

## **A G E N D A**

### **THE FIRST MEETING OF THE COMMITTEE OF ADJUSTMENT OF THE CITY OF ST. THOMAS 2021**

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**TELECONFERENCE**

**10:00 A.M.**

**THURSDAY  
JANUARY 14, 2021**

#### **DISCLOSURE OF INTEREST**

##### **CHAIR**

Appointment of Chair for 2021.

##### **MINUTES**

Confirmation of the minutes of the meeting held on December 10, 2020.

#### **HEARING OF APPLICATIONS**

A06/20 - Janet MacFarlane - 269 Elm Street **Pages 2-8**

Planning Report – A06/20 **Pages 9-13**

B10/20 - Walter Ostojic & Sons and Novi Construction Limited - 354 Wellington Street  
**Pages 14-21**

Planning Report - B10/20 **Pages 22-23**

B11/20 - Walter Ostojic & Sons and Novi Construction Limited - 354 Wellington Street  
**Pages 24-30**

Planning Report - B11/20 **Pages 31-32**

B12/20 - Walter Ostojic & Sons and Novi Construction Limited - 354 Wellington Street  
**Pages 33-39**

Planning Report - B12/20 **Pages 40-41**

#### **UNFINISHED BUSINESS**

##### **NEW BUSINESS**

Next Meeting

To Be Determined.

##### **ADJOURNMENT**

## CONFIRMATION OF AN APPLICATION FOR MINOR VARIANCE

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December 16<sup>th</sup>, 2020

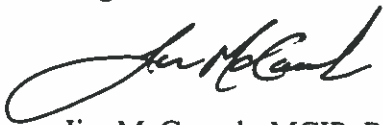
Secretary-Treasurer, Committee of Adjustment  
Attention: Jon Hindley

Pursuant to By-Law 30-2015, a consultation meeting was held on November 12<sup>th</sup>, 2020 with Planning staff and the applicant.

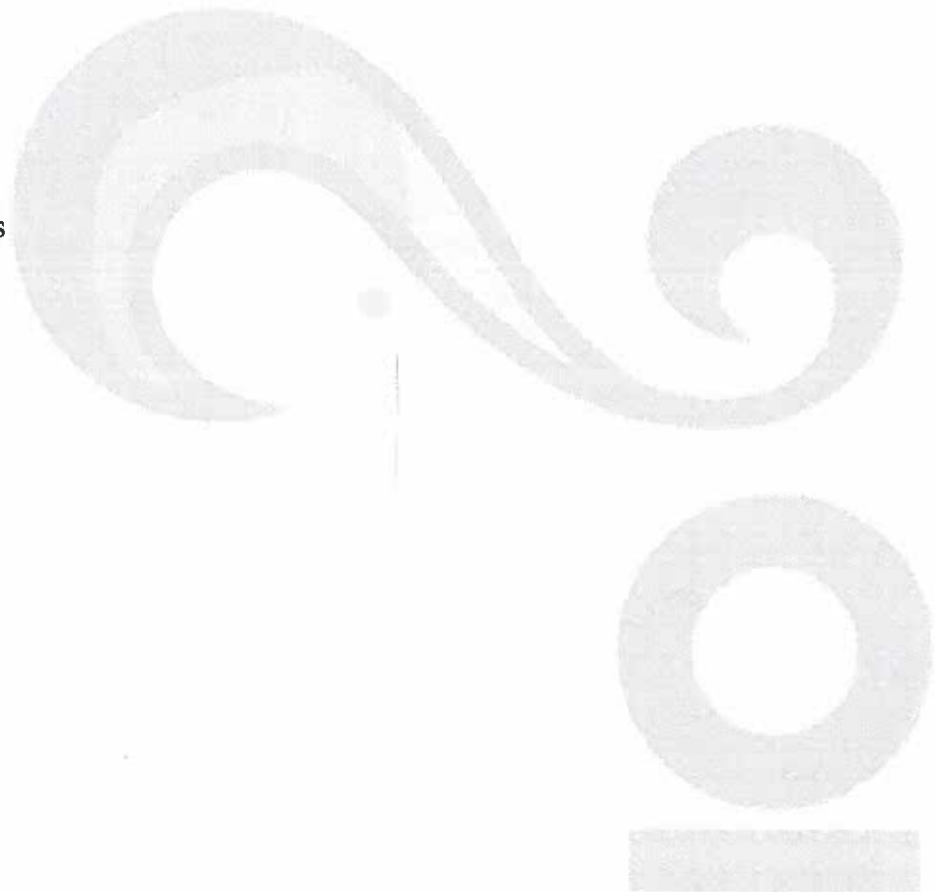
An application for a minor variance, regarding 269 Elm Street, was filed on December 16<sup>th</sup>, 2020 and the required fee under Section 69 of the Planning Act has been provided.

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

Regards,



Jim McCoomb, MCIP, RPP  
Manager of Planning Services





**CORPORATION OF THE CITY OF ST THOMAS**  
**COMMITTEE OF ADJUSTMENT**

**APPLICATION FOR MINOR VARIANCE OR FOR PERMISSION**

(Section 45 of the Planning Act, R.S.O. 1990, as amended)

OFFICE USE:	Date Application Received: <u>DEC 16 2020</u>	Consultation Date: <u>Nov 12/20</u>
	Date Application Deemed Complete: <u>DEC 16 2020</u>	Application #: <u>A06120</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: [mknapp@stthomas.ca](mailto:mknapp@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) JANET MACFARLANE  
 Address 269 ELM STREET  
ST. THOMAS ONT  
 Postal Code N5R 1J6 Tel: 519-872-8354 e-mail: jmacf@1073@rogers.com
- Name of Authorized Agent (if any) VINCE LARIZZA  
 Address 54 DUNCANWOOD PLACE  
LONDON ONT  
 Postal Code N5V 4N6 Tel: 519-777-0297 e-mail: LARIZZAE@bell.net

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

- Nature and extent of relief from the Zoning By-law applied for:  
NEW FRONT PORCH ENCROACHMENT WITHIN  
FRONT YARD SETBACK
- Reason why the proposed use cannot comply with the provisions of the Zoning By-law:  
NEW FRONT PORCH BUILT WITHIN &  
ENCROACHMENT OF FRONT YARD SETBACK.
- Location of Land:  
 Concession No. \_\_\_\_\_ Lot(s) \_\_\_\_\_ Registered Plan No. 245 Lot(s) 116

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

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

Name of Street ELM STREET Street No. 269

## 6. Dimensions of land affected:

Frontage 125.00' Depth 53.00' (60.00' PREVIOUS)Area 6625 SQ. FT. Width of Street \_\_\_\_\_(615.46 SQ. M.)

## 7. Access to the subject land is by:

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

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

Existing:

SEE ATTACHED SITE PLAN.USE RESIDENTIAL DWELLING

Proposed:

## 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 ATTACHED SITE PLAN

Proposed:

USE \_\_\_\_\_

10. Date of acquisition of subject land: 198711. Date of construction of all buildings and structures on subject land: 1961

12. Existing uses of the subject land:

RESIDENTIAL DWELLING

13. Existing uses of abutting lands:

North: RESIDENTIAL

East: RESIDENTIAL / COMMERCIAL

South: RESIDENTIAL

West: RESIDENTIAL

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

1961

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:

R1

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 VINCE LARIZZA, 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, VINCE LARIZZA of ST. THOMAS in the province of ONT.  
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 21 day of NOV, 20 20.  
City Day Month Year

## 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, Janet MacFarlane, am the owner of the subject lands, and I authorize Vince Larizza, 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.

Nov. 28 2020  
Date

Janet MacFarlane  
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, Janet MacFarlane, 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.

# TESTES

EXISTING PROPERTY LINE

# RAPELJE STRET



<div><div>The Corporation of the City of St. Thomas</div></div>		<div>Report No.: COA06-2020</div>
		<div>Applicant: Janet Macfarlane</div>
<div>Members of the Committee of Adjustment</div>		<div>Report Date: January 4, 2021</div> <div>Meeting Date: January 14, 2021</div>
<div>Location: Plan 254, Part Lot 116, Municipally known as 269 Elm Street in the City of ST. Thomas</div>		
<div>Subject: Request for a minor variance pursuant to 45(1) of the Planning Act, R.S.O, as amended</div>		
<div>Department: Planning and Building Services Department</div> <div>Prepared by: Steve Craig, Senior Planning Technician</div>		<div>Attachments: Location Plan and Building Plans.</div>
<div>Recommendation:</div> <div>That: Report COA06-2020 be received.</div>		
<div><div><div><div><div>BACKGROUND:</div><div>The subject application has been filed to permit an existing unenclosed, covered porch a minimum of 3m from an exterior side lot line, whereas the First Residential Zone (R1) requires a covered porch to be setback a minimum of 4.5m from an exterior side lot line.</div></div><div><div>MINOR VARIANCE:</div><div>(i) To permit a covered porch 3m from an exterior side lot line, whereas Table 1 to Subsection 5.4, Column 2, 11(b) requires a minimum exterior side yard depth of 4.5m for a covered porch.</div></div><div><div>OFFICIAL PLAN:</div><div><div>The subject lands are in the Residential designation as shown on Schedule A (Land Use Plan) to the Official Plan for the City of St. Thomas. The Residential designation permits a full range of dwelling types including low-density residential uses. Wherever a use is permitted in a land use classification, it is intended that uses, buildings or structures normally incidental, accessory and essential to that use are also permitted.</div></div></div></div><div><div>Location Plan:</div></div></div></div>		
<div>ZONING BY-LAW:</div> <div><div>The subject lands are in the First Residential Zone (R1) pursuant to the City of St. Thomas Zoning By-Law No. 50-88, as amended. Permitted uses include a single detached dwelling and uses accessory to the foregoing. The requirements and setbacks for a single detached dwelling include:</div><div><div><div>- minimum lot area - 464m<sup>2</sup>;</div><div>- minimum lot frontage - 15m;</div><div>- maximum main building height - 11m;</div><div>- maximum accessory building height - 4m;</div><div>- maximum lot coverage - 35%;</div><div>- maximum floor area of an enclosed accessory building - the lesser of 15% of the lot area or 67m<sup>2</sup>;</div><div>- maximum number of dwelling units - 1 per lot;</div><div>- maximum roof area - 50%;</div><div>- minimum front yard depth - 6m;</div><div>- minimum rear yard depth - 10.5m;</div><div>- minimum interior side yard depth - 1m;</div><div>- minimum exterior side yard depth – 4.5m</div><div>- minimum ground floor area - 1 storey dwelling 74m<sup>2</sup>; and</div><div>- minimum number of parking spaces - 1 parking space per dwelling unit.</div></div><div>Exterior side yard means a yard extending from the front yard to the rear yard between the main building wall and the exterior lot line.</div></div></div>		

- Exterior lot line means the lot line of a corner lot abutting a street other than the front lot line.
- Exterior side yard depth means the horizontal distance between the exterior lot line of the lot and the main building wall or, where the main building wall is not parallel to the exterior lot line, the horizontal distance between the exterior lot line and the point in the face of the main building wall which is closest to the exterior lot line.

#### **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 owner recently obtained the services of a contractor to complete some improvements to the existing residential dwelling located on the subject lands, which included interior renovations, an addition on the west side of the dwelling and a new deck in the rear yard.
- During a site inspection the City building official noted that a permit was not issued for a partially constructed porch on the north side of the dwelling. As a result, the applicant's contractor filed revised plans in support of a building permit, however the zoning review revealed that the porch did not conform with the Zoning By-law.
- The new covered porch was constructed over top of the original uncovered concrete porch and steps, which conformed with the Zoning By-law, as the minimum exterior side yard setback for an uncovered porch and steps is 3m, subject to being not closer than 0.5m to any side lot line and not higher than 1.25m above grade.
- Exterior side yard setbacks are required to maintain consistent streetscapes and a buffer between sensitive land uses, such as residential and the municipal right-of-way.
- Exterior side yard setbacks are also required so that public services (water, storm and sewer) and utilities (gas, power transmission and telecommunications) located in the City right-of-way are protected from incompatible land uses.
- The subject porch is considered a non habitable structure and is setback 3m from the exterior side lot line, which is consistent with the exterior side yard setback requirement for an uncovered porch. Providing the porch remains unenclosed the structure should not present an obstacle to the ongoing maintenance and operation of Elm Street and should not have any significant impacts to the use of the subject lands, surrounding neighbours or the function of the exterior side yard.
- The Manager of Development and Compliance confirmed through email and consultation that the Environmental Services Department has no objection with the approval of the subject minor variance application.
- According to the elevation plans the porch eave and eave-trough project an additional 0.41m closer to the exterior side lot line. If the Committee approves the subject application the decision should also recognize the eave and eave-trough.
- In Staff's opinion the proposed variance meets the general intent and purpose of the Official Plan, 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 COA06-2020 be approved.
- Should the Committee of Adjustment approve Minor Variance Application COA06-2020, the decision should reflect that the Committee is approving:
  - an unenclosed, covered porch a minimum of 3m from the exterior side lot line;
  - a porch eave and eave-trough a minimum of 2.59m from the exterior side lot line; and
  - the application conditional on the porch remaining unenclosed and the owner obtaining a building permit.

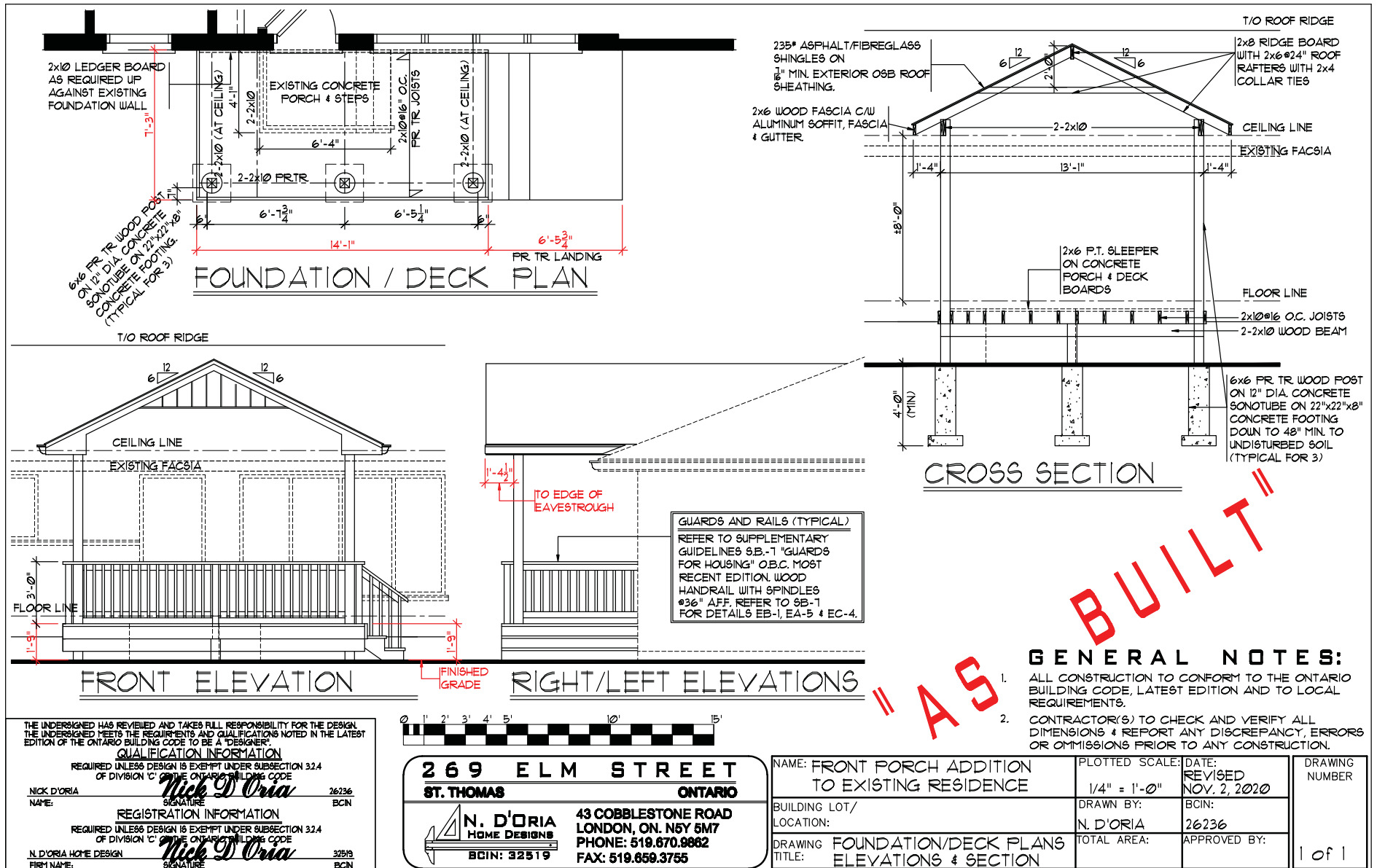
Respectfully submitted,



Steve Craig  
Senior Planning Technician









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

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December 15<sup>th</sup>, 2020

Secretary-Treasurer, Committee of Adjustment  
Attention: Jon Hindley

Pursuant to By-Law 30-2015, a consultation meeting was held on November 26<sup>th</sup>, 2020 with Planning Department Staff and the applicant.

Three applications for Consent, regarding 354 Wellington Street, were filed on December 14<sup>th</sup>, 2020.

This letter is notice that the information and materials required under Subsections 53(2) and 53(3) and the required fees under Section 69 of the Planning Act have been provided and the applications for consent are 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: <b>DEC 14 2020</b>	Consultation Date: <b>NOV 26/20</b>
	Date Application Deemed Complete: <b>DEC 15 2020</b>	

 Application #: **B10/20**

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): Walter Ostojic & Sons, Novi Construction Limited

 Mailing Address: 76 Progress Drive, St. Thomas, ON.

 Postal Code: N5P 4G5 Telephone: 519-633-9746 Fax: \_\_\_\_\_

 email: joeostojic@sympatico.ca

(b) Owner's Solicitor or Authorized Agent (if any): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Postal Code: \_\_\_\_\_ Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

email: \_\_\_\_\_

(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:

unknown at this time

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

Yes ☐ No ☒

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

4. Location of land:

Municipality (City/Town/Township) City of St. Thomas

Concession No \_\_\_\_\_ Lot(s) \_\_\_\_\_ Registered Plan No \_\_\_\_\_ Lot(s) 1-4

Reference Plan No Plan 80 Blk 10 Part(s) \_\_\_\_\_

Name of Street Wellington Street Street No 354

5. Description of land to be severed: (In metric units) Part No. on sketch 1,2,3

(a) Frontage varies see Sketch 2 Depth varies see Sketch 2 Area varies see Sketch 2

(b) Existing Use Residential Proposed Use Residential

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

Existing: no structures on lands to be severed

Proposed: residential homes

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

(a) Frontage 28.45 Depth 44.53 Area 1268.3

(b) Existing Use Residential Proposed Use Residential

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

Existing: House and garage

Proposed: no new structures, existing to be retained

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 NA

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.

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I, Joe Ostojic, 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.

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**AFFIDAVIT OR SWORN DECLARATION**

I, Joe Ostojic 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 12th day of November, 2020.  
City Day Month Year

  
Signature of Owner or Authorized Agent

Dec 14 / 20  
Date

  
Signature of Commissioner of Oaths, etc.

Dec 14 / 20  
Date

Crystal Marie Penney, a Commissioner, etc.,  
Province of Ontario, for the  
Corporation of the City of St. Thomas.  
Expires September 18, 2022.

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

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

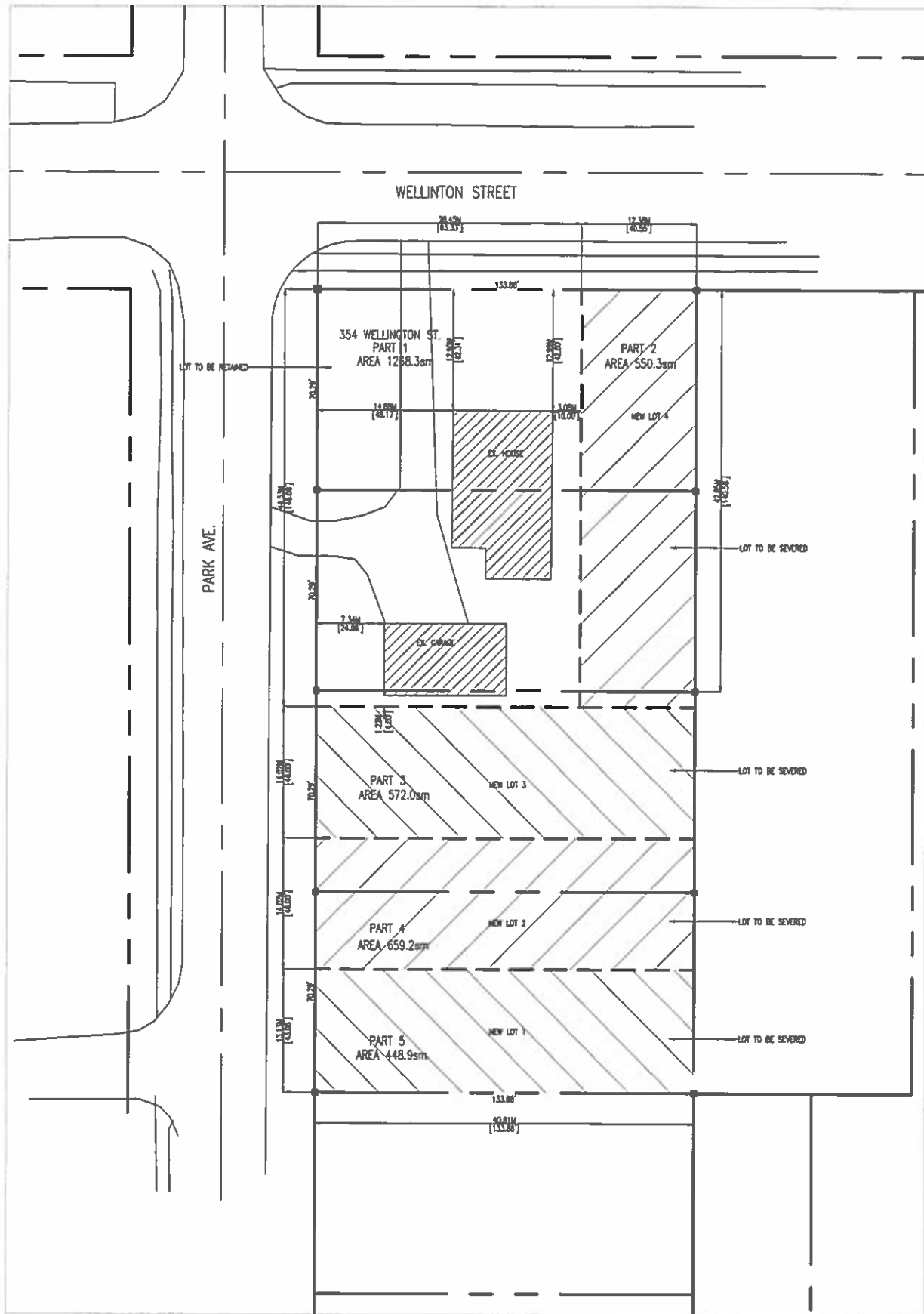
In addition to the application fees listed in this application package, please note that where the City requires assistance from its solicitors or other technical or professional consultants in the processing of this application, the applicant shall be responsible for reimbursing all fees incurred by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

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

I, JIE OUYANG, 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.

Dec 15/20  
 Date

  
 Signature of Owner


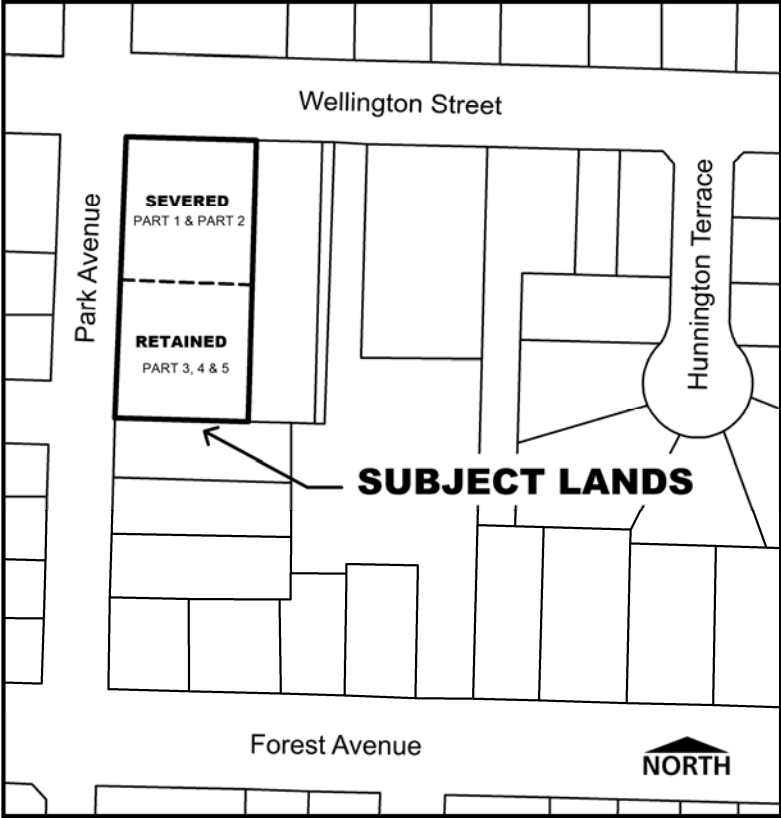


SITE PLAN 354 WELLINGTON STREET

1"=30'



SKETCH 2

<div><div>The Corporation of the City of St. Thomas</div></div>	<div>Report No.: B10-2020</div> <div>Applicant: Walter Ostojic and Sons and Novi Construction Limited</div>
<div>Directed to: Members of the Committee of Adjustment</div>	<div>Report Date: January 4, 2021</div> <div>Meeting Date: January 14, 2021</div>
<div>Location: Plan 80, Block Block 10, Lot 1 – 4, 354 Wellington Street, St. Thomas</div>	
<div>Subject: Request for a consent pursuant to Section 53 of the Planning Act, R.S.O, as amended</div>	
<div>Department: Planning Department</div> <div>Prepared by: Steve Craig, Senior Planning Technician</div>	<div>Attachments:</div> <div>Location Plan and Aerial Photograph 2015</div>
<div>Recommendation:</div> <div>That: Report B10-2020 be received.</div>	
<div>Origin</div> <p>Three consent applications have been filed concurrently (B10/20, B11/20 and B12/20) for the purpose of creating five lots, including one lot containing the existing single detached residential dwelling and detached garage and four vacant building lots proposed to be developed with four single detached residential dwellings.</p> <div>Proposal</div> <p>The applicant is proposing to sever a lot (Part 1 &amp; Part 2) with frontage of 40.81m on Wellington Street and an area of 1,818.6sqm, containing one house and one detached garage. It is proposed that the lot will be further subdivided through Consent Application B11/20. The applicant is proposing to retain a vacant lot (Part 3, 4 &amp; 5) with frontage of 41.17m on Park Avenue and an area of 1,680.1sqm. It is proposed that the lot will be further subdivided through Consent Application B12/20.</p> <div>Official Plan</div> <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. The Residential designation of the Plan permits low, medium and high density residential use, subject to the policies of the Plan.</li><li>• Infilling and intensification of low density residential areas shall be encouraged where deemed appropriate. Redevelopment/infill for the purposes of the Plan is defined as new residential development within an established neighbourhood, on vacant or underutilized sites. Redevelopment/infill may occur by consent or plan of subdivision.</li><li>• Consents will be granted only if it is apparent to the Committee of Adjustment that a plan of subdivision is unnecessary and the land in question can be serviced adequately.</li><li>• The following policies, in addition to other applicable policies in the Plan, apply to the creation of new lots by the consent process:<ul style="list-style-type: none"><li>i) consents should be granted only in areas where the undue extension of any major service would not be required;</li><li>ii) consents should be granted only when the land fronts on an existing public road that is or will be developed to accepted municipal standards;</li><li>iii) consents should have the effect of infilling in existing urbanized areas and not of extending the urban area unduly;</li><li>iv) the size of any parcel of land created by such a consent should be appropriate for the use proposed considering the public services available and the soil conditions and in no case should any parcel be created which does not conform to the provisions of the zoning by-law;</li><li>v) direct access from arterial or collector streets should be restricted and residential lots should, where possible, have access only from local streets;</li><li>vi) consents should not be granted for land adjacent to a road from which access is to be obtained where a traffic hazard would be created because of limited sight lines on curves or grades.</li></ul></li><li>• As a condition of development or redevelopment of land for residential purposes, Council may, by by-law applicable to the whole City, or to any defined area or areas, require that land in an amount not exceeding 5 percent of the land proposed for development or redevelopment be conveyed to the City for park or other public recreational purposes. Council may accept money to the value of any land required to be conveyed in lieu of such conveyance.</li></ul>	<div>Location Plan:</div> 



**Zoning By-Law**

- The subject lands are located within the Third Residential Zone (R3) pursuant to the City of St. Thomas Zoning By-Law No. 50-88, as amended.
- The Third Residential Zone (R3) permitted uses include a single detached dwelling. For a single detached dwelling a minimum lot area of 371.5m<sup>2</sup> is required, and a minimum lot frontage of 12m is required.
- No building or structure shall be erected or used for any purpose unless the following municipal services are available to service the building or structure and the land on which it is situate:
  - a) a water supply system; and
  - b) a sanitary sewage system and a storm sewage system or a combined sanitary and storm sewage system.

**AERIAL PHOTOGRAPH 2015:**



**Comments**

- The proposed consent application constitutes an appropriate intensification that will result in the creation of four residential building lots that are compatible with the surrounding area, appropriate and efficient use of residentially designated lands and municipal infrastructure.
- In staffs 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. Therefore, approval of consent application B10-2020 is supportable.
- Should the Committee approve consent application B10-2020 planning staff recommends the following conditions:
  - 1) The payment of cash-in-lieu of the dedication of 5% of the lands for parkland purposes; and
  - 2) The Corporation of the City of St. Thomas be provided with a copy of the reference plan.

Respectfully submitted,

  
Steve Craig  
Senior Planning Technician



## THE CORPORATION OF THE CITY OF ST THOMAS

Clear Form

## COMMITTEE OF ADJUSTMENT

## APPLICATION FOR CONSENT

OFFICE USE:	Date Application Received: <b>DEC 14 2020</b>	Consultation Date: <b>Nov 26/20</b>
	Date Application Deemed Complete: <b>DEC 15 2020</b>	

Application #: **B11120**

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): Walter Ostojic & Sons, Novi Construction LimitedMailing Address: 76 Progress Drive, St. Thomas, ON.Postal Code: N5P 4G5 Telephone: 519-633-9746 Fax: \_\_\_\_\_email: joeostojic@sympatico.ca

(b) Owner's Solicitor or Authorized Agent (if any): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Postal Code: \_\_\_\_\_ Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

email: \_\_\_\_\_

(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:

unknown at this time

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

Yes ☐ No ☒

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

4. Location of land:

Municipality (City/Town/Township) City of St. Thomas

Concession No. \_\_\_\_\_ Lot(s) \_\_\_\_\_ Registered Plan No. \_\_\_\_\_ Lot(s) 1-4

Reference Plan No. Plan 80 Blk 10 Part(s) \_\_\_\_\_

Name of Street Wellington Street Street No. 354

5. Description of land to be severed: (in metric units) Part No. on sketch 1,2,3

(a) Frontage varies see Sketch 2 Depth varies see Sketch 2 Area varies see Sketch 2

(b) Existing Use Residential Proposed Use Residential

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

Existing: no structures on lands to be severed

Proposed: residential homes

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

(a) Frontage 28.45 Depth 44.53 Area 1268.3

(b) Existing Use Residential Proposed Use Residential

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

Existing: House and garage

Proposed: no new structures, existing to be retained

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 NA

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, Joe Ostojic, 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, Joe Ostojic 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 12th day of November, 2020.  
City Day Month Year

  
Signature of Owner or Authorized Agent

Dec 14/20  
Date

  
Signature of Commissioner of Oaths, etc.

Dec 14/20  
Date

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


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

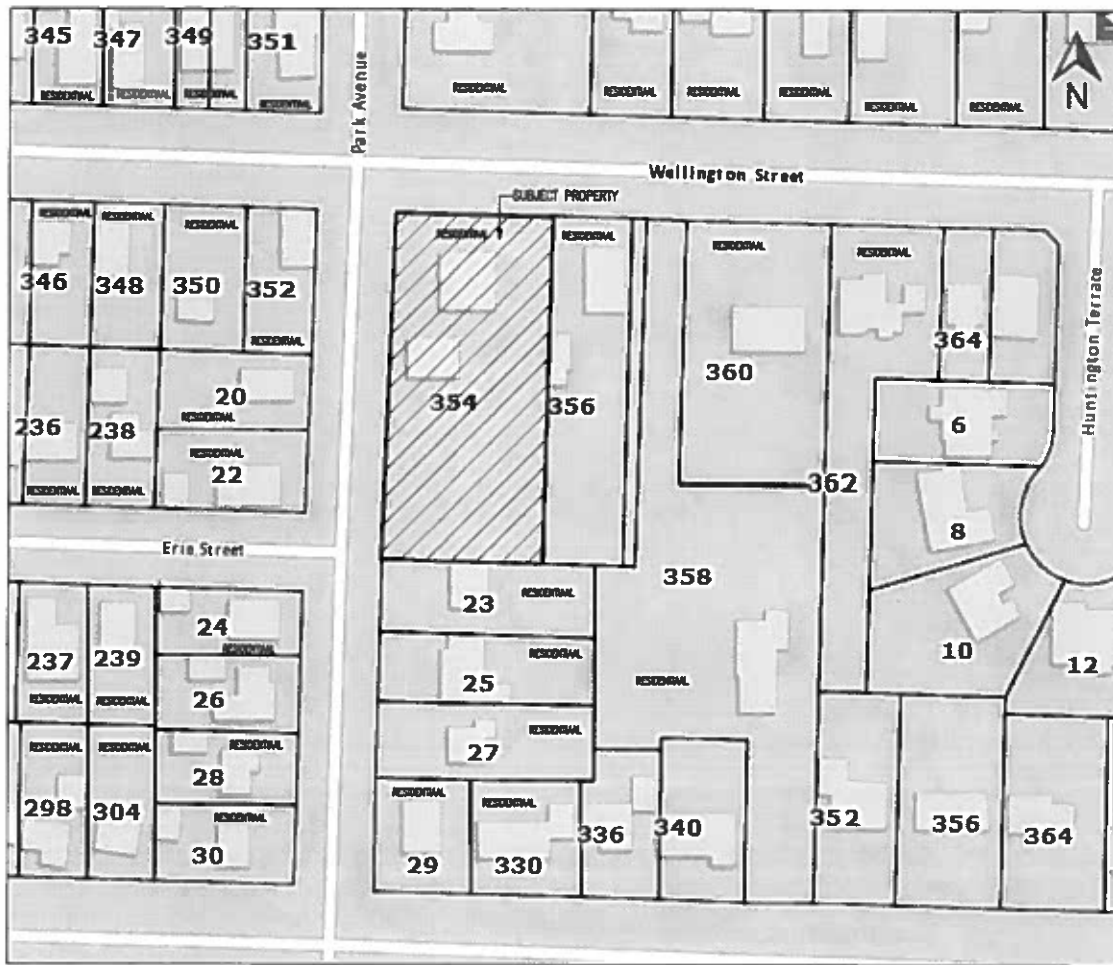
In addition to the application fees listed in this application package, please note that where the City requires assistance from its solicitors or other technical or professional consultants in the processing of this application, the applicant shall be responsible for reimbursing all fees incurred by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

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

I, JLE OLYOIC, 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.

Dec 15/20  
 Date


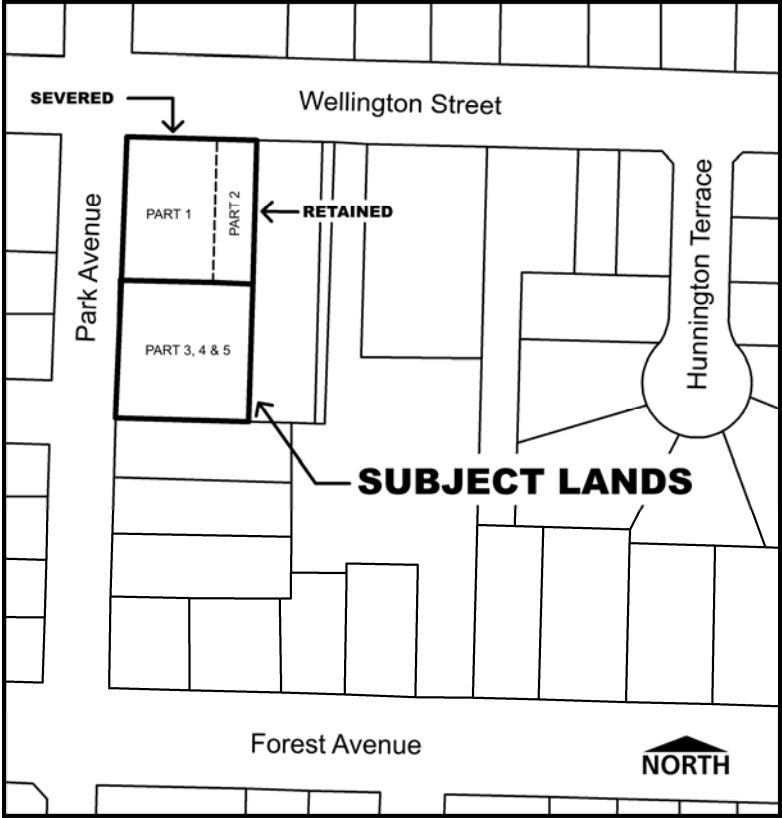
  
 Signature of Owner



AREA PLAN PROPERTY USE  
NTS



SKETCH 1

<div><div>The Corporation of the City of St. Thomas</div></div>		<div>Report No.: B11-2020</div>
		<div>Applicant: Walter Ostojic and Sons and Novi Construction Limited</div>
<div>Directed to: Members of the Committee of Adjustment</div>		<div>Report Date: January 4, 2021 Meeting Date: January 14, 2021</div>
<div>Location: Plan 80, Block Block 10, Lot 1 – 4, 354 Wellington Street, St. Thomas</div>		
<div>Subject: Request for a consent pursuant to Section 53 of the Planning Act, R.S.O, as amended</div>		
<div>Department: Planning Department Prepared by: Steve Craig, Senior Planning Technician</div>		<div>Attachments: Location Plan and Aerial Photograph 2015</div>
<div>Recommendation:  That: Report B11-2020 be received.</div>		
<div><div><div><div>Origin</div><p>Three consent applications have been filed concurrently (B10/20, B11/20 and B12/20) for the purpose of creating five lots, including one lot containing the existing single detached residential dwelling and detached garage and four vacant building lots proposed to be developed with four single detached residential dwellings.</p><div>Proposal</div><p>The applicant is proposing to sever a lot (Part 1) with frontage of 28.45m on Wellington Street and an area of 1,268.3sqm, containing one house and one detached garage. It is proposed that the lot will continue to be used for residential purposes. The applicant is proposing to retain a vacant lot (Part 2) with frontage of 12.36m on Wellington Street and an area of 550.3sqm. It is proposed that the lot will be developed with one single detached residential dwelling.</p><div>Official Plan</div><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. The Residential designation of the Plan permits low, medium and high density residential use, subject to the policies of the Plan.</li><li>• Infilling and intensification of low density residential areas shall be encouraged where deemed appropriate. Redevelopment/infill for the purposes of the Plan is defined as new residential development within an established neighbourhood, on vacant or underutilized sites. Redevelopment/infill may occur by consent or plan of subdivision.</li><li>• Consents will be granted only if it is apparent to the Committee of Adjustment that a plan of subdivision is unnecessary and the land in question can be serviced adequately.</li><li>• The following policies, in addition to other applicable policies in the Plan, apply to the creation of new lots by the consent process:<ul style="list-style-type: none"><li>i) consents should be granted only in areas where the undue extension of any major service would not be required;</li><li>ii) consents should be granted only when the land fronts on an existing public road that is or will be developed to accepted municipal standards;</li><li>iii) consents should have the effect of infilling in existing urbanized areas and not of extending the urban area unduly;</li><li>iv) the size of any parcel of land created by such a consent should be appropriate for the use proposed considering the public services available and the soil conditions and in no case should any parcel be created which does not conform to the provisions of the zoning by-law;</li><li>v) direct access from arterial or collector streets should be restricted and residential lots should, where possible, have access only from local streets;</li><li>vi) consents should not be granted for land adjacent to a road from which access is to be obtained where a traffic hazard would be created because of limited sight lines on curves or grades.</li></ul></li><li>• As a condition of development or redevelopment of land for residential purposes, Council may, by by-law applicable to the whole City, or to any defined area or areas, require that land in an amount not exceeding 5 percent of the land proposed for development or redevelopment be conveyed to the City for park or other public recreational purposes. Council may accept money to the value of any land required to be conveyed in lieu of such conveyance.</li></ul></div></div><div><div>Location Plan:</div></div></div>		



**Zoning By-Law**

- The subject lands are located within the Third Residential Zone (R3) pursuant to the City of St. Thomas Zoning By-Law No. 50-88, as amended.
- The Third Residential Zone (R3) permitted uses include a single detached dwelling. For a single detached dwelling a minimum lot area of 371.5m<sup>2</sup> is required, and a minimum lot frontage of 12m is required.
- No building or structure shall be erected or used for any purpose unless the following municipal services are available to service the building or structure and the land on which it is situate:
  - a) a water supply system; and
  - b) a sanitary sewage system and a storm sewage system or a combined sanitary and storm sewage system.

**AERIAL PHOTOGRAPH 2015:**



**Comments**

- The proposed consent application constitutes an appropriate intensification that will result in the creation of four new residential building lots that are compatible with the surrounding area, appropriate and efficient use of residentially designated lands and municipal infrastructure.
- In staffs 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. Therefore, approval of consent application B11-2020 is supportable.
- Should the Committee approve consent application B11-2020 planning staff recommends the following conditions:
  - 1) The payment of cash-in-lieu of the dedication of 5% of the lands for parkland purposes; and
  - 2) The Corporation of the City of St. Thomas be provided with a copy of the reference plan.

Respectfully submitted,

  
Steve Craig  
Senior Planning Technician





## THE CORPORATION OF THE CITY OF ST THOMAS

Clear Form

## COMMITTEE OF ADJUSTMENT

## APPLICATION FOR CONSENT

OFFICE USE:	Date Application Received: <b>DEC 14 2020</b>	Consultation Date: <b>NOV 26/20</b>
	Date Application Deemed Complete: <b>DEC 15 2020</b>	

Application #: B12/20

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): Walter Ostojic & Sons, Novi Construction LimitedMailing Address: 76 Progress Drive, St. Thomas, ON.Postal Code: N5P 4G5 Telephone: 519-633-9746 Fax: \_\_\_\_\_email: joeostojic@sympatico.ca

(b) Owner's Solicitor or Authorized Agent (if any): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Postal Code: \_\_\_\_\_ Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

email: \_\_\_\_\_

(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:

unknown at this time

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

Yes ☐ No ☒

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

4. Location of land:

Municipality (City/Town/Township) City of St. Thomas

Concession No. \_\_\_\_\_ Lot(s) \_\_\_\_\_ Registered Plan No. \_\_\_\_\_ Lot(s) 1-4

Reference Plan No. Plan 80 Blk 10 Part(s) \_\_\_\_\_

Name of Street Wellington Street Street No. 354

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

(a) Frontage 12.36 Depth 42.85 Area 550.3

(b) Existing Use Residential Proposed Use Residential

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

Existing: no structures on lands to be severed

Proposed: residential homes

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

(a) Frontage 28.45 Depth 44.53 Area 1268.3

(b) Existing Use Residential Proposed Use Residential

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

Existing: House and garage

Proposed: no new structures, existing to be retained

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 NA

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, Joe Ostojic, 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, Joe Ostojic 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 12th day of November, 2020.  
City Day Month Year

  
Signature of Owner or Authorized Agent

Dec 14/20  
Date

  
Signature of Commissioner of Oaths, etc.

Dec 14/20  
Date

Crystal Marie Penney, a Commissioner, etc.,  
Province of Ontario, for the  
Corporation of the City of St. Thomas.  
Expires September 18, 2022.

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

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

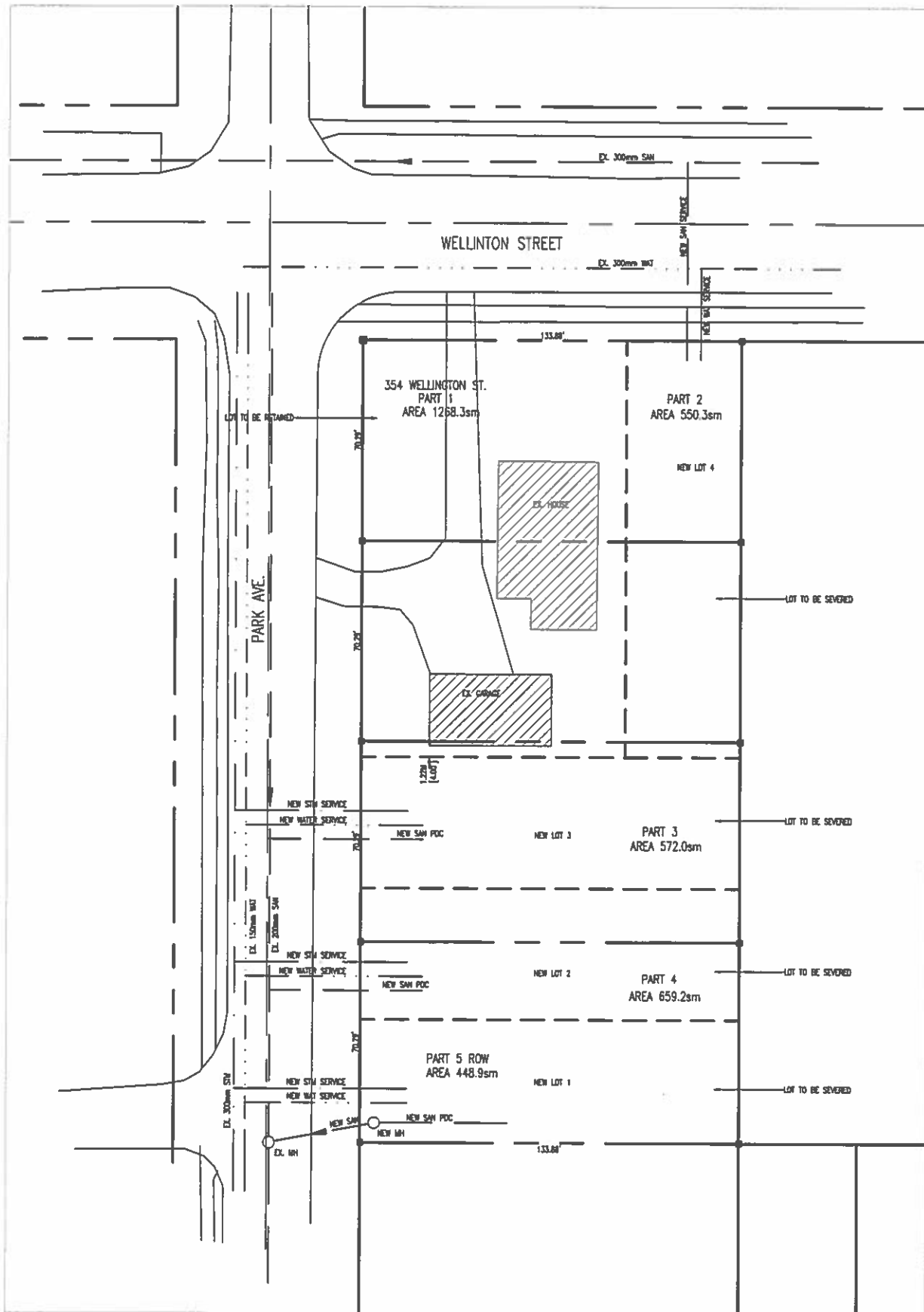
In addition to the application fees listed in this application package, please note that where the City requires assistance from its solicitors or other technical or professional consultants in the processing of this application, the applicant shall be responsible for reimbursing all fees incurred by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

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

I, JLE OLYONIC, 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.

Dec 15/20  
 Date

  
 Signature of Owner


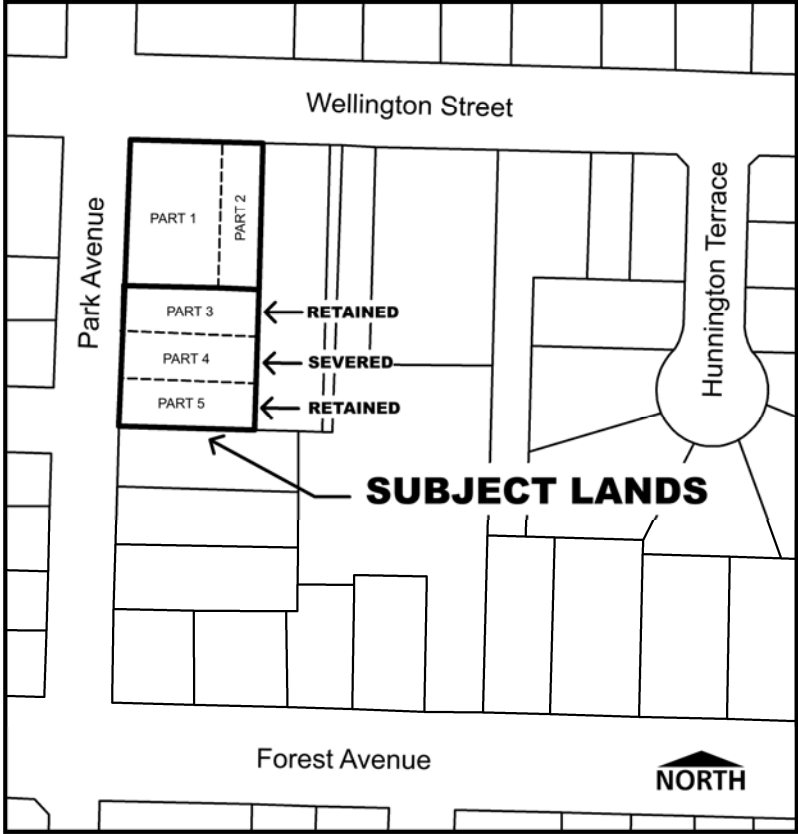


SERVICING PLAN 354 WELLINGTON STREET

1"=30'



SKETCH 3

<div><div>The Corporation of the City of St. Thomas</div></div>		<div>Report No.: B12-2020</div>
		<div>Applicant: Walter Ostojic and Sons and Novi Construction Limited</div>
<div>Directed to: Members of the Committee of Adjustment</div>		<div>Report Date: January 4, 2021 Meeting Date: January 14, 2021</div>
<div>Location: Plan 80, Block Block 10, Lot 1 – 4, 354 Wellington Street, St. Thomas</div>		
<div>Subject: Request for a consent pursuant to Section 53 of the Planning Act, R.S.O, as amended</div>		
<div>Department: Planning Department Prepared by: Steve Craig, Senior Planning Technician</div>		<div>Attachments: Location Plan and Aerial Photograph 2015</div>
<div>Recommendation:  That: Report B12-2020 be received.</div>		
<div><div><div>Origin</div><p>Three consent applications have been filed concurrently (B10/20, B11/20 and B12/20) for the purpose of creating five lots, including one lot containing the existing single detached residential dwelling and detached garage and four vacant building lots proposed to be developed with four single detached residential dwellings.</p><div>Proposal</div><p>The applicant is proposing to sever a vacant lot (Part 4) with frontage of 14.02m on Park Avenue and an area of 659.2sqm. It is proposed that the lot will be developed with one single detached residential dwelling. The applicant is proposing to retain two vacant lots (Part 3 and Part 5) with frontage of 14.02m (Part 3) and 13.13m (Part 5) on Park Avenue and an area of 572.0sqm (Part 3) and 448.9sqm (Part 5). It is proposed that the lots will be developed with two single detached residential dwellings.</p><div>Official Plan</div><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. The Residential designation of the Plan permits low, medium and high density residential use, subject to the policies of the Plan.</li><li>Infilling and intensification of low density residential areas shall be encouraged where deemed appropriate. Redevelopment/infill for the purposes of the Plan is defined as new residential development within an established neighbourhood, on vacant or underutilized sites. Redevelopment/infill may occur by consent or plan of subdivision.</li><li>Consents will be granted only if it is apparent to the Committee of Adjustment that a plan of subdivision is unnecessary and the land in question can be serviced adequately.</li><li>The following policies, in addition to other applicable policies in the Plan, apply to the creation of new lots by the consent process:<ul style="list-style-type: none"><li>i) consents should be granted only in areas where the undue extension of any major service would not be required;</li><li>ii) consents should be granted only when the land fronts on an existing public road that is or will be developed to accepted municipal standards;</li><li>iii) consents should have the effect of infilling in existing urbanized areas and not of extending the urban area unduly;</li><li>iv) the size of any parcel of land created by such a consent should be appropriate for the use proposed considering the public services available and the soil conditions and in no case should any parcel be created which does not conform to the provisions of the zoning by-law;</li><li>v) direct access from arterial or collector streets should be restricted and residential lots should, where possible, have access only from local streets;</li><li>vi) consents should not be granted for land adjacent to a road from which access is to be obtained where a traffic hazard would be created because of limited sight lines on curves or grades.</li></ul></li><li>As a condition of development or redevelopment of land for residential purposes, Council may, by by-law applicable to the whole City, or to any defined area or areas, require that land in an amount not exceeding 5 percent of the land proposed for development or redevelopment be conveyed to the City for park or other public recreational purposes. Council may accept money to the value of any land required to be conveyed in lieu of such conveyance.</li></ul></div><div><div>Location Plan:</div></div></div>		



### Zoning By-Law

- The subject lands are located within the Third Residential Zone (R3) pursuant to the City of St. Thomas Zoning By-Law No. 50-88, as amended.
- The Third Residential Zone (R3) permitted uses include a single detached dwelling. For a single detached dwelling a minimum lot area of 371.5m<sup>2</sup> is required, and a minimum lot frontage of 12m is required.
- No building or structure shall be erected or used for any purpose unless the following municipal services are available to service the building or structure and the land on which it is situate:
  - a) a water supply system; and
  - b) a sanitary sewage system and a storm sewage system or a combined sanitary and storm sewage system.

### AERIAL PHOTOGRAPH 2015:



### Comments

- The proposed consent application constitutes an appropriate intensification that will result in the creation of four new residential building lots that are compatible with the surrounding area, appropriate and efficient use of residentially designated lands and municipal infrastructure.
- In staffs 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. Therefore, approval of consent application B12-2020 is supportable.
- Should the Committee approve consent application B12-2020 planning staff recommends the following conditions:
  - 1) The payment of cash-in-lieu of the dedication of 5% of the lands for parkland purposes; and
  - 2) The Corporation of the City of St. Thomas be provided with a copy of the reference plan.

Respectfully submitted,

Steve Craig  
Senior Planning Technician