a. That building permit plans, including a site plan and elevations for the three proposed townhouses, once submitted, be reviewed and confirmed to be generally in accordance with the site plan and elevations submitted with this application; and
 - b. The Lot Grading and Drainage Plan, required as a condition of consent approval, be included in the Development Agreement, to ensure compliance as part of the review and approval of a building permit.
2. That the Owner submit payment of 5% of the appraised value of the two new lots, as determined by a qualified appraiser, be made to the City in lieu of dedication of land for parks purposes. Section 53 (13) of the *Planning Act*, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of payment, the value of the land shall be determined as of the day before the day the provisional consent was given.'
3. That the Owner 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.
4. That the Owner pay for City crews to locate, inspect, and document the location of the existing sewer lateral and water service currently being used for the existing dwelling.

5. That if the location of an existing service(s) conflicts with any future lot line, the Owner shall pay all costs for realigning the service(s) to eliminate such conflict(s). The Owner shall pay the City to relocate the portion of the work within the municipal right-of-way. The Owner shall be responsible for the portion on private property and shall obtain the necessary Plumbing Only Permit. If due to location, the existing service(s) is unsuitable for reuse, the Owner shall pay the City to decommission the existing service(s) and install a new service(s).
6. That the Owner dedicate free and clear to the City a 1.38m widening across the entire Manning Street frontage, and a 1.41m widening across the East Street frontage. The widenings shall be shown on a Reference Plan prepared by the developer's surveyor and approved by the City. The developer shall pay all costs associated with the granting and registering the widening.
7. That the Owner pay the City the estimated cost of \$5,877.00 for the construction of a 1.5m wide concrete sidewalk across the Manning Street frontage of the lands.
8. That the Owner provide a Site Servicing & Grading Plan to be prepared by a qualified Professional Engineer. The plan must be submitted and approved by City staff.
9. That the Owner provide the Secretary-Treasurer with a solicitor's undertaking that consent applications B-53/22SC and B-54/22SC will be registered with the Land Registry Office before the easements are registered.
10. That the Owner provide the Secretary-Treasurer with a solicitor's undertaking that the easements will be registered with the Land Registry Office after the final certificate is issued.
11. That the Owner provide the Secretary-Treasurer with the acknowledgment and direction for conveyance of the subject parcel, together with a copy of the deposited reference plan, for use in the issuance of the Certificate of Consent.
12. That the Owner submit to the Secretary-Treasurer of the Committee of Adjustment a final certification fee of \$222.20 (2022 rate) payable to the Treasurer, City of St. Catharines.
13. That all conditions of consent be fulfilled by September 21st, 2024.

Minor Variance

That Applications **A-115/22** and **A-116/22** submitted by 2675384 Ontario Inc., as outlined in the Notices of Hearing, be approved.

Report

The Proposal

The Applicant proposes to sever the subject property into three parcels to facilitate the construction of a row of three townhouse dwellings. In order to facilitate the requested land divisions, the applicant also requests variances for two of the proposed parcels. The requested consent and variances are described in the tables below:

Proposed consents:

Application	Severed Parcel	Severed Area	Retained Parcel	Retained Area
B-53/22	Parts 1 and 8	158m ²	Parts 2, 3, 6, 7	348.1m ²
B-54/22	Parts 2 and 7	135m ²	Parts 3 and 6	213.1m ²

In addition to the lot severance outlined above, the applicant is requesting that Parts 6, 7 and 8 on the submitted plan be established as easements on their respective lots, in favour of the abutting townhouse lot(s) to the south, for drainage purposes. Parts 4 and 5 on the submitted plan are to be dedicated to the City for road widening purposes.

Proposed variances:

Application	Variance	Zoning Provision	Required	Proposed
A-115/22 Parts 2 and 7	1	Minimum Lot Area per Dwelling Unit	165 m ²	135m ²
	2	Minimum Interior Side Yard Setback	1.2 m	0.0 m
A-116/22 Parts 1 and 8	1	Minimum Lot Area per Dwelling Unit	165 m ²	158m ²

Location and Site Description

The subject property is located on the southwest corner of Manning Street and East Street. The surrounding area consists of a variety of residential dwellings. The subject property is presently occupied by a detached dwelling and accessory structure at the rear of the property, which are 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 on Schedule E5 of the GCP. This land use designation permits a variety of dwelling types including townhouse dwellings at a density of between 25 to 99 units per hectare. The proposed development has a density of 59 units per hectare which is in keeping with the target density outlined in the GCP.

Zoning By-law (2013-283)

The subject property is zoned Medium Density Residential (R3). A range of residential uses are permitted in this zone, including townhouse dwellings, subject to the provisions

of the Zoning By-law. The proposal includes requests for variances to the provisions of the Zoning By-law on two of the proposed lots, which are addressed in the planning analysis section of this report.

Planning Analysis

Consent

The applicant has made consent applications **B-53/22** and **B-54/22** in order to sever the subject property into three parcels to facilitate the construction of a row of three townhouse dwellings. Section 16.11 of the Garden City Plan sets out a number of policies that applications for lot creation are to be evaluated against. Applicable policies are listed below with staff comment 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 lots will be serviced by existing infrastructure. Any required improvements to the infrastructure, including water and wastewater laterals and service lines to the property will be at the expense of the owner.

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

The proposed lots are within the City's built boundary and located in a residential area that is substantially developed. The lands are currently occupied by a detached dwelling to be demolished. The development represents appropriate infill in a developed neighbourhood using existing underutilized lands targeted for medium density residential development.

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

The three proposed lots are sized and shaped appropriately to accommodate the proposed three-unit townhouse development. The dwellings each have appropriate setbacks, adequate parking, sufficient access, and compliant landscaped area. While two of the proposed lots are under the minimum lot area requirements as required by the Zoning By-law, the overall density of the lots is 59 units per hectare, which aligns with the general target range of 25-99 units per hectare outlined in the Official Plan. All three lots comply with lot frontage requirements. Despite the deficiencies in lot area for two of the proposed parcels, the development layout proposed on those parcels demonstrates that the function, access, and compatibility of the proposed dwelling types is maintained. Variances for reduced lot area are required to facilitate the consent and are discussed later in this report.

Overall, subject to the approval of the requested variances, staff are supportive of the creation of the proposed lots. Staff is satisfied that the proposed consent to sever represents the optimum development potential of the subject lands and will contribute to context-sensitive infilling. Staff recommend that the proposed consent applications be approved, subject to the conditions outlined in the recommendations herein.

Minor Variances

Minimum lot area

Variance 1 of Application A-115/22 requests a reduction of the minimum lot area for a townhouse dwelling from 165m² to 135m² for the centre townhouse unit (Part 2 and 7). Application A-116/22 requests a reduction of the minimum lot area for a townhouse dwelling from 165m² to 158m² for the southerly end townhouse unit (Part 1 and 8).

The intent of the minimum lot area is to ensure that there is sufficient space to accommodate a building envelope within the boundaries of the property, while ensuring there is adequate amenity space, site access, landscaping, parking, and buffering from abutting properties. The minimum lot area provision also works to ensure consistent lot sizes and built form within the residential neighbourhood. The proposed lot sizes are considered appropriate to accommodate an adequate building envelope and provide sufficient access, landscaped area, outdoor amenity space, and parking. All of the required setbacks from adjacent residential properties meet or exceed minimum requirements, except for the one discussed below. The proposed lots are sized appropriately to accommodate the townhouse units without negative impacts on neighbouring properties.

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

Minimum interior side yard setback to the dwelling

Variance 2 of application A-115/22 requests a reduction to the minimum interior side yard setback, for the portion of the dwelling that extends beyond the common wall, from 1.2 metres to 0 metres.

The intent of this provision is, in part, 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. Where dwellings share a common wall, the setback to the common wall is permitted to be 0 metres. In this proposal, the townhouse dwellings are architecturally varied in setback, so a portion of the centre unit protrudes beyond the neighbouring unit at the shared property line, resulting in a non-common wall that is in line with the common wall at 0 metres setback.

The proposed reduction allows for more visual variation of the units architecturally, without compromising the function of the units. No privacy nor safety concerns are anticipated as a result of the setback reductions on the subject lots. Overall, the variance

is considered minor in nature, appropriate and in keeping with the general intent of the Official Plan and Zoning By-law.

Conclusion

Having regard for the matters under Section 53 of the Planning Act, staff are of the opinion that Consent Applications B-53/22SC and B-54/22SC are in keeping with the relevant policies of the Official Plan, are consistent with the provisions of the Zoning By-law and will have no adverse impacts on the surrounding area and environment. It is staff's recommendation that the requested consents be approved, subject to the conditions outlined in the recommendation.

Having regard for the matters under Section 45(1) of the Planning Act, staff are of the opinion that the variances requested through Applications A-115/22 and A-116/22, as outlined in the notices of hearing, 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 and development of the lands. Staff recommend that the applications be approved.

Prepared by:



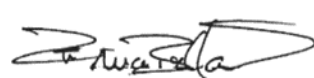
Giuseppe Ferreri
Student Planner

Submitted by:



Charlotte McEwan MCIP RPP
Planner I

Approved by:



Bruce Bellows
Senior Project Manager



RESIDENTIAL

LOT 12

EX. HOUSE,
ADDITIONS AND
SHED TO BE
DEMOLISHED

PIN 46270-0115 (LT)

RESIDENTIAL

LOT 11

3.0m DRAINAGE
EASEMENT

PLAN

LOT Q
PIN 46270-0113 (LT)
RESIDENTIAL

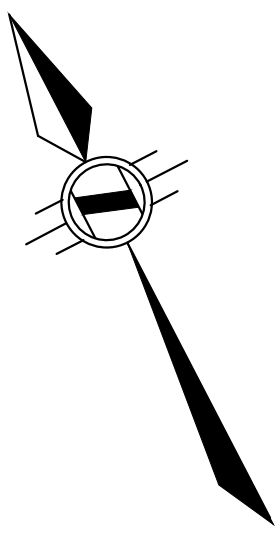
MANNING STREET
(BY CITY PLAN 52)
(CONFIRMED BY MUNICIPAL SURVEY M.S.791)
PIN 46272-0084 (LT)

PART 5

PART 3
LOT AREA
213.1m²
BLDG. AREA
57.3m²
(LOT TO BE
RETAINED)

PART 2
LOT AREA
135.0m²
BLDG. AREA
59.4m²
(LOT TO BE
SEVERED)

PART 1
LOT AREA
158.0m²
BLDG. AREA
59.4m²
(LOT TO BE
SEVERED)



SITE BENCH
MARK
OUTSTAR
ELEVATION: 102.99

12.19m R.O.W.

RESIDENTIAL

ROAD
WIDENING

EAST STREET
(BY CITY PLAN 52)
(CONFIRMED BY MUNICIPAL SURVEY M.S.791)
PIN 46270-0138 (LT)

PROPOSED
DRIVEWAY
TYP.

BENCHMARK:

MONUMENT 03819800063

CONCRETE CULVERT UNDER REGIONAL ROAD
NUMBER 81, 300 MET—RES. WEST OF LOUTH
STREET 110 METRES EAST OF FREDERICK STREET,
A BRASS TABLET SET VERTICALLY IN TOP OF THE
CULVERT, 13.7 METRES NORTH OF THE CENTRELINE
OF REGIONAL ROAD NUMBER 81, 22 CM SOUTH OF
THE NORTH FACE, 25 CM WEST OF THE EAST
WALL AND 2METRES BELOW ROAD LEVEL.

ELEVATION: 107.714 metres CGVD—1928:1978

NOTE:

UNDERGROUND SERVICE AND UTILITY LOCATIONS
MUST BE VERIFIED PRIOR TO CONSTRUCTION

INVERTS MUST BE VERIFIED PRIOR TO
CONSTRUCTION

BEARING NOTE:

BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED
REFERENCE POINTS A AND B, BY REAL TIME NETWORK
OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010.0)

NOTE:

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY
MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999843464

INTEGRATION DATA

OBSERVED REFERENCE POINTS (ORP's): UTM ZONE 17, NAD83 (CSRS) (2010.0), COORDINATES TO URBAN ACCURACY PER SEC. 14(2) OF O.REG. 216/10		
POINT ID	NORTHING	EASTING
ORP @	4781278.287	643784.978
ORP @	4781183.712	643742.431
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE—ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.		

LEGEND:

- DENOTES MONUMENT SET
- IB IRON BAR
- PB PLASTIC BAR
- CC GUY CROSS
- SIB STANDARDS IRON BAR
- SSB SHORT STANDARD IRON BAR
- 539 D.G. WIRE, O.L.S.
- 740 C.M. HILL, O.L.S.
- 824 A.T. McARDEN, O.L.S.
- 1339 W.A. MASCOE, O.L.S.
- M.S.791 MUNICIPAL SURVEY No. 791
- CU ORIGIN UNKNOWN
- Mad MEASURED
- P2 PLAN BY R.D. LAROCQUE, O.L.S.
DATED JUNE 6, 1996 PLAN 98-018
PLAN BY R.A. MASCOE, O.L.S.
DATED JANUARY 7, 1991 FILE C-91-3
INSTRUMENT R0277807
- DI MANHOLE
- CB CATCH BASIN
- HP HYDRO POLE
- GW GUY WIRE
- HM HYDRO METER
- DS GAS METER
- APP DOOR SILL
- APP GARAGE FLOOR
- APP APPROACH
- APP WOOD RETAINING WALL
- APP CONCRETE RETAINING WALL
- EVG EVERGREEN
- Ø DIAMETER

1 STOREY
BRICK DWELLING
No. 23

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 McAREN
ONTARIO LAND SURVEYOR

DATE

8 APR 22

24 MANNING LOCATED 268.44m TO NIAGARA
STREET OVERPASS (NEAREST LANDMARK)

COVERAGES:

- PART 1**
 - LANDSCAPED OPEN SPACE 50.1%
 - TOTAL LOT COVERAGE 37.8%
 - DRIVEWAY (ENTIRE LOT) 13.3%
 - DRIVEWAY (FRONT YARD) 41.5%

- PART 2**
 - LANDSCAPED OPEN SPACE 40.4%
 - TOTAL LOT COVERAGE 44.0%
 - DRIVEWAY (ENTIRE LOT) 15.6%
 - DRIVEWAY (FRONT YARD) 48.5%

- PART 3**
 - LANDSCAPED OPEN SPACE 63.3%
 - TOTAL LOT COVERAGE 26.9%
 - DRIVEWAY (ENTIRE LOT) 9.9%
 - DRIVEWAY (FRONT YARD) 37.3%

GATEWAY GROUP

PROJECT
24 MANNING STREET,
ST. CATHARINES

DRAWING

CONCEPTUAL
SITE PLAN

1.	04/07/22	ISSUED FOR PRE-CON SUBMISSION	DJI
No.	DATE	REVISION	BY
1	04/07/22	ISSUED FOR PRE-CON SUBMISSION	DJI

SCALE: 1:100

SHEET 1/3



GATEWAY GROUP

PROJECT
24 MANNING STREET,
ST. CATHARINES

DRAWING
FRONT ELEVATION

2.	07/27/22	ISSUED FOR CONSENT	DJI
1.	03/06/22	ISSUED FOR PRE-CON SUBMISSION	DJI
No.	DATE	REVISION	BY
SCALE: 1:75			SHEET 2/3



GATEWAY
GROUP

PROJECT
24 MANNING STREET,
ST. CATHARINES

DRAWING
SIDE ELEVATION

2.	07/27/22	ISSUED FOR CONSENT	DJI
1.	03/06/22	ISSUED FOR PRE-CON SUBMISSION	DJI
No.	DATE	REVISION	BY
SCALE: 1:75			SHEET 3/3



Memorandum

To: Jelena Pusara, Development Agreement Coordinator
From: Brad Johnston, Development Engineering Technologist
CC: City Committee of Adjustment Staff Members
Date: September 8, 2022
Hearing Date: September 21, 2022
Subject: **Committee of Adjustment - Minor Variance Applications**
4 Woodglen Drive – A-75/22SC
18-26 Josephine Street – A-89-94/22SC
17 Gertrude Street – A-110/22SC
199 Ontario Street – A-111/22SC
140 Parnell Road – A-112/22SC
1027 Pelham Road – A-113&114/22SC
24 Manning Street – A-115&116/22SC
69 Broadway – A-117/22SC
22 Cypress Street – A-118/22SC

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

- All applicants must acknowledge that although minimum Zoning setbacks may be reduced through Minor Variances, existing and additional widths greater than the minimum may be required to accommodate and maintain access and storm water conveyance, so as not to cause negative effects on subject and adjacent properties; and,
- All applicants be advised that a Grading Plan, prepared by a Professional Engineer or Ontario Land Surveyor, may be required as part of the submission for a building permit application for those sites required to obtain a building permit, but not subject to concurrent severance applications.

Prepared by:

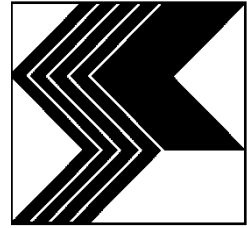
Brad Johnston, C.E.T.
Development Engineering Technologist

REPORT TO PLANNING DEPARTMENT

Re: CITY LAND DIVISION APPLICATION NUMBER B-53&54-22SC

July 18th, 2022.

ENGINEERING FILE 300-36



Hearing Date: September 21st, 2022

Applicant: 2675384 Ontario Inc

Location: 24 Manning Street

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

Comment(s): It is noted that the applicant proposes to sever one lot into three lots for the purposes of constructing three new townhouses.

ROADS

The subject lands front onto Manning Street and East Street. Manning Street is designated as a Collector Residential Corridor in the City's Transportation Master Plan (TMP). The recommended right-of-way width in the City's TMP is 20m. Its current width across this frontage is +/-15.25m. EFES has reviewed this street in more detail and determined that an ultimate ROW width of 18m would be sufficient considering most municipal services already exist and the pavement width is not likely to change. Therefore, as a condition of development, a ROW widening of a +/-1.38m will be required across the entire Manning Street frontage.

East Street is designated as a Community Street/Road in the City's Transportation Master Plan (TMP). The recommended right-of-way width in the City's TMP is 20m. Its current width across this frontage is +/-12.19m. EFES has reviewed this street in more detail and determined that an ultimate ROW width of 15m would be sufficient considering most municipal services already exist and the pavement width is not likely to change. However, EFES advise this narrow ROW width will accommodate wider sidewalks for accessibility, **but there will be no space for boulevard trees/plantings**. If this is acceptable to Planning, then as a condition of development, a ROW widening of a +/-1.41m will be required across the entire East Street frontage.

The above widenings must be granted free and clear of any encumbrances prior to the finalization and registration of the severances. All associated costs must be paid for by the Owner. The exact amount of the widening will be determined once the draft Reference Plan is submitted to the City for review and approval.

SIDEWALKS

Sidewalks do not exist along Manning Street. As a condition of severance, and prior to the finalization and registration of the severance, the Owner shall pay to the City the estimated cost of constructing a 1.5m wide concrete sidewalk along the entire Manning Street frontage. Based on the plan submitted the widened frontage on Manning Street will be 19.59m. The current unit rate used by the City is \$200/m² and is based on recent prices received for similar works. This rate is subject to review on an annual basis. Therefore, if the severance proceeds in 2022, the total contribution will be 19.59m x 1.5m x \$200/m² = \$5,877.00.

Sidewalks exist along East Street. A sidewalk damage deposit will be taken at the building permit stage to ensure any damage to the existing sidewalk due to construction of the units is repaired to the satisfaction of the City.

CURBS

Curb cuts and curb fills will also be taken at the building permit stage.

EXISTING LINEAR MUNICIPAL SERVICES

The following linear municipal services exist on the adjacent streets.

	<u>Manning Street</u>	<u>East Street</u>
<u>Watermains:</u>	300mm C.I.	150 mm PVC
	<u>Manning Street</u>	<u>East Street</u>
<u>Sanitary Sewers:</u>	250mm Conc. & 525mm Conc. Sanitary Lateral (size unknown)	300mm Clay
<u>Storm Sewers:</u>	825mm Conc.	975mm Conc.

The owner will be required to pay for City crews to locate, inspect, and document the location of the existing sanitary sewer lateral and water service currently being used for the existing dwelling. If the location of any existing service(s) conflicts with future lot lines the owner shall pay all costs for realigning the existing service to eliminate such conflict. The City will complete the portion of the realignment work within the municipal right-of-way. The owner shall be responsible for the portion on private property and shall obtain the necessary Plumbing Only Permit. If due to location, the portion within the municipal ROW must be completely relocated, the owner shall also pay the City to decommission the existing service(s) and install a new replacement service(s). All realignment works must be completed prior to the finalization and registration of the severances.

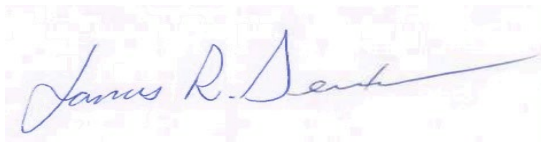
The owner must also pay the City to install any additional services required for the other units. These can be paid for at the building permit stage.

Grading and drainage are challenging in these small infill intensification developments. Therefore, to ensure drainage can be achieved the Owner must provide a Site Servicing & Grading Plan prepared by a qualified Professional Engineer. **The plan must be submitted and approved by City staff prior to the finalization and registration of the severances.** The plan must demonstrate how run-off from the lots will be directed to a suitable outlet without negatively impacting adjacent properties and rights-of-ways. The grading must also accommodate any run-off from adjacent properties that presently drains onto the subject property. It should be noted that to accommodate drainage a rear lot catch basin(s) may be required. If this is the case, easements will also be required. This **should** be determined prior to the severances being finalized to avoid having to come back later to create the Parts. The Servicing and Grading Plan shall also show all sump pump discharge pipes out-letting through the front wall of the dwellings and being connected to new individual storm laterals paid for by the owner. The plan must also show the location of the existing and proposed sanitary laterals, and water services.

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

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

- Pay for City crews to locate, inspect, and document the location of the existing sewer lateral and water service currently being used for the existing dwelling.
- If the location of an existing service(s) conflicts with any future lot line the owner shall pay all costs for realigning the service(s) to eliminate such conflict(s). The owner shall pay the City to relocate the portion of the work within the municipal right-of-way. The owner shall be responsible for the portion on private property and shall obtain the necessary Plumbing Only Permit. If due to location, the existing service(s) is unsuitable for reuse, the owner shall pay the City to decommission the existing service(s) and install a new service(s).
- Dedicate free and clear to the City a 1.38m widening across the entire Manning Street frontage, and a 1.41m widening across the East Street frontage. The widenings shall be shown on a Reference Plan prepared by the developer's surveyor and approved by the City. The developer shall pay all costs associated with the granting and registering the widening.
- Pay the City the estimated cost of \$5,877.00 for the construction of a 1.5m wide concrete sidewalk across the Manning Street frontage of the lands.
- Provide a Site Servicing & Grading Plan to be prepared by a qualified Professional Engineer. The plan must be submitted and approved by City staff
- If it is determined that drainage and/or catch basin easements are required, the appropriate agreements and reference plan must be prepared to the City's satisfaction and registered on title of the lots affected.



Prepared by:

James R. Denham P.Eng.
Development Engineering Technologist

Email cc. Margaret Josipovic,
John Lane,
Brad Johnston,
Sean Ip
Elaine Munro,
Natasha MacDonald,
Wil Banda PBS

MEMORANDUM

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

Cc: Wilrik Banda
Planning and Building Services

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

Date: September 9, 2022

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – September 21, 2022 hearing

NO.	ADDRESS	COMMENTS
A-117/22	69 Broadway	No comment
A-118/22	22 Cypress Street	Be advised that a building permit is required to construct the proposed accessory dwelling unit.
A-75/22	4 Woodglen Drive	Be advised that a building permit is required to construct the detached garage.
A-112/22	140 Parnell Road	Be advised that a building permit is required to construct the proposed enclosed structure.
A-111/22	199 Ontario Street	Be advised that a building permit is required to construct the proposed fourplex dwelling.
A-110/22	17 Gertrude Street	No comment
A-113/22	1027 Pelham Road	Be advised that a building permit is required to construct the proposed detached dwelling.

NO.	ADDRESS	COMMENTS
A-114/22	1027 Pelham Road	Be advised that a building permit is required to construct the proposed detached dwelling.
A-89/22	18-26 Josephine Street	Be advised that a building permit is required to construct the proposed detached dwelling with accessory dwelling unit.
A-90/22	18-26 Josephine Street	Be advised that a building permit is required to construct the proposed 3 unit townhouse with accessory dwelling unit.
A-91/22	18-26 Josephine Street	Be advised that a building permit is required to construct the proposed 3 unit townhouse.
A-92/22	18-26 Josephine Street	Be advised that a building permit is required to construct the proposed 3 unit townhouse.
A-93/22	18-26 Josephine Street	Be advised that a building permit is required to construct the proposed semi-detached dwelling with accessory dwelling unit.
A-94/22	18-26 Josephine Street	Be advised that a building permit is required to construct the proposed semi-detached dwelling.
A-115/22	24 Manning Street	Be advised that a building permit is required to construct the proposed 3 unit townhouse block.
A-116/22	24 Manning Street	Be advised that a building permit is required to construct the proposed 3 unit townhouse block.



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

MEMORANDUM

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

Cc: Wilrik Banda
Planning and Building Services

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

Date: September 9, 2022

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – September 21, 2022 hearing

B-51/22SC – 17 Gertrude Street

Comment:

- No comment

Condition:

- That the applicant shall satisfy the Chief Building Official for the City of St. Catharines that, as a result of the proposed severance, that spatial separation requirements for the glazed openings and type of construction for the exposed building face of the existing dwelling facing south and east on Part 1,2, meet the requirements of Subsection 9.10.14 and 9.10.15 of the 2012 Ontario Building Code as applicable.

B-52/22SC – 1027 Pelham Road

Comment:

- No comment

Condition:

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

B-50/22SC – 18-26 Josephine Street

Comment:

- No comment

Condition:

- No comment

B-43/22SC – 18-26 Josephine Street

Comment:

- No comment

Condition:

- No comment

B-44/22SC – 18-26 Josephine Street

Comment:

- No comment

Condition:

- No comment

B-45/22SC – 18-26 Josephine Street

Comment:

- No comment

Condition:

- No comment



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

September 7, 2022

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

Attention: Jelena Pusara

File# 22 109637, 22 109638, 22 109639 and 22 109640

Re: 24 Manning St

In response to your correspondence dated August 31, 2022, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

- For Residential/Commercial electrical service requirements, the Developer needs to contact our ICI and Layouts Department at 1-877-963-6900 ext: 25713 or visit our web site @ www.alectrautilities.com.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.
- Developers to acquire an easement, if required.
- In order for Alectra Utilities to prepare design and procure the materials required to service this site in a timely manner, a minimum of 6 months notification is required. It would be advantages for the developer if Alectra Utilities were contacted at the stage where the new site plan becomes available. Please note that it takes approximately 20 weeks to purchase a transformer.

We would also like to stipulate the following:

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

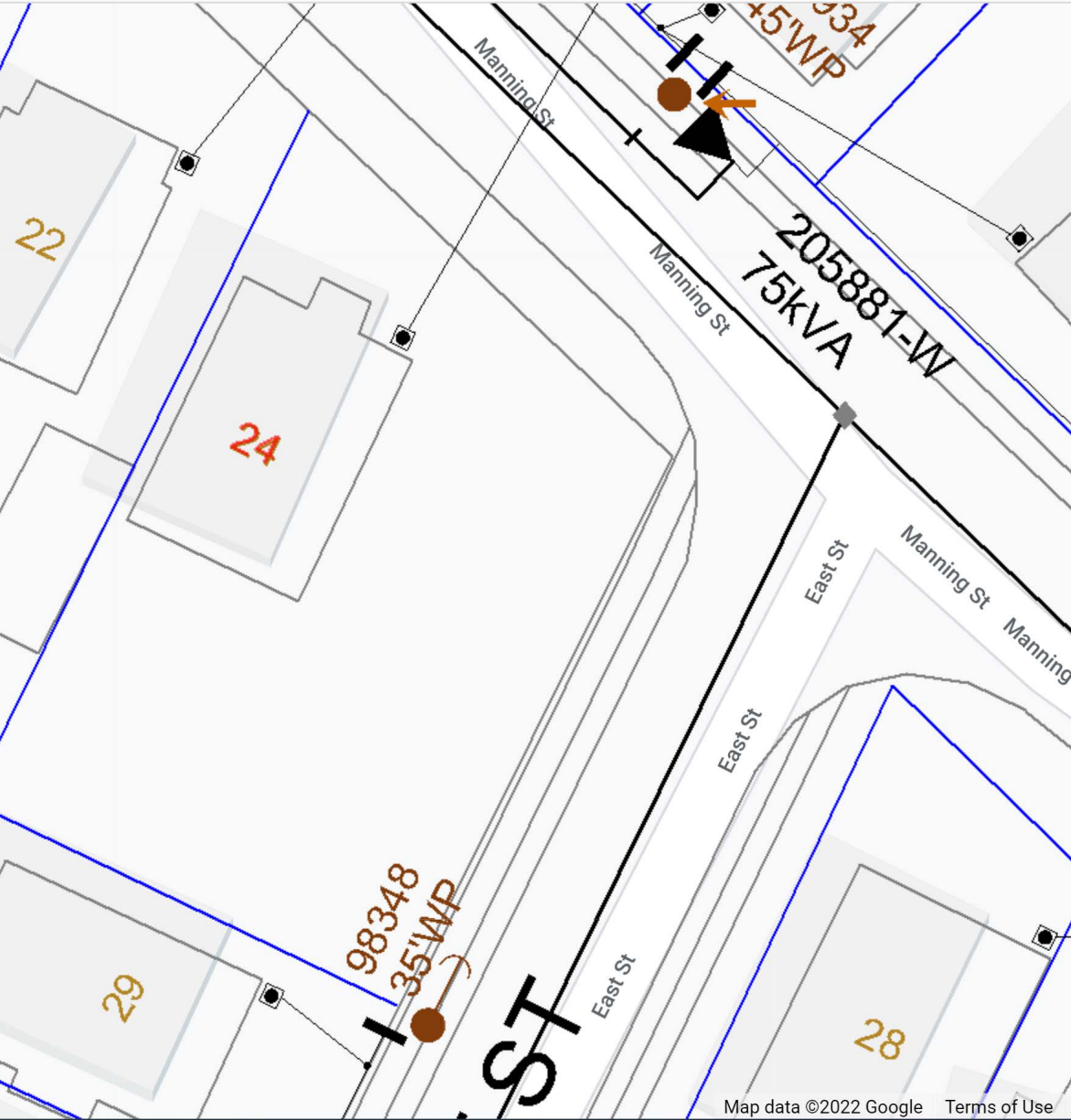
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Alectra Utilities must be contacted if the removal,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

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

Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital



To: Jelena Pusara, Development Agreement Coordinator

Cc:

From: Steve Bittner, Transportation Technologist

Date: September 9, 2022

Subject: Committee of Adjustment Comments (September 21, 2022, Hearing)

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

Steve Bittner
Transportation Technologist

To: Jelena Pusara, Development Agreement Coordinator, PBS
Claire Semple, Community Improvement Plan Coordinator, PBS

Cc:

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

Date: September 16, 2022

Subject: Committee of Adjustment Applications – September 21, 2022 Hearing

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

69 Broadway, Minor Variance, A-117/22 – 22109688 (B. Stan, Planner)

No objection.

22 Cypress Street, Minor Variance, A-118/22 – 22 109696

No objection.

4 Woodglen Drive, Minor Variance, A-75/22 – 22 106640

No objection.

140 Parnell Road, Minor Variance, A-112/22 – 22 109298

No objection.

199 Ontario Street, Minor Variance, A-111/22 – 22 109331

CRCS offers no objection to the requested minor variances to facilitate the conversion of the existing building to a fourplex, subject to the condition that the applicant be required to remove the excess portion of the existing front yard parking area, consistent with the recommendation outlined in Planning Services' Technical Report.

17 Gertrude Street, Consent, B-51/22SC – 22 109412

17 Gertrude Street, Minor Variance – A-110/22 – 22 109545

No objection.

1027 Pelham Road, Consent, B-52/22SC – 22 109552

1027 Pelham Road, Minor Variance, A-113/22 – 22 109553

1027 Pelham Road, Minor Variance, A-114/22 – 22 109554

CRCS offers no objection to the proposed creation of a new lot to facilitate the construction of two new dwellings (following demolition of the existing home), nor the requested minor variances.

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

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

1. That payment of 5% of the appraised value of the new lot be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53(13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. The appraisal shall be completed by a qualified appraiser. (Condition subject to Planning and Building Services' determination that parkland dedication can, in fact, be collected for this application.)
2. That the applicant submit a payment for the placement of a 60mm boulevard tree for the new lot, in accordance with the City's current Schedule of Rates and Fees.

18-26 Josephine Street, Consent, B-50/22SC – 22 108732

18-26 Josephine Street, Consent, B-43/22SC – 22 106984

18-26 Josephine Street, Consent, B-44/22SC – 22 106985

18-26 Josephine Street, Consent, B-45/22SC – 22 106988

18-26 Josephine Street, Consent, B-43/22SC – 22 106984

18-26 Josephine Street, Minor Variance, A-89/22 – 22 106817

18-26 Josephine Street, Minor Variance, A-90/22 – 22 106819

18-26 Josephine Street, Minor Variance, A-91/22 – 22 106840

18-26 Josephine Street, Minor Variance, A-92/22 – 22 106845

18-26 Josephine Street, Minor Variance, A-93/22 – 22 106847

18-26 Josephine Street, Minor Variance, A-94/22 – 22 106850

CRCS offers no objection to the proposed creation of five new lots to facilitate the construction of one detached dwelling, three townhouse units, and two semi-detached dwelling units, plus associated interior accessory dwelling units. Further, CRCS offers no objection to the majority of the requested minor variances, with the exception of those related to front yard setbacks for front porches. As proposed by the applicant, these setbacks will impact the amount of open space that can be provided in the front yard and limit opportunities for landscaping. It is the opinion of CRCS staff that this would result in negative impacts on the existing streetscape. CRCS is however, supportive of the larger setbacks to the front porches being recommended by Planning staff in their Technical Report.

We note that there is one existing young boulevard tree in the Josephine Street boulevard that will be impacted by the new driveway for the middle townhouse unit. The applicant will be required to pay the cost for City crews to remove and replace that tree elsewhere.

The applicant is encouraged to retain as many mature trees on site as possible and should be made aware that, pursuant to the Ontario Forestry Act, boundary trees (i.e. trees whose trunks straddle more than one property) may not be removed or destroyed unless express written permission is obtained from the co-owner of the tree.

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

1. That payment of 5% of the appraised value of each new lot be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53(13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. The appraisal shall be completed by a qualified appraiser. (Condition subject to Planning and Building Services' determination that parkland dedication can, in fact, be collected for this application.)
2. That the applicant submit a payment for the placement of a 60mm boulevard tree for each new lot, in accordance with the City's current Schedule of Rates and Fees.
3. That the applicant submit payment for the removal and replacement of the existing boulevard tree located within the Josephine Street road allowance.

24 Manning Street, Consent, B-53/22SC – 22 109637

24 Manning Street, Consent, B-54/22SC – 22 109638

24 Manning Street, Minor Variance, A-115/22 – 22 109639

24 Manning Street, Minor Variance, A-116/22 – 22 109640

CRCS offers no objection to the proposed creation of two new lots to facilitate the construction of three townhomes fronting onto East Street, nor the requested minor variances.

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

1. That payment of 5% of the appraised value of the new lots be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53(13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. The appraisal shall be completed by a qualified appraiser. (Condition subject to Planning and Building Services' determination that parkland dedication can, in fact, be collected for this application.)
2. That the applicant submit a payment for the placement of a 60mm boulevard tree for each new lot, in accordance with the City's current Schedule of Rates and Fees.

*Amanda Knutson
Community Project and Development Planner*

**Amanda No. 22 109331
Submission No. A-111/22**

**COMMITTEE OF ADJUSTMENT
199 Ontario St**

**DATE OF HEARING:
September 21, 2022**



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: September 16, 2022

Date of Meeting: September 21, 2022

Report Number: A-111/22

File: 22109331 MV

Subject: 199 Ontario Street

Recommendation

That Application **A-111/22** submitted by Gogo Holdings Inc as outlined in the Notice of Hearing, be approved, subject to the following condition:

1. That the area identified on the attached site plan (Appendix 1) be reinstated and maintained as landscaped open space.

Report

The Proposal

Application **A-111/22** proposes to build a two-storey, two-dwelling unit addition at the rear of an existing two-storey building, resulting in a fourplex dwelling. The applicant seeks relief from the City of St. Catharines Zoning By-law 2013-283, as amended, for the following variances for the proposed fourplex dwelling, and legalizing the existing parking area:

Variance	Provision	Required	Proposed
1	Minimum Lot Frontage	18m	15.24m
2	Maximum Parking Width	50%	51.2% (7.8m)
3	Maximum Parking Coverage	50%	51.2%
4	Minimum Required Parking Spaces	4	3

Location and Site Description

The subject property is located on the west side of Ontario Street (Regional Road 42), between Woodruff Avenue and Welland Avenue. Ontario Street in the immediate area of the subject lands is a mixed-use corridor with a variety of building types, including detached dwellings, multi-unit dwellings and commercial uses. To the west of the subject lands is an established residential neighbourhood consisting primarily of detached dwellings. The subject property is occupied by a detached two-story residential building currently containing two apartment units.

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 E4. Fourplex dwellings are permitted in this designation.

Zoning By-law (2013-283)

The subject property is zoned Medium Density Mixed Use (M1). Fourplex dwellings are a permitted use in the M1 zone, subject to the requirements of Section 8.3 of the Zoning By-law.

Planning Analysis

Variance 1

The Applicant is requesting a reduction of the required minimum lot frontage for a fourplex dwelling from 18 meters to 15.24 meters. The provision is intended to ensure the lot has sufficient width to properly accommodate the building footprint, stormwater management, amenity areas, and parking. The proposed reduction in the lot frontage requirement is made to recognize the existing lot frontage, reflecting the existing parcel fabric and character of the surrounding area. The existing building and proposed addition at the rear of the existing building demonstrates that the lot is of sufficient width to accommodate a fourplex dwelling. All required building setbacks are being met. Further, the minimum lot area for a fourplex dwelling is also being met. Staff believe that the reduced lot frontage appropriately accommodates the proposed building footprint and will have minimal adverse impacts on surrounding properties. Staff find the request to be minor in nature, desirable for the appropriate development of the land, and in keeping with the general intent of the official plan and zoning by-law. Staff are recommending approval of the variance.

Variances 2 and 3

The existing parking area on the site currently covers 100% of the front yard, and exceeds maximum parking area requirements in the Zoning By-law. The maximum parking area coverage permitted is 50% of the front yard, and maximum permitted parking area width is the lesser of 50% of the width of the lot, or 7.5 meters. To legalize the existing parking, the applicant has proposed to redesign the existing parking lot layout and reduce the parking area width to 7.8 metres, which will accommodate three parking spaces. The remainder of the front yard will be reinstated with landscaping. To facilitate this redesign, the application is requesting an increase in the parking area width of the lot to 51.2%, being 7.8 metres, and parking area coverage of the required front yard from 50% to 51.2%.

These provisions are established to support the reduction of heat islands, sustainable storm water management, provide landscaped space, limit access points to public roads, provide safe active transportation circulation. and maintain the integrity of streetscapes. The increase is being sought, in part, to permit three legal side-by-side parking spaces to be located in the front yard. The Zoning By-law already permits a driveway width of 7.5 metres and coverage of 50%. The modest increase in proposed width (0.3 metres) and coverage(1.2%) will accommodate three parking spaces that meet parking space dimensions required in the Zoning By-law.

Staff are satisfied that Variances 2 and 3 will not result in any negative impact on the visual appeal of the development and the streetscape. The modest increase is still achieving the intent of the zoning provisions and official plan policy on streetscape and urban design. The reduction in hard surface in the front yard is an improvement on an existing condition. Staff consider the variances to be minor in nature, desirable for the appropriate development of the land, and in keeping with the intent of the Official Plan and Zoning By-law. Staff are recommending approval of the variance, subject to a condition to have landscaped open space reinstated on the area of the existing driveway that is in excess of the recommended width and coverage. The re-instated area is identified on Appendix 1 attached to this report.

Variance 4

The Applicant has requested a reduction in the minimum parking requirement for a fourplex dwelling from four spaces to three. The reduction will facilitate the use of the subject lands as a fourplex.

This variance is made in support of the above recommended condition to re-instate a portion of the existing driveway for landscaped open space, and thereby limiting the width and available space for parking in the front yard.

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

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

The subject property is within walking distance of numerous transit stops in the area, including stops on Ontario Street, Welland Avenue and Fourth Avenue. Transit is available with a bi-directional bus route passing the subject property, with daytime, evening and weekend service. The property is walking distance of Downtown as well as shops and services along the Ontario Street corridor. On-street parking is not permitted on Ontario Street around the subject property, but is available on area side streets. The

reduction of one parking space for the fourplex dwelling is not expected to impact the parking supply in the area, nor cause unacceptable spillover parking in the neighbourhood. Staff are of the opinion that the requested parking reduction maintains the intent of the Official Plan.

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

Conclusion

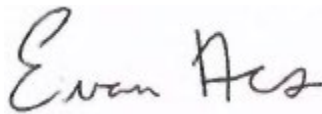
Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that all Variances in Application **A-111/22** are in keeping with the general intent of the Official Plan and Zoning By-law, are minor in nature, and are desirable for the appropriate development and use of the land, as they relate to the proposed fourplex dwelling. Staff recommend that Application **A-111/22** be approved, subject to the condition outlined in the recommendation.

Prepared by:



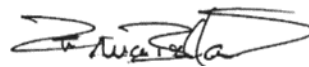
Elika Zamani
Student Planner

Submitted by:

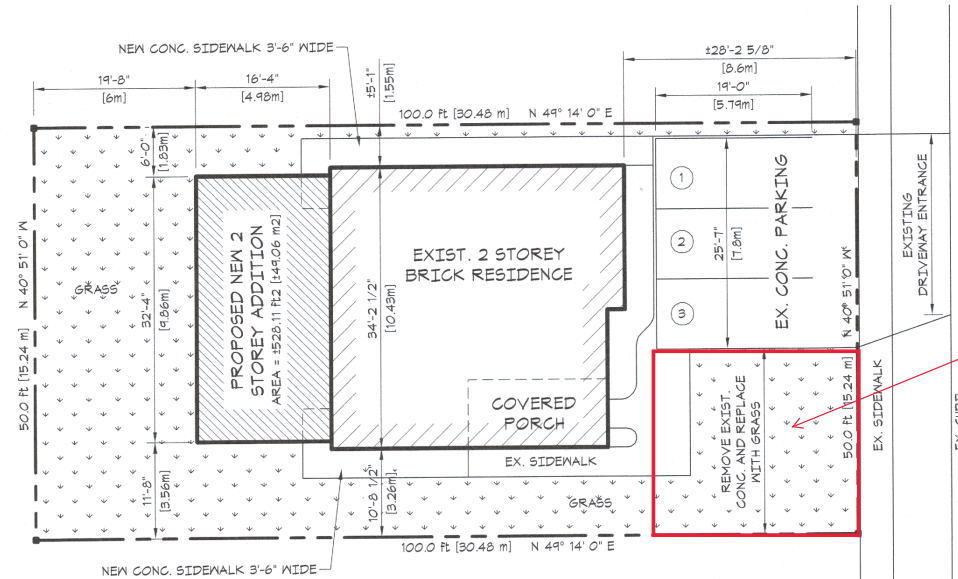


Evan Acs, MSc, RPP
Planner I

Approved by:



Bruce Bellows
Senior Project Manager



SITE PLAN
3/32" = 1'-0"

LAND USE SCHEDULE		
TOTAL LOT AREA	±464.52 m ² [±5,000.05 Ft ²]	100.0%
TOTAL LANDSCAPE AREA	±221.93 m ² [±2,388.91 Ft ²]	47.78%

▼ ROOF RIDGE

▼ 2ND FLR CLG

▼ 2ND FLR

▼ 1ST FLR CLG

▼ 1ST FLR

▼ GRADE

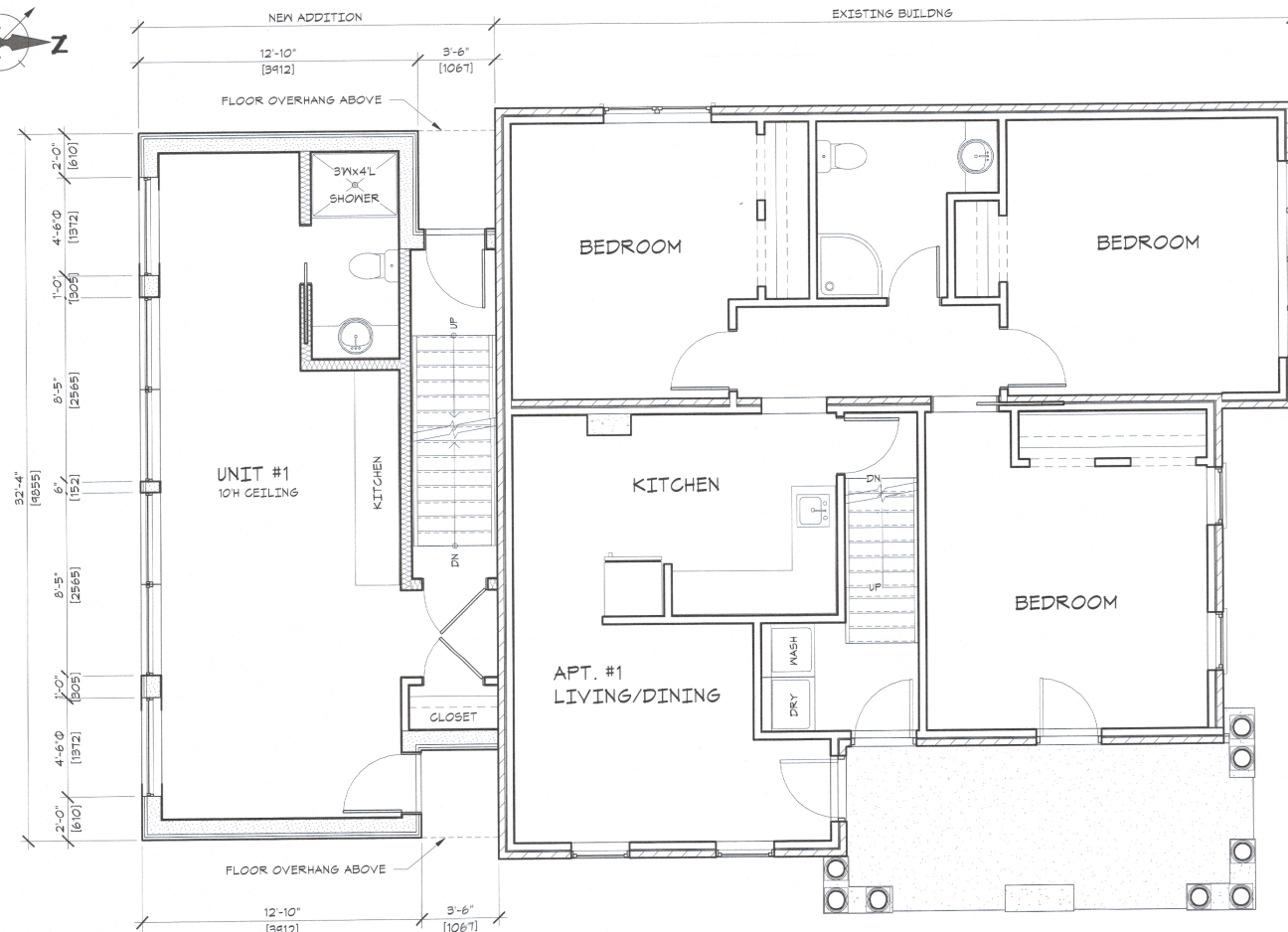
SOUTH ELEVATION
1/4" = 1'-0"

1

PROPOSED NEW SITE PLAN,
FLOOR PLANS AND ELEVATION

REVISION

DATE

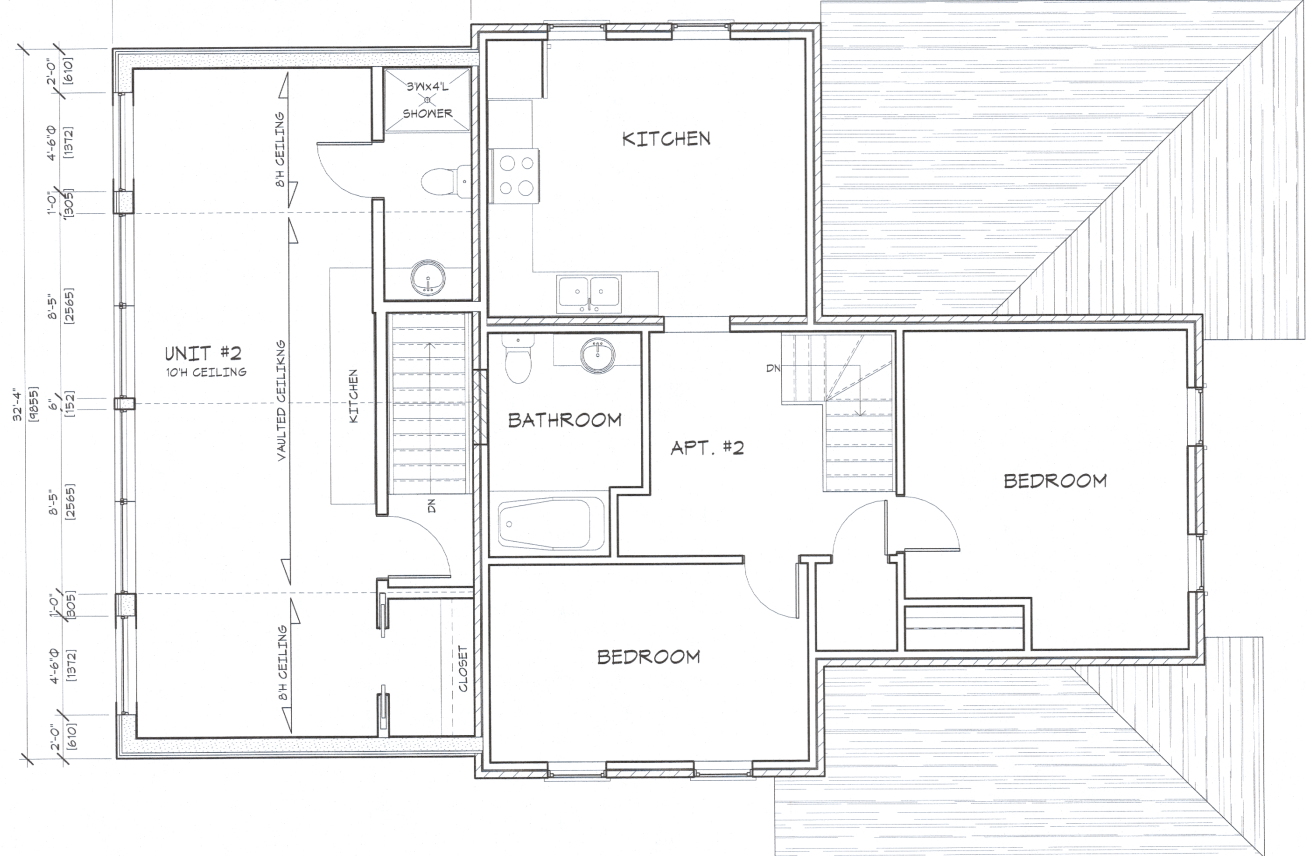


GROUND FLOOR PLAN AREA = 446.55 Ft² [41.48 m²]
1/4" = 1'-0"



NEW ADDITION

EXISTING BUILDING



SECOND FLOOR PLAN AREA = 517.83 Ft² [48.11 m²]
1/4" = 1'-0"

199 ONTARIO ST
ST. CATHARINES, ON

GARY STEENBURG

MATTHEW LACROIX

Gery Steenburg

Designs

Architectural Design

Interior Design

Project Management

email: gsteenburg@gogo.ca

phone: 905-265-1165

cell: 226-321-0520

fax: 905-265-1165

197 South Street

St. Catharines, ON L2S 8Y1

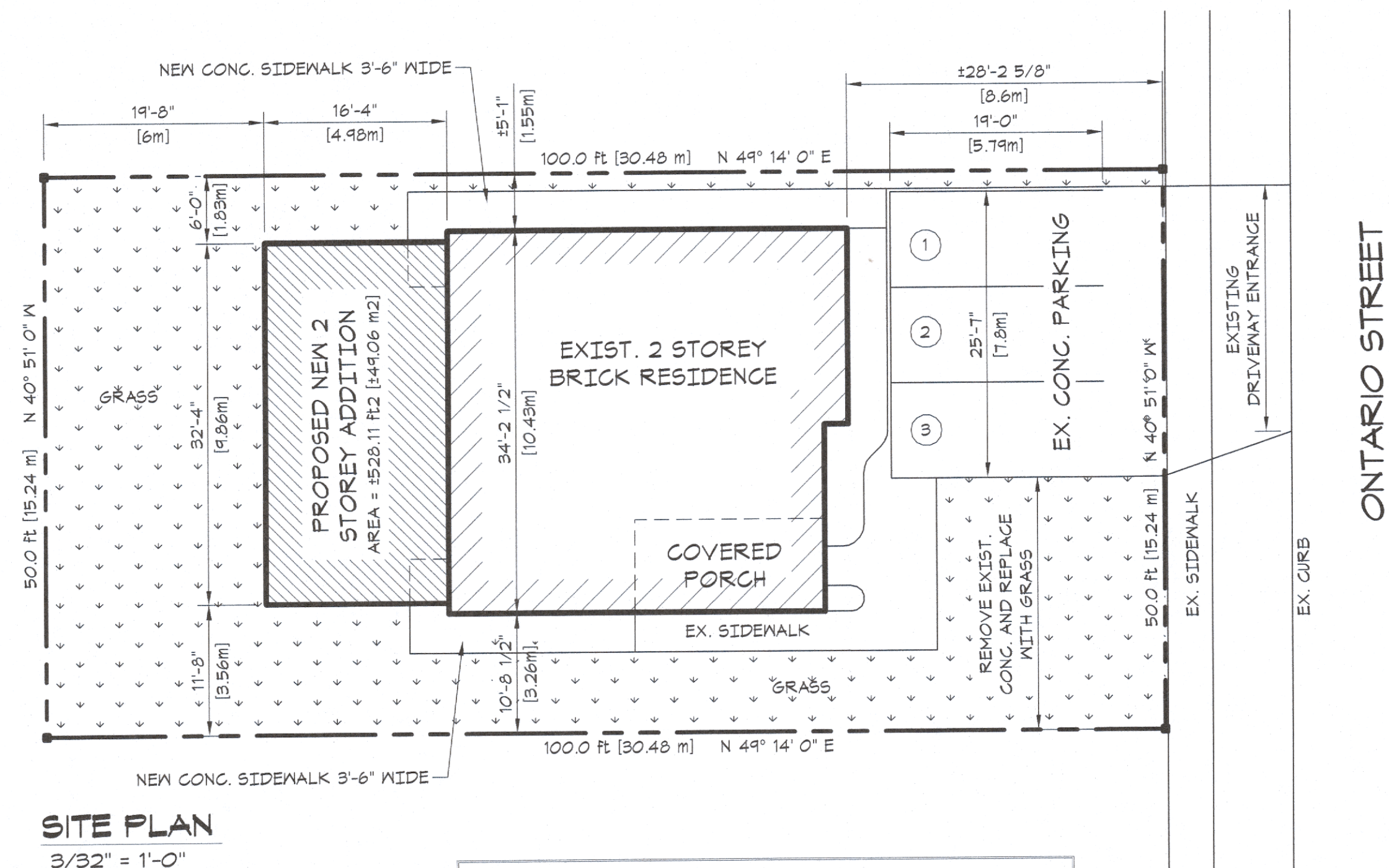
DATE: AUG. 29, 2022

SCALE: AS STATED

DRN BY: G.C.H

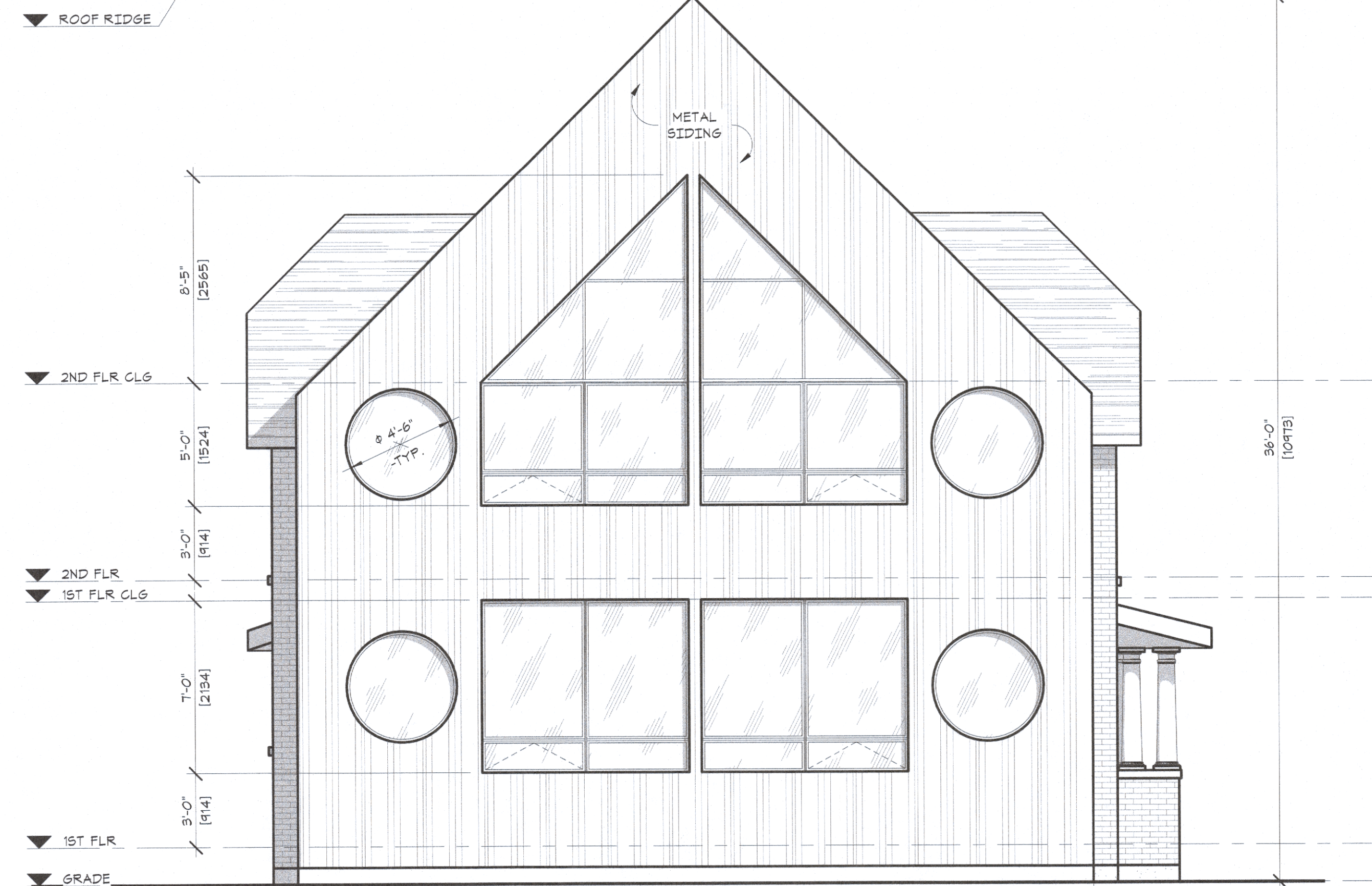
CHECKED: G.S.

A1

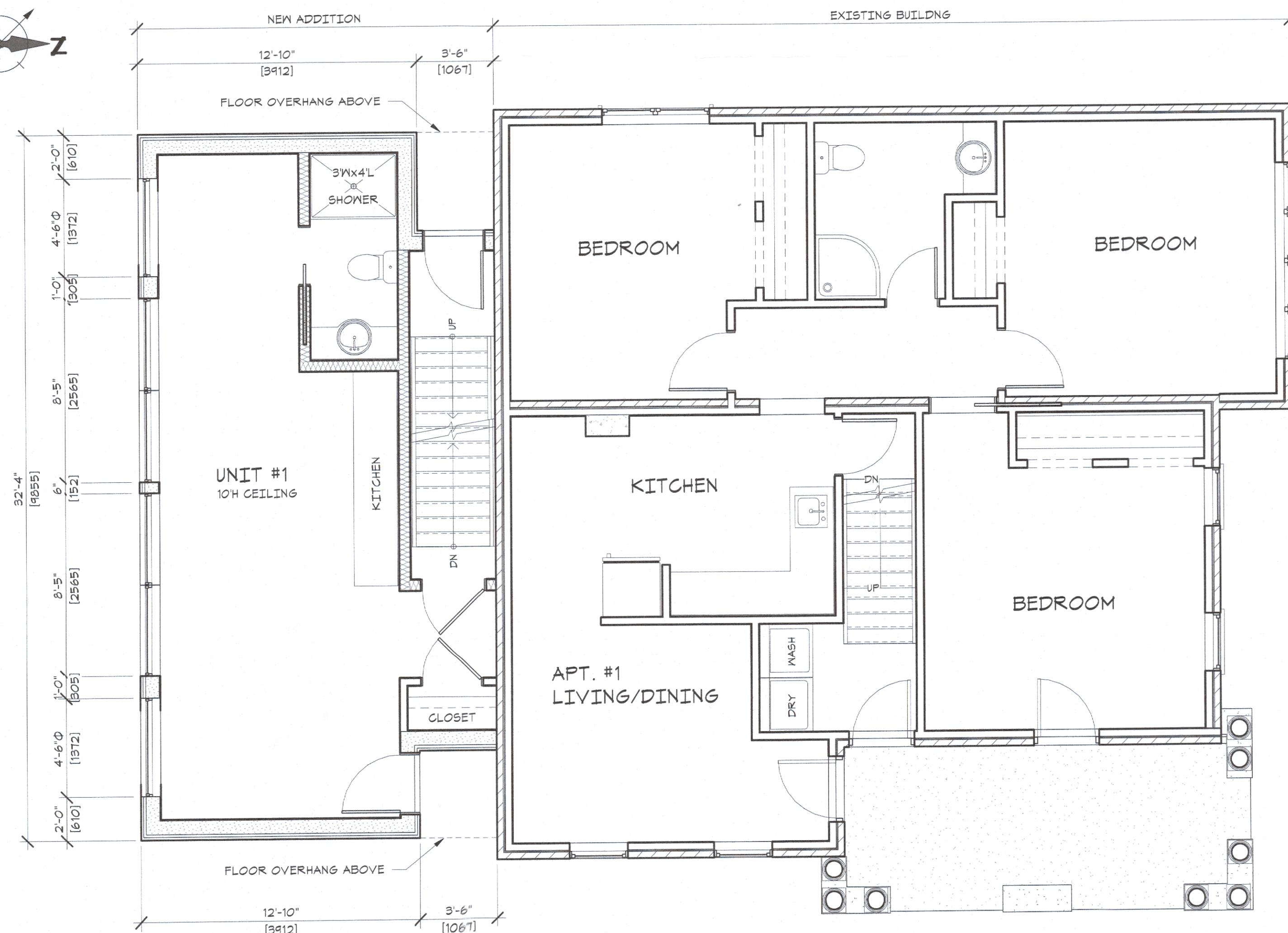


SITE PLAN
3/32" = 1'-0"

LAND USE SCHEDULE		
TOTAL LOT AREA	±464.52 m ² [±5,000.05 ft ²]	100.0%
TOTAL LANDSCAPE AREA	±221.93 m ² [±2,388.91 ft ²]	47.78%

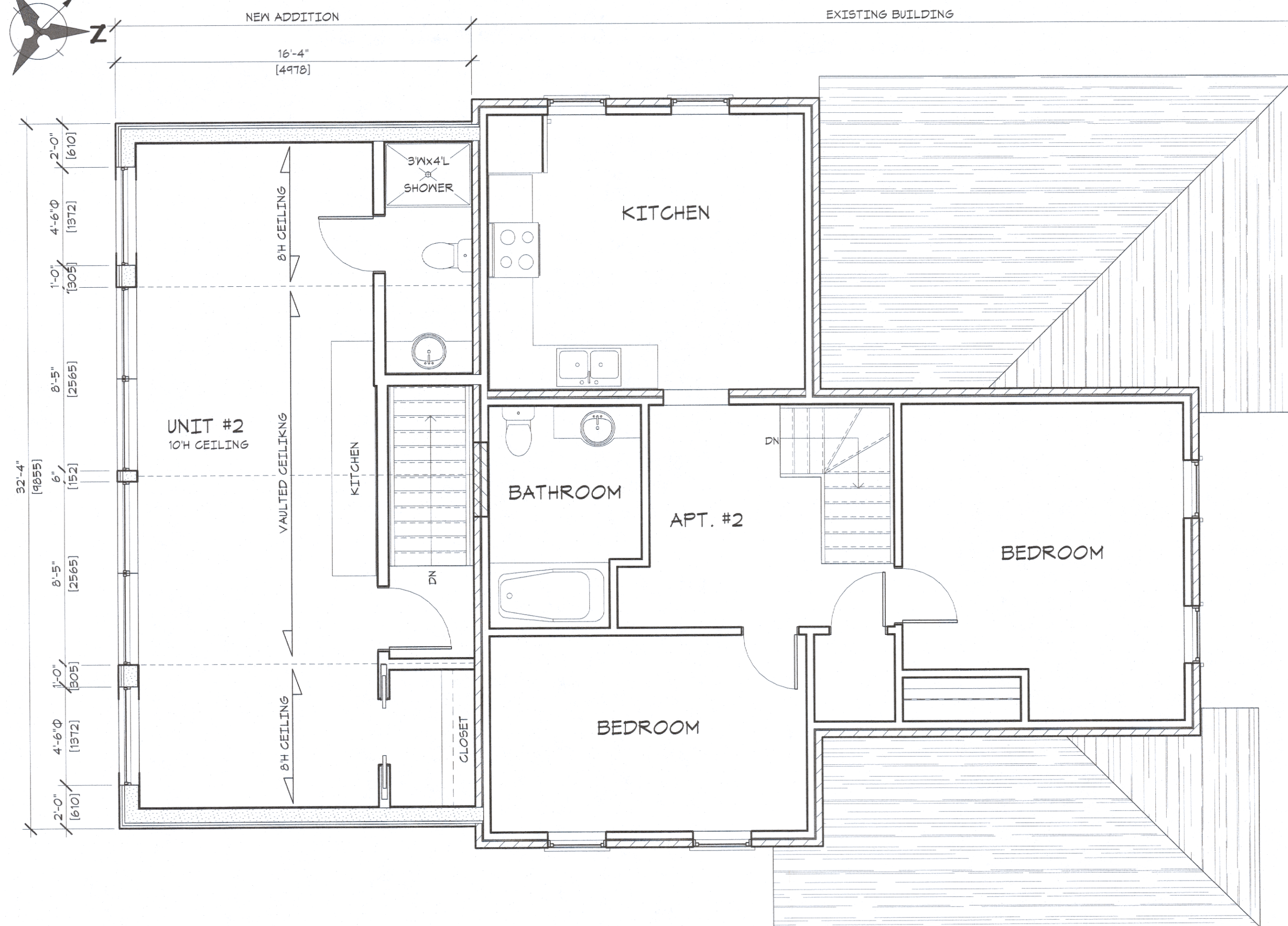
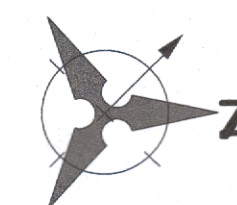


SOUTH ELEVATION
1/4" = 1'-0"



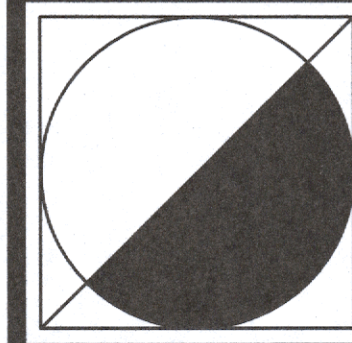
GROUND FLOOR PLAN
1/4" = 1'-0"

AREA = 446.55 ft² [41.48 m²]



SECOND FLOOR PLAN
1/4" = 1'-0"

AREA = 517.89 ft² [48.11 m²]



PROPOSED NEW SITE PLAN,
FLOOR PLANS AND ELEVATION

REVISION

DATE

199 ONTARIO ST
ST. CATHARINES, ON

Gerry Steenburg
Architectural Design
Interior Design
Project Management
8197 Sarah Street
Nagana Park, ON L2G 0V1
Tel: 905-685-5155
Fax: 905-685-5155
Email: gsteenburg@ogee.ca

DATE: AUG. 29, 2022
SCALE: AS STATED
DRN BY: G.C.H.
CHECKED: G.S.

A1

Martin Howley and Pamela Cline Howley,

September 9, 2022

St Catharines, ON L2R 7C2

September 9, 2022

We the undersigned are the owners of 1 Woodruff Avenue, the property adjacent to

Unlike 199 Ontario, which is in a medium-density mixed-use zone, our property is in a low-density residential zone. Bylaw 8.7 specifies that the length of the back yard of a mixed-zone property abutting a residential zone shall be no less than 7.5 metres. The proposed addition to 199 Ontario in the space adjoining our property is in clear contravention of this bylaw. It would result in a serious reduction in the privacy and, we believe, the market value of our home. It is also a subversion of zoning regulations which are meant to protect the integrity and preserve the character of different city zones. Accordingly, should your committee decide to assent to the changes requested in the variance application, we request that you also make it clear to the applicant that this assent in no way confers approval of the proposed two-storey addition.

Pamela Cline Howley

DATE	DISC#	INFO	FBI	RECEIVED TO	UNIT
<div style="text-align: center;"> FILE NO SEP 13 2002 SCAN [] FBI - NEW YORK </div>					
FILE NO					



Memorandum

To: Jelena Pusara, Development Agreement Coordinator
From: Brad Johnston, Development Engineering Technologist
CC: City Committee of Adjustment Staff Members
Date: September 8, 2022
Hearing Date: September 21, 2022
Subject: **Committee of Adjustment - Minor Variance Applications**
4 Woodglen Drive – A-75/22SC
18-26 Josephine Street – A-89-94/22SC
17 Gertrude Street – A-110/22SC
199 Ontario Street – A-111/22SC
140 Parnell Road – A-112/22SC
1027 Pelham Road – A-113&114/22SC
24 Manning Street – A-115&116/22SC
69 Broadway – A-117/22SC
22 Cypress Street – A-118/22SC

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

- All applicants must acknowledge that although minimum Zoning setbacks may be reduced through Minor Variances, existing and additional widths greater than the minimum may be required to accommodate and maintain access and storm water conveyance, so as not to cause negative effects on subject and adjacent properties; and,
- All applicants be advised that a Grading Plan, prepared by a Professional Engineer or Ontario Land Surveyor, may be required as part of the submission for a building permit application for those sites required to obtain a building permit, but not subject to concurrent severance applications.

Prepared by:

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

MEMORANDUM

To: Elaine Munro, Committee Secretary & Planning Clerk
 Planning and Building Services
 Cc: Wilrik Banda
 Planning and Building Services
 From: Lou Grossi, Building Inspector II
 Planning and Building Services
 Date: September 9, 2022
 Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – September 21, 2022 hearing

NO.	ADDRESS	COMMENTS
A-117/22	69 Broadway	No comment
A-118/22	22 Cypress Street	Be advised that a building permit is required to construct the proposed accessory dwelling unit.
A-75/22	4 Woodglen Drive	Be advised that a building permit is required to construct the detached garage.
A-112/22	140 Parnell Road	Be advised that a building permit is required to construct the proposed enclosed structure.
A-111/22	199 Ontario Street	Be advised that a building permit is required to construct the proposed fourplex dwelling.
A-110/22	17 Gertrude Street	No comment
A-113/22	1027 Pelham Road	Be advised that a building permit is required to construct the proposed detached dwelling.

NO.	ADDRESS	COMMENTS
A-114/22	1027 Pelham Road	Be advised that a building permit is required to construct the proposed detached dwelling.
A-89/22	18-26 Josephine Street	Be advised that a building permit is required to construct the proposed detached dwelling with accessory dwelling unit.
A-90/22	18-26 Josephine Street	Be advised that a building permit is required to construct the proposed 3 unit townhouse with accessory dwelling unit.
A-91/22	18-26 Josephine Street	Be advised that a building permit is required to construct the proposed 3 unit townhouse.
A-92/22	18-26 Josephine Street	Be advised that a building permit is required to construct the proposed 3 unit townhouse.
A-93/22	18-26 Josephine Street	Be advised that a building permit is required to construct the proposed semi-detached dwelling with accessory dwelling unit.
A-94/22	18-26 Josephine Street	Be advised that a building permit is required to construct the proposed semi-detached dwelling.
A-115/22	24 Manning Street	Be advised that a building permit is required to construct the proposed 3 unit townhouse block.
A-116/22	24 Manning Street	Be advised that a building permit is required to construct the proposed 3 unit townhouse block.



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

To: Jelena Pusara, Development Agreement Coordinator

Cc:

From: Steve Bittner, Transportation Technologist

Date: September 9, 2022

Subject: Committee of Adjustment Comments (September 21, 2022, Hearing)

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

Steve Bittner
Transportation Technologist

To: Jelena Pusara, Development Agreement Coordinator, PBS
Claire Semple, Community Improvement Plan Coordinator, PBS

Cc:

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

Date: September 16, 2022

Subject: Committee of Adjustment Applications – September 21, 2022 Hearing

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

69 Broadway, Minor Variance, A-117/22 – 22109688 (B. Stan, Planner)

No objection.

22 Cypress Street, Minor Variance, A-118/22 – 22 109696

No objection.

4 Woodglen Drive, Minor Variance, A-75/22 – 22 106640

No objection.

140 Parnell Road, Minor Variance, A-112/22 – 22 109298

No objection.

199 Ontario Street, Minor Variance, A-111/22 – 22 109331

CRCS offers no objection to the requested minor variances to facilitate the conversion of the existing building to a fourplex, subject to the condition that the applicant be required to remove the excess portion of the existing front yard parking area, consistent with the recommendation outlined in Planning Services' Technical Report.

17 Gertrude Street, Consent, B-51/22SC – 22 109412

17 Gertrude Street, Minor Variance – A-110/22 – 22 109545

No objection.

1027 Pelham Road, Consent, B-52/22SC – 22 109552

1027 Pelham Road, Minor Variance, A-113/22 – 22 109553

1027 Pelham Road, Minor Variance, A-114/22 – 22 109554

CRCS offers no objection to the proposed creation of a new lot to facilitate the construction of two new dwellings (following demolition of the existing home), nor the requested minor variances.

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

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

1. That payment of 5% of the appraised value of the new lot be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53(13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. The appraisal shall be completed by a qualified appraiser. (Condition subject to Planning and Building Services' determination that parkland dedication can, in fact, be collected for this application.)
2. That the applicant submit a payment for the placement of a 60mm boulevard tree for the new lot, in accordance with the City's current Schedule of Rates and Fees.

18-26 Josephine Street, Consent, B-50/22SC – 22 108732

18-26 Josephine Street, Consent, B-43/22SC – 22 106984

18-26 Josephine Street, Consent, B-44/22SC – 22 106985

18-26 Josephine Street, Consent, B-45/22SC – 22 106988

18-26 Josephine Street, Consent, B-43/22SC – 22 106984

18-26 Josephine Street, Minor Variance, A-89/22 – 22 106817

18-26 Josephine Street, Minor Variance, A-90/22 – 22 106819

18-26 Josephine Street, Minor Variance, A-91/22 – 22 106840

18-26 Josephine Street, Minor Variance, A-92/22 – 22 106845

18-26 Josephine Street, Minor Variance, A-93/22 – 22 106847

18-26 Josephine Street, Minor Variance, A-94/22 – 22 106850

CRCS offers no objection to the proposed creation of five new lots to facilitate the construction of one detached dwelling, three townhouse units, and two semi-detached dwelling units, plus associated interior accessory dwelling units. Further, CRCS offers no objection to the majority of the requested minor variances, with the exception of those related to front yard setbacks for front porches. As proposed by the applicant, these setbacks will impact the amount of open space that can be provided in the front yard and limit opportunities for landscaping. It is the opinion of CRCS staff that this would result in negative impacts on the existing streetscape. CRCS is however, supportive of the larger setbacks to the front porches being recommended by Planning staff in their Technical Report.

We note that there is one existing young boulevard tree in the Josephine Street boulevard that will be impacted by the new driveway for the middle townhouse unit. The applicant will be required to pay the cost for City crews to remove and replace that tree elsewhere.

The applicant is encouraged to retain as many mature trees on site as possible and should be made aware that, pursuant to the Ontario Forestry Act, boundary trees (i.e. trees whose trunks straddle more than one property) may not be removed or destroyed unless express written permission is obtained from the co-owner of the tree.

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

1. That payment of 5% of the appraised value of each new lot be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53(13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. The appraisal shall be completed by a qualified appraiser. (Condition subject to Planning and Building Services' determination that parkland dedication can, in fact, be collected for this application.)
2. That the applicant submit a payment for the placement of a 60mm boulevard tree for each new lot, in accordance with the City's current Schedule of Rates and Fees.
3. That the applicant submit payment for the removal and replacement of the existing boulevard tree located within the Josephine Street road allowance.

24 Manning Street, Consent, B-53/22SC – 22 109637

24 Manning Street, Consent, B-54/22SC – 22 109638

24 Manning Street, Minor Variance, A-115/22 – 22 109639

24 Manning Street, Minor Variance, A-116/22 – 22 109640

CRCS offers no objection to the proposed creation of two new lots to facilitate the construction of three townhomes fronting onto East Street, nor the requested minor variances.

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

1. That payment of 5% of the appraised value of the new lots be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53(13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. The appraisal shall be completed by a qualified appraiser. (Condition subject to Planning and Building Services' determination that parkland dedication can, in fact, be collected for this application.)
2. That the applicant submit a payment for the placement of a 60mm boulevard tree for each new lot, in accordance with the City's current Schedule of Rates and Fees.

*Amanda Knutson
Community Project and Development Planner*

**Amanda No. 22 109298
Submission No. A-112/22**

**COMMITTEE OF ADJUSTMENT
4-140 Parnell Rd**

140 Parnell Road, Unit 4

**DATE OF HEARING:
September 21, 2022**



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: September 12, 2022

Date of Meeting: September 21, 2022

Report Number: A-112/22

File: 22 109298

Subject: 140 Parnell Road Unit 104 (Niagara North Vacant Land Condominium Plan No. 253 Level 1 Unit 1)

Recommendation

That Application **A-112/22** submitted by Mike Girotti and Phyllis Girotti, as outlined in the Notice of Hearing, be approved.

Report

The Proposal

Application **A-112/22** seeks relief from the City of St. Catharines Zoning By-law 2013-283, as amended, for a reduced rear yard setback to permit the enclosure of the existing platform structure to create a sunroom. The proposed sunroom has a rear yard setback of 2.39 metres which does not meet the minimum 7.5 metre rear yard setback as required in the City's Zoning By-law.

Location and Site Description

The property is presently occupied by a condominium townhouse situated at the southern extent of a private road condominium development located on the south side of Parnell Road, east of Vine Street. The proposed sunroom would be adjacent to the Walker's Creek forested valley to the east and south (rear yard), and to adjacent residential properties to the west. The neighbourhood is residential with a variety of dwelling types.

Circulation of Application

This Application was circulated to all appropriate departments and agencies: no objections were received. Furthermore, the Niagara Peninsula Conservation Authority expressed no objections to the proposed works as the proposed development remains a considerable distance away from any natural hazards associated with Walker's Creek.

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. Townhouses are permitted in this designation.

Zoning By-law (2013-283)

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

Planning Analysis

The subject lands are located within a townhouse development on a private road. There is a Site Plan Agreement registered on the title of this property on September 3, 2015. As such, any changes to the approved plans will require an amendment to the Site Plan Agreement.

Zoning By-law 2013-283 requires a minimum 7.5 m rear yard setback for townhouses in the R1 zone. The intent of the rear yard setback is to ensure adequate amenity space is provided on a property, to maintain adequate separation distance and buffering between neighbouring properties, minimize overlook and privacy impacts, and to provide sufficient space for property maintenance and stormwater management.

The applicant is requesting a reduction of the minimum rear yard setback from 7.5 metres to 2.39 metres to enclose the existing deck to permit a sunroom addition to the dwelling unit. There is a large, forested valley to the rear of this property and therefore there are no overlook or privacy impacts with adjacent residential properties, or concerns for property maintenance and stormwater management. As the existing deck is being enclosed, staff have no concerns that the requested rear yard reduction will create any new conflicts with adjacent properties. All other required zoning provisions are being maintained. The Niagara Peninsula Conservation Authority (NPCA) reviewed the proposal and had no concerns. As such, staff are of the opinion that the requested variance is minor in nature, is desirable for the appropriate development of the lands and is in keeping with the intent of the Official Plan and Zoning By-law.

Conclusion

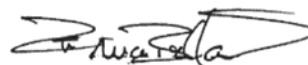
Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Application **A-112/22** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is desirable for the appropriate use of the lands. Staff recommend approval of the Application.

Prepared by and Submitted by:



Brenda Stan
Planner

Approved by:

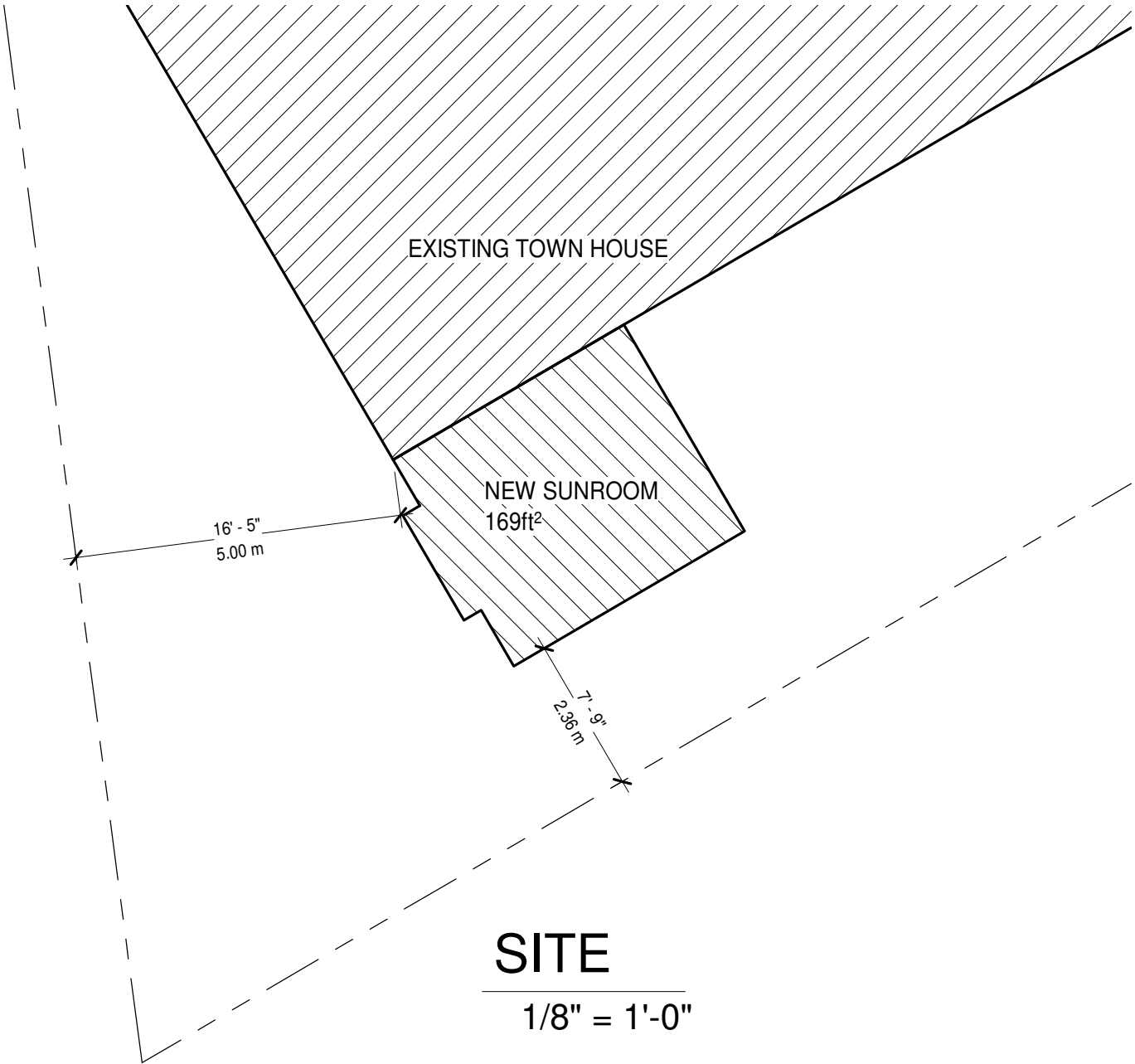


Bruce Bellows
Senior Project Manager



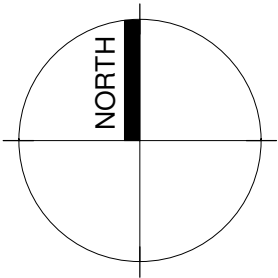
KEY PLAN

1" = 100'-0"



SITE

1/8" = 1'-0"




CONTRACTOR SHALL VERIFY ALL
DIMENSIONS ON THE JOB SITE

The undersigned has reviewed and takes responsibility for
this design and has the qualifications and meets
requirements set out in the Ontario Building Code to be a
designer.

QUALIFICATION INFORMATION
Required unless design is exempt under 2.17.5.1 of the
building code.

JOSHUA VAN MUYEN  46538
NAME SIGNATURE BCIN

REGISTRATION INFORMATION
Required unless design is exempt under 2.17.4.1 of the
building code.

JOSHUA VAN MUYEN  107087
FIRM NAME BCIN

**Joshua
Van Muyen**
Building Design Services

206 Vine Street
St. Catharines ON, L2M 4S8
email: jvmuyen@gmail.com
phone: 905-324-1988

Sunroom Addition

Mike Girotti

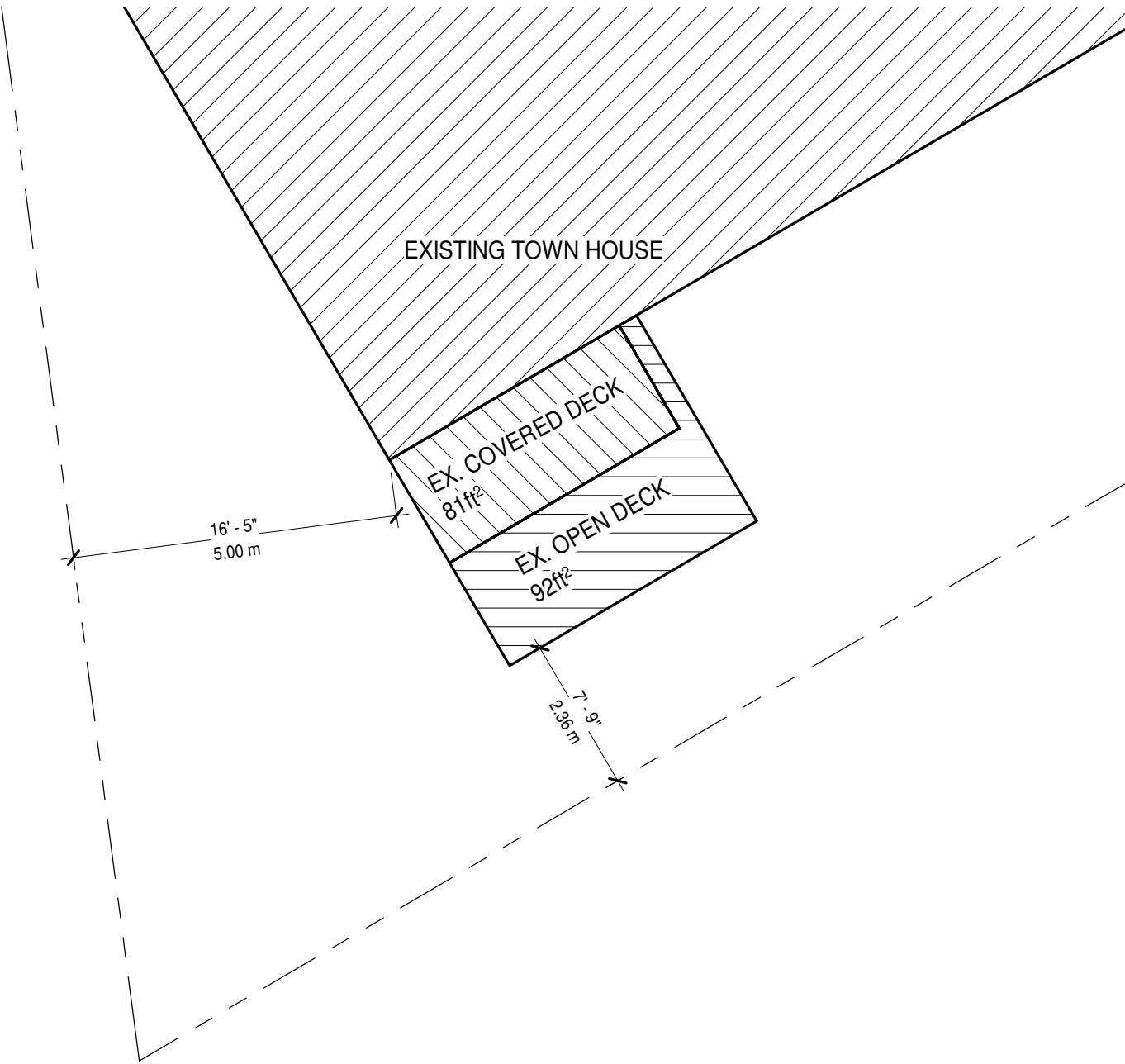
140 Parnell Unit 104
St. Catharines, ON

COVER SHEET

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Approved:	J. Van Muyen
Date:	Sept. 12, 2022
Project #:	21-64
Paper Size	11x17

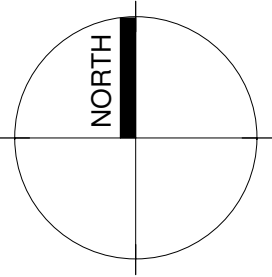
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A0-1



Ex. Site Plan

1/8" = 1'-0"



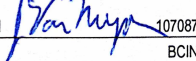
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email: jvmuyen@gmail.com
phone:905-324-1988

Sunroom Addition

Mike Girotti

140 Parnell Unit 104
St. Catharines, ON

Ex. Site Plan

Scale: 1/8" = 1'-0"

Drawn By: J. Van Muyen

Approved: J. Van Muyen

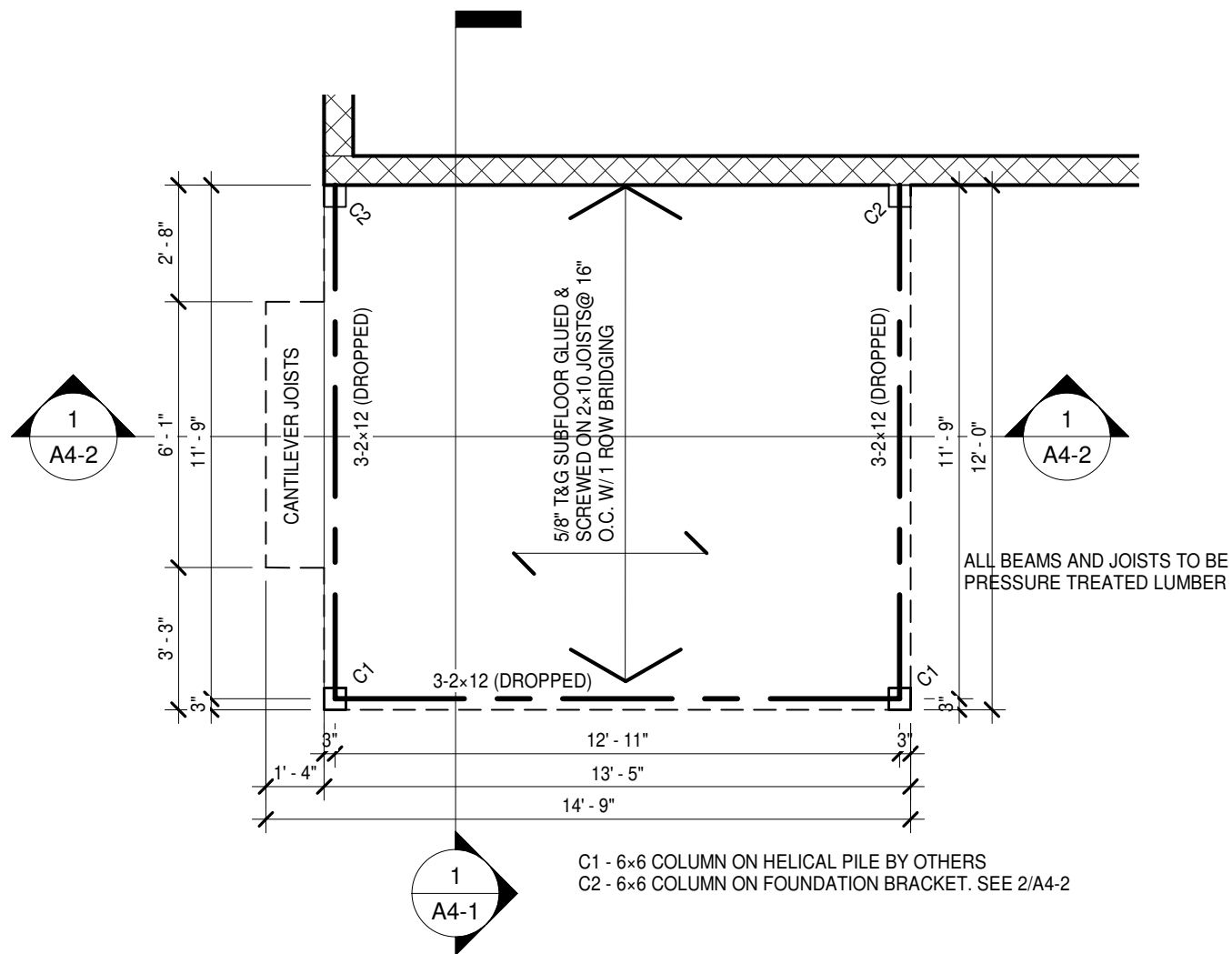
Date: Sept. 12, 2022

Project #: 21-64

Paper Size 11x17

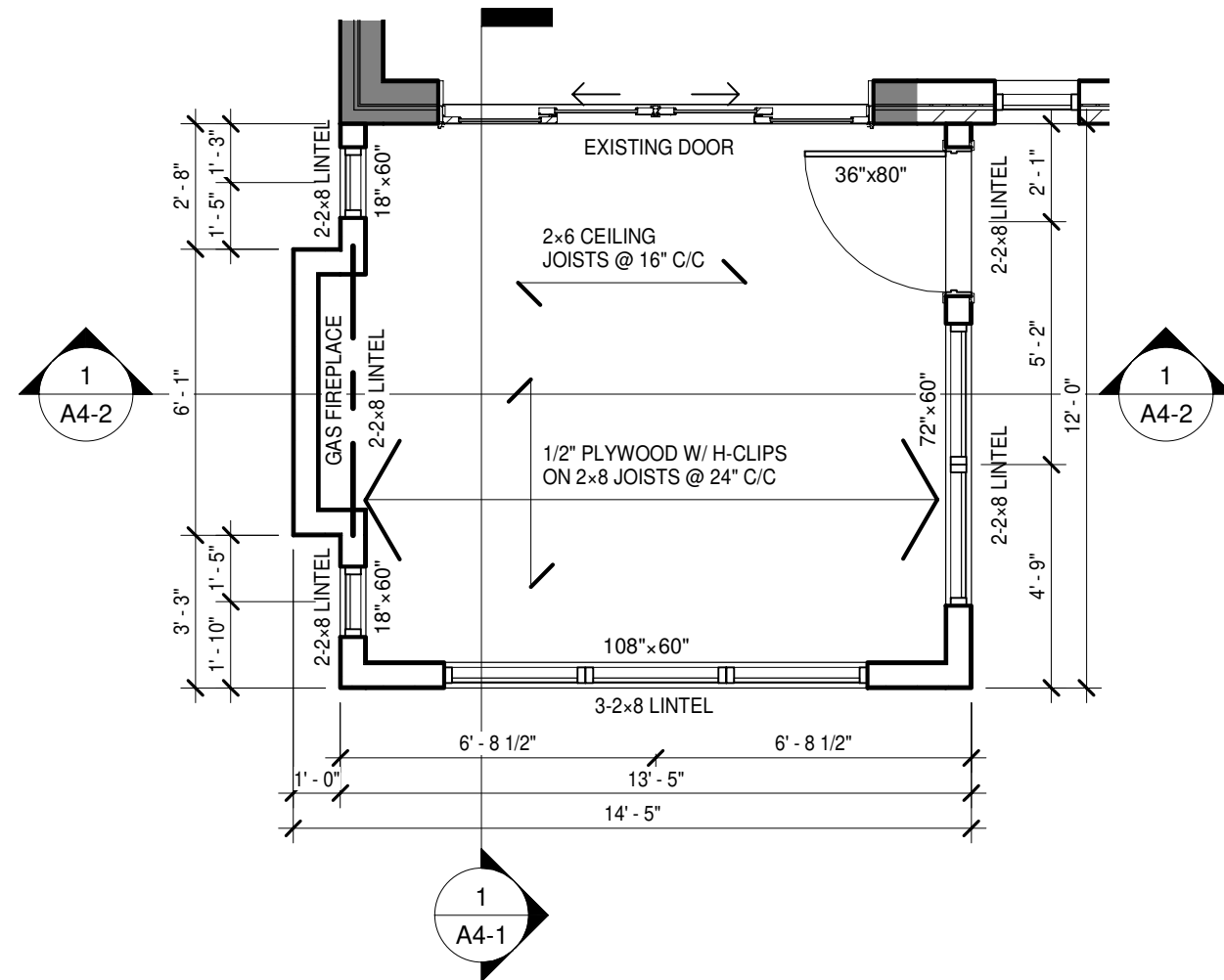
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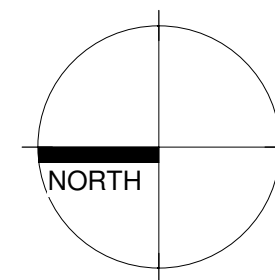
Foundation Plan

1/4" = 1'-0"



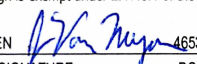
1st Floor Plan

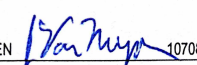
1/4" = 1'-0"



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email: jvmuyen@gmail.com
phone: 905-324-1988

Sunroom Addition

Mike Girotti

140 Parnell Unit 104
St. Catharines, ON

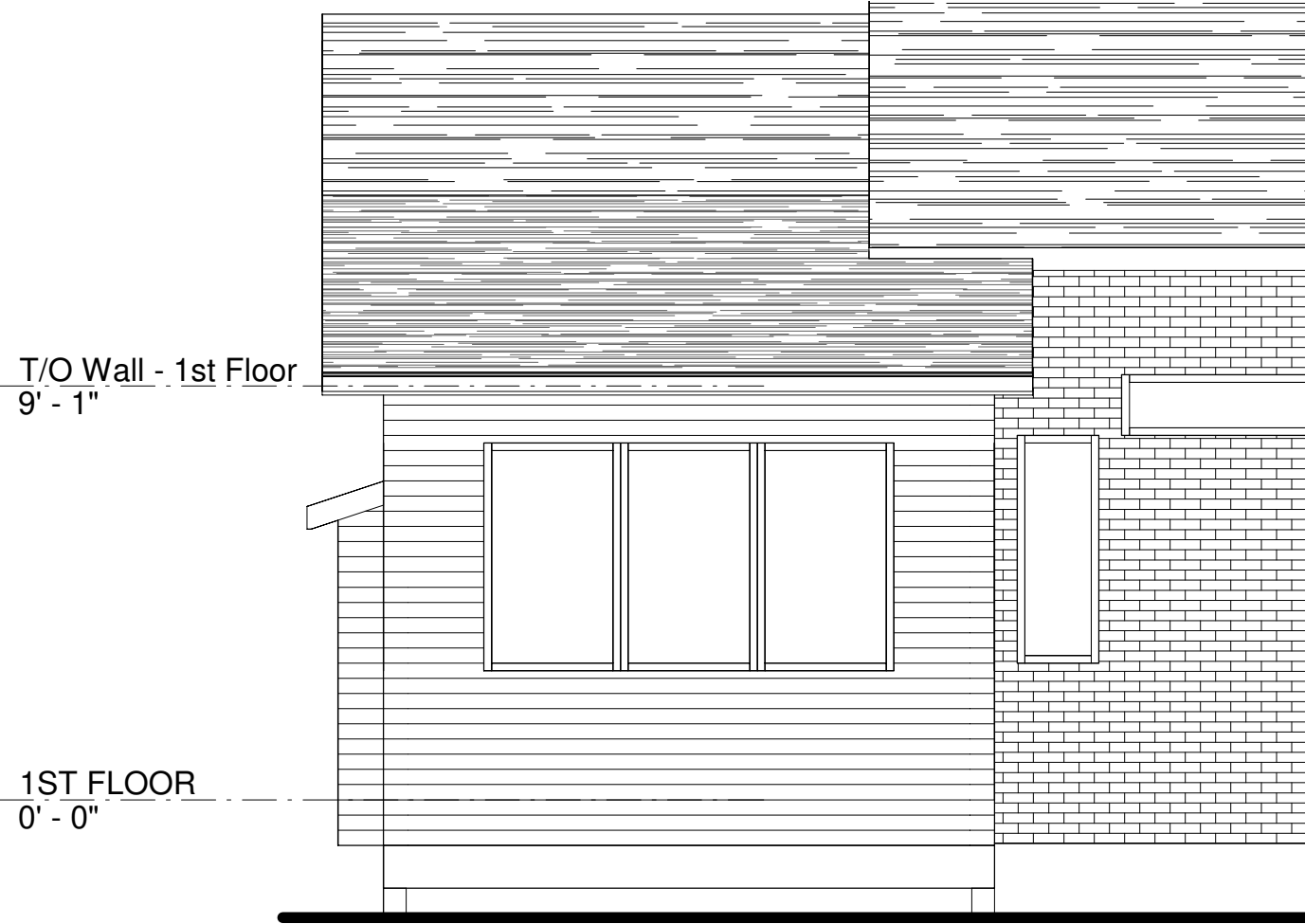
Plans

Scale:	1/4" = 1'-0"
Drawn By:	J. VAN MUYEN
Approved:	J. Van Muyen
Date:	Sept. 12, 2022
Project #:	21-64
Paper Size	11x17

Drawing #:

A2-1

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South

1/4" = 1'-0"

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NAME SIGNATURE BCIN 46538

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JOSHUA VAN MUYEN
FIRM NAME SIGNATURE BCIN 107087

Joshua
Van Muyen

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email: jvmuyen@gmail.com
phone:905-324-1988

Sunroom Addition

Mike Girotti

140 Parnell Unit 104
St. Catharines, ON

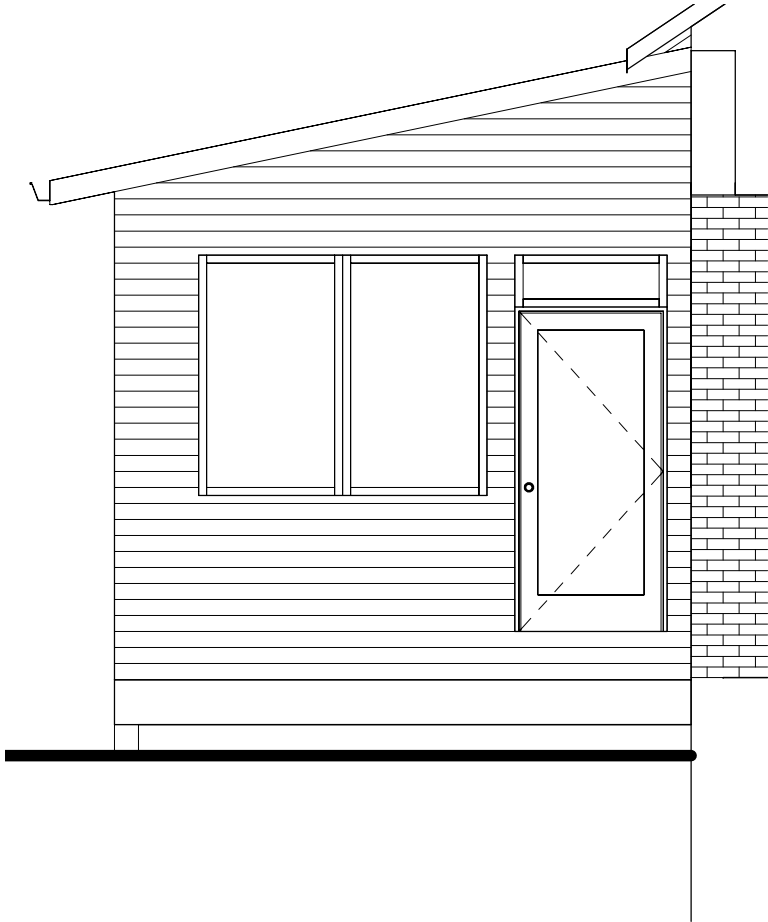
Elevations

Scale:	1/4" = 1'-0"
Drawn By:	J. Van Muyen
Approved:	J. Van Muyen
Date:	Sept. 12, 2022
Project #:	21-64
Paper Size	11×17

Drawing #:

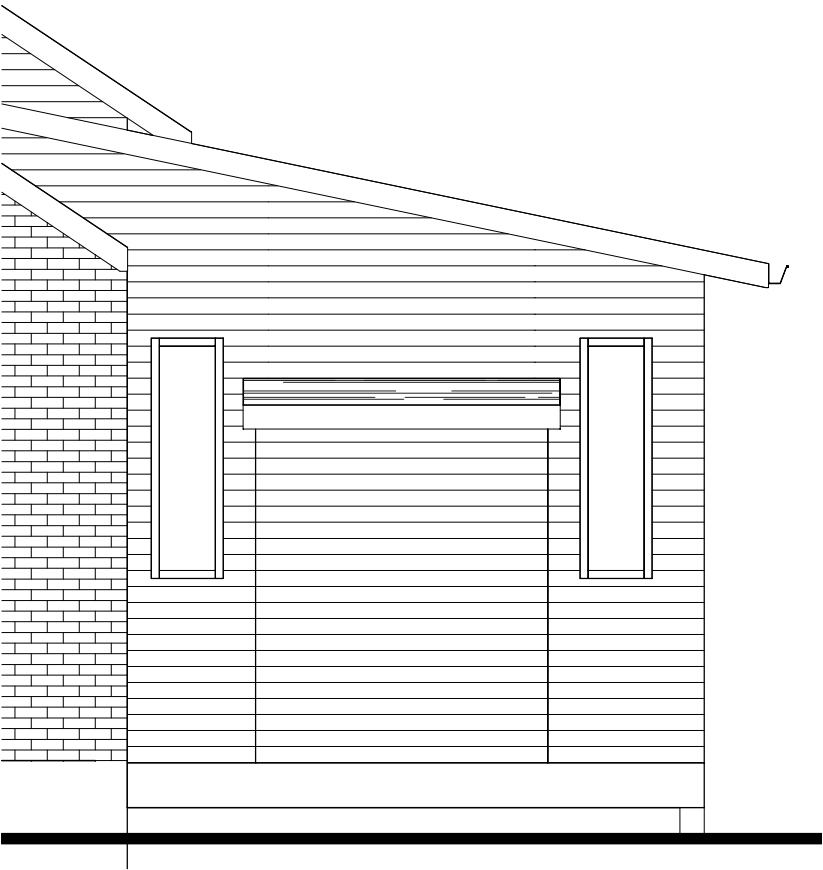
A3-1

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East

1/4" = 1'-0"



West

1/4" = 1'-0"

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Sunroom Addition

Mike Girotti

140 Parnell Unit 104
St. Catharines, ON

Elevations

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

Drawn By: J. VAN MUYEN

Approved: J. Van Muyen

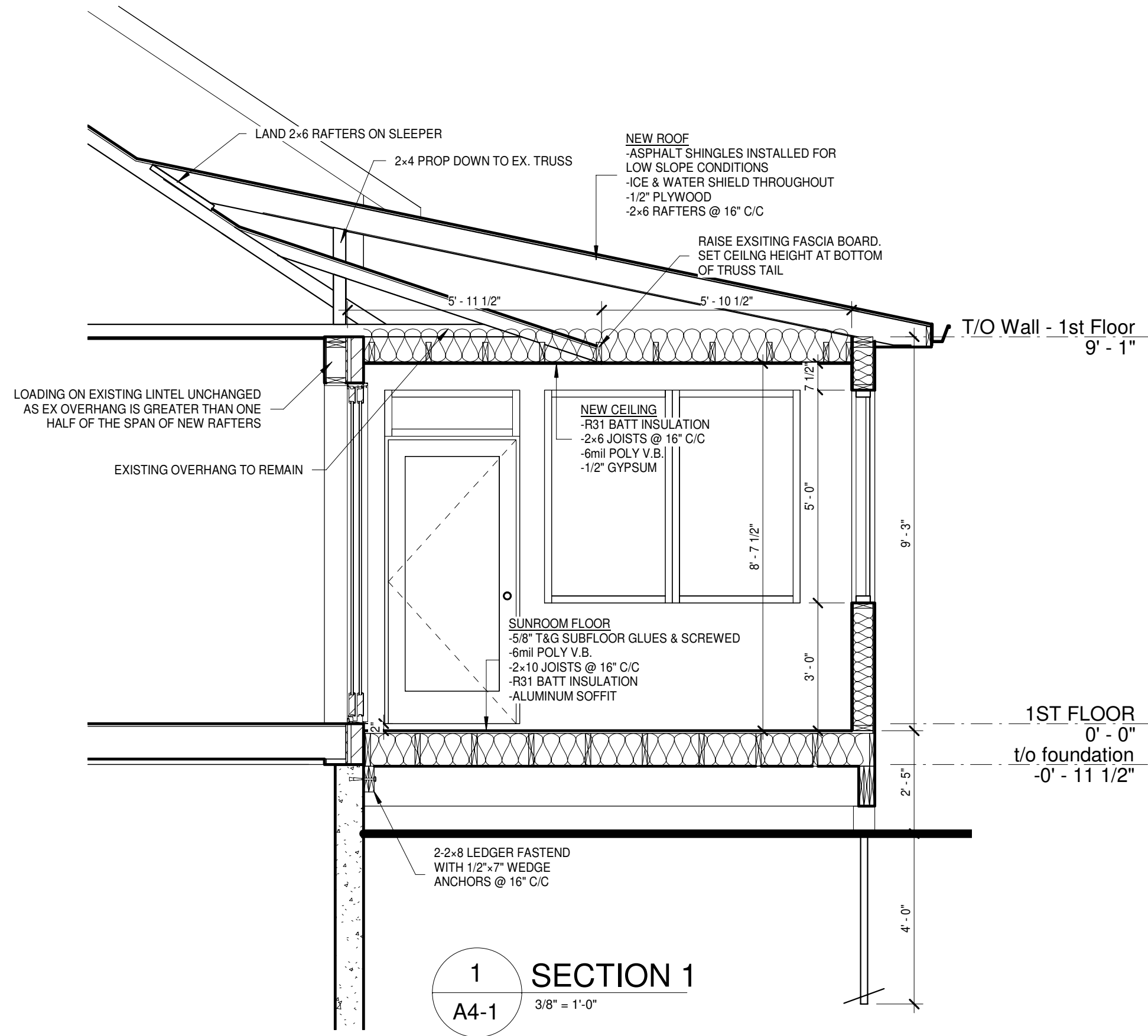
Date: Sept. 12, 2022

Project #: 21-64

Paper Size 11x17

Drawing #:

A3-2



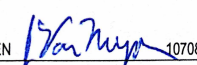
1
A4-1

SECTION 1
3/8" = 1'-0"

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Sunroom Addition

Mike Girotti

140 Parnell Unit 104
St. Catharines, ON

Sections

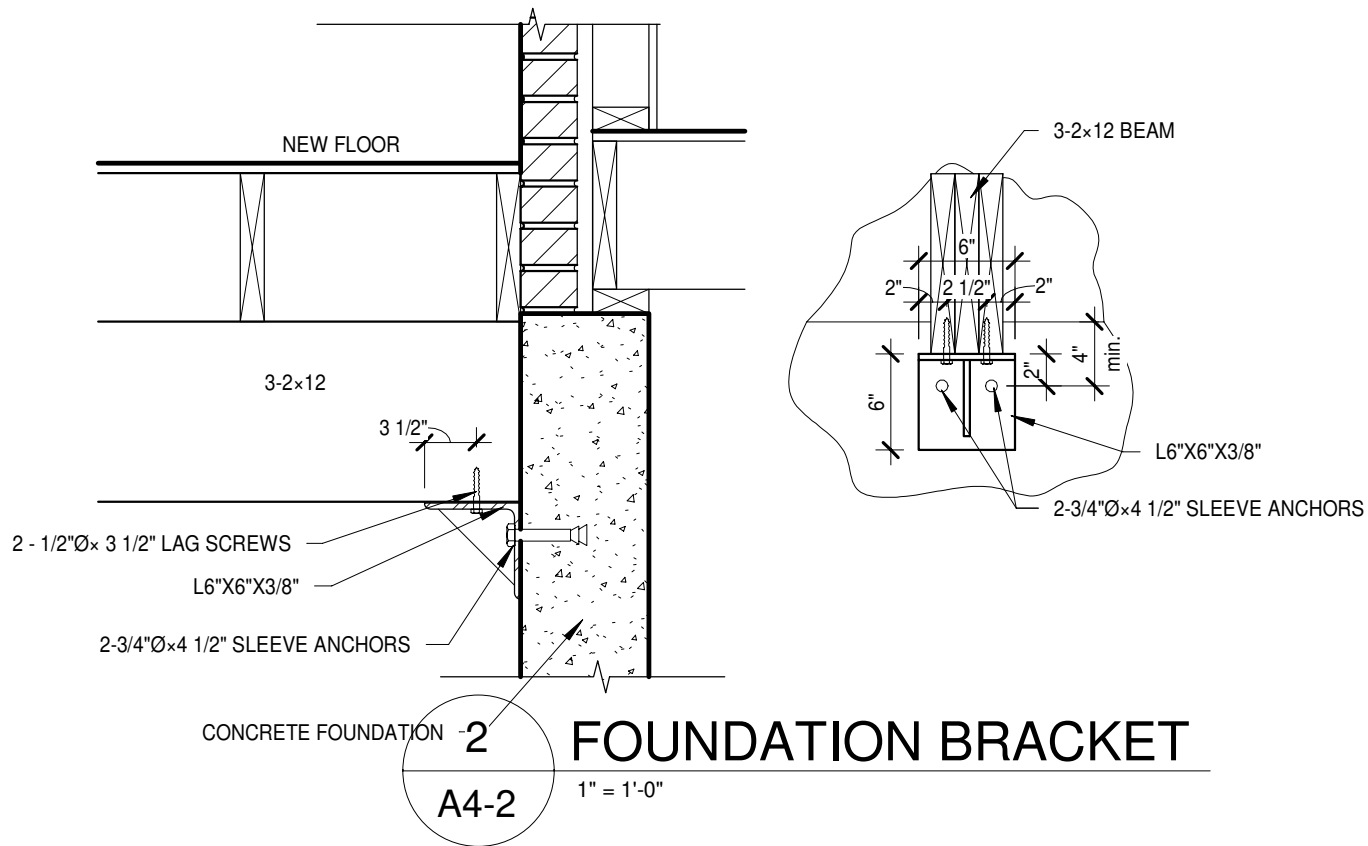
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Approved:	J. Van Muyen
Date:	Sept. 12, 2022
Project #:	21-64
Paper Size	11x17

Drawing #:
A4-1

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1
A4-2
SECTION 2
1/4" = 1'-0"



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Sunroom Addition

Mike Girotti

140 Parnell Unit 104
St. Catharines, ON

Sections & Details

Scale:	As indicated
Drawn By:	J. VAN MUYEN
Approved:	J. Van Muyen
Date:	Sept. 12, 2022
Project #:	21-64
Paper Size	11x17

Drawing #:

A4-2



Memorandum

To: Jelena Pusara, Development Agreement Coordinator
From: Brad Johnston, Development Engineering Technologist
CC: City Committee of Adjustment Staff Members
Date: September 8, 2022
Hearing Date: September 21, 2022
Subject: **Committee of Adjustment - Minor Variance Applications**
4 Woodglen Drive – A-75/22SC
18-26 Josephine Street – A-89-94/22SC
17 Gertrude Street – A-110/22SC
199 Ontario Street – A-111/22SC
140 Parnell Road – A-112/22SC
1027 Pelham Road – A-113&114/22SC
24 Manning Street – A-115&116/22SC
69 Broadway – A-117/22SC
22 Cypress Street – A-118/22SC

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

- All applicants must acknowledge that although minimum Zoning setbacks may be reduced through Minor Variances, existing and additional widths greater than the minimum may be required to accommodate and maintain access and storm water conveyance, so as not to cause negative effects on subject and adjacent properties; and,
- All applicants be advised that a Grading Plan, prepared by a Professional Engineer or Ontario Land Surveyor, may be required as part of the submission for a building permit application for those sites required to obtain a building permit, but not subject to concurrent severance applications.

Prepared by:

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

MEMORANDUM

To: Elaine Munro, Committee Secretary & Planning Clerk
 Planning and Building Services
 Cc: Wilrik Banda
 Planning and Building Services
 From: Lou Grossi, Building Inspector II
 Planning and Building Services
 Date: September 9, 2022
 Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – September 21, 2022 hearing

NO.	ADDRESS	COMMENTS
A-117/22	69 Broadway	No comment
A-118/22	22 Cypress Street	Be advised that a building permit is required to construct the proposed accessory dwelling unit.
A-75/22	4 Woodglen Drive	Be advised that a building permit is required to construct the detached garage.
A-112/22	140 Parnell Road	Be advised that a building permit is required to construct the proposed enclosed structure.
A-111/22	199 Ontario Street	Be advised that a building permit is required to construct the proposed fourplex dwelling.
A-110/22	17 Gertrude Street	No comment
A-113/22	1027 Pelham Road	Be advised that a building permit is required to construct the proposed detached dwelling.

NO.	ADDRESS	COMMENTS
A-114/22	1027 Pelham Road	Be advised that a building permit is required to construct the proposed detached dwelling.
A-89/22	18-26 Josephine Street	Be advised that a building permit is required to construct the proposed detached dwelling with accessory dwelling unit.
A-90/22	18-26 Josephine Street	Be advised that a building permit is required to construct the proposed 3 unit townhouse with accessory dwelling unit.
A-91/22	18-26 Josephine Street	Be advised that a building permit is required to construct the proposed 3 unit townhouse.
A-92/22	18-26 Josephine Street	Be advised that a building permit is required to construct the proposed 3 unit townhouse.
A-93/22	18-26 Josephine Street	Be advised that a building permit is required to construct the proposed semi-detached dwelling with accessory dwelling unit.
A-94/22	18-26 Josephine Street	Be advised that a building permit is required to construct the proposed semi-detached dwelling.
A-115/22	24 Manning Street	Be advised that a building permit is required to construct the proposed 3 unit townhouse block.
A-116/22	24 Manning Street	Be advised that a building permit is required to construct the proposed 3 unit townhouse block.



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

To: Jelena Pusara, Development Agreement Coordinator

Cc:

From: Steve Bittner, Transportation Technologist

Date: September 9, 2022

Subject: Committee of Adjustment Comments (September 21, 2022, Hearing)

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

Steve Bittner
Transportation Technologist

From: Taran Lennard <tlennard@npca.ca>
Sent: Wednesday, August 24, 2022 11:25 AM
To: Zamani, Erika <ezamani@stcatharines.ca>
Cc: Stan, Brenda <bstan@stcatharines.ca>
Subject: RE: 140 Parnell Rd. Minor Variance application

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,

No objections from NPCA on the MV. The proposal and unit remain a considerable distance away from the hazards associated with Walker's Creek.

Thank you.

Taran Lennard
Watershed Planner

Niagara Peninsula Conservation Authority (NPCA)
250 Thorold Road West, 3rd Floor | Welland, ON L3C 3W2
Tel: 905-788-3135 | extension 277
email: tlennard@npca.ca

The NPCA is updating our Planning and Permitting Policies! To find out more visit [Get Involved with NPCA](#) and register for the August 24, 2022 Virtual Public Information Session.

[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 & 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>.

For mapping on features regulated by the NPCA please go to our GIS webpage at <https://gis-npca-camaps.opendata.arcgis.com/> and utilize our Watershed Explorer App or GIS viewer.

To send NPCA staff information regarding a potential violation of Ontario Regulation 155/06 please go to the NPCA Enforcement and Compliance webpage at <https://npca.ca/administration/enforcement-compliance>

To: Jelena Pusara, Development Agreement Coordinator, PBS
Claire Semple, Community Improvement Plan Coordinator, PBS

Cc:

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

Date: September 16, 2022

Subject: Committee of Adjustment Applications – September 21, 2022 Hearing

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

69 Broadway, Minor Variance, A-117/22 – 22109688 (B. Stan, Planner)

No objection.

22 Cypress Street, Minor Variance, A-118/22 – 22 109696

No objection.

4 Woodglen Drive, Minor Variance, A-75/22 – 22 106640

No objection.

140 Parnell Road, Minor Variance, A-112/22 – 22 109298

No objection.

199 Ontario Street, Minor Variance, A-111/22 – 22 109331

CRCS offers no objection to the requested minor variances to facilitate the conversion of the existing building to a fourplex, subject to the condition that the applicant be required to remove the excess portion of the existing front yard parking area, consistent with the recommendation outlined in Planning Services' Technical Report.

17 Gertrude Street, Consent, B-51/22SC – 22 109412

17 Gertrude Street, Minor Variance – A-110/22 – 22 109545

No objection.

1027 Pelham Road, Consent, B-52/22SC – 22 109552

1027 Pelham Road, Minor Variance, A-113/22 – 22 109553

1027 Pelham Road, Minor Variance, A-114/22 – 22 109554

CRCS offers no objection to the proposed creation of a new lot to facilitate the construction of two new dwellings (following demolition of the existing home), nor the requested minor variances.

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

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

1. That payment of 5% of the appraised value of the new lot be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53(13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. The appraisal shall be completed by a qualified appraiser. (Condition subject to Planning and Building Services' determination that parkland dedication can, in fact, be collected for this application.)
2. That the applicant submit a payment for the placement of a 60mm boulevard tree for the new lot, in accordance with the City's current Schedule of Rates and Fees.

18-26 Josephine Street, Consent, B-50/22SC – 22 108732

18-26 Josephine Street, Consent, B-43/22SC – 22 106984

18-26 Josephine Street, Consent, B-44/22SC – 22 106985

18-26 Josephine Street, Consent, B-45/22SC – 22 106988

18-26 Josephine Street, Consent, B-43/22SC – 22 106984

18-26 Josephine Street, Minor Variance, A-89/22 – 22 106817

18-26 Josephine Street, Minor Variance, A-90/22 – 22 106819

18-26 Josephine Street, Minor Variance, A-91/22 – 22 106840

18-26 Josephine Street, Minor Variance, A-92/22 – 22 106845

18-26 Josephine Street, Minor Variance, A-93/22 – 22 106847

18-26 Josephine Street, Minor Variance, A-94/22 – 22 106850

CRCS offers no objection to the proposed creation of five new lots to facilitate the construction of one detached dwelling, three townhouse units, and two semi-detached dwelling units, plus associated interior accessory dwelling units. Further, CRCS offers no objection to the majority of the requested minor variances, with the exception of those related to front yard setbacks for front porches. As proposed by the applicant, these setbacks will impact the amount of open space that can be provided in the front yard and limit opportunities for landscaping. It is the opinion of CRCS staff that this would result in negative impacts on the existing streetscape. CRCS is however, supportive of the larger setbacks to the front porches being recommended by Planning staff in their Technical Report.

We note that there is one existing young boulevard tree in the Josephine Street boulevard that will be impacted by the new driveway for the middle townhouse unit. The applicant will be required to pay the cost for City crews to remove and replace that tree elsewhere.

The applicant is encouraged to retain as many mature trees on site as possible and should be made aware that, pursuant to the Ontario Forestry Act, boundary trees (i.e. trees whose trunks straddle more than one property) may not be removed or destroyed unless express written permission is obtained from the co-owner of the tree.

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

1. That payment of 5% of the appraised value of each new lot be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53(13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. The appraisal shall be completed by a qualified appraiser. (Condition subject to Planning and Building Services' determination that parkland dedication can, in fact, be collected for this application.)
2. That the applicant submit a payment for the placement of a 60mm boulevard tree for each new lot, in accordance with the City's current Schedule of Rates and Fees.
3. That the applicant submit payment for the removal and replacement of the existing boulevard tree located within the Josephine Street road allowance.

24 Manning Street, Consent, B-53/22SC – 22 109637

24 Manning Street, Consent, B-54/22SC – 22 109638

24 Manning Street, Minor Variance, A-115/22 – 22 109639

24 Manning Street, Minor Variance, A-116/22 – 22 109640

CRCS offers no objection to the proposed creation of two new lots to facilitate the construction of three townhomes fronting onto East Street, nor the requested minor variances.

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

1. That payment of 5% of the appraised value of the new lots be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53(13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. The appraisal shall be completed by a qualified appraiser. (Condition subject to Planning and Building Services' determination that parkland dedication can, in fact, be collected for this application.)
2. That the applicant submit a payment for the placement of a 60mm boulevard tree for each new lot, in accordance with the City's current Schedule of Rates and Fees.

*Amanda Knutson
Community Project and Development Planner*

**Amanda No. 22 109552; 22 109553; 22 109554
Submission No. B-52/22SC; A-113/22; A-114/22**

**COMMITTEE OF ADJUSTMENT
1027 Pelham Rd**

**DATE OF HEARING:
September 21, 2022**



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: September 16, 2022 **Date of Meeting:** September 21, 2022

Report Number: B-52/22SC
A-113/22
A-114/22

File: 22 109552
22 109553
22 109554

Subject: 1027 Pelham Road (To become 1027A and 1027B Pelham Road)

Recommendation

Consent

The application **B-52/22SC**, submitted by Kimberly Caponcini and Steven Auld, as outlined in the Notice of Hearing, be approved.

1. That the Owner enter into a Development Agreement with the City of St. Catharines, to be registered on title to the lands currently known municipally as 1027 Pelham Road addressing the following conditions:
 - a) That building permit plans, including a site plan and elevations for Parts 1 and 2, to be reviewed and approved to the satisfaction of the Director of Planning and Building Services;
 - b) The Master Lot Grading and Drainage Plan, required as a condition of consent approval, be included in the Development Agreement, to ensure compliance as part of the review and approval of a building permit.
 - c) That the Tree Protection Plan be reviewed and approved to the satisfaction of the Director of Planning and Building Services and be attached to the development agreement.
 - d) That prior to any construction activities commencing on site, a tree protection zone delineated by construction/snow fencing/hoarding shall be established trunk of each tree identified for protection in the Tree Protection Plan, and such tree protection zone shall remain in place for the duration of construction.
 - e) That no soil, construction materials, equipment, or vehicles of any sort may be stored or otherwise located within the tree protection zone.
2. To the satisfaction of the City Engineer, the Owner completes the outstanding items required under the above noted registered servicing agreement via:
 - a) Retaining at their cost, a qualified Professional Engineer; and;
 - b) Submitting for review and approval, an as-built servicing plan in a digital and AutoCAD format, and letter of certification regarding the plan and

- profile for the approved sanitary sewer and appurtenance installations;
and
- c) Submitting for review and approval, an as-built Master Grading Plan noting the current as-built grades, and a letter of certification regarding the lot grading for the entire development has achieved compliance under the requirements of the Servicing Agreement and with the approved Master Grading Plan associated; and
 - d) Submitting for review and approval, a CCTV report of the sanitary main sewer and lateral connections for review and acceptance that no deficiencies exist, inclusive of having the main sanitary main sewer flushed, prior to; and
 - e) Submitting the required payments for the two remaining Regional boulevard trees to be planted along the frontages of the lots included in the registered Servicing Agreement, by Regional staff, in accordance with the Region's current Schedule of Rates and Fees; and
 - f) Remedy any noted deficiencies with respect to the sanitary main sewer installation and appurtenances, water laterals, and lot grading, applicable to the lots included in the registered servicing agreement per the associated plan
- 3. That the Owner arrange to have a Master Lot Grading and Drainage Plan for Parts 1 and 2 prepared by a qualified engineer or Ontario Land Surveyor for review and approval by City staff.
 - 4. That the Owner provide payment of 5% of the appraised value of the new lot be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53(13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. The appraisal shall be completed by a qualified appraiser.
 - 5. That the Owner obtain final approval of concurrent Minor Variance applications (A-113/22 and A-114/22) from the Committee of Adjustment.
 - 6. That the Owner provide the Secretary-Treasurer with the acknowledgement and direction for conveyance of the subject parcel, together with a copy of the deposited reference plan, for use in the issuance of the Certificate of Consent.
 - 7. That a final certification fee of \$222.20 (2022 rate) per application payable to the Treasurer, City of St. Catharines, be submitted to the Secretary-Treasurer.
 - 8. That all conditions of consent be fulfilled by September 21, 2024.

Minor Variance

The application **A-113/22**, submitted by Kimberly Caponcini and Steven Auld, as outlined in the Notice of Hearing, be approved.

The application **A-114/22**, submitted by Kimberly Caponcini and Steven Auld, as outlined in the Notice of Hearing, be approved.

Report

The Proposal

The Applicant proposes to sever 582.8 m² of land (Part 2 on the submitted sketch) for a new residential lot. The remnant 936.9 m² parcel of land (Part 1) will be retained for continued residential use. The owner proposes to demolish the existing dwelling and build a new single-storey detached dwelling on each lot. The requested consent and variances are described in the tables below.

Application	Severed Parcel	Severed Area	Retained Parcel	Retained Area
B-52/22SC	Part 1 (1027B Pelham Road)	936.9 m ²	Part 2 (1027A Pelham Road)	582.8 m ²

Application	Variance	Zoning Provision	Required	Proposed
A-113/22 1027B Pelham Road (Part 1)	1	Maximum lot area	538 m ²	938 m ²
A-114/22 1027A Pelham Road (Part 2)	1	Maximum lot area	538 m ²	583 m ²

Location and Site Description

The Subject Lands are located on the north side of Pelham Road (Regional Road 69) between Nicholas Drive and First Street Louth. The subject lands are currently occupied by a detached one-story dwelling. The surrounding area consists of primarily detached dwellings, with a private road development consisting of townhouses southeast of the site. On the south side of Pelham Road, across from the subject lands, are conservation and natural lands, and further west are agricultural lands and the City's urban area boundary.

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 lands are designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential on Schedule E7. Detached dwellings are permitted in this designation.

Zoning By-law (2013-283)

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

Planning Analysis

Consent

Consent application **B-52/22SC** requests to sever the subject property into two lots to construct two new detached dwellings. The existing detached dwelling is to be demolished. Section 16.11 of the GCP sets out a number of policies that applications for lot creation are evaluated against. Relevant policies are listed below with staff comments provided.

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

The proposed severed lot will make use of existing infrastructure. Any required improvements to infrastructure, such as municipal streets, water, wastewater, and stormwater services, will be at the owner's expense. 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 demolish one detached dwelling and construct two new two storey detached dwellings. There are existing 1 ½ and 2 storey dwellings surrounding the property, and the proposal represents context-sensitive infill development

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

The proposed lot fabric will result in two over-sized lots as per maximum lot area requirements in the Zoning By-law. The proposed new lot (Part 2) is 583 square metres, The retained lot is 938 square metres. The maximum lot size for a detached dwelling in the R1 zone is 538 square metres.

Despite the lots being oversized, there are no alternative development patterns that staff find to be appropriate. The lots are deep, but not excessively wide. There is no opportunity for a third lot for a detached dwelling on the subject lands. On either side of the subject lands are oversized lots with detached dwellings. The four lots to the west of the subject lands are larger than the proposed size of the retained lot. Therefore, staff find that a three-unit townhouse development, as an example of an alternative development pattern,

would be out of character given the surrounding lots and suburban character of the neighbourhood. Staff find that the proposal does represent the optimum development potential for the surrounding area.

Apart from the lots exceeding the maximum lot size, all other zoning requirements for the lots and proposed dwellings are being met. Subject to the approval of the necessary minor variances, staff are supportive of the development. Staff recommend that consent application B-41/22SC be approved, subject to conditions outlined in the recommendation.

Minor Variances

Two minor variances are being sought to facilitate the consent application. For the new lot (Part 2) an increase in maximum lot area from 538 square meters to 583 square metres is being requested. For the retained lot (Part 1) an increase of maximum lot area from 538 square metres to 938 square meters is being requested. The requested variances will facilitate the development of two new detached dwellings, which are a permitted use in the R1 zone. The zoning provisions for maximum lot area is used for regulating density, preventing underdevelopment, and supporting compact neighbourhoods and context-sensitive development. The proposed lot sizes will keep density and parcel fabric similar to the surrounding area, and in the opinion of staff, there are no adverse impacts on surrounding properties, and no alternative development pattern that would better contribute to context-sensitive infilling in this situation. Therefore, staff consider the requests to be minor in nature and desirable for the appropriate development of the lands. Staff find the variances meet the general intent of the Zoning By-law

The intent of the Official Plan policies for built form considerations is to ensure that the character of neighbourhoods is maintained through intensification and infill development. Both parcels will contain single detached dwellings on lot sizes consistent with the existing area and will result in modest intensification to the neighbourhood while utilizing existing municipal infrastructure and ensuring that the character of the neighbourhood is maintained. Staff find the requests to meet the general intent of the Official Plan.

Conclusion

Having regard for the matters under Section 53 of the *Planning Act*, staff are of the opinion that Consent Application B-52/22SC is in keeping with the policies of the Official Plan and is appropriate for the development of the land. It is staff's recommendation that the requested consent be approved, subject to the conditions outlined in the recommendation.

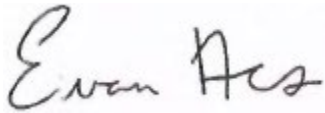
Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Applications A-113/22 and A-114/22 are in keeping with the general intent of the Official Plan and Zoning By-law, are minor in nature, and are desirable for the appropriate development of the lands. Staff recommend approval of the Applications.

Prepared by:



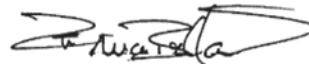
Giuseppe Ferreri
Student Planner

Submitted by:

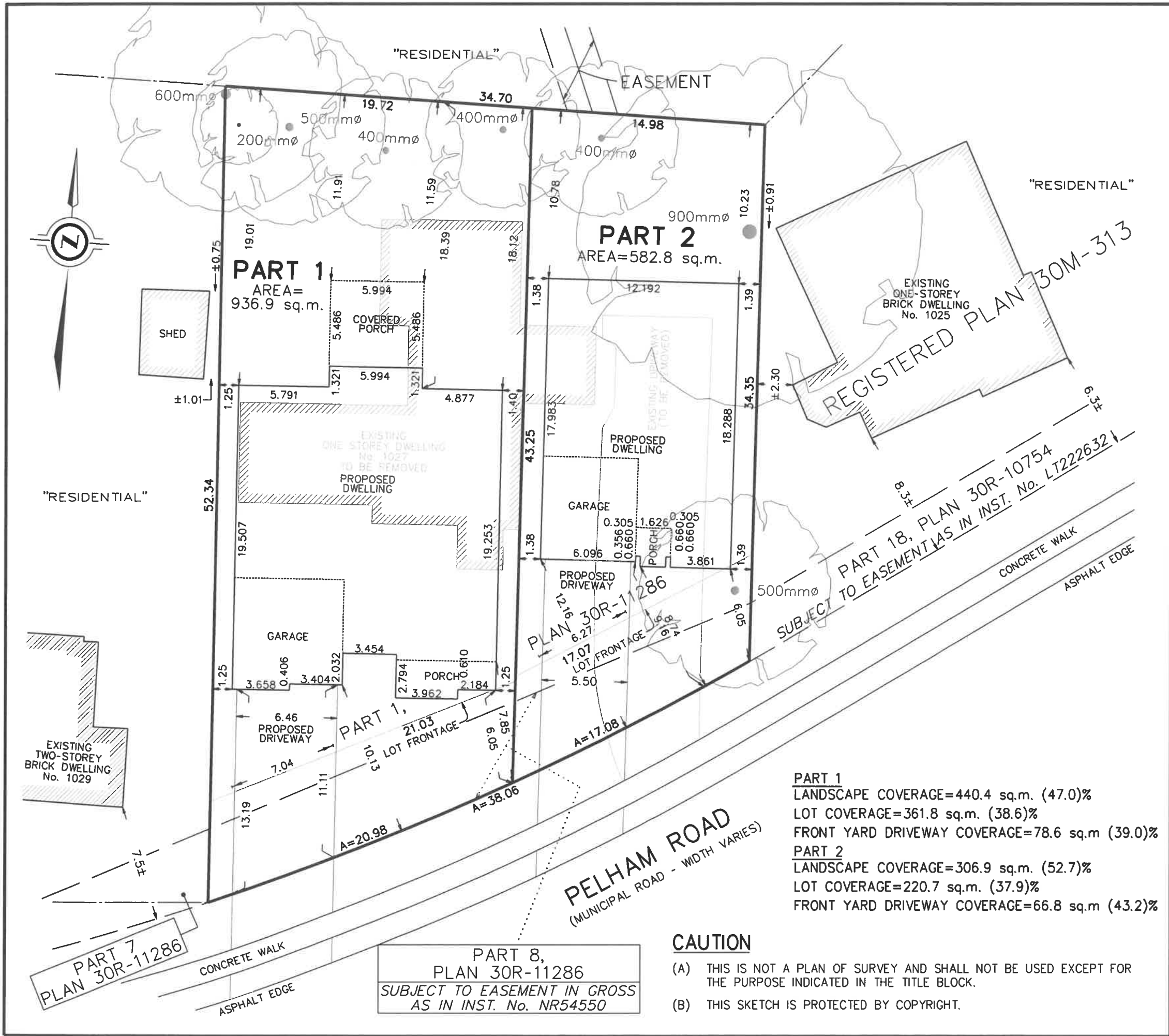


Evan Acs, MSC, RPP
Planner I

Approved by:



Bruce Bellows
Senior Project Manager



NOTE: THIS SKETCH IS NOT A PLAN OF SURVEY

SKETCH FOR PLANNING PURPOSES ONLY

1027 PELHAM ROAD
CITY OF ST. CATHARINES
REGIONAL MUNICIPALITY OF NIAGARA

SCALE 1 : 250

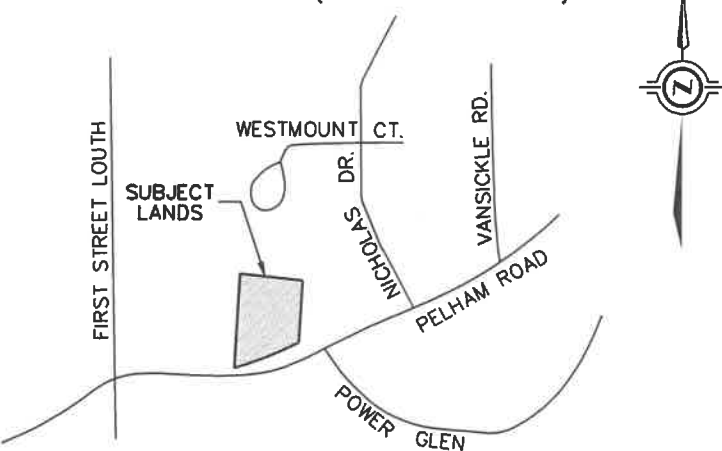


J.D. BARNES LIMITED
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METRIC NOTE

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE
CONVERTED TO FEET BY DIVIDING BY 0.3048

KEY PLAN (not to scale)



CITY OF ST. CATHARINES

LEGAL DESCRIPTION

PART OF LOT 23, CONCESSION 9
TOWNSHIP OF GRANTHAM
PARTS 1 AND 8, PLAN 30R-11286

BOUNDARY INFORMATION HAS BEEN DERIVED FROM AVAILABLE
RECORDS AND/OR FIELD MEASUREMENTS. THIS IS NOT A PLAN OF
SURVEY.

SOME FEATURES SHOWN ON THIS SKETCH HAVE BEEN DIGITIZED
FROM AERIAL PHOTOGRAPHY - LOCATION IS APPROXIMATE.

JULY 12, 2022
DATE

Allan J. Heywood
ALLAN J. HEYWOOD
ONTARIO LAND SURVEYOR



J.D. BARNES
LIMITED
LAND INFORMATION SPECIALISTS
4318 PORTAGE ROAD - UNIT 2, NIAGARA FALLS, ON L2E 6A4
T: (905) 358-3693 F: (905) 358-6224 www.jdbarnes.com

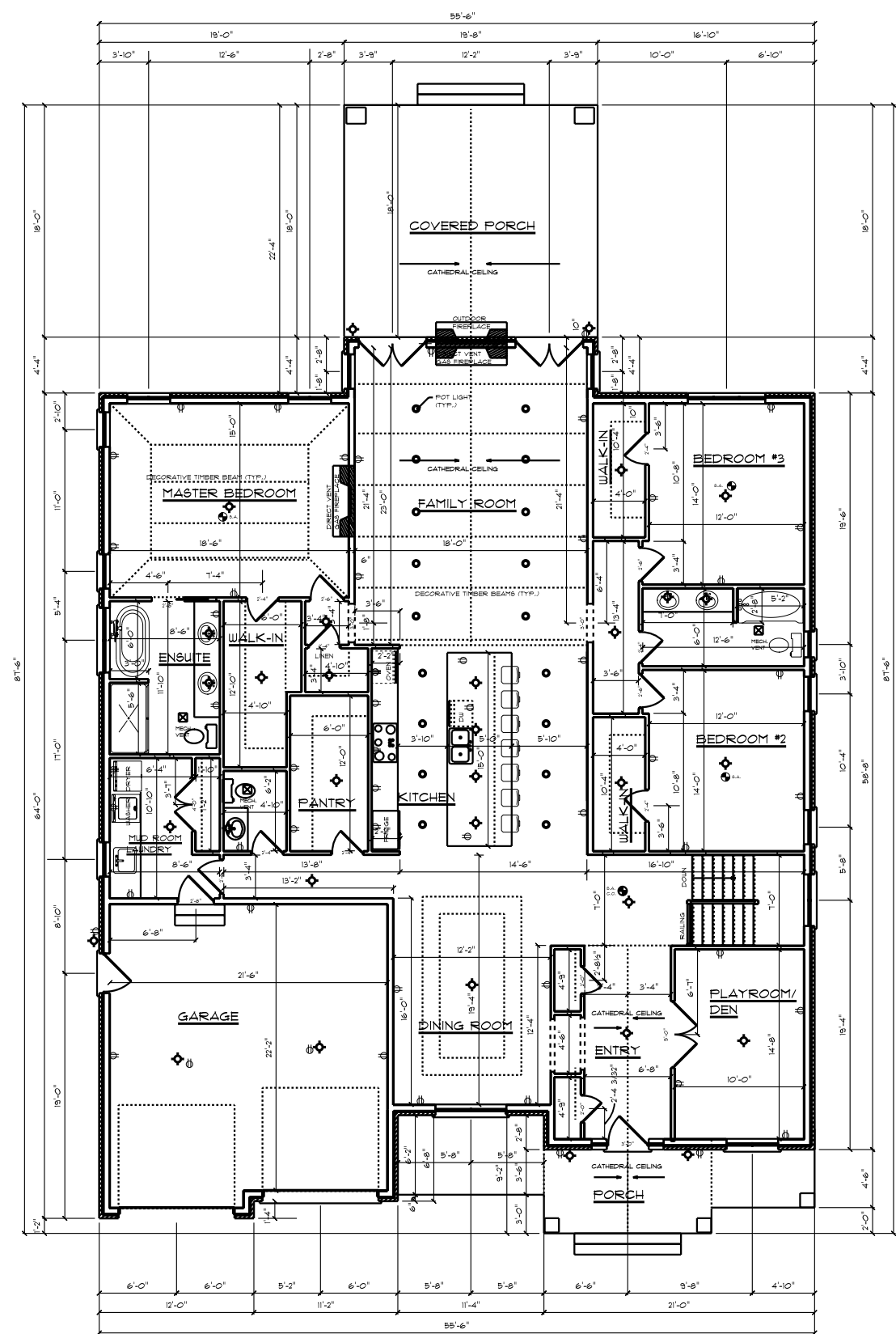
SURVEYING
MAPPING
GIS

VK/JN	DRAWN
AH	CHECKED
07/12/22	DATED:
21-16-312-00	Ref. No.

CAUTION

- (A) THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR
THE PURPOSE INDICATED IN THE TITLE BLOCK.
- (B) THIS SKETCH IS PROTECTED BY COPYRIGHT.

G:\2021\21-16-312\00\Drawing\21-16-312-00 LDC.dgn 7/12/2022 PLOTTED



FIRST FLOOR PLAN
AREA : 2895 sq. ft.




FRONT ELEVATION

NOTE:

1. OWNER/CONTRACTOR TO VERIFY AND CHECK ALL DIMENSIONS AND SPECS PRIOR TO AND DURING CONSTRUCTION.
2. ANY DEVIATIONS, DEFICIENCIES OR DISCREPANCIES FROM THESE DRAWINGS AND SPECS REQUIRES WRITTEN CLARIFICATION AND/OR APPROVAL FROM THE DESIGNER PRIOR TO CONSTRUCTION.

DO NOT SCALE
DRAWINGS

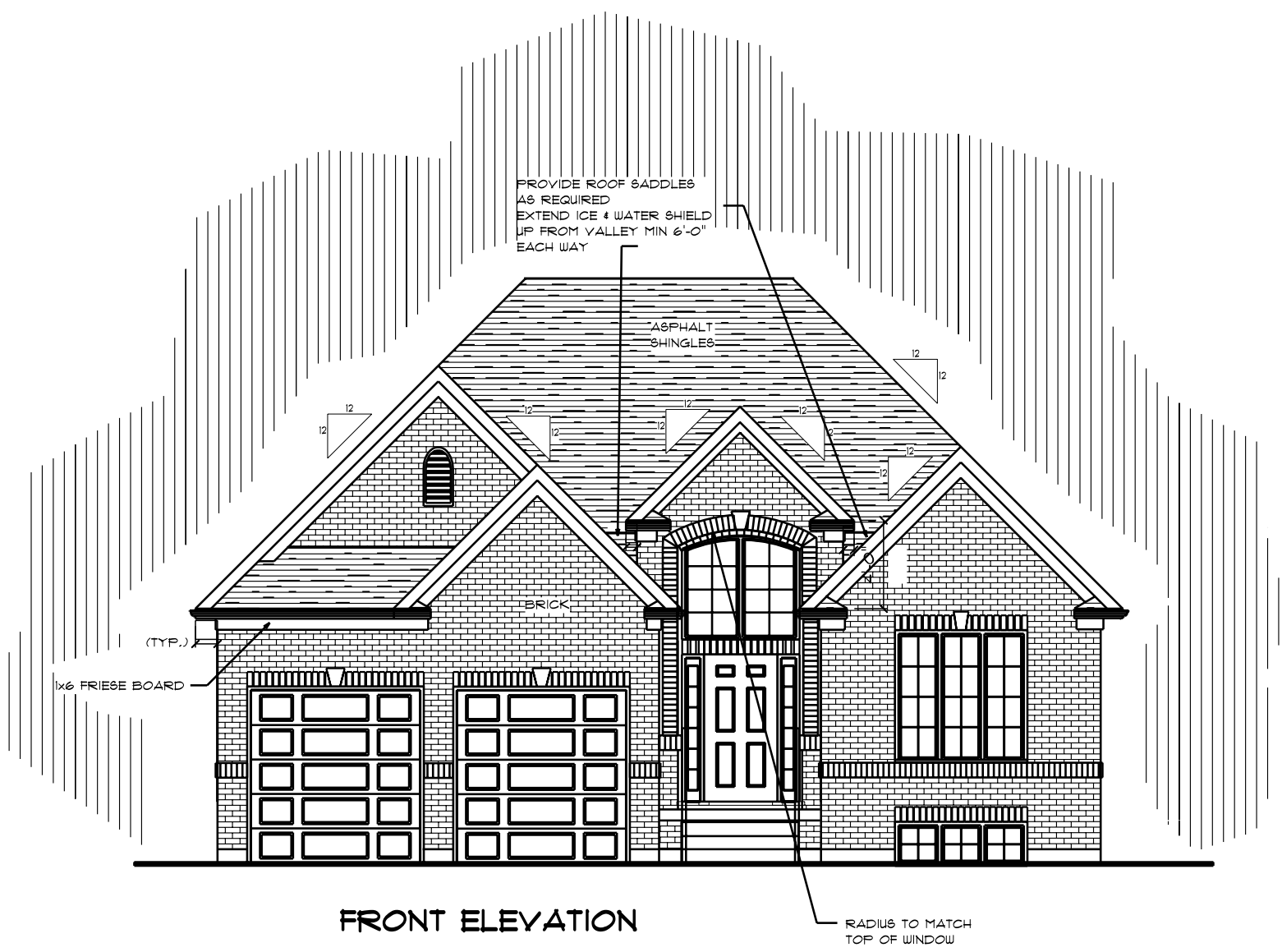


DeFILIPPIS DESIGN
687 BARTON STREET, SUITE 201
STONE CREEK, ONTARIO L8E 5L6
(905) 643-2250 FAX (905) 643-1095

AULD RESIDENCE		
SCALE: 3/16"=1'-0"	APPROVED BY:	DRAWN BY:
DATE: DEC, 2021.		REVISED:
SH 2 OF		DRAWING NUMBER:

AREA : 1885 sq ft

FIRST FLOOR PLAN



FRONT ELEVATION



Memorandum

To: Jelena Pusara, Development Agreement Coordinator
From: Brad Johnston, Development Engineering Technologist
CC: City Committee of Adjustment Staff Members
Date: September 8, 2022
Hearing Date: September 21, 2022
Subject: **Committee of Adjustment - Minor Variance Applications**
4 Woodglen Drive – A-75/22SC
18-26 Josephine Street – A-89-94/22SC
17 Gertrude Street – A-110/22SC
199 Ontario Street – A-111/22SC
140 Parnell Road – A-112/22SC
1027 Pelham Road – A-113&114/22SC
24 Manning Street – A-115&116/22SC
69 Broadway – A-117/22SC
22 Cypress Street – A-118/22SC

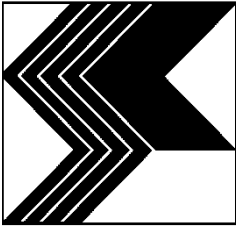
Development Engineering have no comments or objections to the above noted applications, subject to the following;

- All applicants must acknowledge that although minimum Zoning setbacks may be reduced through Minor Variances, existing and additional widths greater than the minimum may be required to accommodate and maintain access and storm water conveyance, so as not to cause negative effects on subject and adjacent properties; and,
- All applicants be advised that a Grading Plan, prepared by a Professional Engineer or Ontario Land Surveyor, may be required as part of the submission for a building permit application for those sites required to obtain a building permit, but not subject to concurrent severance applications.

Prepared by:

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

REPORT TO PLANNING DEPARTMENT
Re: LAND DIVISION APPLICATION NUMBER B-52/22SC



September 9, 2022

ENGINEERING FILE: 300-36

Hearing Date: September 21, 2022
Applicant: Kimberly Caponcini and Steven Auld
Location: 1027 Pelham Road

<u>MUNICIPAL SERVICES</u>	<u>Pelham Road</u>
Water:	200mm PVC / 250mm PVC
Sanitary:	200mm PVC
Storm:	375mm (Regional)
Sidewalks:	Yes
Road Allowance:	38.0m (varies) Regional Road #69

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

Comment(s): It is noted the Owner wishes to sever Part 2 for the proposed construction of a detached dwelling. Part 1 would be retained for a future residential dwelling.

Roads

Pelham Road is currently under Regional jurisdiction, and requirements of such shall be at the Region’s discretion.

Sidewalks

Sidewalks exist along the frontage. Sidewalk damage deposits shall be obtained through the Building Permit process to ensure the protection of these services throughout the construction process, if approved.

Engineering Services

An existing Servicing Agreement is registered on the title of these lands as NR54288 dated 02-FEB-2005, which currently remains in a state of non-compliance. As a condition of severance, the Owner / Applicant shall satisfy the remaining terms and outstanding items required under the registered Servicing Agreement, to the satisfaction of the City Engineer. All associated costs to achieve full compliance with the agreement shall be that of the Owner / Applicant.

Increased drainage challenges occur in these types of in-fill developments. The Owner / Applicant shall engage a qualified Professional Engineer to prepare a Master Lot Grading and Drainage plan for Parts 1 & 2. The plan shall be submitted for review, and approved by City staff, as a condition of, and prior to, the finalization of the consent. City staff will review the plan to ensure that the drainage scheme of the proposed future lots convey drainage to suitable outlet(s), while at the same time not adversely affect abutting properties.

Sump pump flows are typically discharged to grade, when no opportunities to connect to a storm sewer in the road allowance exist. Since a storm sewer **exists** on Pelham

Road however under the jurisdiction of the Region, weeping tile drainage shall be discharged via sump pump however to a dedicated storm sewer lateral through the front foundation wall only, at the discretion of the Region to the Region's storm sewer. Otherwise, the sump pumps may discharge at grade from the front or rear foundation walls only. The house designs shall ensure rainwater leaders (downspouts) and sump pumps are directed and discharged accordingly.

The Owner shall be responsible to ensure the proposed severance property boundaries do not conflict with the existing water and sewer service laterals to the existing lot. If any of the existing services are determined to conflict with proposed future lot lines, the Owner shall be responsible to relocate the portions of these services on private property through a Plumbing Only permit, or to shift proposed property lines, accordingly. City crews shall install a new water service, storm, and sanitary laterals for the new lot(s) from the main sewers and watermain to the property line, through the Building Permit processes for each lot, when created, at 100% costs of the Owner / Applicant. **The City shall not authorize the installation of services to new lots prior to the lots being registered and legally created through the severance application process.**

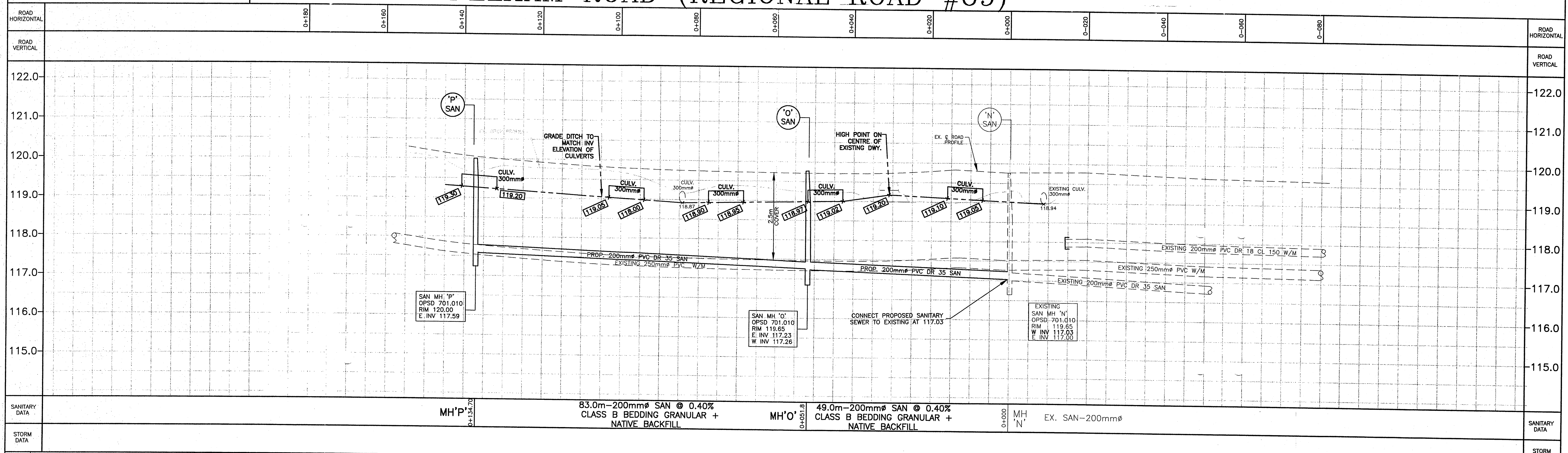
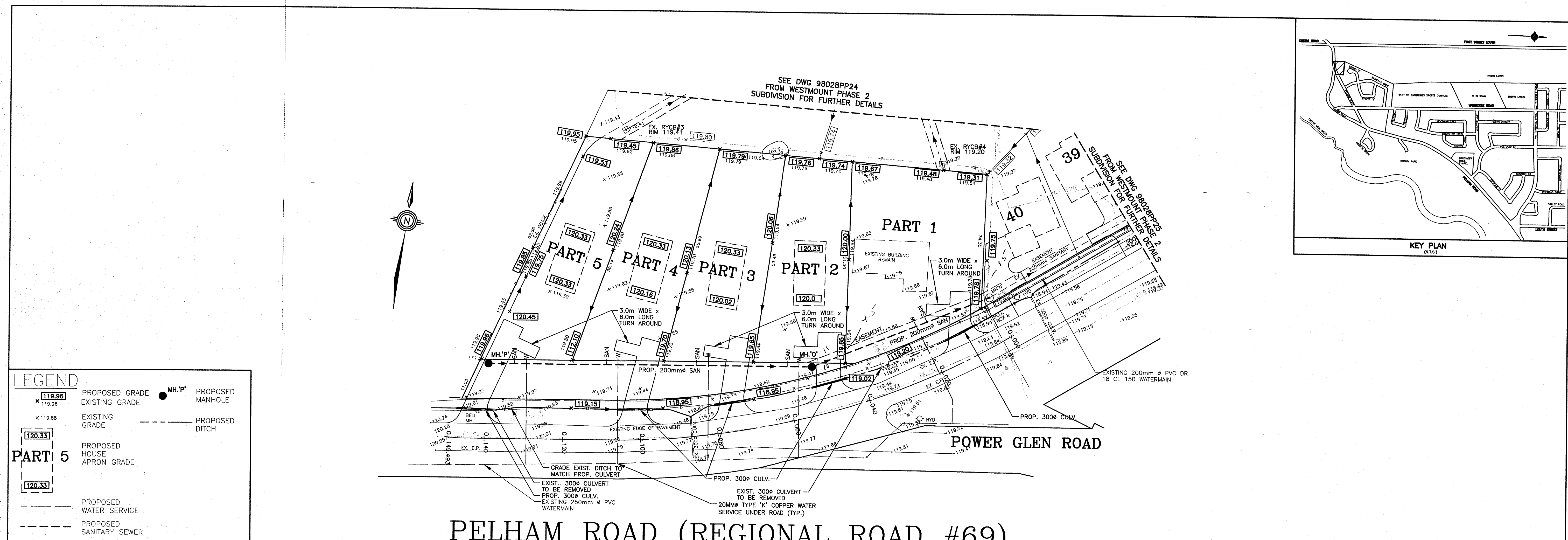
Condition(s): Prior to the finalization of the proposed consent the Owner shall:

- If determined existing laterals or water services conflict with existing or future lot lines, the Owner shall pay the City for crews to complete any associated relocation works required on City or Regional property, or revise the proposed locations of the property lines; and
- Arrange to have a Master Lot Grading and Drainage plan prepared by a Qualified Professional Engineer with respect to proposed Parts 1 & 2, for review and approval by City staff; and
- To the satisfaction of the City Engineer, the Owner / Applicant completing the outstanding items required under the above noted registered servicing agreement via:
 - Retaining at their cost, a qualified Professional Engineer; and
 - Submitting for review and approval, an as-built servicing plan in a digital and AutoCAD format, and letter of certification regarding the plan and profile for the approved sanitary sewer and appurtenance installations (attached); and
 - Submitting for review and approval, an as-built Master Grading Plan noting the current as-built grades, and a letter of certification regarding the lot grading for the entire development has achieved compliance under the requirements of the Servicing Agreement and with the approved Master Grading Plan associated (attached); and
 - Submitting for review and approval, a CCTV report of the sanitary main sewer and lateral connections for review and acceptance that no deficiencies exist, inclusive of having the main sanitary main sewer flushed, prior to; and
 - Submitting the required payments for the two remaining Regional boulevard trees to be planted along the frontages of the lots included in the registered Servicing Agreement, by Regional staff, in accordance with the Region's current Schedule of Rates and Fees; and
 - Remedy any noted deficiencies with respect to the sanitary main sewer installation and appurtenances, water laterals, and lot grading, applicable to the lots included in the registered servicing agreement per the associated plan (attached)

Prepared by:



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



NOTES: 1. Storm and sanitary laterals to be PVC DR 28. 2. Single roadway catchbasin leads to be 200#, double roadway catchbasin leads to be 250#, Ultra-Rib of Extra Strength Concrete. 3. The position of pole lines, conduits, sewers, water mains and other underground utilities and structures is not necessarily shown on the construction drawings. Where shown the accuracy of the position of such utilities and structures is not guaranteed. 4. Before starting work, the contractor shall check with all utilities involved and inform himself of the exact location of all such utilities and structures and shall assume all liability for damage to them. 5. Hydro and Bell poles are to be anchored to the ground where required so as to ensure the stability of the pole lines. 6. All manhole frames, catchbasin frames, water valves and gas valves are to be adjusted to finished grade.		APPROVED BY: CITY ENGINEER DATE		STAMP: LICENSED PROFESSIONAL ENGINEER J. P. SCHOOLEY PROVINCE OF ONTARIO		ST. CATHARINES TRANSPORTATION AND ENVIRONMENTAL SERVICES UPPER CANADA CONSULTANTS ENGINEERS/PLANNERS 215 Ontario St. St. Catharines, Ontario L2R 5L2 Phone: (905) 888-9400 Fax: (905) 888-5274		PROJECT: PELHAM ROAD SEVERANCES OWNER: MICHAEL ALLEN & MARIO ARGHITTA		DRAWING TITLE: PLAN & PROFILE PELHAM ROAD REGIONAL ROAD #69		DESIGN: M.H. DATE: JUNE 7, 2004 SCALE: HORIZ 1:500 VERT 1:50 DRAWING No: 0408PP1 REV. 0		RECEIVED JUL 27 2004 PLANNING SERVICES DEPARTMENT	
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005-1580 301-320
Sept 14/04

To: Jelena Pusara, Development Agreement Coordinator

Cc:

From: Steve Bittner, Transportation Technologist

Date: September 9, 2022

Subject: Committee of Adjustment Comments (September 21, 2022, Hearing)

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

Steve Bittner
Transportation Technologist

MEMORANDUM

To: Elaine Munro, Committee Secretary & Planning Clerk
 Planning and Building Services
 Cc: Wilrik Banda
 Planning and Building Services
 From: Lou Grossi, Building Inspector II
 Planning and Building Services
 Date: September 9, 2022
 Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – September 21, 2022 hearing

NO.	ADDRESS	COMMENTS
A-117/22	69 Broadway	No comment
A-118/22	22 Cypress Street	Be advised that a building permit is required to construct the proposed accessory dwelling unit.
A-75/22	4 Woodglen Drive	Be advised that a building permit is required to construct the detached garage.
A-112/22	140 Parnell Road	Be advised that a building permit is required to construct the proposed enclosed structure.
A-111/22	199 Ontario Street	Be advised that a building permit is required to construct the proposed fourplex dwelling.
A-110/22	17 Gertrude Street	No comment
A-113/22	1027 Pelham Road	Be advised that a building permit is required to construct the proposed detached dwelling.

NO.	ADDRESS	COMMENTS
A-114/22	1027 Pelham Road	Be advised that a building permit is required to construct the proposed detached dwelling.
A-89/22	18-26 Josephine Street	Be advised that a building permit is required to construct the proposed detached dwelling with accessory dwelling unit.
A-90/22	18-26 Josephine Street	Be advised that a building permit is required to construct the proposed 3 unit townhouse with accessory dwelling unit.
A-91/22	18-26 Josephine Street	Be advised that a building permit is required to construct the proposed 3 unit townhouse.
A-92/22	18-26 Josephine Street	Be advised that a building permit is required to construct the proposed 3 unit townhouse.
A-93/22	18-26 Josephine Street	Be advised that a building permit is required to construct the proposed semi-detached dwelling with accessory dwelling unit.
A-94/22	18-26 Josephine Street	Be advised that a building permit is required to construct the proposed semi-detached dwelling.
A-115/22	24 Manning Street	Be advised that a building permit is required to construct the proposed 3 unit townhouse block.
A-116/22	24 Manning Street	Be advised that a building permit is required to construct the proposed 3 unit townhouse block.



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

MEMORANDUM

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

Cc: Wilrik Banda
Planning and Building Services

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

Date: September 9, 2022

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – September 21, 2022 hearing

B-51/22SC – 17 Gertrude Street

Comment:

- No comment

Condition:

- That the applicant shall satisfy the Chief Building Official for the City of St. Catharines that, as a result of the proposed severance, that spatial separation requirements for the glazed openings and type of construction for the exposed building face of the existing dwelling facing south and east on Part 1,2, meet the requirements of Subsection 9.10.14 and 9.10.15 of the 2012 Ontario Building Code as applicable.

B-52/22SC – 1027 Pelham Road

Comment:

- No comment

Condition:

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

B-50/22SC – 18-26 Josephine Street

Comment:

- No comment

Condition:

- No comment

B-43/22SC – 18-26 Josephine Street

Comment:

- No comment

Condition:

- No comment

B-44/22SC – 18-26 Josephine Street

Comment:

- No comment

Condition:

- No comment

B-45/22SC – 18-26 Josephine Street

Comment:

- No comment

Condition:

- No comment



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

To: Jelena Pusara, Development Agreement Coordinator, PBS
Claire Semple, Community Improvement Plan Coordinator, PBS

Cc:

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

Date: September 16, 2022

Subject: Committee of Adjustment Applications – September 21, 2022 Hearing

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

69 Broadway, Minor Variance, A-117/22 – 22109688 (B. Stan, Planner)

No objection.

22 Cypress Street, Minor Variance, A-118/22 – 22 109696

No objection.

4 Woodglen Drive, Minor Variance, A-75/22 – 22 106640

No objection.

140 Parnell Road, Minor Variance, A-112/22 – 22 109298

No objection.

199 Ontario Street, Minor Variance, A-111/22 – 22 109331

CRCS offers no objection to the requested minor variances to facilitate the conversion of the existing building to a fourplex, subject to the condition that the applicant be required to remove the excess portion of the existing front yard parking area, consistent with the recommendation outlined in Planning Services' Technical Report.

17 Gertrude Street, Consent, B-51/22SC – 22 109412

17 Gertrude Street, Minor Variance – A-110/22 – 22 109545

No objection.

1027 Pelham Road, Consent, B-52/22SC – 22 109552

1027 Pelham Road, Minor Variance, A-113/22 – 22 109553

1027 Pelham Road, Minor Variance, A-114/22 – 22 109554

CRCS offers no objection to the proposed creation of a new lot to facilitate the construction of two new dwellings (following demolition of the existing home), nor the requested minor variances.

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

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

1. That payment of 5% of the appraised value of the new lot be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53(13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. The appraisal shall be completed by a qualified appraiser. (Condition subject to Planning and Building Services' determination that parkland dedication can, in fact, be collected for this application.)
2. That the applicant submit a payment for the placement of a 60mm boulevard tree for the new lot, in accordance with the City's current Schedule of Rates and Fees.

18-26 Josephine Street, Consent, B-50/22SC – 22 108732

18-26 Josephine Street, Consent, B-43/22SC – 22 106984

18-26 Josephine Street, Consent, B-44/22SC – 22 106985

18-26 Josephine Street, Consent, B-45/22SC – 22 106988

18-26 Josephine Street, Consent, B-43/22SC – 22 106984

18-26 Josephine Street, Minor Variance, A-89/22 – 22 106817

18-26 Josephine Street, Minor Variance, A-90/22 – 22 106819

18-26 Josephine Street, Minor Variance, A-91/22 – 22 106840

18-26 Josephine Street, Minor Variance, A-92/22 – 22 106845

18-26 Josephine Street, Minor Variance, A-93/22 – 22 106847

18-26 Josephine Street, Minor Variance, A-94/22 – 22 106850

CRCS offers no objection to the proposed creation of five new lots to facilitate the construction of one detached dwelling, three townhouse units, and two semi-detached dwelling units, plus associated interior accessory dwelling units. Further, CRCS offers no objection to the majority of the requested minor variances, with the exception of those related to front yard setbacks for front porches. As proposed by the applicant, these setbacks will impact the amount of open space that can be provided in the front yard and limit opportunities for landscaping. It is the opinion of CRCS staff that this would result in negative impacts on the existing streetscape. CRCS is however, supportive of the larger setbacks to the front porches being recommended by Planning staff in their Technical Report.

We note that there is one existing young boulevard tree in the Josephine Street boulevard that will be impacted by the new driveway for the middle townhouse unit. The applicant will be required to pay the cost for City crews to remove and replace that tree elsewhere.

The applicant is encouraged to retain as many mature trees on site as possible and should be made aware that, pursuant to the Ontario Forestry Act, boundary trees (i.e. trees whose trunks straddle more than one property) may not be removed or destroyed unless express written permission is obtained from the co-owner of the tree.

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

1. That payment of 5% of the appraised value of each new lot be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53(13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. The appraisal shall be completed by a qualified appraiser. (Condition subject to Planning and Building Services' determination that parkland dedication can, in fact, be collected for this application.)
2. That the applicant submit a payment for the placement of a 60mm boulevard tree for each new lot, in accordance with the City's current Schedule of Rates and Fees.
3. That the applicant submit payment for the removal and replacement of the existing boulevard tree located within the Josephine Street road allowance.

24 Manning Street, Consent, B-53/22SC – 22 109637

24 Manning Street, Consent, B-54/22SC – 22 109638

24 Manning Street, Minor Variance, A-115/22 – 22 109639

24 Manning Street, Minor Variance, A-116/22 – 22 109640

CRCS offers no objection to the proposed creation of two new lots to facilitate the construction of three townhomes fronting onto East Street, nor the requested minor variances.

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

1. That payment of 5% of the appraised value of the new lots be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53(13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. The appraisal shall be completed by a qualified appraiser. (Condition subject to Planning and Building Services' determination that parkland dedication can, in fact, be collected for this application.)
2. That the applicant submit a payment for the placement of a 60mm boulevard tree for each new lot, in accordance with the City's current Schedule of Rates and Fees.

Amanda Knutson

Community Project and Development Planner

AMANDA No. 22106736
Submission No. A-88/22

COMMITTEE OF ADJUSTMENT
47 Port Master Dr.

DATE OF HEARING:
September 21, 2022



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: July 14, 2022

Date of Meeting: July 27, 2022

Report Number: A-88/22

File: 22106736

Subject: 47 Port Master Drive

Recommendation

That Application **A-88/22** by Jayna Faragher and Robert Faragher, as outlined in the Notice of Hearing, be denied.

Report

The Proposal

The Applicant proposes the construction of a new detached dwelling with an attached garage. To facilitate the proposed construction, Application A-88/22 seeks relief from the City of St. Catharines Zoning By-law 2013-283 to permit a garage to extend beyond the dwelling unit.

Location and Site Description

The subject property is located on the south end of Port Master Drive and north of Westport Avenue. The neighbourhood is low density residential with conservation and green spaces associated with Martindale Pond.

The subject property is currently occupied by an existing residence which is to be demolished.

Circulation of Application

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

Planning Policy Context

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential on Schedule E1. 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, subject to the provisions of the By-law.

Planning Analysis

Zoning By-law 2013-283 requires attached garages to be flush with or recessed beyond the corresponding wall of the dwelling unit. The minimum front yard setback, based on the average of abutting properties per the Zoning By-law, is 22 metres, and the maximum setback is 23.5 metres. The proposed building is setback 22.9 meters, though the actual residential portion of the building begins at around 34 metres setback at the rear of the attached garage. The overall building technically meets the front yard setback requirement. However, the Zoning By-law requires the garage specifically to be flush with or recessed from the front wall of the dwelling.

The Applicant is requesting that the attached garage for 47 Port Master Drive be permitted to project approximately 11 metres closer to the street than the corresponding front wall of the dwelling unit. As proposed, the request to allow the garage to protrude beyond the face of the dwelling is not considered to be minor in nature.

The intent of the zoning requirement to have garages flush with or recessed from the dwelling is, in part, to ensure that the garage remains the subordinate component of the dwelling, resulting in a more appropriate streetscape and discouraging car-centric built form. The garage alone makes up a around a quarter of the overall building footprint and is entirely located in front of the front face of the dwelling. It extends approximately 11 metres beyond the dwelling. As proposed, the size, location, and length of protrusion of the garage beyond the front face of the dwelling is not in keeping with the intent and purpose of the provision.

Given the significant amount of land area for a single dwelling, such significant departure from the zoning by-law should be avoidable. It would be more appropriate to locate the garage to the side or rear of the dwelling and have a single driveway to access it. The variance is not considered desirable for the appropriate development of the land.

Conclusion

Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Application **A-88/22** is not in keeping with the general intent of the Official Plan and Zoning By-law, minor in nature, nor desirable for the appropriate development of the lands. Staff recommend that the Application be denied.

Prepared by:



Dasha Litviniuc
Student Planner

Submitted by:



Charlotte McEwan MCIP RPP
Planner I

Approved by:



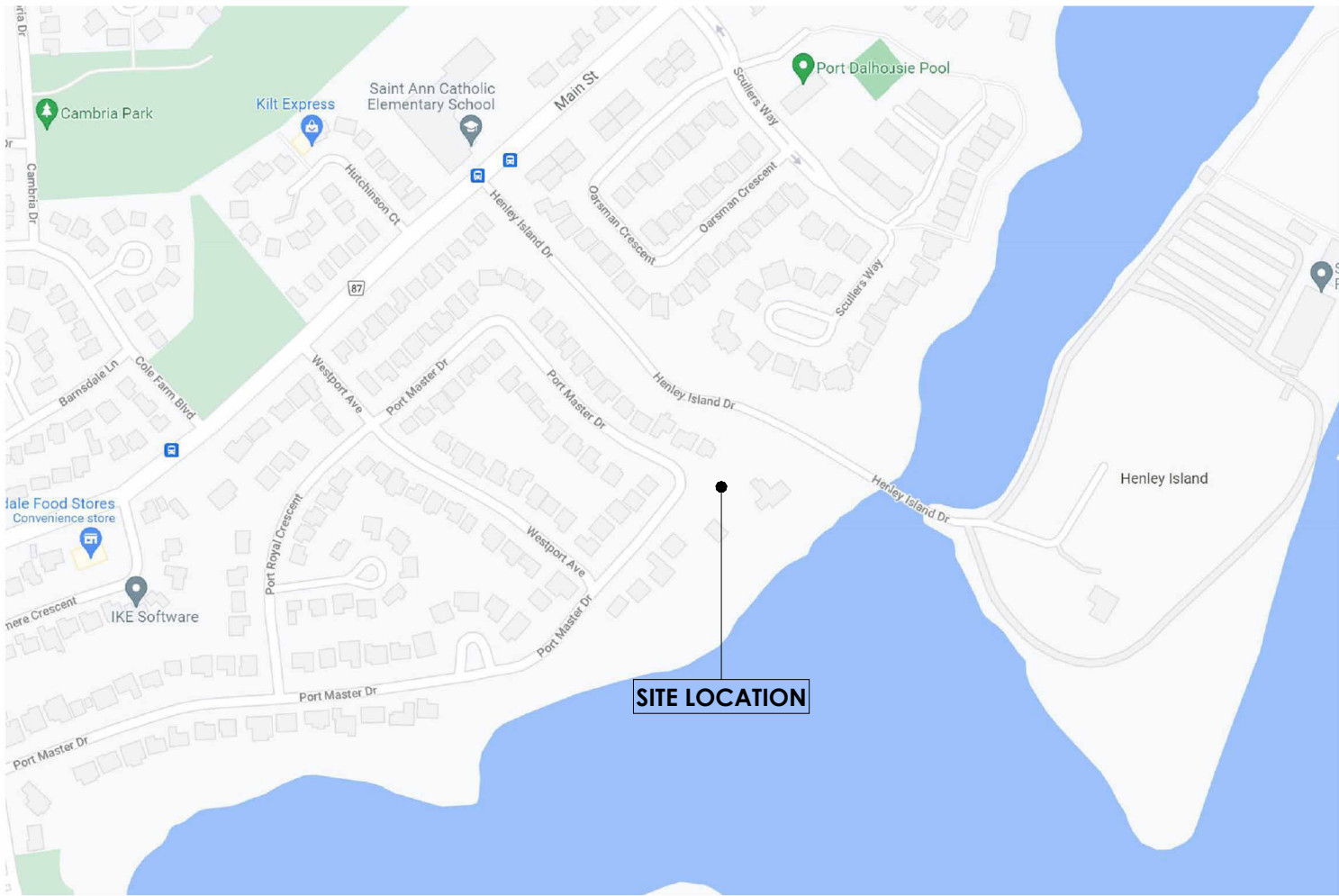
Margaret Josipovic
Manager, Planning Services

FARAGHER PROPOSED RESIDENCE

47 PORT MASTER DRIVE, ST.CATHARINES, ON

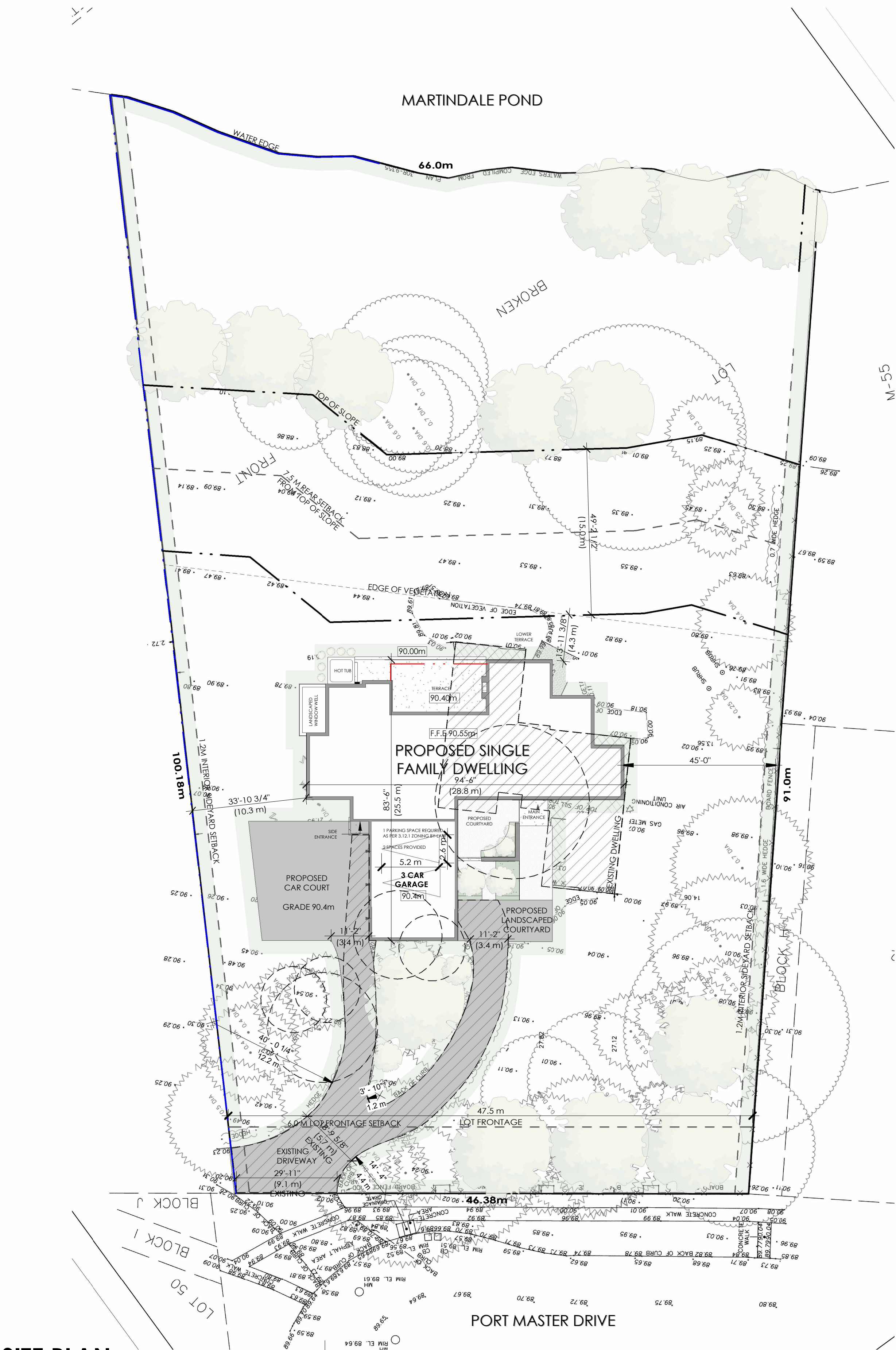
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A2	WINDOW SCHEDULES
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A5	ROOF PLAN
A6	FRONT & REAR ELEVATION
A7	LEFT & RIGHT ELEVATION
A8	BUILDING SECTIONS
A9	SECTIONS
A10	SECTIONS
A11	DETAILS
A12	PERSPECTIVES



SITE MAP

LOT COVERAGE CALCULATIONS			
	SQ. FT.	SQ. M.	%
LOT TOTAL AREA	55497.10	5155.85	100.0%
PROPOSED DWELLING	3063.00	284.56	5.5%
GARAGE	931.43	86.53	1.7%
COVERED FRONT TERRACE	68.07	6.32	0.1%
COVERED REAR TERRACE	393.96	36.60	0.7%
TOTAL BUILDING COVERAGE	4456.46	414.02	8.0%
TOTAL DRIVEWAY	3357.96	311.96	6.1%
TOTAL LANDSCAPE COVERAGE	47682.68	4429.87	85.9%



SITE PLAN

1:250

1.27 ACRES

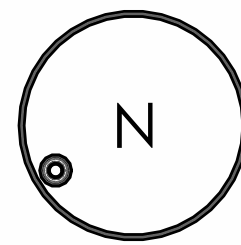
GENERAL NOTES

NO.	DATE:	REVISION:	BY:
1	DEC 13 2021	ISSD FOR SHOP DWG	TR
2	MAR 09 2022	ISSD FOR PERMIT	TR
3	APRIL 22 2022	CITY COMMENTS	MCD
4	MAY 11 2022	MINOR VARIANCE	MCD
5	MAY 27 2022	MINOR VARIANCE R1	MCD

COMMISSION:

FARAGHER
PROPOSED
RESIDENCE

47 PORT MASTER DRIVE, ST.CATHARINES, ON



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www.ackarchitects.com

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T: 416.462.0385

architectural office:
3652 Dufferin Avenue
Toronto, Ontario
M3J 1K6
F: 416.462.0385
T: 416.462.0385

SHEET TITLE:

COVER PAGE/ SITE
PLAN

Issued for Re-Zoning

Issued for Site Plan Agreement:

Issued for Permit:

Issued for Tender:

Issued for Construction:

DRAWN BY: TR, SMA

CHECKED BY: MDA

DATE: 12/16/2021

SCALE: AS SHOWN

PROJECT No.: 2021-223

A0

GENERAL NOTES

NO.	DATE:	REVISION:	BY:
1	DEC 13 2021	ISSD FOR SHOP DWG	TR
2	MAR 09 2022	ISSD FOR PERMIT	TR
3	APRIL 22 2022	CITY COMMENTS	MCD
4	MAY 11 2022	MINOR VARIANCE	MCD
5	MAY 27 2022	MINOR VARIANCE R1	MCD

COMMISSION:

FARAGHER
PROPOSED
RESIDENCE

47 PORT MASTER DRIVE, ST.CATHARINES, ON

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f: 905.884.5542
toronto, ontario
m4c 1b6

SHEET TITLE:

FRONT & REAR
ELEVATION

Issued for Re-Zoning

Issued for Site Plan Approval

Issued for Permit:

Issued for Tender:

Issued for Construction:

DRAWN BY: TR, SMA DWG. No.

CHECKED BY: MDA

DATE: 12/16/2021

SCALE: AS SHOWN

PROJECT No.: 2021-223

A6

- NOTES:
1. ALL GRADES SHOWN ARE PRELIMINARY AND ARE SUBJECT TO GRADE BASED ON FINAL GRADING PLAN.
 2. ALL FOOTINGS TO EXTEND TO UNDISTURBED SOIL (TYPICAL).
 3. FINAL EXTERIOR COLOURS TO BE CONFIRMED/COORDINATED WITH CONTRACTOR, OWNER & ARCHITECT.

TYPICAL NOTES & LABELS (SHOWN ENCLOSED W/ RECTANGLE BORDER). APPLY TO ALL ELEVATION ELEMENTS

PROVIDE CONTINUOUS 2 PLY MODIFIED BITUMEN ROOFING MEMBRANE (OR APP. EQ.) ON ALL FLAT ROOF AREAS (SLOPED MIN. 1/4" PER 1'-0")

PRE-FINISHED ALUMINUM EAVES c/w DOWNSPOUTS (TO BE SITE COORDINATED BY CONTRACTOR)

PRE-FINISHED ALUMINUM VENTED SOFFIT c/w INSECT SCREEN (TYPICAL)

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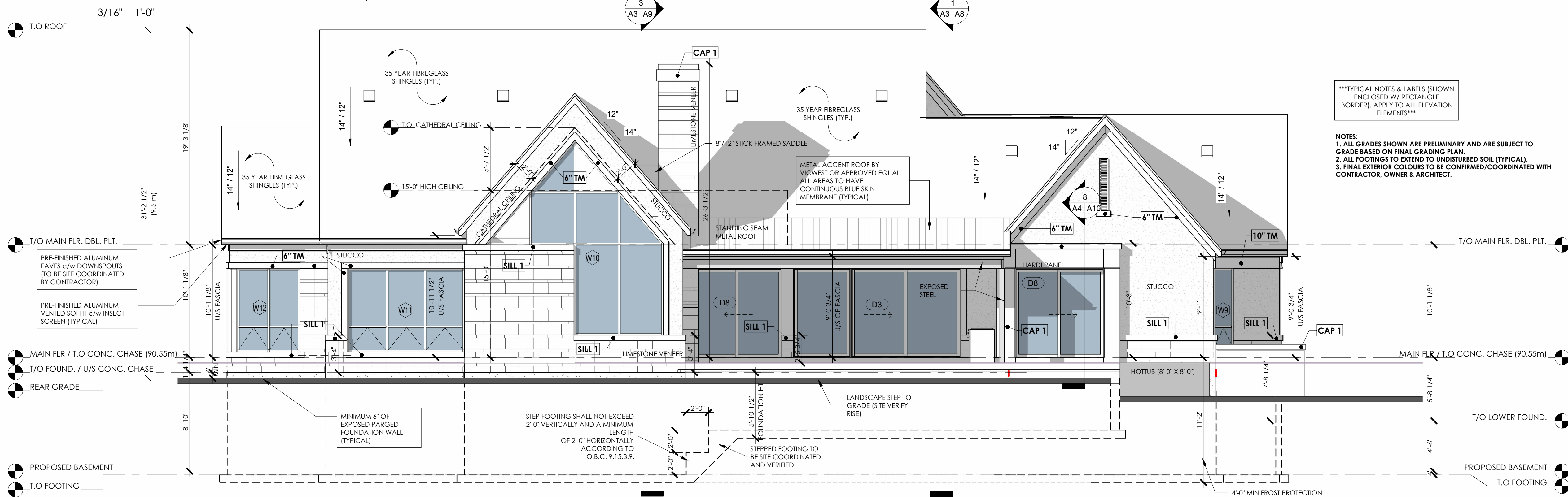
PRE-FINISHED ALUMINUM VENTED SOFFIT c/w INSECT SCREEN (TYPICAL)

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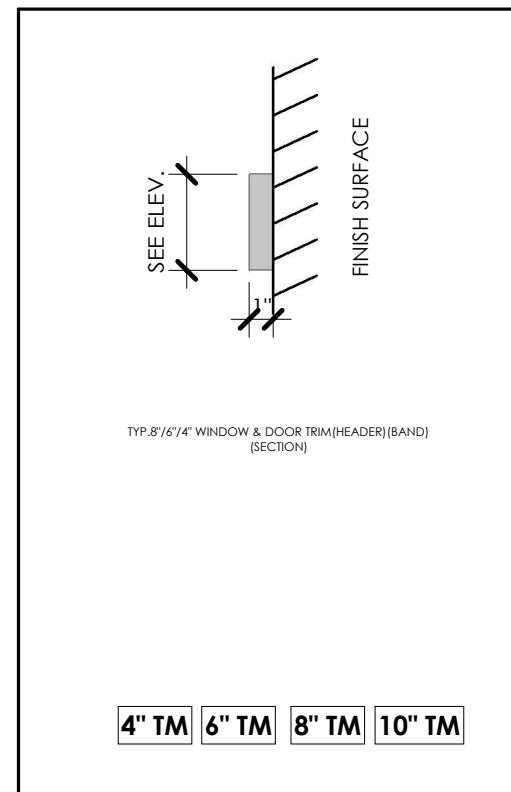
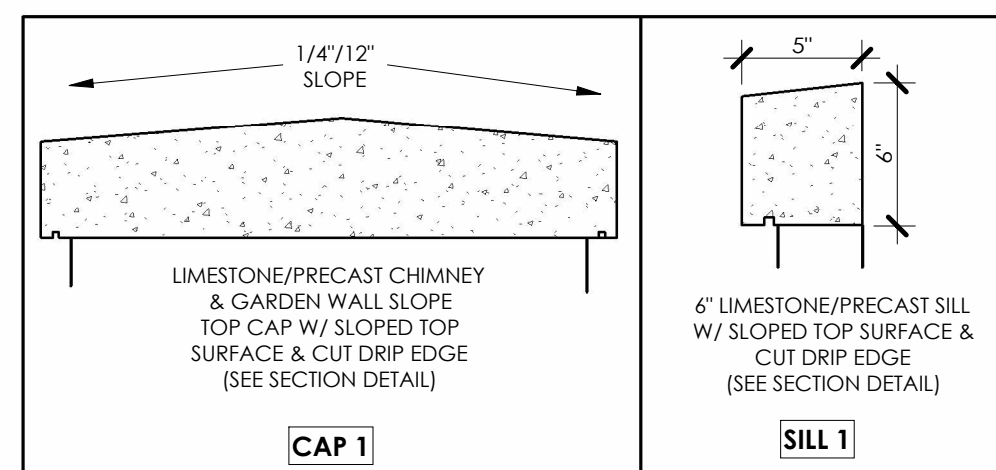
PRE-FINISHED ALUMINUM VENTED SOFFIT c/w INSECT SCREEN (TYPICAL)

FRONT ELEVATION



REAR ELEVATION

3/16" 1'-0"



WINDOW SCHEDULE				
TAG	WINDOW SIZE		HEAD HEIGHT	COMMENTS
	WIDTH	HEIGHT		
W1	3'-0"	5'-4"	9'-2"	OPERABLE / FIXED (SEE ELEVATION)
W2	4'-0"	3'-6"	8'-10"	CAST IN FOUNDATION SLIDING WINDOW
W3	3'-8"	3'-8"	14'-0"	OPERABLE / FIXED (SEE ELEVATION)
W4	3'-0"	2'-0"	11'-2"	OPERABLE / FIXED (SEE ELEVATION)
W5	2'-6"	6'-0"	8'-0"	OPERABLE / FIXED (SEE ELEVATION)
W6	4'-0"	3'-6"	8'-0"	OPERABLE / FIXED (SEE ELEVATION)
W7	2'-6"	6'-0"	8'-0"	OPERABLE / FIXED (SEE ELEVATION)
W8	3'-0"	6'-0"	8'-0"	OPERABLE / FIXED (SEE ELEVATION)
W9	1'-9 1/4"	7'-6"	8'-0"	OPERABLE / FIXED (SEE ELEVATION)
W10	15'-11 1/2"	17'-6"	9'-5 1/2"	OPERABLE / FIXED (SEE ELEVATION)
W11	10'-6"	7'-6"	8'-0"	OPERABLE / FIXED (SEE ELEVATION)
W12	5'-7 1/2"	7'-6"	8'-0"	OPERABLE / FIXED (SEE ELEVATION)
W13	3'-4"	7'-6"	8'-0"	OPERABLE / FIXED (SEE ELEVATION)
W14	3'-7"	11'-8"	12'-2"	OPERABLE / FIXED (SEE ELEVATION)
W15	4'-0 1/2"	8'-0"	8'-0"	FIXED SIDE LITE MULLED TO D14
W16	11'-0"	13'-6"	14'-0"	OPERABLE / FIXED (SEE ELEVATION)
W17	3'-9 3/4"	13'-6"	14'-0"	OPERABLE / FIXED (SEE ELEVATION)
W18	3'-4"	14'-0"	14'-0"	OPERABLE / FIXED (SEE ELEVATION)

DOOR SCHEDULE			
DOOR TAG	COMMENTS	WIDTH	HEIGHT
D1	SINGLE PANEL INTERIOR DOOR	3'-0"	8'-0"
D2	DOUBLE PANEL INTERIOR DOOR	5'-0"	6'-8"
D3	THREE PANEL SLIDING GLASS DOOR	15'-0"	8'-0"
D4	SINGLE PANEL POCKET DOOR	3'-0"	8'-0"
D5	DOUBLE PANEL INTERIOR DOOR	6'-0"	8'-0"
D6	DOUBLE PANEL INTERIOR DOOR	4'-0"	8'-0"
D7	EXTERIOR FIBERGLASS DOOR W/ WEATHER TIGHT SEA	3'-0"	8'-0"
D8	TWO PANEL SLIDING GLASS DOOR	8'-0"	8'-0"
D9	SINGLE PANEL INTERIOR DOOR	2'-6"	8'-0"
D10	SINGLE PANEL GLASS DOOR	1'-6"	8'-0"
D12	DOUBLE PANEL INTERIOR DOOR	4'-0"	8'-0"
D13	SINGLE PANEL GLASS DOOR	3'-0"	8'-0"
D14	FRONT ENTRANCE WOOD DOOR W/ WEATHER TIGHT SEAL & SIDE LITE (SEE ELEV)	3'-0"	8'-0"
D15	INSULATED FIBERGLASS DOOR C/W SELF CLOSURE AND GAS TIGHT SEAL	3'-0"	8'-0"
OHD1	OVERHEAD GARAGE DOOR C/W WEATHER TIGHT SEAL & POWER OPERATOR	9'-0"	8'-0"
OHD2	OVERHEAD GARAGE DOOR C/W WEATHER TIGHT SEAL & POWER OPERATOR	9'-0"	8'-0"

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Comments Received - 47 Port Master Drive - Application A-88/22
Date: Friday, July 22, 2022 2:39:30 PM

Elaine Munro ACST
Realty/Claims Assistant
Tel: 905.688.5601 x1466
Email: emunro@stcatharines.ca



From: yi chen <>
Sent: Wednesday, July 13, 2022 7:56 PM
To: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: comments on Application A-88/22

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.

Dear Secretary-Treasurer,

I am the owner of 39 Port Master Dr, St. Catharines, ON L2N 6X3. I have sleeping difficulties. This project seems like it would be a big one which would last longer than one year. I know any construction can start from 7 a.m bylaw. But I am hoping that they can start at 9 a.m. Previously, I felt terrible when they tore down the old house. I don't want them to build a new house if they can't make it. Our kids and neighbor's kids play together right there. The big trucks would create a potential danger to them. I would like them to stop driving the big trucks after 3p.m when young children get off school. We also would like a piece of the quiet moment on the weekends.

The online hearing registration link is broken. <https://webforms.stcatharines.ca/COA-Electronic-Hearing-Participation-Request-Formaring-Participation-Request-Form>

Thank you,

Sincerely,

Yi Chen

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

July 14, 2022

Our File No.: PLCON202200809

BY E-MAIL ONLY

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

Attention: Wilrik Banda, Acting Secretary-Treasurer

Subject: Application for Minor Variances
47 Port Master Drive

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

The purpose and effect of the application is for the proposed construction of an attached garage and detached dwelling, requiring permission for the attached garage to protrude beyond the corresponding wall of the dwelling unit.

NPCA Policy

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

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

The subject property is impacted by a riverine valley and would be subject to Section 6 of NPCA Policies. This section speaks to long term perpetual stability of the slope for the purposes of the conservation of land for all new and/or replacement development. Upon review of this application, the proposed development is slated to take place above 15 metres from the top of slope. As such, supporting studies are not required. NPCA would advise that appropriate sediment and erosion control measures be implemented along the 15 meter buffer to ensure no migration of sediment or construction vehicles into the regulated area.

NPCA Mapping indicates the subject lands are impacted by the 30-metre buffer to a Provincially Significant Wetland associated with the Martindale Barnesdale Marsh. Wetlands provide for natural flood attenuation during storm events and, as such, it is important to maintain the hydrologic function of wetlands to assist in minimizing flooding impacts downstream. In accordance with the Authority's Regulations, no new development and site alterations are permitted within a wetland or within a 30-metre buffer where

development may have an impact on the natural features and functions of a wetland. Upon our review of the application, NPCA Staff do not offer concerns with the works in conjunction with the location of the wetland complex. Development is proposed above 30 metres to the wetland, for all phases of development.

Conclusion:

Given the above, please be advised the NPCA is supportive of this application, City File Number: A-88/22. NPCA Staff do not offer objection to its approval.

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

Yours truly,



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

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Regional Comments and Attachment - 47 Port Master Drive - July 27, 2022 CofA Hearing
Date: Wednesday, July 13, 2022 12:17:55 PM
Attachments: [image001.png](#)

Elaine Munro ACST

Realty/Claims Assistant

Tel: 905.688.5601 x1466

Email: emunro@stcatharines.ca



How are you feeling?

Find mental health resources that can help.

From: Karlewicz, Lori <Lori.Karlewicz@niagararegion.ca>

Sent: Wednesday, July 13, 2022 11:13 AM

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

Cc: Banda, Wilrik <wbanda@stcatharines.ca>; Development Planning Applications <devtplanningapplications@niagararegion.ca>; Cara Lampman <cara.lampman@niagararegion.ca>; Adam Boudens <adam.boudens@niagararegion.ca>

Subject: RE: Request for Comments - Notices of Hearing and Applications - July 27, 2022 CofA Hearing

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

Hi Elaine,

Regional comments on the Minor Variance Application for 47 Port Master Drive are as follows:

The subject property is impacted by the Region's Core Natural Heritage System (CNHS), consisting of the Martindale Barnesdale Marsh Provincially Significant Wetland Complex (PSW), Significant Woodland, and Type 1 (Critical) Fish Habitat (see attached map). Consistent with Regional Official Plan (ROP) Policies 7.B.1.11 and 7.B.1.15, an Environmental Impact Study (EIS) is generally required in support of site alteration and/or development proposed within 120 m of PSW, 50 m of Significant Woodland and 30 m of Type 1 Fish Habitat.

The proposed redevelopment, and existing dwelling, are approximately 40 m from PSW and Fish Habitat, and 18 m from Significant Woodland. The Region's EIS Guidelines provide study exemptions for redevelopments with an increase in footprint, which extends away from the feature. The proposed development meets these requirements. As such, Environmental Planning staff offer no requirements or objection to the minor variance.

Please let me know if you have any questions.

Thanks,

Lori Karlewicz

Planning Ecologist

Planning and Development Services

Niagara Region

1815 Sir Isaac Brock Way, P.O. Box 1042

Thorold, ON L2V 4T7

Phone: **905-980-6000 ext. 3396** Toll-free: 1-800-263-7215

www.niagararegion.ca





Legend

Fish Habitat Reaches

- 'Critical' Type 1
- 'Important' Type 2
- 'Marginal' Type 3

MNR Evaluated Wetlands

- Non-Provincially Significant Wetland
- Provincially Significant Wetland

NRVIS ANSI

- Provincial
- Regional

Contours - 1m Region 2002

Contemporary Mapping of Water

- Flow
- Shoreline
- Shoreline/Other
- Other
- LAM Stormwater

Address Points

- CNH - Fish Habitat
- CNH - Municipal Drain
- CNH - Earth Science ANSI
- EPA: Greenbelt NHS
- EPA: Provincial Life ANSI
- EPA: Provincially Significant W
- EPA Other Greenbelt NHS Key
- ECA: Public Conservation Land

59.7 0 29.85 59.7 Meters

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This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. This map is not to be used for navigation.



Notes

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Alectra - No comments/objections RE: CofA Applications - July 27th Hearing
Date: Tuesday, July 19, 2022 12:39:39 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)

Elaine Munro ACST
Realty/Claims Assistant
Tel: 905.688.5601 x1466
Email: emunro@stcatharines.ca



From: Network Info <network.info@horizonutilities.com>
Sent: Tuesday, July 19, 2022 11:17 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: City Correspondence - July 8th

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Good morning Elaine,

Our office has no comment/objections based on the drawing(s) and information provided for all applications received on July 8, 2022.

Regards,



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



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

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Cogeco - No Concerns - Notices of Hearing and Applications - July 27, 2022 CofA Hearing
Date: Tuesday, July 12, 2022 10:05:22 AM

Elaine Munro ACST
Realty/Claims Assistant
Tel: 905.688.5601 x1466
Email: emunro@stcatharines.ca



From: Doug Crown <doug.crown@cogeco.com>
Sent: Tuesday, July 12, 2022 8:51 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Request for Comments - Notices of Hearing and Applications - July 27, 2022 CofA Hearing

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

Hi Elaine
Cogeco has no concerns with these applications.
Have an excellent day

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

7170 Mcleod Rd
Niagara Falls Ont Canada

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

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: Former Landfill - No Concern or Comments - Notices of Hearing and Applications - July 27, 2022 CofA Hearing
Date: Wednesday, July 6, 2022 2:54:57 PM

108 Vansickle Road
26 Olde School Court
121A Moffatt Street
234A&B Vansickle Road
574 B & C Ontario Street
47 Port Master Drive
155 Ontario Street

Elaine Munro ACST

Realty/Claims Assistant

Tel: 905.688.5601 x1466

Email: emunro@stcatharines.ca



How are you feeling?

Find mental health resources that can help.

From: Vasko, Dennis <dvasko@stcatharines.ca>
Sent: Tuesday, July 5, 2022 1:17 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>
Subject: Re: Request for Comments - Notices of Hearing and Applications - July 27, 2022 CofA Hearing

Hi Elaine,

No concerns or comments regarding these properties in respect to any closed landfills.

Dennis

Dennis Vasko

Fill Site Technician

Tel: [905.688.5601](tel:905.688.5601) x2163

Email: dvasko@stcatharines.ca



How are you feeling?

Find mental health resources that can help.

From: [Munro, Elaine](#)
To: [Munro, Elaine](#)
Subject: RE: Request for Comments - Committee of Adjustment Notices and Applications July 27, 2022 Hearing
Date: Friday, July 8, 2022 9:31:43 AM

Elaine Munro ACST
Realty/Claims Assistant
Tel: 905.688.5601 x1466
Email: emunro@stcatharines.ca



From: Douel, Patricia <pdouel@stcatharines.ca>
Sent: Tuesday, July 5, 2022 4:59 PM
Subject: RE: Request for Comments - Committee of Adjustment Notices and Applications July 27, 2022 Hearing

Hi everyone,

Please see Building comments below in **Red**.

Trish

Patricia Douel P.Eng.
Senior Plans Examiner
Tel: [905.688.5601](tel:905.688.5601) x1673
Email: pdouel@stcatharines.ca



From: Munro, Elaine <emunro@stcatharines.ca>
Sent: Tuesday, July 5, 2022 8:00 AM
Subject: Request for Comments - Committee of Adjustment Notices and Applications July 27, 2022 Hearing

Good Morning

The Notices, applications and sketches can be found in the Amanda System:

1. 14 Glen Park Road, Minor Variance, A-20/22 – 22 100843 **Taya**
 - A. **Spatial separation calculations required.**
 - B. **All other technical issues will be addressed at time of building permit submission**

2. 108 Vansickle Road, Minor Variance, A-74/22 – 22 104282 **Brenda**
A. All technical issues will be addressed at time of building permit submission
3. 4 Woodglen Drive, Minor Variance, A-75/22 – 22 106640 **Brenda**
A. Spatial separation calculations required.
B. All other technical issues will be addressed at time of building permit submission
4. 90 Louisa Street, Consent, B-38/22SC – 22 105608 **Natasha**
90 Louisa Street, Minor Variance, A-03/22 – 21 120943
A. Spatial separation calculations required
92 Louisa Street, Minor Variance, A-77/22 – 22 105605
A. Spatial separation calculations required
5. 75 Bula Drive, Minor Variance, A-78/22 – 22 106600 **Brenda**
A. All technical issues will be addressed at time of building permit submission
6. 76 Queen Street, Minor Variance, A-79/22 – 22 106604 **Evan**
A. Spatial separation calculations required.
B. All other technical issues will be addressed at time of building permit submission
7. 26 Olde School Court, Minor Variance, A-80/22 – 22 106349 **Evan**
A. Spatial separation calculations required.
B. All other technical issues will be addressed at time of building permit submission
8. 121A Moffatt Street, Minor Variance, A-81/22 – 22 106639 **Natasha**
A. Fire Access route does not have a centreline radius not less than 12 m throughout its length and may not comply with the OBC for dead-end portion being more than 90m long. OBC 9.10.20.3.(1) requires access via a street (9m wide by definition), private roadway or yard. Access as shown does not appear to meet the OBC requirements.
B. Spatial separation calculations required.
C. All other technical issues will be addressed at time of building permit submission.
9. 234A Vansickle Road, Minor Variance, A-82/22 – 22 106672 **Charlotte**
234B Vansickle Road, Minor Variance, A-83/22 – 22 106674
A. Spatial separation calculations required.
B. All other technical issues will be addressed at time of building permit submission
10. 50 Chetwood Street, Consent, B-41/22SC – 22 106721 **Evan**
50 Chetwood Street, Minor Variance, A-84/22 – 22 106723
32A Leeper Street, Minor Variance, A-85/22 – 22 106725
A. Spatial separation calculations required for existing and new proposed buildings.
B. All other technical issues will be addressed at time of building permit submission

11. 574B Ontario Street, Consent, B-39/22SC – 22 106701 **Brenda**
574C Ontario Street, Consent, B-40/22SC – 22 106704
A. No building on site – all technical issues will be addressed at time of building permit submission.
12. 2 Laguna Crescent, Minor Variance, A-86/22 – 22 106654 **Natasha**
A. Spatial separation calculations required for all buildings on site.
B. All other technical issues will be addressed at time of building permit submission
13. 38 Elgin Street, Minor Variance, A-87/22 – 22 106666 **Brenda**
A. Technical issues will be addressed at time of building permit submission to create short term rental units.
14. 47 Port Master Drive, Minor Variance, A-88/22 – 22 106736
Charlotte
A. Technical issues will be addressed at time of building permit submission
15. 9 Larchwood Drive, Minor Variance, A-95/22 – 22 106746 **Natasha**
A. Technical issues will be addressed at time of building permit submission
16. 155 Ontario Street, Consent, B-47/22 – 22 107019 **Evan**
A. Spatial separation calculations required.
B. All other technical issues will be addressed at time of building permit submission
- 155 Ontario Street, Consent, B-48/22 – 22 107023
A. Spatial separation calculations required for all buildings on site.
B. All other technical issues will be addressed at time of building permit submission
- 155 Ontario Street, Minor Variance, A-96/22 – 22 107026
A. Confirmation required that proposed severance lines were used in the calculation of spatial separation when 6 storey retirement residence was submitted for building permit.

Thanks, Elaine

Elaine Munro ACST
Realty/Claims Assistant
Tel: [905.688.5601](tel:905.688.5601) x1466
Email: emunro@stcatharines.ca

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

Cc:

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

Date: July 12, 2022

Subject: Committee of Adjustment Applications – July 27, 2022 Hearing

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

**14 Glen Park Road, Minor Variance, A-20/22 – 22 100843
(T. Devlin, Planner)**

This application was deferred from the April Committee of Adjustment hearing; we continue to offer no objection.

**108 Vansickle Road, Minor Variance, A-74/22 – 22 104282
(B. Stan, Planner)**

No objection.

**4 Woodglan Drive, Minor Variance, A-75/22 – 22 106640
(B. Stan, Planner)**

The applicant has requested several minor variances to facilitate construction of a detached garage in the front yard, southeast of the of the existing dwelling. They propose to service the garage with a substantial driveway extension that would run through the front yard, parallel to the existing home and public street. Approval of the variances will result in a significant loss of landscaped open space in the front yard in favour of asphalt. It is the opinion of CRCS staff that the proposal will a negative impact on the property's interface with the public realm, contrary to the City's urban design and landscaping objectives. We note that these impacts would be lessened if the detached garage were constructed on the opposite side of the existing home. CRCS staff recommend that the application be denied.

**90 Louisa Street, Consent, B-38/22SC – 22 105608
90 Louisa Street, Minor Variance, A-03/22 – 21 120943
92 Louisa Street, Minor Variance, A-77/22 – 22 105605
(N. MacDonald, Planner)**

CRCS has no concerns with the proposed severance which will re-create the two lots in question. With respect to the requested minor variances for reductions in lot frontage for each parcels, CRCS staff recommends that the width of the driveways be limited to

what is depicted in the plans submitted with these applications. If limitations are not imposed, then the size of the driveway could be enlarged in the future, further reducing the amount of landscaped open space in the front yards.

75 Bula Drive, Minor Variance, A-78/22 – 22 106600

(B. Stan, Planner)

No objection.

76 Queen Street, Minor Variance, A-79/22 – 22 106604

(E. Acs, Planner)

No objection.

26 Olde School Court, Minor Variance, A-80/22 – 22 106349

(E. Acs, Planner)

No objection.

121A Moffatt Street, Minor Variance, A-81/22 – 22 106639

(N. MacDonald, Planner)

CRCS offers no objection to the minor variances requested through this application. The applicant has demonstrated through the concurrent site plan approval process that adequate landscaping and buffering will be provided. With respect to variances 3, 4, and 5, CRCS staff recommend that for clarity in terms of the location of the reduced landscape buffers, the sketch submitted with the application form part of the Committee's decision.

234A Vansickle Road, Minor Variance, A-82/22 – 22 106672

234B Vansickle Road, Minor Variance, A-83/22 – 22 106674

(C. McEwan, Planner)

No objection.

50 Chetwood Street, Consent, B-41/22SC – 22 106721

50 Chetwood Street, Minor Variance, A-84/22 – 22 106723

32A Leeper Street, Minor Variance, A-85/22 – 22 106725

(E. Acs, Planner)

CRCS offers no object to the proposed creation of one new lot to facilitate the construction of a detached dwelling fronting onto Leeper Street, nor the requested minor variances. We note that there are three existing young boulevard trees in the Leeper Street boulevard; the applicant will be required to pay the cost for City crews to remove and replace the southernmost tree to accommodate the new driveway. Additionally, standard tree protection measures will be required for the remaining two boulevard trees, to be implemented through the required development agreement.

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

1. That payment of 5% of the appraised value of the new lots be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53(13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. The appraisal shall be completed by a qualified appraiser. (Condition subject to Planning and Building Services' determination that parkland dedication can, in fact, be collected for this application.)
2. That the applicant submit a payment for the placement of a 60mm boulevard tree for each new lot, in accordance with the City's current Schedule of Rates and Fees.
3. That the applicant submit payment for the removal and replacement of the existing southernmost boulevard tree located within the Leeper Street road allowance.
4. That the future development agreement include the following provisions to ensure the protection and preservation of two existing boulevard trees to remain in the Leeper Street road allowance:
 - a. Prior to any construction activities commencing on site, a tree protection zone delineated by construction/snow fencing/hoarding shall be established around the trunk of each tree to be retained, and such tree protection zone shall remain in place for the duration of construction (minimum tree protection zone sizes are outlined in the table below).
 - b. No soil, construction materials, equipment, or vehicles of any sort may be stored or otherwise located within the tree protection zone.
5. That the plans forming part of the future development agreement depict the location and extent of the necessary tree protection zone(s), as determined using the following chart:

The Minimum Tree Protection Zone (MTPZ)

The following is a chart showing minimum required distances for determining a Minimum Tree Protection Zone. Some trees and some site conditions may require a larger Minimum Tree Protection Zone at the discretion of the City.

Table 1 – Minimum Tree Protection Zones

Trunk Diameter (DBH) ²	Minimum Tree Protection Zone (MTPZ) Distances Required ³	Critical Root Zone (CRZ) Distances Required ^{3&4}
< 10 cm	1.8 m	1.8 m
11 - 40 cm	2.4 m	4.0 m
41 - 50 cm	3.0 m	5.0 m
51 - 60 cm	3.6 m	6.0 m
61 - 70 cm	4.2 m	7.0 m
71 - 80 cm	4.8 m	8.0 m
81 - 90 cm	5.4 m	9.0 m
91 - 100+ cm	6.0 m	10.0 m

NOTES:

¹ The roots of a tree can extend from the trunk to approximately 2-3 times the distance of the drip line.

² Diameter at breast height (DBH) measurement of tree trunk taken at 1.4 metres above ground.

³ Minimum Tree Protection Zone and Critical Root Zone distances are to be measured from the outside edge of the tree base towards the drip line and may be limited by an existing paved surface, provided the existing paved surface remains intact throughout the construction work and is subject to Section 6 of this specification.

574B Ontario Street, Consent, B-39/22SC – 22 106701
574C Ontario Street, Consent, B-40/22SC – 22 106704
(B. Stan, Planner)
No objection.

2 Laguna Crescent, Minor Variance, A-86/22 – 22 106654
(N. MacDonald, Planner)

The applicant has requested a reduction of the minimum exterior side yard to construct an addition to the existing detached dwelling. CRCS staff note that there is a mature boulevard tree located within the Rainbow Drive road allowance, immediately northeast of the proposed addition. Based on a review of aerial imagery, it appears that the majority of the new construction will be located outside of the extent of the tree's canopy. Further, the applicant intends to use helical piles in lieu of an excavated foundation, as indicated on the plan submitted with the application. While CRCS has no objection to the requested minor variance, the following conditions are recommended to ensure preservation and protection of the boulevard tree:

1. Prior to any construction activities commencing on site, a tree protection zone delineated by construction/snow fencing/hoarding shall be established around the trunk of the tree to be retained, and such tree protection zone shall remain in place for the duration of construction (minimum tree protection zone sizes are outlined in the table below).
2. No soil, construction materials, equipment, or vehicles of any sort may be stored or otherwise located within the tree protection zone.

The Minimum Tree Protection Zone (MTPZ)

The following is a chart showing minimum required distances for determining a Minimum Tree Protection Zone. Some trees and some site conditions may require a larger Minimum Tree Protection Zone at the discretion of the City.

Table 1 – Minimum Tree Protection Zones

Trunk Diameter (DBH) ²	Minimum Tree Protection Zone (MTPZ) Distances Required ³	Critical Root Zone (CRZ) Distances Required ^{3&4}
< 10 cm	1.8 m	1.8 m
11 - 40 cm	2.4 m	4.0 m
41 - 50 cm	3.0 m	5.0 m
51 - 60 cm	3.6 m	6.0 m
61 - 70 cm	4.2 m	7.0 m
71 - 80 cm	4.8 m	8.0 m
81 - 90 cm	5.4 m	9.0 m
91 - 100+ cm	6.0 m	10.0 m

NOTES:

¹ The roots of a tree can extend from the trunk to approximately 2-3 times the distance of the drip line.

² Diameter at breast height (DBH) measurement of tree trunk taken at 1.4 metres above ground.

³ Minimum Tree Protection Zone and Critical Root Zone distances are to be measured from the outside edge of the tree base towards the drip line and may be limited by an existing paved surface, provided the existing paved surface remains intact throughout the construction work and is subject to Section 6 of this specification.

38 Elgin Street, Minor Variance, A-87/22 – 22 106666
(B. Stan, Planner)
No objection.

47 Port Master Drive, Minor Variance, A-88/22 – 22 106736

(C. McEwan, Planner)

No objection.

9 Larchwood Drive, Minor Variance, A-95/22 – 22 106746

(N. MacDonald, Planner)

No objection.

155 Ontario Street, Consent, B-47/22 – 22 107019

155 Ontario Street, Consent, B-48/22 – 22 107023

155 Ontario Street, Minor Variance, A-96/22 – 22 107026

(E. Acs, Planner)

CRCS offers no objection to the requested consents to sever, nor the requested minor variances. With respect to the proposed reductions in landscape buffers for 155 Ontario Street, we note that adequate landscaping and buffering for the retained parcel has been secured through the site plan agreement. Further, development on the new parcel adjacent to the reduced landscape buffers (6 Adams Street) will be subject to site plan approval where additional landscaping will be required to offset any loss stemming from the subject minor variances.

Amanda Knutson

Community Project and Development Planner




Memorandum

To: Elaine Munro, ACST, Committee Secretary & Planning Technician
From: Sean Ip, Development Engineering Technologist
CC: City Committee of Adjustment Staff Members
Date: July 14, 2022
Hearing Date: July 27, 2022
Subject: **Committee of Adjustment - Minor Variance Applications**
90 Louisa Street – A03/22
14 Glen Park Road – A-20/22
108 Vansickle Road – A-74/22
4 Woodglen Drive – A-75/22
24 Briarsdale Drive – A-76/22
92 Louisa Street – A-77/22
75 Bula Drive – A-78/22
76 Queen Street – A-79/22
26 Olde School Court – A-80/22
121A Moffatt Street – 81/22
234A & 234B Vansickle Road – A-82 & 83 /22
50 Chetwood Street – A-84/22
32A Leeper Street – A-85/22
2 Laguna Crescent – A-86/22
38 Elgin Street – A-87/22
47 Port Master Drive – A-88/22
9 Larchwood Drive – A-95/22
155 Ontario Street – 96/22

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, Acting Committee Secretary and Planning Technician

Cc:

From: Steve Bittner, Transportation Technologist

Date: July 7, 2022

Subject: Committee of Adjustment Comments (July 27, 2022 Hearing)

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

Steve Bittner
Transportation Technologist

**Amanda No. 22 106640
Submission No. A-75/22**

**COMMITTEE OF ADJUSTMENT
4 Woodglen Dr**

4 Woodglen Drive

**DATE OF HEARING:
September 21, 2022**



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: September 9, 2022

Date of Meeting: September 21, 2022

Report Number: A-75/22

File: 22106640

Subject: 4 Woodglen Drive

Recommendation

That Application **A-75/22** by Anthony Iannino and Teresa Iannino, as outlined in the Notice of Hearing, be denied.

Report

Background

On July 27, 2022, Application A-75/22 was deferred to address City staff's concerns. The original application proposed a detached garage in the front yard on the east side of the property. A revised application was submitted which increased the size of the garage (62 m²), moved the garage to the west side of the property and reduced the paved driveway width.

The Proposal

The applicants propose to construct a detached garage in the front yard. To facilitate the proposed construction, Application A-75/22 seeks relief from the City of St. Catharines Zoning By-law 2013-283 through the variances detailed below:

- Variance 1 A request to permit an accessory building to be located in the front yard.
- Variance 2 Permission for the detached garage to protrude 6.1 m beyond the corresponding wall of the dwelling unit.
- Variance 3 An increase in the maximum driveway width from 7.5m to 11.7m.

Location and Site Description

The subject property is located on the north side of Woodglen Drive and west of Brisbane Glen Street. The surrounding neighbourhood is residential containing primarily detached dwellings. The subject property is presently occupied by a detached dwelling with an attached garage, shed and platform structure in the rear yard.

Circulation of Application

This Application was circulated to all appropriate departments and agencies. It was noted that a Lot Grading Plan may be required at the building permit stage upon approval of the application.

Planning Policy Context

Official Plan (Garden City Plan)

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

Planning Analysis

Variance 1

Zoning By-law 2013-283 states that accessory buildings shall not be located in the front yard. Accessory buildings are restricted to the rear and interior side yards to minimize adverse impacts on streetscape and the front amenity areas of neighbouring properties. This also ensures that accessory structures remain as visually and functionally subordinate to the primary use of the property – being housing. The proposed detached garage in the front yard will dominate the frontage of this residential lot and negatively impact both the character and quality of the street. Staff further note that the existing house already has a garage, and that the proposal would result in a total of three garage bays on the front of this property, which is not compatible or appropriate for this neighbourhood. In response to staff's comments, the applicant moved the proposed garage from the east to the west side of the front yard of the property, but also increased the size of the garage. As the garage is more than half the size of the existing detached dwelling, the proposed garage will overwhelm the site and negatively impact the streetscape and the surrounding properties. Staff recommend denial of Variance 1 as it is not minor, is not in keeping with the intent of the Official Plan or Zoning By-law and is not desirable to permit an accessory building in the front yard.

Variance 2

Variance 2 requests permission for the detached garage to protrude beyond the front wall of the dwelling unit. The intent of the Zoning By-law is to ensure that accessory structures, including detached garages, be located behind the front face of the dwelling, and that the size and location of accessory structures is subordinate to the principle use of the property.

The City's Urban Design policies described in the Official Plan outline that development and redevelopment within the City are based on sustainable design principles, including innovative, sustainable, and context-sensitive building, site, streetscape and

neighbourhood design, a stimulating, attractive, and safe public realm, and compatibility of new development and redevelopment within established areas. Garages should not be the dominant feature within the composition of a residential property, and their visual impact on the streetscape should be minimized.

The applicant is requesting that the detached garage for 4 Woodglen Drive be permitted to project more than 6 metres in front of the existing dwelling on site. The proposed garage would be the dominant feature on the property and the first visible structure from the street. The proposed garage would also result in a significant and excessive portion of the property's front yard to be utilized for car storage, which is neither appropriate nor desirable. The impact on the streetscape is significant. The requested variance is not minor in nature, is not in keeping with the intent of the Official Plan or Zoning By-law and is not desirable for the appropriate use of the property. Staff recommends denial of Variance 2.

Variance 3

Zoning By-law 2013-283 establishes a maximum driveway width of 7.5 metres or 50% of the front lot line distance, whichever is less. This provision is meant to ensure that driveways and the associated parking of vehicles does not dominate the lot frontage and maintains the majority of the lot frontage as landscaped area. Variance 3 of Application A-75/22 requests an increase in the maximum driveway width from 7.5 metres to 11.7 metres. While the applicant has moved the driveway and reduced the size of the driveway, the 4.2 metre increase in driveway width is not minor in magnitude or impact. The increased driveway width results in a predominantly paved front yard condition that would negatively impact the character and appearance of the street, and permit additional parking in the front yard well beyond minimum zoning requirements. The requested variance is not minor in nature, is not in keeping with the intent of the Official Plan or Zoning By-law and is not desirable for the appropriate use of the property. Staff recommend that this Variance 3 of Application A-75/22, be denied.

Conclusion

Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Application **A-75/22** is not keeping with the general intent of the Official Plan and Zoning By-law, is not minor in nature, nor desirable for the appropriate use of the lands. Staff recommend denial of the Application.

Prepared by:



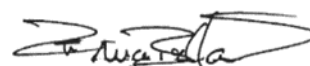
Dasha Litviniuc
Student Planner

Submitted by:

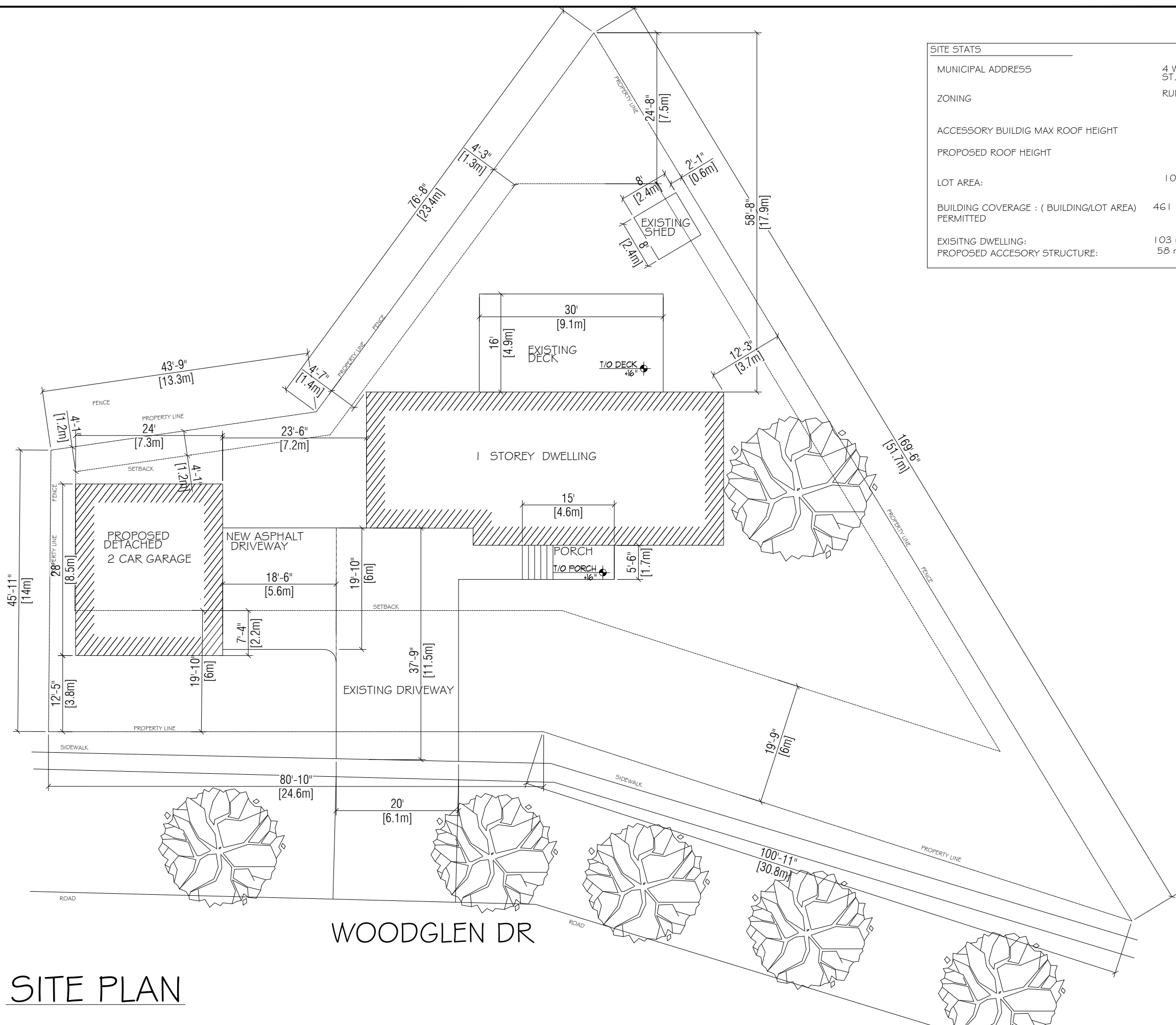


Brenda Stan
Planner

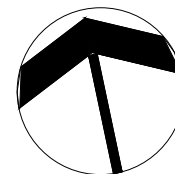
Approved by:



Bruce Bellows
Senior Project Manager



SITE STATS	
MUNICIPAL ADDRESS	4 WOODGLEN DR. ST. CATHERINES, L2N 2Y7
ZONING	RUBAN RESIDENTIAL - R1
ACCESSORY BUILDING MAX ROOF HEIGHT	4.5 m (14'-10" FT)
PROPOSED ROOF HEIGHT	4.49 m (14'-9" FT)
LOT AREA:	1025 m2 (11034 SQFT)
BUILDING COVERAGE : (BUILDING/LOT AREA)	461 m2 (4966 SQFT)- 45% PERMITTED
EXISTING DWELLING:	103 m2 (1100 SQFT) 22%
PROPOSED ACCESSORY STRUCTURE:	58 m2 (672 SQFT) 13.5%



PROJECT NORTH

ANTHONY
IANNINO
RESIDENCE

4 WOODGLEN
ST CATHERINES

DEATCHED
GARAGE

SITE PLAN

SCALE: 1/16" = 1'-0"

DATE: 12 APR 22

DRAWN BY:
ANTHONY IANNINO

CAD FILE
Al.dwg

SI

SITE PLAN

WOODGLEN DR

MEMORANDUM

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

Cc: Wilrik Banda
Planning and Building Services

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

Date: September 9, 2022

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – September 21, 2022 hearing

NO.	ADDRESS	COMMENTS
A-117/22	69 Broadway	No comment
A-118/22	22 Cypress Street	Be advised that a building permit is required to construct the proposed accessory dwelling unit.
A-75/22	4 Woodglen Drive	Be advised that a building permit is required to construct the detached garage.
A-112/22	140 Parnell Road	Be advised that a building permit is required to construct the proposed enclosed structure.
A-111/22	199 Ontario Street	Be advised that a building permit is required to construct the proposed fourplex dwelling.
A-110/22	17 Gertrude Street	No comment
A-113/22	1027 Pelham Road	Be advised that a building permit is required to construct the proposed detached dwelling.

NO.	ADDRESS	COMMENTS
A-114/22	1027 Pelham Road	Be advised that a building permit is required to construct the proposed detached dwelling.
A-89/22	18-26 Josephine Street	Be advised that a building permit is required to construct the proposed detached dwelling with accessory dwelling unit.
A-90/22	18-26 Josephine Street	Be advised that a building permit is required to construct the proposed 3 unit townhouse with accessory dwelling unit.
A-91/22	18-26 Josephine Street	Be advised that a building permit is required to construct the proposed 3 unit townhouse.
A-92/22	18-26 Josephine Street	Be advised that a building permit is required to construct the proposed 3 unit townhouse.
A-93/22	18-26 Josephine Street	Be advised that a building permit is required to construct the proposed semi-detached dwelling with accessory dwelling unit.
A-94/22	18-26 Josephine Street	Be advised that a building permit is required to construct the proposed semi-detached dwelling.
A-115/22	24 Manning Street	Be advised that a building permit is required to construct the proposed 3 unit townhouse block.
A-116/22	24 Manning Street	Be advised that a building permit is required to construct the proposed 3 unit townhouse block.



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



Memorandum

To: Jelena Pusara, Development Agreement Coordinator
From: Brad Johnston, Development Engineering Technologist
CC: City Committee of Adjustment Staff Members
Date: September 8, 2022
Hearing Date: September 21, 2022
Subject: **Committee of Adjustment - Minor Variance Applications**
4 Woodglen Drive – A-75/22SC
18-26 Josephine Street – A-89-94/22SC
17 Gertrude Street – A-110/22SC
199 Ontario Street – A-111/22SC
140 Parnell Road – A-112/22SC
1027 Pelham Road – A-113&114/22SC
24 Manning Street – A-115&116/22SC
69 Broadway – A-117/22SC
22 Cypress Street – A-118/22SC

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

- All applicants must acknowledge that although minimum Zoning setbacks may be reduced through Minor Variances, existing and additional widths greater than the minimum may be required to accommodate and maintain access and storm water conveyance, so as not to cause negative effects on subject and adjacent properties; and,
- All applicants be advised that a Grading Plan, prepared by a Professional Engineer or Ontario Land Surveyor, may be required as part of the submission for a building permit application for those sites required to obtain a building permit, but not subject to concurrent severance applications.

Prepared by:

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

To: Jelena Pusara, Development Agreement Coordinator

Cc:

From: Steve Bittner, Transportation Technologist

Date: September 9, 2022

Subject: Committee of Adjustment Comments (September 21, 2022, Hearing)

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

Steve Bittner
Transportation Technologist

To: Jelena Pusara, Development Agreement Coordinator, PBS
Claire Semple, Community Improvement Plan Coordinator, PBS

Cc:

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

Date: September 16, 2022

Subject: Committee of Adjustment Applications – September 21, 2022 Hearing

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

69 Broadway, Minor Variance, A-117/22 – 22109688 (B. Stan, Planner)

No objection.

22 Cypress Street, Minor Variance, A-118/22 – 22 109696

No objection.

4 Woodglen Drive, Minor Variance, A-75/22 – 22 106640

No objection.

140 Parnell Road, Minor Variance, A-112/22 – 22 109298

No objection.

199 Ontario Street, Minor Variance, A-111/22 – 22 109331

CRCS offers no objection to the requested minor variances to facilitate the conversion of the existing building to a fourplex, subject to the condition that the applicant be required to remove the excess portion of the existing front yard parking area, consistent with the recommendation outlined in Planning Services' Technical Report.

17 Gertrude Street, Consent, B-51/22SC – 22 109412

17 Gertrude Street, Minor Variance – A-110/22 – 22 109545

No objection.

1027 Pelham Road, Consent, B-52/22SC – 22 109552

1027 Pelham Road, Minor Variance, A-113/22 – 22 109553

1027 Pelham Road, Minor Variance, A-114/22 – 22 109554

CRCS offers no objection to the proposed creation of a new lot to facilitate the construction of two new dwellings (following demolition of the existing home), nor the requested minor variances.

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

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

1. That payment of 5% of the appraised value of the new lot be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53(13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. The appraisal shall be completed by a qualified appraiser. (Condition subject to Planning and Building Services' determination that parkland dedication can, in fact, be collected for this application.)
2. That the applicant submit a payment for the placement of a 60mm boulevard tree for the new lot, in accordance with the City's current Schedule of Rates and Fees.

18-26 Josephine Street, Consent, B-50/22SC – 22 108732

18-26 Josephine Street, Consent, B-43/22SC – 22 106984

18-26 Josephine Street, Consent, B-44/22SC – 22 106985

18-26 Josephine Street, Consent, B-45/22SC – 22 106988

18-26 Josephine Street, Consent, B-43/22SC – 22 106984

18-26 Josephine Street, Minor Variance, A-89/22 – 22 106817

18-26 Josephine Street, Minor Variance, A-90/22 – 22 106819

18-26 Josephine Street, Minor Variance, A-91/22 – 22 106840

18-26 Josephine Street, Minor Variance, A-92/22 – 22 106845

18-26 Josephine Street, Minor Variance, A-93/22 – 22 106847

18-26 Josephine Street, Minor Variance, A-94/22 – 22 106850

CRCS offers no objection to the proposed creation of five new lots to facilitate the construction of one detached dwelling, three townhouse units, and two semi-detached dwelling units, plus associated interior accessory dwelling units. Further, CRCS offers no objection to the majority of the requested minor variances, with the exception of those related to front yard setbacks for front porches. As proposed by the applicant, these setbacks will impact the amount of open space that can be provided in the front yard and limit opportunities for landscaping. It is the opinion of CRCS staff that this would result in negative impacts on the existing streetscape. CRCS is however, supportive of the larger setbacks to the front porches being recommended by Planning staff in their Technical Report.

We note that there is one existing young boulevard tree in the Josephine Street boulevard that will be impacted by the new driveway for the middle townhouse unit. The applicant will be required to pay the cost for City crews to remove and replace that tree elsewhere.

The applicant is encouraged to retain as many mature trees on site as possible and should be made aware that, pursuant to the Ontario Forestry Act, boundary trees (i.e. trees whose trunks straddle more than one property) may not be removed or destroyed unless express written permission is obtained from the co-owner of the tree.

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

1. That payment of 5% of the appraised value of each new lot be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53(13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. The appraisal shall be completed by a qualified appraiser. (Condition subject to Planning and Building Services' determination that parkland dedication can, in fact, be collected for this application.)
2. That the applicant submit a payment for the placement of a 60mm boulevard tree for each new lot, in accordance with the City's current Schedule of Rates and Fees.
3. That the applicant submit payment for the removal and replacement of the existing boulevard tree located within the Josephine Street road allowance.

24 Manning Street, Consent, B-53/22SC – 22 109637

24 Manning Street, Consent, B-54/22SC – 22 109638

24 Manning Street, Minor Variance, A-115/22 – 22 109639

24 Manning Street, Minor Variance, A-116/22 – 22 109640

CRCS offers no objection to the proposed creation of two new lots to facilitate the construction of three townhomes fronting onto East Street, nor the requested minor variances.

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

1. That payment of 5% of the appraised value of the new lots be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53(13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. The appraisal shall be completed by a qualified appraiser. (Condition subject to Planning and Building Services' determination that parkland dedication can, in fact, be collected for this application.)
2. That the applicant submit a payment for the placement of a 60mm boulevard tree for each new lot, in accordance with the City's current Schedule of Rates and Fees.

*Amanda Knutson
Community Project and Development Planner*