

**A G E N D A**

**THE TENTH MEETING OF THE COMMITTEE OF ADJUSTMENT  
OF THE CITY OF ST. THOMAS 2018**

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**COMMITTEE ROOM #415  
CITY HALL**

**10:00 A.M.**

**THURSDAY  
OCTOBER 11, 2018**

**DISCLOSURE OF INTEREST**

**MINUTES**

Confirmation of the minutes of the meeting held on September 27, 2018.

**HEARING OF APPLICATIONS**

**A07/18 - William and Barbara Feairs - 180 Fifth Avenue Pages 2-10**

**Planning Report - A07/18 Pages 11-12**

**A08/18 - Chuck Vint & Audrey MacDonald - 40909 Major Line Pages 13-20**

**Planning Report - A08/18 Pages 21-41**

**UNFINISHED BUSINESS**

**NEW BUSINESS**

**Next Meeting**

To be determined.

**ADJOURNMENT**

## CONFIRMATION OF AN APPLICATION FOR MINOR VARIANCE

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September 10<sup>th</sup>, 2018

Secretary-Treasurer, Committee of Adjustment  
Attention: Melanie Knapp

Pursuant to By-Law 30-2015, a consultation meeting was held on August 28<sup>th</sup>, 2018 with Planning staff and the applicant.

An application for a minor variance, regarding 180 Fifth Avenue, was filed on September 7<sup>th</sup>, 2018 and the required fee under Section 69 of the Planning Act has been provided.

Please contact the Planning & Building Services Department if you have any questions.

Regards,



Patrick J. C. Keenan  
Director of Planning & Building Services



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**CORPORATION OF THE CITY OF ST THOMAS**  
**COMMITTEE OF ADJUSTMENT**

**APPLICATION FOR MINOR VARIANCE OR FOR PERMISSION**  
 (Section 45 of the Planning Act, RSO, 1990, as amended)

<b>OFFICE USE:</b>	Date Application Received: <u>September 7/18</u>	Consultation Date: <u>August 28/18</u>
	Date Application Deemed Complete: _____	

Application #: \_\_\_\_\_

APPLICATION IS HEREBY MADE TO: City of St. Thomas  
545 Talbot Street  
St. Thomas ON N5P 3V7  
 Tel: (519) 631-1680 ext 4125 Fax: 519) 633-9019  
 Email: [mknapp@stthomas.ca](mailto:mknapp@stthomas.ca)

Please note that in accordance with By-Law 30-2015, consultation with the Planning and Building Services Department must take place prior to the submission of an application. After consultation, the application will be filed with the Assistant Secretary-Treasurer, together with the sketch referred to in Note 1 and \$400 made payable to the City of St. Thomas. All information and materials submitted for the application shall be made available to the public, as indicated by Section 1.0.1 of the Planning Act, R.S.O. 1990.

Personal information contained on this form is collected under the authority of the Planning Act, R.S.O. 1990, as amended, and Ontario Regulation 200/96 and will be used for the purpose of processing this application.

- Name of Owner(s) BARB FEAIRS / WILLIAM FEAIRS  
 Address 180 FIFTH AVE  
ST THOMAS, ONT  
 Postal Code NSR 4G1 Tel: 226-268-6079 e-mail: barbfeairs@rogers.com
- Name of Authorized Agent (if any) N/A  
 Address \_\_\_\_\_  
 \_\_\_\_\_  
 Postal Code \_\_\_\_\_ Tel: \_\_\_\_\_ e-mail: \_\_\_\_\_

Note: Please specify to whom all communications should be sent: Owner  Agent

3. Nature and extent of relief from the Zoning By-law applied for:  
To construct a covered porch 8' from front lot line

4. Reason why the proposed use cannot comply with the provisions of the Zoning By-law:  
Location of existing house would only permit the replacement of lawful nonconforming covered porch 52" x 104" wide

5. Location of Land:  
 Concession No. \_\_\_\_\_ Lot(s) 103 Registered Plan No. 235 Lot(s) \_\_\_\_\_

Reference Plan No. \_\_\_\_\_ Part(s) \_\_\_\_\_

Geographic/Former Township City of St Thomas

Name of Street 180 Fifth Ave Street No. 180

6. Dimensions of land affected:

Frontage 50.28' Depth 100'

Area 5028 Width of Street unknown

7. Access to the subject land is by:

- a Regional Road  a private road
- a Municipal road that is maintained all year
- a Municipal road that is maintained seasonally

8. Particulars of all buildings and structures on or proposed for the subject land (Specify ground floor area, gross floor area, number of storeys, width, length, height). Please specify use of existing structures.

Existing:

see attached plan

USE \_\_\_\_\_

Proposed:

see attached plan

9. Location of all buildings and structures on or proposed for the subject land (Specify distance from side, rear and front lot lines). Please specify use of proposed structure.

Existing:

see attached plan

Proposed:

see attached plan

USE \_\_\_\_\_

10. Date of acquisition of subject land: 1981

11. Date of construction of all buildings and structures on subject land: 1940's

12. Existing uses of the subject land:

residential

13. Existing uses of abutting lands:

North: residential East: residential

South: residential West: residential

14. Length of time the existing uses of the subject land have continued:

approx 1940's

15. Services available (check appropriate space or spaces):

Water:

Municipally owned and operated piped water system Other (Specify) \_\_\_\_\_

Sewage Disposal:

Municipally owned and operated sanitary sewer system Other (Specify) \_\_\_\_\_

Storm Drainage

Storm sewers Other (Specify) \_\_\_\_\_

16. Present Official Plan designation of the subject land:

Residential

17. Present Zoning of the subject land:

R1

18. Has the owner previously applied for relief (minor variance) under Section 45 of the Act in respect of the subject property?

yes (  ) no (  )

If the answer is yes, describe briefly (and if known, quote Application #)

\_\_\_\_\_

19. Is the subject property the subject of a current application for a consent under Section 53 or a plan of subdivision under Section 51 of the Planning Act, 1990?

yes (  ) no (  ) If so, state Application # and status \_\_\_\_\_

**APPLICANT DECLARATION**

By making this application, permission is hereby granted to any Municipal staff members and Municipal Planning Consultant to enter upon the premises described in this application at a reasonable time for the purpose of inspecting the property in relation to the proposed application and for distributing information concerning the same. This information is being collected pursuant to the Planning Act, Municipal Act, and Freedom of Information Act. The information contained herein will be distributed to bodies and agencies prescribed by legislation and regulation and also to interested parties.

If this application is signed by an agent or solicitor on behalf of an applicant, the owner's written authorization must accompany the application (Appendix A). If the applicant is a corporation acting without an agent or solicitor, the application must be signed by an officer of the corporation and the corporation's seal (if any) must be affixed.

**MUNICIPAL FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT**

Application information is collected under the authority of the Planning Act, R.S.O. 1990, c.P.13. In accordance with that Act, it is the policy of the City of St. Thomas to provide public access to all Planning Act applications and supporting documentation submitted to the City.

I BARB FEAIRS, the Owner or Authorized Agent, hereby agree and acknowledge  
(Print name of Owner or Authorized Agent)  
that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c.M. 56, I hereby consent to the City of St. Thomas making this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.

**Collection of Personal Information:**

Personal information on this form is collected under the authority of Section 41 of the *Planning Act*, R.S.O. 1990 and Sections 8 (1) and 10 of the *Municipal Act*, 2001, as amended, and will be used to contact the owner, applicant and/or agent regarding the Committee of Adjustment Application. Questions about this collection should be directed to the City Clerk, 545 Talbot Street, St. Thomas, Ontario, N5P 2T9 (519) 631-1680.

**AFFIDAVIT OR SWORN DECLARATION**

I, BARB FEAIRS of St Thomas in the province of ONT,  
name of applicant City

make oath and say (or solemnly declare) that the information required under Schedule 1 of Ontario Regulation 545/06 and provided by the applicant in this application is accurate, and that the information contained in the documents that accompany this application is accurate.

Sworn (or declared) before me at the St Thomas on this 7 day of 09, 2018.  
City Day Month Year

Barb Feairs

Signature of Owner or Authorized Agent

Sept 7/18

Date

Crystal Marie Penney

Signature of Commissioner of Oaths, etc.

Sept 7/18

Date

**APPENDIX A – AUTHORIZATION OF OWNER**

If the applicant is not the owner of the subject lands, please complete the owner authorization concerning personal information as set out below.

I, WILLIAM FEAIRS  
BARBARA FEAIRS, am the owner of the subject lands, and I authorize BARBARA FEAIRS, to act on our behalf as the agent for the submissions required for all matters relating to the subject lands, and to provide any of my personal information that will be included in this application or collected during the planning process.

Sept 7/18  
Date

Bill F  
Signature of Owner  
Barbara

**APPENDIX B – ACKNOWLEDGEMENT OF LEGAL AND PLANNING FEES**

In addition to the application fees listed in this application package, please note that where the City requires assistance from its solicitors or other technical or professional consultants in the processing of this application, the applicant shall be responsible for reimbursing all fees incurred by the City.

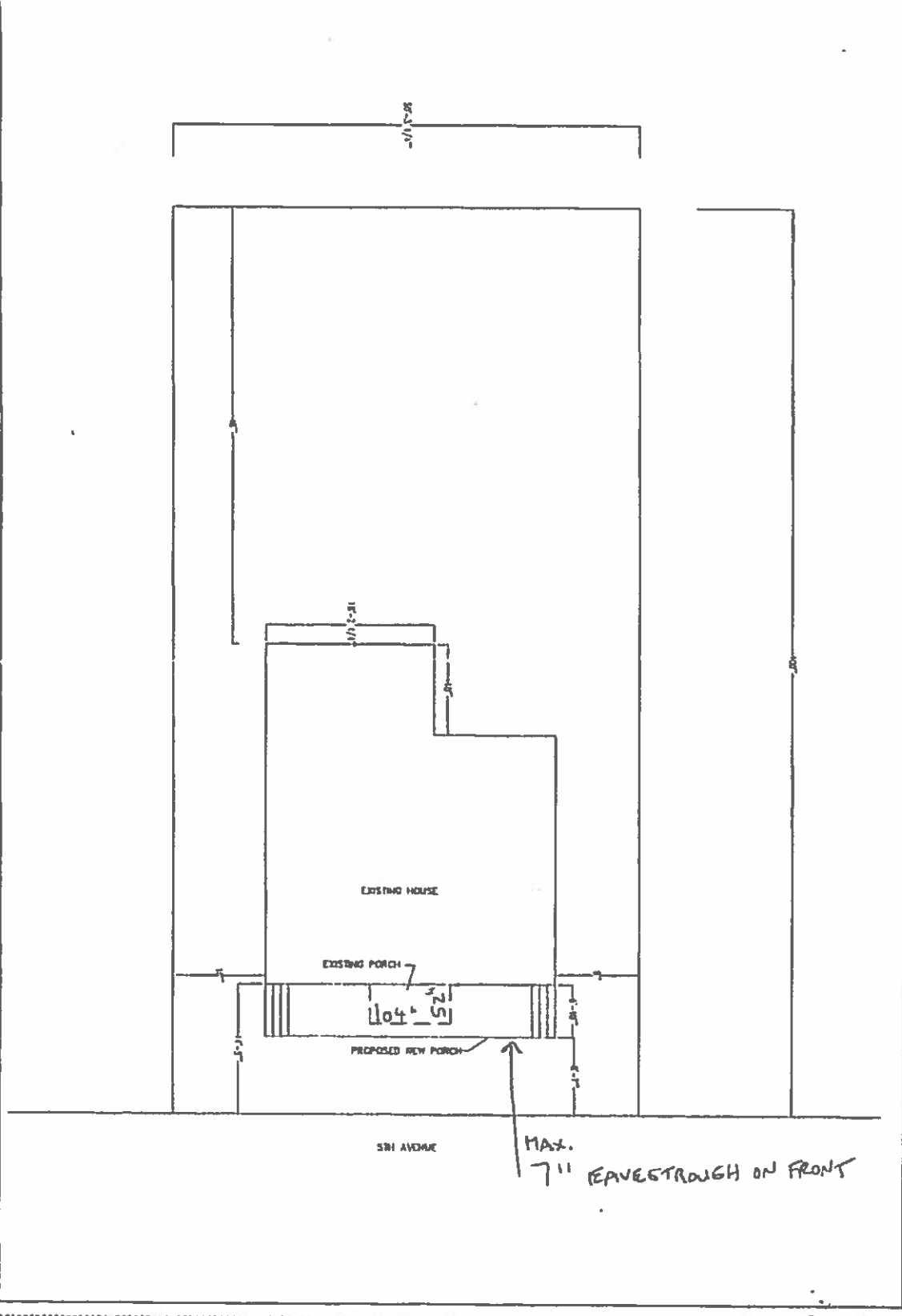
**\*Please note, Appendix B must be completed by the owner, not the authorized agent.**

I, BARB FEAIRS, am the owner of the subject lands, and I understand that further fees may be incurred by the City throughout the planning process and that I am responsible for reimbursing all fees.

Sept 7/18  
Date

Barbara  
Signature of Owner

Approval Date	Date	Signature	Checked	Drawn by:	Checked by:	Approved by - date:	Issued	Date	Scale
				J.R. Robertson					N.T.S.
				J.R. ROBERTSON LTD. INDUSTRIAL METAL SERVICE DIV.			FZAIRS RESIDENCE 180 5TH AVE. NEW FRONT PORCH PROPOSAL		







-10-

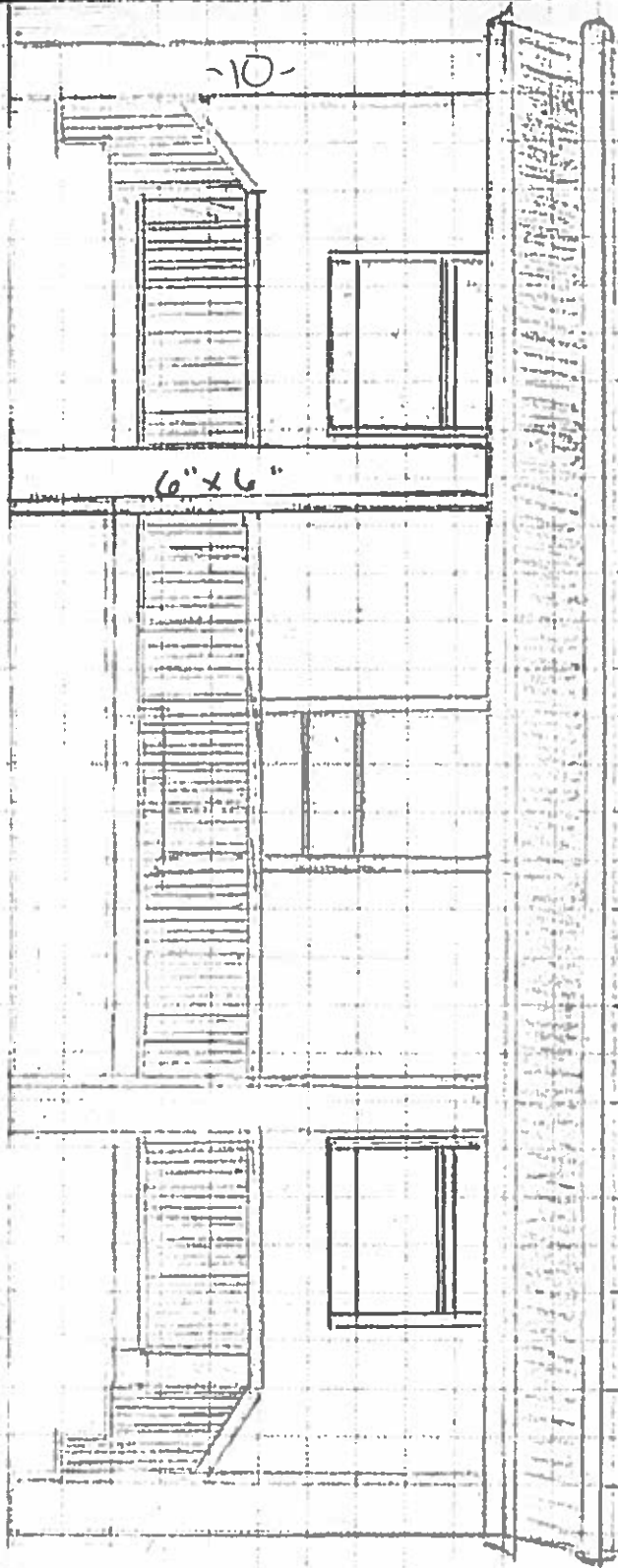
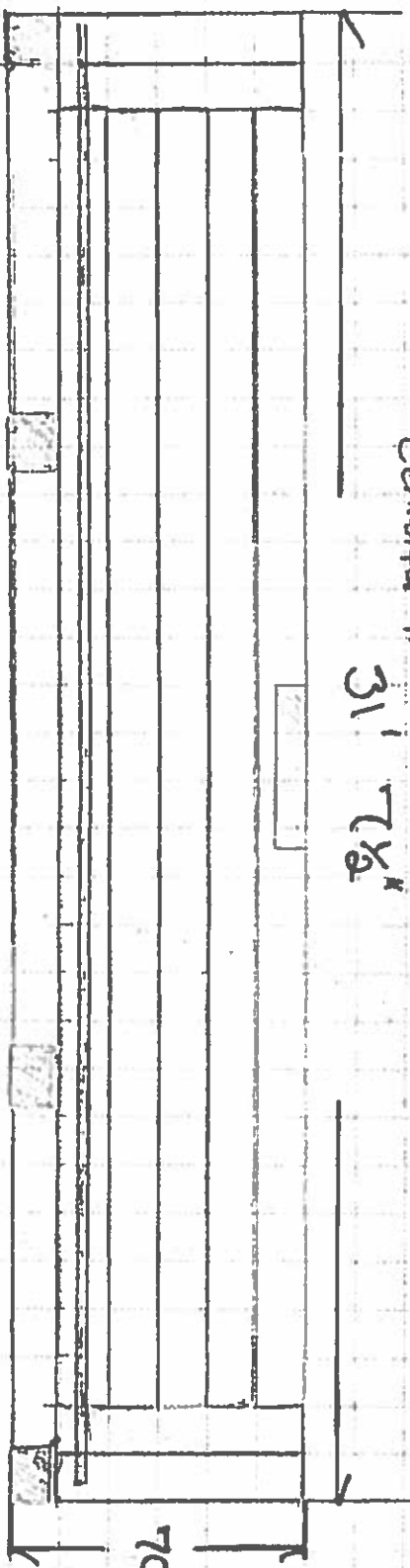
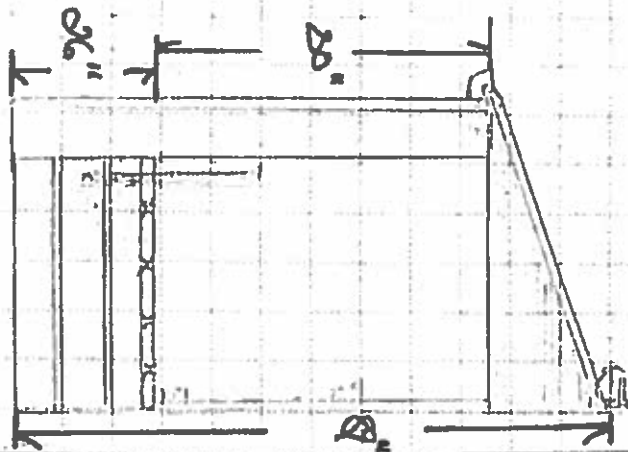
6" x 6"

4 ft in ground  
concrete in  
31 7/8"

70" 5.83'

SCHEDULE 1

Base Form  
July 12/18





The Corporation of the City of St. Thomas

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Report No.: COA07-2018

Applicant: William and Barbara Feairs

Members of the Committee of Adjustment

Report Date: October 4, 2018  
Meeting Date: October 11, 2018

Location: 180 Fifth Avenue, Registered Plan 235, Lot 103

Subject: Request for a minor variance pursuant to 45(1) of the Planning Act, R.S.O., as amended

Department: Planning and Building Services Department  
Prepared by: Steve Craig, Senior Planning Technician

Attachments: Location Plan

**Recommendation:**

That: Report COA07-2018 be received.

**BACKGROUND:**

The applicants are proposing to replace the existing 1.32m x 2.64m uncovered front porch with a new 5.83m x 9.64m covered porch, substantially as shown on the plans accompanying the subject application.

**REQUESTED VARIANCE:**

- (i) To permit a covered porch 2.44m from the front lot line, whereas Table 1 to Subsection 5.4, Column Number (2), Item Number 9 requires a minimum front yard depth of 6m.

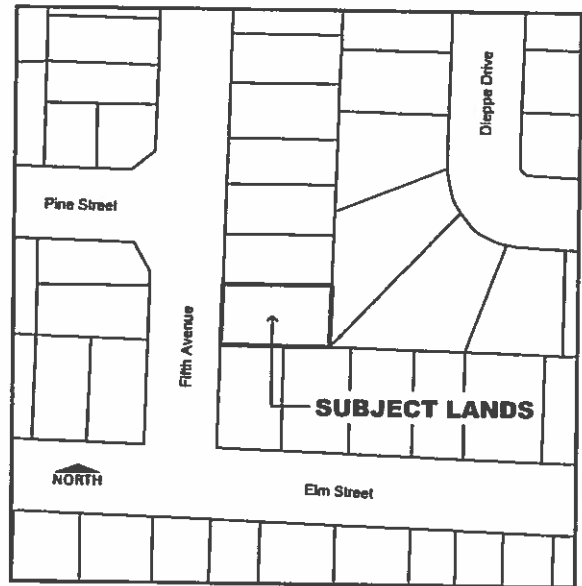
**OFFICIAL PLAN:**

- The subject lands are designated Residential as shown on Schedule A (Land Use Plan) to the Official Plan for the City of St. Thomas.
- The Residential designation permits a full range of dwelling types including low, medium and high density residential uses. Wherever a use is permitted in a land use classification, it is intended that uses, buildings or structures normally incidental, accessory and essential to that use are also permitted.

**ZONING BY-LAW:**

- The subject lands are located within the First Residential Zone (R1) pursuant to the City of St. Thomas Zoning By-Law No. 50-88, as amended. Permitted uses of the R1 Zone include a single detached dwelling and accessory buildings and structures.
- Minimum front yard setback - 6m
- Minimum interior side yard setback - 1m
- The general provisions of the by-law permit an uncovered porch, including uncovered steps to project into the required front yard a distance of 1.5m, but no closer than 0.5m to any side lot line and not higher than 1.25m above grade.
- the general provisions of the by-law includes a reduced front yard setback regulation for existing interior lots; which is the average of the front yard depths of the two abutting interior lots fronting on the same street, however the subject lands abut a corner lot.

Location Plan:



**LEGISLATIVE FRAMEWORK FOR A MINOR VARIANCE:**

-12-

In considering this application, the Committee must have regard to the following criteria and determine whether:

- The general intent and purpose of the Official Plan will be maintained;
- The general intent and purpose of the Zoning By-Law will be maintained;
- The variance is desirable for the appropriate development or use of the land, building or structure; and
- The variance is minor in nature.

**COMMENTS:**

- Front yard setbacks in residential zones are required to provide adequate area in the front yard for off-street parking, landscape, and amenity space, which maintains a consistent and stable streetscape in residential areas.
- Front yard setbacks also provide a buffer between sensitive land uses, such as residential and the municipal right-of-way. Motor vehicles traveling along the municipal right-of-way generate noise, vibration, dust, fumes, and lights, which can have an adverse impact on residential development.
- From a municipal perspective front yard setbacks are required so that public services (water, storm and sewer lines) and utilities (gas, power transmission and telecommunications) located in right-of-way are protected from incompatible land uses that may constrain their operation, result in hazard to life and property, and/or increase operation costs.
- The construction of a covered, porch 2.44m from the front lot line should not present an obstacle to the ongoing maintenance and operation of Fifth Avenue, and should not have any significant impacts to the use of the subject lands, surrounding neighbours or the function of the front yard.
- The applicant would like to construct the new porch 0.457m (18 inches) closer to the front lot line than the existing porch in order to accommodate a larger outdoor amenity space at the front of the house for their personal enjoyment.
- The existing dwelling is setback 4.39m from the front lot line and does not conform to the Zoning By-laws 6m front yard setback, however the existing house (1946) predates the Zoning By-law and is lawful non-conforming.
- The Manager of Development and Compliance confirmed through email that the Environmental Services Department has no concerns with the proposed minor variance application.
- Should the Committee of Adjustment approve minor variance application COA07-2018 staff recommend that the decision reflect that the Committee is approving a 5.83m x 9.64m covered, unenclosed porch a minimum of 2.44m from the front lot line, substantially as shown on the plans accompanying the subject application.
- In Staff's opinion the proposed variance meets the general intent and purpose of the Official Plan and Zoning By-law, is minor in nature, and is desirable and appropriate for the use of the lands, thereby satisfying the four tests, as set out in Section 45 of the Planning Act. Therefore, planning staff recommend that minor variance application COA07-2018 be approved.

Respectfully submitted,

  
Steve Craig  
Senior Planning Technician

## CONFIRMATION OF AN APPLICATION FOR MINOR VARIANCE

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September 20<sup>th</sup>, 2018

Secretary-Treasurer, Committee of Adjustment  
Attention: Melanie Knapp

Pursuant to By-Law 30-2015, a consultation meeting was held on September 19<sup>th</sup>, 2018 with Planning staff and the applicant.

An application for a minor variance for 40909 Major Line, was filed on September 19<sup>th</sup>, 2018 and the required fee under Section 69 of the Planning Act has been provided.

Please contact the Planning & Building Services Department if you have any questions.

Regards,



Patrick J. C. Keenan  
Director of Planning & Building Services



CORPORATION OF THE CITY OF ST THOMAS

COMMITTEE OF ADJUSTMENT

APPLICATION FOR MINOR VARIANCE OR FOR PERMISSION

(Section 45 of the Planning Act, RSO, 1990, as amended)

OFFICE USE: Date Application Received: 09/19/18 Consultation Date: Date Application Deemed Complete: 09/19/18

Application #: COA 08-2018

APPLICATION IS HEREBY MADE TO: City of St. Thomas 545 Talbot Street St. Thomas ON N5P 3V7 Tel: (519) 631-1680 ext 4125 Fax: 519) 633-9019 Email: mknapp@stthomas.ca

Please note that in accordance with By-Law 30-2015, consultation with the Planning and Building Services Department must take place prior to the submission of an application. After consultation, the application will be filed with the Assistant Secretary-Treasurer, together with the sketch referred to in Note 1 and \$400 made payable to the City of St. Thomas. All information and materials submitted for the application shall be made available to the public, as indicated by Section 1.0.1 of the Planning Act, R.S.O. 1990.

Personal information contained on this form is collected under the authority of the Planning Act, R.S.O. 1990, as amended, and Ontario Regulation 200/96 and will be used for the purpose of processing this application.

1. Name of Owner(s) Chuck Vint and Audrey MacDonald Address 40909 Major Line St. Thomas ON Postal Code N5P 3T7 Tel: 519-636-6274 e-mail: chuck.vint@sunlife.com 637-1067 OFFICE

2. Name of Authorized Agent (if any) Address Postal Code Tel: e-mail:

Note: Please specify to whom all communications should be sent: Owner (checked) Agent (unchecked)

3. Nature and extent of relief from the Zoning By-law applied for: ALLOW FOR RESIDENTIAL DEVELOPMENT

4. Reason why the proposed use cannot comply with the provisions of the Zoning By-law: CONSTRUCT A NEW DWELLING ON WELL & SEPTIC SYSTEM + ZONING BYLAW REQUIRES FULL MUNICIPAL SERVICES. MUNICIPAL SERVICES ARE NOT AVAILABLE IN THE AREA & IT IS UNKNOWN WHEN THEY MAY BE AVAILABLE

5. Location of Land: Concession No. NTRE Lot(s) PT Lot 45 Registered Plan No. 11R2980 Part 3 Lot(s)

Reference Plan No. \_\_\_\_\_ Part(s) \_\_\_\_\_

Geographic/Former Township \_\_\_\_\_

Name of Street Major Line Street No. 40909

6. Dimensions of land affected: SEE ATTACHED PLANS  
Frontage \_\_\_\_\_ Depth \_\_\_\_\_  
Area \_\_\_\_\_ Width of Street \_\_\_\_\_

7. Access to the subject land is by:  
 a Regional Road  a private road  
 a Municipal road that is maintained all year  
 a Municipal road that is maintained seasonally

8. Particulars of all buildings and structures on or proposed for the subject land (Specify ground floor area, gross floor area, number of storeys, width, length, height). Please specify use of existing structures.

Existing: - None

1500 - 1700 SQ FT AREA, SINGLE FAMILY DWELLING

WITH ATTACHED OR DETACHED GARAGE

USE \_\_\_\_\_

Proposed:



9. Location of all buildings and structures on or proposed for the subject land (Specify distance from side, rear and front lot lines). Please specify use of proposed structure.

Existing:

NOT APPLICABLE

Proposed:

WITHIN PROPOSED BUILDING AREA

USE

RESIDENTIAL

10. Date of acquisition of subject land: Aug 12/18

11. Date of construction of all buildings and structures on subject land: Oct 2018

12. Existing uses of the subject land:

vacant

13. Existing uses of abutting lands:

North: residential

East: residential

South: motel

West: commercial

14. Length of time the existing uses of the subject land have continued:

unknown

15. Services available (check appropriate space or spaces):

Water:

Municipally owned and operated piped water system Other (Specify) \_\_\_\_\_

Sewage Disposal:

Municipally owned and operated sanitary sewer system Other (Specify) \_\_\_\_\_

Storm Drainage

Storm sewers Other (Specify) \_\_\_\_\_

16. Present Official Plan designation of the subject land:

Highway Commercial; Natural Heritage

17. Present Zoning of the subject land:

highway commercial zone C7 -16

18. Has the owner previously applied for relief (minor variance) under Section 45 of the Act in respect of the subject property?

yes  no

If the answer is yes, describe briefly (and if known, quote Application #)

19. Is the subject property the subject of a current application for a consent under Section 53 or a plan of subdivision under Section 51 of the Planning Act, 1990?

yes  no  If so, state Application # and status \_\_\_\_\_



**APPLICANT DECLARATION**

By making this application, permission is hereby granted to any Municipal staff members and Municipal Planning Consultant to enter upon the premises described in this application at a reasonable time for the purpose of inspecting the property in relation to the proposed application and for distributing information concerning the same. This information is being collected pursuant to the Planning Act, Municipal Act, and Freedom of Information Act. The information contained herein will be distributed to bodies and agencies prescribed by legislation and regulation and also to interested parties.

If this application is signed by an agent or solicitor on behalf of an applicant, the owner's written authorization must accompany the application (Appendix A). If the applicant is a corporation acting without an agent or solicitor, the application must be signed by an officer of the corporation and the corporation's seal (if any) must be affixed.

**MUNICIPAL FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT**

Application information is collected under the authority of the Planning Act, R.S.O. 1990, c.P.13. In accordance with that Act, it is the policy of the City of St. Thomas to provide public access to all Planning Act applications and supporting documentation submitted to the City.

I Chuck Vint/Audrey MacDonald, the Owner or Authorized Agent, hereby agree and acknowledge  
*(Print name of Owner or Authorized Agent)*  
that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c.M. 56, I hereby consent to the City of St. Thomas making this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.

**Collection of Personal Information:**  
Personal information on this form is collected under the authority of Section 41 of the *Planning Act*, R.S.O. 1990 and Sections 8 (1) and 10 of the *Municipal Act*, 2001, as amended, and will be used to contact the owner, applicant and/or agent regarding the Committee of Adjustment Application. Questions about this collection should be directed to the City Clerk, 545 Talbot Street, St. Thomas, Ontario, N5P 2T9 (519) 631-1680.

**AFFIDAVIT OR SWORN DECLARATION**

I, Chuck Vint/Audrey MacDonald of St. Thomas in the province of ON,  
name of applicant City  
make oath and say (or solemnly declare) that the information required under Schedule 1 of Ontario Regulation 545/06 and provided by the applicant in this application is accurate, and that the information contained in the documents that accompany this application is accurate.  
Sworn (or declared) before me at the St. Thomas on this 12 day of 9, 2018.  
City Day Month Year

*CWB*

*Chuck Vint/Audrey MacDonald*  
Signature of Owner or Authorized Agent

12/09/2018  
Date

*[Signature]*  
Signature of Commissioner of Oaths, etc.

2018/09/12  
Date

**APPENDIX A – AUTHORIZATION OF OWNER**

If the applicant is not the owner of the subject lands, please complete the owner authorization concerning personal information as set out below.

I, \_\_\_\_\_, am the owner of the subject lands, and I authorize \_\_\_\_\_, to act on our behalf as the agent for the submissions required for all matters relating to the subject lands, and to provide any of my personal information that will be included in this application or collected during the planning process.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Owner

**APPENDIX B – ACKNOWLEDGEMENT OF LEGAL AND PLANNING FEES**

In addition to the application fees listed in this application package, please note that where the City requires assistance from its solicitors or other technical or professional consultants in the processing of this application, the applicant shall be responsible for reimbursing all fees incurred by the City.

**\*Please note, Appendix B must be completed by the owner, not the authorized agent.**

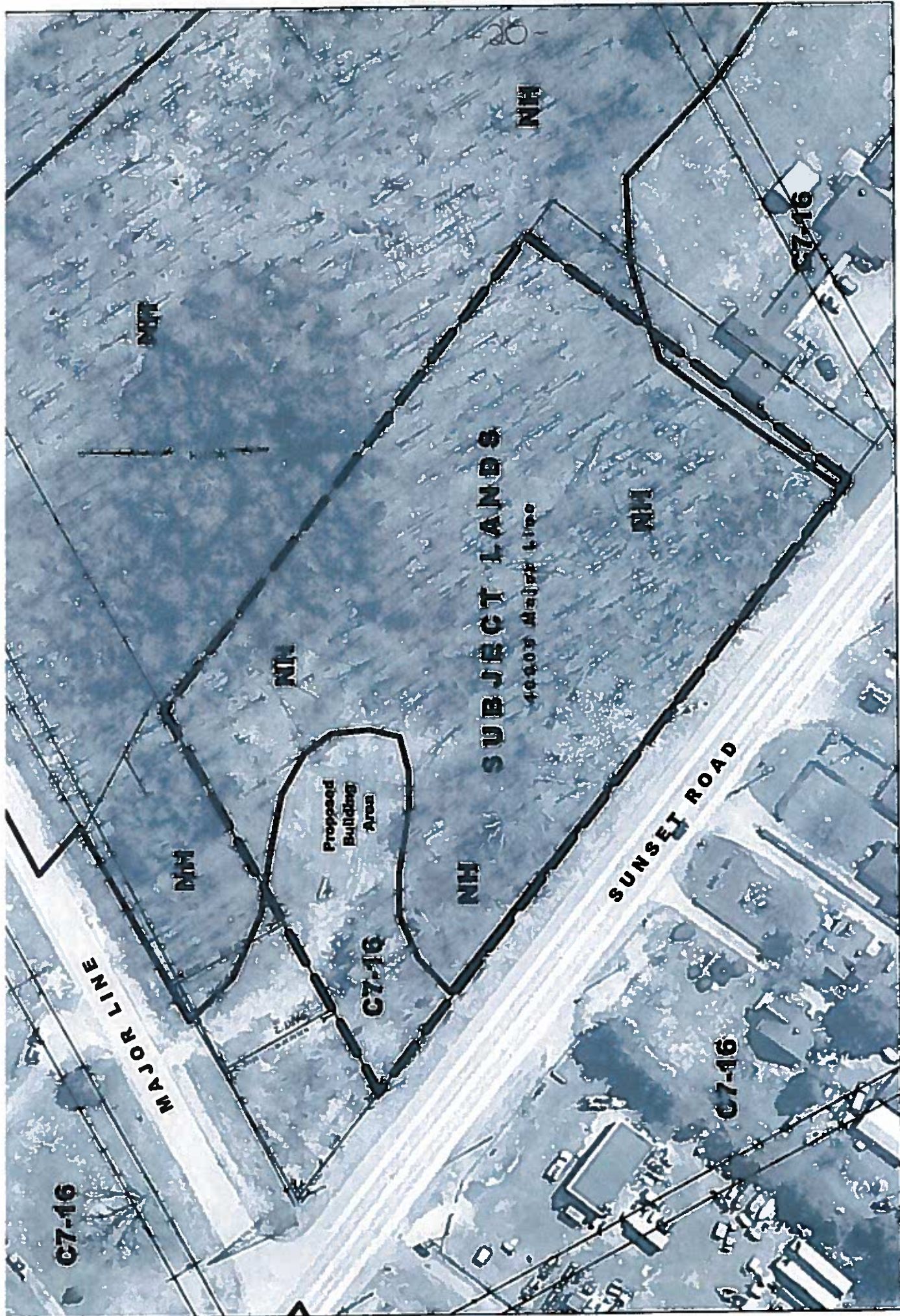
I, Chuck Vint/Audrey MacDonald, am the owner of the subject lands, and I understand that further fees may be incurred by the City throughout the planning process and that I am responsible for reimbursing all fees.

12/09/18  
Date

  
Signature of Owner







Scale: 1:1,000







The Corporation of the City of St. Thomas

Report No.: COA08-2018

Applicant: Chuck Vint and Audrey MacDonald

Members of the Committee of Adjustment

Report Date: October 4, 2018  
Meeting Date: October 11, 2018

Location: 40909 Major Line, Concession NTRE, Pt Lot 45, Registered Plan 11R-2960, Part 3

Subject: Request for a minor variance pursuant to 45(1) of the Planning Act, R.S.O, as amended

Department: Planning and Building Services Department  
Prepared by: Steve Craig, Senior Planning Technician

Attachments: Location Plan, Aerial Photograph, Minutes from 1999 Planning & Development Committee, and Notice of Passing Zoning By-Law Amendment #116-97

**Recommendation:**

That: Report COA08-2018 be received.

**BACKGROUND:**

The applicants are proposing to construct one house and one garage on private on-site services (well and septic system), whereas the Zoning By-law requires all new buildings and structures to be serviced with municipal piped water and sewer system.

**REQUESTED VARIANCE:**

- (i) To permit the construction of a single detached residential dwelling and a garage on the subject lands, without municipal services, whereas Subsection 18.3 provides that no buildings or structures shall be erected or used for any purpose unless the following municipal services are available to service the building or structure and the land on which it is situate:
  - (i) a water supply system, and
  - (ii) a sanitary sewage system and a storm system or a combined sanitary and storm sewage system.

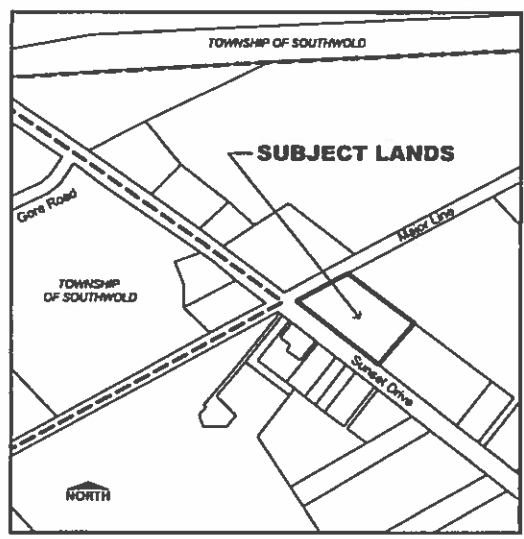
**OFFICIAL PLAN:**

- The subject lands are designated Highway Commercial and Natural Heritage, as shown on Schedule A (Land Use Plan) to the Official Plan for the City of St. Thomas. The proposed location of the single detached dwelling and garage are within the Highway Commercial designation.
- Permitted uses in the Highway Commercial designation are commercial uses that serve the needs of City residents and businesses and the needs of the traveling public, hotel/motel, automotive service business, gas bar, car wash, convenience store, automotive maintenance garage, motor vehicle dealership, restaurant, financial institution, existing business offices, existing food store, existing retail uses. The Highway Commercial Designation in the Official Plan does not permit residential use, however when Zoning By-Law Amendment #116-97 (C7-16) was approved the existing residential use of the lands was deemed (Section 26(4) of the Planning Act) to be in conformity with the Official Plan.
- The Natural Heritage designation permitted uses include passive open space, walking/biking trails, forest and resource management uses, conservation uses, erosion and flood control, low-intensity public and private recreation uses, necessary public utilities, infrastructure and services, existing agricultural use and accessory buildings and structures thereto.

**ZONING BY-LAW:**

- The subject lands are located within the Highway Commercial Zone (C7-16) and Natural Heritage Zone (NH) pursuant to the City of St. Thomas Zoning By-Law 50-88, as amended. The proposed location of the single detached dwelling and garage are within the Highway Commercial Zone (C7-16).

Location Plan:



- Permitted uses of the C7 zone include a hotel, restaurant, drive-in restaurant, automobile service station, automotive trade, automotive service business, automatic car wash, wholesale business, business of leasing vehicles and equipment, moving and storage building, recreational vehicle business, recreation centre, institution, animal clinic, pet grooming shop and uses accessory to the foregoing. The special provisions of the C7-16 Zone permit a single detached dwelling.
- No buildings or structures shall be erected or used for any purpose unless the following municipal services are available to service the building or structure and the land on which it is situate:
  - (i) a water supply system, and
  - (ii) a sanitary sewage system and a storm system or a combined sanitary and storm sewage system.
- Minimum front yard depth – 12m
- Minimum side yard depth – 3m
- Minimum rear yard depth – Nil

**LEGISLATIVE FRAMEWORK FOR A MINOR VARIANCE:**

In considering this application, the Committee must have regard to the following criteria and determine whether:

- The general intent and purpose of the Official Plan will be maintained;
- The general intent and purpose of the Zoning By-Law will be maintained;
- The variance is desirable for the appropriate development or use of the land, building or structure; and
- The variance is minor in nature.

**COMMENTS:**

- The subject lands were brought into the City of St. Thomas as part of the mutual boundary adjustment with the Township of Southwold in 1995. As part of the mutual boundary adjustment the lands were placed in the Highway Commercial Zone (C7-16 ZBA # 116-97). The intent was to recognize the existing use of the property, and provide zoning regulations and standards similar to those contained within the Township of Southwold Zoning By-law. Attached is a copy of the Notice of Passing for Zoning By-Law Amendment #116-97.
- Prior to the subject lands being brought into the City of St. Thomas the lands were subject to the Township of Southwold Zoning By-Law 1677, and were zoned B5-9 (ZBA #88-24). Permitted uses of the B5 zone included any restricted business use, institutional uses, dwelling units above the main or first storey of the main building, home occupations and accessory uses. The special provisions of the B5-9 zone permitted one single detached dwelling unit in conjunction with the B5 permitted uses.
- In 1999 Council passed a resolution to consider requests for building permits on existing unserviced lots, on a lot by lot basis, through application to the Planning and Development Committee of City Council. If the Committee approves the subject application approval will need to be conditional on a resolution from Council in support of a building permit on the subject lands, which is consistent with other previous requests for development on existing unserviced lots within the City of St. Thomas.
- In accordance with the Natural Heritage policies of the Official Plan the Ministry of Natural Resources and Forestry (MNFR) reviewed the applicants proposal and concluded that the activities associated with the project, as currently proposed, will likely not contravene Section 9 (Species protection) and/or Section 10 (habitat protection) of the Endangered Species Act, 2007 for Species at Risk (SAR), subject to recommendations outlined in the letter (AYL-L-123-18) prepared by the MNFR, dated August 13, 2018, and accompany the planning report.
- In accordance with the Natural Heritage policies of the Official Plan Leonard + Associates in Landscape Architecture reviewed the applicant's proposal and concluded that there are no negative nor adverse, unalterable impacts on the natural heritage landscape identified in the Official Plan, subject to their recommendations outlined in the October 2017 Issue Scoping Report (ISR), and the letter dated August, 29, 2018, and accompany the planning report.
- Should the Committee of Adjustment approve minor variance application COA08-2018 staff recommend that the decision reflect that the Committee is approving the construction of one single detached dwelling and one garage on the lot, subject to the following conditions:
  - a resolution from Council in support of a building permit on the subject lands;
  - the owners obtain the services of a qualified professional to provide confirmation that the subject lands are capable of supporting the private on-site services, to the satisfaction of the City of St. Thomas;
  - the location of the dwelling and garage are subject to the approval of the City of St. Thomas;
  - the owners obtain the services of a qualified professional to implement the recommendations of the Ministry of Natural Resources and Forestry (MNR), outlined in the letter (AYL-L-123-18) prepared by the MNFR, dated August 13, 2018;
  - the owners obtain the services of a qualified professional to implement the recommendations of the Leonard + Associates in Landscape Architecture, outlined in the October 2017 Issue Scoping Report (ISR), and letter dated August, 29, 2018; and
  - the owners enter into an agreement with the City of St. Thomas requiring the connection to municipal services at such time when it becomes available.
- In Staff's opinion the proposed variance meets the general intent and purpose of the Official Plan and Zoning By-law, is minor in nature, and is desirable and appropriate for the use of the lands, thereby satisfying the four tests, as set out in Section 45 of the Planning Act. Therefore, planning staff recommend that minor variance application COA08-2018 be approved.

Respectfully submitted,

  
Steve Craig  
Senior Planning Technician

- 23 -  
NOTICE OF THE PASSING OF ZONING BY-LAWS  
BY THE CORPORATION OF THE  
CITY OF ST. THOMAS  
AFFECTING LANDS SUBJECT TO BOUNDARY ADJUSTMENT 1995

TAKE NOTICE that the Council of the Corporation of the City of St. Thomas passed By-law Nos. 112-97, 113-97, 114-97, 115-97 and 116-97, on the 23rd day of July, 1997, pursuant to Section 34(18) of the Planning Act, R.S.O. 1990 as amended.

The lands affected by the By-laws are shown on the Key Map below.

The five proposed zoning amendments apply to the lands brought into the City through a mutual boundary adjustment in 1995. These lands were previously subject to zoning regulations contained within the Township of Yarmouth Zoning By-law No. 1998 and the Township of Southwold Zoning By-law No. 1677. The purpose of these amendments is to:

- ° amend the City of St. Thomas Zoning By-law 50-88 to provide new zoning map part coverage and zoning regulations for the lands brought into the City of St. Thomas in 1995 by mutual boundary adjustment;
- ° implement Official Plan Amendment No. 42 by establishing new zoning provisions to regulate the development of lands identified for future residential development within the South Block Area.

The effect of the zoning amendments is to place the lands identified on the Key Map in zones which recognize the existing use of a property and to provide zoning regulations and standards similar to those contained within the Township Zoning By-laws. To accomplish this, five separate by-laws have been prepared to cover the different areas brought into the City by boundary adjustment.

By-law Nos. 112-97, 113-97, 114-97, 115-97, and 116-97 are being passed concurrently with the adoption of Official Plan Amendment No. 42 (By-law No. 88-97). Official Plan Amendment No. 42 is a comprehensive amendment to the St. Thomas Official Plan prepared to recognize the lands which were brought into the City of St. Thomas by mutual boundary adjustment in 1995. The Zoning By-law Amendments (By-law Nos. 112-97, 113-97, 114-97, 115-97 and 116-97) will not take effect until Official Plan Amendment No. 42 is approved by the Minister of Municipal Affairs and Housing.

AND TAKE NOTICE that any person or public body may appeal to the Ontario Municipal Board with respect to the By-laws by filing with the Clerk of the Corporation of the City of St. Thomas, not later than the 20th day of August, 1997, a notice of appeal, setting out the reasons for the appeal and must be accompanied by the fee required by the Ontario Municipal Board.

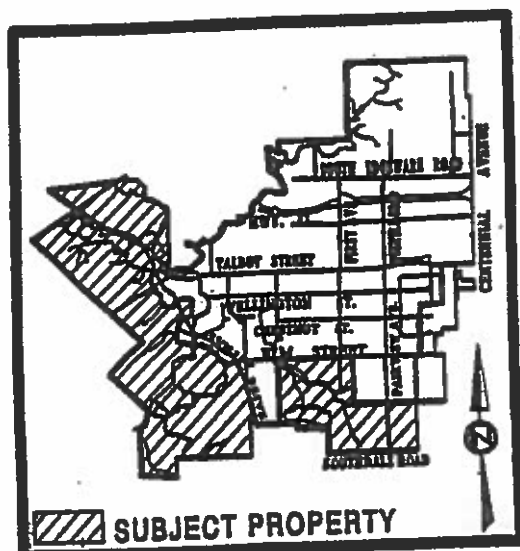
Only individuals, corporations and public bodies may appeal a zoning by-law to the Ontario Municipal Board. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or the group on its behalf.

A complete copy of each of the five By-laws is available for inspection daily, from Monday to Friday, between 9:00 A.M. and 4:00 P.M. at the Clerk's Office, 545 Talbot Street, City Hall, St. Thomas.

DATED at the City of St. Thomas, this 31st day of July, 1997.

KEY MAP: (not to scale)

Mr. P. J. Leack, City Clerk  
P.O. Box 520  
St. Thomas, Ontario  
N5P 3V7



THE FIFTH MEETING OF THE PLANNING AND DEVELOPMENT COMMITTEE

COUNCIL CHAMBERS  
CITY HALL

JUNE 7TH, 1999

6:00 p.m. The meeting convened with Alderman M. Turvey, Chairman, presiding.

ATTENDANCE

Members

Mayor S. Peters  
Alderman J. Brooks  
G. Campbell  
(Arr. 6:07 p.m.)  
H. Cole  
S. Crosby  
P. Ostojic  
R. Parks  
M. Turvey

Officials

R. Main, City Administrator  
P.J. Leack, City Clerk  
J. Dewancker, Director of Public Works and Engineering  
P. Keenan, Planning Director

DISCLOSURES OF INTEREST

Nil.

MINUTES

Motion by Alderman Parks - Crosby:

THAT: The minutes of the meeting held on May 3rd, 1999 be confirmed.

Carried.

DEPUTATIONS

Request for Building Permit - Lot 4, Plan 259, Fingal Line

Mr. Wes Armstrong appeared in support of the letter from Richard Armstrong, owner of Lot 4, Plan 259, Fingal Line, requesting a building permit and septic system for the development of the above-noted lot. He indicated that the proposed lot was 60 feet by 200 feet.

Motion by Alderman Parks - Crosby:

THAT: We consider requests for building permits on existing unserved lots, on a lot by lot basis, through application to the Planning and Development Committee of City Council.

Carried.

Motion by Alderman Parks - Crosby:

THAT: The Council of the City of St. Thomas has no objection to an application being made to the Committee of Adjustment for the development of a house on the property known as Lot 4, Plan 259 (Fingal Line) formerly in the Township of Southwold and now in the City of St. Thomas subject to the following:

approval of the septic system by the Elgin-St. Thomas Health Unit

an agreement being entered into by the owner with the municipality requiring the owner's connection to the sanitary sewer at such time when it becomes available.

Carried.

CITY CLERK  CONFIRMED  CHAIRMAN



Ministry of Natural  
Resources and Forestry  
615 John Street North  
Aylmer ON N5H 2S8  
Tel: 519-773-9241  
Fax: 519-773-9014

Ministère des Richesses  
naturelles et des Forêts  
615, rue John Nord  
Aylmer ON N5H 2S8  
Tél: 519-773-9241  
Télééc: 519-773-9014



August 13, 2018

AYL-L-123-18

Chuck Vint & Audrey MacDonald  
25 Village Gate Road  
Dorchester, ON N0L 1G3

Dear Mr. Vint & Mrs. MacDonald:

RE: Residential Development (40909 Major Line) and the *Endangered Species Act, 2007*

The Ministry of Natural Resources and Forestry (MNRF) has reviewed the information that was provided on the proposed single residential development project to assess the potential impacts of the proposal on endangered or threatened species and their habitats. From the information provided, it is our understanding that the proposed project falls within these parameters:

- a) The project is located at 40909 Major Line in the City of St. Thomas, Elgin County.
- b) The proposed project involves the development of a single dwelling residence, including tree removal and house construction.
- c) The proposed project will begin in September 2018.
- d) MNRF has reviewed species at risk (SAR) occurrence information on file and determined that there are known occurrences of SAR in the general area of the project:
  - Barn Swallow (threatened), with species and general habitat protection.
  - Chimney Swift (threatened), with species and general habitat protection.
  - SAR Bats (endangered), including Eastern Small-footed Myotis, Little Brown Myotis, Northern Myotis, and Tri-colored Bat with species and general habitat protection.

Based on a review of the above information, MNRF has determined that the activities associated with the project, as currently proposed, will likely not contravene section 9 (species protection) and/or section 10 (habitat protection) of the *Endangered Species Act, 2007* (ESA 2007) for SAR provided the following recommendations are implemented:

1. Any species listed as endangered or threatened on the Species at Risk in Ontario (SARO) List that is encountered at the project location must be protected from all harm and harassment.
2. Any SAR individual that is present at the project site should be reported to the MNRF Aylmer District staff (contact information below) within 48 hours of the observation or the next working day, whichever comes first.
3. The proposed work area (including trees for removal) should be surveyed by a qualified professional with bat surveying experience in advance of proposed activities. To protect bat species and their habitat, please follow the attached document outlining MNRF's approved survey methodology for SAR bats, as well as a guidance document from MNRF Guelph District that we accept being used at Aylmer District.

4. Tree removal activities should avoid the bat active season, i.e. the time period when bats are likely to be using treed habitat to support foraging and roosting (generally corresponds to May 1 to September 1 in a given year).
5. If maternity roost sites are found within the proposed project site and are planned for removal, MNRF recommends the installation of bat boxes at a 2:1 ratio (i.e. 8 bat boxes installed for the 4 cavity trees removed) in suitable habitat.

If the above recommendations are implemented, the activity will likely not contravene section 9 (species protection) and/or section 10 (habitat protection) of the ESA 2007.

**This Letter to Proponent (AYL-L-123-18) is valid until September 1, 2019. MNRF should be contacted for a new review if the project activities have not been completed by this date, or if land ownership has changed.**

Should any of the project parameters change, or if it is not possible to comply with all the above recommendations, please notify the MNRF Aylmer District office ([ESA.Aylmer@ontario.ca](mailto:ESA.Aylmer@ontario.ca)) immediately to obtain guidance on whether additional actions will need to be taken to remain in compliance with the ESA 2007. Also, if any SAR species and/or habitats are observed on the property, please contact the MNRF Aylmer District office as soon as possible to report the observation.

It is important to note that changes may occur in both species and habitat protection which could affect whether proposed projects may have adverse effects on SAR. The ESA 2007 applies to endangered and threatened species listed on the Species at Risk in Ontario (SARO) List (<http://www.ontario.ca/environment-and-energy/species-risk-ontario-list>). The Committee on the Status of Species at Risk in Ontario (COSSARO) meets regularly to evaluate new species for listing and/or re-evaluate species already on the SARO List. As a result, species designations may change, which could in turn change the level of protection they receive under the ESA 2007. Also, habitat protection provisions for a species may change if a species-specific habitat regulation comes into effect.

Please be advised that it is your responsibility to be aware of and comply with all other relevant provincial or federal legislation, municipal by-laws or required approvals from other agencies.

If you have any concerns or questions regarding this letter, please contact me at 519-773-4751 or by email at [ESA.Aylmer@ontario.ca](mailto:ESA.Aylmer@ontario.ca).

Sincerely,



Karissa Reischke  
Management Biologist, Aylmer District  
Ministry of Natural Resources and Forestry

**Issue Scoping Report**

## **1.0 INTRODUCTION**

This Issue Scoping Report (ISR) is being prepared for Mr. Aarts (the proponent) relating to the property at 40909 Major Line in St. Thomas ON.

This request is triggered by municipal requirements related to the proposed site alteration to accommodate a residential house construction. The client attended a pre-consultation meeting with the municipality to review his proposed development program. The natural heritage work program described in this document is triggered by a municipal opinion related to the proposed site alteration that suggests that this ISR may eliminate the need for a scoped environmental impact study (EIS).

The property is captioned on the attached figures:

- Landscape: Context
- Landscape: Site Specific
- Development Concept
- The Development Concept overlaid onto site-specific landscape attributes.

### **1.1 Report Components**

This report follows the municipal and provincial guidelines for an ISR which is the initial phase of the required environmental impact studies.

In addition to site attendance by Leonard + Associates (LAI), the recommendations of this report are based on the following components in accordance with the municipality:

- Location map;
- Description of the natural area potentially being affected;
- Background information for the site and adjacent lands;
- Relevant municipal or agency requirements;
- Identification of potential issues and ecological linkages, natural processes and study area boundaries;
- Potential cumulative effects of development;
- Determination of information needs and availability of information; and
- Determination of the nature and extent of additional information or studies that may be needed.

Based on these tasks, the ISR is to recommend one of the following options:

- A determination that no further work is required and that the proposed site alteration or development can proceed, or
- Proceed to a full or scoped EIS.

## **2.0 BACKGROUND INFORMATION: THE SITE AND ADJACENT LANDS**

### **2.1 Development Description**

As noted on the attached figures, the proposed dwelling will be constructed within a significant woodlot. A single-family dwelling  $\pm 2100 \text{ ft}^2$  is proposed 45.75 m southeast of Major Line and 30.5 m northeast of Sunset Drive amongst an already cleared area of the woodlot designated as Natural Heritage on in the municipal Official Plan (OP). The proponent has been asked by the municipality to prepare an Issue Scoping Report (ISR) in accordance with the policies of the OP.

It is anticipated that stormwater will infiltrate into the soil, and sanitary services will be provided through a private sewage disposal system.

### **2.2 Physical and Hydrologic Features**

The site is relatively flat with grades typically  $\pm 2\%$ .

There are no natural watercourses or drains on the subject lands, nor is there any surface flow directed off-property.

It is our understanding that a geotechnical study will not be required. However, the soils in the area are generally sandy silt to clayey silt.

### **2.3 Natural Heritage Attributes, Processes and Ecological Linkages**

#### **ELC Classification**

Based on our site observations, and as depicted on the attached figures, the woodlot on site is densely covered ( $\pm 75\%$ ) with an already cleared area and few existing sheds occur amongst the woodlot.

According to the MNRF ELC protocol there is only one classification present: FOD 6-5 (Fresh-Moist Sugar Maple-Hardwood Deciduous Forest Type).

No wetlands, lakes or ponds are present in the adjacent lands.

#### **Significant Species**

In our opinion, there is no compelling need to file a SAR Stage 1 Information Request with MNRF Aylmer. However, one can be filed upon request.

#### **Diversity**

The vegetation on-site occurs frequently in the local and regional landscape.

### **Landforms and Soils**

The soils are sandy silt to clayey silt, the property within the broad till plain that extends into this area (Chapman and Putnam 1984). The interspersions of the ELC community amalgam on tablelands that characterizes the subject lands is also typical of the local and regional landscape.

**Naturalness and Disturbance levels** are both typical of this ecological region.

The potential for **Species Rarity** is limited in our opinion.

### **Linkage and Size**

As noted above the wooded area is connected to the broader landscape identified on the OP. That system may potentially provide a corridor for wildlife movement. However, the subject lands are isolated at the edge of the larger woodland continuum, and with the possible limited tree removal the effect on the woodland as a whole will be limited.

Leonard + Associates (LAILA) have attended the property and are of the opinion that their related floral and faunal subconsultants do not need to attend the site.

## **3.0 DEVELOPMENT EFFECTS AND RELATED INFORMATION**

### **Potential Direct and Adverse Impacts**

As previously noted, this Issue Scoping Report is triggered by municipal requirements related to the proposed house construction. From our understanding, at least part of the development may occur in the already cleared area as shown on the attached figures. Consequently, in comparison to the size of the woodland, possible vegetation removal required to accommodate the proponent's scheme would suggest the direct impact would be minimal.

### **Potential Indirect or Secondary Impacts to be Addressed**

The only short-term indirect or secondary impact on the natural heritage system functions or features that could be caused by this limited construction envelope are:

- The impact that altered edaphic conditions, especially related to altered light levels from vegetation clearing and artificial lighting attendant to the proposed structures, on SARO and other atypical plant or animal species on-site, if these should occur.
- The impact of compaction on vascular plant root zones.

- The relationship between the limited extent of the development footprint in comparison with the spatial extent of the larger vegetation patch that the subject lands sit within.
- The effect of soil disturbance, altered light levels and post-development residential use on the increased presence of invasive species on-site.
- The temporary effect of noise and dust.
- The proposed development envelope sits amidst residual vegetation and faunal habitat.

**How will negative impacts be mitigated?**

With regards to faunal habitat, possible vegetation removal would not likely affect the woodland habitat on a landscape level.

If gardens are built on site it would be advantageous if those were dominated by native species that contribute to the ecology of the site by providing berries, nuts, nectar and pollen for wildlife.

The following practical recommendations are made to enhance the survival potential of the vegetation that will be retained on site.

Typically, a minimum 6m – 9m transition zone is mandated by the regulatory agencies in a situation where the intended development envelope is within the forest designated as “Natural Heritage” on the municipal OP.

**Pre-Construction:**

- As part of the Ontario Building Code process a site plan is required. That plan should integrate the best management practices noted below relating to vegetation retention and protection, surface water management and sediment / erosion control measures.
- Prior to any construction operations, the drip line of areas to be preserved should be clearly marked and protective fencing consistent with according to the general specifications of the city of St. Thomas should be installed at or beyond the drip line of the trees.
- Sediment / erosion control measures defined in relevant County and OPSS + OPSD standards that specifically reference silt fence adjacent to the residual vegetation and material storage setback away from these attributes should be depicted in the site plan for the project to prevent damage.

During Construction:

- All protective fencing should be maintained until all heavy construction work is complete.
- If grade changes are required in areas adjacent to trees to be retained, work should be done to minimize impact to the trees. Depending on the final grading scheme, the use of tree wells, retaining walls, root barriers, structural soils or other standard techniques may be required in isolated areas.

After Construction:

After all work is completed, but before protective fencing and other barriers are removed, the site should be examined to identify any trees adjacent to the development parcel that should be removed due to hazard tree status. These opinions on specific stems should be based on the International Society of Arboriculture's "Guide for Plant Appraisal, 9th edition" and included the following constraint descriptions: Crown condition, tree structure, canopy decline symptoms and stem decline symptoms.

#### **4.0 CONCLUSIONS**

For the reasons outlined in this report and the conclusions noted above, in our opinion there are no potential issues nor potential cumulative effects of the development proposed by the proponent.

Consequently, there is no need for additional information or studies relating to the natural heritage component of this application.

Furthermore, based on our work, no further work is required and therefore the proposed site alteration or and development can proceed from the natural heritage standpoint.

With respect to the agreement between the proponent and the municipality adequate tree protection and SEC (sediment and erosion control) measures should be included as a provision to protect the existing vegetation within the Natural Heritage Area. These measures should be prepared according to relevant municipal and OPSS / OPSD standards.

The conclusion of this report is that there are no negative nor adverse, unalterable impacts on the natural heritage features of the subject land and the natural heritage landscape identified in the OP.



It is the opinion of the writer that these findings are consistent with the Provincial Policy Statement 2014 as well as policies of the City of St.Thomas.



Mike Leonard O.A.L.A. C.S.L.A. // Paige Vroom M.Sc. (Aquatic)



Aarts ISR, 40909 Major Line St. Thomas, ON

not to scale

FIGURE 1.0:

Subject Lands: General Location

October 2017





Aarts ISR, 40909 Major Line St. Thomas, ON

FIGURE 2.0:

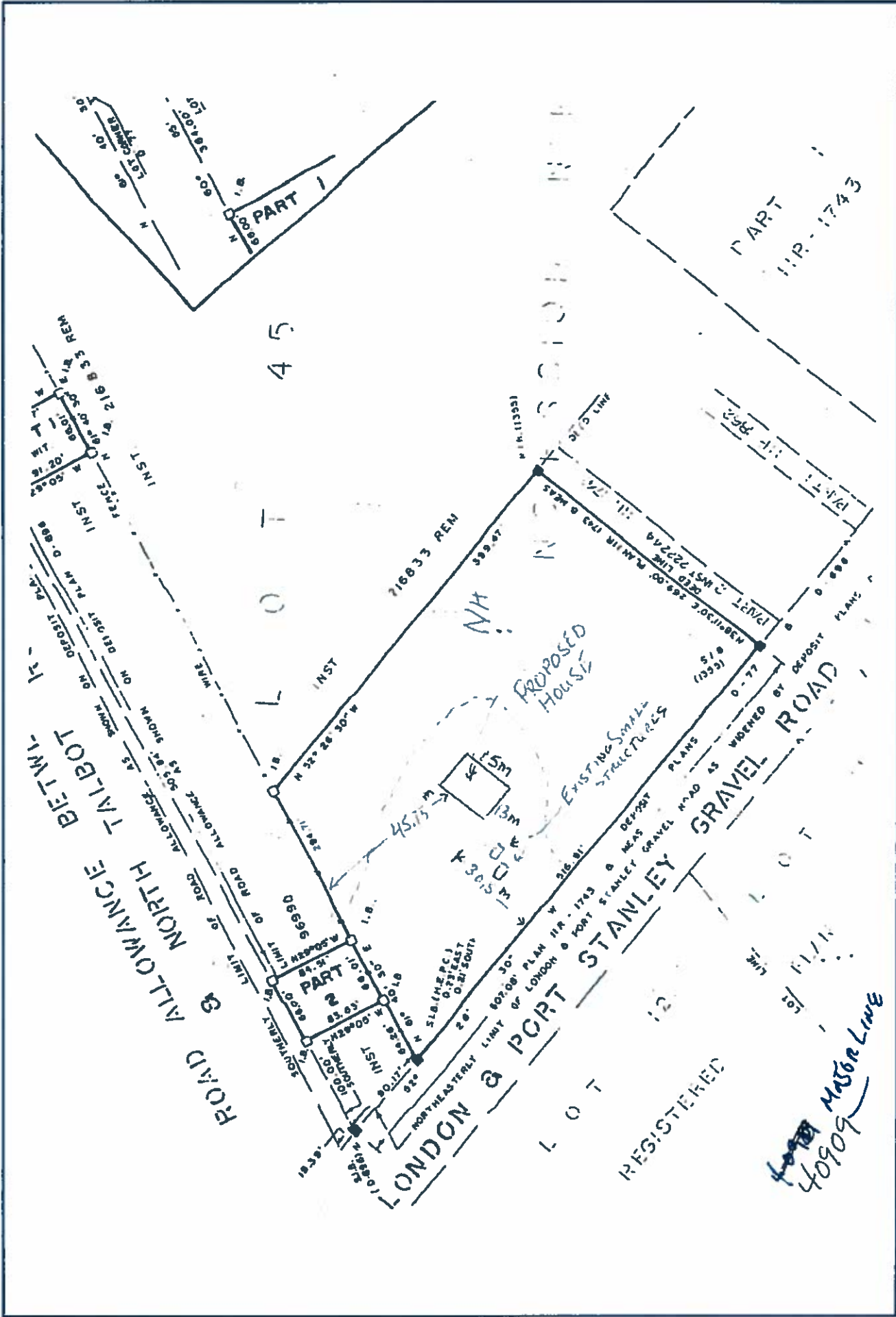
Subject Lands: Specific Location

October 2017

not to scale

**LEONARD + ASSOCIATES**  
 IN LANDSCAPE ARCHITECTURE





**LEONARD + ASSOCIATES**  
 IN LANDSCAPE ARCHITECTURE

Aarts ISR, 40909 Major Line St. Thomas, ON

FIGURE 30:  
 Development Concept

not to scale

October 2017





Aarts ISR, 40909 Major Line St. Thomas, ON

not to scale

FIGURE 4.0:  
Development Concept on Site Specific

October 2017

**LEONARD + ASSOCIATES**  
IN LANDSCAPE ARCHITECTURE

10841 Melrose Drive  
Komoka ON  
N0L 1R0

[mla@lsp.ca](mailto:mla@lsp.ca)  
[www.leonardala.com](http://www.leonardala.com)  
519.671.5267

To: Jim McCoomb, MCIP, RPP / Manager of Planning Services / City of St. Thomas / Planning and Building Services Department

From: Mike Leonard, Leonard + Associates (LAIiLA)

Date: 2018 08 29

**SUBJECT: Vink Property at 40909 Major Line, St. Thomas ON.**

This communication is triggered by the municipal request for clarification of the 6-9 metre "transition zone" discussed in the Issues Scoping Report (ISR) that our office prepared for Mr.Aaarts, and specifically whether or not this was recommended as a buffer along the boundary of a C7-16 zone that is being considered in a variance to accommodate the construction of a residence.

The proposed building area is a grassed opening within a forest. This forest is surrounded by lands designated and zoned Natural Heritage. That zoning triggered the ISR.

Following site attendance by Leonard + Associates (LAIiLA) in the 2018 Fall season the ISR assessed the potential cumulative effects of development, concluding that there were none and that a full EIS was not required.

Based on our site observations the forest is described as a FOD 6-5 (Fresh-Moist Sugar Maple-Hardwood Deciduous Forest Type) according to the MNRFC ELC protocol. This vegetation on-site occurs frequently in the local and regional landscape. No wetlands, lakes or ponds are present in the proposed development envelope nor on adjacent lands.

Given the historical prior disturbance that the development envelope has been subjected to, the potential for species rarity being identified in the SAR Stage 1 Information Request with MNRFC Aylmer is unlikely in our opinion.

In terms of additional work that should be done at subsequent levels of the planning process the ISR identified the need for determining whether or not a 6-9 m transition

zone would be required between the deciduous forest and the development envelope that is wholly contained within the existing cleared meadow.

To that end I attended the site on August 22<sup>nd</sup> with Mr.Vink who described the form of the grading, servicing and house location that is anticipated. From this conversation it is my understanding that all of these will occur in the already cleared area.

With respect to the need for a 6-9m transition zone my observations that day lead me to the conclusion that none is required. The rationale for that opinion is that the edge of the existing forest already is characterised by thick shrubs and small-diameter trees that act as a protective along the forest edge.

In fact, rather than a designated transition zone, implementing the following practical recommendations will enhance the viability of the vegetation that will be retained on site.

- As part of the Ontario Building Code process a site plan is required. That plan should integrate the best management practices noted below relating to vegetation retention and protection, surface water management and sediment / erosion control measures.
- Sediment / erosion control measures defined in relevant municipal and OPSS + OPSD standards that specifically reference silt fence adjacent to the residual vegetation and material storage setback away from these attributes should be depicted in the site plan for the project to prevent damage.
- This protective fencing should be maintained until all heavy construction work is complete.
- If grade changes are required in areas adjacent to trees to be retained, work should be done to minimize impact to the trees. Depending on the final grading scheme, the use of tree wells, retaining walls, root barriers, structural soils or other standard techniques may be required in isolated areas.
- After all work is completed, but before protective fencing and other barriers are removed, the site should be examined to identify any trees adjacent to the development parcel that should be removed due to hazard tree status. These opinions on specific stems should be based on the International Society of Arboriculture's "Guide for Plant Appraisal, 9th edition" and included the following constraint descriptions: Crown condition, tree structure, canopy decline symptoms and stem decline symptoms.

D R A F T



Mike Leonard O.A.L.A. C.S.L.A.





NORTH



Scale: 1:1,000