

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 single 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

Draft Unapproved