

**A G E N D A**

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

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**TELECONFERENCE**

**10:00 A.M.**

**THURSDAY  
JUNE 24, 2021**

**DISCLOSURE OF INTEREST**

**MINUTES**

Confirmation of the minutes of the meeting held on June 10, 2021.

**HEARING OF APPLICATIONS**

B08/21 - Novi Construction Limited - 358 Wellington Street **Pages 2-11**

Planning Report - B08/21 **Pages 12-14**

**NEW BUSINESS**

Next Meeting

To Be Determined.

**ADJOURNMENT**

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

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May 27, 2021

Secretary-Treasurer, Committee of Adjustment  
Attention: Jon Hindley

Pursuant to By-Law 30-2015, a consultation meeting was held on May 17, 2021 with Planning Department Staff and the applicant.

An application for Consent, regarding 358 Wellington Street, was filed on May 26, 2021.

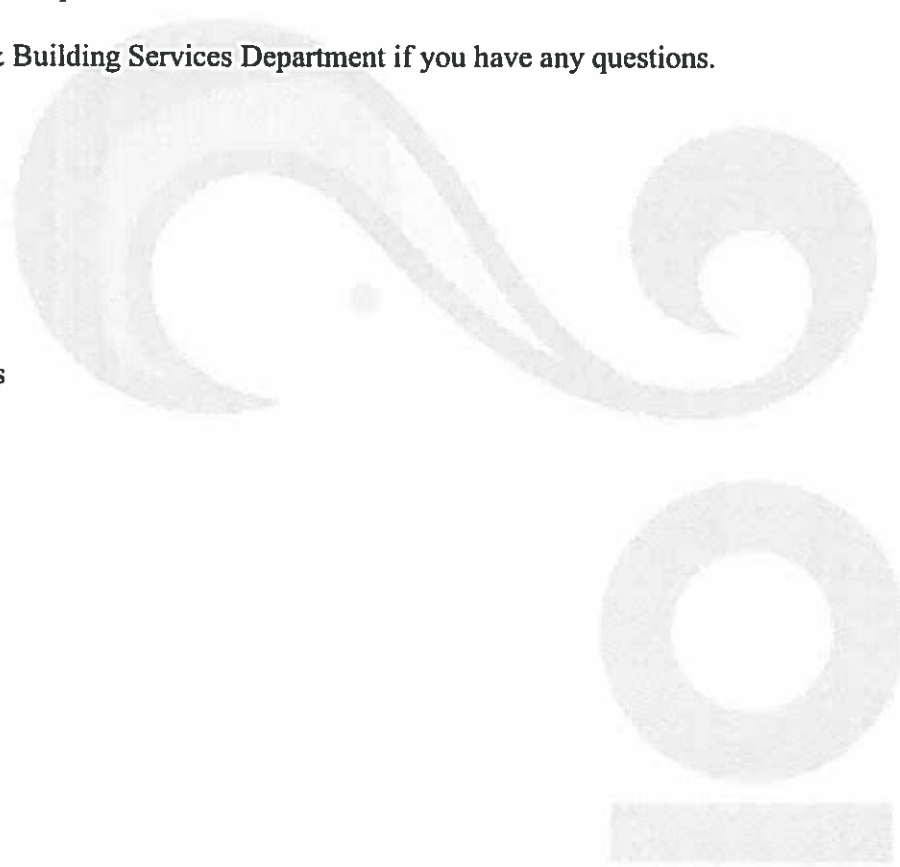
This letter is notice that the information and material required under Subsections 53(2) and 53(3) and the required fee under Section 69 of the Planning Act has been provided and the application for consent is thereby considered complete.

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

Yours truly,



Jim McCoomb, MCIP, RPP  
Manager of Planning Services



**THE CORPORATION OF THE CITY OF ST THOMAS**

**COMMITTEE OF ADJUSTMENT**

**APPLICATION FOR CONSENT**

<b>OFFICE USE:</b>	Date Application Received: <b>MAY 26 2021</b>	Consultation Date: <u>May 17/21</u>
	Date Application Deemed Complete: <b>MAY 27 2021</b>	

Application #: B08/21

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): Novi Construction Limited

Mailing Address: 76 Progress Drive, St. Thomas, ON.

Postal Code: N5P 4G5 Telephone: 519-633-9746 Fax: \_\_\_\_\_

email: joestojic@sympatico.ca -also pbostojic@gmail.com

(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 or interest in land is intended to be transferred, charged or leased:

unknown at this time

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

Yes  No

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

4. Location of land:

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

Concession No \_\_\_\_\_ Lot(s) \_\_\_\_\_ Registered Plan No \_\_\_\_\_ Lot(s) <sup>1-5</sup> \_\_\_\_\_

Reference Plan No 11R-10715 Part(s) <sup>4</sup> \_\_\_\_\_

Name of Street Wellington Street Street No 358

5. Description of land to be severed: (in metric units) Part No. on sketch <sup>6</sup> \_\_\_\_\_

(a) Frontage 17.85m Depth 41.10M Area 732.875sm

(b) Existing Use Residential Proposed Use Residential

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

Existing: no structures on lands to be severed

Proposed: residential home

6. Description of land to be retained: (in metric units) Part No. on sketch <sup>4</sup> \_\_\_\_\_

(a) Frontage 13.41m on Park Ave. Depth irregular Area 4997.33sm

(b) Existing Use Residential Proposed Use Residential

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

Existing: House

Proposed: ex. house to be demolished for construction of condo development

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

- |  |  |
|--|--|
| <input type="checkbox"/> Provincial Highway                            | <input type="checkbox"/> Regional Road     |
| <input checked="" type="checkbox"/> Municipal Road maintained all year | <input type="checkbox"/> Other Public Road |
| <input type="checkbox"/> Municipal Road maintained seasonally          | <input type="checkbox"/> Right-of-Way      |
| <input type="checkbox"/> Water Access                                  | <input type="checkbox"/> Private Road      |

(b) Type of access to retained land:

- |  |  |
|--|--|
| <input type="checkbox"/> Provincial Highway                            | <input type="checkbox"/> Regional Road     |
| <input checked="" type="checkbox"/> Municipal Road maintained all year | <input type="checkbox"/> Other Public Road |
| <input type="checkbox"/> Municipal Road maintained seasonally          | <input type="checkbox"/> Right-of-Way      |
| <input type="checkbox"/> Water Access                                  | <input type="checkbox"/> Private Road      |

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

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

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

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

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

(a) Local Municipal Official Plan Residential

(b) Regional Policy Plan NA

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, Joe Ostojic, 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**

Joe  
I, Joe Ostojic of St. Thomas in the province of Ontario,  
name of applicant City

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

Sworn (or declared) before me at the St. Thomas on this 21st day of May, 2021.  
City Day Month Year

[Signature]  
Signature of Owner or Authorized Agent

May 26<sup>th</sup> 2021  
Date

[Signature]  
Signature of Commissioner of Oaths, etc.

May 26/21  
Date

Crystal Marie Penney, a Commissioner, etc.,  
Province of Ontario, for the  
Corporation of the City of St. Thomas.  
Expires September 18, 2022.

**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

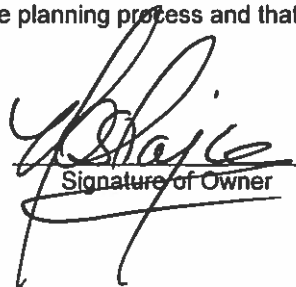
**APPENDIX B – ACKNOWLEDGEMENT OF LEGAL AND PLANNING FEES**

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, Nick Ostojic, 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.

May 26<sup>th</sup> 2021  
Date

  
Signature of Owner



## PROCEDURES FOR PROCESSING APPLICATIONS FOR CONSENT

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

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

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

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

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

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

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

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

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

## POLICIES

The requirements to complete one application are:

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

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

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

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

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

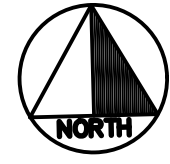
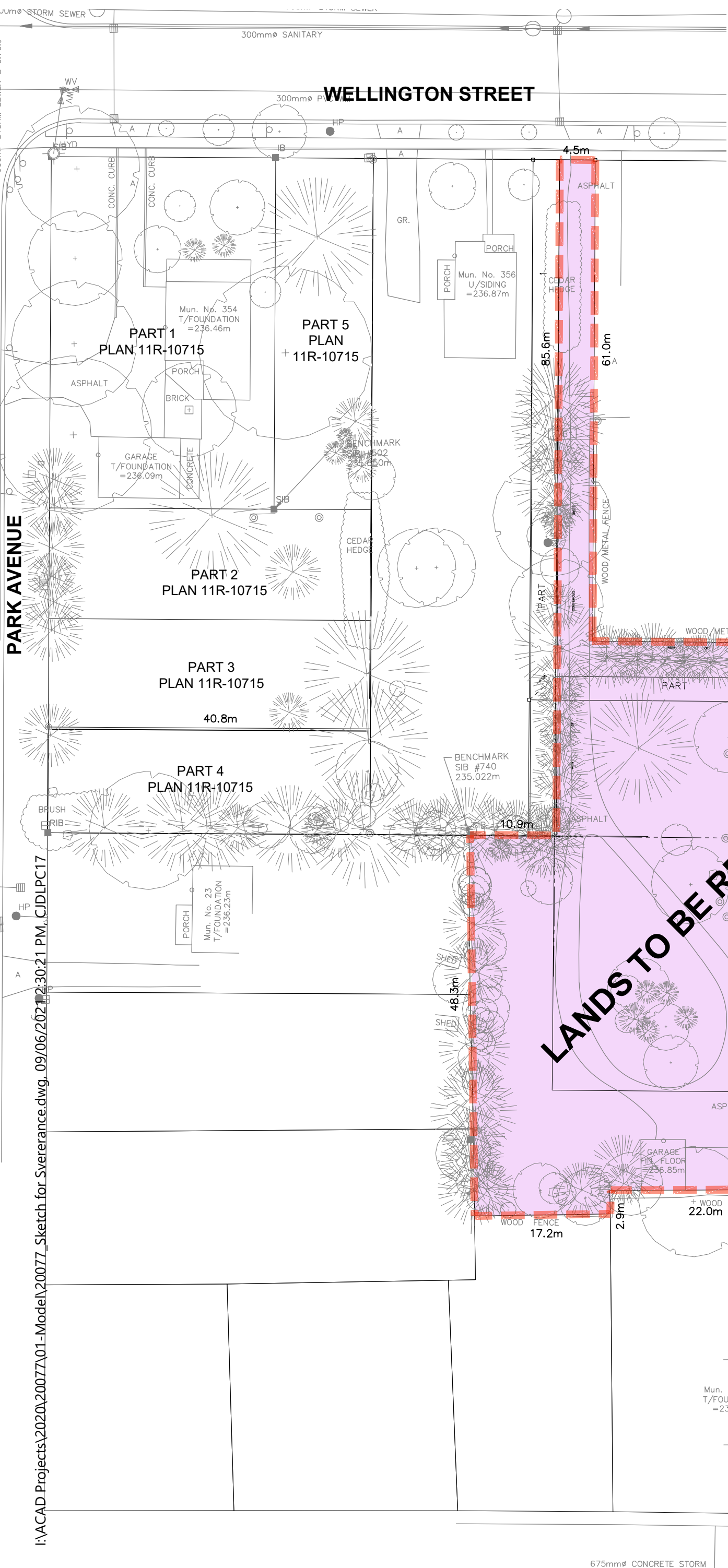
Decisions of the Committee are made in public.

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

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

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

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



SCALE 1:500

**SKETCH FOR SEVERANCE**  
**358 WELLINGTON STREET**  
 CITY OF ST. THOMAS

PLAN PREPARED BY:



Cyril J. Demeyere Limited  
 P.O. Box 460, 261 Broadway  
 Tillsonburg, Ontario, N4G 4H8  
 Tel: 519-688-1000  
 866-302-9886  
 Fax: 519-842-3235  
 cjdl@cjdleng.com  
 09 JUNE 2021

20077

**LEGEND**

- SEVERANCE BOUNDARY
- LANDS TO BE RETAINED 0.41 ha
- LANDS TO BE SEVERED 0.07 ha

I:\ACAD\_Projects\2020\20077\01-Model\20077\_Sketch for Severance.dwg\_09/06/2021 12:30:21 PM, CJD LPC17

675mmØ CONCRETE STORM

**FOREST AVENUE**



The Corporation of the City of St. Thomas

Report No.: B08-2021

Applicant: Novi Construction Limited

Directed to: Members of the Committee of Adjustment

Report Date: June 17, 2021  
Meeting Date: June 24, 2021

Location: Plan 80 Block 10 Part Lots 9, 11 and 12 and Plan 11M-93 Block 13, Municipally known as 358 Wellington Street, in the City of St. Thomas.

Subject: Request for a consent pursuant to Section 53 of the Planning Act, R.S.O, as amended

Department: Planning Department  
Prepared by: Steve Craig, Senior Planning Technician

Attachments:  
Location Plan and Aerial Photograph 2015

**Recommendation:**

That: Report B08-2021 be received.

**Origin**

Novi Construction Limited has filed Consent Application B08-2021 for the purpose of creating one vacant residential building lot on Forest Avenue, proposed to be developed with the construction of a single detached dwelling. It is proposed that the retained lot and other abutting lands owned by the applicant will be assembled to facilitate the construction of a proposed 6-unit condominium development.

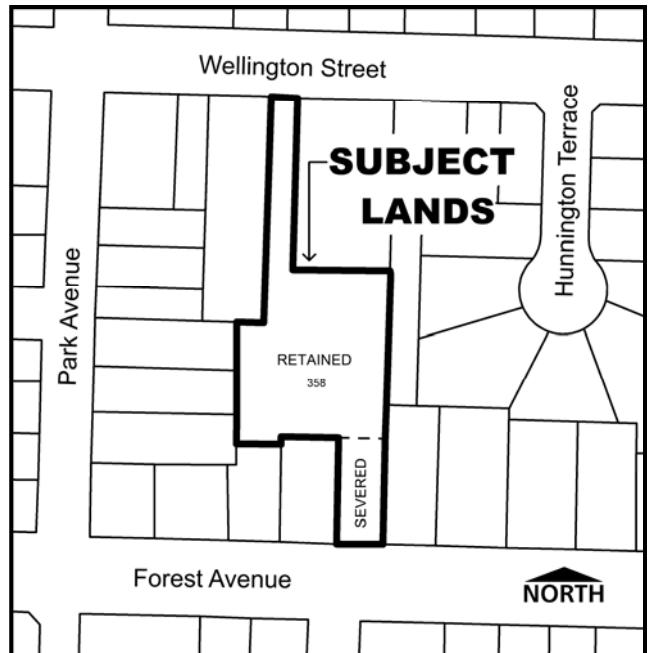
**Proposal**

The applicant is proposing to sever one vacant lot with 17.8m of frontage on Forest Avenue and an area of 732.8m<sup>2</sup>, proposed to be developed with the construction of a single detached dwelling. The applicant is proposing to retain one lot with 4.5m of frontage on Wellington Street and an area of 4,099.99m<sup>2</sup>, containing one existing single detached dwelling, proposed to be demolished.

**Official Plan**

- The subject lands are within the Residential designation, as shown on Schedule "A" (Land Use Plan) to the Official Plan for the City of St. Thomas.
- The "Residential" designation on Schedule "A" means the predominant use of land shall be for low, medium, and high-density residential use (5.1.3.1).
- Low density residential use shall mean a residential use to a maximum of twenty-five (25) residential dwelling units per net hectare. Within a low-density residential area, the main permitted uses shall include single detached, semi-detached, duplex, and triplex residential dwellings. Infilling and intensification of low-density residential areas shall be encouraged where deemed appropriate. Council shall encourage the development of new residential units through intensification of low-density residential dwellings as a means of contributing to the Provincial objective of providing housing that is affordable to moderate- and lower-income households in the municipality (5.1.3.2).
- Consents will be granted only if it is apparent to the Committee of Adjustment that a plan of subdivision is unnecessary and the land in question can be serviced adequately (10.4.1). The following policies, in addition to other applicable policies in the Plan, apply to the creation of new lots by the consent process:
  - i) consents should be granted only in areas where the undue extension of any major service would not be required;
  - ii) consents should be granted only when the land fronts on an existing public road that is or will be developed to accepted municipal standards;
  - iii) consents should have the effect of infilling in existing urbanized areas and not of extending the urban area unduly;
  - iv) the size of any parcel of land created by such a consent should be appropriate for the use proposed considering the public services available and the soil conditions and in no case should any parcel be created which does not conform to the provisions of the zoning by-law;
  - v) direct access from arterial or collector streets should be restricted, and residential lots should, where possible, have access only from local streets;
  - vi) consents should not be granted for land adjacent to a road from which access is to be obtained where a traffic hazard would be created because of limited sight lines on curves or grades.

Location Plan:





- As a condition of development or redevelopment of land for residential purposes, Council may, by by-law applicable to the whole City, or to any defined area or areas, require that land in an amount not exceeding 5 percent of the land proposed for development or redevelopment be conveyed to the City for park or other public recreational purposes. Council may accept money to the value of any land required to be conveyed in lieu of such conveyance.

**Zoning By-Law**

- 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, Zoning Map Part 17.
- The Third Residential Zone (R3) permitted uses include a single detached dwelling and uses accessory to the foregoing (Section 7).
- For a single detached dwelling, a minimum lot area of 371.5m<sup>2</sup> is required, and a minimum lot frontage of 12m is required (Subsection 7.4)
- No building or structure shall be erected or used for any purpose unless the following municipal services are available to service the building or structure and the land on which it is situate (Section 7.3):
  - a water supply system; and
  - a sanitary sewage system and a storm sewage system or a combined sanitary and storm sewage system.

**AERIAL PHOTOGRAPH 2015 (Proposed Severed and Retained):**



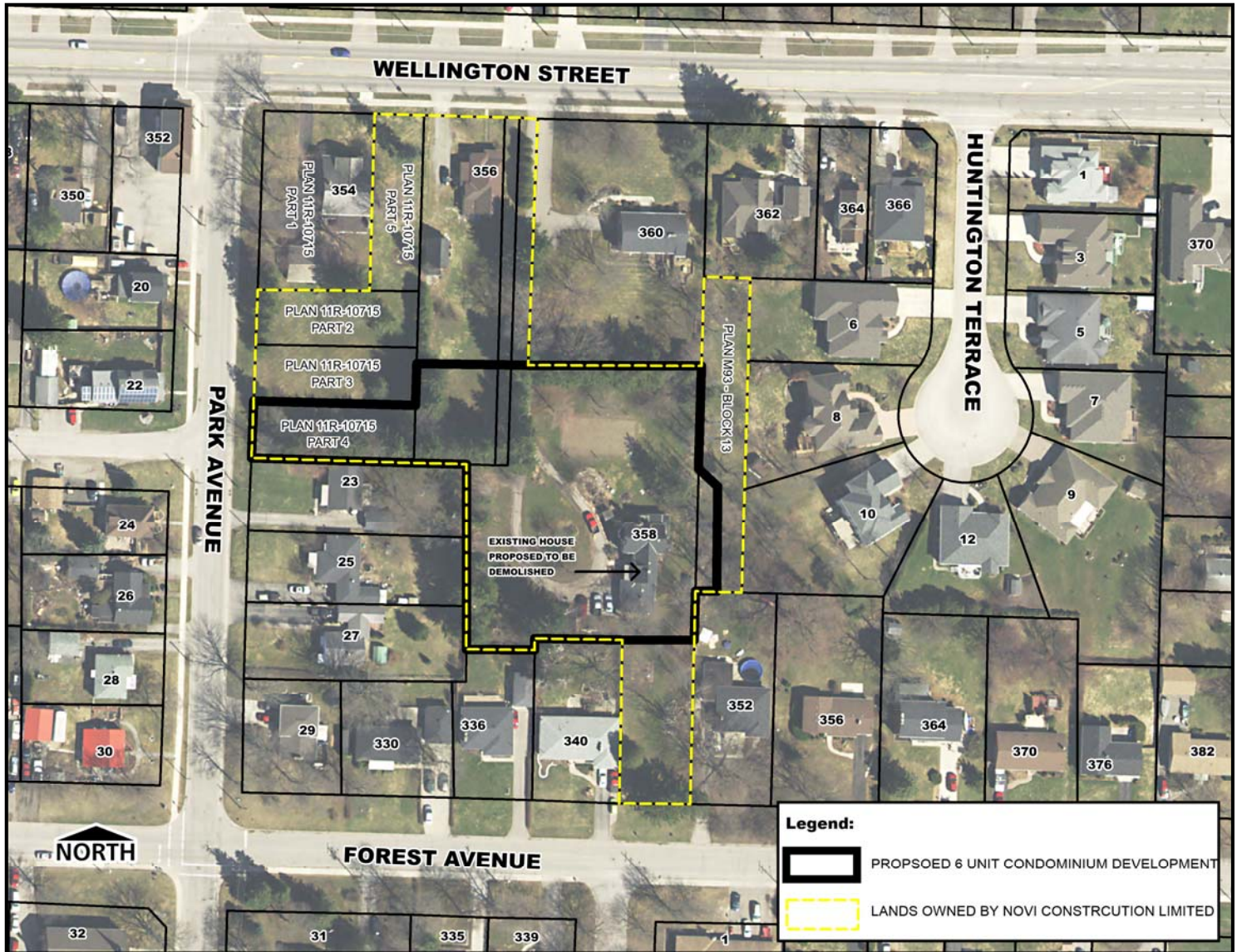
**Comments**

- The Official Plan encourages the development of new residential units through intensification of low-density residential dwellings, the severed lot will have 17.8m of frontage on Forest Avenue and an area of 732.8m<sup>2</sup>, which exceeds the minimum standards in the Third Residential Zone (R3) for a single detached dwelling.
- The proposed severed lot constitutes an appropriate intensification that will result in the construction of a single detached dwelling that is compatible with the surrounding area, appropriate and efficient use of residentially designated lands and municipal infrastructure.
- The applicant is in the process of submitting a subsequent consent application for the purpose of assembling lands for a proposed 6-unit condominium development, with lot frontage and access on Park Avenue. Approval of the subject application will need to be conditional on final approval of a land assembly, for the purpose of providing lot frontage and access for the retained land, to the satisfaction of the Corporation of the City of St. Thomas.



- In 2020 Novi Construction Limited created three lots through the consent approval process, it is proposed that the lots (Part 2, 3 and 5, Plan 11R-10715) will be developed with the construction of three single detached residential dwellings.

**AERIAL PHOTOGRAPH 2015 (Proposed 6 Unit Condominium Development):**



- In staff's opinion Consent Application B08-2021 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 Consent Application B08-2021 is supportable, should the Committee of Adjustment approve the application staff recommends the following conditions:

- Final approval of a land assembly for the retained land and portions of the adjoining lands, for the purpose of providing lot frontage and access for the retained land, to the satisfaction of the Corporation of the City of St. Thomas;
- The payment of cash-in-lieu of the dedication of 5% of the lands for parkland purposes; and
- The Corporation of the City of St. Thomas be provided with a copy of the reference plan.

Respectfully submitted,

*scj*  
 Steve Craig  
 Senior Planning Technician