

A G E N D A

THE TWELVTH MEETING OF THE COMMITTEE OF ADJUSTMENT OF THE CITY OF ST. THOMAS 2021

TELECONFERENCE

10:00 A.M.

**THURSDAY
AUGUST 12, 2021**

DISCLOSURE OF INTEREST

MINUTES

Confirmation of the minutes of the meeting held on June 24, 2021.

HEARING OF APPLICATIONS

A11/21 - Michelle and Derik Ouellet - 92 Woodworth Avenue **Pages 2-11**

Planning Report - A11/21 **Pages 12-13**

A12/21 - Jason Lidster and Belinda Lidster - 58 First Avenue **Pages 14-24**

Planning Report - A12/21 **Pages 25-26**

B09/21 - Jason Lidster and Belinda Lidster - 58 First Avenue **Pages 27-40**

Planning Report - B09/21 **Pages 41-42**

NEW BUSINESS

Next Meeting

The next meeting is scheduled to take place August 26, 2021 at 10:00 a.m.

ADJOURNMENT

CONFIRMATION OF AN APPLICATION FOR MINOR VARIANCE

July 14, 2021

Secretary-Treasurer, Committee of Adjustment
Attention: Jon Hindley

Pursuant to By-Law 30-2015, a consultation meeting was held on June 24, 2021 with Planning staff and the applicant.

An application for a minor variance, regarding 92 Woodworth Avenue, was filed on July 14, 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, RSO, 1990, as amended)

OFFICE USE:	Date Application Received: <u>JUL 14 2021</u>	Consultation Date: <u>JUNE 24/21</u>
	Date Application Deemed Complete: <u>JUL 14 2021</u>	

Application #: A11/21

APPLICATION IS HEREBY MADE TO:

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

Please note that in accordance with By-Law 30-2015, consultation with the Planning and Building Services Department must take place prior to the submission of an application. After consultation, the application will be filed with the Assistant Secretary-Treasurer, together with the sketch referred to in Note 1 and \$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) Michelle and Derik OuelletAddress 92 Woodworth AvePostal Code N5p3k1 Tel: 5198089443 e-mail: dmesouellet@yahoo.com

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:

Permit an accessory building with a maximum height of 5.63m (18ft/6 ")Permit an accessory building with a maximum floor area of 133.78m² (1,440sqft)

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

Height - To accomodate our RV trailerFloor area - To accomodate RV trailer, dirt bike, 3 atvs, lawn mower, bicycles and truck

5. Location of Land:

Concession No. _____ Lot(s) _____ Registered Plan No. _____ Lot(s) _____

Reference Plan No. _____ Part(s) _____

Geographic/Former Township _____

Name of Street Woodworth Ave Street No. 92

6. Dimensions of land affected:

Frontage 53.92 Depth 304.91

Area 16437 sq ft Width of Street 54

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 22w x 60d x 22h 2 story, front deck 14w x 7d

Back Deck 20x16, pool 27 round

USE residential

Proposed:

Garage 36x40x18

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:

Front deck 21 feet from the road attached to the house. 16 feet on either side of th

House. Back deck attached to house. Pool off the deck.

Proposed:

Garage 4 feet from the north side and 5 feet from west side. (also a max 2 ft eave)

USE _____

10. Date of acquisition of subject land: Feb 3, 2006

11. Date of construction of all buildings and structures on subject land: Purchased with all Building / structures. House built in 1943 other building unknown.

12. Existing uses of the subject land:

Residential

13. Existing uses of abutting lands:

North: Scrap yard East: Municipal right of way

South: Residential West: Vacant (town owned)

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

78 years

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:

Residential

17. Present Zoning of the subject land:

R3

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 Michelle Ouellet, 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, Michelle Ouellet of St Thomas in the province of Ontario,
name of applicant City

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

Sworn (or declared) before me at the St Thomas on this 14 day of 07, 2021.
City Day Month Year

Michelle Ouellet
Signature of Owner or Authorized Agent

July 14, 2021
Date

Crystal Marie Penney
Signature of Commissioner of Oaths, etc.

July 14/21
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, Derik and Michelle Ouellet, am the owner of the subject lands, and I authorize Derik Ouellet, 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.

July 13, 2021
Date

Michelle Ouellet
Signature of Owner
Derik Ouellet

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, Derik and Michelle Ouellet, 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.



July 13, 2021
Date

Michelle Ouellet
Signature of Owner
Derik Ouellet

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.



 <p>The Corporation of the City of St. Thomas</p>	<p>Report No.: COA11-2021</p>
<p>Members of the Committee of Adjustment</p>	<p>Applicant: Michelle and Derik Ouellet</p>
<p>Location: 92 Woodworth Avenue, City of St. Thomas</p>	
<p>Subject: Request for a minor variance pursuant to 45(1) of the Planning Act, R.S.O, as amended</p>	
<p>Department: Planning and Building Services Department Prepared by: Steve Craig, Senior Planning Technician</p>	<p>Attachments: Location Plan & 2020 Aerial Photograph</p>
<p>Recommendation:</p> <p>That: Report COA11-2021 be received.</p>	
<p>BACKGROUND: The applicants are proposing to construct a 10.97m x 12.19m (36ft x 40ft) detached garage located in the rear yard of the subject lands, as shown on the plans accompanying the subject application.</p> <p>MINOR VARIANCE(S):</p> <p>(i) To permit an accessory building with a maximum height of 5.63m, whereas Subsection 4.2.4.8 of the Zoning By-Law permits a maximum height of 4m for an accessory building.</p> <p>(ii) To permit an enclosed accessory building with a floor area of 133.78sqm, 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% (229.06m²) of the lot area (1,527.05m²) or 67m².</p> <p>OFFICIAL PLAN:</p> <ul style="list-style-type: none"> 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). 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). <p>ZONING BY-LAW:</p> <ul style="list-style-type: none"> 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. Permitted uses of R3 zone include a single detached dwelling and accessory uses (Section 7). Maximum lot coverage 35% (7.4(1)(2)(5)). The maximum floor area of an enclosed accessory building shall be the lesser of 15% of the lot area or 67m² (7.4(1)(2)(6)). 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)). 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)). No accessory building shall exceed 4m in height (4.2.4.8). Accessory when used to describe a building or structure means customarily incidental, subordinate and exclusively devoted to the main use on the lot and when used to describe a use, shall mean customarily incidental, subordinate and exclusively devoted to the main use of the lot (1.1). Garage is a building or part of a building designed or used for the storage of one or more motor vehicles and includes a carport (1.49). Grade is the highest elevation of the surface of a lot measured at a wall of the main building on the lot (1.51). Height when used with reference to a building or structure means the vertical distance between the "grade" and a horizontal plane through (1.56): <ul style="list-style-type: none"> (i) the highest point of the roof assembly in the case of a building with a flat or deck roof; (ii) the average level of a one slope roof, provided that a roof having a slope of less than 20 degrees with the horizontal shall be considered a flat roof; (iii) the deck roof line, in the case of a mansard roof; (iv) the average level between eaves and ridges in the case of a roof type not mentioned in subsections (i), (ii) and (iii) immediately preceding. 	<p>Location Plan:</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 Photograph (2020):**COMMENTS:**

- The applicants are requesting two minor variances through the subject application, the first variance for the increased garage height is requested to accommodate the applicants travel trailer, which requires a higher ceiling height and garage door, and the second variance for the increased garage floor area is requested to accommodate the applicants personal travel trailer, motor vehicles, four-wheelers, lawnmower, bicycles, and ancillary storage space for essential household items associated with home ownership.
- Based on the size of the lot (16.4m x 92.9m / 1,523.5sqm) and location of the proposed detached garage the height and floor area will appear subordinate to the existing single detached dwelling and will not result in any adverse impacts to the subject lands, neighbouring properties, and the Woodward Avenue Streetscape.
- Currently the applicants are limited to a small garden shed for storage purposes, their proposed use of the detached garage would be considered customarily incidental, subordinate and exclusively devoted to the residential use of the subject lands.
- Construction of the proposed detached garage on the subject lands will not result in overdevelopment of the lot, there will still be adequate area for amenity space, landscape, open space, and storm water drainage purposes.
- The combined floor area of the existing house and proposed detached garage will result in a lot coverage of 16.7%, which is well below the 35% maximum lot coverage of the R3 zone for a single detached dwelling.
- In 2010 the abutting lot to the south (90 Woodward Avenue) applied for a minor variance (COA03/10) to permit the construction of detached garage with a floor area of 111.48sqm, the application was approved by the Committee of Adjustment.
- In Staff's opinion the proposed variances meet 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 COA11-2021 be approved.
- Should the Committee of Adjustment approve minor variance application COA11-2021, the decision should reflect that the Committee is approving:
 - 1) an accessory building with a maximum height of 5.63m;
 - 2) an accessory building with a maximum floor area of 133.78m²; and
 - 3) as shown on the plans accompanying the application.

Respectfully submitted,

Steve Craig

Steve Craig
Senior Planning Technician

CONFIRMATION OF AN APPLICATION FOR MINOR VARIANCE

July 16, 2021

Secretary-Treasurer, Committee of Adjustment
Attention: Jon Hindley

Pursuant to By-Law 30-2015, there were several consultation meetings held, the first was held in June of 2017 with Planning staff and the applicant.

An application for a minor variance, regarding 58 First Avenue, was filed on July 15, 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**

Clear Form

APPLICATION FOR MINOR VARIANCE OR FOR PERMISSION

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

OFFICE USE:	Date Application Received: <u>JUL 15 2021</u>	Consultation Date: <u>June 2017</u>
	Date Application Deemed Complete: <u>JUL 16 2021</u>	

Application #: A12/21

APPLICATION IS HEREBY MADE TO:

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

Please note that in accordance with By-Law 30-2015, consultation with the Planning and Building Services Department must take place prior to the submission of an application. After consultation, the application will be filed with the Assistant Secretary-Treasurer, together with the sketch referred to in Note 1 and \$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) Jason Paul Lidster and Belinda Marie Lidster

Address 6311 Sunset Drive, St. Thomas, Ontario

Postal Code N5R 3S8 Tel: 519-637-8259 e-mail: jlidster@hotmail.com

2. Name of Authorized Agent (if any) Helen R. Button, Gunn & Associates

Address 108 Centre St., St. Thomas, Ontario

Postal Code N5R 2Z7 Tel: 519-631-0700 e-mail: helenbutton@gunn.on.ca

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:

1. Minor variance to allow for lot frontage of 13.350 m when the zoning by-law requires 15 m of lot frontage for a duplex dwelling.

2. To permit the existing coin laundry building on Lot 10, specifically the northern interior side yard setback, to be considered legal non-confirming.

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

1. The applicants are applying for a proposed lot addition and construction of a duplex dwelling on Lot 9, and the proposed lot frontage does not meet the by-law requirement.

2. This building is existing on Lot 10 and has been considered legal non-confirming and is only coming into question as a result of the application for the proposed lot addition.

5. Location of Land:

Concession No. _____ Lot(s) 9 and 10 Registered Plan No. 238 Lot(s) _____

Reference Plan No. _____ Part(s) _____

Geographic/Former Township _____

Name of Street First Avenue Street No. 58

6. Dimensions of land affected:

Frontage 13.350 m Depth 44.559 m

Area 594.863 sq. m Width of Street 26 m

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:

Lot 9: none

Lot 10: 2-storey laundromat/multi-unit residential building - ground floor area: 238 sq. m, gross floor area: 475 sq. m, width: 15.2 m, length: 16.8 m, height: 2 storeys

USE Lot 9: vacant land / Lot 10: laundromat/multi-unit residential (3 apartments)

Proposed:

Lot 9: residential duplex - 2 storeys, ground floor area: 105.54 sq. m, gross floor area: 205.59 sq. m, width: 7.59 m, length: 14.81 m, height: 8.23 m

Lot 10: same

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:

Lot 9: none

Lot 10: distance from side lot lines - interior (north) - 1.23 m (min), exterior (south) - 0.0 m, distance from rear lot line (east) - 21.6 m (min)
distance from front lot line (west) - 0.09 m (min)

Proposed:

Lot 9: distance from front - 9.95 m, distance from north side - 2.90 m, distance from south side - 2.90 m, distance from rear: 19.84 m

Lot 10: same

USE

Lot 9: residential duplex, Lot 10: laundromat/multi-unit residential (same)

10. Date of acquisition of subject land: November 10, 2006

11. Date of construction of all buildings and structures on subject land: Laundromat/multi-unit

residential building on Lot 10 constructed in 1962

12. Existing uses of the subject land:

Lot 9: none, Lot 10: laundromat and multi-unit residential, parking

13. Existing uses of abutting lands:

North: multi-unit residential East: residential
 South: no abutting lands (road) West: no abutting lands (road)

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

The use of Lot 10 as laundromat/multi-unit residential has been continuous since construction of the building in 1962.

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:

Residential

17. Present Zoning of the subject land:

R3

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 The Application is being submitted concurrently.

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, Helen R. Button, 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, Helen R. Button of the City 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 St. Thomas on this 13th day of July, 2021.
City Day Month Year


Signature of Owner or Authorized Agent

July 13, 2021
Date


Signature of Commissioner of Oaths, etc.

July 13, 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, Jason Paul Lidster and Belinda Marie Lidster, am the owner of the subject lands, and I authorize Gunn & Associates, 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.

July 5/21
Date

[Signature]
Signature of Owner
B. Lidster

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, Jason Paul Lidster and Belinda Marie Lidster, 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.

July 5/21
Date

[Signature]
Signature of Owner
B. Lidster

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.

Appendix A – Dimensions of land affected

6. Dimensions of land affected:

Dimensions of Lot 10 (with proposed lot addition) (Parts 3, 4, 5, 6 on Plan):

Frontage 17.19 m Depth 44.552 mArea 880.91 m² Width of Street 26m

 <p>The Corporation of the City of St. Thomas</p>	<p>Report No.: COA12-2021</p>
	<p>Applicant: Jason and Belinda Lidster</p>
<p>Members of the Committee of Adjustment</p>	<p>Report Date: August 4, 2021 Meeting Date: August 12, 2021</p>
<p>Location: 58 First Avenue, City of St. Thomas</p>	
<p>Subject: Request for a minor variance pursuant to 45(1) of the Planning Act, R.S.O, as amended</p>	
<p>Department: Planning and Building Services Department Prepared by: Steve Craig, Senior Planning Technician</p>	<p>Attachments: Location Plan and Aerial Photograph</p>
<p>Recommendation: That: Report COA12-2021 be received.</p>	
<p>BACKGROUND: The applicants have filed a consent application (B09/21) concurrency for the purpose of a lot addition and a sanitary sewer easement, in support of the construction of a duplex dwelling on Lot 9, Plan 238. The subject minor variance application has been filed to recognize the amended lot frontage for Lot 9, RP238 and the location of the existing building on Lot 10, RP238, relative to the amended lot line.</p> <p>MINOR VARIANCE(S):</p> <ul style="list-style-type: none"> To permit a lot frontage of 13.35m for a duplex dwelling, whereas Table 1 to Subsection 7.4, Column 4, Item Number 2 requires a minimum lot frontage of 15m for a duplex dwelling. To recognize the location of the existing lawful non-conforming building, as shown on the Plan of Survey prepared by AGM, dated June 18, 2020, and accompanying the subject application. <p>OFFICIAL PLAN:</p> <ul style="list-style-type: none"> The subject lands are within the Residential designation, as shown on Schedule "A" (Land Use Plan) to the Official Plan for the City of St. Thomas. The "Residential" designation 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 (5.1.3.2). <p>ZONING BY-LAW:</p> <ul style="list-style-type: none"> 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 duplex dwelling and uses accessory to the foregoing (Section 7). For a duplex dwelling a minimum lot area of 555m² is required, and a minimum lot frontage of 15m is required (Subsection 7.4). An existing lot having less than the minimum lot frontage or minimum lot area required by this by-law may be used for any purpose permitted in any residential zone provided all other applicable provisions of this by-law are complied with and there are available to service the building or structure erected thereon and the lands on which it is situate (4.2.9.2): <ul style="list-style-type: none"> (i) a municipal water supply system; and (ii) a municipal sanitary sewage system, and a municipal storm sewage system, or a combined municipal sanitary and storm sewage system. 	<p>Location Plan:</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.

2020 Aerial Photograph:



COMMENTS:

- The applicants are proposing to develop Lot 9, RP238 with the construction of a duplex dwelling, prior to starting construction the applicants have filed a consent application (B09/21) concurrently to resolve an existing building encroachment, as the north westerly corner of the First Avenue Laundromat encroaches on Lot 9, RP238.
- The permitted uses of the R3 zone do not include a laundromat, however assessment records indicate that the use predates the City of St. Thomas Zoning By-Law 50-88 and City of St. Thomas 68-63. Based on this information staff are of the opinion that the existing laundromat is lawful non-conforming.
- The proposed variances are technical in nature and are requested to recognize the amended lot frontage for Lot 9, RP238 and the location of the existing building on Lot 10, RP238, relative to the amended lot line.
- In Staff's opinion the proposed variances meet 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 COA12-2021 be approved.
- Should the Committee of Adjustment approve minor variance application COA12-2021, the decision should reflect that the Committee is:
 - 1) approving a minimum lot frontage of 13.35m for a duplex dwelling; and
 - 2) recognizing the location of the existing lawful non-conforming building, as shown on the Plan of Survey prepared by AGM, dated June 18, 2020, and accompanying the subject application.

Respectfully submitted,

Steve Craig
 Steve Craig
 Senior Planning Technician

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

July 16, 2021

Secretary-Treasurer, Committee of Adjustment
Attention: Jon Hindley

Pursuant to By-Law 30-2015, there were several consultation meetings held, the first was held in June of 2017 with Planning staff and the applicant.

An application for Consent, regarding 58 First Avenue, was filed on July 15, 2021.

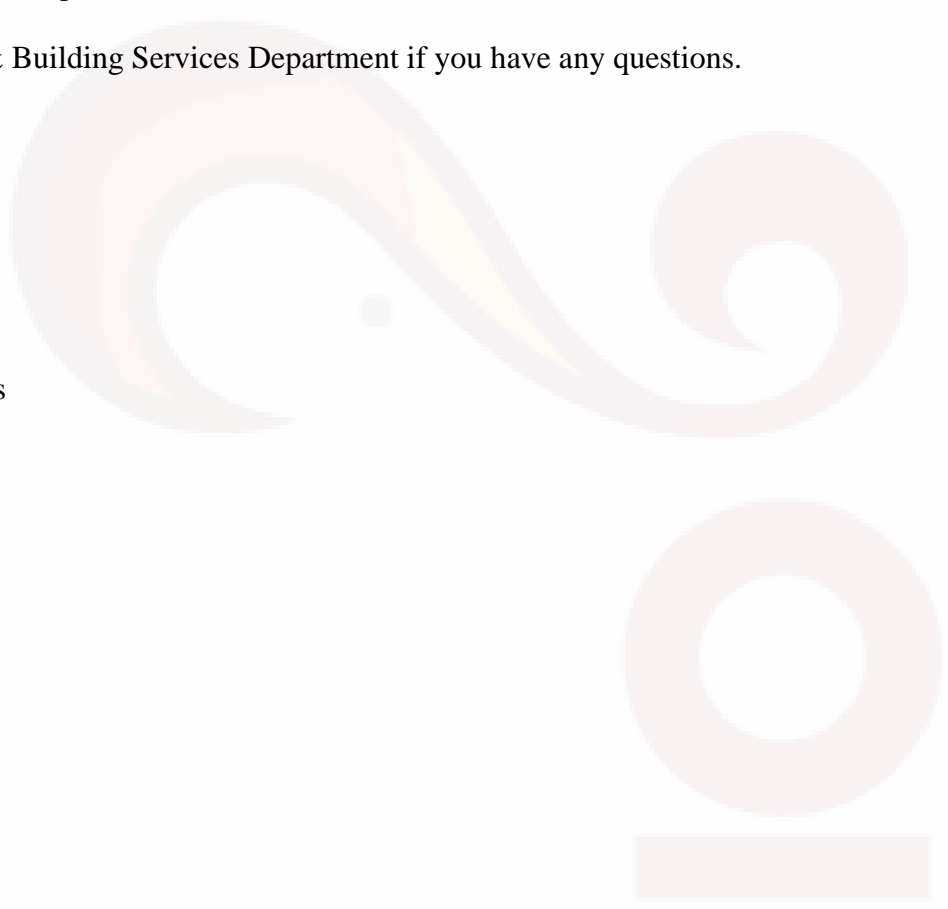
This letter is notice that the information and material required under Subsections 53(2) and 53(3) and the required fee under Section 69 of the Planning Act has been provided and the application for consent is thereby considered complete.

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

Yours truly,



Jim McCoomb, MCIP, RPP
Manager of Planning Services





GUNN & ASSOCIATES

o/b Douglas George Gunn Professional Corporation
Barristers, Solicitors & Notaries Public

Email: helenbutton@gunn.on.ca
Assistant: Karla Curtis
Email: karlacurtis@gunn.on.ca

File No. 80058
Via Hand Delivery

July 14, 2021

City of St. Thomas
545 Talbot Street
St. Thomas, Ontario N5P 3V7

Attention: Secretary-Treasurer

**RE: Application for Consent
Application for Minor Variance
Jason Lidster and Belinda Lidster – Lots 9 and 10, Plan 238, St. Thomas**

We are the solicitors for Jason Lidster and Belinda Lidster and on behalf of our clients we enclose the following:

1. Application for Consent including Authorization and sketches;
2. Application for Minor Variance being submitted concurrently; and
3. Cheque payable City of St. Thomas in the amount of \$850.00 representing the fee of \$450.00 for the Application for Consent and fee of \$400.00 for the Application for Minor Variance.

Should you require anything further, please contact our office.

Yours very truly,



Helen R. Button
Associate

HRB:ksc
Encls.



THE CORPORATION OF THE CITY OF ST THOMAS

Clear Form

COMMITTEE OF ADJUSTMENT

APPLICATION FOR CONSENT

OFFICE USE:	Date Application Received: <u>JUL 15 2021</u>	Consultation Date: <u>JUN 2017</u>
	Date Application Deemed Complete: <u>JUL 16 2021</u>	

Application #: B09/21

APPLICATION IS HEREBY MADE TO:

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

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

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

1. (a) Registered Owner(s): Jason Paul Lidster and Belinda Marie Lidster

Mailing Address: 6311 Sunset Drive, St. Thomas

Postal Code: N5R 3S8 Telephone: 519-637-8259 Fax: N/A

email: jlidster@hotmail.com

(b) Owner's Solicitor or Authorized Agent (if any): Helen R. Button, Gunn & Associates

Mailing Address: 108 Centre Street, St. Thomas

Postal Code: N5R 2Z7 Telephone: 519-631-0700 ext 241 Fax: 519-631-1468

email: helenbutton@gunn.on.ca

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

Owner Solicitor Agent

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

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

Easement easement for sanitary sewer (see Appendix A, parts 5 and 6 on sketch)

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

Lot 10, Plan 238

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

Jason Paul Lidster and Belinda Marie Lidster

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 238 Lot(s) 9, 10

Reference Plan No _____ Part(s) _____

Name of Street First Avenue Street No 58

*See Appendix A
for Easement
Dimensions

5. Description of land to be severed: (in metric units) Part No. on sketch 4, 6

(a) Frontage 2.291 m Depth 44.559 m Area 102.39 m²

(b) Existing Use laundrymat/multi-unit residential Proposed Use same

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

Existing: portion of building, concrete curb stones

Proposed: same

6. Description of land to be retained: (in metric units) Part No. on sketch 1, 2

(a) Frontage 13.350 m Depth 44.559 m Area 594.87 m²

(b) Existing Use vacant land Proposed Use residential - duplex

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

Existing: none

Proposed: residential duplex

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 _____

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: Minor Variance Application - filed concurrently with this application for consent

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, Helen R. Button, 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, Helen R. Button of City 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 St. Thomas on this 13th day of July, 20²¹.
 City Day Month Year


 Signature of Owner or Authorized Agent

July 13, 2021
 Date


 Signature of Commissioner of Oaths, etc.

July 13, 2021
 Date



Catherine Louise Moore, a Commissioner, etc.,
 Province of Ontario, for Gunn & Associates
 c/b Douglas George Gunn Professional
 Corporation, Barristers and Solicitors.
 Expires April 23, 2024.

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, Jason Paul Lidster and Belinda Marie Lidster, am the owner of the subject lands, and I authorize Gunn & Associates 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.

Jan 26/21
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, Jason Paul Lidster and Belinda Marie Lidster, 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.

Jan 26/21
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) 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.

Appendix A – Dimensions for Easement

5. Description of land intended to be severed: (Accurate Measurements in Metric)

Part No. on Sketch 5, 6

Frontage 7.0 m Depth 17.96 m Area 125.71 m²

Existing Use none Proposed Use easement for sanitary sewer

Number and use of buildings and structures on the land to be severed:

Existing none

Proposed none

REQUIRE THE PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT

RECEIVED AND DEPOSITED

DATE: _____

PLAN 11R-

JASON WILBAND
ONTARIO LAND SURVEYOR

REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF ELGIN (No. 11)

PART	LOT	PLAN	P.I.N.
1	PART OF 8	238	PART OF 35207-0003
2	PART OF 9	238	PART OF 35207-0003
3	PART OF 10	238	PART OF 35207-0003
4	PART OF 8	238	PART OF 35207-0003
5	PART OF 10	238	PART OF 35207-0003
6	PART OF 9	238	PART OF 35207-0003

PARTS 1-6 (INCL.) COMPRISE ALL OF P.W. 35207-0003

PLAN OF SURVEY

OF ALL OF

LOTS 9 AND 10

REGISTERED PLAN No. 238

IN THE

CITY OF ST. THOMAS

COUNTY OF ELGIN

SCALE 1:250

38

ARCHIBALD, GRAY & MCKAY LTD.
ONTARIO LAND SURVEYORS

SURVEYOR'S CERTIFICATE:

I CERTIFY THAT:

1) THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.

2) THE SURVEY WAS COMPLETED ON THE 16 DAY OF . 2020

DATE: _____

JASON WILBAND
ONTARIO LAND SURVEYOR

NOTES & LEGEND

■ DENOTES MONUMENT FOUND

□ DENOTES MONUMENT PLANTED

SB DENOTES STANDARD IRON BAR

B DENOTES IRON BAR

CB DENOTES CEMENT CONCRETE

WT DENOTES WITNESS

744 DENOTES O.L. HOUGHTON O.L.S.

1120 DENOTES J.G. ROBERT O.L.S.

P1 DENOTES PLAN BY BRIAN VAUGHAN O.L.S. DATED APRIL 22, 1987 (FILE: 87-196)

P2 DENOTES REGISTERED PLAN No. 238

P3 DENOTES PLAN BY BRIAN VAUGHAN O.L.S. DATED APRIL 22, 1987 (FILE: 87-196)

HP DENOTES HYDRO POLE

UTM GRID NOTES

THE UTM GRID (NAD 83) IS DERIVED FROM GPS OBSERVATIONS USING REAL TIME NETWORK (RTN), U.T.M. ZONE 17 NAD83 (CSRS) (2010) COORDINATES TO UTM ACCURACY PER SEC. 14(2) OF O.REG. 216/10

COORDINATES CANNOT, IN THEMSELVES, BE CONSIDERED AS THE DEFINITIVE BOUNDARIES SHOWN ON THIS PLAN.

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

POINT TO	NORTHING	EASTING
ODP-1	2735576.901	458530.073
ODP-2	2735575.281	458575.416
ODP-3	2735575.893	458575.689

PART	SQ. M
1	38.28
2	555.99
3	666.84
4	85.78
5	102.35
6	18.13

AREA SCHEDULE

DATE: _____

JASON WILBAND
ONTARIO LAND SURVEYOR

AGM ARCHIBALD, GRAY & MCKAY LTD.
2511 WHITE OAK ROAD, LONDON, ON, N6E 2Z9
PHONE 514-888-3300 FAX 514-888-3305
WWW.AGMLTD.COM

PLAN # SURVEY # ENGINEER

DATE: _____

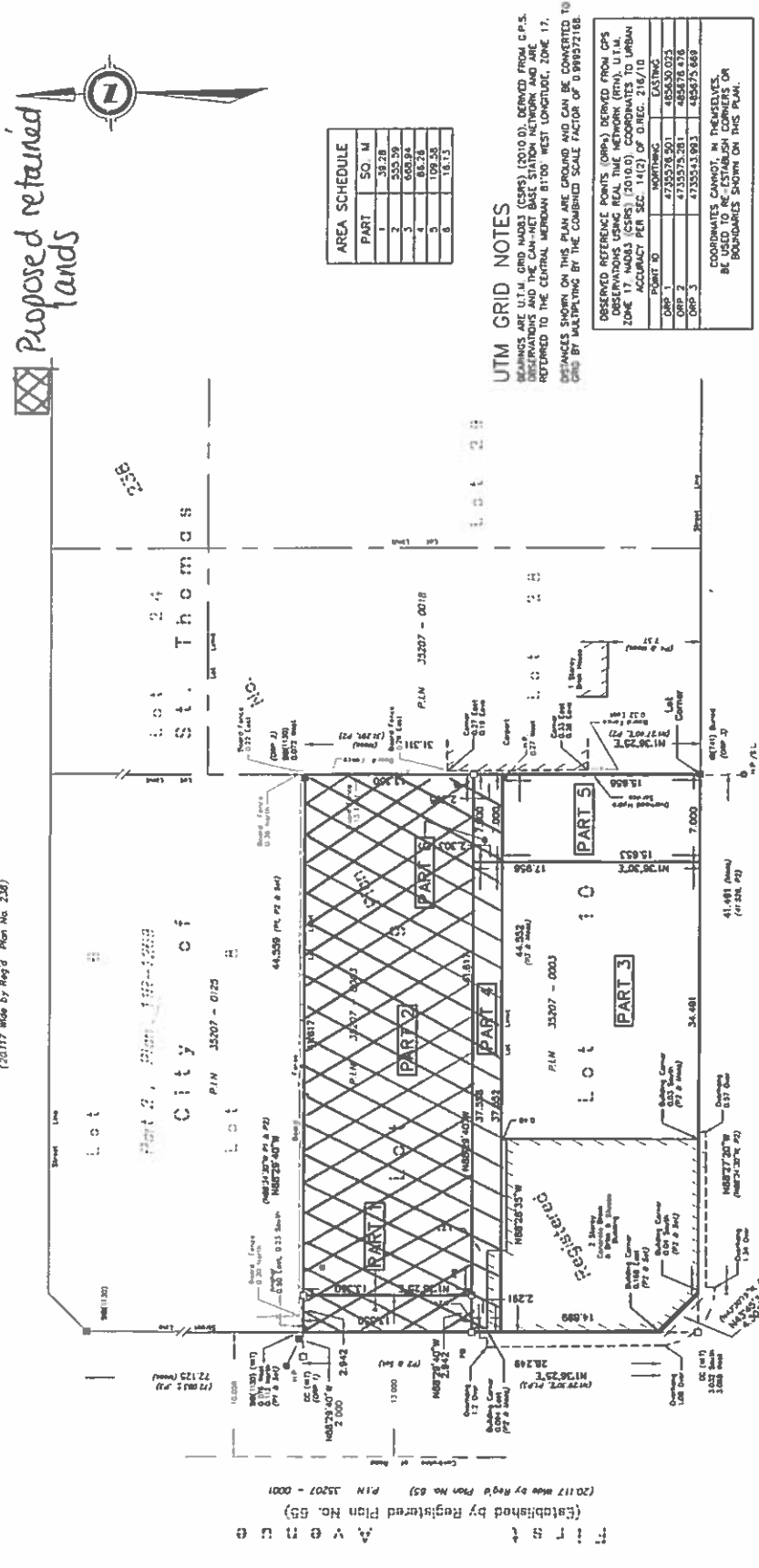
FILE: 11R-0003

PLAN No: 3-Z-7825

Legend

Proposed severed lands

Proposed retained lands



UTM GRID NOTES

THE UTM GRID (NAD 83) IS DERIVED FROM GPS OBSERVATIONS USING REAL TIME NETWORK (RTN), U.T.M. ZONE 17 NAD83 (CSRS) (2010) COORDINATES TO UTM ACCURACY PER SEC. 14(2) OF O.REG. 216/10

COORDINATES CANNOT, IN THEMSELVES, BE CONSIDERED AS THE DEFINITIVE BOUNDARIES SHOWN ON THIS PLAN.

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

Forest Avenue
(Established by Registered Plan No. 238)
(2017 Made by Reg'd Plan No. 238)

Myrtle Street
(Established by Registered Plan No. 238)
(2017 Made by Reg'd Plan No. 238)

St. Thomas
(Established by Registered Plan No. 238)
(2017 Made by Reg'd Plan No. 238)

Lot 9
(Established by Registered Plan No. 238)
(2017 Made by Reg'd Plan No. 238)

Lot 10
(Established by Registered Plan No. 238)
(2017 Made by Reg'd Plan No. 238)

Part 1
(Established by Registered Plan No. 238)
(2017 Made by Reg'd Plan No. 238)

Part 2
(Established by Registered Plan No. 238)
(2017 Made by Reg'd Plan No. 238)

Part 3
(Established by Registered Plan No. 238)
(2017 Made by Reg'd Plan No. 238)

Part 4
(Established by Registered Plan No. 238)
(2017 Made by Reg'd Plan No. 238)

Part 5
(Established by Registered Plan No. 238)
(2017 Made by Reg'd Plan No. 238)

Part 6
(Established by Registered Plan No. 238)
(2017 Made by Reg'd Plan No. 238)

Part 7
(Established by Registered Plan No. 238)
(2017 Made by Reg'd Plan No. 238)

Part 8
(Established by Registered Plan No. 238)
(2017 Made by Reg'd Plan No. 238)

Part 9
(Established by Registered Plan No. 238)
(2017 Made by Reg'd Plan No. 238)

Part 10
(Established by Registered Plan No. 238)
(2017 Made by Reg'd Plan No. 238)

Part 11
(Established by Registered Plan No. 238)
(2017 Made by Reg'd Plan No. 238)

Part 12
(Established by Registered Plan No. 238)
(2017 Made by Reg'd Plan No. 238)

Part 13
(Established by Registered Plan No. 238)
(2017 Made by Reg'd Plan No. 238)

Part 14
(Established by Registered Plan No. 238)
(2017 Made by Reg'd Plan No. 238)

Part 15
(Established by Registered Plan No. 238)
(2017 Made by Reg'd Plan No. 238)

Part 16
(Established by Registered Plan No. 238)
(2017 Made by Reg'd Plan No. 238)

Part 17
(Established by Registered Plan No. 238)
(2017 Made by Reg'd Plan No. 238)

Part 18
(Established by Registered Plan No. 238)
(2017 Made by Reg'd Plan No. 238)

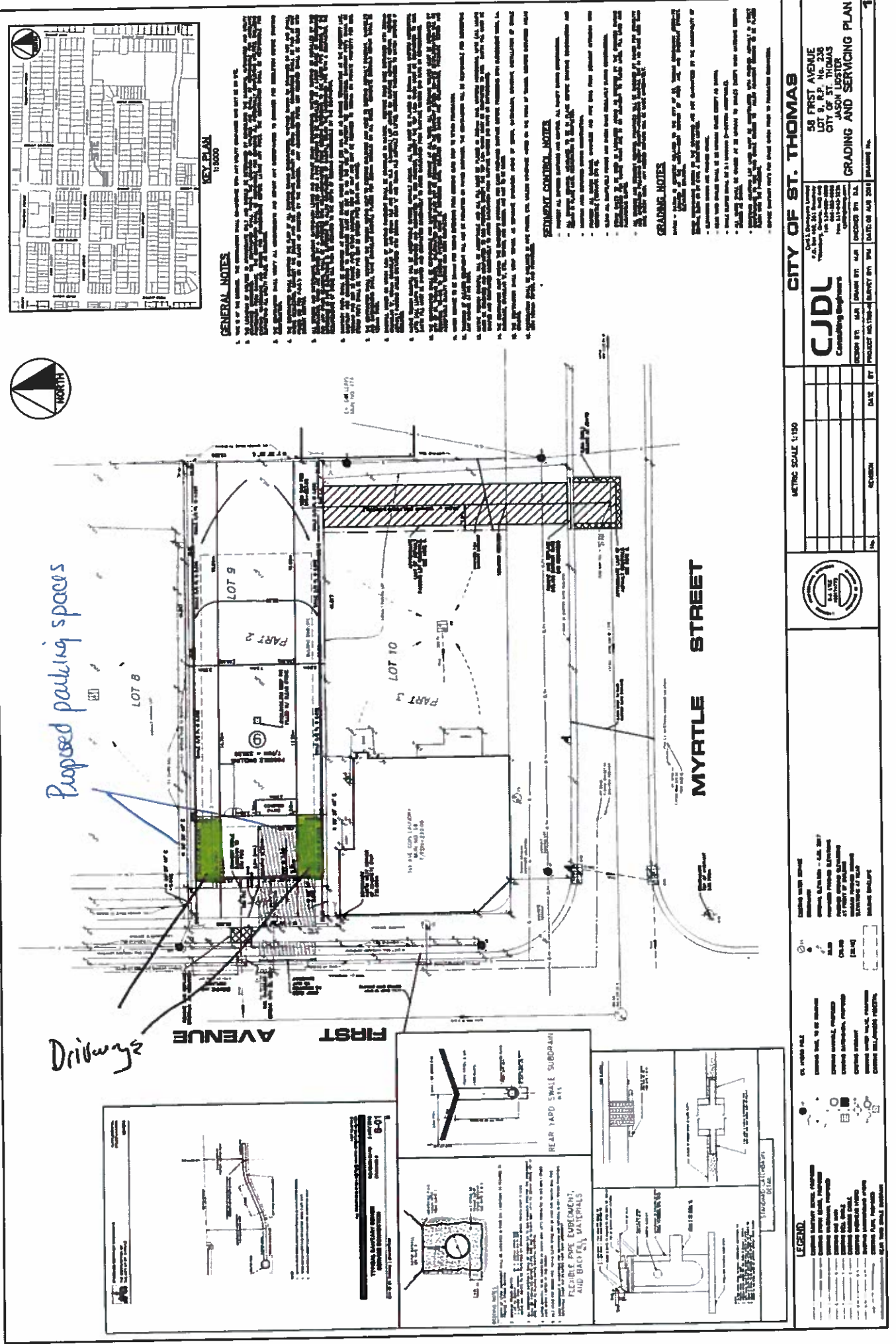
Part 19
(Established by Registered Plan No. 238)
(2017 Made by Reg'd Plan No. 238)

Part 20
(Established by Registered Plan No. 238)
(2017 Made by Reg'd Plan No. 238)

Part 21
(Established by Registered Plan No. 238)
(2017 Made by Reg'd Plan No. 238)

Part 22
(Established by Registered Plan No. 238)
(2017 Made by Reg'd Plan No. 238)

Part 23
(Established by Registered Plan No. 238)
(2017 Made by Reg'd Plan No. 238)



Proposed parking spaces

Driveway

FIRST AVENUE

MYRTLE STREET

KEY PLAN
111500

GENERAL NOTES

1. SEE ALL NOTES ON DRAWING FOR SPECIFICATIONS AND STANDARDS TO BE USED IN CONSTRUCTION.
2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CANADIAN HANDBOOK OF CIVIL ENGINEERING PRACTICE AND THE CANADIAN HANDBOOK OF SURVEYING PRACTICE.
3. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CANADIAN HANDBOOK OF CIVIL ENGINEERING PRACTICE AND THE CANADIAN HANDBOOK OF SURVEYING PRACTICE.
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14. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CANADIAN HANDBOOK OF CIVIL ENGINEERING PRACTICE AND THE CANADIAN HANDBOOK OF SURVEYING PRACTICE.

SEWAGE CONTROL NOTES

1. ALL SANITARY SEWER LINES SHALL BE 150 MM DIA. POLYPROPYLENE PIPE.
2. ALL SANITARY SEWER LINES SHALL BE 150 MM DIA. POLYPROPYLENE PIPE.
3. ALL SANITARY SEWER LINES SHALL BE 150 MM DIA. POLYPROPYLENE PIPE.
4. ALL SANITARY SEWER LINES SHALL BE 150 MM DIA. POLYPROPYLENE PIPE.
5. ALL SANITARY SEWER LINES SHALL BE 150 MM DIA. POLYPROPYLENE PIPE.
6. ALL SANITARY SEWER LINES SHALL BE 150 MM DIA. POLYPROPYLENE PIPE.

GRADING NOTES

1. ALL SPOT HEIGHTS SHALL BE AS SHOWN ON DRAWING.
2. ALL SPOT HEIGHTS SHALL BE AS SHOWN ON DRAWING.
3. ALL SPOT HEIGHTS SHALL BE AS SHOWN ON DRAWING.
4. ALL SPOT HEIGHTS SHALL BE AS SHOWN ON DRAWING.
5. ALL SPOT HEIGHTS SHALL BE AS SHOWN ON DRAWING.
6. ALL SPOT HEIGHTS SHALL BE AS SHOWN ON DRAWING.

METRIC SCALE 1:150





CITY OF ST. THOMAS
58 FIRST AVENUE
LOT 9, P.P. NO. 238
CITY OF ST. THOMAS
CONSULTING ENGINEERS
GRADING AND SERVICING PLAN

DATE: 08/04/2014
DRAWING NO.: 111500
PROJECT NO.: 111500
REVISION: 1

LEGEND
 1. 150 MM DIA. POLYPROPYLENE PIPE
 2. 150 MM DIA. POLYPROPYLENE PIPE
 3. 150 MM DIA. POLYPROPYLENE PIPE
 4. 150 MM DIA. POLYPROPYLENE PIPE
 5. 150 MM DIA. POLYPROPYLENE PIPE
 6. 150 MM DIA. POLYPROPYLENE PIPE

REAR LAPD SWALE SUBDRAIN
 1. 150 MM DIA. POLYPROPYLENE PIPE
 2. 150 MM DIA. POLYPROPYLENE PIPE
 3. 150 MM DIA. POLYPROPYLENE PIPE
 4. 150 MM DIA. POLYPROPYLENE PIPE
 5. 150 MM DIA. POLYPROPYLENE PIPE
 6. 150 MM DIA. POLYPROPYLENE PIPE

FLEXIBLE PIPE EMBANKMENT AND BACKFILL MATERIALS
 1. 150 MM DIA. POLYPROPYLENE PIPE
 2. 150 MM DIA. POLYPROPYLENE PIPE
 3. 150 MM DIA. POLYPROPYLENE PIPE
 4. 150 MM DIA. POLYPROPYLENE PIPE
 5. 150 MM DIA. POLYPROPYLENE PIPE
 6. 150 MM DIA. POLYPROPYLENE PIPE

 <p>The Corporation of the City of St. Thomas</p>	Report No.: B09-2021
Directed to: Members of the Committee of Adjustment	Applicant: Jason and Belinda Lidster Report Date: August 4, 2021 Meeting Date: August 12, 2021
Location: 58 First Avenue, Plan 238, Lot 9 and Lot 10, in the City of St. Thomas	
Subject: Request for a consent pursuant to Section 53 of the Planning Act, R.S.O, as amended	
Department: Planning Department Prepared by: Steve Craig, Senior Planning Technician	Attachments: Location Plan
Recommendation: That: Report B09-2021 be received.	
<p>Origin Consent application B09/21 has been filed for the purpose of a lot addition and a sanitary sewer easement in support of the construction of a duplex dwelling on Lot 9, Plan 238. A minor variance application (A12/21) has been filed concurrently to recognize the amended lot frontage for Lot 9, RP238 and the location of the existing building on Lot 10, RP238, relative to the amended lot lines.</p> <p>Proposal The applicants are proposing to convey Part of Lot 9, Plan 238 (2.29m x 41.61m) to the abutting lot to the south, Lot 10, Plan 238. The applicants are proposing to retain a vacant lot with 13.35m of frontage on First Avenue and an area of 594.87m², proposed to be developed with the construction of a duplex dwelling. The applicants have also requested a sanitary sewer easement (Part 4) over Lot 10, Plan 238, as shown on the plans accompanying the subject application.</p> <p>Official Plan</p> <ul style="list-style-type: none"> The subject lands are within the Residential designation, as shown on Schedule "A" (Land Use Plan) to the Official Plan for the City of St. Thomas. The "Residential" designation 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 (5.1.3.2). The planned roadway widening and intersection improvements for the 2026 Road Network Plan are as shown on Schedule "C" (Road Widening Plan) to the Official Plan for the City of St. Thomas. The right-of-way widths shown on Schedule "C" indicate the minimum planned widths of the road right of ways that may be secured as part of the development approval process (9.1.10.1). First Avenue from Redan Street to Simcoe Street is identified as a 26m road allowance. As a condition of development approval, the City will require that sufficient lands be conveyed to provide for a road right-of-way in accordance with the designated width as shown on Schedule "C" – Road Widening Plan. 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. A dedication of land to widen a roadway will be taken equally from both sides of the roadway. However, in certain circumstances, where factors such as topography and existing development may dictate, it may be necessary to require more than half of the widening on one side of the roadway (9.1.10.2). <p>Zoning By-Law</p> <ul style="list-style-type: none"> 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 duplex dwelling and uses accessory to the foregoing (Section 7). For a duplex dwelling a minimum lot area of 555m² is required, and a minimum lot frontage of 15m 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): <ul style="list-style-type: none"> (i) a water supply system; and (ii) a sanitary sewage system and a storm sewage system or a combined sanitary and storm sewage system. 	<p>Location Plan:</p>  <p>The map shows a street grid with Forest Avenue at the top, Myrtle Street at the bottom, and First Avenue running vertically. A rectangular area labeled 'SUBJECT LANDS' is located on the east side of First Avenue, between Myrtle Street and Forest Avenue. A north arrow is located at the bottom left of the map.</p>

2020 Aerial Photograph:



Comments

- The subject lands are legally described as Lot 9 and Lot 10, Registered Plan 238, which according to the applicant's solicitor are two separate conveyable lots.
- The applicants are proposing to develop Lot 9, RP238 with the construction of a duplex dwelling, which is a permitted use in the R3 zone. The lot frontage is deficient however Subsection 4.2.9.2 (Substandard Lots in a Residential Zone) of the City of St. Thomas Zoning By-law permits an existing lot having less than the minimum lot frontage to be used for any purpose permitted in any residential zone provided all other applicable provisions of the by-law are complied with.
- Prior to starting construction, the applicants are proposing to resolve an existing building encroachment, as the north westerly corner of the First Avenue Laundromat encroaches on Lot 9, RP238.
- A minor variance application (A12/21) has been filed concurrently to recognize the amended lot frontage for Lot 9, RP238 and the location of the existing building on Lot 10, RP238, relative to the amended lot lines.
- The applicants are also requesting a sanitary sewer easement over Lot 10, RP238, which is required in support of the construction of the duplex dwelling on Lot 9, RP238.
- In staff's opinion the Consent Application B09-2021 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.
- Approval of Consent Application B09-2021 is supportable, should the Committee approve the application staff recommends the following conditions:
 - 1) the applicants convey to the City of St. Thomas, at no cost to the City of St. Thomas, and free of all charge and encumbrances, the necessary road widening along First Avenue, to be determined by a legal survey, and to be shown on the reference plan with all legal, surveying, land registration and administrative costs related to the road widening to be borne by the applicant's;
 - 2) the severed portion of the subject lands be merged with Lot 10, Registered Plan 238;
 - 3) that Subsection 3 or 5 of Section 50 of the Planning Act, R.S.O., 1990, as amended shall apply to any subsequent conveyance or transaction involving the subject lands;
 - 4) the solicitor for the applicant is to provide an undertaking, whereby they inform the Committee in writing, that the lands are being conveyed to an abutting property owner and thus a merger of title will take place, which merger shall include all interests held inclusive or mortgagee's interest;
 - 5) The solicitor for the applicant shall undertake in writing to provide a copy of a registered application for consolidation of parcels, confirming the severed land and abutting lands of the transferee are described under one parcel identification number; and
 - 6) the City of St. Thomas be provided with a copy of the Reference Plan.

Respectfully submitted,

SC

Steve Craig
Senior Planning Technician