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File No: Z-7916
Planner: C. Smith

TO:	CHAIR AND MEMBERS BUILT AND NATURAL ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING DIRECTOR OF LAND USE PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: 1307918 ONTARIO LIMITED (HELEN WILSON) 763 COLBORNE STREET PUBLIC PARTICIPATION MEETING ON SEPTEMBER 12, 2011 AT 5:00 P.M.

RECOMMENDATION

That, on the recommendation of the Director of Land Use Planning and City Planner, based on the application of 1307918 Ontario Limited (Helen Wilson) relating to the property located at 763 Colborne Street;

- a) the request to amend Zoning By-law No. Z.-1 to change the zoning of the subject lands **FROM** a Residential (R2-2) Zone which permits single, semi, duplex dwellings and converted dwelling maximum 2 units **TO** a Residential R3 Special Provision (R3-1 () Zone to permit the above use and a three unit converted dwelling with a lot frontage of 9.75m, a 4.5m front yard setback, a 0m north interior side yard setback, a 1.4m interior side yard setback and 1 parking space, **BE REFUSED** for the following reasons: the requested Zoning By-law amendment is not consistent with the Official Plan as:
- The North London/Broughdale Neighbourhood policies of the Official Plan require that multiple unit residential development is directed to those areas within the Oxford, Richmond and Adelaide Street corridors that are designated Multi-Family, High and Multi-Family, Medium Density Residential;
 - The current zoning for this area is appropriate, promotes neighbourhood stability, and allows redevelopment of residential properties in a manner which is compatible with the surrounding neighbourhood, consistent with the Provincial Policy Statement;
 - the requested amendment has the potential to create impacts on the abutting land owners resulting from the introduction of a multiple unit residential development into a stable residential area;
 - the requested amendment could set a further precedent for additional multiple unit residential uses and erode the residential character of the area; and
 - the proposed amendment would constitute "spot" zoning, and is not considered appropriate in isolation from the surrounding neighbourhood;
 - for the foregoing reasons, the requested Zoning By-law amendment is not consistent with the Official Plan
- b) Subject to Policy 19.1.1. of the Official Plan, the subject lands, 763 Colborne Street, **BE INTERPRETED** to be located within the "Low Density Residential" designation.

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The proposed recommendation will refuse the application to allow for an additional dwelling unit to be constructed in an existing two unit converted dwelling.

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<p style="text-align: center;">LOCATION MAP</p> <p>Subject Site: 763 Colborne St Applicant: 1307918 Ontario Limited File Number: Z-7916 Planner: Craig Smith Created By: Craig Smith Date: 2011-06-03 Scale: 1:2500</p> <p style="text-align: center;">N</p> <p>Corporation of the City of London Prepared By: Planning and Development</p>	<p style="text-align: center;">LEGEND</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20px; text-align: center;">■</td> <td>Subject Site</td> </tr> <tr> <td style="width: 20px; text-align: center;">■</td> <td>Parks</td> </tr> <tr> <td style="width: 20px; text-align: center;">□</td> <td>Assessment Parcels</td> </tr> <tr> <td style="width: 20px; text-align: center;">■</td> <td>Buildings</td> </tr> <tr> <td style="width: 20px; text-align: center;">123</td> <td>Address Numbers</td> </tr> </table>	■	Subject Site	■	Parks	□	Assessment Parcels	■	Buildings	123	Address Numbers
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■	Parks										
□	Assessment Parcels										
■	Buildings										
123	Address Numbers										

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RATIONALE

The rationale for the recommendation for refusal of the requested Zoning By-law amendment is that the requested Zoning By-law amendment is not consistent with the Official Plan, particularly with the North London/Broughdale Neighbourhood Official Plan policies and as:

- The current zoning for this area is appropriate, promotes neighbourhood stability, and allows redevelopment of residential properties in a manner which is compatible with the surrounding neighbourhood;
- the requested amendment has the potential to create impacts on the abutting land owners;
- the requested amendment could set a further precedent for additional multiple unit residential uses and erode the residential character of the area; and
- the proposed amendment would constitute "spot" zoning, and is not considered appropriate in isolation from the surrounding neighbourhood.

The Low Density Residential designation for this property meets the intent of Section 19.1.1 (interpretation of designation boundaries) of the City of London Official Plan as:

- a. The property is not oriented to the Oxford Street East corridor;
- b. The property is consistent with the existing low density residential development on the abutting properties that front onto Colborne Street; and
- c. There are no natural features that delineate the designation boundary.

BACKGROUND

A history of by-law and property standards complaints exist on this property. Below are a list of complaints that were received and documented in the City of London Amanda system.

- 2000- PS 00-148490, property standards complaint for a collapsing garage.
- 2005- BE 05-111345, by-law complaint for broken garbage bags and trash.
- 2008-PS 08-015091, property standards complaints regarding a collapsing front porch and no screens on windows.
- 2008- BE 08-015093, by-law complaint junk and broken glass on property.
- 2009- BE 09-004746, by-law complaint junk and broken furniture on property.
- 2010- BE 10-011456, by-law complaint tall grass and weeds.

The property was purchased in 2010 by the applicant. There has not been a property standard or by-law enforcement complaint for this property in the City's system in 2011.

Date Application Accepted: June 7, 2011	Agent: Jay McGuffin, Monteith Brown Planning Consultants
<p>REQUESTED ACTION: Change the Zoning By-law Z.-1 from a Residential R2 (R2-2) Zone which permits single detached, semi detached, duplex and two unit converted dwellings to a Residential R3 Special Provision (R3-1 (□)) Zone which permits single detached, semi detached, duplex, triplex, fourplex and converted dwellings with a lot frontage of 9.75m, a minimum front yard setback of 4.5m, minimum north interior side setback of 0.0m and a minimum south interior side setback of 1.4m.</p>	

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SITE CHARACTERISTICS:
<ul style="list-style-type: none">• Current Land Use – Two unit converted dwelling• Frontage – 9.75m• Depth – 77.9m• Area – 760m²• Shape – rectangle

SURROUNDING LAND USES:
<ul style="list-style-type: none">• North – single detached dwelling• South – single detached dwelling• East – single detached dwelling• West - converted dwelling

OFFICIAL PLAN DESIGNATION: (refer to map on page 5)
<ul style="list-style-type: none">• Low Density Residential
EXISTING ZONING: (refer to map on page 6)
<ul style="list-style-type: none">• Residential R2 (R2-2)

PLANNING HISTORY

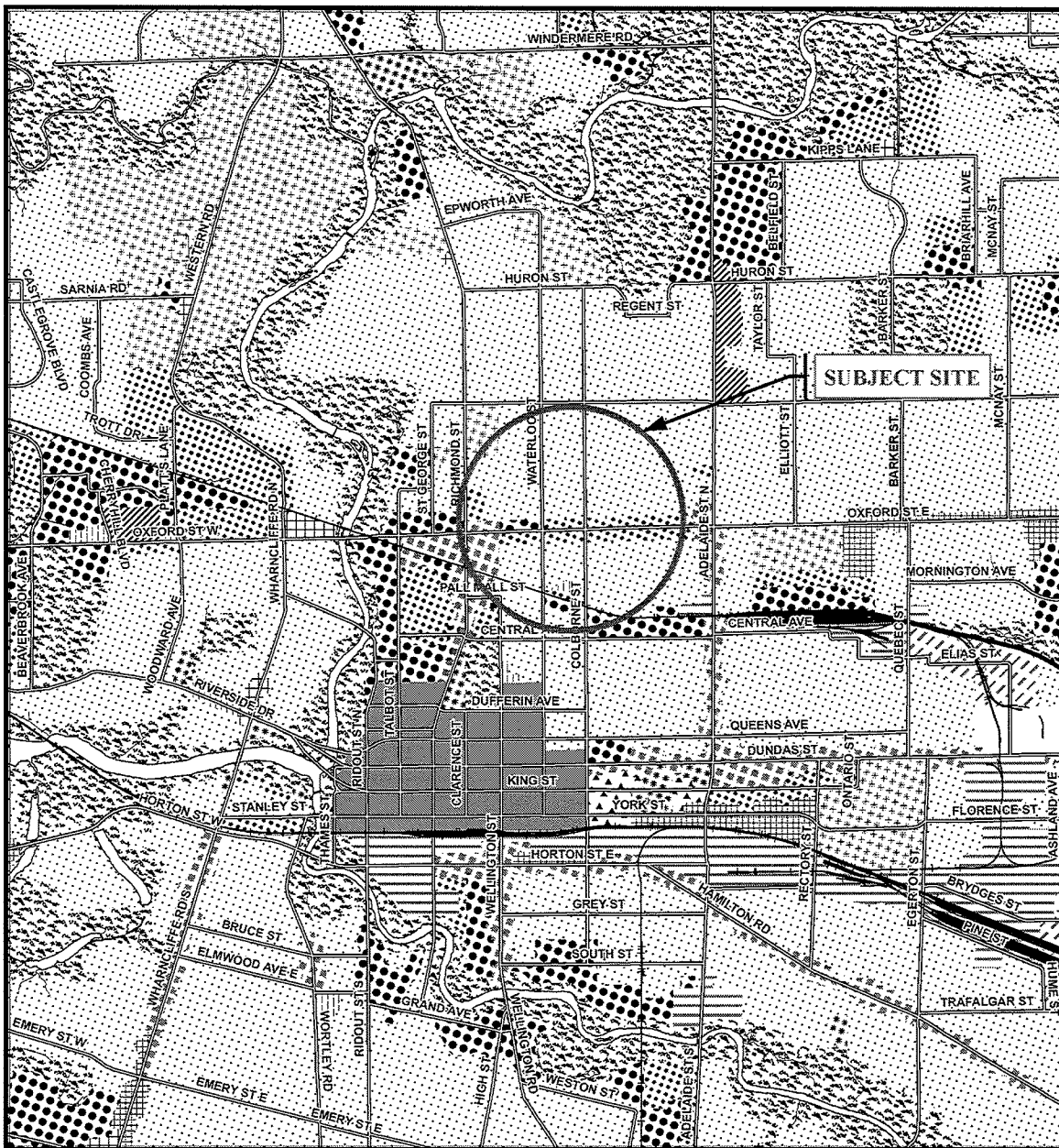
N/A

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

Environmental Engineering Service Department
The City of London's Environmental and Engineering Services Department has not identified any concerns with respect to the aforementioned Zoning By-Law amendment application.

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Legend

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

CITY OF LONDON
 Department of
 Planning and Development
 OFFICIAL PLAN SCHEDULE A
 - LANDUSE -

PREPARED BY: Graphics and Information Services



Scale 1:30,000



FILE NUMBER: Z-7916

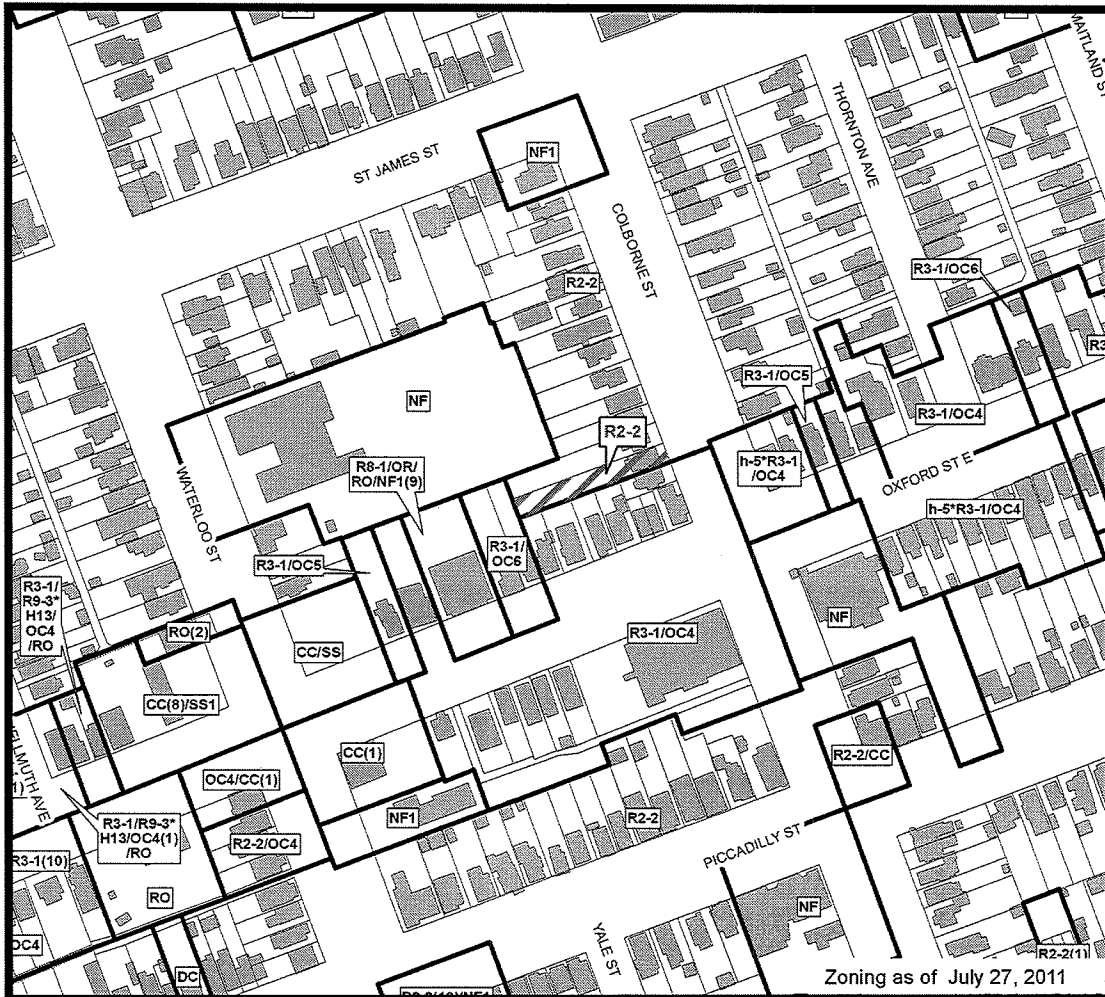
PLANNER: CS

TECHNICIAN: CK

DATE: 2011 Aug 18

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COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: R2-2

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

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

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

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

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

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

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

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

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

2) ANNEXED AREA APPEALED AREAS

CITY OF LONDON

PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES

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



FILE NO:
Z-7916

CS

MAP PREPARED:
2011/08/18

CK

1:2,800

0 12.5 25 50 75 100 Meters

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PUBLIC LIAISON:	On August 16, 2010 notice of application was sent to 11 property owners within 120m of the property and on August 21, 2010 the notice of application was advertised in the Living in the City section of the London Free Press	11 written responses and one phone call, all opposed to the proposed amendment
<p>Nature of Liaison: Change the Zoning By-law Z.-1 from a Residential R2 (R2-2) Zone which permits single detached, semi detached, duplex and two unit converted dwellings to a Residential R3 Special Provision (R3-1()) Zone which permits single detached, semi detached , duplex, triplex, fourplex and converted dwellings with a lot frontage of 9.75m, a minimum front yard setback of 4.5m, minimum north interior side setback of 0.0m and a minimum south interior side setback of 1.4m.</p>		
<p>Responses: There were 11 written responses and one phone call opposed to the proposed amendment. The reasons stated were:</p> <ul style="list-style-type: none"> • There has been a history of by-law enforcement issues which include <ul style="list-style-type: none"> ○ Garbage ○ Noise: and ○ Over parking on the property; • The addition of a third unit is further intensification which could result in additional enforcement issues; • A converted dwelling with three units is not in keeping with the built form of single or two unit converted dwellings that currently exist on Colborne Street which are part of the stable low density neighbourhood. • That the conversion to three units will allow for student housing which will undermine the established "Old North" neighbourhood 		

ANALYSIS

Subject Site

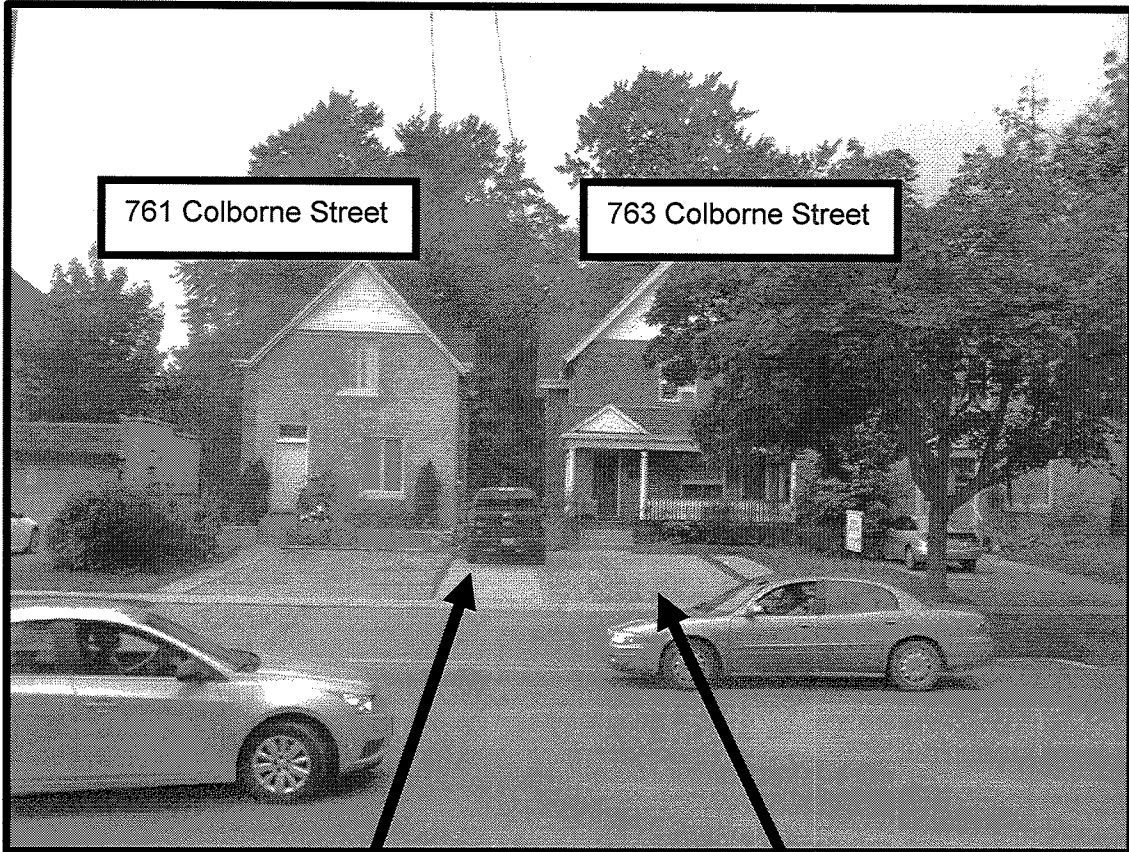
The subject site is located on the west side of Colborne Street north of Oxford Street East. The property has a 9.75 metre lot frontage and lot area of 760m². The dwelling unit was constructed circa 1901. A residential boulevard parking agreement was registered on title in 1996 to allow for two parking spaces in the front yard. An easement was registered in 1920 to allow for a 2.9m access lane between 763 Colborne Street and 761 Colborne Street, the property to the south.

Nature of the Application

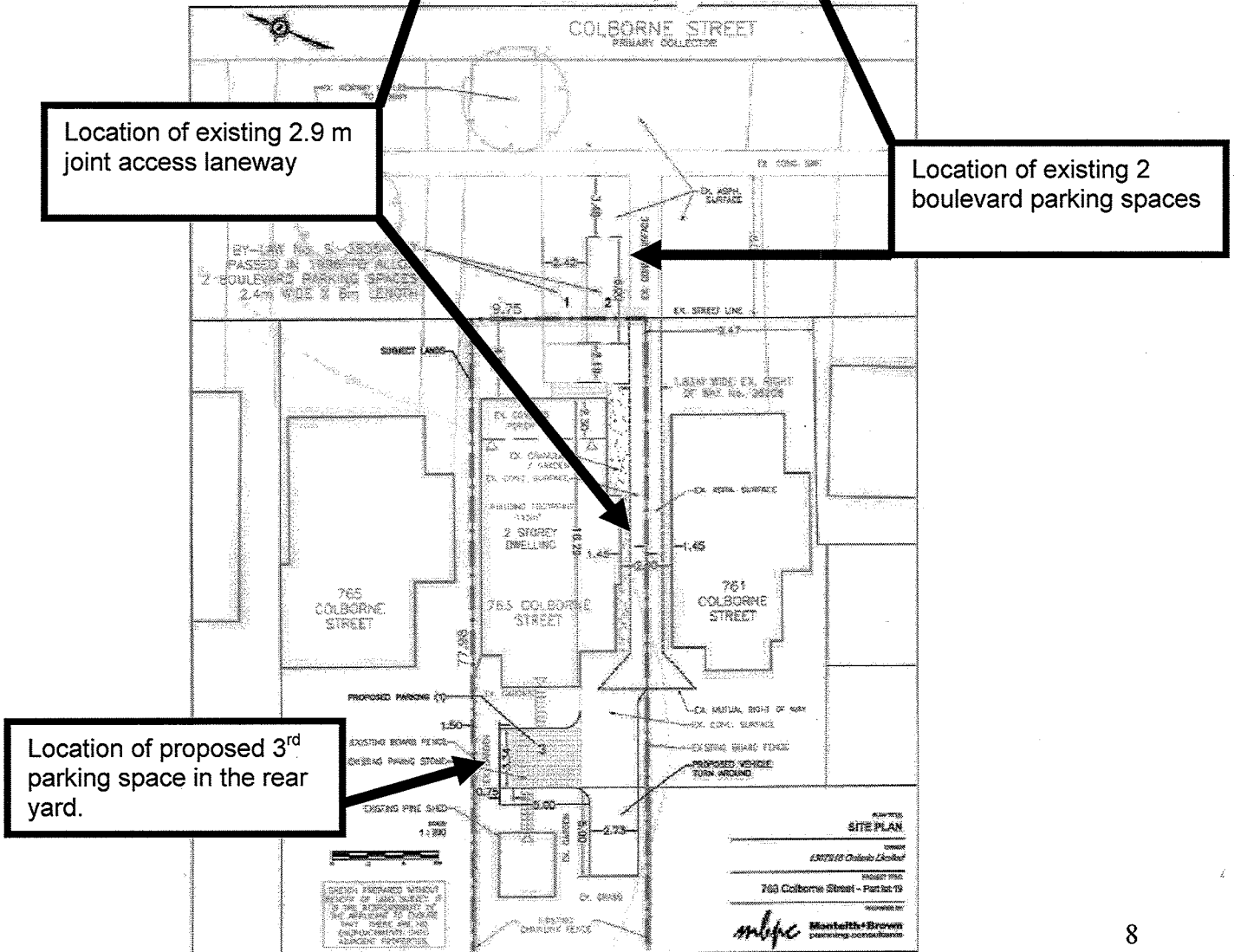
The proposed amendment would allow for the conversion of the existing building to allow for three units (basement, main and second floor). To allow the conversion the application is requesting an amendment from the Residential R2 (R2-2) Zone which allows for single, semi, duplex and converted dwellings maximum of two units to a Residential R3 Special Provision (R3.1 ()) Zone which single detached, semi detached, duplex, triplex, fourplex and converted dwellings with a lot frontage of 9.75m, a minimum front yard setback of 4.5m, minimum north interior side setback of 0.0m and a minimum south interior side setback of 1.4m.

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Proposed Site Plan



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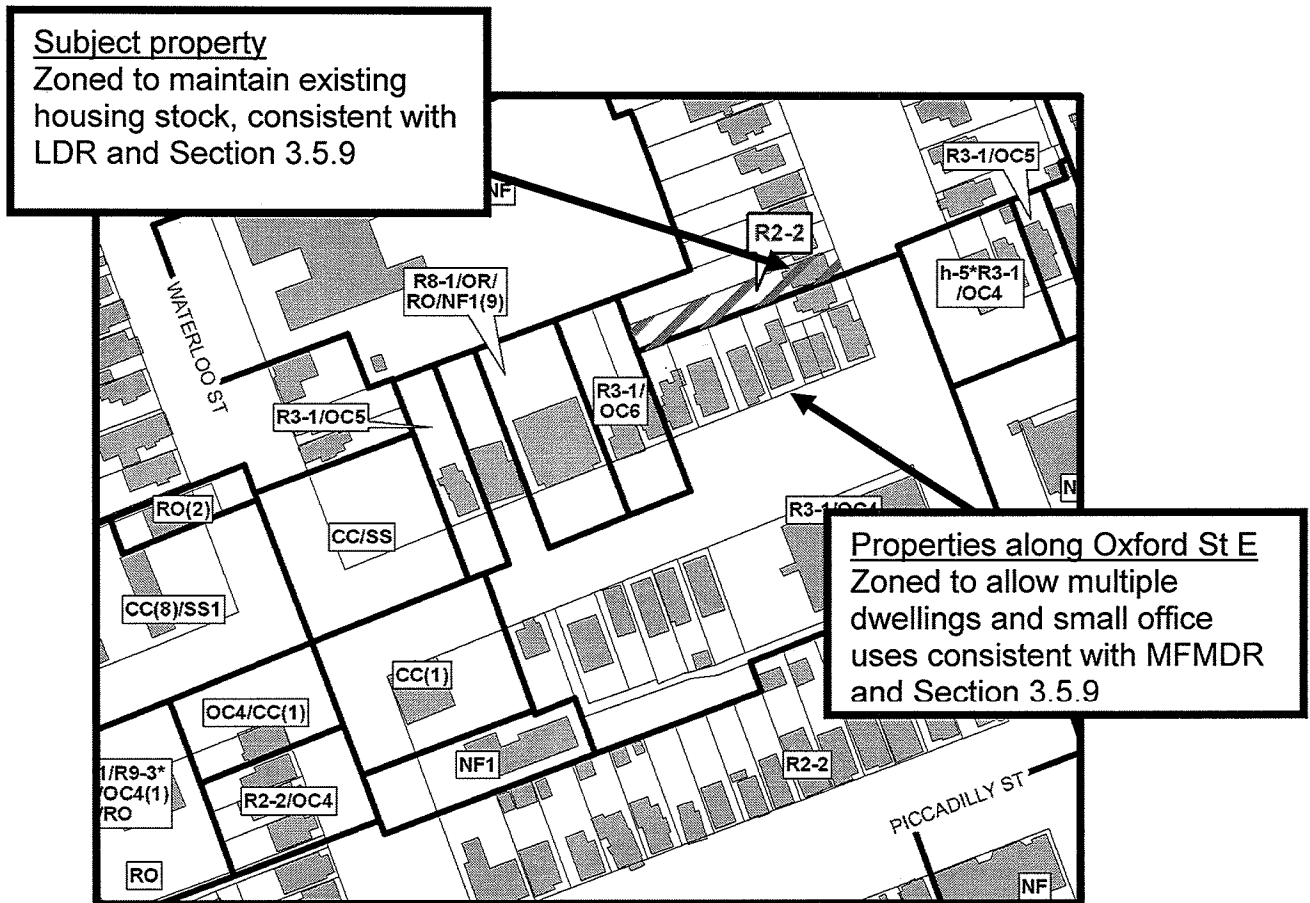
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Official Plan Policies

According to Section 19.1 of the City of London Official Plan, the land use designation boundaries shown on Schedule "A" are not intended to be rigid and Council may permit minor departures where it is of the opinion that the general intent of the Official Plan is maintained and the designation does not coincide with any natural features. There are no natural features on the property that define the designation boundaries. Therefore, for the purpose of this proposed zoning amendment the designation shall be determined to be Low Density Residential (LDR) which is consistent with the North London/Broughdale Neighbourhood policies.

The North London/Broughdale Neighbourhood policies require that multiple dwelling units be directed to the arterial corridors along Richmond Street, Adelaide Street and Oxford Street East. Consistent with the Multi Family Medium Density Residential (MFMDR) Official Plan designation the properties to the south of 763 Colborne Street are zoned to allow for multiple dwelling units and for small scale office uses. 763 Colborne Street fronts onto Colborne Street and is contiguous with the character of the low density residential streetscape of the properties to the north along Colborne Street. The property is zoned to maintain the intent of the policy to encourage conservation of the existing housing stock and to restrict the residential uses outside of the corridors to permit only single detached, semi detached, duplex and converted two unit dwellings, maximum.

761 Colborne Street, the property located to the south, is of a size and depth to be included with the properties at 400 and 402 Oxford Street East if redevelopment of this corner is proposed. 763 Colborne Street is located outside the Oxford Street East arterial road corridor and is included in the Low Density Residential designation.



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763 Colborne Street is located within a specific residential area identified under policy 3.5 of the Official Plan. Section 3.5.9 the North London/Broughdale Neighbourhood is generally bounded by the Thames River on the north and west, Oxford Street on the south and Adelaide Street on the east, but does not include the St. George/Grosvenor Neighbourhood.

The Policy states:

Multiple unit residential development is directed to those areas within the Oxford, Richmond and Adelaide Street North corridors that are designated Multi-Family, High and Multi-Family, Medium Density Residential. Except for lands identified in Policy 3.5.9 (a), in Low Density Residential areas fronting onto the Richmond and Adelaide Street North corridors, residential intensification may be permitted through conservation and rehabilitation of the existing housing stock, provided there is adequate space to accommodate required on-site parking and landscaped open space and that intensification is of a scale which is compatible with surrounding land uses.

For Low Density Residential areas located outside of the Richmond and Adelaide Street North corridors, conservation and rehabilitation of the existing housing stock shall be encouraged. In keeping with the low-rise, low density character of these areas, residential uses will be restricted to single detached, semi-detached, duplex and converted dwellings (to a maximum of 2 units). Area-specific Zoning regulations such as floor area ratio, maximum dwelling size and on-site parking limitations will be applied in parts of the neighbourhood that may be impacted by residential intensification and infill, to ensure that future development is not out of scale and character with the existing residential community.

The proposed zoning amendment would permit residential intensification. Residential intensification is defined in section 3.2.3.1 of the Official Plan as: *the conversion or expansion of existing residential buildings to create new residential units or accommodation.*

It is the intent of the Official Plan to permit and encourage residential intensification where it can be demonstrated to be compatible with the abutting residential uses. Section 3.2.3 states; *where the subject lands are within a specific residential area identified under policy 3.5, the application of the following residential intensification policies will supplement those specific policies, but will not supercede them.*

The property is located in the North London/Broughdale neighbourhood and the policy specifically encourages the conservation of the existing housing stock by implementing zoning that restricts development to two residential units maximum. 763 Colborne Street is zoned Residential R2 (R2-2) which allows for single, semi, duplex and converted dwellings maximum two units and is consistent with the Official Plan. The proposed amendment would permit residential intensification to supercede the intent of the North London/Broughdale Neighbourhood policies. The requested amendment has the potential to create impacts on the abutting land owners resulting from the introduction of a multiple unit residential development into a stable residential area and is not consistent with the Official Plan and the North London/Broughdale Neighbourhood policies

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Zoning

What are the Current Zoning Regulations?

The property is currently zoned Residential R2 (R2-2). The current zone allows for single detached, semi detached, duplex and converted dwellings to a maximum of two units. 763 Colborne Street is a converted dwelling with two units and is permitted by the current zone. The existing zone is intended to limit the intensity of the use to two units maximum. The existing zone is consistent with the properties to the north and is intended to maintain the scale and character of the neighbourhood. The existing zone is consistent with the Official Plan and the North London/Broughdale Neighbourhood policies.

The properties to the south are zoned a combination Residential R3 and Office Conversion (R3-1/OC4) Zone. The Residential 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 with multiple residential units; and the Office Conversion (OC4) Zone variation allows for both the total and partial conversion of the existing residences to office uses. This compound zone allows for an appropriate level of intensification along the Oxford Street East corridor and is consistent with the Official Plan and the North London/Broughdale Neighbourhood policies.

What are the Proposed Zoning Regulations?

The proposed amendment is to permit a Residential R3 Special Provision (R3-1 (□)) Zone to be applied to this specific property to permit a converted dwelling with three dwelling units. Special provisions are required to allow for the building as it exists to conform to the Residential R3 (R3-1) Zone. The special provisions required to allow a three unit converted dwelling are:

- Lot frontage of 9.75m where 12m is required
- A minimum front yard setback of 4.5m, where 6m is required
- A minimum north interior side setback of 0.0m, where 1.8m is required; and
- A minimum south interior side setback of 1.4m where 3m is required.

Zoning By-law Z.-1 requires that all required parking for a use be provided on the lot. Two parking spaces exist in the boulevard through an agreement with the City of London. A further special provision is required to permit one parking space to be provided in the rear yard where three parking spaces are required to be provided on the lot.

The proposed Residential R3 Special Provision (R3-1(□)) zone has been specifically requested to allow for a converted three unit dwelling for this one property only. Rezoning the subject property in isolation from the surrounding area represents “spot” rezoning and should be discouraged. The requested amendment could set a further precedent for specific zoning amendments to allow for additional multiple unit residential uses which would erode the existing residential character of the area.

The current zoning for this area is considered appropriate and allows for an appropriate level of intensification. The current zone allows for redevelopment to a maximum of two dwelling units that is compatible with the surrounding residential neighbourhood. The existing zone is consistent with the Official Plan and the North London/Broughdale Neighbourhood policies.

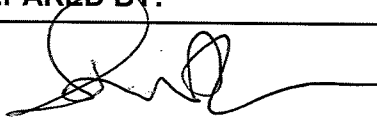


CONCLUSION

763 Colborne Street is located in the North London/ Broughdale special policy area. The Official Plan designation is Low Density Residential. The requested amendment to Zoning By-law Z.-1 would constitute “spot” zoning, over intensification and is not considered appropriate in isolation from the surrounding neighbourhood. The Official Plan policies and zoning for this area are appropriate, promote neighbourhood stability, and allow for some intensification and redevelopment of residential properties. The requested amendment is not consistent with the Official Plan and the North London/Broughdale Neighbourhood policies. The Director, Land Use Planning, City Planner recommends that the requested amendment be refused.

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PREPARED BY:	SUBMITTED BY:
	
C. SMITH, PLANNER, COMMUNITY PLANNING AND URBAN DESIGN	JIM YANCHULA, MCIP, RPP MANAGER – COMMUNITY PLANNING AND URBAN DESIGN
RECOMMENDED BY:	
	
J.M. FLEMING, MCIP, RPP DIRECTOR, LAND USE PLANNING AND CITY PLANNER	

August 23, 2011

CS/

Y:\Shared\implemen\DEVELOPMENT APPS\2011 Applications 7854 to\7916-Z 763 Colborne Street (CS)\Z-7916BNECreport.docx

BIBLIOGRAPHY

The following documents were used in the review of this development proposal:

- Provincial Policy Statement, 2005
- City of London Official Plan
- Zoning By-law Z.-1

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

Telephone

Wilbur Fraser
801 Colborne Street

Written

Jonathan and Cheryl Vance
767 Colborne Street

Ian Hesketh
836 Waterloo, N6A 3W6

Donna Crinklaw Wiancko and Paul Wiancko
772 Colborne Street, N6A 3Z9

Paul Duerden
309 Huron Street, N6A 2K1

Fernand and Meredith Fontaine
298 Huron Street, N6A 2K2

Ken Sommerville
315 Huron Street, N6A 2K1

Noelle and Peter Tangredi
779 Colborne Street, N6A 3Z8

Carolyn Mendham
808 Colborne Street

David Gilddon and Sarah Butler Gilddon
771 Colborne Street, N6A 3Z8

Joan Lenardon
997 Waterloo Street, N6A 3X4