

A G E N D A

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

TELECONFERENCE

10:00 A.M.

**THURSDAY
MARCH 11, 2021**

DISCLOSURE OF INTEREST

MINUTES

Confirmation of the minutes of the meeting held on February 11, 2021.

HEARING OF APPLICATIONS

A02/21 - Home Hardware Stores Ltd. - 295 Wellington Street **Pages 2-13**

Planning Report - A02/21 **Pages 14-18**

B01/21 - Habitat for Humanity Heartland Ontario - 92 and 94 Scott Street **Pages 19-29**

Planning Report - B01/21 **Pages 30-31**

UNFINISHED BUSINESS

NEW BUSINESS

Next Meeting

To Be Determined.

ADJOURNMENT

CONFIRMATION OF AN APPLICATION FOR MINOR VARIANCE

February 8th, 2021

Secretary-Treasurer, Committee of Adjustment
Attention: Jon Hindley

Pursuant to By-Law 30-2015, a consultation meeting was held on October 8th, 2020 with Planning staff and the applicant.

An application for a minor variance, regarding 295 Wellington Street, was filed on January 27th, 2021 and the required fee under Section 69 of the Planning Act has been provided.

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

Regards,

A handwritten signature in black ink, appearing to read "Jim McCoomb", with a stylized flourish at the end.

Jim McCoomb, MCIP, RPP
Manager of Planning Services

Pol Associates Inc
 Land Use Planning Consultants
 94 Rollingwood Circle
 London ON N6G 1P7

January 19, 2021

City of St. Thomas
 Committee of Adjustment
 545 Talbot Street
 St. Thomas ON N5P 3V7

Dear Sir,

RE: Minor Variance application for Clippity Clop Ice Cream Shoppe located at 295 Wellington Street St. Thomas (Home Hardware) to permit a food kiosk for the preparation and sale of ice cream.

Pol Associates Inc. is retained by Clippity Clop Ice Cream Shoppe to obtain a minor variance to permit a food kiosk for the preparation and sale of ice cream on lands owned by Home Hardware Stores Ltd. at 295 Wellington Street, St. Thomas. Authorization from the owner is attached.

Attached and forming the minor variance application are the following:

- Completed application form
- Home Hardware Ltd. owner authorization
- Surrounding land use plan
- Location plan
- Conceptual site plan
- NOTE: the \$400.00 application fee was sent under a separate cover to the City by the operator of Clippity Clop Ice Cream Shoppe, Carson Harris

Based on a review of the applicable Official Plan and zone regulations, and further to our pre-consultation meeting with the Planning Division on October 8, 2020, the regulation 16.3 Services Required needs to be varied. The applicant received approval in 2020 from the local Southwest Public Health confirm no municipal services are required to operate the food kiosk at this location. The following paragraphs consider the land use criteria for approval of a minor variance.

Conformity to the St. Thomas Official Plan

The subject lands are designated Commercial in the City of St. Thomas Official Plan. Commercial uses include the preparation and sale of food as requested in the variance. The intended use conforms to the general intent and purpose of the Official Plan.

Pol Associates Inc

Land Use Planning Consultants
 94 Rollingwood Circle
 London ON N6G 1P7

Conformity to the City of St. Thomas Zoning By-law

The subject lands are shown in the Secondary Commercial Zone C-5 on map No. 16 of By-law 74-2018. A restaurant for food preparation and service is a permitted use under Section 16.1 Permitted Uses. The Southwest Public Health inspected and issued permits to operate the food kiosk in June 2020 confirming no municipal services were necessary to operate the kiosk. Therefore the proposed food kiosk is in keeping with the intent and purpose of the C-5 Zone.

Is the variance minor?

The requested variance is minor because all other applicable regulations for the food kiosk are complied with. Approval of the variance will not impact surrounding property owners.

Is the variance appropriate for the site?

The variance is appropriate for this location on the lot. A food kiosk offers convenient access for pedestrians along Wellington Street and First Avenue and customers to the Home Hardware store. It is located a sufficient distance from property lines and will not impact the use of the commercial parking area or the abutting sidewalks. The food kiosk is appropriate for the development of the site.

The requested variance is sound land use planning and appropriate for the development of the site. The operator is looking forward to proceeding with the food kiosk permits and approvals as early as possible in 2021. Should you require further information, please contact me.

Regards,



William Pol, MCIP, RPP

Principal Planner

Pol Associates Inc.

P 519-933-5152

E wpolassociates@gmail.com

cc. Kris Liebold, Home Hardware Limited
 Carson Harris, Clippity Clop Ice Cream Shoppe



CORPORATION OF THE CITY OF ST THOMAS COMMITTEE OF ADJUSTMENT

APPLICATION FOR MINOR VARIANCE OR FOR PERMISSION

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

OFFICE USE:	Date Application Received: <u>January 27, 2021</u>	Consultation Date: <u>October 8, 2020</u>
	Date Application Deemed Complete: <u>February 8, 2021</u>	

Application #: A02/21

APPLICATION IS HEREBY MADE TO:

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

1. Name of Owner(s) _____
Address _____

Postal Code _____ Tel: _____ e-mail: _____

2. Name of Authorized Agent (if any) _____
Address _____

Postal Code _____ Tel: _____ e-mail: _____

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

3. Nature and extent of relief from the Zoning By-law applied for:

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

5. Location of Land:
Concession No. _____ Lot(s) _____ Registered Plan No. _____ Lot(s) _____

Reference Plan No. _____ Part(s) _____

Geographic/Former Township _____

Name of Street _____ Street No. _____

6. Dimensions of land affected:

Frontage _____ Depth _____

Area _____ Width of Street _____

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:

USE _____

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:

Proposed:

USE

10. Date of acquisition of subject land: _____

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

12. Existing uses of the subject land:

13. Existing uses of abutting lands:

North: _____ East: _____

South: _____ West: _____

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

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

Water:

() Municipally owned and operated Other (Specify) _____
 pipd water system

Sewage Disposal:

() Municipally owned and operated Other (Specify) _____
 sanitary sewer system

Storm Drainage

() Storm sewers Other (Specify) _____

16. Present Official Plan designation of the subject land:

17. Present Zoning of the subject land:

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 William Pol, 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, William Pol of London in the province of Ontario,
name of applicant City
make oath and say (or solemnly declare) that the information required under Schedule 1 of Ontario Regulation 545/06 and provided by the applicant in this application is accurate, and that the information contained in the documents that accompany this application is accurate. Sworn (or declared) before me at the London on this 8th day of February, 2021.
City Day Month Year

William Pol

Signature of Owner or Authorized Agent

February 8, 2021

Date

Signature of Commissioner of Oaths, etc.

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, Home Hardware Ltd, am the owner of the subject lands, and I authorize William Pol, MCIP, RPP, 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

Kris Leibold
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, Home Hardware Ltd., am the **owner** of the subject lands, and I understand that further fees may be incurred by the City throughout the planning process and that I am responsible for reimbursing all fees.

Date

Kris Leibold
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.

Clippity Clop Ice Cream Shoppe

Conceptual Site Plan 295 Wellington street St.



Pol Associates Inc. 94 Rollingwood Circle London ON N6J 1P7

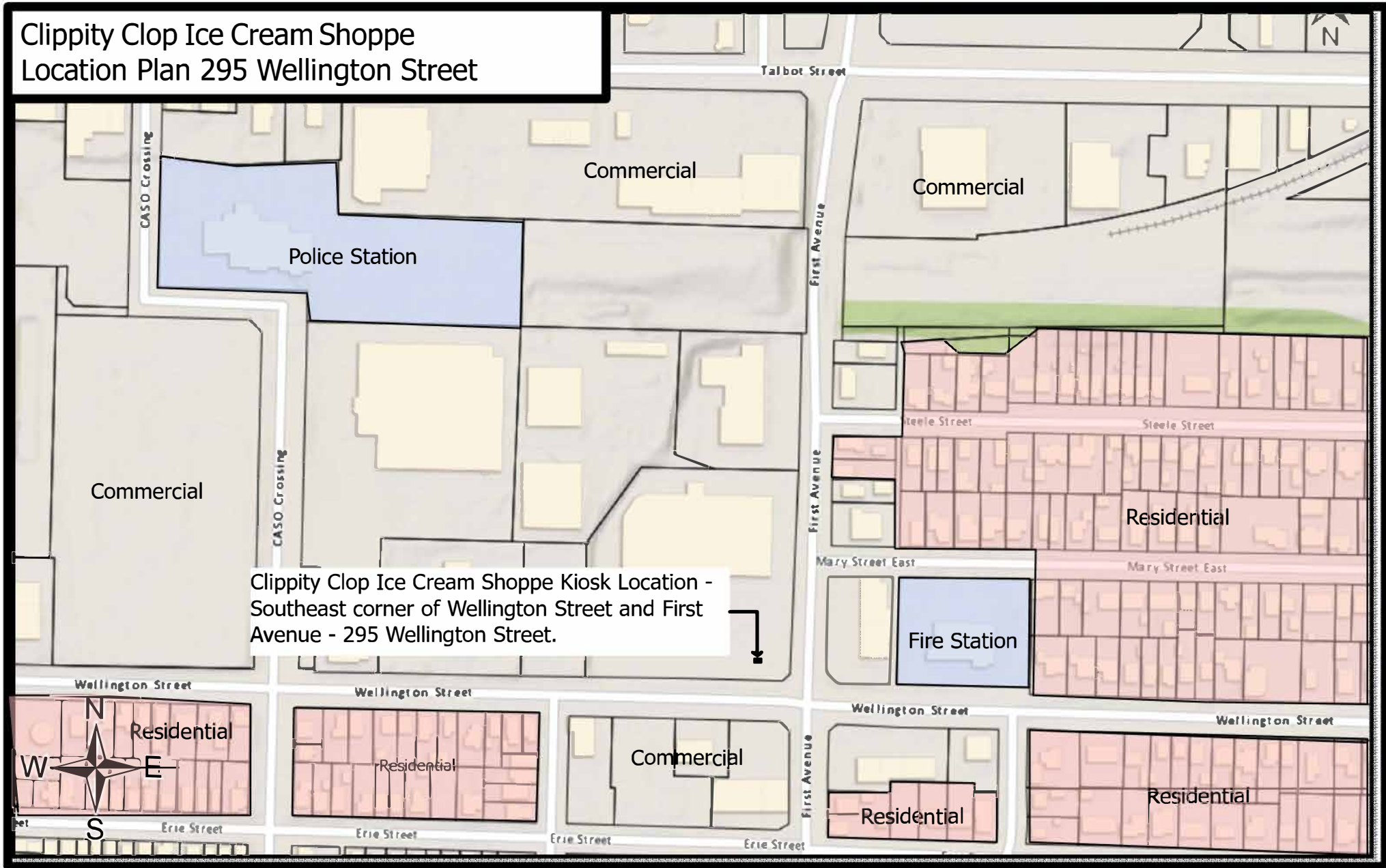
Email: wpolassociates@gmail.com Phone: 519-933-5152

Clippity Clop Ice Cream Shoppe
Conceptual Site Plan 295 Wellington Street


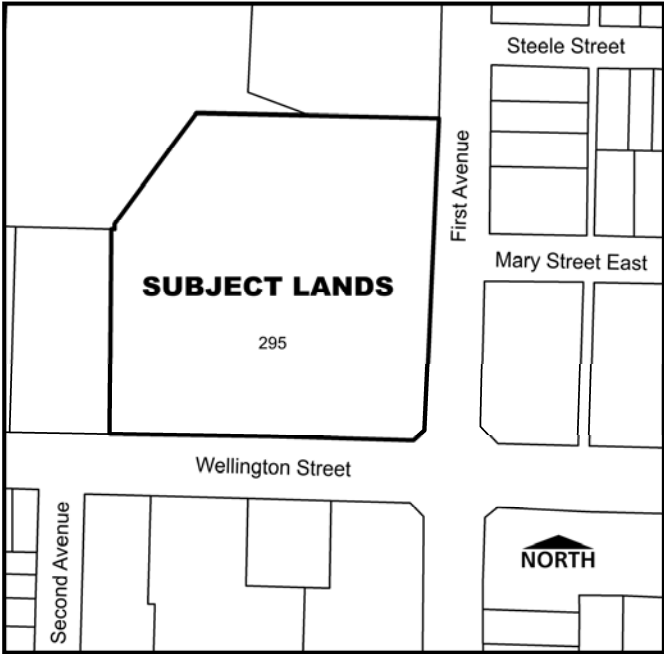


Clippity Clop Ice Cream Shoppe

Location Plan 295 Wellington Street



Produced by: Pol Associates Inc.
Source: GeoEye, Maxar, Microsoft

<div><div>The Corporation of the City of St. Thom</div></div>		<div>Report No.: COA02-2021</div>
		<div>Applicant: Home Hardware Stores Ltd.</div>
<div>Members of the Committee of Adjustment</div>		<div>Report Date: March 3, 2021</div> <div>Meeting Date: March 11, 2021</div>
<div>Location: 295 Wellington Street, Plan 65 PT R for Shops, Registered Plan 11R1668, Parts 1 and 3, 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, Photographs of Clippity Clop Ice Cream Shoppe</div>
<div>Recommendation:</div> <div>That: Report COA02-2021 be received.</div>		
<div><div><div><div>BACKGROUND:</div><div>The applicant has filed the subject minor variance application in support of the operation of a food kiosk on the subject lands, for the preparation and sale of ice cream (Clippity Clop Ice Cream Shoppe).</div></div><div><div>MINOR VARIANCE:</div><div><div>(i) To permit a food kiosk on the subject lands, for the preparation and sale of ice cream, without municipal services, whereas Subsection 16.3 of the City of St. Thomas Zoning By-law provides that no building or structure in the C5 zone shall be erected or used for any purpose permitted by subsection 16.1 unless the following municipal services are available to service the building or structure and the land on which it is situate:</div><div><div>i) a water supply system; and</div><div>ii) a sanitary sewage system and storm sewage system.</div></div></div></div><div><div>OFFICIAL PLAN:</div><div><div><div>The subject lands are in the Secondary Commercial designation, as shown on Schedule A (Land Use Plan) to the Official Plan for the City of St. Thomas.</div><div>Permitted uses of the Secondary Commercial designation include automotive services business, automotive service centre, gas bar, convenience store, carwash, apparel and accessories store, books and stationery store, drug store, electronics and computers store, household furnishings store, tires, batteries and accessories store, office supplies store, financial institution, liquor, beer or wine store, movie theatre, personal services, business offices, restaurants, hotels/motels, existing home improvement and related merchandise use and the expansion of home improvement and related merchandise floor space, public and private recreation facilities, parks, and walkways (Subsection 5.6.3.1).</div><div>New development in the St. Thomas Urban Service Area shall be serviced with full municipal water supply and distribution, sanitary sewage collection and treatment and stormwater management. The only exception is the limited industrial development subject to the policies of Subsection 5.10.4.4 (Subsection 9.2.1.1).</div></div></div><div><div>ZONING BY-LAW:</div><div><div>The subject lands are located within the Secondary Commercial Zone (C5) pursuant to the City of St. Thomas Zoning By-Law No. 50-88, as amended (Section 16).</div><div>Permitted uses (Subsection 16.1) of the C5 zone include apparel and accessory store, automotive service business, automotive trade, bakery, books and stationary store, business office, car wash, clinic, convenience store, drug store, drive-in restaurant, electronics and computer store, gas bar, home and auto supply, hotel, household furnishing store, liquor, beer or wine store, office supply store, personal service shop, private club, public and private recreation facility, restaurant, retail store, tavern, theatre, tires, batteries and accessories store and uses accessory to the foregoing.</div></div></div></div><div><div>Location Plan:</div><div></div></div></div></div>		

- Restaurant (Subsection 1.101) means a building or part of a building where food and drinks are prepared and served primarily for immediate consumption within such building by persons seated at tables and counters or either of them and includes the dining room of a hotel or motel, a dining lounge and tavern licenced under the Liquor Licence Act of Ontario and a place, not within a building, where food and drinks are served primarily for immediate consumption within such place.
- The minimum side yard depth is 0m except where a side yard of a lot within this zone abuts a Residential Zone, in which case the minimum side yard depth of the yard that so abuts shall be 3m (Subsection 16.4.1.1).
- The minimum rear yard depth is 0m except where a rear yard of a lot within this zone abuts a Residential Zone, in which case, the minimum rear yard depth of the yard that so abuts shall be 3m (Subsection 16.4.1.2).
- Drive-In Restaurant (Subsection 1.29) means a building or part thereof where food and drinks are prepared:
 - (i) for consumption by customers within vehicles parked on the same lot as the building or part thereof is located, or
 - (ii) for consumption beyond such lot.
- No building or structure in the C5 zone shall be erected or used for any purpose permitted by subsection 16.1 unless the following municipal services are available to service the building or structure and the land on which it is situate (Subsection 16.3):
 - ii) a water supply system; and
 - ii) a sanitary sewage system and storm sewage system.
- Trailer (Subsection 1.1.23) means any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle.

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:

- In 2020 the Clippity Clop Ice Cream Shoppe operated out of an enclosed trailer on the subject lands, it is staff's understanding that the use ceased as the City received a complaint and an investigation was completed by the City By-law enforcement officer. Attached are photographs of the enclosed trailer for the Committee's review.
- The applicant requested a consultation meeting with City staff to discuss the details of the Clippity Clop Ice Cream Shoppe use on the subject lands. At the consultation meeting City staff advised the applicant and their agent that the Licencing Manager for the City was in the process of preparing a new draft refreshment vehicle by-law.
- City staff also provided the applicant and their agent with the opinion that it would be more appropriate for the Clippity Clop Ice Cream Shoppe use to be licenced and regulated under the proposed new refreshment vehicle by-law, which would also circumvent their request for the a minor variance application.
- It is my understanding that the Licencing Manager for the City is proposing to bring forward the proposed draft refreshment vehicle by-law in April 2021, Council will be meeting on April 6, 12 and 19.
- In staff's opinion the consideration of minor variance application COA02-2021 is premature until such time as City Council has had the opportunity to consider the proposed draft refreshment vehicle by-law.
- City Staff are recommending that the Committee defer their decision on minor variance application COA02-2021 and reconvene on the Committee of Adjustment April 22, 2021 scheduled meeting date.
- Prior to the April 22, 2021 Committee of Adjustment meeting City staff will provide the Committee of Adjustment with a follow up report outlining City Council's position regarding the proposed draft refreshment vehicle by-law.

Respectfully submitted,



Steve Craig
Senior Planning Technician



ery

Copy's Cup
THE ICE CREAM SHOPPE
Serving Soft-serve Ice Cream

Haulmark

Doors

Flooring

Plumbing



Clippity Clop
ICE CREAM SHOPPE
serving *Shaw's* Ice Cream

OPEN NOON-9PM

ICE CREAM

Lighting

Y GROWN

HearingL





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

February 8th, 2021

Secretary-Treasurer, Committee of Adjustment
Attention: Jon Hindley

Pursuant to By-Law 30-2015, a consultation meeting was held on February 4th, 2021 with Planning Department Staff and the applicant.

An application for Consent, regarding 92 and 94 Scott Street, was filed on February 8th, 2021.

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

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

Yours truly,

Jim McCoomb, MCIP, RPP
Manager of Planning Services



THE CORPORATION OF THE CITY OF ST THOMAS

COMMITTEE OF ADJUSTMENT

APPLICATION FOR CONSENT

OFFICE USE:	Date Application Received: <u>FEB 08 2021</u>	Consultation Date: <u>FEB 04 2021</u>
	Date Application Deemed Complete: <u>FEB 08 2021</u>	

Application #: B01/21

APPLICATION IS HEREBY MADE TO:

City of St. Thomas
545 Talbot Street
St. Thomas ON N5P 3V7
Tel: (519) 631-1680 ext 4125 Fax: (519) 633-9019
Email: 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 \$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): Habitat for Humanity Heartland Ontario

Mailing Address: 611 Wonderland Rd. N. London

Postal Code: N6H 4V6 Telephone: 519-455-6623 Fax: 519-455-8479

email: gdevlugt@habitat4home.ca

(b) Owner's Solicitor or Authorized Agent (if any): M. Suzanne Godin, Brown Beattie O'Donovan

Mailing Address: 380 Wellington St. 16th Floor, London, ON

Postal Code: N6A 5B5 Telephone: 519-679-0400 Fax: 519-679-6350

email: sgodin@bbo.on.ca

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

Owner ☒

Solicitor ☐

Agent ☐

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

☒ Creation of New Lot

☐ Disposal of Surplus Farm Dwelling

☐ Addition to Lot

☐ Correction of Title

☐ Mortgage or Charge

☐ Partial Discharge of Mortgage

☐ Lease

☐ Right-of-way

☐ Easement _____

(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:

92 Scott St., Teagan Lydia Nicolle Hicks, 94 Scott St., Shayna Larson

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, Eglin County

Concession No _____ Lot(s) 11 Registered Plan No 37 Lot(s) _____

Reference Plan No _____ Part(s) _____

Name of Street 34 Hiawatha St changed to 92 and 94 Scott St. Street No 34

5. Description of subject land: (in metric units) Part No. on sketch _____

(a) Frontage _____ Depth _____ Area 478.15 sq m

(b) Existing Use Vacant Land Proposed Use Semi-Detached Dwelling

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

Existing: Semi-Detached Dwelling

Proposed: Semi-Detached Dwelling

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

(a) Frontage 10.112 m Depth 20.632 Area 204.732

(b) Existing Use Residential Proposed Use Residential

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

Existing: Semi-Detached Dwelling

Proposed: Semi-Detached Dwelling

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

☐ Provincial Highway

☒ Municipal Road maintained all year

☐ Municipal Road maintained seasonally

☐ Water Access

☐ Regional Road

☐ Other Public Road

☐ Right-of-Way

☐ Private Road

- (b) Type of access to retained land:

☐ Provincial Highway

☒ Municipal Road maintained all year

☐ Municipal Road maintained seasonally

☐ Water Access

☐ Regional Road

☐ Other Public Road

☐ Right-of-Way

☐ Private Road

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

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

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) _____	<input type="checkbox"/> _____	<input type="checkbox"/> _____

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

(a) Local Municipal Official Plan _____

(b) Regional Policy Plan _____

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

Yes ☐ No ☒

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

File Number: _____

Status: _____

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

Yes ☐ No ☒

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

Grantee's (Purchaser's) name _____

Land Use on severed parcel _____

Date parcel transferred _____

Consent file number (if known) B _____

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

Yes ☐ No ☒

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

File Number: _____

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, Habitat for Humanity Heartland Ontario, 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:

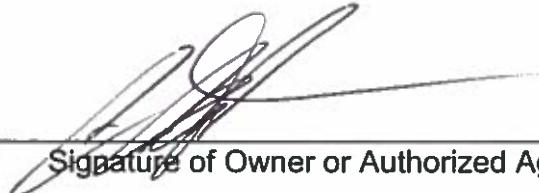
Personal information on this form is collected under the authority of Section 41 of the *Planning Act*, R.S.O. 1990 and Sections 8 (1) and 10 of the *Municipal Act*, 2001, as amended, and will be used to contact the owner, applicant and/or agent regarding the Committee of Adjustment Application. Questions 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, Brian Elliot of London in the province of Ontario,
name of applicant City

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

Sworn (or declared) before me at the London on this 26 day of Jan, 2021.
City Day Month Year


Signature of Owner or Authorized Agent

Jan 26 / 2021
Date


Signature of Commissioner of Oaths, etc.

Jan 26 / 2021
Date

APPENDIX A – AUTHORIZATION OF OWNER

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

I, Habitat for Humanity Heartland Ontario, 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.

Jan 24/2021
Date

[Signature]
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, Habitat for Humanity Heartland Ontario, am the owner of the subject lands, and I understand that further fees may be incurred by the City throughout the planning process and that I am responsible for reimbursing all fees.

Jan 24/2021
Date

[Signature]
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 Ontario Municipal Board 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 Ontario Municipal Board. The Fees and Charges, found on the Ontario Municipal Board's website, outlines the costs associated with filing an OMB appeal. All parties to the appeal will receive any further notice concerning the appeal directly from the Ontario Municipal Board.

Prior to final consent being issued, written proof must be submitted to the Secretary-Treasurer to the effect that any conditions imposed by the Committee in granting consent have been fulfilled. According to the Act, if the consent granted by the Committee is conditional, the conditions must be fulfilled within one year of the giving of the notice of decision. Failure to do so will cause the consent to lapse.

Preliminary Discussion and Pre-consultation

Prior to submission of an application, the Applicant/Agent must discuss the proposed application with the City's Planning and Building Services Department and other agencies to determine the requirements for a complete application. The City and any affected agency may also require additional background reports in support of the application in order for the application to be considered complete. The purpose of pre-consultation is to ensure that the applicant is aware of the required supporting information before an application is submitted in order to prevent delays in processing the application. In some cases it may be necessary to schedule a pre-consultation meeting with the City and affected agencies.

POLICIES

The requirements to complete one application are:

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

A letter of authorization from the applicant(s) 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.

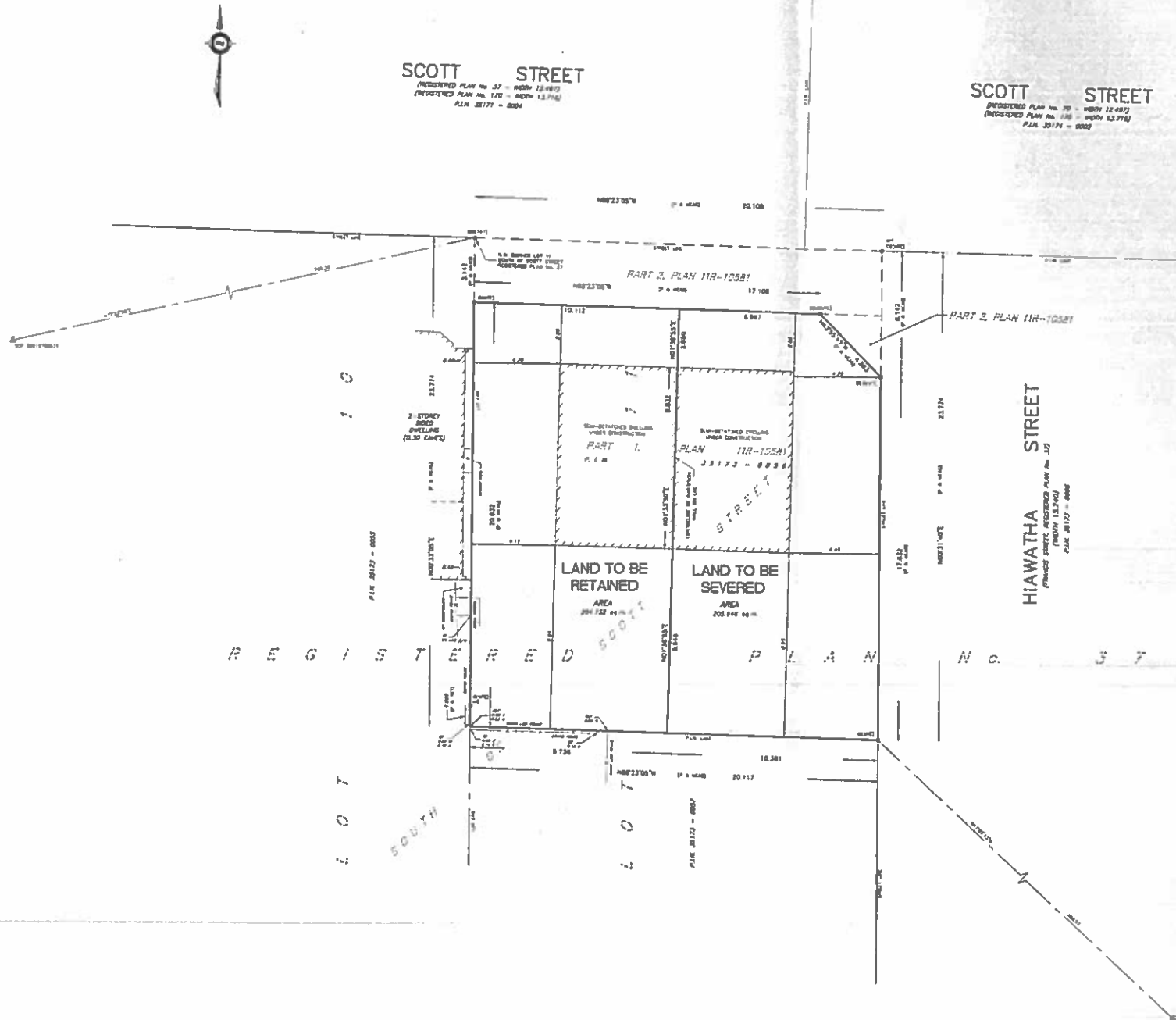
Decisions of the Committee are made in public.

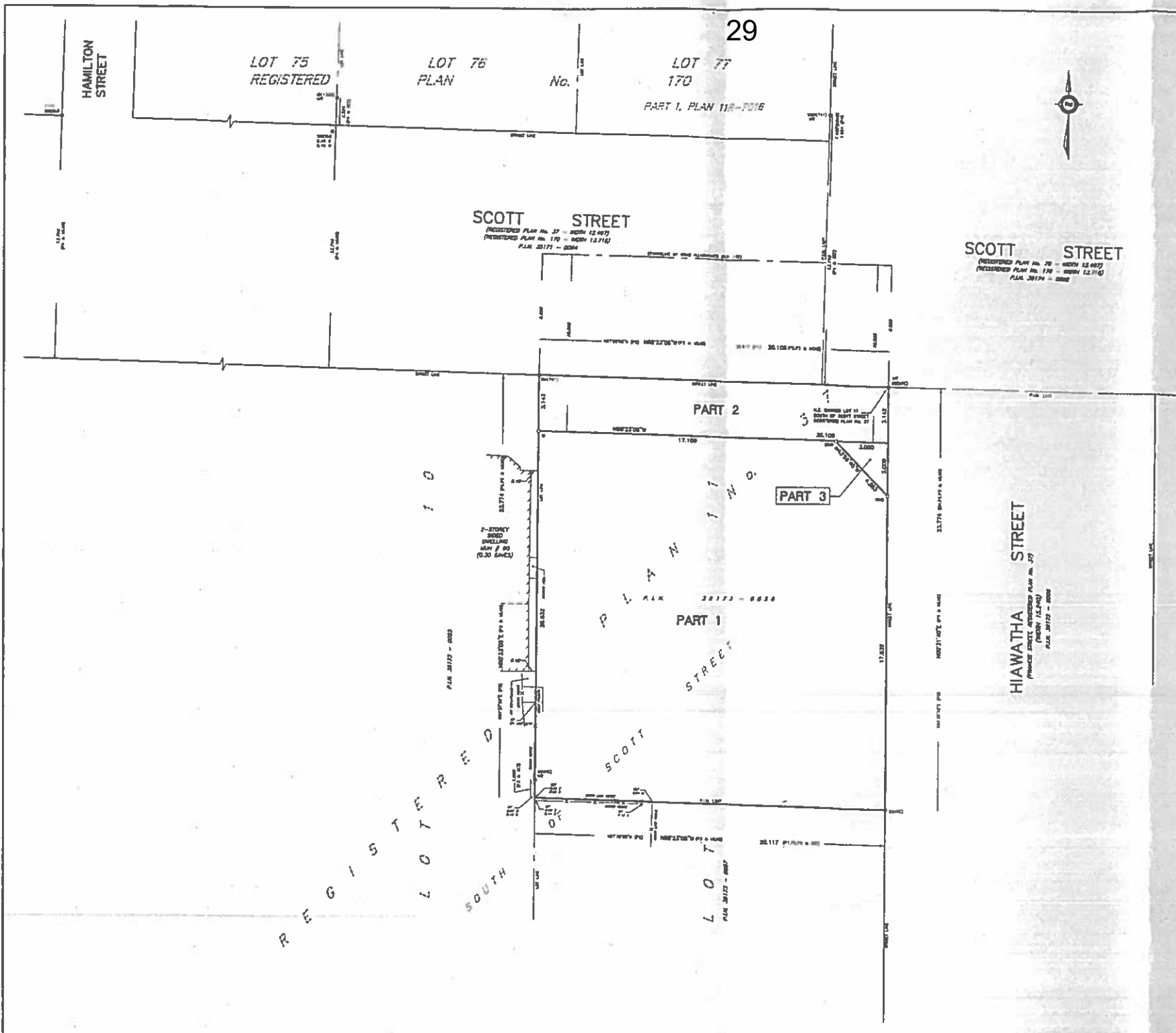
In granting consent to an application, the Committee may impose conditions as requested by municipal or other authorities such as the following:

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 to the local municipality for road widening purposes, with all legal, survey and land registration and administrative costs to be borne by the applicant.





I DECLARE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT		PLAN 11R-10581	
RECEIVED AND DEPOSITED		RECEIVED AND DEPOSITED	
DATE FEBRUARY 15, 2020		DATE Feb. 15, 2020	
P.R. LEE		C. TOWNSEND	
P.R. LEE, O.L.S.		REPRESENTATIVE FOR LAND SURVEYING FOR THE LAND TITLES DIVISION OF ELGIN (Sec. 12)	
PART SCHEDULE			
PART	LOT	REGISTERED PLAN	P.L.N.
1	Part of 11	37	Part of 3173 - 0000
2	SOUTH OF SCOTT STREET		Part of 3173 - 0000
3			Part of 3173 - 0000
PARTS 1, 2 & 3 COMPREHENDS ALL OF P.L.N. 3173 - 0000			

PLAN OF SURVEY
OF PART OF
LOT 11, SOUTH OF SCOTT STREET
REGISTERED PLAN No. 37
IN THE
CITY OF ST. THOMAS
COUNTY OF ELGIN

MTE OLS LTD.
ONTARIO LAND SURVEYORS

SCALE 1 : 100



METRIC:

DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.
AREAS SHOWN ON THIS PLAN ARE IN SQUARE METRES AND CAN BE CONVERTED TO SQUARE FEET BY MULTIPLYING BY 10.7639.

NOTES:

BOUNDARIES ARE LINES DERIVED FROM SPECIFIED CONTROL POINTS
DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.
AREAS SHOWN ON THIS PLAN ARE IN SQUARE METRES AND CAN BE CONVERTED TO SQUARE FEET BY MULTIPLYING BY 10.7639.

SPECIFIED CONTROL POINTS (SCP's) - UTM ZONE 17, NAD83 (ORIGINAL)		AND COORDINATES TO UTM ZONE 17, NAD83 (ORIGINAL)	
POINT NO.	COORDINATES	POINT NO.	COORDINATES
SCP 0011970001	4720195.73	SCP 0011970002	4720195.73
SCP 0011970003	4720195.73	SCP 0011970004	4720195.73

LEGEND:

- 01 BOUNDARIES PLANNED FOR FUTURE
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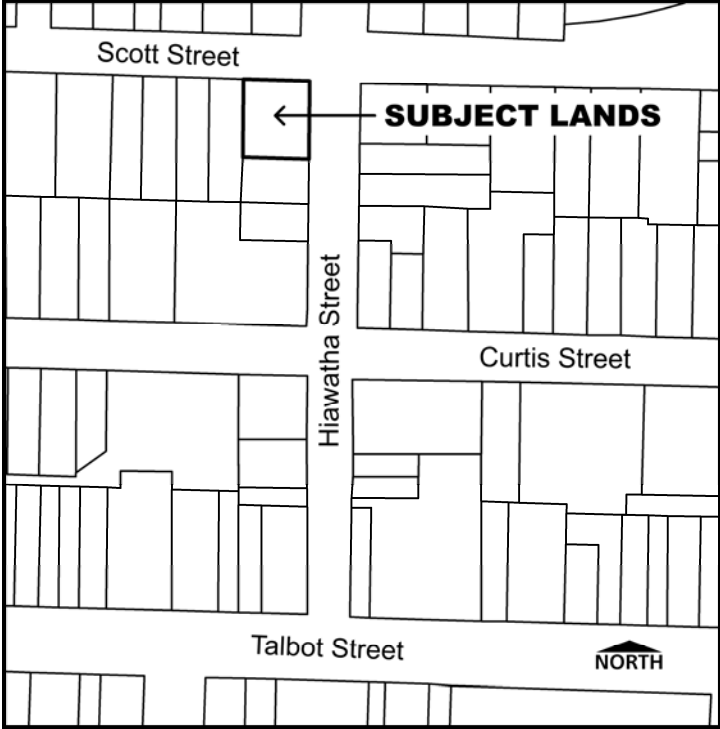
SURVEYOR'S CERTIFICATE:

1. I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 15th DAY OF FEBRUARY, 2020.

FEBRUARY 15, 2020
LONDON, ONTARIO
P.R. LEE
CHIEF LAND SURVEYOR

MTE MTE CHARTERED LAND SURVEYORS LTD.
122 St. George Street
London, Ontario, N6A 3H7
phone: 519-394-0810

Drawn by: J.R. O'Connell
Checked by: J.R. O'Connell
Date: February 15, 2020
Sheet: 45802-102

<div><div>The Corporation of the City of St. Thomas</div></div>		<div>Report No.: B01-2021</div>
		<div>Applicant: Habitat for Humanity Heartland Ontario</div>
<div>Directed to: Members of the Committee of Adjustment</div>		<div>Report Date: March 1, 2021 Meeting Date: March 11, 2021</div>
<div>Location: 92 and 94 Scott Street, City of 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</div>
<div>Recommendation:</div> <div>That: Report B01-2021 be received.</div>		
<div><div><div><div>Background:</div><p>Consent application B01/21 has been filed for the purpose of creating separate lots for each semi-detached dwelling.</p></div><div><div>Proposal:</div><p>The applicant is proposing to sever a lot with lot frontage of 9.99m on Scott Street and a lot area of 205.6m², containing one semi-detached dwelling unit. The applicant is proposing to retain a lot with lot frontage of 10.1m on Scott Street and an area of 204.7m², containing one semi-detached dwelling. The severed and retained lots will continue to be used for residential purposes.</p></div><div><div>Official Plan:</div><ul style="list-style-type: none">The subject lands are within the Residential designation, as shown on Schedule "A" (Land Use Plan) to the Official Plan for the City of St. Thomas. The Residential policies of the Official Plan permit a full range of dwelling types including low density residential uses.The planned roadway widening and intersection improvements for the 2026 Road Network Plan are as shown on Schedule "C" (Road Widening Plan) to the Official Plan for the City of St. Thomas. The right-of-way widths shown on Schedule "C" indicate the minimum planned widths of the road right of ways that may be secured as part of the development approval process (9.1.10.1). Scott Street from St. George Street to St. Catherine is identified as a 26m road allowance. As a condition of development approval, the City will require that sufficient lands be conveyed to provide for a road right-of-way in accordance with the designated width as shown on Schedule "C" – Road Widening Plan. Road widenings shall be reserved or obtained, at no cost to the City, through subdivision approval, condominium approval, land severance consent, site plan approval or by gift, bequeathment, purchase or through expropriation where necessary and feasible. A dedication of land to widen a roadway will be taken equally from both sides of the roadway. However, in certain circumstances, where factors such as topography and existing development may dictate, it may be necessary to require more than half of the widening on one side of the roadway (9.1.10.2).In accordance with Section 42 of the Planning Act R.S.O. 1990 as amended, 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 (7.3.7).</div><div><div>Zoning By-Law:</div><ul style="list-style-type: none">The subject lands are in the Fourth Residential Zone (R4-57) pursuant to the City of St. Thomas Zoning By-Law No. 50-88. Permitted uses of the R4-57 zone include a semi-detached dwelling.</div></div><div><div>Location Plan:</div></div></div>		

- Maximum Main Building Height - 11m;
- Maximum Number of Dwelling Units - 2 per lot;
- Maximum Roof Area - 55%;
- Minimum Front Yard Depth - 6m;
- Minimum Rear Yard Depth - 8m;
- Minimum Dwelling Unit Floor Area - 2 Storey Dwelling 42sqm; and
- Minimum Number of Parking Spaces – 1 per Dwelling Unit.
- The General Provisions of the Zoning By-law (Severance of Lots and Buildings) provide that where a semi-detached dwelling is lawfully erected in accordance with the provisions of this by-law and any such dwelling and the lot on which it is located are lawfully severed, the zone requirements applicable to such semi-detached dwelling and the lot on which it is located as set forth in paragraphs 7.4.1, 8.4.1 and 9.4.1, as the case may be, shall apply to each lot created and the part of the building erected thereon except that the minimum lot area shall be 45% (Severed 50.1% / Retained 49.9%) of the minimum for the lot before the severance, the minimum lot frontage shall be 45% (Severed 50% / Retained 50%) of the minimum for the lot before the severance, the maximum lot coverage shall be 40% (Severed 24.7% / Retained 24.9%) of the maximum for the lot before severance and the minimum for one side yard shall be nil and 1m for the other.
- Notwithstanding any other provision of the City of St. Thomas Zoning By-law, where a road widening has been acquired by the City the front yard depth, exterior side yard depth, lot coverage or lot area shall remain as they lawfully exist on the day of the acquisition of the road widening.

Comments:

- In staff's opinion the proposed consent complies with the Provincial Policy Statement (PPS), City of St. Thomas Official Plan, Zoning By-law and satisfies the criteria of Section 51(24) of the Planning Act, R.S.O, as amended. Therefore, approval of consent application B01-2021 is supportable.
- Should the Committee approve consent application B01-2021 staff recommends the following conditions:
 - 1) The applicant convey to the City of St. Thomas, at no cost to the City of St. Thomas, and free of all charge and encumbrances, the necessary road widening along Scott Street, to be determined by a legal survey, and to be shown on the reference plan with all legal, surveying, land registration and administrative costs related to the road widening to be borne by the applicant;
 - 2) The payment of cash-in-lieu of the dedication of 5% of the land for parkland purposes; and
 - 3) That the City of St. Thomas be provided with a copy of the Reference Plan.

Respectfully submitted,



Steve Craig
Senior Planning Technician