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**File: Z-8008**  
**Planner: M. Tomazincic**

<b>TO:</b>	<b>CHAIR AND MEMBERS PLANNING &amp; ENVIRONMENT COMMITTEE</b>
<b>FROM:</b>	<b>JOHN M. FLEMING DIRECTOR, LAND USE PLANNING AND CITY PLANNER</b>
<b>SUBJECT:</b>	<b>APPLICATION BY: FILIPE ABRANTES &amp; DANIEL MCFADDEN 497-499 CENTRAL AVENUE PUBLIC PARTICIPATION MEETING ON MONDAY, APRIL 16, 2012</b>

<b>RECOMMENDATION</b>
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That, on the recommendation of the Director, Land Use Planning and City Planner, the following actions be taken with respect to the application of Filipe Abrantes and Daniel McFadden relating to the property located at 497-499 Central Avenue:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on May 1, 2012 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** a Residential R3 (R3-2) Zone which permits single detached dwellings, semi-detached dwellings, duplex dwellings, triplex dwellings, converted dwellings, and four-plex dwellings **TO** a Residential R3 Special Provision (R3-2( )) Zone to permit the above listed uses and add a multiple dwelling with a maximum of 5-dwelling units as a permitted use and regulations that: limit the maximum number of bedrooms per unit to 3; permit a maximum of two, 3-bedroom dwelling units; permit a minimum lot area of 600m<sup>2</sup>; permit a minimum lot frontage of 15.0m; permit a minimum east exterior side yard of 3.6m; permit a minimum rear yard of 6.0m; permit a minimum west interior side yard of 3.0m; permit a minimum landscaped open space coverage of 30%; permit a maximum lot coverage of 44%; permit a maximum height of 12.0m; permit a maximum parking area coverage of 25%; limit the maximum setback from Central Avenue to 1.0m; with a minimum of 1 parking space per dwelling unit as a special provision to the zone;
- (b) The Site Plan Approval Authority **BE REQUESTED** to consider the following design issues through the site plan process:
  - i) The construction of a specified building design which is in accordance with the illustrations included as Appendix "B";
  - ii) Existing brick to be reused on proposed new building;
  - iii) Existing roof pitches to be replicated (with the exception of the existing front gables)
  - iv) Windows to be of a 6 over 6 design with a wood clad finish

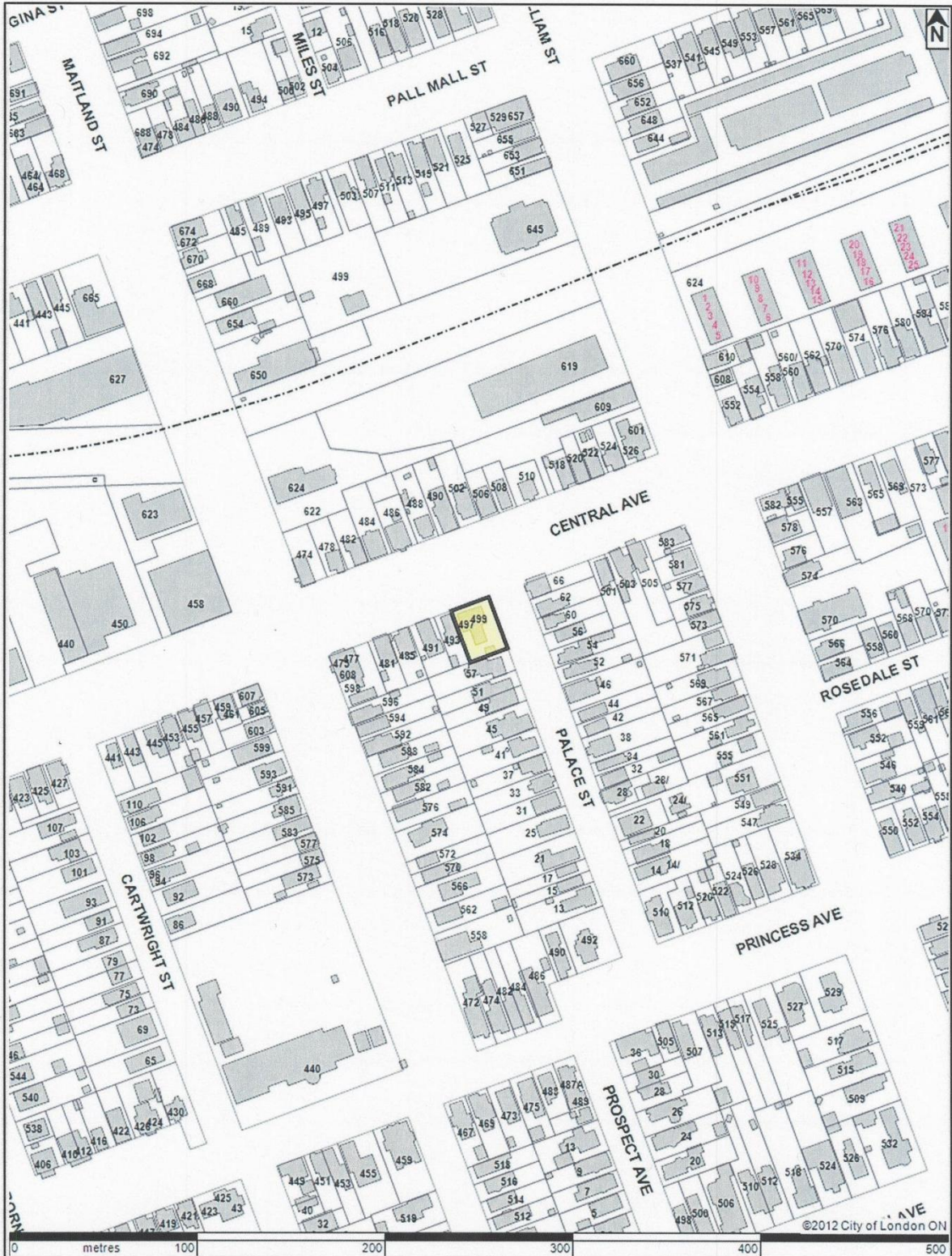
<b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b>
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June 13, 2011 – Request to remove 497-499 Central Avenue by demolition – This report recommended, with the advice of the Heritage Planner, that the application by D. McFadden and P. Abrantes for the removal, by demolition, of the designated property at 497-499 Central Avenue be supported by Municipal Council and that the Chief Building Officer be advised so that a demolition permit may be issued. The report noted that plans for a rebuild on the site have been received and discussed by the London Advisory Committee on Heritage (LACH) and municipal Staff.

<b>PURPOSE AND EFFECT OF RECOMMENDED ACTION</b>
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The purpose and intent of the recommended action is to demolish the existing 5-unit residential building and construct a new 5-unit residential building that is designed with a similar appearance to the existing building.

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**LOCATION MAP**

Subject Site: 497 -499 Central Ave  
 Applicant: **Mcfadden Daniel Martin, Abrantes Filipe Miguel**  
 File Number: **Z-8008**  
 Planner: **Michael Tomazincic**  
 Created By: **Michael Tomazincic**  
 Date: **2012-01-27**  
 Scale: **1:2500**

**LEGEND**

- Subject Site
- Parks
- Assessment Parcels
- Buildings
- Address Numbers



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**RATIONALE**

1. The recommended amendment is consistent with the policies of the *Provincial Policy Statement, 2005*
2. The recommended amendment is consistent with the *Ontario Heritage Act*
3. The recommended amendment is consistent with the Low Density Residential policies of the Official Plan
4. The recommended amendment is consistent with the Built Heritage and Heritage Conservation District policies of the Official Plan
5. The recommended amendment is consistent with the East Woodfield Heritage Conservation District Plan

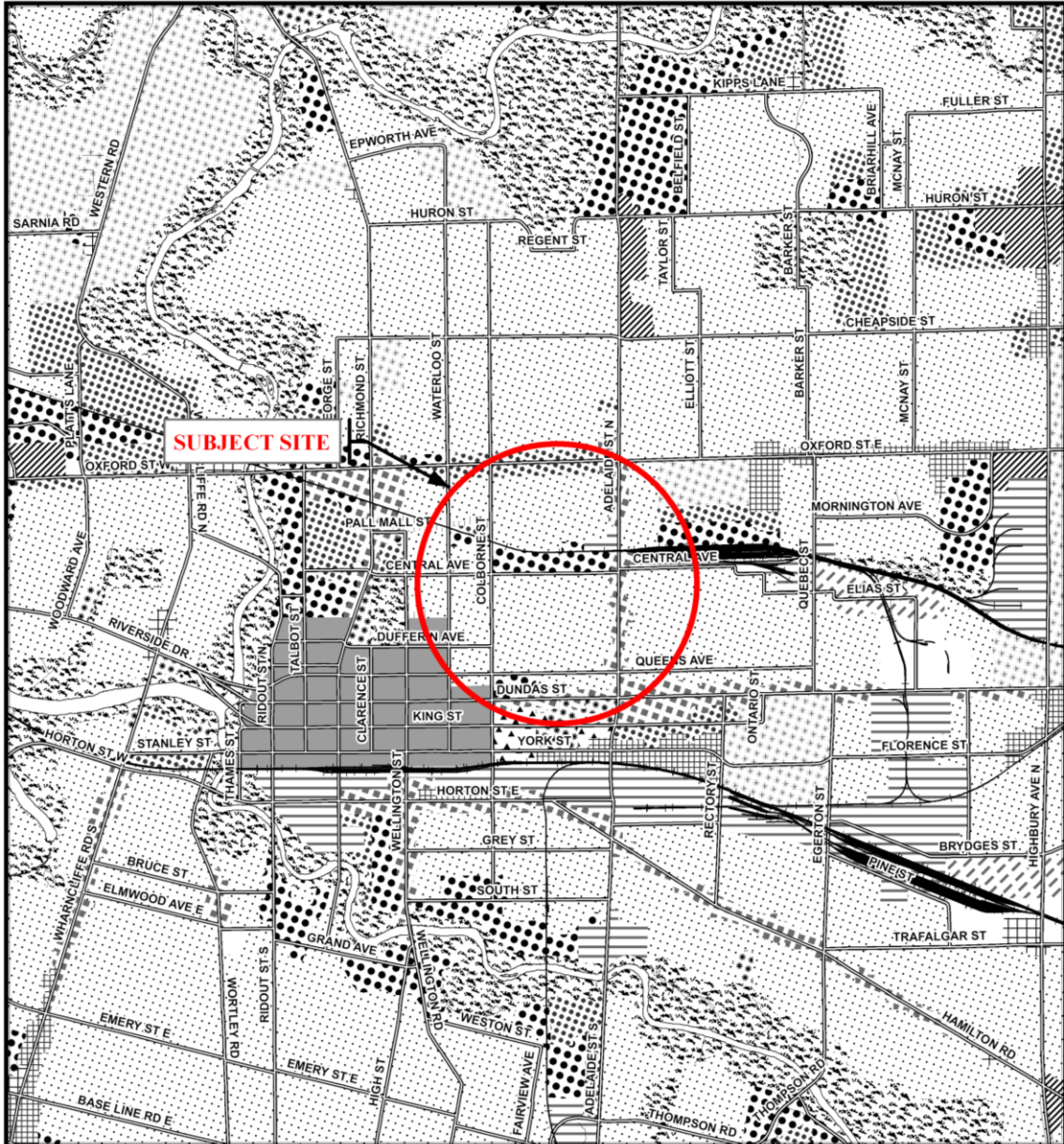
**BACKGROUND**

<b>Date Application Accepted:</b> 13 January 2012	<b>Agent:</b> Ademar Inacio
<p><b>REQUESTED ACTION:</b> Possible amendment to the Zoning By-law Z.-1 <b>FROM</b> a Residential R3 (R3-2) Zone which permits single detached dwellings, semi-detached dwellings, duplex dwellings, triplex dwellings, converted dwellings, and fourplex dwellings <b>TO</b> a Residential R3 Bonus (R3-2•B( ) Zone to continue to permit the current uses as the base zoning and adding a bonusing provision to permit, subject to design approval, the construction of a 5-unit residential building with a similar appearance to the existing building with a minimum of 4 parking spaces.</p>	

<p><b>SITE CHARACTERISTICS:</b></p> <ul style="list-style-type: none"> <li>• <b>Current Land Use</b> – Vacant converted dwelling with 5 residential units</li> <li>• <b>Frontage</b> – Approximately 21.4 metres (70.25 feet)</li> <li>• <b>Depth</b> – Approximately 29.3 metres (96.0 feet)</li> <li>• <b>Area</b> – Approximately 627 square metres (6,744 square feet)</li> <li>• <b>Shape</b> – Rectangular</li> </ul>
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<p><b>SURROUNDING LAND USES:</b></p> <ul style="list-style-type: none"> <li>• <b>North</b> – Single detached dwellings/Converted dwellings</li> <li>• <b>South</b> – Single detached dwellings</li> <li>• <b>East</b> – Converted dwelling</li> <li>• <b>West</b> – Single detached dwellings</li> </ul>
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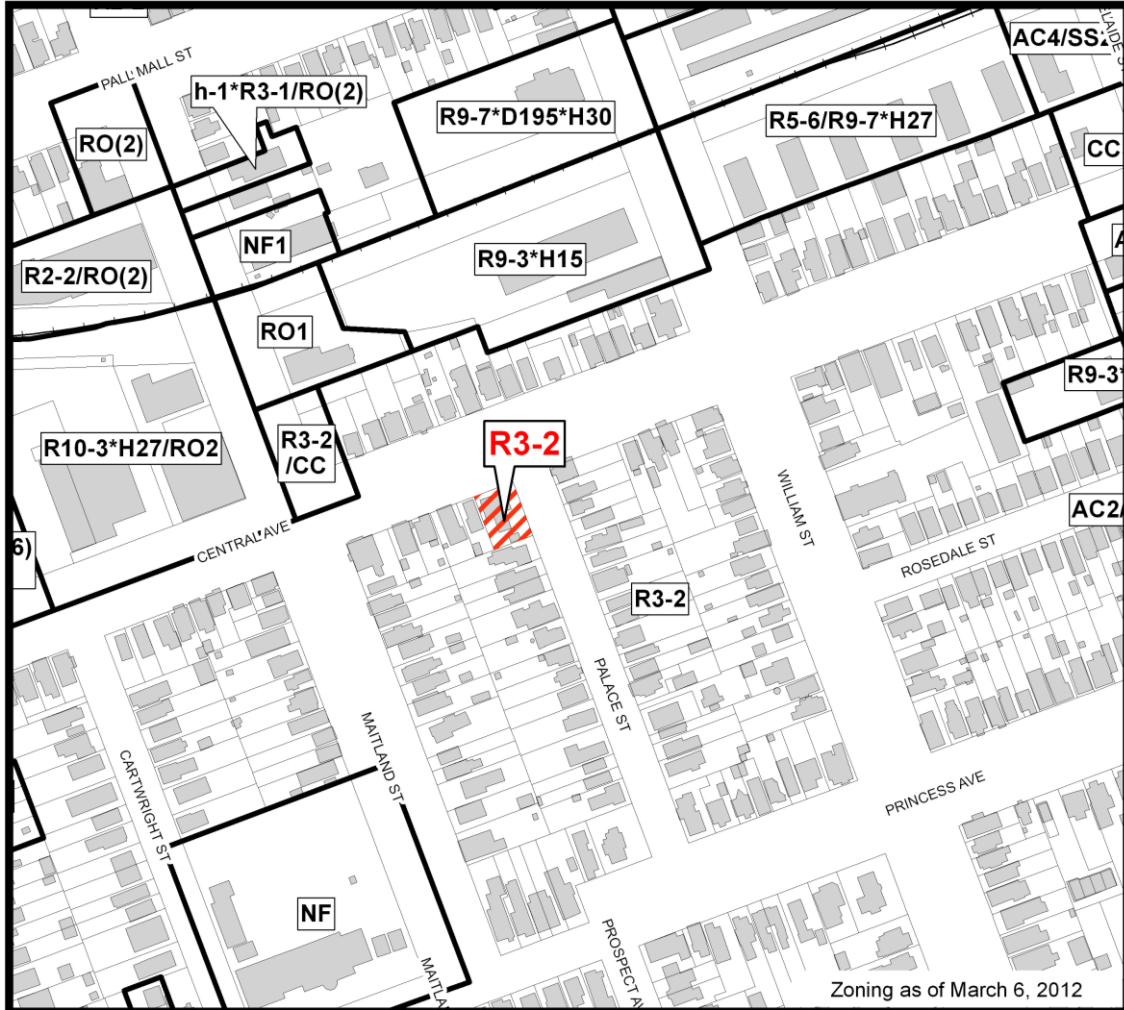
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Legend	
	Downtown Area
	Enclosed Regional Commercial Node
	New Format Regional Commercial Node
	Community Commercial Node
	Neighbourhood Commercial Node
	Main Street Commercial Corridor
	Auto-Oriented Commercial Corridor
	Multi-Family, High Density Residential
	Multi-Family, Medium Density Residential
	Low Density Residential
	Office Area
	Office/Residential
	Office Business Park
	General Industrial
	Light Industrial
	Regional Facility
	Community Facility
	Open Space
	Urban Reserve - Community Growth
	Urban Reserve - Industrial Growth
	Rural Settlement
	Environmental Review
	Agriculture
	Urban Growth Boundary

<p><b>CITY OF LONDON</b> Department of Planning and Development</p> <p>OFFICIAL PLAN SCHEDULE A - LANDUSE -</p> <p>PREPARED BY: Graphics and Information Services</p>	 Scale 1:30,000 0 160 320 480 640 800 960 1,280 1,600 Meters	<p>FILE NUMBER: Z-8006</p> <p>PLANNER: MT</p> <p>TECHNICIAN: CK</p> <p>DATE: 2012/03/19</p>
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Zoning as of March 6, 2012



**COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: R3-2**

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 APEALED AREAS

**CITY OF LONDON**

PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES

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



FILE NO:  
Z-8008 MT

MAP PREPARED:  
2012/03/19 CK

1:3,000  
0 15 30 60 90 120  
Meters

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

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**File: Z-8008**  
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<b>OFFICIAL PLAN DESIGNATION:</b> (refer to Official Plan Map on page 4)
<b>LOW DENSITY RESIDENTIAL – SCHEDULE A (LAND USE)</b> – The primary permitted uses in areas designated Low Density Residential 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 the Official Plan and provided they do not exceed a density of 30 units per hectare.
<b>EXISTING ZONING:</b> (refer to Zoning Map on page 5)
<b>RESIDENTIAL R3 (R3-2) ZONE</b> – The R3 Zone provides for and regulates low to low-medium density residential development permitting single detached dwellings, semi-detached dwellings, duplex dwellings, triplex dwellings, fourplex dwellings; and allows for the conversion of an existing dwelling. The R3-2 and R3-3 Zone variations are intended to be used throughout the City for most low to medium-low residential developments.

<b>PLANNING HISTORY</b>
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The East Woodfield Heritage Conservation District Study was undertaken on behalf of the City of London by Unterman McPhail Cuming Associates, Wendy Shearer Landscape Architect Limited and Anthony Butler Architect Inc. in 1992 to review the area known as the East Woodfield Area within the central area of London.

The district was established in 1994 as London's first Heritage Conservation District. It comprises approximately 170 buildings, including the building on the subject site which is now designated under Part V of the *Ontario Heritage Act* as part of the East Woodfield Heritage Conservation District. The subject building is also individually listed as a Priority 2 on the City of London Inventory of Heritage Resources.

On April 6, 2011, Aaron Strik, P. Eng, of Strick, Baldinelli and Associates submitted a Condition Survey of the building on the subject site (attached as Appendix “C” to this report). The Condition Survey revealed that:

- *On the east face of the house, the brick appears to be pulling away from the house*
- *The centre of the single storey rear portion of the building appears to be sinking at the centre*
- *The chimney on the east side of the house has pulled away from the existing brick wall*
- *The house appears to be leaning in a north-east direction*
- *The floor joist framing, which ties into a wood belt and foundation wall, has pulled away from the belt and foundation and is barely connected to the front wall*
- *Wood stud framing on the west exterior wall and centre party wall between units is significantly leaning forward*

The overall assessment, based on the areas that were able to be inspected, is that the building is in very poor structural condition and in some areas is unsafe.

On June 13, 2011, based on the Condition Survey completed by Strick, Baldinelli and Associates, a Staff report was presented to the Built and Natural Environment Committee recommending that “...the application by D. McFadden and P. Abrantes for the removal, by demolition, of the designated property at 497-499 Central Avenue **BE SUPPORTED** by Municipal Council and that the Chief Building Officer **BE ADVISED** so that a demolition permit may be issued...” The report noted that the London Advisory Committee on Heritage discussed this matter and further noted that plans for a rebuild on the site have also been received and discussed by the LACH, Staff, and members of the Woodfield Community. Based on the results of the Condition Survey and the intent to construct a new building with a similar appearance to the existing building, many of the initial concerns regarding this development proposal had been addressed.

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<b>SIGNIFICANT DEPARTMENT/AGENCY COMMENTS</b>
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**Urban Forestry**

*Urban Forestry has no comments with respect to the rezoning of the property. Urban Forestry has reviewed the application and is requiring a tree protection plan to be submitted by the developer. If there is a request to remove any tree, it will be as a consensual tree removal according to section 2.5 of the Boulevard Tree Protection By-Law and subject to fees in Schedule "B" of the By-Law. If there is to be demolition, the plan needs to be submitted prior to any heavy equipment being brought on site.*

**London Hydro**

*No Comment*

**Upper Thames River Conservation Authority (UTRCA)**

*The subject lands are not affected by any regulations (Ontario Regulation 157/06) made pursuant to Section 28 of the Conservation Authorities Act*

AREA OF VULNERABILITY	VULNERABILITY SCORE	THREATS & CIRCUMSTANCES
<i>Highly Vulnerable Aquifer (HVA)</i>	<i>6</i>	<i>Moderate &amp; Low Threats</i>

*NOTE: At this time, certain activities on this property may be considered Moderate or Low threats to drinking water*

*Provincial Policy Statement (PPS, 2005)*

*Section 2.2.1 requires that:*

*"Planning Authorities shall protect, improve or restore the quality and quantity of water by: d) implementing necessary restrictions on development and site alteration to:*

- 1. protect all municipal drinking water supplies and designated vulnerable areas; and*
- 2. protect, improve or restore vulnerable surface and ground water features, and their hydrological functions"*

*Section 2.2.2 states that:*

*"Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be protected, improved or restored."*

*Municipalities must be consistent with the Provincial Policy Statement when making decisions on land use planning and development. This information is provided for the City's consideration in moving forward on this application.*

**London Advisory Committee on Heritage (LACH)**

*At its meeting held on February 8, 2012, the London Advisory Committee on Heritage (LACH) reviewed and received a Notice, dated January 27, 2012, from M. Tomazincic, Planner II, with respect to an application submitted by Filipe Abrantes and Daniel McFadden relating to the property located at 497-499 Central Avenue. The LACH expressed support for the proposed rezoning.*

<b>PUBLIC LIAISON:</b>	<p><i>On 31 January 2012, Notice of Application was sent to 97 property owners in the surrounding area. Notice of Application was also published in the "Living in the City" section of the London Free Press on 28 January 2012. A "Possible Land Use Change" sign was also posted on the site on 01 February 2012. Notice of Public Meeting was sent to 94 property owners in the surrounding area. Notice of Public Meeting was published in the "Living in the City" section of the London Free Press on Saturday, March 31, 2012.</i></p>	<p><i>4 replies were received</i></p> <p><i>Generally supportive</i></p>
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**File: Z-8008**  
**Planner: M. Tomazincic**

**Nature of Liaison:** Possible amendment to the Zoning By-law Z.-1 **FROM** a Residential R3 (R3-2) Zone which permits single detached dwellings, semi-detached dwellings, duplex dwellings, triplex dwellings, converted dwellings, and fourplex dwellings **TO** a Residential R3 Bonus (R3-2•B( ) Zone to continue to permit the current uses as the base zoning and adding a bonusing provision to permit, subject to design approval, the construction of a 5-unit residential building with a similar appearance to the existing building with a minimum of 4 parking spaces. In the alternative, Council may also consider a possible amendment to the Zoning By-law **TO** a Residential R3 Special Provision (R3-2( )) Zone to continue to permit the current uses as the base zoning and adding a special provision to permit the construction of a 5-unit residential building with a similar appearance to the existing building with a minimum of 4 parking spaces.

**Responses:** 4 Responses received:

- Generally supportive of the proposed development
- However, the support was largely contingent on the ability of the site to accommodate 1 parking space per dwelling unit
- Ensuring that drainage does not migrate to abutting properties

Other concerns included minimizing the disruption during the construction period including the noise and vibration of machinery

**ANALYSIS**

**Subject Lands**

The subject site is located on the south side of Central Avenue at the southwest corner of Palace Street. Central Avenue is classified as a Primary Collector road carrying an average of 4,500 vehicles per day. The land uses surrounding the subject site are a mix of single detached and converted dwellings that were originally constructed as single detached dwellings but have been modified internally to accommodate additional dwelling units.

The existing building was originally constructed as a semi-detached dwelling. However, the building has been converted to accommodate a total of 5 dwelling units over time. The solicitors for the applicants have indicated that the existing number of dwelling units is legal non-conforming, or more commonly known as “grandfathered”. The requested amendment seeks to maintain the current level of intensity and recognize the existing 5 dwelling units through the Zoning By-law.

The existing building was originally constructed in 1860 and is listed as a Priority 2 in the City of London Inventory of Heritage Resources (2006). The building is heritage designated under Part V of the *Ontario Heritage Act, 1990* by virtue of the fact that it is located within the East Woodfield Heritage Conservation District. However, a Condition Survey prepared by a licensed professional engineer has deemed the building to be in “...very poor structural condition and in some areas unsafe.”

**Nature of the Application**

The applicants have requested an amendment to the Zoning By-law to recognize and permit 5 dwelling units. The requested amendment will facilitate the demolition of the existing building and construction of a new building that is similar in appearance to the existing building. The amendment to the Zoning By-law is required since the demolition of the existing building will nullify the legal non-conforming status.

**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 is more than a set of individual policies. It is intended to be read in its entirety and the relevant policies are to be applied to each situation. As it relates to this application, the PPS provides some direction to this matter.



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One of the primary policies of the Province as expressed in the PPS is the efficient use of lands within urban areas. Policy 1.1.3.1 of the PPS states that, “*settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted*”.

The subject site is located within a settlement area and is in proximity to downtown and Old East Village – two areas of the City which have been the focus of revitalization efforts through the implementation of Community Improvements Plans. Development proposals which have the effect of supporting the vitality and regeneration of the City’s urban neighbourhoods are generally promoted, assuming they are consistent with provincial and municipal policies, by-laws and guidelines.

As it relates to cultural heritage, the Provincial Policy Statement generally encourages the protection of heritage resources. Policy 2.6.1 of the PPS states that, “*significant built heritage resources...shall be conserved*.” The term “*conserved*” is defined as, “*...the identification, protection, use and/or management of cultural heritage and archaeological resources in such a way that their heritage values, attributes and integrity are retained*.” It is noteworthy that this policy does not mandate the preservation of significant built heritage resources. Municipalities therefore have some flexibility and discretion when, for example, the structural integrity of heritage resources is a concern.

Keeping in mind that the abutting properties are also designated heritage properties by virtue of their location within the East Woodfield Heritage Conservation District, the PPS also provides direction to ensure that abutting heritage properties are protected from inappropriate development. Policy 2.6.3 of the PPS states, “*Development and site alteration may be permitted on adjacent lands to protected heritage property where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved*.”

The proposed development has been vetted by the London Advisory Committee on Heritage (LACH), the City’s Heritage Planner, and the City’s Urban Design Staff and there is general consensus that the proposed development does not impact the heritage attributes of the adjacent lands.

The recommended amendment to the Zoning By-law to facilitate the demolition and construction of a new building which attempts to replicate the existing form of development maintains the integrity of this designated heritage conservation district and is consistent with the intent of the policies of the PPS.

**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. While the 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.

**3.2 – Low Density Residential Policies**

The subject site is currently designated Low Density Residential in the Official Plan. The primary permitted uses in areas designated Low Density Residential shall be single detached; semi-detached; and duplex dwellings. The Official Plan policies defer the appropriate site area and frontage requirements to the Zoning By-law but the policies recognize that these requirements may vary in areas of new development according to the characteristics of existing or proposed residential uses. The policies also recognize that densities in established low density residential areas, such as the Central London District, where dwelling conversions, existing apartment buildings, infill development, and the conversion of non-residential buildings have occurred, may exceed 30 units per hectare.

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Although the Low Density Residential policies are silent on the development of multiple unit dwellings such as triplex, four-plex, or converted dwellings as permitted uses, the Zoning By-law does include zone variations that implement the Low Density Residential policies which permit such uses. Similarly, the Official Plan residential policies are silent on the proposed purpose-built 5-unit, multi-residential form of development. However, the existing zoning which implements the Low Density Residential policies contemplates 5-unit, multi-residential development in the form of residential conversions. Although the proposed 5-unit, multi-residential development is purpose-built, and therefore cannot be defined as a converted dwelling, the proposed development is intended to replace an existing 5-unit, multi-residential and does not contravene the intent of the Official Plan.

3.5.4 – Woodfield Neighbourhood

The subject site also within a specified area of the City – 3.5.4 Woodfield Neighbourhood – where specific policy objectives apply. However, there are no specific policies which would provide additional guidance for this development proposal. The Woodfield Neighbourhood special policies generally seek to maintain the Woodfield Neighbourhood as a low density residential area and are largely related to the location of office conversions and provide direction for the development of specific blocks within this area.

3.2.3 – Residential Intensification

Residential Intensification refers to the development of a property, site or area at a higher density than currently exists. Given that there is no increase in the number of dwelling units the requested Zoning By-law amendment and development proposal is not considered to be residential intensification.

13.2 – Built Heritage

Council, through the London Advisory Committee on Heritage, maintains an inventory of properties of cultural heritage value or interest within the City of London. The inventory establishes priority levels for the protection of each heritage resource based on a set of established criteria relating to the importance of heritage resources. Priority 1 buildings are London’s most important heritage structures and all merit designation; Priority 2 buildings merit evaluation for designation and may be worthy of protection; and Priority 3 buildings merit designation as part of a group of buildings even though the building itself may not be worthy of individual designation. As previously mentioned the subject site is individually listed as a Priority 2 building and is also heritage designated as part of the East Woodfield Heritage Conservation District.

As a designated property, an application for its removal or demolition must be considered at a public participation meeting of the Built and Natural Environment Committee prior to its consideration by Municipal Council. Where an Advisory Committee on Heritage has been established, Council must also consult this body with respect to the proposed demolition. The Ontario Heritage Act allows Council 90 days to consider the application once it has received the information it requires to make an informed decision. The required information includes an engineering assessment of the current structure as well as descriptions of the proposed new structure to take its place.

The Official Plan contains policies relating to the alteration, removal or demolition of heritage buildings. The policy states that, “*where heritage buildings are designated under the Ontario Heritage Act, no alteration, removal or demolition shall be undertaken which would adversely affect the reason(s) for designation except in accordance with the Ontario Heritage Act.*” The Ontario Heritage Act requires a municipality to consult with its municipal heritage committee before taking any action with respect to an application for demolition of a designated heritage building. The London Advisory Committee on Heritage (LACH) discussed this matter at its meeting on February 8, 2012, and the LACH expressed support for the proposed rezoning.

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13.3 – Heritage Conservation Districts

The policies of the Official Plan allow Council to designate areas of the City as Heritage Conservation Districts pursuant to the provisions of the *Ontario Heritage Act*. After a Heritage Conservation District has been designated by Council the erection, alteration, demolition, or removal of buildings or structures within the District shall be subject to the provisions of the *Ontario Heritage Act* and any secondary plan which takes the form of a Heritage Conservation District Plan.

Within Heritage Conservation Districts the following policies shall apply:

- i) the character of the District shall be maintained by encouraging the retention of existing structures and landscape features;
- ii) the design of new development, either as infilling or as additions to existing buildings, should complement the prevailing character of the area;
- iii) regard shall be had at all times to the guidelines and intent of the Heritage Conservation District Plan; and
- iv) development on land adjacent to designated Heritage Conservation Districts shall be encouraged to be sensitive to the characteristics of the District.

The requested amendment to facilitate the proposed development is consistent with these policies. Although the existing dwelling cannot be retained due to its condition, the design of the proposed new development is intended to complement the prevailing character of the area; regard has been had to guidelines and intent of the Woodfield Conservation District Plan; and the proposed development will be sensitive to the characteristics of the surrounding properties and the Conservation District.

Policy 13.3.8.1 of the Official Plan outlines the intent of Council for applications within the East Woodfield Conservation District. The policies state that, *“the design of new development, either as infilling, alterations or additions to existing building, should complement the prevailing residential character of the area.”*

East Woodfield Conservation District Plan

As for new building construction, Section 4.4 of the District Plan states that, *“New development, if permitted by the Official Plan and Zoning By-law, will be required to be compatible with the character of adjoining properties and the streetscape.”*

The District Plan also outlines guidelines for new construction to be used as a framework for providing minimum standards of appropriateness:

- New Building Location – new development should maintain the existing building setback;
- New Building Height – new development should maintain predominant building heights of adjacent properties and the immediate streetscape
- Roofs on New Buildings – Roof shapes are to be in keeping with existing roofscapes within the area and in each particular street
- Windows and entrances on new buildings – Window and door designs are to be encouraged that generally reflect traditional proportions and should maintain existing configurations
- Walling Materials – Walling material on new buildings should reflect traditional material and their respective colours and texture within the district.

As part of the application for a Zoning By-law amendment, the applicants have provide an Urban Design Brief in which they have indicated that the new building would be constructed in the same location as the existing building; the proposed new building height would remain the same as the existing building, which conforms to the District Plan guideline; the existing roof pitches would be replicated; the front entrance will contain a custom wood door borrowed from a design provided by the East Woodfield Association and the windows will be of a 6 over 6 design with wood clad finish with special attention given trim to ensure its compatibility within the District; and, all of the brick on the existing structure will be reused in the new building. The applicants

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have undertaken these measures to ensure that the proposed new building conforms to the guidelines for new construction in conformity to the Woodfield Conservation District Plan.

**Zoning By-law**

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 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.

Section 7.1 – General Purpose of the R3 Zone – describes the rationale behind the Residential R3 zone variations. The R3 Zone provides for and regulates low to low-medium density residential development permitting single detached dwellings, semi-detached dwellings, duplex dwellings, triplex dwellings, fourplex dwellings; and allows for the conversion of an existing dwelling. There are four variations to the R3 Zone in order to provide for a wide range of lot sizes and dwelling styles. The R3-2 and R3-3 Zone variations are intended to be used throughout the City for most low to medium-low residential developments.

The subject site is zoned R3-2 and the proposed zoning amendment recommends an R3-2( ) zone to permit a purpose-built building with 5 dwelling units. The existing building is regarded as a *converted dwelling* with a total of 5-dwelling units. The demolition of the existing building would no longer qualify it as a *converted dwelling* given that a *converted dwelling* is defined as, "...a single, semi-detached, duplex or triplex dwelling on an existing lot prior to July 1, 1993...". The Zoning By-law does not define a five-plex dwelling and, as a result, the recommendation proposes to define the use as a *Multiple Dwelling* with a maximum of 5-dwelling units.

As the subject site has demonstrated, 5 dwelling units in one building is not inconsistent with the R3-2 zone variation. This zone variation permits *converted dwellings* as a permitted use which can exceed 4 dwelling units subject to lot area requirements. The applicants have applied for a Bonus Zone to permit the proposed development. However, the objective of bonus zoning is, "...to encourage development features which result in a public benefit that cannot be obtained through the normal development process." Given the location of the subject site within the East Woodfield Heritage Conservation District, there are sufficient policy and guideline requirements which would regulate the development of an appropriate building design through the normal development process. As a result, a Bonus zone is not required to facilitate the development of the proposed building.

**CONCLUSION**

The building on the subject site is a converted dwelling with a total of 5 dwelling units. The requested amendment is intended to facilitate the demolition of the existing building and the construction of a new, purpose-built multiple dwelling with a total of 5 dwelling units, maintaining the same level of intensity.

Although the existing building is listed as a Priority 2 on the City of London Inventory of Heritage Resources, and heritage designated by virtue of its location within the East Woodfield Heritage Conservation District, the structure has been deemed to be in "very poor structural condition and in some areas unsafe". As a result, the applicants have proposed to demolish the existing building and construct a new building with a similar appearance to the existing building with the support of the London Advisory Committee on Heritage (LACH).

The proposed development is consistent with the residential policies of the Official Plan as well as the Heritage policies which provide direction for development proposals with heritage significance. The proposed development also implements the intent of the Woodfield Conservation District Plan.

Agenda Item #    Page #

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**File: Z-8008**  
**Planner: M. Tomazincic**

<b>PREPARED BY:</b>	<b>SUBMITTED BY:</b>
<b>MICHAEL TOMAZINCIC, MCIP, RPP PLANNER II, COMMUNITY PLANNING AND URBAN DESIGN SECTION</b>	<b>JIM YANCHULA, MCIP, RPP MANAGER OF COMMUNITY PLANNING AND URBAN DESIGN SECTION</b>
<b>RECOMMENDED BY:</b>	
<b>JOHN M. FLEMING, MCIP, RPP DIRECTOR, LAND USE PLANNING AND CITY PLANNER</b>	

April 5, 2012  
MT/mt

Y:\Shared\implemen\DEVELOPMENT APPS\2012 Applications 8003 to \8008Z – 497-499 Central Ave (MT) \Z-8008 –Report to  
PEC

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**File: Z-8008**  
**Planner: M. Tomazincic**

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

<u>Telephone</u>	<u>Written</u>
	Gord and Judith Hale 66 Palace Street
	Barry and Audrey Francis 503 Central Avenue
Marguerite Elliott 485 Central Avenue	
	Peter Sugar 493 Central Avenue

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**File: Z-8008**  
**Planner: M. Tomazincic**

**Appendix "A"**

Bill No. (number to be inserted by Clerk's Office)  
 2012

By-law No. Z.-1-12\_\_\_\_\_

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 497-499 Central Avenue.

WHEREAS Filipe Abrantes and Daniel McFadden have applied to rezone an area of land located at 497-499 Central Avenue, 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:

Schedule "A" to By-law No. Z-1 is amended by changing the zoning applicable to lands located at 497-499 Central Avenue, as shown on the attached map compromising part of Key Map No. 70, from a Residential R3 (R3-2) Zone to a Residential R3 Special Provision (R3-2( )) Zone.

1) Section Number 7.4 of the Residential R3 (R3-2) Zone is amended by adding the following Special Provision:

)	R3-2( )	497-499 Central Avenue	
	a)	Additional Permitted Use	
		i) Multiple Dwelling	
	b)	Regulations	
		i) Number of Dwelling Units (Maximum)	5
		ii) Number of bedrooms per dwelling unit (Maximum)	3
		iii) Number of 3-bedroom dwelling units (Maximum)	2
		iv) Lot Area (m <sup>2</sup> ) Minimum	600m <sup>2</sup> (6,458 sq.ft)
		v) Lot Frontage (m) Minimum	15 metres (49.2 feet)
		vi) Exterior Side Yard Depth (m) Minimum	3.6 metres (11.8 feet)
		vii) Rear Yard Depth (m) Minimum	6.0 metres (19.7 feet)
		viii) Interior Side Yard Depth (m) Minimum	3.0 metres (9.8 feet)
		ix) Landscaped Open Space (Minimum)	30%

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**File: Z-8008**  
**Planner: M. Tomazincic**

- x) Lot Coverage (Maximum) 44%
- xi) Height (m) Maximum 12.0 metres (39.4 feet)
- xii) Parking Area Coverage (Maximum) 25%
- xiii) Parking (Minimum) 1 space per dwelling unit
- xiv) Notwithstanding the provisions of Section 4.28, the minimum front yard depth shall be 0.0 metres and the maximum front yard depth shall be 1.0 metres

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 May 1, 2012.

Joe Fontana  
Mayor

Catharine Saunders  
City Clerk

First Reading – May 1, 2012  
Second Reading – May 1, 2012  
Third Reading – May 1, 2012



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File: Z-8008  
Planner: M. Tomazincic

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

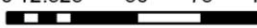


Zoning as of March 6, 2012

File Number: Z-8008  
 Planner: MT  
 Date Prepared: 2012/03/19  
 Technician: CK  
 By-Law No: Z.-1-

SUBJECT SITE 

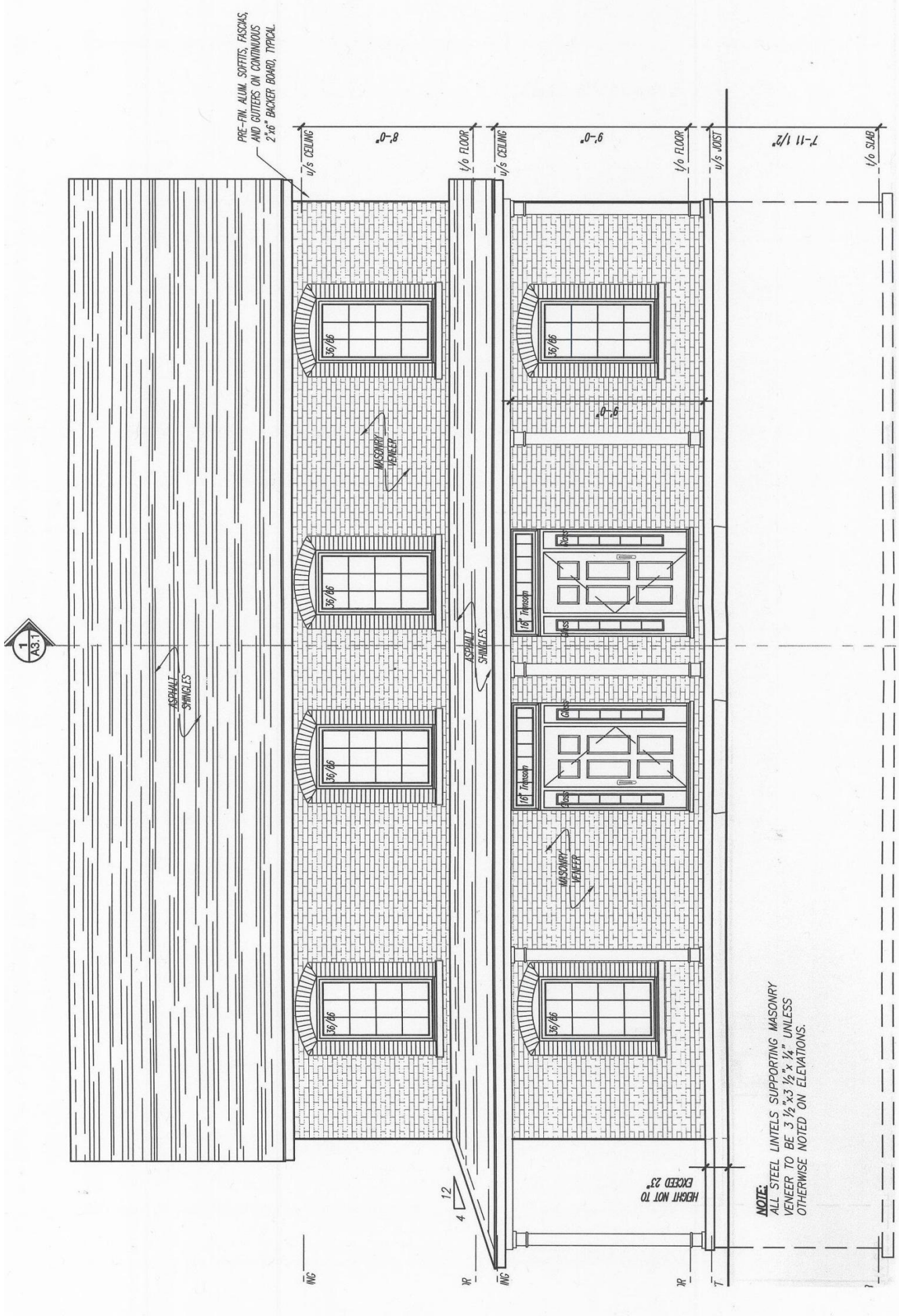
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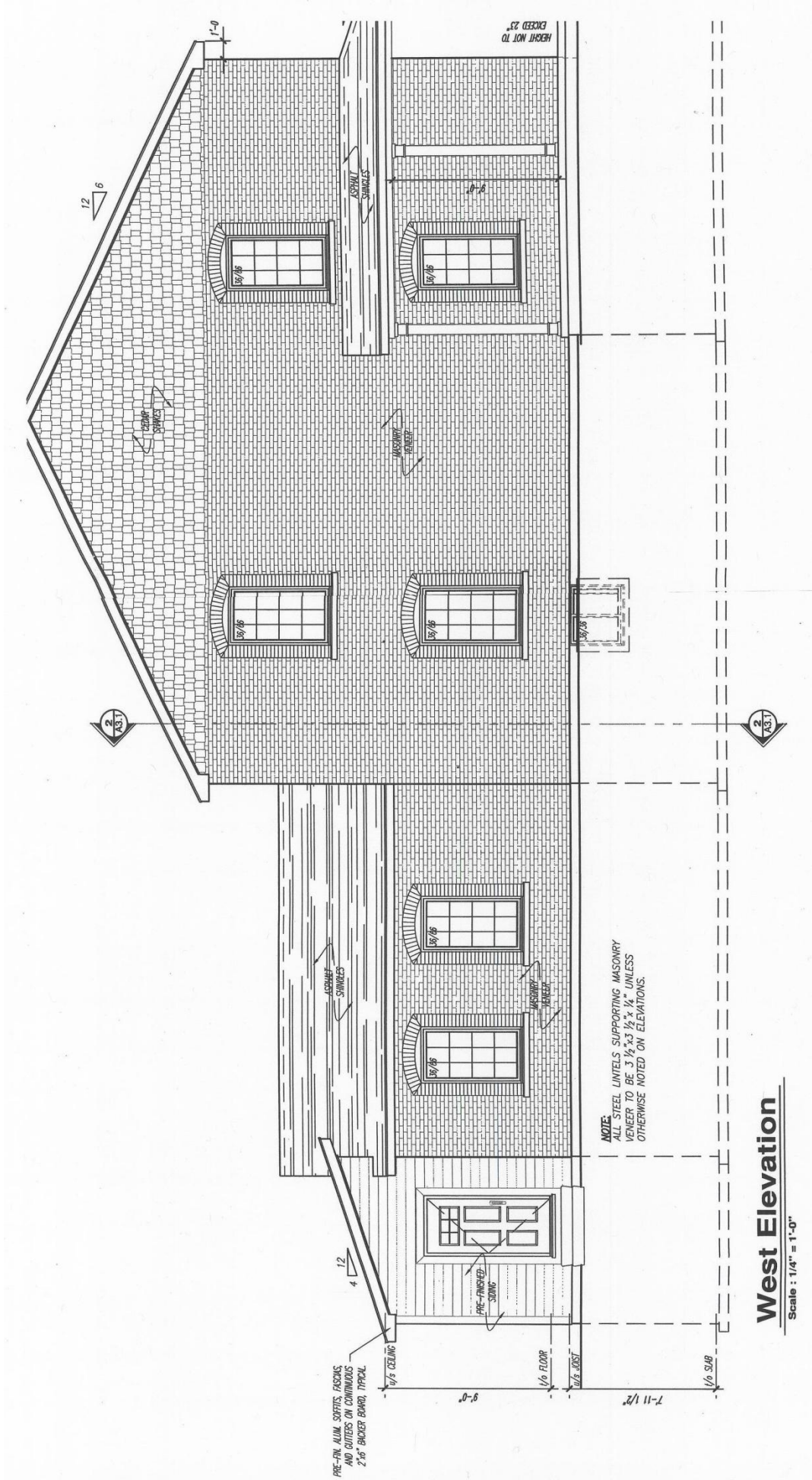
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Appendix "B"



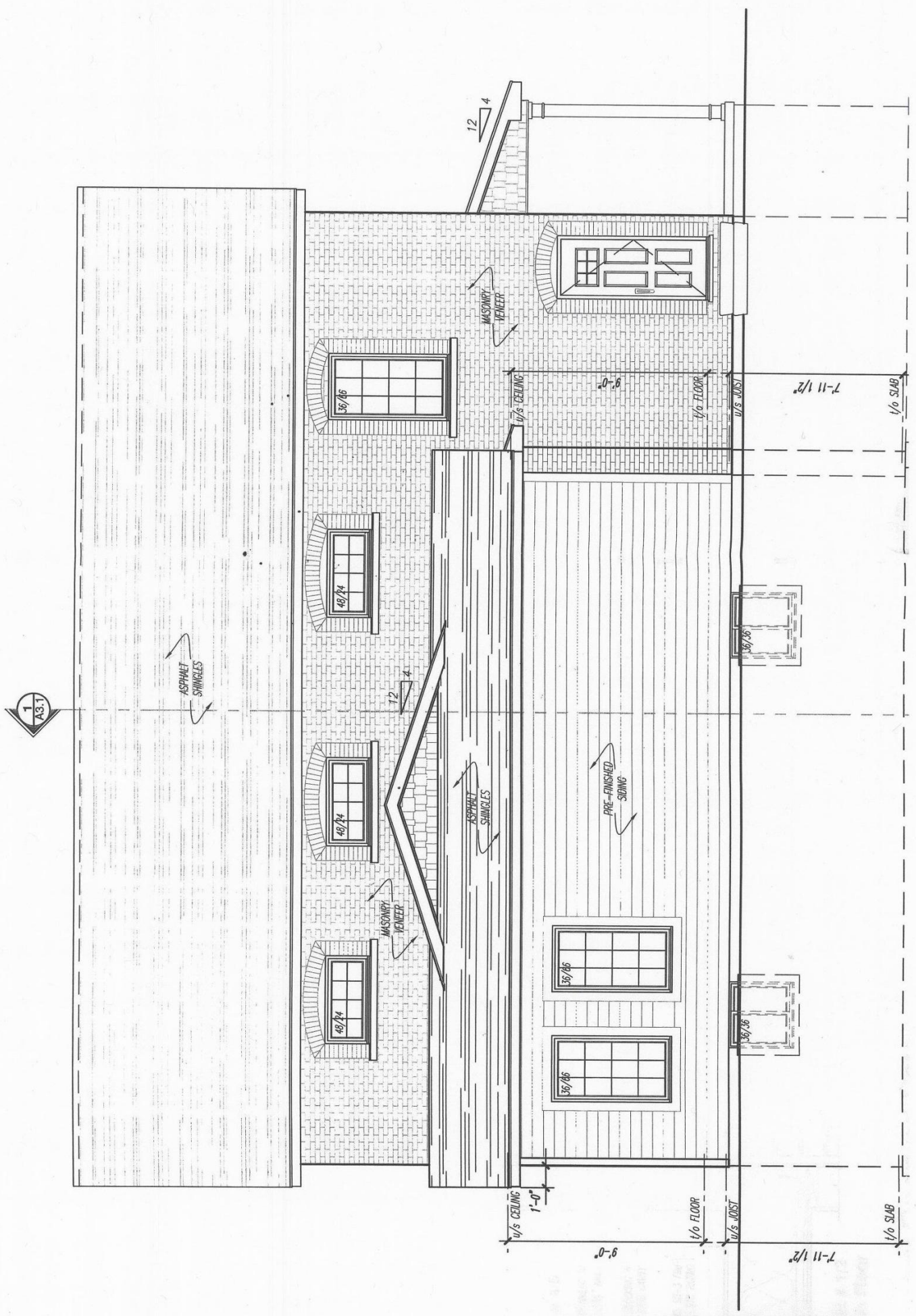
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Appendix "B"



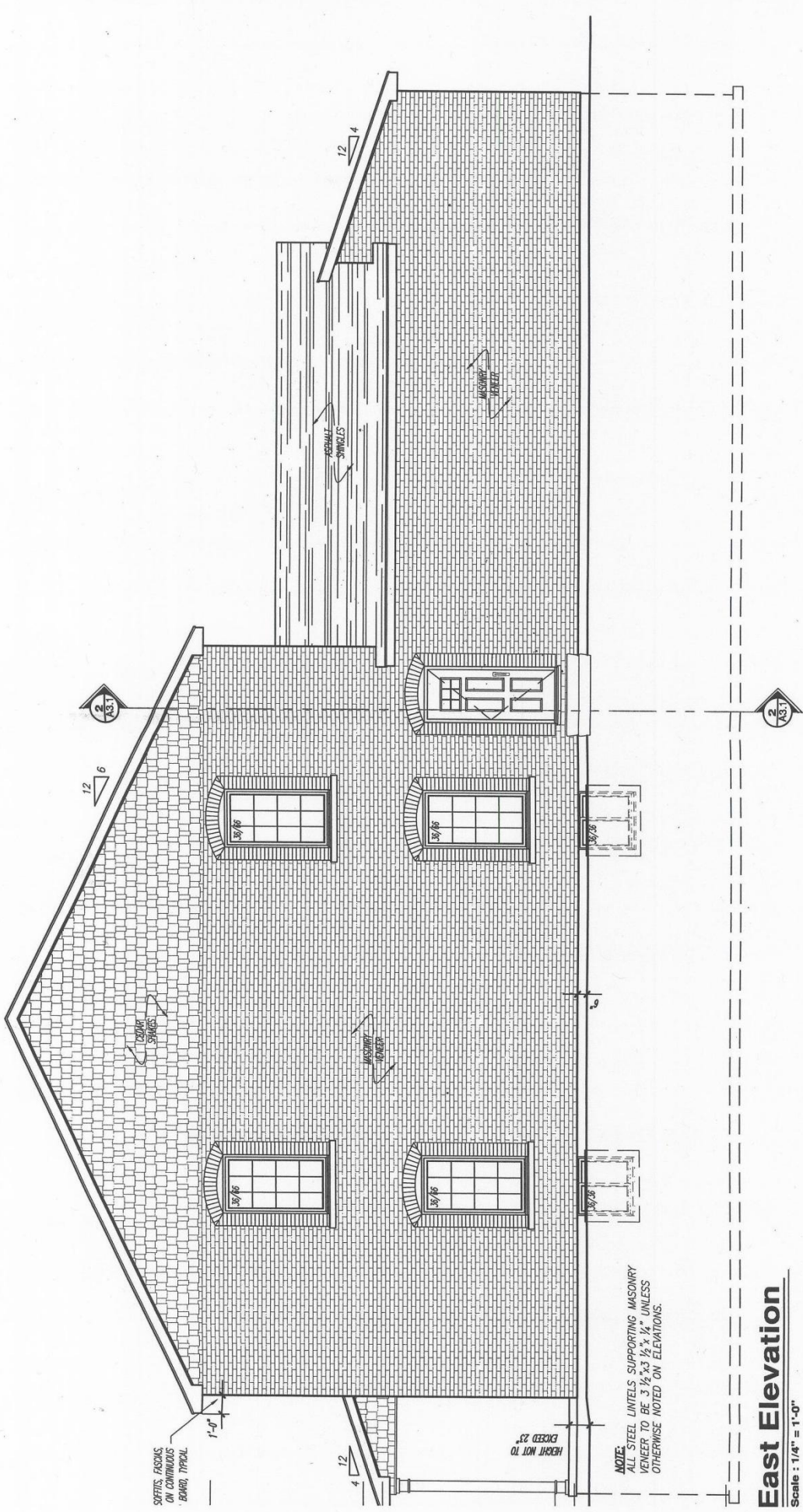
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Appendix "B"



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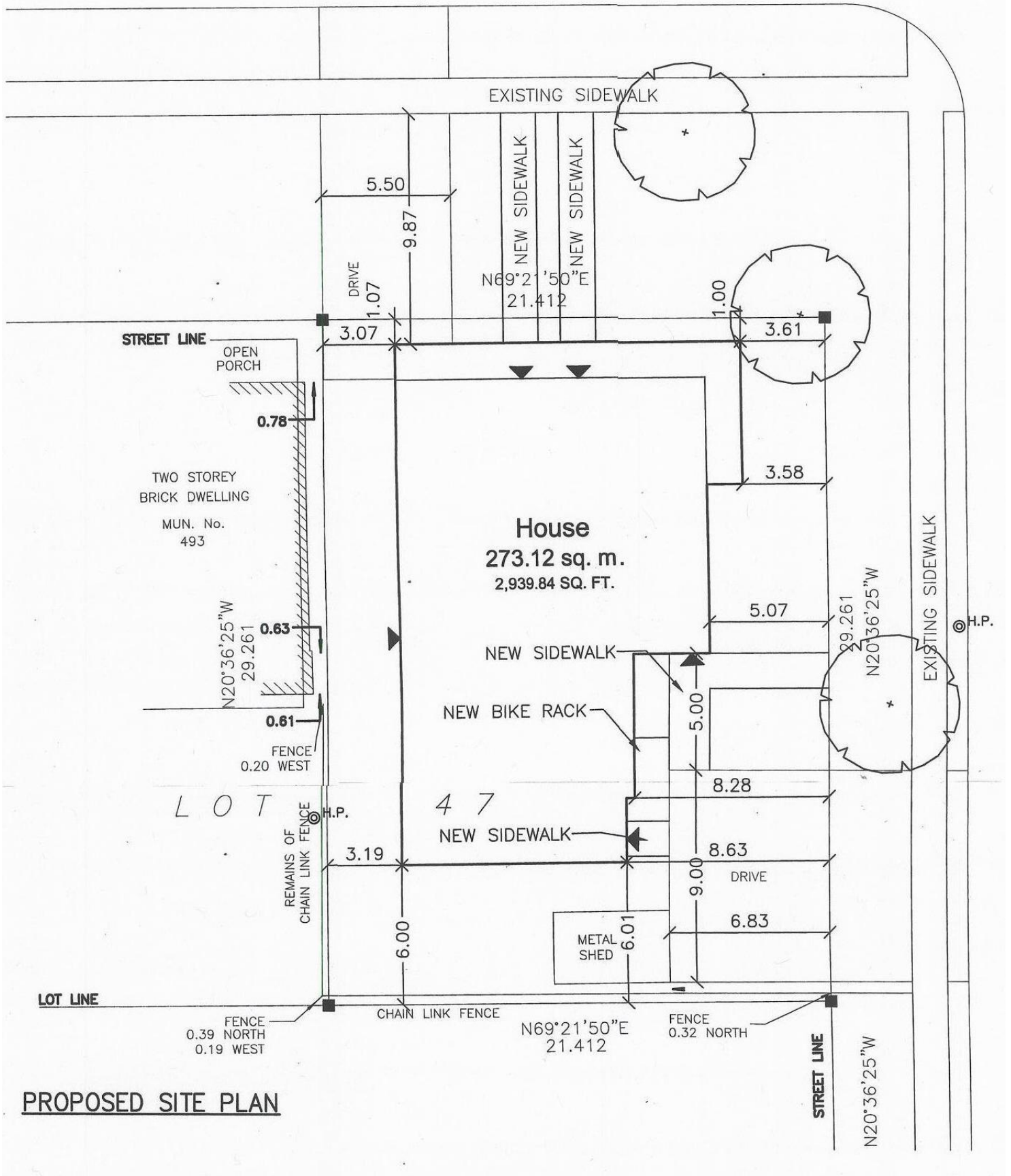
Appendix "B"



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Appendix "B"

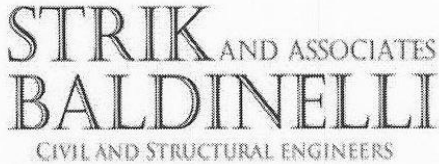
CENTRAL AVENUE



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**File: Z-8008**  
**Planner: M. Tomazincic**

**Appendix "C"**



1828 Blue Heron Drive, Unit 21  
London, Ontario, N6H 0B7  
P: 519 471 6667 F: 519 471 0034

1315 Bishop Street N., Suite 200  
Cambridge, Ontario, N1R 6Z2  
P: 519 620 8093

Web: [www.sbaltd.ca](http://www.sbaltd.ca)

E-mail: [sba@sbaltd.ca](mailto:sba@sbaltd.ca)

Apr 6, 2011  
SBA-11-595

Pinetree Homes  
Attn: Phil Abrentes

**497 Central Ave – Condition Survey**  
**London, Ontario**

Dear Phil;

This letter is to confirm that we visited the above referenced site on the morning of Jan 11, 2011 as well we previously visited the site on Sept 24, 2009, in order to conduct a survey of an existing house that you are concerned about its condition.

At the time of our inspection you had a lower floor unit, Unit 5, gutted so that we could complete a visual inspection of the interior wood framing. In addition we completed a full visual review of the exterior envelope of the house. After completing our site inspection we had a number of significant structural concerns regarding the property. The following is a list of the major concerns that we noted in our site inspection.

- On the east face of the house, the brick appears to be pulling away from the house. The worst location is the top center of the brick wall. The brick now appears to have pulled far enough off of the house that it could collapse and cause danger to a tenant or member of the general public.
- The rear of the house is single storey. The center of the single storey portion of the house appears to be sinking at the center. This is evident on both the east and west sides of the house.
- The chimney on the east side of the house has pulled away from the existing brick exterior wall. There is a gap between the chimney and house. At present the chimney is attached to the house by one small steel strap and a chain at the top. The chimney is significant danger to tenants or members of the general public.
- When completing a walk around the entire exterior of the house it appears that the house is leaning in a north-east direction. This is evident in the brick and can also be confirmed in the angles of the previous brick repairs that have been completed.
- Unit 5 was gutted for our inspection. The floor joist framing, which ties into a wood belt and foundation wall at the front of the house has pulled away from the belt and foundation is just barely connected to the front wall. It appears that at any time the floor joists could dislodge from the belt and collapse into the basement. In addition the wood belt (rim) beam at the front of the house is rotted and is not structurally sound.
- While in the front portion of Unit 5 we observed that the wood stud framing on the west exterior wall and center party wall between units is significantly leaning forward. It is evident by the angled bracing member in the south east corner of the house that is not constructed this way, but rather over time has leaned forward. It is evident by the gap between the wall plate and the angled member.

As we were only able to review the framing of one unit in the building, we cannot comment on the framing in the other units. We did however complete a walkthrough of the Unit to the east of Unit 5, and noticed that the framing was significantly leaning in a variety of directions that would lead us to believe that the issues will be similar in all units.

Mike Baldinelli, MEng, P.Eng.

Aaron Strik, P.Eng.

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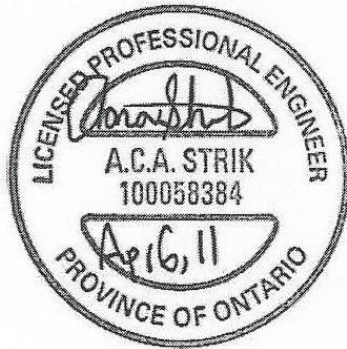
**File: Z-8008**  
**Planner: M. Tomazincic**

**Appendix "C"**

Based on the areas that we were able to inspect, we feel that the building is in **very poor structural condition** and in some areas unsafe. In addition due to the complexity of the damage that we have inspected we feel that it would be extremely difficult, if not impossible, to "patch repair" the overall building structure and veneer to bring the building up to today's building standards. Our estimation would be that the repair cost would greatly exceed the cost to rebuild the structure, if in fact it can be repaired.

We feel that the first step in dealing with your concerns of the structure of the building would be to contact Frank Galera from the City of London Building Division and request a site meeting to go over both my concerns and your concerns. Once you have met with Frank please contact our office if required.

We trust this report meets your satisfaction, if you need further clarification please do not hesitate to contact us.



Regards,  
**Strik, Baldinelli & Associates Ltd.**

*Aaron Strik*

Aaron Strik, P.Eng.  
Vice-President



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**File: Z-8008**  
**Planner: M. Tomazincic**

**Bibliography of Information and Materials**  
**Z-8008**

**Request for Approval:**

City of London Zoning By-law Application Form, completed by Ademar Inacio. (Authorized Agent).

City of London Record of Pre-Application Consultation – 13 January 2012.

Patton, Cormier and Associates. Planning Justification Study

Phil Abrantes and Dan Mcfadden. Urban Design Brief

Leading Edge Group. Conceptual Site Plan

John's Drafting Service. Proposed Elevations

**Reference Documents:**

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

Ontario. Ministry of Tourism, Culture and Sport. *Ontario Heritage Act, R.S.O. 1990, CHAPTER O. 18*, 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.

City of London. *East Woodfield Heritage Conservation District Plan*. July, 1992.

**Correspondence: (located in City of London File No. Z-8008 unless otherwise stated)**

**City of London**

Tomazincic, Michael. City of London Planning Division. E-mail to F. Abrantes & A. Inacio. 14 March 2012

Tomazincic, Michael. City of London Planning Division. E-mail to F. Abrantes & A. Inacio. 16 March 2012

Tomazincic, Michael. City of London Planning Division. E-mail to A. Sanichara. 21 March 2012

Tomazincic, Michael. City of London Planning Division. E-mail to A. Inacio. 27 March 2012

Tomazincic, Michael. City of London Planning Division. E-mail to A. Inacio. 28 March 2012

Tomazincic, Michael. City of London Planning Division. E-mail to A. Sanichara. 30 March 2012

**Patton Cormier & Associates**

Sanichara, A. Patton Cormier & Associates. E-mail to M. Tomazincic. 30 March 2012

Sanichara, A. Patton Cormier & Associates. E-mail to M. Tomazincic. 02 April 2012

**Agency Review and Public Responses: (located in City of London File No. Z-8008 unless otherwise stated)**

**Urban Forestry**

Postma, R. Forestry Technologist. E-mail to M. Tomazincic. 1 February 2012

**London Hydro**

Dalrymple D. London Hydro. Reply Sheet for City of London Applications. 03 February 2012

**Upper Thames River Conservation Authority (UTRCA)**

Creighton C., Land Use Planner. Letter to M. Tomazincic. 01 March 2012

**London Advisory Committee on Heritage**

Lysynski, H., Committee Secretary. Memo to M. Tomazincic. 09 March 2012

Agenda Item # Page #

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**File: Z-8008**  
**Planner: M. Tomazincic**

**Public Responses**

Written

Gord & Judith Hale, 66 Palace Street  
Barry & Audrey Frances, 503 Central Avenue  
Peter Sugar, 493 Central Avenue

Telephone

Marguerite Elliott, 485 Central Avenue