

A G E N D A

**THE FIRST MEETING OF THE COMMITTEE OF ADJUSTMENT
OF THE CITY OF ST. THOMAS 2019**

**COMMITTEE ROOM #415
CITY HALL**

10:00 A.M.

**THURSDAY
JANUARY 10, 2019**

CHAIRMAN

Appointment of Chairman for 2019.

DISCLOSURE OF INTEREST

MINUTES

Confirmation of the minutes of the meeting held on November 22, 2018.

HEARING OF APPLICATIONS

A01/19 - James and Barbara Gonyou - 15 Harrington Crescent Pages 2-13

Planning Report - A01/19 Pages 14-15

UNFINISHED BUSINESS

NEW BUSINESS

Next Meeting

January 24th, 2019 at 10:00 a.m. in Room #415

ADJOURNMENT

CONFIRMATION OF AN APPLICATION FOR MINOR VARIANCE

November 23rd, 2018

Secretary-Treasurer, Committee of Adjustment
Attention: Melanie Knapp

Pursuant to By-Law 30-2015, a consultation meeting was held on November 8th, 2018 with Planning staff and the applicant.

An application for a minor variance for 15 Harrington Crescent was filed on November 22nd, 2018 and the required fee under Section 69 of the Planning Act has been provided.

Please contact the Planning & Building Services Department if you have any questions.

Regards,



Patrick J. C. Keenan
Director of Planning & Building Services



CORPORATION OF THE CITY OF ST THOMAS

COMMITTEE OF ADJUSTMENT

APPLICATION FOR MINOR VARIANCE OR FOR PERMISSION

(Section 45 of the Planning Act, RSO, 1990, as amended)

OFFICE USE: Date Application Received: Consultation Date: Date Application Deemed Complete:

Application #: A01-19

APPLICATION IS HEREBY MADE TO: City of St. Thomas 545 Talbot Street St. Thomas ON N5P 3V7 Tel: (519) 631-1680 ext 4125 Fax: 519) 633-9019 Email: mknapp@stthomas.ca

Please note that in accordance with By-Law 30-2015, consultation with the Planning and Building Services Department must take place prior to the submission of an application. After consultation, the application will be filed with the Assistant Secretary-Treasurer, together with the sketch referred to in Note 1 and \$400 made payable to the City of St. Thomas. All information and materials submitted for the application shall be made available to the public, as indicated by Section 1.0.1 of the Planning Act, R.S.O. 1990.

Personal information contained on this form is collected under the authority of the Planning Act, R.S.O. 1990, as amended, and Ontario Regulation 200/96 and will be used for the purpose of processing this application.

1. Name of Owner(s) Jim & Barb Gonyou Address 15 Harrington Cres. St. Thomas Postal Code N5R 5J1 Tel: 519-633-3865 e-mail:

2. Name of Authorized Agent (if any) Shawn Sawatzky Address 1486 Victoria St. N Kitchener Postal Code N2B 3E2 Tel: 519-742-3525 e-mail: shawn@tropicalsunrooms.com

Note: Please specify to whom all communications should be sent: Owner () Agent (x)

3. Nature and extent of relief from the Zoning By-law applied for: Seeking relief from by-law requiring 7.5m rear yard setback to be changed to 6m to allow for a sunroom addition.

4. Reason why the proposed use cannot comply with the provisions of the Zoning By-law: Existing house was built close to maximum setback and the sunroom would be too small to be practical.

5. Location of Land: Concession No. Lot(s) 25 Registered Plan No. 11M-103 Lot(s)

Reference Plan No. _____ Part(s) _____

Geographic/Former Township _____

Name of Street Harrington Street No. 15

6. Dimensions of land affected:

Frontage 16.8 Depth 30.566

Area 501.67sq.m Width of Street 7.7m

7. Access to the subject land is by:

- a Regional Road a private road
- a Municipal road that is maintained all year
- a Municipal road that is maintained seasonally

8. Particulars of all buildings and structures on or proposed for the subject land (Specify ground floor area, gross floor area, number of storeys, width, length, height). Please specify use of existing structures.

Existing:

Single Family Dwelling: 112.62/156.19sq.m, 1 storey, (w)13.41,(l)14.02 (h) 5.5m

Shed: 8.9sq.m, 1 storey, (w) 3.65,(l) 2.44 (h) 3.04

USE Single family dwelling

Proposed:

Sunroom: 16.65sq.m, 1 storey, (w)3.96,(l)4.26 (h) 3.35

9. Location of all buildings and structures on or proposed for the subject land (Specify distance from side, rear and front lot lines). Please specify use of proposed structure.

Existing:

Single Family Dwelling: side 1.37m / rear 10.37m / front 6.78m

Shed: side .6m, 16m / rear 2.2m / front 23.4m

Proposed:

Sunroom: side .1.37m, 11.43m / rear 6.11m / front 20.19m

USE _____

10. Date of acquisition of subject land: July 2002

11. Date of construction of all buildings and structures on subject land: July 2002

12. Existing uses of the subject land:

Residential

13. Existing uses of abutting lands:

North: Residential East: Right of way / Ball diamonds

South: Residential West: Residential

14. Length of time the existing uses of the subject land have continued:

Since construction

15. Services available (check appropriate space or spaces):

Water:

Municipally owned and operated piped water system Other (Specify) _____

Sewage Disposal:

Municipally owned and operated sanitary sewer system Other (Specify) _____

Storm Drainage

Storm sewers Other (Specify) _____

16. Present Official Plan designation of the subject land:

Residential

17. Present Zoning of the subject land:

R3-68

18. Has the owner previously applied for relief (minor variance) under Section 45 of the Act in respect of the subject property?

yes () no ()

If the answer is yes, describe briefly (and if known, quote Application #)

19. Is the subject property the subject of a current application for a consent under Section 53 or a plan of subdivision under Section 51 of the Planning Act, 1990?

yes () no () If so, state Application # and status _____

[Faint mirrored text from reverse side of page]

APPLICANT DECLARATION

By making this application, permission is hereby granted to any Municipal staff members and Municipal Planning Consultant to enter upon the premises described in this application at a reasonable time for the purpose of inspecting the property in relation to the proposed application and for distributing information concerning the same. This information is being collected pursuant to the Planning Act, Municipal Act, and Freedom of Information Act. The information contained herein will be distributed to bodies and agencies prescribed by legislation and regulation and also to interested parties.

If this application is signed by an agent or solicitor on behalf of an applicant, the owner's written authorization must accompany the application (**Appendix A**). If the applicant is a corporation acting without an agent or solicitor, the application must be signed by an officer of the corporation and the corporation's seal (if any) must be affixed.

MUNICIPAL FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

Application information is collected under the authority of the Planning Act, R.S.O. 1990, c.P.13. In accordance with that Act, it is the policy of the City of St. Thomas to provide public access to all Planning Act applications and supporting documentation submitted to the City.

I, Shawn Sawatzky, the Owner or Authorized Agent, hereby agree and acknowledge
(Print name of Owner or Authorized Agent)
that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c.M. 56, I hereby consent to the City of St. Thomas making this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.

Collection of Personal Information:

Personal information on this form is collected under the authority of Section 41 of the *Planning Act*, R.S.O. 1990 and Sections 8 (1) and 10 of the *Municipal Act*, 2001, as amended, and will be used to contact the owner, applicant and/or agent regarding the Committee of Adjustment Application. Questions about this collection should be directed to the City Clerk, 545 Talbot Street, St. Thomas, Ontario, N5P 2T9 (519) 631-1680.

AFFIDAVIT OR SWORN DECLARATION

I, Shawn Sawatzky of Kitchener in the province of Ontario,
name of applicant City

make oath and say (or solemnly declare) that the information required under Schedule 1 of Ontario Regulation 545/06 and provided by the applicant in this application is accurate, and that the information contained in the documents that accompany this application is accurate.

Sworn (or declared) before me at the St. Thomas on this 22 day of 11, 2018.
City Day Month Year

[Signature]
Signature of Owner or Authorized Agent

11-22-2018
Date

[Signature]
Signature of Commissioner of Oaths, etc.

Nov 22, 2018
Date

APPENDIX A – AUTHORIZATION OF OWNER

If the applicant is not the owner of the subject lands, please complete the owner authorization concerning personal information as set out below.

I, Jim & Barb Gonyou, am the owner of the subject lands, and I authorize Shawn Sawatzky, to act on our behalf as the agent for the submissions required for all matters relating to the subject lands, and to provide any of my personal information that will be included in this application or collected during the planning process.

11-19-2018
Date

James Gonyou
Barb Gonyou
Signature of Owner

APPENDIX B – ACKNOWLEDGEMENT OF LEGAL AND PLANNING FEES

In addition to the application fees listed in this application package, please note that where the City requires assistance from its solicitors or other technical or professional consultants in the processing of this application, the applicant shall be responsible for reimbursing all fees incurred by the City.

***Please note, Appendix B must be completed by the owner, not the authorized agent.**

I, Jim & Barb Gonyou, am the owner of the subject lands, and I understand that further fees may be incurred by the City throughout the planning process and that I am responsible for reimbursing all fees.

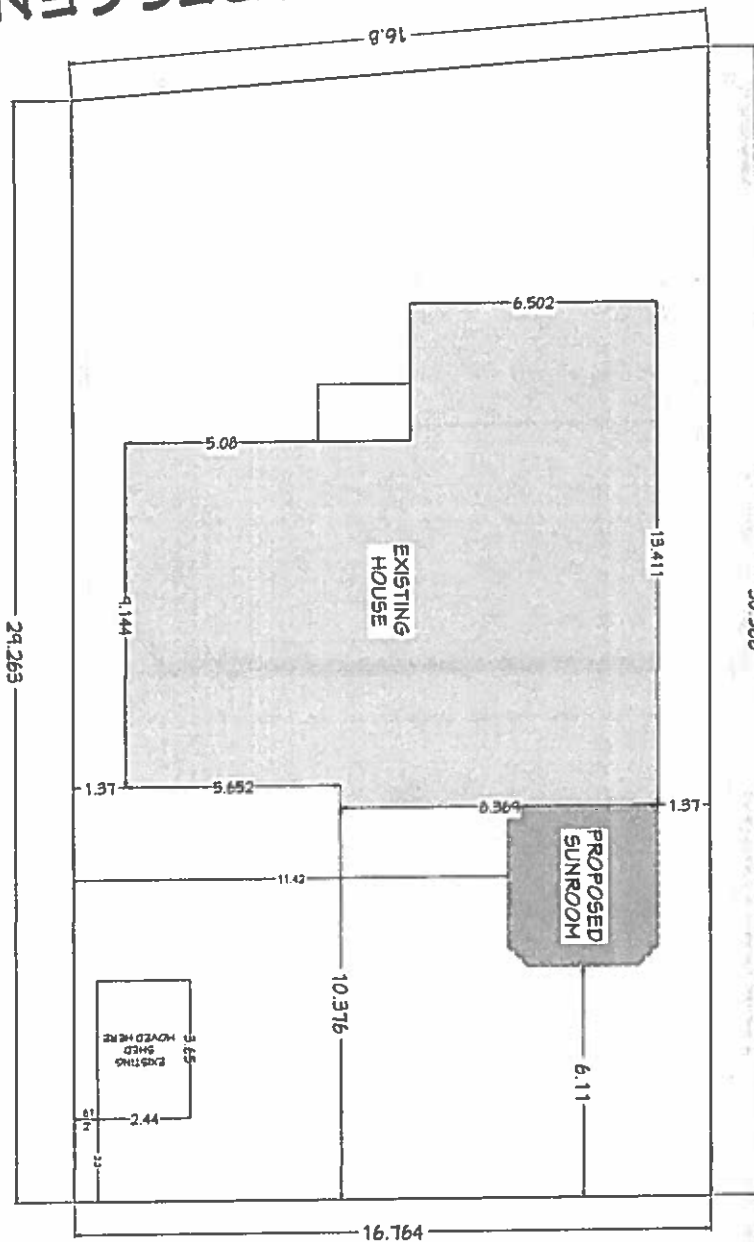
11-19-2018
Date

James Gonyou
Signature of Owner
Barb Gonyou

NOTES:

1. Each copy of this application must be accompanied by a Sketch. The Sketch need not necessarily be to scale, but dimensions must be accurate, and showing the following:
 - (a) The boundaries and dimensions of the subject land;
 - (b) The location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings or structures from the front yard lot line, rear yard lot line and the side yard lot lines;
 - (c) The approximate location of all natural and artificial features on the subject land and on land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application. Examples include buildings, driveways, swimming pools, roads, railways, drainage ditches, wells, septic tank and tile bed, and trees;
 - (d) The current uses on land that is adjacent to the subject land;
 - (e) The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public traveled road, a private road or a right-of-way;
 - (f) If access to the subject land is by water only, the location of the parking and docking facilities to be used;
 - (g) The location and nature of any restrictive covenant or easement affecting the subject land;
2. The Committee of Adjustment may require that a preliminary drawing be prepared, signed and dated by an Ontario Land Surveyor.
3. If this application is signed by an agent or solicitor on behalf of an applicant, the owner's written authorization must accompany the application. If the applicant is a corporation acting without agent or solicitor, the application must be signed by an officer of the corporation and the corporation's seal (if any) must be affixed.

HARRINGTON CRESCENT



SITE PLAN DATA

LOT AREA.....	501.67m ²
GFA..... EXISTING HOUSE & SHED.....	165.9 m ²
PROPOSED.....	16.65m ²
TOTAL.....	182.55 m ²
GFA/LOT AREA RATIO.....	36.3%

SCALE 1:200



CONTRACTOR:
TROPICAL SUNROOMS, INC.
 1486 VICTORIA ST. N
 KITCHENER, ONT. N2B 3E2

OWNER:
JIM & BARB GONYOU
 15 HARRINGTON CRES.
 ST. THOMAS, ON, N5R 6J1
 519-633-3865

1

I CERTIFY THAT I, SHAWN SAWATZKY, HAVE REVIEWED AND TAKE RESPONSIBILITY FOR THIS DESIGN AND I HAVE MET THE REQUIREMENTS AND QUALIFICATIONS AS SET OUT IN THE ONTARIO BUILDING CODE.

DRAWN BY:
 SMS

BCIN: 28441



CONTRACTOR:
TROPICAL SUNROOMS, INC.
1486 VICTORIA ST. N.
KITCHENER, ONT. N2B 3E2

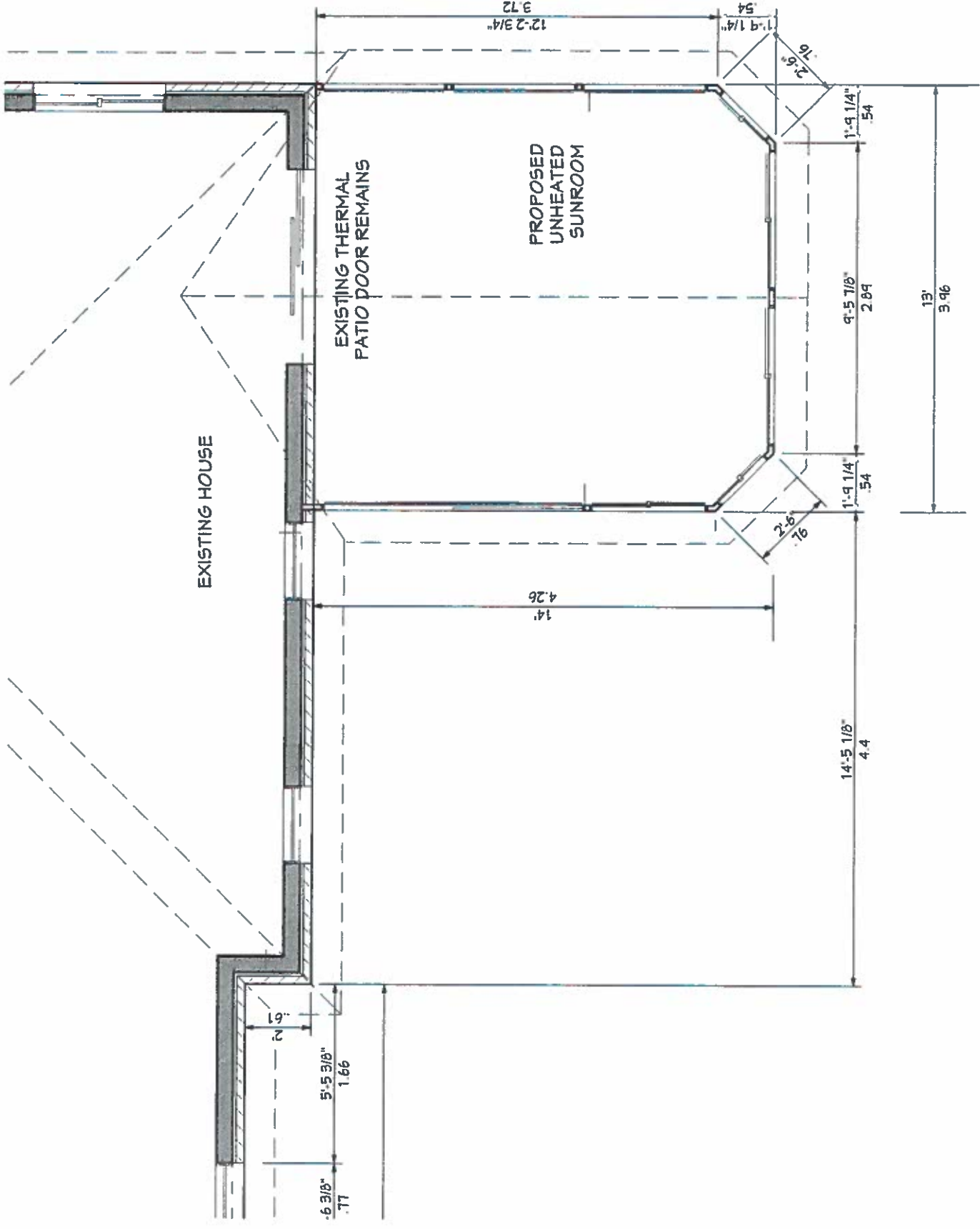
OWNER:
JIM & BARB GONYOU
15 HARRINGTON CRES.
ST. THOMAS, ON, N5R 6J1
519-633-3865

2

I CERTIFY THAT I, SHAWN SAWATZKY, HAVE
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THIS DESIGN AND I HAVE MET THE
REQUIREMENTS AND QUALIFICATIONS AS
SET OUT IN THE ONTARIO BUILDING CODE.

DRAW
N BY:
SMS

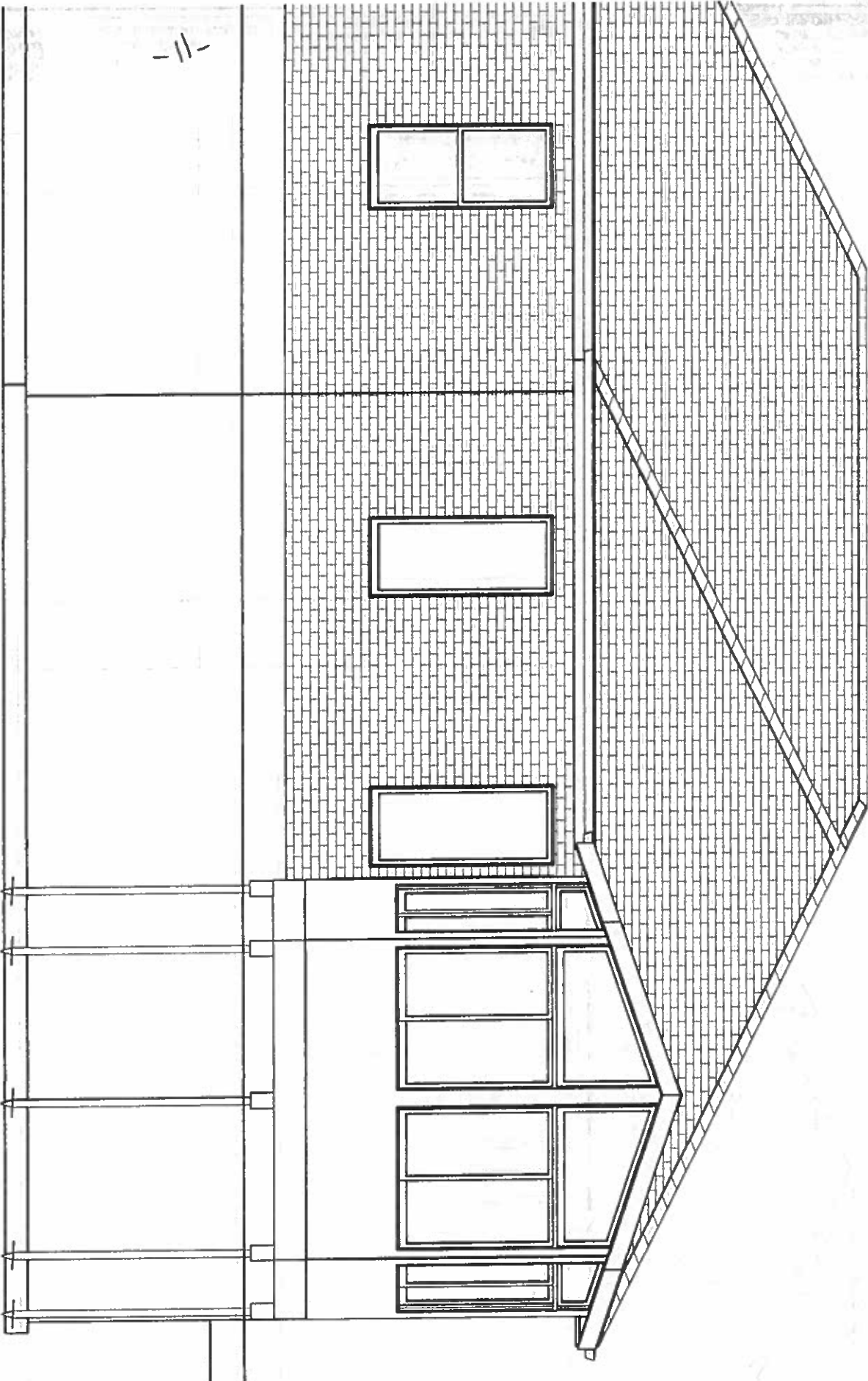
-01-



MAIN FLOOR

SCALE 1" = 50'

- 11 -



REAR ELEVATION

SCALE 1 = 50



CONTRACTOR:
 TROPICAL SUNROOMS, INC.
 1486 VICTORIA ST. N
 KITCHENER, ONT. N2B 3E2

OWNER:
 JIM & BARB GONYOU
 15 HARRINGTON CRES.
 ST. THOMAS, ON, N5R 6J1
 519-633-3865

4

I CERTIFY THAT I, SHAWN SAWATZKY, HAVE
 REVIEWED AND TAKE RESPONSIBILITY FOR
 THIS DESIGN AND I HAVE MET THE
 REQUIREMENTS AND QUALIFICATIONS AS
 SET OUT IN THE ONTARIO BUILDING CODE.
OCM: 28441

DRAWN BY:
 SMS

Shawn Sawatzky



CONTRACTOR:
TROPICAL SUNROOMS, INC.
1488 VICTORIA ST. N.
KITCHENER, ONT. N2B 3E2

OWNER:
JIM & BARB GONYOU
15 HARRINGTON CRES.
ST. THOMAS, ON, N5R 6J1
519-633-3885

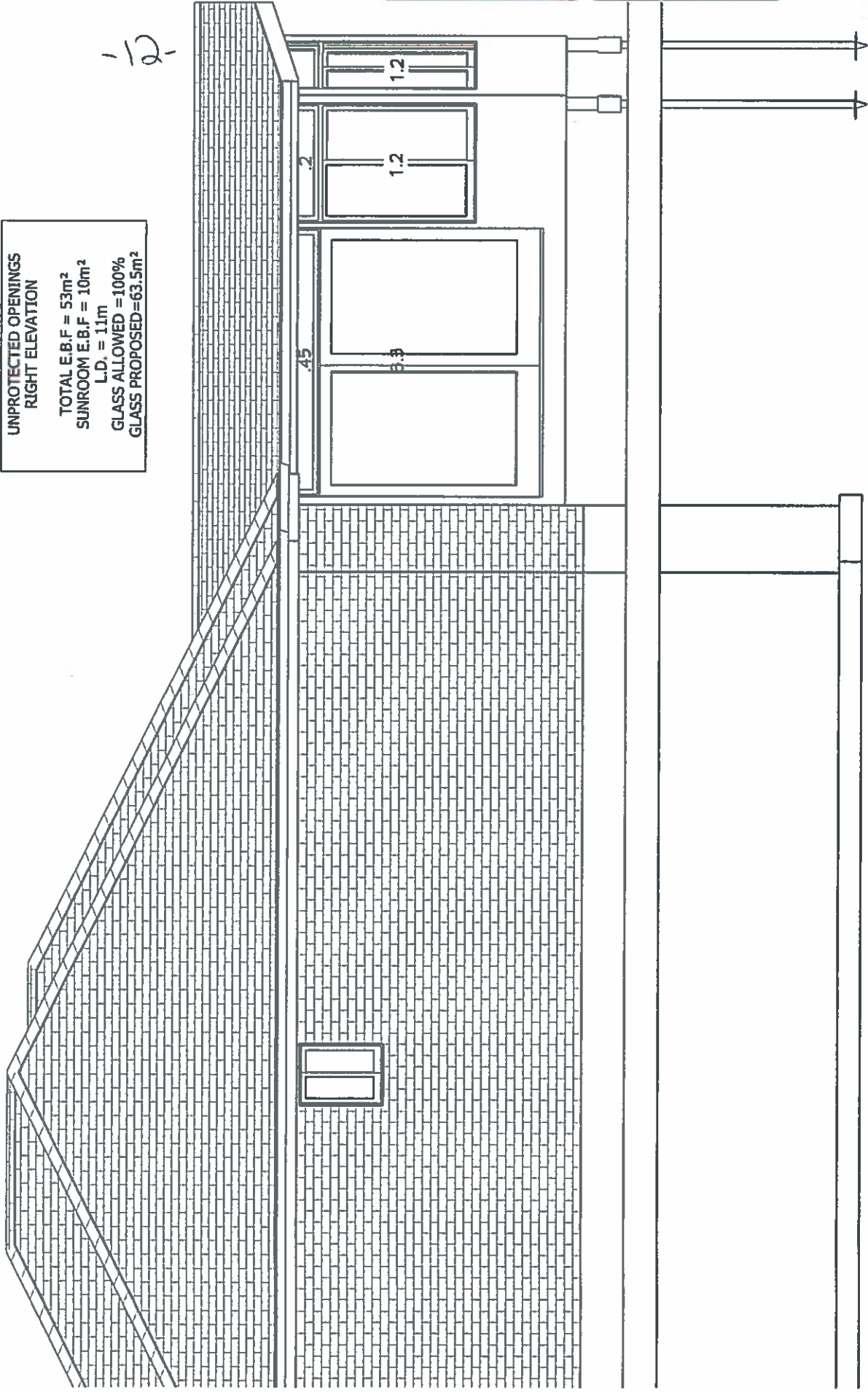
5

I CERTIFY THAT I, SHAWN SAWATZKY, HAVE
REVIEWED AND TAKE RESPONSIBILITY FOR
THIS DESIGN AND I HAVE MET THE
REQUIREMENTS AND QUALIFICATIONS AS
SET OUT IN THE ONTARIO BUILDING CODE.
RCIN-28443

DRAW N BY:
SWS

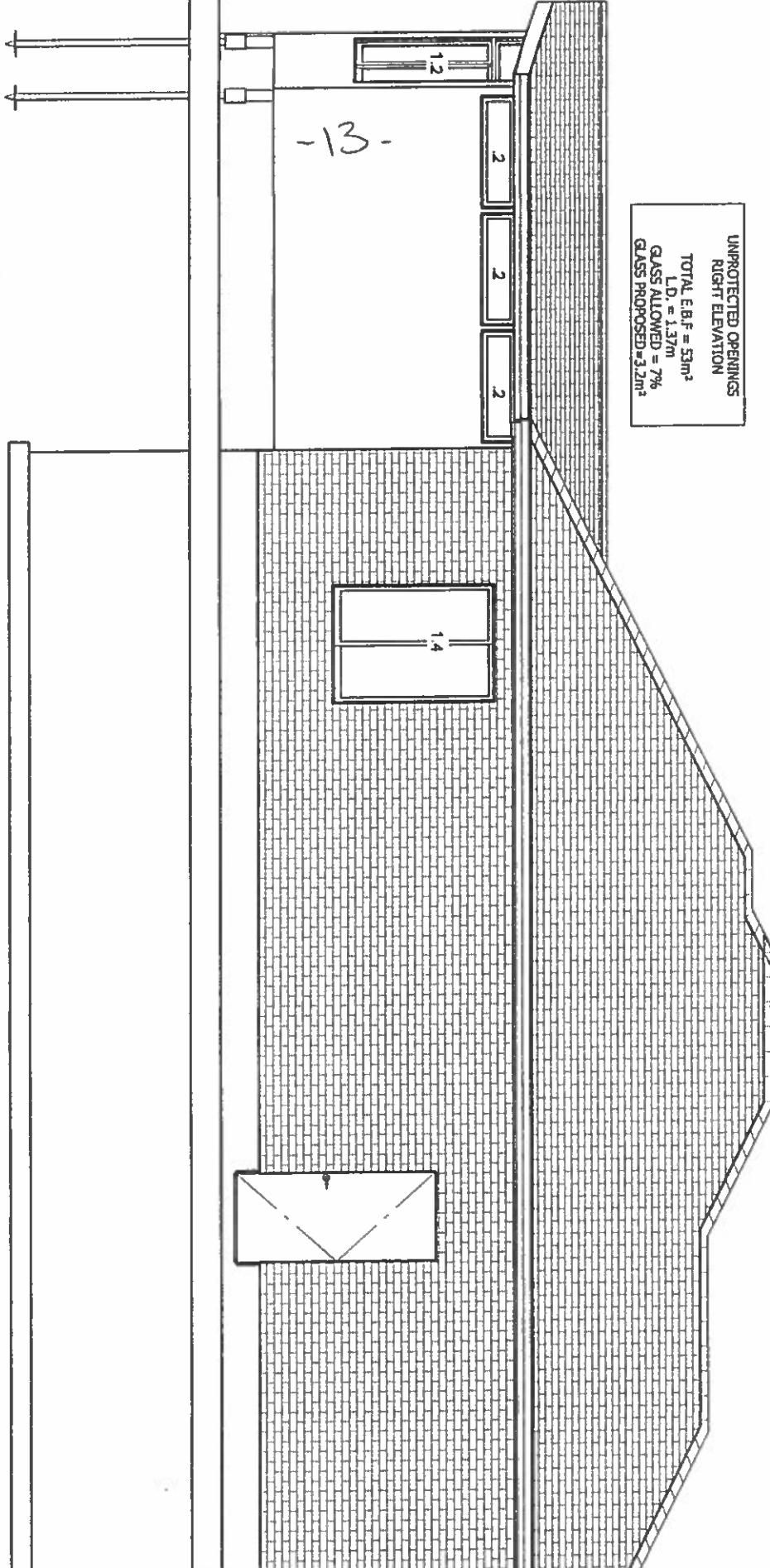
UNPROTECTED OPENINGS
RIGHT ELEVATION
TOTAL E.B.F = 53m²
SUNROOM E.B.F = 10m²
L.D. = 11m
GLASS ALLOWED = 100%
GLASS PROPOSED = 63.5m²

12-



LEFT ELEVATION

SCALE 1/4" = 1'



UNPROTECTED OPENINGS
RIGHT ELEVATION
TOTAL E.B.F. = 53m²
L.D. = 1.37m
GLASS ALLOWED = 7%
GLASS PROPOSED = 3.2m²

RIGHT ELEVATION

SCALE 1/4" = 1'



CONTRACTOR:
TROPICAL SUNROOMS, INC.
1486 VICTORIA ST. N
KITCHENER, ONT. N2B 3E2

OWNER:
JIM & BARB GONYOU
15 HARRINGTON CRES.
ST. THOMAS, ON, N5R 6J1
519-633-3865

6

I CERTIFY THAT I, SHAWN SAWATZKY, HAVE REVIEWED AND TAKE RESPONSIBILITY FOR THIS DESIGN AND I HAVE MET THE REQUIREMENTS AND QUALIFICATIONS AS SET OUT IN THE ONTARIO BUILDING CODE.
BCIN: 28441

DRAWN BY:
SMS

Shawn Sawatzky



The Corporation of the City of St. Thomas

Report No.: COA01-2019

Applicant: Jim and Barb Gonyou

Members of the Committee of Adjustment

Report Date: December 11, 2018
Meeting Date: January 10, 2019

Location: 15 Harrington Crescent, Plan M103, Lot 25

Subject: Request for a minor variance pursuant to 45(1) of the Planning Act, R.S.O, as amended

Department: Planning and Building Services Department
Prepared by: Steve Craig, Senior Planning Technician

Attachments: Location Plan

Recommendation:

That: Report COA01-2019 be received.

BACKGROUND:

The applicants are proposing to construct a 3.96m x 4.26m sunroom addition on the back of the existing residential dwelling.

REQUESTED VARIANCE(S):

- (i) To permit a sunroom addition a minimum of 6.11m from the rear lot line, whereas Subsection 7.5.68(b) of the City of St. Thomas Zoning By-Law 50-88 requires a minimum rear yard depth of 7.5m.
- (ii) To permit a maximum lot coverage of 36.3%, whereas Table 1 to Subsection 7.4, Item Number 5, and Column 2 of the City of St. Thomas Zoning By-Law 50-88 permits a maximum lot coverage of 35%.

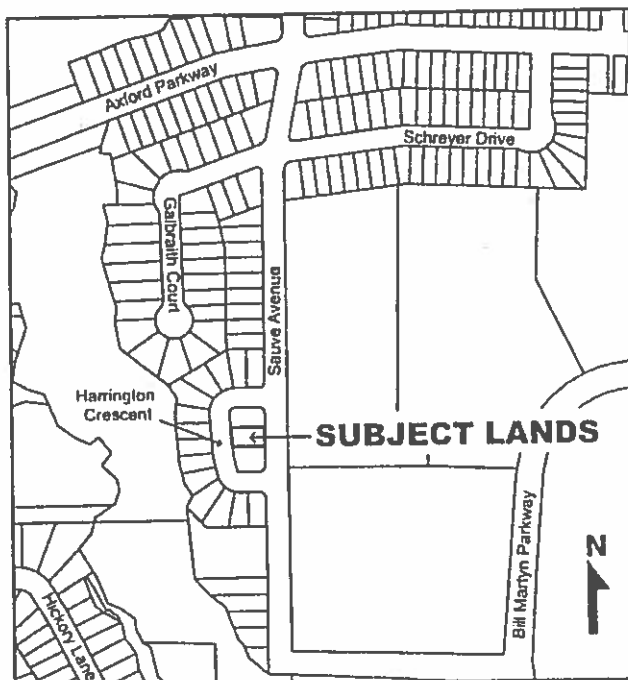
OFFICIAL PLAN:

- The subject lands are within the Residential designation as shown on Schedule A (Land Use Plan) to the Official Plan for the City of St. Thomas.
- The Residential policies of the Official Plan permit a full range of dwelling types including low, medium and high density residential uses.

ZONING BY-LAW:

- The subject lands are within the Third Residential Zone (R3-68) pursuant to the City of St. Thomas Zoning By-Law No. 50-88, as amended.
- Permitted uses of the R3-68 zone include a single detached dwelling and uses accessory to the foregoing.
- The requirements and setbacks for a single detached dwelling include:
 - › minimum lot area - 371.5m²;
 - › minimum lot frontage - 12m;
 - › maximum main building height - 11m;
 - › maximum accessory building height - 4m;

Location Plan:



- › maximum lot coverage - 35%;
- › maximum floor area of an enclosed accessory building - the lesser of 15% of the lot area or 67m²;
- › maximum number of dwelling units - 1 per lot;
- › maximum roof area - 50%;
- › minimum front yard depth - 6m;
- › minimum rear yard depth - 7.5m;
- › minimum interior side yard depth - 1m;
- › minimum ground floor area - 1 storey dwelling 74m²; and
- › minimum number of parking spaces - 1 parking space per dwelling unit.

LEGISLATIVE FRAMEWORK FOR A MINOR VARIANCE:

In considering this application, the Committee must have regard to the following criteria and determine whether:

- The general intent and purpose of the Official Plan will be maintained;
- The general intent and purpose of the Zoning By-Law will be maintained;
- The variance is desirable for the appropriate development or use of the land, building or structure; and
- The variance is minor in nature.

COMMENTS:

- The first variance is required to permit a sunroom addition 6.11m from the rear lot line, whereas the R3-68 zone requires a minimum rear yard depth of 7.5m. A rear yard setback of 6.11m will maintain adequate area within the rear yard for landscaping, drainage and outdoor amenity space, and will also provide adequate separation from the Sauve Avenue road allowance.
- The second variance is required to permit a maximum of coverage of 36.3%, whereas the R3-68 zone permits a maximum lot coverage of 35%. The existing development and proposed sunroom addition are compatible in scale with the character of the surrounding neighbourhood, and will not result in the over development of the subject lands.
- There is an existing 2.44m x 3.65m shed within a 2.0m utility easement located along the rear lot line of the subject lands; the shed also does not comply with the Zoning By-law. At the consultation meeting staff confirmed with the applicant's agent that the shed should be relocated outside of the utility easement and brought into conformity with the Zoning By-law.
- In Staff's opinion the proposed variances meets the general intent and purpose of the Official Plan and Zoning By-law, are minor in nature, and are desirable and appropriate for the use of the lands, thereby satisfying the four tests, as set out in Section 45 of the Planning Act. Therefore, planning staff recommend that minor variance application COA01-2019 be approved.
- Should the Committee of Adjustment approve minor variance application COA01-2019 staff recommend that the decision reflect that the Committee is approving:
 - a 3.96m x 4.26m sunroom addition a minimum of 6.11m from the rear lot line;
 - a maximum lot coverage of 36.3%; and
 - the application conditional on the owners relocating the existing shed outside of the 2.0m utility easement, and brought into conformity with the Zoning By-law, prior to the Planning and Building Services Department issuing a building permit for the proposed sunroom addition.

Respectfully submitted,



Steve Craig
Senior Planning Technician