

A G E N D A

**THE FIRST MEETING OF THE COMMITTEE OF ADJUSTMENT
OF THE CITY OF ST. THOMAS 2020**

**COMMITTEE ROOM #415
CITY HALL**

10:00 A.M.

**THURSDAY
JANUARY 23, 2020**

DISCLOSURE OF INTEREST

CHAIRMAN

Appointment of Chairman for 2020.

MINUTES

Confirmation of the minutes of the meeting held on December 12, 2019.

HEARING OF APPLICATIONS

B01/20 – St. Thomas Curling Club – 38 Parkside Drive Pages 2-13

Planning Report - B01/20 Pages 14-15

UNFINISHED BUSINESS

NEW BUSINESS

Next Meeting

February 13, 2020 at 10:00 a.m. in Room #415

ADJOURNMENT

City of St. Thomas
Received

JAN 06 2019

City Clerks Dept.

**CONFIRMATION OF A COMPLETE APPLICATION
APPLICATION FOR CONSENT**

January 6th, 2020

Secretary-Treasurer, Committee of Adjustment
Attention: Melanie Knapp

Pursuant to By-Law 30-2015, a consultation meeting was held on December 12th, 2019 with Planning Department Staff and the applicant.

An application for Consent, regarding 38 Parkside Drive, was filed on December 30th, 2019.

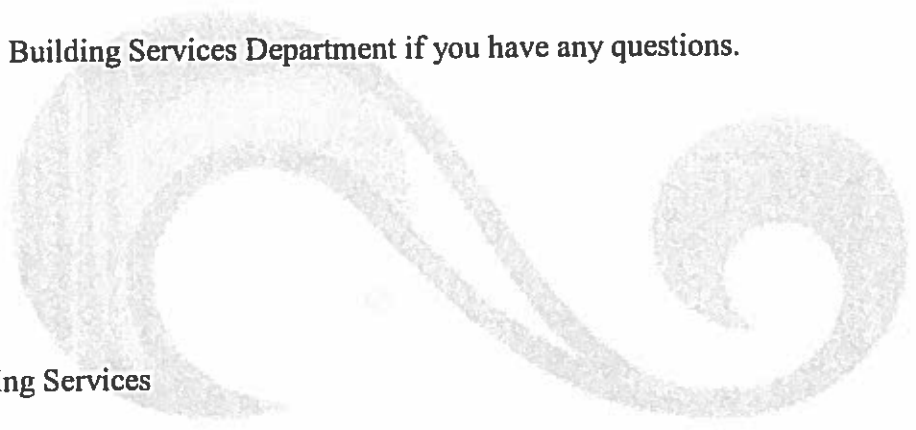
This letter is notice that the information and material required under Subsections 53(2) and 53(3) and the required fee under Section 69 of the Planning Act has been provided and the application for consent is thereby considered complete.

Please contact the Planning & Building Services Department if you have any questions.

Yours truly,



Patrick. J. C. Keenan
Director of Planning & Building Services





ZELINKA PRIAMO LTD
A Professional Planning Practice

December 23, 2019

Melanie Knapp
Assistant Secretary-Treasurer
Committee of Adjustment
City Clerk's Department
City of St. Thomas
545 Talbot Street
St. Thomas, ON
N5P 2T9

City of St. Thomas
Received

DEC 23 2019

City Clerk Dept.

Dear Ms. Knapp:

RE: Application for Consent
St. Thomas Curling Club
38 Parkside Drive
St. Thomas, ON
Our File: PRE/STH/17-01

Zelinka Priamo Ltd., on behalf of St. Thomas Curling Club ("STCC"), is pleased to submit an applications for Consent regarding the above noted lands (the 'subject lands').

The subject lands consist of a single, 0.91 ha (2.24 ac) irregular shaped parcel of land located on the west side of Parkside Drive, south of Bell Avenue. The lands are currently occupied by the St. Thomas Curling Club recreational facility,

The purpose of the applications is to sever a 0.12 ha (0.3 ac) portion of the subject lands, and for the severed lands to be added to the abutting lands to the north known municipally as 63 Elm Street, owned by Prespa Construction Limited ("Prespa lands").

For your information, a Zoning By-law Amendment application ("ZBA") is being submitted concurrently with the above-noted applications to rezone the lands to be severed from Open Space and Parks (OS) Zone to a site-specific Third Residential (R3-_) Zone for the purpose of permitting residential uses in the form of 5 townhouse units. The retained lands will remain within the Open Space and Parks (OS) Zone category.

Consent Application

As per Section 10.4.1 (Consents) of the Official Plan, the following policies apply to the creation of new lots by the consent process:

- i) *consents should be granted only in areas where the undue extension of any major service would not be required;*

Melanie Knapp
Assistant Secretary-Treasurer
Committee of Adjustment
City Clerk's Department
City of St. Thomas

December 23, 2019

The severed lands will be added to the abutting Prespa lands to the north for the purpose of extending a previously approved townhouse development on full municipal services. No extension of services is required.

- ii) *consents should be granted only when the land fronts on an existing public road that is or will be developed to accepted municipal standards;*

The severed lands will be added to the abutting Prespa lands to the north, which have frontage and access along Elm Street.

- iii) *consents should have the effect of infilling in existing urbanized areas and not of extending the urban area unduly;*

The severed lands will be added to the abutting Prespa Lands to the north, which have been previously approved for multi-family residential development within the established City of St. Thomas urban boundary.

- iv) *the size of any parcel of land created by such a consent should be appropriate for the use proposed considering the public services available and the soil conditions and in no case should any parcel be created which does not conform to the provisions of the zoning bylaw;*

As previously noted, a concurrent ZBA is being submitted for the proposed development of the severed lands. If approved, the ZBA will include site-specific provisions for the proposed development.

It should be noted that, based on review of aerial photography, it would appear that the existing building on the retained lands is setback closer than 10 metres from the front lot line abutting Parkside Drive, whereas Subsection 23.3.1.2 of the By-law provides that no building or structure shall be erected within 10 metres of any lot line or part of a lot line within the OS zone.

According to assessment records the Curling Club was constructed in 1956 and predates the City of St. Thomas Zoning By-Law 50-88 (Approval Date April 18, 1988). As such, the existing setback deficiency is considered to be legal, non-complying.

As the proposed severance does not create a further deficiency of the existing building setback abutting Parkside Drive, it is our opinion that the retained lands will continue to be legal non-complying in terms of the deficient setback, and no relief is required from the Zoning By-law in this instance.

- v) *direct access from arterial or collector streets should be restricted and residential lots should, where possible, have access only from local streets;*

- vi) *consents should not be granted for land adjacent to a road from which access is to be obtained where a traffic hazard would be created because of limited sight lines on curves or grades.*

*Melanie Knapp
Assistant Secretary-Treasurer
Committee of Adjustment
City Clerk's Department
City of St. Thomas*

December 23, 2019

As noted in ii) above, the severed lands are to be added to the Prespa lands which have access along Elm Street, which is classified as a Major Arterial with Bike Lane in the Official Plan. Through previous planning approvals, it has been determined that Elm Street can accommodate the proposed development of the Prespa lands, together with the added severed lands.

The retained lands will continue to have access in the current locations along Parkside Drive.

As such, for the reasons noted above, the proposed Consent satisfies the intent of the St. Thomas Official Plan.


In support of the application, please find enclosed the following material:

- One (1) copy of the completed Consent application form;
- Cheque in the amount of \$450.00 made payable to the "City of St. Thomas" for the Consent application fee;
- Two (2) copies of the consent sketch; and
- One (1) USB with all electronic materials in PDF format.

We trust that the enclosed information is complete and satisfactory and look forward to a timely approval process. If you have any questions, please do not hesitate to contact our office.

Yours very truly,

ZELINKA PRIAMO LTD.



Harry Froussios, BA, MCIP, RPP
Senior Associate

Encl.

cc: St. Thomas Curling Club
Prespa Construction Limited

-6-



Clear Form

THE CORPORATION OF THE CITY OF ST THOMAS

COMMITTEE OF ADJUSTMENT

APPLICATION FOR CONSENT

OFFICE USE: Date Application Received: DEC 30 2019 Consultation Date: Dec 12, 2019

Application #: _____

APPLICATION IS HEREBY MADE TO:

City of St. Thomas
545 Talbot Street
St. Thomas ON N5P 3V7
Tel: (519) 631-1680 ext 4125 Fax: (519) 633-9019
Email: mknapp@stthomas.ca

Please note that in accordance with By-Law 30-2015, consultation with the Planning and Building Services Department must take place prior to the submission of an application.

Personal information contained on this form is collected under the authority of the Planning Act, R.S.O. 1990, as amended, and Ontario Regulation 200/96 and will be used for the purpose of processing this application.

1. (a) Registered Owner(s): St. Thomas Curling Club

Mailing Address: 38 Parkside Drive

Postal Code: N5P 4H4 Telephone: 519-631-1770 Fax: _____

email: _____

(b) Owner's Solicitor or Authorized Agent (if any): Zelinka Prlamo Ltd. Attention: Harry Frousskos

Mailing Address: 318 Wellington Road

Postal Code: N6C 4P4 Telephone: 519-474-7137 Fax: 519-474-2284

email: harry.f@zpplan.com

(c) Please specify to whom all communications should be sent:

Owner [] Solicitor [] Agent [x]

2. (a) Type and purpose of proposed transaction: (Check appropriate space/s)

- Creation of New Lot [] Disposal of Surplus Farm Dwelling []
Addition to Lot [x] Correction of Title []
Mortgage or Charge [] Partial Discharge of Mortgage []
Lease [] Right-of-way []

Easement Provision of access for emergency vehicles from retained lands in favour of severed lands

(b) If a lot addition, identify the lands to which the parcel will be added:

63 Elm Street

Name of person(s), if known, to whom land or interest in land is intended to be transferred, charged or leased:

Prespa Construction Limited

3. Are there any existing easements or restrictive covenants affecting the land?

Yes No

If "Yes" describe the easement or covenant and its effect: _____

4. Location of land:

Municipality (City/Town/Township) City of St. Thomas

Concession No 7, Yarmouth Lot(s) Part 3 Registered Plan No 241 Lot(s) 44

Reference Plan No _____ Part(s) _____

Name of Street Parkside Drive Street No 38

5. Description of subject land: (in metric units) Part No. on sketch "To be Severed"

(a) Frontage 0 m Depth 26 m Area 1212 sq m

(b) Existing Use Vacant (recreational) Proposed Use Residential

(c) Existing and proposed buildings and structures on the subject land:

Existing: n/a

Proposed: townhouse dwelling units

6. Description of land to be retained: (in metric units) Part No. on sketch "To be Retained"

(a) Frontage 111.6 m Depth irregular Area 0.79 ha

(b) Existing Use Recreational (curling club) Proposed Use no change

(c) Existing and proposed buildings and structures on the land to be retained:

Existing: Curling Club facility

Proposed: no change

7. (a) Type of access to subject land:

- Provincial Highway
- Municipal Road maintained all year
- Municipal Road maintained seasonally
- Water Access
- Regional Road
- Other Public Road
- Right-of-Way
- Private Road

(b) Type of access to retained land:

- Provincial Highway
- Municipal Road maintained all year
- Municipal Road maintained seasonally
- Water Access
- Regional Road
- Other Public Road
- Right-of-Way
- Private Road

8. What type of water supply is proposed? (Check appropriate space)

TYPE	PROPOSED LOT	RETAINED LOT
Publicly owned and operated piped water system	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other (specify) _____	_____	_____

9. What type of sewage disposal is proposed? (Check appropriate space)

TYPE	PROPOSED LOT	RETAINED LOT
Publicly owned and operated sanitary sewage system	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other (specify) _____	_____	_____

10. What is the current designation of the subject land in any applicable official plan?

- (a) Local Municipal Official Plan Residential
- (b) Regional Policy Plan n/a

11. (a) Has the subject land ever been the subject of an application for approval of a plan of subdivision under Section 51 of The Planning Act or a consent under Section 53 of The Act?

Yes No

(b) If the answer to (a) is "Yes", please provide the following information:

File Number: _____
Status: _____

12. (a) Has any land been severed from the parcel originally acquired by the owner of the subject land?

Yes No

(b) If the answer to (a) is "Yes", please indicate previous severances on the required sketch and supply the following information for each lot severed:

Grantee's (Purchaser's) name _____
Land Use on severed parcel _____
Date parcel transferred _____
Consent file number (if known) B _____

13. (a) Is the subject land the subject of any other application under the Planning Act e.g. approval of a plan of subdivision; a consent application; an application for an amendment to an official plan amendment; a zoning by-law or a Minister's zoning order, or a minor variance?

Yes No

(b) If the answer of (a) is "Yes", please provide the following information:

File Number: Zoning By-law Amendment and Minor Variance Applications - to be assigned
Status: Processed concurrently with Consent Application

14. (a) Is the proposed consent application consistent with the Policy Statements issued under subsection 3(1) of the Planning Act?

Yes No

(b) Are the subject lands within an area of land designated under a Provincial Plan or Plans?
Yes No

(c) If the answer to (b) is "yes" does the proposed consent application conform to or does it not conflict with the Provincial Plan or Plans?

Yes No

15. As provided for in Ontario Regulation 197/96, and as required by this Committee of Adjustment, an application must be accompanied by a preliminary drawing prepared, signed and dated by an Ontario Land Surveyor, showing the information set out below. In the case of multiple applications, one drawing plus one extra copy for each additional application will suffice.

- (a) the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
- (b) the distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;
- (c) the boundaries and dimensions of the subject land, the part that is to be severed and the part that is to be retained;
- (d) the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
- (e) the approximate location of all natural and artificial features on the subject land and on the land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application, such as buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks;
- (f) the existing uses on adjacent land, such as residential, agricultural and commercial uses;
- (g) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way;
- (h) if access to the subject land is by water only, the location of the parking and boat docking facilities to be used;
- (i) the location and nature of any easement affecting the subject land.

16. One copy of this application form is to be filed for each subject parcel, together with the preliminary drawing and the applicable application fee in cash, money order or by cheque made payable to the City of St. Thomas.

APPLICANT DECLARATION

By making this application, permission is hereby granted to any Municipal staff members and Municipal Planning Consultant to enter upon the premises described in this application at a reasonable time for the purpose of inspecting the property in relation to the proposed application and for distributing information concerning the same. This information is being collected pursuant to the Planning Act, Municipal Act, and Freedom of Information Act. The information contained herein will be distributed to bodies and agencies prescribed by legislation and regulation and also to interested parties.

If this application is signed by an agent or solicitor on behalf of an applicant, the owner's written authorization must accompany the application (Appendix A). If the applicant is a corporation acting without an agent or solicitor, the application must be signed by an officer of the corporation and the corporation's seal (if any) must be affixed.

MUNICIPAL FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

Application information is collected under the authority of the Planning Act, R.S.O. 1990, c.P.13. In accordance with that Act, it is the policy of the City of St. Thomas to provide public access to all Planning Act applications and supporting documentation submitted to the City.

I, Harry Froussios, the Owner or Authorized Agent, hereby agree
(Print name of Owner or Authorized Agent)

and acknowledge that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c.M. 56, I hereby consent to the City of St. Thomas making this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.

Collection of Personal Information:

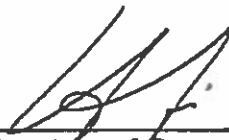
Personal information on this form is collected under the authority of Section 41 of the *Planning Act*, R.S.O. 1990 and Sections 8 (1) and 10 of the *Municipal Act*, 2001, as amended, and will be used to contact the owner, applicant and/or agent regarding the Committee of Adjustment Application. Questions about this collection should be directed to the City Clerk, 545 Talbot Street, St. Thomas, Ontario, N5P 2T9, (519) 631-1680.

AFFIDAVIT OR SWORN DECLARATION

I, Harry Froussios of City of London in the province of Ontario,
name of applicant City

make oath and say (or solemnly declare) that the information required under Schedule 1 of Ontario Regulation 545/06 and provided by the applicant in this application is accurate, and that the information contained in the documents that accompany this application is accurate.

Sworn (or declared) before me at the City of London on this 20th day of December, 2019.
City Day Month Year



Signature of Owner or Authorized Agent

Dec 20 / 19

Date



Signature of Commissioner of Oaths, etc.

Dec. 20 / 19

Date

GREGORY ANDREW PRIMIO, a Commissioner, etc.,
Province of Ontario, for Zelinka Primio Ltd.
Expires October 30, 2022.

APPENDIX A – AUTHORIZATION OF OWNER

If the applicant is not the owner of the subject lands, please complete the owner authorization concerning personal information as set out below.

I, See attached Authorization Form, am the owner of the subject lands, and I authorize _____, to act on our behalf as the agent for the submissions required for all matters relating to the subject lands, and to provide any of my personal information that will be included in this application or collected during the planning process.

Date

Signature of Owner

APPENDIX B – ACKNOWLEDGEMENT OF LEGAL AND PLANNING FEES

In addition to the application fees listed in this application package, please note that where the City requires assistance from its solicitors or other technical or professional consultants in the processing of this application, the applicant shall be responsible for reimbursing all fees incurred by the City.

*Please note, Appendix B must be completed by the owner, not the authorized agent.

I, Preapa Construction Limited, am the ^{future} owner of the subject lands, and I understand that further fees may be incurred by the City throughout the planning process and that I am responsible for reimbursing all fees.

Dec 20/19
Date

[Signature]
Signature of Owner

AGENT AUTHORIZATION

To: PLANNING AND BUILDING SERVICES
CITY OF ST. THOMAS
9 Mondamin Street
St. Thomas, Ontario
N5P 2T9

From: St. Thomas Curling Club

Date: November 14, 2019

Re: Applications for Consent & Zoning By-law Amendment
38 Parkside Drive
St. Thomas, Ontario

I/we hereby authorize Prespa Construction Limited and/or its agent - Zelinka Priamo Ltd. to act as my/our agents with respect to applications for Consent and Zoning By-law Amendment regarding a portion of our lands being severed from the property known municipally as 38 Parkside Drive, in the City of St. Thomas.

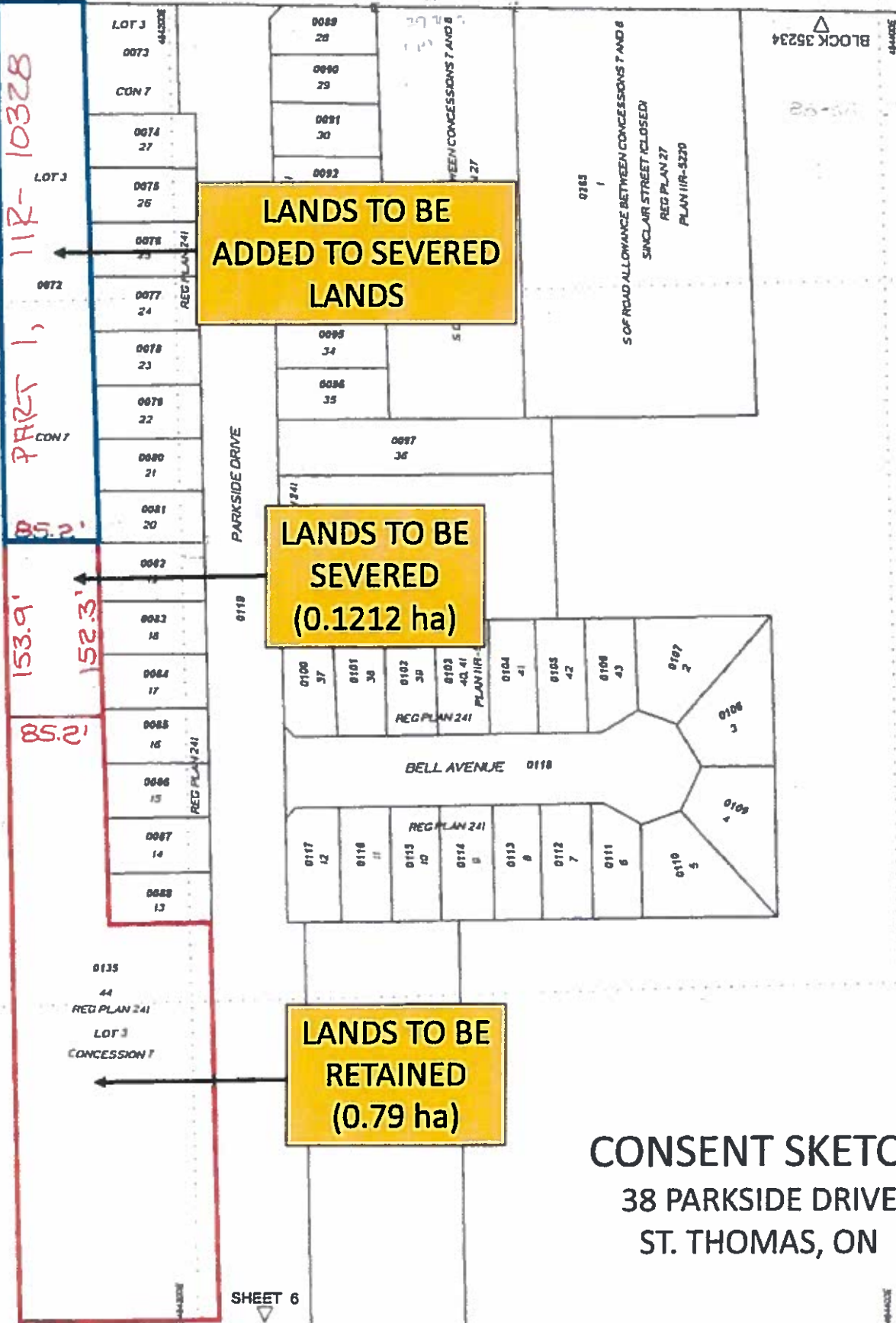


K. Michael Langley – President
St. Thomas Curling Club

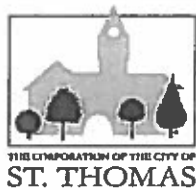


Colin Sinclair – Vice-President
St. Thomas Curling Club

ELM STREET



CONSENT SKETCH
 38 PARKSIDE DRIVE
 ST. THOMAS, ON



The Corporation of the City of St. Thomas

Report No.: B01-2020

Applicant: St. Thomas Curling Club

Directed to: Members of the Committee of Adjustment

Report Date: January 15, 2020
Meeting Date: January 23, 2020

Location: 38 Parkside Drive, Concession 7 Yarmouth, Pt Lot 3, Reference Plan 241, Lot 44, City of St. Thomas

Subject: Request for a consent pursuant to Section 53 of the Planning Act, R.S.O, as amended

Department: Planning Department
Prepared by: Steve Craig, Senior Planning Technician

Attachments: Location Plan

Recommendation:

That: Report B01-2020 be received.

Origin

The subject application has been filed for the purpose of a lot addition.

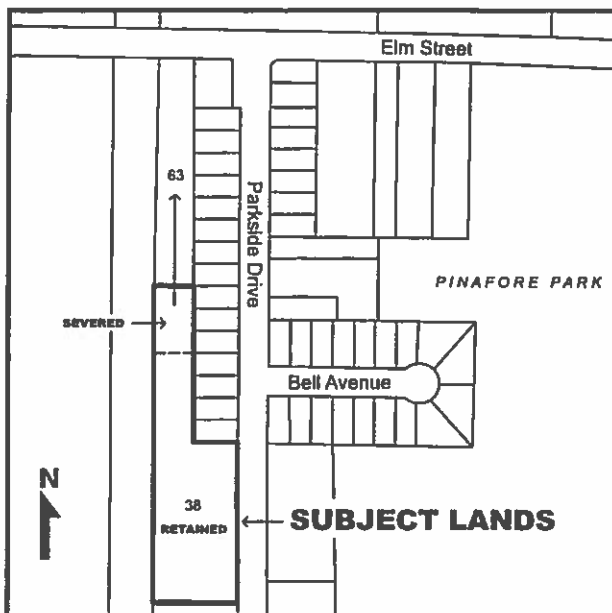
Proposal

The applicant is proposing to convey a vacant parcel of land (25.96m x 46.42m) to the abutting lot to the north, municipally know as 63 Elm Street. It is proposed that the lands will be used for future residential development purposes. The applicant is proposing to retain a lot with frontage of 111.6m on Parkside Drive and a lot area of 7'899.9m², containing one building (St. Thomas Curling Club).

Official Plan

- The subject lands are in the Residential designation as shown on Schedule A (Land Use Plan) to the Official Plan for the City of St. Thomas.
- The Residential designation means the predominant use of land shall be for low, medium and high-density residential use.
- Institutional uses, defined as the use of land by public, non-profit or charitable agencies, including, recreational complexes are permitted in the Residential designation.
- The severed lands are proposed to be merged with 63 Elm Street and developed as an extension of a 16 unit townhouse development. It is proposed that the severed lands will be developed with an additional five townhouse dwelling units.
- The proposed development of 21 townhouse dwellings equates to a density of 41.25 units per hectare, placing it in the medium density category. Subsection 5.1.3.3 of the Official Plan contains policies relevant to medium density residential development. These policies are aimed at addressing "townhouse, boarding and lodging houses, triplexes, fourplexes, sixplexes, low rise apartments or other forms of low rise multiple dwellings".
- The development at 63 Elm Street was recently approved through a decision of the Local Planning Appeals Tribunal (LPAT, Case No. PL180010), which determined that Zoning By-law Amendment conformed to the City of St. Thomas Official Plan.
- In my opinion, the proposed development of the severed lands is consistent with what has been approved at 63 Elm Street and would therefore also be consistent with the applicable policies of the City of St. Thomas Official Plan.

Location Plan:



Zoning By-Law

- The subject lands are within the Open Space and Park Zone (OS) pursuant to the City of St. Thomas Zoning By-Law No. 50-88, as amended. Permitted uses of the OS zone include a park, conservation works, recreation centre, cemetery, parking lot, municipal works and uses accessory to the foregoing.
- The OS zone permits a maximum lot coverage of 25%. The applicants agent (Harry Froussios, Zelinka Priamo Ltd.) confirmed through email that the existing lot coverage for the subject lands is 19.0% and that the lot coverage for the retained lot is 21.9%.
- The OS zone provides that no building or structure shall be erected within 10m of any lot line or part of a lot line within this zone. At the consultation meeting City staff identified that the existing St. Thomas Curling Club building is not setback 10m from the front lot line, and that a minor variance application should be filed concurrently to recognize the existing deficiency.
- The applicants agent (Harry Froussios, Zelinka Priamo Ltd.) has provided an opinion that the severance does not create further deficiency of the existing building setback abutting Parkside Drive (Front Lot Line), and that the retained lot will continue to be legal non-complying in terms of the deficient setback and no relief is required from the Zoning By-law in this instance.
- The OS zone does not provide a minimum parking standard, however the existing parking area for the St. Thomas Curling Club will not be impacted by the proposed lot addition.
- A Zoning By-law Amendment Application has been filed concurrently to permit the development of five townhouse dwellings on the severed lands.

AERIAL PHOTOGRAPH 2015:



Comments

- The Provincial Policy Statement (PPS) provides direction on matters of Provincial interest related to land use planning and development. Decisions by planning authorities that require approval under the Planning Act must "be consistent with" the PPS. The proposed consent application is consistent with policies of the PPS in respect to:
 - Directing development to existing settlement areas (Policy 1.1.3.1).
 - Land use patterns based on densities and a mix of uses that efficiently use land and resources; efficiently use the available infrastructure and public service facilities; support active transportation; and, are transit supportive (Policy 1.1.3.2(a)).
 - Provide a range of uses and opportunities for intensification and redevelopment, taking into account existing building stock or areas, and the availability of suitable existing or planned infrastructure (Policy 1.1.3.2(b) and 1.1.3.3).
 - Provide for an appropriate range and mix of house types and densities required to meet projected requirements of current and future residents of the regional market area (Policy 1.4.1).
 - Provide for an appropriate range and mix of housing type and density to meet projected requirements of current and future residents of the regional market by establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety (Policy 1.4.3(e)).
- The development (16 Unit Townhouse) at 63 Elm Street was approved through a decision of the Local Planning Appeals Tribunal (LPAT, Case No. PL180010), which determined that "...the proposed ZBLA conforms to the City's OP, is consistent with the PPS, has sufficient regard to s.2 of the PPS, constitutes good planning and is in the public interest."
- In staff's opinion the proposed consent complies with the City of St. Thomas Official Plan, Zoning By-law and satisfies the criteria of Section 51(24) of the Planning Act, R.S.O, as amended. Therefore, approval of consent application B01-2020 is supportable.
- Should the Committee approve consent application B01-2020 planning staff recommends the following condition:
 - 1) The Corporation of the City of St. Thomas be provided with a copy of the reference plan.

Respectfully submitted,


 Steve Craig
 Senior Planning Technician