

A G E N D A

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

**COMMITTEE ROOM #304
CITY HALL**

10:00 A.M.

**THURSDAY
SEPTEMBER 26, 2019**

DISCLOSURE OF INTEREST

MINUTES

Confirmation of the minutes of the meeting held on September 12, 2019.

HEARING OF APPLICATIONS

B05/19 – 2436069 Ontario Ltd. and Dane Moffatt Pages 2-15

Planning Report – B05/19 Page 16

UNFINISHED BUSINESS

NEW BUSINESS

Next Meeting

To be determined

ADJOURNMENT



City of St. Thomas
Received
AUG 28 2019
City Clerks Dept.

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

August 28th, 2019

Secretary-Treasurer, Committee of Adjustment
Attention: Melanie Knapp

Pursuant to By-Law 30-2015, a consultation meeting was held on May 8th, 2018 with Planning staff and the applicant.

The time has lapsed on File # B05/18 and the applicant has submitted a new application.

An application for Consent, regarding 389 -393 Talbot Street, was filed on August 27th, 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.

Regards,

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



BEZAIRE HEMERYCK BARNETT
Lawyers

JONATHON BARNETT
jon@strathroylaw.com

ANDREA
BEZAIRE

BRADLEY
HEMERYCK

JONATHON
BARNETT

KATHERINE
TOMASZEWSKI

August 26, 2019

City of St. Thomas
545 Talbot St.
St. Thomas, Ontario
N5P 3V7

Attention: Melanie Knapp

Dear Ms. Knapp:

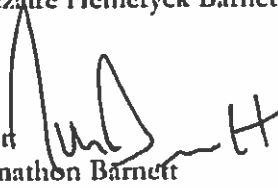
Re: Application for Consent for Craig Hansford (2436069 Ontario Ltd.) and
Dane Moffatt

We are the lawyers for Craig Hansford (2436069 Ontario Ltd.) and Dane Moffatt. Last year an application for consent file #B05/18 was submitted and approved with conditions, but the one year condition period has passed before the conditions could be completed.

We have enclosed a new Application for Consent with a cheque payable to the City of St. Thomas in the amount of \$450.00.

If you have any questions regarding the foregoing, please do not hesitate to contact the writer directly.

Yours truly,
Bezaire Hemeryck Barnett Professional Corporation


Per
Jonathon Barnett
JBB/ap
Encl.

ARTHUR
QUINLAN
(Retired)

CHARLENE
QUINLAN
(Retired)

ROBERT
WATERS
(Retired)



Clear Form

THE CORPORATION OF THE CITY OF ST THOMAS

COMMITTEE OF ADJUSTMENT

APPLICATION FOR CONSENT

OFFICE USE:	Date Application Received: <u>Aug 27, 2019</u>	Consultation Date: _____
	Date Application Deemed Complete: _____	

Application #: B05/19.

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

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): Craig Hansford (2436089 Ontario Ltd) and Dane Moffatt

Mailing Address: 543 Oakride Dr London, ON, N6H 5E2 and 190 Ridout St. S London, ON, N6C 3X9

Postal Code: _____ Telephone: 519-520-0226 and 519-494-0112 Fax: _____

email: info@maverickrealestateinc.com

(b) Owner's Solicitor or Authorized Agent (if any): Bezaire Hemeryck Barnett PC - Jon Barnett

Mailing Address: 18 Front St E Strathroy, Ontario

Postal Code: N7G 1Y4 Telephone: 519-245-0342 Fax: 519-245-0108

email: jon@strathroylaw.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 checked="" type="checkbox"/> Creation of New Lot | <input type="checkbox"/> Disposal of Surplus Farm Dwelling |
| <input 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 checked="" type="checkbox"/> Right-of-way |

Easement _____

(b) If a lot addition, identify the lands to which the parcel will be added:

N/A

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

Craig Hansford (2438089 Ontario Ltd.) & Dane Moffatt

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

Yes No

If "Yes" describe the easement or covenant and its effect: _____

4. Location of land:

Municipality (City/Town/Township) St. Thomas

Concession No _____ Lot(s) 2 Registered Plan No 37 Lot(s) 2

Reference Plan No _____ Part(s) _____

Name of Street Talbot Street No 393 8389

5. Description of subject land: (in metric units) Part No. on sketch 389

(a) Frontage 6 858m Depth 27 467m Area 188 3m²

(b) Existing Use Vacant Proposed Use Mixed Use Commercial/Residential

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

Existing: See Attached Plans

Proposed: See Attached Plans

6. Description of land to be retained: (in metric units) Part No. on sketch _____

(a) Frontage 11 803m Depth 33.529m Area 428 1m²

(b) Existing Use Vacant Proposed Use Mixed Use Commercial/Residential

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

Existing: See Attached Plans

Proposed: See Attached Plans

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 LOT	RETAINED LOT
Publicly owned and operated piped water system	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other (specify) _____	_____	_____

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

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

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

- (a) Local Municipal Official Plan Talbot Central
- (b) Regional Policy Plan _____

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: B05/18
 Status: Approved with Conditions

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: _____
 Status: _____

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, Jonathon Barnett, 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.

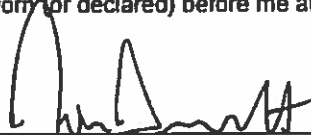
Collection of Personal Information:
Personal information on this form is collected under the authority of Section 41 of the *Planning Act*, R.S.O. 1990 and Sections 8 (1) and 10 of the *Municipal Act*, 2001, as amended, and will be used to contact the owner, applicant and/or agent regarding the Committee 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, Jonathon Barnett of London 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 Strathroy on this 28th day of August, 2019.
City Day Month Year



Signature of Owner or Authorized Agent

Aug 28 2019
Date



Signature of Commissioner of Oaths, etc.

Aug 26/19
Date

Diane Thompson, a Commissioner, etc.,
Province of Ontario, for Bezaire Hemeryck
Barnett Professional Corporation
Barristers and Solicitors
Expires May 21, 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, Dane Moffatt and Craig Hansford (2436089 Ontario Ltd), am the owner of the subject lands, and I authorize Jonathon Barnett (Bazaire Hemeryck Barnett PC), 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.

August 23, 2019
Date

8/23/2019
Date

DocuSigned by:
CRAIG HANSFORD
Signature of Owner

DocuSigned by:
Dane Moffatt
05EB40D45F1C471
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.

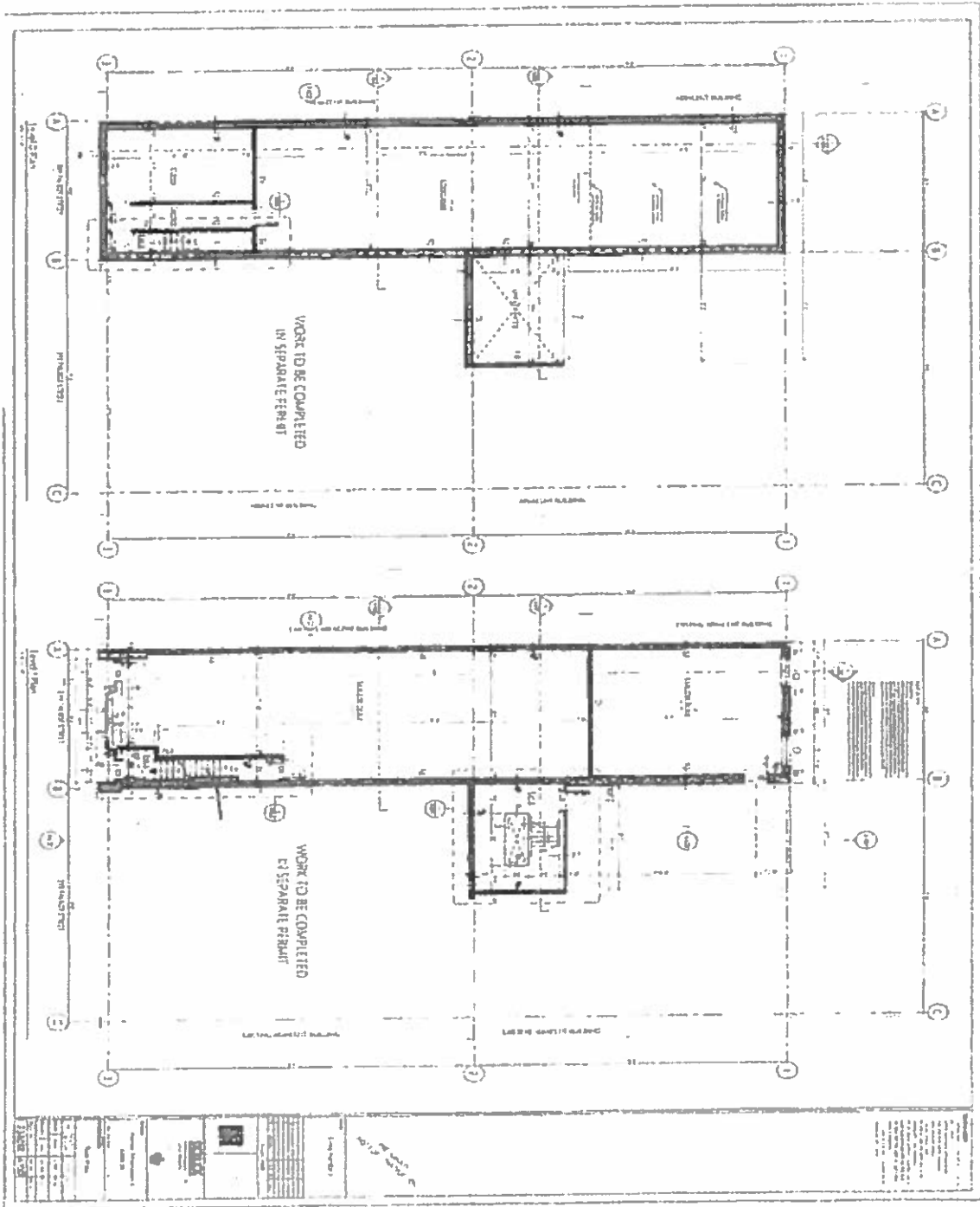
I, Dane Moffatt and Craig Hansford (2436089 Ontario Ltd), am the owner of the subject lands, and I understand that further fees may be incurred by the City throughout the planning process and that I am responsible for reimbursing all fees.

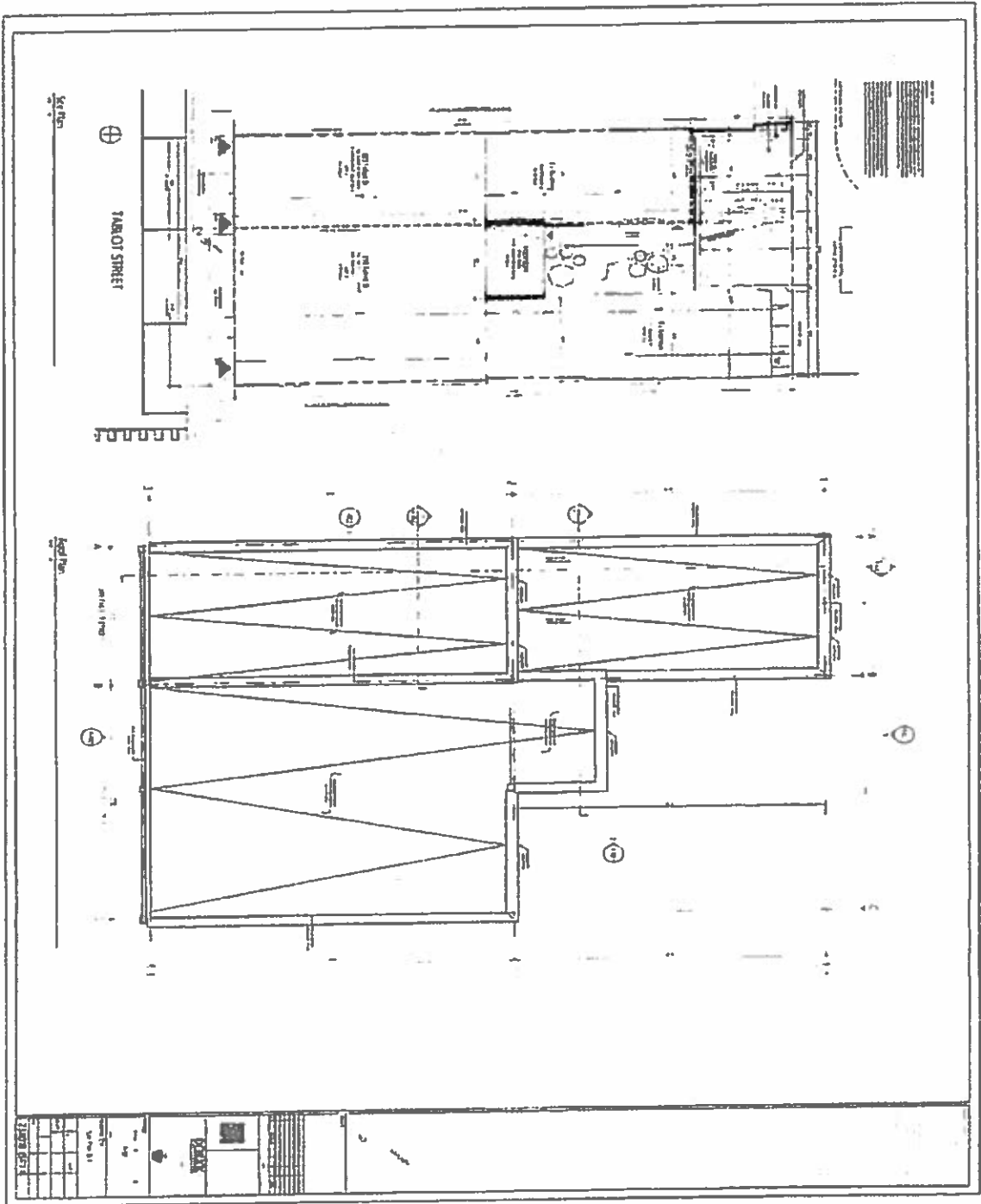
August 23, 2019
Date

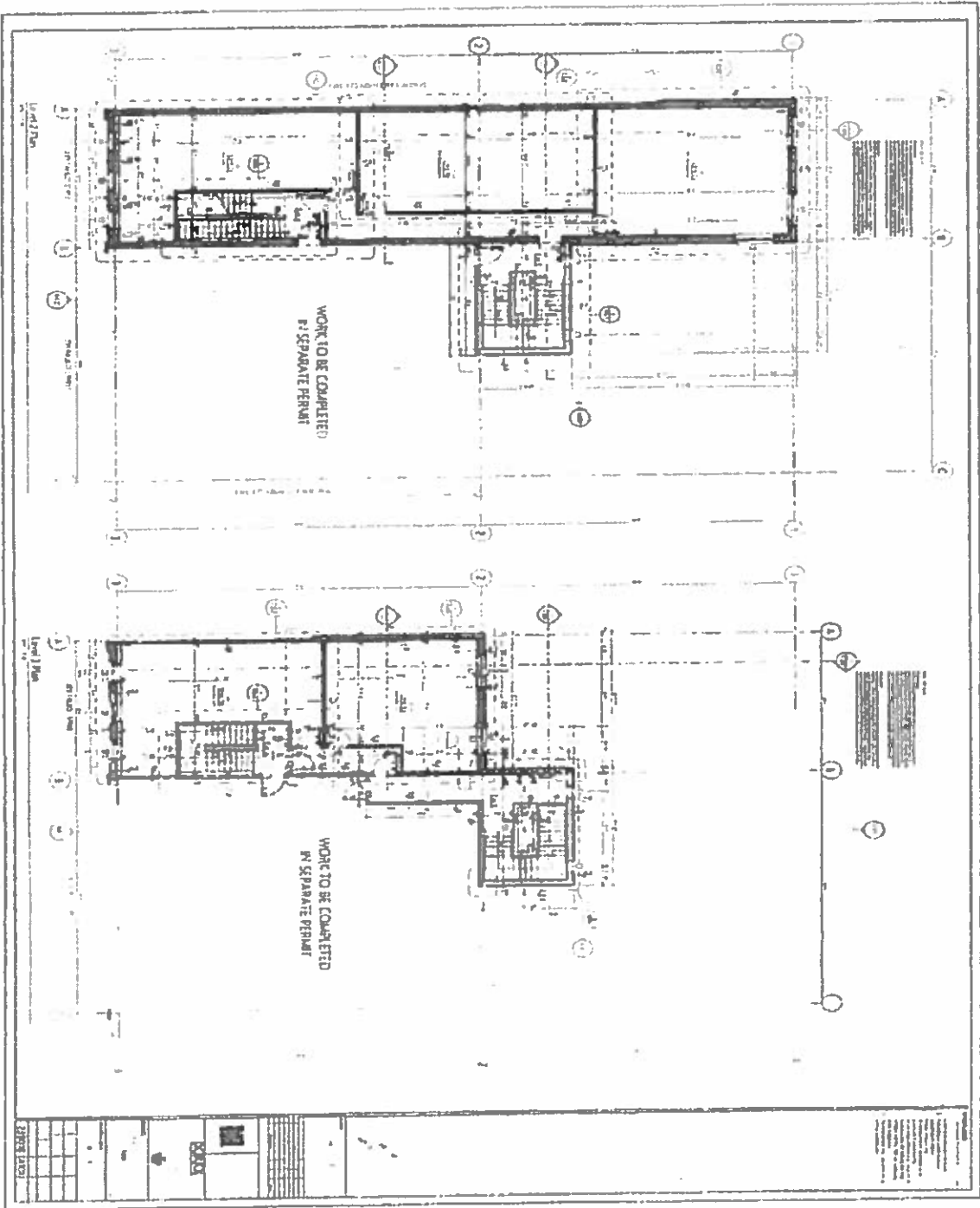
8/23/2019
Date

DocuSigned by:
CRAIG HANSFORD
Signature of Owner

DocuSigned by:
Dane Moffatt
05EB40D45F1C471
signature of Owner







Knapp, Melanie

From: Joe Gordon <joe@kettlecreekconservation.on.ca>
Sent: September 11, 2019 10:31 AM
To: Knapp, Melanie
Subject: RE: Notice of Application - B05-19 - 389-393 Talbot Street

Hi Melanie,

Please accept this email as confirmation that based on the mandate and policies of KCCA, we have no objection to the approval of Application for Consent B05/19 affecting 389-393 Talbot Street.

Thank you,

Joe Gordon
Assistant Manager
Supervisor of Planning & Conservation Areas
Kettle Creek Conservation Authority

From: Knapp, Melanie [mailto:mknapp@stthomas.ca]
Sent: September 11, 2019 9:10 AM
Subject: Notice of Application - B05-19 - 389-393 Talbot Street

Good morning,

Please find attached a notice of application for 389-393 Talbot Street, St. Thomas.

Regards
Mel

MELANIE KNAPP
Corporate Administrative and Accessibility Clerk, Clerk's Department
Phone: 519.631.1680 ext. 4125 | Fax: 519.633.9019 | Email: mknapp@stthomas.ca | Website: www.stthomas.ca



Knapp, Melanie

From: Crystal Mitchell <crystal.mitchell@entegrus.com>
Sent: September 12, 2019 8:38 AM
To: Knapp, Melanie
Subject: RE: Notice of Application - B05-19 - 389-393 Talbot Street

Hi Mel,

In regards to consent application no. B05/19, Entegrus has no opposition to the proposed consent to sever the property known as, **Lot 2, Registered Plan 37, Part Lot 2. Municipally known as 389-393 Talbot Street in the City of St. Thomas.**

Please be advised however, that any future servicing to the properties will be required to meet ESA standards as well as our Conditions of Service. Each property will be required to have a dedicated service to that property.

Thanks,

Crystal Mitchell
Engineering Technician
Entegrus
519-631-5550 x 5247
www.entegrus.com



This communication is intended only for the use of the individual to which it is addressed. It is confidential and may contain information that is protected by Privacy regulations. If the reader of this communication is not the intended recipient, you are hereby notified that any disclosure, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the sender immediately by telephone.

From: Knapp, Melanie <mknapp@stthomas.ca>
Sent: Wednesday, September 11, 2019 9:10 AM
Subject: Notice of Application - B05-19 - 389-393 Talbot Street

Good morning,

Please find attached a notice of application for 389-393 Talbot Street, St. Thomas.

Regards
Mel

MELANIE KNAPP
Corporate Administrative and Accessibility Clerk, Clerk's Department
Phone: 519.631.1680 ext. 4125 | Fax: 519.633.9019 | Email: mknapp@stthomas.ca | Website: www.stthomas.ca



Knapp, Melanie

From: LandUsePlanning@HydroOne.com
Sent: September 12, 2019 9:05 AM
To: Knapp, Melanie
Subject: St Thomas - 389-393 Talbot Street - B05-19

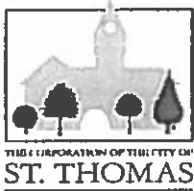
Hello,

We are in receipt of your Site Plan Application, B05-19 dated September 12, 2019. We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time. **Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.**

For proposals affecting 'Low Voltage Distribution Facilities' please consult your local area Distribution Supplier.

To confirm if Hydro One is your local distributor please follow the following link:
<http://www.hydroone.com/StormCenter3/>

Please select " Search" and locate address in question by entering the address or by zooming in and out of the map



The Corporation of the City of St. Thomas

Report No.: B05-2019

Applicant: Dane Moffatt and 2436069 Ontario Limited

Directed to: Members of the Committee of Adjustment

Report Date: September 17, 2019
Meeting Date: September 26, 2019

Location: 387-393 Talbot Street, 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

Recommendation:

That: Report B05-2019 be received.

Proposal

The subject consent application is a resubmission from 2018 (B05-2018). Consent application B05-2018 was approved by the Committee of Adjustment however the consent was not completed and has since lapsed.

The applicant is proposing to sever a lot with frontage of 6.85m along Talbot Street and an area of 188.3m², containing one building. The applicant is proposing to retain a lot with frontage of 11.60m along Talbot Street and an area of 428.1 m², containing one building. It is proposed that the severed and retained lots will continue to be used for commercial and residential purposes. The applicant is also proposing to create right-of-ways for the purpose of shared secondary emergency fire exits and access to parking at the rear of the buildings, as shown on the plans accompanying the subject application.

Official Plan

- The subject lands are within the Talbot Central designation as shown on Schedule A (Land Use Plan) to the Official Plan for the City of St. Thomas. Within the "Talbot Central" designation on Schedule "A", the permitted uses are pedestrian-oriented retail commercial, eating establishments, cultural, tourism, recreation and entertainment uses, hotel, motel, office, personal service shops and residential uses. Public utilities, institutional uses, public administration buildings and uses, public recreation facilities, parkettes and walkways are also permitted.
- Consents for a right of way or an easement are permitted in any land use designation.

Zoning By-Law

- The subject lands are located within the Downtown Talbot Central Commercial Zone (C2-10) and Downtown Talbot Streetscape Zone (DT2) pursuant to the City of St. Thomas Zoning By-Law No. 50-88, as amended.
- The permitted uses of the C2 zone includes a retail store, business office, personal service shop, restaurant, hotel, repair and custom workshop, dry cleaning pick-up station, institution, theatre, recreation centre, newspaper publishing business, private club, bakery, uses accessory to the foregoing and residential purposes, subject to the provisions of the By-law.
- The special provisions of the C2-10 zone permit a youth recreation centre and uses accessory to the foregoing.
- The Downtown Talbot Central Commercial Zone (C2-10) does not contain a requirement for lot frontage or lot area.

Comments

- In staff's opinion the proposed consent complies with the Official Plan, Zoning By-Law and satisfies the criteria of Section 51(24) of the Planning Act, R.S.O, as amended. Therefore, approval of consent application B05-2019 is supportable.
- Should the Committee approve consent application B05-2019 planning staff recommends the following condition:
 - 1) That the City of St. Thomas be provided with a copy of the Reference Plan.

Respectfully submitted,

Steve Craig
Steve Craig
Senior Planning Technician

Location Plan:

