

LOCAL PLANNING APPEAL TRIBUNAL

Supplementary Witness Statement of Harry Froussios, MCIP, RPP

**Title:** Land Use Planner  
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**Email:** harry.f@zpplan.com

**PROCEEDING COMMENCED UNDER** subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13 as amended.

Applicant and Appellant:	Prespa Construction Limited
Subject:	Application to amend Zoning By-law No. (1507) – Neglect of Municipality of Central Elgin to make a decision
Existing Zoning:	Residential Zone (R1), Business Zone 1 (B1) and Open Space Zone 3 (OS3)
Proposed Zoning:	Site Specific (To be determined)
Purpose:	To permit a mixed-use development consisting of 52 residential units in a 9 storey apartment building
Property Address/Description:	146-156 William Street
Municipality:	Municipality of Central Elgin
Municipality File No.:	PS2-02-15
OMB Case No.:	PL180077
OMB Case Name:	Prespa Construction Limited v. Central Elgin (Municipality)

REPLY TO SUPPLEMENTARY STATEMENT OF ANTICIPATED EVIDENCE – JIM MCCOOMB

1. I have reviewed the Supplementary Statement of Anticipated Evidence provided by Mr. Jim McCoomb, dated February 25, 2019, (“**McCoomb Statement**”).
2. The purpose of McCoomb Statement is to introduce a draft Zoning By-law Amendment (“**draft ZBA**”) for the proposed development by Prespa Construction Limited (“**Prespa**”) at 146-156 William Street in the Village of Port Stanley (“subject lands”).
3. The covering letter attached to the McCoomb Statement provided by Mr. Stephen Gibson, counsel for the Municipality of Central Elgin, notes that “*The draft Zoning By-law has been a matter of discussion with counsel and planning consultant for the Developer Prespa*”.
4. I can confirm that I have had the opportunity to review the draft ZBA with Prespa and its counsel prior to the submission of the McCoomb Statement. Upon receiving and reviewing the draft ZBA from the Municipality, Prespa has revisited the site plan and made revisions in an attempt to address the Municipality’s concerns and comply with the draft ZBA.

5. My opinion on the McCoomb Statement and draft ZBA is provided in the following paragraphs:
6. Firstly, I do not have any issue with the draft ZBA, except for Sections 9.3.2.3.8 (Location of Buildings and Other Structures) and 9.3.2.3.9 (Stepback).
7. For clarity, the proposed regulations in the draft ZBA relating to the permitted uses, maximum ground floor area for an apartment building, maximum density, maximum building height, minimum parking requirement, and minimum parking space size are appropriate and, in my opinion, represent sound land use planning without unacceptable adverse impacts on the subject lands or adjoining lands.
8. Based on the above, it is my opinion that the remaining issues between the Municipality and Prespa are matters relating to building setbacks and building design.

### **Building Setbacks**

9. Section 9.3.2.3.8 of the draft ZBA requires a minimum setback of 3.0m from any lot line for any proposed building or structure.
10. By comparison, the proposed zoning amendment included as part of my Witness Statement requested various setbacks for the proposed buildings, but generally sought a minimum side yard setback of 1.5m, and a minimum front yard setback of 1.0m for the apartment building facing Edith Cavell Boulevard.
11. The revised site plan, attached as **Exhibit "A"**, has increased the proposed building setbacks and provides a minimum setback of 3.0m in the following locations:
  - a) Mixed Use Building (Facing William Street)
    - North wall (facing abutting commercial use): 3.53m
  - b) Apartment Building (Facing Edith Cavell Boulevard)
    - West wall (facing abutting residential use): 3.0m
12. It should be noted that the east wall of the mixed-use building is proposed to be situated within a site-specific Business 1 (B1) Zone and, as such, the 3.0m setback does not apply in this instance.
13. However, the revised site plan provides the following setbacks that do not comply with the proposed 3.0m minimum requirement to the following extent:
  - a) Mixed Use Building (Facing William Street)
    - South wall (facing Why Not Park): 2.5m (min); 2.77m (max)
  - b) Apartment Building (Facing Edith Cavell Boulevard)
    - South (main) wall (facing Edith Cavell Boulevard): 2.19m (min); 2.62m (max)
    - East wall (facing Why Not Park): 2.55m (min); 3.24m (max)
14. The revised site plan ensures that the minimum 3.0m setback proposed by the Municipality is achieved between the proposed building and adjacent residential or commercial uses,

thus ensuring that sufficient spatial separation and opportunities for buffering and landscaping are provided.

15. While the proposed setbacks adjacent to Why Not Park are less than 3.0m, in my opinion, the proposed setbacks of at least 2.5m are appropriate considering the nature (park) and zoning (Open Space – OS3) of the abutting lands and that no habitable buildings are present. Furthermore, the difference between the required setback and the proposed setback in the revised site plan (0.5m) will not create any adverse impacts on the abutting open space use. It should also be noted that the proposed minimum setbacks abutting Why Not Park relate only to the first 3 storeys of the buildings. The 4<sup>th</sup> and 5<sup>th</sup> storeys will be setback at a greater distance from the property line.
16. The reduced setback abutting Edith Cavell Boulevard is consistent with, and larger than, the existing setbacks of the abutting residential buildings to the west (1.6m), thus establishing a consistent streetscape along the Edith Cavell Boulevard road allowance.
17. In my opinion, the proposed setbacks shown in the revised site plan are appropriate and provide the desired spatial separation from adjacent buildings; provide appropriate opportunities for landscaping and buffering; are consistent with the current streetscapes along William Street and Edith Cavell Boulevard; and do not create unacceptable adverse impacts on surrounding properties.
18. As such, it is recommended that Section 9.2.3.2.8 of the draft ZBA be revised to be consistent with the setbacks shown in the revised site plan.

### **Building Design**

19. Section 9.3.2.3.9 of the draft ZBA is related to the design of the building and requires that the 3<sup>rd</sup> through 5<sup>th</sup> storeys of an apartment dwelling be setback a minimum of 4 metres from any lot line abutting a street. In conjunction with Section 9.2.3.2.8, a minimum setback of 1 metre would be required from the first two storeys of the building.
20. Prespa is not opposed to the proposed setback provision for the mixed-use building fronting on to William Street. The commercial component of the building has been purposely extended towards the road allowance, with the residential component stepped back, in order to give prominence to the commercial component, which is the intended use along William Street, and to allow for parking to be provided directly to the rear of the commercial component and underneath the residential component. It should also be noted that the commercial component is to be zoned in a separate category (B1-23) than the residential component. The B1-23 Zone does not have a minimum front yard setback requirement; as such, buildings can be located at the street line. In this instance, it would be a reasonable approach to have the upper storeys beyond the first 2-3 storeys stepped back to allow for an appropriate relationship between pedestrians and building height at street level.
21. However, the proposed apartment building fronting Edith Cavell Boulevard does not contain commercial uses and, as such, does not contain a similar setback from the road allowance. The main wall of the apartment building facing Edith Cavell Boulevard is also proposed to be setback a minimum of 2.19m from the road allowance. Other than the commercial component attached to the mixed-use building, the residential components of the proposed buildings are very similar in appearance.

22. The proposed design of the residential buildings includes a stepback for the 4<sup>th</sup> and 5<sup>th</sup> storeys from both sides opposite the front and rear of the buildings. This was purposely done to allow for an appropriate height transition and spatial separation between abutting buildings, particularly to the west along Edith Cavell, and to the north along William Street. In addition, the front elevation facing the road allowance is designed in a manner so that there is an alternating appearance of balconies and main wall, giving the effect of vertical building stepbacks facing the street, and not a solid continuous wall.
23. Furthermore, the Central Elgin Official Plan (“**OP**”) does not contain any policies specifically relating to building stepback requirements. Section 2.10.3.1 of the OP contains policies to evaluate the design of the proposed development. These policies provide that development applications will be reviewed to ensure that new development is designed to:
- Remain in keeping with the traditional character of the Settlement Areas in a manner that both preserves their traditional community image and enhances their sense of place within Central Elgin;
  - Promote cost effective and efficient land use patterns;
  - Promote the improvement of the physical character, appearance and safety of streetscapes, civic spaces, and parks; and
  - Be respectful of traditional street patterns and neighbourhood structure.
24. The proposed development has been designed to complement the streetscape along both William Street and Edith Cavell Boulevard by placing buildings close to the street and providing a pedestrian friendly environment with active frontages. The proposed development at five storeys is a modest and appropriate increase in height from the abutting two and three-storey dwellings and does not require a stepback that is normally implemented in high-rise buildings to provide a building that responds more appropriately to human scale at street level. The proposed buildings are not high-rise buildings; they are more appropriately described as mid-rise buildings. Given the prominent location of the subject lands, and well executed design that is reflective of the architectural style and materials present in Port Stanley, the proposed development is compatible and appropriate. Specific details of the proposed buildings, including architectural treatments, cladding materials, landscaping, are also appropriately implemented through the Site Plan Approval process.
25. Based on the above, it is my opinion that the proposed building design is appropriate as it is consistent with the policies of the OP; provides spatial separation from adjacent buildings; is consistent and compatible with the current streetscape of William Street and Edith Cavell Boulevard; and does not create any unacceptable adverse impacts on surrounding properties.
26. As such, in my opinion, it is recommended that Section 9.3.2.3.9 of the draft ZBA be deleted as it is not appropriate or desirable for the proposed development.

### **SUMMARY**

27. In my opinion, the draft ZBA, subject to the recommendations provided in paragraphs 18 and 26, is desirable for the subject lands, does not create unacceptable adverse impacts, and represents good planning practice.

Dated this 1st day of March 2019

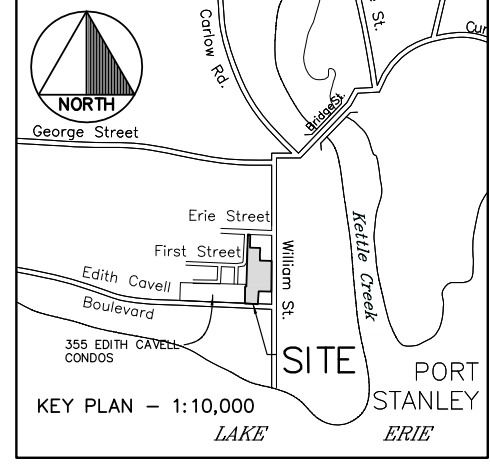
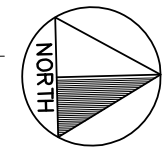
A handwritten signature in blue ink, appearing to read 'H. Froussios', is written above a horizontal line.

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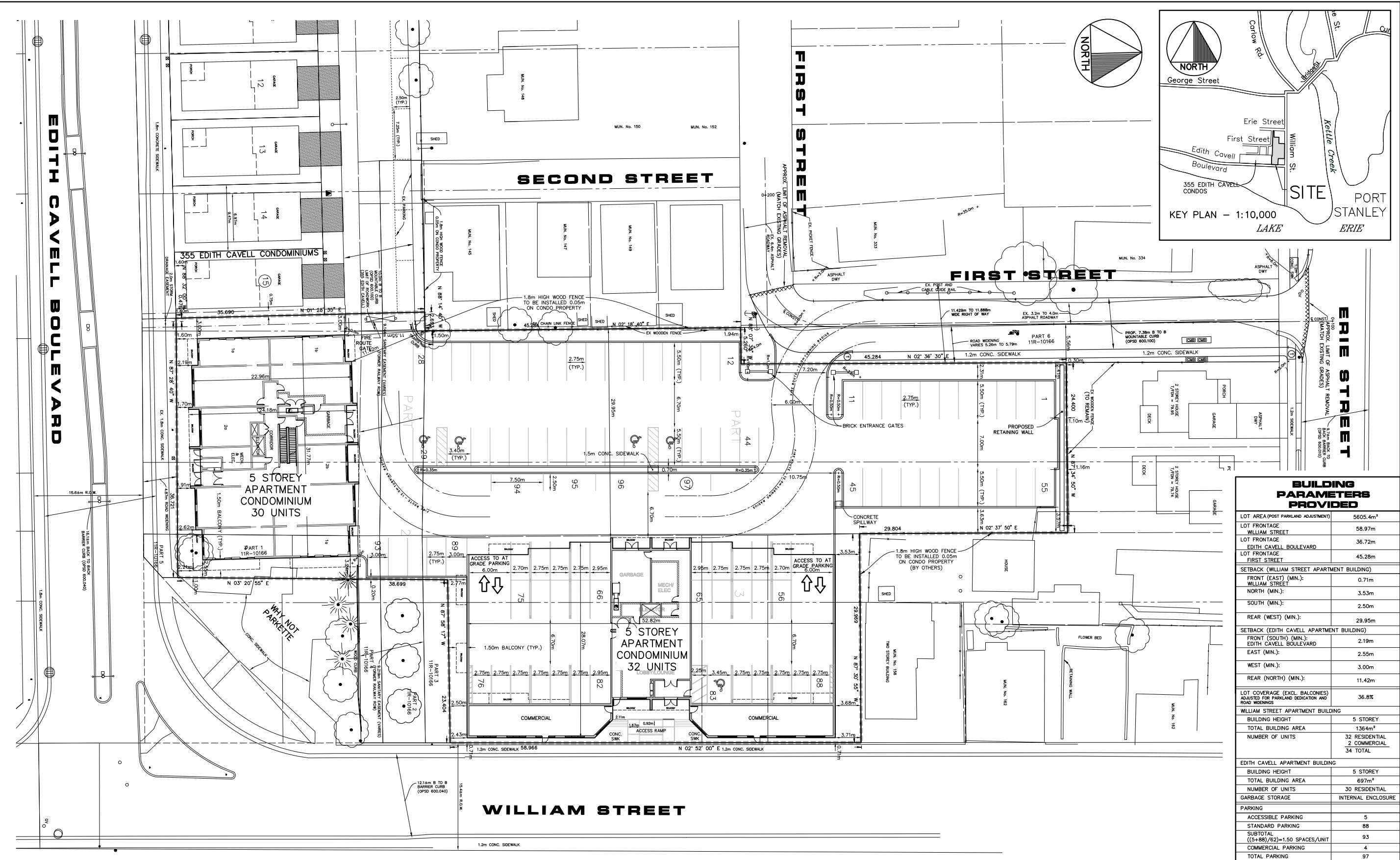
Harry Froussios, BA, MCIP, RPP  
Senior Associate  
Zelinka Priamo Ltd.

**EXHIBIT "A"**

**Revised Prespa Site Plan  
February 27, 2019**

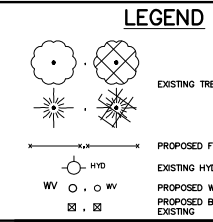


KEY PLAN - 1:10,000  
LAKEVIEW CONDOMINIUMS  
ERIE

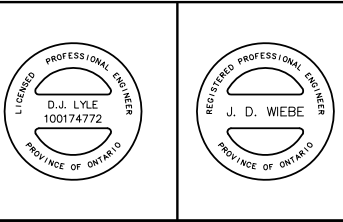


BUILDING PARAMETERS PROVIDED	
LOT AREA (POST PARKLAND ADJUSTMENT)	5605.4m <sup>2</sup>
LOT FRONTAGE WILLIAM STREET	58.97m
LOT FRONTAGE EDITH CAVELL BOULEVARD	36.72m
LOT FRONTAGE FIRST STREET	45.28m
SETBACK (WILLIAM STREET APARTMENT BUILDING)	
FRONT (EAST) (MIN.): WILLIAM STREET	0.71m
NORTH (MIN.):	3.53m
SOUTH (MIN.):	2.50m
REAR (WEST) (MIN.):	29.95m
SETBACK (EDITH CAVELL APARTMENT BUILDING)	
FRONT (SOUTH) (MIN.): EDITH CAVELL BOULEVARD	2.19m
EAST (MIN.):	2.55m
WEST (MIN.):	3.00m
REAR (NORTH) (MIN.):	11.42m
LOT COVERAGE (EXCL. BALCONIES) ADJUSTED FOR PARKLAND DEDICATION AND ROAD WIDTHS	36.8%
WILLIAM STREET APARTMENT BUILDING	
BUILDING HEIGHT	5 STOREY
TOTAL BUILDING AREA	1364m <sup>2</sup>
NUMBER OF UNITS	32 RESIDENTIAL 2 COMMERCIAL 34 TOTAL
EDITH CAVELL APARTMENT BUILDING	
BUILDING HEIGHT	5 STOREY
TOTAL BUILDING AREA	697m <sup>2</sup>
NUMBER OF UNITS	30 RESIDENTIAL
GARBAGE STORAGE	INTERNAL ENCLOSURE
PARKING	
ACCESSIBLE PARKING	5
STANDARD PARKING	88
SUBTOTAL ((5+88)/52)=1.50 SPACES/UNIT	93
COMMERCIAL PARKING	4
TOTAL PARKING	97

SEE DRAWING No. 5 FOR GENERAL NOTES



- LEGEND**
- EXISTING TREE, TO BE REMOVED
  - PROPOSED FENCE, EXISTING
  - EXISTING HYDRANT
  - PROPOSED WATERVALVE, EXISTING
  - PROPOSED BELL & TV PEDESTAL, EXISTING
  - PROPOSED CATCHBASIN/DITCH INLET, DCB
  - EXISTING OR AS CONSTRUCTED CATCHBASIN, DCB; FUTURE
  - PROPOSED MANHOLE, EXISTING OR AS CONSTRUCTED, FUTURE
  - NEW PAD MOUNTED 27.6 kV TRANSFORMER, EXISTING
  - BUILDING ENVELOPE
  - PROPOSED PROPERTY LIMITS
  - EXISTING DRIVEWAY
  - EXISTING STREET LIGHT
  - EXISTING SIGN
  - PROP. CURB DEPRESSION
  - PROPOSED COMMUNITY MAILBOX, EXISTING
  - EXISTING GAS VALVE
  - ADJUST, REMOVE, FUTURE
  - PROPOSED TACTILE PLATE



METRIC SCALE. HORIZ. 1:250

No.	REVISION	DATE	BY
3	REVISED BUILDING SETBACK ON WEST SIDE OF EDITH CAVELL APARTMENT BUILDING	27 FEB. 2019	D.J.L.
2	REVISED BUILDING SETBACKS, ADDED PARKING SPACES 94-97	19 FEB. 2019	D.J.L.
1	TWO-BUILDING CONCEPT	6 NOV. 2016	D.J.L.

MUNICIPALITY OF CENTRAL ELGIN

**CJDL**  
Consulting Engineers

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LAKEVIEW CONDOMINIUMS  
PRESPA CONSTRUCTION LIMITED  
MUNICIPAL NO. 146-156 WILLIAM STREET

**SITE PLAN**

DESIGN BY: DJL DRAWN BY: MJR CHECKED BY: JDW  
PROJECT NO. 1406 SURVEY BY: TPM DATE: 6 OCT 2015 DRAWING No. 1