

**A G E N D A**

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

---

**TELECONFERENCE**

**10:00 A.M.**

**THURSDAY  
DECEMBER 10, 2020**

**DISCLOSURE OF INTEREST**

**MINUTES**

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

**HEARING OF APPLICATIONS**

B09/20 - Maurice Nesbitt - 144 Erie Street **Pages 2-9**

Planning Report - B09/20 **Page 10**

**UNFINISHED BUSINESS**

**NEW BUSINESS**

Next Meeting

To Be Determined.

**ADJOURNMENT**

NOV 05 2020

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

---

November 5<sup>th</sup>, 2020

Secretary-Treasurer, Committee of Adjustment  
Attention: Jon Hindley


Pursuant to By-Law 30-2015, a consultation meeting was held on November 5<sup>th</sup>, 2020 with Planning Department Staff and the applicant.

An application for Consent, regarding 144 Erie Street, was filed on November 5<sup>th</sup>, 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: <u>10/15/20</u>	Consultation Date: <u>11/05/20</u>
	Date Application Deemed Complete: <u>11/05/20</u>	

Application #: 609/20

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](mailto: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): Maurice Nesbitt - Stone Canyon 15  
Mailing Address: 905-49 Queen St E Cambridge Ont  
Postal Code: N3C 0G7 telephone: 519-39-3899 Fax: \_\_\_\_\_  
email: RECCNESBIT@gmail.com

(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 Ont.

Concession No \_\_\_\_\_ Lot(s) \_\_\_\_\_ Registered Plan No 6 Lot(s) 13

Reference Plan No FFB Part(s) A

Name of Street ERIE Street No 144

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

(a) Frontage 9.281m Depth 35.521m Area 326.350m

(b) Existing Use Semi Detached Dwelling Proposed Use Semi-Detached Res

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

Existing: RESIDENTIAL

Proposed: RESIDENTIAL

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

(a) Frontage 9.025m Depth 35.529m Area 324.58m

(b) Existing Use Semi Detached Dwelling Proposed Use Semi-Detached Res

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

Existing: Residential

Proposed: Residential

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

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

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

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

(a) Local Municipal Official Plan Residential

(b) Regional Policy Plan Not Applicable

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, Maurice Nesbitt, 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, Maurice Nesbitt of Cambridge in the province of Ontario,  
name of applicant City  
make oath and say (or solemnly declare) that the information required under Schedule 1 of Ontario Regulation 545/06 and provided by the applicant in this application is accurate, and that the information contained in the documents that accompany this application is accurate.

Sworn (or declared) before me at the City of St. Thomas on this 16th day of October, 2020.  
City Day Month Year

  
Signature of Owner or Authorized Agent

Oct. 16/20  
Date

  
Signature of Commissioner of Oaths, etc.

Oct. 16/20  
Date

JONATHAN DARYL HINDLEY, a Commissioner, etc.  
Province of Ontario, for the Corporation of the City of St. Thomas.  
Expires March 23, 2021.

**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, Maurice Nesbitt, 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.

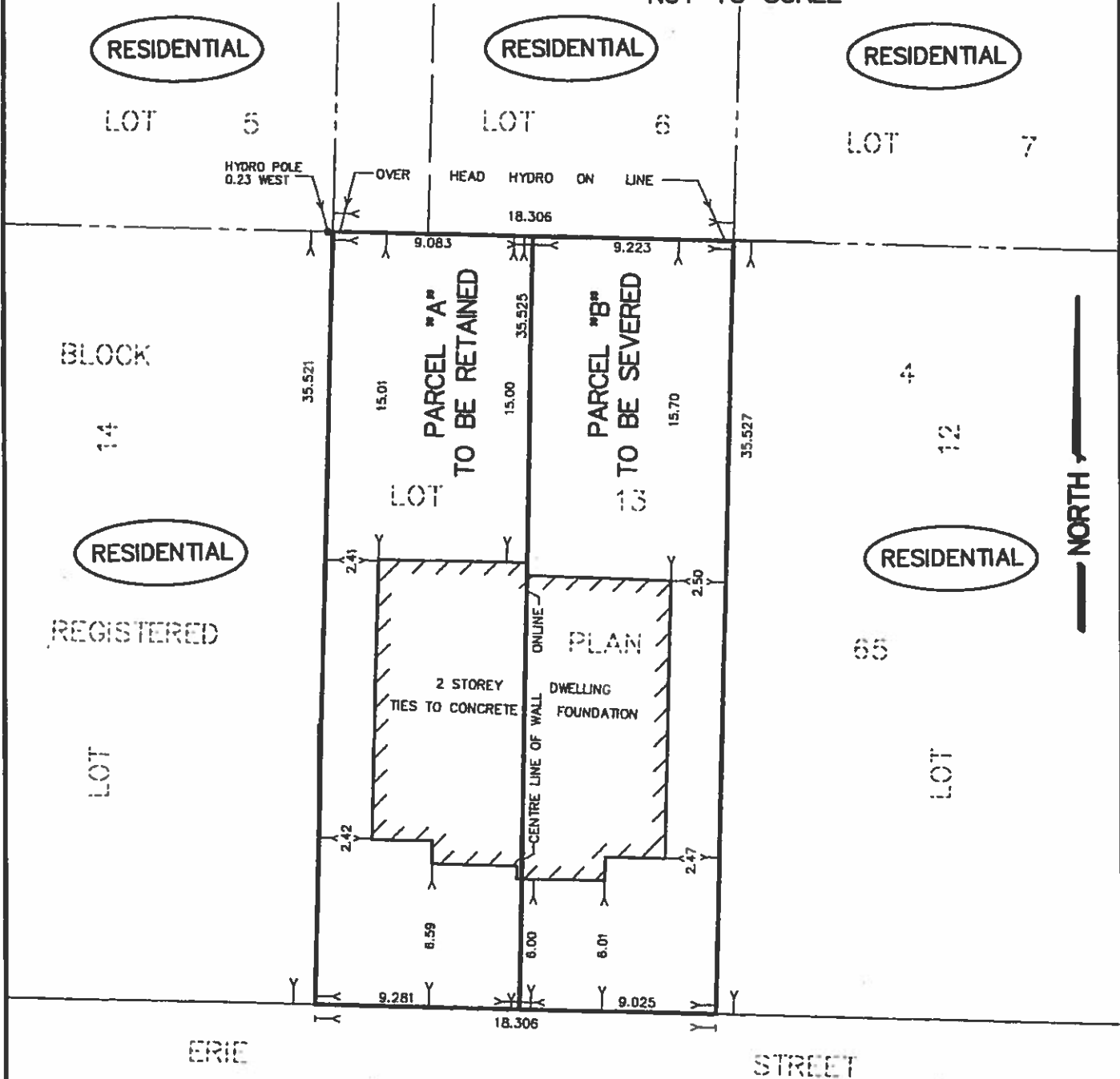
2020-10-27  
Date

  
Signature of Owner



AREA OF PARCEL "A" = 326.3 SQUARE METRES  
 AREA OF PARCEL "B" = 324.0 SQUARE METRES  
 AREA OF 2 STOREY DWELLING ON PARCEL "A"  
 91.8 SQUARE METRES  
 AREA OF 2 STOREY DWELLING ON PARCEL "B"  
 88.7 SQUARE METRES

**SKETCH FOR PROPOSED SEVERENCE**  
**LOT 13, BLOCK 4**  
**REGISTERED PLAN 65**  
**CITY OF ST. THOMAS**  
**COUNTY OF ELGIN**  
**KIM HUSTED SURVEYING LTD.**  
**NOT TO SCALE**



**KIM HUSTED SURVEYING LTD.**  
**ONTARIO LAND SURVEYOR**  
 30 HARVEY STREET, TILSONBURG ONTARIO, N4G 3J8  
 PHONE: 519-842-3638 FAX: 519-842-3639

PROJECT: 20-15675	REFERENCE: FF8	DISK No.	DWG.
			CHKD.



The Corporation of the City of St. Thomas

Report No.: B09-2020

Applicant: Maurice Nesbitt

Directed to: Members of the Committee of Adjustment

Report Date: November 30, 2020  
Meeting Date: December 10, 2020

Location: 144 Erie 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:

**Recommendation:**

That: Report B09-2020 be received.

**Background:**

The applicant is proposing to subdivide the existing semi-detached residential dwelling that was recently constructed on the subject lands.

**Proposal:**

The applicant is proposing to sever a lot with lot frontage of 9.28m on Erie Street and a lot area of 326.3m<sup>2</sup>, containing one semi-detached dwelling unit. The applicant is proposing to retain a lot with lot frontage of 9.02m on Erie Street and an area of 324.0m<sup>2</sup>, containing one semi-detached dwelling.

**Official Plan:**

- The subject lands are within the Residential designation, as shown on Schedule "A" (Land Use Plan) to the Official Plan for the City of St. Thomas. The Residential policies of the Official Plan permit a full range of dwelling types including low density residential uses.

**Zoning By-Law:**

- The subject lands are in the Fourth Residential Zone (R4) pursuant to the City of St. Thomas Zoning By-Law No. 50-88. Permitted uses of the R4 zone include a semi-detached dwelling.
- Maximum Main Building Height - 11m;
- Maximum Accessory Building Height - 4m;
- Maximum Floor Area of an Enclosed Accessory Building - The lesser of 15% of the lot Area or 40sqm;
- Maximum Number of Dwelling Units - 2 per lot;
- Maximum Roof Area - 55%;
- Minimum Front Yard Depth - 6m;
- Minimum Rear Yard Depth - 9m;
- Minimum Dwelling Unit Floor Area - 1 Storey Dwelling 74sqm; and
- Minimum Number of Parking Spaces - 1 per Dwelling Unit.
- The General Provisions of the Zoning By-law (Severance of Lots and Buildings) provide that where a semi-detached dwelling is lawfully erected in accordance with the provisions of this by-law and any such dwelling and the lot on which it is located are lawfully severed, the zone requirements applicable to such semi-detached dwelling and the lot on which it is located as set forth in paragraphs 7.4.1, 8.4.1 and 9.4.1, as the case may be, shall apply to each lot created and the part of the building erected thereon except that the minimum lot area shall be 45% (Severed 50.1% / Retained 49.9%) of the minimum for the lot before the severance, the minimum lot frontage shall be 45% (Severed 50.6% / Retained 49.3%) of the minimum for the lot before the severance, the maximum lot coverage shall be 40% (Severed 28.1% / Retained 27.3%) of the maximum for the lot before severance and the minimum for one side yard shall be nil and 1m for the other.

**Comments:**

- In staff's opinion the proposed consent complies with the City of St. Thomas Official Plan, Zoning By-law and satisfies the criteria of Section 51(24) of the Planning Act, R.S.O, as amended.
- Approval of consent application B09-2020 is supportable, should the Committee approve the application staff recommends the following conditions:
  1. The owner provide confirmation that both the severed and retained lots have separate services, to the satisfaction of the Manager of Development & Compliance; and
  2. The City of St. Thomas be provided with a copy of the Reference Plan.

Respectfully submitted,

Steve Craig  
Senior Planning Technician

**Location Plan:**

