



610 Princess Avenue  
London, ON N6B 2B9  
Tel.: (519) 686-1300  
Fax: (519) 681-1690  
E-Mail: mbpc@mbpc.ca  
Web: www.mbpc.ca

September 9, 2011

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Chair and Member's  
Built and Natural Environment Committee  
City of London  
P O Box 5035  
London, Ontario N6A 4L9

File No.: 11-200

**VIA E-MAIL and MAIL**

**Reference: Application for Zoning By-Law Amendment Z-7916**  
**1307918 Ontario Ltd. (Helen Wilson)**  
**763 Colborne Street**  
**London, Ontario**

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Monteith Brown Planning Consultant's are the Land Use Planner's representing the owner's of the above noted lands. In response to the report from the Director of Land Use Planning and City Planner recommending refusal of the above noted application scheduled to be heard by the Built and Natural Environment Committee (BNEC) on Monday September 12, 2011, we offer the following comments in support of the application:

A pre-application consultation meeting was held on March 1, 2011 at which Planning Staff indicated that their main concern was the ability to provide the additional required parking space on the site. We were advised through that meeting by staff that as long as we could demonstrate that the additional parking space could be accommodated that **STAFF WERE SUPPORTIVE**. This was a very important consideration for our client as it was used to gauge whether she would advance the application and invest the associated costs for the application and professional planning support.

At the pre-consultation meeting we were provided the Record of Pre-Application Consultation which identified the above noted parking concern and the requirement for the application to go through the Site Plan process, in accordance with the Multi-Family, Medium Density Residential policies of the Official Plan. It was also identified that for a complete application a Zoning By-Law Amendment and Planning Justification which included a parking plan showing potential impacts and functionality were required. Other issues identified were that the tree at the front of the property was to remain and staff identified our client's proposal and willingness to limit the number of bedrooms per dwelling unit.

On May 19<sup>th</sup> a complete application was submitted to the City. On July 25, 2011 an e-mail was received from the Planner containing a number of letters from the public in opposition. There were 10 letters received, 5 of which were from property owners beyond the immediate area and five from Colborne Street. Predominant areas of concern included the historic condition of the subject lands and property maintenance prior to our clients purchase of the property in June of 2010, concerns of illegal parking, concerns for party's and student housing, and questions about the number of people that lived in the building prior to our client's purchase of the property. None of these comments are surprising given the property's location in Old North and the issues that the City's near campus neighbourhoods face with regard to the challenges of providing rental housing to two major post secondary institutions. This; however, is not the scenario being proposed through this application.

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*(Continued...)*

*urban & regional planners*

In response to the Rationale provided by City planning staff to recommend refusal of the application we provide the following response which is supported by our Planning Report submitted with the application.

The Provincial Policy Statement contains strong policies that require planning authorities to identify and promote opportunity for intensification and re-development where it can be accommodated taking into account existing building stock or areas, and the availability of existing infrastructure and public service facilities.

The subject lands are located within an established area where the proposed rezoning will allow the owner to appropriately maximize the use of an existing dwelling, limiting the number of bedrooms to protect the concerns of the neighbourhood from overcrowding, without consuming additional lands. The site is currently serviced with urban municipal infrastructure with appropriate capacity and located adjacent a high traffic corridor containing employment opportunities and serviced by public transit.

Contrary to the staff report, the subject lands are located within the Multi-Family, Medium Density corridor along Oxford Street in the City of London Official Plan. The Official Plan, through the North London/Broughdale Neighbourhood policies, directs multiple unit residential development to those areas within the Oxford, Richmond and Adelaide Street north Corridors that are designated Multi Family, High and Multi-Family Medium Density Residential.

Planning staff, contrary to the pre-application consultation, are now requesting Council to interpret the subject lands as being designated Low Density Residential and are now suggesting that the proposed amendment would result in a spot rezoning.

It is extremely disingenuous for staff to now suggest that the proposal does not conform to the Official Plan by requesting that the subject lands be "interpreted" by Council as being designated Low Density Residential. The notion of non-conformity with the Official Plan was never discussed or identified through pre-consultation and no Official Plan Amendment was required for a complete application, staff concerns to date were related to parking. It is our opinion that the subject lands are designated Multi Family, Medium Density Residential in the Official Plan.

Further, the staff rationale for refusal relies on the notion that this application "*would constitute "spot" zoning and is not considered appropriate in isolation from the surrounding neighbourhood.*" We draw the Committee's attention to the fact that the subject lands abut (physically touch) eight (8) other properties which are zoned R3-1 including 761 Colborne Street and 402, 400, 398, 396, 392/394, 374 and 372 Oxford Street. This application is clearly not a "spot" zoning, is in keeping with the Multi-Family, Medium Density Residential designation on the subject lands and is consistent with the existing and zoned uses permitted in the immediate area.

Staff also identified that the requested amendment "*could set a further precedent for additional multiple unit residential uses and erode the residential character of the area*". The application conforms to the policies of the Official Plan and the proposal to convert the existing basement into a third "separate" unit with a reduced number of bedrooms for each unit results in a **net reduction** in the potential for "student housing" or "student stuffing" as identified as the underlying concern expressed by neighbouring landowners. No external modifications are proposed to the dwelling, one additional parking space is proposed to be located in the rear yard screened from neighbouring properties by fencing and landscaping.

Our client has indicated a desire and rationale for the requested conversion specifically to provide the ability to market the dwelling for rent to professionals and young families and to discourage rental to students so as to protect her investment and recent upgrades the property. Dwelling units with more bedrooms are rental situations found to be more attractive to students, allowing for a greater distribution/reduction in rental costs to the individual occupants while providing the social network of communal living. A 1-bedroom unit (as proposed to be added through conversion of the basement) is far less attractive to the student party atmosphere feared by those who voiced their objections to this application, than a five bedroom unit.

Today, in conformity with the existing zoning on the subject lands, the subject dwelling could be rented as two 5-bedroom units totalling 10 bedrooms. It isn't, it is rented as two 2-bedroom units. We are advised by our client that the basement may have been formerly rented out as additional bedroom space associated with the main floor by previous owners. The proposal is to convert this space into a formal dwelling unit and in an effort to demonstrate the owner's intentions and lack of desire to facilitate a "student ghetto" or "student stuffer" as feared by the public and now by staff, the owner expressed a willingness to reduce the number of bedrooms permitted in each unit so the potential for conflict or incompatibility is mitigated and results in the capacity for fewer bedrooms than are currently permitted today. This proposal seems to have been disregarded between the pre-consultation and the authoring of the planning report.

Additionally, the proposed conversion of the basement to an independent unit has the net effect of now requiring the subject lands to go through site plan approval. A development agreement will then be required which provides further control on the development of the property and its maintenance standards and will enable continued re-investment into the property to the benefit of the neighbourhood.

With regard to concerns over the historic property standards infractions identified in the Staff Report, which seemingly suggest further reasoning for land use decisions, it appears as though all of these infractions existed PRIOR to our client's purchase of the property in June of 2010. In fact, since our client's purchase of the property we have been advised that they have invested approximately \$65,000.00 into property improvements including:

- Rewiring the house (remove the knob and tube wiring);
- Updating all the plumbing;
- Repairs to the front porch which was collapsing;
- Renovated the upper kitchen;
- Removed collapsed cistern;
- Landscaping;
- Interlocking patio installed;
- New windows added;
- Waterproofed basement wall;
- Installed interlocking brick driveway;
- Tiled main floor, and
- Installed new exterior doors.

With regard to staff's identification of a number of special provisions requested to permit the additional dwelling unit, please be advised that these are all legal non-conforming matters which recognize the existing dwelling on the existing property and not to recognize any deviation associated with the proposed single unit dwelling conversion.

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With regard to the concern over parking, the parking agreement with the City of London was provided for the two existing parking spaces and a parking plan was prepared and submitted which clearly illustrated the ability to accommodate the proposed additional parking space in the excessively large rear yard.

In conclusion, the subject lands are ideally located for the proposed rezoning for the purpose of residential intensification of an existing dwelling on existing municipal services. The proposal is consistent with the Provincial Policy Statement and the City's Official Plan and maintains the general intent and purpose of the City's Zoning By-Law. As such, we request that the proposed amendment to the Zoning By-Law be approved with limits to the number of bedrooms permitted per unit as requested.

Respectfully Submitted,

**MONTEITH BROWN PLANNING CONSULTANTS**



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Jay McGuffin, BA, MCIP, RPP  
Principal Planner

jmcguffin@mbpc.ca

c.c: 1307918 Ontario Ltd. (Helen Wilson) via e-mail