

A G E N D A

**THE TENTH MEETING OF THE COMMITTEE OF ADJUSTMENT
OF THE CITY OF ST. THOMAS 2022**

VIA ZOOM

10:00 A.M.

**THURSDAY
JULY 28, 2022**

DISCLOSURE OF INTEREST

MINUTES

Confirmation of the minutes of the meeting held on June 9, 2022.

HEARING OF APPLICATIONS

B06/22 - Mary Margaret Gloin - Concession 7, Part Lot 2, Registered Plan 11R-354, Part Lot 4
Pages 2-11

Planning Report - B06/22 **Pages 12-14**

NEW BUSINESS

Next Meeting

The next meeting is scheduled to take place on August 11, 2022 at 10:00 a.m.

ADJOURNMENT



JUN 27 2022

City Clerks Dept.

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

June 27, 2022

Secretary-Treasurer, Committee of Adjustment
Attention: Jon Hindley

Pursuant to By-Law 30-2015, a consultation meeting was held on June 15, 2022 with Planning Department Staff and the applicant.

An application for Consent, regarding Concession 7, Part Lot 2, Registered Plan 11R-354, Part Lot 4, was filed on June 27, 2022.

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

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

Yours truly,

Jim McCoomb, MCIP, RPP
Manager of Planning Services

COMMITTEE OF ADJUSTMENT

APPLICATION FOR CONSENT

OFFICE USE:	Date Application Received: <u>JUN 27 2022</u>	Consultation Date: <u>June 15/22</u>
	Date Application Deemed Complete: <u>JUN 27 2022</u>	

Application #: B06/22

APPLICATION IS HEREBY MADE TO:

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

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

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

1. (a) Registered Owner(s): (Margie) Mary Margaret GLOIN
Mailing Address: 42260 Southdale Line ST THOMAS
Postal Code: N5R1B8 Telephone: 519-631-3954 Fax: _____
email: bermargie@hotmail.com
- (b) Owner's Solicitor or Authorized Agent (if any): Ken Bell
Mailing Address: 42294 Southdale Line ST THOMAS
Postal Code: N5R1B8 Telephone: 519-857-5521 Fax: _____
email: kbellkbell@hotmail.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 checked="" type="checkbox"/> Addition to Lot | <input type="checkbox"/> Correction of Title |
| <input type="checkbox"/> Mortgage or Charge | <input type="checkbox"/> Partial Discharge of Mortgage |
| <input type="checkbox"/> Lease | <input type="checkbox"/> Right-of-way |

Easement _____

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

42294 Southdale Line ST THOMAS N5R1B8

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

Ken and Kathy Bell

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. 7 ^{Part} Lot(s) 2 Registered Plan No. 11R354 Lot(s) PT PART 4

Reference Plan No. _____ Part(s) _____

Name of Street Southdale Line Street No. _____

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

(a) Frontage 22m Depth 162.76 m Area 3586.72 m²

(b) Existing Use Vacant Proposed Use Residential

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

Existing: None

Proposed: None

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

(a) Frontage 51.12 m Depth 162.76 m Area 8320.29 m²

(b) Existing Use Vacant Proposed Use None/Vacant

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

Existing: None old wooden shed @ 3m x 2.5m

Proposed: None

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 type="checkbox"/>
Other (specify)	Well, currently in use	

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 type="checkbox"/>
Other (specify)	Septic, currently in use	

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

- (a) Local Municipal Official Plan Residential Natural Heritage and
- (b) Regional Policy Plan Not applicable Natural Hazard

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

Yes No

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

File Number: _____
Status: _____

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

Yes No

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

Grantee's (Purchaser's) name _____
Land Use on severed parcel _____
Date parcel transferred _____
Consent file number (if known) B _____

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

Yes No

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

File Number: _____
Status: _____

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

Yes No

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

Plans? Yes No

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

Yes No

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

APPLICANT DECLARATION

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

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

MUNICIPAL FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

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

I, Ken Bell, the Owner of 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, Ken Bell 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 27 day of June, 2022
City Day Month Year

[Signature]
Signature of Owner or Authorized Agent

JUNE 27, 2022
Date

[Signature]
Signature of Commissioner of Oaths, etc.

JUNE 27, 2022
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, Margie Glain, am the owner of the subject lands, and I authorize Ken Bell, 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.

June 21/22
Date

Margie Glain
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, Margie Glain, 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.

June 21/22
Date

Margie Glain
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 two years of the giving of the notice of decision. Failure to do so will cause the consent to lapse.

Preliminary Discussion and Pre-consultation

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. The City and any affected agency may 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.

POLICIES

The requirements to complete one application are:

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

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

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

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

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

Decisions of the Committee are made in public.

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

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

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

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

ST. THOMAS



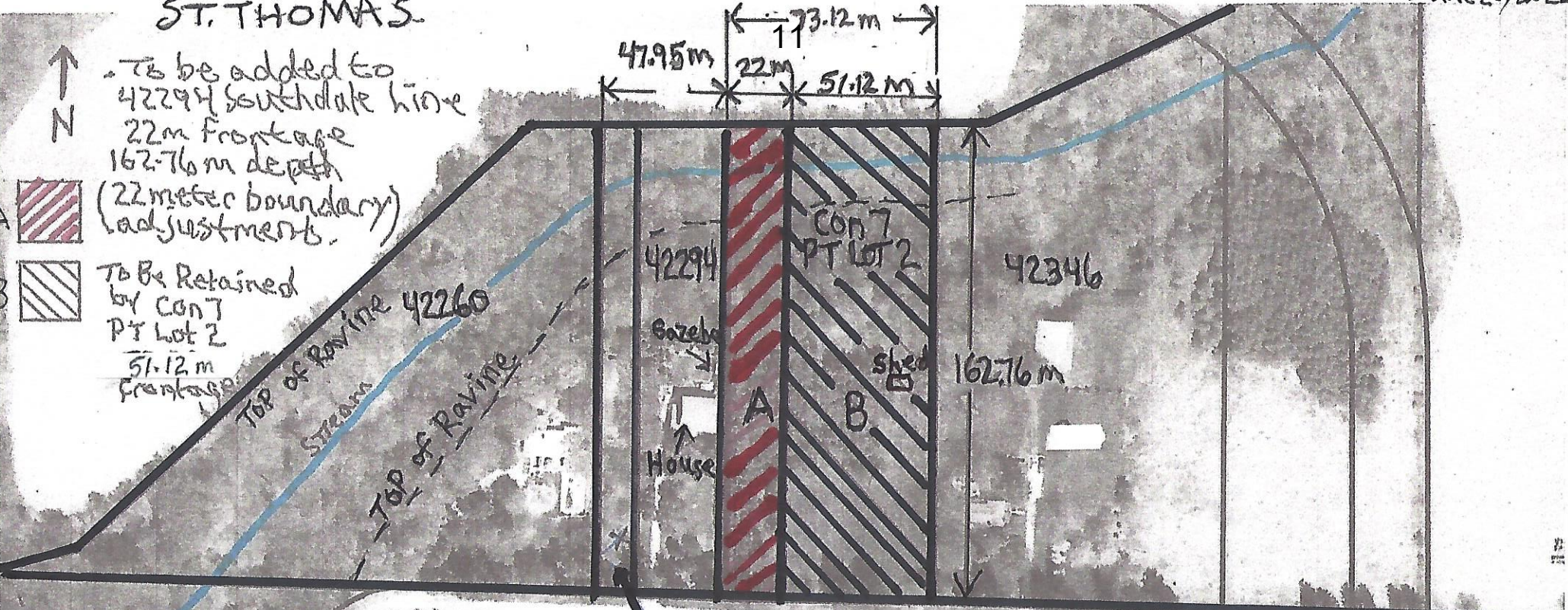
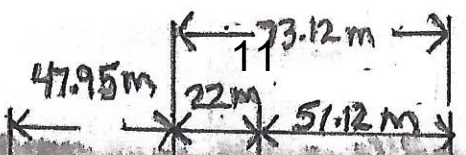
To be added to
42294 Southdale line
22m frontage
162.76m depth



(22 meter boundary
land adjustment)



To Be Retained
by Con 7
PT Lot 2
51.12 m
Frontage



42294
Bazelo
House

CON 7
PT LOT 2

42346

162.76 m

SOUTHDALE LINE

17.47m


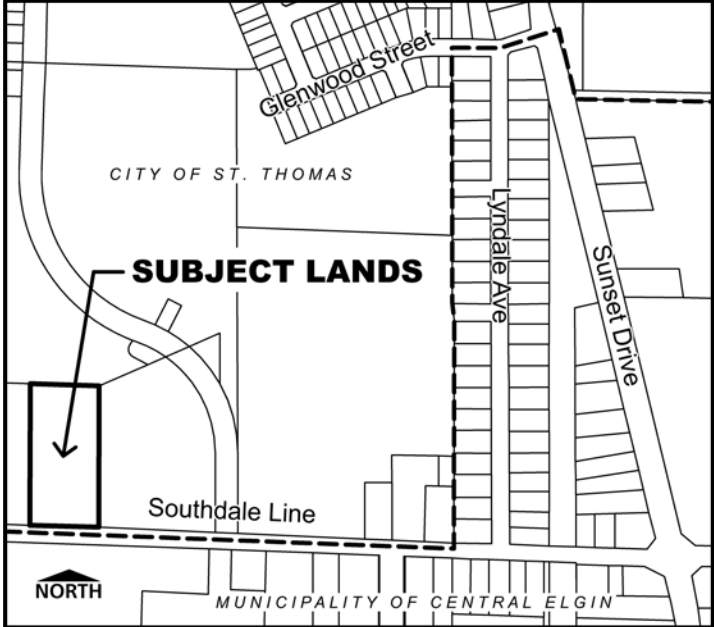
added in 2008 to 42294
(adding to original lot)

- 42294 House setback approximately 5m from property line
- Bazebo setback approx 23m from property line

entire boundary adjusted area consists of pine spruce wat nut and other assorted trees, low growth vegetation, a ravine approximately 60m across the north end of property and a small stream. No structures.

* Lands adjacent to boundary adjusted area are currently residential.

* There are no plans or proposals to make any changes to the boundary adjusted area.

 <p>The Corporation of the City of St. Thomas</p>	<p>Report No.: B06-2022</p>
<p>Directed to: Members of the Committee of Adjustment</p>	<p>Applicant: Mary Margaret Gloin</p> <p>Report Date: July 15, 2022</p> <p>Meeting Date: July 28, 2022</p>
<p>Location: Concession 7, Part Lot 2, Registered Plan 11R-354, Part Lot 4, City of ST. Thomas</p>	
<p>Subject: Request for a consent pursuant to Section 53 of the Planning Act, R.S.O, as amended</p>	
<p>Department: Planning Department</p> <p>Prepared by: Steve Craig, Senior Planning Technician</p>	<p>Attachments: Location Plan and Aerial Photograph 2020</p>
<p>Recommendation:</p> <p>That: Report B06-2022 be received.</p>	
<p>BACKGROUND</p> <p>Consent application B06/22 has been filed for a lot addition, for the purpose of conveying a vacant parcel of land to the abutting lot to the west, municipality know as 42294 Southdale Line.</p> <p>PROPOSAL</p> <p>The applicant is proposing to convey a vacant parcel of land with frontage of 22m on Southdale Line and an area of 3,580.72m² to the abutting lot to the west, municipally known as 42294 Southdale Line. It is proposed that the lands will be used for residential purposes. The applicant is proposing to retain a lot with frontage of 15.12m on Southdale Line and lot area of 8,320.29m², containing one accessory structure.</p>	<p>Location Plan:</p> 

OFFICIAL PLAN

- The subject lands are in the Residential, Natural Heritage and Natural Hazard designation, as shown on Schedule "A" (Land Use Plan) to the Official Plan for the City of St. Thomas.
- Within the Residential designation, permitted uses include a full range of dwelling types including low density residential uses (5.1.3.1).
- Within the Natural Heritage designation, permitted uses are passive open space, walking/biking trails, forest, and resource management uses, conservation uses, erosion and flood control, low-intensity public and private recreation uses, necessary public utilities, infrastructure and services, existing agricultural use and accessory buildings and structures thereto. Development and/or site alteration associated with a permitted use shall only be permitted when it can be demonstrated in accordance with the policies of subsection 8.3.4 of this Plan, that there will be no negative impacts to the natural heritage features and/or their ecological functions (8.3.2.2).
- The Natural Hazards designation as shown on Schedule "A" Land Use Plan is not a specific land use category but shall be interpreted as a performance category in which the policies of this section are to apply in conjunction with the policies of the underlying land use category (8.4.1.1). Where the Natural Hazard designation is contained within, overlaps or is coincident with the limits of another land use designation, the uses permitted in the Natural Hazard designation shall also include the uses permitted in the underlying land use designation, subject to the policies of this Plan (8.4.2.2). Where development, site alteration and or construction is proposed on lands adjacent to the Natural Hazard designation, the site-specific limits of the natural hazard(s) shall be determined through relevant studies using accepted engineering principles to the satisfaction of the City and the Conservation Authority having jurisdiction in the area. Those limits shall be interpreted as the correct limits of the Natural Hazard designation and such interpretation shall not require amendment to this Plan (8.4.2.4).
- With respect to the Natural Heritage and Natural Hazard policies of the Official Plan, the proposed lot addition is not considered development under the Provincial Policy Statement (PPS), as the application does not contemplate the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act. Further the proposed lot addition is not considered site alteration as the application does not contemplate activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site.
- Consents for a boundary adjustment, right of way, easement, long term lease, and to convey lands to an abutting lot are generally permitted in any land use designation, subject to the policies of the Plan.

ZONING BY-LAW

- The subject lands are in the First Residential Zone (R1-16) and Natural Heritage Zone (NH) pursuant to the City of St. Thomas Zoning By-Law 50-88, as shown on Zoning Map 37. Permitted uses of the R1-16 zone include a single detached dwelling, home occupation and uses accessory to the foregoing (5.5.16(b)).
- Minimum lot area – 464sqm (Table 1 to Subsection 5.4, Column Number 2, Item Number 1).
- Minimum lot frontage – 15m (Table 1 to Subsection 5.4, Column Number 2, Item Number 2).
- Permitted uses of the NH zone include conservation of the natural environment, forest, wildlife, and fisheries management (25.1).
- In the NH zone, no building or structure shall be erected except for the uses permitted in Subsection 25.1 (25.2).

Aerial Photograph 2020:

**COMMENTS**

- In staff's opinion the proposed consent complies with the Provincial Policy Statement (PPS), 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 B06-2022 is supportable, should the Committee approve the application staff recommends the following conditions:
 1. the severed portion of the subject lands be merged with 42294 Southdale Line;
 2. that Subsection 3 or 5 of Section 50 of the Planning Act, R.S.O., 1990, as amended shall apply to any subsequent conveyance or transaction involving the subject lands;
 3. the solicitor for the applicant is to provide an undertaking, whereby they inform the Committee in writing, that the lands are being conveyed to an abutting property owner and thus a merger of title will take place, which merger shall include all interests held inclusive or mortgagee's interest;
 4. The solicitor for the applicant shall undertake in writing to provide a copy of a registered application for consolidation of parcels, confirming the severed land and abutting lands of the transferee are described under one parcel identification number; and
 5. the City of St. Thomas be provided with a copy of the Reference Plan.

Respectfully submitted,

Steve Craig
Senior Planning Technician