

**A G E N D A**

**THE FIFTH MEETING OF THE COMMITTEE OF ADJUSTMENT  
OF THE CITY OF ST. THOMAS 2021**

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**TELECONFERENCE**

**10:00 A.M.**

**THURSDAY  
APRIL 8, 2021**

**DISCLOSURE OF INTEREST**

**MINUTES**

Confirmation of the minutes of the meeting held on March 25, 2021.

**HEARING OF APPLICATIONS**

B02/21 - TBR Land Developments Inc. - Park Avenue Parcel **Pages 2-13**

Planning Report - B02/21 **Pages 14-15**

B03/21 - J. R. Robertson Holding - 2 Currah Road **Pages 16-25**

Planning Report - B03/21 **Pages 26-27**

**UNFINISHED BUSINESS**

**NEW BUSINESS**

Next Meeting

To Be Determined.

**ADJOURNMENT**

MAR 10 2021

..t.

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

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March 10<sup>th</sup>, 2021

Secretary-Treasurer, Committee of Adjustment  
Attention: Jon Hindley

Pursuant to By-Law 30-2015, a consultation meeting was held on February 24<sup>th</sup>, 2021 with Planning Department Staff and the applicant.

An application for Consent, regarding a parcel on Park Avenue, was filed on March 9<sup>th</sup>, 2021.

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>MAR 09 2021</u>	Consultation Date: <u>Feb 24/21</u>
	Date Application Deemed Complete: <u>MAR 09 2021</u>	

Application #: B02121

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): TBR Land Developments Inc. (TBR)

Mailing Address: 4101 Steeles Ave West, Suite 201, Toronto, ON

Postal Code: M3N 1V7 Telephone: cell: 416-788-2453 Fax: 416-736-4901

email: plan@rogers.com & aruggero@rextionrealty.com

(b) Owner's Solicitor or Authorized Agent (if any): Al Ruggero

Mailing Address: 4101 Steeles Ave West, Suite 201, Toronto, ON

Postal Code: M3N 1V7 Telephone: cell: 416-788-2453 Fax: 416-736-4901

email: plan@rogers.com & aruggero@rextionrealty.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:

1024 Talbot St to receive the lot addition are adjacent to the Severed Lands on the east side.

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

Fahad Sheikh & Faisal Sheikh & Mohammad Zaida & Ahmed Zaida. Close in May

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 (See OLS Plan of Survey for full legal desc)

Concession No \_\_\_\_\_ Lot(s) \_\_\_\_\_ Registered Plan No \_\_\_\_\_ Lot(s) 1

Reference Plan No \_\_\_\_\_ Part(s) Block 4 (See OLS Plan of Survey)

Name of Street Talbot St frontage Street No n/a

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

(a) Frontage 37.5 m Depth IRR 85 m Area 3,188 m2 (0.318 ha)

(b) Existing Use Highway Commercial but vacant Proposed Use I assume will remain Highway Commercial

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

Existing: None

Proposed: I assume none but it will be up to the new landowner to make that determination.

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

(a) Frontage Approx 31 m Depth Approx 210 m Area 0.653 ha

(b) Existing Use Residential Proposed Use Residential

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

Existing: None. Lands are vacant

Proposed: Merge with other TBR lands on south side for purpose of a future residential development.

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 checked="" 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 Highway Commercial 'HC'
- (b) Regional Policy Plan Not sure.

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, Al Ruggero (authorized agent), 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, Al Ruggero authorized agent) of Vaughan 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 Vaughan on this 4th day of March, 2021.  
City Day Month Year

  
\_\_\_\_\_  
Signature of Owner or Authorized Agent

\_\_\_\_\_  
March 4 2021  
Date

  
\_\_\_\_\_  
Signature of Commissioner of Oaths, etc.

\_\_\_\_\_  
March 4 2021  
Date


**Claudio Polsinelli**  
Barrister & Solicitor  
LSUC No. 27057K

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

March 4 2021  
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, Tony Romanelli of TBR, am the owner of the subject lands, and I understand that further fees may be incurred by the City throughout the planning process and that I am responsible for reimbursing all fees.

March 4 2021  
Date

  
Signature of Owner



## PROCEDURES FOR PROCESSING APPLICATIONS FOR CONSENT

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

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

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

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

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

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

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

### **Preliminary Discussion and Pre-consultation**

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

**POLICIES**

The requirements to complete one application are:

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

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

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

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

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

Decisions of the Committee are made in public.

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

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

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


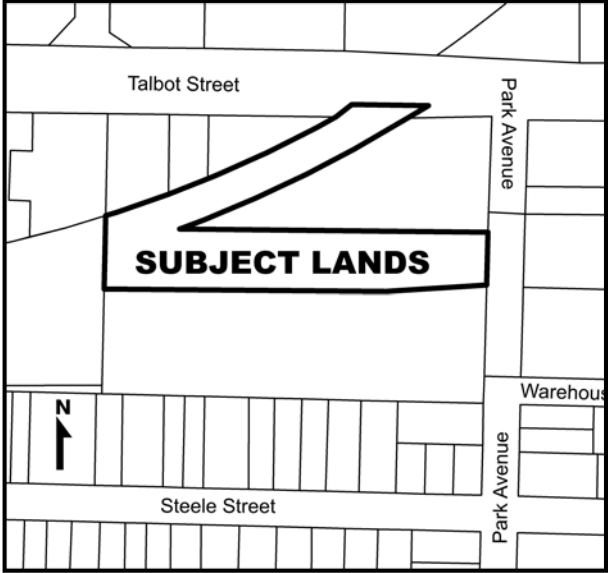
That land be deeded gratuitously to the local or Regional municipality for road widening purposes.

Legal Description- Park Ave Site – St. Thomas

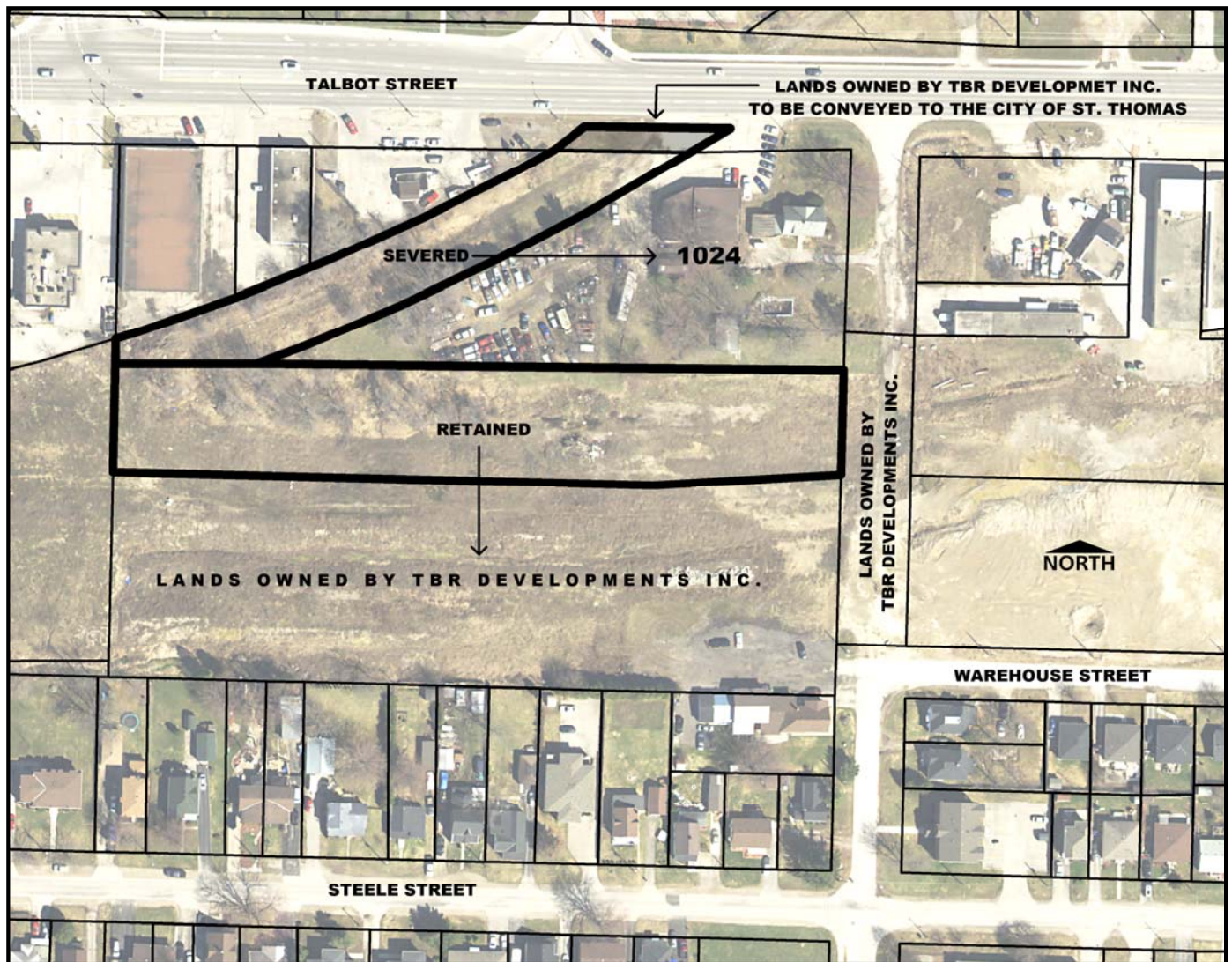
PLAN OF SURVEY  
WITH TOPOGRAPHICAL DETAIL  
OF ALL OF  
LOT 1, BLOCK 4  
AND PART OF  
PARK AVENUE  
(CLOSED BY BY-LAW No. 1117, inst. No. YM29655)  
REGISTERED PLAN No. 80  
(FORMERLY TOWNSHIP OF YARMOUTH)  
AND PART OF  
LOTS 26 TO 30 INCLUSIVE AND 48  
AND PART OF  
LOT CANADA SOUTHERN RAILWAY  
AND PART OF  
LOT CREDIT VALLEY RAILWAY  
REGISTERED PLAN No. 209  
(FORMERLY TOWNSHIP OF YARMOUTH)  
IN THE  
CITY OF ST. THOMAS  
COUNTY OF ELGIN





 <b>The Corporation of the City of St. Thomas</b>	<b>Report No.:</b> B02-2021
<b>Directed to:</b> Members of the Committee of Adjustment	<b>Applicant:</b> TBR land Developments Inc.
<b>Location:</b> Plan 80, Part Lot 1, Plan 209, Part Lots 26-30, City of St. Thomas	<b>Report Date:</b> March 31, 2021 <b>Meeting Date:</b> April 8, 2021
<b>Subject:</b> Request for a consent pursuant to Section 53 of the Planning Act, R.S.O, as amended	
<b>Department:</b> Planning Department <b>Prepared by:</b> Steve Craig, Senior Planning Technician	<b>Attachments:</b> Location Plan
<b>Recommendation:</b>  <b>That:</b> Report B02-2021 be received.	
<p><b>Background:</b> Consent application B02/21 has been filed for the purpose of a lot addition to facilitate the assembly of lands for future development purposes.</p> <p><b>Proposal:</b> The applicant is proposing to sever a vacant lot with 37.5m of frontage on Talbot Street and an area of 3,188m<sup>2</sup>, the lands are proposed to be merged with the abutting lot to the east, municipally known as 1024 Talbot Street and used for future highway commercial development purposes. The applicant is proposing to retain a vacant lot with an area of 6,520m<sup>2</sup>, the lands are proposed to be merged with the abutting lot to the south, which are owned by the applicant and used for future residential development purposes.</p> <p><b>Official Plan:</b></p> <ul style="list-style-type: none"> <li>The subject lands are in the Highway Commercial designation and Residential designation, as shown on Schedule "A" (Land Use Plan) to the Official Plan for the City of St. Thomas.</li> <li>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 (5.8.3.1).</li> <li>Permitted uses in the Residential designation are a full range of dwelling types including low density residential uses (5.1.3.1).</li> <li>No development or redevelopment shall be permitted on a site that may be contaminated by a prior or current use until it has been determined that the proposed development will not result in health or safety risks to residents or cause any adverse environmental impacts. Where development or re-development is proposed a proponent shall undertake an Environmental Site Assessment process to minimize the level of risk associated with the proposed development (8.13.3). No development or redevelopment is proposed through Consent application B02/21, the application has been filed for the purpose of a lot addition to facilitate the assembly of lands for future development purposes.</li> </ul> <p><b>Zoning By-Law:</b></p> <ul style="list-style-type: none"> <li>The subject lands are in the Residential Development Zone (R7) and Highway Commercial Zone (C7) pursuant to the City of St. Thomas Zoning By-Law No. 50-88, as amended (Section 11 and Section 18).</li> <li>Permitted uses of the R7 zone include uses existing at the time of the by-law and agricultural (11.1). No building or structure shall be erected (11.2).</li> <li>Permitted uses of the C7 zone include an animal clinic, automotive service business, automotive trade, car wash, car rental business, convenience store, existing business office, existing retail commercial uses, fast food restaurant, gas bar, hotel/motel, pet grooming shop, private recreational facility, restaurant, retail food store, self storage business and uses accessory to the foregoing (18.1).</li> <li>Minimum lot area requirement – No minimum (18.4.1.1).</li> <li>Minimum lot frontage – No minimum (18.4.1.1).</li> </ul>	<p><b>Location Plan:</b></p>  <p>The map shows a street grid with Talbot Street at the top and Steele Street at the bottom. Park Avenue runs vertically on the right side. A shaded area labeled 'SUBJECT LANDS' is located between Talbot Street and Steele Street, bounded by Park Avenue to the east and an irregular boundary to the west. A north arrow is located in the bottom left corner of the map area.</p>

## Aerial Photograph (2015):



## Comments:

- Through the consultation process staff identified that part of the subject land would be beneficial to the City for the future road widening of Talbot Street, notwithstanding the widening is not identified on Schedule "C" (Road Widening Plan) to the Official Plan for the City of St. Thomas. The applicant has agreed to gift the lands to the Corporation of the City of St. Thomas, subject to the City covering all costs related to the conveyance of the road widening.
- No development is proposed through Consent application B02/21, the application has been filed for the purpose of a lot addition to facilitate the assembly of lands for future development purposes. The subject lands are former rail lands and development shall not be permitted until the proponent has satisfied the Site Contamination Policies of the City of St. Thomas Official Plan (8.1.3).
- In staff's opinion the proposed consent application 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 B02-2021 is supportable.
- Should the Committee approve consent application B02-2021 staff recommends the following conditions:
  - 1) The severed land be merged in title with the abutting lands to the east, 1024 Talbot Street and Subsection 3 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;
  - 2) The retained land be merged in title with the abutting lands to the south, owned by TBR Developments Inc. and Subsection 3 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;
  - 3) the solicitor for the applicant is to provide an undertaking, whereby they inform the Committee in writing, that the severed and retained 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;
  - 4) The applicant conveys to the City of St. Thomas, at no cost to the City, and free of all charge and encumbrances, the necessary road widening along Talbot Street, 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 Corporation of the City of St. Thomas; and
  - 5) The City of St. Thomas be provided with a copy of the Reference Plan.

Respectfully submitted,

Steve Craig  
Senior Planning Technician

MAR 11 2021

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

---

March 11, 2021

Secretary-Treasurer, Committee of Adjustment  
Attention: Jon Hindley

Pursuant to By-Law 30-2015, a consultation meeting was held on February 10, 2021 with Planning Department Staff and the applicant.

An application for Consent, regarding 2 Currah Road, was filed on March 10, 2021.

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

MAR 10 2021

OFFICE USE: Date Application Received: MAR 10 2021 Consultation Date: Feb 10/21
Date Application Deemed Complete: MAR 11 2021

Application #: B03/21

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): J R Robertson Holding

Mailing Address: 6 Currah Road, St Thomas, Ontario

Postal Code: N5P 3P9 Telephone: 519-633 3030 Fax:

email: jamesr@jrrobertson.com

(b) Owner's Solicitor or Authorized Agent (if any): Jacob Baribeau

Mailing Address: 10 Stardust Drive, Dorchester, Ontario

Postal Code: N0L 1G5 Telephone: 519-268-8343 Fax:

email: Jacob@baribeauconstruction.com

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

Owner [ ] Solicitor [ ] Agent [x]

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

- [x] Creation of New Lot [ ] Disposal of Surplus Farm Dwelling
[ ] Addition to Lot [ ] Correction of Title
[ ] Mortgage or Charge [ ] Partial Discharge of Mortgage
[ ] Lease [ ] 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:

Unknown.

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) <sup>10</sup> \_\_\_\_\_ Registered Plan No \_\_\_\_\_ Lot(s) \_\_\_\_\_

Reference Plan No <sup>287</sup> \_\_\_\_\_ Part(s) \_\_\_\_\_

Name of Street Currah Road Street No <sup>2</sup> \_\_\_\_\_

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

(a) Frontage <sup>36 492m</sup> \_\_\_\_\_ Depth <sup>90 617m</sup> \_\_\_\_\_ Area <sup>3305sqm</sup> \_\_\_\_\_

(b) Existing Use Manufacturing Proposed Use Manufacturing

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

Existing: \_\_\_\_\_

Proposed: 1672 25sqm industrial building

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

(a) Frontage <sup>45 794</sup> \_\_\_\_\_ Depth <sup>90.578</sup> \_\_\_\_\_ Area <sup>4142 8</sup> \_\_\_\_\_

(b) Existing Use Manufacturing Proposed Use Manufacturing

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

Existing: \_\_\_\_\_

Proposed: \_\_\_\_\_

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 Employment Lands
- (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, Jacob Baribeau, 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, Jacob Baribeau of Dorchester 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 Dorchester on this 09 day of 03, 20<sup>21</sup>  
City Day Month Year

Jacob Baribeau  
Signature of Owner or Authorized Agent

2021-03-09  
Date

\_\_\_\_\_  
Signature of Commissioner of Oaths, etc.

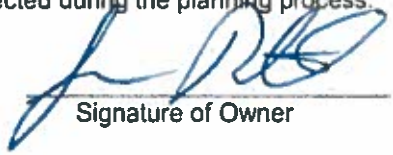
\_\_\_\_\_  
Date

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

March 10 / 2021  
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, James Robertson am the owner of the subject lands, and I understand that further fees may be incurred by the City throughout the planning process and that I am responsible for reimbursing all fees.

March 10 2021  
Date

  
Signature of Owner

23  
**PROCEDURES FOR PROCESSING APPLICATIONS FOR CONSENT**

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

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

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

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

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

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

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

**Preliminary Discussion and Pre-consultation**

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

**POLICIES**

The requirements to complete one application are:

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

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

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

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

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

Decisions of the Committee are made in public.

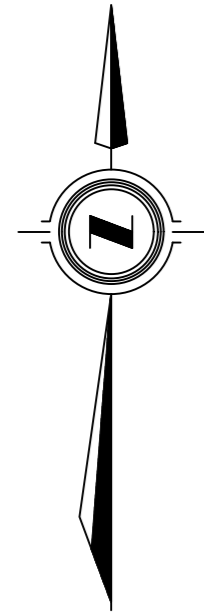
In granting consent to an application, the Committee may impose conditions as requested by municipal or other authorities such as the following:

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

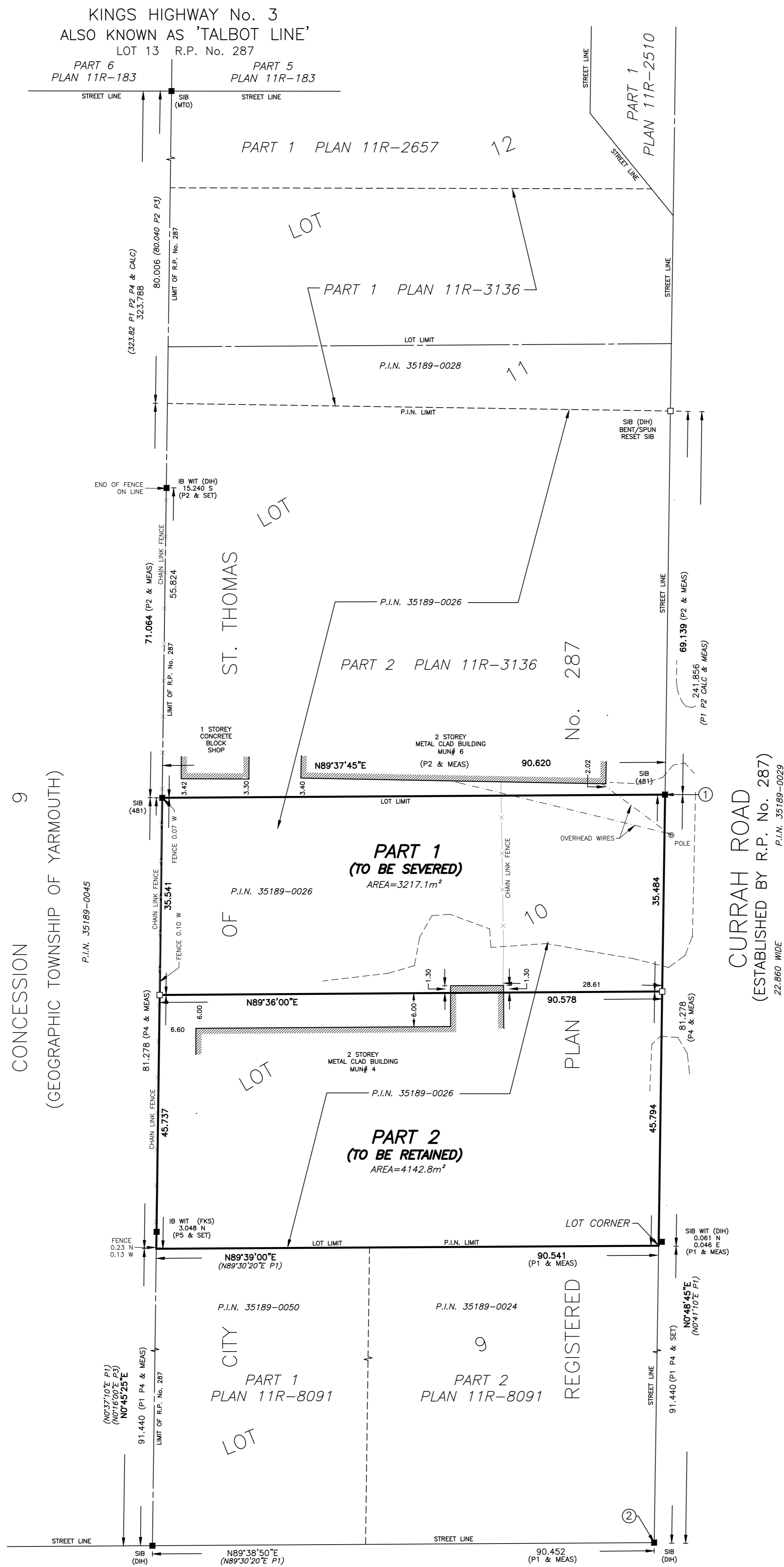
That an agreement with the local municipality be entered into for installation of such municipal services as may be required, at the expense of the applicant and to standards acceptable to the municipality.

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





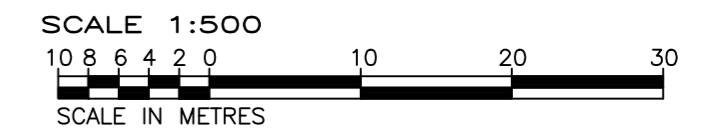
LOT 7  
 CONCESSION 9  
 (GEOGRAPHIC TOWNSHIP OF YARMOUTH)



I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.			
DATE: _____		PLAN 11R- RECEIVED AND DEPOSITED	
DATE: _____		DATE: _____	
ROBERT WOOD ONTARIO LAND SURVEYOR		REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF ELGIN. (No 11)	
PART SCHEDULE			
PART	LOT	PLAN	P.I.N.
1	PART OF 10	REGISTERED PLAN No. 287	PART OF 35189-0026
2			PART OF 35189-0026

PARTS 1 AND 2 COMPRISE PART OF P.I.N. 35189-0026.

**PLAN OF SURVEY**  
 OF ALL OF  
**LOT 10**  
**REGISTERED PLAN No. 287**  
 IN THE  
**CITY OF ST. THOMAS**  
 COUNTY OF ELGIN



2021  
 ARCHIBALD, GRAY & MCKAY LTD.  
 ONTARIO LAND SURVEYORS

**SURVEYOR'S CERTIFICATE:**

- I CERTIFY THAT:
- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
  - THE SURVEY WAS COMPLETED ON THE XXnd DAY OF XXXX, 2021.

DATE \_\_\_\_\_ ROBERT WOOD  
 ONTARIO LAND SURVEYOR

**UTM GRID NOTES**

BEARINGS ARE UTM GRID NAD83 (CSRS)(2010.0), DERIVED FROM OBSERVED REFERENCE POINTS "1" AND "2", BY REAL TIME NETWORK (RTN) OBSERVATIONS, LEICA GNSS SMARTNET NETWORK, UTM ZONE 17, AND ARE REFERRED TO THE CENTRAL MERIDIAN 81° 00' WEST LONGITUDE. DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.9995713693

POINT ID	NORTHING	EASTING
ORP 1	4737241.005	486161.983
ORP 2	4737068.364	486159.511

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

FOR BEARING COMPARISONS, A ROTATION OF 01°01'25" CLOCKWISE WAS APPLIED TO BEARINGS ON P2.


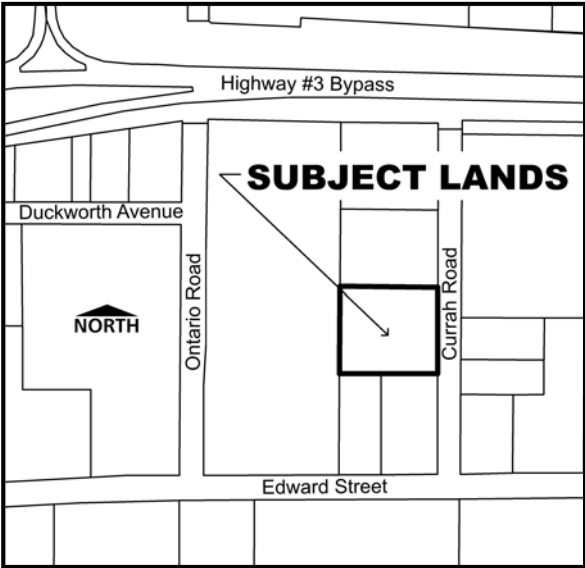
**NOTES & LEGEND**

- DENOTES MONUMENT FOUND
- DENOTES MONUMENT PLANTED
- SIB DENOTES STANDARD IRON BAR
- IB DENOTES IRON BAR
- RP DENOTES REGISTERED PLAN
- WIT DENOTES WITNESS
- AGM DENOTES ARCHIBALD, GRAY & MCKAY LTD., O.L.S.'s
- Dih DENOTES D.I. HOUGHTON, O.L.S.
- FKS DENOTES FKS LAND SURVEYING
- JGR DENOTES J.G. RUPERT, O.L.S.
- MTO DENOTES MINISTRY OF TRANSPORTATION, ONTARIO
- 481 DENOTES F.A. BELL, O.L.S.
- P1 DENOTES PLAN 11R-8091
- P2 DENOTES PLAN 11R-3136
- P3 DENOTES PLAN 11R-2657
- P4 DENOTES PLAN REGISTERED PLAN No. 287
- P5 DENOTES FKS PLAN No. 08-464-G, DATED JANUARY 6, 2009 AND REVISED DECEMBER 16, 2013
- N DENOTES NORTH
- E DENOTES EAST
- S DENOTES SOUTH
- W DENOTES WEST

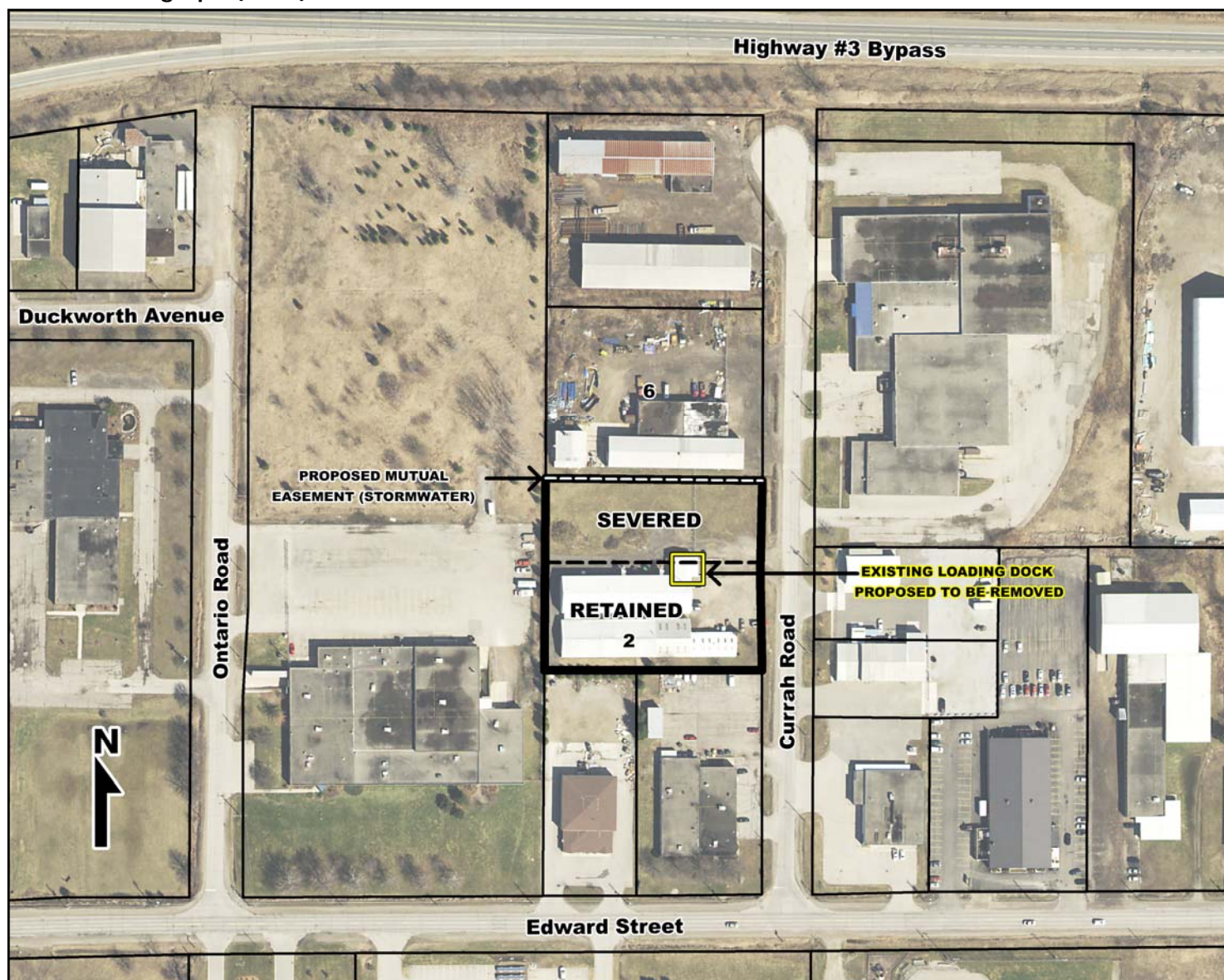
**METRIC:** DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

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

DRAWN BY: BLB	DIGITAL FILE: ST2103RP1C19.dwg	PLAN No:
CHECKED BY: RTW	FILE No: ST-0287-01-5	4-A-5149
Plot date: Mar 12, 2021	FILE No: ST-0287-01-5	

 <b>The Corporation of the City of St. Thomas</b>	<b>Report No.:</b> B03-2021
<b>Directed to:</b> Members of the Committee of Adjustment	<b>Applicant:</b> J.R. Robertson Holding
<b>Location:</b> 2 Currah Road, City of St. Thomas	<b>Report Date:</b> March 31, 2021 <b>Meeting Date:</b> April 8, 2021
<b>Subject:</b> Request for a consent pursuant to Section 53 of the Planning Act, R.S.O, as amended	
<b>Department:</b> Planning Department <b>Prepared by:</b> Steve Craig, Senior Planning Technician	<b>Attachments:</b> Location Plan
<b>Recommendation:</b>  <b>That:</b> Report B03-2021 be received.	
<p><b>Background:</b> Consent application B03/21 has been filed for the purpose of creating one vacant lot for future employment lands development purposes.</p> <p><b>Proposal:</b> The applicant is proposing to sever a vacant lot with frontage of 35.4m on Currah Road and an area of 3,217.1m<sup>2</sup>, proposed to be used for future employment lands development purposes. The applicant is proposing to retain a lot with frontage of 45.7m on Currah Road and area of 4,142.8m<sup>2</sup>, containing one building, proposed to continue to be used for employment lands purposes.</p> <p><b>Official Plan:</b></p> <ul style="list-style-type: none"> <li>The subject lands are in the Employment Lands designation, as shown on Schedule "A" (Land Use Plan) to the Official Plan for the City of St. Thomas.</li> <li>Permitted uses in the Employment designation include 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 (5.10.4).</li> <li>A goal in the Employment designation is to provide and maintain a sufficient supply of land, in amount and variety of sizes, to accommodate employment growth; (5.10.2(i)).</li> <li>The City will maintain an adequate supply of lands designated for employment purposes to accommodate employment growth to the year 2037. Key land supply priorities include providing a variety of choice in terms of location, property size and configuration, cost, and the range of permitted uses (5.10.3.1(ii)).</li> </ul>	<p><b>Location Plan:</b></p> 
<p><b>Zoning By-Law:</b></p> <ul style="list-style-type: none"> <li>The subject lands are in the Employment Lands Zone (EL) pursuant to the City of St. Thomas Zoning By-Law No. 50-88, as amended (Section 21A). Permitted uses of the EL zone 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 (21A.1).</li> <li>Minimum lot area requirement - No minimum (21A.4.1.1).</li> <li>Minimum lot Frontage requirement - 15m (21A.4.1.2).</li> <li>Minimum front yard depth - 6m (21A.4.1.3).</li> <li>Minimum rear yard depth – 1m except where the rear yard of a lot within this zone abuts a Residential Zone or a street, in which case the minimum rear yard depth shall be 6 metres (21A.4.1.4).</li> <li>Minimum side yard depth(s) for an interior lot - Where neither interior side yard abuts a Residential Zone, the total depth of both side yards shall not be less than 6 metres but neither yard shall be less than 1 metre. Where an interior side yard abuts a Residential Zone, the minimum side yard depth shall be 6 metres on the side that so abuts and shall be 1 metre on the other side – (21A.4.1.5).</li> <li>Maximum height – No maximum (21A.4.1.6).</li> </ul>	

## Aerial Photograph (2015):



## Comments:

- The Ministry of Transportation (MTO) reviewed the proposed consent application and confirmed that they do not object to the proposed severance and advise that additional MTO circulation or review will not be required.
- The existing loading dock that straddles the common interior side lot line between the proposed severed and retained lot will need to be removed.
- The applicant confirmed that the use of the existing building on the retained lot requires 20 parking spaces, however based on the floor area of the existing building the Zoning By-law requires a minimum of 32 parking spaces. The applicant is in the process of filing a minor variance application to address the deficient parking.
- The applicant owns the abutting lot to the north and is in the process of filing a consent application for the purpose of creating a mutual storm water easement between the proposed severed lot and 6 Currah Road.
- In staff's opinion the proposed consent application 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 B03-2021 is supportable. Should the Committee approve consent application B03-2021 planning staff recommends the following condition(s):
  - 1) approval of a minor variance application to address the deficient parking requirement for the retained lot;
  - 2) approval of a mutual storm water easement between the severed lot and 6 Currah Road;
  - 3) confirmation that the existing loading dock that straddles the common interior side lot line between the severed and retained lot has been removed to the satisfaction of the City of St. Thomas Chief Building Official;
  - 4) the owner provide confirmation that existing services do not cross over the severed lot, to the satisfaction of the City of St. Thomas Manager of Development and Compliance;
  - 5) the payment of cash-in-lieu of the dedication of 2% of the land for parkland purposes; and
  - 6) that the City of St. Thomas be provided with a copy of the Reference Plan.

Respectfully submitted,

*sc*  
Steve Craig  
Senior Planning Technician