

**A G E N D A**

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

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**TELECONFERENCE**

**10:00 A.M.**

**THURSDAY  
MAY 27, 2021**

**DISCLOSURE OF INTEREST**

**MINUTES**

Confirmation of the minutes of the meeting held on May 13, 2021.

**HEARING OF APPLICATIONS**

B06/21 - Talbot Development ULC - 1025 Talbot Street **Pages 2-14**

Planning Report - B06/21 **Pages 15-16**

A06/21 - Robert and Mary-Ellen Hillman - 66 Oldewood Crescent **Pages 17-24**

Planning Report - A06/21 **Pages 25-26**

A07/21 - Garth Dicker - 24 Park Avenue **Pages 27-41**

Planning Report - A07/21 **Pages 42-43**

B07/20 - Amendment - Big League Holdings Inc. - 258 Edward Street **Pages 44-58**

**NEW BUSINESS**

Next Meeting

To Be Determined.

**ADJOURNMENT**

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

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April 28, 2021

Secretary-Treasurer, Committee of Adjustment  
Attention: Jon Hindley

Pursuant to By-Law 30-2015, a consultation meeting was held on April 21, 2021 with Planning Department Staff and the applicant.

An application for Consent, regarding 1025 Talbot Street, was filed on April 26, 2021.

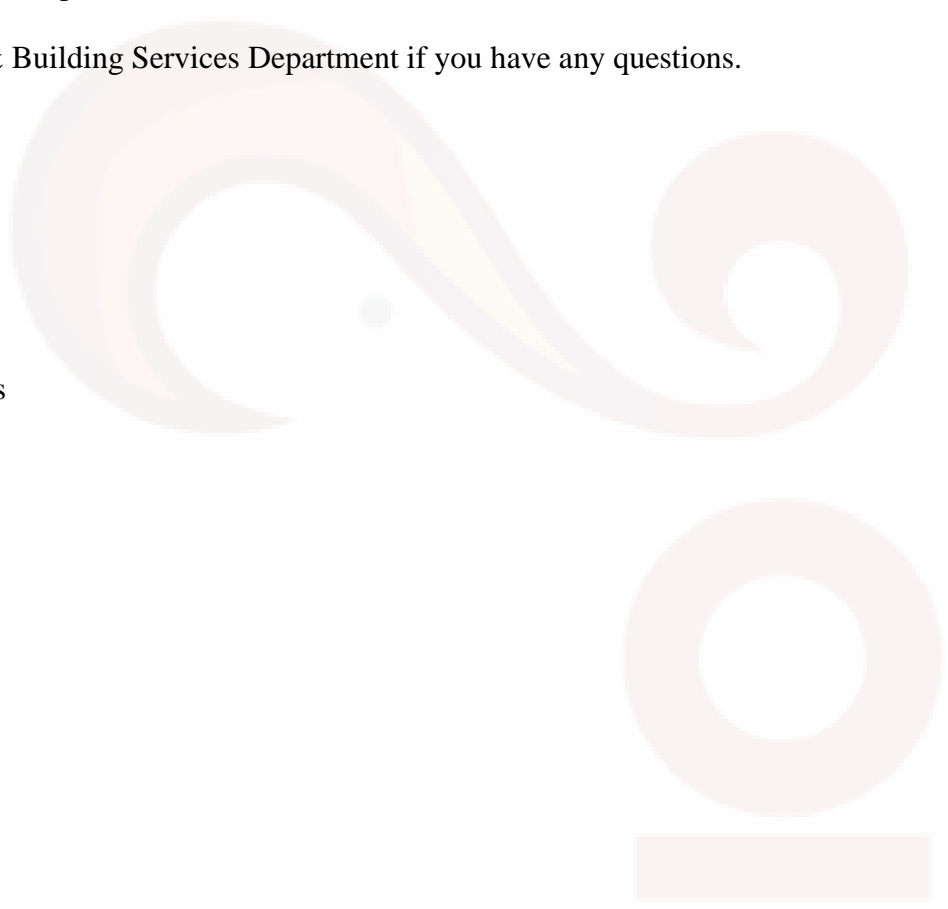
This letter is notice that the information and material required under Subsections 53(2) and 53(3) and the required fee under Section 69 of the Planning Act has been provided and the application for consent is thereby considered complete.

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

Yours truly,



Jim McCoomb, MCIP, RPP  
Manager of Planning Services



April 26, 2021

*submitted via email*

Mr. Jon Hindley, Corporate Administrative and Accessibility Assistant  
City of St. Thomas  
545 Talbot Street  
St. Thomas, ON  
N5P 3V7  
jhindley@stthomas.ca

Dear Mr. Hindley,

**Re:                   Application for Consent  
                        Canadian Commercial (Talbot) Inc.  
                        1025 Talbot Street  
                        St. Thomas, ON**

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Canadian Commercial (Talbot) Inc., is pleased to submit an Application for Consent for the lands at 1025 Talbot Street in St. Thomas (the “subject lands”). The purpose of the application is twofold; to sever approximately 1.593ha from the subject lands and retain approximately 3.853ha; and, to establish an access easement over Parts 2 and 3 on the attached severance sketch.

The legal description of the subject lands is as follows:

*PART LOT 6, CONCESSION 9, GEOGRAPHIC TOWNSHIP OF YARMOUTH, NOW IN THE CITY OF ST. THOMAS*

#### **THE SUBJECT LANDS**

The subject lands are comprised of a single, 5.446ha parcel located at the northeast corner of Talbot Street and First Avenue (save and except a City-owned portion at the corner) with a frontage along Talbot Street of approximately 179m and a depth along First Avenue and a private road (SmartCentres access road) of approximately 225m.

The subject lands were formerly a component of the original parcel that comprised the Timken lands, and were formerly occupied by a portion of the Timken manufacturing plant, which has since been removed. Lands abutting to the north of the subject lands (Part 1, Plan 11R-10471) were recent severed from the original parcel and developed for commercial uses.

The subject lands are designated “Mixed Use Development” in the City of St. Thomas Official Plan, and are currently zoned “Mixed Use Development (MU) Zone” in the City of St. Thomas Zoning By-law.

## PROPOSED DEVELOPMENT

The lands to be severed are proposed to be developed for commercial uses, consisting of single- and multi-unit commercial buildings. A Development Agreement is expected to be executed shortly, permitting their development. No specific development is proposed for the retained lands at this time.

## PROPOSED CONSENT TO SEVER AND EASEMENT APPLICATIONS

In order to facilitate the proposed development, the lands are proposed to be severed as follows:

- Sever approximately 1.539ha with a frontage of approximately 179m on Talbot Street and a frontage of approximately 44m on First Avenue. These lands are shown as Parts 1, 2, 3, 4, and 5 on the attached severance sketch; and,
- Retain approximately 3.853 with a frontage of approximately 178m on First Avenue and a depth of approximately 216m.

In addition to the land severance, an easement is required as follows:

Easement: Access easement in favour of the retained lands over Parts 2 and 3 on the severed lands.

## PART DESCRIPTIONS

The attached consent sketch is based on a draft Reference Plan. The plan shows the lands to be severed as Parts 1-5 inclusive. The lands to be retained are not identified as a part specifically for this plan; they are labelled as *Part 1, Plan 11R-10687*.

The parts on the severed lands each have their own specific purpose and are described as follows:

Part 1: Main development area proposed to be developed for commercial uses.

Part 2: Access driveway with a proposed right-in-right-out access on First Avenue and a full-turns access on the SmartCentres access road. This part is proposed to be subject to an access easement together with Part 2, in favour of the lands to be retained.

Part 3: This part is already subject to a servicing easement in favour of the recently developed lands to the north. A portion of the access driveway is proposed over this part and therefore it is included in the easement request together with Part 2, as noted above.

Part 4: This part is subject to the same servicing easement as Part 3.

Part 5: This part is a small portion of land subject to a servicing easement.



As per the required submission materials, please find attached the following electronic documents:

- Completed Application for Consent, signed and commissioned (one application form has been provided for the 2 required consents);
- Letter of Authorization from the landowner, Talbot Developments ULC;
- Severance Sketch; and,
- Site Plan.

In addition to the above, the required application fee will be submitted to the City separately.

We trust that the enclosed information is complete and satisfactory and we look forward to a timely approval process. Should you have any questions or require additional information, please feel free to contact our office.

Yours very truly,

**ZELINKA PRIAMO LTD.**



Lee Greenwood  
Canadian Commercial

**COMMITTEE OF ADJUSTMENT**

APPLICATION FOR CONSENT

OFFICE USE: Date Application Received: April 26/21 Consultation Date: April 21/21  
Date Application Deemed Complete: April 28/21

Application #: B06/21

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](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): Talbot Development ULC  
Mailing Address: 380 Wellington St. suite 30  
N6A 5B5  
Postal Code: \_\_\_\_\_ Telephone: 519-872-3494 Fax: \_\_\_\_\_  
email: Randy.Fisher@CBRE.com

(b) Owner's Solicitor or Authorized Agent (if any): Lee Greenwood  
Mailing Address: Canadian Commercial (Talbot) Inc. 484 Waterloo St  
N6B2P6  
Postal Code: \_\_\_\_\_ Telephone: 519-281-7808 Fax: \_\_\_\_\_  
email: lee@canadiancommercial.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 \_\_\_\_\_

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

\_\_\_\_\_

7

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

Canadian Commercial (Talbot) Inc.

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, ON

Concession No. 9 Lot(s) 6 Registered Plan No. \_\_\_\_\_ Lot(s) \_\_\_\_\_

Reference Plan No. \_\_\_\_\_ Part(s) 1, 2, 3, 4, 5

Name of Street Talbot St. Street No. 1025

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

(a) Frontage 176M Depth 44.85 M Area 1.593 ha

(b) Existing Use vacant land Proposed Use Commercial

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

Existing: vacant land

Proposed: commercial retail

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

(a) Frontage 213m Depth 177 Area 3.853 ha

(b) Existing Use vacant land Proposed Use mixed use

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

Existing: vacant land

Proposed: MU (mixed use development)

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

Provincial Highway

Regional Road

Municipal Road maintained all year

Other Public Road

Municipal Road maintained seasonally

Right-of-Way

Water Access

Private Road

(b) Type of access to retained land:

Provincial Highway

Regional Road

Municipal Road maintained all year

Other Public Road

Municipal Road maintained seasonally

Right-of-Way

Water Access

Private Road

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

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

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

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

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

(a) Local Municipal Official Plan \_\_\_\_\_

(b) Regional Policy Plan Mixed Use

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 Rock Developments (St. Thomas) Inc.

Land Use on severed parcel comercial

Date parcel transferred May 27 2019

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, Lee Greenwood, 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:**

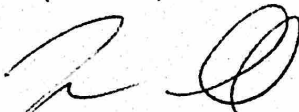
Personal information on this form is collected under the authority of Section 41 of the *Planning Act*, R.S.O. 1990 and Sections 8 (1) and 10 of the *Municipal Act*, 2001, as amended, and will be used to contact the owner, applicant and/or agent regarding the Committee of Adjustment Application. Questions 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, Lee Greenwood of London in the province of Ontario  
name of applicant City

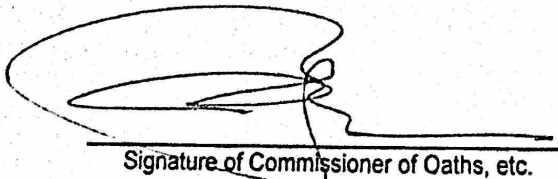
make oath and say (or solemnly declare) that the information required under Schedule 1 of Ontario Regulation 545/06 and provided by the applicant in this application is accurate, and that the information contained in the documents that accompany this application is accurate.

Sworn (or declared) before me at the London on this 26 day of April, 2021.  
City Day Month Year



Signature of Owner or Authorized Agent

April 26, 2021  
Date



Signature of Commissioner of Oaths, etc.

April 26, 2021  
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, Michael Kam, am the owner of the subject lands, and I authorize \_\_\_\_\_ to act on our behalf as the agent for the submissions required for all matters relating to the subject lands, and to provide any of my personal information that will be included in this application or collected during the planning process.

April 29 2021  
Date

[Signature]  
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, Michael Kam, 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.

April 23 2021  
Date

[Signature]  
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 197/98 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) or applications which are signed by someone other than the owner(s).

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

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

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

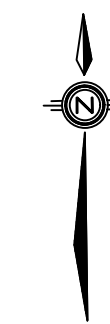
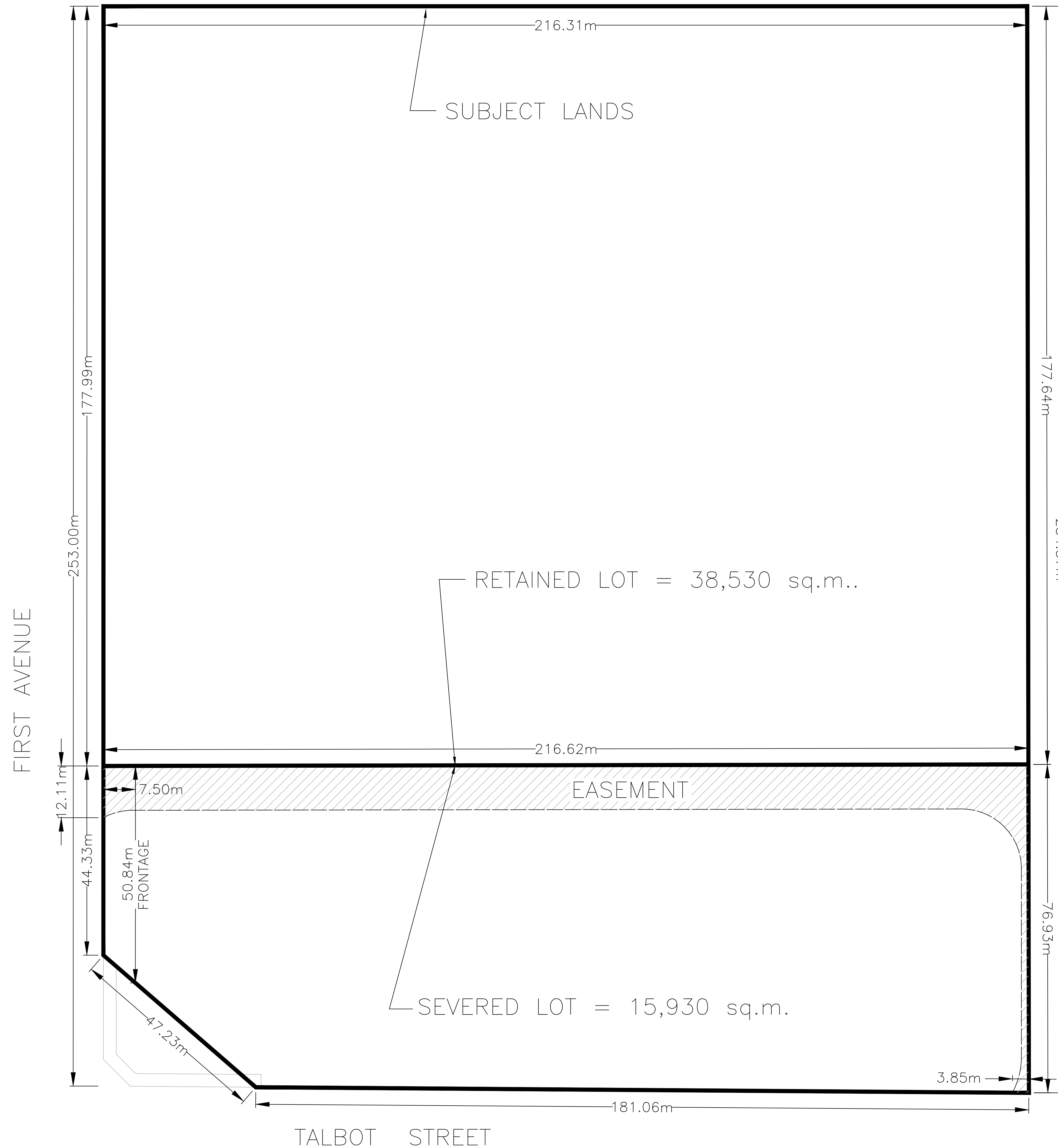
Decisions of the Committee are made in public.

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

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

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

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



SCALE = 1:500  
 0 5.00 10.00 20.00 30.00 50.00 METRES

DETAILS	No.	REVISIONS	DATE
DESIGNED BY: AV	1.	NOTE	DT
DRAWN BY: AV			
CHECKED BY:			
DATE: JUNE 23,17			

CONSULTANT OR DIVISION  
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484 Waterloo St. London, Ontario  
 519.672.7490

1125 TALBOT STREET, ST THOMAS  
 SITE DEVELOPMENT

SITE PLAN

SCALE	DATE	SHEET No.
1:500	MAY 4, 2021	SP1

 <b>The Corporation of the City of St. Thomas</b>	<b>Report No.:</b> B06-2021
	<b>Applicant:</b> Talbot Development ULC
<b>Directed to:</b> Members of the Committee of Adjustment	<b>Report Date:</b> May 19, 2021 <b>Meeting Date:</b> May 27, 2021
<b>Location:</b> 1025 Talbot Street, City of St. Thomas	
<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

**Recommendation:**

**That:** Report B06-2021 be received.

**Origin**

Consent application B06/21 has been filed for the purpose of creating one lot for commercial development purposes and an easement for shared access purposes, as shown on the site plan accompanying the application.

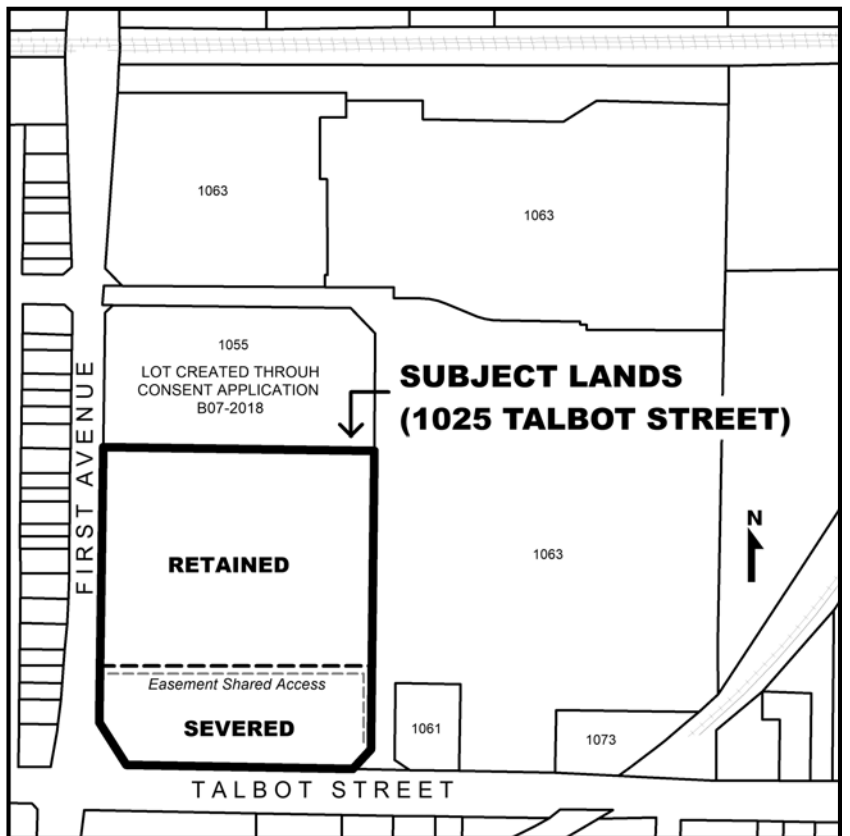
**Proposal**

The applicant is proposing to sever one vacant lot with frontage of 181.06m on Talbot Street, 50.84m on First Avenue and an area of 1.59 hectares, proposed to be used for commercial development purposes. The applicant is proposing to retain a vacant lot with frontage of 177.99m on First Avenue and an area of 3.85 hectares, proposed to be used for mixed use development purposes. The applicant is also proposing to create an easement for shared access purposes.

**Official Plan**

- The subject lands are in the Mixed Use Development designation, as shown on Schedule "A" (Land Use Plan) to the Official Plan for the City of St. Thomas.
- The Mixed Use Development designation on Schedule "A" means the predominant use of land is for (5.15.3.1):
  - i) a wide range of commercial, office, institutional, medical/dental, personal care and other service commercial uses i.e. banks, restaurants, other services, etc.;
  - ii) hotel/motel uses;
  - iii) medium and high-density residential uses in single use form and/or mixed-use forms that are compatible with, and complementary to, surrounding uses;
  - iv) ground floor uses in mixed use residential buildings, such as retail, restaurants, entertainment, and personal service establishments, are encouraged subject to the needs identified in the City's Retail Market Study.
- The design of the Mixed-Use Development project at Talbot Street and First Avenue will reflect the prominent location of the development site at the entranceway/gateway to the Downtown, including extensive landscaping, integrated signage, and pedestrian realm improvements. Development in the southerly portion of the site may include a public and/or private space for commemoration of the former Timken manufacturing use, and may include such features as a plaque, commemorative garden, or other similar features or landscape treatments (5.15.3.4).
- Access will be controlled and designed to minimize the danger to vehicular and pedestrian traffic. Points of ingress and egress to Talbot Street will not be permitted and points of ingress and egress to First Avenue will be limited in number. Development shall implement where possible consolidated vehicular access/circulation points and safe pedestrian connections and access to the internal road system located on the Power Centre designation (5.15.3.9).
- Adequate vehicular parking and loading spaces shall be provided. There shall be only a limited amount of vehicular parking between the street and the first tier of buildings (5.15.3.10).
- For development on "brownfield" lands, an environmental audit of the lands shall be prepared in accordance with the prevailing protocols and guidelines of the Ministry of the Environment and Climate Change and all applications for a building permit are to be supported with a record of Site Condition (RSC) in accordance with the findings and recommendations of the Environmental audit (5.15.3.11).
- All Planning Act applications submitted for a change of use, additions, or consent to sever are subject to early consultation and the complete application requirements of Subsection 10.11 in the Official Plan. Supporting technical studies, such as servicing reports and traffic impact studies, may be required through the Zoning, Consent to Sever, or Site Plan Approval processes. Where feasible, studies should take a comprehensive approach that addresses the entire Mixed-Use Development designation (5.15.3.12).

**Location Plan:**



- Schedule B (Roads Plan) to the Official Plan of the City of St. Thomas classifies First Avenue as a Major Arterial.
- Schedule C (Roads Widening Plan) to the Official Plan of the City of St. Thomas identifies First Avenue with a proposed minimum road allowance width of 26m. The right-of-way widths indicate the minimum planned widths of the road right of ways that may be secured as part of the development approval process (9.1.1.9.1). Road widenings shall be reserved or obtained, at no cost to the City, through subdivision approval, condominium approval, land severance consent, site plan approval or by gift, bequeathment, purchase or through expropriation where necessary and feasible (9.1.1.9.2).

#### Zoning By-Law

- The subject lands are in the Mixed Use Development zone (h2, h3 MU), on Zoning Map 11 to the City of St. Thomas Zoning By-Law 50-88, as amended.
- The permitted commercial uses of the MU zone include automotive service business, business office, car wash, clinic, drive-in restaurant, drug store, gas bar, hotel/motel, personal service shop, private recreation facility, restaurant, retail store, specialty food store, tavern, and theatre (20.1(i)).
- No building or structure shall be erected or used for any purpose permitted by subsection 20.1 unless the following municipal services are available to service the building or structure and the land on which it is situate, a water supply system and a sanitary sewage system and a storm sewage system (20.3).
- Minimum Lot Area 1.2 hectares (20.4.2).
- Minimum Lot frontage 50m (20.4.3).
- No part of any building, driveway, parking or loading area shall be erected within 3m of any lot line (20.4.4).
- The MU zone may consist of lots that are owned by one or more persons. Where the development of the land is approved under Section 41 of the Planning Act and, pursuant to a consent subsequently given under section 53 of the Planning Act or pursuant to an approval or exemption subsequently given under section 50 of the Condominium Act, any part of the land is conveyed or otherwise dealt with, the provisions of Section 20 and any other regulations of By-law 50-88 are hereby deemed to apply to the land as a whole and to any building or structure thereon in the same manner and to the same extent as if the consent, approval or exemption was not given, so long as the land and any building or structure thereon are used and continue to be used for the purpose for which the development was approved (20.4.5).
- Maximum height of buildings and structures, theatre 13.7m and all other commercial uses 9.2m (20.5.1).
- Minimum landscaped area 10% (20.5.2).
- Minimum number of parking spaces 5.5 spaces per 100m<sup>2</sup> of floor area (20.5.3).
- The gross leasable floor area of all commercial uses within the MU zone shall not exceed 16,722sqm (20.5.4(i)).
- The gross leasable floor area minimum for any retail store - 280sqm (20.5.4(ii)).
- Service commercial, personal service, offices and restaurants uses incorporated into mixed uses built form development are not subject to 20.5.4(i) (20.5.4(iii)).
- Where the symbol "h" appears on a Zoning Map or on a Special Zoning Map with a Zone Symbol or Special Zone Symbol, notwithstanding the provisions of that zone or special zone, unless this by-law has been amended to remove the relevant "h" symbol, those lands shall not be developed or used except in compliance with the provisions of the applicable zone, or for such other uses set out in the relevant Holding Provisions below. The relevant holding provisions are denoted by the number (if any) immediately following the symbol "h" on the Zoning Map or Special Zoning Map (20.7).
  - Environmental Remediation - To ensure that environmental concerns are addressed, the "h1" symbol will not be deleted from the Zone until a written report prepared by a qualified person is filed with and accepted (in writing) by the City, confirming that the soils meet Provincial criteria for the proposed use; or a Record of Site Condition (RSC) has been issued under Ontario Regulation 153/04, confirming the soils meet Provincial criteria for the proposed use.
  - Gross Leasable Floor Area - Interim Limit Applicable to Gross Leasable Floor Area for a Specialty Food Store Use - To ensure that the construction of new specialty food store facilities does not outpace the increase in market demand, the total Gross Leasable Floor Area for use by a Specialty Food Store shall be limited to a maximum of 550sqm while the "h2" symbol applies. The "h2" symbol shall not be deleted from the Zone until a report prepared by a qualified retail analyst is filed with and accepted (in writing) by the City.
  - Gross Leasable Floor Area - Interim Limit Applicable to Gross Leasable Floor Area for Commercial Uses - To ensure that the construction of new retail facilities does not outpace the increase in market demand, the total Gross Leasable Floor Area for commercial uses shall be limited to a maximum of 14,626sqm while the "h3" symbol applies. The "h3" symbol shall not be deleted from the Zone until a report prepared by a qualified retail analyst is filed with and accepted (in writing) by the City.

#### Comments

- The payment of cash-in-lieu of parkland is not required, as payment was acquired through the approval of Consent Application B07/2018, 1055 Talbot Street.
- A road widening on First Avenue is not required, as the lands were acquired through the approval of Consent Application B07/2018, 1055 Talbot Street.
- The H1 holding zone was recently removed from the severed portion of the subject lands, through Zoning By-Law Amendment 82-2021. A Verification of Site Conditions letter was submitted in support of the application, prepared by EXP Services Inc.
- A site plan approval application has been filed concurrently for the development of the proposed severed lot.
- In staff's opinion Consent Application B06-2021 conforms 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 the consent application is supportable. Should the Committee approve Consent Application B06-2021 staff recommends the following conditions:
  - 1) that applicant enters into a development agreement with the City of St. Thomas; and
  - 2) that the City of St. Thomas be provided with a copy of the Reference Plan.

Respectfully submitted,



Steve Craig  
Senior Planning Technician

## CONFIRMATION OF AN APPLICATION FOR MINOR VARIANCE

---

April 28, 2021

Secretary-Treasurer, Committee of Adjustment  
Attention: Jon Hindley

Pursuant to By-Law 30-2015, a consultation meeting was held on April 21, 2021 with Planning staff and the applicant.

An application for a minor variance, regarding 66 Oldewood Crescent, was filed on April 27, 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





Clear Form

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

**APPLICATION FOR MINOR VARIANCE OR FOR PERMISSION**  
(Section 45 of the Planning Act, R.S.O. 1990, as amended)

OFFICE USE: Date Application Received: April 27/21 Consultation Date: April 21/21  
Date Application Deemed Complete: April 28/21

Application #: A06/21

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](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 \$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 200/98 and will be used for the purpose of processing this application.

- Name of Owner(s) Robert & Mary-Ellen Hillman  
Address 66 Oldewood Cres.  
St. Thomas, Ontario  
Postal Code N5R 6B3 Tel: 519-631-8033 e-mail: rob.hillman@sympatico.ca
- Name of Authorized Agent (if any) \_\_\_\_\_  
Address \_\_\_\_\_  
Postal Code \_\_\_\_\_ Tel: \_\_\_\_\_ e-mail: \_\_\_\_\_

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

- Nature and extent of relief from the Zoning By-law applied for:  
To reduce rear yard setback from 9m - 5.9m

- Reason why the proposed use cannot comply with the provisions of the Zoning By-law:  
This location provides the best connection point to existing house and the sunroom projects out far to allow space for

*swimspace, steps and soft deck inside.*

- Location of Land:  
Concession No. \_\_\_\_\_ Lot(s) \_\_\_\_\_ Registered Plan No. M62 Lot(s) 114  
Reference Plan No. \_\_\_\_\_ Part(s) \_\_\_\_\_

Geographic/Former Township St. Thomas  
 Name of Street Oldewood Cres. Street No. 66

## 6. Dimensions of land affected:

Frontage 33' 8" Depth 94'-1" -- 146' 9"  
 Area 8267 sq. ft. Width of Street \_\_\_\_\_

## 7. Access to the subject land is by:

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

## 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:

House - 1 1/2 storeys -- 1454 sq. ft. floor area  
Shed - 1 storey -- 120 sq. ft -- 10' x 12'  
 USE Single family dwelling

## Proposed:

Sunroom - 1 storey - 30'-10" x 11'-10" - Floor area = 368 sq. ft.

## 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:

House = Front = 25.4' / Side = 6.27' e 7' / Rear = 38'  
Shed = Side = 11'-3" / Rear = 7'-6"

## Proposed:

Sunroom - Front = N/A / Side = 26'-10" e 49'  
Rear = 19' = 4 1/4"

USE Sunroom to with swimspa inside

10. Date of acquisition of subject land: June 17, 199411. Date of construction of all buildings and structures on subject land: Sept 22 199412. Existing uses of the subject land: Residential - Single family dwelling

13. Existing uses of abutting lands:

North: Residential East: Residential  
South: Residential West: Residential

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

Sept 1994

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:

Plan M62-Lot 114

17. Present Zoning of the subject land:

R2-10

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, Robert J Hillman, 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:**  
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, Robert Hillman 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 City of St. Thomas on this 28 day of April, 2021.  
City Day Month Year

Robert Hillman  
Signature of Owner or Authorized Agent

April 28/21  
Date

Matthew Kyle Smale  
Signature of Commissioner of Oaths, etc.

April 28/21  
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, Robert Hillman, am the owner of the subject lands, and I authorize Cody Dyck 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.

April 28/21  
Date

Robert Hillman  
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, Robert Hillman, 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.

April 28/21  
Date

Robert Hillman  
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.

**OBC INFORMATION:**

CLASSIFICATION: RESID. PT. 9  
 DESIGN DATA  
 ASSUMED SOIL BEARING: 120 kPa (2500 PSF)  
 MAIN FLOOR L. + D. LOAD: 2.49 kPa (52 PSF)  
 ROOF LIVE LOAD: 1.4 kPa (29.2 PSF)  
 NEAREST LOCATION: ST. THOMAS, ON, N5R 6B3  
 DEGREE DAYS BELOW 18 C 3,780 (ZONE 1)

66 OLDEWOOD CRES, ST. THOMAS, ON, N5R 6B3

LOT AREA: 8267 SQ.FT.  
 EXIST. HOUSE AREA: 1454 SQ.FT.  
 EXIST. SHED AREA: 120 SQ.FT.  
 EXIST. LOT COVERAGE: 19.04%  
 PROPOSED SUNROOM AREA: 368 SQ.FT.  
 PROPOSED LOT COVERAGE: 23.5%



**SITE PLAN**  
 SCALE: 1/32" = 1'-0"

**GENERAL NOTES:**

- VERIFY ALL DIMENSIONS ON SITE DURING CONSTRUCTION AND ADJUST TO FIT
- SLOPE GRADE AWAY (TYPICAL)
- ANY ELECTRICAL WORK BY \_\_\_\_\_ OTHERS
- ANY HVAC WORK BY \_\_\_\_\_ H&C UNIT BY OTHERS
- FINISHED FLOOR BY \_\_\_\_\_ OTHERS
- ANY GAS LINE, PLUMBING OR VENT RELOCATION BY OTHERS

**DRAFT COPY**


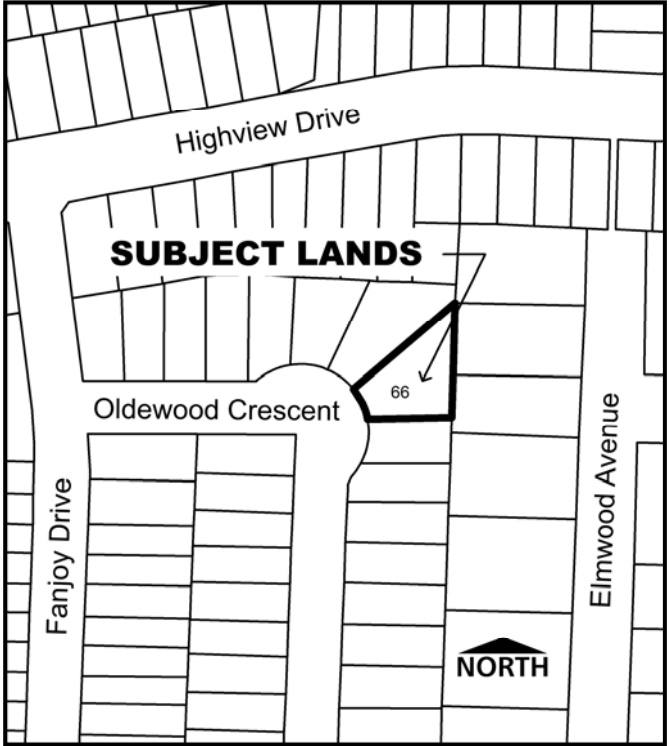
DRAWINGS ACCEPTED: \_\_\_\_\_  
 DATE: \_\_\_\_\_  
 BY: \_\_\_\_\_  
 SIGNATURE APPROVES FINAL COPY

**FOUR SEASONS**  
 SUNROOMS & WINDOWS.  
 775 WHARNCLIFFE RD. S.  
 LONDON, ON. N6J 2N8  
 (519) 680-3330

PROJECT  
 ROBERT & MARY-ELLEN HILLMAN  
 66 OLDEWOOD CRESCENT  
 ST. THOMAS, ON, N5R 6B3

TITLE: SUNROOM ADDITION  
 DATE: APR 27 2021  
 SCALE: AS NOTED

DWG NO  
**1** OF 11

 <p><b>The Corporation of the City of St. Thomas</b></p>	<p><b>Report No.:</b> COA06-2021</p>
	<p><b>Applicant:</b> Robert and Mary-Ellen Hillman</p>
<p>Members of the Committee of Adjustment</p>	<p><b>Report Date:</b> May 19, 2021  <b>Meeting Date:</b> May 27, 2021</p>
<p>Location: 66 Oldewood Crescent, City of St. Thomas</p>	
<p><b>Subject:</b> Request for a minor variance pursuant to 45(1) of the Planning Act, R.S.O, as amended</p>	
<p><b>Department:</b> Planning and Building Services Department  <b>Prepared by:</b> Steve Craig, Senior Planning Technician</p>	<p><b>Attachments:</b> Location Plan</p>
<p><b>Recommendation:</b>  <b>That:</b> Report COA06-2021 be received.</p>	
<p><b>BACKGROUND:</b>  The applicants are proposing to construct a 3.6m x 9.39m sunroom on the back of the existing residential dwelling, as shown on the site plan accompanying the application.</p> <p><b>MINOR VARIANCE:</b>  (i) To permit a sunroom addition a minimum of 5.9m from the rear lot line, whereas Table 1 to Subsection 6.4, Item Number 10, and Column 2 of the Zoning By-Law requires a minimum rear yard depth of 9m.</p> <p><b>OFFICIAL PLAN:</b></p> <ul style="list-style-type: none"> <li>The subject lands are designated Residential as shown on Schedule A (Land Use Plan) to the Official Plan for the City of St. Thomas. Permitted uses include low, medium, and high-density residential use (5.1.3.1).</li> <li>Wherever a use is permitted in a land use classification, it is intended that uses, buildings or structures normally incidental, accessory, and essential to that use are also permitted (11.2.1).</li> </ul> <p><b>ZONING BY-LAW:</b></p> <ul style="list-style-type: none"> <li>The subject lands are within the Third Residential Zone (R2-10) pursuant to the City of St. Thomas Zoning By-Law No. 50-88, as amended (7.5.39).</li> <li>Permitted uses of the R3-39 zone include a single detached dwelling and uses accessory to the foregoing (7.5.39(b)).</li> <li>The requirements and setbacks for a single detached dwelling in the R2-10 zone include: <ul style="list-style-type: none"> <li>minimum lot area - 371.5m<sup>2</sup>;</li> <li>minimum lot frontage - 12m;</li> <li>maximum main building height - 11m;</li> <li>maximum accessory building height - 4m;</li> <li>maximum lot coverage - 35%;</li> <li>maximum floor area of an enclosed accessory building - the lesser of 15% of the lot area or 67m<sup>2</sup>;</li> <li>maximum number of dwelling units - 1 per lot;</li> <li>maximum roof area - 50%;</li> <li>minimum front yard depth - 6m;</li> <li>minimum rear yard depth - 9m;</li> <li>minimum interior side yard depth - 1m;</li> <li>minimum ground floor area - 2 storey dwelling 42m<sup>2</sup>; and</li> <li>minimum number of parking spaces - 1 parking space per dwelling unit.</li> </ul> </li> </ul>	<p><b>Location Plan:</b></p> 

**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.

**Aerial Photography (2015):****COMMENTS:**

- The applicants are proposing to construct a one storey sunroom addition on the back of the existing dwelling, which will be used to accommodate a swim spa and hot tub.
- The proposed sunroom addition will be setback a minimum of 5.9m to the rear lot line, which provides an adequate setback from neighbouring development and area in the rear yard for landscaping, outdoor amenity space and drainage.
- In Staff's opinion the proposed variance meets the general intent and purpose of the Official Plan, Zoning By-law, are minor in nature, and are desirable and appropriate for the use of the lands, thereby satisfying the four tests, as set out in Section 45 of the Planning Act. Therefore, planning staff recommend that minor variance application COA06-2021 be approved.
- Should the Committee of Adjustment approve minor variance application COA06-2021, the decision should reflect that the Committee is approving a 3.6m x 9.39m one storey sunroom addition a minimum of 5.9m from the rear lot line, substantially as shown on the plans accompanying the subject application.

Respectfully submitted,

*tcy*

Steve Craig  
Senior Planning Technician



## CONFIRMATION OF AN APPLICATION FOR MINOR VARIANCE

---

April 29, 2021

Secretary-Treasurer, Committee of Adjustment  
Attention: Jon Hindley

Pursuant to By-Law 30-2015, a consultation meeting was held on April 14<sup>th</sup>, 2021 with Planning staff and the applicant.

An application for a minor variance, regarding 24 Park Avenue, was filed on April 27<sup>th</sup>, 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](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 \$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.

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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:**

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, \_\_\_\_\_ 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.

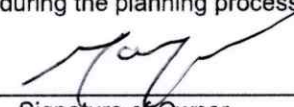
\_\_\_\_\_  
Date

**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, Garth Dicker, am the owner of the subject lands, and I authorize William (Bill) Sargeant, 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.

2021.04.21  
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, Garth Dicker, 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.

2021.04.21  
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.

**Edward M. Walsh, L.L.B.**

BARRISTER, SOLICITOR

& NOTARY PUBLIC

*Mailing Address*

~~XXXXXXXXXXXX~~

P.O. BOX 336

ST. THOMAS, ONTARIO

N5R 3T9

TELEPHONE: 633-3530

February 26, 1979.

J. G. Rupert Ltd.,  
Ontario Land Surveyors,  
P. O. Box 248,  
St. Thomas, Ontario.

Dear Sir:

RE: Fuchs Purchase from Cairns,  
24 Park Avenue, St. Thomas,  
Ontario.  
Your File #79-17.

Further to your invoice #5768 dated February 12th, 1979, please find enclosed herewith my trust cheque in the amount of \$155.00 to cover the cost of your mortgage certificate. Kindly acknowledge receipt of this payment on the enclosed copy of your invoice and forward back to my office at your earliest convenience.

Yours very truly,



EDWARD M. WALSH.

EMW:bjs

Encl.

February 12, 1979.

E. H. Walsh,  
Barrister and Solicitor,  
P.O. Box 366,  
St. Thomas, Ontario.

Dear Sir:

Re: FUCHS purchase from CLAIRNS,  
24 Park Ave.,  
Lot 7,  
Block 9,  
Registered Plan 80,  
City of St. Thomas.  
Our File - 79-17

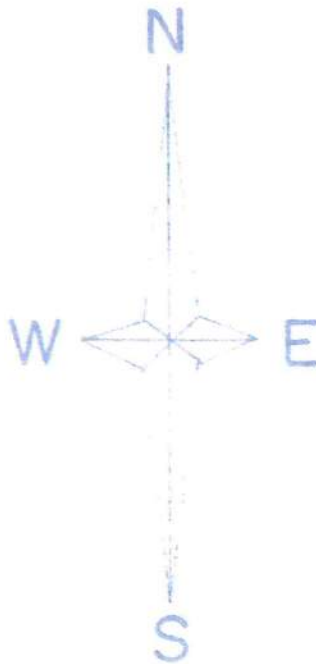
As requested I attended at the above site in order to locate the residence and buildings standing thereon. I am enclosing three prints of a plan showing parcel dimensions, building locations, etcetera.

Yours very truly,

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

JGR:gb  
Enclosure.

PLAN SHOWING RESIDENCE  
 ON  
**LOT 7**  
 BLOCK 9  
**REGISTERED PLAN 80**  
**CITY OF ST. THOMAS**  
 COUNTY OF ELGIN  
 SCALE 1" = 20'



THIS MAP, ONTARIO, FEB. 12, 1979

ALL PLANS CERTIFIED BY THIS OFFICE  
 OF THE CHIEF SURVEYING SURVEYOR  
 OF ONTARIO, FOR ANY DOCUMENT  
 AS THE IMBOSSED SEAL.

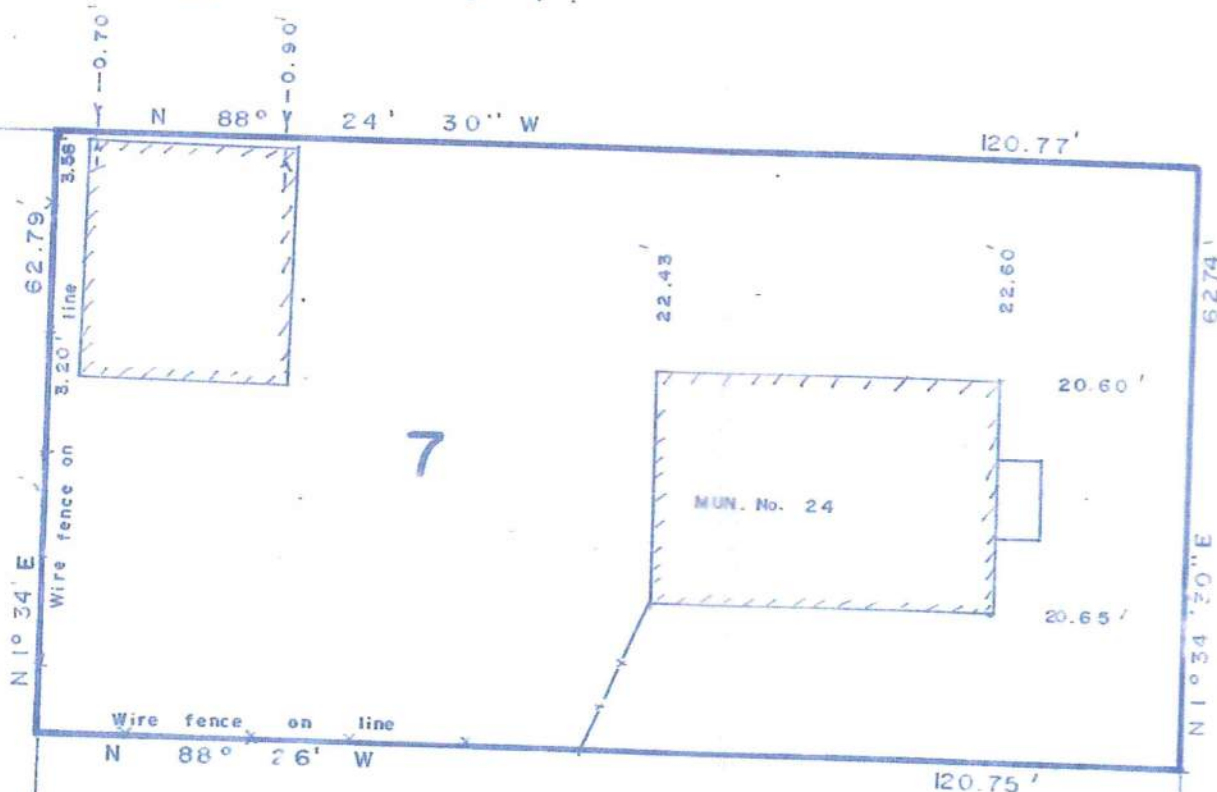
for  
 signature.

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

79-17-D-1 - A



ERIE ST.



6

7

9

8

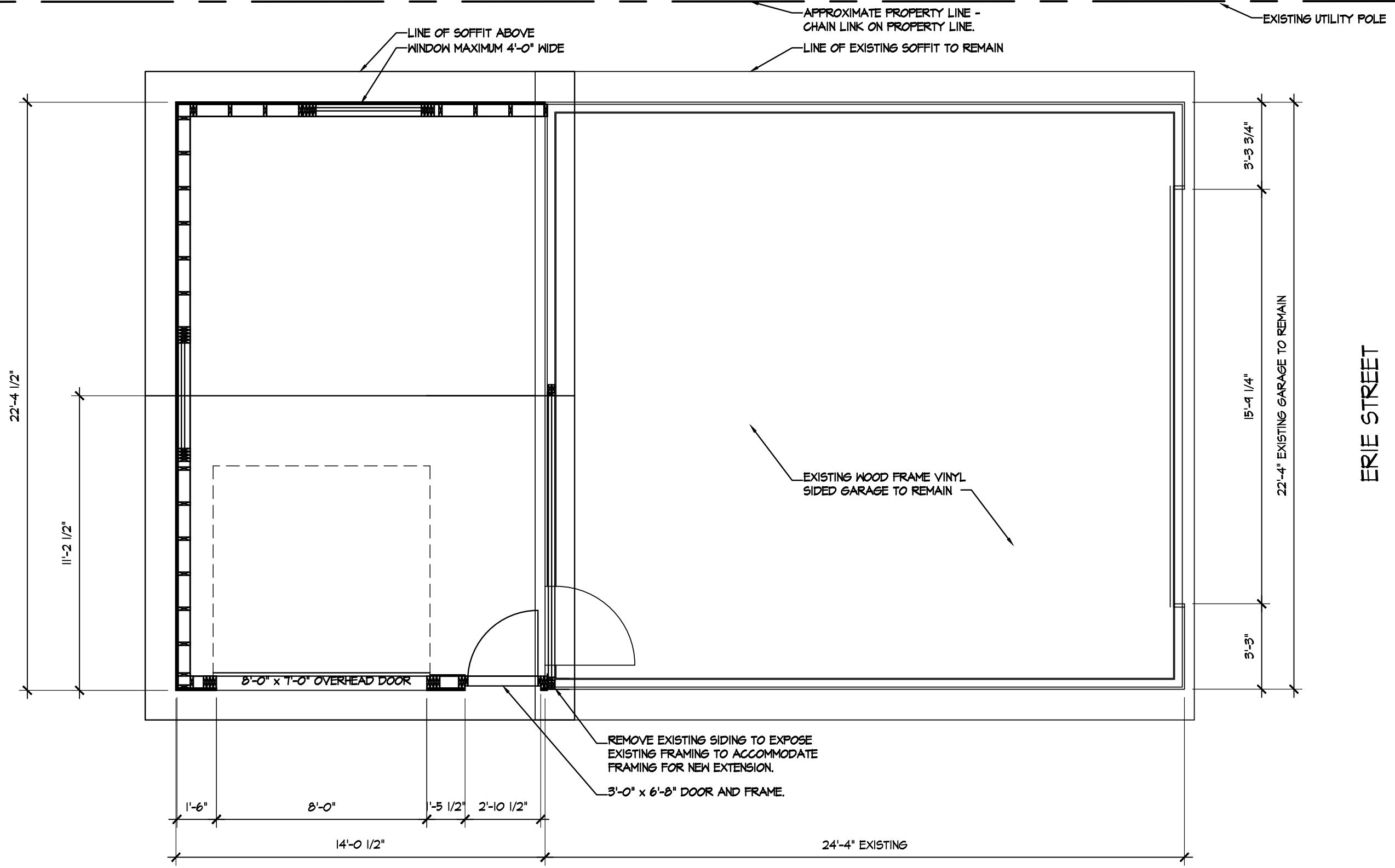
BLOCK

11

10

9





ERIE STREET

No.	DATE	COMMENTS
1	2021.03.12	ISSUED FOR REVIEW
ISSUED / REVISIONS		

Project:  
 DICKER RESIDENCE  
 24 PARK AVE  
 ST. THOMAS

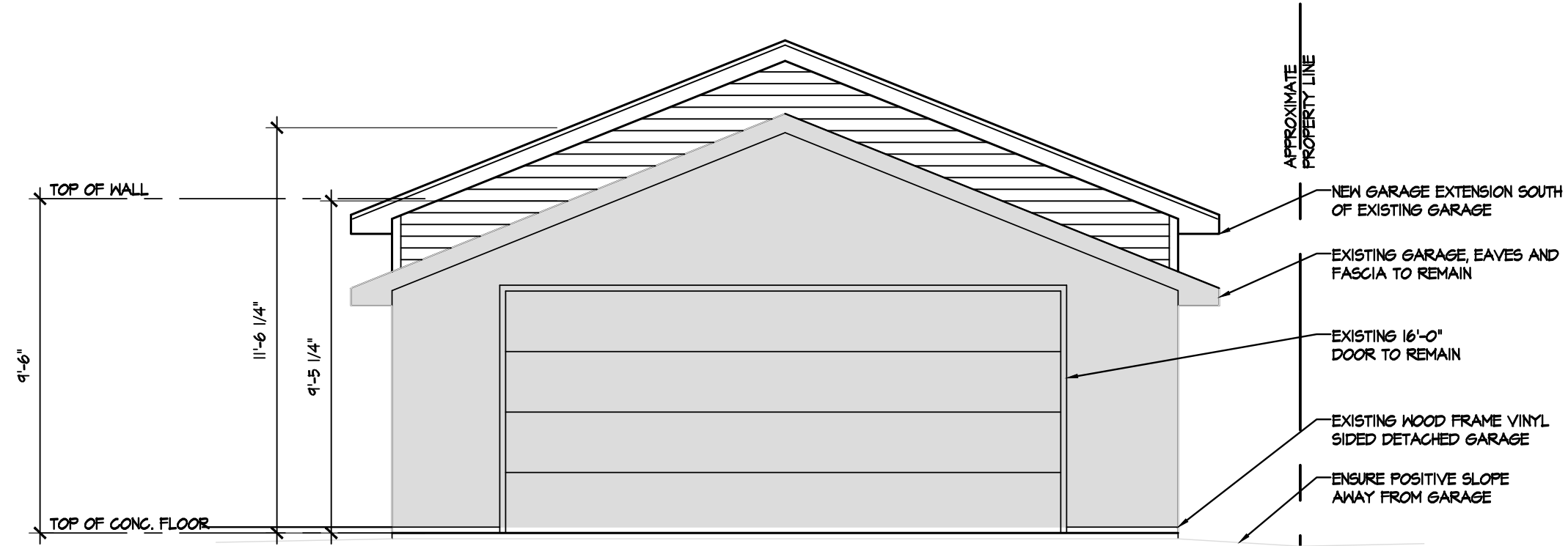
Drawing title:  
 FLOOR PLAN

Date: \_\_\_\_\_ Scale: 1/4" = 1'-0"

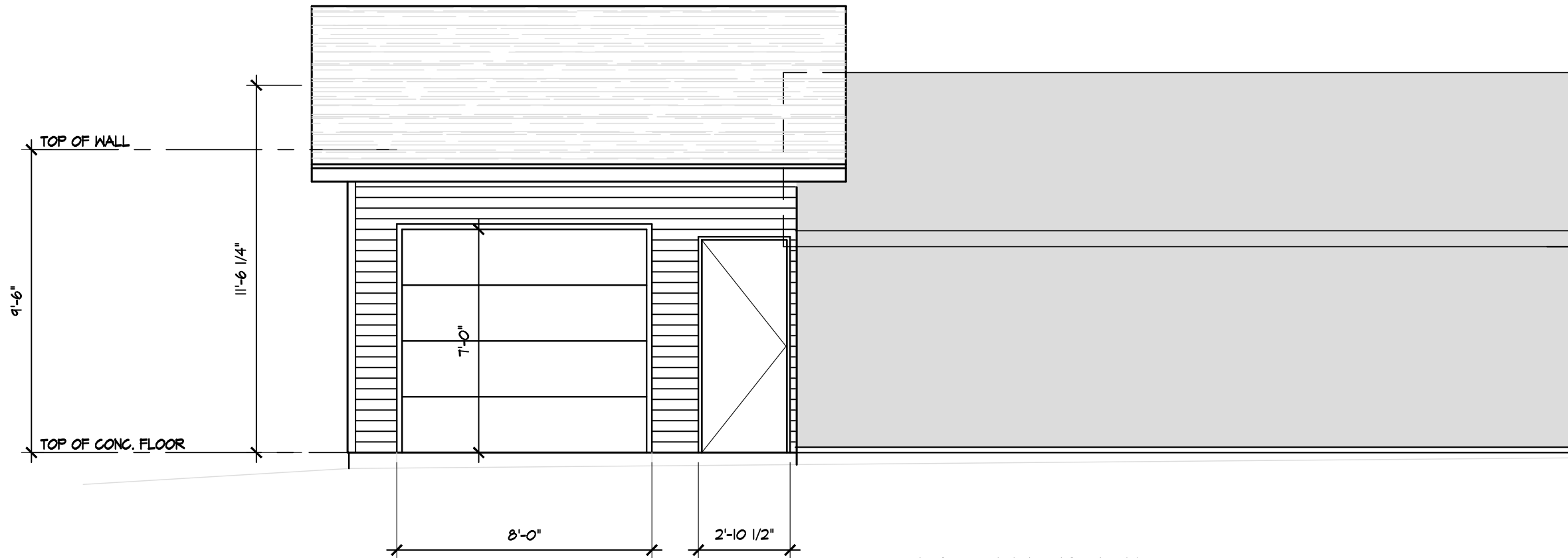
Project #: 21-03 Drawing #: A1

40

ZONING BY-LAW  
MAXIMUM HEIGHT TO MID-POINT  
OF ROOF IS GE EXTENSION  
SOUTH OF EXISTING GARAGE



NORTH ELEVATION (ERIE STREET)



EAST ELEVATION

No.	DATE	COMMENTS
1	2021.03.12	ISSUED FOR REVIEW
		ISSUED / REVISIONS

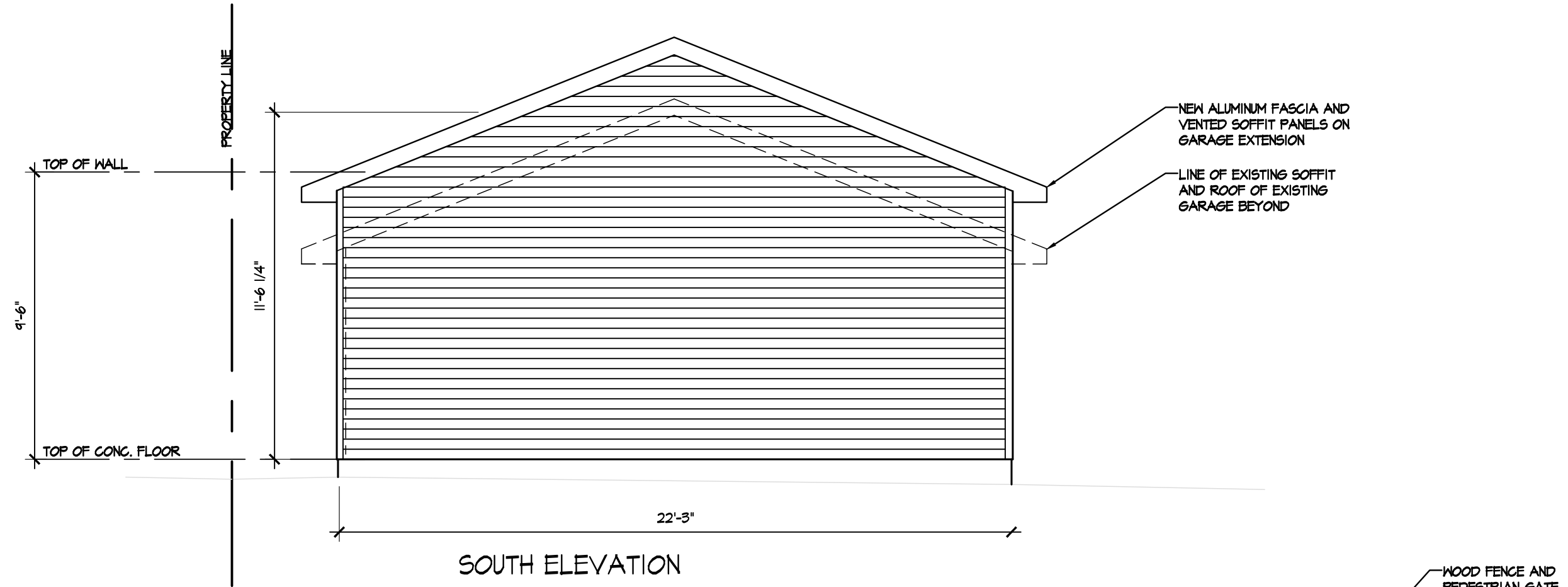
Project:  
**DICKER RESIDENCE**  
 24 PARK AVE  
 ST. THOMAS

Drawing title:  
**ELEVATIONS**

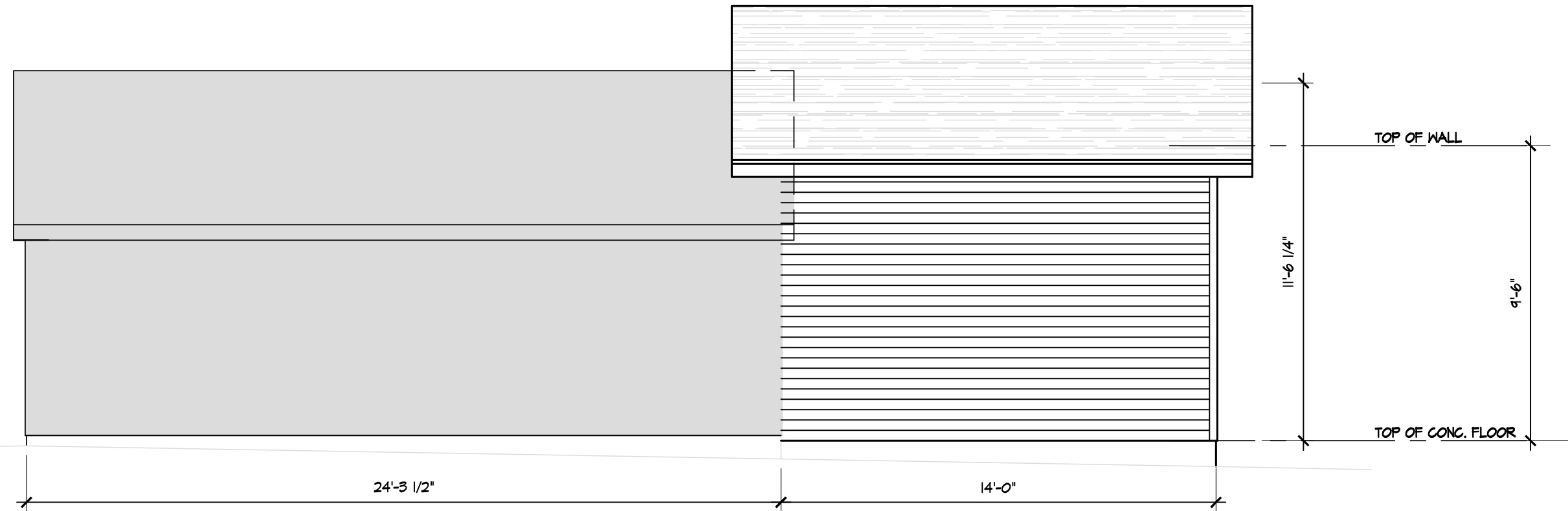
Date: **2021.03.22** Scale: **1/4"=1'-0"**

Project #: **21-03** Drawing: **A 2**

41



SOUTH ELEVATION



WEST ELEVATION

No.	DATE	COMMENTS
1	2021.03.12	ISSUED FOR REVIEW

Project:  
 DICKER RESIDENCE  
 24 PARK AVE  
 ST. THOMAS

Drawing title:  
 ELEVATIONS



Date:  
 2021.03.22

Scale:  
 1/4" = 1'-0"

Project #:  
 21-03

Drawing:  
 A3

ISSUED / REVISIONS

 <p><b>The Corporation of the City of St. Thomas</b></p>	<p><b>Report No.:</b> COA07-2021</p>
	<p><b>Applicant:</b> Garth Dicker</p>
<p>Members of the Committee of Adjustment</p>	<p><b>Report Date:</b> May 19, 2021  <b>Meeting Date:</b> May 27, 2021</p>
<p>Location: 24 Park Avenue, City of St. Thomas</p>	
<p><b>Subject:</b> Request for a minor variance pursuant to 45(1) of the Planning Act, R.S.O, as amended</p>	
<p><b>Department:</b> Planning and Building Services Department  <b>Prepared by:</b> Steve Craig, Senior Planning Technician</p>	<p><b>Attachments:</b> Location Plan</p>
<p><b>Recommendation:</b>  <b>That:</b> Report COA07-2021 be received.</p>	
<p><b>BACKGROUND:</b>  The applicant is proposing to construct a 4.25m x 6.75m addition on the south side of the existing detached garage, as shown on the site plan accompanying the application.</p> <p><b>MINOR VARIANCE:</b>  (i) To permit an enclosed accessory building with a floor area of 80sqm, whereas Table 1 to Subsection 7.4, Item Number 6, Column 2 of the Zoning By-Law provides that the maximum floor area of an enclosed accessory building be the lesser of 15% (105.63m<sup>2</sup>) of the lot area (704.21m<sup>2</sup>) or 67m<sup>2</sup>.</p> <p><b>OFFICIAL PLAN:</b></p> <ul style="list-style-type: none"> <li>The subject lands are designated Residential as shown on Schedule A (Land Use Plan) to the Official Plan for the City of St. Thomas. Permitted uses include low, medium, and high-density residential use (5.1.3.1).</li> <li>Wherever a use is permitted in a land use classification, it is intended that uses, buildings or structures normally incidental, accessory, and essential to that use are also permitted (11.2.1).</li> </ul> <p><b>ZONING BY-LAW:</b></p> <ul style="list-style-type: none"> <li>The subject lands are within the Third Residential Zone (R3) pursuant to the City of St. Thomas Zoning By-Law No. 50-88, as amended.</li> <li>Permitted uses of Third Residential Zone (R3) include a single detached dwelling and accessory uses (Section 7).</li> <li>Maximum lot coverage 35% (7.4(1)(2)(5)).</li> <li>The maximum floor area of an enclosed accessory building shall be the lesser of 15% of the lot area or 67m<sup>2</sup> (7.4(1)(2)(6)).</li> <li>In the case of an enclosed accessory building floor area means, the floor area of the building measured from the outside of all outside walls (1.45(ii)).</li> <li>An accessory building may be erected and used within a rear yard, but no part shall be erected or used within 0.3m of the rear lot line and 0.3m of any interior lot line (4.2.4.4(i)).</li> <li>No accessory building shall exceed 4m in height (4.2.4.8).</li> </ul> <p><b>LEGISLATIVE FRAMEWORK FOR A MINOR VARIANCE:</b>  In considering this application, the Committee must have regard to the following criteria and determine whether:</p> <ul style="list-style-type: none"> <li>The general intent and purpose of the Official Plan will be maintained;</li> <li>The general intent and purpose of the Zoning By-Law will be maintained;</li> <li>The variance is desirable for the appropriate development or use of the land, building or structure; and</li> <li>The variance is minor in nature.</li> </ul>	<p><b>Location Plan:</b></p> 



## Aerial Photography (2015):

**COMMENTS:**

- The location of the existing garage does not conform with the Zoning By-law; however, the applicant has submitted a plan prepared by J.G Rupert, Ontario Land Surveyor, dated February 12, 1979, confirming that the garage is legal non-complying, as the building predates the City of St. Thomas Zoning By-Law 50-88, which was approved by City Council on April 18, 1988.
- Aside from the floor area, the proposed garage addition conforms with the balance of the applicable zoning regulations, including setbacks, lot coverage and height.
- In Staff's opinion the proposed variance meets the general intent and purpose of the Official Plan, Zoning By-law, are minor in nature, and are desirable and appropriate for the use of the lands, thereby satisfying the four tests, as set out in Section 45 of the Planning Act. Therefore, planning staff recommend that minor variance application COA07-2021 be approved.
- Should the Committee of Adjustment approve minor variance application COA07-2021, the decision should reflect that the Committee is approving an enclosed accessory building with a maximum floor area of 80sqm, as shown on the plans accompanying the application.

Respectfully submitted,

Steve Craig  
Senior Planning Technician

Hello Jon,

Can you please circulate this to the COA for their consideration and comments, thank-you.

- On November 12, 2020, the Committee of Adjustment approved consent application B7-2020, for the lands municipally know as 258 Edward Street.
- The owner is in the process of completing the conditions outlined in the Committee's approval and it has come to light that there is a minor variation in the dimensions on the site plan submitted in support of the application vs the final Draft Reference Plan that was recently submitted. I have attached is a copy of both plans and the application for the Committee's consideration.
- Based on the review of the plans it appears that the interior side lot line between the severed and retained lots is shifted over to the west by approximately 2.4m.

### **2.) Planning Act:**

- Subsection 53(23) of the Planning Act provides the Committee with the power to change the conditions of a provisional consent at any time before a consent is given.
- Subsection 53(24) of the Planning Act provides the requirements for written notice of the change of the conditions of a provisional consent. Subsection 53(27) of the Planning Act outlines the appeal process.
- Subsection 53(26) of the Planning Act provides that no written notice is required if in the Committee's opinion the change to conditions is minor.

### **3.) Comments:**

- In staff's opinion the amendment is minor in nature and does not significantly deviate from what was considered and approved at the public meeting on November 12, 2020.

Regards,

**Steve G. Craig**  
Senior Planning Technician



Planning and Building Services Department  
Central Elgin Planning Office  
9 Mondamin Street  
St. Thomas, Ontario, N5P 2T9  
Telephone: 519-631-1680, ext. 4210  
Telephone: 519-633-2560  
Fax: 519-633-6581  
[scraig@stthomas.ca](mailto:scraig@stthomas.ca)



OCT 08 2020

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

---

October 7<sup>th</sup>, 2020

Secretary-Treasurer, Committee of Adjustment  
Attention: Jon Hindley

Pursuant to By-Law 30-2015, a consultation meeting was held on July 23<sup>rd</sup>, 2020 with Planning Department Staff and the applicant.

An application for Consent, regarding 258 Edward Street, was filed on October 7<sup>th</sup>, 2020.

This letter is notice that the information and material required under Subsections 53(2) and 53(3) and the required fee under Section 69 of the Planning Act has been provided and the application for consent is thereby considered complete.

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

Yours truly,



Jim McCoomb, MCIP, RPP  
Manager of Planning Services

## THE CORPORATION OF THE CITY OF ST THOMAS

## COMMITTEE OF ADJUSTMENT

## APPLICATION FOR CONSENT

OFFICE USE:	Date Application Received: <b>OCT 07 2020</b>	Consultation Date: <u>July 23, 2020</u>
	Date Application Deemed Complete: <b>OCT 07 2020</b>	

Application #: B07-20

APPLICATION IS HEREBY MADE TO:

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

Please note that in accordance with By-Law 30-2015, consultation with the Planning and Building Services Department must take place prior to the submission of an application. After consultation, the application will be filed with the Assistant Secretary-Treasurer, together with the sketch referred to in Note 1 and \$450 made payable to the City of St. Thomas. All information and materials submitted for the application shall be made available to the public, as indicated by Section 1.0.1 of the Planning Act, R.S.O. 1990.

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

1. (a) Registered Owner(s): Big Leagues Holdings C/O Paul Greer  
 Mailing Address: 1423 Webster Street, London  
 Postal Code: N5V 3R1 Telephone: 519-671-9333 Fax: \_\_\_\_\_  
 email: paul@kindroofing.ca

(b) Owner's Solicitor or Authorized Agent (if any): \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 Postal Code: \_\_\_\_\_ Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 email: \_\_\_\_\_

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

Owner  Solicitor  Agent

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

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Creation of New Lot | <input type="checkbox"/> Disposal of Surplus Farm Dwelling |
| <input type="checkbox"/> Addition to Lot                | <input type="checkbox"/> Correction of Title               |
| <input type="checkbox"/> Mortgage or Charge             | <input type="checkbox"/> Partial Discharge of Mortgage     |
| <input type="checkbox"/> Lease                          | <input type="checkbox"/> Right-of-way                      |

Easement \_\_\_\_\_

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

\_\_\_\_\_

Name of person(s), if known, to whom land of interest in land is intended to be transferred, charged or leased: 47

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) 37 Registered Plan No 287 Lot(s) \_\_\_\_\_

Reference Plan No E319949 Part(s) \_\_\_\_\_

Name of Street EDWARD STREET Street No 258

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

(a) Frontage 85 FEET Depth 200 FEET Area 17000 SQ. FEET

(b) Existing Use COMMERCIAL Proposed Use COMMERCIAL

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

Existing: NONE

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

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

(a) Frontage 100 FEET Depth 200 FEET Area 20000 SQ. FEET

(b) Existing Use COMMERCIAL Proposed Use COMMERCIAL

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

Existing: BUILDING

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

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

- |   |  |
|---|--|
| <input type="checkbox"/> Provincial Highway                   | <input type="checkbox"/> Regional Road     |
| <input 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 type="checkbox"/>	<input 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 type="checkbox"/>	<input 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 ZONE

(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, PAUL GREER, 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:**

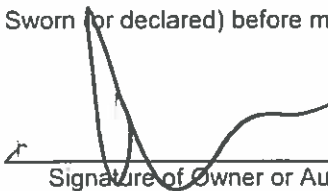
Personal information on this form is collected under the authority of Section 41 of the *Planning Act*, R.S.O. 1990 and Sections 8 (1) and 10 of the *Municipal Act*, 2001, as amended, and will be used to contact the owner, applicant and/or agent regarding the Committee of Adjustment Application. Questions 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, PAUL GREER of LONDON in the province of ONTARIO,  
name of applicant City

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

Sworn (or declared) before me at the City of London on this 11 day of Aug, 2020.  
City Day Month Year

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

Aug 11/20  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Signature of Commissioner of Oaths



Aug 11/20  
\_\_\_\_\_  
Date

NOTARIZED BY ME  
JOHN WALTER COOPER AT  
LONDON, ONTARIO THIS 11 DAY  
OF Aug 2020

APPENDIX A – AUTHORIZATION OF OWNER

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

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Owner

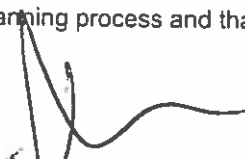
APPENDIX B – ACKNOWLEDGEMENT OF LEGAL AND PLANNING FEES

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

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

I, PAUL GREER, 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.

Nov 11/20  
Date

  
Signature of Owner

## 52 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) or applications which are signed by someone other than the owner(s).

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

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

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

Decisions of the Committee are made in public.

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

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

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

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

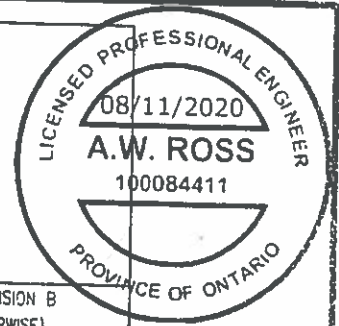
**FIRM NAME:**

CONCENTRIC ASSOCIATES INTERNATIONAL INC.  
700 RICHMOND ST., SUITE 307  
LONDON, ONTARIO  
N6A 5C7

**NAME OF PROJECT:**

PROPOSED PROPERTY SEVERANCE  
258 EDWARD STREET  
SAINT THOMAS, ONTARIO

SEAL



ITEM	ONTARIO BUILDING CODE DATA MATRIX PARTS 3 & 9						OBC REFERENCE (DIVISION B UNLESS NOTED OTHERWISE)		
1.	PROJECT DESCRIPTION: <input type="checkbox"/> CHANGE OF USE <input type="checkbox"/> NEW ADDITION ALTERATION <input type="checkbox"/> PART 11 11.1 TO 11.4 <input type="checkbox"/> PART 3 <input type="checkbox"/> PART 9						[A] 1.1.2.2	[A] 1.1.2.4	
2.	MAJOR OCCUPANCY(S): GROUP D BUSINESS & PERSONAL SERVICE						3.1.2.1	9.10.2	
3.	BUILDING AREA (m <sup>2</sup> ) EXISTING: 418 NEW: NIL TOTAL: 418						[A] 1.4.1.2	[A] 1.4.1.2	
4.	GROSS FLOOR AREA (m <sup>2</sup> ) EXISTING: NIL NEW: NIL TOTAL: 418						[A] 1.4.1.2	[A] 1.4.1.2	
5.	NUMBER OF STOREYS ABOVE GRADE: 1						[A] 1.4.1.2 & 3.2.1.1	[A] 1.4.1.2	
6.	NUMBER OF STREETS/FIRE FIGHTER ACCESS: 1						3.2.2.10 & 3.2.5	9.10.20	
7.	BUILDING CLASSIFICATION: GROUP D BUSINESS & PERSONAL SERVICE						3.2.2.72	9.10.2	
8.	SPRINKLER SYSTEM ENTIRE BUILDING REQUIRED: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO PROPOSED: <input type="checkbox"/> BASEMENT ONLY <input type="checkbox"/> IN LIEU OF ROOF RATING						3.2.2.20-.83 3.2.1.5 3.2.2.17	9.10.8	
9.	STANDPIPE REQUIRED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO						3.2.9	N/A	
10.	FIRE ALARM REQUIRED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO						3.2.4	9.10.18.2	
11.	WATER SERVICE/SUPPLY IS ADEQUATE <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO						3.2.5.7	N/A	
12.	HIGH BUILDING <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO						3.2.6	N/A	
13.	CONSTRUCTION: <input type="checkbox"/> NON-COMBUSTIBLE REQUIRED <input checked="" type="checkbox"/> COMBUSTIBLE PERMITTED ACTUAL CONSTRUCTION: <input type="checkbox"/> NON-COMBUSTIBLE <input checked="" type="checkbox"/> COMBUSTIBLE <input type="checkbox"/> BOTH						3.2.2.72(2)	9.10.6	
14.	MEZZANINE(S) AREA (m <sup>2</sup> ) NIL						3.2.1.1.(3)-(8)	9.10.4.1	
15.	OCCUPANT LOAD BASED ON: <input type="checkbox"/> m <sup>2</sup> /PERSON <input checked="" type="checkbox"/> DESIGN OF BUILDING 10 PERSONS PER UNIT = 30 PERSONS TOTAL (3 UNITS)						3.1.17	9.9.1.3	
16.	OCCUPANT LOAD PER SEX: 10 PERSONS PER UNIT WATER CLOSETS: REQUIRED 1 PER UNIT PROVIDED 3 (1 PER UNIT) TOTAL 3 3 UNIVERSAL TOILET ROOMS INCLUDED IN COUNT: NIL (EXISTING FACILITIES)						3.7.4	9.31.1.1 3.7.4.3-7	
17.	BARRIER FREE DESIGN <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (EXPLAIN) EXISTING BUILDING, ENTRY TO UNITS NOT BUILT TO PROVIDE BARRIER-FREE ACCESS.						3.8	9.5.2	
18.	HAZARDOUS SUBSTANCES <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO						3.3.1.2 & 3.3.1.19	9.10.1.3(4)	
19.	REQUIRED FIRE RESISTANCE RATING (F.R.R.)		HORIZONTAL ASSEMBLIES		LISTED DESIGN NO. OR DESCRIPTION (SB-2)		3.2.2.20-83. 3.2.1.4	9.10.8 9.10.9	
			FLOORS 45 MINUTE		N/A				
			ROOF N/A MINUTE		N/A				
			MEZZANINE 45 MINUTE		N/A				
			SUPPORTING MEMBERS		LISTED DESIGN NO. OR DESCRIPTION (SB-2)				
			N/A		N/A				
20.	SPATIAL SEPARATION - CONSTRUCTION OF EXTERIOR WALLS						3.2.3	9.10.14	
	WALL	AREA OF EBF (m <sup>2</sup> )	L.D. (m)	L/H OR H/L	PERMITTED MAX. % OF OPENINGS	EXISTING % OF OPENINGS	F.R.R. (HOURS)	REQUIRED WALL CONSTRUCTION	REQUIRED CLADDING
	NORTH	97.5	29.0	N/A	100	31.8	N/A	N/A	N/A
	EAST	92.9	21.0	N/A	100	3.5	N/A	N/A	N/A
	SOUTH	97.5	22.4	N/A	100	15.8	N/A	N/A	N/A
	WEST	92.9	4.6	N/A	18	4.9	1	COMBUSTIBLE	NON-COMBUSTIBLE



LONDON OTTAWA IQUALUIT SASKATOON  
WINNIPEG TORONTO COQUITLAM

CLIENT NAME: PAUL GREER  
PROJECT ADDRESS: 258 EDWARD STREET ST. THOMAS  
PROJECT NAME: PROPOSED PROPERTY SEVERANCE  
DRAWING TITLE: SITE PLAN

DESIGN: AJG | SCALE: AS SHOWN | SHEET No.  
DRAWN: AJG | DATE: AUG 11/20  
APPV'D: AWR | FILE No: 20-8942

**OBC**

PART A

PART B

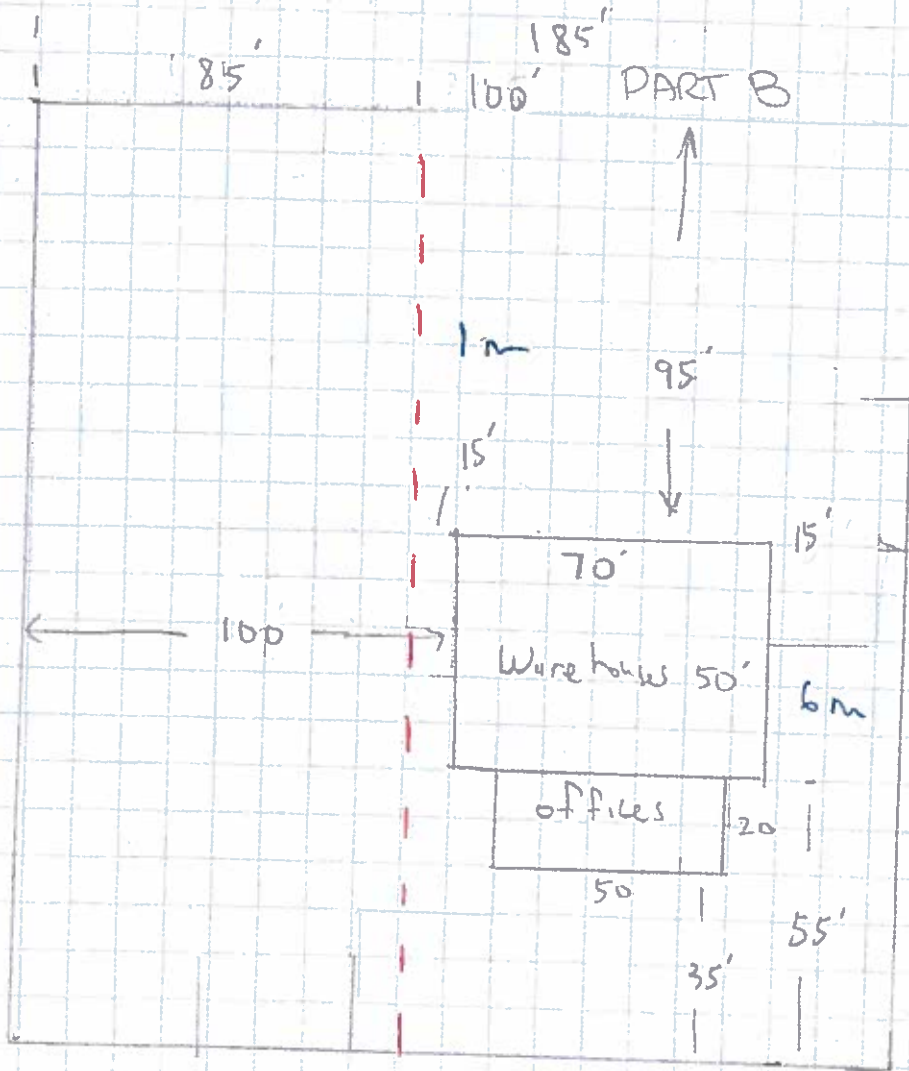
85' x 200' Lot to be severed

100' x 200' lot and Building

EMAILED

warehouse walls 8" block  
office walls - 26 gauge  
metal cladding 2x4 and  
bit insulation, drywell

N ↑



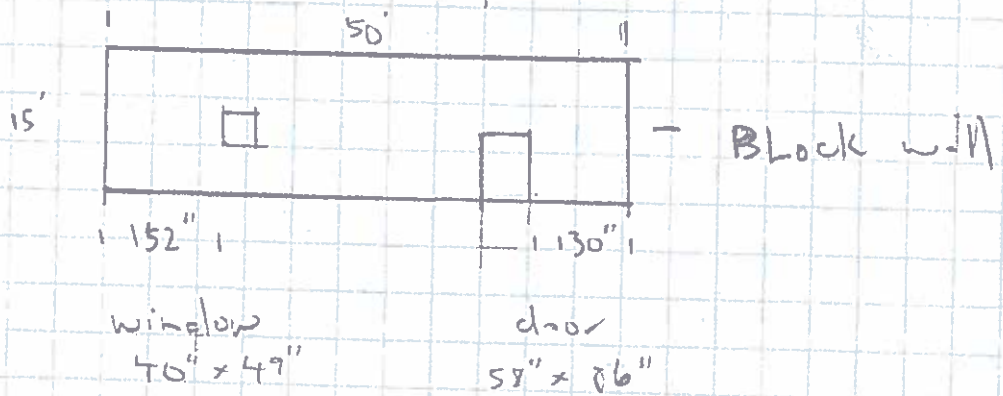
← Driveway

LAING BLVD

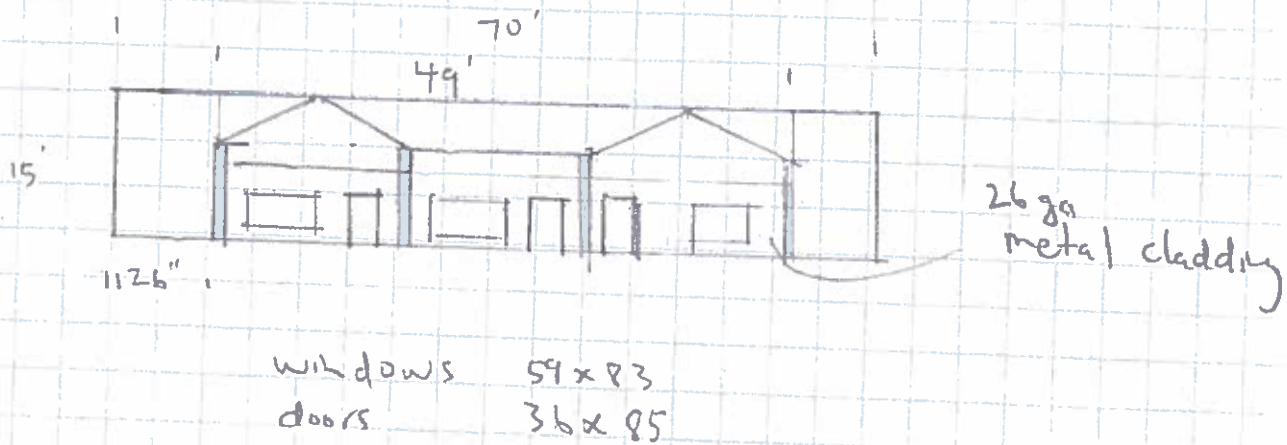
↑  
Driveway

EDWARD ST.

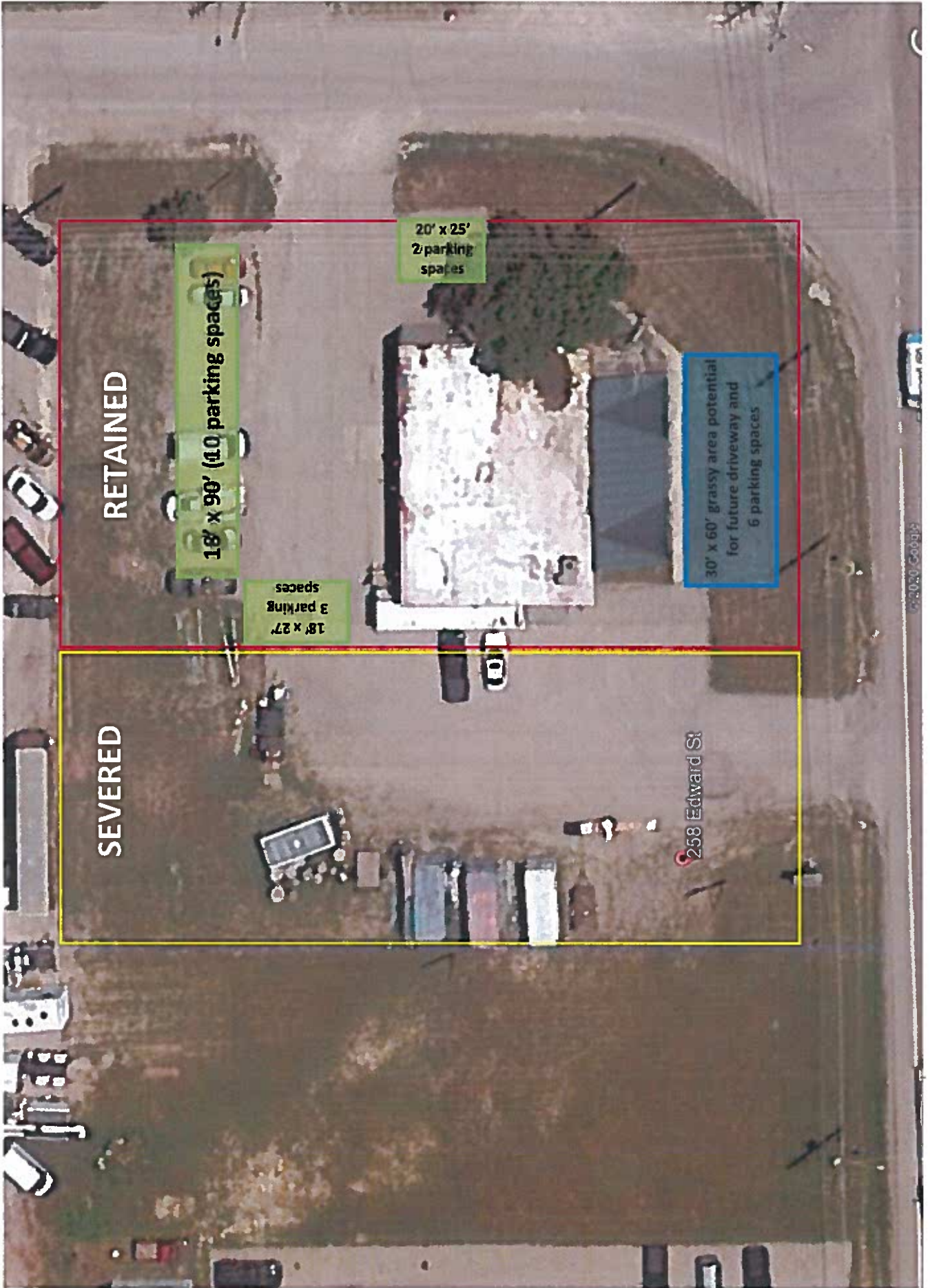
# West Elevation



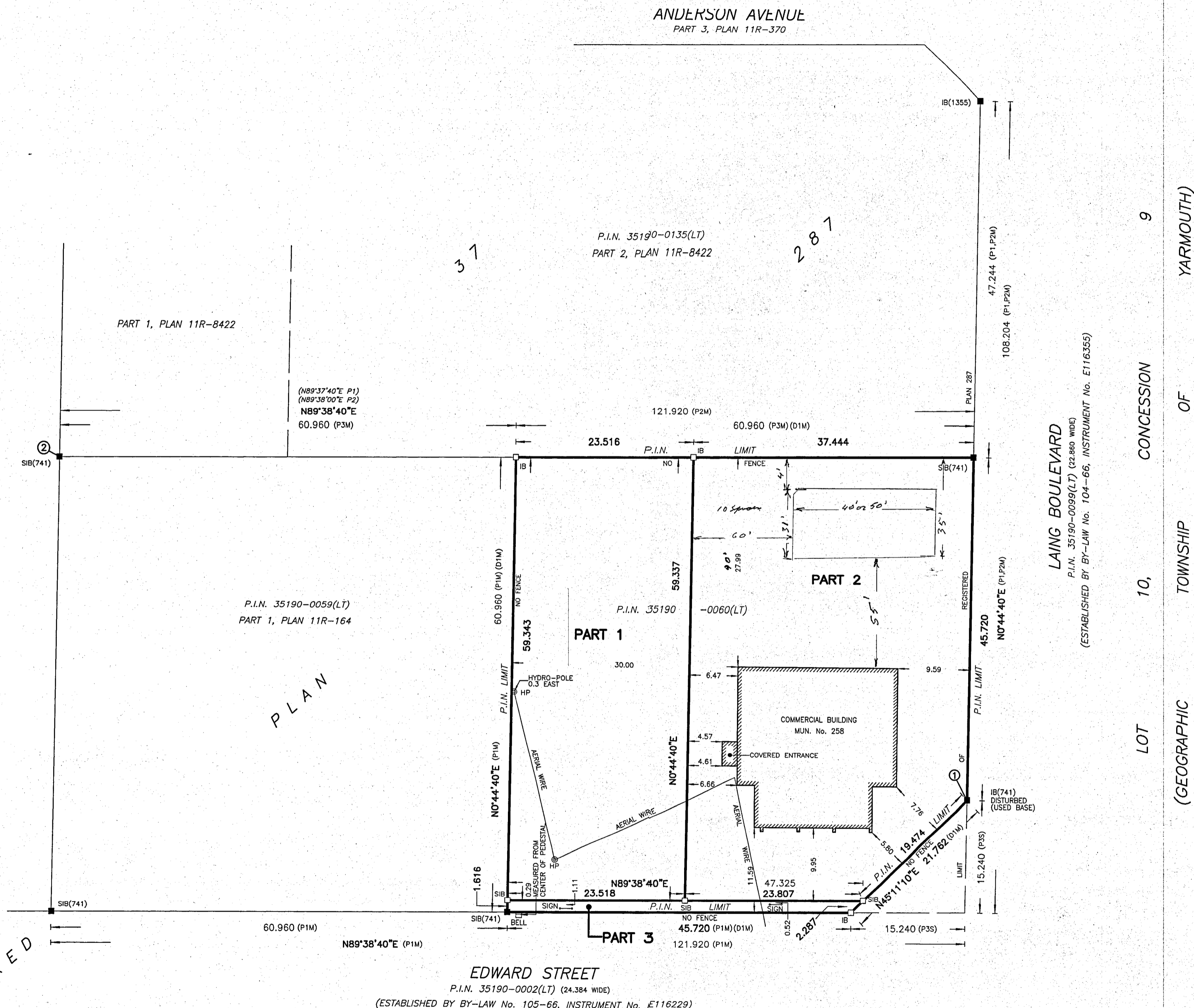
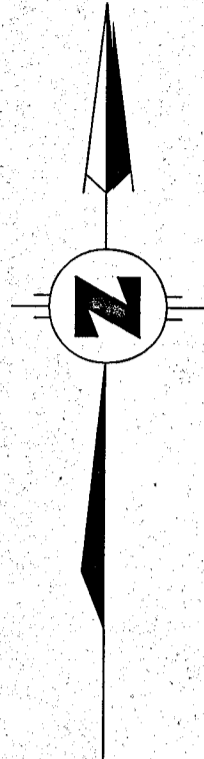
# South Elevation











I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT		<b>PLAN 11R-</b>		
RECEIVED AND DEPOSITED		RECEIVED AND DEPOSITED		
DATE _____		DATE _____		
MICHAEL J. MASCIOTRA, O.L.S.		REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF MIDDLESEX (No. 11)		
SCHEDULE				
PART	LOT	REGISTERED PLAN	P.I.N.	AREA
1				0.14 Ha.
2	PART OF 37	287	PART OF 35190-0060(LT)	0.21 Ha.
3				0.01 Ha.

PART 1,2,3 COMPRISE ALL OF P.I.N. 35190-0060(LT)

**PRELIMINARY - NOT MONUMENTED**

**PLAN OF SURVEY**  
OF PART OF  
**LOT 37**  
**REGISTERED PLAN 287**  
IN THE  
**CITY OF ST. THOMAS**  
**COUNTY OF ELGIN**  
SCALE 1:400

(SCALE IN METRES)

MICHAEL J. MASCIOTRA  
ONTARIO LAND SURVEYOR

- LEGEND**
- DENOTES SURVEY MONUMENT SET
  - DENOTES SURVEY MONUMENT FOUND
  - IB DENOTES IRON BAR
  - SIB DENOTES STANDARD IRON BAR
  - SSIB DENOTES SHORT STANDARD IRON BAR
  - WIT DENOTES WITNESS
  - 1017 DENOTES CALLON DIETZ, O.L.S.'s
  - 1355 DENOTES BRIAN VAUGHAN, O.L.S.'s
  - 741 DENOTES D.I. HOUGHTON, O.L.S.'s
  - P.I.N. DENOTES PROPERTY IDENTIFIER NUMBER
  - R.P. DENOTES REGISTERED PLAN
  - M DENOTES MEASURED
  - S DENOTES SET
  - P1 DENOTES PLAN 11R-280
  - P2 DENOTES PLAN 11R-8422
  - P3 DENOTES PLAN 11R-164
  - D1 DENOTES REGISTERED PLAN INSTRUMENT No. E319949

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

**SURVEYOR'S CERTIFICATE**

I CERTIFY THAT:

(1) 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.

(2) THE SURVEY WAS COMPLETED ON THE **T.B.D**

DATE \_\_\_\_\_ MICHAEL J. MASCIOTRA  
ONTARIO LAND SURVEYOR

**INTEGRATION DATA**

BEARINGS ARE UTM GRID DERIVED FROM SPECIFIED CONTROL POINTS 00820060031 AND 00820060032, UTM-17 NAD83:CSRS:CBNv6-2010.0

FOR BEARING COMPARISONS, A ROTATION OF 1°2'00" CLOCKWISE, WAS APPLIED TO THE BEARINGS FROM P1 & P2.

ALL DIMENSIONS SHOWN ARE MEASURED, UNLESS OTHERWISE NOTED.

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.99956425.

POINT ID	NORTHING	EASTING
00820060031	4736207.49/5	488319.247
00820060032	4737450.29/2	485673.066

PLAN COORDINATES, UTM-17 NAD83:CSRS:CBNv6-2010.0		
	NORTHING	EASTING
1	4737091.83/7	487480.074
2	4737136.79/1	487358.704

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

C:\\_CDout\DWG\2020\2021\21-23972\RPlan-(C-2414).dwg April 28, 2021

**Callon Dietz** INCORPORATED

ONTARIO LAND SURVEYORS  
CARLETON PLACE LONDON NORTH BAY  
info@callondietz.com callondietz.com

SURVEY BY: LM DRAWN BY: DU FILE No: 21-23972 PLAN No: C-2414

10060