

A G E N D A

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

TELECONFERENCE

10:00 A.M.

**THURSDAY
NOVEMBER 26, 2020**

DISCLOSURE OF INTEREST

MINUTES

Confirmation of the minutes of the meeting held on November 12, 2020.

HEARING OF APPLICATIONS

B08/20 - Doug Tarry Limited - 26 and 28 Vanier Place **Pages 2-13**

Planning Report – B08/20 **Pages 14-15**

UNFINISHED BUSINESS

NEW BUSINESS

Next Meeting

December 10, 2020 at 10:00 a.m.

ADJOURNMENT

**PLANNING & BUILDING SERVICES DEPARTMENT**

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

City of St. Thomas

9 Mondamin Street

St. Thomas, Ontario, N5P 2T9

OCT 26 2020

City Clerks Dept.

**CONFIRMATION OF A COMPLETE APPLICATION
APPLICATION FOR CONSENT**October 26th, 2020

Secretary-Treasurer, Committee of Adjustment
Attention: Jon Hindley

Pursuant to By-Law 30-2015, a consultation meeting was held on February 20th, 2020 with Planning Department Staff and the applicant.

An application for Consent, regarding 26 and 28 Vanier Place, was filed on October 23rd, 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,

A handwritten signature in black ink, appearing to read "Jim McCoomb".

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 23 2020</u>	Consultation Date: <u>Feb 20/20</u>
	Date Application Deemed Complete: <u>OCT 26 2020</u>	

Application #: B08/20

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): Doug Tarry Limited
- Mailing Address: 358 Elm Street
- Postal Code: N5R 1K1 Telephone: 519-631-9300 Fax: _____
- email: dangho@dougarryhomes.com
- (b) Owner's Solicitor or Authorized Agent (if any): C J D L
- Mailing Address: 261 Broadway, P.O. Box 460, Tillsonburg, ON
- Postal Code: N4G 4H8 Telephone: 519-688-1000 Fax: 519-842-3235
- email: dlyle@cjdle.com
- (c) Please specify to whom all communications should be sent:
- Owner Solicitor Agent
2. (a) Type and purpose of proposed transaction: (Check appropriate space/s)
- | | |
|---|--|
| <input checked="" type="checkbox"/> Creation of New Lot | <input type="checkbox"/> Disposal of Surplus Farm Dwelling |
| <input type="checkbox"/> Addition to Lot | <input type="checkbox"/> Correction of Title |
| <input type="checkbox"/> Mortgage or Charge | <input type="checkbox"/> Partial Discharge of Mortgage |
| <input type="checkbox"/> Lease | <input type="checkbox"/> Right-of-way |
- Easement _____

- (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:

Doug Tarry Limited

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

Yes No

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

4. Location of land:

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

Concession No _____ Lot(s) _____ Registered Plan No M-10 Lot(s) 101

Reference Plan No 11M - 1882 Part(s) 17, 18, 19, 20, 21, and 22

Name of Street Vanier Place Street No 26 & 28

5. Description of land to be severed: (In metric units) Part No. on sketch 17, 18, 19 of 11M-1882

(a) Frontage 10.668m Depth 33.578m Area 359.1m²

(b) Existing Use Residential Proposed Use Residential

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

Existing: semi-detached family home (both units)

Proposed: semi-detached family home (one unit per lot) (26 Vanier Place)

6. Description of land to be retained: (In metric units) Part No. on sketch 20, 21, 22 of 11M-1882

(a) Frontage 10.668m Depth 33.955m Area 361.2m²

(b) Existing Use Residential Proposed Use Residential

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

Existing: semi-detached family home (both units)

Proposed: semi-detached family home (one unit per lot) (28 Vanier Place)

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

Provincial Highway

Regional Road

Municipal Road maintained all year

Other Public Road

Municipal Road maintained seasonally

Right-of-Way

Water Access

Private Road

- (b) Type of access to retained land:

Provincial Highway

Regional Road

Municipal Road maintained all year

Other Public Road

Municipal Road maintained seasonally

Right-of-Way

Water Access

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) _____	(Individual services provided) _____	

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) _____	(Individual services provided) _____	

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

(a) Local Municipal Official Plan Residential

(b) Regional Policy Plan _____

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

Yes No

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

File Number: _____

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, ~~Deren Lyle~~ Daniel Vandenberg, 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, Deren Lyle Daniel Vandenberg of Aylmer the Township of Southwold 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 23rd day of October, 20 20.
City Day Month Year


Signature of Owner or Authorized Agent

23 Oct 2020
Date


Signature of Commissioner of Oaths, etc.

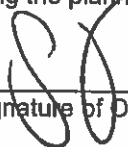
Oct 23, 2020
Date

APPENDIX A – AUTHORIZATION OF OWNER

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

I, DTL, am the owner of the subject lands, and I authorize CJDL, 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.

October 6, 2020
Date


Signature of Owner

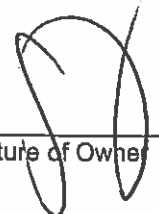
APPENDIX B – ACKNOWLEDGEMENT OF LEGAL AND PLANNING FEES

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

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

I, DTL, 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.

October 6, 2020
Date


Signature of Owner

PROCEDURES FOR PROCESSING APPLICATIONS FOR CONSENT

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

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

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

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

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

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

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

Preliminary Discussion and Pre-consultation

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

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.

26 Vanier Place

Parts: 17, 18, 19

ST.THOMAS ZONING REQUIRMENTS		
	REQUIRED	PROVIDED
ZONING	R3	R3
LOT AREA (MIN.)	300m ²	359.1m ²
LOT FRONTAGE (MIN.)	10.0m	10.7m
YARDS		
FRONT (MIN.)	6.0m	6.4m
INTERIOR		
EAST (MIN.)	0.0m	0.0m
WEST (MIN.)	1.0m	4.0m
EXTERIOR (MIN.)	N/A	N/A
REAR (MIN.)	9.0m	11.3m
LOT COVERAGE (MAX.)	40.0%	28.7%
BUILDING HEIGHT (MAX.)	11.0m	1 STOREY
NUMBER OF BUILDINGS:	1	1
NUMBER OF UNITS (MAX.):	2	1
BUILDING AREA (TOTAL)	74m ²	91.6m ²

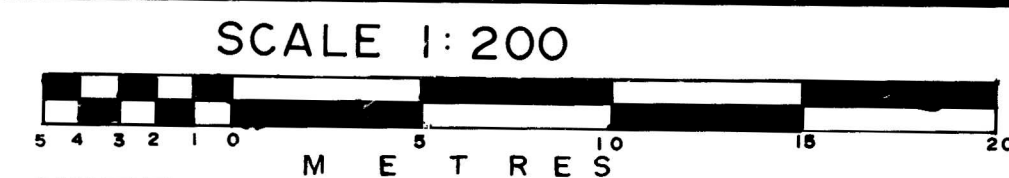
28 Vanier Place

Parts: 20, 21, 22

ST.THOMAS ZONING REQUIRMENTS		
	REQUIRED	PROVIDED
ZONING	R3	R3
LOT AREA (MIN.)	300m ²	361.1m ²
LOT FRONTAGE (MIN.)	10.0m	10.7m
YARDS		
FRONT (MIN.)	6.0m	6.4m
INTERIOR		
EAST (MIN.)	1.0m	4.0m
WEST (MIN.)	0.0m	0.0m
EXTERIOR (MIN.)	N/A	N/A
REAR (MIN.)	9.0m	12.5m
LOT COVERAGE (MAX.)	40.0%	26.6%
BUILDING HEIGHT (MAX.)	11.0m	1 STOREY
NUMBER OF BUILDINGS:	1	1
NUMBER OF UNITS (MAX.):	2	1
BUILDING AREA (TOTAL)	74m ²	92.9m ²

PLAN MATERIAL
 Plastic material - Transfer (Mylar equivalent)
 Gauge - 0.003 in.
 Process - Original
 Ink - Special T

SURVEY PLAN
 OF
LOTS 99 to 105 (both inclusive)
REGISTERED PLAN M-10
CITY OF ST. THOMAS
 COUNTY OF ELGIN
 J. G. RUPERT LTD.
 ONTARIO LAND SURVEYORS
 1979



L-3651

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.
 DATED AUG. 8, 1979

PLAN IIR-1882
 RECEIVED AND DEPOSITED
 DATED 17 Aug 1979

Rupert
 J. G. RUPERT
 O. L. S.

W. Burke
 DEPUTY LAND REGISTRAR
 FOR THE LAND TITLES
 DIVISION OF ELGIN (II)

CAUTION:
 This plan is not a plan of Subdivision within the meaning of the Planning Act.

APPROVED August 14, 1979

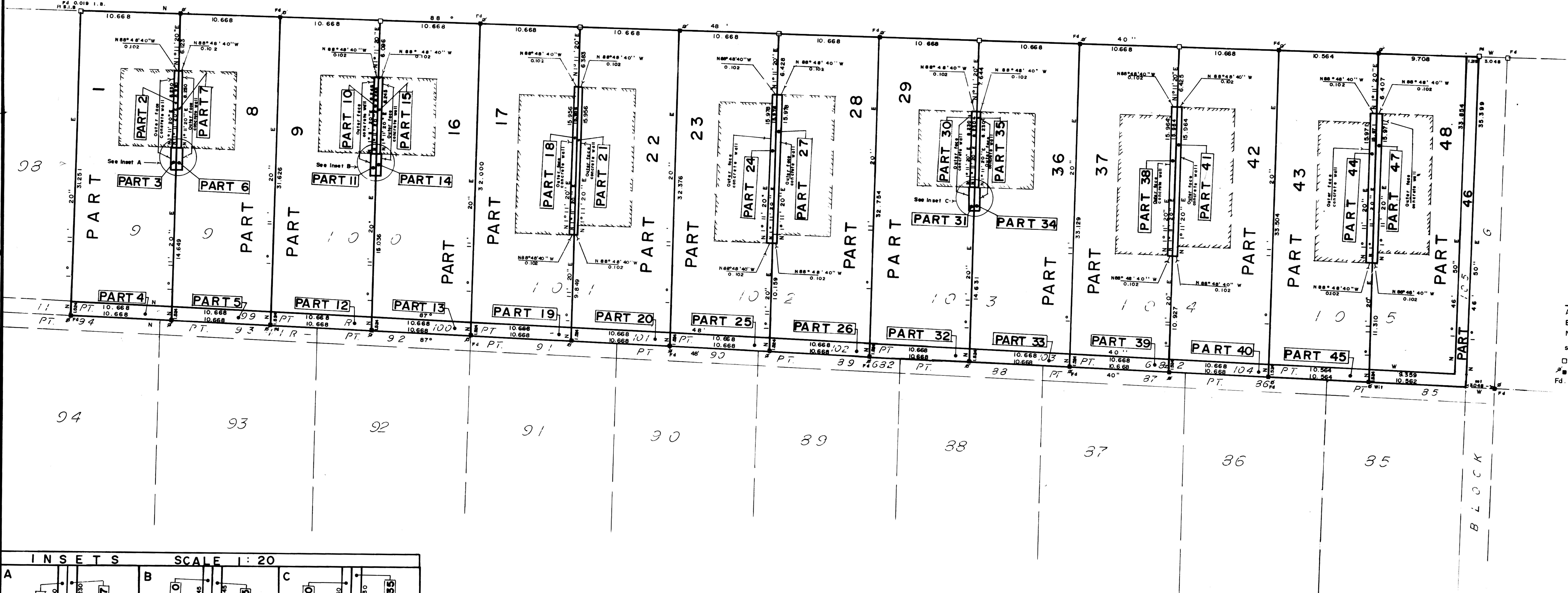
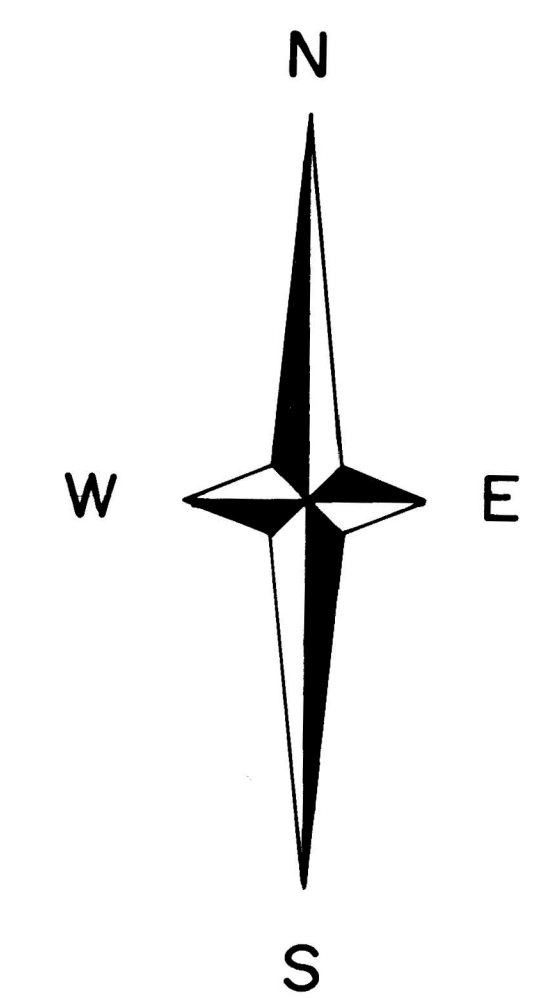
E. SMITH
 ASST. EXAMINER OF SURVEYS

Parts 1 to 8 both inclusive are all of Parcel 99-1, Section M-10
 Parts 9 to 16 both inclusive are all of Parcel 100-1, Section M-10
 Parts 17 to 22 both inclusive are all of Parcel 101-1, Section M-10
 Parts 23 to 28 both inclusive are all of Parcel 102-1, Section M-10
 Parts 29 to 36 both inclusive are all of Parcel 103-1, Section M-10
 Parts 37 to 42 both inclusive are all of Parcel 104-1, Section M-10
 Parts 43 to 48 both inclusive are all of Parcel 105-1, Section M-10
 Parts 4, 5, 12, 13, 19, 20, 25, 26, 32, 33, 39, 40, 45, and 46 are subject to an easement by Transfer 2845.

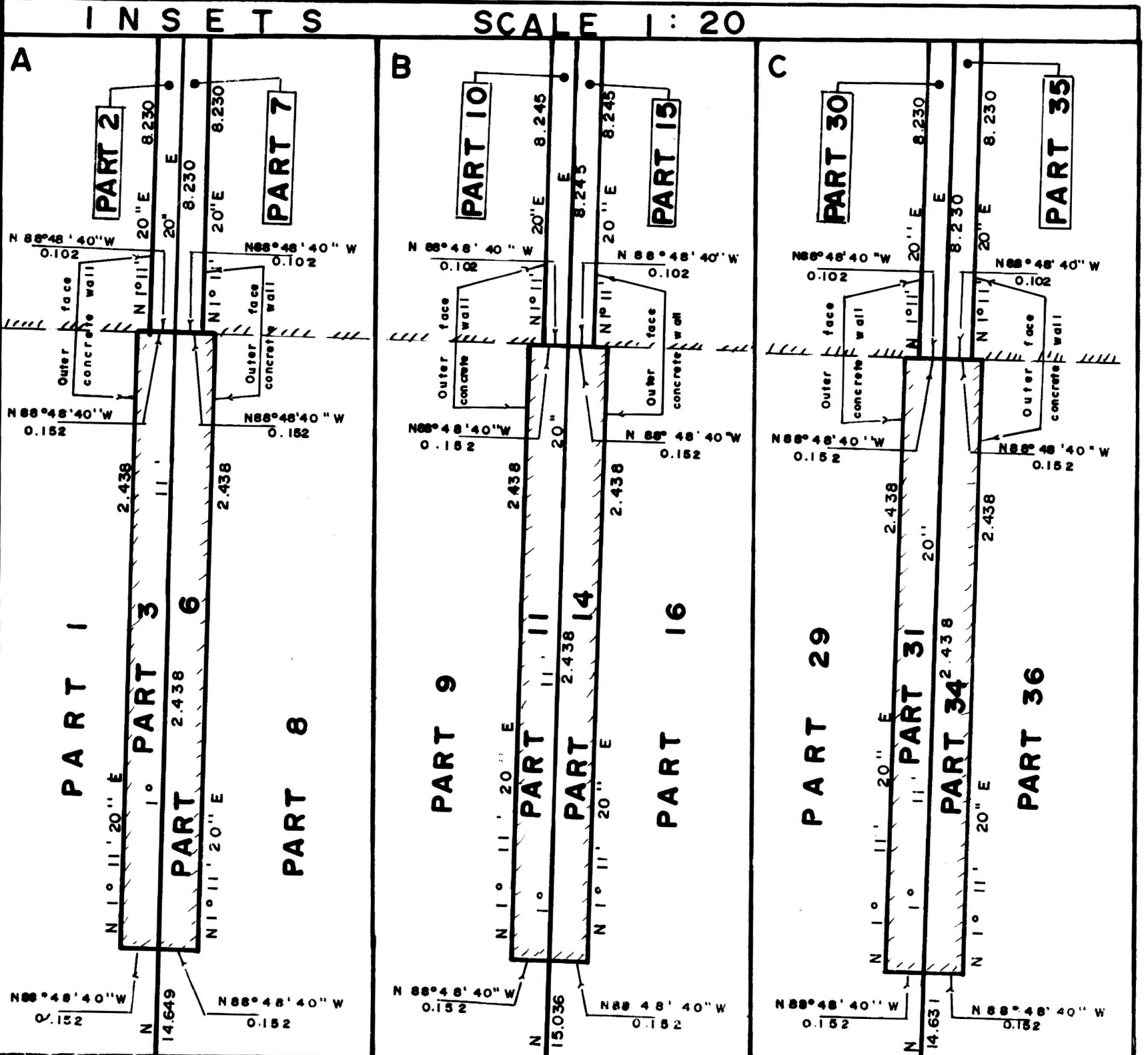
IIR-1882

V A N I E R

P L A C E



NOTES
 All hanging lines shown on this plan have been verified.
 BEARINGS are Astronomic and are referred to the bearing of N88°48'40"W for the South limit of Vanier Place as shown on Registered Plan M-10
 □ Denotes 0.0254 x 0.0254 x 1.219 Standard Iron Bar (S.I.B)
 ● Denotes 0.019 dia. Round Iron Bar
 Fd. Denotes found.




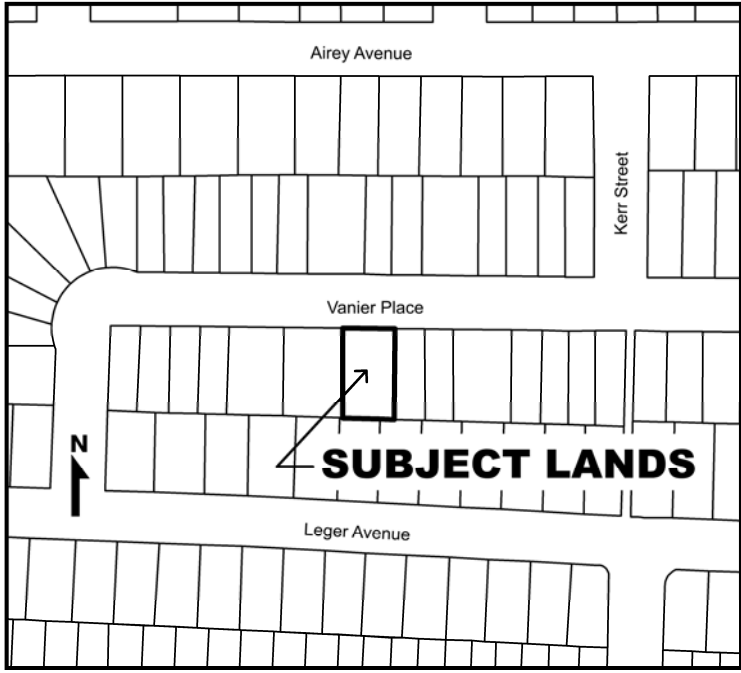
SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT:
 1. This survey and plan are correct and in accordance with The Surveys Act and The Land Titles Act and the regulations made thereunder.
 2. The survey was completed on the 26th day of July, 1979

St. Thomas, Ont.
 Aug 8, 1979

Rupert

J. G. Rupert
 Ontario Land Surveyor
 J. G. RUPERT LTD.
 ONTARIO LAND SURVEYORS

 The Corporation of the City of St. Thomas	Report No.: B08-2020
Directed to: Members of the Committee of Adjustment	Applicant: Doug Tarry Limited
Location: 26 and 28 Vanier Place, City of St. Thomas	Report Date: November 17, 2020 Meeting Date: November 26, 2020
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
Recommendation: That: Report B08-2020 be received.	
<p>Background: The applicant is proposing to subdivide the existing semi-detached residential dwelling on the subject lands.</p> <p>Proposal: The applicant is proposing to sever a lot with lot frontage of 10.6m on Vanier Place and a lot area of 359.1m², containing one semi-detached dwelling unit. The applicant is proposing to retain a lot with lot frontage of 10.6m on Vanier Place and an area of 361.2m², containing one semi-detached dwelling. The severed and retained lots will continue to be used for residential purposes.</p> <p>Official Plan:</p> <ul style="list-style-type: none"> The subject lands are within the Residential designation, as shown on Schedule "A" (Land Use Plan) to the Official Plan for the City of St. Thomas. The Residential policies of the Official Plan permit a full range of dwelling types including low density residential uses. <p>Zoning By-Law:</p> <ul style="list-style-type: none"> The subject lands are in the Third Residential Zone (R3) pursuant to the City of St. Thomas Zoning By-Law No. 50-88. Permitted uses of the R3 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 49.8% / Retained 50.1%) of the minimum for the lot before the severance, the minimum lot frontage shall be 45% (Severed 50% / Retained 50%) of the minimum for the lot before the severance, the maximum lot coverage shall be 40% (Severed 28.7% / Retained 26.6%) of the maximum for the lot before severance and the minimum for one side yard shall be nil and 1m for the other. 	<p>Location Plan:</p> 

Aerial Photography:**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 B08-2020 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

Steve Craig
Senior Planning Technician