

A G E N D A

THE NINTH MEETING OF THE COMMITTEE OF ADJUSTMENT OF THE CITY OF ST. THOMAS 2022

VIA ZOOM

10:00 A.M.

**THURSDAY
JUNE 9, 2022**

DISCLOSURE OF INTEREST

MINUTES

Confirmation of the minutes of the meeting held on May 26, 2022.

HEARING OF APPLICATIONS

A13/22 - Canadian Commercial (T2) Inc. - 1029 Talbot Street **Pages 2-13**

Planning Report - A13/22 **Pages 14-16**

NEW BUSINESS

Next Meeting

To be determined.

ADJOURNMENT

CONFIRMATION OF AN APPLICATION FOR MINOR VARIANCE

May 11, 2022

Secretary-Treasurer, Committee of Adjustment
Attention: Jon Hindley

Pursuant to By-Law 30-2015, a consultation meeting was held on May 11, 2022 with Planning staff and the applicant.

An application for a minor variance, regarding 1025 Talbot Street, was filed on May 2, 2022 and the required fee under Section 69 of the Planning Act has been provided.

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

Regards,



Jim McCoomb, MCIP, RPP
Manager of Planning Services





Zelinka Priamo Ltd.
LAND USE PLANNERS

April 29, 2022

sent via email

Mr. Jon Hindley, Corporate Administrative & Accessibility Clerk
City of St. Thomas
545 Talbot Street
St. Thomas, ON
N5P 3V7
jhindley@stthomas.ca

RE: Application for Minor Variance – Building Height
 1025 Talbot Street
 St. Thomas, ON
Our File: CCI/STH/21-01

Zelinka Priamo Ltd., on behalf of Canadian Commercial (T2) Inc. and Fast Forward Ventures Inc., is pleased to submit an application for Minor Variance relating to the above noted property (the “subject lands”) for the purpose of seeking relief from the maximum building height regulation under the City of St. Thomas Zoning By-Law to permit a 3.1m mechanical penthouse on the roof of a proposed 43.8m tall building.

The subject lands are located in the middle portion of the former Timken lands and abut private roads to the east and south. A proposed 14-storey building is to be located abutting the private road to the east. An application for Site Plan Approval (SPC 03-22) has already been submitted to the City and has received provisional approval. An application for Minor Variance seeking to permit a reduction in required parking spaces (File No. A08/22) was approved on April 28, 2022.

THE PROPOSED MINOR VARIANCE

The proposed apartment building is a permitted use within the current “*Mixed Use Development Zone (MU)*” zone. While the top of the main roof is below the 45m maximum building height, a 3.1m mechanical penthouse is located on top of the roof of the apartment building, extending to a total elevation of 46.9m. City staff have recently advised that there is no zoning provision providing an exemption for mechanical penthouses from the maximum height limit in the Zoning By-Law. Such an exemption is a common feature in most zoning by-laws.

Therefore, to permit the development of the proposed apartment building, the following variance to the current “*Mixed Use Development Zone (MU)*” zone under Zoning By-Law is required:

- Relief from Section 20.6.1 to exempt a mechanical penthouse from the maximum building height regulation.

To assess the merit of an application for Minor Variance, the four tests under Section 45 of the *Planning Act* are applied. An overview of the four tests is as follows:

Does the variance meet the general intent of the Official Plan?

The subject lands are within the “*Mixed Use Development*” land use designation in the City of St. Thomas Official Plan. The intent of this land use designation is to encourage a mix of commercial, service, and residential land uses in a form that provides aesthetically pleasing streetscapes in a highly walkable environment. Section 5.15.3.7 provides that residential uses in the “*Mixed Use Development*” designation should “*ensure the height, bulk and siting of the residential buildings is compatible with the site and adjacent residential areas there shall be a transition in dwelling unit density and building height from lower to higher densities and heights moving away from the adjacent residential lands.*”

The proposed 3.1m mechanical penthouse is proposed to be located on the roof of the proposed 43.8m apartment building. The mechanical penthouse is intended to shelter the building's elevator and other necessary mechanical equipment. While the mechanical penthouse may be visible from a distance away from the building, it will not be visible from the street and will have no impact on the compatibility of the proposed building and adjacent lands.

For the reasons above, the proposed variance is generally consistent with the purpose and intent the City of St. Thomas Official Plan.

Does the variance meet the general intent of the Zoning By-Law?

The subject lands are zoned “*Mixed Use Development Zone (MU)*” in the City of St. Thomas Zoning By-Law, which permits a wide range of uses, including the proposed apartment building. The current *MU* zone permits a maximum building height of 45m for apartment buildings. The intent of the maximum building height regulation is to ensure compatibility with surrounding land uses. While most other municipalities in Ontario provide an exemption to the height limit for mechanical penthouses, the City of St. Thomas Zoning By-Law does not. It is unclear why such an exemption does not exist in the By-Law.

Only a small portion of the building is located above the 45m height limit, which includes only the 3.1m mechanical penthouse. Despite the proposed variance, the proposed development is consistent with all other regulations under the *MU* zone to facilitate the development of the proposed apartment building, including a maximum building height of 43.8m excluding the mechanical penthouse.

Given that the proposed mechanical penthouse will not be visible from the street near the building and will have no impact on the compatibility of the proposed building with adjacent lands, the proposed variance maintains the intent and purpose of the Zoning By-Law.

Is the requested variance(s) minor in nature?

Given that only a small portion of the building is located above the 45m height limit, specifically only the 3.1m mechanical penthouse, and that no additional usable floor area is being sought, the proposed variance is minor in nature.

Is the request desirable for the appropriate use of the land, building, or structure?

The proposed apartment building has been contemplated on the subject lands for some time and it was only recently advised by City staff that a height exemption for a mechanical penthouse is not provided in the Zoning By-Law. A mechanical penthouse is a required feature on any apartment building. The proposed variance reflects common practice without creating any undue negative impacts on surrounding lands. Given that the proposed variance is required to allow the City to give final Site Plan Approval for the proposed development, the proposed variance is desirable for the appropriate use of the subject lands.

CONCLUSION

Given the above, it is our opinion that the proposed variances to exempt a mechanical penthouse from the maximum height regulation in the Zoning By-Law satisfies the four tests for Minor Variance under the Planning Act.

Please find the following digital materials submitted to support the application:

- The completed Minor Variance application form (including authorization); and,
- Elevations and floor plan denoting penthouse height.

The required application fee will be provided to City Hall separately.

We trust that the enclosed information is complete and satisfactory and look forward to a timely approval process. Should you have any questions or require additional information, please feel free to contact our office.

Yours very truly,

ZELINKA PRIAMO LTD.



Mathew Campbell, BA, CPT
Senior Planner

cc. Fast Forward Ventures
Canadian Commercial Inc.



Clear Form

CORPORATION OF THE CITY OF ST THOMAS

COMMITTEE OF ADJUSTMENT

APPLICATION FOR MINOR VARIANCE OR FOR PERMISSION

(Section 45 of the Planning Act, RSO, 1990, as amended)

OFFICE USE:	Date Application Received: <u>MAY 02 2022</u>	Consultation Date: <u>MAY 11 2022</u>
	Date Application Deemed Complete: <u>MAY 11 2022</u>	

Application #: A13/22

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: jhindley@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. After consultation, the application will be filed with the Assistant Secretary-Treasurer, together with the sketch referred to in Note 1 and \$400 made payable to the City of St. Thomas. All information and materials submitted for the application shall be made available to the public, as indicated by Section 1.0.1 of the Planning Act, R.S.O. 1990.

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. Name of Owner(s) Canadian Commercial (T2) Inc.

Address 484 Waterloo Street, London, ON

Postal Code N6B 2P6 Tel: 519-520-0945 e-mail: lee@canadiancommercial.ca

2. Name of Authorized Agent (if any) Zelinka Priamo Ltd. c/o Matt Campbell

Address 318 Wellington Road, London, ON

Postal Code N6C 4P4 Tel: 519-474-7137 e-mail: matt.c@zpplan.com

Note: Please specify to whom all communications should be sent: Owner ☒ Agent ☒

3. Nature and extent of relief from the Zoning By-law applied for:

Relief from Section 20.6.1 to exempt a mechanical penthouse from the maximum height regulation

4. Reason why the proposed use cannot comply with the provisions of the Zoning By-law:

See attached cover letter

5. Location of Land:

Concession No. 9 Lot(s) 6 Registered Plan No. Lot(s)

Reference Plan No. 11R-10793 Part(s) 3-6

Geographic/Former Township _____

Name of Street Talbot Street Street No. 1025

6. Dimensions of land affected:

Frontage See attached site plan Depth _____

Area _____ Width of Street _____

7. Access to the subject land is by:

- ☐ a Regional Road
 ☒ a private road
☐ a Municipal road that is maintained all year
☒ a Municipal road that is maintained seasonally

8. Particulars of all buildings and structures on or proposed for the subject land (Specify ground floor area, gross floor area, number of storeys, width, length, height). Please specify use of existing structures.

Existing:

None

USE _____

Proposed:

14-storey, 162-unit apartment building

9. Location of all buildings and structures on or proposed for the subject land (Specify distance from side, rear and front lot lines). Please specify use of proposed structure.

Existing:

None

Proposed:

See site plan

USE _____

10. Date of acquisition of subject land: 2021

11. Date of construction of all buildings and structures on subject land: N/A

12. Existing uses of the subject land:

Vacant

13. Existing uses of abutting lands:

North: Vacant East: Commercial
 South: Commercial (under construction) West: Vacant

14. Length of time the existing uses of the subject land have continued:

N/A

15. Services available (check appropriate space or spaces):

Water:

☒ Municipally owned and operated piped water system Other (Specify) _____

Sewage Disposal:

☒ Municipally owned and operated sanitary sewer system Other (Specify) _____

Storm Drainage

☒ Storm sewers Other (Specify) _____

16. Present Official Plan designation of the subject land:

Mixed Use

17. Present Zoning of the subject land:

Mixed Use (MU)

18. Has the owner previously applied for relief (minor variance) under Section 45 of the Act in respect of the subject property?

yes ☒ no ☐

If the answer is yes, describe briefly (and if known, quote Application #)

A08/22 - reduced parking requirement - Approved April 28, 2022

19. Is the subject property the subject of a current application for a consent under Section 53 or a plan of subdivision under Section 51 of the Planning Act, 1990?

yes ☐ no ☒ If so, state Application # and status Consent previously approved

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 Matt Campbell, the Owner or Authorized Agent, hereby agree and acknowledge
(Print name of Owner or Authorized Agent)
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, Matt Campbell of St. Thomas in the province of ON
name of applicant Agent City

make oath and say (or solemnly declare) that the information required under Schedule 1 of Ontario Regulation 545/08 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 28th day of April, 2022.
City Day Month Year



Signature of Owner or Authorized Agent

DAVID JOHN HANNAM, a Commissioner, etc.,
Province of Ontario, for Zelinka Priamo Ltd.
Expires September 21, 2024.

April 28 2022
Date



Signature of Commissioner of Oaths, etc.

April 28, 2022
Date

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, Jeffery House, am the owner of the subject lands, and I authorize Zelinka Priamo Ltd., 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.

April 29 2022

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, Jeffery House, am the 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.

April 29 2022

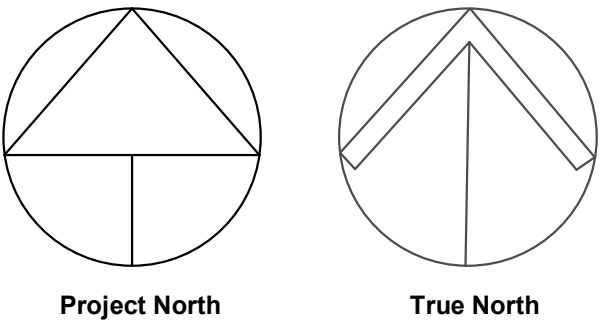
Date



Signature of Owner

NOTES:

1. Each copy of this application must be accompanied by a Sketch. The Sketch need not necessarily be to scale, but dimensions must be accurate, and showing the following:
 - (a) The boundaries and dimensions of the subject land;
 - (b) The location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings or structures from the front yard lot line, rear yard lot line and the side yard lot lines;
 - (c) The approximate location of all natural and artificial features on the subject land and on land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application. Examples include buildings, driveways, swimming pools, roads, railways, drainage ditches, wells, septic tank and tile bed, and trees;
 - (d) The current uses on land that is adjacent to the subject land;
 - (e) 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;
 - (f) If access to the subject land is by water only, the location of the parking and docking facilities to be used;
 - (g) The location and nature of any restrictive covenant or easement affecting the subject land;
2. The Committee of Adjustment may require that a preliminary drawing be prepared, signed and dated by an Ontario Land Surveyor.
3. If this application is signed by an agent or solicitor on behalf of an applicant, the owner's written authorization must accompany the application. If the applicant is a corporation acting without agent or solicitor, the application must be signed by an officer of the corporation and the corporation's seal (if any) must be affixed.



- GENERAL NOTES**
1. **DO NOT SCALE DRAWINGS.** WRITTEN DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS.
 2. ALL WORK SHALL COMPLY WITH THE 2012 ONTARIO BUILDING CODE AND AMENDMENTS.
 3. CONTRACTORS MUST CHECK AND VERIFY ALL DIMENSIONS AND SPECIFICATIONS AND REPORT ANY DISCREPANCIES TO THE ARCHITECT BEFORE PROCEEDING WITH THE WORK.
 4. ALL CONTRACTORS AND SUB-CONTRACTORS SHALL HAVE A SET OF APPROVED CONSTRUCTION DOCUMENTS ON SITE AT ALL TIMES.
 5. ALL DOCUMENTS REMAIN THE PROPERTY OF THE ARCHITECT. UNAUTHORIZED USE, MODIFICATION, AND/OR REPRODUCTION OF THESE DOCUMENTS IS PROHIBITED WITHOUT WRITTEN PERMISSION. THE CONTRACT DOCUMENTS WERE PREPARED BY THE CONSULTANT FOR THE ACCOUNT OF THE OWNER.
 6. THE MATERIAL CONTAINED HEREIN REFLECTS THE CONSULTANT'S BEST JUDGEMENT IN LIGHT OF THE INFORMATION AVAILABLE TO HIM AT THE TIME OF PREPARATION. ANY USE WHICH A THIRD PARTY MAKES OF THE CONTRACT DOCUMENTS, OR ANY RELIANCE ON OR DECISIONS TO BE MADE BASED ON THEM ARE THE RESPONSIBILITY OF SUCH THIRD PARTIES.
 7. THE CONSULTANT ACCEPTS NO RESPONSIBILITY FOR DAMAGES, IF ANY, SUFFERED BY ANY THIRD PARTY AS A RESULT OF DECISIONS MADE OR ACTIONS BASED ON THE CONTRACT DOCUMENTS.

- FLOOR PLAN LEGEND**
- ▲ - MAIN ENTRANCE / EXIT
 - ◀ - SECONDARY ENTRANCE / EXIT
 - ▽ - OVERHEAD DOOR
 - ▽ - MAN DOOR
 - EXIT - EMERGENCY EXIT
 - - PHASING LINE
 - - PROPERTY LINE
 - - SETBACK LINE
 - - WALL ASSEMBLY
 - DC - DROPPED CURB
 - RC - ROLL OVER CURB

- AREA LEGEND**
- Circulation
 - Residential 1 BED
 - Residential 2 BED
 - Services
 - Vertical Circulation

12	2022-04-22	ISSUED FOR SPA #2
11	2022-02-08	ISSUED FOR SPA
No.	Date	Revision

Project No. 21034

Project Date 2021-01-25

Drawn by GM

Checked by RH

Plot Date / Time 2022-04-22 5:49:52 PM

1025 Talbot Street, St. Thomas
1055 Talbot Street

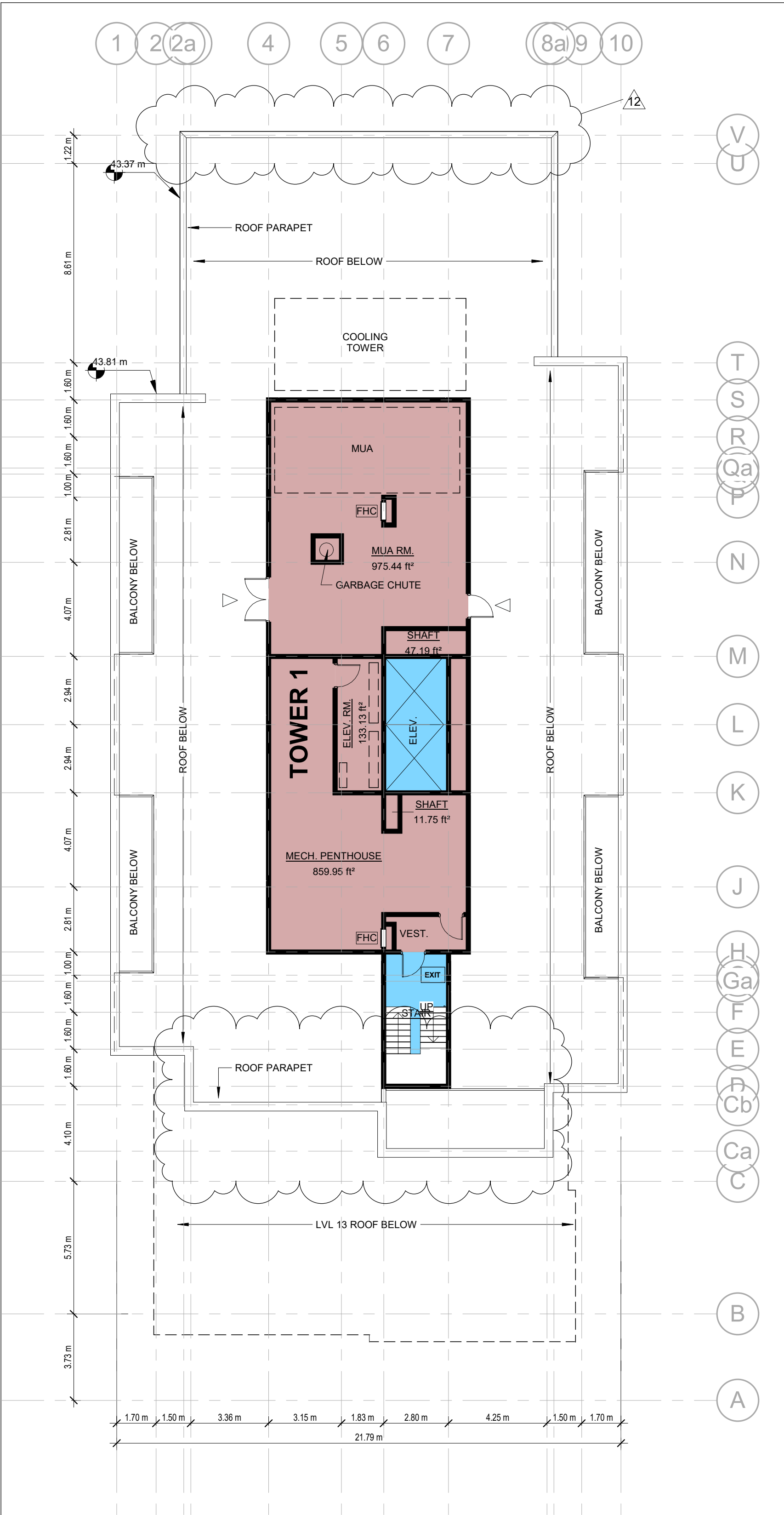
TYPICAL FLOOR PLANS
- TOWER 1 - OPTION 2A

Drawing Scale As indicated

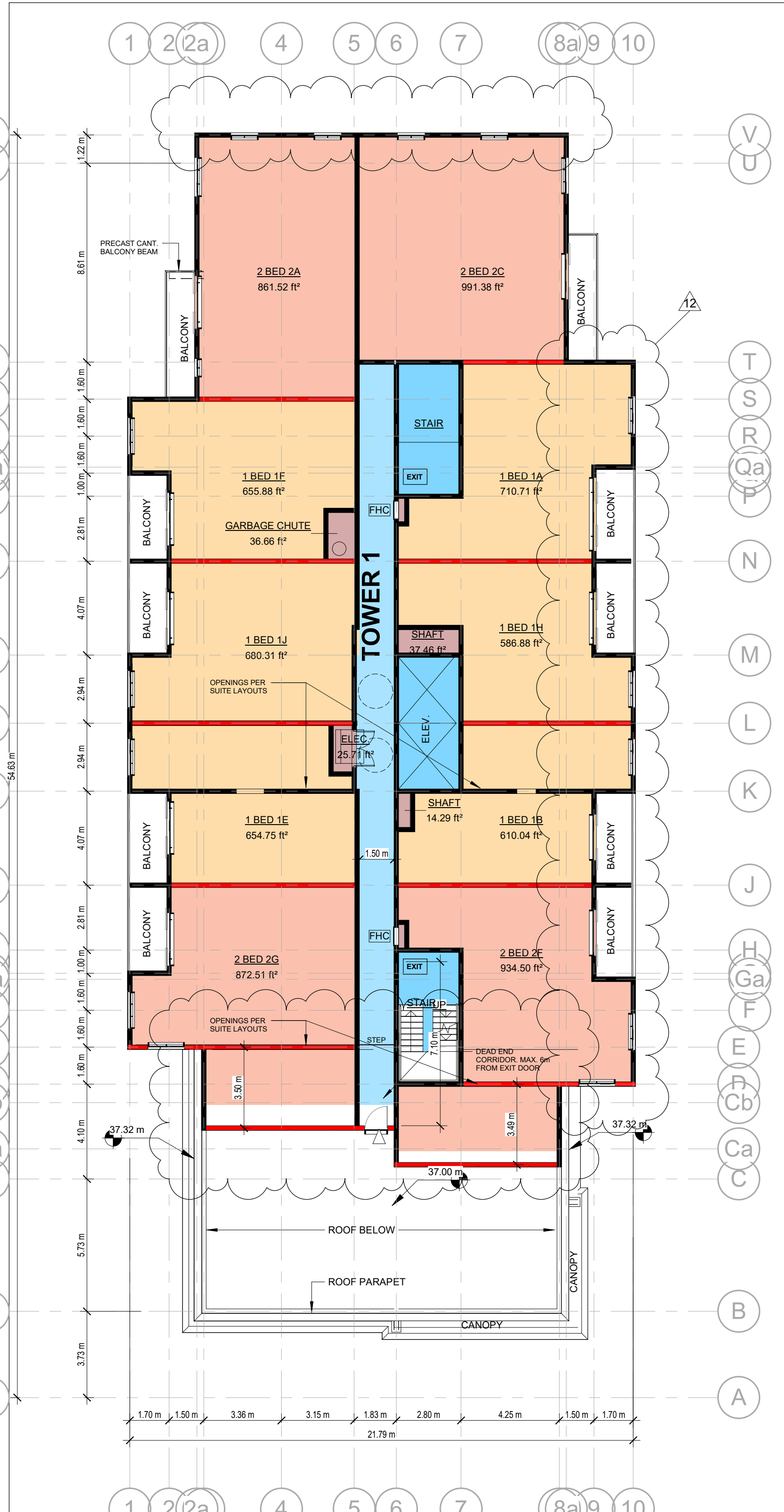
Status

Drawing No. Revision No.

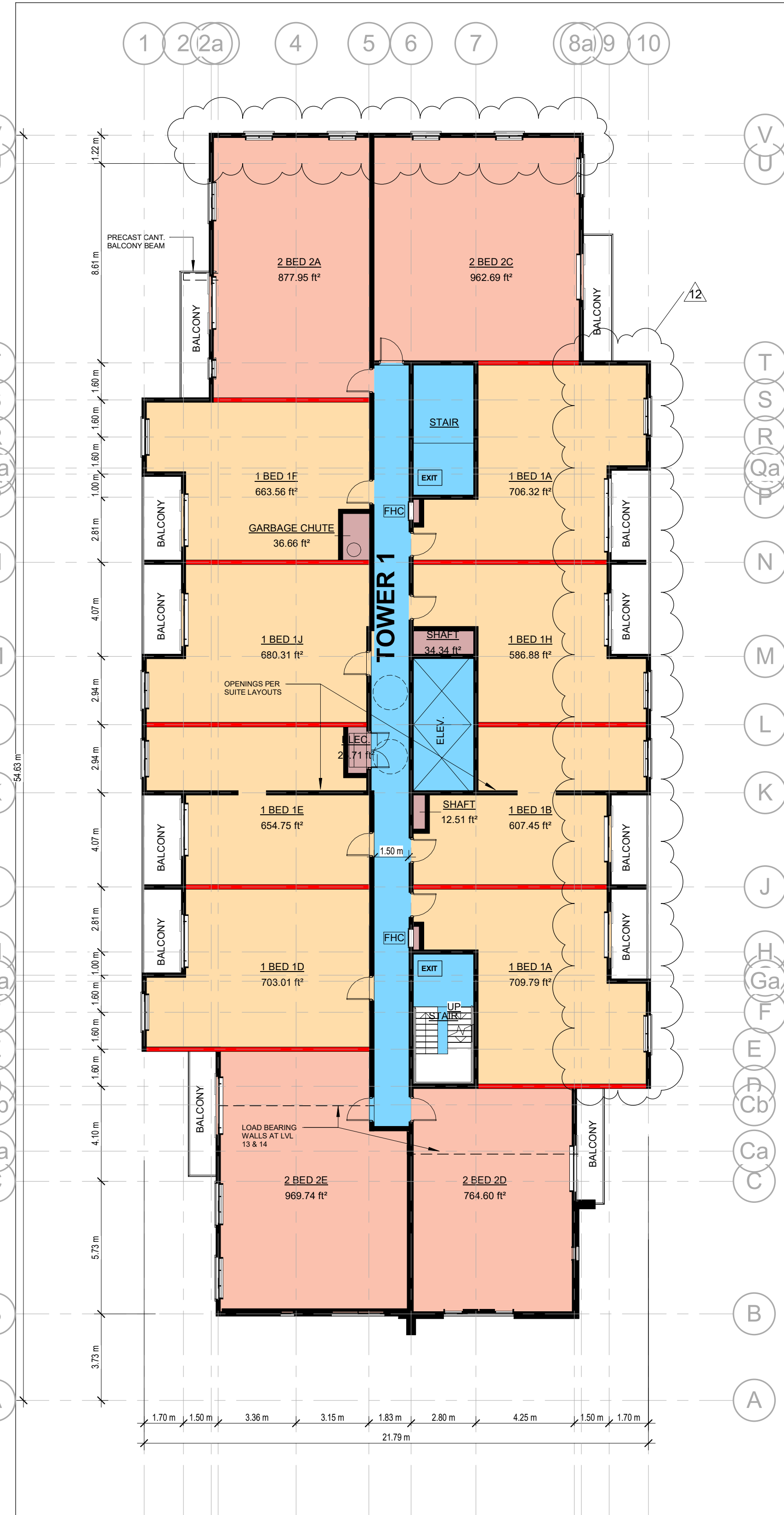
C:\Users\jdoe\Documents\21034 - 1055 Talbot Street\St. Thomas - VTT Option 2A - jdoe\dwg\K17.rvt



3 TOWER 1 - PENTHOUSE
1:150








2 TOWER 1 - LEVEL 13 & 14
1:150



1 TOWER 1 - LEVEL 3 TO 12
1:150



- ## **MATERIALS LEGEND**
- 1 GRADE. REFER TO CIVIL
 - 2 PAINTED METAL INSULATED DOOR & FRAME
 - 3 RAILING SYSTEM. TYPE 1
 - 4 RAILING SYSTEM. TYPE 2
 - 5 INSULATED GLAZED UNIT IN THERMALLY BROKEN ALUM. FRAME
 - 6 PRE-CAST CONCRETE - PAINTED
 - 7 SITE FEATURE TO BE DETERMINED.
 - 8 LIGHT FIXTURE. REFER TO ELECTRICAL.
 - 9 PRE-CAST HEADER & SILL
 - 10 PREFINISHED METAL BANDING
 - 11 INSULATED SLIDING DOOR UNIT IN THERMALLY BROKEN ALUM. FRAME.
 - 12 PREFINISHED METAL CANOPY CLAD SYSTEM
 - 13 FRONT ENTRANCE CANOPY C/W SIGNAGE
 - 14 INSULATED SWING DOOR UNIT IN THERMALLY BROKEN ALUM. FRAME.
 - 15 PRE-CAST CONCRETE, STAMPED - BOND MODULAR BRICK RACKED
 - 16 PRE-CAST CONCRETE - TYPE 1 - PAINTED - WHITE FINISH
 - 17 PRE-CAST CONCRETE - TYPE 2 - PAINTED - LIGHT GRAY TEXTURED FINISH
 - 18 PRE-CAST CONCRETE - TYPE 3 - PAINTED - DARK GRAY FINISH
 - 19 REVEAL
 - 20 PRE-CAST CONCRETE - STAMPED - SEAMLESS 25" - RIBBED PATTERN
 - 21 PREFINISHED METAL CAP FLASHING
 - 22 CANOPY SUPPORT FRAMING SYSTEM
 - 23 PREFINISHED METAL SOFFIT - WOOD FINISH
 - 24 PRE-CAST CONCRETE - TYPE 4 - PAINTED - BLACK FINISH
 - 25 NOT USED
 - 26 BOLLARD
 - 27 FIRE DEPARTMENT CONNECTION
 - 28 WOOD FENCE SCREENING
 - 29 INSULATED METAL PANEL UNIT IN THERMALLY BROKEN ALUM. FRAME.
 - 30 BIKE RACK. REFER TO SITE PLAN

- ## MATERIALS SELECTION LEGEND
- | | | |
|----|---|---|
| 15 |  | GRAPHITE / BLACK BRICK - STAMPED - BOND MODULAR BRICK RACKED |
| 17 |  | PRE-CAST CONCRETE - TYPE 2 - PAINTED - LIGHT GRAY TEXTURED FINISH |
| 20 |  | PRE-CAST CONCRETE - STAMPED - SEAMLESS 25 - RIBBED PATTERN |
| 21 |  | MISC. METAL / WINDOW FRAME / METAL PANEL - BLACK |
| 23 |  | PREFINISHED METAL SOFFIT - WOOD FINISH |

12	2022-04-22	ISSUED FOR SPA #2
11	2022-02-08	ISSUED FOR SPA
No.	Date	Revision




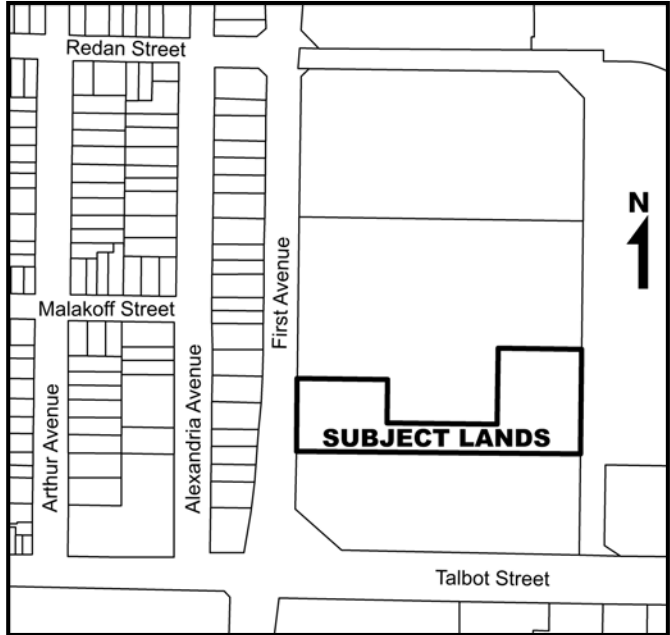
1025 Talbot Street, St.
Thomas
1055 Talbot Street

ELEVATIONS

Drawing Scale	As indicated
Status	

Drawing No.	Revision No.
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D3.1 - r12

 The Corporation of the City of St. Thomas	Report No.: COA13-2022
	Applicant: Canadian Commercial (T2) Inc.
Members of the Committee of Adjustment	Report Date: May 18, 2022 Meeting Date: June 9, 2022
Location: 1025 Talbot Street, Yarmouth, Concession 9, Part Lot 6, Registered Plan 11R-10756, Parts 1 – 5	
Subject: Request for a minor variance pursuant to 45(1) of the Planning Act, R.S.O, as amended	
Department: Planning and Building Services Department Prepared by: Steve Craig, Senior Planning Technician	Attachments: Location Plan
Recommendation: That: Report COA13-2022 be received.	
<p>BACKGROUND:</p> <p>The applicant is proposing to construct a 14-storey apartment building on the subject lands, the proposed variance is requested to accommodate a 3.1m high mechanical penthouse on the roof of the building dedicated to mechanical and electronic equipment associated with the operation of the building.</p> <p>REQUESTED VARIANCE:</p> <p>i) To permit a 3.1m high mechanical penthouse on the roof of a proposed 43.8m high apartment building, whereas Subsection 20.6.1 of the City of St. Thomas Zoning By-law permits a maximum building height of 45m for an apartment building.</p> <p>OFFICIAL PLAN:</p> <ul style="list-style-type: none"> The subject lands are in the Mixed Use Development designation, as shown on Schedule "A" (Land Use Plan) to the Official Plan for the City of St. Thomas. Permitted uses of the Mixed Use Development designation include (5.15.3.1): <p>i) a wide range of commercial, office, institutional, medical/dental, personal care and other service commercial uses i.e. banks, restaurants, other services, etc.;</p>	<p>Location Plan</p> 

- ii) hotel/motel uses;
- iii) medium and high-density residential uses in single use form and/or mixed-use forms that are compatible with, and complementary to, surrounding uses;
- iv) ground floor uses in mixed use residential buildings, such as retail, restaurants, entertainment, and personal service establishments, are encouraged subject to the needs identified in the City's Retail Market Study.
 - Access will be controlled and designed to minimize the danger to vehicular and pedestrian traffic. Points of ingress and egress to Talbot Street will not be permitted and points of ingress and egress to First Avenue will be limited in number. Development shall implement where possible consolidated vehicular access/circulation points and safe pedestrian connections and access to the internal road system located on the Power Centre designation (5.15.3.9).
 - Adequate vehicular parking and loading spaces shall be provided. There shall be only a limited amount of vehicular parking between the street and the first tier of buildings (5.15.3.10).

ZONING BY-LAW:

- The subject lands are in the Mixed Use Development Zone (h1, h2, h3 MU), on Zoning Map 11 to the City of St. Thomas Zoning By-Law 50-88, as amended.
- Permitted residential uses include an apartment dwelling, multiple dwelling, and town house dwelling (20.1(ii)).
- No building or structure shall be erected or used for any purpose permitted by subsection 20.1 unless the following municipal services are available to service the building or structure and the land on which it is situate, a water supply system and a sanitary sewage system and a storm sewage system (20.3).
- Minimum Lot Area 1.2 hectares (20.4.2).
- Minimum Lot frontage 50m (20.4.3).
- No part of any building, driveway, parking or loading area shall be erected within 3m of any lot line (20.4.4).
- The MU zone may consist of lots that are owned by one or more persons. Where the development of the land is approved under Section 41 of the Planning Act and, pursuant to a consent subsequently given under section 53 of the Planning Act or pursuant to an approval or exemption subsequently given under section 50 of the Condominium Act, any part of the land is conveyed or otherwise dealt with, the provisions of Section 20 and any other regulations of By-law 50-88 are hereby deemed to apply to the land as a whole and to any building or structure thereon in the same manner and to the same extent as if the consent, approval or exemption was not given, so long as the land and any building or structure thereon are used and continue to be used for the purpose for which the development was approved (20.4.5).
- Maximum height of buildings and structures, townhouses - five storeys, apartments - 45m, multiple dwelling - 11m and accessory buildings and structures - 4m (20.6.1).
- Minimum landscaped area 25% (20.6.2).
- Minimum number of parking spaces 1.25 per dwelling unit (20.6.3).
- Residential densities (20.6.4):
 - i) Townhouses and multiple dwelling – 25 to 75 units per hectare.
 - ii) Apartments – 25 to 250 units per hectare.
- Residential development within the MU zone may be phased, with an overall minimum density of 25 units per hectare (200 units) required at build-out (20.6.4).
- Minimum dwelling unit floor area, bachelor - 28sqm, one-bedroom - 42sqm, two-bedroom 56sqm, and three-bedroom 70sqm (20.6.5).

LEGISLATIVE FRAMEWORK FOR A MINOR VARIANCE:

In considering this application, the Committee must have regard to the following criteria and determine whether:

- The general intent and purpose of the Official Plan will be maintained;
- The general intent and purpose of the Zoning By-Law will be maintained;
- The variance is desirable for the appropriate development or use of the land, building or structure; and
- The variance is minor in nature.

COMMENTS:

- Planning staff are in the process of preparing a housekeeping Zoning By-law amendment for Council's consideration to deal with several technical matters, including the introduction of a regulation to exempt mechanical penthouses and rooftop mechanical equipment from the height and storey provisions of the Zoning By-Law, notwithstanding this the timing for the proposed development is critical and as such the applicants have are requesting a minor variance to accommodate a mechanical penthouse on the roof of the building dedicated to mechanical and electronic equipment associated with the operation of the 14-storey apartment building.
- The proposed 14-unit apartment building recently received conditional site plan approval from the City of St. Thomas Site Plan Committee.
- In Staff's opinion the proposed variance meets the general intent and purpose of the Official Plan, Zoning By-law, is minor in nature, and is desirable and appropriate for the use of the lands, thereby satisfying the four tests, as set out in Section 45 of the Planning Act. Therefore, staff recommend that application COA13-2022 be approved.
- Should the Committee of Adjustment approve Minor Variance Application COA13-2022, the decision should reflect that the Committee is approving a 3.1m high mechanical penthouse on the roof of a 43.8m high apartment building.

Respectfully submitted,



Steve Craig

Senior Planning Technician