

**A G E N D A**

**THE SECOND MEETING OF THE COMMITTEE OF ADJUSTMENT  
OF THE CITY OF ST. THOMAS 2023**

---

**VIA ZOOM**

**10:00 A.M.**

**THURSDAY  
JANUARY 26, 2023**

**DISCLOSURE OF INTEREST**

**MINUTES**

Confirmation of the minutes of the meeting held on January 13, 2023.

**HEARING OF APPLICATIONS**

A17/22 - Dane & Lindsay Rice - 10 Drake Street **Pages 2-12**

Planning Report - A17/22 **Pages 13-14**

A18/22 - Elgin Theatre Guild - 40 Princess Avenue **Pages 15-25**

Planning Report - A18/22 **Pages 26-29**

**NEW BUSINESS**

Next Meeting

To be determined.

**ADJOURNMENT**



## PLANNING &amp; BUILDING SERVICES DEPARTMENT

City of St. Thomas t. (519) 633.2560 f. (519) 633.6581

DEC 22 2022

9 Mondamin Street  
St. Thomas, Ontario, N5P 2T9

City Clerks Dept.

**CONFIRMATION OF AN APPLICATION FOR MINOR VARIANCE**

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December 22, 2022

Secretary-Treasurer, Committee of Adjustment  
Attention: Jon Hindley

Pursuant to By-Law 30-2015, a consultation meeting was held on December 21, 2022 with Planning staff and the applicant.

An application for a Minor Variance, regarding 10 Drake Street, was filed on December 22, 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,

A handwritten signature in black ink, appearing to read "Jim McCoomb".

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>December 22/22</u>	Consultation Date: <u>December 21/22</u>
	Date Application Deemed Complete: <u>December 22/22</u>	

Application #: A17/22

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) Dane & Lindsay Rice

Address 10 Drake St., St Thomas, Ontario

Postal Code N5R 2H5 Tel: 519-859-4021 e-mail: lrice@ywcaste.ca

2. Name of Authorized Agent (if any) Nicole McDowell

Address 31914 Pioneer Line, Iona Station, Ontario

Postal Code N0L 1P0 Tel: 519-317-7681 e-mail: nicole@duenorthdesign.ca

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

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

Two level + basement addition to rear of house, as well as new deck and stair.

(1) To permit an addition 8.6m from rear lot line, ZBL requires 9m. (2) To permit a deck 5.5m from rear lot line, ZBL requires 6.5m. and (3) To permit deck stairs 4.7m from rear lot line, ZBL requires 9m.

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

Part of addition and full deck encroaches beyond rear yard setback line.

5. Location of Land:

Concession No. \_\_\_\_\_ Lot(s) \_\_\_\_\_ Registered Plan No. 23 Lot(s) PT LOT 1 PT LOT 2

Reference Plan No. \_\_\_\_\_ Part(s) \_\_\_\_\_

Geographic/Former Township St Thomas, Ontario

Name of Street Drake Street Street No. 10

6. Dimensions of land affected:

Frontage 50.00 ft Depth 88.00 ft

Area 0.10 ac Width of Street \_\_\_\_\_

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:

Existing main dwelling: 81.3 sq. m., 2 storeys

Existing accessory structure (garage): 22.6 sq. m., 1 storey

USE Residential

Proposed:

Proposed addition to main dwelling: 30.8 sq. m., 2 storeys, 13'-0" x 25'-6"

Proposed deck off of addition: 18.6 sq. m., approx. 19'-0" x 10'-0"

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:

Residential dwelling 4M to front yard lot line, 3.9M to left interior side yard lot line, 3.3M to right interior side yard lot line

Proposed:

Addition to residential dwelling 3.9M to left interior side yard lot line, 3.3 M to right interior side yard lot line, 8.6M to rear yard lot line.

Deck 5.5M to rear yard lot line, deck stair 4.7M to rear yard lot line.

USE \_\_\_\_\_

10. Date of acquisition of subject land: September, 2005

11. Date of construction of all buildings and structures on subject land: \_\_\_\_\_  
House 1905

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:

1905

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:

Plan 23

17. Present Zoning of the subject land:

R3

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 \_\_\_\_\_, 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, Nicole McDowell of Iona Station 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 City of St. Thomas on this 22 day of 12, 2022.  
City Day Month Year

N. McDowell  
Signature of Owner or Authorized Agent

Dec 22, 2022  
Date

[Signature]  
Signature of Commissioner of Oaths, etc.

Dec 22/22  
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, Dane & Lindsay Rice, am the owner of the subject lands, and I authorize Nicole McDowell, 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 21, 2022

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.**

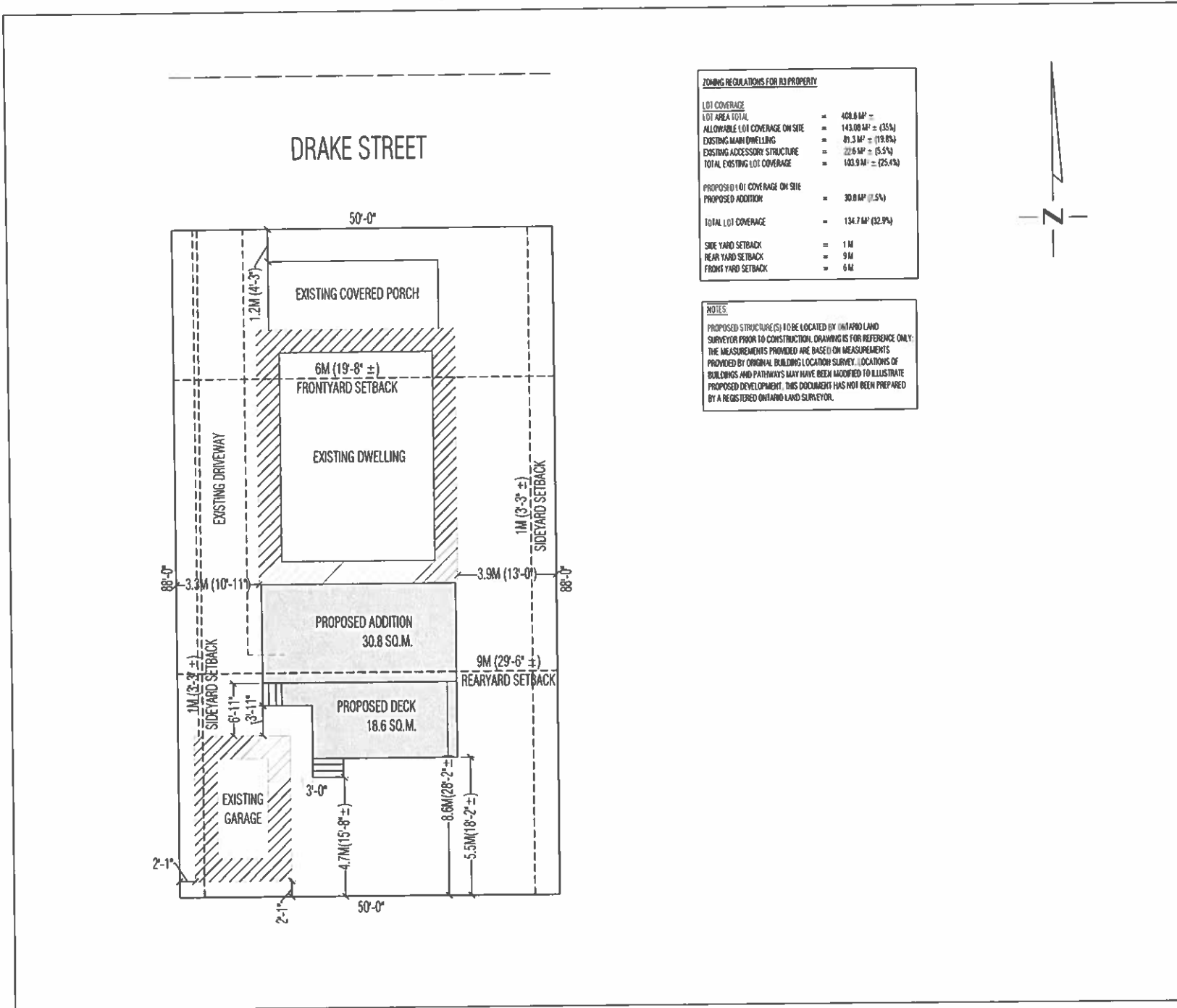
I, Dane & Lindsay Rice, am the owner of the subject lands, and I understand that further fees may be incurred by the City throughout the planning process and that I am responsible for reimbursing all fees.

Dec 21, 2022

Date



Signature of Owner

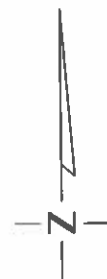


**ZONING REGULATIONS FOR R3 PROPERTY**

<b>LOT COVERAGE</b>	
LOT AREA TOTAL	= 408.8 MP ±
ALLOWABLE LOT COVERAGE ON SITE	= 143.00 MP ± (35%)
EXISTING MAIN DWELLING	= 81.3 MP ± (19.8%)
EXISTING ACCESSORY STRUCTURE	= 22.6 MP ± (5.5%)
TOTAL EXISTING LOT COVERAGE	= 103.9 MP ± (25.4%)
<b>PROPOSED LOT COVERAGE ON SITE</b>	
PROPOSED ADDITION	= 30.8 MP (7.5%)
TOTAL LOT COVERAGE	= 134.7 MP (32.9%)
SIDE YARD SETBACK	= 1 M
REAR YARD SETBACK	= 9 M
FRONT YARD SETBACK	= 6 M

**NOTES:**

PROPOSED STRUCTURE(S) TO BE LOCATED BY ONTARIO LAND SURVEYOR PRIOR TO CONSTRUCTION. DRAWING IS FOR REFERENCE ONLY. THE MEASUREMENTS PROVIDED ARE BASED ON MEASUREMENTS PROVIDED BY ORIGINAL BUILDING LOCATION SURVEY. LOCATIONS OF BUILDINGS AND PATHWAYS MAY HAVE BEEN MODIFIED TO ILLUSTRATE PROPOSED DEVELOPMENT. THIS DOCUMENT HAS NOT BEEN PREPARED BY A REGISTERED ONTARIO LAND SURVEYOR.



**DUE NORTH**  
DESIGN & DRAFTING INC.

www.duenorthdesign.ca  
info@duenorthdesign.ca  
1-800-367-7861  
7194 Victoria Park  
St. Thomas, ON  
N5R 1P5

**NOTES:**

1. DO NOT SCALE DRAWING.
2. ALL MATERIAL AND WORKMANSHIP SHALL BE IN ACCORDANCE WITH THE LATEST REVISION OF THE ONTARIO BUILDING CODE.
3. ALL DIMENSIONS ARE TAKEN FROM BLOCK FACE FOUNDATION FACE, STUD FACE, CHICK FACE, COLUMN FACE OR COLUMN CENTERLINE.
4. ALL MATERIALS AND FINISHES TO BE VERIFIED BY THE OWNER PRIOR TO CONSTRUCTION.
5. ALL GRAPHICS ARE PROPERTY OF DUE NORTH DESIGN & DRAFTING INC. AND SHALL NOT BE REPRODUCED WITHOUT WRITTEN PERMISSION.

**CONCEPTUAL ONLY**

**REVISIONS**

#	Description	Date
1	ISSUED FOR PERMIT	DEC 21 2022

**RICE**

**NEW ADDITION**

**SITE PLAN**

Address: 10 DRAKE ST.  
ST THOMAS, ON

Project Number: 22-49

Date: DECEMBER 21, 2022

Drawn By: K.M.B.

**SP-0**

Scale: 1/8"=1'-0" REV: 1





www.duenorthdesign.ca  
 info@duenorthdesign.ca  
 519-317-1663  
 3784 Phoenix Lane  
 Newmarket, ON  
 L9L 1P9

**NOTES:**

1. DO NOT SCALE DRAWING
2. ALL MATERIAL AND FINISHES/WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE ONTARIO BUILDING CODE.
3. ALL DIMENSIONS ARE TAKEN FROM BLOCK FACE, FOUNDATION FACE, STUD FACE, DECK FACE, COLUMN FACE OR COLUMN CENTERLINE.
4. ALL MATERIALS AND FINISHES TO BE VERIFIED BY THE OWNER PRIOR TO CONSTRUCTION.
5. ALL DRAWINGS ARE PROPERTY OF DUE NORTH DESIGN & DRAFTING INC. AND SHALL NOT BE REPRODUCED WITHOUT WRITTEN PERMISSION.

MAIN FLOOR: 334 SQ. FT.  
 SECOND FLOOR: 364 SQ. FT.  
 DECK: 298 SQ. FT.

**CONCEPTUAL  
 ONLY**

REVISIONS		
NO.	DESCRIPTION	DATE
1	REVISED FOR CLIENT	2022

**RICE**

**NEW ADDITION**

**3D VIEW**

Address: 10 DRAKE ST., ST THOMAS, ON

Project Number: 22-49

Date: NOV 8, 2022

Drawn by: K.M.B.

**A0**

Scale: \_\_\_\_\_ Rev. 1



www.duenorthdesign.ca  
 noon@duenorthdesign.ca 905-513-7841  
 31814 Pioneer Line  
 Newmarket, ON  
 L9Y 1P9

**NOTES:**

1. DO NOT SCALE DRAWING
2. ALL MATERIAL AND WORKMANSHIP SHALL BE IN ACCORDANCE WITH THE LATEST REVISION OF THE ONTARIO BUILDING CODE.
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MAIN FLOOR: 334 SQ. FT.  
 SECOND FLOOR: 354 SQ. FT.  
 DECK: 208 SQ. FT.

**CONCEPTUAL ONLY**

REVISIONS

NO.	DESCRIPTION	DATE
1	ISSUE FOR CLIENT REVIEW	NOV 8, 2022

**RICE**

**NEW ADDITION**

**BASEMENT/ FIRST FLOOR PLANS**

Address: 10 DRAKE ST., ST THOMAS, ON

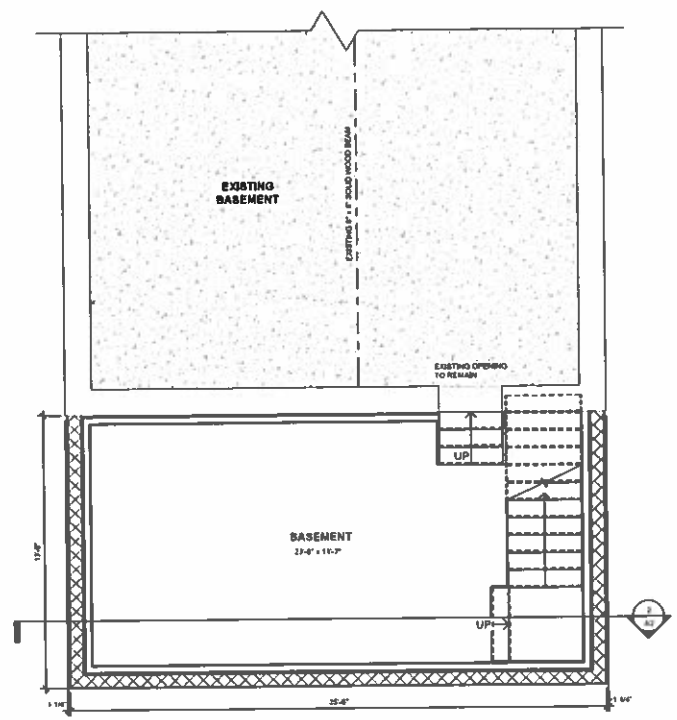
Project Number: 22-49

Date: NOV 8, 2022

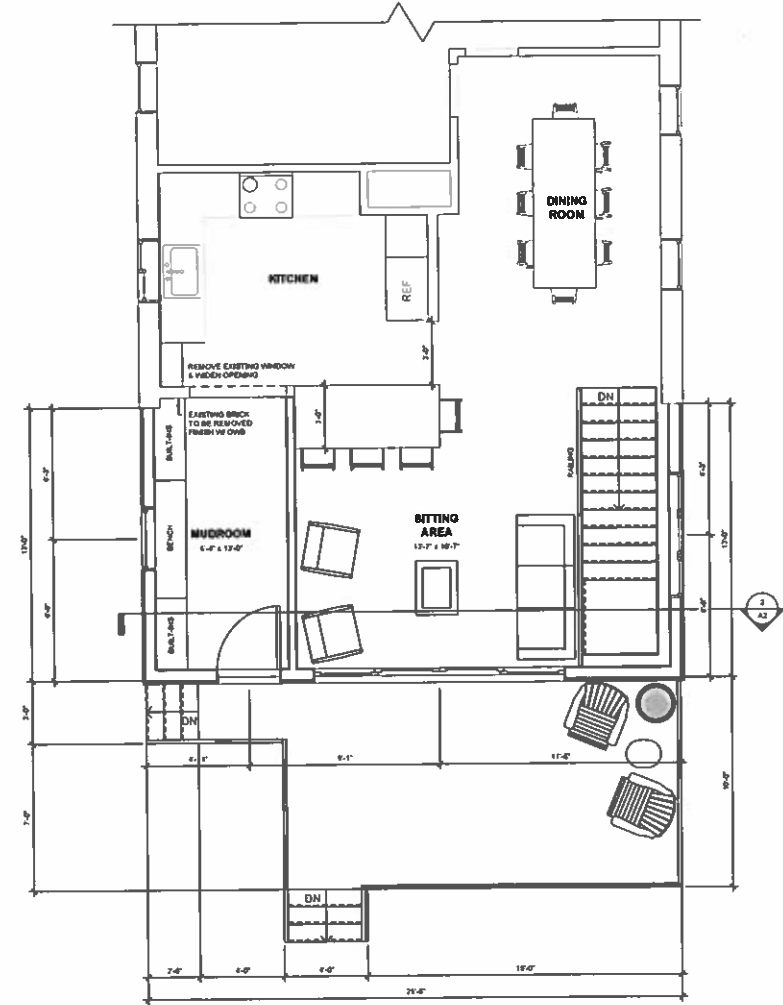
Drawn by: K.M.B.

**A1**

Scale: 1/4" = 1'-0" Rev. 1



1 BASEMENT FLOOR PLAN  
 1/4" = 1'-0"



2 1ST FLOOR  
 1/4" = 1'-0"

www.dndpndesign.ca  
 info@dnorthdesign.ca  
 518-335-7661  
 3181 E. Pioneer Line  
 Erie Station, ON  
 N6L 1P9

- NOTES:**
1. DO NOT SCALE DRAWING.
  2. ALL MATERIAL AND WORKMANSHIP SHALL BE IN ACCORDANCE WITH THE LATEST REVISION OF THE ONTARIO BUILDING CODE.
  3. ALL DIMENSIONS ARE TAKEN FROM BLOCK FACE, FOUNDATION FACE, STUD FACE, DECK FACE, COLUMN FACE OR COLUMN CENTERLINE.
  4. ALL MATERIALS AND FINISHES TO BE VIEWED BY THE OWNER PRIOR TO CONSTRUCTION.
  5. ALL DRAWINGS ARE PROPERTY OF DUE NORTH DESIGN & DRAFTING INC. AND SHALL NOT BE REPRODUCED WITHOUT WRITTEN PERMISSION.

MAIN FLOOR 334 SQ. FT.  
 SECOND FLOOR 354 SQ. FT.  
 DECK 309 SQ. FT.

**CONCEPTUAL ONLY**

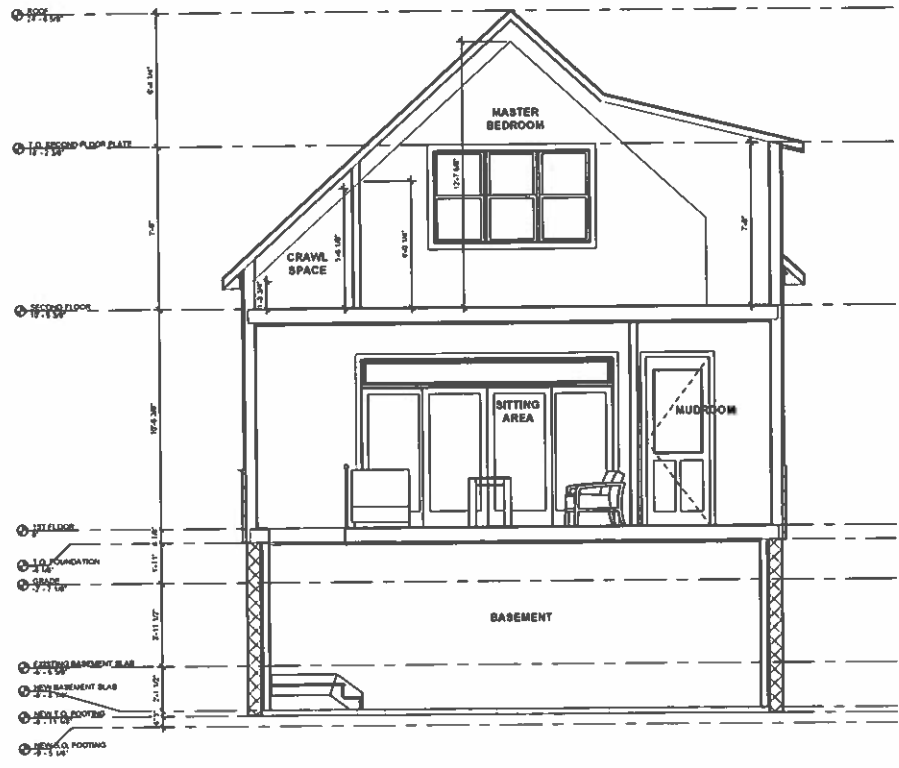
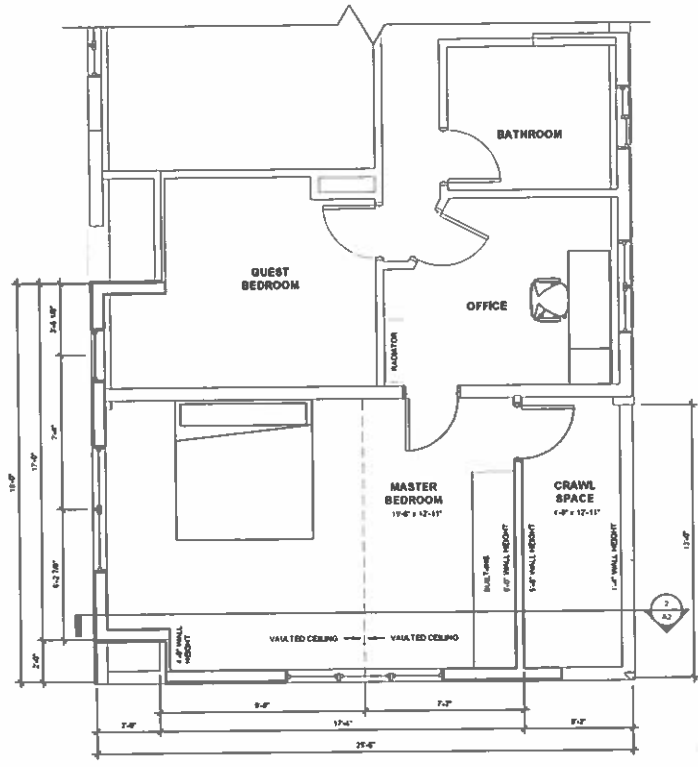
REVISIONS

NO.	DESCRIPTION	DATE
1	ISSUE FOR CONSTRUCTION	2022

**RICE**  
 NEW ADDITION  
**SECOND FLOOR PLAN/CROSS SECTION**

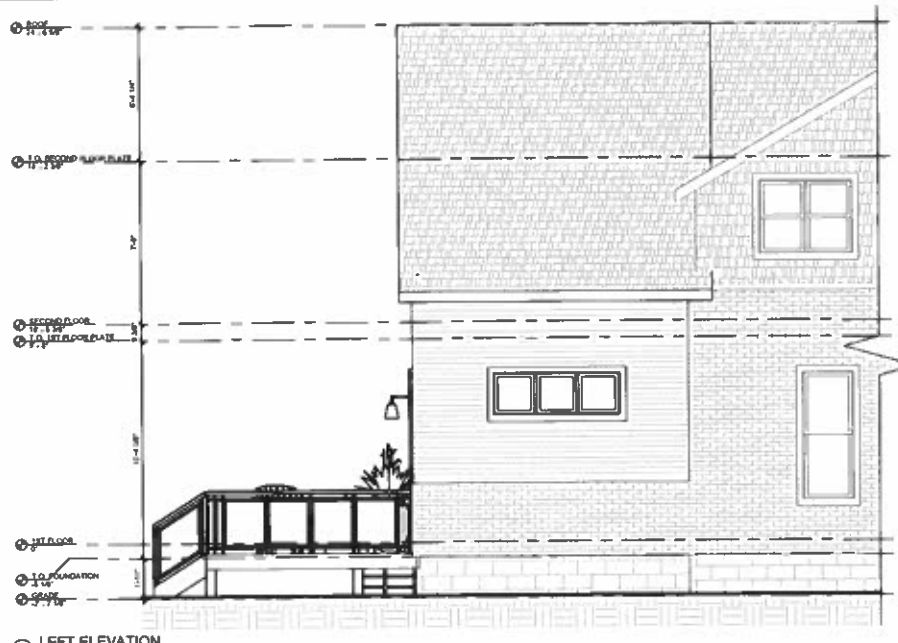
Address: 10 DRAKE ST., ST THOMAS, ON  
 Project Number: 22-49  
 Date: NOV 8, 2022  
 Drawn by: K.M.B.

**A2**  
 Scale: 1/4" = 1'-0" Rev. 1

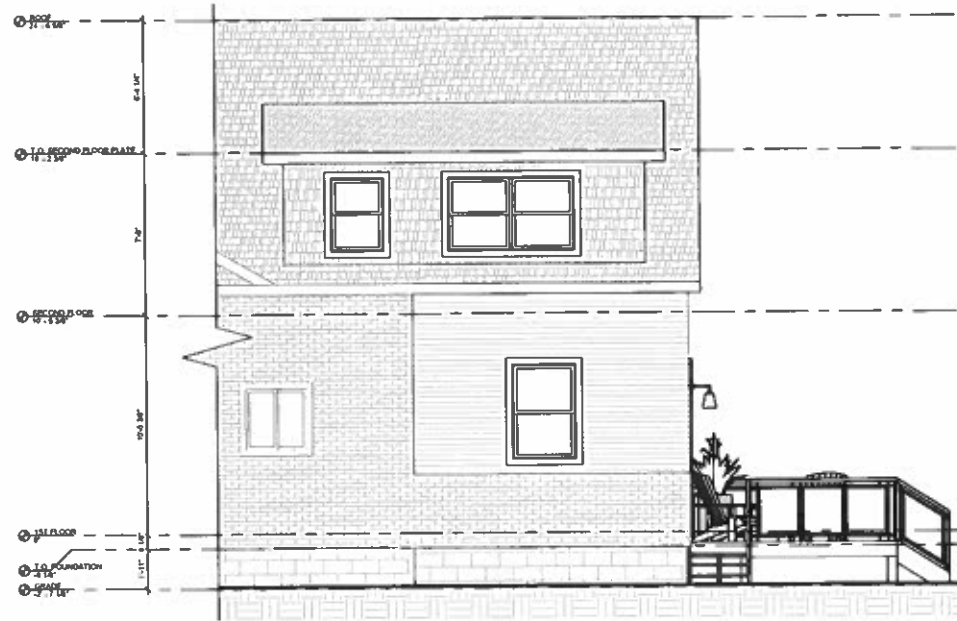




1 REAR ELEVATION  
1/4" = 1'-0"



3 LEFT ELEVATION  
1/4" = 1'-0"



2 RIGHT ELEVATION  
1/4" = 1'-0"



www.duenorthdesign.ca  
404@duenorthdesign.ca  
519-377-7881  
11911 Pineside Lane  
Mississauga, ON  
L4W 5P9

- NOTES:
1. DO NOT SCALE DRAWING.
  2. ALL MATERIAL AND WORKMANSHIP SHALL BE IN ACCORDANCE WITH THE LATEST REVISION OF THE ONTARIO BUILDING CODE.
  3. ALL DIMENSIONS ARE TAKEN FROM BLOCK FACE, FOUNDATION FACE, STUD FACE, DECK FACE, COLUMN FACE OR COLUMN CENTERLINE.
  4. ALL MATERIALS AND FINISHES TO BE VERIFIED BY THE OWNER PRIOR TO CONSTRUCTION.
  5. ALL DRAWINGS ARE PROPERTY OF DUE NORTH DESIGN & DRAFTING INC. AND SHALL NOT BE REPRODUCED WITHOUT WRITTEN PERMISSION.

MAIN FLOOR 334 SQ. FT.  
SECOND FLOOR 344 SQ. FT.  
DECK 200 SQ. FT.


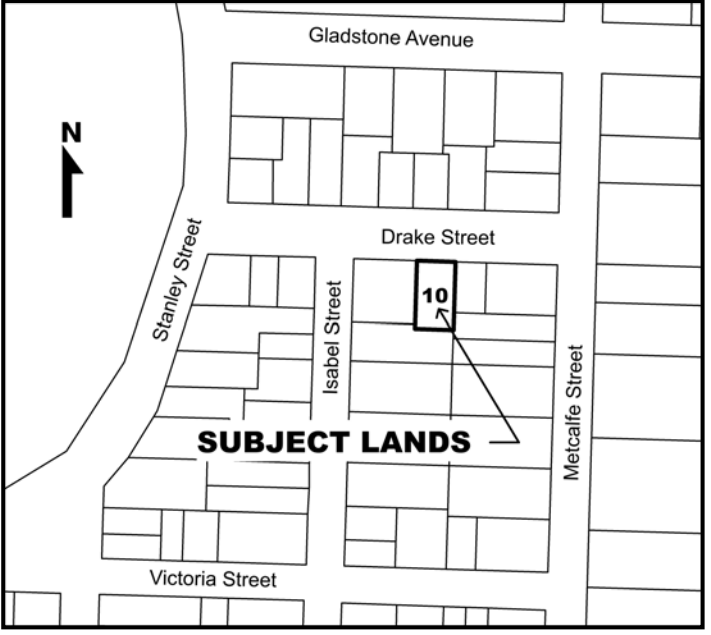
**CONCEPTUAL  
ONLY**

REVISIONS		
NO.	DESCRIPTION	DATE

**RICE  
NEW ADDITION  
ELEVATIONS**

Address: 10 DRAKE ST., ST THOMAS, ON  
Project Number: 22-49  
Date: NOV 8, 2022  
Drawn by: K.M.B.

**A3**  
Scale: 1/4" = 1'-0" Rev: 1

 <p><b>The Corporation of the City of St. Thomas</b></p>	<p><b>Report No.:</b> COA17-2022</p>
	<p><b>Applicant:</b> Dane and Lindsey Rice</p>
<p>Members of the Committee of Adjustment</p>	<p><b>Report Date:</b> January 17, 2023  <b>Meeting Date:</b> January 26, 2023</p>
<p>Location: 10 Drake Street, City of St. Thomas</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</p>
<p><b>Recommendation:</b>  <b>That:</b> Report COA17-2022 be received.</p>	
<p><b>BACKGROUND:</b>          The applicants are proposing to construct a two-storey addition and uncovered deck on the back of the existing residential dwelling, as shown on the plans accompanying the subject application.</p> <p><b>MINOR VARIANCE(S):</b></p> <p>i) To permit a two-storey addition 8.6m from the rear lot line, whereas of the R3 zone requires a minimum rear yard depth of 9m (Table 1 to Subsection 7.4, Item No. 10, Column No. 2).</p> <p>ii) To permit an uncovered deck and deck steps a minimum of 4.7m from the rear lot line, whereas the R3 zone requires a deck, including deck stairs to be setback a minimum of 6.5m from the rear lot line (Table 1 to Subsection 7.4, Item No. 10, Column No. 2 requires a minimum rear yard depth of 9m and 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).</p> <p><b>OFFICIAL PLAN:</b></p> <ul style="list-style-type: none"> <li>The subject lands are designated Residential 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> </ul>	<p><b>Location Plan:</b></p> 

**ZONING BY-LAW:**

- The subject lands are within the Third Residential Zone (R3), as shown on Zoning Map 14, pursuant to the City of St. Thomas Zoning By-Law No. 50-88, as amended.
- Permitted uses of the R3 zone include a single detached dwelling and uses accessory to the foregoing (7.1(a)).
- The requirements and setbacks for a single detached dwelling in the R3 zone include:
  - 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.
- 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 (4.2.2).
- 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).
- 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:**

- 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 COA17-2022 be approved. Should the Committee of Adjustment approve Minor Variance application COA17-2022, the decision should reflect that the Committee is approving a two-storey addition 8.6m from the rear lot line and an uncovered deck and deck steps a minimum of 4.7m from the rear lot line, as shown on the plans accompanying the subject application.

Respectfully submitted,



Steve Craig  
Senior Planning Technician



## PLANNING &amp; BUILDING SERVICES DEPARTMENT

t. (519) 633.2560 f. (519) 633.6581

City of St. Thomas

9 Mondamin Street  
St. Thomas, Ontario, N5P 2T9

DEC 22 2022

City Clerks Dept.

**CONFIRMATION OF AN APPLICATION FOR MINOR VARIANCE**

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December 21, 2022

Secretary-Treasurer, Committee of Adjustment  
Attention: Jon Hindley

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

An application for a Minor Variance, regarding 40 Princess Avenue, was filed on December 21, 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



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, R.S.O. 1990, as amended)

OFFICE USE: Date Application Received: DEC 21 2022 Consultation Date: JULY 2022  
Date Application Deemed Complete: DEC 21 2022

Application #: A18/22

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545 Talbot Street  
St. Thomas ON N5P 3V7  
Tel: (519) 631-1680 ext 4125 Fax: (519) 633-9019  
Email: jhindley@stthomas.ca

Please note that in accordance with By-Law 30-2015, consultation with the Planning and Building Services Department must take place prior to the submission of an application. After consultation, the application will be filed with the Assistant Secretary-Treasurer, together with the sketch referred to in Note 1 and \$400 made payable to the City of St. Thomas. All information and materials submitted for the application shall be made available to the public, as indicated by Section 1.0.1 of the Planning Act, R.S.O. 1990.

Personal information contained on this form is collected under the authority of the Planning Act, R.S.O. 1990, as amended, and Ontario Regulation 200/96 and will be used for the purpose of processing this application.

1. Name of Owner(s) ELGIN THEATRE Guild  
Address 40 PRINCESS AVE  
St. Thomas, Ont  
Postal Code N5R 3V5 Tel: \_\_\_\_\_ e-mail: \_\_\_\_\_

2. Name of Authorized Agent (if any) DAVE McLoonick  
Address 6 SPARTA ST.  
St. Thomas, Ont  
Postal Code N5R 5G9 Tel: 519 719 6966 e-mail: Scatchmccoonick@hotmail.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 CONSTRUCTION OF A BARRIER FREE ACCESS RAMP ON SUBJECT LANDS AS PER ATTACHED SITE PLAN

4. Reason why the proposed use cannot comply with the provisions of the Zoning By-law:  
INSTALLING A BARRIER FREE ACCESS RAMP TO SIDE AND REAR OF STRUCTURE. NEED A HANDING FOR TURNING RADIUS

5. Location of Land:  
Concession No. \_\_\_\_\_ Lot(s) \_\_\_\_\_ Registered Plan No. 3 Lot(s) 1  
Reference Plan No. HR 927 Part(s) 1 & 2



Geographic/Former Township ELGIN COUNTY  
Name of Street PRINCESS AVE Street No. 40

6. Dimensions of land affected:

Frontage 62.92' Depth 256'

Area 15,872 Sq Ft Width of Street 66'

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:

2 STOREY HERITAGE BUILDING  
MAIN FLOOR 6798 Sq Ft  
USE PRINCESS AVE PLAYHOUSE / THEATRE

Proposed:

BARRIER FREE ACCESS RAMP

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 SITE PLAN

Proposed:

BARRIER FREE ACCESS RAMP. SEE ATTACHED DRAWINGS

USE

10. Date of acquisition of subject land: 1987

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

1980

12. Existing uses of the subject land:

LIVE THEATRE & ENTERTAINMENT FACILITY

13. Existing uses of abutting lands:

North: ELIZABETH ST. East: PRINCESS AVE  
South: RESIDENTIAL West: RESIDENTIAL

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

ELGIN THEATRE CLUB 1987

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:

RA - 11

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 #)

COAT-2021 APPROVED ETG REPLACE WOODEN RAMP? ADD LIFT

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 McLaughlin 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 Edward T. Gaudin of St. Thomas in the province of ON,  
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 \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
City Day Month Year

David McLaughlin  
Signature of Owner or Authorized Agent

Dec. 21/2024  
Date

W. E.T.G.  
Anthony Kelly  
Signature of Commissioner of Oaths, etc.

Dec 21/22  
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, \_\_\_\_\_, 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, Deaf Wick PER ETC., 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.

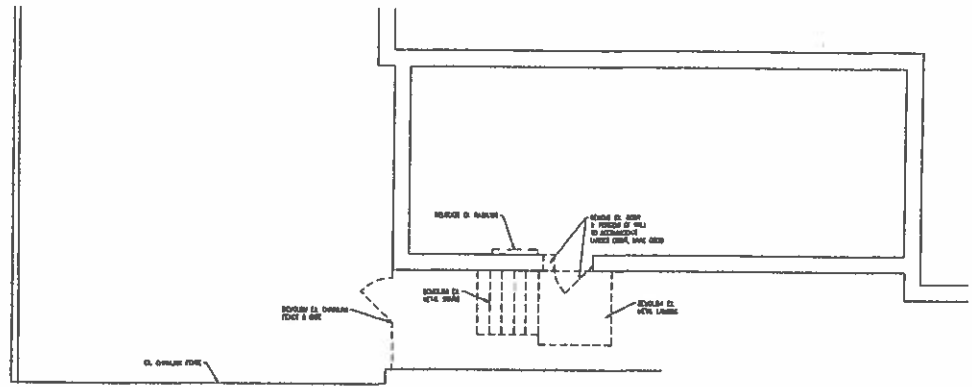
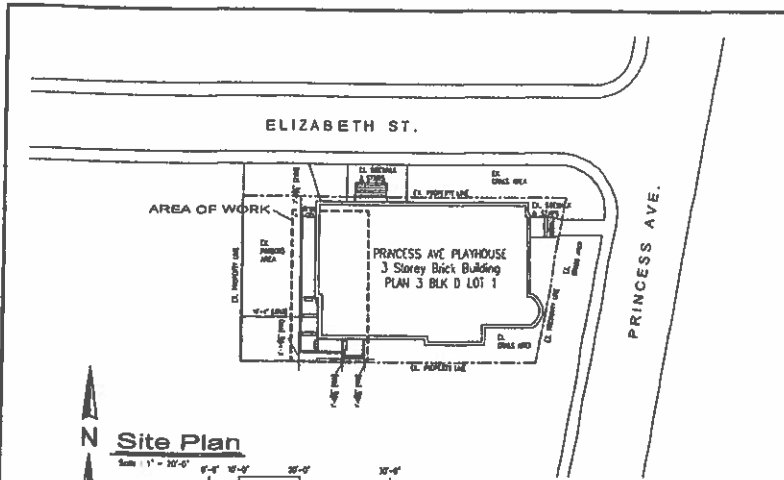
Dec 22/2022  
Date

Deaf Wick PER ETC.  
Signature of Owner

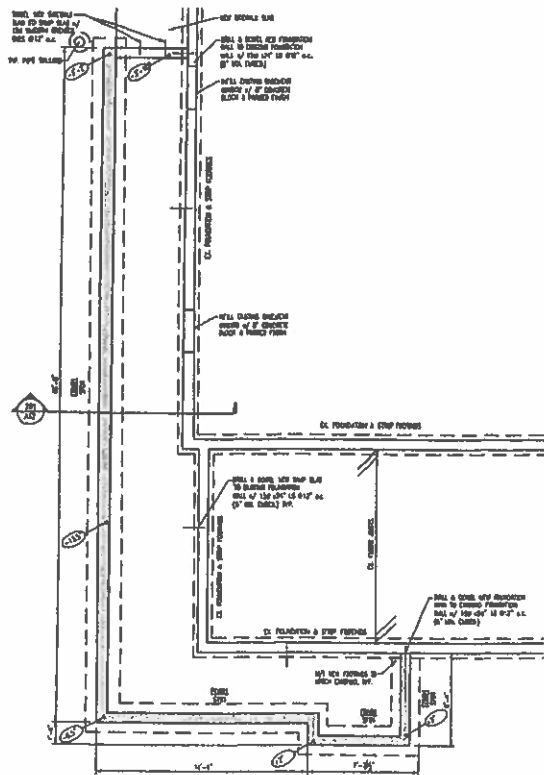
**NOTES:**

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.

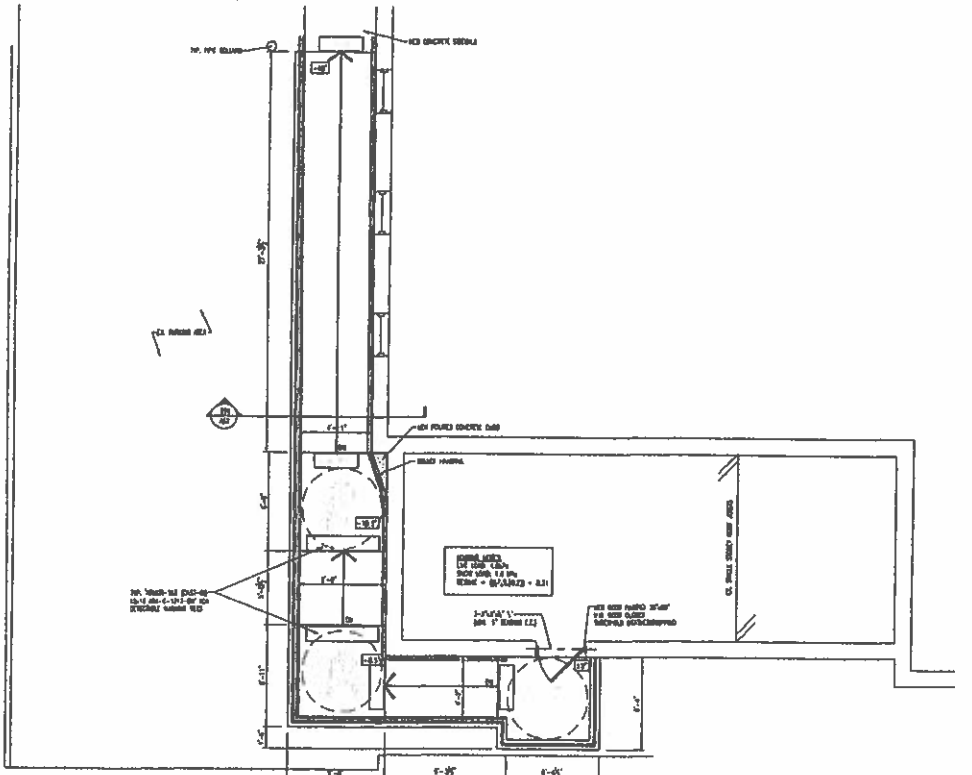




**Demolition Plan**  
Scale: 1/2" = 1'-0"



**Foundation Plan**  
Scale: 1/2" = 1'-0"



**Floor Plan**  
Scale: 1/2" = 1'-0"

FOUNDATION WALL SCHEDULE		
DESCRIPTION	THICKNESS	REINFORCEMENT
WALL	8"	1# 8" @ 16" ALL 16" O.C.

FOUNDATION SIZES		
1. DIMENSIONS TO FACE OF WALL VERTICALS		
DESCRIPTION	SIZE	REINFORCEMENT
WALL	24"x12"	3-1#2 CONTINUOUS BARS

No.	Revisions	By	Date

THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION UNLESS SIGNED BY ENGINEER

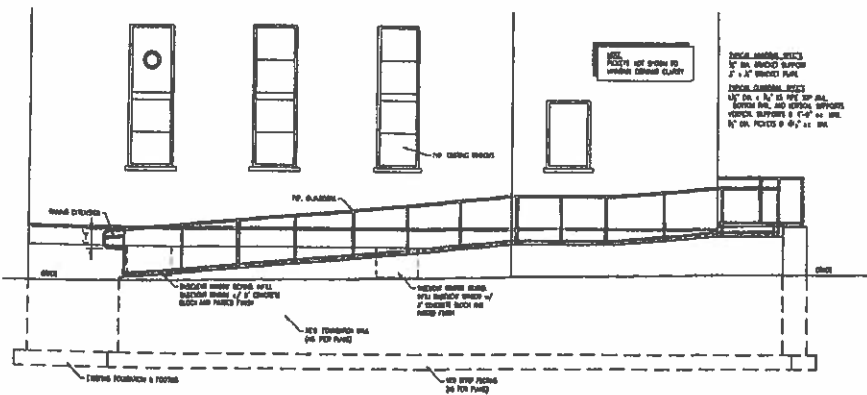


**GRAY AND FICK LTD.**  
CONSULTING STRUCTURAL ENGINEERS  
100 UNIVERSITY AVENUE, SUITE 2000, TORONTO, ONTARIO M5G 1R7  
TEL: (416) 593-8118

Project Name  
**PRINCESS AVE. PLAYHOUSE  
NEW RAMP**  
40 PRINCESS AVE.  
ST. THOMAS  
ONTARIO

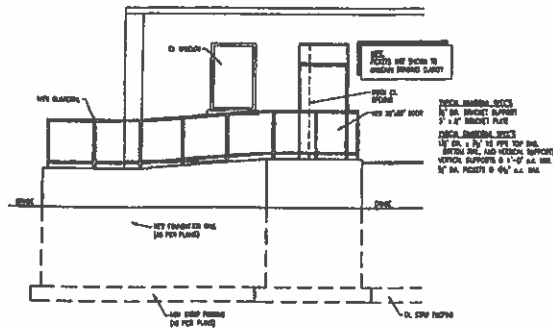
Drawing Title  
**SITE PLANS  
& FLOOR PLANS**  
Drawn by: S. BARRETT  
Checked by: J. BROWN  
Date: 28 OCT 2009  
Scale: 1/2" = 1'-0"  
Job No.: 3703

**AS1**



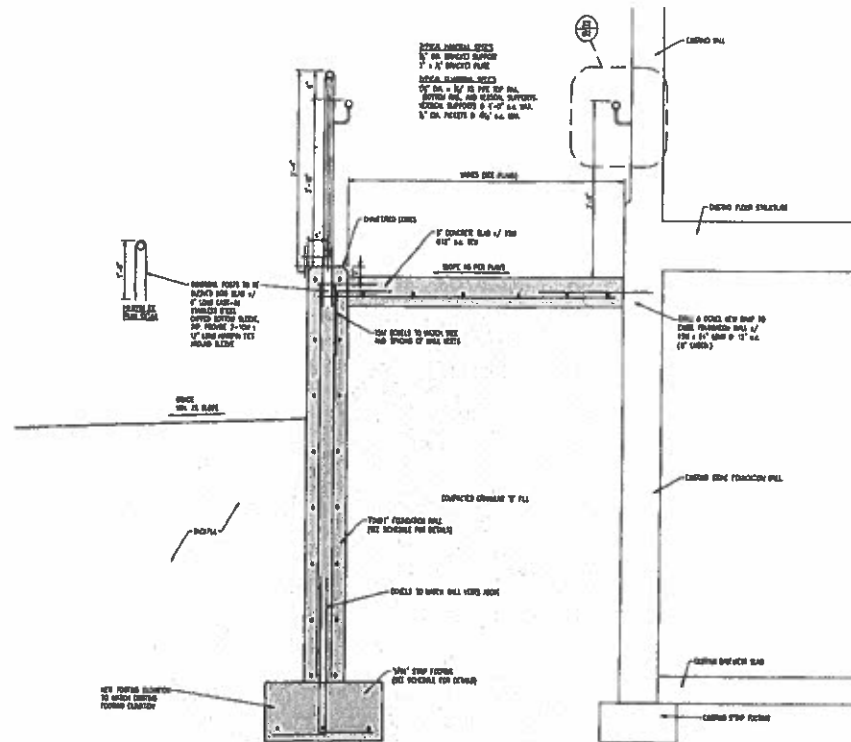
West Ramp Elevation

Scale: 1/2" = 1'-0"



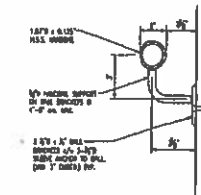
South Ramp Elevation

Scale: 1/2" = 1'-0"



Ramp Section

Scale: 1/2" = 1'-0"



Handrail Detail

Scale: 1/2" = 1'-0"

No.	Revisions	By	Date



GRAY AND FICK LTD.  
GENERAL STRUCTURAL ENGINEERS  
200 UNIVERSITY AVENUE - TORONTO, ONTARIO - CANADA  
TEL: (416) 591-6479

PRINCESS AVE. PLANTHOUSE  
NEW RAMP  
40 PRINCESS AVE.  
ST. THOMAS  
ONTARIO


Working Title: RAMP ELEVATION

Drawn by: E. BISHOP	Checked by:
Scale: AS 200	Date: NOV. 1982
Job No.: 3703	

AS2





 <p><b>The Corporation of the City of St. Thomas</b></p>	<p><b>Report No.:</b> COA18-2022</p>
	<p><b>Applicant:</b> Elgin Theatre Guild</p>

<p>Members of the Committee of Adjustment</p>	<p><b>Report Date:</b> January 17, 2023  <b>Meeting Date:</b> January 26, 2023</p>
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Location: 40 Princess Avenue, City of St. Thomas

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

<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 Photography</p>
--	--

**Recommendation:**

**That:** Report COA18-2022 be received.

**BACKGROUND:**

The Elgin Theatre Guild is proposing to construct a barrier-free access ramp on the west side of the existing building, as shown on the plans accompanying the subject application.

**MINOR VARIANCE:**

(i) To permit the construction of a barrier-free access ramp on the subject lands, as shown on the plans accompanying the application, whereas the R4-11 zone (8.5.11) does not contain regulations for the expansion of buildings or structures for the uses permitted under 8.5.11(b).

**Location Plan:**

The diagram is a site plan showing a block of land bounded by White Street to the west, Elizabeth Street to the north, and Mitchell Street to the south. Princess Avenue runs along the east side of the block. A specific parcel is highlighted with a thick black border and labeled 'SUBJECT LANDS' with an arrow pointing to the number '40'. A north arrow is located at the bottom left of the plan.

**OFFICIAL PLAN:**

- 40 Princess Avenue is subject to Official Plan Amendment No. "7", By-Law 43-87, which provides that the existing building may be used for the preparation and presentation of live theatrical productions, and as an auditorium. An amendment (R4-11) to the Restricted Area By-Law of the City of St. Thomas is required (5.1.3.11.3).

**ZONING BY-LAW:**

- The subject lands are within the Fourth Residential Zone (R4-11) pursuant to the City of St. Thomas Zoning By-Law No. 50-88, as shown on Zoning Map 15.
- Permitted uses of R4-11 zone include, preparing theatrical sets, practicing for and offering live theatre productions, concerts, recitals, festivals, lectures, meetings, exhibits and displays, uses accessory to all of the foregoing (8.5.11(b)). Additional Permitted Buildings or Structures Buildings and structures for the uses permitted by 8.5.11 (b).

**Aerial Photography (2020):**

**Original Barrier-Free Access Ramp:**



**Existing Accessibility Lift:**





**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:**

- In 2012 the Elgin Theatre Guild were granted a minor variance to construct an accessibility lift on the north side of the existing building, which is shown on the "Existing Accessibility Lift" photograph accompanying the planning report. The existing accessibility lift was a replacement of a barrier-free access ramp, which is shown on the "Original Barrier-Free Access Ramp" photograph accompanying the planning report.
- The Elgin Theatre Guild are now proposing to replace the existing accessibility lift with a new barrier-free ramp, which will be constructed in accordance with present accessibility standards and contained entirely within the limits of the lot, resulting in no undue adverse impacts on the subject lands, Elizabeth Street municipal right-of-way and neighbouring properties.
- The Provincial Policy Statement (PPS) is issued under the authority of Section 3 of the Planning Act and came into effect on May 1, 2020. In respect of the exercise of any authority that affects a planning matter, Section 3 of the Planning Act requires that decisions affecting planning matters "shall be consistent with" policy statements issued under the Act. The PPS provides that healthy, liveable and safe communities are sustained by improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society (1.1.1(f)).
- In staff's opinion the variance requested through Application COA18-2022 satisfies the four tests, as set out in Section 45 of the Planning Act, therefore staff recommend approval of the application. Should the Committee approve Application COA18-2022, the decision should reflect that the Committee is approving a barrier-free access ramp on the west side of the existing building, as shown on the plans accompanying the subject application.

Respectfully submitted,



Steve Craig

Senior Planning Technician