

A G E N D A

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

VIA ZOOM

10:00 A.M.

**THURSDAY
MAY 25, 2023**

DISCLOSURE OF INTEREST

MINUTES

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

HEARING OF APPLICATIONS

B02-23 - Gerald Wen - 218 and 220 Erie Street **Pages 2-12**

Planning Report - B02-23 **Pages 13-14**

A03-23 - Leslie Brooks - 15 Nelson Street **Pages 15-23**

Planning Report - A03-23 **Pages 24-27**

A04-23 - Shree Homes Inc. - 340 highbury Ave **Pages 28-38**

Planning Report - A04-23 **Pages 39-42**

NEW BUSINESS

Next Meeting

To be determined.

ADJOURNMENT

APR 19 2023

City Clerks Dept.

**CONFIRMATION OF A COMPLETE APPLICATION
APPLICATION FOR CONSENT**

April 19, 2023

Secretary-Treasurer, Committee of Adjustment
Attention: Jon Hindley

Pursuant to By-Law 30-2015, a consultation meeting was held on December 7, 2022 with City staff and the applicant.

An application for Consent, regarding 218 and 220 Erie Street, was filed on April 17, 2023.

This letter is notice that the information and material required under Subsections 53(2) and 53(3) and the required fee under Section 69 of the Planning Act has been provided and the application for consent is thereby considered complete.

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

Yours truly,



Jim McCoomb, MCIP, RPP
Manager of Planning Services

THE CORPORATION OF THE CITY OF ST THOMAS
COMMITTEE OF ADJUSTMENT
APPLICATION FOR CONSENT

OFFICE USE:	Date Application Received: <u>APR 17 2023</u>	Consultation Date: <u>Dec 7/22</u>
	Date Application Deemed Complete: <u>APR 19 2023</u>	

 Application #: B02/23

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

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 \$450 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. (a) Registered Owner(s): Gerald Wen

 Mailing Address: 220 Erie St, St Thomas

 Postal Code: N5R2N9 Telephone: 2269197880 Fax: _____

 email: gerwen01@gmail.com

 (b) Owner's Solicitor or Authorized Agent (if any): Mark Coombes

 Mailing Address: 2 Second Ave, St. Thomas

 Postal Code: N5R5S7 Telephone: 519-633-3301 Fax: 591-633-5995

 email: markc@bowsherandbowsher.ca

(c) Please specify to whom all communications should be sent:

 Owner Solicitor Agent

2. (a) Type and purpose of proposed transaction: (Check appropriate space/s)

- | | |
|---|--|
| <input checked="" type="checkbox"/> Creation of New Lot | <input type="checkbox"/> Disposal of Surplus Farm Dwelling |
| <input type="checkbox"/> Addition to Lot | <input type="checkbox"/> Correction of Title |
| <input type="checkbox"/> Mortgage or Charge | <input type="checkbox"/> Partial Discharge of Mortgage |
| <input type="checkbox"/> Lease | <input type="checkbox"/> Right-of-way |

Easement _____

(b) If a lot addition, identify the lands to which the parcel will be added:

Name of person(s), if known, to whom land or interest in land is intended to be transferred, charged or leased:

N/A

3. Are there any existing easements or restrictive covenants affecting the land?

Yes No

If "Yes" describe the easement or covenant and its effect: _____

4. Location of land:

Municipality (City/Town/Township) St. Thomas

Concession No _____ Lot(s) _____ Registered Plan No 270 Lot(s) 18

Reference Plan No _____ Part(s) _____

Name of Street Erie Street No 218 and 220

5. Description of land to be severed: (in metric units) Part No. on sketch _____

(a) Frontage 10.45m Depth 42.5m Area 444 sq meters

(b) Existing Use Residential Proposed Use Residential

(c) Existing and proposed buildings and structures on the subject land:

Existing: Semi-detached home, Two sheds

Proposed: Existing structures only

6. Description of land to be retained: (in metric units) Part No. on sketch _____

(a) Frontage 10.45m Depth 42.5m Area 444 sq meters

(b) Existing Use Residential Proposed Use Residential

(c) Existing and proposed buildings and structures on the land to be retained:

Existing: Semi-detached home, Two sheds

Proposed: Existing structures only

7. (a) Type of access to severed land:

- | | |
|--|--|
| <input type="checkbox"/> Provincial Highway | <input type="checkbox"/> Regional Road |
| <input checked="" type="checkbox"/> Municipal Road maintained all year | <input type="checkbox"/> Other Public Road |
| <input type="checkbox"/> Municipal Road maintained seasonally | <input type="checkbox"/> Right-of-Way |
| <input type="checkbox"/> Water Access | <input type="checkbox"/> Private Road |

(b) Type of access to retained land:

- | | |
|--|--|
| <input type="checkbox"/> Provincial Highway | <input type="checkbox"/> Regional Road |
| <input checked="" type="checkbox"/> Municipal Road maintained all year | <input type="checkbox"/> Other Public Road |
| <input type="checkbox"/> Municipal Road maintained seasonally | <input type="checkbox"/> Right-of-Way |
| <input type="checkbox"/> Water Access | <input type="checkbox"/> Private Road |

8. What type of water supply is proposed? (Check appropriate space)

TYPE	PROPOSED LOT	RETAINED LOT
Publicly owned and operated piped water system	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other (specify) _____	_____	_____

9. What type of sewage disposal is proposed? (Check appropriate space)

TYPE	PROPOSED LOT	RETAINED LOT
Publicly owned and operated sanitary sewage system	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other (specify) _____	_____	_____

10. What is the current designation of the subject land in any applicable official plan?

(a) Local Municipal Official Plan Residential

(b) Regional Policy Plan _____

11. (a) Has the subject land ever been the subject of an application for approval of a plan of subdivision under Section 51 of The Planning Act or a consent under Section 53 of The Act?

Yes No

- (b) If the answer to (a) is "Yes", please provide the following information:

File Number: _____

Status: _____

12. (a) Has any land been severed from the parcel originally acquired by the owner of the subject land?

Yes No

- (b) If the answer to (a) is "Yes", please indicate previous severances on the required sketch and supply the following information for each lot severed:

Grantee's (Purchaser's) name _____

Land Use on severed parcel _____

Date parcel transferred _____

Consent file number (if known) B _____

13. (a) Is the subject land the subject of any other application under the Planning Act e.g. approval of a plan of subdivision; a consent application; an application for an amendment to an official plan amendment; a zoning by-law or a Minister's zoning order, or a minor variance?

Yes No

- (b) If the answer of (a) is "Yes", please provide the following information:

File Number: _____

Status: _____

14. (a) Is the proposed consent application consistent with the Policy Statements issued under subsection 3(1) of the Planning Act?

Yes No

- (b) Are the subject lands within an area of land designated under a Provincial Plan or

Plans? Yes No

- (c) If the answer to (b) is "yes" does the proposed consent application conform to or does it not conflict with the Provincial Plan or Plans?

Yes No

15. As provided for in Ontario Regulation 197/96, and as required by this Committee of Adjustment, an application must be accompanied by a preliminary drawing prepared, signed and dated by an Ontario Land Surveyor, showing the information set out below. In the case of multiple applications, one drawing plus one extra copy for each additional application will suffice.
- (a) the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
 - (b) the distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;
 - (c) the boundaries and dimensions of the subject land, the part that is to be severed and the part that is to be retained;
 - (d) the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
 - (e) the approximate location of all natural and artificial features on the subject land and on the land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application, such as buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks;
 - (f) the existing uses on adjacent land, such as residential, agricultural and commercial uses;
 - (g) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way;
 - (h) if access to the subject land is by water only, the location of the parking and boat docking facilities to be used;
 - (i) the location and nature of any easement affecting the subject land.
16. One copy of this application form is to be filed for each subject parcel, together with the preliminary drawing and the applicable application fee in cash, money order or by cheque made payable to the City of St. Thomas.

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, Gerald Wen, the Owner or Authorized Agent, hereby agree
(Print name of Owner or Authorized Agent)

and acknowledge 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:

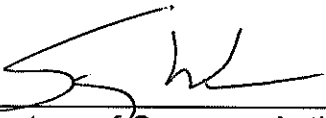
Personal information on this form is collected under the authority of Section 41 of the *Planning Act*, R.S.O. 1990 and Sections 8 (1) and 10 of the *Municipal Act*, 2001, as amended, and will be used to contact the owner, applicant and/or agent regarding the Committee of Adjustment Application. Questions 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, Gerald Wen 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.

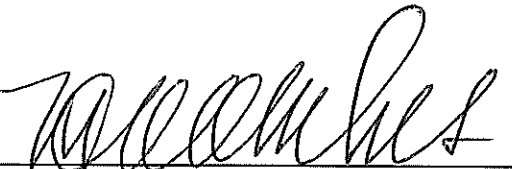
Sworn (or declared) before me at the St. Thomas on this 13 day of April, 2023.
City Day Month Year



Signature of Owner or Authorized Agent

Apr 13 2023

Date



Signature of Commissioner of Oaths, etc.

2023/04/13

Date

MARK T. COOMBES

MY COMMISSION DOES NOT EXPIRE

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

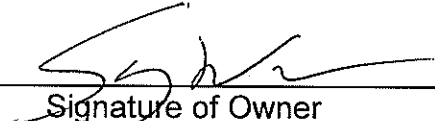
APPENDIX B – ACKNOWLEDGEMENT OF LEGAL AND PLANNING FEES

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, Gerald Wen, 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.

04/13/2023
Date


Signature of Owner

PROCEDURES FOR PROCESSING APPLICATIONS FOR CONSENT

Under the provisions of Sections 50 and 53 of The Planning Act, as amended, the approval of the Committee of Adjustment is required for land transactions covering the separation of a parcel of land from existing holdings. This approval is called a "consent". Consent is also required for leases, rights-of-way or easements if such extend beyond a period of 21 years and to mortgage or discharge a mortgage over part of a parcel of land.

As provided for by The Planning Act and Regulation 197/96 under The Act, every application for consent must be brought to the attention of certain authorities and to property owners within 60 metres of the subject land, either by personal service or by advertising in a newspaper which has general circulation in the area. In addition, other agencies will be consulted if the location of the subject lands falls within their respective field of responsibility.

It is this Committee's policy to conduct a public hearing on each application for consent. Notice of this hearing is circulated to the applicant/agent/solicitor and all other persons or agencies as required at least 10 days prior to the date of hearing.

Prior to the hearing, members of the Committee may examine the lands which are the subject of the application.

Following the hearing, the applicant/agent/solicitor is notified in writing of the decision of the Committee. In addition, any other person or agency who files a written request for the decision of the Committee or attends the hearing will be sent a copy of the decision.

Anyone objecting to the decision of the Committee or the condition(s) imposed by the Committee may appeal either the decision and/or the conditions of consent to the Local Planning Appeal Tribunal within 20 days after the giving of the notice of decision. The notice of appeal, together with written reasons supporting the appeal and the fee by cheque or money order payable to the Minister of Finance must be filed with the Secretary-Treasurer, who in turn, will forward the appeal to the Local Planning Appeal Tribunal. The Fees and Charges, found on the Local Planning Appeal Tribunal's website, outlines the costs associated with filing an LPAT appeal. All parties to the appeal will receive any further notice concerning the appeal directly from the Local Planning Appeal Tribunal.

Prior to final consent being issued, written proof must be submitted to the Secretary-Treasurer to the effect that any conditions imposed by the Committee in granting consent have been fulfilled. According to the Act, if the consent granted by the Committee is conditional, the conditions must be fulfilled within two years of the giving of the notice of decision. Failure to do so will cause the consent to lapse.

Preliminary Discussion and Pre-consultation

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. The City and any affected agency may require additional background reports in support of the application in order for the application to be considered complete. The purpose of pre-consultation is to ensure that the applicant is aware of the required supporting information before an application is submitted in order to prevent delays in processing the application.

POLICIES

The requirements to complete one application are:

One fully completed application for consent form signed by the applicant(s) or authorized agent and properly witnessed by a Commissioner for the taking of affidavits.

A letter of authorization from the applicant(s) for applications which are signed by someone other than the owner(s).

A preliminary drawing which has been prepared, dated and signed by an Ontario Land Surveyor, showing all information referred to in item 14 of the application form.

Payment of \$450. Cheques are to be made payable to the "City of St. Thomas" There is an additional fee of \$200 for deed stamping if the consent is approved and all conditions are met.

Someone must be present at the hearing to represent the application.

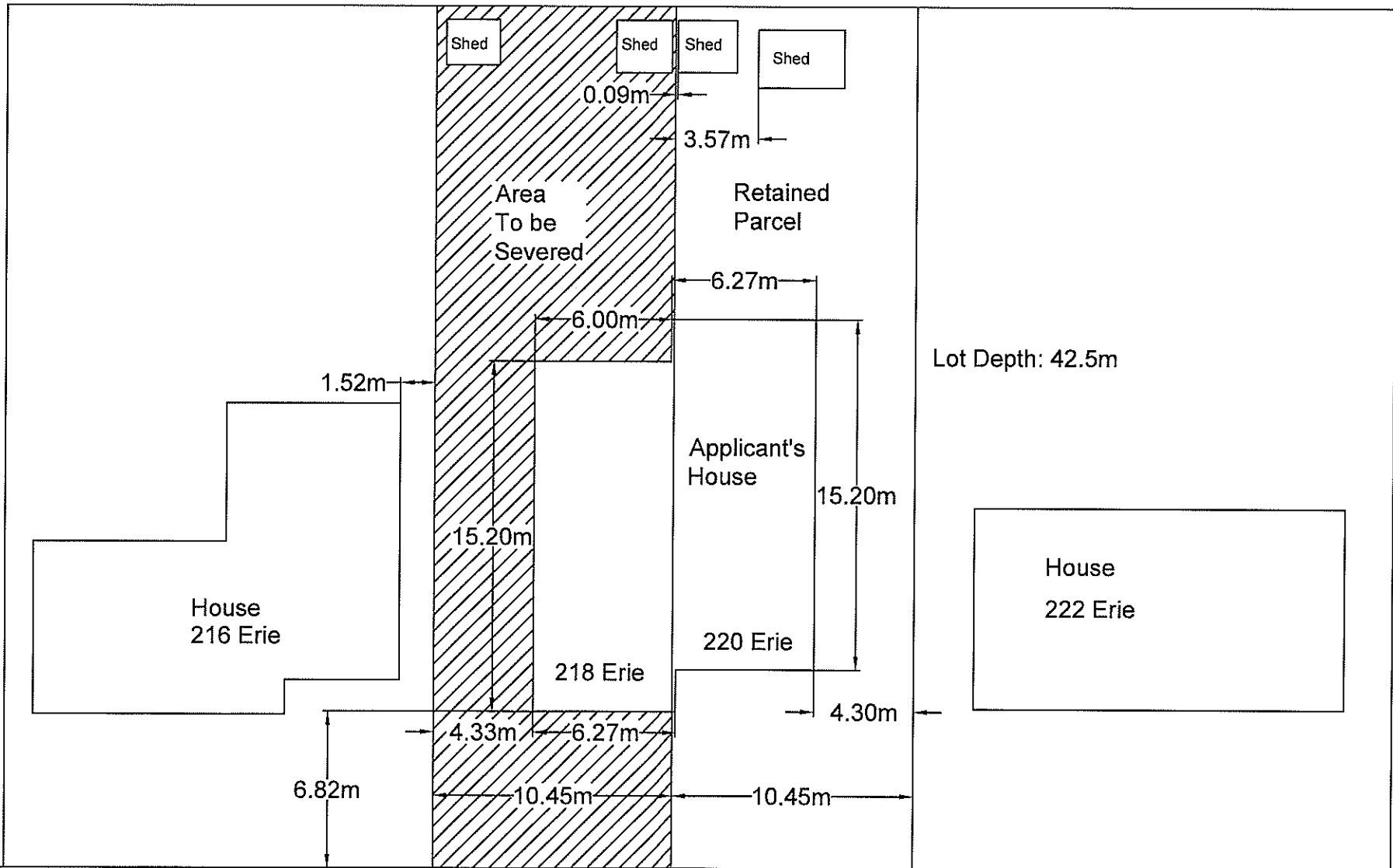
Decisions of the Committee are made in public.

In granting consent to an application, the Committee may impose conditions as requested by municipal or other authorities such as the following:

That payment of 5% of the value of the subject parcel be made to the local municipality for parks purposes or dedication of 5% of the subject land to the municipality for parks purposes.

That an agreement with the local municipality be entered into for installation of such municipal services as may be required, at the expense of the applicant and to standards acceptable to the municipality.

That land be deeded gratuitously to the local or Regional municipality for road widening purposes.



ERIE STREET



PLANNING & BUILDING DEPT
CITY HALL, 545 TALBOT ST
ST THOMAS, ON N5P3V7
5196311680

SALE

MID: 6681312
TID: 001 REF#: 00000001
Batch #: 107001 RRN: 00000001
04/17/23 15:50:12
APPR CODE: 004025
VISA Chip
*****5049 **j**

AMOUNT \$450.00

APPROVED

VISA CREDIT
AID: A0000000031010
TVR: 00 80 00 80 00
TSI: F8 00

BY ENTERING A VERIFIED PIN
CARDHOLDER AGREES TO PAY ISSUER
SUCH TOTAL IN
ACCORDANCE WITH ISSUER'S
AGREEMENT
WITH CARDHOLDER

THANK YOU! / MERCI!

MERCHANT COPY



Report No.: B02-2023

Directed to: Members of the Committee of Adjustment

Meeting Date: 05/25/2023

Department: Planning & Building Services Department

Prepared by: Steve Craig, Senior Planning Technician

Attachment: Location Plan

Location: 218 and 220 Erie Street

Applicant: Gerald Wen

Subject: Request for a consent pursuant to Section 53 of the Planning Act, R.S.O, as amended

Recommendation:

That: Report B02-2023 relating to an application for a consent at 218 and 220 Erie Street be received for information.

Background:

Consent Application B02/23 has been filed for the purpose of creating separate lots for 218 and 220 Erie Street.

PROPOSAL:

The applicant is proposing to sever a lot with frontage of 10.45m on Erie Street and an area of 444sqm, containing one semi-detached dwelling unit. The applicant is proposing to retain one lot with a frontage of 10.45m on Erie Street and an area of 444sqm, containing one semi-detached dwelling unit. It is proposed that the severed and retained lots will continue to be used for residential purposes.

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" designation means the predominant use of land shall be for low, medium, and high-density residential use (5.1.3.1).
- Low density residential use shall mean a residential use to a maximum of twenty-five (25) residential dwelling units per net hectare. Within a low-density residential area, the main permitted uses shall include single detached, semi-detached, duplex, and triplex residential dwellings (5.1.3.2).



St. Thomas Zoning By-law 50-88:

- The subject lands are in 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 Third Residential Zone (R3) include a semi-detached dwelling (7(b)).
- Maximum Main Building Height - 11m (7.4(3)(3)).
- Maximum Accessory Building Height - 4m (7.4(3)(4)).
- Maximum Floor Area of an Enclosed Accessory Building - The lesser of 15% of the lot Area or 40sqm (7.4(3)(3)(6)).
- Maximum Number of Dwelling Units - 2 per lot (7.4(3)(3)(7)).
- Maximum Roof Area - 55% (7.4(3)(3)(8)).
- Minimum Front Yard Depth - 6m (7.4(3)(3)(9)).
- Minimum Rear Yard Depth - 9m (7.4(3)(3)(10)).
- Minimum Interior Yard Depth - 1m (7.4(3)(3)(11)(a)).
- Minimum Exterior Yard Depth - 4m (7.4(3)(3)(11)(b)).
- Minimum Ground Floor Area - 1 ½ Storey Dwelling - 60sqm (7.4(3)(3)(12)(b)).
- Minimum Number of Parking Spaces - 1 per Dwelling Unit (7.4(3)(3)(14)).
- The Severance of Lots and Buildings regulations (4.2.9.4) provide that where a semi-detached dwelling is lawfully erected in accordance with the provisions of this by-law and any such dwelling and the lot on which it is located are lawfully severed, the zone requirements applicable to such semi-detached dwelling and the lot on which it is located as set forth in paragraphs 7.4.1, 8.4.1 and 9.4.1, as the case may be, shall apply to each lot created and the part of the building erected thereon except that the minimum lot area shall be 45% (Parcel A 50% / Parcel B 50%) of the minimum for the lot before the severance, the minimum lot frontage shall be 45% (Parcel A 50% / Parcel B 50%) of the minimum for the lot before the severance, the maximum lot coverage shall be 40% (Parcel A 20% / Parcel B 21.4%) of the maximum for the lot before severance and the minimum for one side yard shall be nil and 1m for the other.

Comments:

- In staff's opinion Consent Application B02-2023 conforms with the Provincial Policy Statement (PPS), City of St. Thomas Official Plan, Zoning By-law and satisfies the criteria of Section 51(24) of the Planning Act, R.S.O, as amended. Therefore, approval of Consent application B02-2023 is supportable. Should the Committee approve Consent Application B02-2023 staff recommends the following condition:
 - 1) the applicant provide confirmation that the severed and retained lots have separate services, to the satisfaction of the City of St. Thomas, Manager of Development and Compliance; and
 - 2) That the City of St. Thomas be provided with a copy of the Reference Plan.

Respectfully submitted,



Steve Craig,
Sr. Planning Technician



APR 20 2023

City Clerks Dept.

CONFIRMATION OF AN APPLICATION FOR MINOR VARIANCE

April 19, 2023

Secretary-Treasurer, Committee of Adjustment
Attention: Jon Hindley

Pursuant to By-Law 30-2015, a consultation meeting was held on April 13, 2023, with City staff and the applicant.

An application for a minor variance, regarding 15 Nelson Street, was filed on April 19, 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, RSO, 1990, as amended)

OFFICE USE:	Date Application Received: <u>APR 19 2023</u>	Consultation Date: <u>April 13/23</u>
	Date Application Deemed Complete: <u>APR 19 2023</u>	

Application #: A03123

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

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) Leslie Brooks
Address 15 Nelson St.

Postal Code N5P 3J1 Tel: 226-234-1885 e-mail: lesliedb1992@gmail.com
2. Name of Authorized Agent (if any) Jamie Paul / Chris Harris
Address 32 Juno dr. St. Thomas Ontario

Postal Code _____ Tel: 519-494-0446 e-mail: Hybriddeckingandfencing@gmail.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:
Covered deck 8ft front, side 4.3ft
Roof area 51.7% and encroach into daylight corner
4. Reason why the proposed use cannot comply with the provisions of the Zoning By-law:
Location of existing house. New covered deck will accommodate accessibility lift.
5. Location of Land:
Concession No. _____ Lot(s) _____ Registered Plan No. 236 Lot(s) 27
Reference Plan No. _____ Part(s) _____

Geographic/Former Township _____

Name of Street Nelson Street Street No. 15

6. Dimensions of land affected: see attached plan

Frontage _____ Depth _____

Area _____ 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:

see attached plan

USE Residential

Proposed:

Res.

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 plan

Proposed:

Res.

USE

Res.

10. Date of acquisition of subject land: 17 years

11. Date of construction of all buildings and structures on subject land: 1952

12. Existing uses of the subject land:

Res.

13. Existing uses of abutting lands:

North: Res. East: Res.

South: Res. West: Res.

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

1952

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:

Res.

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 #)

146-71

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.

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I, Chris Harris, 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, Chris Harris of St. Thomas in the province of Ont,
name of applicant City
make oath and say (or solemnly declare) that the information required under Schedule 1 of Ontario Regulation 545/06 and provided by the applicant in this application is accurate, and that the information contained in the documents that accompany this application is accurate.
Sworn (or declared) before me at the St Thomas on this 19 day of April, 2023.
City Day Month Year

Chris Harris
Signature of Owner or Authorized Agent

April 19th 2023
Date

Crystal Marie Penney
Signature of Commissioner of Oaths, etc.


April 19/23
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, Leslie Brooks, am the owner of the subject lands, and I authorize Jamie Paul Christ Harris^{AB} 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 17, 2023
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, Chris Harris, 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.



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.



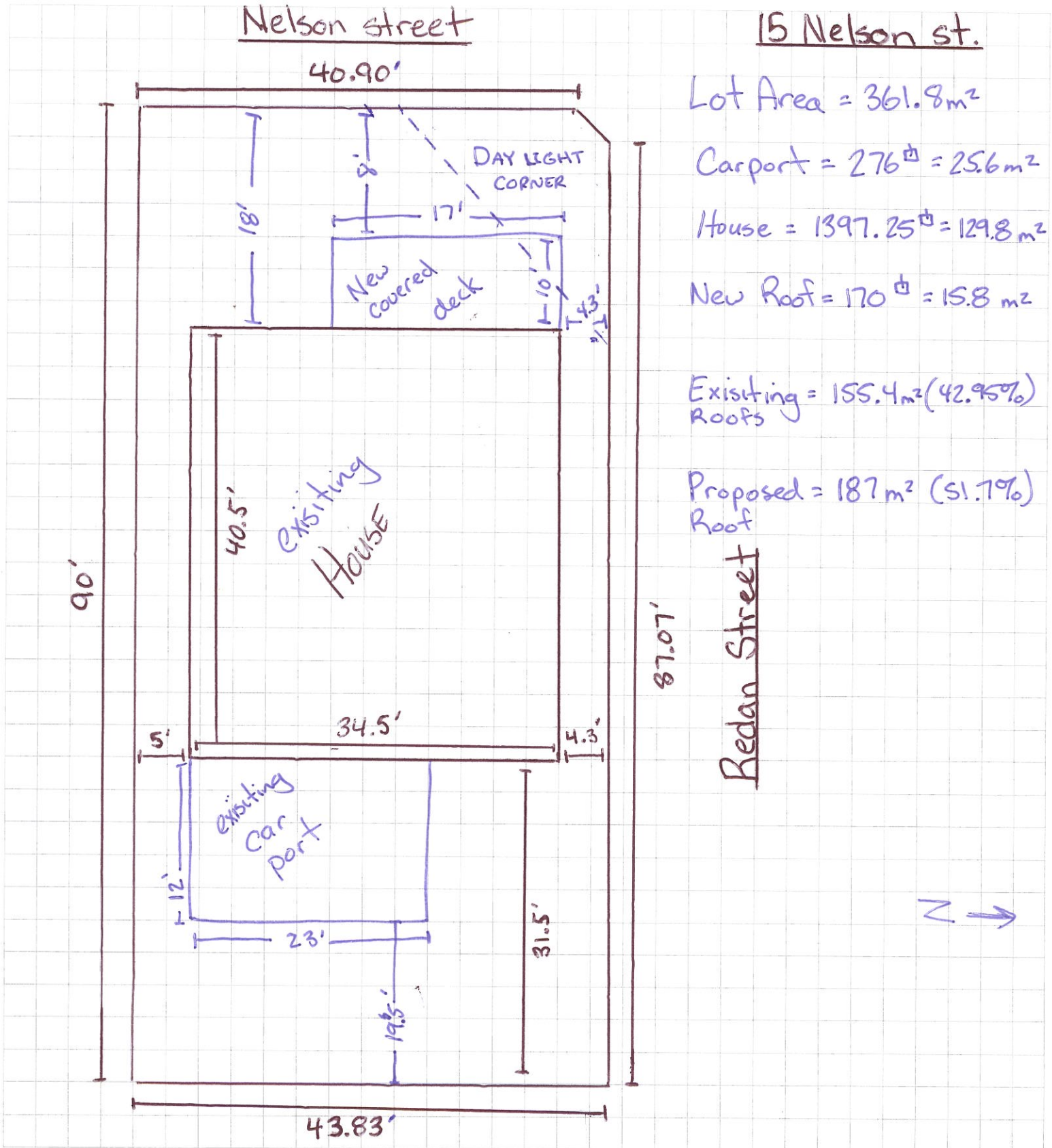
130 Woodworth Avenue
 ST. THOMAS, ON N5P 3K1
 Ph: 519-637-1945
 Fax: 519-637-9848
 Toll Free: 1-866-612-1474

214 Main Street
 WOODSTOCK, ON N4S 1S9
 Ph: 519-533-5240
 Fax: 519-533-5244

1895 Blackacre Drive
 OLDCASTLE, ON L2H 2S8
 Ph: 519-916-1106
 Fax: 519-916-1107

520 Polymore Drive
 CORUNNA, ON N0N 1G0
 Ph: 519-704-1699
 Fax: 519-867-2942

www.canadianipg.com



PLANNING & BUILDING DEPT
CITY HALL, 545 TALBOT ST
ST THOMAS, ON N5P3V7
5196311680

DEBIT SALE

MID: 6681312
TID: 001
Batch #: 109001
04/19/23
APPR CODE: 198734
Trace: 00326670
DEBIT/CHEQUING
*****4302

REF#: 00000001
RRN: 00000001
11:02:27

Chip

AMOUNT \$400.00

APPROVED

Interac
AID: A0000002771010
TVR: 00 80 00 80 00
TS: E8 00

PIN VERIFIED BY CARD ISSUER
ACCOUNT WILL BE DEBITED WITH THE
ABOVE AMOUNT
(OR CREDITED IF CREDIT VOUCHER)
RETAIN THIS COPY FOR STATEMENT
VERIFICATION

THANK YOU! / MERCI!

MERCHANT COPY



Report No.: COA3-2023

Directed to: Members of the Committee of Adjustment

Meeting Date: 05/25/2023

Department: Planning & Building Services Department

Prepared by: Steve Craig, Senior Planning Technician

Attachment: Location Plan & 2020 Aerial Photograph

Location: 15 Nelson Street, City of St. Thomas

Applicant: Leslie Brooks

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

Recommendation:

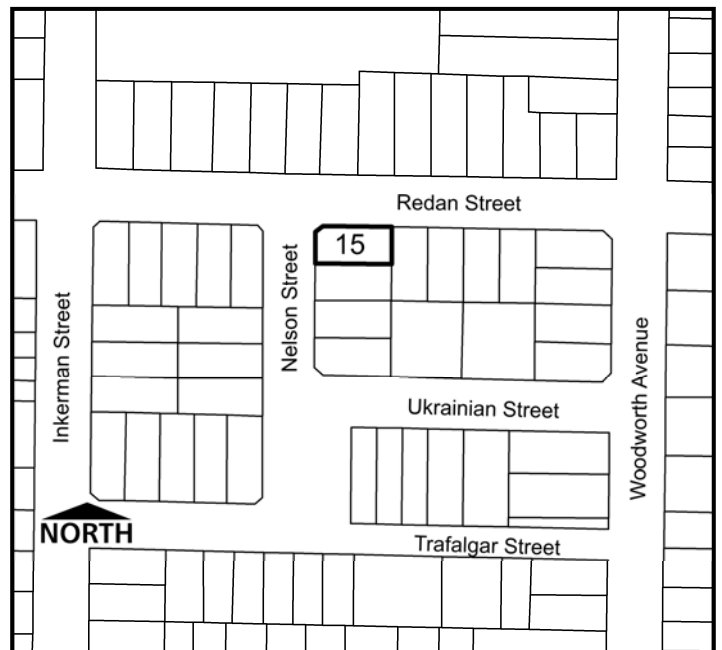
That: Report COA3-2023 relating to an application for a minor variance at 15 Nelson Street be received for information.

Background:

Minor Variance Application COA03/23 has been filed in support of a 3.04m x 5.18m covered, unenclosed porch on the front of the existing dwelling, which will be used to accommodate an accessibility lift for access and egress purposes.

Requested Variance(s):

- 1) To permit a porch 2.43m from the front lot line, whereas Table 1 to Subsection 7.4, Column No. (2), Item No. 9 of the Zoning By-law requires a minimum front yard depth of 6m.
- 2) To permit a porch 1.31m from the exterior side lot line, whereas Table 1 to Subsection 7.4, Column No. (2), Item No. 11(b) of the Zoning By-law requires a minimum exterior side yard depth of 4m.
- 3) To permit a maximum roof area of 51.7%, whereas Table 1 to Subsection 7.4, Column No. (2), Item No. 8 of the Zoning By-law permits a maximum roof area of 50%.
- 4) To permit a porch within 2m of a daylight corner, whereas Subsection 4.1.6.4 of the Zoning By-law provides that where a where two streets intersect and the intersection includes a daylight corner, no part of any building shall be closer than 2m to the daylighting corner.



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" designation means the predominant use of land shall be for low, medium, and high-density residential use (5.1.3.1).
- Wherever a use is permitted in a land use classification, it is intended that uses, buildings or structures normally incidental, accessory, and essential to that use are also permitted (11.2.1).

St. Thomas Zoning By-law 50-88:

- The subject lands are within the Third Residential Zone (R3), as shown on Zoning Map 11, 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)).
- Where two streets intersect and the intersection includes a daylight corner, for the purpose of determining the location of any building on the corner lot that abuts the daylight corner, the lot shall be deemed to include the daylight corner, provided that no part of any building on such corner lot shall be closer than 2 metres to the daylighting corner (4.1.6.4).
- The requirements and setbacks for a single detached dwelling in the R3 zone include:
 - minimum lot area - 371.5m²;
 - 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 67m²;
 - 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 74m²; and ‘
 - minimum number of parking spaces - 1 parking space per dwelling unit.

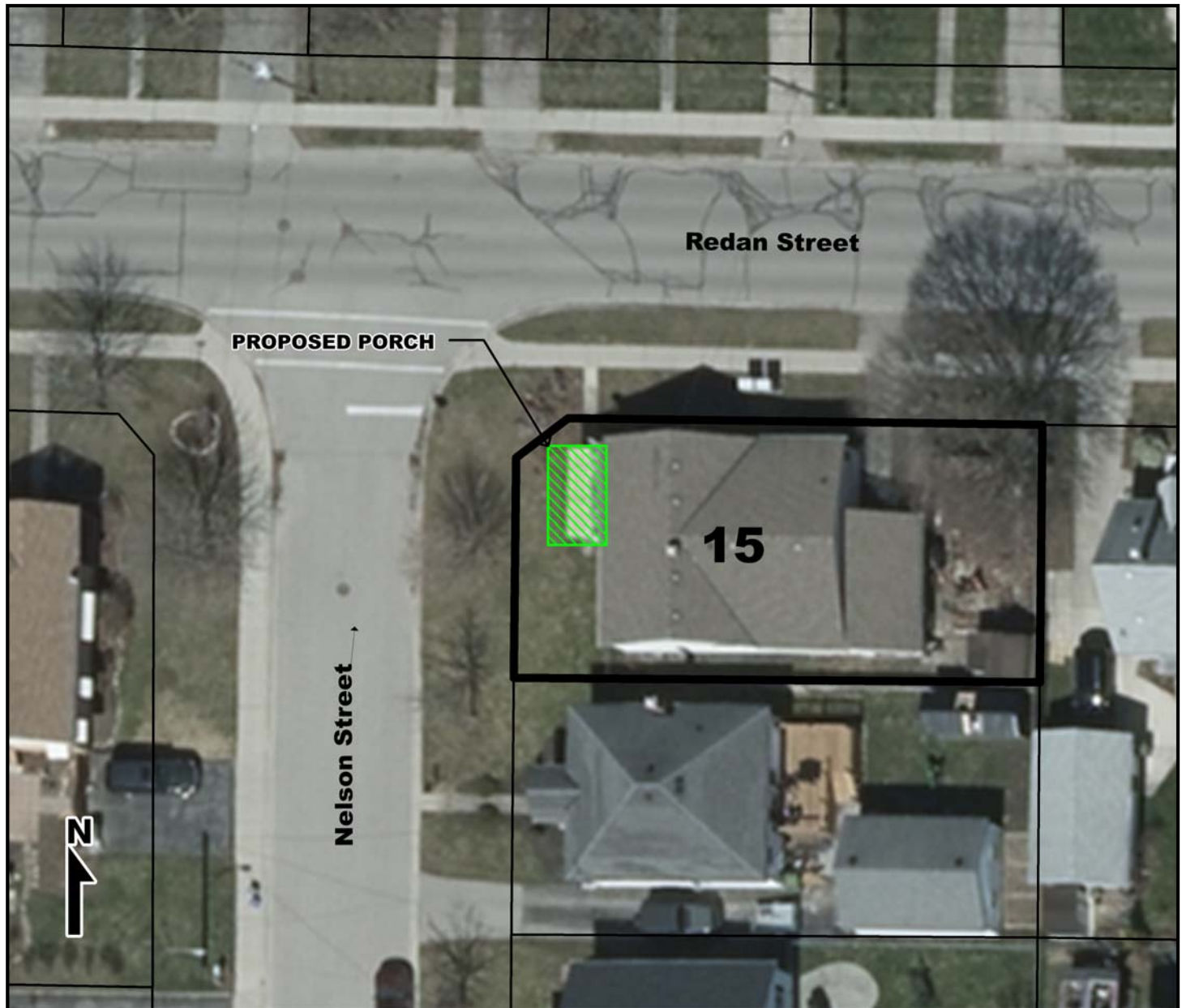
LEGISLATIVE FRAMEWORK FOR A MINOR VARIANCE:

- 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:

- The applicant originally intended on constructing a wooden accessibility ramp on the front of the dwelling; however, this was not feasible based on the location of the dwelling relative to the front lot line, exterior side lot line and limited area in the front yard and exterior side yard, without encroaching onto the Redan Street and Nelson Street City owned municipal rights-of-way.
- City staff consulted with the applicant to review other potential alternatives to accommodate accessibility to the existing dwelling, including the proposed covered, unenclosed porch, which will be located entirely within the limits of the lot and providing the structure remains unenclosed should not result in any adverse impacts to the subject lands, neighbouring properties, and the Redan Street and Nelson Street municipal rights-of-ways.

- 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 proposed covered porch is in support of an accessibility lift, which will improve accessibility and safety for the occupants of the dwelling, which is consistent with PPS, which 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 the staff's opinion the variances requested through Minor Application COA3-2023 satisfy the four tests, as set out in Section 45 of the Planning Act and are consistent with the Building Strong Health Communities (1.0) policies of the PPS, therefore staff recommend that the application be approved.

- Should the Committee of Adjustment approve Minor Application COA3-2023 the decision should reflect that approval is for a 3.04m x 5.18m covered, unenclosed porch on the front of the existing dwelling, which will be used to accommodate an accessibility lift for access and egress purposes, as shown on the site plan accompanying the application.

Respectfully submitted,



Steve Craig,
Sr. Planning Technician



APR 28 2023

City Clerks Dept.

CONFIRMATION OF AN APPLICATION FOR MINOR VARIANCE

April 28, 2023

Secretary-Treasurer, Committee of Adjustment
Attention: Jon Hindley

Pursuant to By-Law 30-2015, a consultation meeting was held on February 22, 2023, with City staff and the applicant.

An application for a minor variance, regarding 340 Highbury Avenue, was filed on April 27, 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

COMMITTEE OF ADJUSTMENT

APPLICATION FOR MINOR VARIANCE OR FOR PERMISSION

(Section 45 of the Planning Act, RSO, 1990, as amended)

OFFICE USE:	Date Application Received: <u>April 27, 2023</u>	Consultation Date: <u>February 22, 2023</u>
	Date Application Deemed Complete: <u>April 28, 2023</u>	

Application #: A04-23

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

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 applications 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) Shree Homes Inc. c/o Pritesh Shah

Address 1124 (Unit 1A) Gainsborough Road London Ontario

Postal Code N6H 5N1 Tel: 519-601-6761 e-mail: pritesh@shreehomes.ca

2. Name of Authorized Agent (if any) Olya Alchits

Address 1599 Adeldaide Street North Unit 203 London Ontario

Postal Code N5X 4E8 Tel: 519-471-6667 ext 416 e-mail: oalchits@sbmltd.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:

1. Front yard setback of 5.0 metres, whereas a minimum of 12.0 metres is required;
2. Pylon sign setback of 1.82 metres, whereas a minimum of 12.0 metres is required; and interior side yard setback of 1.2 metres whereas a minimum of 3.0 metres is required.
3. Interior side yard setback of 1.2 metres, whereas a minimum of 3.0 metres is required.

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

The configuration and layout of the commercial building requires small deviations
from regulations of the Zoning By-law. (Please refer to Planning rationale)

5. Location of Land:

Geographic/Former Township _____

Name of Street Highbury Avenue South Street No. 340

6. Dimensions of land affected:

Frontage 35.95 metres Depth Approximately 30 metres

Area 2,336.8 m2 Width of Street 35.95

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:

Vacant

USE _____

Proposed:

Commerical

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:

Vacant

Proposed:

Commercial Building located on the southernly portion of the lot.
Front Yard Setback - 5.0 metres*Side Yard Setback (south) - 1.2 metres*Rear Yard Setback - 8.2 meetres

USE _____

10. Date of acquisition of subject land: n/a

11. Date of construction of all buildings and structures on subject land: n/a

12. Existing uses of the subject land:

Vacant

13. Existing uses of abutting lands:

North: Commercial East: Vacant

South: Vacant West: Vacant/ Residential

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

n/a

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:

Highway Commercial

17. Present Zoning of the subject land:

Highway Commercial C7/C7-31

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 Pritesh Shah, 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.

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AFFIDAVIT OR SWORN DECLARATION

I, Pritesh Shah of London 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 London on this 21 day of 04, 2023.
 City Day Month Year
 Signature of Owner or Authorized Agent [Signature] Date 23rd April 2023

[Signature]
 Signature of Commissioner of Oaths, etc. **KEVIN ANDREW MONIZ,**
 a Commissioner, etc., Province of Ontario,
 for Strik, Baldinelli, Moniz Ltd. and SBM Geomatics Ltd. April 26, 2023
 Expires November 30, 2023. 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, *Prithvi Shah*, am the owner of the subject lands, and I authorize SBM Ltd, 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.

21/04/2023
Date

[Signature]
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, *Prithvi Shah*, 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.

21/04/2023
Date

[Signature]
Signature of Owner

NOTES:

1. Each copy of this application must be accompanied by a Sketch. The Sketch need not necessarily be to scale, but dimensions must be accurate, and showing the following:
 - (a) The boundaries and dimensions of the subject land;
 - (b) The location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings or structures from the front yard lot line, rear yard lot line and the side yard lot lines;
 - (c) The approximate location of all natural and artificial features on the subject land and on land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application. Examples include buildings, driveways, swimming pools, roads, railways, drainage ditches, wells, septic tank and tile bed, and trees;
 - (d) The current uses on land that is adjacent to the subject land;
 - (e) The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public traveled road, a private road or a right-of-way;
 - (f) If access to the subject land is by water only, the location of the parking and docking facilities to be used;
 - (g) The location and nature of any restrictive covenant or easement affecting the subject land;
2. The Committee of Adjustment may require that a preliminary drawing be prepared, signed and dated by an Ontario Land Surveyor.
3. If this application is signed by an agent or solicitor on behalf of an applicant, the owner's written authorization must accompany the application. If the applicant is a corporation acting without agent or solicitor, the application must be signed by an officer of the corporation and the corporation's seal (if any) must be affixed.

April 26, 2023

Crystal Penney
Planning & Building Services Coordinator – City of St. Thomas
Planning and Building Services
545 Talbot Street
St. Thomas
N5P 3V7

Minor Variance – Application Submission for 340 Highbury Avenue South, St. Thomas to permit a commercial development

Dear Ms. Penney

Further to the Site Plan Approval submissions, please find enclosed the Minor Variance Application submission. The application fee is attached along with the signing authorization.

To facilitate the development of a commercial building at 340 Highbury Avenue South, the applicant is seeking relief from the Zoning By-law for the following Minor Variances:

- Front yard setback of 5.0 metres, whereas a minimum of 12.0 metres is required;
- Pylon sign setback of 1.82 metres, whereas a minimum of 12.0 metres is required; and
- Interior side yard setback of 1.2 metres, whereas a minimum of 3.0 metres is required.

It is the opinion of the writer that the requested variances meet the “4 tests” set out by the Planning Act and will be further discussed below in this document.

THE PROPOSED DEVELOPMENT

The proposal consists of a 1-storey commercial building with a floor area of 740.74 m² and 29 parking spaces, two of which would be barrier free. It is anticipated that the commercial building will contain approximately 5 commercial units. The site is accessed by Highbury Avenue South and contains a 6.7 metre drive aisle leading to surface parking spaces. The site provides for landscaping areas and a loading/garbage collection area.

MINOR VARIANCES TESTS

1. Conformity with Official Plan

The subject site is within the Highway Commercial Land Designation of the City of St. Thomas Official Plan (OP). These areas are identified as comprising of a number of uses which rely on large traffic volumes to support specialized commercial uses, including, motor vehicle related uses, food service and other non retail service

commercial uses which benefit from a highway-oriented location. The applicable goals which are set out by the Official Plan for this type of designated area include:

- i) to focus on commercial services that support the City as a whole and are highway oriented
- ii) to ensure the orderly transition of land use to traditional highway commercial uses over time
- iii) to ensure new buildings have proper siting and orientation, adequate access and off-street parking

The proposed commercial building will consist of approximately 5 units. These units will contain permitted uses listed within the Official Plan and conform to the intent of the Highway Commercial Land Designation. These future uses will benefit from a highway-oriented location. Further, the site provides for proper siting, orientation, easy access and sufficient parking. As such, the proposal is in compliance with the Official Plan.

2. Compliance with Zoning Bylaw

The subject property is zoned Highway Commercial C7/C7-31 which permits several commercial uses such as convenience store, fast food restaurant, restaurant, automotive service business, gas bar and business office etc. The proposed commercial building will comply with the permitted uses. The applicant is requesting relief from the Zoning Bylaw for a reduced front yard setback and interior side yard setback (south).

A 12.0 metre front yard setback is required for the commercial building as set out by the Zoning Bylaw. The general intent of the front yard setback is to maintain an appropriate amount of landscaped open space, provide for adequate separation and land compatibility with the interface of commercial uses, ensure a consistent streetscape character with neighbouring lots and ensure that there is sufficient space for the site to function without adversely impacting abutting properties. In this case, the proposal provides a 5-metre front yard setback, allowing the site to function optimally with proper siting from the road, sufficient parking, landscape area and all other features which contribute to a well functioning site. Further, the 5.0 metre reduced setback is located on the first 12 metres of the site frontage, whereas the remainder of the frontage is compliant with the setback. The surrounding area is comprised of vacant land to the west and east, commercial plaza to the north and a place of worship to the south. It is not anticipated that the reduced front yard setback will have any adverse impact on abutting properties.

The pylon sign, similarly, requires a 12.0 metre setback as it is identified as a structure. The intent of this setback is to ensure there is sufficient space for the site to function as intended and for future road widening dedication. In this case, the setback from the centre line is 16.97 metres. This distance provides for adequate space for the road widening as well as all site functions. Additionally, the pylon sign is not a permanent structure and allows for greater flexibility.

The third request is to permit Interior side yard setback of 1.2 metres, whereas a minimum of 3.0 metres is required. The intent of the interior side yard setback is to provide for adequate separation and mitigate impacts between the proposed development and adjacent properties, while also maintaining space for access. The proposed 1.2 metre setback provides for enough space to allow for access and any privacy issues between future development on the abutting lot may be mitigated through landscaping and fencing.

3. Is the variance minor in nature?

The minor variances being sought are deemed minor in nature as they do not impose any impact on any of the existing and neighbouring properties. The provided setbacks ensure that the site can function as it is intended to.

4. Will the variance provide the desirable use of the lands?

The requested minor variances facilitate the creation of a functional commercial development that meets all of the other provisions of the C7 zoning of the subject lands. The requested reduction to the required front yard and interior side yard setback will optimize the developable area of the site and aids in the creation of a suitable employment opportunity will providing services along a highly utilized arterial roadway within the city.

CONCLUSION

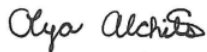
The applicant is requesting two minor variances to permit the development of a commercial building. This document has outlined that the requested variances meet the four tests required by the Planning Act and would have no adverse impact on the surrounding neighbourhood.

We trust this meets your requirements in order to advance this application to the next meeting date for consideration by the Committee of Adjustment. Should you have any questions please do not hesitate to contact the undersigned.

Respectfully submitted,

Strik, Baldinelli, Moniz Ltd.

Planning • Civil • Structural • Mechanical • Electrical



Olya Alchits

Planner I

P: 519-471-6667 x 416

E: oyalchits@sbmltd.ca

cc: Nick Dyjach, MCIP, RPP, CPT.
Associate, Planning Division Manager

ZONING DATA CHART

GROSS SITE AREA: 2,336.8 m ²		ASPHALT AREA: 1,303.5 m ²	
BUILDING AREA: 740.7m ²		LANDSCAPED AREA: 292.6 m ²	
ITEM	C7-31 ZONE	REQUIRED	PROVIDED
1	LOT AREA (m ² MIN)	N/A	2,336.8
2	LOT FRONTAGE (m MIN)	N/A	35.95
3	FRONT YARD SETBACK (m MIN)	12.0	5.0
4	SIDE YARD SETBACK (m MIN)	3.0	1.24
5	REAR YARD SETBACK (m MIN)	0.0	8.2 m
6	FLOOR AREA - RETAIL FOOD STORE (m ² MAX)	750.0	N/A

PARKING REQUIREMENTS

MINIMUM PARKING SPACE DIMENSIONS 2.75mX5.5m, TYPE A 3.4mX5.5m, TYPE B 2.75mX5.5m
 TOTAL PARKING REQUIRED (C7-31 ZONE) = 14 SPACES
 TOTAL PROVIDED PARKING = 29 SPACES
 B/F PARKING PROVIDED = 1 TYPE 'A' & 1 TYPE 'B'

WASTE REMOVAL

GARBAGE TO BE STORED EXTERNALLY IN DEEP WELL GARBAGE CONTAINERS AND OWNER TO ARRANGE SITE PICK-UP AND REMOVAL.

BUILDING CLASS

COMMERCIAL - GROUP E OCCUPANCY, PART 3 OF THE ONTARIO BUILDING CODE

CANADA POST

THIS DEVELOPMENT WILL RECEIVE MAIL TO A NEAR-BY SUPERBOX AS LOCATED BY CANADA POST.

LEGEND:

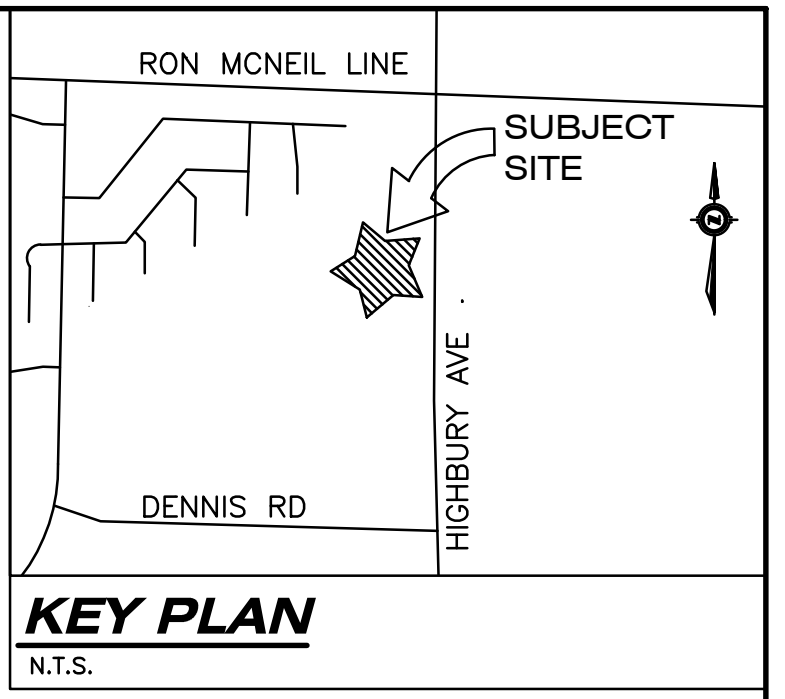
- PROPOSED SIGN, TYPE OF SIGN
- PROPOSED FIRE ROUTE (6.0m WIDE, 12.0m RADIUS)
- PROPOSED RAMP (SEE DETAIL ON SP2)
- BUILDING ENTRANCE
- OVERHEAD DOOR
- PROPOSED LIGHT-DUTY ASPHALT
- PROPOSED HEAVY-DUTY ASPHALT
- PROPOSED CONCRETE
- PROPOSED BUILDING
- LIMITS OF SUBJECT PROPERTY

LEGAL INFORMATION

PART OF BLOCK 22 PLAN 11M-98 IN THE CITY OF ST. THOMAS COUNTY OF ELGIN

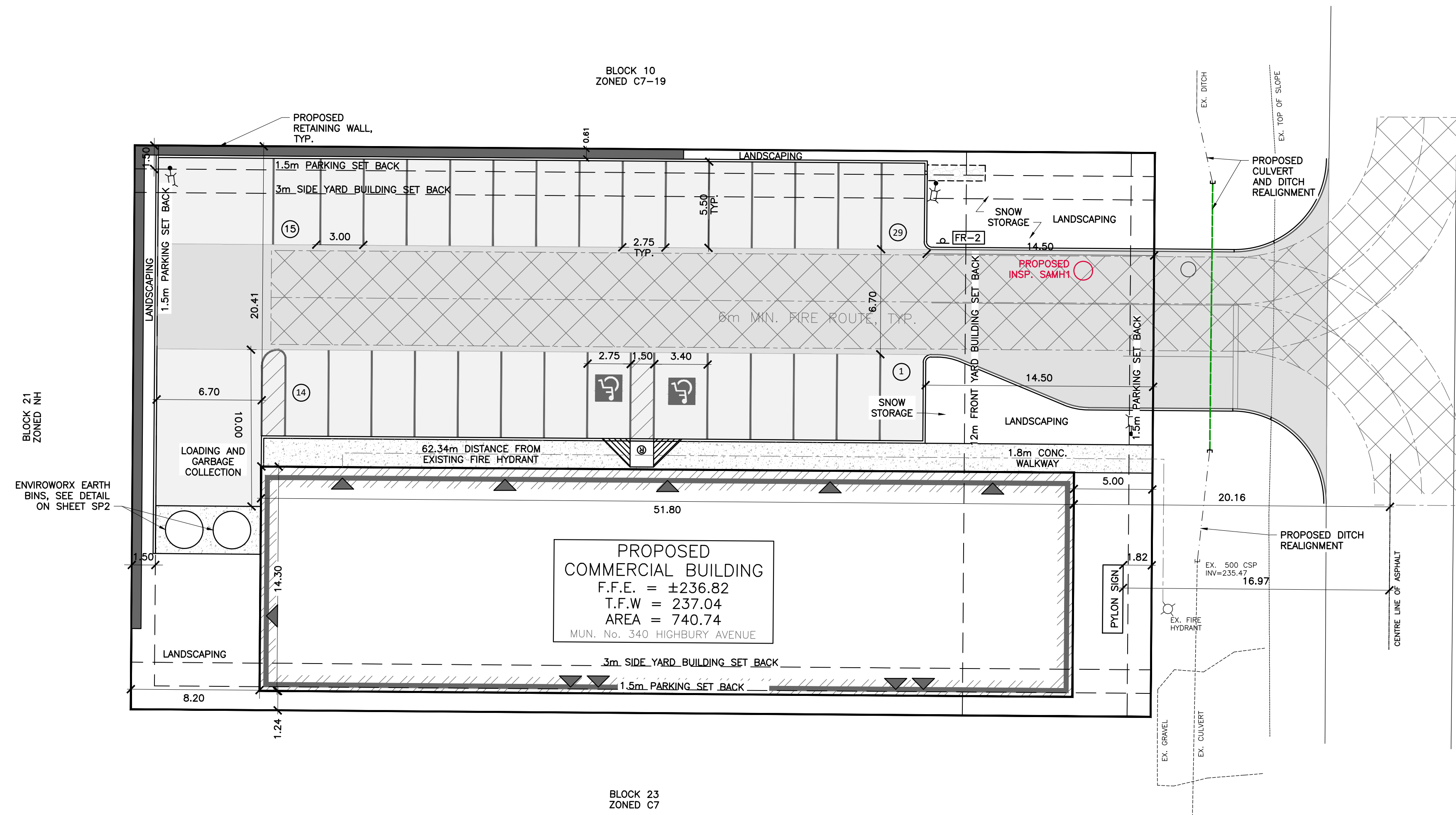
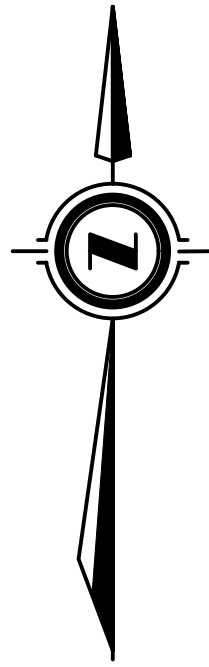
SITE BENCHMARK:

MONUMENT TYPE: FIRE HYDRANT
 LOCATION: APPROXIMATELY 7m N.E. OF S.E. CORNER OF PROPERTY LINE
 GEODETIC ELEVATION: 237.41m
 (CONTRACTOR TO CONFIRM BENCHMARK ELEVATIONS)



REFERENCE DOCUMENTS:

- SITE SERVICING DESIGN BRIEF PREPARED BY SBM, PROJECT No: SBM-22-0824 DATED APRIL 2023.
- TOPOGRAPHIC SURVEY PLAN SHOWING LEGAL INFORMATION BY ARCHIBALD GRAY & MCKAY LTD., PLAN NO. 3-Z-8548 DATED AUGUST 4, 2022
- RECORD DRAWING OBTAINED FROM CITY OF ST. THOMAS FILE NO. 3-1260
- BLOCK 10 GRADING PLAN BY MC ENGINEERING DATED FEBRUARY 2021



LIST OF DRAWINGS

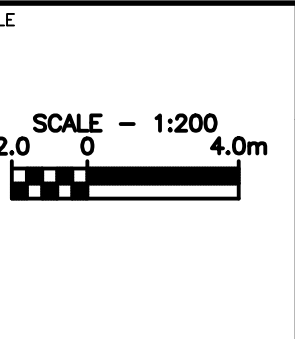
SHEET SP1	SITE PLAN, LEGEND & ZONING CHART
SHEET SP2	DETAILS

AS CONSTRUCTED SERVICES	COMPLETION	No.	REVISIONS	D/M/Y	BY	CONSULTANT
	DESIGN	ND	1	INITIAL DESIGN FOR CLIENT REVIEW	19/04/22	JR
	DRAWN	JR	2	REVISED CONCEPT BASED ON CITY COMMENTS	01/06/22	SC
	CHECKED	ND	3	REVISED CONCEPT BASED ON CLIENT COMMENTS	07/06/22	SC
	APPROVED	ND	4	DRIVE-THRU EXIT RADIUS REVISED	07/06/22	SC
	DATE	26/04/2023	5	DRIVE-THRU MODIFICATIONS, EV STATIONS	04/08/22	SC
			6	LABEL MODIFICATIONS	10/08/22	SC
	CAD	22-0824	7	ISSUED FOR SITE PLAN APPROVAL	04/04/23	CM
			8	REVISED FOR SITE PLAN REVIEW	26/04/23	SC

STRIK BALDINELLI MONIZ
 sbm
 PLANNING - CIVIL - STRUCTURAL - MECHANICAL - ELECTRICAL
 1599 Adelaide St. N, Unit 301, London, Ontario, N5X 4E8
 Tel: (519) 471-6667 Fax: (519) 471-0034
 Email: sbm@sbmltd.ca

ENGINEER'S STAMP
 ENGINEER'S STAMP
 CLIENT

SHREE HOMES INC.
 1124 GAINSBOROUGH ROAD
 LONDON, ON
 N6H 5N1
 P: 519.601.6761



TITLE
SITE PLAN & ZONING CHART
COMMERCIAL DEVELOPMENT
 340 HIGBURY AVENUE
 ST THOMAS, ON.

PROJECT No.
SBM-22-0824
 SHEET No.
SP1
 PLAN FILE No.
 -



Report No.: COA4-2023

Directed to: Members of the Committee of Adjustment

Meeting Date: 05/25/2023

Department: Planning & Building Services Department

Prepared by: Steve Craig, Senior Planning Technician

Attachment: Location Plan and 2020 Aerial Photograph

Location: 340 Highbury Avenue, City of St. Thomas

Applicant: Shree Home Inc. C/O Pritesh Shah

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

Recommendation:

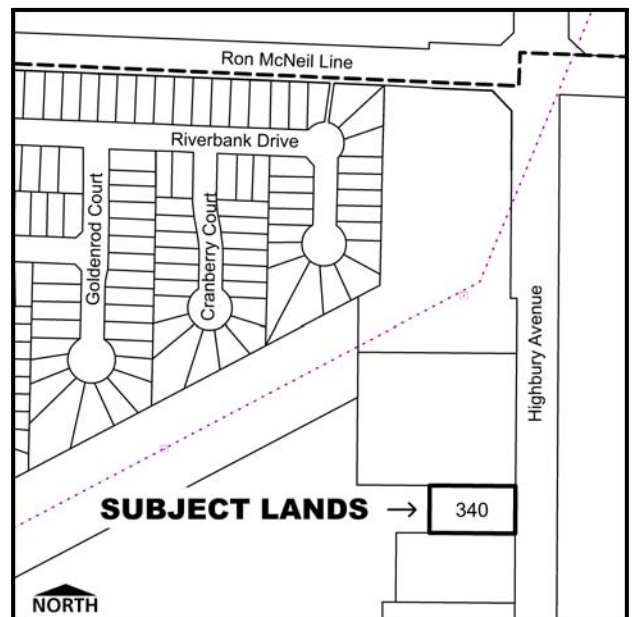
That: Report COA4-2023 relating to an application for a minor variance at 340 Highbury Avenue be received for information.

Background:

Minor Variance Application COA04/23 has been filed in support of the construction of a new building on the subject lands for highway commercial purposes, as shown on the Site Plan prepared by Strik Baldinelli, Moniz Ltd., dated April 26, 2023 (SBM-22-0824) and accompanying the application.

Requested Variance(s):

- i) To permit a building to be setback 20.16m from the centre line of Highbury Avenue, whereas Subsection 4.1.4.2(a)(b) requires the sum of 13m and the required front yard depth (C7 Zone - 12m (18.4.1.3)) for the lot on which the building is erected.
- ii) To permit a pylon sign to be setback 16.97m from the centre line of Highbury Avenue, whereas Subsection 4.1.4.2(a)(b) requires the sum of 13m and the required front yard depth (Subsection 18.4.1.3 12m – Subsection 18.4.1.3) for the lot on which the building or structure is erected.
- iii) To permit a building to be setback 1.24 m from the southerly interior side lot line, whereas Subsection 18.4.1.4 of the Zoning By-law requires a minimum side yard depth of 3m.



St. Thomas Official Plan:

- The subject lands are within the Highway Commercial designation as shown on Schedule A (Land Use Plan) to the Official Plan for the City of St. Thomas.
- Permitted uses of the Highway Commercial designation include commercial uses that serve the needs of City residents and businesses and the needs of the traveling public, hotel/motel, automotive service business, gas bar, car wash, convenience store, automotive maintenance garage, motor vehicle dealership, restaurant, financial institution, existing business offices, existing food store and existing retail uses (5.8.3.1).
- Planning Applications for new highway commercial uses are subject to the following policies (5.8.3.4):
 - i) adequate off-street parking must be provided;
 - ii) the depth and frontage of the lots must be sufficient to allow for parking and turning movements;
 - iii) traffic access must be properly designed and controlled to maintain public safety and convenience;
 - iv) vehicular access points must be limited and those continuous across the lot frontage will not be permitted;
 - v) common access points among uses are encouraged;
 - vi) access must be to an arterial or collector road;
 - vii) adequate buffer planting, landscaping, screening, and separation distances must be provided between uses and throughout the site;
 - viii) the landscaping and buffering may include separation distances, trees and shrub plantings and the use of earthen berms; and
 - ix) the creation of parcels of land unsuitable for commercial use is not permitted subject to the policies set out in Section 10.4 (Consents).
- Prior to the development of the Dalewood Crossings subdivision area the developer obtained the services of Ecologistics Limited to complete an Environmental Impact Study (EIS), which included a review of the abutting woodlot, the study concluded that subject to the mitigation measures outlined in the report (Report No. 1928-01), the development of the subject lands will not result in any negative impacts to the natural heritage features and/or functions.
- Where new development or site alteration is proposed that would change the use(s) or the density or intensity of development within lands that have already been the subject of an EIS, an addendum to the EIS shall be prepared (8.3.3.1(ii)). In 2021 the subject lands were the subject to an Official Plan Amendment (OPA No.99) and Zoning By-law Amendment (131-2021), in support of the amendments the proponent obtained the services of Vroom + Leonard, Biologists & Landscape Architects to complete an addendum to the EIS, which determined that the mitigation measures prescribed in the original EIS prepared by Ecologistics Limited should be followed to protect the adjacent vegetation and avoid any negative nor adverse, unalterable impacts on the natural heritage features on the subject lands or surrounding landscape.
- The subject lands also permit the development of a business office with a detached accessory storage facility on the subject lands, which was approved through Official Plan Amendment No.99, (5.8.3.7).
- Schedule B (Roads Plan) to the Official Plan of the City of St. Thomas classifies Highbury Avenue as a Major Arterial with Bike Lane.
- Schedule C (Roads Widening Plan) identifies Highbury Avenue with a proposed minimum road allowance width of 29m.

St. Thomas Zoning By-law 50-88:

- The subject lands are within the Highway Commercial Zone (C7-31), as shown on Zoning Map 30, pursuant to the City of St. Thomas Zoning By-Law No. 50-88, as amended.
- Permitted uses of the C7 zone include automotive service business, automotive trade, car wash, car rental business, convenience store, existing business office, existing retail commercial uses, fast food restaurant, gas bar, hotel/motel, pet grooming shop, private recreational facility, restaurant, retail food store, self storage business and uses accessory to the foregoing (18.1).
- The special provisions of the C7-31 zone permit a business office, a detached storage building accessory to a permitted business office use and accessory uses (18.5.31(b)), a minimum of 13 parking spaces are required (18.5.31(e)).
- The General Provisions (Section 4) of the Zoning By-law requires setbacks from certain streets (4.1.4), the setback for any building or structure erected on Highbury Avenue from South Edgeware Road to the northerly limits of the City shall be 13m and the required front yard depth (12m) for the lot on which the building is erected, which is 25m (4.1. 4.2(a)(b)).
- Setback means the distance between the centre line of a street and the main building wall that is closest to the street (1.110).
- Minimum front yard depth 12m (18.4.1.3).
- Minimum side yard depth 3m (18.4.1.4).
- Minimum rear yard depth 0m (18.4.1.5).



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(s) is/are desirable for the appropriate development or use of the land, building or structure; and the variance(s) is/are minor in nature (S45(1) of the Planning Act).

Comments:

- The subject application has been filed in support of the development of the lands for highway commercial purposes, the site plan accompanying the application, prepared by Strik, Baldinelli, Moniz Ltd., dated April 26, 2023 (SBM-22-0824) reflects the recommendations and revisions that were brought forward through the City's consultation and site plan approval process.
- The first two variances are requested to permit a building and pylon sign to be located closer to the front lot line, which will not result in any adverse impacts to the subject lands, neighbouring properties, and the Highbury Avenue municipal right-of-way, further the proposed building location will increase the buffer between the existing woodlot and establish a suitable area in the rear yard to accommodate a loading and garbage collection area.
- The third variance is requested to permit a building closer to the southerly interior side lot line, which will not result in any adverse impact to the subject lands and neighbouring lot to the south, as the proposed side yard setback will provide adequate area for access and maintenance of the building, further the proposed building location will increase area on the north side of the building to accommodate access, off-street parking, vehicular turning movements and appropriate drive aisle and fire route widths.
- In addition to the proposed variances the applicant will also require final approval from the City's Site Plan Control Committee and a permit from the Kettle Creek Conservation Authority (KCCA), as the subject lands are within the KCCA Regulation Area.
- In staff's opinion the variances requested through Minor Application COA4-2023 satisfy the four tests, as set out in Section 45 of the Planning Act, therefore staff recommend that application COA4-2023 be approved, should the Committee of Adjustment approve the application the decision should reflect that approval includes the construction of a new building on the subject lands for highway commercial purposes, as shown on the Site Plan prepared by Strik Baldinelli, Moniz Ltd., dated April 26, 2023 (SBM-22-0824) and accompanying the application, subject to the following conditions:
 - 1) The applicant completes the applicable mitigation measures outlined in the Environmental Impact Study, prepared by Ecologistics Limited (Report No. 1928-01), to the Satisfaction of the Corporation of the City of St. Thomas; and
 - 2) Site plan approval.

Respectfully submitted,



Steve Craig,
Sr. Planning Technician