

THE THIRD MEETING OF THE COMMITTEE OF ADJUSTMENT

BY TELECONFERENCE

MARCH 11TH, 2021

10:00 a.m. The meeting convened.

ATTENDANCE

Members

Mr. D. Collins, Chair

Ms. I. Bowman

Officials

J. Hindley, Assistant Secretary-Treasurer

S. Craig, Senior Planning Technician

C. Peck, Chief Building Official

Absent

Mr. R. Hodgkinson

Others

William Pol, Agent, 295 Wellington Street

Heather Harris, Clippity Clop Ice Cream Shoppe

Carson Harris, Clippity Clop Ice Cream Shoppe

George DeVlugt, Habitat for Humanity Heartland Ontario

Brian Elliot, Habitat for Humanity Heartland Ontario

Councillor Jim Herbert

DISCLOSURES OF INTEREST

Nil.

MINUTES

Motion by I. Bowman - D. Collins:

THAT: The minutes of the meeting held on February 11th, 2021 be confirmed.

Carried.

HEARING OF APPLICATIONS

A02/21 - Home Hardware Stores Ltd. - 295 Wellington Street

Mr. William Pol, Agent, 295 Wellington Street provided an overview of the minor variance application and a timeline of attempts made to operate the Clippity Clopp Ice Cream Shoppe kiosk at this location since last summer.

The Senior Planning Technician advised that Council had directed Treasury staff to undertake a review of the current Mobile Refreshment by-law to address all types of refreshment vehicles and structures and that the draft revised by-law would be presented to Council in April, 2021.

The Senior Planning Technician recommended that the members defer their decision on the minor variance until April 22, 2021 in order to understand Council's direction in the matter and to review the draft revised mobile refreshment by-law.

Mr. Pol advised that if the application is deferred, the operator would not meet their goal of opening for May 1, 2021, taking into consideration the 20-day appeal period and other permits and approvals that cannot be applied for until a decision is made on the minor variance application.

The members inquired about the difference between the ice cream kiosk and the fruit stand that has operated on the property seasonally for years.

The Senior Planning Technician advised that there is not a substantial difference in the uses, but that the City acted on a complaint received relating to the operation of the ice cream kiosk.

Mr. Pol advised that this application relates to a land use matter and the request to be able to operate the kiosk without servicing.

The members discussed the fact that the kiosk has the appearance of a trailer with tires and a licence plate.

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Mr. Pol advised that the ice cream kiosk is less than 108 square feet and would be installed at the beginning of the season and remain stationed there until the end of the season. He further advised that the operator was willing to remove the tires and licence plate and install skirting around the base.

The Chief Building Official advised that if the kiosk were considered to be a structure, rather than a trailer, there may be requirements and considerations to ensure that it is properly supported and tied down.

Ms. Heather Harris, Clippity Clopp Ice Cream Shoppe advised that she would be willing to make modifications to the City's satisfaction.

Ms. Harris advised that she had been following up with the City's Treasury Department about the draft mobile refreshment by-law and expressed concerned that the review would be postponed again beyond April.

Mr. Pol advised that in his opinion, this variance would not set an undesirable precedent as similar operations will be addressed through the future revised mobile refreshment by-law.

The members agreed to hold a special meeting on April 15, 2021 to consider the application in order to allow more time for a review of the revised mobile refreshment by-law.

Motion by I. Bowman - D. Collins:

THAT: Application A02-21 by **Home Hardware Stores Ltd.** on lands that may be legally described as **Plan 65 Pt Res For Shops, Registered Plan 11R1668, Parts 1 and 3** for a minor variance pursuant to Section 45(1) of the Planning Act, R.S.O. 1990, as amended, on lands municipally known as **295 Wellington Street** in the City of St. Thomas, Ontario be deferred until April 15th, 2021, allowing for a review of the draft mobile refreshment by-law.

Carried.

B01/21 - Habitat for Humanity Heartland Ontario - 92 and 94 Scott Street

Mr. George DeVlugt, Habitat for Humanity Heartland Ontario, 92 and 94 Scott Street provided an overview of the consent application.

The Chief Building Official advised that it is typical to apply for a severance of semi-detached dwellings after they have been substantially completed to accurately sever them on the party wall.

Motion by I. Bowman - D. Collins:

THAT: In the matter of an application by **Habitat for Humanity Heartland Ontario** for a consent pursuant to Section 53 of the Planning Act, 1990 as amended, to sever lands legally described as **Plan 37, Pt. Lot 11, w/s Hiawatha, s/s Scott** municipally known as **92 and 94 Scott Street** in the City of St. Thomas.

Application B01/21 is hereby approved provided that the following conditions are met:

- 1) The applicant convey to the City of St. Thomas, at no cost to the City of St. Thomas, and free of all charge and encumbrances, the necessary road widening along Scott Street, to be determined by a legal survey, and to be shown on the reference plan with all legal, surveying, land registration and administrative costs related to the road widening to be borne by the applicant;
- 2) The payment of cash-in-lieu of the dedication of 5% of the lands for parkland purposes;
- 3) The Corporation of the City of St. Thomas be provided with a copy of the Reference Plan.

Carried.

UNFINISHED BUSINESS

NEW BUSINESS

NEXT MEETING

To be determined.

ADJOURNMENT

10:42 a.m. The meeting adjourned.