

A G E N D A

**THE SECOND MEETING OF THE COMMITTEE OF ADJUSTMENT
OF THE CITY OF ST. THOMAS 2021**

TELECONFERENCE

10:00 A.M.

**THURSDAY
FEBRUARY 11, 2021**

DISCLOSURE OF INTEREST

MINUTES

Confirmation of the minutes of the meeting held on January 14, 2021.

HEARING OF APPLICATIONS

A01/21 - Michele Wunder - 37 Queen Street **Pages 2-11**

Planning Report – A01/21 **Pages 12-13**

UNFINISHED BUSINESS

NEW BUSINESS

Next Meeting

To Be Determined.

ADJOURNMENT

JAN 08 2021

Planning Dept.

CONFIRMATION OF AN APPLICATION FOR MINOR VARIANCE

January 8th, 2021

Secretary-Treasurer, Committee of Adjustment
Attention: Jon Hindley

Pursuant to By-Law 30-2015, a consultation meeting was held on January 6th, 2021 with Planning staff and the applicant.

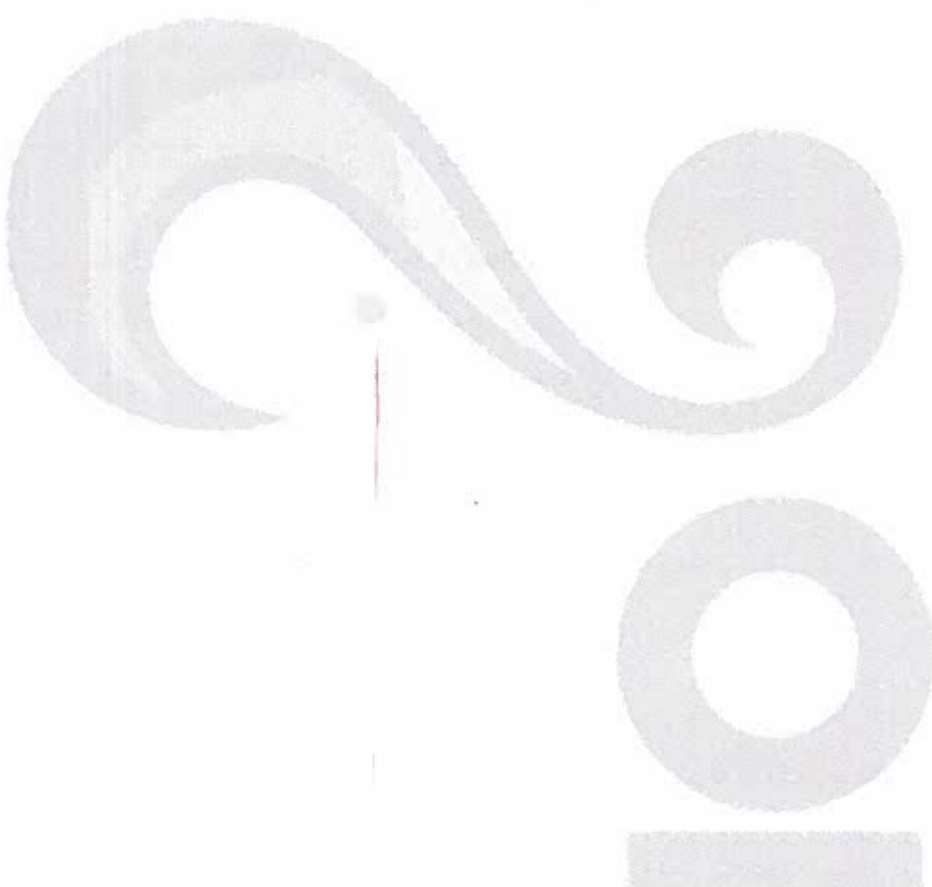
An application for a minor variance, regarding 37 Queen Street, was filed on January 8th, 2021 and the required fee under Section 69 of the Planning Act has been provided.

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

Regards,



Jim McCoomb, MCIP, RPP
Manager of Planning 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>January 8 2021</u>	Consultation Date: <u>January 6/21</u>
	Date Application Deemed Complete: <u>January 8 2021</u>	

Application #: A0121

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) Michele Wunder
 Address 37 Queen St

Postal Code N5R 3J1 Tel: 519-317-3407 e-mail: achopcian@msn.com

2. Name of Authorized Agent (if any) Barry Wade / Rene Caron
 Address 15 Jane St, Dorchester

Postal Code N0L 1G2 Tel: 519-268-2995 e-mail: rene@barrywade.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:
Maximum Accessory Building Height Permitted: 4.0m
Maximum Accessory Building Height Proposed: 5.8m

4. Reason why the proposed use cannot comply with the provisions of the Zoning By-law:
Bylaw maximum height not sufficient for proposed Garage
Accessory Building's second floor headroom.

5. Location of Land:

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

Reference Plan No. _____ Part(s) _____

Geographic/Former Township _____

Name of Street Queen St Street No. 37

6. Dimensions of land affected:

Frontage 15.3m Depth 38.8mArea 595 sqm Width of Street 2 lane

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 - 77.9sqm ground floor area, 152 sqm gross floor area, 2 storeys, 6.8m width, 11.8m length, 7.3m height.

USE Residential

Proposed:

Private Garage - 66.9sqm ground floor area, 48.3 sqm gross floor area, 1.1/2 storeys, 5.5m width, 12.2m length, 5.8m height

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 lot line setbacks - 1.3m side, 24.8m rear, and 2.2m front.

Proposed:

Private Garage - 1.2m side, 5.4m rear, 21.1m front.

USE Accessory Use - Private Garage and Second Floor Hobby Room10. Date of acquisition of subject land: Feb 201711. Date of construction of all buildings and structures on subject land: Mar 2021

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:

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

Water:

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

Sewage Disposal:

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

Storm Drainage

() Storm sewers Other (Specify) _____

16. Present Official Plan designation of the subject land:

17. Present Zoning of the subject land:

R4

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, Rene Caron, 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, Rene Caron of Dorchester 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 8 day of Jan, 2021.
City Day Month Year



Signature of Owner or Authorized Agent

Jan 8 2021

Date



Signature of Commissioner of Oaths, etc.

Jan 8, 2021

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, Michele ^{Wunder} Wunder, am the owner of the subject lands, and I authorize Rene Caron, 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.

Jan/13/2021
Date

Michele E. Wunder
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, Michele ^{Wunder} Wunder, 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.

January 13/2021
Date

Michele E. Wunder
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.



776497 ONT LTD
Barry Wade Group

15 Jane Street, Dorchester, NOL 1G2
barry@barrywade.ca Tel: (519) 268-2995

9

Project PROJ#2017

**PROPOSED
PRIVATE GARAGE**

Drawing
SECTIONS

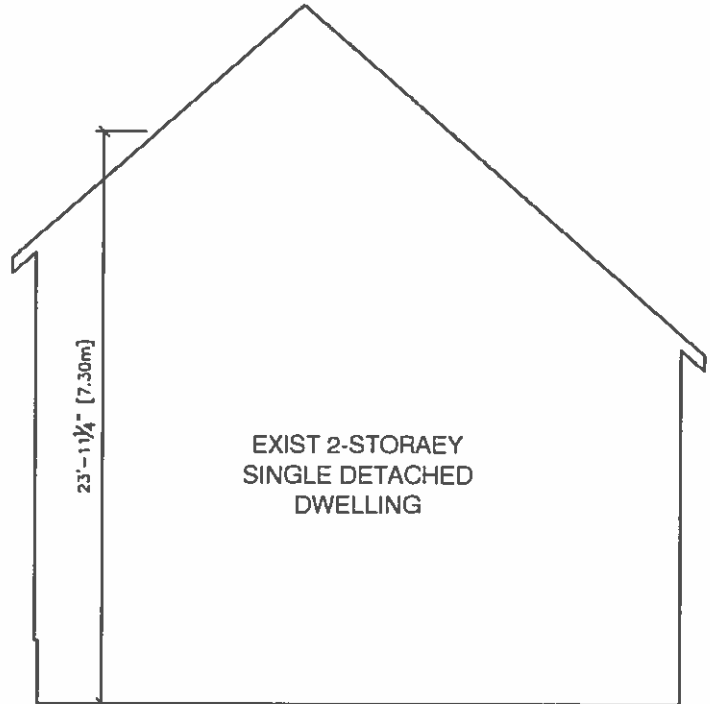
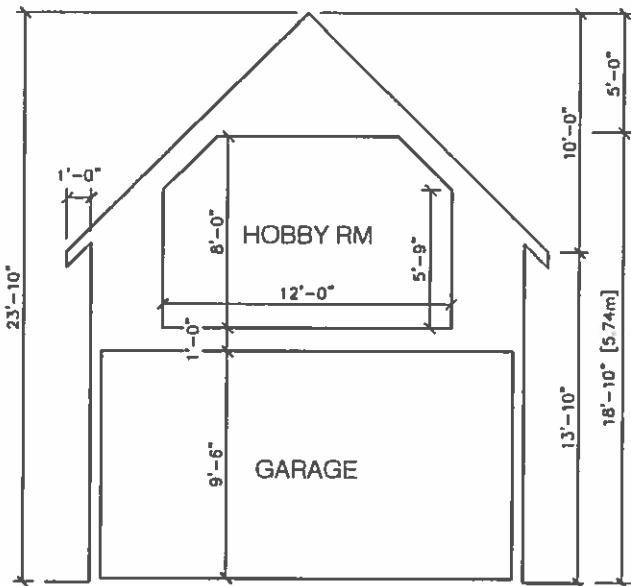
Address
**37 QUEEN ST
ST. THOMAS**

Scale -
Plot File Created
Jan 08, 2021

Page No.

3 of 3

No.	Issue/Revision	Description	Date(y.m.d.)
-	-	-	-

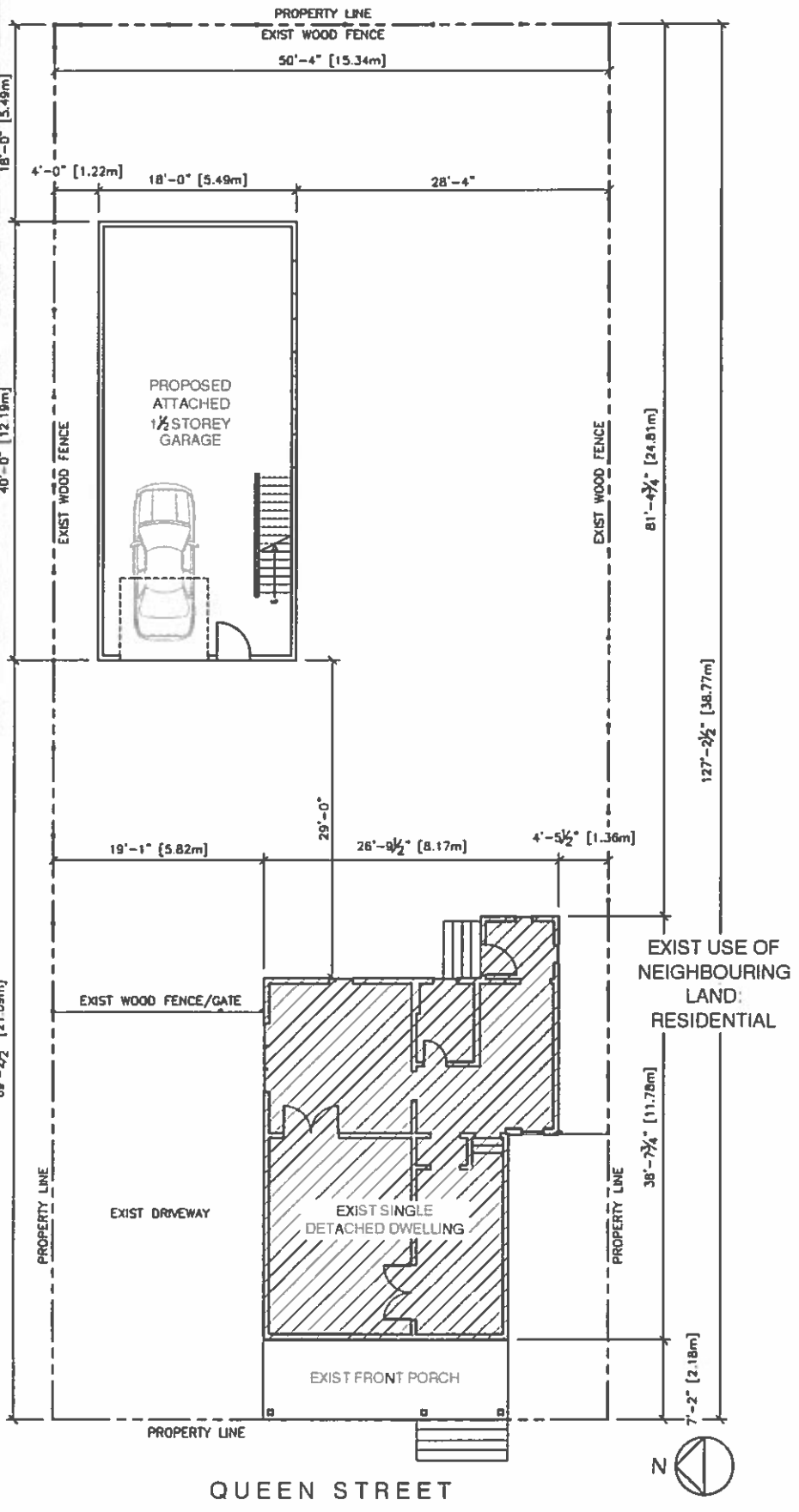


1 SECTION
PG2 SCALE 1/8" = 1'-0"

ZONING DATA	PERMITTED	PROPOSED		
		IMP	MET	%
ZONE	R4			
PERMITTED USES	Single Detached Dwelling	Single Detached Dwelling		
Min Lot Area (m2)	371.5	6,402	594.8	
Min Lot Frontage (m)	12.0		15.3	
Max Main Building Height (m)	11.0		n/a	
Max Accessory Building Height (m)	4.0		5.8	
LOT COVERAGE (%) Max	35%			24.4%
Max Floor Area of Enclosed Acc.Bldg	15%			11.2%
Max Number of Dwelling Units	1		1	
Max Roof Area	50%			26.8%
Min Front Yard Depth (m)	6		21.1	
Min Rear Yard Depth (m)	9		5.4	
Min Side Yard Depth - Interior (m)	1		1.2	
Min Number of Parking Spaces	1		1	

BUILDING DATA	SF	SM
EXISTING DWELLING AREA		
MAIN FLOOR	839	77.9
SECOND FLOOR	799	74.2
TOTAL FLOOR AREA	1,638	152.2
PROPOSED GARAGE ADDITION AREA		
MAIN FLOOR	720	66.9
SECOND FLOOR	520	48.3
TOTAL ADDITION AREA	1,240	115.2
TOTAL BUILDING AREA	1,559	144.8
OTHER AREAS		
FRONT PORCH	159	14.8

EXIST USE OF NEIGHBOURING LAND: RESIDENTIAL



EXIST USE OF NEIGHBOURING LAND: RESIDENTIAL

EXIST USE OF NEIGHBOURING LAND: RESIDENTIAL





776497 ONT LTD

 Barry Wade Group

15 Jane Street, Dorchester, NOL 1G2

 barry@barrywade.ca Tel: (519) 268-2995

11	
No.	Issue/Revision Description
	Date(y.m.d.)

Project **PROJ#2017**

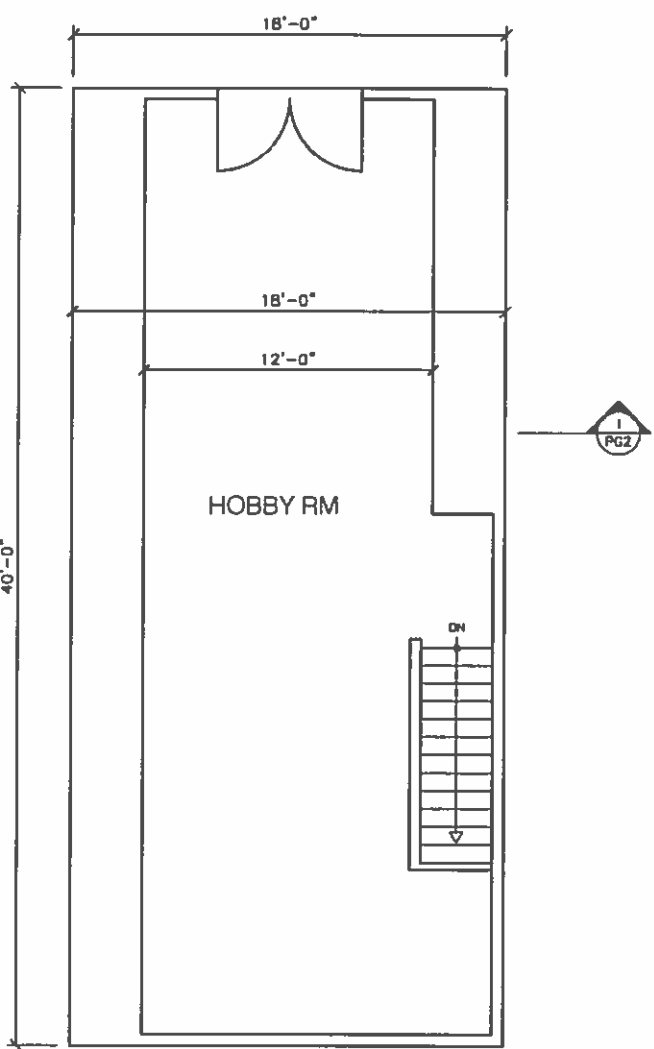
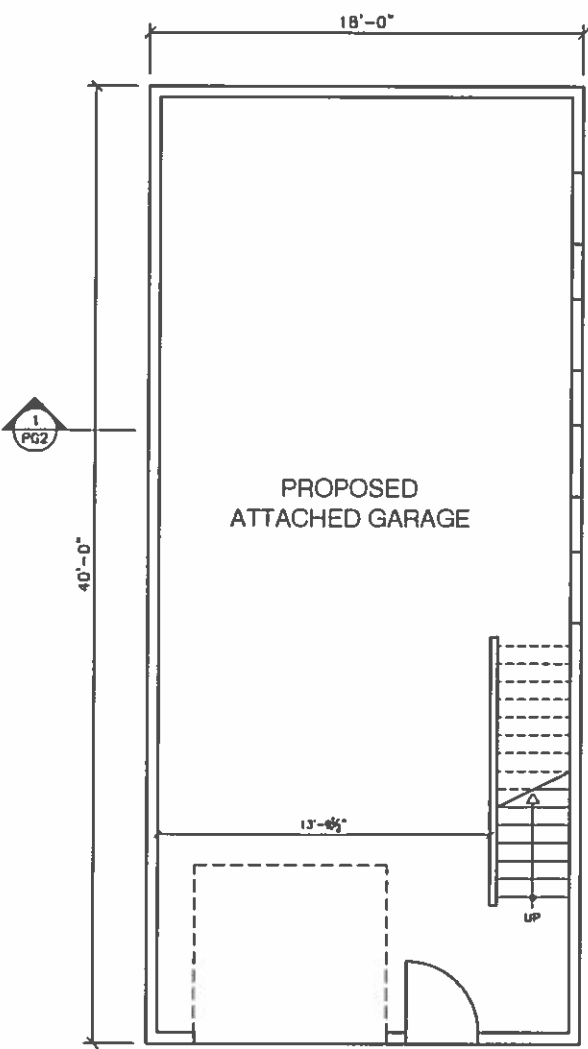
PROPOSED PRIVATE GARAGE


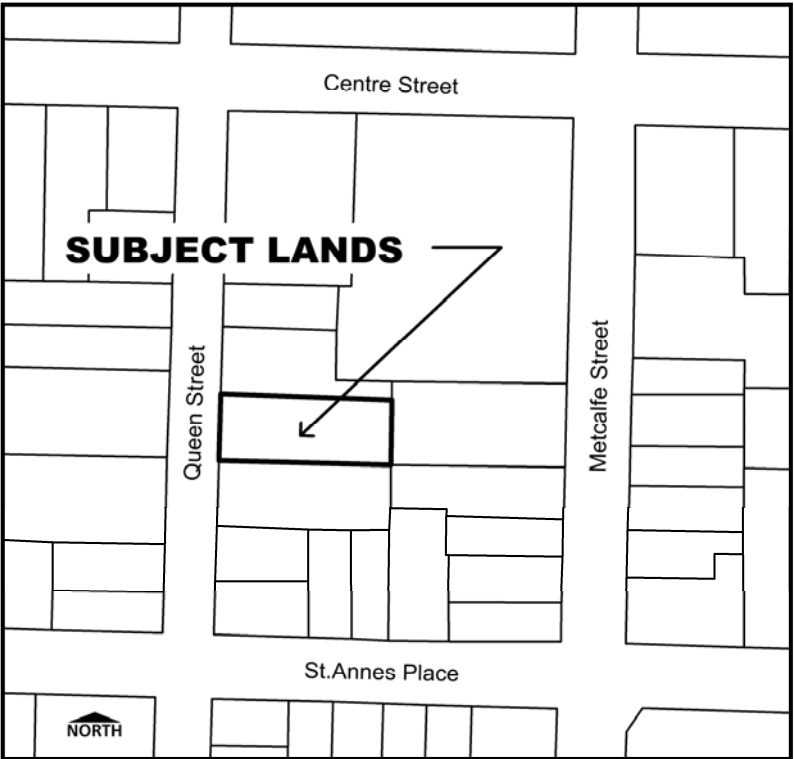
 Address **37 QUEEN ST ST. THOMAS**

Drawing **FLOOR PLANS**

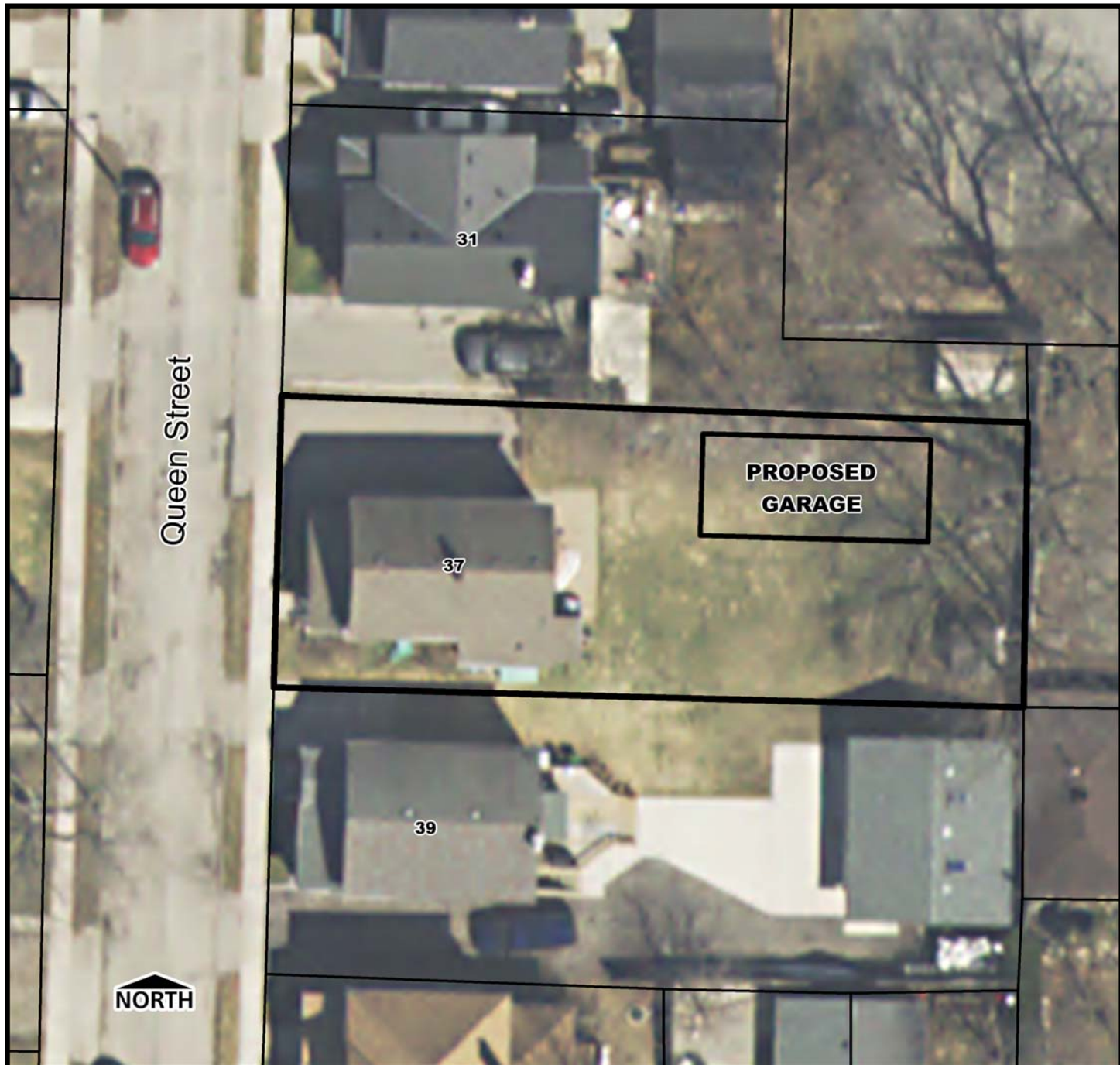
 Scale - Page No.

 Plot File Created Jan 08, 2021 **2of3**



 <p>The Corporation of the City of St. Thomas THE RAILWAY CITY</p>	<p>Report No.: COA01-2021</p>
	<p>Applicant: Michele Wunder</p>
<p>Members of the Committee of Adjustment</p>	<p>Report Date: January 28, 2021 Meeting Date: February 11, 2021</p>
<p>Location: Plan 23, Part Lot 58, RP 11R2603, Part 2, Municipally known as 37 Queen 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, 2015 Aerial Photograph.</p>
<p>Recommendation: That: Report COA01-2021 be received.</p>	
<p>BACKGROUND: The applicant is proposing to construct a detached garage (5.49m x 12.19m = 66.9sqm) in the rear yard of the subject lands. The variance is for the purpose of facilitating a second storey, which will be used for storage and a hobby room, as shown on the plans accompanying the application.</p> <p>MINOR VARIANCE: (i) To permit an accessory building with a maximum height of 5.8m, whereas Subsection 4.2.4.8 of the Zoning By-law permits a maximum height of 4m for an accessory building.</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 Fourth Residential Zone (R4) pursuant to the City of St. Thomas Zoning By-Law No. 50-88, as amended. Permitted uses of the R4 zone include a single detached dwelling and accessory buildings and structures. No accessory building shall exceed 4m in height. Height when used with reference to a building or structure means the vertical distance between the "grade" and a horizontal plane through: <ul style="list-style-type: none"> 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. Grade is the highest elevation of the surface of a lot measured at a wall of the main building on the lot. 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. Accessory when used to describe a building or structure means customarily incidental, subordinate and exclusively devoted to the main use on the lot. A 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. <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>  <p>The map shows a grid of streets: Centre Street at the top, St. Annes Place at the bottom, Queen Street on the left, and Metcalfe Street on the right. A specific lot on Queen Street is highlighted with a thick black border and labeled 'SUBJECT LANDS' with an arrow pointing to it. A north arrow is located in the bottom left corner of the map area.</p>

2015 Aerial Photograph:



COMMENTS:

- The applicant is proposing to construct a detached garage on the subject lands for storing motor vehicles and other household items associated with home ownership.
- A minor variance has been requested to accommodate a proposed a second storey, which is proposed to be used for ancillary household storage and a hobby room.
- Aside from the proposed additional building height of 1.8m (5.9ft), the proposed garage conforms with the balance of the applicable zoning regulations, including setbacks, lot coverage and maximum floor area for an accessory building.
- In Staff's opinion the proposed variance meets 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 COA01-2021 be approved.
- Should the Committee of Adjustment approve Minor Variance Application COA01-2021, the decision should reflect that the Committee is approving an accessory building with a maximum height of 5.8m, substantially as shown on the plans accompanying the subject application.

Respectfully submitted,

SC
 Steve Craig
 Senior Planning Technician