

A G E N D A

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

TELECONFERENCE

10:00 A.M.

**THURSDAY
MAY 28, 2020**

DISCLOSURE OF INTEREST

MINUTES

Confirmation of the minutes of the meeting held on March 26, 2020.

HEARING OF APPLICATIONS

B04/20 - Brixon Property Ltd. - 24 Fairview Avenue and 26 Fairview Avenue **Pages 2-12**

Planning Report - B04/20 **Pages 13-16**

UNFINISHED BUSINESS

NEW BUSINESS

Next Meeting

To be determined.

ADJOURNMENT



PLANNING & BUILDING SERVICES DEPARTMENT

City of St. Thomas

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

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

MAY 05 2020

City Clerks Dept.

**CONFIRMATION OF A COMPLETE APPLICATION
APPLICATION FOR CONSENT**May 5th, 2020

Secretary-Treasurer, Committee of Adjustment
Attention: Jon Hindley

Pursuant to By-Law 30-2015, a consultation meeting was held on April 30th, 2020 with Planning Department Staff and the applicant.

An application for Consent, regarding 24 Fairview Avenue, was filed on May 4th, 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

**MCKENZIE LAKE**

LAWYERS

Please send reply to: Patrick E Clancy
clancy@mckenzielake.com
Our File No. 95558

April 30, 2020

SENT BY E-MAIL

Committee of Adjustments
City of St. Thomas
545 Talbot St.
St. Thomas, ON N5P 3V7

Dear Sirs/Mesdames:

**Re: Application for Consent
24 and 26A/26B Fairview Ave.
St. Thomas, ON**

Please find enclosed a copy of the Consent Application regarding the above-noted property. Previously a Consultation Request Form, 4 copies of a sketch of the property and a USB drive containing the required sketch were submitted to the Planning & Building Services Department.

Please advise if you require anything further from us to consider our application.

Respectfully,

McKenzie Lake Lawyers LLP

Patrick E Clancy
PEC/

MKLK_Client_3739794.1

THE CORPORATION OF THE CITY OF ST THOMAS
COMMITTEE OF ADJUSTMENT
APPLICATION FOR CONSENT

OFFICE USE:	Date Application Received: <u>May 5, 2020</u>	Consultation Date: <u>April 30, 2020</u>
	Date Application Deemed Complete: <u>May 5, 2020</u>	

 Application #: 304/20

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): Brixon Property Ltd., Attn.: David Faris

 Mailing Address: 27 Anvil Street, Kitchener, ON

 Postal Code: N2P 1X5 Telephone: 226-791-3597 Fax: _____

 email: cc: markc@bowsherandbowsher.ca

 (b) Owner's Solicitor or Authorized Agent (if any): Patrick Clancy, McKenzie Lake Lawyers (agent)

 Mailing Address: 1800-140 Fullarton St., London, ON

 Postal Code: N6A 5P2 Telephone: 519-672-5686 x. 7468 Fax: 519-672-2674

 email: clancy@mckenzielake.com

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

 Owner Solicitor Agent

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

- | | |
|--|---|
| <input type="checkbox"/> Creation of New Lot | <input type="checkbox"/> Disposal of Surplus Farm Dwelling |
| <input type="checkbox"/> Addition to Lot | <input checked="" type="checkbox"/> Correction of Title (inadvertent merger and transfer) |
| <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:

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

Marian Frances Hudson and Peter Kavcic

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 ⁸ _____ Lot(s) ^{Pt. lot 7} _____ Registered Plan No ⁹³ _____ Lot(s) _____

Reference Plan No _____ Part(s) _____

Name of Street Fairview Ave. Street No 24

5. Description of land to be severed: (in metric units) Part No. on sketch ² _____

(a) Frontage 27.584m Depth 28.346m Area 782.21 sq. m.

(b) Existing Use Single-family homes (semi-detached) Proposed Use no change

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

Existing: Single-family homes (semi-detached)

Proposed: no change

6. Description of land to be retained: (in metric units) Part No. on sketch ¹ _____

(a) Frontage 23.064 Depth 28.346 Area 772.90 sq. m.

(b) Existing Use Apartment (multi-res) Proposed Use no change

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

Existing: Apartment (multi-res)

Proposed: no change

7. (a) Type of access to severed 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 Urban Settlement Area

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: B-63 (see Instrument No. E128148)
 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 Seven City Development Company Limited
 Land Use on severed parcel Residential
 Date parcel transferred July 26, 1968
 Consent file number (if known) B-63 (see Instrument No. E128148)

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, David Faris, President of Brixon Property Ltd., 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 Faris, President of Brixon Property Ltd. of Kitchener 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 9th day of March, 2020.
City Day Month Year

David Faris
Signature of Owner or Authorized Agent

March 9, 2020
Date

Mark T. Coombes
Signature of Commissioner of Oaths, etc.
MARK T. COOMBES

March 9, 2020
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, David Faris, President of Brixon Property Ltd., am the owner of the subject lands, and I authorize Patrick Clancy, McKenzie Lake Lawyers, 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.

March 9, 2020
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, David Faris, President of Brixon Property Ltd., am the owner of the subject lands, and I understand that further fees may be incurred by the City throughout the planning process and that I am responsible for reimbursing all fees.

March 9, 2020
Date


Signature of Owner

PROCEDURES FOR PROCESSING APPLICATIONS FOR CONSENT

Under the provisions of Sections 50 and 53 of The Planning Act, as amended, the approval of the Committee of Adjustment is required for land transactions covering the separation of a parcel of land from existing holdings. This approval is called a "consent". Consent is also required for leases, rights-of-way or easements if such extend beyond a period of 21 years and to mortgage or discharge a mortgage over part of a parcel of land.

As provided for by The Planning Act and Regulation 197/96 under The Act, every application for consent must be brought to the attention of certain authorities and to property owners within 60 metres of the subject land, either by personal service or by advertising in a newspaper which has general circulation in the area. In addition, other agencies will be consulted if the location of the subject lands falls within their respective field of responsibility.

It is this Committee's policy to conduct a public hearing on each application for consent. Notice of this hearing is circulated to the applicant/agent/solicitor and all other persons or agencies as required at least 10 days prior to the date of hearing.

Prior to the hearing, members of the Committee may examine the lands which are the subject of the application.

Following the hearing, the applicant/agent/solicitor is notified in writing of the decision of the Committee. In addition, any other person or agency who files a written request for the decision of the Committee or attends the hearing will be sent a copy of the decision.

Anyone objecting to the decision of the Committee or the condition(s) imposed by the Committee may appeal either the decision and/or the conditions of consent to the Local Planning Appeal Tribunal within 20 days after the giving of the notice of decision. The notice of appeal, together with written reasons supporting the appeal and the fee by cheque or money order payable to the Minister of Finance must be filed with the Secretary-Treasurer, who in turn, will forward the appeal to the Local Planning Appeal Tribunal. The Fees and Charges, found on the Local Planning Appeal Tribunal's website, outlines the costs associated with filing an LPAT appeal. All parties to the appeal will receive any further notice concerning the appeal directly from the Local Planning Appeal Tribunal.

Prior to final consent being issued, written proof must be submitted to the Secretary-Treasurer to the effect that any conditions imposed by the Committee in granting consent have been fulfilled. According to the Act, if the consent granted by the Committee is conditional, the conditions must be fulfilled within one year of the giving of the notice of decision. Failure to do so will cause the consent to lapse.

Preliminary Discussion and Pre-consultation

Prior to submission of an application, the Applicant/Agent must discuss the proposed application with the City's Planning and Building Services Department and other agencies to determine the requirements for a complete application. The City and any affected agency may also require additional background reports in support of the application in order for the application to be considered complete. The purpose of pre-consultation is to ensure that the applicant is aware of the required supporting information before an application is submitted in order to prevent delays in processing the application. In some cases it may be necessary to schedule a pre-consultation meeting with the City and affected agencies.

POLICIES

The requirements to complete one application are:

One fully completed application for consent form signed by the applicant(s) or authorized agent and properly witnessed by a Commissioner for the taking of affidavits.

A letter of authorization from the applicant(s) for applications which are signed by someone other than the owner(s).

A preliminary drawing which has been prepared, dated and signed by an Ontario Land Surveyor, showing all information referred to in item 14 of the application form.

Payment of \$450. Cheques are to be made payable to the "City of St. Thomas" There is an additional fee of \$200 for deed stamping if the consent is approved and all conditions are met.

Someone must be present at the hearing to represent the application.

Decisions of the Committee are made in public.

In granting consent to an application, the Committee may impose conditions as requested by municipal or other authorities such as the following:

That payment of 5% of the value of the subject parcel be made to the local municipality for parks purposes or dedication of 5% of the subject land to the municipality for parks purposes.

That an agreement with the local municipality be entered into for installation of such municipal services as may be required, at the expense of the applicant and to standards acceptable to the municipality.

That land be deeded gratuitously to the local or Regional municipality for road widening purposes.

Wellington Street

(Established by Registered Plan No. 80)

(24.994 Wide by Registered Plan No. 80)

SKETCH FOR SEVERANCE
APPLICATION
24, 26A & 26B FAIRVIEW AVENUE
CITY OF ST. THOMAS
COUNTY OF ELGIN
SCALE 1:250
5 4 3 2 1 0 5 10 15
SCALE IN METRES
2020
ARCHIBALD, GRAY & MCKAY LTD.
ONTARIO LAND SURVEYORS

NOTE:

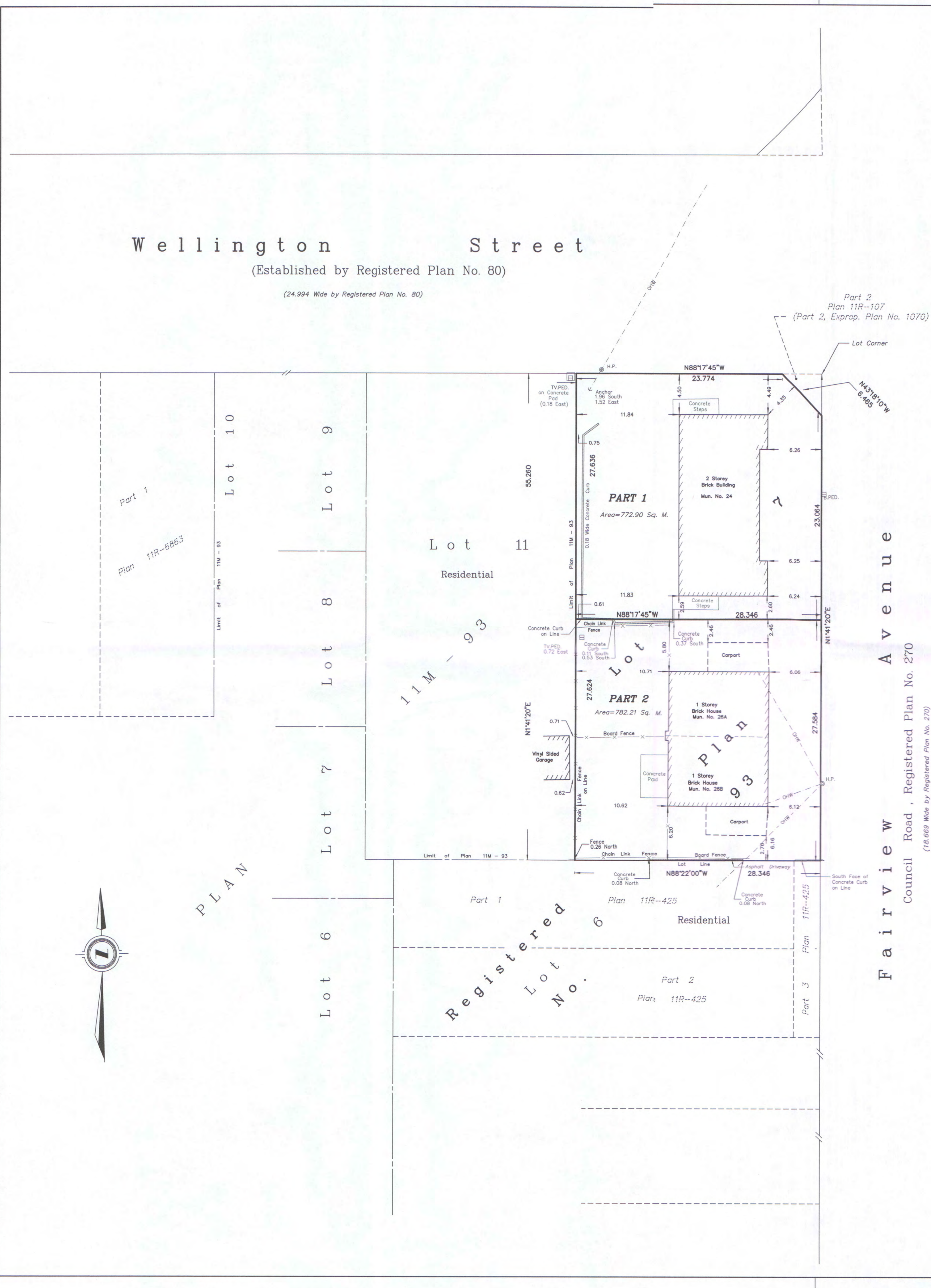
- 1) BOUNDARY DIMENSIONS AND INFORMATION SHOWN ON THIS SKETCH HAS BEEN DERIVED FROM FIELD SURVEY DATED JANUARY 14, 2020.
- 2) THE LEGAL DESCRIPTION OF THE SUBJECT PROPERTY IS ALL OF LOT 7, REGISTERED PLAN No. 93, CITY OF ST. THOMAS, COUNTY OF ELGIN.

CAUTION:

- 1) THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.
- 2) THIS SKETCH IS PROTECTED BY COPYRIGHT ©.

NOTES & LEGEND

HP DENOTES HYDRO POLE
OHW DENOTES OVERHEAD WIRES
TYPED DENOTES TV PEDESTAL
BPED DENOTES BELL PEDESTAL




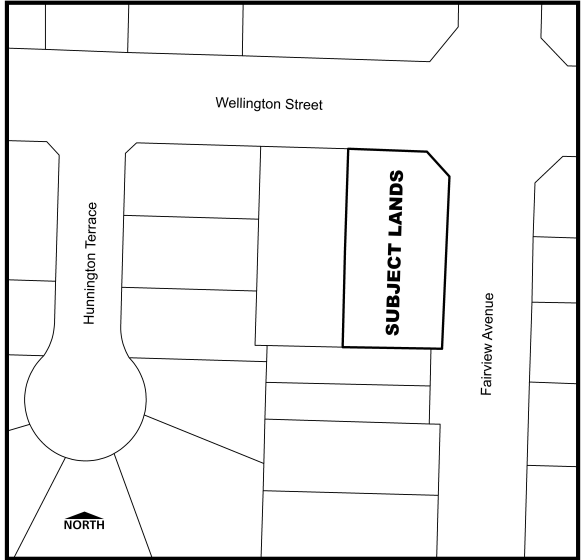
Fairview Avenue
Council Road, Registered Plan No. 270
(18.669 Wide by Registered Plan No. 270)

METRIC: DISTANCES AND COORDINATES SHOWN ON THIS PLAN
ARE IN METRES AND CAN BE CONVERTED TO FEET BY
DIVIDING BY 0.3048.

AGM ARCHIBALD, GRAY & MCKAY LTD.
PLAN • SURVEY • ENGINEER 3514 WHITE OAK ROAD, LONDON, ON, N6E 2Z9
PHONE 519-685-5300 FAX 519-685-5303
EMAIL info@agm.on.ca WEB www.agm.on.ca

DRAWN BY: JGH DIGITAL FILE: ST2001RP1MS.dwg PLAN No:
CHECKED BY: RTW FILE No: ST-0093-01-1 4-Z-8318A
Plot date: January 28, 2020

F:\Projects\StThomas\ST-ST-0093\ST-0093-01-1\CAD\ST2001SK1MS.dwg

 <p>The Corporation of the City of St. Thomas</p>	<p>Report No.: B04-2020</p>
<p>Directed to: Members of the Committee of Adjustment</p>	<p>Applicant: Brixon Property Ltd.</p> <p>Report Date: May 20, 2020 Meeting Date: May 28, 2020</p>
<p>Location: 24 & 26A and 26B Fairview Avenue, Plan 93, Blk 10, Lot 7 & Plan 93, Pt Lot 7, 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, Aerial Photograph, Schedule "C" – Road Widening Plan and Photograph of Billboard Sign.</p>
<p>Recommendation:</p> <p>That: Report B04-2020 be received.</p>	
<p>Origin The purpose of the subject consent application is to re-subdivide 24 Fairview Avenue and 26 Fairview Avenue, that inadvertently merged in title.</p> <p>Proposal The applicant is proposing to sever a lot with frontage of 27.58m on Fairview Avenue and an area of 782.21m², containing a semi-detached dwelling. The applicant is proposing to retain a lot with frontage of 23.06m on Fairview Avenue and an area of 772.90m², containing an apartment dwelling.</p> <p>Official Plan</p> <ul style="list-style-type: none"> 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. The planned roadway widening and intersection improvements for the 2026 Road Network Plan are as shown on Schedule "C" (Road Widening Plan) to the Official Plan for the City of St. Thomas. The right-of-way widths shown on Schedule "C" indicate the minimum planned widths of the road right of ways that may be secured as part of the development approval process (9.1.10.1). Fairview Avenue from Talbot Street to Southdale line is identified as a 29m road allowance. As a condition of development approval, the City will require that sufficient lands be conveyed to provide for a road right-of-way in accordance with the designated width as shown on Schedule "C" – Road Widening Plan. 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. A dedication of land to widen a roadway will be taken equally from both sides of the roadway. However in certain circumstances, where factors such as topography and existing development may dictate, it may be necessary to require more than half of the widening on one side of the roadway (9.1.10.2). <p>Zoning By-Law</p> <ul style="list-style-type: none"> 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 R3 zone permitted uses include a semi detached dwelling, apartment dwelling and uses accessory to the foregoing. A semi detached dwelling requires a minimum lot area of 600sqm and a minimum lot frontage of 20m. An apartment dwelling requires a minimum lot area of 740sqm and a minimum lot frontage of 21m. <p>Billboard Sign</p> <ul style="list-style-type: none"> During the consultation process staff identified a permanent billboard sign located on the north east corner of the subject lands, the location is delineated on the attached aerial photograph. Accompanying the planning report is a photograph that confirms the dimensions of the billboard sign. The City of St Thomas Zoning By-Law 50-88, as amended provides that: No billboard shall be erected or placed on any land, building or structure in the City of St. Thomas (4.1.14). A billboard is defined as an outdoor sign exceeding 2.32 square meters in area and any part of which includes or advertises the name, address, goods, product or services of some person other than the occupant of the lands or building on which the sign is erected (Subsection 1.11). The billboard sign has an area of 2.58 square metres and does not conform with the Zoning By-law. Except as provided in clause 4.2.1.3 and in paragraph 4.2.2 to 4.2.4 inclusive, no building or structure shall be erected or used in any front yard or any exterior side yard in any residential zone (4.2.1.2). Clause 4.2.1.3 and paragraph 4.2.2 to 4.2.4 inclusive are not applicable. The billboard sign is considered a structure, located in a front yard and does not conform with the Zoning By-law. Subject to confirmation from a qualified land surveyor it appears that the billboard sign will be located on the City of St. Thomas right-of-way as a result of the required Fairview Avenue road widening. The existing billboard sign is subject to the City of St. Thomas Sign By-Law #10-2018. 	<p>Location Plan:</p> 

AERIAL PHOTOGRAPH 2015:**Road widening**

- During the consultation process staff identified that a road widening was required along Fairview Avenue in accordance with the Official Plan. The applicants agent provided an opinion that there is no development or redevelopment occurring on these lands, which is the premise necessary to require a dedication of land for road widening purposes as a condition to consent.
- The Planning Act requires that in making their decision that Councils have regard for matters of Provincial Interest. The Provincial Policy Statement (PPS) provides that Planning authorities shall plan for and protect corridors and rights-of-way for infrastructure, including transportation, transit and electricity generation facilities and transmission systems to meet current and projected needs (1.6.8.1). The PPS defines development as the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act (6.0).
- The Planning Act also requires that in making their decision that Councils in determining whether a provisional consent is to be given shall have regard to the matters under Subsection 51(24) and has the same powers as the approval authority has under Subsection 51(25), with respect to the approval of a plan of subdivision. Subsection 51(25) provides that the approval authority may impose such conditions to the approval of a plan of subdivision as in the opinion of the approval authority are reasonable, having regard to the nature of the development proposed for the subdivision, including a requirement, (c) when the proposed subdivision abuts on an existing highway, that sufficient land, other than land occupied by buildings or structures, be dedicated to provide for the widening of the highway to such width as the approval authority considers necessary.
- Notwithstanding any other provision of the City of St. Thomas Zoning By-law, where a road widening has been acquired by the City the front yard depth, exterior side yard depth, lot coverage or lot area shall remain as they lawfully exist on the day of the acquisition of the road widening (4.1.17).
- In staff's opinion the proposed consent complies with the Provincial Policy Statement (PPS), 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 B04-2020 is supportable.
- Should the Committee approve consent application B04-2020 staff recommends the following conditions:
 - 1) the applicant provide written confirmation that the non-conforming billboard sign has been removed from the subject lands;
 - 2) 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
 - 3) that the City of St. Thomas be provided with a copy of the Reference Plan.

Respectfully submitted,

Steve Craig
Senior Planning Technician

SCHEDULE "C" TO THE OFFICIAL PLAN OF THE CITY OF ST. THOMAS ROADS WIDENING PLAN

PROPOSED ROAD WIDENING

Minimum Widths Required

 26 Metre Road Allowance

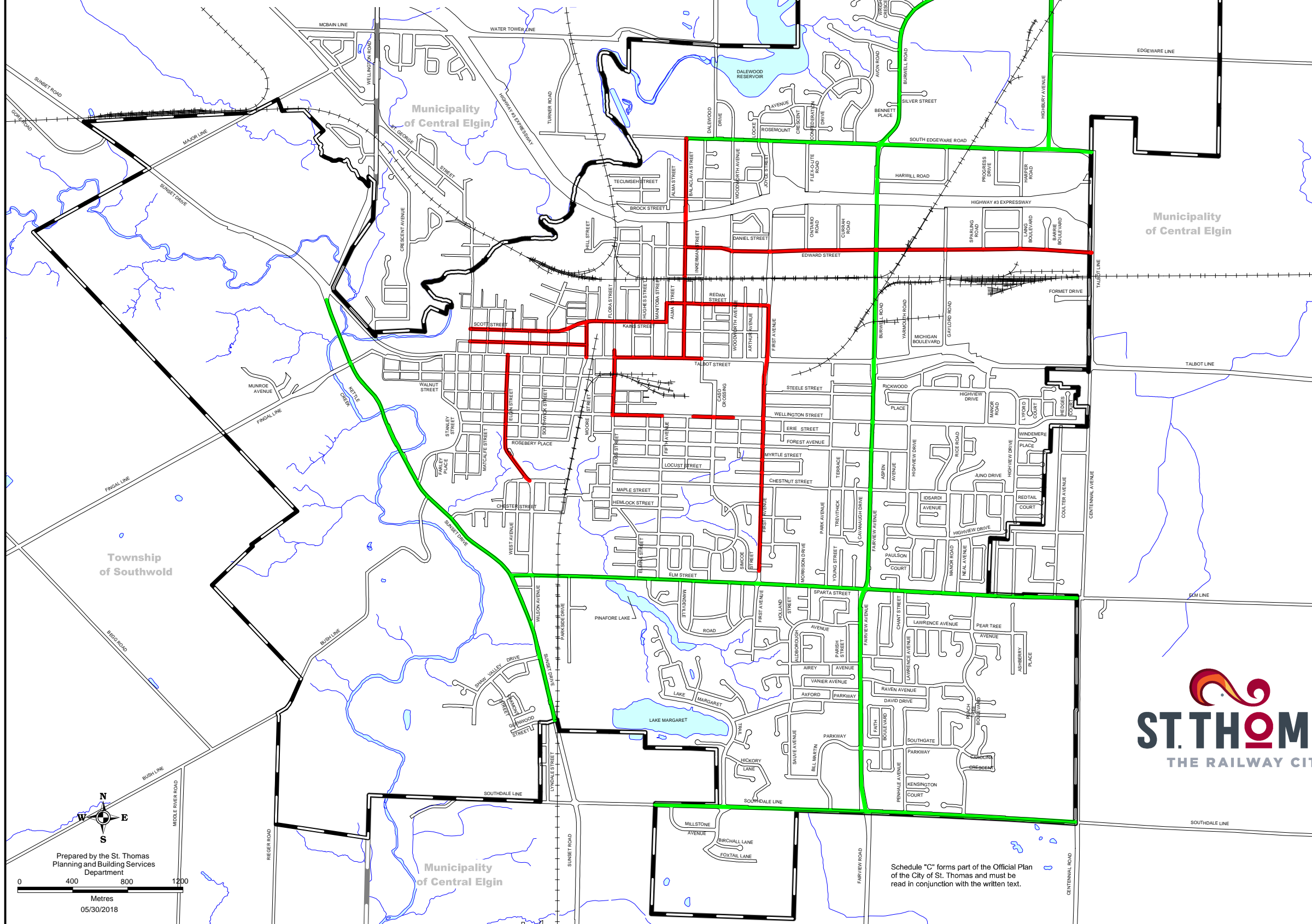
 29 Metre Road Allowance

Legend

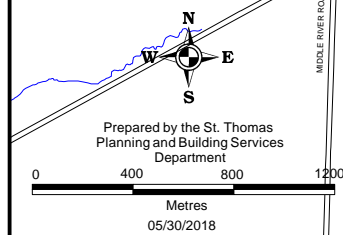
 Water Course

 Water Body

 St. Thomas Boundary



Schedule "C" forms part of the Official Plan of the City of St. Thomas and must be read in conjunction with the written text.



SCHEDULE "III"
TO OFFICIAL PLAN AMENDMENT No. 90
CITY OF ST. THOMAS

24 FAIRVIEW, ST. THOMAS

APR 24, 2020

photo 1 of 1

