



Committee of Adjustment Agenda

Date: Wednesday, August 2, 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 July 19, 2017

Motion:

Second:

**4.0 Application for Consent to Sever: B07-2017 affecting Part Lot 19,
Thames Concession as Part 1 on 44R-2419, 449 Queen Street West, St.
Marys for 619203 Ontario Limited**

5.0 Next Meeting

6.0 Adjournment



Committee of Adjustment Wednesday, July 19, 2017

A meeting of the St. Marys Committee of Adjustment was held on Wednesday, July 19, 2017 at 6:30pm in the Board Room, Municipal Operations Centre, 408 James Street South, St. Marys, Ontario, to discuss the following:

- 1.0 Call to order
- 2.0 Declaration of Pecuniary Interest
- 3.0 Approval of Minutes
Regular Meeting of May 17, 2017
Motion: Second:
Regular Meeting of June 7, 2017
Motion: Second:
- 4.0 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.
- 5.0 Application for Minor Variance: A05-2017 affecting Registered Plan 207, Lot 9 and Part Lot 8 w/s Ontario, 72 Ontario Street South, St. Marys for Alison and Steven Shaw
- 6.0 Other Business
- 7.0 Next Meeting
- 8.0 Adjournment

Present:

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

Regrets:

- Member Clive Slade
- Grant Brouwer, Director of Building and Development

1.0 Call to Order:

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

2.0 Disclosure of Pecuniary Interest:

None noted.

3.0 Approval of Minutes dated May 17, 2017

Motion by: Member W. J. Galloway

Seconded by: Member Steve Ische



That the Minutes dated May 17, 2017 be approved as circulated.
MOTION CARRIED

Approval of Minutes dated June 7, 2017

Motion by: Member W. J. Galloway
Seconded by: Member Steve Ische
That the Minutes dated June 7, 2017 be approved as circulated.
MOTION CARRIED

4.0 Resume Public Hearing B04-2017; B05-2017; B06-2017

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.

Dave Hanly and Janet Baird-Jackson, agents for the application were in attendance.

Planner Mark Stone updated Committee members on the applications stating that the Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) for the property were approved by Council on June 27, 2017. The appeal period for the OPA and the ZBA lapsed July 18, 2017 with no appeals and both amendments are now in full effect.

Chairman Steve Cousins asked Committee members for comments regarding the consent to sever applications.

There were no comments from Committee members.

Chairman Steve Cousins asked members of the Public for comments regarding the consent to sever applications.

There were no comments from members of the Public.

DECISION B04-2017

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

Motion by: Member W. J. 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. B04-2017 from Margaret McMillan Baird 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;
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.

MOTION CARRIED

DECISION B05-2017

Application for Consent to Sever: B05-2017 affecting Part Lot 17, Concession 19, 825 and 895 Queen Street East, St. Marys for Margaret McMillan Baird

Motion by: Member W. J. 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. B05-2017 from Margaret McMillan Baird 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;
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.

MOTION CARRIED

DECISION B06-2017

Application for Consent to Sever: B06-2017 affecting Part Lot 17, Concession 19, 825 and 895 Queen Street East, St. Marys for Bairds of Strathaven Inc.

Motion by: Member W.J. 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. B06-2017 from Bairds of Strathaven Inc. 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;
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.

MOTION CARRIED

5.0 Public Hearing A05-2017

Application for Minor Variance: A05-2017 affecting Registered Plan 207, Lot 9 and Part Lot 8 w/s Ontario, 72 Ontario Street South, St. Marys for Alison and Steven Shaw

Tara Porter, MTH Contracting and Consulting, agent for the application was in attendance.

Mark Stone, Planner provided an overview of the minor variance application which is to seek relief from the maximum lot coverage for accessory buildings and structures and minimum exterior side yard requirements of the Town's Zoning By-law to permit the construction of a two-car detached garage in the rear yard measuring 72.5 square metres in size. In addition the owners are seeking relief from the minimum front yard requirements to allow the reconstruction of an existing non-complying porch at the front of the house. In 2007 a minor variance was granted for relief from exterior side yard requirements to permit the construction of a one-storey addition at the rear of the house.

Mark Stone summarized comments received in response to circulation of the Notice of Public Hearing on July 7, 2017:

Town Finance Department on July 7, 2017

- No comments.

Town Engineering and Public Works Department, July 14, 2017

- The existing and proposed porch is almost entirely located within the sight triangle. The applicant should be required to use building materials for the handrail and spindles that are easy to see through such as the existing wrought iron.
- The proposed setback does not leave sufficient room for a vehicle to park in the new driveway without parking on the municipal road allowance. It is understood that the driveway is not to be used for parking and is only a means of accessing the garage to park vehicles inside the garage.
- The proposed driveway widening requires the removal of an existing cedar tree. As per Public Works policy, the applicant is required to pay for two new trees to be planted in a municipal road allowance

Tara Porter spoke to the application. The new garage will house personal vehicles and items belonging to the property owners and the existing storage shed on the property will be removed. They are wishing to retain a large existing tree in the rear yard and so have moved the garage into the exterior side yard required by the zoning by-law. This will also align the addition with the dwelling along Elgin Street. Tara Porter noted that the minor variance granted in 2007 was for the extent of the house addition only and not for the entire exterior side yard and as such, the owners are now seeking a variance from exterior side yard requirements to permit the construction of the garage closer to the exterior side yard property line than what is permitted under the by-law. Tara Porter stated that the applicants have acknowledged that the driveway to the new garage will not function as parking for the



property; but rather will be intended for movements in and out of the garage. There is another driveway on the property accessed from Ontario Street which will continue to function as parking for the property. Tara Porter stated that the garage although oversized does not increase the lot coverage beyond the permitted maximum for all buildings and structures on the lot. The proposed garage will be located so as to be recessed into the existing vegetation for the property.

Mark Stone provided planning comments regarding the four tests of a minor variance in support of the application.

The variances maintain the general intent and purpose of the Official Plan. The intent and purpose of the Residential designation is to provide for a full range of residential activities and housing forms. In addition, the Official Plan permits uses, buildings, or structures normally incidental, accessory, and essential to permitted uses. Permitting the variances to the Zoning By-law maintains the general intent and purpose of the Official Plan.

The requested variances maintain the general intent and purpose of the By-law. The maximum coverage requirements in the Zoning By-law are intended to ensure that accessory buildings and structures are secondary and subordinate to the principal use on the property (in this case the main residential use and building). The proposed garage will be located in the rear yard of the lot, and the gross floor area of the proposed garage (72.5 m²) is significantly smaller than the gross floor area of the single detached dwelling on the lot (220 m²).

The maximum lot coverage requirement also limits the massing of buildings and overbuilding on a property, and maintains open space on each lot to maintain the character of the area. Although the proposed total lot coverage of all accessory buildings and structures will exceed the 60 square metre maximum requirement by 12.5 square metres, the proposed lot coverage only exceeds the five percent requirement in the By-law by one percent. In addition, the total lot coverage of all buildings on the lot will equate to 22 percent with the new garage, far less than the 35 percent maximum lot coverage requirement for the Residential Zone Three (R3).

The intent of minimum front and exterior side yard setback requirements is to maintain attractive and consistent streetscapes that are appropriate for the neighbourhood. The regulations in Section 5.1.3 of the Zoning By-law are intended, in part, to ensure that no accessory building or structure is located any closer to a front or exterior side lot line than the main building on a lot. The front wall of the proposed garage will be in line with the setback of the existing single detached dwelling from Elgin Street West, and the single detached dwelling on the abutting lot to the west.

The owners are proposing to simply rebuild the non-complying porch at the front of the house that has existed for many years.

Based on the above, the requested variances maintain the general intent and purpose of the Town's Zoning By-law.

The application is "minor" in nature. As noted above, while the proposed total lot coverage of all accessory buildings and structures will exceed the 60 square metre maximum requirement by 12.5 square metres, the lot coverage only exceeds the five percent



requirement by 1 percent. The proposed garage will not have any negative shadowing impacts on adjacent properties and maintenance of the existing hedgerow along the rear (west) property line will provide added buffering.

The minor variance required for the demolition and reconstruction of the existing porch simply recognizes an existing legal non-complying situation.

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. The addition of a garage is consistent with the residential character of the area and represents appropriate development for the subject property. The setback for the proposed garage will be consistent with the setback of the existing house, and buildings on other lots in the area. In addition, the owners state that the reduced setback requirement will allow them to maintain a 100+ year old tree located north of the footprint for the proposed garage. The proposed garage meets all other requirements for accessory structures and buildings including the minimum setback from the rear lot line and the maximum height requirement.

Based on the above, Mark Stone stated that the requested variances will permit development that is desirable and appropriate.

Chairman Steve Cousins asked for questions from Committee members.

Member Steve Ische asked Mark Stone if there are no concerns with the reduced setback for the driveway at the proposed garage. Mark Stone stated that Planning does not have concerns with the reduced setback for the driveway access to the garage as there is another driveway on the property to meet the requirements under the by-law that 2 parking spaces be provided on the property. Any issues around parking on the driveway in front of the proposed garage in future would be addressed through enforcement.

Steve Ische stated he is not in favour of the reduced exterior side yard due to a potential parking issue.

Steve Cousins asked for comments from the members of the Public.

Arlene Callendar, 55 Ontario Street South, provided comments in support of the application as the proposed location of the garage will preserve the existing large tree on the property.

DECISION A05-2017

Application for Minor Variance: A05-2017 affecting Registered Plan 207, Lot 9 and Part Lot 8 w/s Ontario, 72 Ontario Street South, St. Marys for Alison and Steven Shaw

Motion by: Member W. J. Galloway

Seconded by: Member Dr. J. H. Loucks

That the Committee of Adjustment for the Corporation of the Town of St. Marys approve Minor Variance Application No. A05-2017 from Alison and Steven Shaw subject to the following conditions:



1. This approval is granted only to the nature and extent of this application being relief to permit: a detached accessory garage with a minimum exterior side yard setback of 4.06 metres; a maximum total lot coverage for accessory buildings and structures measuring a total of 72.5 m² or 6.0% of the lot area; and the demolition and rebuilding of the existing porch at the front of the house with a minimum setback of 2.94 metres from the front lot line.
2. Required building permit(s) shall be obtained within one (1) year of the Committee's decision.
3. The space for the proposed detached accessory garage shall not be used for home occupation or any other business.
4. The owners are required to use building materials for the porch handrail and spindles that are easy to see through such as the existing wrought iron.
5. As per Public Works policy, the owners are required to pay for two new trees to be planted in a municipal road allowance, as compensation for the removal of one tree in the Elgin Street West road allowance.

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.

6.0 Other Business

None.

7.0 Next Meeting

August 2, 2017 at 6:30 pm.

8.0 Adjournment

Motion by: Member W. J. Galloway

Seconded by: Member Steve Ische

That the meeting adjourn at 7:56 p.m.

MOTION CARRIED

Steve Cousins,
Chairman COA

Susan Luckhardt,
Secretary-Treasurer COA



INFORMATION REPORT

To:	Members of Committee of Adjustment
Prepared by:	Mark Stone, Planner
Date of Report:	28 July 2017
Subject:	Consent to Sever Application (File B07-2017) 619203 Ontario Limited 449 Queen Street West Part of Lot 19, Thames Concession as Part 1 on 44R-2419 Town of St. Marys

RECOMMENDATION

That the Application for Consent to Sever by 619203 Ontario Limited (File No. B07-2017) affecting a parcel of land described as 449 Queen Street West in the Town of St. Marys for the purpose of conveying the rear portion of the property as a lot addition to the lot that abuts the subject property to the east (municipally known as 425 Queen Street East) be APPROVED as the severance proposal conforms to the policies of the Official Plan, subject to the following conditions:

- 1) That 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 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 received 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) 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) That the owner of the subject lands (449 Queen Street West) and the abutting lands to the east (425 Queen Street West) enter into amending site plan agreements with the Town for both properties to recognize the new lot configurations resulting from this Consent to Sever Application; and,

- 9) That the Secretary-Treasurer for Committee of Adjustment be provided with written confirmation that the requirements identified by Festival Hydro in the correspondence dated July 17, 2017 have been satisfied and that an easement agreement between the property owner and Festival Hydro has been registered on title to the satisfaction of Festival Hydro; and further that the Secretary-Treasurer for Committee of Adjustment be provided with a copy of the easement agreement.

BACKGROUND AND SITE CONDITIONS/CHARACTERISTICS

The subject property is located at the west end of the municipality, fronting on the north side of Queen Street West as shown on the General and Specific Location Maps attached to this report. The irregularly shaped subject property is the site of the Downtown Pontiac Buick dealership, with vacant undeveloped land on the rear (northern) portion of the property. The applicant also owns the abutting property to the east (425 Queen Street West), where the AllRoads Dodge Chrysler Jeep Limited dealership is located.

The applicant has applied to sever the undeveloped rear portion of the subject property measuring approximately 1.16 hectares in size, having dimensions of approximately 102.8 metres (average width) by 107.9 metres (average depth) for the purpose of conveying those lands as a lot addition to the rear of the AllRoads Dodge Chrysler Jeep Limited property.

The Specific Location Map shows the proposed land to be severed, the land to which the severed parcel is to be added and the retained land. Table 1 provides a summary of the sizes of the proposed new lots.

Table 1: Sizes of Proposed New Lots

	Downtown Pontiac Buick (449 Queen Street West)	AllRoads Dodge Chrysler Jeep (425 Queen Street West)
Lot Area	1.07 ha	2.17 ha

SURROUNDING LAND USES

North:	Grand Trunk Trail and agricultural lands
South:	Queen Street West and low density residential
East:	Napa Auto Parts and low density residential
West:	Veterinary Purchasing

PLANNING CONTEXT

Provincial Policy Statement

The Application for Consent to Sever was considered in the context of the Provincial Policy Statement (PPS). If approved, the proposed consent 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 property and other lands owned by the applicant (at 425 Queen Street West) 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.

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 property (449 Queen Street West) is zoned Highway Commercial Zone (C3). The Highway Commercial Zone permits a wide range of commercial, service and recreational uses. The property to the east (425 Queen Street West) is zoned Highway Commercial Zone (C3-2). The "-2" signifies that there are special provisions that apply to this property. These special provisions permit a hardware/automotive type merchandise store and a supermarket as additional permitted uses and sets a maximum gross floor area requirement for these additional permitted uses.

The sizes and dimensions of the proposed new lots will comply with the provisions of the Zoning By-law.

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 consent, 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
Festival Hydro	July 17, 2017	<ul style="list-style-type: none"> Underground primary duct bank crosses the lands proposed to be severed Festival Hydro will require an easement for the duct bank and the transformer installation
Town Finance Department	July 18, 2017	<ul style="list-style-type: none"> No issues
Bell Canada	July 25, 2017	<ul style="list-style-type: none"> No concerns or objections
Town Building and Development Department	July 25, 2017	<ul style="list-style-type: none"> Both properties (449 and 425 Queen Street West) are subject to site plan agreements The Town will require amendments to each site plan agreement to reflect the new landholdings

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 dealership uses and any future highway commercial uses.

Land Use Compatibility

Although the Application proposes to change the size and configuration of the two properties, there is no proposal to change the current use of these lands (i.e. dealerships and vacant land) and therefore, there are no land use compatibility concerns. However, any future proposed development on either property will be subject to required review and approvals under the Planning Act, to address a wide range of considerations including land use compatibility.

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

The proposed consent will not result in undersized lots, is for convenience purposes, and involves the minimum amount of land.

ATTACHMENTS

- 1) Application for Consent to Sever
- 2) Notice of Public Hearing
- 3) General Location Map
- 4) Specific Location Map
- 5) Correspondence

CONCLUSION

The proposed Consent conforms with the policies of the Official Plan and on this basis, it is recommended that the Committee approved the Application for Consent to Sever subject to the following conditions:

- 1) That 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 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 received 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) 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) That the owner of the subject lands (449 Queen Street West) and the abutting lands to the east (425 Queen Street West) enter into amending site plan agreements with the Town for both properties to recognize the new lot configurations resulting from this Consent to Sever Application; and,
- 9) That the Secretary-Treasurer for Committee of Adjustment be provided with written confirmation that the requirements identified by Festival Hydro in the correspondence dated July 17, 2017 have been satisfied and that an easement agreement between the property owner and Festival Hydro has been registered on title to the satisfaction of Festival Hydro; and further that the Secretary-Treasurer for Committee of Adjustment be provided with a copy of the easement agreement.

Respectfully submitted,



Mark Stone,
Planner

Town of St. Marys Application for Consent

A report presented to



The Town of St. Marys

By

619203 Ontario Limited

June 9, 2017

1. Executive Summary

619203 Ontario Limited is the owner of land upon which two franchised automotive dealerships reside. These dealerships are Downtown Pontiac Buick (1983) Limited, "Downtown" and AllRoads Dodge Chrysler Jeep Limited, "AllRoads".

Both dealerships operate an efficient business with two of the top automotive franchisors, namely General Motors Car Company, "GM" and Fiat Chrysler Automotive, "FCA", both being in the top 3 in Canadian new vehicle sales.

The two dealerships reside on developed land.

There is also a large portion of land undeveloped and approximately 2.5 acres in size.

In 2007 and 2008, the Canadian economy met some challenging times. Both GM and FCA had to seek out financing from the Canadian Government. Both were successful in doing so.

What was different about the franchisors approach related to brands and dealerships. GM cancelled in excess of 200 Canadian automotive dealerships and cut the Pontiac, Saturn, Saab and Hummer Brands. FCA cancelled no dealerships and maintained all brands.

Since the 2007-2008 time frame, GM has insisted on expensive upgrades to existing buildings while FCA has not.

Further, GM has discontinued or plans to discontinue operations in 5 countries, the most important being South Africa, Russia, India and Germany.

FCA have since added dealerships and expanded brands and are clearly on an expansion mode. GM is on a contraction mode.

2. 619203 overview

a) Business purpose

619203 wants the undeveloped land to be connected to the franchise property that is in an expansion mode and does not insist on costly upgrades that have little or no benefit to consumers nor the municipalities in which they reside.

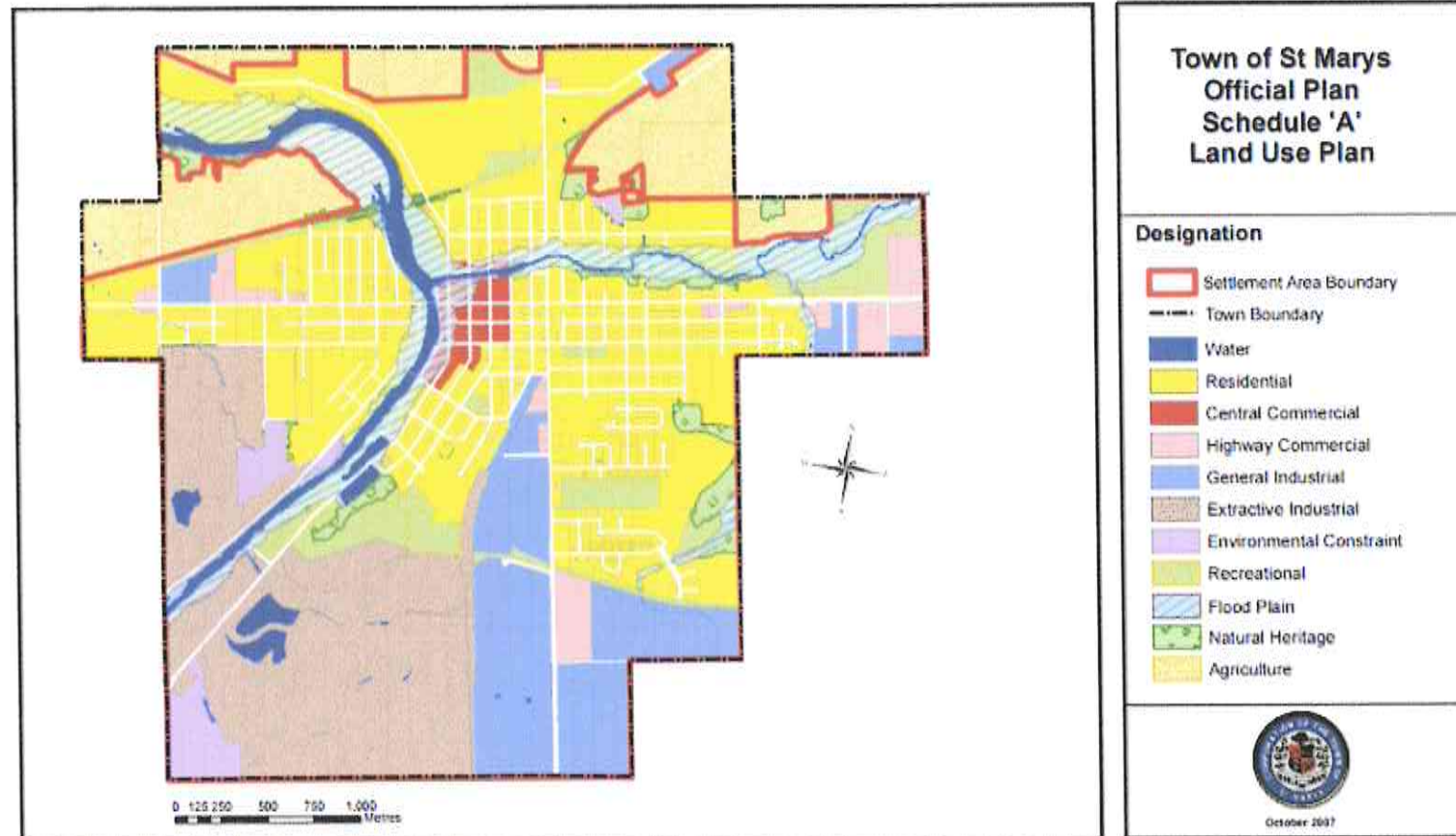
619203 wishes to sever the undeveloped portion of the land, currently connected to the Downtown developed land, and then add it to the existing AllRoads developed land.

b. 619203 Ontario Limited history

619203 Ontario acquired the land upon which Downtown is located as well as the undeveloped land from Downtown GM on or about 1996. This transfer of land was completed based on a suggestion from Paul Sullivan, then with GM. Paul suggested that a dealership operating company should be separate from the real estate. Thus Downtown sold the property to 619203 Ontario Limited.

c. Goals

- (i) to sever the undeveloped portion of the land
- (ii) to attach the undeveloped portion of land to the developed portion of land upon which AllRoads resides
- (iii) to have two better defined land areas, one for Downtown, one for AllRoads
- (iv) to retain, in the short and long term, most of the topographic features (OP 4.1.1.7)
- (v) to not expend energy in the process of the severance (OP 4.1.1.11)
- (vi) to provide a sketch to the committee of adjustment (OP 4.2.1.1)
- (vii) to maintain, in the short term, the land use as undeveloped (OP 4.2.1.2)
- (viii) to attach the land to AllRoads property thus meeting the need for public road access (OP 4.2.1.4)
- (ix) to maintain compatibility with neighbouring land by making no immediate changes to the undeveloped land (OP 4.2.1.9)
- (x) to meet all conditions of consent (OP 4.2.1.11)



G:\GIS\ArcView\GIS\Projects\Planning\StMarys\OP\2007-10-01_SCHEDULE A_Rv02.mxd



Corporation of the
the Town of St. Marys

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

RECEIVED

JUN 23 2017

File No. BD7-2017

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)	619203 ONTARIO LIMITED	Home Telephone No.	519 284 2677	Business Telephone No.	519 284 3310
Address	Box 1197 ST. MARYS ON	Postal Code	N4X 1B7	Fax No.	519 284 3160

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)	CHRIS WEST	Home Telephone No.	519 284 2677	Business Telephone No.	519 284 3310
Address	Box 786 41 PELISSIER ST ST. MARYS ON	Postal Code	N4X 1B5	Fax No.	519 284 3160

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

Street No.	449	Name of Street/Road	WEN ST W	Registered Plan No.	44R-2278	Lot(s)/Block(s)	
Reference Plan No.	44R-2419	Part Number(s)	1	Concession Number(s)	CONC THAMES	Lot Number(s)	PART LOT 19
Lot Frontage		Average Width	332'	Average Depth	338'	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

BDC

➤ 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.

POSSIBLY PUC IF FURNACE HYDRO RE CONNECTION TO TRANSFORMER

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

➤ 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:

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

ATTACHING LAND TO ALLAN'S DODGE

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

619203 ONTARIO LIMITED

Relationship to owner:

SAME

➤ 3.2 Description of land:

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

To be retained:
Description
Frontage
Average Width
Depth
Area

Frontage	332	332	
Average Width			
Depth	338		
Area			

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

To be severed:

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

Explanation: VACANT LAND

To be retained:

	Existing	Proposed
Urban Residential	<input type="checkbox"/>	<input type="checkbox"/>
Rural Residential	<input type="checkbox"/>	<input type="checkbox"/>
Commercial	<input checked="" type="checkbox"/>	<input checked="" 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: DOWNOWN GEM AUTO DETAILING OPERATION CONTINUES

➤ 4.0 Proposed and Current Land Use

➤ 4.1 What is the proposed use of the subject land?

VACANT LAND

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

VACANT LAND.

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

HIGHWAY COMMERCIAL C3

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

HIGHWAY COMMERCIAL C3

➤ 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			4.5.5 Height		
4.5.2 Rear Yard	<u>N/A</u>	<u>N/A</u>	3.5.6 Dimensions	<u>N/A</u>	<u>N/A</u>
4.5.3 Side Yard			4.5.7 Gross Floor Area		
4.5.4 Side Yard			4.5.8 Date Constructed		

➤ 5.0 Previous Industrial or Commercial Uses

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

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? KNOWLEDGE OF PRIOR USE VIA PRIOR TENANT TO PROPERTY.

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

➤ 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.

➤ 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	<u>Y</u>	<u>Y</u>	a) Public piped water system	<u>Y</u>	<u>Y</u>
b) Public or private communal septic	<u>N</u>	<u>N</u>	b) Public or private communal well(s)	<u>N</u>	<u>N</u>
c) Individual septic system(s)	<u>N</u>	<u>N</u>	c) Individual well(s)	<u>N</u>	<u>N</u>
d) Other	<u>N</u>	<u>N</u>	d) Other	<u>N</u>	<u>N</u>
Storm Drainage	Existing	Proposed	Road Access	Existing	Proposed
a) Sewers	<u>Y</u>	<u>Y</u>	a) Arterial Road	<u>Y</u>	<u>Y</u>
b) Ditches or swales	<u>Y</u>	<u>N</u>	b) Collector Road	<u>N</u>	<u>N</u>
c) Other	<u>N</u>	<u>N</u>	c) Local Road	<u>N</u>	<u>N</u>

➤ 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	✓		_____ 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		✓		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		✓	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)

VACANT LAND HAS NOT BEEN INCOMPATIBLE
WITH SURROUNDING LAND USES FOR THE TERM
OWNED BY DOWNSIDE PONTIAC BRIDGE (1983) LIMITED AND
619203 ONTARIO LIMITED

10.0 Other Information (attach an additional page if necessary)

SEE ATTACHED.

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, CHRIS WEST of the TOWN OF ST. MARYS in the County/Region of PERTH.

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 TOWN OF ST. MARYS in the County/Region of PERTH.

this 23rd day of JUNE, 2017.

Commissioner of Oaths

Applicant

I HAVE AUTHORITY TO
SIGN THE
COMPLETION

➤ 13.0 Authorization of Owner for Agent to Make the Application

I (we), _____ of the _____ in the County/Region of _____
am the owner of the land that is the subject of this application for a Minor Variance/ Permission and I (we) hereby authorize
_____ to act as my (our) agent in the application.

Date _____

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.

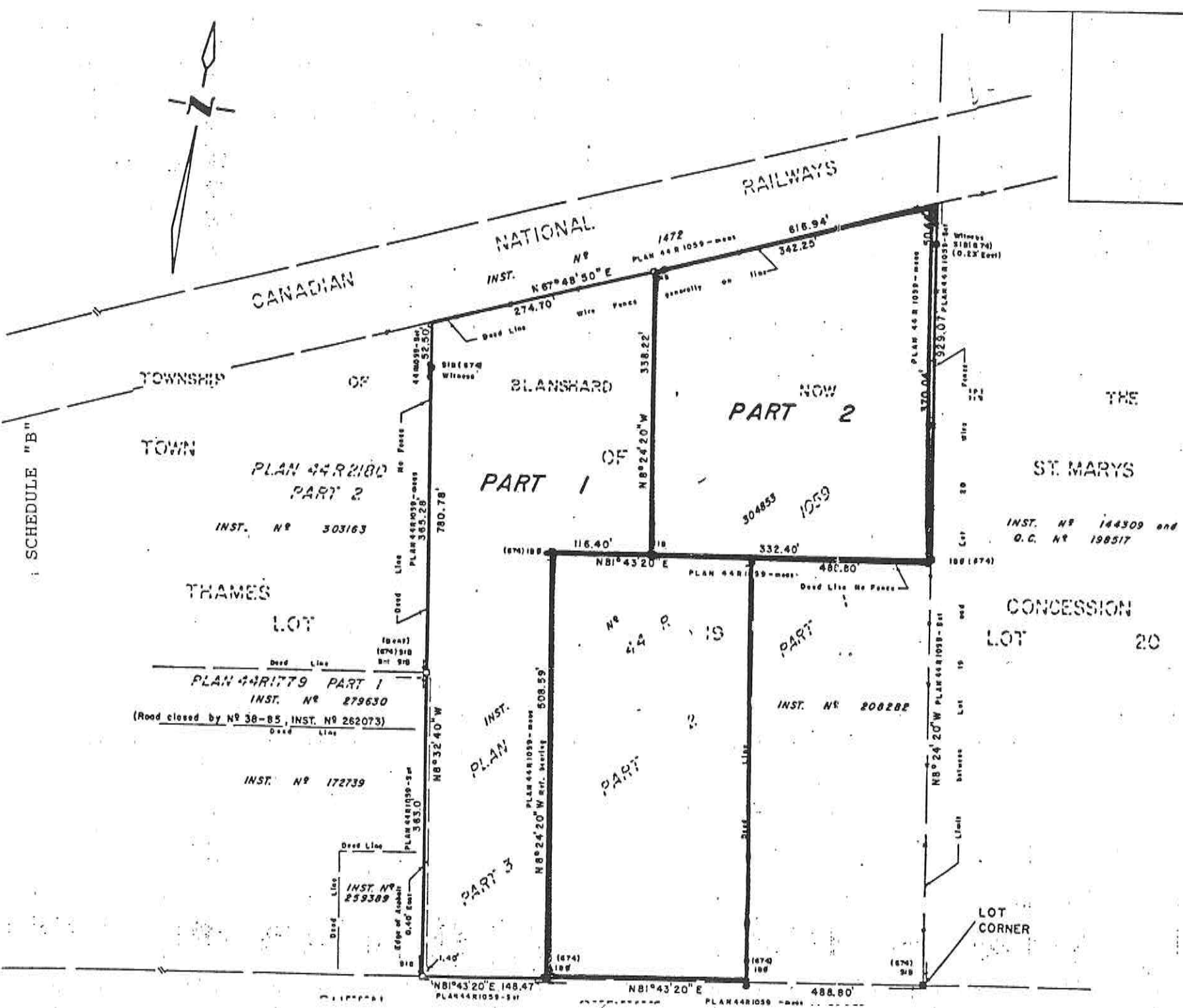
Dated at the Town of St. Marys ON

in the County/Region of PERTH

this 23rd day of June, 2017.

[Signature]
Applicant

I HAVE NOTICED
TO LIMIT THE
CORPORATION.



I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE REGISTRY ACT.

DATE: 12. 13th 1990

P.G. MORETON
P.G. MORETON, O.L.S., C.L.S.

PLAN 44R-2278
RECEIVED AND DEPOSITED

DATE: 13 March 19

George E. Pa
LAND REGISTRAR FOR
REGISTRY DIVISION OF PE
(N 44)

PART		SCHEDULE	
PART	LOT	CONCESSION	MUNICIPALITY
1	19	THAMES	Township of Blanshard, now in the TOWN OF ST. MARYS
2			

PLAN OF SURVEY
OF PART OF
LOT 19, THAMES CONCESSION
Township of Blanshard, now in the
TOWN OF ST. MARYS
COUNTY OF PERTH
SCALE: 1" = 100'
1990
ARCHIBALD, GRAY & MCKAY LTD.
ONTARIO LAND SURVEYORS

NOTE:
BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE WEST LINE PART 2, PLAN 44R1059 HAVING A BEARING OF N 8° 24' 20" W.

■ DENOTES FOUND MONUMENTATION
□ DENOTES PLANTED MONUMENTATION
SIB DENOTES 1" Sq. STANDARD IRON BAR
1B DENOTES 5/8" Sq. IRON BAR
1B# DENOTES 3/4" Dia. IRON BAR
(674) DENOTES F.J.S. PEARCE, O.L.S.

CAUTION: THIS PLAN IS NOT A PLAN OF SUBDIVISION WITHIN THE MEANING OF THE PLANNING ACT.

SURVEYOR'S CERTIFICATE:

I CERTIFY THAT:

1) THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE REGISTRY ACT AND THE REGULATION MADE THEREUNDER.

2) THE SURVEY WAS COMPLETED ON THE 5th DAY OF MARCH, 1990.

MARCH 6, 1990.

P.G. MORETON
P.G. MORETON
ONTARIO LAND SURVEYOR



COMMITTEE OF ADJUSTMENT

NOTICE OF PUBLIC HEARING

Please note that this Public Hearing was originally scheduled for July 19, 2017; and had been cancelled due to an error in the Town's Notice of Public Hearing. The Public Hearing has been rescheduled for Wednesday, August 2, 2017 at 6:30 pm as per the Notice information below.

Date: July 18, 2017

File No: B07-2017

Agent: Chris West

Owner: 619203 Ontario Limited

Legal Description of Property: 449 Queen Street West
Part of Lot 19, Thames Concession
as Part 1 on 44R-2419
St. Marys, Ontario

The Committee of Adjustment for the Separated Town of St. Marys will hold a public hearing on **Wednesday, August 2, 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:

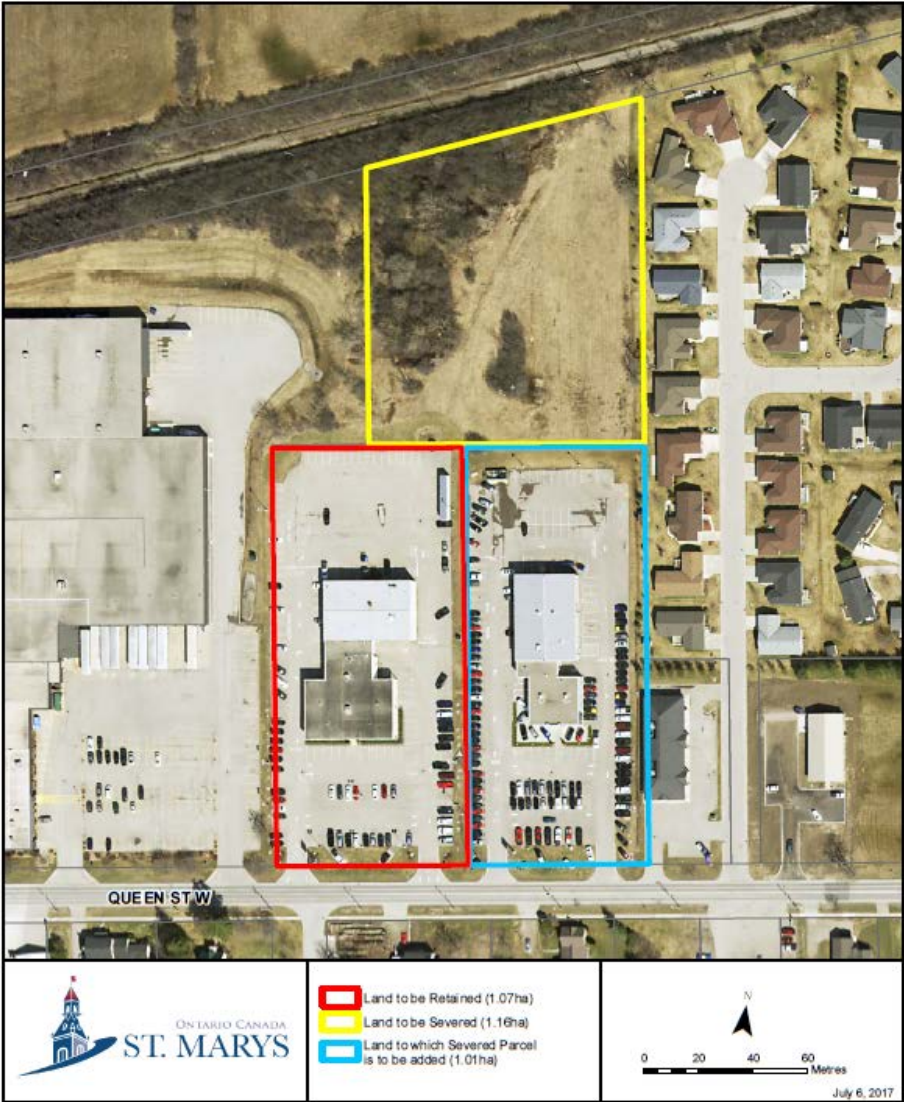
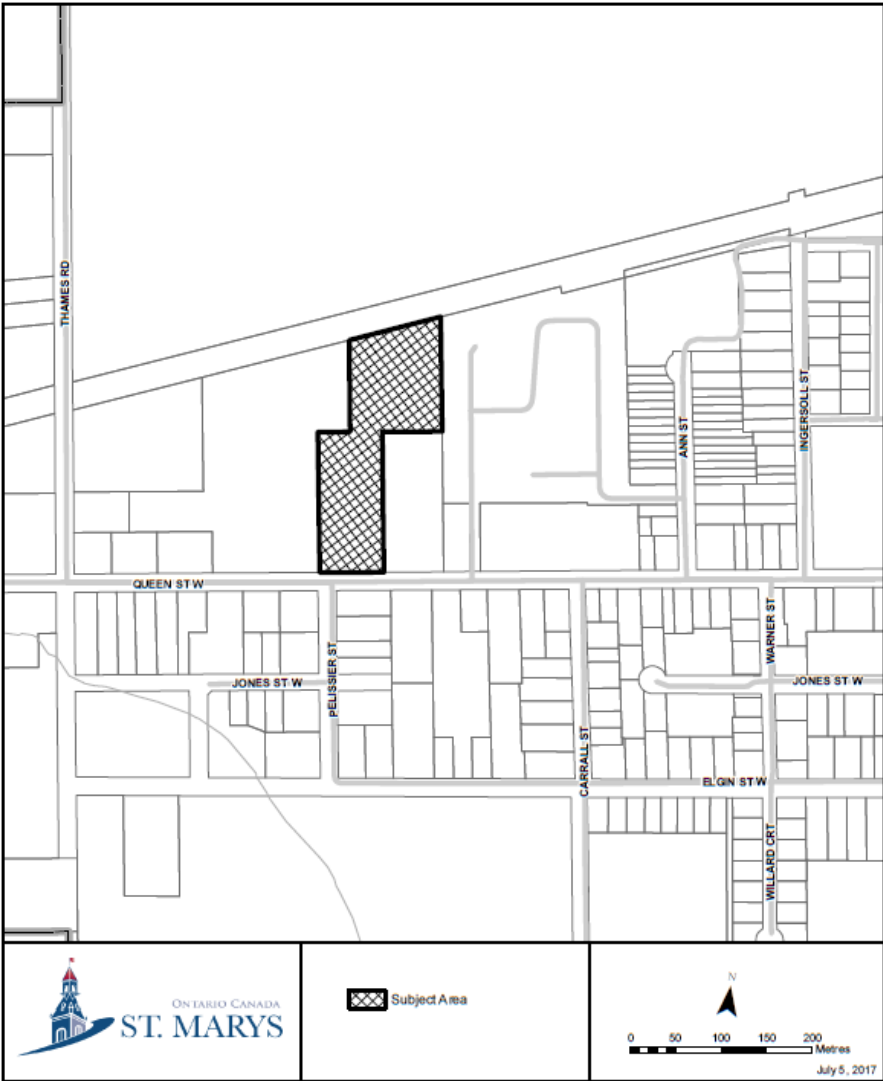
The subject property is designated "Highway Commercial" in the Town's Official Plan and zoned "Highway Commercial Zone – C3" in the Zoning By-law Z1-1997, as amended.

The irregularly shaped subject property is the site of the Downtown Pontiac Buick dealership, with vacant undeveloped land on the rear (northern) portion of the property. The proponent has applied to sever the undeveloped rear portion of the lands measuring approximately 1.16 hectares in size, having dimensions of approximately 102.8 metres (average width) by 107.9 metres (average depth) for the purpose of conveying those lands as a lot addition to the rear of the property to the east (425 Queen Street West) also owned by 619203 Ontario Limited.

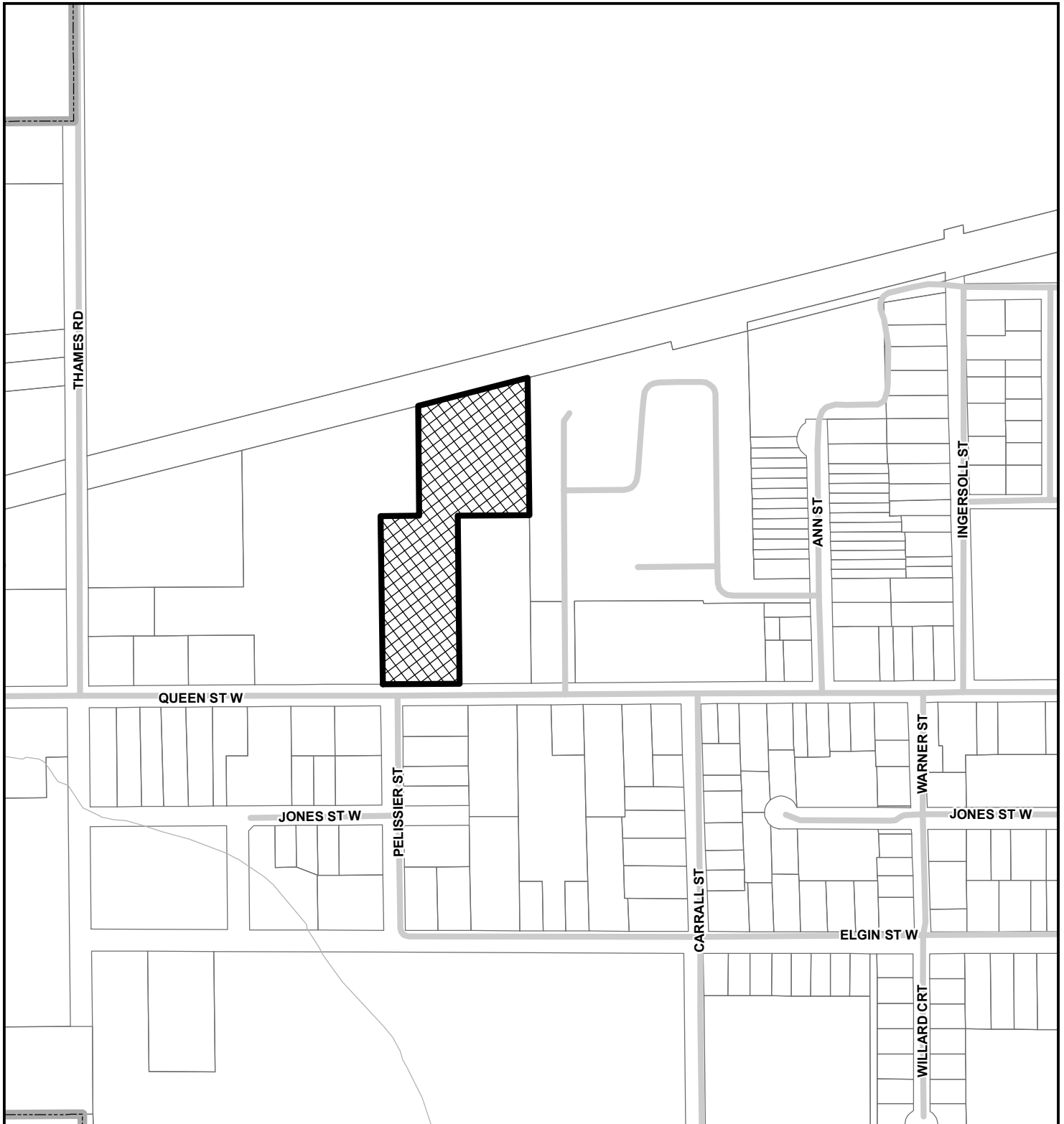
*** See the other side of this notice for a map showing the location of the subject property and a sketch showing the proposed severance.

Oral or written submissions will be received at the Public Hearing; but this office would appreciate receiving written submissions by July 26, 2017 so they may be included with the Committee's information package.

TOWN OF ST. MARYS | BUILDING & DEVELOPMENT
Municipal Operations Centre, 408 James St. S., P.O. Box 998, St. Marys, ON. N4X 1B6



**General Location Map
Town of St. Marys
449 Queen Street West
Part of Lot 19, Thames Concession**



ONTARIO CANADA
ST. MARYS



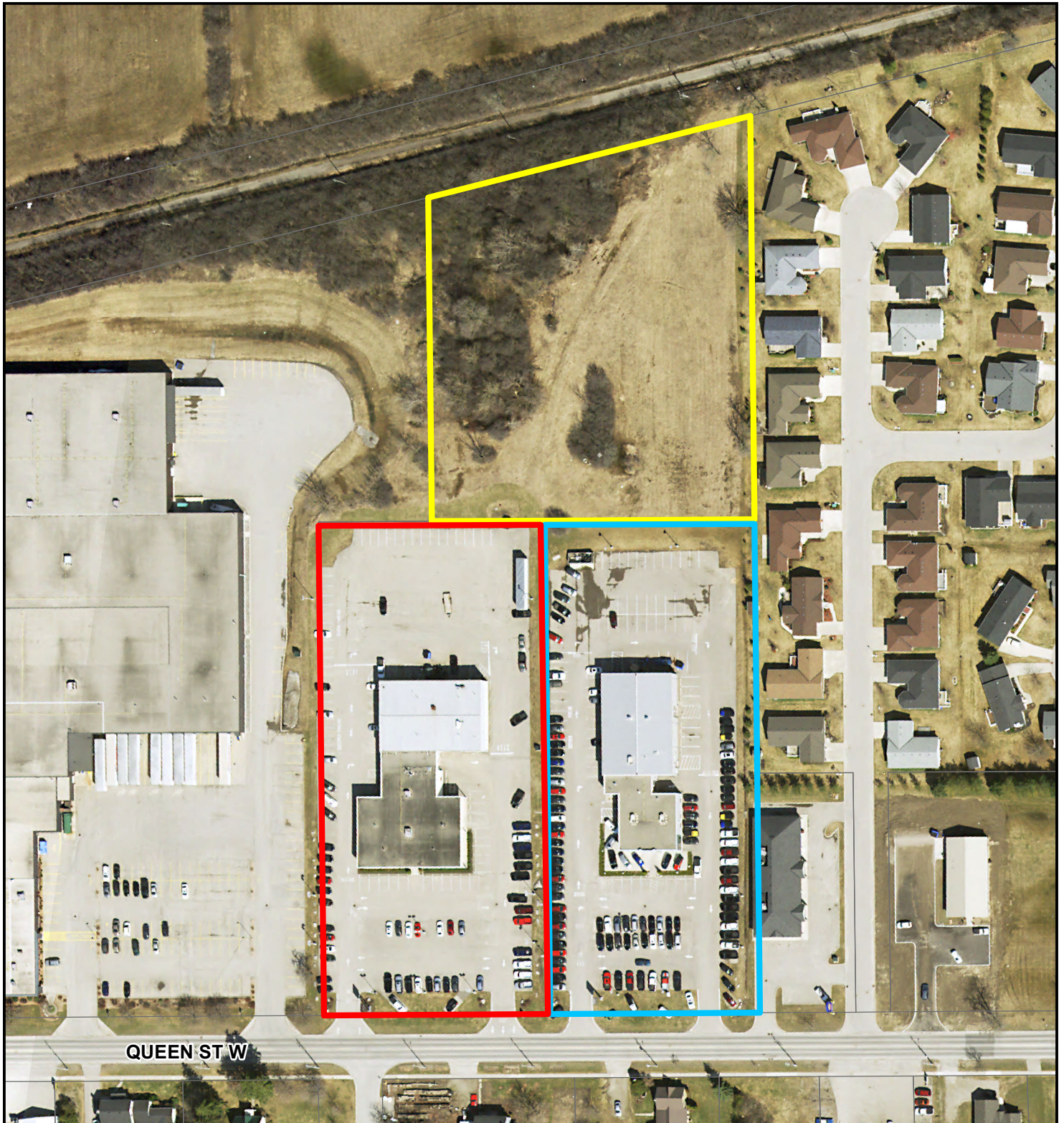
Subject Area



0 50 100 150 200
Metres

July 5, 2017

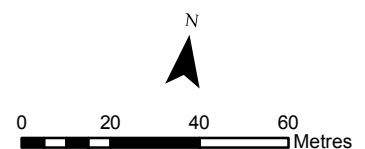
Town of St. Marys
449 Queen Street West
Part of Lot 19, Thames Concession



QUEEN ST W



- Land to be Retained (1.07ha)
- Land to be Severed (1.16ha)
- Land to which Severed Parcel is to be added (1.01ha)



July 6, 2017

From: Doug Eckel
To: [Susan Luckhardt](#)
Subject: Consent To Sever Application 449 Queen Street West
Date: Monday, July 17, 2017 1:17:54 PM
Attachments: [Committee Of Adjustment Application .pdf](#)
[Scanned from Engineering-Xerox7835.pdf](#)

Hi Susan

As per our phone conversation attached is a markup drawing showing the approximate location of the underground primary duct bank crossing the proposed severed land. If this parcel of land is severed off Festival Hydro will require an easement for the duct bank and the transformer installation as the infrastructure installed will cross over 2 separate parcels of land.

Regards,

Doug Eckel
Engineering Manager
Festival Hydro Inc.
Phone (519) 271-4703 Ext. 246
Cell (519) 272-3377
Fax (519) 271-7204

COMMITTEE OF ADJUSTMENT
NOTICE OF PUBLIC HEARING



Date: July 7, 2017
File No: B07-2017
Agent: Chris West
Owner: 619203 Ontario Limited
Legal Description of Property: 449 Queen Street West
Part of Lot 19, Thames Concession
St. Marys, Ontario

The Committee of Adjustment for the Separated Town of St. Marys will hold a public hearing on **Wednesday, July 19, 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.

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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.

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Susan Luckhardt, Secretary-Treasurer
Committee of Adjustment

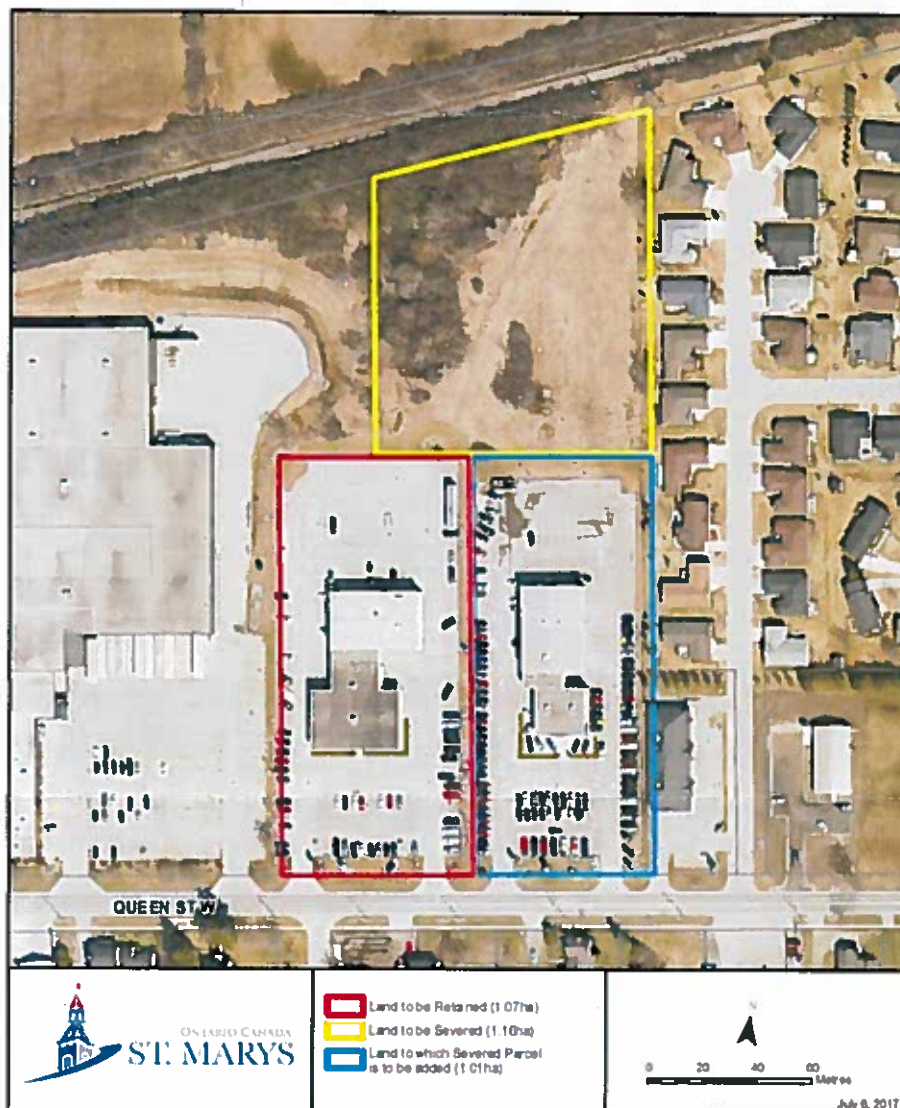
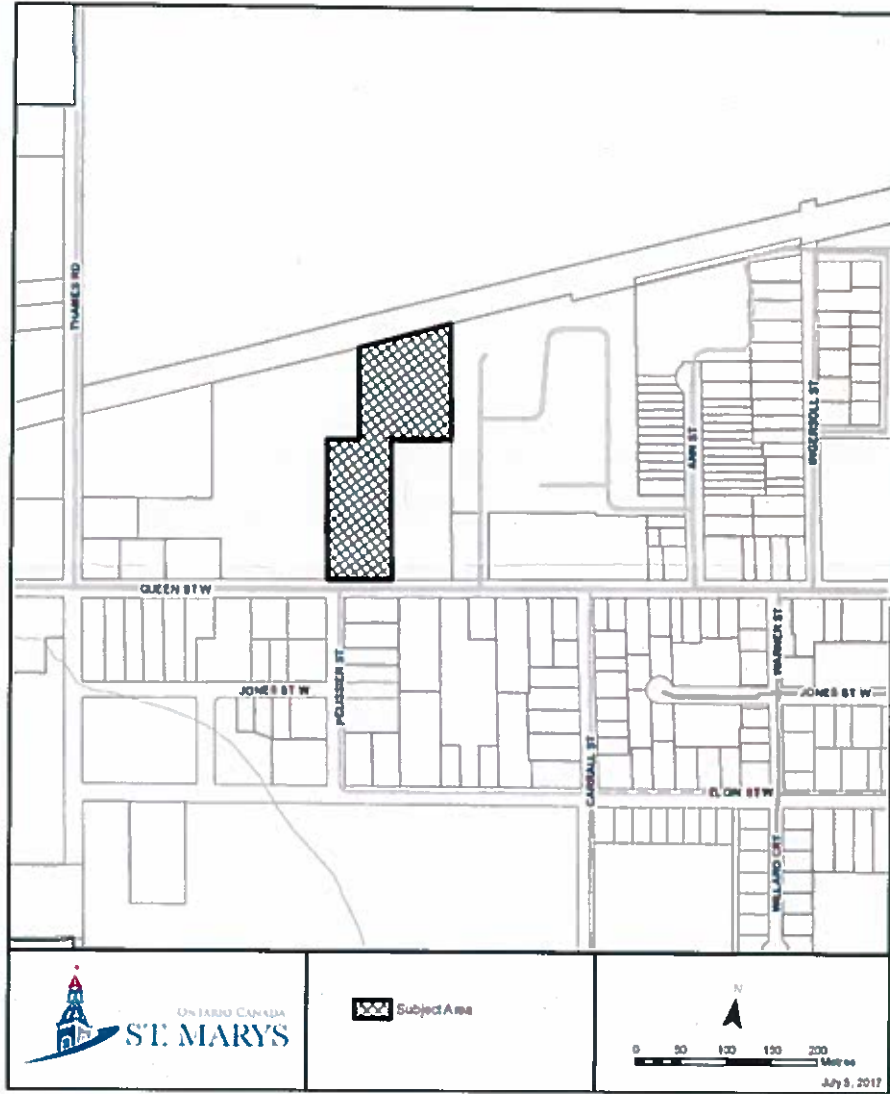
SUMMARY OF APPLICATIONS:

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

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******* See the other side of this notice for a map showing the location of the subject property and a sketch showing the proposed severance.

Oral or written submissions will be received at the Public Hearing; but this office would appreciate receiving written submissions by July 13, 2017 so they may be included with the Committee's information package.



Google Maps

PRIMARY DUCT BANK



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TRANSFORMER LOCATION



TOWN OF ST. MARYS

CONSENT TO SEVER:	B07-2017
PROPERTY:	449 Queen Street West
DATE OF HEARING:	August 2, 2017
OUTSTANDING TAXES:	\$ Nil

INFORMATION SUBMITTED BY: Christine Brine, Tax Department

ON This 18th day of July, 2017.

From: McCartney, Mary
To: [Susan Luckhardt](#)
Subject: 519-17-489 - Application for Consent - B07-2017
Date: Tuesday, July 25, 2017 9:41:25 AM

Good morning Susan,

Re File No: B07-2017

Agents: Chris West

Owners: 619203 Ontario Limited

Legal Description of Property: 449 Queen St West
Part of Lot 19, Thames Concession
St. Marys, Ontario

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



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

Date: July 25, 2017

File: B07-2017

From: Grant Brouwer

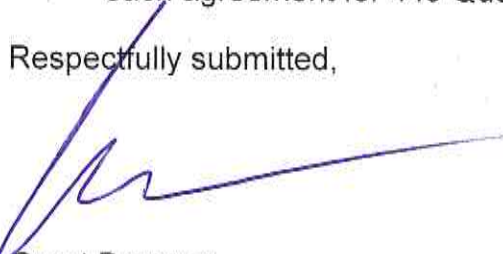
- ☐ For Your Information
☐ For Your Approval
☐ For Your Review
☒ As Requested

Subject: B07-2017 449 Queen Street West Consent to Sever Application

In reply your circulation on July 18, 2017 regarding the proposed consent to sever for 449 Queen Street West, Building and Development staff have the following comments:

1. The property at 449 Queen Street West is subject to a site plan agreement dated July 13, 1993, between the property owner and the Town of St. Marys.
2. The property at 425 Queen Street West is subject to a site plan agreement dated May 23, 2007 between the property owner and the Town of St. Marys.
3. As a condition of severance approval, the Town will require that each of the site plan agreements named above be amended to reflect the land parcels subject to each agreement for 449 Queen Street West and 425 Queen Street West.

Respectfully submitted,



Grant Brouwer,
Director of Building and Development