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A. 125/12  
Alanna Riley

<b>FROM:</b>	<b>GEORGE KOTSIFAS P.ENG. MANAGING DIRECTOR, DEVELOPMENT &amp; COMPLIANCE SERVICES &amp; CHIEF BUILDING OFFICIAL</b>
<b>SUBJECT:</b>	<b>OMB APPEAL 138 JOHN STREET MEETING ON JUNE 18, 2013</b>

<b>RECOMMENDATION</b>
-----------------------

That, on the recommendation of the Senior Planner, Development Services in response to the letter of appeal to the Ontario Municipal Board, dated February 4, 2013 and submitted by Anna Maria Valastro relating to the minor variance application at 138 John Street, the City Solicitor and Managing Director, Development & Compliance Services & Chief Building Official **BE DIRECTED** to provide legal and planning representation at the Ontario Municipal Board hearing to support the Committee of Adjustment's decision on the following basis:

- a) The existing dwelling unit will maintain only five bedrooms maximum under Section 45(2) of the Planning Act; and
- b) The proposed second storey addition will only have a maximum of three bedrooms, as per the Council adopted Near Campus Neighbourhood Area By-law.

<b>BACKGROUND</b>
-------------------

In November the owner of 138 John Street applied to the Committee of Adjustment to construct a second storey addition, a second storey deck, and convert a single detached dwelling into a converted dwelling with two units.

The variances required for this development included:

1. To extend a legal non-conforming building by constructing a second storey addition with an east interior side yard setback of 2.8m(9.1') and a west interior side yard setback of 0.5m(1.6'); and
2. To construct a second storey deck encroaching into a required yard with a west interior side yard setback of 0.3m(0.9') whereas 1.8m(5.9') is required.

Planning and Development Services Staff provided comments to the Committee of Adjustment on December 10, 2012. The staff comments are attached to this report (Appendix A).

On January 14, 2013 the City of London Committee of Adjustment approved the minor variance application by Sarah Segal and Peter McFarlene with conditions.

On February 4, 2013, Anna Maria Valastra, the owner of 133 John Street submitted an appeal (attached Appendix B) to the Ontario Municipal Board opposing the Committee of Adjustments decision approving the variance (attached Appendix C).

The basis of the appeal is:

1. *The decision to grant the minor variances requested by the property owners of 138 John Street went forward without public notice;*

**Staff Response:** A notice of application was circulated to all property owners within 60 metres of the subject site on November 23, 2012. On December 10, 2012 a public hearing was held and the meeting was adjourned until January 14, 2013. The Committee of Adjustment made a decision to approve the

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minor variance application with conditions on January 14, 2013.

2. *The variance was approved without a community meeting- a requirement to move the variances forward;*

Staff Response: At the Committee of Adjustment hearing on January 14, 2013, the agent and applicant indicated that they made two attempts to establish a neighbourhood meeting but were unsuccessful and the Committee of Adjustment did not require further community input.

3. *The intensification of the property is inappropriate given the size of the house, the intensification of the house to date, and the over intensification of the neighbourhood to date; and*

Staff Response: The proposed application was reviewed by staff under the four tests of a minor variance in Section 45(1) and legal non-conforming in Section 45(2) of the Planning Act and staff concluded the minor variance and request for extension to a legal non-conforming use were appropriate. (Please see staff comments under Appendix 'A').

4. *The property is poorly managed and derelict.*

Staff Response: This is not a criteria reviewed under this application.

The appeal to this Minor Variance is scheduled to be heard by the Ontario Municipal Board on July 10, 2013.

#### Near Campus Neighbourhood

In July 2012, Council approved amendments to the Zoning By-law to address intensification issues within an area identified as the Near Campus Neighbourhood Area. This neighbourhood is generally bounded by Fanshawe Park Road/Thames River(North Branch)/Kilally Road to the north; Aldersbrook Road/Wonderland Road to the west; the Thames River(South Branch)/Dundas Street to the south; and Clarke Road to the east. The property at 138 John Street is located within the near Campus Neighbourhood Area. The Near Campus Neighbourhood Area By-law amendments restrict the number of bedrooms to three (3) within each converted dwelling. At the time this minor variance application was submitted, the by-law associated with the Near Campus Neighbourhood was under appeal to the Ontario Municipal Board (the hearing scheduled for June 10, 2013).

The Committee of Adjustment in its decision on this application noted that the subject lands may be converted from a single detached dwelling to a converted dwelling with two units. Staff commented on the requested application (which dealt with the extension of a Legal non-conforming use and associated setbacks) but also provided the Committee with feedback on the appropriateness of the number of bedrooms which the applicant was proposing (see attached Planning comments). At the Committee of Adjustment hearing, the Committee included a condition in their decision to restrict the number of bedrooms for the entire building to a maximum of 8. It should be noted that the building currently contains 5 bedrooms and as such is legal under the current by-law and would have legal non-conforming status under the Near Campus Neighbourhood Area By-law. The proposed additional unit is only permitted to have 3 bedrooms under this by-law.

At the time the Committee Adjustment application was submitted, staff reviewed the application against the current by-law in effect - not the Near Campus Neighbourhood Area By-law which was at the time under appeal. Our basis for reviewing it under the current by-law stems from the Planning Act (Section 34(30)) which states:

“If one or more appeals have been filed under subsection (19), the by-law does not

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come into force until all such appeals have been withdrawn or finally disposed of, whereupon the by-law, except for those parts of it repealed or amended under subsection (26) or as are repealed or amended by the Lieutenant Governor in Council under subsection (29.1), shall be deemed to have come into force on the day it was passed.”

The Chief Building Official, however, has been advised that if the Board dismisses the appeal, the Near Campus Neighbourhood Area By-law reverts back to the Council approved date (ie July 2012) and as a result he may not be in a position to issue building permits for more than three(3) bedrooms per unit for properties which are subject to this By-law.

As of the time of writing this report, no decision has been made on the status of the Near Campus Neighbourhood Area By-law. It is staffs position that, in this instance, that Council support the Committee of Adjustments decision on this matter on the following basis:

- a) The existing dwelling unit will maintain only five bedrooms maximum under Section 45(2) of the Planning Act; and
- b) The proposed second storey addition will only have a maximum of three bedrooms, as per the policies Council adopted By-law relating to the Near Campus Neighbourhood Area Study.

Development Services recommend that staff attend the hearing with Legal representation to provide planning evidence to the Board on this matter.

<b>PREPARED AND RECOMMENDED BY:</b>	<b>REVIEWED BY:</b>
<b>ALANNA RILEY, MCIP, RPP SENIOR PLANNER DEVELOPMENT SERVICES</b>	<b>ALLISTER MACLEAN MANAGER DEVELOPMENT PLANNING</b>
<b>REVIEWED BY:</b>	<b>SUBMITTED BY:</b>
<b>TERRY GRAWAY, MCIP, RPP MANAGER DEVELOPMENT SERVICES AND PLANNING LIAISON</b>	<b>GEORGE KOTSIFAS P.ENG. MANAGING DIRECTOR, DEVELOPMENT &amp; COMPLIANCE SERVICES &amp; CHIEF BUILDING OFFICIAL</b>

AR/ar  
“Attach”

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**Appendix "A"**

<b>FROM:</b>	<b>DEVELOPMENT SERVICES</b>
<b>SUBJECT:</b>	<b>APPLICATION BY: SARAH SEGAL AND PETER MCFARLENE 138 JOHN STREET PUBLIC PARTICIPATION MEETING ON DECEMBER 10, 2012 @ 1:20 PM</b>

**REQUESTED VARIANCES**

1. To extend a legal non-conforming building by constructing a second storey addition with an east interior side yard setback of 2.8m (9.1') and a west interior side yard setback of 0.5m (1.6'); and
2. To construct a second storey deck encroaching into a required yard with a west interior side yard setback of 0.3m (0.9') whereas 1.8m (5.9') is required.

**PURPOSE OF VARIANCES**

To construct a second storey addition, a second storey deck and convert a single detached dwelling into a converted dwelling with two units.



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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 Multi-Family Medium Density Residential/Talbot Mixed-Use Area which multiple-attached dwellings, such as row houses or cluster houses; low-rise apartment buildings; rooming and boarding houses; emergency care facilities; converted dwellings; and small-scale nursing homes, rest homes and homes for the aged at a density of up to 75 units per hectare. These areas may also be developed for single-detached, semi-detached and duplex dwellings.

The Talbot Mixed-Use Area specific policy states that the scale and form of any redevelopment shall not adversely impact the amenities and character of the surrounding area.

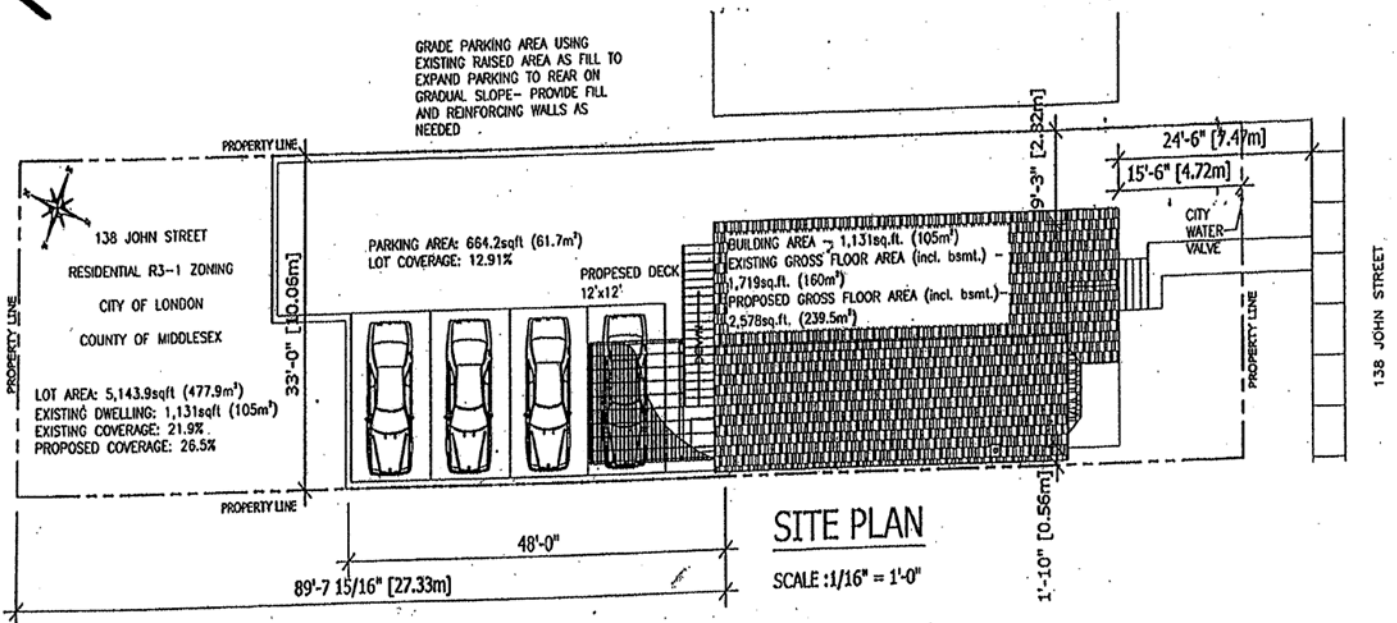
**Zoning**

The lands are zoned Residential R3 (R3-1) which permits the use.

**Analysis**

The applicant proposing to construct a second storey addition.

A.1



**Analysis**

A single detached dwelling exists on the property with an east interior side yard setback of 2.8m (9.1') and a west interior side yard setback of 0.5m (1.6'). The applicant proposes to construct a second storey above the existing dwelling to create a duplex and a second storey deck for access.

Section 4.27 of Zoning By-law Z.-1 permits eaves, gutters and non-architectural features to encroach into all yards 0.5m maximum. Sufficient setbacks are needed to be provided to address footings, eaves, gutters or other non-structural architectural features and typically Development Services prefers a minimum interior side yard setback of 0.6m (1.9') to maintain all encroachments wholly on the lot. The structure exists on the property with a 0.5m west interior side yard setback.

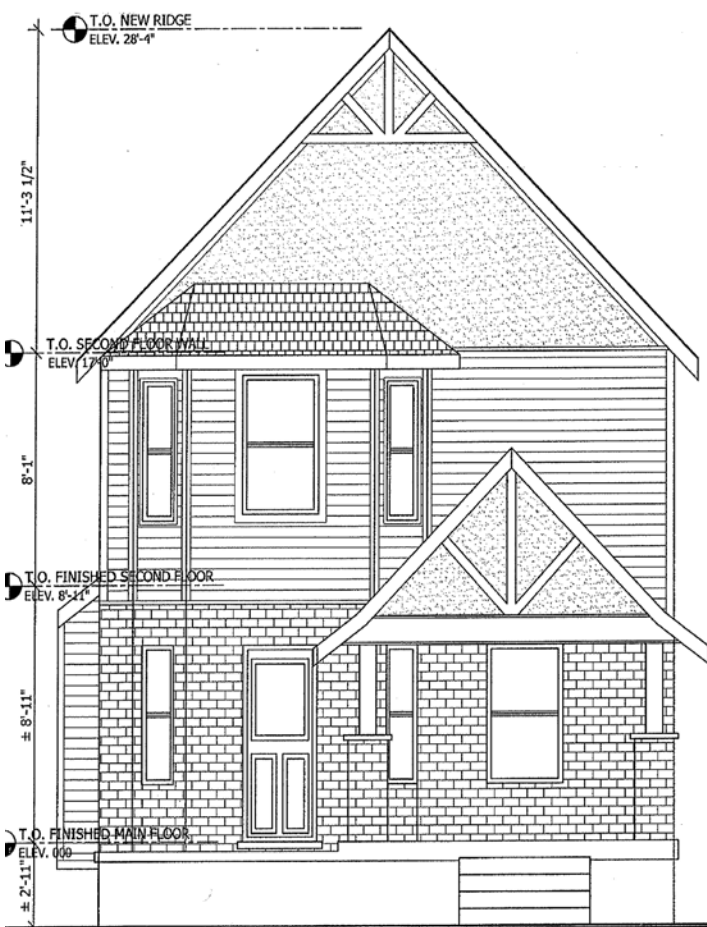
Section 7.2.3 of Zoning By-law Z.-1 requires one side of a dwelling to be 3.0 metres (9.8 feet) where no private garage is attached to the dwelling. The structure exists with a 2.8m east interior side yard setback with a driveway that leads to parking in the rear.

**Conclusion**

The applicant has submitted floor plans showing one single detached dwelling with a proposed second storey to create another unit and a second floor deck (see attached elevation and floor plans). The requested variance is minor in nature and is consistent with the intent of the Official Plan and Zoning By-law. Reduced interior side yard setbacks are not uncommon in this area. The requested application should not have any significant impacts on the character and amenity of the adjacent properties and is a matter of local consideration.

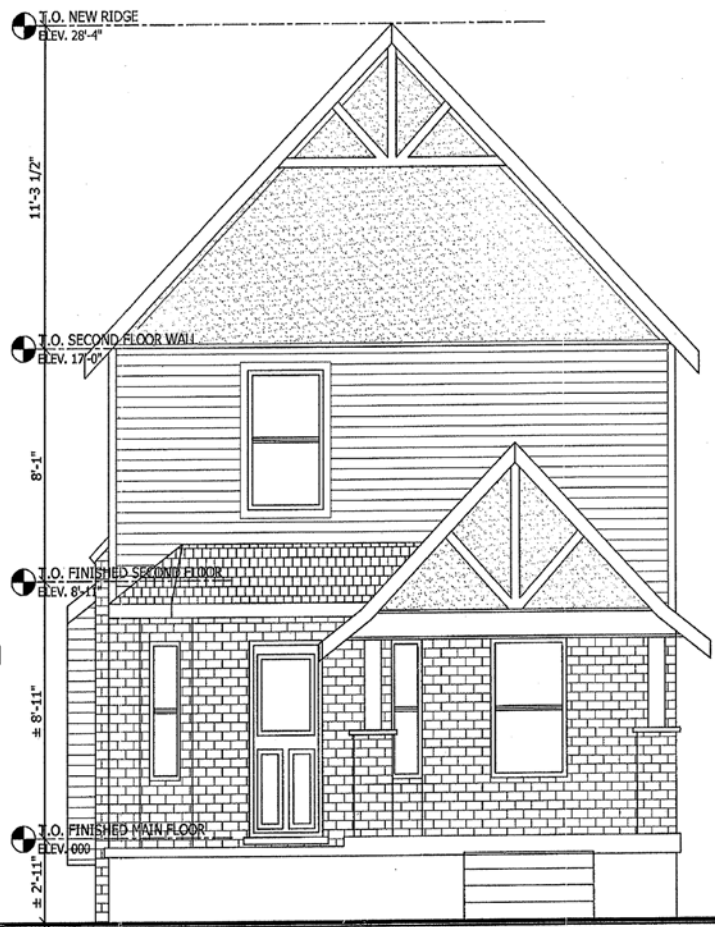
Development Services does not oppose the minor variance provided that:

1. New elevations are submitted indicating a structure which is compatible with adjacent properties in form, roof pitches, cladding, materials and proportions of window/door openings, to the satisfaction of the Manager of Urban Design (Please see attached Urban Design comments);
2. No eave, gutter, footing or architectural feature encroach onto the abutting property; and
3. No more than nine bedrooms in total for the proposed duplex dwelling.



PROPOSED FRONT ELEVATION (option 1)

SCALE : 1/4" = 1'-0"

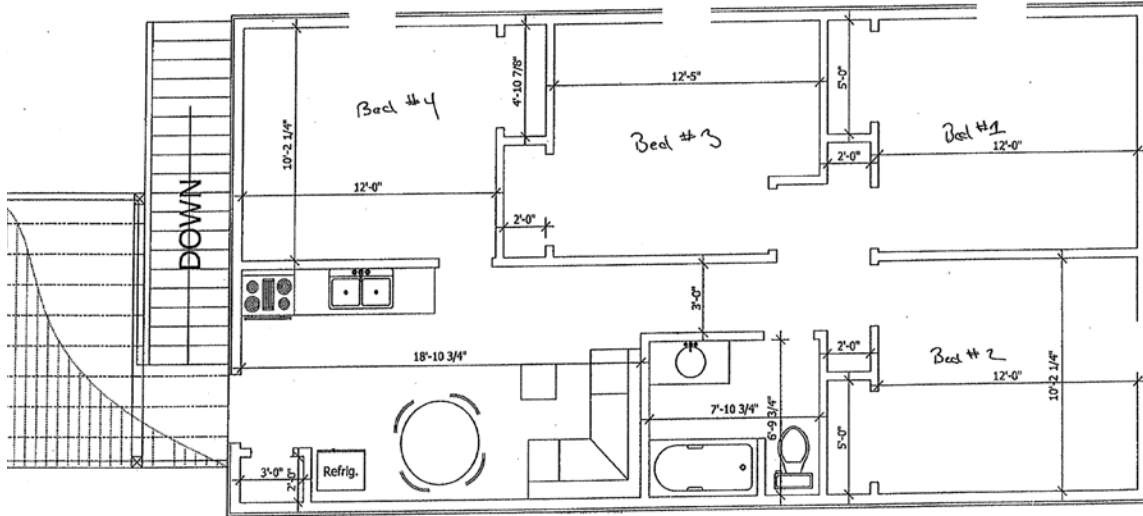


PROPOSED FRONT ELEVATION (option 2)

SCALE : 1/4" = 1'-0"

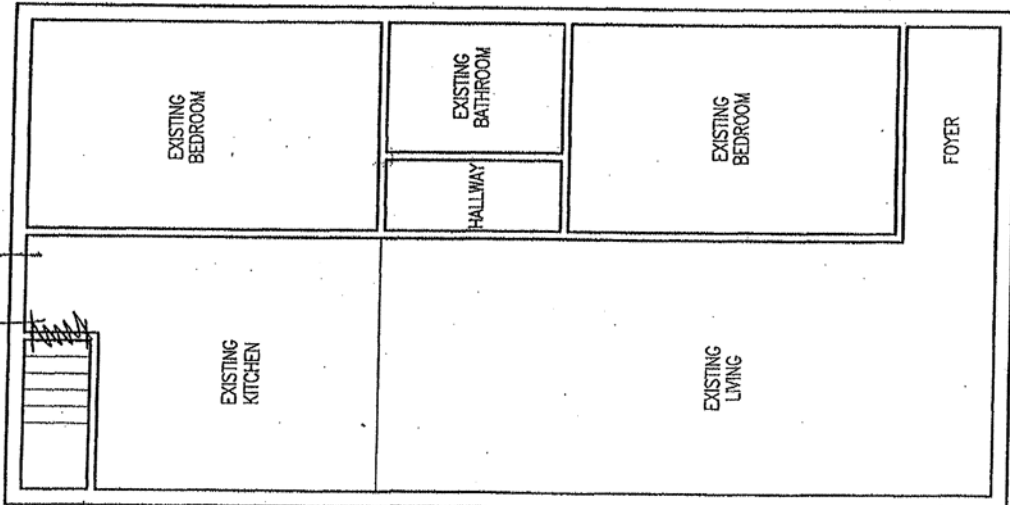
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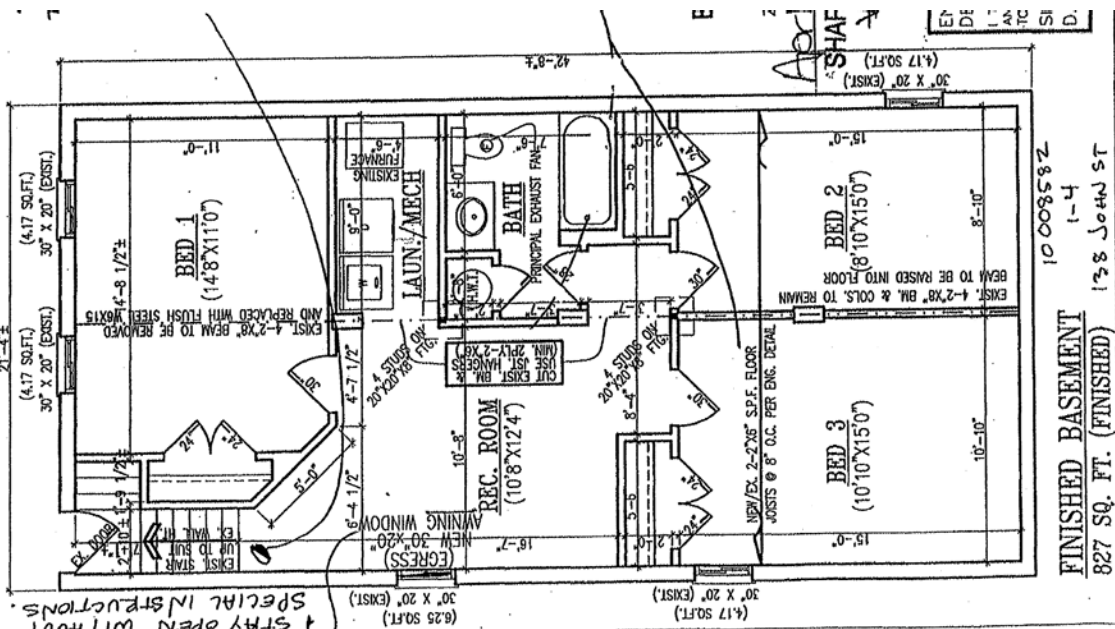


PROPOSED SECOND FLOOR PLAN

SCALE: 1/4" = 1'-0"



EXISTING MAIN FLOOR  
EXISTING ONE STOREY 2 BEDROOM HOUSE



FINISHED BASEMENT  
827 SQ. FT. (FINISHED)

10008582

1-4

138 South St

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## Memo

To: Alanna Riley  
Senior Planner

From: Kerri Killen  
Urban Design Technician

Cc: Sean Galloway, Manager, Urban Design  
Community Planning & Design

Date: November 30, 2012

RE: 138 John Street

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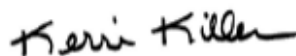
Alanna,

Urban design staff have reviewed the proposed concept for the above mentioned property and provide the following comments:

- Consistent with the neighbourhood character, consider constructing the second-storey addition with brick matching that of the existing building. While brick is the preferred material, Hardie Board may also be considered; vinyl siding is discouraged.
- If the internal layout of the first floor is being altered, consider locating the principal entrance under the porch in line with the porch stairs.

Please advise if you have any questions.

Sincerely,



Kerri Killen  
Urban Design Technician

KK



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### Appendix "B" Appeal



Environment and Land Tribunals Ontario  
**Ontario Municipal Board**  
655 Bay Street, Suite 1500 Toronto, Ontario M5G 1E5  
TEL: (416) 212-6349 or Toll Free: 1-866-448-2248  
FAX: (416) 326-5370  
www.elto.gov.on.ca

**APPELLANT FORM (A1)  
PLANNING ACT**

**SUBMIT COMPLETED FORM  
TO MUNICIPALITY/APPROVAL AUTHORITY**

Date Stamp - Appeal Received by Municipality

Receipt Number (OMB Office Use Only)

**Part 1: Appeal Type (Please check only one box)**

SUBJECT OF APPEAL	TYPE OF APPEAL	PLANNING ACT REFERENCE (SECTION)
Minor Variance	<input checked="" type="checkbox"/> Appeal a decision	45(12)
Consent/Severance	<input type="checkbox"/> Appeal a decision	53(19)
	<input type="checkbox"/> Appeal conditions imposed	
	<input type="checkbox"/> Appeal changed conditions	53(27)
	<input type="checkbox"/> Failed to make a decision on the application within 90 days	53(14)
Zoning By-law or Zoning By-law Amendment	<input type="checkbox"/> Appeal the passing of a Zoning By-law	34(19)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – failed to make a decision on the application within 120 days	34(11)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – refused by the municipality	
Interim Control By-law	<input type="checkbox"/> Appeal the passing of an Interim Control By-law	38(4)
Official Plan or Official Plan Amendment	<input type="checkbox"/> Appeal a decision	17(24) or 17(36)
	<input type="checkbox"/> Failed to make a decision on the plan within 180 days	17(40)
	<input type="checkbox"/> Application for an amendment to the Official Plan – failed to make a decision on the application within 180 days	22(7)
	<input type="checkbox"/> Application for an amendment to the Official Plan – refused by the municipality	
Plan of Subdivision	<input type="checkbox"/> Appeal a decision	51(39)
	<input type="checkbox"/> Appeal conditions imposed	51(43) or 51(48)
	<input type="checkbox"/> Failed to make a decision on the application within 180 days	51(34)

**Part 2: Location Information**

138 JOHN ST. PT LOT 12 REG PLAN 183  
Address and/or Legal Description of property subject to the appeal:

Municipality/Upper tier: LONDON, ONTARIO

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**Part 3: Appellant Information**

First Name: ANNAMARIA Last Name: VALASTRO

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)

Professional Title (if applicable): \_\_\_\_\_

E-mail Address: \_\_\_\_\_

By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: \_\_\_\_\_ Alternate Telephone #: \_\_\_\_\_

Fax #: \_\_\_\_\_

Mailing Address: 133 JOHN ST. APT 1 LONDON  
Street Address Apt/Suite/Unit# City/Town

ON USA N6A 1K7  
Province Country (if not Canada) Postal Code

Signature of Appellant: [Signature] Date: FEB. 3 2013  
(Signature not required if the appeal is submitted by a law office.)

**Please note: You must notify the Ontario Municipal Board of any change of address or telephone number in writing. Please quote your OMB Reference Number(s) after they have been assigned.**

Personal information requested on this form is collected under the provisions of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, and the *Ontario Municipal Board Act*, R.S.O. 1990, c. O. 28 as amended. After an appeal is filed, all information relating to this appeal may become available to the public.

**Part 4: Representative Information (if applicable)**

I hereby authorize the named company and/or individual(s) to represent me:

First Name: \_\_\_\_\_ Last Name: \_\_\_\_\_

Company Name: \_\_\_\_\_

Professional Title: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: \_\_\_\_\_ Alternate Telephone #: \_\_\_\_\_

Fax #: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
Street Address Apt/Suite/Unit# City/Town

\_\_\_\_\_  
Province Country (if not Canada) Postal Code

Signature of Appellant: \_\_\_\_\_ Date: \_\_\_\_\_

**Please note: If you are representing the appellant and are NOT a solicitor, please confirm that you have written authorization, as required by the Board's Rules of Practice and Procedure, to act on behalf of the appellant. Please confirm this by checking the box below.**

I certify that I have written authorization from the appellant to act as a representative with respect to this appeal on his or her behalf and I understand that I may be asked to produce this authorization at any time.

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**Part 5: Language and Accessibility**

Please choose preferred language:  English  French

We are committed to providing services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our Accessibility Coordinator as soon as possible.

**Part 6: Appeal Specific Information**

1. Provide specific information about what you are appealing. For example: Municipal File Number(s), By-law Number(s), Official Plan Number(s) or Subdivision Number(s):

(Please print)

SECTION 45 AND 45(2)(a)(i) OF THE  
PLANNING ACT

2. Outline the nature of your appeal and the reasons for your appeal. Be specific and provide land-use planning reasons (for example: the specific provisions, sections and/or policies of the Official Plan or By-law which are the subject of your appeal - if applicable). \*\*If more space is required, please continue in Part 9 or attach a separate page.

(Please print)

OFFICIAL PLAN: MULTI-FAMILY, MEDIUM DENSITY  
RESIDENTIAL \*PLEASE SEE  
ZONING: RESIDENTIAL (R3-1) ATTACHED SUPPORTING  
MATERIALS\*

**THE FOLLOWING SECTIONS (a&b) APPLY ONLY TO APPEALS OF ZONING BY-LAW AMENDMENTS UNDER SECTION 34(11) OF THE PLANNING ACT.**

a) DATE APPLICATION SUBMITTED TO MUNICIPALITY: FEB 4 2013  
(If application submitted before January 1, 2007 please use the O1 'pre-Bill 51' form.)

b) Provide a brief explanatory note regarding the proposal, which includes the existing zoning category, desired zoning category, the purpose of the desired zoning by-law change, and a description of the lands under appeal:  
\*\*If more space is required, please continue in Part 9 or attach a separate page.

~~OVER-SATISFACTION OF EXISTING ZONING~~

**Part 7: Related Matters (if known)**

Are there other appeals not yet filed with the Municipality? YES  NO

Are there other planning matters related to this appeal? YES  NO   
(For example: A consent application connected to a variance application)

If yes, please provide OMB Reference Number(s) and/or Municipal File Number(s) in the box below:

(Please print)

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**Part 8: Scheduling Information**

How many days do you estimate are needed for hearing this appeal?  half day  1 day  2 days  3 days  
 4 days  1 week  More than 1 week – please specify number of days: \_\_\_\_\_

How many expert witnesses and other witnesses do you expect to have at the hearing providing evidence/testimony?  
one

Describe expert witness(es) area of expertise (For example: land use planner, architect, engineer, etc.):  
resident

Do you believe this matter would benefit from mediation? YES  NO   
*(Mediation is generally scheduled only when all parties agree to participate)*

Do you believe this matter would benefit from a prehearing conference? YES  NO   
*(Prehearing conferences are generally not scheduled for variances or consents)*

If yes, why? \_\_\_\_\_

**Part 9: Other Applicable Information \*\*Attach a separate page if more space is required.**

<u>Please see attached</u>
<u>supporting materials</u>

**Part 10: Required Fee**

Total Fee Submitted: \$ 125

Payment Method:  Certified cheque  Money Order  Solicitor's general or trust account cheque

- The payment must be in Canadian funds, payable to the Minister of Finance.
- Do not send cash.
- PLEASE ATTACH THE CERTIFIED CHEQUE/MONEY ORDER TO THE FRONT OF THIS FORM.

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February 4, 2013

Environment and Land Tribunals Ontario

Ontario Municipal Board

**RE: Minor Variance Submission No. A.125/12 City of London, Ontario**

This decision by the City of London Committee of Adjustments is being appealed for four reasons:

1. The decision to grant the minor variances requested by the property owners of 138 John Street went forward without public notice;
2. Without a community meeting – a requirement to move the variances forward;
3. The intensification of this property is inappropriate given the size of the house, the intensification of the house to date, and the over-intensification of the neighbourhood to date, and;
4. The property is poorly managed and derelict.

This minor variance was first brought forward to the London Committee of Adjustments on December 10, 2012.

I attended this meeting. I also wrote to the committee with my comments. Please find attached my original comments and those of my tenant, Casaaondra Skinner. It is my understanding that the Committee of Adjustments received five written comments objecting to the minor variances.

The property owners did not attend the meeting. Their property manager attended on their behalf. The property manager was not in a position to respond to the concerns raised by area residents or the committee, and therefore a motion was adopted that required the applicant to meet with the community to resolve outstanding issues with a more detailed site plan.

If the applicant was able to produce a more detailed site plan and meet with area residents, they could reapply to the Committee of Adjustments on January 14, 2013.

The site planner for the city, Alanna Riley offered to organize the community meeting.

This community meeting never happened, and the city never informed area residents that the applicant was reapplying for the minor variances at the January 14, 2013 meeting of the Committee of Adjustments.

The City failed to contact the community to resolve outstanding issues and failed to post/announce the application for the January 14, 2013 Committee of Adjustments meeting on the City's website or contact the neighbours directly. Attached is a copy of the Public Notices – Minor Variances section from the City's website from January 10, 2013.

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The lack of private space is the root cause of much of the bitter confrontations that occurs between the renters of this particular house and the neighbours. The space in the house is so tight that any activity that cannot be contained in each individual's bedroom or common area spills out onto the sidewalk. It is often loud and obnoxious and frays on the nerves of nearby residents.

I call the police almost immediately if the activity becomes chronic, and these individuals have the added problem of dealing with police. There is a direct link, in my opinion, between poor overcrowded housing and street disturbances.

While I do agree that the Committee of Adjustments did consider many of our concerns in their conditions for approval, they never considered rejecting this application outright. It was clear from the December 10, 2012 meeting that the committee only needed to find some sort of compromise between the applicant and the residents to approve this application.

But these sorts of applications are killing this neighbourhood because they are manipulative, not only to those individuals looking for affordable housing, but also to the historic housing stock of the area. Please find attached photos of the back lots of neighbouring houses all owned by investments companies that take no interest in the neighbourhood or the people that live here.

This property is a dump. It is one of the worst managed properties in the neighbourhood and there are many. The student fraternity next door is better managed than the privately owned property at 138 John Street. As I write this application there is a pile of garage sitting on the curb and it is not garage pick-up day. I get tired of calling bylaw officers and picking up their garage. I live immediately across the street.

I don't know why such slumlords are given an opportunity to expand a commercial business when their current business is run so poorly. Let's remember that the request for minor variances is to expand a commercial business and not necessarily to provide affordable housing, as these sorts of rental units are neither affordable or desirable - the evidence being the sea of 'for rent signs' at any given time of the year in this neighbourhood. This was not a consideration in the decision of the committee. Attached to this letter are photographs of the front and back of the house taken in December 2012.

I am asking the Board to reconsider this application as this neighbourhood has experienced more of its fair share of haphazard and unorganized over-intensification.

If this application goes forward than I am asking the Board to order that the parking of the property in question is placed close to house and not along the back fence. I support limiting parking to two spaces but placing the parking at the back of the lot will remove the existing green space, and this will limit private space for the tenants and destroy green space in the neighbourhood.

I also support creating a barrier between the parking area and the backyard to protect green space from unauthorized parking and maintain the quality of green space of neighbouring yards.

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I am also asking that the Board order the owners to provide a decent green space for their tenants and neighbours.

I am also asking that the number of bedrooms be limited to two in the second unit and that the entire house as well as site plans pass a fire inspection.

I am also asking that the building materials used be brick and that the historic quality of the neighbourhood be maintained in the design.

Sincerely,

AnnaMaria Valastro



133 John Street, Apt. 1

London, Ontario N6A 1N7

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## Appendix "C" Decision



300 Dufferin Avenue  
P.O. Box 5035  
London, ON  
N6A 4L9

**London**  
CANADA

### NOTICE OF DECISION LONDON COMMITTEE OF ADJUSTMENT SUBMISSION NO.: A.125/12

January 14, 2013

**OWNER:**  
Sarah Segal and Peter McFarlane  
115 Cottingham Street  
TORONTO ON M4V 1B9

**AGENT:**  
Chris Layton  
1641 Kathryn Drive  
LONDON ON N6G 2R7

**WARD 13**

**LOCATION:**

138 John Street, Pt Lot 12 Reg Plan 183, on the north side of John Street, east of Talbot Street.

At its meeting on January 14, 2013, the London Committee of Adjustment **GRANTED** the requested Minor Variance **SUBJECT** to the following **CONDITIONS**:

1. That new elevations are submitted indicating a structure which is compatible with adjacent properties in form, roof pitches, cladding, materials and proportions of window/door openings, to the satisfaction of the Manager of Urban Design (Please see attached Urban Design comments);
2. That no eave, gutter, footing or architectural feature encroach onto the abutting property;
3. That no more than eight bedrooms in total for the proposed duplex dwelling;
4. That consistent with the neighbourhood character, consider constructing the second-storey addition with brick matching that of the existing building. While brick is the preferred material, Hardie Board may also be considered, vinyl siding is discouraged;
5. That if the internal layout of the first floor is being altered, consider locating the principal entrance under the porch in line with the porch stairs;
6. That the applicant's professional engineer, provide a Site Servicing and Lot Grading Plan of the subject lands showing among other the proposed parking area, municipal services (water, sanitary and storm) lot grading, storm water management, retaining walls, overland flow route etc, all to the specifications, review and acceptance of the Development Services Department and prior to Building Permit application;
7. That the applicant's professional engineer provide written confirmation that the existing water is sufficient in size for the proposed two units. Should the applicant want individual water meters for the two units, a second service must be constructed with the water meter in a meter pit outside the existing structure; and
8. That a building permit is required. For exterior walls less than 0.6 metres from the property line, said walls are to have a 1 hour fire resistance rating with non-combustible construction and non-combustible cladding and shall conform to Div. B- 9.10.14 of the Ontario Building Code (OBC). No glazed areas (windows or doors) are permitted. The above shall be submitted to the satisfaction of the Manager, Plans Examination - 7<sup>th</sup> floor City Hall.
9. That parking spaces are restricted to the north end of the rear yard to two parking spaces and that the rear lot line has a board on board fence.
10. That the deck shall not be larger than 4.1m<sup>2</sup> (44.1').

**PURPOSE:** To construct a second storey addition, a second storey deck and convert a single detached dwelling into a converted dwelling with two units.

**VARIANCES REQUESTED:**

1. To extend a legal non-conforming building by constructing a second storey addition with an east interior side yard setback of 2.8m (9.1') and a west interior side yard setback of 0.5m (1.6'); and
2. To construct a second storey deck encroaching into a required yard with a west interior side yard setback of 0.3m (0.9') whereas 1.8m (5.9') is required.

**REASON:** In all the circumstances, the Committee is of the opinion that the variance requested is minor and is desirable for the appropriate development of the land and is in keeping with the general intent and purpose of the By-law and Official Plan.



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Alanna Riley