

**A G E N D A**

**THE TWELFTH 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  
OCTOBER 24, 2019**

**DISCLOSURE OF INTEREST**

**MINUTES**

Confirmation of the minutes of the meeting held on September 26, 2019.

**HEARING OF APPLICATIONS**

**A11/19 – Richard Stevens – 25 Beechwood Circle Pages 2-8**

**Planning Report – A11/19 Pages 9-10**

**UNFINISHED BUSINESS**

**NEW BUSINESS**

**Next Meeting**

To be determined

**ADJOURNMENT**

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SEP 24 2019

City Clerk Dept.

**CONFIRMATION OF AN APPLICATION FOR MINOR VARIANCE**

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September 23<sup>rd</sup>, 2019

Secretary-Treasurer, Committee of Adjustment  
Attention: Melanie Knapp

Pursuant to By-Law 30-2015, a consultation meeting was held on September 18<sup>th</sup>, 2019 with Planning staff and the applicant.

An application for a minor variance, regarding 25 Beechwood Circle, was filed on September 20<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

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CORPORATION OF THE CITY OF ST THOMAS  
COMMITTEE OF ADJUSTMENT

APPLICATION FOR MINOR VARIANCE OR FOR PERMISSION

(Section 45 of the Planning Act, R.S.O. 1990, as amended)

|             |   |                                      |
|-------------|---|--------------------------------------|
| OFFICE USE: | Date Application Received: <u>SEP 20 2019</u> | Consultation Date: <u>Sept 18/19</u> |
|             | 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](mailto: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) RICHARD STEVENS  
 Address 25 BEECHWOOD CIRCLE  
ST THOMAS NSR 6K4  
 Postal Code NSR 6K4 Tel: 905512 9302 e-mail: RSTEVENS@RIVALMAX.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:  
TO PERMIT A DECK 5.14M FROM THE REAR  
LOT LINE - ZONING BYLAW REQUIRES 6.5M

4. Reason why the proposed use cannot comply with the provisions of the Zoning By-law:  
WOULD LIKE A LARGER DECK FOR FAMILY. TABLE, CHAIRS  
SMOKER + BBA

5. Location of Land:  
 Concession No. \_\_\_\_\_ Lot(s) 11M14 Registered Plan No. 11M14 Lot(s) 22

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

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

Name of Street BEECHWOOD CIRCLE Street No. 25

6. Dimensions of land affected:

Frontage + 16.870 Depth + SEE ATTACHED PLAN

Area 670.80 Sq M. Width of Street UNKNOWN

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:

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: FEB 2019

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

12. Existing uses of the subject land:

RESIDENTIAL

13. Existing uses of abutting lands:

North: RESIDENTIAL <sup>LANE MARGARET</sup> East: RESIDENTIAL  
South: RESIDENTIAL West: RESIDENTIAL

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

SINCE 2002

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:

R3-82

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 RICHARD STEVENS, 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, RICHARD STEVENS 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 17 day of 09, 2019.  
City Day Month Year

[Signature]  
Signature of Owner or Authorized Agent

2019-09-19  
Date

[Signature]  
Signature of Commissioner of Oaths, etc.

Sept 20/19  
Date

Crystal Marie Penney, a Commissioner, etc.,  
Province of Ontario, for the  
Corporation of the City of St. Thomas.  
Expires September 18, 2022.

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, RICHARD STEVENS VALANTYNA STEVENS, am the owner of the subject lands, and I authorize RICHARD STEVENS, 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.

2019-09-29  
Date

[Signature]  
Signature of Owner

APPENDIX B – ACKNOWLEDGEMENT OF LEGAL AND PLANNING FEES

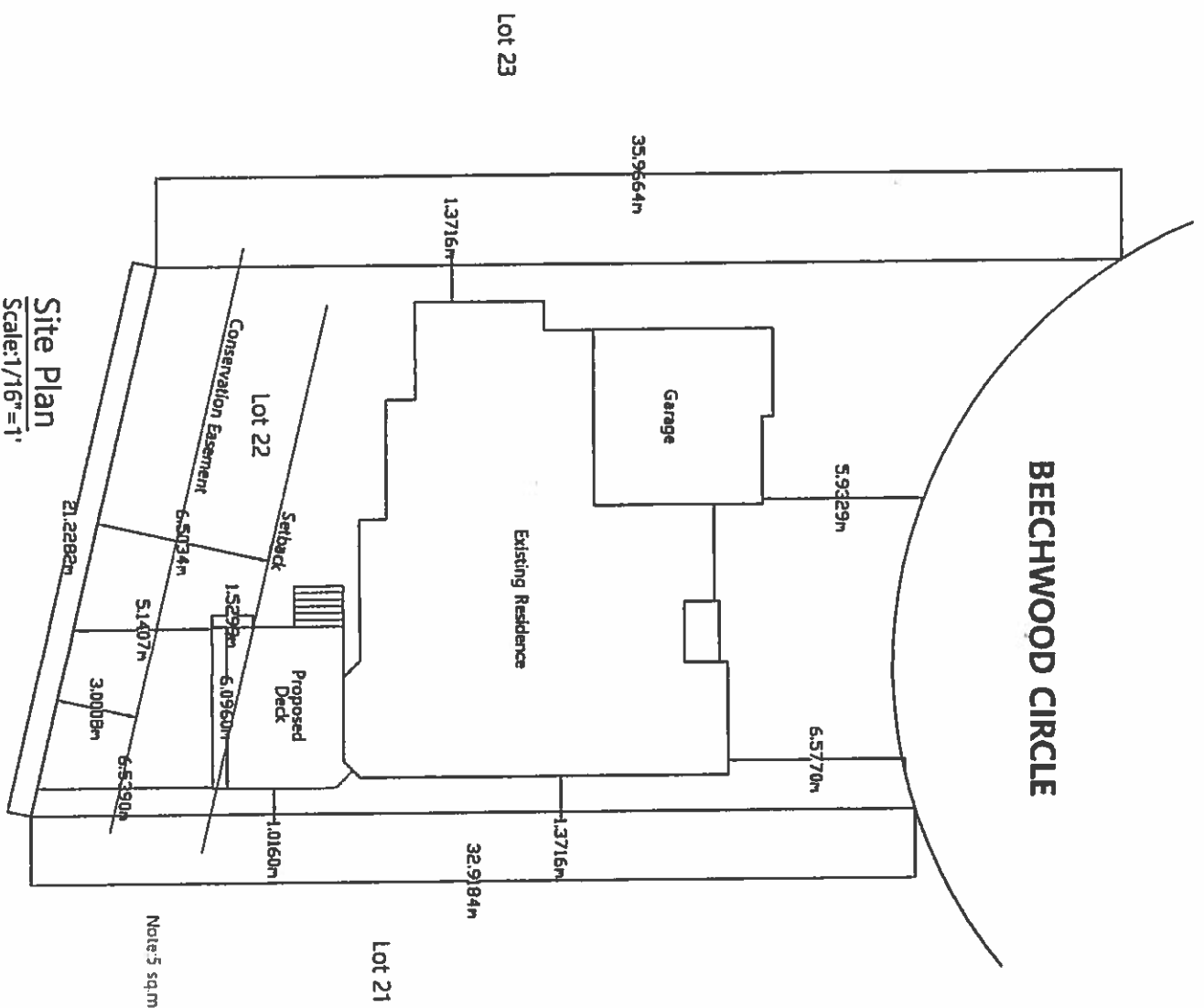
In addition to the application fees listed in this application package, please note that where the City requires assistance from its solicitors or other technical or professional consultants in the processing of this application, the applicant shall be responsible for reimbursing all fees incurred by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

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

I, RICHARD STEVENS, 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.

2019-09-19  
Date

[Signature]  
Signature of Owner



**Site Plan**  
Scale: 1/16" = 1'

Note: 5 sq.m encroaching on setback

**General Notes**

- All measurements to be verified by client
- All window and door sizes to be verified by client
- All construction to comply with O.B.C.
- These plans form the basis for permit issuance and any deviations from these plans and details including the ventilation system, heating system wood stove, fireplace, deck, balconies and finished basements will require a revised drawing and clearance by the Building Department

I review and take responsibility for the design of this drawing.  
BCIN# 41751

|           |                  |      |
|-----------|------------------|------|
| Site Plan |                  |      |
| No.       | Revision/Version | Date |
|           |                  |      |

**TRU-D**  
BCIN # 41751  
11563 Plank Rd.  
EDEN ON

**Stevens Residence**  
Proposed Deck  
25 Beechwood Circle  
St.Thomas

|          |            |
|----------|------------|
| Project  | Sheet      |
| Aug 2019 | A4         |
| Scale    | 1/16" = 1' |





The Corporation of the City of St. Thom:

Report No.: COA11-2019

Applicant: Richard Stevens

Members of the Committee of Adjustment

Report Date: October 9, 2019  
Meeting Date: October 24, 2019

Location: 25 Beechwood Circle, Registered Plan 11M-114, Lot 22

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 and Figure 1

**Recommendation:**

That: Report COA011-2019 be received.

**BACKGROUND:**

The applicant is proposing to replace the existing deck on the back of the house, a minor variance is required to permit the new deck 5.14m from a rear lot line, whereas the Zoning By-Law requires a deck to be setback 6.5m from a rear lot line.

**REQUESTED VARIANCE:**

(i) To permit a new deck 5.14m from the rear lot line, whereas the R3-82 zone requires a deck to be setback 6.5m from a rear lot line. (Table 1 to Subsection 7.4, Column Number 2, Item Number 10, requires a minimum rear yard depth of 9m. Subsection 4.2.2 of the General Provisions Applicable to Residential zones permits a deck, stoop, steps or porch which is covered or uncovered, and not wholly or partially enclosed to project into a required rear yard up to a maximum of 2.5m.)

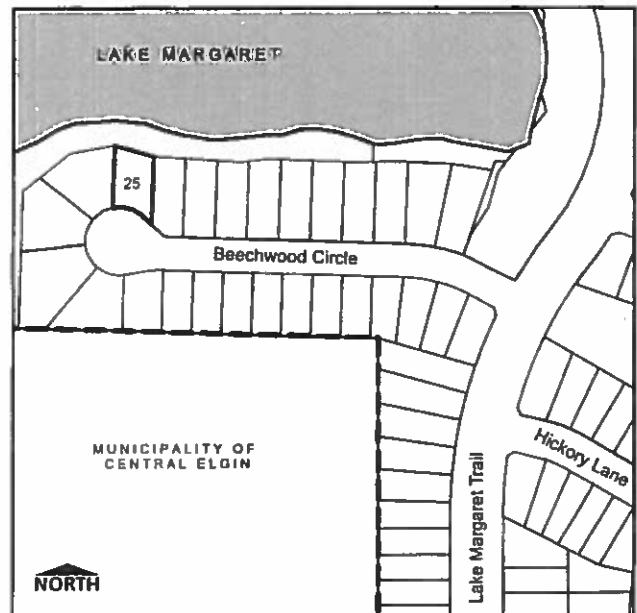
**OFFICIAL PLAN:**

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

**ZONING BY-LAW:**

- The subject lands are within the Third Residential Zone (R3-82) pursuant to the City of St. Thomas Zoning By-Law No. 50-88.
- Permitted uses of the R3-82 zone include a single detached dwelling and uses accessory to the foregoing, the requirements and setbacks for a single detached dwelling include:
  - minimum lot area - 371.5m<sup>2</sup>;
  - minimum lot frontage - 12m;
  - maximum main building height - 11m;
  - 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 67m<sup>2</sup>;
  - 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 ground floor area - 1 storey dwelling 74m<sup>2</sup>; and
  - minimum number of parking spaces - 1 parking space per dwelling unit.
- Subsection 4.2.2 of the general provisions applicable to residential zones of the Zoning By-law permit a deck, stoop, steps or porch which is covered or uncovered, and not wholly or partially enclosed to project into a required rear yard up to a maximum of 2.5m.
- Rear yard means a yard extending across the full width of a lot between the rear lot line and the main building wall.

**Location Plan:**

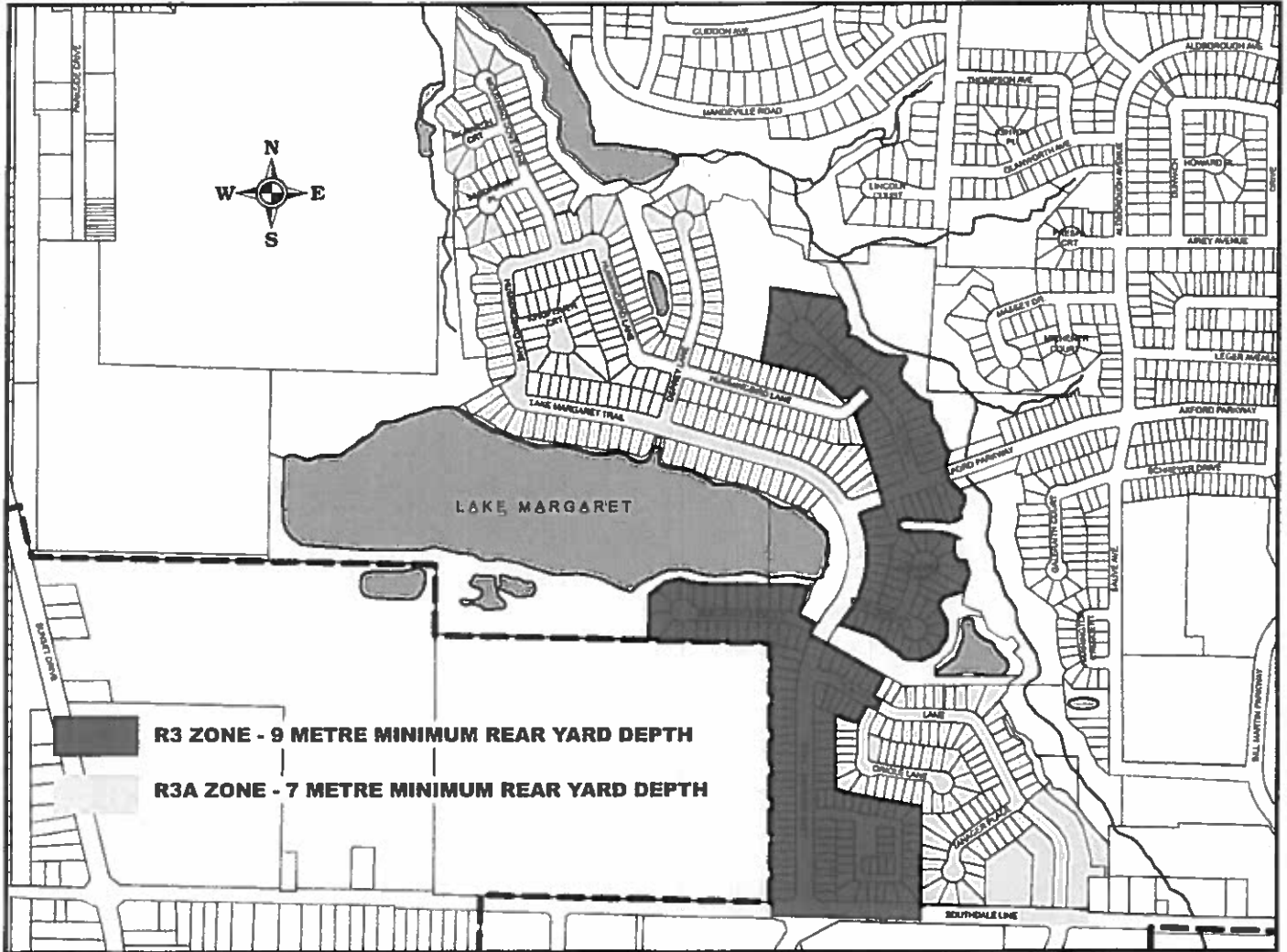


**LEGISLATIVE FRAMEWORK FOR A MINOR VARIANCE:**

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.

**Figure 1:**



**COMMENTS:**

- The first three phases of Lake Margaret Estates are within the R3 zone which requires a minimum rear yard depth of 9m for a single detached dwelling.
- In 2003 a City-wide Zoning By-law Amendment (ZBA #46-2003) was approved which established the R3A zone. The R3A zone brought in new zoning standards for residential development, including a reduced minimum rear yard depth requirement of 7m for single detached dwellings.
- The applicant is proposing to construct a new unenclosed deck a minimum of 5.14m from a rear lot line, which exceeds the minimum rear yard setback requirement for an unenclosed deck in the R3A zone (7m minimum rear yard depth - 2.5m maximum allowable encroachment for an unenclosed deck = 4.5m).
- Rear yard depth regulations present challenges on cul-de-sac lots, due to lot configuration, angled positioning of houses on lots, and typically shallower depth around the bulb of the cul-de-sac.
- The site plan accompanying the application delineates the portion of the proposed new deck encroaching into the 6.5m setback requirement and confirms that the proposed new deck will be outside of the 3.0m wide Developers Conservation Easement located along the rear lot line.
- 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. Should the Committee of Adjustment approve the application staff recommend that the decision reflect that the Committee is permitting an unenclosed deck a minimum of 5.14m from the rear lot line.

Respectfully submitted,

*SC*  
 Steve Craig  
 Senior Planning Technician