

A G E N D A

**THE SECOND MEETING OF THE COMMITTEE OF ADJUSTMENT
OF THE CITY OF ST. THOMAS 2020**

**COMMITTEE ROOM #415
CITY HALL**

10:00 A.M.

**THURSDAY
FEBRUARY 27, 2020**

DISCLOSURE OF INTEREST

MINUTES

Confirmation of the minutes of the meeting held on January 23, 2020.

HEARING OF APPLICATIONS

B02/20 – Elgin Centre Inc. - 417 Wellington Street Pages 2-15

Planning Report - B02/20 Pages 16-17

B03/20 - Evelyn Jean Aristone - 88 Fairview Avenue Pages 18-24

Planning Report - B03/20 Pages 25-26

UNFINISHED BUSINESS

NEW BUSINESS

Next Meeting

To be determined.

ADJOURNMENT

City of St. Thomas

JAN 09 2020

City Clerks Dept

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

January 9th, 2020

Secretary-Treasurer, Committee of Adjustment
Attention: Melanie Knapp

An application for Consent regarding 417 Wellington Street was received on December 19th, 2019.

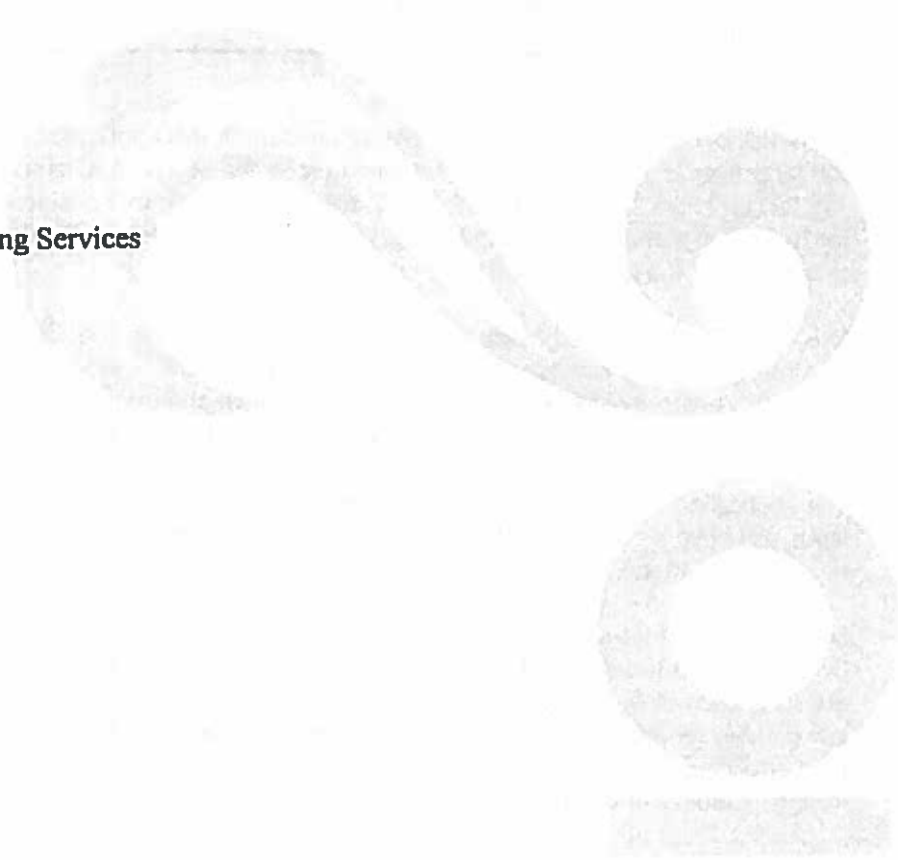
This letter is notice that the information and material required under Subsections 53(2) and 53(3) and the required fee under Section 69 of the Planning Act has been provided and the application for consent is thereby considered complete.

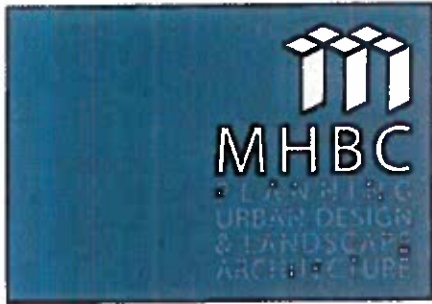
Please contact the Planning & Building Services Department if you have any questions.

Yours truly,



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





-3-

KITCHENER
WOODBRIDGE
LONDON
KINGSTON
BARRIE
BURLINGTON

DEC 11 2019

December 10, 2019

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

Dear Mr. McCoomb

RE: 417 Wellington Street, St. Thomas (Elgin Centre) - Severance Application
OUR FILE: 19139A

On behalf of Elgin Centre Inc., we are pleased to submit this application for consent for the severance of the lands municipally known as 417 Wellington Street, St. Thomas, legally described as Plan 209 Pt Lot 115 RR Land Plan 270 Lots 197-199, 201, 2. This application is for consideration of a creation of a new lot for the hotel portion of the subject lands. The purpose of the application is to allow for two different ownerships of the lands in the future.

The lands are designated Major Commercial – Site Specific in the City's Official Plan and Zone Major Commercial Zone – Site Specific in the City's Zoning By-law. The Site Specific exceptions in the Official Plan and Zoning By-law permit a hotel and residential apartment uses on the subject lands and were approved on September 11, 2019 (application Nos. 3-02-09 and No. 2-10-19).

The application proposes to sever the lands where a 98 unit, five storey hotel is proposed. The severed lands will have an area of 0.719 hectares (7,190 m²) and the retained lands will have an area of 7.244 hectares (72,440 m²).

Surface parking for the hotel development will provide in accordance with the City of St. Thomas Zoning By-law 50-88 at the required rate of one (1) space per room. A total of 102 spaces will be provided for guests and employees, including four (4) barrier free spaces in accordance with the City of Thomas By-law parking requirements and the Accessibility for Ontarians with Disabilities Act (AODA). A future site plan application will be required to permit the hotel development, and determine details of the site design including landscaping, lighting etc.

The purpose of the application is to allow for two different ownerships of the lands in the future. Easements will be required to allow for joint access and servicing of both parcels of land.

In support of our consent application, please find enclosed:

- One (1) copy of the completed and signed Committee of Adjustment Application for Consent form;
- One (1) 11 x 17 copy of the preliminary Site Plan, prepared by Chamberlain Architect Services, dated December 9, 2019; and
- One (1) 8.5 x 11 copy of the severance sketch, prepared by MHBC, dated December 9, 2019; and,
- One (1) 11 x 17 copy of the severance sketch, prepared by MHBC, dated December 10, 2019.

We look forward to working with City staff on this application. A digital copy of the application will be provided to you via email. Please kindly contact the undersigned should you require any additional information or have any questions regarding the enclosed.

Yours truly,
MHBC



Stephanie Mirtitsch, BES, MCIP, RPP
Planner

cc. Jay Burstein, Elgin Centre Inc.



KITCHENER
 WOODBRIDGE
 LONDON
 KINGSTON
 BARRIE
 BURLINGTON

December 11, 2019

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

Dear Mr. McCoomb

RE: **417 Wellington Street, St. Thomas (Elgin Centre) - Severance Application (Revised)**
 OUR FILE: 19139A

We have considered City staff comments regarding parking for the hotel use, and propose the following revisions to our severance application:

- 1) Shift the severance line to allow for a total of 111 parking spaces for the hotel, as follows:

Use Breakdown	Parking Requirement	Parking Spaces Provided
Hotel Rooms	1 space per suite	98
Hotel Meeting Space	Not required - based on business office rate of 3.0 spaces per 100m ² of floor area	6
Hotel Staff	Not required but accounts for Management, Front Desk Staff (x2), Cleaning Staff (x2), Security, Breakfast Service Employee	7
Total		111 spaces

111 spaces are proposed on the revised plan, whereas 98 spaces are required by the City of St. Thomas zoning by-law, for a surplus of 13 spaces. We trust that this parking breakdown will be sufficient for patrons, visitors and staff of the proposed hotel.

2) Reciprocal Parking Agreement

In addition to the additional spaces provided on the revised plan, we are also proposing a reciprocal parking agreement to allow for shared parking between the hotel, and existing mall.

In support of our revised consent application, please find enclosed:

- One (1) copy of the preliminary Site Plan, prepared by Chamberlain Architect Services, dated December 11, 2019; and
- One (1) copy of the severance sketch, prepared by MHBC, dated December 11, 2019.

We trust that these revisions to the application and supporting materials are sufficient to address Staff concerns. Please contact the undersigned if you wish to discuss further or require anything additional.

Yours truly,
MHBC



David Aston, M.Sc., MCIP, RPP
Partner



Stephanie Mirtitsch, BES, MCIP, RPP
Planner

cc. *Jay Burstein, Elgin Centre*

COMMITTEE OF ADJUSTMENT

APPLICATION FOR CONSENT

OFFICE USE:	Date Application Received: <u>DEC 19, 2019</u>	Consultation Date: <u>OCT 31/19</u>
	Date Application Deemed Complete: <u>JAN 9, 2020</u>	

Application #: 802/20

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): Elgin Centre Inc.
Mailing Address: 417 Wellington Street, St. Thomas Ontario
Postal Code: N5R 5J5 Telephone: 416-520-6824 Fax: _____
email: jay@elgincentre.com
- (b) Owner's Solicitor or Authorized Agent (if any): Stephanie Miritsch
Mailing Address: 540 Bingham Centre Drive, Suite 200, Kitchener ON
Postal Code: N2B 3X9 Telephone: 519-576-3650 Fax: _____
email: smiritsch@mhbcpplan.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 |

Easement Blanket easements for access, servicing and shared parking is proposed between the hotel and mall parcels.

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

-8-

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

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) City of St. Thomas

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

Reference Plan No 209 Part(s) Lot 115 Land Plan 270, Lots 197-199, 201 2

Name of Street Wellington Street Street No 417

5. Description of subject land: (In metric units) Part No. on sketch 1

(a) Frontage Refer to severance sketch Depth Refer to severance sketch Area 0.739 ha

(b) Existing Use Vacant Proposed Use Hotel

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

Existing: Vacant Retail Building

Proposed: Five Storey 98-Unit Hotel

6. Description of land to be retained: (In metric units) Part No. on sketch 2

(a) Frontage Refer to severance sketch Depth Refer to severance sketch Area 7.224 ha

(b) Existing Use Retail Commercial (Mall) Proposed Use Retail Commercial (Mall)

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

Existing: Elgin Centre Mall

Proposed: Elgin Centre Mall to remain

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 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 Major Commercial - OPA # 65.
- (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: Official Plan Amendment - File No. 3-02-19; Zoning By-law Amendment - File No. 2-10-19
Status: Approved

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, Stephanie Miritich 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 2T8, (519) 631-1880.

AFFIDAVIT OR SWORN DECLARATION

I, Stephanie Miritich of London in the province of Ontario,
name of applicant City
make oath and say (or solemnly declare) that the information required under Schedule 1 of Ontario Regulation 545/08 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 Kitchener on this 9 day of Dec. 2019.
City Day Month Year

Smiritich
Signature of Owner or Authorized Agent

Dec 9/19
Date

David William Aston, a Commissioner, etc.
Province of Ontario for the Neighbourhood Planning and Community Development Division
Signature of Commissioner of Oaths, etc.
Expires October 11, 2019.

DEC 9/19
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, JAY BURSTEIN ^{FROM} ELGIN CENTRE INC., am the owner of the subject lands, and I authorize MHBC:, 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.

Dec. 9/19
Date

[Signature] PRESIDENT
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.

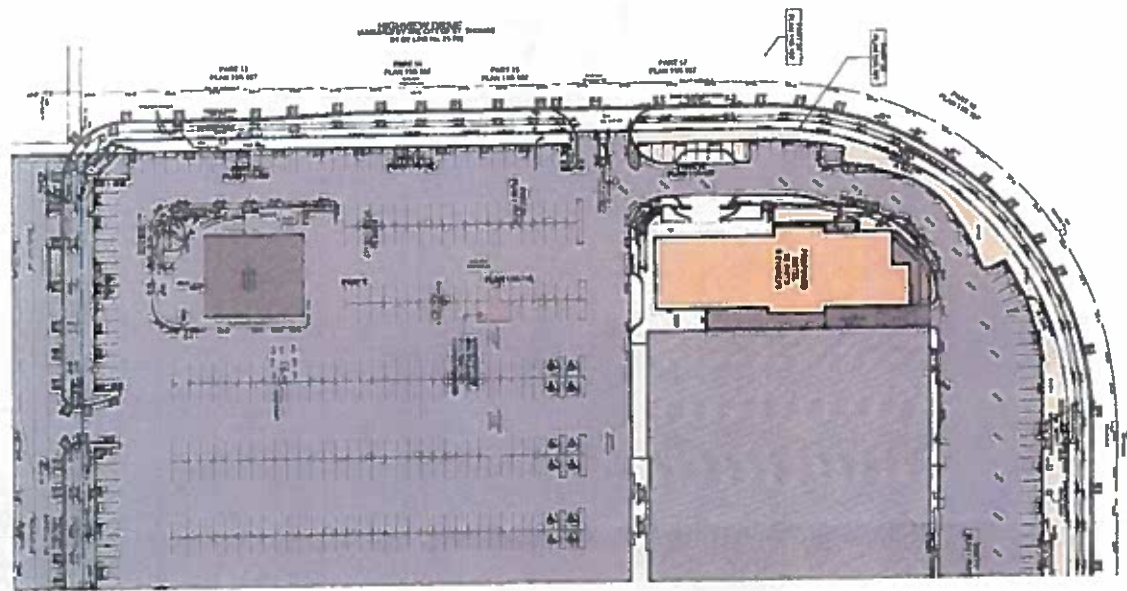
*Please note, Appendix B must be completed by the owner, not the authorized agent.

I, JAY BURSTEIN ^{FROM} ELGIN CENTRE 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.

Dec. 9/19
Date

[Signature] PRESIDENT
Signature of Owner

NO.	DESCRIPTION	DATE	BY
1	ISSUED FOR PERMITTING	11/20/2019	...
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Site Plan - Hotel

417 WASHINGTON STREET
ST. THOMAS, ONTARIO
Phone: 416 469 1777
www.stthomas.gov

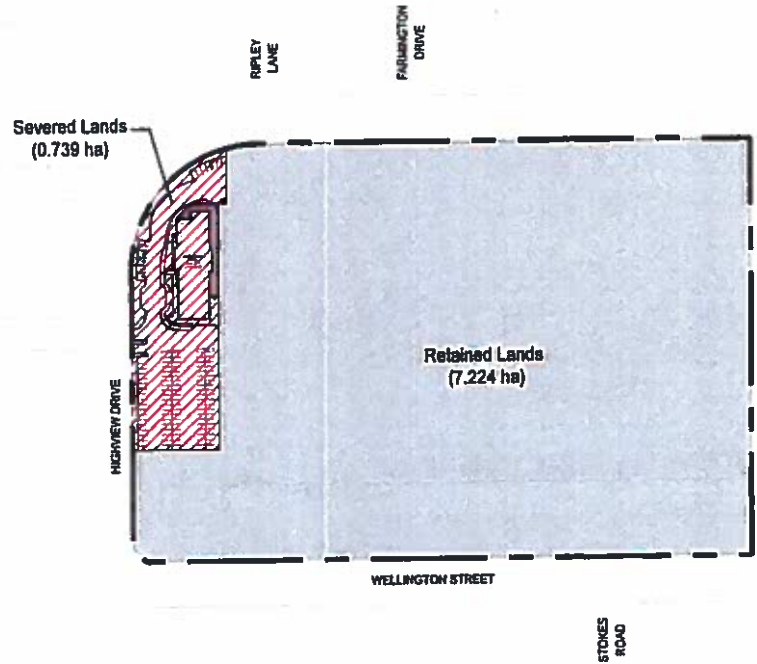
ST. THOMAS
417 WASHINGTON STREET
ST. THOMAS, ONTARIO





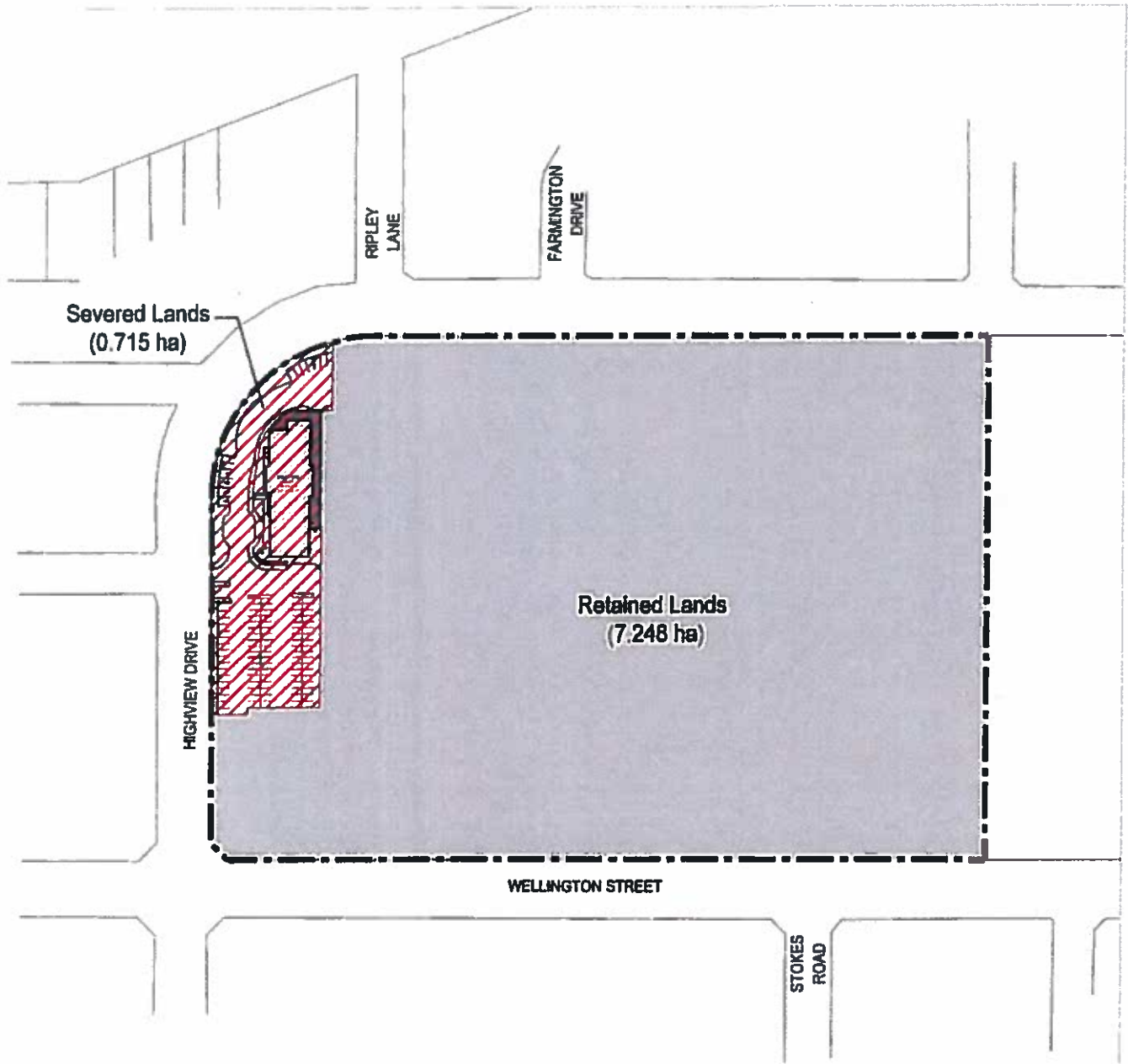
SITE PLAN - HOTEL

DATE	11/20/2019
BY	...
SCALE	1:500
PROJECT NO.	11-2023

A001



Severance Sketch	LEGEND - - - Subject Lands ▨ Severed Lands (0.739 ha) ▭ Retained Lands (7.224 ha)	DATE: December 11, 2018
		SCALE: 1:2,500
Eight Centre Mall 417 Wellington Street City of St. Thomas	Note: Assessment for access/services will be required	FILE: 18138A
		DRAWN: JB
		
		



Severance Sketch

LEGEND

-  Subject Lands
-  Severed Lands (0.715 ha)
-  Retained Lands (7.248 ha)

DATE: December 10, 2019

SCALE: 1:2,500

FILE: 18136A

DRAWN: JB



Elgin Centre Mall
 417 Wellington Street
 City of St. Thomas

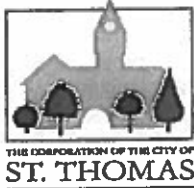
Note: Easement for access/services will be required

ALPION - ELGIN CENTRE MALL - THE BRIDGE STREET, KENNEDY DRIVE



MHBC PLANNING
 URBAN DESIGN
 & LANDSCAPE
 ARCHITECTURE

2004 BRIDGE STREET, SUITE 101, ST. THOMAS, ONTARIO N5P 1A7
 TEL: 519-336-1111 FAX: 519-336-1112 WWW.MHBCONLINE.COM



The Corporation of the City of St. Thomas

Report No.: B02-2020

Applicant: Elgin Centre Inc.

Directed to: Members of the Committee of Adjustment

Report Date: February 18, 2020
Meeting Date: February 27, 2020

Location: 417 Wellington Street, City of St. Thomas

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

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

Attachments: Location Plan and 2015 Aerial Photography

Recommendation:

That: Report B02-2020 be received.

Origin

The applicant is proposing to create a lot for the purpose of developing a hotel and an easement for the purpose of access, servicing and shared parking between the severed and retained lots.

Proposal

The applicant is proposing to sever a lot with frontage of approximately 194m on Highview Drive and an area of 7,389.9sqm, containing one vacant building. The retained lot will be used to develop a hotel. The applicant is proposing to retain a lot with frontage of approximately 336.22m on Wellington Street and an area of 72'239.9sqm, containing one building (Elgin Centre). No change of use is proposed for the retained lot. The applicant is also proposing to create an easement for the purpose of access, servicing and shared parking, as shown on the plans accompanying the subject application.

Official Plan

- The subject lands are within the Major Commercial designation in accordance with Schedule "A" - Land Use Plan to the City of St. Thomas Official Plan.
- The Major Commercial policies of the Official Plan permit a shopping centre. An Official Plan Amendment was approved in 2019 (OPA#95) which permitted a hotel as an additional permitted use on the subject lands.
- As a condition of development or redevelopment of land for residential purposes, Council may, by by-law applicable to the whole City, or to any defined area or areas, require that land in an amount not exceeding 2 percent of the land proposed for development or redevelopment be conveyed to the City for park or other public recreational purposes. Council may accept money to the value of any land required to be conveyed in lieu of such conveyance.

Zoning By-Law

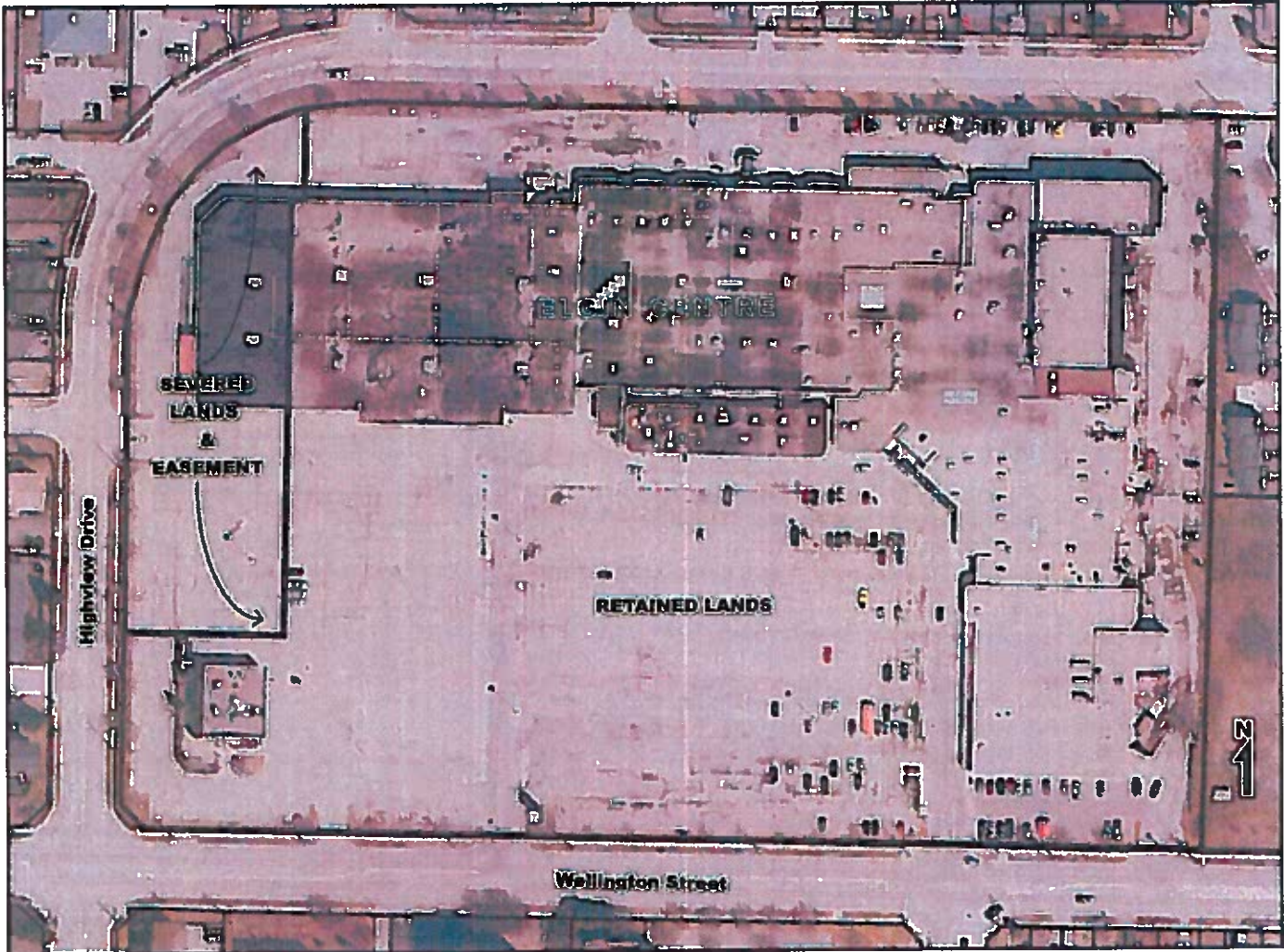
- The subject lands are located within the Major Commercial Zone (C4-6) pursuant to the City of St. Thomas Zoning By-Law No. 50-88, as amended. Permitted uses of the C4 zone include retail store, business office, personal service shop, restaurant, bakery, gas bar, automatic car wash, theatre and uses accessory to the foregoing.
- Additional permitted uses of the C4-6 zone include a shopping centre, outdoor sale of bushes, plants and flowers and related products, hotel, apartment dwelling and accessory uses.
- Minimum Lot Area - 79,700m²
- Maximum Gross Leasable Floor Area - 27,375m²
- Minimum Side Yard Depth - Wellington Street - 5m

Location Plan:



- Minimum Rear Yard Depth - 11m
- Required Minimum Number of Parking Spaces – 930 parking spaces
- Maximum Building Height - 5 storeys.
- Parking – Hotel Use - Notwithstanding the provisions of 15.5.6(h), if a permitted hotel is severed through a consent subsequently given under section 53 of the Planning Act the number of parking spaces for the hotel shall be 92. The provisions of Section 15.5.6 and any other regulations of By-law 50-88 are hereby deemed to apply to the land as a whole and to any building or structure thereon in the same manner and to the same extent as if the consent was not given, so long as the land and any building or structure thereon are used and continue to be used for the purpose for which the development was approved."

2015 Aerial Photograph:



Comments

- In 2019 City Council approved an Official Plan and Zoning By-law amendment to permit the development of a new hotel on subject lands. The consent application is required to facilitate separate ownership between the hotel and Elgin Centre, and also create an easement for the purpose of access, servicing and shared parking between the severed and retained lots. A site plan control application has been filed concurrently in support of the development of the hotel.
- 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 B02-2020 is supportable.
- Should the Committee approve consent application B02-2020 planning staff recommends the following conditions:
 - The payment of cash-in-lieu of the dedication of 2% of the land for parkland purposes; and
 - That the City of St. Thomas be provided with a copy of the Reference Plan.

Respectfully submitted,


Steve Craig
Senior Planning Technician



PLANNING & BUILDING SERVICES DEPARTMENT

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

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

City of St. Thomas

JAN 22 2020

City Clerks Dept.

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

January 22nd, 2020

Secretary-Treasurer, Committee of Adjustment
Attention: Melanie Knapp

Pursuant to By-Law 30-2015, a consultation meeting was held with Planning Department Staff and the applicant on December 18, 2019.

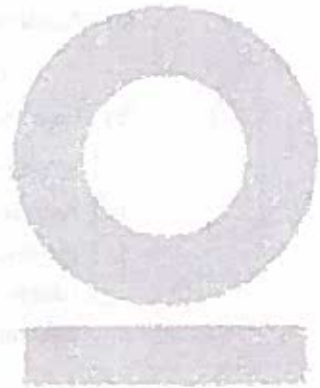
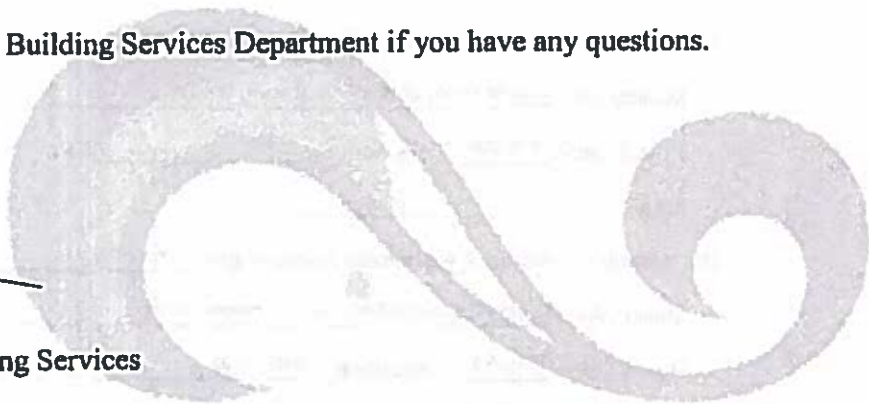
An application for Consent regarding 88 Fairview Avenue was received on January 22nd, 2020.

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: <u>JAN 22 2020</u>	Consultation Date: <u>December 18, 2019</u>
	Date Application Deemed Complete: <u>JM 22/20</u>	

Application #: B03/20

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): Evelyn Jean Aristone

Mailing Address: 88 Fairview Avenue, St. Thomas, Ontario

Postal Code: N5R 4X6 Telephone: _____ Fax: _____

email: _____

(b) Owner's Solicitor or Authorized Agent (if any): David Aristone

Mailing Address: 18 Cavanaugh Crescent, St. Thomas, Ontario

Postal Code: N5R 5Y3 Telephone: 519-631-3723 Fax: _____

email: dgaristone@rogers.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)

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 _____

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

Plan 270 Pt Lot 138 Plan M42 Blk 24 Pt Blk 23 RP117152 Parts 1 & 2

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

David George Aristone and Susan Lynn Aristone

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) City of St. Thomas

Concession No _____ Lot(s) _____ Registered Plan No 11M42 Lot(s) 119010

Reference Plan No 270 Part(s) Lot 138 Parts 2 to 4

Name of Street Fairview Avenue Street No 88

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

(a) Frontage 30.48 Depth 83.481 Area 1,980.87

(b) Existing Use Residential Proposed Use Residential

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

Existing: single family residence and two storage sheds

Proposed: single family residence and storage shed

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

(a) Frontage 30.48 Depth 37.186 Area 1,133.42

(b) Existing Use Residential Proposed Use Residential

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

Existing: single family home and storage shed

Proposed: single family home and storage shed

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: B175/70, B08/02, B15/99, B01/02, B03/08
 Status: Completed

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 David & Susan Arlstone, H J. Hayhoe Ltd, Denis & Jennifer Larocque
 Land Use on severed parcel single family residence, single family residence, single family residence
 Date parcel transferred November 19, 1999, February 8, 2002, December 4, 2008
 Consent file number (if known) B 15/99, 01/02/ 03/08

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

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, David Aristone, 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, David Aristone 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 22 day of January, 2020.
City Day Month Year

David Aristone January 22, 2020
Signature of Owner or Authorized Agent Date

Crystal Marie Penney January 22, 2020
Signature of Commissioner of Oaths, etc. 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, Evelyn Aristone, am the owner of the subject lands, and I authorize David Aristone 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.

January 20, 2020
Date

Evelyn Aristone
Signature of Owner

APPENDIX B – ACKNOWLEDGEMENT OF LEGAL AND PLANNING FEES

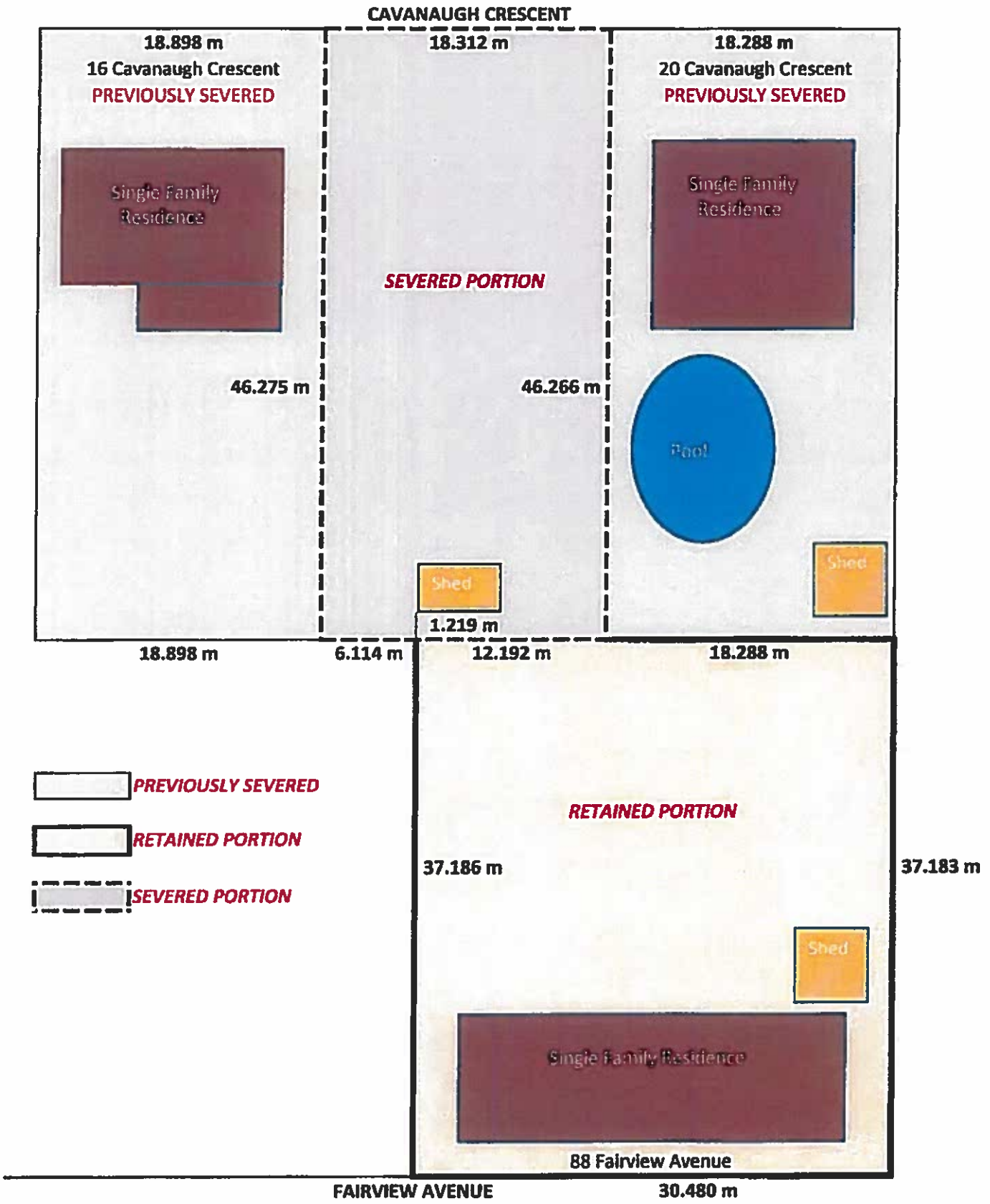
In addition to the application fees listed in this application package, please note that where the City requires assistance from its solicitors or other technical or professional consultants in the processing of this application, the applicant shall be responsible for reimbursing all fees incurred by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

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

I, Evelyn Aristone, 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.

January 20, 2020
Date

Evelyn Aristone
Signature of Owner





The Corporation of the City of St. Thomas

Report No.: B03-2020

Applicant: Evelyn Jean Arlstone

Directed to: Members of the Committee of Adjustment

Report Date: February 13, 2020
Meeting Date: February 27, 2020

Location: 88 Fairview Avenue, Plan 270, Part Lot 138, City of St. Thomas

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

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

Attachments: Location Plan and 2015 Aerial Photography

Recommendation:

That: Report B03-2020 be received.

Origin

The subject application is for the purpose of a lot addition in order to convey part of the subject lands to the abutting lot to the south.

Proposal

The applicant is proposing to sever a lot with 18.3m of frontage on Cavanaugh Crescent and a lot area of 847.2m², containing one shed. It is proposed that the lands will be merged with 16 Cavanaugh Crescent and continue to be used for residential purposes. The applicant is proposing to retain a lot with 30.4m of frontage on Fairview Avenue and a lot area of 1,133.3m². It is proposed that the lands will continue to be used for residential purposes.

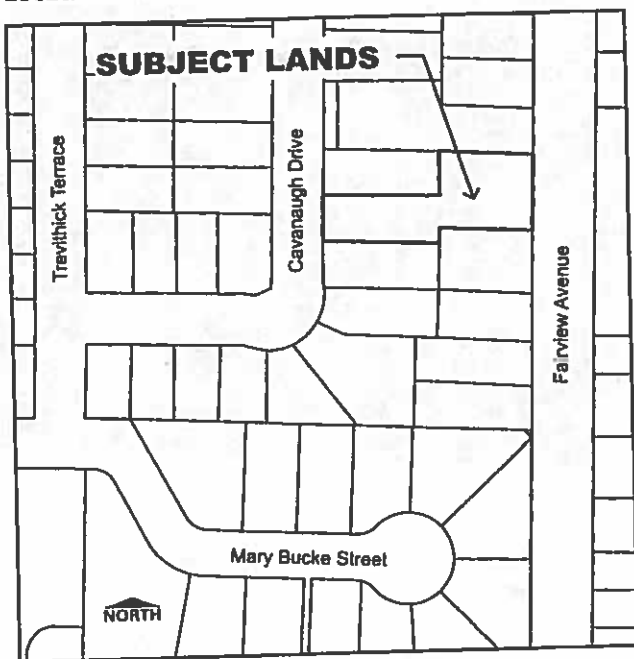
Official Plan

- 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.
- Schedule C (Roads Widening Plan) to the Official Plan of the City of St. Thomas identifies Fairview Avenue 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.

Zoning By-Law

- The subject lands are located within the Third Residential Zone (R3) pursuant to the City of St. Thomas Zoning By-Law No. 50-88, as amended.
- The Third Residential Zone (R3) permitted uses include a single detached dwelling and uses accessory to the foregoing.
- For a single detached dwelling a minimum lot area of 371.5m² is required, and a minimum lot frontage of 12m is required.

Location Plan:



AERIAL PHOTOGRAPH 2015:



Comments

- 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 B03-2020 is supportable.
- Should the Committee approve consent application B03-2020 planning staff recommends the following conditions:
 - the applicant convey to the City of St. Thomas, at no cost to the City of St. Thomas, and free of all charge and encumbrances, the necessary road widening along Fairview Avenue, to be determined by a legal survey, and to be shown on the reference plan with all legal, surveying, land registration and administrative costs related to the road widening to be borne by the applicant; and
 - That the City of St. Thomas be provided with a copy of the Reference Plan.

Respectfully submitted,


 Steve Craig
 Senior Planning Technician