



COMMITTEE OF ADJUSTMENT NOTICE OF DECISION

IN THE MATTERS of Section 53(1) of the Planning Act, R.S.O. 1990 and
Application for Consent (File No. B02-2020) described below.

Notice of Decision Issued: July 15, 2021
File No. B02-2020
Property Owners: Tom and Wilma Dill
Address / Legal Description: 279 Elizabeth Street, Part Lot 1, Block 1, Plan 250 St. Marys; Part Lot 2, Block 1 Plan 250 St. Marys; Part Lot 3 Block 1 Plan 250 St. Marys as in STM21007; St. Marys

Summary of Application

The 548.55 m² Subject Property is located at the southeast corner of James Street South and Elizabeth Street. The Subject Property is designated Residential in the Town's Official Plan and zoned "Residential Zone Three (R3)" in Zoning By-law Z1-1997, as amended.

There is an existing single detached dwelling, and garden shed on the Subject Property, and the Owner has applied for a consent to divide the Subject Property into two parcels as shown on the Severance Sketch provided with this Notice and summarized in the following chart:

	Size (m ²)	Frontage (m)	Depth (m)
Severed Lot	548.55	+/- 15	+/- 36.57
Retained Lot	1,123.43	+/- 30.72	+/- 36.57

Decision

The Committee of Adjustment considered all written submissions made to the Committee before its decision and oral submission made at the hearing. Having regard to 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 William Galloway
Seconded by Paul King

THAT the Application for Consent to Sever by T. and W. Dill (Application B02-2020) affecting a parcel of land municipally known as 279 Elizabeth Street, in the Town of St. Marys for the purpose of severing a lot into two lots be **APPROVED** as the severance proposal conforms to the policies of the Official Plan, 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 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. Pay 5 per cent of the value of land as cash-in-lieu-of parkland pursuant to Section 51 of the Planning Act;

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

4. Approval of an Application for Minor Variance for the severed and/or retained parcel, as required, to the satisfaction of the Town;
5. To make payment to the Town for one boulevard hardwood tree for each lot as per the Town's tree planting policy;
6. The Committee must 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 received from the solicitor that the Certificate of the Official will be scanned and attached to the electronic registration of the Transfer;
8. That the owner prepares a Reference Plan to the satisfaction of the Town of St. Marys Engineering and Public Works Department showing a 5.0 metre road allowance parallel to James Street South for the extent of James Street South frontage of 279 Elizabeth Street to be conveyed to the Town; and further, those lands identified on the Reference Plan as the 5.0 metre road allowance be conveyed to the Town of St. Marys; and,
9. Prior to final approval, the Towners shall enter into a registered development agreement, for the severed and retained lands, with the Town of St. Marys to secure the following noise warning clause: "Warning: Canadian National Railway Company or its assigns or successors in interest has or have a right-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.
10. That the Owners address the recommendation by CN Rail that any driveway to be established on the proposed severed lot be located as close to the retained lot as possible and be restricted in width to limit the driveway to a single car access, to the satisfaction of the Town.

Carried

I, hereby, certify that this is the decision of the Committee of Adjustment with respect to File No. B02-2020 with its following members in attendance: Member Steve Cousins; Member William Galloway; Member Stephen Glover; and Member Paul King.

Date of Decision: July 7, 2021

Last Date of Appeal: August 4, 2021

This decision or any condition therein may be appealed to the Local Planning Appeal Tribunal in accordance with Section 53(19) of the Planning Act, R.S.O. 1990. A notice of appeal setting out the written reasons for the appeal, must include a completed Local Planning Appeal Tribunal Appeal Form and the appeal fee of \$400.00 for each application appealed, paid by certified cheque or money order made payable to the Minister of Finance. Local Planning Appeal Tribunal Appeal Forms can be obtained at www.olt.gov.on.ca and should be received on or before **August 4, 2021** by the Secretary Treasurer, Committee of Adjustment, 408 James Street South, P.O. Box 998, St. Marys, Ontario N4X 1B6. Although the Municipal Operations Centre (MOC) building is closed until further notice due to the COVID-19 Pandemic, submissions are still be received at the MOC via in person, regular mail or courier.

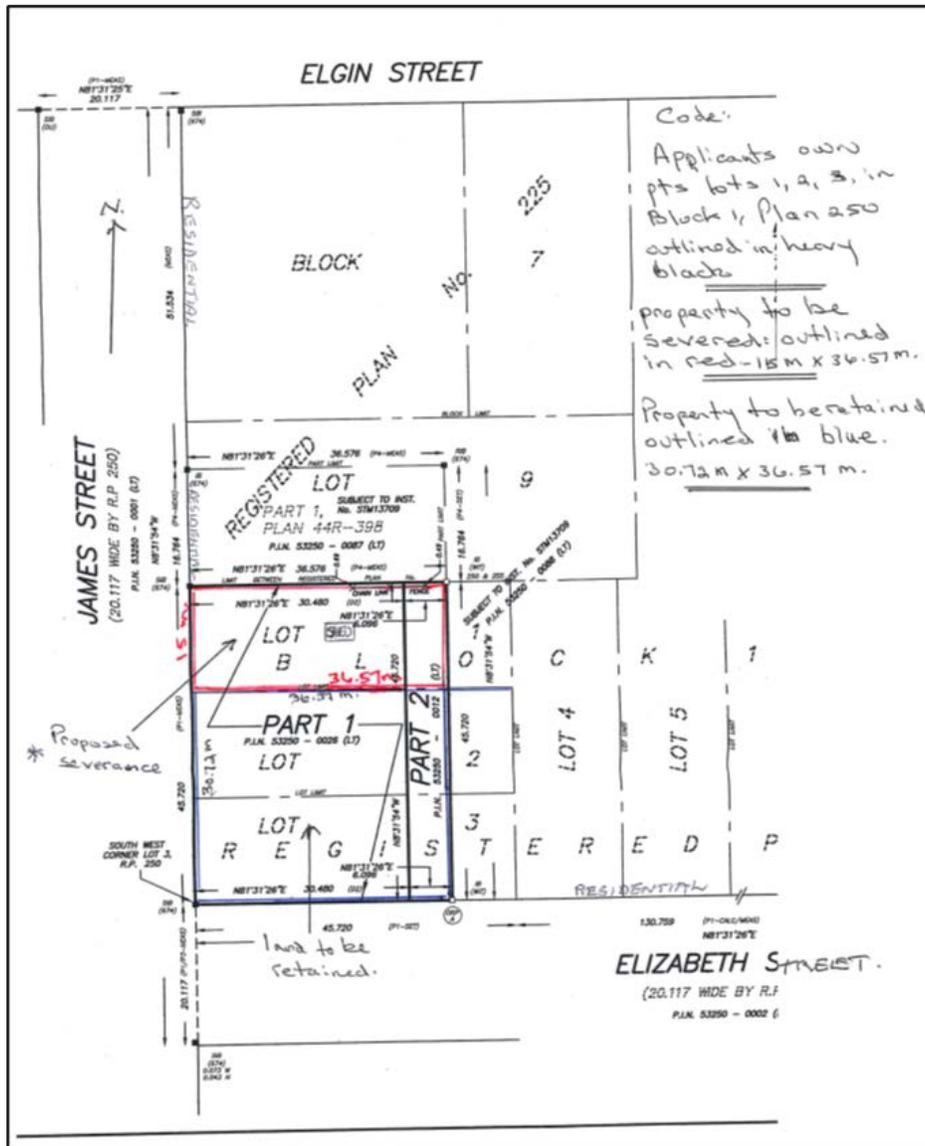
TOWN OF ST. MARYS | BUILDING & DEVELOPMENT
Municipal Operations Centre, 408 James St. S., PO Box 998, St. Marys ON N4X 1B6

Phone: 519-284-2340, ext. 215 | Fax: 519-284-0902
gbrouwer@town.stmarys.on.ca | www.townostmarys.com

Should you have any questions or require further information regarding this application, please contact the undersigned.



Grant Brouwer
Secretary-Treasurer



TOWN OF ST. MARYS | BUILDING & DEVELOPMENT

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

Phone: 519-284-2340, ext. 215 | Fax: 519-284-0902
gbrouwer@town.stmarys.on.ca | www.townstmarys.com