

**A G E N D A**

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

---

**COMMITTEE ROOM #415  
CITY HALL**

**10:00 A.M.**

**THURSDAY  
JULY 11, 2019**

**DISCLOSURE OF INTEREST**

**MINUTES**

Confirmation of the minutes of the meeting held on June 27, 2019.

**HEARING OF APPLICATIONS**

**A09/19 – Patricia Riddell-Laemers – 18 Hickory Lane Pages 2-9**

**Planning Report - A09/19 Pages 10-11**

**UNFINISHED BUSINESS**

**NEW BUSINESS**

**Next Meeting**

To be determined

**ADJOURNMENT**

## CONFIRMATION OF AN APPLICATION FOR MINOR VARIANCE

---

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

Secretary-Treasurer, Committee of Adjustment  
Attention: Melanie Knapp

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

An application for a minor variance, regarding 18 Hickory Lane, was filed on June 7<sup>th</sup>, 2019 and the required fee under Section 69 of the Planning Act has been provided. The owner paid by debit (receipt attached).

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>JUN 07 2019</u>	Consultation Date: <u>(multiple)</u>
	Date Application Deemed Complete: _____	

Application #: A09/19

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) Patricia Riddell - Laemers  
 Address 18 Hickory Lane St. Thomas  
 Postal Code N5R 6K9 Tel: 5196150897 e-mail: patricia.riddell2018

2. Name of Authorized Agent (if any) Bob Hammersley @gmail.com  
 Address 115-300 South Edgeware Rd  
St Thomas  
 Postal Code N5P 4L1 Tel: 519-631-1981 e-mail: bob@stthomaschamber.ca

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:  
permit childcare at my residence following  
the guidelines set forth by the ministry of Education

4. Reason why the proposed use cannot comply with the provisions of the Zoning By-law:  
Front property is 2 meters not wide enough

5. Location of Land:  
 Concession No. \_\_\_\_\_ Lot(s) \_\_\_\_\_ Registered Plan No. 11M-122 Lot(s) 20

Reference Plan No. \_\_\_\_\_ Part(s) \_\_\_\_\_

Geographic/Former Township \_\_\_\_\_

Name of Street HICKORY CANE Street No. 18

6. Dimensions of land affected:

Frontage 12.67 Depth 7.328

Area 529.552m<sup>2</sup> 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:

Current home is a single dwelling residential side split

For home and childcare

USE \_\_\_\_\_

Proposed:

same purpose

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

Proposed:

no change

USE no change

10. Date of acquisition of subject land: Feb 20, 2004

11. Date of construction of all buildings and structures on subject land: February 2004

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:

since 2004

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:

R3A-4

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, Patricia Riddell, 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:**

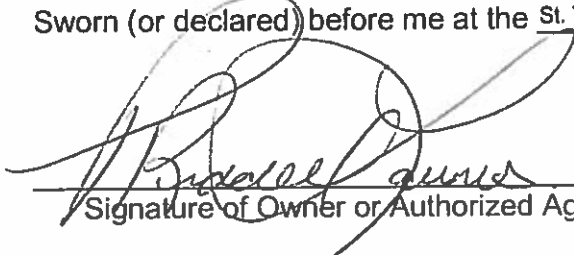
Personal information on this form is collected under the authority of Section 41 of the *Planning Act*, R.S.O. 1990 and Sections 8 (1) and 10 of the *Municipal Act*, 2001, as amended, and will be used to contact the owner, applicant and/or agent regarding the Committee of Adjustment Application. Questions 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, Patricia Riddell 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 06 day of 06, 2019.  
City Day Month Year

  
Signature of Owner or Authorized Agent

June 6, 2019  
Date

  
Signature of Commissioner of Oaths, etc.

June 7/19  
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, Russell Jones, am the owner of the subject lands, and I authorize Bob Hamersley, 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.

June 7/19  
Date

Russell Jones  
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, \_\_\_\_\_, 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.

\_\_\_\_\_  
Date

applicant refused to sign  
\_\_\_\_\_  
Signature of Owner

er map

Hickory Ln

ole Ln

Hickory Ln

Hickory Ln

Hickory Ln

Hickory Ln

8

X 18 Hickory Lane



**THIRD RESIDENTIAL ZONE REGULATIONS- R3A**

Column No. (1)		(3) Day Care-min requirement 18 Hickory Lane		
1. Minimum Lot Area		555 m <sup>2</sup> (actual 529.552m <sup>2</sup> )		
2. Minimum Lot Frontage		15 m (actual 12.67 m)		
3. Maximum Main Building Height		11 m (OK)		
4. Maximum Accessory Building Height		4 m (N/A)		
5. Maximum Lot Coverage		40% (actual 28.89%-OK)		
6. Maximum Floor Area of Enclosed Accessory Building		15% of lot area (N/A)		
8. Maximum Roof Area		55% (OK)		
9. Minimum Front Yard Depth		7.5 m (actual 7.328 m)		
10. Minimum Rear Yard Depth		9 m (actual 10.839 m - OK)		
11. Minimum Interior Side Yard Depth		1 m (actual 1.219 m-OK)		
12. Minimum Exterior Side Yard Depth		4 m (N/A)		
16. Minimum Number of Parking Spaces		1 for each 5 children licensed capacity (to be proposed)	---	



The Corporation of the City of St. Thomas

Report No.: COA09-2019

Applicant: Patricia Riddell-Laemers

Members of the Committee of Adjustment

Report Date: June 20, 2019  
Meeting Date: July 11, 2019

Location: 18 Hickory Lane, Registered Plan 11M-122, Lot 20

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 COA08-2019 be received.

**BACKGROUND:**

The applicant is proposing to operate a day care on the subject lands which is a permitted use in the Third Residential Zone (R3A-4). The proposed variances are required to address the deficient lot area, frontage and front yard depth requirements of the Zoning By-law for a day care use.

**REQUESTED VARIANCE(S):**

- (i) To permit a lot area of 529.52sqm for a day care, whereas a minimum lot area of 555m<sup>2</sup> is required for a day care. (Table 2 to Subsection 7A.4, Column Number 3, Item Number 1).
- (ii) To permit a lot frontage of 14.10m for a daycare, whereas a minimum lot frontage of 15m is required for a day care. (Table 2 to Subsection 7A.4, Column Number 3, Item Number 2).
- (iii) To permit a building used for a daycare 7.32m from the front lot line, whereas a minimum front yard depth of 7.5m is required for a day care. (Table 2 to Subsection 7A.4, Column Number 3, Item Number 9).

**OFFICIAL PLAN:**

- The subject lands are in the Residential designation, as shown on Schedule "A" (Land Use Plan) to the Official Plan for the City of St. Thomas.
- Day Care use is permitted in the Residential, Downtown Residential, Talbot West/Central/East, Major commercial, Secondary Commercial, Minor Commercial, Highway Commercial, Office Professional and Industrial Designations.
- Day Cares provide for the temporary care and custody of children, for a continuous period not exceeding twenty-four hours and which is licensed in accordance with the Day Nurseries Act, R.S.O. 1990, c. D.2 as amended or successors thereto; or, provides for the temporary care for any number of persons for a continuous period not exceeding twenty-four hours, but does not include the services of a health care practitioner.
- A Day Care is a valuable service to families in which parents work outside the home and to primary caregivers who require temporary assistance in the care of loved ones. The City recognizes that there is a need to provide for these services in convenient locations close to either home or to centres of employment, in surroundings that are safe and enjoyable for those receiving care.
- The goals/objectives of the Day Care policies are:
  - i) To enable day care facilities that are inclusive and available to all persons requiring such services in all stages of their life.
  - ii) To support day care services that are convenient, affordable and offer a range of quality care options;
  - iii) To ensure that persons with special needs are fully included in the community and have full access to a range/level of care services required to meet their needs;
  - iv) To provide those who offer day care services a broader range of location options to meet the needs of the community;
  - v) To establish standards and criteria for day care that address matters of land use compatibility.
- The following policies shall apply to all Day Care Uses:
  - i) the site must have direct access to an arterial or collector street as identified on Schedule "B" to the Official Plan, or have access by a local road to an arterial or collector as shown on Schedule "B" where it can be demonstrated that there will be no adverse effects to the operation of the local road;
  - ii) adequate off-street parking must be provided;
  - iii) the location, design and site layout of the daycare will maintain the character of the area through:
    - the use of exterior materials and lighting that improve the compatibility of the development with the surrounding land uses;
    - not substantially altering the appearance of a residential building;
    - maintaining the general appearance of the local streetscape;
    - accommodating off-street parking, pick-up and drop-off facilities and outdoor amenity areas while minimizing the impact on day care clients;
    - locate the outdoor amenity area away from parking areas, streets and vehicular traffic and emissions; and
    - provide direct access between the day care building and any outdoor amenity area.

Location Plan:



**ZONING BY-LAW:**

- The subject lands are located within the Third Residential Zone (R3A-4) pursuant to the City of St. Thomas Zoning By-Law No. 50-88, as amended. Permitted uses of the R3A-4 zone include a day care. The requirements for a day care include:
  - minimum lot area - 555m<sup>2</sup>;
  - minimum lot frontage - 15m;
  - maximum main building height - 11m;
  - maximum accessory building height - 4m;
  - maximum lot coverage - 40%
  - Maximum floor area of enclosed accessory building - 15% of the lot area;
  - maximum roof area - 55%;
  - minimum front yard depth - 7.5m;
  - minimum rear yard depth - 9m;
  - minimum interior side yard depth - 1m;
  - minimum number of parking spaces - 1 for each 5 child or persons.
- **DAY CARE** means a place, building or part of a building:
  - (i) used for the temporary care and custody of children, for a continuous period not exceeding twenty-four hours and which is licensed in accordance with the Day Nurseries Act, R.S.O. 1990, c. D.2 as amended or successors thereto;
  - (ii) used for the temporary care for any number of persons for a continuous period not exceeding twenty-four hours, but does not include the services of a health care practitioner.
- **FRONT YARD DEPTH** means the horizontal distance between the front lot line of the lot and the main building wall or, where the main building wall is not parallel to the front lot line, the horizontal distance between the front lot line and the point in the face of the main building wall which is closest to the front lot line.
- **LOT AREA** means the horizontal area within the lot lines of a lot.
- **LOT FRONTAGE** means the horizontal distance between the side lot lines of a lot measured at right angles, but where such side lot lines are not parallel, the lot frontage shall be measured perpendicularly to the line joining the midpoint of the front and midpoint of the rear lot lines at a point within the lot which is 7.5m from the front lot line, and where such side lot lines meet, the lot frontage shall be measured perpendicularly to the line joining the apex of the triangle formed by the side lot lines and the front lot line at a point within the lot and 7.5m from the front lot line.
- **PARKING SPACE** means that part of a lot, building or structure within a parking lot or within a residential driveway:
  - (iii) which is rectangular in shape and the dimensions of which are not less than 2.75m by 5.5m;
  - (iv) which is provided for the parking of a motor vehicle without moving or removing any other motor vehicle;
  - (v) which may be open, covered or partially or wholly enclosed; and
  - (vi) which is surfaced with asphalt, concrete or granular material which has a dust free stable surface.

**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:**

- It is staff's understanding that the proposed day care will not be licensed, and the owner/applicant will continue to reside in the existing single detached residential dwelling.
- In Ontario an unlicensed home daycare may care for up to five children under the age of 13, including the provider's own children under the age of 6. The provider may care for a maximum of two children under the age of 2, including the provider's own children. If the provider's child is 4 or 5 years old and attends full-day kindergarten at a publicly-funded school, the child does not count in group ratio during the school year between the hours of 6:00 a.m. and 7:00 p.m. In this case, the provider is only allowed to care for one child under the age of 2.
- The proposed variances being requested through the subject application are technical in nature, The City of St. Thomas Official Plan contains specific policies relative to daycare uses.
- The goals and objectives for daycares support day care services that are convenient, affordable, offer a range of quality care options and a broad range of location options to meet the needs of the community.
- Hickory Lane is classified as a Local Road with direct access to Lake Margaret Trail, which is classified as a Major Collector. No adverse effects are anticipated to Hickory Lane, as 1 parking space is required for a single detached dwelling and 1 parking space is required for a day care (1 for each 5 child or persons). The existing drive way can accommodate up to 2 off-street parking spaces in the front yard. Providing the daycare does not exceed 5 children or persons the proposed single detached dwelling and daycare comply with the Zoning By-law's parking requirement.
- It is staff's understanding that there are no alterations to the existing single detached residential dwelling proposed that would alter the residential character of the dwelling, or the general appearance of the Hickory Lane streetscape.
- The proposed day care will be contained entirely within the existing residential dwelling, except for an outdoor play area in the rear yard, which has direct access to the residential dwelling. The perimeter of the outdoor play area is enclosed with a wooden fence, which provides a buffer between neighbouring properties. Providing that the outdoor play area is contained entirely within the rear yard no adverse impacts are anticipated from parking, the Hickory Lane right-of-way, vehicular traffic and emissions.
- 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 COA09-2019 be approved, should the Committee of Adjustment approve the application staff recommend that the decision reflect that the Committee is permitting a daycare on the subject lands subject to the following conditions:
  - a maximum of 5 children/people are permitted;
  - the outdoor play area shall be contained entirely within the rear yard of the subject lands; and
  - no signage associated with a day care shall be permitted on the subject lands.

Respectfully submitted,

  
Steve Craig  
Senior Planning Technician