

A G E N D A

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

**COMMITTEE ROOM #415
CITY HALL**

10:00 A.M.

**THURSDAY
NOVEMBER 28, 2019**

DISCLOSURE OF INTEREST

MINUTES

Confirmation of the minutes of the meeting held on October 24, 2019.

HEARING OF APPLICATIONS

B06/19 - Kevin and Janet McLeod - 211 ½ Erie Street **Pages 2-9**

Planning Report - B06/19 **Page 10**

A12/19 - Element5 Ontario Inc. - 70 Dennis Road **Pages 11-17**

Planning Report - A12/19 **Pages 18-19**

B07/19 - Element5 Ontario Inc. - 70 Dennis Road **Pages 20-27**

Planning Report - B07/19 **Page 28**

UNFINISHED BUSINESS

NEW BUSINESS

Next Meeting

December 12, 2019 at 10:00 a.m. in Room #415

ADJOURNMENT

CONFIRMATION OF A COMPLETE APPLICATION
APPLICATION FOR CONSENT B06/19

October 30th, 2019

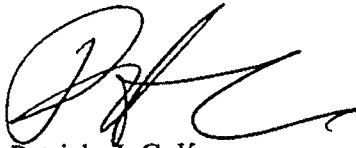
Secretary-Treasurer, Committee of Adjustment
Attention: Melanie Knapp

An application for Consent regarding 211 ½ 'A' and 211 ½ 'B' Erie Street was received on October 30th, 2019.

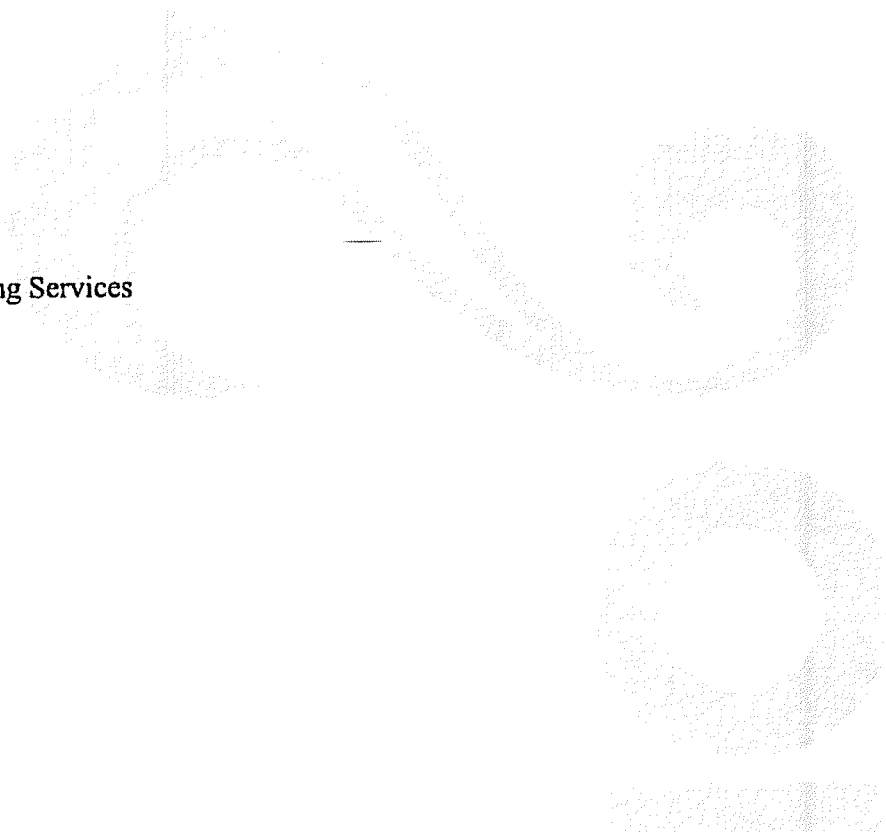
This letter is notice that the information and material required under Subsections 53(2) and 53(3) and the required fee under Section 69 of the Planning Act has been provided and the application for consent is thereby considered complete.

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

Yours truly,



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





THE CORPORATION OF THE CITY OF ST THOMAS

COMMITTEE OF ADJUSTMENT

APPLICATION FOR CONSENT

OFFICE USE:	Date Application Received: <u>10/30/19</u>	Consultation Date: <u>September 5/19</u>
	Date Application Deemed Complete: <u>10/30/19</u>	

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

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): Kevin & Janet McLeod

Mailing Address: 9 Beechwood Circle, St. Thomas, Ont.

Postal Code: ^{NSR-}6K4 Telephone: 519-633-1797 Fax: _____

email: kevjmcleod@gmail.com

(b) Owner's Solicitor or Authorized Agent (if any): N/A

Mailing Address: _____

Postal Code: _____ Telephone: _____ Fax: _____

email: _____

(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 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:

Kevin and Janet McLeod

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) _____ Registered Plan No 270 Lot(s) Part Lot 30 and Part Lot 31

Reference Plan No 11R-2308 Part(s) Parcel A and B

Name of Street Erie St. Street No 211 1/2 'A' and 211 1/2 'B'

5. Description of ^{SEWERED} subject land: (in metric units) Part No. on sketch Parcel 'A'

(a) Frontage 9.88 metres Depth 38.10 metres Area 375.2 Sq metres

(b) Existing Use Residential Proposed Use Residential

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

Existing: Residential

Proposed: Residential

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

(a) Frontage 11.51 metres Depth 38.10 metres Area 439.95 Sq. metres

(b) Existing Use Residential Proposed Use Residential

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

Existing: Residential

Proposed: Residential

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 Residential

(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: _____

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: _____

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 Kevin and Janet McLeod, 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, Kevin and Janet McLeod 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 St. Thomas on this 30th day of October, 20 19.
City Day Month Year

Janet McLeod - Kevin McLeod
Signature of Owner or Authorized Agent

Oct 30/19
Date

Crystal Marie Penney
Signature of Commissioner of Oaths, etc.

Oct 30/19
Date

Crystal Marie Penney, a Commissioner, etc.,
Province of Ontario, for the
Corporation of the City of St. Thomas.
Expires September 18, 2022.

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, Kevin / Janet McLeod, 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.

Oct 30, 2019
Date

Kevin J McLeod
Signature of Owner

Janet McLeod

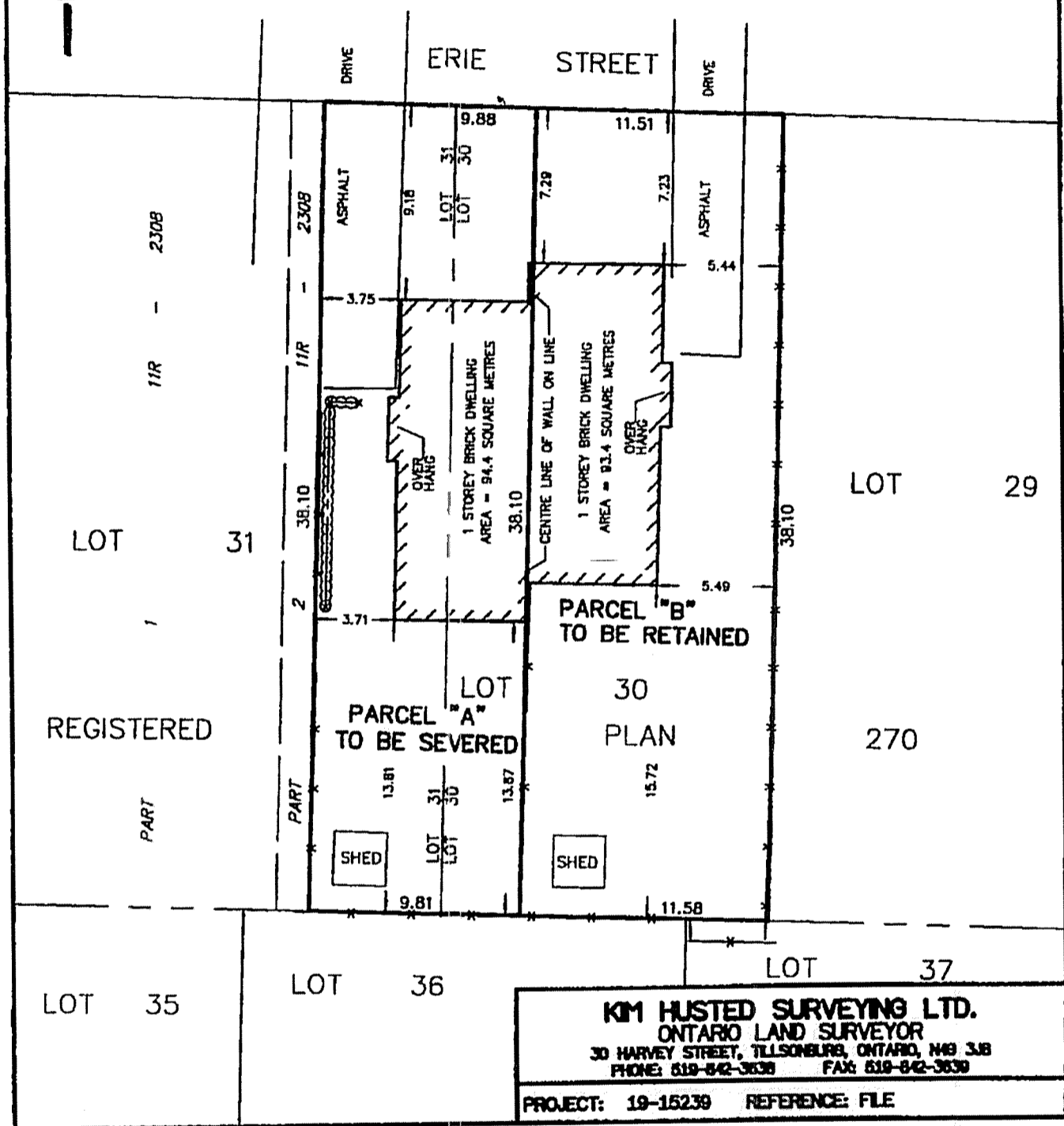
PARCEL "A" TO BE SEVERED
 375.2 SQUARE METRES
 PROPOSED LOT COVERAGE= 25.1%

PARCEL "B" TO BE RETAINED
 439.9 SQUARE METRES
 PROPOSED LOT COVERAGE= 21.2%

SKETCH FOR PROPOSED SEVERENCE
 PLAN OF
 LOT 30 AND PART OF LOT 31
 REGISTERED PLAN 270
 CITY OF ST. THOMAS
 COUNTY OF ELGIN
 KIM HUSTED SURVEYING LTD.
 NOT TO SCALE

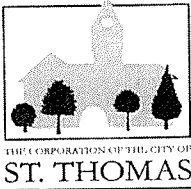
NORTH

—*— DENOTES FENCE
 ☉ DENOTES HEDGE



KIM HUSTED SURVEYING LTD.
 ONTARIO LAND SURVEYOR
 30 HARVEY STREET, TILSONBURG, ONTARIO, N4G 3J8
 PHONE: 519-842-3636 FAX: 519-842-3639

PROJECT: 19-15239 REFERENCE: FILE



The Corporation of the City of St. Thomas

Report No.: B06-2019

Applicant: Kevin and Janet McLeod

Directed to: Members of the Committee of Adjustment

Report Date: November 20, 2019
Meeting Date: November 28, 2019

Location: 211 1/2 A and B Erie Street, Plan 279, Lot 30 and Part Lot 31, in the 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 B06-2019 be received.

Origin

The applicants are proposing to subdivide the existing semi-detached residential dwelling on the subject lands.

Proposal

The applicants are proposing to sever a lot with lot frontage of 9.8m on Erie Street and a lot area of 375.2m², containing one semi-detached dwelling unit and a shed. The applicants are proposing to retain a lot with lot frontage of 11.5m on Erie Street and an area of 439.9m², containing one semi-detached dwelling unit and a shed. The severed and retained lots will continue to be used for residential purposes.

Official Plan

- The subject lands are within the Residential designation, as shown on Schedule "A" (Land Use Plan) to the Official Plan for the City of St. Thomas. The Residential policies of the Official Plan permit a full range of dwelling types including low density residential uses.

ZONING BY-LAW:

- The subject lands are in the Third Residential Zone (R3) pursuant to the City of St. Thomas Zoning By-Law No. 50-88. Permitted uses of the Third Residential Zone (R3) include a semi-detached dwelling.
- Maximum Main Building Height - 11m;
- Maximum Accessory Building Height - 4m;
- Maximum Floor Area of an Enclosed Accessory Building - The lesser of 15% of the lot Area or 40sqm;
- Maximum Number of Dwelling Units - 2 per lot;
- Maximum Roof Area - 55%;
- Minimum Front Yard Depth - 6m;
- Minimum Rear Yard Depth - 9m;
- Minimum Dwelling Unit Floor Area - 1 Storey Dwelling 74sqm; and
- Minimum Number of Parking Spaces - 1 per Dwelling Unit.
- The General Provisions of the Zoning By-law (Severance of Lots and Buildings) provide that where a semi-detached dwelling is lawfully erected in accordance with the provisions of this by-law and any such dwelling and the lot on which it is located are lawfully severed, the zone requirements applicable to such semi-detached dwelling and the lot on which it is located as set forth in paragraphs 7.4.1, 8.4.1 and 9.4.1, as the case may be, shall apply to each lot created and the part of the building erected thereon except that the minimum lot area shall be 45% (Parcel A 46.1% / Parcel B 53.9%) of the minimum for the lot before the severance, the minimum lot frontage shall be 45% (Parcel A 46.2% / Parcel B 53.8%) of the minimum for the lot before the severance, the maximum lot coverage shall be 40% (Parcel A 25.1% / Parcel B 21.2%) of the maximum for the lot before severance and the minimum for one side yard shall be nil and 1m for the other.

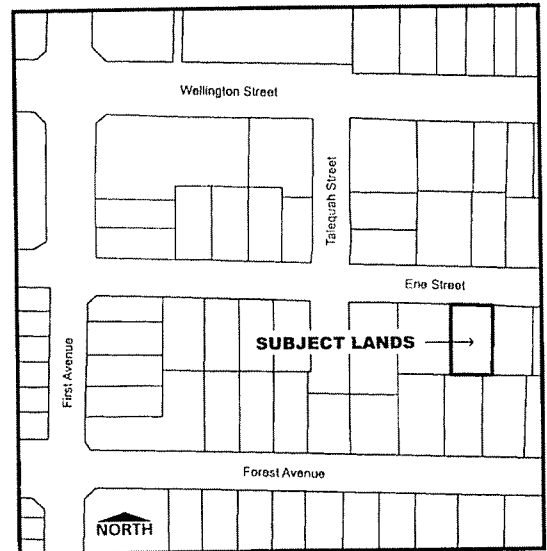
Comments

- It is staffs understanding that both dwellings are serviced with one water line, approval of the application will need to be conditional on confirmation from the Environmental Services Department that municipal services for both the severed and retained lots have been resolved.
- 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 B06-2019 is supportable, should the Committee approve the application staff recommends the following conditions:
 - The City of St. Thomas be provided with a copy of the Reference Plan; and
 - Confirmation from the Environmental Services Department that municipal services for both the severed and retained lots have been resolved.

Respectfully submitted,

Steve Craig
Senior Planning Technician

Location Plan:



CONFIRMATION OF AN APPLICATION FOR MINOR VARIANCE

A12/19

October 30th, 2019

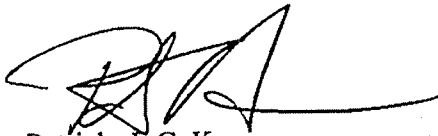
Secretary-Treasurer, Committee of Adjustment
Attention: Melanie Knapp

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

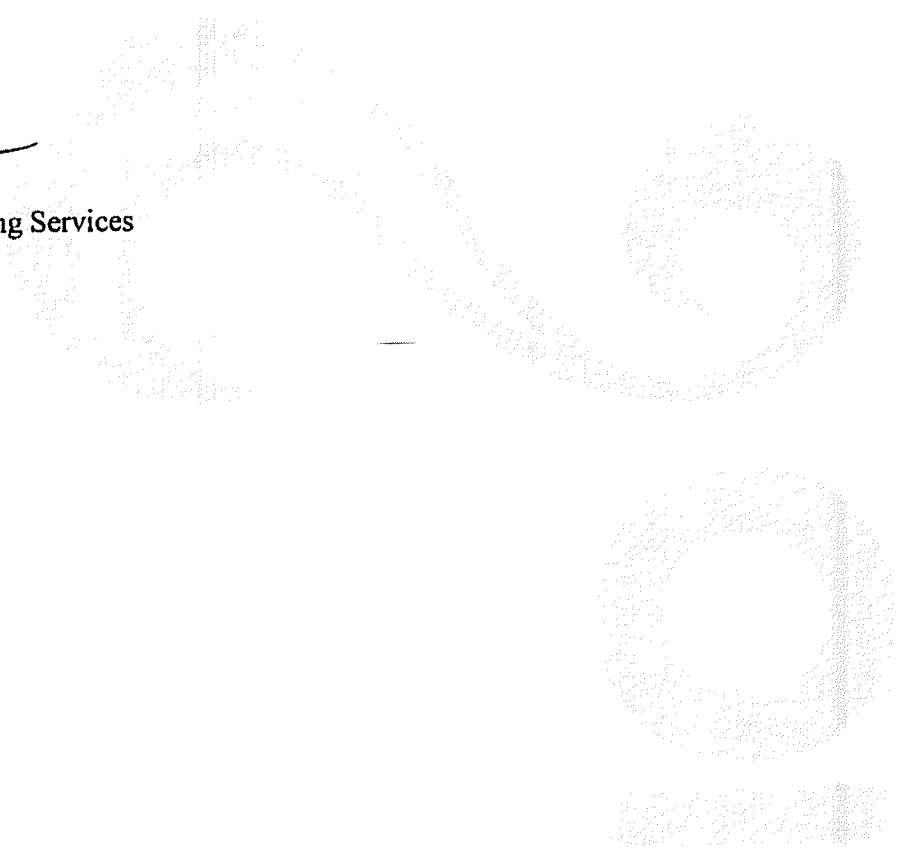
An application for a minor variance, regarding 70 Dennis Road, was filed on October 30th, 2019 and the required fee under Section 69 of the Planning Act has been provided.

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

Regards,



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



-12-



Clear Form

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: <u>OCT 30 2019</u>	Consultation Date: _____
	Date Application Deemed Complete: _____	

Application #: A12/19

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 \$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) Element5 Ontario Inc.
 Address 67 Mowat Avenue #114, Toronto, Ontario

Postal Code M6K 3E2 Tel: (888) 670-7713 e-mail: ppoulin@elementfive.co

2. Name of Authorized Agent (if any) Sierra Group c/o Stephen Cornwell
 Address 1401 Dundas Street, P.O. Box 20053, Woodstock

Postal Code N4S 8X8 Tel: (519) 421-7413 e-mail: scornwell@sierraconstruction.ca

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:
Section 21.1.6 of the Zoning By-law requires 339 parking spaces for the proposed 12,586 sq. m manufacturing building, whereas 94 parking spaces are proposed.

4. Reason why the proposed use cannot comply with the provisions of the Zoning By-law:
The proposed manufacturing facility requires less staffing than typical manufacturing facilities due to automation. Providing more parking than needed for the facility would be wasteful.

5. Location of Land:

Concession No. _____ Lot(s) _____ Registered Plan No. 11M-59 Lot(s) 93
 Reference Plan No. _____ Part(s) _____

Geographic/Former Township _____

Name of Street Dennis Road Street No. _____

6. Dimensions of land affected:

Frontage 99.4 m Depth 540 m

Area 8.1 ha Width of Street 20 m

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:

Vacant _____

USE Vacant _____

Proposed:

12,576 sq. m manufacturing facility. _____

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:

Proposed:

Front yard setback: 73.6 m, Interior side yard setback: 27.3 m (both sides), Rear yard setback: 27.3 m _____

USE _____

10. Date of acquisition of subject land: 2018 _____

11. Date of construction of all buildings and structures on subject land: Vacant _____

12. Existing uses of the subject land:

Vacant _____

13. Existing uses of abutting lands:

North: Vacant Industrial East: Industrial

South: Industrial West: Vacant Industrial

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) _____

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:

Employment Lands

17. Present Zoning of the subject land:

Employment Lands Zone (EL)

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, Stephen Cornwell, 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:

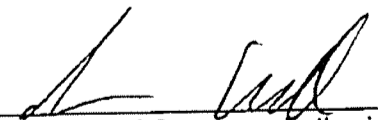
Personal information on this form is collected under the authority of Section 41 of the *Planning Act*, R.S.O. 1990 and Sections 8 (1) and 10 of the *Municipal Act*, 2001, as amended, and will be used to contact the owner, applicant and/or agent regarding the Committee of Adjustment Application. Questions 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, Stephen Cornwell of the City of Woodstock 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 Woodstock on this 22 day of October, 2019.
City Day Month Year



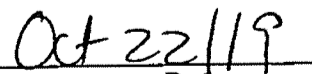
Signature of Owner or Authorized Agent



Date



Signature of Commissioner of Oaths, etc.



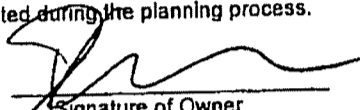
Date

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, Element5 Ontario Inc., am the owner of the subject lands, and I authorize Stephen Cornwell 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.

Oct 22, 2019
Date


Signature of Owner
P. Poulin

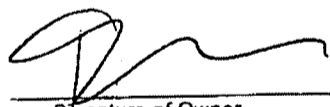
APPENDIX B – ACKNOWLEDGEMENT OF LEGAL AND PLANNING FEES


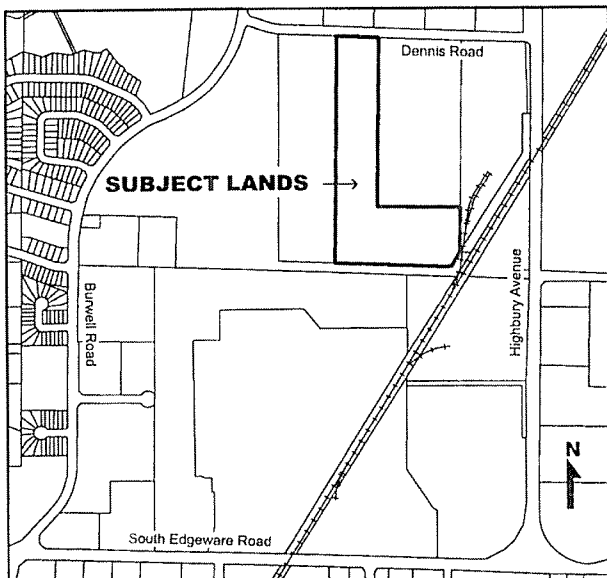
In addition to the application fees listed in this application package, please note that where the City requires assistance from its solicitors or other technical or professional consultants in the processing of this application, the applicant shall be responsible for reimbursing all fees incurred by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

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

I, Element5 Ontario Inc., 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.

Oct 22, 2019
Date


Signature of Owner
P. Poulin

<p>+</p>  <p>The Corporation of the City of St. Thomas</p>	<p>Report No.: COA12-2019</p>
<p>Members of the Committee of Adjustment</p>	<p>Applicant: Element5 Ontario Inc</p> <p>Report Date: November 20, 2019 Meeting Date: November 28, 2019</p>
<p>Location: 70 Dennis Road, Registered Plan 11M-59, Lot 93</p>	
<p>Subject: Request for a minor variance pursuant to 45(1) of the Planning Act, R.S.O., as amended</p>	
<p>Department: Planning and Building Services Department Prepared by: Steve Craig, Senior Planning Technician</p>	<p>Attachments: Location Plan and Site Plan</p>
<p>Recommendation:</p> <p>That: Report COA012-2019 be received.</p>	
<p>BACKGROUND: A reduction in the parking regulation has been requested in order to facilitate the construction of a new manufacturing facility on the subject lands. According to the applicant, due to automation fewer parking spaces are required.</p> <p>The applicant has also filed a consent application (B07-2019) concurrently for a service easement on part of the subject lands. The easement is in benefit of the abutting lot, municipally known as 100 Dennis Road (Takumi Stamping Canada).</p> <p>MINOR VARIANCE: To permit a minimum of 94 parking spaces for a manufacturing facility, whereas Subsection 21.1.6 (d) Business office and (e) Manufacturing of the Zoning By-law requires a minimum of 340 parking spaces</p> <p>OFFICIAL PLAN:</p> <ul style="list-style-type: none"> • The subject lands are within the Employment Lands designation, as shown on Schedule "A" (Land Use Plan) to the Official Plan for the City of St. Thomas. • The predominant use of land within the Employment Lands designation shall be for business and economic activities which can be generally classified as manufacturing, the processing of goods and raw materials, warehousing, transportation, communications and utilities, bulk storage of goods and other activities whose operational characteristics are similar. • Permitted uses in the Employment Lands designation include industrial uses that involve assembling, fabricating, manufacturing, processing, repairing, warehousing, wholesaling and distribution uses, production of pharmaceuticals and medical products, communications, utilities, storage of goods and materials, service trades and construction uses; office uses including those accessory to industrial uses; research and information processing. • Adequate off-street parking and loading facilities must be provided. Off-street parking and loading areas shall be designed to accommodate type of industrial operations and the size of the proposed use. Developers are encouraged to purchase sufficient land to accommodate off-street parking for any planned future enlargement or change in use. <p>ZONING BY-LAW:</p> <ul style="list-style-type: none"> • The subject lands are within the Employment Land Zone (EL) pursuant to the City of St. Thomas Zoning By-Law 50-88. • Permitted uses of the Employment Land Zone (EL) include manufacturing and accessory uses. • Parking requirement for business office use - 3.0 spaces per 100m² of floor area. • Parking requirement for manufacturing use - 20 spaces per 100m² of the first 1000m² of floor area and 1 space per 100m² of the remainder of the floor area in excess of 1000m². • Parking lot is defined as that area within a lot, building or structure: <ol style="list-style-type: none"> (i) which may be open, covered or partially or wholly enclosed; (ii) which may be used for the parking of motor vehicles and any part not so used may be used as a landscaped area; (iii) which may abut a highway; (iv) which may include a driveway or driveways within such area or connecting such area to a highway; (v) which is surfaced with asphalt, concrete or granular material which has a dust free stable surface; and (vi) within or adjacent to which there may be lighting devices for the parking lot, directional or other signs relating to the use of the parking lot, parking control devices, curbs, guardrails or other vehicle barriers. 	<p>Location Plan:</p> 

- Parking space is defined as that part of a lot, building or structure within a parking lot or within a residential driveway:
 - (i) which is rectangular in shape and the dimensions of which are not less than 2.75m x 5.5m;
 - (ii) which is provided for the parking of a motor vehicle without moving or removing any other motor vehicle;
 - (iii) which may be open, covered or partially or wholly enclosed; and
 - (iv) which is surfaced with asphalt, concrete or granular material which has a dust free stable surface.

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:

- Element5 are proposing to construct a new manufacturing facility on the subject lands, for the purpose of manufacturing cross-laminated timber.
- The site is 8 hectares (20 acres) in size and the new facility will have a total floor area of 12,982m², which includes 12,036m² of manufacturing floor area and 964m² of ancillary office floor area.
- 28.92 parking spaces are required for 964m² of office floor area.
- 200 parking spaces are required for the first 1,000m² of manufacturing floor area and 110.36 parking spaces are required for the remainder of the 11,036m² manufacturing floor area.
- Due to the automated process of the manufacturing facility 340 parking spaces are not required, however there is sufficient land on the site to accommodate off-street parking for any planned future enlargement or change in use. Accompanying the planning report is a site plan that demonstrates that there is sufficient area on the subject lands to accommodate 344 parking spaces.
- Element5 are proposing to provide 94 parking spaces on the site to accommodate a maximum of 50 employees, the reduced parking area will be used for landscape/openspace.
- The assessment of whether a variance is or is not minor does not necessarily relate simply to the measured differences between what the Zoning By-law permits and what the applicant is requesting. It has much to do with the impacts of the proposed development on the subject lands and neighbouring properties. No adverse impacts to the subject lands, neighbouring lots and the Dennis Road right-of-way are anticipated.
- In staff's opinion the proposed variance meets the general intent and purpose of the Official Plan, 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 COA12-2019 be approved, should the Committee of Adjustment approve the application staff recommend that the decision reflect that the Committee is approving a minimum of 94 parking spaces.

Respectfully submitted,



Steve Craig
Senior Planning Technician

**CONFIRMATION OF A COMPLETE APPLICATION
APPLICATION FOR CONSENT** B07/19

November 1st, 2019

Secretary-Treasurer, Committee of Adjustment
Attention: Melanie Knapp

An application for Consent regarding 70 Dennis Road was received on November 1st, 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



Clear Form

THE CORPORATION OF THE CITY OF ST THOMAS

COMMITTEE OF ADJUSTMENT

APPLICATION FOR CONSENT

OFFICE USE: Date Application Received: Consultation Date: 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

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): Element5 Ontario Inc.
Mailing Address: 67 Mowat Avenue #114, Toronto, Ontario
Postal Code: M6K 3E2 Telephone: (888) 670-7713 Fax:
email: ppoulin@elementfive.co

(b) Owner's Solicitor or Authorized Agent (if any): Sierra Group c/o Stephen Cornwell
Mailing Address: 1401 Dundas Street, P.O. Box 20053, Woodstock
Postal Code: N4S 8X8 Telephone: (519) 421-7413 Fax: (519) 241.2018
email: scornwell@sierraconstruction.ca

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

Owner [] Solicitor [] Agent [x]

2. (a) Type and purpose of proposed transaction: (Check appropriate space/s)
[] Creation of New Lot [] Disposal of Surplus Farm Dwelling
[] Addition to Lot [] Correction of Title
[] Mortgage or Charge [] Partial Discharge of Mortgage
[] Lease [] Right-of-way

Easement Service easement.

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

-22-

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

Takumi Stamping Canada

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) _____ Registered Plan No 11M-59 Lot(s) 93

Reference Plan No _____ Part(s) _____

Name of Street Dennis Road Street No _____

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

(a) Frontage 99.4 m Depth 540.2 m Area 8.1 ha

(b) Existing Use Vacant Proposed Use Industrial

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

Existing: Vacant

Proposed: Manufacturing building.

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

(a) Frontage _____ Depth _____ Area _____

(b) Existing Use _____ Proposed Use _____

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

Existing: _____

Proposed: _____

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

- | | |
|--|--|
| <input type="checkbox"/> Provincial Highway | <input type="checkbox"/> Regional Road |
| <input checked="" type="checkbox"/> Municipal Road maintained all year | <input type="checkbox"/> Other Public Road |
| <input type="checkbox"/> Municipal Road maintained seasonally | <input type="checkbox"/> Right-of-Way |
| <input type="checkbox"/> Water Access | <input type="checkbox"/> Private Road |

(b) Type of access to retained land:

- | | |
|--|--|
| <input type="checkbox"/> Provincial Highway | <input type="checkbox"/> Regional Road |
| <input checked="" type="checkbox"/> Municipal Road maintained all year | <input type="checkbox"/> Other Public Road |
| <input type="checkbox"/> Municipal Road maintained seasonally | <input type="checkbox"/> Right-of-Way |
| <input type="checkbox"/> Water Access | <input type="checkbox"/> 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 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 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 Employment Lands
- (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: _____

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: _____

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, Stephen Cornwell, 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:

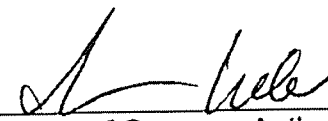
Personal information on this form is collected under the authority of Section 41 of the *Planning Act*, R.S.O. 1990 and Sections 8 (1) and 10 of the *Municipal Act*, 2001, as amended, and will be used to contact the owner, applicant and/or agent regarding the Committee of Adjustment Application. Questions 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, Stephen Cornwell of the City of Woodstock 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 Woodstock on this 22 day of October, 2019.
City Day Month Year


Signature of Owner or Authorized Agent

Oct 22 / 2019
Date


Signature of Commissioner of Oaths, etc.

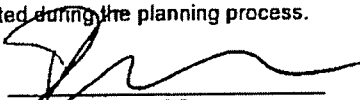
Oct 22 / 19
Date

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, Element5 Ontario Inc., am the owner of the subject lands, and I authorize Stephen Cornwell, 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.

Oct 22, 2019
Date


Signature of Owner
P. Poulin


APPENDIX B – ACKNOWLEDGEMENT OF LEGAL AND PLANNING FEES

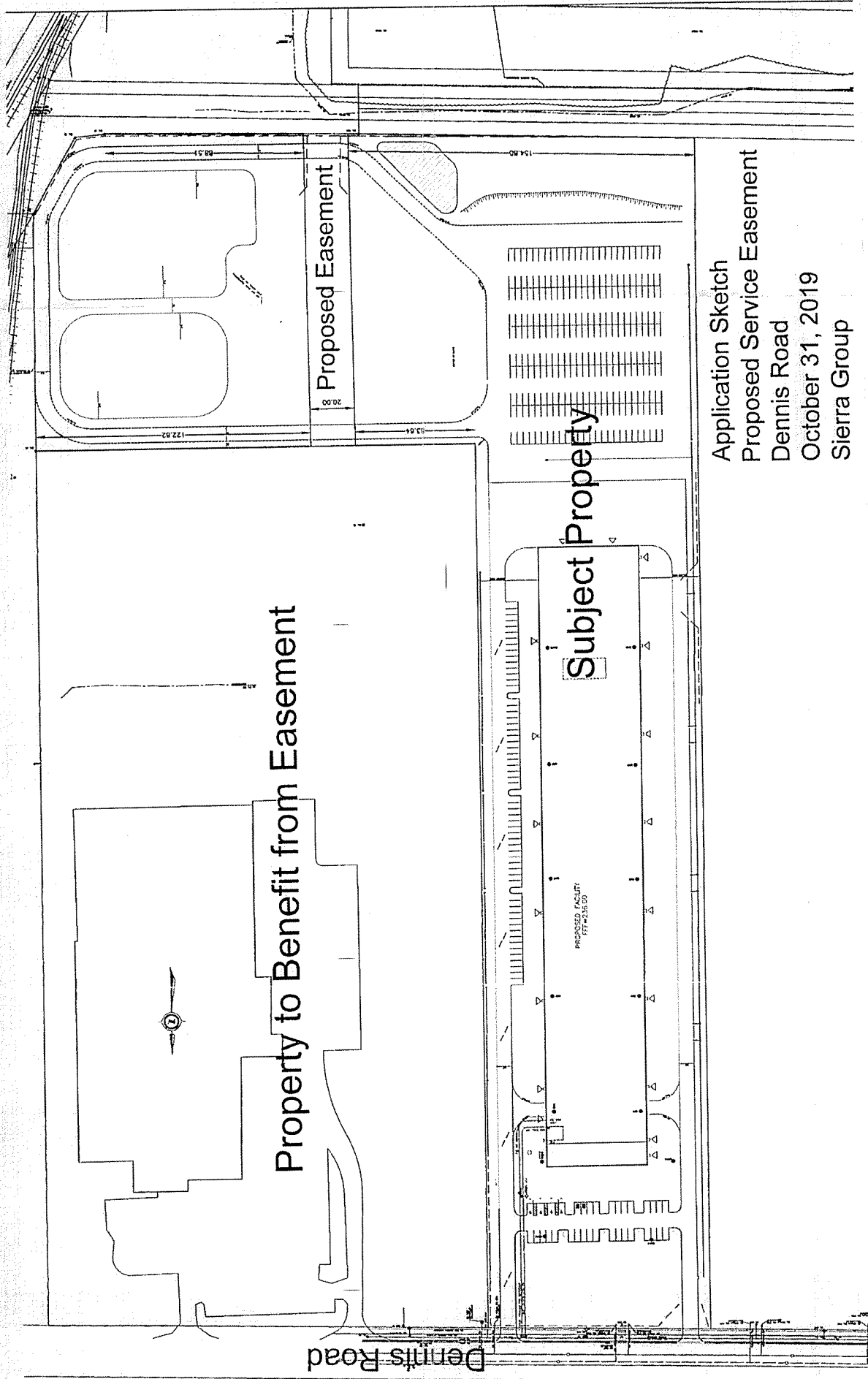
In addition to the application fees listed in this application package, please note that where the City requires assistance from its solicitors or other technical or professional consultants in the processing of this application, the applicant shall be responsible for reimbursing all fees incurred by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

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

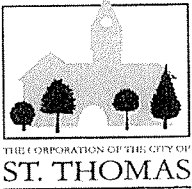
I, Element5 Ontario Inc., am the owner of the subject lands, and I understand that further fees may be incurred by the City throughout the planning process and that I am responsible for reimbursing all fees.

Oct 22, 2019
Date


Signature of Owner
P. Poulin



Application Sketch
 Proposed Service Easement
 Dennis Road
 October 31, 2019
 Sierra Group



The Corporation of the City of St. Thomas

Report No.: B07-2019

Applicant: Element5 Ontario Inc.

Directed to: Members of the Committee of Adjustment

Report Date: November 20, 2019
Meeting Date: November 28, 2019

Location: 70 Dennis Road, 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 B07-2019 be received.

Proposal

The applicant is requesting consent to create a service easement on part of the subject lands. The easement is in benefit of the abutting lot, municipally known as 100 Dennis Road (Takumi Stamping Canada).

Official Plan

- The subject lands are within the Employment Lands designation, as shown on Schedule "A" (Land Use Plan) to the Official Plan for the City of St. Thomas.
- Permitted uses in the Employment Lands designation include industrial uses that involve assembling, fabricating, manufacturing, processing, repairing, warehousing, wholesaling and distribution uses, production of pharmaceuticals and medical products, communications, utilities, storage of goods and materials, service trades and construction uses; office uses including those accessory to industrial uses; research and information processing.
- Consents for a right of way or an easement are permitted in any land use designation.

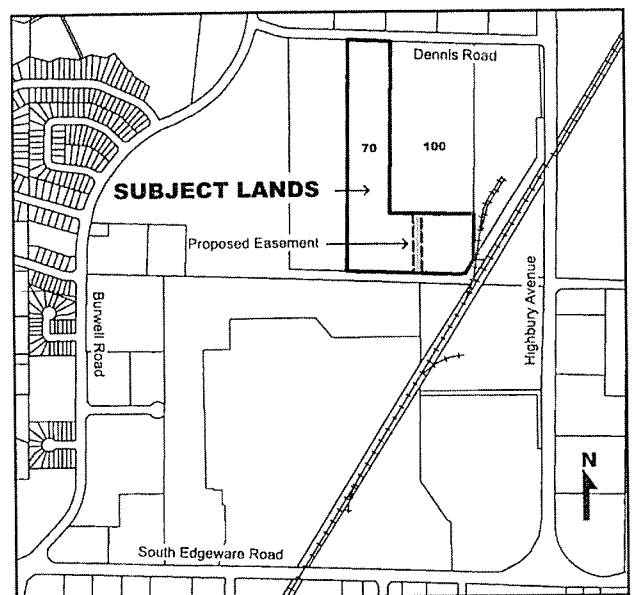
Zoning By-Law

- The subject lands are within the Employment Land Zone (EL) pursuant to the City of St. Thomas Zoning By-Law 50-88.
- Permitted uses of the Employment Land Zone (EL) include an adult entertainment parlour, agriculture, animal clinic, auction sales, automotive body shop, automotive service business, automotive trade, builders depot, bulk storage, business of leasing vehicles and equipment, car rental business, construction trade, industrial repair shop, machine shop, manufacturing, non-retail service commercial uses, pharmaceutical and medical product industry, private recreation facilities, railway, self storage business, scientific and technology development, transport trucking terminal, warehousing, wholesale establishment and uses accessory to the foregoing.

Comments

- Element5 is proposing to construct a 12,982m² manufacturing facility on the subject lands, specializing in the construction of cross-laminated timber. The facility will contain 12,036m² of manufacturing floor area and 964m² of ancillary office floor area. A minor variance application (COA12-2019) has been filed concurrently requesting a reduction in the parking in order to facilitate the construction of a manufacturing facility on the subject lands.
- 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. Therefore, approval of consent application B07-2019 is supportable.
- Should the Committee approve consent application B07-2019 planning staff recommends the following condition:
1) The Corporation of the City of St. Thomas be provided with a copy of the reference plan.

Location Plan:



Respectfully submitted,

Steve Craig
Steve Craig
Senior Planning Technician