

A G E N D A**THE EIGHTH MEETING OF THE COMMITTEE OF ADJUSTMENT
OF THE CITY OF ST. THOMAS 2023**

VIA ZOOM**10:00 A.M.****THURSDAY
JULY 27, 2023****DISCLOSURE OF INTEREST****MINUTES**

Confirmation of the minutes of the meeting held on June 22nd, 2023.

HEARING OF APPLICATIONS

A06-23 - Akshar Homes (Canada) Inc - 16 Aldborough **Pages 2-12**

Planning Report – A06-23 **Pages 13-15**

A07-23 - A07- Annie Robert - 177 Manitoba Street **Pages 16-25**

Planning Report – A07-23 **Pages 26-27**

NEW BUSINESS

Next Meeting

August 24, 2023.

ADJOURNMENT

CONFIRMATION OF AN APPLICATION FOR MINOR VARIANCE

June 28, 2023

Secretary-Treasurer, Committee of Adjustment
Attention: Abdul Basit

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 16 Aldborough Avenue, was filed on June 28, 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>June 28, 2023</u>	Consultation Date: <u>April 13, 2023</u>
	Date Application Deemed Complete: <u>June 28, 2023</u>	

Application #: A06-23

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 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) Akshar Home (Canada) Inc.

Address c/o Horwitz, Finder Barristers & Solicitors - 45 St. Clair Avenue West, Suite 101, Toronto

Postal Code M4V 1K9 Tel: 416-961-1177 e-mail: _____

2. Name of Authorized Agent (if any) Wallis Residential Homes Inc.

Address c/o Bowsher + Bowsher LLP - 2 Second Ave, St. Thomas

Postal Code N5R 5S7 Tel: 519-633-3301 e-mail: markc@bowsherandbowsher.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:

Relief requested from Zoning By-Law 50-88, definition of "Provincial Group Home" to increase resident occupant

limit from 10 to 20 persons.

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

Wallis Residential Homes intends to purchase the subject lands and move its existing group home operation from

369 Wellington St to the subject lands, and 19 residents currently reside at the Wellington St property.

5. Location of Land:

Concession No. _____ Lot(s) _____ Registered Plan No. 284 Lot(s) Part Block C

Reference Plan No. 11R-8238 Part(s) 3

Geographic/Former Township St. Thomas

Name of Street Aldbrough Street No. 16

6. Dimensions of land affected:

Frontage 199.69 Depth irregular

Area Approx 3,900m2 Width of Street 20.117m

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:

Existing single-storey building, of approximately 1,000 m2 ground floor area.

USE Retirement Home (within the meaning of s. 1.105 of Zoning By-Law 50-88).

Proposed:

Existing building to be used as a Provincial Group Home (within the meaning of s. 1.87 of Zoning By-Law 50-88).

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:

Single building approx 40 ft setback from front lot line, irregular setback from rear and side lot lines.

(see attached property overview)

Proposed:

No changes proposed.

USE

Existing building to be used as a Provincial Group Home (within the meaning of s. 1.87 of Zoning By-Law 50-88).

10. Date of acquisition of subject land: To be acquired by Wallis Residential Homes on July 14, 2023.

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

12. Existing uses of the subject land:

Retirement Home.

13. Existing uses of abutting lands:

North: Residential East: Residential

South: Residential West: Residential

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

Retirement Home special zone (R1-4) created in 1991.

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

Water:

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

Sewage Disposal:

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

Storm Drainage

Storm sewers Other (Specify) _____

16. Present Official Plan designation of the subject land:

Residential

17. Present Zoning of the subject land:

R1-4

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.

Jeanette Wallis, President

I, Wallis Residential Homes Inc., 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

Jeanette Wallis, President

I, Wallis Residential Homes Inc. 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 27~~th~~ 28 day of June, 2023.
City Day Month Year

Authentisign


06/28/23

Signature of Owner or Authorized Agent

Date

Authentisign


06/28/23

Signature of Commissioner of Oaths, etc.

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, Akshar Home (Canada) Inc., am the owner of the subject lands, and I authorize Wallis Residential Homes Inc., 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.

6/28/2023

Date

DocuSigned by:



DAB7449A25E1418...

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, Akshar Home (Canada) Inc., 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.

6/28/2023

Date

DocuSigned by:



DAB7449A25E1418...

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.

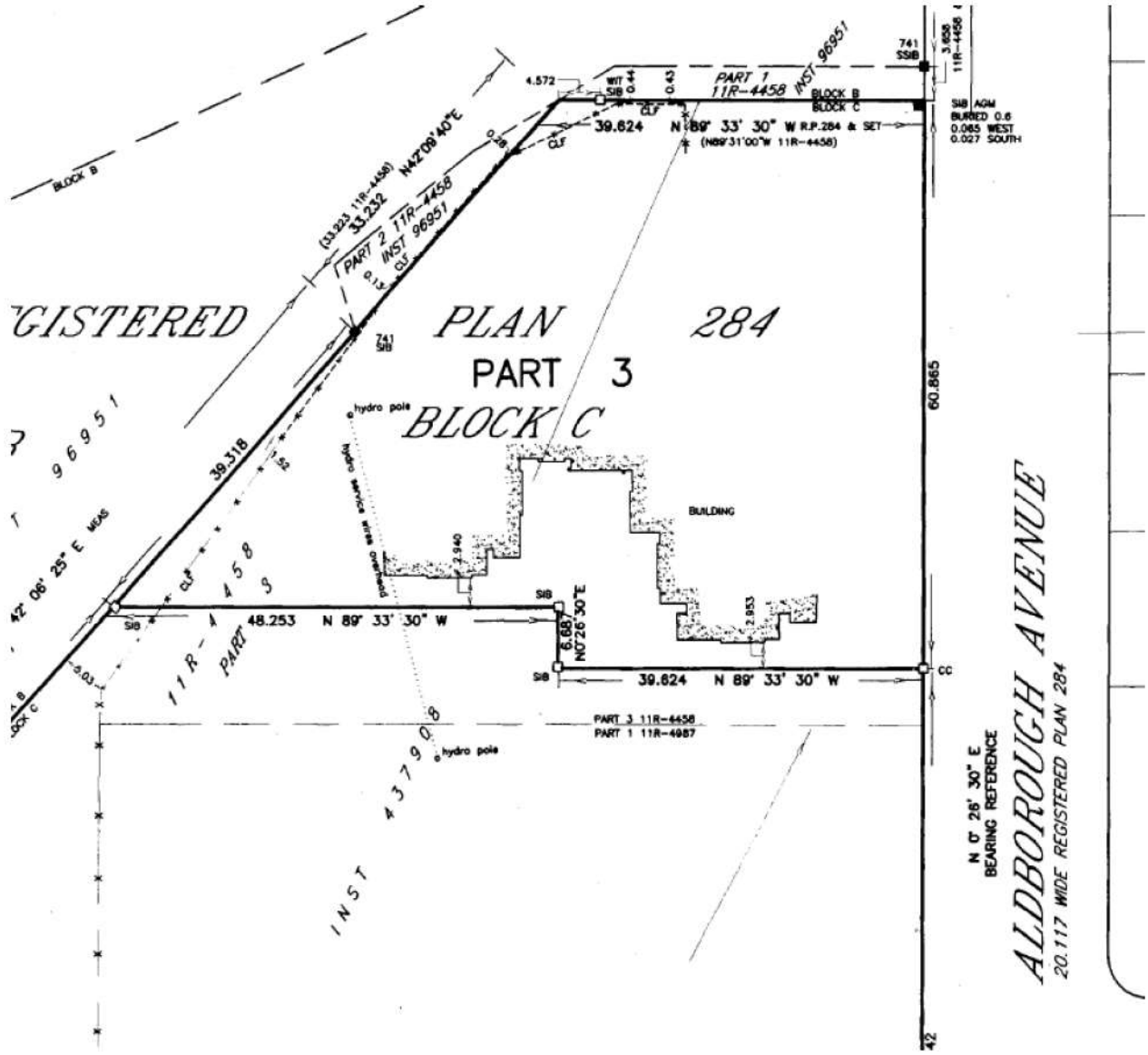
16 ALDBOROUGH

PROPERTY OVERVIEW



16 ALDBOROUGH

R-PLAN EXCERPT (11R-8238)



bowsher + bowsher

L A W F I R M

June 28, 2023

Committee of Adjustments
The Corporation of the City of St. Thomas
9 Mondamin Street
St. Thomas, ON N5P 2T9

Dear Madam Chair:

**RE: 16 Aldborough Avenue, St. Thomas
Application for Minor Variance**

I write to provide an overview of the application for a minor variance concerning the property 16 Aldborough Avenue, St. Thomas. The property is currently the subject of a proposed sale and purchase between the current owner, Akshar Home (Canada) Inc (“Akshar Home”) and the proposed purchaser Wallis Residential Homes Inc (“Wallis Residential”). I act for Wallis Residential generally and with respect to this application.

Akshar Home currently operates a Retirement Home (as that term is defined in the Zoning By-Law 50-88) at 16 Aldborough and we believe that property has been used for the purpose of a Retirement Home at least since the special zone R1-4 was created. Special Zone R1-4 provides for uses of the property as, among other things, a Retirement Home and Provincial Group Home.

In this application, Wallis Residential seeks relief from the definition of Provincial Group Home in Zoning By-Law 50-88. Definition 1.87 provides that a Provincial Group Home:

means a building in which not less than three, and not more than ten persons requiring residential, sheltered, specialized or group care reside and which is licensed, approved or supervised by the Province of Ontario under any general or special act. [Emphasis added.]

Wallis Residential seeks relief from that provision of the Zoning By-Law in that it proposes to revise the upper limit to twenty persons.

Wallis Residential currently operates a Provincial Group Home (as that term is defined in the Zoning By-Law 50-88) at 369 Wellington St, St. Thomas. Wallis Residential’s group-home operation is provincially funded in that funds flow from the Ministry of Health and Long-Term Care to the Canadian Mental Health Association under the terms of an evergreen contract; Wallis Residential in turn receives funding from CMHA, who also supervises the operations.

The 369 Wellington property was recently the subject of minor variance application A02/23, similar in nature to the minor variance requested here, that was approved by the Committee of Adjustments on April 13, 2023. That application also sought relief from the ten-person limit currently imposed by the Zoning By-Law.

Bowsher + Bowsher LLP
Alice J. (Bowsher) Burgess, LL.B *
Lane E. (Bowsher) Walker, LL.B **
Mark T. Coombes, J.D.
K. Stewart Bowsher, LL.B (retired)

Phone: 519-633-3301
Fax: 519-633-5995
Alt. Fax: 1-866-857-6021

2 Second Avenue
St. Thomas, ON
N5R 5S7

* practicing through Alice J. Burgess Professional Corporation

** practicing through Lane E. Walker Professional Corporation

bowsher + bowsher

L A W F I R M

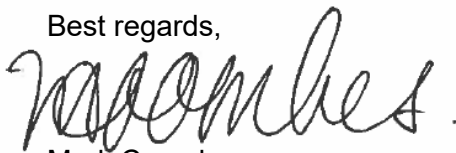
Wallis Residential proposes to move its operation from 369 Wellington St to 16 Aldborough as the Aldborough property contains a purpose-built facility designed to house residents in both retirement and group-home settings. Whereas Wallis Residential would need to renovate/modify 369 Wellington to suit its needs, the Aldborough property represents a ready-to-use facility that could house the existing residents of 369 Wellington.

With respect to the “four tests” for a Minor Variance prescribed by s. 45(1) of the *Planning Act*:

Is the variance minor?	Yes. Given the current use of the property as a retirement home housing the same number of residents, the proposed variance does not increase the number of individuals residing in the space, it only modifies the use of the property, and such use is already permitted by the Zoning By-Law.
Is the variance desirable for the appropriate development or use of the land, building, or structure?	Yes. The existing building on the lands is a purpose-built building that can operate as both a Retirement Home or Provincial Group Home; accordingly, no change to the structures on the land is proposed and the variance will ensure that the building can continue to be used for the purpose for which it was built without modification.
Does the variance maintain the general intent and purpose of the zoning by-law?	Yes. The special zone R1-4 established in the Zoning By-Law permits the intended use as a Provincial Group Home in that zone, and the variance simply modifies that use rather than allowing a different type of use.
Does the variance maintain the general intent and purpose of the official plan?	Yes. The residential designation in the official plan will be maintained as the property will continue to be used for residential purposes. No change is proposed to this use.

We look forward to this application being considered by the Committee and answering any questions that the Committee may have.

Best regards,



Mark Coombes

MTC



Report No.: COA6-2023

Directed to: Members of the Committee of Adjustment

Meeting Date: 07/27/2023

Department: Planning & Building Services Department

Prepared by: Steve Craig, Senior Planning Technician

Attachment: Location Plan

Location: 16 Aldborough Avenue, City of St. Thomas

Applicant: Akshar Home (Canada) Inc.

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

Recommendation:

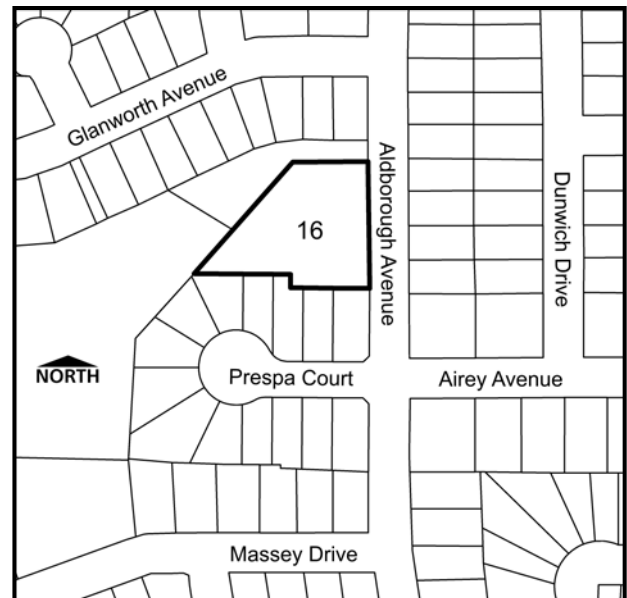
That: Report COA6-2023 relating to an application for a minor variance at 16 Aldborough Avenue be received for information.

Background:

Minor Variance Application COA06/23 has been filed in support of increasing the number of persons residing in a provincial group home.

Requested Variance:

- 1) To permit a maximum of twenty (20) persons to reside in a provincial group home, whereas Subsection 1.87 of the City of St. Thomas Zoning By-Law 50-88, provides that a provincial group home means a building in which not less than three (3), and not more than ten (10) persons requiring residential, sheltered, specialized or group care reside and which is licensed, approved or supervised by the Province of Ontario under any general or special act.



St. Thomas Official Plan:

- The subject lands are within the Residential designation, as shown on Schedule "A" (Land Use Plan) to the Official Plan for the City of St. Thomas.

- The residential policies of the plan viii) encourage residential intensification, infill, and redevelopment activity in the City to provide appropriate housing for families, seniors, and other special needs groups (5.1.2Viii)).
- Group homes shall be permitted in all designations that permit residential uses (6.2.25).

St. Thomas Zoning By-law 50-88:

- The subject lands are within the First Residential Zone (R1-4) pursuant to the City of St. Thomas Zoning By-Law No. 50-88, as shown on Zoning Map 24.
- Permitted uses of the R1-4 zone include a provincial group home (5.1(e)) and uses accessory to the foregoing (5.1(g)).
- Provincial group home is defined as a building in which not less than three (3), and not more than ten (10) persons requiring residential, sheltered, specialized or group care reside, and which is licensed, approved, or supervised by the Province of Ontario under any general or special act (1.87).
- No building or structure shall be erected or used for the purposes of a provincial group home, a residential care home or a boarding house if the lot on which such provincial group home, residential care home or boarding house is located is within 75 metres of another lot in this zone or in any other zone in which there is a building or structure used for the purposes of a provincial group home, residential care home or boarding house (5.4.2).
- Minimum lot area - 555sqm.
- Minimum lot frontage - 15m.
- Maximum main building height - 11m.
- Maximum accessory building height - 4m.
- Maximum lot coverage - 40%.
- Maximum floor area of enclosed accessory building - the lessor of 15% of the lot area or 40sqm.
- Maximum roof area - 55%.
- Minimum front yard depth – 6m.
- Minimum rear yard depth - 9m.
- Minimum interior side yard depth - 1m.
- Minimum exterior side yard depth - 4m.
- Minimum ground floor area - 1 storey 74sqm, 1 ½ storey 60sqm and two or more storey 42sqm.
- Minimum number of parking spaces - 3 parking spaces.

LEGISLATIVE FRAMEWORK FOR A MINOR VARIANCE:

In considering this application, the Committee must have regard to the following criteria and determine whether the general intent and purpose of the Official Plan will be maintained, the general intent and purpose of the Zoning By-law will be maintained, the variances are desirable for the appropriate development or use of the land, building or structure; and the variances are minor in nature.

Comments:

- 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, including all planning matters brought before the Committee of Adjustment. The Provincial Policy Statement (PPS), 2020 provides:
 - 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)).

- Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households and which aligns with applicable housing and homelessness plans (1.4.3(a)) and permitting and facilitating all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities (1.4.3(b)1.).
- The PPS shall be implemented in a manner that is consistent with Ontario Human Rights Code and the Canadian Charter of Rights and Freedoms (4.4). The Ontario Human Rights Code provides that “Every person has a right to equal treatment with respect to the occupancy of accommodation without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status, disability or the receipt of public assistance.” (S.2(1)).
- No expansion and/or modifications are proposed to the site through the subject application, the applicants are requesting that the Committee permit a maximum of twenty (20) persons to reside in a provincial group home.
- The existing building located on the subject lands is currently used to accommodate twenty (20) people and in the staff’s opinion the variance requested through Minor Application COA6-2023 satisfies the four tests, as set out in Section 45 of the Planning Act, is consistent with the PPS, Ontario Human Rights Code and Canadian Charter of Rights and Freedoms.
- Should the Committee of Adjustment approve Minor Application COA6-2023 the decision should reflect that approval is for a provincial group home on the subject lands with a maximum of twenty (20) persons.

Respectfully submitted,



Steve Craig,
Sr. Planning Technician



PLANNING & BUILDING SERVICES DEPARTMENT

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

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

CONFIRMATION OF AN APPLICATION FOR MINOR VARIANCE

July 4, 2023

Secretary-Treasurer, Committee of Adjustment
Attention: Abdul Basit

Pursuant to By-Law 30-2015, a consultation meeting was held on June 20, 2023, with city staff and the applicant.

An application for a Minor Variance, regarding 177 Manitoba Street was filed on June 29, 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,

A handwritten signature in black ink, appearing to read 'Jim McCoomb', is written above the typed name.

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>June 29, 2023</u>	Consultation Date: <u>June 20, 2023</u>
	Date Application Deemed Complete: <u>June 29, 2023</u>	

Application #: A07-23

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 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) Annie Robert

Address 177 Manitoba Street, St. Thomas, ON.

Postal Code N5P 3A5 Tel: 519-878-2554 e-mail: annie.robert2@sympatico.ca

2. Name of Authorized Agent (if any) Bob Barclay

Address 30 Nolan Street, St. Thomas

Postal Code N5P 1X2 Tel: 226-582-0561 e-mail: barclay10@msn.com

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

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

To construct an accessory building in the southwest corner of the existing property,
maintaining the southern setback of 10m and requesting a setback of a min. of 3.0m on the western property line

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

Property is mostly zoned OS and the proposed position for the storage building takes into account decommissioned
City storm sewers running through the property to provide suitable foundation bearing on undisturbed soil.

5. Location of Land:

Concession No. _____ Lot(s) 86, 88, 89 & 104 Registered Plan No. 85 Lot(s) _____

Reference Plan No. _____ Part(s) _____

Geographic/Former Township Geographic Township of Yarmouth

Name of Street Manitoba Street Street No. 177

6. Dimensions of land affected:

Frontage 15.24 Depth varies

Area 8925.0sm Width of Street 15.24

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:

EX. HOUSE 114.3sm 1.28% COVERAGE (EX. BLDG. 1) 33.17sm (EX. BLDG. 2) 69.5sm

(EX. BLDG. 3) 17.4sm (EX. BLDG. 4) 18.2sm (EX. BLDG. 5) 27.4sm

USE Ex. House, 2 Garages and 3 small storage buildings

Proposed:

PROPOSED ACCESSORY BLDG. 29.74sm

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:

Please refer to site plan attached

Proposed:

Please refer to site plan attached

USE

STORAGE

10. Date of acquisition of subject land: May 1987

11. Date of construction of all buildings and structures on subject land: Ex. House 1880's

remainder constructed sometime pre 1980

12. Existing uses of the subject land:

Residential

13. Existing uses of abutting lands:

North: Hwy #3 East: residential
 South: residential West: residential

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

since 1880's

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:

17. Present Zoning of the subject land:

OS and R3

18. Has the owner previously applied for relief (minor variance) under Section 45 of the Act in respect of the subject property?

yes no

If the answer is yes, describe briefly (and if known, quote Application #)

19. Is the subject property the subject of a current application for a consent under Section 53 or a plan of subdivision under Section 51 of the Planning Act, 1990?

yes no If so, state Application # and status _____

APPLICANT DECLARATION

By making this application, permission is hereby granted to any Municipal staff members and Municipal Planning Consultant to enter upon the premises described in this application at a reasonable time for the purpose of inspecting the property in relation to the proposed application and for distributing information concerning the same. This information is being collected pursuant to the Planning Act, Municipal Act, and Freedom of Information Act. The information contained herein will be distributed to bodies and agencies prescribed by legislation and regulation and also to interested parties.

If this application is signed by an agent or solicitor on behalf of an applicant, the owner's written authorization must accompany the application (**Appendix A**). If the applicant is a corporation acting without an agent or solicitor, the application must be signed by an officer of the corporation and the corporation's seal (if any) must be affixed.

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I, Bob Barclay, the Owner or Authorized Agent, hereby agree and acknowledge
(Print name of Owner or Authorized Agent)

that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c.M. 56, I hereby consent to the City of St. Thomas making this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.

Collection of Personal Information:

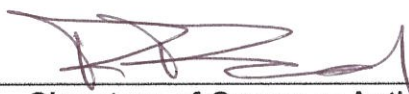
Personal information on this form is collected under the authority of Section 41 of the *Planning Act*, R.S.O. 1990 and Sections 8 (1) and 10 of the *Municipal Act*, 2001, as amended, and will be used to contact the owner, applicant and/or agent regarding the Committee of Adjustment Application. Questions about this collection should be directed to the City Clerk, 545 Talbot Street, St. Thomas, Ontario, N5P 2T9 (519) 631-1680.

AFFIDAVIT OR SWORN DECLARATION

I, Bob Barclay of St. Thomas in the province of Ontario,
name of applicant City

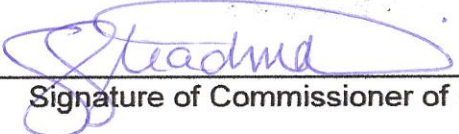
make oath and say (or solemnly declare) that the information required under Schedule 1 of Ontario Regulation 545/06 and provided by the applicant in this application is accurate, and that the information contained in the documents that accompany this application is accurate.

Sworn (or declared) before me at the St. Thomas on this 29th day of June, 2023.
City Day Month Year


Signature of Owner or Authorized Agent

06/29/23
Date

Sherry Lynn Steadman, a Commissioner, etc.,
Province of Ontario, for the Corporation of the City of St. Thomas.
Expires May 31, 2026.


Signature of Commissioner of Oaths, etc.

June 29 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, Annie Robert, am the owner of the subject lands, and I authorize Bob Barclay, to act on our behalf as the agent for the submissions required for all matters relating to the subject lands, and to provide any of my personal information that will be included in this application or collected during the planning process.

JUNE 28/23
Date

Annie Robert
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.**

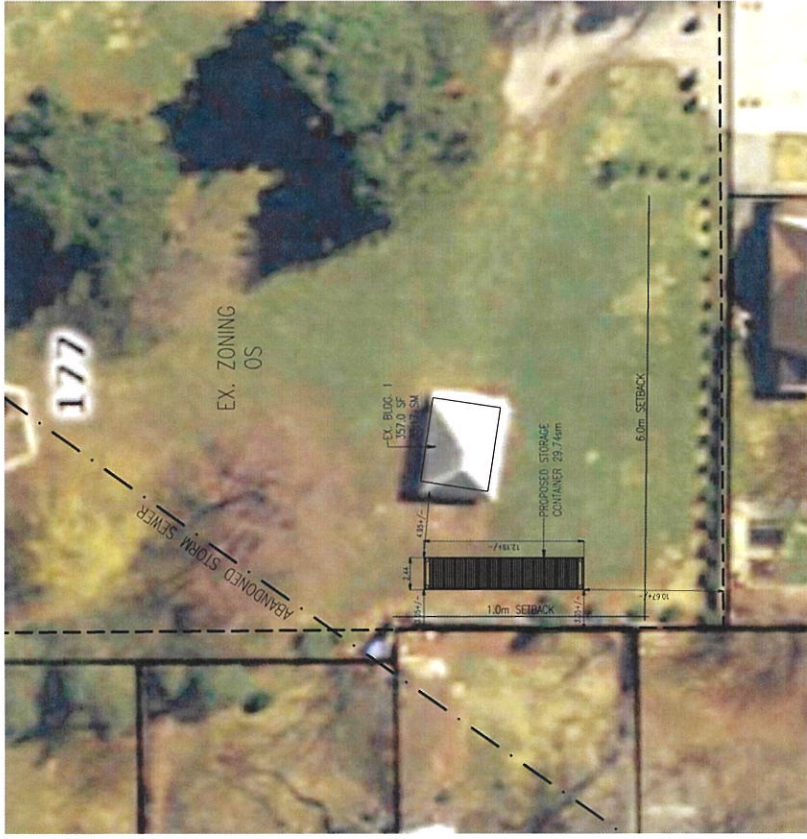
I, Annie Robert, am the owner of the subject lands, and I understand that further fees may be incurred by the City throughout the planning process and that I am responsible for reimbursing all fees.

JUNE 28/23
Date

Annie Robert
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.



AREA CALCULATIONS
 TOTAL LOT 8925.0sm
 EX. HOUSE 114.3sm 1.28% COVERAGE
 EX. BLDG. 1 33.17sm
 EX. BLDG. 2 69.5sm
 EX. BLDG. 3 17.4sm
 EX. BLDG. 4 18.2sm
 EX. BLDG. 5 27.4sm
 PROPOSED BLDG. 29.74sm

1 OVERALL SITE PLAN
 SCALE: 1/32"=1'-0"

SITE GRADING NOTES:
 -EXISTING SURFACE DRAINAGE PATTERNS ARE TO BE MAINTAINED
 -REMOVE ANY EXCESS SOILS FROM EXCAVATION ACTIVITIES FROM SITE

2 SECT. PLAN
 SCALE: 3/16"=1'-0"



No.	Revision/Issue	Date

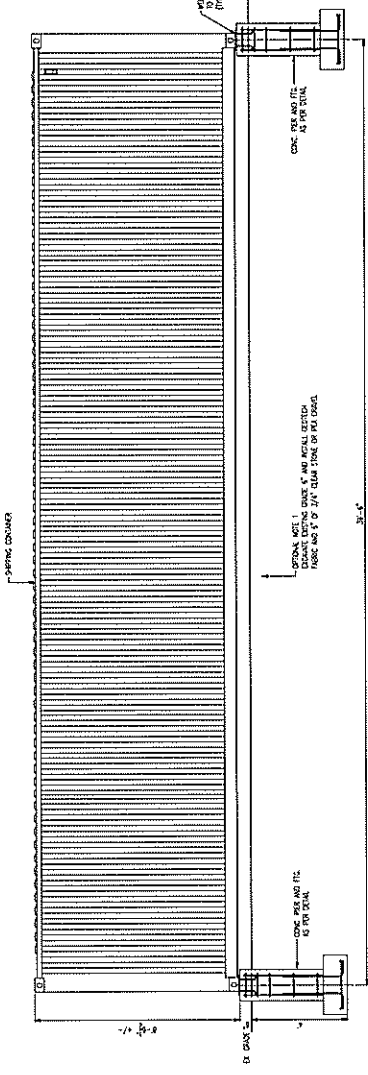
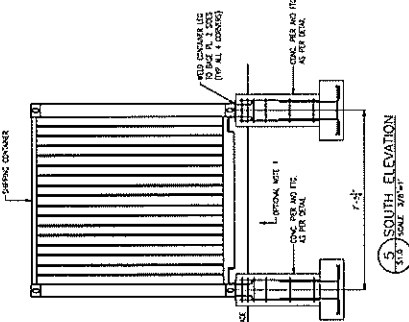
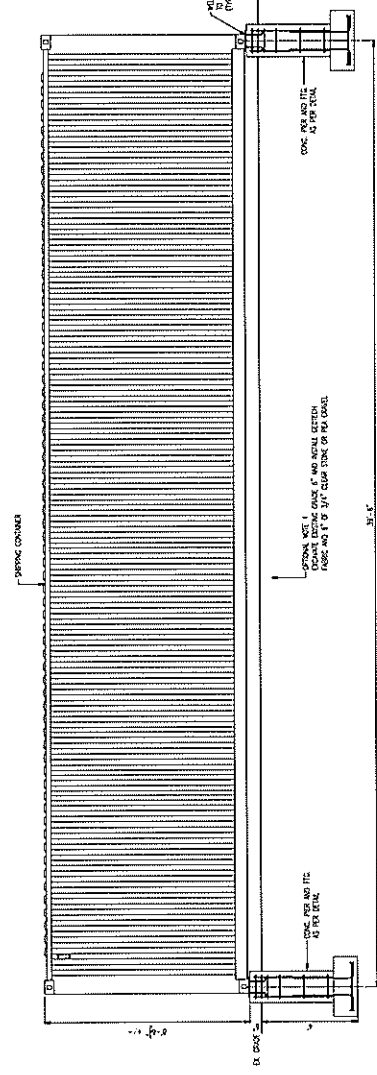
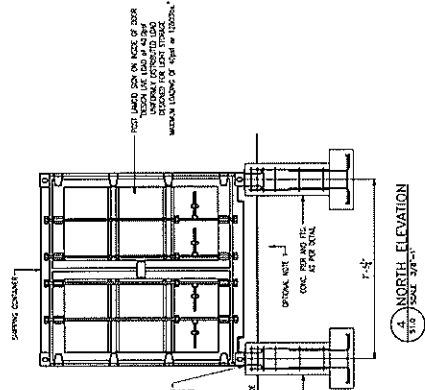
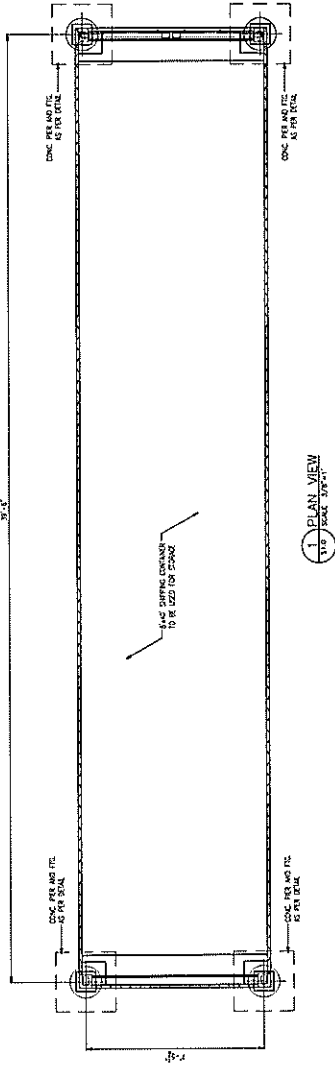
BARCLAY PROJECT MANAGEMENT
 DESIGN & CONSULTING
 30 NOLAN STREET,
 ST. THOMAS, ON, NP 1A2
 226-882-0561
 barclay10@gmail.com

Project Name and Address
 STORAGE CONTAINER
 177 JUNDAYOGBA STREET,
 ST. THOMAS, ON

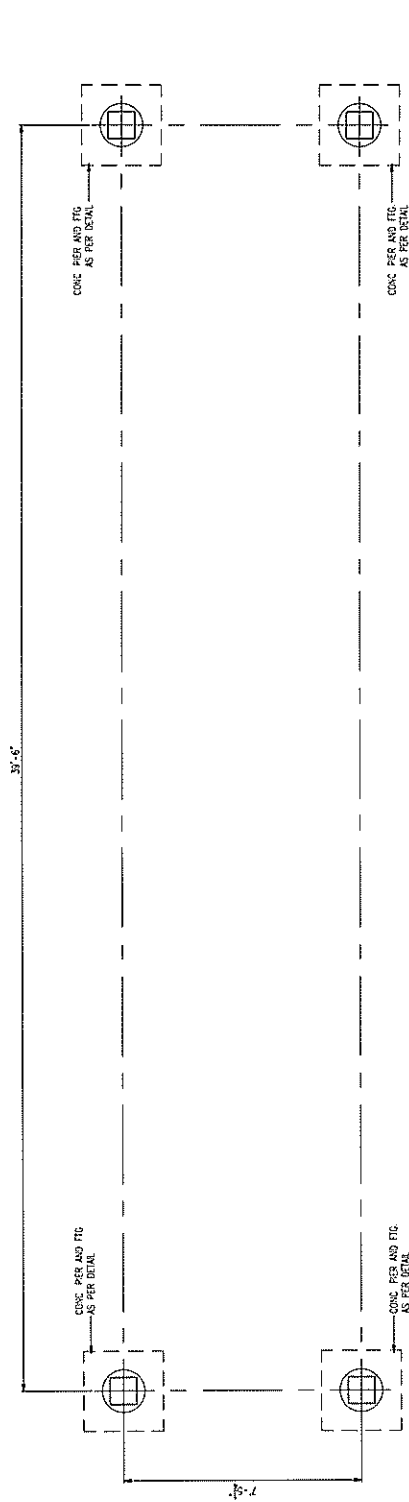
SHEET
 OVERALL SITE PLAN
 SPOT PLAN

Project 2022069
 Date 12/09/2022
 Sheet AS NOTED
SP1

NOTE: OWNER TO POST SIGN ON INSIDE OF DOOR
 *DESIGN LIVE LOAD OF 40.0psf
 UNIFORMLY DISTRIBUTED LOAD
 DESIGNED FOR LIGHT STORAGE
 MAXIMUM LOADING OF 40psf or 12800lbs.*



No.	Revision/Issue	Date	BARCLAY PROJECT MANAGEMENT DESIGN & CONSULTING 30 NOLAN STREET, ST. THOMAS, OH, 43151 234-882-0361 barclay106@gmail.com		STORAGE CONTAINER FOUNDATION 177 W. LANGRISH STREET, ST. THOMAS, OH.		SHEET PLAN VIEW ELEVATIONS
Project No. 2022069		Date 12/05/2022			AS NOTED \$1.00		



DESIGN LOADS
 SNOW LOAD 21.23 Psf
 LIVE LOAD 80.0 Psf
 WIND LOAD 15.0 Psf
 ROAD LOAD 1500 Psf
 FOUNDATION ROAD LOAD 1500 Psf

CAULDRONS
 8.0 x 40.0 = 320' x 31.33 = 10025.68ft²
 8.0 x 40.0 = 320' x 40.00 = 12800.00ft²
 8.0 x 40.0 = 320' x 40.00 = 12800.00ft²
 8.0 x 40.0 = 320' x 40.00 = 12800.00ft²
 TOTAL 56845.68ft²
 9111.40ft²

PER & FIG. LOAD
 4.041 x 9.447 = 13.64
 4.1 x 13.641 x 1000 = 304.02ft²

DESIGN SOIL BEARING CAPACITY OF 100 Kps (28245.5kps)

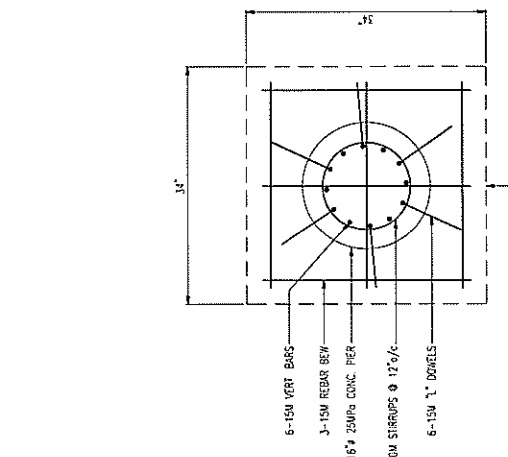
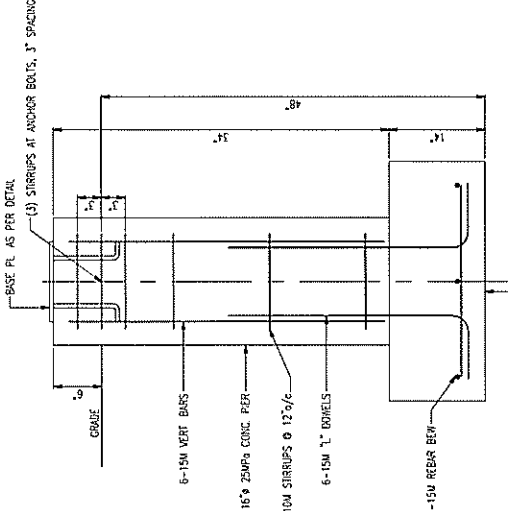
FOUND. AREA
 34.0 x 34.0 = 1156

LOAD PER BEARING POINT = 9111.40ft² / 1156 = 7.88 kps
 5.71% OF ALLOWABLE LOAD

1. FOUNDATION PLAN
 SCALE 1/8" = 1'-0"

CONCRETE NOTES

- CONCRETE SHALL BE 25MPa (F-2) EXPOSED FOR EXPOSED SLAB, FOUNDATION WALLS, 20MPa (F-2) EXPOSED IN FOOTINGS.
- STEEL STRENGTH 40 MPa.
- FOOTINGS DESIGNED TO BEAR UNIFORM SOIL BEARING PRESSURES.
- PROVIDE 5-SEE ENLIGHTENMENT FOR ALL EXTERIOR CONCRETE EXPOSED TO FREEZE THAW CYCLE.
- WATER PROTECTION PROTECTION PROCEDURES TO BE OBSERVED.
- EXHAUSTIVE WATER UNDER SLABS TO BE COMPLETED TO MINIMUM SEE S7.14.03.
- FOUNDATION TO BE PLACED IN ACCORDANCE TO 0.6% SLOPE. ALL FOUNDATIONAL DEPOSITS, WATER TABLE BELOW DEPTH OF FOOT PENETRATION FOR FOUNDATION PLACEMENT.
- CONCRETE SHALL BE USED, PLACED AND CURED IN ACCORDANCE WITH CSA STANDARD A23.1 OR A23.2, AS APPLICABLE.
- THE DETAILING AND PLACING OF ALL REINFORCING STEEL AND THE MIXING AND PLACING OF ALL CONCRETE SHALL CONFORM TO CAN/CSA A308-14.
- ALL CONCRETE WORK HAS BEEN DESIGNED IN ACCORDANCE WITH CSA A308-14.
- THE CONTRACTOR MUST NOTIFY THE IRM BEFORE CONCRETE PLACEMENT AND ARRANGE EXPEDITIOUS TESTING IN ACCORDANCE WITH CAN/CSA A308-14.
- ALL REINFORCING PLACEMENT MUST BE INSPECTED BY OWNER OR OWNER'S REPRESENTATIVE AS A CONDITION OF THIS DESIGN PRIOR TO CONCRETE PLACEMENT.
- CONCRETE PROTECTION TO REINFORCEMENT, UNLESS NOTED OTHERWISE SHALL BE 25MM (1 INCH) MINIMUM.
- ALL REINFORCING LARGER THAN AND INCLUDING 10M SHALL BE STRENGTH 40MPa (A500/50.8).
- LAP ALL REINFORCING 30 BAR DIAMETERS AT SPACES UNLESS NOTED OTHERWISE.
- BONDING SURFACES OF ALL REINFORCING BARS ON HIGH CHAIRS, SLAB BRACKETS AND OTHER ACCESSORIES SHALL BE SUFFICIENT TO MAINTAIN THE REQUIRED BONDING WITH THE PLACEMENT OF CONCRETE AS REQUIRED. THE BARS AT ALL INTERSECTIONS SHALL BE LAPPED WITH THE OVERLAP OF CONSTRUCTION WATER TO BE APPLIED UPON WITH THE EXPOSURE. WHERE NECESSARY IN CONTIGUOUS SLABS.
- INSPECTIONS TO BE CALLED AS PER SPEC.



2. BEARING PLATE DETAILS
 SCALE 1/8" = 1'-0"

3. PIER ELEVATION VIEW
 SCALE 1/8" = 1'-0"

4. PIER PLAN VIEW
 SCALE 1/8" = 1'-0"



No.	Revisions/Change	Date	Sheet	S2.0
			Project	
			Date	12/09/2022
			Scale	AS NOTED
FOUNDATION PLAN PIER DETAILS NOTES				
Project Name and Address STORAGE CONTAINER FOUNDATION 1700 N. HUNTER STREET, ST. THOMAS, ON				
BARCLAY PROJECT MANAGEMENT DESIGN & CONSULTING 30 NOLAN STREET, ST. THOMAS, ON N5P 1X2 226-532-0561 barclay107@mail.com				



Report No.: COA7-2023

Directed to: Members of the Committee of Adjustment

Meeting Date: 07/27/2023

Department: Planning & Building Services Department

Prepared by: Steve Craig, Senior Planning Technician

Attachment: Location Plan

Location: 177 Manitoba Street, City of St. Thomas

Applicant: Annie Robert

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

Recommendation:

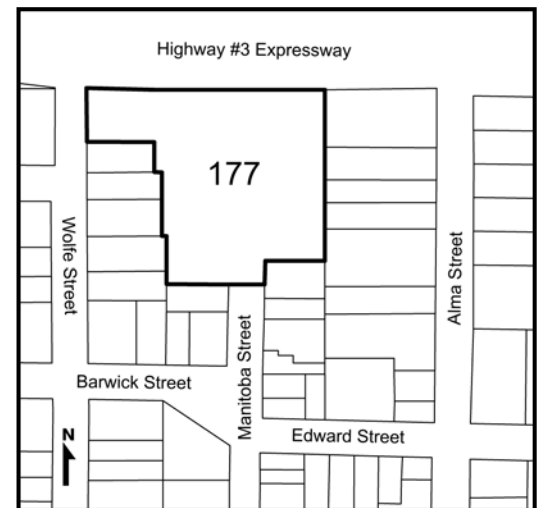
That: Report COA7-2023 relating to an application for a minor variance at 177 Manitoba Street be received for information.

Background:

Minor Variance Application COA07/23 has been filed in support of the construction of a new 29.7sqm (320.1sqft) storage building on the subject lands

Requested Variance:

- i) To permit an accessory building to be located within the portion of the subject lands zoned Open Space and Park Zone (OS), whereas Subsection 23.2 of the Zoning By-law provides that no building or structure shall be erected in the Open Space and Park Zone (OS) except for the uses permitted in Subsection 23.1, which includes park, conservation works, recreation centre, cemetery, parking lot, municipal works and uses accessory to the foregoing.



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) an Open Space and Park Zone (OS), pursuant to the City of St. Thomas Zoning By-Law No. 50-88, as shown on Zoning Map 5.
- The location of the proposed storage building is within the OS zone, permitted uses include a park, conservation works, recreation centre, cemetery, parking lot, municipal works and uses accessory to the foregoing (23.1).
- Within the OS zone no building or structure shall be erected except for the uses permitted in Subsection 23.1 (23.2).
- Maximum Lot Coverage 25 percent (23.3.1.1).
- Minimum Yard (1) Subject to the provisions of (2), no building or structure shall be erected within 10 metres of any lot line or part of a lot line within this zone and where the boundary, between this zone and any other zone passes through a lot, no building or structure shall be erected on any part of such a lot that is within this zone and within 10 metres of such boundary (23.3.1.2(1)).
- Minimum Yard (2) In a cemetery, no gravestone, monument marking a grave or casket shall be erected or placed closer than 3 metres to any lot line. (23.3.1.2(2)).

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 2.4m x 12.1m (8ft x 39.6ft) storage building on the southwest portion of subject lands, with a floor area of 29.7sqm (320.1sqft) and a building height of 2.6m (8ft-6.5in).
- According to the applicant the storage building will be used for the purpose of accommodating additional storage space typically associated with home ownership and is considered an accessory structure to the existing single detached dwelling.
- The storage building will be setback a minimum of 0.92m (3.05ft) from the westerly interior side lot line and a minimum of 3.25m (10.67ft) from the interior side lot line, which exceeds the Zoning By-laws minimum setback of 0.3m (1ft) for accessory buildings and structures in Residential Zones.
- The Open Space and Park Zone (OS) dates back to the original City of St. Thomas Zoning By-Law 50-88, which was adopted by City Council on April 18, 1988. City records do not indicate why the subject lands were partially zoned OS and placed entirely within the Residential designation in the City of St. Thomas Official Plan.
- In staff's opinion the variance requested through Minor Application COA7-2023 is technical in nature and satisfies the four tests, as set out in Section 45 of the Planning Act, therefore staff recommend that application COA7-2023 be approved, should the Committee of Adjustment approve the application the decision should reflect that the Committee is approving an accessory building on the subject lands, as shown on the plans accompanying the application.

Respectfully submitted,



Steve Craig,
Sr. Planning Technician