

A G E N D A

THE THIRD MEETING OF THE COMMITTEE OF ADJUSTMENT OF THE CITY OF ST. THOMAS

**COMMITTEE ROOM #309
CITY HALL**

10:00 A.M.

**THURSDAY
JUNE 23, 2016**

DISCLOSURE OF INTEREST

MINUTES

Confirmation of the minutes of the meeting held on April 14, 2016.

HEARING OF APPLICATIONS

A03/16 – ROBERT & REBECCA SCOTT - 25 BAILEY AVE Pages 2-10

A03/16 - Planning Report Pages 11-12

A04/16 – GEORGE QUBTY & ASHRAF EL KHODEIR - 353 TALBOT STREET Pages 13-17

A04/16 - Planning Report Pages 18-19

B04/16 – BRAAM'S WOODCRAFT INC. - 10 ONTARIO ROAD Pages 20-28

B04/16 - Planning Report Pages 29-31

UNFINISHED BUSINESS

NEW BUSINESS

Next Meeting

July 14, 2016

ADJOURNMENT

Patrick J. C. Keenan
Director of Planning & Building Services



All correspondence to be addressed to:
City of St. Thomas
Planning & Building Services Dept.
9 Mondamin Street
St. Thomas, ON
N5P 2T9
Telephone: (519) 633-2560
Fax: (519) 633-6581

CONFIRMATION OF AN APPLICATION FOR MINOR VARIANCE

May 19th, 2016

Secretary-Treasurer, Committee of Adjustment
Attention: Melanie Knapp

Pursuant to By-Law 30-2015, a consultation meeting was held on May 16th, 2016 with Planning staff and the applicant.

An application for a minor variance, regarding 25 Bailey Avenue, was filed on May 16th, 2016 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.

Yours truly,



Patrick J. C. Keenan
Director of Planning & Building Services



Corporation of the City of St. Thomas
CONSULTATION REQUEST FORM

City of St. Thomas
Planning Department
9 Mondamin Street
St. Thomas, ON
N5P 2T9
T: (519) 633-2560
F: (519) 633-6581

Office Use: Request Accepted By: _____ Date: _____ Reference #: _____

Type of Application

This is a consultation request for (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> Official Plan Amendment | <input type="checkbox"/> Zoning By-law Amendment |
| <input type="checkbox"/> Draft Plan of Subdivision | <input type="checkbox"/> Draft Plan of Condominium |
| <input type="checkbox"/> Site Plan Approval | <input checked="" type="checkbox"/> Minor Variance |
| <input type="checkbox"/> Consent | |

Registered Owner

Name: Robert Scott Email: _____
Address: 25 Bailey Ave St Thomas
Postal Code: N5R 0A1 Phone: _____ Fax: _____

Applicant/Agent (If applicable)

Name: Joe Glatz Email: joe@adelphosconstruction.ca
Company: Adelphos Construction
Address: 9810 Belmont Rd. St Thomas
Postal Code: N5P 3S7 Phone: 519-617-6834 Fax: _____

Subject Property

Municipal Address: 25 Bailey Ave St Thomas
Legal Description: 11M157 Lot No# 10

Description of Proposal (please provide a separate sheet of paper if required)

To Construct a 12'x15' Sunroom Addition to Single Detached
Home. Sunroom addition to be built at 2.47 metres from
rear lot line and ZBL requires 9 metre setback.

Current Property Owner

*If an applicant/agent is advancing this Consultation Request, see Appendix B -
Authorization of Owner.

Robert Scott
Owners Name (Print)

[Signature]
Signature of Owner

May 16/16
Date

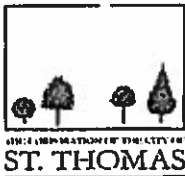
Appendix B - Authorization of Owner

If the applicant is not the owner of the subject lands, please complete the owner authorization concerning personal information as set out below.

I, Roger Scott, am the owner of the subject lands, and I authorize
Joe Blatz, 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.

May 16, 2016
Date

[Signature]
Signature of Owner



FORM 1
PLANNING ACT

Application No. A03/10

APPLICATION FOR MINOR VARIANCE

Received May 19/10

CITY OF ST. THOMAS

NOTE: This application must be filed with the Secretary-Treasurer of the Committee of Adjustment and must be accompanied by 5 copies of a property sketch and any documents relating to the application along with a fee of \$400.00 payable to the City of St. Thomas.

1. Name of approval authority. City of St. Thomas Committee of Adjustment
2. Date application deemed complete by municipality. May 11/16
3. Name of registered owner. Bob + Becky Scott Robert + Rebecca
Telephone Number 579-207-1906 Fax Number _____
Address 25 Bailey Ave St. Thomas On.
Postal Code _____ Email _____

Name of solicitor or authorized agent (if any) Joe Blatz (Adelphi Construction)
Telephone Number 579-617-6834 Fax Number _____
Address 9810 Belmont Rd. St. Thomas ON.
Postal Code N5P 3S7 Email joe@adelphiconstruction.ca

Please specify to whom all communications should be sent:

- ☐ Registered owner ☐ Solicitor ☒ Agent

4. Name of person(s) [purchaser, lessee, mortgagee, etc.] to whom land or interest in land is intended to be conveyed, leased or mortgaged.

5. Location and description of subject land:

Street Address 25 Bailey Ave Assessment Roll No. 34 210 405 2530618
Registered Plan No. 11M157 Lot(s) No. 10
Reference Plan No. _____ Part(s) No. _____
Concession _____ Lot(s) No. _____

6. Current Size of Subject Parcel (in metres/hectares):

Frontage 13.98m. Depth 35.14m Area 491.25m²

7. Are there any easements or restrictive covenants affecting the subject land: ☒ Yes ☐ No

If "yes" describe the easement/covenant and its effect:

Used for storm drain owned by Homeowner.

8. Current Zoning of the subject land?

R3-44

9. Current Official Plan land use designation of the subject land?

RESIDENTIAL

10. Nature and extent of relief from the Zoning By-law requested:

① ZBL requires 9m. Requesting 7.42 metres
addition to be built at 7.42 metres
from lot rear lot line.
② ZBL permit 35% lot coverage - Requesting 39%

Minor Variance Application No. A03/16

11. Reasons why the proposal cannot comply with provisions of the By-law:

Sunroom too close to property line - No other
alternative locations for Sunroom

12. Current use of subject land Residential

13. Length of time current use of subject land has continued 2007

14. Number and type of buildings or structures existing on the subject land:

one house

15. Date of construction of existing buildings and structures on the subject land:

2007

16. Date subject land acquired by the current registered owner: June 1/2012

17. Proposed use of subject land Residential

18. Number and type of buildings or structures proposed to be built on the subject land and their distance from the front lot line, rear lot line and side lot lines, their height and their dimensions/floor area:

1 Sunroom 24'6" From Rear Lot Line, 5' feet
From South side lot line, 24'6" from North
Side Lot Line.

19. Type of water supply:

☒ municipally owned & operated piped water

☐ well ☐ other (specify) _____

20. Type of sanitary sewage disposal:

☒ municipally owned & operated sanitary system

☐ septic tank ☐ other (specify) _____

21. Type of storm drainage:

☒ sewers ☐ ditches ☐ swales ☐ other (specify) _____

22. Access to subject parcels:

☒ municipal road ☐ provincial highway ☐ county road ☐ private

23. If known, indicate if the subject land has ever been the subject of an application under the Planning Act for:

☐ consent to sever ☒ approval of a plan of subdivision

24. If known, indicate if the subject land has ever been the subject of an application for minor variance under Section 45 of the Planning Act:

No

25. Is the subject property the subject of a concurrent application for consent, official plan, zoning bylaw amendment or plan of subdivision? ☐ Yes ☒ No

If "yes" describe briefly: _____

26. a.) The applicant/owner/agent hereby consents to disclosure of the information contained in this application pursuant to Section 32(b) of Bill 49, Chapter 63, S.O. 1989, being an act to provide for Freedom of Information and Protection of Individual Privacy in municipalities and local boards.

b.) The applicant/owner/agent acknowledges that he/she is aware that any cost incurred over and above the application fee submitted is the responsibility of the applicant/owner, and the Applicant/owner agrees to pay any such additional fee, as a result of the application being subject to:

- the submission of additional information
- the entering into of an agreement with the Corporation of the City of St. Thomas
- an Ontario Municipal Board hearing

c.) The applicant/owner hereby authorizes the committee of adjustment members and city staff to enter onto the subject property for the purpose of site inspections with respect to this application.

Dated at the _____ of _____ this
(City/Town) (Name of City or Town)
_____ day of _____, 200 .

(signature of applicant, solicitor or authorized agent)

I/we, Joe Blatz of St. Thomas in
the County/District/Regional Municipality of City of St. Thomas solemnly
declare that all the statements contained in this application are true, and I make this solemn
declaration conscientiously believing it to be true, and knowing that it is of the same force and
effect as if made under oath and by virtue of the CANADA EVIDENCE ACT.

Declared before me at the _____)
City of St. Thomas) signature
in the County of Elgin)
this 14th day of May, 2006)
[Signature] signature
A Commissioner, etc.

NOTE: If the applicant is a corporation, the application shall be signed by an officer of the Corporation and the corporation's seal shall be affixed.

Crystal Marie Penney, a Commissioner, etc.,
Province of Ontario, for the
Corporation of the City of St. Thomas.
Expires September 18, 2016.

Minor Variance Application No. A03116

AUTHORIZATION

(Please see note below)

To: Assistant-Secretary Treasurer
Committee of Adjustment
City of St. Thomas

Description and Location of Subject Lands:

Municipal Address 25 Bailey Ave. St. Thomas VI.
Legal Description 11M157 Lot No #10

I/We, The undersigned, being the registered owner(s) of the above lands hereby authorize

Joe Blutz of St. Thomas to:
(Agent's Name/Names) (Agent's City/Town of Residence)

- (1) make an application on my behalf to the City of St. Thomas Committee of Adjustment;
- (2) appear on my behalf at any hearing(s) of the application; and
- (3) provide any information or material required by the Committee of Adjustment relevant to the application.

Please Print Names in Block Letters Below Signatures

Dated at the St. Thomas of St. Thomas in the County of Elgin
(City/Town) (Name of City/Town) (County/District) (Name of County/District)

this 16th day of May, 2016.

Signature of Witness
Print Name _____

Signature of Witness
Print Name _____

Signature of Witness
Print Name _____

Robert Scott
Signature of Owner
Print Name ROBERT SCOTT

Rebecca Scott
Signature of Joint Owner
Print Name REBECCA SCOTT

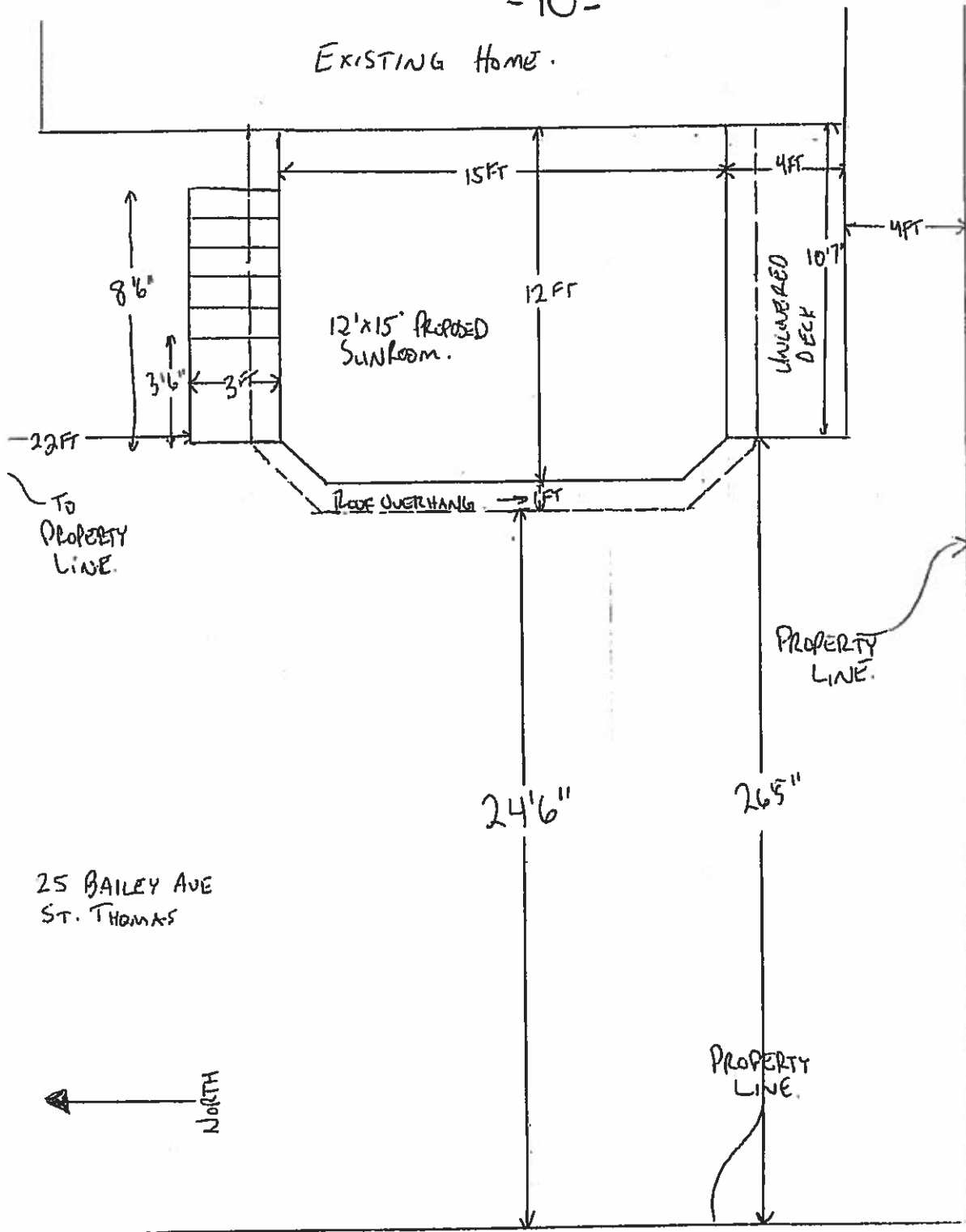
Signature of Joint Owner
Print Name _____

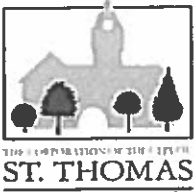
Note: This form is only to be used for applications, which are to be signed by someone other than the owner.

-9-

25 Bailey Ave
St. Thomas







The Corporation of the City of St. Thomas

Report No.: COA03-2016

Applicant: Robert and Rebecca Scott

Members of the Committee of Adjustment

Report Date: June 15, 2016
Meeting Date: June 23, 2016

Location: 25 Bailey Avenue, Registered Plan 11M-157, Lot 10, in the City of St. Thomas.

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

Department: Planning and Building Services Department
Prepared by: Steve Craig, Senior Planning Technician

Attachments: Location Plan

Recommendation:

That: Report COA03-2016 be received;

That: Application COA03-2016 be approved;

And That: The Committee should note within its decision that the Committee is approving:

- A 3.65m x 4.57m sunroom addition 7.47m from the rear lot line; and
- A maximum lot coverage of 39%.

BACKGROUND:

The applicants are requesting the Committee of Adjustment consider a minor variance application to permit the construction of a 3.65m x 4.57m sunroom addition on the back of the existing residential dwelling.

REQUESTED VARIANCE(S):

- (i) To permit a sunroom addition 7.47m from the rear lot line, whereas Table 1 to Subsection 7.4, Item Number 10, and Column 2 of the City of St. Thomas Zoning By-Law 50-88 requires a minimum rear yard depth of 9m.
- (ii) To permit a lot coverage of 39%, whereas Table 1 to Subsection 7.4, Item Number 5, and Column 2 of the City of St. Thomas Zoning By-Law 50-88 permits a maximum lot coverage of 35%.

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 Official Plan permit a full range of dwelling types including low, medium and high density residential uses.

ZONING BY-LAW:

- The subject lands are within the Third Residential Zone (R3-44) pursuant to the City of St. Thomas Zoning By-Law No. 50-88, as amended.
- Permitted uses of the Third Residential Zone (R3-44) include a single detached dwelling and uses accessory to the foregoing.

Location Plan:



- The requirements and setbacks for a single detached dwelling 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 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 variance is desirable for the appropriate development or use of the land, building or structure; and
- The variance is minor in nature.

COMMENTS:

- The applicants are requesting the Committee of Adjustment consider a minor variance application to permit the construction of a 3.65m x 4.57m sunroom addition on the back of the existing residential dwelling.
- The first variance is required to permit the sunroom addition 7.47m from the rear lot line, whereas the Third Residential Zone (R3-44) requires a minimum rear yard depth of 9m. A rear yard setback of 7.47m will maintain adequate area within the rear yard for landscaping, drainage and outdoor amenity space, and will also provide adequate separation from development on the neighbouring lands to the west.
- The second variance is required to permit a lot coverage of 39%, whereas the Third Residential Zone (R3-44) permits a maximum lot coverage of 35%. The proposed sunroom addition is compatible in scale with the character of the surrounding neighbourhood, and will not result in the over development of the subject lands.
- In Staff's opinion the proposed variances meet the general intent and purpose of the Official Plan and Zoning By-law, is minor in nature, and is desirable and appropriate for the use of the lands, thereby satisfying the four tests, as set out in Section 45 of the Planning Act. Therefore, planning staff recommends that minor variance application COA03-2016 be approved.

Respectfully submitted,



Steve Craig
Senior Planning Technician

Patrick J. C. Keenan
Director of Planning & Building Services



All correspondence to be addressed to:
City of St. Thomas
Planning & Building Services Dept
9 Mondamin Street
St. Thomas, ON
N5P 2T9
Telephone: (519) 633-2560
Fax: (519) 633-6581

CONFIRMATION OF AN APPLICATION FOR MINOR VARIANCE

May 26th, 2016

Secretary-Treasurer, Committee of Adjustment
Attention: Melanie Knapp

Pursuant to By-Law 30-2015, a consultation meeting was held on May 26th, 2016 with Planning Department Staff and the applicants.


An application for a minor variance, regarding 353 Talbot Street, was filed on May 26th, 2016 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.

Yours truly,

A handwritten signature in black ink, appearing to be "P. J. Keenan", written over a horizontal line.

Patrick J. C. Keenan
Director of Planning & Building Services



**THE CORPORATION OF THE CITY OF
ST. THOMAS**

**FORM 1
PLANNING ACT**

APPLICATION FOR MINOR VARIANCE

CITY OF ST. THOMAS

Application No. AO4/16

Received May 25/16.

NOTE: This application must be filed with the Secretary-Treasurer of the Committee of Adjustment and must be accompanied by 5 copies of a property sketch and any documents relating to the application along with a fee of \$400.00 payable to the City of St. Thomas.

1. Name of approval authority. City of St. Thomas Committee of Adjustment
2. Date application deemed complete by municipality. _____
3. Name of registered owner. GEORGE QUBTY & ASHRAF EL KADDER
 Telephone Number 519-619-2006 Fax Number _____
 Address P.O. BOX 502 - LAMBETH ST. - LONDON
 Postal Code N6P1R2 Email gqubty1a@gmail.com
 Name of solicitor or authorized agent (if any) _____
 Telephone Number _____ Fax Number _____
 Address _____
 Postal Code _____ Email _____

Please specify to whom all communications should be sent:

- ☒ Registered owner ☐ Solicitor ☐ Agent

4. Name of person(s) [purchaser, lessee, mortgagee, etc.] to whom land or interest in land is intended to be conveyed, leased or mortgaged.
N/A

5. Location and description of subject land:

Street Address 353 TALBOT ST Assessment Roll No. _____
 Registered Plan No. 15 Lot(s) No. PART LOT 12
 Reference Plan No. _____ Part(s) No. 12 RPIIB-1482 - PART 3 & 4
 Concession _____ Lot(s) No. _____

6. Current Size of Subject Parcel (in metres/hectares):

Frontage 7.6 Depth 25 Width -

7. Are there any easements or restrictive covenants affecting the subject land: ☐ Yes ☒ No

If "yes" describe the easement/covenant and its effect:

8. Current Zoning of the subject land?

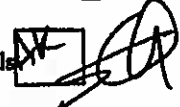
C2

9. Current Official Plan land use designation of the subject land?

COMMERCIAL / RESIDENTIAL

10. Nature and extent of relief from the Zoning By-law requested:

PART OF MAIN FLOOR - REAR OF BUILDING
TO BE USED FOR ONE BACHELOR UNIT
LESS THAN THE 25 METER ALLOWANCE



Minor Variance Application No. _____

11. Reasons why the proposal cannot comply with provisions of the By-law:

RESIDENTIAL UNIT - ONLY
ONE - BACHELOR UNIT

12. Current use of subject land COMMERCIAL / RESIDENTIAL

13. Length of time current use of subject land has continued _____

14. Number and type of buildings or structures existing on the subject land:

ONE

15. Date of construction of existing buildings and structures on the subject land:

16. Date subject land acquired by the current registered owner: 3 Years

17. Proposed use of subject land COMMERCIAL / RESIDENTIAL

18. Number and type of buildings or structures proposed to be built on the subject land and their distance from the front lot line, rear lot line and side lot line, their height and their dimensions/floor area:

N/A

19. Type of water supply:

☒ municipally owned & operated piped water

☐ well ☐ other (specify) _____

20. Type of sanitary sewage disposal:

☒ municipally owned & operated sanitary system

☐ septic tank ☐ other (specify) _____

21. Type of storm drainage:

☐ sewers ☐ ditches ☐ swales ☐ other (specify) N/A

22. Access to subject parcel:

☒ municipal road ☐ provincial highway ☐ county road ☐ private

23. If known, indicate if the subject land has ever been the subject of an application under the Planning Act for:

☐ consent to sever ☐ approval of a plan of subdivision

24. If known, indicate if the subject land has ever been the subject of an application for minor variance under Section 45 of the Planning Act:

N/A

25/11/2008

applicant's initials



Minor Variance Application No. _____

25. Is the subject property the subject of a concurrent application for consent, official plan, zoning bylaw amendment or plan of subdivision? ☐ Yes ☒ No

If "yes" describe briefly: _____

26. a.) The applicant/owner/agent hereby consents to disclosure of the information contained in this application pursuant to Section 32(b) of Bill 49, Chapter 63, S.O. 1989, being an act to provide for Freedom of Information and Protection of Individual Privacy in municipalities and local boards.
- b.) The applicant/owner/agent acknowledges that he/she is aware that any cost incurred over and above the application fee submitted is the responsibility of the applicant/owner, and the Applicant/owner agrees to pay any such additional fee, as a result of the application being subject to:
- the submission of additional information
 - the entering into of an agreement with the Corporation of the City of St. Thomas
 - an Ontario Municipal Board hearing

c.) The applicant/owner hereby authorizes the committee of adjustment members and city staff to enter onto the subject property for the purpose of site inspections with respect to this application.

Dated at the ST THOMAS of ST. THOMAS this
(City/Town) (Name of City or Town)

26 day of MAY 2016

ASRAFE ELKHODIER Asrafe Elkhodier
(Signature of applicant, solicitor or authorized agent)

I/we GEORGE JUBIN & ASHRAFE ELKHODIER of LONDON in
the County/District/Regional Municipality of CITY OF ST THOMAS solemnly
declare that all the statements contained in this application are true, and I make this solemn
declaration conscientiously believing it to be true, and knowing that it is of the same force and
effect as if made under oath and by virtue of the CANADA EVIDENCE ACT.

Declared before me at the City of St Thomas)
in the County of Elgin)
this 26 day of May, 2016)
Crystal Marie Penney
A Commissioner, etc.

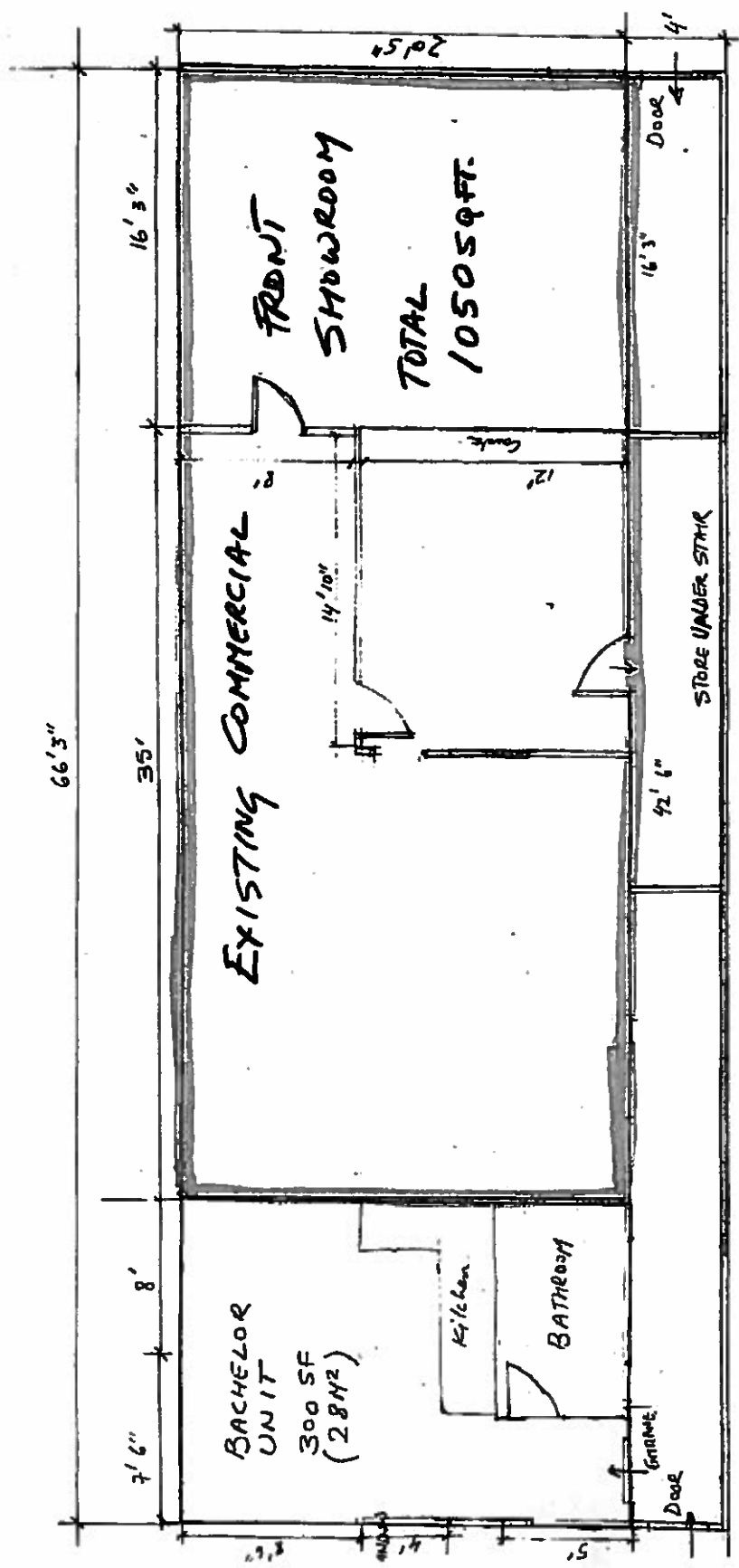
Asrafe Elkhodier signature
Asrafe Elkhodier signature

NOTE: If the applicant is a corporation, the application shall be signed by an officer of the Corporation and the corporation's seal shall be affixed.

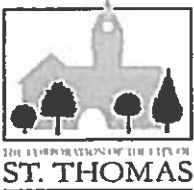
Crystal Marie Penney, a Commissioner, etc.,
Province of Ontario, for the
Corporation of the City of St. Thomas.
Expires September 18, 2016.

353. TALBOT STREET
MAIN FLOOR.

SCALE: NTS



FRONT
TALBOT STREET
-L1-



The Corporation of the City of St. Thomas

Report No.: COA04-2016

Applicant: George Qubty & Ashraf El Khodair

Members of the Committee of Adjustment

Report Date: June 15, 2016
Meeting Date: June 23, 2016

Location: 353 Talbot Street, Registered Plan 15, Part Lot 12, Parts 12, in the City of St. Thomas.

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

Department: Planning and Building Services Department
Prepared by: Steve Craig, Senior Planning Technician

Attachments: Location Plan

Recommendation:

That: Report COA04-2016 be received;

That: Application COA04-2016 be approved;

And That: The Committee should note within its decision that the Committee is approving a maximum of one residential bachelor dwelling unit (28m²) on the ground floor of the existing building, as shown on the floor plan accompanying the subject application.

BACKGROUND:

The applicants are requesting the Committee of Adjustment consider a minor variance application to permit one residential bachelor dwelling unit on the ground floor of the existing building, which is within 25m of Talbot Street.

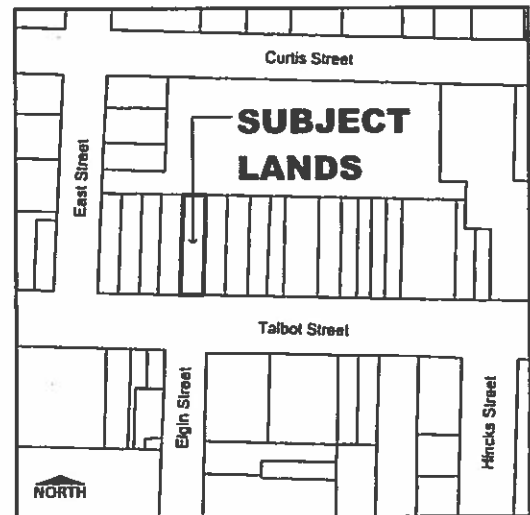
REQUESTED VARIANCE:

- (1) To permit one residential dwelling unit on the ground floor of the existing building, which is within 25m of Talbot Street, whereas Subsection 13.3.3 of the City of St. Thomas Zoning By-Law 50-88 provides that no part of the ground floor of any building which part is within 25m of Talbot Street shall be used for residential purposes.

OFFICIAL PLAN:

- The subject lands are within the Talbot Central designation as shown on Schedule A (Land Use Plan) to the Official Plan for the City of St. Thomas.
- The Talbot Central area extends generally from Metcalfe-Pearl Streets to Manitoba Street between Curtis and Centre Streets. The "Talbot Central" area of the "Downtown" is the historic downtown of St. Thomas and contains the most intensive concentration of pedestrian-oriented retail activities in the City. Retail, service commercial, business and professional office and government administrative office uses occupy ground floor space in the multi-storey buildings lining the Talbot Central portion of Talbot Street, there is relatively little back lot development on those properties.
- Within the Talbot Central designation the permitted uses are pedestrian-oriented retail commercial, eating establishments, cultural, tourism, recreation and entertainment uses, hotel, motel, office, personal service shops and residential uses. Public utilities, institutional uses, public administration buildings and uses, public recreation facilities, parkettes and walkways are also permitted.

Location Plan:



- Residential uses in Talbot Central are encouraged subject to the following policies:
 - i) the renovation or conversion of existing buildings in Talbot Central for residential use is encouraged;
 - ii) the preservation and restoration of heritage features and built form is encouraged as part of any residential renovation, conversion or new construction;
 - iii) residential uses in new buildings in Talbot Central are subject to the policies contained in section 5.2.3.2;
 - iv) new low density residential housing forms such as single detached dwellings, semi detached dwellings, duplexes, triplexes, double duplexes, sixplexes and townhouses are not permitted in Talbot Central; and
 - v) commercial and/or office uses must be provided on the ground floor level of new or existing buildings adjacent to the Talbot Street frontage.

ZONING BY-LAW:

- The subject lands are located within the Downtown Talbot Central Commercial Zone (C2) pursuant to the City of St. Thomas Zoning By-Law No. 50-88, as amended.
- Permitted uses of the C2 zone include a retail store, business office, personal service shop, restaurant, hotel, repair and custom work shop, dry cleaning pick-up station, institution, theatre, recreation centre, newspaper publishing business, private club, bakery, Clinic (Zoning By-Law Amendment 94-2005), uses accessory to the foregoing, and residential purposes, subject to the provisions of Subsection 13.3 (Permitted Residential Uses).
- Subsection 13.3 provides that in addition to the permitted uses, any building in the C2 zone existing at the date of the passing of the Zoning By-Law or any part of any such building may subject to Subsection 13.3.3 be used for any residential purpose. Where a dwelling unit is erected in any such building after the date of the passing of the Zoning By-Law, the floor area of any such dwelling unit shall comply with Subsection 13.3.6.
- Subsection 13.3.3 provides that no part of the ground floor of any building which part is within 25m of Talbot Street shall be used for any residential purpose.
- Subsection 13.3.6 provides that the minimum floor area of any dwelling unit erected in any building in the C2 zone shall be as follows:

<u>Dwelling Unit Type</u>	<u>Floor Area</u>
Bachelor	28m ²
One bedroom	42m ²
Two Bedroom	56m ²
Three Bedroom	70m ²
- There are no parking requirements in the Downtown Talbot Central Commercial Zone (C2).

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 is desirable for the appropriate development or use of the land, building or structure; and
- The variance is minor in nature.

COMMENTS:

- The applicants are requesting the Committee of Adjustment consider a minor variance application to permit one residential bachelor dwelling unit on the ground floor of the existing building, whereas the Downtown Talbot Central Commercial Zone (C2) provides that no part of the ground floor of any building which part is within 25m of Talbot Street shall be used for residential purposes.
- The proposed bachelor dwelling unit will have a maximum floor area of 28m², and access to the dwelling unit will be through the back of the existing building. The balance of the ground floor area will continue to be used for commercial purposes, and to provide access to the existing residential dwelling units on the second and third floor.
- In Staff's opinion the proposed variance meets the general intent and purpose of the Official Plan and Zoning By-law, is minor in nature, and is desirable and appropriate for the use of the lands, thereby satisfying the four tests, as set out in Section 45 of the Planning Act. Therefore, planning staff recommends that minor variance application COA04-2016 be approved.

Respectfully submitted,


Steve Craig
Senior Planning Technician

Patrick J. C. Keenan
Director of Planning & Building Services



All correspondence to be addressed to:

City of St. Thomas
Planning & Building Services Dept
9 Mondamin Street
St. Thomas, ON
N5P 2T9
Telephone: (519) 633-2560
Fax: (519) 633-6581

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

May 27th, 2016

Secretary-Treasurer, Committee of Adjustment
Attention: Melanie Knapp

Pursuant to By-Law 30-2015, multiple consultation meetings were held with Planning Department Staff and the applicant.

An application for Consent, regarding 10 Ontario Road, was received on May 26th, 2016.

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,



Patrick J. C. Keenan
Director of Planning & Building Services

bowsher + bowsher

L A W F I R M

DELIVERED

May 26, 2016

File: 17676.8

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

Re: BRAAMS Consent Application: 10 Ontario Road, St. Thomas ON – RE-SUBMISSION

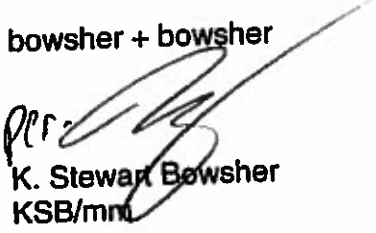
Please find attached our client's application for consent to sever on the above-noted property as well as the application fee of \$450.00.

In addition, we have included 5 copies of the sketch as well as a partial copy of a draft R Plan for your information.

Please let us know if you require anything further. Thank you very much for your assistance in this matter.

Yours truly,


bowsher + bowsher


K. Stewart Bowsher
KSB/mml
Encl.

-
- K. Stewart Bowsher, B.A., L.L.B.
 - Alice J. (Bowsher) Burgess B.A. (Hon) LL.B.
 - Lane E. (Bowsher) Walker B.Sc. (Hon) LL.B

Ph.: 519-633-3301
Fax: 519-633-5995

2 Second Avenue
St. Thomas, ON
N5R 5S7

 <p>ST. THOMAS</p>	FORM 1 PLANNING ACT	Application No. <u>304 / 16.</u>
	APPLICATION FOR CONSENT	Received <u>May 26 / 16</u>
	CITY OF ST. THOMAS	

This application must be filed with the Secretary-Treasurer of the Committee of Adjustment and must be accompanied by 3 copies of a property sketch and any documents relating to the application along with a fee of \$450.00, payable to the City of St. Thomas; additionally, for the stamping of deeds or issuances of certificates of official, an additional fee of \$200.00, payable to the City of St. Thomas, will be required at the time of stamping or issuance.

* Please note that in accordance with By-Law 30-2015, consultation with the Planning Department must take place prior to the submission of an application.*

1. Name of approval authority. City of St. Thomas Committee of Adjustment

2. Date application deemed complete by municipality. _____

3. Name of registered owner. Braam's Woodcraft Inc.
 Telephone Number 519-631-8138 Fax Number 519-631-8195
 Address 10 Ontario Road, St. Thomas, Ontario
 Postal Code N5P 3N4 Email _____

Name of solicitor or authorized agent (if any) K. Stewart Bowsher
 Telephone Number 519-633-3301 Fax Number 519-633-5995
 Address 2 Second Avenue, St. Thomas, Ontario
 Postal Code N5R 5S5 Email _____

Please specify to whom all communications should be sent:

☐ Registered owner ☒ Solicitor ☐ Agent

4. Name of person(s) (purchaser, lessee, mortgagee, etc.) to whom land or interest in land is intended to be conveyed, leased or mortgaged.
Elain Chrysler

5. Location and description of subject land:

Street Address 10 Ontario Road Assessment Roll No. 3421-020-200-05000
 Registered Plan No. 287 Lot(s) No. Part Lot 6
 Reference Plan No. n/a Part(s) No. n/a
 Concession n/a Lot(s) No. n/a

6. Current Size of Subject Parcel (in metres/hectares):

Frontage 230.90m Depth 144.78m Width variable

7. Are there any easements or restrictive covenants affecting the subject land: ☐ Yes ☒ No

If "yes" describe the easement/covenant and its effect:

8. Type and purpose of proposed transaction: (check appropriate box)

Transfer: ☒ creation of a new lot Other: ☐ mortgage/charge

☐ addition to a lot

☐ lease

☐ easement/right-of-way

☐ correction of title

☒ other (specify) and creation of an easement for storm water

applicant's initials KSB

B04116 - 23 -

Consent Application No. not yet assigned. 2

9. Number of new lots (including retained lot) proposed: 2

10. PROPOSED SEVERED LOT

a.) Description and use of land intended to be severed (in metres/hectares):

Frontage 79.79m Depth 78.56m Area 6268.30m²

Existing Use cabinet manufacturing

Proposed Use automobile sales building

b.) Number and use of buildings and structures (both existing and proposed) on the land intended to be severed:

Existing none

Proposed one

c.) Type of water supply & sanitary sewage disposal to proposed Severed lot (locate on sketch):

TYPE ☒ Municipal Water & Sewer ☐ Municipal Water & Private Sewer

☐ Municipal Sewer & Well ☐ Well & Private Sewer System

☐ Other (specify) _____

d.) Access to proposed severed lot:

☒ municipal road ☐ provincial highway ☐ county road ☐ private

11. PROPOSED RETAINED LOT

a.) Description and use of lands to be retained (in metres/hectares):

Frontage 152.29m Depth 144.78m Area 22,048.55m²

Existing Use cabinet manufacturing

Proposed Use cabinet manufacturing

b.) Number and use of buildings and structures (both existing and proposed) on the land intended to be retained:

Existing one

Proposed one

c.) Type of water supply & sanitary sewage disposal to proposed Retained lot (locate on sketch):

TYPE ☒ Municipal Water & Sewer ☐ Municipal Water & Private Sewer

☐ Municipal Sewer & Well ☐ Well & Private Sewer System

☐ Other (specify) _____

d.) Access to proposed retained lot:

☒ municipal road ☐ provincial highway ☐ county road ☐ private

12. When will water supply and sewage disposal services be available?

3/19/2015

applicant's initials

KSB

Consent Application No. _____

3

13. a.) Have there been any previous severances of land from this holding? ☐ 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 name _____

Use of parcel _____

Date parcel created _____

14. What is the current Zoning land use designation of the subject property?

commercial

15. What is the current Official Plan land designation of the subject property?

commercial

16. Has the parcel ever been the subject of an application for approval of a plan of subdivision under Section 51 or a consent under Section 53 of the Act, as amended, or its predecessors?

☐ Yes ☒ No If yes, please indicate the file number and the status: _____

17. Please indicate whether the property is the subject of an application for one of the following:

☐ Official plan or official plan amendment approval ☐ Zoning by-law amendment

☐ Minister's zoning order amendment ☐ Plan of subdivision approval

If known, indicate the file number and status of the foregoing application(s): _____

18. Is the owner, solicitor or agent applying for additional consents on this holding simultaneously with this application, or considering applying for additional consents in the future?

☒ Yes ☒ No

19. Is the owner, solicitor or agent applying for any minor variance or permission under Section 45 of the Planning Act, R.S.O. 1990, as amended, in relation to any land that is the subject of this application?

☐ Yes ☐ No

20. Is the application consistent with policy statements issued under subsection 3(1) of the Ontario Planning Act?

☒ Yes ☐ No

21. Is the subject land within an area designated under any provincial plan or plans?

☐ Yes ☒ No

If yes, does the application conform to or does not conflict with the applicable provincial plan or Plans. _____

Other Comments:

In addition to the lot severance, the retained
parcel requires a storm water easement over
the westerly limit of the severed parcel of 1.52m x 79.79m

3/19/2015

applicant's initials

EB MM

Consent Application No. B04/16

5

AUTHORIZATION

(Please see note below)

To: Assistant-Secretary Treasurer
Committee of Adjustment
City of St. Thomas

Description and Location of Subject Lands:

Municipal Address 10 Ontario Road, St. Thomas ON, N5P3N4
Legal Description Plan 287, part Lot 6

I/We, The undersigned, being the registered owner(s) of the above lands hereby authorize

K. Stewart Bowsher St. Thomas to:
(Agent's Name/Name) (Agent's City/Town of Residence)

- (1) make an application on my behalf to the City of St. Thomas Committee of Adjustment;
- (2) appear on my behalf at any hearing(s) of the application; and
- (3) provide any information or material required by the Committee of Adjustment relevant to the application.

Please Print Names in Block Letters Below Signatures

Dated at the City of St. Thomas in the County of Elgin
(City/Town) (Name of City/Town) (County/District) (Name of County/District)

this 12 day of May, 2016. Braam's Woodcraft Inc.

Signature of Witness
Print Name K. Stewart Bowsher

Signature of Owner Peter Braam Pres
Print Name Peter Braam

Signature of Witness
Print Name _____

Signature of Joint Owner
Print Name _____

Signature of Witness
Print Name _____

Signature of Joint Owner
Print Name _____

Note: This form is only to be used for applications, which are to be signed by someone other than the owner.

Consent Application No. B04/116

4

22. a.) The applicant/owner/agent hereby consents to disclosure of the information contained in this application pursuant to Section 32(b) of Bill 49, Chapter 63, S.O. 1989, being an act to provide for Freedom of Information and Protection of Individual Privacy in municipalities and local boards.

b.) The applicant/owner/agent acknowledges that he/she is aware that any cost incurred over and above the application fee submitted, as a result of the application being subject to:

- the submission of additional information
- the entering into of an agreement with the Corporation of the City of St. Thomas
- an Ontario Municipal Board hearing

is the responsibility of the applicant/owner, and the Applicant/owner agrees to pay any such additional fee.

c.) The applicant/owner hereby authorizes the committee of adjustment members and city staff to enter onto the subject property for the purpose of site inspections with respect to this application.

Dated at the CITY of ST. THOMAS this
(City/Town) (Name of City or Town)

12 day of May, 2016

K. Stewart Bowsher

(signature of applicant, solicitor or authorized agent)

I, K. Stewart Bowsher ST. THOMAS in
the County/District/Regional Municipality of Elgin solemnly
declare that all the statements contained in this application are true, and I make this solemn
declaration conscientiously believing it to be true, and knowing that it is of the same force and
effect as if made under oath and by virtue of the CANADA EVIDENCE ACT.

Declared before me at the
City of St. Thomas
in the County of Elgin
this 12 day of May, 2016

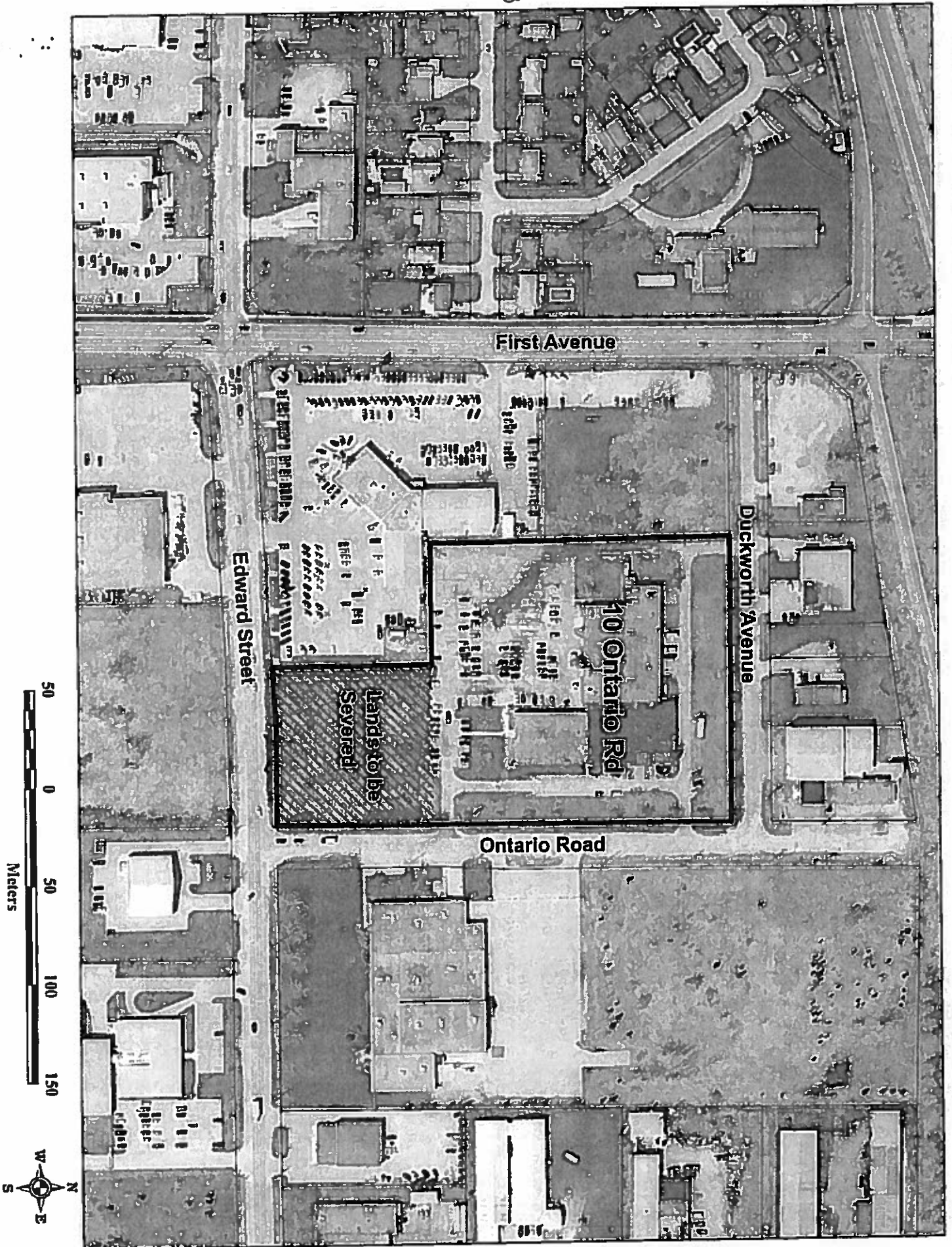
K. Stewart Bowsher

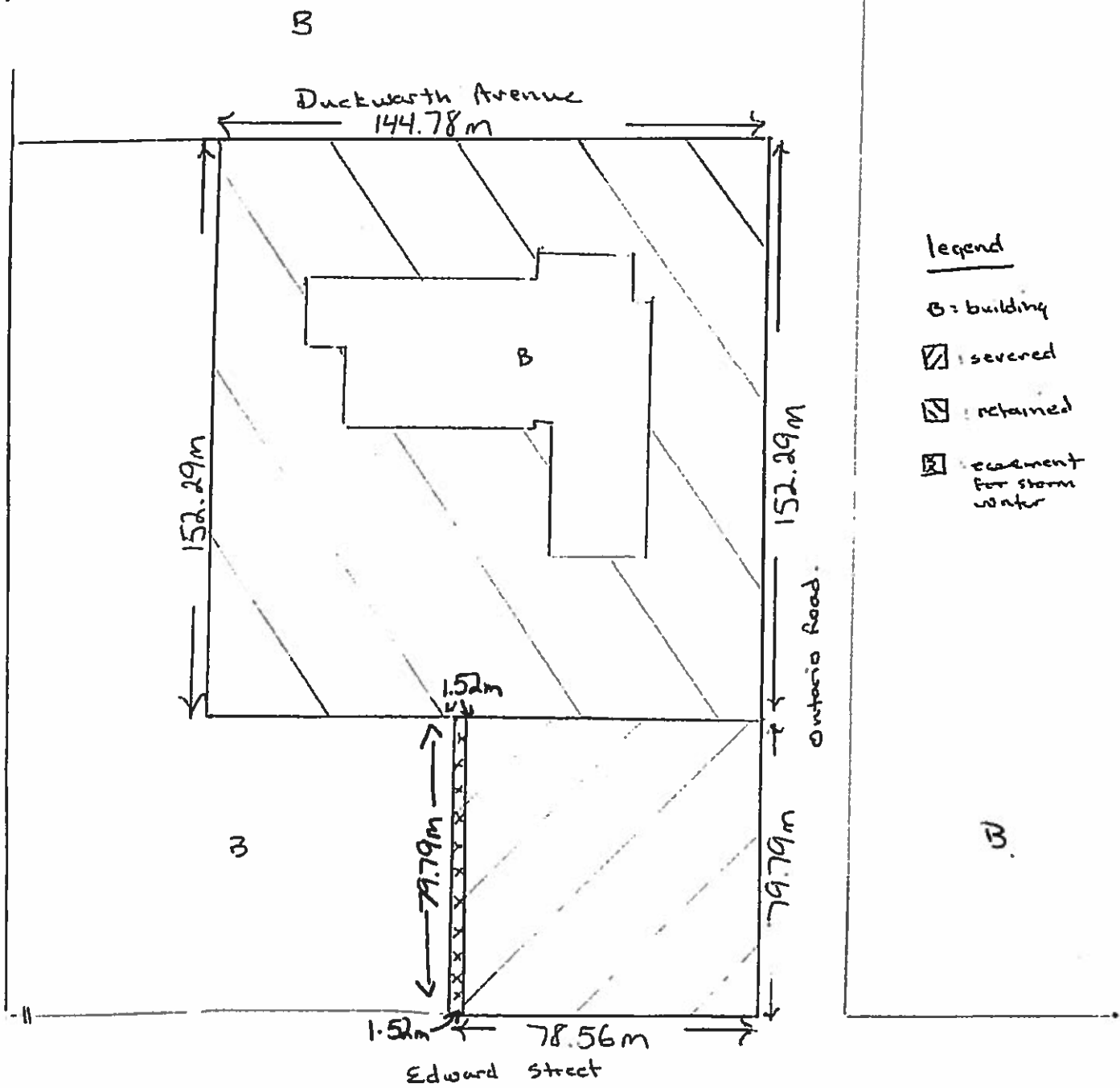
signature

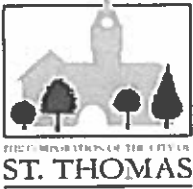
signature

[Signature]
A Commissioner, etc.

NOTE: If the applicant is a corporation, the application shall be signed by an officer of the corporation and the corporation's seal shall be affixed.







The Corporation of the City of St. Thomas

Report No.: B04-2016

Applicant: Braam's Woodcraft Inc.

Directed to: Members of the Committee of Adjustment

Report Date: June 15, 2016
Meeting Date: June 23, 2016

Location: Registered Plan 287, Part Lot 6, Municipally known as 10 Ontario Road, in the City of St. Thomas

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

Department: Planning Department
Prepared by: Steve Craig, Senior Planning Technician

Attachments: Location Plan; and Aerial Photograph.

Recommendation:

That: Report B04-2016 be received;

That: Application B04-2016 be approved;

And That: Staff recommends the following conditions:

- That purchaser of the retained lot enter into a development agreement with the City of St. Thomas;
- The payment of cash-in-lieu of the dedication of 2% of the land for parkland purposes;
- The applicant convey to the City of St. Thomas, free of all costs a road widening along Edward Street; and
- That the City of St. Thomas be provided with a copy of the Reference Plan.

Origin

Consent application B04-2016 has been filed for the purpose of creating a vacant lot proposed to be developed for automobile sales, and an easement for storm water management purposes.

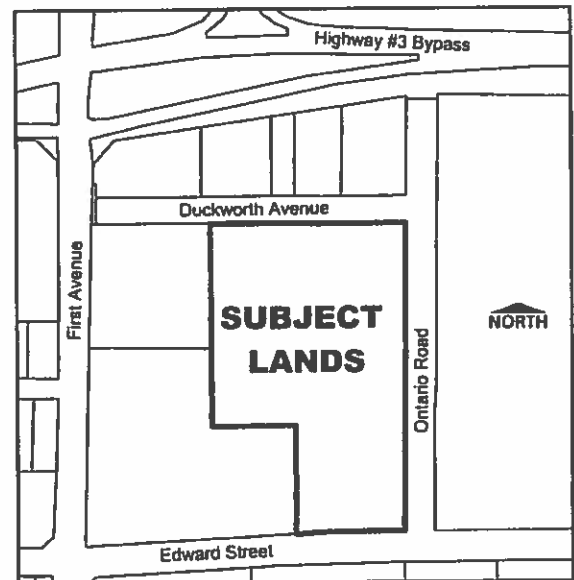
Proposal

The applicant through consent application B04/16, is proposing to sever a vacant lot with frontage of 78.5m along Edward Street and an area of 6,268.3m². It is proposed that the severed lot will be used for automobile sales. The applicant is proposing to retain a lot with frontage of 152.2m along Ontario Road and an area of 22,048.5m², containing one building (Braam's Custom Cabinets). It is proposed that the retained lot will continue to be used for cabinet manufacturing. The applicant is also proposing to create a 1.5m x 79.7m easement over part of the severed lot in favor of the retained lot for storm water management purposes.

Official Plan

- The subject lands are within the Industrial designation, as shown on Schedule A (Land Use Plan) to the Official Plan for the City of St. Thomas.
- The Industrial designation means the predominant use of land is for industrial uses, including manufacturing, the processing of goods and raw materials, warehousing and bulk storage of goods.
- Other uses permitted are park and open space areas, public and institutional uses, commercial recreational facilities, financial institutions, restaurants, veterinary clinics, automobile body shops, gas and service stations, halls for fraternal organizations, provided the function of these uses are not in conflict with the development and operation of the area for industrial uses.

Location Plan:



- Schedule B (Roads Plan) to the Official Plan of the City of St. Thomas classifies Edward Street as a minor arterial road.
- Schedule C (Roads Widening Plan) to the Official Plan of the City of St. Thomas identifies Edward Street with a proposed minimum road allowance width of 26m.

Zoning By-Law

- The subject lands are within the General Industrial Zone (M1) pursuant to the City of St. Thomas Zoning By-Law No. 50-88, as amended.
- The General Industrial Zone (M1) permitted uses include warehousing, bulk storage, automotive trade, machine shop, storage of machinery and equipment, industrial repair shop, business of leasing vehicles and equipment, transportation business, railway, automobile service business, wholesale business, animal clinic, auction sale, research, recreation centre, recreation vehicle business, manufacturing, coin-operated car wash, automatic car wash, agriculture, restaurant, dry-cleaning establishment, adult vocational school, printing business, technology development, adult entertainment parlour and uses accessory to the foregoing.
- Minimum lot area - No minimum.
- Minimum front yard depth - 6m.
- Minimum rear yard depth - 1m.
- Minimum side yard depth for an interior lot - The total depth of both side yards shall not be less than 6m, but neither yard shall be less than 1m.
- Minimum side yard depth for an exterior lot - The minimum exterior side yard depth shall be 6m. the minimum interior side yard depth shall be 1m.
- Maximum height - No maximum.
- Minimum Parking Spaces - 53 parking spaces for a Manufacturing Use.

Comments

- In accordance with the City of St. Thomas Official Plan the applicant will need to convey sufficient lands along the entire frontage of Edward Street to the City of St. Thomas to provide for a future road allowance width of 26m.
- The width and area of the proposed storm water management easement will need to be reviewed and approved by the City of St. Thomas prior to final approval.
- Staff are recommending a development agreement as a condition of approval of consent application B04-2016, the development agreement will set out the parameters for the future development of the severed lands.
- In staffs opinion the proposed consent complies with the 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 B04-2016 is supportable.

Respectfully submitted,



Steve Craig
Senior Planning Technician

