

A G E N D A

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

**COMMITTEE ROOM #309
CITY HALL**

10:00 A.M.

**THURSDAY
OCTOBER 26, 2017**

DISCLOSURE OF INTEREST

MINUTES

Confirmation of the minutes of the meeting held on October 12, 2017.

HEARING OF APPLICATIONS

B08/17 Turris Holdings - 140 Burwell Road

Planning Report - B08/17

UNFINISHED BUSINESS

A10/17 Dave Faseruk - 78-80 Southwick St.

Planning Report - A10/17

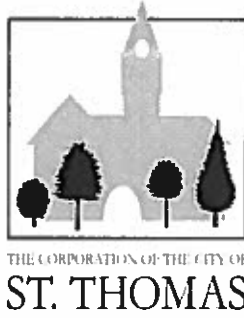
NEW BUSINESS

Next Meeting

November 9, 2017

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

~~City of St. Thomas~~
~~Planning Services~~

SEP 22 2017

City Clerks Dept.

CONFIRMATION OF A COMPLETE APPLICATION APPLICATION FOR CONSENT

September 22nd, 2017

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

Pursuant to By-Law 30-2015, a consultation meeting was held on July 27th, 2017 with Planning Department Staff and the applicant.

An application for Consent, regarding 140 Burwell Road, was received on September 18th, 2017.

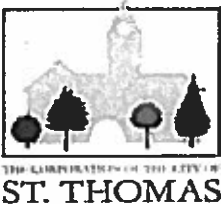
This letter is notice that the information and material required under Subsections 53(2) and 53(3) and the required fee under Section 69 of the Planning Act has been provided and the application for consent is thereby considered complete.

Please contact the Planning & Building Services Department if you have any questions.

Yours truly,



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



FORM 1
PLANNING ACT

Application No. B081 7

APPLICATION FOR CONSENT

Received

ST. THOMAS

CITY OF ST. THOMAS

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 \$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. 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. ***

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

2. Date application deemed complete by municipality. _____

3. Name of registered owner. TURRIS HOLDINGS INC.
Telephone Number 905.877.8885 Fax Number 905.877.8835
Address 70 TODD RD. GEORGETOWN, ON
Postal Code L7G 4R7 Email tim.lang@turris-group.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.

5. Location and description of subject land:

Street Address 140 BURWELL Assessment Roll No. 020-130-17101-0000

Registered Plan No. 281 Lot(s) No. 21

Reference Plan No. 11R1092 Part(s) No. 2

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

Frontage 74m Depth 170m Area 3.3 acres +-

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

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

Storm water easement - B31/89
Bell Communications tower - no affect

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) _____

applicant's initials

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

10. PROPOSED SEVERED LOT - REFER TO ATTACHED LETTER.

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

Frontage _____ Depth _____ Area _____

Existing Use _____

Proposed Use _____

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

Existing _____

Proposed _____

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 _____ Depth _____ Area _____

Existing Use _____

Proposed Use _____

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

Existing _____

Proposed _____

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?

applicant's initials



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 SEE ATTACHED LETTER
Use of parcel _____
Date parcel created _____

14. What is the current Zoning land use designation of the subject property? M2

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

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: SEE ATTACHED LETTER.

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:

applicant's initials

Kd

22. a.) The applicant/owner/agent hereby consents to disclosure of the information contained in this application pursuant to Section 32(b) of the Municipal Freedom of Information and Protection of Privacy Act, RSO 1990.

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 HALTON HILLS of HALTON REGION this
(City/Town) (Name of City or Town)

12 day of SEPTEMBER, 2017.

[Signature]
(signature of applicant, solicitor or authorized agent)

I/We, TURRIS HOLDINGS INC. of the TOWN of
(Name(s)) (City/Town)


HALTON HILLS in the REGION of
(Name of City/Town) (County/District/Regional Municipality)

HALTON
(Name of County/District/Regional Municipality)

solemnly declare that all the statements contained in this application are true, and I/we 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)
TOWN of HALTON HILLS) owner signature
in the REGION of HALTON) I HAVE AUTHORITY TO BIND
this 12 day of SEPT, 20) THE CORPORATION
)
) owner signature
) RICHARD SULLIVAN
)
) corporate owner signature

I have the authority to bind the Corporation.


A Corporation of the City of St. Thomas
EASON LAW
JEFFREY L. EASON
BARRISTER AND SOLICITOR
P.O. Box 180, 116 Guelph Street
HALTON HILLS (Georgetown)
ONTARIO L7G 4T1
Tel: (905) 877-0081/(905) 846-1567
Fax: (905) 877-0725

applicant's initials 



70 Todd Road
Georgetown, Ontario
L7G 4R7 CANADA

P: +1 905 877 8885
F: +1 905 877 8835

September 15, 2017

Consent Application : Scope

Turris Holdings is submitting this application to obtain an easement for the two communications towers located at 140 Burwell Rd in St. Thomas. The consent will allow Turris to secure long-term land control for the communications facilities beyond the allowable 21 years in Ontario. Attached are 5 copies of the site plan showing the location of the communications towers, access and utilities.

Turris Holdings purchased the property in 2015 and obtained a consent (Applications B06/16) from the City of St Thomas to sever approx. 5 acres from the property. The severed parcel was sold to MUMA Manufacturing in St. Thomas in 2016.

The requested easement will not change the current use of the property. Elgin Construction currently leases the property and existing building for its business office and vehicle repair and storage yard. The communications towers are operated remotely and have no personnel working at the facilities other than irregular scheduled and un-scheduled maintenance.

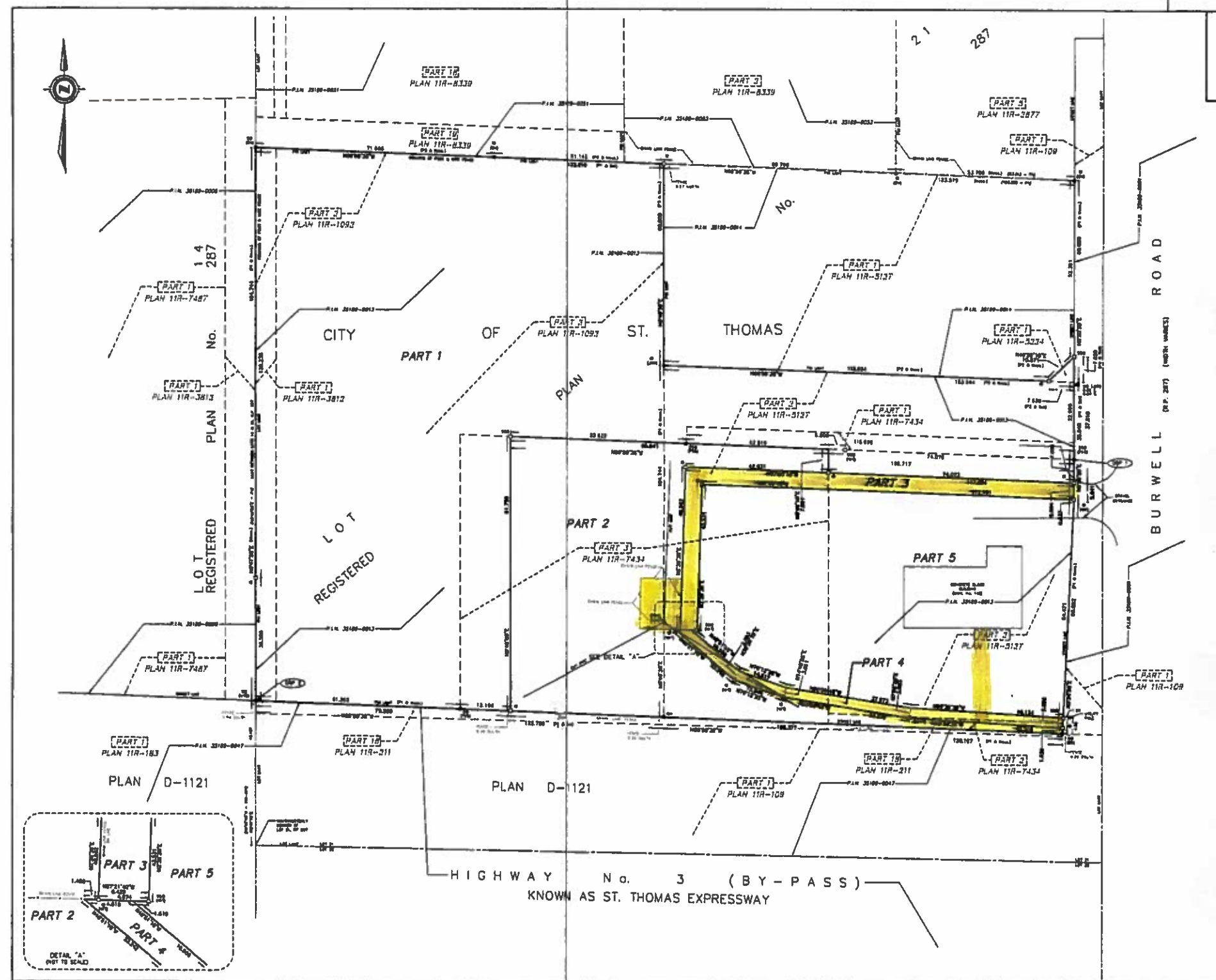
Please reach out to Tim Lang at 226-979-9332 or tim.lang@turris-group.com if you require any additional information or have any concerns.

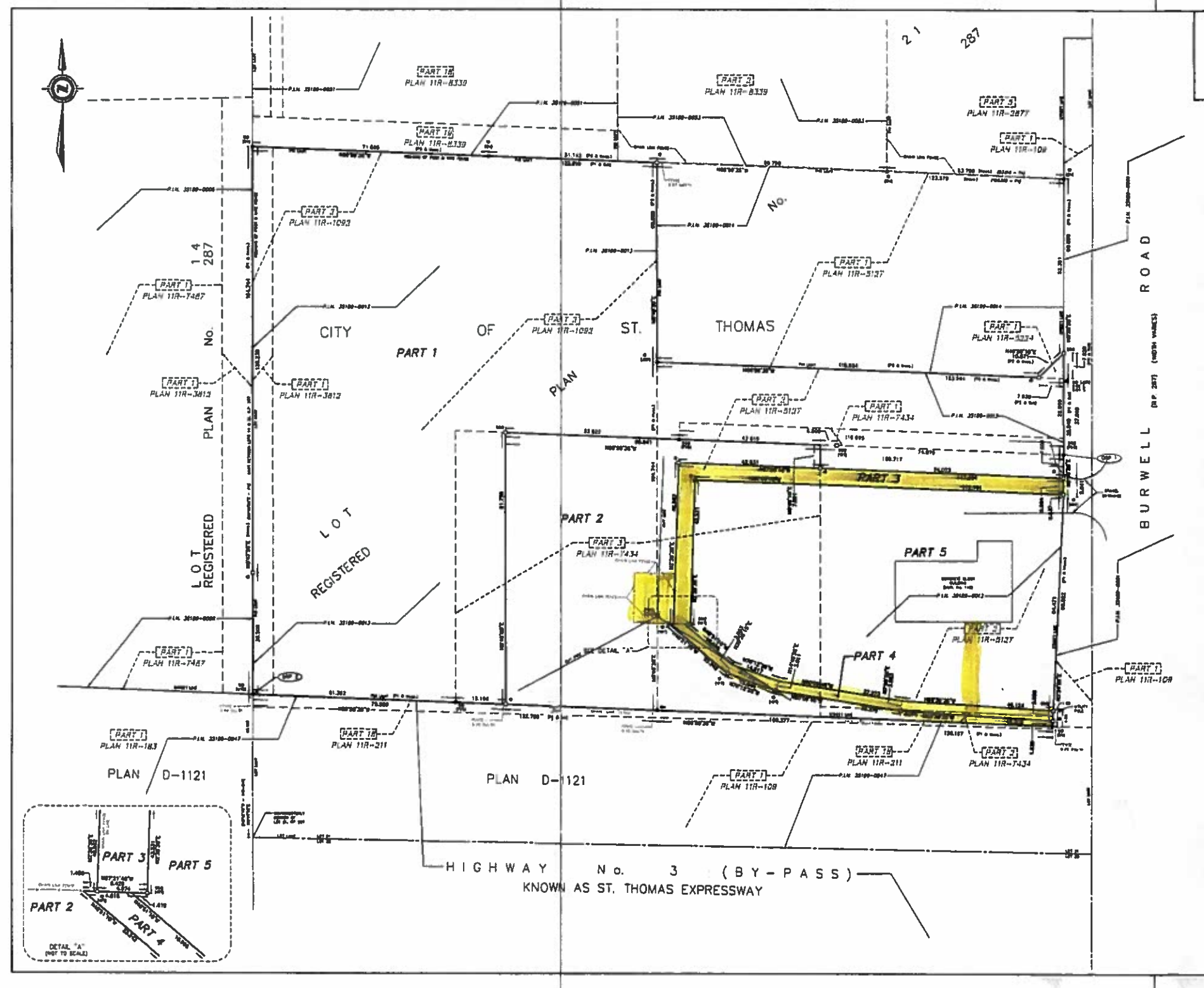
Turris Sites Corp.

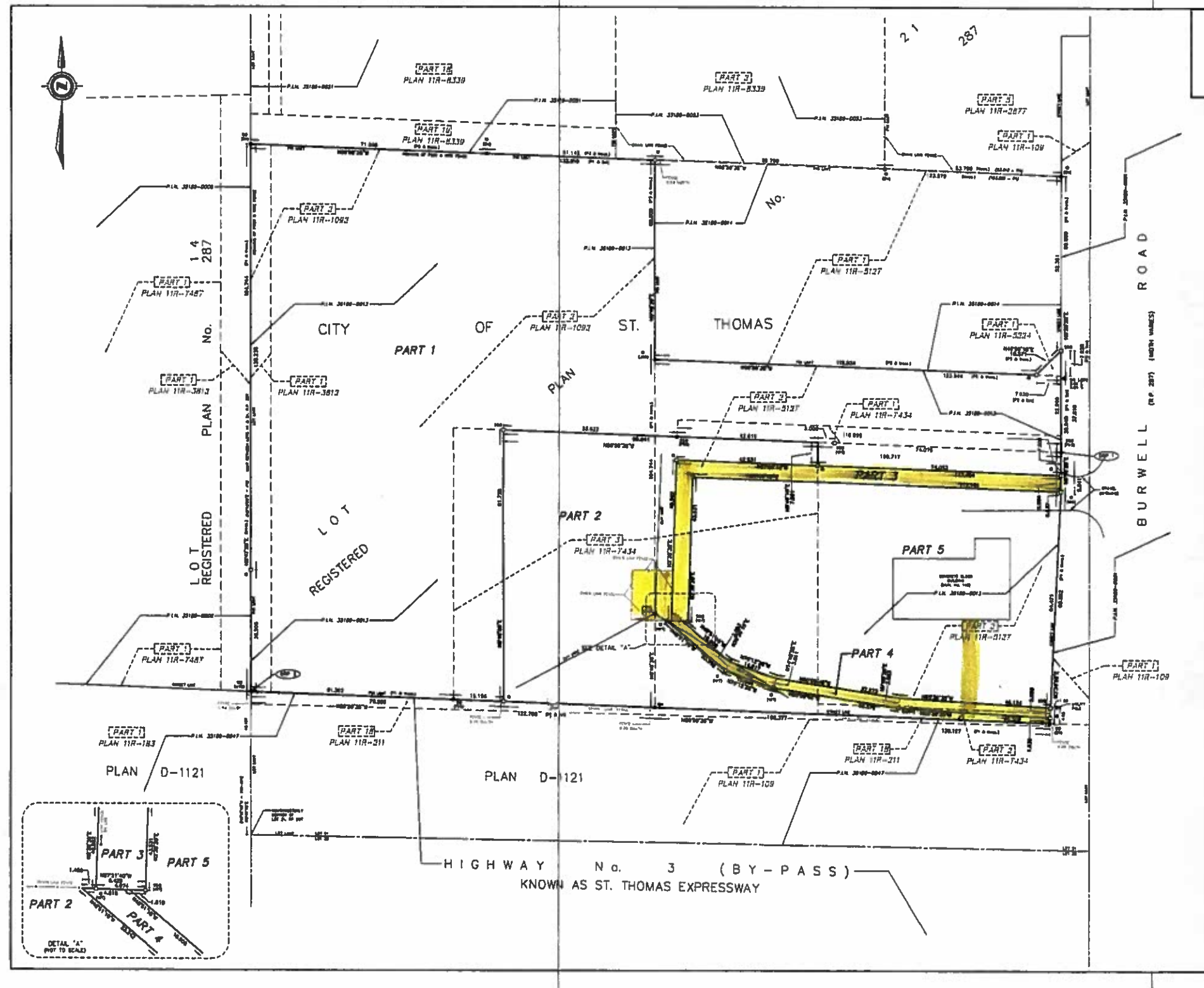
www.turris-group.com

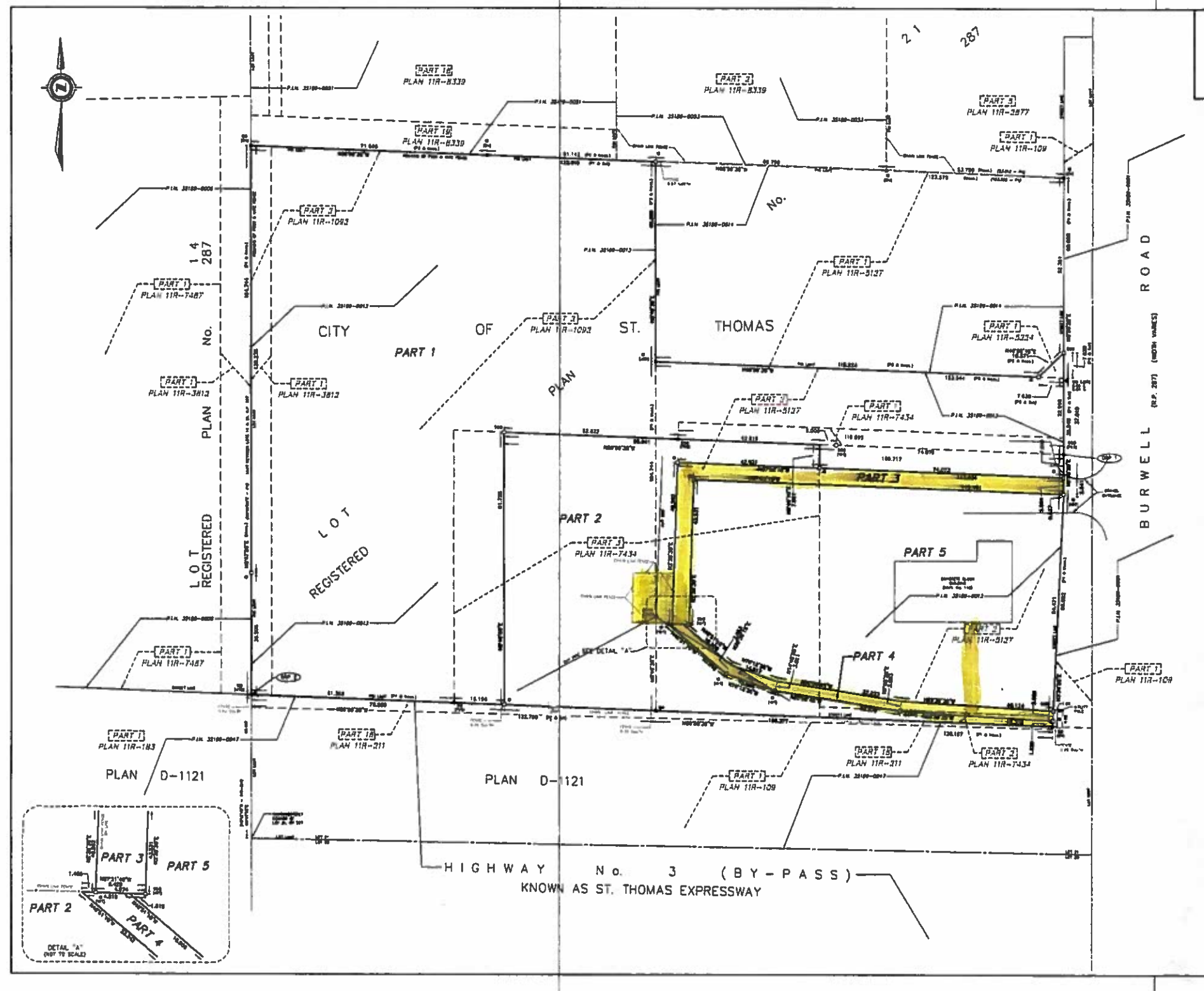


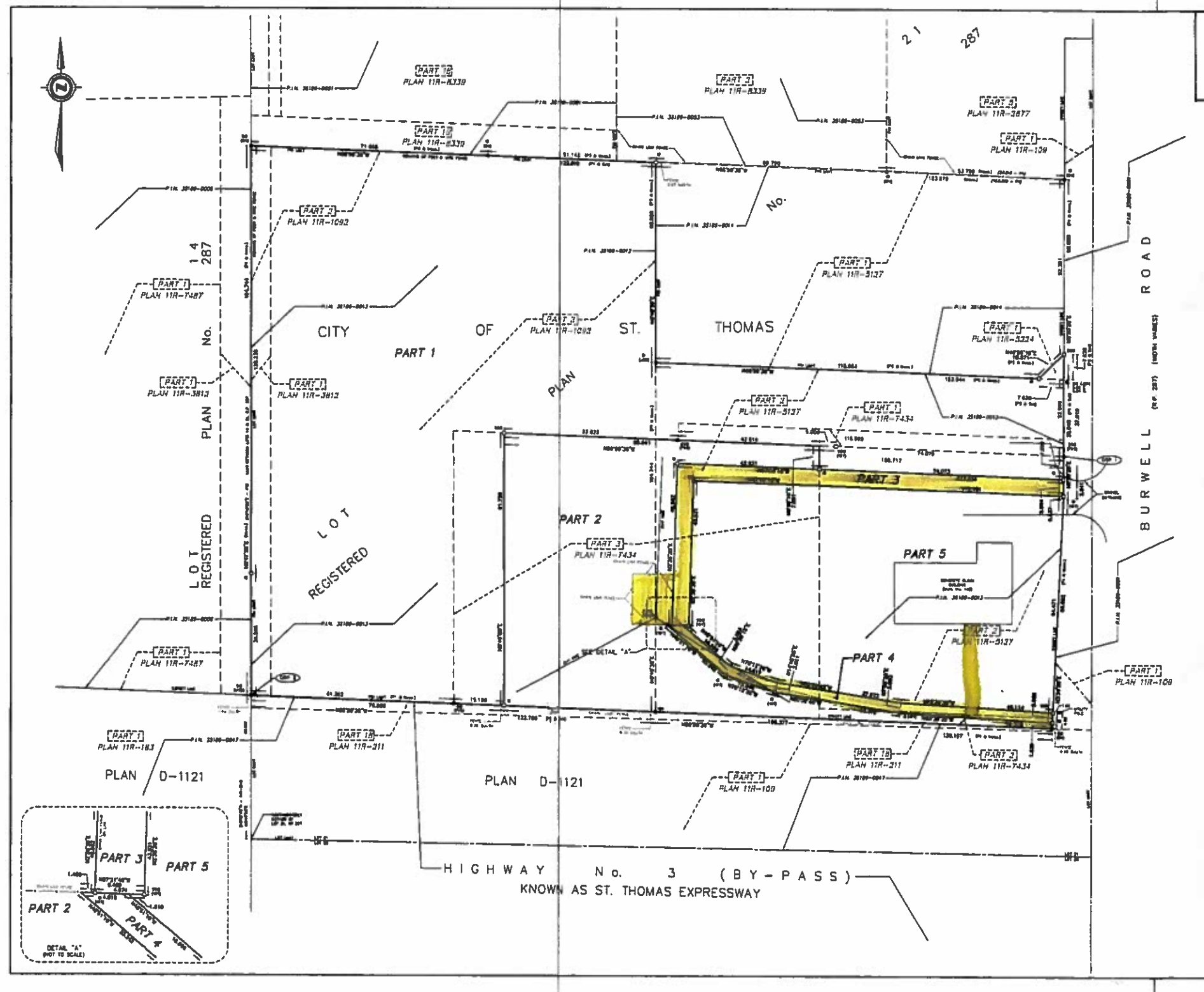
© 2017 Google













The Corporation of the City of St. Thomas

Report No.: B08-2017

Applicant: Turris Holdings Inc.

Directed to: Members of the Committee of Adjustment

Report Date: October 19, 2017
Meeting Date: October 26, 2017

Location: 140 Burwell Road, Plan 287, Part Lot 21, RP 11R-5127, Part 2

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

Recommendation:

That: Report B08-2017 be received.

Proposal

The applicant is seeking consent to create an easement for access and control of two existing communication towers located on the subject lands. The limits of the easement are shown on the Site Plan SK-01, dated September 2017.

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.
- Consents for a right of way or easement are permitted in any land use designation.

Zoning By-Law

- The subject lands are within the Restricted Industrial Zone (M2) pursuant to the City of St. Thomas Zoning By-Law No. 50-88, as amended.
- Permitted uses include warehousing, bulk storage, transportation business, railway, research, technology development, manufacturing, agriculture, builder's depot, builder's supply business, business of leasing, concrete mixing, construction trade, dry cleaning establishment, industrial repair shop, machine shop, wholesale business, storage of construction material, adult entertainment parlour, and uses accessory to the foregoing.

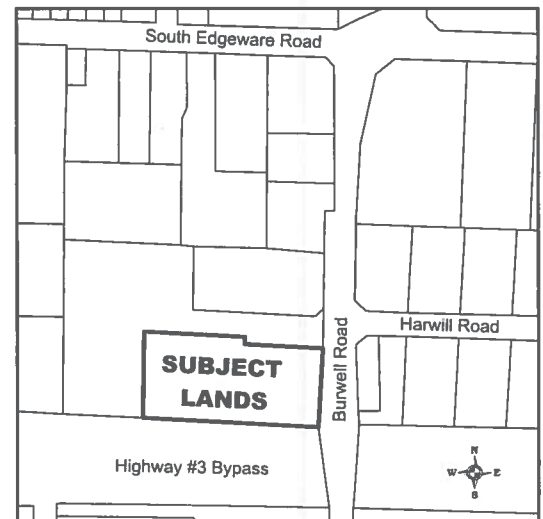
Comments

- 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 B08-2017 is supportable.
- Should the Committee approve consent application B08-2017 planning staff recommends the following condition:
1) The Corporation of the City of St. Thomas be provided with a copy of the reference plan.

Respectfully submitted,

Steve Craig
Senior Planning Technician

Location Plan:



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

City of St. Thomas
Received

SEP 08 2017

City Clerk Dept.



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

September 7th, 2017

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

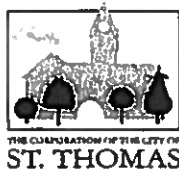
Pursuant to By-Law 30-2015, a consultation meeting was held on August 10th, 2017 with Planning Department Staff and the applicant.

An application for a minor variance, regarding 78-80 Southwick Street, was filed on September 7th, 2017 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



FORM 1
PLANNING ACT

Application No. A10/17

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 faseruk
Telephone Number 519-860-6486 Fax Number _____
Address 78-80 Southwick Street
Postal Code N5R3S7 Email faserukd@gmail.com

Name of solicitor or authorized agent (if any) NA
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.
Royal Bank St. Thomas

5. Location and description of subject land:

Street Address 78-80 Southwick Street Assessment Roll No. 342103030010300

Registered Plan No. 184 Lot(s) No. BLK S, PT LOT 4

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

Concession _____ Lot(s) No. _____

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

Frontage 20.11m Depth 33.83m Width 680.32sqm

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?

R3

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

Residential

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

Permit a maximum of five dwelling units, whereas the R3 Zone permits a maximum of four dwelling units.

07/11/2014

applicant's initials

Minor Variance Application No.

A10/17

2

11. Reasons why the proposal cannot comply with provisions of the By-law:
Proposing to convert the attic space to a new dwelling unit

12. Current use of subject land Residential

13. Length of time current use of subject land has continued Approximately 127 years

14. Number and type of buildings or structures existing on the subject land:
See attached site plan

15. Date of construction of existing buildings and structures on the subject land:
1890

16. Date subject land acquired by the current registered owner: 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:
See attached site 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:

NA ☐ 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:

NA

25/11/2008

applicant's initials



Minor Variance Application No.

A10/17

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 City of St. Thomas this
(City/Town) (Name of City or Town)

7 day of September, ~~200~~ 2017

(signature of applicant, solicitor or authorized agent)

I/we, Dave Faseruk of The City of 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 7th day of September 2017

A Commissioner, etc.

signature

signature

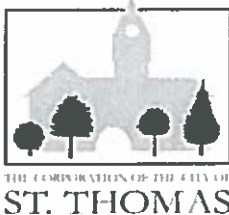
NOTE: If the applicant is a corporation, the application shall be signed by an officer of the Corporation and the corporation's seal shall be affixed.

Crystal Marie Penney, a Commissioner, etc.,
Province of Ontario, for the
Corporation of the City of St. Thomas.
Expires September 18, 2019.

25/11/2008

applicant's initials

COMMITTEE OF ADJUSTMENT
City Clerk's Department



P.O. Box 520, City Hall
St. Thomas, ON. N5P 3V7
Telephone: (519) 631-1680
Ext. 4125
Fax: (519) 633-9019

COMMITTEE OF ADJUSTMENT MEETINGS

The Committee of Adjustment meets on the 2nd and 4th Thursdays of the month, at 10:00 a.m. in Room 309 of City Hall, 545 Talbot Street, St. Thomas Ontario. (excluding the 4th Thursday in December)

20 days
1

<u>To Appear at the Public Meeting held in 2017 on:</u>	<u>Deadline for Completed Application Submission is:</u>
January 12, 2017	December 14, 2016 @ 4:00 p.m.
January 26, 2017	December 28, 2016 @ 4:00 p.m.
February 9, 2017	January 11, 2017 @ 4:00 p.m.
February 23, 2017	January 25, 2017 @ 4:00 p.m.
March 9, 2017	February 8, 2017 @ 4:00 p.m.
March 23, 2017	February 22, 2017 @ 4:00 p.m.
April 13, 2017	March 8, 2017 @ 4:00 p.m.
April 27, 2017	March 22, 2017 @ 4:00 p.m.
May 11, 2017	April 12, 2017 @ 4:00 p.m.
May 25, 2017	April 26, 2017 @ 4:00 p.m.
June 8, 2017	May 10, 2017 @ 4:00 p.m.
June 22, 2017	May 24, 2017 @ 4:00 p.m.
July 13, 2017	June 7, 2017 @ 4:00 p.m.
July 27, 2017	June 21, 2017 @ 4:00 p.m.
August 10, 2017	July 12, 2017 @ 4:00 p.m.
August 24, 2017	July 26, 2017 @ 4:00 p.m.
September 14, 2017	August 9, 2017 @ 4:00 p.m.
September 28, 2017	August 23, 2017 @ 4:00 p.m.
October 12, 2017	September 13, 2017 @ 4:00 p.m.
October 26, 2017	September 27, 2017 @ 4:00 p.m.
November 9, 2017	October 11, 2017 @ 4:00 p.m.
November 23, 2017	October 25, 2017 @ 4:00 p.m.
December 14, 2017	November 8, 2017 @ 4:00 p.m.

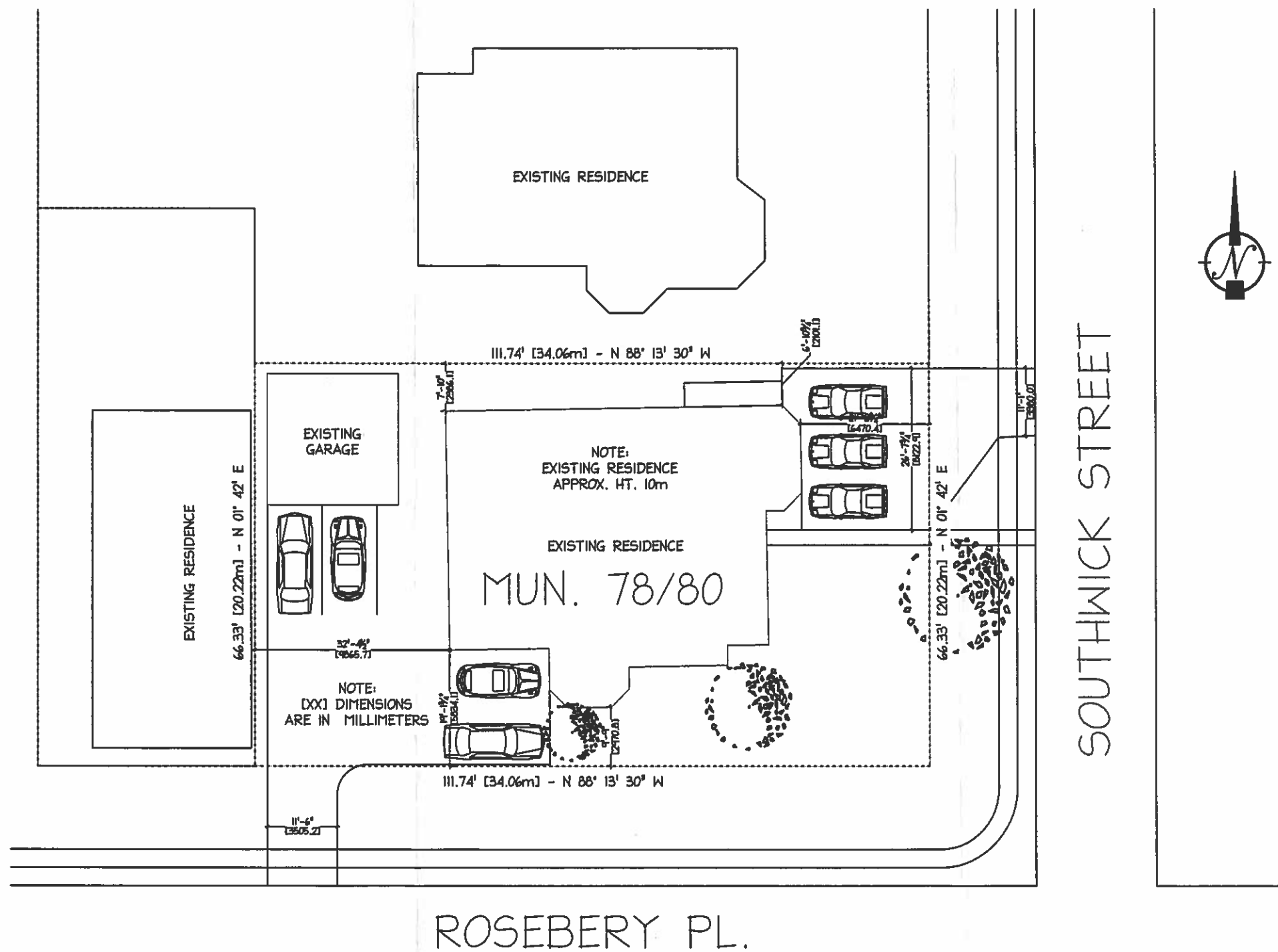
MEMO

DESCRIPTION OF BUILDING 80 SOUTHWICK ST.

THE BUILDING CURRENTLY HAS FOUR RENTAL UNITS, I CURRENTLY OCCUPY THE THREE BEDROOM MAIN FLOOR APARTMENT WHICH IS APPROXIMATELY 2000 SQUARE FEET. THERE IS A BACHELOR UNIT IN THE BASEMENT THAT HAS ITS OWN ENTRANCE, THE UNIT IS SHARED WITH A UTILITY ROOM AND LAUNDRY. THE TWO SECOND FLOOR APARTMENTS ARE BOTH ONE BEDROOM AND HAVE PRIVATE ENCLOSED STAIR CASES.

I WOULD LIKE TO CONVERT THE WALKUP ATTIC TO AN APARTMENT WHICH IS APPROXIMATELY 900 SQUARE FEET.

LEGAL DESCRIPTION:
PLAN 184 BLK 5 PT LOT 4



Site Plan

78/80 Southwick Street

BCIN #: 24170

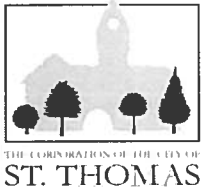
SQUARE FOOTAGE:
1:250
SCALE:

August 15, 2017
DATE:
1 7 1 1
PROJECT No.:

Southpaw Designs

300 SUNSET DRIVE - ST. THOMAS, ONTARIO
(519) 631-8049 (519) 670-9426

51



The Corporation of the City of St. Thomas

Report No.: COA10-2017

Applicant: Dave Faseruk

Members of the Committee of Adjustment

Report Date: September 28, 2017
Meeting Date: October 12, 2017

Location: 78-80 Southwick Street, 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 COA10-2017 be received.

BACKGROUND:

The applicant is proposing to convert the attic space in the existing building into a fifth dwelling unit. Currently the existing building contains four dwelling units; a minor variance is required to permit a fifth dwelling unit, as the Third Residential Zone (R3) permits a maximum of four dwelling units.

REQUESTED VARIANCE:

- (i) To permit 5 dwelling units within the existing converted dwelling, whereas Table 1 to Subsection 7.4, Item Number 7, Column 9 of the City of St. Thomas Zoning By-Law 50-88, provides that the maximum number of dwelling units is 4 per lot for a converted dwelling.

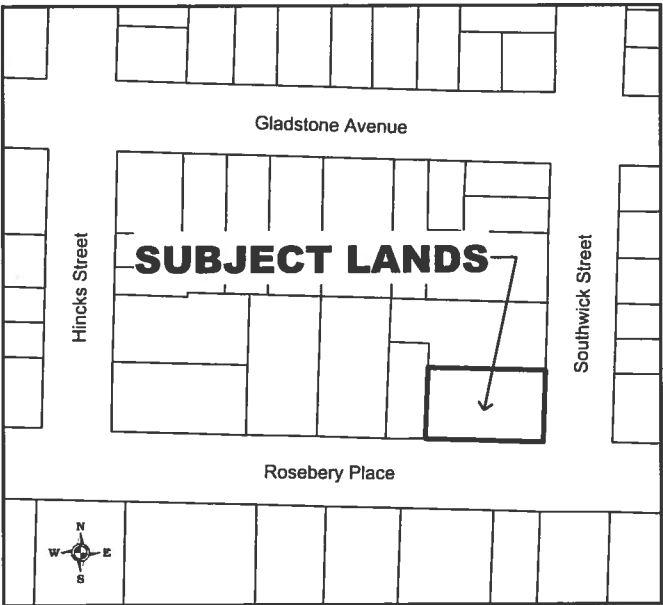
OFFICIAL PLAN:

- 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 of the Official Plan permits low, medium and high density residential use, subject to the policies of the Plan.
- The development of new residential units through the conversion of existing dwelling units is permitted subject to the following policies:
 - adequate minimum dwelling unit areas must be maintained within the converted dwelling;
 - any addition of a dwelling unit must provide adequate front, side and rear yards to protect neighbouring residences;
 - Adequate off-street parking for residents and guests must be provided; however, off-street parking in the front yard located between the dwelling and the street line will be restricted through the implementing restricted area (zoning) by-law;
 - the proposed residential use must be compatible with the density and character of adjacent residential development;
 - adequate municipal services, including storm and sanitary sewers are required; and
 - any increase in traffic movements to and from the site is consistent with existing traffic movements on adjoining streets and the roads are capable of handling the increase in traffic flow.

ZONING BY-LAW:

- The subject lands are located within the Third Residential Zone (R3) pursuant to the City of St. Thomas Zoning By-law No. 50-88, as amended.
- Permitted uses of Third Residential Zone (R3) include a converted dwelling, and uses accessory to the foregoing.
- A converted dwelling is defined as a building in which the number of dwelling units has been increased or decreased since the passing of the Zoning By-law with or without a change in the floor area of the building and where each dwelling unit has an independent entrance or entrances through a common vestibule or hall.
- A dwelling unit is defined as one or more habitable rooms occupied or designed to be occupied by one or more persons as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided for the use of such person or persons.
- The Regulations for a converted dwelling in the Third Residential Zone (R3) include:
 - maximum number of dwelling units - 4 per lot;
 - minimum floor area - bachelor 28m², one bedroom 42m², two bedrooms 56m², and three bedroom 70m²; and
 - minimum number of parking spaces - 1 per dwelling unit.

Location Plan:



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 existing building is a converted dwelling which contains four dwelling units. The owner occupies the main floor three bedroom apartment, part of the basement contains one bachelor apartment, and the second floor contains two one bedroom apartments. The applicant is proposing to convert the attic space (83.61m²/900ft²) in the existing building into a fifth dwelling unit.
- There are three parking spaces in the front yard, two in the exterior side yard and two in the rear yard, which exceeds the Zoning By-laws parking requirements for a converted dwelling. The existing garage in the rear yard can also be used for additional parking if required.
- Aside from the number of dwelling units the conversion of the attic space to a fifth dwelling unit complies with all other regulations in the Zoning By-law.
- In staff's opinion approval of the minor variance would 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 recommend that application COA11-2017 be approved.
- Should the Committee of Adjustment approve minor variance application COA011-2017 staff recommend that the decision reflect that the Committee is permitting a maximum of five dwelling units within the existing converted dwelling.

Respectfully submitted,


Steve Craig
Senior Planning Technician