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File: Z-8299
Planner: B.Turcotte

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: INSITES CONSULTING ON BEHALF OF ETHAN GAGIE and JOHN SHEARDON 218 BURNSIDE DRIVE AND 220-222 BURNSIDE DRIVE PUBLIC PARTICIPATION MEETING ON June 3, 2014

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, the request to amend Zoning By-law Z.-1 to change the zoning of 218 Burnside Drive and 220-222 Burnside Drive **FROM** a Residential R2 (R2-2) Zone **TO** a Residential R2 Special Provision (R2-2(_)) Zone **BE REFUSED** for the following reasons:

- i) The current zoning for the subject lands is appropriate, promotes neighbourhood stability, and allows for the redevelopment of residential properties in a manner which is compatible with the surrounding neighbourhood, consistent with the *Provincial Policy Statement, 2014*;
- ii) The requested amendment is not consistent with the intent of the Official Plan that intensification projects should meet all Zoning By-law regulations;
- iii) The requested special provisions are inappropriate given that there no on-site development constraints to the provision of a parking configuration that is in accordance with the requirements of the Z.-1 Zoning By-law; and.
- iv) The requested amendment has the potential to create a negative impact on abutting land owners and could set a precedent for future inappropriate parking configurations that could serve to erode the stable residential character of the neighbourhood.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

None.

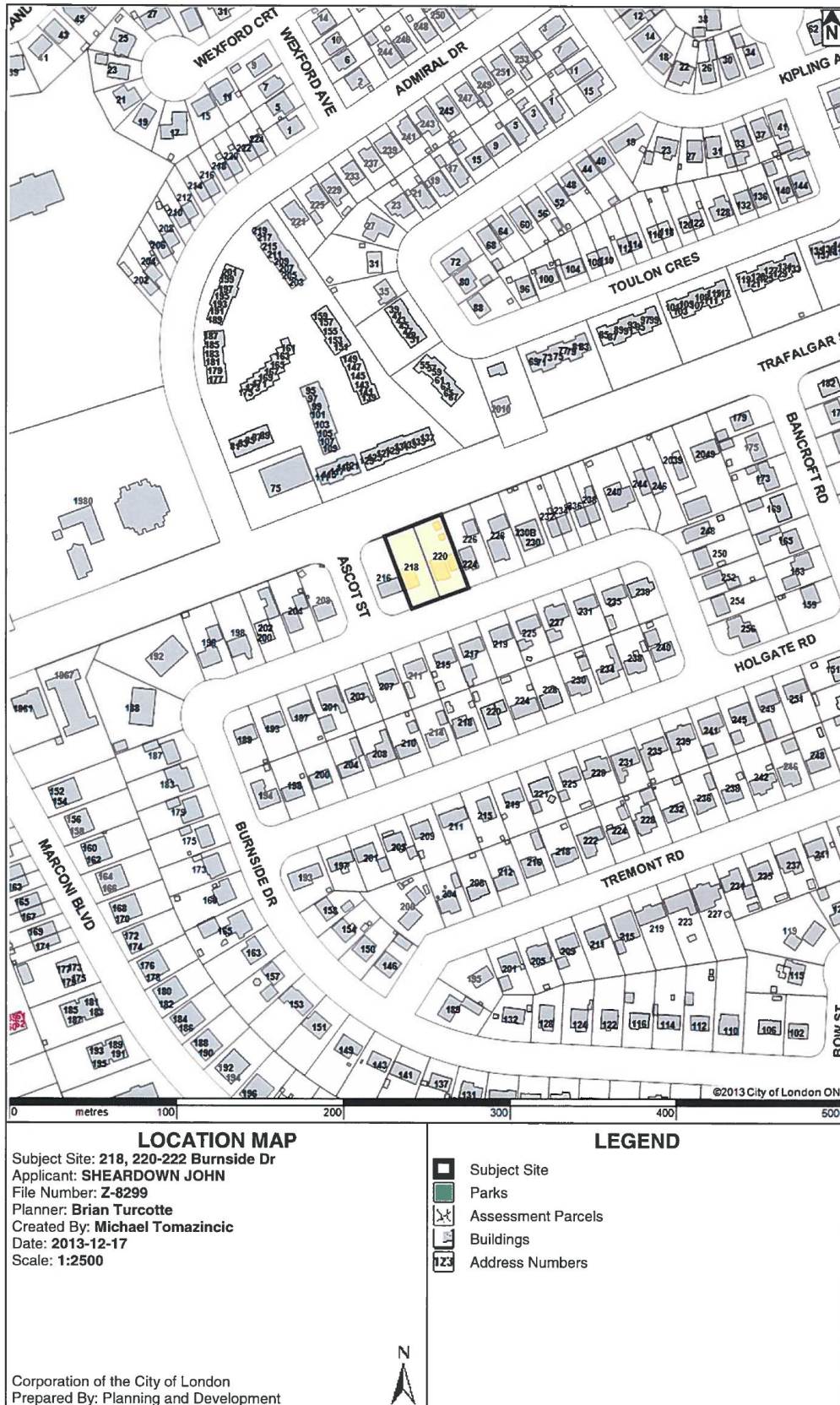
PURPOSE AND EFFECT OF RECOMMENDED ACTION

The proposed recommendation will serve to refuse an application that seeks to provide for a new third dwelling unit in the basement of an existing, purpose-designed duplex located at 218 Burnside Drive and the maintenance of an existing third dwelling unit (built in the absence of the necessary Zoning and Building approvals) in the basement of an existing purpose-designed duplex located at 220-222 Burnside Drive.

The proposed recommendation further serves to refuse the request for a special provision that would allow tandem front yard parking arrangements for three vehicles for both 218 Burnside Drive and 220-222 Burnside Drive where there are no on-site development constraints that would prohibit the provision of the required parking spaces in accordance with the provisions of the Z.-1 Zoning By-law.

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RATIONALE

The rationale for the recommendation for refusal of the requested Zoning By-law amendments is that:

1. the requested Zoning By-law amendments are not consistent with the policies of the Official Plan:
2. The current zoning for this area is appropriate, promotes neighbourhood stability, and allows redevelopment of residential policies in a manner which is compatible with the surrounding neighbourhood;
3. The requested special provisions are inappropriate given that there are no on-site development constraints to the provision of a parking configuration that is in accordance with the requirements of the Z.-1 Zoning By-law; and,
4. The requested amendment has the potential to create a negative impact on abutting land owners and could set a precedent for future inappropriate parking configurations that could serve to erode the stable residential character of the neighbourhood.

BACKGROUND

Date Application Accepted: December 9 th ,2013	Agent: Ben Billings, Insites Consulting
REQUESTED ACTION: Possible amendment to the Zoning By-law Z.-1 FROM a Residential R2 (R2-2) zone TO a Residential R2 Special Provision (R2-2(_)) Zone to permit converted dwellings with a maximum of 3 dwelling units within the existing buildings.	

SITE CHARACTERISTICS:
<ul style="list-style-type: none"> • Current Land Use – purpose-designed duplex dwellings • Frontage – each lot – 18.2 metres (60 ft.) • Depth – each lot - 46.9 metres (154 ft.) • Area – each lot – 853 sq. metres (0.2 acres or 0.08 hectares) • Shape - Rectangular

SURROUNDING LAND USES:
<ul style="list-style-type: none"> • North - Townhouses • South - Single Detached dwellings • East - mixture of single, semi-detached, duplex and converted dwellings • West - mixture of single, semi-detached, duplex and converted dwellings

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OFFICIAL PLAN DESIGNATION: (refer to Official Plan Map)
<ul style="list-style-type: none"> • Low Density Residential
EXISTING ZONING: (refer to Z.-1 Zoning By-law Map)
<ul style="list-style-type: none"> • Residential 2 (R2-2)

PLANNING HISTORY

218 Burnside Drive was constructed in 1959 as a purpose-designed duplex with dwelling units on the first and second floor. Each unit contains 2 bedrooms, a full bathroom and a full kitchen. The basement of the structure is unfinished.

220-222 Burnside Drive was constructed in 1960 as a purpose-designed duplex with dwelling units on the first and second floor. Each unit contains two bedrooms, a full bathroom and a full kitchen. The basement of the structure was renovated for a third dwelling unit “*prior to 2007 when the current owner purchased the property*”. The basement unit contains a bedroom, a full bathroom and a full kitchen. Building Permits were not sought to provide for the alteration of the basement for a third unit. A 17 ft. x 30 ft. garage was constructed under Permit from the City of London in 2010.

The City of London Residential Rental Unit Licensing By-law (which applies to single detached, duplex, triplex, fourplex and converted dwellings) came into force and effect in September of 2009. The By-law prohibits the operation of a rental unit in the absence of a valid license. On July 10th, 2013 the City of London refused a Residential Rental Unit Licence Application for a “three unit triplex” at 220-222 Burnside Drive. The application was refused on the basis that a triplex was not a permitted use in the Residential R2 (R2-2) Zone.

On December 9th, 2013 a Zoning By-law Amendment Application to provide for an existing third unit at 220-222 Burnside Drive and a possible new third unit at 218 Burnside Drive was accepted by the City. The application was subsequently amended to include the consideration of an additional special provision that would serve to provide for tandem front yard parking whereas such a parking configuration is not contemplated in the Z.-1 Zoning By-law.

On February 6th, 2014 Insites Consulting held a Neighbourhood Information Meeting with local residents seeking feedback on the proposal. City of London Planning staff attended the meeting to observe and assist in the discussion. Four members of the public attended the session.

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

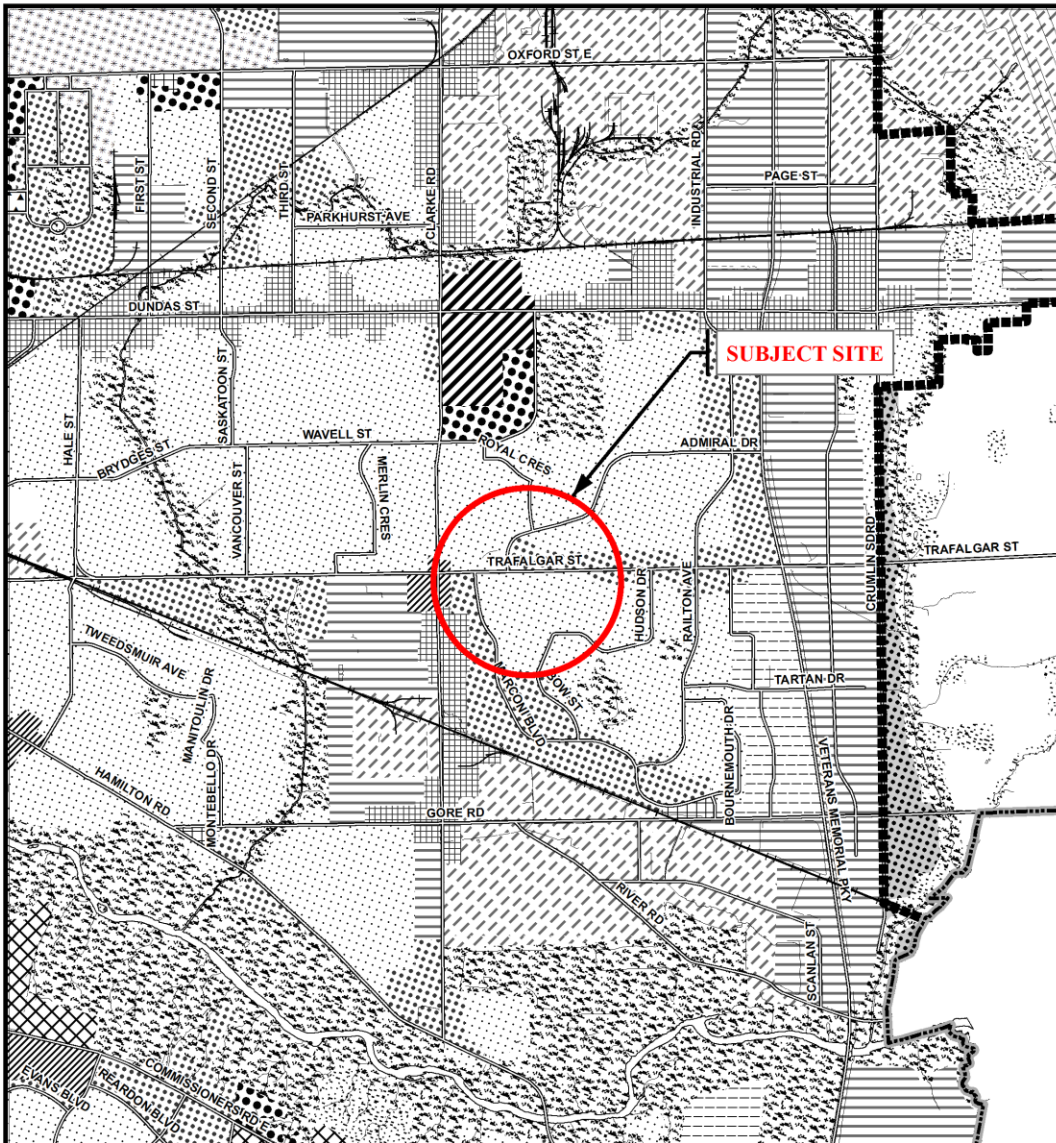
City of London

Storm Water Management:

The SWM Unit has no objections to the proposed 218-222 Burnside Dr. Application. All necessary servicing and drainage requirements/ controls, SWM, etc. will be addressed at Site Plan approval.

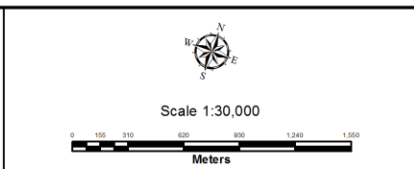
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Legend	
Downtown	Office Business Park
Enclosed Regional Commercial Node	General Industrial
New Format Regional Commercial Node	Light Industrial
Community Commercial Node	Regional Facility
Neighbourhood Commercial Node	Community Facility
Main Street Commercial Corridor	Open Space
Auto-Oriented Commercial Corridor	Urban Reserve - Community Growth
Multi-Family, High Density Residential	Urban Reserve - Industrial Growth
Multi-Family, Medium Density Residential	Rural Settlement
Low Density Residential	Environmental Review
Office Area	Agriculture
Office/Residential	Urban Growth Boundary

CITY OF LONDON
Department of
Planning and Development
OFFICIAL PLAN SCHEDULE A
- LANDUSE -
PREPARED BY: Graphics and Information Services

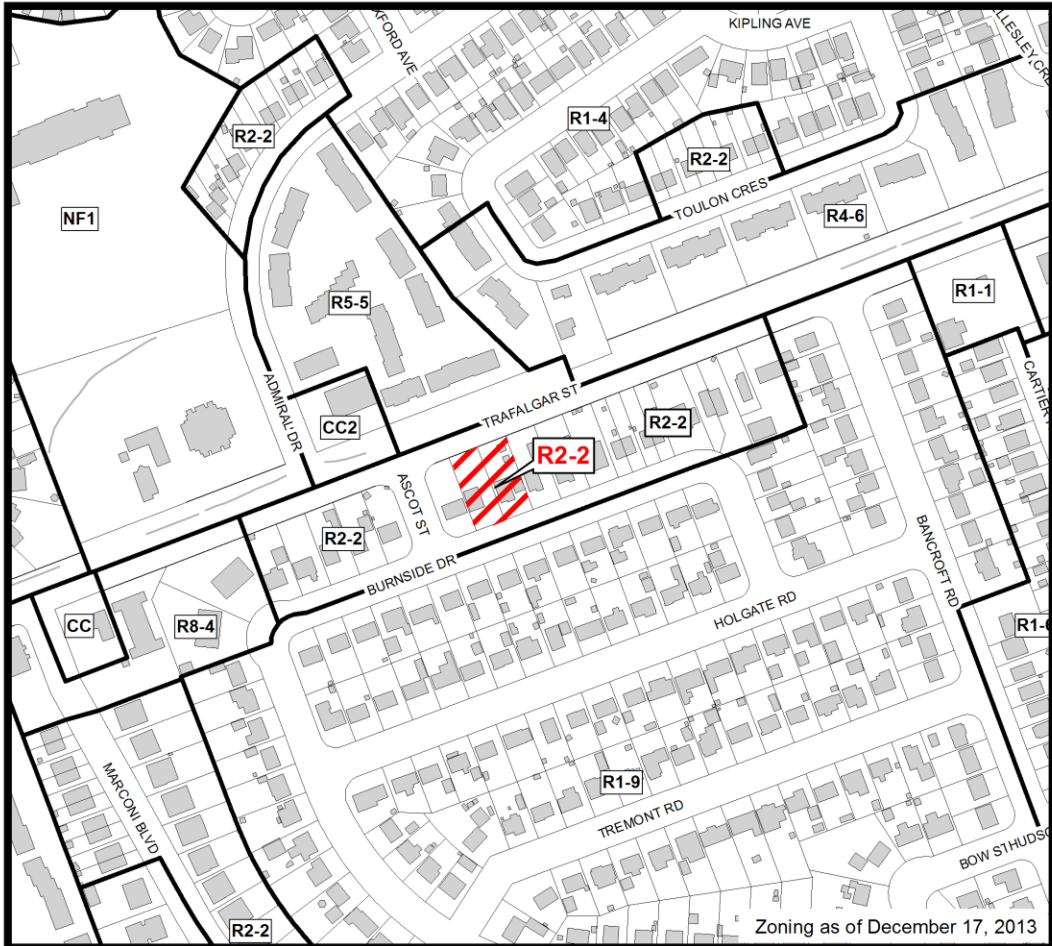


FILE NUMBER: Z-8299
PLANNER: BT
TECHNICIAN: CK
DATE: 2014/01/20

PROJECT LOCATION: e:\planning\projects\p_officialplan\work\consol\00\excerpts\mxd_templates\scheduleA_NEW_b&w_8x14.mxd

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COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: R2-2

1) **LEGEND FOR ZONING BY-LAW Z-1**

- R1 - SINGLE DETACHED DWELLINGS
- R2 - SINGLE AND TWO UNIT DWELLINGS
- R3 - SINGLE TO FOUR UNIT DWELLINGS
- R4 - STREET TOWNHOUSE
- R5 - CLUSTER TOWNHOUSE
- R6 - CLUSTER HOUSING ALL FORMS
- R7 - SENIOR'S HOUSING
- R8 - MEDIUM DENSITY/LOW RISE APTS.
- R9 - MEDIUM TO HIGH DENSITY APTS.
- R10 - HIGH DENSITY APARTMENTS
- R11 - LODGING HOUSE

- DA - DOWNTOWN AREA
- RSA - REGIONAL SHOPPING AREA
- CSA - COMMUNITY SHOPPING AREA
- NSA - NEIGHBOURHOOD SHOPPING AREA
- BDC - BUSINESS DISTRICT COMMERCIAL
- AC - ARTERIAL COMMERCIAL
- HS - HIGHWAY SERVICE COMMERCIAL
- RSC - RESTRICTED SERVICE COMMERCIAL
- CC - CONVENIENCE COMMERCIAL
- SS - AUTOMOBILE SERVICE STATION
- ASA - ASSOCIATED SHOPPING AREA COMMERCIAL

- OR - OFFICE/RESIDENTIAL
- OC - OFFICE CONVERSION
- RO - RESTRICTED OFFICE
- OF - OFFICE

- RF - REGIONAL FACILITY
- CF - COMMUNITY FACILITY
- NF - NEIGHBOURHOOD FACILITY
- HER - HERITAGE
- DC - DAY CARE

- OS - OPEN SPACE
- CR - COMMERCIAL RECREATION
- ER - ENVIRONMENTAL REVIEW

- OB - OFFICE BUSINESS PARK
- LI - LIGHT INDUSTRIAL
- GI - GENERAL INDUSTRIAL
- HI - HEAVY INDUSTRIAL
- EX - RESOURCE EXTRACTIVE
- UR - URBAN RESERVE

- AG - AGRICULTURAL
- AGC - AGRICULTURAL COMMERCIAL
- RRC - RURAL SETTLEMENT COMMERCIAL
- TGS - TEMPORARY GARDEN SUITE
- RT - RAIL TRANSPORTATION

- "h" - HOLDING SYMBOL
- "D" - DENSITY SYMBOL
- "H" - HEIGHT SYMBOL
- "B" - BONUS SYMBOL
- "T" - TEMPORARY USE SYMBOL

2) ANNEXED AREA APPEALED AREAS

CITY OF LONDON
PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES

ZONING BY-LAW NO. Z.-1
SCHEDULE A



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

FILE NO:
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MAP PREPARED:
2014/01/21 **CK**

1:3,300
0 15 30 60 90 120
Meters

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Wastewater and Drainage:

- Wastewater and Drainage Engineering Division has “No Comment” on this application.

Transportation:

- No comment.

Environmental and Parks Planning:

- Environmental and Parks Planning have reviewed the application and note that parkland dedication has not been provided for this site. If the proposed development is approved and requires site plan approval and/or building permit, parkland dedication, consistent with the requirements of By-law CP-9, will be taken at that time.

Upper Thames River Conservation Authority

- The UTRCA has no objections to this application.

London Hydro

- No objection

PUBLIC LIAISON:	On December 16 th , 2013, Notice of Application was sent to 70 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 19 th , 2013. A “Possible Land Use Change” sign was also posted on the site.	2 replies were received
<p>Nature of Liaison: The purpose and effect of the proposed amendment is to permit a maximum of 3 dwelling units within the existing buildings.</p> <p>Change Zoning By-law Z.-1 FROM a Residential R2 (R2-2) Zone which permits single detached; semi-detached; duplex and converted dwellings (containing a maximum of 2 dwelling units) TO a Residential R2 Special Provision (R2-2(_)) Zone to permit converted dwellings with a maximum of 3 dwelling units within the existing buildings.</p>		
<p>Responses: Two responses were received in regards to the City’s Notice of Application. One respondent wrote indicating that “they were OK” with the proposal (see Appendix 1). A second respondent objected to the request noting the potential for increased traffic, the number of existing “non-conforming homes in the area”, and the effect such conversions can have on property prices and the desirability of the neighbourhood (See Appendix 2).</p>		

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ANALYSIS

The Subject Lands:

The subject lands, known municipally as 218 and 220-222 Burnside Drive, are located on the north side of Burnside Drive, east of Ascot Street (See Figures 1 and 2). The lots are rectangular in shape; have frontages of 18 metres (60 ft.), depths of 47 metres (154 ft.) and lot areas of 799 sq. metres (0.19 acres). Each lot contains a purpose-designed duplex that is the mirror image of the other. Private amenity space is provided in the rear and interior side yard of both properties. Access to the rear yard is restricted by the presence of a board fence (in the case of 218 Burnside Drive - see Figure 3 and 4) and a garage (in the case of 220-222 Burnside Drive - see Figure 5 and 6). Existing driveways extend from the street into the front yard of 218 Burnside Drive) and interior side yard of 220-222 Burnside Drive.

The neighbourhood bound by Burnside Drive to the north and west, Bow Street to the south, and Bancroft Road to the east was developed in the early 1960's. Lands on the north side of Burnside Drive, both east and west of the subject lands, are characterized by a mixture of single detached, semi-detached, duplex and converted dwellings. Residential Rental Licenses have been issued for a number of these properties. Conversely, lands on the south side of Burnside Drive have been developed for single detached dwellings (see Figure 7).

There is a sense of "stewardship" in the neighbourhood. City of London Building Permit and Property Standard records dating back to 1983 indicate a commitment on the part of residents (both north and south of Burnside Drive) to maintain both residence and lot. A number of structures on the north side of Burnside Drive, both east and west of the subject lands, would appear to have been converted for additional units in excess of the two units currently permitted in the Residential R2 (R2-2) Zone. Lands to the west of the subject properties, known municipally as 188 and 192 Burnside Drive) are occupied by "four family dwellings" that were constructed (under Building Permit from the City of London) in 1961. The basement of a purpose-designed duplex to the immediate east of the subject lands (known municipally as 228 Burnside Drive) was altered in 1962 (by way of a City of London Building Permit) to provide for a third unit. Parking for the "four family dwelling" and the converted duplex presently extends from the street into the interior side and rear yard.

Figure 1 - 218 Burnside Drive



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Figure 2 – 220-222 Burnside Drive



Figure 3 – Rear Yard of 218 Burnside Drive



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Figure 4 – Rear Yard of 218 Burnside Drive



Figure 5 – Rear Yard of 220/222 Burnside Drive



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Figure 6 – Rear Yard of 220/222 Burnside Drive



Figure 7 – Single Detached Development (south side of Burnside Drive)



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Nature of the Application:

The subject lands are zoned a Residential R2 (R2-2) Zone permitting single detached, semi-detached, duplex and converted dwellings (to a maximum of two units).

218 Burnside Drive functions as a purpose-designed duplex. The property owner has indicated a desire to alter the basement to provide for a new third unit. 220-222 Burnside Drive functions as a purpose-designed duplex that has been converted (in the absence of a Building Permit or zoning permission) to provide for a third unit in the basement. The owner wishes to provide for the continued operation of the third basement unit. Exterior alterations to the existing structures are not envisioned, nor being sought, by way of the current application.

For the purpose of the Z.-1 Zoning By-law a converted dwelling is defined as *“an existing dwelling constructed as a single detached, semi-detached, duplex or triplex dwelling on an existing lot prior to July 1, 1993 in which the number of dwelling units has been increased without significant alteration to the exterior of the building...”* The applicant(s) has requested an amendment to the Residential R2 (R2-2) Zone to provide for a special provision for 218 and 220-222 Burnside Drive that would allow a converted dwelling with a maximum of three units as opposed to the two units contemplated by way of the current zone.

Additional special provisions have been requested to permit parking in the front yard, whereas the Z.-1 Zoning By-law prohibits parking in the front yard, and tandem parking, whereas the Z.-1 Zoning By-law requires that *“...each required parking space shall be readily accessible at all times for the parking or removal of a vehicle and that any such parking space shall not be impeded by any obstruction.”*

Provincial Policy Statement:

The *Provincial Policy Statement, 2014* (PPS) provides policy direction on matters of provincial interest related to land use planning and development. It is intended to be read in its entirety and the relevant policies are to be applied in each situation.

One of the primary policies of the Province as expressed in the PPS is the efficient use of land within urban areas. To manage and direct land use to achieve efficient and resilient land use patterns, the PPS states that *“...sufficient land shall be made available to accommodate an appropriate range and mix of uses...”*

To accommodate an *“appropriate range and mix of uses...”* the PPS states that *“Planning Authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areasand the availability of suitable existing or planned infrastructure and public service facilities...”* . “

The current policy and regulatory framework for lands fronting the north side of Burnside Drive allow for converted dwellings with a maximum of two units per building. Lands south of Burnside Drive have been zoned to provide for single detached forms of development. Intensification in this area may be permitted by the *“Secondary Unit”* policies that are currently being publically circulated. Lands to the north of the site (on the north side of Trafalgar Street) have been designated and zoned to provide for medium density residential development in the form of townhouses and cluster townhouses. Lands to the west of the subject properties (along Marconi Boulevard) have been zoned to provide for residential conversions..

Lands on the north side of Burnside Drive are, and have been identified by policy and regulation, an appropriate location for transitional intensification when one takes into account the surrounding low and medium density housing forms to the south and north. The requested amendment to provide for three units in a converted dwelling is however inappropriate and

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represents an over intensification of the site(s) given the inability of the development proposal to meet the requirements of the zoning by-law. The proposed parking configuration does not facilitate a practical solution to accommodate intensity since it relies on the adoption of a site specific development standard (a tandem front yard parking configuration) that is not in keeping with the character of the neighbourhood (see Figure 9).

The requested amendment is not consistent with the policies of the PPS and is not consistent with the policies of the City of London Official Plan.

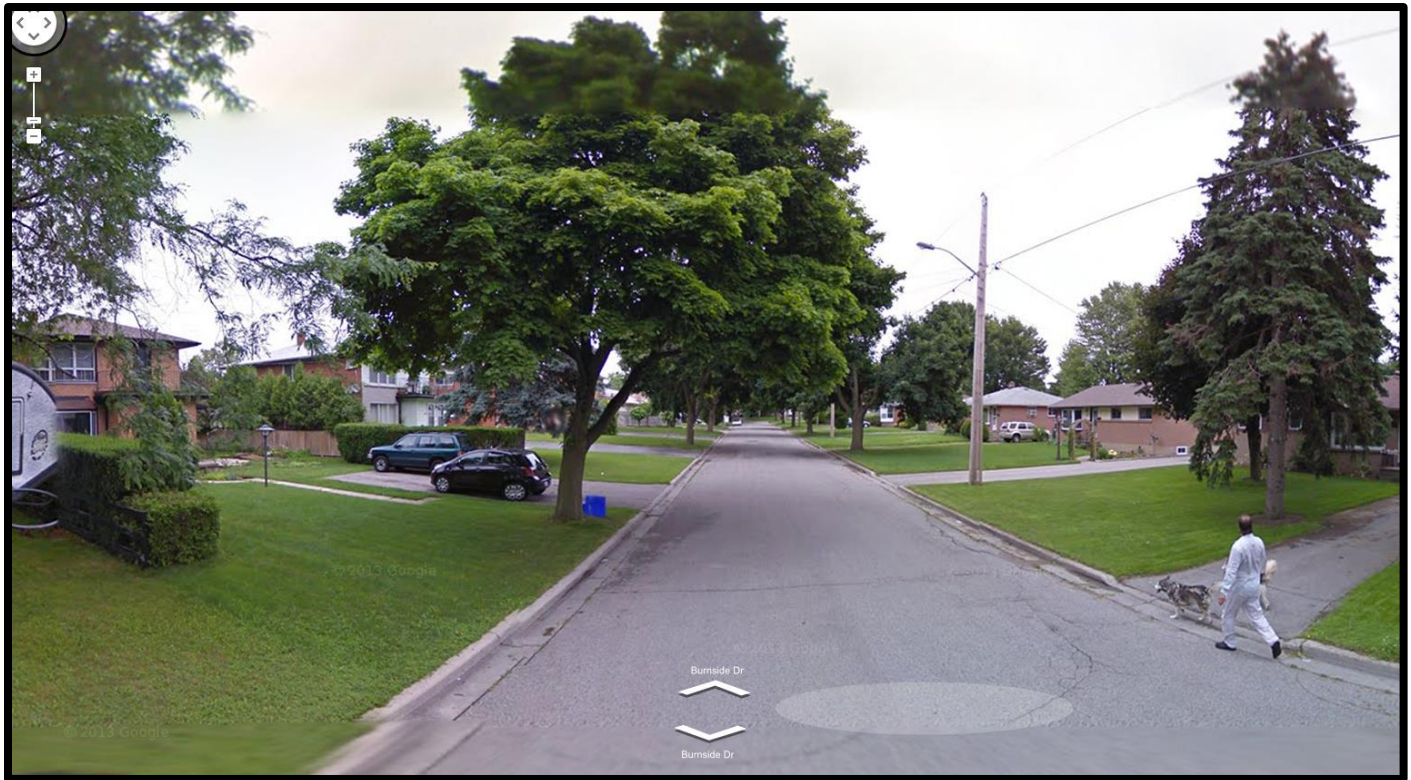
Figure 8 – Proposed Tandem Front Yard Parking Plan



 1:2000	<p>Figure 7: Parking Plan 218, 220 & 222 Burnside Drive London, Ontario</p> <p><small>218 Burnside Dr. Lot Area = 858 sq m Lot Coverage = 116 sq m (13.5%) 220, 222 Burnside Dr. Lot Area = 858 sq m Lot Coverage = 212 sq m (24.7%)</small></p>	Prepared by: INSITES CONSULTING
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Figure 9 – Burnside Drive Streetscape (looking east from Ascot Street)



Official Plan Policies:

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.

Official Plan Policies – Permitted Uses, Scale of Development (Section 3.2 and 3.2.3):

The subject lands are designated for Low Density Residential purposes in the Official Plan. The primary permitted uses in the Low Density Residential designation include single detached, semi-detached and duplex dwellings.

Residential Intensification may be permitted in the Low Density Residential designation through an amendment to the Zoning By-law, subject to additional policies and a Planning Impact Analysis. Residential intensification refers to the development of a property, site or area at a higher density than currently exists through the conversion or expansion of an existing residential building to create new residential units or accommodation. Residential intensification is a means of providing opportunities for the efficient use of land and encouraging compact urban form.

Lands on the north side of Burnside Drive have been identified in the Official Plan as an

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appropriate area for residential intensification.

Official Plan Policies – Density and Form (Section 3.2.3.2):

The policies of the Official Plan state that “*areas*” (author’s italics and underlining) within the Low Density Residential designation may be zoned to permit the conversion of single detached dwellings to add one or more dwelling unit. The Official Plan further notes that “*site specific amendments to allow dwelling conversions within primarily single detached residential neighbourhoods shall be discouraged*” (author’s italics and underlining).

Lands on the north side of Burnside Drive have been zoned to provide for residential conversions. These lands are characterized by a mixture of single detached, semi-detached, duplex and converted two unit dwellings. Two, four-unit dwellings (188 and 192 Burnside Drive) were constructed west of the subject lands under Building Permit from the City of London in 1961. A Building Permit was issued in 1962 to provide for a third unit in the basement of 228 Burnside Drive. The majority of properties on the north side of Burnside Drive, with the exception of those structures constructed in the 1960’s noted above) would appear to be in compliance with the requirements of the Z.-1 Zoning By-law that limit a converted dwelling to two units.

The requested amendment would also provide for a front yard parking configuration where two of the parking spaces are in tandem. While front yard parking can be successful in alleviating parking difficulties in older parts of the City (where parking opportunities may be limited), this is not the case with 218 and 220-222 Burnside Drive where the subject sites are of a sufficient size and configuration to provide for parking in accordance with the General Provisions of the Z.-1 Zoning By-law.

The sites are not unique. The subject lands are within a primarily single detached residential neighbourhood. The requested amendments are site specific in nature and are discouraged by the policies of the Official Plan.

Official Plan Policies – Compatibility of Proposed Development and the Planning Impact Analysis (Sections 3.2.3.4 and 3.2.3.5 and 3.7.1):

The policies of the Official Plan require the preparation of a Statement of Compatibility that clearly demonstrates that the proposal is sensitive to, compatible with, and a good fit within, the existing surrounding neighbourhood based on, but not limited to, a review of both the existing and proposed built form, massing and architectural treatment. A Planning Justification Report was prepared by Insites Consulting and reviewed by staff in the preparation of the City’s Planning Impact Analysis. Of the following relevant criteria, the Planning Impact Analysis has concluded:

Compatibility of the Proposed Use:

- While the application seeks to provide for invisible density and propose no exterior alterations to the existing structures, an additional effect of the requested action would be to provide for a very visible front yard tandem parking configuration that is inconsistent with, and not a good fit within, the surrounding neighbourhood.

The Size and Shape of the Parcel:

- The General Parking Provisions of the Z.-1 Zoning By-law serve to direct potential impacts from parking to the rear or interior side yard of a development. The provisions further serve to ensure that the required parking for the intended use is fully accessible. While the site is

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of a sufficient size and configuration to provide for compliant parking, the applications seek to direct potential parking impacts towards the public realm. The application further seeks to provide for a parking configuration that is not fully accessible or functional as it effectively “boxes in” the parking space of a unit.

The supply of vacant land in the area which is already designated and/or zoned for the proposed use:

- The purpose and net effect of the requested action is to provide for the creation of two additional dwelling units. While there is no vacant land in the area which is designated or zoned to provide for converted dwellings containing three units, there are sufficient lands in the immediate vicinity that are currently zoned to provide for the units sought by way of the current application. Lands known municipally as 188 and 192 Burnside Drive have been zoned to provide for apartment buildings to a maximum density of 75 units per hectare. Lands on the north side of Trafalgar Street have been designated and zoned to provide for Multi-Family Medium Density Residential uses. Lands fronting Marconi Boulevard have been zoned to provide for residential conversions. Council is also considering a policy amendment to the Official Plan to permit secondary dwelling units as-of-right which would facilitate the creation of additional dwelling units in all single detached dwellings in this area.

The Height, location and spacing of any buildings and potential impacts on surrounding land uses:

- The proposal is based on the notion of “invisible density”. No alterations to the existing structures are contemplated or proposed by way of the current application. The effect of the requested action is not however “invisible”. The requested action would serve to direct potential parking impacts to the front yard where surrounding land uses may be impacted.

Retention of any desirable vegetation or natural features that contribute to the visual character of the neighbourhood

- Figures 3, 4, 5 and 6 depict the private amenity space in the interior side yards and rear yards of 218 Burnside and 220-222 Burnside Drive. The requested action would serve to maintain this amenity space by providing for front yard parking in a tandem configuration. Directing parking impacts to the front yard however does not have regard for the neighbourhood organizing structure and would not serve to contribute to the visual character of the street.

The location of vehicular access points and the exterior design of the proposal:

- The requested action does not propose changes to the exterior of the existing structures. The requested action does not proposed changes to the location of existing vehicular access points.

Compliance with Z.-1 Zoning By-law and Planned Mitigation Measures:

- It is the stated intent of the Official Plan that residential intensification projects should meet all Zoning By-law regulations. The Official Plan notes however that there may be instances when a minor variance is warranted based on the configuration of the site or development constraints associated with it. Any required variance should be evaluated as part of the development proposal review undertaken in conjunction with the zoning amendment application. The subject properties do not exhibit development constraints that would

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preclude these sites from complying with the requirements of the Zoning By-law. The additional “variance” to provide for front yard tandem parking is contrary to the policies of the Official Plan that are intended to minimize impacts on adjacent land uses. The applicant has not identified any measures to mitigate these impacts.

Contrary to the policies of the Official Plan, the Planning Impact Analysis demonstrates that the requested actions would provide for a form of residential intensification that is not sensitive to, compatible with, or a good fit within the surrounding neighbourhood.

Official Plan Policies – Public Site Plan Review and Urban Design (Section 3.2.3.5)

The policies of the Official Plan state that residential intensification projects, with the exception of permitted single detached dwelling conversions to add one additional residential unit only, will be subject to a site plan approval process. The site plan review process would have consideration for a number of urban design principles including, but not necessarily limited to: the enhancement of the public realm and the organizing structure of the neighbourhood. The Planning Impact Analysis has determined that the requested actions would serve to provide for a form of development (front yard parking in tandem) that is not in keeping the organizing structure of the neighbourhood. The requested action, contrary to the policies of the Official Plan, would further serve to direct potential parking impacts towards, rather than away from, the public realm.

Official Plan Policies: Supporting Infrastructure (Section 3.2.3.7):

The policies of the Official Plan state that residential intensification will only be permitted where adequate infrastructure exists to support the proposed development including, but not limited to, off-street parking. Parking for the proposal could be accommodated on-site in accordance with the requirements of the Z.-1 Zoning By-law. To maintain existing private amenity space in the rear and interior side yards the application seeks zoning permissions to facilitate a tandem front yard parking configuration which has been shown to be inappropriate in the context of the neighbourhood. The proposed configuration is also not functional given that it is reliant upon the residents of the other dwelling units allowing access to/from a designated parking space.

Are the Requested Amendments Consistent with the Policies of the Official Plan?

The subject lands are designated Low Density Residential in the Official Plan. The Low Density Residential policies provide opportunities for residential intensification in areas where it can be demonstrated that the proposed project is sensitive to, compatible with, and a good fit within the existing and surrounding neighbourhood. The subject lands are located in a stable, primarily single detached residential neighbourhood that is fully serviced with municipal works and infrastructure. The area is fully serviced with public transit.

Lands on the north side of Burnside Drive have been zoned a Residential R2 (R2-2) Zone permitting single detached, semi-detached, duplex and converted dwellings (to a maximum of 2 units). Lands known municipally as 188 and 192 Burnside Drive have been zoned to provide for apartment buildings to a maximum density of 75 units per hectare. Lands on the north side of Trafalgar Street have been designated and zoned to provide for Multi-Family Medium Density Residential uses. Lands fronting Marconi Boulevard have been zoned to provide for residential conversions. Council is also considering a policy amendment to the Official Plan to permit secondary dwelling units as-of-right which would facilitate the creation of additional dwelling

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units in all single detached dwellings in this area.

The requested site specific amendments to the Z.-1 Zoning By-law would provide for a maximum of three units in a converted dwelling whereas a maximum of two are currently permitted. The requested action seeks further permissions to provide for a tandem front yard parking configuration whereas such arrangements are not contemplated or provided for under the General Parking Provisions of the Z.-1 Zoning By-law.

The Official Plan policies for this area are appropriate, promote neighbourhood stability and allow for some intensification and redevelopment of residential properties. Permitting more than two units in a converted dwelling is not in keeping with the policies of the Official Plan as it would provide for a site specific form of development that is not sensitive to, compatible with, or a good fit within the surrounding neighbourhood.

The Requested Residential R2 Special Provision (R2-2()) Zone:

The Zoning By-law is a comprehensive document used to implement the policies of the Official Plan. The Zoning By-law accomplishes this 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 the site to accommodate a development proposal. It is important to note that all three criteria of use, intensity and form must be considered and deemed to be appropriate prior to the approval of any development proposal.

The subjects lands are currently zoned a Residential R2 (R2-2) Zone permitting single detached, semi-detached, duplex, and converted dwellings (containing a maximum of two units). The applicant seeks zoning permissions to provide for a third unit in a converted dwelling.

The applicant is seeking further relief from the General Provisions of the Z.-1 Zoning By-law to provide for tandem front yard parking where three parking spaces with independent access are required in the rear or interior side yard. The proposed parking plan essentially serves to maintain existing private amenity space (in the rear and interior side yards of both properties) by directing parking, and the impacts thereof, to the front yard.

The Planning Impact Analysis demonstrated that the lands are zoned (for a range of uses including converted dwellings with a maximum of two units) to provide for an appropriate level of transitional intensification relative to the surrounding low density and medium density housing forms to the north and south of the subject sites. The Planning Impact Analysis further demonstrated the availability of sites in the immediate vicinity of the subject lands to accommodate the additional dwelling units sought by way of the current application. The requested amendment to provide for three units in a converted dwelling is deemed to be inappropriate.

The intensity of the use has further been shown to be inappropriate given that it relies on a development standard (a tandem front yard parking configuration) that is not sensitive to, consistent with, or a good fit within the surrounding neighbourhood. The requested development standard is further deemed inappropriate given the ability of both sites to satisfy the General Provisions of the Z.-1 Zoning By-law that call for the provision of accessible parking spaces in the rear and interior side yards.

The built form of a development proposal can have a positive or negative impact on abutting land uses. In the present context form has been defined to include not only the existing structures but parking considerations. The Planning Impact Analysis served to demonstrate that the form of the proposal, in-as-much as it relies on an inappropriate development standard, can have a negative impact on surrounding properties and the public realm.

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File: Z-8299
Planner: B.Turcotte

The use, intensity and form of development sought by way of the requested action are deemed to be inappropriate. The requested amendment is site specific and is discouraged by Official Plan policy. The requested amendment could set a precedent for additional site specific amendments that could serve to erode the stable residential character of the neighbourhood given that the subject sites have no unique attributes that would differentiate them from other properties seeking a similar amendment. The current zoning for the subject lands is considered appropriate and allows for an appropriate level of intensification. The current zone allows for a maximum of two dwelling units per building which is compatible with the surrounding residential neighbourhood.

CONCLUSION

The requested amendment has been shown to be contrary to the policies of the *Provincial Policy Statement, 2014* which promote residential intensification opportunities based on appropriate development standards.

The requested amendment has been shown to be contrary to the policies of the Official Plan that require residential intensification projects to be sensitive to, compatible with, and a good fit within, the existing and surrounding neighbourhood.

The use, intensity and form of development sought by way of the requested action is site specific and is discouraged by Official Plan policy. The requested amendment could serve to set a precedent for a development standard that is not considered appropriate for the neighbourhood.

PREPARED BY:	SUBMITTED BY:
BRIAN TURCOTTE, SENIOR PLANNER CURRENT PLANNING	MICHAEL TOMAZINCIC, MCIP, RPP MANAGER, CURRENT PLANNING
RECOMMENDED BY:	
JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER	

May, 2014
BT

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File: Z-8299
Planner: B.Turcotte

Responses to Public Liaison Letter and Publication in “Living in the City”

<u>Telephone</u>	<u>Written</u>
	Ken and Edith Granger 217 Burnside Drive London ON N5V 1B8
	Josh Lesmeister 194 Holgate London ON N5V 1C2

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File: Z-8299
Planner: B.Turcotte

Appendix 1

E-mail Response from K. Granger (January 5, 2014)

I live at 217 Burnside Drive and am OK with amends to the zoning by-law pertaining to 218-222 Burnside Drive.

Ken & Edith Granger

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File: Z-8299
Planner: B.Turcotte

Appendix 2

E-mail Response from Josh Lesmeister (January 14, 2014)

Good Afternoon Brian,

I wish to submit my objection for the application to amend the zoning by-law for 218-222 Burnside Drive to allow 3 dwelling units within existing buildings. One of the reasons that I moved to the area was that it is zoned as low density residential. There are already many non-conforming homes in the area that have been converted up to 4 units, let alone only 3. This could open a large can of worms and ruin the neighborhood.

Allowing triplex conversions will only have a positive effect for the owner of the dwelling and only negative effects for the neighborhood. These conversions typically lower the value of surrounding properties and make the area less desirable place to move to. I am also concerned with the potential for increased traffic since I am on a corner lot. For the reasons mentioned, I do not believe this amendment to be in the best interest of the neighborhood; and therefore, must object.

Sincerely,

Josh Lesmeister
(194 Holgate Road)

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File: Z-8299
Planner: B.Turcotte

Bibliography of Information and Materials
Z-8299

Request for Approval:

City of London Zoning By-law Amendment Application Form, completed by Insites Consulting on behalf of Ethan Gagie and John Sheardown, December 12, 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*, 2014.

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

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

Planning Justification Report for 218 Burnside Drive and 220-222 Burnside Drive, dated November 29, 2013 prepared by Insites Consulting

Correspondence: (all located in City of London File No. Z-8299)

All correspondence sent and received between November 2013 and May 2014

Other:

Site visit December, 2013 and May 2014