

**A G E N D A**

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

---

**TELECONFERENCE**

**10:00 A.M.**

**THURSDAY  
SEPTEMBER 23, 2021**

**DISCLOSURE OF INTEREST**

**MINUTES**

Confirmation of the minutes of the meeting held on September 9, 2021.

**HEARING OF APPLICATIONS**

A14/21 – Doug Tarry Limited – Block 49, Styles Drive **Pages 2-12**

Planning Report – A14/21 **Pages 13-19**

B13/21 – Doug Tarry Limited – Block 49, Styles Drive **Pages 20-30**

Planning Report – B13/21 **Pages 31-32**

B14/21 – M&J Doors Ltd. – 17-19 Cypress Street **Pages 33-46**

Planning Report – B14/21 **Pages 47-49**

A15/21 – M&J Doors Ltd. – 17-19 Cypress Street **Pages 50-58**

Planning Report – A15/21 **Pages 59-60**

B15/21 – Talbot Development ULC – 1025 Talbot Street **Pages 61-76**

Planning Report – B15/21 **Pages 77-79**

**NEW BUSINESS**

Next Meeting

To be determined.

**ADJOURNMENT**

## CONFIRMATION OF AN APPLICATION FOR MINOR VARIANCE

---

August 25, 2021

Secretary-Treasurer, Committee of Adjustment  
Attention: Jon Hindley

Pursuant to By-Law 30-2015, a consultation meeting was held on August 11, 2021 with Planning staff and the applicant.

An application for a Minor Variance, regarding Block 49 on Styles Drive, was filed on August 25, 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,



Lou Pompili  
Director, Planning & Building 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)

<b>OFFICE USE:</b>	Date Application Received: <u>AUG 25 2021</u>	Consultation Date: <u>Aug 11/21</u>
	Date Application Deemed Complete: <u>AUG 25 2021</u>	Application #: <u>A14121</u>

APPLICATION IS HEREBY MADE TO:

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

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

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

- Name of Owner(s) Doug Tarry Limited  
Address 358 Elm St, St. Thomas ON  
  
Postal Code N5R 1K1 Tel: 519.631.9300 e-mail: \_\_\_\_\_
- Name of Authorized Agent (if any) Martha Paluch  
Address 358 Elm St, St. Thomas ON  
  
Postal Code N5R 1K1 Tel: 519.631.9300 ext. 22 e-mail: mpaluch@dougтарыhomes.com

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

- Nature and extent of relief from the Zoning By-law applied for:  
We are proposing the lot line abutting Styles Drive to be considered the "front lot line" for the property, whereas the definition of "Front Lot Line" considers the lot line abutting Weir Crescent as the front lot line.
- Reason why the proposed use cannot comply with the provisions of the Zoning By-law:  
Styles Drive is the more prominent of the two streets, and functions more as a "front lot line" in terms of the overall site design and positioning of the building in relation to the abutting streets.
- Location of Land:  
Concession No. N/A Lot(s) N/A Registered Plan No. 11M-233 Lot(s) N/A  
Reference Plan No. N/A Part(s) N/A

Geographic/Former Township Yarmouth, City of St. Thomas, County of Elgin

Name of Street Styles Dr & Weir Cres Street No. N/A

6. Dimensions of land affected:

Frontage Styles Dr: 55.94m Depth Weir Cres: 61.67m

Area 5160.4 sq m (total land) Width of Street Weir Cres: 20m, Styles Drive: 26m

7. Access to the subject land is by:

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

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

Existing:

N/A

USE \_\_\_\_\_

Proposed:

One 3 storey building with 44 units. Total area of the building: 5161.50 m2 (including basement); Just basement area: 572.47 m2 Level 1 area: 1529.74 m2. Area of level 2: 1521 m2; Area of level 3: 1521 m2. Total width of building: 35.37 m; Total length of building: 71.06m; Total height: 11.93m

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:

N/A

Proposed:

Front yard setback (West - Styles Dr): 6.03m, Interior yard setback (North): 5.22m, Exterior yard setback (South - Weir Cres): 6.41m, Rear yard setback (East): 22.93m

USE \_\_\_\_\_

10. Date of acquisition of subject land: 1994

11. Date of construction of all buildings and structures on subject land: N/A

12. Existing uses of the subject land:

Vacant

13. Existing uses of abutting lands:

North: Vacant East: Vacant  
South: Existing Residential West: Existing Residential

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

20+ 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:

Residential Site Specific (hR5-39)

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 Martha Paluch, 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, Doug Tarry Limited 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 25 day of Aug, 2021.  
City Day Month Year

DocuSigned by:  
Doug Tarry  
Signature of Owner or Authorized Agent

8/24/2021  
Date

Crystal Marie Penney  
Signature of Commissioner of Oaths, etc.

aug 25/21  
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, Doug Tarry Limited, am the owner of the subject lands, and I authorize Martha Paluch, 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.

8/24/2021  
Date

DocuSigned by:  
Doug Tarry  
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, Doug Tarry Limited, 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.

8/24/2021  
Date

DocuSigned by:  
Doug Tarry  
Signature of Owner

**NOTES:**

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





# Zelinka Priamo Ltd.

LAND USE PLANNERS

August 24, 2021

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

Dear Mr. Hindley

**RE: Planning Opinion Letter - Minor Variance  
 Doug Tarry Homes  
 Block 49 – Styles Drive**

**Our File: DTL/STH/20-01**

---

Zelinka Priamo Ltd., on behalf of Doug Tarry Homes., is pleased to submit a Planning Opinion Letter in regards to a Minor Variance relating to the above noted property (the “subject lands”) for the purpose of considering Styles Drive as the front lot line, instead of Weir Crescent. The requested variance is intended to allow for the consideration of a specific site plan design for a 3-storey apartment building.

The subject lands are comprised of a single parcel of land at the northeast corner of Styles Drive and Weir Crescent, in the Miller’s Pond subdivision. The subject lands are legally described as Block 49, Plan 11M-233, and have a frontage along Styles Drive of 84.1m; a variable depth ranging from approximately 54.4m along the north lot line to 61.6m along Weir Crescent; and an area of approximately 0.51ha. The lands are currently vacant.

Adjacent land uses consist of semi-detached dwellings to the south and southwest; and future development lands to the west, north, and east.

As part of the Phase 2B approvals for the Miller’s Pond Subdivision, the subject lands were re-zoned to the “*Fifth Residential Zone (hR5-39)*” to permit a range of residential dwelling types, including apartment buildings with a height of up to 3 storeys.

The subject lands are proposed to be developed for a 3-storey, 44-unit apartment building. The proposed site design shows a T-shaped building oriented towards Styles Drive and Weir Crescent, and a 55-space surface parking area located to the east of the building, accessed from a single, full-movement driveway on Weir Crescent. A hammerhead turnaround area is located at the north end of the parking area, including a proposed easement over abutting lands to the north for service vehicles.

The building is positioned at a 7.55m setback from Styles Drive; 6.1m from Weir Crescent; 5.5m from the northerly lot line; and, 21.4m from the easterly lot line.

As per Section 1.46 of the Zoning By-Law, the shortest lot line abutting a street on a corner lot is considered to be the front lot line. In this regard, Weir Crescent is the front lot line, with a required

setback of 7.5m. If this regulation was used, the building would need to be shifted approximately 1.5m to the north, to approximately 4.0m from the northerly lot line; however this would not comply with the northerly interior side yard setback of 4.5m. Rather than request relief from any particular yard setback, it is more appropriate to consider Styles Drive as the front lot line. This approach re-orientes the required setbacks to better address Styles Drive and allows for the building placement as proposed.

Therefore, to permit the proposed site layout, the following variance to the Zoning By-Law is required:

- Notwithstanding Section 1.46, Style Drive is considered the front lot line for the subject lands.

To assess the merit of an application for Minor Variance, the four tests for under the Planning Act are applied. An overview of the four tests is as follows:

***Does the proposed variance maintain the intent and purpose of the Official Plan?***

The intent of the “Residential” land use designation in the City of St. Thomas Official Plan is to permit a broad range of housing forms corresponding with the fronting road classification. The Official Plan provides that medium density residential developments shall integrate with adjacent properties as much as possible, particularly in terms of open space elements and building heights.

As the proposed variance does not affect the amount of landscaped space or building height, it must be evaluated on its contribution to good site design and integration with adjacent uses. The variance has the effect of shifting the position of the building to the south approximately 1.5m, which still maintains an appropriate setback along Weir Crescent. Overall, the variance has minimal impact on the design of the site and, as discussed below, has the effect of promoting the more active street frontage of Styles Drive as the front yard.

Given the above, the proposed variance is consistent with the purpose and intent of the City of St. Thomas Official Plan.

***Does the proposed variance maintain the intent and purpose of the Zoning By-Law?***

The intent of Section 1.46 is to provide a clear interpretation of how to determine the front yard for the purpose of applying zoning regulations. Most parcels of land, particularly residential lots in subdivisions, have true front yard as the shortest lot line facing the street. However, this regulation does not allow for flexibility for corner lots that are arranged longitudinally, with a longer frontage along a higher-order road, such as the subject lands.

Given that the longer lot line facing a road for the subject lands faces onto a higher-order road, a collector road, it is appropriate to consider the higher order road as the front lot line. Furthermore, the building is oriented such that its presence along Styles Drive is more prominent than along Weir Crescent. Therefore, it is appropriate to consider Styles Drive as the front lot line.

Furthermore, the requested minor variance does not create any other zoning deficiencies, and the proposed development satisfies all other requirements of the Zoning By-law.

Given the above, the proposed variance maintains the purpose and intent of the Zoning By-Law.

***Is the proposed variance minor in nature?***

The requested variance has minimal impact on the possible development configurations on the subject lands and, more importantly, recognizes the higher-order road as the front lot line. As such, the requested variance is minor and appropriate for the subject lands.

***Is the proposed variance desirable for the appropriate use of subject lands?***

The subject lands are zoned to permit a 3-storey apartment building. Rather than seek a reduction in building setback, the proposed variance essentially re-orientates the applicable zoning regulations to more appropriately address Styles Drive as the front lot line. Given the relationship of the site to the street, and that the proposed variance facilitates an appropriate site layout for a permitted use, the variance is desirable for the appropriate use of the subject lands.

As demonstrated above, the proposed variance to consider Styles Drive as the front lot line meets the four tests for Minor Variances as it maintains the intent and purpose of the Official Plan and Zoning By-Law, is minor in nature, and is desirable for the appropriate use of the subject lands.

Should you have any questions or require additional information, please feel free to contact our office.

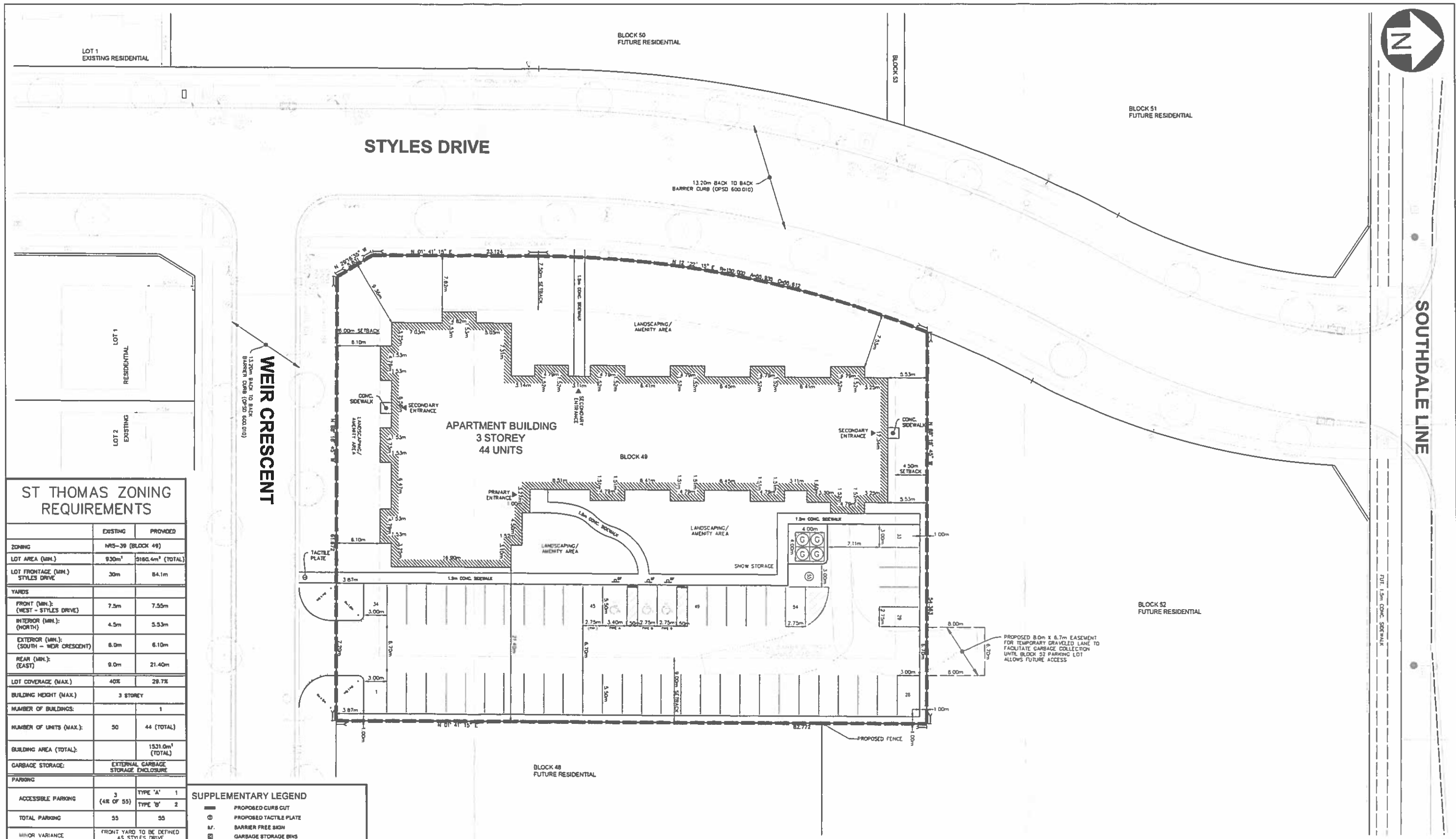
Yours very truly,

**ZELINKA PRIAMO LTD.**



Matt Campbell, BA, CPT  
Senior Planner

cc. Martha Paluch, Doug Tarry Homes



**ST THOMAS ZONING REQUIREMENTS**

	EXISTING	PROVIDED
ZONING	MRS-39 (BLOCK 49)	
LOT AREA (MIN.)	930m <sup>2</sup>	9180.4m <sup>2</sup> (TOTAL)
LOT FRONTAGE (MIN.) STYLES DRIVE	30m	84.1m
<b>YARDS</b>		
FRONT (MIN.) (WEST - STYLES DRIVE)	7.5m	7.55m
INTERIOR (MIN.) (NORTH)	4.5m	5.53m
EXTERIOR (MIN.) (SOUTH - WEIR CRESCENT)	8.0m	6.10m
REAR (MIN.) (EAST)	9.0m	21.40m
LOT COVERAGE (MAX.)	40%	29.7%
BUILDING HEIGHT (MAX.)		3 STOREY
NUMBER OF BUILDINGS:		1
NUMBER OF UNITS (MAX.):	50	44 (TOTAL)
BUILDING AREA (TOTAL):		1531.0m <sup>2</sup> (TOTAL)
GARBAGE STORAGE:		EXTERNAL GARBAGE STORAGE ENCLOSURE
<b>PARKING</b>		
ACCESSIBLE PARKING	3 (4% OF 55)	TYPE 'A' 1 TYPE 'B' 2
TOTAL PARKING	55	55
MINOR VARIANCE	FRONT YARD TO BE DEFINED AS STYLES DRIVE	

**SUPPLEMENTARY LEGEND**

- ▬ PROPOSED CURB CUT
- ⊙ PROPOSED TACTILE PLATE
- ⊠ BARRIER FREE SIGN
- ⊡ GARBAGE STORAGE BINS

**LEGEND**

<ul style="list-style-type: none"> <li>— SANITARY SEWER</li> <li>— STORM SEWER</li> <li>— WATER MAIN</li> <li>— WATER SERVICE</li> <li>— NATURAL GAS LINE</li> <li>— UNDERGROUND POWER LINE</li> <li>— OVERHEAD POWER LINE</li> <li>— UNDERGROUND FIBRE OPTIC LINE</li> </ul>	<ul style="list-style-type: none"> <li>— UNDERGROUND BELL LINE</li> <li>— UNDERGROUND CABLE LINE</li> <li>— DITCH/SWALE</li> <li>— TOE OF SLOPE, TOP OF BANK</li> <li>— FENCE</li> <li>— EDGE OF GRAVEL</li> <li>— CURB, DROPPED CURB</li> <li>— EDGE OF PAVEMENT</li> </ul>	<ul style="list-style-type: none"> <li>○ MAINTENANCE HOLE</li> <li>○ CLEAN OUT</li> <li>○ CATCH BASIN</li> <li>○ WATER VALVE</li> <li>○ WATER SERVICE CURB STOP</li> <li>○ HYDRANT</li> </ul>	<ul style="list-style-type: none"> <li>○ GUY WIRE, UTILITY POLE</li> <li>○ LIGHT STANDARD</li> <li>○ TRAFFIC SIGNAL</li> <li>○ SIGN</li> <li>○ GAS VALVE</li> <li>○ UTILITY PEDESTAL</li> </ul>	<ul style="list-style-type: none"> <li>○ TRANSFORMER</li> <li>○ SURVEY BARS</li> <li>○ CONIFEROUS, DECIDUOUS TREE</li> <li>○ SHRUB</li> <li>○ EDGE OF BUSHDRIP LINE</li> <li>○ GEOTECHNICAL BORE HOLE</li> </ul>
---	--	---	---	--

CONSULTANT  
**CJDL**  
Consulting Engineers

STAMP  
PROFESSIONAL ENGINEER  
D.J. LYLE  
100174772  
PROVINCE OF ONTARIO

**ST. THOMAS**  
THE RAILWAY CITY

REVISION		
1	ISSUED FOR MINOR VARIANCE AND CONSENT APPLICATION	24 AUG 2021 DJL
2	DESCRIPTION	DDMMYYYY BY


**SITE PLAN**

CONTRACT #: 18011-49 SCALE: 1:250

PROJECT NAME: BLOCK 49 11M-233 PROPOSED APARTMENT DOUG TARRY LIMITED

DRAWING #: 1

C:\CAD\Projects\201811\04-Layouts\18011 Site Plan Block 49.dwg, 2021-08-24 13:21:13 PM, CDDPC34

 <p><b>The Corporation of the City of St. Thomas</b></p>	<p><b>Report No.:</b> COA14-2021</p>
	<p><b>Applicant:</b> Doug Tarry Limited</p>
<p>Members of the Committee of Adjustment</p>	<p><b>Report Date:</b> September 15, 2021  <b>Meeting Date:</b> September 23, 2021</p>
<p><b>Location:</b> Styles Drive, Block 49, 11M-233, City of St. Thomas</p>	
<p><b>Subject:</b> Request for a minor variance pursuant to 45(1) of the Planning Act, R.S.O, as amended</p>	
<p><b>Department:</b> Planning and Building Services Department  <b>Prepared by:</b> Steve Craig, Senior Planning Technician</p>	<p><b>Attachments:</b> Location Plan, 2020 Aerial Photograph and Preliminary Elevation Plans</p>
<p><b>Recommendation:</b></p> <p><b>That:</b> Report COA14-2021 be received.</p>	

**BACKGROUND**

The applicant is proposing to develop a three-storey, 44-unit apartment building on the subject lands, a minor variance has been requested for the purpose of recognizing the longer lot line abutting Styles Drive as the front lot line, whereas the Zoning By-law considers the shorter lot line abutting Weir Crescent as the front lot line.

The applicant has filed a consent application (B13/21) concurrently for the purpose of creating an easement on the abutting lot to the north (Block 52, Plan 11M233) for the purpose of temporary access to facilitate garbage collection for the proposed apartment building.

**REQUESTED VARIANCE**

- (i) To recognize the lot line abutting Styles Drive as the front lot line, whereas Subsection 1.46(ii) of the City of St. Thomas Zoning By-law 50-88, as amended considers the shorter lot line abutting Weir Crescent as the front lot line in the case of a corner lot.

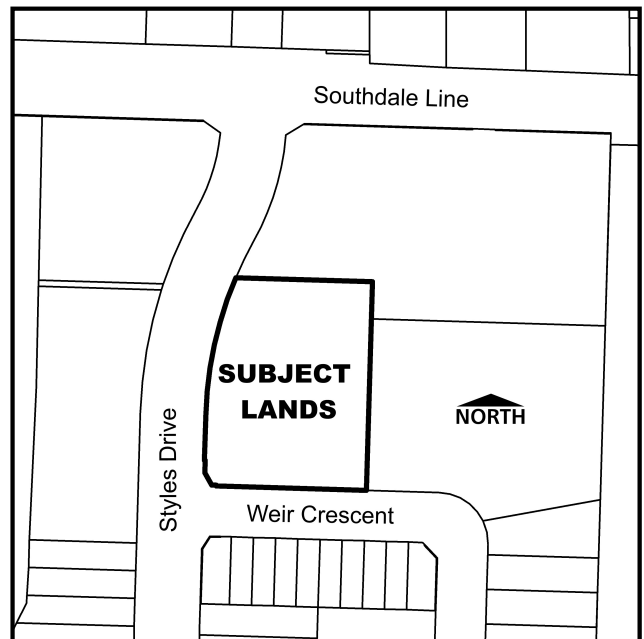
**OFFICIAL PLAN**

- 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 means the predominant use of land shall be for low, medium, and high-density residential use (5.1.3.1).
- Medium density residential use shall mean a residential use between twenty-five (25) and seventy-five (75) residential dwelling units per net hectare, is permitted in the "Residential" designation. Within a medium density residential area, the main permitted uses shall be townhouses, boarding and lodging houses, triplexes, fourplexes, sixplexes, low rise apartments or other forms of low-rise multiple dwellings.

**ZONING BY-LAW**

- The subject lands are within the Fifth Residential Zone (R5-39) pursuant to the City of St. Thomas Zoning By-Law No. 50-88, as amended, Zoning Map Part 49.

**LOCATION PLAN:**



- The R5 zone permitted uses include apartment dwellings and uses accessory to the foregoing (Subsection 9.1(b)(o)). The special provisions of the R5-39 zone permit a maximum building height of 3 stories and a maximum of 50 dwelling units (9.5.39(b)(c)).
- Corner lot means a lot situated at the intersection of and abutting upon two streets which intersect at an angle of not more than 135 degrees and where the intersection of such streets is curved, the angle of intersection of the streets shall be deemed to be the angle formed by the intersection of the tangents to the street lines drawn through the extremities of the interior lot line (1.25).
- Exterior lot line means the lot line of a corner lot abutting a street other than the front lot line (1.40).
- Front lot line (1.46) means:
  - (i) in the case of an interior lot, the lot line dividing the lot from the street;
  - (ii) in the case of a corner lot the shorter lot line abutting the street unless each abutting lot line is of equal length in which case the front lot line shall be the lot line where the principle access to the main building is provided, and
  - (iii) in the case of a through lot the front lot line shall be the lot line where the principle access to the main building is provided.

#### 2020 AERIAL PHOTOGRAPH:



#### LEGISLATIVE FRAMEWORK FOR A MINOR VARIANCE


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

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

**COMMENTS**

- The proposed variance is technical in nature and has been requested to adjust the front lot line and exterior lot line to reflect the orientation of a three-storey, 44-unit apartment building proposed to be developed on the subject lands.
- The preliminary site plan and elevation plans that were submitted demonstrate that the yard abutting Styles Drive (Major Collector Road) will function as the front yard and the yard abutting Wier Crescent (Local Road) will function as an exterior side yard.
- In Staff's opinion the proposed variance meets the general intent and purpose of the Official Plan and Zoning By-law, is minor in nature, and is desirable and appropriate for the use of the lands, thereby satisfying the four tests, as set out in Section 45 of the Planning Act. Therefore, planning staff recommend that minor variance application COA14-2021 be approved.
- Should the Committee of Adjustment approve minor variance application COA14-2021 staff recommend that the decision reflect that the Committee is recognizing the lot line abutting Styles Drive as the front lot line for the purpose of applying the Zoning By-law, whereas Subsection 1.46(ii) of the City of St. Thomas Zoning By-law 50-88, as amended considers the shorter lot line abutting Weir Crescent as the front lot line.

Respectfully submitted,



Steve Craig  
Senior Planning Technician











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

---

August 25, 2021

Secretary-Treasurer, Committee of Adjustment  
Attention: Jon Hindley

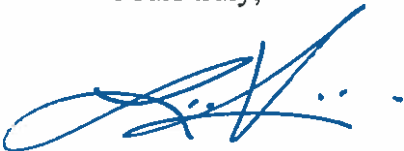
Pursuant to By-Law 30-2015, a consultation meeting was held on August 11, 2021 with Planning Department Staff and the applicant.

An application for Consent regarding Block 49 on Styles Drive was filed on August 25, 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,



Lou Pompili  
Director, Planning and Building Services



THE CORPORATION OF THE CITY OF ST THOMAS

Clear Form

COMMITTEE OF ADJUSTMENT

APPLICATION FOR CONSENT

OFFICE USE:	Date Application Received: <u>AUG 25 2021</u>	Consultation Date: <u>Aug 11/21</u>
	Date Application Deemed Complete: <u>AUG 25 2021</u>	

Application #: B13/21

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): Doug Tarry Limited  
Mailing Address: 358 Elm St, St. Thomas ON  
Postal Code: N5R 1K1 Telephone: 519.631.9300 Fax: \_\_\_\_\_  
email: \_\_\_\_\_

(b) Owner's Solicitor or Authorized Agent (if any): Martha Paluch  
Mailing Address: 358 Elm St, St. Thomas ON  
Postal Code: N5R 1K1 Telephone: 519.631.9300 ext. 22 Fax: \_\_\_\_\_  
email: mpaluch@dougarryhomes.com

(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 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 Proposed 8.0m x 6.7m easement for temporary graveled lane to facilitate garbage collection until Block 52 parking lot allows future access

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

N/A

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

N/A

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, County of Elgin

Concession No N/A Lot(s) N/A Registered Plan No 11M-233 Lot(s) N/A

Reference Plan No N/A Part(s) of Block 52

Name of Street Weir Cres & Styles Dr Street No N/A

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

(a) Frontage 6.7m Depth 8.0m Area 53.6 sq m

(b) Existing Use Vacant Proposed Use easement for temporary gravelled lane to facilitate garbage collection

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

Existing: N/A

Proposed: N/A

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

(a) Frontage 25.98 m2 Depth 16.64 m2 Area 5,206 m2

(b) Existing Use Vacant Proposed Use Medium density residential

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

Existing: N/A

Proposed: One 3 storey 44 unit apartment building

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

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

(b) Regional Policy Plan hC6-21

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: 34T-18503

Status: Approved

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, Martha Paluch, 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, Doug Tarry Limited 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 25 day of Aug, 2021.  
City Day Month Year

DocuSigned by:  
  
Signature of Owner or Authorized Agent

8/24/2021  
Date

  
Signature of Commissioner of Oaths, etc.

aug 25/21  
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, Doug Tarry Limited, am the owner of the subject lands, and I authorize Martha Paluch, 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.

8/24/2021  
Date

  
Signature of Owner

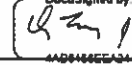
**APPENDIX B – ACKNOWLEDGEMENT OF LEGAL AND PLANNING FEES**

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

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

I, Doug Tarry Limited, 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.

8/24/2021  
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) 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.

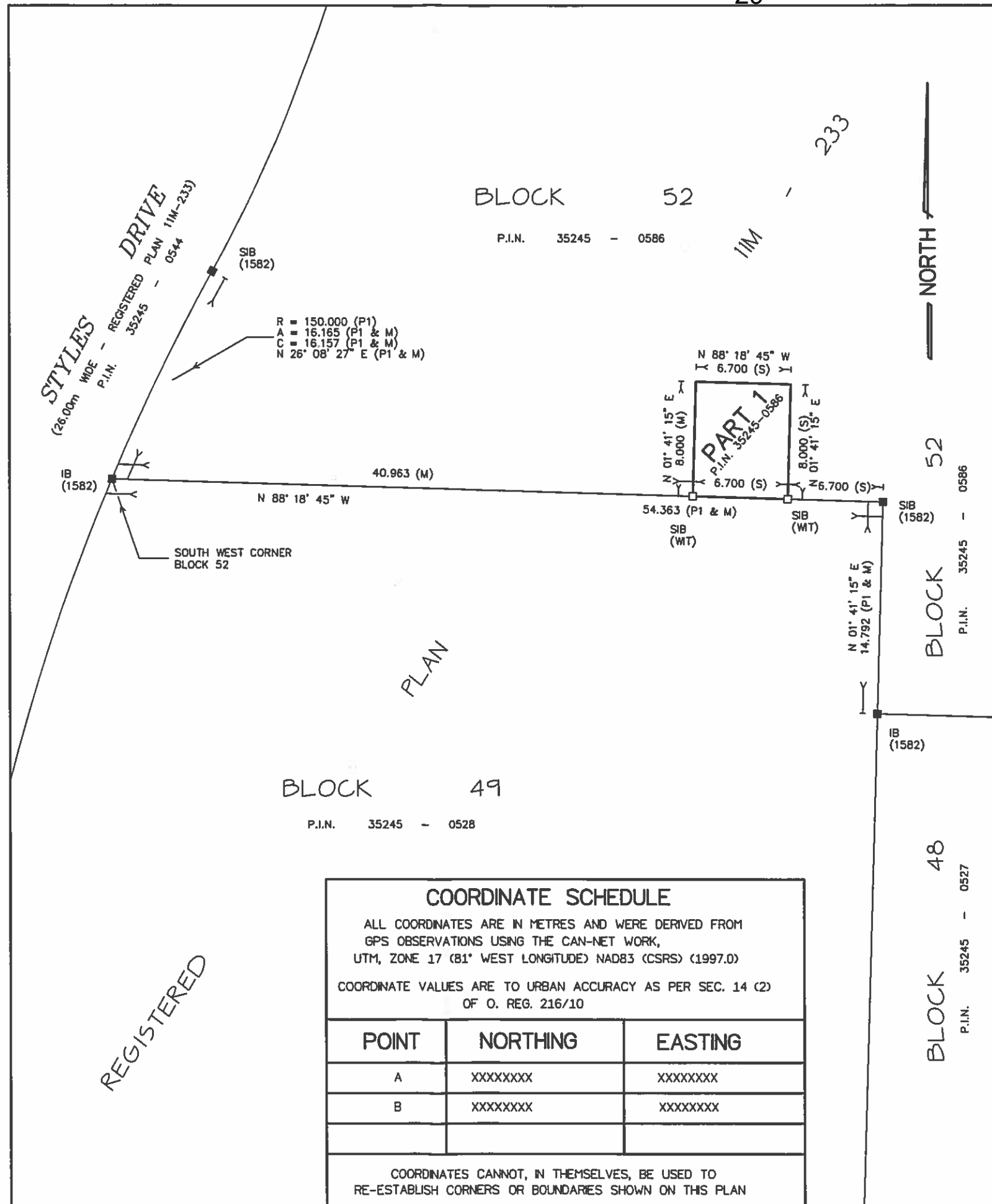
Decisions of the Committee are made in public.

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.



I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT

PLAN 11R-  
RECEIVED AND DEPOSITED

DATE \_\_\_\_\_ DATE \_\_\_\_\_

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

PART SCHEDULE				
PART	BLOCK	PLAN	P.I.N.	AREA
1	PART OF 52	11M-233	PART OF 35245-0586	53.6 SQ. METRES

PART 1 COMPRISES PART OF P.I.N. 35245-0586

PLAN OF SURVEY OF  
PART OF BLOCK 52  
REGISTERED PLAN 11M-233  
CITY OF ST. THOMAS  
COUNTY OF ELGIN

SCALE - 1: 250

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

KIM HUSTED SURVEYING LTD.

**SURVEYOR'S CERTIFICATE**

I CERTIFY THAT

(1) - THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM

(2) - THIS SURVEY WAS COMPLETED ON THE

DATE \_\_\_\_\_

KIM S. HUSTED  
ONTARIO LAND SURVEYOR

**NOTES**

- (1) - BEARINGS ARE GRID, DERIVED ON GPS OBSERVATIONS ON MONUMENTS "A" AND "B" SHOWN HEREON HAVING A GRID BEARING OF N 00° 18' 40" E (UTM, ZONE 17, NAD83 CSRS)
- (2) - DISTANCES SHOWN ON THIS PLAN ARE GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY 0.9996

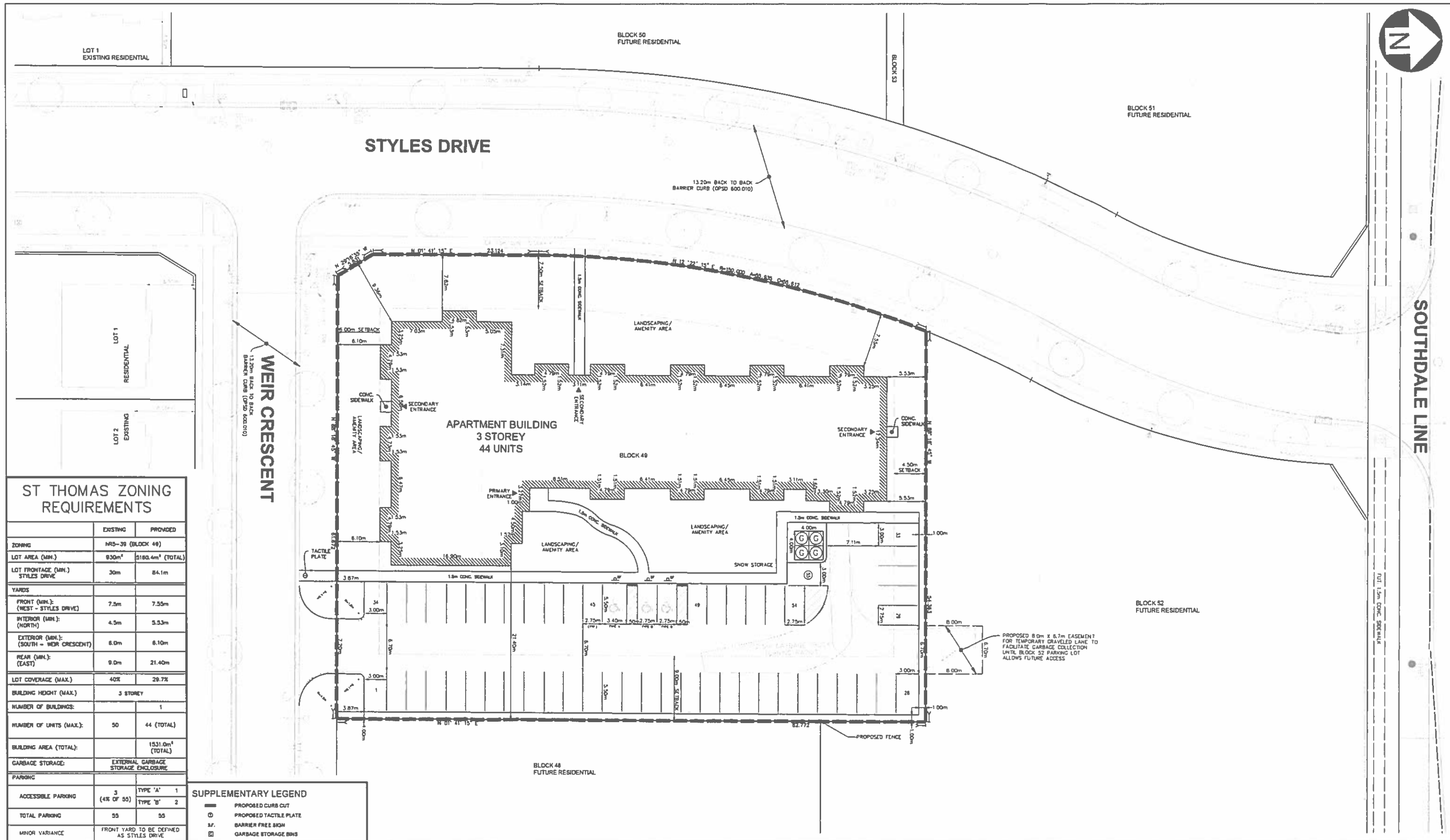
**LEGEND**

- DENOTES SURVEY MONUMENT FOUND
- DENOTES SURVEY MONUMENT SET
- SIB DENOTES STANDARD IRON BAR
- IB DENOTES IRON BAR
- RB DENOTES ROUND IRON BAR
- (WT) DENOTES WITNESS
- (1582) DENOTES KIM HUSTED SURVEYING LTD.
- (P1) DENOTES REGISTERED PLAN 11R-233
- (M) DENOTES MEASURED
- (S) DENOTES SET
- P.I.N. DENOTES PROPERTY IDENTIFICATION NUMBER

COORDINATE SCHEDULE		
ALL COORDINATES ARE IN METRES AND WERE DERIVED FROM GPS OBSERVATIONS USING THE CAN-NET WORK, UTM, ZONE 17 (81° WEST LONGITUDE) NAD83 (CSRS) (1997.0)		
COORDINATE VALUES ARE TO URBAN ACCURACY AS PER SEC. 14 (2) OF O. REG. 216/10		
POINT	NORTHING	EASTING
A	XXXXXXXX	XXXXXXXX
B	XXXXXXXX	XXXXXXXX
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN		

**KIM HUSTED SURVEYING LTD.**  
ONTARIO LAND SURVEYOR  
30 HARVEY STREET, TILLSBURG ONTARIO, N4G 3J8  
PHONE: 519-842-3638 FAX: 519-842-3639

PROJECT: 21-17348	REFERENCE: FF6	DISK No. 646	DWG. WLP
			CHKD. KSH



**ST THOMAS ZONING REQUIREMENTS**

	EXISTING	PROVIDED
ZONING	NR5-39 (BLOCK 49)	
LOT AREA (MIN.)	830m <sup>2</sup>	9180.4m <sup>2</sup> (TOTAL)
LOT FRONTAGE (MIN.) STYLES DRIVE	30m	84.1m
YARDS		
FRONT (MIN.): (WEST - STYLES DRIVE)	7.5m	7.55m
INTERIOR (MIN.): (NORTH)	4.5m	5.53m
EXTERIOR (MIN.): (SOUTH - WEIR CRESCENT)	6.0m	6.10m
REAR (MIN.): (EAST)	9.0m	21.40m
LOT COVERAGE (MAX.)	40%	29.7%
BUILDING HEIGHT (MAX.)		3 STOREY
NUMBER OF BUILDINGS:		1
NUMBER OF UNITS (MAX.):	50	44 (TOTAL)
BUILDING AREA (TOTAL):		1531.0m <sup>2</sup> (TOTAL)
GARBAGE STORAGE:		EXTERNAL GARBAGE STORAGE ENCLOSURE
PARKING		
ACCESSIBLE PARKING	3 (4% OF 55)	TYPE 'A' 1 TYPE 'B' 2
TOTAL PARKING	55	55
MINOR VARIANCE	FRONT YARD TO BE DEFINED AS STYLES DRIVE	

**SUPPLEMENTARY LEGEND**

- PROPOSED CURB CUT
- ⊙ PROPOSED TACTILE PLATE
- sf. BARRIER FREE SIGN
- ☑ GARBAGE STORAGE BINS

**LEGEND**

- SANITARY SEWER
- STORM SEWER
- WATERMAIN
- WATER SERVICE
- NATURAL GAS LINE
- UNDERGROUND POWER LINE
- OVERHEAD POWER LINE
- UNDERGROUND FIBRE OPTIC LINE
- UNDERGROUND BELL LINE
- UNDERGROUND CABLE LINE
- DITCH/SWALE
- TOE OF SLOPE, TOP OF BANK
- FENCE
- EDGE OF GRAVEL
- CURB, DROPPED CURB
- EDGE OF PAVEMENT
- MAINTENANCE HOLE
- CLEAN OUT
- CATCH BASIN
- WATER VALVE
- WATER SERVICE CURB STOP
- HYDRANT
- GUY WIRE, UTILITY POLE
- LIGHT STANDARD
- TRAFFIC SIGNAL
- SIGN
- GAS VALVE
- UTILITY PEDESTAL
- TRANSFORMER
- SURVEY BARS
- CONIFEROUS, DECIDUOUS TREE
- SHRUB
- EDGE OF BUSH/D RIP LINE
- GEOTECHNICAL BORE HOLE


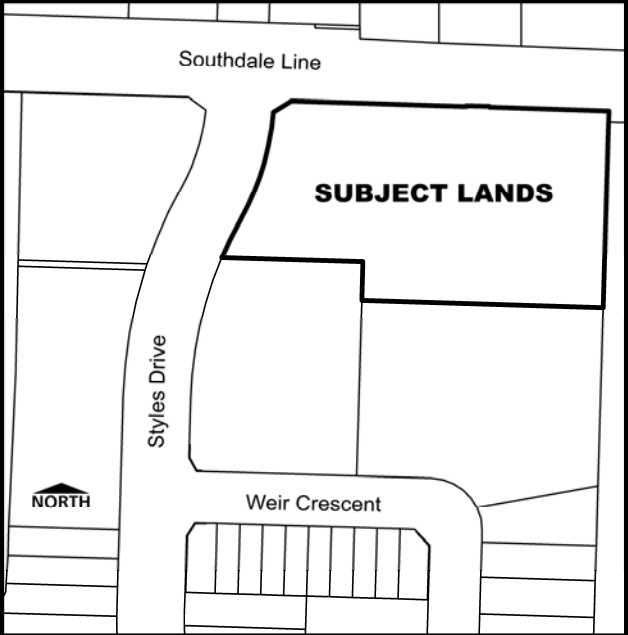
CONSULTANT:  
**CJDL**  
Consulting Engineers  
**ST. THOMAS**  
THE RAILWAY CITY

STAMP  
PROFESSIONAL ENGINEER  
D.J. LYLE  
100174772  
PROVINCE OF ONTARIO

REVISION		
NO.	DESCRIPTION	DATE
1	ISSUED FOR MINOR VARIANCE AND CONSENT APPLICATION	24 AUG 2021 DJL
2	DESCRIPTION	DDMM/YYYY BY

**SITE PLAN**

CONTRACT #: 18011-49 SCALE: 1:250  
PROJECT NAME: BLOCK 49 11M-233 PROPOSED APARTMENT DOUG TARRY LIMITED DRAWING #: 1

 <p><b>The Corporation of the City of St. Thomas</b></p>	<p><b>Report No.:</b> B13-2021</p>
<p><b>Directed to:</b> Members of the Committee of Adjustment</p>	<p><b>Applicant:</b> Doug Tarry Limited</p>
<p><b>Location:</b> 9 Styles Drive, Block 52, 11M-233, City of St. Thomas</p>	
<p><b>Subject:</b> Request for a consent pursuant to Section 53 of the Planning Act, R.S.O, as amended</p>	
<p><b>Department:</b> Planning Department <b>Prepared by:</b> Steve Craig, Senior Planning Technician</p>	<p><b>Attachments:</b> Location Plan and 2020 Aerial Photograph</p>
<p><b>Recommendation:</b></p> <p><b>That:</b> Report B13-2021 be received.</p>	
<p><b>BACKGROUND</b></p> <p>Consent Application B13/21 has been filed for the purpose of creating an easement for temporary access to facilitate garbage collection for a proposed apartment building on the abutting lands to the south (Block 49, Plan 11M233). The applicant has filed a minor variance application (COA14-2021) concurrently for the purpose of recognizing Styles Drive as the front lot line, whereas the Zoning By-law considers Weir Crescent as the front lot line.</p> <p><b>PROPOSAL</b></p> <p>The applicant is requesting a 6.7m x 8.0m easement on the subject lands, as shown on the plan prepared by Kim Husted Surveying Ltd. and accompanying the subject application.</p> <p><b>OFFICIAL PLAN</b></p> <ul style="list-style-type: none"> <li>· 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.</li> <li>· The "Residential" designation means the predominant use of land shall be for low, medium, and high-density residential use (5.1.3.1).</li> <li>· Consents for a right of way and/or easement are permitted in all land use designations, subject to the policies of the Plan.</li> </ul> <p><b>ZONING BY-LAW</b></p> <ul style="list-style-type: none"> <li>· The subject lands are within the Minor Commercial Zone (C6-21), pursuant to the City of St. Thomas Zoning By-Law No. 50-88, as amended, Zoning Map Part 49.</li> <li>· The C6 zone permitted uses include a retail store, personal service shop, restaurant, business office, pet grooming shop, bakery, private club, institution, clinic and uses accessory to the foregoing (17.1). The special provisions of the C6-21 zone permit an office and selection studio for Doug Tarry Ltd. and an accessory storage building to the office and selection studio for Doug Tarry Ltd. as additional permitted uses (17.5.21(b)).</li> </ul>	<p><b>LOCATION PLAN:</b></p>  <p>The diagram is a site plan showing a large parcel of land labeled 'SUBJECT LANDS'. To the north of the subject lands is the 'Southdale Line'. To the west is 'Styles Drive'. To the south is 'Weir Crescent'. A north arrow is located in the bottom left corner of the plan.</p>

## 2020 AERIAL PHOTOGRAPH:

**COMMENTS**

In staff's opinion Consent Application B13-2021 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 B13-2021 is supportable, should the Committee of Adjustment approve the application staff recommends the following conditions:

- 1) the City of St. Thomas be provided with a copy of the Reference Plan.

Respectfully submitted,

*tcy*

Steve Craig  
Senior Planning Technician



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

---

August 26, 2021

Secretary-Treasurer, Committee of Adjustment  
Attention: Jon Hindley

Pursuant to By-Law 30-2015, a consultation meeting was held on June 9, 2021 with Planning Department Staff and the applicant.

An application for Consent, regarding 17 and 19 Cypress Street, was filed on August 25, 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,



Lou Pompili  
Director, Planning and Building Services



August 25, 2021

*sent via email*

Mr. Jon Hindley, Corporate Administrative & Accessibly Clerk  
 City of St. Thomas  
 545 Talbot Street  
 St. Thomas, Ontario  
 N5P 3V7  
 jhindley@stthomas.ca

Dear Mr. Hindley,

**RE: Applications for Consent to Sever and Minor Variance  
 M&J Doors Ltd.  
 17-19 Cypress Street, St. Thomas, ON.**

**Our File: M&J/STH/21-01**

---

Zelinka Priamo Ltd., on behalf of M&J Doors Ltd., is pleased to submit applications for Consent to Sever and Minor Variance for the above noted property (the “subject lands”) for the purpose of severing the subject lands down the demising wall of the existing semi-detached dwelling, thereby creating two, independent, free-hold parcels.

The subject lands are located on the south side of Cypress Street, at the southwest corner of Cypress Street and Fifth Avenue. The rectangular shaped subject lands have a total frontage of 30.4m (100ft) and a total area of 543m<sup>2</sup>(5,849ft<sup>2</sup>).

The subject lands are currently occupied by two (2) semi-detached dwellings (one building) with a shed in the rear yard of each dwelling unit. Vehicular access is provided by two (2) separate driveways from Cypress Street, which run along the east exterior side yard and the west interior side yard abutting each semi-detached dwelling unit. The sheds for each dwelling unit are located beyond the south property line and the respective side lot lines. It is noted that the sheds will be relocated to be within the property lines and to adhere to the required setbacks as per the Zoning By-law.

Surrounding land uses are comprised of single-detached and semi-detached dwellings in all directions. The neighbourhood contains a number of residential dwellings with a wide range of setbacks and lot areas, including semi-detached dwellings very similar to the subject lands. At least two of these semi-detached properties have been severed, including to the south at 18 and 20 Pine Street. Upon approval, the new lots had lot areas of 278m<sup>2</sup> and 265m<sup>2</sup>.

The subject lands are within the “Residential” land use designation in the City of St. Thomas Official Plan and are currently zoned “Third Residential (R3) Zone” in the City of St. Thomas Zoning By-Law 50-88. The R3 zone permits semi-detached dwellings.

To facilitate the proposed severance of the subject lands and to recognize and permit the existing site conditions, a Minor Variance application will be required. It is noted that the proposed variances to the Zoning By-Law reflect the existing circumstances of the site, which has existed in its current physical state for many years. No physical changes to the site are proposed, other than the minor re-location of the sheds as noted above.

## PROPOSED CONSENT TO SEVER

The lands proposed to be severed (Part 2 on the attached Consent Sketch) have a lot area of approximately 263m<sup>2</sup> and a lot frontage of 14.8m along Cypress Street. The lands proposed to be retained (Part 1) have a lot area of approximately 280.4 square meters with a lot frontage of approximately 15.6 meters. The existing semi-detached dwellings on the subject lands, including accesses, will remain as in their current form.

## PROPOSED MINOR VARIANCE

As noted above, the proposed severance will require a number of variances to the “*Third Residential (R3) Zone*”.

To permit the existing semi-detached dwelling on the lands proposed to be retained (Part 1) the following variances to the Zoning By-Law are required:

- Front Yard setback of 4.4 meters, whereas a minimum of 6 metres is required;
- Front Yard setback for steps of 2.9m, whereas a minimum of 4.5m is required;
- Rear Yard setback of 3.4 meters, whereas a minimum 9 metres is required; and,
- Rear Yard deck setback of 1.6 meters, whereas a minimum 6.5 metres is required;

To permit the existing semi-detached dwelling on the lands proposed to be severed (Part 2) the following variances to the Zoning By-Law are required:

- Front Yard setback of 4.4 meters, whereas a minimum of 6 metres is required;
- Front Yard setback for steps of 2.9m, whereas a minimum of 4.5m is required;
- Rear Yard setback of 6.0 meters, whereas a minimum 9 metres is required;
- Rear Yard deck setback of 4.3 meters, whereas a minimum 6.5 metres is required; and
- Minimum Ground Floor Area of 52m<sup>2</sup> for a 1.5-storey dwelling.

Variances are not required for lot area and lot frontage as the proposed lot areas and frontages are permitted by Section 4.2.9.4 of the Zoning By-Law.

It is noted that the variances requested above have been rounded from the measurements on the survey to provide a simpler and less precise value, as measurement to the centimetre are not practical, nor meaningful, to the existing conditions.

To assess the merit of an application for Minor Variance, the four tests for Minor Variance under the Planning Act are applied. An overview of the four tests is as follows:

### ***Does the proposed variance maintain the intent and purpose of the Official Plan?***

The intent of the “*Residential*” designation in the City of St. Thomas Official Plan is to accommodate a range of low, medium, and high-density forms of housing to provide a sufficient supply of residential lands and to support a range of affordable housing types. The existing semi-detached dwellings are identified as a permitted use within the current designation. Furthermore, given that there are no physical changes proposed, the proposed variances maintain the purpose and intent of the Official Plan by contributing to the provision of housing by allowing the freehold ownership of each dwelling unit.

***Does the proposed variance maintain the intent and purpose of the Zoning By-Law?***

The subject lands are within the “Third Residential (R3) Zone”, which permits a range of dwelling types, including semi-detached dwellings. The requested variances are reflective of the existing physical conditions of the site, which have existed for many years with no known adverse impacts, and may pre-date the implementation of the R3 zone. Given that the existing conditions of the subject lands meet the needs of all existing uses on the subject lands, and no physical changes to the site are proposed, the proposed variances maintain the intent and purpose of the Zoning By-Law.

***Is the proposed variance minor in nature?***

The requested variances are minor in nature as they are intended to recognize and permit the existing conditions of the site that have existed for many years. The existing physical condition of the subject lands is generally consistent with nearby properties and the surrounding area, including the semi-detached dwellings at 18 and 20 Pine Street.

***Is the proposed variance desirable for the appropriate use of the subject lands?***

The proposed variances, which would facilitate the freehold ownership of each dwelling unit on the subject lands, are desirable for the appropriate use of the lands. Each unit could remain as a rental unit or be owner-occupied allowing for flexibility of ownership.

As demonstrated above, the proposed variances meet the four tests for Minor Variance as they maintain the intent and purpose of the Official Plan and Zoning By-Law, are minor in nature, and are desirable for the appropriate use of the subject lands.

As per the submission requirements for Consent to Sever and Minor Variance applications, please find attached the following electronic materials:

- The completed Consent and Minor Variance application Forms;
- Severance Sketch; and,
- A letter of authorization.

Please note that the applicable \$450.00 Consent fee and the \$400.00 Minor Variance fee of \$400.00, will be provided separately.

We trust that the enclosed information is satisfactory, and we look forward to a timely approvals process. If you have any questions, or require further information, please do not hesitate to call.

Yours very truly,

**ZELINKA PRIAMO LTD.**



Matt Campbell, BA, CPT  
Senior Planner

cc. M&J Doors Ltd.



# THE CORPORATION OF THE CITY OF ST THOMAS

## COMMITTEE OF ADJUSTMENT

### APPLICATION FOR CONSENT

<b>OFFICE USE:</b>	Date Application Received: <u>August 25, 2021</u>	Consultation Date: <u>June 9, 2021</u>
	Date Application Deemed Complete: <u>August 26, 2021</u>	

Application #: B14/21

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): M & J Doors Ltd.

Mailing Address: 9 Valley Vista Drive, Vaughan, ON.

Postal Code: L6A 0Z1 Telephone: 647-667-3858 Fax: \_\_\_\_\_

email: mina@3mlawrence.com

(b) Owner's Solicitor or Authorized Agent (if any): Zelinka Priamo Ltd.

Mailing Address: 318 Wellington Road, London, ON.

Postal Code: N6C 4P4 Telephone: 519-474-7137 Fax: \_\_\_\_\_

email: matt.c@zpplan.com

(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:

N/A

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

Yes  No

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

4. Location of land:

Municipality (City/Town/Township) St. Thomas

Concession No \_\_\_\_\_ Lot(s) \_\_\_\_\_ Registered Plan No 235 Lot(s) 35

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

Name of Street Cypress Street Street No 17 and 19

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

(a) Frontage 11.8m Depth 14.9m Area 263 sq m

(b) Existing Use semi-detached dwelling Proposed Use same

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

Existing: Semi-detached dwelling

Proposed: No change

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

(a) Frontage 15.59m Depth 17.98m Area 280.44sq m

(b) Existing Use \_\_\_\_\_ Proposed Use \_\_\_\_\_

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

Existing: Semi-detached dwelling

Proposed: No change

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 N/A

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

Yes  No

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

File Number: \_\_\_\_\_

Status: \_\_\_\_\_

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

Yes  No

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

Grantee's (Purchaser's) name \_\_\_\_\_

Land Use on severed parcel \_\_\_\_\_

Date parcel transferred \_\_\_\_\_

Consent file number (if known) B \_\_\_\_\_

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

Yes  No

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

File Number: N/A - Minor Variance

Status: submitted concurrently

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,       Matt Campbell      , 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,       Matt Campbell       of       St. Thomas       in the province of       Ontario      ,  
name of applicant City

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

Sworn (or declared) before me at the       City of London       on this       25<sup>th</sup>       day of       August      , 20      21      .  
City Day Month Year

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

      Aug 25 2021        
Date

  
\_\_\_\_\_  
Signature of Commissioner of Oaths, etc.

      August 25, 2021        
Date

RICHARD HENRY ZELINKA, a Commissioner, etc.,  
County of Middlesex, for Zelinka Priamo Ltd.  
Expires March 28, 2024

*Consent*

**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, See attached authorization form, 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, Jami Jacklyn, 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.

August 25, 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.

**P O L I C I E S**

The requirements to complete one application are:

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

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

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

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

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

Decisions of the Committee are made in public.

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

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

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

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

**AUTHORIZATION AS AGENT**

TO WHOM IT MAY CONCERN:

I/we hereby authorize Zelinka Priamo Ltd. as my/our agent in connection with all required municipal approvals associated with the lands known municipally as 17 and 19 Cypress Street in the City of St. Thomas.

M&J Doors Ltd.

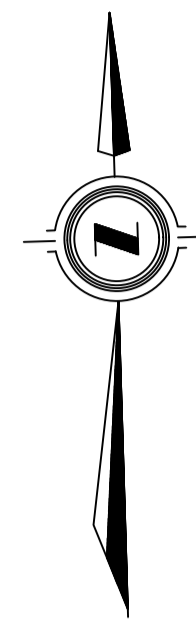
\_\_\_\_\_  
Property Owner

Verified by PDFFiller

  
\_\_\_\_\_  
Authorized Signature

08/13/2021

\_\_\_\_\_  
Date

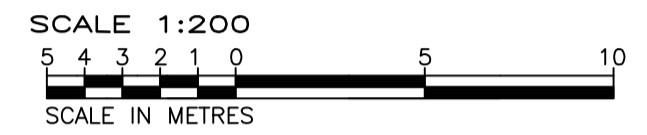


KNOWN AS CHURCHILL CRESCENT  
(CHURCHILL STREET BY R.P. No. 235)

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.		<b>PLAN 11R-</b>	
DATE: _____		RECEIVED AND DEPOSITED	
ROBERT WOOD ONTARIO LAND SURVEYOR		DATE: _____	
		REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF ELGIN. (No 11)	
PART SCHEDULE			
PART	LOT	PLAN	P.I.N.
1	PART OF 35	REGISTERED PLAN No. 235	PART OF 35218-0085
2			PART OF 35218-0085

PARTS 1 AND 2 COMPRISE ALL OF PIN 35218-0085.

**PLAN OF SURVEY**  
OF PART OF  
**LOT 35, REGISTERED PLAN No. 235**  
IN THE  
**CITY OF ST. THOMAS**  
COUNTY OF ELGIN



2021  
ARCHIBALD, GRAY & MCKAY LTD.  
ONTARIO LAND SURVEYORS

**LEGAL LEGEND**

- DENOTES MONUMENT FOUND
- DENOTES MONUMENT PLANTED
- SIB DENOTES STANDARD IRON BAR
- SSIB DENOTES SHORT STANDARD IRON BAR
- IB DENOTES IRON BAR
- CC DENOTES CUT CROSS
- CP DENOTES CONCRETE PIN
- RP DENOTES REGISTERED PLAN
- WIT DENOTES WITNESS
- 1355 DENOTES BRIAN VAUGHAN O.L.S.
- 481 DENOTES F.A. BELL, O.L.S.
- P1 DENOTES REGISTERED PLAN No. 235
- P2 DENOTES PLAN 11R-3659
- P3 DENOTES BRIAN VAUGHAN PLAN# 96-179, DATED OCTOBER 21, 1996
- P4 DENOTES BRIAN VAUGHAN PLAN# 86-97, DATED MAY 15, 1986
- N DENOTES NORTH
- S DENOTES SOUTH
- E DENOTES EAST
- W DENOTES WEST
- A/C DENOTES AIR CONDITIONER
- JB DENOTES JUNCTION BOX
- DIA DENOTES DIAMETER

**SURVEYOR'S CERTIFICATE:**

- I CERTIFY THAT:
- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
  - THE SURVEY WAS COMPLETED ON THE 28th DAY OF JUNE, 2021.

DATE \_\_\_\_\_ ROBERT WOOD  
ONTARIO LAND SURVEYOR

**UTM GRID NOTES**

BEARINGS ARE U.T.M. GRID NAD83 (CSRS) EPOCH(2010), DERIVED FROM G.N.S.S. OBSERVATIONS AND THE LEICA SMARTNET BASE STATION NETWORK AND ARE REFERRED TO THE CENTRAL MERIDIAN 81°00' WEST LONGITUDE, ZONE 17.

DISTANCES SHOWN ON THIS PLAN ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999572088

OBSERVED REFERENCE POINTS (ORPs) DERIVED FROM G.N.S.S. OBSERVATIONS USING REAL TIME NETWORK (RTN), U.T.M. ZONE 17, NAD83 (CSRS) EPOCH(2010). COORDINATES TO URBAN ACCURACY PER SEC. 14(2) OF O.REG. 216/10		
POINT ID	NORTHING	EASTING
ORP 1	4734894.708	484854.255
ORP 2	4734754.542	484850.134

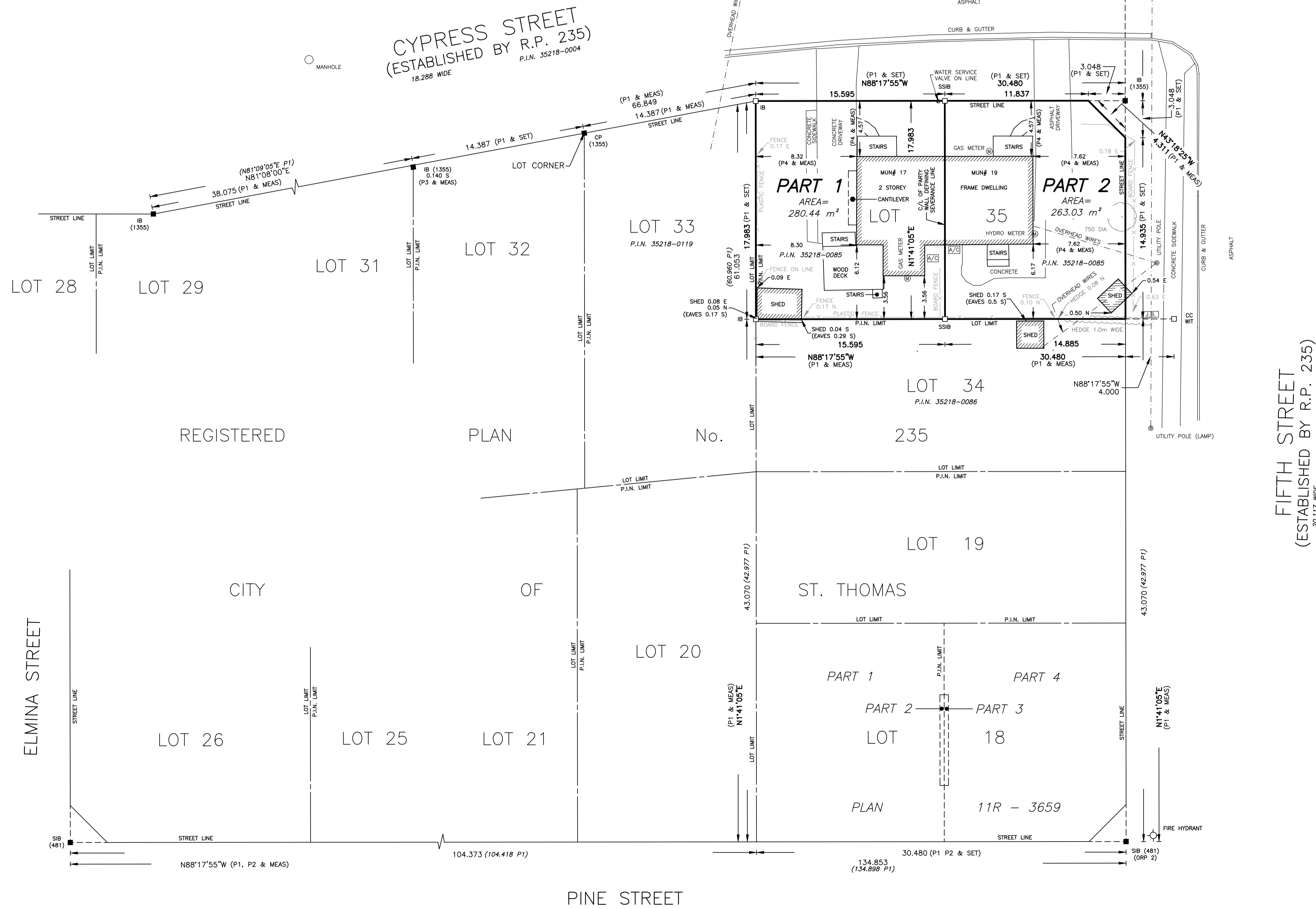
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

FOR BEARING COMPARISONS, A ROTATION OF 00°09'35" CLOCKWISE WAS APPLIED TO BEARINGS ON P1 AND P2 TO CONVERT TO GRID BEARINGS.

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

**AGM ARCHIBALD, GRAY & MCKAY LTD.**  
3514 WHITE OAK ROAD, LONDON, ON. N6E 2Z9  
PHONE: 519-685-5300 FAX: 519-685-5303  
EMAIL: info@agm.on.ca WEB: www.agm.on.ca  
PLAN • SURVEY • ENGINEER

DRAWN BY: BLB	DIGITAL FILE: ST211ORP1C19.dwg	PLAN No:
CHECKED BY: RTW	FILE No: ST-0235-01-1	5-A-5206-Z



FIFTH STREET  
(ESTABLISHED BY R.P. 235)  
20.117 WBE  
P.I.N. 35217-0001



The Corporation of the City of St. Thomas

Report No.: B14-2021

Applicant: M&J Doors Ltd.

Directed to: Members of the Committee of Adjustment

Report Date: September 15, 2021

Meeting Date: September 23, 2021

Location: 17 & 19 Cypress Street, Plan 235, Lot 35, 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, Aerial Photograph

#### Recommendation:

That: Report B14-2021 be received.

#### BACKGROUND

Consent Application B14/21 has been filed for the purpose of creating separate lots for 17 and 19 Cypress Street. The applicant has filed a minor variance application (A15/21) concurrently to recognize any zoning deficiencies that may result through the approval of the consent application.

#### PROPOSAL

The applicant is proposing to sever one lot with frontage of 11.8m on Cypress Street and an area of 263m<sup>2</sup>, containing one semi-detached dwelling unit. The applicant is proposing to retain one lot with frontage of 15.59m on Cypress Street and an area of 280.44m<sup>2</sup>, containing one semi-detached dwelling unit. It is proposed that the severed and retained lots will continue to be used for residential purposes.

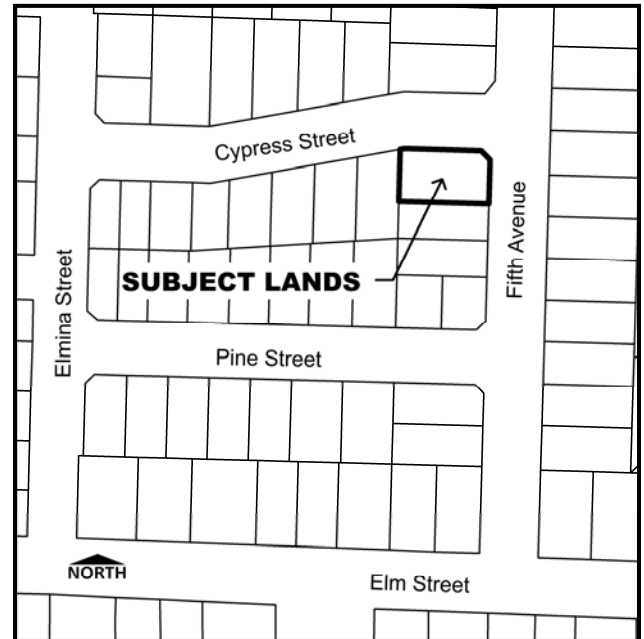
#### OFFICIAL PLAN

- 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 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 (5.1.3.2).

#### ZONING BY-LAW

- The subject lands are in the Third Residential Zone (R3) pursuant to the City of St. Thomas Zoning By-Law No. 50-88. Permitted uses of the Third Residential Zone (R3) include a semi-detached dwelling (7(b)).
- Maximum Main Building Height - 11m (7.4(3)(3)).
- Maximum Accessory Building Height - 4m (7.4(3)(4)).
- Maximum Floor Area of an Enclosed Accessory Building - The lesser of 15% of the lot Area or 40sqm (7.4(3)(3)(6)).
- Maximum Number of Dwelling Units - 2 per lot (7.4(3)(3)(7)).
- Maximum Roof Area - 55% (7.4(3)(3)(8)).

#### LOCATION PLAN:



- Minimum Front Yard Depth - 6m (7.4(3)(3)(9)).
- Minimum Rear Yard Depth - 9m (7.4(3)(3)(10)).
- Minimum Interior Yard Depth - 1m (7.4(3)(3)(11)(a)).
- Minimum Exterior Yard Depth - 4m (7.4(3)(3)(11)(b)).
- Minimum Ground Floor Area - 1 ½ Storey Dwelling - 60sqm (7.4(3)(3)(12)(b)).
- Minimum Number of Parking Spaces - 1 per Dwelling Unit (7.4(3)(3)(14)).
- The Severance of Lots and Buildings regulations (4.2.9.4) provide that where a semi-detached dwelling is lawfully erected in accordance with the provisions of this by-law and any such dwelling and the lot on which it is located are lawfully severed, the zone requirements applicable to such semi-detached dwelling and the lot on which it is located as set forth in paragraphs 7.4.1, 8.4.1 and 9.4.1, as the case may be, shall apply to each lot created and the part of the building erected thereon except that the minimum lot area shall be 45% (Part 1 51.6% / Part 2 48.3%) of the minimum for the lot before the severance, the minimum lot frontage shall be 45% (Part 1 51.1% / Part 2 48.8%) of the minimum for the lot before the severance, the maximum lot coverage shall be 40% (Part 1 22% / Part 2 20.2%) of the maximum for the lot before severance and the minimum for one side yard shall be nil and 1m for the other.

**2020 AERIAL PHOTOGRAPH:**





**COMMENTS**

- The existing shed (Aerial Photograph Shed 1) on Part 1 does not conform with the Zoning By-law and Ontario Building Code spatial separation requirements. Approval of the application should be conditional on the applicant relocating the existing shed or removing the existing shed from subject lands.
- The existing fence, shed (Aerial Photograph Shed 2) and hedgerow on Part 2 encroach on the City of St. Thomas Fifth Avenue right-of-way. Approval of the application should be condition on the applicant removing the existing encroachments from the City right-of-way.
- In staff's opinion the proposed consent complies with the City of St. Thomas Official Plan, Zoning By-law and satisfies the criteria of Section 51(24) of the Planning Act, R.S.O, as amended. Approval of Consent Application B14-2021 is supportable, should the Committee approve the application staff recommends the following conditions:
  - 1.the existing shed on Part 1 be removed or brought into conformity with the Zoning By-law and Ontario Building Code to the satisfaction of the Chief Building Official;
  - 2.the existing fence, shed, and hedgerow encroaching on the City of St. Thomas Fifth Avenue right-of-way be removed to the satisfaction of the Manager of Development and Compliance;
  - 3.the applicant provide confirmation that the severed and retained lots have separate services, to the satisfaction of the Manager of Development and Compliance; and
  - 4.the City of St. Thomas be provided with a copy of the Reference Plan.

Respectfully submitted,



Steve Craig  
Senior Planning Technician

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

---

August 26, 2021

Secretary-Treasurer, Committee of Adjustment  
Attention: Jon Hindley

Pursuant to By-Law 30-2015, a consultation meeting was held on June 9, 2021 with Planning Department Staff and the applicant.

An application for Consent, regarding 17 and 19 Cypress Street, was filed on August 25, 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,



Lou Pompili  
Director, Planning and Building 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)

<b>OFFICE USE:</b>	Date Application Received: <u>August 25, 2021</u>	Consultation Date: <u>June 9, 2021</u>
	Date Application Deemed Complete: <u>August 26, 2021</u>	

Application #: A15/21

APPLICATION IS HEREBY MADE TO:

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

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

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

- Name of Owner(s) M & J Doors Ltd.  
 Address 9 Valley Vista Drive, Vaughan, ON.  
 \_\_\_\_\_  
 Postal Code L6A 0Z1 Tel: 647-667-3858 e-mail: mina@3mlawrence.com
- Name of Authorized Agent (if any) Zelinka Priamo Ltd.  
 Address 318 Wellington Road, London, ON.  
 \_\_\_\_\_  
 Postal Code N6C 4P4 Tel: 519-474-7137 e-mail: matt.c@zpplan.com

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

- Nature and extent of relief from the Zoning By-law applied for:  
See cover letter. Multiple variances are required for lot area and setbacks.  
 \_\_\_\_\_
- Reason why the proposed use cannot comply with the provisions of the Zoning By-law:  
Site already exists  
 \_\_\_\_\_
- Location of Land:  
 Concession No. \_\_\_\_\_ Lot(s) \_\_\_\_\_ Registered Plan No. 235 Lot(s) 35  
 Reference Plan No. \_\_\_\_\_ Part(s) \_\_\_\_\_

Geographic/Former Township \_\_\_\_\_

Name of Street Cypress Street Street No. 17 and 19

6. Dimensions of land affected:

Frontage 30.48m Depth 17.98m

Area 543 sq m Width of Street 20.1m

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:

Semi-detached dwelling. See attached stats chart for additional information.

USE \_\_\_\_\_

Proposed:

No change

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:

See above

Proposed:

No new buildings are proposed.

USE \_\_\_\_\_

10. Date of acquisition of subject land: 2021

11. Date of construction of all buildings and structures on subject land: N/A

12. Existing uses of the subject land:

Semi-detached dwelling

13. Existing uses of abutting lands:

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

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

N/A

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:

Third Residential Zone - 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 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.

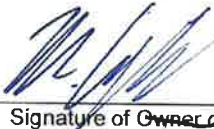
I, Matt Campbell, the Owner or Authorized Agent, hereby agree and acknowledge  
(Print name of Owner or Authorized Agent)  
that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, 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, Matt Campbell of St. Thomas in the province of Ontario  
name of applicant City  
make oath and say (or solemnly declare) that the information required under Schedule 1 of Ontario Regulation 545/06 and provided by the applicant in this application is accurate, and that the information contained in the documents that accompany this application is accurate.  
Sworn (or declared) before me at the City of London on this 25<sup>th</sup> day of August, 2021.  
City Day Month Year



Signature of Owner or Authorized Agent

Aug 25 2021  
Date



Signature of Commissioner of Oaths, etc.

August 25, 2021  
Date

RICHARD HENRY ZELINKA, a Commissioner, etc.,  
County of Middlesex, for Zelinka Priamo Ltd.  
Expires March 28, 2024

4/6

August, 2019

MV

**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, See attached authorization form, 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, Jami Jacklyn, 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.

August 25, 2021  
\_\_\_\_\_  
Date

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

**NOTES:**

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



**AUTHORIZATION AS AGENT**

TO WHOM IT MAY CONCERN:

I/we hereby authorize Zelinka Priamo Ltd. as my/our agent in connection with all required municipal approvals associated with the lands known municipally as 17 and 19 Cypress Street in the City of St. Thomas.

M&J Doors Ltd.

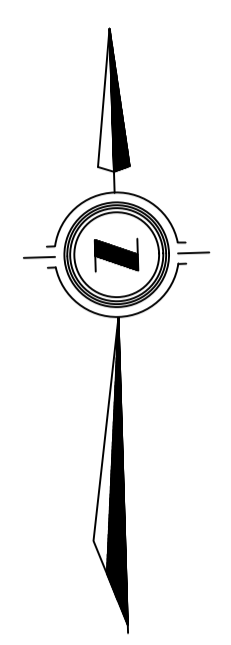
\_\_\_\_\_  
Property Owner

Verified by PDFFiller

  
\_\_\_\_\_  
Authorized Signature

08/13/2021

\_\_\_\_\_  
Date

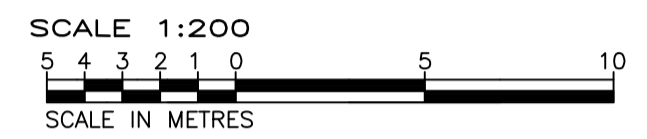


KNOWN AS CHURCHILL CRESCENT  
(CHURCHILL STREET BY R.P. No. 235)

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.		<b>PLAN 11R-</b>	
DATE: _____		RECEIVED AND DEPOSITED	
ROBERT WOOD ONTARIO LAND SURVEYOR		DATE: _____	
		REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF ELGIN. (No 11)	
PART SCHEDULE			
PART	LOT	PLAN	P.I.N.
1	PART OF 35	REGISTERED PLAN No. 235	PART OF 35218-0085
2			PART OF 35218-0085

PARTS 1 AND 2 COMPRISE ALL OF PIN 35218-0085.

**PLAN OF SURVEY**  
OF PART OF  
**LOT 35, REGISTERED PLAN No. 235**  
IN THE  
**CITY OF ST. THOMAS**  
COUNTY OF ELGIN



2021  
ARCHIBALD, GRAY & MCKAY LTD.  
ONTARIO LAND SURVEYORS

**LEGAL LEGEND**

- DENOTES MONUMENT FOUND
- DENOTES MONUMENT PLANTED
- SIB DENOTES STANDARD IRON BAR
- SSIB DENOTES SHORT STANDARD IRON BAR
- IB DENOTES IRON BAR
- CC DENOTES CUT CROSS
- CP DENOTES CONCRETE PIN
- RP DENOTES REGISTERED PLAN
- WIT DENOTES WITNESS
- 1355 DENOTES BRIAN VAUGHAN O.L.S.
- 481 DENOTES F.A. BELL, O.L.S.
- P1 DENOTES REGISTERED PLAN No. 235
- P2 DENOTES PLAN 11R-3659
- P3 DENOTES BRIAN VAUGHAN PLAN# 96-179, DATED OCTOBER 21, 1996
- P4 DENOTES BRIAN VAUGHAN PLAN# 86-97, DATED MAY 15, 1986
- N DENOTES NORTH
- S DENOTES SOUTH
- E DENOTES EAST
- W DENOTES WEST
- A/C DENOTES AIR CONDITIONER
- JB DENOTES JUNCTION BOX
- DIA DENOTES DIAMETER

**SURVEYOR'S CERTIFICATE:**

- I CERTIFY THAT:
- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
  - THE SURVEY WAS COMPLETED ON THE 28th DAY OF JUNE, 2021.

DATE \_\_\_\_\_ ROBERT WOOD  
ONTARIO LAND SURVEYOR

**UTM GRID NOTES**

BEARINGS ARE U.T.M. GRID NAD83 (CSRS) EPOCH(2010), DERIVED FROM G.N.S.S. OBSERVATIONS AND THE LEICA SMARTNET BASE STATION NETWORK AND ARE REFERRED TO THE CENTRAL MERIDIAN 81°00' WEST LONGITUDE, ZONE 17.

DISTANCES SHOWN ON THIS PLAN ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999572088

OBSERVED REFERENCE POINTS (ORPs) DERIVED FROM G.N.S.S. OBSERVATIONS USING REAL TIME NETWORK (RTN), U.T.M. ZONE 17, NAD83 (CSRS) EPOCH(2010). COORDINATES TO URBAN ACCURACY PER SEC. 14(2) OF O.REG. 216/10		
POINT ID	NORTHING	EASTING
ORP 1	4734894.708	484854.255
ORP 2	4734754.542	484850.134

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

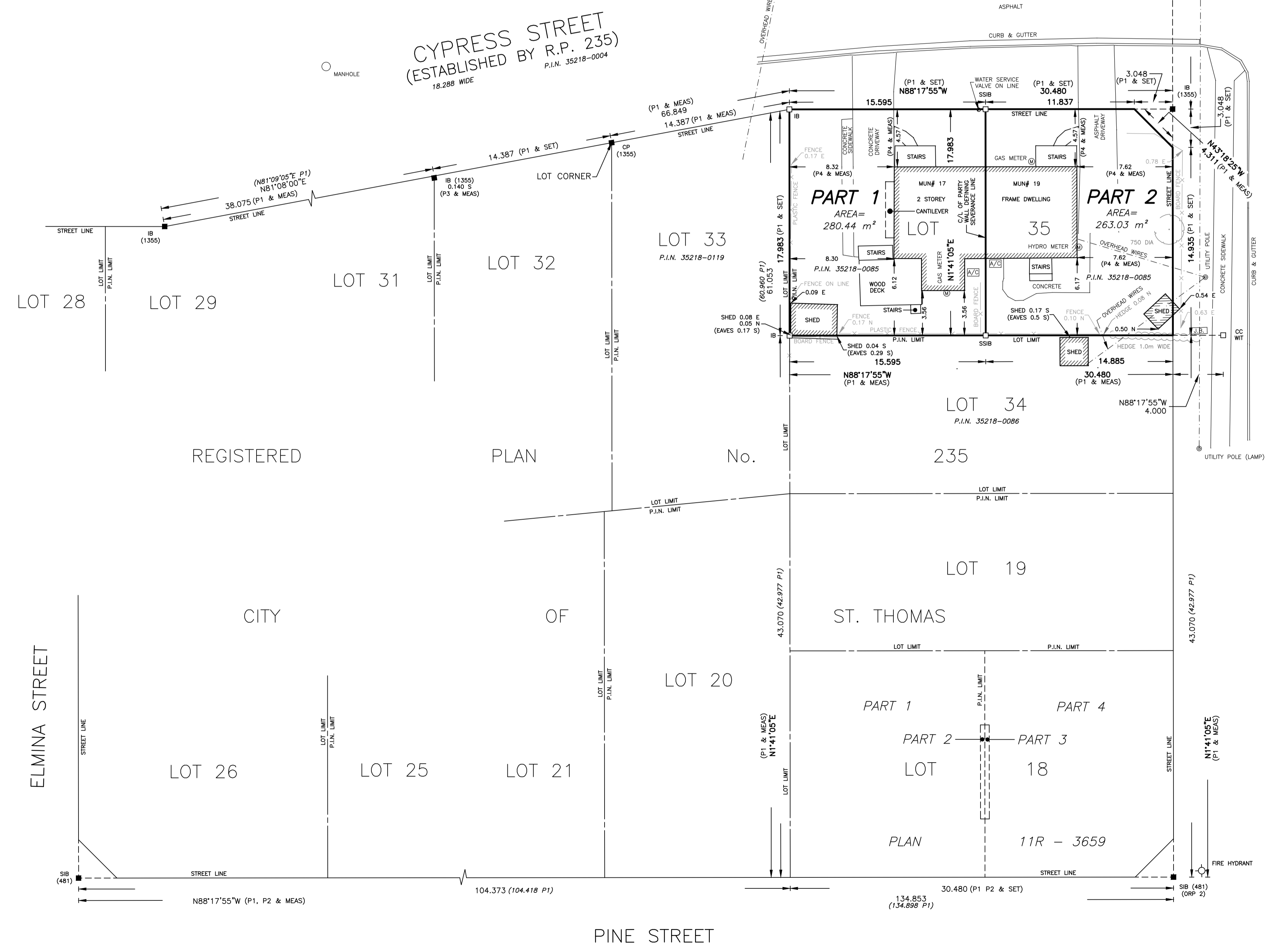
FOR BEARING COMPARISONS, A ROTATION OF 00°09'35" CLOCKWISE WAS APPLIED TO BEARINGS ON P1 AND P2 TO CONVERT TO GRID BEARINGS.

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

**AGM ARCHIBALD, GRAY & MCKAY LTD.**  
3514 WHITE OAK ROAD, LONDON, ON. N6E 2Z9  
PHONE 519-685-5300 FAX 519-685-5303  
EMAIL info@agm.on.ca WEB www.agm.on.ca

PLAN No: 5-A-5206-Z

DRAWN BY: BLB	DIGITAL FILE: ST211ORP1C19.dwg	PLAN No: 5-A-5206-Z
CHECKED BY: RTW	FILE No: ST-0235-01-1	
Plot date: Jul 16, 2021		


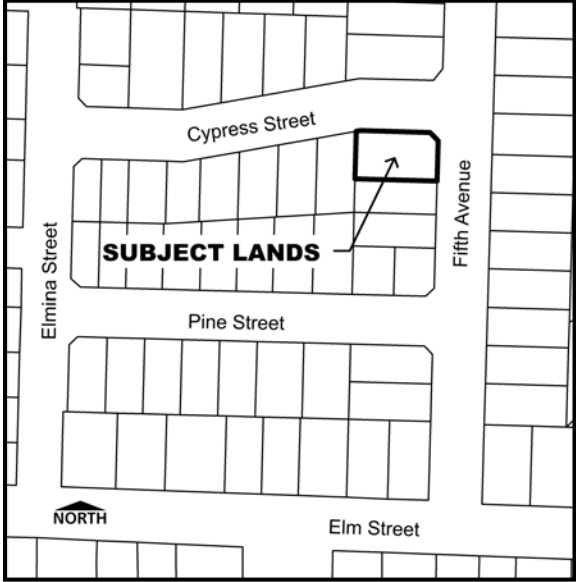


FIFTH STREET  
(ESTABLISHED BY R.P. 235)  
20.117 WIDE

REGISTERED PLAN No. 235

CITY OF ST. THOMAS

PART 1  
PART 2  
PART 3  
PART 4  
LOT 18  
PLAN 11R - 3659

 <p><b>The Corporation of the City of St. Thomas</b></p>	<p><b>Report No.:</b> COA15-2021</p>
<p>Members of the Committee of Adjustment</p>	<p><b>Applicant:</b> M &amp; J Doors Ltd.</p>
<p><b>Location:</b> 17-19 Cypress Street, City of St. Thomas</p>	
<p><b>Subject:</b> Request for a minor variance pursuant to 45(1) of the Planning Act, R.S.O, as amended</p>	
<p><b>Department:</b> Planning and Building Services Department <b>Prepared by:</b> Steve Craig, Senior Planning Technician</p>	<p><b>Attachments:</b> Location Plan</p>
<p><b>Recommendation:</b></p> <p><b>That:</b> Report COA15-2021 be received.</p>	
<p><b>BACKGROUND</b> The applicant has filed a consent application (B14/21) concurrently for the purpose of creating separate lots for 17 and 19 Cypress Street, which is a semi-detached dwelling. The subject minor variance application has been filed to recognize any zoning deficiencies that may result through the approval of the Consent Application B14/21.</p> <p><b>MINOR VARIANCE</b> (i) To recognize the existing semi-detached dwellings, decks, and stairs, as shown on the Plan of Survey completed by Archibald, Gray &amp; McKay Ltd., dated July 16, 2021, and accompanying the subject application.</p> <p><b>OFFICIAL PLAN</b></p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• The "Residential" designation means the predominant use of land shall be for low, medium, and high-density residential use (5.1.3.1).</li> <li>• 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 (5.1.3.2).</li> </ul> <p><b>ZONING BY-LAW</b></p> <ul style="list-style-type: none"> <li>• The subject lands are in the Third Residential Zone (R3) pursuant to the City of St. Thomas Zoning By-Law No. 50-88.</li> <li>• Permitted uses of the Third Residential Zone (R3) include a semi-detached dwelling (7(b)).</li> <li>• Maximum Main Building Height - 11m (7.4(3)(3)).</li> <li>• Maximum Accessory Building Height - 4m (7.4(3)(4)).</li> <li>• Maximum Floor Area of an Enclosed Accessory Building - The lesser of 15% of the lot Area or 40sqm (7.4(3)(3)(6)).</li> </ul>	<p><b>Location Plan:</b></p> 

- Maximum Number of Dwelling Units - 2 per lot (7.4(3)(3)(7)).
- Maximum Roof Area - 55% (7.4(3)(3)(8)).
- Minimum Front Yard Depth - 6m (7.4(3)(3)(9)).
- Minimum Rear Yard Depth - 9m (7.4(3)(3)(10)).
- Minimum Interior Yard Depth - 1m (7.4(3)(3)(11)(a)).
- Minimum Exterior Yard Depth - 4m (7.4(3)(3)(11)(b)).
- Minimum Ground Floor Area - 1 ½ Storey Dwelling - 60sqm (7.4(3)(3)(12)(b)).
- Minimum Number of Parking Spaces - 1 per Dwelling Unit (7.4(3)(3)(14)).
- The Severance of Lots and Buildings regulations (4.2.9.4) provide that where a semi-detached dwelling is lawfully erected in accordance with the provisions of this by-law and any such dwelling and the lot on which it is located are lawfully severed, the zone requirements applicable to such semi-detached dwelling and the lot on which it is located as set forth in paragraphs 7.4.1, 8.4.1 and 9.4.1, as the case may be, shall apply to each lot created and the part of the building erected thereon except that the minimum lot area shall be 45% (Part 1 51.6% / Part 2 48.3%) of the minimum for the lot before the severance, the minimum lot frontage shall be 45% (Part 1 51.1% / Part 2 48.8%) of the minimum for the lot before the severance, the maximum lot coverage shall be 40% (Part 1 22% / Part 2 20.2%) of the maximum for the lot before severance and the minimum for one side yard shall be nil and 1m for the other.

#### **LEGISLATIVE FRAMEWORK FOR A MINOR VARIANCE**

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

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

#### **COMMENTS**

- The existing lot and semi-detached dwellings do not conform with all the current zoning regulations of the City of St. Thomas Zoning By-Law 50-88; however, the lot and dwellings predate the Zoning By-law and are considered legal non-complying.
- According to assessment records the existing semi-detached dwelling was constructed on the subject lands in 1946, which predates the City of St. Thomas Zoning By-Law 50-88, approved by City Council on April 18, 1988.
- The proposed variance is technical in nature and is requested to recognize any zoning deficiencies that may result through the approval of Consent Application B14/21.
- 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 COA15-2021 be approved.
- Should the Committee of Adjustment approve Minor Variance application COA15-2021, the decision should reflect that the Committee is recognizing the existing semi-detached dwellings, decks, and stairs, as shown on the Plan of Survey completed by Archibald, Gray & McKay Ltd., dated July 16, 2021, and accompanying the subject application.

Respectfully submitted,



Steve Craig  
Senior Planning Technician

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

---

August 30, 2021

Secretary-Treasurer, Committee of Adjustment  
Attention: Jon Hindley

Pursuant to By-Law 30-2015, a consultation meeting was held on August 10, 2021 with Planning Department Staff and the applicant.

An application for Consent, regarding 1025 Talbot Street, was filed on August 25, 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,



Lou Pompili  
Director, Planning and Building Services



Clear form

THE CORPORATION OF THE CITY OF ST THOMAS

COMMITTEE OF ADJUSTMENT

APPLICATION FOR CONSENT

OFFICE USE:	Date Application Received: <u>AUG 25 2021</u>	Consultation Date: <u>August 10/21</u>
	Date Application Deemed Complete: <u>AUG 30 2021</u>	

Application #: B15121

APPLICATION IS HEREBY MADE TO:

City of St. Thomas  
 545 Talbot Street  
 St. Thomas ON N5P 3V7  
 Tel: (519) 631-1880 ext 4125 Fax: (519) 633-9019  
 Email: [lhindley@stthomas.ca](mailto:lhindley@stthomas.ca)

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

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

1. (a) Registered Owner(s): Talbot Development ULC

Mailing Address: 380 Wellington St. Suite 30

Postal Code: N6A 5B5 Telephone: 519.872.3994 Fax: \_\_\_\_\_

email: Bandy.Fisher@CBRE.com

(b) Owner's Solicitor or Authorized Agent (if any): Lee Greenwood

Mailing Address: 484 Waterloo St.

Postal Code: N6B 2P6 Telephone: 519.281.7808 Fax: \_\_\_\_\_

email: lee@canadiancommercial.ca

Canadian Commercial (Talbot) Inc.

(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))

- Creation of New Lot
- Disposal of Surplus Farm Dwelling
- Addition to Lot
- Correction of Title
- Mortgage or Charge
- Partial Discharge of Mortgage
- Lease
- Right-of-way

Easement FOR VEHICULAR ACCESS

(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:

Canadian Commercial (Talbot) Inc.

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

Yes  No

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

SERVICING EASEMENT

4. Location of land:

Municipality (City/Town/Township) St. Thomas, ON

Concession No. 9 Lot(s) 6 Registered Plan No. 11R-10687 Lot(s) 6

Reference Plan No. 11R-10687 Part(s) 23A

Name of Street Talbot St. Street No. 1025

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

(a) Frontage <sup>55.06</sup> ~~23~~ m Depth 1RR Area 1109ha <sup>1.072</sup>

(b) Existing Use vacant land Proposed Use Multi residential

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

Existing: vacant land

Proposed: multi residential

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

(a) Frontage <sup>23</sup> ~~23~~ m Depth 1RR Area \_\_\_\_\_

(b) Existing Use vacant land Proposed Use mixed use development

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

Existing: storage shed to be demolished

Proposed: mixed use

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

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

(b) Type of access to retained land:

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

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

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

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

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

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

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

(b) Regional Policy Plan Mixed Use

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

Yes  No

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

File Number: \_\_\_\_\_

Status: \_\_\_\_\_

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

Yes  No

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

Grantee's (Purchaser's) name Rock Developments (St. Thomas) Inc.

Land Use on severed parcel Commercial

Date parcel transferred May 27 2019

Consent file number (if known) B \_\_\_\_\_

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

Yes  No

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

File Number: \_\_\_\_\_

Status: \_\_\_\_\_

14. (a) Is the proposed consent application consistent with the Policy Statements issued under subsection 3(1) of the Planning Act?

Yes  No

(b) Are the subject lands within an area of land designated under a Provincial Plan or

Plans? Yes  No



(c) If the answer to (b) is "yes" does the proposed consent application conform to or does it not conflict with the Provincial Plan or Plans?

Yes  No

15. As provided for in Ontario Regulation 197/96, and as required by this Committee of Adjustment, an application must be accompanied by a preliminary drawing prepared, signed and dated by an Ontario Land Surveyor, showing the information set out below. In the case of multiple applications, one drawing plus one extra copy for each additional application will suffice.
- (a) the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
  - (b) the distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;
  - (c) the boundaries and dimensions of the subject land, the part that is to be severed and the part that is to be retained;
  - (d) the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
  - (e) the approximate location of all natural and artificial features on the subject land and on the land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application, such as buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks;
  - (f) the existing uses on adjacent land, such as residential, agricultural and commercial uses;
  - (g) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way;
  - (h) if access to the subject land is by water only, the location of the parking and boat docking facilities to be used;
  - (i) the location and nature of any easement affecting the subject land.
16. One copy of this application form is to be filed for each subject parcel, together with the preliminary drawing and the applicable application fee in cash, money order or by cheque made payable to the City of St. Thomas

**APPLICANT DECLARATION**

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

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

**MUNICIPAL FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT**

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

I LEE GREENWOOD the Owner or Authorized Agent, hereby agree  
(Print name of Owner or Authorized Agent)

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

**Collection of Personal Information:**

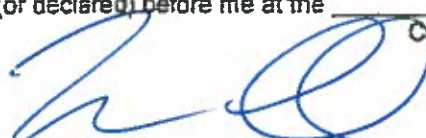
Personal information on this form is collected under the authority of Section 41 of the *Planning Act*, R.S.O. 1990 and Sections 8 (1) and 10 of the *Municipal Act*, 2001, as amended, and will be used to contact the owner, applicant and/or agent regarding the Committee of Adjustment Application. Questions about this collection should be directed to the City Clerk, 545 Talbot Street, St. Thomas, Ontario, N5P 2T9, (519) 631-1680.

**AFFIDAVIT OR SWORN DECLARATION**

I LEE GREENWOOD of LONDON in the province of ONTARIO  
name of applicant City

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

Sworn (or declared) before me at the \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
City Day Month Year

  
Signature of Owner or Authorized Agent

Aug. 25/21  
Date

  
Signature of Commissioner of Oaths, etc

Aug 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

*SEE ATTACHED*

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

\_\_\_\_\_  
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.

## P O L I C I E S

The requirements to complete one application are:

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

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

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

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

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

Decisions of the Committee are made in public.

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

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

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

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

**AUTHORIZATION OF OWNER**

Talbot Development ULC (the "Owner"), the Owner of the approximately 13.5 acres municipally known as 1025 - 1055 Talbot Street, St. Thomas, Ontario (the "Property") does hereby authorize Canadian Commercial (Talbot) Inc., and any of its officers, including Lee Greenwood as President (the "Applicant"), to act on behalf of the Owner in dealings with the Corporation of the City of St. Thomas (the "City"), but not any other person, with respect to any submissions, applications, consultations and pre-consultations relating to development of the Property, including, without limiting the foregoing, submissions and applications for amendments to the Official Plan, re-zoning of the Property, site plan approvals, and severance consents under the *Planning Act*. Notwithstanding anything else herein, however, the Applicant is not authorized to execute, on behalf of the Owner, any agreements with the City or to otherwise legally bind the Owner in any way, or to incur any liabilities or obligations for which the Owner may be liable. This authorization is being provided on the basis that the Applicant, and not the Owner, shall be responsible for any and all costs and expenses associated with any dealings with the City pursuant to this authorization, including, without limitation, any submissions, applications, consultations or pre-consultations relating to development of the Property.

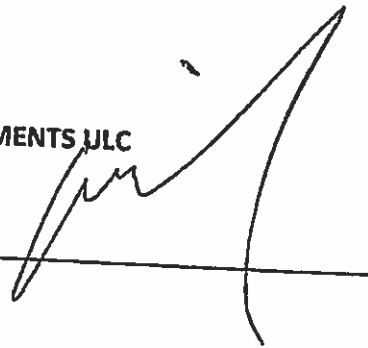
DATED this 13<sup>th</sup> day of July, 2021.

**TALBOT DEVELOPMENTS ULC**

Per:

Name:

Title:



I have authority to bind the corporation.

**ACKNOWLEDGMENT**

The undersigned hereby acknowledges and agrees to the terms of the foregoing authorization.

DATED this \_\_\_12th\_\_\_ day of July, 2021.

**CANADIAN COMMERCIAL (TALBOT) INC.**

Per:   
Name: Lee Greenwood  
Title: President

I have authority to bind the corporation.

August 27, 2021  
email

submitted via

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

Dear Mr. Hindley,

**Re:           Application for Consent  
              Canadian Commercial (Talbot) Inc.  
              1025 Talbot Street (Phase 2)  
              St. Thomas, ON**

---

Canadian Commercial (Talbot) Inc. is pleased to submit an Application for Consent for the lands at 1025 Talbot Street in St. Thomas (the "subject lands"). The purpose of the application is to sever approximately 1.072 ha from the subject lands and retain approximately 2.781ha per the attached severance sketch.

The legal description of the subject lands is as follows:

*PART 1 PLAN 11R - 1068*

#### **THE SUBJECT LANDS**

The subject lands are comprised of a single, 3.853ha parcel located along Talbot Street and north of First Avenue with a frontage along Talbot Street of approximately 178m and a depth along a private road (of approximately 216m).

The subject lands were formerly a component of the original parcel that comprised the Timken lands, and were formerly occupied by a portion of the Timken manufacturing plant, which has since been removed. Lands abutting to the north of the subject lands (Part 1, Plan 11R-10471) were recently severed from the original parcel and developed for commercial uses. Lands abutting to the south of the subject lands (Parts 1, 2, 3, 4 & 5 Plan 11R-10756) were recently severed from the original parcel and developed for commercial uses.

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



## PROPOSED DEVELOPMENT

The lands to be severed are proposed to be residential uses, consisting of two high rises. A Development Agreement is expected to be executed shortly, permitting their development. No specific development is proposed for the retained lands at this time.

## PROPOSED CONSENT TO SEVER AND EASEMENT APPLICATIONS

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

- Sever approximately 1.072ha with a frontage of approximately 55.06 m on First Avenue and a depth of approximately 216 m. These lands are shown as Parts 3 & 4 on the attached severance sketch; and,
- Retain approximately 2.781ha with a frontage of approximately 123 m on First Avenue and a depth of approximately 216m.

## PART DESCRIPTIONS

The attached consent sketch is based on a draft Reference Plan. The plan shows the lands to be severed as Parts 3-4, Plan 11R-10687. The lands to be retained are not identified as a part specifically for this plan; they are labelled as *Part 1 & 2, Plan 11R-10687*.

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

Part 3: This part is already subject to a servicing easement in favour of the recently developed lands to the north.

Part 4: Main development area proposed to be developed for residential uses.

Part 5: Access easement over the severed property in favour of the retained property

Part 6: Main development area proposed to be developed for residential uses.

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

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

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

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

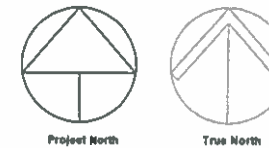
Yours very truly,

**Canadian Commercial (Talbot) Inc.**



Lee Greenwood  
President

cc. Jeffrey House, Fast Forward Ventures Inc.  
Diana House, FFV Capital Inc.



**GENERAL NOTES**

- DO NOT SCALE DRAWINGS. WRITTEN DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS.
- ALL WORK SHALL COMPLY WITH THE 2012 ONTARIO BUILDING CODE AND AMENDMENTS.
- CONTRACTORS MUST CHECK AND VERIFY ALL DIMENSIONS AND SPECIFICATIONS AND REPORT ANY DISCREPANCIES TO THE ARCHITECT BEFORE PROCEEDING WITH THE WORK.
- ALL CONTRACTORS AND SUB-CONTRACTORS SHALL HAVE A SET OF APPROVED CONSTRUCTION DOCUMENTS ON SITE AT ALL TIMES.
- ALL DOCUMENTS REMAIN THE PROPERTY OF THE ARCHITECT. UNAUTHORIZED USE, MODIFICATION AND/OR REPRODUCTION OF THESE DOCUMENTS IS PROHIBITED WITHOUT WRITTEN PERMISSION. THE CONTRACT DOCUMENTS WERE PREPARED BY THE CONSULTANT FOR THE ACCOUNT OF THE OWNER.
- THE MATERIAL CONTAINED HEREIN REFLECTS THE CONSULTANT'S BEST JUDGEMENT IN LIGHT OF THE INFORMATION AVAILABLE TO HIM AT THE TIME OF PREPARATION. ANY USE WHICH A THIRD PARTY MAKES OF THE CONTRACT DOCUMENTS, OR ANY RELIANCE ON OR DECISIONS TO BE MADE BASED ON THEM ARE THE RESPONSIBILITY OF SUCH THIRD PARTIES.
- THE CONSULTANT ACCEPTS NO RESPONSIBILITY FOR DAMAGES OF ANY KIND SUFFERED BY ANY THIRD PARTY AS A RESULT OF DECISIONS MADE OR ACTIONS BASED ON THE CONTRACT DOCUMENTS.

**FLOOR PLAN LEGEND**

- MAIN ENTRANCE/EXIT
- SECONDARY ENTRANCE/EXIT
- OVERHEAD DOOR
- MAN DOOR
- EMERGENCY EXIT
- PHASING LINE
- PROPERTY LINE
- SETBACK LINE

No.	Date	Revision
1	2021-07-07	ISSUED FOR REVIEW

	Project No.	21034
	Project Date	2021-01-25
	Drawn by	HSB
	Checked by	Checker
	Plot Date/Time	2021-07-09 1 04:38 PM

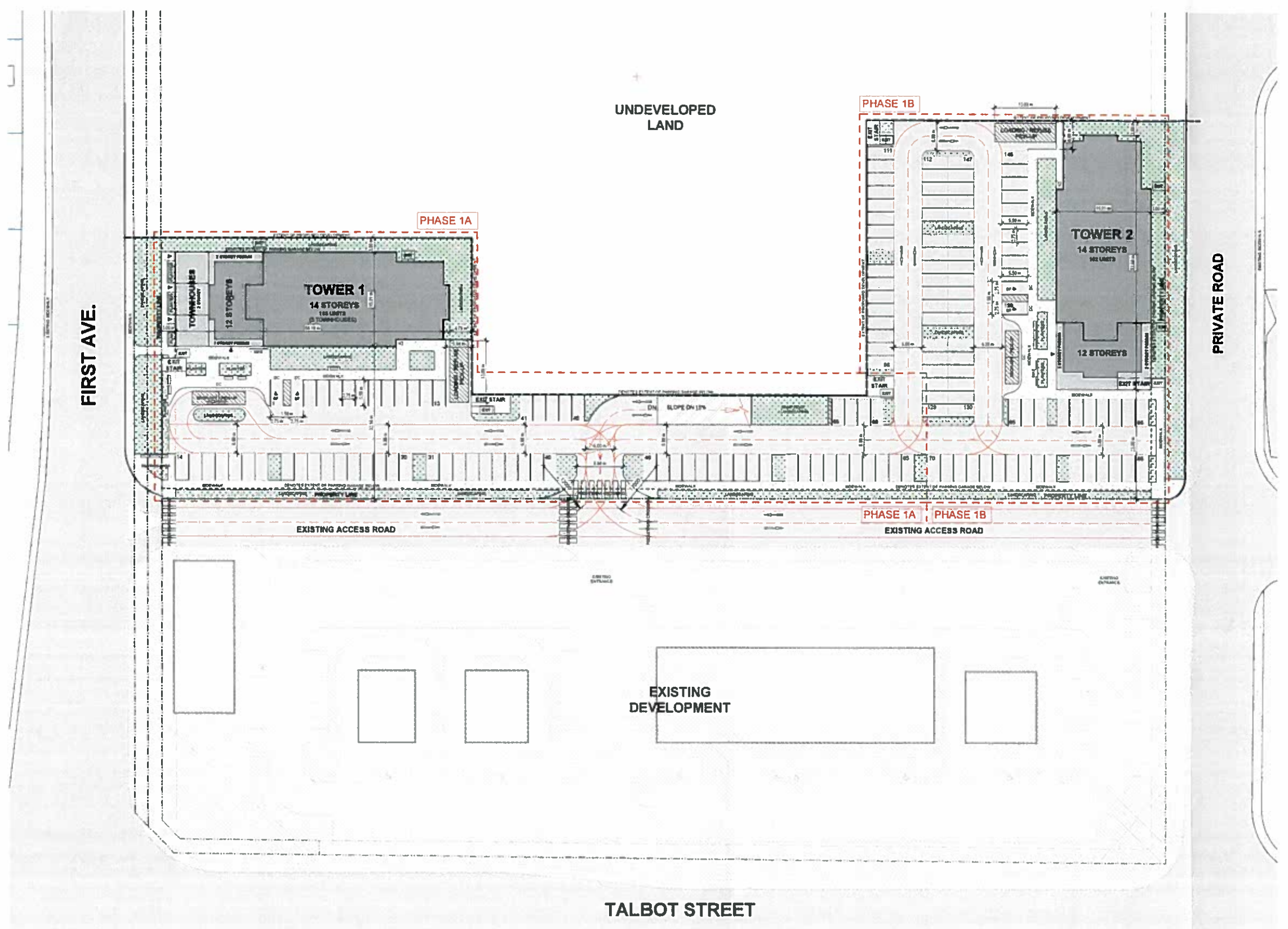
1025 Talbot Street, St. Thomas

**OVERALL SITE PLAN**

Drawing Scale: As indicated  
Notes:

**PRELIMINARY**

D1.1 - r1



1 OVERALL SITE PLAN

- Part 21, Plan D-1054  
LOT 124
- Part 20, Plan D-1054  
LOT 123
- Part 19, Plan D-1054  
LOT 122
- Part 18, Plan D-1054  
LOT 121
- Part 17, Plan D-1054  
LOT 120
- Part 16, Plan D-1054  
LOT 119

REGISTERED PLAN 79

FIRST AVENUE

Part 3, Plan 11R-10471  
P.L.N. J5188-0042

Part 3, Plan 11R-10687  
P.L.N. J5188-0002 (Part 34, Plan D-1054)

Part 1, Plan 11R-10531

Part 2, Plan 11R-10531

Part 2, Plan 11R-10471

PART 2  
Part 3, Plan 11R-10687

PART 3

Part 4, Plan 11R-10687

Part 4, Plan 11R-10756

Part 5, Plan 11R-10756

SUBJECT TO EASEMENT AS IN CT178410

Part 1, Plan 11R-10471

P.L.N. J5188-0043

LOT 6

Part 1  
Plan 11R-10687

PART 1

PART 4

PART 5

PART 6

SUBJECT TO EASEMENT AS IN CT178410

Part 2, Plan 11R-10687

Part 2, Plan 11R-10756

CONCESSION

Part 1  
Plan 11R-10756

TALBOT STREET (ORIGINAL ROAD ALLOWANCE BETWEEN CONCESSION 8 AND 9)

PARTS SCHEDULE			
PART	LOT	CON/PLAN	AREA
1			2.244 ha
2			0.037 ha
3	PART OF LOT 6	CONCESSION 9	0.017 ha
4			0.412 ha
5			0.022 ha
6			0.821 ha

PARTS 1 to 6, (INCLUDE) - SUBJECT TO EASEMENT AS IN CT178410



PLAN OF SURVEY  
OF  
PART OF LOT 6, CONCESSION 9  
GEOGRAPHIC TOWNSHIP OF YARMOUTH  
NOW IN THE  
CITY OF ST. THOMAS  
COUNTY OF ELGIN, ONTARIO  
VERHAEGEN LAND SURVEYORS, A DIVISION OF J.D. BARNES LTD.  
SCALE = 1:500

THE INTENDED PLOT SIZE OF THIS PLAN IS 915mm IN WIDTH BY 782mm IN HEIGHT WHEN PLOTTED AT A SCALE OF 1:500

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

INTEGRATION DATA			
OBSERVED REFERENCE POINTS (ORP)	UTM ZONE	UTM NORTHING	UTM EASTING
423527.98	18Q	4734273.44	650995.86
423527.98	18Q	4734273.44	650995.86
423527.98	18Q	4734273.44	650995.86

LEGEND AND NOTES

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

2. THIS SURVEY WAS COMPLETED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2021.

DATE: AUGUST 26, 2021

BRAND COAD  
DEPUTY LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO ADSL PLAN SUBMISSION FORM NUMBER XXXXXXX

**VERHAEGEN** LAND SURVEYORS  
A DIVISION OF J.D. BARNES LTD.

1111 WOODBINE ST. # 100  
THOMAS, ONTARIO N5Y 2Y5  
TEL: (519) 325-2277 FAX: (519) 325-2275

Drawn By: CMB | Checked By: BC | Reference No: 21-48-002-01  
CAD Date: August 26th, 2021 | Plot No: 11R-10756-001  
CAD File: 21-48-100-00.dwg | Date: 21-48-100-00.dwg



The Corporation of the City of St. Thomas

Report No.: B15-2021

Applicant: Talbot Development ULC

Directed to: Members of the Committee of Adjustment

Report Date: September 15, 2021

Meeting Date: September 23, 2021

Location: 1025 Talbot Street, City of St. Thomas

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

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

Attachments: Location Plan, 2020 Aerial Photograph

**Recommendation:**

That: Report B15-2021 be received.

**BACKGROUND**

Consent application B15/21 has been filed for the purpose of creating one lot for residential purposes and an easement for mutual vehicular access, as shown on the plan of survey accompanying the application.

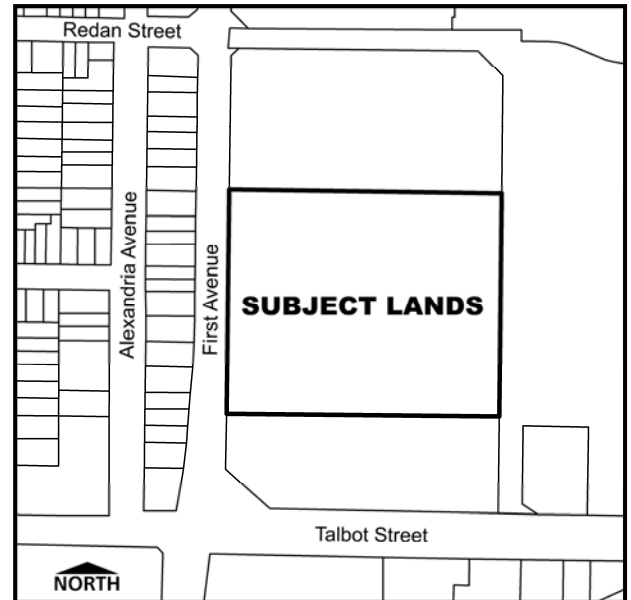
**PROPOSAL**

The applicant is proposing to sever one vacant lot with frontage of 55.06m on First Avenue and an area of 1.07 hectares, proposed to be used for residential purposes. The applicant is proposing to retain one lot with frontage of 123m on First Avenue and an area of 2.78 hectares, containing one storage building, proposed to be demolished. It is proposed that retained lands will be used for mixed use development. The applicant is also proposing to create an easement on the severed portion of the subject lands for mutual vehicular access.

**OFFICIAL PLAN**

- The subject lands are in the Mixed Use Development designation, as shown on Schedule "A" (Land Use Plan) to the Official Plan for the City of St. Thomas.
- The Mixed Use Development designation on Schedule "A" means the predominant use of land is for (5.15.3.1):
  - i) a wide range of commercial, office, institutional, medical/dental, personal care and other service commercial uses i.e. banks, restaurants, other services, etc.;
  - ii) hotel/motel uses;
  - iii) medium and high-density residential uses in single use form and/or mixed-use forms that are compatible with, and complementary to, surrounding uses;
  - iv) ground floor uses in mixed use residential buildings, such as retail, restaurants, entertainment, and personal service establishments, are encouraged subject to the needs identified in the City's Retail Market Study.
- Access will be controlled and designed to minimize the danger to vehicular and pedestrian traffic. Points of ingress and egress to Talbot Street will not be permitted and points of ingress and egress to First Avenue will be limited in number. Development shall implement where possible consolidated vehicular access/circulation points and safe pedestrian connections and access to the internal road system located on the Power Centre designation (5.15.3.9).
- Adequate vehicular parking and loading spaces shall be provided. There shall be only a limited amount of vehicular parking between the street and the first tier of buildings (5.15.3.10).

Location Plan:



- For development on "brownfield" lands, an environmental audit of the lands shall be prepared in accordance with the prevailing protocols and guidelines of the Ministry of the Environment and Climate Change and all applications for a building permit are to be supported with a record of Site Condition (RSC) in accordance with the findings and recommendations of the Environmental audit (5.15.3.11).
- All Planning Act applications submitted for a change of use, additions, or consent to sever are subject to early consultation and the complete application requirements of Subsection 10.11 in the Official Plan. Supporting technical studies, such as servicing reports and traffic impact studies, may be required through the Zoning, Consent to Sever, or Site Plan Approval processes. Where feasible, studies should take a comprehensive approach that addresses the entire Mixed-Use Development designation (5.15.3.12).
- Schedule B (Roads Plan) to the Official Plan of the City of St. Thomas classifies First Avenue as a Major Arterial.
- Schedule C (Roads Widening Plan) to the Official Plan of the City of St. Thomas identifies First Avenue with a proposed minimum road allowance width of 26m. The right-of-way widths indicate the minimum planned widths of the road right of ways that may be secured as part of the development approval process (9.1.1.9.1). Road widenings shall be reserved or obtained, at no cost to the City, through subdivision approval, condominium approval, land severance consent, site plan approval or by gift, bequeathment, purchase or through expropriation where necessary and feasible (9.1.1.9.2).

## ZONING BY-LAW

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

## 2020 Aerial Photograph:

**COMMENTS**

- The payment of cash-in-lieu of parkland and a road widening on First Avenue are not required, as cash-in-lieu of parkland and the road widening on First Avenue were acquired through the approval of Consent Application B07/2018.
- In accordance with the Official Plan to ensure that environmental concerns are addressed, the "h1" symbol will not be deleted until a written report prepared by a qualified person is filed with and accepted (in writing) by the City, confirming that the soils meet Provincial criteria for the proposed use; or a Record of Site Condition (RSC) has been issued under Ontario Regulation 153/04, confirming the soils meet Provincial criteria for the proposed use.
- In staff's opinion Consent Application B15-2021 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 is supportable. Should the Committee approve Consent Application B15-2021 staff recommends the following conditions:
  1. that applicant amend the existing development agreement with the City of St. Thomas, and/or enter into a consent agreement with the City of St. Thomas; and
  2. that the City of St. Thomas be provided with a copy of the Reference Plan.

Respectfully submitted,

Steve Craig  
Senior Planning Technician