

**DEVELOPMENT
SERVICES**

**CONSENTS,
MINOR VARIANCES &
BOULEVARD PARKING**

PEC Orientation
February 17, 2015

CONSENTS

What are they?

Planning Act S. 53

Consents can be granted by a council or delegated authority for:

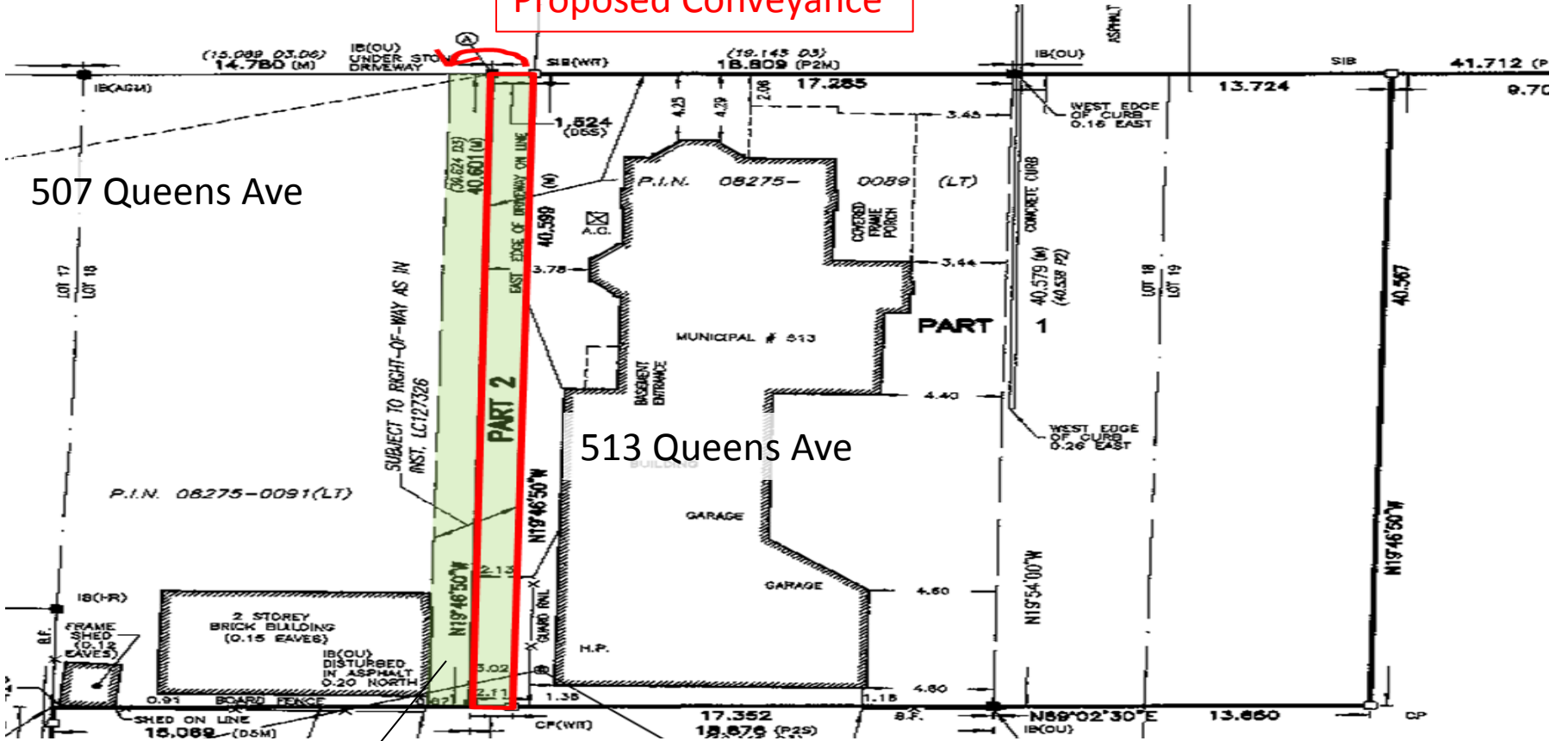
1. Lot creation & lot adjustments (severances/conveyances)
2. Establishing easements over property
3. Establishing leases for a term of 21 years or longer
4. Mortgaging /discharging mortgages on part of a property

CONSENTS

Background

- Consent Authority in London is delegated to the City Planner
- Notice is provided in the Londoner & by mail-out to property owners within 60 metres of the subject site
- Public comments are invited but there is no statutory public meeting
- persons may request notice of decision; and appeal if they don't agree with the decision

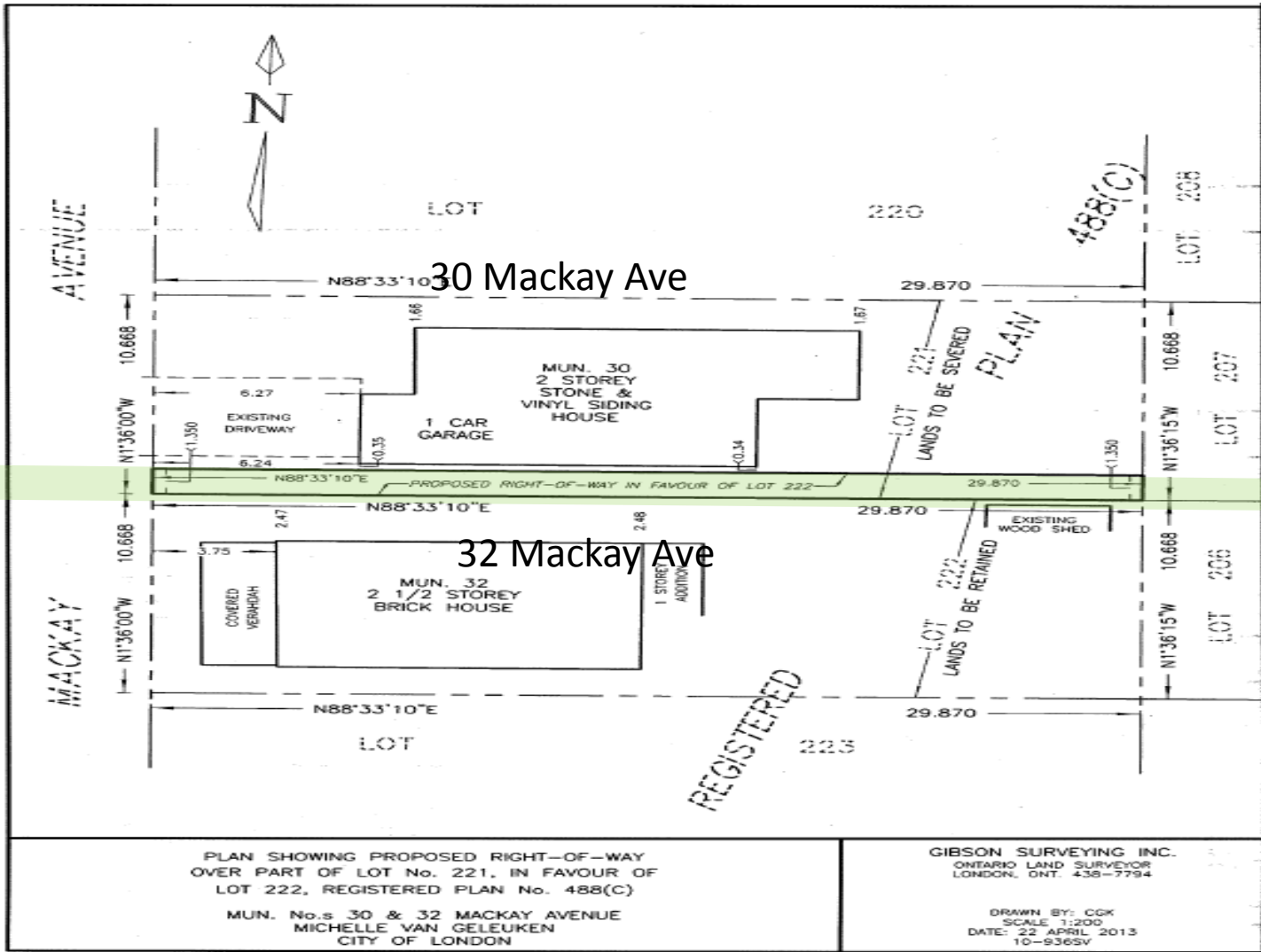
Proposed Conveyance



507 Queens Ave

513 Queens Ave

Existing Mutual Right of Way



AVENUE

MACKAY

30 Mackay Ave

32 Mackay Ave

488(C)

PLAN

REGISTERED

PLAN SHOWING PROPOSED RIGHT-OF-WAY
OVER PART OF LOT No. 221, IN FAVOUR OF
LOT 222, REGISTERED PLAN No. 488(C)

MUN. No.s 30 & 32 MACKAY AVENUE
MICHELLE VAN GELEUKEN
CITY OF LONDON

GIBSON SURVEYING INC.
ONTARIO LAND SURVEYOR
LONDON, ONT. 438-7794

DRAWN BY: CGK
SCALE 1:200
DATE: 22 APRIL 2013
10-936SV

CONSENTS

Consent or Plan of Subdivision ?

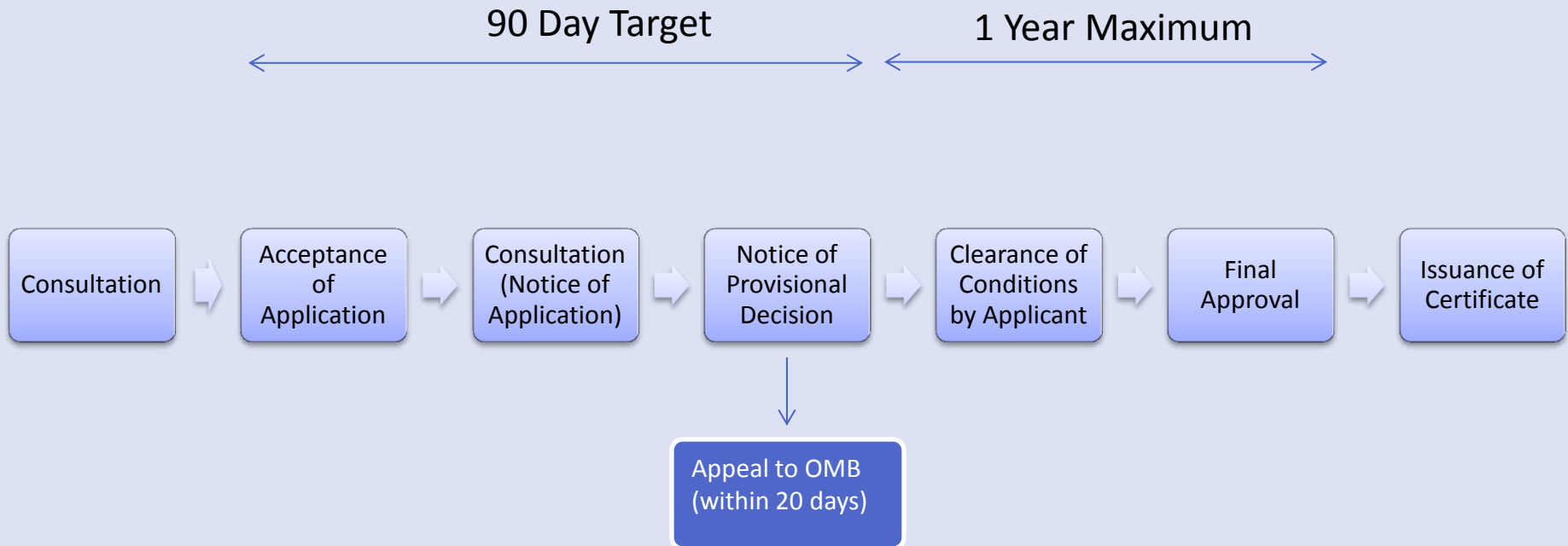
While the Planning Act provides similar powers for both processes, consents are intended for less complex applications, such as:

- Adjustments to lot boundaries
- Creating a limited number of lots for properties with existing road access & municipal services

A plan of subdivision is more appropriate for proposals involving multiple lots, public roads & municipal services.

CONSENTS

Process



CONSENTS

Conditions

Typical conditions that are applied to provisional consents:

1. Payment of taxes & any outstanding municipal charges
2. Preparation of a reference plan that is acceptable to the City
3. Cash-in-lieu of parkland dedication
4. Rezoning or minor variance in effect prior to final approval (if required)
5. Confirmation of municipal addressing

CONSENTS

Timelines

- Applicants may appeal to the OMB if no decision has been made within 90 days after acceptance of the application
- The provisional consent decision may be appealed by any person or public body within 20 days after the notice of decision
- Under S. 53(41) of the Planning Act, an application is deemed to be refused if all conditions are not fulfilled within one year of the notice of decision (no provision for extensions)

MINOR VARIANCES

What is a Minor Variance?

A minor variance is a minor variation or relief from the requirements of the Zoning By-law.

It allows an owner to obtain a building permit even though the property does not comply precisely with the Zoning By-law.

Who makes Decisions to Grant a Variance?

Committee of Adjustment

MINOR VARIANCES Who Decides?

Committee of Adjustment:

- The committee serves as a quasi-judicial body that has independent authority, as delegated by Council, to consider applications for minor variances under the Planning Act
- Council may by by-law, constitute and appoint a committee of adjustment comprised of no less than three individuals
- Members hold office for the term of office of the Council that appoints them
- Committee members must base their decisions on the planning merits of the application after considering the recommendations of staff, and receiving input from the applicant & members of the public

MINOR VARIANCES

Basis for Decisions

Planning Act S. 45(1)

A minor variance from the provisions of the by-law may be authorized if the Committee is satisfied that the application meets the following four tests:

1. Is the variance minor in nature
2. Is the variance desirable for the appropriate development or use of the land, building or structure
3. Does the variance meet the general intent and purpose of the by-law; and
4. Does the variance meet the general intent and purpose of the Official Plan

MINOR VARIANCES

Basis for Decisions

Planning Act S. 45(2)

The Committee may approve extensions, enlargements or changes to legal non-conforming uses under the Zoning By-law:

1. For the same use, or a more compatible use than was permitted by the by-law; or
2. To confirm specific uses that are defined in the by-law in general terms,

MINOR VARIANCES

Examples

Examples of relief to the Zoning By-law by minor variance include:

- Locational (Yard) setbacks for main or accessory structures
- Height, coverage or gross floor area
- Parking deficiencies, front yard parking
- Changes to legal non-conforming uses
- Home occupations, definitions

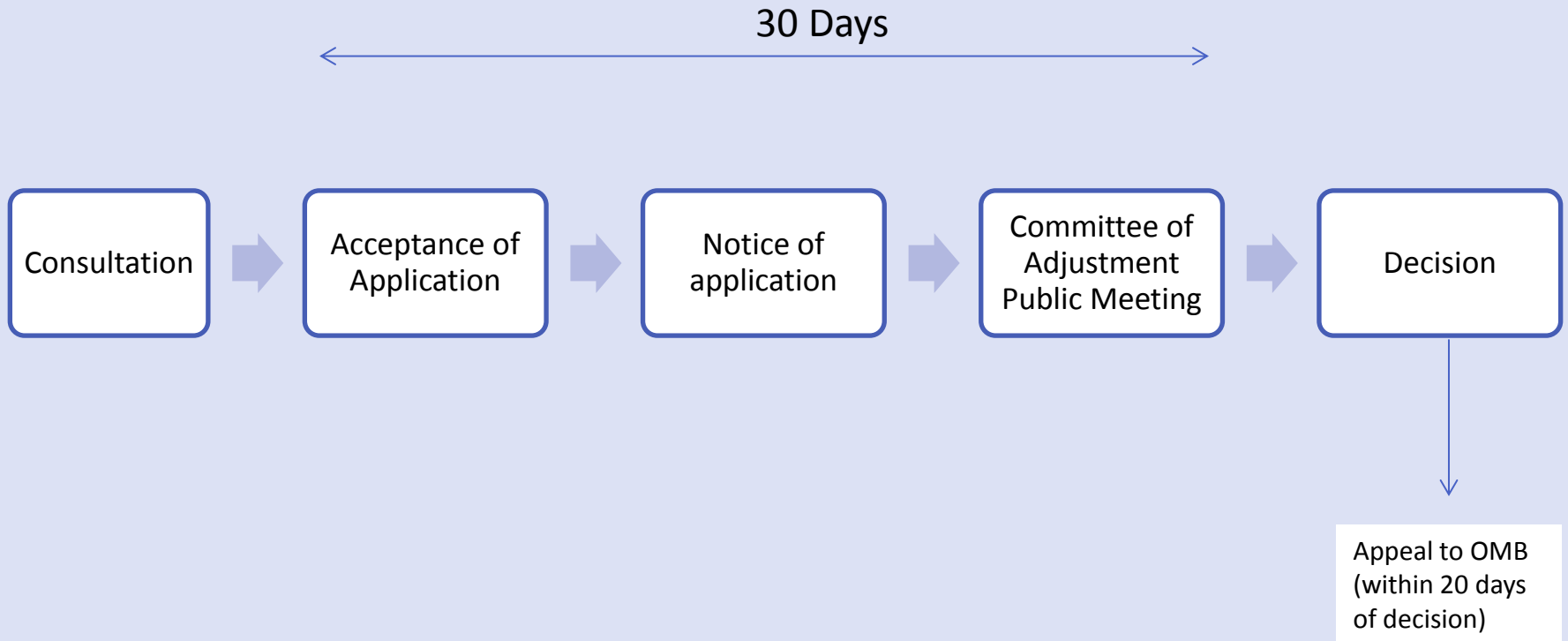
MINOR VARIANCES

Decisions & Appeals

- Decisions made by the Committee must contain reasons and indicate how the variance meets the four tests; or satisfies the criteria of the Act for legal non-conforming or unspecified uses
- The decisions may include conditions that the Committee considers to be appropriate
- Decisions may be appealed to the Ontario Municipal Board within 20 days of the notice of decision

MINOR VARIANCES

Process



BOULEVARD PARKING – What is it?

Two approaches for reviewing applications for residential boulevard parking exceptions:

1. Parking space is located on both private property and the boulevard; and
2. Parking space is located 100 % on the boulevard

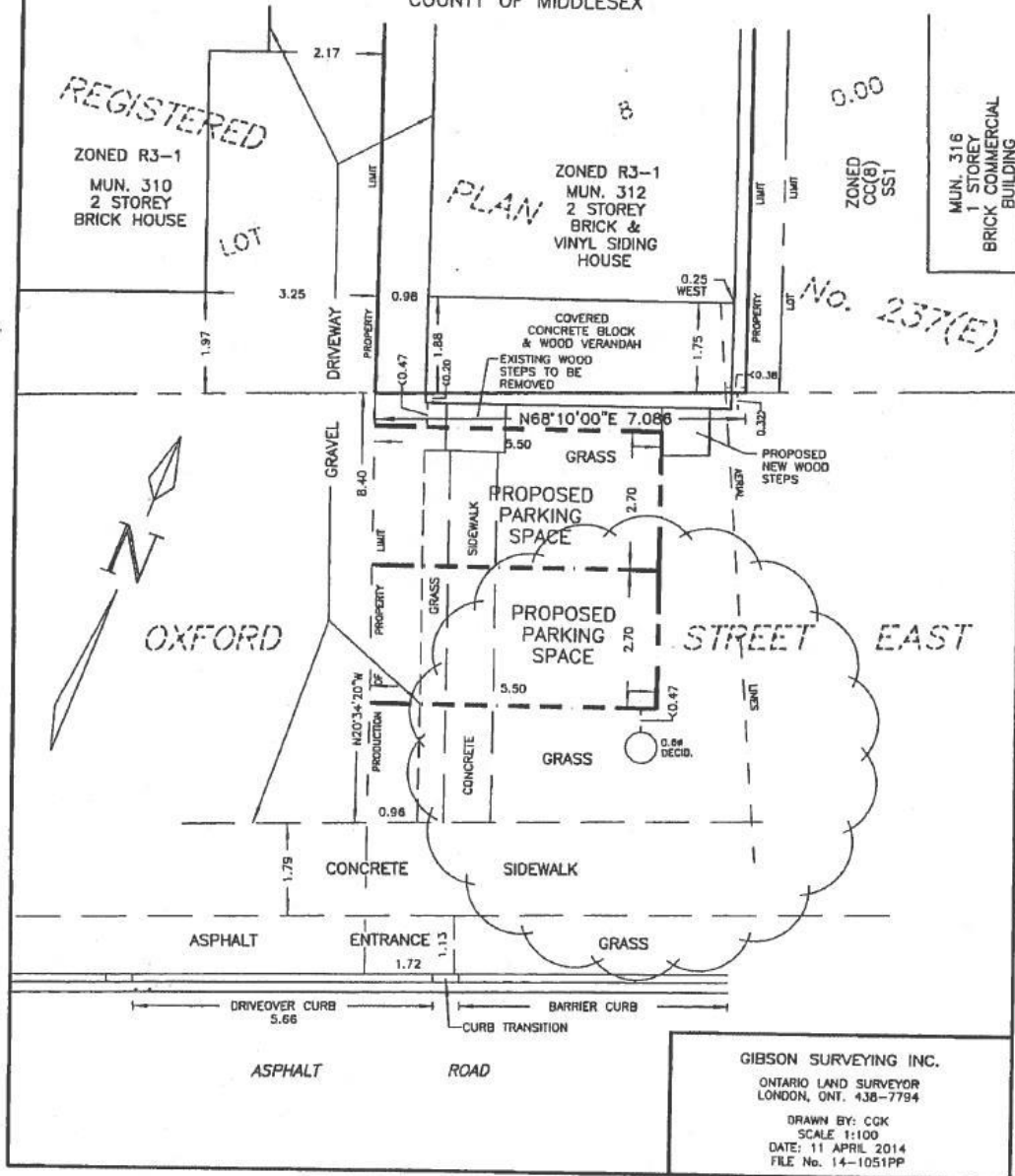
Zoning staff determine which approach applies.

BOULEVARD PARKING – What is it?

Where Parking is located on both private property & the boulevard:

- Minor variance applications are made to the Committee of Adjustment
- Approvals are conditional on the applicant entering into a boulevard parking agreement with the City, which is registered on title
- Any appeals to the minor variance decision are dealt with by the Ontario Municipal Board

SKETCH SHOWING
PROPOSED PARKING FOR
MUN. 312 OXFORD STREET EAST
 IN THE
CITY OF LONDON
 COUNTY OF MIDDLESEX



GIBSON SURVEYING INC.
 ONTARIO LAND SURVEYOR
 LONDON, ONT. 436-7794
 DRAWN BY: CGK
 SCALE 1:100
 DATE: 11 APRIL 2014
 FILE No. 14-1051PP

BOULEVARD PARKING – Process?

Where Parking is 100% located on the boulevard:

- Residential Boulevard Parking application is made to Development Services
- The application is processed in a similar manner to a *Minor Variance* but there is no *Public Meeting*
- Notice is posted & mailed to area property owners
- Administrative review is conducted by Development Services with staff from Transportation, Urban Design & Forestry
- Any conditions of approval are included in a boulevard parking agreement registered on title
- The decision can be Appealed to Council through PEC

BOULEVARD PARKING – Process?

Commercial Boulevard Parking:

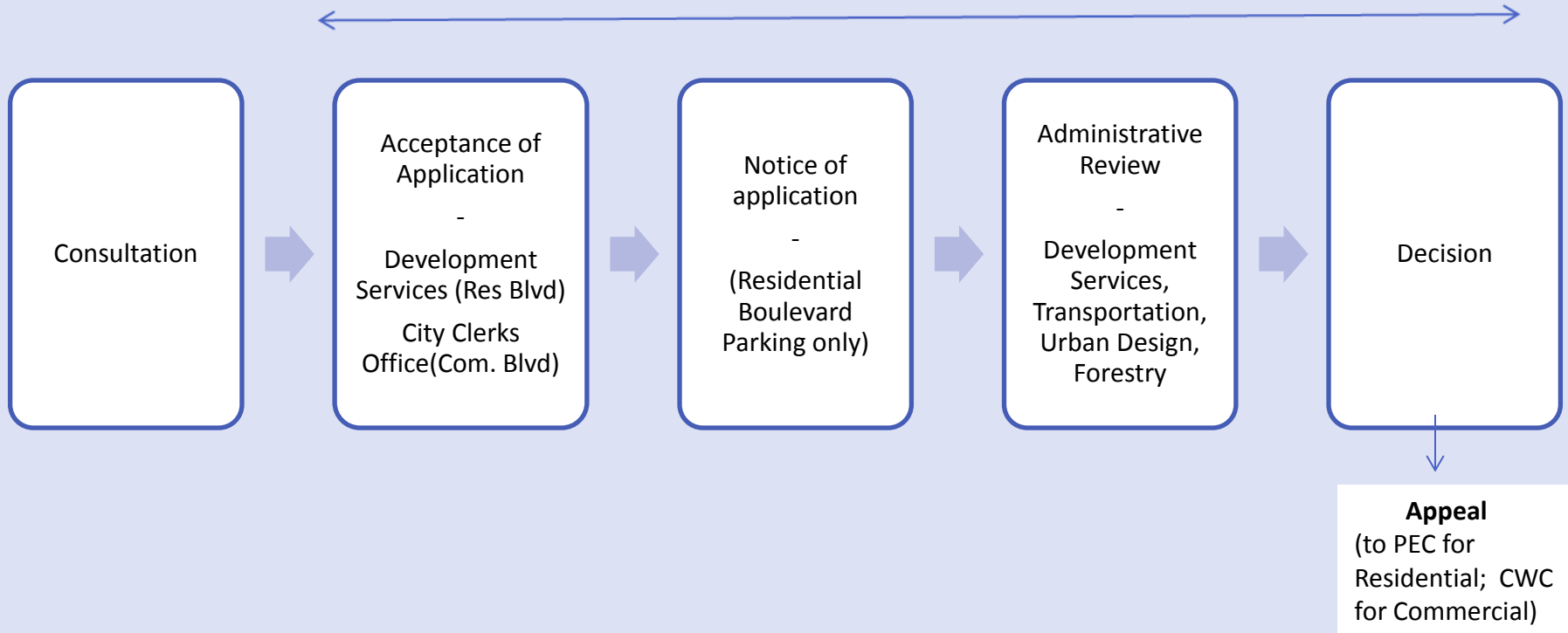
Applies to Commercial properties & Residential properties with 3 or more units.

- Commercial Boulevard Parking application is made to City Clerks Office
- The application is processed Administratively with no Notice or Public Meeting being held
- Administrative Review is led by Transportation and includes staff from Development Services, Urban Design & Forestry
- Any conditions of approval are included in a boulevard parking agreement, registered on title
- The decision can be Appealed to Council through CWC

BOULEVARD PARKING

Process

Target of 30 days



FURTHER INFORMATION?

Information on processes and applications for consents, minor variances & boulevard parking are accessible on the City's website under "On-line Services"

<http://www.london.ca/business/Planning-Development/planning-applications/Pages/default.aspx>