

A G E N D A

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

TELECONFERENCE

10:00 A.M.

**THURSDAY
NOVEMBER 25, 2021**

DISCLOSURE OF INTEREST

MINUTES

Confirmation of the minutes of the meeting held on September 23, 2021.

HEARING OF APPLICATIONS

A16/21 - 2774605 Ontario Inc. - 703 Talbot Street **Pages 2-10**

Planning Report - A16/21 **Pages 11-12**

NEW BUSINESS

Next Meeting

To be determined.

ADJOURNMENT

CONFIRMATION OF AN APPLICATION FOR MINOR VARIANCE

October 21, 2021

Secretary-Treasurer, Committee of Adjustment
Attention: Jon Hindley

Pursuant to By-Law 30-2015, a consultation meeting was held on August 12, 2021 with Planning staff and the applicant.

An application for a minor variance, regarding 703 Talbot Street, was filed on October 21, 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



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>October 21, 2021</u>	Consultation Date: <u>August 12, 2021</u>
	Date Application Deemed Complete: <u>October 21, 2021</u>	

Application #: A16/21

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 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) 2774605 Ontario Inc.
 Address 1920 Yonge St. Suite 200, Toronto Ontario
 Postal Code M4S 3E2 Tel: 6475298882 e-mail: neel.managementservices@hotmail.com

2. Name of Authorized Agent (if any) Sunita Chhabra
 Address 50 Queen St. E, Brampton Ontario
 Postal Code L6V 1A2 Tel: 416-827-5670 e-mail: edricpropertymgmt@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 one ground floor apartment dwelling unit within 22.86 meters of Talbot Street
 2. To permit a minimum floor area of 40.22 sqm for a one-bedroom apartment unit

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

1) Subsection 13.3.3 of the City of St. Thomas Zoning By-Law provides that no part of the ground floor of any building which part is within 20m of Talbot Street shall be used for any residential purpose.

2) Subsection 13.3.6 of the City of St. Thomas Zoning By-law requires a minimum floor area of 42sqm for a one-bedroom apartment

5. Location of Land:

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

Reference Plan No. _____ Part(s) _____

Geographic/Former Township _____

Name of Street TALBOT ST. Street No. 703

6. Dimensions of land affected:

Frontage²⁶ _____ Depth 132.25

Area _____ Width of Street +/-65 feet

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:

Existing Main floor is vacant as of now. Was previously used as a drop in center by PNSE

Ground Floor Area -1873, Gross floor area -3541, 2nd floor and 3rd floor have 3 bedroom apartment. Number of Storeys-3

USE Main floor front portion will be rented as per C2 Zoning uses that are permitted. 2nd and 3 floor will continue to be residential units

Proposed:

Back portion to be converted into 1 bedroom dwelling that is 40.22 sqm.

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 unit in the rear

10. Date of acquisition of subject land: April 1, 2021

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

12. Existing uses of the subject land:

Commercial and Residential

13. Existing uses of abutting lands:

North: Residential East: Commercial/Residential
 South: Commercial West: Commercial

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

1995

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:

Talbot Central

17. Present Zoning of the subject land:

C2 zoning

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 Sunita Chhabra, 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, Aneel Jackson Shaukat of Brampton 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 Brampton on this 14th day of October, 2021.
City Day Month Year


Signature of Owner or Authorized Agent

October 14, 2021
Date

Signature of Commissioner of Oaths, etc.

Date

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 _____, 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:

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AFFIDAVIT OR SWORN DECLARATION

I, Aneel Jackson Shaukat of Brampton 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 21st day of October, 2021.
City Day Month Year



Signature of Owner or Authorized Agent

Oct 21 / 2021

Date



Signature of Commissioner of Oaths, etc.

Oct 21, 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, Aneel Jackson Shaukat, am the owner of the subject lands, and I authorize Sunita Chhabra, 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.

October 14, 2021
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, Aneel Jackson Shaukat, 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.

October 14, 2021
Date


Signature of Owner

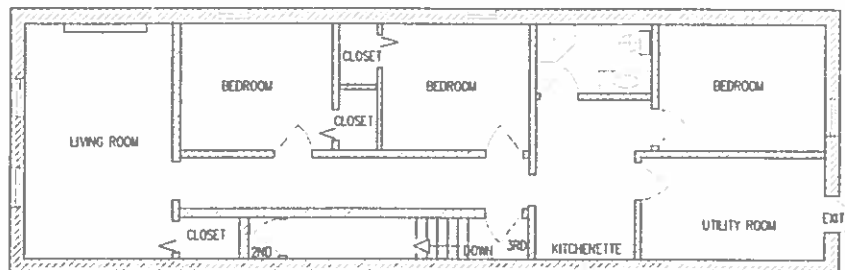
NOTES:

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.

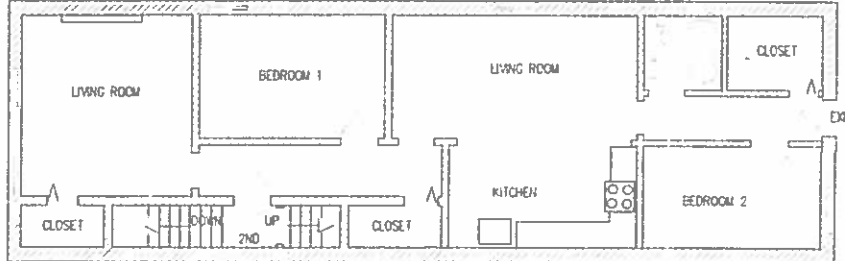
TALBOT ST

519 441 8960

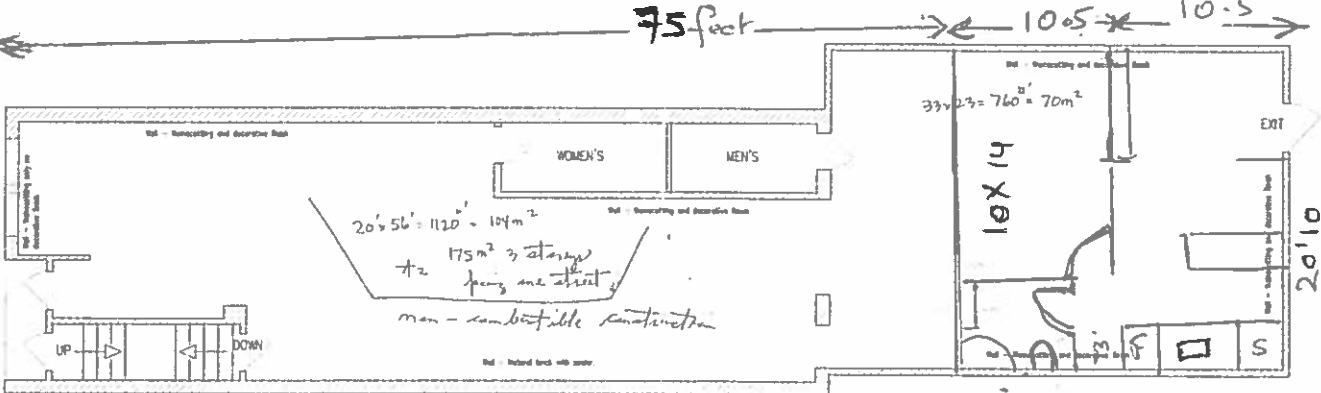
Called Dec 3/10
Left message



Third Floor
Scale 1/4" to 1'



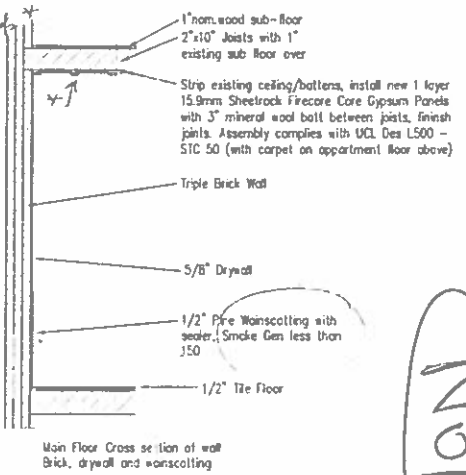
Second Floor
Scale 1/4" to 1'



Main Floor
Scale 1/4" to 1'

- flame spread $L150$ 1/2" pine on wall dot
3" wood lam board
3/4" sheetrock
1/2" pine on ceiling

3. vi. combustible interior finish
on 1/2" sheetrock
killing reflect channels
on interior finish
ULC L500 card
conform SO etc
smoke should be flame
value



Main Floor Cross section of wall
Brick, drywall and wainscoting

The Contractor shall erect all levels, dimensions and positions on the site and shall verify dimensions to the ground. Changes to the approved drawings shall require written approval from the Approval Authority.

NORTH

Per Approval	01/10/2020
Approved By	01/10/2020
Checked By	01/10/2020
Approved	01/10/2020

Per Approval	01/10/2020
Approved By	01/10/2020
Checked By	01/10/2020
Approved	01/10/2020

Sheet No.	A-1
Sheet Title	Approval
Sheet Date	A-1
Sheet Author	A-1


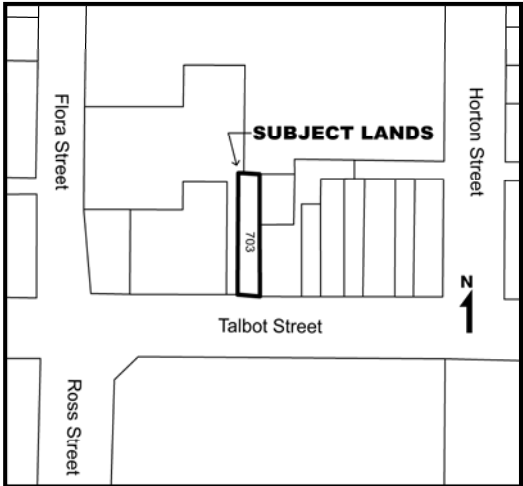
PROPOSED BUILDING ALTERATIONS
at 701 Talbot Street, St. Thomas, Ontario
by Talbot's Contracting



Sheet
A-1



Prepared Issue Date
The Drawing Issue Date: November 18, 2022

 The Corporation of the City of St. Thomas	Report No.: COA16-2021
	Applicant: 2774605 Ontario Inc.
Members of the Committee of Adjustment	Report Date: November 18, 2021 Meeting Date: November 25, 2021
Location: 703 Talbot Street, 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
Recommendation:	
That: Report COA16-2021 be received.	
<p>BACKGROUND</p> <p>The applicant is proposing to construct a 42sqm (452.08sqft) one-bedroom dwelling unit on the ground floor of the existing building, the dwelling unit will be contained within the existing building footprint and located in the back of the building.</p>	<p>Location Plan:</p> 
<p>MINOR VARIANCE(S)</p> <p>(i) To permit a one-bedroom dwelling unit on the ground floor of the existing building, which is within 22.86m of Talbot Street, whereas Subsection 13.3.3 of the City of St. Thomas Zoning By-Law 50-88 provides that no part of the ground floor of any building which part is within 25m of Talbot Street shall be used for residential purposes.</p> <p>(ii) To permit a minimum floor area of 40.22sqm for a one-bedroom dwelling unit, whereas Subsection 13.3.6 of the City of St. Thomas Zoning By-law 50-88 requires a minimum floor area of 42sqm for a one-bedroom dwelling unit.</p>	
<p>OFFICIAL PLAN</p> <ul style="list-style-type: none"> • The subject lands are in the Talbot Central designation, as shown on Schedule "A" (Land Use Plan) to the Official Plan for the City of St. Thomas. • Permitted uses of the Talbot Central designation include pedestrian oriented retail commercial, eating establishments, cultural, tourism, recreation and entertainment uses, hotel, motel, office, personal service shops and residential uses. Public utilities, institutional uses, public administration buildings and uses, public recreation facilities, parkettes and walkways are also permitted (5.3.3.3.2). • Residential uses in Talbot Central are encouraged subject to the following policies (5.3.3.3.4): <ul style="list-style-type: none"> (i) The renovation or conversion of existing buildings in Talbot Street for residential use is encouraged; (ii) The preservation and restoration of heritage features and built form is encouraged as part of any residential renovation, conversion, or new construction; (iii) Residential uses in new buildings in Talbot Central are subject to the policies contained in Section 5.2.3.3; (iv) New low-density residential housing forms such as single detached dwellings, semi-detached dwellings, duplexes, triplexes, double duplexes, sixplexes and townhouses are not permitted in Talbot Central; (v) Commercial and/or office uses must be provided on the ground floor level of new or existing buildings adjacent to the Talbot Street Frontage. 	

- The built-up frontage along Talbot Street must be maintained and setback requirements will protect the existing, uniform building line along Talbot Street. The ground level frontage along Talbot Street shall not be used for open parking facilities. Vehicular access is discouraged across the Talbot Street sidewalk frontage except for fire lanes, vehicular ingress and egress should be encouraged through side street or rear accesses (5.3.3.3.5).

ZONING BY-LAW

- The subject lands are in the Downtown Talbot Central Zone Commercial Zone (C2) and the Downtown Talbot Streetscape (DT3), as shown on Zoning Map Part 10, City of St. Thomas Zoning By-Law 50-88.
- Permitted uses of the C2 zone include retail store, business office, personal service shop, restaurant, hotel, repair and custom workshop, dry cleaning pick-up station, institution, theatre, recreation centre, newspaper publishing business, private club, bakery, clinic, uses accessory to the foregoing and residential purposes, subject to the provisions of Subsection 13.3 (13.1).
- Any building in this zone existing at the date of the passing of this by-law or any part of any such building may, subject to paragraph 13.3.3 be used for any residential purpose. Where a dwelling unit is erected in any such building after the date of the passing of the by-law, the floor area of any such dwelling unit shall comply with the provisions of paragraph 13.3.6 (13.3.1).
- No part of the ground floor of any building which part is within twenty-five metres of Talbot Street shall be used for any residential purpose (13.3.3).
- The maximum number of dwelling units in any building erected within this zone and used for residential purposes shall be 250 units per hectare where such building is not an addition to a building existing at the time of the passing of the by-law (13.3.5).
- The minimum floor area of any dwelling unit erected in any building in the C2 zone shall be as follows, bachelor 28sqm, one-bedroom 42sqm, two-bedroom 56sqm, three-bedroom 70sqm (13.3.6).
- The DT3 zone requires a minimum building height of 2 stories (4.3.6.1.1), a maximum building height of 3 stories (4.3.6.1.2), new buildings shall have a setback of NIL from the Talbot Street frontage (4.3.6.1.3), no new access points to Talbot Street for motor vehicles shall be permitted (4.3.6.1.4) and new parking lots shall be located a minimum of 3m from the Talbot Street frontage (4.3.6.1.5).
- Dwelling unit means one or more habitable rooms occupied or designed to be occupied by one or more persons as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided for the use of such person or persons (1.35).

LEGISLATIVE FRAMEWORK FOR A MINOR VARIANCE

In considering this application, the Committee must have regard to the following criteria and determine whether:

- The general intent and purpose of the Official Plan will be maintained;
- The general intent and purpose of the Zoning By-Law will be maintained;
- The variance is desirable for the appropriate development or use of the land, building or structure; and
- The variance is minor in nature.

COMMENTS

- The proposed variances are in support of the construction of a 42sqm (452.08sqft) one-bedroom dwelling unit on the ground floor of the existing building, the proposed dwelling unit will be contained within the existing footprint and at the rear of the building.
- The applicant is proposing to retain a 132.65sqm (1,427.92sqft) commercial unit on the ground floor of the existing building adjacent to Talbot Street, which is in keeping with the Official Plan policies for residential uses in the Talbot Central Area.
- The proposed 42sqm (452.08sqft) dwelling unit exceeds the minimum 28sqm (301.38sqft) floor area requirement for a bachelor dwelling unit, however the applicant would like to provide a separate bedroom for sleeping accommodation. The proposed dwelling unit will increase density in the existing building to 94 units per hectare, which conforms with the maximum 250 units per hectare in C2 zone.
- In Staff's opinion the proposed variances meet the general intent and purpose of the Official Plan and Zoning By-law, are minor in nature, and are desirable and appropriate for the use of the lands, thereby satisfying the four tests, as set out in Section 45 of the Planning Act. Therefore, planning staff recommend that minor variance application COA16-2021 be approved.
- Should the Committee of Adjustment approve minor variance application COA16-2021 staff recommend that the decision reflect that the Committee is approving a maximum of one:
 - 1) One-bedroom dwelling unit on the ground floor of the existing building, within 22.86m of Talbot Street; and
 - 2) One-bedroom dwelling unit with a minimum floor area of 40.22sqm.

Respectfully submitted,



Steve Craig
Senior Planning Technician