

A G E N D A

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

TELECONFERENCE

10:00 A.M.

**THURSDAY
NOVEMBER 12, 2020**

DISCLOSURE OF INTEREST

MINUTES

Confirmation of the minutes of the meeting held on September 10, 2020.

HEARING OF APPLICATIONS

B06/20 – Karl Kenneth and Susan Kim St. Gelais – 9630 Sunset Drive Pages 2-26

Planning Report – B06/20 Pages 27-28

A04/20 – St. Thomas Motel Inc. – 9668 Sunset Drive Pages 29-35

Planning Report – A04/20 Pages 36-37

A05/20 – Frank Sherifi – 83 Alexandria Avenue Pages 38-46

Planning Report – A05/20 Pages 47-48

B07/20 – Big Leagues Holdings Inc. – 258 Edward Street Pages 49-61

Planning Report – B07/20 Pages 62-63

UNFINISHED BUSINESS

NEW BUSINESS

Next Meeting

November 26, 2020 at 10:00 a.m.

ADJOURNMENT

OCT 08 2020

City Clerks Dept.

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

October 7th, 2020

Secretary-Treasurer, Committee of Adjustment
Attention: Jon Hindley

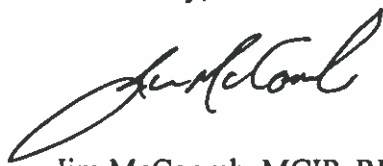
Pursuant to By-Law 30-2015, a consultation meeting was held on February 18th, 2020 with Planning Department Staff and the applicant.

An application for Consent, regarding 9668 Sunset Drive, was filed on October 7th, 2020.

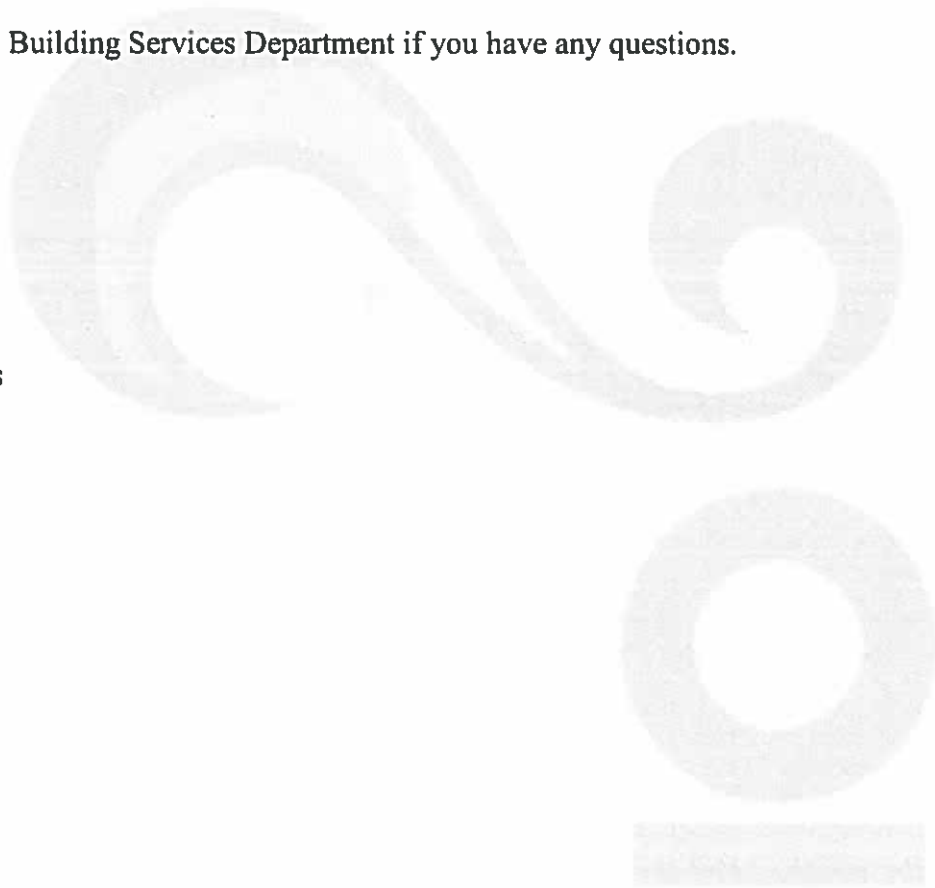
This letter is notice that the information and material required under Subsections 53(2) and 53(3) and the required fee under Section 69 of the Planning Act has been provided and the application for consent is thereby considered complete.

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

Yours truly,



Jim McCoomb, MCIP, RPP
Manager of Planning Services





THE CORPORATION OF THE CITY OF ST THOMAS

Clear Form

COMMITTEE OF ADJUSTMENT

APPLICATION FOR CONSENT

OFFICE USE:	Date Application Received: <u>OCT 07 2020</u>	Consultation Date: <u>Feb 18 / 20</u>
	Date Application Deemed Complete: <u>OCT 07 2020</u>	

Application #: 806-20

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: jhindley@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): ST. GELAIS, KARL KENNETH and ST. GELAIS, SUSAN KIM

Mailing Address: 9630 Sunset Drive

Postal Code: N5P 3T2 Telephone: 226-231-7735 Fax: _____

email: _____

- (b) Owner's Solicitor or Authorized Agent (if any): st thomas motel inc

Mailing Address: 9668 Sunset Drive

Postal Code: N5P 3T2 Telephone: 519-631-7499 Fax: _____

email: stthomasmotel@gmail.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 checked="" type="checkbox"/> Addition to Lot | <input type="checkbox"/> Correction of Title |
| <input type="checkbox"/> Mortgage or Charge | <input type="checkbox"/> Partial Discharge of Mortgage |
| <input type="checkbox"/> Lease | <input type="checkbox"/> Right-of-way |

Easement _____

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

9668- Sunset Drive

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

St.thomas motel inc

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

Yes No

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

4. Location of land:

Municipality (City/Town/Township) St Thomas

Concession No NTRE Lot(s) 45 Registered Plan No _____ Lot(s) _____

Reference Plan No 11R-1743 Part(s) 2

Name of Street Sunset Drive Street No 9630

5. Description of land to be severed: (in metric units) Part No. on sketch Part 1

(a) Frontage 14.26m Depth 82m Area 1169.33sqm

(b) Existing Use Residential grassed area Proposed Use 2-storey dwelling

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

Existing: Residential grassed area

Proposed: 2 storey residence, approx. 250sqm gross area around 158sqm of ground floor area 12.2m width 14.6m length

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

(a) Frontage 22.5m Depth 82m Area 19876.41'sqf=1846.57sqm

(b) Existing Use 1 storey dwelling Proposed Use No change

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

Existing: 1 storey dwelling

Proposed: No change

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

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

- (b) Type of access to retained land:

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

8. What type of water supply is proposed? (Check appropriate space)

TYPE	PROPOSED LOT	RETAINED LOT
Publicly owned and operated piped water system	<input type="checkbox"/>	<input type="checkbox"/>
Other (specify)	<u>existing well</u>	<u>new well</u>

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)	<u>new septic</u>	<u>existing septic</u>

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

(a) Local Municipal Official Plan St. Thomas

(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: unknown

Status: filed

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, Usman Arif, 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, USMAN ARIF 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 7th day of Oct, 2020
City Day Month Year

[Signature]
Signature of Owner or Authorized Agent

Oct 7, 20
Date

[Signature]
Signature of Commissioner of Oaths, etc.

Oct 7/20
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, KARL and SUSAN
USMAN ARIF, am the owner of the subject lands, and I authorize
to act on our behalf as the agent for the submissions
required for all matters relating to the subject lands, and to provide any of my personal
information that will be included in this application or collected during the planning process.

Oct 07/20
Date

Karl H. Selvaris
Signature of Owner
Sue H. Selvaris

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

Oct 07/20
Date

Karl H. Selvaris
Signature of Owner
Sue H. Selvaris

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.

P O L I C I E S

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) or 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.

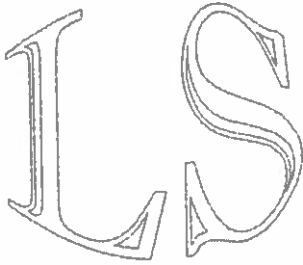
Decisions of the Committee are made in public.

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.



SEPTIC INSPECTION LETTER

TO ST.Thomas Motel

ADDRESS: 9668 Sunset Rd ST.Thomas

DATE: July 31/2020

INSPECTION ADDRESS 9630 SUNSET DRIVE

After a visual inspection of the septic system I found the following
 The system is a class 4
 Soil conditions are a Clay loam

Septic tank

2 compartment tank
 The fluid level in the tank is at the proper level
 Approximate
 800 gallons in size
 Made of concrete
 Both inlet and outlet baffles are intact
 Located on the South East side of house

Septic bed

The approximant location of the septic bed is across the laneway on the South side
 of the house
 There are no visual signs that the bed is falling

Recommendations

Schedule septic tank to be pumped every 3 to 4 years

This inspection is valid for the day of the inspection only

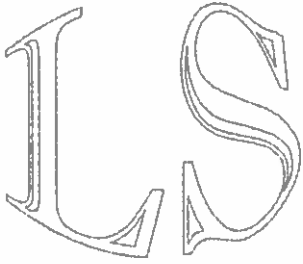
Thank You

A handwritten signature in cursive script that reads "David Lake".

David Lake

BCIN 14195

David Lake
Lake Services (ST.Thomas) Inc.
1222 Talbot Street ST. Thomas on N5P 1G9
519-808-9384 office 519-633-0450 fax david@lakeservices.ca



SEPTIC INSPECTION LETTER

TO ST.Thomas Motel

ADDRESS: 9668 Sunset Rd ST.Thomas

DATE: July 31/2020

INSPECTION ADDRESS 9668 SUNSET DRIVE

After a visual inspection of the proposed building lot and building lot drawing there is enough room on this lot for a class 4 septic system to be installed

This inspection is valid for the day of the inspection only

Thank You

David Lake

BCIN 14195

David Lake

Lake Services (ST.Thomas) Inc.

1222 Talbot Street ST. Thomas on N5P 1G9

519-808-9384 office

519-633-0450 fax

david@lakeservices.ca



SEPT. 29 2020

TO WHOM IT MAY CONCERN:

AFTER REVIEWING THE WELL RECORD OF THE EXISTING WELL ON #9630 SUNSET DRIVE, IT IS MY OPINION THAT IT SHOULD BE ADEQUATE TO SUPPLY WATER TO THE PROPOSED NEW DWELLING AT #9668 SUNSET DRIVE BASED ON ITS ORIGINAL PULPING CAPABILITY.

ALSO, A NEW WELL CAN BE DRILLED TO SUPPLY #9630 WITH SUFFICIENT QUANTITY AND QUALITY REQUIRED BY PROVINCIAL STANDARDS FOR THE EXISTING DWELLING.

SINCERELY,

(226) 224-3335 (027)

Introduction

This letter of opinion is being prepared at the request of the client (the proponent) relating to the property at 9668 Sunset Drive in St. Thomas ON.

This request is triggered by municipal requirements related to the proposed site alteration to accommodate a single family residence. The client attended a pre-consultation meeting with the municipality (J. McCoomb) to review the proposed development footprint that includes a private sewage disposal system yet to be designed. This document is triggered by a municipal opinion suggesting that this correspondence will eliminate the need for a scoped environmental impact study (EIS).

This document follows the municipal and provincial guidelines for the initial phase of the required environmental impact studies.

In addition to site attendance by Leonard + Associates (LAIILA) in October 2019, the recommendations of this report are based on the following items:

- Identification of potential issues and ecological linkages
- Potential effects of development;
- Determination of the nature and extent of additional information or studies that may be needed.

Based on these tasks, the assessor recommends one of the following options:

- A determination that no further work is required and that the proposed site alteration or development can proceed, or
- Proceed to a full or scoped EIS.

Site Description

The proposed residential dwelling described above will be constructed in the southeast corner of a woodlot to a dimension not exceeding one acre (0.4 ha).

It is anticipated that stormwater will infiltrate into the soil, and sanitary services will be provided through a private sewage disposal system.

Natural Heritage Attributes, Processes and Ecological LinkagesELC Classification

Based on our site observations the woodlot on site is part of a larger vegetation patch. The portion that is within the legal boundary of the subject lands is densely covered (+/-75%) with several trails running through the subject lands and connecting off-site.

According to the MNR ELC protocol there is only one classification present: FOD 9-0 Fresh-Moist Hickory - Maple- Hickory Deciduous Forest Ecosite. There is wide vegetation edge along the south side of this established forest up to 30m in width that extends into the forest dominated with invasive species including European Buckthorn and Phragmites. Otherwise this woodlot is a mixture of deciduous trees of various species at both the canopy and subcanopy levels, with various species of Oak being the strong dominants. It is mid-aged, composed of a mixture of several large over-mature trees combined with early and mid-successional trees and shrubs.

St. Thomas Motel Letter of Opinion November 2019

Leonard + Associates in Landscape Architecture

Vegetation strata forms can be provided on request.

No wetlands, lakes or ponds are present in the adjacent lands.

Significant Species

In our opinion, there is no compelling need to file a SAR Stage 1 Information Request with MNRF Aylmer. However, one can be filed upon request.

Diversity

The vegetation on-site occurs frequently in the local and regional landscape.

Landforms and Soils

The soils are sandy silt to clayey silt, the property The interspersions of the ELC community present on this tableland setting is also typical of the local and regional landscape.

The site is relatively flat with grades typically +/-2%. The soils in the area are generally sandy silt to clayey silt within a broad till plain that extends into this area (Chapman and Putnam 1984). There are no natural watercourses or drains on the subject lands, nor is there any surface flow directed off-property.

Naturalness and Disturbance levels are both typical of this ecological region.

The potential for Species Rarity and other atypical species of interest is limited in our opinion. Although +/- 12 Tulip Tree saplings are present, there is evidence that these have been introduced into the site.

Linkage and Size

As noted above the wooded area is connected to the broader landscape identified on the official plan. That system may potentially provide a corridor for wildlife movement. However, the subject lands are isolated at the edge of the larger woodland continuum, and with the possible limited tree removal the effect on the woodland as a whole will be limited. In fact, since it would involve the removal of the invasive species noted above, site alteration can be viewed as a best practice.

Leonard + Associates (LAIiLA) have attended the property and are of the opinion that their related floral and faunal subconsultants do not need to attend the site.

As noted Leonard + Associates (LAIiLA) have attended the property and are of the opinion that their related floral and faunal subconsultants do not need to attend the site.

Development Mitigation

With regards to faunal habitat, possible vegetation removal would not likely affect the woodland habitat on a landscape level.

The following practical recommendations are made to enhance the survival potential of the vegetation that will be retained on site.

Pre-Construction:

- As part of the Ontario Building Code process a site plan is required. That plan should integrate the best management practices noted below relating to vegetation retention and protection, surface water management and sediment / erosion control measures.

St. Thomas Motel Letter of Opinion November 2019

Leonard + Associates in Landscape Architecture

- Prior to any construction operations, the drip line of areas to be preserved should be clearly marked and protective fencing consistent with according to the general specifications of the city of St. Thomas should be installed at or beyond the drip line of the trees.
- Sediment / erosion control measures defined in relevant County and OPSS + OPSD standards that specifically reference silt fence adjacent to the residual vegetation and material storage setback away from these attributes should be depicted in the site plan for the project to prevent damage.

During Construction:

- All protective fencing should be maintained until all heavy construction work is complete.
- If grade changes are required in areas adjacent to trees to be retained, work should be done to minimize impact to the trees. Depending on the final grading scheme, the use of tree wells, retaining walls, root barriers, structural soils or other standard techniques may be required in isolated areas.

After Construction:

After all work is completed, but before protective fencing and other barriers are removed, the site should be examined to identify any trees adjacent to the development parcel that should be removed due to hazard tree status. These opinions on specific stems should be based on the International Society of Arboriculture's "Guide for Plant Appraisal, 9th edition" and included the following constraint descriptions: Crown condition, tree structure, canopy decline symptoms and stem decline symptoms.

Conclusions

For the reasons outlined in this report, in our opinion there are no potential issues nor potential cumulative effects of the development proposed by the proponent.

Consequently, there is no need for additional information or studies relating to the natural heritage component of this application.

There are no negative nor adverse, unalterable impacts on the natural heritage features of the subject land and the natural heritage landscape identified in the municipal official plan.

For these reasons it is our opinion that an EIS is not required. The proposed site alteration and development can proceed from the natural heritage standpoint.

It is the opinion of the writer that these findings are consistent with the Provincial Policy Statement 2014 as well as policies of the municipality.



Mike Leonard O.A.L.A. C.S.L.A.

THE FIFTH MEETING OF THE PLANNING AND DEVELOPMENT COMMITTEE

COUNCIL CHAMBERS
CITY HALL

JUNE 7TH, 1999

6:00 p.m. The meeting convened with Alderman M. Turvey, Chairman, presiding.

ATTENDANCEMembers

Mayor S. Peters
Alderman J. Brooks
G. Campbell
(Arr. 6:07 p.m.)
H. Cole
S. Crosby
P. Ostojic
R. Parks
M. Turvey

Officials

R. Main, City Administrator
P.J. Leack, City Clerk
J. Dewancker, Director of Public Works and Engineering
P. Keenan, Planning Director

DISCLOSURES OF INTEREST

Nil.

MINUTES

Motion by Alderman Parks - Crosby:

THAT: The minutes of the meeting held on May 3rd, 1999 be confirmed.

Carried.

DEPUTATIONSRequest for Building Permit - Lot 4, Plan 259, Fingal Line

Mr. Wes Armstrong appeared in support of the letter from Richard Armstrong, owner of Lot 4, Plan 259, Fingal Line, requesting a building permit and septic system for the development of the above-noted lot. He indicated that the proposed lot was 60 feet by 200 feet.

Motion by Alderman Parks - Crosby:

THAT: We consider requests for building permits on existing unserviced lots, on a lot by lot basis, through application to the Planning and Development Committee of City Council.

Carried.

Motion by Alderman Parks - Crosby:

THAT: The Council of the City of St. Thomas has no objection to an application being made to the Committee of Adjustment for the development of a house on the property known as Lot 4, Plan 259 (Fingal Line) formerly in the Township of Southwold and now in the City of St. Thomas subject to the following:

approval of the septic system by the Elgin-St. Thomas Health Unit

an agreement being entered into by the owner with the municipality requiring the owner's connection to the sanitary sewer at such time when it becomes available.

Carried.

CITY CLERK



CONFIRMED



CHAIRMAN

The Honourable Members of St. Thomas City Council:

My name is Usman Arif, together with my family i own and operate St. Thomas motel near the intersection of Sunset Dr and Major line address is 9688-sunset drive. For the past 20 years, i have lived with my family at one of the rental apartment units in the motel. I am writing to you regarding building a single detached house on our property for the growing family and freeing up current space at the motel.

The zoning of our property is Highway Commercial (C7-16). This zone permits the motel business, and also permits a single detached dwelling as an additional permitted use. The regulations for the C7 zone do require that new development be serviced with municipal water and sewage services. Since those services do not currently exist at our property we are looking to obtain a resolution from Council members in support of a building permit on the subject lands. We are also looking for a minor variance which is required to support the building of the new house.

We don't have enough vacant land on the front of sunset drive. In order to resolve this issue my neighbour to the south (9630 sunset drive) has agreed to sever and sell us part of his empty lot giving us enough room to build a new detached double storey house. The piece of land that we are buying from our neighbour holds their well which we will be using for our new home and replacing their well with a new well in their back yard. Also, We will make sure all the construction of the house, well and septic is up to the code and meets all the city standards.

We will be happy to enter into an agreement with the City of St. Thomas requiring the connection to municipal services at such time when they become available. We are also pushing to get our area serviced since it will be beneficial for our motel business.

The area we have selected to build is a plain land with no trees to cut. Also i have hired a biologist to screened for species at risk, to ensure there is no negative impacts to any potential endangered or threatened species or their habitat. We will be following any recommendations of the biologist to protect against any impact of build to environment.

We are requesting a resolution from honourable City Council members in support of a building permit for the construction of one new single detached residential dwelling on the subject lands (9668 Sunset Drive), proposed to be serviced with a private well and septic system.

Thank you for taking time and considering this request.

Sincerely,



Usman Arif
226-224-3335

Date February 22, 2020



		Report No. PD-11-2020
		File No.
Directed to: Mayor Joe Preston and Members of City Council		Date Authored: 3/9/2020 Meeting Date: 3/16/2020
Department: Planning & Building Services Department		Attachment - Letter from Usman Arif - June 1999 Council Resolution
Prepared by: Jim McCoomb, Manager of Planning Services		
Subject: Development Proposal - to Permit a New Residence on Private Services.		
<p>RECOMMENDATION: THAT: Report PD-11-2020 relating to a proposal for a new residence on private services be received for information; and further,</p> <p>THAT: Council confirm that it has no objection to an application being made to the Committee of Adjustment in support of a new residence to be constructed on private services on lands located at 9688 Sunset Drive.</p>		
<p>ORIGIN: Planning staff were recently approached by the owner of the St. Thomas Motel located at 9688 Sunset Drive with a proposal to construct a new detached residence. The owner currently resides in a unit of the hotel, but the family is outgrowing that space and would like to construct a new residence.</p>		
<p>REPORT: The owner has submitted the attached letter outlining the rationale behind this request. The relevant planning considerations are as follows:</p>		
<ul style="list-style-type: none"> • The subject lands are designated "Highway Commercial" in the City's Official Plan. The Highway Commercial policies permit uses that serve the needs of City residents and businesses and the needs of the traveling public such as the existing motel. • The subject lands are zoned Highway Commercial (C7-16). The C7 zone permits a range of commercial uses. The special provisions of the C7-16 zone permit a single detached dwelling as an additional permitted use. The zone requires new buildings and structures be serviced with full municipal services. • While there is room on the motel property to build a residence, it would need to be located behind the motel building which is a less than desirable location. The owner has negotiated with the neighbours to the south to acquire a piece of that property to add to the subject lands, which will permit the new residence to be located beside the existing motel building and more in line with the existing streetscape. • Section 9.2 of the Official Plan contains policies with respect to Piped Municipal Services. Subsection 9.2.1.1 provides the requirements for services and states that new development in St. Thomas must be serviced with full municipal water supply and distribution, sanitary sewage collection and treatment and stormwater management. • Municipal water and sanitary sewer services do not currently exist in this area. Such services will be brought into Area 1 as identified in the City's Positioned for Growth study, which is located to the east of the subject lands. However, it is not known when such services will be installed and extended to service the subject lands. The owner is agreeable to enter into an agreement with the City to require connection to municipal services when they become available. • The subject lands are adjacent to wooded lands designated as Natural Heritage in the Official Plan. The policies of the Plan require that an environmental review be conducted to ensure no negative impacts to the adjacent woodlot. The owner has agreed to abide by the recommendations of the biologist regarding the proposed development. • Since the 1995 mutual boundary adjustment, there have been five permits issued by the City for residential development outside of the Urban Service Area. Three of these were within the Munroe Subdivision (Plan 259) located off of Fingal Line. In June of 1999, Council passed the attached resolution that established site specific policy on servicing existing lots within Plan 259. 		

- Two building permits were also issued to construct dwellings on lands on Bush Line. All 5 of these previous developments were only permitted after the Committee of Adjustment approved a variance from the servicing requirements of By-law 50-88, in accordance with the policy established by Council's 1999 resolution.

STAFF RECOMMENDATION:

The owner of the motel has worked with staff to ensure that he complies with all of the City's requirements in order to construct the proposed dwelling. Staff recommend that Council support the request and approve the resolution. Staff will recommend conditions to the Committee of Adjustment to include:

- Approval of a septic system in accordance with the requirements of the Building Code; and
- An agreement be entered into with the City requiring the owner to connect to the municipal services at such time when they are available.

Respectfully submitted,



 Jim McCoomb, MCIP, RPP
 Manager of Planning Services



Reviewed By:  _____
 Env. Services Treasury Parks HR City Clerk Other

Craig, Steve

From: Konefal, Maria
Sent: September 30, 2020 1:09 PM
To: Craig, Steve
Subject: RE: Resolution From Council - 9688 Sunset Drive

Hi Steve:

A copy of an extract was sent to Pat and to Jim arising out of Jim's report in March, 2020. I didn't see anything recent.

I copied the paragraph below out of the minutes of March 16th, 2020. By the way, all Open Session Council minutes are available on the website.

Maria

Development Proposal - To Permit a New Residence on Private Services - 9688 Sunset Drive
Appendix "A"

The members inquired about minimum distance separation between a septic system and a well.

The Manager, Planning Services advised that the septic system would be located at the front of the house and further, that a new well would be drilled for the hotel.

Motion by Councillor Tinlin - Rymal:

THAT: Report PD-11-20 relating to a development proposal for a new residence on private services be received for information; and further,

THAT: Council confirm that it has no objection to an application being made to the Committee of Adjustment in support of a new residence to be constructed on private services on lands located at 9688 Sunset Drive.

Carried.

From: Craig, Steve <scraig@stthomas.ca>
Sent: September 30, 2020 12:26 PM
To: Konefal, Maria <mkonefal@stthomas.ca>
Subject: Resolution From Council - 9688 Sunset Drive

Good afternoon Maria,


Can you please provide me with a copy of the recent resolution from Council for 9688 Sunset Drive.

Thank-you,

Steve G. Craig
Senior Planning Technician



Planning and Building Services Department
Central Elgin Planning Office
9 Mondamin Street
St. Thomas, Ontario, N5P 2T9
Telephone: 519-631-1680, ext. 4210
Telephone: 519-633-2560
Fax: 519-633-6581
scraig@stthomas.ca

 The Corporation of the City of St. Thomas	Report No.: B06-2020
	Applicant: Karl and Susan St Gelais
Directed to: Members of the Committee of Adjustment	Report Date: October 26, 2020 Meeting Date: November 12, 2020
Location: 9630 Sunset Drive, City of St. Thomas	
Subject: Request for a Consent pursuant to Section 53 of the Planning Act, R.S.O, as amended	
Department: Planning and Building Services Department Prepared by: Steve Craig, Senior Planning Technician	Attachments: Site Plan J.S.Malpass and Associates, Letter Hayden Water Wells, and Letter Lake Services Inc.

Recommendation:

That: Report B06-2020 be received.

Background:

The subject application has been filed for the purpose of a lot addition in order to convey part of the subject lands to the abutting lot to the north, municipally known as 9668 Sunset Drive. A minor variance application (COA04/2020) has been filed concurrently for the purpose constructing one new single detached dwelling on 9668 Sunset Drive, proposed to be serviced with a new private well and septic system, whereas the Zoning By-law requires all new buildings or structures to be serviced with municipal services.

Proposal:

The applicants are proposing to sever a vacant parcel of land, with frontage of 14.26m on Sunset Drive and a lot area of 1,169.33sqm. It is proposed that the lands to be severed will be merged with the abutting lot to the north, municipally known as 9668 Sunset Drive. The applicants are proposing to retain a lot with Frontage of 22.5m on Sunset Drive and a lot area of 1,846.57sqm, containing one single detached dwelling.

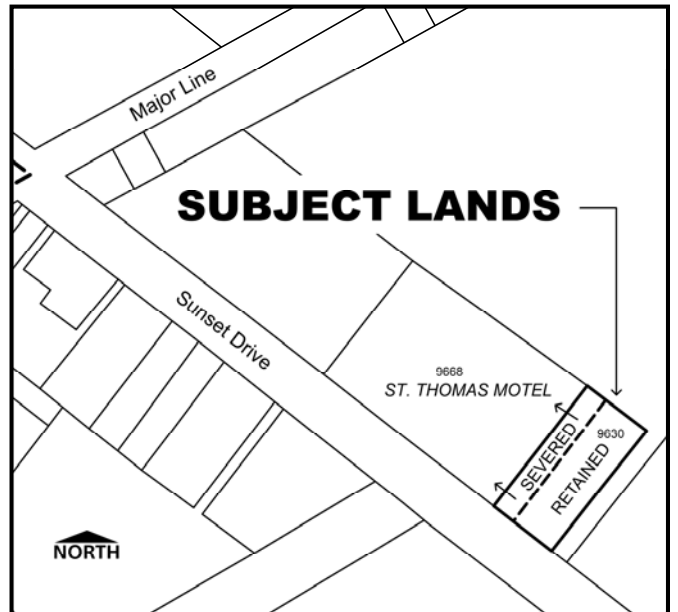
Official Plan:

- The subject lands are in the Highway Commercial and Natural Heritage designation, as shown on Schedule A (Land Use Plan) to the Official Plan for the City of St. Thomas.
- Permitted uses in the Highway Commercial designation are commercial uses that serve the needs of City residents and businesses and the needs of the traveling public, hotel/motel, automotive service business, gas bar, car wash, convenience store, automotive maintenance garage, motor vehicle dealership, restaurant, financial institution, existing business offices, existing food store, existing retail uses. The Highway Commercial Designation in the Official Plan does not permit residential use, however when Zoning By-Law Amendment #116-97 (C7-16) was approved the existing residential use of the lands was deemed (Section 26(4) of the Planning Act) to be in conformity with the Official Plan.
- Permitted uses in the Natural Heritage designation are passive open space, walking/biking trails, forest and resource management uses, conservation uses, erosion and flood control, low-intensity public and private recreation uses, necessary public utilities, infrastructure and services, existing agricultural uses.
- Consents may be permitted for reasons of lot boundary adjustment, rights of way, easements, long term leases, and to convey additional lands to an abutting lot in any land use designation.

Zoning By-law:

- The subject lands are in the Highway Commercial Zone (C7-16) and Natural Heritage Zone (NH) pursuant to the City of St. Thomas Zoning By-Law 50-88, as amended.
- Permitted uses of the C7 zone include a hotel, restaurant, drive-in restaurant, automobile service station, automotive trade, automotive service business, automatic car wash, wholesale business, business of leasing vehicles and equipment, moving and storage building, recreational vehicle business, recreation centre, institution, animal clinic, pet grooming shop and uses accessory to the foregoing. The special provisions of the C7-16 Zone permit a single detached dwelling.
- No buildings or structures shall be erected or used for any purpose unless the following municipal services are available to service the building or structure and the land on which it is situate:
 - a water supply system, and
 - a sanitary sewage system and a storm system or a combined sanitary and storm sewage system.

Location Plan:



- Minimum front yard depth – 12 metres.
- Minimum side yard depth – 3 metres.
- Minimum rear yard depth - Nil
- Permitted uses of the NH zone include conservation of the natural environment, forest, wildlife and fisheries management. In this zone, no building or structure shall be erected except for the uses permitted.

Comments:

- The owner of the St. Thomas Motel is proposing to construct one new single detached dwelling on the severed portion of the subject lands, which is a permitted use in the C7-16 zone.
- The owner currently resides in a unit of the motel; however, the family is outgrowing that space and while there is room on the motel property to build a dwelling, it would need to be located behind the motel building which is a less than desirable location.
- The owner of the St. Thomas Motel has negotiated with the owners of 9630 Sunset Drive to acquire a portion of their property, which will permit the new dwelling to be located beside the existing motel building and more in line with the existing streetscape.
- The existing well that provides service to 9630 Sunset Drive is located on the severed lot, it is proposed that a new well will be constructed on the retained lot.
- In order to ensure that the existing dwelling on the retained lot will be serviced with a new well, approval of the consent application will need to be conditional on the City receiving written confirmation from a licensed well installer that a well has been constructed on 9630 Sunset Drive and that the well provides the quality and quantity of potable water required by Provincial standards.
- The existing well that provides service to 9630 Sunset Drive will be used to provide service to the proposed new single detached dwelling on 9668 Sunset Drive.
- A site plan has been provided that delineates the location of the existing well and location of the proposed new well and a letter from Haden Water Wells, dated September 29, 2020 has also been provided in support of the consent application.
- A site plan has been provided that delineates the location of the existing septic system that provides service to 9630 Sunset Drive. The site plan also delineates the location of the proposed septic system that will provide service to the new dwelling on 9668 Sunset Drive. A letter from Lake Services (St. Thomas) Inc., dated July 31, 2020 has also been provided in support of the consent application.
- In staff's opinion the proposed consent complies with the City of St. Thomas Official Plan, Zoning By-law and satisfies the criteria of Section 51(24) of the Planning Act, R.S.O., as amended. Approval of consent application B03-2020 is supportable, should the Committee approve the application staff recommends the following conditions:
 - 1) the applicants provide written confirmation from a licensed well installer that a well has been constructed on the retained lot (9630 Sunset Drive) and that the well provides the quality and quantity of potable water required by Provincial standards;
 - 2) the severed portion of the subject lands be merged with the abutting lot, 9668 Sunset Drive;
 - 3) that Subsection 3 or 5 of Section 50 of the Planning Act, R.S.O., 1990, as amended shall apply to any subsequent conveyance or transaction involving the subject lands;
 - 4) the solicitor for the applicant is to provide an undertaking, whereby they inform the Committee in writing, that the lands are being conveyed to an abutting property owner and thus a merger of title will take place, which merger shall include all interests held inclusive or mortgagees interest; and
 - 5) the City of St. Thomas be provided with a copy of the Reference Plan.

Respectfully submitted,



Steve Craig
Senior Planning Technician

OCT 08 2020

City Clerks Dept.

CONFIRMATION OF AN APPLICATION FOR MINOR VARIANCE

October 7th, 2020

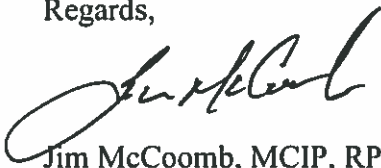
Secretary-Treasurer, Committee of Adjustment
Attention: Jon Hindley

Pursuant to By-Law 30-2015, a consultation meeting was held on February 18th, 2020 with Planning staff and the applicant.

An application for a minor variance, regarding 9668 Sunset Drive, was filed on October 7th, 2020 and the required fee under Section 69 of the Planning Act has been provided.

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

Regards,



Jim McCoomb, MCIP, RPP
Manager of Planning Services





CORPORATION OF THE CITY OF ST THOMAS
COMMITTEE OF ADJUSTMENT

APPLICATION FOR MINOR VARIANCE OR FOR PERMISSION
(Section 45 of the Planning Act, R.S.O. 1990, as amended)

OFFICE USE:	Date Application Received: <u>OCT 07 2020</u>	Consultation Date: <u>Apr 18/20</u>
	Date Application Deemed Complete: <u>OCT 07 2020</u>	

Application #: A64-20

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 \$400 made payable to the City of St. Thomas. All information and materials submitted for the application shall be made available to the public, as indicated by Section 1.0.1 of the Planning Act, R.S.O. 1990.

Personal information contained on this form is collected under the authority of the Planning Act, R.S.O. 1990, as amended, and Ontario Regulation 200/96 and will be used for the purpose of processing this application.

1. Name of Owner(s) st.thomas motel inc
 Address 9668-Sunset Drive St.Thomas Ontario
 Postal Code N5P 3T2 Tel: 519-631-7499 e-mail: stthomasmotel@gmail.com

2. Name of Authorized Agent (if any) _____
 Address _____
 Postal Code _____ Tel: _____ e-mail: _____

Note: Please specify to whom all communications should be sent: Owner Agent

3. Nature and extent of relief from the Zoning By-law applied for:
To permit a new residence to be built using private services,
 whereas Subsection 18.3(a) of By-law 50-88 requires full municipal water and sanitary services.

4. Reason why the proposed use cannot comply with the provisions of the Zoning By-law:
Municipal services are currently not in place and there is no plans in place for such services to be extended to this area.

5. Location of Land:
 Concession No. NTRE Lot(s) PT LOT 45 Registered Plan No. _____ Lot(s) _____

Reference Plan No. 11R-1743 Part(s) 2

Geographic/Former Township Southwold

Name of Street SUNSET DRIVE Street No. 9668

6. Dimensions of land affected:

Frontage 123.4m Depth 81.9m

Area 108,945sqft = 10,121.3sqm Width of Street Sunset Road Approximately 30m wide

7. Access to the subject land is by:

- a Regional Road a private road
 a Municipal road that is maintained all year
 a Municipal road that is maintained seasonally

8. Particulars of all buildings and structures on or proposed for the subject land (Specify ground floor area, gross floor area, number of storeys, width, length, height). Please specify use of existing structures.

Existing:

1 storey motel, 24 rooms, approx 650 sqm ground floor area

USE motel

Proposed:

2 storey residence, approx. 250sqm gross area
around 158sqm of ground floor area. 12.2m width 14.6m length

9. Location of all buildings and structures on or proposed for the subject land (Specify distance from side, rear and front lot lines). Please specify use of proposed structure

Existing:

the motel is set back 25 meters

Proposed:

12 meters of front yard setback from the lot line.
6m away from the motel and 6m away from neighbors house

USE owner's residence

10. Date of acquisition of subject land: oct 07/1999

11. Date of construction of all buildings and structures on subject land: approx 1960

12. Existing uses of the subject land:
motel
-
13. Existing uses of abutting lands:
North: woodlot East: residential
South: residential West: residential
14. Length of time the existing uses of the subject land have continued:
approx 60 years
15. Services available (check appropriate space or spaces):
- Water:
() Municipally owned and operated piped water system Other (Specify) private well
- Sewage Disposal:
() Municipally owned and operated sanitary sewer system Other (Specify) septic tanks
- Storm Drainage
() Storm sewers Other (Specify) ditches and swales
16. Present Official Plan designation of the subject land:
highway commercial and NH (Natural Heritage).
17. Present Zoning of the subject land:
c7-16 and NH (Natural Heritage).
18. Has the owner previously applied for relief (minor variance) under Section 45 of the Act in respect of the subject property?
yes () no ()
If the answer is yes, describe briefly (and if known, quote Application #)
-
19. Is the subject property the subject of a current application for a consent under Section 53 or a plan of subdivision under Section 51 of the Planning Act, 1990?
yes () no () If so, state Application # and status filed

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 Usman Arif, the Owner or Authorized Agent, hereby agree and acknowledge
(Print name of Owner or Authorized Agent)
that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c.M. 56, I hereby consent to the City of St. Thomas making this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.

Collection of Personal Information:

Personal information on this form is collected under the authority of Section 41 of the *Planning Act*, R.S.O. 1990 and Sections 8 (1) and 10 of the *Municipal Act*, 2001, as amended, and will be used to contact the owner, applicant and/or agent regarding the Committee of Adjustment Application. Questions about this collection should be directed to the City Clerk, 545 Talbot Street, St. Thomas, Ontario, N5P 2T9 (519) 631-1680.

AFFIDAVIT OR SWORN DECLARATION

I, USMAN ARIEF 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 7th day of Oct, 2020
City Day Month Year

[Signature]
Signature of Owner or Authorized Agent

Oct 07, 20
Date

[Signature]
Signature of Commissioner of Oaths, etc.

Oct 7/20
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, _____, am the owner of the subject lands, and I authorize _____ to act on our behalf as the agent for the submissions required for all matters relating to the subject lands, and to provide any of my personal information that will be included in this application or collected during the planning process.

Date

Signature of Owner

APPENDIX B – ACKNOWLEDGEMENT OF LEGAL AND PLANNING FEES

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

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


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

Oct 07/20
Date


Signature of Owner

NOTES:

1. Each copy of this application must be accompanied by a Sketch. The Sketch need not necessarily be to scale, but dimensions must be accurate, and showing the following:
 - (a) The boundaries and dimensions of the subject land;
 - (b) The location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings or structures from the front yard lot line, rear yard lot line and the side yard lot lines;
 - (c) The approximate location of all natural and artificial features on the subject land and on land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application. Examples include buildings, driveways, swimming pools, roads, railways, drainage ditches, wells, septic tank and tile bed, and trees;
 - (d) The current uses on land that is adjacent to the subject land;
 - (e) The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public traveled road, a private road or a right-of-way;
 - (f) If access to the subject land is by water only, the location of the parking and docking facilities to be used;
 - (g) The location and nature of any restrictive covenant or easement affecting the subject land;
2. The Committee of Adjustment may require that a preliminary drawing be prepared, signed and dated by an Ontario Land Surveyor.
3. If this application is signed by an agent or solicitor on behalf of an applicant, the owner's written authorization must accompany the application. If the applicant is a corporation acting without agent or solicitor, the application must be signed by an officer of the corporation and the corporation's seal (if any) must be affixed.

	Report No.: COA04-2020
	Applicant: St. Thomas Motel Inc.
Directed to: Members of the Committee of Adjustment	Report Date: October 26, 2020 Meeting Date: November 12, 2020
Location: 9668 Sunset Drive, City of St. Thomas	
Subject: Request for a minor variance pursuant to 45(1) of the Planning Act, R.S.O, as amended	
Department: Planning and Building Services Department Prepared by: Steve Craig, Senior Planning Technician	Attachments: Aerial Photograph, 1999 Council Resolution, 2020 Council Resolution and Letter Leonard + Associates in Landscape Architecture.

Recommendation:

That: Report COA04-2020 be received.

Background:
 St. Thomas Motel Inc. are proposing to construct one new single detached dwelling on the subject lands, proposed to be serviced with a private well and septic system, whereas the Zoning By-law requires all new buildings or structures to be serviced with municipal services. A consent application (B03/2020) has been filed concurrently for the purpose of a lot addition.

Requested Variance:

(i) To permit the construction of one new single detached dwelling on the subject lands, proposed to be serviced with a private well and septic system, whereas Subsection 18.3 provides that no buildings or structures shall be erected or used for any purpose unless the following municipal services are available to service the building or structure and the land on which it is situate:

- (i) a water supply system, and
- (ii) a sanitary sewage system and a storm system or a combined sanitary and storm sewage system.

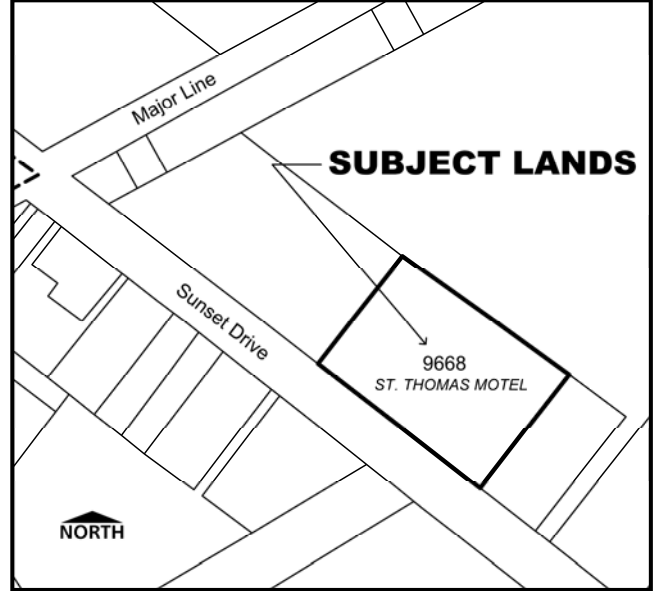
Official Plan:

- The subject lands are in the Highway Commercial and Natural Heritage designation, as shown on Schedule A (Land Use Plan) to the Official Plan for the City of St. Thomas. The proposed location of the single detached dwelling is within the Highway Commercial designation.
- Permitted uses in the Highway Commercial designation are commercial uses that serve the needs of City residents and businesses and the needs of the traveling public, hotel/motel, automotive service business, gas bar, car wash, convenience store, automotive maintenance garage, motor vehicle dealership, restaurant, financial institution, existing business offices, existing food store, existing retail uses. The Highway Commercial Designation in the Official Plan does not permit residential use, however when Zoning By-Law Amendment #116-97 (C7-16) was approved the existing residential use of the lands was deemed (Section 26(4) of the Planning Act) to be in conformity with the Official Plan.
- Permitted uses in the Natural Heritage designation are passive open space, walking/biking trails, forest and resource management uses, conservation uses, erosion and flood control, low-intensity public and private recreation uses, necessary public utilities, infrastructure and services, existing agricultural use and accessory buildings and structures thereto.

Zoning By-law:

- The subject lands are located within the Highway Commercial Zone (C7-16) and Natural Heritage Zone (NH) pursuant to the City of St. Thomas Zoning By-Law 50-88, as amended. The proposed location of the single detached dwelling is within the Highway Commercial Zone (C7-16).
- Permitted uses of the C7 zone include a hotel, restaurant, drive-in restaurant, automobile service station, automotive trade, automotive service business, automatic car wash, wholesale business, business of leasing vehicles and equipment, moving and storage building, recreational vehicle business, recreation centre, institution, animal clinic, pet grooming shop and uses accessory to the foregoing. The special provisions of the C7-16 Zone permit a single detached dwelling.

Location Plan:



- No buildings or structures shall be erected or used for any purpose unless the following municipal services are available to service the building or structure and the land on which it is situated:
 - (i) a water supply system, and
 - (ii) a sanitary sewage system and a storm system or a combined sanitary and storm sewage system.
- Minimum front yard depth - 12 metres.
- Minimum side yard depth - 3 metres.
- Minimum rear yard depth - Nil
- Permitted uses of the NH zone include conservation of the natural environment, forest, wildlife and fisheries management. In this zone, no building or structure shall be erected except for the uses permitted.

Legislative Framework for a Minor Variance:

In considering this application, the Committee must have regard to the following criteria and determine whether:

- The general intent and purpose of the Official Plan will be maintained;
- The general intent and purpose of the Zoning By-Law will be maintained;
- The variance is desirable for the appropriate development or use of the land, building or structure; and
- The variance is minor in nature.

Comments:

- Municipal water and sanitary sewer services do not exist in this area of the City. Services will be brought into Area 1 as identified in the City's Positioned for Growth study, which is located to the east of the subject lands. However, it is not known when such services will be installed and extended to service the subject lands.
- Since the 1995 mutual boundary adjustment, there have been five building permits issued by the City for residential development outside of the Urban Service Area. Three of the permits were within the Munroe Subdivision located off Fingal Line.
- In June of 1999, Council passed the attached resolution that established site specific policy on servicing existing lots, A copy of the resolution accompanies the planning report.
- Two building permits were also issued to construct dwellings on lands on Bush Line. All five of these previous developments were only permitted after the Committee of Adjustment approved a variance from the servicing requirements of Zoning By-law, in accordance with the policy established by Council's 1999 resolution.
- In 2018 the Committee of adjustment approved a similar request (COA08-2018) to construct one new single detached residential dwelling and one detached garage on the existing abutting lot to the north, municipally known as 40909 Major Line. To date development has not proceeded on the lot.
- The subject lands are adjacent to wooded lands designated as Natural Heritage in the Official Plan. The policies of the Plan require that an environmental review be conducted to ensure no negative impacts to the adjacent woodlot. In accordance with the policies of the Plan Leonard + Associates in Landscape Architecture reviewed the applicant's proposal and concluded that there are no potential issues nor potential cumulative effects of the development proposed by the proponent, a copy of the November 2019 letter accompanies the planning report.
- Should the Committee of Adjustment approve minor variance application COA4-2020 staff recommend that the decision reflect that the Committee is approving the construction of one new single detached dwelling on the subject lands, proposed to be serviced with a private well and septic system, subject to the following conditions:
 - 1) the construction of the dwelling be substantially in accordance with the site plan prepared by J.S Malpass and Associates;
 - 2) prior to the City issuing a building permit for the dwelling the owners shall obtain the services of a qualified professional to implement the recommendations of the November 2019 letter, prepared by Leonard + Associates in Landscape Architecture; and
 - 3) the owners enter into an agreement with the City requiring the connection to municipal services at such time when it becomes available.
- In Staff's opinion the proposed variance meets the general intent and purpose of the Official Plan and Zoning By-law, is minor in nature, and is desirable and appropriate for the use of the lands, thereby satisfying the four tests, as set out in Section 45 of the Planning Act. Therefore, staff recommend that minor variance application COA4-2020 be approved.

Respectfully submitted,



Steve Craig
Senior Planning Technician

OCT 14 2020

City Clerks Dept.

CONFIRMATION OF AN APPLICATION FOR MINOR VARIANCE

October 14th, 2020

Secretary-Treasurer, Committee of Adjustment
Attention: Jon Hindley

Pursuant to By-Law 30-2015, a consultation meeting was held on October 8th, 2020 with Planning staff and the applicant.

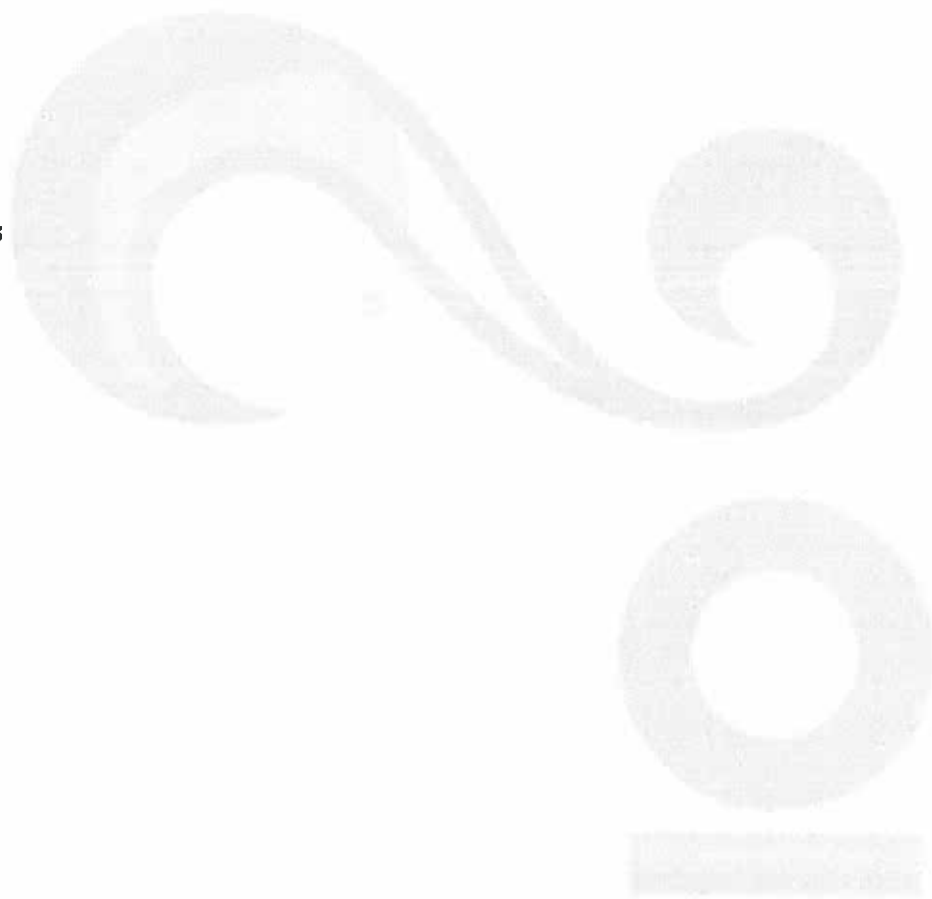
An application for a minor variance, regarding 83 Alexandria Avenue, was filed on October 14th, 2020 and the required fee under Section 69 of the Planning Act has been provided.

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

Regards,



Jim McCoomb, MCIP, RPP
Manager of Planning Services





Clear Form

CORPORATION OF THE CITY OF ST THOMAS
COMMITTEE OF ADJUSTMENT

APPLICATION FOR MINOR VARIANCE OR FOR PERMISSION
(Section 45 of the Planning Act, RSO, 1990, as amended)

OFFICE USE: Date Application Received: Oct 14/20 Consultation Date: Oct 13/20
Date Application Deemed Complete: Oct 14/20

Application # A05-20

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: jhindley@stthomas.ca

Please note that in accordance with By-Law 30-2015, consultation with the Planning and Building Services Department must take place prior to the submission of an application. After consultation, the application will be filed with the Assistant Secretary-Treasurer, together with the sketch referred to in Note 1 and \$400 made payable to the City of St. Thomas. All information and materials submitted for the application shall be made available to the public, as indicated by Section 1.0.1 of the Planning Act, R.S.O. 1990.

Personal information contained on this form is collected under the authority of the Planning Act, R.S.O. 1990, as amended, and Ontario Regulation 200/96 and will be used for the purpose of processing this application.

1. Name of Owner(s) Frank Sheriff
Address 8590 Centennial Road, St. Thomas, Ontario
Postal Code N5P 3S6 Tel: 519-808-9584 e-mail: frank@prespahomes.ca

2. Name of Authorized Agent (if any) _____
Address _____
Postal Code _____ Tel: _____ e-mail: _____

Note: Please specify to whom all communications should be sent: Owner Agent

3. Nature and extent of relief from the Zoning By-law applied for:
Roof covering over front porch not permitted

4. Reason why the proposed use cannot comply with the provisions of the Zoning By-law:
design of tri-plex requires covered roof over front porch on 1st floor - please see attached sketch prepared by surveyor

5. Location of Land:
Concession No. _____ Lot(s) Part of Lot 71 Registered Plan No. 214 Lot(s) _____
Reference Plan No. _____ Part(s) _____

Geographic/Former Township _____

Name of Street Alexandria Avenue Street No. 83

6. Dimensions of land affected:

Frontage 12.162 metres Depth 37.521 metres

Area 454.3 square metres Width of Street _____

7. Access to the subject land is by:

- a Regional Road a private road
 a Municipal road that is maintained all year
 a Municipal road that is maintained seasonally

8. Particulars of all buildings and structures on or proposed for the subject land (Specify ground floor area, gross floor area, number of storeys, width, length, height). Please specify use of existing structures.

Existing:

3 storey tri-plex under construction - please see attached sketch prepared by surveyor

USE multi-residential

Proposed:

9. Location of all buildings and structures on or proposed for the subject land (Specify distance from side, rear and front lot lines). Please specify use of proposed structure.

Existing:

3 storey tri-plex under construction - please see attached sketch prepared by surveyor

shed/enclosed garbage under construction

Proposed:

USE _____

10. Date of acquisition of subject land: 2017

11. Date of construction of all buildings and structures on subject land: July, 2020

12. Existing uses of the subject land:

multi-residential

13. Existing uses of abutting lands:

North: residential East: commercial
 South: residential West: residential

14. Length of time the existing uses of the subject land have continued:

15. Services available (check appropriate space or spaces):

Water:

Municipally owned and operated piped water system Other (Specify) _____

Sewage Disposal:

Municipally owned and operated sanitary sewer system Other (Specify) _____

Storm Drainage

Storm sewers Other (Specify) _____

16. Present Official Plan designation of the subject land:

Residential

17. Present Zoning of the subject land:

Residential

18. Has the owner previously applied for relief (minor variance) under Section 45 of the Act in respect of the subject property?

yes no

If the answer is yes, describe briefly (and if known, quote Application #)

19. Is the subject property the subject of a current application for a consent under Section 53 or a plan of subdivision under Section 51 of the Planning Act, 1990?

yes no If so, state Application # and status _____

APPLICANT DECLARATION

By making this application, permission is hereby granted to any Municipal staff members and Municipal Planning Consultant to enter upon the premises described in this application at a reasonable time for the purpose of inspecting the property in relation to the proposed application and for distributing information concerning the same. This information is being collected pursuant to the Planning Act, Municipal Act, and Freedom of Information Act. The information contained herein will be distributed to bodies and agencies prescribed by legislation and regulation and also to interested parties.

If this application is signed by an agent or solicitor on behalf of an applicant, the owner's written authorization must accompany the application (Appendix A). If the applicant is a corporation acting without an agent or solicitor, the application must be signed by an officer of the corporation and the corporation's seal (if any) must be affixed.

MUNICIPAL FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

Application information is collected under the authority of the Planning Act, R.S.O. 1990, c.P.13. In accordance with that Act, it is the policy of the City of St. Thomas to provide public access to all Planning Act applications and supporting documentation submitted to the City.

I, Frank Sheriff, the Owner or Authorized Agent, hereby agree and acknowledge
(Print name of Owner or Authorized Agent)
that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c.M. 56, I hereby consent to the City of St. Thomas making this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.

Collection of Personal Information:

Personal information on this form is collected under the authority of Section 41 of the *Planning Act*, R.S.O. 1990 and Sections 8 (1) and 10 of the *Municipal Act*, 2001, as amended, and will be used to contact the owner, applicant and/or agent regarding the Committee of Adjustment Application. Questions about this collection should be directed to the City Clerk, 545 Talbot Street, St. Thomas, Ontario, N5P 2T9 (519) 631-1680.

AFFIDAVIT OR SWORN DECLARATION

I, Frank Sheriff 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 8th day of October, 2020
City Day Month Year

[Signature]
Signature of Owner or Authorized Agent

Oct 8/20
Date

[Signature]
Signature of Commissioner of Oaths, etc.

Oct 17, 2020
Date

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

APPENDIX A – AUTHORIZATION OF OWNER

If the applicant is not the owner of the subject lands, please complete the owner authorization concerning personal information as set out below.

I, _____, am the owner of the subject lands, and I authorize _____ to act on our behalf as the agent for the submissions required for all matters relating to the subject lands, and to provide any of my personal information that will be included in this application or collected during the planning process.

Date

Signature of Owner

APPENDIX B – ACKNOWLEDGEMENT OF LEGAL AND PLANNING FEES

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

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

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

Oct 8/20
Date

[Signature]
Signature of Owner

NOTES:

1. Each copy of this application must be accompanied by a Sketch. The Sketch need not necessarily be to scale, but dimensions must be accurate, and showing the following:
 - (a) The boundaries and dimensions of the subject land;
 - (b) The location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings or structures from the front yard lot line, rear yard lot line and the side yard lot lines;
 - (c) The approximate location of all natural and artificial features on the subject land and on land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application. Examples include buildings, driveways, swimming pools, roads, railways, drainage ditches, wells, septic tank and tile bed, and trees;
 - (d) The current uses on land that is adjacent to the subject land;
 - (e) The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public traveled road, a private road or a right-of-way;
 - (f) If access to the subject land is by water only, the location of the parking and docking facilities to be used;
 - (g) The location and nature of any restrictive covenant or easement affecting the subject land;
2. The Committee of Adjustment may require that a preliminary drawing be prepared, signed and dated by an Ontario Land Surveyor.
3. If this application is signed by an agent or solicitor on behalf of an applicant, the owner's written authorization must accompany the application. If the applicant is a corporation acting without agent or solicitor, the application must be signed by an officer of the corporation and the corporation's seal (if any) must be affixed.

SURVEYOR'S REAL PROPERTY REPORT
PLAN OF
PART OF LOT 71
REGISTERED PLAN 214
CITY OF ST. THOMAS
COUNTY OF ELGIN
KIM HUSTED SURVEYING LTD.

REPORT SUMMARY (TO BE READ IN CONNECTION WITH PLAN OF SURVEY REGISTERED EXEMPTS AND/OR RIGHTS-OF-WAY; NO EASEMENTS ON TITLE COMPLIANCE WITH MUNICIPAL OFFICIAL PLANS AND ZONING BY-LAWS NOT CERTIFIED BY THIS REPORT)

ADDITIONAL REMARKS: PROPERTY DESCRIPTION PART OF LOT 71, REGISTERED PLAN 214 EXCEPT EX-1054, CITY OF ST. THOMAS, COUNTY OF ELGIN ALL OF P.L.N. 33187-0050

AREA OF SUBJECT PROPERTY - 643 SQUARE METRES
AREA OF SUBJECT PROPERTY COVERED BY DUELLING AND CONCRETE PAD COVERAGE - 26.8 3

THIS SURVEYOR'S REAL PROPERTY REPORT HAS BEEN PREPARED FOR FRANK SHERIFF AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR USE BY OTHERS

SURVEYOR'S CERTIFICATE

I CERTIFY THAT

(1) - THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM

(2) - THIS SURVEY WAS COMPLETED ON THE 25TH DAY OF AUGUST 2020

SEPTEMBER 9, 2020 DATE

[Signature]
 KIM HUSTED
 ONTARIO LAND SURVEYOR

THIS REPORT CAN BE UPDATED BY KIM HUSTED SURVEYING LTD. HOWEVER NO ADDITIONAL PRINTS OF THIS ORIGINAL REPORT WILL BE ISSUED SUBSEQUENT TO THE DATE OF CERTIFICATION

NOTES

- (1) - BEARINGS ARE ASTROMERIC AND ARE REFERRED TO THE EASTERN LIMIT ALEXANDRIA AVENUE HAVING A BEARING OF N 03° 42' 40" E AS SHOWN ON DEPOSIT PLAN D-1054

LEGEND

- DEKOTES SURVEY MONUMENT FOUND
- DEKOTES SURVEY MONUMENT SET
- DEKOTES STANDARD IRON BAR
- DEKOTES IRON BAR
- DEKOTES ROLL-ON IRON BAR
- DEKOTES WITNESS
- DEKOTES PROJECT BY BRUN VAUGHAN, O.L.S.
- DEKOTES REGISTERED PLAN 214
- DEKOTES EXPROPRIATION PLAN D-1054
- DEKOTES DEED E267856
- DEKOTES O.L. HUBBARD, O.L.S.
- DEKOTES REASURED
- DEKOTES PROPERTY IDENTIFICATION NUMBER

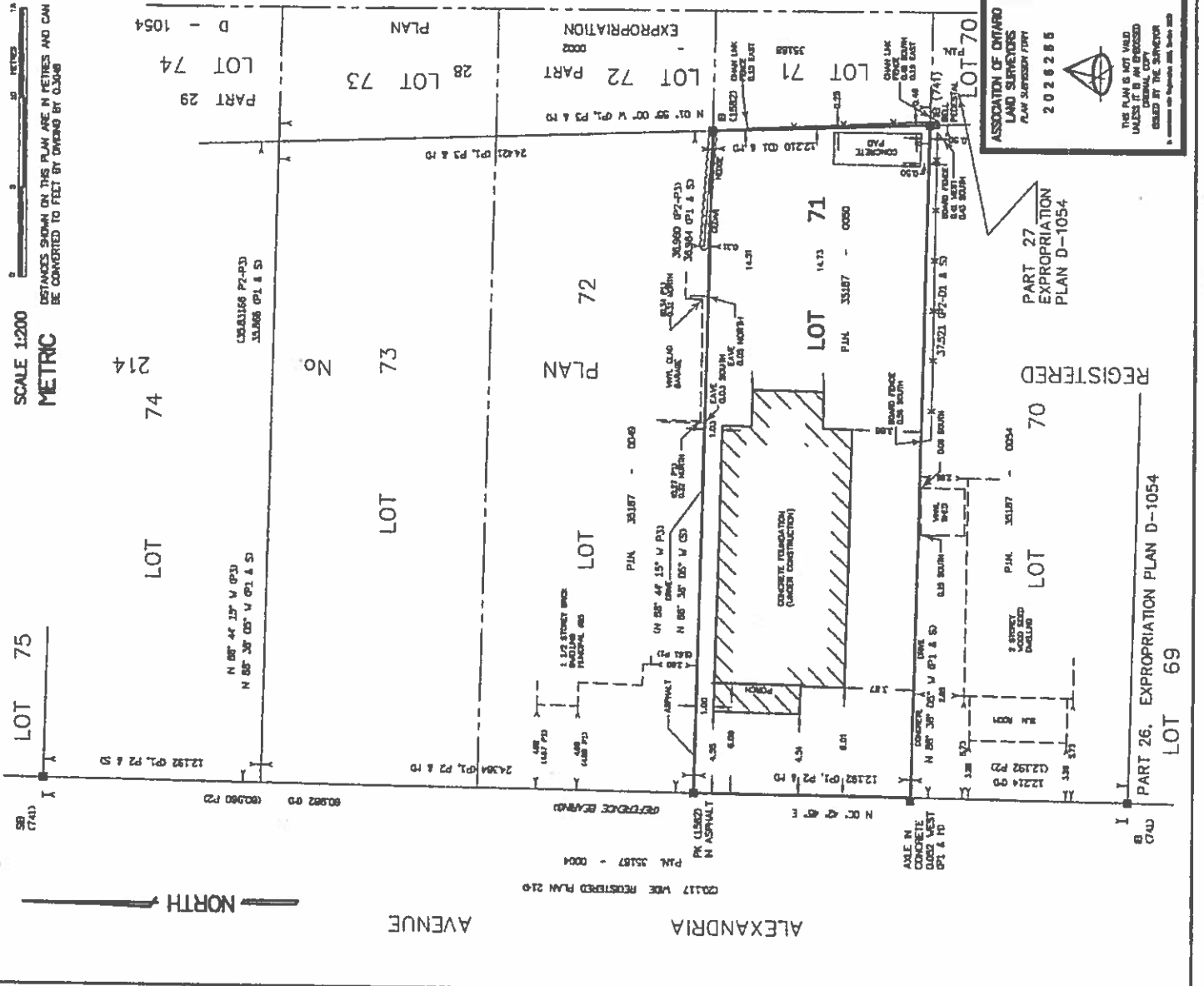
THIS IS NOT AN ORIGINAL COPY OF THIS REPORT. IT IS A REPRODUCED COPY OF THE ORIGINAL COPY OF THIS REPORT. IT IS NOT TO BE USED FOR ANY OTHER PURPOSE.

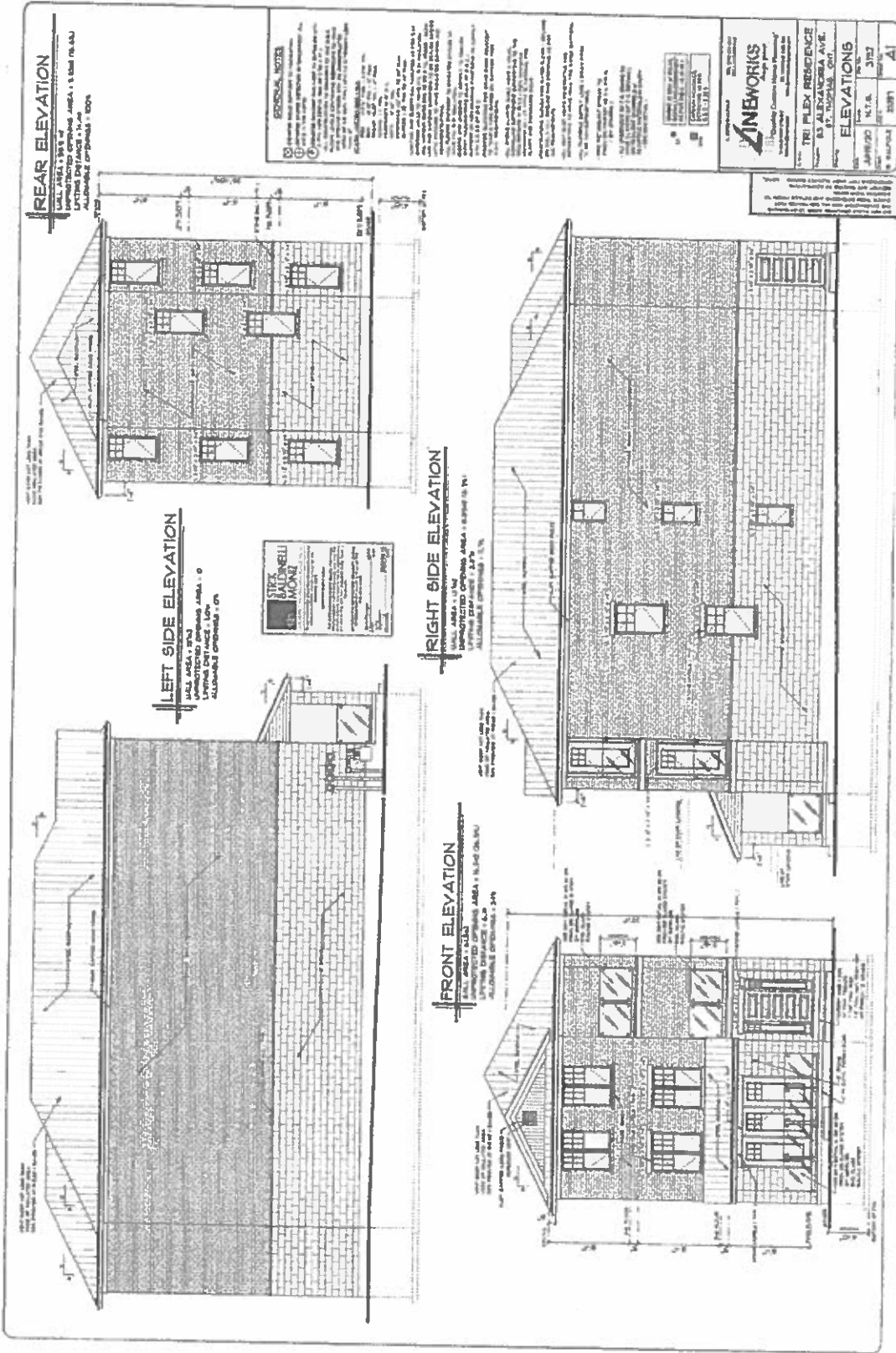
ASSOCIATION OF ONTARIO LAND SURVEYORS
 PLAN SURVEYS / PART 2026288


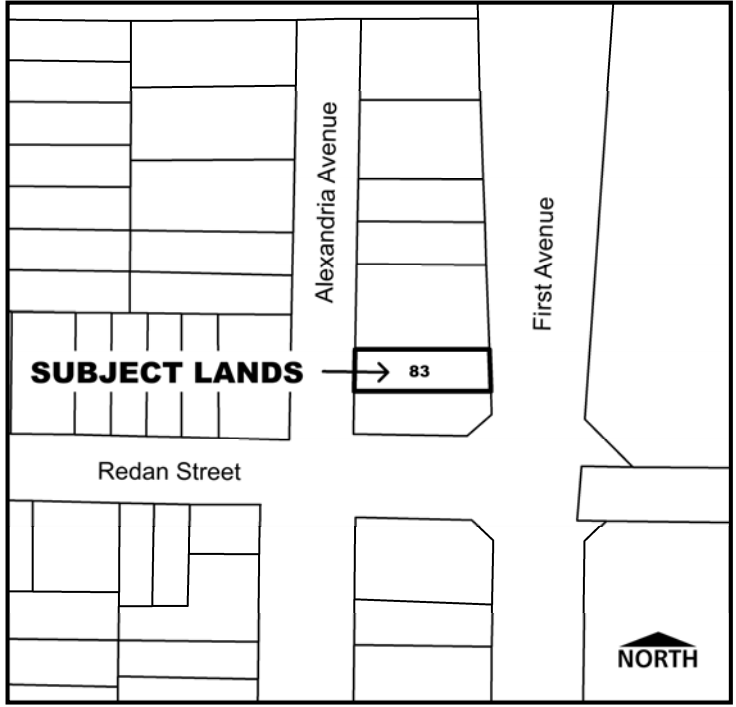
THIS PLAN IS NOT VALID UNLESS IT IS APPROVED AND SEALED BY THE SURVEYOR

KIM HUSTED SURVEYING LTD.
ONTARIO LAND SURVEYOR
 30 HARVEY STREET, THILSONBURG, ONTARIO, N4G 3J8
 PHONE: 519-842-3539 FAX: 519-842-3538

PROJECT: 17-13020-1 REFERENCE: FFS DEK. No. 648





 <p>The Corporation of the City of St. Thomas</p>	<p>Report No.: COA05-2020</p>
<p>Members of the Committee of Adjustment</p>	<p>Applicant: Frank Sherifi</p>
<p>Location: Plan 214, Lot 71, Municipally known as 83 Alexandria Avenue in the City of ST. Thomas</p>	<p>Report Date: October 26, 2020 Meeting Date: November 12, 2020</p>
<p>Subject: Request for a minor variance pursuant to 45(1) of the Planning Act, R.S.O, as amended</p>	
<p>Department: Planning and Building Services Department Prepared by: Steve Craig, Senior Planning Technician</p>	<p>Attachments: Location Plan</p>
<p>Recommendation: That: Report COA05-2020 be received.</p>	
<p>BACKGROUND: The applicant is in the process of constructing a triplex dwelling on the subject lands. A minor variance is required to permit an unenclosed, covered porch to project 1.5m into a required front yard, whereas the Zoning By-law only permits an uncovered porch to project a maximum of 1.5m into a required front yard.</p> <p>MINOR VARIANCE: (i) To permit a covered porch to project 1.5m into a required front yard, whereas the Zoning By-law permits an uncovered porch to project a maximum of 1.5m into a required front yard. (Subsection 4.2.2 - PROJECTIONS INTO YARDS INTO RESIDENTIAL ZONES).</p> <p>OFFICIAL PLAN:</p> <ul style="list-style-type: none"> The subject lands are designated Residential as shown on Schedule A (Land Use Plan) to the Official Plan for the City of St. Thomas. The Residential designation permits a full range of dwelling types including low-density residential uses. Wherever a use is permitted in a land use classification, it is intended that uses, buildings or structures normally incidental, accessory and essential to that use are also permitted. <p>ZONING BY-LAW:</p> <ul style="list-style-type: none"> The subject lands are within the Third Residential Zone (R3) pursuant to the City of St. Thomas Zoning By-Law No. 50-88, as amended. Permitted uses of the R3 zone include a triplex dwelling and accessory buildings and structures. The R3 zone requires a minimum front yard depth of 6m for a triplex dwelling. The R3 zone requires a minimum interior side yard depth of 1m for a triplex dwelling. An uncovered porch is permitted to project a maximum of 1.5m into a required front yard, but not closer than 0.5m to any lot line and not higher than 1.25m above grade. Lot coverage excludes the area of any porch which is not enclosed on all sides. <p>LEGISLATIVE FRAMEWORK FOR A MINOR VARIANCE: In considering this application, the Committee must have regard to the following criteria and determine whether:</p> <ul style="list-style-type: none"> The general intent and purpose of the Official Plan will be maintained; The general intent and purpose of the Zoning By-Law will be maintained; The variance is desirable for the appropriate development or use of the land, building or structure; and The variance is minor in nature. 	<p>Location Plan:</p> 

COMMENTS:

- According to the elevation plans the porch will not be enclosed and will be used to provide a covered outdoor amenity area for the dwelling unit located on the first storey.
- According to the site plan prepared by Kim Husted Surveying Ltd. the proposed covered porch does not project any closer to the front lot line than the existing front porches on the neighbouring lots to the north (85 Alexandria Avenue) and south (81 Alexandria Avenue), which are both covered and enclosed.
- In Staff's opinion the proposed variance meet the general intent and purpose of the Official Plan, Zoning By-law, is minor in nature, and is desirable and appropriate for the use of the lands, thereby satisfying the four tests, as set out in Section 45 of the Planning Act. Therefore, planning staff recommend that minor variance application COA05-2020 be approved.
- Should the Committee of Adjustment approve minor variance application COA05-2020 the decision should reflect that the Committee is approving an unenclosed, covered porch to project 1.5m into a required front yard, as shown on the plans accompanying the subject application.

Respectfully submitted,



Steve Craig
Senior Planning Technician

OCT 08 2020

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

October 7th, 2020

Secretary-Treasurer, Committee of Adjustment
Attention: Jon Hindley

Pursuant to By-Law 30-2015, a consultation meeting was held on July 23rd, 2020 with Planning Department Staff and the applicant.

An application for Consent, regarding 258 Edward Street, was filed on October 7th, 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,



Jim McCoomb, MCIP, RPP
Manager of Planning Services



THE CORPORATION OF THE CITY OF ST THOMAS

COMMITTEE OF ADJUSTMENT

APPLICATION FOR CONSENT

OFFICE USE:	Date Application Received: OCT 07 2020	Consultation Date: <u>July 23, 2020</u>
	Date Application Deemed Complete: OCT 07 2020	

Application #: B07-20

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: jhindley@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): Big Leagues Holdings C/O Paul Greer
 Mailing Address: 1423 Webster Street, London
 Postal Code: N5V 3R1 Telephone: 519-671-9333 Fax: _____
 email: paul@kindroofing.ca

(b) Owner's Solicitor or Authorized Agent (if any): _____
 Mailing Address: _____
 Postal Code: _____ Telephone: _____ Fax: _____
 email: _____

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

Owner Solicitor Agent

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

- | | |
|---|--|
| <input checked="" type="checkbox"/> Creation of New Lot | <input type="checkbox"/> Disposal of Surplus Farm Dwelling |
| <input type="checkbox"/> Addition to Lot | <input type="checkbox"/> Correction of Title |
| <input type="checkbox"/> Mortgage or Charge | <input type="checkbox"/> Partial Discharge of Mortgage |
| <input type="checkbox"/> Lease | <input type="checkbox"/> Right-of-way |

Easement _____

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

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) ST THOMAS

Concession No _____ Lot(s) 37 Registered Plan No 287 Lot(s) _____

Reference Plan No E319949 Part(s) _____

Name of Street EDWARD STREET Street No 258

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

(a) Frontage 85 FEET Depth 200 FEET Area 17000 SQ. FEET

(b) Existing Use COMMERCIAL Proposed Use COMMERCIAL

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

Existing: NONE

Proposed: _____

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

(a) Frontage 100 FEET Depth 200 FEET Area 20000 SQ. FEET

(b) Existing Use COMMERCIAL Proposed Use COMMERCIAL

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

Existing: BUILDING

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) _____	_____	_____

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) _____	_____	_____

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

- (a) Local Municipal Official Plan EMPLOYMENT LAND ZONE
- (b) Regional Policy Plan _____

11. (a) Has the subject land ever been the subject of an application for approval of a plan of subdivision under Section 51 of The Planning Act or a consent under Section 53 of The Act?

Yes No

(b) If the answer to (a) is "Yes", please provide the following information:

File Number: _____
Status: _____

12. (a) Has any land been severed from the parcel originally acquired by the owner of the subject land?

Yes No

(b) If the answer to (a) is "Yes", please indicate previous severances on the required sketch and supply the following information for each lot severed:

Grantee's (Purchaser's) name _____
Land Use on severed parcel _____
Date parcel transferred _____
Consent file number (if known) B _____

13. (a) Is the subject land the subject of any other application under the Planning Act e.g. approval of a plan of subdivision; a consent application; an application for an amendment to an official plan amendment; a zoning by-law or a Minister's zoning order, or a minor variance?

Yes No

(b) If the answer of (a) is "Yes", please provide the following information:

File Number: _____
Status: _____

14. (a) Is the proposed consent application consistent with the Policy Statements issued under subsection 3(1) of the Planning Act?

Yes No

(b) Are the subject lands within an area of land designated under a Provincial Plan or

Plans? Yes No

- (c) If the answer to (b) is "yes" does the proposed consent application conform to or does it not conflict with the Provincial Plan or Plans?

Yes No

15. As provided for in Ontario Regulation 197/96, and as required by this Committee of Adjustment, an application must be accompanied by a preliminary drawing prepared, signed and dated by an Ontario Land Surveyor, showing the information set out below. In the case of multiple applications, one drawing plus one extra copy for each additional application will suffice.
- (a) the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
 - (b) the distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;
 - (c) the boundaries and dimensions of the subject land, the part that is to be severed and the part that is to be retained;
 - (d) the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
 - (e) the approximate location of all natural and artificial features on the subject land and on the land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application, such as buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks;
 - (f) the existing uses on adjacent land, such as residential, agricultural and commercial uses;
 - (g) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way;
 - (h) if access to the subject land is by water only, the location of the parking and boat docking facilities to be used;
 - (i) the location and nature of any easement affecting the subject land.
16. One copy of this application form is to be filed for each subject parcel, together with the preliminary drawing and the applicable application fee in cash, money order or by cheque made payable to the City of St. Thomas.

APPLICANT DECLARATION

By making this application, permission is hereby granted to any Municipal staff members and Municipal Planning Consultant to enter upon the premises described in this application at a reasonable time for the purpose of inspecting the property in relation to the proposed application and for distributing information concerning the same. This information is being collected pursuant to the Planning Act, Municipal Act, and Freedom of Information Act. The information contained herein will be distributed to bodies and agencies prescribed by legislation and regulation and also to interested parties.

If this application is signed by an agent or solicitor on behalf of an applicant, the owner's written authorization must accompany the application (**Appendix A**). If the applicant is a corporation acting without an agent or solicitor, the application must be signed by an officer of the corporation and the corporation's seal (if any) must be affixed.

MUNICIPAL FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

Application information is collected under the authority of the Planning Act, R.S.O. 1990, c.P.13. In accordance with that Act, it is the policy of the City of St. Thomas to provide public access to all Planning Act applications and supporting documentation submitted to the City.

I, PAUL GREER, 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, PAUL GREER 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 545/06 and provided by the applicant in this application is accurate, and that the information contained in the documents that accompany this application is accurate.

Sworn (or declared) before me at the City of London on this 11 day of Aug, 2020.
City Day Month Year

[Signature]
Signature of Owner or Authorized Agent

Aug 11/20
Date

[Signature]
Signature of Commissioner of Oaths



Aug 11/20
Date

NOTARIZED BY ME
JOHN WALTER COOPER AT
LONDON, ONTARIO THIS 11 DAY
OF Aug 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, _____, am the owner of the subject lands, and I authorize _____, to act on our behalf as the agent for the submissions required for all matters relating to the subject lands, and to provide any of my personal information that will be included in this application or collected during the planning process.

Date

Signature of Owner

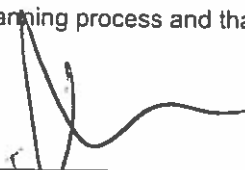
APPENDIX B – ACKNOWLEDGEMENT OF LEGAL AND PLANNING FEES

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

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

I, PAUL GREER, 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.

Nov 11/20
Date


Signature of Owner

56
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) or 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.

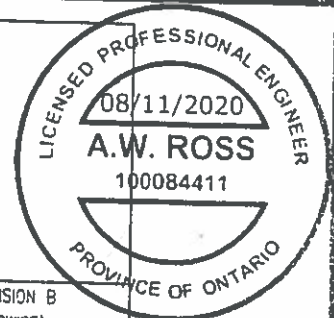
That an agreement with the local municipality be entered into for installation of such municipal services as may be required, at the expense of the applicant and to standards acceptable to the municipality.

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

FIRM NAME:
 CONCENTRIC ASSOCIATES INTERNATIONAL INC.
 700 RICHMOND ST., SUITE 307
 LONDON, ONTARIO
 N6A 5C7

NAME OF PROJECT:
 PROPOSED PROPERTY SEVERANCE
 258 EDWARD STREET
 SAINT THOMAS, ONTARIO

SEAL



ITEM	ONTARIO BUILDING CODE DATA MATRIX PARTS 3 & 9							OBC REFERENCE (DIVISION B UNLESS NOTED OTHERWISE)	
1.	PROJECT DESCRIPTION: <input type="checkbox"/> CHANGE OF USE <input type="checkbox"/> NEW ADDITION ALTERATION <input type="checkbox"/> PART 11 11.1 TO 11.4 <input type="checkbox"/> PART 3 <input type="checkbox"/> PART 9							[A] 1.1.2.2	[A] 1.1.2.4
2.	MAJOR OCCUPANCY(S): GROUP D BUSINESS & PERSONAL SERVICE							3.1.2.1	9.10.2
3.	BUILDING AREA (m ²) EXISTING: 418 NEW: NIL TOTAL: 418							[A] 1.4.1.2	[A] 1.4.1.2
4.	GROSS FLOOR AREA (m ²) EXISTING: NIL NEW: NIL TOTAL: 418							[A] 1.4.1.2	[A] 1.4.1.2
5.	NUMBER OF STOREYS ABOVE GRADE: 1							[A] 1.4.1.2 & 3.2.1.1	[A] 1.4.1.2
6.	NUMBER OF STREETS/FIRE FIGHTER ACCESS: 1							3.2.2.10 & 3.2.5	9.10.20
7.	BUILDING CLASSIFICATION: GROUP D BUSINESS & PERSONAL SERVICE							3.2.2.72	9.10.2
8.	SPRINKLER SYSTEM ENTIRE BUILDING REQUIRED: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO PROPOSED: <input type="checkbox"/> BASEMENT ONLY <input type="checkbox"/> IN LIEU OF ROOF RATING							3.2.2.20-.83 3.2.1.5 3.2.2.17	9.10.8
9.	STANDPIPE REQUIRED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO							3.2.9	N/A
10.	FIRE ALARM REQUIRED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO							3.2.4	9.10.18.2
11.	WATER SERVICE/SUPPLY IS ADEQUATE <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO							3.2.5.7	N/A
12.	HIGH BUILDING <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO							3.2.6	N/A
13.	CONSTRUCTION: <input type="checkbox"/> NON-COMBUSTIBLE REQUIRED <input checked="" type="checkbox"/> COMBUSTIBLE PERMITTED ACTUAL CONSTRUCTION: <input type="checkbox"/> NON-COMBUSTIBLE <input checked="" type="checkbox"/> COMBUSTIBLE <input type="checkbox"/> BOTH							3.2.2.72(2)	9.10.6
14.	MEZZANINE(S) AREA (m ²) NIL							3.2.1.1.(3)-(8)	9.10.4.1
15.	OCCUPANT LOAD BASED ON: <input type="checkbox"/> m ² /PERSON <input checked="" type="checkbox"/> DESIGN OF BUILDING 10 PERSONS PER UNIT = 30 PERSONS TOTAL (3 UNITS)							3.1.17	9.9.1.3
16.	OCCUPANT LOAD PER SEX: 10 PERSONS PER UNIT WATER CLOSETS: <u>REQUIRED</u> 1 PER UNIT <u>PROVIDED</u> 3 (1 PER UNIT) TOTAL 3 3 UNIVERSAL TOILET ROOMS INCLUDED IN COUNT: NIL (EXISTING FACILITIES)							3.7.4	9.31.1.1 3.7.4.3-7
17.	BARRIER FREE DESIGN <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (EXPLAIN) EXISTING BUILDING, ENTRY TO UNITS NOT BUILT TO PROVIDE BARRIER-FREE ACCESS.							3.8	9.5.2
18.	HAZARDOUS SUBSTANCES <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO							3.3.1.2 & 3.3.1.19	9.10.1.3(4)
19.	REQUIRED FIRE RESISTANCE RATING (F.R.R.)	HORIZONTAL ASSEMBLIES		LISTED DESIGN NO. OR DESCRIPTION (SB-2)			3.2.2.20-83.	9.10.8	
FLOORS 45 MINUTE		N/A			3.2.1.4	9.10.9			
ROOF N/A MINUTE		N/A							
MEZZANINE 45 MINUTE		N/A							
	SUPPORTING MEMBERS		LISTED DESIGN NO. OR DESCRIPTION (SB-2)						
	N/A								
20.	SPATIAL SEPARATION - CONSTRUCTION OF EXTERIOR WALLS							3.2.3	9.10.14
	WALL	AREA OF EBF (m ²)	L.D. (m)	L/H OR H/L	PERMITTED MAX. % OF OPENINGS	EXISTING % OF OPENINGS	F.R.R. (HOURS)	REQUIRED WALL CONSTRUCTION	REQUIRED CLADDING
	NORTH	97.5	29.0	N/A	100	31.8	N/A	N/A	N/A
	EAST	92.9	21.0	N/A	100	3.5	N/A	N/A	N/A
	SOUTH	97.5	22.4	N/A	100	15.8	N/A	N/A	N/A
	WEST	92.9	4.6	N/A	18	4.9	1	COMBUSTIBLE	NON-COMBUSTIBLE



CLIENT NAME: PAUL GREER
PROJECT ADDRESS: 258 EDWARD STREET ST. THOMAS
PROJECT NAME: ONTARIO PROPOSED PROPERTY SEVERANCE
DRAWING TITLE: SITE PLAN

LONDON OTTAWA IQUALUIT SASKATOON
 WINNIPEG TORONTO COQUITLAM

DESIGN: AJG | **SCALE:** AS SHOWN | **SHEET No.**
DRAWN: AJG | **DATE:** AUG 11/20
APPV'D: AWR | **FILE No:** 20-8942

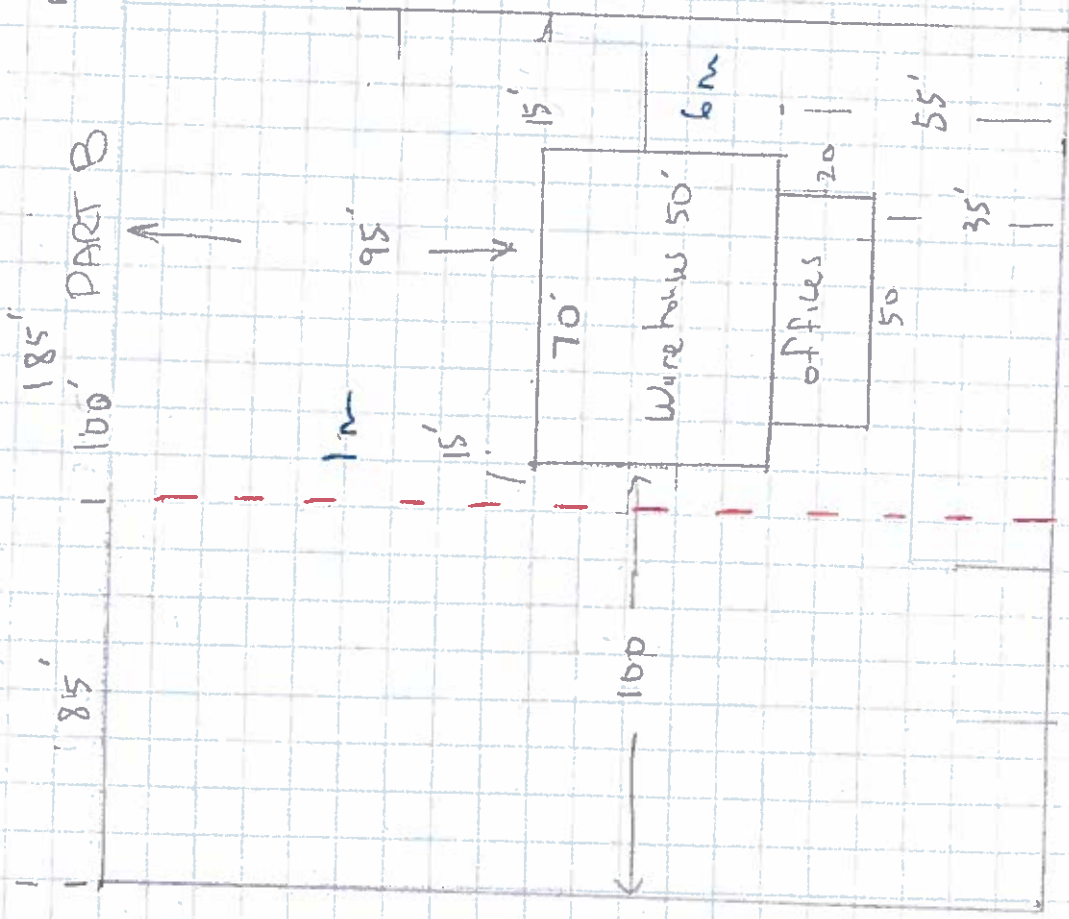
OBC

PART B

100' x 200' lot and Building

PART A

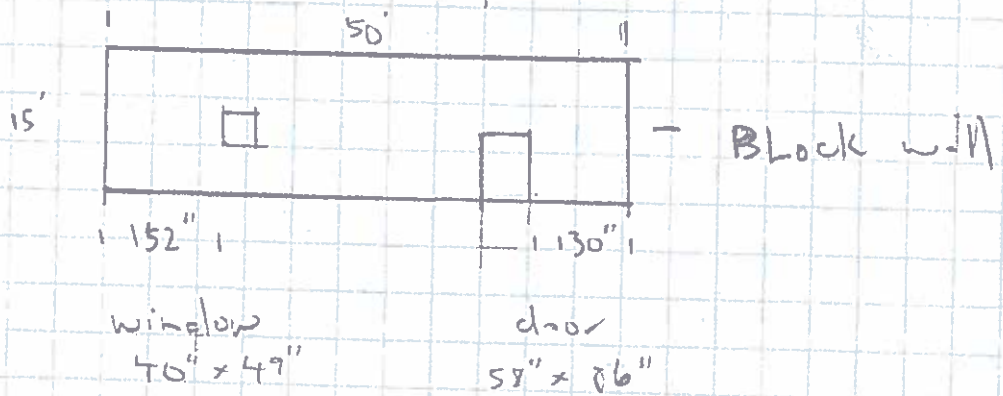
85' x 200' Lot to be severed



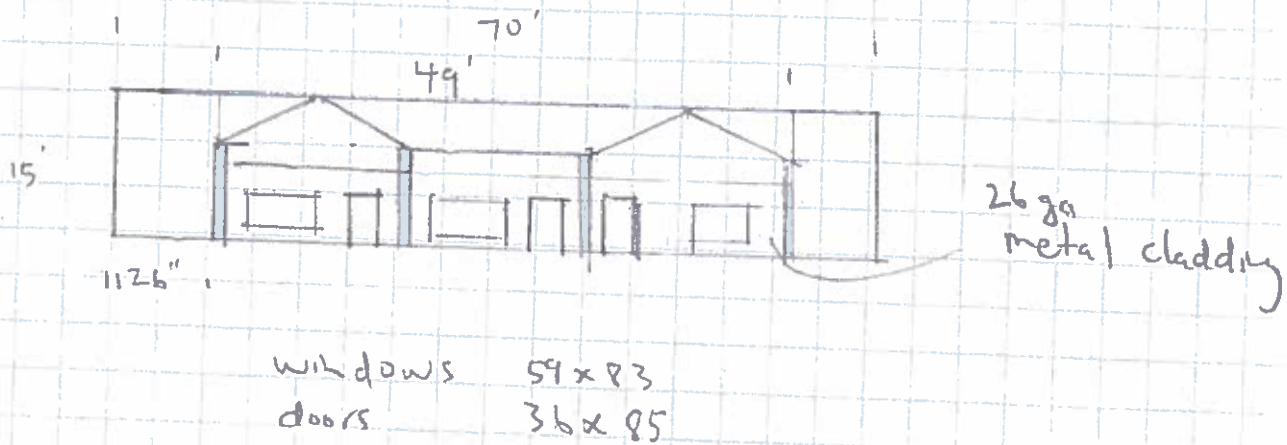
warehouse walls 8" block
 office walls - 2 1/2 gauge
 metal cladding 2x4 and
 bit insulation, drywall

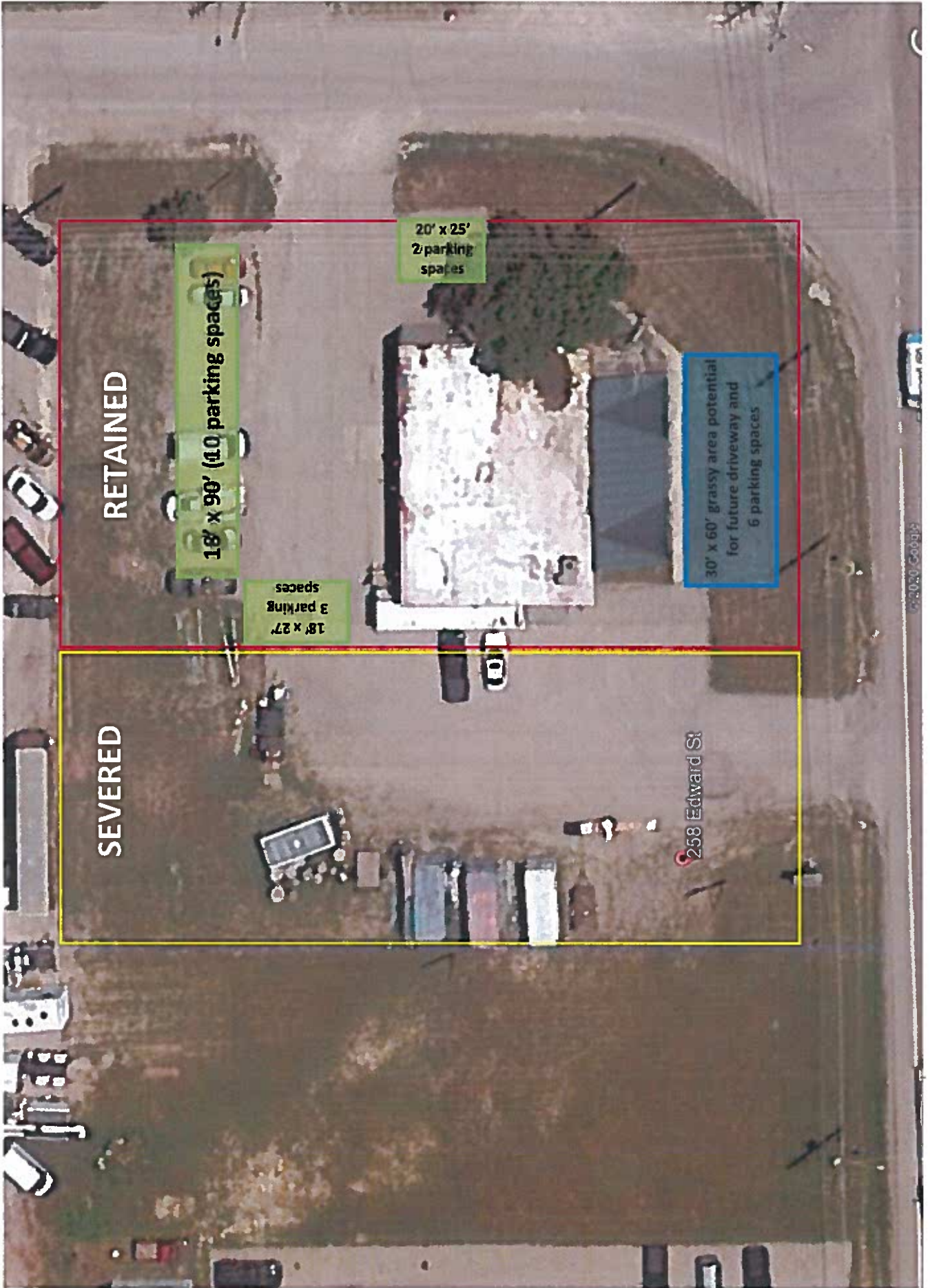



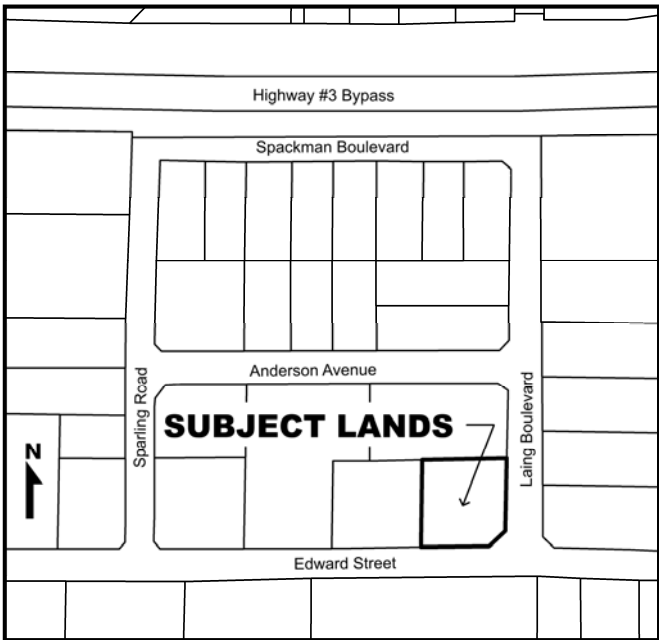
West Elevation



South Elevation





 The Corporation of the City of St. Thomas	Report No.: B07-2020
Directed to: Members of the Committee of Adjustment	Applicant: Big Leagues Holdings Report Date: October 26, 2020 Meeting Date: November 12, 2020
Location: 258 Edward 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: Aerial Photograph and Ministry of Transportation (MTO) Comments.
Recommendation: That: Report B07-2020 be received.	
<p>Background: Consent application B07-2020 has been filed for the purpose of creating a vacant lot for future development purposes.</p> <p>Proposal: The applicant is proposing to sever a vacant lot with frontage of 25.9m on Edward Street, and an area of 1,579.35sqm. It is proposed that the severed lot will be used for future development purposes. The applicant is proposing to retain a lot with frontage of 30.48m on Edward Street and an area of 1,858.06sqm, containing one building. It is proposed that the retained lot will continue to be used for Employment Lands zone type uses.</p> <p>Official Plan:</p> <ul style="list-style-type: none"> The subject lands are within the Employment Lands designation, as shown on Schedule A (Land Use Plan) to the Official Plan for the City of St. Thomas. The predominant use of land within the Employment designation on Schedule "A" shall be for business and economic activities which can be generally classified as manufacturing, the processing of goods and raw materials, warehousing, transportation, communications and utilities, bulk storage of goods and other activities whose operational characteristics are similar. Schedule B (Roads Plan) to the Official Plan of the City of St. Thomas classifies Edward Street as a Minor Arterial. Schedule C (Roads Widening Plan) to the Official Plan of the City of St. Thomas identifies Edward Street with a proposed minimum road allowance width of 26m. 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. 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. <p>Zoning By-Law:</p> <ul style="list-style-type: none"> The subject lands are located within the Employment Lands Zone (EL) pursuant to the City of St. Thomas Zoning By-Law No. 50-88, as amended. Permitted uses of the Employment Lands Zone (EL) include an adult entertainment parlour, agriculture, animal clinic, auction sales, automotive body shop, automotive service business, automotive trade, builders depot, bulk storage, business of leasing vehicles and equipment, car rental business, construction trade, industrial repair shop, machine shop, manufacturing, non-retail service commercial uses pharmaceutical and medical product industry, private recreation facilities, railway, self storage business, scientific and technology development, transport trucking terminal, warehousing, wholesale establishment, uses accessory to the foregoing. Minimum lot area - No minimum. Minimum lot frontage - 15m. Minimum front yard depth - 6m. Minimum rear yard depth - 1m. Minimum side yard depth for an interior lot – The total depth of both side yards shall not be less than 6m, but neither yard shall be less than 1m. Minimum side yard depth for an exterior lot – The minimum exterior side yard depth shall be 6m. the minimum interior side yard depth shall be 1m. Maximum height – No maximum. 	<p>Location Plan:</p> 

Aerial Photography:**Comments:**

- As part of the building codes spatial separation analysis the Chief Building Official confirmed that the existing shed addition and storage bin on the west side of the existing building will need to be removed.
- The Manager of Development & Compliance provided the following comments relative to the proposed consent application:
 1. development would need servicing from Edward Street;
 2. services for the existing building are off Edward Street; and
 3. the owner should confirm services do not cross over the severed parcel.
- Staff forwarded the proposal to the Ministry of Transportation (MTO) for review and the MTO confirmed that they have no concerns with the proposed consent.
- In staff's opinion the proposed consent complies with the City of St. Thomas Official Plan, Zoning By-Law and satisfies the criteria of Section 51(24) of the Planning Act, R.S.O, as amended. Therefore, approval of consent application B07-2020 is supportable. Should the Committee approve consent application B07-2020 planning staff recommends the following condition(s):
 - 1) the existing shed addition and storage bin be removed from the westerly side of the existing building, to the satisfaction of the Chief Building Official;
 - 2) the owner provide confirmation that existing services do not cross over the severed lot, to the satisfaction of the Manager of Development & Compliance;
 - 3) the payment of cash-in-lieu of the dedication of 2% of the land for parkland purposes;
 - 4) 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 Edward Street, 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
 - 5) that the City of St. Thomas be provided with a copy of the Reference Plan.

Respectfully submitted,

Steve Craig
Senior Planning Technician