

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
AUGUST 27TH, 2015**

DISCLOSURE OF INTEREST

MINUTES

Confirmation of the minutes of the meeting held on July 23rd, 2015.

HEARING OF APPLICATIONS

**B04/15 – CLARENCE ALANSON ROBERTS – 18 ISABEL STREET AND 8 VICTORIA
STREET Pages 2-10**

UNFINISHED BUSINESS

A09/12 2177350 ONTARIO INC. – 71 CENTENNIAL AVENUE Pages 11-12


An update has been received from the applicant's agent, Valerie M'Garry.

NEW BUSINESS

Next Meeting

To be determined.

ADJOURNMENT

 <p>ST. THOMAS</p>	FORM 1 PLANNING ACT	Application No. <u>904115</u>
	APPLICATION FOR CONSENT	
	CITY OF ST. THOMAS	

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.

*** Please note that in accordance with By-Law 30-2015, consultation with the Planning Department must take place prior to the submission of an application.***

1. Name of approval authority. City of St. Thomas Committee of Adjustment
2. Date application deemed complete by municipality. _____
3. Name of registered owner. Clarence Alanson Roberts
 Telephone Number (519) 633-9204 Fax Number _____
 Address 18 Isabel St. Thomas, ON
 Postal Code N5R 3J7 Email _____

 Name of solicitor or authorized agent (if any) Monty Fordham
 Telephone Number (519) 633-4000 Fax Number (519) 633-1371
 Address 4 Elgin St. St. Thomas, ON
 Postal Code N5R 3L6 Email montyfordham@4elgin.ca

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.
unknown

5. Location and description of subject land:
18 Isabel Street +
 Street Address 8 Victoria Street Assessment Roll No. _____
 Registered Plan No. 23 Lot(s) No. Part of lot 8
 Reference Plan No. _____ Part(s) No. _____
 Concession _____ Lot(s) No. _____

6. Current Size of Subject Parcel (in metres/hectares):
 Frontage 20.11 m Depth 40.23 m Width 20.11 m

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

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

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) Separation of historically separate lots.

[Signature]

- 3 -

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

10. PROPOSED SEVERED LOT

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

Frontage 10.36m Depth 20.11m Area 208.34 sq.mExisting Use residentialProposed Use residential

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

Existing one residential

Proposed _____

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):

Frontage 20.11m Depth 29.87m Area 600 sq.mExisting Use residentialProposed Use residential

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

Existing one residential + shed

Proposed _____

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?

presently available

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?

R-3

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:

The joint owner of the Severed parcel,
(8 Victoria) Charles Roberts died on
February 13, 1996



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)

12 day of May, 2015

[Signature] (POA)
(signature of applicant, solicitor or authorized agent)

I/we, Sandra Pyper POA for Clarence Roberts. of City of ST. Thomas in
the County/District/Regional Municipality of 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)
City of ST. Thomas)
in the County of Elgin)
this 12 day of May, 2015)

[Signature]
signature

[Signature]
signature

A Commissioner, etc.

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.

[Signature]

Consent Application No. B04118

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AUTHORIZATION

(Please see note below)

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

Description and Location of Subject Lands:

Municipal Address 18 Isabel St. + 8 Victoria St. ST. Thomas

Legal Description Reg Plan 23 Part of Lot 8

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

Monty Fordham of ST. Thomas to:

- (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 County of Elgin

this 12 day of May, 20 15

Signature of Witness
Print Name Monty Fordham

Signature of Owner
Print Name Sandra Ryper

Signature of Witness
Print Name _____

Signature of Joint Owner
Print Name _____

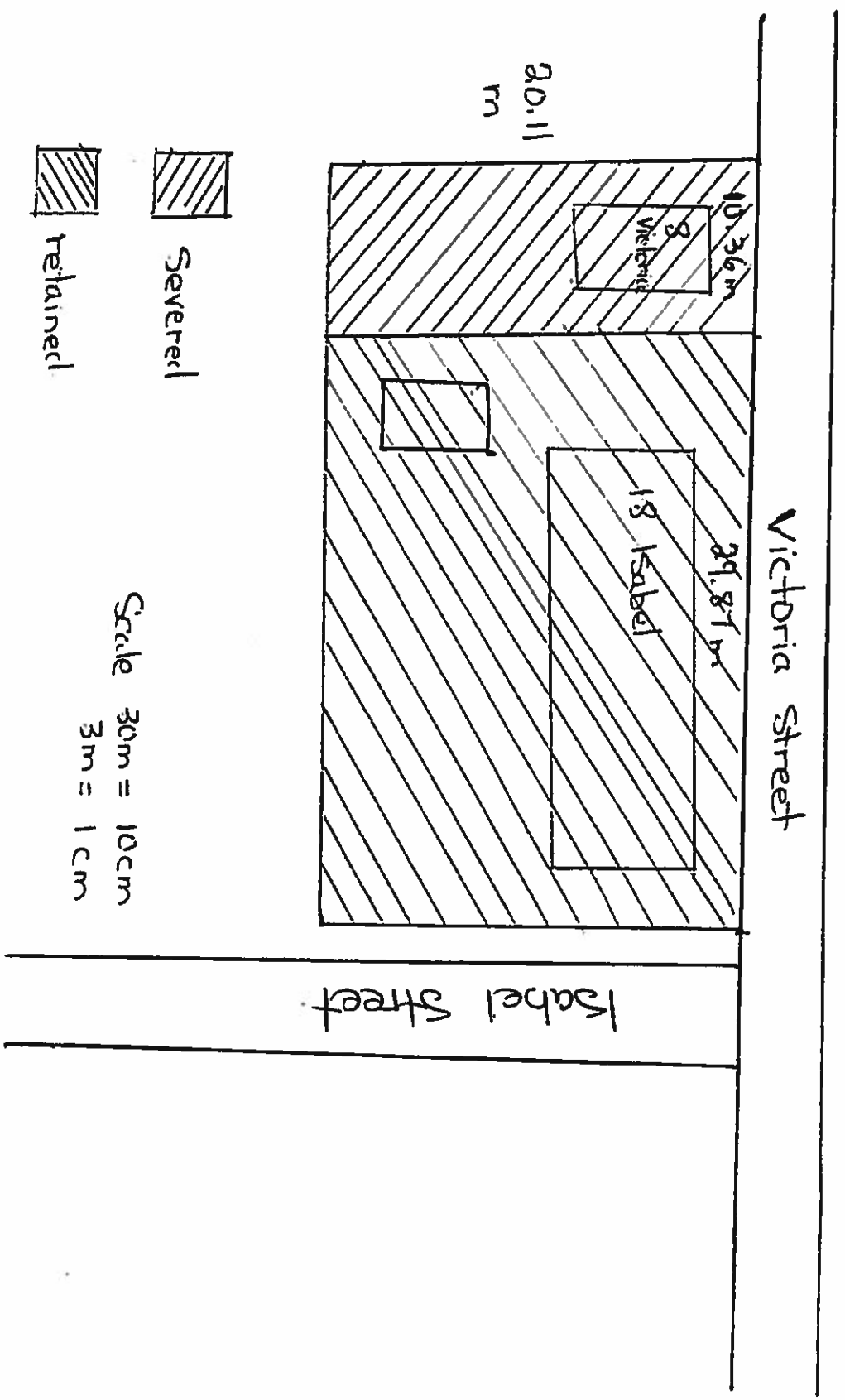
Signature of Witness
Print Name _____

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.



AP



Note: Houses are not drawn to scale


POWER OF ATTORNEY FOR PROPERTY

This is a General Power of Attorney made in accordance with the Powers of Attorney Act, R.S.O. 1990, and the Substitute Decisions Act S.O. 1992.

1. This Power of Attorney is given by **CLARENCE ALANSON ROBERTS** of the City of St. Thomas, in the County of Elgin, in the Province of Ontario, on December 8, 2008.
2. I appoint my niece, **SANDRA PYPER** of the City of St. Thomas, in the County of Elgin, in the Province of Ontario, to be my attorney in accordance with the Powers of Attorney Act and to do on my behalf anything that I can lawfully do by an attorney; provided that if the said **SANDRA PYPER** shall die or shall refuse or be unable to act or to continue to act as such attorney while this Power of Attorney is in full force and effect, then I appoint my nephew, **FRED ROBERTS** of the City of Amherstburg, County of Essex, in the Province of Ontario, to be the attorney in the place and stead of said **SANDRA PYPER**.
3. In accordance with the Powers of Attorney Act, I declare that this power of attorney may be exercised during any subsequent legal incapacity on my part. The foregoing indicates my intention that this document is a continuing power of attorney for property pursuant to subsection 7(1) of the Substitute Decisions Act, 1992.
4. In making this power of attorney, I am aware:
 - (a) of the nature and extent of my property;
 - (b) of the obligation I owe to my dependants;
 - (c) that my attorney will be able to do on my behalf anything in respect of property that I could do if capable, except make a Will; except to the extent that this power of attorney sets out conditions and restrictions on the powers of my attorney;
 - (d) that my attorney must account for his or her dealings with my property;
 - (e) that I may, while capable, revoke this power of attorney;
 - (f) that the value of my property administered by my attorney may decline unless my attorney manages it prudently; and
 - (g) that there is a possibility that my attorney could misuse the authority given to my attorney by this power of attorney.
5. In accordance with the Powers of Attorney Act, I declare that, after due consideration, I am satisfied that the authority conferred on the attorney named in this power of attorney is adequate to provide for the competent and effectual management of all my estate in case I should become a patient in a psychiatric facility and be certified as not competent to manage my estate under the Mental Health Act, R.S.O. 1990. I therefore direct that in that event, the attorney named in this power of attorney may retain this power of attorney for the management of my estate by complying with subsection 56(2) of the Mental Health Act and in that case, the Public Trustee shall not become committee of my estate as would otherwise be the case under paragraphs 56(1)(b) of the Mental Health Act.
6. This power of attorney is subject to the following conditions, restrictions and supplementary powers:
 - (a) I authorize my attorney to exercise all such powers in my name as I would be able to exercise had I chosen to exercise such powers. This therefore authorizes my attorney to bind, and secure information on behalf of, my estate in respect of its dealings with any person. Without restricting the generality of the foregoing, it expressly constitutes my authority as my "legal representative" for the purposes of paragraph 150(a)(d) and all other purposes of the Income Tax Act, S.C., and authorizes my attorney to bind, and secure information on behalf of, my estate in respect of any matter involving the government of Canada or any institution, such as a bank, regulated by the government of Canada;

- (b) I authorize my attorney to delegate any act my attorney may exercise to some other person, and to revoke or suspend such delegation;
- (c) I authorize my attorney to revoke or suspend any power of attorney previously given by me. For greater certainty, it is my intention that I may have multiple continuing powers of attorney, as is contemplated by paragraph 12(1)(d) of the Substitute Decisions Act;
- (d) I authorize my attorney to receive, and draw on an interim basis, compensation from my estate in a fair and reasonable amount, or such amount as may be prescribed pursuant to subsection 40(1) of the Substitute Decisions Act, for my attorney's cares, pains, trouble and time expended in and about the administration of my estate;
- (e) My attorney may manage my estate:
 - (i) for my benefit;
 - (ii) for the benefit of any person, including my attorney, to whom I am under a legal obligation to provide a benefit were I acting personally instead of by my attorney;
 - (iii) for the benefit of any charitable purpose or any person, including my attorney, my attorney considers I would have wished to benefit were I acting personally instead of by my attorney.
- (f) I authorize my attorney to take physical possession of all my property, including property held in a safety deposit box, property held in safekeeping by others on my behalf, and property held by others subject to some professional privilege I waive for this purpose. For greater certainty, my attorney shall be entitled to review my Will, in order to be able to manage my estate in a manner that is sensitive thereto.

I have signed this power of attorney in the presence of the witnesses whose names appear below.


Signature of witness
Monty F. Fordham


Clarence Alanson Roberts


Signature of witness
Lindsay M. Pasma

MONTY F. FORDHAM
Lawyer
4 Elgin Street
St. Thomas, Ontario
N5R 3L6

AFFIDAVIT AS TO AGE AND SPOUSAL STATUS

I, **Clarence Alanson Roberts**, of the City of St. Thomas, in the County of Elgin, in the Province of Ontario, MAKE OATH AND SAY THAT:

1. On this date, I am at least eighteen (18) years old.
2. Within the meaning of paragraph 1(i) of the Family Law Act, R.S.O. 1990:
 - (a) I am not a spouse.

SWORN BEFORE ME at the City
of St. Thomas, in the
Province of Ontario
on December 8, 2008.

) 
Clarence Alanson Roberts


A Commissioner, etc.

AFFIDAVIT OF SUBSCRIBING WITNESS

I, **Monty F. Fordham**

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

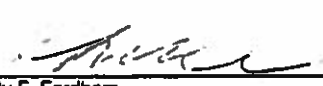
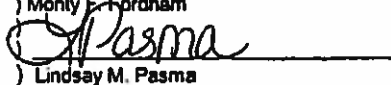
and I, **Lindsay M. Pasma**

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

in the Province of Ontario, MAKE OATH AND SAY THAT:

1. We are subscribing witnesses to the attached instrument and we were present and saw it executed at St. Thomas, Ontario.
2. We verily believe that the person whose signature we witnessed is the party of the same name referred to in the instrument.
3. We are not the attorney, a spouse or partner of the attorney, a child of the grantor, or person to whom the grantor has demonstrated a settled intention to treat as a child of the grantor, a person whose property is under guardianship or who has a guardian of the person, or is less than eighteen (18) years old.
4. We have no reason to believe that the grantor is incapable of giving a continuing power of attorney.

SEVERALLY SWORN BEFORE ME at the
City of St. Thomas, in the
Province of Ontario,
on December 8, 2008.

) 
Monty F. Fordham
) 
Lindsay M. Pasma


A Commissioner, etc.

Beverly Jean Marple, a Commissioner, etc.,
County of Elgin, for Monty F. Fordham,
Barister and Solicitor,
Expires December 14, 2010.

Valerie M'Garry Law Office
P.O. Box 40
37 Millmanor Place
Delaware, Ontario
N0L 1E0

Certified Specialist in Municipal Law

FAX COVER SHEET

DATE: August 11, 2015

PAGES: ____ (Including cover sheet)
If you do not receive all pages, please phone: 519-652-5329

ATTENTION	FIRM NAME	FAX NUMBER	SENT
John Hindley Committee of Adjustment	Corporation of the City of St. Thomas	(519) 633-6581	

FROM: Valerie M'Garry (519) 652-5329

FILE NUMBER: 343

RE: 71 Centennial Avenue, St. Thomas, Ontario

ORIGINAL TO FOLLOW: (X) no () by mail () by courier

This material is intended for use only by the individual or entity to whom it is addressed and should not be read by, or delivered to, any other person. This material may contain privileged or confidential information, the disclosure or other use of which by other than the intended recipient may result in the breach of certain laws or the infringement of rights of third parties. If you have received this facsimile in error, please telephone us immediately (collect if necessary) that we can make arrangements for the return of this facsimile and any confirmation copy which you may receive by mail, at our expense.

COMMENTS: Please refer to attached correspondence.

Telephone: (519) 652-5329

e-mail: valerie@citylaw.ca

Fax: (519) 652-9773

Valerie M'Garry Law Office
P.O. Box 40
37 Millmanor Place
Delaware, Ontario
N0L 1E0

Certified Specialist in Municipal Law

August 12, 2015

File Number: 343

Mr. John Hindley, Secretary
Corporation of the City of St. Thomas
Committee of Adjustment
9 Mondamin Street
St. Thomas, Ontario N5P 2T9

SENT BY FACSIMILE
(519) 633-6581

RE: 71 Centennial Avenue, St. Thomas, Ontario

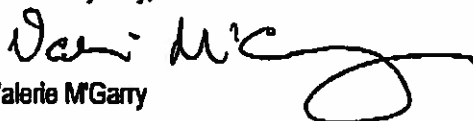
Further to your inquiry of last week, I have now had an opportunity to meet with Mr. Meyer to obtain an update on status. For a variety of reasons, most of them related to the slower economy and corresponding reduction in income which Force Iron and Metal is currently experiencing, Mr. Meyer is not in a position to significantly advance his site plan application at the moment.

Mr. Meyer is taking some steps himself to address some issues on the site in an attempt to improve the situation. He has put a berm along Centennial Avenue to assist in screening the view from the road. He has crushed all of the concrete and asphalt which was on site to a good granular consistency and intends to use it to replace the current lane in order to reduce the dust. Those are short term steps which he can take and will. As soon as the financial situation improves for Force Iron and Metal, he will update the drawings associated with his site plan application, which is the step that is required to be taken at this point, in order to move things further along. He is simply not able to undertake that step for, probably, at least the next three (3) months.

Mr. Meyer and I will be discussing this matter again, hopefully, in October and I will report to the committee on status, or any changes in status, at that time.

Trusting the foregoing meets with your approval, I remain,

Yours very truly,


Valerie M'Garry

VMG/rmp
c.c. C. Meyer

Telephone: (519) 652-5329

e-mail: valerie@citylaw.ca

Fax: (519) 652-9773