



TOWN OF ST. MARYS

COMMITTEE OF ADJUSTMENT APPLICATION NO. A02-2017 NOTICE OF DECISION

IN THE MATTER OF Section 45 (1 and 2) of the Planning Act, R.S.O. 1990, and IN THE MATTER OF the property municipally described as Registered Plan 235, Part Lot 18 w/s Church, n/s Victoria, 256 Church Street South, St. Marys Ontario

IN THE MATTER OF property currently owned by Marianne DeBrabandere and the applicant has applied for a minor variance.

The property is designated "Residential" in the Town's Official Plan and zoned "Residential Zone Four – R4" in the Town's Zoning By-law Z1-1997, as amended.

In consideration of whether the variances being sought are minor and desirable for the development of this property and that the intent and purpose of the By-Law are being maintained after having regard to Section 45 (1 and 2) of the Planning Act, R.S.O. 1990 the Committee of Adjustment has decided as follows:

Moved by Member Steve Ische, seconded by Member William J. Galloway that the Committee of Adjustment for the Corporation of the Town of St. Marys approves Minor Variance Application No. A02-2017, from Marianne DeBrabandere subject to the following conditions:

1. This approval is granted only to the nature and extent of this application being relief for minimum lot area for a 3-unit building measuring 599.8m², and relief for minimum lot frontage for a 3-unit building measuring 16.46m.
 2. A building permit shall be obtained within one (1) year of the Committee's decision;
 3. The space subject to this application 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 February 23, 2017 have been addressed;
 5. The owner is required to install and maintain a parking area on the property in accordance with the approved parking plan and the Town's Zoning By-law;
 6. The owner is required to install and maintain the following to reduce the impacts of headlights on adjacent properties:
 - 6-foot high barrier fencing along the north property line extending from the northwest corner of the lot terminating at a point in line with the rear wall of the dwelling on the lot;
 - Landscaping south of proposed parking space number five (as shown on the parking plan)
 7. That the owner submit a lot grading/drainage plan to demonstrate that any grading associated with the parking area will be completed in such a way that future runoff is not directed towards adjacent properties;
 8. The owner is required to enter into a development agreement with the Town to ensure proper installation of all works associated with the approved parking plan and any required fencing and landscaping, and to ensure the owner (and subsequent owners) maintain these works accordingly;
 9. The gravel area located with the Victoria Street road allowance that was previously utilized for parking is to be removed and replaced with topsoil and seeded to the satisfaction of the Director of Public Works at the applicant's expense. Written confirmation of such should be required prior to issuance of any building permit.
- 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.

I, hereby, certify that this is the decision of the Committee of Adjustment with its following members in attendance, on the above noted application for Minor Variance: Chairman Steve Cousins; Member William J. Galloway; Member Clive Slade; Member Steve Ische; Member Dr. J. H. Loucks.

Date of Decision: May 17, 2017

Last date of appeal to O.M.B: June 6, 2017

Dated this 23rd day of May, 2017

A handwritten signature in blue ink, appearing to read "Susan Luckhardt".

Susan Luckhardt
Secretary-Treasurer

This decision or any condition therein may be appealed to the Ontario Municipal Board in accordance with Section 45 (12) of the Planning Act, R. S. O. 1990. A NOTICE OF APPEAL setting out written reasons in support of the appeal and accompanied by a certified cheque or money order in the amount of \$300.00 (subject to change without notice), payable to the Minister of Finance, should be received on or before the date noted above by:

The Secretary-Treasurer
Committee of Adjustment
408 James Street South
P.O. Box 998
St. Marys, Ontario N4X 1B6