

**THE TENTH MEETING OF THE COMMITTEE OF ADJUSTMENT**

**BY TELECONFERENCE**

**JUNE 10TH, 2021**

10:00 a.m. The meeting convened.

**ATTENDANCE**

Members

Mr. D. Collins, Chair  
Ms. I. Bowman  
Mr. R. Hodgkinson

Officials

J. Hindley, Assistant Secretary-Treasurer  
S. Craig, Senior Planning Technician  
C. Peck, Chief Building Official

Others

Richard Pellerin, Agent, 45 Highbury Avenue  
Paul Ogglesby, Agent, 18 Blue Heron Place  
Patrick Keenan, Agent, 40979 Major Line  
Councillor Gary Clarke

**DISCLOSURES OF INTEREST**

Nil.

**MINUTES**

Motion by R. Hodgkinson - I. Bowman:

THAT: The minutes of the meeting held on May 27th, 2021 be confirmed.

Carried.

**HEARING OF APPLICATIONS**

A08/21 - 2392116 Ontario Incorporated - 45 Highbury Avenue

Mr. Richard Pellerin, Agent, 45 Highbury Avenue provided an overview of the Minor Variance application.

The members inquired about the potential for more parking spaces on the property, should they be required in future.

Mr. Pellerin advised that there is enough space on the property to accommodate an expansion to the facility, as well as parking, if required in future.

Motion by I. Bowman - R. Hodgkinson:

THAT: Application A08-21 by **2392116 Ontario Incorporated** on lands that may be legally described as **Range 1 Ser Pt Lot 9, Registered Plan 11R6803, Part 3** for a minor variance pursuant to Section 45(1) of the Planning Act, R.S.O. 1990, as amended, on lands municipally known as **45 Highbury Avenue** in the City of St. Thomas, Ontario be approved as follows:

- (i) To permit 39 parking spaces for a proposed metal fabrication business, whereas Subsection 21.1.6 of the City of St. Thomas Zoning By-law requires a minimum of 223 parking spaces, based on 313.5sqm of Business office floor area (10 parking spaces) and 2,289.31sqm of manufacturing floor area (213 parking).

This application is granted because in the opinion of the Committee such variance is minor and is an appropriate use of the land, building or structure and the general intent and purpose of the Official Plan and Zoning By-Law are maintained.

Carried.

A09/21 - Michele Milles - 18 Blue Heron Place

Mr. Paul Ogglesby, Agent, 18 Blue Heron Place provided an overview of the Minor Variance application.

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Motion by I. Bowman - R. Hodgkinson:

THAT: Application A09-21 by **Michele Milles** on lands that may be legally described as **Plan M106 Lot 82** for a minor variance pursuant to Section 45(1) of the Planning Act, R.S.O. 1990, as amended, on lands municipally known as **18 Blue Heron Place** in the City of St. Thomas, Ontario be approved as follows:

- (i) To permit a new unenclosed deck a minimum of 3.3m from the rear lot line, whereas the R3-77 zone requires a deck to be setback a minimum of 6.5m from the rear lot line. (Table 1 to Subsection 7.4, Column Number 2, Item Number 10, requires a minimum rear yard depth of 9m. Subsection 4.2.2 of the General Provisions Applicable to Residential zones permits a deck, stoop, steps, or porch which is covered or uncovered, and not wholly or partially enclosed to project into a required rear yard up to a maximum of 2.5m.), subject to the following condition:

1) The construction of the deck be substantially in accordance with the site plan accompanying the application.

This application is granted because in the opinion of the Committee such variance is minor and is an appropriate use of the land, building or structure and the general intent and purpose of the Official Plan and Zoning By-Law are maintained.

Carried.

A10/21 - Joely Neufeld, Peter Neufeld and Norman Vanstone-Neufeld - 40979 Major Line

Mr. Patrick Keenan, Agent, 40979 Major Line provided an overview of the Minor Variance application.

Mr. Keenan advised that the house was constructed in 1988 and that access was through a Right-of-way over Southwold Township property through the hydro corridor.

Motion by D. Collins - R. Hodgkinson:

THAT: Application A10-21 by **Joely Neufeld, Peter Neufeld and Norman Vanstone-Neufeld** on lands that may be legally described as **CON NTRE PT LOT 45** for a minor variance pursuant to Section 45(1) of the Planning Act, R.S.O. 1990, as amended, on lands municipally known as **40979 Major Line** in the City of St. Thomas, Ontario be approved as follows:

- (ii) To recognize that the subject lands do not have lot frontage on Major line and that legal access is from Major Line to the existing residential dwelling, municipally known as 40979 Major Line through a registered right-of-way over Part 1, 11R-2960 as described in Instrument Number E280559, whereas Section 4.1.5(a) provides that no building or structure shall be erected on a lot or used for any purpose unless, the lot has the minimum lot frontage required by the zone requirements applicable to such lot.
- (iii) To recognize that the subject lands do not have lot frontage on Major Line, whereas Table 1 to Subsection 5.4, Column Number 2, Item Number 2, requires a minimum lot frontage of 15m.

This application is granted because in the opinion of the Committee such variance is minor and is an appropriate use of the land, building or structure and the general intent and purpose of the Official Plan and Zoning By-Law are maintained.

Carried.

B07/21 - Joely Neufeld, Peter Neufeld and Norman Vanstone-Neufeld - 40979 Major Line

Mr. Patrick Keenan, Agent, 40979 Major Line provided an overview of the Consent application.

Motion by R. Hodgkinson - I. Bowman:

THAT: In the matter of an application by **Joely Neufeld, Peter Neufeld and Norman Vanstone-Neufeld** for a consent pursuant to Section 53 of the Planning Act, 1990 as amended, to sever lands legally described as **CON NTRE PT LOT 45** municipally known as **40979 Major Line** in the City of St. Thomas.

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Application B07/21 is hereby approved provided that the following conditions are met:

- 1) The Chief Building Official for the Corporation of the City of St. Thomas provide confirmation to the Committee of Adjustment that the servicing documents filed in support of the approval of the subject application are satisfactory; and,
- 2) The severed lands be merged with the abutting lot, 41041 Major Line; and,
- 3) That Subsection 3 or 5 of Section 50 of the Planning Act, R.S.O., 1990, as amended shall apply to any subsequent conveyance or transaction involving the subject lands; and,
- 4) The solicitor for the applicant is to provide an undertaking, whereby they inform the Committee in writing, that the lands are being conveyed to an abutting property owner and thus a merger of title will take place, which merger shall include all interests held inclusive of mortgagee's interest; and,
- 5) That the Corporation of the City of St. Thomas be provided with a copy of the Reference Plan.

Carried.

**UNFINISHED BUSINESS**

**NEW BUSINESS**

**NEXT MEETING**

The next meeting is scheduled to take place on June 24, 2021 at 10:00 a.m.

**ADJOURNMENT**

10:19 a.m. The meeting adjourned.