

A G E N D A

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

VIA ZOOM

10:00 A.M.

**THURSDAY
JUNE 22, 2023**

DISCLOSURE OF INTEREST

MINUTES

Confirmation of the minutes of the meeting held on May 25th, 2023.

HEARING OF APPLICATIONS

A05-23 - Cecile Henein - 24 Confederation Drive **Pages 2-18**

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**MAY 24 2023**

City Clerks Dept.

CONFIRMATION OF AN APPLICATION FOR MINOR VARIANCE

May 24, 2023

Secretary-Treasurer, Committee of Adjustment
Attention: Jon Hindley

Pursuant to By-Law 30-2015, a consultation meeting was held on May 17, 2023, with City staff and the applicant.

An application for a minor variance, regarding 24 Confederation Drive, was filed on May 24, 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



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: _____	Consultation Date: _____
	Date Application Deemed Complete: _____	

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@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) CECILE HENEIN

Address 24 CONFEDERATION DRIVE, ST. THOMAS

Postal Code N5P 3P2 Tel: 1-519-631-4241 e-mail: CICILMOUAD@ICLOUD.COM

2. Name of Authorized Agent (if any) MIRKA KULESZA - ELAN DESIGN STUDIO INC.

Address 452 TENNYSON DRIVE, OAKVILLE ON

Postal Code L6L 3Z1 Tel: 416-912-2286 e-mail: MIRKA@EDSI.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:

PLEASE ALLOW A 2.75M ENCROACHMENT INTO FRONT YARD (1.25M RELIEF)

FOR PROPOSED TEMPORARY P/T WOOD RAMP TO EXISTING FRONT ENTRANCE

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

EXISTING FRONT YARD SETBACK, REQUIRED DIMENSIONS FOR THE PROPOSED RAMP TO ENABLE MANOUVERING FOR A WHEELCHAIR USER

5. Location of Land:

Concession No. _____ Lot(s) 39 Registered Plan No. 298 Lot(s) _____

Reference Plan No. _____ Part(s) _____

Geographic/Former Township COUNTY OF ELGIN

Name of Street CONFEDERATION DRIVE Street No. 24

6. Dimensions of land affected:

Frontage 17.1M Depth 34.9M

Area 615.3 SQ M Width of Street _____

7. Access to the subject land is by:

- a Regional Road
- a Municipal road that is maintained all year
- a Municipal road that is maintained seasonally
- a private road

8. Particulars of all buildings and structures on or proposed for the subject land (Specify ground floor area, gross floor area, number of storeys, width, length, height). Please specify use of existing structures.

Existing:

DETACHED ONE-STOREY DWELLING 90.0 SQ M

USE RESIDENTIAL

Proposed:

NO CHANGES TO THE DWELLING (EXCEPT FOR RAMP LANDING AT THE FRONT DOOR)

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:

DWELLING - EX. FRONT YARD SETBACK 7.01M

Proposed:

NEW REMOVABLE PRESSURE-TREATED WOOD ACCESS RAMP TO EXISTING FRONT ENTRANCE

USE ACCESSIBILITY

10. Date of acquisition of subject land: APPROX. 1973

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

12. Existing uses of the subject land:

RESIDENTIAL

13. Existing uses of abutting lands:

North: RESIDENTIAL East: MUNICIPAL STREET

South: RESIDENTIAL West: RESIDENTIAL

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

SINCE 1973

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:

FIRST RESIDENTIAL ZONE

17. Present Zoning of the subject land:

R1

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 MIRKA KULESZA - EDSI, 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:

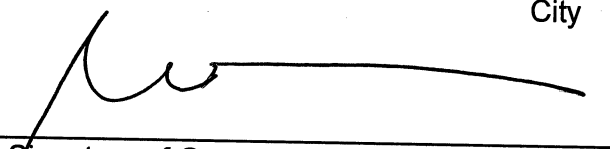
Personal information on this form is collected under the authority of Section 41 of the *Planning Act*, R.S.O. 1990 and Sections 8 (1) and 10 of the *Municipal Act*, 2001, as amended, and will be used to contact the owner, applicant and/or agent regarding the Committee of Adjustment Application. Questions 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, MIRKA KULESZA of OXFORD 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 BURLINGTON on this 18th day of MAY, 2023.
City Day Month Year



Signature of Owner or Authorized Agent

MAY 18, 2023

Date



Signature of Commissioner of Oaths, etc.

MAY 18, 2023

Date

Michael De Fabrizio
Barrister & Solicitor
Notary Public and Commissioner of Oaths
in and for the Province of Ontario.
My commission is of unlimited duration.
No legal advice given.

Walk-In Notary/6
200-4145 North Service Road
Burlington, ON., L7L 6A3
905-336-6972
www.walkinnotary.com

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, CECILE HENEIN, am the owner of the subject lands, and I authorize MIRKA KULESZA - EDSI, 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.

PLEASE REFER TO EMAIL AUTHORIZATION OF MAY 3, 2023 ATTACHED TO THIS APPLICATION

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.**

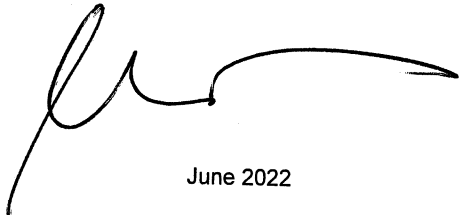
I, _____, am the owner of the subject lands, and I understand that further fees may be incurred by the City throughout the planning process and that I am responsible for reimbursing all fees.

PLEASE REFER TO AECOM EMAIL

Date

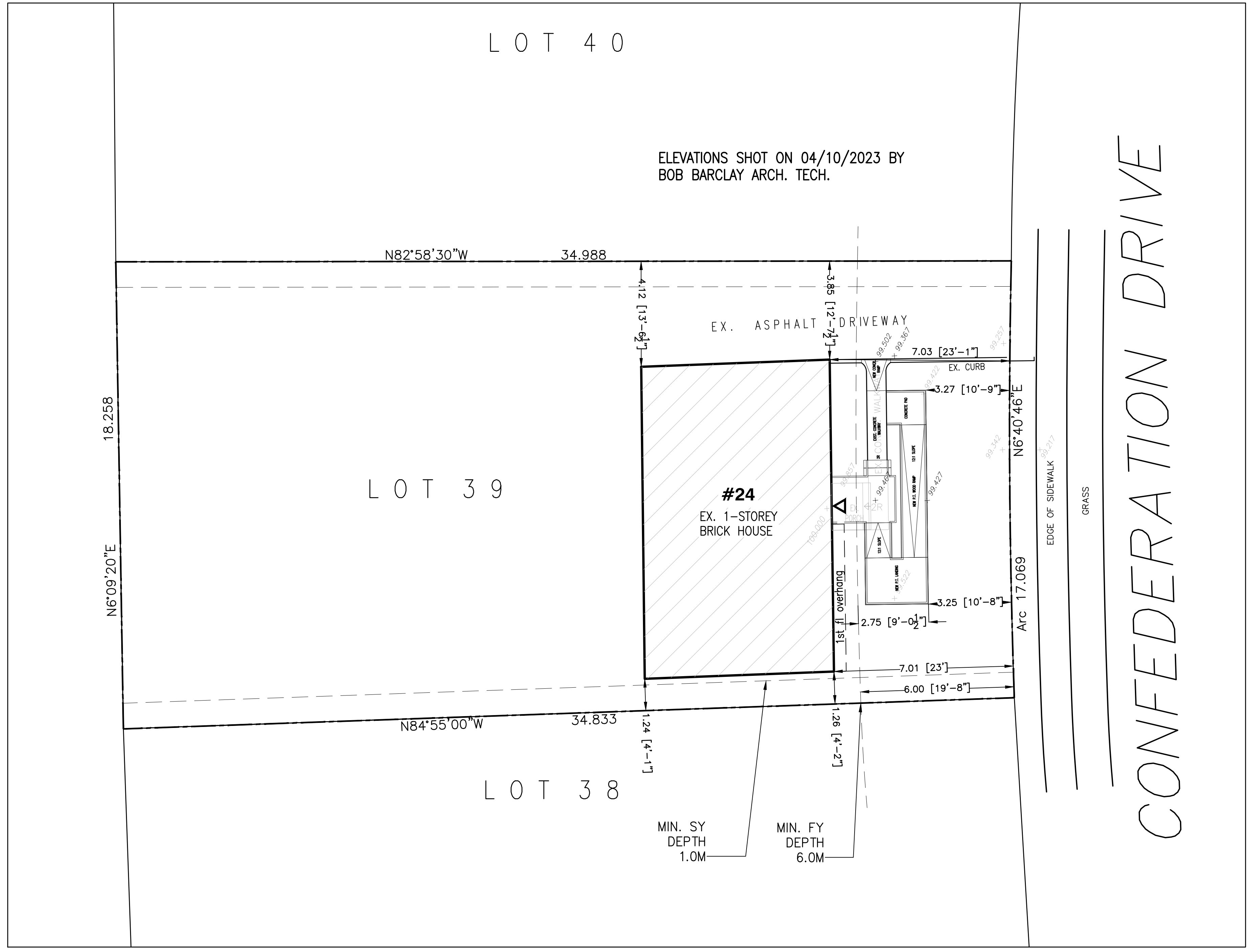
Signature of Owner

OF MAY 17th CONFIRMING FUNDS AVAILABLE. EDSI WILL PAY THE FEES.



NEW REMOVABLE PRESSURE-TREATED WOOD ACCESS RAMP IN FRONT YARD

24 CONFEDERATION DRIVE, ST. THOMAS



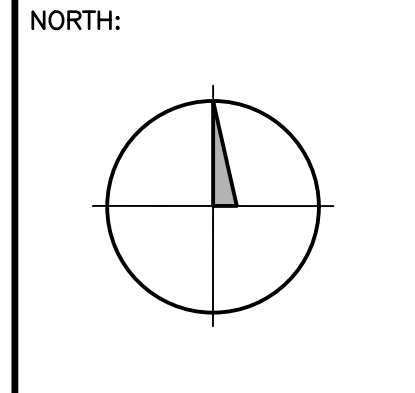
THIS SITE PLAN IS BASED ON PLAN SHOWING RESIDENCE ON LOT 39 REGISTERED PLAN 298, CITY OF ST. THOMAS, COUNTY OF ELGIN BY J.G. RUPERT DATED FEBRUARY 22, 1973, ELEVATIONS INFORMATION RECEIVED APRIL 10, 2023 AND ON-SITE MEASUREMENTS MARCH 9, 2023

- GENERAL NOTES:
1. DIMENSIONS NOT TO BE SCALED.
 2. CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS BEFORE PROCEEDING WITH WORK.

ISSUES:

NO.	DESCRIPTION	DATE	BY
3.	ISSUED FOR COA	MAY 18 2023	AK
2.	ISSUED FOR CONSULTATION	MAY 3 2023	AK
1.	PRELIMINARY TO CLIENT	APR 12 2023	AK

REVISIONS:



ELAN DESIGN STUDIO INC.
 452 TENNYSON DRIVE
 OAKVILLE ON L6L 3Z1
 TEL: 905-582-4520
 ANDREW@EDSI.CA

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO DESIGN THE WORK SHOWN ON THE ATTACHED DOCUMENTS

QUALIFICATIONS INFORMATION
 NAME: ANDREW KULESZA MARCH. -BCIN/NICB 20914

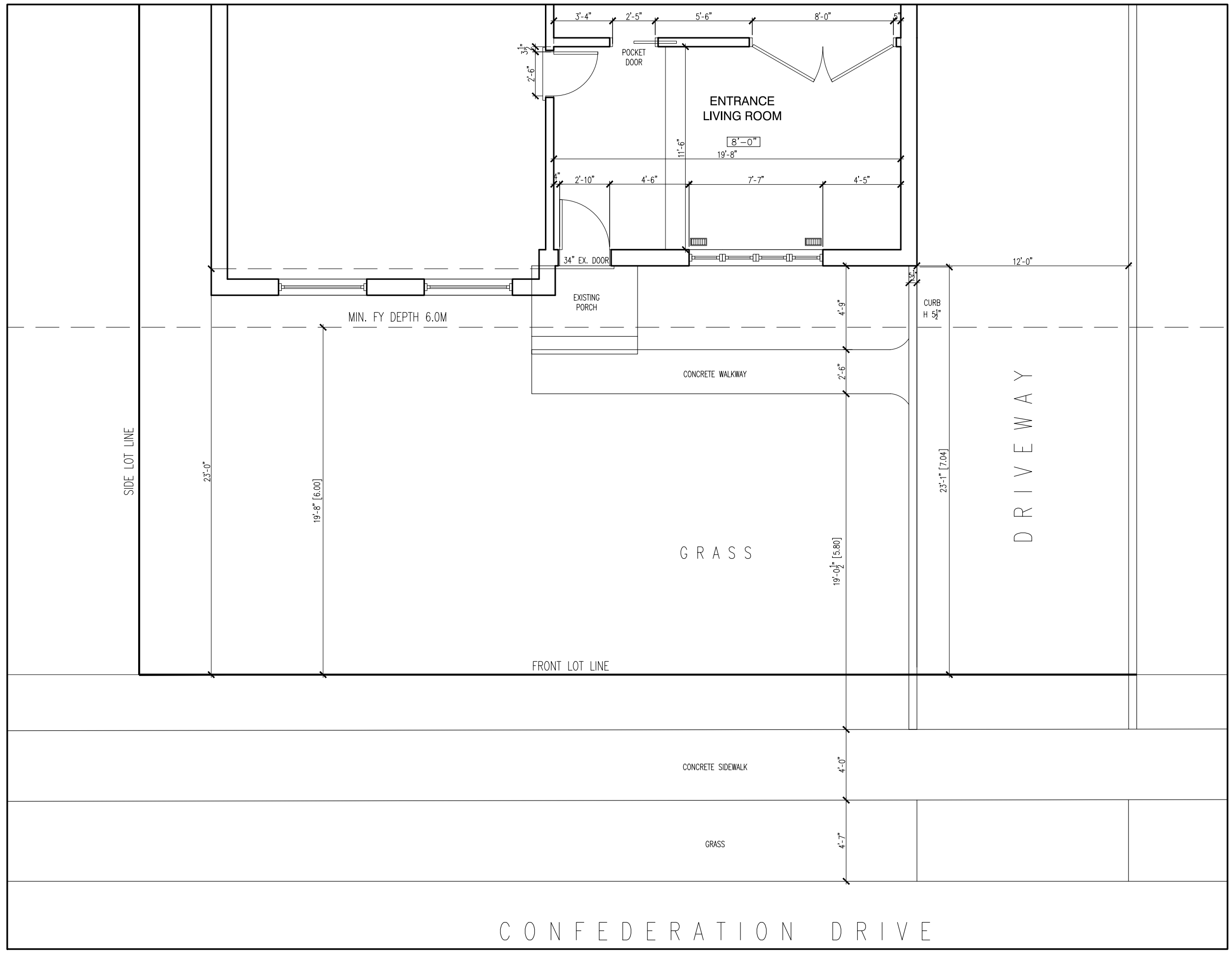
SIGNATURE: *Andrew Kulesza*

REGISTRATION INFORMATION
 FIRM NAME: ELAN DESIGN STUDIO INC.-BCIN 34336

24 CONFEDERATION DR
 NEW P/T WOOD RAMP

DRAWING TITLE:
 SITE PLAN - EXISTING

SCALE:	1:100	PROJECT NO.:	23-04
DRAWN:	AK/MK	DRAWING NO.:	SP
DATE:	APR 14 2023		
DATE PLOTTED:			



GENERAL NOTES:
 1. DIMENSIONS NOT TO BE SCALED.
 2. CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS BEFORE PROCEEDING WITH WORK.

ISSUES:

NO.	DESCRIPTION	DATE	BY
3	ISSUED FOR COA	MAY 18 2023	AK
2	ISSUED FOR CONSULTATION	MAY 3 2023	AK
1	ISSUED CONCEPT OPTIONS	APR 17 2023	AK

REVISIONS:

NORTH:

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO DESIGN THE WORK SHOWN ON THE ATTACHED DOCUMENTS

QUALIFICATION INFORMATION
 NAME: ANDREW KULESZA M.Arch. -BCIN/NICB 20914

SIGNATURE: *Andrew Kulesza*

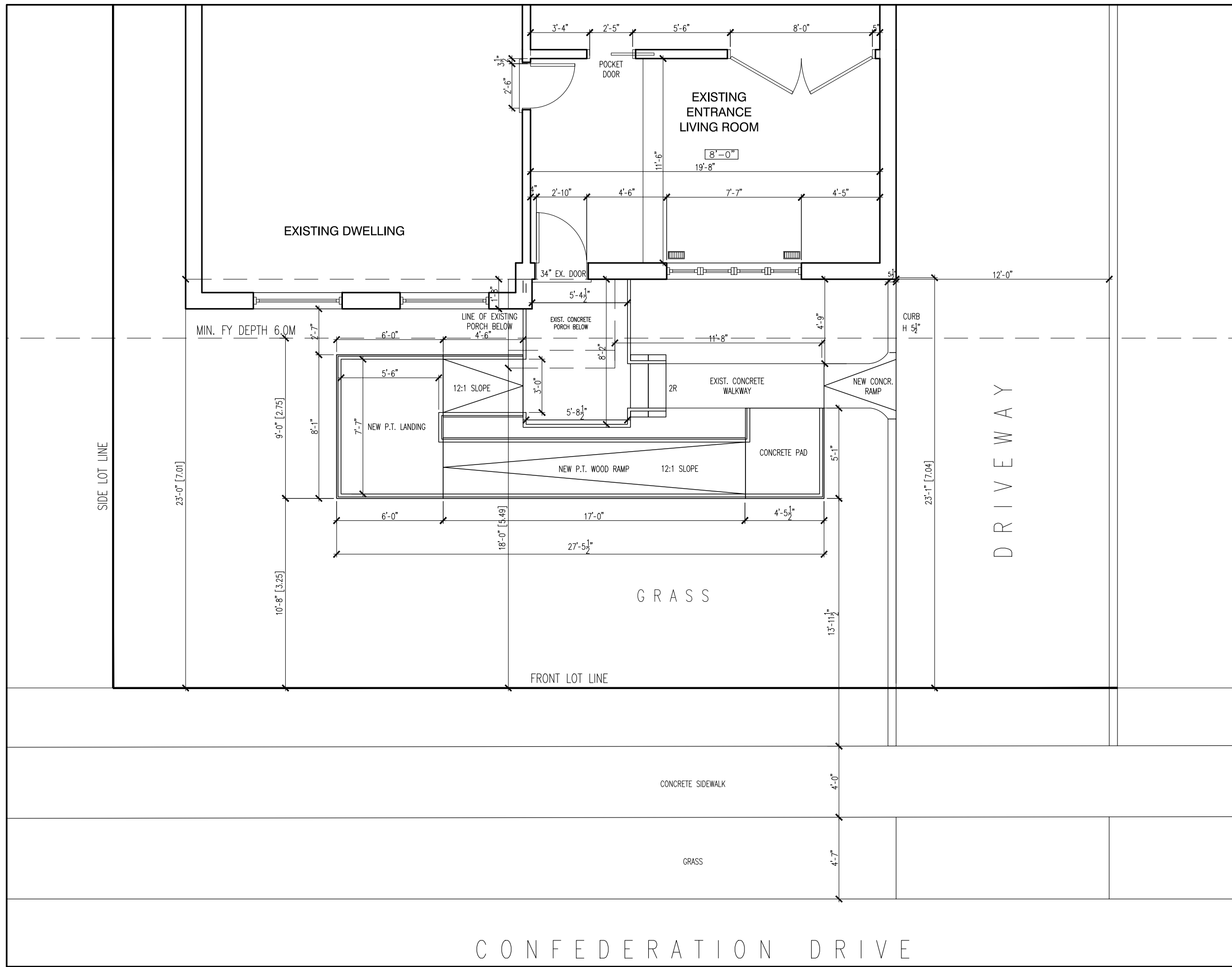
REGISTRATION INFORMATION
 FIRM NAME: ELAN DESIGN STUDIO INC.-BCIN 34336

ELAN DESIGN STUDIO INC.
 452 TENNYSON DRIVE
 OAKVILLE ON L6L 3Z1
 TEL: 905-582-4520
 ANDREW@EDSI.CA

PROJECT TITLE:
 24 CONFEDERATION DR
 P/T RAMP/LANDING IN FRONT YARD

DRAWING TITLE:
 EXISTING FRONT

SCALE: 3/16"=1'-0"	PROJECT NO.:
DRAWN: AK	23-04
DATE: APR 2 2023	DRAWING NO.:
DATE PLOTTED:	A1



GENERAL NOTES:
 1. DIMENSIONS NOT TO BE SCALED.
 2. CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS BEFORE PROCEEDING WITH WORK.

ISSUES:

NO.	DESCRIPTION	DATE	BY
3	ISSUED FOR COA	MAY 18 2023	AK
2	ISSUED FOR CONSULTATION	MAY 3 2023	AK
1	ISSUED CONCEPT OPTIONS	APR 17 2023	AK

REVISIONS:

NO.	DESCRIPTION	DATE	BY

NORTH:

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO DESIGN THE WORK SHOWN ON THE ATTACHED DOCUMENTS

QUALIFICATION INFORMATION
 NAME: ANDREW KULESZA MARCH. -BCIN/NICB 20914

SIGNATURE: *Andrew Kulesza*

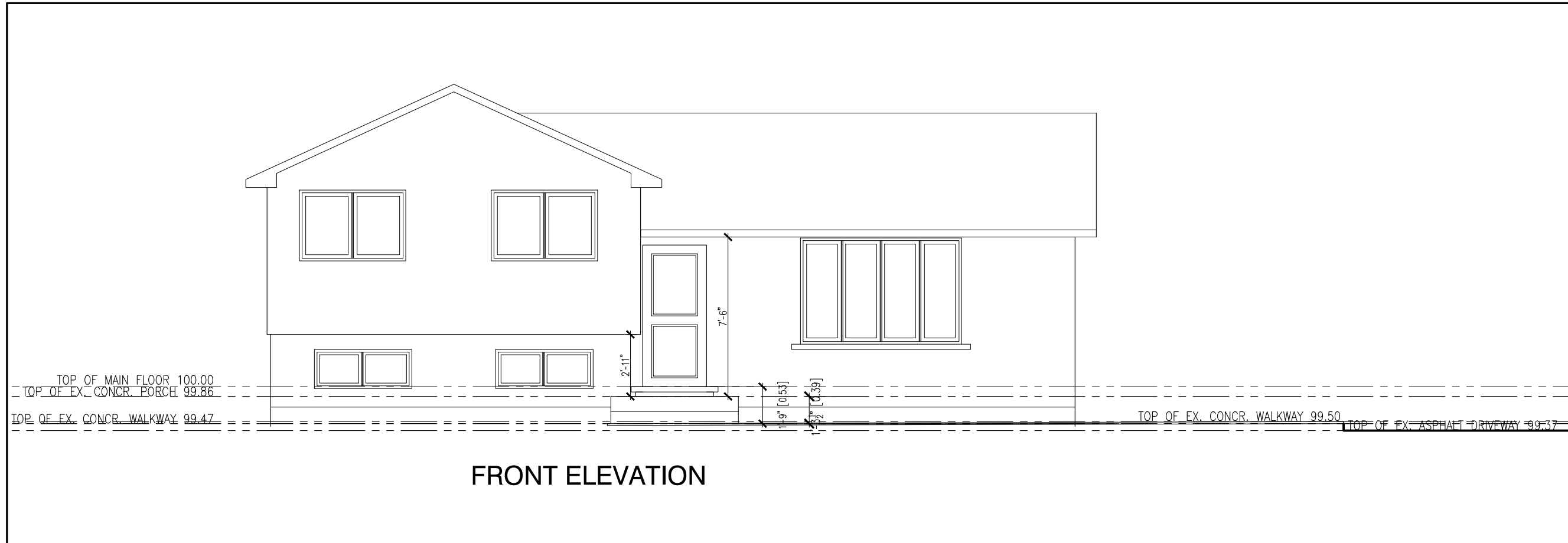
REGISTRATION INFORMATION
 FIRM NAME: ELAN DESIGN STUDIO INC.-BCIN 34336

ELAN DESIGN STUDIO INC.
 452 TENNYSON DRIVE
 OAKVILLE ON L6L 3Z1
 TEL: 905-582-4520
 ANDREW@EDSI.CA

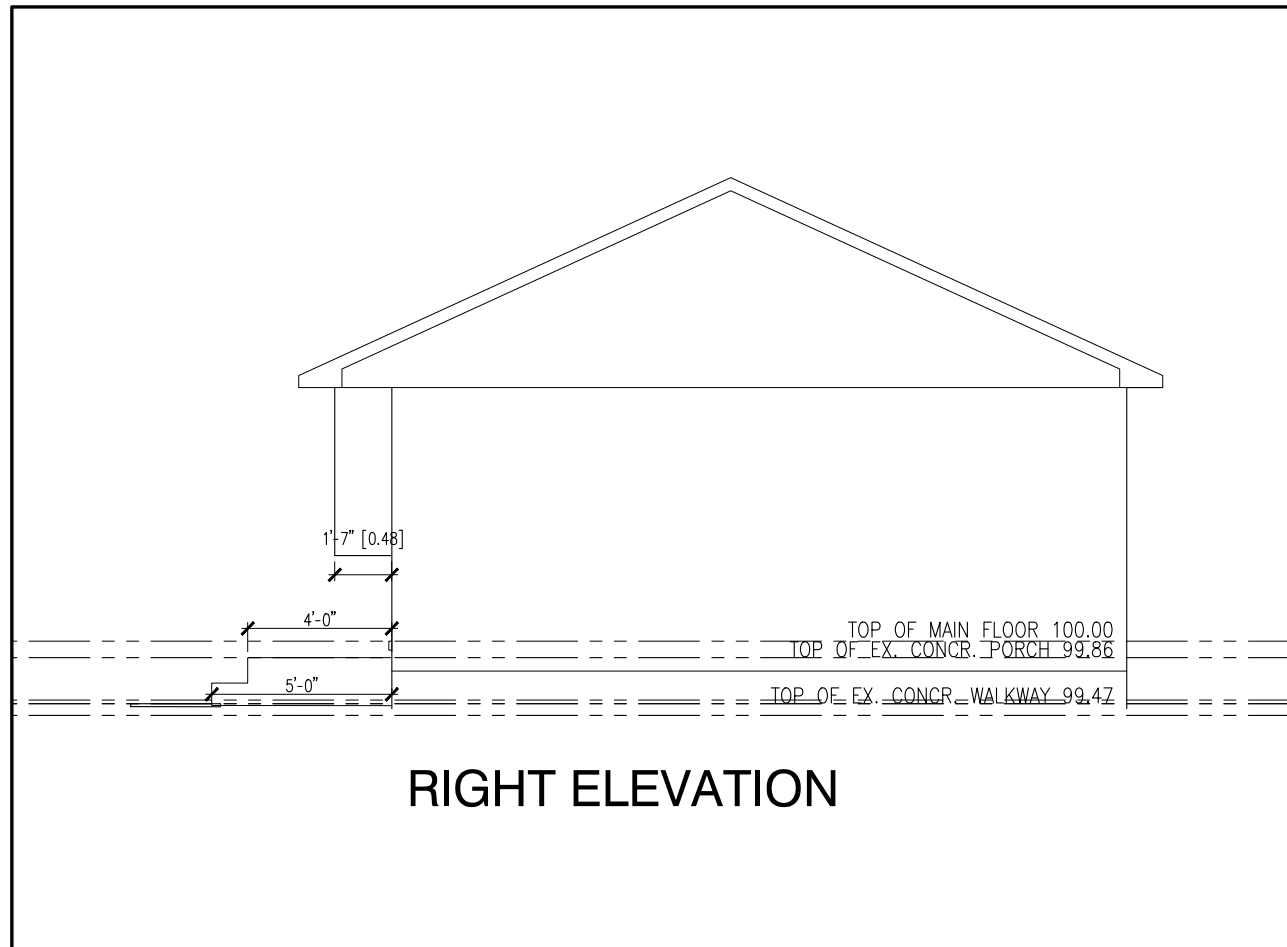
PROJECT TITLE:
 24 CONFEDERATION DR
 P/T RAMP/ LANDING IN FRONT YARD

DRAWING TITLE:
 NEW RAMP PLAN

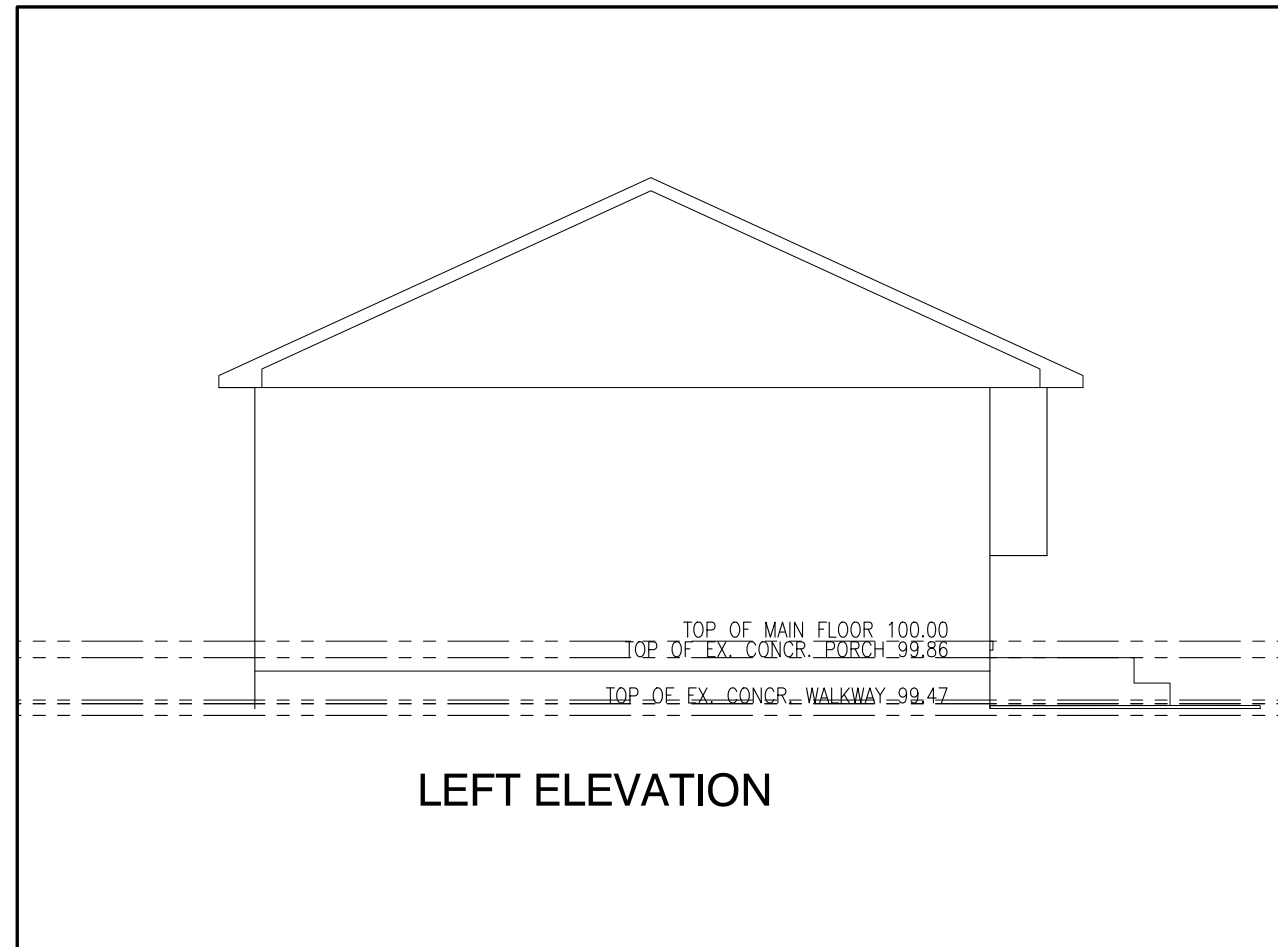
SCALE: 3/16"=1'-0"	PROJECT NO.:
DRAWN: AK	23-04
DATE: APR 2 2023	DRAWING NO.:
DATE PLOTTED:	A2



FRONT ELEVATION



RIGHT ELEVATION



LEFT ELEVATION

GENERAL NOTES:
 1. DIMENSIONS NOT TO BE SCALED.
 2. CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS BEFORE PROCEEDING WITH WORK.

ISSUES:

NO.	DESCRIPTION	DATE	BY
3	ISSUED FOR COA	MAY 18 2023	AK
2	ISSUED FOR CONSULTATION	MAY 3 2023	AK
1	ISSUED CONCEPT OPTIONS	APR 17 2023	AK

REVISIONS:

NO.	DESCRIPTION	DATE	BY
NORTH:			

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO DESIGN THE WORK SHOWN ON THE ATTACHED DOCUMENTS

QUALIFICATION INFORMATION
 NAME: ANDREW KULESZA MARCH -BCIN/NICB 20914

SIGNATURE: *Andrew Kulesza*

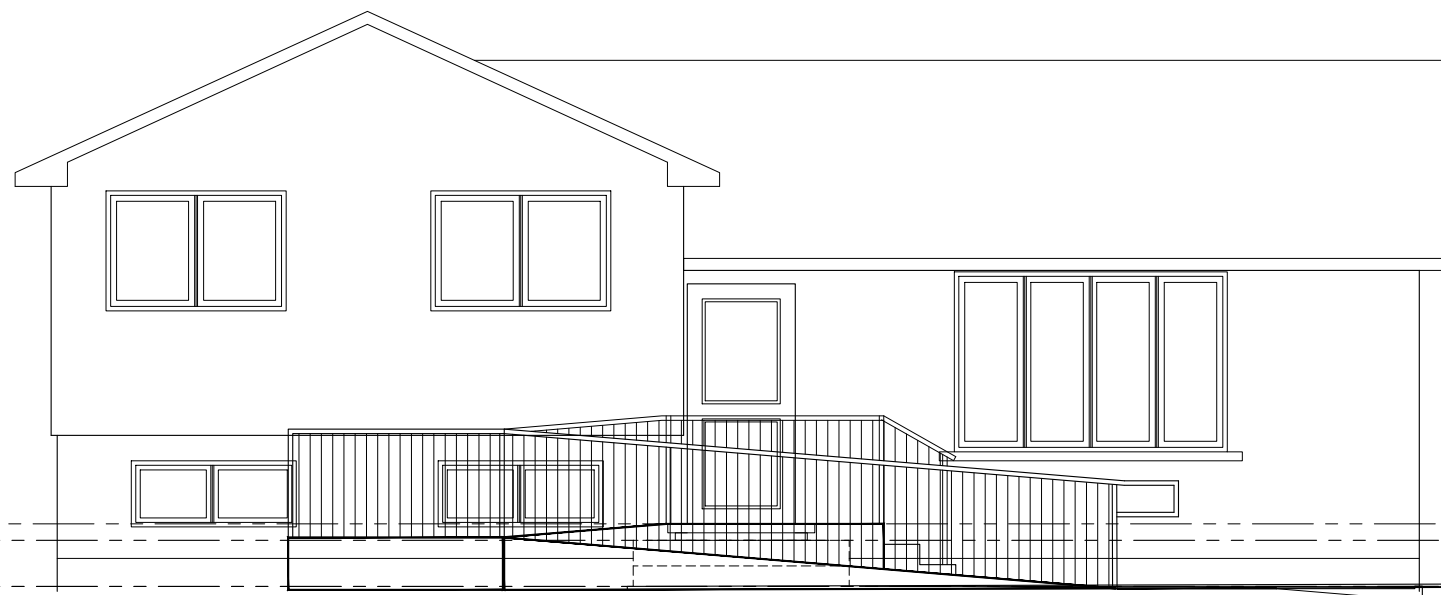
REGISTRATION INFORMATION
 FIRM NAME: ELAN DESIGN STUDIO INC.-BCIN 34336

ELAN DESIGN STUDIO INC.
 452 TENNYSON DRIVE
 OAKVILLE ON L6L 3Z1
 TEL: 905-582-4520
 ANDREW@EDSI.CA

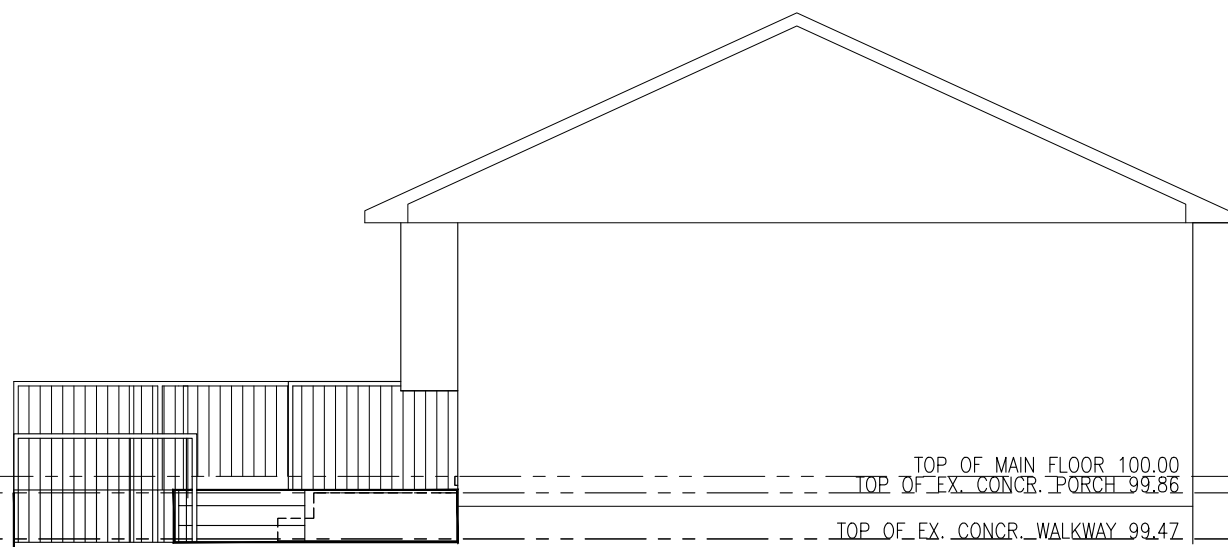
PROJECT TITLE:
 24 CONFEDERATION DR
 P/T RAMP/LANDING IN FRONT YARD

DRAWING TITLE:
 EXISTING ELEVATIONS

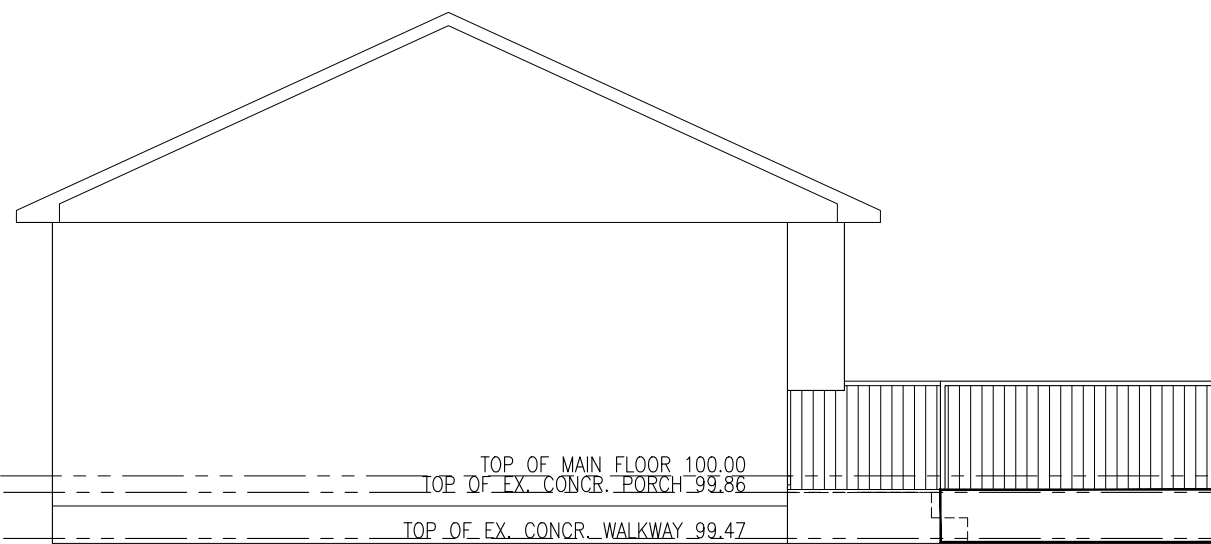
SCALE: 3/16"=1'-0"	PROJECT NO.:
DRAWN: AK	23-04
DATE: APR 2 2023	DRAWING NO.:
DATE PLOTTED:	A4



FRONT ELEVATION



RIGHT ELEVATION



LEFT ELEVATION

GENERAL NOTES:

1. DIMENSIONS NOT TO BE SCALED.
2. CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS BEFORE PROCEEDING WITH WORK.

ISSUES:

NO.	DESCRIPTION	DATE	BY
3	ISSUED FOR COA	MAY 18 2023	AK
2	ISSUED FOR CONSULTATION	MAY 3 2023	AK
1	ISSUED CONCEPT OPTIONS	APR 17 2023	AK

REVISIONS:

NORTH:

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO DESIGN THE WORK SHOWN ON THE ATTACHED DOCUMENTS

QUALIFICATION INFORMATION

NAME: ANDREW KULESZA MARCH. -BCIN/NICB 20914

SIGNATURE: *Andrew Kulesza*

REGISTRATION INFORMATION

FIRM NAME: ELAN DESIGN STUDIO INC.-BCIN 34336



ELAN DESIGN STUDIO INC.
452 TENNYSON DRIVE
OAKVILLE ON L6L 3Z1
TEL: 905-582-4520
ANDREW@EDSI.CA

PROJECT TITLE:

24 CONFEDERATION DR
P/T RAMP/LANDING IN FRONT YARD

DRAWING TITLE:

PROPOSED ELEVATIONS

SCALE: 3/16"=1'-0"

PROJECT NO.:

23-04

DRAWN: AK

DATE: APR 2 2023

DRAWING NO.:

A5

DATE PLOTTED:

Mirka Kulesza

From: Kevin Doherty <kdoherty@aecon.com> on behalf of Kevin Doherty
Sent: Wednesday, May 17, 2023 3:49 PM
To: Mirka Kulesza
Cc: Andrew @ edsi.ca
Subject: RE: 24 Confederation Dr - HENEIN - new temp p/t wood ramp to front entrance

Hi Mirka,

I hope you are having a good day.

Just proceed, if the city need payment is there any way you could pay on her behalf for those fees, bill us and we will pay you (WSIB has already agreed to pay for all coa related costs)

Let me know your thoughts.

Best Regards,

Kevin Doherty
Project Supervisor
Phone: 437.317.6681 | **Mobile:** 416.709.9061

AECON GROUP INC.
 20 Carlson Court, Suite 800
 Toronto, ON M9W 7K6
aecon.com

From: Mirka Kulesza <mirka@eds.ca>
Sent: Wednesday, May 17, 2023 3:40 PM
To: Kevin Doherty <kdoherty@aecon.com>
Cc: Andrew @ edsi.ca <andrew@eds.ca>
Subject: 24 Confederation Dr - HENEIN - new temp p/t wood ramp to front entrance

CAUTION: THIS EMAIL ORIGINATED FROM OUTSIDE THE ORGANIZATION AND MAY BE UNSAFE. Do not click links or open attachments unless you are confident the email is safe.

Perform these actions to help keep #AeconSecure:

- Check the **SENDER** name and email address. Do you recognize them? Are they trustworthy?
- Hover over any **LINKS**. Do they match the website URL? If you're unsure, do not click. Visit the website(s) separately by typing the same URL link(s) into your browser to determine legitimacy.
- Do not open **ATTACHMENTS** unless you trust the sender. Be on high alert if the sender is asking you to take an immediate action that does not seem appropriate.
- If the email looks suspicious, report it to Aecon's IS Security Team by using the **Report Suspicious Email** button at the top right of your Outlook ribbon or by tapping the ellipses (...) on your work mobile at the top right of your opened email.
- To learn more, visit Aecon's CyberSecurity portal (Intranet > IS > CyberSecurity).

Hi Kevin, <<...>>

Following today's consultation with City planner and building official we are preparing COA Minor Variance application.

Intend to submit before May 24th deadline for hearing on June 22nd.

One item: Application includes Acknowledgement of Legal and Planning Fees in case the city requires assistance from its solicitors or other tech/prof consultants that the OWNER shall be responsible for reimbursing all fees incurred by the city. I would be surprised if there was a need for that but still I would appreciate if OWNER (or WSIB?) confirmed this. Please refer to Appendix B on page 5 of the attached application. What do you suggest?

Thank you,

m

Mirka Kulesza M.A.

Elan Design Studio Inc.

452 Tennyson Drive

Oakville, ON L6L 3Z1

T (905) 582-4520

mirka@edsi.ca

www.edsi.ca

Mirka Kulesza

Subject: FW: 24 Confederation Drive, St. Thomas - Agent Authorization

Attn: Planning and Building Services Department

Please find below Agent Authorization received from property owner Cecile Henein.
Thank you,

Mirka Kulesza M.A.
Elan Design Studio Inc.
452 Tennyson Drive
Oakville, ON L6L 3Z1
T (905) 582-4520
mirka@edsi.ca
www.edsi.ca

From: Cecile Mouad [mailto:cicilmouad@icloud.com]
Sent: Wednesday, May 3, 2023 11:54 AM
To: Mirka Kulesza <mirka@edsi.ca>
Subject: Re: 24 Confederation Drive, St. Thomas - Agent Authorization

Attn: Planning and Building Services Department
9 Mondamin St
St. Thomas, ON N5P 2T9

Re: Application for consultation – proposed removable ramp in front yard – accessibility improvements

I am the owner of 24 Confederation Drive in St. Thomas.
Due to mobility issues I need a ramp to be installed in the front yard so that I can enter my house.

Please consider this email to be an authorization for Mirka Kulesza of Elan Design Studio Inc. to act on my behalf in all matters concerning this project including Consultation Application, Minor Variance Application (if needed) and Building Permit Application.

Regards,

Cecile Henein



Report No.: COA5-2023

Directed to: Members of the Committee of Adjustment

Meeting Date: 06/22/2023

Department: Planning & Building Services Department

Prepared by: Steve Craig, Senior Planning Technician

Attachment: Location Plan & 2020 Aerial Photograph

Location: 24 Confederation Drive, City of St. Thomas

Applicant: Cecile Henein

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

Recommendation:

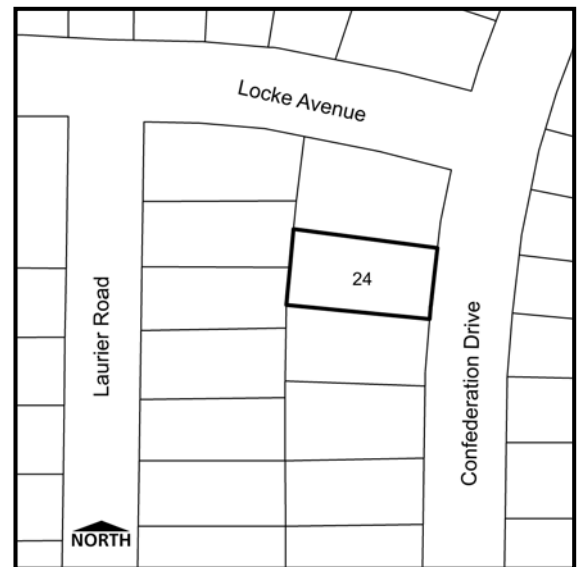
That: Report COA5-2023 relating to an application for a minor variance at 24 Confederation Drive be received for information.

Background:

Minor Variance Application COA05/23 has been filed in support of the construction of a barrier free accessibility ramp on the front of the existing single detached dwelling, as shown on the plans prepared by Elan Design Studio Inc., dated April 14, 2023, and accompanying the subject application.

Requested Variance:

- To permit a barrier free accessibility ramp 2.75m from the front lot line, whereas the Zoning By-law requires a minimum setback of 4.5m from the front lot line, Table 1 to Subsection 5.4, Column Number 2, Item Number 9, and Subsection 4.2.2 (Projections into yards) of the General Provisions Applicable to Residential Zones.



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 First Residential Zone (R1), as shown on Zoning Map 3, City of St. Thomas Zoning By-Law No. 50-88.
- Permitted uses of the R1 zone include a single detached dwelling and uses accessory to the foregoing (7.1(a)).
- The requirements and setbacks for a single detached dwelling in the R1 zone include:
 - minimum lot area - 464m²;
 - minimum lot frontage - 15m;
 - 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 - 10.5m;
 - minimum interior side yard depth - 1m;
 - minimum exterior side yard depth - 4.5m;
 - minimum ground floor area - 1 storey dwelling 74m²; and

- minimum number of parking spaces - 1 parking space per dwelling unit.
- In any residential zone an uncovered stoop, uncovered steps and uncovered porch may be erected, and used, so as to project or extend into a required front yard, but the projection shall not exceed 1.5m but not closer than 0.5m to any side lot line and not higher than 1.25m above grade (4.2.2). Front yard means the yard extending across the full width of a lot between the front lot line and the main building wall (1.47).

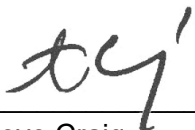
LEGISLATIVE FRAMEWORK FOR A MINOR VARIANCE:

- 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 is proposing to construct a barrier free accessibility ramp on the front of the existing single detached dwelling, as part of the consultation process the Environmental Services Department were circulated the proposal and no concerns were brought forward regarding the proposed location of the barrier free accessibility ramp relative to the Confederation Drive municipal right-of-way.
- The proposed barrier free accessibility ramp will be built in accordance with current accessibility standards and contained entirely within the limits of the lot, resulting in no adverse impacts to the subject lands, neighbouring properties and the Confederation Drive municipal right-of-way.
- 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 variance requested through Minor Variance Application COA5-2023 satisfies the four tests, as set out in Section 45 of the Planning Act and is 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 COA5-2023 the decision should reflect that approval is for a barrier free accessibility ramp on the front of the existing single detached dwelling, as shown on the plans prepared by Elan Design Studio Inc., dated April 14, 2023, and accompanying the subject application.

Respectfully submitted,



Steve Craig,
Sr. Planning Technician