

**A G E N D A**

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

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**COMMITTEE ROOM #415  
CITY HALL**

**10:00 A.M.**

**THURSDAY  
FEBRUARY 14, 2019**

**DISCLOSURE OF INTEREST**

**MINUTES**

Confirmation of the minutes of the meeting held on January 24, 2019.

**HEARING OF APPLICATIONS**

**A03/19 – Milestones Children’s Centre - 5 Shaw Valley Drive Pages 2-8**

**Planning Report - A03/19 Pages 9-10**

**UNFINISHED BUSINESS**

**NEW BUSINESS**

**Next Meeting**

To be determined.

**ADJOURNMENT**



PLANNING & BUILDING SERVICES DEPARTMENT  
t. (519) 633.2360 f. (519) 633.6581  
9 Mordamin Street  
St. Thomas, Ontario, N5P 2T9

**CONFIRMATION OF AN APPLICATION FOR MINOR VARIANCE**

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January 10<sup>th</sup>, 2019

Secretary-Treasurer, Committee of Adjustment  
Attention: Melanie Knapp

Pursuant to By-Law 30-2015, a consultation meeting was held on December 5<sup>th</sup>, 2018 with Planning staff and the applicant.

An application for a minor variance, regarding 5 Shaw Valley Drive, was filed on January 9<sup>th</sup>, 2019 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 #: \_\_\_\_\_

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) Milestones Children's Centre Address 5 Shaw Valley Drive St. Thomas Ontario Postal Code N5R 6J9 Tel: 519-631-0952 e-mail: cburns@milestonescc.ca

2. Name of Authorized Agent (if any) Cornerstone Architecture Incorporated Address 110-700 Richmond Street London Ontario Postal Code N6A 5C7 Tel: 519-423-6644 e-mail: ahannay@cornerstonearchitecture.ca

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: Reduction in parking requirement - 35 spaces provided, where 37 spaces are required. Relief for 2 parking spaces.

4. Reason why the proposed use cannot comply with the provisions of the Zoning By-law: There is no space on the site to expand parking. Based on current and projected use, the amount of existing parking will be sufficient to support the existing building and the addition.

5. Location of Land: Concession No. Lot(s) Registered Plan No. 11M-112 Lot(s)

Reference Plan No. \_\_\_\_\_ Part(s) Part of Block 56

Geographic/Former Township City of St. Thomas

Name of Street Shaw Valley Drive Street No. 5

6. Dimensions of land affected:

Frontage 72.0m Depth 86.88m

Area 5899m<sup>2</sup> Width of Street \_\_\_\_\_

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:

Existing Ground Floor Area: 945m<sup>2</sup>; Gross Floor Area: 1075m<sup>2</sup>; One Storey;  
35.42m long; 37.99m wide; 6.2m high

USE Child Care Centre

Proposed:

Proposed Ground Floor Area: 1108m<sup>2</sup>; Gross Floor Area: 1238m<sup>2</sup>; One Storey;  
45.72m long; 37.99m wide; 6.2m high

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:

Front Yard - 14.8m; Rear Yard - 22.063m

East Side Yard - 6,568m

Proposed:

Expansion to Child Care Centre; Front Yard - 4.5m; Other Yards as noted above - existing

USE Child Care Centre

10. Date of acquisition of subject land: 2006

11. Date of construction of all buildings and structures on subject land: 2008

12. Existing uses of the subject land:

Child Care Centre

13. Existing uses of abutting lands:

North: Open Space East: Residential  
South: Residential West: Ambulance Station

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

10 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:

17. Present Zoning of the subject land:

Minor Commercial Zone (C6-19)

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, Cora Burns, 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, Cora Burns of St. Thomas 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 City of St. Thomas on this 9<sup>th</sup> day of January, 2019.  
City Day Month Year

Cora Burns  
Signature of Owner or Authorized Agent

Jan 9/19  
Date

Crystal Marie Penney  
Signature of Commissioner of Oaths, etc.

Jan 9/19  
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, \_\_\_\_\_, am the owner of the subject lands, and I authorize \_\_\_\_\_, 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.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Owner

**APPENDIX B – ACKNOWLEDGEMENT OF LEGAL AND PLANNING FEES**

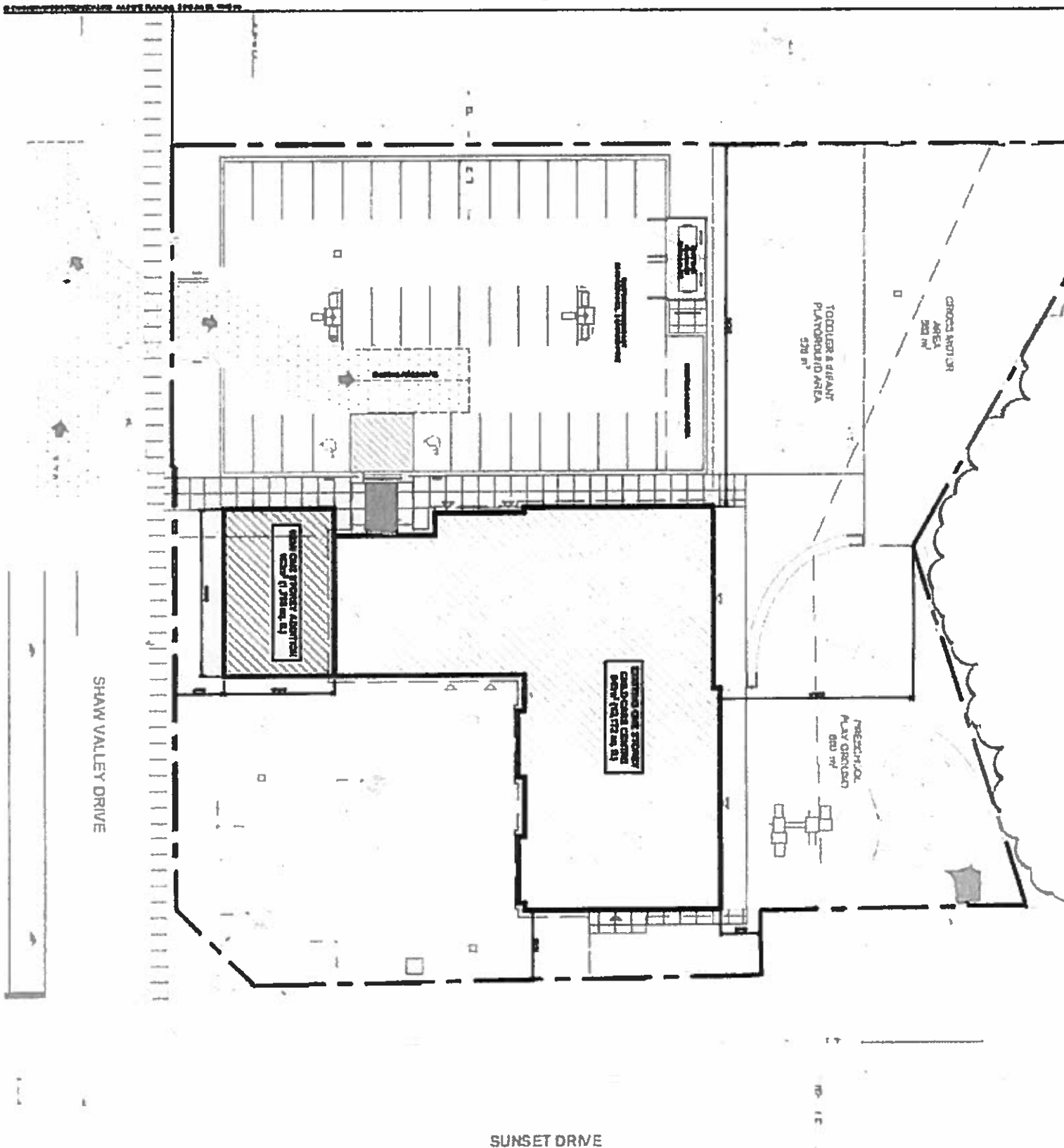
In addition to the application fees listed in this application package, please note that where the City requires assistance from its solicitors or other technical or professional consultants in the processing of this application, the applicant shall be responsible for reimbursing all fees incurred by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

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

I, Ciera Burns, 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.

Jan 9/19  
Date

Ciera Burns  
Signature of Owner



PLAN

**LEGAL DESCRIPTION**

...

**EXISTING AND SITE STRUCTURES**

...

**LOCAL DESCRIPTION**

...

<b>PROPOSED DEVELOPMENT</b>	<b>PROPOSED DEVELOPER</b>
...	...
<b>PROPOSED DEVELOPMENT</b>	<b>PROPOSED DEVELOPER</b>
...	...

# Milestones Children's Centre

100 Valley Drive, St. Thomas, ON

<b>Project No.</b>	<b>Drawn by</b>	<b>Project</b>
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## CORNERSTONE ARCHITECTURE

10-848 Route 6, Lakeshore, Ontario N4A 1K3  
Phone: 519-860-1100  
www.cornerstone.ca

10-848 Route 6, Lakeshore, Ontario N4A 1K3  
Phone: 519-860-1100  
www.cornerstone.ca





The Corporation of the City of St. Thomas

Report No.: COA03-2019

Applicant: Milestones Children's Centre

Members of the Committee of Adjustment

Report Date: February 7, 2019  
Meeting Date: February 14, 2019

Location: 5 Shaw Valley Drive, Plan M112, Part Block 56

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 COA03-2019 be received.

**BACKGROUND:**

The applicants are proposing to expand the existing day care through the construction of a 10.3m x 15.8m addition on the south side of the existing building. A minor variance is being requested to reduce the parking requirement for a day care as a result of the additional 163m<sup>2</sup> of floor area. The applicant is proposing to maintain the 35 existing parking spaces.

**MINOR VARIANCE:**

- (i) To permit a minimum of 35 parking spaces for a day care, whereas Subsection 17.5.19(h)(ii) of the City of St. Thomas Zoning By-Law 50-88 requires a minimum of 37 parking spaces for a day care (3 parking spaces per 100m<sup>2</sup> of floor area).

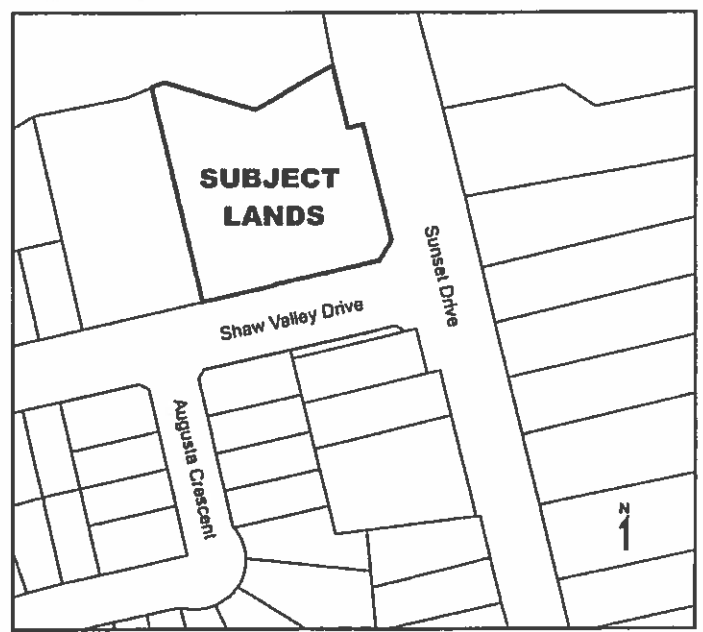
**OFFICIAL PLAN:**

- The subject lands are designated Minor Commercial, as shown on Schedule A (Land Use Plan) to the Official Plan for the City of St. Thomas.
- The Minor Commercial Designation has developed in St. Thomas through amendments to the Official Plan. These areas serve day-to-day retail and service needs of the surrounding residential areas.
- It is recognized that minor commercial facilities serve an important retailing function, however they should remain limited in size because they are an integral part of the adjoining residential neighbourhoods, designed to serve local needs and their large-scale development would be inconsistent with the goals for the planned function of the upper level of the St. Thomas commercial hierarchy.
- A day care is a permitted use within the Minor Commercial designation.

**ZONING BY-LAW:**

- The subject lands are located within the Minor Commercial Zone (C6-19) pursuant to the City of St. Thomas Zoning By-law No. 50-88, as amended.

Location Plan:



- Permitted uses of the Minor Commercial Zone (C6-19) include a retail store, personal service shop, business office, restaurant, clinic including a pharmacy as an accessory use, day care and accessory uses.
- Minimum Lot Area - 5,500m<sup>2</sup>.
- Minimum Lot Frontage - 72m.
- Maximum Floor Area for a day care shall not exceed 1,275m<sup>2</sup>.
- Minimum number of parking spaces for a day care- 3 parking spaces per 100m<sup>2</sup> of floor area.
- Minimum Front Yard Depth - Nil.
- Minimum Side Yard Depth - Nil.
- Minimum Rear Yard Depth - Nil.

**COMMENTS:**

- The applicants are proposing to expand the existing day care through the construction of a 10.3m x 15.8m addition on the south side of the existing building, substantially as shown on the site plan accompanying the application.
- The existing day care has a floor area of 1,075m<sup>2</sup>, which requires a minimum of 32.25 parking spaces.
- The proposed day care addition has a floor area of 163m<sup>2</sup>, which requires an additional 4.89 parking spaces.
- The C6-19 zone is a site specific Zoning By-law Amendment that dates back to 2007; the Zoning By-laws current parking requirement for a day care is 1 parking space for each 5 children licensed capacity.
- Currently the maximum licensed capacity for the existing day care building is 88 children, which requires a minimum of 17.6 parking spaces.
- The proposed addition will increase the maximum licensed capacity to 98 children, which requires a minimum of 19.6 parking spaces.
- Currently there are 35 parking spaces that service the existing daycare, which exceeds the Zoning By-laws parking standard for a day care, based on 1 parking space for each 5 children licensed capacity (19.6 parking spaces).
- In addition to the minor variance application the proposed addition is subject to site plan control review and approval.
- In Staff's opinion the proposed variance meets the general intent and purpose of the Official Plan and Zoning By-law, is minor in nature, and is 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 COA03-2019 be approved.
- Should the Committee of Adjustment approve minor variance application COA03-2019 staff recommend that the decision reflect that the Committee is approving a minimum of 35 parking spaces for a day care, with a maximum floor area of 1,238m<sup>2</sup>.

Respectfully submitted,

  
Steve Craig  
Senior Planning Technician