

Committee of Adjustment Wednesday, April 5, 2017

A meeting of the St. Marys Committee of Adjustment was held on Wednesday, April 5, 2017 at 5:15pm 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. Closed Session (5:15pm-6:15 pm)
4. Approval of Minutes dated March 15, 2017 (6:30pm)
5. Application for Minor Variance: A03-2017 affecting Registered Plan 235, Lots 75 and 76, Part Lot 74 s/s Elgin, 596 Elgin Street East, St. Marys for Douglas J. Diehl and Brenda A. Diehl
6. Next Meeting
7. Adjournment

Present:

- Chairman Steve Cousins
- Member W. J. (Bill) Galloway
- Member Clive Slade
- Member Steve Ische
- Member Dr. J. H. (Jim) Loucks
- Mark Stone, Planner
- Grant Brouwer, Director of Building and Development
- Susan Luckhardt, Secretary-Treasurer

Guests:

- PAC Chairman Councillor Don Van Galen
- PAC Member Councillor Jim Craigmile
- PAC Member Marti Lindsay

Call to Order

Chairman Steve Cousins called the meeting to order at 5:27 pm.

Disclosure of Pecuniary Interest:

None.

Closed Session

Motion by Member W. J. (Bill) Galloway, seconded by Member Steve Ische that Committee of Adjustment for the Town of St. Marys move into a session that is closed to the public at 5:30 pm as authorized by Municipal Act Section 239(3)(1) for the purpose of educating or training the members.

Carried.



Motion by Member Steve Ische, seconded by Member Clive Slade that Committee of Adjustment for the Town of St. Marys rise from closed session at 6:16 pm.

Rise and Report:

A closed meeting was held for the purpose of educating or training the members. There is nothing further to report.

Motion by Member Dr. J. H. (Jim) Loucks, seconded by Member W. J. (Bill) Galloway that the meeting adjourn for a recess at 6:16 pm.

Carried.

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

Disclosure of Pecuniary Interest:

None.

Approval of Minutes dated March 15, 2017

Motion by Member Clive Slade, seconded by Member Steve Ische that the Minutes dated March 15, 2017 be approved as circulated.

Carried.

Public Hearing

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

Tara Porter, MTH Contracting & Consulting, agent for the application, and Doug Diehl, owner of 596 Elgin Street East were present for the Public Hearing.

Grant Brouwer introduced the 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 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.



Notice of Public Hearing was circulated by staff on March 24, 2017 by first class mail to property owners within 60m of the subject property and to agencies.

Correspondence received from the Town Finance Department dated March 27, 2017 and from Festival Hydro dated March 24, 2017 stated no concern with tax and water accounts respectively.

Correspondence received from the Town Engineering and Public Works Department dated March 31, 2017, stated the following comments:

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."

Correspondence received from Upper Thames River Conservation Authority dated March 29, 2017 stated no objection to the application.

This concluded correspondence received regarding application A03-2017.

Chairman Steve Cousins invited Tara Porter to speak to the application.

Tara Porter spoke to the application. With respect to the variance requested for the height of the proposed detached building, Tara Porter spoke to the difference in grade of the site which drifts downward from the dwelling towards the rear of the property. Although the proposed building is higher than the dwelling, the difference in grade compensates for this and the appearance of the proposed detached building to be located towards the rear of the property will not be higher than the house. The increased height for the proposed detached building is required by the proponent for storage of his motorhome and also for installation of a car lift for his hobby. The adjacent property has a garage of similar size and so the proposed detached building is not beyond what already exists in the neighbourhood. With regard to grading issues raised by Engineering and Public Works in the correspondence dated March 31, 2017, Doug Diehl stated he will not raise the elevation of the proposed driveway to be level with his existing driveway; but rather will maintain the existing grade for the proposed driveway which will follow the existing contours of the grade to allow drainage as it currently exists. The proposed driveway will lead to the proposed detached building.

Chairman Steve Cousins asked COA members for questions or comments.

Member Steve Ische asked the proponent why he could not achieve a building to comply with a footprint of 70m sq which is the maximum permitted under the zoning by-law for properties greater than 1,050 m sq. Doug Diehl responded, stating that his personal hobby use and storage of lawn care items requires the space he is proposing for the detached building. Doug Diehl stated that if the height relief is not granted, the proposed building would be useless to his hobby of restoring vehicles and for storage of his motorhome.

Chairman Steve Cousins asked Doug Diehl how he moved the car and trailer currently stored in his rear yard to their current location. Doug Diehl stated that he used his grassed side yard as access to the rear yard.

In response to a question from committee members with respect to the hydro easement, Mark Stone stated that the proposed detached building only needs to be out of the area

described as the easement and as such the proposed detached building is permitted to abut the identified easement area.

Member Bill Galloway had no questions regarding the application.

Member Clive Slade asked if the existing detached building is at the same location as the proposed detached building. Tara Porter confirmed this to be the case.

Member Dr. Loucks had no questions regarding the application.

Member Steve Ische stated that previous approvals by Committee of Adjustment to permit large garages have caused the most comments from neighbours.

Member Clive Slade asked about storage of vehicles in the rear yard with respect to property standards. Grant Brouwer provided clarification on the matter under the property standards by-law.

Doug Diehl stated that the proposed building will be constructed with attractive exterior finishes including vinyl siding and stonework appropriate for a residential neighbourhood; it will not be a steel building.

Doug Diehl stated that he has talked to the neighbours on either side of his property about the proposed detached building.

Member Bill Galloway stated that the application presents no issue to him for height, given the slope of the property towards the rear; and no issue for footprint given the amount of green space that will still exist on the property. This proposal does not fall into the category of a massive detached building that has brought complaints in the past. In his opinion it is a minor variance.

DECISION

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

Motion by Member W. J. (Bill) Galloway, seconded by Member Dr. J. H. (Jim) Loucks that the Committee of Adjustment for the Corporation of the Town of St. Marys approve Minor Variance Application No. A03-2017 for Douglas J. Diehl and Brenda A. Diehl 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 4.652m in height;
2. A building permit shall be obtained within 1 (one) year of the Committee's decision;
3. The space shall not be used for home occupation or any other business;
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 detached building, 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.

And for the following reasons:

1. The relief requested is minor in nature;
2. It is required for appropriate development of the property;
3. It maintains the general intent and purpose of the Town Official Plan;
4. It maintains the general intent and purpose of the Town Zoning By-law.

Carried.

Next Meeting

April 19, 2017 at 6:30 pm.

Adjournment

Motion by Member W. J. (Bill) Galloway, seconded by Member Steve Ische that the meeting adjourn at 6:56 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