

5474 Firelane 22 Sherkston

Hello, our names are Heather MacDougald and Ron Baarda, We are in the final phase of completing our construction on our property at 5474 Firelane 22.

With the assistance of Port Colborne Planner, Shannon Larocque, we completed a variance request application that was submitted to the planning department Aug 2017. The application form included a 10% accessory lot coverage, which we arrived at with Ms. Larocque's recommendation to allow for the construction of the proposed accessory building and future builds. She advised us that the 10% was sufficient so that we would not have to apply for any further variances. Ms Larocque advised us that it would not be necessary to include another site plan with proposed structures showing the 10% coverage as she would be working with us on the submission to the Committee of Adjustment (CoA).

The variance application went before the CoA Sept 14 2017 with the accessory lot coverage reduced from 10% on our application to 5.8. We had not been consulted on this reduction, nor advised of the reduced accessory lot coverage prior to the application being considered by the CoA. We were never informed that Ms Larocque was no longer with the City and another City staff member had taken over and changed the applications # 10 - The nature and relief of the zoning bylaw. On the evening of the CoA meeting, we were informed that there was no planner coming to the meeting and that Heather Mahon would be the only staff member in attendance. This was when we heard that Ms. Larocque was no longer employed by the City. We did not receive any revised copy of our application and we were not contacted by any City staff to inform us that our application was not going to be as submitted with a 10% accessory lot coverage as per our application.

After our minor variance was approved, by the CoA we believed that we were approved for what we had applied for. Through our inexperience in percentages and in these types of applications we honestly did not understand to what extent going from our requested 10% to 5.8% would impact our plans and is affecting us.

We applied for a storage shed building permit on Nov 28, 2021 and received an email on Jan 13 2022, that we would require another minor variance to construct this building. This came as a complete surprise to us as we believed that ample accessory lot coverage existed in the approved variance for our new proposed build. It wasn't until discussions with Chris Roome, City Planner that we finally realized how the 10% reduction to 5.8% accessory lot coverage was going to affect us moving forward.

We believe that in Ms. Larocques absence, the original site plan was reviewed prior to the CoA meeting, by the City's planning staff and the accessory lot coverage was calculated to be 5.8% and thus the 10% was reduced to reflect the site drawing. We also believe that the calculation performed by the City's planning staff at this time have a rounding error of 0.08% to the approved 5.8% accessory lot coverage. This would have resulted in an accessory lot coverage of 5.88%. When rounded it should be 6%. This represents an increase of 0.12% or 1.9 meters squared which is minor considering the total lot area is of 1579.4 meters square. We need to have approval for accessory lot coverage of 5.95% which rounded is 6% for the last proposed building of our plans. We understand and appreciate that this would require the submission of another variance application for the CoA to consider. We are prepared to do this; however, we do not think it is fair for us to be charged again when the original variance request more than covered future builds. If the variance application value for the accessory lot coverage had been left at 10% as recommended by Ms Larocque, then a second variance application would not be required.

We are seeking Council's approval for the waving of fees to obtain the minor variance related to the accessory lot coverage of 5.95% rounded to 6%. We will also be seeking a waving of fees from the region.

We believe our request is not unreasonable after having paid the fees once, and having to prepare for another CoA meeting for an amount that is minor in nature. The cost is significant to us but insignificant to the City. Our building permit application was submitted in November 2021. This is causing an unforeseen delay in our construction plan and an added risk of price increases.

It has been suggested to alter the size of our building but we have poured our concrete pad with infloor heat. On Sept 3 2021 Building Inspector, Jon Taylor was on site for a visit to our neighbor`s property and we asked him at that time if we were able to proceed with the pouring of concrete. Jon Taylor was in approval of pouring but said to submit a building permit application when we were ready.

At this point we are ready to give up as this is causing too much stress. We fully understand now how our error in not appealing the 10% needlessly reduced to 5.8% is affecting us. We believed at the time that if we appealed it we would have to go through the process again which we could have lost.

Thank you