

COMMITTEE OF ADJUSTMENT NOTICE OF DECISION

IN THE MATTERS of Sections 45 (1&2), 50(1) and 53 of the Planning Act, R.S.O. 1990 and Applications for Minor Variance and Consent (File Nos. B03-2024 and A06-2024) described below.

File No: B03-2024 and A06-2024
Property Addresses: 72 Carrall Street
Property Owner: K. Deneve

Summary of Applications

The approximately 1,645 m² subject property is located at the northwest corner of Carrall Street and Elgin Street, as shown on the general location map. The Site is designated Residential according to Schedule 'A' of the Town of St. Marys Official Plan and zoned Residential Zone (R2) in the Town of St. Marys Zoning By-law.

There is an existing single detached dwelling on the property with two existing driveways.

Purpose and Effect of the Consent and Minor Variance Applications

The Property Owner has applied for a consent to divide the property into two lots. The following chart describes the characteristics of the proposed lots:

	Frontage (m)	Size (m ²)
Retained Lot	~ 30.2	~ 1086.5
Severed Lot	~ 18.7	~ 558.6

The applicant is proposing to construct a single detached dwelling on the proposed severed lot with two driveway accesses to Elgin Street. A copy of the severance/site sketch is attached to this notice.

The purpose and effect of the Minor Variance Application is to seek approval for the proposed severed lot to:

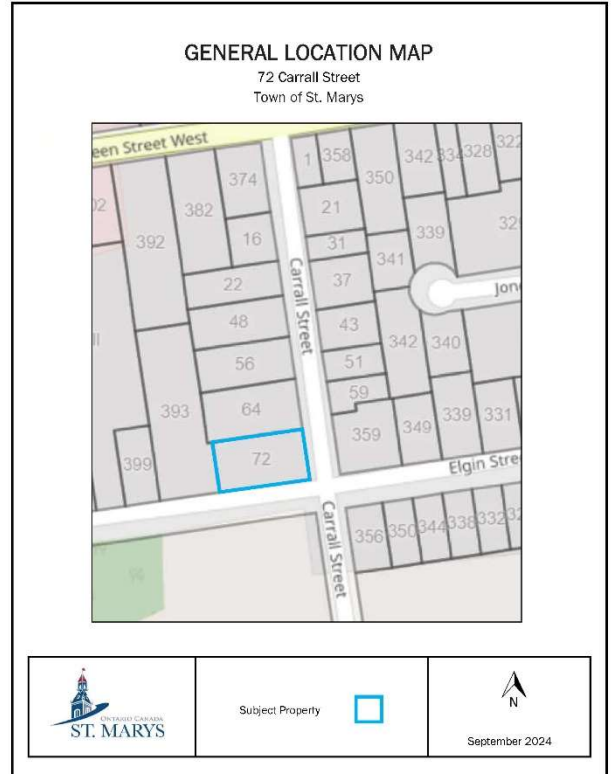
- reduce the minimum lot area from 666 m² to 558 m²;
- reduce the minimum lot depth from 37 metres to 29 metres; and,
- permit two driveways serving a lot whereas the By-law permits no more than one driveway on lots with up to 20 metres of frontage.

Decisions of the Committee

THAT the Application for Consent to Sever by K. Deneve (Application No. B03-2024) affecting a parcel of land municipally known as 72 Carrall 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 Committee of Adjustment within a period of two years 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 owner pay 5 per cent of the value of the land as cash-in-lieu-of parkland pursuant to Section 51 of the Planning Act;
4. The owner make payment to the Town for one boulevard hardwood tree for each lot as per the Town's tree planting policy;
5. The owner relocate the existing overhead service, at the owner's cost, or provide an easement, to the satisfaction of Festival Hydro.
6. The owner enters into an agreement with the Town agreeing to include the following warning clause in all Agreements of Purchase and Sale or Lease or Occupancy for all Units: "This property may be exposed to noise, reduced air quality, odour, dust or vibrations from nearby and future aggregate extraction operations and

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associated operations that may interfere with some activities of the owners/tenants who occupy these lands” and to be registered on title, if deemed appropriate.

7. 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;
8. Confirmation be received from the solicitor that the Certificate of the Official will be scanned and attached to the electronic registration of the Transfer.

THAT the Application for Minor Variance by K. Deneve (Application No. A06-2024) affecting land described as 72 Carrall Street in the Town of St. Marys to:

- reduce the minimum lot area from 666 m² to 558 m²;
- reduce the minimum lot depth from 37 metres to 29 metres; and,
- permit two driveways serving a lot whereas the By-law permits no more than one driveway on lots with up to 20 metres of frontage.

be **APPROVED**, subject to the following conditions:

1. This approval is granted only to the nature and extent of this Application.
2. No driveways shall be located closer than 1.5 metres from the edge of poles and anchors, to the satisfaction of Festival Hydro, to allow future replacement/maintenance of poles, if required.
3. Required building permit(s) shall be obtained within two (2) years of the Committee’s decision.
4. That failure to comply with and maintain the conditions of the Committee will render the approval null and void.

I, hereby, certify that these are the decisions of the Committee of Adjustment with respect to File Nos. B03-2024 and A06-2024 with its following members in attendance: Chair Steve Cousins, Paul King, Mike Bolton, William Galloway and Burton Pickel.

Date of Decision: October 16, 2024

Last Date of Appeal for Consent Application (B03-2024): November 11, 2024

Last Date of Appeal for Minor Variance Application (A06-2024): November 5, 2024

This decision or any condition therein may be appealed to the Ontario Land Tribunal in accordance with Sections 45(12) and/or 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 Ontario Land 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.

Only the following will be able to appeal the decision of the Town of St. Marys to the Ontario Land Tribunal:

- the applicant;
- the Minister of Municipal Affairs and Housing; and,
- a specified person or public body (as defined in the Planning Act).

Be advised that a person is no longer able to appeal the decision, other than any persons listed above.

Ontario Land Tribunal Forms can be obtained at www.olt.gov.on.ca and should be received on or before the dates provided above by the Secretary-Treasurer, Committee of Adjustment, 408 James Street South, P.O. Box 998, St. Marys, Ontario, N4X 1B6. Submissions may be received at the Municipal Operations Centre in person, or via regular mail or courier to the address listed below.

If you have any questions regarding the application please contact Grant Brouwer, Secretary-Treasurer/ Director of Building and Development, at 519-284-2340 ext. 215 or gbrouwer@town.stmarys.on.ca

Information can also be provided in an accessible format upon request.

DATED at the Town of St. Marys, this 22nd day of October, 2024.



Grant Brouwer, Secretary Treasurer
Town of St. Marys Committee of Adjustment

