



Agenda
Committee of Adjustment

August 5, 2020

6:00 pm

Video Conference

Click the following link:

<https://www.youtube.com/channel/UCzuUpFqxcEI8OG-dOYKteFQ>

Pages

1. **CALL TO ORDER**
2. **DECLARATION OF PECUNIARY INTEREST**
3. **AMENDMENTS AND APPROVAL OF AGENDA**

RECOMMENDATION

THAT the August 5, 2020 Committee of Adjustment agenda be accepted as presented.

4. **ACCEPTANCE OF MINUTES**

4

RECOMMENDATION

THAT the July 2, 2020 Committee of Adjustment minutes be approved and signed by the Chair and the Secretary / Treasurer.

5. REPORTS

During the meeting the Chair will invite attendees to provide public comment regarding the application being considered by the Committee.

Virtually join the public meeting by selecting the Zoom Webinar link below to be an "attendee" and observe or participate in the meeting.

Alternatively, an attendee may choose to join by telephone access by dialing the toll-free number below.

Video Participation:

<https://zoom.us/j/91025704147?pwd=SEtmd3lSMnM2aGxsV3lEcWp4Y1RPZz09>

Telephone Participation: 1 647 558 0588

Webinar ID: 910 2570 4147

Password: 704530

5.1 DEV 46-2020 Application for Minor Variance (File A08-2020) by L. Wilkinson and C. Barry 524 Elgin Street West Lot 2, Plan 367, St. Marys

9

RECOMMENDATION

Subject to review of submissions/comments considered at the public hearing, the following recommendation is made:

THAT the Application for Minor Variance by L. Wilkinson and C. Barry (A08-2020), affecting a parcel of land described as 524 Elgin Street West, Lot 2, Plan 367, in the Town of St. Marys to enlarge/extend the existing legal non-conforming residential use, be **APPROVED**, subject to the following conditions:

1. This approval is granted only to the nature and extent of this Application being the construction of a 29.7 m² (320 ft²) detached garage in the rear yard, near the eastern property line.
2. Required building permit(s) shall be obtained within one (1) year of the Committee's decision.
3. That the construction of a detached garage be substantially in keeping with the plans submitted with the Minor Variance Application.
4. That failure to comply with and maintain the conditions of the Committee will render the approval null and void.

6. UPCOMING MEETINGS

No meetings are scheduled at this time. Town staff will contact the Committee when an application has been deemed complete.

7. ADJOURNMENT

RECOMMENDATION

THAT this Committee of Adjustment meeting adjourn at _____pm.



Minutes

Committee of Adjustment

July 2, 2020

6:00 pm

Video Conference

Click the following link:

<https://www.youtube.com/channel/UCzuUpFqxcEI8OG-dOYKteFQ>

Member Present	Steve Cousins, Chair William Galloway Stephen Glover Paul King Clive Slade
Staff Present	Mark Stone, Planner Grant Brouwer, Secretary-Treasurer and Director of Building and Development Morgan Dykstra, Recording Secretary and Public Works Coordinator
Others Present	Belinda and Merlin Linares (496 Elizabeth Street)

1. CALL TO ORDER

Chair Cousins called the meeting to order at 6:00 pm.

3. AMENDMENTS AND APPROVAL OF AGENDA

Moved By Clive Slade

Seconded By Bill Galloway

THAT the July 2, 2020 Committee of Adjustment agenda be accepted as presented.

CARRIED

2. DECLARATION OF PECUNIARY INTEREST

None declared.

4. ACCEPTANCE OF MINUTES

Moved By Stephen Glover

Seconded By Bill Galloway

THAT the June 8, 2020 Committee of Adjustment minutes be approved and signed by the Chair and the Secretary / Treasurer.

CARRIED

5. REPORTS

The meeting agenda provided an overview regarding how public comments may be provided for the application being considered at the July 2, 2020 meeting.

- 5.1 DEV 38-2020 - Application for Minor Variance (File A07-2020) by Merlin and Belinda Linares for 496 Elizabeth Street, Lot 4 and Part Lots 3 and 5, Block 12, Plan 250, Town of St. Marys

Mark Stone provided an overview of Minor Variance Application A07-2020 for 496 Elizabeth Street as outlined in the staff report.

Chair Cousins asked the Applicants, Belinda and Merlin Linares to speak to the application.

Belinda Linares spoke to the application. Ms. Linares explained that they require the construction of a granny flat (accessory apartment) to accommodate an aging family member. Ms. Linares noted that the granny flat design considers accessibility needs which is why the Linares are requesting a minor variance. The Applicant's acknowledged that the addition could be moved to another part of the house but that would mean the removal of an existing tree in the rear yard and Mr. Linares noted that other locations on the property would not be able to accommodate accessibility needs.

Chair Cousins asked Stephen Glover if he had any questions for the Applicants.

Mr. Glover noted that the granny flat will be close to the existing railway ties.

Ms. Linares confirmed that the granny flat will be adjacent to the gravel area of the railway ties.

Mr. Glover noted that the floor plan shows 14 stairs at the rear of the building, Mr. Glover asked the Applicant if the stairs are for a basement.

Ms. Linares confirmed there will be a basement with a utility room and storage area.

Mr. Glover had no further questions.

Chair Cousins asked Clive Slade if he had any questions for the Applicants.

Mr. Slade noted the house to the West is setback slightly and inquired if the addition will be aesthetically pleasing.

Ms. Linares explained the location of the proposed granny flat.

Mr. Slade asked Mark Stone if the proposed addition is aesthetically pleasing.

Mark Stone indicated he reviewed the positioning of the addition; the front of the Applicant's house is in line with the front main wall of the house to the West. Mr. Stone also provided that the properties do have larger front yards.

Chair Cousins asked Paul King if he had any questions for the Applicants.

Mr. King stated he has no objections as no comments have been received from the property to the West.

Mr. Stone confirmed that no questions or comments have been received.

Chair Cousins asked Mr. Galloway if he had any questions for the Applicants.

Mr. Galloway asked Mr. Stone to confirm if the proposed accessory apartment complies with the 40% rule for accessory buildings.

Mr. Stone advised that the application complies with the 40% rule as the floor area of the apartment will equate to 26% of the total floor area of the building.

Chair Cousins asked Grant Brouwer, Secretary-Treasurer and Director of Building and Development if there were any public comments received by email.

Mr. Brouwer confirmed that no public comments have been received and advised that public comments can be sent by email to planning@town.stmarys.on.ca.

The Committee paused discussion to allow for public comments to be sent by email.

Chair Cousins asked if there were any comments from the public, none were received.

Chair Cousins asked if the Committee had any further questions regarding the application, the Committee had no further questions.

Chair Cousins read the recommendation.

Moved By Paul King

Seconded By Clive Slade

THAT DEV 38-2020 Application for Minor Variance be received for information; and,

THAT the Application for Minor Variance by Merlin and Belinda Linares (Application No. A07-2020) affecting a parcel of land described as 496 Elizabeth Street, Lot 4 and Part Lots 3 and 5, Block 12, Plan 250, in the Town of St. Marys to permit:

- an addition to the west side of the existing single detached dwelling to accommodate the establishment of an accessory apartment with a minimum interior setback from the west lot line of 1.2 metres whereas Section 8.2.5 of Zoning By-law No. Z1-1997, as amended, requires a minimum interior setback from the west lot line of 2.4 metres,

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 to permit a minimum interior setback from the west lot line of 1.2 metres.
2. Required building permit(s) shall be obtained within one (1) year of the Committee's decision.

3. That the addition to accommodate an accessory apartment be substantially in keeping with the plans submitted with the Application for Minor Variance.
4. That failure to comply with and maintain the conditions of the Committee will render the approval null and void.

CARRIED

6. UPCOMING MEETINGS

Staff are currently working on one application, there will likely be an August meeting. Staff will contact the Committee of Adjustment when an application has been deemed complete.

7. ADJOURNMENT

Moved By Bill Galloway

Seconded By Stephen Glover

THAT this Committee of Adjustment meeting adjourn at 6:19 pm.

CARRIED

Steve Cousins, Chair

Grant Brouwer, Secretary-Treasurer

FORMAL REPORT

To:	Chair and Members of Committee of Adjustment
Prepared by:	Mark Stone, Planner
Date of Meeting:	5 August 2020
Subject:	DEV 46-2020 Application for Minor Variance (File A08-2020) by L. Wilkinson and C. Barry 524 Elgin Street West Lot 2, Plan 367, St. Marys

RECOMMENDATION

Subject to review of submissions/comments considered at the public hearing, the following recommendation is made:

THAT the Application for Minor Variance by L. Wilkinson and C. Barry (A08-2020), affecting a parcel of land described as 524 Elgin Street West, Lot 2, Plan 367, in the Town of St. Marys to enlarge/extend the existing legal non-conforming residential use, be **APPROVED**, subject to the following conditions:

1. This approval is granted only to the nature and extent of this Application being the construction of a 29.7 m² (320 ft²) detached garage in the rear yard, near the eastern property line.
2. Required building permit(s) shall be obtained within one (1) year of the Committee's decision.
3. That the construction of a detached garage be substantially in keeping with the plans submitted with the Minor Variance Application.
4. That failure to comply with and maintain the conditions of the Committee will render the approval null and void.

REPORT

The 0.68 hectare (1.67 acre) subject property fronts onto the south side of Elgin Street West as shown on the General Location Map (refer to Attachment 1 of this report). There is an existing 170 m² (1,829.9 ft²) single detached dwelling on the subject property.

The existing residential use of the subject property is considered legal non-conforming according to the Town's Zoning By-law. The Planning Act provides the Committee of Adjustment with the authority to permit the enlargement or extension of a legal non-conforming use.

This Application for Minor Variance requests permission to enlarge/extend the existing legal non-conforming residential use to permit the construction of a 29.7 m² (320 ft²) detached garage in the rear yard, near the eastern property line, as shown on the sketch submitted with the Application (see Attachment 2).

SURROUNDING LAND USES

North: Elgin Street West and vacant land
South: Vacant land
East: Vacant land
West: Vacant land

PLANNING CONTEXT

Official Plan

The subject property is designated Extractive Industrial according to the Town Official Plan. The primary uses permitted on lands designated Extractive Industrial are processing, crushing, screening washing and stockpiling of aggregate material.

Section 7.3.2.1 of the Official Plan defines 'non-conforming uses' as "those uses legally existing on the date of adoption of this Plan that are not in conformity with the policies or land use designations of this Official Plan or the provisions of the implementing Zoning By-law". Section 7.3.2.2 states that such uses "should generally cease to exist in the long run so that the land affected may revert to a use in conformity with the intent of this Official Plan and the provisions of the implementing Zoning By-law". However, the Official Plan allows for non-conforming uses to continue.

Section 7.3.2.3(a) states that the Town should evaluate the possibility of acquiring the property or relocating the use and if these options are not feasible, extensions and enlargements of non-conforming uses may be handled through Section 45(2) of the Planning Act. Section 7.3.2.3(f) states that prior to approving an application and to safeguard the interests of the general public, the Committee of Adjustment shall consider the following:

- i) the proposed extension or enlargement of the established non-conforming use shall not unduly aggravate the situation already created by the existence of the use, especially with regard to the policies of this Plan and the requirements of the Zoning By-law;
- ii) whether the proposed extension or enlargement will be in appropriate proportion to the size of the non-conforming use established prior to the passing of the Zoning By-law;
- iii) the characteristics of the existing non-conforming use and the proposed extension or enlargement shall be examined with regard to noise, vibrations, fumes, smoke, dust, odours, lighting, and traffic generating capacity. No variance shall be granted if one or more of such nuisance factors are present and are cause for the incompatibility of the use with the surrounding area;
- iv) the adequacy and availability of municipal services or the adequacy of private water supply and sewage disposal facilities;
- v) the traffic and parking conditions of the vicinity shall not be adversely affected by the application, and traffic hazards will be kept to a minimum by appropriate design of loading and unloading facilities and access points to and from the site, and improvement of sight conditions, especially in proximity to intersections;
- vi) the proposed extension or enlargement and, where feasible, the established non-conforming use, shall provide for areas of landscaping, buffering or screening and appropriate setbacks for buildings and structures, and devices and measures to reduce nuisances, and where necessary regulations may be applied to alleviate adverse effects caused by outside storage, lighting, and advertising signs in order to improve the compatibility of the use with the surrounding area.

- vii) Council or the Committee of Adjustment shall not be obligated to grant permission to extend or enlarge a non-conforming use under any circumstances.
- viii) It shall be the policy of the Town to notify property owners in the vicinity of each application for an extension or enlargement of a non-conforming use prior to a final decision on the request in order to obtain their views and satisfy the requirements of the Planning Act, RSO 1990.
- ix) In accordance with Section 45 of the Planning Act, RSO 1990, the Committee of Adjustment may impose conditions that it considers appropriate to the approval of an application for the extension, enlargement, or change in a legal non-conforming use.

The proposed addition is minor in size and nature, and will complement the existing legal non-conforming use. In addition, the use will not have any negative impacts on nearby uses.

Zoning By-law

The subject property is zoned Extractive Industrial Zone Three (M3-H) and Heritage Classified (for information purposes) according to the Town's Zoning By-law No. Z1-1997, as amended. The "-H" represents a Holding Zone provision applied to the property. When necessary and/or applicable, the removal of the "-H" symbol can only occur following site plan review and the entering into of an agreement to ensure that development takes a form compatible with adjacent uses

The existing residential use of the subject property is considered legal non-conforming.

COMMUNICATIONS

Notice of the public hearing 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 signage advertising the meeting was posted on the property.

At the time of preparing this report, the Town had received no public, agency or Town department comments regarding this Application.

PLANNING ANALYSIS

The four tests under Section 45(1) of the Planning Act do not apply to applications for expansion of legal non-conforming uses under Section 45(2) of the Planning Act. However, staff has reviewed the proposal in the context of the policies of the Official Plan. The addition of a relatively small detached garage is minor in nature, will complement the existing legal non-conforming use, and will not have any negative impacts on nearby uses.

SUMMARY

It is recommended that the Committee approve the Application for Minor Variance subject to the conditions listed in the Recommendation section of this report.

ATTACHMENTS

- 1) General and specific location maps
- 2) Application for Minor Variance (including submitted plans)

REVIEWED BY

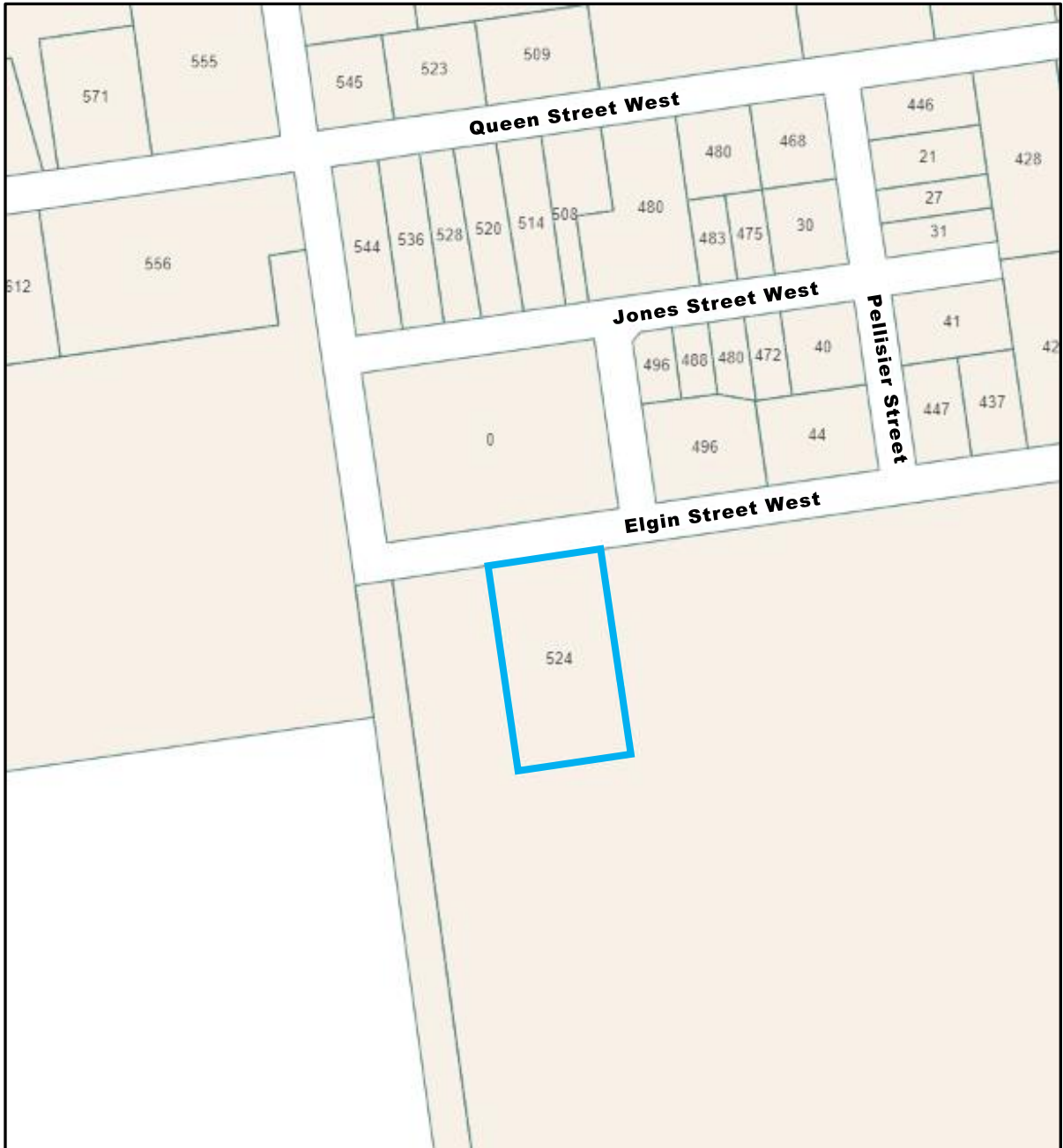
Recommended by the Department

A handwritten signature in dark ink, appearing to read 'M Stone', written over a horizontal line.

Mark Stone
Planner

GENERAL LOCATION MAP

524 Elgin West
 Lot 2, Plan 367
 Town of St. Marys



Subject Lands



July 21, 2020

SPECIFIC LOCATION MAP / AERIAL

524 Elgin West
 Lot 2, Plan 367
 Town of St. Marys



Subject Lands



July 21, 2020



Corporation of the
the Town of St. Marys

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. A08-2020

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 200/96 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 a decision. As a result, the application may be refused.

Approval Process

Upon receipt of an application, the required fee and other information (as required) 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 any 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) 284-2340.

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) LEONARD WILKINSON & CINDY BARRY	Home Telephone No. 604 679-0500	Business Telephone No.
Address 524 ELGIN ST W	Postal Code N4X 1C2	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)	Home Telephone No.	Business Telephone No.
Address	Postal Code	Fax No.

➤ 2.0 Location and Size of the Subject Land

Street No. 524	Name of Street/Road ELGIN (W)	Registered Plan No. 367	Lot(s)/Block(s) 2 S/S ELGIN
Reference Plan No.	Part Number(s)	Concession Number(s)	Lot Number(s)
Lot Frontage 61 m	Average Width 61 m	Average Depth 111 m	Lot Area 6768 m ²

➤ 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

➤ 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.

➤ 2.3 When were the subject lands acquired by the current owner? 2007

➤ 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?

11

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

Extractive Industrial

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

Extractive Industrial Zone 3 (M3-H+ Heritage Class)

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

extension of legal non-complying residential use to permit detached garage.

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

existing residential in M3 Zone

► 3.7 Provide the following details for all buildings, both existing or proposed. (Attach an additional page if necessary)

	Existing Buildings	Proposed Buildings		Existing Buildings	Proposed Buildings
3.7.1 Front Yard	15 m	87 m	3.7.5 Height	6.12 m	24.5
3.7.2 Rear Yard	62 m		3.7.6 Dimensions	12.8 x 8.5	6.1 x 4.8 m ²
3.7.3 Side Yard	16 m		3.7.7 Gross Floor Area	170 m ²	29 m ²
3.7.4 Side Yard	33 m	5.8 m	3.7.8 Date Constructed	1870	

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 Cement Company

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

The property was originally a farm.
Sub divided to this property with Cement
company on the perimeter

► 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	None	None	a) Public piped water system	None	None
b) Public or private communal septic	"	"	b) Public or private communal well(s)	"	"
c) Individual septic system(s)	Yes	No	c) Individual well(s)	Yes	No
d) Other	-	-	d) Other	-	-
Storm Drainage	Existing	Proposed	Road Access	Existing	Proposed
a) Sewers	None	None	a) Arterial Road	No	No
b) Ditches or swales	"	"	b) Collector Road	No	No
c) Other	-	-	c) Local Road	Yes	No

► 7.0 Justification

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

On 3 sides of property is St. Marys Cement Company
land. This garage will not affect their land.
Across the road are vacant lots

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, Leonard Wilkinson 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 7 day of July, 2020

Leslee Lea Stacey
Commissioner of Oaths

Leslee Lea Stacey,
a Commissioner, etc.,
Province of Ontario, for the
Corporation of the Town of St. Marys.
Expires September 17, 2021

Leonard Wilkinson
Applicant

➤ 11.0 Authorization of Owner for Agent to Make the Application

I (we), _____ of the _____ in the County/Region of _____
am the owner of the land that is the subject of this application for a Minor Variance/ Permission and I (we) hereby authorize
_____ to act as my (our) agent in the application.

Date

Signature of Owner(s)

12.0 ACKNOWLEDGEMENT

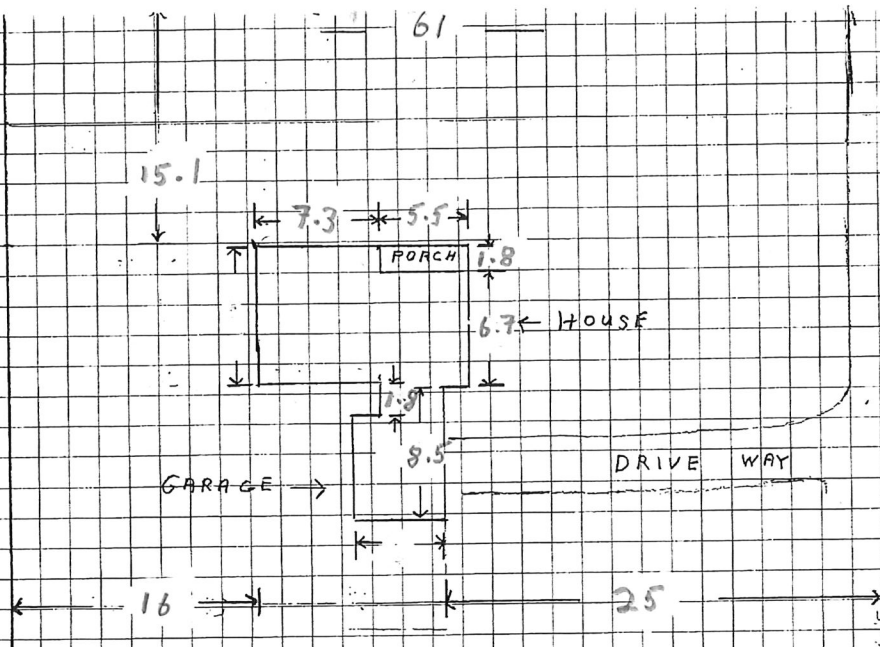
With the filing of this application, the applicant is aware of, and agrees, that if the decision of the Council of the Town of St. Marys regarding this application is appealed by a third party (a party other than the applicant), all costs incurred by the Corporation of the Town of St. Marys for legal 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 16 day of July, 2020

Leonard Wilkinson
Applicant



ALL MEASUREMENTS
ARE
METRES

ROW
SPRUCE
TREES

LANE
WAY

4.9

5.8

BLACK
WALNUTS

OLD
SHED

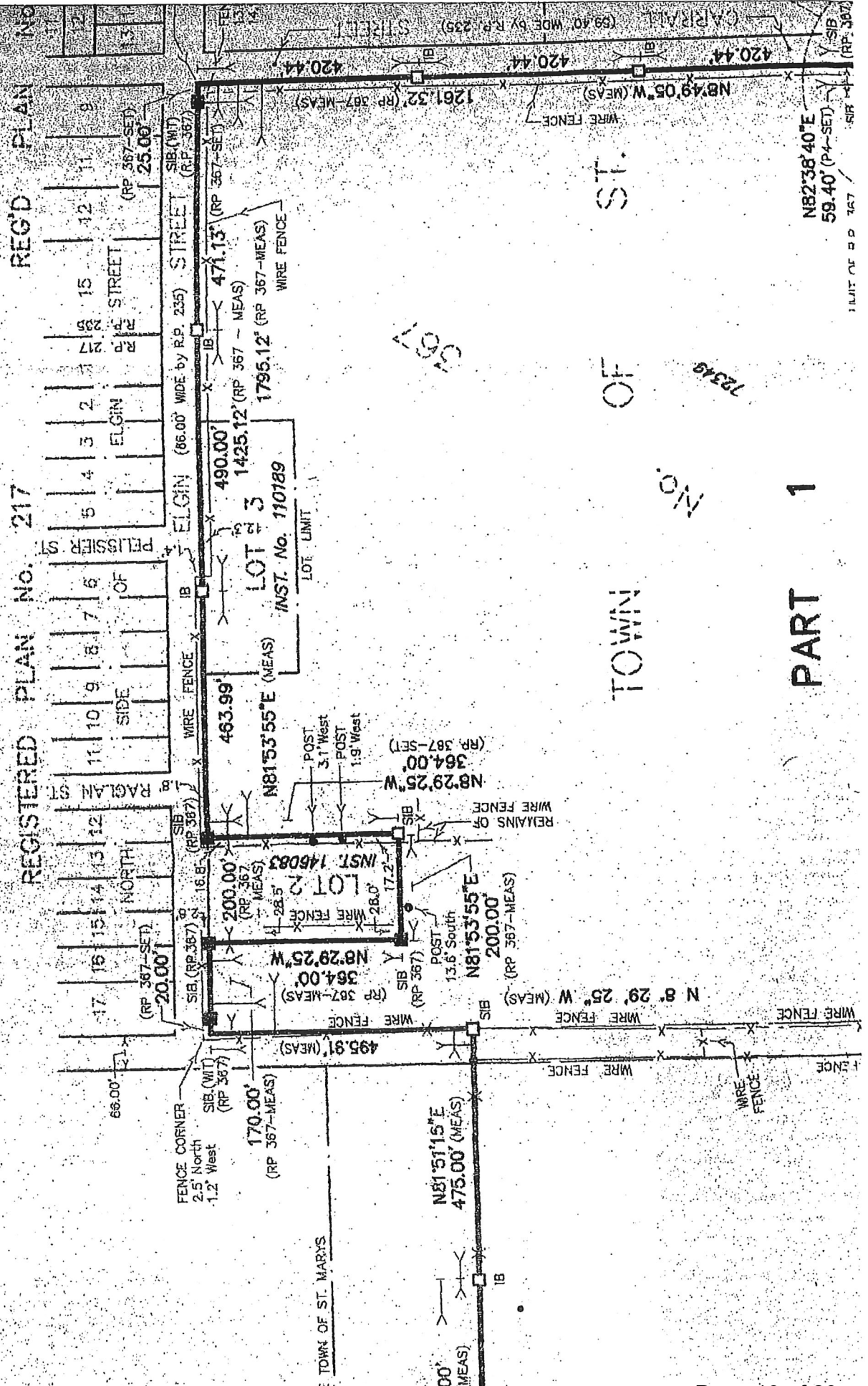


61

524 ELGIN ST. W
ST MARYS ONT

SCALE: 1 represents 4.7 m
cm

1 square = 1.8 Page 18 of 20



6/26/2019

Backyard Projects 2019



HOME

ALL PROJECTS

PRICE LIST

CONTACTS

SETTINGS

QUANON

HELP

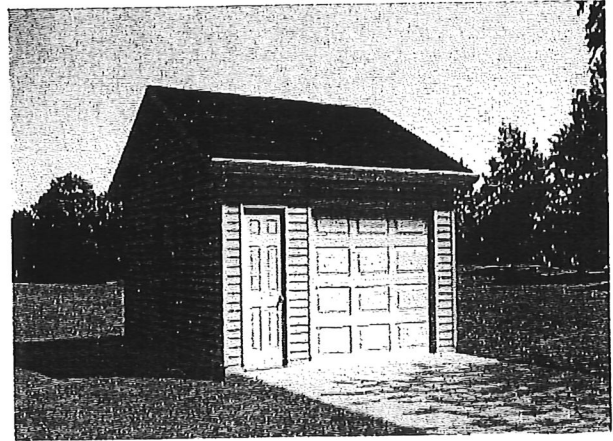
PERMIT

Current Category: All Projects < Garages < Side Entry Garages

Side Entry Garage 16' X 20'

Description: Side Entry Garage 16' X 20'

Click the Image below to open this Project's Construction Drawing.



= Identifies a new material list for a project.



= Identifies a modified material list for a project.

SKU	Description	Retail	Material List
2851219	GARAGE, S/ENTRY BASIC 16X20	\$6,049.99	
2849629	DRYWALL, OPT GAR 16X20 S/ENTRY	\$809.99	
2849829	INSULATION, OPT GAR 16X20 S/ENTRY	\$709.99	
2850529	SIDING, VNL OPT GAR D5 S/E 16X20	\$859.99	
2850131	SOFFIT/FACIA, AL OPT GAR 16X20 S/E	\$319.99	
2850019	GUTTER, AL OPT GAR 16X20 S/ENTRY	\$234.99	
2850329	SIDING, VNL OPT GAR D4 16X20	\$889.99	
2850904	GARAGE 16X20 S/E CMPLT W/EXT.OPTS	\$7,499.99	

< Go Back

Continue Shopping