

A G E N D A

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

TELECONFERENCE

10:00 A.M.

**THURSDAY
SEPTEMBER 10, 2020**

DISCLOSURE OF INTEREST

MINUTES

Confirmation of the minutes of the meeting held on June 25, 2020.

HEARING OF APPLICATIONS

B05/20 - North America Railway Hall of Fame – 750 Talbot Street **Pages 2-13**

Planning Report – B05/20 **Page 14**

UNFINISHED BUSINESS

NEW BUSINESS

Next Meeting

To be determined.

ADJOURNMENT

From: Penney, Crystal [<mailto:cpenney@stthomas.ca>]
Sent: August 5, 2020 1:25 PM
To: Drapeau, Ann-Catherine
Cc: Hindley, Jon
Subject: RE: Consultation Request - 750 Talbot Street, St-Thomas, Ontario [NRFC-EDRMS.FID10109080]

Good Afternoon,

I have circulated the documents to staff for review. Since the application has already gone to the committee, just the approval lapsed, no further consultation is required and you may proceed with filing a new consent application.

I have copied Jon Hindley, Secretary-Treasurer, Committee of Adjustment, on this email in case you have any questions.

Regards,

Crystal Penney

Planning & Building Services Coordinator
Planning and Building Services
Central Elgin Planning Office
9 Mondamin Street
St. Thomas, Ontario
N5P 2T9

(☎) Phone 519-631-1680 ext 4186 | (☎) Phone 519-633-2560 | (☎) Fax 519-633-6581
(✉) cpenney@stthomas.ca | www.stthomas.ca
[City of St. Thomas Official Facebook Page](#)



 Please consider the environment before printing this e-mail



THE CORPORATION OF THE CITY OF ST THOMAS

Clear Form

COMMITTEE OF ADJUSTMENT

APPLICATION FOR CONSENT

OFFICE USE:	Date Application Received: <u>August 7, 20</u>	Consultation Date: <u>N/A</u>
	Date Application Deemed Complete: <u>August 18, 2020</u>	

Application #: B05/20

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): North America Railway Hall of Fame
- Mailing Address: 750 Talbot Street, St. Thomas, Ontario
- Postal Code: N5P 1E2 Telephone: 519-633-2535 Fax: 519-633-3087
- email: info@casostation
- (b) Owner's Solicitor or Authorized Agent (if any): Julie Paquette (Norton Rose Fulbright Canada LLP)
- Mailing Address: 1500 - 50 O'Connor Street
- Postal Code: K1P 1A4 Telephone: 613-780-8655 Fax: 613.230.6459
- email: julie.paquette@nortonrosefulbright.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 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 3 easements - (1) Hydro easement; (2) water service easement; (3) Swing door easement
- (b) If a lot addition, identify the lands to which the parcel will be added:
- n/a

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

GYULVESZI HOLDINGS LIMITED

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

Yes No

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

Utility easement in favour of St. Thomas Energy Inc. registered as instrument number E439408

4. Location of land:

Municipality (City/Town/Township) City of St. Thomas

Concession No ^{n/a} _____ Lot(s) * _____ Registered Plan No * _____ Lot(s) * _____

Reference Plan No * See PIN 35213-0005 Part(s) _____

Name of Street Talbot Street Street No 750

5. Description of land to be severed: (in metric units) Part No. on sketch N/A

(a) Frontage ^{N/A} _____ Depth ^{N/A} _____ Area ^{N/A} _____

(b) Existing Use _____ Proposed Use _____

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

Existing: _____

Proposed: _____

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

(a) Frontage ^{N/A} _____ Depth ^{N/A} _____ Area ^{N/A} _____

(b) Existing Use _____ Proposed Use _____

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

Existing: _____

Proposed: _____

7. (a) Type of access to 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 type="checkbox"/>	<input type="checkbox"/>
Other (specify)	N/A	N/A

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

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

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

- (a) Local Municipal Official Plan Municipal Plan 43
- (b) Regional Policy Plan Talbot East

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: Consent Granted as per instruments E387633 and E367474
 Status: Consent Granted

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 ^{n/a} _____
 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: Application No. B03/18
 Status: Consent has lapsed.

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, Julie Paquette, 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, Julie Paquette of Ottawa 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 Ottawa on this 27th day of July, 2020.
City Day Month Year

Signature of Owner or Authorized Agent

July 27th, 2020

Date

Signature of Commissioner of Oaths, etc.

July 27, 2020

Date

DECLARED before me by video
conference from the City of
Ottawa, in the Province
of Ontario, to the City of Ottawa,
in the Province of Ontario, on
July 27, 2020

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, North America Railway Hall of Fame, am the owner of the subject lands, and I authorize Julie Paquette (Norton Rose Fulbright Canada LLP), 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.

July 6, 2020
Date

[Signature]
Signature of Owner

Matt Janes
VP, North America
Railway Hall of Fame

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, North America Railway Hall of Fame, 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.

July 6, 2020
Date

[Signature]
Signature of Owner

Matt Janes
VP North America
Railway Hall of Fame

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.

Schedule A - Consultation Request Form

North America Railway Hall of Fame (the **Owner**) is the registered owner of the property legally described in PIN 35213-0005 and municipally known as 750 Talbot Street, St. Thomas, Ontario (the **Owner's Lands**).

The Owner previously applied for and obtained a favorable decision from the Committee of Adjustment pertaining to the easements requested below but the said decision lapsed. For ease of reference, please find attached said decision, together with an amendment, relating to Application B03/18.

The Owner, through its authorized agent, Norton Rose Fulbright Canada LLP, wishes to resubmit a request for *Planning Act* consent to the following three (3) easements granted in favour of the adjacent lands legally described in PIN 35213-0006 and municipally known as 780 Talbot Street, St Thomas, Ontario (**GHL Lands**). The owner of the GHL Lands is GYULVESZI HOLDINGS LIMITED (**GHL**).

The location of the easements listed below are described as Parts on Plan 11R-10428. Plan 11R-10428 is attached for ease of reference.

1 Watermain Easement:

- (a) An easement or right in nature of an easement in perpetuity, in, over, under and along Part 1, 2, 3, 4 on Plan 11R-10428 (the **Watermain Easement Lands**), for the purpose of enabling GHL and its permitted assigns to enter and connect to the water line and lay down, install, construct, maintain, inspect, add to, alter, repair and keep in good condition, move, remove, replace, reinstall, reconstruct, supplement and operate at all times, a watermain and accessories, associated material and equipment pertaining to or required to provide municipal water to the buildings and improvements erected from time to time on the GHL Lands (the "Easement Rights"); and
- (b) a non-exclusive right of ingress to and egress from the Watermain Easement Lands and access to the Owner's Lands by GHL's equipment, vehicles and permitted assigns, to the extent such is reasonable and necessary for all purposes connected with, or incidental to, the Easement Rights, at such times and over such route or routes and over such portions of the Owner's Lands as may be reasonably designated from time to time by the Owner.

- 2 Hydro Easement:** An easement or right in nature of an easement in perpetuity, in, over, under and along Part 2 on Plan 11R-10428, for the purpose of enabling GHL and its permitted assigns to enter and lay down, install, construct, erect, maintain, open, inspect, add to, alter, repair and keep in good condition, move, remove, replace, reinstall, reconstruct, supplement and operate and maintain at all times, an electrical transmission system consisting of lines, wires, cables, accessories, associated material and equipment pertaining to or required by such system as in GHL's opinion is necessary or convenient to connect to and source electrical power from the transformer located on the Owner's Lands to the GHL Lands.

- 3 Door Swing Easement:** The building situated on the GHL Lands was demolished and re-constructed. The new building includes an exit door along the west wall of the building (the "Door"). The Door encroaches on the Owner's Lands when it swings open, therefore, the Owner granted the following easement (**Door Swing Easement**) to GHL and its permitted assigns:

- (a) An easement or right in nature of an easement, in, over, under and along Part 1 on Plan 11R-10428 (the **Door Swing Easement Lands**), for the purpose of enabling GHL and its

permitted assigns to enter with machinery and equipment to lay down a concrete pad or pavers where required on the Door Swing Easement Lands;

- (b) an easement or right in nature of an easement, in, over, under and along the Door Swing Easement Lands, for the purpose of enabling GHL and its permitted assigns to enter with machinery and equipment, to install, construct, maintain, inspect, add to, alter, repair and keep in good condition, move, remove, replace, reinstall, reconstruct, supplement and operate at all times, the door and to maintain and keep clear of obstructions or hazards, including snow and ice (the "Door Easement Rights"); and
- (c) a non-exclusive right in favour of GHL and its permitted assigns for free and uninterrupted pedestrian passage over the Door Swing Easement Lands to permit access to and egress from the Door to Talbot Street.

ROAD ALLOWANCE BETWEEN CONCESSIONS 8 AND 9, YARMOUTH TOWNSHIP
KNOWN AS **TALBOT STREET**
(WIDTH 20.117)
P.I.N. 35176 - 0002

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.		PLAN 11R-10428		
DATE <u>JANUARY 8, 2019</u>		RECEIVED AND DEPOSITED DATE <u>JANUARY 9, 2019</u>		
SIGNED: <u>Blake van der Veer</u> BLAKE van der VEEN, O.L.S. MTE OLS LTD.		REPRESENTATIVE FOR THE LAND REGISTRAR FOR THE LAND TITLES DIVISION OF ELGIN (N11)		
PART	LOT	PLAN	P.I.N.	AREA
1	Part of 2 South of Talbot Street and East of Ross Street	RP43	Part of 35213 - 0005	201.023 sq.m.
2			Part of 35213 - 0005	15.269 sq.m.
3			Part of 35213 - 0005	9.843 sq.m.
4			Part of 35213 - 0005	41.489 sq.m.

PARTS 1, 2, 3 & 4 COMPRISE PART OF P.I.N. 35213 - 0005
PARTS 2, 3 & 4 SUBJECT TO EASEMENT AS IN INST N° E439408

PLAN OF SURVEY
OF PART OF
**LOT 2, SOUTH OF TALBOT STREET,
EAST OF ROSS STREET**
REGISTERED PLAN No. 43
IN THE
CITY OF ST. THOMAS
COUNTY OF ELGIN
MTE OLS LTD.
SCALE 1 : 300

METRIC: DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048
AREAS SHOWN ON THIS PLAN ARE IN SQUARE METRES AND CAN BE CONVERTED TO SQUARE FEET BY MULTIPLYING BY 10.7639

- NOTES**
- SIB DENOTES STANDARD IRON BAR.
 - IB IRON BAR.
 - IB# ROUND IRON BAR.
 - CC CUT CROSS.
 - WT WITNESS.
 - (SU) SOURCE UNKNOWN.
 - (HS) HOLSTEAD & REDMOND LIMITED, O.L.S.'s.
 - (MNF) MONUMENT FOUND.
 - MONUMENT SET.
 - P2 PLAN 11R-9195
 - P3 PLAN 11R-8026
 - P4 PLAN 11R-1583
 - P5 PLAN 11R-6589
 - D1 INSTRUMENT No. E228202
 - LP LIGHT POLE
 - PEDB BELL TELEPHONE PEDESTAL
 - HT HYDRO TRANSFORMER
 - SSIB SHORT STANDARD IRON BAR
 - CPIN CONCRETE PIN
 - CA CUT ARROW

BEARINGS ARE UTM GRID IN NAD83 (2010.0) DERIVED FROM G.P.S. OBSERVATIONS AND THE CAN-NET BASE STATION NETWORK AND ARE REFERRED TO THE CENTRAL MERIDIAN 81°00' WEST LONGITUDE, ZONE 17

OBSERVED REFERENCE POINTS (ORP)

POINT ID	NORTHING	EASTING
ORP 1	4736267.567	484826.366
ORP 2	4736268.176	484721.754

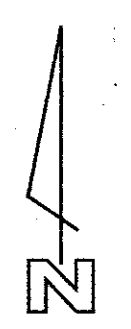
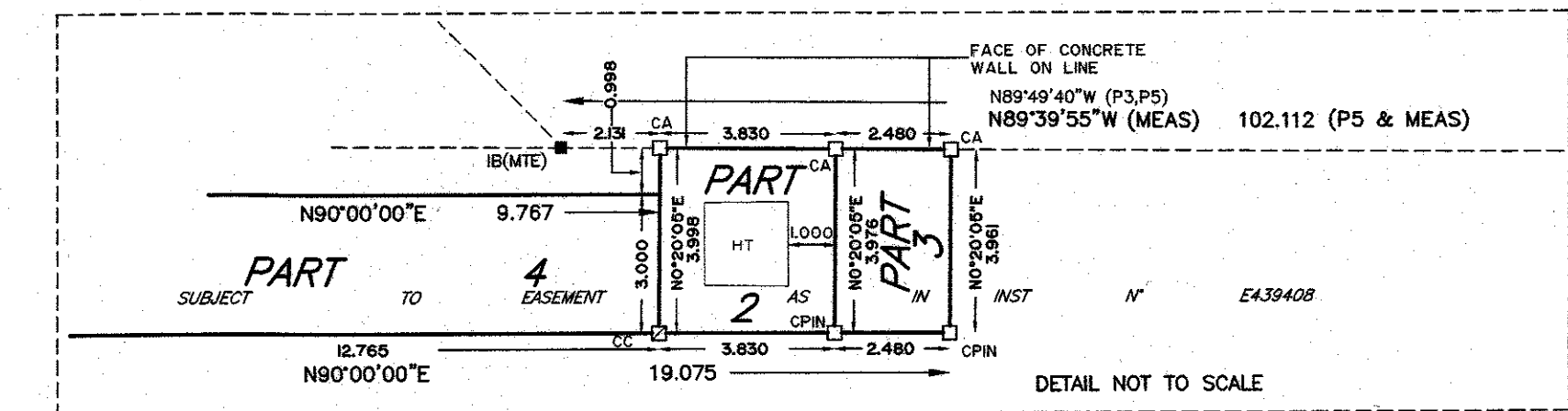
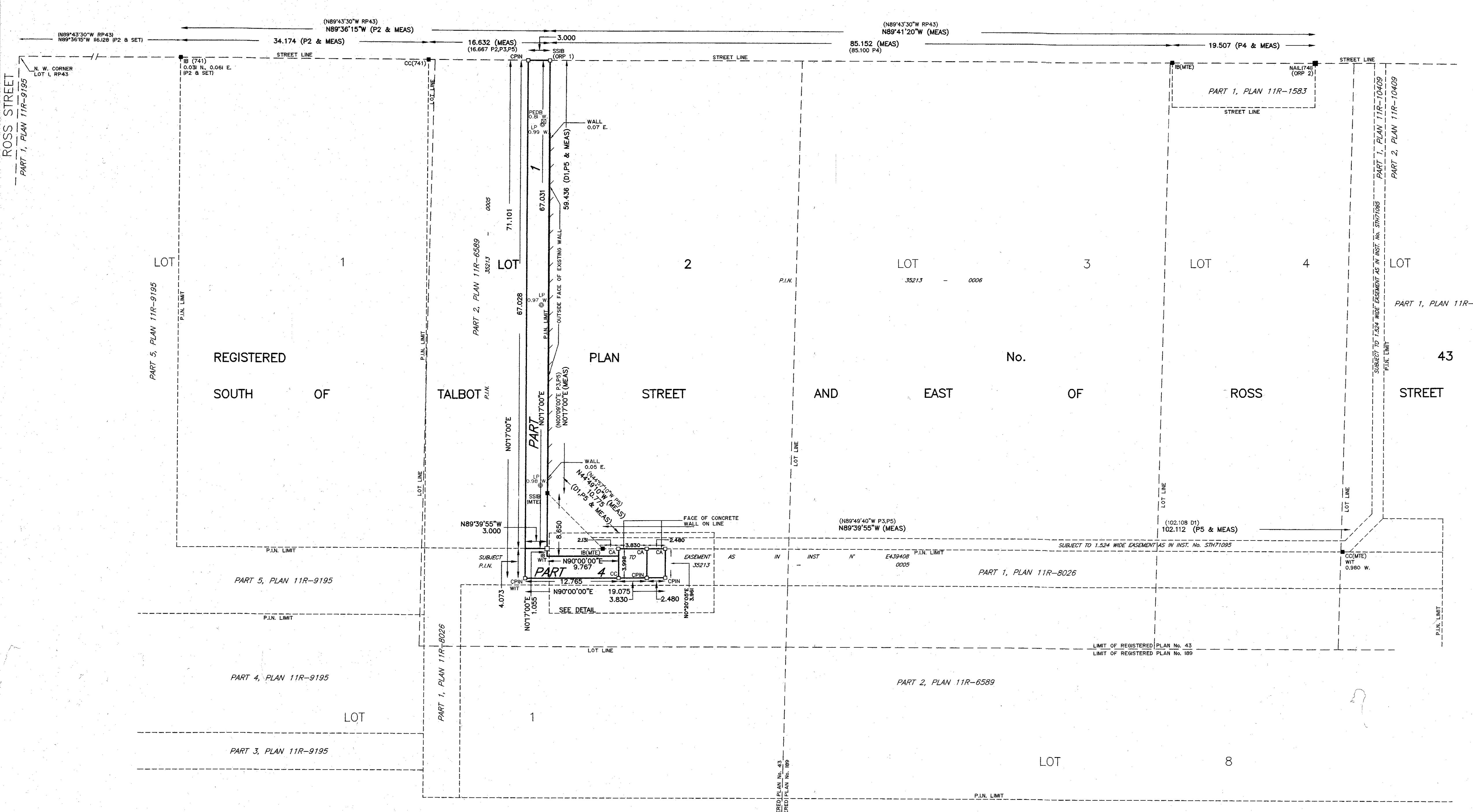
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.
DISTANCES SHOWN ON THIS PLAN ARE GROUND LEVEL DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY A COMBINED SCALE FACTOR OF 0.999569425

SURVEYOR'S CERTIFICATE
I CERTIFY THAT:
(1) THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYORS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
(2) THE SURVEY WAS COMPLETED ON THE 5th DAY OF DECEMBER, 2018

JANUARY 8, 2019
LONDON, ONTARIO.
Blake van der Veer
BLAKE van der VEEN
ONTARIO LAND SURVEYOR

MTE OLS Ltd.
ONTARIO LAND SURVEYORS
123 ST. GEORGE STREET
LONDON, ONTARIO, N6A 3A1
TEL: (519) 204-6510 FAX: (519) 204-6511

Code File	COOD :
Surveyed By : DK/NR	MTE File No. : 43516-200
Checked By : BV	File No. :
Drawn By : RC/FS	Date : 19/01/08





The Corporation of the City of St. Thomas

Report No.: B05-2020

Applicant: North American Railway Hall of Fame

Directed to: Members of the Committee of Adjustment

Report Date: August 25, 2020
Meeting Date: September 10, 2020

Location: 750 Talbot Street, City of St. Thomas

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

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

Attachments: Location Plan

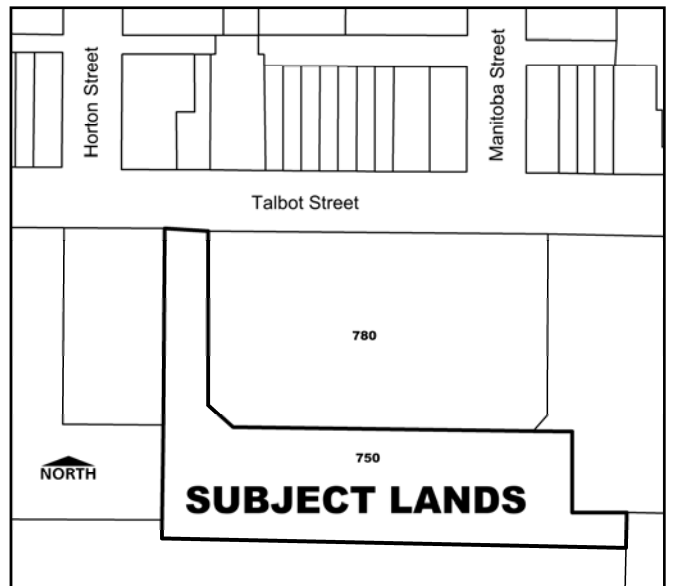
Recommendation:

That: Report B05-2020 be received.

Proposal

The applicant is requesting consent to create a watermain easement, hydro easement and a door swing easement on part of the subject lands, as shown on the plan (Plan 11R-10428) accompanying the subject application. The proposed easements are in benefit of the abutting lot municipally known as 780 Talbot Street, and are required for the retail food store that was recently constructed.

Location Plan:



Official Plan

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

Zoning By-Law

- The subject lands are within the Downtown Talbot Central Commercial Zone (C2-9) and Downtown Talbot Streetscape (DT3) pursuant to the City of St. Thomas Zoning By-Law 50-88, as amended.

Comments

- The subject consent application is a resubmission from 2008, the Committee of Adjustment approved a similar consent application (B3-2017) in 2018, however the conditions were not completed and as a result the provisional consent has since lapsed.
- 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 B05-2020 is supportable.
- Should the Committee approve consent application B05-2020 planning staff recommends the following condition:
 - 1) The Corporation of the City of St. Thomas be provided with a copy of the reference plan.

Respectfully submitted,

Steve Craig
Steve Craig
Senior Planning Technician