



Agenda
Committee of Adjustment

June 1, 2022

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 June 1, 2022 Committee of Adjustment agenda be accepted as presented.

4. **ACCEPTANCE OF MINUTES**

3

RECOMMENDATION

THAT the April 20, 2022 Committee of Adjustment minutes be approved and signed by the Chair and the Secretary / Treasurer.

5. **REPORTS**

To **participate** in this meeting (provide comments or questions), join the Zoom Webinar as follows:

<https://us06web.zoom.us/j/82636072083?pwd=OHZqVE1KQkNEYWRiWGdwWlXlQTFFrQT09>

Webinar ID: 826 3607 2083

Telephone: 1-855-703-8985

Passcode: 994482

To **observe** the meeting (no comments or questions), visit the Town's YouTube Channel: <https://www.youtube.com/channel/UCzuUpFqxcEI8OG-dOYKteFQ>.

RECOMMENDATION

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

THAT the Application for Minor Variance by M. and T. Armstrong (Application No. A02-2022) affecting a parcel of land described as 469 Queen Street East, in the Town of St. Marys to permit:

- a maximum total lot coverage of 7.8 percent for all accessory buildings and structures, in the amount of 80 m² / 861.1 ft² for a proposed replacement storage shed, and existing woodshed, pool equipment shed and change room, whereas Section 5.1.5A(b) of Zoning By-law No. Z1-1997, as amended, would permit a maximum total lot coverage of 50 m²,
 1. This approval is granted only to the nature and extent of this application being relief to permit the construction of a replacement storage shed, for a maximum total lot coverage for accessory buildings and structures measuring a total of 80 m².
 2. Required building permit(s) shall be obtained within one (1) year of the Committee's decision.
 3. The space for any accessory buildings or structures shall not be used for home occupation or any other business.
 4. That the storage shed be substantially in keeping with the plans submitted with the Application for Minor Variance.
 5. That failure to comply with and maintain the conditions of the Committee will render the approval null and void.

6. UPCOMING MEETINGS

7. ADJOURNMENT

RECOMMENDATION

THAT this Committee of Adjustment meeting adjourn at _____pm.



Minutes

Committee of Adjustment

April 20, 2022

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, Town Planner Grant Brouwer, Secretary / Treasurer
Others Present	David Greene, Applicant's Agent (323 Elgin Street West) Marilyn Greene, Applicant's Agent (323 Elgin Street West)

1. CALL TO ORDER

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

2. DECLARATION OF PECUNIARY INTEREST

None declared.

3. AMENDMENTS AND APPROVAL OF AGENDA

Moved By William Galloway

Seconded By Stephen Glover

THAT the April 20, 2022 Committee of Adjustment agenda be accepted as presented.

CARRIED

4. ACCEPTANCE OF MINUTES

Moved By William Galloway

Seconded By Paul King

THAT the April 6, 2022 Committee of Adjustment minutes be approved and signed by the Chair and the Secretary / Treasurer.

CARRIED

5. REPORTS

Chair Steve Cousins advised how members of the public can participate in the meeting as described in the agenda and Notices of Public Hearing.

Committee member Clive Slade entered the meeting at 6:03 p.m.

- 5.1 DEV 25-2022 Consent to Sever Application (File B01-2022) by D. Richmond, 323 Elgin Street West, St. Marys

Mark Stone, the Town's Planner spoke to the Application as detailed in the staff report.

Mark Stone advised that in response to the circulation of the Notice of Public Hearing, the Town received no public comments and two agency comments, they are as follows:

- Enbridge Gas Inc. has notified the Town that there are gas lines present in the general area, and that if any works are to be completed the Applicant may need to contact Enbridge Gas Inc.
- Bell Canada has requested a three (3) metre wide easement to access and repair underground infrastructure as required, and that the establishment of an easement be a condition of approval for the consent to sever.

Chair Steve Cousins asked the Applicant's Agents and owners of the benefitting lands, Marilyn and David Greene to speak to the Application.

David Greene explained to the Committee that they have a small garage in their rear yard, to access the garage by vehicle, they utilize the subject lands being considered by the Committee, the Owner of 323 Elgin Street

West has authorized the use of the subject lands, however, David and Marilyn are seeking a land conveyance to formalize access to the subject lands.

Chair Steve Cousins asked if the Committee has any questions.

Paul King inquired if Bell Canada has any underground infrastructure documentation registered on the property title.

David Greene responded that the underground infrastructure exists, and that Bell Canada does access the infrastructure, but to his knowledge there is no documentation registered on the property title.

Paul King asked if a separate consent application is required to establish an easement.

Mark Stone explained that if it is an easement agreement exceeds twenty-one (21) years in duration, then a consent application is required, the requested easement is less than twenty-one (21) years, therefore no consent application is required.. Mark Stone further advised that the request is unusual, but not unprecedented, similar requests have been made on previous consent to sever applications, and the establishment of an easement was incorporated into the Committee's condition of approval. Mark Stone further noted that the *Planning Act* permits these types of conditions, however the conditions must be reasonable and have regard to the development being proposed.

William Galloway commented that the consent to sever being sought is a lot line adjustment, and that given the nature of the Application, Bell Canada's request is not reasonable.

The Committee was of the consensus that Bell Canada's request to establish a three (3) metre easement is unreasonable, and that it not be included as a condition of approval.

Steve Cousins asked Morgan Dykstra if there are any public comment related to the Application, Morgan Dykstra confirmed there are no public comments.

Clive Slade sought confirmation that there is no existing easement agreement with Bell Canada, and that the request is new.

Mark Stone confirmed there is no existing easement.

The Committee made the following recommendation:

Moved By William Galloway

Seconded By Paul King

THAT the Application for Consent to Sever by D. Richmond (Application No. B01-2022) affecting a parcel of land municipally known as 323 Elgin Street West, in the Town of St. Marys for the purpose of conveying a portion of the property as a lot addition to the lot that abuts the subject property to the west (municipally known as 331 Elgin Street West) be **APPROVED** as the severance proposal conforms to the policies of the Official Plan, subject to the following conditions:

1. The Certificate of the Official must be issued by the Secretary-Treasurer for Committee of Adjustment within a period of two years from the date of the mailing of the Notice of Decision;
2. Confirmation from the Town's Treasury Department that their financial requirements have been met;
3. The Committee must be provided with a description that is consistent with the application and equal to that required for registration of a deed/transfer or other conveyance of interest in land under the provisions of the Registry Act or Land Titles Act.
4. Confirmation be received from the solicitor that the Certificate of the Official will be scanned and attached to the electronic registration of the Transfer; and,
5. Undertaking from the solicitor that the parcels will be consolidated under Land Titles onto one P.I.N.

CARRIED

6. UPCOMING MEETINGS

Town staff to contact the Committee when an application has been deemed complete.

Morgan Dykstra advised the Committee that the Town is considering a return to in-person meetings, and that more information will be provided to the Committee in the following weeks.

7. ADJOURNMENT

Moved By William Galloway
Seconded By Stephen Glover

THAT this Committee of Adjustment meeting adjourn at 6:20 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:	1 June 2022
Subject:	DEV 39-2022 Application for Minor Variance (File A02-2022) by M. and T. Armstrong for 469 Queen Street East, Town of 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 M. and T. Armstrong (Application No. A02-2022) affecting a parcel of land described as 469 Queen Street East, in the Town of St. Marys to permit:

- a maximum total lot coverage of 7.8 percent for all accessory buildings and structures, in the amount of 80 m² / 861.1 ft² for a proposed replacement storage shed, and existing woodshed, pool equipment shed and change room, whereas Section 5.1.5A(b) of Zoning By-law No. Z1-1997, as amended, would permit a maximum total lot coverage of 50 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 to permit the construction of a replacement storage shed, for a maximum total lot coverage for accessory buildings and structures measuring a total of 80 m².
2. Required building permit(s) shall be obtained within one (1) year of the Committee's decision.
3. The space for any accessory buildings or structures shall not be used for home occupation or any other business.
4. That the storage shed be substantially in keeping with the plans submitted with the Application for Minor Variance.
5. That failure to comply with and maintain the conditions of the Committee will render the approval null and void.

REPORT

The 1,027.7 m² (0.25 acre) subject property is located on the north side of Queen Street East, between Brock Street and Waterloo Street North, as show on the General Location Map shown below. On the subject property there is an existing:

- Two-storey detached dwelling (250 m² / 2700 ft²)
- Woodshed (7.8 m² / 84 ft²)

- Pool equipment shed (7.15 m² / 77 ft²)
- Pool change room (4.55 m² / 49 ft²)
- Storage shed (31.22 m² / 336 ft²)

The Owner is proposing to demolish the existing storage shed and replace it with a new 60 m² / 648 ft² storage shed. According to Section 5.1.5A(b) of the Town's Zoning By-law, in an R3 Zone, the total lot coverage of all accessory buildings and structures on a lot shall not exceed the lesser of 10 percent of the lot area or 50 m². Through this Application for Minor Variance, the Owner is requesting relief from Section 5.1.5A(b) of the Zoning By-law to permit a maximum total lot coverage of 7.8 percent in the amount of 80 m² / 861.1 ft² for the proposed replacement storage shed, and existing woodshed, pool equipment shed and change room.

PLANNING CONTEXT

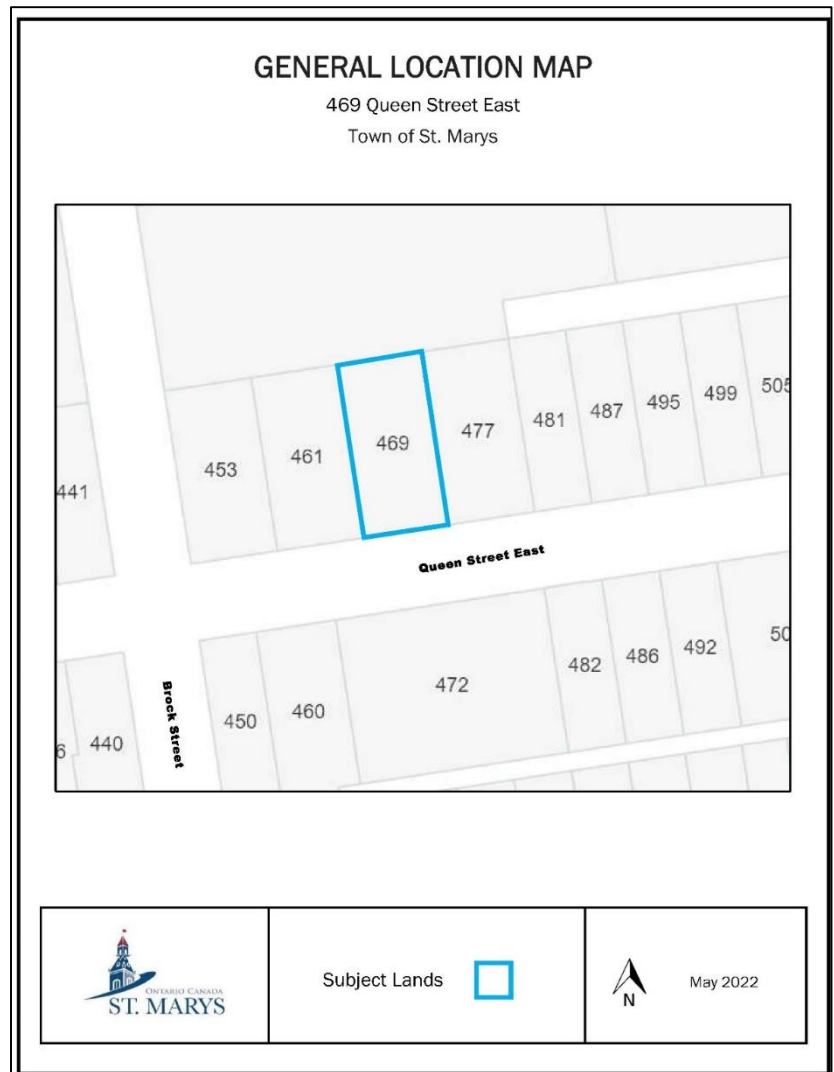
Official Plan

The subject property is designated Residential according to 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".

Zoning By-law

The subject property is zoned Residential Zone Three (R3) according to the Town Zoning By-law Z1-1997 and is partly within the Upper Thames River Conservation Authority Regulation Limit. The R3 Zone permits a range of dwelling types including one single-detached dwelling per lot, along with home occupations, accessory uses/buildings/structures, bed and breakfast establishments, and public parks.

According to Section 5.1.5A(b) of the Town's Zoning By-law, in an R3 Zone, for lots less than 1,050 m² in size, the total lot coverage of all accessory buildings and structures shall not exceed the lesser of 10 percent of the lot area or 50 m². Therefore, a maximum total lot coverage of 50 m² is permitted for all accessory buildings and structures on this property. Through the Application for Minor Variance, the property owner is requesting relief from Section 5.1.5A(b) of the Zoning By-law to permit a maximum total lot coverage of 80 m² / 861.1 ft² for the proposed replacement storage shed, and existing woodshed, pool equipment shed and change room.



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 writing this report, no formal public or agency comments had been received by the Town.

PLANNING ANALYSIS

In support of the application, the property owner provided the following information:

- Existing shed is old and in less than fair condition, making it beyond feasible repair
- Proposed 60 m² / 648 ft² storage shed is notably smaller than the 125 m² / 1350 ft² footprint of the primary residence
- Application is minor in nature and shed is for residential usage
- Proposed building will be located at the lowest point of the property and therefore, would not be intrusive to our neighbours.

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 variance, are as follows:

1. **The variance maintains 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 variance 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 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 proposed building will be located in the rear yard of the lot with a gross floor area that is notably smaller than the gross floor area of the single detached dwelling.

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. With the addition of the proposed accessory building, the total lot coverage of all buildings on the lot will equate to 19.9 percent, which is far less than the 40 percent maximum lot coverage requirement in the R3 Zone.

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

3. **The application is "minor" in nature.**

The requested variance represents an appropriate deviation from the Zoning By-law requirement and the potential impacts resulting from the proposed variance are considered minor in nature.

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

The construction of an accessory building in this location is consistent with the residential character of the area and represents appropriate development for the subject property. The proposed accessory building meets all other requirements of the Zoning By-law including the minimum setbacks from the rear and interior lot lines and the maximum height requirement.

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

SUMMARY

The proposed minor variance maintains the intent and purpose of the Official Plan and Zoning By-law, will allow for development that is desirable and appropriate, and is minor in nature. 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) Site plan sketch
- 2) Building plans

REVIEWED BY

Recommended by the Department



Mark Stone
Planner

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MUST PROVIDE THE TOWN
DEPARTMENT A COPY
AL PROPERTY REPORT
FOUNDATION ELEVATION
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OR TO BE GIVEN
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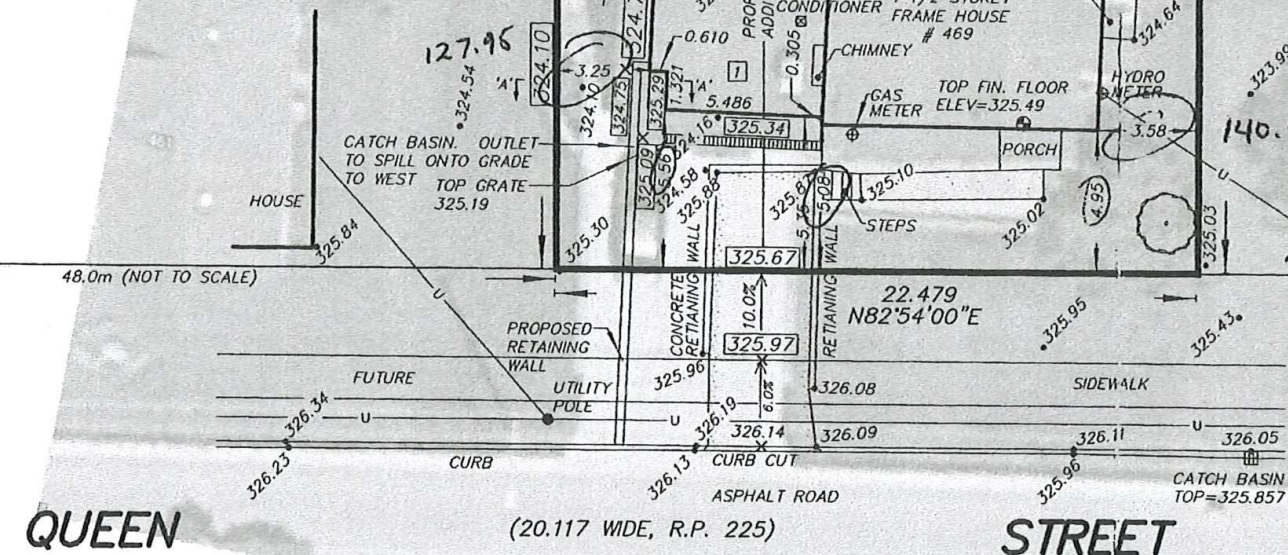
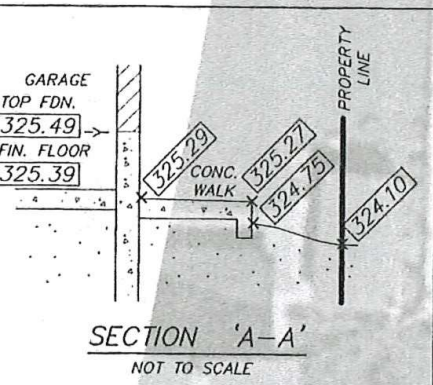
REGISTERED

PART

ORTH

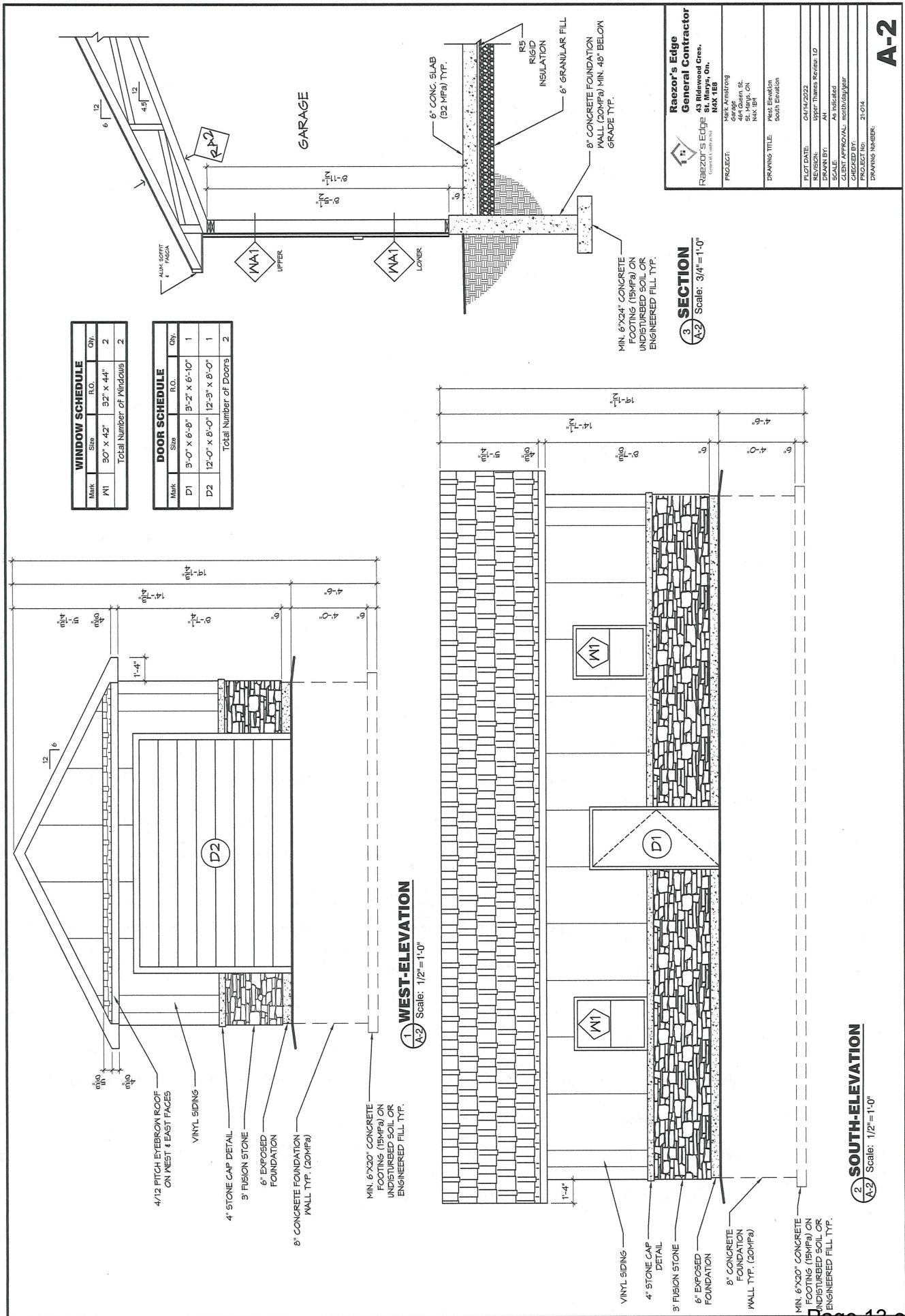
SIDE

LOT



- PROPOSED ADDITION
ELEVATIONS AT FRONT:
1 TOP FOUNDATION = 325.49
TOP FOOTING = 322.85
U/S FOOTING = 322.70
FINISHED FLOOR = 325.39
- PROPOSED ADDITION
ELEVATIONS AT REAR:
2 TOP FOUNDATION = 325.49
TOP FOOTING = 321.73
U/S FOOTING = 321.58

THIS SKETCH IS NOT
VALID UNLESS IT IS AN
EMBOSSED ORIGINAL
COPY ISSUED BY
THE SURVEYOR



Raezor's Edge General Contractor
 Raezor's Edge
 43 Ridewood Cres.
 St. Marys, On.
 N4K 1E8

PROJECT: Mark Armstrong
 464 Queen St.
 St. Marys, On.
 N4K 1E1

DRAWING TITLE: West Elevation
 5000 Elevation

PILOT DATE: 04/14/2022
 REVISION: Upper Theme Revision 1.0
 DRAWN BY: AM
 SCALE: As indicated
 CLIENT APPROVAL: *[Signature]*
 PROJECT NO.: 21-014
 DRAWING NUMBER: A-2