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A.007/12
Alanna Riley

TO:	CHAIR AND MEMBERS - PLANNING AND ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING DIRECTOR, LAND USE PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: UNIVERSITY OF WESTERN ONTARIO 1465 RICHMOND STREET MEETING ON JUNE 11, 2012

RECOMMENDATION

That, on the recommendation of the Director, Land Use Planning and City Planner, the following actions be taken:

- i) In response to the appeal from the University of Western Ontario, relating to the minor variance application A.07/21 concerning 1465 Richmond Street, the Ontario Municipal Board **BE ADVISED** that the Municipal Council does not support the Committee of Adjustment decision to refuse the minor variance and that the City Solicitor and Director of Land Use Planning and City Planner **BE DIRECTED** to provide legal and planning representation at the Ontario Municipal Board Hearing to support Municipal Councils' decision.

BACKGROUND

An application for site plan approval was submitted for by the University of Western Ontario to construct an institutional building for medical/dental students. During the site plan review, it was determined a variance was required for a setback to the Open Space (OS4) Zone.

On January 18, 2012, an application for minor variance was submitted for 1465 Richmond Street by the University of Western Ontario, requesting permission to construct an institutional building with a south interior side yard setback of 0.5m (1.6') whereas 13.2m (43.4') is required to an Open Space Zone line and an east interior side yard setback of 0.5m (1.6') whereas 13.2m (43.3); is required to an Open Space zone line.

The Official Plan designation is Regional Facility and Open Space. The zone is Regional Facility.

Planning Staff supported the request for minor variance. Comments submitted to the Committee of Adjustment were as follows:

REQUESTED VARIANCES

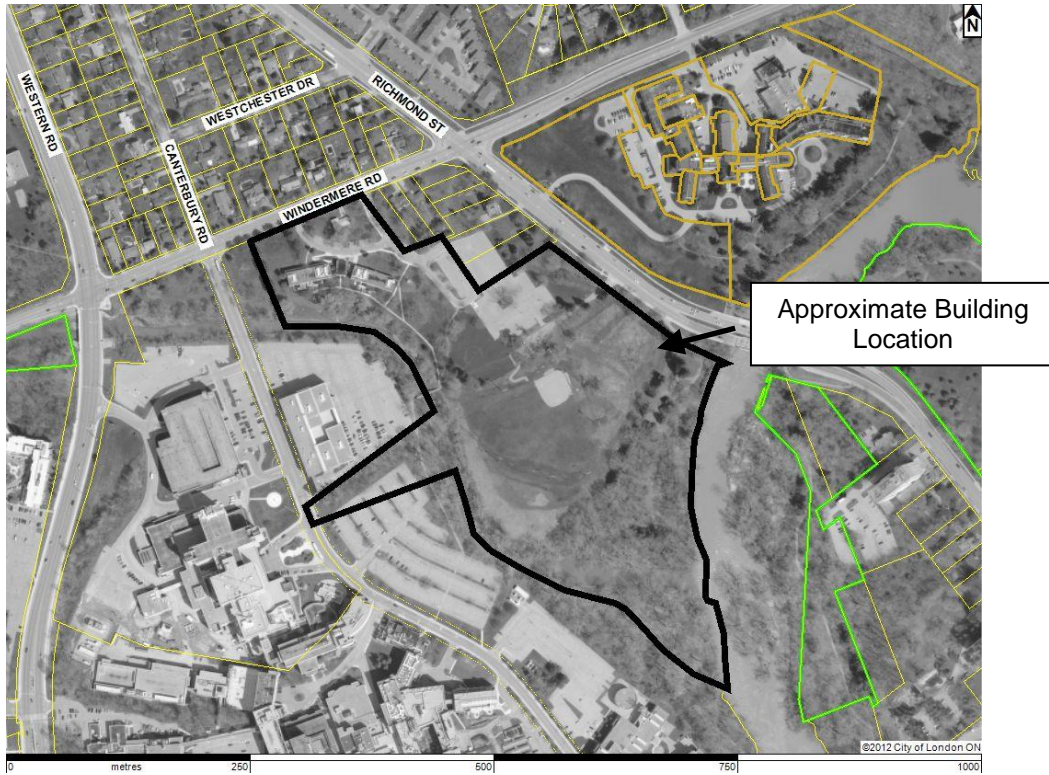
1. To permit a south interior side yard setback of 0.5m (1.6') whereas 13.2m (43.4') is required to an Open Space Zone line; and
2. To permit an east interior side yard setback of 0.5m (1.6') whereas 13.2m (43.4') is required to an Open Space zone line.

PURPOSE OF VARIANCES

To permit reduced side yards to allow the construction of an institutional building for medical students.

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EVALUATION

In order for this application to be acceptable as a minor variance under the provisions of Section 45 of the Planning Act, the following requirements must be met:

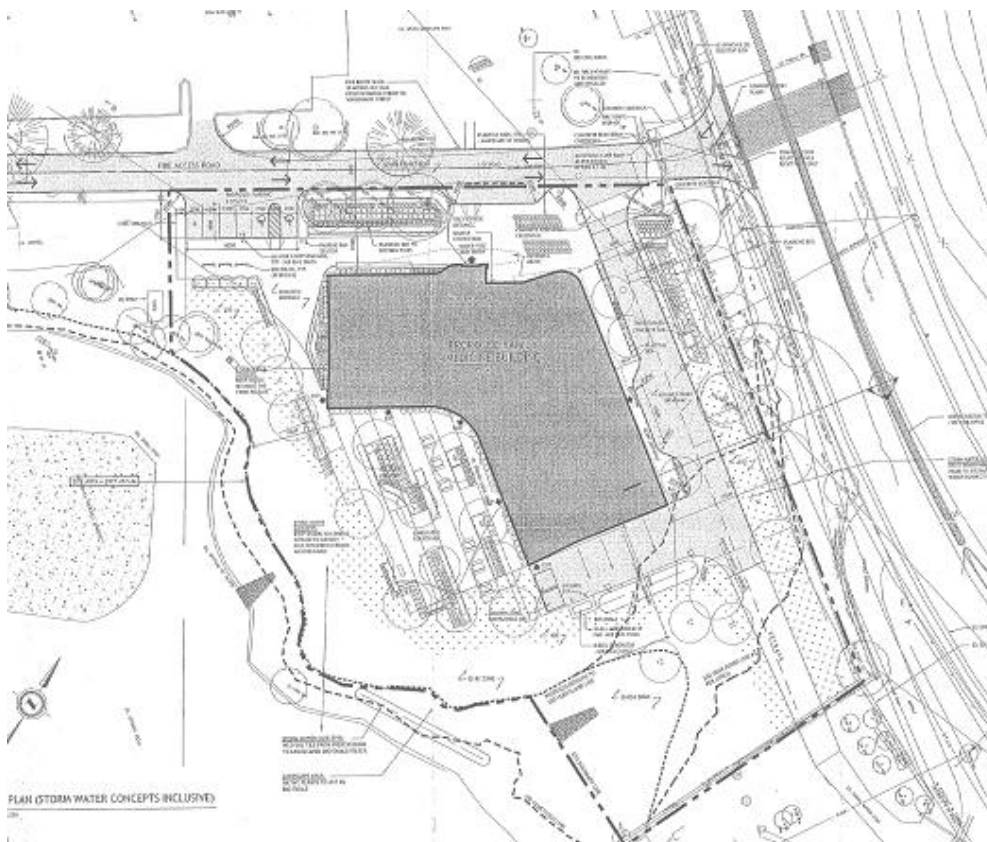
- 1) *Is the general intent and purpose of the Official Plan maintained?*
- 2) *Is the general intent and purpose of the Zoning By-law maintained?*
- 3) *Is the variance minor in nature? and*
- 4) *Is the variance desirable for the appropriate development or use of the land, building or structure?*

Official Plan

The Official Plan designation is Regional Facility and Open Space which permits the use.

Zoning

The lands are zoned Regional Facility which permits the use.



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The applicant is proposing to construct a institutional building for medical/dental students. However, during the site plan review stage, it was determined, a side yard setback is required as the subject site is located next to an Open Space zone. Conforming to the existing required setbacks would preclude constructing a building of the required size on this site.

The UTRCA has been actively involved in the site plan pre-consultation meetings and have no objection to this minor variance application.

This variance should not cause substantial detriment, hazard or annoyance nor detract from the character of nearby properties. The requested application should not have any significant impacts on adjacent properties and is a matter of local consideration.

The proposed minor variance conforms to the City of London Official Plan and Z.-1 Zoning By-law; the minor variance is desirable and minor in nature. The Planning and Development Department recommends the variance be approved.

It should be noted, through the site plan approval process, Parks Planning staff reviewed natural heritage and resolved that a full EIS was not required for this proposal based on the location of the building, parking and driveway.

At its meeting of March 12, 2012, the London Committee of Adjustment REFUSED the application for 140 North Centre Road for the following reasons:

- 1) The requested variance does not meet the general intent and purpose of the Zoning By-law;
- 2) The requested minor variance is not minor in nature.

The University of Western has appealed the decision of the Committee of Adjustment that refused the application. (Appendix 1)The date for the hearing date for this appeal has been scheduled for July 4, 2012. The Planning Division maintains its position on the minor variance application.

PREPARED BY:	SUBMITTED BY:
ALANNA RILEY, MCIP, RPP COMMUNITY PLANNING AND URBAN DESIGN SECTION	JIM YANCHULA, MCIP, RPP MANAGER OF COMMUNITY PLANNING AND URBAN DESIGN SECTION
RECOMMENDED BY:	
JOHN M. FLEMING, MCIP, RPP DIRECTOR, LAND USE PLANNING AND CITY PLANNER	

June 4, 2012
AR/ar