

**A G E N D A**

**THE FIRST MEETING OF THE COMMITTEE OF ADJUSTMENT  
OF THE CITY OF ST. THOMAS 2022**

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**TELECONFERENCE**

**10:00 A.M.**

**THURSDAY  
JANUARY 13, 2022**

**DISCLOSURE OF INTEREST**

**CHAIR**

Appointment of Chair for 2022.

**MINUTES**

Confirmation of the minutes of the meeting held on November 25, 2021.

**HEARING OF APPLICATIONS**

A17/21 - The Centennial Sports Club of St. Thomas Inc. - 41 Jonas Street **Pages 2-26**

Planning Report - A17/21 **Pages 27-30**

A18/21 - Mark Michael Gruendler and Crystal Anne Marie Gruendler - 404 Chestnut Street  
**Pages 31-44**

Planning Report - A18/21 **Pages 45-47**

**NEW BUSINESS**

Next Meeting

To be determined.

**ADJOURNMENT**

## CONFIRMATION OF AN APPLICATION FOR MINOR VARIANCE

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December 1, 2021

Secretary-Treasurer, Committee of Adjustment  
Attention: Jon Hindley

Pursuant to By-Law 30-2015, a consultation meeting was held on April 1, 2021 with Planning staff and the applicant.

An application for a Minor Variance, regarding 41 Jonas Street, was filed on November 30, 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





## *Centennial Sports Club*

41 Jonas Street, St. Thomas, Ontario N5R 2Y1

(519) 631-6206

November 23, 2021

City of St. Thomas

545 Talbot Street

St. Thomas, Ontario

N5P 3V7

Attention : Assistant Secretary-Treasurer

To Whom It May Concern:

Please find enclosed the "Application For Minor Variance" for the Centennial Sports Club Of St. Thomas, Inc. for our Proposed Permanent Patio. Also enclosed is our Site Plan Drawing as well as a second drawing A-1 Proposed New Patio Lounge. You will also find a cheque in the amount of \$400 payable to the City Of St. Thomas to cover the cost of this application.

We have been dealing with Crystal Penny as well as Steve Craig on this project. We had a virtual consultation with the Planning and Building Services Department on approximately April 1, 2021. All the information on this application has been reviewed by Mr. Steve Craig for completeness. We are interested in a Permanent Outdoor Patio as per Drawing A-1. We will be looking at getting a Minor Variance for this project as well. That variance would be an encroachment into the 25ft distance from the Property Line to the Patio perimeter on the east side. We would like to extend our Patio to use the east wall of our existing garage as it's eastern boundary. Please use drawing A-1 as your reference.

Our president will be the authority for the Centennial Sports Club, but you may list myself, Ted Olczak, as the primary contact. My phone number is 519-870-1505 and my e-mail address is [tolczak@rogers.com](mailto:tolczak@rogers.com). I may be reached either way.

Respectfully

Ted Olczak

Director Centennial Sports Club



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)

<b>OFFICE USE:</b>	Date Application Received: <u>NOV 30 2021</u>	Consultation Date: <u>April 12</u>
	Date Application Deemed Complete: <u>DEC 01 2021</u>	

Application #: A17121

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](mailto: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.

- Name of Owner(s) The Centennial Sports Club Of St Thomas, Inc  
Address 41 Jonas Street  
St. Thomas, Ontario  
Postal Code N5R 2Y1 Tel: 519-631-1806 e-mail: sportsclub@belnet.ca
- Name of Authorized Agent (if any) Wayne Bailey — President Of The Centennial Sports Club  
Address 59 Maple Street  
St. Thomas, Ontario  
Postal Code N5R 1Y8 Tel: 519-318-1806 e-mail: wayne\_bailey4@hotmail.com

Note Please specify to whom all communications should be sent: Owner  Agent

- Nature and extent of relief from the Zoning By-law applied for:  
Minor Variance To Residential Zoning — Existing Use Predates Zoning Bylaw
- Reason why the proposed use cannot comply with the provisions of the Zoning By-law:  
Existing Use Is Legal Non-Conforming
- Location of Land:  
Concession No. \_\_\_\_\_ Lot(s) \_\_\_\_\_ Registered Plan No. \_\_\_\_\_ Lot(s) \_\_\_\_\_  
Reference Plan No. \_\_\_\_\_ Part(s) \_\_\_\_\_

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

Name of Street Jonas Street Street No. 41

6. Dimensions of land affected:

Frontage See Attached Plans Depth See Attached Plans

Area \_\_\_\_\_ 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:

See Attached Plans

USE See Attached Plans

Proposed:

See Attached Plans

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 Plans

Proposed:

See Attached Plans

USE \_\_\_\_\_

10. Date of acquisition of subject land: 1986

11. Date of construction of all buildings and structures on subject land: There was a renovation in 1978 and a major expansion in 1985

12. Existing uses of the subject land:

We are a Non-Profit Limited Corporation acting as a Private Social Club which raises money and donates profits

Attachment for Application For Minor Variance Or For Permission

Centennial Sports Club Of St. Thomas, Inc

41 Jonas Street

St. Thomas, Ontario

N5R-2Y1

Item 12 --- con't'd from page 2/6

Back to the community. We are licensed by the AGCO and have Food Services Available

Item 14 --- con't'd from page 3/6

In 1968 the Club received it's charter from the Ontario Government and in 1978 became a Non-Profit Limited Corporation. After receiving our Liquor License approximately in 1978 we operated as a Private Social Club with bar facilities and food serving facilities. It remain the same to this day.

## 13. Existing uses of abutting lands:

North: Railway Land East: Railway Land  
 South: Residential West: Residential

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

The Centennial Sports Club was used as a clubhouse and meeting place for the original membership since 1966.

## 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:

R4 Zone

## 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 #)

Application COA28/90

## 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 Bailey, 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 Bailey of St. Thomas in the province of Ontario  
name of applicant City

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

Sworn (or declared) before me at the St. Thomas on this \_\_\_\_\_ day of \_\_\_\_\_, 2021.  
City Day Month Year

Wayne Bailey  
Signature of Owner or Authorized Agent

NOV 30 / 2021  
Date

Crystal Marie Penney  
Signature of Commissioner of Oaths, etc.

NOV 30 / 21  
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, \_\_\_\_\_, 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.

\_\_\_\_\_  
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.**

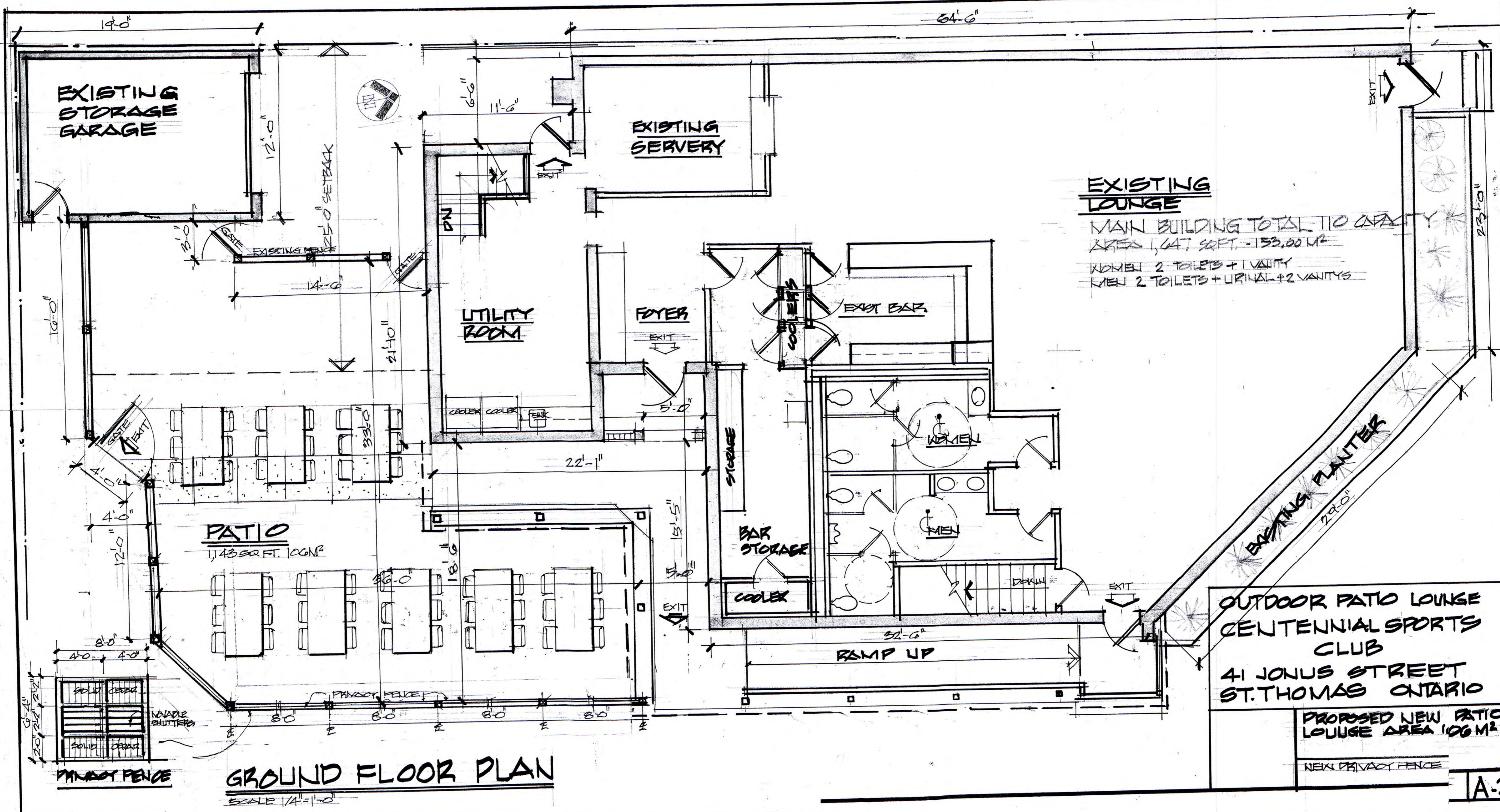
I, Wayne Bailey, am the owner of the subject lands, and I understand that further fees may be incurred by the City throughout the planning process and that I am responsible for reimbursing all fees.

NOV 30 2021  
Date

Wayne Bailey  
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.



**EXISTING LOUNGE**  
MAIN BUILDING TOTAL FLOOR AREA 1,647 SQFT. = 153.00 M<sup>2</sup>  
WOMEN 2 TOILETS + 1 VANITY  
MEN 2 TOILETS + URINAL + 2 VANITIES

**PATIO**  
1,435 SQ. FT. 133 M<sup>2</sup>

**EXISTING PLANTER**  
29'-0"

**OUTDOOR PATIO LOUNGE**  
**CENTENNIAL SPORTS CLUB**  
41 JONAS STREET  
ST. THOMAS ONTARIO

**PROPOSED NEW PATIO LOUNGE AREA 106 M<sup>2</sup>**

NEW PRIVACY FENCE

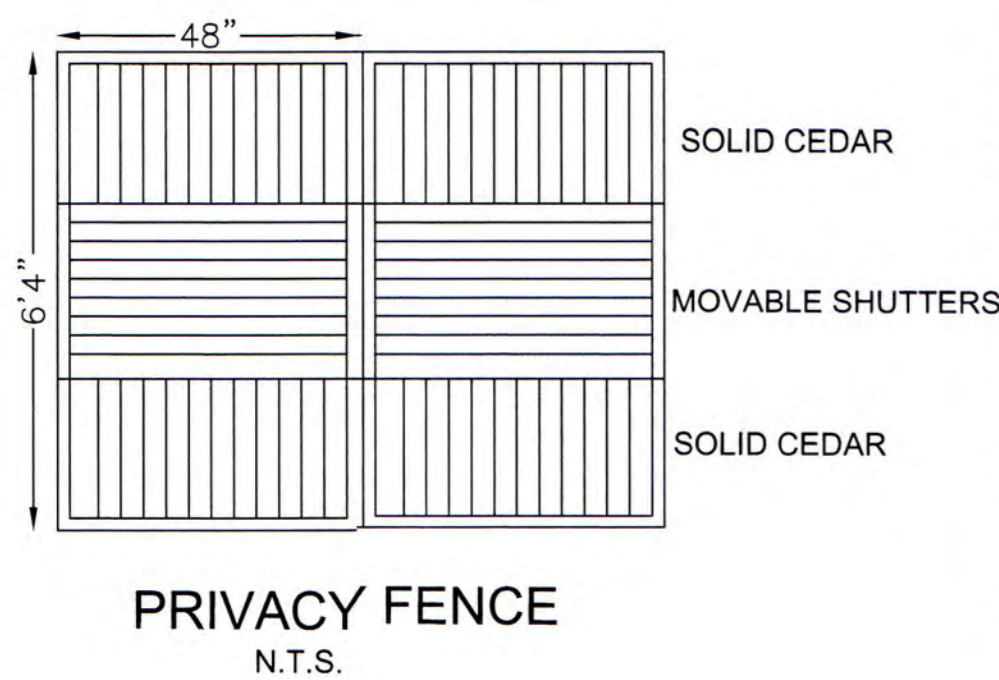
**GROUND FLOOR PLAN**

SCALE 1/4" = 1'-0"

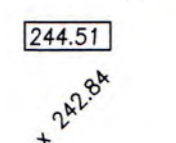
A.1

NOTES

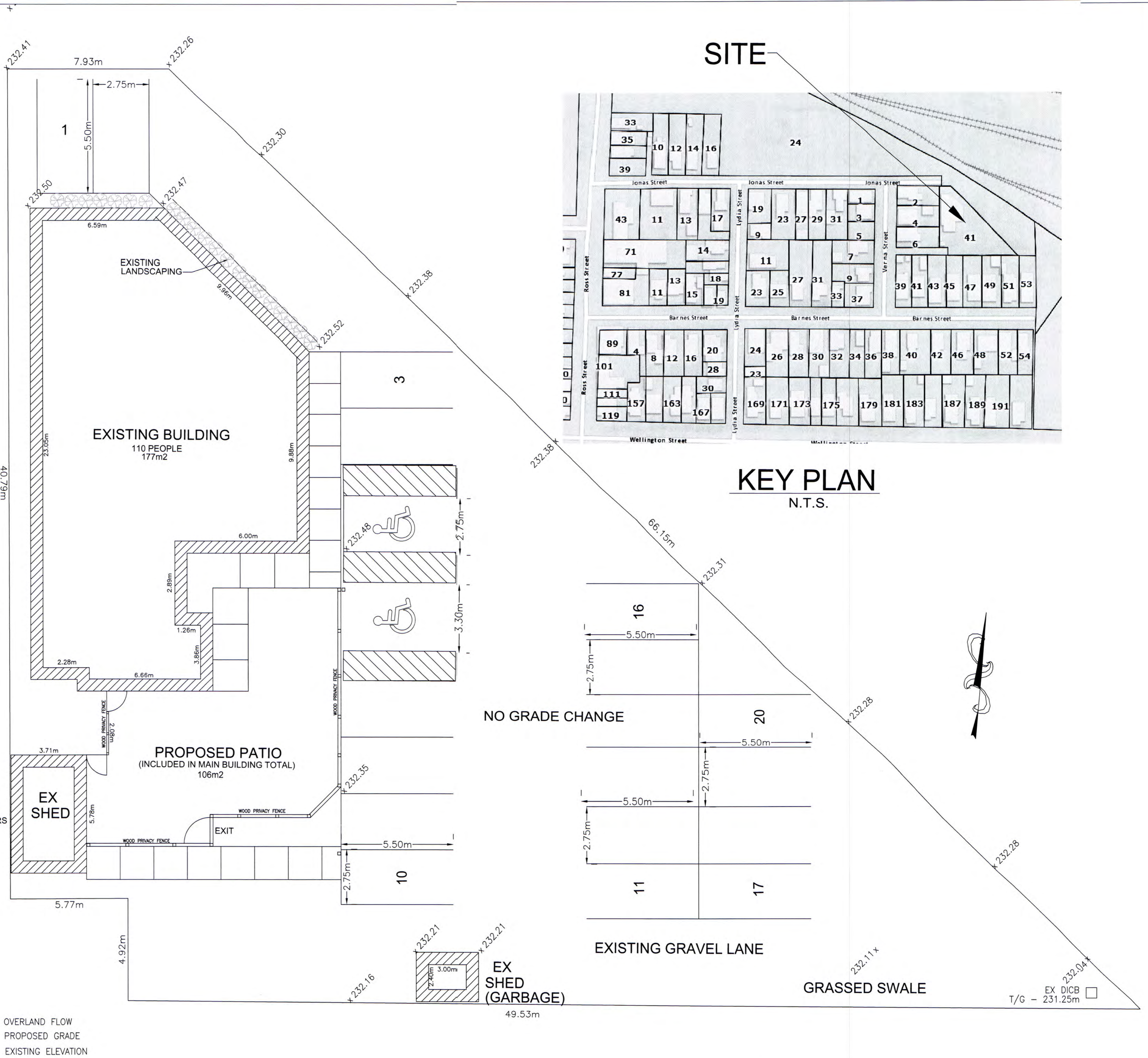
- All work shall be done in accordance with the minimum standards and specifications of the City of St. Thomas Environmental Services Department and P.U.C. including proper finishing off and parping of pipes in manholes and catchbasins and proper benching of manholes and steps.
- All precast storm and sanitary manholes shall be constructed in accordance with the current standard City of St. Thomas drawings. Catchbasin manholes shall be 1200mm inside diameter precast concrete manholes with 600mm sumps below the lowest invert. Catchbasins shall be 600mm square precast concrete with 600mm standard catchbasin frames and grates and 600mm sumps below the lowest invert.
- The rate of infiltration into the storm and sanitary sewers shall not be greater than 34 litres per millimetre of internal diameter per kilometre of line length per day.
- All excavations for proposed services shall be backfilled with suitable native material and compacted to 95% Standard Proctor Maximum Dry Density. Backfill must be +/- 1% of optimum moisture content and placed in lifts not to exceed 200mm. Surface restoration to follow one freeze/thaw cycle.
- The restoration of Jonas Street shall be completed immediately after storm and sanitary sewer installation. Edges shall sawcut to a clean vertical edge. A 300mm step shall be milled prior to surface asphalt placement.
- Silt fences and straw bale check dams shall be placed in low areas and around catchbasins as directed by the Engineer. These measures shall remain in place until all sodding is complete and growth is established.
- Prior to commencing construction all existing underground utilities within the limits of the construction site shall be located and marked. Any utilities damaged or disturbed during construction shall be repaired or replaced to the satisfaction of the governing body at the contractor's expense.
- All existing boulevards and road surfaces disturbed during construction shall be restored to a condition as least as good as original to the satisfaction of the Engineer.
- Prior to commencing any construction all sewer information outlet benchmarks, elevations, dimensions, and grades must be checked by the contractor and verified and any discrepancies reported to the Engineer.
- The structural design of the sewer pipes is based on transition width and therefore there need be no maximum trench width.
- All existing underground plant (telephone duct, gas mains, sewers, watermain) that will be crossed under during the installation of services for this development shall be supported by a support beam or by other methods as may be required of the owners of the plant crossed under.
- Survey information has been obtained from Brian Vaughn Surveying Limited, O.L.S. Servicing information was obtained partially in the field by J.S. Malpass and Associates.
- Topographic information was obtained by J.S. Malpass & Associates.
- All watermain shall be PVC C900 Class 150 with ductile iron outside diameter dimensions c/w tracer wire installed to a minimum depth of cover of 1.8 metres unless shown otherwise on the plans. All water services shall be 19mm Type "K" copper tubing.
- All concrete shall be 25 MPa in 28 days unless otherwise stated.
- 1.5 metre lengths of 150mm diameter perforated corrugated filter wrapped PVC SDR 35 PVC pipe are to be installed as subdrains connected to two sides of each catchbasin and catchbasin manhole in pavement. The subdrains are to be located just below subgrade elevation and placed with perforations down.
- The Contractor is responsible for:
  - connecting any existing sewer or drain encountered during construction to a new sewer or into another existing sewer.
  - ensuring that there is no interruption of any surface or subsurface drainage flow that would adversely affect neighbouring properties.
- Recommended minimum pavement structure:
  - 30mm HL3 sheet asphalt compacted to 97% Marshall
  - 50mm HL4 binder asphalt compacted to 97% Marshall
  - 100mm granular "A" base compacted to 98% Proctor
  - 350mm granular "B" subbase compacted to 98% Proctor
 Surface asphalt should not be placed until the spring of the year following granular placement.
- No cut and fill earthwork calculations have been done.
- All proposed 200mm to 300mm sewer pipe to be PVC SDR 35 with Class "B" bedding. All 375mm to 600mm sewers shall be C76 CI IV concrete pipe with class "B1" bedding.
- Straw bale filters shall be installed around around all CB's and CBM's immediately upon installation in accordance with detail. Straw bales to remain in place until paving and/or sodding.
- In accordance with standard City of St. Thomas specifications the contractor is responsible for the control of surface and subsurface water.
- Allow 2.0m minimum between services with 95% S.P.D. to allow for future utility installation.
- 24 lb. zinc anodes will be required at each ductile iron fitting and at the hydrant. Valves must be epoxy coated and do not require anodes. Services do not require anodes but main stops shall be coated with Densote tape as per manufacturer's recommendation.



- NOTES:
- UNAUTHORIZED USE OF THESE PLANS IS PROHIBITED.
  - SURVEY INFORMATION AS PROVIDED BY OWNER. VERTICAL INFORMATION BY J.S. MALPASS AND ASSOCIATES. BOUNDARY INFORMATION BY OWNER.
  - LOCATION OF EXISTING UTILITIES ARE APPROXIMATE ONLY AND SHOULD BE VERIFIED IN THE FIELD BY THE CONTRACTOR.



NOTE: DATUM IS GEODETIC. PLAQUE ON NORTH FACE NW ENTRANCE OF TRINITY UNITED CHURCH AT WELLINGTON AND SOUTHWICK. 231.136m.



SCALE: 1:100 HORIZONTAL				CENTENNIAL SPORTS CLUB			
3	AS PER CITY COMMENTS	11/12/21	JSM	J.S. MALPASS AND ASSOCIATES ENGINEERS AND PLANNERS ST. THOMAS, ONTARIO			
2	AS PER CITY COMMENTS	15/11/21	JSM				
1	ADDED FENCE AND HCP	30/10/21	JSM				
No.	REVISION	DATE	BY	DESIGN BY: J.S.M.	DRAWN BY: J.S.M.	CHECKED BY:	PROJECT No.: 16010
				FIELD BOOK No.:	DATE: DEC 2020		DRAWING No.

PROPOSED PATIO  
41 JONAS ST.  
ST. THOMAS, ONTARIO



## *Centennial Sports Club*

41 Jonas Street, St. Thomas, Ontario N5R 2Y1

(519) 631-6206

December 7, 2021

The City Of St. Thomas  
545 Talbot Street  
St. Thomas, Ontario  
N5P 3V7

Attention : Steve Craig

Please find enclosed 12 photographs of the Centennial Sports Club's outdoor patio per your request.

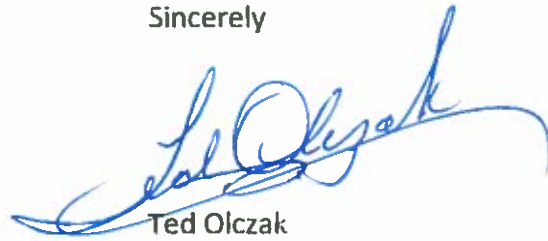
- Photo # 1 Shows the front and entranceway to the Sports Club.  
The fencing for the East Boundry of the Patio is also visible.
- Photo # 2 Shows the front and entranceway to the Sports Club as well  
as the East Boundry fence of the Patio.
- Photo # 3 Shows the South Boundry fence of the Patio.
- Photo # 4 Shows the North/East portion of the interior of the Patio
- Photo # 5 Shows the North/East portion of the interior of the Patio
- Photo # 6 Shows the South/East portion of the interior of the Patio
- Photo # 7 Shows the South side fence as well as an Exit Gate along  
that portion of fence.
- Photo # 8 Shows the East Boundry Fence from inside the patio.
- Photo # 9 Shows the South/West portion of the interior of the Patio.
- Photo #10 Shows the North/West corner of the interior of the Patio.  
This area up to the Garage wall and the west side fence  
is the area we would like to include in our patio. It is  
presently within the 25 ft distance to the property line.

Photo #11 Once again this shows the North/West portion of the interior of the Patio. Note comment in Photo # 10

Photo #12 Shows the South/West portion of the interior of the Patio. Some of this area also fall within the 25 ft distance to the property line.

Hopefully these photographs are useful for you.  
If you have any quesiton or need any other information please feel free to contact me.

Sincerely

A handwritten signature in blue ink, appearing to read "Ted Olczak", with a large, sweeping flourish extending to the right.

Ted Olczak  
Centennial Sports Club

PHOTO # ONE

15



PHOTO # TWO

16





PHOTO # THREE

17





PHOTO # FOUR



PHOTO # FIVE

PHOTO # SIX

20

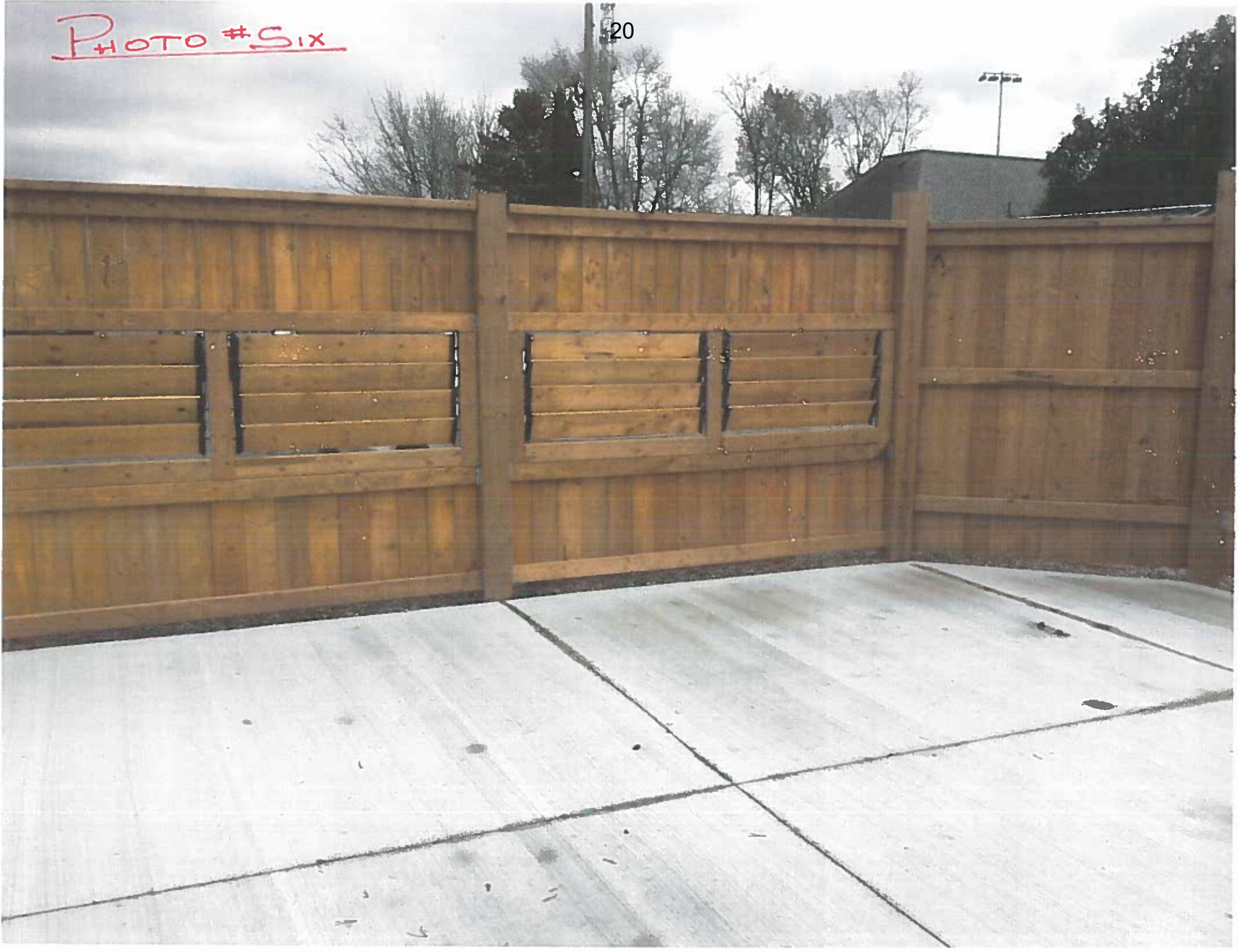


PHOTO # SEVEN

21



PHOTO # EIGHT

22





PHOTO # NINE

PHOTO # TEN

24






PHOTO # ELEVEN

25





PHOTO # TWELVE

 <b>The Corporation of the City of St. Thomas</b>	<b>Report No.:</b> COA01-2022
	<b>Applicant:</b> Centennial Sports Club of St. Thomas

Members of the Committee of Adjustment	<b>Report Date:</b> January 3, 2022 <b>Meeting Date:</b> January 13, 2022
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**Location:** 41 Jonas Street, City of St. Thomas

**Subject:** Request for a minor variance pursuant to 45(1) of the Planning Act, R.S.O, as amended

<b>Department:</b> Planning and Building Services Department <b>Prepared by:</b> Steve Craig, Senior Planning Technician	<b>Attachments:</b> Location Plan and 2020 Aerial Photograph
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**Recommendation:**

**That:** Report COA01-2022 be received.

**BACKGROUND**

The Centennial Sports Club are requesting the Committee of adjustment permit an existing outdoor patio area and associated privacy fencing, as shown on the site plans accompanying the subject application.

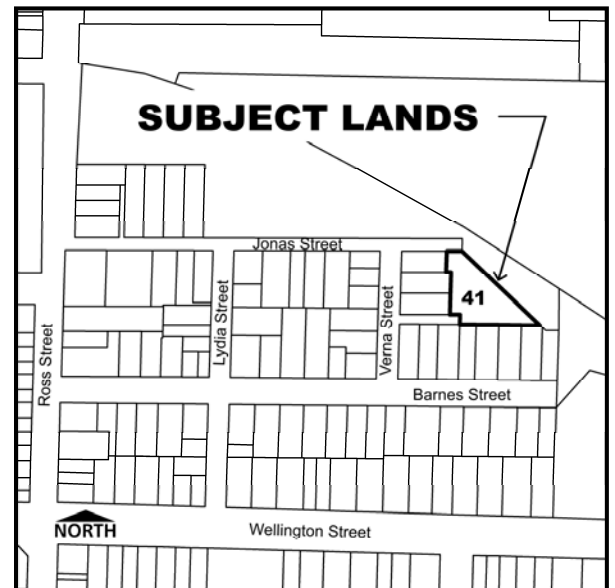
**PERMISSION**

To permit the enlargement or extension of an existing legal non-conforming building or structure, in accordance with Subsection 45(2)(a)(i) of the Planning Act.

**OFFICIAL PLAN**

- The subject lands are within the Residential designation, as shown on Schedule "A" (Land Use Plan) to the Official Plan for the City of St. Thomas.
- Institutional uses, defined as the use of land by public, non-profit or charitable agencies, including, for example, schools, churches, hospitals, recreational complexes, and cemeteries, are permitted in the "Residential" designation (5.1.3.9.1).
- 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 (11.2.1).

**Location Plan:**



**ZONING BY-LAW**

- The subject lands are within the Fourth Residential Zone (R4) pursuant to the City of St. Thomas Zoning By-Law No. 50-88, as shown on Zoning Map 16.
- Permitted uses of the R4 zone (Section 8) do not include institution use, which is defined as a building or part of a building used or capable of being used by any group, corporation or society such as the Salvation Army, the Knights of Columbus, the Canadian Cancer Society, YMCA, YWCA, Royal Canadian Legion and the Lions Club for educational, charitable or philanthropic purposes and includes a museum but excludes a church, provincial group home, residential care home, boarding house, rest home and nursing home (1.60).
- The Centennial Sports Club was established on the subject lands in 1966 and is legal non-conforming as the use, buildings and structures predate the City of St. Thomas Zoning By-Law 50-88, April 18, 1988.
- According to historical records in 1990 the Committee of Adjustment approved the construction of an addition on the south side of the existing building, at which time the Committee deemed the existing use legal non-conforming (COA28/90).
- The Zoning By-law requires a minimum of 10 parking spaces per 100sqm of floor area for institutional uses, however there are no parking requirements for the existing legal non-conforming use. Based on the floor area (177sqm) of the existing building a minimum of 18 parking spaces are required, whereas the site plan demonstrates that 20 parking spaces are proposed.

**2020 Aerial Photograph:**

**COMMENTS**

- Subsection 34(9)(a) of the Planning Act provides that no by-law passed under Section 34 can be applied to prevent the use of any land, building or structure for any purpose prohibited by the by-law if such land, building, or structure was lawfully used for such purpose on the day of the passing of the by-law, so long as it continues to be used for that purpose.
- Subsection 45(2)(a)(i) of the Planning Act, provides that the Committee of Adjustment, upon any such application, where any land, building or structure, on the day the by-law was passed, was lawfully used for a purpose prohibited by the by-law, may permit, the enlargement or extension of the building or structure, if the use that was made of the building or structure on the day the by-law was passed, or a use permitted under subclause (ii) continued until the date of the application to the committee, but no permission may be given to enlarge or extend the building or structure beyond the limits of the land owned and used in connection therewith on the day the by-law was passed.
- Applications for permission under Subsection 45(2) are not subject to the “four tests” of a minor variance application, applications to reconstruct and expand a legal non-conforming building should be evaluated under whether the application is desirable for appropriate development of the subject lands and whether the application will result in undue adverse impacts on the surrounding properties and neighbourhood.
- The existing use of the subject lands by the Centennial Sports Club was established in 1966 and has continued until the date of the Committee’s consideration of the subject application.
- Staff are satisfied that the patio and associated privacy fencing are contained entirely within the limits of the land owned and used in connection therewith on the day of the passing of the Zoning By-law.
- In staff’s opinion the proposed expansion of the existing legal non-conforming building through the approval of the patio and associated privacy fencing may be considered desirable for the appropriate development of the subject lands and will not result in undue adverse impact on the surrounding properties and neighbourhood.
- Accompanying the planning report are comments from the Building Services Department relative to subject application.
- Staff recommend that application COA01-2022 be approved, should the Committee of Adjustment approve the application the decision should reflect that the Committee is approving an outdoor patio area and associated privacy fencing, subject to the following conditions:
  1. The applicants demonstrate conformity with the Ontario Building Code to the satisfaction of the City of St. Thomas Building Services Department; and
  2. The applicant’s update the approved site plan to the satisfaction of the City of St. Thomas Site Plan Control Committee.

Respectfully submitted,



Steve Craig  
Senior Planning Technician

**Craig, Steve**

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**From:** Yolkowskie, Jamie  
**Sent:** December 8, 2021 12:21 PM  
**To:** Craig, Steve; Penney, Crystal  
**Cc:** Pompilii, Lou; McCoomb, Jim  
**Subject:** RE: Minor Variance A17/21 - 41 Jonas Street

Hello Steve,

As discussed, the Building Department will support the proposal under one condition, which will be to post the maximum, (and existing), occupancy of 110 people.

If they wish to increase the occupancy numbers by adding a patio, the proposed increase must be evaluated in order to determine whether the existing washrooms satisfy the new occupancy numbers compelled by the Ontario Building Code.

~Thank you,

Jamie Yolkowskie, *CBCO*  
Senior Building Official  
Building Services, City of St. Thomas  
545 Talbot Street, P.O. Box 520  
St. Thomas, ON N5P 3V7  
Telephone: (519) 631-1680 ext 4162

\*\*\* Building Services moves to the cloud \*\*\*

Building Services goes live with Cloudpermit Monday, August 16, 2021.

## CONFIRMATION OF AN APPLICATION FOR MINOR VARIANCE

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December 14, 2021

Secretary-Treasurer, Committee of Adjustment  
Attention: Jon Hindley

Pursuant to By-Law 30-2015, a consultation meeting was held on December 7, 2021 with Planning staff and the applicant.

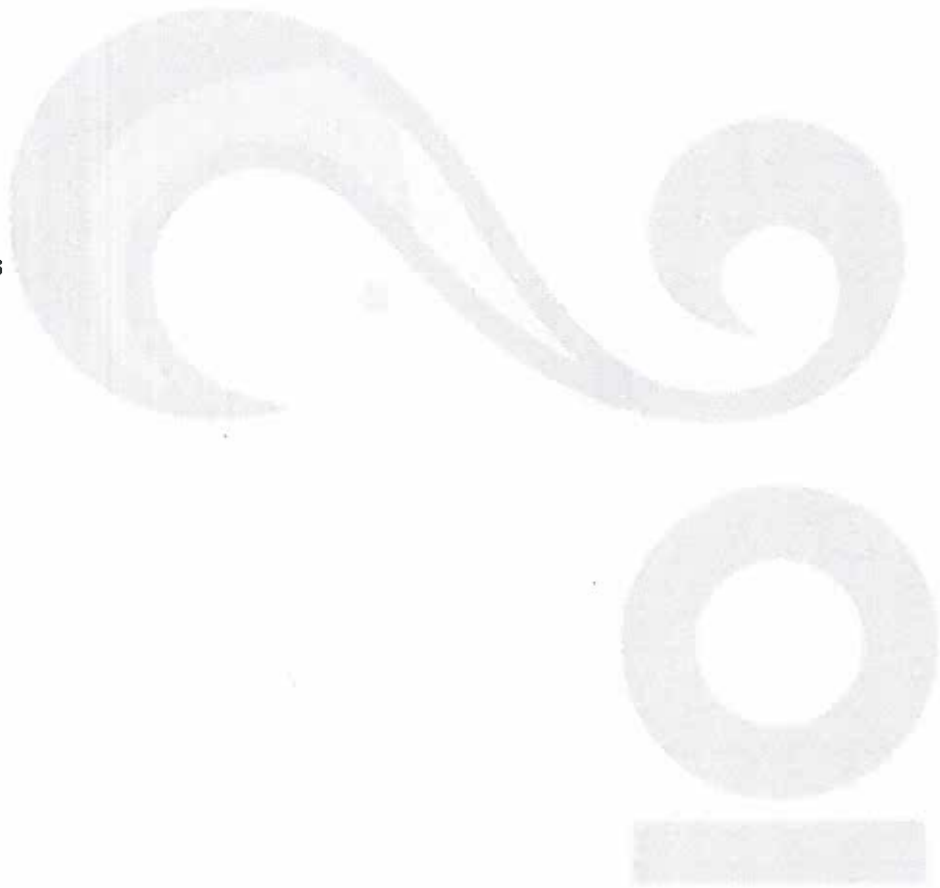
An application for a minor variance, regarding 404 Chestnut Street, was filed on December 9, 2021 and the required fee under Section 69 of the Planning Act has been provided.

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)

<b>OFFICE USE:</b>	Date Application Received: <u>12/09/21</u>	Consultation Date: <u>12/7/21</u>
	Date Application Deemed Complete: <u>12/09/21</u>	

Application #: A18121

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](mailto: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) Mark Michael Gruendler and Crystal Anne Marie GruendlerAddress 404 Chestnut StreetPostal Code N5R6E9 Tel: 519-476-6645 e-mail: exomax@hotmail.com2. Name of Authorized Agent (if any) N/A

Address \_\_\_\_\_

Postal Code \_\_\_\_\_ Tel: \_\_\_\_\_ e-mail: \_\_\_\_\_

Note: Please specify to whom all communications should be sent: Owner  Agent 

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

To permit a deck a minimum of 2.43m from an exterior side lot line, whereas the Zoning By-law requires 4mTo permit deck stairs a minimum of 5.18m from the rear lot line, whereas the Zoning By-law requires 6.5m

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

The original deck and stairs needed to be replaced, the additional area on the deck is required to providesufficient room for access and maintenance around the hot-tub.

5. Location of Land:

Concession No. N/A Lot(s) N/A Registered Plan No. 80 Lot(s) Pt Lot 48Reference Plan No. 11R-6902 Part(s) 14



Geographic/Former Township N/A

Name of Street Chestnut Street Street No. 404

6. Dimensions of land affected:

Frontage 14m Depth 33m

Area 454.00sqm Width of Street Chestnut Street 23.16m / 18m Juno Drive

7. Access to the subject land is by:

- a Regional Road
- a private road
- a Municipal road that is maintained all year
- a Municipal road that is maintained seasonally

8. Particulars of all buildings and structures on or proposed for the subject land (Specify ground floor area, gross floor area, number of storeys, width, length, height). Please specify use of existing structures.

Existing:

See Attached Site Plans

USE Residential

Proposed:

See Attached Plans  
Residential

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 Plans

Proposed:

See Attached Plans

USE \_\_\_\_\_

10. Date of acquisition of subject land: Approximately 2010

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

1999 Single Detached Dwelling

12. Existing uses of the subject land:

Residential

13. Existing uses of abutting lands:

North: Residential East: Juno Drive ROW  
South: Chestnut Street ROW West: Residential

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

1999

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

Water:

Municipally owned and operated piped water system Other (Specify) \_\_\_\_\_

Sewage Disposal:

Municipally owned and operated sanitary sewer system Other (Specify) \_\_\_\_\_

Storm Drainage

Storm sewers Other (Specify) \_\_\_\_\_

16. Present Official Plan designation of the subject land:

Residential

17. Present Zoning of the subject land:

R3-61 zone

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 #)

N/A

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 N/A


**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:**  
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, Mark Orvedler of St Thomas in the province of Ontario  
name of applicant City  
make oath and say (or solemnly declare) that the information required under Schedule 1 of Ontario Regulation 545/06 and provided by the applicant in this application is accurate, and that the information contained in the documents that accompany this application is accurate.  
Sworn (or declared) before me at the St Thomas on this 10 day of Dec, 2021.  
City Day Month Year

  
Signature of Owner or Authorized Agent

Dec 10/21  
Date

  
Signature of Commissioner of Oaths, etc.

December 10/2021  
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.

CRYSTAL ANN MARIE GRUGLER

\* I, Mark Overella, am the owner of the subject lands, and I authorize Mark Overella, 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.

Dec 10/21  
Date

[Signature]  
Signature of Owner  
COverella x

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.

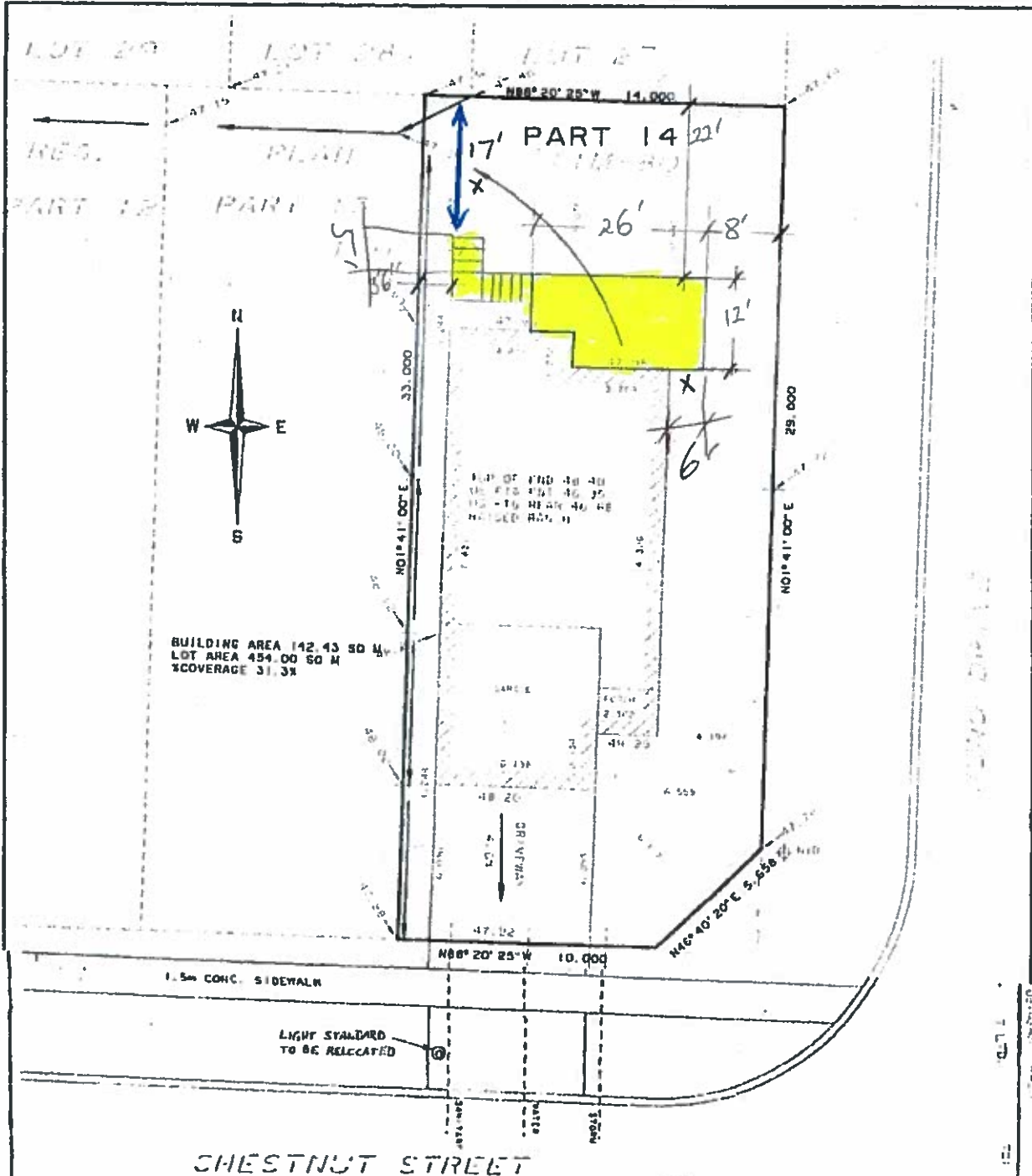
I, [Signature], am the owner of the subject lands, and I understand that further fees may be incurred by the City throughout the planning process and that I am responsible for reimbursing all fees.

Dec 10/21  
Date

[Signature]  
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.



BUILDING AREA 142.43 SQ M  
 LOT AREA 454.00 SQ M  
 %COVERAGE 31.3%



CHESTNUT STREET

**CAUTION:** This plan represents a PROPOSED house location. It should not be relied upon as certification that the house was actually created as shown.

- NOTES**
- ACD 200.00 TO ELEVATIONS TO OBTAIN GEODETIC DATUM
  - DENOTES BURIED HYDRO, BELL & TV CABLE
  - DENOTES CASWAIN
  - ⊙ DENOTES TREE
  - ⊝ DENOTES WELL, CABLE TV PEDESTAL
  - 44.25 DENOTES PROPOSED FINAL GROUND ELEVATION
  - DENOTES DIRECTION OF SURFACE SLOPE

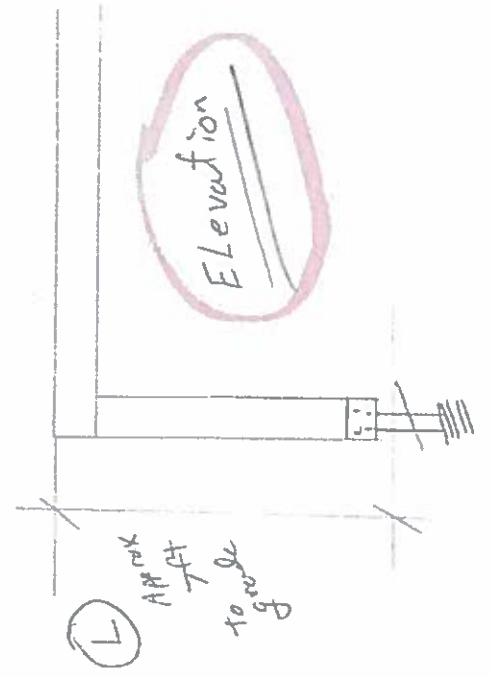
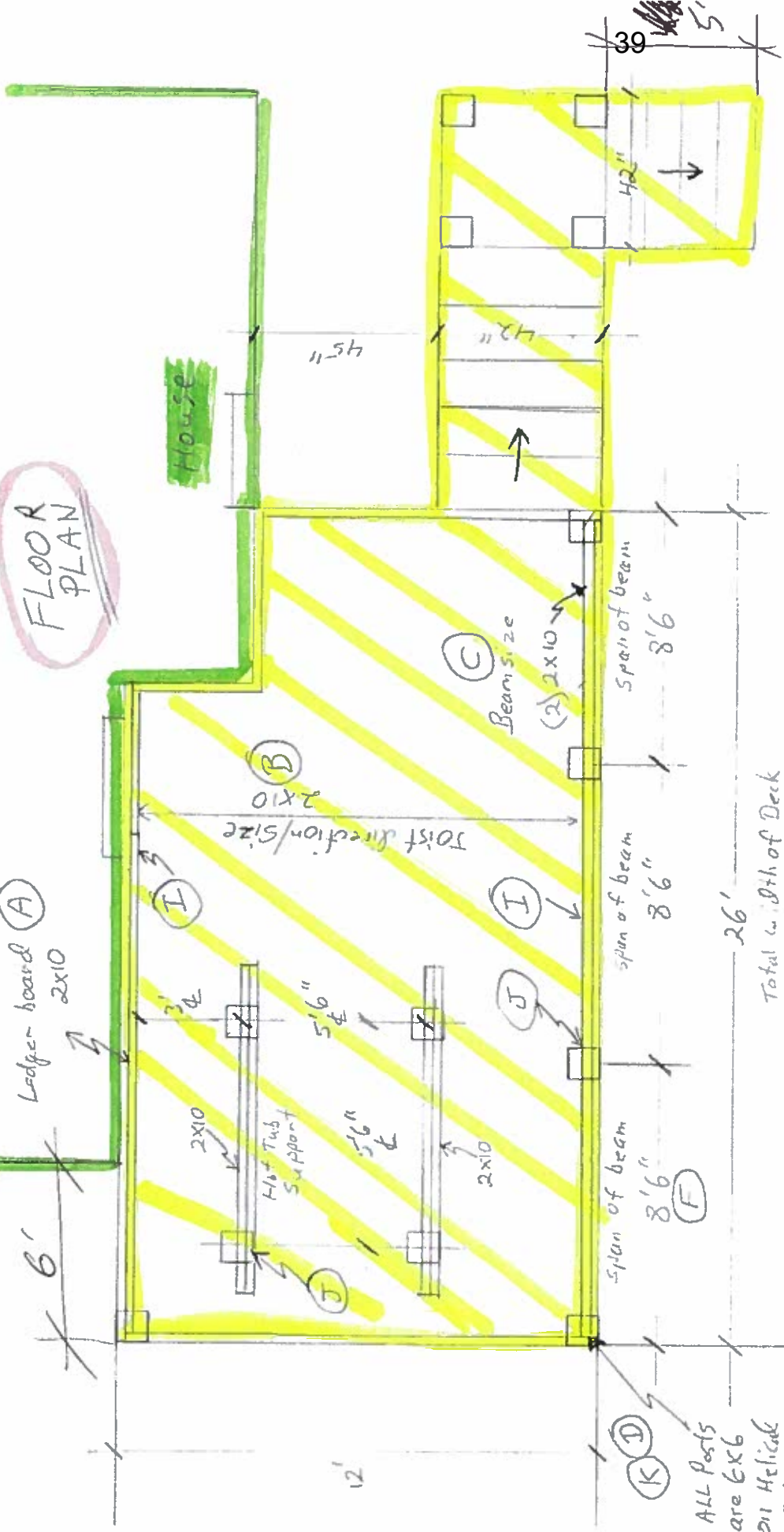
BUILDER---CROSBY HOMES-AYLWER LTD.

LOT DEVELOPMENT PLAN MUNICIPAL ADDRESS CHESTNUT PART 14 LOT 48 RP NO. 11M-80	PREPARED BY J.G. RUPERT LTD. DATE FEBRUARY 1, 2000	APPROVED BY E.G. L... DATE FEBRUARY 1, 2000
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LOT DEVELOPMENT PLAN		CITY OF ST. THOMAS BUILDING DIVISION	
CHKD BY D.M.	SCALE 1 : 250	J.G. RUPERT LTD. 90 CURTIS ST., ST. THOMAS PH 519-631-7371 FAX 519-633-8403 email gruperloadyess@on.ca	
NO.	REVISION	BY	DATE
CHKD BY J.G.R.		DATE FEBRUARY 1, 2000	

**FLOOR PLAN**



- E - N/A
- J - beam sitting on top with a galvanized bracket
- I - Joist hangers to Beam



ALL Posts are 6x6 on Helical Piles



Total width of Deck 26'

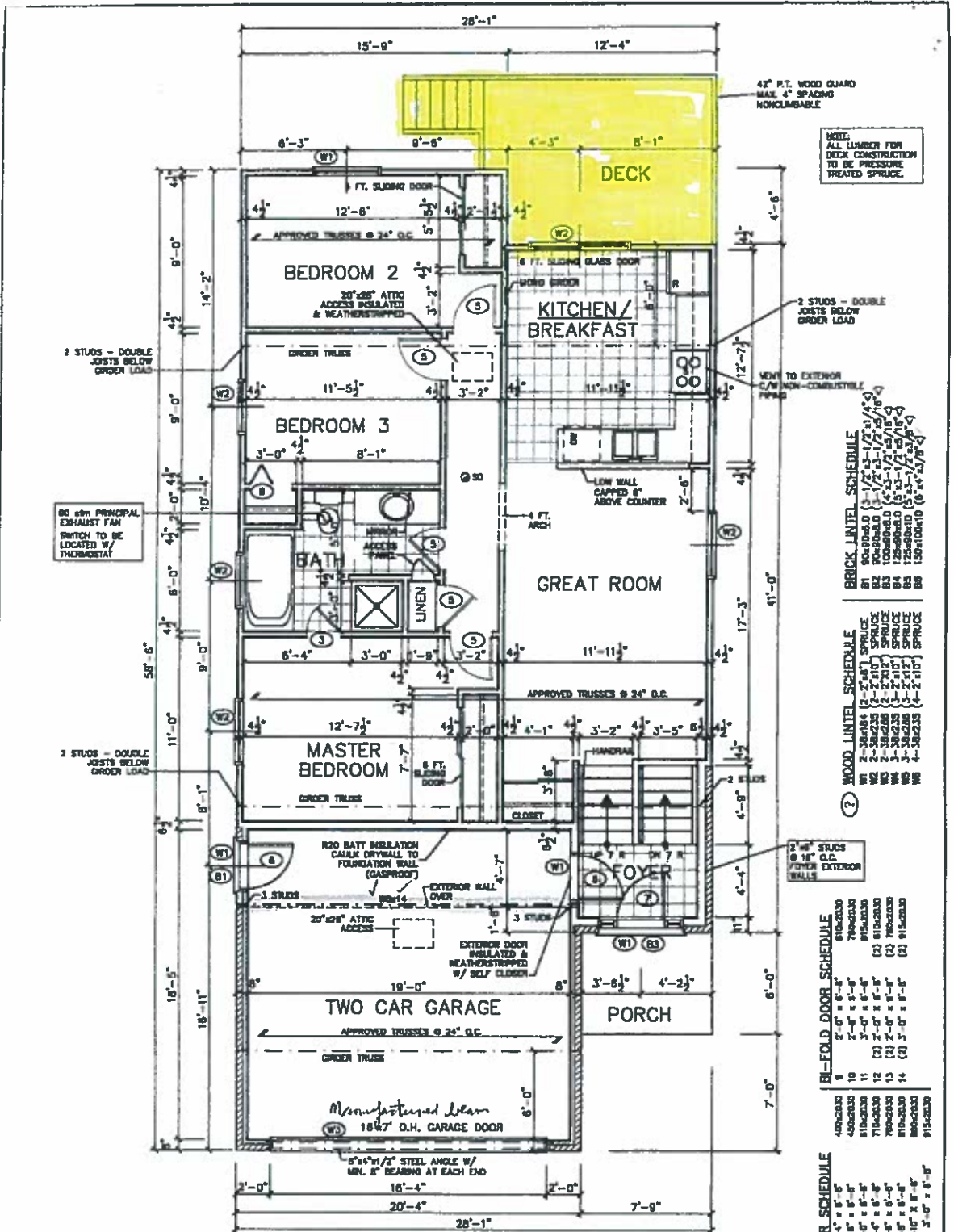
Approx 7ft to grade







*Existing Original Deck*



NOTE: ALL LUMBER FOR DECK CONSTRUCTION TO BE PRESSURE TREATED SPRUCE.

**BRICK LINTEL SCHEDULE**

B1	60x180x8.0	(1) 1/2" x 1/2" x 1/2" (1/2")
B2	60x180x8.0	(2) 1/2" x 1/2" x 1/2" (1/2")
B3	120x180x8.0	(1) 1/2" x 1/2" x 1/2" (1/2")
B4	120x180x8.0	(2) 1/2" x 1/2" x 1/2" (1/2")
B5	120x180x8.0	(3) 1/2" x 1/2" x 1/2" (1/2")
B6	120x180x8.0	(4) 1/2" x 1/2" x 1/2" (1/2")

**WOOD LINTEL SCHEDULE**

W1	2-2x4x184	(2) 2" x 4" x 184"
W2	2-2x4x184	(2) 2" x 4" x 184"
W3	2-2x4x184	(2) 2" x 4" x 184"
W4	2-2x4x184	(2) 2" x 4" x 184"
W5	2-2x4x184	(2) 2" x 4" x 184"
W6	2-2x4x184	(2) 2" x 4" x 184"

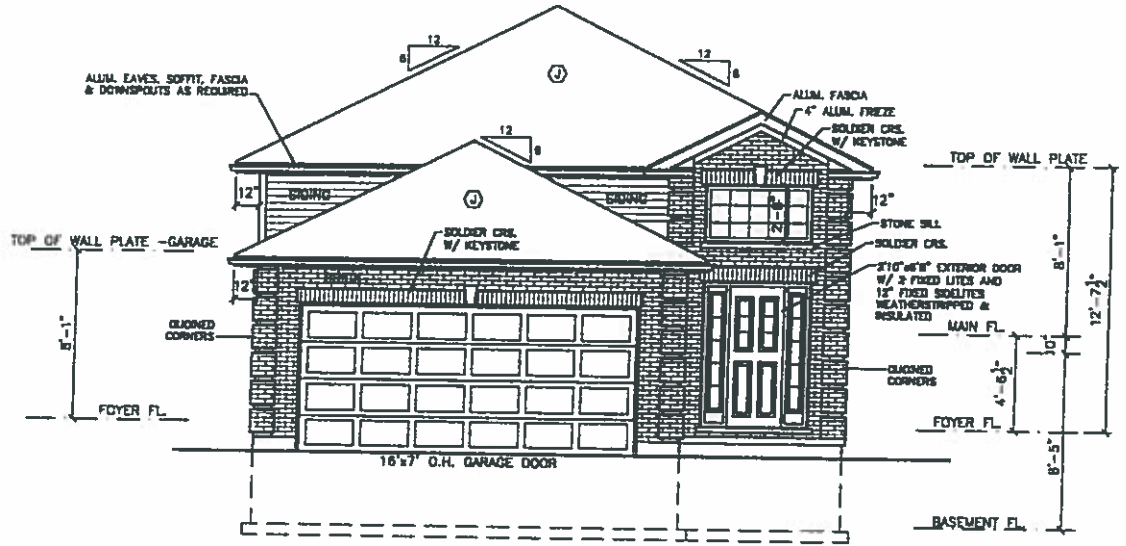
**BI-FOLD DOOR SCHEDULE**

8	2'-0" x 8'-0"	(1) 8' x 2' BIFOLD DOOR
9	2'-0" x 8'-0"	(1) 8' x 2' BIFOLD DOOR
10	2'-0" x 8'-0"	(1) 8' x 2' BIFOLD DOOR
11	2'-0" x 8'-0"	(1) 8' x 2' BIFOLD DOOR
12	2'-0" x 8'-0"	(1) 8' x 2' BIFOLD DOOR
13	2'-0" x 8'-0"	(1) 8' x 2' BIFOLD DOOR
14	2'-0" x 8'-0"	(1) 8' x 2' BIFOLD DOOR

**DOOR SCHEDULE**

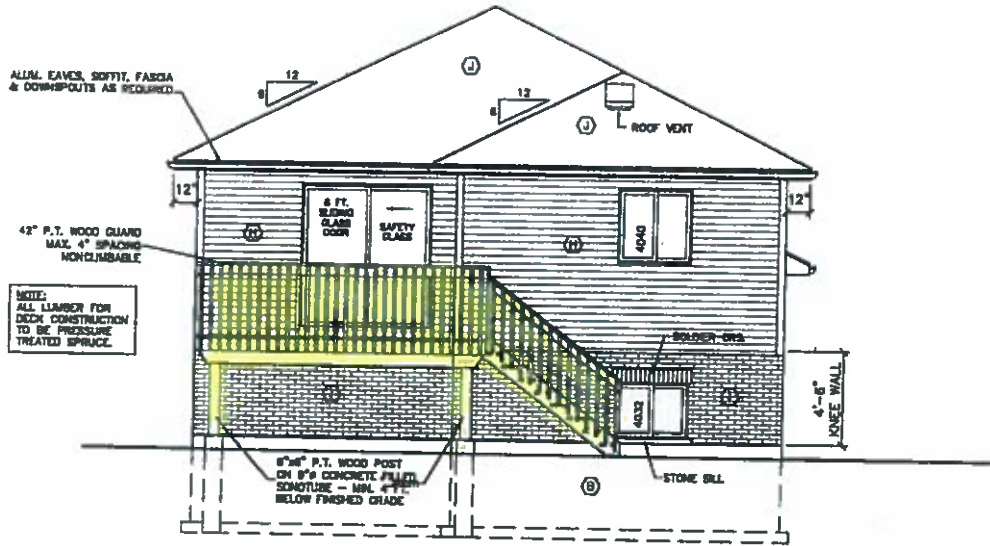
1	1'-4" x 6'-0"	(1) 6' x 1'4" DOOR
2	1'-4" x 6'-0"	(1) 6' x 1'4" DOOR
3	2'-0" x 8'-0"	(1) 8' x 2' DOOR
4	2'-0" x 8'-0"	(1) 8' x 2' DOOR
5	2'-0" x 8'-0"	(1) 8' x 2' DOOR
6	2'-0" x 8'-0"	(1) 8' x 2' DOOR
7	2'-0" x 8'-0"	(1) 8' x 2' DOOR
8	2'-0" x 8'-0"	(1) 8' x 2' DOOR

<p>DRAWN BY: DOLU STEWART 488 WOODVIEW CRT. LONDON, ONT. N5E 5W4 TEL. 487-2318 FAX 487-3554</p>	<p>THESE PLANS ARE DRAWN IN ACCORDANCE WITH THE ONTARIO BUILDING CODE (LATEST EDITION &amp; REVISIONS) HOWEVER, THE DESIGNER DOES NOT ASSUME LIABILITY FOR ANY ERRORS OR OMISSIONS UNLESS ADVISED IN WRITING OF SUCH ERRORS OR OMISSIONS PRIOR TO COMMENCEMENT OF CONSTRUCTION. THESE DRAWINGS ARE NOT TO BE SCALED.</p>	<p><b>CROSBY HOMES - AYLMER LTD.</b> 16 BARRIE BLVD. ST. THOMAS TEL.: 633-5260 FAX: 633-3184</p>
<p>FEB. 4/2000 SHEET NO. 3 OF 7 UPPER LEVELS PLAN</p>	<p>REVISIONS Cod no. 8072-RR1188.DWG</p>	<p><b>RAISED RANCH - 1104 SQ.FT.</b> LOT #14 CHESTNUT ST., ST. THOMAS</p>



**FRONT ELEVATION**

SCALE: 3/16" = 1'-0"

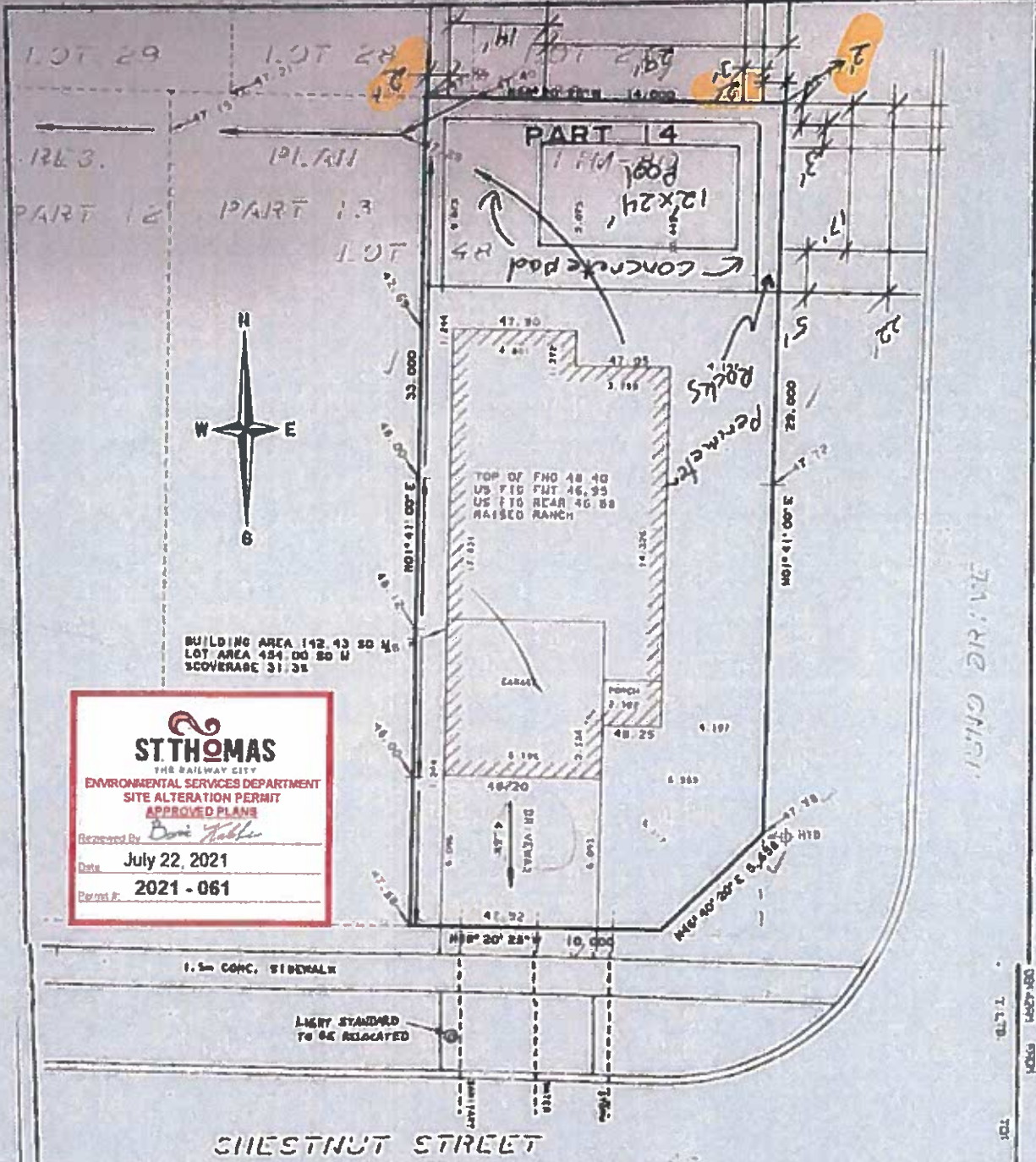


**REAR ELEVATION**

SCALE: 3/16" = 1'-0"

*Deck*

<p>DRAWN BY: DOUG STEWART 488 BROADVIEW CRT. LONDON, ONT. N5C 3W4 TEL. 467-2318 FAX. 457-3558</p>	<p>THESE PLANS ARE DRAWN IN ACCORDANCE WITH THE ONTARIO BUILDING CODE (LATEST EDITION &amp; REVISIONS) HOWEVER, THE DESIGNER DOES NOT ASSUME LIABILITY FOR ANY ERRORS OR OMISSIONS UNLESS ADVISED IN WRITING OF SUCH ERRORS OR OMISSIONS PRIOR TO COMMENCEMENT OF CONSTRUCTION. THESE DRAWINGS ARE NOT TO BE SCALED.</p>	<p><b>CROSBY HOMES - AYLMEER LTD.</b></p>
<p>FEB. 4/2000</p>	<p>REVISIONS</p>	<p>16 BARRIE BLVD. ST. THOMAS TEL: 633-5260 FAX: 633-3184</p>
<p>SHEET NO. 1 OF 7</p>	<p>Col no. 8072-NR1188.DWG</p>	<p><b>RAISED RANCH - 1104 SQ.FT.</b> LOT #14 CHESTNUT ST., ST. THOMAS</p>
<p>FRONT &amp; REAR ELEVATIONS</p>		



**ST THOMAS**  
 THE RAILWAY CITY  
 ENVIRONMENTAL SERVICES DEPARTMENT  
 SITE ALTERATION PERMIT  
 APPROVED PLANS


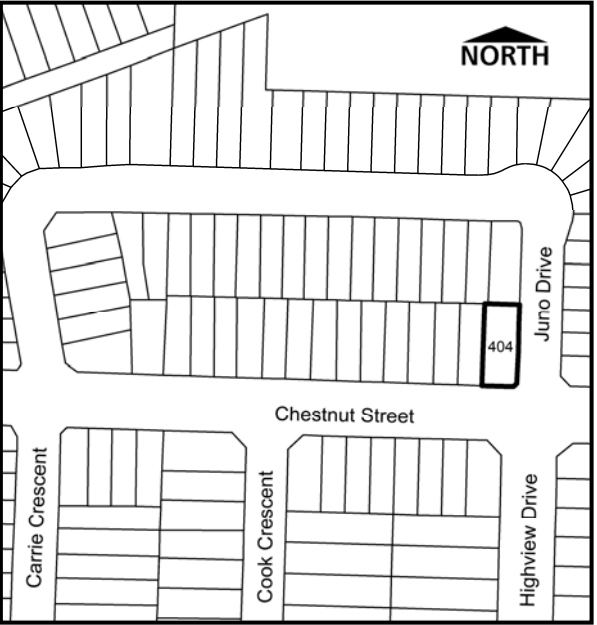
Received By *Doris Kalkin*  
 Date **July 22, 2021**  
 Permit # **2021-061**

**CAUTION:** This plan represents a PROPOSED house location. It should not be relied upon as certification that the house was actually created as shown.

- NOTES**
- ADD 200.00 TO ELEVATIONS TO OBTAIN GEODETIC DATA
  - ARROW DENOTES DIRECTION OF SURFACE RUNOFF
  - DENOTES PROPOSED FINAL GROUND ELEVATION
  - DENOTES BURIED HYDRO, BELL & TV CABLE
  - DENOTES GAS MAIN ○ DENOTES TREE
  - DENOTES BELL, CABLE TV PERMITS

BUILDER---CROSSBY HOMES-AYLMER LTD.

LOT DEVELOPMENT PLAN MUNICIPAL ADDRESS CHESTNUT PART 14 LOT 40 RP NO. 11N-80		PREPARED BY J. G. ROBERT LTD DATE FEBRUARY 1, 2000	APPROVED BY  DATE FEBRUARY 1, 2000
CITY OF ST. THOMAS BUILDING DIVISION J. G. ROBERT LTD. 50 CURTIS ST., ST. THOMAS ON N1S 4S1-7J71 PH 519-537-8703 FAX 519-537-8703 email: jgrob@crossby.on.ca		LOT DEVELOPMENT PLAN OWN BY D.H. SCALE 1:150 ENG BY J.G.R. DATE (FEBRUARY 1, 2000)	

 <p>The Corporation of the City of St. Thomas</p>	<p><b>Report No.:</b> COA02-2022</p>
<p>Members of the Committee of Adjustment</p>	<p><b>Applicant:</b> Mark Michael Gruendler and Crystal Ann Marie Gruendler</p>
<p><b>Location:</b> 404 Chestnut Street, Plan M80, Part Lot 48, RP 11R-6902, Part 14</p>	
<p><b>Subject:</b> Request for a minor variance pursuant to 45(1) of the Planning Act, R.S.O, as amended</p>	
<p><b>Department:</b> Planning and Building Services Department <b>Prepared by:</b> Steve Craig, Senior Planning Technician</p>	<p><b>Attachments:</b> Location Plan and 2020 Aerial Photograph</p>
<p><b>Recommendation:</b>  <b>That:</b> Report COA02-2022 be received.</p>	
<p><b>BACKGROUND:</b> The applicants are requesting the Committee of Adjustment permit a deck and stairs, as shown on the plans accompanying the subject application.</p> <p><b>REQUESTED VARIANCE(s):</b></p> <ul style="list-style-type: none"> <li>To permit deck stairs a minimum of 5.18m from the rear lot line, whereas the R3-61 zone requires a deck to be setback a minimum of 6.5m from the rear lot line. (Table 1 to Subsection 7.4, Column Number 2, Item Number 10, requires a minimum rear yard depth of 9m. Subsection 4.2.2 of the General Provisions Applicable to Residential zones permits a deck, stoop, steps, or porch which is covered or uncovered, and not wholly or partially enclosed to project into a required rear yard up to a maximum of 2.5m.).</li> <li>To permit a deck a minimum of 2.43m from the exterior lot line, whereas Table 1 to Subsection 7.4, Column Number 2, Item Number 11(b), Column 2 of the Zoning By-Law requires a minimum exterior side yard depth of 4m.</li> </ul> <p><b>OFFICIAL PLAN:</b></p> <ul style="list-style-type: none"> <li>The subject lands are within the Residential designation as shown on Schedule A (Land Use Plan) to the Official Plan for the City of St. Thomas.</li> <li>The "Residential" designation means the predominant use of land shall be for low, medium, and high-density residential use (5.1.3.1).</li> <li>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 (11.2.1).</li> </ul>	<p><b>Location Plan</b></p> 

**ZONING BY-LAW:**

- The subject lands are within the Third Residential Zone (R3-61) pursuant to the City of St. Thomas Zoning By-Law No. 50-88, as shown on Zoning Map 27.
- Permitted uses of the R3-61 zone include a single detached dwelling and uses accessory to the foregoing (7.1(a)(q)).
- The requirements and setbacks for a single detached dwelling include (Table 1, Subsection 7.4, Column 2):
  - minimum lot area - 371.5m<sup>2</sup>;
  - minimum lot frontage - 12m;
  - maximum main building height - 11m;
  - maximum accessory building height - 4m;
  - maximum lot coverage - 35%;
  - maximum floor area of an enclosed accessory building - the lesser of 15% of the lot area or 67m<sup>2</sup>;
  - maximum number of dwelling units - 1 per lot;
  - maximum roof area - 50%;
  - minimum front yard depth - 6m;
  - minimum rear yard depth - 9m;
  - minimum interior side yard depth - 1m;
  - minimum exterior side yard depth - 4m;
  - minimum ground floor area - 1 storey dwelling 74m<sup>2</sup>; and
  - minimum number of parking spaces - 1 parking space per dwelling unit.
- Subsection 4.2.2 of the general provisions applicable to residential zones of the Zoning By-law permit a deck, stoop, steps or porch which is covered or uncovered, and not wholly or partially enclosed to project into a required rear yard up to a maximum of 2.5m.
- Rear lot line means a lot line furthest from and opposite to the front lot line (1.90).
- Rear yard means a yard extending across the full width of a lot between the rear lot line and the main building wall (1.91).
- Rear yard depth means the horizontal distance between the rear lot line of the lot and the main building wall or, where the main building wall is not parallel to the rear lot line, the horizontal distance between the rear lot line and the point in the face of the main building wall which is closest to the rear lot line (1.92).
- Exterior side yard means a yard extending from the front yard to the rear yard between the main building wall and the exterior lot line (1.39).
- Exterior lot line means the lot line of a corner lot abutting a street other than the front lot line (1.40).
- Exterior rear yard means that portion of a rear yard within a corner lot lying between the exterior lot line and the projection to the rear lot line of the limit of the required exterior side yard opposite the exterior lot line (1.41).
- Exterior side yard depth means the horizontal distance between the exterior lot line of the lot and the main building wall or, where the main building wall is not parallel to the exterior lot line, the horizontal distance between the exterior lot line and the point in the face of the main building wall which is closest to the exterior lot line (1.42).
- Main building wall means the exterior face of the wall of the main building, and its projections, which (1.73):
  - 1) in the case of a front yard, is closest to the front lot line,
  - 2) in the case of an interior side yard is closest to an interior side lot line,
  - 3) in the case of an exterior side yard is closest to an exterior side lot line, and
  - 4) in the case of a rear yard, is closest to the rear lot line.

**LEGISLATIVE FRAMEWORK FOR A MINOR VARIANCE:**

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

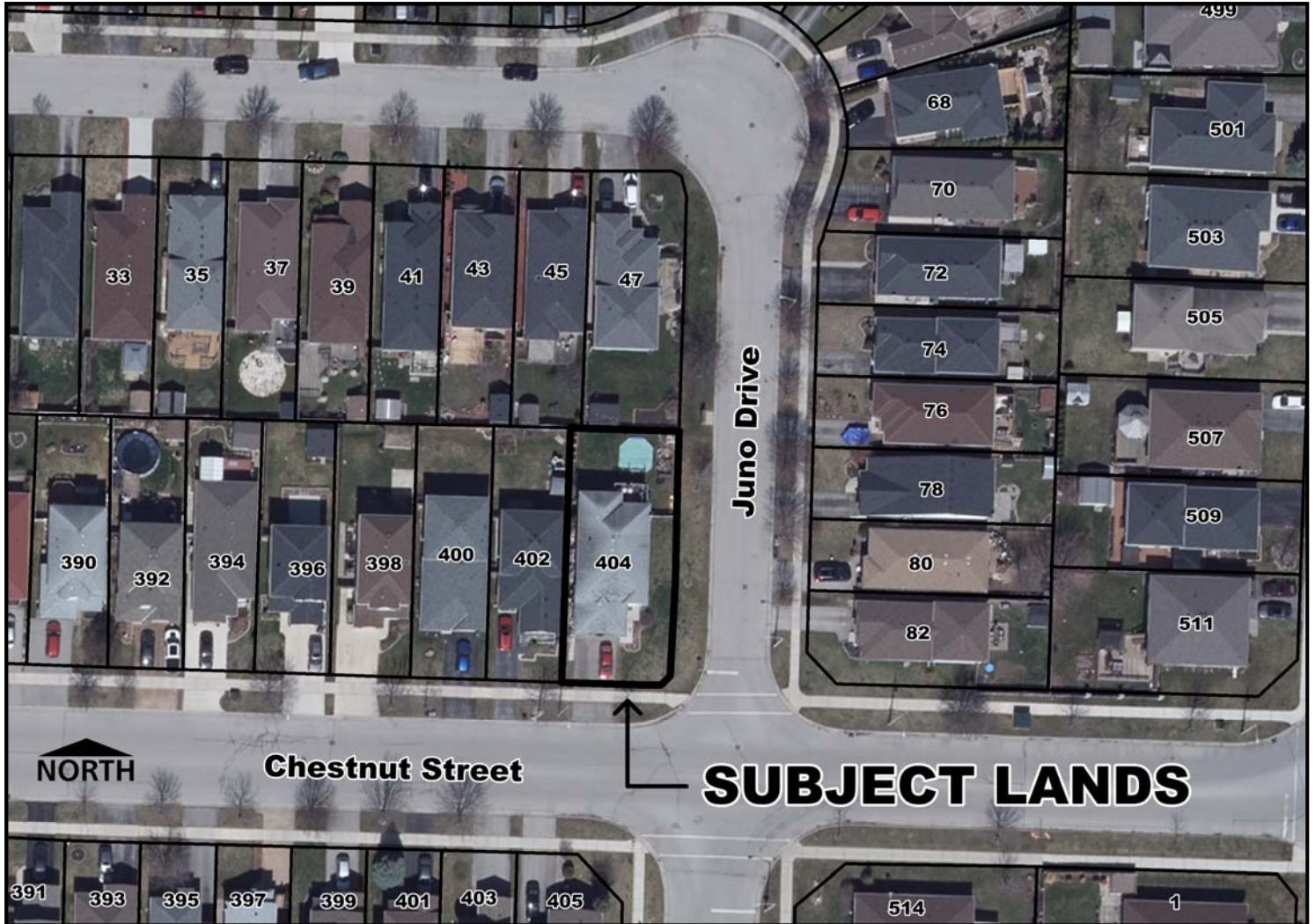
- The general intent and purpose of the Official Plan will be maintained;
- The general intent and purpose of the Zoning By-Law will be maintained;
- The variance is desirable for the appropriate development or use of the land, building or structure; and
- The variance is minor in nature.

**COMMENTS:**

- The owners recently obtained the services of a contractor to complete some improvements to their rear yard amenity area, including a new swimming pool and concrete deck, swimming pool fence, and the replacement of an existing deck that was constructed in 1999.
- During a site inspection the building official for the City noted that a building permit was not issued for the partially constructed deck replacement, as a result the applicants filed plans in support of a building permit, however the zoning review revealed that the deck and deck stairs did not conform with the Zoning By-law. As a result, the applicants have filed a minor variance application to bring the partially constructed deck and deck stairs into conformity with the Zoning By-law.
- The deck stairs will be setback 5.18m from the rear lot line, which provides an adequate setback from neighbouring development and maintains area in the rear yard for landscaping and drainage.

- The deck is a non habitable accessory structure and will be setback 2.43m from the exterior side lot, which provides an adequate setback from the Juno Drive right-of-way.
- In Staff's opinion the proposed variances meet the general intent and purpose of the Official Plan, 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 COA02-2022 be approved.
- Should the Committee of Adjustment approve Minor Variance Application COA02-2022, the decision should reflect that the Committee is approving deck stairs a minimum of 5.18m from the rear lot line and a deck a minimum of 2.43m from the exterior side lot line, substantially as shown on the site plan accompanying the subject application.

**2020 Aerial Photograph**



Respectfully submitted,

Steve Craig  
Senior Planning