



THE MUNICIPALITY OF CENTRAL ELGIN

MINOR VARIANCE/PERMISSION APPLICATION

I/We hereby apply, as outlined in this application, to the Council of the Corporation of the Municipality of Central Elgin pursuant to the provisions of the Planning Act, for a Minor Variance/Permission under Section 45 of the *Planning Act*.

1. Name of applicant: Jeff and Crystal Reia
Address: 250 Colborne Street, Port Stanley, Ontario N5L 1B9
Telephone (home): 519-830-8345 (business) _____
E-Mail: jeff@jcoptions.com
2. Is the applicant the owner of the land? ☒ Yes ☐ No If no, please provide:

Name of owner: _____
Address: _____
Telephone (home): _____ (business) _____
E-Mail: _____
3. When was the subject land acquired by the current owner? May 3, 2021
4. Name of Agent (if any): Ted L Halwa
Address: 242 Edward Street
Telephone: (home): _____ (business) 519-671-3083
E-Mail: thalwa@bell.net
5. Location of Property ("subject lands"):
Registered Plan No.: 49 Lot No.(s): 13&14 W of Colborne St
Concession No.: _____ Lot No.(s): 13&14 E of Bostwick Street
Reference Plan No.: _____ Part No.(s): _____
Municipal Address: 250 Colborne Sreet, Port Stanley
6. Municipality of Central Elgin Official Plan:
Designation of the subject lands: Residential
7. Current applicable Zoning By-law: 1507 as amended
Current applicable zone: R1-93

8. What is the present use(s) of the subject lands? residential, and boat mooring

How long has this use(s) continued on the subject lands? residential (1979),
boat mooring (mid-1980s)

9. What is the proposed use of the subject lands? no change

10. Nature and extent of relief from the zoning by-law: to permit an increase in the the max
allowable floor area of an additional residential unit from 40% of the combined
floor area of the existing dwelling and the addiional residenial unit to 45.3%

Reason(s) why the proposed use cannot comply with the provisions of the zoning by-law: See Appendix 1

11. Dimensions of the subject lands:
Frontage (m): 40.2 on Colborne Street Street/Road/Highway
Depth (m): 83
Area (m²): 3237

12. Access to the subject lands is provided by:
☒ A Provincial highway or municipal road that is maintained year-round or other public road;
☐ A right of way; or
☐ By water (Please provide a description of the parking/docking facilities to be used and the
approximate distance of these facilities from the subject lands and the nearest public road):

13. Particulars of all existing and proposed structures on the subject lands (as applicable - add additional
pages if necessary):

<u>EXISTING</u>	<u>BUILDING 1</u>	<u>BUILDING 2</u>	<u>BUILDING 3</u>
Building type:	<u>single unit detached dwelling</u>		
Length (m):	<u>20.6</u>		
Width (m):	<u>12.2 IRR</u>		
Height (m):	<u>4.2</u>		
No. of storeys:	<u>1</u>		
Ground floor area (m ²):	<u>187.1</u>		
Gross floor area (m ²):	<u>187.1</u>		
Parking area (m ²):	<u>162.5</u>		
Setback, front lot line (m):	<u>3.9</u>		
Setback, rear lot line (m):	<u>7.2(from seawall)</u>		
Setback, side lot line (m):	<u>0.8 (north)</u>		
Setback, side lot line (m):	<u>19.9 (sourh)</u>		
Date constructed:	<u>1979</u>		

<u>PROPOSED</u>	<u>BUILDING 1</u>	<u>BUILDING 2</u>	<u>BUILDING 3</u>
Building type:	addition		
Length (m):	14		
Width (m):	16.5		
Height (m):	7.6		
No. of storeys:	2		
Ground floor area (m ²):	209.1		
Gross floor area (m ²):	364.1		
Parking area (m ²):	194.1		
Setback, front lot line (m):	7.3		
Setback, rear lot line (m):	15(from seawall)		
Setback, side lot line (m):	17.1(north)		
Setback, side lot line (m):	3.5(south)		

14. Potable water will be supplied to the subject lands through:
- ☒ Publicly owned and operated piped water system.
- ☐ Privately owned and operated individual or communal well.
- ☐ Lake or other water body.
- ☐ Other means. Explain: _____
15. Sewage disposal will be supplied to the subject lands through:
- ☒ Publicly owned and operated sanitary sewage system.
- ☐ Privately owned and operated individual or communal septic system.
- ☐ A privy.
- ☐ Other means. Explain: _____
16. Storm drainage will be supplied to the subject lands through:
- ☐ Publicly owned and operated storm sewer system.
- ☐ Privately owned and operated storm sewer system.
- ☐ Ditches and swales.
- ☒ Other means. Explain: natural runoff towards the river
17. Has the subject lands ever been the subject of any of the following matters under the Planning Act:
- (a) For approval of a plan of subdivision under Section 51. ☐ Yes ☒ No
File No.: _____ Status: _____
- (b) For approval of a consent under Section 53. ☐ Yes ☒ No
File No.: _____ Status: _____
- (c) For approval of minor variance/permission under Section 45. ☒ Yes ☐ No
File No.: A1/79 Status: granted
18. This application must be accompanied by a digital sketch, in metric, showing as applicable:
- ✓ The boundaries and dimensions of the subject lands;
 - ✓ The location, size and type of all existing and proposed buildings and structures on the subject land, indicating their distance from the front lot line, rear lot line and side lot lines;
 - ✓ The approximate location of all natural and artificial features (i.e. buildings, railways, roads, watercourses, drainage ditches, rivers or streams, wetlands, wooded areas, wells and septic tanks) that,
 - (i) are located on the subject land and on land that is adjacent to it; and
 - (ii) in the applicant's opinion, may affect the application.
 - ✓ The current uses of land that is adjacent to the subject land;
- (continued on next page)

- ✓ The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public traveled road, a private road or a right of way;
 - ✓ If access to the subject lands will be by water only, the location of the parking and docking facilities to be used; and
 - ✓ The location and nature of any easement affecting the subject land.
19. This application must be filed with the **Central Elgin Planning Office, 9 Mondamin Street, St. Thomas, Ontario, N5P 2T9** or with the **Municipality of Central Elgin, 450 Sunset Drive, St. Thomas, Ontario, N5R 5V1**, and must be accompanied by the application fee of **\$534.50**.

PLEASE MAKE CHEQUES PAYABLE TO "THE MUNICIPALITY OF CENTRAL ELGIN"

DECLARATION:

I, Ted Halwa of the Village of Port Stanley
do solemnly declare that all above statements contained in all of the exhibits transmitted herewith are true, and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Declared before me at the

Municipality of Central Elgin

In the County of Elgin

this 6th
day of November A.D. 2023.

TH

Signature of Owner or Authorized Agent

[Signature]
A Commissioner, etc.

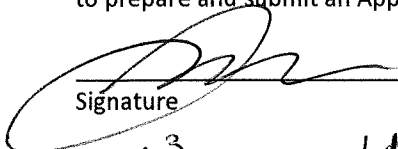
DELANY LYNN LEITCH, Deputy Clerk
for The Corporation of the Municipality
of Central Elgin. A Commissioner for
taking Affidavits in the County of Elgin
in the Province of Ontario.

OWNER'S AUTHORIZATION:

THIS MUST BE COMPLETED BY THE OWNER IF THE OWNER IS NOT FILING THE APPLICATION

Note: If there are multiple Owners, an authorization letter from each Owner (with dated, original signature) is required OR each Owner must sign the following authorization.

I, (we) Jeffery James Reia and Crystal Delight Reia, being the Applicant(s) and/or registered Owner(s) of the subject lands, hereby authorize Ted L. Halwa to prepare and submit an Application for a Minor Variance.

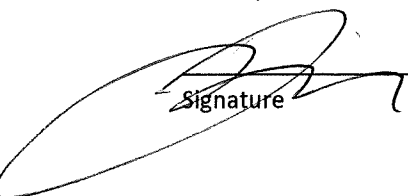

Signature _____
03 10 2023
Day Month Year

Municipal Freedom of Information Declaration:

In accordance with the provisions of the Planning Act, it is the policy of the Municipality of Central Elgin to provide public access to all development applications and supporting documentation.

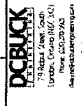
In submitting this development application and supporting documentation, I Jeffrey & Crystal Reia (please print name) the ☒ Owner ☐ Applicant ☐ Authorized Agent, hereby acknowledge the above-noted policy and provide my consent, in accordance with the provisions of the Municipal Freedom of Information and Protection of Privacy Act, that the information on this application and any supporting documentation provided by myself, my agents, consultants and solicitors, will be part of the public record and will also be available to the general public.

I hereby authorize the Municipality of Central Elgin to post a "Possible Land Use Change" sign and allow municipal staff to access to the subject lands for purposes of evaluation of the subject application.


Signature _____
03 11 2023
Day Month Year

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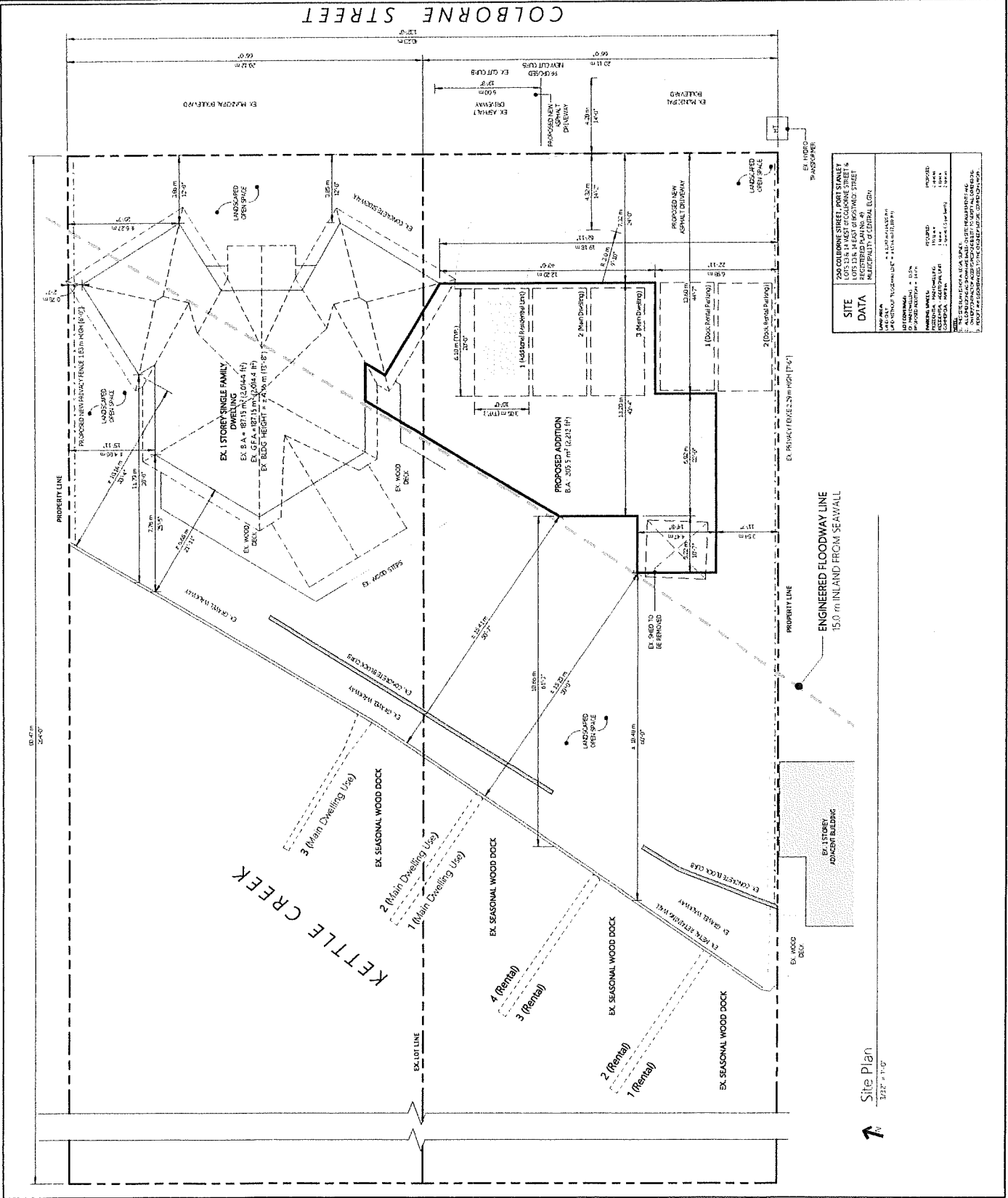
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PROJECT

30 (Volume 3)

Site Plan

SCALE	ASSEMBLED SECTION	DATE DESIGNED	DATE CHECKED	DATE DESIGNED
DOWN	UP	DESIGNED	CHECKED	DESIGNED
PROJECT NO.	SHEET NO.	REV. NO.		
449022	A0			



LEGEND
FIRE SEPARATION BETWEEN UNITS

PRIMARY DWELLING
EX. F.L.R. AREA: 1871.5 m² (2,014 ft²)

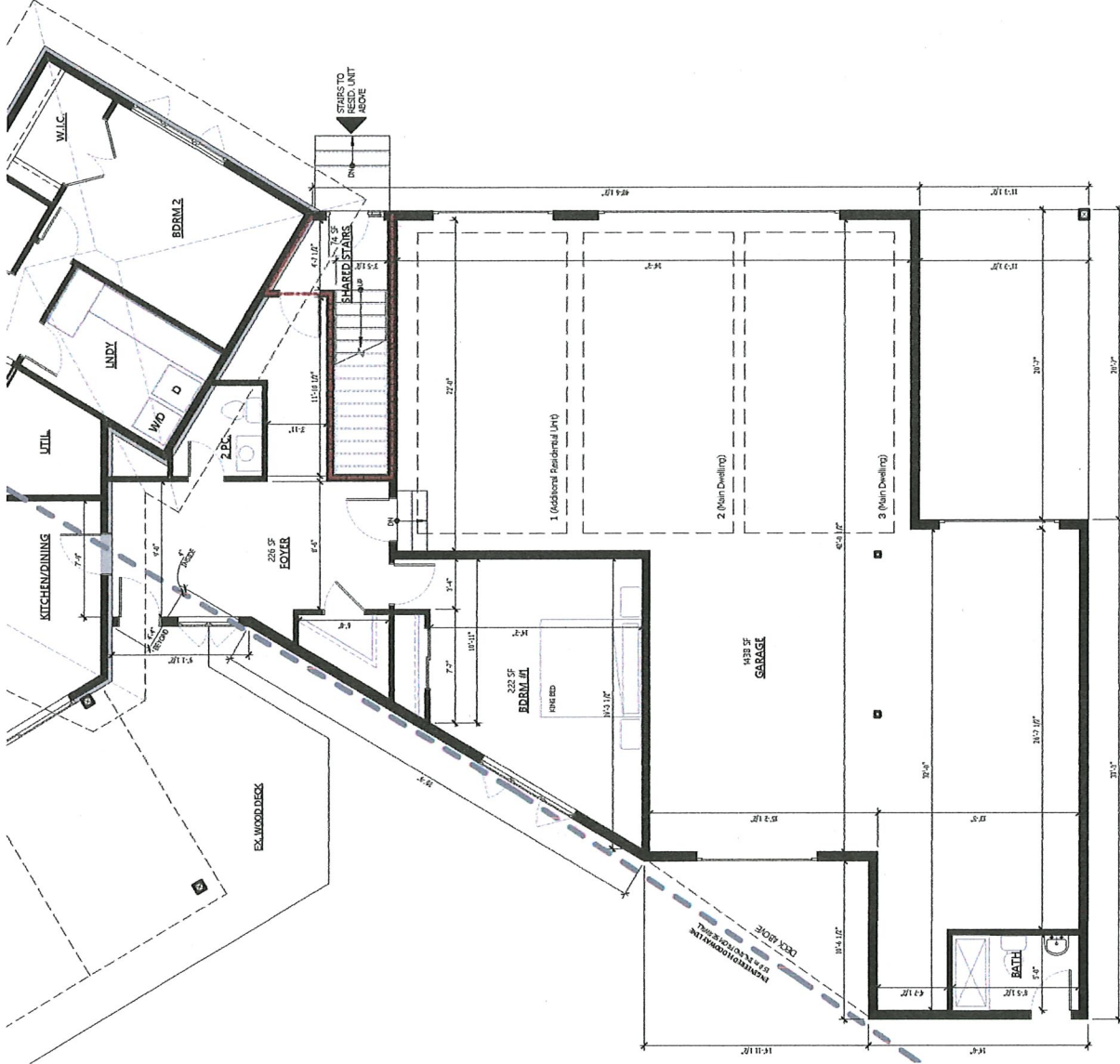
MAIN FLOOR - GARAGE
PROPOSED F.L.R. AREA: 201.2 m² (2,163 ft²)

PRIMARY DWELLING - SHARED STAIRS
PROPOSED F.L.R. AREA: 79 m² (85.0 ft²)

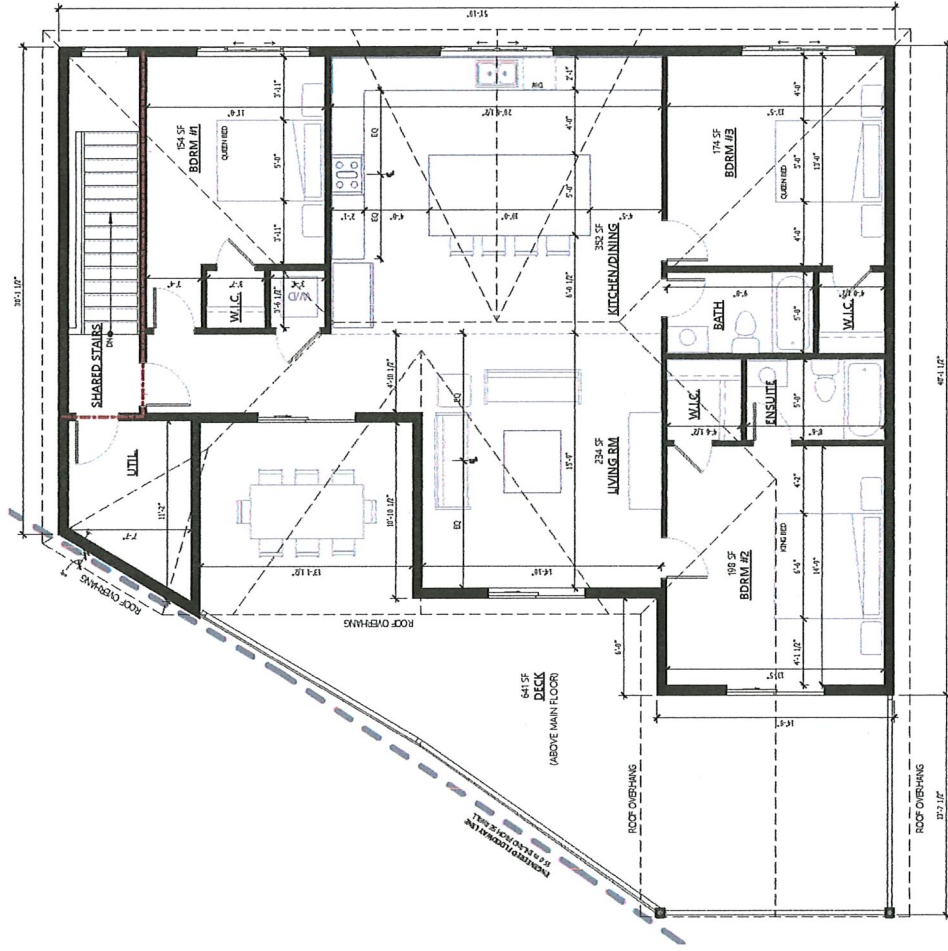
ADDITIONAL RESIDENTIAL UNIT (SHARED STAIRS)
PROPOSED F.L.R. AREA: 79 m² (85.0 ft²)

SECOND FLOOR - ADDITIONAL RESIDENTIAL UNIT
PROPOSED F.L.R. AREA: 471 m² (5,037 ft²)

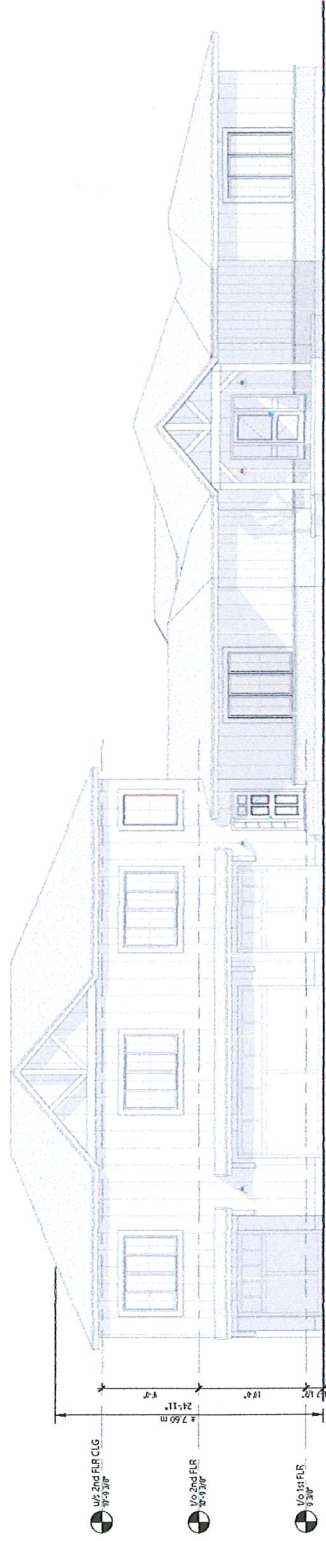
ADDITIONAL RESIDENTIAL UNIT (40% MAX)
GROSS FLOOR AREA: 155.0 m² (1,667 ft²) = 45.3%



Proposed Main Floor
3/16" = 1'-0"

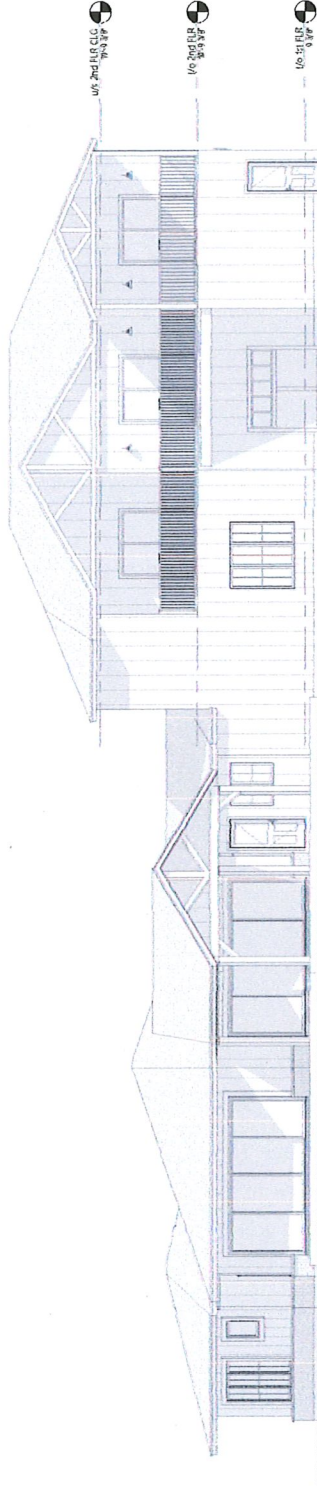


Proposed Second Floor
3/16" = 1'-0"



Front Elevation (East)

1/8" = 1'-0"



Rear Elevation (West)

1/8" = 1'-0"

Appendix 1

Application for Minor Variance

Jeff and Crystal Reia

250 Colborne Street, Port Stanley

Municipality of Central Elgin

#10 The proposed second-story additional residential unit above the proposed garage has structural demands and design challenges resulting from the regulatory flood line which creates an awkward angle that impacts the design. In a perfect world a square or rectangular shaped structure would not have these challenges. Due to the design layout of the main floor of the addition, many exterior walls align with each other for support thereby minimizing the need for stand-alone structural supports and design difficulties. Egress from each room creates challenges to reducing the floor area of the unit which would in turn create difficulties in roof design and pitches to cover the leftover outside space that would remain unused, thus the decks.

The design incorporates a roof top deck in compliance with KCCA's requirements overlooking Kettle Creek that provides a significant amenity for future occupants. To achieve 'a look' that is sympathetic to Port Stanley's small harbour town aesthetic and character, the front façade is designed to ensure the main dwelling and addition have a seamless and symmetrical appearance as opposed to an afterthought. Considerable time and engineering have gone into the design of the addition to achieve this result.

The front elevation will not change. Consequently, the increase in the size of the additional residential unit being requested will not be noticeable from the front of the dwelling from Colborne Street and only barely perceptible from the water at the rear of the addition.

Appendix 2

Application for Minor Variance

Jeff and Crystal Reia

250 Colborne Street, Port Stanley

Municipality of Central Elgin

Section 5.3.7.1.b) of the Central Elgin Official Plan and Section 45(1) of the Planning Act

i) **the variance is minor in nature:** The variance is for an increase in the maximum permitted floor area of an additional residential unit from 40% of the combined floor area of the dwelling and the additional residential unit to 45.3% - an increase of 5.3%. The variance is minor in both absolute terms and relative terms and in the context at hand.

ii) **the general intent and purpose of the Official Plan is maintained:** The Central Elgin Official Plan permits additional residential units in accordance with Section 2.3.6.1. All requirements and criteria are satisfied or capable of being satisfied. The matter of the maximum permitted size of the additional residential unit is not specifically addressed. Particularly noteworthy is the statement: *In new developments, the ability to provide Additional Residential Units in the design of the structure will be encouraged. Changes in design could include the provision of separate access to facilitate the creation of an additional residential unit, larger basement windows, etc.* [Section 2.3.6.1 e) vii].

The County of Elgin Official Plan currently in effect does not specifically address the matter of additional residential units although the proposed, yet to be adopted, new Official Plan of the County does support them and makes it mandatory for lower tier municipalities to provide for them.

iii) **the general intent and purpose of the Zoning By-law is maintained:** The Zoning By-law has been amended to permit additional residential units and to maintain a size below the combined floor area of the main dwelling and the additional residential unit presumably to ensure the additional residential unit remains secondary to the overall dwelling. The variance being requested will still ensure it remains secondary in floor area to the combined floor area of the main dwelling and the additional residential unit.

iv) **the variance is desirable for the appropriate development or use of the land.** The variance, if granted, would allow for the optimal and efficient creation of an additional residential unit (refer Appendix 1) on the second floor of a proposed addition erected in compliance with the

Zoning By-law. The increase in size will not be noticeable from the front façade of the building and barely noticeable from the rear elevation by passing boaters on Kettle Creek and will not extend beyond the regulatory flood line. Additional residential units in new developments are encouraged by the Central Elgin Official Plan.