

A G E N D A

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

TELECONFERENCE

10:00 A.M.

**THURSDAY
FEBRUARY 10, 2022**

DISCLOSURE OF INTEREST

MINUTES

Confirmation of the minutes of the meeting held on January 13, 2022.

HEARING OF APPLICATIONS

A01/22 - Dave Faseruk - 80 Southwick Street **Pages 2-11**

Planning Report - A01/22 **Pages 12-15**

NEW BUSINESS

Next Meeting

The next meeting is scheduled to take place February 24, 2022 at 10:00 a.m.

ADJOURNMENT

CONFIRMATION OF AN APPLICATION FOR MINOR VARIANCE

January 4, 2022

Secretary-Treasurer, Committee of Adjustment
Attention: Jon Hindley

Pursuant to By-Law 30-2015, a consultation meeting was held on November 17, 2021 with Planning staff and the applicant.

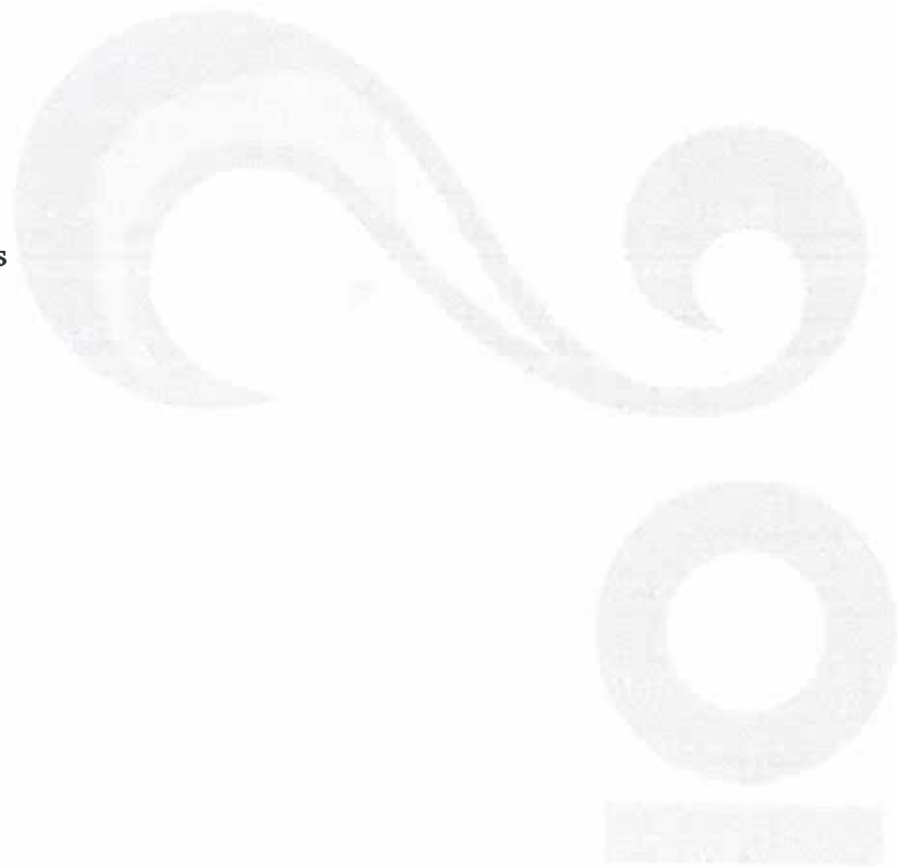
An application for a Minor Variance, regarding 80 Southwick Street, was filed on December 29, 2021 and the required fee under Section 69 of the Planning Act has been provided.

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: DEC 29 2021 Consultation Date: NOV 17, 2021
Date Application Deemed Complete: _____

JAN 04 2022

Application #: A01/22

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: ihindley@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) DAVE FASERUK
Address 802 SOUTHWICK ST.
ST. THOMAS.
Postal Code N5R-3S7 Tel: 519-902-7403 e-mail: faserukd@gmail.com

2. Name of Authorized Agent (if any) _____
Address _____

Postal Code _____ Tel: _____ e-mail: _____

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

3. Nature and extent of relief from the Zoning By-law applied for:
LOOKING FOR RELIEF FROM SIDE
YARD SETBACK.

4. Reason why the proposed use cannot comply with the provisions of the Zoning By-law:
FOR SOLAR PANELS AND
PARKING.

5. Location of Land:

Concession No. _____ Lot(s) _____ Registered Plan No. 184 Lot(s) 4
Reference Plan No. _____ Part(s) _____

Geographic/Former Township _____

Name of Street _____ Street No. _____

6. Dimensions of land affected:

Frontage 66.33 Depth 111.74

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 PLANS

USE _____

Proposed:

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 PLANS

Proposed:

USE _____

10. Date of acquisition of subject land: SEPTEMBER 2012

11. Date of construction of all buildings and structures on subject land: 1890
1930

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:

RESIDENTIAL

17. Present Zoning of the subject land:

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.

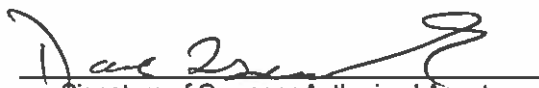
I, DAVE FASERUK, the Owner or Authorized Agent, hereby agree and acknowledge
(Print name of Owner or Authorized Agent)
that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants 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, DAVE FASERUK of ST. THOMAS in the province of ONT.,
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 29 day of 12, 2021.
City Day Month Year


Signature of Owner or Authorized Agent

DEC 29 2021
Date


Signature of Commissioner of Oaths, etc.

Dec 29/21
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, DAVE FASERUK, 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 29 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.

MINOR VARIANCE⁹ APPLICATION.

80 SOUTHWICK ST.

DAVE FASERUK 919-902-7403

SECTION 3 - 7.08 M. TO SIDE LOT LINE.

SECTION 5 - 33 ROSEBERRY

SECTION 6 - 688.15 SQM. TOTAL LOT.

ROSEBERRY ~~7.62 M.~~ WIDE. 34.05

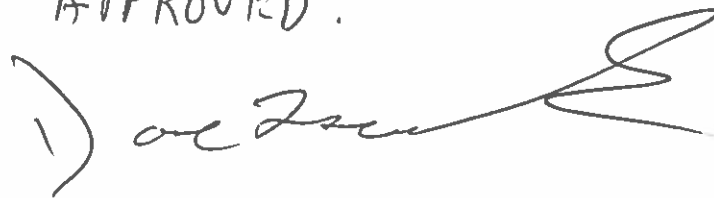
SOUTHWICK ~~8.82 M.~~ WIDE. 20.21

SECTION 14 - 1890

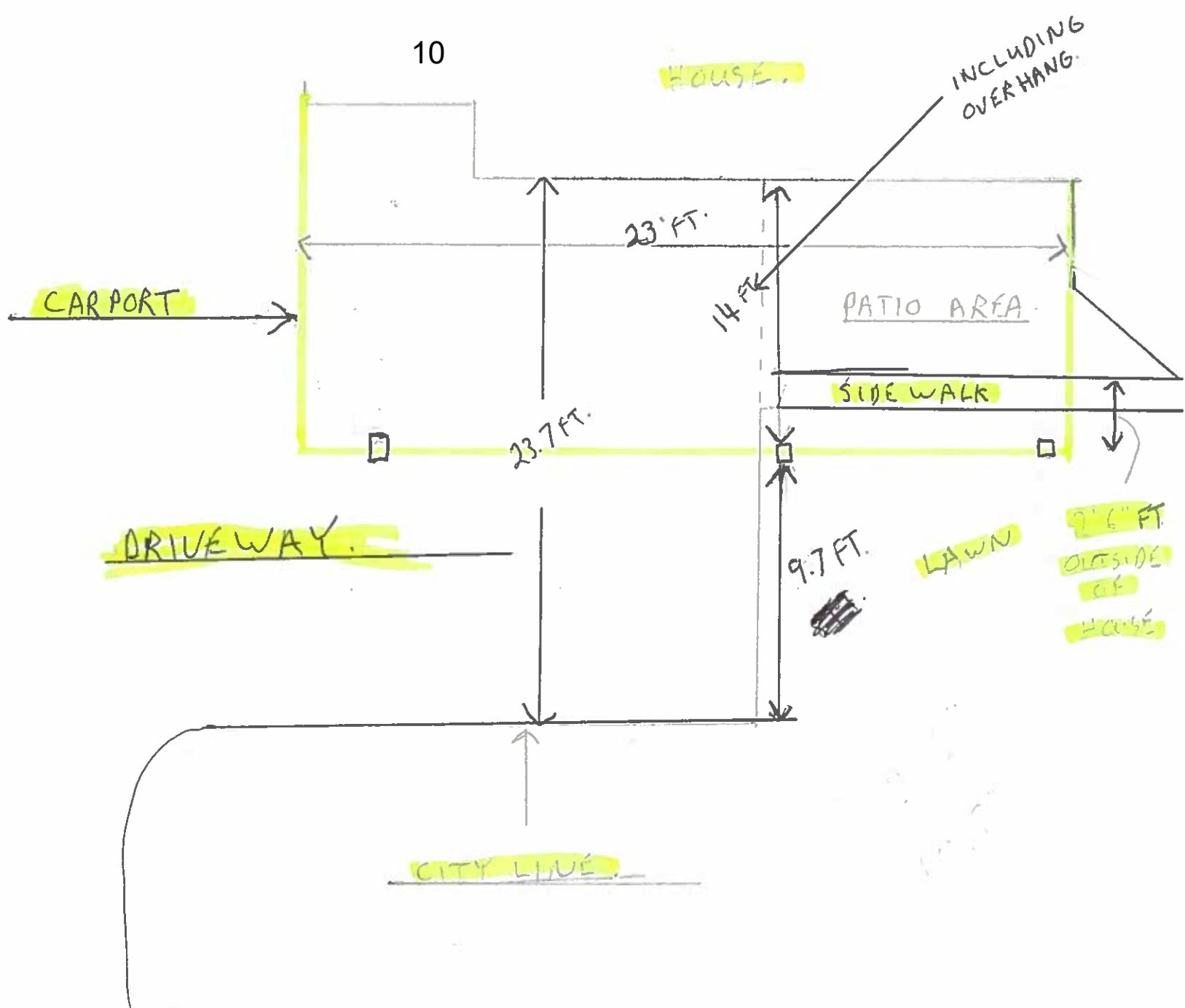
SECTION 17 - R3 ZONE.

SECTION 18 - COAD-2017, FIFTH APARTMENT

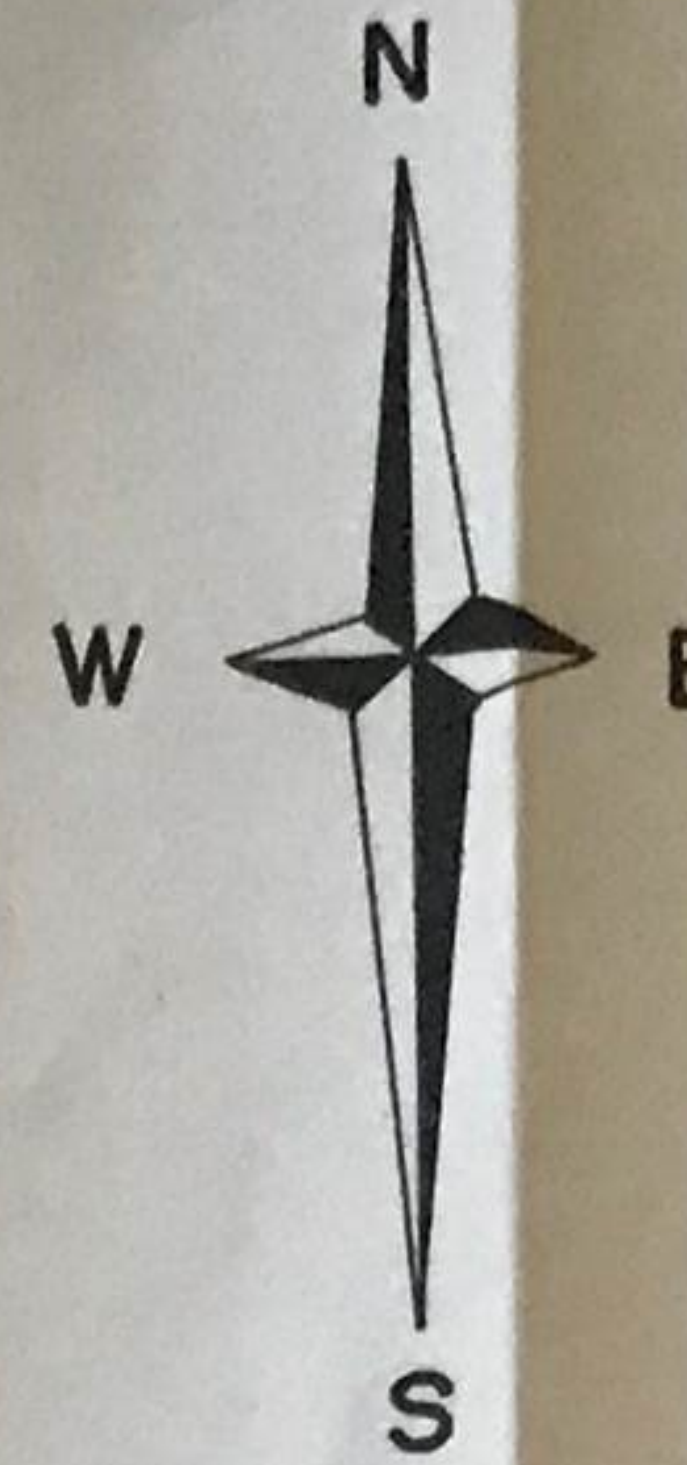
APPROVED.



ATTENTION STEVE G. CRAIG.



GLADSTONE AVENUE



BEARING REFERENCE
 BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE SOUTH LIMIT OF ROSEBERY PLACE - N 88° 13' 30" W - AS SHOWN ON PLAN IIR-1813.

- LEGEND**
- - DENOTES SURVEY MONUMENT FOUND
 - - DENOTES SURVEY MONUMENT PLANTED
 - S.I.B. - DENOTES STANDARD IRON BAR (1" SQUARE)
 - I.B. φ - DENOTES 3/4" ROUND IRON BAR
 - I.B. - DENOTES 5/8" SQUARE IRON BAR

SURVEYOR'S CERTIFICATE

I CERTIFY THAT -
 THE FIELD SURVEY REPRESENTED ON THIS PLAN WAS COMPLETED ON THE 23RD. DAY OF APRIL, 1985.

Donald I. Houghton
 DONALD I. HOUGHTON
 ONTARIO LAND SURVEYOR

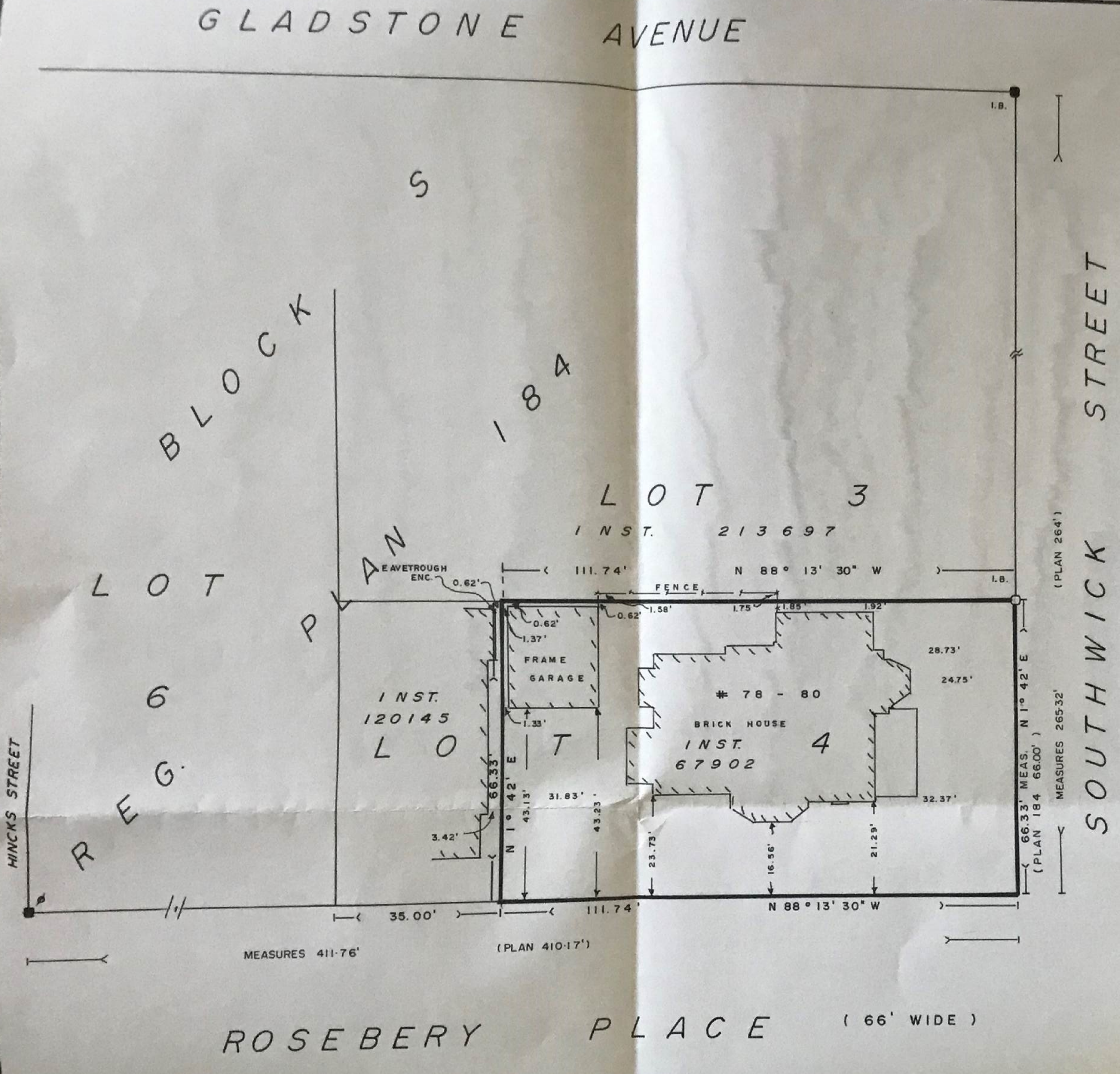
APRIL 25, 1985

BUILDING LOCATION SURVEY

OF
LOT 4
BLOCK S
REGISTERED PLAN 184
 EXCEPT WEST 35'
CITY OF ST. THOMAS
 COUNTY OF ELGIN
 SCALE 1" = 20'
 1985


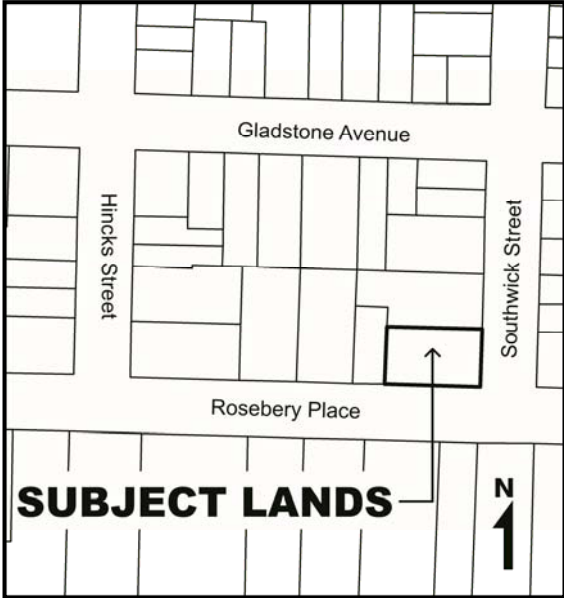
DONALD I. HOUGHTON
 ONTARIO LAND SURVEYOR
 17 HINCKS ST., ST. THOMAS
 N5R 3N5 631-2212

654-8



N 88° 13' 30" W REFERENCE BEARING
 PLAN IIR 1813

DRAFTING BY S. GORDON

 <p>The Corporation of the City of St. Thomas</p>	<p>Report No.: COA03-2022</p>
<p>Members of the Committee of Adjustment</p>	<p>Applicant: Dave Faseruk</p>
<p>Location: 80 Southwick Street, Plan M80, Part Lot 48, RP 11R-6902, Part 14</p>	
<p>Subject: Request for a minor variance pursuant to 45(1) of the Planning Act, R.S.O, as amended</p>	
<p>Department: Planning and Building Services Department Prepared by: Steve Craig, Senior Planning Technician</p>	<p>Attachments: Location Plan and 2020 Aerial Photograph</p>
<p>Recommendation:</p> <p>That: Report COA03-2022 be received.</p>	
<p>BACKGROUND: The applicant is proposing to construct an unenclosed carport on the south side of the existing building, solar panels will be installed on the roof for the purpose of charging an electric motor vehicle.</p> <p>REQUESTED VARIANCE(S):</p> <p>(i) To permit a carport within a required exterior side yard, whereas Subsection 4.2.4.1 of the Zoning By-law provides that a garage/carport may be erected and used for accessory uses in any yard except a required interior side yard, a required exterior side yard, required exterior rear yard or a required front yard.</p> <p>(ii) To permit a carport between the main building wall and the exterior lot line, whereas Subsection 4.2.4.3a of the Zoning By-law provides that no accessory building shall be erected or used between any main building wall opposite the exterior lot line and the exterior lot line if there is access for an automobile from the street to such garage/carport through the exterior lot line.</p> <p>(iii) To permit a carport a minimum of 2.95m from the southerly exterior side lot line, whereas Table 1 to Subsection 7.4, Column Number 9, Item Number 11(b), of the Zoning By-law requires a minimum exterior side yard depth of 4m.</p> <p>OFFICIAL PLAN:</p> <ul style="list-style-type: none"> 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. The "Residential" designation means the predominant use of land shall be for low, medium, and high-density residential use (5.1.3.1). 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). 	<p>Location Plan</p> 

ZONING BY-LAW:

- The subject lands are within the Third Residential Zone (R3) pursuant to the City of St. Thomas Zoning By-Law No. 50-88, as shown on Zoning Map 15. Permitted uses of the R3 zone include a converted dwelling and uses accessory to the foregoing (7.1(h)(q)).
- The regulations for an attached carport relative to a converted dwelling include maximum roof area - 55%, minimum rear yard depth - 9m and minimum exterior side yard depth - 4m (Table 1, Subsection 7.4, Column 9).
- 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 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).
- Front lot line means in the case of a corner lot the shorter lot line abutting the street unless each abutting lot line is of equal length in which case the front lot line shall be the lot line where the principle access to the main building is provided (1.46(ii)).
- Garage means a building or part of a building designed or used for the storage of one or more motor vehicles and includes a carport (1.49).
- Lot coverage means the combined area of all buildings or structures on a lot measured at the level of the lowest floor above grade in relation to the area of the lot expressed as a percentage and includes the area of any of the following which have a roof and are enclosed on all sides: a porch, breezeway, pool, patio, deck or carport but excludes the area of any steps, cornices, eaves, bay windows, chimney breasts, corbelling and similar projections and also excludes the area of any terrace, patio, pool or deck, porch, breezeway or carport which are not enclosed on all sides (1.68).
- Roof area means the horizontal area of all roofs or other cover over any dwelling, porch, breezeway, pool, terrace, patio, deck, steps, stoop, carport, and garages measured at the level of the lowest floor above grade in relation to the area of the lot (1.106).
- Main building wall means the exterior face of the wall of the main building, and its projections, which in the case of an exterior side yard is closest to an exterior side lot line (1.73(iii)).
- A garage may, subject to 4.2.4.3 and 4.2.4.4, be erected and used for accessory uses in any yard except a required interior side yard, a required exterior side yard, required exterior rear yard or a required front yard (4.2.4.1).
- No accessory building shall be erected or used between a main building wall and any required front yard except that a garage attached to a dwelling may be erected and used between any main building wall opposite the front lot line and its extensions and any required front yard (4.2.4.3).
- No accessory building shall be erected or used between any main building wall opposite the exterior lot line and the exterior lot line if any part is within 1 metre of the exterior lot line or, in the case of a garage, if there is access for an automobile from the street to such garage through the exterior lot line (4.2.4.3a).
- An accessory building may be erected and used within a rear yard, but no part shall be erected or used (4.2.4.4):
 - (i) within 0.3 metres of the rear lot line or exterior lot line or, except as provided in clause 4.2.4.5, within .3 metres of any interior lot line; or
 - (ii) within 2 metres of the intersection of the rear lot line and the exterior lot line of such lot.
- Where an existing building is located on a lot having less than the minimum lot frontage, lot area, setback, front yard depth, side yard depth or rear yard depth required by this bylaw, such building may be enlarged or reconstructed, provided that the enlargement or reconstruction does not further reduce any setback, front yard depth, side yard depth or rear yard depth which is less than the minimum required by this by-law (4.2.9.1).

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.

2020 Aerial Photograph

**COMMENTS:**

- The carport will increase roof area on the lot to approximately 46.2%, which is under the 55% maximum regulation in the R3 zone.
- Providing the carport remains unenclosed lot coverage will not increase and existing site lines on Rosebery Place will not be adversely impacted.
- The carport will be in line with the back of the existing building and setback 2.95m from the exterior side lot, which provides an adequate setback from the Rosebery Place right-of-way.
- The Zoning By-law does not permit a carport between a main building wall and an exterior lot line if there is access for a motor vehicle from the street through the exterior lot line, the purpose of regulation is to ensure motor vehicles do not encroach on the municipal right-of-way. No changes to the existing residential driveway and parking spaces are proposed, therefore no encroachments of motor vehicles on the Rosebery Place municipal right-of-way are anticipated.
- During the consultation process no concerns were brought forward by the Manager of Development and Compliance, Environmental Services.
- 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.

- Planning staff recommend that minor variance application COA03-2022 be approved, should the Committee of Adjustment approve the subject application, the decision should reflect that the Committee is approving an unenclosed carport subject to the following conditions:
 - 1) The carport shall be setback a minimum of 2.95m from the exterior side lot line, including the roof eave and associated eave-trough;
 - 2) The limits of the carport shall be in accordance with the dimensions on the plan accompanying the subject application;
 - 3) The carport shall remain unenclosed;
 - 4) The applicant shall submit a building permit for the carport, including an adequate site plan and an elevation plan that demonstrates that the carport is unenclosed, to the satisfaction of the City of St. Thomas Building services Department.

Respectfully submitted,



Steve Craig
Senior Planning