



Committee of Adjustment Agenda

Date: Wednesday, April 5, 2017

Location: Municipal Operations Centre, 408 James Street South, St. Marys

Time: 6:30 pm

Agenda Items

1.0 Call to order

2.0 Declaration of Pecuniary Interest

3.0 Approval of Minutes

Regular Meeting of March 15, 2017

Motion:

Second:

4.0 Application for Minor Variance: A03-2017 affecting Registered Plan 235, Lots 75 and 76, Part Lot 74 s/s Elgin, 596 Street East, St. Marys from Douglas J. Diehl and Brenda A. Diehl

5.0 Next Meeting

6.0 Adjournment



Committee of Adjustment Wednesday, March 15, 2017

A meeting of the St. Marys Committee of Adjustment was held on Wednesday, March 15, 2017 at 6:30 pm in the Board Room, Municipal Operations Centre, 408 James Street South, St. Marys, Ontario, to discuss the following:

1. Call to Order
2. Disclosure of Pecuniary Interest
3. Approval of Minutes dated March 1, 2017
4. Application for Minor Variance: A04-2017 affecting Registered Plan 221, Lot 6 in Park Lot 3, n/s Queen, 539 Queen Street East, St. Marys from Randall Warkentin
5. Next Meeting
6. Adjournment

Present:

- Chairman Steve Cousins
- Member Steve Ische
- Member Dr. J. H. (Jim) Loucks
- Member Clive Slade
- Mark Swallow, Planner
- Susan Luckhardt, Secretary-Treasurer

Regrets:

- Member W. J. (Bill) Galloway
- Grant Brouwer, Director of Building and Development

Call to Order

Chairman Steve Cousins called the meeting to order at 6:30 pm.

Disclosure of Pecuniary Interest:

None.

Approval of Minutes dated March 1, 2017

Motion by Member Dr. J. H. (Jim) Loucks, seconded by Member Steve Ische that the Minutes dated March 1, 2017 be approved as circulated.

Carried.

Public Hearing

Application for Minor Variance: A04-2017 affecting Registered Plan 221, Lot 6 in Park Lot 3, n/s Queen, 539 Queen Street East, St. Marys from Randall Warkentin:

Randall Warkentin, owner of 539 Queen Street East, was present for the Public Hearing.

Mark Swallow introduced the application.



The property is designated “Residential” in the Town's Official Plan and zoned “Residential Zone Three – R3” in the Zoning By-law Z1-1997, as amended.

The property is currently the site of an existing single-detached dwelling and the proponent wishes to develop a second dwelling unit as a converted dwelling which is a permitted use under Residential Zone Three – R3 zone provisions. Under Section 10.5.3 of the zoning by-law required minimum frontage for a converted dwelling is 18.0m; whereas this property has a frontage of approximately 14.99m, requiring a variance of approximately 3.01m for minimum lot frontage for a converted dwelling.

Also, the proponent wishes to install a second driveway and is seeking relief from Section 5.21.2 (a) of the zoning by-law which permits not more than one driveway up to the first 20.0m of lot frontage; whereas the frontage for this lot is 14.99m.

Notice of Public Hearing was circulated on March 3, 2017 by first class mail to property owners within 60m and agencies.

Correspondence received from the Town Finance Department dated March 3, 2017 and from Festival Hydro dated March 7, 2017 stated no concern with tax and water accounts respectively.

Correspondence received from the Town Engineering and Public Works Department dated March 10, 2017, stated the following comments:

1. “Public works is opposed to the proponent’s request for a second driveway entrance to create a horseshoe driveway fronting Queen Street East. Multiple driveway entrances onto arterial roads from residential lots are not preferred. The Zoning by-law requires 7.5m separation of the driveways at property line and the proponent has not depicted this separation in the application. The proposed parking arrangement and lack of depth from property line to garage will not realistically allow the proposed driveway to function as a horseshoe driveway.”

Correspondence received from Festival Hydro dated March 7, 2017 stated the following comments:

“After reviewing the Minor Variance Application submitted for 539 Queen Street East, St. Marys I do have some concerns as there is an existing hydro pole and anchor in the area of the proposed second driveway. The drawing provided is very limited in detail. We would suggest that a proper site plan drawing be submitted for review detailing the pole and anchor location, curb cut with respect to the pole location, and the detail of how the driveway is being constructed around the anchor. We will also need to discuss some form of mechanical protection for the anchor as it does support an overhead road crossing which serves multiple customers on the opposite side of Queen Street.”

Correspondence received from Upper Thames River Conservation Authority dated March 6, 2017 stated no objection to the application.

This concluded correspondence received regarding application A04-2017.

Chairman Steve Cousins invited Randall Warkentin to speak to the application.

Randall Warkentin stated that he wishes to create a second dwelling unit within the existing singled detached dwelling as a converted dwelling. The dwelling was constructed as a single



detached dwelling with the intent of someday converting it to include a second dwelling unit. In addition to the minor variance to recognize deficient frontage for a converted dwelling, the application is requesting a variance to permit a second driveway entrance onto Queen Street. Mr. Warkentin stated that in considering the comments received as correspondence in response to the application regarding a second driveway entrance for the property, at this time he would like to remove from the application the request for relief to permit a second driveway.

Mark Swallow confirmed to committee members that there would be no issue in removing from the application the request for relief to permit a second driveway entrance, and proceeding tonight with consideration of the minor variance to permit a converted dwelling with deficient property frontage.

In response to Chairman Steve Cousins, Mark Swallow confirmed that the staff report regarding the application is still relevant. The concerns in the report are with respect to the driveway and the parking arrangements. The report contained no concerns for a converted dwelling with a reduced frontage. With the driveway request removed, Mark Swallow stated that he would no longer recommend denial of the application, but would recommend a deferral of the application for more information. Mark stated that there are concerns about the existing hydro pole located in line with the garage and protection of that pole and guy wire anchor; and also concerns regarding parking. Parking in tandem is not permitted for converted dwellings and so to permit tandem parking, the proponent would need to make request for relief to permit tandem parking for the converted dwelling.

Mark Swallow spoke to the planning report with respect to converted dwellings. With no physical changes to the property, and sufficient land for amenity areas, the application can be considered minor in nature. The dwelling will be consistent with the neighbourhood and viewed as appropriate development. The parking is required to be provided on site. Although the staff report states that the application is not minor in nature that is with respect to the u-shaped driveway and the ability to have safe onsite parking through a u-shaped driveway. It is up to the proponent to demonstrate that sufficient parking can be provided on site.

Mark Swallow stated that he would like to see the proponent demonstrate a functional parking plan for the property.

Randall Warkentin responded, stating that he spoke to Festival Hydro regarding re-location of the hydro pole prior to building the dwelling and they did not have interest in re-locating the pole. Mr. Warkentin stated that he is not opposed to talking to Festival Hydro about the guy wire.

Chairman Steve Cousins asked for comments from members of the Public.

Lisa Fewster, 549 Queen Street East, stated concern regarding four parking spaces on the property as required for a converted dwelling with two units and the impact on the sightlines for her driveway. She also stated concern regarding the steep topography on the east side of the property of 539 Queen Street and the safety of parking movements on the property.

Angelo Sicilia, 529 Queen Street East stated concern regarding vehicular movements at 539 Queen Street as vehicles have been crossing his property line. Mr. Sicilia stated that he does



not want an apartment dwelling beside him as this was not expected when he purchased his property.

Member Steve Ische asked for an overview of the previous application affecting 529 Queen Street East. Mark Swallow confirmed that the previous application was for a zoning by-law amendment considered by Planning Advisory Committee to permit three units at this location. The committee did not support the application due to the proposal of off-site parking at a location on the other side of Queen Street.

Member Dr. Jim Loucks stated concern about the safety for the entrance and exit of vehicles to Queen Street from the property.

Member Clive Slade asked about entering onto Queen Street and if there is a requirement to turn around on the private property before entering Queen Street. Mark Swallow confirmed that this is not a requirement.

Mark Swallow spoke to landscaping requirements and driveway width maximums that will affect a parking plan for this property, stating there will be some requirement for landscaped green space in the front yard in addition to the driveway area and that driveway width maximums under the Zoning By-law will be required to be adhered to.

In response to Member Clive Slade, Mark Swallow spoke to tandem parking which is permitted for single detached dwellings; one unit of a semi-detached dwelling, and street front townhouse dwellings.

Because two parking spaces are proposed to be located in the garage and two on the driveway, Member Steve Ische stated concern regarding the potential for occupants of the converted dwelling to choose to park on the driveway instead of in the attached garage, causing overloading of the site.

Chairman Steve Cousins stated his concern regarding intensification of properties and parking with respect to capacity and servicing loads and the location of this property along an arterial road.

Committee members stated concern regarding sightlines and access to Queen Street for this property such that a deferral would not change the consensus on the application.

Randall Warkentin stated that the Zoning By-law requires four parking spaces for a two unit converted dwelling and as such there could potentially be four cars parked on the property, citing that this could be the case for any property having visitors or a large family with multiple vehicles.

This concluded discussion of minor variance application A04-2017.

DECISION

Application for Minor Variance: A04-2017 affecting Registered Plan 221, Lot 6 in Park Lot 3, n/s Queen, 539 Queen Street East, St. Marys from Randall Warkentin:

Motion by Member Dr. J. H. (Jim) Loucks, seconded by Member Steve Ische that the Committee of Adjustment for the Corporation of the Town of St. Marys deny Minor Variance Application No. A04-2017 from Randall Warkentin for the following reasons:

1. Deny application for parking issues.



Carried.

Next Meeting

Wednesday, April 5, 2017 at 6:30 p.m.

Adjournment

Motion by Member Clive Slade, seconded by Member Steve Ische that the meeting adjourn at 7:26 p.m.

Carried.

Steve Cousins,
Chairman COA

Susan Luckhardt,
Secretary-Treasurer COA

Copies to:

- Committee of Adjustment Members
- Clerk's Office
- Perth County Planning Office



STAFF REPORT – PLANNING APPLICATION

Report To: Members of Committee of Adjustment

Date of Meeting: April 5, 2017

Submitted By: Mark Stone, Planner

Prepared By: Mark Stone, Planner

Date of Report: March 31, 2017

Subject: **Minor Variance Application A03-2017**
596 Elgin Street East
Lots 75 and 76, and Part Lot 74, Registered Plan No. 235
Owner: Douglas and Brenda Diehl

RECOMMENDATION:

That the Application for Minor Variance by Douglas and Brenda Diehl (Application No. A03-2017) affecting a parcel of land described as 596 Elgin Street East, Lots 75 and 76, and Part Lot 74, Registered Plan No. 235 in the Town of St. Marys to permit:

- A detached accessory garage building with a height of 4.652 metres whereas Section 5.1.4 of Zoning By-law No. Z1-1997, as amended, permits the lessor of 4.5 metres or the height of the main building on the lot.
- A total lot coverage of 111.94 m² for all accessory buildings and structures whereas Section 5.1.5(b) of Zoning By-law No. Z1-1997, as amended, permits a maximum of 70 m².

be **APPROVED** as the request conforms to the general intent and purpose of the Official Plan and the Zoning By-law, is considered minor in nature, and is desirable for the appropriate development or use of the subject property, subject to the following conditions:

1. This approval is granted only to the nature and extent of this application being relief for maximum area for accessory buildings on the lot to permit accessory buildings measuring a total of 111.94m² or 5.90% of the lot area; and relief for maximum height for accessory buildings to permit an accessory garage building measuring 4.652 m in height.
2. A building permit shall be obtained within one (1) year of the Committee's decision.
3. The space shall not be used for home occupation or any other business.

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4. Confirmation in writing from the Engineering and Public Works Department that their concerns/issues communicated in their correspondence dated March 31, 2017 have been addressed.
 5. Prior to the issuance of a building permit for the proposed garage, the owner will be required to submit a lot grading/drainage plan to demonstrate, to the satisfaction of the Town, that the proposed new driveway to the rear yard will not negatively impact the existing drainage swale along the east property line.

BACKGROUND:

The property subject to this Application fronts onto the south side of Elgin Street East, between Charles Street South and Cain Street. The Town has received an Application for Minor Variance for relief from the provisions of Town Zoning By-law No. Z1-1997, as amended, to permit the construction of a 96.62 m² (1,040 ft²) detached garage in the rear yard. The siding of the exterior walls of the proposed garage will consist of a combination of stone veneer and vinyl.

The owner of the property has indicated that the garage is required for the storage of a motorhome and personal vehicles, and that the owner has a hobby involving working on old cars. The owner also indicates that the height of the garage is required to store the motorhome and to accommodate a lift to raise vehicles.

The subject property is zoned Residential One (R1). The following chart provides a summary of relevant zoning provisions and relief from the Zoning By-law being requested through this Application.

Summary of Relevant Zoning Provisions and Proposed Variance(s)

By-law Section		Requirement	Proposed	Difference
5.1.4	Maximum height of an accessory building or structure	Lessor of 4.5 m or height of main building (note: height of existing house – 4.25 m)	4.652 m	0.402 m
5.1.5(b)	Total lot coverage of all accessory buildings and structures on a lot	Lessor of 5% or 70 m²	111.94 m ² (5.9%)	41.94 m ²

SITE CONDITIONS AND CHARACTERISTICS:

The subject property is approximately 1866.34 m² (0.46 ac) in size. There is an existing single-detached (bungalow) dwelling at the front of the property with a gross floor area of approximately 164.73 m² (1,773.14 ft²). At the rear of the house, there is an existing attached deck and a detached gazebo with a footprint of approximately 15.32 m² (164.9 ft²). There is also an existing shed on the southern half of the property that will be removed to allow for the construction of the proposed garage.

The remainder of the property consists mainly of manicured lawn with a few trees in the front and rear yards. An approximately 13 metre (42.7 ft) wide hydro easement is located across the rear (southern) part of the lot.

SURROUNDING LAND USES:

North: Elgin Street East and single-detached (bungalow) dwellings

South: Town of St. Marys Cemetery

East: Single-detached (bungalow) dwelling

West: Single-detached (bungalow) dwelling

PLANNING CONTEXT:

Town of Official Plan

The subject property is designated Residential in the Town Official Plan. The primary use of land in the Residential designation is for a range of dwelling types from single-detached dwellings to walk-up type apartments, parks and open spaces, and institutional uses subject to the policies of the Plan. Section 7.24.3, Accessory Uses, of the Official Plan states that “wherever a use is permitted within a land use designation, it is intended that uses, buildings, or structures normally incidental, accessory, and essential to that use are also permitted”.

Town Zoning By-law

The subject property is zoned Residential Zone One (R1) which permits: a single-detached dwelling; accessory uses, buildings and structures; a home occupation; a bed and breakfast establishment; and a public park.

Section 3 of the Zoning By-law provides definitions for ‘accessory building or structure’ and ‘accessory use’ as follows.

Accessory Building or Structure means a building or structure that is normally incidental, subordinate, and exclusively devoted to the principal use, building, or structure, which is separate (detached) from the main building or structure and which is located on the same lot therewith. No accessory building or structure shall be used for human habitation.

Accessory Use means a use that is normally incidental, subordinate, and exclusively devoted to the main use of the lot and which is located on the same lot therewith.

Section 5.1.4 of the Zoning By-law states, in part, that “no accessory building or structure shall exceed 4.5 metres in height or be higher than the main building on the lot, whichever is the lessor”.

Section 5.1.5(b) of the Zoning By-law states that in a R1, R2, R3 or R4 Zone with a lot area of 1,050 m² or more, the total lot coverage of all accessory buildings and structures shall not exceed 5 percent of the lot area or 70 m², whichever is the lessor.

COMMUNICATIONS:

Notice of the Public Meeting was given by first class mail to all land owners within 60 metres (200 feet) of the land affected by the proposed Minor Variance, to those agencies as prescribed by Regulation, and a sign advertising the meeting was posted on the property.

In response to the circulation and posting of the notice the following correspondence was received at the time of this report as summarized in the following chart:

Date	Department/Agency	Summary of Comments
March 24	Festival Hydro	<ul style="list-style-type: none">No monies owing on water
March 27	Town Tax Department	<ul style="list-style-type: none">No outstanding taxes
March 29	Upper Thames River Conservation Authority	<ul style="list-style-type: none">No objection
March 31	Town Engineering and Public Works Department	<ul style="list-style-type: none">The existing elevation along the east side of the residence is higher than the neighbouring property. Confirm proposed new driveway to rear yard will not negatively impact swale drainage along property line.

Copies of the above referenced correspondence are attached to this report.

PLANNING ANALYSIS:

When reviewing an Application for a Minor Variance, Section 45(1) of the Planning Act, R.S.O., 1990 requires that the Committee of Adjustment apply four specific tests. These tests, along with this Office's comments concerning same as they relate to the requested variances, are as follows:

1. The variances maintain the general intent and purpose of the Official Plan.

The intent and purpose of the Residential designation is to provide for a full range of residential activities and housing forms. In addition, the Official Plan permits uses, buildings, or structures normally incidental, accessory, and essential to permitted uses. Permitting the variances to the Zoning By-law maintains the general intent and purpose of the Official Plan.

2. The requested variances maintain the general intent and purpose of the By-law.

The maximum height and coverage requirements in the Zoning By-law are intended to ensure that accessory buildings and structures are secondary and subordinate to the principal use on the property (in this case the main residential use and building). The difference between the height of the proposed garage and the existing house is minimal (0.402 m or 1.3 ft). This difference will not be obvious given the distance between the two buildings (20.7 m or 67.9 ft) and since the lot grading slopes from the front to the back of the property. In addition, the floor area of the garage (96.62 m² or 1,040 ft²) will be significantly smaller than the floor area of the house (164.73 m² or 1,773.14 ft²).

The maximum lot coverage requirement also limits the massing of buildings and overbuilding on a property, and maintains open space on each lot to maintain the character of the area. Although the proposed total lot coverage of all accessory buildings and structures will exceed the 70 m² maximum requirement by 41.94 m², the lot coverage only exceeds the five percent requirement by 0.9 percent. In addition, the total lot coverage of all buildings on the lot will equate to 15.9 percent with the new garage, far less than the 35 percent maximum lot coverage requirement for the Residential Zone One (R1).

Based on the above, the requested variances maintain the general intent and purpose of the Town's Zoning By-law.

3. The application is "minor" in nature.

As noted above, while the proposed total lot coverage of all accessory buildings and structures will exceed the 70 m² maximum requirement by 41.94 m², the lot coverage only exceeds the five percent requirement by 0.9 percent. The difference between the height of the proposed garage and the existing house is minimal and will not be obvious given the distance between the two buildings.

It is expected that the height of the proposed garage will not have any negative shadowing impacts on adjacent properties. Given the proposed location at the rear of the property, the garage will not have any negative impact on the streetscape of Elgin Street East. In addition, the requested variances will not impact the usability of the lot for residential purposes.

As noted above, the Town Engineering and Public Works Department has commented that the existing elevation along the east side of the residence is higher than the neighbouring property and will require confirmation that the proposed new driveway to the rear yard will not negatively impact swale drainage along property line. If the minor variance is approved, it is recommended that a condition require that the owner submit a lot grading/drainage plan to demonstrate that the proposed new driveway to the rear yard will not negatively impact the existing drainage swale along the east property line.

The requested variances represent appropriate deviations from the Zoning By-law requirements and the potential impacts resulting from the proposed variances are considered “minor” in nature.

4. The proposed development is desirable for the appropriate development or use of the subject property.

The addition of a garage is consistent with the residential character of the area and represents appropriate development for the subject property. The size of the proposed garage and distance to the side lot line, is similar to the size and proximity to the side lot line as the garage on the abutting lot to the east. In addition, the proposed location of the garage will exceed the minimum 1.0 metre setback from any lot line requirement as per Section 5.1.3(d) of the Zoning By-law. The garage is proposed to be located 3.66 metres from the east property line and 13.19 metres from the rear lot line.

Based on the above, the requested variances will permit development that is desirable and appropriate.

FINANCIAL IMPLICATIONS:

None.

ATTACHMENTS:

- 1) Application for Minor Variance
- 2) General Location Map
- 3) Specific Location Map
- 4) Notice of Complete Application
- 5) Correspondence received

CONCLUSION:

The proposed minor variances maintain the intent and purpose of the Official Plan and Zoning By-law, will allow for development that is desirable and appropriate, and are minor in nature.

That the Committee of Adjustment consider the recommendation above.



Mark Stone,
Planner



Corporation of the
the Town of St. Marys

MAR 07 2017

re-submitted

Application for Minor Variance
(Under Section 45 (1) of the Planning Act)

Application for Permission
(Under Section 45 (2) of the Planning Act)

File No. AD3-2017

FEB 23 2017

Instructions

Each application must be accompanied by the application fee in the form of either cash or a cheque payable to the Town. An accurate scaled drawing of the subject land must be submitted.

If the applicant is not the owner of the subject land, a written statement by the owner which authorizes the applicant to act on behalf of the owner as it relates to the subject application, must accompany the application (See Section 11.0).

In addition, the applicant may be required to submit a more detailed site plan in accordance with Section 41 of the Planning Act.

Completeness of the Application

The information in this form that must be provided by the applicant is indicated by black arrows (➔) on the left side of the section numbers. This information is prescribed in the Schedule to Ontario Regulation 200/95 made under the Planning Act. The mandatory information must be provided with the appropriate fee and a scaled drawing. If the mandatory information is not provided, the Town will return the application or refuse to further consider the application.

To ensure the quickest and most complete review, this information should be submitted at the time of application. In the absence of this information, it may not be possible to do a complete review within the legislated time frame for making decision. As a result, the application may be refused.

Approval Process

Upon receipt of an application, the required fee and other information (as required by the Secretary of the Committee of Adjustment will determine whether the application is complete. Once complete, a notice of hearing will be circulated as required by the Ontario Planning Act. The applicant is encouraged to attend the hearing to present the proposal. The applicant will be provided notice of an decision made by the Committee concerning the application. If no notice of appeal is given within twenty days, the decision of the Committee is final and binding.

For Help

To help you complete the application form, please consult the Building Department in the Town Hall. You can also call the Building Department at (519) 254-2346.

Please Print and Complete or (✓) Appropriate Box(es)

1.0 Application Information

➔ 1.1 Name of Owner(s) An owner's authorization is required if the applicant is not the owner (See Section 11.0)

Name of Owner(s) Douglas J Diehl & Brenda A Diehl	Home Telephone No. 519-234-1808	Business Telephone No. 226-236-2952
Address 596 Elain St E St Marys ON Box 2007	Postal Code N4X 1C3	Fax No.

➔ 1.2 Agent/Applicant - Name of the person who is to be contacted about the application, if different than the owner. (This may be a person or Company acting on behalf of the owner.)

Name of Contact Person (and Company) Tara Porter, MTH Contracting & Consulting	Home Telephone No.	Business Telephone No. 519-949-1105
Address 60 Thomas St. St Marys ON	Postal Code N4X 1A8	Fax No.

➔ 2.0 Location and Size of the Subject Land

Street No. 596	Name of Street/Road Elain St E	Registered Plan No. 235	Lot(s)/Block(s) Lot 75 & 76 P/Lot 74
Reference Plan No.	Part Number(s)	Concession Number(s)	Lot Number(s) 5156
Lot Frontage 86.48	Average Width 86.48	Average Depth 225.72	Lot Area 19520.26 SF

➔ 2.1 Is there a mortgage or charge in respect of the subject land? ☐ Yes ☒ No If yes, give the names and addresses of any mortgages or charges

The Bank of Nova Scotia 101 Wright Blvd. Box 1122
St Marys ON N4X 1A8

➔ 2.2 Are there any easements or restrictive covenants affecting the subject land? ☐ Yes ☒ No If yes, describe the easement or covenant and its effect.

Annual water easement - 33 feet perpendicular from centre line of
roadway to water tower

➔ 2.3 When were the subject lands acquired by the current owner?

July 11, 2014

➔ 3.0 Proposed and Current Land Use

➔ 3.1 What is the proposed use of the subject land?

Residential

➔ 3.2 What is the current use of the subject land?

Residential

➔ 3.3 How is the subject land currently designated in the Official Plan?

Zoned R1

➔ 3.4 How is the subject land currently zoned in the applicable Zoning By-law?

Zoned R1

➔ 3.5 What is the nature and extent of relief from the Zoning By-law requested?

accessory use.
The allowable maximum area for an accessory building on a lot of 1050m² or more is 5% or 10m². We are requesting relief for our building which is 9162m². We are also requesting relief for the height of the building. (see back)

➔ 3.6 Why can the proposed use not comply with the provisions of the Zoning By-law?

The Owner likes to work on old cars as a hobby & requires this size of space to store vehicles & work on them. The added height needed is to allow for storage of his motorhome as well as to allow for a lift to raise a vehicle.

3.3 Cont'd: The maximum height of an accessory building is 4.5m or not higher than the house. The height of the existing house is 4.25m. The proposed garage height is 4.652 from grade to centreline of truss

3.7 Provide the following details for all:

both existing or proposed. (Attach an additional page,

ssary)

	Existing Buildings	Proposed Buildings		Existing Buildings	Proposed Buildings
3.7.1 Front Yard	9.9310m	44.775m	3.7.5 Height	4.20m	4.652m
3.7.2 Rear Yard	46.145	13.187m	3.7.6 Dimensions	16.822 x 2.412 x 5.594	7.925 x 12.192
3.7.3 Side Yard	5.886	13.044 m	3.7.7 Gross Floor Area	164.73 m ²	261.30
3.7.4 Side Yard	3.905	3.660m	3.7.8 Date Constructed	~1960	

4.0 Previous Industrial or Commercial Uses

4.1 Has there been an industrial or commercial use on the subject land or adjacent land? If Yes, specify the uses and dates. ☐ Yes ☒ No

4.2 Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites? ☐ Yes ☒ No

4.3 What information did you use to determine the answers to the above questions?

4.4 If Yes, to (4.1), (4.2) or (4.3), a previous use inventory showing all former uses of the subject land, or if appropriate, the adjacent land, is needed. Is the previous use inventory attached? ☐ Yes ☒ No

5.0 Status of Other Applications under the Planning Act

Is the subject land also the subject of an application for an Official Plan Amendment, Consent, approval of a Site Plan, Minor Variance, Zoning By-law Amendment or Zoning Order Amendment? ☐ Yes ☒ No If Yes, indicate the type of application, the file number and the status of the application.

6.0 Servicing

6.1 Indicate the existing/proposed servicing type for the subject land.

Sewage Disposal	Existing	Proposed	Water Supply	Existing	Proposed
a) Public piped sewage system		✓ N/A	a) Public piped water system	✓	✓
b) Public or private communal septic			b) Public or private communal well(s)		
c) Individual septic system(s)			c) Individual well(s)		
d) Other			d) Other		
Storm Drainage	Existing	Proposed	Road Access	Existing	Proposed
a) Sewers		✓	a) Arterial Road		
b) Ditches or swales			b) Collector Road		✓
c) Other			c) Local Road		✓

7.0 Justification

7.1 Indicate how the proposed development will be compatible with the surrounding land uses. (attach an additional page if necessary)

The surrounding land uses are residential with the cemetery to the South. The size of the proposed Garage is the same as the neighbouring property to the East. The proposed building is architecturally pleasing & fits in with neighbouring properties.

8.0 Other Information (attach an additional page if necessary)

9.0 Application Drawing

Please submit an accurate, scaled drawing of the proposal showing the following information:

- The subject land, including its boundaries and dimensions, and the location, and nature of any easement or restrictive covenants which affect the subject land;
- The uses of adjacent and abutting land;
- The location of all existing as well as proposed buildings and their dimensions, uses, and setbacks from lot lines;
- The location of all natural and man-made features on the land and the location of any of these features on adjacent and abutting lands;
- Scale and north arrow.

10.0 Affidavit or Sworn Declaration

I, Tara Porter of the Town of St. Marys in the County/Region of Perth
make oath and say (or solemnly declare) that the information contained in the documents that accompany this application is true.

Sworn (or declared) before me at the Town of St. Marys
in the County/Region of Perth.

this 8 day of February 2017.
Susan Louise Luckhurst
a Commissioner, etc.,
Province of Ontario,
for the Corporation of the Town of St. Marys.
Expires September 5, 2018.
[Signature]
Commissioner of Oaths

Tara Porter
Applicant

11.0 Authorization of Owner for Agent to Make the Application

I (we), Brenda Diehl
Douglas Diehl of the Town of St. Marys in the County/Region of Perth
am the owner of the land that is the subject of this application for a Minor Variance/ Permission and I (we) hereby authorize
Tara Porter to act as my (our) agent in the application.

February 8/17
Date

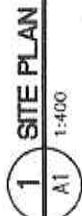
[Signature]
Signature of Owner(s)
B Diehl

12.0 ACKNOWLEDGEMENT

With the filing of this application, the applicant is aware of, and agrees, that if the decision of the Council of the Town of St. Marys regarding this application is appealed by a third party (a party other than the applicant), all costs incurred by the Corporation of the Town of St. Marys for legal counsel and other associated costs to represent the Corporation of the Town of St. Marys in defending the decision before the Ontario Municipal Board will be solely the responsibility of, and paid for by the applicant.

Dated at the Town of St. Marys
in the County/Region of Perth
this 8th day of February 2017.

Tara Porter
Applicant

[illegible]

RECEIVED
MAR 07 2007


[illegible]



SPIRAL STAIRCASE CALCULATIONS:
 RAILING FACE AREA: 52.15m²
 BALCONY DECKING AREA: 3.33m²
 6.2%
 L.O. = 3.65m
 Allowance = 15%

MATERIALS LEGEND

- USE THESE ANSWERS AND/ OR WORDS TO CHECK YOUR ANSWERS



CONTRACT
CONSTRUCTION
CONSULTING

1. STEEL BOLTS
2. STEEL WELD BOARDS
3. STEEL WELD BOARDS
4. STEEL WELD BOARDS
5. STEEL WELD BOARDS

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4. STEEL WELD BOARDS
5. STEEL WELD BOARDS



THAT PARTIES HAVE REVIEWED AND TAKEN RESPONSIBILITY FOR THE DESIGN ACTIVITIES. I AM CONFIDENT AND AM REQUESTING TO BE RECLASSIFIED TO AN UNCLASSIFIED AND AM REQUESTING THE APPROPRIATE CATEGORIES.

Used: positive
Score: 28454

DATE: 4/17/78

**DIEHL, RESIDENCE
NEW GARAGE**

500 ELLIOTT ST. E.
1ST FLOOR, OMAHA, NE 68102

PRINT DATE	MAR 29 E. 0017
REVISION	MAR 28 14H00Z
CURRENT ID	ZLW
SOURCE	RUMBLE
PRIORITY NO.	AC-215

ELEVATIONS

A3

County of

Perth

to-wit:

J. Stanley
of the *Town* of *Englewood*
in the *County* of *Argente*
agent make oath and say:

1. That I was personally present and did see the within Instrument and Duplicate thereof duly signed, sealed and executed by *Marvin C. Eades* on *6* the parties thereto.

2. That the said Instrument and Duplicate were executed by the said party at the *Town* of *St. Marys*.

3. That I know the said party.

4. That I am a subscribing witness to the said Instrument and Duplicate.

Given before me at the *Town* of *St. Marys* in the County of *Perth* this *21st* day of *May* in the year of our Lord 19 *41* *K.B. Cysak*

A Commissioner for taking Affidavits, etc.

Dated June 25th, 1940.

MARVIN C. EADES

To
The Hydro-Electric Power Commission
of Ontario
Property Department
on University Avenue
Toronto Ontario

Grant of Easement

for
TRANSMISSION LINES

County
Perth,
Township Town of St. Marys.
Con. J. Ingersoll Survey,
Lots 73, 74, 75, 76, 77 & 78, Queen's Survey of Park Lot 5.

RECEIVED

RECEIVED

1940 JUN 27

18745

I certify that the within instrument is a true and correct copy of the original as the same appears in the office of the Registrar of the County of *Perth* in Book *44* of *St. Marys* at 19-03 of *May* of the *1941* day of *May* A.D. 1941.
Number *18745*
Mr. G. G. G. G. Registrar

1940 JUN 27
18745
✓
276

4
This Agreement made in duplicate this 25th day of June, 1940.

Between

MARVIN C. RADES,

hereinafter called the Grantor

AND

The Hydro-Electric Power Commission of Ontario, hereinafter called the Grantee

Witnesseth:

1. THE Grantor is entitled in fee simple, and in possession free from encumbrances and easements of the land hereinafter described.

2. PURSUANT to the Power Commission Act and amendments thereto, the Grantee has erected, or is about to erect a line for the transmission of electrical energy over the said lands.

3. IN CONSIDERATION of the sum of Fifty Dollars of lawful money of Canada, now paid by the Commission to the Grantor (the receipt whereof is hereby acknowledged) the Grantor hereby grants and conveys in perpetuity to the Grantee, its successors and assigns the right and easement:

(a) To erect and maintain -- One -- Towers -- Poles -- Anchors and to string wires thereon and to operate the same from the date of this Agreement, upon the land and premises known and described as:--

ALL AND SINGULAR all those portions of Lots 73, 74, 75, 76, 77 and 78, Guest's Survey of Park Lot 5, James Ingersoll Survey, in the Town of St. Marys, in the County of Perth, as shown edged in red on the attached print of Plan No. 204-3092, and being a strip of land 66 feet in width lying 33 feet measured perpendicularly from a centre line and centre line produced, which may be located as follows:

COMMENCING at a point in the eastern limit of said Lot 78, said point being located as follows:

BEGINNING at the northeasterly angle of Block 2, Birtch's Survey of the South side of Elgin Street, THENCE South 81 degrees and 52 minutes West, 119.40 feet; THENCE South 32 degrees and 39 minutes West, 189.06 feet; THENCE South 57 degrees and 06 minutes West, 129.30 feet to the said point of commencement; THENCE South 57 degrees and 06 minutes West, 64.05 feet; THENCE South 81 degrees and 15 minutes West, 193.85 feet ± to the western limit of said Lot 73.

SAVING AND EXCEPTING, thereout and therefrom, all that portion of Lot 19, Concession XVIII, in the Township of Blanshard, included in the above described strip of land.

(b) To keep the said land as described clear of all trees except fruit trees which shall not exceed twelve feet in height, and to cut or trim from time to time such trees outside said land as the Commission may consider necessary for the operation and maintenance of the said line and necessary equipment.

(c) To erect such gates or bridges as the Commission may consider necessary and that the servants, agents and workmen of the Commission may at all times pass and repass with any equipment along said line to examine, repair and renew the said line subject to the payment by the Commission of such sum as may be determined for any crop or other damage sustained by the owner due to the operation, maintenance or renewal of the said line.

(d) To remove, re-locate and reconstruct along the centre of the said line any of the supporting structures, subject to payment by the Commission of any additional compensation as may be determined for damage created thereby.

4. THE Grantor covenants, promises and agrees not to erect upon the said land any buildings, structures, or other obstructions of any nature whatsoever which may interfere with the safe and efficient operation of the line.

5. ALL covenants herein contained shall be construed to be several as well as joint, and wherever the singular is used throughout this Agreement, the same shall be construed as meaning the plural where the context or the parties hereto so require.

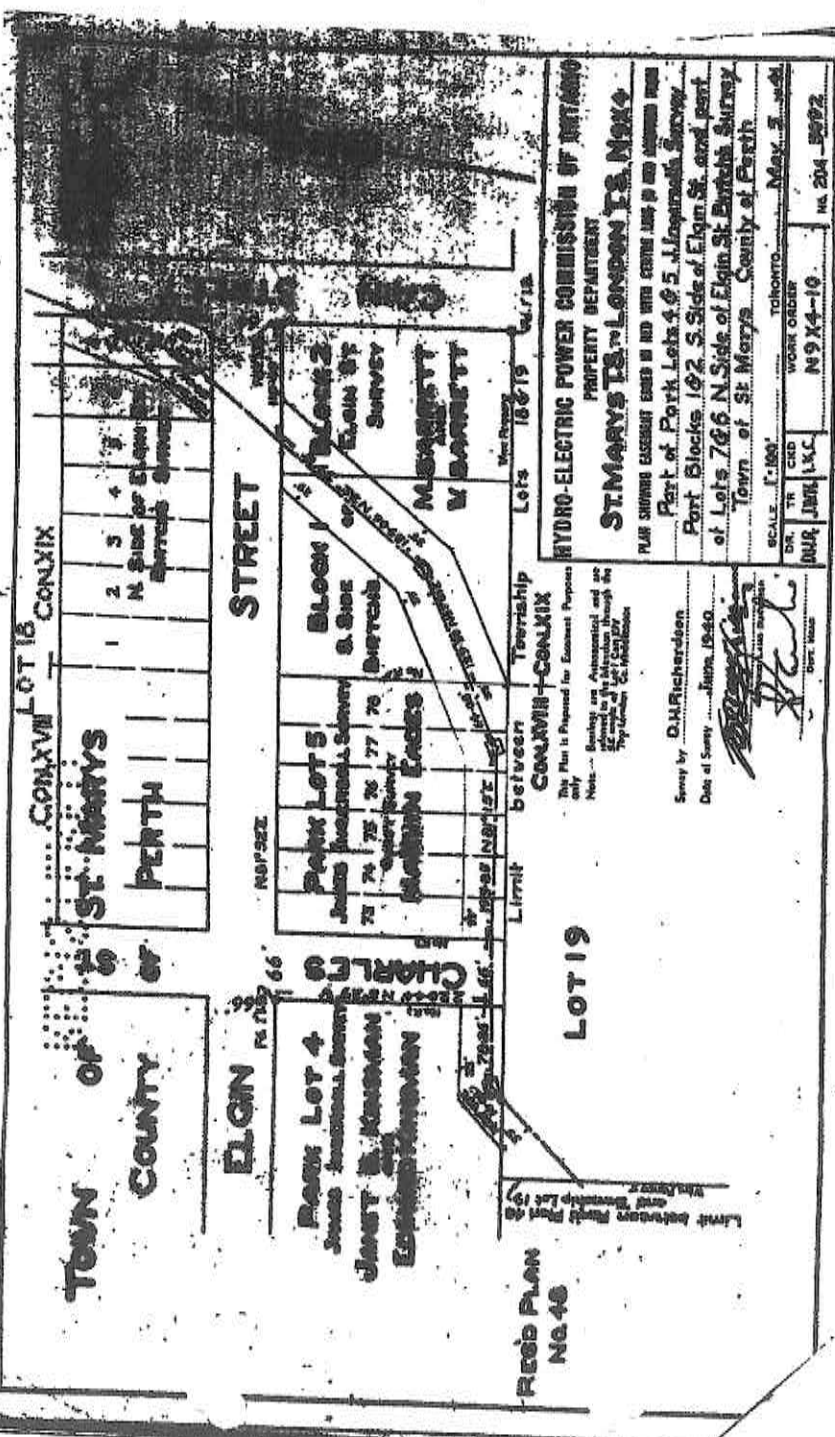
6. THE burden and benefit of this Agreement is to run with the said land and shall extend to, be binding upon and enure to the benefit of the Grantor, his executors and assigns, and to the Grantee, its successors and assigns.

Signed, Sealed and Delivered
In the Presence of

NAME Morris L. Laches

ADDRESS _____

Witness
WITNESS



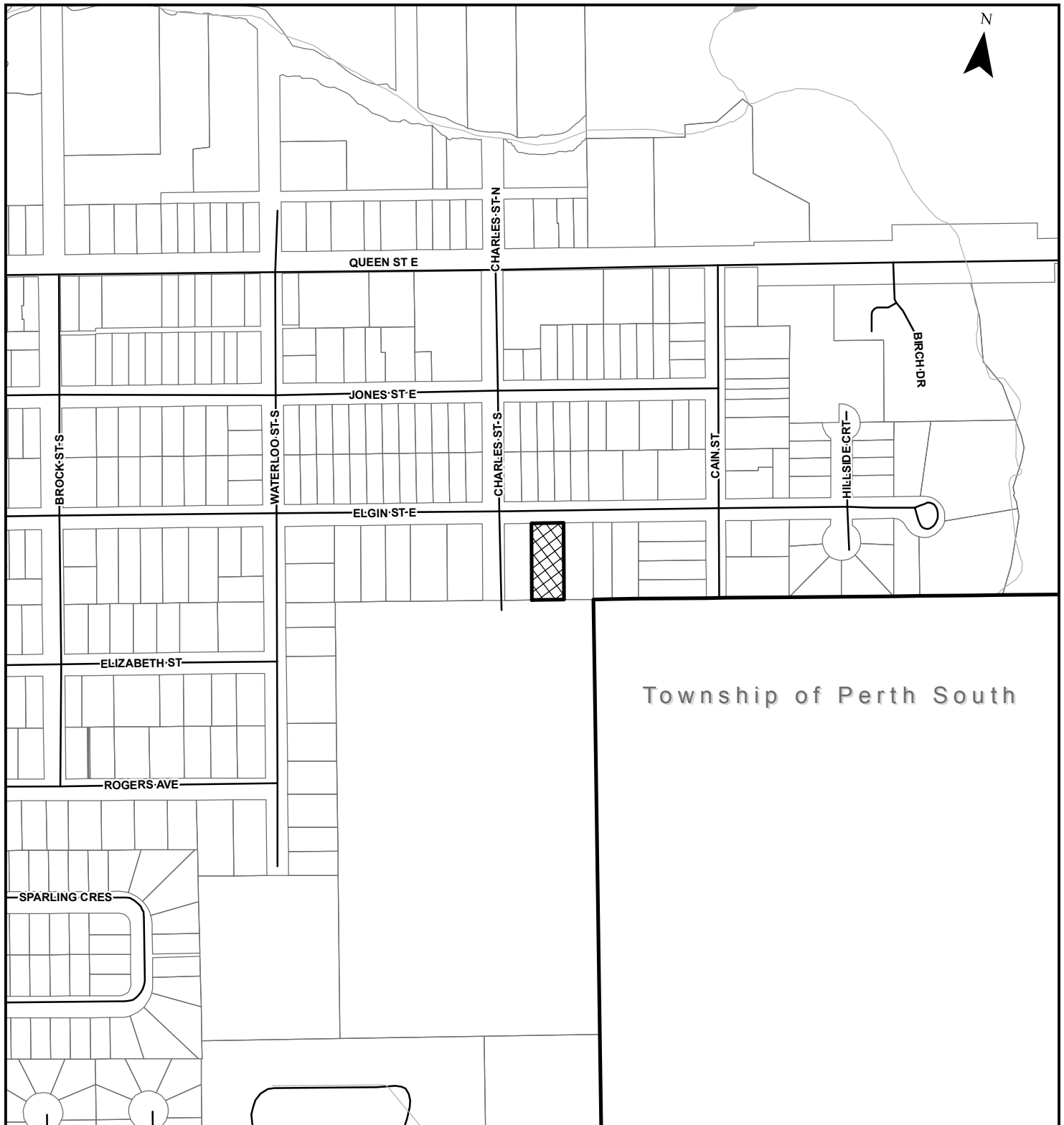
HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO
PROPERTY DEPARTMENT
ST. MARYS T.S. LONDON T.S. MCK
Part of Park Lots 4 & 5, Macmillan Survey
Part Blocks 102, S. Side of Elgin St. and part
of Lots 7 & 6 N. Side of Elgin St. British Survey
Town of St. Marys, County of Perth

SCALE 1"=100'
DR. TR. CRD. WORK ORDER
JUN 1960 N9X4-10
MAY 3 1960
No. 204 5592

Survey by **D.H. Richardson**
Date of Survey **June 1960**
This Plan is Prepared for Easement Purposes only
Not to be used for any other purpose
Not to be used for any other purpose
Not to be used for any other purpose

Rec'd Plan No. 46
LOT 19
CONXVIII LOT 18 CONXIX
CONXIX LOT 19
ELGIN
ST. MARYS
PERTH
COUNTY OF
TOWN OF

General Location Map
Town of St. Marys
596 Elgin St E.
Part Lot 74 and Lots 75 and 76, Registered Plan No. 235



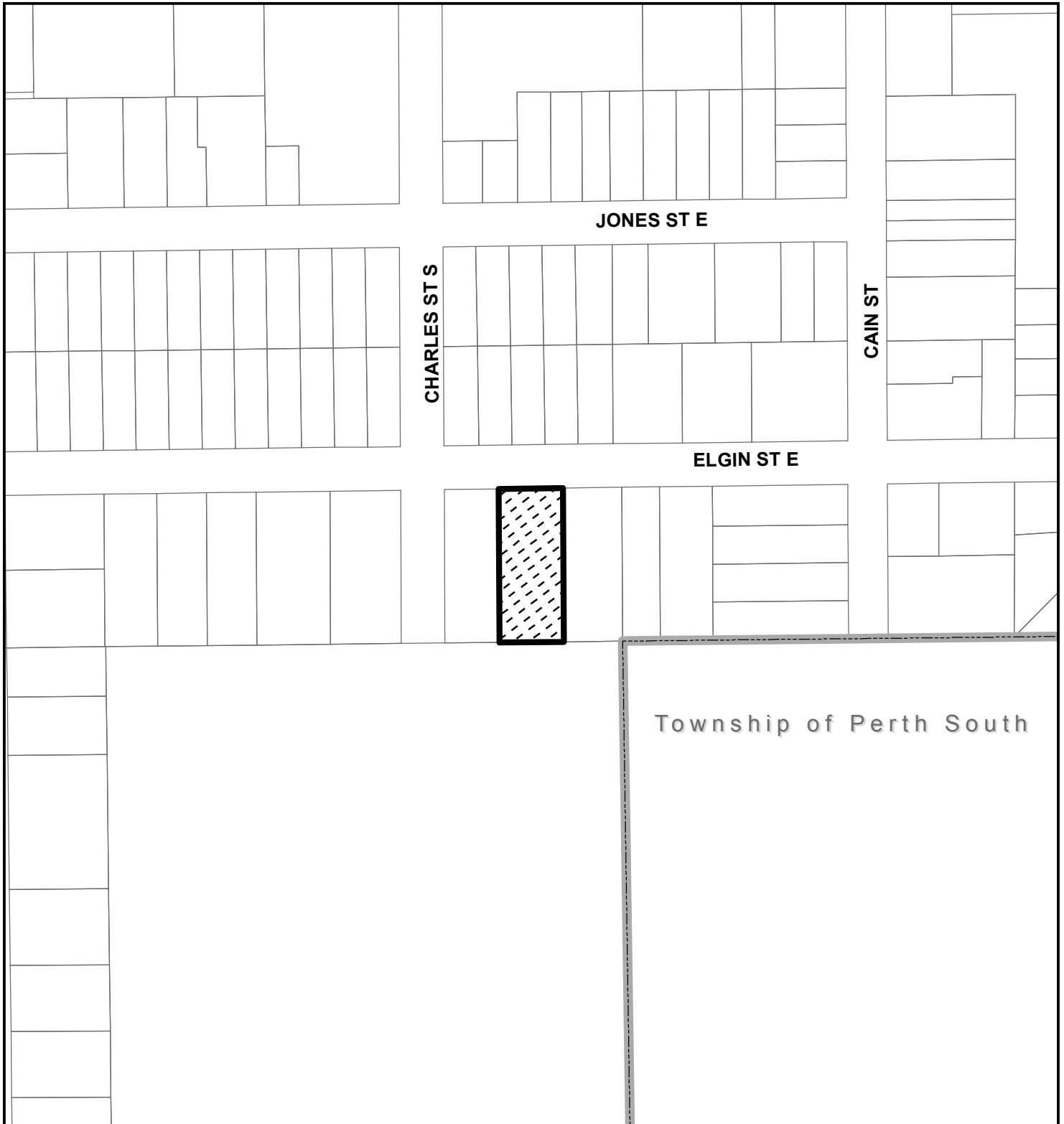
 Subject Lands

Application for Minor Variance - A03-2017

Town of St. Marys

596 Elgin St E.

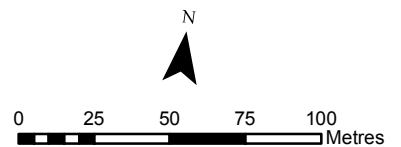
Part Lot 74 and Lots 75 and 76, Registered Plan No. 235



Township of Perth South



Area Subject to Proposed
Minor Variance



March 21, 2017



COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

Date: March 24, 2017
File No.: A03-2017
Agent: Tara Porter, MTH Contracting & Consulting
Owner: Douglas J. Diehl and Brenda A. Diehl
Legal Description of Property: Registered Plan 235
Lots 75 and 76, Part Lot 74
596 Elgin Street East
St. Marys ON

The Committee of Adjustment for the Separated Town of St. Marys will hold a public hearing on Wednesday, April 5, 2017 at 6:30 p.m. in the Municipal Operations Centre, 408 James Street South, St. Marys to hear the application for Minor Variance to the Zoning By-law under Section 45(1) & (2) of the Planning Act, R.S.O. 1990.

Any person(s) wishing to support or oppose this application is permitted to attend, or may submit comments in writing to the Secretary-Treasurer prior to the date and time of the hearing.

If you wish to be notified of the decision of the Committee of Adjustment of the Town of St. Marys in respect to this application, you must submit a written request to the Committee of Adjustment. This will also entitle you to be advised of a possible Ontario Municipal Board Hearing. Even if you are the successful party, you should request a copy of the decision since the Committee of Adjustment decision may be appealed to the Ontario Municipal Board by the applicant or any other member of the public.

To appeal the decision to the Ontario Municipal Board, send a letter to the Secretary-Treasurer for the Committee of Adjustment of the Town of St. Marys outlining the reason for the appeal. You must enclose the appeal fee of \$300.00 for each application appealed, paid by certified cheque or money order, made payable to the Ontario Minister of Finance.

Should you have any questions or require further information regarding this application, please contact Susan Luckhardt, Secretary-Treasurer at 284-2340 ext. 243.

Susan Luckhardt, Secretary-Treasurer
Committee of Adjustment

SUMMARY OF APPLICATION:

The property is designated "Residential" in the Town's Official Plan and zoned "Residential Zone One – R1" in the Zoning By-law Z1-1997, as amended.

The property is the site of an existing single-detached dwelling and accessory structures, including a gazebo measuring 15.32m², and a garden shed. The proponent wishes to replace the existing garden shed with a new a detached building in the rear yard measuring 96.62m² or 5.18% of the lot area. The area of the proposed detached building, together with the area of the gazebo total 111.94m² or approximately 5.90% of the lot area. Section 5.1.5 (b) of the Town's Zoning By-law permits a maximum area for accessory buildings of 70m² or 5% of the lot area, whichever is the lesser. Therefore the proponent is requesting relief from the zone provisions to permit a total of 111.94m² or 5.90% of the lot area for accessory buildings on the lot.

Further to this, Section 5.1.4 of the Town's Zoning By-law permits a maximum height for accessory buildings of 4.5m or no higher than the existing dwelling, whichever is the lesser. The proposed detached building measures 4.65m in height; whereas the existing dwelling measures 4.25m in height. Therefore the proponent is also requesting relief from the zone provisions to permit an accessory building that is greater in height than the existing dwelling by 0.40m.

*** See the other side of this notice for a sketch.

Oral or written submissions will be received at the Public Hearing; but this office would appreciate receiving written submissions by March 30, 2017 so they may be included with the Committee's information package.

TOWN OF ST. MARYS | BUILDING & DEVELOPMENT
Municipal Operations Centre, 408 James St. S., PO Box 998, St. Marys, ON N4X 1B6

Phone: 519-284-2340, ext. 243 | Fax: 519-284-0902
sluckhardt@town.stmarys.on.ca | www.townofstmarys.com

ELGIN STREET EAST



A1

1:400

Susan Luckhardt

To: Susan Luckhardt
Subject: FW: Minor Variance application - St. Marys

From: customerservice [mailto:customerservice@festivalhydro.com]
Sent: Friday, March 24, 2017 2:34 PM
To: Susan Luckhardt <sluckhardt@town.stmarys.on.ca>
Subject: RE: Minor Variance application - St. Marys

Susan

As of to date there are no monies owing on water.

Thanks
Customer Service

Festival Hydro

Telephone 519-271-4700

To create your Festival Hydro online account portal which will allow you to access your Time-of Use consumption, view past and current bills and other useful information please go to **MANAGE YOUR ACCOUNT**, then click on Register for **"My Festival Hydro"**.

T



TOWN OF ST. MARYS

CONSENT TO SEVER:	A03-2017
PROPERTY:	596 Elgin Street East
DATE OF HEARING:	April 1, 2017
OUTSTANDING TAXES:	\$ None

INFORMATION SUBMITTED BY: Christine Brine, Tax Department

ON This 27th day of March 2017.

March 29, 2017

Town of St. Marys
175 Queen Street East
P.O. Box 998
St. Marys, Ontario N4X 1B6

Attention: Susan Luckhardt, Planning Coordinator, (via e-mail sluckhardt@town.stmarys.on.ca)

Dear Ms. Luckhardt,

Re: Application for Minor Variance: A03-2017 Owners: Douglas & Brenda Diehl
Property Description: Lots 75 & 76, Pt. Lot 74 s/s Elgin (596 Elgin St. East) in the Town of St. Marys, County of Perth, ON

The Upper Thames River Conservation Authority (UTRCA) has reviewed the subject application with regard for policies contained within the *Environmental Planning Policy Manual for the Upper Thames River Conservation Authority (June 2006)*. These policies include regulations made pursuant to Section 28 of the *Conservation Authorities Act*, and are consistent with the natural hazard and natural heritage policies contained in the *Provincial Policy Statement (2014)*. The Upper Thames River Source Protection Area Assessment Report has also been reviewed in order to confirm whether the subject property is located within a vulnerable area. The Drinking Water Source Protection information is being disclosed to the Municipality to assist them in fulfilling their decision making responsibilities under the Planning Act. We offer the following comments:

PROPOSAL

The application for minor variance is to increase the maximum area for accessory buildings from 70m² to approximately 111.94m² in order to facilitate the construction of a new detached building in the rear yard of the subject property.

CONSERVATION AUTHORITIES ACT

The subject lands are not affected by any regulations (Ontario Regulation 157/06) made pursuant to Section 28 of the *Conservation Authorities Act*.

DRINKING WATER SOURCE PROTECTION

Clean Water Act

The *Clean Water Act* (CWA), 2006 is intended to protect existing and future sources of drinking water. The Act is part of the Ontario government's commitment to implement the recommendations of the Walkerton Inquiry as well as protecting and enhancing human health and the environment. The CWA sets out a framework for source protection planning on a watershed basis with Source Protection Areas established based on the watershed boundaries of Ontario's 36 Conservation Authorities. The Upper Thames River, Lower Thames Valley and St. Clair Region Conservation Authorities have entered into a partnership for The Thames-Sydenham Source Protection Region.

The Assessment Report for the Upper Thames watershed delineates three types of vulnerable areas: Wellhead Protection Areas, Highly Vulnerable Aquifers and Significant Groundwater Recharge Areas. We wish to

advise that the subject property is within identified as being within a vulnerable area. Mapping which shows these areas is available at: http://maps.thamesriver.on.ca/GVH_252/?viewer=tsrassessmentreport

Provincial Policy Statement (PPS, 2014):

Section 2.2.1 requires that:

“Planning authorities shall protect, improve or restore the quality and quantity of water by: e) implementing necessary restrictions on development and site alteration to:

- 1. protect all municipal drinking water supplies and designated vulnerable areas; and*
- 2. protect, improve or restore vulnerable surface and ground water features, and their hydrological functions”*

Section 2.2.2 requires that:

“Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be protected, improved or restored”.

Municipalities must be consistent with the Provincial Policy Statement when making decisions on land use planning and development.

Policies in the *Approved Source Protection Plan* may prohibit or restrict activities identified as posing a *significant threat* to drinking water. Municipalities may also have or be developing policies that apply to vulnerable areas when reviewing development applications. Proponents considering land use changes, site alteration or construction in these areas need to be aware of this possibility. The *Approved Source Protection Plan* is available at: <http://www.sourcewaterprotection.on.ca/source-protection-plan/approved-source-protection-plan/>

RECOMMENDATION

The UTRCA has no objection to the above noted application for Minor Variance. The foregoing comments are provided for the information of the applicant and the Committee.

UTRCA REVIEW FEES

At this time, when the subject property is not affected by any Natural Hazards or Natural Heritage features, no fee will be collected.

Thank you for the opportunity to comment. If you have any questions, please contact the undersigned at extension 228.

Yours truly,

UPPER THAMES RIVER CONSERVATION AUTHORITY



Spencer McDonald
Land Use Planner
SM/sm

c.c. Mark Swallow, Planner (via email: msswallow@perthcounty.ca)



MEMO

Engineering & Public Works

To: Susan Luckhardt, Secretary-Treasurer,
Committee of Adjustment

Date: March 31, 2017

File: A03-2017

From: Jeff Wolfe

☐ For Your Information

☐ For Your Approval

☐ For Your Review

☒ As Requested

Subject: 256 Elgin Street East Minor Variance Application – Comments

In reply your circulation on March 24, 2017, Public Works staff have the following comment:

1. The existing elevation along the East side of the residence is higher than the neighbouring property. Confirm proposed new driveway to rear yard will not negatively impact swale drainage along property line.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jeff Wolfe', is written over a horizontal line.

Jeff Wolfe, C.Tech.
Asset Management/Engineering Specialist