

A G E N D A

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

**COMMITTEE ROOM #309
CITY HALL**

10:00 A.M.

**THURSDAY
JULY 23RD, 2015**

DISCLOSURE OF INTEREST

MINUTES

Confirmation of the minutes of the meeting held on June 25th, 2015.

HEARING OF APPLICATIONS

B03/15 – CHARLES ALFRED LOCKE – 72-74 KAINS STREET Pages 2-11

UNFINISHED BUSINESS


A09/12 2177350 ONTARIO INC. – 71 CENTENNIAL AVENUE

NEW BUSINESS

Next Meeting

To be determined.

ADJOURNMENT

 ST. THOMAS <small>THE CORPORATION OF THE CITY OF</small>	FORM 1 PLANNING ACT	Application No. <u>103115</u>
	APPLICATION FOR CONSENT	
	CITY OF ST. THOMAS	Received JUN 19 2015

NOTE: This application must be filed with the Secretary-Treasurer of the Committee of Adjustment and must be accompanied by 5 copies of a property sketch and any documents relating to the application along with a fee of \$450.00, payable to the City of St. Thomas; additionally, for the stamping of deeds or issuances of certificates of official, an additional fee of \$200.00, payable to the City of St. Thomas, will be required at the time of stamping or issuance.

1. Name of approval authority. City of St. Thomas Committee of Adjustment

2. Date application deemed complete by municipality. _____

3. Name of registered owner. CHARLES ALFRED HOLKE
 Telephone Number 514-631-0978 Fax Number _____
 Address 72 KAINS ST. ST. THOMAS ON
 Postal Code N5P 1N4 Email _____

Name of solicitor or authorized agent (if any) DREW NORMAN HOLKE
 Telephone Number 514-671-0254 Fax Number _____
 Address 24 HITCH CRES. ST. THOMAS ON
 Postal Code N5R 5K8 Email drawn@holke.com

Please specify to whom all communications should be sent:

☐ Registered owner ☐ Solicitor ☒ Agent

4. Name of person(s) [purchaser, lessee, mortgagee, etc.] to whom land or interest in land is intended to be conveyed, leased or mortgaged.
NATALIE HOLKE (GRANDDAUGHTER OF CHARLES)

5. Location and description of subject land:

Street Address 72 Assessment Roll No. 342102012002200
74 342102012002300
 Registered Plan No. 115 Lot(s) No. PART LOTS 43, 44
 Reference Plan No. 72-Lot 115 Part(s) No. LOT 16 S/S KAINS - E/S HORTEN
 Concession _____ Lot(s) No. _____

6. Current Size of Subject Parcel (in metres/hectares):

Frontage 20.89m Depth 40.05m AREA 693.61m²
 Width _____

7. Are there any easements or restrictive covenants affecting the subject land: ☒ Yes ☐ No

If "yes" describe the easement/covenant and its effect:

RE 74 2.4384m WIDE RIGHT OF WAY ON EAST SIDE OF
PROPERTY IS USED AS SHARED DRIVEWAY

8. Type and purpose of proposed transaction: (check appropriate box)

Transfer: ☐ creation of a new lot Other: ☐ mortgage/charge

☐ addition to a lot ☐ lease

☐ easement/right-of-way ☐ correction of title

☒ other (specify) SEVERANCE AFTER PROPERTY MERGED AFTER
SOURCES DEATH 03/2015

07/11/2014

applicant's initials LCM/K

9. Number of new lots (including retained lot) proposed: 2

10. PROPOSED SEVERED LOT

a.) Description and use of land intended to be severed (in metres/hectares):

⁷⁴
Frontage 9.19m Depth 24.67m Area 225.09m²

Existing Use RESIDENCE

Proposed Use RESIDENCE

b.) Number and use of buildings and structures (both existing and proposed) on the land intended to be severed:

Existing ONE HOUSE

Proposed ONE HOUSE

c.) Type of water supply & sanitary sewage disposal to proposed Severed lot (locate on sketch):

TYPE ☒ Municipal Water & Sewer ☐ Municipal Water & Private Sewer

☐ Municipal Sewer & Well ☐ Well & Private Sewer System

☐ Other (specify) _____

d.) Access to proposed severed lot:

☒ municipal road ☐ provincial highway ☐ county road ☐ private

11. PROPOSED RETAINED LOT

a.) Description and use of lands to be retained (in metres/hectares):

⁷²
Frontage 11.69m Depth 40.05m Area 468.52m²

Existing Use RESIDENCE

Proposed Use RESIDENCE

b.) Number and use of buildings and structures (both existing and proposed) on the land intended to be retained:

Existing ONE HOUSE & DETACHED GARAGE

Proposed ONE HOUSE & DETACHED GARAGE

c.) Type of water supply & sanitary sewage disposal to proposed Retained lot (locate on sketch):

TYPE ☒ Municipal Water & Sewer ☐ Municipal Water & Private Sewer

☐ Municipal Sewer & Well ☐ Well & Private Sewer System

☐ Other (specify) _____

d.) Access to proposed retained lot:

☒ municipal road ☐ provincial highway ☐ county road ☐ private

12. When will water supply and sewage disposal services be available?

ALREADY EXISTING

11/7/2014

applicant's initials

[Signature]

13. a.) Have there been any previous severances of land from this holding? ☐ 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 name _____
Use of parcel _____
Date parcel created _____

14. What is the current Zoning land use designation of the subject property? RH ZONE

15. What is the current Official Plan land designation of the subject property? RESIDENTIAL

16. Has the parcel ever been the subject of an application for approval of a plan of subdivision under Section 51 or a consent under Section 53 of the Act, as amended, or its predecessors?

☐ Yes ☒ No If yes, please indicate the file number and the status: _____

17. Please indicate whether the property is the subject of an application for one of the following:

☐ Official plan or official plan amendment approval ☐ Zoning by-law amendment
☐ Minister's zoning order amendment ☐ Plan of subdivision approval

If known, indicate the file number and status of the foregoing application(s): _____

18. Is the owner, solicitor or agent applying for additional consents on this holding simultaneously with this application, or considering applying for additional consents in the future?

☐ Yes ☒ No

19. Is the owner, solicitor or agent applying for any minor variance or permission under Section 45 of the Planning Act, R.S.O. 1990, as amended, in relation to any land that is the subject of this application?

☐ Yes ☒ No

20. Is the application consistent with policy statements issued under subsection 3(1) of the Ontario Planning Act?

☒ Yes ☐ No

21. Is the subject land within an area designated under any provincial plan or plans?

☐ Yes ☒ No

If yes, does the application conform to or does not conflict with the applicable provincial plan or Plans. _____

Other Comments:

DUE TO THE DEATH OF DORE LOCKE 03/20/15 WIFE OF CHARLES LOCKE,
74 KAINS ST. THAT WAS IN CHARLES LOCKE NAME ONLY
MERGED INTO ONE PROPERTY. NEED TO RESEVER THE
MERGED 72 & 74 PROPERTIES. IT IS CHARLES LOCKE INTENTION
TO GIVE THE 74 KAINS PROPERTY TO NATALIE LOCKE. HIS
GRANDDAUGHTER WHO IS CURRENTLY LIVING IN HOUSE AT 74 KAINS.

11/7/2014

applicant's initials

CLP

22. a.) The applicant/owner/agent hereby consents to disclosure of the information contained in this application pursuant to Section 32(b) of Bill 49, Chapter 63, S.O. 1989, being an act to provide for Freedom of Information and Protection of Individual Privacy in municipalities and local boards.

b.) The applicant/owner/agent acknowledges that he/she is aware that any cost incurred over and above the application fee submitted, as a result of the application being subject to:

- the submission of additional information
- the entering into of an agreement with the Corporation of the City of St. Thomas
- an Ontario Municipal Board hearing

is the responsibility of the applicant/owner, and the Applicant/owner agrees to pay any such additional fee.

c.) The applicant/owner hereby authorizes the committee of adjustment members and city staff to enter onto the subject property for the purpose of site inspections with respect to this application.

Dated at the CITY of ST. THOMAS this
(City/Town) (Name of City or Town)

10 day of JUNE, 2015

(Signature of applicant, solicitor or authorized agent)

Drew Norman Locke

I/we, ~~Barbara Ann Locke~~ of ST. THOMAS in
the County/District/Regional Municipality of ~~St. Thomas~~ ELGIN solemnly
declare that all the statements contained in this application are true, and I make this solemn
declaration conscientiously believing it to be true, and knowing that it is of the same force and
effect as if made under oath and by virtue of the CANADA EVIDENCE ACT.

Declared before me at the) Drew Norman Locke
CITY of ST. THOMAS) signature
in the COUNTY of ELGIN)
this 19th day of JUNE, 2015) signature

[Signature]
A Commissioner, etc.

I, Andrew Kyle Smala, a Commissioner, etc.,
of the Province of Ontario, for the Corporation of the City of St. Thomas.
Expires January 8, 2018.

NOTE: If the applicant is a corporation, the application shall be signed by an officer of the corporation and the corporation's seal shall be affixed.

11/7/2014

applicant's initials

[Signature]

AUTHORIZATION

(Please see note below)

To: Assistant-Secretary Treasurer
Committee of Adjustment
City of St. Thomas

Description and Location of Subject Lands:

Municipal Address 72 & 74 HANCOCK ST. ST. THOMAS, ONT.

Legal Description SINGLE FAMILY DETACHED.

I/We, The undersigned, being the registered owner(s) of the above lands hereby authorize

DREW NORMAN LECHE of ST. THOMAS, ONT.
(Agent's Name/Names) (Agent's City/Town of Residence)

- (1) make an application on my behalf to the City of St. Thomas Committee of Adjustment;
- (2) appear on my behalf at any hearing(s) of the application; and
- (3) provide any information or material required by the Committee of Adjustment relevant to the application.

Please Print Names in Block Letters Below Signatures

Dated at the CITY of ST. THOMAS in the ELGIN of ONTARIO CA.
(City/Town) (Name of City/Town) (County/District) (Name of County/District)

this 10TH day of JUNE, 20 15

[Signature]
Signature of Witness
Print Name DREW N. LECHE

[Signature]
Signature of Owner
Print Name CHARLES ALFRED LECHE

Signature of Witness
Print Name _____

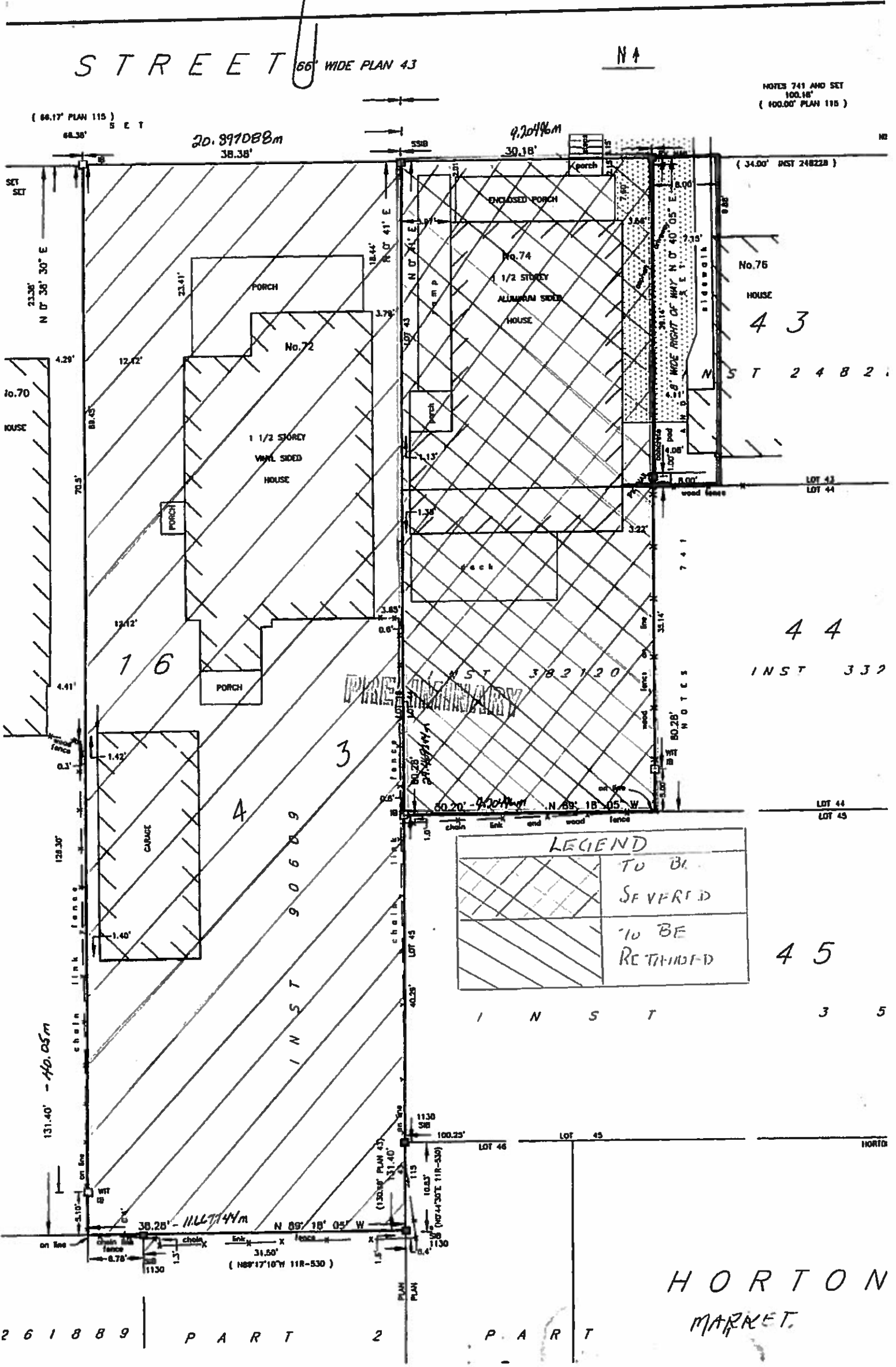
Signature of Joint Owner
Print Name _____

Signature of Witness
Print Name _____

Signature of Joint Owner
Print Name _____

Note: This form is only to be used for applications, which are to be signed by someone other than the owner.





NOTES 741 AND SET
100.18'
(100.00' PLAN 115)

(66.17' PLAN 115)
S E T
68.38'

20.891088m
38.38'

9.2044m
30.18'

(34.00' DIST 248228)

4 3

4 4

INST 332

4 5

I N S T 3 5

HORTON
MARKET

2 6 1 8 8 9 | P A R T 2 | P A R T

**CONTINUING POWER OF ATTORNEY
FOR PROPERTY - (SHORT FORM)**

THIS CONTINUING POWER OF ATTORNEY FOR PROPERTY is given

by **CHARLES ALFRED LOCKE**
[Grantor]

of the City of St. Thomas, in the County of Elgin.

APPOINTMENT

1. I APPOINT **DREW NORMAN LOCKE**

of the City of St. Thomas, in the County of Elgin and

DANIEL MELVIN LOCKE

of the Township of Wilmot, in the Region of Waterloo

jointly and severally to be my attorneys for property, and I authorize my attorneys to do, on my behalf, any and all acts, which I could do if capable, except make a will, subject to any conditions and restrictions contained herein. My attorneys shall have the authority to act as my litigation guardians, if one is required to commence, continue, defend or represent me in any court proceeding.

SUBSTITUTION

2. NONE

CONTINUING POWER

3. This is a continuing Power of Attorney. It is my intention and I so authorize my attorneys that the authority given in this continuing Power of Attorney may be exercised during any incapacity on my part to manage my property, pursuant to section 7 of the *Substitute Decisions Act*.

FAMILY LAW ACT CONSENT

4. If my spouse disposes of or encumbers any interest in a matrimonial home in which I have a right to possession under Part II of the *Family Law Act*, I authorize the attorneys named in this Power of Attorney for me and in my name to consent to the transaction as provided for in clause 21(1)(a) of the said Act.

CONDITIONS AND RESTRICTIONS

5. NONE

EFFECTIVE DATE

6. This continuing Power of Attorney for property comes into effect as of the date of execution set out below.







REVOCATION

7. Any prior Power of Attorney for Property or any Power of Attorney which affects my property given by me, except a Power of Attorney given to a bank or financial institution for the purpose of transacting my business with that bank or financial institution, is hereby revoked.

COMPENSATION

8. I authorize my attorneys and my attorneys have agreed to accept no compensation for any work done by them pursuant to this Power Attorney for Property.

Executed at St. Thomas, Ontario this 27th day of April, 2015, in the presence of both witnesses, each present at the same time.


VIDYA R. GOMES

12 Pearl Street
Print name and address

St. Thomas, Ontario, N5P 2N9


PATRICIA MCMAHON

12 Pearl Street
Print name and address

St. Thomas, Ontario, N5P 2N9


CHARLES ALFRED LOCKE

AFFIDAVIT OF EXECUTION

I, VIDYA R.-GOMES

of the Municipality of Central Elgin, in the County of Elgin

and I, PATRICIA MCMAHON

of the Town of Aylmer, in the County of Elgin

MAKE OATH AND SAY/AFFIRM:

1. On the 27th day of April, 2015, we were both present at the same time and saw the attached Power of Attorney executed by CHARLES ALFRED LOCKE and we signed the document in the grantor's presence as attesting witnesses.

2. At the time we witnessed the execution of the Power of Attorney we were both eighteen years of age or older.

3. We are not:

(a) the attorney(s) named in this Power of Attorney nor a spouse or partner of the named attorney(s);

(b) a spouse or partner of the grantor;

(c) a child of the grantor or a person whom the grantor has demonstrated a settled intention to treat as his or her child; or

(d) a person whose property is under guardianship or who has a guardian of the person.

Sworn or Affirmed by the above-mentioned
deponents before me at the City of St. Thomas
in the County of Elgin, this 27th day of
April, 2015.

VIDYA R.-GOMES

PATRICIA MCMAHON

Kimberley A. Pearson

Commissioner for Taking Affidavits

Kimberley Anne Pearson, a Commissioner, etc.
County of Elgin for Glan, Hall & Shields
Solicitors and Notaries
Expires October 9, 2017

Date: April 27th, 2015

CHARLES ALFRED LOCKE
Grantor

- TO -

DREW NORMAN LOCKE
- AND -
DANIEL MELVIN LOCKE
Attorneys

CONTINUING
POWER OF ATTORNEY
(SHORT FORM)

Dye & Durham CFS

VIDYA R.-GOMES
GLOIN, HALL & SHIELDS
Barristers & Solicitors
12 Pearl Street
St. Thomas, Ontario
N5P 2N9

VRG:pm