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**Z-8616  
B. Turcotte**

<b>TO:</b>	<b>CHAIR AND MEMBERS PLANNING &amp; ENVIRONMENT COMMITTEE</b>
<b>FROM:</b>	<b>JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER</b>
<b>SUBJECT:</b>	<b>APPLICATION BY: DOUG LANSINK 66 BYRON AVENUE EAST MEETING ON JULY 31, 2017</b>

<b>RECOMMENDATION</b>
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That, on the recommendation of the Managing Director, Planning and City Planner, the following report on the decision of the Ontario Municipal Board, relating to an appeal by Analee J.M. Ferreira, on behalf of Doug Lansink, concerning 66 Byron Avenue East **BE RECEIVED** for information.

<b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b>
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**August 22, 2016 Report to Planning and Environment Committee – 66 Byron Avenue East**

66 Byron Avenue East is a through lot with frontage on Byron Avenue East and on Euclid Avenue. The subject site is currently occupied by a four unit converted dwelling fronting Byron Avenue East. This report served to recommend refusal of a Zoning By-law amendment application that sought to provide for the maintenance of an existing four unit converted dwelling fronting Byron Avenue East (on a proposed retained lot) and the development of a new single detached dwelling fronting Euclid Avenue (on a proposed severed lot). The report further served to recommend approval of three units in the existing converted dwelling fronting Byron Avenue East and the development of a new single detached dwelling fronting Euclid Avenue. The report also recommended that the Site Plan Approval Authority be requested to consider a number of specific design matters for the new single detached dwelling.

<b>BACKGROUND</b>
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On May 4, 2016, the City of London received an application for a Zoning By-law amendment for the subject lands. The purpose and effect of the requested Zoning By-law amendment was to facilitate the severance of a portion of an existing lot known municipally as 66 Byron Avenue East and to establish zoning regulations for both the retained and severed lot. The Zoning By-law amendment application further sought to provide for the maintenance of four dwelling units in an existing converted dwelling on the retained lot fronting Byron Avenue East and the development of a new single detached dwelling on the severed lot fronting Euclid Avenue.

At a meeting of the Planning and Environment Committee on August 22, 2016, Staff recommended refusal of the requested Zoning By-law amendment. Staff also recommended that a new Zoning By-law be adopted. The new Zoning By-law would provide for all of the zoning regulations requested by the applicant (for both the retained and the severed lot) through the Zoning By-law amendment application with two specific exceptions:

1. for the retained lot, a maximum of three units in a converted dwelling would be permitted; and,
2. for the retained lot, three parking spaces (in a parking configuration consistent with the parking






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**LOCATION MAP**  
 Subject Site: 66 Byron Ave E  
 Applicant: LANSINK BEREND DOUGLAS  
 File Number: Z-8616  
 Planner: Brian Turcotte  
 Created By: Brian Turcotte  
 Date: 2016-07-25  
 Scale: 1:2500

**LEGEND**

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

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requirements of the Z.-1 Zoning By-law) would be required.

The Planning and Environment Committee endorsed the Staff recommendation and on August 30, 2016 Council passed By-law No. Z.-1-162510 adopting the Staff recommendation.

On September 28, 2016, a letter of appeal to the Ontario Municipal Board (OMB) was submitted by Analee J.M. Ferreira, Barrister and Solicitor, on behalf of Doug Lansink, in opposition to Zoning By-law No. Z.-1-162510.

In the reasons for the appeal of Council's decision to refuse to amend the Zoning By-law as requested by Mr. Lansink, the appellant stated that: the requested Zoning By-law amendment conforms to the Official Plan policies which encourage affordable housing; and, the existing four unit converted dwelling enjoys legal non-conforming status.

The OMB appeal was heard on May 15, 2017. In its decision dated June 22, 2017, the OMB ordered that the appeals, including the appeal against By-law No. Z.-1-162510 of the City of London be dismissed. In making its decision, the OMB noted that it accepts the evidence of the City that "...the City's ZBA is consistent with the PPS, conforms with the OP, and will not result in any unacceptable adverse impacts...". In its Decision the Board further noted that the requested Zoning By-law amendment, which would provide for a residential density in excess of the upper limit of the Multi-Family Medium Density Residential designation, was not consistent with the intensification policies of the Low Density Residential designation.

<b>CONCLUSION</b>
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Having reviewed all of the evidence at the hearing, the OMB accepted the City's evidence that the maximum scale of permitted density (for a converted dwelling) in the Low Density Residential designation is determined by the upper limit of the Multi-Family Medium Density Residential designation (being 75 units per hectare). The Board found that the appellant's requested Zoning By-law amendment to provide for the maintenance of the existing four unit converted dwelling (equating to approximately 100 units per hectare) would not conform to the Official Plan.

The Board further noted that the effect of the City's Zoning By-law Amendment is that three parking spaces are required. The Board indicated that the placement of the required parking spaces be determined through the City's Site Plan Approval process.

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

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**Ontario Municipal Board**  
Commission des affaires municipales  
de l'Ontario



**ISSUE DATE:** June 22, 2017

**CASE NO(S):** PL160995

**PROCEEDING COMMENCED UNDER** subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Doug Lansink
Subject:	By-law No. Z-1-162510
Municipality:	City of London
OMB Case No.:	PL160995
OMB File No.:	PL160995
OMB Case Name:	Lansink v. London (City)

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

Applicant and Appellant:	Doug Lansink
Subject:	Application to amend Zoning By-law No. Z.-1 - Refusal of Application by the City of London
Existing Zoning:	Residential R2 (R2-2)
Proposed Zoning:	Residential R2 Special Provision(R2-2(_))
Purpose:	To recognize four existing dwelling units and to permit an additional single detached dwelling on the severed parcel
Property Address/Description:	66 Byron Ave. East
Municipality:	City of London
Municipality File No.:	Z-8616
OMB Case No.:	PL160995
OMB File No.:	PL160991

**Heard:** May 15, 2017 in London, Ontario

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**APPEARANCES:**

**Parties**

**Counsel**

Doug Lansink

A. Ferreira

City of London

N. Hall

**DECISION DELIVERED BY S. JACOBS AND ORDER OF THE BOARD**

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**INTRODUCTION**

[1] Doug Lansink owns a converted residential dwelling with four dwelling units, located at 66 Byron Avenue East in London (the "subject property"). The subject property is on a through lot with frontage on both Byron Avenue East and Euclid Avenue. Mr. Lansink wishes to sever the property so that he would keep the existing dwelling with four units as is, and construct a new single detached dwelling on Euclid Avenue. To do this, he requires an amendment to the City of London (the "City") Zoning By-law Z.-1 (the "Zoning By-law"). The City refused his application to amend the Zoning By-law, and instead passed a different amendment to the Zoning By-law, By-law No. Z-1-162510 (the "City's ZBA"), which would allow Mr. Lansink to construct a single-detached dwelling on Euclid Avenue and have a maximum of three units in the existing converted dwelling on Byron Avenue. Mr. Lansink has appealed to the Ontario Municipal Board (the "Board") the City's refusal of his application for a zoning by-law amendment, and the passing of the ZBA, pursuant to s. 34(19) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended (the "Act").

[2] The Board heard evidence from William Pol and Brian Turcotte, both qualified to provide opinion evidence in the area of land use planning. Mr. Pol testified in support of Mr. Lansink's appeal, while Mr. Turcotte testified on behalf of the City, in support of the City's ZBA.

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**The Subject Property and Proposal**

[3] The subject property is located in the Wortley Village-Old South Heritage Conservation District (the "Wortley HCD"). Both planners characterize this as an established neighbourhood with many examples of single detached and converted dwellings. The neighbourhood is located just south west of London's downtown area, and is within walking distance to several local parks, as well as the Thames River.

[4] The property itself, a through lot, has 15.24 metres ("m") of frontage on Byron Avenue and Euclid Avenue, with a depth of 45.72 m and an area of 715.9 square metres ("sq m"). The existing two-storey dwelling fronts Byron Avenue and contains four dwelling units. There is currently a one-car detached garage on the Byron Avenue frontage, and a three-car detached garage on the Euclid Avenue frontage, though parking for residents is currently accessed from Byron Avenue, with two spaces in the driveway and one space in the detached garage.

[5] Mr. Lansink proposes to sever the property in order to demolish the three-car garage on Euclid Avenue and construct a new single detached dwelling. The City's Committee of Adjustment has granted provisional consent for that proposal, conditional on resolution of the zoning for the site. Mr. Lansink wishes to keep the Byron Avenue dwelling as it is, with the four existing dwelling units, and would like to widen the existing driveway to provide three parking spaces.

**The City's ZBA**

[6] The City's ZBA, included here as Attachment "1", allows a maximum of three dwelling units and requires a minimum lot area of 471 sq m. The City's ZBA does not address parking, and so the Zoning By-law parking requirements would apply to the subject property to require a minimum of one space per dwelling unit, for a total of three spaces.



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**The Proposed ZBA**

[7] Mr. Lansink proposes the following changes to the City's ZBA (the "proposed ZBA"):

- Maximum four dwelling units;
- Minimum lot area per unit of 117 sq m;
- Maximum of six bedrooms;
- Minimum of three parking spaces; and
- Driveway width of 8.1 m (to provide the required parking).

The proposed ZBA results in only one physical change to the subject property: the existing driveway would be widened to 8.1 m, from the current approximate width of 7 m, to allow three vehicles to park side-by-side, with one of these vehicles parked in front of the dwelling.

**ISSUES AND ANALYSIS**

[8] When considering a ZBA, the Board must determine whether the ZBA is consistent with the *Provincial Policy Statement, 2014* (the "PPS"), conforms with the City's Official Plan (the "OP"), and results in any unacceptable adverse impacts. The Board agrees with both Mr. Pol and Mr. Turcotte that the portion of the City's ZBA dealing with the new dwelling to be constructed on Euclid Avenue is consistent with the PPS, conforms with the OP, and generally represents good land use planning, raising no concerns of adverse impact. Accordingly, the Board's analysis focusses on the portion of the proposed and City's ZBA that pertains to the existing dwelling on Euclid Avenue, and in particular, on the number of dwelling units and parking spaces.

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**I. Number of Dwelling Units**

**A. Consistency with the PPS**

[9] The proposed number of dwelling units—either the four proposed by the applicant, or the three proposed by the City—raises two separate issues relating to the PPS. First, the applicant submits that the City's ZBA, with its reduced number of dwelling units, is inconsistent with the PPS direction to provide a mix and range of housing options, including affordable options. Second, the City submits that Mr. Lansink's proposal to increase the number of dwelling units is inconsistent with the PPS's direction on intensification. For the reasons that follow, the Board does not find either the City's ZBA or the proposed ZBA to be inconsistent with the PPS.

[10] First, as Mr. Pol indicated, the PPS directs planning authorities to provide an appropriate range and mix of housing types and densities, including affordable housing:

- 1.4.3 Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the *regional market area* by:
  - a. establishing and implementing minimum targets for the provision of housing which is *affordable to low and moderate income households*. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;
  - b. permitting and facilitating:
    - 1. all forms of housing required to meet the social, health and well-being requirements of current and future residents, including *special needs* requirements; and
    - 2. all forms of *residential intensification*, including second units, and *redevelopment* in accordance with policy 1.1.3.3;
  - c. directing the development of new housing towards locations where appropriate levels of *infrastructure* and *public service facilities* are or will be available to support current and projected needs;
  - d. promoting densities for new housing which efficiently use land, resources, *infrastructure* and *public service facilities*, and support the use of *active transportation* and transit in areas where it exists or is to be developed, and



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- e. establishing development standards for *residential intensification, redevelopment* and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

[11] Mr. Pol pointed out, and Mr. Lansink confirmed in his own testimony, that if the City's ZBA stands, Mr. Lansink intends to convert two of his current one-bedroom units into one three-bedroom unit. This will result in removing two one-bedroom units from the rental market, and replacing them with a more expensive three-bedroom unit. While the Board accepts that this is Mr. Lansink's intention, the Board heard no evidence to indicate that this would be inconsistent with policy 1.4.3. No evidence was proffered regarding the City's minimum targets for providing affordable housing (1.4.3(a)), let alone how the reduction of one unit at the subject property would impact these targets.

[12] With respect to policy 1.4.3(e), which Mr. Pol highlighted, there is no guarantee in either the City's ZBA or the proposed ZBA about the cost of housing to be provided. In other words, and as Mr. Pol agreed during cross-examination, it is open to Mr. Lansink to raise and lower the rent as he chooses, in accordance with applicable legislation. The City's ZBA, which results in the provision of a total of four units on the subject property (three in the converted dwelling and one new single detached dwelling), is not inconsistent with the policies set out in 1.4.3.

[13] Second, the City submits that the proposed ZBA is inconsistent with policies 1.1.3.3. and 1.1.3.4, which provide direction on intensification:

- 1.1.3.3 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 areas, including *brownfield sites*, and the availability of suitable existing or planned *infrastructure* and *public service facilities* required to accommodate projected needs.  
  
*Intensification* and *redevelopment* shall be directed in accordance with the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.
- 1.1.3.4 Appropriate development standards should be promoted which facilitate *intensification, redevelopment* and compact form, while avoiding or mitigating risks to public health and safety.

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[14] In Mr. Turcotte's opinion, the applicant's proposed ZBA, which allows four dwelling units, is inconsistent with the PPS because it ignores the City's development standards, found in the Zoning By-law, which are meant to address policy 1.1.3.4. The Board does not agree that the net increase of one unit on the subject property rises to the level of an inconsistency with the PPS. While the proposed ZBA, in increasing the number of dwelling units, results in some modification to the Zoning By-law's development standards (i.e., minimum lot area), the Board heard no evidence that this would result in a risk to public health and safety as anticipated by policy 1.1.3.4.

[15] The Board therefore finds both the City's ZBA and the proposed ZBA to be consistent with the PPS.

**B. Conformity with the OP**

[16] Similar to the discussion about the PPS, the Board heard two opposing views regarding conformity with the OP. In Mr. Pol's opinion, the City's ZBA does not conform with the affordability policies of the OP. Conversely, in Mr. Turcotte's opinion, the City's ZBA conforms with the OP and the applicant's proposed ZBA does not conform with the OP policies regarding density. The Board finds, based on the reasons that follow, that the City's ZBA conforms with the OP and that the proposed ZBA does not.

[17] With respect to affordability, Mr. Pol referred the Board to s. 12.2.1(iv), which encourages the provision of affordable housing:

**12.2.1 Availability of Housing**

Council shall promote the provision of an adequate supply of housing to meet a wide range of needs according to location, cost, type, size, tenure, accessibility and design criteria.

**Affordable New Residential Development**

iv) In keeping with the Provincial Policy Statements, the City will within its legislative powers support the provision of opportunities for affordable housing in residential development throughout all areas of the City. A target of 25% of housing to be affordable to Low- and Moderate-income households as defined in

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this Plan and the Provincial Policy Statement may be met through new residential development and residential intensification through the conversion of non-residential structures, infill and redevelopment.

Similar to his opinion regarding the PPS, Mr. Pol noted that the reduction in units required by the City's ZBA will result in replacing two one-bedroom units with a more expensive three-bedroom unit. Here again, the Board heard no evidence of how this will impact the City's affordability target as set out in s. 12.2.1 of its OP. The Board heard no other evidence to suggest that the City's ZBA does not conform with the OP, and so it concurs with Mr. Turcotte's planning opinion that the City's ZBA conforms with the OP.

[18] In Mr. Turcotte's opinion, the applicant's proposed ZBA does not conform with the OP's policies regarding density. The subject property is designated Low Density Residential in the OP, which permits single detached, semi-detached and duplex dwellings (s. 3.2.1), as well as existing multi-family residential dwellings (3.2.1(i)). Both planners agree that the OP anticipates and encourages residential intensification, including infill development, and imposes limits on the densities and forms of development:

**3.2.3.2 Density and Form**

Within the Low Density Residential designation, Residential Intensification, with the exception of dwelling conversions, will be considered in a range up to 75 units per hectare. Infill housing may be in the form of single detached dwellings, semi-detached dwellings, attached dwellings, cluster housing and low rise apartments. Zoning By-law provisions will ensure that infill housing projects recognize the scale of adjacent land uses and reflect the character of the area. [Emphasis added].

Because this provision exempts converted dwellings, the Board refers to s. 3.2.3.8, which provides direction regarding converted dwellings:

**3.2.3.8 Zoning By-law**

The Zoning By-law may limit the number of units that may be contained in a converted dwelling and specify minimum requirements for lot area, frontage, and gross floor area for the dwelling to be converted, and minimum gross floor area for the units to be created. To maintain the external character of the dwelling, the

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Zoning By-law may also limit the extent of structural additions or changes that would be permitted for a converted dwelling/building.  
While residential intensification located within the Low Density Residential designation may be allowed up to a maximum scale permitted under the Multi-Family, Medium Density Residential Designation, Zoning By-law provisions will ensure that new development recognize the scale of adjacent land uses and are compatible with the character of the area. [Emphasis added]

The maximum scale of permitted density is therefore determined by the upper limit in the Multi-Family, Medium Density Residential Designation:

**3.3.3. Scale of Development**

Density

- ii) Medium Density development will not exceed an approximate net density of 75 units per hectare (30 units per acre). Exceptions to the density limit may be made without amendment to the Official Plan for developments which:
  - (a) are designed and occupied for senior citizens' housing;
  - (b) qualify for density bonusing under the provisions of Section 19.4.4. of this Plan; or
  - (c) are within the boundaries of Central London, bounded by Oxford Street on the north, the Thames River on the south and west, and Adelaide Street on the east.

Where exceptions to the usual density limit of 75 units per hectare (30 units per acre) are made, the height limitations prescribed in Section 3.3.3.(i) will remain in effect. Developments which are permitted to exceed the density limit of 75 units per hectare (30 units per acre) shall be limited to a maximum density of 100 units per hectare (40 units per acre). All proposals shall be evaluated on the basis of Section 3.7, Planning Impact Analysis. [Emphasis added].

[19] Therefore, in order to conform with the OP, a ZBA for the subject property must adhere to a maximum density of 75 units per hectare, unless it meets one of the exceptions specified in s. 3.3.3. None of these exceptions apply in this case. Mr. Turcotte's evidence is that the City's ZBA, allowing a maximum of three units, equates to a density of 75 units per hectare and therefore conforms with the OP. Conversely, the applicant's proposed ZBA results in a density of approximately 85 units per hectare, and does not conform with the OP. The Board concurs, and finds that the City's ZBA conforms with the OP, and that the proposed ZBA does not.

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[20] The Board notes that Mr. Turcotte, in cross-examination, agreed that the City did not take the position that an Official Plan Amendment was required at the time of Mr. Lansink's application. While this is an unfortunate circumstance, it has no bearing on the Board's analysis and findings regarding conformity with the OP.

**C. Unacceptable Adverse Impacts**

[21] The Board heard no evidence to indicate that the City's ZBA would result in any unacceptable adverse impacts. On the contrary, the Board heard that the existing condition of the subject property, with four dwelling units, has been in place since the 1940s and has not resulted in any adverse impacts. It follows that the reduction of one dwelling unit in the converted dwelling, and the addition of a single detached dwelling on Euclid Avenue, would not result in any unacceptable adverse impacts.

**II. Number and Placement of Parking Spaces**

[22] Having found that the applicant's proposed ZBA does not conform with the OP, it is not necessary for the Board to address the number of parking spaces, as the effect of the City's ZBA is that three spaces are required. As both planners indicated, the placement of the required spaces can be determined through the City's site plan approval process.

[23] The Board did hear extensive evidence about the placement of parking on site, and sees no reason to modify the City's ZBA to allow widening of the driveway to accommodate parking that would be, at least partially, in front of the dwelling. Mr. Turcotte gave detailed evidence as to the importance of the streetscape in this neighbourhood, being part of a heritage conservation district. In fact, the Wortley HCD guidelines discourage front-yard parking unless it is unavoidable. The Board heard no evidence to indicate that front-yard parking is unavoidable in this case; on the contrary, the Board heard that Mr. Lansink is willing to remove the one-car detached garage, if

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necessary, to provide parking. The Board is confident that the parties can find a suitable parking arrangement through the site plan approval process.

**CONCLUSION**

[24] The Board finds that the City's ZBA is consistent with the PPS, conforms with the OP, and will not result in any unacceptable adverse impacts. The applicant's proposed ZBA, while also consistent with the PPS, does not conform with the OP. The Board will accordingly dismiss the appeals.

**ORDER**

[25] The Board orders that the appeals, including the appeal against By-law No. Z-1-162510 of the City of London, are dismissed.

*"S. Jacobs"*

S. JACOBS  
MEMBER

If there is an attachment referred to in this document,  
please visit [www.elto.gov.on.ca](http://www.elto.gov.on.ca) to view the attachment in PDF format.

**Ontario Municipal Board**  
A constituent tribunal of Environment and Land Tribunals Ontario  
Website: [www.elto.gov.on.ca](http://www.elto.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

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PL160995

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ATTACHMENT 1



300 Dufferin Avenue  
P.O. Box 1025  
London, ON  
N6A 4L8

NOTICE OF THE PASSING  
OF A ZONING BY-LAW BY  
THE COUNCIL OF THE  
CORPORATION OF THE CITY OF LONDON  
Z-1-162510

TAKE NOTICE that the Council of The Corporation of the City of London passed By-law No. Z-1-162510 on the 30<sup>th</sup> day of August, 2016 under section 34 of the *Planning Act, R.S.O. 1990, c. P.13*, as amended.

AND TAKE NOTICE that any person or public body may appeal to the Ontario Municipal Board (OMB) in respect of the by-law by filing a notice of appeal with the Clerk of The Corporation of the City of London NO LATER THAN 4:30 p.m. ON THE 29<sup>th</sup> day of September, 2016. The Office of the City Clerk is located in Room 308, 3rd floor, City Hall, 300 Dufferin Avenue, London ON N6B 1Z2. If you wish to appeal to the OMB a copy of an appeal form is available from the OMB website at [www.omb.gov.on.ca](http://www.omb.gov.on.ca). The notice of appeal must set out the objection to the By-law and the reasons in support of the objection and must be accompanied by the \$125.00 fee prescribed under the *Ontario Municipal Board Act*, in the form of a certified cheque or money order payable to the Minister of Finance.

Only individuals, corporations and public bodies may appeal a Zoning By-law to the Ontario Municipal Board. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or the group on its behalf. No person or public body shall be added as a party to the hearing of the appeal unless, before the by-law was passed, the person or public body made oral submissions at a public meeting or written submissions to the council or, in the opinion of the Ontario Municipal Board, there are reasonable grounds to add the person or public body as a party.

The land to which the By-law applies is not the subject of an application under the *Planning Act* for approval of an Official Plan Amendment, a Minister's Zoning order or application for an amendment thereto, or an application for approval of a plan of subdivision, there is however a related application for consent to sever (B.018/16).

An explanation of the purpose and effect of the By-law and a description of the lands to which the By-law applies are printed on the reverse side of this notice. A key map showing the land to which the By-law applies is also attached to this notice.

For further information about this By-law, please contact B. Turcotte in the Planning Division at (519) 661-4988 or [planning@london.ca](mailto:planning@london.ca). Please quote Planning Division File No. Z-8616 when making enquiries.

The complete By-law is available from the City Clerk's Office, 3rd floor, City Hall or by telephoning (519) 661-2500 ext. 5756 during business hours (weekdays from 8:30 a.m. to 4:30 p.m.).

Dated at the City of London this 9<sup>th</sup> day of September, 2016.

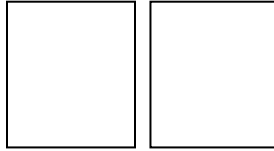
Catharine Saunders  
City Clerk  
City of London  
3rd floor, 300 Dufferin Avenue  
London, Ontario N6B 1Z2

 June C. Puzar, a Commissioner for Taking Affidavits and Oaths, ~~Notary Public~~ ~~Commissioner~~, with a deputized Clerk of the Corporation of the City of London.

The Corporation of the City of London  
Office: 519-661-2500 ext. 5756  
[planning@london.ca](mailto:planning@london.ca)  
Fax: 519-661-4882  
[www.london.ca](http://www.london.ca)

This is Exhibit "B" referred to in the declaration of Catharine Saunders sworn before me this 12<sup>th</sup> day of October, 2016





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DESCRIPTION OF SUBJECT LANDS:

The subject lands are located at 66 Byron Avenue East.

PURPOSE & EFFECT OF BY-LAW NO. Z-1-162510

The purpose of the By-law is to rezone the subject lands from a Residential R2 (R2-2) to a Residential R2 Special Provision (R2-2(20)) Zone and a Residential R2 Special Provision (R2-2(21)) Zone. This amendment will permit 3 units in an existing converted dwelling fronting Byron Avenue East and the development of a new single detached dwelling fronting Euclid Avenue (on the proposed severed lot).

IT BEING NOTED that public comments at the public participation meeting had the following effect on the decision:

- Municipal Council approved the staff recommendation as per the staff report from the Planning and Environment Committee on August 22, 2016.

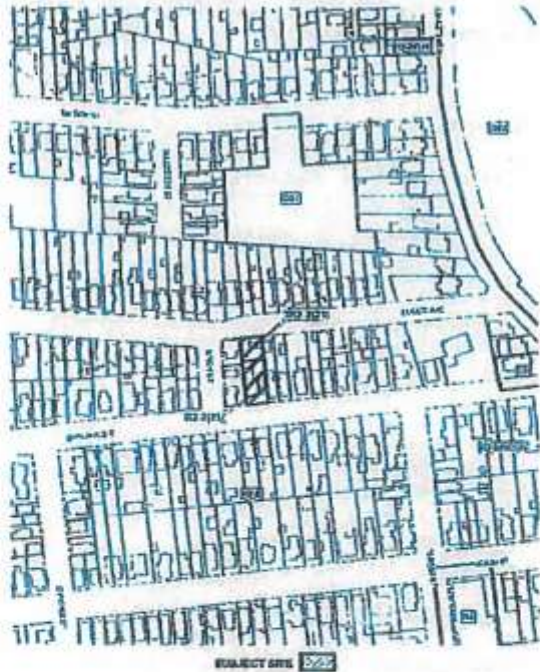
The effect of the By-law will be to permit the following uses on the subject lands:

R2-2(20) Portion of lands fronting Byron Avenue East located at 66 Byron Avenue East; converted dwelling unit; single detached dwellings; semi-detached dwellings; duplex dwellings; and converted dwellings with a maximum of 2 dwelling units.

R2-2(21) Portion of lands fronting Euclid Avenue East located at the rear of 66 Byron Avenue East; single detached dwelling.

These permitted uses will be subject to regulations relating to: lot area; yard depth; lot frontage; landscaped open space; lot coverage; height; parking area coverage; and number of units per lot.

As a condition of development or redevelopment of lands or buildings in the defined area, the developer may be subject to the City's Site Plan Approval process and may be required to enter into an agreement with the City with respect to certain development conditions and requirements.



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Z-8616  
B. Turcotte

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Bill No. 333  
2016

By-law No. Z.-1-162510

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 66 Byron Avenue East.

WHEREAS Doug Lansink has applied to rezone an area of land located at 66 Byron Avenue East, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

1. Schedule "A" to By-law Z.-1 is amended by changing the zoning applicable to those lands located at 66 Byron Avenue East, as shown on the attached map comprising part of Key Map No. A107, from a Residential R2 (R2-2) to a Residential R2 Special Provision (R2-2(20)) Zone and a Residential R2 Special Provision (R2-2(21)) Zone.

2. Section Number 6.4 of the Residential (R2-2) Zone Variation is amended by adding the following Special Provisions:

- |          |   |                                   |
|----------|---|-----------------------------------|
| R2-2(20) | That portion of lands fronting Byron Avenue East located at 66 Byron Avenue East              |                                   |
| a)       | Additional permitted Use:   |                                   |
|          | i) Converted Dwelling (maximum 3 Dwelling Units)  |                                   |
| b)       | Regulations   |                                   |
|          | i) Lot Area (Minimum)   | 471 square metres (5,069 sq. ft.) |
|          | ii) Rear Yard Depth (Minimum)   | 4.8 metres (15.7 ft.)             |
|          | iii) Interior Side Yard Depth (west)  | as existing                       |
| R2-2(21) | That portion of lands fronting Euclid Avenue East located at the rear of 66 Byron Avenue East |                                   |
| a)       | Permitted Use:  |                                   |
|          | i) A single detached dwelling   |                                   |
| b)       | Regulations   |                                   |
|          | i) Lot Area (Minimum)   | 244 square metres (2,626 sq. ft.) |
|          | ii) Front Yard Depth (building) (Minimum)   | 1.2 metres (3.9 ft.)              |
|          | iii) Rear Yard Depth (Minimum)  | 2 metres (6.5 ft.)                |
|          | iv) Interior Side Yard Depth (west) (Minimum)   | 0.9 metres (2.9 ft.)              |

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3. 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.

4. 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 August 30, 2016.

  
Matt Evans  
Mayor

  
Catherine Saunders  
City Clerk

First Reading - August 30, 2016  
Second Reading - August 30, 2016  
Third Reading - August 30, 2016



CITY OF LONDON  
BY-LAW CERTIFICATION RECORD

I, James C. Puzar, Manager of Records and Information Services of The Corporation of the City of London, hereby certify that the document hereunder is a true copy of By-law No. Z-1-182510 of the City of London, passed on August 30, 2016.

Dated at London, Ontario, this 12<sup>th</sup> day of October, 2016

  
James C. Puzar  
Manager of Records & Information Services

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

