

# COMMITTEE OF ADJUSTMENT NOTICE OF DECISION

IN THE MATTERS of Section 45 (1&2) of the Planning Act, R.S.O. 1990 and  
Application for Minor Variance (File No. A05-2024) described below.

**File No:** A05-2024  
**Property Addresses:** 68 Water Street  
**Property Owner:** Marianne De Brabandere

## Summary of Application

The Site is located on the west side of Water Street South, east of the North Thames River, as shown on the General Location Map. The Site is designated as Central Commercial and Floodplain according to Schedule 'A' of the Town of St. Marys Official Plan and is zoned Central Commercial Zone One (C1-1) and Flood Fringe Constraint Area in the Town of St. Marys Zoning By-law.

There is an existing single detached dwelling on the property and the Owner is proposing to rebuild the existing deck at the rear and expand it to the south of the dwelling and build a second storey addition with a balcony, as shown on the proposed site plan attached to this notice.

## Purpose and Effect of Minor Variance Application

The purpose and effect of the Minor Variance Application is to seek approval to:

- allow the expansion of a legal non-conforming use in accordance with the Central Commercial Zone One standards;
- reduce the minimum rear yard setback from 6m to 4.7m for a dwelling;
- reduce the minimum rear yard setback from 6m to 1.5m for a deck; and
- reduce the minimum rear yard setback from 6m to 3.6m for a balcony.

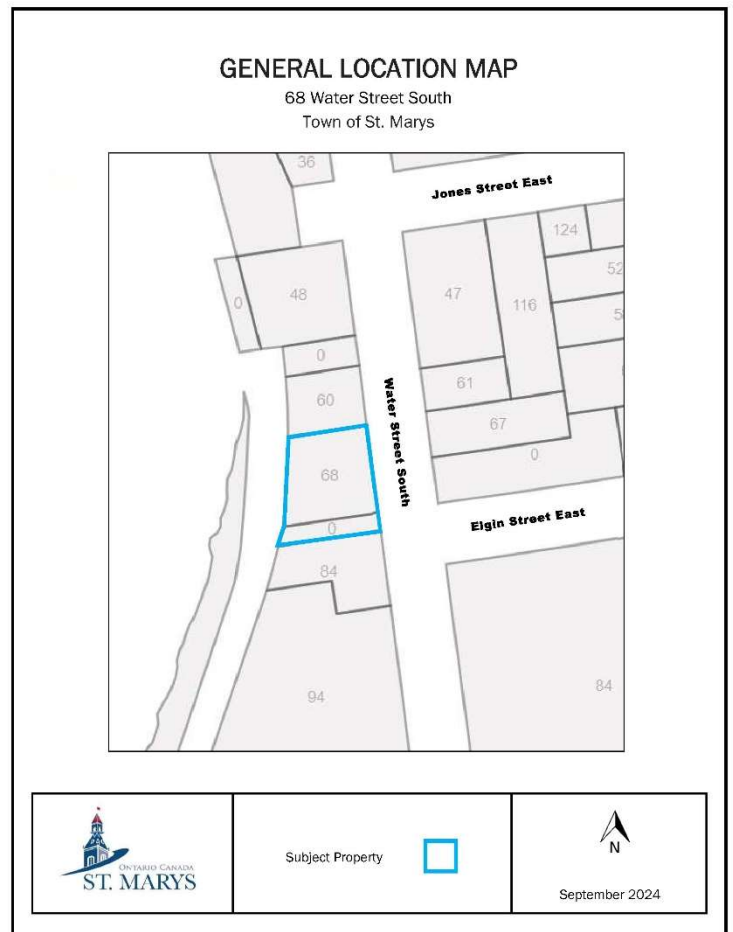
## Decision of the Committee

**THAT** the Application for Minor Variance by M. De Brabandere (Application File No. A05-2024), affecting land described as 68 Water Street South in the Town of St. Marys, to seek relief from the Zoning By-law to:

- allow the expansion of a legal non-conforming use in accordance with the Central Commercial Zone One (C1) standards;
- reduce the minimum rear yard setback from 6m to 4.7m for a dwelling;
- reduce the minimum rear yard setback from 6m to 1.5m for a deck; and
- reduce the minimum rear yard setback from 6m to 3.6m for a balcony

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:

- This approval is granted only to the nature and extent of this Application (File A05-2024).
- Any required building permit(s) shall be obtained within two (2) years of the Committee's decision.
- That failure to comply with and maintain the conditions of the Committee will render the approval null and void.





I, hereby, certify that this is the decision of the Committee of Adjustment with respect to File No. A05-2024 with its following members in attendance: Chair Steve Cousins, Paul King, Mike Bolton, William Galloway and Burton Pickel.

Date of Decision: October 16, 2024

Last Date of Appeal for Minor Variance Application (A05-2024): November 5, 2024

This decision or any condition therein may be appealed to the Ontario Land Tribunal in accordance with Section 45(12) of the Planning Act, R.S.O. 1990. A notice of appeal, setting out the written reasons for the appeal, must include a completed Ontario Land Tribunal Appeal Form and the appeal fee of \$400.00 for each application appealed, paid by certified cheque or money order made payable to the Minister of Finance.

Only the following will be able to appeal the decision of the Town of St. Marys to the Ontario Land Tribunal:

- the applicant;
- the Minister of Municipal Affairs and Housing; and,
- a specified person or public body (as defined in the Planning Act).

Be advised that a person is no longer able to appeal the decision, other than any persons listed above.

Ontario Land Tribunal Forms can be obtained at [www.olt.gov.on.ca](http://www.olt.gov.on.ca) and should be received on or before the dates provided above by the Secretary-Treasurer, Committee of Adjustment, 408 James Street South, P.O. Box 998, St. Marys, Ontario, N4X 1B6. Submissions may be received at the Municipal Operations Centre in person, or via regular mail or courier to the address listed below.

If you have any questions regarding the application please contact Grant Brouwer, Secretary-Treasurer/ Director of Building and Development, at 519-284-2340 ext. 215 or [gbrouwer@town.stmarys.on.ca](mailto:gbrouwer@town.stmarys.on.ca)

Information can also be provided in an accessible format upon request.

**DATED** at the Town of St. Marys, this 22<sup>nd</sup> day of October, 2024.

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Grant Brouwer, Secretary Treasurer  
Town of St. Marys Committee of Adjustment

