

A G E N D A

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

COMMITTEE ROOM #415
CITY HALL

10:00 A.M.

THURSDAY
JUNE 27, 2019

DISCLOSURE OF INTEREST

MINUTES

Confirmation of the minutes of the meeting held on May 23, 2019.

HEARING OF APPLICATIONS

A06/19 – Steve and Danielle Anderson – 45 Steele Street Pages 2-10

Planning Report - A06/19 Pages 11-12

A07/19 – 380651 Ontario Ltd. – Elmdale Memorial Park – 33 & 35 Elm St Pages 13-21

Planning Report – A07/19 Page 22

A08-19 – Gloria Penney – 75 Alma Street Pages 23-30

Planning Report – A08/19 Pages 31-32

UNFINISHED BUSINESS

NEW BUSINESS

Next Meeting

July 11, 2019

ADJOURNMENT



City of St. Thomas
Received

9 Mordamin Street
St. Thomas, Ontario, N5P 2T9

MAY 21 2019

City Clerks Dept.

CONFIRMATION OF AN APPLICATION FOR MINOR VARIANCE

May 21st, 2019

Secretary-Treasurer, Committee of Adjustment
Attention: Melanie Knapp

Pursuant to By-Law 30-2015, a consultation meeting was held on May 21st, 2019 with Planning staff and the applicant.

An application for a minor variance, regarding 45 Steele Street, was filed on May 21st, 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,

A handwritten signature in black ink that reads "Patrick J. C. Keenan".

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: 05-21-19 Consultation Date: 05-21-19
Date Application Deemed Complete: 05-21-19

Application #: A0019

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@sithomas.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) Steve and Danielle Anderson
Address 45 Steele Street

Postal Code N5R 2Y2 Tel: 519-633-9031 e-mail: bowtye14@hotmail.com

2. Name of Authorized Agent (if any) N/A
Address

Postal Code Tel: e-mail:

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

3. Nature and extent of relief from the Zoning By-law applied for:
To permit a covered porch a minimum of 0.3556m from the westerly interior side lot line,
whereas the Zoning By-Law requires a porch to be setback a minimum 0.5m from an interior side lot line

4. Reason why the proposed use cannot comply with the provisions of the Zoning By-law:
The existing interlocking brick driveway is 0.79248m from the side lot line,
If the porch posts are closer to the side lot line the existing driveway will not be impacted

5. Location of Land:
Concession No. Lot(s) Registered Plan No. 209 Lot(s) Pt Lots 29 and 30

Reference Plan No. _____ Part(s) _____

Geographic/Former Township _____

Name of Street Steele Street Street No. 45

6. Dimensions of land affected:

Frontage 10.93m Depth 50.29m

Area 549.69sqm Width of Street 20m

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:

See attached plan

USE Residential

Proposed:

See attached plan

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:

See attached plan

Proposed:

See attached plan

USE Residential

10. Date of acquisition of subject land: 20-25 years

11. Date of construction of all buildings and structures on subject land: 1965

12. Existing uses of the subject land:

Residential

13. Existing uses of abutting lands:

North: Residential East: Residential

South: Residential West: Residential

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

1965

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:

Third Residential Zone - R3

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 N/A

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, Danielle Anderson, 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, Danielle Anderson 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 St. Thomas on this 21 day of MAY, 2019.
City Day Month Year

[Signature]
Signature of Owner or Authorized Agent

May 21/19
Date

[Signature]
Signature of Commissioner of Oaths, etc.

May 21/19
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.

x 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

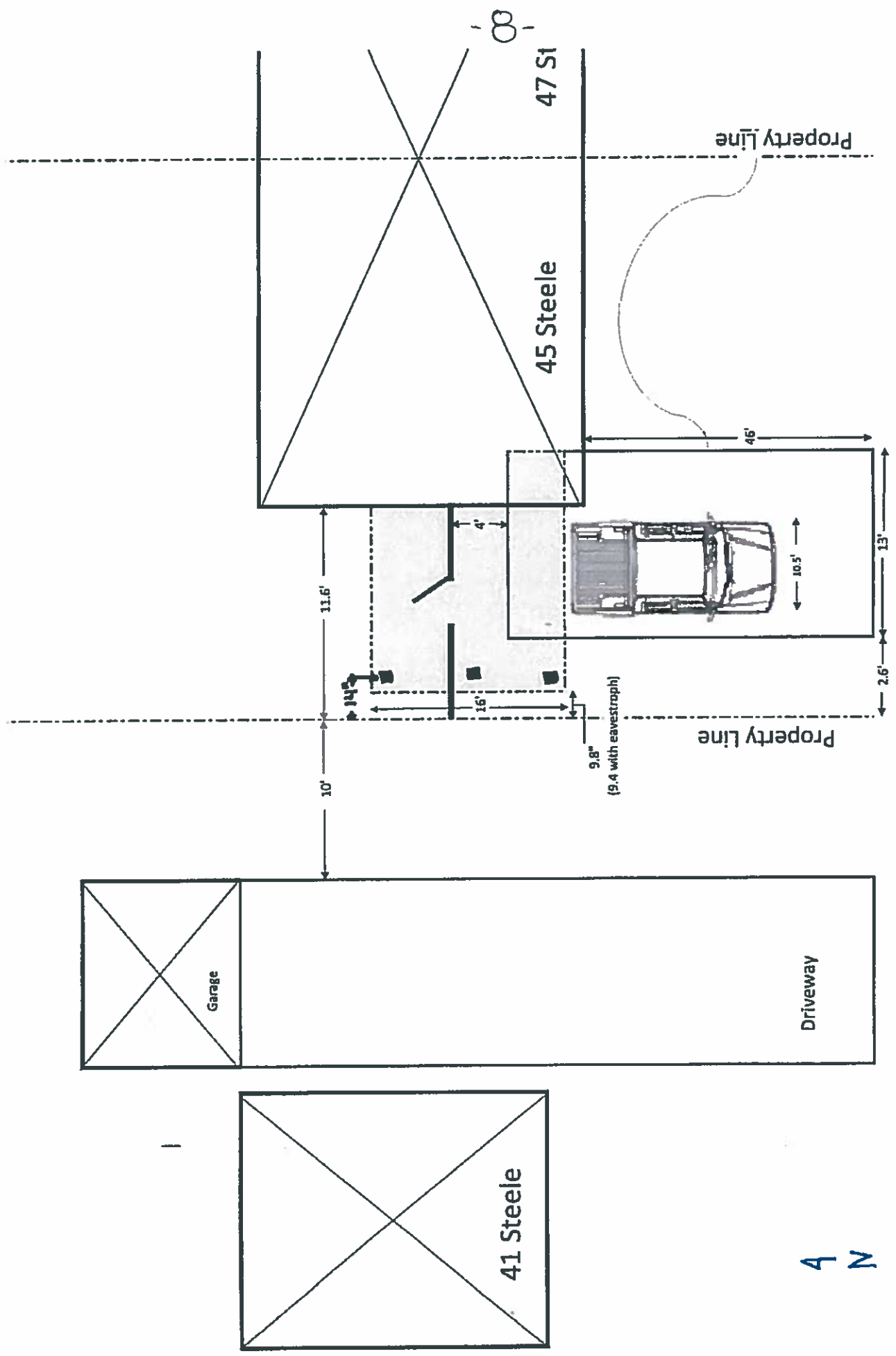
In addition to the application fees listed in this application package, please note that where the City requires assistance from its solicitors or other technical or professional consultants in the processing of this application, the applicant shall be responsible for reimbursing all fees incurred by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

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

I, Danickle Anderson, 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.

May 21/19
Date


Signature of Owner



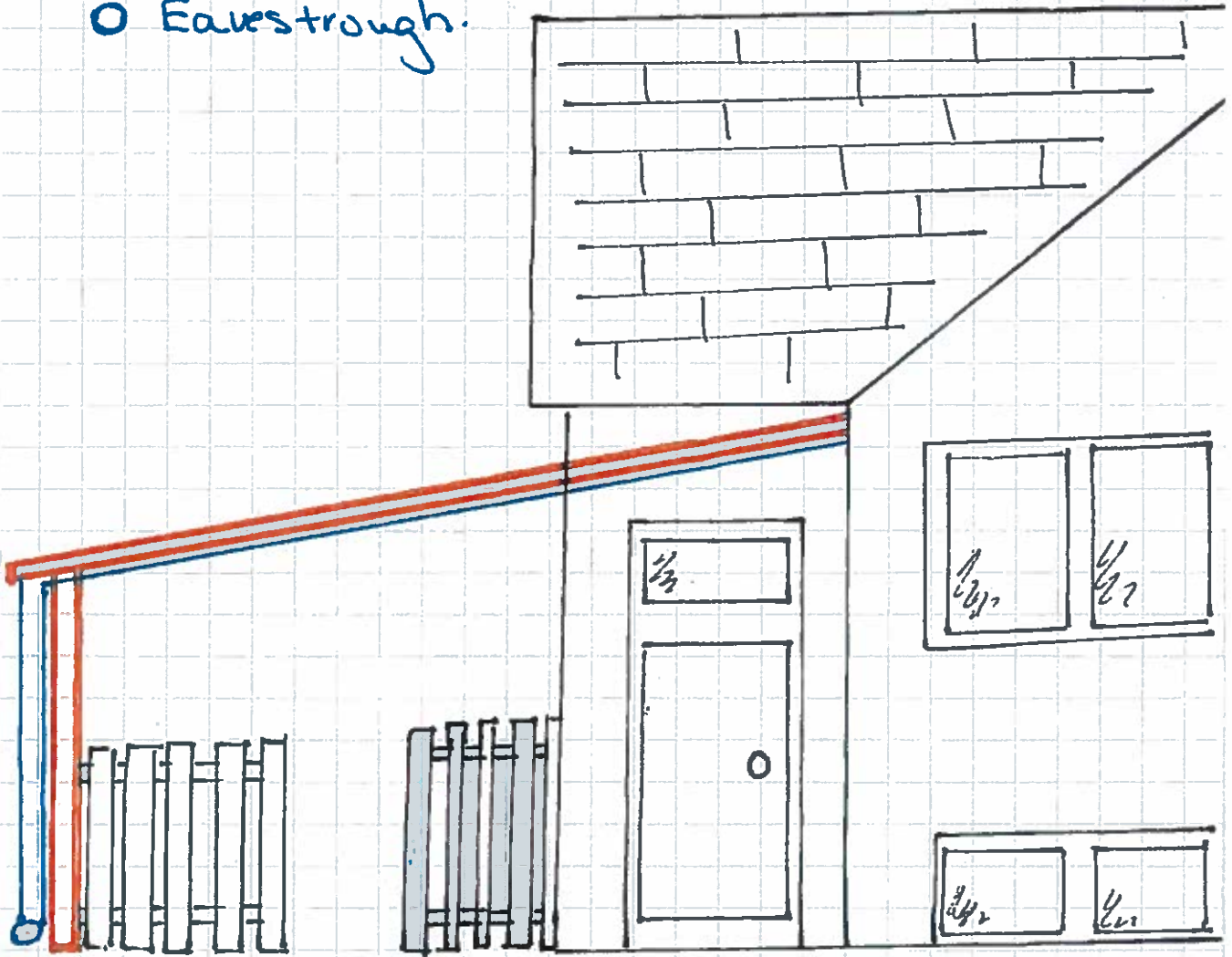
STEELE STREETS

-9-

45 Steele St
St. Thomas, Ont.

□ Proposed Structure
Covered Porch

○ Eavestrough.





Danielle & Steve Anderson
519-633-4031
bowtye14@hotmail.com

May 14, 2019

1 of 2



 <p>ST. THOMAS THE RAILWAY CITY</p> <p>The Corporation of the City of St. Thomas</p>	<p>Report No.: COA06-2019</p>
<p>Members of the Committee of Adjustment</p>	<p>Applicant: Steve and Danielle Anderson</p> <p>Report Date: June 10, 2019 Meeting Date: June 27, 2019</p>
<p>Location: 45 Steele Street, Registered Plan, Part Lots 29 and 30</p>	
<p>Subject: Request for a minor variance pursuant to 45(1) of the Planning Act, R.S.O, as amended</p>	
<p>Department: Planning and Building Services Department Prepared by: Steve Craig, Senior Planning Technician</p>	<p>Attachments: Location Plan</p>
<p>Recommendation:</p> <p>That: Report COA06-2019 be received.</p>	
<p>BACKGROUND: The applicants are proposing to construct a covered porch on the west side of the residential dwelling, as shown on the plans accompanying the application.</p> <p>MINOR VARIANCE:</p> <ul style="list-style-type: none"> To permit a porch 0.3556m from the westerly interior side lot line, whereas Subsection 4.2.2 of the Zoning By-law permits a uncovered porch to be setback a minimum of 0.5m to any side lot line and not higher than 1.25m above grade. To permit eaves and eavetrough 0.23m from the westerly interior side lot line, whereas Subsection 4.2.2 of the Zoning By-law permits eaves and eavetrough a minimum of 0.25m from an interior side lot line. <p>OFFICIAL PLAN:</p> <ul style="list-style-type: none"> 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 density residential uses. <p>ZONING BY-LAW:</p> <ul style="list-style-type: none"> The subject lands are in the Third Residential Zone (R3) pursuant to the City of St. Thomas Zoning By-Law No. 50-88. Permitted uses of the Third Residential Zone (R3) include a semi-detached dwelling. Minimum Lot Area - 300sqm per dwelling unit; Minimum Lot Frontage - 10m per dwelling unit; Maximum Main Building Height - 11m; Maximum Accessory Building Height - 4m; Maximum Lot Coverage - 40%; 	<p>Location Plan:</p> 

- Maximum Floor Area of an Enclosed Accessory Building - The lesser of 15% of the lot Area or 40sqm;
- Maximum Number of Dwelling Units - 2 per lot;
- Maximum Roof Area - 55%;
- Minimum Front Yard Depth - 6m;
- Minimum Rear Yard Depth - 9m;
- Minimum Interior Side Yard Depth - 1m;
- Interior Side Yard Depth Along Common Wall Between Dwelling Units - 0m;
- Minimum Dwelling Unit Floor Area - 1 Storey Dwelling 74sqm, 1½ Storey Dwelling 60sqm and 2 or more Storey Dwelling 42sqm; and
- Minimum Number of Parking Spaces - 1 per Dwelling Unit.
- The General Provisions of the Zoning By-law permit an uncovered porch a minimum of 0.5m to any side lot line and not higher than 1.25m above grade.
- The General Provision of the Zoning By-law permit eaves and eavetrough a minimum of 0.25m from an interior side lot line.

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 applicants are requesting a minor variance to construct a porch 14 inches from the westerly side lot line, whereas the Zoning By-law requires a porch to be setback a minimum of 19 19/32 inches from the westerly side lot line. According to the applicants the existing interlocking driveway will not be impacted if the porch posts are located closer to the side lot line.
- The applicants are also requesting a minor variance to construct the porch eaves and eavetrough 9 13/32 inches from the westerly side lot line, whereas the Zoning By-law requires eaves and eavetrough to be setback a minimum of 9 51/64 inches from a side lot line. The proposed variance will result in a reduction of 25/64 inches (9.9mm).
- In Staff's opinion providing the porch remains unenclosed the proposed variances meet 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.
- Staff recommend that minor variance application COA06-2019 be approved, should the Committee of Adjustment approve minor variance application COA06-2019 staff recommend that the decision reflect that the Committee is permitting:
 - a covered, unenclosed porch a minimum of 0.3556m from the westerly interior side lot line; and
 - porch eaves and eavetrough a minimum of 0.23m from the westerly interior side lot line.

Respectfully submitted,


Steve Craig
Senior Planning Technician



CONFIRMATION OF AN APPLICATION FOR MINOR VARIANCE

May 28th, 2019

Secretary-Treasurer, Committee of Adjustment
Attention: Melanie Knapp

Pursuant to By-Law 30-2015, a consultation meeting was held on May 27th, 2019 with Planning staff and the applicant.

An application for a minor variance, regarding 33 and 35 Elm Street, was filed on May 28th, 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: MAY 28 2019	Consultation Date: <u>May 27/19</u>
	Date Application Deemed Complete: MAY 28 2019	

Application #: A07119

APPLICATION IS HEREBY MADE TO: **City of St. Thomas**
545 Talbot Street
St. Thomas ON N5P 3V7
Tel: (519) 631-1880 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) 380651 Ontario Ltd. - Elmdale Memorial Park
 Address 190 Wilson Avenue
St. thomas, ON.
 Postal Code N5R3R3 Tel: 519-631-5530 e-mail: elmdalememorialpark@outlook.com

2. Name of Authorized Agent (if any) _____
 Address _____

 Postal Code _____ Tel: _____ e-mail: _____

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

3. Nature and extent of relief from the Zoning By-law applied for:
Relief from fencing by-law restriction of 2 meters

4. Reason why the proposed use cannot comply with the provisions of the Zoning By-law:
The proposed fence will be stone & wrought iron in nature set back 1.524 meters into the property line.
The corners/pillars will exceed the 2 meters in order to match the existing height.

5. Location of Land:
 Concession No. _____ Lot(s) _____ Registered Plan No. 207 Lot(s) 1 & 2

Reference Plan No. _____ Part(s) _____

Geographic/Former Township St. Thomas, Ontario

Name of Street Elm Street Street No. 33 & 35

6. Dimensions of land affected:

Frontage 24.5 Meters Depth 33.5 meters

Area 820 square meters Width of Street _____

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:

No buildings or structures are currently on the property. The property has been incorporated into Elmdale Memorial Park Cemetery and approved by the Bereavement Authority of Ontario for Cemetery use.

USE _____

Proposed:

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:

No buildings are on the lot and no fence is located along Elm Street

Proposed:

Construction of proposed stone & wrought iron perimeter fence along Elm Street.

USE To incorporate the property line into the existing Elmdale Memorial Park

10. Date of acquisition of subject land: November 2016

11. Date of construction of all buildings and structures on subject land: N/A

12. Existing uses of the subject land:

Cemetery Operations

13. Existing uses of abutting lands:

North: Commercial on Opposite East: Elmdale Cemetery & Railroads

South: Single Family Residential West: Advertising sign corner of Elm/Wilson

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

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:

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 ARTIBELLE 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 ARTIBELLE of ST. THOMAS in the province of ON.
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 28 day of MAY, 2019.
City Day Month Year

D. Artibelle
Signature of Owner or Authorized Agent

May 29/2019
Date

Crystal Marie Penney
Signature of Commissioner of Oaths, etc.

May 28/19
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, _____, 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

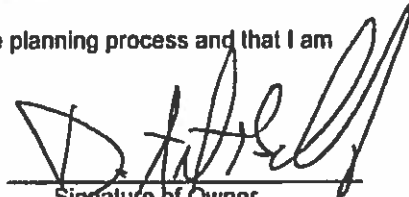
APPENDIX B - ACKNOWLEDGEMENT OF LEGAL AND PLANNING FEES


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, DAVID ARTEBELLO, 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.

April 24, 2019
Date


Signature of Owner

 The Corporation of the City of St. Thomas	Report No.: COA07-2019
	Applicant: 380651 Ontario Limited – Elmdale Memorial Park

Members of the Committee of Adjustment	Report Date: June 18, 2019 Meeting Date: June 10, 2019
-----------------------------------------------	-------------------------------------------------------------------------

Location: 33 & 35 Elm Street, Plan 207, Lot 1 and 2.

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 COA07-2019 be received.

BACKGROUND:

Elmdale Memorial Park Cemetery is proposing to expand the existing cemetery use on the subject lands. The applicant is requesting a minor variance to construct a 2.72m high stone and wrought iron fence along the perimeter of the site, as shown on the plans accompanying the subject application.

MINOR VARIANCE:

- (i) To permit a 2.72m high fence, whereas Subsection 23.4.16(c) of the Zoning By-Law permits a 2m high fence.

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.
- Institutional uses, defined as the use of land by public, non-profit or charitable agencies, including, for example, schools, churches, hospitals, child care centre, recreational complexes and cemeteries, are permitted in the Residential designation.

ZONING BY-LAW:

- The subject lands are within the Open Space Zone (OS-16) pursuant to the City of St. Thomas Zoning By-Law 50-88, as amended.
- The permitted uses of the OS-16 zone include a cemetery and accessory uses.
- A stone wall with a height not to exceed 2 metres may be erected along the northerly and westerly property lines.

LEGISLATIVE FRAMEWORK FOR A MINOR VARIANCE:

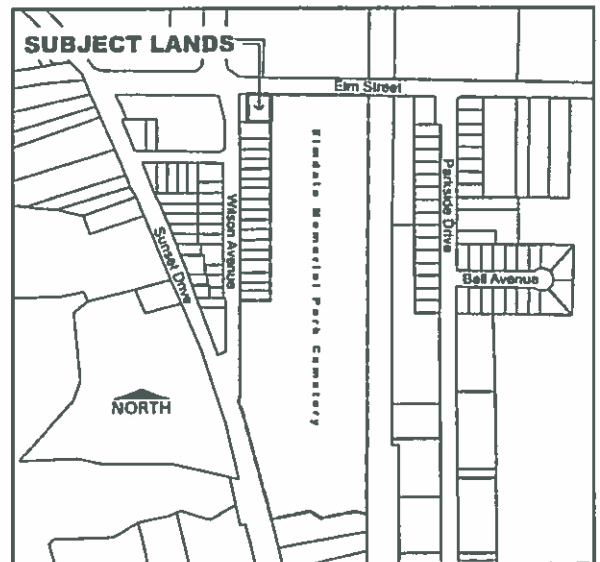
In considering this application, the Committee must have regard to the following criteria and determine whether:

- 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:

- A consultation meeting was held with City staff on April 4, 2019. As a result of that meeting, it was determined that a minor variance was required to construct a 2.72m high fence. Physical Services staff confirmed at the consultation meeting that the reconstruction of Elm Street would not have an impact on the proposed fence.
- 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.
- Staff recommend that minor variance application COA07-2019 be approved, should the Committee of Adjustment approve minor variance application COA07-2019 staff recommend that the decision reflect that the Committee is permitting a stone and wrought iron fence with a maximum height of 2.72m, as shown on the plans accompanying the subject application.

Location Plan:



Respectfully submitted,


 Steve Craig
 Senior Planning Technician



PLANNING & BUILDING SERVICES DEPARTMENT

T. (519) 633.2560 F. (519) 633.6581

9 Mordmain Street
St. Thomas, Ontario, N5P 2T9

CONFIRMATION OF AN APPLICATION FOR MINOR VARIANCE

June 3rd, 2019

Secretary-Treasurer, Committee of Adjustment
Attention: Melanie Knapp

Pursuant to By-Law 30-2015, a consultation meeting was held on May 15th, 2019 with Planning staff and the applicant.

An application for a minor variance, regarding 75 Alma Street, was filed on June 3rd, 2019 and the required fee under Section 69 of the Planning Act has been provided. The owner paid cash with the Treasury department (receipt attached).

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

Regards,

A handwritten signature in black ink, appearing to read "Patrick J. C. Keenan".

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



RECEIVED FROM

Maria Pinney

75 almas

400.00 , 100 DOLLARS

FOR THE ACCOUNT OF

MIND VARIABLE

008/19 112 013 0700 9194

E. & O.E.
(RECEIPT VALID ONLY WHEN RECEIPTED BY CASHIER)

RECEIPT IS NOT VALID UNTIL
CHEQUE IS CLEARED BY BANK

JUN 03 2019
[Signature]



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>05/30/19</u>	Consultation Date: <u>05/15/19</u>
	Date Application Deemed Complete: <u>06/03/19</u>	

Application #: A08/19

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) Gloria Penney
 Address 75 ALMA ST
ST THOMAS
 Postal Code N5P 3B2 Tel: 519 631 6977 e-mail: gloriapenney@hotmail.ca

2. Name of Authorized Agent (if any) _____
 Address _____

 Postal Code _____ Tel: _____ e-mail: _____

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

3. Nature and extent of relief from the Zoning By-law applied for:
Permission to expand a legal non conforming building. See Attached Plan.

4. Reason why the proposed use cannot comply with the provisions of the Zoning By-law:
the existing development predated the city of ST Thomas.

5. Location of Land:
 Concession No. 9 Lot(s) 5 Registered Plan No. 59 Lot(s) 37.

Reference Plan No. _____ Part(s) _____

Geographic/Former Township Yarmouth.

Name of Street 75 ALMA ST Street No. _____

6. Dimensions of land affected:

Frontage 31' Depth 66'

Area 2046 sqft Width of Street _____

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:

See Attached Plan.

USE Residential

Proposed:

See Attached Plan.

Residential

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:

See Attached Plan.

Residential

Proposed:

See Attached Plan

Residential

USE

10. Date of acquisition of subject land: 2006.

11. Date of construction of all buildings and structures on subject land: 1880

12. Existing uses of the subject land:

Residential.

13. Existing uses of abutting lands:

North: Residential East: Res

South: Res West: Res.

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

1880

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

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, Gloria Penney, 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, Gloria Penney of St Thomas in the province of Ont
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 3 day of June, 2019.
City Day Month Year

Gloria Penney
Signature of Owner or Authorized Agent

June 3 - 2019
Date

Crystal Marie Penney
Signature of Commissioner of Oaths, etc.

June 3, 2019
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, _____, 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, Gloria Penney, 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.

May 30 2019.
Date

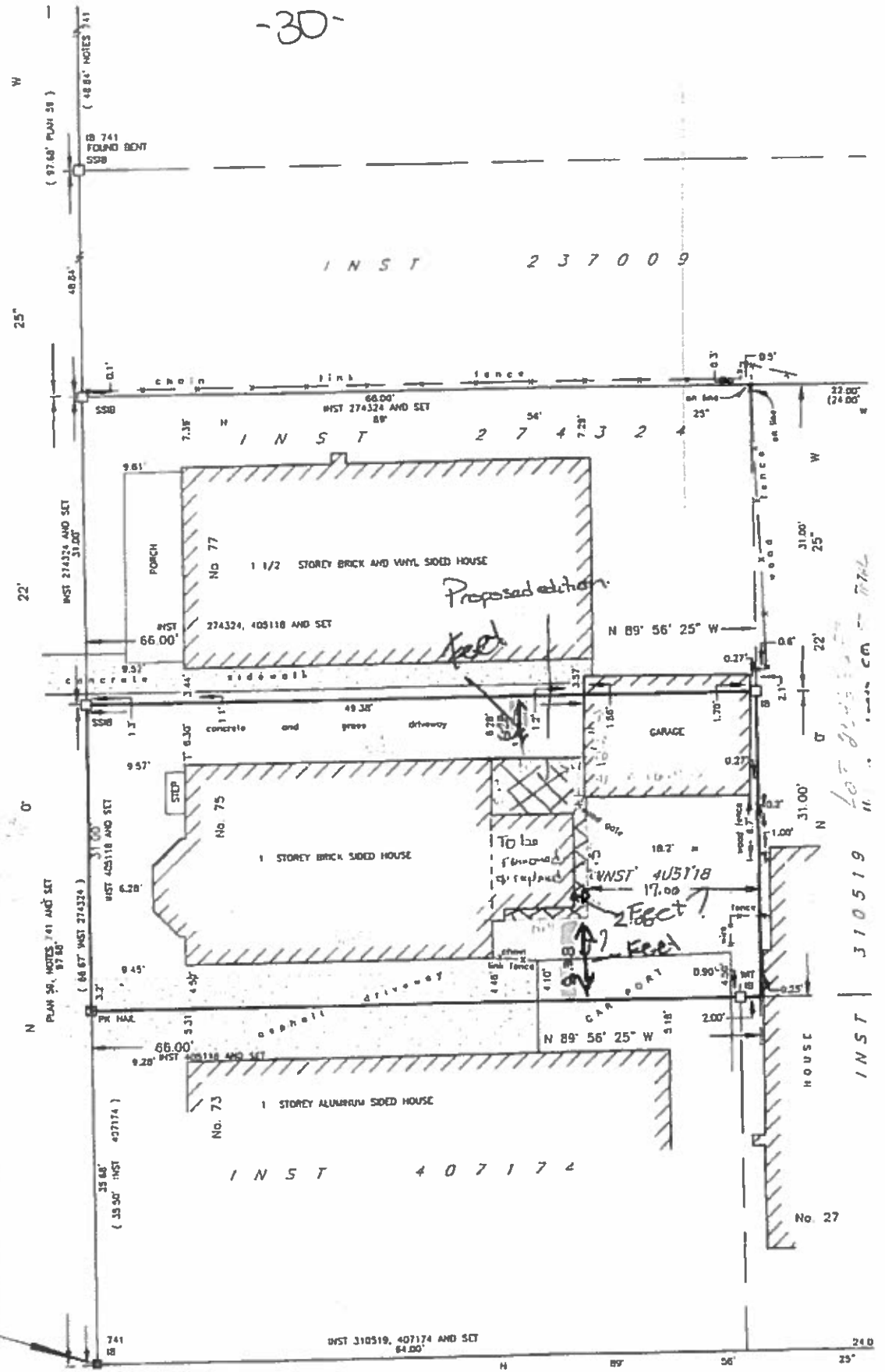
Gloria Penney
Signature of Owner

-30-

ALMA STREET

66' WIDE PLAN 59

SOUTHWESTERLY CORNER OF LOT 37 PLAN 59



LOT 310519 N. ...



REDAN STREET

PLAN 05/24/19

15.523

187

66.00' SCALE

 <p>The Corporation of the City of St. Thomas</p>	<p>Report No.: COA08-2019</p>
<p>Members of the Committee of Adjustment</p>	<p>Applicant: Gloria Penney</p>
<p>Location: 75 Alma Street, Plan 59, Part Lot 37</p>	
<p>Subject: Request for a minor variance pursuant to 45(1) of the Planning Act, R.S.O, as amended</p>	
<p>Department: Planning and Building Services Department Prepared by: Steve Craig, Senior Planning Technician</p>	<p>Attachments: Location Plan</p>
<p>Recommendation:</p> <p>That: Report COA08-2019 be received.</p>	
<p>BACKGROUND: The applicant is proposing to replace the porch on the back of the residential dwelling with a new addition, as shown on the site plan accompanying the subject application.</p> <p>REQUESTED VARIANCE(s):</p> <ul style="list-style-type: none"> • To permit a lot coverage of 50%, whereas the Zoning By-law (Table 1 to Subsection 7.4, Column No. 2, Item No. 5) permits a maximum lot coverage of 35%. • To permit an addition a minimum of 4.87m from the rear lot line, whereas the Zoning By-law (Table 1 to Subsection 7.4, Column No. 2, Item No. 10) requires a minimum rear yard depth of 9m. <p>OFFICIAL PLAN:</p> <ul style="list-style-type: none"> • 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 density residential uses. <p>ZONING BY-LAW:</p> <ul style="list-style-type: none"> • The subject lands are within the Third Residential Zone (R3) pursuant to the City of St. Thomas Zoning By-Law No. 50-88. • Permitted uses of Third Residential Zone (R3) include a single detached dwelling and uses accessory to the foregoing. • The requirements and setbacks for a single detached dwelling in the Third Residential Zone (R3) include: <ul style="list-style-type: none"> • minimum lot area - 371.5m²; • minimum lot frontage - 12m; • maximum main building height - 11m; 	<p>Location Plan:</p>  <p>The diagram shows a street grid with Alma Street on the left and Redan Street at the bottom. A specific area is outlined and labeled 'SUBJECT LANDS' with an arrow pointing to it. A north arrow is located in the bottom left corner of the diagram area.</p>

- maximum accessory building height - 4m;
- 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 - 9m;
- minimum interior side yard depth - 1m;
- minimum exterior side yard depth - 4m;
- minimum ground floor area - 1 storey 74m², 1 & ½ storey dwelling 60m² and 2 or more storey dwelling 42m²; and
- minimum number of parking spaces-1 per dwelling unit.
- The regulations for substandard lots in residential zones provide that where an existing building is located on a lot having less than the minimum lot frontage, lot area, setback, front yard depth, side yard depth or rear yard depth required by this by-law, such building may be enlarged or reconstructed, provided that the enlargement or reconstruction does not further reduce any setback, front yard depth, side yard depth or rear yard depth which is less than the minimum required by the By-law.

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 existing development on the site does not conform with the Zoning By-law, however assessment records confirm that the house was constructed in 1880 and is legal non-conforming.
- The addition is approximately 6.87sqm (74sqft) larger than the porch, resulting in a minor increase in lot coverage of 3%.
- The addition will be approximately 0.6m (2ft) closer to the rear lot line than the porch, however the site plan confirms that the addition will be in line with the existing development on the neighbouring lots.
- The applicant uses the existing detached accessory building (garage) as a studio for sewing, the proposed addition would permit the applicant to access the studio from the dwelling without being impacted by inclement weather conditions.
- In Staff's opinion the proposed variances meet 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.
- Staff recommend that minor variance application COA08-2019 be approved, should the Committee of Adjustment approve minor variance application COA08-2019 staff recommend that the decision reflect that the Committee is approving:
 - a maximum lot coverage of 50%; and
 - an addition a minimum of 4.87m from the rear lot line, as shown on the site plan accompanying the subject application.

Respectfully submitted,


Steve Craig
Senior Planning Technician