

## **A G E N D A**

### **THE FOURTEENTH MEETING OF THE COMMITTEE OF ADJUSTMENT OF THE CITY OF ST. THOMAS 2017**

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**COMMITTEE ROOM #315  
CITY HALL**

**10:00 A.M.**

**THURSDAY  
NOVEMBER 9, 2017**

#### **DISCLOSURE OF INTEREST**

#### **MINUTES**

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

#### **HEARING OF APPLICATIONS**

A12/17 - 2232041 Ontario Limited - 32 White Street **Pages 2-8**

Planning Report - A12/17 **Pages 9-10**

#### **UNFINISHED BUSINESS**

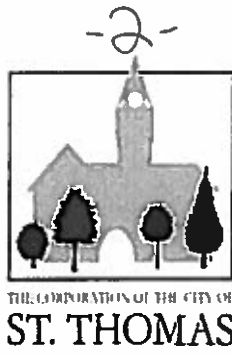
#### **NEW BUSINESS**

Next Meeting

TBD

#### **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**

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## **CONFIRMATION OF AN APPLICATION FOR MINOR VARIANCE**

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September 28<sup>th</sup>, 2017

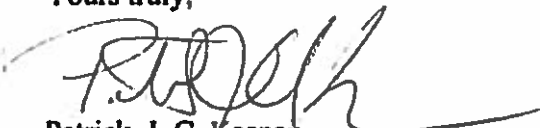
**Assistant Secretary-Treasurer, Committee of Adjustment**  
**Attention: Breanna Pawlak**

Pursuant to By-Law 30-2015, a consultation meeting was held on May 4<sup>th</sup>, 2017 with Planning Department Staff and the applicant.

An application for a minor variance, regarding 32 White Street, was filed on September 27<sup>th</sup>, 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. A12117

APPLICATION FOR MINOR VARIANCE

CITY OF ST. THOMAS

Received

September 29 117

**NOTE:** 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 \$400.00 payable to the City of St. Thomas.

\* Please note that in accordance with By-Law 38-2015, 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. 2232041 Ontario Limited  
Telephone Number 519-637-0700 Fax Number 519-637-0919  
Address 32 White Street St Thomas ON  
Postal Code N5R 3T4 E-mail mark@markawales.ca

Name of solicitor or authorized agent (if any) Mark A Wales  
Telephone Number 519-637-0700 Fax Number 519-637-0919  
Address 32 White Street St Thomas ON  
Postal Code N5R 3T4 E-mail mark@markawales.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.  
2232041 Ontario Limited

5. Location and description of subject land:

Street Address 32 White Street Assessment Roll No. 34 21 030 280 0800

Registered Plan No. \_\_\_\_\_ Lot(s) No. \_\_\_\_\_

Reference Plan No. PLAN 3 BLK F Part(s) No. PT LOTS 1, 2

Concession \_\_\_\_\_ Lot(s) No. \_\_\_\_\_

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

Frontage 24.384m Depth 17.47418m Area 0.04451542ha

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?

CR-2

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

unknown

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

To be allowed to build an addition to the existing building within 1.22m of the property line as the existing by-law restricts any building to within 3m on the rear yard and 2m on the side yard. Requesting relief of 1.78m on the rear yard and 0.8m on the side yard provisions of the by-law.

applicant's initials

[Signature]

Minor Variance Application No.

A12/17

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

The existing business requires additional office space on the subject property to meet their business needs. To build an addition, a reasonable size is required to be built to meet the space requirements of the business and justify the associated construction costs per square metre of the addition.

12. Current use of subject land Commercial - Accounting Offices

13. Length of time current use of subject land has continued 22 years accounting; insurance office prior for a decade and residential before that

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

Single 1.5 storey building with attached garage zoned and used for commercial office space.

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

Unknown

16. Date subject land acquired by the current registered owner: Feb 12, 2010

17. Proposed use of subject land Commercial - Accounting Offices

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:

Build an expansion on the rear and side of the existing building within 1.22m of the side lot (South) and rear lot (West) lines. The existing front lot (East) line and front lot (North) lines to remain at present distances. See diagram for lot proposed addition.

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

N/A - nothing known

24. If known, indicate if the subject land has ever been the subject of an application for minor variance under Section 43 of the Planning Act:

N/A - nothing known

25/11/2008

applicant's initials



Minor Variance Application No. A12/17

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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 33(4) of Bill 43, Chapter 63, S.O. 1993, 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)

27 day of September, 2017.

(Signature of applicant, solicitor or authorized agent)

Mark A Wales, President, 2232041 Ontario Limited

I/We, Mark A Wales of 32 White Street in  
the County/District/Regional Municipality of Elgin County 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 27th day of September, 2017 )

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.

25/11/2008

applicant's initials

MAW

Minor Variance Application No. A12/17

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**AUTHORIZATION**

(Please see note below)

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

**Description and Location of Subject Land:**

Municipal Address 32 White Street, St Thomas ON N5R 3T4

Legal Description Plan 3 BLK F PT Lots 1, 2

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

Mark A Wales of St Thomas for:  
(Agent Name) (Agent 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 my hearing(s) of the application; and
- (3) provide any information or material required by the Committee of Adjustment relevant to the application.

Please Print Name in Block Letters Below Signature

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

this 27th day of September, 20 17.

Signature of Witness  
Print Name Jennifer Whalls

Signature of Witness  
Print Name \_\_\_\_\_

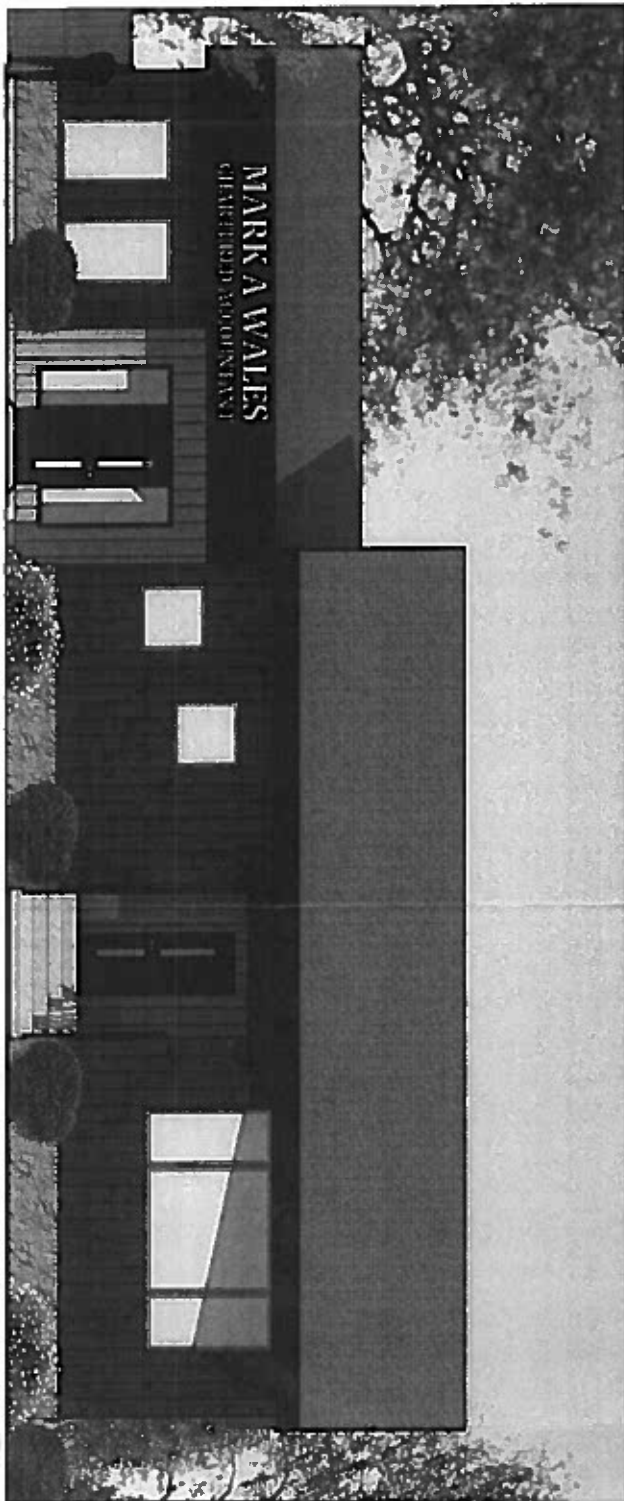
Signature of Witness  
Print Name \_\_\_\_\_

Signature of Owner  
Print Name Mark A Wales, President  
2232041 Ontario Limited

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.



### PROPOSED ADDITION

32 WHITE ST - ST. THOMAS, ON  
MARK A. WALES ACCOUNTING

### EAST ELEVATION (FRONT)

3/16" = 1'-0"

231 Waverley Rd. E. Suite 201  
London, Ontario (N6A 2L3)  
Phone (519) 814-8208  
dmp@dcbruck.com

**DCBRUCK**

### FRONT ELEVATION

SEPT. 25, 2017  
588017

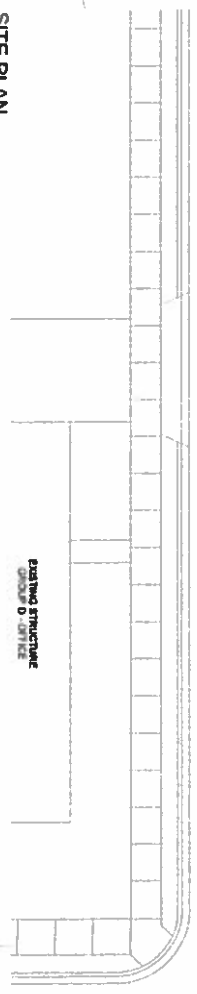
<b>LOT AREA</b>	4,428.15 m <sup>2</sup>	(4,907 m <sup>2</sup> )
<b>LOT COVERAGE</b>		
EXISTING	OFFICE	142 m <sup>2</sup> (1,530 m <sup>2</sup> )
PROPOSED	ADDITION	140 m <sup>2</sup> (1,504 m <sup>2</sup> )
	TOTAL	282 m <sup>2</sup> (3,034 m <sup>2</sup> )
<b>PARKING COVERAGE</b>	11% - 48.5 m <sup>2</sup> (520 m <sup>2</sup> )	
<b>LANDSCAPED OPEN SPACE</b>	22% - 97.5 m <sup>2</sup> (1,057 m <sup>2</sup> )	
<b>BUILDING HEIGHT</b>	9.0 m MAX	
<b>PROPOSED ADDITION HEIGHT</b>	8.2m (26'-7") ONE STOREY	



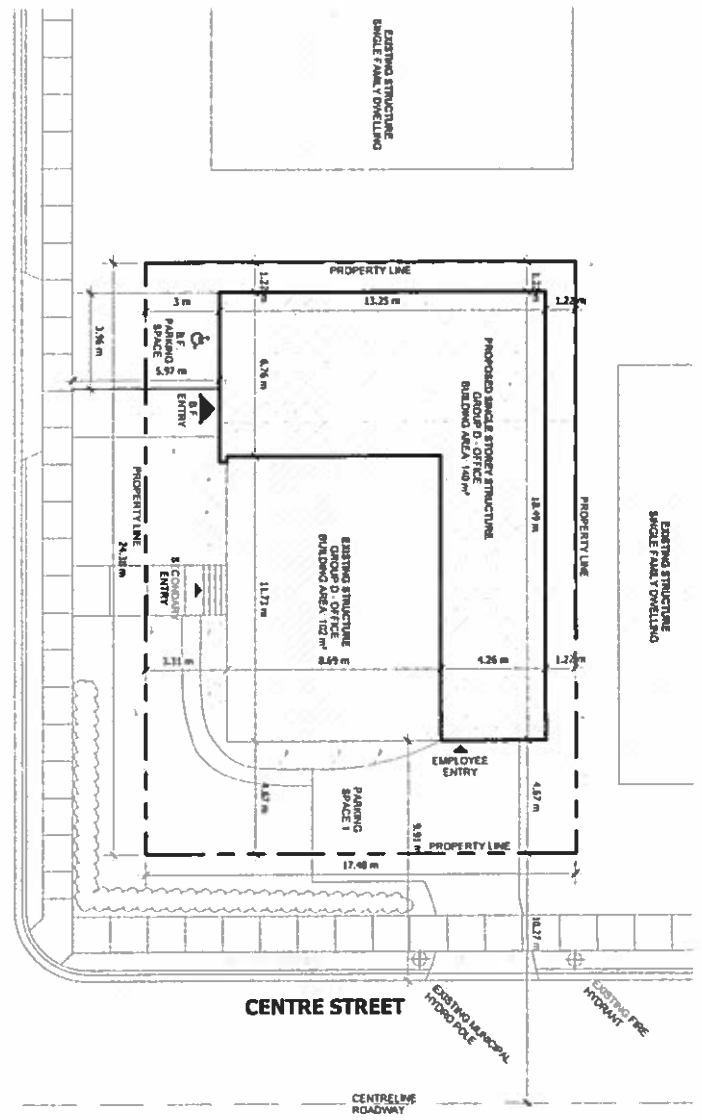
**SITE PLAN**  
1/16" = 1'-0"

231 Waverston Rd. S. Suite 201  
London, Ontario N6H 2Y1  
Tel: (519) 815-4200  
Fax: (519) 815-4201  
dave@dcbruckengineering.com

**DCBRUCK**  
ENGINEERING



**WHITE STREET**



**CENTRE STREET**

**PROPOSED ADDITION**  
32 WHITE ST - ST. THOMAS, ON  
MARK A. WALES ACCOUNTING

**SITE PLAN**  
SEPT. 25, 2017  
589817





The Corporation of the City of St. Thomas

Report No.: COA12-2017

Applicant: 2232041 Ontario Limited

Members of the Committee of Adjustment

Report Date: November 2, 2017

Meeting Date: November 9, 2017

Location: 32 White 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 COA12-2017 be received.

**BACKGROUND:**

The applicant is proposing to construct a 140m<sup>2</sup>/1,506.9ft<sup>2</sup> single storey addition, as shown on the Site Plan prepared by DC Buck Engineering, Dated September 25, 2017, and accompanying the subject application.

**REQUESTED VARIANCE(S):**

- (i) To permit an addition 1.22m from the westerly side lot line, whereas Subsection 19.4.1.4 of the City of St. Thomas Zoning By-Law No. 50-88 requires a minimum side yard depth of 2m.
- (ii) To permit an addition 1.22m from the southerly rear lot line, whereas Subsection 19.4.1.5 of the City of St. Thomas Zoning By-Law No. 50-88 requires a minimum rear yard depth of 3m.

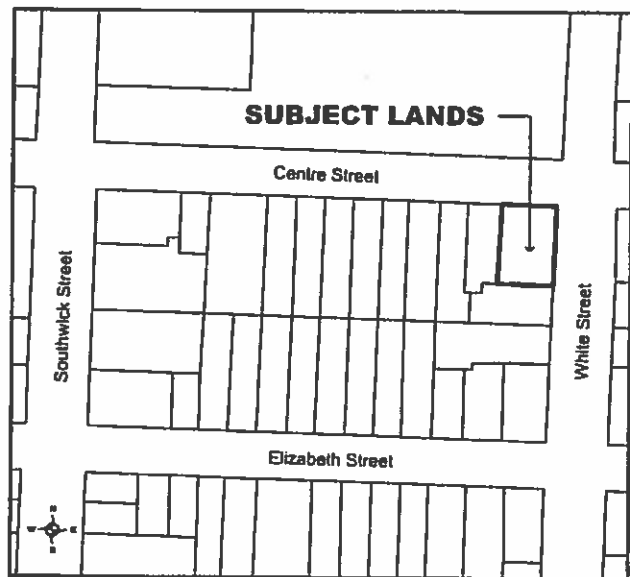
**OFFICIAL PLAN:**

- The subject lands are within the Office/Professional designation, as shown on Schedule "A" (Land Use Plan) to the Official Plan for the City of St. Thomas.
- Within the Office/Professional designation the predominant use of land shall be for offices. Medium and high density residential uses are permitted.

**ZONING BY-LAW:**

- The subject lands are located within the Restricted Commercial Zone (C8) pursuant to the City of St. Thomas Zoning By-law No. 50-88, as amended.
- Permitted uses of the Restricted Commercial Zone (C8) include restricted business office, townhouse dwelling, apartment dwelling, multiple dwelling, institution, and uses accessory to the foregoing.
- Minimum Lot Area - No minimum.
- Minimum Lot Frontage - No minimum.

**Location Plan:**



- Minimum Front Yard Depth - 3m.
- Minimum Side Yard Depth - 2m.
- Minimum Rear Yard Depth - 3m.
- The setback for any building or structure erected on Centre Street, from Stanley Street to Ross Street shall be the sum of 10m and the required front yard depth for the lot on which the building or structure is erected. Setback is defined in the Zoning By-law as the distance between the centre line of a street and the main building wall that is closest to the street.
- There are no parking requirements in the Restricted Commercial Zone (C8).

**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 applicant is proposing to demolish the existing garage located on the subject lands and construct a new 140m<sup>2</sup> single storey addition which will be used for additional office space.
- The first variance is required to construct the addition 1.22m from the westerly side lot line, whereas the Zoning By-Law requires 2m. A side yard setback of 1.22m provides adequate clearance for access and maintenance of the addition.
- The second variance is required to construct the addition 1.22m from the southerly rear lot line, whereas the Zoning By-Law requires 3m. A rear yard setback of 1.22m provides adequate clearance for access and maintenance of the addition.
- According to the existing site plan the overhang/eave of the garage may currently encroach on the abutting lot to the south, however the demolition of the garage will resolve this matter.
- The Restricted Commercial Zone (C8) does not have a parking requirement, as on-street parking is available along Centre Street and White Street, and off-street parking is available in nearby municipal parking lots, such as the White Street lot, Moore Street lot, and Hepburn Street lot. The proposed site plan indicates that there are two parking spaces on the subject lands, however the parking space on White Street encroaches on the City right-of-way, and does not conform to the Zoning By-laws minimum size requirement. City Staff advised the applicant that if they wish to provide off-street parking on the subject lands, an off-street parking space must be a minimum size of 2.75m x 5.5m.
- The proposed addition is subject to Site Plan Control Approval.
- In staff's opinion approval of the application 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, staff recommends that application COA12-2017 be approved.
- Should the Committee of Adjustment approve minor variance application COA12-2017 staff recommend that the decision reflect that the Committee is permitting the construction of a single storey addition with a maximum floor area of 140m<sup>2</sup>, 1.22m from the westerly side lot line, and 1.22m from the southerly rear lot line.

Respectfully submitted,

  
Steve Craig  
Senior Planning Technician