

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee  
**From:** Scott Mathers MPA, P. Eng.,  
Deputy City Manager, Planning and Economic Development  
**Subject:** Alma Village Inc.  
338 Boler Road  
**Date:** November 28, 2022

## Recommendation

That, on the recommendation of the Acting Director, Planning and Development, the following actions be taken with respect to the application of Alma Village Inc. relating to the property located at 338 Boler Road:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting December 13, 2022 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** a Residential R2 (R2-1) Zone, **TO** a Residential R3 Special Provision (R3-1( )) Zone;
- (b) The Site Plan Approval Authority **BE REQUESTED** to consider the following through the stie plan process:
  - i) Board-on-board fencing along the east and south property boundaries that exceed the standards of the Site Plan Control By-law and do not negatively impact any grading, on-site stormwater management or any existing landscaping.

## Executive Summary

### Summary of Request

The owner has requested to rezone the subject site to a Residential R3 Special Provision (R3-1( )) Zone to facilitate a 2-storey fourplex.

### Purpose and the Effect of Recommended Action

The purpose and effect of the recommend action is to permit the development of a fourplex dwelling on site. Requested special provisions include a minimum front yard depth of 1.2 metres; and a minimum rear yard parking area setback of 1.5 metres; and a minimum interior yard parking setback of 1.5 metres.

### Rationale of Recommended Action

1. The recommended amendment is consistent with the Provincial Policy Statement, 2020;
2. The recommended amendment conforms to the policies of the 1989 Official Plan, including but not limited to the Low-Density Residential Designation policies;
3. The recommended amendment conforms to the in-force policies of The London Plan, including but not limited to the Key Directions; and
4. The recommended amendment facilitates the development of a site within the Built-Area Boundary with an appropriate form of infill development.

## Linkage to the Corporate Strategic Plan

Building a Sustainable City – London's growth and development is well planned and sustainable over the long term.

## Climate Emergency

On April 23, 2019, Council declared a Climate Emergency. Through this declaration the City is committed to reducing and mitigating climate change by encouraging intensification and growth at appropriate locations. This includes efficient use of existing urban lands and infrastructure. It also includes aligning land use planning with transportation planning to facilitate transit-supportive developments and encourage active transportation.

## Analysis

### 1.0 Background Information

#### 1.1 Previous Reports Related to this Matter

None.

#### 1.2 Planning History

None.

#### 1.3 Property Description

The subject lands are located on the east side of Boler Road, north of Glenrose Drive and south of Commissioner Road East. The site is currently vacant and based on City records, previously contained a single detached dwelling. The site has a frontage of approximately 20 metres and a lot area of approximately 887 square metres. Uses surrounding the lands include a large format retail/commercial plaza to the north, small scale commercial uses (within existing dwellings) to the south and low to medium density residential uses to the east and west.

The site has frontage along Boler Road which is classified as a Civic Boulevard as per Map 3 – Street Classifications of The London Plan.



Figure 1: 338 Boler Road, facing east (Google Images)

#### 1.4 Current Planning Information (see more detail in Appendix D)

- Official Plan Designation – Low Density Residential
- The London Plan Place Type – Neighbourhoods Place Type fronting a Civic Boulevard (Boler Road)
- Existing Zoning – Residential R2 (R2-1) Zone

### **1.5 Site Characteristics**

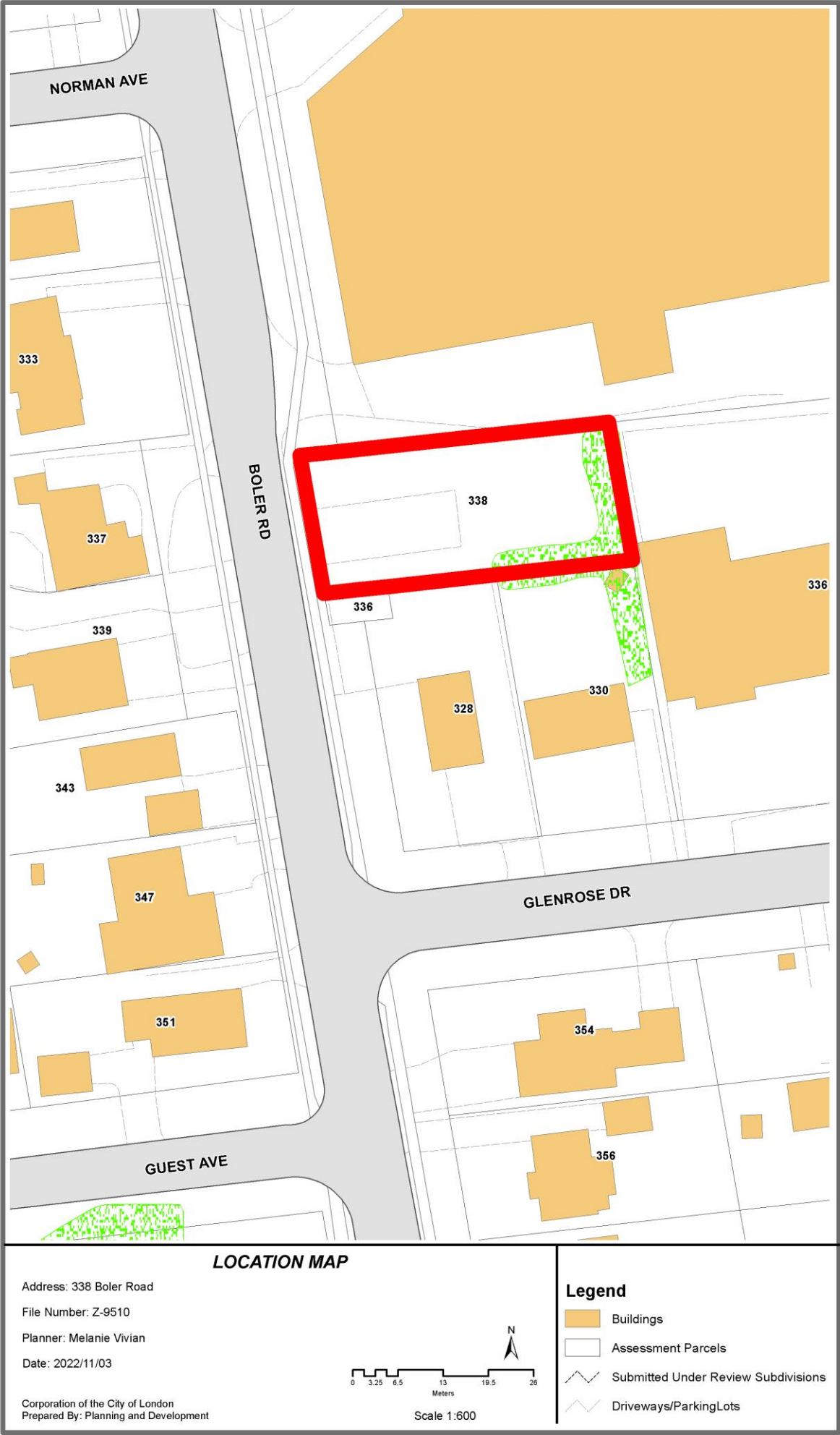
- Current Land Use – Vacant
- Frontage – 20.11 metres (66 feet)
- Depth – 44.2 metres (145 feet)
- Area – 887.2 square metres (2,260 square feet)
- Shape – Rectangular

### **1.6 Surrounding Land Uses**

- North – Retail/Commercial
- East – Neighbourhood Facility (Church) and Residential
- South – Commercial and Residential
- West – Residential

### **1.5 Intensification (identify proposed number of units)**

- The proposed fourplex represents residential intensification within the Built-Area boundary
- The proposed development is outside of the Primary Transit Area



2.0 Discussions and Considerations

2.1 Development Proposal

The proposed development consists of a fourplex dwelling on a vacant lot with frontage along Boler Road. The fourplex is proposed to be 2-storeys at approximately 7.5 metres in height with entrances at grade for each of the four (4) units. Private amenity space is provided for each unit through an at grade patio.

Surface parking is proposed at the rear of the site with access provided off Boler Road. A total of five (5) parking stalls are proposed, which exceeds the Zoning By-law Z.-1 requirement of 0.5 parking spaces per unit. It is noted that one of the parking stalls is proposed to be barrier-free, in compliance to the accessible parking requirements of the Zoning By-law Z.-1.

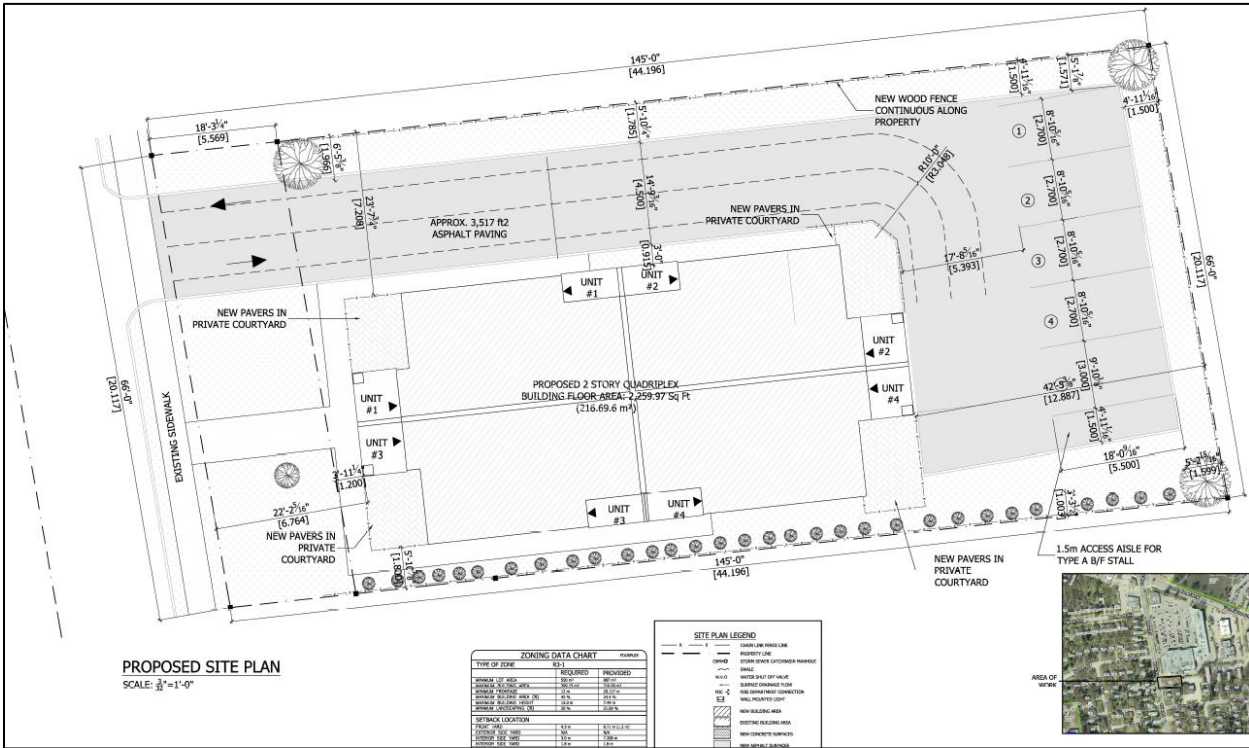


Figure 2: Concept site plan.



Figure 3: Concept elevations, front elevation and south elevation.



## 2.2 Requested Amendment

The applicant is requesting to rezone the subject site to a Residential R3 Special Provision (R3-1(\_)) Zone, permitting single detached dwellings; semi-detached dwellings; duplex dwellings; triplex dwellings; converted dwellings; and fourplex dwellings. Requested special provisions include:

- A minimum front yard depth of 1.2 metres; and
- A minimum rear and interior side yard parking depth of 1.5 metres.

## 2.3 Community Engagement (see more detail in Appendix B)

Four (4) written responses and one (1) phone call were received from the public which are addressed in Appendix B of this report.

Concerns raised by the public are as follows:

- Loss of trees;
- Reduced setbacks from property boundaries;
- Privacy (including fencing); and
- Overflow parking onto adjacent lands.

## 2.4 Policy Context (see more detail in Appendix C)

*Provincial Policy Statement, 2020*

The Provincial Policy Statement (PPS), 2020 provides policy direction on matters of provincial interest related to land use planning and development. In accordance with Section 3 of the *Planning Act*, all planning decisions “shall be consistent with” the PPS.

Section 1.1 of the PPS encourages healthy, liveable and safe communities which are sustained by promoting efficient development and land use patterns which sustain the financial well-being of the province and municipalities over the long-term. The PPS further directs settlement areas to be the focus of growth and development. A detailed analysis of the PPS, 2020 in relation to the proposed application is found below in Section 4.1

*The London Plan*

The London Plan is the new Official Plan for the City of London. On May 25, 2022, an Ontario Land Tribunal decision resolved all remaining policy appeals within The London Plan, effectively bringing The London Plan into full force and effect. Any applications in process prior to the May 25<sup>th</sup> date should continue uninterrupted as per the “clergy principle” (the policies that were in force at the time the application was received will continue to direct that application). Both the 1989 Official Plan and The London Plan policies will be considered as part of this analysis.

The London Plan provides Key Directions (54\_) that must be considered to help the City effectively achieve its vision. These directions give focus and a clear path that will lead to the transformation of London that has been collectively envisioned for 2035. Under each key direction, a list of planning strategies is presented. These strategies serve as a foundation of the policies of the plan and will guide planning and development over the next 20 years. Relevant Key Directions are outlined below.

The London Plan provides direction to build a mixed-use compact city by:

- Planning to achieve a compact, contiguous pattern of growth by looking “inward and upward”;
- Planning for infill and intensification of various types and forms to take advantage of existing services and facilities and to reduce our need to grow outward; and
- Ensure a mix of housing types within our neighbourhoods so that they are complete and support aging in place. (Key Direction #5, Directions 2, 4 and 5).

The London Plan also provides direction to make wise planning decisions by:

- Planning for sustainability by balancing economic, environmental, and social considerations in all planning decisions. (Key Direction #8, Direction 1).

The site is located in the Neighbourhoods Place Type fronting a Civic Boulevard (Boler Road), as identified on Map 1 – Place Types and Map 3 – Street Classifications of The London Plan. Permitted uses in the Neighbourhoods Place Type along a Civic Boulevard include a range of residential uses such as stacked townhouses; fourplexes; low-rise apartments; emergency care establishments; rooming houses; and supervised correctional residences (Table 10 – Range of Permitted Uses in the Neighbourhoods Place Type). With frontage along a Civic Boulevard, the minimum permitted height is two (2) storeys with a standard maximum height of up to four (4) storeys (Table 11 – Range of Permitted Heights in the Neighbourhoods Place Type).

#### *1989 Official Plan*

The subject lands are designated Low Density Residential in accordance with Schedule 'A' of the 1989 Official Plan. The Low Density Residential designation primarily permits single detached, semi-detached and duplex dwellings. Residential intensification in the Low Density Residential designation may be permitted up to 75 units per hectare in the form of single detached dwellings, semi-detached dwellings, attached dwellings, cluster housing and low-rise apartments subject to specific criteria (3.2).

### **3.0 Financial Impact/Considerations**

There are no direct municipal financial expenditures associated with this application.

### **4.0 Key Issues and Considerations**

#### **4.1 Issue and Consideration # 1: Provincial Policy Statement, 2020 (PPS)**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. In accordance with Section 3 of the *Planning Act*, all planning decisions “shall be consistent with” the PPS.

Section 1.1 of the PPS encourages healthy, liveable and safe communities which are sustained by promoting efficient development and land use patterns which sustain the financial well-being of the province and municipalities over the long term. The PPS directs settlement areas to be the focus of growth and development, further stating that the vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities (1.1.3). The PPS directs planning authorities to provide for an appropriate range and mix of housing options and densities required to meet projected requirements of both current and future residents (1.4.1) by encouraging an appropriate affordable and market-based range and mix of residential types to meet long-term needs (1.1.1b)). Further, the PPS promotes the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns and minimize land consumption and servicing costs (1.1.1e)).

The PPS directs settlement areas to be the focus of growth and development. Land use patterns within the settlement areas shall be based on densities and a mix of land uses which provide for the following:

- Efficiently use land and resources;
- Are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
- Minimize negative impacts to air quality and climate change; and
- Support active transportation and are transit-supportive, where transit is planned, exists or may be developed. (1.1.3.2).

Additionally, land use patterns within settlement areas shall be based on a range of uses and opportunities for intensification and redevelopment (1.1.3.2).

The PPS is supportive of appropriate development standards which facilitate intensification, redevelopment and have a compact form (1.1.3.4). To this effect, planning authorities are directed to permit and facilitate all housing options required to meet the social, health, economic and well-being requirements of current and future residents as well as all types of residential intensification, including additional residential units and redevelopment (1.4.3b)). The PPS also identifies that long-term economic prosperity should be supported by encouraging a sense of place by promoting a well-designed built form (1.7.1e)).

The recommended amendment is in keeping with the goals and directions of the PPS as it facilitates the development of a vacant, underutilized site within a settlement area and represents a form of intensification through infill development. The proposed fourplex development contributes to a mix of housing types in the area, providing for choice and diversity in housing options for both current and future residents. No new roads are required to facilitate the proposed development and existing services will be utilized, making for efficient use of the lands.

Consistent with the PPS, intensification of the subject lands would optimize the use of land and public investment in infrastructure in the area. Located within a developed area of the city, the redevelopment and intensification of the subject lands would contribute to achieving more compact forms of growth and development on the vacant parcel.

## **4.2 Issue and Consideration # 2: Use & Intensity & Form**

### *The London Plan*

The subject lands are located in the Neighbourhoods Place Type with frontage along a Civic Boulevard, being Boler Road. The range of permitted uses within the Neighbourhoods Place Type is directly related to the classification of street onto which a property has frontage (Table 10 – Range of Permitted Uses in Neighbourhoods Place Type). The proposed fourplex is included in the range of primary permitted uses within the Neighbourhoods Place Type for sites fronting on a Civic Boulevard.

The London plan contemplates intensification where appropriately located and is provided in a way that is sensitive to, and a good fit, with the existing neighbourhood (83\_, 937\_, 939\_2 and 5, and 953\_1). The London Plan directs that intensification may occur in all place types that allow for residential uses (84\_). To measure the intensity within the Neighbourhoods Place Type, The London Plan uses maximum and minimum heights. For lands fronting onto a Civic Boulevard, a minimum height of two (2) storeys and a standard maximum height of four (4) storeys is contemplated (Table 11 – Range of Permitted Heights in the Neighbourhoods Place Type). The proposed 2-storey fourplex is within the standard maximum height permitted along a Civic Boulevard and is consistent with heights of the surrounding uses.

Policies in The London Plan for the Neighbourhoods Place Type identify that the intensity of the development must be appropriate for the size of the lot (953\_3). Through the application review process, the applicant worked closely with staff to resolve site design matters relating to the parking area at the rear to ensure the site functions in a manner that is appropriate for the size of the lot. The current site design accommodates all required parking on site (one (1) parking space per unit is proposed), including an additional parking space for barrier-free purposes. Generally, reductions in parking and landscaping open space, and increases in height, density and lot coverage serve as indicators of possible over intensification. As part of this application, no reductions were requested for parking stalls, landscape open space nor were increases to the height, density and lot coverage. Reduced setbacks included as part of the application were a reduced front yard setback and parking area setback is requested due to the required road widening dedication along Boler Road and to provide for a street-oriented development with parking at the rear. As such, the site is sufficient in size to support the proposed intensity and site design.



With respect to the form of the development, The London Plan encourages compact forms of development as a means of planning and managing for growth (7\_, 66\_) and encourages ground “inward and upward” to achieve compact forms of development (59\_2, 79\_). The London Plan accommodates opportunities for infill and intensification of various forms (59\_4) and encourages supporting infill and intensification in meaningful ways to manage outward growth (59\_8). In the Neighbourhoods Place Type, and according to the urban design considerations for residential intensification, compatibility and fit, will be evaluated from a form-based perspective through consideration of the following: site layout in the context of the surrounding neighbourhood; building and main entrance orientation; building line and setback from the street; height transitions with adjacent development; and massing appropriate to the scale of the surrounding neighbourhood (953\_2.a. to f.). The requested amendment would facilitate the development of a fourplex at 2-storeys in height, providing for a compact form of development and intensification on a vacant parcel of land within the city boundary. At 2-storeys in height, the proposed development is in keeping with the scale of buildings in the surrounding area which is comprised of a mix of one to two storey buildings.

Additionally, the Our Tools section of The London Plan contains various considerations for the evaluation of all planning and development applications (1578\_). Staff have reviewed the evaluation criteria through the completion of the Planning Impact Analysis and is satisfied the criteria has been met. The analysis can be found in Appendix ‘C’ of this report.

#### *1989 Official Plan*

The subject property is designated Low Density Residential in the 1989 Official Plan which contemplates primarily single detached, semi-detached and duplex dwellings. Residential intensification may occur up to 75 units per hectare in the form of single detached and semi-detached dwellings, attached dwellings, cluster housing and low-rise apartments. Zoning on site will ensure that infill housing recognizes the scale and character of the adjacent land uses and reflects the character of the area. Forms of development within the Low Density Residential designation shall have a low-rise, low coverage form that minimizes problems of shadowing, view obstruction and loss of privacy. Residential densities are generally limited to 30 units per hectare, the 1989 Official Plan also provides for residential intensification through the development of vacant and/or underutilized lots within previously developed areas (3.2.1 and 3.2.3). The residential intensification of up to 75 units per hectare can be permitted if appropriate (3.2.3.3.). As noted in the above analysis the proposed form of development is considered appropriate within the surrounding context. Applications for residential intensification are also to be evaluated on the basis of Section 3.7 – Planning Impact Analysis (3.3.3ii)). Staff have reviewed the evaluation criteria through the completion of the Planning Impact Analysis and is satisfied the criteria has been met. The analysis can be found in Appendix ‘C’ of this report.

### **4.3 Issue and Consideration # 3: Zoning**

The proposed fourplex dwelling requires special provisions to facilitate the proposed development in the form of reduced parking area setbacks and a reduced front yard setback. The original plan noted a reduction to the south interior side yard setback however, the minimum required 1.8 metre setback is being accommodated and a special provision is no longer required

The reduced front yard setback is considered appropriate for the site as it helps to activate the streetscape along Boler Road and is keeping with The London Plan which encourages buildings to be positioned with minimal setbacks to public rights-of-way to create a street wall/edge that provides a sense of enclosure within the public realm (259\_). The reduced parking area setbacks of 1.5 metres will allow for privacy fencing and landscaping to occur along the property boundaries to provide buffering between the abutting land uses. Staff have no concerns with the proposed setbacks.

**4.4 Issue and Consideration # 3: Landscaping**

To accommodate parking at the rear of the site, in keeping with The London Plan policies for minimum setbacks to the street, tree removals were required along the rear property boundary. This included working with the abutting lands, owned by the Church, to obtain a Letter of Consent for tree removals. The applicant and staff worked closely with the Church to receive the Letter of Consent for tree removals noting that a board-on-board fence, exceeding the standards of the Site Plan Control By-law, was requested to ensure privacy was maintained. Through the Site Plan Approval process, staff will be looking for a 2.1 metre board-on-board fence along the rear of the site along with landscape planting, where possible, for privacy to the abutting lands.

More information and detail are available in Appendix B and C of this report.

**Conclusion**

The recommended amendment is consistent with the Provincial Policy Statement, 2020 and conforms to The London Plan, including but not limited to the Key Directions and Neighbourhoods Place Type. The recommended amendment is in conformity with the 1989 Official Plan, including but not limited to the Low Density Residential designation. The recommended amendment would facilitate the development of a vacant, underutilized site with a land use, intensity and form that is appropriate for the lands and surrounding context.

|                        |   |
|------------------------|---|
| <b>Prepared by:</b>    | <b>Melanie Vivian<br/>Site Development Planner</b>  |
| <b>Reviewed by:</b>    | <b>Mike Corby, MCIP, RPP<br/>Manager, Planning Implementation</b>                               |
| <b>Recommended by:</b> | <b>Heather McNeely MCIP, RPP<br/>Acting Director, Planning and Development</b>                  |
| <b>Submitted by:</b>   | <b>Scott Mathers MPA, P. Eng<br/>Deputy City Manager, Planning and Economic<br/>Development</b> |

Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Planning and Economic Development.

November 7, 2022

Cc: Heather McNeely, Manager, Current Development  
Michael Pease, Manager, Site Plans  
Ismail Abushehada, Manager, Development Engineering

Appendix A

Bill No. (number to be inserted by Clerk's Office)  
2022

By-law No. Z.-1-22\_\_\_\_\_

A by-law to amend By-law No. Z.-1 to  
rezone an area of land located at 338  
Boler Road.

WHEREAS Alma Village Inc. has applied to rezone an area of land located  
at 338 Boler Road as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

THEREFORE the Municipal Council of The Corporation of the City of  
London enacts as follows:

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to  
lands located at 338 Boler Road, as shown on the attached map comprising part of  
Key Map No. A106, from a Residential R2 (R2-1) Zone to a Residential R3 Special  
Provision (R3-1( )) Zone.
- 2) Section Number 7.4 of the Residential R3 (R3-1) Zone is amended by adding the  
following Special Provision:

) R3-1( ) 338 Boler Road

a) Regulation[s]

i) Front Yard Depth 1.2 metres  
(minimum)

ii) Rear & Interior 1.5 metres  
Parking Area Setback  
(minimum)

The inclusion in this By-law of imperial measure along with metric measure is for the  
purpose of convenience only and the metric measure governs in case of any discrepancy  
between the two measures.

This By-law shall come into force and be deemed to come into force in accordance with  
Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage  
of this by-law or as otherwise provided by the said section.

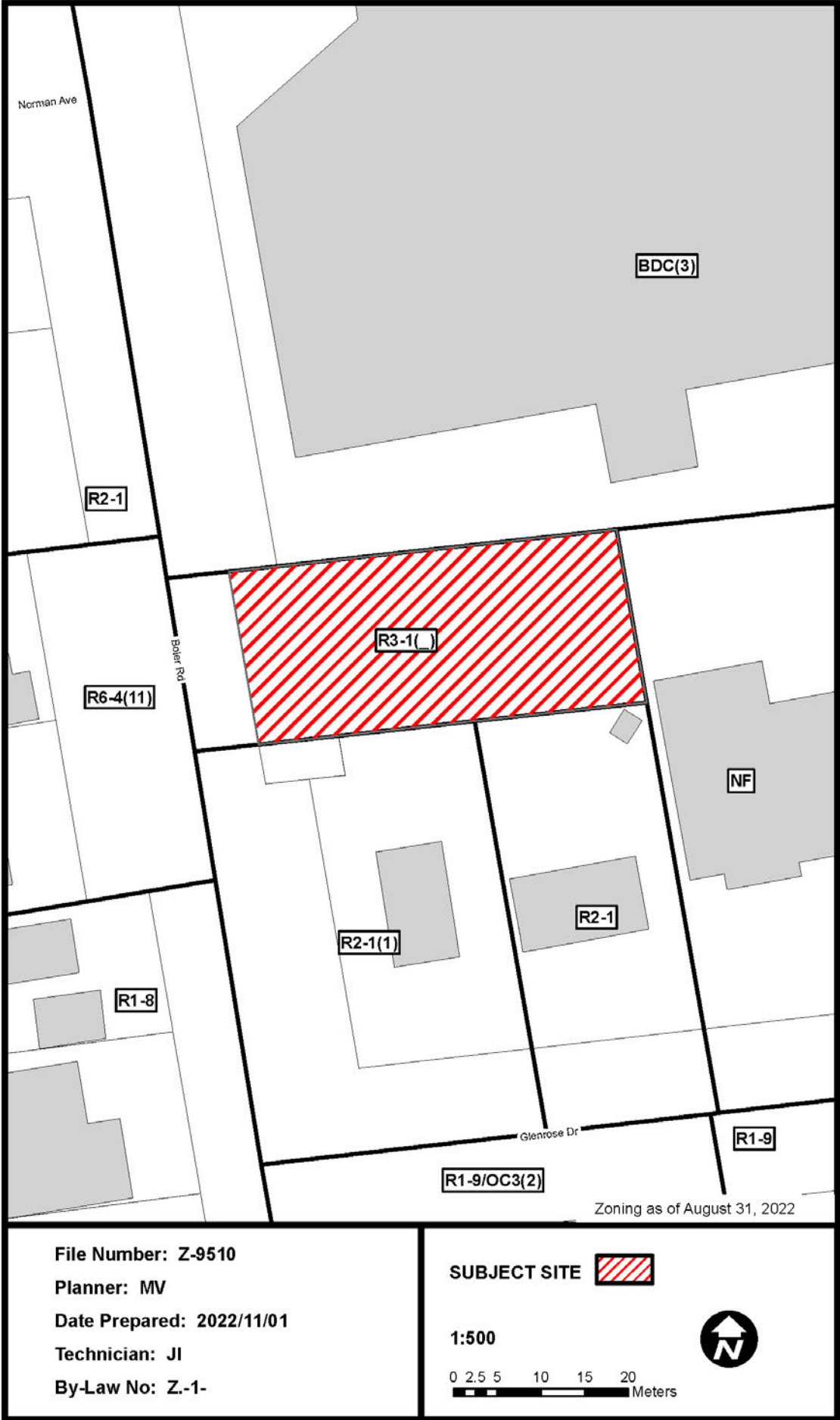
PASSED in Open Council on December 13, 2022

Josh Morgan  
Mayor

Michael Schulthess  
City Clerk

First Reading – December 13, 2022  
Second Reading – December 13, 2022  
Third Reading – December 13, 2022

AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)



## Appendix B – Public Engagement

### Community Engagement

**Public liaison:** On May 25, 2022, Notice of Application was sent to 63 property owners and 32 occupants in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on May 26, 2022. A “Planning Application” sign was also posted on the site.

5 replies were received

**Nature of Liaison:** The purpose and effect of this zoning change is to permit the development of a fourplex dwelling. Possible change to Zoning By-law Z.-1 **FROM** a Residential R2 (R2-1) Zone **TO** a Special Provision Residential R3 (R3-1(\_)) Zone. Special provisions would permit: a minimum front yard setback of 1.2 metres (whereas 6.0 metres is the minimum required along an Arterial); a minimum south interior side yard depth of 1.5 metres (whereas 1.8 metres is the minimum required); a minimum rear yard parking setback of 1.5 metres (whereas 3.0 metres is required); and a minimum interior side yard parking setback of 1.5 metres (whereas 3.0 metres is required)

**Responses:** A summary of the various comments received include the following:  
**Concern for:**

- Loss of trees;
- Reduced setbacks from property boundaries;
- Privacy (including fencing); and
- Overflow parking onto adjacent lands.

### Responses to Public Liaison Letter and Publication in “The Londoner”

|  |
|--|
| Telephone  |
| Tony Mandarelli – 328 Glenrose Drive               |
| - Concerns for overflow parking occurring on lands |
| - Survey questions                                 |
| - Fencing  |

**From:** (null) MANDARELLI < >  
**Sent:** Monday, May 30, 2022 7:19 PM  
**To:** Vivian, Melanie <mvivian@london.ca>  
**Subject:** [EXTERNAL] Re 338 Boler Road

Here ia our survey for 328 Glenrose Dr. We are located on the south side of 338 Boler Road property Thx Tony

**From:** Joyce Horrace  
**Sent:** Wednesday, June 15, 2022 9:41 AM  
**To:** Vivian, Melanie <mvivian@london.ca>; Hopkins, Anna <ahopkins@london.ca>  
**Subject:** [EXTERNAL] Notice of planning Application 338 Boler Concerns

Good Morning Melanie and Councillor Anna Hopkins

My name is Joyce Horrace. I own the house on 330 Glenrose and my backyard is facing where the new building you are planning to put up and my biggest concern is that we have trees that give us privacy that we do not want removed. Has there been a survey done on the property lines? I do not wish to remove those trees. Also is there a



way to see more detailed plans on the landscaping to understand more about where the lighting will be etc?

Please let me know  
my number is [REDACTED]

Thank you  
Joyce Horrace

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**From:**  
**Sent:** Thursday, June 16, 2022 10:19 AM  
**To:** Vivian, Melanie <mvivian@london.ca>  
**Cc:** Hopkins, Anna <ahopkins@london.ca>  
**Subject:** [EXTERNAL] Letter Re file Z-9510

re: File Z-9510  
to: Melanie Vivian  
Planning & Development, City of London  
cc: Anna Hopkins

Dear Ms Vivian,  
I am writing on behalf of Byron Community Church located at 336 Glenrose Dr which is adjacent to the subject proposed building plan. We received a notice regarding Z-9510 (338 Boler road) and have the following comments:

1. We do not consent to the removal of trees from the Church's property. The plan proposes removing 8 trees in order to be able to build, a plan we do not support.
2. We believe that the proposed zoning amendments are far too aggressive with the setbacks from all property lines resulting in too close proximity to other properties as well as Boler road. We believe this would not be in accordance with other buildings and dwellings in the rest of the neighbourhood. From reviewing the plan it seems the sole reason is to maximize the number of units and we therefore do not think the amendments should be allowed as it would result in a building obviously too large for the property

Thank you for taking the time to hear our concerns. Please do not hesitate to reach out for any further clarification or discussion of the matter

Best Regards,

John Mackie  
Senior Pastor  
Byron Community Church

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**From:** Adam Family  
**Sent:** Friday, August 12, 2022 2:50 PM  
**To:** Vivian, Melanie <mvivian@london.ca>  
**Subject:** [EXTERNAL] Z-9510 - 338 Boler Road - Revised Tree Preservation Plan

Hi Ms. Vivian

I just left you a voicemail regarding the zoning exemption sought by the developer of 338 Boler Rd to remove or root prune the trees on or near the boundary of our properties. We have read the report you provided, surveyed the area in question ourselves and agree with the assessment of the arbourist.

Before we move forward and grant our consent to the developer's plan, we were wondering about asking for some sort of concession in return for our consent. What we would like in particular would be for the developer to totally remove all the trees and replace them with a fence of the exact same materials and construction as the fence that borders his and our properties with the Metro plaza to the north. My question to you is whether or not we are within our rights to make such a request in return for our consent

and if the type of fence would be acceptable to the city. I've attached a photo of the existing fence to this email.

Any guidance you can offer would be greatly appreciated. As I mentioned in my voicemail, most of the leadership at Byron Community Church is made up of volunteers who have little if no experience in such matters.

Thank you,

Rick Adam

Chair, BCC Board of Directions  
[REDACTED]

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**From:** Adam Family

**Sent:** Thursday, August 18, 2022 7:25 AM

**To:** Vivian, Melanie <mvivian@london.ca>

**Subject:** Re: [EXTERNAL] Z-9510 - 338 Boler Road - Revised Tree Preservation Plan

Hi Melanie,

Thank you for your quick and thorough response!

We had hoped that we could ask for the noise wall separation, not for noise reduction, but more for the visual deterrent provided by such a structure. One of our concerns is that the new residents of the proposed 338 Boler Rd buildings would use our parking lot as their own.

If the solid noise wall is not permissible and we agree to a board on board fence, can we at least stipulate that its height is the same as the existing northern wall? From reading, I understand that the maximum height allowed for a residential fence is 7' and this new fence would need to be between 8' and 10'.

Thanks you, again, for helping us through this process!

Respectfully yours,  
Rick

Rick Adam  
Chair,  
Byron Community Church Elders

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**From:** KERNAGHAN

**Sent:** Friday, October 7, 2022 10:23 AM

**To:** Vivian, Melanie <mvivian@london.ca>

**Subject:** [EXTERNAL] Z9510 338 Boler Road

Melanie,

I am contacting you on behalf of Byron Community Church. You have spoken to Rick Adam the Chair of our Board. He is tied up and asked if I would connect on his behalf. The developer's lawyer has asked for permission to cut down trees and we are looking for a commitment to build a fence between the properties to create a barrier for safety before they start to build. We use the parking lot for children's activities.

We also wanted a commitment to build a retaining wall to prevent erosion as there is a grade difference between the properties. The developer said their engineer has not decided the best action on the grade issue. We need to have assurance that the grade issue and the fence are installed and dealt with as part of the approval.

The lawyer has asked us to sign a letter that they will "Undertake whatever works are required by the city through the approval propose to insure that my clients development does not impact on any other surrounding properties"

This does not give us confidence that the fence will be erected and the grading dealt with unless we have assurance in writing from the city that this will be part of the approval process.

Can you advise how we address this issue?

Dr. Gillian Kernaghan  
Chair, Church Council Byron Community Church

Sent from my iPad

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From: KERNAGHAN  
Sent: Friday, October 7, 2022 12:26 PM  
To: Vivian, Melanie <mvivian@london.ca>  
Subject: Re: [EXTERNAL] Z9510 338 Boler Road

Melanie given the height of the building the higher fence would be preferred thank you for that consideration Gillian

Sent from my iPad

### **Agency/Departmental Comments**

#### Upper Thames River Conservation Authority Comments (June 1, 2022):

The subject lands **are not** affected by any regulations (Ontario Regulation 157/06) made pursuant to Section 28 of the *Conservation Authorities Act*. Accordingly the UTRCA has no objections to the application and a Section 28 Permit is not required.

#### Parks Planning & Design Comments (June 9, 2022):

Parks Planning and Design staff have reviewed the submitted notice of application and offer the following comments:

- Parkland dedication is required in the form of cash in lieu, pursuant to By-law CP-9 and will be finalized at the time of site plan approval.

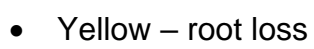
#### Urban Design Comments (June 14, 2022):

Please find below UD Comments for ZBA related to 338 Boler Road.

- Explore opportunities to consider a more compact form, such as a stacked townhouse or fourplex form (upper and lower units) of 3 to 4 storeys with a smaller building footprint, to allow for more space for landscaping, amenity areas and a more functional and consolidated parking area away from the street.
- Consolidate the front unit stoops and courtyard spaces into wider, raised front porches to create a more functional space, avoid excessive stairs and walkways to the rear doors and contribute to the residential street character.
- The elevations provided needs to be revised to be more of a residential character and can be reviewed at the site plan stage.

#### Landscape Architect Comments (July 4, 2022):

- I only see second submission TPP that proposes to remove 6 offsite trees, remove 1 boundary tree and injure 1 boundary tree. Based on the letter from the church, consent will not be forthcoming.
- I cannot accept the TPP. I cannot give permission for a developer to remove trees from a neighbours property or to contravene a provincial act.
- The limits of disturbance abuts the east property line. If the developer proceeded without removing off-site trees, approximate 45-50% roots of the 6 off-site trees will be removed. These roots are necessary to maintain the trees' vitality and stability. Where critical root zones cannot be adequately protected, I would recommended them for removal [Tree Assessment Plan concurs]



- Yellow – root loss

## Appendix C – Planning Impact Analysis

| 3.7 Planning Impact Analysis  |   |
|---|---|
| Criteria  | Response  |
| Compatibility of the proposed uses with surrounding land uses, and the likely impact of the proposed development on present and future land uses in the area;   | The recommended land use is a contemplated use in the Official Plan and contributes to a variety of housing forms within the neighbourhood.   |
| The size and shape of the parcel of land on which a proposal is to be located, and the ability of the site to accommodate the intensity of the proposed use;  | The subject lands are of sufficient size to accommodate the proposed intensity. The proposed development is located along a Civic Boulevard that has pedestrian connections and access to transit uses.   |
| The supply of vacant land in the area which is already designated and/or zoned for the proposed use;  | There are no vacant parcels in the area which are already designated and/or zoned for the proposed use.   |
| The proximity of any proposal for medium or high density residential development to public open space and recreational facilities, community facilities, and transit services, and the adequacy of these facilities and services;   | The proposed development is within close proximity to open spaces, commercial uses, recreational uses and transit services.   |
| The need for affordable housing in the area, and in the City has a whole as determined by the policies of Chapter 12 – Housing;   | Dwelling units in a fourplex are typically more affordable than the surrounding areas single-detached dwelling units.   |
| The height, location and spacing of any buildings in the proposed development and any potential impacts on surrounding land uses;   | The scale/height of the proposed fourplex is appropriate for the lands. Privacy impacts are expected to be minimal and will be mitigated through the use of fencing and landscaping. The visual impacts of the development will be minimal given the height of the proposal, spatial separation from abutting yards and future landscaping and fencing. |
| The extent to which the proposed development provides for the retention of any desirable vegetation or natural features that contribute to the visual character of the surrounding area;  | Landscaping and screening opportunities will be considered at the Site Plan Approval stage.   |
| The location of vehicular access points and their compliance with the City's road access policies and Site Plan Control By-law, and the likely impact of traffic generated by the proposal on City streets, on pedestrian and vehicular safety, and the surrounding properties; | Transportation Planning and Design was circulated on the application and there were no comments. Further refinements to the site will occur through the Site Plan Approval stage.   |
| The exterior design in terms of bulk, scale and layout of buildings, and the integration of these uses with present and future land uses in the area;   | The exterior design of the building will be compatible with the existing and future land uses in the area.  |
| The potential impact of the development on surrounding natural features and heritage resources;   | Not applicable.   |
| Constraints posed by the environment including but not limited to locations where adverse effects from landfill sites, sewage treatment plants, methane gas, contaminated soils, noise, ground borne  | Not applicable.   |

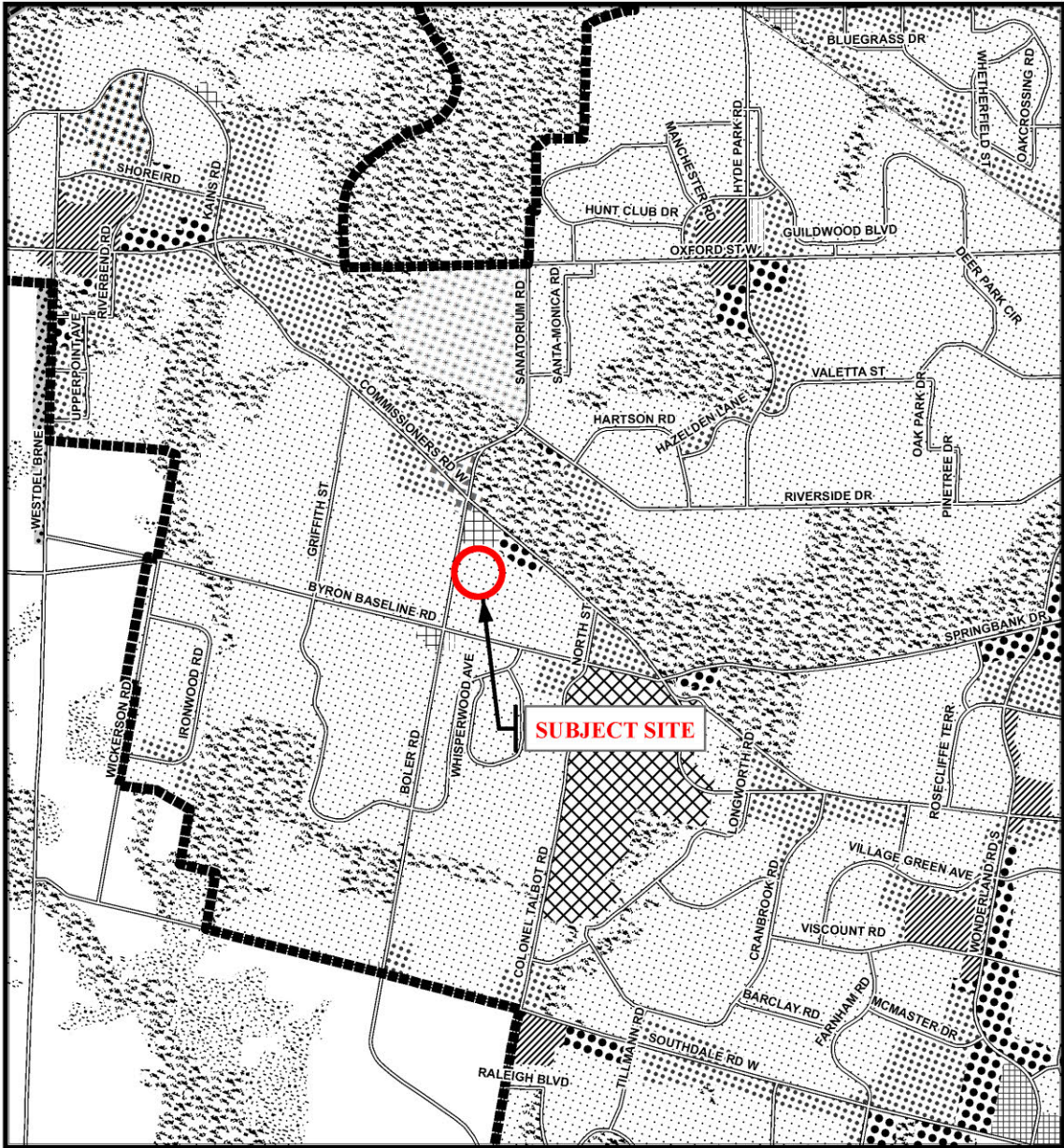
|  |   |
|--|---|
| vibration and rail safety may limit development;   |   |
| Compliance of the proposed development with the provisions of the City's Official Plan, Zoning By-law, Site Plan Control By-law and Sign Control By-law;                       | The requested amendment is consistent with the in-force policies of the 1989 Official Plan. The Site Plan Control By-law has been considered through the design of the site including amenity spaces, fencing, parking, landscaping and setbacks. |
| Measures planned by the applicant to mitigate any adverse impacts on surrounding land uses and streets which have been identified as part of the Planning Impact Analysis; and | Tree planting and building massing treatments are expected to mitigate any minor adverse impacts on surrounding land uses.  |
| Impacts of the proposed change on the transportation system, including transit.  | The proposed fourplex will have negligible impact on the transportation system and provides for a more transit-supportive form of development.  |

|  |   |
|--|---|
| <b>1577_ Evaluatoin Criteria for Planning and Development Applications</b>   |   |
| <b>Criteria – General Policy Conformity</b>  | <b>Response</b>   |
| Consistency with the Provincial Policy Statement and in accordance with all applicable legislation.  | The proposal is consistent with the Provincial Policy Statement as it provides for efficient development and land use patterns for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area. There are no significant natural or cultural heritage resources requiring protection and no natural or man-made hazards to be considered. |
| Conformity with the Our City, Our Strategy, City Building, and Environmental Policies of this Plan.  | The proposal provides for residential intensification within the Urban Growth Boundary and supports Key Directions related to the creation of a mixed-use compact City and strong, healthy and attractive neighbourhoods. The massing and scale of the recommended development can be appropriately integrated into the community through the application of the relevant City Design policies at the Site Plan Approval stage.                 |
| Conformity with the policies of the place type in which they are located.  | The proposed development of a fourplex provides for a use and intensity of development contemplated within the Neighbourhoods Place Type.   |
| Consideration of applicable guideline documents that apply to the subject lands.   | Not applicable.   |
| The availability of municipal services, in conformity with the Civic Infrastructure chapter of this Plan and the Growth Management/Growth Financing policies in the Our Tools part of this Plan. | The site will be fully serviced by municipal water, sanitary and storm sewers.  |
| <b>Criteria – Impacts on Adjacent Lands</b>  |   |
| Traffic and access management  | Access to the site is off of Boler Road. The proposed development did not trigger the need for a Traffic Impact Assessment.   |



|   |  |
|---|--|
|   | Transportation staff have no concerns.   |
| Noise   | The development is not expected to generate unacceptable noise impacts on surrounding properties. A Noise Study was not required.  |
| Parking on streets or adjacent properties                                       | Members of the public had concerns with respect to parking on adjacent lands. The proposed development provides for parking that exceeds the requirement of the Zoning By-law Z.-1. Should parking occur on abutting lands, this will be a By-law Enforcement matter.  |
| Emissions, generated by the use such as odour, dust or other airborne emissions | The development will not generate noxious emissions.   |
| Lighting  | Lighting details, including light cast, will be addressed through the Site Plan Approval process.  |
| Garbage generated by the use  | Garbage collection will be confirmed through the Site Plan Approval process with Solid-Waste Management.   |
| Privacy   | Through the Site Plan Approval process, staff will look for board-on-board fencing as well as landscaping.   |
| Shadowing   | Given the recommended built form, orientation, height and location, shadowing impacts will be limited.   |
| Visual Impact   | A detailed review of the landscaping and elevations (including the building design, architectural details and materials) is completed at the Site Plan Approval process. The proposed development is anticipated to have a positive visual impact on the area as the current lands are vacant with overgrown vegetation. |
| Loss of Views   | There are no view corridors to significant features or landmarks to be affected by the development.  |
| Trees and canopy cover  | Details regarding tree plantings will be confirmed through the Site Plan Approval process.   |
| Cultural heritage resources   | Not applicable.  |
| Natural heritage resources and features   | Not applicable.  |
| Natural resources   | Not applicable.  |
| Other relevant matters related to use and built form.                           | Not applicable.  |

Appendix D – Relevant Background



### Legend

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

**CITY OF LONDON**

Planning Services / Development Services

OFFICIAL PLAN SCHEDULE A - LANDUSE -

PREPARED BY: Graphics and Information Services

Scale 1:30,000

Meters

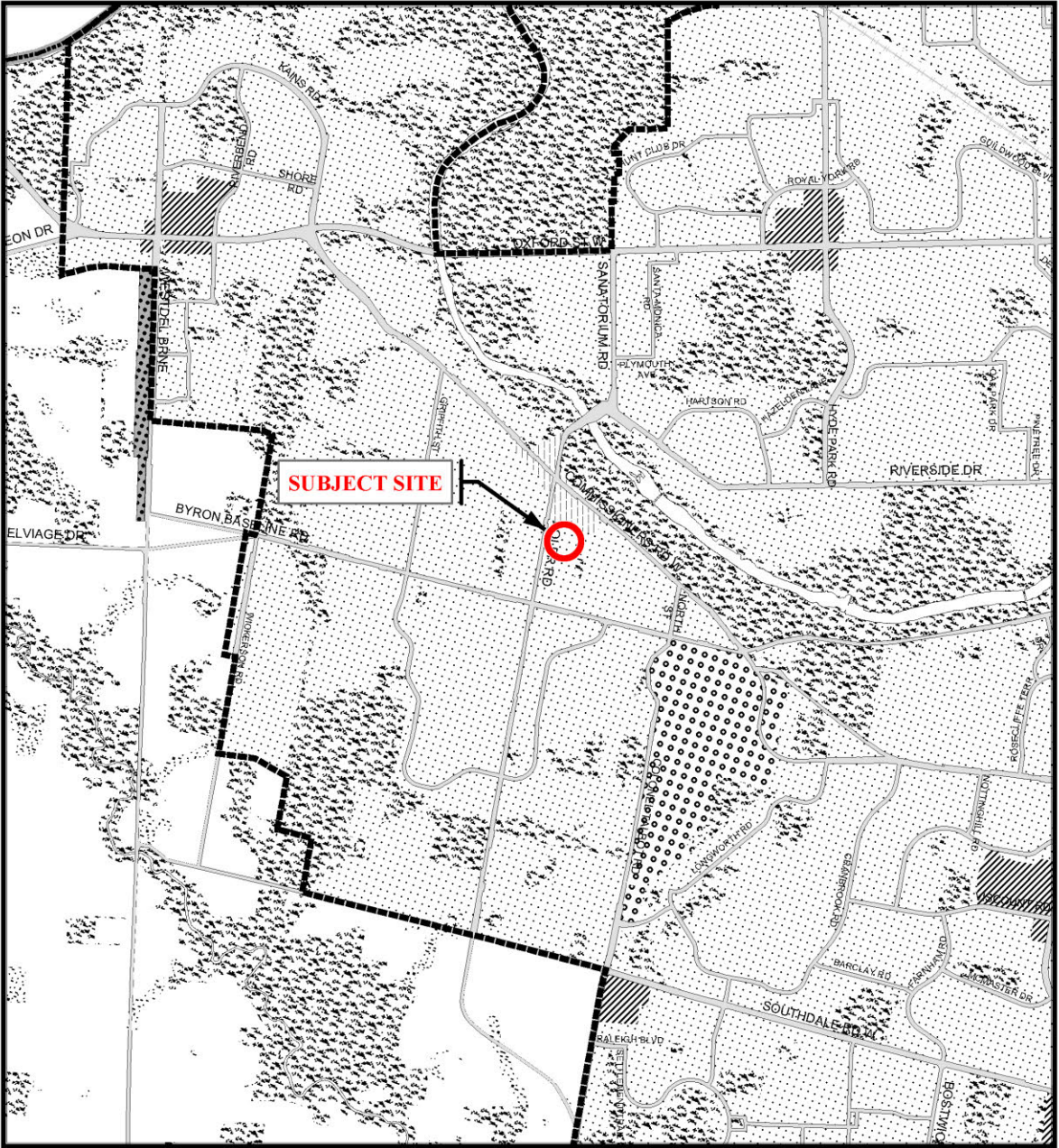
FILE NUMBER: Z-9510

PLANNER: MV

TECHNICIAN: JI

DATE: 2022/11/01





**Legend**

|                        |                          |   |
|------------------------|--------------------------|---|
| Downtown               | Future Community Growth  | Environmental Review                    |
| Transit Village        | Heavy Industrial         | Farmland                                |
| Shopping Area          | Light Industrial         | Rural Neighbourhood                     |
| Rapid Transit Corridor | Future Industrial Growth | Waste Management Resource Recovery Area |
| Urban Corridor         | Commercial Industrial    | Urban Growth Boundary                   |
| Main Street            | Institutional            |   |
| Neighbourhood          | Green Space              |   |

*This is an excerpt from Planning & Development's working consolidation of Map 1 - Place Types of the London Plan, with added notations.*

**CITY OF LONDON**  
**Official Plan**

**LONDON PLAN MAP 1**  
**- PLACE TYPES -**

PREPARED BY: Planning & Development

Scale 1:30,000

0 150 300 600 900 1,200 1,500

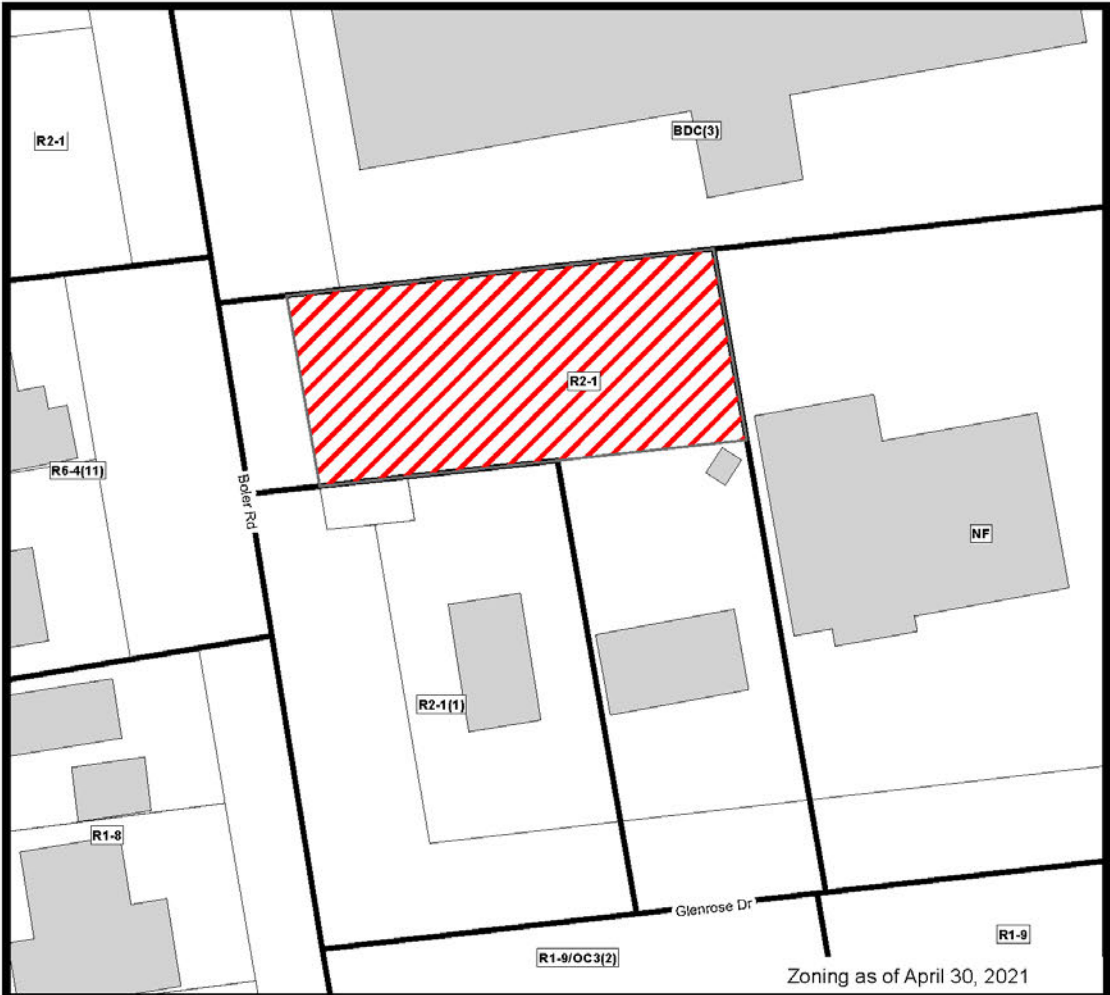
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**File Number:** Z-9510

**Planner:** MV

**Technician** JI

**Date:** 2022/11/01



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: R2-1

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

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

ZONING  
BY-LAW NO. Z-1  
SCHEDULE A



THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS

FILE NO:  
Z-9510 MV

MAP PREPARED:  
2022/11/01 JI

1:600  
0 3 6 12 18 24  
Meters