

то:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: CRAIG LINTON (PORTION OF) 1055 WESTDEL BOURNE PUBLIC PARTICIPATION MEETING ON MARCH 4, 2014

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of Craig Linton relating to the property located at 1055 Westdel Bourne, the proposed by-law <u>attached</u> hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on March 18, 2014 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of a portion of the subject property **FROM** a Residential R1 (R1-14) Zone which permits a Single Detached Dwelling on a lot with a minimum frontage of 30m and a minimum area of 2,000 square metres, **TO** a Residential R1 (R1-10) Zone.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

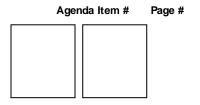
B.030/13 - Request to sever 0.63 hectares for the purpose of future residential uses, and retain 0.13 hectares for the purpose an existing residential use.

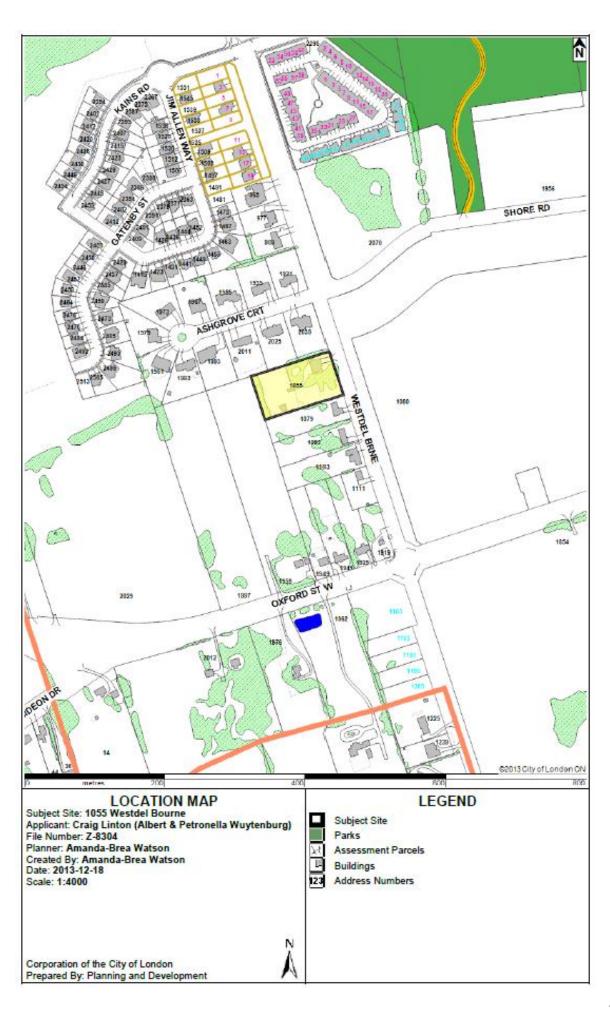
PURPOSE AND EFFECT OF RECOMMENDED ACTION

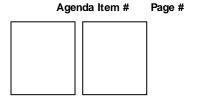
The purpose and effect of the requested Zoning By-law amendment is to recognize an existing dwelling on a retained 0.13 hectare residential lot created through a consent application which seeks to sever a 0.63 hectare vacant portion of lands from the existing 0.76 hectare property and convey to abutting lands.

RATIONALE

- The recommended amendment is consistent with the policies of the *Provincial Policy Statement*, 2005, which promote healthy, livable and safe communities by accommodating residential intensification which makes efficient use of land and infrastructure within a developed area;
- 2. The recommended Zoning By-law amendment conforms to the Low Density Residential designation policies of the Official Plan;
- 3. The recommended amendment facilitates an appropriate zone consistent with the proposed size of the dimensions.
- 4. The recommendation facilitates the comprehensive development of the severed portion of lands for future residential uses.







BACKGROUND

Date Application Accepted: Dec. 10, 2013 Agent: Craig Linton

REQUESTED ACTION: Change Zoning By-law Z.-1 **FROM** a Residential R1 (R1-14) Zone which permits a Single Detached Dwelling on a lot with a minimum frontage of 30m and a minimum area of 2,000m², **TO** a Residential R1 (R1-10) Zone, which permits a Single Detached Dwelling on a lot with a minimum frontage of 22m and a minimum area of 925m².

SITE CHARACTERISTICS:

- Current Land Use Residential/ Single Detached Dwelling
- Frontage 65.5 metres
- **Depth** 115.8 metres
- Area 0.76 hectares
- Shape Rectangular

SURROUNDING LAND USES:

- North Single Detached Dwellings (R1-14 & R1-9)
- South Single Detached Dwellings & Gas Bar (R1-14 & h-17 CC3)
- East Vacant/Undeveloped (UR3 & h•h-25•CSA5)
- West Urban Reserve & Open Space (UR & OS4)

OFFICIAL PLAN DESIGNATION: (refer to Official Plan Map)

Low Density Residential

EXISTING ZONING: (refer to Zoning Map)

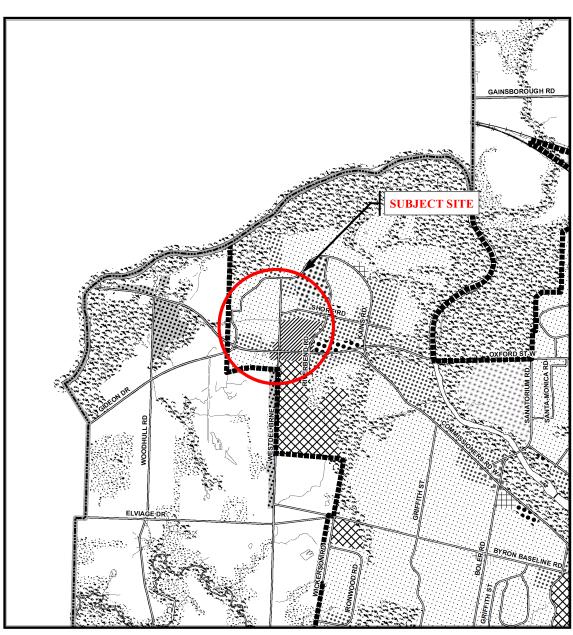
Residential R1 (R1-14)

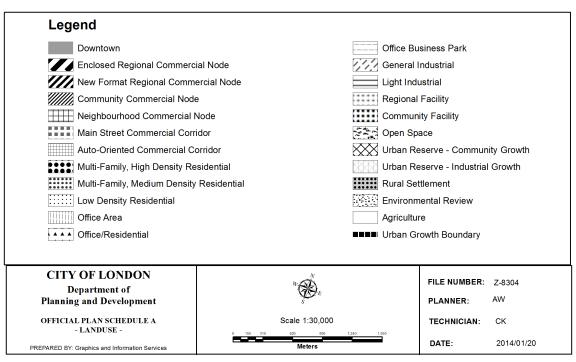
PLANNING HISTORY

July 2013

- Request, made by Craig Linton of Norquay Developments, on behalf of the current land owners, Albert and Petronella Wuytenburg, (B.030/13) to sever a vacant portion of land with an area of 6,323 square metres with a frontage of 37 metres to be merged with abutting lands to the west. Leaving a resultant retained residential parcel with a frontage of 28.5 metres and lot area of 1,269 square metres, and containing the existing house at 1055 Westdel Bourne.
- **November 2013 -** City of London Consent Authority granted provisional approval to application B.030/13. A condition of the provisional consent requires that a Zoning Bylaw amendment shall be submitted to rezone the retained parcel from a Residential R1-14 Zone to a more appropriate zone consistent with the proposed size of the dimensions.

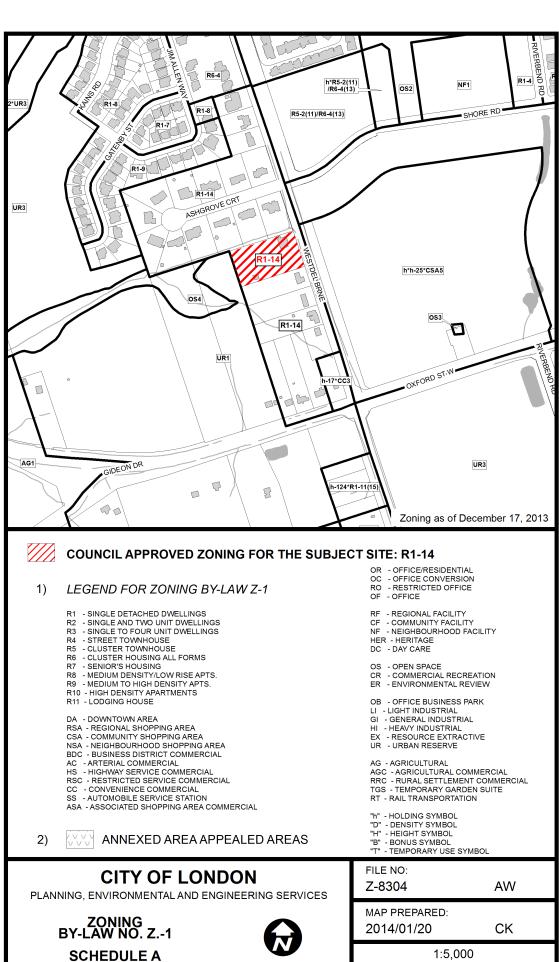






Agenda Item # Page #

File: Z-8304 Planner: A-B Watson

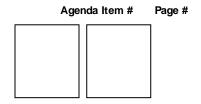


THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS

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100 150

200





Aerial Photo Location Map
File No.: Z-8304 AW
Date Prepared: 2014/14/20 CK
Prepared by: Graphics & Information Services, Planning Division, Corporation of the City of London Photograpy based on April 2010 flight info.





SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

London Fire Department

[Advised they have] no issues with this application.

London Hydro

[Advised they have] no objection to this proposal.

Upper Thames River Conservation Authority

Given that the hazard lands will be incorporated into the proposed retained lot, the UTRCA has no objections to this application.

Urban Forestry

[Advised they have] no comments on the rezoning, we will deal with any tree issues at site plan.

Environment & Engineering Services - Wastewater and Drainage Engineering Division

[Advised they have] no comments with respect to this application.

Environment & Engineering Services - Stormwater Management Unit

Provided no comment with respect to this application.

Environment & Engineering Services – Water Unit

Provided no comment with respect to this application.

Transportation Planning & Design Division

[Advised they have] no objection to this proposal.

PUBLIC LIAISON:	On December 23, 2013, Notice of Application was sent to 20 property owners in the surrounding area. Notice of Application was also published in the <i>Public Notices and Bidding Opportunities</i> section of <i>The Londoner</i> on December 26, 2013. A "Possible Land Use Change" sign was also posted on the site.	One (1) reply was received
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Nature of Liaison:

Change Zoning By-law Z.-1 **from** a Residential R1 (R1-14) Zone which permits a Single Detached Dwelling on a lot with a minimum frontage of 30m and a minimum area of 2,000m², **to** a Residential R1 (R1-10) Zone, which permits a Single Detached Dwelling on a lot with a minimum frontage of 22m and a minimum area of 925m².

PLEASE NOTE that a separate consent application, file B.030/13 has been made on the subject lands. The application seeks to sever a vacant lot with an area of 6,323m².and retain the existing residential use at 1055 Westdel Bourne with a lot area of 1,269m².

Responses: An abutting land owner called to discuss the application and advised that she purchased a residential property on Ashgrove Court in October 2013, largely due to the lot size and open area behind it, on which she did not expect that anything would be built. The respondent was not in support of the application, noting concerns with the potential development of the severed lands such as:

- Decreased property value,
- Increased wildlife traveling onto the property, and
- Flooding issues due to the watercourse along the share property line with the subject lands.

ANALYSIS

Subject Site:

The subject site, municipally known as 1055 Westdel Bourne, is located on the west side of Westdel Bourne with direct access onto that road. The site is rectangular in shape and is bound by single detached residential lots to the north and south, with the lands to the west being Open Space and Urban Reserve. The site is part of a Low Density Residential designation that runs along the west side of Westdel Bourne between Oxford Road West and Kains Road. Presently the subject lands have a frontage of 65.5 metres with an area of 0.76 hectares and contain an existing single detached dwelling, smaller accessory sheds and a lean-to. The retained portion, subject to the rezoning application is 0.13 hectares in size with a frontage of 28.2 metres and a depth of 45 metres.



Figure 1 – Existing single detached dwelling (house) located at 1055 Wesdel Bourne



Figure 2 –West facing view of side and rear yard of 1055 Wesdel Bourne



Figure 3 - View of joint property line between 1055 Wesdel Bourne & 2039 Ashgrove Court, and watercourse location.





Figure 4 - View of 1055 Wesdel Bourne & 2039 Ashgrove Court, facing northwest on Wesdel Bourne



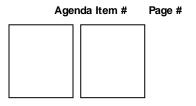
Figure 5 –East facing view of McCormick Nursing Home located at 2022 Kains Road



Figure 6 -View of lands east of subject property with both new residential and commercial development



Figure 7 – View of lands northeast of subject property, known as River West, sign located at 2070 Shore Road.



Nature of Application:

The intent of this application is to change the zoning on a proposed retained 0.13 hectares residential lot to facilitate a consent application and recognize the existing dwelling.

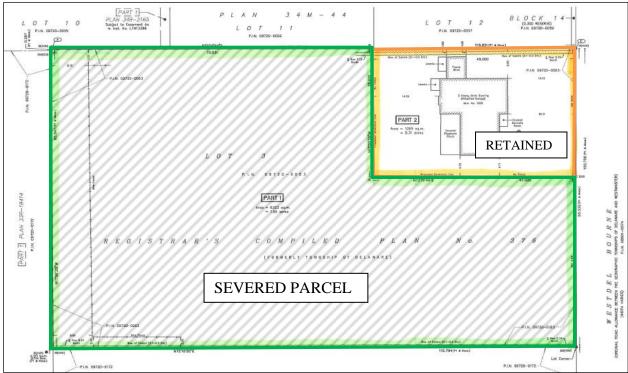


Figure 8 – Drawing submitted with application B.030/13, showing requested severed and retained parcels.

Provincial Policy Statement:

The *Provincial Policy Statement*, 2005 (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS promotes healthy, liveable, and safe communities by: encouraging efficient development and land use patterns which sustain the financial well-being of the municipality; accommodating an appropriate range and mix of residential, employment and other land uses; and promoting cost effective development standards to minimize land consumption and servicing costs.

The proposed rezoning will recognize the existing dwelling on a retained residential lot within a developing area and can be adequately serviced by the municipality.

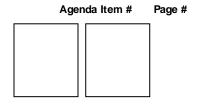
The proposal conforms with section 1.1.3 which directs that settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted. The PPS recommends that land use patterns within settlement areas shall be based on: densities which efficiently use land and resources; are appropriate for, and efficiently use, the infrastructure and public service facilities; and minimize negative impacts to air quality and climate change, and promote energy efficiency.

The recommendation to approve the requested Zoning By-law amendments, to permit the reduced retained parcel, conditionally approved through consent application B.030/13, facilitates the efficient use of land, infrastructure and public service facilities.

The proposal also conforms with Section 1.4 of the PPS which specifically addresses housing. The subject site has appropriate levels of infrastructure and public service facilities to provide densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of alternative transportation modes and public transit in areas where it exists or is to be developed.

Official Plan

The Official Plan contains Council's objectives and policies to guide the short-term and long term physical development of the municipality. The policies promote orderly urban growth and compatibility among land uses. While objectives and policies in the Official Plan primarily relate



to the physical development of the municipality, they also have regard for relevant social, economic and environmental matters.

This proposal does not require any amendments to the Official Plan. The subject site and surrounding area is designated Low Density Residential in the Official Plan which allows for a range of low rise forms of residential development.

The effect of consent application (B.030/13) is the reduction of a residential lot, municipally known as 1055 Westdel Bourne, and the amalgamation of the vacant severed portion of lands from 1055 Westdel Bourne to adjacent lands resulting in a conveyance of land. Consent application B.030/13 therefore does not create any new parcels and in accordance with the Official Plan this is not deemed to be Residential Intensification.

The proponent has further advised that they have no intentions to develop the vacant severed parcel, unless it is incorporated with the entire balance of their lands. Should there be future development proposed for the vacant severed portion, a detailed Neighbourhood Character Statement will be required to clearly demonstrate that the proposed project is sensitive to, compatible with, and a good fit within, the existing surrounding neighbourhood.

3.3.1 Permitted Uses

The primary permitted uses in the Low Density Residential designation shall be single detached; semi-detached; and duplex dwellings. Multiple-attached dwellings, such as row houses or cluster houses may also be permitted subject to the policies of this Plan.

The recommended residential zone conforms to the intent of the applicable objectives and policies, and will implement the Official Plan designation. The reduced residential lot provides a development envelop suitable for a single-detached dwelling which is in keeping with the surrounding lot fabric.

Zoning Bylaw

The Zoning By-law is a comprehensive document used to implement the policies of the Official Plan by regulating the use of land, the intensity of the permitted use, and the built form. This is achieved by applying various zones to all lands within the City of London which identify a list of permitted uses and regulations that frame the context within which development can occur. Collectively, the permitted uses and regulations assess the ability of a site to accommodate a development proposal. It is important that all three criteria of use, intensity and form must be considered and deemed to be appropriate for the approval of any development proposal.

5.1 General Purpose of the R1 Zone

The R1 Zone is the most restrictive residential zone, and provides for and regulates single detached dwellings. There is no main Residential R1 Zone variation as the zone is restricted to only single detached dwelling units. Zone variations R1-4 to R1-9 are zones to be applied to most suburban single dwelling developments. The R1-10 and R1-11 Zone variation deal specifically with larger estate lot developments. The R1-14, R1-15 and R1-16 Zone variations are intended to apply to large lots with single detached dwellings.

The subject site is currently zoned Residential (R1-14), which permits a single detached dwelling with a minimum frontage of 30 metres and a minimum lot area of 2,000 square metres. The retained portion, subject to the rezoning application, is 0.13 hectares in size with a frontage of 28.2 metres and a depth of 45 metres. The applicant has requested a Residential (R1-10) Zone for the retained parcel, which permits single detached dwellings on lots with a minimum frontage of 22 metres and a minimum lot area of 925 square metres.

The proposed use, lot configuration and building envelope are compatible with those in the surrounding area. There are no changes proposed to the existing single detached dwelling located on the retained parcel. The recommended Zoning By-law amendment will allow for continued residential use of the site, which is generally consistent with form and intensity of surrounding residential development.



CONCLUSION

The recommended Zoning By-law amendment is consistent with the *Provincial Policy Statement, 2005* as it promotes a healthy community, efficiently uses land, is appropriate, and avoids the expansion of settlement areas. The recommended amendment conforms to relevant policies of the Official Plan for lands designated Low Density Residential.

The recommended amendment complies with the intent and direction of the Zoning By-law by utilizing an appropriate Residential R1 Zone variation that provides for a range of lot sizes and dwelling styles based on site requirements in conformity with the zone regulations.

The amendment represents sound land use planning as it allows for appropriate property consolidation to facilitate comprehensive development. The lot configuration is compatible with the surrounding area and is in keeping with the land patterns existing along the west side of Westdel Bourne.

The recommended zone permits the existing single detached dwelling on the retained parcel which is consistent with the form of development in the area.

PREPARED BY:	SUBMITTED BY:			
AMANDA-BREA WATSON, MCIP, RPP	MICHAEL TOMAZINCIC, MCIP, RPP			
PLANNER II, COMMUNITY PLANNING AND DESIGN	MANAGER, PLANNING REVIEW COMMUNITY PLANNING AND DESIGN			
AND DEGICIT	COMMINICATI I LARRANG AND DECICIO			
RECOMMENDED BY:				
JOHN M. FLEMING, MCIP, RPP				
MANAGING DIRECTOR, PLANNING AND CITY PLANNER				

January 31, 2014

ABW

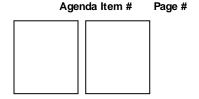
Y:\Shared\implemen\DEVELOPMENT APPS\2013 Applications 8135 to\8304Z - 1055 Westdel Bourne (AW)

[&]quot;Attach"

Agenda item #		Page #
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Responses to Public Liaison Letter and Publication in "Living in the City"

Telephone	<u>Written</u>
On the state of th	
Samena Alvi 2025 Ashgrove Court, London ON N6K 4S2	NONE



Bibliography of Information and Materials Z-8304

Request for Approval:

City of London Zoning By-law Amendment Application Form, completed by Craig Linton, on behalf of Albert and Petronella Wuytenburg, December 10, 2013

Reference Documents:

Ontario. Ministry of Municipal Affairs and Housing. *Planning Act, R.S.O. 1990, CHAPTER P.13*, as amended.

Ontario. Ministry of Municipal Affairs and Housing. Provincial Policy Statement, March 1, 2005.

City of London. Official Plan, June 19, 1989, as amended.

City of London. Zoning By-law No. Z.-1, May 21, 1991, as amended.

Linton C., Land Development Project Manager with Norquay Developments. Various emails and telephone conversations with A.-B. Watson. November 29, 2013 to January 30, 2014.

Severance Application B.030/13 completed July 19, 2013 by Linton C., Land Development Project Manager with Norquay Developments.

City of London. Notice of Provisional Consent Decision, November 12, 2013.

Correspondence: (all located in City of London File No. Z-8304 unless otherwise stated)

City of London -

Couvillon A., City of London Transportation Planning & Design Division. Internal Comments. January 7, 2014.

Moore, R., City of London Wastewater and Drainage Engineering Division. Emil to A.-B. Watson. January 9, 2014

Postma R., City of London Urban Forestry. Memo to A.-B. Watson. January 13, 2014.

Departments and Agencies -

Creighton C., UTRCA. Memo sent via Email to A.-B. Watson. January 27, 2014.

Rose D., London Fire Department. E-mail to A.-B. Watson. January 24, 2013.

Dalrymple D., London Hydro. Memo to A.-B. Watson. December 30, 2013.

Other:

Site visit January 21, 2014 and photographs of the same date.

Agenda Item #		Page #
		7

Appendix "A"

Bill No. (number to be inserted by Clerk's Office) 2014

By-law No. Z.-1-14_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located on a portion of 1055 Westdel Bourne.

WHEREAS Craig Linton has applied to rezone an area of land located on a portion of 1055 Westdel Bourne, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to a portion of lands located at 1055 Westdel Bourne, as shown on the attached map compromising part of Key Map No. A105, from a Residential R1 (R1-14) Zone to a Residential R1 (R1-10) Zone.

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

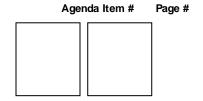
This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED in Open Council on March 18, 2014.

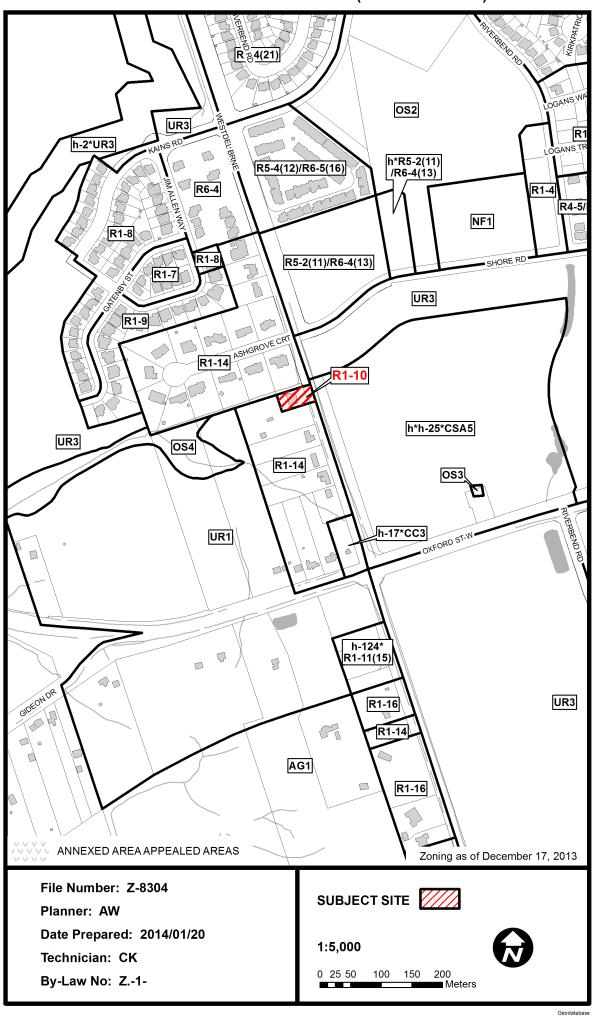
Joe Fontana Mayor

Catharine Saunders City Clerk

First Reading - March 18, 2014 Second Reading - March 18, 2014 Third Reading - March 18, 2014



AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)



Geodatabase