

A G E N D A

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

**COMMITTEE ROOM #415
CITY HALL**

10:00 A.M.

**THURSDAY
JANUARY 24, 2019**

DISCLOSURE OF INTEREST

MINUTES

Confirmation of the minutes of the meeting held on January 10, 2019.

HEARING OF APPLICATIONS

A02/19 – GL Group Holdings Limited Partnership – 212 Ross Street Pages 2-9

Planning Report - A02/19 Page 10

UNFINISHED BUSINESS

NEW BUSINESS

Next Meeting

February 14, 2019 at 10:00am in Room #415

ADJOURNMENT

CONFIRMATION OF AN APPLICATION FOR MINOR VARIANCE

December 19th, 2018

Secretary-Treasurer, Committee of Adjustment
Attention: Melanie Knapp

Pursuant to By-Law 30-2015, a consultation meeting was held on December 17th, 2018 with Planning staff and the applicant.

An application for a minor variance, regarding 212 Ross Street, was filed on December 18th, 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: <u>12-17-18</u>	Consultation Date: <u>12-17-18</u>
	Date Application Deemed Complete: _____	

Application #: A02/19

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.

- Name of Owner(s) GL Group Holdings Limited Partnership
 Address 32 Gladstone Ave.
St. Thomas Ontario
 Postal Code NSR 2L4 Tel: 519-637-8686 e-mail: burton.david@bellnet.ca
- Name of Authorized Agent (if any) David J. Burton
 Address 32 Gladstone Ave
St. Thomas Ontario
 Postal Code NSR 2L4 Tel: 519-637-8686 e-mail: burton.david@bellnet.ca

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

- Nature and extent of relief from the Zoning By-law applied for:
Multi-use building commercial & residential
zoning residential. legal non conforming
- Reason why the proposed use cannot comply with the provisions of the Zoning By-law:
official zoning for 212 Ross is Residential

5. Location of Land:

Concession No. _____ Lot(s) _____ Registered Plan No. _____ Lot(s) _____
 Part of lots 3, 4, 5 Block 115 A Plan 122 as in E246581 except
 January, 2018
E251095 SIT & TW E246581

Reference Plan No. _____ Part(s) _____

Geographic/Former Township _____

Name of Street Ross Street No. 212

6. Dimensions of land affected:

Frontage 66 feet Depth 227 feet

Area 14,982 sq ft Width of Street unknown

7. Access to the subject land is by:

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

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:

2 storey - 3 bedroom apartment on second floor
commercial main floor - approx 2,400 sq ft

USE _____

Proposed:

Commercial - appliance repair & service

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:

2,400 sq ft - 2 storey mixed use bldg &
650 sq ft double car garage located @ rear of lot

Proposed:

garage setback 0.91m on ~~east~~ south & west lot line.
bldg 4.26m south 5.55 East 1.82 north setbacks

USE _____

10. Date of acquisition of subject land: July 2014

11. Date of construction of all buildings and structures on subject land: 1950's

12. Existing uses of the subject land:

mixed use commercial / residential.

13. Existing uses of abutting lands:

North: Commercial East: mid density residential
South: residential. West: vacant.

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

1950's 60+ years.

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:

residential.

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 _____

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 David Burton, 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, David Burton of Strathroy 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 17th day of December 2018.
City Day Month Year


Signature of Owner or Authorized Agent

12/17/2018
Date


Signature of Commissioner of Oaths, etc.

Dec 17/18
Date

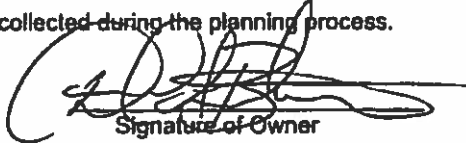
Crystal Marie Penney, a Commissioner, etc.,
Province of Ontario, for the
Corporation of the City of St. Thomas.
Expires September 18, 2019.

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, Cal Group Holdings LP, am the owner of the subject lands, and I authorize David L. Burton, 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.

12/17/2018
Date


Signature of Owner

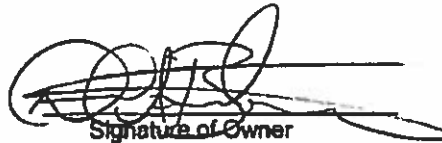
APPENDIX B – ACKNOWLEDGEMENT OF LEGAL AND PLANNING FEES

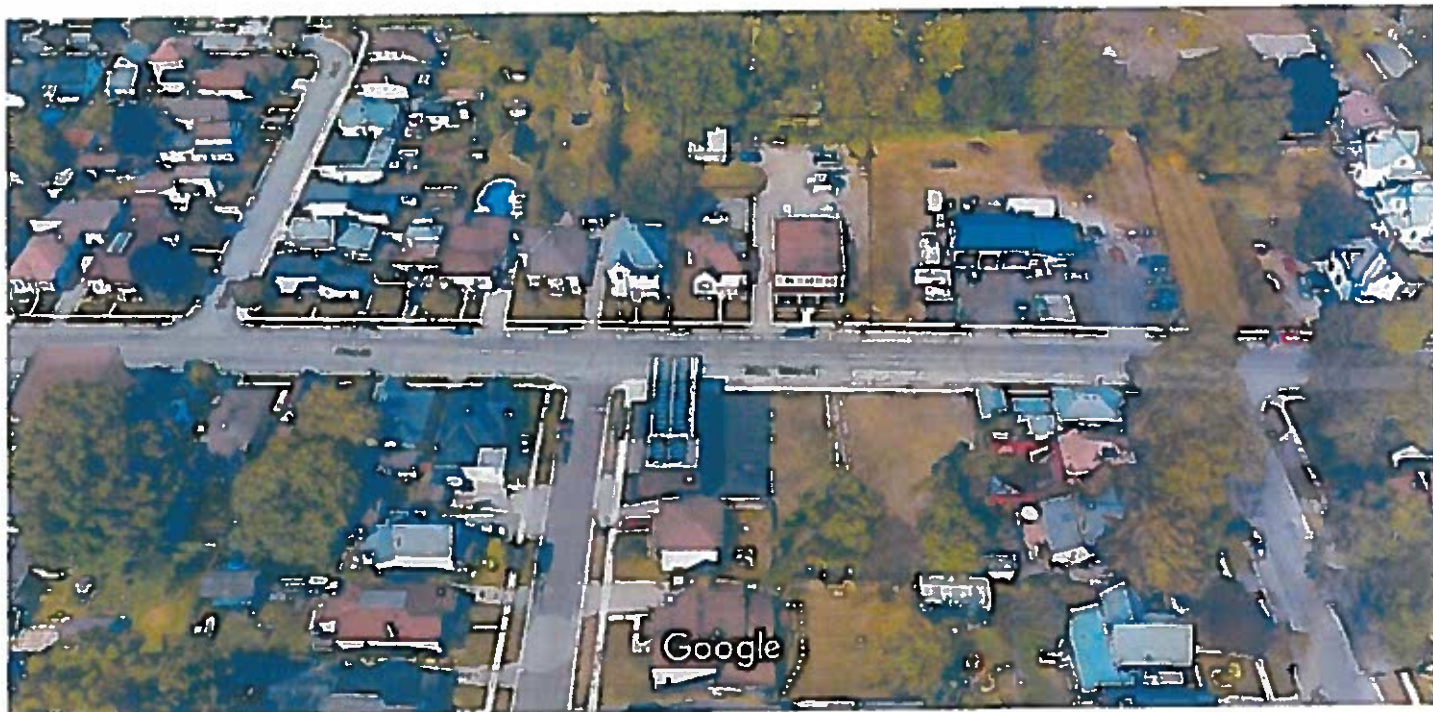
In addition to the application fees listed in this application package, please note that where the City requires assistance from its solicitors or other technical or professional consultants in the processing of this application, the applicant shall be responsible for reimbursing all fees incurred by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

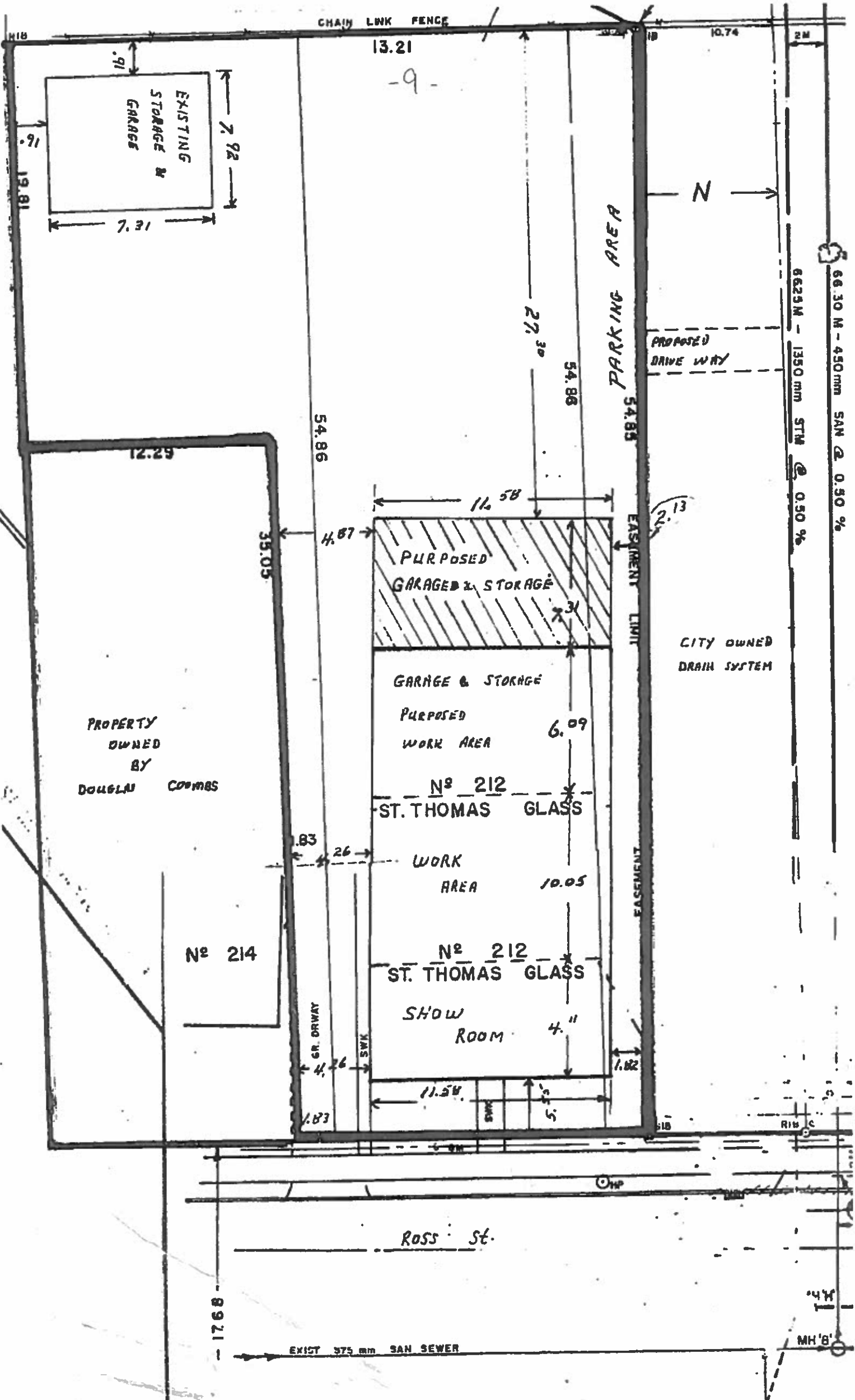
*Please note, Appendix B must be completed by the owner, not the authorized agent.

I, David L. Burton, 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.

12/17/2018
Date


Signature of Owner

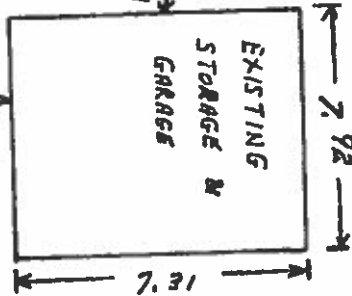




CHAIN LINK FENCE

13.21

-9-



N

PARKING AREA

PROPOSED DRIVE WAY

66.30 M - 450MM SAN @ 0.50 %

66.25 M - 1350MM STM @ 0.50 %

27.30

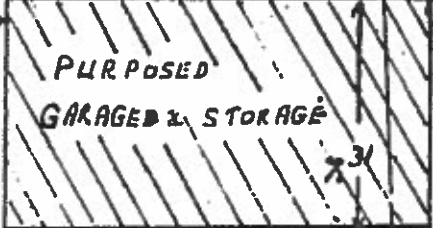
54.86

54.86

12.29

54.86

11.58



EASEMENT LIMIT

CITY OWNED DRAIN SYSTEM

PROPERTY OWNED BY DOUGLAS COOMBS

GARAGE & STORAGE

PURPOSED WORK AREA 6.09

N° 212 ST. THOMAS GLASS

WORK AREA 10.05

N° 212 ST. THOMAS GLASS

SHOW ROOM 4.11

N° 214

1.83

26

GR. DRIVEWAY

4.26

1.87

11.58

ROSS ST.

89.21

EXIST 375 mm SAN SEWER

MH '8'



The Corporation of the City of St. Thomas

Report No.: COA02-2019

Applicant: GL Group Holdings Limited Partnership

Members of the Committee of Adjustment

Report Date: January 17, 2019 Meeting Date: January 24, 2019

Location: 212 Ross Street, Plan 122, Block A, Part Lot 3-5

Subject: Request for a Permission pursuant to 45(2)(a)(ii) 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 COA02-2019 be received.

BACKGROUND:

The applicant is proposing to use the ground floor area of the existing building for an appliance business, which primarily involves the repair of household appliances, but would also include the retail sale of appliances and parts, storage area and office space for administration functions. The use of the ground floor of the existing building for commercial purposes dates back to 1955, and is considered lawful non-conforming. Section 45(2)(a)(ii) of the Planning Act, R.S.O., 1990. provides that the Committee of Adjustment may permit the use of such land, building or structure for a purpose that, in the opinion of the committee, is similar to the purpose for which it was used on the day the by-law was passed or is more compatible with the uses permitted by the Zoning By-law than the purpose for which it was used on the day the Zoning By-law was passed, if the use for a purpose prohibited by the By-law or another use for a purpose previously permitted by the committee continued until the date of the application to the Committee.

PERMISSION:

The applicant, being the owner of the subject lands, has applied for a permission from the Committee of Adjustment, under Section 45(2)(a)(ii) of the Planning Act, R.S.O., 1990. The applicant is requesting the following permission:

- 1) To permit the ground floor area of the existing building to be used for an appliance business.

OFFICIAL PLAN:

- The subject lands are designated Residential as shown on Schedule A (Land Use Plan) to the Official Plan for the City of St. Thomas. The non-conforming use policies of the Official Plan provide that the Committee of Adjustment on application shall consider the granting of permission to extend or enlarge a non-conforming use in order to prevent unnecessary hardship on the non-conforming use.

ZONING BY-LAW:

- The subject lands are located within the Third Residential Zone (R3) pursuant to the City of St. Thomas Zoning By-law No. 50-88.

COMMENTS:

- A Lawful Non-Conforming Use is a legal use of a parcel of land, building or structure that was established before the date that the Zoning By-law was approved, but which does not conform to the regulations in the Zoning By-law.
- According to Vernon's Directories Limited for the City of St. Thomas the use of the subject lands for commercial purposes dates back to 1955 (St. Thomas Glass & Paint Company).
- Section 45(2)(a)(ii) of the Planning Act, R.S.O., 1990. provides that the Committee of Adjustment may permit the use of such land, building or structure for a purpose that, in the opinion of the committee, is similar to the purpose for which it was used on the day the by-law was passed or is more compatible with the uses permitted by the Zoning By-law than the purpose for which it was used on the day the Zoning By-law was passed, if the use for a purpose prohibited by the By-law or another use for a purpose previously permitted by the committee continued until the date of the application to the Committee.
- Applications for permission under Section 45(2) of the Planning Act do not require that the four tests for a minor variance be met. Consideration of such applications is based upon the desirability for the development of the lands in question and impact on the surrounding area.
- In Staff's opinion the proposed appliance business will not increase its incompatibility with the surrounding area. Therefore, staff recommends that application COA02-2019 be approved.
- Should the Committee of Adjustment approve application COA02-2019 staff recommend that the decision reflect that the Committee is permitting the ground floor area of the existing building to be used for an appliance business, subject to a condition that prohibits outdoor storage.

Respectfully submitted,

Steve Craig Senior Planning Technician

Location Plan:

