



THE MUNICIPALITY OF CENTRAL ELGIN

MINOR VARIANCE/PERMISSION APPLICATION

Form MVA-1/2014

REQUIREMENTS FOR A COMPLETE APPLICATION:

Note: Until the Municipality of Central Elgin has received the information and material requested herein (as required under subsection 2 of Ontario Regulation 200/96) and any fee under Section 69(1) of the *Planning Act*, the application will be deemed incomplete and the time periods referred to in section 45(4) of the Act will not begin. Please ensure your submission includes:

OFFICE USE ONLY Date Stamp – Date Received: Fee Paid: <input type="checkbox"/> Yes <input type="checkbox"/> No

- ☐ The completed application form and declarations.
- ☐ 1 digital copy of sketch/plan showing **EXISTING** and **PROPOSED** building(s) and structure(s) on subject lands, where applicable. Sketch is to include, for each existing and proposed building or structure, the location including setbacks from lot lines, height and dimensions (or floor areas) in metric units. See Section 18 of this application for more detail.
- ☐ **Application Fee made payable to "The Municipality of Central Elgin". Application Fee Amount: \$ 500.00**
- ☐ A Letter of Authorization from the Owner (with dated, original signature) **OR** completion of the Owner's Authorization on page 7, **if the Owner is not filing the application.**
- ☐ Other information identified through Pre-consultation.

PLEASE LIST THE REPORTS OR STUDIES THAT ACCOMPANY THIS APPLICATION (supply two copies of each):

Note: This section applies to all reports that may have been identified as a result of any pre-application consultation meeting as studies required for a complete application.

Planning Letter (CJDL, 2024)

Preliminary Slope Assessment (MTE, 2024)

About Pre-Consultation

Prior to submitting this application for a Minor Variance to the Municipality of Central Elgin, a proponent is encouraged to consult with relevant staff. Pre-application consultation is intended to facilitate early discussions between the proponent and staff pertaining to the application, and to allow staff to assist in determining the specific reports, studies and information that may be required to be submitted together with the application form as part of a complete application.

THIS APPLICATION PACKAGE MUST BE SUBMITTED TO:

Central Elgin Planning Office
9 Mondamin Street, St. Thomas, Ontario N5P 2T9
or

Telephone: 519-633-2560
Facsimile: 519-633-6581

Municipality of Central Elgin
450 Sunset Drive, St. Thomas, Ontario N5R 5V1

Telephone: 519-631-4860
Facsimile: 519-631-4036

Personal information is collected under the authority of the Planning Act and will be used only for the purposes of considering and reviewing your application.



THE MUNICIPALITY OF CENTRAL ELGIN

MINOR VARIANCE/PERMISSION APPLICATION

I/We hereby apply, as outlined in this application, to the Council of the Corporation of the Municipality of Central Elgin pursuant to the provisions of the Planning Act, for a Minor Variance/Permission under Section 45 of the *Planning Act*.

1. Name of applicant: Stephen Cornwell per CJDL
Address: 261 Broadway, P.O. Box 460, Tillsonburg, ON, N4G 4H8
Telephone (home): (226) 888-9911 (business) (866) 302-9886
E-Mail: scornwell@cjdle.com
2. Is the applicant the owner of the land? ☐ Yes ☒ No If no, please provide:
Name of owner: Will Hayhoe
Address: 133 St George Street
Telephone (home): (519) 671-4628 (business) _____
E-Mail: will.hayhoe@hayhoehomes.com
3. When was the subject land acquired by the current owner? May, 1999
4. Name of Agent (if any): _____
Address: _____
Telephone: (home): _____ (business) _____
E-Mail: _____
5. Location of Property ("subject lands"):
Registered Plan No.: 28 Lot No.(s): BLK H PT LOT 2 BLK J, PT LOT 1 PT RD ALLOW RP
Concession No.: _____ Lot No.(s): _____
Reference Plan No.: 11R7049 Part No.(s): 4
Municipal Address: 133 St George Street
6. Municipality of Central Elgin Official Plan:
Designation of the subject lands: Residential and Natural Heritage
7. Current applicable Zoning By-law: Township of Yarmouth
Current applicable zone: R1 and OS2-51

8. What is the present use(s) of the subject lands? Residential
- How long has this use(s) continued on the subject lands? 70+ years
9. What is the proposed use of the subject lands? Residential
10. Nature and extent of relief from the zoning by-law: See attached letter.
- Reason(s) why the proposed use cannot comply with the provisions of the zoning by-law: See attached letter.
11. Dimensions of the subject lands:
 Frontage (m): 16.2 m on St George Street Street/Road/Highway
 Depth (m): 189 m
 Area (m²): 0.8 ha
12. Access to the subject lands is provided by:
☒ A Provincial highway or municipal road that is maintained year-round or other public road;
☐ A right of way; or
☐ By water (Please provide a description of the parking/docking facilities to be used and the approximate distance of these facilities from the subject lands and the nearest public road):
13. Particulars of all existing and proposed structures on the subject lands (as applicable - add additional pages if necessary):
- | <u>EXISTING</u> | <u>BUILDING 1</u> | <u>BUILDING 2</u> | <u>BUILDING 3</u> |
|--------------------------------------|-----------------------------|-------------------|-------------------|
| Building type: | <u>See attached sketch.</u> | | |
| Length (m): | | | |
| Width (m): | | | |
| Height (m): | | | |
| No. of storeys: | | | |
| Ground floor area (m ²): | | | |
| Gross floor area (m ²): | | | |
| Parking area (m ²): | | | |
| Setback, front lot line (m): | | | |
| Setback, rear lot line (m): | | | |
| Setback, side lot line (m): | | | |
| Setback, side lot line (m): | | | |
| Date constructed: | | | |

PROPOSEDBUILDING 1BUILDING 2BUILDING 3

Building type: _____
Length (m): _____
Width (m): _____
Height (m): _____
No. of storeys: _____
Ground floor area (m²): _____
Gross floor area (m²): _____
Parking area (m²): _____
Setback, front lot line (m): _____
Setback, rear lot line (m): _____
Setback, side lot line (m): _____
Setback, side lot line (m): _____

14. Potable water will be supplied to the subject lands through:

☒ Publicly owned and operated piped water system.
☐ Privately owned and operated individual or communal well.
☐ Lake or other water body.
☐ Other means. Explain: _____

15. Sewage disposal will be supplied to the subject lands through:

☒ Publicly owned and operated sanitary sewage system.
☐ Privately owned and operated individual or communal septic system.
☐ A privy.
☐ Other means. Explain: _____

16. Storm drainage will be supplied to the subject lands through:

☒ Publicly owned and operated storm sewer system.
☐ Privately owned and operated storm sewer system.
☐ Ditches and swales.
☐ Other means. Explain: _____

17. Has the subject lands ever been the subject of any of the following matters under the Planning Act:

(a) For approval of a plan of subdivision under Section 51. ☐ Yes ☒ No

File No.: _____ Status: _____

(b) For approval of a consent under Section 53. ☐ Yes ☒ No

File No.: _____ Status: _____

(c) For approval of minor variance/permission under Section 45. ☒ Yes ☐ No

File No.: CE-02-06 Status: Approved, in effect

18. This application must be accompanied by a digital sketch, in metric, showing as applicable:

- ✓ The boundaries and dimensions of the subject lands;
- ✓ The location, size and type of all existing and proposed buildings and structures on the subject land, indicating their distance from the front lot line, rear lot line and side lot lines;
- ✓ The approximate location of all natural and artificial features (i.e. buildings, railways, roads, watercourses, drainage ditches, rivers or streams, wetlands, wooded areas, wells and septic tanks) that,
 - (i) are located on the subject land and on land that is adjacent to it; and
 - (ii) in the applicant's opinion, may affect the application.
- ✓ The current uses of land that is adjacent to the subject land; (continued on next page)

- ✓ The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public traveled road, a private road or a right of way;
- ✓ If access to the subject lands will be by water only, the location of the parking and docking facilities to be used; and
- ✓ The location and nature of any easement affecting the subject land.

19. This application must be filed with the **Central Elgin Planning Office, 9 Mondamin Street, St. Thomas, Ontario, N5P 2T9** or with the **Municipality of Central Elgin, 450 Sunset Drive, St. Thomas, Ontario, N5R 5V1**, and must be accompanied by the application fee of **\$500.00**.

PLEASE MAKE CHEQUES PAYABLE TO "THE MUNICIPALITY OF CENTRAL ELGIN"

DECLARATION:

I, Stephen Cornwell of the City of Woodstock in the County of Oxford do solemnly declare that all above statements contained in all of the exhibits transmitted herewith are true, and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.


Declared before me at the

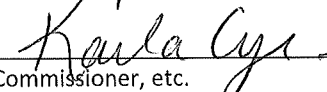
Town of Tillsonburg

In the County of Oxford

this 29th

day of May A.D. 2024


Signature of Owner or Authorized Agent


A Commissioner, etc.

Karla Suzanne Cyr, a Commissioner, etc.,

Province of Ontario,

for Cyril J. Demeyere Limited.

Expires March 21, 2025.

OWNER'S AUTHORIZATION:

THIS MUST BE COMPLETED BY THE OWNER IF THE OWNER IS NOT FILING THE APPLICATION

Note: If there are multiple Owners, an authorization letter from each Owner (with dated, original signature) is required OR each Owner must sign the following authorization.

I, (we) Will Hayhoe, being the Applicant(s) and/or registered Owner(s) of the subject lands, hereby authorize Stephen Cornwell per CJD to prepare and submit an Application for a Minor Variance.

Signature

21-May-2024

Day

Month

Year

Municipal Freedom of Information Declaration:

In accordance with the provisions of the Planning Act, it is the policy of the Municipality of Central Elgin to provide public access to all development applications and supporting documentation.

In submitting this development application and supporting documentation, I Stephen Cornwell (please print name) the ☐ Owner ☒ Applicant ☐ Authorized Agent, hereby acknowledge the above-noted policy and provide my consent, in accordance with the provisions of the Municipal Freedom of Information and Protection of Privacy Act, that the information on this application and any supporting documentation provided by myself, my agents, consultants and solicitors, will be part of the public record and will also be available to the general public.

I hereby authorize the Municipality of Central Elgin to post a "Possible Land Use Change" sign and allow municipal staff to access to the subject lands for purposes of evaluation of the subject application.

Signature

Day

Month

Year

29 May 2024

24018

Steve Craig
Senior Planning Technician
9 Mondamin Street
St. Thomas, Ontario
N5R 2T9

RE: PLANNING LETTER
APPLICATION FOR MINOR VARIANCE
WILL HAYHOE
133 ST. GEORGE STREET
MUNICIPALITY OF CENTRAL ELGIN

Dear Sir:

We are pleased to submit the enclosed application for Minor Variance for the lands municipally known as 133 St. George Street in the Municipality of Central Elgin. The proposed Minor Variance would support the renovation of accessory residential uses in the rear yard of the subject property.

A formal pre-consultation meeting with Central Elgin staff was held on 9 May 2024. While it remains our opinion that the proposed renovations are in compliance with the Central Elgin Zoning By-law based on the Central Elgin Committee of Adjustment's approval of Minor Variance No. COA 02/06 in 2006, we are submitting this application in a spirit of cooperation in recognition of concerns expressed by staff.

Section 45(1) of the Planning Act empowers the Committee of Adjustment to authorize minor variances to the provisions of the Zoning By-law under circumstances that have come to be known as the 'four tests'. The tests are stated and considered with regard to this application in the following:

1. Is the variance minor?

While the proposed accessory residential uses proposed for the rear yard of the subject property have a different configuration from the existing legal and conforming uses, they would have no impact on surrounding uses and would not encroach into nearby areas of natural hazard.

The proposed variance is minor.

2. Is the variance desirable for the appropriate use of land, buildings, or structure?

The proposed accessory residential uses include a replaced and relocated retaining wall, pool house and screen porch, which are all typical accessory uses within rear amenity areas of residential lots and are attractive features.

The proposed variance is desirable for the appropriate use of land.

3. Is the general intent and purpose of the Official Plan maintained?

The Central Elgin Official Plan designates the applicable area of the subject property as 'Residential', which means the area is intended to be used residential purposes, such as those proposed, over the long term.

The proposed variance maintains the general intent and purpose of the Official Plan.

4. Is the general intent and purpose of the Zoning By-law maintained?

The subject property is zoned Residential (R1) and Open Space (OS2-51) in the Central Elgin Zoning By-law. The intention of providing a boundary between these two zones on the property is to allow residential uses while ensuring development occurs outside of unsafe natural hazard areas. The Preliminary Slope Assessment (MTE, 2024) submitted with the application shows the location of the Top of Slope on the subject property, which forms the limit of the erosion hazard. The proposed renovations are proposed for areas that are outside of this limit as well as the 6-metre erosion access allowance requested by the Kettle Creek Conservation Authority.

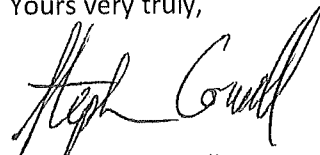
The proposed Minor Variance maintains the general intent and purpose of the Zoning By-law.

In support of the application for Minor Variance, in addition to this letter, the following material has been submitted:

- Application forms;
- Cheque for the application fee (\$500);
- A sketch showing the proposed renovations; and
- Preliminary Slope Assessment (MTE, 2024)

If you have any questions or concerns, please do not hesitate to contact the undersigned.

Yours very truly,



Stephen Cornwell RPP, MCIP
Senior Planner
Cyril J. Demeyere Limited.



MTE Consultants

123 St. George St., London, Ontario N6A 3A1

May 29, 2024

MTE File No.: C55098-100

Mr. Will Hayhoe
133 St. George Street
St. Thomas, ON
Email: will.hayhoe@hayhoehomes.com

Dear Mr. Hayhoe:

RE: Preliminary Slope Assessment
133 St. George Street, St. Thomas, Ontario

This letter briefly summarizes the observations made during our preliminary slope assessment performed on April 18, 2024 at the above-noted site. The purpose of the slope assessment was to assess the overall stability of the slope based on visual observations for the proposed renovations. The slope assessment was performed on the slope to the northwest of the property. During our slope assessment site visit, photographs were taken and any visual indications of slope movement, vegetation, erosion conditions and groundwater seepage were noted. Selected photographs are attached following this letter.

Based on the topographic survey of the area, the existing slope is approximately 5 metres (m) in height. The overall slope is inclined at an inclination of about 3.2 horizontal to 1.0 vertical with some steeper sections at the toe of the slope. The slope is moderately vegetated with grasses and generally well standing vertical trees. Based on quaternary mapping in the area of the site and our experience in the area, the near-surface soils at the site consist Port Stanley Till containing silty clay and clay.

Using the Ministry of Natural Resources (MNR) Slope Stability Rating Chart, the slope assessment results in a slope rating for the ravine slope of about 19. The MNR rating chart provides an approximation of relative slope stability and investigation requirements. In this case, a rating of 19 corresponds to a slope instability rating of "low potential" requiring a "site inspection only, confirmation and report letter". The MNR slope stability rating chart is attached to this letter.

Based on the visual observations on site and the topographical information, there are no signs of slope instability for the overall slope to the northwest of the property at 133 St. George Street in St. Thomas, ON. Based on the preliminary slope assessment, a setback allowance will consist of an access allowance setback only. No toe erosion allowance is required due to no creek being present at the toe of the slope. A stable slope setback is not included as the current slope inclination of about 3.2 horizontal to 1.0 vertical is considered stable for these soil conditions. A 6 m setback access allowance from the top of the slope should be provided where no structures should be located as per Kettle Creek Conservation Authority (KCCA). Therefore; a total distance of 6 m from the top of the slope should be allocated for no structures to encroach based on our preliminary assessment. The top of slope was designated at the site by members of MTE and KCCA and was surveyed for accuracy by CJD. Figures 1 and 2 provide the proposed development setback along with the proposed development plans on

Figure 1. The slope along Cross Section B-B' is not considered in the hazard as the slope is of limited height and gentle inclination.

The proposed construction should not negatively affect the stability of the northwest slope of the property. Foundations for the new retaining wall and pool shed will extend below the ground surface to not add loading to the slope. All drainage should be directed away from the top of the slope to suitable receptors. No fill materials should be placed on the face or at the top of the slope during or after construction.

We trust that this letter adequately summarizes our preliminary slope assessment performed at the site. If you have any questions concerning this letter, or if we can be of further assistance, please do not hesitate to contact this office.

Yours Truly,

MTE Consultants Inc.



Brett Thorner, P. Eng.
Geotechnical Engineer
519-204-6510 ext. 2226
bthorner@mte85.com

BRT
Encl. MNR Chart
Figure 1 – Site Plan
Figure 2 – Cross Sections
Appendix A – Site Photographs

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TABLE I

SLOPE STABILITY RATING CHART

Site Location: 133 St. George Street, St. Thomas		Project No.: 55098-100	
Property Owner: Will Hayhoe		Inspection Date: April 18, 2024	
Inspected By: B.Thorner		Weather: Cloudy 12°C	
1. SLOPE INCLINATION			Rating Value (select one)
<u>Degrees</u> <u>horizontal:vertical</u> a) 16 or less 3:1 or flatter b) 16 to 26 2:1 to 3:1 c) 26 or more steeper than 2:1			<0> 6 16
2. SOIL STRATIGRAPHY			
a) Shale, Limestone (bedrock) b) Sand, Gravel c) Till d) Clay, Silt e) Fill			0 6 <9> 12 16
3. SEEPAGE FROM SLOPE FACE			
a) None or near bottom only b) Near mid-slope only c) Near crest only or from several levels			<0> 6 12
4. SLOPE HEIGHT			
a) 2m or less b) 2.1 to 5m c) 5.1 to 10m d) more than 10m			0 2 <4> 8
5. VEGETATION COVER ON SLOPE FACE			
a) Well vegetated: heavy shrubs or forested with mature trees b) Light vegetation: mostly grass, weeds, occasional trees, shrubs c) No vegetation, bare			0 <4> 8
6. TABLE LAND DRAINAGE			
a) Table land flat, no apparent drainage over slope b) Minor drainage over slope, no active erosion c) Drainage over slope, active erosion, gullies			0 <2> 4
7. PROXIMITY OF WATERCOURSE TO SLOPE TOE			
a) 15 metres or more from slope toe b) Less than 15 metres from slope toe			<0> 6
8. PREVIOUS LANDSLIDE ACTIVITY			
a) No b) Yes			<0> 6
SLOPE INSTABILITY RATING	RATING VALUES TOTAL	INVESTIGATION REQUIREMENTS	Total 19
		Toe Erosion?	No
1. Low potential <24 Site Inspection only, confirmation, report letter. 2. Slight potential 25-35 Site inspection and surveying, preliminary study, detailed report. 3. Moderate potential >35 Borehole investigation, piezometers, lab tests, surveying, detailed report. NOTES: a) This chart does not apply to rock slopes or to Leda Clay slopes (Ottawa area). b) Choose only one from each category and compare total rating with above requirements. c) If there is a water body (stream, creek, river, pond, bay, lake) at the slope toe, the potential for toe erosion and undercutting should be evaluated in detail and, protection provided if required.			

Reference: Table 4.2, Technical Guide – River & Stream Systems: Erosion Hazard Limit. Ontario Ministry of Natural Resources.

Appendix A

Site Photographs



Photograph 1 – General view of the property looking near Cross Section B-B'.

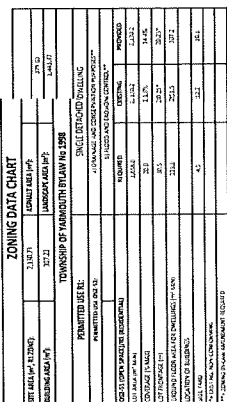
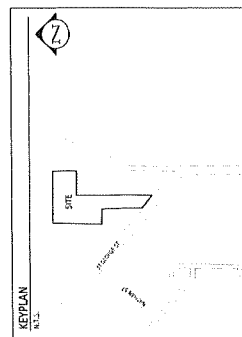


Photograph 2 – Looking northwest from top of slope near Cross Section A-A'.



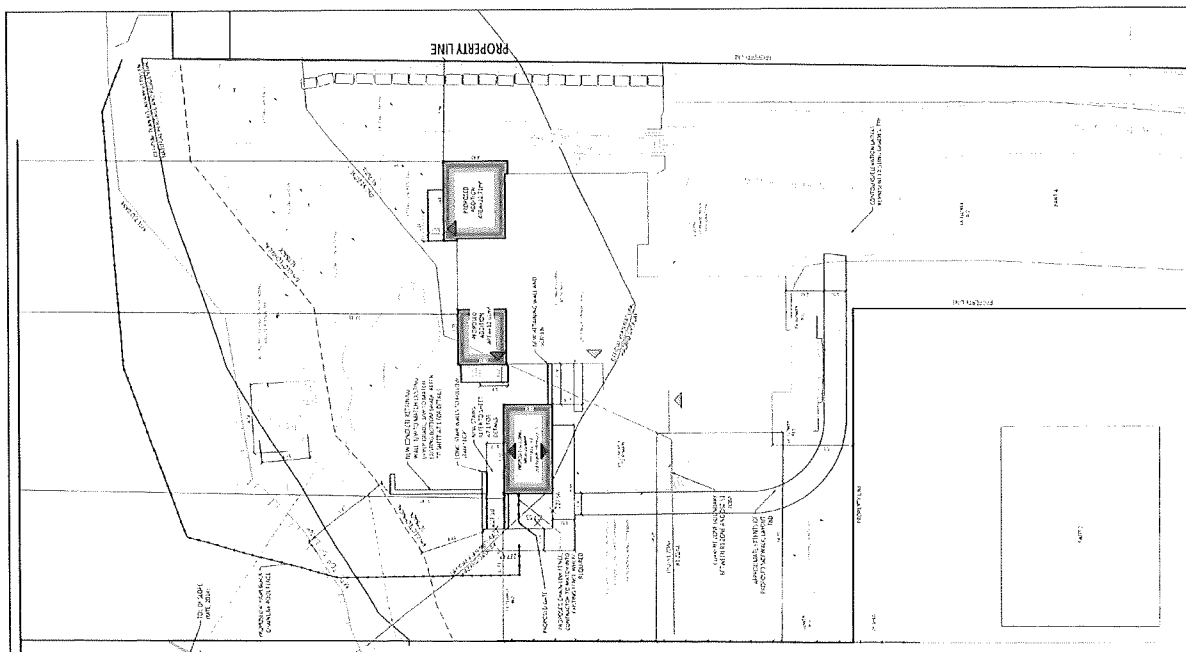
Photograph 3 – Looking north near middle of slope. Note vertical tree.

RESIDENTIAL BUILDING
ADDITION

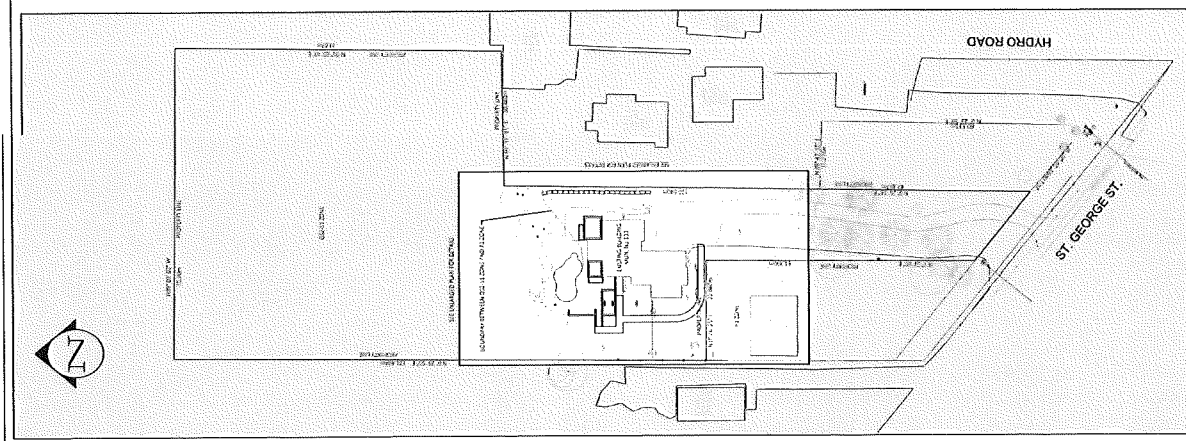
[illegible][illegible]

LOT INFORMATION

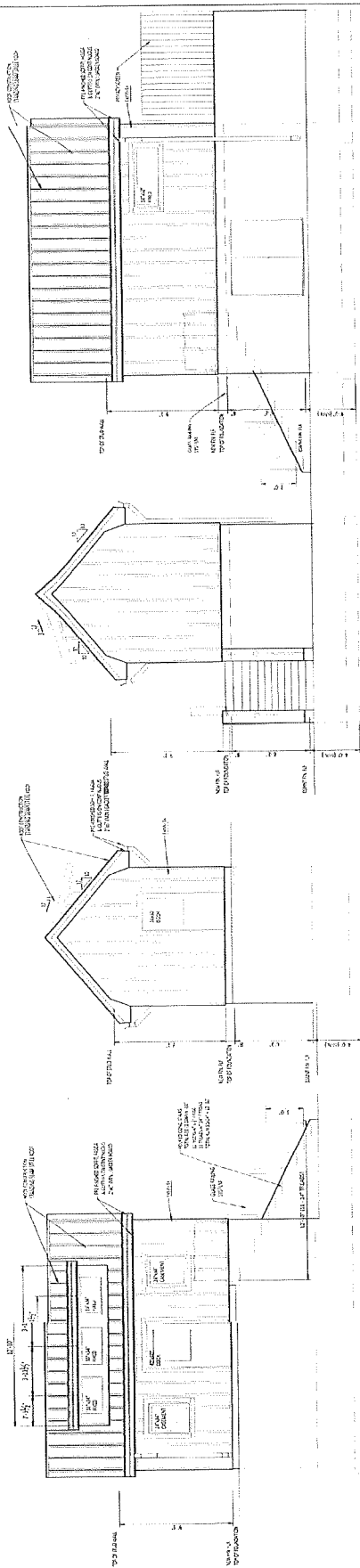
PLAN 28
BLOCK H
PART OF
LOT 2 BLK J,
PART LOT 1 FT RD ALLOW RP,
11R7049 PART 4
IN THE
MUNICIPALITY OF YARMOUTH
COUNTY OF ELGIN



ENLARGED PLAN



OVERALL SITE PLAN

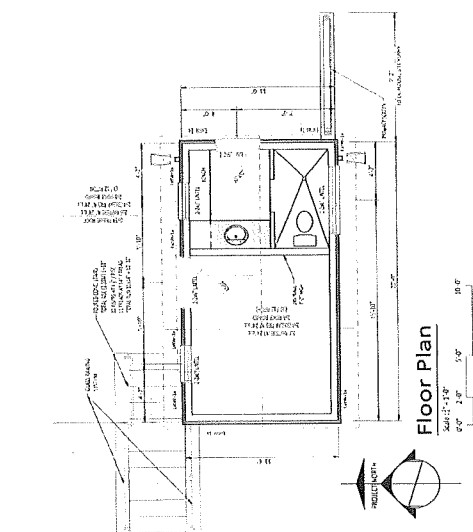
[illegible]

South Elevation

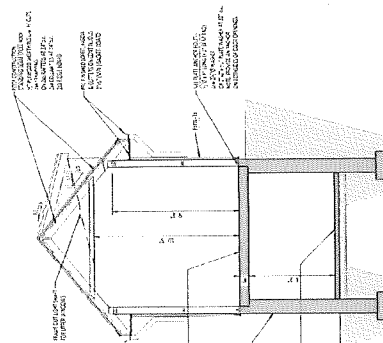
West Elevation

East Elevation

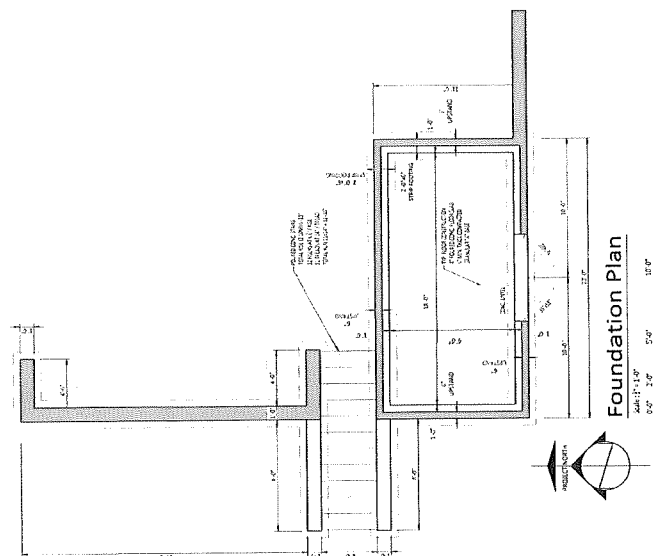
North Elevation



Floor Plan



Section



Foundation Plan