

THE FIFTH MEETING OF THE COMMITTEE OF ADJUSTMENT

VIA ZOOM

MAY 25, 2023

10:00 a.m. The meeting convened.

ATTENDANCE

Members

Ms. I. Bowman, Chair
Mr. M. Herbert
Mr. R. Lenz

Officials

J. Hindley, Secretary-Treasurer
A. Basit, Assistant Secretary-Treasurer
S. Craig, Senior Planning Technician
A. DiCicco, Chief Building Official

Others

Gerald Wen, 220 Erie Street
Mark Coombes, Agent, 218 and 220 Erie Street
Leslie Brooks, 15 Nelson Street
Jamie Paul, Agent, 15 Nelson Street
Pritesh Shah, 340 Highbury Avenue
Olya Alchits, Agent, 340 Highbury Avenue

DISCLOSURES OF INTEREST

Nil.

MINUTES

Motion by Herbert - Lenz:

THAT: The minutes of the meeting held on April 13th, 2023 be confirmed.

Carried.

HEARING OF APPLICATIONS

B02/23 - Gerald Wen - 218 and 220 Erie Street

Mark Coombes, Agent, 218 and 220 Erie Street provided an overview of the consent application.

Motion by Herbert - Bowman:

THAT: In the matter of an application by **GERALD WEN** for a consent pursuant to Section 53 of the Planning Act, 1990 as amended, to sever lands municipally known as **218 AND 220 ERIE STREET** legally described as **PLAN 270 PT LOT 18** in the City of St. Thomas.

Application B02/23 is hereby approved provided that the following conditions are met:

- 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) The Corporation of the City of St. Thomas be provided with a copy of the Reference Plan.

Carried.

A03/23 - Leslie Brooks - 15 Nelson Street

Jamie Paul, Agent, 15 Nelson Street provided an overview of the minor variance application.

The members inquired whether there would be any obstruction of view for vehicular traffic and how close the extension would be to traffic.

Mr. Paul advised that the proposed porch is adequately set back from traffic and that there should be no obstruction of view to vehicles.

The Senior Planning Technician suggested that the term “accessibility lift” be replaced by “accessibility device” to provide more flexibility.

The 5th Meeting of the Committee of Adjustment - 2

Motion by Bowman - Herbert:

THAT: Application A03-23 by **Leslie Brooks** on lands that may be legally described as **PLAN 236 LOT 27** for a minor variance pursuant to Section 45(1) of the Planning Act, R.S.O. 1990, as amended, on lands municipally known as **15 Nelson Street** in the City of St. Thomas, Ontario be approved as follows:

- (i) 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.
- (ii) 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.
- (iii) 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%.
- (iv) 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.

This application is granted for a 3.04 m x 5.18m covered, unenclosed porch on the front of the existing dwelling, which will be used to accommodate an accessibility device for access and egress purposes, as shown on the site plan accompanying the application because in the opinion of the Committee such variance is minor and is an appropriate use of the land, building or structure and the general intent and purpose of the Official Plan and Zoning By-Law are maintained.

Carried.

A04/23 - Shree Homes Inc. - 340 Highbury Avenue

Ms. Olya Alchits, Agent, 340 Highbury Avenue provided an overview of the minor variance application.

J. Yeomans inquired whether 1.24 metres was too close to the neighbouring property.

The Senior Planning Technician advised that 1 metre should be ample space for building access, drainage, and maintenance.

Ms. Alchits advised that their client would work with the neighbour to address any concerns.

Motion by Bowman - Richard:

THAT: Application A04-23 by **Shree Homes Inc.** on lands that may be legally described as **PLAN M98 BLOCK 22** for a minor variance pursuant to Section 45(1) of the Planning Act, R.S.O. 1990, as amended, on lands municipally known as **340 Highbury Avenue** in the City of St. Thomas, Ontario be approved as follows:

- (v) To permit a new 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.
- (vi) To permit a new 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.
- (vii) To permit a new 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.

This application is granted for 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-22-0823) and accompanying the subject application, subject to:

1. The applicant completes the applicable mitigation measures outlined in the Environmental Impact Study, prepared by Ecologistics Limited (Report No. 1928-01), so the satisfaction of the Corporation of the City of St. Thomas; and
2. A permit from the Kettle Creek Conservation Authority, if required; and,

The 5th Meeting of the Committee of Adjustment - 3

3. Site Plan Control

because in the opinion of the Committee such variance is minor and is an appropriate use of the land, building or structure and the general intent and purpose of the Official Plan and Zoning By-Law are maintained.

Carried.

UNFINISHED BUSINESS

NEW BUSINESS

NEXT MEETING

To be determined.

ADJOURNMENT

10:28 a.m. The meeting adjourned.