

A G E N D A

**THE THIRD MEETING OF THE COMMITTEE OF ADJUSTMENT
OF THE CITY OF ST. THOMAS 2020**

**COMMITTEE ROOM #415
CITY HALL**

10:00 A.M.

**THURSDAY
MARCH 26, 2020**

DISCLOSURE OF INTEREST

MINUTES

Confirmation of the minutes of the meeting held on February 27, 2020.

HEARING OF APPLICATIONS

A01/20 – Scott Lammiman - 197 Balaclava Street Pages 2-14

Planning Report - A01/20 Pages 15-16

UNFINISHED BUSINESS

NEW BUSINESS

Next Meeting

To be determined.

ADJOURNMENT



PLANNING & BUILDING SERVICES DEPARTMENT

t. (519) 633.2560 f. (519) 633.6581

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

CONFIRMATION OF AN APPLICATION FOR MINOR VARIANCE

February 25th, 2020

Secretary-Treasurer, Committee of Adjustment
Attention: Melanie Knapp

Pursuant to By-Law 30-2015, a consultation meeting was held on February 6th, 2020 with Planning staff and the applicant.

An application for a minor variance, regarding 197 Balaclava Street, was filed on February 24th, 2020 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





Clear Form

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>02/24/20</u>	Consultation Date: <u>02/06/20</u>
	Date Application Deemed Complete: <u>02/24/2020</u>	

Application #: AD1/20

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) SCOTT LAMIMAN
 Address 197 BALACLAVA ST

Postal Code N5P Tel: 519 873 0601 e-mail: rc_k_crawler@rogers.com

2. Name of Authorized Agent (if any) WAYNE DALE
 Address 259 ROSS ST

ST THOMAS ON
 Postal Code N5R3T7 Tel: 519 709 3253 e-mail: wynnstwin@gmail.com

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:
 ① TO PERMIT A LIVE DRIVEWAY WHEREAS THE ZONING BYLAW REQUIRES RES. DRIVEWAY TO BE SURFACED WITH ASPHALT, CONC OR GRANULAR MAT'L TO BE JUST FREE AND STABLE SURFACE

② TO PERMIT AN ACC BLDG WITH A MAX HEIGHT OF 4.6 M WHERE AS THE ZONING BYLAW PERMITS A MAX HEIGHT OF 4 M FOR ACC. BLDG

4. Reason why the proposed use cannot comply with the provisions of the Zoning By-law:

REQUIRES ADDITIONAL HEIGHT TO ALLOW FOR 12' 3.66 M WALL AND RELIEF FROM THE "LESSER" PROVISION OF 67M² TO REPLACE EXISTING STRUCTURE OF 84M

5. Location of Land:

Concession No. _____ Lot(s) 9 Registered Plan No. 320 Lot(s) _____

Reference Plan No. _____ Part(s) _____

③ TO PERMIT AN ACC BLDG ^{1/6} WITH A MAX FLOOR AREA OF 95.250 M WHEREAS THE ZONING BYLAW PERMITS A MAX FLOOR AREA OF 67 SQ M FOR ACC BLDG

August, 2019

Geographic/Former Township _____

Name of Street BALACLAWA ST Street No. 197

6. Dimensions of land affected:

Frontage 44' Depth 240'

Area 10560 # 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:

SFD 1100 # 1 STOREY 25' x 44'

GARAGE 900 # SHED 144 #

USE ~~R-3~~ RESIDENTIAL.

Proposed:

DETACHED GARAGE 32' x 32' AND 1 STOREY

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 PLOT PLAN

Proposed:

SEE PLOT PLAN

USE STORAGE VEHICLES AND HOUSEHOLD ITEMS

10. Date of acquisition of subject land: ? APROX 5 YRS

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

SFD BUILT 1952. GARAGE UNKNOWN.

12. Existing uses of the subject land:

R-3 RESIDENTIAL

13. Existing uses of abutting lands:

North: RES East: RES

South: RES West: RES

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

? 1952

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:

R23

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.

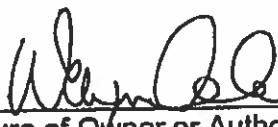
I WAYNE DALE, the Owner or Authorized Agent, hereby agree and acknowledge
(Print name of Owner or Authorized Agent)
that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants 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, WAYNE DALE 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 City of St. Thomas on this 27 day of February, 2020.
City Day Month Year


Signature of Owner or Authorized Agent

24 FEB 2020
Date


Signature of Commissioner of Oaths, etc.

FEB 24 / 20
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, SCOTT LAMMINAN, am the owner of the subject lands, and I authorize WAYNE DALE, 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.

14 Feb 2020
Date

[Signature] X
Signature of Owner

APPENDIX B – ACKNOWLEDGEMENT OF LEGAL AND PLANNING FEES

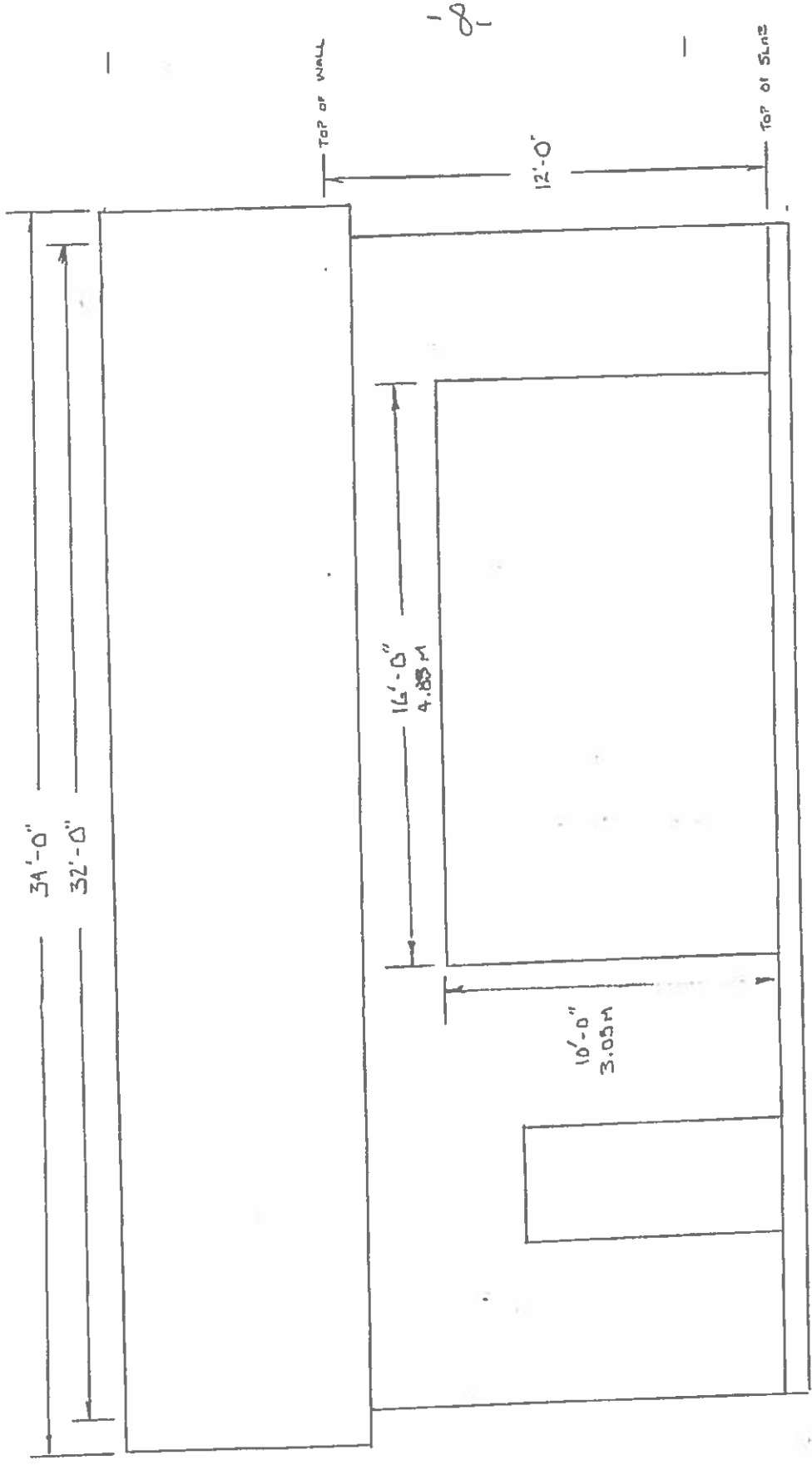
In addition to the application fees listed in this application package, please note that where the City requires assistance from its solicitors or other technical or professional consultants in the processing of this application, the applicant shall be responsible for reimbursing all fees incurred by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

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

I, SCOTT LAMMINAN, 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.

14 Feb 2020
Date

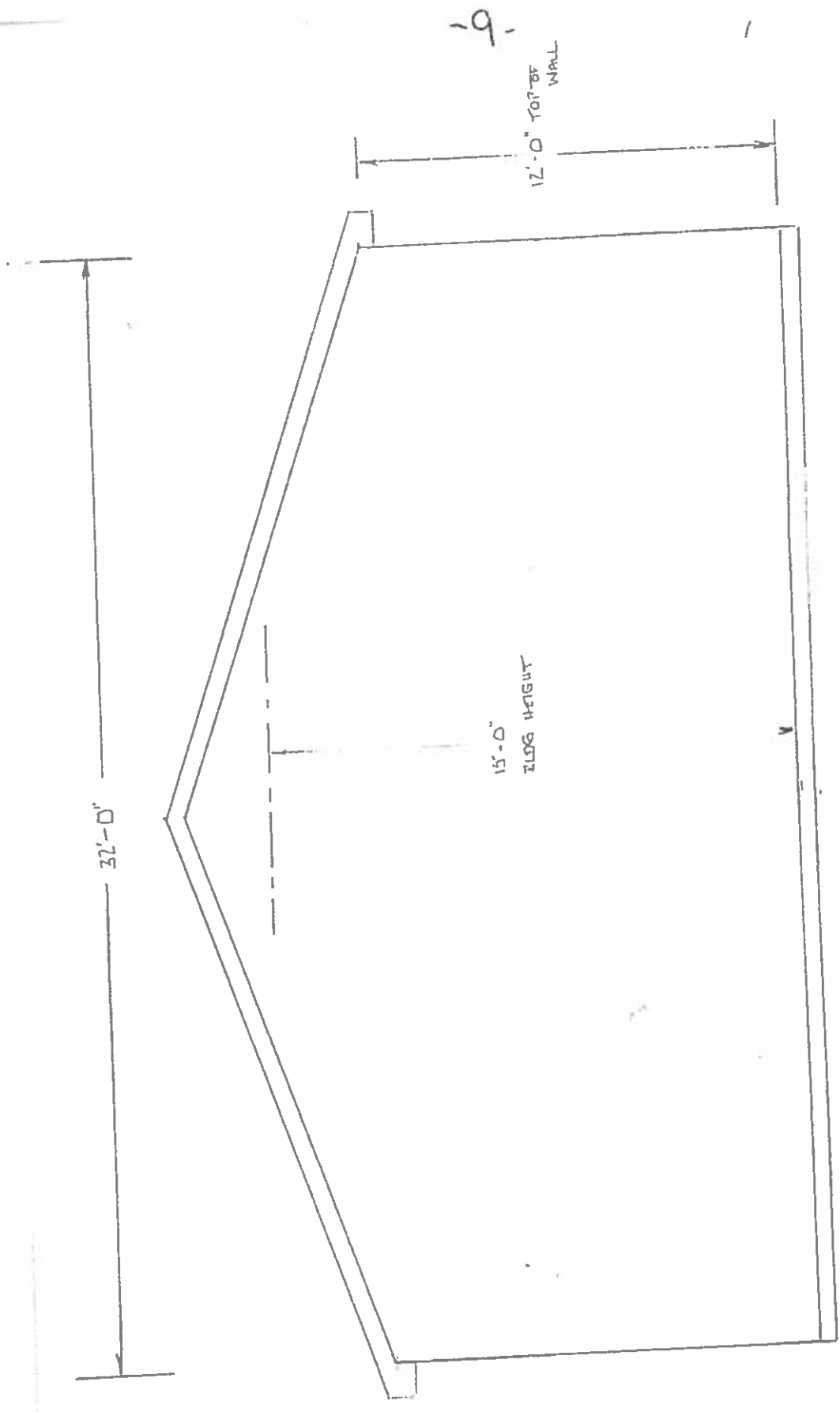
[Signature] X
Signature of Owner



18

1/8" = 1'-0"

-9-



"Yes, you can park
on my grass!"

CORE GRASS™

TURF REINFORCEMENT GRIDS

A greener choice for low-impact parking. Recycled, sustainable and economical solution to manage stormwater and reduce heat island effects in parking and traffic areas. Parking lots, access roads, and driveways with CORE Grass™ provide parking and stabilization on turf grass, with no areas or sidewalks, with all the benefits of reducing stormwater runoff significantly and improving water quality with natural pollution filtration and treatment. In addition, CORE Grass™ can reduce and mitigate urban heat island effects with light and low-impact development practices used in SUDS and LEED compliant sites.

No unsightly infrastructure is seen, just green grass. A CORE Grass™ turf reinforcement grid are sheets of connected hexagonal cells, made from recycled or virgin PP (polypropylene) material, and proprietary ultraviolet protectant provides a light brownish design that helps to reduce helicopter shape vehicle examination load bearing. With optional (CORE-Green™) easily add live vegetation for parking spaces or edge landscaping. You will find CORE Grass™ provides structural stability, grass protection, and a sustainable drainage needed in a power grid is easily available.



- Material: Recycled or Virgin PP
- Colors: Green, custom color available
- UV & Chemical Resistant
- Manufacture: Here, Right Now
- Interlocking Grid Connection: B&A



Benefits:

- Paved Load Bearing Surface
- Compressive Strength: +250 Tons/m²
- Stormwater BMP for Paving
- LEED & SUDS Credit

Key Applications:

- Residential Driveway
- Utility Access & Trailer Parking
- Emergency Access / Fire Lanes
- Infiltration Basin Reinforcement
- Overflow, Stadium and Event Parking Lots
- Golf Cart Paths
- Helicopter Landing Pads
- Church Parking
- Erosion Control
- Airplane Transport Areas

MAX LOAD SUPPORT – FOR FIRE LANES & GREEN PARKING LOTS

CORE Grass™ Turf Reinforcement Grids



APPLICATIONS GUIDE

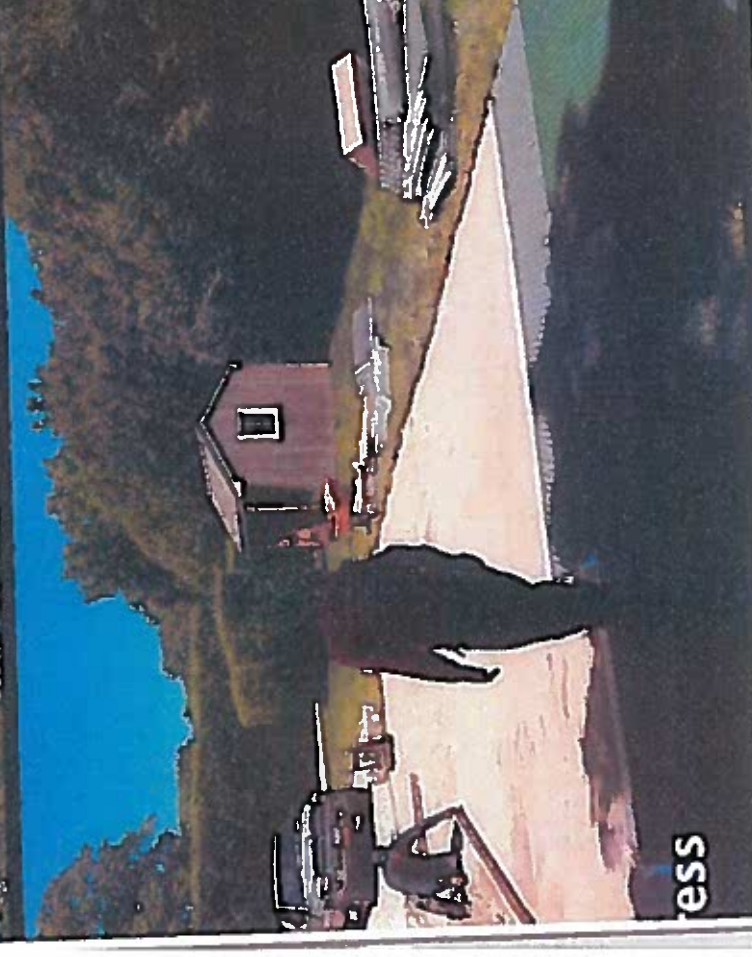
Specifications (Load)	Grid Cell	Weight per sq. ft.	Sheet Area (sq. ft.)	Sheets per Parking Area (1000 sq. ft.)	40 PSI Compressive Capacity	Sheet Dimensions (mm)
CORE Grass 20-35	24 mm / 75 mm / 72 mm (2.8 in / 1.4 in / 2.9 in)	2.9 lb (0.4 lbs)	6.72 sq. ft. / 1.81 m ² (9.9 ft ² / 1.16 m ²)	48 / 13	1,902 lb (85,600 N)	1158 x 800 mm (45.5 x 31.5 in) (85.8 x 92.1 in)
CORE Grass 40-40	40 mm / 40 mm / 15 mm (2.8 in / 1.6 in / .6 in)	3.5 lb (0.7 lbs)	1.15 sq. ft. / 1.3 m ² (2.4 sq. ft. / 2.8 m ²)	170 / 60	7,354 lb (17,452 N)	1158 x 1000 mm (45.5 x 39.4 in) (85.8 x 39.4 in)
CORE Grass 65-40	45 mm / 45 mm / 13 mm (2.8 in / 1.8 in / 1.1 in)	5 lb (1.1 lbs)	9.36 sq. ft. / 2.74 m ² (9.4 sq. ft. / 2.74 m ²)	100 / 34	1,092 lb (48,041 N)	1158 x 770 mm (45.5 x 30.3 in) (85.8 x 30.3 in)



S



In progress



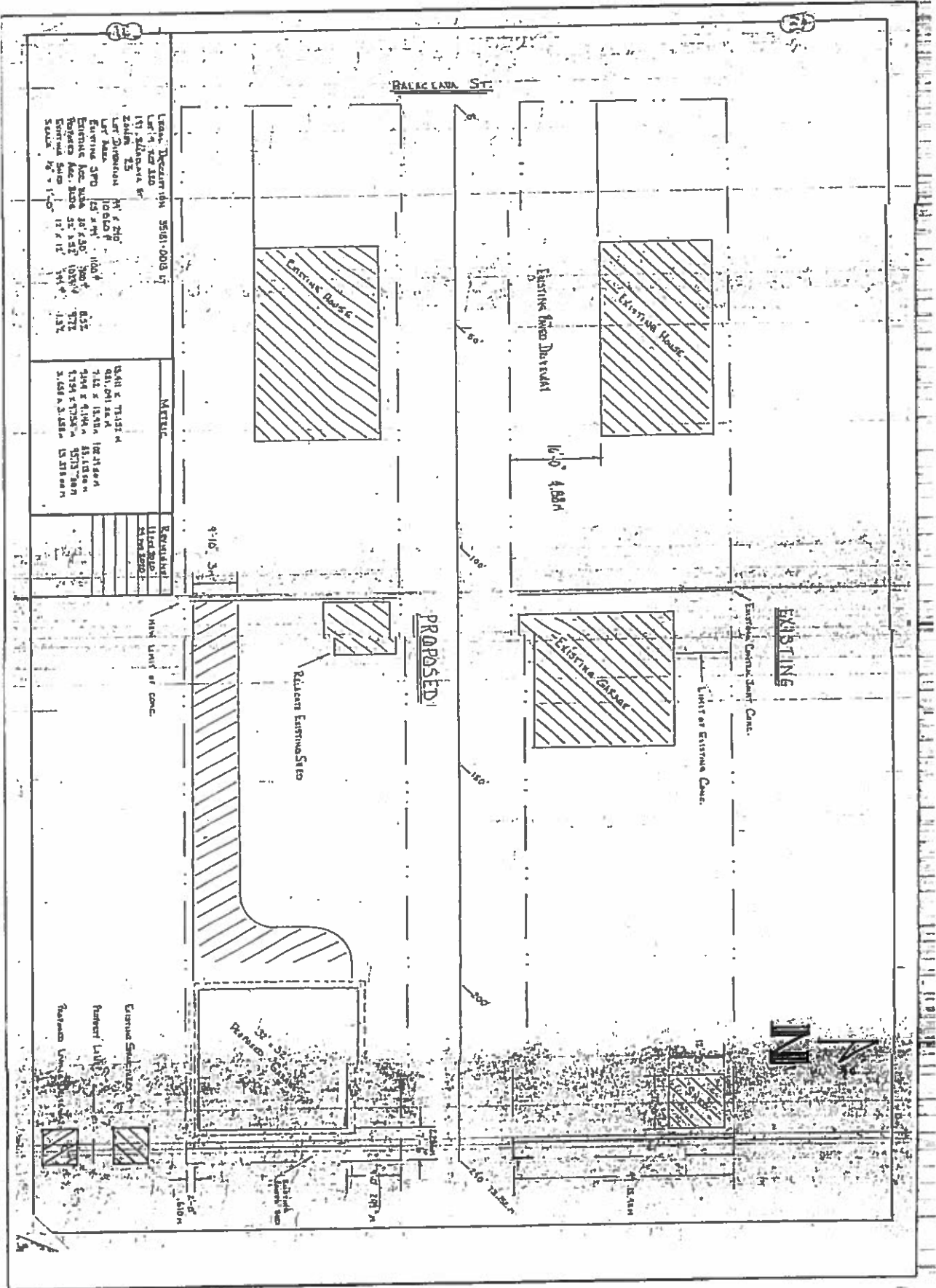
ess



After
CORE Grass Driveway to stop rutting
& sinking of grass







Lot No.	Description	Area	Remarks
Lot 1	Lot 1	10000	
Lot 2	Lot 2	10000	
Lot 3	Lot 3	10000	
Lot 4	Lot 4	10000	
Lot 5	Lot 5	10000	
Lot 6	Lot 6	10000	
Lot 7	Lot 7	10000	
Lot 8	Lot 8	10000	
Lot 9	Lot 9	10000	
Lot 10	Lot 10	10000	

Metric	Remarks
4.10	4.10
11.10	11.10
12.10	12.10
13.10	13.10
14.10	14.10
15.10	15.10
16.10	16.10
17.10	17.10
18.10	18.10
19.10	19.10
20.10	20.10

Lot No.	Description	Area	Remarks
Lot 1	Lot 1	10000	
Lot 2	Lot 2	10000	
Lot 3	Lot 3	10000	
Lot 4	Lot 4	10000	
Lot 5	Lot 5	10000	
Lot 6	Lot 6	10000	
Lot 7	Lot 7	10000	
Lot 8	Lot 8	10000	
Lot 9	Lot 9	10000	
Lot 10	Lot 10	10000	

Lot No.	Description	Area	Remarks
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Lot 2	Lot 2	10000	
Lot 3	Lot 3	10000	
Lot 4	Lot 4	10000	
Lot 5	Lot 5	10000	
Lot 6	Lot 6	10000	
Lot 7	Lot 7	10000	
Lot 8	Lot 8	10000	
Lot 9	Lot 9	10000	
Lot 10	Lot 10	10000	

Lot No.	Description	Area	Remarks
Lot 1	Lot 1	10000	
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Lot 3	Lot 3	10000	
Lot 4	Lot 4	10000	
Lot 5	Lot 5	10000	
Lot 6	Lot 6	10000	
Lot 7	Lot 7	10000	
Lot 8	Lot 8	10000	
Lot 9	Lot 9	10000	
Lot 10	Lot 10	10000	

Lot No.	Description	Area	Remarks
Lot 1	Lot 1	10000	
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Lot 3	Lot 3	10000	
Lot 4	Lot 4	10000	
Lot 5	Lot 5	10000	
Lot 6	Lot 6	10000	
Lot 7	Lot 7	10000	
Lot 8	Lot 8	10000	
Lot 9	Lot 9	10000	
Lot 10	Lot 10	10000	

Lot No.	Description	Area	Remarks
Lot 1	Lot 1	10000	
Lot 2	Lot 2	10000	
Lot 3	Lot 3	10000	
Lot 4	Lot 4	10000	
Lot 5	Lot 5	10000	
Lot 6	Lot 6	10000	
Lot 7	Lot 7	10000	
Lot 8	Lot 8	10000	
Lot 9	Lot 9	10000	
Lot 10	Lot 10	10000	



The Corporation of the City of St. Thomas

Report No.: COA01-2020

Applicant: Scott Lammiman

Members of the Committee of Adjustment

Report Date: March 12, 2020
Meeting Date: March 26, 2020

Location: Plan 110, Part Block R, Reg Comp Plan 320, Lot 9 Municipally known as 197 Balaclava Street in the City of ST. Thomas

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, Aerial Photograph

Recommendation:
That: Report COA01-2020 be received.

BACKGROUND:

The applicant is proposing to replace the existing legal non-complying detached garage in the rear yard with a new detached garage, as shown on the plans accompanying the subject application.

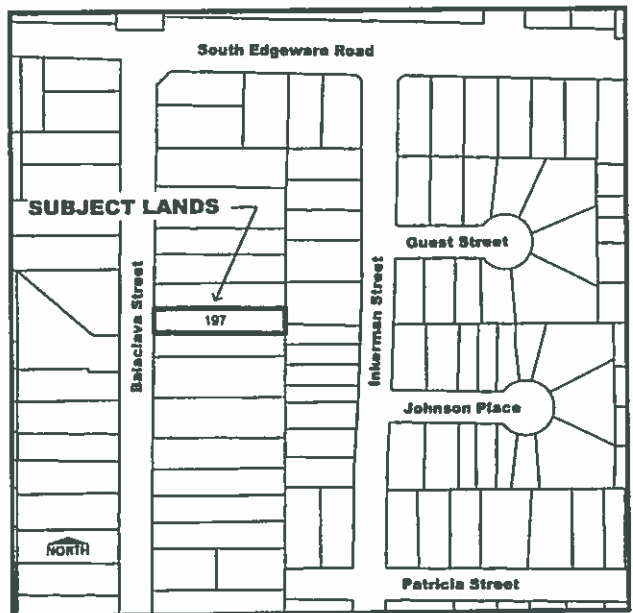
MINOR VARIANCE(S):

- To permit a live driveway, whereas Subsection 1.99 (ii) of the Zoning By-law defines a residential driveway as the uncovered portion of a lot in a residential zone which is surfaced with asphalt, concrete or granular material which has a dust free stable surface;
- To permit an accessory building with a maximum height of 4.6m, whereas Subsection 4.2.4.8 of the Zoning By-law permits a maximum height of 4m for an accessory building; and
- To permit an accessory building with a maximum floor area of 95.2m², whereas Table 1 to Subsection 7.4, Column No. 2, Item Number 6 provides that the maximum floor area of an enclosed accessory building 67m².

OFFICIAL PLAN:

- The subject lands are designated Residential as shown on Schedule A (Land Use Plan) to the Official Plan for the City of St. Thomas. The Residential designation permits a full range of dwelling types including low-density residential uses. Wherever a use is permitted in a land use classification, it is intended that uses, buildings or structures normally incidental, accessory and essential to that use are also permitted.

Location Plan:



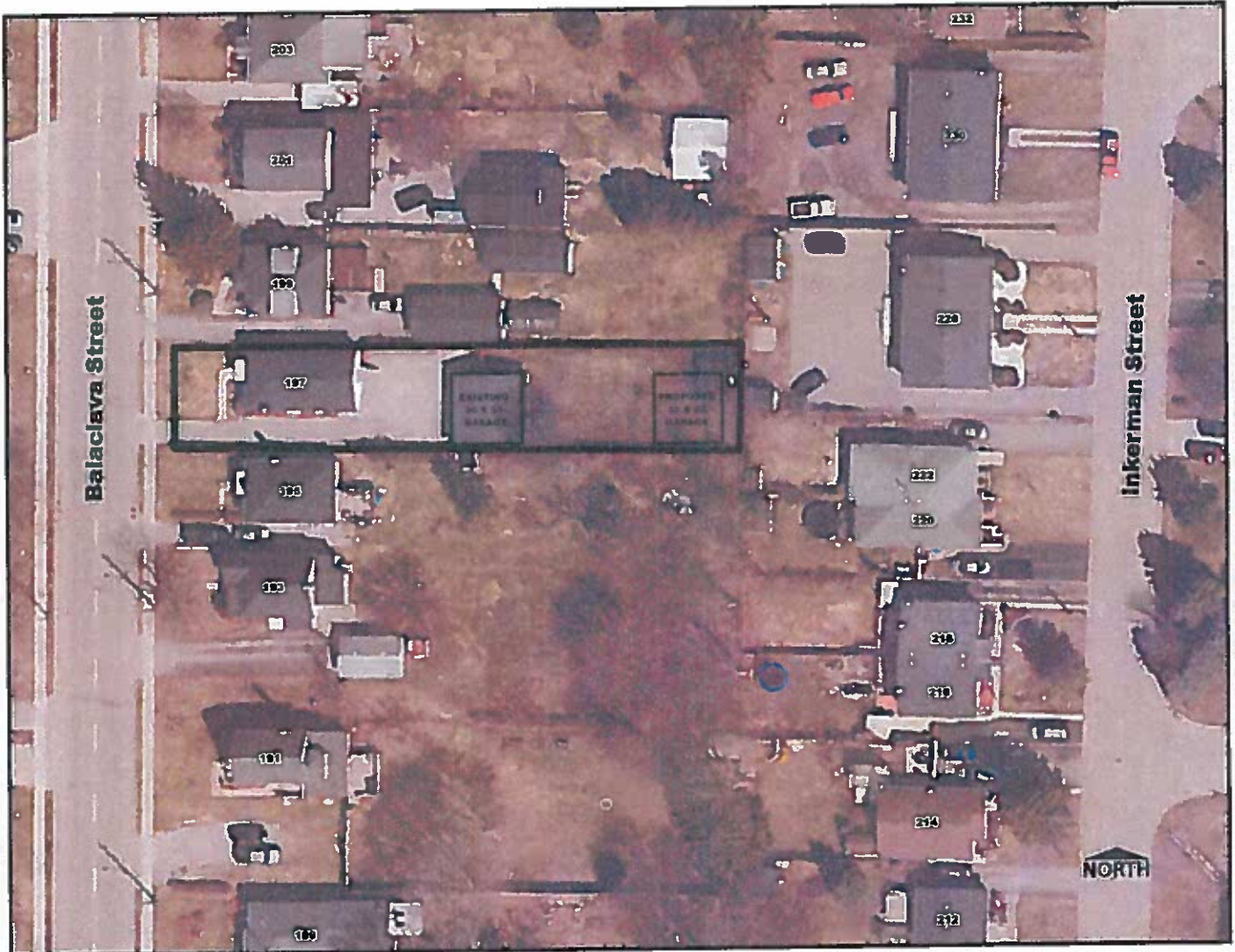
ZONING BY-LAW:

- The subject lands are within the Third Residential Zone (R3) pursuant to the City of St. Thomas Zoning By-Law No. 50-88, as amended. Permitted uses of Third Residential Zone (R3) include a single detached dwelling and accessory uses.
- The maximum floor area of an enclosed accessory building shall be the lesser of 15% of the lot area or 67m². In the case of an enclosed accessory building, the floor area of the building measured from the outside of all outside walls.
- An accessory building may be erected and used within a rear yard, but no part shall be erected or used within 0.3m of the rear lot line and 0.3m of any interior lot line.
- No accessory building shall exceed 4m in height.
- Accessory when used to describe a building or structure means customarily incidental, subordinate and exclusively devoted to the main use on the lot.
- Garage is a building or part of a building designed or used for the storage of one or more motor vehicles and includes a carport.
- Grade is the highest elevation of the surface of a lot measured at a wall of the main building on the lot.
- Height when used with reference to a building or structure means the vertical distance between the "grade" and a horizontal plane through:
 - the highest point of the roof assembly in the case of a building with a flat or deck roof;
 - the average level of a one slope roof, provided that a roof having a slope of less than 20 degrees with the horizontal shall be considered a flat roof;
 - the deck roof line, in the case of a mansard roof;
 - the average level between eaves and ridges in the case of a roof type not mentioned in subsections (i), (ii) and (iii) immediately preceding.
- Residential driveway means the uncovered portion of a lot in a residential zone which:
 - provides access and egress for motor vehicles from a street to a lot, garage, carport or parking space on the lot,
 - is surfaced with asphalt, concrete or granular material which has a dust free stable surface,
 - is not greater than 6m in width,
 - is not less than 3m in width, and
 - may include a parking space.

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.

2015 Aerial Photograph:



COMMENTS:

- The applicant is proposing to replace the existing legal non-complying 9.14m x 9.14m detached garage (30ft x 30ft) in the rear yard with a new 9.75m x 9.75m detached garage (32ft x 32ft), as shown on the plans accompanying the subject application.
- The first variance is requested to permit the construction of a live driveway on the subject lands for the purpose of providing access to a proposed new detached garage. The applicant has provided supporting documentation which provides details on the construction of the live driveway, which demonstrates that the surface will provide an environmentally friendly dust free and stable surface.
- The second variance is requested to permit the construction of a new detached garage with a maximum height of 4.6m (15ft). The applicant is proposing to store motor vehicles and other household items associated with home ownership, the additional height of 0.6m (1.96ft) is required to accommodate a 3.65m high building wall and 3.04m (10ft) high garage door in order to accommodate a travel trailer.
- The third variance is requested to permit a detached garage with a maximum floor area of 95.2m² (900ft²), in place of the existing detached garage which has a floor area of 83.6m² (1,024ft²). According to building records and historical aerial photography the existing detached garage was constructed in 1986 and with the benefit a building permit.
- The existing detached garage exceeds the Zoning By-laws maximum floor area for an enclosed accessory building; however, the garage predates the City of St. Thomas Zoning By-Law 50-88 (April 18, 1988) and is considered legal non-complying. The previous City of St. Thomas Zoning By-Law 68-63 did not regulate the floor area for accessory buildings.
- Given the size of the lot the proposed increase in floor area of 11.6m² (124ft²) is minor and will result in a total lot coverage of 11% for accessory buildings, which includes the existing 3.65m x 3.65m (12ft x 12ft) shed proposed to be relocated on the lot.
- Staff advised the applicant that the existing detached garage will need to be demolished and removed from the subject lands prior to the approval of a building permit for the new detached garage.
- In Staff's opinion the proposed variances meet the general intent and purpose of the Official Plan, 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 COA01-2020 be approved.
- Should the Committee of Adjustment approve minor variance application COA01-2020 the decision should reflect that the Committee is approving the following variances conditional on confirmation from the Building Services Department that a demolition permit has been issued and the existing detached garage has been demolished and removed from the lot to the satisfaction of the Chief Building Official:
 - A live driveway which has a dust free stable surface;
 - an accessory building with a maximum height of 4.6m; and
 - an accessory building with a maximum floor area of 95.2m².

Respectfully submitted,

 Steve Craig
 Senior Planning Technician