

A G E N D A

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

VIA ZOOM

10:00 A.M.

**THURSDAY
APRIL 13, 2023**

DISCLOSURE OF INTEREST

MINUTES

Confirmation of the minutes of the meeting held on March 23, 2023.

HEARING OF APPLICATIONS

A02/23 - Wallis Residential Homes Inc. - 369 Wellington Street **Pages 2-11**

Planning Report - A02/23 **Pages 12-14**

NEW BUSINESS

Next Meeting

To be determined.

ADJOURNMENT



PLANNING & BUILDING SERVICES DEPARTMENT

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

City of St. Thomas

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

MAR 07 2023

City Clerks Dept.

CONFIRMATION OF AN APPLICATION FOR MINOR VARIANCE

March 6, 2023

Secretary-Treasurer, Committee of Adjustment
Attention: Jon Hindley

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

An application for a minor variance regarding 369 Wellington Street was filed on March 6, 2023 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: <u>MAR 06 2023</u>	Consultation Date: <u>April 21/22</u>
	Date Application Deemed Complete: <u>MAR 06 2023</u>	

Application #: _____

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

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) Wallis Residential Homes Inc.Address 369 Wellington Street, St. Thomas, On.Postal Code N5R 2T4 Tel: 519-860-3468 e-mail: allison.wilton@hotmail.com2. Name of Authorized Agent (if any) Bob BarclayAddress 30 Nolan Street, St. Thomas, On.Postal Code N5P 1X2 Tel: 226-582-0561 e-mail: barclay10@msn.comNote: Please specify to whom all communications should be sent: Owner Agent

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

relief requested from Bylaw 1.87 to revise Provincial Group Home resident occupant limit from 10 to 19 residents

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

The building has been operating as a legal non-conforming use with up to 19 residents in multi occupancy bedroomsSee attached Note 1

5. Location of Land:

Concession No. _____ Lot(s) 13, Pt 12, 14, 15, 16 Registered Plan No. 93 Lot(s) _____Reference Plan No. 11R-2447 Part(s) _____

Geographic/Former Township City of St. Thomas

Name of Street Wellington Street

Street No. 369

6. Dimensions of land affected:

Frontage 57.85m Depth 118.53m

Area 5082.6sm Width of Street 25.0m

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:

Residence. Ground floor area 215.7sm, Gross area 380.7sm, 2 storey

Garage. Ground floor area 82.7sm, Gross area 82.7sm, 1 storey

USE Group Home

Proposed:

Addition to existing residence. Ground floor area 118.1sm, Gross area 214.9sm, 1 storey

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:

see attached site plan

USE

10. Date of acquisition of subject land: January 3, 1997

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

Existing house and garage early 1900's

12. Existing uses of the subject land:

Group Home

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:

licensed by the Ministry of Health in 1975 as a 19 bed home. It has continuously operated as a 19 bed home since that date

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

Water:

Municipally owned and operated piped water system Other (Specify) _____

Sewage Disposal:

Municipally owned and operated sanitary sewer system Other (Specify) _____

Storm Drainage

Storm sewers Other (Specify) _____

16. Present Official Plan designation of the subject land:

Residential _____

17. Present Zoning of the subject land:

R3 _____

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 #)

App. # 1082 (side yard) _____

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 6th day of March, 2023.
City Day Month Year


Signature of Owner or Authorized Agent

03/06/23
Date


Signature of Commissioner of Oaths, etc.

March 6/23
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, Jeanette Wallis, 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.

Feb 27/2023
Date

J. Wallis
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, Jeanette Wallis, 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.

Feb 27/2023
Date

J. Wallis
Signature of Owner

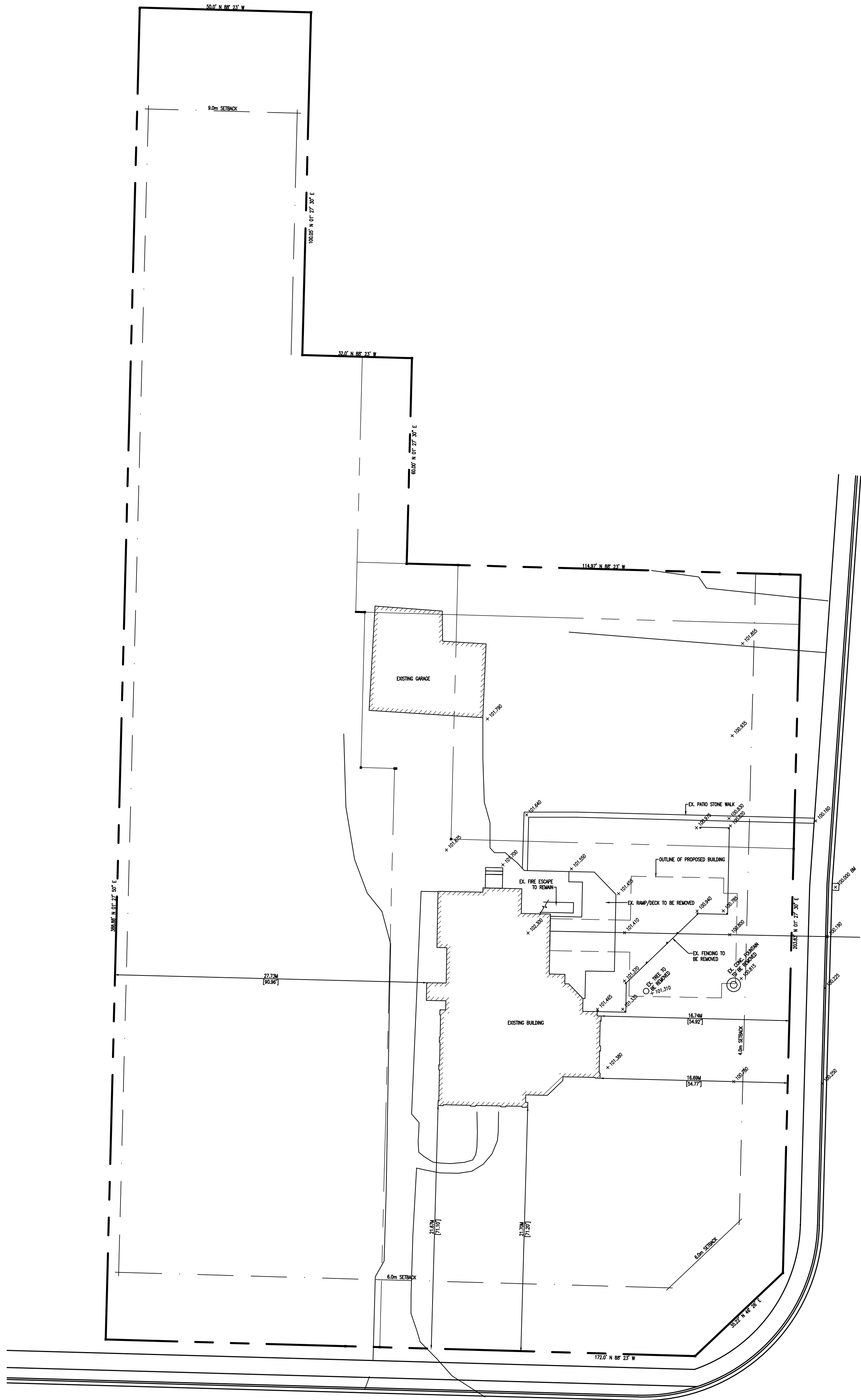
Note 1

Wallis Residential Homes Inc. purchased this Ministry of Health Home for Special Care, January 3, 1997. It was licensed by the ministry as a 19-bed home at the time of purchase and continues to this day. The city provided, at the time of purchase, a zoning and acknowledgement letter of a 19 bed Home for Special Care. This is required by the Ministry to transfer the licence from one owner to another. This acknowledgement letter should be on file in the City Office

2. This home was licensed by the Ministry of Health in 1975 as a 19 bed home. It has continuously operated as a 19 bed home since that date.

NOTES:

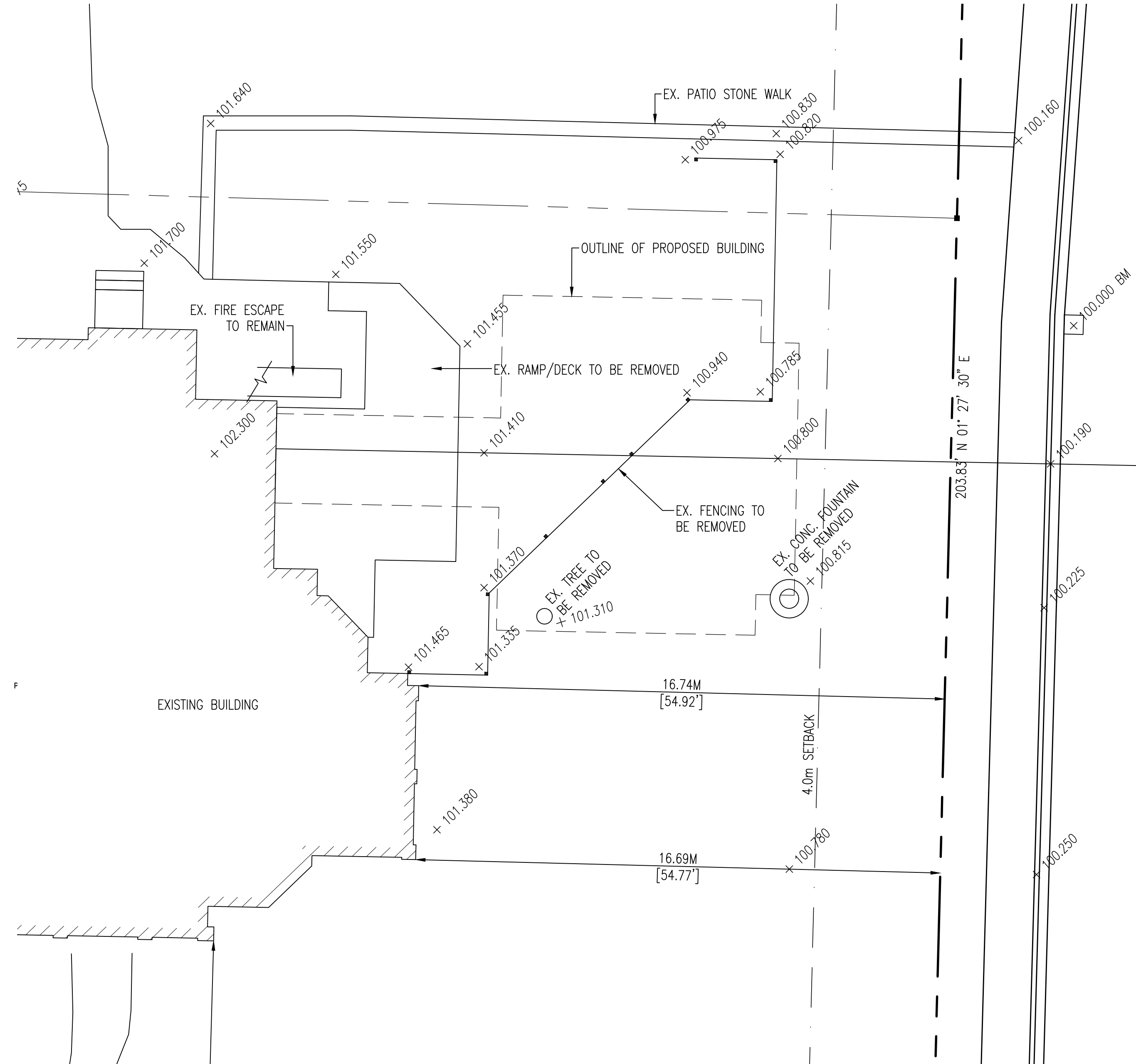
1. Each copy of this application must be accompanied by a Sketch. The Sketch need not necessarily be to scale, but dimensions must be accurate, and showing the following:
 - (a) The boundaries and dimensions of the subject land;
 - (b) The location, size and type of all existing and proposed buildings 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.



WELLINGTON STREET

FAIRVIEW AVE.

1 OVERALL EX. SITE PLAN
SCALE 1:100



EXISTING BUILDING

FAIRVIEW AVE.

2 PARTIAL EX. SITE PLAN
SCALE 1:100

SITE DATA:	R3 ZONE	EXISTING	PROPOSED	ZONING CONFORMANCE
1.MIN. LOT AREA	555.0sqm	5082.63sqm 54710.78sf	5082.63sqm 54710.78sf	CONFORMING
2.MIN. LOT FRONTAGE	15.0m	52.43m 172.0ft	52.43m 172.0ft	CONFORMING
3.MAX. MAIN BLDG. HGT.	11.0m	< 11.0m	< 11.0m	CONFORMING
4.MAX. ACC. BLDG. HGT.	4.0m	< 4.0m	< 4.0m	CONFORMING
5.MAX. LOT COVERAGE	40%	4.24% 215.67sqm 2321.52sf	6.56% 333.51sqm 3589.99sf	CONFORMING
6.MAX. FLR. AREA ACC. BLDG.	SEE NOTE 1	82.68sqm 890.0sf	82.68sqm 890.0sf	LEGAL NON-CONFORMING
7.MAX. NO. OF DWELLING UNITS	---	---	---	NA
8.MAX. ROOF AREA	55%	4.44% 225.49sqm 2427.19sf	4.44% 364.65sqm 3925.10sf	CONFORMING
9.MIN. FRONT YARD DEPTH	6.0m	21.67m 71.10ft	21.67m 71.10ft	CONFORMING
10.MIN. REAR YARD DEPTH	9.0m	28.62m 93.89ft	26.78m 87.80ft	CONFORMING
11.a MIN. INTERIOR YARD DEPTH	1.0m	27.73m 90.96ft	27.73m 90.96ft	CONFORMING
b MIN. EXTERIOR YARD DEPTH	4.0m	16.69m 54.77ft	4.07m 15.98ft	CONFORMING
12.MIN. GROUND FLR. AREA	42.0sqm	215.67sqm	333.51sqm	CONFORMING
13.NA	NA	NA	NA	NA
14.MIN. No. PARKING SPACES	3	3 SPACES	3 SPACES	CONFORMING

NOTES:
 1. THE LESSOR OF 15% OF LOT AREA OR 40sqm
 2. BEDROOM AREA MIN. 7.0sqm OBC 9.574(1), 8.25sqm PROVIDED
 3. 5% WINDOW AREA REQ. PER BEDROOM (0.4125sqm), 0.74sqm PROVIDED

General Notes

LEGEND
 EX. GRADE \times 243.30
 PROPOSED GRADE \times 243.20

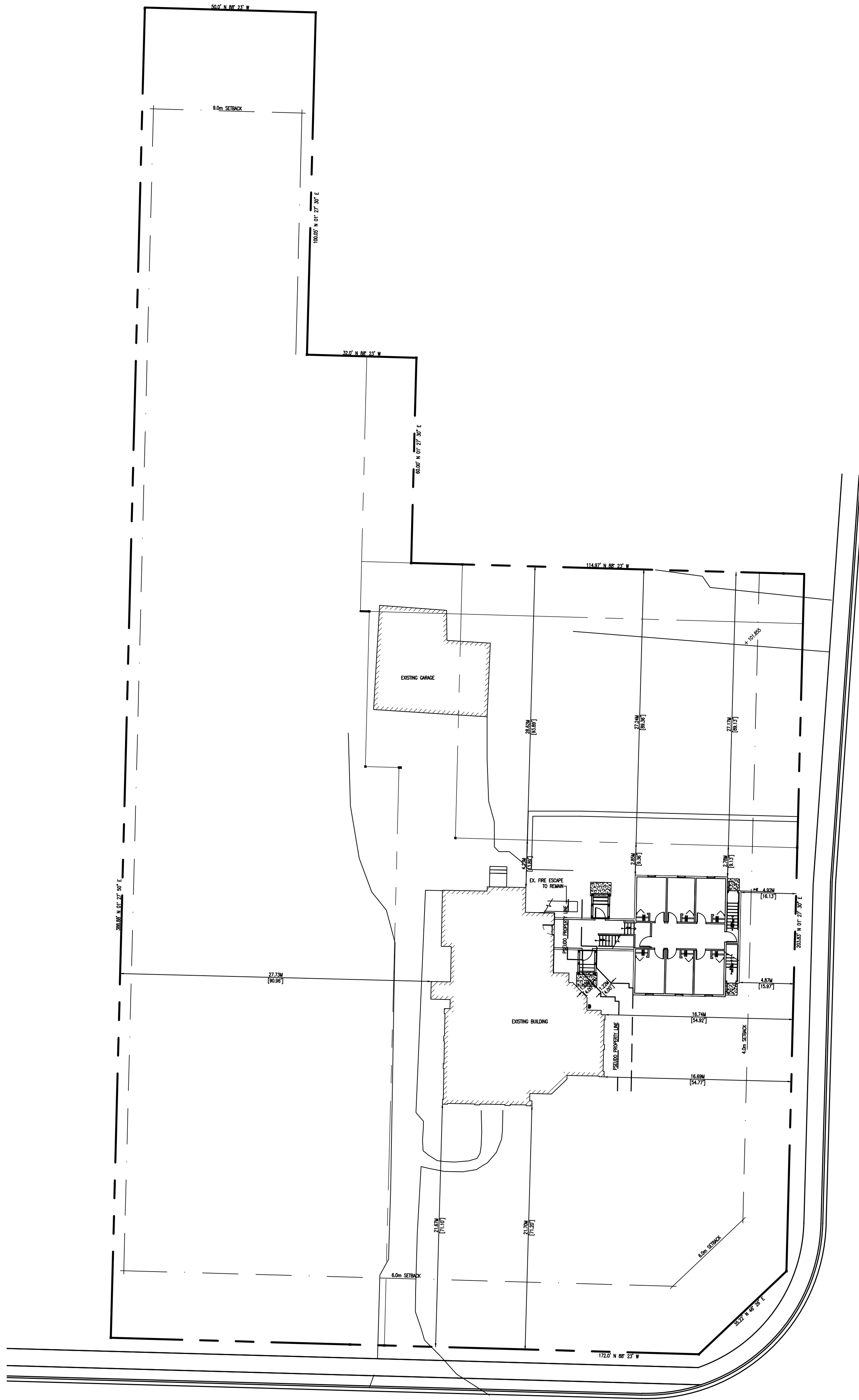
No.	Revision/Issue	Date

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

SHEET
 OVERALL EX. SITE PLAN
 PARTIAL EX. SITE PLAN
 SITE DATA

Project Name and Address
 369 WELLINGTON ST. RESIDENCE
 369 WELLINGTON ST.
 ST. THOMAS, ON.

Project	2021014	Sheet	SP1
Date	07/15/2021		
Scale	AS NOTED		

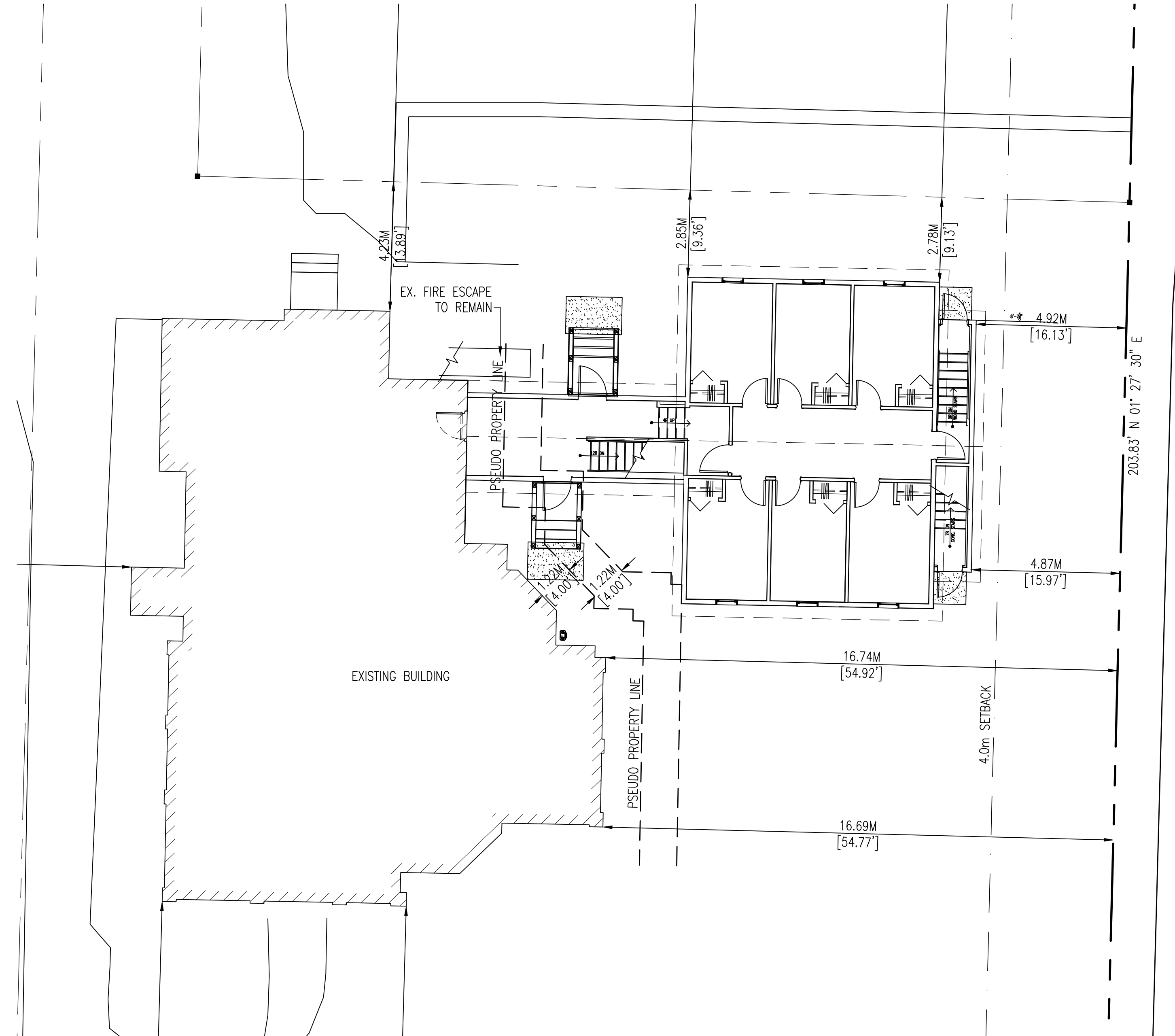


WELLINGTON STREET

1 OVERALL SITE PLAN
SP2 SCALE 1:100

SITE DATA:	R3 ZONE	EXISTING	PROPOSED	ZONING CONFORMANCE
1. MIN. LOT AREA	555.0sqm	5082.63sqm 54710.78sf	5082.63sqm 54710.78sf	CONFORMING
2. MIN. LOT FRONTAGE	15.0m	52.43m 172.0ft	52.43m 172.0ft	CONFORMING
3. MAX. MAIN BLDG. HGT.	11.0m	< 11.0m	< 11.0m	CONFORMING
4. MAX. ACC. BLDG. HGT.	4.0m	< 4.0m	< 4.0m	CONFORMING
5. MAX. LOT COVERAGE	40%	4.24% 215.67sqm 2321.52sf	6.56% 333.51sqm 3589.99sf	CONFORMING
6. MAX. FLR. AREA ACC. BLDG.	SEE NOTE 1	82.68sqm 890.0sf	82.68sqm 890.0sf	LEGAL NON-CONFORMING
7. MAX. NO. OF DWELLING UNITS	---	---	---	NA
8. MAX. ROOF AREA	55%	4.44% 225.49sqm 2427.19sf	4.44% 364.65sqm 3925.10sf	CONFORMING
9. MIN. FRONT YARD DEPTH	6.0m	21.67m 71.10ft	21.67m 71.10ft	CONFORMING
10. MIN. REAR YARD DEPTH	9.0m	28.62m 93.89ft	26.78m 87.80ft	CONFORMING
11. a. MIN. INTERIOR YARD DEPTH	1.0m	27.73m 90.96ft	27.73m 90.96ft	CONFORMING
b. MIN. EXTERIOR YARD DEPTH	4.0m	16.69m 54.77ft	4.87m 15.98ft	CONFORMING
12. MIN. GROUND FLR. AREA	42.0sqm	215.67sqm	333.51sqm	CONFORMING
13. NA	NA	NA	NA	NA
14. MIN. No. PARKING SPACES	3	3 SPACES	3 SPACES	CONFORMING

NOTES:
 1. THE LESSOR OF 15% OF LOT AREA OR 40sqm
 2. BEDROOM AREA MIN. 7.0sqm OBC 9.574(1), 8.25sqm PROVIDED
 3. 5% WINDOW AREA REQ. PER BEDROOM (0.4125sqm), 0.74sqm PROVIDED



2 PARTIAL SITE PLAN
SP2 SCALE 1:100

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
 OVERALL PROPOSED SITE PLAN
 PARTIAL PROPOSED SITE PLAN
 SITE DATA

Project Name and Address
 369 WELLINGTON ST. RESIDENCE
 369 WELLINGTON ST.
 ST. THOMAS, ON.

Project	2021014	Sheet	SP2
Date	07/15/2021	Scale	
Scale	AS NOTED		

Report No.: COA2-2023

Directed to: Members of the Committee of Adjustment

Meeting Date: 04/13/2023

Department: Planning & Building Services Department

Prepared by: Steve Craig, Senior Planning Technician

Attachment: Location Plan

Location: 369 Wellington Street, City of St. Thomas

Applicant: Wallis Residential Homes Inc.

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

Recommendation:

That: Report COA2-2023 relating to an application for a minor variance at 369 Wellington Street be received for information.

Background:

Wallis Residential Homes Inc. is requesting the Committee of Adjustment recognize that nineteen (19) persons have resided in the existing group home located on the subject lands since 1975 and predates the City of St. Thomas Zoning By-Law 50-88, April 18, 1988. The minor variance is requested to facilitate the construction of an addition on the east side of the existing building, as shown on the plans prepared by Barclay Project Management Design & Consulting, 07/15/21 and accompanying the application.

Requested Variance:

- 1) To recognize that nineteen (19) persons reside in the existing provincial group home, whereas Subsection 1.87 of the City of St. Thomas Zoning By-Law 50-88, provides that a provincial group home means a building in which not less than three (3), and not more than ten (10) persons requiring residential, sheltered, specialized or group care reside and which is licensed, approved or supervised by the Province of Ontario under any general or special act.



St. Thomas Official Plan:

- The subject lands are within the Residential designation, as shown on Schedule “A” (Land Use Plan) to the Official Plan for the City of St. Thomas.
- The residential policies of the plan viii) encourage residential intensification, infill, and redevelopment activity in the City to provide appropriate housing for families, seniors, and other special needs groups (5.1.2Viii)).
- Group homes shall be permitted in all designations that permit residential uses (6.2.25).

St. Thomas Zoning By-law 50-88:

- 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 17.
- Permitted uses of the R3-115 zone include a provincial group home (7.1(i)) and uses accessory to the foregoing (7.1(q)).
- Provincial group home means a building in which not less than three (3), and not more than ten (10) persons requiring residential, sheltered, specialized or group care reside, and which is licensed, approved, or supervised by the Province of Ontario under any general or special act (1.87).
- No building or structure shall be erected or used for the purposes of a provincial group home, a residential care home or a boarding house if the lot on which such provincial group home, residential care home or boarding house is located is within 75 metres of another lot in this zone or in any other zone in which there is a building or structure used for the purposes of a provincial group home, residential care home or boarding house (7.4.2).
- Minimum lot area - 555sqm.
- Minimum lot frontage - 15m.
- Maximum main building height - 11m.
- Maximum accessory building height - 4m.
- Maximum lot coverage - 40%.
- Maximum floor area of enclosed accessory building - the lessor of 15% of the lot area or 40sqm.
- Maximum roof area - 55%.
- 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 74sqm, 1 ½ storey 60sqm and two or more storey 42sqm.
- Minimum number of parking spaces – 3 parking spaces.

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 variances are desirable for the appropriate development or use of the land, building or structure; and the variances are minor in nature.

Comments:

- Wallis Residential Homes Inc. is requesting the Committee of Adjustment recognize that nineteen (19) persons have resided in the existing group home located on the lands since 1975 and predates the City of St. Thomas Zoning By-Law 50-88, April 18, 1988.

- The minor variance is requested to facilitate the construction of a proposed addition on the east side of the existing building, the addition floor area will be used to accommodate six bedrooms, so that each tenant has their own private accommodation.
- During the consultation process with the City a comprehensive zoning review was completed and the proposed addition conforms with the R3 zoning regulations, including building height, lot coverage, roof area, front yard depth, rear yard depth, interior side yard depth, exterior side yard depth, and off-street parking.
- The City of St. Thomas Fire Department and Building Services Department were circulated the subject application on March 24, 2023, no comments and/or concerns were brought forward.
- 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 Minor Application COA2-2023 satisfy the four tests, as set out in Section 45 of the Planning Act, therefore staff recommend that application COA2-2023 be approved, should the Committee of Adjustment approve the application the decision should reflect that the Committee is recognizing that nineteen (19) persons have resided in the existing group home located on the subject lands since 1975 and predates the City of St. Thomas Zoning By-Law 50-88, April 18, 1988.

Respectfully submitted,



Steve Craig,
Sr. Planning Technician