

A G E N D A

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

TELECONFERENCE

10:00 A.M.

**THURSDAY
JUNE 25, 2020**

DISCLOSURE OF INTEREST

MINUTES

Confirmation of the minutes of the meeting held on May 28, 2020.

HEARING OF APPLICATIONS

A02/20 - Peter and Trudy Harder - 16 Joyce Street **Pages 2-12**

Planning Report - A02/20 **Pages 13-16**

A03/20 - John and Nancy Tolman - 5 Gooding Street **Pages 17-24**

Planning Report - A03/20 **Pages 25-26**

UNFINISHED BUSINESS

NEW BUSINESS

Next Meeting

To be determined.

ADJOURNMENT



PLANNING & BUILDING SERVICES DEPARTMENT

City of St. Thomas

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

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

MAY 22 2020

City Clerks Dept.

CONFIRMATION OF AN APPLICATION FOR MINOR VARIANCE

May 22nd, 2020

Secretary-Treasurer, Committee of Adjustment
Attention: Jon Hindley

Pursuant to By-Law 30-2015, a consultation meeting was held on May 13th, 2020 with Planning staff and the applicant.

An application for a minor variance, regarding 16 Joyce Street, was filed on May 21st, 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: 05/14/20 Consultation Date: 05/13/20
Date Application Deemed Complete: 05/14/20

Application #: COA02/20

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: jhindley@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 applications 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) Peter Harder, Trudy Harder

Address 16 Joyce Street St. Thomas Ontario

Postal Code N5P3L9 Tel: 5192804530 e-mail: harderpete3@gmail.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 [checked] Agent []

3. Nature and extent of relief from the Zoning By-law applied for:

Construct a 18' x 20' detached garage 6.096m from the rear lot line, R3 zone requires a rear yard depth of 9m.

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

The depth of the rear yard was reduced as a result of the construction of the Expressway (Highway 3).

5. Location of Land:

Concession No. Lot(s) Registered Plan No. 11R183 Lot(s) Pt Lot 18, Blk B

Reference Plan No. 11R183 Part(s) 30, 31, 34 and 3

Geographic/Former Township _____

Name of Street Joyce Street Street No. 16

6. Dimensions of land affected:

Frontage 19.20m Depth Irregular

Area 849.83sqm Width of Street 18m +/-

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:

Single Detached Dwelling (912sqft) and Carport (Proposed to be removed)

See attached plan

USE Residential

Proposed:

18' x 20' detached garage, 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:

Single Detached Dwelling and Carport (Proposed to be removed)

See attached plan

Proposed:

18' x 20' detached garage, see attached plan

USE _____

10. Date of acquisition of subject land: 2015

11. Date of construction of all buildings and structures on subject land: 1964

12. Existing uses of the subject land:

Residential

13. Existing uses of abutting lands:

North: Expressway (Highway 3) East: Residential

South: Joyce Street West: Residential

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

Since 1964, 56 years.

15. Services available (check appropriate space or spaces):

Water:

Municipally owned and operated piped water system Other (Specify) _____

Sewage Disposal:

Municipally owned and operated sanitary sewer system Other (Specify) _____

Storm Drainage

Storm sewers Other (Specify) _____

16. Present Official Plan designation of the subject land:

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 _____

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 Peter Harder, Trudy Harder, 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, Peter Harder, Trudy Harder of City 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. City of Thomas on this 21st day of May, 2020.
City Day Month Year


Signature of Owner or Authorized Agent

5-21-20
Date


Signature of Commissioner of Oaths, etc.

May 21 / 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, Peter Harder, Trudy Harder, 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.

May 19th 2020
Date

 
Signature of Owner


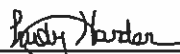
APPENDIX B – ACKNOWLEDGEMENT OF LEGAL AND PLANNING FEES

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, Peter Harder, Trudy Harder, 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 19th, 2020
Date

 
Signature of Owner

NOTES:

1. Each copy of this application must be accompanied by a Sketch. The Sketch need not necessarily be to scale, but dimensions must be accurate, and showing the following:
 - (a) The boundaries and dimensions of the subject land;
 - (b) The location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings or structures from the front yard lot line, rear yard lot line and the side yard lot lines;
 - (c) The approximate location of all natural and artificial features on the subject land and on land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application. Examples include buildings, driveways, swimming pools, roads, railways, drainage ditches, wells, septic tank and tile bed, and trees;
 - (d) The current uses on land that is adjacent to the subject land;
 - (e) The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public traveled road, a private road or a right-of-way;
 - (f) If access to the subject land is by water only, the location of the parking and docking facilities to be used;
 - (g) The location and nature of any restrictive covenant or easement affecting the subject land;
2. The Committee of Adjustment may require that a preliminary drawing be prepared, signed and dated by an Ontario Land Surveyor.
3. If this application is signed by an agent or solicitor on behalf of an applicant, the owner's written authorization must accompany the application. If the applicant is a corporation acting without agent or solicitor, the application must be signed by an officer of the corporation and the corporation's seal (if any) must be affixed.

Ministry of Transportation

Highway Corridor Management Section - London Office
659 EXETER RD
LONDON, ON
N6E 1L3



May 07, 2020

Peter Harder
16 JOYCE ST ST
ST THOMAS, ON
N5P 3L9

Dear Peter:

Re: BL-2020-31L-00000050 V1

Please find attached your Building and land Use Permit, which has been issued in accordance with the **PUBLIC TRANSPORTATION AND HIGHWAY IMPROVEMENT ACT, R.S.O. 1990, P50.**

It is the responsibility of the permit holder to ensure that all employed/contracted personnel performing the work are aware of and adhere to all conditions of the permit.

If you have any questions or require further assistance, please contact the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read "Joanne Moyes", written over a horizontal line.

Joanne Moyes
Corridor Management Officer

659 EXETER RD
LONDON, ON
N6E 1L3

Attach.

MINISTRY OF TRANSPORTATION



Highway Corridor Management
 Building and Land Use Permit
 BL-2020-31L-00000050 V1

ISSUED TO

PROPERTY OWNER: PETER HARDER, 16 JOYCE ST ST, ST THOMAS, ON, N5P 3L9
 APPLICANT/TENANT:

LOCATION OF WORK

HIGHWAY: 3

STREET ADDRESS: 16 JOYCE ST, ST THOMAS

GPS CO-ORDINATES: Start: 42.788518, -81.176789 End: N/A

LOT/SECTION: N/A CON: N/A GEOGRAPHIC TOWNSHIP: N/A LOT/BLOCK: N/A PLAN NO: N/A MUNICIPALITY: Central Elgin
 REFERENCE PLAN PART: N/A REFERENCE PLAN NO: N/A

PERMIT DETAILS

USE OF FACILITY: Residential Building/Land Use PURPOSE OF APPLICATION: Demolish, Construct

TYPE OF FACILITY: Building

DESCRIPTION: To demolish existing car port and construct a pole barn garage in accordance with the Information File attached. Property is located on the south side of Highway 3, approximately 158 m west of the intersection of Hwy 3 and First Ave, St Thomas. Any future construction on this site will require MTO review and permit approval.

EXPIRY DATE: N/A

DATED AT: London Office

DATED ON: May 07,
2020

A handwritten signature in cursive script, appearing to read "M. Atkinson-Ludra".

Authorized Signatory

THIS PERMIT IS ISSUED UNDER THE AUTHORITY VESTED IN THE MINISTER BY THE PUBLIC TRANSPORTATION AND HIGHWAY IMPROVEMENT ACT AND THE REGULATIONS PURSUANT THERETO AND IN SUBJECT TO THE CONDITIONS ATTACHED TO THE PERMIT, INCLUDING ANY AGREEMENT APPLICABLE TO THE SIGN AUTHORIZED BY THE PERMIT

Highway Corridor Management Permit Conditions

Permit Number: BL-2020-31L-00000050

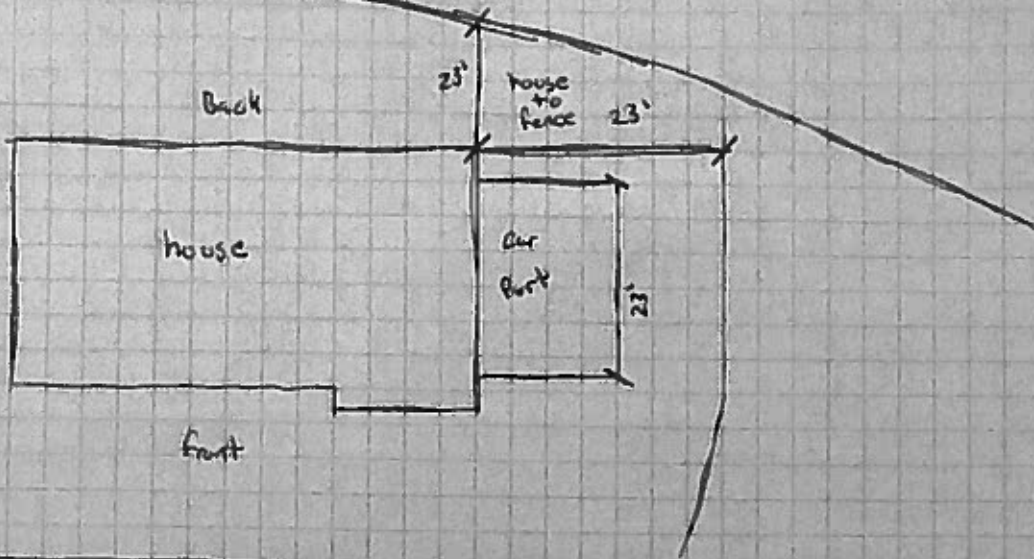
Permit Version: 1

Date Approved: May 07, 2020

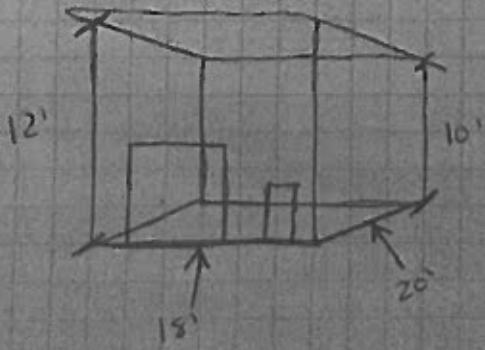
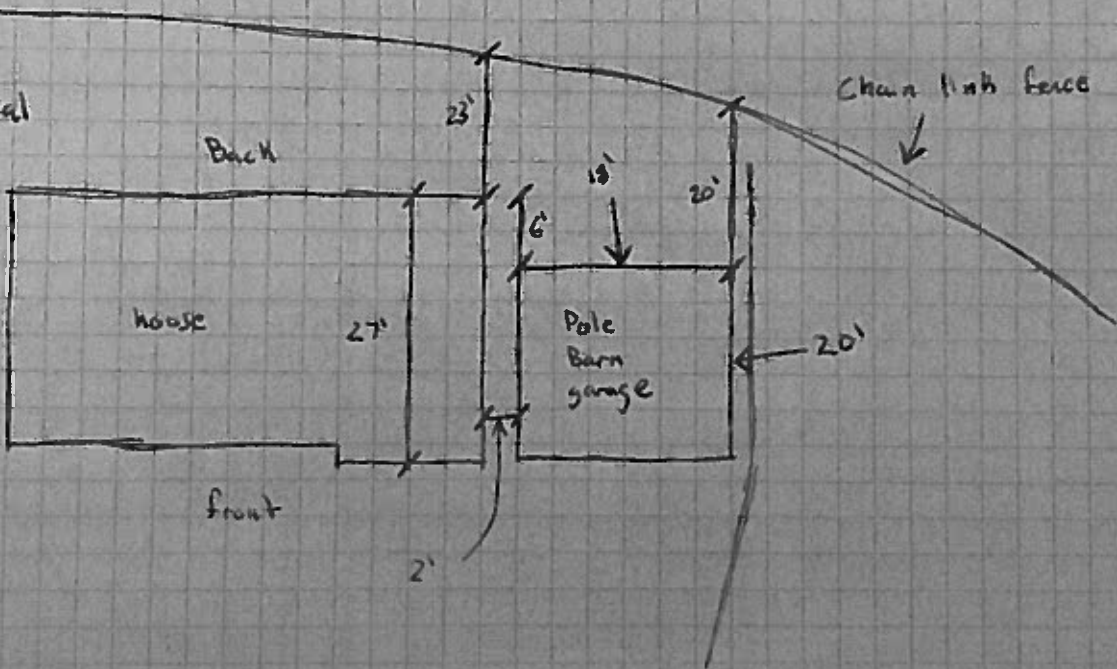
The permit is subject to the following conditions:

1. In addition to the conditions of this permit, the registered property owner must meet all of the requirements of the local municipality and any other agency having jurisdiction.
2. The work for which this permit is issued must commence within 6 months of the date that the permit is issued, or the permit shall be void and cancelled by the Ministry.
3. All work authorized by this permit shall be carried out in accordance with the approved plans, specifications and agreements and subject to the approval of the Ministry. The registered property owner must bear all expenses related thereto.
4. Vegetation on the right of way must not be cut or trimmed without the written permission of the Ministry. Any cutting or trimming permitted must only be done under the supervision of the Ministry or its authorized agent at the expense of the registered property owner. Any cutting or trimming of vegetation adjacent to the highway right-of-way requires the permission of the land owner.
5. During construction the registered property owner shall ensure that the operation of the highway is not interfered with, and that the right-of-way remains free of debris, earth or other materials.
6. If there is an expiry date on this permit and a further term is required, a request shall be made to the Ministry before the expiry date. An extension may be approved, approved with additional conditions, or denied by the Ministry.
7. If during the life of this permit any Acts are passed or regulations adopted which affect the rights herein granted, the said Acts and regulations shall be applicable to this permit from the date on which they come into force.
8. The registered property owner holds harmless the Ministry for all damages and liabilities caused as a result of the works undertaken pursuant to this permit.
9. This permit may be cancelled at any time for breach of the regulations or conditions of this permit, or for such other reasons as the Ministry at its sole discretion deems proper. When a permit is cancelled for any reason, the registered property owner shall not be entitled to any compensation or damages by reason of or arising from the cancellation of the permit.
10. The use of the land or building(s) shall only be for the use stated on this permit. The use of the land or building(s) for any other purposes may result in the cancellation of this permit. A change in the use of the land or building(s) requires a new permit.

Current


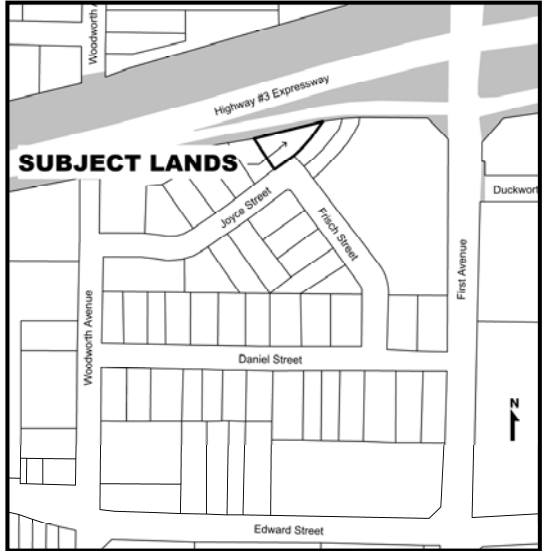


new proposal



Peter Hinder 16 Joyce st

remove existing carport
 center new pole barn
 20x18 even with front
 of house

 <p>The Corporation of the City of St. Thom</p>	<p>Report No.: COA02-2020</p>
<p>Members of the Committee of Adjustment</p>	<p>Applicant: Peter and Trudy Harder</p>
<p>Location: Plan 282, Part Lot 18, Part Block B and 11R-183, Parts 30, 31, 34 and 3, Municipally known as 16 Joyce Street in the City of ST. Thomas</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, Aerial Photograph and Plot Plan.</p>
<p>Recommendation: That: Report COA02-2020 be received.</p>	
<p>BACKGROUND: The applicants are proposing to replace a car port with a 18ft x 20ft detached garage, as shown on the site plan accompanying the application.</p> <p>MINOR VARIANCE: (i) To permit a detached garage a minimum of 6.09m 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> <p>OFFICIAL PLAN:</p> <ul style="list-style-type: none"> • 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. <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, as amended. • Permitted uses of Third Residential Zone (R3) include a single detached dwelling and accessory uses. <p>LEGISLATIVE FRAMEWORK FOR A MINOR VARIANCE: In considering this application, the Committee must have regard to the following criteria and determine whether:</p> <ul style="list-style-type: none"> • 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. 	<p>Location Plan:</p> 

2015 Aerial Photograph:

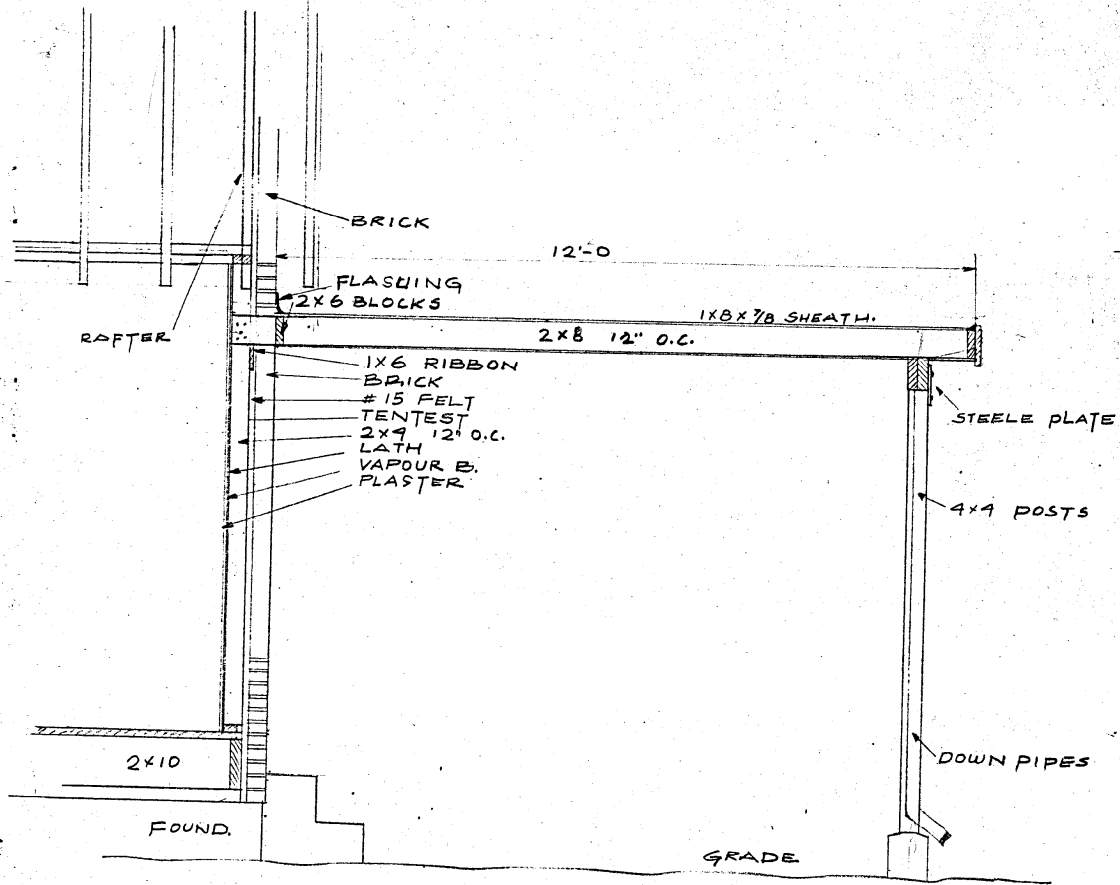
**COMMENTS:**

- The depth of the rear yard was reduced as a result of the construction of Highway 3, accompanying the subject application is a plot plan from 1963 which confirms the original configuration of the subject lands.
- The subject lands are within the 45m Ministry of Transportation (MTO) corridor-controlled area. Accompanying the application is a building and land use permit from the MTO to demolish the existing carport and construct a pole barn garage, dated May 7, 2020.
- In Staff's opinion the proposed variance 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 COA02-2020 be approved.
- Should the Committee of Adjustment approve minor variance application COA02-2020 the decision should reflect that the Committee is approving an 18ft x 20ft detached garage a minimum of 6.09m from the rear lot line, as shown on the plans accompanying the subject application and conditional on the Ministry of Transportation (MTO) Highway Corridor Management Conditions, BL-2020-31L-00000050, May 7, 2020.

Respectfully submitted,

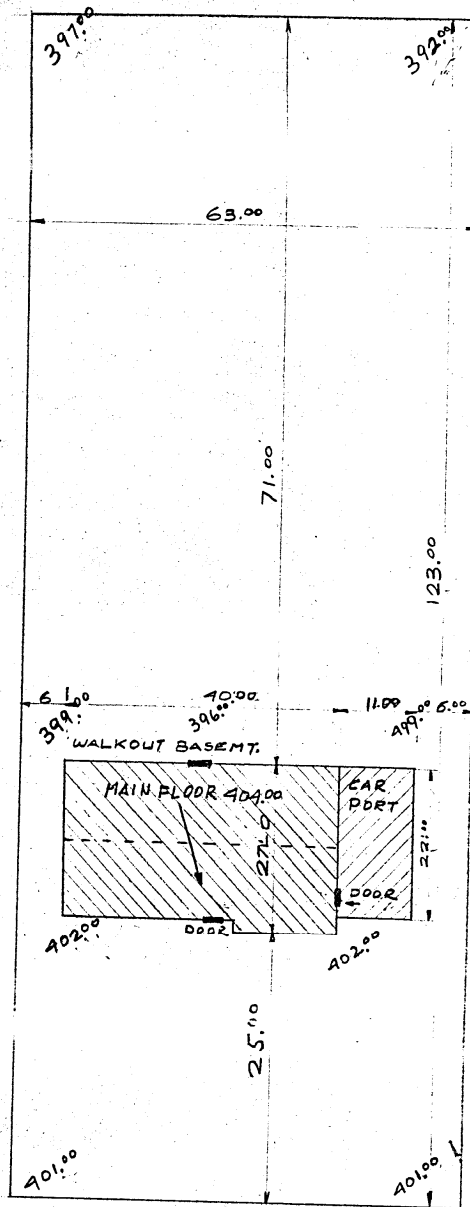
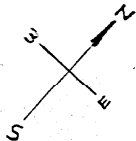
sc

Steve Craig
Senior Planning Technician



CARPORT SECTION

SCALE 1/2" = 1'



PLOT PLAN

LOT No. - 18
PLAN - 282

100 LONDON BRANCH NOV 7 1963

(5)

OCT. 1963

Handwritten signature and initials.

Owners' Certificates.

Joyce Street, Frisch Street and Patricia Street and Lots 1 to 32 inclusive and Blocks A and B and the 225' strip immediately south of Lots 1 to 5 inclusive were laid out according to our instructions and the said streets and the 8.25' strip are hereby dedicated as Public Highways dated at St. Thomas, this 9th day of February, 1962.

Witness
To all owners' Signatures.

John Frisch
Elizabeth Frisch
Owners Block B and Lots 6 to 32 inclusive and Mortgagees of Lot 1

William McLean
Owner Lot 1.

W. James Jamieson
Owners Lot 2.

P. Reginald Norman Boyd
Owners Lot 3.

James Stewart
Owners Lot 4.

John Patrick
Owners Lot 5.

St. Thomas Roman Catholic School Board.
Owner Block A.

Mortgages' Certificates.

We hereby consent to the registration of this plan.

Bank of Nova Scotia
Mortgage Lot 3

Royal Life Investment Ltd.
Mortgage Lot 4.

London Life Insurance Co.
Mortgage Lot 5.

Ontario County of Elgin.
I, John Glen Rupert Student of the City of St. Thomas, in the County of Elgin and Province of Ontario, make oath and say:
1. That I was personally present and did see this plan and duplicates thereof signed by John Anton Frisch, Elizabeth Frisch, William Miller, Vera Christina Miller, Walter Lerone, Janina Lorene, Roscoe J. Logan, Norma M. Logan, Dan Merlich, Georgina Jane Merlich, Richard Walter Rockland, Cora Mae Rockland, Thomas Justin Rockland, and Albert Frederick B. McManis, and that the said plan and duplicates were signed by the said parties at St. Thomas.
2. That I know the said parties.
3. That I know the said parties.
4. That I am a subscribing witness to the said signing.

Sworn before me at the City of St. Thomas, this 12th day of February, 1962.

W. J. Jamieson
A Commissioner in H.C.S.

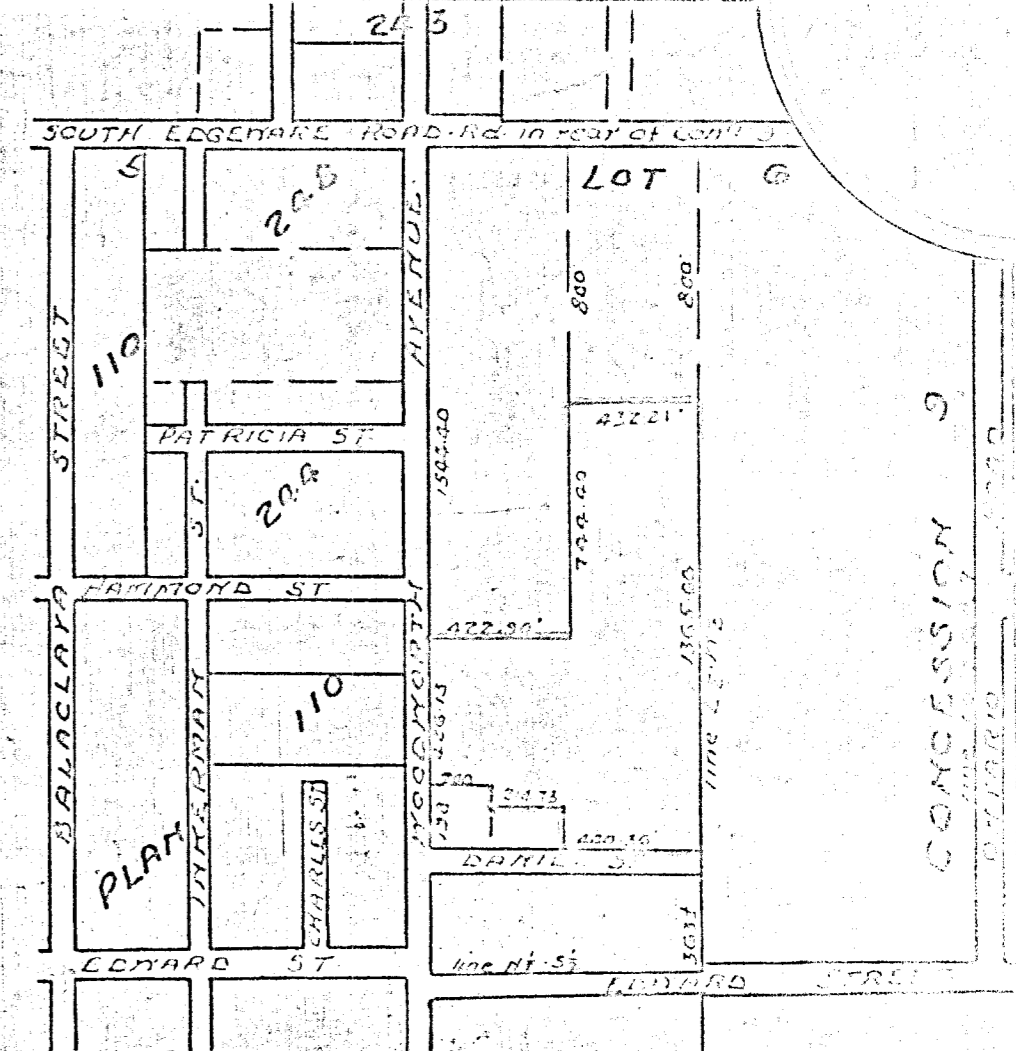
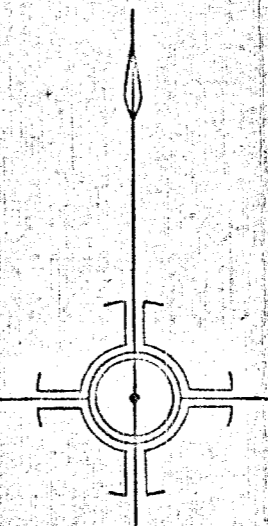
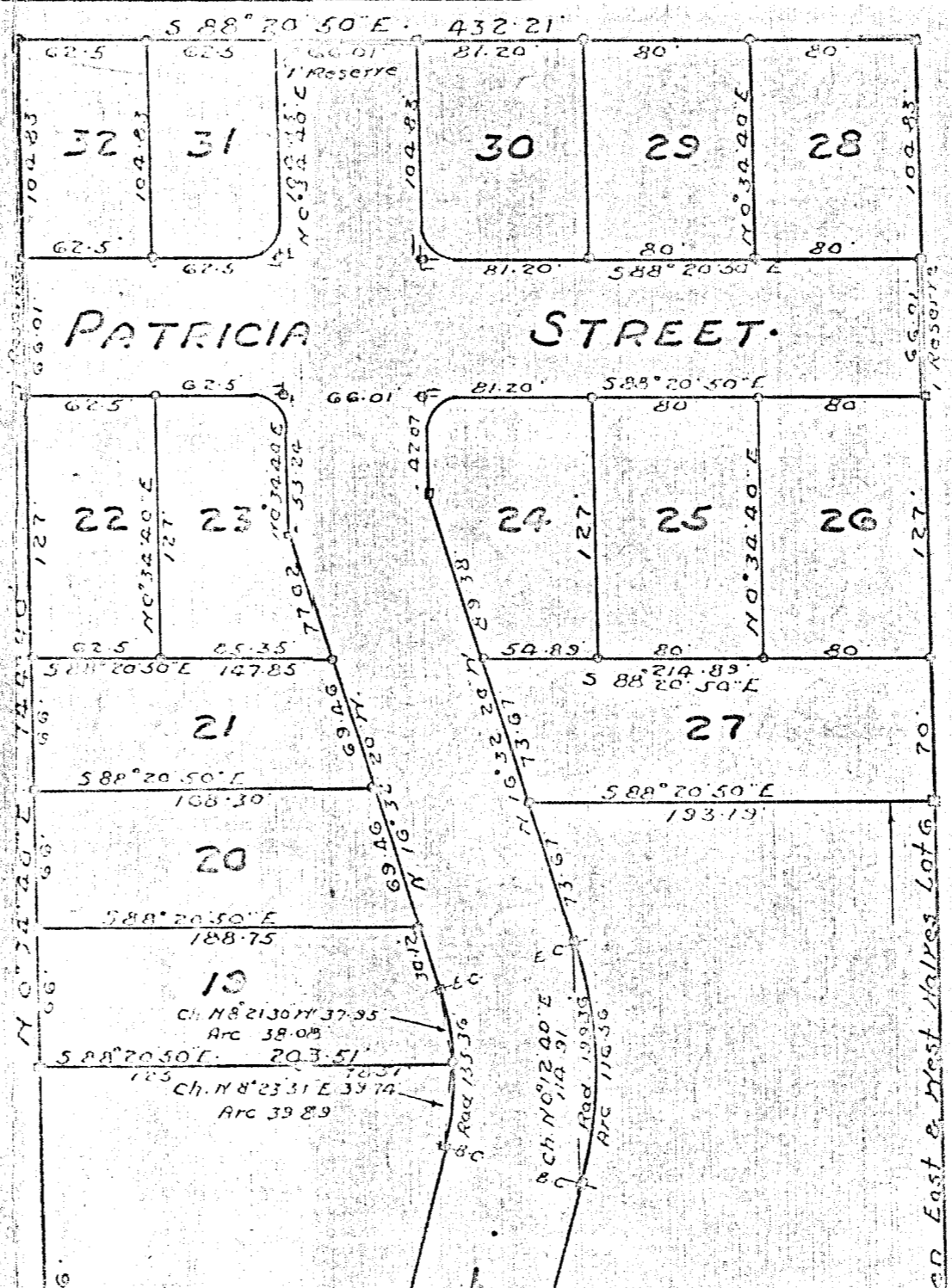
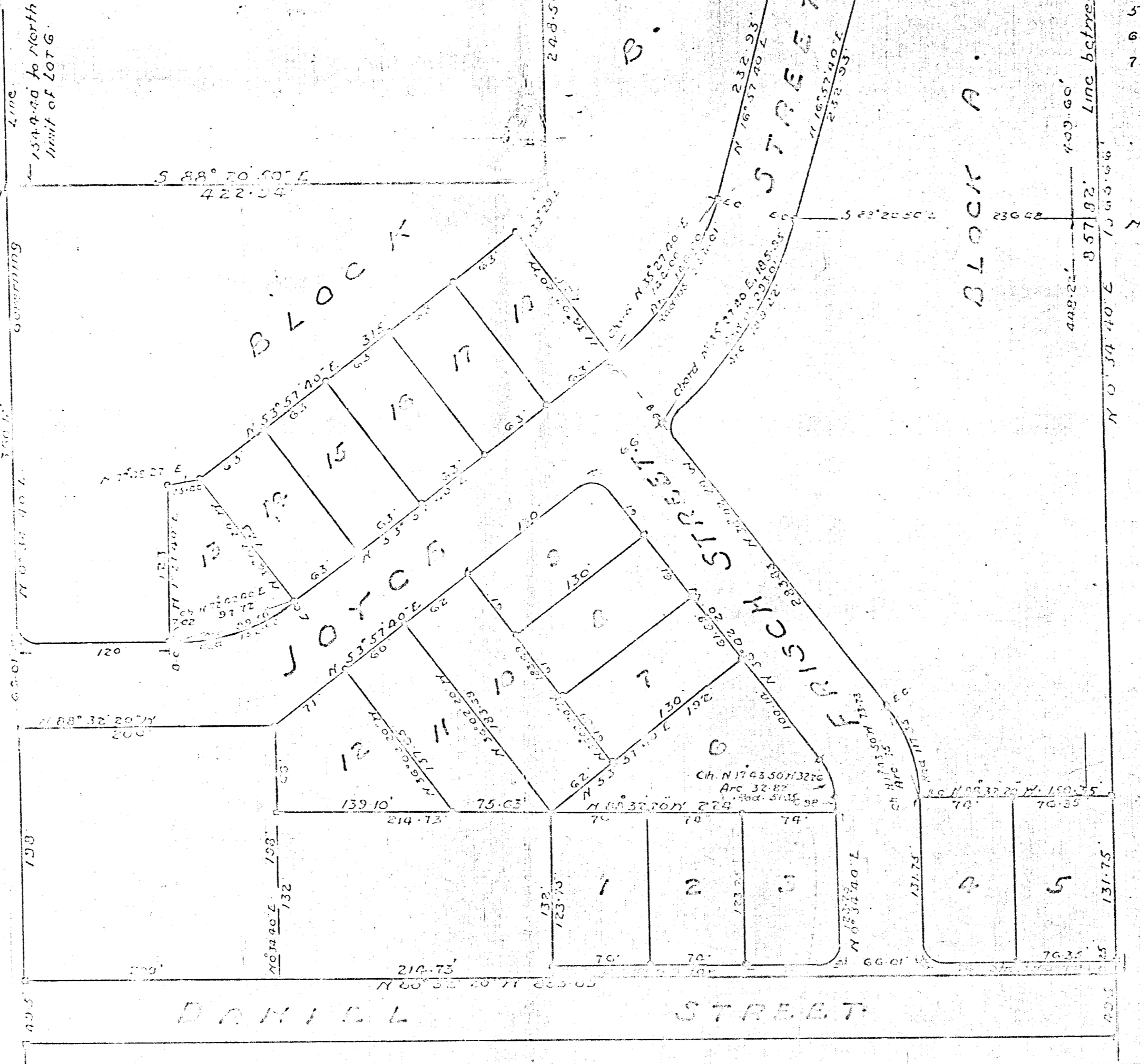
Registration Certificate.

Entered and Registered in the Registry Office of the County of Elgin at 10:52 a.m. on this 30th day of March 1962.

PLAN No. 282.

W. J. Jamieson
Registrar.

WOODBOTH AVENUE - ROAD BETWEEN LOTS 5 & 6 - CONY. 9.6'



SITUATION PLAN - Scale 1:1000

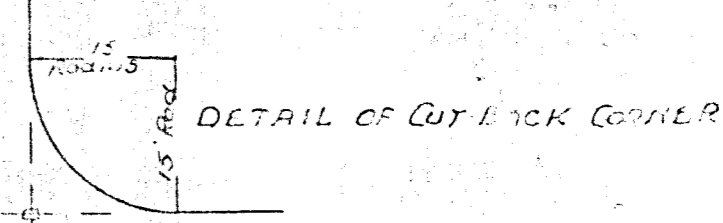
Surveyor's Certificate.

- 1. Frederick Archibald Bell, an Ontario Land Surveyor, Certify:
1. That I was present at and did personally superintend the survey represented by this plan.
2. That this plan accurately shows the manner in which the lands (edged in red) have been surveyed and subdivided by me.
3. That every angle of the exterior boundary of the plan is defined in the survey thereof by a monument and a monument is placed at each street intersection shown on the plan.
4. That I have indicated on the plan the position and form of each of the monuments.
5. That the monuments conform in all respects to the requirements of Section 55 of the Survey Act.
6. That the survey was made by me between December 20th and February 5th 1962.
7. That the survey was accurately made in accordance with the provisions of the Survey Act and the Registry Act relating thereto.

Dated at St. Thomas, this 6th day of February 1962.

Frederick Archibald Bell
Ontario Land Surveyor

Notes:
1. 1" dia. 2" iron bore planted shown.
2. dia. 2" 0".
This plan shows a true copy of the field notes taken in connection with the survey thereof.
The portion of the plan registered is included within the red lines.
The bearings given are astronomic.



Approved under Section 26 of THE PLANNING ACT
This 20th day of March 1962.
NO. 581
MINISTER OF MUNICIPAL AFFAIRS

PLAN
SHOWING A SUBDIVISION OF PART OF THE
NORTH-WEST 1/4 OF LOT G - CONCESSION 2
IN THE
CITY OF ST. THOMAS
FORMERLY IN THE
TOWNSHIP OF YARMOUTH
Scale: 80'-1"
FRISCH SUBDIVISION



PLANNING & BUILDING SERVICES DEPARTMENT

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

City of St. Thomas

MAY 29 2020

City Clerks Dept.

9 Mondamin Street
St. Thomas, Ontario, N5P 2T9**CONFIRMATION OF AN APPLICATION FOR MINOR VARIANCE**

May 29th, 2020

Secretary-Treasurer, Committee of Adjustment
Attention: Jon Hindley

Pursuant to By-Law 30-2015, a consultation meeting was held on May 19th, 2020 with Planning staff and the applicant.

An application for a minor variance, regarding 5 Gooding Street, was filed on May 28th, 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,

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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>May 28, 2020</u>	Consultation Date: <u>May 19, 2020</u>
	Date Application Deemed Complete: <u>May 29, 2020</u>	

Application #: A03/20

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City of St. Thomas
 545 Talbot Street
 St. Thomas ON N5P 3V7
 Tel: (519) 631-1680 ext 4125 Fax: (519) 633-9019
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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) JOHN & NANCY TOLMAN
 Address 5 GOODING STREET, ST THOMAS

Postal Code N5P 3S5 Tel: 519-633-6756 e-mail: tolman@bell.net

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 CONSTRUCT SINGLE STORY STORAGE/GREENHOUSE STRUCTURE
TOTAL AREA 51.3 M2

4. Reason why the proposed use cannot comply with the provisions of the Zoning By-law:
NO SANITARY SEWERS IN THIS AREA OF THE CITY

5. Location of Land:

Concession No. _____ Lot(s) _____ Registered Plan No. 259 Lot(s) 13,14,15,16,17,18

Reference Plan No. 11R-4101 Part(s) 1

Geographic/Former Township SOUTHWOLD TOWNSHIP

Name of Street GOODING STREET

Street No. 5

6. Dimensions of land affected:

Frontage 119 M

Depth 81 M

Area 0.76 Ha

Width of Street 20 M

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:

1 STORY SINGLE FAMILY DWELLING, GROUND FLOOR AREA, 233 m², 11.2 m X 27 m, 7 m HIGH

SMALL STORAGE SHED, 10.2 m²

USE PRIVATE DWELLING IS HOME TO 2 PEOPLE, STORAGE SHED FOR GARDENING TOOLS

Proposed:

DETACHED SINGLE STORY BUILDING FOR LAWN & GARDEN EQUIPMENT, PATIO FURNITURE, E

ATTACHED GREENHOUSE TO START PLANTS IN SPRING, AREA 51.3 m², 7.3 m X 6.1 m, 3.6 m HIGH

9. Location of all buildings and structures on or proposed for the subject land (Specify distance from side, rear and front lot lines). Please specify use of proposed structure.

Existing:

DWELLING o/s 14.0 m east, 13.5 m west, 28.5 m north X 78.4 m south of lot lines

STORAGE SHED IS TEMPORARY, 3.0 M FROM REAR LOT LINES

Proposed:

SINGLE STORY, 2.75 FROM W, 47.1 FROM EAST, 38.0 FROM FRONT, 71.7 m FROM REAR LOT LINE

MISC STORAGE WITH ATTACHED GREENHOUSE TO START SPRING PLANTS

USE

10. Date of acquisition of subject land: MARCH 15, 1999

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

OCCUPANCY DATE MAY 24, 2002

12. Existing uses of the subject land:

RESIDENTIAL

13. Existing uses of abutting lands:

North: RESIDENTIAL East: GOODING STREET

South: MUNRO AVENUE West: RESIDENTIAL

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

SINCE DATE OF PURCHASE

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) SEPTIC

Storm Drainage

Storm sewers Other (Specify) _____

16. Present Official Plan designation of the subject land:

ZONING MAP 42 R1-17

17. Present Zoning of the subject land:

RESIDENTIAL

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 #)

TO CONSTRUCT DWELLING, APPLICATION # A10/00

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 John Tolman/Nancy Tolman, 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:

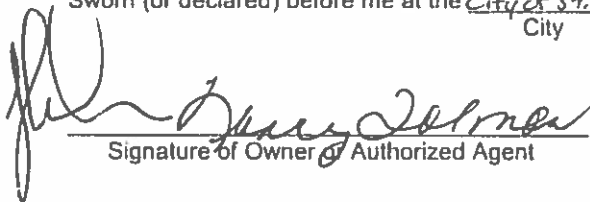
Personal information on this form is collected under the authority of Section 41 of the *Planning Act*, R.S.O. 1990 and Sections 8 (1) and 10 of the *Municipal Act*, 2001, as amended, and will be used to contact the owner, applicant and/or agent regarding the Committee of Adjustment Application. Questions 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, John Tolman/Nancy Tolman of St. Thomas in the province of Ontario,
name of applicant City

make oath and say (or solemnly declare) that the information required under Schedule 1 of Ontario Regulation 545/06 and provided by the applicant in this application is accurate, and that the information contained in the documents that accompany this application is accurate

Sworn (or declared) before me at the City of St. Thomas on this 28th day of May, 2020.
City Day Month Year


Signature of Owner or Authorized Agent

May 28/2020
Date


Signature of Commissioner of Oaths, etc.

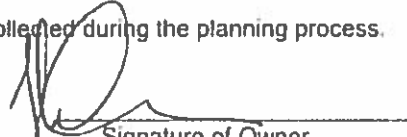
May 28/20
Date

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, John Tolman/Nancy Tolman, 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.

05/27/2020
Date


Signature of Owner
Nancy Tolman


APPENDIX B – ACKNOWLEDGEMENT OF LEGAL AND PLANNING FEES

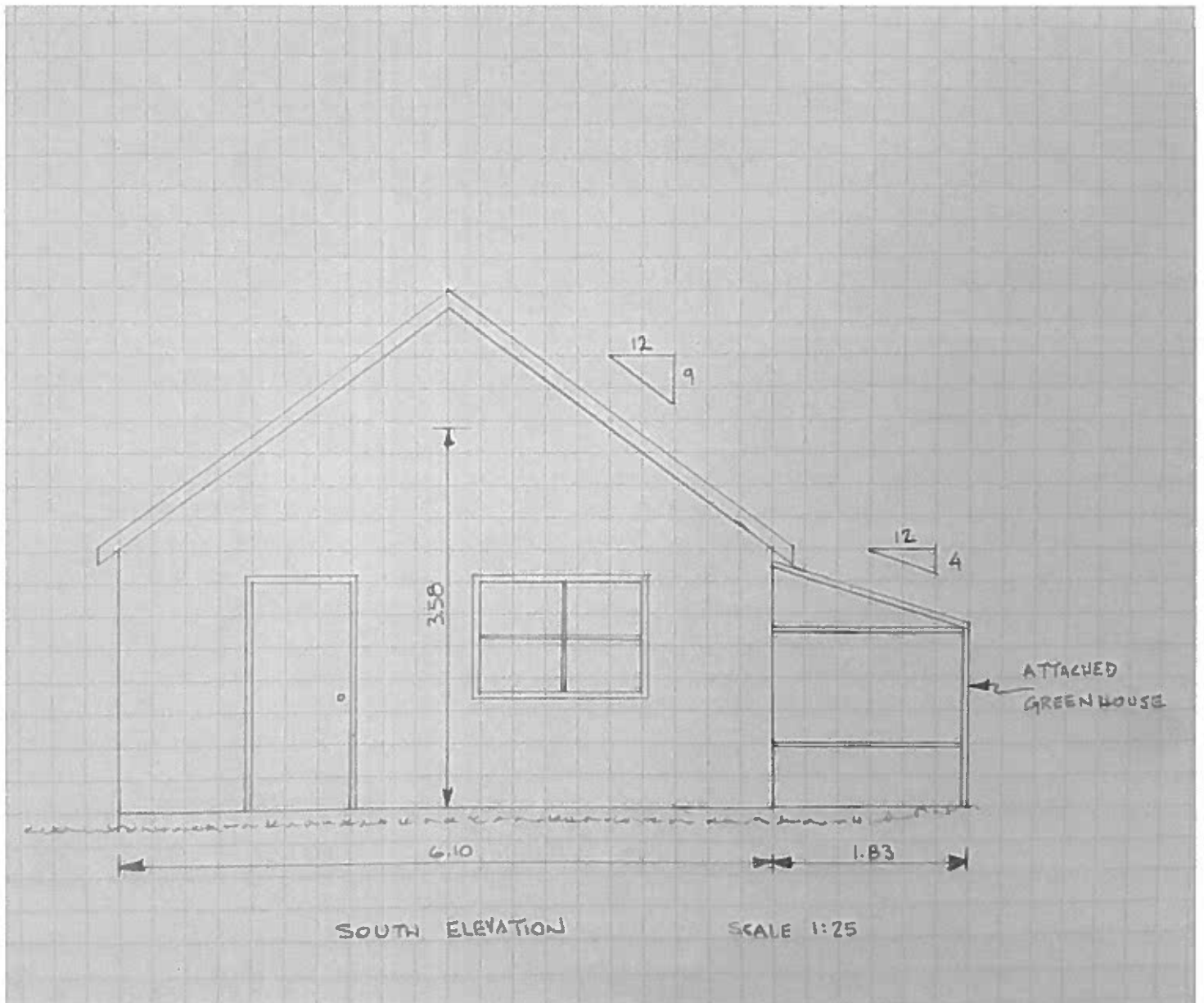
In addition to the application fees listed in this application package, please note that where the City requires assistance from its solicitors or other technical or professional consultants in the processing of this application, the applicant shall be responsible for reimbursing all fees incurred by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

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

I, John Tolman/Nancy Tolman, 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.


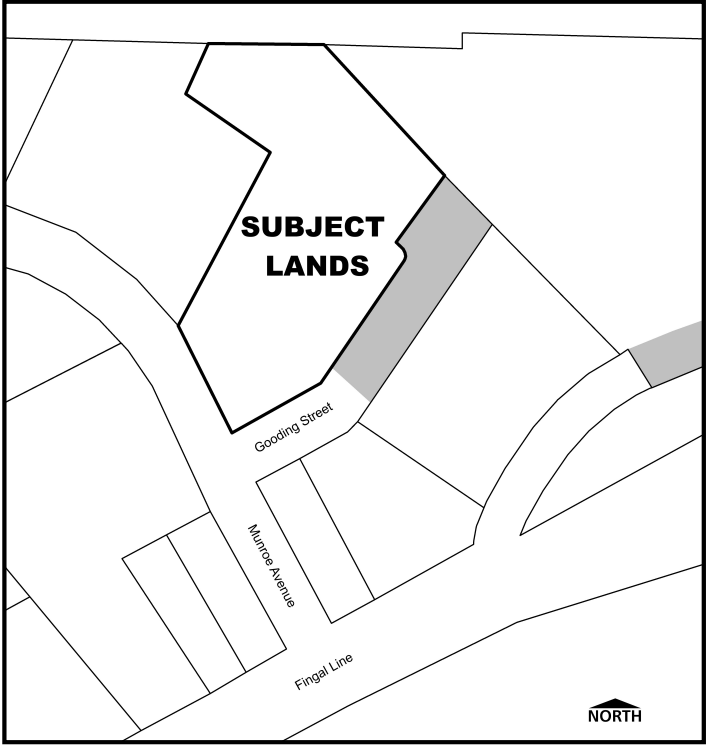
05/27/2020
Date


Signature of Owner
Nancy Tolman





JOHN + NANCY TOLMAN	
5 GOODING ST ST THOMAS	
DATE MAY 19 2020	SCALE 1:200
No	DATE BY
	REVISION

 <p>The Corporation of the City of St. Thomas</p>	<p>Report No.: COA03-2020</p>
<p>Members of the Committee of Adjustment</p>	<p>Applicant: John and Nancy Tolman</p>
<p>Location: Plan 259, Lots 13-18, RP 11R-4104, Part 1, Municipally known as 5 Gooding Street in the City of ST. Thomas</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 and Aerial Photograph.</p>
<p>Recommendation: That: Report COA03-2020 be received.</p>	
<p>BACKGROUND: A minor variance has been requested to facilitate the construction of a new 51.3sqm (552.18sqft) storage building and attached greenhouse on the subject lands, as shown on the plans accompanying the application.</p> <p>MINOR VARIANCE: To permit the construction of a detached accessory building on the subject lands, whereas Subsection 5.5.17(d) of the zoning by-law provides that no building or structure shall be erected or used for any purpose unless the following municipal services are available to service the building or structure and the land on which it is situate a water supply system, and a sanitary sewage system and a storm system.</p> <p>OFFICIAL PLAN:</p> <ul style="list-style-type: none"> The subject lands are in the Munroe Subdivision area which is serviced by septic tank and well or septic tank and piped municipal water. To ensure proper planning for future development the Munroe Subdivision area is a special policy area and policies have been provided to guide development within this area until the City of St. Thomas urban service area is extended west of Kettle Creek. The following policies shall apply: <ul style="list-style-type: none"> (i) In the Munroe Subdivision permitted uses shall be the uses existing as of July 1, 1997. (ii) No new development by way of consent or plan of subdivision shall be approved by the City until such time as an amendment to this Plan addressing policies relating to the extension of the Urban Service Area is adopted. However, consents for technical purposes such as easements or lot additions may be permitted provided the policies of the Plan regarding consents are satisfied. (iii) Nothing in this Plan shall prevent the enlargement, replacement or extension of existing uses provided a certificate of approval for servicing can be obtained from the appropriate approval authority. (iv) The City of St. Thomas Zoning By-Law shall be amended to implement the policies of this subsection. The subject lands are in the Residential and Natural Heritage designation 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. The Natural Heritage designation permits passive open space, walking/biking trails, forest and resource management uses, conservation uses, erosion and flood control, low-intensity public and private recreation uses, necessary public utilities, infrastructure and services, existing agricultural use and accessory buildings and structures thereto. Where development and/or site alteration is proposed on lands within 120m of an area designated Natural Heritage, the proponent may be required to prepare an Issues Scoping Report (ISR) and an Environmental Impact Study (EIS) that evaluates the ecological functions of the lands proposed for development or site alteration and demonstrates that there will be no negative impacts on the natural heritage features or on their ecological functions. The proposed storage building and greenhouse will not be located closer to the natural heritage feature then the existing development on the abutting lot (17 Monroe Avenue), no new negative impacts to the natural heritage features and/or their functions are anticipated as a result of the construction of the storage building and greenhouse. <p>ZONING BY-LAW:</p> <ul style="list-style-type: none"> The subject lands are within the First Residential zone (R1-17) and Natural Heritage zone (NH) pursuant to the City of St. Thomas Zoning By-Law No. 50-88, as amended. The location of the proposed accessory building is within the R1-17 zone, permitted uses include a single detached dwelling, home occupation and uses accessory to the foregoing. 	<p>Location Plan:</p> 

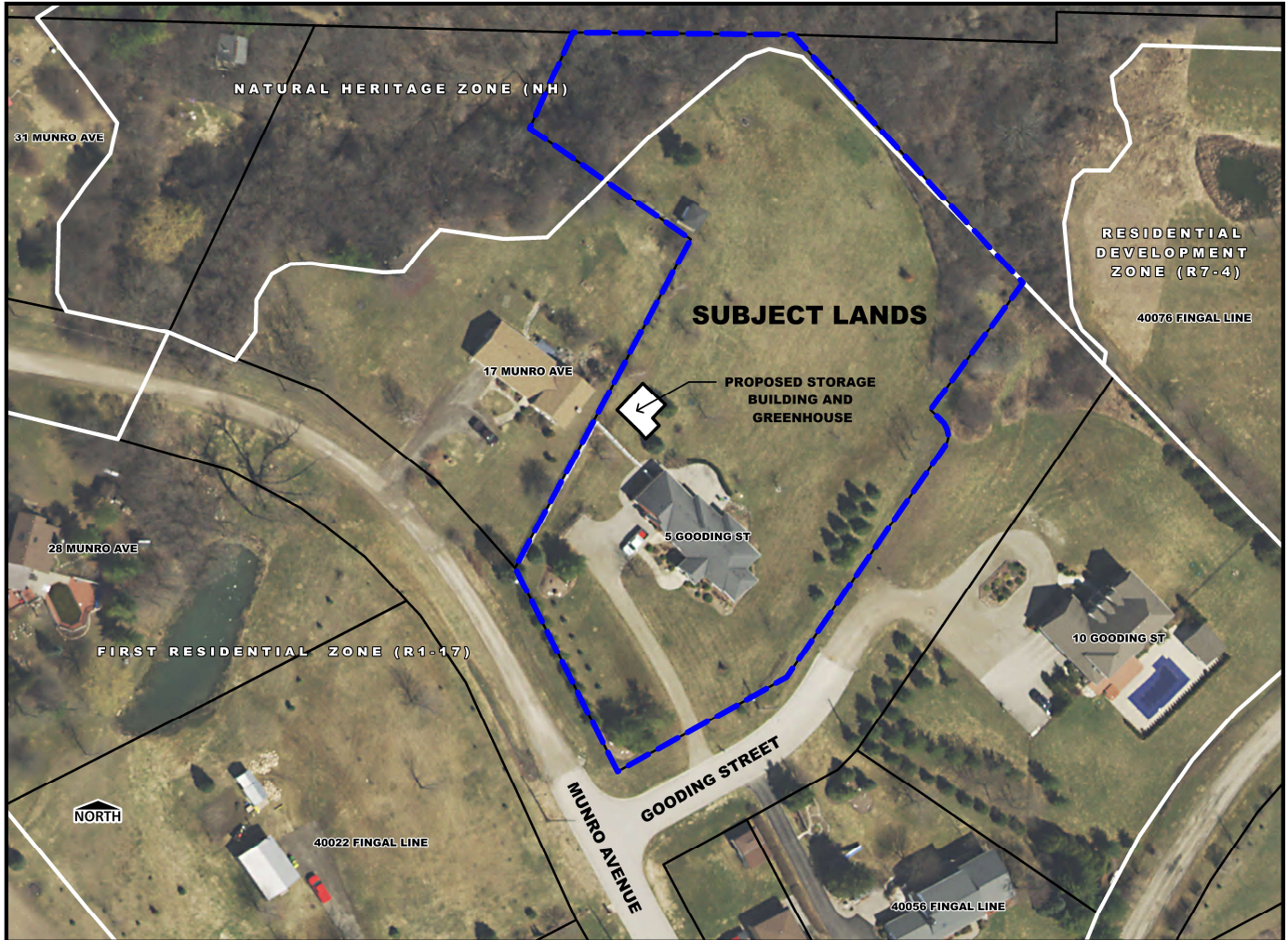
- No building or structure shall be erected or used for any purpose unless the following municipal services are available to service the building or structure and the land on which it is situate, a water supply system and a sanitary sewage system and a storm system.

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:

- In Staff's opinion the proposed variance 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 COA03-2020 be approved.
- Should the Committee of Adjustment approve minor variance application COA03-2020 the decision should reflect that the Committee is approving the construction of a storage building and attached greenhouse, as shown on the plans accompanying the application.

Respectfully submitted,

Steve Craig

Steve Craig
Senior Planning Technician