

**A G E N D A**

**THE TENTH MEETING OF THE COMMITTEE OF ADJUSTMENT  
OF THE CITY OF ST. THOMAS 2019**

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**COMMITTEE ROOM #415  
CITY HALL**

**10:00 A.M.**

**THURSDAY  
SEPTEMBER 12, 2019**

**DISCLOSURE OF INTEREST**

**MINUTES**

Confirmation of the minutes of the meetings held on July 11 and August 6, 2019.

**HEARING OF APPLICATIONS**

**A10/19 – Janet Yates – 41237 Major Line Pages 2-14**

**Planning Report – A10/19 Pages 15-16**

**B04/19 – Janet Yates – 41237 Major Line Pages 17-30**

**Planning Report – B04/19 Pages 31-32**

**UNFINISHED BUSINESS**

**A09/19 – 18 Hickory Lane – Update**

**A05/19 – Amendment – 300 Manor Road**

**NEW BUSINESS**

**Next Meeting**

September 26, 2019 at 10:00 a.m. in Room #304

**ADJOURNMENT**

**CONFIRMATION OF AN APPLICATION FOR MINOR VARIANCE**

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City of St. Thomas  
Received

August 15<sup>th</sup>, 2019

AUG 15 2019

City Clerk Dept.

Secretary-Treasurer, Committee of Adjustment  
Attention: Melanie Knapp

Pursuant to By-Law 30-2015, a consultation meeting was held on August 8<sup>th</sup>, 2019 with Planning staff and the applicant.

An application for a minor variance, regarding 41237 Major Line, was filed on August 14<sup>th</sup>, 2019 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



August 14, 2019

Ms. Melanie Knapp, Secretary-Treasurer, Committee of Adjustment  
City of St. Thomas  
545 Talbot Street  
St. Thomas, ON  
N5P 3V7

Dear Ms. Knapp,

**RE: Application for Consent to Sever and Application for Minor Variance  
41237 Major Line, St. Thomas, ON.  
Our File: LEH/STH/19-01**

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Zelinka Priamo Ltd., on behalf of Janet Yates and Lecram Inc., is pleased to submit an application for Consent to Sever and an application for Minor Variance for the lands at 41237 Major Line (the "subject lands"). The purpose of the Consent application is to sever the rear 4.34ha of land and merge with the abutting lands to the west (41041 Major Line), while the Minor Variance application is to recognize and permit the associated reduced lot areas of 2.6ha (retailed lands) and 4.3ha (severed lands).

The subject lands are located on the south side of Major Line, approximately 775m east of Sunset Drive and 600m west of Ford Road. The lands have lot frontage of approximately 119m (390ft), a depth of approximately 577m (1,893ft) and an area of approximately 6.96ha (17.2ac). The subject lands are bisected by a small creek which is a tributary to Dodd Creek (and subsequently Kettle Creek). The portion north of the creek (northerly 2.6ha) contains a single detached dwelling and shed, and is also bisected by high-voltage electrical lines. The portion south of the creek (southerly 4.3ha) is vacant. Lands proximate to the creek are vegetated and contain moderate slopes.

The subject lands are designated "*Rural Area*" and "*Natural Heritage*" with a "*Natural Hazard*" overlay as per the City of St. Thomas Official Plan. The "*Natural Heritage*" and "*Natural Hazard*" lands correspond with the creek, vegetated areas, and sloped areas in the middle portion of the subject lands.

The lands are zoned "*Residential Development (R7-4)*", "*Natural Heritage (NH)*", and "*Hazard Lands (HL)*" in the City of St. Thomas Zoning By-Law 50-88. The *R7-4* zone is generally a placeholder zone which restricts development until such time that comprehensive development proposals are presented while the *NH* and *HL* zones recognize the natural features on the lands and restrict development within them.

As noted above, the subject lands are proposed to be severed along the creek which bisects the property. The southerly 4.34ha (shown as "PARCEL B" on the attached sketch) are proposed to be severed and merged with the abutting lands at 41041 Major Line ("PARCEL C") for the purpose of lot consolidation for future residential development, while the northerly 2.6ha (shown as "PARCEL A") is proposed to be retained and maintained as a private residential estate.

Section 11.1.4.c) of the R7-4 zone states that *"The minimum lot area shall be the existing lot area."* As the subject lands are proposed to be severed into two lots, the new lot areas will be less than the existing lot area of 6.96ha. As such, in order to facilitate the proposed Consent to Sever application and ensure the resultant lots comply with the regulations of the Zoning By-Law, relief from Section 11.1.4.c) is required to permit a lot area of 4.3ha for the severed lands and 2.6ha for the retained lands. It is noted that the lot areas are rounded down to account for any minor discrepancy in measurement in the final reference plan required for the severance.

To assess the merit of an application for Minor Variance, the four tests for under the Planning Act are applied. An overview of the four tests is as follows:

***Does the proposed variance maintain the intent and purpose of the Official Plan?***

The purpose and intent of the *"Rural Area"* land use designation is to protect existing agricultural uses from ad-hoc, non-agricultural development. Permitted uses include agricultural uses and existing residential uses. As the proposed variance is intended to facilitate lot consolidation for the purpose of future residential subdivision development, and that the City of St. Thomas is contemplating re-designating the subject lands for residential development, the intent of the *"Rural Area"* designation of preventing ad-hoc development is maintained.

No development or site works are proposed within the *"Natural Heritage"* and *"Natural Hazard"* areas, consistent with their purpose and intent.

***Does the proposed variance maintain the intent and purpose of the Zoning by-law?***

The intent of the minimum lot area in the R7-4 zone is to prevent ad-hoc development, lot creation, and intensification of the subject lands in absence of a comprehensive development plan that encompasses the broader area beyond the subject lands. No development is proposed on the subject lands at this time, but rather a lot re-configuration that will allow for appropriate and comprehensive land use planning for residential uses in the future. It is noted that a new single detached dwelling is not permitted on the subject lands under the current zoning, nor are any proposed at this time. Given the above, the purpose and intent of the Zoning By-Law is maintained.

***Is the proposed variance minor in nature?***

Given that the proposed variance is required to permit a severance intended to facilitate comprehensive land planning for future residential uses, and that no physical change to the lands will result from the proposed variance, it is considered minor in nature.

***Is the proposed variance desirable for the appropriate use of subject lands?***

The lands proposed to be severed are being considered for re-designation to permit residential uses through a comprehensive review. The proposed variance and associated severance are intended to provide an appropriate lot fabric for such future comprehensive development. However, at this time there are no proposals to develop the lands and they will remain in their current uses, being a single residence and vacant lands. As such, the proposed variance is desirable for the appropriate use of the subject lands.

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As demonstrated above, the proposed variance meet the four tests for Minor Variances as set out in the *Planning Act* as it maintains the intent and purpose of the Official Plan and the Zoning By-law, is minor in nature, and is desirable for the appropriate use of the subject lands.

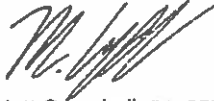
As per the submission requirements for a Consent to Sever application and Minor Variance application, please find the following materials enclosed in support of the applications:

- Two (2) copies of the completed Minor Variance application form and declarations;
- Two (2) copies of the completed Consent to Sever application form and declarations;
- One (1) cheque made payable to the "City of St. Thomas" in the amount of \$400.00;
- One (1) cheque made payable to the "City of St. Thomas" in the amount of \$450.00;
- Two (2) copies of a letter of authorization from Marcel Lehouillier, owner of Lecram Inc.;
- Two (2) copies of a letter of authorization from Janet Yates, owner of 41237 Major Line;
- Four (4) copies of the consent sketch (11x17); and,
- Four (4) copies of the draft Reference Plan (11x17) showing Part 3 to be severed, and Parts 1 and 2 to be retained.

We trust that the enclosed information is complete and satisfactory and look forward to a timely approval process. Should you have any questions or require additional information, please feel free to contact our office.

Yours very truly,

ZELINKA PRIAMO LTD.



Matt Campbell, BA, CPT

cc. Marcel LeHouillier, Lecram Inc.

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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)

OFFICE USE: Date Application Received: AUG 14 2019 Consultation Date: AUG 8 119  
Date Application Deemed Complete: \_\_\_\_\_

Application #: A1019

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) Janet Eileen Yates  
Address 41237 Major Line

Postal Code N5P 3T1 Tel: 519-633-6961 e-mail: \_\_\_\_\_

2. Name of Authorized Agent (if any) Zelinka Priamo Ltd.  
Address 318 Wellington Road, London, ON

Postal Code N6C 4P4 Tel: 519-474-7137 e-mail: matt.c@zpplan.com

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:  
Relief from Section 11.1.4.c) to permit lot minimum lot areas of 2.6ha (retained lands) and 4.3ha (severed lands)

4. Reason why the proposed use cannot comply with the provisions of the Zoning By-law:  
see attached cover letter

5. Location of Land:  
Concession ~~No.~~ COBE Lot(s) \_\_\_\_\_ Registered Plan No. \_\_\_\_\_ Lot(s) P4 8

-7-

Reference Plan No. 11R-3945 Part(s) 2 1-C

Geographic/Former Township St. Thomas

Name of Street Major Line Street No. 41237

6. Dimensions of land affected:

Frontage 119.1m Depth ~577m

Area 6.96ha Width of Street 20.117m

7. Access to the subject land is by:

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

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:

2-storey single detached dwelling and shed

USE Residential

Proposed:

N/A

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:

dwelling and shed are located approximately 100m from Major Line, towards the east side of the site

Proposed:

N/A

USE

10. Date of acquisition of subject land: N/A

11. Date of construction of all buildings and structures on subject land: N/A

12. Existing uses of the subject land:

Residential

13. Existing uses of abutting lands:

North: Vacant (cultivated field) East: Residential, hydro corridor

South: Vacant (cultivated field) West: Vacant (cultivated field)

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

N/A

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

Water:

Municipally owned and operated piped water system Other (Specify) Private water

Sewage Disposal:

Municipally owned and operated sanitary sewer system Other (Specify) Private septic

Storm Drainage

Storm sewers Other (Specify) N/A

16. Present Official Plan designation of the subject land:

Rural lands, Natural Heritage, Natural Hazard

17. Present Zoning of the subject land:

Residential Development R7-4, Natural Heritage NH, Natural Hazard HL

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 N/A



**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 See attached authorization letter, 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, Mathew Campbell of St. Thomas in the province of Ontario,  
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 London on this 14 day of August, 2019.  
City Day Month Year

  
\_\_\_\_\_  
Signature of Owner or Authorized Agent

Aug 14 / 2019  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Signature of Commissioner of Oaths, etc.

Aug. 14, 2019  
\_\_\_\_\_  
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, JANET EILEEN YATES, am the owner of the subject lands, and I authorize ZELINKA PRINMOKTO/LECRAM INC. 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.

Aug 13 2019  
Date

[Signature]  
Signature of Owner  
JANET EILEEN YATES

APPENDIX B - ACKNOWLEDGEMENT OF LEGAL AND PLANNING FEES

\* *The purchase/sale agreement reads that buyer is responsible for all costs.*  
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~~ <sup>is</sup> completed by the owner, ~~not the~~ <sup>is</sup> authorized agent.

I, MARCEL LEHOUILLIER/LECRAM INC. am the ~~owner~~ <sup>AUTHORIZED AGENT</sup> 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. *I, Marcel Lehouillier and/or LECRAM INC. promise to pay the above fees, if any.*

Aug 13/2019  
Date

[Signature]  
Signature of Owner  
LECRAM INC.



**AUTHORIZATION AS AGENT**

TO WHOM IT MAY CONCERN:

I/we hereby authorize Zelinka Priamo Ltd. as my/our agent in connection with all required municipal approvals associated with the lands known municipally as 41041 Major Line in the City of St Thomas.

*41041*

LECKAM INC.

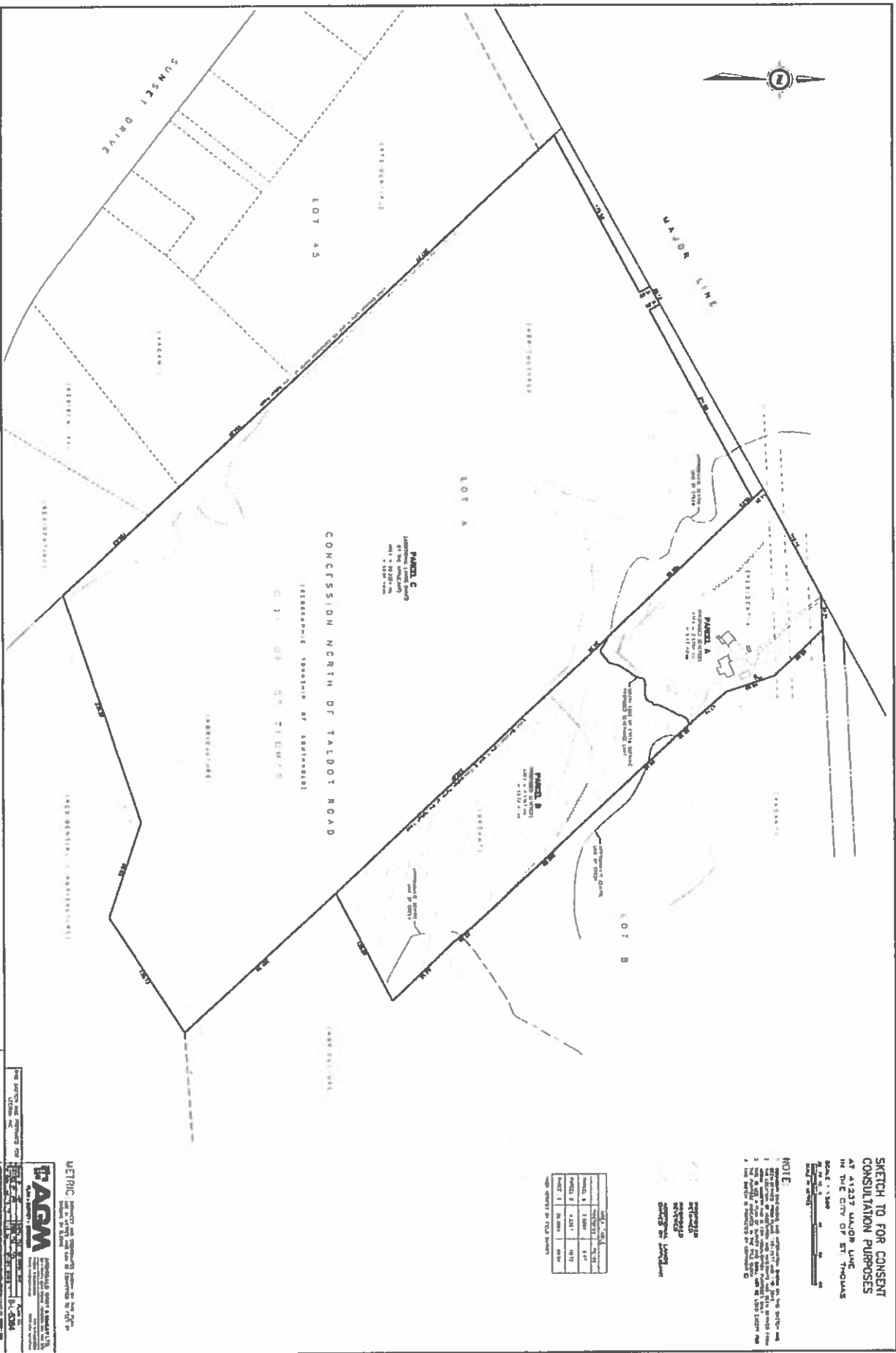
Property Owner

*Marcel Lehoullier* Pres  
Authorized Signature  
MARCEL LEHOULLIER

*Aug 13/2019*  
Date

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**SKETCH TO FOR CONSENT  
 CONSULTATION PURPOSES  
 AT 1127 MAP LINE  
 IN THE CITY OF ST. THOMAS**

Scale: 1:500

North Arrow

**NOTE**

1. This sketch is for consultation purposes only and does not constitute a final plan or agreement.
2. The sketch is subject to the approval of the City of St. Thomas and the Township of St. Thomas.
3. The sketch is subject to the approval of the relevant regulatory agencies.
4. The sketch is subject to the approval of the relevant regulatory agencies.

**LEGEND**

- Proposed
- Existing
- Other

Parcel	Area (sq. m)	Area (sq. ft)
Parcel A	1,500	4,000
Parcel B	1,500	4,000
Parcel C	1,500	4,000

**APRM**

APRM CONSULTING GROUP INC.

1000 SHEPPARD AVENUE EAST, SUITE 1000  
 SCARBOROUGH, ONTARIO M1S 1T5  
 TEL: (416) 291-1111  
 FAX: (416) 291-1112  
 WWW.APRM.COM



The Corporation of the City of St. Thomas

Report No.: COA010-2019

Applicant: Janet Eileen Yates

Members of the Committee of Adjustment

Report Date: September 6, 2019  
Meeting Date: September 12, 2019

Location: 41237 Major Line, City of St. Thomas

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 COA10-2019 be received.

**BACKGROUND:**

A consent application (B04-2019) has been filed concurrently for the purpose of a lot addition, the applicant is proposing to convey 4.3 hectares of vacant land to the abutting lot to the west. A minor variance is required to bring the retained lot into conformity with the Zoning By-law, as the R7-4 zone provides that the minimum lot area shall be the existing lot area.

**REQUESTED VARIANCE:**

- i. To permit a minimum lot area of 2.6 hectares, whereas Subsection 11.1.4(c) provides that the minimum lot area shall be the existing lot area.

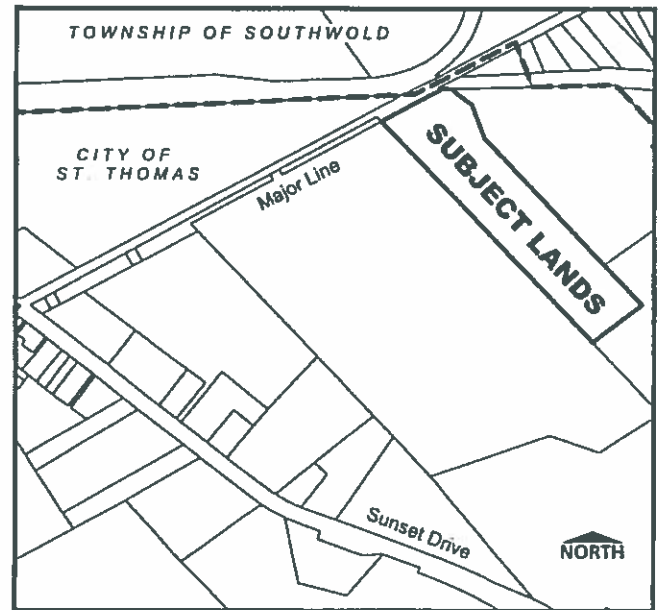
**OFFICIAL PLAN:**

- The subject lands are within the Rural Area and Natural Heritage designation as shown on Schedule A (Land Use Plan) to the Official Plan for the City of St. Thomas. Part of the subject lands are also within the Natural Hazards overlay designation.
- The consent policies of the Official Plan provide that within the Rural Area designation where full urban services are not available consents may be permitted for reasons that include conveying additional lands to an abutting lot.

**ZONING BY-LAW:**

- The subject lands are within the Residential Development Zone (R7-4) pursuant to the City of St. Thomas Zoning By-Law No. 50-88, as amended. Permitted uses of the R7 zone include uses existing at the date of the passing of this By-Law and agriculture. Within the R7 zone no building or structure shall be erected.
- The special provisions of the R7-4 zone provide that any existing dwelling may be enlarged, and the minimum lot area shall be the existing lot area.

Location Plan:



**LEGISLATIVE FRAMEWORK FOR A MINOR VARIANCE:**

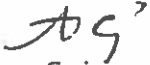
In considering this application, the Committee must have regard to the following criteria and determine whether:

- 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 application is in support of a land assembly for future residential development, on full municipal services.
- 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.
- Staff recommend that minor variance application COA10-2019 be approved, should the Committee of Adjustment approve the application staff recommend that the decision reflect that the Committee is permitting a minimum lot area of 2.6 hectares.

Respectfully submitted,



Steve Craig  
Senior Planning Technician





**PLANNING & BUILDING SERVICES DEPARTMENT**

t. (519) 633.2560 f. (519) 633.6581

City of St. Thomas  
Received

9 Moundamin Street  
St. Thomas, Ontario, N5P 2T9

AUG 15 2019

City Clerks Dept.

**CONFIRMATION OF A COMPLETE APPLICATION  
APPLICATION FOR CONSENT**

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August 15<sup>th</sup>, 2019

Secretary-Treasurer, Committee of Adjustment  
Attention: Melanie Knapp

An application for Consent regarding 41237 Major Line was received on August 14<sup>th</sup>, 2019.

This letter is notice that the information and material required under Subsections 53(2) and 53(3) and the required fee under Section 69 of the Planning Act has been provided and the application for consent is thereby considered complete.

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

Yours truly,

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



August 14, 2019

Ms. Melanie Knapp, Secretary-Treasurer, Committee of Adjustment  
City of St. Thomas  
545 Talbot Street  
St. Thomas, ON  
N5P 3V7

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Section 11.1.4.c) of the R7-4 zone states that "The minimum lot area shall be the existing lot area." As the subject lands are proposed to be severed into two lots, the new lot areas will be less than the existing lot area of 6.96ha. As such, in order to facilitate the proposed Consent to Sever application and ensure the resultant lots comply with the regulations of the Zoning By-Law, relief from Section 11.1.4.c) is required to permit a lot area of 4.3ha for the severed lands and 2.6ha for the retained lands. It is noted that the lot areas are rounded down to account for any minor discrepancy in measurement in the final reference plan required for the severance.

To assess the merit of an application for Minor Variance, the four tests for under the Planning Act are applied. An overview of the four tests is as follows:

***Does the proposed variance maintain the intent and purpose of the Official Plan?***

The purpose and intent of the "Rural Area" land use designation is to protect existing agricultural uses from ad-hoc, non-agricultural development. Permitted uses include agricultural uses and existing residential uses. As the proposed variance is intended to facilitate lot consolidation for the purpose of future residential subdivision development, and that the City of St. Thomas is contemplating re-designating the subject lands for residential development, the intent of the "Rural Area" designation of preventing ad-hoc development is maintained.

No development or site works are proposed within the "Natural Heritage" and "Natural Hazard" areas, consistent with their purpose and intent.

***Does the proposed variance maintain the intent and purpose of the Zoning by-law?***

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***Is the proposed variance minor in nature?***

Given that the proposed variance is required to permit a severance intended to facilitate comprehensive land planning for future residential uses, and that no physical change to the lands will result from the proposed variance, it is considered minor in nature.

***Is the proposed variance desirable for the appropriate use of subject lands?***

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---

As demonstrated above, the proposed variance meet the four tests for Minor Variances as set out in the *Planning Act* as it maintains the intent and purpose of the Official Plan and the Zoning By-law, is minor in nature, and is desirable for the appropriate use of the subject lands.

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- Four (4) copies of the draft Reference Plan (11x17) showing Part 3 to be severed, and Parts 1 and 2 to be retained.

We trust that the enclosed information is complete and satisfactory and look forward to a timely approval process. Should you have any questions or require additional information, please feel free to contact our office.

Yours very truly,

ZELINKA PRIAMO LTD.



Matt Campbell, BA, CPT

cc. Marcel LeHouillier, Lecram Inc.

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-21-



THE CORPORATION OF THE CITY OF ST THOMAS

COMMITTEE OF ADJUSTMENT

APPLICATION FOR CONSENT

OFFICE USE:	Date Application Received: <u>AUG 14 2019</u>	Consultation Date: <u>Aug 8/19</u>
	Date Application Deemed Complete: _____	

Application #: 204/19

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 \$450 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. (a) Registered Owner(s): Janet Eileen Yates  
 Mailing Address: 41237 Major Line, St. Thomas, ON  
 Postal Code: N5P 3T1 Telephone: 519-633-6961 Fax: \_\_\_\_\_  
 email: \_\_\_\_\_

(b) Owner's Solicitor or Authorized Agent (if any): Zelinka Priamo Ltd.  
 Mailing Address: 318 Wellington Road, London, ON  
 Postal Code: N6C 4P4 Telephone: 519-474-7137 Fax: \_\_\_\_\_  
 email: matt.c@zpplan.com

(c) Please specify to whom all communications should be sent:  
 Owner  Solicitor  Agent

2. (a) Type and purpose of proposed transaction: (Check appropriate space/s)

<input type="checkbox"/> Creation of New Lot	<input type="checkbox"/> Disposal of Surplus Farm Dwelling
<input checked="" type="checkbox"/> Addition to Lot	<input type="checkbox"/> Correction of Title
<input type="checkbox"/> Mortgage or Charge	<input type="checkbox"/> Partial Discharge of Mortgage
<input type="checkbox"/> Lease	<input type="checkbox"/> Right-of-way
<input type="checkbox"/> Easement _____	

(b) If a lot addition, identify the lands to which the parcel will be added:  
41041 Major Line (abutting to west)

Name of person(s), if known, to whom land or interest in land is intended to be transferred, charged or leased:

Lecram Inc.

3. Are there any existing easements or restrictive covenants affecting the land?

Yes  No

If "Yes" describe the easement or covenant and its effect: Hydro easement for overhead wires (E370310 and E327378)

4. Location of land:

Municipality (City/Town/Township) St. Thomas

Concession No GORE Lot(s) \_\_\_\_\_ Registered Plan No \_\_\_\_\_ Lot(s) 8

Reference Plan No 11R-3945 Part(s) 1-6

Name of Street Major Line Street No 41237

5. Description of subject land: (In metric units) Part No. on sketch \_\_\_\_\_

(a) Frontage 0 Depth ~270m (irreg) Area 4.34ha

(b) Existing Use Vacant Proposed Use N/A (future residential)

(c) Existing and proposed buildings and structures on the subject land:

Existing: N/A

Proposed: N/A

6. Description of land to be retained: (In metric units) Part No. on sketch \_\_\_\_\_

(a) Frontage 119.108 Depth ~240 (irreg) Area 2.62ha

(b) Existing Use Rural residential Proposed Use No change

(c) Existing and proposed buildings and structures on the land to be retained:

Existing: Single detached dwelling and shed

Proposed: None

7. (a) Type of access to subject land:

- Provincial Highway
- Municipal Road maintained all year
- Municipal Road maintained seasonally
- Water Access
- Regional Road
- Other Public Road
- Right-of-Way
- Private Road

(b) Type of access to retained land:

- Provincial Highway
- Municipal Road maintained all year
- Municipal Road maintained seasonally
- Water Access
- Regional Road
- Other Public Road
- Right-of-Way
- Private Road

8. What type of water supply is proposed? (Check appropriate space)

TYPE	PROPOSED	RETAINED
	LOT	LOT
Publicly owned and operated piped water system	<input type="checkbox"/>	<input type="checkbox"/>
Other (specify)	<input checked="" type="checkbox"/> N/A	<input checked="" type="checkbox"/> Existing private well

9. What type of sewage disposal is proposed? (Check appropriate space)

TYPE	PROPOSED	RETAINED
	LOT	LOT
Publicly owned and operated sanitary sewage system	<input type="checkbox"/>	<input type="checkbox"/>
Other (specify)	<input checked="" type="checkbox"/> N/A	<input checked="" type="checkbox"/> Existing septic

10. What is the current designation of the subject land in any applicable official plan?

(a) Local Municipal Official Plan Rural Area, Natural Heritage, Natural Hazard

(b) Regional Policy Plan N/A

11. (a) Has the subject land ever been the subject of an application for approval of a plan of subdivision under Section 51 of The Planning Act or a consent under Section 53 of The Act?

Yes  No

(b) If the answer to (a) is "Yes", please provide the following information:

File Number: N/A  
Status: \_\_\_\_\_

12. (a) Has any land been severed from the parcel originally acquired by the owner of the subject land?

Yes  No

(b) If the answer to (a) is "Yes", please indicate previous severances on the required sketch and supply the following information for each lot severed:

Grantee's (Purchaser's) name \_\_\_\_\_  
Land Use on severed parcel \_\_\_\_\_  
Date parcel transferred \_\_\_\_\_  
Consent file number (if known) B \_\_\_\_\_

13. (a) Is the subject land the subject of any other application under the Planning Act e.g. approval of a plan of subdivision; a consent application; an application for an amendment to an official plan amendment; a zoning by-law or a Minister's zoning order, or a minor variance?

Yes  No

(b) If the answer of (a) is "Yes", please provide the following information:

File Number: N/A  
Status: Minor Variance submitted concurrently

14. (a) Is the proposed consent application consistent with the Policy Statements issued under subsection 3(1) of the Planning Act?

Yes  No

(b) Are the subject lands within an area of land designated under a Provincial Plan or

Plans? Yes  No

(c) If the answer to (b) is "yes" does the proposed consent application conform to or does it not conflict with the Provincial Plan or Plans?

Yes

No

15. As provided for in Ontario Regulation 197/96, and as required by this Committee of Adjustment, an application must be accompanied by a preliminary drawing prepared, signed and dated by an Ontario Land Surveyor, showing the information set out below. In the case of multiple applications, one drawing plus one extra copy for each additional application will suffice.

- (a) the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
- (b) the distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;
- (c) the boundaries and dimensions of the subject land, the part that is to be severed and the part that is to be retained;
- (d) the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
- (e) the approximate location of all natural and artificial features on the subject land and on the land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application, such as buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks;
- (f) the existing uses on adjacent land, such as residential, agricultural and commercial uses;
- (g) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way;
- (h) if access to the subject land is by water only, the location of the parking and boat docking facilities to be used;
- (i) the location and nature of any easement affecting the subject land.

16. One copy of this application form is to be filed for each subject parcel, together with the preliminary drawing and the applicable application fee in cash, money order or by cheque made payable to the City of St. Thomas.



**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 see attached authorization letter, the Owner or Authorized Agent, hereby agree  
*(Print name of Owner or Authorized Agent)*

and acknowledge 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, Matt Campbell of St. Thomas in the province of Ontario  
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 City of London on this 14 day of August, 2019.  
City Day Month Year

  
Signature of Owner or Authorized Agent

Aug 14 / 2019  
Date

  
Signature of Commissioner of Oaths, etc.

August 14 2019  
Date

RICHARD HENRY ZELINKA, a Commissioner, etc.,  
County of Middlesex, for Zelinka Prtamo Ltd.  
Expires March 28, 2021

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, JANET EILEEN YATES, am the owner of the subject lands, and I authorize ZELINRA PRINAKTO/LECRAM INC 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

Aug 13, 2019  
Date

[Signature]  
Signature of Owner  
JANET EILEEN YATES

APPENDIX B - ACKNOWLEDGEMENT OF LEGAL AND PLANNING FEES

\* *The purchase/sale agreement reads that buyer is responsible for all costs.*  
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 ~~is not~~ completed by the owner, ~~and~~ authorized agent.

I, MARCEL LEHOULLIER/LECRAM INC., am the <sup>AUTHORIZED AGENT of</sup> ~~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. *I, Marcel Lehoullier and/or Lecram Inc. promise to pay the above fees, if any.*

Aug 13, 2019  
Date


[Signature]  
Signature of Owner  
LECRAM INC.

**AUTHORIZATION AS AGENT**

TO WHOM IT MAY CONCERN:

I/we hereby authorize Zelinka Priamo Ltd. as my/our agent in connection with all required municipal approvals associated with the lands known municipally as 41237 Major Line in the City of St Thomas.

JANET EILEEN YATES  
Property Owner

  
Authorized Signature

August 13, 2019  
Date

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**AUTHORIZATION AS AGENT**


TO WHOM IT MAY CONCERN:

I/we hereby authorize Zelinka Priamo Ltd. as my/our agent in connection with all required municipal approvals associated with the lands known municipally as 410~~th~~ Major Line in the City of St Thomas.

of 4104<sup>th</sup>

LECRAM INC.

Property Owner

 Pres  
Authorized Signature  
MARCEL LE HOUILLIER

Aug 13/2019  
Date

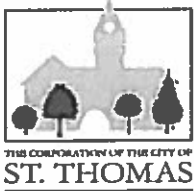
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**AGM**  
 ARCHITECTURAL GROUP  
 1000 10th Avenue North  
 Regina, Saskatchewan S4N 1Y7  
 Phone: (306) 765-1111  
 Fax: (306) 765-1112  
 Email: info@agm.ca  
 Website: www.agm.ca

**METRIC**  
 METRIC ARCHITECTURAL GROUP  
 1000 10th Avenue North  
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 Phone: (306) 765-1111  
 Fax: (306) 765-1112  
 Email: info@metric.ca  
 Website: www.metric.ca



The Corporation of the City of St. Thomas

Report No.: B04-2019

Applicant: Janet Eileen Yates

Directed to: Members of the Committee of Adjustment

Report Date: September 6, 2019  
Meeting Date: September 12, 2019

Location: 41237 Major Line, City of St. Thomas

Subject: Request for a consent pursuant to Section 53 of the Planning Act, R.S.O, as amended

Department: Planning Department  
Prepared by: Steve Craig, Senior Planning Technician

Attachments: Location Plan and Aerial Photography

**Recommendation:**

That: Report B04-2019 be received.

**Origin**

The application has been filed for the purpose of a lot addition.

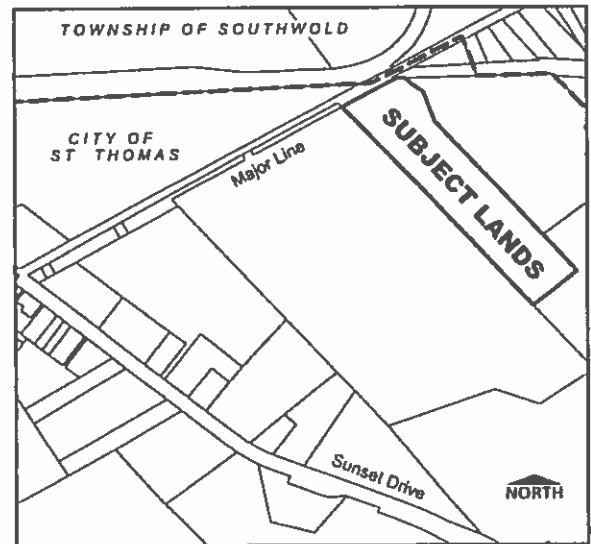
**Proposal**

The applicant is proposing to sever a vacant parcel of land with an area of 4.3 hectares, it is proposed that the lands will be conveyed to the abutting lot to the west (41041 Major Line). The applicant is proposing to retain a lot with 119.1m of frontage on Major Line and an area of 2.6 hectares, containing one single detached dwelling and one shed.

**Official Plan**

- The subject lands are within the Rural Area and Natural Heritage designation as shown on Schedule A (Land Use Plan) to the Official Plan for the City of St. Thomas.
- Within the Rural Area designation, the permitted uses are existing farm operations and uses existing at the date of adoption of Official Plan Amendment number 42.
- Within the Natural Heritage designation, the permitted uses are 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 uses.
- Part of the subject lands are also within the Natural Hazards overlay designation, the uses permitted in the Natural Hazard designation shall also include the uses permitted in the underlying land use designation, subject to the policies of this Plan.
- The consent policies of the Official Plan provide that within the Rural Area designation where full urban services are not available consents may be permitted for reasons of lot boundary adjustment, rights of way, easements, long term leases, and to convey additional lands to an abutting lot, provided where there are existing dwellings a certificate of approval for servicing can be obtained from the appropriate approval authority (City of St. Thomas Building Services).

**Location Plan:**



**Zoning By-Law**

- The subject lands are within the Residential Development Zone (R7-4) pursuant to the City of St. Thomas Zoning By-Law No. 50-88, as amended. Permitted uses of the R7 zone include uses existing at the date of the passing of this By-Law and agriculture. Within the R7 zone no building or structure shall be erected.
- The special provisions of the R7-4 zone provide that any existing dwelling may be enlarged, and the minimum lot area shall be the existing lot area.

**Aerial Photography:**



**Comments**

- The subject application is in support of a land assembly for future residential development, on full municipal services. Development of the severed lands will require an Official Plan Amendment and Zoning By-law Amendment.
- A minor variance application (COA10-2019) has been filed concurrently to bring the retained lot into conformity with the Zoning By-law, as the R7-4 zone provides that the minimum lot area shall be the existing lot area.
- The application indicates that the residential dwelling is serviced through a private well and a private septic system, however the owner has since confirmed that the dwelling is serviced with municipal piped water and a private septic system.
- The Building Services Department is the approval authority for private septic systems, the applicant will need to provide the Chief Building Official with confirmation from a qualified professional that the septic system is in satisfactory operating condition and has sufficient capacity.
- In staff's opinion the proposed consent complies with the City of St. Thomas Official Plan, Zoning By-law and satisfies the criteria of Section 51(24) of the Planning Act, R.S.O., as amended. Approval of consent application B04-2019 is supportable, should the Committee approve the application staff recommends the following conditions:
  1. The applicant provides written confirmation from a qualified professional that the septic system is in satisfactory operating condition and has sufficient capacity, to the satisfaction of the Chief Building Official;
  2. The severed portion of the subject lands be merged with the abutting lot to the west (41041 Major Line);
  3. That Subsection 3 or 5 of Section 50 of the Planning Act, R.S.O., 1990, as amended shall apply to any subsequent conveyance or transaction involving the subject lands;
  4. The solicitor for the applicant is to provide an undertaking, whereby they inform the Committee in writing, that the lands are being conveyed to an abutting property owner and thus a merger of title will take place, which merger shall include all interests held inclusive or mortgagees interest; and
  5. The City of St. Thomas be provided with a copy of the Reference Plan.

Respectfully submitted,

  
Steve Craig  
Senior Planning Technician