

**THE FOURTH MEETING OF THE COMMITTEE OF ADJUSTMENT**

**BY TELECONFERENCE**

**MARCH 24, 2022**

10:00 a.m. The meeting convened.

**ATTENDANCE**

Members

Mr. R. Hodgkinson, Chair  
Ms. I. Bowman  
Mr. C. Hendry

Officials

J. Hindley, Assistant Secretary-Treasurer  
S. Craig, Senior Planning Technician

Others

Alan Patten, JEG Home Solutions Inc.  
Deren Lyle, Agent, 30 South Edgeware Road  
Jean Celocia, 90 Fairview Avenue  
Thomas Wong, Roy Cleeves, 244-248 Talbot Street  
Glenn Wellings, Micheal Di Lollo, Agents, 244-248 Talbot Street  
Roman Singh-Virk, Drawbuild Inc.  
Shawn Piskovic, Agent, 21 Jessie Street  
Rob Patton, 221 Woodworth Crescent  
Lee Vyse, 226 Woodworth Crescent  
Katrina & Brian Bosch, 225 Woodworth Crescent  
Glenda Sikora, 33 South Edgeware Road  
Tammy Wright & Mary Bennett, 220 Woodworth Crescent  
Avril Mallows, 173 1/2 Woodworth Avenue  
George Dean, 34 South Edgeware Road  
Sandra Andrews, 223 Woodworth Crescent  
Philip Morrissey, 307 Commissioners Road West, London

**DISCLOSURES OF INTEREST**

Nil.

**MINUTES**

Motion by I. Bowman - R. Hodgkinson:

THAT: The minutes of the meeting held on February 24th, 2022 be confirmed.

Carried.

**HEARING OF APPLICATIONS**

B01/22 – JEG Home Solutions Inc. – 30 South Edgeware Road

Deren Lyle, Agent, 30 South Edgeware Road provided an overview of the two consent applications. He advised that a zoning by-law amendment application had been filed concurrently to allow for proposed three-unit townhouse dwellings on each proposed severed lots.

The members discussed the fact that the zoning by-law amendment is a separate process under the Planning Act and that a public Council meeting would be required.

The Senior Planning Technician advised that should the Committee support the consent applications, staff are recommending that approval be subject to approval of a zoning by-law amendment to permit the development of the townhouse dwellings on the severed lots.

Philip Morrissey, 307 Commissioners Road West expressed concern about insufficient time to retain experts to review the applications and supporting documentation and regarding water pressure issues in the area.

Mr. Lyle advised that the City calibrated water distribution model was used in relation to potable water and that specific outreach was not made to residents in the area about water issues.

Brian Bosch, 225 Woodworth Crescent expressed concern about traffic, the smaller lot sizes for townhouses, and that it is difficult to discuss the consent applications, separate from the concurrent zoning by-law amendment application.

CONFIRMED \_\_\_\_\_ CHAIR

The 4th Meeting of the Committee of Adjustment - 2

Glenda Sikora, 33 South Edgeware Road expressed concern about traffic, potential for reduction of property values, and how the proposal fits in with the character of the neighborhood.

Katrina Bosch, 225 Woodworth Avenue expressed concern that some individuals may not have been able to call into the teleconference.

The members discussed the fact that traffic concerns would be best addressed through the zoning by-law amendment process and that members of the public would have further opportunity to participate through the Council public meeting.

Motion by I. Bowman - C. Hendry:

THAT: In the matter of an application by **JEG Home Solutions Inc.** for a consent pursuant to Section 53 of the Planning Act, 1990 as amended, to sever lands legally described as **RANGE SER PT LOT 5** municipally known as **30 South Edgeware Road** in the City of St. Thomas.

Application B01/22 is hereby approved provided that the following conditions are met:

- 1) Approval of a zoning by-law amendment to permit the development of townhouse dwellings on the severed lot;
- 2) The applicant enters into a development agreement with the Corporation of the City of St. Thomas;
- 3) The applicant satisfies the comments provided by the Manager of Development and Compliance, Environmental Services Department including the following:
  - a. All municipal services shall be from Woodworth Crescent, as per the servicing drawings supplied for the application;
  - b. The drainage/storm sewer easement along the rear of Lot 1 and 2 shall be registered on title for these properties;
  - c. All drawings in association with work for this application (ie. Site servicing, site grading, removals, etc.) shall be submitted to the City for final approval and attached to the development agreement for the application;
  - d. All appropriate fees for site servicing, ROW occupancy permits, water tap permits, and other permits as needed to support this work shall be obtained and paid by the applicant to the City;
  - e. SWM strategy for this development shall demonstrate for both minor (5 year) and major (100 year) flows are being retained to pre-development flow rates;
  - f. All work done in the City's Right of Way of Woodworth Crescent and South Edgeware Road shall be done in accordance with the City's Design Guidelines Manual and Standard Contract Documents;
- 4) The applicant shall convey to the Corporation of the City of St. Thomas, at no cost to the City, and free of all charge and encumbrances, the necessary road widening along South Edgeware Road, to be determined by a legal survey, and to be shown on the reference plan with all legal, surveying, land registration and administrative costs related to the road widening to be borne by the applicant;
- 5) The payment of cash-in-lieu of the dedication of 5% of the lands for parkland purposes; and
- 6) The Corporation of the City of St. Thomas be provided a copy of the reference plan.

Carried.

B02/22 – JEG Home Solutions Inc. – 30 South Edgeware Road

Motion by C. Hendry - I. Bowman:

THAT: In the matter of an application by **JEG Home Solutions Inc.** for a consent pursuant to Section 53 of the Planning Act, 1990 as amended, to sever lands legally described as **RANGE SER PT LOT 5** municipally known as **30 South Edgeware Road** in the City of St. Thomas.

Application B02/22 is hereby approved provided that the following conditions are met:

- 1) Approval of a zoning by-law amendment to permit the development of townhouse dwellings on the severed lot;
- 2) The applicant enters into a development agreement with the Corporation of the City of St. Thomas;
- 3) The applicant satisfies the comments provided by the Manager of Development and Compliance, Environmental Services Department including the following:

The 4th Meeting of the Committee of Adjustment - 3

- a. All municipal services shall be from Woodworth Crescent, as per the servicing drawings supplied for the application;
  - b. The drainage/storm sewer easement along the rear of Lot 1 and 2 shall be registered on title for these properties;
  - c. All drawings in association with work for this application (ie. Site servicing, site grading, removals, etc.) shall be submitted to the City for final approval and attached to the development agreement for the application;
  - d. All appropriate fees for site servicing, ROW occupancy permits, water tap permits, and other permits as needed to support this work shall be obtained and paid by the applicant to the City;
  - e. SWM strategy for this development shall demonstrate for both minor (5 year) and major (100 year) flows are being retained to pre-development flow rates;
  - f. All work done in the City's Right of Way of Woodworth Crescent and South Edgeware Road shall be done in accordance with the City's Design Guidelines Manual and Standard Contract Documents;
- 4) The applicant shall convey to the Corporation of the City of St. Thomas, at no cost to the City, and free of all charge and encumbrances, the necessary road widening along South Edgeware Road, to be determined by a legal survey, and to be shown on the reference plan with all legal, surveying, land registration and administrative costs related to the road widening to be borne by the applicant;
  - 5) The payment of cash-in-lieu of the dedication of 5% of the lands for parkland purposes; and
  - 6) The Corporation of the City of St. Thomas be provided a copy of the reference plan.

Carried.

A05/22 – Jean Celocia and Victoriano A. Celocia Jr. – 90 Fairview Avenue

Jean Celocia, 90 Fairview Avenue provided an overview of the minor variance application and advised that the previous owner had constructed the carport and new driveway without the benefit of permits.

The Senior Planning Technician advised that the new property owner is working to reduce the size of the driveway to bring it into compliance and that they would be filing a building permit application for the carport, should the Committee support the minor variance application.

The Senior Planning Technician advised that the eavestrough conforms with the Zoning By-Law, and that the supporting beams of the carport structure are located 0.82m from the side lot line, whereas the by-law requires them to be a minimum of 1 metre away.

Motion by I. Bowman - C. Hendry:

THAT: Application A05-22 by **Jean Celocia and Victoriano Celocia Jr.** on lands that may be legally described as **PLAN 270 PT LOT 138** for a minor variance pursuant to Section 45(1) of the Planning Act, R.S.O. 1990, as amended, on lands municipally known as **90 Fairview Avenue** in the City of St. Thomas, Ontario be approved as follows:

- (i) To permit a carport in the interior side yard 0.82m from the southerly side lot line, whereas a minimum interior side yard depth of 1m is required (Table 1 to Subsection 7.4, Column Number 2, Item Number 11a).
- (ii) To permit a carport 18.39m from the centre line of Fairview Avenue, whereas a minimum setback of 19m is required (Section 4.1.4.2), subject to the following:
  - 1) The carport shall remain unenclosed and in accordance with the plans accompanying the subject application;
  - 2) The owner shall obtain a building permit for the carport to the satisfaction of the Building Services Department;
  - 3) The existing driveway in the front yard shall be brought into conformity with the City of St. Thomas Zoning By-law 50-88 and to the satisfaction of the Environmental Services Department.

This application is granted because in the opinion of the Committee such variance is minor and is an appropriate use of the land, building or structure and the general intent and purpose of the Official Plan and Zoning By-Law are maintained.

Carried.

A06/22 – 2735125 Ontario Inc. – 244-248 Talbot Street

The 4th Meeting of the Committee of Adjustment - 4

Glenn Wellings, Agent, 244-248 Talbot Street provided an overview of the minor variance application and associated planning justification report.

The members discussed the neighborhood benefits to the proposed development.

Motion by I. Bowman - C. Hendry:

THAT: Application A06-22 by **2735125 Ontario Inc.** on lands that may be legally described as **PLAN 23 PT LOT 12 S/S TALBOT W/S QUEEN** for a minor variance pursuant to Section 45(1) of the Planning Act, R.S.O. 1990, as amended, on lands municipally known as **244-248 Talbot Street** in the City of St. Thomas, Ontario be approved as follows:

- (iii) To permit a four-storey addition on the south side of the existing building, whereas the DT1 zone permits a maximum height of three storeys (Subsection 4.3.6.1.2).
- (iv) To permit a residential addition with a floor area that exceeds 147.9% of the floor area of the existing building used for residential purposes, whereas the floor area of any addition or of all additions to any building existing at the date of the passing of the by-law, which addition or additions are used for residential purposes, shall not exceed twenty-five percent (25%) of the floor area in the existing building used for residential purposes (Subsection 12.3.1); subject to the following:

- 1) The construction of the four-storey addition be substantially in accordance with the plans accompanying the subject application.

This application is granted because in the opinion of the Committee such variance is minor and is an appropriate use of the land, building or structure and the general intent and purpose of the Official Plan and Zoning By-Law are maintained.

Carried.

A07/22 – Drawbuild Inc. – 21 Jessie Street

Roman Singh-Virk, 21 Jessie Street provided an overview of the minor variance application and advised that he was working to bring the existing accessory dwelling unit into compliance after his recent purchase.

The members inquired about consultation with the Kettle Creek Conservation Authority.

The Senior Planning Technician advised that Kettle Creek Conservation Authority has been initially consulted and did not have any concerns, but that the minor variance could be made subject to obtaining a permit from the Kettle Creek Conservation Authority.

Motion by C. Hendry - I. Bowman:

THAT: Application A07-22 by **Drawbuild Inc.** on lands that may be legally described as **PLAN 170 LOT 11 AND RP 11R1864 PT PART 12** for a minor variance pursuant to Section 45(1) of the Planning Act, R.S.O. 1990, as amended, on lands municipally known as **21 Jessie Street** in the City of St. Thomas, Ontario be approved as follows:

- (v) To permit one dwelling unit in a detached accessory building, whereas the Zoning By-law provides the no accessory building shall be used for human habitation (Subsection 4.2.4.7); subject to the following:
  - 1) The owner shall obtain a building permit for the dwelling unit to the satisfaction of the Building Services Department;
  - 2) The owner shall obtain a permit from Kettle Creek Conservation Authority if required.

This application is granted because in the opinion of the Committee such variance is minor and is an appropriate use of the land, building or structure and the general intent and purpose of the Official Plan and Zoning By-Law are maintained.

Carried.

UNFINISHED BUSINESS

The 4th Meeting of the Committee of Adjustment - 5

**NEW BUSINESS**

**NEXT MEETING**

The next meeting is scheduled to take place on April 14, 2022 at 10:00 a.m.

**ADJOURNMENT**

11:28 a.m. The meeting adjourned.