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A.033/14; A.096/14
Sonia Wise

FROM:	G. KOTSIFAS, P.ENG MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL
SUBJECT:	APPLICATION BY: 1865589 ONTARIO INC. 1576 RICHMOND STREET MEETING ON OCTOBER 7, 2014

RECOMMENDATION

That, on the recommendation of the Manager of Development Services and Planning Liaison, in response to the letter of appeal to the Ontario Municipal Board, dated June 3, 2014, and submitted by 1865589 Ontario Ltd., and the letter of appeal to the Ontario Municipal Board, dated August 11, 2014, and submitted by Marlo Lacey relating to the minor variance applications concerning 1576 Richmond Street, the following report **BE RECEIVED** for information, noting that Civic Administration has reviewed the position of the City to support the applications and that no further action is required.

BACKGROUND

The proposed development at 1576 Richmond Street (see Location map) was the subject of two related minor variance applications A.033/14 and A.096/14.

A.033/14

The Secretary of the Committee of Adjustment circulated notice of application for A.033/14 on March 7, 2014, and a notice appeared in *The Londoner* on March 13, 2014 for permission to:

Request to permit a residential development.

1. Permission to allow 3 dwelling units and the related original dwelling of at least 0.0m (0.0') behind the ultimate road allowance in place of 3 dwellings and the existing dwelling in its original location;
2. Permission to allow a 0.0m (0.0') front yard setback whereas 8.0m (26.2') is required from the ultimate road allowance;
3. Permission to allow a rear yard setback of 1.2m (3.9') whereas 3.0m (9.8') is required;
4. Permission to allow a 4.0m (13.1') north interior side yard setback whereas 6.0m (19.6') is required;
5. Permission to allow 32% landscaped open space whereas 35% minimum is required; and
6. Permission to allow 49 units per hectare whereas 45 units per hectare maximum is permitted.

Development Services Staff provided comments to the Committee of Adjustment on March 21, 2014 objecting to the requested variance application.

On March 24, 2014 the City of London Committee of Adjustment deferred the minor variance application by 1865589 Ontario Inc. to a future meeting.

The Secretary of the Committee of Adjustment circulated notice of revised application for A.033/14 on May 16, 2014, and a notice appeared in *The Londoner* on May 22, 2014 for permission to:

Request to construct a 10 unit townhouse development and convert the existing single detached

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dwelling to a two unit dwelling.

1. Permission to allow north and south interior side yard setbacks of 3.0m (9.8') whereas 6.0m (19.6') is required (with windows);
2. Permission to allow a rear yard setback of 1.2m (3.9') whereas 3.0m (9.8') is required;
3. Permission to permit 15 parking spaces whereas 17 are required.

Development Services Staff provided comments to the Committee of Adjustment on May 29, 2014 supporting the requested variance application. The proposal is attached as Appendix A.

There were 32 letters of opposition received from the property owners most affected by the proposal.

On June 2, 2014 the City of London Committee of Adjustment refused the minor variance application by 1865589 Ontario Inc.

On June 3, 2014, Mr Shaun Stevens submitted a letter of appeal on behalf of 1865589 Ontario Ltd to the Ontario Municipal Board opposing the Committee of Adjustments decision to refuse the variance.

The basis of the appeal as described by the applicant is as follows:

1. The proposed development is consistent with Section 45 of the Planning Act
2. The PPS and City of London Official Plan and Zoning By-law all permit and encourage residential intensification projects, particularly those that propose to maintain designated properties under the Ontario Heritage Act
3. The proposed variances are minor in nature and appropriate for the development of the land
4. The proposed development is consistent with the intent of the current designation and zoning on the lands.
5. The proposed development makes efficient use of the subject lands.
6. There are no undue impacts on the surrounding properties resulting from the variances proposed.
7. Such further and other reasons as Counsel may advise.

A.096/14

The Secretary of the Committee of Adjustment circulated notice of application for A.096/14 on July 4, 2014, and a notice appeared in *The Londoner* on July 10, 2014 for permission to:

Request to construct a 10 unit townhouse development and convert the existing heritage single detached dwelling to a two unit dwelling.

1. Permission to allow a 'converted dwelling' whereas the use is not specified in the list of permitted uses;
2. Permission to allow north and south interior side yard setback of 3.0m (9.8') whereas 6.0m (19.6') us required (with windows);
3. Request to permit a rear yard setback of 1.2m (3.9') whereas 3.0m (9.8') is required (without windows); and
4. Permission to allow front yard parking whereas front yard parking is not permitted.

Development Services Staff provided comments to the Committee of Adjustment on July 11, 2014 supporting the requested variance application. The proposal is attached as Appendix B.

There were 11 letters of opposition received from the property owners most affected by the proposal.

On July 21, 2014 the City of London Committee of Adjustment approved the minor variance

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application by 1865589 Ontario Inc. subject to the following conditions:

1. The site shall maintain the “park-like vista as viewed from the street” through the use of enhanced landscaping treatment and provision of low rise masonry landscape wall of complimentary materials to the heritage building, all to the satisfaction of the Manager, Urban Design and Geographic Information Systems.
2. The heritage designated building shall be maintained in the existing form and location.
3. A building permit is required for the conversion of the existing home.
4. That a public site plan meeting will be required.
5. That bicycle parking shall be provided at 1 bicycle spot per unit.

On August 11, 2014, Mr Marlo Lacey submitted a letter of appeal on behalf of 1865589 Ontario Ltd to the Ontario Municipal Board opposing the Committee of Adjustment’s decision to approve the variance

The basis of the appeal as described by the applicant is as follows:

1. The variances are not minor;
2. The variances are not appropriate for the development of the lot;
3. The variances are not in keeping with the general intent and purpose of the zoning by-law; and
4. The variances are not in keeping with the general intent and purpose of the Official Plan

CONCLUSION

The Civic Administration supported the minor variance applications associated with both of the development concepts, which are substantively the same except for the location of the access driveway. Either development option would be subject to site plan review and approval.

Both of the appellants will be represented at the same hearing and a decision will be issued by the Ontario Municipal Board based on it’s consideration of the evidence presented. The hearing date for these appeals has been combined and scheduled for October 15, 2014.

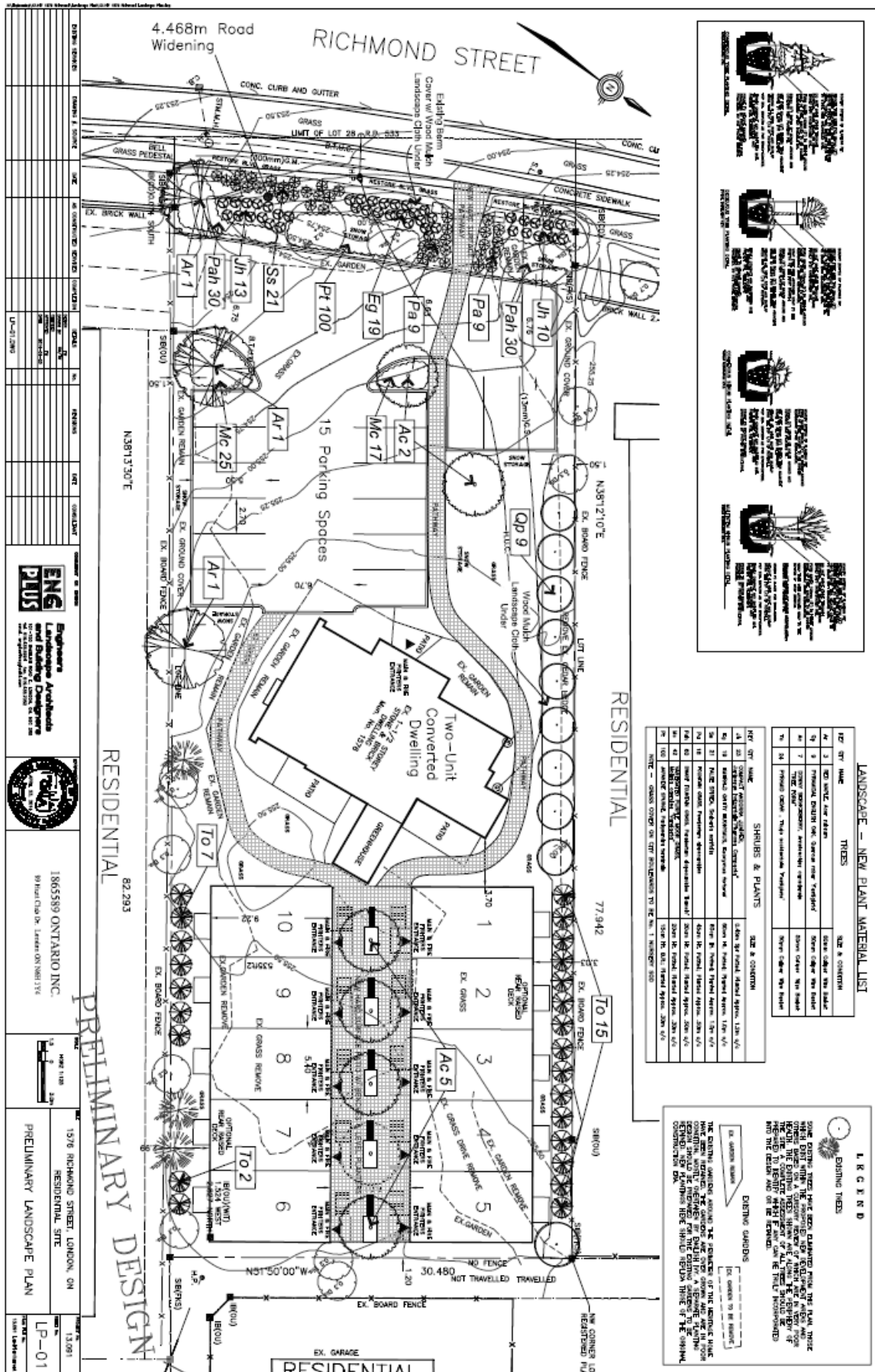
PREPARED BY:	REVIEWED BY:
SONIA WISE PLANNER II, CURRENT PLANNING	BRUCE HENRY MANAGER, DEVELOPMENT PLANNING
RECOMMENDED BY:	SUBMITTED BY:
TERRY GRAWAY MCIP, RPP MANAGER, DEVELOPMENT SERVICES & PLANNING LIAISON	G. KOTSIFAS, P.ENG MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL

SW/sw
“Attach”

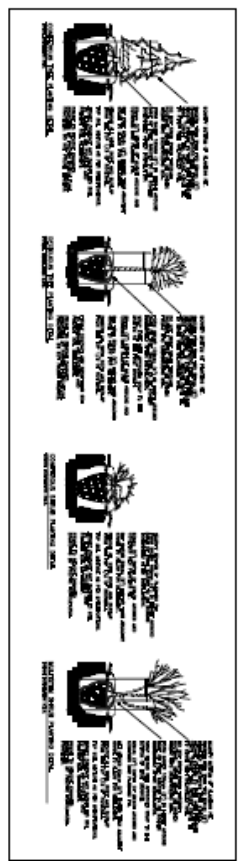
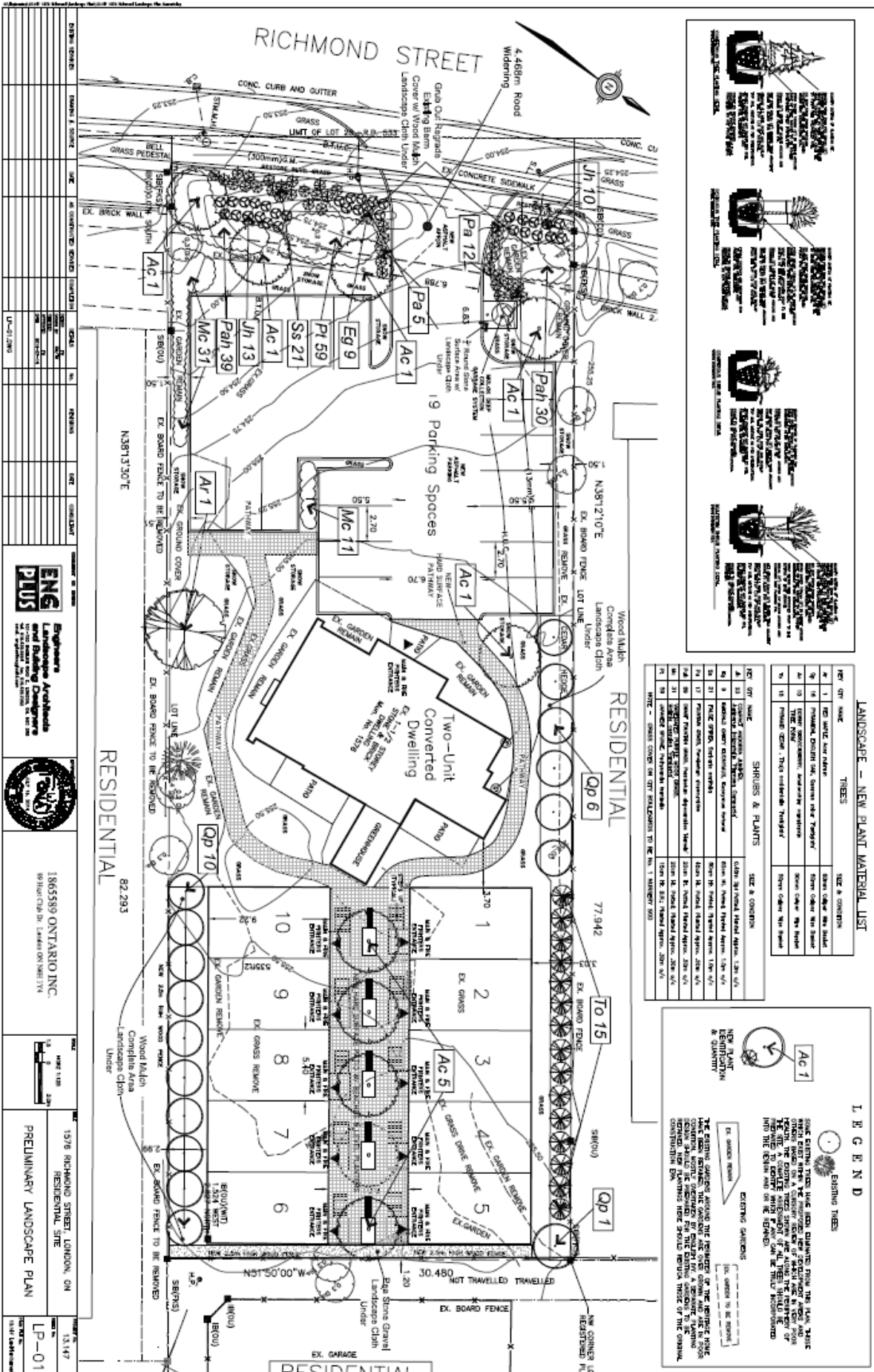
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Appendix 'A'
Proposal for A.033/14



Appendix 'B'
Proposal for A.096/14



LANDSCAPE - NEW PLANT MATERIAL LIST

REF	QTY	NAME	TREES	SIZE & COMMENTS
1	1	RED LAUREL LEAF PALM		60cm Caliper 4m Ball
2	1	FRAXINO DORTMUND		60cm Caliper 4m Ball
3	1	FRAXINO DORTMUND		60cm Caliper 4m Ball
4	1	FRAXINO DORTMUND		60cm Caliper 4m Ball
5	1	FRAXINO DORTMUND		60cm Caliper 4m Ball
6	1	FRAXINO DORTMUND		60cm Caliper 4m Ball
7	1	FRAXINO DORTMUND		60cm Caliper 4m Ball
8	1	FRAXINO DORTMUND		60cm Caliper 4m Ball
9	1	FRAXINO DORTMUND		60cm Caliper 4m Ball
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LEGEND

EXISTING TREES

EXISTING TREES HAVE BEEN IDENTIFIED FROM THE PLAN, BASED ON PHOTOGRAPHS TAKEN AT THE PROPERTY VISIT AND FIELD SURVEY. THE EXISTING TREES SHOWN ARE THOSE THAT WOULD REMAIN ON THE SITE. ALL OTHER TREES SHOULD BE REMOVED AND REPLACED WITH NEW PLANT MATERIAL AS SHOWN.

NEW PLANT MATERIAL

NEW PLANT MATERIAL IS SHOWN AS SHOWN.

EXISTING GARDENS

EXISTING GARDENS ARE SHOWN AS SHOWN.

TO BE REMOVED

AREAS TO BE REMOVED ARE SHOWN AS SHOWN.

WOOD MULCH COMPLETE AREA

WOOD MULCH COMPLETE AREA IS SHOWN AS SHOWN.

LANDSCAPE CLASH UNDER

LANDSCAPE CLASH UNDER IS SHOWN AS SHOWN.

CONCRETE SIDEWALK

CONCRETE SIDEWALK IS SHOWN AS SHOWN.

CONC. CURB AND OUTER

CONC. CURB AND OUTER IS SHOWN AS SHOWN.

GRASS

GRASS IS SHOWN AS SHOWN.

BRICK WALL

BRICK WALL IS SHOWN AS SHOWN.

WOOD MULCH COMPLETE AREA

WOOD MULCH COMPLETE AREA IS SHOWN AS SHOWN.

LANDSCAPE CLASH UNDER

LANDSCAPE CLASH UNDER IS SHOWN AS SHOWN.

CONCRETE SIDEWALK

CONCRETE SIDEWALK IS SHOWN AS SHOWN.

CONC. CURB AND OUTER

CONC. CURB AND OUTER IS SHOWN AS SHOWN.

GRASS

GRASS IS SHOWN AS SHOWN.

BRICK WALL

BRICK WALL IS SHOWN AS SHOWN.

1865589 ONTARIO INC.
89 HURON ST. SUITE 101
LONDON, ON N6A 1Y4

1376 RICHMOND STREET, LONDON, ON
RESIDENTIAL SITE
PRELIMINARY LANDSCAPE PLAN

LP-01
13.147
1:500

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Engineers Architects
Landscape Architects
1000 UNIVERSITY AVENUE
SUITE 100
LONDON, ON N6C 1T8
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