

A G E N D A

THE SECOND MEETING OF THE COMMITTEE OF ADJUSTMENT OF THE CITY OF ST. THOMAS 2017

**COMMITTEE ROOM #309
CITY HALL**

10:00 A.M.

**THURSDAY
FEBRUARY 9, 2017**

DISCLOSURE OF INTEREST

MINUTES

Confirmation of the minutes of the meeting held on January 26, 2017.

HEARING OF APPLICATIONS

A02/17 – CAROLYN CHESTERFIELD - 40076 FINGAL LINE **Pages 2-11**

Planning Report – A02/17 **Pages 12-13**

UNFINISHED BUSINESS

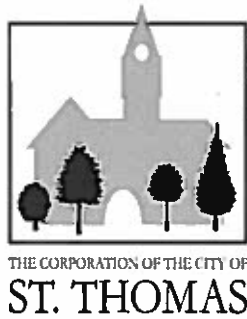
NEW BUSINESS

Next Meeting

To be determined

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 A CONSULTATION MEETING
APPLICATION FOR MINOR VARIANCE

January 12th, 2017

Assistant Secretary-Treasurer, Committee of Adjustment
Attention:, Breanna Pawlak

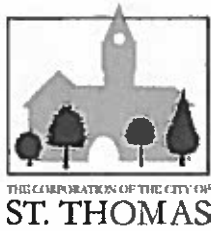
Pursuant to By-Law 30-2015, a consultation meeting regarding a proposed minor variance application for the property owned by Dave and Carolyn Chesterfield was held on January 9th, 2017

The address of the subject property is 40076 Fingal Line.

Yours truly,

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

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



Corporation of the City of St. Thomas CONSULTATION REQUEST FORM

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

All proposals are to be submitted to the City of St. Thomas Planning & Building Services Department. Staff will determine whether the information submitted is sufficient to warrant the scheduling of a consultation meeting. If additional information is required staff will advise the applicant.

Attendants at the meeting will be representatives from the Planning Department and Environmental Services Department. Depending on the nature of the site and proposal, other City staff or outside agencies may also be called on to attend.

Meetings will be scheduled to take place within approximately 15 business days of the submission of a complete Consultation Request Form. Meetings are held in the boardroom of the Planning & Building Services Department, 9 Mondamin Street (lower level of City Hall). Please see attached, **Appendix A** which indicates the predetermined submission deadlines and meeting dates. A consultation meeting will not be scheduled until the required information has been provided.

In addition to those professionals who will be involved with the designing/managing of the development proposal, in all cases, the Owner of the property should also be in attendance at the meeting.

While efforts will be made to schedule a meeting on the applicants preferred date, meetings will be booked on a first come first serve basis. The City reserves the right to limit the number of meetings on any date.

The applicant should be prepared to discuss the proposal in detail and answer general questions about the contents covered within the Consultation Request Form.

Submission Requirements for a Consultation Meeting

A consultation meeting will be scheduled upon receipt of the following information:

- A completed Consultation Request Form with signatures
- (4) full size (24x 36) paper copies and a digital (PDF) version of a concept plan, drawn to scale, which illustrates the proposal and includes the following (where applicable):
 - Existing uses and uses adjacent to the lands
 - Setbacks and gross floor area of the existing and proposed buildings and structures
 - Dimensions and area of the lands
 - Existing and proposed pedestrian and vehicular access and parking areas
 - Adjacent streets with labels
 - Existing trees/vegetation, watercourses, slopes and natural features

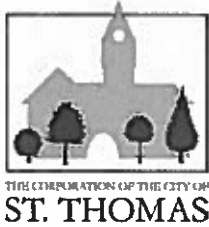
Notes

All measurements are to be in metric, the plan(s) both paper and digital must be to scale; plan(s) must have a north arrow, title block with date, revision block, and a key map showing the general location of the lands.

The submission requirements are minimum requirements. The submission of other plans and/or documents that inform the application are beneficial and will assist staff in their review. These documents may include surveys, building elevations and floor plans, site services and utilities and restrictive covenants or easements, as examples.

For more information regarding the consultation process please contact the Planning Department:

City of St. Thomas Planning & Building Services Department
9 Mondamin Street, St. Thomas, ON, N5P 2T9
Phone: 519-633-2560 Email: planning@stthomas.ca



Corporation of the City of St. Thomas
CONSULTATION REQUEST FORM

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

Office Use: Request Accepted By: Steve Date: 01/06/16 Reference # N/A

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: Carolyn Chesterfield Email: _____
Address: 40076 Fingal Line, St. Thomas,
Postal Code: N5P 3S5 Phone: 519 633 7312 Fax: _____

Applicant/Agent (if applicable)

Name: Blake Chesterfield Email: _____
Company: _____
Address: 6269 Oakview Crescent, Union
Postal Code: N0L 2L0 Phone: 519 282 9323 Fax: _____

Subject Property

Municipal Address: 40076 Fingal Line
Legal Description: CON NTRE LOTS NO. 5 PT LOT 44

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

To erect a storage building (60' x 80')

Current Property Owner

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

<u>Blake Chesterfield</u>	<u>[Signature]</u>	<u>January 10/2016</u>
Owners Name (Print)	Signature of Owner	Date

Appendix A – 2017 Consultation Submission Deadlines and Meeting Schedule

January							February							March						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	2	3	4	5	6	7				1	2	3	4				1	2	3	4
8	9	10	11	12	13	14	5	6	7	8	9	10	11	5	6	7	8	9	10	11
15	16	17	18	19	20	21	12	13	14	15	16	17	18	12	13	14	15	16	17	18
22	23	24	25	26	27	28	19	20	21	22	23	24	25	19	20	21	22	23	24	25
29	30	31					26	27	28					26	27	28	29	30	31	
April							May							June						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
						1		1	2	3	4	5	6					1	2	3
2	3	4	5	6	7	8	7	8	9	10	11	12	13	4	5	6	7	8	9	10
9	10	11	12	13	14	15	14	15	16	17	18	19	20	11	12	13	14	15	16	17
16	17	18	19	20	21	22	21	22	23	24	25	26	27	18	19	20	21	22	23	24
23	24	25	26	27	28	29	28	29	30	31				25	26	27	28	29	30	
30																				
July							August							September						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
						1			1	2	3	4	5						1	2
2	3	4	5	6	7	8	6	7	8	9	10	11	12	3	4	5	6	7	8	9
9	10	11	12	13	14	15	13	14	15	16	17	18	19	10	11	12	13	14	15	16
16	17	18	19	20	21	22	20	21	22	23	24	25	26	17	18	19	20	21	22	23
23	24	25	26	27	28	29	27	28	29	30	31			24	25	26	27	28	29	30
30	31																			
October							November							December						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	2	3	4	5	6	7				1	2	3	4						1	2
8	9	10	11	12	13	14	5	6	7	8	9	10	11	3	4	5	6	7	8	9
15	16	17	18	19	20	21	12	13	14	15	16	17	18	10	11	12	13	14	15	16
22	23	24	25	26	27	28	19	20	21	22	23	24	25	17	18	19	20	21	22	23
29	30	31					26	27	28	29	30			24	25	26	27	28	29	30
														31						

NOTES:

- Meetings will be scheduled within approximately 15 days after submission of a complete consultation request form.
- Meetings are held on Thursday mornings, typically twice monthly, and will be booked on a first-come, first-serve basis.
- The City reserves the right to limit the number of proposals to be reviewed on any scheduled meeting date or to revise the scheduled meeting dates.
- Please note that more than one (1) consultation meeting may be necessary to properly assess the proposal.
- The consultation meeting may also address more than one planning application (if applicable) if suitable materials are submitted for the meeting.
- **For the month of December, if you submit your request by the December 7th deadline, the first meeting of 2018 will be on January 4th. The second meeting will be held on January 18th.**

LEGEND

Submission Deadlines 
Meeting Dates 

For more information regarding the consultation process
please contact the Planning & Building Services Dept:

City of St. Thomas Planning & Building Services Department
9 Mondamin Street, St. Thomas, ON, N5P 2T9
Phone: 519-633-2560 Fax: 519-633-6581 Email: planning@stthomas.ca

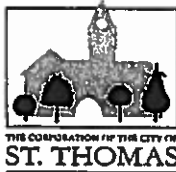
Appendix B – Authorization of Owner

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

I, Carolyn Chesterfield, am the owner of the subject lands, and I authorize
Blake Chesterfield, 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.

January 10/16
Date

Carolyn Chesterfield
Signature of Owner



FORM 1
PLANNING ACT

Application No. A02/17

APPLICATION FOR MINOR VARIANCE

Received

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. _____
3. Name of registered owner. Dave Chesterfield, Carolyn Chesterfield
Telephone Number 519 859 7312 Fax Number _____
Address 40076 Fingal Line, St. Thomas, ON
Postal Code N5P 3S5 Email _____
- Name of solicitor or authorized agent (if any) Blake Chesterfield
Telephone Number 519 862 9323 Fax Number _____
Address 6267 Oakview Cres, Union, ON
Postal Code N4L 2L6 Email ptstanley cottage@gmail.com

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 40076 Fingal Line Assessment Roll No. 3421 03022709600

Registered Plan No. _____ Lot(s) No. _____

Reference Plan No. _____ Part(s) No. _____

Concession N TRE Lot(s) No. S PT LOT 44

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

Frontage _____ Depth _____ Width _____

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

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

Easement for driveway

8. Current Zoning of the subject land?

R 7-4

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

Residential 3 Natural Heritage

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

To erect a 4800 sq. ft. storage building
Subsection 11.2 states that no building
or structure shall be erected.
To permit development on the lot
which does not front on a street.

07/11/2014

applicant's initials RL

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

the purpose to store equipment inside
for security and aesthetic purposes.

12. Current use of subject land Residential13. Length of time current use of subject land has continued Approx 100+

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

1 house : 1 barn

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

Unknown (original farm buildings)

16. Date subject land acquired by the current registered owner: 24 years17. 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 - storage building
* see attached plan.

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 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:

Minor Variance Application No.

A02/17

3

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, Blake Chesterfield of Central Elgin 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 14th day of January, 2008)

[Signature]
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.

JONATHON DARYL HINDLEY, a Commissioner, etc.,
Province of Ontario, for the Corporation of the City of St. Thomas.
Expires March 23, 2018.

25/11/2008

applicant's initials

☐

Minor Variance Application No. A02/17

4

AUTHORIZATION

(Please see note below)

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

Description and Location of Subject Lands:

Municipal Address 40076 Fingal Lane, St. Thomas NSP355

Legal Description CON NTRE Lots SPT Lot 44

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

Blake Chesterfield to:
(Agent Name/Names) (Agent City/Town of Residents)

- (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 10 day of January, 2017

Signature of Witness
Print Name Blake Chesterfield

Signature of Witness
Print Name _____

Signature of Witness
Print Name _____

Carolya Chesterfield
Signature of Owner
Print Name Carolya Chesterfield

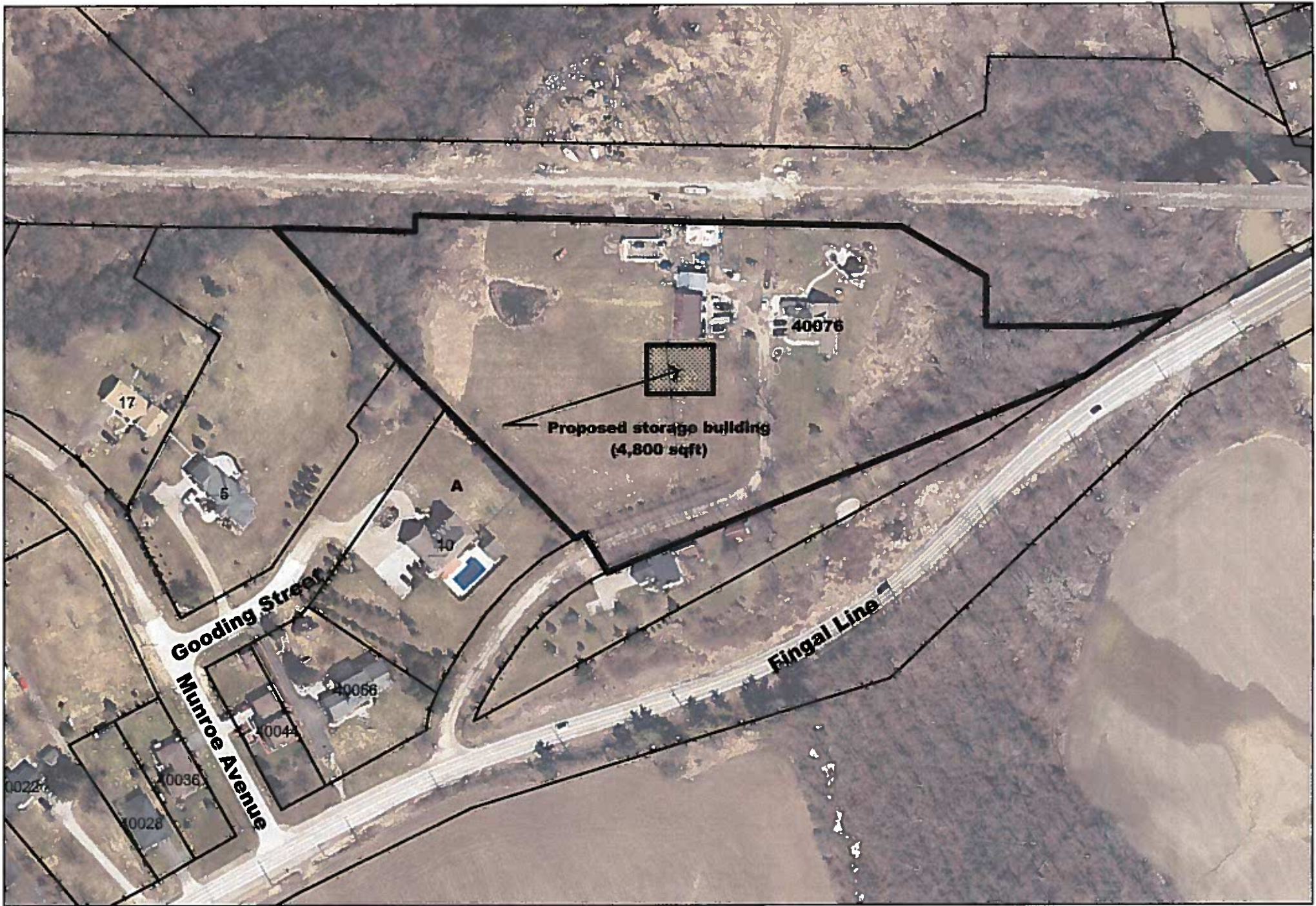
Signature of Joint Owner
Print Name _____

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.

25/11/2008

applicant's initials ☐





The Corporation of the City of St. Thomas

Report No.: COA02-2017

Applicant: Carolyn Chesterfield

Members of the Committee of Adjustment

Report Date: February 1, 2017
Meeting Date: February 9, 2017

Location: 40076 Fingal Line, Concession North of Talbot Road East Branch, Part Lot 44, 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 and 2015 Aerial Photo

Recommendation:

That: Report COA02-2017 be received;

That: Application COA02-2017 be approved;

And That: The Committee should note within its decision that the Committee is approving the erection of a 4,800ft² accessory building on the subject lands for storage purposes.

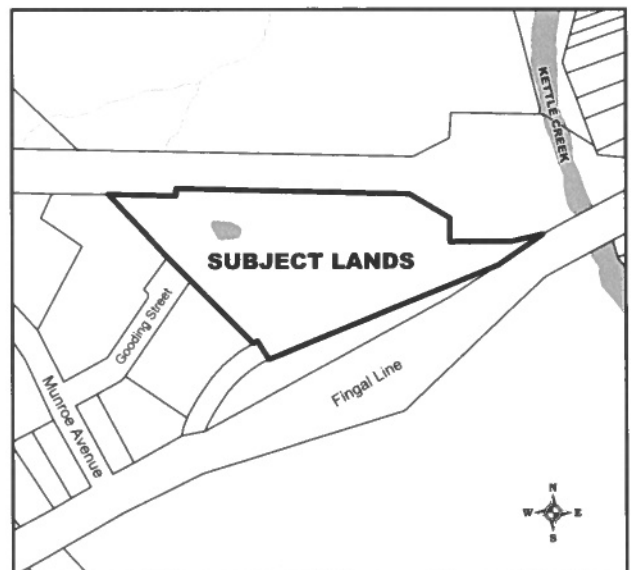
BACKGROUND:

The applicant is requesting the Committee of Adjustment consider a minor variance application to erect a 4,800ft² accessory building on the subject lands for storage purposes. A minor variance is required as the R7-4 zone does not permit a building or structure to be erected. According to the applicant the storage building is required on the site for security and aesthetic purposes.

REQUESTED VARIANCES:

- (i) To permit the erection of a 4,800ft² accessory building on the subject lands, whereas Subsection 11.2 of the City of St. Thomas Zoning By-Law No. 50-88, provides that no building or structure shall be erected within the R7-4 zone.
- (ii) To permit a building or structure to be erected and used on a lot that does not have frontage on a street, whereas Subsection 4.1.5 of the City of St. Thomas Zoning By-Law No. 50-88, provides that no building or structure shall be erected on a lot or used for any purpose unless the lot has the minimum lot frontage required by the Zoning By-Law.

Location Plan:



OFFICIAL PLAN:

- The subject lands are within the Munroe Subdivision area which is a residential enclave situated west of Kettle Creek on the north side of the Fingal Line and bounded on the north by the CN/CP rail line. The area is comprised of a number of small residential land holdings serviced by septic tank and well or septic tank and piped municipal water. Access to the residences is directly from the Fingal Line or from an internal access road that is publicly owned but privately maintained. Based on the planning and servicing reviews completed as part of the South Block Development Area review it was determined that there is insufficient demand for development within this area at this time to warrant the extension of full municipal services west of Kettle Creek along the Fingal Line.
- To ensure proper planning for future development the Munroe Subdivision area is a special policy area and additional policies have been formulated to guide development within this area until the City of St. Thomas urban service area is extended west of Kettle Creek. The following special policies shall apply:
 - (i) In the Munroe Subdivision permitted uses shall be the uses existing as of July 1, 1997.
 - (ii) No new development by way of consent or plan of subdivision shall be approved by the City until such time as an amendment to this Plan addressing policies relating to the extension of the Urban Service Area is adopted. However, consents for technical purposes such as easements or lot additions may be permitted provided the policies of the Plan regarding consents are satisfied.
 - (iii) Nothing in this Plan shall prevent the enlargement, replacement or extension of existing uses provided a certificate of approval for servicing can be obtained from the appropriate approval authority.
 - (iv) The City of St. Thomas Zoning By-Law shall be amended to implement the policies of this subsection.
- The subject lands are within 120m of the of the Natural Heritage designation. Where development and/or site alteration is proposed on lands within 120m of an area designated Natural Heritage, the proponent may be required to prepare an Issues Scoping Report and an Environmental Impact Study that evaluates the ecological functions of the lands proposed for development or site alteration and demonstrates that there will be no negative impacts on the natural heritage features or on their ecological functions. In this particular case the proposed storage building will not be located closer to the natural heritage feature than the existing development on the site, resulting in no new negative impacts to the natural heritage features and/or their functions.

ZONING BY-LAW:

- The subject lands are located within the Residential Development Zone (R7-4) pursuant to the City of St. Thomas Zoning By-Law No. 50-88, as amended. Permitted uses of the Residential Development Zone (R7-4) uses existing at the date of the passing of Zoning By-Law Amendment 116-97 and agriculture.
- In the Residential Development Zone (R7-4) no building or structure shall be erected. Any existing dwelling may be enlarged subject to the requirement of the Zoning By-law.
- The minimum lot area shall be the existing lot area.

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.

2015 Aerial Photograph:**COMMENTS:**

- The first variance is required to permit the erection of a 4,800ft² storage building on the subject lands. The construction of a new storage building on the site is a reasonable request given the amount of land (10.1 Hectares/25 Acres) the owner maintains.
- The second variance is required to permit a storage building to be erected and used on a lot that does not have frontage on a street, as defined by the Zoning By-law. In this particular case development has existed on the site for over 100 years, and access to the subject lands is provided through a lane (Part 2, Plan 11R-5449) owned by the County of Elgin.
- 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 COA02-2017 be approved.

Respectfully submitted,


Steve Craig
Senior Planning Technician