



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. A

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) <i>Bonnie Etta Mattiassi & Michael Mattiassi</i>	Home Telephone No. <i>519-284-1315</i>	Business Telephone No.
Address <i>33135 Wellington St. N.</i>	Postal Code <i>N4X 1B1</i>	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) <i>Ben Waghorn, Waghorn, Stephens, Sipos and Poulton</i>	Home Telephone No.	Business Telephone No. <i>519-284-3640</i>
Address <i>21 Wellington Street, North</i>	Postal Code <i>N4X 1B4</i>	Fax No. <i>519-284-1631</i>

2.0 Location and Size of the Subject Land

Street No. <i>33135</i>	Name of Street/Road <i>Wellington Street, North</i>	Registered Plan No. <i>225</i>	Lot(s)/Block(s) <i>Multiple</i>
Reference Plan No.	Part Number(s)	Concession Number(s)	Lot Number(s)
Lot Frontage <i>23.287</i>	Average Width	Average Depth <i>Irregular</i>	Lot Area <i>0.113</i>

➤ 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.
See attached

➤ 2.3 When were the subject lands acquired by the current owner?
October 13, 1971

3.0 Proposed and Current Land Use

➤ 3.1 What is the proposed use of the subject land?
Residential

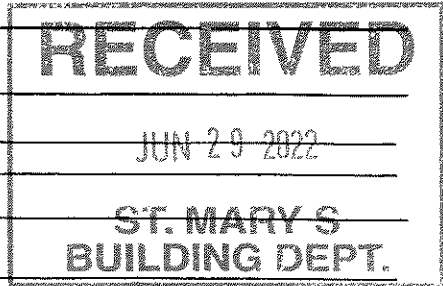
➤ 3.2 What is the current use of the subject land?
Vacant Commercial and residential

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

➤ 3.4 How is the subject land currently zoned in the applicable Zoning By-law?
C1 and C1-1

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

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



► 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	No changes. All work Internal		3.7.5 Height	No changes All work Internal.	
3.7.2 Rear Yard			3.7.6 Dimensions		
3.7.3 Side Yard			3.7.7 Gross Floor Area		
3.7.4 Side Yard			3.7.8 Date Constructed		

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

see attached

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?

See attached

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

► 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	X	X	a) Public piped water system	X	X
b) Public or private communal septic			b) Public or private communal well(s)		
c) Individual septic system(s)			c) Individual well(s)		
d) Other			d) Other		
Storm Drainage	Existing	Proposed	Road Access	Existing	Proposed
a) Sewers			a) Arterial Road		
b) Ditches or swales			b) Collector Road		
c) Other			c) Local Road	X	X

► 7.0 Justification

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

See attached

8.0 Other Information (attach an additional page if necessary)

See attached.

► 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, Ben D. Waghorn 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.

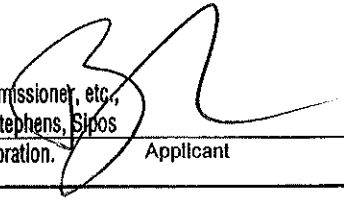
Sworn (or declared) before me at the Town of St. Marys

in the County/Region of Perth

this 28th day of June.

Caroline Marie Larmer
Commissioner of Oaths

CAROLINE MARIE LARMER, a Commissioner, etc.,
Province of Ontario, for Waghorn, Stephens, Sipos
and Poulton Law Professional Corporation. Applicant



➤ 11.0 Authorization of Owner for Agent to Make the Application

I (we), Bonnie Etta Mattiussi
Michael Mattiussi of the Town of St. Marys in the County/Region of Perth

am the owner of the land that is the subject of this application for a Minor Variance/ Permission and I (we) hereby authorize

Ben D. Waghorn to act as my (our) agent in the application.

June 28 / 2022
Date

Bonnie Mattiussi
Signature of Owner(s)

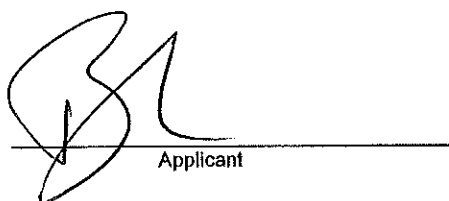
12.0 ACKNOWLEDGEMENT

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 28 day of June, 2022


Applicant

MINOR VARIANCE APPLICATION
EXPANDED ANSWERS

2.2 Easements:

R158606 – Sewer easement to OWRC
R361137 – transfer sewer easement from OWRC to Town of St. Marys
R254109 – UTRCA agreement re development
R257737 – Amending terms in R254109

3.5 Nature and Extent of Relief Requested

The Owners are requesting that the existing non-conforming residential use on the ground floor of their home be extended into the existing, vacant commercial floorspace. They are finding climbing the stairs to their bedrooms exceedingly difficult and plan to move their bedrooms and bathroom down to the main level.

3.6 Why can the proposed use not conform with the Zoning By-law

As per 15.3.1, dwelling units are only permitted on the upper portion or upper floor levels of buildings used for commercial/business purposes. The existing floorspace for the proposed construction is currently zoned commercial.

4.1 Dates of Commercial uses on the property

Subject land only – hairstyling business from 1965 to 1987 and hairstyling and barbershop business from 1987 to 2016. No industrial uses.

Adjacent land – no industrial or commercial uses.

4.3 Information used to determine answers

Personal knowledge of the owners of the property

4.4 Previous use inventory

1965 – 1987	Hairstyling business run from house
1987- 2016	Hairstyling and barbershop business in addition to house zoned commercial

7.1 Compatibility with surrounding land uses

The only commercial use in the immediately surrounding area is directly across the road to the West, that being Jacob's Liquidation. Beside that commercial use is a residence (to the Southwest). Immediately to the South of the subject property is a house. Directly to the East is a multi-unit residential property with a residence in a converted outbuilding/garage, as well as a

vacant lot. South and East from the subject property is a multi-family residential apartment building. If there is an incompatible building in this grouping, I would suggest it is Jacob's Liquidation, not the residential uses all around it. All of the immediately adjacent uses are residential and only one quadrant contains a commercial use.

8.0 Other information

The landowners have always complied with the requirements of the Town of St. Marys for the use of their property. Furthermore, when they needed to consult with and engage UTRCA, they did so. They are not trying to do anything except utilize their home in a manner consistent with its design. They are not the first people to attempt to have their ground floor satisfy all of their living needs. Moving their bedrooms and bathroom from the upstairs to the downstairs will have no detrimental effect on the neighbouring properties. In fact, it would have less detrimental effect on the neighbouring properties than forcing them to use that portion of their property commercially.

As the previously commercially used floorspace is attached to and contiguous with the residential portion of the home, forcing the Owners to rent that space to someone else would encroach upon their personal enjoyment of their residence which has been used as a residence for decades.