



Committee of Adjustment Agenda

Date: Wednesday, June 7, 2017

Location: Municipal Operations Centre, 408 James Street South, St. Marys

Time: 6:30 pm

Agenda Items

1.0 Call to order

2.0 Declaration of Pecuniary Interest

3.0 Approval of Minutes

Regular Meeting of May 17, 2017

Motion:

Second:

4.0 Conditions for Consent to Sever: B03-2016 affecting Lot 22, Registered Plan 44M-48, 310 Tracy Street, St. Marys, from Meadowridge Properties Ltd.

5.0 Applications for Consent to Sever: B04-2017; B05-2017; B06-2017 affecting Part Lot 17, Concession 19, 825 and 895 Queen Street East, St. Marys for Margaret McMillan Baird and Bairds of Strathaven Inc.

6.0 Next Meeting

7.0 Adjournment



Committee of Adjustment Wednesday, May 17, 2017

A meeting of the St. Marys Committee of Adjustment was held on Wednesday, May 17, 2017 at 6:30pm in the Board Room, Municipal Operations Centre, 408 James Street South, St. Marys, Ontario, to discuss the following:

1. Call to Order
2. Disclosure of Pecuniary Interest
3. Approval of Minutes dated April 5, 2017
4. Application for Minor Variance: A02-2017 affecting Registered Plan 235, Pt Lot 18 w/s Church, n/s Victoria, 256 Church Street South, St. Marys, for Marianne DeBrabandere
5. Application for Consent to Sever: B01-2017 affecting Concession 18, Part Lot 20 e/s James Street, 243 James Street South, St. Marys for Robert Brenner
6. Application for Consent to Sever: B02-2017 affecting Concession 18, Part Lot 20 e/s James Street, 243 James Street South, St. Marys for Robert Brenner
7. Application for Consent to Sever: B03-2017 affecting Registered Plan 210, Part Lot 2, as Part 2 on Reference Plan 44R-5205, 299 Queen Street West, St. Marys for 2398315 Ontario Limited
8. Next Meeting
9. Adjournment

Present:

- Chairman Steve Cousins
- Member William J. (Bill) Galloway
- Member Clive Slade
- Member Steve Ische
- Member Dr. J. H. (Jim) Loucks
- Mark Stone, Planner
- Susan Luckhardt, Secretary-Treasurer

Regrets:

- Grant Brouwer, Director of Building and Development

Call to Order:

Chairman Steve Cousins called the meeting to order at 6:30 pm.

Disclosure of Pecuniary Interest:

Member Dr. Jim Loucks declared pecuniary interest with Agenda Item #7 as he is related to one of the owners of the property.

Approval of Minutes dated April 5, 2017

Motion by Member Bill Galloway

Seconded by Member Clive Slade

That the Minutes dated April 5, 2017 be approved as circulated. CARRIED



Resume Public Hearing A02-2017

Application for Minor Variance: A02-2017 affecting Registered Plan 235, Pt Lot 18 w/s Church, n/s Victoria, 256 Church Street South, St. Marys, for Marianne DeBrabandere

Mark Stone, Planner introduced the application. The property is designated “Residential” in the Town's Official Plan and zoned “Residential Zone Four – R4” in the Zoning By-law Z1-1997, as amended.

The property is currently the site of a converted dwelling containing two dwelling units and the proponent is proposing to develop a third dwelling unit as permitted under Residential Zone Four – R4 provisions. However, the property is deficient under Residential Zone Four provisions for a converted dwelling containing three dwelling units, requiring variances to the provisions of the Zoning By-law as follows. The existing lot measures approximately 599.8m² whereas zone provisions require a lot area of 740.0m² for a converted three-unit dwelling, requiring a variance for lot area for a converted three-unit dwelling of approximately 140.2m². The existing lot frontage measures approximately 16.46m whereas zone provisions require a lot frontage of 20.0m for a converted three-unit dwelling, requiring a variance for lot frontage for a converted three-unit dwelling of approximately 3.54m.

Mark Stone summarized the Public Hearing held March 1, 2107 during which the application which was deferred to permit the proponent the opportunity to provide additional information regarding a parking plan. The proponent has provided a parking plan and correspondence from Upper Thames River Conservation Authority (UTRCA).

Mark Stone summarized the comments received regarding the application as follows:

Festival Hydro: no issues with water account for the property.

Town Tax Department: no outstanding taxes.

Upper Thames River Conservation Authority (March 29, 2017): no objection; a permit will be required from the UTRCA for the proposed parking area; and (April 11, 2017): recommended that site grading of parking area be completed in such a way that future runoff is not directed towards adjacent properties.

Town Engineering and Public Works Department (February 23, 2017): the proponent has not satisfied conditions of a previous minor variance (#A10-2008) where the proponent was to remove the existing gravel driveway located within the Victoria Street road allowance to the satisfaction of the Director of Public Works; the gravel area located within the Victoria Street road allowance that was previously utilized for parking is to be removed and replaced with topsoil and seeded to the satisfaction of the Director of Public Works. Written confirmation of such should be required prior to issuance of any building permits; the telecommunications panel next to the existing hard surface driveway should be protected to the satisfaction of the Director of Public Works; and (March 16, 2017): staff has completed an on-site review of the proposed parking plan and have no comments; grading plan not required for minor grading modifications for the parking lot; contact Upper Thames River Conservation Authority to confirm any requirements with respect to on-site excavation for the proposed parking area.



This concluded correspondence received regarding the application.

Chairman Steve Cousins asked the applicant for any comments.

Marianne DeBrabandere enquired about the requirement of a lot grading plan. Mark Stone confirmed that a lot grading plan is required to confirm that grading will be such that runoff will not affect adjacent properties.

Marianne DeBrabandere questioned Town Engineering and Public Works Department comments regarding the conditions of a previous minor variance in that the existing parking area had to be removed.

Mark Stone reviewed the four tests of the minor variance as per his planning report. The requested variances maintain the general intent and purpose of the Official Plan which is to provide for a full range of residential activities and housing forms. The requested variances maintain the general intent and purpose of the Zoning By-law in that sufficient amenity areas are able to be provided; parking requirements have been demonstrated to be met through a parking plan; and the applicant has demonstrated that the minimum landscaped open space requirement of 35 percent will be maintained after the parking area is constructed. The application is minor in nature in that the requested variances represent appropriate deviations from the Zoning By-law requirements and the potential impacts resulting from the proposed variances are considered "minor" in nature. The proposed development is desirable for the appropriate development or use of the subject property in that the addition of a dwelling unit in the existing house will not impact the residential character of the neighbourhood. It is recommended that the Committee impose a condition to require the owner to install and maintain the following to reduce the impacts of headlights on adjacent properties – fencing along the north property line extending from the northwest corner of the lot terminating at a point in line with the rear wall of the dwelling; and landscaping south of proposed parking space number five to reduce the impacts of headlights. Also as per comments from UTRCA it is recommended that the Committee require the owner to submit a lot grading/drainage plan to demonstrate that the grading will be such that no runoff affects adjacent properties.

Chairman Steve Cousins asked for comments from members of the public.

Ted Ingram, 150 Victoria Street, provided photos to Committee members to illustrate the parking issues that exist on Victoria Street and provided comments to the matter in that he has been blocked into his own driveway by vehicles parked on the road allowance.

Chairman Steve Cousins asked for comments from Committee members.

Member Dr. Loucks had nothing further.

Member Steve Ische asked about fencing for the property as a fence already exists to the west on the adjacent property. Steve Ische asked if the proponent needs to provide an additional fence to keep the headlights out in the case that the neighbouring fence were not maintained or was removed in future by the neighbour. Mark Stone responded that the existing fence will suffice and if the neighbor removes the fence, it would be with the knowledge that they will have the effect of the headlights from this parking area.



Member Clive Slade asked about the location of the proposed fencing along the north property line. Mark Stone showed the areas requiring fencing and landscaping. It was noted that the landscaping barrier on the south property line would be on municipal property. The landscaping and fencing will be included under a development agreement for the property which is a recommended condition if the application is approved.

In response to Member Clive Slade, Mark Stone confirmed that the parking area is in the UTRCA erosion area.

Member Bill Galloway commented on the parking issues with respect to enforcement and signage.

Ted Ingram stated that he does not have issue with parking on the street, but does have issue with vehicles blocking his driveway.

Marianne DeBrabandere provided additional comments regarding enforcement for parking.

Member Bill Galloway asked Chairman Steve Cousins to adjourn the application to a point later in the meeting.

Chairman Steve Cousins moved to adjourn to the next application and to resume discussion of application A02-2017 later in the meeting.

Discussion of application A02-2017 reconvened at 8:07 pm.

Marianne DeBrabandere provided comments regarding the application and the use of the property.

In response to Member Clive Slade, Mark Stone provided information regarding the parking requirements for a converted dwelling including the previous requirements of 1.5 spaces per unit under the Zoning By-law; and the new requirements under the Zoning By-law of 2 spaces per unit, resulting in a requirement for a total of five parking spaces for three units within the dwelling.

Mark Stone indicated on the parking plan where fencing would be required to guard against headlight spillage onto adjacent properties; being the north side of the property extending to the dwelling with barrier landscaping on the south side of the property.

Marianne DeBrabandere asked if the current cedars located on the north side of the property could be regarded as sufficient barrier in the area from the edge of the parking lot to the dwelling. It was the consensus of staff and the Committee that the barrier fence to be installed at the north end of the parking area would be required to continue to the dwelling as the existing cedar plantings do not form an opaque barrier.

There was discussion regarding the development agreement that will be required as a condition if the Committee approves the application; to ensure that landscaping and fencing is suitable and maintained.

This concluded discussion of minor variance application A02-2017.

DECISION A02-2017

Application for Minor Variance: A02-2017 affecting Registered Plan 235, Pt Lot 18 w/s Church, n/s Victoria, 256 Church Street South, St. Marys, for Marianne DeBrabandere



Moved by: Member Steve Ische

Seconded by: Member William J. (Bill) Galloway

That the Committee of Adjustment for the Corporation of the Town of St. Marys approve Minor Variance Application No. A02-2017 from Marianne DeBrabandere subject to the following conditions:

1. This approval is granted only to the nature and extent of this application being relief for minimum lot area for a 3-unit building measuring 599.8m²; and relief for minimum lot frontage for a 3-unit building measuring 16.46m;
2. A building permit shall be obtained within one (1) year of the Committee's decision;
3. The space shall not be used for home occupation or any other business;
4. Confirmation in writing from the Engineering and Public Works Department that their concerns/issues communicated in their correspondence dated February 23, 2017 have been addressed;
5. The owner is required to install and maintain a parking area on the property in accordance with the approved parking plan and the Town's Zoning By-law;
6. The owner is required to install and maintain the following to reduce the impacts of headlights on adjacent properties:
 - 6 foot high barrier fencing along the north property line extending from the northwest corner of the lot terminating at a point in line with the rear wall of the dwelling on the lot;
 - Landscaping south of proposed parking space number five (as shown on the parking plan);
7. That the owner submit a lot grading/drainage plan to demonstrate that any grading associated with the parking area will be completed in such a way that future runoff is not directed towards adjacent properties;
8. The owner is required to enter into a development agreement with the Town to ensure proper installation of all works associated with the approved parking plan and any required fencing and landscaping, and to ensure the owner (and subsequent owners) maintain these works accordingly;
9. The gravel area located within the Victoria Street road allowance that was previously utilized for parking is to be removed and replaced with topsoil and seeded to the satisfaction of the Director of Public Works at the applicant's expense. Written confirmation of such should be required prior to issuance of any building permit.

And for the following reasons:

1. The relief requested is minor in nature;
2. It is required for appropriate development of the property;
3. It maintains the general intent and purpose of the Town Official Plan;
4. It maintains the general intent and purpose of the Town Zoning By-law.

CARRIED



Public Hearing B01-2017 and B02-2017

Applications for Consent to Sever: B01-2017 and B02-2017 affecting Concession 18, Part Lot 20 e/s James Street, 243 James Street South, St. Marys for Robert Brenner

Mark Stone introduced application B01-2017. The property is designated “Residential” in the Town's Official Plan and zoned “Residential Zone Three – R3” in the Zoning By-law Z1-1997, as amended.

The subject property is the site of a single-detached dwelling. The proponent has applied to sever a portion of the lands measuring 632m², having dimensions of 20.73m X 30.48m located to the rear of the property for the purpose of conveying those lands as a lot addition to the property to the east. This property is also subject to Consent to Sever application B02-2017 to be considered by Committee of Adjustment on May 17, 2017.

Mark Stone introduced application B02-2017. The property is designated “Residential” in the Town's Official Plan and zoned “Residential Zone Three – R3” in the Zoning By-law Z1-1997, as amended.

The subject property is the site of a single-detached dwelling. The proponent has applied to sever a portion of the lands fronting onto James Street South measuring 697m² and having frontage of 15.24m and depth of 45.72m for the purpose of creating an infill lot for residential use. This property is also subject to Consent to Sever application B01-2017 to be considered by Committee of Adjustment on May 17, 2017.

Mark Stone summarized comments received regarding the applications as follows:

Town Tax Department: no outstanding taxes.

Bell Canada: no concerns or objections to the applications.

Festival Hydro: there is an existing underground hydro service which terminates at a hydro pole located at north property line; Festival Hydro met with the owner and it was agreed that, at the time of construction, the existing service would be removed and a new underground service will be installed.

Town Engineering and Public Works Department: no comments regarding B01-2017; regarding B02-2017 – the sanitary service records show that the service for the existing house is potentially within the proposed section of property to be severed. The proponent should be required to daylight the service and confirm that the sanitary service for the existing house is located within the property line of the retained parcel. Services already exist for severed lot.

Trevor McNeil, MTE/OLS Ltd., agent for the application provided comment regarding the proposed severances. The proponent has requested to sever the lands from the rear of the existing property for the purpose of conveying those lands to the adjacent property to the east. The second severance application (B02-2017) is to request that an infill lot be severed from the lands fronting on James Street South.

Mark Stone provided comments regarding the applications as per his planning report. The application to sever the lands from the rear of the property proposes a lot addition from one residential property to lands designated Residential in the Official Plan. The severing of the

lands to the rear and the conveying of these lands to the adjacent property will create lot lines for the properties fronting James Street that align with the existing lots on James Street. The proposed severance to create a second residential lot will provide additional housing opportunities and represents efficient use of land and existing infrastructure. The proposed residential use of the severed and retained parcels will be compatible with the area which consists of single-detached dwellings.

There were no comments from members of the public.

Chairman Steve Cousins asked for questions and comments from Committee members.

Member Dr. Jim Loucks confirmed with Mark Stone that the lands severed to the rear will be consolidated with the adjacent lands to the east.

Member Steve Ische asked about an increased setback for the front yard for the infill lot to allow for parking. Rob Brenner confirmed that development plans for the infill lot at this time have not been confirmed. Trevor McNeil stated this application has only to do with the land and the severing of an infill lot. A building footprint has not been determined at this time.

This concluded discussion of consent applications B01-2017 and B02-2017.

DECISION B01-2017

Application for Consent to Sever: B01-2017 affecting Concession 18, Part Lot 20 e/s James Street, 243 James Street South, St. Marys for Robert Brenner

Moved by: Member William J. (Bill) Galloway

Seconded by: Member Steve Ische

That the Committee of Adjustment for the Corporation of the Town of St. Marys approve Consent to Sever Application No. B01-2017 from Robert Brenner subject to the following conditions:

1. The Certificate of the Official must be issued by the Secretary-Treasurer for Committee of Adjustment within a period of one year from the date of the mailing of the Notice of Decision;
2. Confirmation in writing be provided to the Secretary-Treasurer of Committee of Adjustment from the Town's Treasury Department that their financial requirements have been met;
3. The Committee be provided with a description that is consistent with the application and equal to that required for registration of a deed/transfer or other conveyance of interest in land under the provisions of the Registry Act or Land Titles Act;
4. Confirmation be provided to the Secretary-Treasurer for Committee of Adjustment from the solicitor that the Certificate of the Official will be scanned and attached to the electronic registration of the Transfer;
5. An undertaking be provided to the Secretary-Treasurer for Committee of Adjustment from the solicitor that the parcels will be consolidated under Land Titles onto one P.I.N.;

6. That the severed parcel be deeded as a lot addition only, to the property abutting in accordance with Section 50 (3 or 5) of the Planning Act, R.S.O. 1990.
7. Section 50(3) or (5) of the Planning Act, 1990 shall apply to any subsequent conveyance or transaction of the severed parcel and the Certificate under Section 53(42) shall contain reference to this stipulation;
8. Confirmation be received from the solicitor that the resultant lot (severed lands and the lands being added) will not be encumbered by the existing mortgage and will therefore be discharged.

CARRIED

DECISION B02-2017

Application for Consent to Sever: B02-2017 affecting Concession 18, Part Lot 20 e/s James Street, 243 James Street South, St. Marys for Robert Brenner

Moved by: Member William J. (Bill) Galloway

Seconded by: Member Steve Ische

That the Committee of Adjustment for the Corporation of the Town of St. Marys approve Consent to Sever Application No. B02-2017 from Robert Brenner subject to the following conditions:

1. The Certificate of the Official must be issued by the Secretary-Treasurer for Committee of Adjustment within a period of one year from the date of the mailing of the Notice of Decision;
2. Confirmation in writing be provided to the Secretary-Treasurer of Committee of Adjustment from the Director of Engineering and Public Works (or designate) that their concerns/issues regarding Engineering and Public Works issues communicated to the Committee as per their correspondence dated May 11, 2017 have been addressed;
3. Confirmation in writing be provided to the Secretary-Treasurer of Committee of Adjustment from Festival Hydro that their concerns/issues communicated to the Committee as per their email correspondence dated May 5, 2017 have been addressed;
4. To make payment to the Town for one boulevard hardwood tree per lot created as per the Town's tree planting policy;
5. Confirmation in writing be provided to the Secretary-Treasurer of Committee of Adjustment from the Director of Engineering and Public Works (or designate) that a hard surface driveway ramp will be installed for each of the lots from the edge of pavement to at least the property line, or that the applicant enter into an agreement with the Town's Engineering and Public Works Department that a hard surface driveway ramp will be installed for each of the lots from the edge of the pavement to at least the property line;
6. Pay 5 per cent of the value of the land as cash-in-lieu-of parkland pursuant to Section 51 of the Planning Act;



7. Confirmation in writing be provided to the Secretary-Treasurer of Committee of Adjustment from the Town's Treasury Department that their financial requirements have been met;
8. The Committee be provided with a description that is consistent with the application and equal to that required for registration of a deed/transfer or other conveyance of interest in land under the provisions of the Registry Act or Land Titles Act;
9. Confirmation be provided to the Secretary-Treasurer for Committee of Adjustment from the solicitor that the Certificate of the Official will be scanned and attached to the electronic registration of the Transfer;
10. That the owner remove or relocate the garage and shed to the satisfaction of the Town and obtain a building permit from the Town, if required.

CARRIED

Public Hearing B03-2017

Application for Consent to Sever: B03-2017 affecting Registered Plan 210, Part Lot 2, as Part 2 on Reference Plan 44R-5205, 299 Queen Street West, St. Marys for 2398315 Ontario Limited

Having declared pecuniary interest with this application, Member Dr. Jim Loucks abstained from the discussions.

Geoff Loucks and Scott McIntosh, owners of 299 Queen Street West were present for the Public Hearing.

Mark Stone introduced the application. The property is designated "Residential" in the Town's Official Plan and zoned "Residential Zone Four –R4-9" in the Zoning By-law Z1-1997, as amended.

The subject property is the site of a semi-detached dwelling currently under construction. The proponents have applied to sever the subject property into two parcels along the common party wall in order to convey each semi-detached dwelling unit separately.

Mark Stone summarized the comments received as follows:

Town Tax Department: no outstanding taxes.

Town Engineering and Public Works Department: property was serviced for use as a semi-detached. No comments or concerns.

Bell Canada: Bell Canada requires a 3 metre wide easement over existing buried facilities along the north property line; 3 metre wide easement to be measured 1.5 metres on either side of the buried installation, to extend from the buried cable to a minimum 1 metre past the existing pedestal installation.

Scott McIntosh spoke to the application which is to divide the semi-detached dwelling currently under construction along the main party wall.

Mark Stone provided comments regarding the application as per his planning report. The proposal will provide additional housing opportunities through the creation of these infill lots. The proposed development represents efficient use of land and existing infrastructure.

The proposed use of the retained and severed lots for semi-detached residential use will be compatible with the area which is characterized by a variety of building types and forms including single-detached and semi-detached dwellings. The majority of buildings in the area have one or two storeys and the proposed development will have similar setbacks and massing as other lots in the area. The spatial separation between the proposed buildings and uses on adjacent lots is not anticipated to create any negative impacts. The proposed development complies with minimum setbacks under the Town Zoning By-law. The proposed lots will have a similar area, frontage and depth to lots in the surrounding area.

With regard to the garden shed belonging to the adjacent property which encroaches onto the subject lands, Mark Stone stated that staff understands the proponent has been in communication with the adjacent property owner regarding removal of the shed from the property.

There were no comments from members of the public.

This concluded discussion of consent application B03-2017.

DECISION B03-2017

Application for Consent to Sever: B03-2017 affecting Registered Plan 210, Part Lot 2, as Part 2 on Reference Plan 44R-5205, 299 Queen Street West, St. Marys for 2398315 Ontario Limited

Moved by: Member Steve Ische

Seconded by: Member Clive Slade

That the Committee of Adjustment for the Corporation of the Town of St. Marys approve Consent to Sever Application No. B03-2017 from 2398315 Ontario Limited subject to the following conditions:

1. The Certificate of the Official must be issued by the Secretary-Treasurer for Committee of Adjustment within a period of one year from the date of the mailing of the Notice of Decision;
2. To make payment to the Town for one boulevard hardwood tree per lot created as per the Town's tree planting policy;
3. Confirmation in writing be provided to the Secretary-Treasurer of Committee of Adjustment from the Director of Engineering and Public Works (or designate) that a hard surface driveway ramp will be installed for each of the lots from the edge of pavement to at least the property line, or that the applicant enter into an agreement with the Town's Engineering and Public Works Department that a hard surface driveway ramp will be installed for each of the lots from the edge of the pavement to at least the property line;
4. Pay 5 per cent of the value of the land as cash-in-lieu-of parkland pursuant to Section 51 of the Planning Act;
5. Confirmation in writing be provided to the Secretary-Treasurer of Committee of Adjustment from the Town's Treasury Department that their financial requirements have been met;

6. The Committee be provided with a description that is consistent with the application and equal to that required for registration of a deed/transfer or other conveyance of interest in land under the provisions of the Registry Act or Land Titles Act;
7. Confirmation be provided to the Secretary-Treasurer for Committee of Adjustment from the solicitor that the Certificate of the Official will be scanned and attached to the electronic registration of the Transfer;
8. That the shed partially located on the retained lot be moved or removed to the satisfaction of the Town;
9. That the Secretary-Treasurer for Committee of Adjustment be provided with written confirmation that the concerns raised by Bell Canada in the correspondence dated May 5, 2017 have been satisfied and that an easement agreement between the property owner and Bell Canada has been registered on title to the satisfaction of Bell Canada; and further that the Secretary-Treasurer for Committee of Adjustment be provided with a copy of the easement agreement.

CARRIED

Next Meeting

June 7, 2017 at 6:30 pm.

Adjournment

Motion by Member Clive Slade, seconded by Member Steve Ische that the meeting adjourn at 7:56 p.m.

CARRIED

Steve Cousins,
Chairman COA

Susan Luckhardt,
Secretary-Treasurer COA

Copies to:

- Committee of Adjustment Members
- Clerk's Office
- Perth County Planning Office



TOWN OF ST. MARYS

COMMITTEE OF ADJUSTMENT APPLICATION NO. B03-2016 NOTICE OF DECISION

IN THE MATTER OF Section 53(1) of the Planning Act, R.S.O. 1990, and IN THE MATTER OF the property municipally described as Lot 22, Registered Plan 44M-48, 310 Tracy Street, St. Marys Ontario.

IN THE MATTER OF property owned by Meadowridge Properties Ltd. and the applicant is proposing to sever a parcel of land from the existing holdings.

The property is designated "Residential" in the Town's Official Plan and zoned "Residential Zone Four – R4-8" in the Town's Zoning By-law Z1-1997, as amended.

Having conferred with all prescribed agencies as set out in Section 53(10) of the Planning Act, R.S.O. 1990, and having all regard to these matters prescribed in Section 51(24) of the Planning Act, R.S.O. 1990, the Committee of Adjustment has decided as follows:

Moved by Member Steve Ische and seconded by Member Clive Slade that the Committee of Adjustment for the Corporation of the Town of St. Marys approve Consent to Sever Application No. B03-2016 from Meadowridge Properties Ltd. subject to the following conditions:

1. The Certificate of the Official must be issued by the Secretary-Treasurer for Committee of Adjustment within a period of one year from the date of the mailing of the Notice of Decision;
2. Confirmation in writing be provided to the Secretary-Treasurer of Committee of Adjustment from the Town's Treasury Department that their financial requirements have been met;
3. The Committee be provided with a description that is consistent with the application and equal to that required for registration of a deed/transfer or other conveyance of interest in land under the provisions of the Registry Act or Land Titles Act;
4. Confirmation be provided to the Secretary-Treasurer for Committee of Adjustment from the solicitor that the Certificate of the Official will be scanned and attached to the electronic registration of the Transfer;
5. A solicitor's undertaking shall be received which shall be to the effect that, at the time of registration of the transfer to which the certificate under Section 53(42) of the Planning Act, 1990 is affixed, the name(s) of the owner(s) of the abutting lands to which the parcels are being joined, are the same as the transferee(s) in the said transfers;
6. That the area being severed be added to the abutting lot currently owned by Stephen Alexander Walsh and Barbara Jane Walsh and that Section 50(3) or (5) of the Planning Act, 1990 shall apply to any subsequent conveyance or transaction of the severed parcel and the Certificate under Section 53(42) shall contain reference to this stipulation;
7. Confirmation be received from a solicitor that the resultant lot (severed lands and the land to which it is being added) will be encumbered by any mortgage(s) as one lot at the time of registration of transfer or that there are no outstanding mortgages/encumbrances on the lands to which the severed lands are being added;
8. An undertaking be provided to the Secretary-Treasurer for Committee of Adjustment from the solicitor that the parcels will be consolidated under Land Titles onto one P.I.N.;
9. Section 50(3) or (5) of the Planning Act, 1990 shall apply to any subsequent conveyance or transaction of the severed parcel and the Certificate under Section 53(42) shall contain reference to this stipulation.


CARRIED.

I, hereby, certify that this is the decision of the Committee of Adjustment with its following members in attendance, on the above noted application for consent: Chairman Steve Cousins; Member William J. Galloway; Member Clive Slade; Member Steve Ische; Member Dr. J. H. Loucks

Date of Decision: January 18, 2017

Last date of appeal to O.M.B: February 9, 2017

Dated this 20th day of January, 2017.


Susan Luckhardt
Secretary-Treasurer

This decision or any condition therein may be appealed to the Ontario Municipal Board in accordance with Section 53 (19) of the Planning Act, R. S. O. 1990. A NOTICE OF APPEAL setting out written reasons in support of the appeal and accompanied by certified cheque or money order in the amount of \$300.00 (subject to change without notice) made payable to the Minister of Finance, should be received on or before the date noted above by:

The Secretary-Treasurer
Committee of Adjustment
408 James Street South P.O. Box 998
St. Marys, Ontario N4X 1B6



INFORMATION REPORT

To:	Members of Committee of Adjustment
Prepared by:	Mark Stone, Planner
Date of Report:	1 June 2017
Subject:	Consent to Sever Applications (Files B04-2017, B05-2017 & B06-2017) 825 and 895 Queen Street East Part of Lot 17, Concession 19 Town of St. Marys

RECOMMENDATION

That the Applications for Consent to Sever by Margaret McMillan Baird (Application Nos. B04-2017 & B05-2017) and by Bairds of Strathaven Inc. (Application No. B06-2017) be DEFERRED until approval of the required Official Plan Amendment and then considered for approval at the next available Committee of Adjustment meeting.

BACKGROUND

The subject properties are located at the east end of the municipality, northwest of the intersection of Queen Street East and Road 120 (the municipal boundary) as shown on the General and Specific Location Maps attached to this report. The two subject properties are abutting, are irregularly shaped and are further described as follows with reference to the attached Sketch submitted with the Applications:

- 1) L-shaped lot (2.07 ha) with 121.9 metres of frontage along Queen Street East (comprised of Parts 1, 2, 3 and 4 on the attached Sketch)
- 2) Irregularly shaped lot (3.29 ha) with 185.3 metres of frontage along Road 120 (comprised of Parts 5 and 6 on the attached Sketch)

The Town has received three Consent to Sever Applications as summarized below. A Lot Fabric Sketch showing the proposed lot fabric that would result from approval of these Applications is attached.

B04-2017

Consent to Sever Application B04-2017 proposes to sever that area of the L-shaped property (Part 1 on the attached Sketch) located between the two existing single-detached dwelling residential uses and add it to the irregular shaped property located to the north (Parts 5 and 6 on the attached Sketch). The area to be severed fronts onto Queen Street East, has a width of 20.0 metres and an area of 1,219.2 m². This will result in two remnant parcels from the L-shaped lot: one to the east (Part 2 on the attached Sketch) consisting of most of the lot for the easterly single detached dwelling use; and one to the west (Parts 3 and 4 on the attached Sketch) consisting of the lot for the westerly single detached dwelling and the vacant agricultural use area to the north.

B05-2017

Consent to Sever Application B05-2016 proposes to sever that area of the property (Part 4 on the attached Sketch) which is located to the north of the westerly single-detached dwelling residential use and add it to the adjacent irregular shaped property to the east (Parts 5 and 6 on the attached Sketch). The lands to be severed measure approximately 50.9 metres x 252.8 metres and have an area of 12,867.6 m². The single-detached dwelling use will continue on the remnant parcel (Part 3 on the attached Sketch).

B06-2017

Consent to Sever Application B06-2017 proposes to sever a small area from the irregular shaped property (Part 5 on the attached Sketch) and add it to the easterly single-detached dwelling use lot (Part 2 on the attached Sketch). The area to be severed has a depth of approximately 8.12 metres and an area of 414.1 m².

Table 1 provides a summary of the sizes and dimensions of the proposed new lots.

Table 1: Size and Dimensions of Proposed Lots

	Parts 2 & 5 (Existing Residential)	Part 3 (Existing Residential)	Parts 1, 4 & 6 (Remaining Highway Commercial Lands)
Lot Area	3,524.1 m ²	3,516.1 m ²	47,001 m ²
Lot Width	51.0 m	50.9 m	20 to 201.8 m
Lot Depth	69.1 m	69.1 m	321.9 m

Official Plan and Zoning By-law Amendment Applications were concurrently submitted to the Town with the purpose and effect of:

- adding special policies to the Highway Commercial designation (Exceptions - Section 3.3.3) to allow for the creation of two separate lots (Parts 2 & 5, and Part 3 on the attached Sketch) for each of the existing residential uses
- adding special provisions to the Highway Commercial Zone (C3-H) (Special Provisions - Section 17.4) to permit the proposed residential lots and allow the existing residential uses to continue
- consolidating the remaining lands (Parts 1, 4 and 6) into one lot

SITE CONDITIONS AND CHARACTERISTICS

The L-shaped lot contains two existing single detached dwellings (originally constructed in 1890 and 1972) and vacant agricultural. The irregularly shaped lot contains a storage barn and vacant agricultural.

SURROUNDING LAND USES

North: St. Marys Golf and Country Club

South:	Queen Street East and the Stone Willow Inn
East:	St. Marys Home Building Centre and Road 120
West:	St. Marys Golf and Country Club

PLANNING CONTEXT

Provincial Policy Statement

The Applications for Consent to Sever were considered in the context of the Provincial Policy Statement (PPS). If approved, the proposed consents will continue to support the policies of the PPS including accommodating an appropriate range and mix of commercial uses, and providing opportunities for the efficient use of land and infrastructure.

Official Plan

The subject properties are designated Highway Commercial according to the Town's Official Plan. The Highway Commercial designation is intended to "provide for a range of commercial uses appropriate to meet the needs of the local residents and the travelling public which compliments the role and function of the central commercial area" (Objective 3.3.1.1). Uses permitted in the Highway Commercial designation are set out in Section 3.3.2.2 of the Official Plan:

- Uses that cater to the travelling public, particularly automobile-oriented uses, and other uses such as drive-thru or fast food restaurants, automobile sales and service establishments, gasoline bars, lodging establishments, garden centres, hardware/automotive type uses, and lumber yards shall be permitted.
- Other uses that have extensive land requirements and are not appropriate for the central commercial area such as large plate retail uses, strip malls, shopping centres, large scale business and professional offices, and factory outlets may also be permitted in accordance with Section 3.3.2.3.

A Natural Hazards Constraint Area is identified on the northern parts of the subject properties, according to Schedule C of the Official Plan. The Natural Hazards Constraint Area is an overlay that applies "to those lands and watercourses which have been flooded, are susceptible to flooding under severe conditions, or are subject to erosion and which have not been designated as Natural Hazards in this Official Plan" (Section 3.8.2.16). The policies of the Natural Hazards Constraint Area overlay are intended to apply in addition to the policies of the underlying designation.

Section 4.2.1 of the Official Plan sets out general consent policies. Section 4.2.1.6, Size Requirements, states that "the lot frontage, depth, and size of any parcel of land created by consent (severed or retained portion) shall be adequate for the proposed use of the land and consistent where possible with adjacent lots. The Committee of Adjustment shall be satisfied that the proposed parcel(s) can be properly integrated into the anticipated urban development of the area. Both the severed lot and the retained lot created as a result of a consent shall conform to the provisions of the implementing Zoning By-law".

Section 4.2.1.9, Compatibility of Land Uses, states that "compatibility with neighbouring land uses shall be considered during the review of all consent applications. Where adverse effects could occur as a result of the proximity of non-compatible land uses, adequate screening or buffering provisions may be required in order to reduce or eliminate the non compatibility".

Section 4.4.3, Lot Enlargement, states that “consents may be permitted where the lands to be conveyed are to be added to an abutting property provided that an undersized lot is not created, the conveyance is for convenience purposes only, and the minimum amount of land comprises the enlargement”.

Zoning By-law

The subject properties are zoned Highway Commercial Zone (C3-H). The Highway Commercial Zone permits a wide range of commercial, service and recreational uses. The ‘H’ represents a holding provision that is applied to ensure that development takes a form compatible with adjacent land uses and that agreements are entered into following public site plan review. Until Council removes the H symbol, only existing uses are permitted.

The Zoning By-law also identifies the UTRCA Regulation Limit on the northern part of the properties. The UTRCA Regulation Limit shows the approximate location of lands that may be subject to flooding, erosion and/or unstable slopes.

Table 2 below provides an overview of relevant C3 Zone requirements as compared to the proposed lots. There are three sets of regulations in the C3 Zone as set out in Section 17.2 of the Zoning By-law. Regulations are provided for commercial/business uses, automotive commercial uses and large plate format commercial uses.

Table 2: Comparison of Proposed Lots with C3 Zone Provisions

Minimums	C3 Zone	Parts 2 & 5 (Existing Residential)	Part 3 (Existing Residential)	Parts 1, 4 & 6 (Remaining Highway Commercial Lands)
Lot Area (m²)	900 / 1350 / 4000	3,524.1	3,516.1	47,001
Lot Frontage (m)	30 / 45 / 45	51.0	50.9	20
Lot Depth (m)	30 / 45 / 45	69.1	69.1	321.9
Front Yard (m)	15 / 10 / 15	38.0	40.0	n/a
Interior Side Yard (m)	3 / 7.5 / 10	8.0	6.1	1.5
Rear Yard (m)	4.5 / 7.5 / 10	12.3	14.5	n/a

commercial business / automotive commercial / large plate format commercial

As previously noted, a Zoning By-law Amendment Application has been submitted to add special provisions to permit the creation of two residential lots and recognize the location of each of the existing single detached dwellings.

COMMUNICATIONS

Notice of the Public Meeting was given by first class mail to all land owners within 60 metres (200 feet) of the land affected by the proposed Consents, to those agencies as prescribed by Regulation, and a sign advertising the meeting was posted on the property.

The following table provides a summary of comments received from Town Departments and agencies to date. Copies of correspondence are attached to this Report.

Department / Agency	Date	Summary of Comments
Town Finance Department	May 25, 2017	<ul style="list-style-type: none"> No issues
Bell Canada	May 25, 2017	<ul style="list-style-type: none"> No concerns or objections
Upper Thames River Conservation Authority	May 26, 2017	<ul style="list-style-type: none"> No objections
Town Engineering & Public Works Department	June 1, 2017	<ul style="list-style-type: none"> As a condition of approval, the two existing dwellings are to be individually connected to the municipal water distribution system. Existing water supply wells currently servicing the dwellings are to be decommissioned in accordance with Ontario Regulation 903 once the dwelling units are connected to the municipal water distribution system. As per section 5 of the Town's Official Plan, roads are classified based on their function. Arterial Road right of ways are 30 metres wide. Queen Street East is classified as an Arterial Road, currently with a width of 27 metres and as per section 5.3.7 of the Official Plan, the Town will require 3.0 metres from the subject properties as future road widening.

PLANNING ANALYSIS

Based on a review of the Provincial Policy Statement and the Town Official Plan, the following key policies are identified in considering the appropriateness of the Applications.

Lot Size Requirements

The frontage, depth and size of the proposed lots will be sufficient to accommodate the existing residential uses and future highway commercial uses planned for the area.

Land Use Compatibility

The proponent has submitted planning justification in support of the Applications, stating that:

- approval of the Applications will not result in physical land use change but will allow for lot creation for existing residential uses while consolidating lands for future development
- existing residential uses have operated as compatible uses in the past and there is no reason this will change as result of these Applications

Undersized lots are not created, for convenience and involves minimum amount of land

The proposed Consents will not result in undersized lots, are for convenience purposes, and involve the minimum amount of land.

ATTACHMENTS

- 1) Applications for Consent to Sever
- 2) Notices of Public Hearing
- 3) General Location Map
- 4) Specific Location Map
- 5) Proposed Sketch
- 6) Lot Fabric Sketch
- 7) Correspondence

CONCLUSION

The applicant has indicated that the proposed severances are required to consolidate the non-residential lands for future development and permit the existing residential uses to continue on separate lots until development occurs in the future in accordance with the policies of the Highway Commercial designation and the Highway Commercial Zone. The related Official Plan and Zoning By-law Amendment Applications do not propose to change the existing designation in the Official Plan (Highway Commercial) or the existing Zone in the Zoning By-law (Highway Commercial) that currently apply to the subject properties. Any future proposed highway commercial development on these lands will be subject to required review and approval(s) under the Planning Act.

It is recommended that the Committee approved the three Applications for Consent to Sever subject to the following conditions:

- 1) The Certificate of the Official must be issued by the Secretary-Treasurer for the Committee of Adjustment within a period of one year from the date of the mailing of the Notice of Decision;
- 2) Confirmation in writing be provided to the Secretary-Treasurer of the Committee of Adjustment from the Town's Treasury Department that their financial requirements have been met;
- 3) The Committee be provided with a description that is consistent with the application and equal to that required for registration of a deed/transfer or other conveyance of interest in land under the provisions of the Registry Act or Land Titles Act;
- 4) Confirmation be provided to the Secretary-Treasurer of the Committee of Adjustment from the solicitor that the Certificate of the Official will be scanned and attached to the electronic registration of the Transfer;
- 5) Undertaking from the solicitor that the parcels will be consolidated under Land Titles onto one P.I.N.;
- 6) That the severed parcel be deeded as a lot addition only, to the property abutting in accordance with Section 50 (3 or 5) of the Planning Act, R.S.O. 1990;
- 7) That the applicant obtain the necessary Zoning By-law Amendment for the subject property to the satisfaction of the Director of Building and Development;
- 8) That the applicant convey to the Town, free of all costs, objects, structures and encumbrances, a 3.0 metre wide road widening along the Queen Street East frontage, to the satisfaction of the Town Engineering and Public Works Department; and,
- 9) That the Secretary-Treasurer for Committee of Adjustment be provided with written confirmation from the Town Engineering and Public Works Department that their requirements in their

memorandum dated June 1, 2017 respecting the need for the existing dwellings to be connected to the municipal water distribution system and decommission of the existing water supply wells have been addressed to the satisfaction of the Town Engineering and Public Works Department.

However, it is also recommended that the approvals be deferred until the required Official Plan Amendment is approved without appeal. Section 53(12) of the Planning Act requires that in determining whether a provision consent should be given, certain matters shall be considered including whether the proposal conforms with the Official Plan [under Section 51(24)]. Unlike an Official Plan Amendment, an Amendment to the Zoning By-law or Minor Variance can be a condition of a provisional consent.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M Stone', followed by a horizontal line.

Mark Stone,
Planner



Corporation of the
the Town of St. Marys

RECEIVED

MAY 05 2017



Application for Consent
(Under Section 53 of the Planning Act)

File No. B04-2017

Instructions

Each application must be accompanied by the application fee in the form of either cash or a cheque payable to the Town. An accurate scaled drawing of the subject land must be submitted.

If the applicant is not the owner of the subject land, a written statement by the owner which authorizes the applicant to act on behalf of the owner as it relates to the subject application, must accompany the application (See Section 13.0).

In addition, the applicant may be required to submit a more detailed site plan in accordance with Section 41 of the Planning Act.

Completeness of the Application

The information in this form that must be provided by the applicant is indicated by black arrows (▶) on the left side of the section numbers. This information is prescribed in the Schedule to Ontario Regulation 197/96 made under the Planning Act. The mandatory information must be provided with the appropriate fee and a scaled drawing. If the mandatory information is not provided, the Town will return the application or refuse to further consider the application.

To ensure the quickest and most complete review, this information should be submitted at the time of application. In the absence of this information, it may not be possible to do a complete review within the legislated time frame for making a decision. As a result, the application may be refused.

Approval Process

Upon receipt of an application, the required fee and other information (as required) the Secretary of the Committee of Adjustment will determine whether the application is complete. Once complete, a notice of hearing will be circulated as required by the Ontario Planning Act. The applicant is encouraged to attend the hearing to present the proposal. The applicant will be provided notice of any decision made by the Committee concerning the application. If no notice of appeal is given within twenty days, the decision of the Committee is final and binding.

For Help

To help you complete the application form, please consult the Building Department in the Town Hall. You can also call the Building Department at (519) 284-2340.

Please Print and Complete or (✓) Appropriate Box(es)

1.0 Application Information

▶ 1.1 Name of Owner(s) An owner's authorization is required if the applicant is not the owner (See Section 11.0)

Name of Owner(s) <u>Margaret McMillan Baird</u>	Home Telephone No. <u>519-284-3873</u>	Business Telephone No.
Address <u>825/895 Queen Street East P.O. Box 249</u>	Postal Code <u>N4X 1B1</u>	Fax No.

▶ 1.2 Agent/Applicant - Name of the person who is to be contacted about the application, if different than the owner. (This may be a person or Company acting on behalf of the owner.)

Name of Contact Person (and Company) <u>Janet Baird-Jackson, 9 Oakwood Links Lane, N1M 1T0</u>	Home Telephone No. <u>519-851-6178</u>	Business Telephone No.
Address <u>Dave Hanly, 52 Fairfield Drive, Stratford N5A 0A6</u>	Postal Code <u>519-275-2694</u>	Fax No.

▶ 2.0 Location and Size of the Subject Land (Severed and Retained Parcels)

Street No. <u>825/895</u>	Name of Street/Road <u>Queen Street East</u>	Registered Plan No.	Lot(s)/Block(s)
Reference Plan No.	Part Number(s)	Concession Number(s) <u>19</u>	Lot Number(s) <u>Pt. 17</u>
Lot Frontage <u>See attached sketch (Parts 1, 2, 3 and 4)</u>	Average Width	Average Depth	Lot Area

▶ 2.1 Is there a mortgage or charge in respect of the subject land? ☐ Yes ☒ No If yes, give the names and addresses of any mortgages or charges

▶ 2.2 Are there any easements or restrictive covenants affecting the subject land? ☐ Yes ☒ No If yes, describe the easement or covenant and its effect.

▶ 2.3 When were the subject lands acquired by the current owner? Sept. 20, 1985; previously owned by

Robert James Baird (Margaret's husband) since June 14, 1954

▶ 3.0 Type and purpose of proposed transaction: (check appropriate space)

- ☒ Conveyance for: i) ☒ Creation of new lot or ii) ☒ Addition to existing lot
If lot addition, identify the land to which parcel will be added:

Area to be severed is to be added to abutting Bairds of Strathaven Inc. Property (Part 6)

- ☐ Mortgage or Charge
☐ Partial Discharge of Mortgage
☐ Lease
☐ Easement/Right-of-way
☐ Correction of Title
☐ Other (Specify)

This application results in 2 remnant parcels:
1. Part 2 which will be conveyed to Don and Donna Baird.
2. Parts 3 and 4 to be retained by Margaret M. Baird

▶ 3.1 Name of Person(s) (purchaser, leasee, mortgagee, etc.) To whom interest in land is intended to be conveyed, leased or charged:

AS ABOVE

Relationship to owner: Bairds of Strathaven Inc. is owned by Margaret M. Baird

▶ 3.2 Description of land: Don and Donna Baird are Margaret M. Baird's son and daughter-in-law

- a) Dimensions of Land -
To be severed:
Description
Frontage
Average Width
Depth
Area

Pt. Lot 17, Con. 19
20m
60.96m
1219.2 m²

To be retained:
Description
Frontage
Average Width
Depth
Area

Pt. Lot 17, Con. 19
51.018m
60.96m
3,110 m²

Part 3 and 4
Pt. Lot 17, Con. 19
50.902 m.
321.869 m
16,383.7 m²

↑
Part 1

➤ 3.3 Use of land (please check appropriate space):

To be severed:

	Existing	Proposed
Urban Residential	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rural Residential	<input type="checkbox"/>	<input type="checkbox"/>
Commercial	<input type="checkbox"/>	<input type="checkbox"/>
Agricultural	<input type="checkbox"/>	<input type="checkbox"/>
Institutional	<input type="checkbox"/>	<input type="checkbox"/>
Industrial	<input type="checkbox"/>	<input type="checkbox"/>
Other (specify)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Explanation: Vacant Agricultural

To be retained:

	Existing	Proposed
Urban Residential	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rural Residential	<input type="checkbox"/>	<input type="checkbox"/>
Commercial	<input type="checkbox"/>	<input type="checkbox"/>
Agricultural	<input type="checkbox"/>	<input type="checkbox"/>
Institutional	<input type="checkbox"/>	<input type="checkbox"/>
Industrial	<input type="checkbox"/>	<input type="checkbox"/>
Other (specify)	<input type="checkbox"/>	<input type="checkbox"/>

Explanation: _____

Part 2

Parts 3 & 4

urban residential Vacant Ag.

➤ 4.0 Proposed and Current Land Use

➤ 4.1 What is the proposed use of the subject land? Part 1 - access to abutting Part 6; Part 2 & 3 - existing residential; Part 4 - to be added to Part 6

➤ 4.2 What is the current use of the subject land?

Parts 1, 2 and 3 - residential (2 dwellings); Part 4 - vacant agricultural

➤ 4.3 How is the subject land currently designated in the Official Plan?

Highway Commercial; but subject to a special policy request

➤ 4.4 How is the subject land currently zoned in the Zoning By-law?

C3-H H-3; but subject to a special provision request

➤ 4.5 Provide the following details for all buildings, both existing or proposed. (Attach an additional page if necessary)

	Existing Buildings		Proposed Buildings		Existing Buildings		Proposed Buildings
4.5.1 Front Yard	38m	40m	—	4.5.5 Height	1 Story	1 Story	—
4.5.2 Rear Yard	12.3m	14.5m	—	4.5.6 Dimensions			—
4.5.3 Side Yard	29.5m	61m	—	4.5.7 Gross Floor Area			—
4.5.4 Side Yard	8m	23m	—	4.5.8 Date Constructed		1972	—

← Easterly dwelling

← Original part ~ 1890
newer Part 1960s

➤ 5.0 Previous Industrial or Commercial Uses

hotel/restaurant; golf course

5.1 Has there been an industrial or commercial use on the subject land or adjacent land? If Yes, specify the uses and dates.

☒ Yes

☐ No

On adjacent land

Building supply; machine and tool; business supplies;

5.2 Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

☐ Yes

☒ No

5.3 What information did you use to determine the answers to the above questions?

Baird family member knowledge

5.4 If Yes, to (5.1), (5.2) or (5.3), a previous use inventory showing all former uses of the subject land, or if appropriate, the adjacent land, is needed.

Is the previous use inventory attached? ☒ Yes ☐ No See below:

Baird family / St. Mary's Home Building Centre; Echo Tech Machine and Tool; Stonetown Supply Services; Stonewillow Inn; St. Mary's Golf Course

➤ 6.0 Status of Other Applications under the Planning Act

Is the subject land also the subject of an application for an Official Plan Amendment, Consent, approval of a Site Plan, Minor Variance, Zoning By-law Amendment or Zoning

Order Amendment? ☒ Yes ☐ No If Yes, indicate the type of application, the file number and the status of the application.

OPA application; ZRA application; 3 Consent applications

➤ 7.0 Servicing

7.1 Indicate the existing/proposed servicing type for the subject land.

Sewage Disposal		Existing	Proposed	Water Supply		Existing	Proposed
a)	Public piped sewage system	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	a)	Public piped water system		<input checked="" type="checkbox"/>
b)	Public or private communal septic			b)	Public or private communal well(s)		
c)	Individual septic system(s)			c)	Individual well(s)	<input checked="" type="checkbox"/>	
d)	Other			d)	Other		
Storm Drainage		Existing	Proposed	Road Access		Existing	Proposed
a)	Sewers			a)	Arterial Road	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Ditches or swales	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	b)	Collector Road		
c)	Other			c)	Local Road		

➤ 8.0 Significant Features

8.1 The Table below lists the features or development circumstances of interest to the Province. Complete the Table and be advised of the potential information requirements in noted section.

Significant Features Checklist

Features or Development Circumstances	(a) If a feature, is it on site or within 500 metres OR (b) If a development circumstance, does it apply?		If a feature, specify distance in metres	Potential Information Needs
	YES (✓)	NO (✓)		
Non-farm development near designated urban areas or rural settlement area		✓		Demonstrate sufficient need within 20-year projections and that proposed development will not hinder efficient expansion of urban or rural settlements
Class 1 industry ¹	✓		150 m	Assess development for residential and other sensitive uses within 70 metres
Class 2 industry ²		✓	_____ m	Assess development for residential and other sensitive uses within 300 metres
Class 3 industry ³		✓	_____ m	Assess development for residential and other sensitive uses within 1000 metres
Land Fill Site		✓	_____ m	Address possible leachate, odour, vermin and other impacts
Sewage Treatment Plant		✓	_____ m	Assess the need for a feasibility study for residential and other sensitive uses
Waste Stabilization pond		✓	_____ m	Assess the need for a feasibility study for residential and other sensitive uses
Active railway line		✓	_____ m	Evaluate impacts within 100 metres
Controlled access highways including designated future ones		✓	_____ m	Evaluate impacts within 100 metres
Operating mine site		✓	_____ m	Will development hinder continuation or expansion of operations?
Non-operating mine site within 1000 metres		✓	_____ m	Have potential impacts been addressed? Has mine been rehabilitated so there will be no adverse effects?
Airports where noise exposure forecast (NEF) or noise exposure projection (NEP) is 28 or greater		✓		Demonstrate feasibility of development above 28 NEF for sensitive land uses. Above the 35 NEF/NEP contour, development of sensitive land uses is not permitted
Electric transformer station		✓	_____ m	Determine possible impacts within 200 metres
High voltage electric transmission Line		✓	_____ m	Consult the appropriate electric power service
Transportation and infrastructure corridors		✓		Will the corridor be protected?
Prime agricultural Land	✓		Approx. 250m away	Demonstrate need for use other than agricultural and indicate how impacts are to be mitigated
Agricultural operations		✓	_____ m	Development to comply with the Minimum Distance Separation Formulae
Mineral aggregate resource areas		✓		Will development hinder access to the resource or the establishment of new resource operations?
Mineral aggregate operations		✓	_____ m	Will development hinder continuation of extraction?
Mineral and petroleum resource areas		✓		Will development hinder access to the resource or the establishment of new resource operations
Existing pits and quarries		✓	_____ m	Will development hinder continued operation or expansion?
Significant wetlands south and east of the Canadian Shield		✓	_____ m	Development is not permitted
Significant portions of habitat of endangered and threatened species		✓	_____ m	Development is not permitted
Significant: fish habitat, woodlands south and east of the Canadian Shield, valley lands, areas of natural and scientific interest, wildlife habitat		✓	_____ m	Demonstrate no negative impacts
Sensitive groundwater recharge areas, headwaters and aquifers		✓		Demonstrate that groundwater recharge areas, head-waters and aquifers will be protected
Significant built heritage resources and cultural heritage landscapes		✓		Development should conserve significant built heritage resources and cultural heritage landscapes
Significant archaeological resources		✓		Assess development proposed in areas of medium and high potential for significant archaeological resources. These sources are to be studied and preserved, or where appropriate, removed, catalogued and analysed prior to development
Erosion hazards		✓		Determine feasibility within the 1:100 year erosion limits of ravines, river valleys and streams

Floodplains	✓		Flood Hazard Land to the north (Sheldon Drain)	Where one-zone flood plain management is in effect, development is not permitted within the flood plain Where two-zone flood plain management is in effect, development is not permitted within the floodway Where a Special Policy Area (SPA) is in effect, development must meet the official plan policies for the SPA
Hazardous sites ⁴		✓		Demonstrate that hazards can be addressed
Rehabilitated mine sites		✓		Application for approval from Ministry of Northern Development and Mines should be made concurrently
Contaminated Sites		✓		Assess an inventory or previous uses in areas of possible soil contamination

1. Class 1 industry - small scale, self-contained plant, no outside storage, low probability of fugitive emissions and daytime operations only.
2. Class 2 industry - medium scale processing and manufacturing with outdoor storage, periodic output of emissions, shift operations and daytime truck traffic.
3. Class 3 industry - indicate if within 1000 metres - processing and manufacturing with frequent and intense off-site impacts and a high probability of fugitive emissions.
4. Hazardous sites - property or lands that could be unsafe for development or alteration due to naturally occurring hazard. These hazards may include unstable soils (sensitive marine clays (Leda), organic soils) or unstable bedrock (Karst topography).

9.0 Justification

9.1 Indicate how the proposed development will be compatible with the surrounding land uses. (attach an additional page if necessary)

Land to be severed is vacant and is for the purpose of land consolidation. The single-detached dwellings on each of the two remnant parcels have existed for 45 plus years and have had no compatibility issues with surrounding

10.0 Other Information (attach an additional page if necessary)

used.

Subject application to be dealt with concurrently with two additional applications.

11.0 Application Drawing

Please submit an accurate, scaled drawing of the proposal showing the following information:

- a) The subject land, including its boundaries and dimensions, and the location, and nature of any easement or restrictive covenants which affect the subject land;
- b) The uses of adjacent and abutting land;
- c) The location of all existing as well as proposed buildings and their dimensions, uses, and setbacks from lot lines;
- d) The location of all natural and man-made features on the land and the location of any of these features on adjacent and abutting lands;
- e) Scale and north arrow.

12.0 Affidavit or Sworn Declaration

I, Janet Baird Jackson of the municipality of South Huron in the County/Region of Huron make oath and say (or solemnly declare) that the information contained in the documents that accompany this application is true.

Sworn (or declared) before me at the ANDSB Corporate offices in the County/Region of Huron

this 3rd day of May, 2017

Laurel Mitchell
Commissioner of Oaths

Laurel Frances Mitchell,
a Commissioner, etc.,
Province of Ontario, for
Avon Maitland District School Board
Expires February 15, 2020.

Applicant Baird

► 13.0 Authorization of Owner for Agent to Make the Application

I (we), Margaret McMillan Baird of the Town of St. Marys in the County/Region of Perth
am the owner of the land that is the subject of this application for a Minor Variance/ Permission and I (we) hereby authorize
Janet Baird Jackson / David Hanly to act as my (our) agent in the application.

Date May 3, 2017

Margaret Baird
Signature of Owner(s)

14.0 ACKNOWLEDGEMENT

With the filing of this application, the applicant is aware of, and agrees, that if the decision of the Council of the Town of St. Marys regarding this application is appealed by a third party (a party other than the applicant), all costs incurred by the Corporation of the Town of St. Marys for legal counsel and other associated costs to represent the Corporation of the Town of St. Marys in defending the decision before the Ontario Municipal Board will be solely the responsibility of, and paid for by the applicant.

Dated at the Searsville

in the County/Region of Huron

this 3rd day of May, 2017

[Signature]
Applicant

File No : 35725-101-SV1 (S)

Information Sheet for Baird Official Plan Amendment, Zoning By-law Amendment, and Consent to Sever Applications

Ownership:

1. "L" shaped parcel (Parts 1, 2, 3 and 4 on attached sketch) is owned by Margaret McMillan Baird and has been in her name since 1985. Prior to that, the parcel was owned by Robert James Baird (Margaret McMillan Baird's husband) since June 14, 1954.
2. Irregular shaped parcel (Parts 5 and 6 on attached sketch) is owned by Bairds of Strathaven Inc., a company that was owned by Robert and Margaret McMillan Baird and now by Margaret McMillan Baird.

Location and Size:

1. "L" shaped parcel has a municipal address of 825/895 Queen Street East and is described as part of Lot 17, Concession 19, formerly in the Township of Blanshard, now in the Town of St. Marys. It has a frontage of 121.92 metres on Queen Street East and an area of 2.07 hectares.
2. Irregular shaped parcel has a municipal address of 825/895 Queen Street East and is described as part of Lot 17, Concession 19, formerly in the Township of Blanshard, now in the Town of St. Marys. It has a frontage of 185.319 metres on fronts Road 120 and an area of 3.29 hectares.

Existing Uses and Buildings:

1. Existing use of the "L" shaped parcel is residential and vacant agricultural. The southerly portion (Parts 1, 2 and 3) is the site of two single-detached dwellings and has been used for residential purposes for many years. The dwelling on the easterly portion of the property was constructed in approximately 1890 with additions made since then and the dwelling on the westerly portion of the property was constructed in 1972. There is a small shed associated with each of the two dwellings. The westerly dwelling is the home of Margaret McMillan Baird and the easterly dwelling is the home of Don and Donna Baird, Margaret McMillan Baird's son and daughter-in-law.
2. Existing use of the irregular shaped parcel is considered as vacant agricultural. It was previously used for a mink ranch operation which was owned and operated by Robert and Margaret Baird. The only building remaining on this property is a barn which is presently used for storage associated with the two existing dwellings on the Margaret McMillan Baird property. A portion of this barn was used for the storage of carpet associated with a building supply/lumber yard use on the abutting property to the south-east, which property is now the site of the St. Marys Home Building Centre. This incidental storage use ceased in 2005.

Purpose of Applications:

1. The **Official Plan Amendment application** requests that the land use designation of the lands on which the two single-detached dwellings are located remain in the "Highway Commercial" designation with a special policy/exception added to Section 3.3.3 of the Official Plan to permit the creation of separate lots for each of the two single-detached dwelling residential uses. The area for the easterly residential use lot is identified as Parts 2 and 5. The area for the westerly residential use lot is identified as Part 3. Through the Consent to Sever application process, the remainder of the "L" shaped property (Parts 1 and 4) and the remainder of the irregular shaped parcel (Part 6) will be consolidated to form one property which will be owned by Bairds of Strathaven Inc. These lands will also remain in the "Highway Commercial" designation.
2. The **Zoning By-law Amendment application** requests that the zoning of the lands on which the two single-detached dwellings are located (Parts 2 and 3) and a small area to the rear of the easterly dwelling (Part 5) remain in the "Highway Commercial Zone (C3-H)" with a special provision added to Section 17.4 of the Zoning By-law to permit the two single-detached dwelling residential uses on separate individual lots as permitted uses in the "C3-H" zone and for the continued use of same.
3. **Consent Application # 1** - proposes to sever that area of the Margaret McMillan Baird property which is located between the two existing single-detached dwelling residential uses (Part 1) and add it to the irregular shaped property owned by Bairds of Strathaven Inc. (Parts 5 and 6). The area to be severed fronts onto Queen Street East, has a width of 20 metres, and an area of 1,219.2 square metres. This will result in two remnant parcels, one to the east consisting of most of the lot for the easterly single-detached dwelling use (Part 2) and one to the west consisting of the lot for the westerly single-detached dwelling and the vacant agricultural use area north of same (Parts 3 and 4). The easterly remnant will be conveyed to Don and Donna Baird while the westerly remnant will be owned by Margaret McMillan Baird.
4. **Consent Application # 2** – proposes to sever that area of the Margaret McMillan Baird property which is located to the north of the westerly single-detached dwelling residential use (Part 4) and add it to the irregular shaped property owned by Bairds of Strathaven Inc. (Parts 5 and 6). The remnant single-detached dwelling residential use lot (Part 3) will continue to be owned by Margaret McMillan Baird.
5. **Consent Application # 3** - proposes to sever a small area to the rear and north of the easterly single-detached dwelling (Part 5) from the Bairds of Strathaven Inc. property and add it to the easterly single-detached dwelling use lot (Part 2). This small area has a depth of 8.116 metres and an area of 414.1 square metres.
6. The 3 Consent applications will result in the following:
 - (i) The Bairds of Strathaven Inc. property being enlarged to consist of Parts 1, 4, and 6. It will have a frontage of 20 metres of Queen Street East, a frontage of 185.319 metres on Road 120, and an area of 4.7 hectares.

- (ii) A lot containing the easterly existing single-detached dwelling use consisting of Parts 2 and 5. It will have a frontage of 51.018 metres on Queen Street East and an area of 3,524.1 square metres.
- (iii) A lot containing the westerly existing single-detached dwelling use consisting of Part 3. It will have a frontage of 50.902 metres on Queen Street East and an area of 3,516.1 metres.

Note: It is proposed that the 3 Consent to Sever applications be dealt with concurrently and that the appropriate conditions be applied to facilitate the noted lot additions.

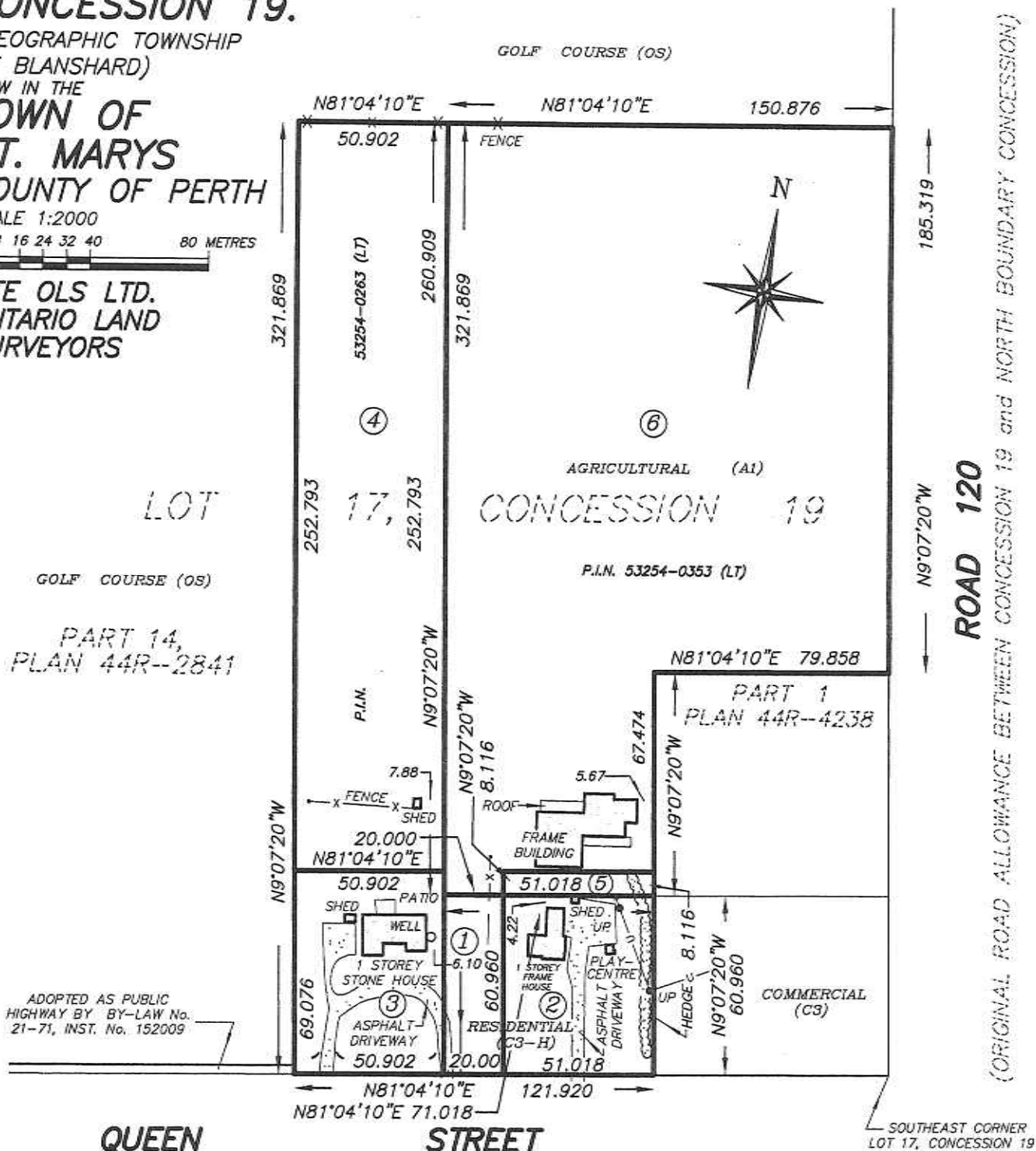
OPA, ZBA AND SEVERANCE SKETCH

OF PART OF
LOT 17
CONCESSION 19.

(GEOGRAPHIC TOWNSHIP
OF BLANSHARD)
NOW IN THE
TOWN OF
ST. MARYS
COUNTY OF PERTH

SCALE 1:2000
0 8 16 24 32 40 80 METRES

MTE OLS LTD.
ONTARIO LAND
SURVEYORS



PARCEL AREAS

PARCEL	AREA (m²)	AREA (Ha)
①	1219.2	0.1219
②	3110.0	0.3110
③	3516.1	0.3516
④	12867.6	1.2868
⑤	414.1	0.0414
⑥	32914.2	3.2914

AREAS:

AREAS SHOWN ON THIS PLAN IN SQUARE METRES AND CAN BE CONVERTED TO ACRES BY DIVIDING BY 4046.8564.

METRIC:

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

CAUTION:

THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSES INDICATED IN THE TITLE BLOCK.

THIS SKETCH IS PREPARED FOR BAIRD MINK RANCH LTD.
DATE : MAY 3, 2017

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THIS SKETCH IS NOT
VALID UNLESS IT IS
AN EMBOSSED
ORIGINAL COPY ISSUED
BY THE SURVEYOR



MTE | OLS Ltd.

ONTARIO LAND SURVEYORS

365 HOME STREET

STRATFORD, ONTARIO, N5A 2A5

TEL: (519) 271-7952

FAX: (519) 271-3545

Cad File: P:\P\35725\101\35725-101-SV3.DWG

COGO : 35725-101-UTMGROUND.ASC

Drawn By : M. MASCIOTRA

Checked By : T. McNEIL, O.L.S.

File No : 35725-101-SV3 (S)

#2 original



Corporation of the
the Town of St. Marys



Application for Consent
(Under Section 53 of the Planning Act)

RECEIVED
MAY 05 2017

File No. B05-2017

Instructions

Each application must be accompanied by the application fee in the form of either cash or a cheque payable to the Town. An accurate scaled drawing of the subject land must be submitted.

If the applicant is not the owner of the subject land, a written statement by the owner which authorizes the applicant to act on behalf of the owner as it relates to the subject application, must accompany the application (See Section 13.0).

In addition, the applicant may be required to submit a more detailed site plan in accordance with Section 41 of the Planning Act.

Completeness of the Application

The information in this form that must be provided by the applicant is indicated by black arrows (➤) on the left side of the section numbers. This information is prescribed in the Schedule to Ontario Regulation 197/96 made under the Planning Act. The mandatory information must be provided with the appropriate fee and a scaled drawing. If the mandatory information is not provided, the Town will return the application or refuse to further consider the application.

To ensure the quickest and most complete review, this information should be submitted at the time of application. In the absence of this information, it may not be possible to do a complete review within the legislated time frame for making a decision. As a result, the application may be refused.

Approval Process

Upon receipt of an application, the required fee and other information (as required) the Secretary of the Committee of Adjustment will determine whether the application is complete. Once complete, a notice of hearing will be circulated as required by the Ontario Planning Act. The applicant is encouraged to attend the hearing to present the proposal. The applicant will be provided notice of any decision made by the Committee concerning the application. If no notice of appeal is given within twenty days, the decision of the Committee is final and binding.

For Help

To help you complete the application form, please consult the Building Department in the Town Hall. You can also call the Building Department at (519) 284-2340.

Please Print and Complete or (✓) Appropriate Box(es)

1.0 Application Information

➤ 1.1 Name of Owner(s) An owner's authorization is required if the applicant is not the owner (See Section 11.0)

Name of Owner(s) <u>Margaret McMillan Baird</u>	Home Telephone No. <u>519-284-3873</u>	Business Telephone No.
Address <u>825/895 Queen Street East</u>	Postal Code <u>N4X 1B1</u>	Fax No.

1.2 Agent/Applicant - Name of the person who is to be contacted about the application, if different than the owner. (This may be a person or Company acting on behalf of the owner.)

Name of Contact Person (and Company) <u>Janet Baird-Jackson, 9 Oakwood Links Lane, N5M1T0</u>	Home Telephone No. <u>519-851-6178</u>	Business Telephone No.
Address <u>Dave Hanly, 52 Fairfield Drive, Stratford N5A 0A6</u>	Postal Code <u>519-275-2694</u>	Fax No.

➤ 2.0 Location and Size of the Subject Land (Severed and Retained Parcels)

Street No. <u>825/895</u>	Name of Street/Road <u>Queen Street E</u>	Registered Plan No.	Lot(s)/Block(s)
Reference Plan No.	Part Number(s)	Concession Number(s) <u>19</u>	Lot Number(s) <u>Pt. 17</u>
Lot Frontage <u>See sketch (Parts 3 and 4)</u>	Average Width	Average Depth	Lot Area

➤ 2.1 Is there a mortgage or charge in respect of the subject land? ☐ Yes ☒ No If yes, give the names and addresses of any mortgages or charges

➤ 2.2 Are there any easements or restrictive covenants affecting the subject land? ☐ Yes ☒ No If yes, describe the easement or covenant and its effect.

➤ 2.3 When were the subject lands acquired by the current owner?

Sept. 20, 1985; previously by Robert and Margaret Baird
back to June 14, 1954

➤ 3.0 Type and purpose of proposed transaction: (check appropriate space)

☐ Conveyance for: i) ☐ creation of new lot or ii) ☒ addition to existing lot
If lot addition, identify the land to which parcel will be added:

Area to be severed to be added to abutting Bairds of
Strathglen Inc. property
(Part 6)

☐ Mortgage or Charge
☐ Partial Discharge of Mortgage
☐ Lease
☐ Easement/Right-of-way
☐ Correction of Title
☐ Other(Specify)

➤ 3.1 Name of Person(s) (purchaser, leasee, mortgagee, etc.) To whom interest in land is intended to be conveyed, leased or charged:

Severed parcel to be conveyed to Bairds of Strathglen Inc.
Relationship to owner: Family owned Company owned by Margaret M. Baird

➤ 3.2 Description of land:

a) Dimensions of Land -
To be severed:
Description
Frontage
Average Width
Depth
Area

Pt. Lot 17, 6 & 19
50.92m
252.7m
12,867.6m
Part 4

To be retained:
Description
Frontage
Average Width
Depth
Area

Pt. Lot 17, 6 & 19
50.92m
50.92m
69.076m
3,516 m²
Part 3

3.3 Use of land (please check appropriate space):

To be severed:	Existing	Proposed	To be retained:	Existing	Proposed
Urban Residential	<input type="checkbox"/>	<input type="checkbox"/>	Urban Residential	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Rural Residential	<input type="checkbox"/>	<input type="checkbox"/>	Rural Residential	<input type="checkbox"/>	<input type="checkbox"/>
Commercial	<input type="checkbox"/>	<input type="checkbox"/>	Commercial	<input type="checkbox"/>	<input type="checkbox"/>
Agricultural	<input type="checkbox"/>	<input type="checkbox"/>	Agricultural	<input type="checkbox"/>	<input type="checkbox"/>
Institutional	<input type="checkbox"/>	<input type="checkbox"/>	Institutional	<input type="checkbox"/>	<input type="checkbox"/>
Industrial	<input type="checkbox"/>	<input type="checkbox"/>	Industrial	<input type="checkbox"/>	<input type="checkbox"/>
Other (specify)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Other (specify)	<input type="checkbox"/>	<input type="checkbox"/>

Explanation: Vacant Agricultural

4.0 Proposed and Current Land Use

- 4.1 What is the proposed use of the subject land? To be severed (Part 4) - vacant agricultural; Remnant land (Part 3) - existing single detached residential
- 4.2 What is the current use of the subject land? vacant To be severed (Part 4) - agricultural; Remnant Land (Part 3) - existing single detached residential
- 4.3 How is the subject land currently designated in the Official Plan? Highway Commercial, but subject to OPA to provide special policy
- 4.4 How is the subject land currently zoned in the Zoning By-law? R3-H, but subject to a special provision request
- 4.5 Provide the following details for all buildings, both existing or proposed. (Attach an additional page if necessary)

	Existing Buildings	Proposed Buildings		Existing Buildings	Proposed Buildings
4.5.1 Front Yard	40m	—	4.5.5 Height	1 Storey	—
4.5.2 Rear Yard	14.5m	—	4.5.6 Dimensions	—	—
4.5.3 Side Yard	6.1m	—	4.5.7 Gross Floor Area	—	—
4.5.4 Side Yard	23m	—	4.5.8 Date Constructed	1972	—

5.0 Previous Industrial or Commercial Uses

hotel/restaurant; golf course

- 5.1 Has there been an industrial or commercial use on the subject land or adjacent land? If Yes, specify the uses and dates. ☒ Yes ☐ No On adjacent land
Building Supply; machine tool; business supplies;
- 5.2 Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites? ☐ Yes ☒ No
- 5.3 What information did you use to determine the answers to the above questions? Baird Family members knowledge

- 5.4 If Yes, to (5.1), (5.2) or (5.3), a previous use inventory showing all former uses of the subject land, or if appropriate, the adjacent land, is needed.
 Is the previous use inventory attached? ☒ Yes ☐ No See below:
Baird Lumber/St. Marys Home Building Centre; Echo Tech Machine and Tool;
Stonetown Supply Services; Stonewillow Inn;
St. Marys Golf Course

6.0 Status of Other Applications under the Planning Act

- Is the subject land also the subject of an application for an Official Plan Amendment, Consent, approval of a Site Plan, Minor Variance, Zoning By-law Amendment or Zoning Order Amendment? ☒ Yes ☐ No If Yes, indicate the type of application, the file number and the status of the application.
OPA application; ZBA application; 3 Consent applications

7.0 Servicing

- 7.1 Indicate the existing/proposed servicing type for the subject land.

Sewage Disposal	Existing	Proposed	Water Supply	Existing	Proposed
a) Public piped sewage system	<input checked="" type="checkbox"/>	No change	a) Public piped water system		<input checked="" type="checkbox"/>
b) Public or private communal septic			b) Public or private communal well(s)		
c) Individual septic system(s)			c) Individual well(s)	<input checked="" type="checkbox"/>	
d) Other			d) Other		
Storm Drainage	Existing	Proposed	Road Access	Existing	Proposed
a) Sewers			a) Arterial Road	<input checked="" type="checkbox"/>	No change
b) Ditches or swales	<input checked="" type="checkbox"/>	No change	b) Collector Road		
c) Other			c) Local Road		

➤ 8.0 Significant Features

8.1 The Table below lists the features or development circumstances of interest to the Province. Complete the Table and be advised of the potential information requirements in noted section.

Significant Features Checklist

Features or Development Circumstances	(a) If a features, is it on site or within 500 metres OR (b) If a development circumstance, does it apply?		If a feature, specify distance in metres	Potential Information Needs
	YES (✓)	NO (✓)		
Non-farm development near designated urban areas or rural settlement area		✓		Demonstrate sufficient need within 20-year projections and that proposed development will not hinder efficient expansion of urban or rural settlements
Class 1 industry ¹	✓		225 m	Assess development for residential and other sensitive uses within 70 metres
Class 2 industry ²		✓	_____ m	Assess development for residential and other sensitive uses within 300 metres
Class 3 industry ³		✓	_____ m	Assess development for residential and other sensitive uses within 1000 metres
Land Fill Site		✓	_____ m	Address possible leachate, odour, vermin and other impacts
Sewage Treatment Plant		✓	_____ m	Assess the need for a feasibility study for residential and other sensitive uses
Waste Stabilization pond		✓	_____ m	Assess the need for a feasibility study for residential and other sensitive uses
Active railway line		✓	_____ m	Evaluate impacts within 100 metres
Controlled access highways including designated future ones		✓	_____ m	Evaluate impacts within 100 metres
Operating mine site		✓	_____ m	Will development hinder continuation or expansion of operations?
Non-operating mine site within 1000 metres		✓	_____ m	Have potential impacts been addressed? Has mine been rehabilitated so there will be no adverse effects?
Airports where noise exposure forecast (NEF) or noise exposure projection (NEP) is 28 or greater		✓		Demonstrate feasibility of development above 28 NEF for sensitive land uses. Above the 35 NEF/NEP contour, development of sensitive land uses is not permitted
Electric transformer station		✓	_____ m	Determine possible impacts within 200 metres
High voltage electric transmission Line		✓	_____ m	Consult the appropriate electric power service
Transportation and infrastructure corridors		✓		Will the corridor be protected?
Prime agricultural Land	✓		Approx. 325m	Demonstrate need for use other than agricultural and indicate how impacts are to be mitigated
Agricultural operations		✓	Away _____ m	Development to comply with the Minimum Distance Separation Formulae
Mineral aggregate resource areas		✓		Will development hinder access to the resource or the establishment of new resource operations?
Mineral aggregate operations		✓	_____ m	Will development hinder continuation of extraction?
Mineral and petroleum resource areas		✓		Will development hinder access to the resource or the establishment of new resource operations
Existing pits and quarries		✓	_____ m	Will development hinder continued operation or expansion?
Significant wetlands south and east of the Canadian Shield		✓	_____ m	Development is not permitted
Significant portions of habitat of endangered and threatened species		✓	_____ m	Development is not permitted
Significant: fish habitat, woodlands south and east of the Canadian Shield, valley lands, areas of natural and scientific interest, wildlife habitat		✓	_____ m	Demonstrate no negative impacts
Sensitive groundwater recharge areas, headwaters and aquifers		✓		Demonstrate that groundwater recharge areas, head-waters and aquifers will be protected
Significant built heritage resources and cultural heritage landscapes		✓		Development should conserve significant built heritage resources and cultural heritage landscapes
Significant archaeological resources		✓		Assess development proposed in areas of medium and high potential for significant archaeological resources. These sources are to be studied and preserved, or where appropriate, removed, catalogued and analysed prior to development
Erosion hazards		✓		Determine feasibility within the 1:100 year erosion limits of ravines, river valleys and streams

Floodplains	✓		Flood hazard kind on north part of Seaward (Sheldon Drain)	Where one zone flood plain management is in effect, development is not permitted within the flood plain Where two-zone flood plain management is in effect, development is not permitted within the floodway Where a Special Policy Area (SPA) is in effect, development must meet the official plan policies for the SPA
Hazardous sites ¹		✓		Demonstrate that hazards can be addressed
Rehabilitated mine sites		✓		Application for approval from Ministry of Northern Development and Mines should be made concurrently
Contaminated Sites		✓		Assess an inventory or previous uses in areas of possible soil contamination

1. Class 1 industry - small scale, self-contained plant, no outside storage, low probability of fugitive emissions and daytime operations only.
2. Class 2 industry - medium scale processing and manufacturing with outdoor storage, periodic output of emissions, shift operations and daytime truck traffic.
3. Class 3 industry - indicate if within 1000 metres - processing and manufacturing with frequent and intense off-site impacts and a high probability of fugitive emissions.
4. Hazardous sites - property or lands that could be unsafe for development or alteration due to naturally occurring hazard. These hazards may include unstable soils (sensitive marine clays (Leda), organic soils) or unstable bedrock (Karst topography).

► 9.0 Justification

9.1 Indicate how the proposed development will be compatible with the surrounding land uses. (attach an additional page if necessary)

Land to be severed is vacant agricultural land and is to be added to abutting property. Remnant parcel is the site of an existing single-detached dwelling and there have been no compatibility issues with surrounding uses.

10.0 Other Information (attach an additional page if necessary)

Subject application to be dealt with concurrently with two additional applications.

► 11.0 Application Drawing

Please submit an accurate, scaled drawing of the proposal showing the following information:

- a) The subject land, including its boundaries and dimensions, and the location, and nature of any easement or restrictive covenants which affect the subject land;
- b) The uses of adjacent and abutting land;
- c) The location of all existing as well as proposed buildings and their dimensions, uses, and setbacks from lot lines;
- d) The location of all natural and man-made features on the land and the location of any of these features on adjacent and abutting lands;
- e) Scale and north arrow.

► 12.0 Affidavit or Sworn Declaration

I, Janet Baird Jackson of the municipality of South Huron in the County/Region of Huron

make oath and say (or solemnly declare) that the information contained in the documents that accompany this application is true.

Sworn (or declared) before me at the AMDSB Corporate Office in the County/Region of Huron
Seaford

this 3rd day of May, 2017

Laurel Mitchell
Commissioner of Oaths

Laurel Frances Mitchell,
a Commissioner, etc.,
Province of Ontario, for
Avon Maitland District School Board
Expires February 15, 2020.

Applicant

[Signature]

► 13.0 Authorization of Owner for Agent to Make the Application

I (we), Margaret McMillan Baird of the Town of St. Marys in the County/Region of Perth
am the owner of the land that is the subject of this application for a Minor Variance/ Permission and I (we) hereby authorize
Janet Baird Jackson / David Hanly to act as my (our) agent in the application.

Date May 3, 2017

Margaret Baird
Signature of Owner(s)

14.0 ACKNOWLEDGEMENT

With the filing of this application, the applicant is aware of, and agrees, that if the decision of the Council of the Town of St. Marys regarding this application is appealed by a third party (a party other than the applicant), all costs incurred by the Corporation of the Town of St. Marys for legal counsel and other associated costs to represent the Corporation of the Town of St. Marys in defending the decision before the Ontario Municipal Board will be solely the responsibility of, and paid for by the applicant.

Dated at the Seaford

in the County/Region of Huron

this 3rd day of May, 2017

[Signature]
Applicant

Information Sheet for Baird Official Plan Amendment, Zoning By-law Amendment, and Consent to Sever Applications

Ownership:

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2. Irregular shaped parcel (Parts 5 and 6 on attached sketch) is owned by Bairds of Strathaven Inc., a company that was owned by Robert and Margaret McMillan Baird and now by Margaret McMillan Baird.

Location and Size:

1. "L" shaped parcel has a municipal address of 825/895 Queen Street East and is described as part of Lot 17, Concession 19, formerly in the Township of Blanshard, now in the Town of St. Marys. It has a frontage of 121.92 metres on Queen Street East and an area of 2.07 hectares.
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1. Existing use of the "L" shaped parcel is residential and vacant agricultural. The southerly portion (Parts 1, 2 and 3) is the site of two single-detached dwellings and has been used for residential purposes for many years. The dwelling on the easterly portion of the property was constructed in approximately 1890 with additions made since then and the dwelling on the westerly portion of the property was constructed in 1972. There is a small shed associated with each of the two dwellings. The westerly dwelling is the home of Margaret McMillan Baird and the easterly dwelling is the home of Don and Donna Baird, Margaret McMillan Baird's son and daughter-in-law.
2. Existing use of the irregular shaped parcel is considered as vacant agricultural. It was previously used for a mink ranch operation which was owned and operated by Robert and Margaret Baird. The only building remaining on this property is a barn which is presently used for storage associated with the two existing dwellings on the Margaret McMillan Baird property. A portion of this barn was used for the storage of carpet associated with a building supply/lumber yard use on the abutting property to the south-east, which property is now the site of the St. Marys Home Building Centre. This incidental storage use ceased in 2005.

Purpose of Applications:

1. The **Official Plan Amendment application** requests that the land use designation of the lands on which the two single-detached dwellings are located remain in the "Highway Commercial" designation with a special policy/exception added to Section 3.3.3 of the Official Plan to permit the creation of separate lots for each of the two single-detached dwelling residential uses. The area for the easterly residential use lot is identified as Parts 2 and 5. The area for the westerly residential use lot is identified as Part 3. Through the Consent to Sever application process, the remainder of the "L" shaped property (Parts 1 and 4) and the remainder of the irregular shaped parcel (Part 6) will be consolidated to form one property which will be owned by Bairds of Strathaven Inc. These lands will also remain in the "Highway Commercial" designation.
2. The **Zoning By-law Amendment application** requests that the zoning of the lands on which the two single-detached dwellings are located (Parts 2 and 3) and a small area to the rear of the easterly dwelling (Part 5) remain in the "Highway Commercial Zone (C3-H)" with a special provision added to Section 17.4 of the Zoning By-law to permit the two single-detached dwelling residential uses on separate individual lots as permitted uses in the "C3-H" zone and for the continued use of same.
3. **Consent Application # 1** - proposes to sever that area of the Margaret McMillan Baird property which is located between the two existing single-detached dwelling residential uses (Part 1) and add it to the irregular shaped property owned by Bairds of Strathaven Inc. (Parts 5 and 6). The area to be severed fronts onto Queen Street East, has a width of 20 metres, and an area of 1,219.2 square metres. This will result in two remnant parcels, one to the east consisting of most of the lot for the easterly single-detached dwelling use (Part 2) and one to the west consisting of the lot for the westerly single-detached dwelling and the vacant agricultural use area north of same (Parts 3 and 4). The easterly remnant will be conveyed to Don and Donna Baird while the westerly remnant will be owned by Margaret McMillan Baird.
4. **Consent Application # 2** – proposes to sever that area of the Margaret McMillan Baird property which is located to the north of the westerly single-detached dwelling residential use (Part 4) and add it to the irregular shaped property owned by Bairds of Strathaven Inc. (Parts 5 and 6). The remnant single-detached dwelling residential use lot (Part 3) will continue to be owned by Margaret McMillan Baird.
5. **Consent Application # 3** - proposes to sever a small area to the rear and north of the easterly single-detached dwelling (Part 5) from the Bairds of Strathaven Inc. property and add it to the easterly single-detached dwelling use lot (Part 2). This small area has a depth of 8.116 metres and an area of 414.1 square metres.
6. The 3 Consent applications will result in the following:
 - (i) The Bairds of Strathaven Inc. property being enlarged to consist of Parts 1, 4, and 6. It will have a frontage of 20 metres of Queen Street East, a frontage of 185.319 metres on Road 120, and an area of 4.7 hectares.

- (ii) A lot containing the easterly existing single-detached dwelling use consisting of Parts 2 and 5. It will have a frontage of 51.018 metres on Queen Street East and an area of 3,524.1 square metres.
- (iii) A lot containing the westerly existing single-detached dwelling use consisting of Part 3. It will have a frontage of 50.902 metres on Queen Street East and an area of 3,516.1 metres.

Note: It is proposed that the 3 Consent to Sever applications be dealt with concurrently and that the appropriate conditions be applied to facilitate the noted lot additions.

OPA, ZBA AND SEVERANCE SKETCH

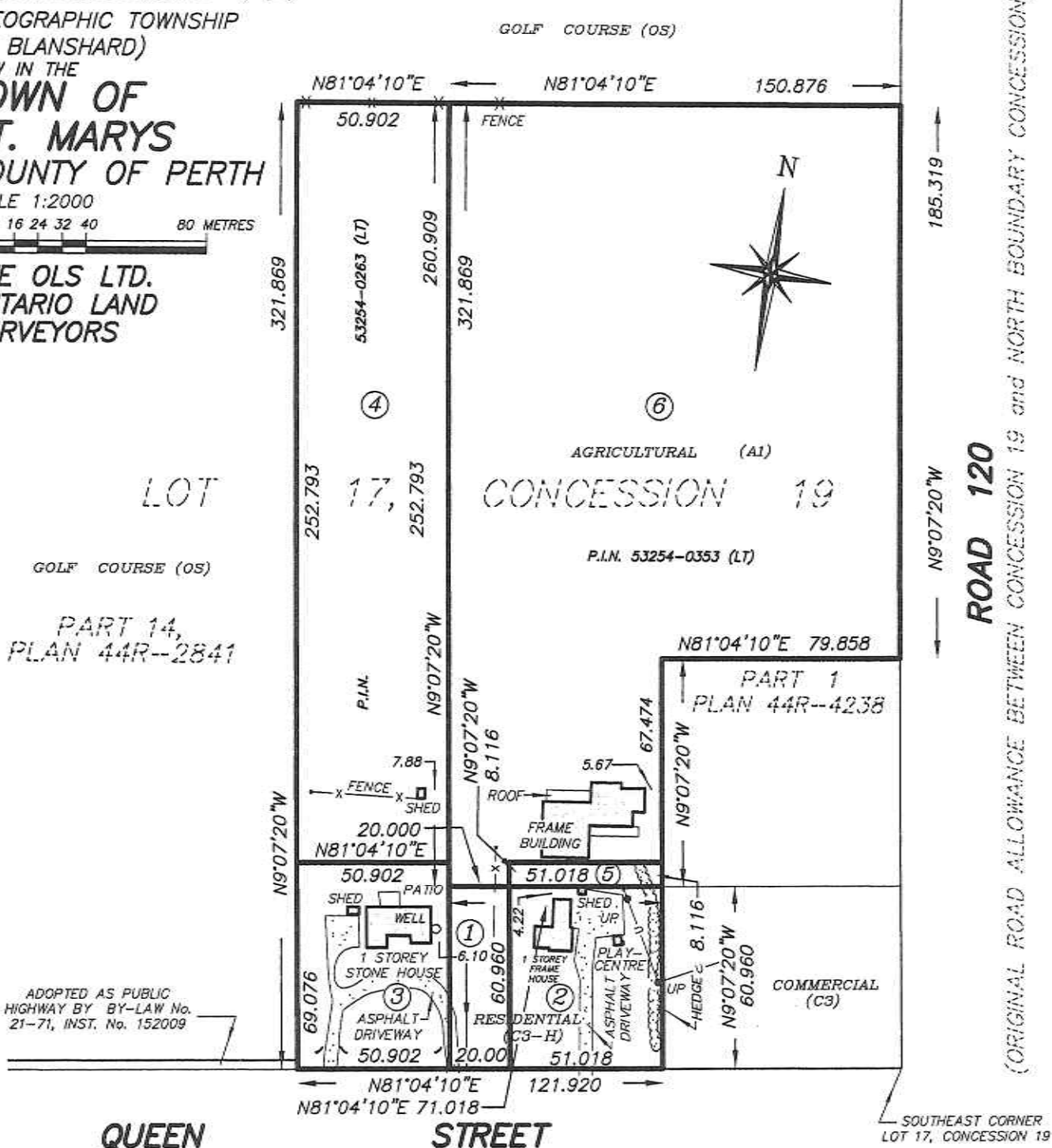
OF PART OF
LOT 17
CONCESSION 19.

(GEOGRAPHIC TOWNSHIP
OF BLANSHARD)
NOW IN THE
TOWN OF
ST. MARYS
COUNTY OF PERTH

SCALE 1:2000

0 8 16 24 32 40 80 METRES

MTE OLS LTD.
ONTARIO LAND
SURVEYORS



PARCEL AREAS

PARCEL	AREA (m ²)	AREA (Ha)
①	1219.2	0.1219
②	3110.0	0.3110
③	3516.1	0.3516
④	12867.6	1.2868
⑤	414.1	0.0414
⑥	32914.2	3.2914

AREAS:

AREAS SHOWN ON THIS PLAN IN SQUARE METRES AND CAN BE CONVERTED TO ACRES BY DIVIDING BY 4046.8564.

METRIC:

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

CAUTION:

THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSES INDICATED IN THE TITLE BLOCK. THIS SKETCH IS PREPARED FOR BAIRD MINK RANCH LTD. DATE : MAY 3, 2017 © COPYRIGHT 2017, MTE OLS LTD.

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MTE | OLS Ltd.

ONTARIO LAND SURVEYORS

365 HOME STREET

STRATFORD, ONTARIO, N5A 2A5

TEL: (519) 271-7952

FAX: (519) 271-3545

Cad File: P:\P\35725\101\35725-101-SV3.DWG

COGO : 35725-101-UTMGROUND.ASC

Drawn By : M. MASCIOTRA

Checked By : T. McNEIL, O.L.S.

File No : 35725-101-SV3 (S)

#3 Original

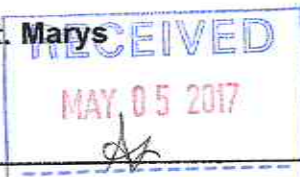


Corporation of the

the Town of St. Marys



Application for Consent
(Under Section 53 of the Planning Act)



File No. B06-2011

Instructions

Each application must be accompanied by the application fee in the form of either cash or a cheque payable to the Town. An accurate scaled drawing of the subject land must be submitted.

If the applicant is not the owner of the subject land, a written statement by the owner which authorizes the applicant to act on behalf of the owner as it relates to the subject application, must accompany the application (See Section 13.0).

In addition, the applicant may be required to submit a more detailed site plan in accordance with Section 41 of the Planning Act.

Completeness of the Application

The information in this form that must be provided by the applicant is indicated by black arrows (➤) on the left side of the section numbers. This information is prescribed in the Schedule to Ontario Regulation 197/96 made under the Planning Act. The mandatory information must be provided with the appropriate fee and a scaled drawing. If the mandatory information is not provided, the Town will return the application or refuse to further consider the application.

To ensure the quickest and most complete review, this information should be submitted at the time of application. In the absence of this information, it may not be possible to do a complete review within the legislated time frame for making a decision. As a result, the application may be refused.

Approval Process

Upon receipt of an application, the required fee and other information (as required) the Secretary of the Committee of Adjustment will determine whether the application is complete. Once complete, a notice of hearing will be circulated as required by the Ontario Planning Act. The applicant is encouraged to attend the hearing to present the proposal. The applicant will be provided notice of any decision made by the Committee concerning the application. If no notice of appeal is given within twenty days, the decision of the Committee is final and binding.

For Help

To help you complete the application form, please consult the Building Department in the Town Hall. You can also call the Building Department at (519) 284-2340.

Please Print and Complete or (✓) Appropriate Box(es)

1.0 Application Information

➤ 1.1 Name of Owner(s) An owner's authorization is required if the applicant is not the owner (See Section 11.0)

Name of Owner(s)	Home Telephone No.	Business Telephone No.
Bairds of Strathaven Inc.	519-284-3873	
Address	Postal Code	Fax No.
825/895 Queen Street East P.O. Box 2449	N4X 1B1	

➤ 1.2 Agent/Applicant - Name of the person who is to be contacted about the application, if different than the owner. (This may be a person or Company acting on behalf of the owner.)

Name of Contact Person (and Company)	Home Telephone No.	Business Telephone No.
Janet Baird-Jackson, Grand Bend 9 Oakwood Links Lane, N0M1T0	519-851-6178	
Address	Postal Code	Fax No.
Dave Hanly, 52 Fairfield Drive, Stratford N5A 0A6	519-275-2694	

➤ 2.0 Location and Size of the Subject Land (Severed and Retained Parcels)

Street No.	Name of Street/Road	Registered Plan No.	Lot(s)/Block(s)
825/895	Queen Street East		
Reference Plan No.	Part Number(s)	Concession Number(s)	Lot Number(s)
		19	Pt 17
Lot Frontage	Average Width	Average Depth	Lot Area
See sketch (Parts 5 and 6)			

➤ 2.1 Is there a mortgage or charge in respect of the subject land? ☐ Yes ☒ No If yes, give the names and addresses of any mortgages or charges

➤ 2.2 Are there any easements or restrictive covenants affecting the subject land? ☐ Yes ☒ No If yes, describe the easement or covenant and its effect.

➤ 2.3 When were the subject lands acquired by the current owner?
Companies owned by Baird family member since Nov. 1, 1962 (eg Baird Pink Ranch Limited)

➤ 3.0 Type and purpose of proposed transaction: (check appropriate space)

☐ Conveyance for: i) ☐ creation of new lot or ii) ☒ addition to existing lot
If lot addition, identify the land to which parcel will be added:

Severed parcel to be added to easterly remnant parcel in Consent App. No. B (Part 2)

- ☐ Mortgage or Charge
- ☐ Partial Discharge of Mortgage
- ☐ Lease
- ☐ Easement/Right-of-way
- ☐ Correction of Title
- ☐ Other(Specify)

➤ 3.1 Name of Person(s) (purchaser, leasee, mortgagee, etc.) To whom interest in land is intended to be conveyed, leased or charged:

Don and Donna Baird

Relationship to owner: Donna Son and daughter-in-law of Margaret M. Baird

➤ 3.2 Description of land:

- a) Dimensions of Land - To be severed:
- Description
- Frontage
- Average Width
- Depth
- Area

Pt. Lot 17, Con 19
51.018 m
8.116 m
414 m²

- To be retained:
- Description
- Frontage
- Average Width
- Depth
- Area

Pt. Lot 17, Con 19
185 m
32,914 m²

3.3 Use of land (please check appropriate space):

To be severed:	Existing	Proposed
Urban Residential	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Rural Residential	<input type="checkbox"/>	<input type="checkbox"/>
Commercial	<input type="checkbox"/>	<input type="checkbox"/>
Agricultural	<input type="checkbox"/>	<input type="checkbox"/>
Institutional	<input type="checkbox"/>	<input type="checkbox"/>
Industrial	<input type="checkbox"/>	<input type="checkbox"/>
Other (specify)	<input type="checkbox"/>	<input type="checkbox"/>

Explanation:

To be retained:

Existing	Proposed
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Explanation: Vacant Agricultural

4.0 Proposed and Current Land Use

- 4.1 What is the proposed use of the subject land?
To be severed (Part 5) residential; Remnant (Part 6) vacant agricultural
- 4.2 What is the current use of the subject land?
To be severed (Part 5) residential; Remnant (Part 6) vacant agricultural
- 4.3 How is the subject land currently designated in the Official Plan?
Highway Commercial, but subject to special policy request
- 4.4 How is the subject land currently zoned in the Zoning By-law?
C3-H, but subject to a special provision request
- 4.5 Provide the following details for all buildings, both existing or proposed. (Attach an additional page if necessary)

	Existing Buildings	Proposed Buildings		Existing Buildings	Proposed Buildings
4.5.1 Front Yard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	4.5.5 Height	<input type="checkbox"/>	<input type="checkbox"/>
4.5.2 Rear Yard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	4.5.6 Dimensions	<input type="checkbox"/>	<input type="checkbox"/>
4.5.3 Side Yard	1.5 m	<input checked="" type="checkbox"/>	4.5.7 Gross Floor Area	<input type="checkbox"/>	<input type="checkbox"/>
4.5.4 Side Yard	5.67 m	<input type="checkbox"/>	4.5.8 Date Constructed	1940s?	<input type="checkbox"/>

5.0 Previous Industrial or Commercial Uses

- Building supply; machine
- 5.1 Has there been an industrial or commercial use on the subject land or adjacent land? If Yes, specify the uses and dates. ☒ Yes ☐ No adjacent land
- 5.2 Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites? ☐ Yes ☒ No
- 5.3 What information did you use to determine the answers to the above questions? Baird family member knowledge

- 5.4 If Yes, to (5.1), (5.2) or (5.3), a previous use inventory showing all former uses of the subject land, or if appropriate, the adjacent land, is needed.
- Is the previous use inventory attached? ☒ Yes ☐ No See below:
- Baird Lumber / St. Mary's Home Building Centre; Echo Tech Machine and Tool;
Stonetown Supply Services; Stonetown Inn; St. Mary's Golf Course
* barnon remnant (Pt. 6) was used for limited storage in late 1990s until 2005 (carpet)

6.0 Status of Other Applications under the Planning Act

- Is the subject land also the subject of an application for an Official Plan Amendment, Consent, approval of a Site Plan, Minor Variance, Zoning By-law Amendment or Zoning Order Amendment? ☒ Yes ☐ No If Yes, indicate the type of application, the file number and the status of the application.
- OPA application; ZBA application; 3 consent applications

7.0 Servicing

7.1 Indicate the existing/proposed servicing type for the subject land.

Sewage Disposal	Existing	Proposed	Water Supply	Existing	Proposed
a) Public piped sewage system	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	a) Public piped water system	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Public or private communal septic	<input type="checkbox"/>	<input type="checkbox"/>	b) Public or private communal well(s)	<input type="checkbox"/>	<input type="checkbox"/>
c) Individual septic system(s)	<input type="checkbox"/>	<input type="checkbox"/>	c) Individual well(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Other	<input type="checkbox"/>	<input type="checkbox"/>	d) Other	<input type="checkbox"/>	<input type="checkbox"/>
Storm Drainage	Existing	Proposed	Road Access	Existing	Proposed
a) Sewers	<input type="checkbox"/>	<input type="checkbox"/>	a) Arterial Road	<input checked="" type="checkbox"/>	No Change
b) Ditches or swales	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	b) Collector Road	<input type="checkbox"/>	<input type="checkbox"/>
c) Other	<input type="checkbox"/>	<input type="checkbox"/>	c) Local Road	<input checked="" type="checkbox"/>	No Change

8.0 Significant Features

8.1 The Table below lists the features or development circumstances of interest to the Province. Complete the Table and be advised of the potential information requirements in noted section.

Significant Features Checklist

Features or Development Circumstances	(a) If a features, is it on site or within 500 metres OR (b) If a development circumstance, does it apply?		If a feature, specify distance in metres	Potential Information Needs
	YES (✓)	NO (✓)		
Non-farm development near designated urban areas or rural settlement area		✓		Demonstrate sufficient need within 20-year projections and that proposed development will not hinder efficient expansion of urban or rural settlements
Class 1 industry ¹	✓		150 m	Assess development for residential and other sensitive uses within 70 metres
Class 2 industry ²		✓	_____ m	Assess development for residential and other sensitive uses within 300 metres
Class 3 industry ³		✓	_____ m	Assess development for residential and other sensitive uses within 1000 metres
Land Fill Site		✓	_____ m	Address possible leachate, odour, vermin and other impacts
Sewage Treatment Plant		✓	_____ m	Assess the need for a feasibility study for residential and other sensitive uses
Waste Stabilization pond		✓	_____ m	Assess the need for a feasibility study for residential and other sensitive uses
Active railway line		✓	_____ m	Evaluate impacts within 100 metres
Controlled access highways including designated future ones		✓	_____ m	Evaluate impacts within 100 metres
Operating mine site		✓	_____ m	Will development hinder continuation or expansion of operations?
Non-operating mine site within 1000 metres		✓	_____ m	Have potential impacts been addressed? Has mine been rehabilitated so there will be no adverse effects?
Airports where noise exposure forecast (NEF) or noise exposure projection (NEP) is 28 or greater		✓		Demonstrate feasibility of development above 28 NEF for sensitive land uses. Above the 35 NEF/NEP contour, development of sensitive land uses is not permitted
Electric transformer station		✓	_____ m	Determine possible impacts within 200 metres
High voltage electric transmission Line		✓	_____ m	Consult the appropriate electric power service
Transportation and infrastructure corridors		✓		Will the corridor be protected?
Prime agricultural Land	✓		Approx. 250m. away	Demonstrate need for use other than agricultural and indicate how impacts are to be mitigated
Agricultural operations		✓	_____ m	Development to comply with the Minimum Distance Separation Formulae
Mineral aggregate resource areas		✓		Will development hinder access to the resource or the establishment of new resource operations?
Mineral aggregate operations		✓	_____ m	Will development hinder continuation of extraction?
Mineral and petroleum resource areas		✓		Will development hinder access to the resource or the establishment of new resource operations
Existing pits and quarries		✓	_____ m	Will development hinder continued operation or expansion?
Significant wetlands south and east of the Canadian Shield		✓	_____ m	Development is not permitted
Significant portions of habitat of endangered and threatened species		✓	_____ m	Development is not permitted
Significant: fish habitat, woodlands south and east of the Canadian Shield, valley lands, areas of natural and scientific interest, wildlife habitat		✓	_____ m	Demonstrate no negative impacts
Sensitive groundwater recharge areas, headwaters and aquifers		✓		Demonstrate that groundwater recharge areas, head-waters and aquifers will be protected
Significant built heritage resources and cultural heritage landscapes		✓		Development should conserve significant built heritage resources and cultural heritage landscapes
Significant archaeological resources		✓		Assess development proposed in areas of medium and high potential for significant archaeological resources. These sources are to be studied and preserved, or where appropriate, removed, catalogued and analysed prior to development
Erosion hazards		✓		Determine feasibility within the 1:100 year erosion limits of ravines, river valleys and streams

Floodplains	✓		Flood hazard land on pt. of remnant parcel (Sheldon Drain)	Where one-zone flood plain management is in effect, development is not permitted within the flood plain Where two-zone flood plain management is in effect, development is not permitted within the floodway Where a Special Policy Area (SPA) is in effect, development must meet the official plan policies for the SPA
Hazardous sites ⁴		✓		Demonstrate that hazards can be addressed
Rehabilitated mine sites		✓		Application for approval from Ministry of Northern Development and Mines should be made concurrently
Contaminated Sites		✓		Assess an inventory or previous uses in areas of possible soil contamination

1. Class 1 industry - small scale, self-contained plant, no outside storage, low probability of fugitive emissions and daytime operations only.
2. Class 2 industry - medium scale processing and manufacturing with outdoor storage, periodic output of emissions, shift operations and daytime truck traffic.
3. Class 3 industry - indicate if within 1000 metres - processing and manufacturing with frequent and intense off-site impacts and a high probability of fugitive emissions.
4. Hazardous sites - property or lands that could be unsafe for development or alteration due to naturally occurring hazard. These hazards may include unstable soils (sensitive marine clays (Leda), organic soils) or unstable bedrock (Karst topography).

► 9.0 Justification

9.1 Indicate how the proposed development will be compatible with the surrounding land uses. (attach an additional page if necessary)

Land to be covered is a 414 sq. m. area that is to be added to the easterly remnant parcel in Consent App. B. There have been no compatibility issues in the past and none are anticipated.

10.0 Other Information (attach an additional page if necessary)

Subject application to be dealt concurrently with two additional applications.

► 11.0 Application Drawing

Please submit an accurate, scaled drawing of the proposal showing the following information:

- a) The subject land, including its boundaries and dimensions, and the location, and nature of any easement or restrictive covenants which affect the subject land;
- b) The uses of adjacent and abutting land;
- c) The location of all existing as well as proposed buildings and their dimensions, uses, and setbacks from lot lines;
- d) The location of all natural and man-made features on the land and the location of any of these features on adjacent and abutting lands;
- e) Scale and north arrow.

► 12.0 Affidavit or Sworn Declaration

I, Janet Baird Jackson of the municipality of South Huron in the County/Region of Huron make oath and say (or solemnly declare) that the information contained in the documents that accompany this application is true.

Sworn (or declared) before me at the AMDSB Corporate Offices in the County/Region of Huron this 3rd day of May, 2017.

Laurel Mitchell
Commissioner of Oaths

Laurel Frances Mitchell,
a Commissioner, etc.,
Province of Ontario, for
Avon Maitland District School Board
Expires February 15, 2020.

Applicant

[Signature]

➤ 13.0 Authorization of Owner for Agent to Make the Application

I (we), Margaret McMillan Baird of the Town of St. Marys in the County/Region of Perth
am the owner of the land that is the subject of this application for a Minor Variance/ Permission and I (we) hereby authorize
Janet Baird Jackson/ David Hanly to act as my (our) agent in the application.

Date May 3, 2017

Margaret Baird
Signature of Owner(s)

14.0 ACKNOWLEDGEMENT

With the filing of this application, the applicant is aware of, and agrees, that if the decision of the Council of the Town of St. Marys regarding this application is appealed by a third party (a party other than the applicant), all costs incurred by the Corporation of the Town of St. Marys for legal counsel and other associated costs to represent the Corporation of the Town of St. Marys in defending the decision before the Ontario Municipal Board will be solely the responsibility of, and paid for by the applicant.

Dated at the Seaford

in the County/Region of Huron

this 3rd day of May, 2017

Baird
Applicant

SEVERANCE SKETCH OF PART OF LOT 17 CONCESSION 19.

(GEOGRAPHIC TOWNSHIP
OF BLANSHARD)
NOW IN THE
TOWN OF
ST. MARYS
COUNTY OF PERTH
SCALE 1:2000
0 8 16 24 32 40 80 METRES
MTE OLS LTD.
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SURVEYORS

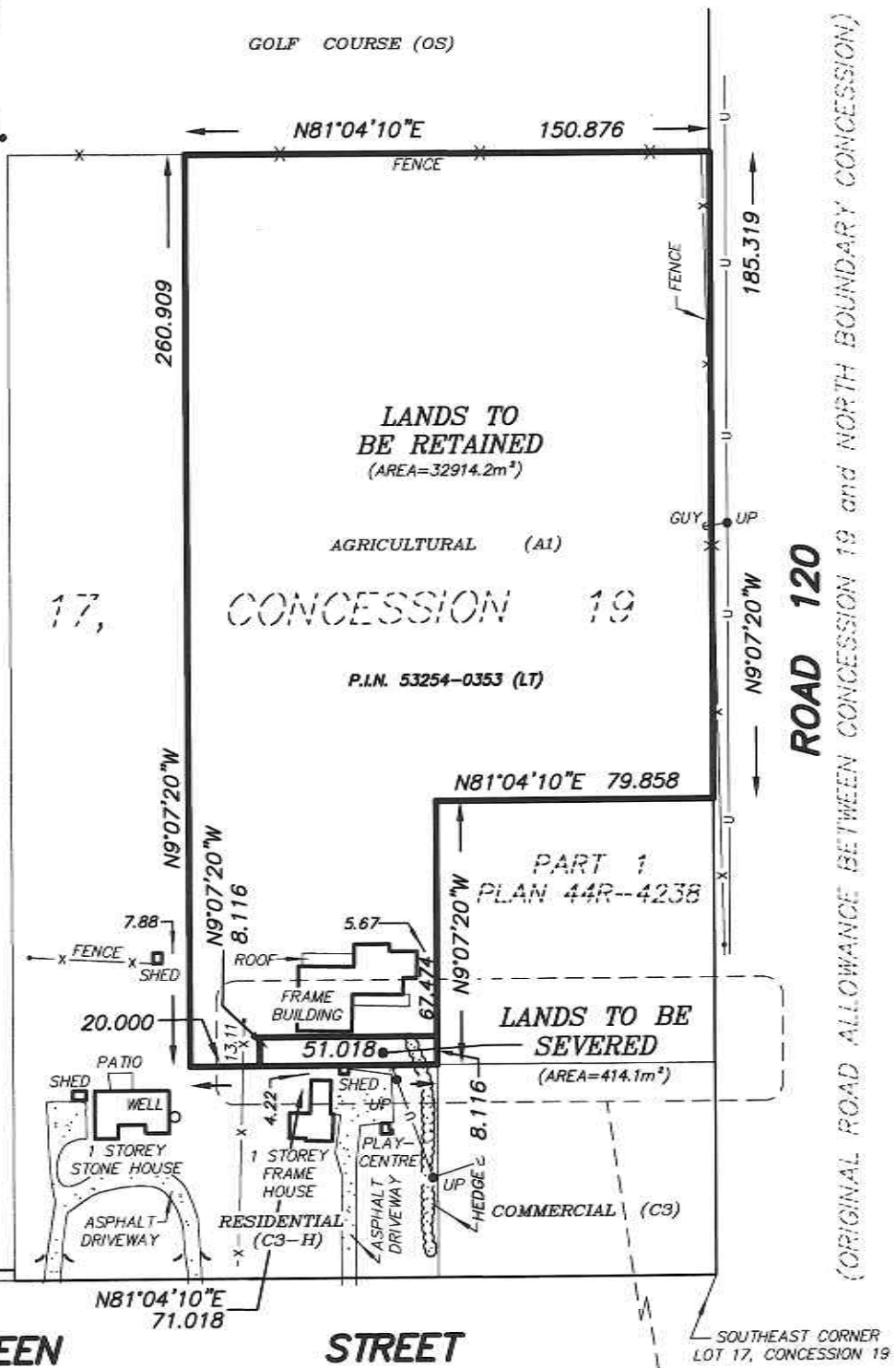
LOT 17,
CONCESSION 19
GOLF COURSE (OS)
PART 14,
PLAN 44R-2841

ADOPTED AS PUBLIC
HIGHWAY BY BY-LAW No.
21-71, INST. No. 152009



QUEEN

STREET



ROAD 120

(ORIGINAL ROAD ALLOWANCE BETWEEN CONCESSION 19 and NORTH BOUNDARY CONCESSION)

AREAS:

AREAS SHOWN ON THIS PLAN ARE IN
SQUARE METRES AND CAN BE CONVERTED
TO ACRES BY DIVIDING BY 4046.8564.

METRIC:

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND
CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

CAUTION:

THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED
EXCEPT FOR THE PURPOSES INDICATED IN THE TITLE BLOCK.

THIS SKETCH IS PREPARED FOR BAIRD MINK RANCH LTD.
DATE : MAY 1, 2017

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365 HOME STREET

STRATFORD, ONTARIO, N5A 2A5

TEL: (519) 271-7952

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Cad File: P:\P\35725\101\35725-101-SV2.DWG

COGO : 35725-101-UTMGROUND.ASC

Drawn By : M. MASCIOTRA

Checked By : T. McNEIL, O.L.S.

File No : 35725-101-SV2 (S)

Information Sheet for Baird Official Plan Amendment, Zoning By-law Amendment, and Consent to Sever Applications

Ownership:

1. "L" shaped parcel (Parts 1, 2, 3 and 4 on attached sketch) is owned by Margaret McMillan Baird and has been in her name since 1985. Prior to that, the parcel was owned by Robert James Baird (Margaret McMillan Baird's husband) since June 14, 1954.
2. Irregular shaped parcel (Parts 5 and 6 on attached sketch) is owned by Bairds of Strathaven Inc., a company that was owned by Robert and Margaret McMillan Baird and now by Margaret McMillan Baird.

Location and Size:

1. "L" shaped parcel has a municipal address of 825/895 Queen Street East and is described as part of Lot 17, Concession 19, formerly in the Township of Blanshard, now in the Town of St. Marys. It has a frontage of 121.92 metres on Queen Street East and an area of 2.07 hectares.
2. Irregular shaped parcel has a municipal address of 825/895 Queen Street East and is described as part of Lot 17, Concession 19, formerly in the Township of Blanshard, now in the Town of St. Marys. It has a frontage of 185.319 metres on fronts Road 120 and an area of 3.29 hectares.

Existing Uses and Buildings:

1. Existing use of the "L" shaped parcel is residential and vacant agricultural. The southerly portion (Parts 1, 2 and 3) is the site of two single-detached dwellings and has been used for residential purposes for many years. The dwelling on the easterly portion of the property was constructed in approximately 1890 with additions made since then and the dwelling on the westerly portion of the property was constructed in 1972. There is a small shed associated with each of the two dwellings. The westerly dwelling is the home of Margaret McMillan Baird and the easterly dwelling is the home of Don and Donna Baird, Margaret McMillan Baird's son and daughter-in-law.
2. Existing use of the irregular shaped parcel is considered as vacant agricultural. It was previously used for a mink ranch operation which was owned and operated by Robert and Margaret Baird. The only building remaining on this property is a barn which is presently used for storage associated with the two existing dwellings on the Margaret McMillan Baird property. A portion of this barn was used for the storage of carpet associated with a building supply/lumber yard use on the abutting property to the south-east, which property is now the site of the St. Marys Home Building Centre. This incidental storage use ceased in 2005.

Purpose of Applications:

1. The **Official Plan Amendment application** requests that the land use designation of the lands on which the two single-detached dwellings are located remain in the "Highway Commercial" designation with a special policy/exception added to Section 3.3.3 of the Official Plan to permit the creation of separate lots for each of the two single-detached dwelling residential uses. The area for the easterly residential use lot is identified as Parts 2 and 5. The area for the westerly residential use lot is identified as Part 3. Through the Consent to Sever application process, the remainder of the "L" shaped property (Parts 1 and 4) and the remainder of the irregular shaped parcel (Part 6) will be consolidated to form one property which will be owned by Bairds of Strathaven Inc. These lands will also remain in the "Highway Commercial" designation.
2. The **Zoning By-law Amendment application** requests that the zoning of the lands on which the two single-detached dwellings are located (Parts 2 and 3) and a small area to the rear of the easterly dwelling (Part 5) remain in the "Highway Commercial Zone (C3-H)" with a special provision added to Section 17.4 of the Zoning By-law to permit the two single-detached dwelling residential uses on separate individual lots as permitted uses in the "C3-H" zone and for the continued use of same.
3. **Consent Application # 1** - proposes to sever that area of the Margaret McMillan Baird property which is located between the two existing single-detached dwelling residential uses (Part 1) and add it to the irregular shaped property owned by Bairds of Strathaven Inc. (Parts 5 and 6). The area to be severed fronts onto Queen Street East, has a width of 20 metres, and an area of 1,219.2 square metres. This will result in two remnant parcels, one to the east consisting of most of the lot for the easterly single-detached dwelling use (Part 2) and one to the west consisting of the lot for the westerly single-detached dwelling and the vacant agricultural use area north of same (Parts 3 and 4). The easterly remnant will be conveyed to Don and Donna Baird while the westerly remnant will be owned by Margaret McMillan Baird.
4. **Consent Application # 2** – proposes to sever that area of the Margaret McMillan Baird property which is located to the north of the westerly single-detached dwelling residential use (Part 4) and add it to the irregular shaped property owned by Bairds of Strathaven Inc. (Parts 5 and 6). The remnant single-detached dwelling residential use lot (Part 3) will continue to be owned by Margaret McMillan Baird.
5. **Consent Application # 3** - proposes to sever a small area to the rear and north of the easterly single-detached dwelling (Part 5) from the Bairds of Strathaven Inc. property and add it to the easterly single-detached dwelling use lot (Part 2). This small area has a depth of 8.116 metres and an area of 414.1 square metres.
6. The 3 Consent applications will result in the following:
 - (i) The Bairds of Strathaven Inc. property being enlarged to consist of Parts 1, 4, and 6. It will have a frontage of 20 metres of Queen Street East, a frontage of 185.319 metres on Road 120, and an area of 4.7 hectares.

- (ii) A lot containing the easterly existing single-detached dwelling use consisting of Parts 2 and 5. It will have a frontage of 51.018 metres on Queen Street East and an area of 3,524.1 square metres.
- (iii) A lot containing the westerly existing single-detached dwelling use consisting of Part 3. It will have a frontage of 50.902 metres on Queen Street East and an area of 3,516.1 metres.

Note: It is proposed that the 3 Consent to Sever applications be dealt with concurrently and that the appropriate conditions be applied to facilitate the noted lot additions.

OPA, ZBA AND SEVERANCE SKETCH

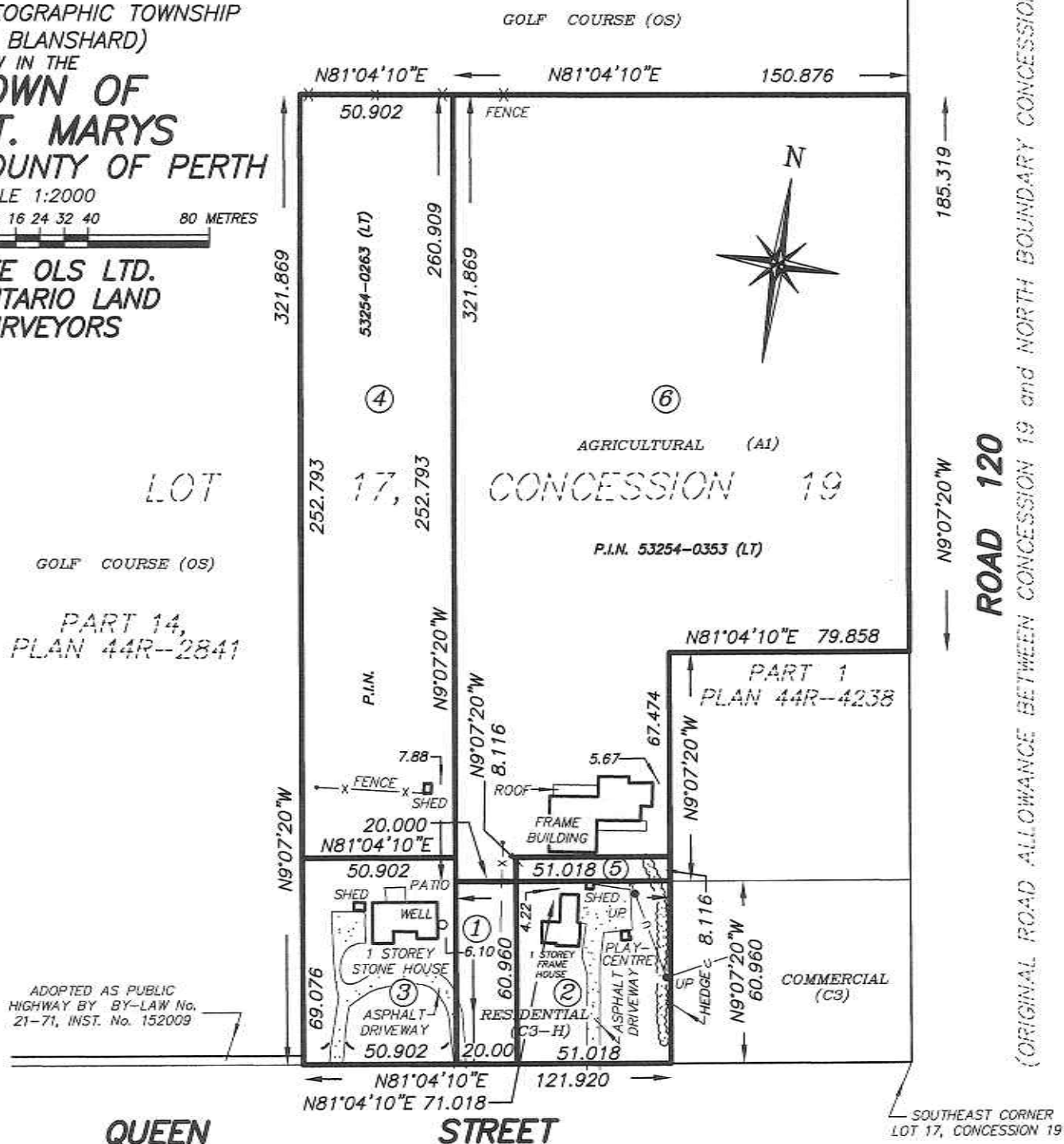
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SCALE 1:2000

0 8 16 24 32 40 80 METRES

MTE OLS LTD.
ONTARIO LAND
SURVEYORS



PARCEL AREAS

PARCEL	AREA (m ²)	AREA (Ha)
①	1219.2	0.1219
②	3110.0	0.3110
③	3516.1	0.3516
④	12867.6	1.2868
⑤	414.1	0.0414
⑥	32914.2	3.2914

AREAS:

AREAS SHOWN ON THIS PLAN IN SQUARE METRES AND CAN BE CONVERTED TO ACRES BY DIVIDING BY 4046.8564.

METRIC:

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

CAUTION:

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MTE OLS Ltd.

ONTARIO LAND SURVEYORS

365 HOME STREET

STRATFORD, ONTARIO, N5A 2A5

TEL: (519) 271-7952

FAX: (519) 271-3545

Cad File: P:\P\35725\101\35725-101-SV3.DWG

COGO : 35725-101-UTMGROUND.ASC

Drawn By : M. MASCIOTRA

Checked By : T. McNEIL, O.L.S.

File No : 35725-101-SV3 (S)

COMMITTEE OF ADJUSTMENT

NOTICE OF PUBLIC HEARING

Date: May 24, 2017
File No.: B04-2017; B05-2017; B06-2017
Agents: Dave Hanly
Janet Baird-Jackson
Owners: Margaret McMillan Baird
Bairds of Strathaven Inc.

Legal Description of Property: Part Lot 17, Concession 19
825 and 895 Queen Street East
St. Marys, ON

The Committee of Adjustment for the Separated Town of St. Marys will hold a public hearing on **Wednesday, June 7, 2017 at 6:30 p.m.** in the **Board Room, Municipal Operations Centre, 408 James Street South, St. Marys**, to hear an application for **Consent to Sever** under Sections 50(1) & 53 of the Planning Act, R.S.O. 1990.

Any person(s) wishing to support or oppose this application is permitted to attend, or may submit comments in writing to the Secretary-Treasurer prior to the date and time of the hearing. If you wish to be notified of the decision of the Committee of Adjustment in respect of this application, you must submit a written request to the Secretary-Treasurer. This will also entitle you to be advised of a possible Ontario Municipal Board Hearing. Even if you are the successful party, you should request a copy of the decision since the Committee of Adjustment decision may be appealed to the Ontario Municipal Board by the applicant or another member of the public.

To appeal the decision to the Ontario Municipal Board, send a letter to the Secretary-Treasurer for the Committee of Adjustment outlining the reasons for the appeal. You must enclose the appeal fee of \$300.00 for each application appealed, paid by cheque, made payable to the Ontario Minister of Finance.

Please note: Comments and opinions submitted on these matters, including the originator's name and address, become part of the public record, may be viewed by the general public and may be published in a Planning Report and will be included in the Committee agenda and minutes.

Should you have any questions or require further information regarding this application, please contact Susan Luckhardt, Secretary-Treasurer at **284-2340 ext. 243**.

Susan Luckhardt, Secretary-Treasurer
Committee of Adjustment

SUMMARY OF APPLICATIONS:

The two subject properties are designated "Highway Commercial" in the Town's Official Plan and zoned "Highway Commercial Zone – C3-H" in the Zoning By-law Z1-1997, as amended.

The subject properties are located at the east end of the municipality, northwest of the intersection of Queen Street East and Road 120 (the municipal boundary) as shown on the attached General Location Map. The two subject properties are abutting, are irregularly shaped and are further described as follows with reference to the attached Sketch submitted with the Applications:

- 1) L-shaped lot (2.07 ha) with 121.9 metres of frontage along Queen Street East (comprised of Parts 1, 2, 3 and 4 on the attached Sketch)*
- 2) Irregularly shaped lot (3.29 ha) with 185.3 metres of frontage along Road 120 (comprised of Parts 5 and 6 on the attached Sketch)*

Consent to Sever Application B04-2017 proposes to sever that area of the L-shaped property located between the two existing single-detached dwelling residential uses (Part 1 on the attached Sketch) and add it to the adjacent irregular shaped property located to the north (Parts 5 and 6 on the attached Sketch). The area to be severed fronts onto Queen Street East, has a width of 20.0m and an area of 1,219.2m². This will result in two remnant parcels from the L-shaped lot: one to the east (Part 2 on the attached Sketch) consisting of most

TOWN OF ST. MARYS | BUILDING & DEVELOPMENT

Municipal Operations Centre, 408 James St. S., PO Box 998, St. Marys, ON N4X 1B6

of the lot for the easterly single detached dwelling use; and one to the west (Parts 3 and 4 on the attached Sketch) consisting of the lot for the westerly single detached dwelling and the vacant agricultural use area north of the same.

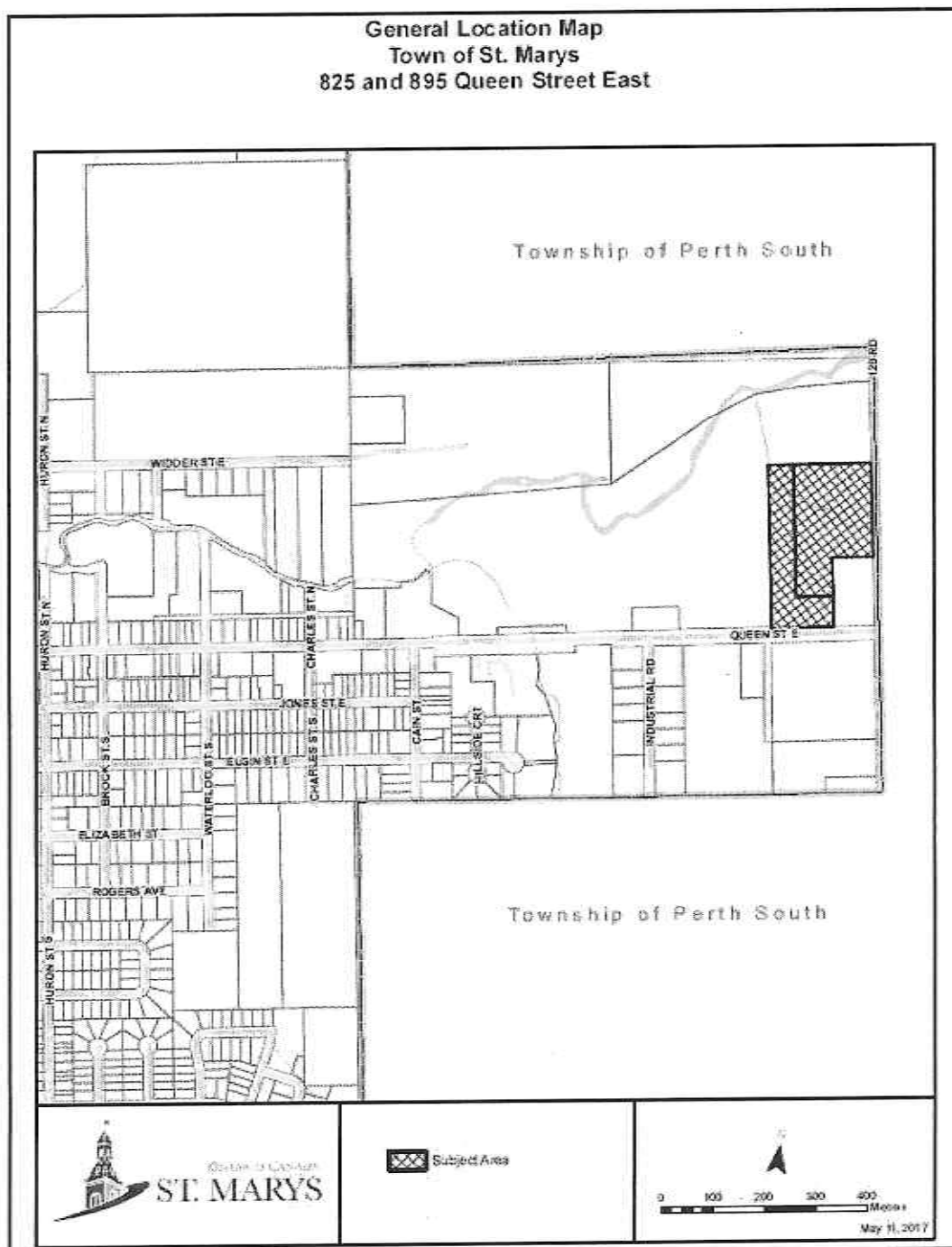
Consent to Sever Application B05-2016 proposes to sever that area of the property (Part 4 on the attached Sketch) which is located to the north of the westerly single-detached dwelling residential use and add it to the adjacent irregular shaped property to the east (Parts 5 and 6 on the attached Sketch). The lands to be severed measure approximately 50.9m X 252.8m and have an area of 12,867.6m². The single-detached dwelling use will continue on the remnant parcel (Part 3 on the attached Sketch).

Consent to Sever Application B06-2017 proposes to sever a small area (Part 5 on the attached Sketch) from the adjacent lands to the rear and north of the easterly single-detached dwelling property and add it to the easterly single-detached dwelling use lot (Part 2 on the attached Sketch). The area to be severed has a depth of approximately 8.12m and an area of 414.1m².

A Sketch showing the proposed lot fabric as a result of these three Consent to Sever Applications is attached. The lands are also subject to Applications for Official Plan Amendment and a Zoning By-law Amendment (Files OP01-2017 & Z01-2017) which will not change the Official Plan designation or the zone category on the lands, but rather will add special policies and special provisions respectively to permit the creation of separate lots for the existing residential uses in the Highway Commercial designation and in the Highway Commercial Zone.

*** See attached a sketch showing the property.

Oral or written submissions will be received at the Public Hearing; but this office would appreciate receiving written submissions by June 1, 2017 so they may be included with the Committee's information package.

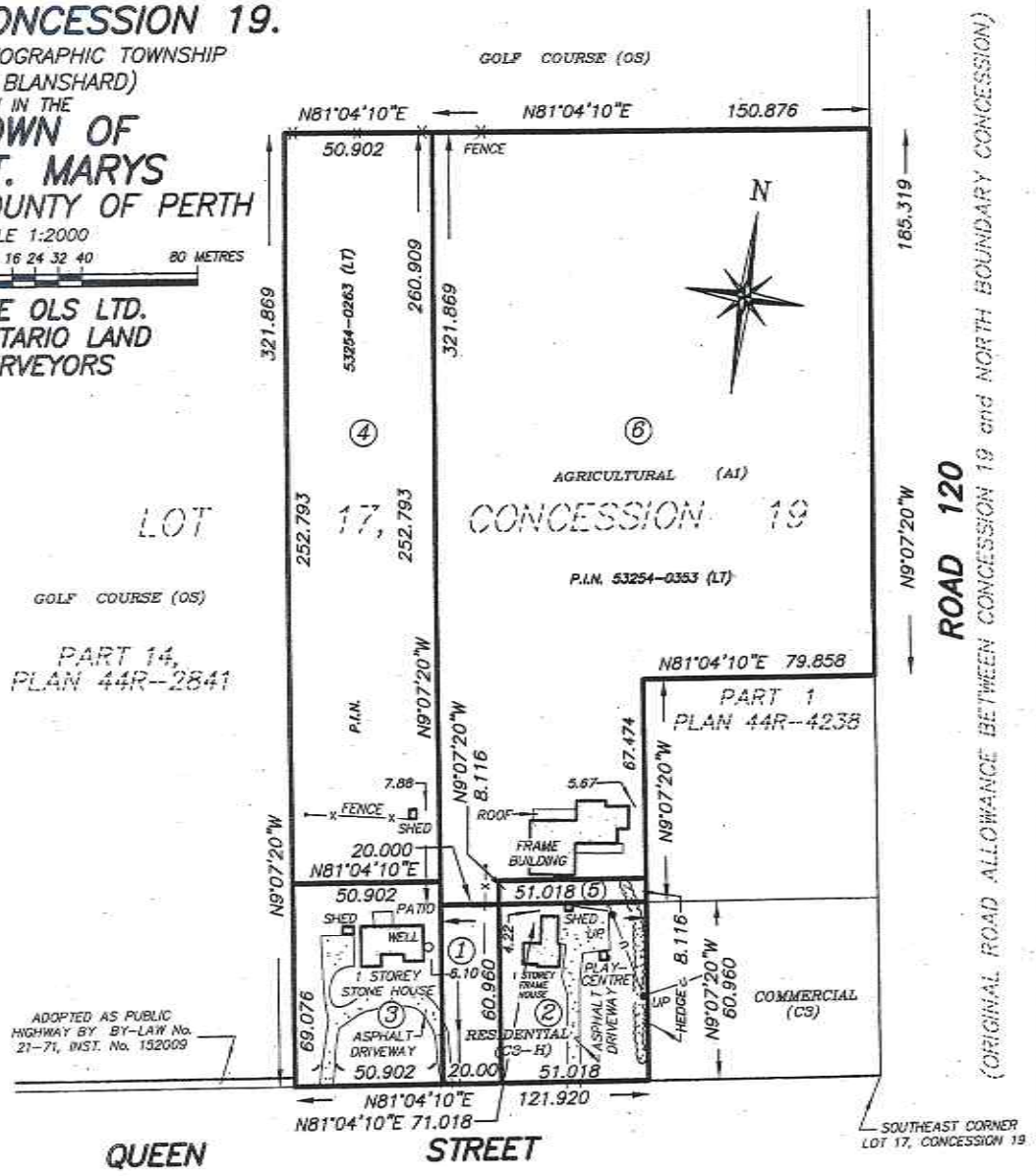


OPA, ZBA AND SEVERANCE SKETCH
 OF PART OF
 LOT 17
 CONCESSION 19.

(GEOGRAPHIC TOWNSHIP
 OF BLANSHARD)
 NOW IN THE
 TOWN OF
 ST. MARYS
 COUNTY OF PERTH

SCALE 1:2000
 0 8 16 24 32 40 80 METRES

MTE OLS LTD.
 ONTARIO LAND
 SURVEYORS

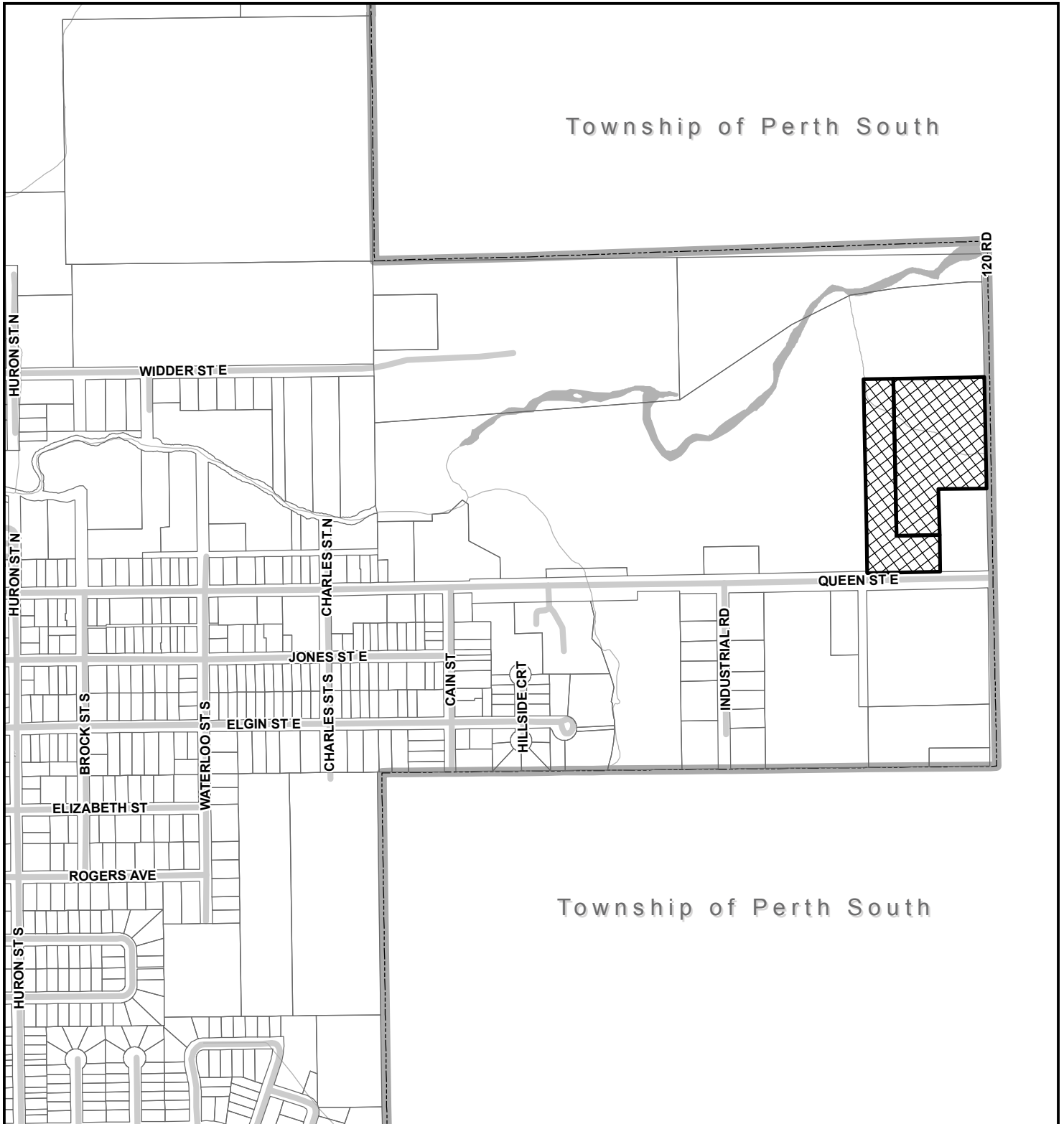


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Proposed New Lot Fabric Based on Consent to
 Sever Applications B04-2017, B05-2017 & B06-2017



General Location Map
Town of St. Marys
825 and 895 Queen Street East



ONTARIO CANADA
ST. MARYS



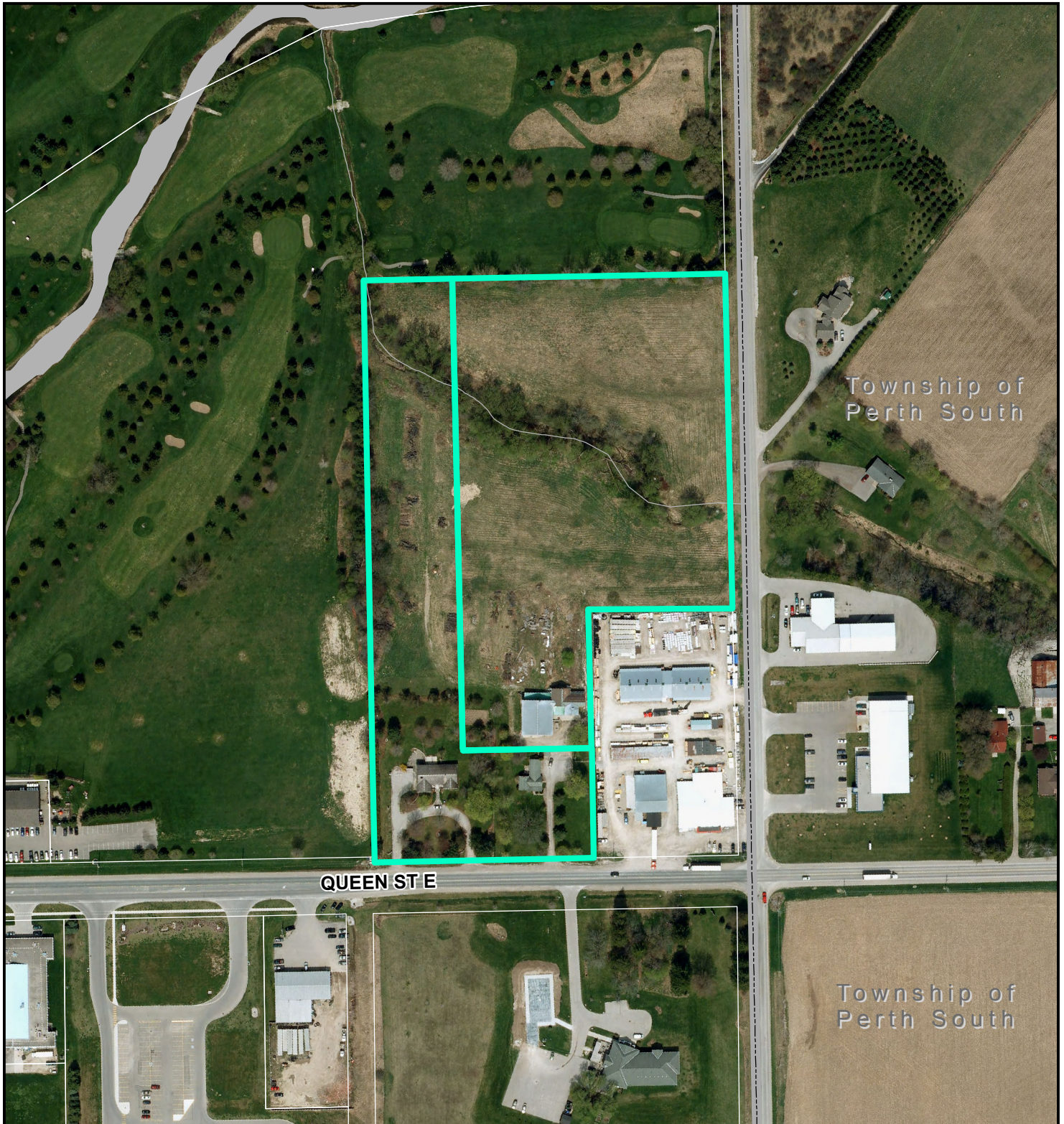
Subject Area



0 100 200 300 400 Metres

May 11, 2017

Specific Location Map
Town of St. Marys
825 and 895 Queen Street East




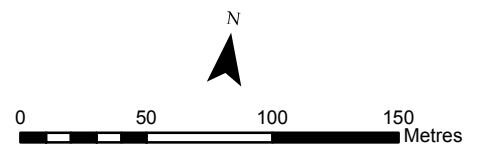
Township of
Perth South

Township of
Perth South

QUEEN ST E



 Subject Area



May 11, 2017

OF PART OF
LOT 17
CONCESSION 19.

SCALE 1:2000

0 8 16 24 32 40 80 METRES

MTE OLS LTD.
ONTARIO LAND
SURVEYORS

GOLF COURSE (OS)

PART 14,
PLAN 44P-2841

ADOPTED AS PUBLIC
HIGHWAY BY BY-LAW No.
21-71, INST. No. 15209

QUEEN

STREET

AREAS:

AREAS SHOWN ON THIS PLAN IN SQUARE METRES AND CAN BE CONVERTED TO ACRES BY DIVIDING BY 4046.8564.

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DATE : MAY 3, 2017

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COGO : 35725-101-UTMGROUND.ASC

Drawn By : M. MASCIOTRA

Checked By : T. McNEIL, O.L.S.

File No : 35725-101-SV3 (S)

File No : 35725-101-SV3 (S)



TOWN OF ST. MARYS

CONSENT TO SEVER:	B04-2017, B05-2017, B06-2017
PROPERTY:	825 and 895 Queen Street East
DATE OF HEARING:	June 7, 2017
OUTSTANDING TAXES:	\$ Nil

INFORMATION SUBMITTED BY: Christine Brine, Tax Department

ON This 25th day of May 2017.

From: McCartney, Mary
To: [Susan Luckhardt](#)
Subject: RE: Consent to Sever applications B04-2017; B05-2017; B06-2017 Bell File: 519-17-374
Date: Thursday, May 25, 2017 2:33:12 PM

Good afternoon Susan,

Re File No: B04-2017; B05-2017; B06-2017

Agents: Dave Hanly
Janet Baird-Jackson

Owners: Margaret McMillan Baird
Bairds of Strathaven Inc.

Legal Description of Property: Part Lot 17, Concession 19
825 and 895 Queen Street East
St. Marys, ON

Subsequent to review by our local Engineering Department of the above noted lands, it has been determined that Bell Canada has no concerns or objections to the proposed Application for Consent.

Should you have any questions or concerns, please contact me.

Thank you,
Mary McCartney
Bell Canada - Right of Way Associate
Floor 2, 140 Bayfield St
Barrie, ON L4M 3B1
705-722-2219 or 1-888-497-8735

From: Susan Luckhardt [mailto:sluckhardt@town.stmarys.on.ca]
Sent: Wednesday, May 24, 2017 3:38 PM
To: ROWCC
Subject: Consent to Sever applications B04-2017; B05-2017; B06-2017

Hello:

Attached is the Notice of Public Hearing for Consent to Sever applications B04-0217; B05-2017; B06-2017 affecting 825/895 Queen St E, St. Marys.

Thank you.

Susan Luckhardt,
Planning Coordinator

Town of St. Marys
Municipal Operations Centre
408 James Street South, St. Marys ON
Tel: 519-284-2340 ext 243

Fax: 519-284-0903

www.townofstmarys.com

May 26, 2017

Town of St. Marys
175 Queen Street East
P.O. Box 998
St. Marys, Ontario N4X 1B6

Attention: Susan Luckhardt, Planning Coordinator, (via e-mail sluckhardt@town.stmarys.on.ca)

Dear Ms. Luckhardt,

**Re: Applications for Official Plan Amendment, Zoning By-law Amendment & Consent:
B04-2017; B05-2017; B06-2017
Owners: Margaret McMillan Baird (Bairds of Strathaven Inc.)
Agents: Dave Hanly & Janet Baird-Jackson
Property: 825 & 895 Queen St. East in the Town of St. Marys**

The Upper Thames River Conservation Authority (UTRCA) has reviewed the subject application with regard for policies contained within the *Environmental Planning Policy Manual for the Upper Thames River Conservation Authority (June 2006)*. These policies include regulations made pursuant to Section 28 of the *Conservation Authorities Act*, and are consistent with the natural hazard and natural heritage policies contained in the *Provincial Policy Statement (2014)*. The Upper Thames River Source Protection Area Assessment Report has also been reviewed in order to confirm whether the subject property is located within a vulnerable area. The Drinking Water Source Protection information is being disclosed to the Municipality to assist them in fulfilling their decision making responsibilities under the Planning Act. We offer the following comments:

PROPOSAL

The purpose of the application for Official Plan Amendment is to request a change to the land use designation of the lands on which two single-detached dwellings are currently located. The two single-detached dwellings are to remain in the "Highway Commercial" designation with a special policy/exception added to Section 3.3.3 of the Official Plan to permit the creation of separate lots for each of the two single-detached dwelling residential uses. The proposed retained lands are to remain in the "Highway Commercial" designation.

The purpose of the Zoning By-law Amendment application is to request that the zoning of the lands on which the two single-detached dwellings are located remain in the "Highway Commercial Zone (C3-H)" with a special provision added to Section 17.4 of the Zoning By-law to permit the two single-detached dwelling residential uses on separate individual lots as permitted uses in the "C3-H" zone and for the continued use of same.

The purpose of the applications for Consent is to sever the existing residential dwelling uses from the balance of the lands. The three (3) consent applications will result in The Bairds of Strathaven Inc. property being enlarged to consist of Parts 1, 4, and 6. It will have a frontage of 20 metres along Queen St. East, a frontage of 185.32 metres on Road 120, and an area of 4.7 hectares.

CONSERVATION AUTHORITIES ACT

As shown on the enclosed mapping, the subject property (retained lands) is affected by the Authority's Regulation Limit which includes the riverine flooding and erosion hazards associated with the Sheldon Drain/Trout Creek. The UTRCA regulates development within the Regulation Limit in accordance with Ontario Regulation 157/06 made pursuant to Section 28 of the *Conservation Authorities Act*. This regulation requires the landowner to obtain written approval from the UTRCA prior to undertaking any development or site alteration in the regulated area which includes filling, grading, construction, alteration to a watercourse and/or interference with a wetland.

UTRCA ENVIRONMENTAL PLANNING POLICY MANUAL

The UTRCA's Environmental Planning Policy Manual is available online at <http://thamesriver.on.ca/planning-permits-maps/utrca-environmental-policy-manual/>
The policies which are applicable to the subject lands include:

3.2.2 General Natural Hazard Policies

These policies direct new development, and site alteration, away from hazard lands. No new hazards are to be created and existing hazards should not be aggravated. Furthermore, the Authority does not support the fragmentation of hazard lands through lot creation. This policy is consistent with the Provincial Policy Statement (PPS, 2014) and is intended to limit the number of owners of hazardous land and thereby reduce the risk of unregulated development etc.

3.2.3 Riverine Flooding Hazard Policies

These policies address matters such as the provision of detailed flood plain mapping, uses that may be permitted in the flood plain, one & two zone flood plain policy areas as well as special policy areas.

3.2.4 Riverine Erosion Hazard Policies

The Authority generally does not permit development and site alteration in the meander belt or on the face of steep slopes, ravines and distinct valley walls. The establishment of the hazard limit must be based upon the natural state of the slope, and not through re-grading or the use of structures or devices to stabilize the slope.

Given that the applications (OPA, ZBA & Consents) do not propose the further fragmentation of hazard lands, the foregoing, at this time, is being provided for information purposes only.

DRINKING WATER SOURCE PROTECTION

Clean Water Act

The *Clean Water Act* (CWA), 2006 is intended to protect existing and future sources of drinking water. The Act is part of the Ontario government's commitment to implement the recommendations of the Walkerton Inquiry as well as protecting and enhancing human health and the environment. The CWA sets out a framework for source protection planning on a watershed basis with Source Protection Areas established based on the watershed boundaries of Ontario's 36 Conservation Authorities. The Upper Thames River, Lower Thames Valley and St. Clair Region Conservation Authorities have entered into a partnership for The Thames-Sydenham Source Protection Region.

The Assessment Report for the Upper Thames watershed delineates three types of vulnerable areas: Wellhead Protection Areas, Highly Vulnerable Aquifers and Significant Groundwater Recharge Areas. We wish to advise that the subject property is within identified as being within a vulnerable area. Mapping which shows these areas is available at: http://maps.thamesriver.on.ca/GVH_252/?viewer=tsrassessmentreport

Provincial Policy Statement (PPS, 2014):

Section 2.2.1 requires that:

“Planning authorities shall protect, improve or restore the quality and quantity of water by: e) implementing necessary restrictions on development and site alteration to:

- 1. protect all municipal drinking water supplies and designated vulnerable areas; and*
- 2. protect, improve or restore vulnerable surface and ground water features, and their hydrological functions”*

Section 2.2.2 requires that:

“Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be protected, improved or restored”.

Municipalities must be consistent with the Provincial Policy Statement when making decisions on land use planning and development.

Policies in the *Approved Source Protection Plan* may prohibit or restrict activities identified as posing a *significant threat* to drinking water. Municipalities may also have or be developing policies that apply to vulnerable areas when reviewing development applications. Proponents considering land use changes, site alteration or construction in these areas need to be aware of this possibility. The *Approved Source Protection Plan* is available at: <http://www.sourcewaterprotection.on.ca/source-protection-plan/approved-source-protection-plan/>

- We would remind the Town that a Section 59 Screening Form is required to be submitted as part of these applications. Please complete and submit the form for our review at your earliest convenience.

RECOMMENDATION

At this time, given that fragmentation of hazard lands is not being proposed, nor is any development being proposed within the Regulated area at this time, the UTRCA has no objection to the subject applications (OPA, ZBA & Consents) affecting property municipally known as 825 & 895 Queen St. East, St. Marys. The foregoing comments are provided for the information of the applicant/agent, owner(s) the Planning Advisory Committee, Land Division Committee, Council and the Planning Department.

UTRCA REVIEW FEES

In June 2006, the UTRCA’s Board of Directors approved the *Environmental Planning Policy Manual for the Upper Thames River Conservation Authority*. This manual authorizes Authority Staff to collect fees for the review of Planning Act applications including applications for Official Plan Amendment, Zoning By-law Amendment & Consent (\$200.00 each). When applications are submitted concurrently, the fees will be reduced by 50%. The total fee for our review of these applications is \$600.00 (\$200.00 + 50% of \$800.00). An invoice will be sent directly to the applicant under separate cover.

Thank you for the opportunity to comment. If you have any questions, please contact the undersigned at extension 228.

UTRCA Comments
OPA, ZBA & B04-2017, B05-2017 & B06-2017
825 & 895 Queen St East., St. Marys
Bairds of Strathaven Inc./Hanly & Baird-Jackson

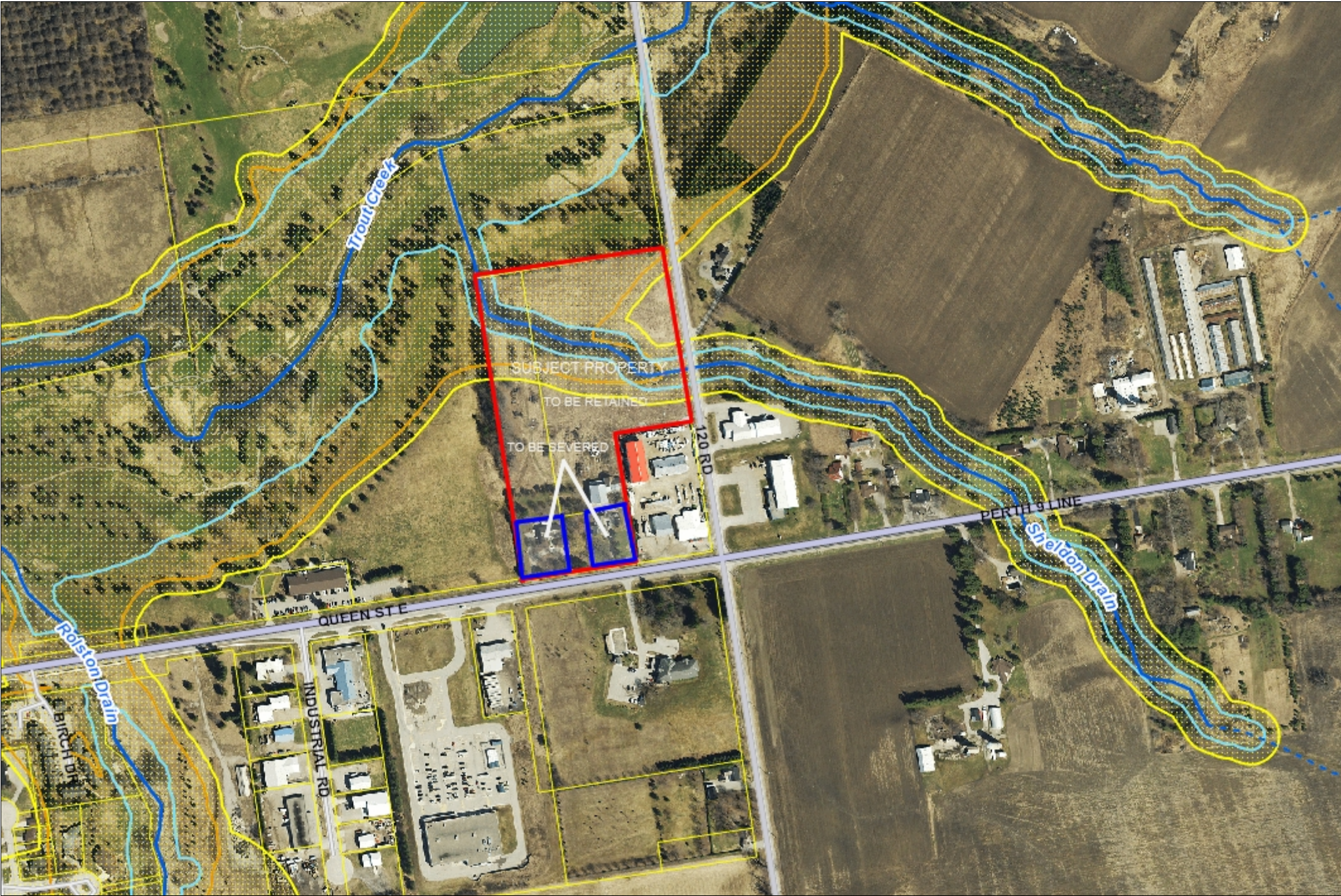
Yours truly,
UPPER THAMES RIVER CONSERVATION AUTHORITY



Spencer McDonald
Land Use Planner
SM/sm

c.c. Dave Hanly, Planner/Agent (via email: ctkelly@rogers.com)
Mark Stone, Planner (via email: mark@mlsplanning.ca)

Enclosure: UTRCA Regulation limit mapping (please print on legal sized paper for the scales to be accurate)



Notes:
825 & 895 Queen St E. St. Marys (B04-06/17)

Created By: SM May 25, 2017

* Please note: Any reference to scale on this map is only appropriate when it is printed landscape on legal-sized (8.5" x 14") paper.



Regulation Limit

Regulation under s.28 of the *Conservation Authorities Act*
Development, interference with wetlands, and alterations to shorelines and watercourses. O.Reg 157/06, 97/04.

Legend

- UTRCA Watershed (1:10K)
- Assessment Parcel (St. Marys)
- Watercourse
 - Open
 - Tiled
- Flooding Hazard
- Erosion Hazard
- Regulation Limit 2015

The Regulation Limit depicted on this map schedule is a representation of O.Reg 157/06 under O.Reg 97/04.

The Regulation Limit is a conservative estimation of the hazard lands within the UTRCA watershed. Depending on the specific characteristics of the hazard land and the land use proposed, the Regulation Limit may be subject to change.

The UTRCA disclaims explicitly any warranty, representation or guarantee as to the content, sequence, accuracy, timeliness, fitness for a particular purpose, merchantability or completeness of any of the data depicted and provided herein.

The UTRCA assumes no liability for any errors, omissions or inaccuracies in the information provided herein and further assumes no liability for any decisions made or actions taken or not taken by any person in reliance upon the information and data furnished hereunder.

This map is not a substitute for professional advice. Please contact UTRCA staff for any changes, updates and amendments to the information provided.

This document is not a Plan of Survey.

Sources: Base data, 2010 Aerial Photography used under licence with the Ontario Ministry of Natural Resources Copyright © Queen's Printer for Ontario; City of London.

UPPER THAMES RIVER
CONSERVATION AUTHORITY
Copyright ©2017 UTRCA.



MEMO

Engineering & Public Works

To: Susan Luckhardt, Secretary-Treasurer,
Committee of Adjustment

Date: June 1, 2017

File: B04-2017

From: Jeff Wolfe

☐ For Your Information

☐ For Your Approval

☐ For Your Review

☒ As Requested

Subject: 825 & 895 Queen Street East Consent to Sever Application – Comments

In reply your circulation on May 24, 2017 regarding the proposed consent to sever, Public Works staff have the following comments:

Water Supply

- As a condition of approval, the two (2) existing dwellings are to be individually connected to the municipal water distribution system.
- Existing water supply wells currently servicing the dwellings are to be decommissioned in accordance with Ontario Regulation 903 once the dwelling units are connected to the municipal water distribution system.

Road Right of Way

- As per section 5 of the Town's Official Plan, roads are classified based on their function in an effort to keep the movement of traffic safe for pedestrians and motorists. Arterial Roads are the major routes in the road network designed to carry high volumes of traffic from one area of Town to another. Arterial Road right of ways are 30m wide. Queen Street East is classified as an Arterial Road, currently with a width of 27 meters and as per section 5.3.7 of the Official Plan, the Town will require 3.0m from the applicant property as future road widening.

Respectfully submitted,

Jeff Wolfe, C.Tech.
Asset Management/Engineering Specialist