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November 14, 2019

Mark Smith, Business and Zoning Co-ordinator  
Development and Compliance Services Division  
City of London  
300 Dufferin Avenue  
London, ON N6A 4L9

Dear Mr. Smith:

**RE: Minor Variance Application Consultation  
1160 Lismer Lane (Block 6; Draft Plan 39T-16508), London  
Goldfield  
OUR FILE 17334'I'**

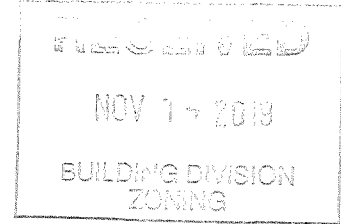
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On behalf of Goldfield, MHBC is submitting a Minor Variance application for the above-referenced property (the Site). The Site fronts the north side of Lismer Lane, and is bounded by David Milne Way to the east and Emily Carr Lane to the west. This parcel measures approximately 6,389 m<sup>2</sup> in area and has approximately 66 m of lot frontage on Lismer Lane. These lands are located within the North Longwoods Residential Neighbourhood of the City's Southwest Planning Area, and are currently vacant.

### Proposal

The enclosed Site Plan prepared by Strik Baldinelli Moniz (SBM) illustrates the development plan designed for the Site. Below is a summary of the major components of the Goldfield proposal:

- Five townhouse blocks (Blocks 'A' to 'E') integrating back-to-back and conventional townhouse configurations providing a total of 40 residential units (equating to a residential density of 63 units/ha). The proposed townhouse blocks range in scale from Block 'C', which accommodates four units and encompasses a building area of approximately 242 m<sup>2</sup>, to Block 'B', which contains 12 units and incorporates approximately 718 m<sup>2</sup> of ground floor area. In total, the development layout encompasses a total building area of approximately 2,387 m<sup>2</sup> and a total landscape area of approximately 2,107 m<sup>2</sup>;
- Outdoor amenity spaces and landscaping elements at prominent locations, with privacy fencing planned along the northern property boundary (interfacing with planned residential development on lands addressed as 3425 Emily Carr Lane);
- An internal driveway arrangement integrating accesses from Lismer Lane and David Milne Way; and



- At-grade parking areas accommodating two spaces per unit, as well as barrier free and visitor parking.

A Site Plan Approval pre-application consultation meeting was held for the proposed cluster townhouse development on August 8, 2019. As set out in the associated 'Record of Site Plan Consultation' a Minor Variance application is be required to address certain components of the proposed development layout (discussed below).

## **Planning Context**

### 1989 Official Plan

Schedule 'A' of the City of London Official Plan (1989) designates the subject lands 'Multi-Family, Medium Density Residential'. Section 3.3.1 of this Official Plan prescribes that the primary permitted uses in this designation include multiple-attached dwellings (e.g., row houses, cluster houses), low-rise apartment buildings, rooming and boarding houses, emergency care facilities, converted dwellings, small-scale nursing homes, rest homes and homes for the aged.

With respect to development scale, Section 3.3.3 of the 1989 Official Plan states that building heights in this designation will normally not exceed four storeys. However, as stated in this Section, "In some instances, height may be permitted to exceed this limit, if determined through a compatibility report as described in Section 3.7.3 to be appropriate subject to a site specific zoning by-law amendment and/or bonus zoning provisions of Section 19.4.4 of this Plan." Subsection ii) prescribes that residential densities in this designation would normally not exceed 75 units/ha, and are limited to a maximum of 100 units/ha. It is further stated that exceptions to this policy are permitted in certain instances, including applications that qualify for density bonusing.

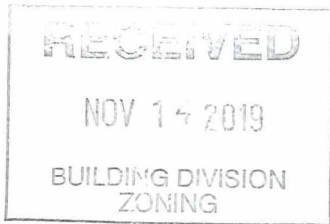
### New Official Plan (The London Plan)

The project site is designated Neighbourhoods on the land use schedule of the City's new Official Plan (Map 1 - Place Types). Several residential forms and secondary uses (e.g., retail/service commercial activities, community facilities, small-scale offices) are permitted in the Neighbourhoods place type; contingent upon the adjacent road network delineated on Map 3 (Street Classifications). With respect to the proposed Draft Plan, the site is bounded by three roads classified as 'Neighbourhood Streets' (i.e., local roads).

Tables 10 and 11 of the new Official Plan (The London Plan) generally specify the land use, intensity and building form permissions in the Neighbourhoods place type. Given the attributes of the subject lands noted above, The London Plan permits these lands to be developed for a limited range of low and medium density residential types (e.g., single detached, semi-detached, duplex dwellings, townhouses). Building heights at this location are limited to 2.5 storeys. There are no residential density restrictions applied to the Neighbourhoods place type.

### Southwest Area Plan

Block 6 is designated 'Medium Density Residential' under the Secondary Plan applying to this site; the Southwest Area Plan (SWAP). The property is also located in the SWAP's North Longwoods Residential Neighbourhood. In this Neighbourhood, the Medium Density Residential allows for those housing types



permitted by the Multi-Family, Medium Density Residential designation of the 1989 Official Plan (including townhouses).

Zoning By-law

Block 6 is zoned 'Residential R5 (R5-7)', with holding provisions, pursuant to the City's Zoning By-law Z-1. Section 9.1 of the Zoning By-law states that the parent R5 Zone provides for and regulates medium density residential development in the form of cluster townhouses. Permitted uses in the standard R5 Zone Variations are limited to cluster townhouse dwellings and cluster stacked townhouse dwellings.

Table 1 below compares the proposed Site Plan with the applicable regulations of the R5-7 Zone Variation (pursuant to Table 9.3 of the Zoning By-law).

**Table 1 – Zoning Comparison (R5-7 Zone Variation)**

Regulation	Required	Proposed
Lot Area (min.)	1,000 m <sup>2</sup>	6,389.2 m <sup>2</sup>
Lot Frontage (min.)	10 m	66.2 m
Front Yard Depth (min.)	6.0 m	<b>4.39 m</b>
Exterior Side Yard Depth (min.)	6.0 m	<b>4.44 m</b>
Interior Side Yard Depth (min.)	6.0 m	n/a
Rear Yard Depth (min.)	6.0	<b>4.51</b>
Landscaped Open Space (min.)	30 %	36.3 %
Lot Coverage (max.)	45.0 %	35.2 %
Height (max.)	12.0 m	< 12.0 m
Density (max.)	60 units/ha (38 units)	<b>63 units/ha (40 units)</b>

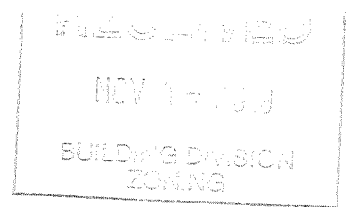
As highlighted on Table 1, the following relief is required to implement the planned development:

- A reduction in the minimum front yard setback from 6.0 m to 4.3 m;
- A reduction in the minimum exterior side yard setback from 6.0 m to 4.4 m;
- A reduction in the minimum rear yard setback from 6.0 m to 4.5 m; and
- An increase in the maximum residential density from 60 units/ha to 63 units/ha.

**Minor Variance Request**

Under the terms of Section 45(1) of the Planning Act, applications for Minor Variance are considered on the basis of four 'tests':

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



The following discussion evaluates the application in relation to the prescribed tests:

1. Is the variance minor?

With respect to the requested density increase, three (3) additional units per hectare are required to accommodate the intended development. It is our opinion that this requested (1) does not appreciably increase the total unit yield on site and (2) does not result in an overdevelopment of lands intended for medium density residential purposes. Rather, in our opinion, the back-to-back and conventional townhouse configurations associated with this project encourages a compact, efficient development pattern. Regarding the requested reductions in building setbacks:

- The proposed front and exterior side yard setbacks position townhouse units in all Blocks closer to the street than standard zoning requirements. Consistent with contemporary urban design principles, the proposed layout supports both compact design and a pedestrian-oriented environment.
- Reduced rear yard setbacks are proposed for Blocks 'A' and 'C', which are situated along the northern property limit of the Site. In our opinion, the proposed setbacks provide an adequate separation distance from single detached residential developments planned immediately north of the Site (3425 Emily Carr Lane). Solid board fencing would be installed along the entire northern property line of the Site in order to provide (1) an appropriate level of privacy for local residents and (2) adequate buffering to minimize potential conflicts between the two development sites.

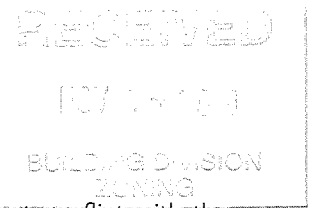
In light of these considerations, it is our opinion that the requested increase in residential density and the requested reduction in front yard, exterior side yard and rear yard setbacks should not generate significant land use conflicts with adjacent properties. It is therefore our opinion that the proposed variances from the R5-7 Zone are minor in nature.

2. Is it desirable for the appropriate development or use of the land, building or structure?

In our opinion, the proposal represents an efficient development form that promotes the intensification of lands: located within the City's Urban Growth Boundary; designated for medium density residential uses; and zoned to permit townhouses. The Site is also suitable for the intended use given its proximity to established and planned residential neighbourhoods, local and regional-scale commercial activities, employment opportunities, public transit, schools, parks, open space, and trail systems. Additionally, the lands benefit from (1) convenient access to the arterial road network and (2) the provision of municipal servicing infrastructure (existing and planned) and public service facilities. Accordingly, and with consideration for other matters discussed in this letter, it is our opinion that the requested variances are desirable to facilitate the appropriate development and use of the land.

3. Is the general intent and purpose of the Official Plan being maintained?

It is our opinion that the requested variances maintain the general intent and land use permissions of the 1989 Official Plan, The London Plan and the SWAP. In this respect, the Site is to be developed for townhouse forms permitted under the applicable residential designation of each Plan. Additionally, pursuant to 20.5.11 of the SWAP, in our opinion the proposed development plan is compatible with the mix of land uses within the North Longwoods Residential Neighbourhood and promotes street-



oriented built form. Further, it is our opinion that the requested variances do not conflict with the SWAP vision for the North Lambeth Residential Neighbourhood (i.e., to promote development reflective of the existing neighbourhood character).

**4. Is the general intent and purpose of the Zoning By-law being maintained?**

The setback regulations prescribed in the Zoning By-law provide for adequate separation and privacy between cluster housing units and adjacent properties. In our opinion, the requested variances from the minimum front yard, exterior side yard and rear yard regulations of the R5-7 Zone maintain the general intent and purpose of the Zoning By-law in light of commentary provided in this letter. As discussed, reduced front and exterior side yard setbacks are proposed for Blocks 'A' and 'C' to position townhouse units closer to the adjacent local streets, thereby promoting a pedestrian orientation and aligning with contemporary design principles. The reduced rear yard setback proposed for these Blocks will be mitigated with provision of a solid board privacy fence planned along the northern perimeter of the Site. Given these considerations, reducing the noted setbacks for these townhouse units should not result in an appreciable loss of separation distance or privacy for neighbouring developments.

Regarding the request for an increase density on the Site, in our opinion, the intent of the 60 units/ha maximum density requirement is to support medium density development that is compatible with neighbouring development and avoids overdevelopment of project sites. As noted in Table 1, a total of 38 units are permitted on the Site based on a 60 units/ha maximum requirement. In our opinion, the proposed 40-unit layout would have a minimal impact on both the compatibility of this development with neighbouring uses and the overall intensity of this townhouse cluster. Further, the proposed density (63 units/ha) does not exceed the normal maximum density set out for the Multi-Family, Medium Density Residential designation of the 1989 Official Plan (75 units/ha). Accordingly, it is our opinion that the requested density variance maintains the intent of the Zoning By-law.

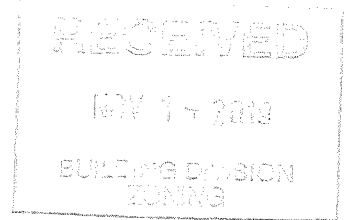
Given the foregoing, it is our opinion that the requested relief is minor in nature, desirable for the appropriate development of the subject lands and is in keeping with the purpose and intent of both the Official Plan and the Zoning By-law.

**Enclosed Material**

In support of this application, please find enclosed the following:

- Two (2) copies of the Minor Variance application (including a draft Zoning Referral Record and the Preliminary Site Plan);
- A cheque for the Minor Variance application fee; and
- A digital copy of the submission material.

Please note that the draft Zoning Referral Record was previously submitted to the Development Services Division for review. We understand that this draft Record is being reviewed by Dan FitzGerald, Site Development Planner.



We look forward to working with staff on the review of this application. Should you have any questions pertaining to our submission, please do not hesitate to contact the undersigned.

Yours truly,

**MHBC**

A handwritten signature in cursive script that reads "Scott Allen".

Scott Allen, MA, RPP  
Partner

cc. *Mohamed Abuhajar; Incon  
Kyle Kane, Nelson Guiot; SBM*