

A G E N D A

THE FIFTH MEETING OF THE COMMITTEE OF ADJUSTMENT OF THE CITY OF ST. THOMAS 2022

VIA ZOOM

10:00 A.M.

**THURSDAY
APRIL 14, 2022**

DISCLOSURE OF INTEREST

MINUTES

Confirmation of the minutes of the meeting held on March 24, 2022.

HEARING OF APPLICATIONS

B03/22 - Karl Kenneth St. Gelais & Susan Kim St. Gelais - 9630 Sunset Drive **Pages 2-33**

Planning Report - B03/22 **Pages 34-37**

NEW BUSINESS

Next Meeting

The next meeting is scheduled to take place on April 28, 2022 at 10:00 a.m.

ADJOURNMENT

MAR 16 2022

~~City Clerk's Dept.~~

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

March 16, 2022

Secretary-Treasurer, Committee of Adjustment
Attention: Jon Hindley

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

An application for Consent, regarding 9630 Sunset Drive, was filed on October 28, 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>Oct 28/21</u>	Consultation Date: <u>Aug 10/21</u>
	Date Application Deemed Complete: <u>March 16/22</u>	

 Application #: B03/22

APPLICATION IS HEREBY MADE TO:

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

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

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

1. (a) Registered Owner(s): Karl Kenneth St. Gelais & Susan Kim St. Gelais
- Mailing Address: 9630 Sunset Drive
- Postal Code: N5P 3T2 Telephone: 519-631-7499 Fax: _____
- email: _____

- (b) Owner's Solicitor or Authorized Agent (if any): Patrick J C Keenan
- Mailing Address: 37-374 Front St. Port Stanley, Ontario
- Postal Code: N5L 1G1 Telephone: 519-902-3213 Fax: _____
- email: pkeen@rogers.com

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

Owner ☐ Solicitor ☐ Agent ☒

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

- | | |
|---|--|
| <input type="checkbox"/> Creation of New Lot | <input type="checkbox"/> Disposal of Surplus Farm Dwelling |
| <input checked="" type="checkbox"/> Addition to Lot | <input type="checkbox"/> Correction of Title |
| <input type="checkbox"/> Mortgage or Charge | <input type="checkbox"/> Partial Discharge of Mortgage |
| <input type="checkbox"/> Lease | <input type="checkbox"/> Right-of-way |

Easement _____

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

parcel is part of land assembly, to be merged with adjacent Lecarm Inc holdings, see photo

Name of person(s), if known, to whom land or ⁴ interest in land is intended to be transferred, charged or leased:

Lecram Inc.

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

Yes ☐ No ☒

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

4. Location of land:

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

Concession No N TRE Lot(s) ^{pt 45} _____ Registered Plan No _____ Lot(s) _____

Reference Plan No _____ Part(s) _____

Name of Street Sunset Drive Street No 9630

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

(a) Frontage approx 24.692 wide Depth 28.5 m Area 0.07 ha

(b) Existing Use vacant Proposed Use vacant

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

Existing: na

Proposed: na

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

(a) Frontage 23.799 m Depth 53.46 m varies Area 0.129

(b) Existing Use residential Proposed Use residential

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

Existing: single detached dwelling

Proposed: single detached dwelling

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) ⁵

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

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

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

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

(a) Local Municipal Official Plan Highway Commercial and Natural Heritage

(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 St Thomas Motel Inc.

Land Use on severed parcel residential single detached dwelling

Date parcel transferred _____

Consent file number (if known) B 06-20

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.

Patrick J.C. Keenan 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, Patrick J.C. Keenan 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 28 day of Oct, 2021.
City Day Month Year

[Signature]
Signature of Owner or Authorized Agent

Oct 28/21
Date

[Signature]
Signature of Commissioner of Oaths, etc.

Oct 28/21
Date

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

APPENDIX A – AUTHORIZATION OF OWNER

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

I, KARL KENNETH and SUSAN KIM
ST. GELAIS, am the owner of the subject lands, and I authorize
PATRICK KEENAN, 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.

July 12, 2021
 Date

Karl St. Gelaïs
Susan St. Gelaïs
 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.

KARL KENNETH and SUSAN KIM

I, ST. GELAIS, 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.

July 12/21
 Date

Karl St. Gelaïs
Susan St. Gelaïs
 Signature of Owner

I, Marcel Lehoullier, President and Owner personally
 guarantees that all above charges will be paid by Leiram Inc.
 and Mr. and Mrs. St. Gelaïs will not have to pay for them.

Marcel Lehoullier
Leiram Inc.
July 12/21

PROCEDURES FOR PROCESSING APPLICATIONS FOR CONSENT

Under the provisions of Sections 50 and 53 of The Planning Act, as amended, the approval of the Committee of Adjustment is required for land transactions covering the separation of a parcel of land from existing holdings. This approval is called a "consent". Consent is also required for leases, rights-of-way or easements if such extend beyond a period of 21 years and to mortgage or discharge a mortgage over part of a parcel of land.

As provided for by The Planning Act and Regulation 197/96 under The Act, every application for consent must be brought to the attention of certain authorities and to property owners within 60 metres of the subject land, either by personal service or by advertising in a newspaper which has general circulation in the area. In addition, other agencies will be consulted if the location of the subject lands falls within their respective field of responsibility.

It is this Committee's policy to conduct a public hearing on each application for consent. Notice of this hearing is circulated to the applicant/agent/solicitor and all other persons or agencies as required at least 10 days prior to the date of hearing.

Prior to the hearing, members of the Committee may examine the lands which are the subject of the application.

Following the hearing, the applicant/agent/solicitor is notified in writing of the decision of the Committee. In addition, any other person or agency who files a written request for the decision of the Committee or attends the hearing will be sent a copy of the decision.

Anyone objecting to the decision of the Committee or the condition(s) imposed by the Committee may appeal either the decision and/or the conditions of consent to the Local Planning Appeal Tribunal within 20 days after the giving of the notice of decision. The notice of appeal, together with written reasons supporting the appeal and the fee by cheque or money order payable to the Minister of Finance must be filed with the Secretary-Treasurer, who in turn, will forward the appeal to the Local Planning Appeal Tribunal. The Fees and Charges, found on the Local Planning Appeal Tribunal's website, outlines the costs associated with filing an LPAT appeal. All parties to the appeal will receive any further notice concerning the appeal directly from the Local Planning Appeal Tribunal.

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

Preliminary Discussion and Pre-consultation

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

POLICIES

The requirements to complete one application are:

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

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

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

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

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

Decisions of the Committee are made in public.

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

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

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

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

SKETCH FOR SEVERANCE

PART OF LOT 45
CONCESSION NORTH TALBOT ROAD
GEOGRAPHIC TOWNSHIP OF SOUTHWOLD
IN THE
CITY OF ST. THOMAS
COUNTY OF ELGIN

SEVERANCE SUMMARY

DESCRIPTION	AREA (ha)
PARCEL 'A' TO BE RETAINED	0.129
PARCEL 'B' TO BE SEVERED	0.070
TOTAL	0.199

SURVEYOR'S CERTIFICATE

I CERTIFY THAT THIS SKETCH WAS COMPLETED FROM FIELD WORK ON THE 11th DAY OF DECEMBER, 2020

11 MAR 2022
DATE

K. S. Husted
KIM S. HUSTED
ONTARIO LAND SURVEYOR



SCALE: 1:1000



NOTE: ORIGINAL CONTOURS SHOWN FROM 2020 CJD.L SURVEY

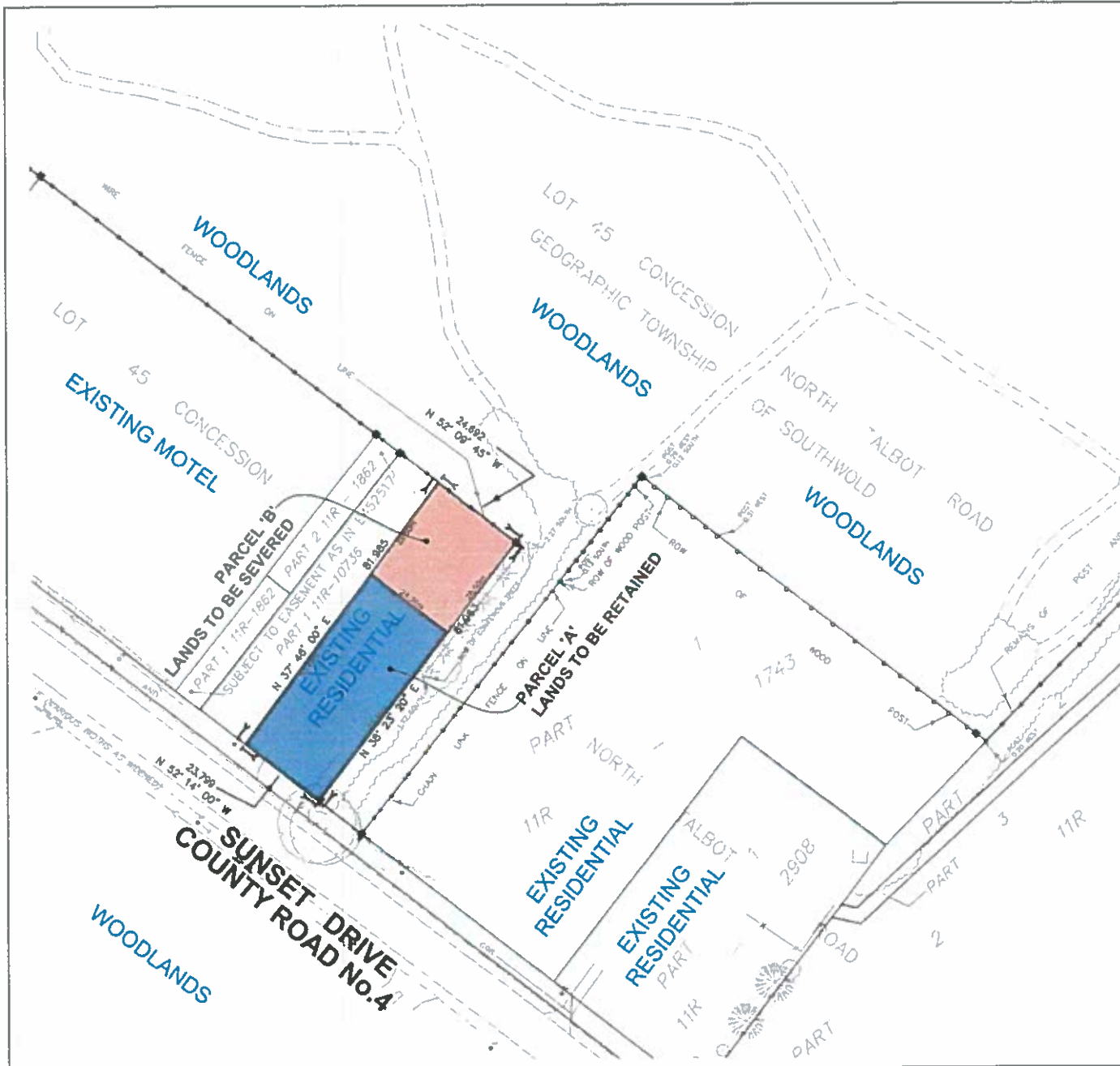
PLAN PREPARED BY:

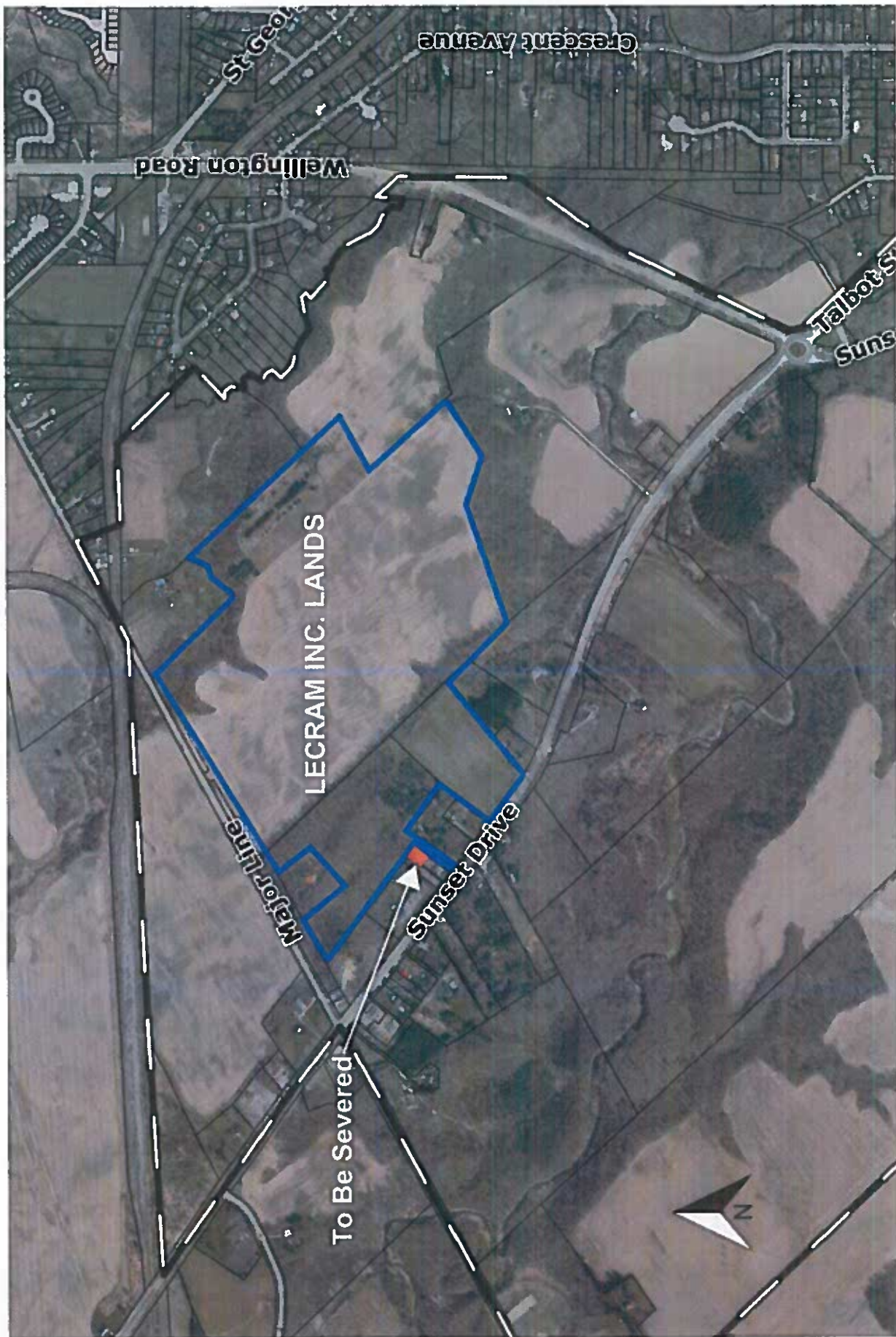
CJD.L
Consulting Engineers

JOB No. 19009S

Cyril J. Demeyere Limited
P.O. Box 450, 261 Broadway
Tilsonburg, Ontario, N4G 4H8
Tel: 519-688-1000
866-302-9886
Fax: 519-842-3235
cjd@cjdlleng.com

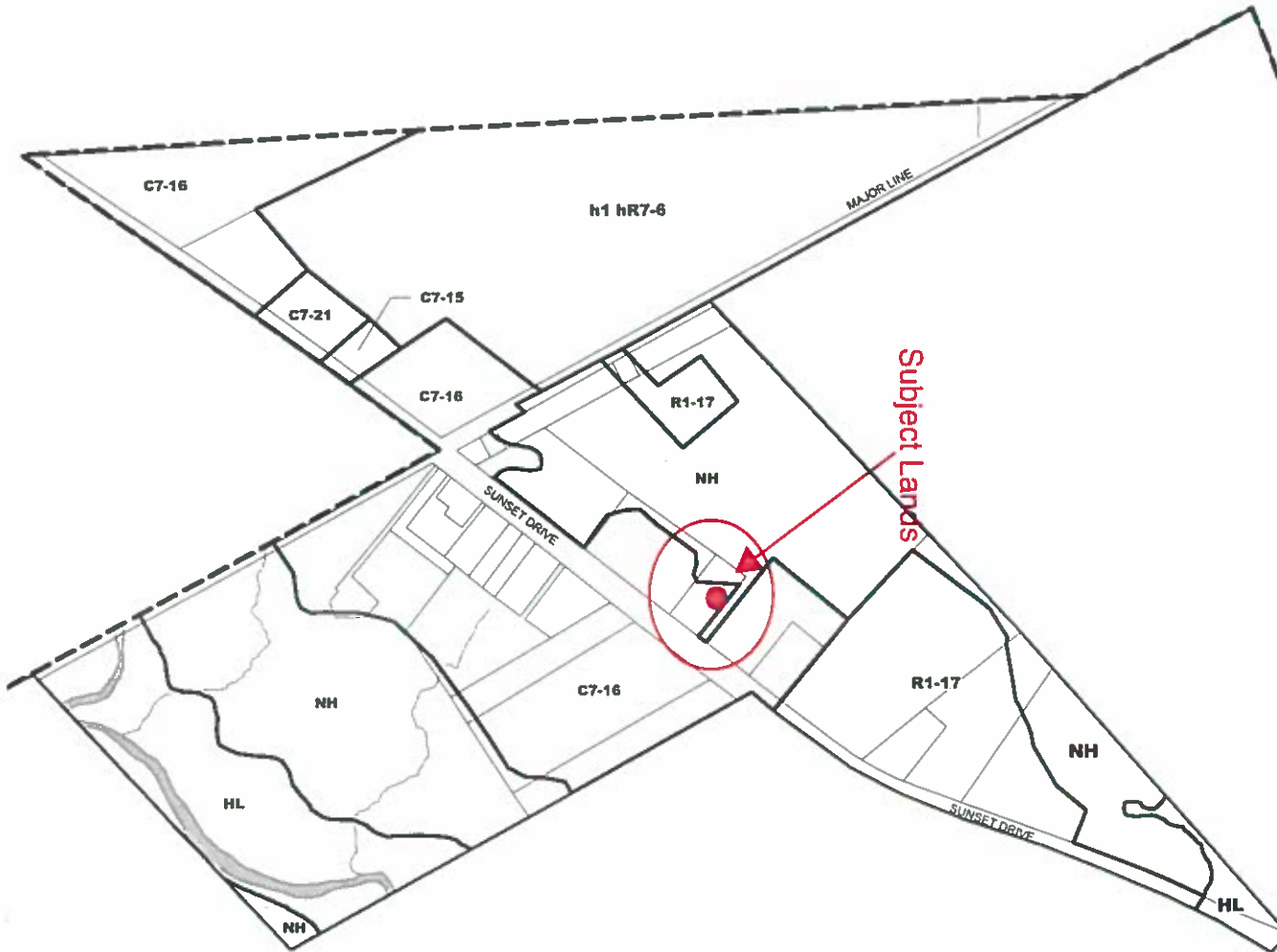
DATE: 11 MAR 2022





Surrounding Land uses

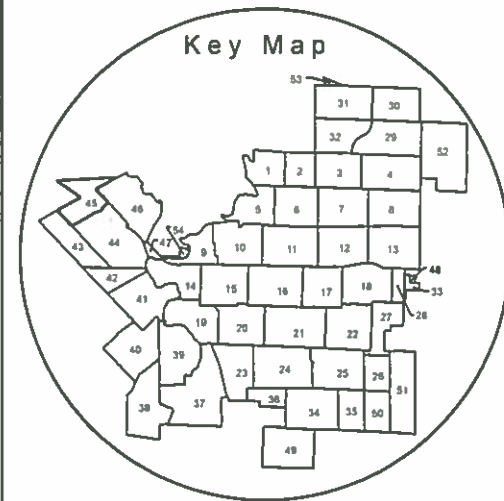




This is Schedule "E"
to By-Law
Passed this 16th Day
of February, 2021.

Maria Konefal, City Clerk

Joe Preston, Mayor

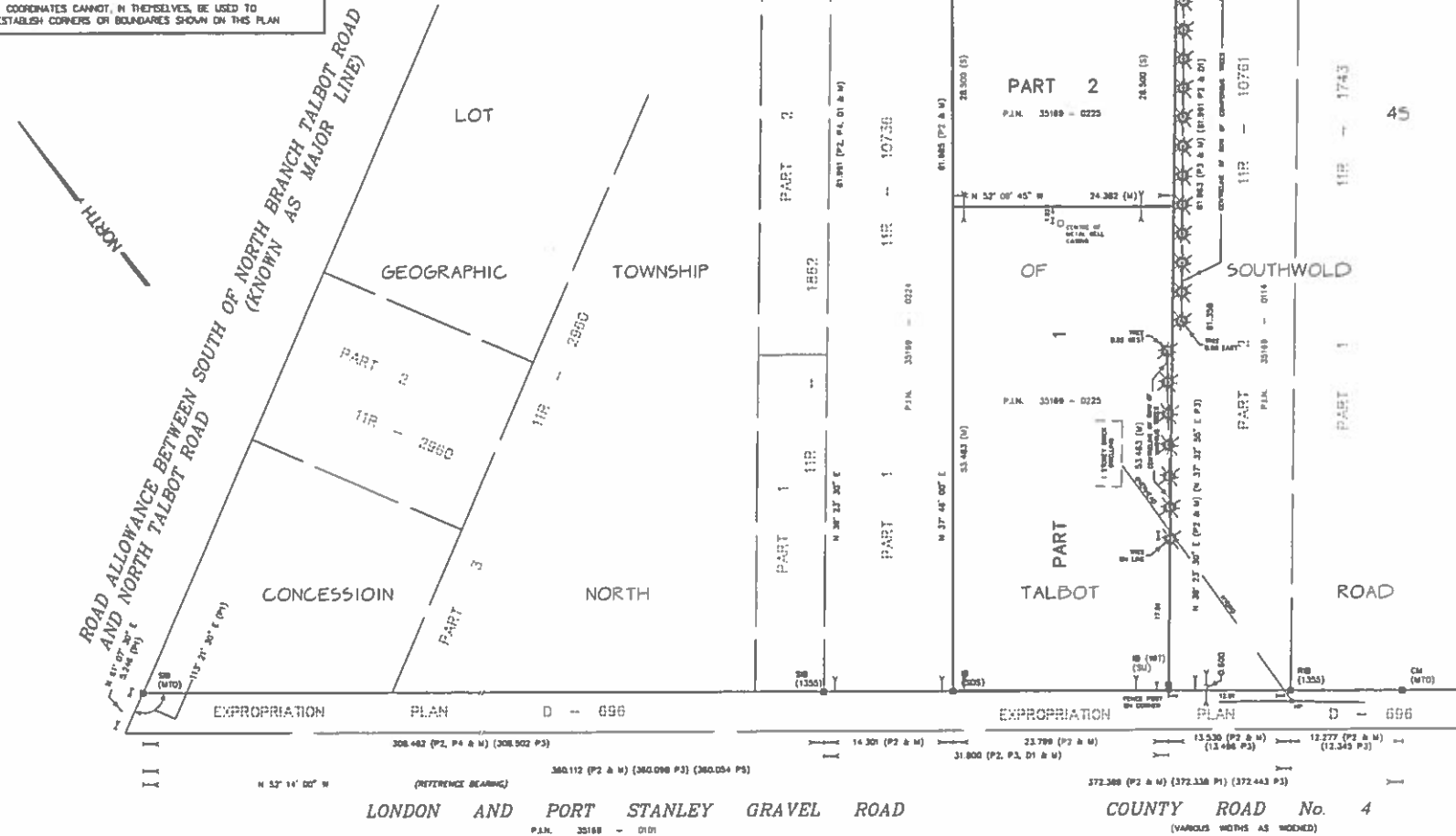


0 150 300
Metres

Zoning Map 45

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

- (1) - BEARINGS ARE OBTAINED ON GPS OBSERVATIONS ON MEASUREMENTS "A" AND "B". STATION FOREMAN HAS ONE GRID BEARING OF
N 02° 30' 40" E 6.774, ZONE 17, MODEL CERO
- (2) - TO CONVERT GPS BEARINGS TO GRID BEARINGS
- ADD 02° 30' 20" TO THE OBSERVED BEARINGS
- SUBTRACT 02° 30' 20" FROM THE FOREMAN'S BEARING
- (4) - DISTANCES SHOWN ON THIS PLAN ARE GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY 0.99808



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

DATE _____

101 S. MUSTED OLS.

PLAN 11R-
RECEIVED AND DEPOSITED

DATE _____

REPRESENTATIVE FOR THE
LAND REGISTRAR FOR THE LAND
TITLES DIVISION OF ELOM (p. 12)

PART	SCHEDULE
------	----------

PART	LOT	CON	P.L.N.	AREA
1	PART OF 45	CONCESSION NORTH OF TALNOT ROAD	PART OF 35189-0725	1288.1 SQ. METRES
1	PART OF 45	CONCESSION NORTH OF TALNOT ROAD	PART OF 35189-0725	889.3 SQ. METRES

PARTS 1 AND 2 COMPRISE ALL OF P.I.N. 33100-0223

PLAN OF SURVEY OF

PART OF LOT 45
CONCESSION NORTH TALBOT ROAD
GEOGRAPHIC TOWNSHIP OF SOUTHWOLD
CITY OF ST. THOMAS
COUNTY OF ELGIN

SCALE 1:300

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

KIM HUSTED SURVEYING LTD.

SURVEYOR'S CERTIFICATE

1. 2014年12月1日

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

(2) - THE SURVEY WAS COMPLETED ON THE

C&TE

131 E. HUSTED
ONTARIO LAND SURVEYOR

LEGEND

8	DENOTHS	SURVEY DOCUMENT FOLDER
9	DENOTHS	SURVEY DOCUMENT SET
10	DENOTHS	STANDARD FORM 8481
11	DENOTHS	TRUCK RAMP
12	DENOTHS	WORLD HIGH BAY
13	DENOTHS	WITNESS
14	DENOTHS	WITNESS OF TRANSPORTATION OF CHARGED
15	DENOTHS	WORKING SURVEYORS
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100	DENOTHS	WORKING SURVEYORS

KIM HUSTED SURVEYING LTD.
ONTARIO LAND SURVEYOR

30 HARVEY STREET, TILLSBORO, ONTARIO, N40 3J8
PHONE: 519-842-3638 FAX: 519-842-3639

PROJECT: 21-17436	REFERENCE: FTB	22th Mo 6-6	DWG	W.P.
			REV	

35339 Saintsbury Lite
Lucan, Ont. NOM 2J0



Tel: (519) 227-0057
Fax: (519) 227-1799

SEPT. 29 2020

TO WHOM IT MAY CONCERN:

AFTER REVIEWING THE WELL RECORD OF THE EXISTING WELL ON #9630 SUNSET DRIVE, IT IS MY OPINION THAT IT SHOULD BE ADEQUATE TO SUPPLY WATER TO THE PROPOSED NEW DWELLING AT #9668 SUNSET DRIVE BASED ON ITS ORIGINAL PUMPING CAPABILITY.

ALSO, A NEW WELL CAN BE DRILLED TO SUPPLY #9630 WITH SUFFICIENT QUANTITY AND QUALITY REQUIRED BY PROVINCIAL STANDARDS FOR THE EXISTING DWELLING.

SINCERELY,

(226) 224-3335 (O2Y)

★ 30" Fiberglass ★ 6" Screened ★ 6" Bedrock Wells ★ Irrigation Well Specialists ★ Complete Pump Systems



SEPTIC INSPECTION LETTER

TO ST.Thomas Motel

ADDRESS: 9668 Sunset Rd ST.Thomas

DATE: July 31/2020

INSPECTION ADDRESS 9630 SUNSET DRIVE

After a visual inspection of the septic system I found the following
The system is a class 4
Soil conditions are a Clay loam

Septic tank

2 compartment tank
The fluid level in the tank is at the proper level
Approximate
800 gallons in size
Made of concrete
Both inlet and outlet baffles are intact
Located on the South East side of house

Septic bed

The approximant location of the septic bed is across the laneway on the South side of the house
There are no visual signs that the bed is falling

Recommendations

Schedule septic tank to be pumped every 3 to 4 years

Introduction

This letter of opinion is being prepared at the request of the client (the proponent) relating to the property at 9668 Sunset Drive in St. Thomas ON.

This request is triggered by municipal requirements related to the proposed site alteration to accommodate a single family residence. The client attended a pre-consultation meeting with the municipality (J. McCoomb) to review the proposed development footprint that includes a private sewage disposal system yet to be designed. This document is triggered by a municipal opinion suggesting that this correspondence will eliminate the need for a scoped environmental impact study (EIS).

This document follows the municipal and provincial guidelines for the initial phase of the required environmental impact studies.

In addition to site attendance by Leonard + Associates (LAILA) in October 2019, the recommendations of this report are based on the following items:

- Identification of potential issues and ecological linkages
- Potential effects of development;
- Determination of the nature and extent of additional information or studies that may be needed.

Based on these tasks, the assessor recommends one of the following options:

- A determination that no further work is required and that the proposed site alteration or development can proceed, or
- Proceed to a full or scoped EIS.

Site Description

The proposed residential dwelling described above will be constructed in the southeast corner of a woodlot to a dimension not exceeding one acre (0.4 ha).

It is anticipated that stormwater will infiltrate into the soil, and sanitary services will be provided through a private sewage disposal system.

Natural Heritage Attributes, Processes and Ecological Linkages

ELC Classification

Based on our site observations the woodlot on site is part of a larger vegetation patch. The portion that is within the legal boundary of the subject lands is densely covered (+/-75%) with several trails running through the subject lands and connecting off-site.

According to the MNR ELC protocol there is only one classification present: FOD 9-0 Fresh-Moist Hickory - Maple- Hickory Deciduous Forest Ecosite. There is wide vegetation edge along the south side of this established forest up to 30m in width that extends into the forest dominated with invasive species including European Buckthorn and Phragmites. Otherwise this woodlot is a mixture of deciduous trees of various species at both the canopy and subcanopy levels, with various species of Oak being the strong dominants. It is mid-aged, composed of a mixture of several large over-mature trees combined with early and mid-successional trees and shrubs.

Vegetation strata forms can be provided on request.

No wetlands, lakes or ponds are present in the adjacent lands.

Significant Species

In our opinion, there is no compelling need to file a SAR Stage 1 Information Request with MNRF Aylmer. However, one can be filed upon request.

Diversity

The vegetation on-site occurs frequently in the local and regional landscape.

Landforms and Soils

The soils are sandy silt to clayey silt, the property The interspersions of the ELC community present on this tableland setting is also typical of the local and regional landscape.

The site is relatively flat with grades typically +/-2%. The soils in the area are generally sandy silt to clayey silt within a broad till plain that extends into this area (Chapman and Putnam 1984). There are no natural watercourses or drains on the subject lands, nor is there any surface flow directed off-property.

Naturalness and Disturbance levels are both typical of this ecological region.

The potential for Species Rarity and other atypical species of interest is limited in our opinion. Although +/- 12 Tulip Tree saplings are present, there is evidence that these have been introduced into the site.

Linkage and Size

As noted above the wooded area is connected to the broader landscape identified on the official plan. That system may potentially provide a corridor for wildlife movement. However, the subject lands are isolated at the edge of the larger woodland continuum, and with the possible limited tree removal the effect on the woodland as a whole will be limited. In fact, since it would involve the removal of the invasive species noted above, site alteration can be viewed as a best practice.

Leonard + Associates (LAI) have attended the property and are of the opinion that their related floral and faunal subconsultants do not need to attend the site.

As noted Leonard + Associates (LAI) have attended the property and are of the opinion that their related floral and faunal subconsultants do not need to attend the site.

Development Mitigation

With regards to faunal habitat, possible vegetation removal would not likely affect the woodland habitat on a landscape level.

The following practical recommendations are made to enhance the survival potential of the vegetation that will be retained on site.

Pre-Construction:

- As part of the Ontario Building Code process a site plan is required. That plan should integrate the best management practices noted below relating to vegetation retention and protection, surface water management and sediment / erosion control measures.

St. Thomas Motel Letter of Opinion November 2019

Leonard + Associates in Landscape Architecture

- Prior to any construction operations, the drip line of areas to be preserved should be clearly marked and protective fencing consistent with according to the general specifications of the city of St. Thomas should be installed at or beyond the drip line of the trees.
- Sediment / erosion control measures defined in relevant County and OPSS + OPSD standards that specifically reference silt fence adjacent to the residual vegetation and material storage setback away from these attributes should be depicted in the site plan for the project to prevent damage.

During Construction:

- All protective fencing should be maintained until all heavy construction work is complete.
- If grade changes are required in areas adjacent to trees to be retained, work should be done to minimize impact to the trees. Depending on the final grading scheme, the use of tree wells, retaining walls, root barriers, structural soils or other standard techniques may be required in isolated areas.

After Construction:

After all work is completed, but before protective fencing and other barriers are removed, the site should be examined to identify any trees adjacent to the development parcel that should be removed due to hazard tree status. These opinions on specific stems should be based on the International Society of Arboriculture's "Guide for Plant Appraisal, 9th edition" and included the following constraint descriptions: Crown condition, tree structure, canopy decline symptoms and stem decline symptoms.

Conclusions

For the reasons outlined in this report, in our opinion there are no potential issues nor potential cumulative effects of the development proposed by the proponent.

Consequently, there is no need for additional information or studies relating to the natural heritage component of this application.

There are no negative nor adverse, unalterable impacts on the natural heritage features of the subject land and the natural heritage landscape identified in the municipal official plan.

For these reasons it is our opinion that an EIS is not required. The proposed site alteration and development can proceed from the natural heritage standpoint.

It is the opinion of the writer that these findings are consistent with the Provincial Policy Statement 2014 as well as policies of the municipality.



Mike Leonard O.A.L.A. C.S.L.A.

19009

27 October 2021

 RE: SEPTIC SYSTEM
 9630 SUNSET ROAD
 CITY OF ST. THOMAS

To Whom It May Concern:

The existing septic system servicing 9630 Sunset Drive is understood to have been installed c. 2017 by the owner of the residence. Referring to the enclosed, a visual inspection of the system was completed 31 July 2020 and was found to be in suitable operating condition, subject to completion of regular routine maintenance.

The applicant is proposing to sever a portion of the rear yard of the residence, approx. 0.07 ha in size. This severance will not impact operation of the existing septic system.

If the existing septic system located on the retained lands fails, prior to a municipal sewage system being available to service the retained lands, the system may be replaced within its existing footprint. Lecram Inc. agrees, if there are no options to replace a septic system on the retained lands, to permit the installation of a new septic system tile bed within the severed lands, or alternatively the lands south of 9630 Sunset Road, also owned by Lecram Inc.

If required, Lecram Inc. is prepared to enter into an agreement with the City to this effect.

If there are any questions, please do not hesitate to contact this office.

Yours very truly,



Deren Lyle, P. Eng.

DL/sed

Encl.

**SEPTIC INSPECTION LETTER**

TO ST.Thomas Motel

ADDRESS: 9668 Sunset Rd ST.Thomas

DATE: July 31/2020

INSPECTION ADDRESS 9630 SUNSET DRIVE

After a visual inspection of the septic system I found the following
The system is a class 4
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of the house
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Recommendations

Schedule septic tank to be pumped every 3 to 4 years

March 15, 2022
 Attention: Jim McCoomb
 Manager of Planning Services
 City of St. Thomas
 Planning and Building Services
 9 Mondamin Street
 St. Thomas, ON, N5P 2T9

Re: consent application St Gelais to Lecram Inc. – supplementary memorandum

Jim, I apologize for not responding sooner to your email request for:

- additional clarification on the review of the City's consent policies; and
- and staff concerns related to the replacement of the septic system on the severed parcel should the system fail.

Background Context

The following provides context for the policy review and the options related to the interim and future servicing of the retained parcel.

The purpose of the consent is to sever a parcel of land at the rear of 99630 Sunset Drive and merge the severed parcel with adjacent lands to the east and south owned by Lecram Inc.

The severed parcel is being assembled to add to Lecram's s development holdings in the new Northwest Urban Area.

Lecram Inc and Landrise Developments Inc., in partnership, are submitting concurrent subdivision applications to develop their land holdings in the Northwest Urban area.

The City's Positioned for Growth Study recommended expanding the settlement area along Sunset Drive in the northwest area of the City by adding approximately 63 ha of vacant land for residential development. Engineering studies, among other studies, were prepared to identify the infrastructure requirements needed to enable additional development and service the current unserved portion of the settlement area along Sunset Drive as part of the PFG growth study.

In February 2021, planning approvals for the City's PFG project were finalized, approving the Northwest Area of the City (AREA1) as part of the City's settlement area.

Early in 2021, the City initiated a Municipal Class EA study to address the sanitary infrastructure needed to service the expansion lands and neighbouring unserved lands in the Northwest settlement area

Completed in September of 2021 the study documents the planning and decision-making for a new pumping station and the required infrastructure to bring sanitary service to the Northwest Settlement area.

The City's 2022 capital projects budget includes funds for the construction of infrastructure to provide sanitary services to the Northwest area.

Lecram Inc. and Landrise Developments Inc., in partnership with the City, have initiated negotiations to share the upfront costs of the installation of the municipal infrastructure required to provide Municipal sanitary and water services to the Area 1 lands and the existing unserved lands within the northwest settlement area.

The agreement is being prepared under the Development Charges Act. Projects for Sanitary and water services are proposed to be tendered early in 2022.

POLICY REVIEW

The following provides a more thorough evaluation of the relevant areas of provincial interest under the PPS and the City's Official Plan policies about the consent and staff concerns about the retained parcel's septic system viability.

PROVINCIAL POLICY STATEMENT

I reviewed the 2020 PPS and extracted definitions and policy sections that provide context for this consent application. My comments on specific policies are shown shaded in grey.

Provincial interests regarding consents are focused on "Lot Creation and Lot Adjustments" in "prime agricultural areas.

There are no clear policies on consents within settlement areas in the PPS.

The policies under subsection 1.6 of the PPS are important to the consideration of the proposed consent and to the City's concerns about the long-term viability of the existing septic system servicing the retained parcel, as well as the solutions available if the existing system fails.

PPS Definitions

Individual on-site sewage services: means sewage systems, as defined in O. Reg. 332/12 under the *Building Code Act, 1992*, that are owned, operated, and managed by the owner of the property upon which the system is located.

Individual on-site water services: means individual, autonomous water supply systems that are owned, operated, and managed by the owner of the property upon which the system is located.

Development: means the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the *Planning Act*, but does not include:

1. a) activities that create or maintain *infrastructure* authorized under an environmental assessment process;
2. b) works subject to the *Drainage Act*; or
3. c) for the purposes of policy 2.1.4(a),
underground or surface mining of *minerals* or advanced exploration on mining lands in *significant areas of mineral potential* in Ecoregion 5E, where advanced exploration has the same meaning as under the *Mining Act*. Instead, those matters shall be subject to policy 2.1.5(a).

Municipal sewage services: means a sewage works within the meaning of section 1 of the *Ontario Water Resources Act* that is owned or operated by a municipality, including centralized and decentralized systems.

Municipal water services: means a municipal drinking-water system within the meaning of section 2 of the *Safe Drinking Water Act, 2002*, including centralized and decentralized systems.

Sewage and water services: includes *municipal sewage services* and *municipal water services*, *private communal sewage services* and *private communal water services*, *individual on-site sewage services* and *individual on-site water services*, and *partial services*.

1.6 Infrastructure and Public Service Facilities

1.6.1 *Infrastructure and public service facilities* shall be provided in an efficient manner that prepares for the *impacts of a changing climate* while accommodating projected needs.

Planning for *infrastructure and public service facilities* shall be coordinated and integrated with land use planning and growth management so that they are:

- a) financially viable over their life cycle, which may be demonstrated through asset management planning; and
- b) available to meet current and projected needs.

The PGF Study and the other supporting studies prepared in support of the expansion of the City's settlement area in the Northwest area addressed the relevant policies of subsections 1.6.1 above and, 1.6.2, 1.6.4 and 1.6.5 of the PPS.

1.6.6 Sewage, Water and Stormwater

1.6.7 1.6.6.1 Planning for *sewage and water services* shall:

1. a) accommodate forecasted growth in a manner that promotes the efficient use and optimization of existing:
 1. *municipal sewage services* and *municipal water services*; and
 2. *private communal sewage services* and *private communal water services*, where *municipal sewage services* and *municipal water services* are not available or feasible;
2. b) ensure that these systems are provided in a manner that:
 1. can be sustained by the water resources upon which such services rely; 2. prepares for the *impacts of a changing climate*;
 3. is feasible and financially viable over their lifecycle; and
 4. protects human health and safety, and the natural environment;
- c) promote water conservation and water use efficiency;
3. d) integrate servicing and land use considerations at all stages of the planning process; and
4. e) be in accordance with the servicing hierarchy outlined through policies 1.6.6.2, 1.6.6.3, 1.6.6.4 and 1.6.6.5. For clarity, where *municipal sewage services* and *municipal water services* are not available, planned, or feasible, planning authorities

have the ability to consider the use of the servicing options set out through policies 1.6.6.3, 1.6.6.4, and 1.6.6.5 provided that the specified conditions are met.

- 1.6.6.2 *Municipal sewage services and municipal water services* are the preferred form of servicing for *settlement areas* to support protection of the environment and minimize potential risks to human health and safety. Within *settlement areas* with existing *municipal sewage services and municipal water services*, *intensification* and *redevelopment* shall be promoted wherever feasible to optimize the use of the services.

The purpose of the PFG study was to expand the City settlement area (Urban Service Area) to accommodate forecasted residential growth with full municipal services. The work completed by the City confirms that providing full municipal services to the Northwest (Area 1) and the existing unserviced lands in the Northwest settlement area has been planned and is feasible.

The commitment by the City and the Developers to partner in financing the new infrastructure as noted in the background information also confirms that the extension of municipal services to the Northwest area is feasible and now planned for construction in 2022.

The PPS servicing hierarchy indicates that municipal sewage and water services are the preferred form of servicing for a settlement area.

It's also important to note that where full services are "planned or feasible" the use of the servicing options under policies 1.6.6.2, 1.6.6.3, 1.6.6.4 and 1.6.6.5. related to individual on-site sewage and individual on-site water services, communal services, and other servicing options other than full urban services are no longer available to approval authorities when making their decisions.

The proposed consent does not create a new lot, new development, redevelopment, or any change of use, and these actions are not proposed or possible without further planning approval and municipal services.

Both the retained and the severed parcel will remain as existing uses until municipal services are available.

City of St Thomas Official Plan

- 5.1.4.4 New development by means of consents to create individual parcels of land is discouraged and severances will only be permitted when it is clear that a plan of subdivision is unnecessary. Consents are subject to the general consents policies in section 10.4.

The consent is technical. The severed parcel will be merged with adjacent land. There is no new development on the retained or severed land.

A plan of subdivision is not required.

9.2 PIPED MUNICIPAL SERVICES

9.2.1 Requirements

- 9.2.1.1 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 Employment Land development subject to the policies of Subsection 5.10.4.4.

The lands subject to consent are located within the new Northwest Urban Service area. The proposed lot addition is part of a land assembly by Lecram and is being added to his existing

landholdings

There will be no new development of the retained or severed parcel until required planning approvals are completed and municipal services are available.

- 9.2.4.2 The criteria to be followed in the preparation of the sanitary sewer works program area:
- i) provision of sewer systems for those areas unserved or serviced by private systems;
 - ii) expansion of existing services to unserved but developable lands;
 - iii) reinforcement and reconstruction of existing facilities.

The Northwest Area of the City (AREA1) was confirmed as part of the City's settlement area after the City's PFG project planning documents were approved in February 2021.

A municipal Class EA was completed in September of 2021, confirming the infrastructure required to provide sanitary service to the expansion lands and adjacent unserved lands in the new Northwest settlement area.

The above actions comply with policy 9.2.4.2 ii).

10.4 CONSENTS

- 10.4.1 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. The following policies, in addition to other applicable policies in this Plan, apply to the creation of new lots by the consent process:

- i) consents should be granted only in areas where the undue extension of any major service would not be required;

The consent is an adjustment to a lot boundary, adding and merging the severed parcel with adjacent lands. There are no services required.

- 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;

The retained parcel fronts onto Sunset Drive. The severed portion is to be merged with abutting lands to the east and south which have frontage on two streets.

- iii) consents should have the effect of infilling in existing urbanized areas and not of extending the urban area unduly;

The adjustment of the lot boundary and the addition and merging of the severed parcel with adjacent lands does not extend the urban area.

- iv) size of any parcel of land created by such 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.

The retained portion fronts onto Sunset drive and is designated in the Official plan as Highway Commercial and Zoned highway commercial C7-16. The retained parcel conforms with the

Official Plan and the Zoning By-law.

The severed portion will be merged with adjacent lands and is designated in the Official Plan as Highway Commercial and Natural Heritage and Zoned highway commercial C7-16 and Natural Heritage NH.

- v) direct access from arterial or collector streets should be restricted, and residential lots should, where possible, have access only from local streets;

The severance does not create a new lot, the severed parcel will be added to existing lands which have access to existing streets

- 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.

The severed portion is not adjacent to a road.

- vii) within the Residential and Rural Area designation on Schedule “A” where full urban services are not available consents may be permitted for reasons of lot boundary adjustment, rights of way, easements, long term leases, and to convey additional lands to an abutting lot, provided where there are existing dwellings a certificate of approval for servicing can be obtained from the appropriate approval authority.

The lands subject to the consent are not within the residential and/or the Rural Area designation on Schedule ‘A’ to the Official Plan.

Regardless, there is an existing dwelling on the retained parcel with an operating septic system and drilled well.

For many years, Lake Services (Lake) has provided septic services to the adjacent St Thomas Motel. The Motel hired Lake in July of 2020 to prepare an inspection report for the current septic system on the St Gelais property. The report was submitted in support of St Gelais' consent application, B06-20, to sever a parcel of land, on the north side of the lot, to add to and merge with the Motel property. The severed parcel was added to the Motel lands to permit the development of a detached residential dwelling.

Lake, in January of 2022 visited the site and reconfirmed in the attached letter and site plan the location of the septic system, and that, in his opinion the system is in good working condition and there were no signs of failing. He recommends that the system be pumped out every 3-4 years.

PLANNING OPINION AND CONCLUDING COMMENTS

Lecram Inc. is preparing a Plan of Subdivision and wishes to add the severed parcel to his current land holdings. The consent will adjust the rear boundary of the St Gelais property by severing a parcel of land having an approximate area of approximately 0.7 ha. This parcel will be merged with Lecram Inc. lands. A new lot is not being created and there will be no development or change of use on the retained or severed parcel until municipal services are available.

There are no policies in the PPS relating to consents within settlement areas. The proposed consent is not development as defined in the PPS as no new lot being created, no change in use and no buildings or structures being erected. The adjustment of the property line to assemble lands is not development.

The PPS servicing hierarchy states that full municipal services are the preferred form of servicing in settlement areas. As noted above the servicing for the Northwest area has been planned and is feasible. The developers and the City are working to have Municipal services extended to the Northwest development lands in 2022. The servicing is being designed to eventually service the Northwest settlement area development lands and existing lands in the built area adjacent to Sunset Drive and Major Line.

The proposed consent conforms to the servicing and consent policies of the Official Plan as noted in the analysis above. The official plan does not contain any policies that are directly related to a requirement to provide additional area for septic field beds if a system fails.

The retained parcel has existing septic that is in good working order. Mr. St Gelais advised me verbally that he replaced the old system circa 2017. The original septic system was in the rear yard. The new system has been in operation for approximately 6 years. The lake report indicates that there is no visual evidence that the system is failing.

The possibility of the retained parcel septic system failing is remote and not likely to occur before municipal services are available. The options to mitigate a septic system failure if it occurs are to replace the field bed in the same location or install a holding tank as an interim measure which would be a more cost-effective solution when the extension of municipal services to an area is planned and feasible.

Based on the analysis and reasons stated within this report, it is my opinion, that the proposed consent to assemble lands in the new development by adjusting the lot boundary at the rear of the St Gelais lot and adding and merging a parcel of land with Lecram Inc. lands is justified.

The approval of the consent is not contrary to provincial interests and conforms to the City's official plan policies and the City's zoning by-law. The application is appropriate and represents good land use planning.

Lecram Inc. is respectfully requesting that City staff review the memorandum and then arrange a virtual meeting with Mr. Lehouillier and myself to further discuss the application if staff deem it necessary.

Respectfully submitted

Patrick J C Keenan

31

SEPTIC INSPECTION LETTER

TO: ST.Thomas Motel

ADDRESS: 9668 Sunset RD ST.Thomas

DATE: July 31/2020

INSPECTION ADDRESS 9630 SUNSET DRIVE

As background, I completed a visual inspection of the St Gelais septic system in July of 2020. I located the septic system, inspected the septic tank and examined the field bed. At that time there were no visual signs that the bed is failing. My recommendation is that the septic tank be pumped every 3 to 4 years.

The system is a class 4

Soil conditions are a clay loam

Septic tank

Two compartment tank

Approximant 1000 gallon in size

Made of concrete

Both inlet and outlet baffles are intact

Located on south side of house

Septic bed

The approximant location of the septic bed would be at the southwest corner of the property

There are no visual signs that the bed is failing in any way

Thank you

David lake

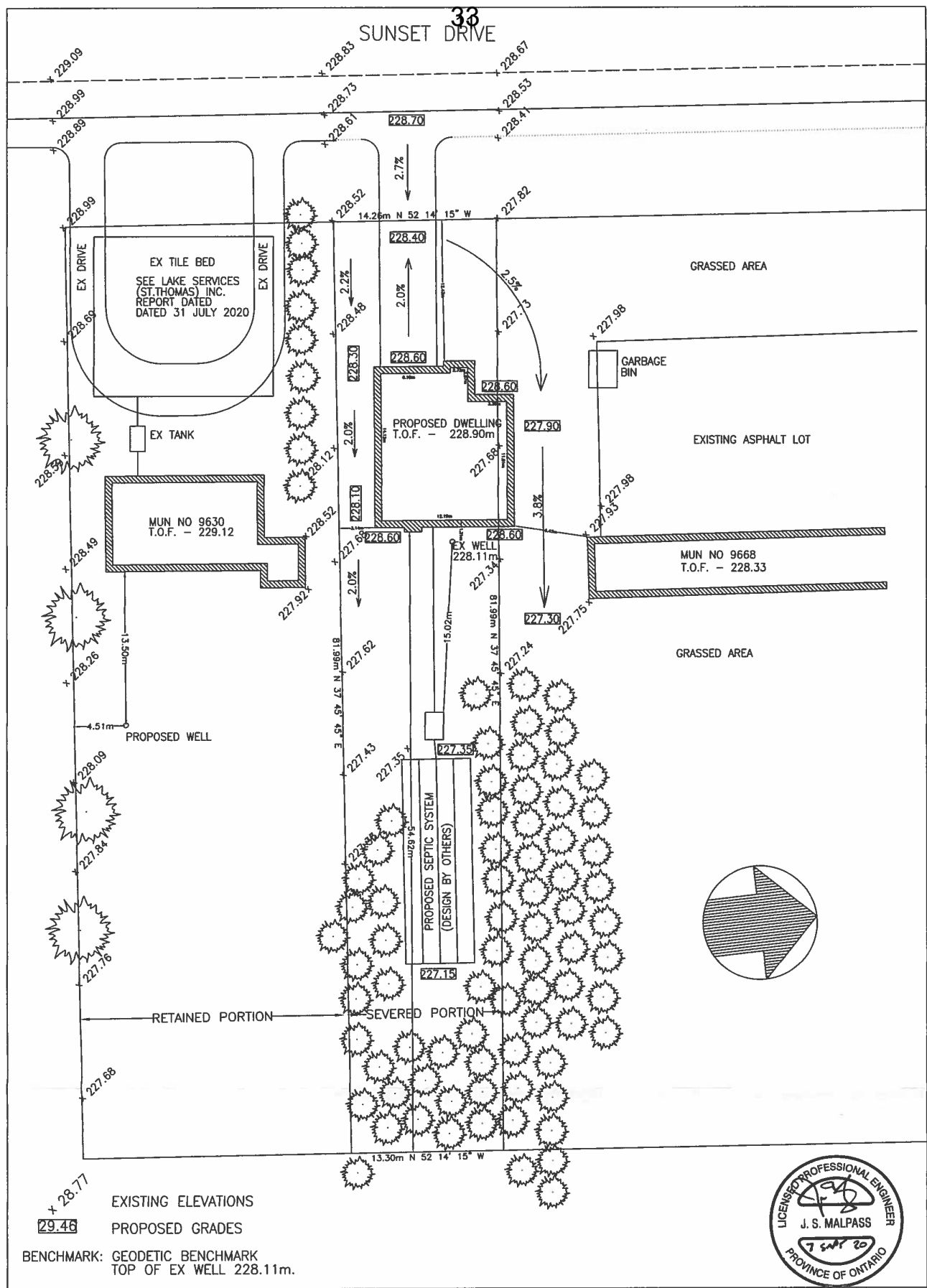



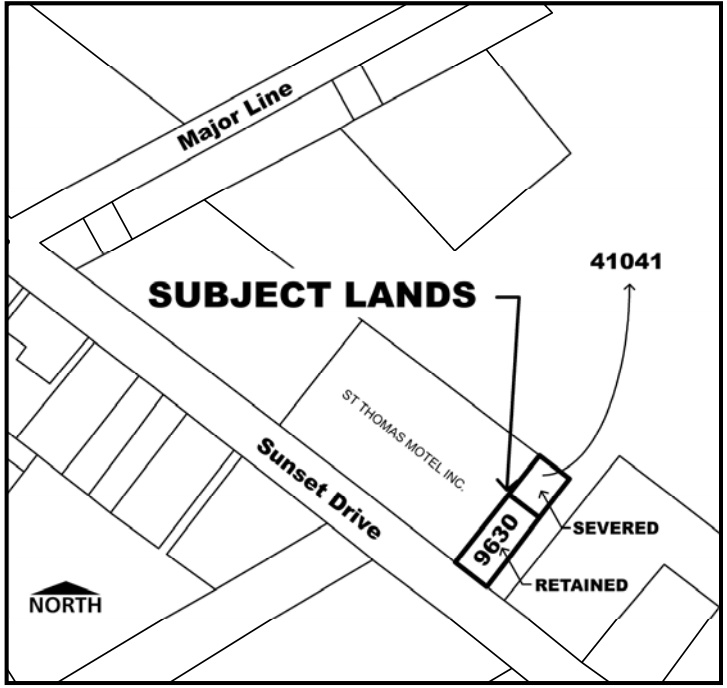
BCIN 14195

David Lake

1222 Talbot Street St.Thomas On N5P 1G9

519-808-9384 david@lakeservices.ca



 <p>The Corporation of the City of St. Thomas</p>	Report No.: B03-2022
	Applicant: Karl Kenneth & Susan Kim St. Gelais
Directed to: Members of the Committee of Adjustment	Report Date: April 6, 2022 Meeting Date: April 14, 2022
Location: 9630 Sunset Drive, City of St. Thomas	
Subject: Request for a consent pursuant to Section 53 of the Planning Act, R.S.O, as amended	
Department: Planning Department Prepared by: Steve Craig, Senior Planning Technician	Attachments: Location Plan and 2020 Aerial Photography
Recommendation:	
That: Report B03-2022 be received.	
<p>BACKGROUND</p> <p>Consent Application B03-2022 has been filed for the purpose of a lot addition, to facilitate a land assembly.</p> <p>PROPOSAL</p> <p>The applicant is proposing to sever a vacant parcel of land with an area of 703.72sqm, the lands will be merged with the abutting lot to the north, municipally known as 41041 Major Line. The applicant is proposing to retain a lot with frontage of 23.79m on Sunset Drive, a depth of 53.46m and a lot area of 1,272.29sqm, containing one single detached dwelling, the lands will remain in residential use.</p> <p>OFFICIAL PLAN</p> <ul style="list-style-type: none"> The subject lands are in the Highway Commercial and Natural Heritage designation, as shown on Schedule A (Land Use Plan) to the Official Plan for the City of St. Thomas. Permitted uses in the Highway Commercial designation on Schedule "A" include commercial uses that serve the needs of City residents and businesses and the needs of the traveling public, including hotel/motel, automotive service business, gas bar, car wash, convenience store, automotive maintenance garage, motor vehicle dealership, restaurant, financial institution, existing business offices, existing food store, existing retail uses (5.8.3.1). 	<p>Location Plan:</p> 

- Within the Natural Heritage designation on Schedule "A" Land Use Plan the permitted uses are passive open space, walking/biking trails, forest and resource management uses, conservation uses, erosion and flood control, low-intensity public and private recreation uses, necessary public utilities, infrastructure and services, existing agricultural use and accessory buildings and structures thereto. Development and/or site alteration associated with a permitted use shall only be permitted when it can be demonstrated in accordance with the policies of subsection 8.3.4 of this Plan, that there will be no negative impacts to the natural heritage features and/or their ecological functions (8.3.2.2). The proposed lot addition is not considered development under the Provincial Policy Statement (PPS), as the application does not contemplate the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act. Further the proposed lot addition is not considered site alteration as the application does not contemplate activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site.
- Consents 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 (10.4.1).
- Consents for a boundary adjustment, right of way, easement, long term lease, and to convey lands to an abutting lot are generally permitted in any land use designation, subject to the policies of the Plan.

ZONING BY-LAW

- The subject lands are in the Highway Commercial Zone (C7-16) and Natural Heritage Zone (NH) pursuant to the City of St. Thomas Zoning By-Law 50-88, as shown on Zoning Map 45.
- Permitted uses of the C7 zone include an animal clinic, automotive service business, automotive trade, car wash, car rental business, convenience store, existing business office, existing retail commercial uses, fast food restaurant, gas bar, hotel/motel, pet grooming shop, private recreational facility, restaurant, retail food store, self-storage business and uses accessory to the foregoing (18.1). The special provisions of the C7-16 Zone permit a single detached dwelling (18.5.16(b)).
- No buildings or structures shall be erected or used for any purpose permitted by Subsection 18.1 unless the following municipal services are available to service the building or structure and the land on which it is situate, a water supply system and a sanitary sewage system and a storm system or a combined sanitary and storm water sewage system (18.3(a)).
- Buildings or structures may be used for any purpose permitted by Subsection 18.1 if a water supply system provided by the Municipality is available to service any building or structure and the land on which it is situate and the sanitary waste for such building or structure is discharged to a sanitary waste disposal system approved by the Medical Officer of Health for the County of Elgin (18.3(b)).
- Minimum lot area – No minimum (18.4.1.1).
- Minimum lot frontage – No minimum (18.4.1.2).
- Minimum front yard depth – 12m (18.4.1.3).
- Minimum side yard depth – 3m (18.4.1.4).
- Minimum rear yard depth – Nil (18.4.1.5).
- Permitted uses of the NH zone include conservation of the natural environment, forest, wildlife, and fisheries management (25.1).
- In the NH zone, no building or structure shall be erected except for the uses permitted in Subsection 25.1 (25.2).

2020 AERIAL PHOTOGRAPHY:**COMMENTS**

- The subject lands were brought into the City of St. Thomas as part of a mutual boundary adjustment with the Township of Southwold in 1995, as part of the process the lands were designated Highway Commercial and Natural Heritage, in the City of St. Thomas Official Plan. The Highway Commercial and Natural Heritage designations do not include policies for residential uses, the use existed prior to being brought into the City and is recognized through the special provisions of the C7-16 zone.
- Water service for the subject lands is currently accommodated by a private well, which was constructed in the rear yard in 2021. The applicant has provided a letter from Hadden Water Wells, dated September 29, 2020, that indicates that a new well could be drilled on the subject lands and supply sufficient quantity and quality required by Provincial Standards for the existing dwelling. Staff are recommending that approval of the application be conditional on the applicants providing written confirmation from a qualified well installer that confirms that the existing well that was constructed on the subject lands in 2021 provides the quality and quantity of potable water required by Provincial standards.

- Sewage service for the subject lands is currently accommodated by a private septic system, which according to the applicant was replaced in 2017. The City of St. Thomas Building Services file does not contain a record for the work that was completed in 2017, if a building permit was not obtained the applicants will be required to apply for and obtain a building permit for the installation of the septic system, which will require plans prepared by a qualified designer or engineer and confirmation that the installed system is compliant and that it matches the plans.
- In staff's opinion Consent Application B03-2022 conforms with the City of St. Thomas Official Plan, City of St. Thomas Zoning By-law 50-88 and satisfies the criteria of Section 51(24) of the Planning Act, R.S.O., as amended. Therefore, approval of the application is supportable, should the Committee of Adjustment approve the application staff recommends the following conditions:
 - 1) the applicants provide written confirmation from a licensed well installer that the existing well servicing the dwelling provides the quality and quantity of potable water required by Provincial standards;
 - 2) the applicants demonstrate that a building permit was issued for the existing septic system servicing the dwelling, or the applicants obtain a building permit to the satisfaction of the City of St. Thomas Building Services Department;
 - 3) the applicants enter into an agreement with the City of St. Thomas requiring the connection to municipal services at such time when it becomes available;
 - 4) the severed portion of the subject lands be merged with 41041 Major Line;
 - 5) that Subsection 3 or 5 of Section 50 of the Planning Act, R.S.O., 1990, as amended shall apply to any subsequent conveyance or transaction involving the subject lands;
 - 6) the solicitor for the applicant is to provide an undertaking, whereby they inform the Committee in writing, that the lands are being conveyed to an abutting property owner and thus a merger of title will take place, which merger shall include all interests held inclusive or mortgagee's interest;
 - 7) The solicitor for the applicant shall undertake in writing to provide a copy of a registered application for consolidation of parcels, confirming the severed land and abutting lands of the transferee are described under one parcel identification number; and
 - 8) the City of St. Thomas be provided with a copy of the Reference Plan.

Respectfully submitted,



Steve Craig

Senior Planning Technician