

**A G E N D A**

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

---

**VIA ZOOM**

**10:00 A.M.**

**THURSDAY  
MAY 26, 2022**

**DISCLOSURE OF INTEREST**

**MINUTES**

Confirmation of the minutes of the meeting held on May 12, 2022.

**HEARING OF APPLICATIONS**

A12/22 - Dale and Peggy Langs - 48 Sunset Drive **Pages 2-14**

Planning Report - A12/22 **Pages 15-17**

**NEW BUSINESS**

Next Meeting

The next meeting is scheduled to take place on June 9, 2022 at 10:00 a.m.

**ADJOURNMENT**

## CONFIRMATION OF AN APPLICATION FOR MINOR VARIANCE

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April 28, 2022

Secretary-Treasurer, Committee of Adjustment  
Attention: Jon Hindley

Pursuant to By-Law 30-2015, a consultation meeting was held on April 19, 2022 with Planning staff and the applicant.

An application for a Minor Variance, regarding 48 Sunset Drive, was filed on April 28, 2022 and the required fee under Section 69 of the Planning Act has been provided.

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

Regards,



Jim McCoomb, MCIP, RPP  
Manager of Planning Services



**CORPORATION OF THE CITY OF ST THOMAS  
COMMITTEE OF ADJUSTMENT**

**APPLICATION FOR MINOR VARIANCE OR FOR PERMISSION**  
(Section 45 of the Planning Act, RSO, 1990, as amended)

<b>OFFICE USE:</b>	Date Application Received: <u>APR 28 2022</u>	Consultation Date: <u>Apr 19/22</u>
	Date Application Deemed Complete: <u>APR 28 2022</u>	

Application #: A12/22

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: [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) Dale and Peggy Langs  
 Address 33 Fanjoy Drive, St. Thomas, On.

Postal Code N5R 6V3 Tel: 519-709-9243 e-mail: plldriangs@gmail.com

2. Name of Authorized Agent (if any) Bob Barclay  
 Address 30 Nolan Street, St. Thomas, On.

Postal Code N5P 1X2 Tel: 226-582-0561 e-mail: barclay10@msn.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:  
To permit the reconstruction and expansion of a lawful non-conforming single detached  
dwelling located within the Hazard Land Zone (HL) and not on full municipal services.

4. Reason why the proposed use cannot comply with the provisions of the Zoning By-law:  
According to assessment records the original single detached dwelling was  
constructed on 1945 and is legal non-conforming.

5. Location of Land:  
 Concession No. 1 STR Lot(s) Pt of Lot 45 Registered Plan No. \_\_\_\_\_ Lot(s) \_\_\_\_\_  
 Reference Plan No. \_\_\_\_\_ Part(s) \_\_\_\_\_

Geographic/Former Township Southwold

Name of Street Sunset Drive

Street No. 48

6. Dimensions of land affected:

Frontage 18.709m

Depth irregular

Area 1442.09sm

Width of Street 20.117m

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:

one and half storey single family home (demolished) (condemned by City)

USE residential

Proposed:

construct new 2 storey single family residence with attic room

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 drawing SP1 building now demolished

residential single family

Proposed:

front yard setback 30.48m (west), side yard setback 7.29m +/- (north)

rear yard setback 20.46m +/- (east), side yard setback 3.51m +/- (south), residential use

USE

10. Date of acquisition of subject land: August 2021

11. Date of construction of all buildings and structures on subject land: two structures were on site

at the time of the 1953 Bell survey, the house (demolished 2021) and a store closer to the road (demolished)

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:

1945

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) Temporary holding tank. \_\_\_\_\_

Storm Drainage

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

16. Present Official Plan designation of the subject land:

Hazard Lands, Natural Heritage

17. Present Zoning of the subject land:

Hazard Lands, Natural Heritage

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 Bob Barclay, 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, Bob Barclay 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 April, 2022.  
City Day Month Year

  
\_\_\_\_\_  
Signature of Owner or Authorized Agent

04/28/22  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Signature of Commissioner of Oaths, etc.


April 28/22  
\_\_\_\_\_  
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, Dale Langs, am the owner of the subject lands, and I authorize Bob Barclay, 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.

April 28 / 22  
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, Dale Langs, 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.

April 28 / 22  
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.





1 OVERALL EX. SITE PLAN  
 SP1 SCALE 1:200

General Notes

No.	Revision/Issue	Date

BARCLAY PROJECT MANAGEMENT  
 DESIGN & CONSULTING  
 30 NOLAN STREET,  
 ST. THOMAS, ON. N5P 1X2  
 226-582-0561  
 barclay10@msn.com

SHEET  
 EXISTING OVERALL SITE PLAN

Project Name and Address  
 LANGS RESIDENCE  
 48 SUNSET DRIVE  
 ST. THOMAS, ON.

Project	2021024	Sheet	SP1
Date	08/31/2021		
Scale	AS NOTED		



**AREA CALCULATION**

EXISTING HOUSE	64.02m
TOTAL EX. BLDG.	64.02m
+30% ALLOWABLE INCREASE	19.21m
TOTAL ALLOWABLE	83.23m
TOTAL PROPOSED	83.18m

**SITE DATA: 48 SUNSET DRIVE, ST. THOMAS, ON.**

ACCESSORY USES	MUNICIPAL REGULATIONS	MUNICIPAL REGULATIONS	EXISTING	PROPOSED	REMARKS
CURRENT ZONING	HL NH	HL NH (R1 VALUES)	HL NH	HL NH (R1 VALUES)	USING R1 VALUES
PERMITTED USES	SINGLE FAMILY RESIDENTIAL	SINGLE FAMILY RESIDENTIAL	SINGLE FAMILY HOME	SINGLE FAMILY RESIDENTIAL	CONFORMING
LOT AREA		464.0sm	15523.05sf (1442.09sm)	15523.05sf (1442.09sm)	CONFORMING
LOT FRONTAGE		15.0m	61.38' (18.709m)	61.38' (18.709m)	CONFORMING
BUILDING HEIGHT		11.0m	<11.0m	7.32m	CONFORMING
LOT COVERAGE MAXIMUM		35.0%	4.44 %	5.77%	CONFORMING
FRONT YARD DEPTH		6.0m	32.49m +/-	27.43m	CONFORMING
SIDE YARD DEPTH (EAST)		1.0m	2.05m +/-	3.51m	CONFORMING
SIDE YARD DEPTH (WEST)		1.0m	8.21m +/-	7.29m	CONFORMING
REAR YARD DEPTH		10.5m	30.11m +/-	27.51m	CONFORMING
ROOF AREA		50.0%	<50.0%	14.6%	CONFORMING

GENERAL NOTES:  
 LEGAL DESCRIPTION: PART OF LOT 45 CONCESSION SOUTH OF TALBOT ROAD EAST AND PART OF ROAD ALLOWANCE BETWEEN TOWNSHIP OF SOUTHWOOLD AND YARMOUTH (GEOGRAPHIC TOWNSHIP OF SOUTHWOOLD) COUNTY OF ELGIN  
 MUNICIPAL ADDRESS: 48 SUNSET DRIVE ST. THOMAS, ON.  
 BUILDING SETBACKS: ZONING IS CURRENTLY HL, NH R1 ZONING VALUES USED FOR DESIGN  
 BUILDING CLASSIFICATION: RESIDENTIAL  
 PROPERTY ZONING: HL, NH  
 PROPERTY BOUNDARIES: TOPOGRAPHICAL SKETCH KIM HUSTED SURVEYORS TILLSONBURG, ON.  
 KCCA REGULATORY FLOOD LIMIT 207.1m (GHD 2020) PROPOSED NEW FOUNDATION TO BE SET AT 207.25m EXISTING HOUSE TO BE DEMOLISHED 689.11sf (64.02sm) 30% INCREASE EQUALS 895.84sf (83.22sm) PROPOSED FOOT PRINT AT GRADE WOULD BE 894.44sf (83.18sm) SLAB ON GRADE CONSTRUCTION WITH NO BASEMENT NO FLOOD PROOFING REQUIRED TOP OF FOUNDATION AND PIERS WILL BE > 207.10m TOPOGRAPHICAL INFORMATION PROVIDED BY KIM HUSTED LAND SURVEYORS, MARCH 2022  
 SITE AREA 15523.05sf (1442.09sm) BUILDING AREA 895.44sf (83.18sm) LOT COVERAGE 5.77% COVERAGE WATER SERVICE MUNICIPAL AVAILABLE ON SUNSET SANITARY SERVICE WILL BE MUNICIPAL WHEN AVAILABLE ON SUNSET NATURAL GAS SERVICE AVAILABLE ON SUNSET ELECTRICAL SERVICE AVAILABLE ON SUNSET ENTRANCE CURRENTLY EXISTING

- KCCA  
 4.4 Permitted Uses and Alterations in the Floodplain (One-Zone Concept of Floodplain Management)
8. Additions to existing structures, or reconstruction of existing structures located within the floodplain which have been damaged or destroyed by natural forces other than flooding, or which require replacement or repair due to old age, will be permitted provided that:
    - a) The feasibility of relocating the proposed structure to a less hazardous area of the site is evaluated;
    - b) BUILDING IS LOCATED AT NEAR KCCA FLOODS LEVEL AT REAR OF PROPERTY
    - c) The structure is flood proofed to the level of the Regulatory Flood;
    - d) FINISH FLOOR OF HOUSE IS LOCATED ABOVE THE KCCA REGULATORY LEVEL
    - e) Dry passive floodproofing methods, certified by a professional engineer, are incorporated into the building plans to minimize the potential flood damages to a level acceptable to the KCCA;
    - f) "DRY" PASSIVE FLOOD PROOFING IS NOT REQUIRED
    - g) The foundation area does not exceed the former foundation area by more than 30%. The new foundation must be located at the site of the old foundation or a site on the property less susceptible to flooding. The allowance for an increase in foundation size is intended as a one-time occurrence only and subsequent, piecemeal expansions will not be permitted by the Authority;
    - h) NEW FOUNDATION AREA NOT TO EXCEED 30% OF EXISTING FOUNDATION AREA
    - i) The use remains the same as the former use or becomes a use that exhibits a lesser potential for threat to life and/or property damage due to flooding;
    - j) USE REMAINS THE SAME AS THE FORMER (EXISTING) AS SINGLE FAMILY RESIDENTIAL
    - k) The flood depths and flood velocities under regional storm conditions do not prevent safe ingress and egress by foot;
    - l) FLOOD DEPTHS AND VELOCITIES WILL NOT PREVENT SAFE INGRESS AND EGRESS
    - m) The reconstruction does not adversely affect other floodplain management considerations (flow impediment, re-routing, water levels, public safety, etc.); and
    - n) NEW CONSTRUCTION DOES NOT ADVERSELY AFFECT OTHER FLOODPLAIN MANAGEMENT CONSIDERATIONS
    - o) The proponent provides the Authority with a certificate from a registered professional engineer that the above requirements of the Authority are being met and such certification is to be included with the proponent's Application for Development, Interference with Wetlands and Alterations to Shorelines and Watercourses.
    - p) CERTIFICATION BY PROFESSIONAL ENGINEER THAT THE ABOVE REQUIREMENTS ARE BEING MET

General Notes

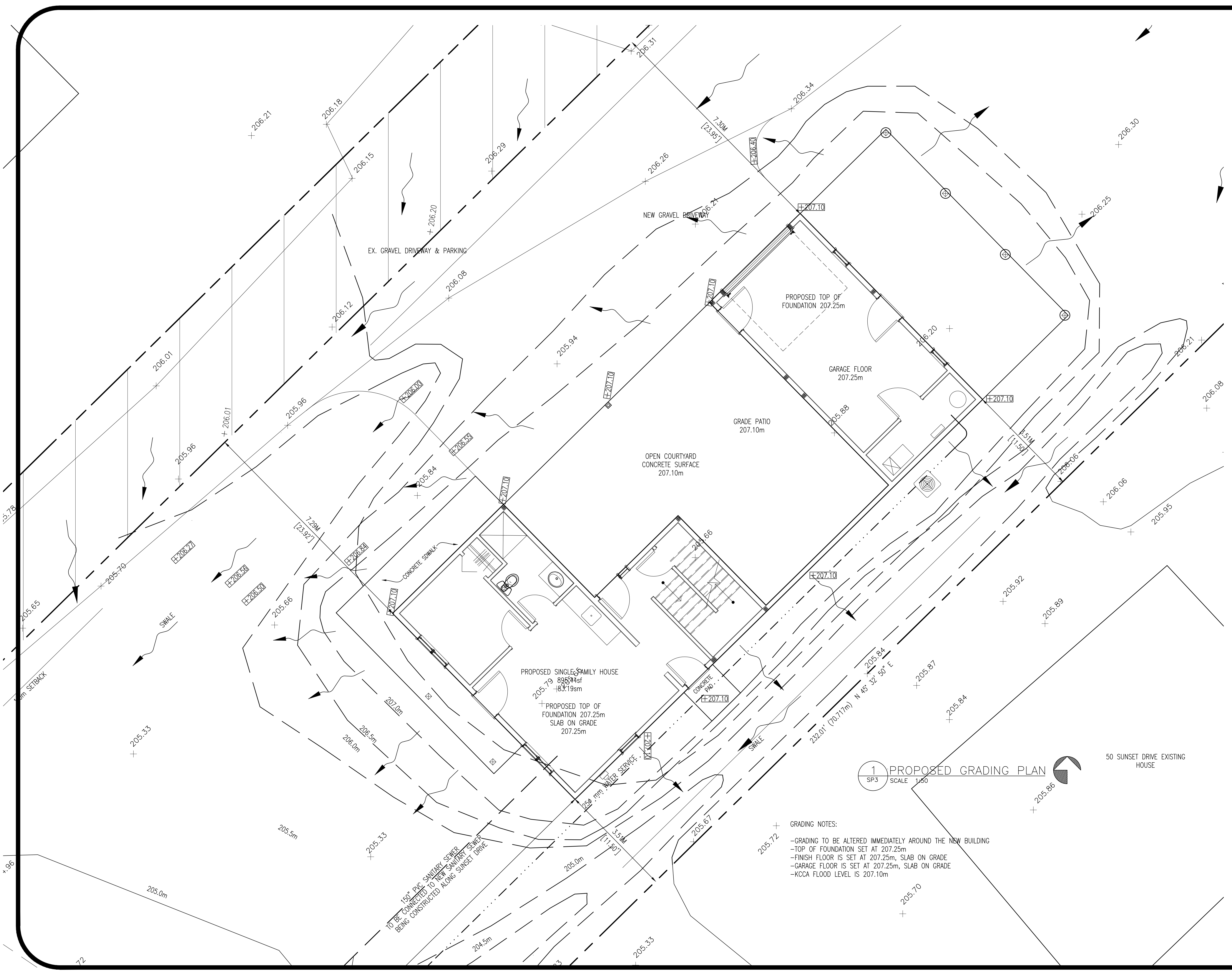
No.	Revision/Issue	Date

BARCLAY PROJECT MANAGEMENT  
 DESIGN & CONSULTING  
 30 NOLAN STREET,  
 ST. THOMAS, ON. N5P 1X2  
 226-582-0561  
 barclay10@msn.com

SHEET  
 PROPOSED SITE PLAN

Project Name and Address  
 LANGS RESIDENCE  
 48 SUNSET DRIVE  
 ST. THOMAS, ON.

Project	2021024	Sheet	
Date	08/31/2021	SP2	
Scale	AS NOTED		



1 PROPOSED GRADING PLAN  
 SP3 SCALE 1:50

- GRADING NOTES:
- GRADING TO BE ALTERED IMMEDIATELY AROUND THE NEW BUILDING
  - TOP OF FOUNDATION SET AT 207.25m
  - FINISH FLOOR IS SET AT 207.25m, SLAB ON GRADE
  - GARAGE FLOOR IS SET AT 207.25m, SLAB ON GRADE
  - KCCA FLOOD LEVEL IS 207.10m

General Notes

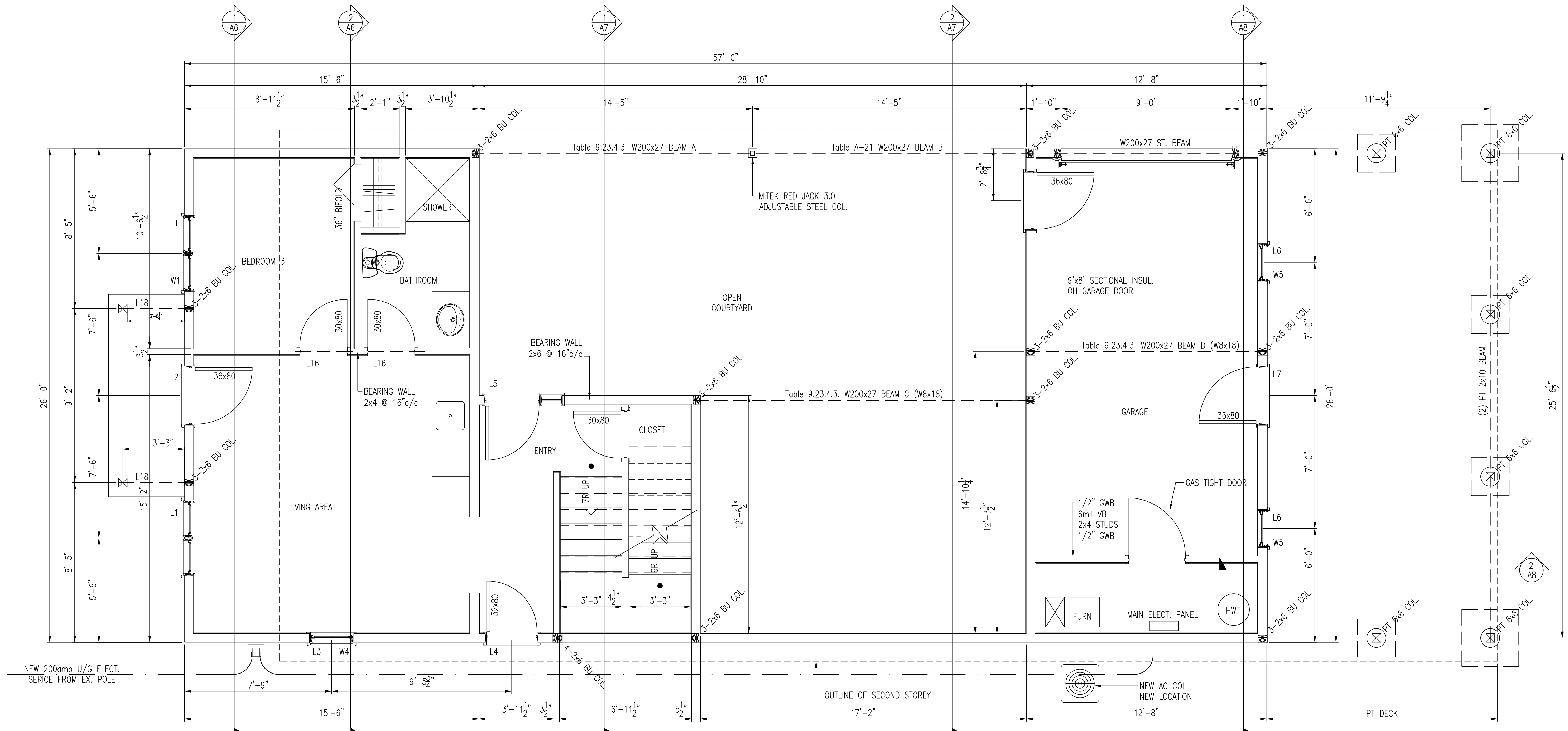
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 ST. THOMAS, ON. N5P 1X2  
 226-582-0561  
 barclay10@msn.com

SHEET  
 PROPOSED GRADING PLAN

Project Name and Address  
 LANGS RESIDENCE  
 48 SUNSET DRIVE  
 ST. THOMAS, ON.

Project	2021024	Sheet	SP3
Date	08/31/2021		
Scale	AS NOTED		



1 FIRST FLOOR PLAN  
SCALE 3/8"=1'

Table A-15  
Maximum Spans for Spruce - Pine - Fir Lintels - No. 1 or No. 2 Grade - Non-Structural Sheathing<sup>(1)</sup>

Item	Column 1 Lintel Supporting	Forming Part of Sentences 9.23.12.3.1 (1) and (3) and 9.37.3.1.1 (1)						
		Column 2 Lintel Size, mm <sup>(2)</sup>	Column 3 Maximum Span, m <sup>(3)(4)</sup>	Column 4 Maximum Span, m <sup>(3)(4)</sup>	Column 5 Maximum Span, m <sup>(3)(4)</sup>	Column 6 Maximum Span, m <sup>(3)(4)</sup>	Column 7 Maximum Span, m <sup>(3)(4)</sup>	Column 8 Maximum Span, m <sup>(3)(4)</sup>
3.	Roof and ceiling only (tributary width of 4.9 m maximum) <sup>(5)</sup>	2-38 x 89	1.27	1.11	1.01	0.93	0.87	0.93
		2-38 x 140	1.93	1.66	1.48	1.35	1.25	1.35
3.	Roof and ceiling and 1 storey <sup>(6)(7)</sup>	2-38 x 184	2.35	2.02	1.80	1.64	1.52	1.64
		2-38 x 235	2.88	2.47	2.20	2.01	1.84	2.01
		2-38 x 286	3.34	2.87	2.56	2.33	2.09	2.33
		2-38 x 340	3.81	3.26	2.91	2.64	2.35	2.64

LINTEL	SPAN INCHES	SPAN METERS	TABLE A-15 LENGTH	TRIBUTARY LENGTH	SPECIFIED LINTEL
1	36	0.916	2-2x4	0.617m	2-2x6
2	48	1.219	2-2x4	0.617m	2-2x6
11	38	0.965	2-2x4	4.267m	2-2x10
12	62	1.575	2-2x6	4.267m	2-2x10
13	50	1.270	2-2x4	4.267m	2-2x8
14	74	1.880	2-2x6	4.267m	2-2x8
15	30	0.762	2-2x4	4.267m	2-2x10
17	66.5	1.689	2-2x6	4.794m	2-2x10
18	42.5	1.080	2-2x4	1.816m	2-2x8

Table A-15  
Maximum Spans for Spruce - Pine - Fir Lintels - No. 1 or No. 2 Grade - Non-Structural Sheathing<sup>(1)</sup>

Item	Column 1 Lintel Supporting	Forming Part of Sentences 9.23.12.3.1 (1) and (3) and 9.37.3.1.1 (1)						
		Column 2 Lintel Size, mm <sup>(2)</sup>	Column 3 Maximum Span, m <sup>(3)(4)</sup>	Column 4 Maximum Span, m <sup>(3)(4)</sup>	Column 5 Maximum Span, m <sup>(3)(4)</sup>	Column 6 Maximum Span, m <sup>(3)(4)</sup>	Column 7 Maximum Span, m <sup>(3)(4)</sup>	Column 8 Maximum Span, m <sup>(3)(4)</sup>
4.	Roof, ceiling and 1 storey <sup>(6)(7)</sup>	2-38 x 89	1.05	0.96	0.89	0.84	0.79	0.74
		2-38 x 140	1.49	1.37	1.27	1.19	1.13	1.02
4.	Roof, ceiling and 1 storey <sup>(6)(7)</sup>	2-38 x 184	1.82	1.67	1.55	1.44	1.33	1.20
		2-38 x 235	2.22	2.04	1.89	1.73	1.59	1.45
		2-38 x 286	2.58	2.36	2.15	1.96	1.81	1.66
		2-38 x 340	2.94	2.68	2.42	2.21	2.03	1.85

LINTEL	SPAN INCHES	SPAN METERS	TABLE A-15 LENGTH	TRIBUTARY LENGTH	SPECIFIED LINTEL
6	26	0.660	2-2x4	1.829m	2-2x10
7	38	0.965	2-2x4	1.829m	2-2x10
8	50	1.270	2-2x6	4.267m	2-2x10
9	62	1.575	2-2x8	4.267m	2-2x10
10	30	0.762	2-2x4	4.267m	2-2x10

Table A-15  
Maximum Spans for Spruce - Pine - Fir Lintels - No. 1 or No. 2 Grade - Non-Structural Sheathing<sup>(1)</sup>

Item	Column 1 Lintel Supporting	Forming Part of Sentences 9.23.12.3.1 (1) and (3) and 9.37.3.1.1 (1)						
		Column 2 Lintel Size, mm <sup>(2)</sup>	Column 3 Maximum Span, m <sup>(3)(4)</sup>	Column 4 Maximum Span, m <sup>(3)(4)</sup>	Column 5 Maximum Span, m <sup>(3)(4)</sup>	Column 6 Maximum Span, m <sup>(3)(4)</sup>	Column 7 Maximum Span, m <sup>(3)(4)</sup>	Column 8 Maximum Span, m <sup>(3)(4)</sup>
5.	Roof, ceiling and 2 storeys <sup>(8)(9)</sup>	2-38 x 89	0.94	0.88	0.83	0.79	0.76	0.64
		2-38 x 140	1.34	1.26	1.19	1.13	1.06	0.88
5.	Roof, ceiling and 2 storeys <sup>(8)(9)</sup>	2-38 x 184	1.63	1.53	1.44	1.33	1.25	1.05
		2-38 x 235	1.99	1.87	1.72	1.60	1.50	1.27
		2-38 x 286	2.31	2.12	1.96	1.82	1.71	1.45
		2-38 x 340	2.63	2.40	2.21	2.06	1.93	1.66

LINTEL	SPAN INCHES	SPAN METERS	TABLE A-15 LENGTH	TRIBUTARY LENGTH	SPECIFIED LINTEL
3	28	0.712	2-2x4	4.270m	3-2x10
4	34	0.864	2-2x4	2.286m	2-2x10
5	52	1.320	2-2x6	4.120m	2-2x10
16	32	0.813	2-2x4	3.867m	2-2x10

No.	Revision/Issue	Date

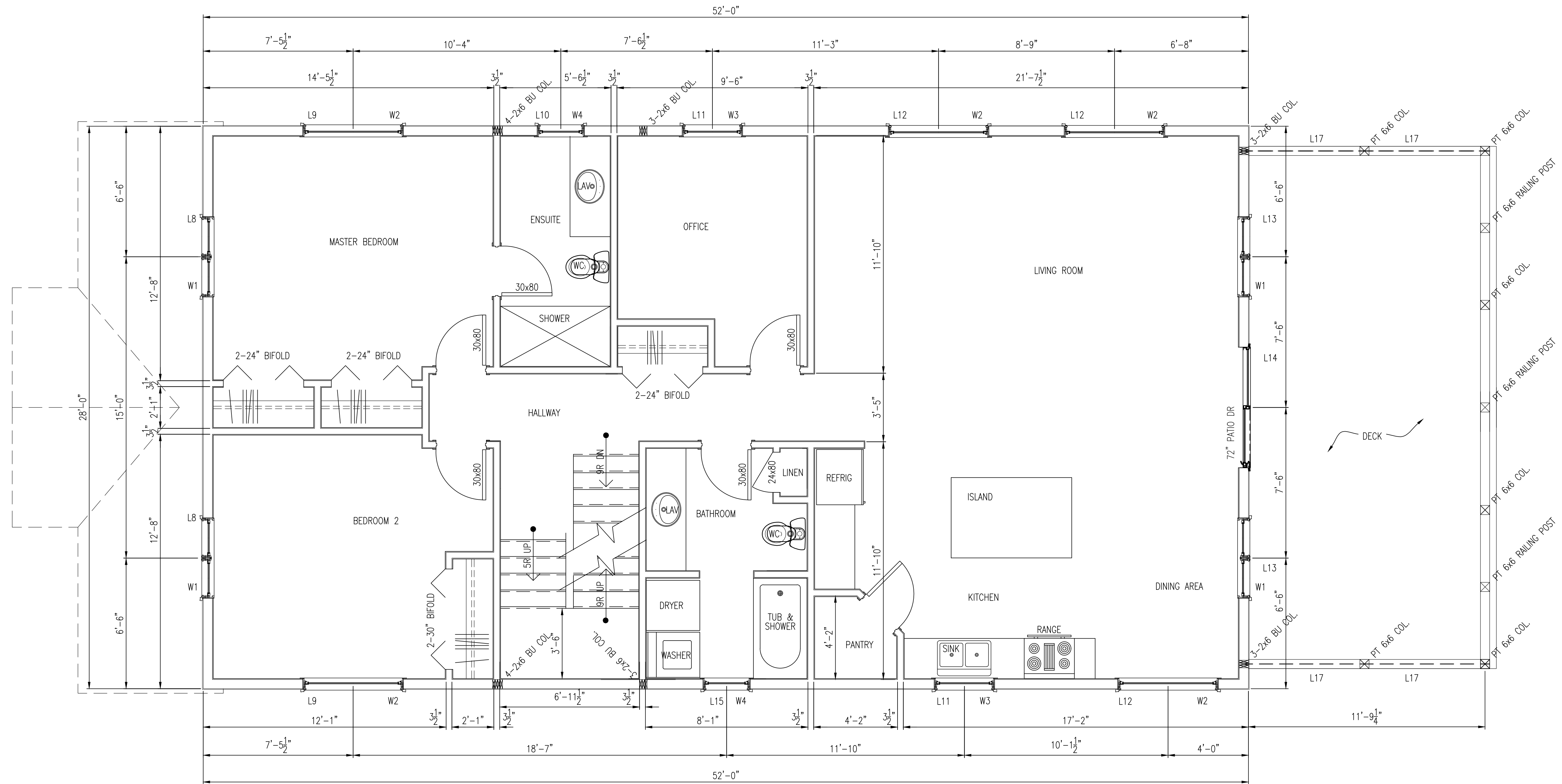


BARCLAY PROJECT MANAGEMENT  
DESIGN & CONSULTING  
30 NOLAN STREET,  
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barelay10@msn.com

Project Name and Address  
LANGS RESIDENCE  
48 SUNSET DRIVE  
ST. THOMAS, ON.

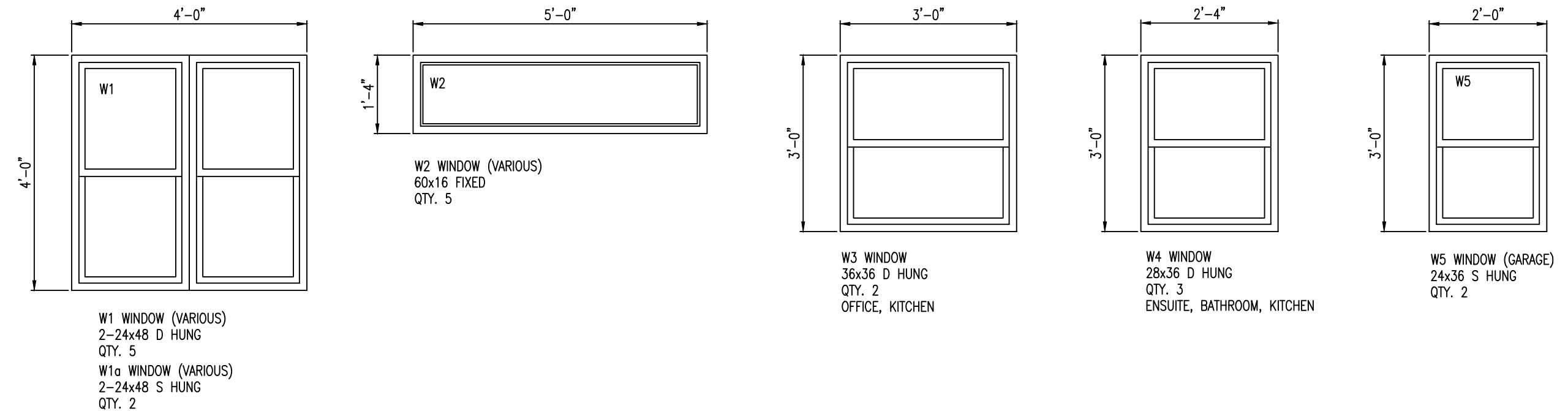
SHEET  
FIRST FLOOR PLAN

Project	Sheet
2021024	A2
Date	08/31/2021
Scale	AS NOTED



2 SECOND FLOOR PLAN  
 A3 SCALE 3/8"=1'

GENERAL NOTES:  
 ALL CONSTRUCTION TO CONFORM TO OBC LATEST EDITION  
 CURRENCY MAY, 2020  
 SB-12 COMPLIANCE PACKAGE A1 ZONE 1  
 PLUMBING TO BE DESIGNED BY CONTRACTOR  
 ELECTRICAL TO BE DESIGNED BY CONTRACTOR  
 HVAC TO BE DESIGNED BY CONTRACTOR



No.	Revision/Issue	Date



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 DESIGN & CONSULTING  
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 226-582-0561  
 barclay10@msn.com

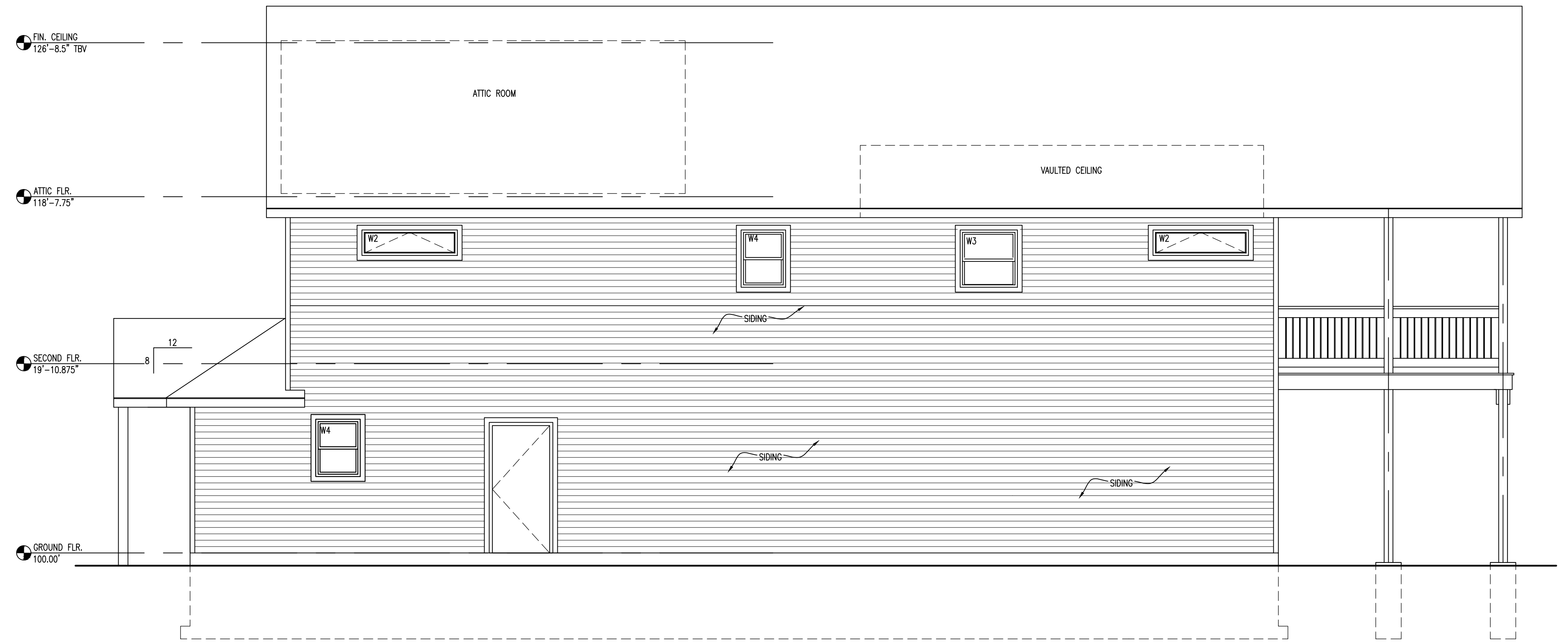
Project Name and Address  
 LANGS RESIDENCE  
 48 SUNSET DRIVE  
 ST. THOMAS, ON.

SHEET  
 SECOND FLOOR PLAN

Project 2021024  
 Date 08/31/2021  
 Scale AS NOTED  
 Sheet A3



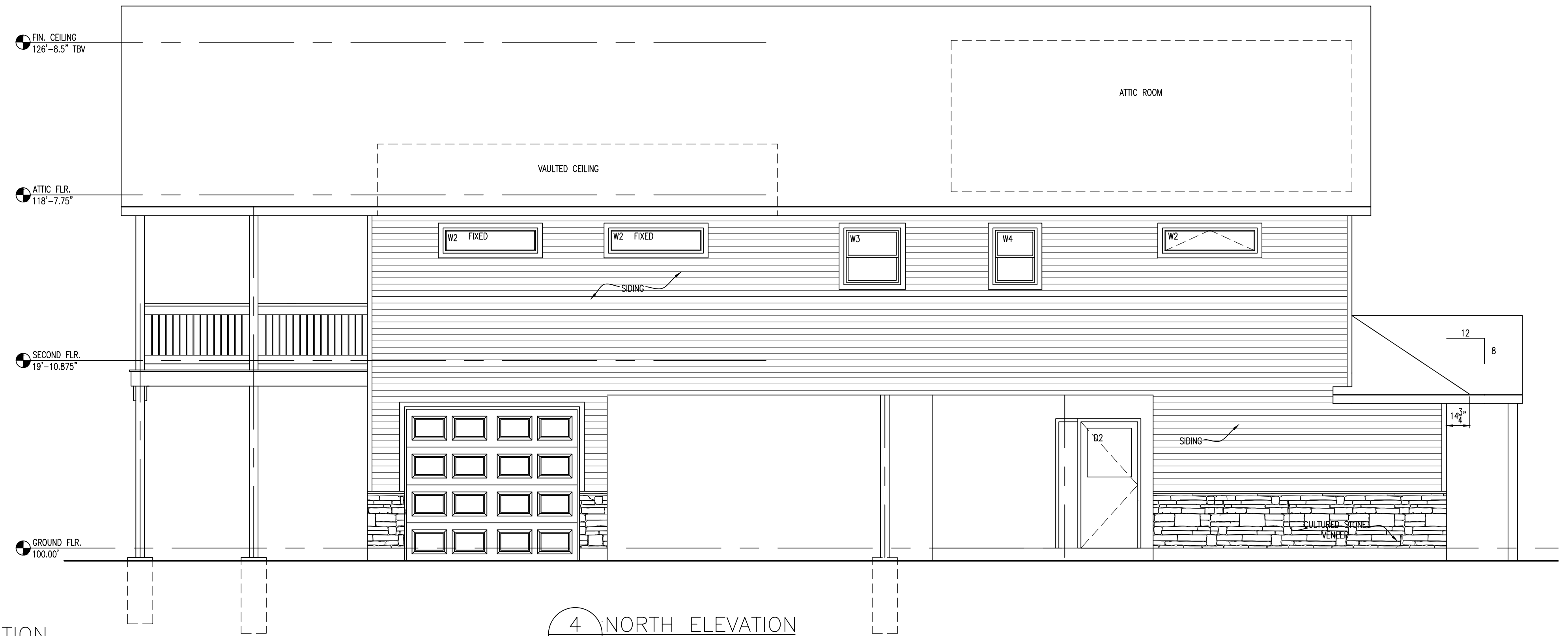
1 WEST ELEVATION  
A5 SCALE 3/16"=1'



2 SOUTH ELEVATION  
A5 SCALE 3/16"=1'



3 EAST ELEVATION  
A5 SCALE 3/16"=1'



4 NORTH ELEVATION  
A5 SCALE 3/16"=1'

No.	Revision/Issue	Date



BARCLAY PROJECT MANAGEMENT  
DESIGN & CONSULTING  
30 NOLAN STREET,  
ST. THOMAS, ON. N5P 1X2  
226-582-0561  
barelay10@msn.com

Project Name and Address  
LANGS RESIDENCE  
48 SUNSET DRIVE  
ST. THOMAS, ON.

SHEET  
ELEVATIONS

Project 2021024  
Date 08/31/2021  
Scale AS NOTED  
Sheet A5



The Corporation of the City of St. Thomas

Report No.: COA12-2022

Applicant: Dale and Peggy Langs

Members of the Committee of Adjustment

Report Date: May 18, 2022

Meeting Date: May 26, 2022

Location: 48 Sunset Drive, City of St. Thomas

Subject: Request for a permission pursuant to 45(2)(a)(i) 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 & 2020 Aerial Photograph

**Recommendation:**

**That:** Report COA12-2022 be received.

**BACKGROUND**

The applicants are proposing reconstruct and enlarge a lawful non-conforming single detached dwelling located within the Kettle Creek floodplain (HL zone), as shown on the plans accompanying the application.

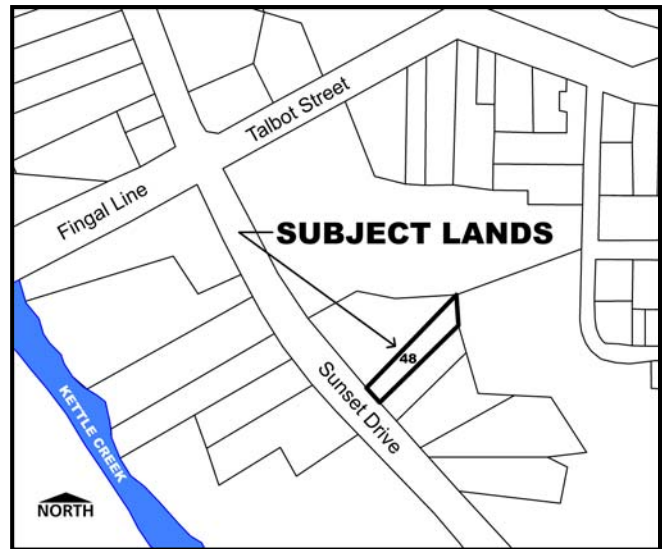
**Permission**

- To permit the reconstruction and enlargement of a lawful non-conforming single detached dwelling located within the Hazard Land Zone (HL), in accordance with Section 45(2)(a)(i) of the Planning Act, R.S.O. 1990, as amended.

**OFFICIAL PLAN**

- The subject lands are designated Natural Heritage, as shown on Schedule A (Land Use Plan) to the Official Plan for the City of St. Thomas.
- Permitted use of the Natural Heritage designation include passive open space, walking/biking trails, forest and resource management uses, conservation uses, erosion and flood control, low-intensity public and private recreation uses, necessary public utilities, infrastructure and services, existing agricultural use and accessory buildings and structures thereto (8.3.2.2).
- The Natural Hazards designation comprises lands which exhibit or potentially exhibit a hazardous condition due to their susceptibility to flooding, erosion, subsidence, slumping, inundation or the presence of steep slopes or other physical limitations. (8.4.2.1). The Natural Hazards designation is not a specific land use category but shall be interpreted as a performance category in which the policies of this section are to apply in conjunction with the policies of the underlying land use category (8.4.1.1). The Kettle Creek Conservation Authority (KCCA) has been delegated responsibility by the Province for Natural Hazard policies relative to the Provincial Policy Statement (PPS), approval of the application will need to be conditional on the applicants obtaining a permit from the Kettle Creek Conservation Authority (KCCA) prior to any alteration and/or development.

**Location Plan:**

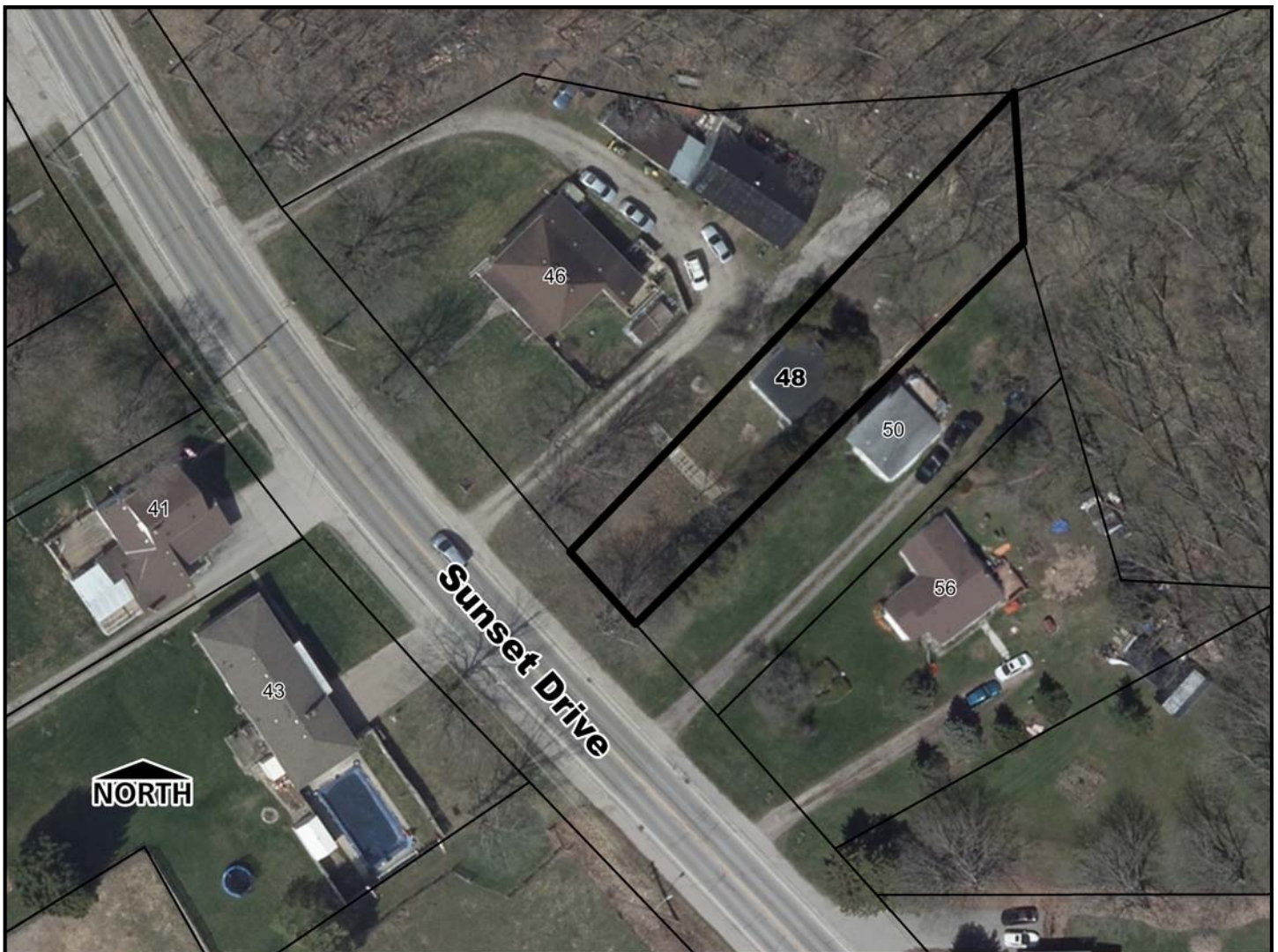


- New development in the St. Thomas Urban Service Area shall be serviced with full municipal water supply and distribution, sanitary sewage collection and treatment and stormwater management. The only exception is the limited industrial development subject to the policies of the Plan (9.2.1.1).
- The Committee of Adjustment on application shall consider the granting of permission to extend or enlarge a non-conforming use in order to prevent unnecessary hardship on the non-conforming use (10.1.4).

#### ZONING BY-LAW

- The subject lands are within the Hazard Land Zone (HL) and Natural Heritage Zone (NH) pursuant to the City of St. Thomas Zoning By-Law No. 50-88, as shown on Zoning Map 14.
- The location of the proposed single detached dwelling is within the HL zone, permitted uses include a park, conservation work, horticultural nursery, recreation, parking lot, wildlife management area, agriculture, and uses accessory to the forgoing (24.1).
- In the HL zone no building or structure shall be erected for any purpose (24.2).

#### 2020 Aerial Photograph:



#### SERVICES

- The lawful non-conforming single detached dwelling that was recently removed from the subject lands was serviced through a private onsite septic system and municipal water.
- Through the consultation process the Manager of Development and Compliance, Corporation of the City of St. Thomas confirmed that municipal sewers will be constructed on Sunset Drive within twelve to eighteen months.



- Based on the timing of the construction of municipal sewers on Sunset Drive the installation of a new septic system is not feasible, as a result the applicants requested that the Corporation of the City of St. Thomas consider the temporary use of a holding tank until such time as municipal sewers are available.
- Through the consultation process the Chief Building Official, Corporation of the City of St. Thomas confirmed that a building permit could be issued for a temporary holding tank, provided the applicants enter into a development agreement that requires a pumping contract for the duration of the temporary use of the holding tank and connection to the municipal sewers when available.

**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.
- According to assessment records the existing use of the subject lands for residential purposes was established in 1945 and has continued until the date of the Committee’s consideration of the subject application.
- Staff are satisfied that the proposed location of the single detached dwelling is 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 reconstruction and expansion of the existing legal non-conforming single detached dwelling will not result in any new undue adverse impacts on the subject lands and neighbouring area.
- Staff recommend that application COA12-2022 be approved, should the Committee of Adjustment approve the application the decision should reflect that approval is for the reconstruction and expansion of a lawful non-conforming single detached dwelling, in accordance with the plans accompanying the application and subject to the following conditions:
  - 1) the applicants enter into a development agreement with the Corporation of the City of St. Thomas to address servicing matters relative to a temporary holding tank (including, but not limited to the installation, pumping contract and decommissioning) and connection to municipal services at such time when available, to the satisfaction of the Chief Building Official and Manager of Development and Compliance; and
  - 2) the applicants obtain a permit from the Kettle Creek Conservation Authority (KCCA) prior to any alteration and/or development.

Respectfully submitted,



Steve Craig  
Senior Planning Technician