

**A G E N D A**

**THE THIRD MEETING OF THE COMMITTEE OF ADJUSTMENT  
OF THE CITY OF ST. THOMAS 2023**

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**VIA ZOOM**

**10:00 A.M.**

**THURSDAY  
MARCH 23, 2023**

**DISCLOSURE OF INTEREST**

**MINUTES**

Confirmation of the minutes of the meeting held on January 26, 2023.

**HEARING OF APPLICATIONS**

A01/23 - Prespa Construction Limited - 21 Fairview Avenue **Pages 2-24**

Planning Report - A01/23 **Pages 25-27**

B01/23 - Shelley Summers - 111 Ross Street and 157 Wellington Street **Pages 28-37**

Planning Report - B01/23 **Pages 38-40**

**NEW BUSINESS**

Next Meeting

To be determined.

**ADJOURNMENT**

## CONFIRMATION OF AN APPLICATION FOR MINOR VARIANCE

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February 9, 2023

Secretary-Treasurer, Committee of Adjustment  
Attention: Jon Hindley

Pursuant to By-Law 30-2015, a consultation meeting was held on July 19, 2022 with Planning staff and the applicant.

An application for a minor variance regarding 21 Fairview Avenue was filed on February 8, 2023 and the required fee under Section 69 of the Planning Act has been provided.

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

Regards,



Jim McCoomb, MCIP, RPP  
Manager of Planning Services





Clear Form

CORPORATION OF THE CITY OF ST THOMAS
COMMITTEE OF ADJUSTMENT

APPLICATION FOR MINOR VARIANCE OR FOR PERMISSION

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

OFFICE USE: Date Application Received: February 8, 2023 Consultation Date: July 19, 2022
Date Application Deemed Complete: February 9, 2023

Application #: A01/23

APPLICATION IS HEREBY MADE TO:

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

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

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

1. Name of Owner(s) Prespa Construction Limited
Address 8750 Centennial Road, St. Thomas
Postal Code N5P 3S6 Tel: 519-631-1739 e-mail: frank@prespahomes.ca

2. Name of Authorized Agent (if any) Cyril J. Demeyere Limited - (Deren Lyle)
Address 261 Broadway, P.O. Box 460, Tillsonburg
Postal Code N4G 4H8 Tel: 519-688-1000 e-mail: dlyle@cjdleng.com

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

3. Nature and extent of relief from the Zoning By-law applied for:
Request variance from zoning by-law section: 7.5.115(d) from 1.6m to 0.78m (daylight), 7.5.115(g) from 12.5m to 14m (building height), 7.5.115(h) from 29 to 30 (dwelling units), 7.5.115(i) and 7.5.115 (j) from 62.0% to 75.0% (roof area).

4. Reason why the proposed use cannot comply with the provisions of the Zoning By-law:
Refer to Planning Justification Letter.

5. Location of Land:
Concession No. Lot(s) Part of Lot 195 Registered Plan No. 270 Lot(s)
Reference Plan No. Part(s)

Geographic/Former Township City of St. Thomas

Name of Street Fairview Street No. 21

6. Dimensions of land affected:

Frontage 24.40m (Fairview), 62.91m (Wellington) Depth 62.91m (east/west), 24.40m (north/south)

Area 1505.5m<sup>2</sup> Width of Street 17.0m (aprx.) Fairview, 16.5m (aprx.) Wellington (asphalt)

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:

Vacant lot. Dental office demolished in 2022.

USE Vacant Lot

Proposed:

Apartment building. 1050m<sup>2</sup> ground floor area, 4 stories, 55.43m length,  
19.80m width, 14.0m height (approximate dimensions)

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:

Vacant land

Proposed:

2.05m offset from north lot line (interior), 5.00m offset from west lot line (front).  
2.54m offset from south lot line (exterior). 2.50m offset from east lot line (rear).

USE Apartment building

10. Date of acquisition of subject land: September 2019

11. Date of construction of all buildings and structures on subject land: vacant

12. Existing uses of the subject land:

Vacant

13. Existing uses of abutting lands:

North: Social Services Organization East: Residential

South: \_\_\_\_\_ West: \_\_\_\_\_

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

Unknown

15. Services available (check appropriate space or spaces):

Water:

Municipally owned and operated piped water system Other (Specify) \_\_\_\_\_

Sewage Disposal:

Municipally owned and operated sanitary sewer system Other (Specify) \_\_\_\_\_

Storm Drainage

Storm sewers Other (Specify) \_\_\_\_\_

16. Present Official Plan designation of the subject land:

Residential

17. Present Zoning of the subject land:

R3-115

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, Deren Lyle, 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:**

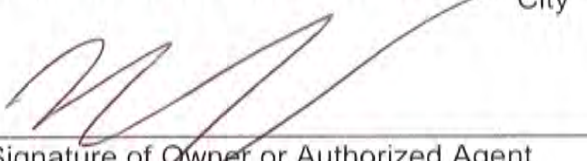
Personal information on this form is collected under the authority of Section 41 of the *Planning Act*, R.S.O. 1990 and Sections 8 (1) and 10 of the *Municipal Act*, 2001, as amended, and will be used to contact the owner, applicant and/or agent regarding the Committee of Adjustment Application. Questions 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, Deren Lyle of The Township of Southwold 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 8 day of February, 2023.  
City Day Month Year

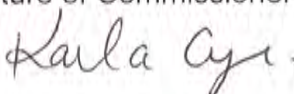
  
\_\_\_\_\_  
Signature of Owner or Authorized Agent

8 February 2023  
\_\_\_\_\_  
Date

**Karla Suzanne Cyr, a Commissioner, etc.,  
Province of Ontario,  
for Cyril J. Demeyere Limited.**

**Expires March 21, 2025.**  
\_\_\_\_\_  
Signature of Commissioner of Oaths, etc.

8 February 2023  
\_\_\_\_\_  
Date

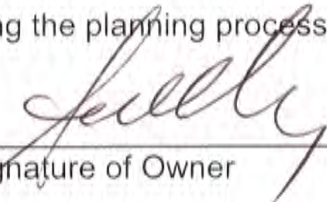


APPENDIX A – AUTHORIZATION OF OWNER

If the applicant is not the owner of the subject lands, please complete the owner authorization concerning personal information as set out below.

I, Prespa Construction Limited, am the owner of the subject lands, and I authorize Deren Lyle, 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 February 2023  
Date

  
Signature of Owner

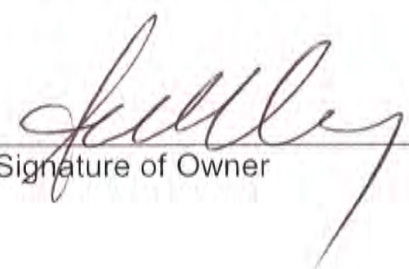
APPENDIX B – ACKNOWLEDGEMENT OF LEGAL AND PLANNING FEES

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, Prespa Construction 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 February 2023  
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.



8 February 2023

22058

Lou Pompili  
Director of Planning and Building Services  
9 Mondamin Street  
St. Thomas, Ontario  
N5P 2T9

RE: PLANNING JUSTIFICATION LETTER  
PROPOSED MINOR VARIANCE – PRESIPA CONSTRUCTION LIMITED  
21 FAIRVIEW AVENUE  
ST. THOMAS, ONTARIO

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ATTENTION: MR. LOU POMPILII, DIRECTOR OF PLANNING AND BUILDING SERVICES

Dear Sir:

This planning justification letter provides a planning opinion regarding the proposed minor variances for a 4-storey, 30-unit apartment building to be located at 21 Fairview Avenue in St. Thomas, Ontario (the "subject property") which is owned by Prespa Construction Limited. Section 45 of the Planning Act stipulates four tests for minor variance applications. This opinion letter will review whether the proposed minor variances are minor in nature, desirable and appropriate use of land, building and structure, and maintain the general intent and purpose of both the City of St. Thomas Official Plan ("OP") and Zoning Bylaw ("ZBL").

It should be noted that there was a previous Zoning Bylaw Amendment ("ZBA") application for the subject property supported by a Planning Justification Letter from Zelinka Priamo Limited dated December 18, 2019, By-law No. 39-2020 to amend City of St. Thomas Zoning By-law No. 50-88, as amended, and was duly passed on March 2<sup>nd</sup>, 2020 to rezone the property from Third Residential Zone (R3-36) to Third Residential Zone (R3-115). The R3 zone is permissive of a range of residential densities including "apartment dwelling". There was no formal site plan submission but the rezoning was based on the preliminary concept plan at the time.

The subject property is located on the northeast corner of Fairview Avenue and Wellington Street as depicted on the map on Figure 1 below. The total area of the subject property is 1505.5 square metres (0.15 hectares) and had a former single detached dwelling that was a dental office, which has now been demolished. The property is designated as Residential in the OP and, as noted, zoned as a site-specific R3-115.

The previous ZBA was to permit the construction of a 29-unit apartment building with a building height of 12.5 metres. The previous concept had a half storey that was below-grade parking. The current site plan raised the first-storey parking garage to be at-grade parking to improve access and safety concerns. This would keep the cost of construction down without changing the character of the development and remove the steep ramp into the parking garage. With the removal of the entrance ramp, 1 additional apartment unit could fit on the second floor. The changes to the building footprint allowed for 4 more parking spaces.

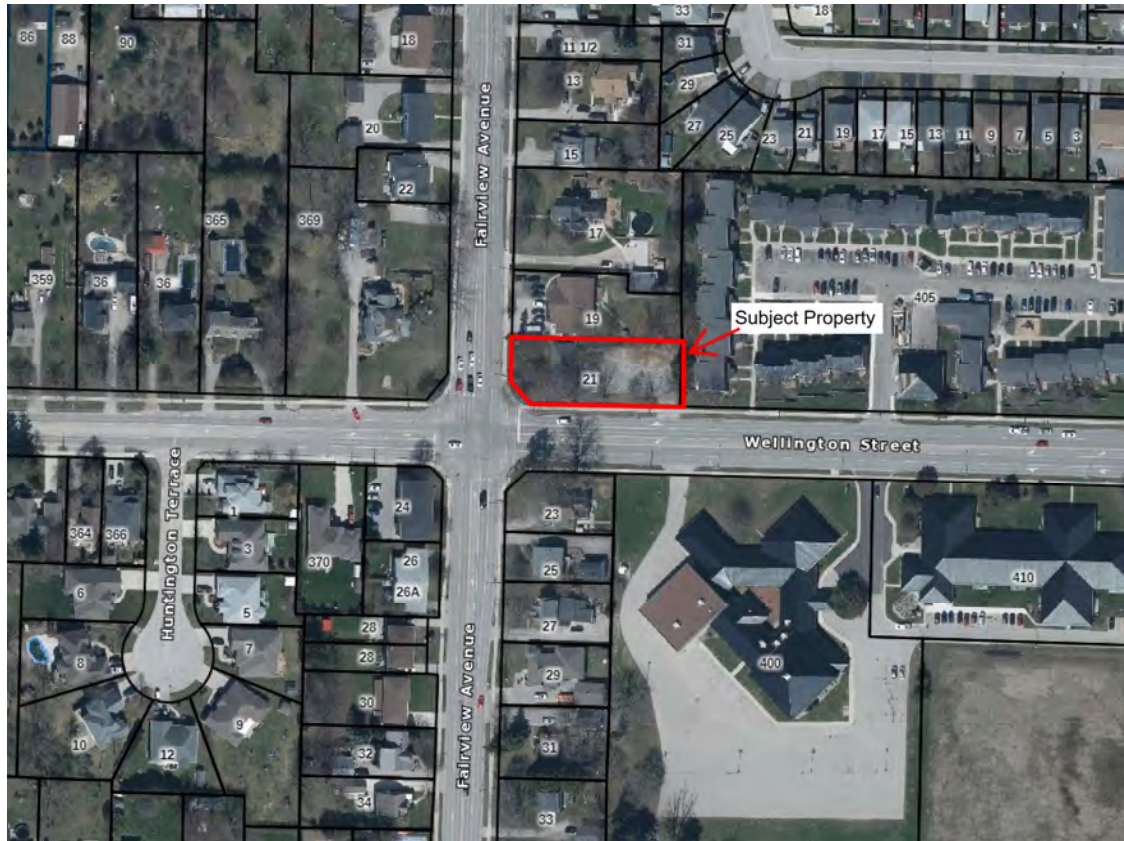


Figure 1: Key Map

The current proposed development reflected on the Figure 2 site plan drawing would consist of 30 units and have a total of 4 storeys with 4 additional parking spaces improving the parking from 0.9 spaces per unit to 1 parking space per unit. A rendering of the proposed 4 storey apartment building is shown on Figure 3. The first storey would be at-grade parking for the residents. There would be a total of 30 units comprising a mix of 1 and 2 bedrooms for each unit.

The density of the proposed development is 200 units per net hectare, which is considered high density under the OP, consistent with the previous preliminary concept plan. The proposed development would be connected to full municipal services.

#### PROPOSED MINOR VARIANCE

To facilitate the detailed design, an additional half storey is required and the footprint of the building would overall be slightly increased requiring relief from the daylight corner, maximum % lot coverage, maximum % roof area, maximum building height, and the total number of units.

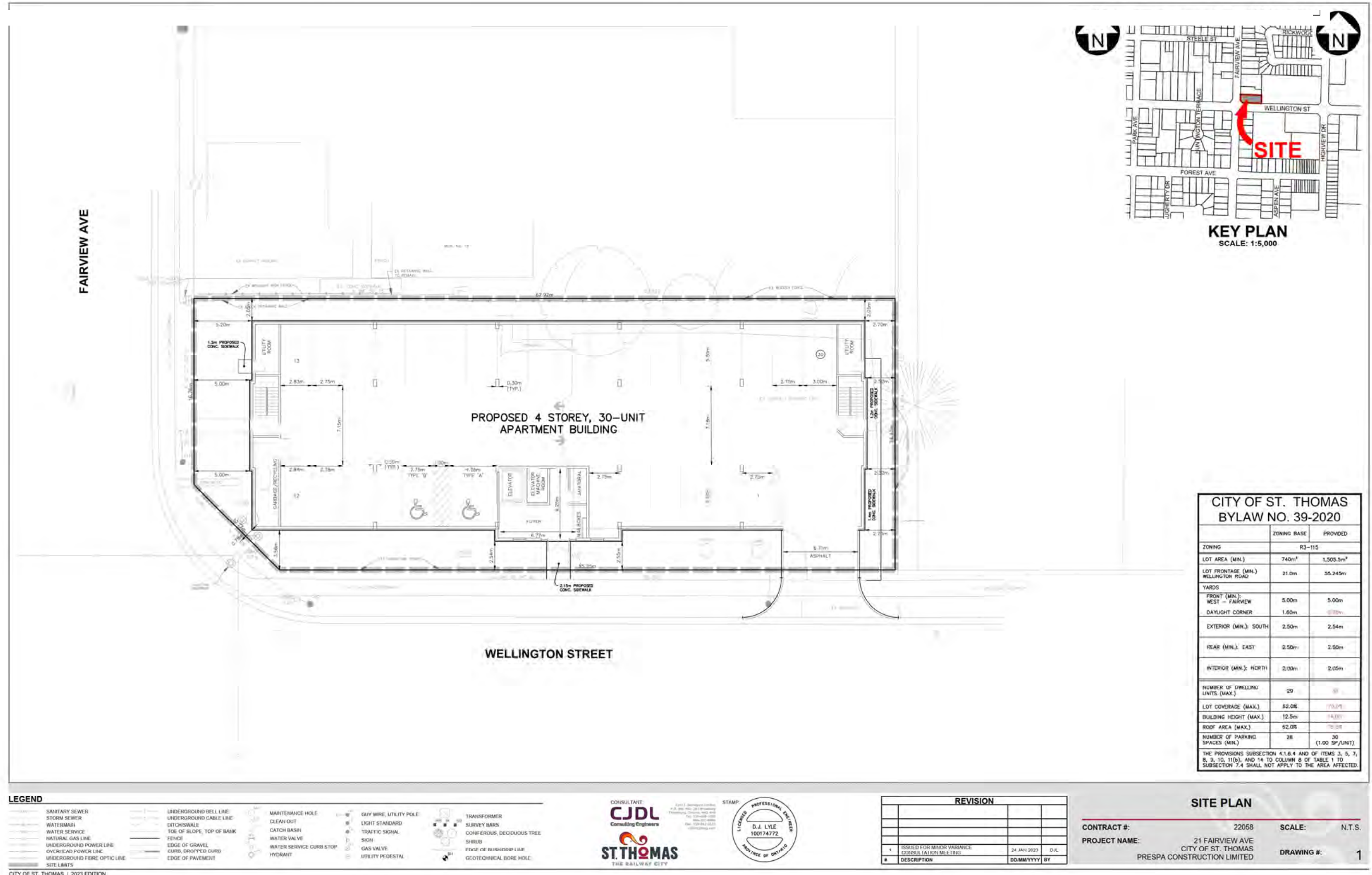


Figure 2: Site Plan



Figure 3: Rendering of Proposed 4 Storey Apartment Building

The current site plan for the apartment building would require a minor variance for relief from ZBL Section 7.5.115 (d), (g), (h), (i) and (j) as follows:

1. Request relief from ZBL Section 7.5.115 (d) for minimum daylight corner setback from 1.60 metres to 0.78 metres.
2. Request relief from ZBL Section 7.5.115 (g) for maximum building height from 12.5 metres to 14.0 metres.
3. Request relief from ZBL Section 7.5.115 (h) for the maximum number of dwelling units from 29 units to 30 units.
4. Request relief from ZBL Section 7.5.115 (i) for maximum lot coverage from 62% to 70%.
5. Request relief from ZBL Section 7.5.115 (j) for maximum roof area from 62% metres to 75%.

ARE THE REQUESTED VARIANCES MINOR IN NATURE?

1. Is the relief for minimum daylight corner setback from 1.60 metres to 0.78 setback minor in nature?

CONCLUSION: YES, while the proposed setback is under the previously amended minimum daylight corner setback from 1.60 metres to 0.78 metres the previously approved 5.0-meter front yard setback is maintained. The previously approved rear yard and exterior side yard setback would still be adhered to per Figure 2. In addition, the Traffic Impact Letter from Frank R. Berry & Associates concludes there would be no visibility issues with the site distances and also states there are no traffic concerns and, therefore, the proposed variance is minor.

2. Is the relief for maximum building height minor from 12.5 metres to 14.0 metres minor in nature?

CONCLUSION: YES, the proposed building height would be 14.0 metres high given the additional half-storey proposed. This would be slightly more than a 10% increase or 1.5 metres in the overall height of the proposed apartment building. The parking (first storey) within the apartment complex was originally going to be half a storey below grade. Since this is no longer the case, detailed design requires the building height to be increased by half a storey to facilitate the at-grade parking. This would improve access and remove the steep ramp behind the sidewalk which would improve safety.

3. Is the relief for the maximum number of dwelling units from 29 to 30 minor in nature?

CONCLUSION: YES, the proposed building would only be 1 additional unit (30 units total) to that which was previously approved.

4. Is the relief for maximum lot coverage from 62.0 to 70.0% minor in nature?

CONCLUSION: YES, the proposed lot coverage would only require an additional 8% lot coverage while maintaining the previously approved rear yard and exterior side yard setbacks.

5. Is the relief for maximum roof coverage from 62.0 to 75.0% minor in nature?

CONCLUSION: YES, the proposed roof area on the entire property would only increase an additional 13% while maintaining the previously approved rear yard and exterior side yard setbacks.

#### IS THE PROPOSED MINOR VARIANCE DESIRABLE AND APPROPRIATE USE OF LAND, BUILDING, AND STRUCTURE?

1. Is the relief for minimum daylight corner setback desirable and appropriate?

CONCLUSION: YES, the F.R. Berry & Associates traffic letter confirmed there would be no issue with the site distances at the intersection of Fairview Avenue and Wellington Road which ensures that traffic would have safe traffic flow at this intersection. The requested variances would not interfere with the sidewalk and would still allow for ample walking space at this intersection which also has lights to safely cross the road for pedestrian traffic. Therefore, the safety of all traffic was considered in the requested relief while also ensuring the building size could be updated to have one (1) additional unit and add more parking, maximizing the use of the property while ensuring site distance at the daylight corner setback set is achieved.

2. Is the relief for maximum building height desirable and appropriate?

CONCLUSION: YES, while the proposed building would have a building height of 14 metres versus the previously ZBA approved at 12.5 meters, the additional half-storey (1.5 metres higher than the previous site plan) would only slightly affect adjacent properties which are primarily medium density residential in nature. The subject property does not abut any low-density residential and this additional half storey would be desirable to the overall design of the building and lower storey parking. The previous site plan had some parking slightly below grade (underground) however, as noted, the slope into the parking garage needed to be altered for at-grade parking which is desirable and appropriate to the proposed development. There is a single detached dwelling located on the southeast corner of Wellington Road and Fairview Avenue, however, it is zoned as R3 and there is separation from the 5-lane Wellington Road and the additional 1.5 metres building height would have limited, if any, impact on the adjacent properties.

3. Is the relief for the maximum number of dwelling units desirable and appropriate?

CONCLUSION: YES, the proposed one (1) additional unit would make efficient use of the space and also improve the parking to 1.0 space per unit compared to 0.9 spaces which were previously approved both of which are, therefore, appropriate and desirable to the overall development.

4-5. Is the relief for maximum lot coverage and maximum roof coverage desirable and appropriate?

CONCLUSION: YES, in order to facilitate the one (1) additional unit within the apartment and the additional parking spaces from 0.9 spaces per unit to 1 parking space per unit the building needed to be slightly larger and these additional units and parking spaces are desirable for the people who would live and visit the apartment building. Since the proposed minor variances would make more efficient use of the lot maximizing unit potential and parking spaces the relief from roof coverage and lot coverage is desirable and appropriate.

DOES THE VARIANCE MAINTAIN THE GENERAL INTENT AND PURPOSE OF THE CITY OF ST. THOMAS OFFICIAL PLAN ("OP")

As noted, the subject property is currently designated as Residential and the OP permits High-Density Residential use within the "Residential" designation. Since the requested minor variances is for an apartment building with a higher density and more efficient use of the property, the proposed use would be High-Density Residential conforming with OP Section 5.1.3.1 thus maintaining the general intent of the OP.

The proposed minor variances would maintain the general intent of the OP as there would be 200 units per hectare which is above the minimum 75 units per hectare for High Density Residential but below the maximum 250 units per net hectare conforming with OP Section 5.1.3.4 and 5.1.3.4 i).

The current site plan would see additional parking per each unit (from 0.9 spaces per unit to 1.0 spaces per unit) which would provide adequate off-street parking for residents and guests.

The requested variances maintain the general intent of OP Section 5.1.3.4 since the height and size of the building would still abut medium density residential uses and not abut low density residential uses.

CONCLUSION: YES, the proposed variances maintain the general intent and purpose of the OP.

DOES THE VARIANCE MAINTAIN THE GENERAL INTENT AND PURPOSE OF THE CITY OF ST. THOMAS ZONING BYLAW ("ZBL")

The subject property is currently zoned as a site-specific Third Density Residential (R3-115) special zone in the ZBL. The R3 zone permits an apartment building which is what is currently proposed. As previously mentioned, the overall size of the building was slightly increased to add an additional unit and more parking spaces. Therefore, the lot coverage, roof area, daylight savings setback, and building height all require some additional relief from what was requested in the original ZBA.

The St. Thomas ZBL standard R3 zoning regulations do not take into account high-density Residential apartment buildings except on a site specific basis given the standard R3 limits the Apartment building height to 11 metres, 40% lot coverage, 55% roof area maximum and a maximum of 4 units per lot. High Density residential planning is sound land use planning in that it maximizes the use of land while avoiding urban sprawl, and in turn creates walkable, inclusive and complete communities. The proposed additional unit would also allow for one (1) more apartment unit that is considered more relatively affordable than single detached dwellings within the City of St. Thomas.

The proposed variances still would be consistent with general intent and character of the previously approved ZBA. It should be noted that the determination of "minor" is not the quantity of the variance, but is to be determined on a site-specific basis based on the impact on the overall development. Since the majority of the proposed changes simply reflect the detailed architectural design changes to the building and structure from the previously approved building, the variances for roof area, lot coverage, and overall building height would meet the general intent of the previously approved ZBA and overall ZBL.

ZBL Section 4.1.6.4 stipulates that when the intersection includes a daylight corner, as the subject property does, that no part of the building shall be closer than 2 metres to the daylighting corner. The overall purpose of the daylight corner regulation is to provide clear site distances, F.R. Berry & Associates Traffic Impact Letter stipulates that site distances are not an issue and therefore the minor variance for the daylight savings setback reduction from 1.68 to 0.78 metres maintains the general intent and purpose of the ZBL.

CONCLUSION: YES, the proposed variances maintain the general intent and purpose of the ZBL.

## CONCLUSIONS

Based on the foregoing analysis, it is our opinion is that the proposed variances would meet all four tests of Section 45 of the Planning Act to enable to proposed development at 21 Fairview Avenue and should be approved. The proposed variances are minor in nature, would result in a desirable and appropriate use of land, building and structure and maintain the general intent and purpose of the City of St. Thomas OP and ZBL.

If there are any questions, or if any additional information is required, please do not hesitate to contact this office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Trevor Benjamins". The signature is written in a cursive style with a long horizontal stroke at the end.

Trevor Benjamins  
OPPI Pre-Candidate  
Associate Planning Technician  
Cyril J. Demeyere Limited.

TB/kc



# F.R. Berry & Associates<sup>17</sup>

TRANSPORTATION PLANNING CONSULTANTS

660 Inverness Avenue

London, Ontario N6H 5R4

Tel: (519) 474 2527 Toll Free: 1 888 665 9192 Email: fyberry@rogers.com

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February 8, 2023

Our Ref. **1972**

CJDL Consulting Engineers  
P.O. Box 460  
261 Broadway  
Tillsonburg ON  
N4G 4H8

Attn. Mr. D. Lyle, P.Eng.

Dear Mr. Lyle:

**RE: PARKING AND TRAFFIC IMPACT ASSESSMENT, 21 FAIRVIEW AVENUE,  
ST. THOMAS  
REVISED REPORT**

At your request, I have assessed the potential parking demand and traffic impact for a proposed 30 unit apartment development at 21 Fairview Avenue in St. Thomas. The proposed development will have a single four-storey building with three upper residential floors and one lower level of parking. The site plan shows provision for 30 parking spaces.

I understand that the site was previously occupied by a dental office with a single access to Wellington Street. This access will be retained as shown in the attached site plan, **Figure 1**.

The proposed development is located adjacent to the No. 2 Elgin Mall transit route and the No. 5A Commercial Express transit route. Both routes operate at 30 minute headways from 7.15am to 6.45pm on weekdays with the exception of Route 5A which does not operate between 2.45pm and 3.45pm on school days. Both routes pass through the intersection of Wellington Street and Fairview Avenue, Route 2 in both directions and Route 5A eastbound on Wellington Street. Both routes provide direct access to Downtown and the Elgin Mall. Route maps are attached in Appendix A.



-2-

The proposed development at 21 Fairview Avenue is well served by public transit and is conveniently located for access to Downtown and the Elgin Mall. A previous submission for this site included 29 residential units and 26 parking spaces, a parking ratio of 0.9 spaces per unit. Zoning By-law 39-2020 was approved on this basis. The revised submission has a parking ratio of 1.0 spaces per unit. Given the location of the site and the configuration of the building, the parking supply is sufficient for the needs of future tenants.

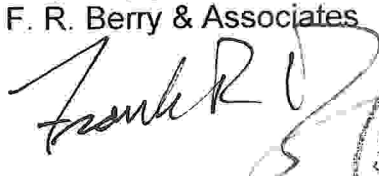
Based on regression equations contained in the Institute of Transportation Engineers (ITE) Trip Generation Manual, Tenth Edition, For ITE Land Use 220, Multifamily Housing (Low-Rise) the proposed development will generate 15 vehicle trips in the morning peak hour, 4 in and 11 out) and 20 vehicle trips in the afternoon peak hour, 13 in and 7 out.

As noted above, the site was previously occupied by a dental office. Assuming 25 percent site coverage, the office would have had a floor area of approximately 4 000sf. Based on regression equations for ITE Land Use 720, Medical-Dental Office, this use would have generated 13 vehicle trips in the morning peak hour and 16 in the afternoon peak hour. These volumes are very similar to those expected for the proposed development. The existing driveway is being maintained so the impact of the proposed development on traffic operation on the adjacent streets and intersection would not result in any significant changes.

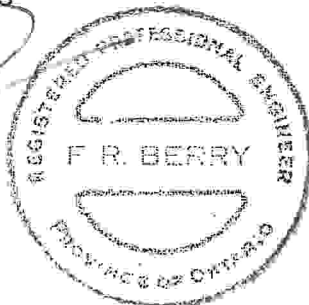
I understand that a reduction in in the daylight corner setback, from 1.60m to 0.78m has been proposed. My review of the intersection configuration at Wellington Street and Fairview Avenue confirms that this reduction will not affect traffic operation and safety.

In summary, it is my opinion that the 30 parking spaces proposed for this development will be sufficient to meet the needs of the tenants. The traffic impact of the proposed development would be similar to the previous use of the site and would not significantly affect traffic operation on the adjacent streets and intersection.

Very truly yours  
F. R. Berry & Associates



Frank R. Berry, P.Eng.  
Principal





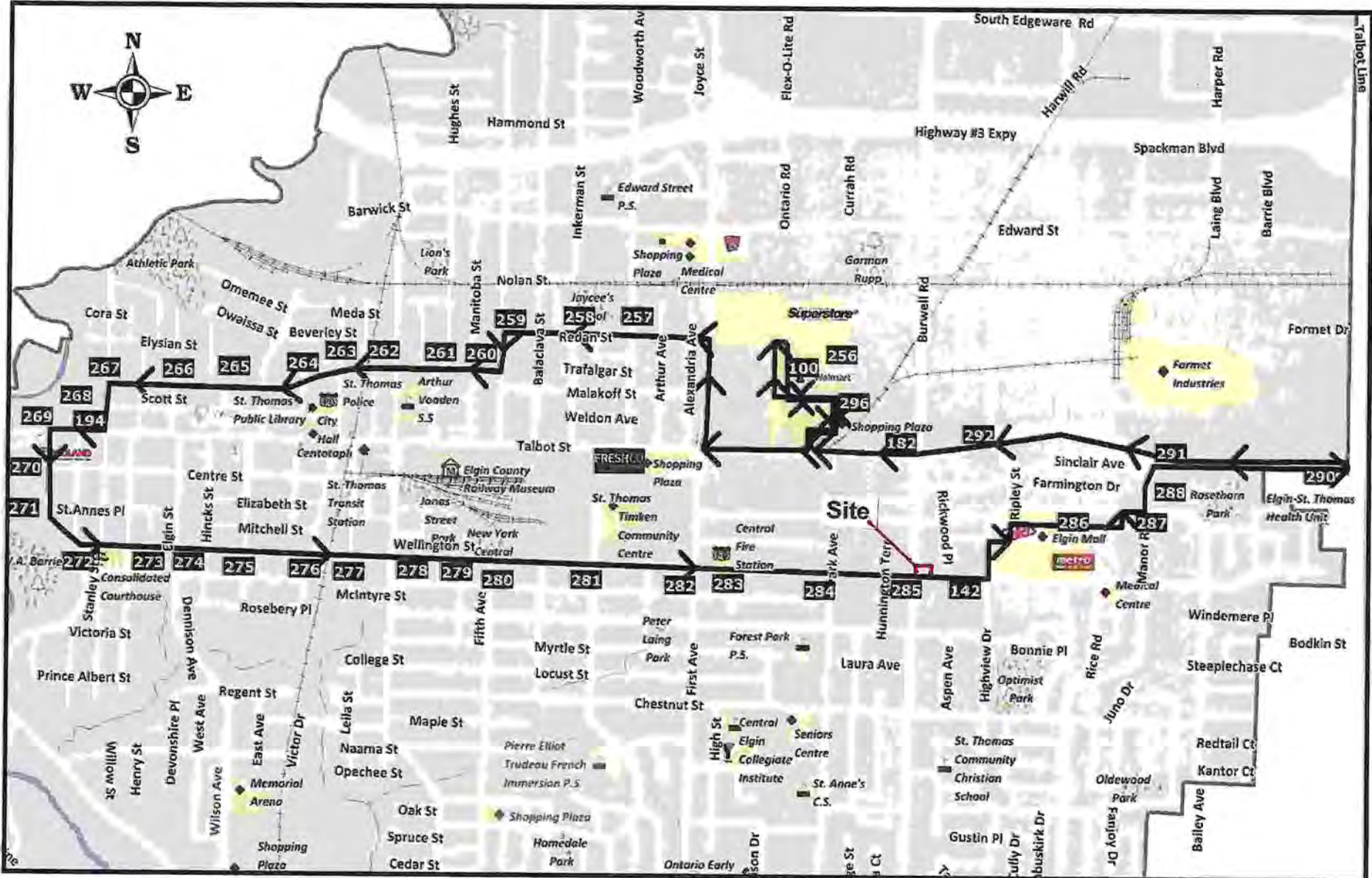
**APPENDIX A**  
**TRANSIT ROUTES**



# Route 2 – Elgin Mall Navigator Map



# Route 5a – Commercial Express Navigator Map









Report No.: COA01-2023

**Directed to:** Members of the Committee of Adjustment**Meeting Date:** 03/09/2023**Department:** Planning & Building Services Department**Prepared by:** Steve Craig, Senior Planning Technician**Attachment:** Location Plan and 2020 Aerial Photograph**Location:** 21 Fairview Avenue, City of St. Thomas**Applicant:** Prespa Construction Limited**Subject:** Request for a minor variance pursuant to Section 45(1) of the Planning Act, R.S.O.**Recommendation:**

That: Report COA1-2023 relating to an application for a minor variance at 21 Fairview Avenue be received for information.

**Background:**

In 2020 City Council approved a Zoning By-law amendment to permit the development of an apartment building on the subject lands, Prespa Construction Limited has filled the subject application in support of a number of modifications to the proposal.

**Requested Variance(s):**

- i. To permit a daylight corner setback of 0.78m, whereas Subsection 7.5.115 (d) of the Zoning By-law requires a minimum 1.6m daylight corner setback.
- ii. To permit a maximum building height of 14m, whereas Subsection 7.5.115(g) of the Zoning By-law requires a maximum building height of 12.5m.
- iii. To permit 30 dwelling units, whereas Subsection 7.5.115(h) of the Zoning By-law permits a maximum of 29 dwelling units.
- iv. To permit a maximum lot coverage of 70%, whereas Subsection 7.5.115(i) of the Zoning By-law permits a maximum lot coverage of 62%.
- v. To permit a maximum roof area of 75%, whereas Subsection 7.5.115(j) of the Zoning By-law permits a maximum roof area of 62%.



**St. Thomas 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.
- In the Residential designation the predominant use of land shall be for low, medium, and high-density residential use (5.1.3.1).
- High density residential use shall mean a residential use of greater than seventy-five (75) residential dwelling units per net hectare, is permitted in the "Residential" designation. Within a high-density residential area, the main permitted uses shall be apartments or other forms of multiple dwellings exceeding four storeys in height (5.1.3.4).

**St. Thomas Zoning By-law 50-88:**

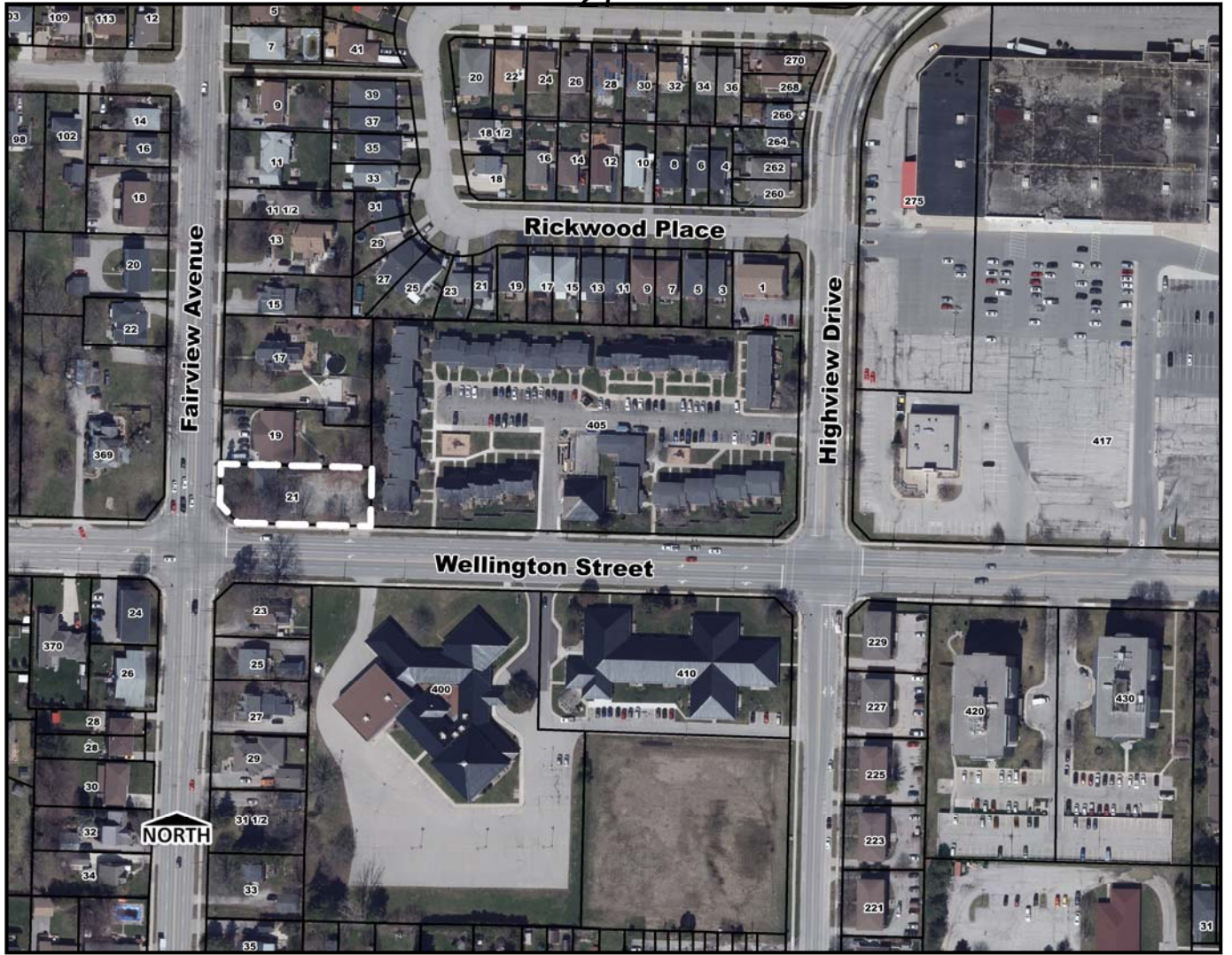
- The subject lands are within the Third Residential Zone (R3-115) pursuant to the City of St. Thomas Zoning By-Law No. 50-88, as shown on Zoning Map 18.
- Permitted uses of the R3-115 zone include an apartment dwelling and uses accessory to the foregoing (7.5.115(b)).
- Minimum front yard 5m and 1.6 metres to daylight corner (7.5.115(d)).
- Minimum rear yard 2.5m (7.5.115(e)).
- Minimum exterior side yard 2.5m (7.5.115(d)).
- Maximum building height 12.5m (7.5.115(g)).
- Maximum number of dwelling units 29 (7.5.115(h)).
- Maximum lot coverage 62% (7.5.115(i)).
- Maximum roof area 62% (7.5.115(j)).
- Minimum number of parking spaces 26 (7.5.115(k)).

**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 variances are desirable for the appropriate development or use of the land, building or structure; and the variances are minor in nature.

**Comments:**

- In 2020 City Council approved a Zoning By-law amendment to permit the development of an apartment building on the subject lands, the provisions of the R3-115 zone contain site specific regulations for the development of the site, including building setbacks, height, number of dwelling units, coverage, and off-street parking.
- A consultation meeting was completed on February 1, 2023, for the purpose of City staff and the applicant to review a number of modifications to the proposal, including raising the below-grade parking to at-grade parking, increasing the number off-street parking by four parking spaces (30), and increasing the number of dwelling units by one dwelling unit (30).
- As a result of the consultation meeting, it was determined that the modifications could be addressed through a minor variance application to the Committee of Adjustment, subject to the submission of a planning justification letter and an updated parking and traffic impact assessment. Accompanying the application is a Planning Justification Letter, prepared by CJD Consulting Engineers, dated February 8, 2023 and a Parking and Traffic Impact Assessment, prepared by F.R. Berry & Associates, Transportation Planning Consultants, dated February 8, 2023.
- Development of the subject lands is subject to the site plan approval process, which will address the technical aspects of the development of the site, such as servicing, grading, drainage, storm water management and landscaping.



- The proposed variances are in support of improving access to the site, increasing the number of off-street parking spaces available for tenants and guests, and adding one dwelling unit, which may be considered desirable for the appropriate development of the subject lands.
- The assessment of whether a variance is or is not minor does not necessarily relate simply to the measured differences between what the Zoning By-law permits and what the applicant is requesting, it has much to do with the potential impacts of the proposed development on the subject lands and neighbouring properties. The proposed modifications do not substantially deviate from what was approved in 2020, resulting in no new adverse impacts to the subject lands, neighbouring properties, Wellington Street and Fairview Avenue municipal rights-of-ways.
- In staff's opinion the variances requested through Minor Application COA01-2023 satisfy the four tests, as set out in Section 45 of the Planning Act, therefore staff recommend that application COA1-2023 be approved, should the Committee of Adjustment approve the application the decision should reflect that approval is for the construction of an apartment dwelling, substantially in accordance with plans (Site Plan and Elevation Plan) accompanying the application.

Respectfully submitted,

Steve Craig,  
Sr. Planning Technician

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

---

February 9<sup>th</sup>, 2023

Secretary-Treasurer, Committee of Adjustment  
Attention: Jon Hindley

Pursuant to By-Law 30-2015, a consultation meeting was held on February 1<sup>st</sup>, 2023 with Planning Department Staff and the applicant.

An application for Consent, regarding 111 Ross Street and 157 Wellington Street, was filed on February 9<sup>th</sup>, 2023.

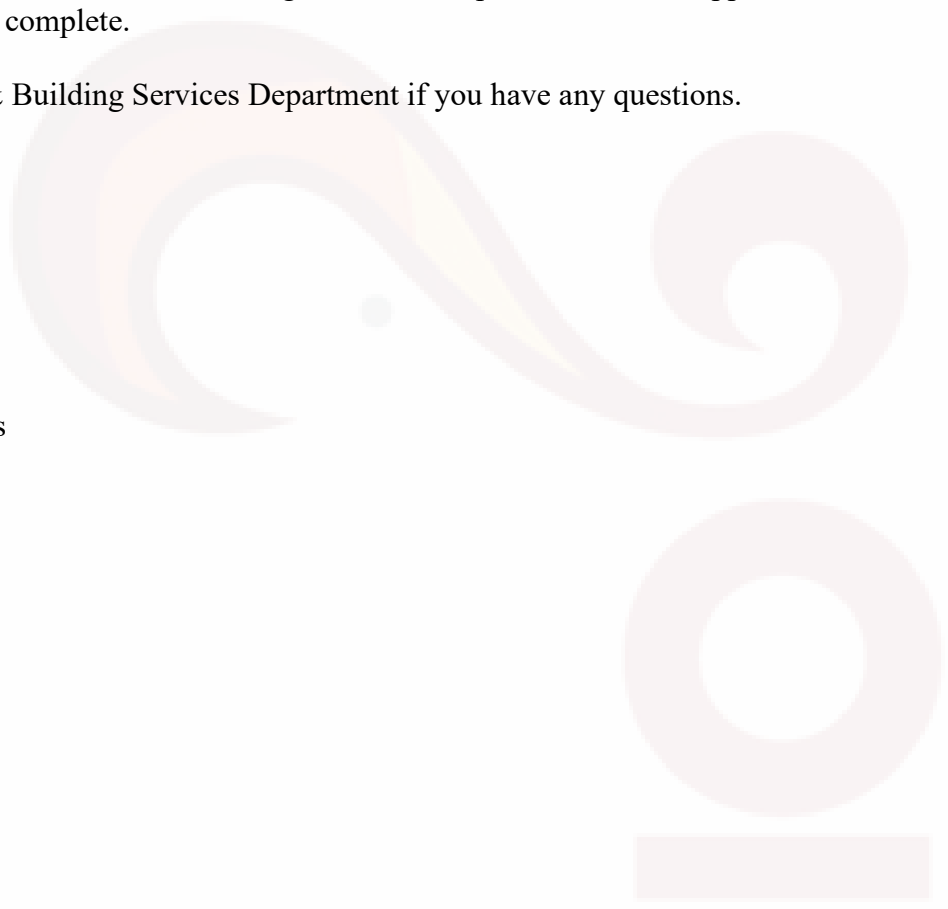
This letter is notice that the information and material required under Subsections 53(2) and 53(3) and the required fee under Section 69 of the Planning Act has been provided and the application for consent is thereby considered complete.

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

Yours truly,



Jim McCoomb, MCIP, RPP  
Manager of Planning Services





THE CORPORATION OF THE CITY OF ST THOMAS

Clear Form

COMMITTEE OF ADJUSTMENT

APPLICATION FOR CONSENT

OFFICE USE:	Date Application Received: <u>Feb 9 / 23</u>	Consultation Date: <u>Feb 1 / 23</u>
	Date Application Deemed Complete: <u>Feb 9 / 23</u>	

Application #: B01/23

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): Shelley Summers

Mailing Address: 111 Ross street

Postal Code: n5r3x8 Telephone: 5192814356 Fax: \_\_\_\_\_

email: teamdotsy@gmail.com

(b) Owner's Solicitor or Authorized Agent (if any): MHN Lawyers att Joann Rose

Mailing Address: 39 Colborne St. N, Simcoe

Postal Code: N5Y 3T8 Telephone: 519-426-6763 Fax: 519-426-2055

email: rose@mhnlawyers.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:

\_\_\_\_\_

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, ontario

Concession No \_\_\_\_\_ Lot(s) 6,7,8 Registered Plan No 76 Lot(s) 6,7,8

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

Name of Street 111 Ross street and 157 Wellington Street No \_\_\_\_\_

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

(a) Frontage 12.933 Depth 29.139 Area 352.6

(b) Existing Use dwelling Proposed Use unchanged

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

Existing: dwelling

Proposed: unchanged

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

(a) Frontage 7.5 Depth 21.485 Area 168.1

(b) Existing Use commercial building Proposed Use unchanged.

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

Existing: commerical building

Proposed: unchanged

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 minor commercial
- (b) Regional Policy Plan \_\_\_\_\_

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

Yes  No

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

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

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

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

Yes  No

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

Grantee's (Purchaser's) name Shelley summers

Land Use on severed parcel same as current

Date parcel transferred 2016/06/09

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 Shelley Summers, 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, Shelley Summers 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 1 day of 2, 2023.  
City Day Month Year

  
Signature of Owner or Authorized Agent

feb. 1. 23  
Date

  
Signature of Commissioner of Oaths, etc.

Feb 9/23  
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, Shelley summers, am the owner of the subject lands, and I authorize MHN Lawyers, 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.

Feb. 1. 23  
Date

*Shelley Summers*  
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, Shelley Summers, 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.

Feb 1. 23  
Date

*Shelley Summers*  
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.

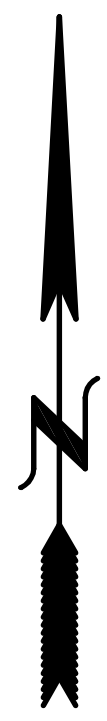
Decisions of the Committee are made in public.

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.



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

**PLAN 11R-**  
RECEIVED AND DEPOSITED

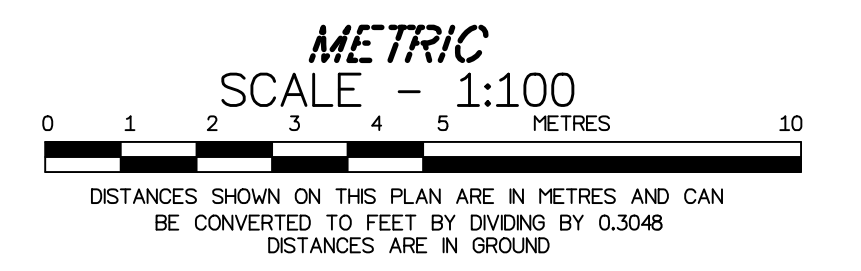
DATE \_\_\_\_\_ DATE \_\_\_\_\_

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

PART SCHEDULE				
PART	LOT	PLAN	P.I.N.	AREA
1	PART OF LOT 6	76	ALL OF 35213-0048	168.1 SQUARE METRES
2	PART OF LOTS 6, 7, AND 8	76	ALL OF 35213-0051	352.6 SQUARE METRES

PART 1 COMPRISES ALL OF P.I.N. 35213-0048  
PART 2 COMPRISES ALL OF P.I.N. 35213-0051

**PLAN OF SURVEY OF  
PART OF LOTS 6, 7 & 8  
REGISTERED PLAN 76  
IN THE  
CITY OF ST. THOMAS  
COUNTY OF ELGIN**



**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 29th DAY OF DECEMBER, 2022

DATE \_\_\_\_\_ Blake van der Veen  
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS  
PLAN SUBMISSION FORM NUMBER \_\_\_\_\_

**NOTES**

(1) - BEARINGS ARE NAD83, UTM GRID ZONE 17  
(2) - TIES FOR 111 ROSS MEASURED TO BRICK BUILDING CORNERS

- LEGEND**
- DENOTES SURVEY MONUMENT FOUND
  - DENOTES SURVEY MONUMENT SET
  - SB DENOTES STANDARD IRON BAR
  - IB DENOTES IRON BAR
  - RB DENOTES ROUND IRON BAR
  - CB DENOTES CONCRETE NAIL
  - (WIT) DENOTES WITNESS
  - (P1) DENOTES PLAN OF SURVEY BY SOUTH WESTERN SURVEYING LTD. DATED DECEMBER 29, 2022 PROJECT No. 22-050
  - (1935) DENOTES Blake van der Veen O.L.S.
  - (SU) DENOTES SOURCE UNKNOWN
  - (741) DENOTES D.L. HOUGHTON O.L.S.
  - (M) DENOTES MEASURED
  - (S) DENOTES SET
  - P.I.N. DENOTES PROPERTY IDENTIFIER NUMBER
  - ⊗ DENOTES PEDESTAL
  - DENOTES UTILITY POLE

**COORDINATE SCHEDULE**

OBSERVED REFERENCE POINTS (ORPs)  
UTM, ZONE 17, NAD83 (2010.0) GRID COORDINATES TO URBAN ACCURACY PER SEC. 14 (2) OF O. REG. 216/10

POINT	NORTHING	EASTING
A		
B		

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN  
DISTANCES SHOWN ON THIS PLAN ARE GROUND LEVEL DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY A COMBINED SCALE FACTOR OF \_\_\_\_\_

**SOUTH WESTERN SURVEYING LTD.**

Blake van der Veen  
ONTARIO LAND SURVEYOR

PORT STANLEY, ONTARIO  
BLAKE@SURV.CA

DWG: GES

PROJECT: 22-050RP

THIS IS NOT AN ORIGINAL COPY UNLESS EMBOSSED WITH SEAL

Report No.: B1-2023

**Directed to:** Members of the Committee of Adjustment**Meeting Date:** 03/09/2023**Department:** Planning & Building Services Department**Prepared by:** Steve Craig, Senior Planning Technician**Attachment:** Location Plan and 2020 Aerial Photograph**Location:** 111 Ross Street and 157 Wellington Street**Applicant:** Shelly Summers**Subject:** Request for a consent pursuant to Section 53 of the Planning Act, R.S.O, as amended**Recommendation:**

That: Report B1-2023 relating to an application for a consent at 111 Ross Street and 157 Wellington Street be received for information.

**Background:**

Consent Application B01/23 has been filed for the purpose of subdividing 111 Ross Street and 151 Wellington Street, as the lots inadvertently merged in title.

**PROPOSAL:**

The applicant is proposing to sever a lot with frontage of 12.93m on Wellington Street and an area of 352.6m<sup>2</sup>, containing one single detached dwelling. It is proposed that the severed lot will continue to be used for residential purposes. The applicant is proposing to retain one lot with frontage of 7.5m and an area of 168.1m<sup>2</sup>, containing one commercial building. It is proposed that the retained lot will continue to be used for commercial purposes.

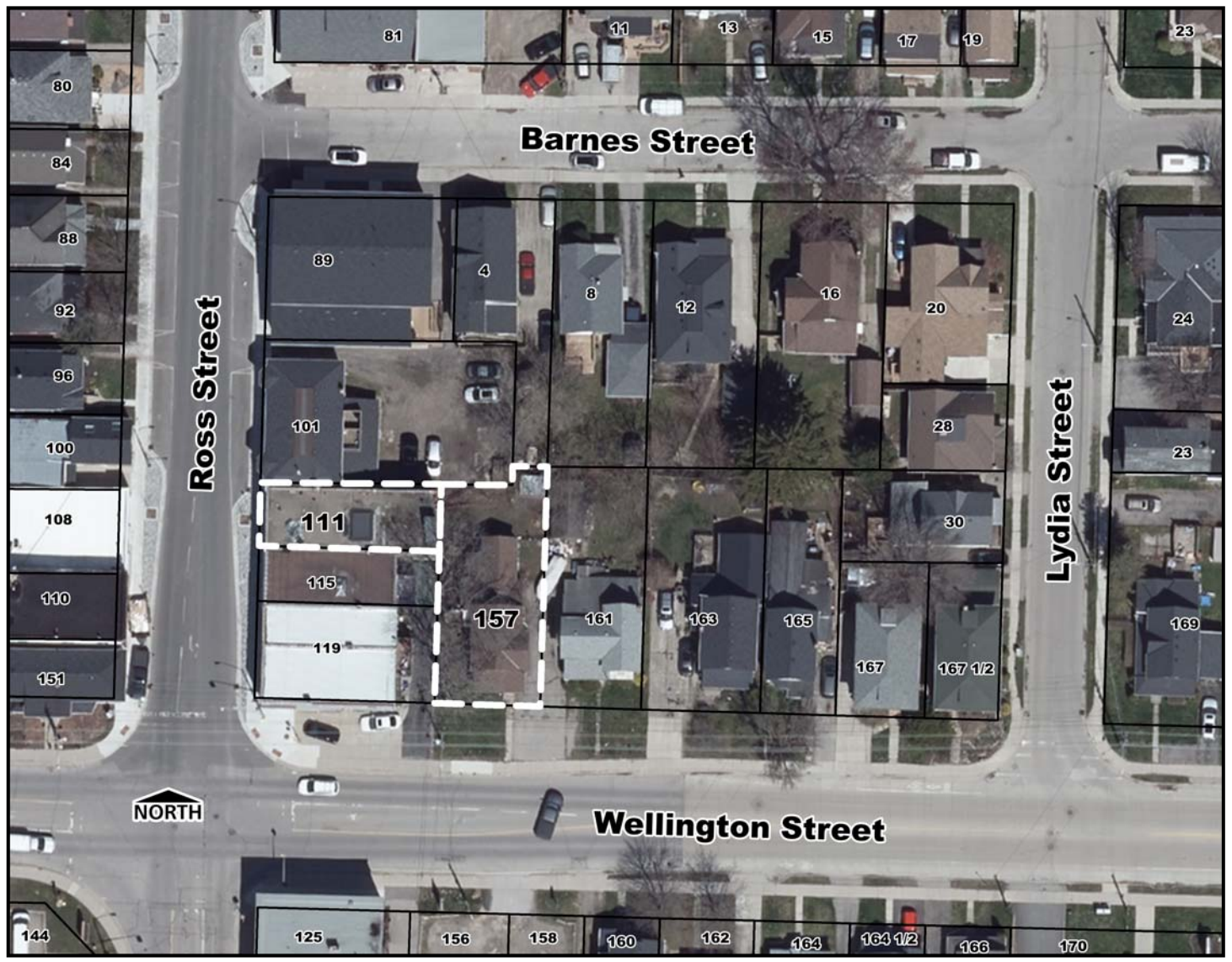
**St. Thomas Official Plan:**

- The subject lands are within the Minor Commercial designation, as shown on Schedule "A" (Land Use Plan) to the Official Plan for the City of St. Thomas.

- Permitted uses in the "Minor Commercial" designation include retail and service uses of a convenience or day-to-day nature with no single use exceeding 300sqm in size. Examples of these types of facilities are a convenience store, hairdresser, barber, bank, bakery, and restaurant. Offices uses and a clinic are also permitted (5.1.3.1).
- Areas designated "Minor Commercial" but not developed for such uses on the date of the passing of an amendment to By-Law 68-63 to bring it into conformity with the Official Plan, or of a new implementing comprehensive by-law, may be zoned for the existing uses or placed in a development zone (5.7.4.2).

**St. Thomas Zoning By-law 50-88:**

- The subject lands are in the Minor Commercial Zone (C6-2) pursuant to the City of St. Thomas Zoning By-Law No. 50-88, as shown on Zoning Map 16.
- Permitted uses of the C6 zone 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 C6-2 zone permit residential uses (17.5.2).
- Minimum lot area - Not applicable.
- Minimum lot frontage - Not applicable.
- Minimum side yard depth - Nil (17.4.1.1)
- Minimum rear yard depth - Nil (17.4.1.2).



**Comments:**

- In staff's opinion the proposed consent conforms 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 B1-2023 is supportable. Should the Committee approve Consent Application B1-2023 staff recommends the following condition:
  - 1) That the City of St. Thomas be provided with a copy of the Reference Plan.

Respectfully submitted,



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Steve Craig,  
Sr. Planning Technician