

A G E N D A

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

**COMMITTEE ROOM #415
CITY HALL**

10:00 A.M.

**THURSDAY
DECEMBER 12, 2019**

DISCLOSURE OF INTEREST

MINUTES

Confirmation of the minutes of the meeting held on November 28, 2019.

HEARING OF APPLICATIONS

B08/19 - Adele Ashford - 43954 Southdale Line Pages 2-20

Planning Report - B08/19 Pages 21-22

UNFINISHED BUSINESS

NEW BUSINESS

Next Meeting

To be determined.

ADJOURNMENT

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

November 12th, 2019

Secretary-Treasurer, Committee of Adjustment
Attention: Melanie Knapp

An application for Consent regarding 43954 Southdale Line was received on November 12th, 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



SKETCH FOR SEVERANCE
 PART OF LOT 10, CONCESSION 7
 CELEBRATING TOWNSHIP OF YAMBOUTH
 CITY OF ST. THOMAS
 COUNTY OF ELGIN



METRIC SCALE AND DIMENSIONS TO BE USED UNLESS OTHERWISE SPECIFIED

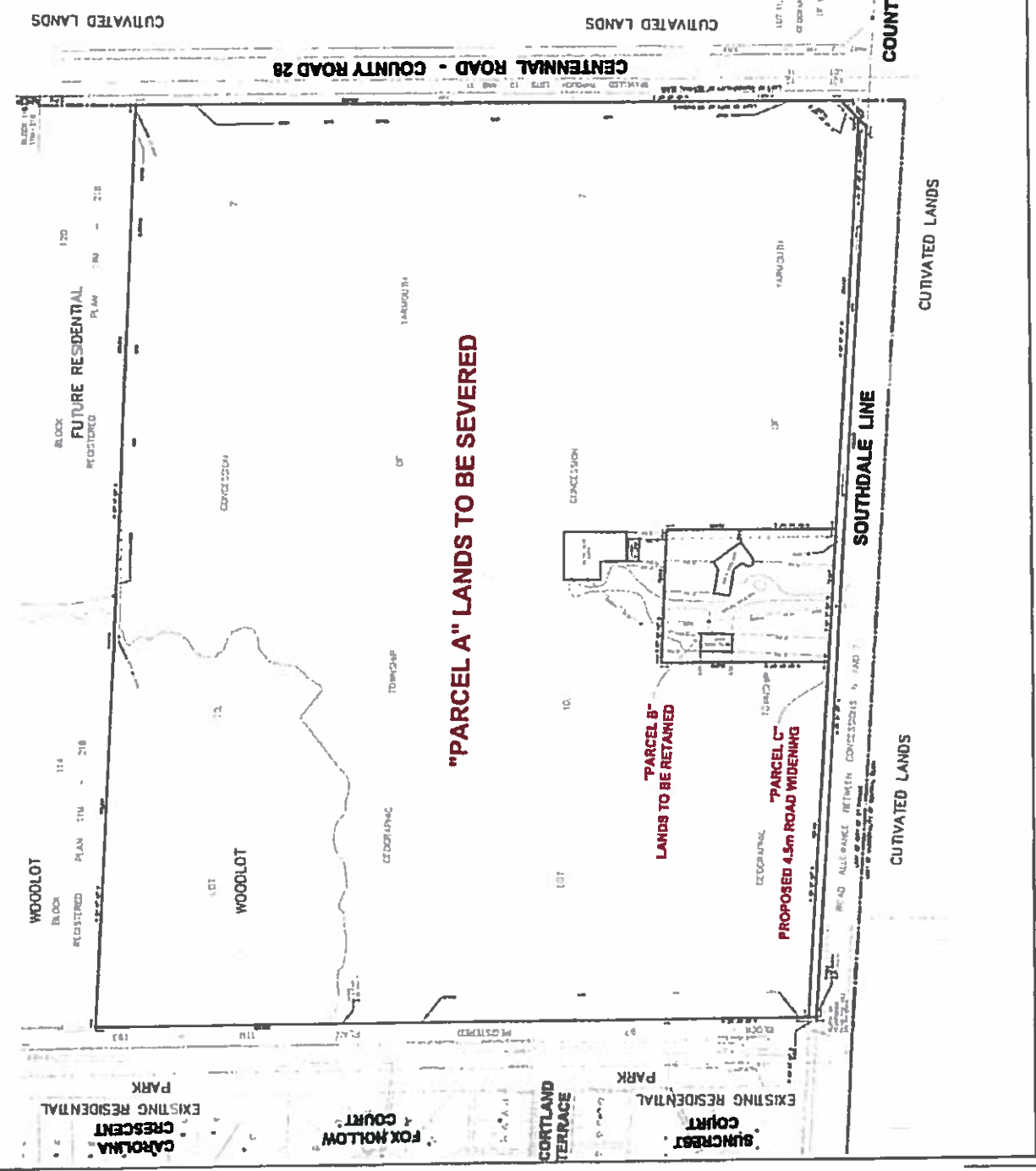
SEVERANCE SUMMARY	
TRACTS TO BE SEVERED	10
TRACTS TO BE RETAINED	10
TRACTS TO BE ACQUIRED	10
TRACTS TO BE ACQUIRED BY ROAD WIDENING	10
TOTAL TRACTS	40

SURVEYOR'S CERTIFICATE

I, the undersigned, being duly sworn, depose and say that the above is a true and correct copy of the original plan as filed in my office, and that the same is a true and correct copy of the original plan as filed in my office.

[Signature]
 DATE: 2014

CJDL
 CHARTERED PROFESSIONAL SURVEYORS
 1000 ...
 ...



"PARCEL A" LANDS TO BE SEVERED

"PARCEL B" LANDS TO BE RETAINED

"PARCEL C" PROPOSED 4.5m ROAD WIDENING

SOUTHDALE LINE

CUTVATED LANDS

CUTVATED LANDS

COUNTY ROAD 57

CUTVATED LANDS

CUTVATED LANDS

CAROLINA CRESCENT PARK
 EXISTING RESIDENTIAL

FOX HOLLOW COURT

CORTLAND TERRACE PARK

SUNCREST COURT
 EXISTING RESIDENTIAL

BLK 114

WOODLOTT
 BLOCK 114
 REGISTERED PLAN 114 - 218

WOODLOTT
 BLOCK 120
 FUTURE RESIDENTIAL
 PROPOSED PLAN 120 - 219

WOODLOTT
 LOT 10

CELEBRATING TOWNSHIP OF YAMBOUTH

LOT 10, 10
 CELEBRATING TOWNSHIP OF YAMBOUTH

CENTENNIAL ROAD - COUNTY ROAD 28



THE CORPORATION OF THE CITY OF ST THOMAS

COMMITTEE OF ADJUSTMENT

APPLICATION FOR CONSENT

OFFICE USE:	Date Application Received: <u>NOV 12 2019</u>	Consultation Date: <u>07 10/19</u>
	Date Application Deemed Complete: <u>NOV 12 2019</u>	

Application #: B08/19

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): Adele Ashford
 Mailing Address: 43954 Southdale Line, St. Thomas, ON
 Postal Code: N5P 3S6 Telephone: 519-630-5783 Fax: _____
 email: _____

(b) Owner's Solicitor or Authorized Agent (if any): Performance Communities Realty Inc.
 Mailing Address: 1 Barrie Blvd., St. Thomas, ON
 Postal Code: N5P 4B9 Telephone: 519-633-2050 Fax: _____
 email: will.hayhoe@hayhoehomes.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 type="checkbox"/> Right-of-way |
| <input type="checkbox"/> Easement _____ | |

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

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

Performance Communities Realty 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: _____

4. Location of land:

Municipality (City/Town/Township) St. Thomas

Concession No 7 Lot(s) 10 Registered Plan No _____ Lot(s) _____

Reference Plan No 11R-5718 Part(s) 1

Name of Street Southdale Line Street No 43954

5. Description of subject land: (in metric units) Part No. on sketch Parcels A, B, C

(a) Frontage 385.5m Depth 508.5m Area 19.39 ha

(b) Existing Use Vacant Proposed Use Future Residential

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

Existing: Barn

Proposed: N/A

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

(a) Frontage 72.99m Depth 97.16m(less Road Widening) Area 0.70 ha

(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 shop

Proposed: No change

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 checked="" type="checkbox"/>
Other (specify)	<input checked="" type="checkbox"/> N/A _____	<input type="checkbox"/> _____

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 Residential, Natural Heritage
- (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: _____

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: Zoning By-Law Amendment 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, William R. Hayhoe of Central Elgin 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 St. Thomas on this 12th day of November, 2019.
City Day Month Year

[Signature]
Signature of Owner or Authorized Agent

Nov. 12, 2019
Date

[Signature]
Signature of Commissioner of Oaths, etc.

Nov 12/19
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, Adele Ashford, am the owner of the subject lands, and I authorize Performance Communities Realty 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.

November 11, 2019
Date

Adele Ashford
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, Adele Ashford, 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.

November 11, 2019
Date

Adele Ashford
Signature of Owner

AUTHORIZATION

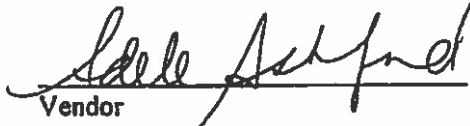
South ½ of South ½, Lot 10, Concession 7, Yarmouth, West of Part 1, Plan 11R-5718, City of St. Thomas (PIN 35244-0143) known municipally as 43954 Southdale Line

The undersigned hereby authorizes Performance Communities Realty Inc. and its agents, surveyors, engineers and consultants to:

1. make enquiries and access the Lands, at its own risk and expense, for the purpose of conducting all tests, investigations and studies it deems necessary;
2. make application for severance of the Property;
3. make application to have the lands rezoned; and
4. make application to obtain any governmental approvals required by it.

Dated at St. Thomas, this 13th day of September, 2019

Adele Ashford


Vendor

HAYHOE — HOMES —

Performance Communities Realty Inc.

November 12, 2019

Mr. Jim McCoomb
Manager of Planning Services
City of St. Thomas – Planning and Building Services
9 Mondamin Street
St. Thomas, ON
N5P 2T9

Dear Mr. McCoomb:

RE: Applications for Consent & Zoning By-law Amendment
Adele Ashford
43954 Southdale Line
St. Thomas, ON

Performance Communities Realty Inc. (“Performance Communities”), on behalf of Adele Ashford, is pleased to submit applications for Consent and Zoning By-Law Amendment for the above noted lands (the ‘subject lands’).

The subject lands consist of a single, 20.09ha (49.6ac) rectangular shaped parcel of land located at the northwest corner of Southdale Line and Centennial Road, at the southeast limit of the City of St. Thomas municipal boundary. The lands are currently occupied by a single detached dwelling, a metal-clad drive shed, and a metal-clad barn which is used to house livestock. The remainder of the subject lands consist of cultivated fields, grassed pasture areas, and a woodlot.

The purpose of the Consent and Zoning By-Law Amendment applications is to facilitate the future development of the subject lands by Performance Communities. It is proposed that approximately 19.39ha (47.9ac), consisting of cultivated fields, pastures, and the existing barn, be severed and conveyed to Performance Communities. The retained lands will consist of the remaining 0.70ha (1.73ac), including the existing dwelling and drive shed, with a frontage along Southdale Road of approximately 73m (239ft). The barn is proposed to be removed as part of the future development of the severed lands, and the existing livestock activities will cease. A road widening is anticipated to be required along Southdale Line and is identified on the consent sketch. The retained lands are proposed to be rezoned from R7 to R3A to recognize the existing single detached dwelling; the severed lands will be rezoned at a future date in conjunction with a formal Draft Plan of Subdivision application.

In support of the application, please find enclosed the following material:

- One (1) copy of the completed Consent application form;
- One (1) copy of the completed Zoning By-Law Amendment application form;
- Cheques in the amount of \$450.00 and \$750.00 made payable to the "City of St. Thomas" for the Consent and Zoning By-Law Amendment fees;
- Two (2) copies of the Planning Justification Letter;
- Two (2) copies of the draft Reference Plan (consent sketch);
- One (1) USB with all electronic materials in PDF format.

We trust that the enclosed information is complete and satisfactory and look forward to a timely approval process. If you have any questions, please do not hesitate to contact our office.

Yours very truly,



Will Hayhoe
President, Performance Communities Realty Inc.



ZELINKA PRIAMO LTD

A Professional Planning Practice

November 11, 2019

Mr. Jim McCoomb - Manager of Planning Services
City of St. Thomas – Planning and Building Services
9 Mondamin Street
St. Thomas, ON
N5P 2T9

Dear Mr. McCoomb:

RE: Planning Justification Letter
Zoning By-law Amendment and Consent to Sever
Ashford Farm – 43954 Southdale Line
Steve and Adele Ashford / Performance Communities Realty Inc.
St. Thomas, ON
Our File: HAY/STH/19-02

Zelinka Priamo Ltd., on behalf of Adele Ashford and Performance Communities Inc., is pleased to provide the following Planning Justification Letter in support of a Zoning By-law Amendment application and Consent to Sever application relating to lands known municipally as 43954 Southdale Line (the "subject lands"), otherwise known as the Ashford Farm.

The subject lands consist of a single, 20.09ha (49.6ac) rectangular shaped parcel of land located at the northwest corner of Southdale Line and Centennial Road, at the southeast limit of the City of St. Thomas municipal boundary (Figure 1). The lands are currently occupied by a single detached dwelling, a metal-clad drive shed, and a metal-clad barn which is used to house livestock. The remainder of the subject lands consist of cultivated fields, grassed pasture areas, and a woodlot.

Surrounding land uses consist of future residential development (Harvest Run subdivision) and open space (Dunning woodlot) to the north; a multi-use path and linear park to the west and northwest; a light industrial use to the south (Richie's Insulation) existing and future low-density residential uses to the west (Orchard Park subdivision); and, agricultural lands to the east, southeast, and south (in Central Elgin).

The subject lands are currently designated "*Residential*" and "*Natural Heritage*" in the *City of St. Thomas Official Plan*, and are zoned "*Residential Development Zone – (R7)*" and "*Natural Heritage Zone – (NH)*" in the *City of St. Thomas Zoning By-law*. The *R7* zone permits only existing uses and agriculture uses. The *NH* zone permits only conservation of the natural environment and forest, wildlife, and fisheries management.

Figure 1 – The Subject Lands



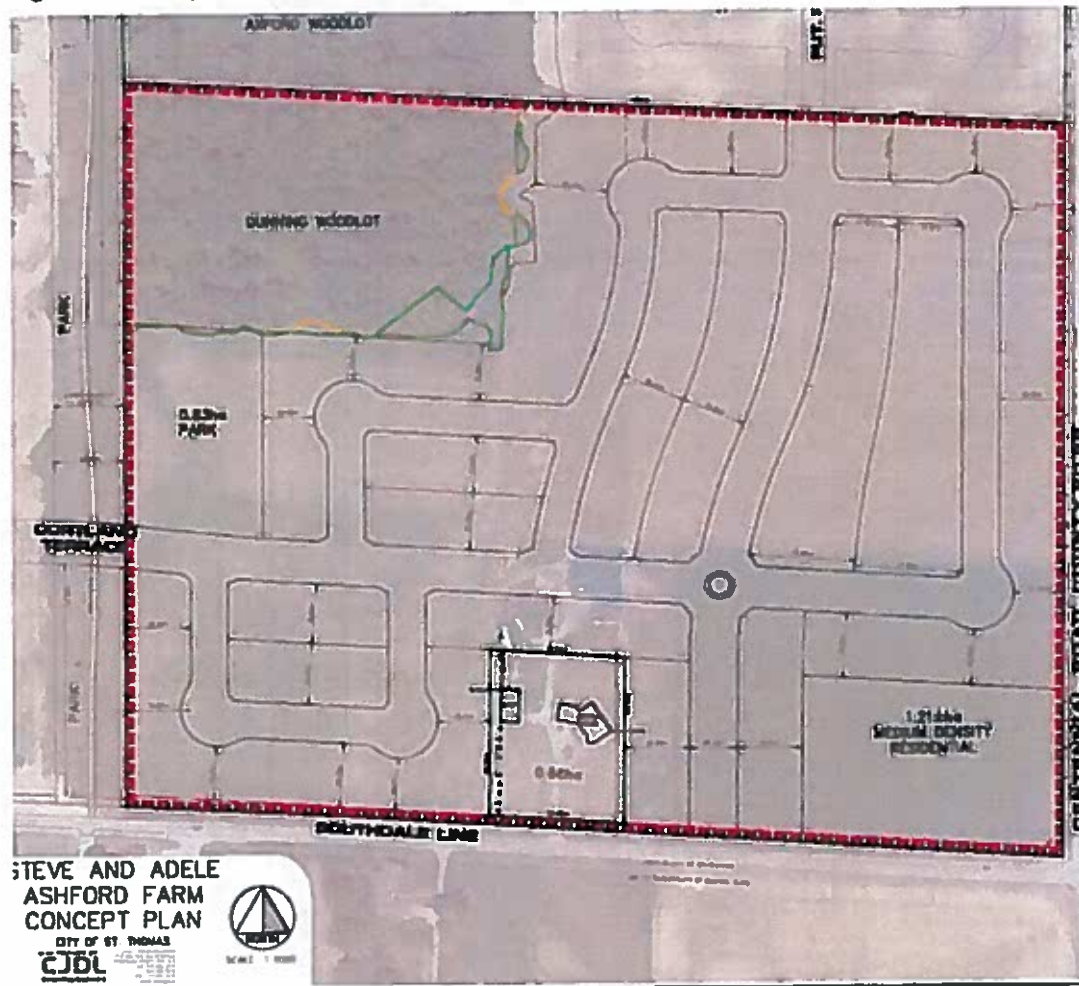
Figure 2 – Consent Sketch



In order to facilitate the future development of the subject lands, it is proposed that approximately 19.39ha (47.9ac), consisting of cultivated fields, pastures, and the existing barn, be severed and conveyed to Performance Communities Realty Inc. (Figure 2). The retained lands consist of the remaining 0.7ha (1.73ac), including the existing dwelling and drive shed, with a frontage along Southdale Road of approximately 73m (239ft). The barn is proposed to be removed as part of the future development of the severed lands, and the existing livestock activities will cease. A road widening is anticipated to be required along Southdale Line and is identified on the draft reference plan.

The severed lands are proposed to be developed at a later time for a residential subdivision, as shown in Figure 3, consisting of new public roads, a park, open space (woodlot), and low- and medium density residential uses. It is important to note that the subdivision is not proposed at this time, but rather only the separation of the land to be developed from the existing dwelling.

Figure 3 – Conceptual Development Plan for Ashford Farm



Given that the subject lands are planned to be developed in the future, it is appropriate to re-zone the retained lands (existing dwelling) to the R3A zone. This zone will permit the continued function of the retained lands and will offer the ability to redevelop in the future, if desired.

The lands to be severed for future development are proposed to be re-zoned at a later date in conjunction with a formal Draft Plan of Subdivision application, and are therefore not proposed to be re-zoned at this time. However, it is noted that these lands will likely be re-zoned to the same R3A zone category in the future.

In formulating our opinion regarding the proposed Consent to Sever application and Zoning By-Law Amendment (ZBA) application, we have reviewed the applicable Provincial and Municipal land use policy documents and provide the following analysis:

1. Provincial Policy Statement 2014 ("PPS")

The proposed ZBA is consistent with the following PPS policies:

- 1.1.1., 1.1.2., 1.1.3.1, 1.1.3.2 a), 1.1.3.6, 1.4.1, 1.5.1, 1.6.6.2, 1.6.6.4, 1.7.1 b), 2.1.1

The proposed Consent and ZBA is intended to facilitate future development on the severed portion of the subject lands by a different landowner, while maintaining the existing residence. The proposal, including future development of the severed lands, is consistent with the intent and policies of the PPS to promote appropriate and efficient use of land within an established settlement area; minimize consumption of land and servicing costs; proposes development adjacent to a built-up area; provides convenient access to proximate amenities, such as public space; and, protects natural features and areas.

Servicing for the retained lands will remain on private services, for the foreseeable future, while new development will be serviced using full municipal services, consistent with the servicing policies of the PPS. Services will also be made available to the retained lands as part of the future development of the severed lands to allow for potential future redevelopment of the retained lands.

Removal of the existing livestock facility is also consistent with the PPS as the subject lands are within the St. Thomas settlement area boundary, and the long-term intent is for urban uses, not agricultural uses, within the boundary.

2. City of St. Thomas Official Plan

The subject lands are designated "*Residential*" and "*Natural Heritage*" according to Schedule 'A' – Land Use Plan in the *City of St. Thomas Official Plan*, and is further denoted as being with "*Special Development Area 4*" on Schedule 'E'. The "*Natural Heritage*" designation applies to the woodlot in the northwest corner of the lands, while the remainder is designated "*Residential*". The "*Residential*" designation permits all

forms of residential development (low density, medium density, and high density), subject to specific locational criteria.

As the proposed consent and ZBA do not create any new uses, and the retained lands will continue to function as a single detached dwelling, both applications maintain the purpose and intent of the "Residential" land use designation.

The proposed consent is consistent with Section 5.1.4.4 as the proposed consent is the first step in the broader development of the subject lands, which will proceed through a Plan of Subdivision process.

Section 5.12.4.2.1 provides policies for "Special Development Area 4", which includes the subject lands. These policies are focused on the comprehensive planning for development of the broader area in the form of residential subdivisions. The proposed consent and ZBA are consistent with these policies as they do not preclude the comprehensive planning for the development of the subject lands. Any technical studies required for the development of the lands, such as an updated subwatershed study or traffic impact assessment, may be completed through the subdivision approvals process for the severed lands.

Section 5.12.4.2.1.xiv) requires that any development comply with Minimum Distance Separation (MDS) formulae. Guideline #36 of OMAFRA's MDS Guideline document (Publication 853) provides that MDS 1 (setbacks for new, non-agricultural development) are not required for lands which are located within an established settlement area. As the subject lands are within an established settlement area, being the "Residential" land use designation within the City of St. Thomas, MDS does not apply and therefore Section 5.12.4.2.1.xiv), and any other policies regarding MDS, are satisfied.

Section 8.3 of the Official Plan provides policies for "Natural Heritage" lands in the City. Generally, no development or side alteration is permitted within, or within a specified distance from, natural features, such as the woodlot on the subject lands. It is understood that the woodlot has been the subject of an Environmental Impact Study associated with the development of the Harvest Run subdivision to the north of the subject lands, and a preliminary development setback has been incorporated into the conceptual subdivision plan down in Figure 3.

As no development or alteration of the woodlot, or areas around the woodlot, is proposed at this time, the present consent and ZBA applications are consistent with the policies for "Natural Heritage" lands.

As per Section 10.4.1 (Consents), the following policies apply to the creation of new lots by the consent process:

- i) *consents should be granted only in areas where the undue extension of any major service would not be required;*

As discussed previously, the retained lands will continue to function as they currently exist, remaining on private services. As such, the proposed consent

will not require the extension of any major service. Through the future development of the severed lands, municipal services will be made available to the retained lands if intensification is desired in the future.

- ii) *consents should be granted only when the land fronts on an existing public road that is or will be developed to accepted municipal standards;*

The resultant lots both have frontage on existing municipal roads, providing appropriate access to both severed and retained lands.

- iii) *consents should have the effect of infilling in existing urbanized areas and not of extending the urban area unduly;*

The proposal, including the future proposed development on the severed lands, is within the established City of St. Thomas urban boundary and is adjacent to an established built-up area.

- iv) *the size of any parcel of land created by such a consent should be appropriate for the use proposed considering the public services available and the soil conditions and in no case should any parcel be created which does not conform to the provisions of the zoning bylaw;*

Through a subsequent ZBA, both the retained and severed lands will comply with the provisions of the *City of St. Thomas Zoning By-law*.

- v) *direct access from arterial or collector streets should be restricted and residential lots should, where possible, have access only from local streets;*
- vi) *consents should not be granted for land adjacent to a road from which access is to be obtained where a traffic hazard would be created because of limited sight lines on curves or grades.*

Access to the retained lands is provided from Southdale Line, a major arterial road. Direct access to arterial or collector streets is typically discouraged from residential lots, however, given that the retained lands are to remain consistent with existing conditions and have functioned as they currently exist for many years with no known negative impacts, existing access to the retained lands from Southdale Line is considered appropriate and compatible.

As such, for the reasons noted above, the proposed Consent and ZBA satisfies the intent of the St. Thomas Official Plan.

3. City of St. Thomas Zoning By-law

As previously noted, the retained portion of the subject lands is zoned "*Residential Development (R7)*" and is proposed to be re-zoned to the "*Residential Development (R3A) Zone*". The R3A zone is the standard implementation zone for new residential development in the City of St. Thomas, in accordance with the "*Residential*" designation in the *City of St. Thomas Official Plan*.

There is no proposed zoning change to the retained lands, zoned *NH* and *R7*, at this time.

The *R3A* zone permits a wide range of residential dwelling types, including single detached dwellings, semi-detached dwellings, duplexes, triplexes, townhouses, and apartment buildings, along with a limited range of non-residential including churches, day nurseries (day care), and private schools.

The regulations for the *R3A* zone are appropriate to apply to the severed lands. In this instance, the *R3A* zone may be used to permit the continued use of the existing dwelling and drive shed but would also permit a wide range of appropriate uses should the lands be considered for future redevelopment. It is noted that if a new use is proposed on the retained lands, the new use would be required to be connected to full municipal services. As previously noted, services will be made available to the retained lands through the future development of the severed lands.

As no land use change or development is proposed for the lands to be severed at this time, there is no requirement to amend the applicable zoning. Therefore the lands to be severed are proposed to remain zoned "*Natural Heritage (NH) Zone*" and "*Residential Development (R7) Zone*".

The proposed Consent to Sever and Zoning By-law Amendment will not create any undue adverse impacts on abutting lands.

In summary, based on the above, it is our opinion that the proposed Consent to Sever and Zoning By-law Amendment are appropriate for the subject lands; are consistent with the policies and intent of the 2014 Provincial Policy Statement, the City of St. Thomas Official Plan and Zoning By-law; will not create any undue adverse impacts on surrounding lands; and represent good land use planning principles.

If you have any questions, or require further information, please do not hesitate to contact the undersigned.

Yours very truly,

ZELINKA PRIAMO LTD.



Harry Froussios, BA, MCIP, RPP
Senior Associate

cc. Adele Ashford
Will Hayhoe, Performance Communities Realty Inc.
Deren Lyle, CJDJL Consulting Engineers

SKETCH FOR SEVERANCE
PART OF LOT 10, CONCESSION 7
OF THE TOWNSHIP OF YARMOUTH
CITY OF ST. JOHN'S
COUNTY OF ELGIN



METRIC AND SI UNITS ARE APPROVED BY THE METRIC CONVERSION ACT AND THE METRIC ACT.

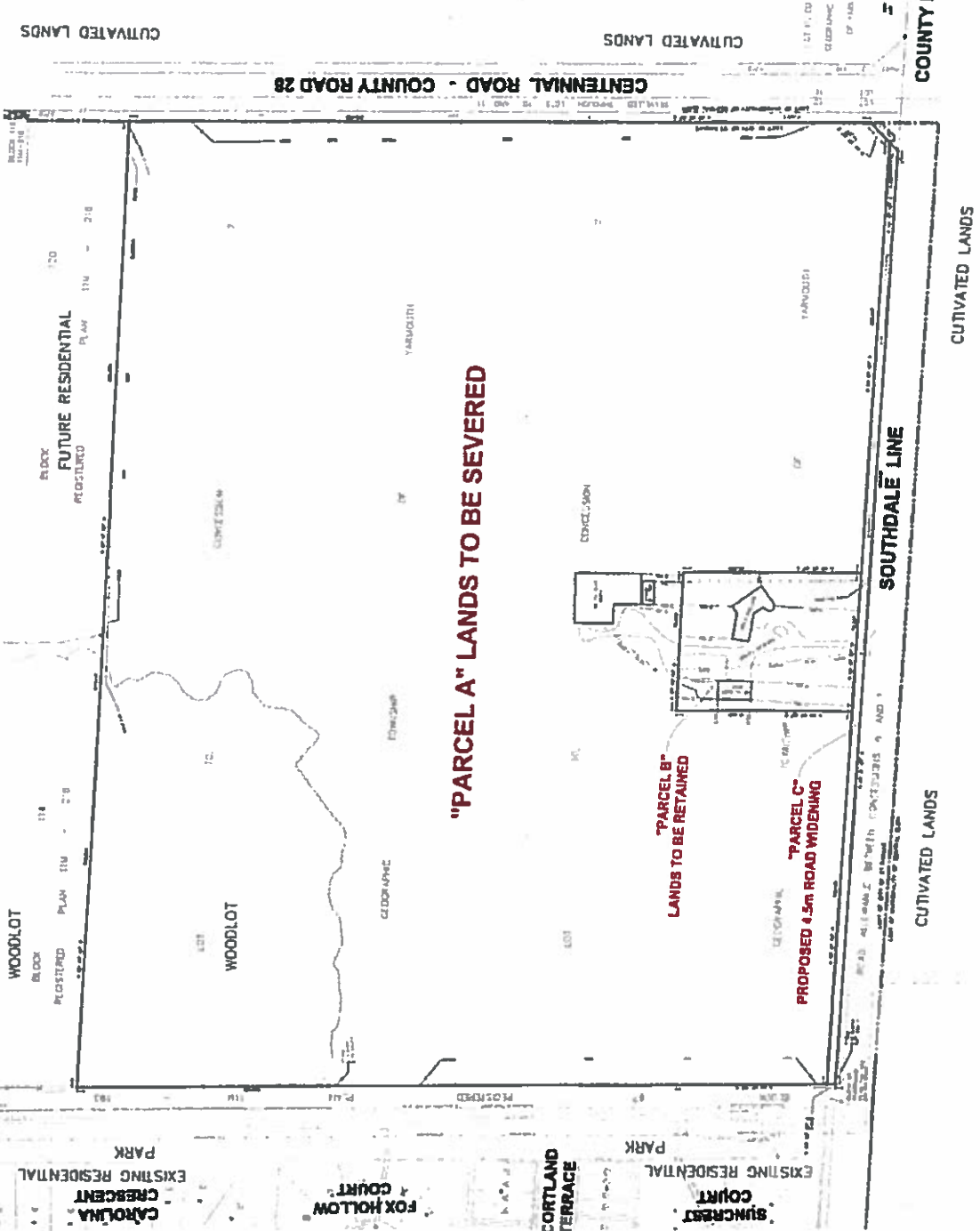
SEVERANCE SUMMARY	
PARCELS A	10 OF 10
PARCELS B	10 OF 10
PARCELS C	10 OF 10
TOTAL PARCELS	30 OF 30

SURVEYOR'S CERTIFICATE

I, the undersigned, being a duly qualified and licensed Surveyor, do hereby certify that the above is a true and correct copy of the original plan as filed in my office, and that the same has been examined and found to conform with the original plan as filed in my office.

[Signature]
DATE: 10/10/2010

CJDL
CANTON CONSULTING INC.



"PARCEL A" LANDS TO BE SEVERED

"PARCEL B" LANDS TO BE RETAINED

"PARCEL C" PROPOSED 4.5m ROAD WIDENING

CUTVATED LANDS

CUTVATED LANDS

COUNTY ROAD 57

CUTVATED LANDS

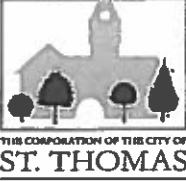

CUTVATED LANDS

CANOLINA
CRESCENT
EXISTING RESIDENTIAL
PARK

FOX HOLLOW
COURT

CORTLAND
TERRACE

SUNCREST
COURT
EXISTING RESIDENTIAL
PARK

 <p>The Corporation of the City of St. Thomas</p>	<p>Report No.: B08-2019</p>
<p>Directed to: Members of the Committee of Adjustment</p>	<p>Applicant: Adele Ashford</p> <p>Report Date: December 5, 2019 Meeting Date: December 12, 2019</p>
<p>Location: 43954 Southdale Line, City of St. Thomas</p>	
<p>Subject: Request for a consent pursuant to Section 53 of the Planning Act, R.S.O, as amended</p>	
<p>Department: Planning Department Prepared by: Steve Craig, Senior Planning Technician</p>	<p>Attachments: Location Plan and Aerial Photography</p>
<p>Recommendation: That: Report B08-2019 be received.</p>	
<p>Origin The consent application is for the purpose of a land assembly in order to facilitate the future residential development of the severed lot, by plan of subdivision and on full municipal services.</p> <p>Proposal The applicant is proposing to sever a lot with frontage of 385.5m on Centennial Road, 422.33m on Southdale Line and an area of 19.39ha, containing one barn and one frame building. The applicant is proposing to retain a lot with frontage of 72.9m along Southdale Line and an area of 0.70ha, containing one single detached dwelling and one shop.</p> <p>Official Plan</p> <ul style="list-style-type: none"> The subject lands are within the Residential and Natural Heritage designation as shown on Schedule A (Land Use Plan) to the Official Plan for the City of St. Thomas. The Residential policies of the Plan permit a full range of dwelling types including low density residential uses. The Natural Heritage policies of the Plan permit 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. Schedule C (Roads Widening Plan) to the Official Plan of the City of St. Thomas identifies Southdale Line with a proposed minimum road allowance width of 29m. The right-of-way widths indicate the minimum planned widths of the road right of ways that may be secured as part of the development approval process. Road widenings shall be reserved or obtained, at no cost to the City, through subdivision approval, condominium approval, land severance consent, site plan approval or by gift, bequeathment, purchase or through expropriation where necessary and feasible. <p>Zoning By-Law</p> <ul style="list-style-type: none"> The subject lands are within the Residential Development Zone (R7) 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. 	<p>Location Plan:</p> 

Aerial Photography:



Comments

- Performance Communities Realty Inc. is proposing to develop lands located at 43954 Southdale Line for a residential plan of subdivision.
- In order to facilitate the future development of the lands, approximately 19.39ha consisting of cultivated fields, pastures, and the existing barn (to be removed) is proposed to be severed and conveyed to Performance Communities Realty Inc.
- The retained 0.7ha of land containing the existing dwelling and drive shed, with frontage of approximately 73m (239ft) along Southdale Road, will continue to be used for residential purposes. The existing livestock activities will cease.
- 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.
- A Zoning By-law amendment application has been filed concurrently to permit residential use of the retained lot and recognize that the existing residential dwelling is on private services.
- A development agreement is required to deal with the existing and future servicing of both the severed and retained lots.
- 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 B08-2019 is supportable, should the Committee approve the application staff recommends the following conditions:
- 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;
- The owner of the severed and retained lots enter into a development agreement with the City of St. Thomas; and
- The City of St. Thomas be provided with a copy of the Reference Plan.

Respectfully submitted,


Steve Craig
Senior Planning Technician