

A G E N D A

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

TELECONFERENCE

10:00 A.M.

**THURSDAY
MAY 13, 2021**

DISCLOSURE OF INTEREST

MINUTES

Confirmation of the minutes of the meeting held on April 22, 2021.

HEARING OF APPLICATIONS

B04/21 - Charles Martin - 90 Talbot Street Pages 2-12

Planning Report – B04/21 Page 13

A05/21 - J. R. Robertson Holding - 2 Currah Road Pages 14-22

Planning Report – A05/21 Pages 23-24

B05/21 - 225844 Ontario Inc. - 200 Edward Street Pages 25-34

Planning Report - B05/21 Pages 35-36

NEW BUSINESS

Next Meeting

To Be Determined.

ADJOURNMENT



PLANNING & BUILDING SERVICES DEPARTMENT

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

9 Mordant Street
St. Thomas, Ontario, N5P 2T9**CONFIRMATION OF A COMPLETE APPLICATION
APPLICATION FOR CONSENT**

March 29, 2021

Secretary-Treasurer, Committee of Adjustment
Attention: Jon Hindley

Pursuant to By-Law 30-2015, a consultation meeting was held on February 25, 2021 with City staff and the applicant.

An application for Consent, regarding 90 Talbot Street, was filed on March 26, 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

bowsher + bowsher

L A W F I R M

March 26, 2021

City of St. Thomas
545 Talbot Street
St. Thomas, ON N5P 3V7
Attn: Committee of Adjustment

Dear Sir/Madam:

RE: Application for Consent – Charles Martin re 90 Talbot St, St. Thomas

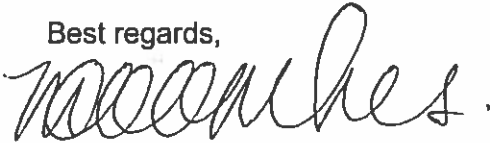
Please find enclosed an application for consent made to the Committee of Adjustment for the City of St. Thomas to the severance of a part of the property known municipally as 90 Talbot St, St. Thomas, which severed part is intended to be added to (and legally consolidated with) a neighbouring property, 86 Talbot St, St. Thomas.

The intent of the severance is to “regularize” the boundary between 86 and 90 Talbot St, and as such this severance is best characterized as one for legal or technical reasons; no new lot will be created following this severance and no change in use will occur for either property.

A consultation meeting was held with the planning staff of the City of St. Thomas on February 25, 2021. During that meeting, planning staff identified that 86 Talbot St is subject to a Site Plan Control Agreement which may require amendment as a result of this application; should the committee approve the application and impose a requirement that the Site Plan Control Agreement be amended, the applicant is prepared to do so.

The applicant would appreciate the Committee scheduling the hearing of its application at its next available opportunity.

Best regards,



Mark Coombes

Encls. Application for Consent – 90 Talbot St
Severance Sketch – 86/90 Talbot St

Bowsher + Bowsher LLP
Alice J. (Bowsher) Burgess, LL.B *
Lane E. (Bowsher) Walker, LL.B **
Mark T. Coombes, J.D.
K. Stewart Bowsher, LL.B (retired)

* practicing through Alice J. Burgess Professional Corporation
** practicing through Lane E. Walker Professional Corporation

Phone: 519-633-3301
Fax: 519-633-5995
Alt. Fax: 1-866-857-6021

2 Second Avenue
St. Thomas, ON
N5R 5S7

THE CORPORATION OF THE CITY OF ST THOMAS
COMMITTEE OF ADJUSTMENT
APPLICATION FOR CONSENT

OFFICE USE:	Date Application Received: <u>March 29/21</u>	Consultation Date: <u>February 21/21</u>
	Date Application Deemed Complete: <u>April 13/21</u>	

 Application #: B04/21

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): Charles Martin

 Mailing Address: 90 Talbot St

 Postal Code: N5P 1A5 Telephone: (519) 637-2500 Fax: _____

email: _____

 (b) Owner's Solicitor or Authorized Agent (if any): Mark Coombes / Bowsher + Bowsher LLP

 Mailing Address: 2 Second Ave

 Postal Code: N5R 5S7 Telephone: (519) 633-3301 Fax: (519) 633-5995

 email: markc@bowsherandbowsher.ca

(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:

86 Talbot St, St. Thomas (legal desc.: PT LT 10 & 11 S/S Talbot St Plan 1, Part 1 11R3662; St. Thomas)

Name of person(s), if known, to whom land or ⁵ interest in land is intended to be transferred, charged or leased:

JM Janes Investments Ltd.

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) _____ Registered Plan No Plan 1 Lot(s) 11 & 12

Reference Plan No 11R7760 Part(s) 1

Name of Street Talbot St. Street No 90

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

Width

(a) Frontage approx 8.16m Depth approx 7.18m Area approx 58.59m²

(b) Existing Use Commercial Proposed Use Commercial

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

Existing: 0

Proposed: 0

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

(a) Frontage approx 10.45m Depth approx 36.33m Area approx 379.65m²

(b) Existing Use Commercial Proposed Use Commercial

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

Existing: 1

Proposed: 1

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? ⁶ (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 N/A

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

Yes No

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

File Number: _____

Status: _____

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

Yes No

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

Grantee's (Purchaser's) name _____

Land Use on severed parcel _____

Date parcel transferred _____

Consent file number (if known) B _____

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

Yes No

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

File Number: _____

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, Charles Martin, 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, Mark T. Coombes of Central Elgin 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 _____ day of March, 2021.
City Day Month Year


Signature of Owner or Authorized Agent

March 26, 2021
Date


Signature of Commissioner of Oaths, etc.

Mar 26 2021
Date

Tracey Lee Merrick, a Commissioner, etc.,
Province of Ontario, for Bowsher + Bowsher LLP,
Barristers and Solicitors.
Expires January 27, 2023.

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, Charles Martin, am the owner of the subject lands, and I authorize Mark T. Coombes, 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 26, 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, Charles Martin, 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 26, 2021
Date


Signature of Owner

10 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) 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.


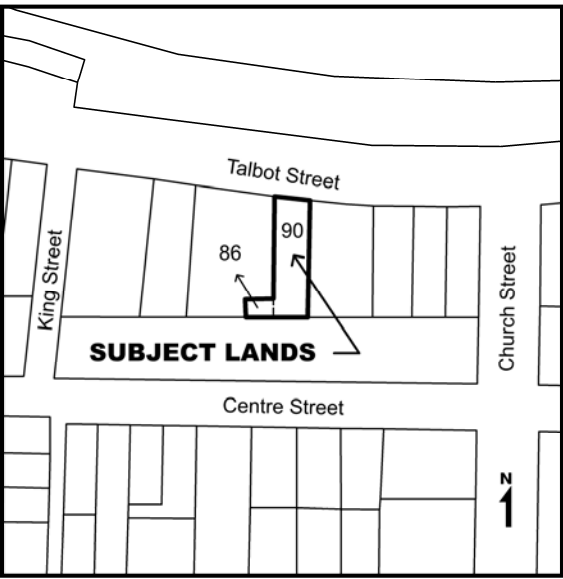
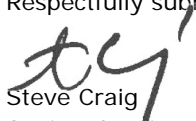
Decisions of the Committee are made in public.

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.

 <p>The Corporation of the City of St. Thomas</p>	Report No.: B04-2021
Directed to: Members of the Committee of Adjustment	Applicant: Charles Martin Report Date: April 30, 2021 Meeting Date: May 13, 2021
Location: 90 Talbot Street, Plan 1, Part Lot 11, Part Lot 12, S/S Talbot, in the 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: Location Plan
Recommendation: That: Report B04-2021 be received.	
<p>Origin Consent application B04/21 has been filed for the purposes of a lot addition between 86 and 90 Talbot Street.</p> <p>Proposal The applicant is proposing to convey a vacant parcel of land (8.16m x 7.18m) to the abutting lot to the west, municipally known as 86 Talbot Street. It is proposed that the lands will continue to be used for commercial purposes. The applicant is proposing to retain a lot with frontage of 10.45m on Talbot Street and a lot area of 379.65m², containing one building.</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 designation of the Plan permits low, medium and high density residential use, subject to the policies of the Plan (Section). A hair salon and day spa is permitted on the ground floor of the existing building (Official Plan Amendment No. 64). 	<p>Location Plan:</p> 
<p>Zoning By-Law</p> <ul style="list-style-type: none"> The subject lands are located within the Fourth Residential Zone (R4-47) pursuant to the City of St. Thomas Zoning By-Law No. 50-88, as amended. The Fourth Residential Zone (R4) permitted uses include a single detached dwelling, day care, semi-detached dwelling, private school, duplex dwelling, nursing home, triplex dwelling, home occupation, townhouse dwelling, provincial group home, apartment dwelling, boarding house, multiple dwelling, rest home, converted dwelling; , residential care home, church and uses accessory to the foregoing (8.1). The additional permitted uses of the R4-47 zone include a personal service shop, day spa and uses accessory to the foregoing (2.5.47(b)). 	
<p>Comments</p> <ul style="list-style-type: none"> The site plan registered on title for the subject lands will need to be revised to reflect the amended property boundary. 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 B04-2021 is supportable, should the Committee approve the application staff recommends the following conditions: <ol style="list-style-type: none"> (1) the site plan registered on title for the subject lands be revised to reflect the amended property boundary; (2) the severed portion of the subject lands be merged with the abutting lot, 86 Talbot Street; (3) that Subsection 3 or 5 of Section 50 of the Planning Act, R.S.O., 1990, as amended shall apply to any subsequent conveyance or transaction involving the subject lands; (4) the solicitor for the applicant is to provide an undertaking, whereby they inform the Committee in writing, that the lands are being conveyed to an abutting property owner and thus a merger of title will take place, which merger shall include all interests held inclusive or mortgagees interest; and (5) the City of St. Thomas be provided with a copy of the Reference Plan. <p>Respectfully submitted,</p>  <p>Steve Craig Senior Planning Technician</p>	

CONFIRMATION OF AN APPLICATION FOR MINOR VARIANCE

April 19, 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 staff and the applicant.

An application for a minor variance, regarding 2 Currah Road, was filed on April 12, 2021 and the required fee under Section 69 of the Planning Act has been provided.

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

Regards,



Jim McCoomb, MCIP, RPP
Manager of Planning Services



**CORPORATION OF THE CITY OF ST THOMAS
COMMITTEE OF ADJUSTMENT**

APPLICATION FOR MINOR VARIANCE OR FOR PERMISSION

(Section 45 of the Planning Act, RSO, 1990, as amended)

OFFICE USE: Date Application Received: _____ Consultation Date: _____
Date Application Deemed Complete: _____

Application #: _____

APPLICATION IS HEREBY MADE TO:

City of St. Thomas
545 Talbot Street
St. Thomas ON N5P 3V7
Tel: (519) 631-1680 ext 4125 Fax: (519) 633-9019
Email: jhindley@stthomas.ca

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

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

1. Name of Owner(s) _____
Address _____

Postal Code _____ Tel: _____ e-mail: _____

2. Name of Authorized Agent (if any) _____
Address _____

Postal Code _____ Tel: _____ e-mail: _____

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

3. Nature and extent of relief from the Zoning By-law applied for:

4. Reason why the proposed use cannot comply with the provisions of the Zoning By-law:

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

Geographic/Former Township _____

Name of Street _____ Street No. _____

6. Dimensions of land affected:

Frontage _____ Depth _____

Area _____ Width of Street _____

7. Access to the subject land is by:

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

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

Existing:

USE _____

Proposed:

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

Existing:

Proposed:

USE

10. Date of acquisition of subject land: _____

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

12. Existing uses of the subject land:

13. Existing uses of abutting lands:

North: _____ East: _____

South: _____ West: _____

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

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

Water:

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

Sewage Disposal:

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

Storm Drainage

Storm sewers Other (Specify) _____

16. Present Official Plan designation of the subject land:

17. Present Zoning of the subject land:

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

yes no

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

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

yes no If so, state Application # and status _____

APPLICANT DECLARATION

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

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

MUNICIPAL FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

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

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

Collection of Personal Information:

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AFFIDAVIT OR SWORN DECLARATION

I, _____ of _____ in the province of _____,
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 _____ on this _____ day of _____, 20____.
City Day Month Year

Signature of Owner or Authorized Agent

Date

Signature of Commissioner of Oaths, etc.

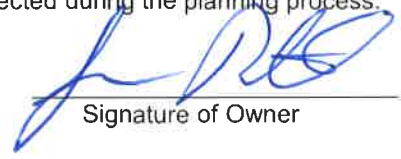
Date

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

NOTES:

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



BARIBEAU
CONSTRUCTION
 EST. 1987

Baribeau Construction (London) Ltd.
 10 Stardust Drive
 Dorchester, Ontario
 N0L 1G5


City of St. Thomas – Planning Department
 545 Talbot St, St Thomas
 ON N5P 3V7

To the attention of Steve Craig.

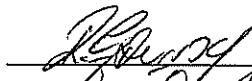
Regarding the property severance application at 2 Currah Road, St. Thomas Ontario, N5P 3P9.


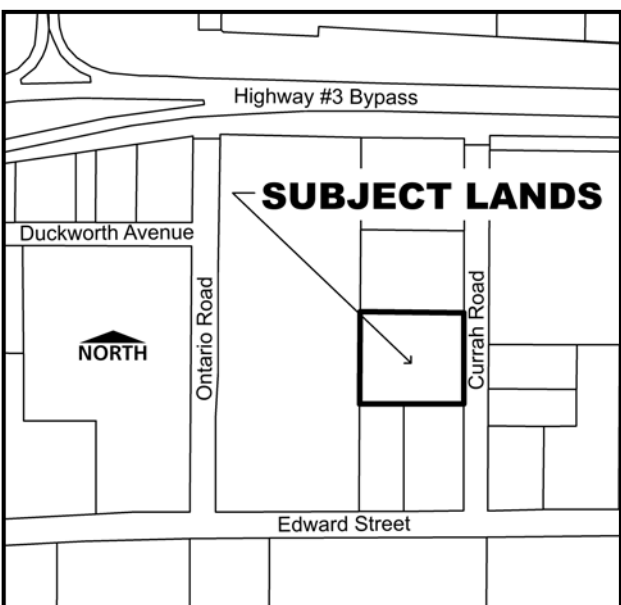
The tenant at 2 Currah Road, Naturawls Pet Products, has confirmed that their total number of staff is 22 individuals. Hours of operation run from 6am-6pm Monday-Friday. The tenant confirmed that the existing parking available will be sufficient for their ongoing operational needs. On average they only require 15 parking spots and the current site can accommodate 20. The proposed severance of 2 Currah Road will not decrease the amount of parking spots available to Naturawls Pet Products.

James R Robertson
 Owner


 Date: April 1st 2021

Richard Grundy
 Naturawls Pet Products


 Date: 9 APR 01 2021

 <p>The Corporation of the City of St. Thomas THE RAILWAY CITY</p>	<p>Report No.: COA05-2021</p>
<p>Members of the Committee of Adjustment</p>	<p>Applicant: J. R. Robertson Holding</p>
<p>Location: 2 Currah Road, Plan 287, Lot 10</p>	
<p>Subject: Request for a minor variance pursuant to 45(1) of the Planning Act, R.S.O, as amended</p>	
<p>Department: Planning and Building Services Department Prepared by: Steve Craig, Senior Planning Technician</p>	<p>Attachments: Location Plan</p>
<p>Recommendation: That: Report COA05-2021 be received.</p>	
<p>BACKGROUND: The applicant recently filed a consent application (B03/21) for the purpose of creating one vacant lot for future employment lands development purposes. A minor variance is required to recognize the existing legal non-complying parking lot (20 parking spaces) on the retained lot.</p> <p>MINOR VARIANCE: (i) To recognize the existing legal non-complying parking lot (20 parking spaces), whereas Subsection 21.1.6 of the Zoning By-law requires a minimum of 126 parking spaces based on the use and floor area of the building (Warehousing 1,882.4sqm = 7 parking spaces, Business Office 188sqm = 6 parking spaces and Manufacturing 564sqm = 113 parking spaces).</p> <p>OFFICIAL PLAN:</p> <ul style="list-style-type: none"> 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. 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). 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)). 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)). Adequate off-street parking and loading facilities must be provided. Off-street parking and loading areas shall be designed to accommodate type of industrial operations and the size of the proposed use. Developers are encouraged to purchase sufficient land to accommodate off-street parking for any planned future enlargement or change in use (5.10.4.3). <p>ZONING BY-LAW:</p> <ul style="list-style-type: none"> 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). Parking requirement for warehousing - 1 space per 200 m² of the first 1000 m² of floor area and 1 space per 450 m² of the remainder of the floor area in excess of 1000 m² (21.1.6(a)). Parking requirements for business office - 3.0 spaces per 100m² of floor area (21.1.6(d)). 	<p>Location Plan:</p> 

- Parking requirement for manufacturing - 20 spaces per 100m² of the first 1000m² of floor area and 1 space per 100m² of the remainder of the floor area in excess of 1000m² (21.1.6(e))
- Parking lot is defined as that area within a lot, building or structure:
 - (i) which may be open, covered or partially or wholly enclosed;
 - (ii) which may be used for the parking of motor vehicles and any part not so used may be used as a landscaped area;
 - (iii) which may abut a highway;
 - (iv) which may include a driveway or driveways within such area or connecting such area to a highway;
 - (v) which is surfaced with asphalt, concrete or granular material which has a dust free stable surface; and
 - (vi) within or adjacent to which there may be lighting devices for the parking lot, directional or other signs relating to the use of the parking lot, parking control devices, curbs, guardrails or other vehicle barriers.
- Parking space is defined as that part of a lot, building or structure within a parking lot or within a residential driveway:
 - (i) which is rectangular in shape and the dimensions of which are not less than 2.75m x 5.5m;
 - (ii) which is provided for the parking of a motor vehicle without moving or removing any other motor vehicle;
 - (iii) which may be open, covered or partially or wholly enclosed; and
 - (iv) which is surfaced with asphalt, concrete or granular material which has a dust free stable surface.

LEGISLATIVE FRAMEWORK FOR A MINOR VARIANCE:

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

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

COMMENTS:

- No reduction in off-street parking is proposed through the subject application, the minor variance is required to recognize the existing legal non-complying parking lot on the subject lands.
- According to assessment records the existing building and parking lot were constructed on the subject lands in 1960, which predates the City of St. Thomas Zoning By-Law 50-88, which was approved by City Council on April 18, 1988.
- That applicant has submitted a site plan that demonstrates that additional off-street parking can be constructed on the west and south side of the existing building to accommodate any potential future enlargement or change in use.
- In staff's opinion the proposed variance meets the general intent and purpose of the Official Plan, Zoning By-law, is minor in nature, and is desirable and appropriate for the use of the lands, thereby satisfying the four tests, as set out in Section 45 of the Planning Act. Should the Committee of Adjustment approve application COA05-2021 the decision should reflect that the Committee is recognize the existing legal non-complying parking lot, which includes a minimum of 20 parking spaces, as shown on the site plan accompanying the application.

Respectfully submitted,



Steve Craig
Senior Planning Technician

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

April 19, 2021

Secretary-Treasurer, Committee of Adjustment
Attention: Jon Hindley

Pursuant to By-Law 30-2015, a consultation meeting was held on April 1, 2021 with Planning Department Staff and the applicant.

An application for Consent, regarding 200 Edward Street, was filed on April 14, 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



Clear Form

THE CORPORATION OF THE CITY OF ST THOMAS

COMMITTEE OF ADJUSTMENT

APPLICATION FOR CONSENT

OFFICE USE:	Date Application Received: <u>April 14/21</u>	Consultation Date: <u>April 1/21</u>
	Date Application Deemed Complete: <u>April 20/21</u>	

Application #: B05/21

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): 2258544 Ontario Inc.
 Mailing Address: 25 Matane Court, Etobicoke, Ontario
 Postal Code: M9P 1K2 Telephone: 416-702-7560 Fax: _____
 email: itmscanada@gmail.com

(b) Owner's Solicitor or Authorized Agent (if any): Michael Brightling, Fordham & Brightling
 Mailing Address: 4 Elgin Street, St. Thomas, Ontario
 Postal Code: N5R 3L6 Telephone: 519-633-4000 Fax: 519-633-1371
 email: michaelbrightling@4elgin.ca

(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 Draft Reference Plan, Part 2 and 4, storm water management purposes

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

N/A

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) City of St. Thomas

Concession No _____ Lot(s) _____ Registered Plan No 287 Lot(s) PT of 34

Reference Plan No 11R-10390 Part(s) 2

Name of Street Edward Street Street No 200

5. Description of land to be severed: (in metric units) Part No. on sketch Part 1 & Part 2

*

(a) Frontage 64.38 m Depth 207.87 m (irregular) Area 1.2144 ha

(b) Existing Use Vacant land Proposed Use transportation truck parking lot

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

Existing: None

Proposed: None

*
Note:
being
retained
as well

6. Description of land to be retained: (in metric units) Part No. on sketch Part 3 & Part 4

(a) Frontage 55.03 m Depth 244.28 m (irregular) Area 1.3806 ha

(b) Existing Use Vacant land Proposed Use transportation truck parking lot

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

Existing: None

Proposed: None

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

- Provincial Highway
- Municipal Road maintained all year
- Municipal Road maintained seasonally
- Water Access
- Regional Road
- Other Public Road
- Right-of-Way
- Private Road

(b) Type of access to retained land:

- Provincial Highway
- Municipal Road maintained all year
- Municipal Road maintained seasonally
- Water Access
- Regional Road
- Other Public Road
- Right-of-Way
- Private Road

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

TYPE	PROPOSED LOT	RETAINED LOT
Publicly owned and operated piped water system	<input 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 Land
- (b) Regional Policy Plan Employment Land

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: SPC 01-21 - 200 Edward Street Site Plan Control Application

Status: Approved subject to conditions

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, Michael Brightling, 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, Michael Brightling of St. Thomas in the province of Ontario,
name of applicant City

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

Sworn (or declared) before me at the St. Thomas on this 14 day of April, 2021.
City Day Month Year

M Brightling
Signature of Owner or Authorized Agent

April 14, 2021
Date

Karen Louise Humphrey
Signature of Commissioner of Oaths, etc.

April 14, 2021
Date

Karen Louise Humphrey
a Commissioner, etc. Province of Ontario
for Fordham & Brightling Associates & Lawyers
Expires November 12, 2023

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, Elena Arconti, President of 2258544 Ontario Inc., am the owner of the subject lands, and I authorize Michael Brightling, 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 30 / 2021
Date

Elena Arconti
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, Elena Arconti, President of 2258544 Ontario Inc., 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 30 2021
Date

Elena Arconti
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.

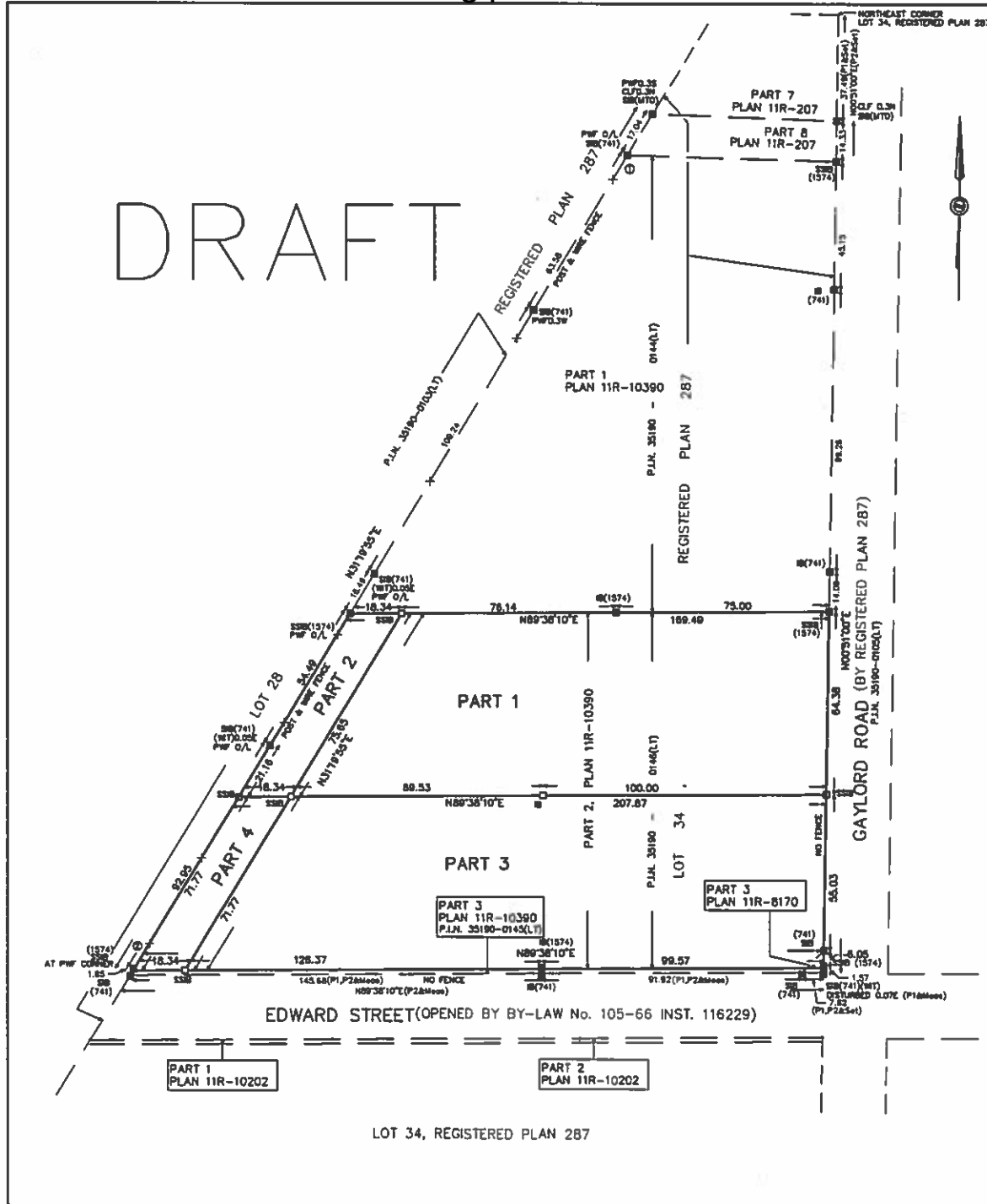
In granting consent to an application, the Committee may impose conditions as requested by municipal or other authorities such as the following:

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.

DRAFT



1 REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TILES ACT

DATE: **DRAFT** 2021

RECEIVED AND CORRECTED

G. K. JENKINS
Ontario Land Surveyor

REPRESENTATIVE FOR LAND THE LAND TILES DIVISION

METRIC DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRIC CONVERTED TO FEET BY DIVIDING BY 0.3048

SCHEDULE

PART	LOT	PLAN	P.I.N.	NAME OF MOS RECENT TRANSFER
1				
2	PART OF LOT 34	REGISTERED PLAN 287	ALL OF 35190-01460(LT)	2288544 ONTARIO I
3				
4				

PLAN OF SURVEY OF
PART OF LOT 34
REGISTERED PLAN 287
CITY OF ST. THOMAS
REGIONAL MUNICIPALITY OF ELGIN



- LEGEND
- SB CONOTES SURVEY MONUMENT FOUND
 - LB CONOTES SURVEY MONUMENT PLANTED
 - SB CONOTES STANDARD IRON BAR
 - SSB CONOTES SHORT STANDARD IRON BAR
 - MTD CONOTES MINISTRY OF TRANSPORTATION
 - 741 CONOTES HOUGHTON & COMPANY, O.L.S.
 - 1708 CONOTES HOUGHTON & HOUGHTON INC. ONTARIO LAND SURVEYORS, O
 - 1874 CONOTES DELPH & JENKINS NORTH LTD., O.L.S.
 - BELL CONOTES F.A.A. BELL, O.L.S.
 - P1 CONOTES PLAN 11R-6170
 - P2 CONOTES PLAN 11R-10390
 - D1 CONOTES INSTRUMENT No. E108741
 - PF CONOTES POST & WIRE FENCE
 - O/L CONOTES ON LINE

NOTE:
BEARINGS SHOWN HEREIN ARE GRID BEARINGS AND ARE DERIVED FROM REAL NETWORK OBSERVATIONS AND REFERRED TO THE 8° UTM COORDINATE SYSTEM ZONE 17, CENTRAL MERIDIAN 81° WEST LONGITUDE (NAD 83, 2011).
DISTANCES SHOWN ON THIS PLAN ARE ADJUSTED GROUND LEVEL DISTANCES CONVERTED TO GRID DISTANCES BY MULTIPLYING THE DISTANCE BY CORRECTION FACTOR 0.999985.

OBSERVED REFERENCE POINTS (NADES, CIRS 2010)	NORTHING	EASTING
1	4 737 380.630	488 887.418
2	4 737 073.343	488 882.288


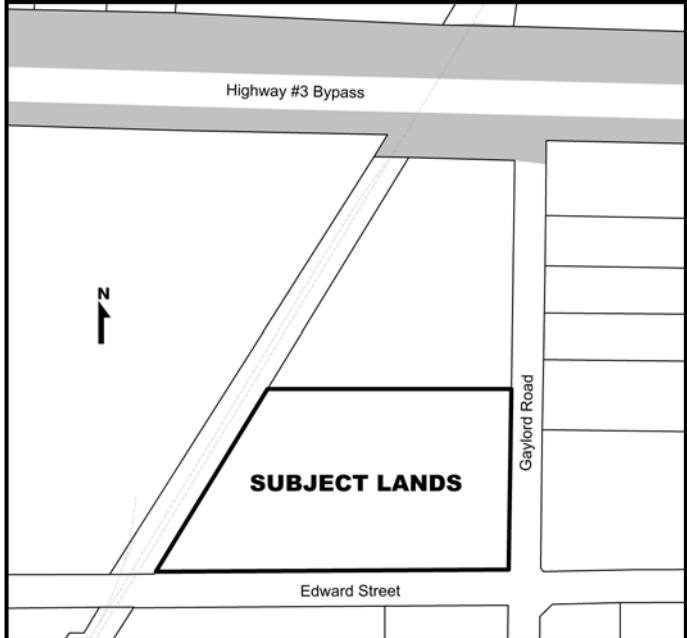
NOTE:
THE COORDINATES SHOWN ON THIS PLAN, BY THEMSELVES, CANNOT BE USED TO CORRECT OR BOUNDARIES SHOWN ON THIS PLAN.
COORDINATES SHOWN ON THIS PLAN ARE IN COMPLIANCE WITH THE SURVEYS ACCURACY O. REG. 214/10, SECTION 14(2).
ALL BEARINGS AND DISTANCES SHOWN HEREIN ARE IN AGREEMENT WITH PLAN UNLESS OTHERWISE NOTED.

SURVEYOR'S CERTIFICATE
I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SUR THE SURVEYORS ACT AND THE LAND TILES ACT AND THE REGULATIONS MA
2. THE SURVEY WAS COMPLETED ON THE 18TH DAY OF MARCH, 2021

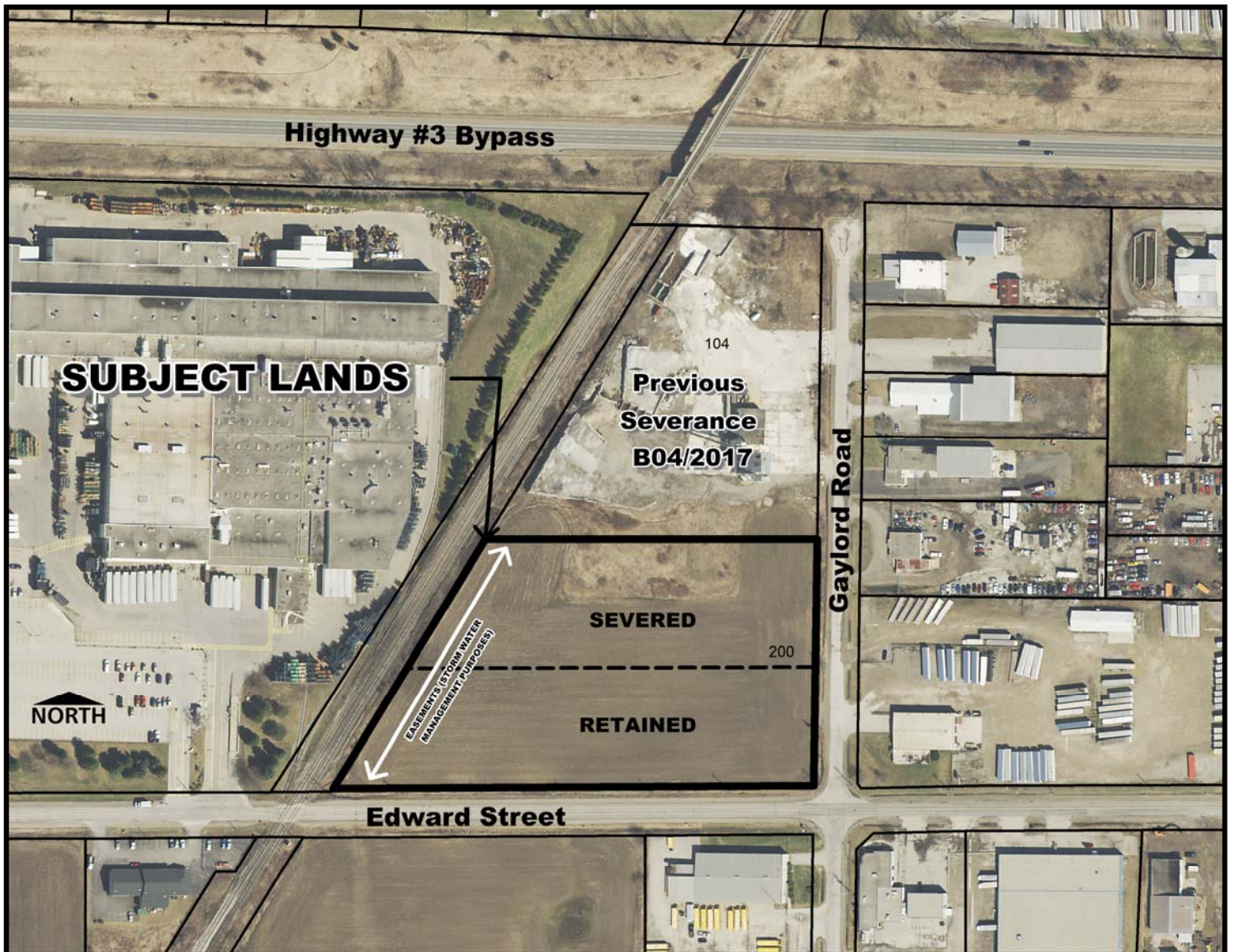
DRAFT

G. K. JENKINS
Ontario Land Surveyor
Delph & Jenkins North Ltd.

Delph & Jenkins North Ltd.
Ontario Land Surveyors
230 Industrial Parkway E. Unit 8, Aurora, Ontario L4B-3V6
Tel: 905-604-8828 Fax: 905-604-3888

 The Corporation of the City of St. Thomas	Report No.: B05-2021
Directed to: Members of the Committee of Adjustment	Applicant: 2258544 Ontario Inc. Report Date: April 30, 2021 Meeting Date: May 13, 2021
Location: 200 Edward Street, City of St. Thomas	
Subject: Request for a consent pursuant to Section 53 of the Planning Act, R.S.O, as amended	
Department: Planning Department Prepared by: Steve Craig, Senior Planning Technician	Attachments: Location Plan
Recommendation: That: Report B05-2021 be received.	
<p>Background: Consent application B05/21 has been filed for the purpose of creating one vacant lot for future employment lands purposes and two easements for storm water management purposes.</p> <p>Proposal: The applicant is proposing to sever a vacant lot (Part 1) with frontage of 64.38m on Gaylord Road and an area of 12,144m², proposed to continue to be used for employment lands purposes. The applicant is proposing to retain a vacant lot (Part 3) with frontage of 55.03m on Edward Street and an area of 13,806m², proposed to continue to be used for employment lands purposes. The applicant is also proposing to create two easements (Part 2 and Part 4) for storm water management purposes.</p> <p>Official Plan:</p> <ul style="list-style-type: none"> 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. 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). 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)). 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)). <p>Zoning By-Law:</p> <ul style="list-style-type: none"> 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). Minimum lot area requirement - No minimum (21A.4.1.1). Minimum lot Frontage requirement - 15m (21A.4.1.2). 	<p>Location Plan:</p> 

Aerial Photograph (2015):



Comments:

- The Director of Parks and Recreation confirmed that the payment of cash-in-lieu of parkland is not required, as payment was acquired when the subject lands were severed from 104 Gaylord Road in 2017 (B04/2017).
- Schedule C (Roads Widening Plan) to the Official Plan of the City of St. Thomas identifies Edward Street with a proposed minimum road allowance width of 26m. The Manager of Development and Compliance confirmed that a road widening is not required, as the lands were acquired through Consent Application B04/2017.
- The Ministry of Transportation (MTO) was circulated a copy of the subject application; however, staff have not received their 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 B05-2021 is supportable, should the Committee approve the application staff recommends the following condition:
 - (1) the City of St. Thomas be provided with a copy of the Reference Plan.

Respectfully submitted,

Steve Craig
Senior Planning Technician