

Planning Justification Report

Judy Kojlak

757 Southdale Road East
City of London



May 22nd, 2024



Zelinka Priamo Ltd.
LAND USE PLANNERS

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1.0 INTRODUCTION AND SUMMARY

On behalf of Ms. Judy Kojlak, Zelinka Priamo Ltd. has submitted applications to the City of London to amend its Zoning By-Law and Official Plan to recognize and permit the continued use of an existing chiropractic practice on the lands known municipally as 757 Southdale Road East (hereinafter referred to as the 'subject lands').

The purpose of this Planning Justification Report is to evaluate the proposed Zoning By-Law Amendment and Official Plan Amendment Applications within the context of existing land use policies and regulations, including:

- The 2020 Provincial Policy Statement (PPS);
- The London Plan (OP); and,
- The City of London Z.-1 Zoning By-Law (ZBL).

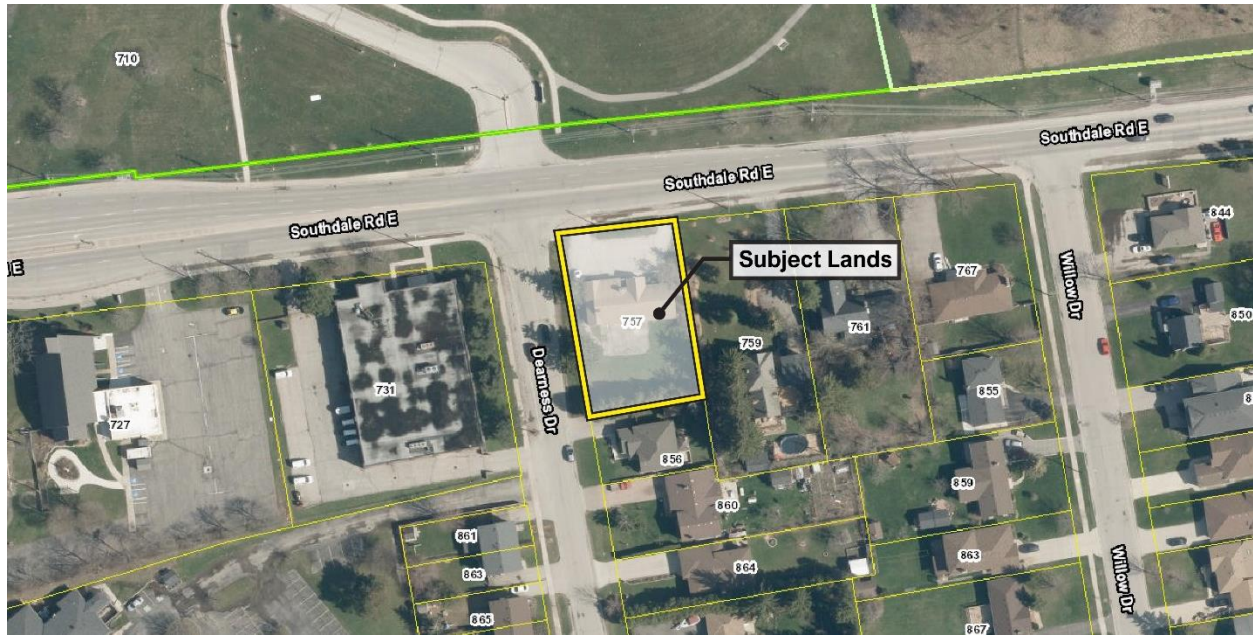
This report concludes that the proposed Official Plan and Zoning By-Law Amendments are appropriate and desirable for the following reasons:

- The proposed Official Plan and Zoning By-Law Amendments are generally consistent with the policies of the 2020 Provincial Policy Statement;
- The proposed Official Plan and Zoning By-Law Amendments generally maintain the purpose and intent of the London Plan and City of London Zoning By-Law;
- The proposed Official Plan and Zoning By-Law Amendments will permit an appropriate use within an existing built-form that has existed for over 40 years and is well suited to support the proposed use;
- Recognizing and permitting the continuation of this highly valuable use benefits the neighbourhood; and,
- The proposed use is considered appropriate for and compatible with the context of the surrounding neighbourhood.

2.0 SUBJECT LANDS

The subject lands are located on the south side of Southdale Road East, between Dearness Drive and Willow Drive, across from Dearness Home (Figure 1).

Figure 1: Subject Lands – 757 Southdale Road East



The subject lands have an area of approximately 1,431m² (15,403ft²), a lot frontage of approximately 30.5m (100ft) along Southdale Road East, and a lot depth of approximately 46.5m (152.5ft). The lands are occupied by a single-storey building with an area of approximately 232m² (2,497ft²) located along the Southdale Road East frontage on the north end of the site, which was originally constructed as a single-detached dwelling; was at one period used as a restaurant; and has functioned as a chiropractic office since 1980. An asphalt driveway, located on the north side of the property, provides access from Southdale Road East to the parking area at the front of the existing building (Figure 2).

Despite the subject land's "Residential (R1-4)" zoning which only permits a single detached dwelling, the building is currently used as a chiropractic office by the owner's husband Jerry Kojlak. The building functioned as a legal, accessory home occupation use when Ms. Judy Kojlak purchased the property in 1979, where Jerry made the existing building his chiropractic office and home (where they lived at until the mid-1980's, and then continued the chiropractic practice there after moving). The site has continued to function as a chiropractic office but would not be considered compliant with the zoning by-law after the Kojlaks no longer lived at 757 Southdale Road East. A residential unit continued on the property after the Kojlaks moved, but this unit was no longer associated with the main use of the property as a chiropractic office. The residential unit has since ceased operation, and the former residential area is used for storage associated with the chiropractic office.

Figure 2 – Access asphalt driveway and parking area



The subject lands are within the “*Neighbourhoods*” Place Type in “Map 1 – Place Types” fronting onto a “*Civic Boulevard*” in “Map 3 – Street Classification” in the London Plan. The subject lands are zoned “*Residential (R1-4)*” in the City of London Zoning By-Law Z.-1.

Figure 3 – Existing Conditions Plan (excerpt)



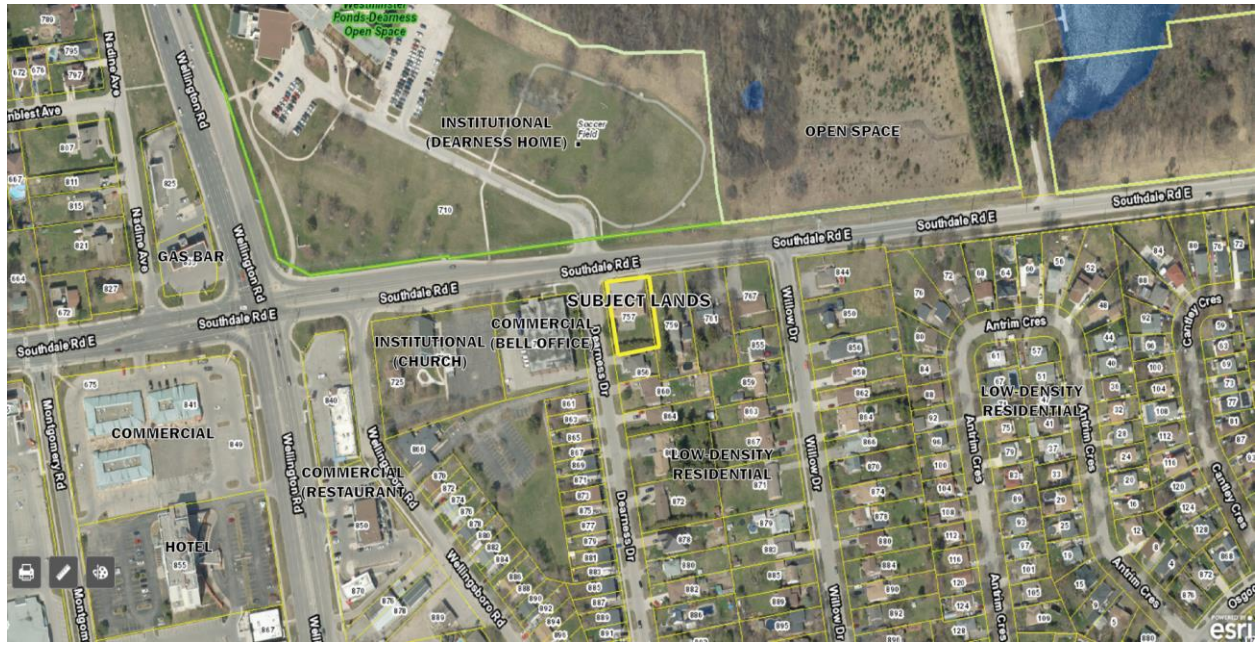
Figure 4 shows an aerial photo of the subject lands from 1971, confirming that the front yard driveway was permitted when the zoning by-law was established.

Figure 4 – Subject Lands 1971



3.0 SURROUNDING LAND USES AND CHARACTER

Figure 5 – Subject Lands and surrounding land uses



Surrounding land uses comprise a broad range of uses, including institutional uses to the north (Dearness Home), open space uses to the northeast of the subject lands, and low-density residential uses to the south and east consisting of single detached dwellings. Commercial and institutional uses to the west comprise a Bell corporate office (see Figure 6) and an Anglican church. Additionally, commercial uses are located further west at Southdale Road East and Wellington Road intersection, including restaurants, hotels and a gas bar.

Figure 6 – Bell Office next to Dearness Drive (west)



Single detached dwellings on the south side of Southdale Road East are 1- and 2-storey dwellings with modest front yards and side-yard driveways, as depicted in Figure 7.

Southdale Road East is classified as a “*Civic Boulevard*” while Dearness Drive is classified as a “*Neighbourhood Connector*”.

Figure 7 –Single detached dwellings abutting subject lands (east)



4.0 PROPOSED PLANNING ACT APPLICATIONS

The proposal consists of two Planning Act applications to recognize and permit the continued use of an existing chiropractic office on the subject lands:

4.1 PROPOSED OFFICIAL PLAN AMENDMENT

Currently, the subject lands are within the "Neighbourhoods" Place Type and front onto a "Civic Boulevard" (Southdale Rd East) and abut a "Neighbourhood Connector" (Dearness Drive). Based on the permitted uses as per the street classification, a stand-alone commercial use is not contemplated. Therefore, an Official Plan Amendment is proposed to add a specific policy area on the subject lands currently designated "Neighbourhoods" to permit a stand-alone commercial use. To be clear, it is the landowner's intent to continue the operation of the chiropractic office as a stand-alone use (i.e. without a dwelling unit). Such stand-alone use requires a specific policy area in order to be able to amend the Zoning By-Law to permit a stand-alone chiropractic office.

4.2 PROPOSED ZONING BY-LAW AMENDMENT

A Zoning By-Law Amendment to re-zone the subject lands from only "Residential (R1-4)" to a site-specific, special regulation "Residential 1, Office Residential (R1-4/ OR (_)) Zone" is proposed to permit a stand-alone chiropractic office on the subject lands, while keeping its residential zoning. Special regulations are required to recognize and permit the existing physical features of the subject lands, and are more specifically identified as follows:

Exterior Side Yard (min): 3.8m

Interior Side Yard (min): 3.9m

Parking as existing on the date of the passing of the zoning by-law.

5.0 LAND USE PLANNING ANALYSIS

The following section of this Planning Justification Report provides analysis evaluating the proposed Zoning By-Law and Official Plan Amendments through applicable land use policies and regulations, including the following:

- The 2020 Provincial Policy Statement (PPS);
- The London Plan (OP); and,
- The City of London Z.-1 Zoning By-Law (ZBL).

5.1 2020 PROVINCIAL POLICY STATEMENT

The Provincial Policy Statement (PPS), issued under the authority of Section 3 of the Planning Act “provides policy direction on matters of provincial interest related to land use planning” in order to ensure efficient development and the protection of resources. All planning applications, including Official Plan Amendment and Zoning By-Law Amendment applications are required to be consistent with these policies. The proposed applications are generally consistent with the PPS for the following reasons:

- The existing chiropractic office has been successfully operating within the building for more than 40 years. Maintaining the chiropractic office use within its existing location will keep a more diverse economic base and will keep meeting the long-term needs of the surrounding neighborhood. (1.1.1.b, 1.3.1.a, 1.3.1.b, 1.7.1.c)
- The existing chiropractic office has proved to represent a land use pattern that efficiently uses land and resources within the City of London’s settlement area due to its location and the time length it has been operating. The subject lands are fully municipal serviced, and it is in close proximity to a public transit bus stop. (1.1.1.d, 1.1.1.g, 1.1.3.2.b, 1.1.3.2.e, 1.1.3.2.f, 1.3.1.e, 1.6.6.2, 1.7.1.c)
- The subject lands are within approximately 100 metres from a London Transit Commission (LTC) bus stop, which makes the subject lands accessible to public transit services within walking distance. Additionally, the subject lands abut a low-density neighbourhood, which encourages walking and cycling to the subject lands from the adjacent residential uses. (Policy 1.1.3.2.e & 1.1.3.2.f)

Based on the above analysis, the proposed Official Plan and Zoning By-Law Amendments to permit a chiropractic office use within the existing building on the subject lands are generally consistent with the policies of the 2020 Provincial Policy Statement.

5.2 THE LONDON PLAN

The subject lands are within the “Neighbourhoods” Place Type in the London Plan (Figure 8). The subject lands front onto a "Civic Boulevard" (Southdale Rd E) and abut a "Neighbourhood Connector" (Dearness Dr). (Figure 9)

Figure 8 – 2016 City of London Official Plan – Map 1: Place Types

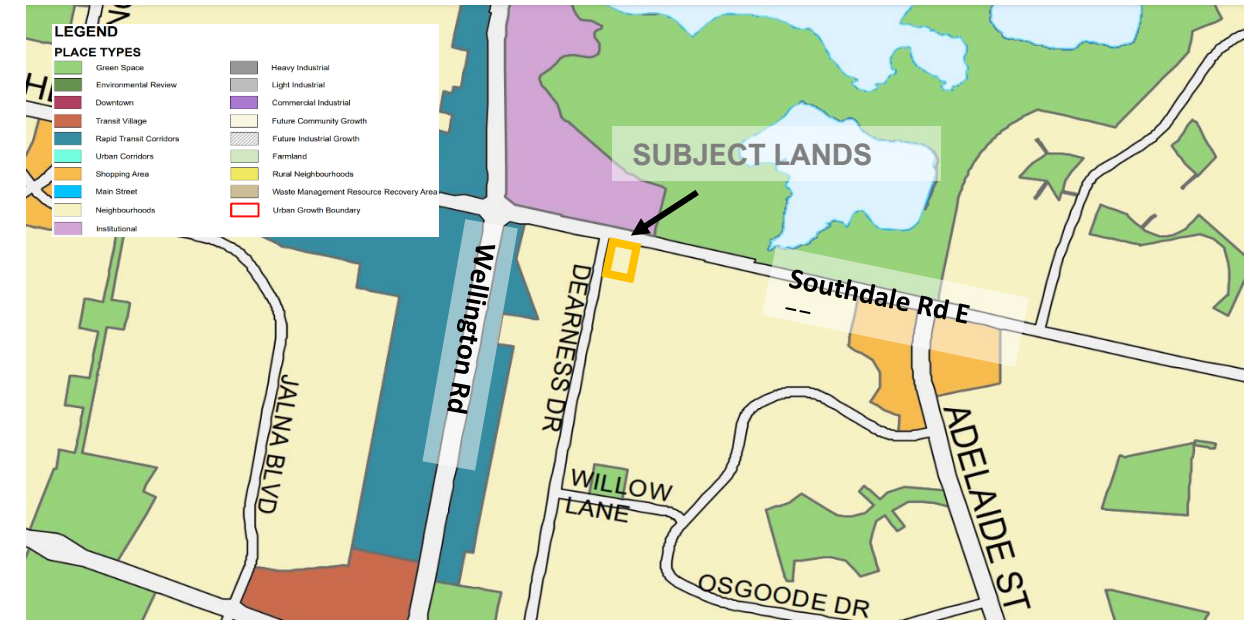
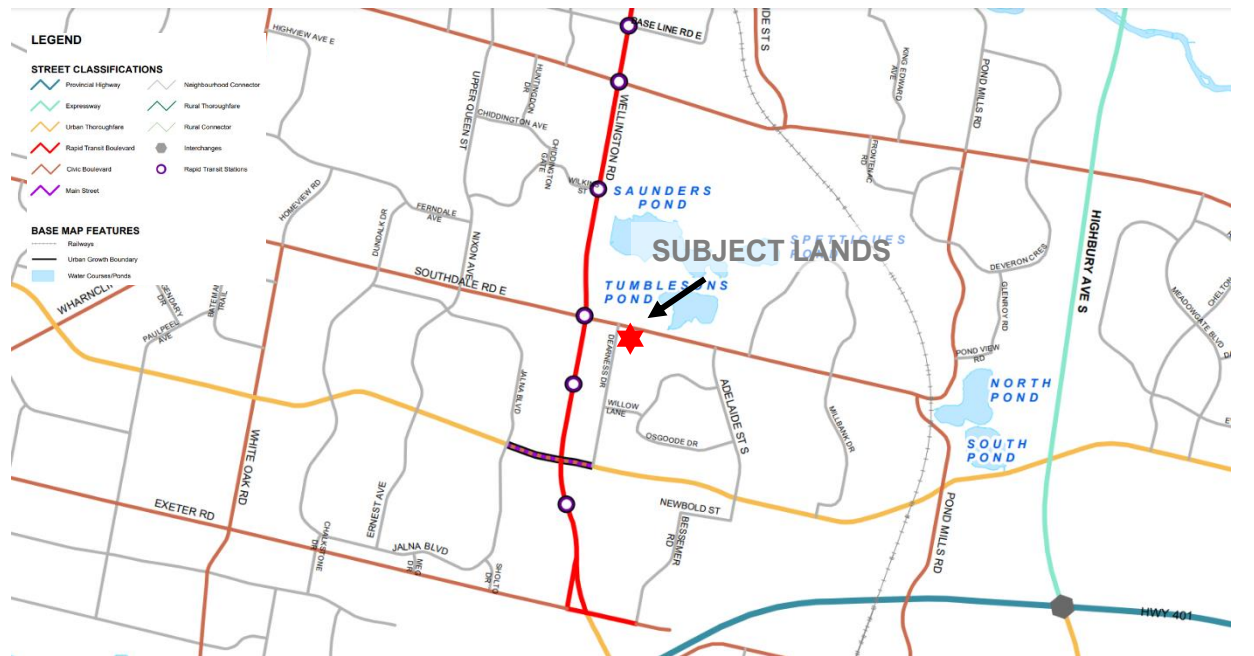


Figure 9 – 2016 City of London Official Plan - Map 3: Street Classification



The Neighbourhoods Place Type constitutes the largest portion of the City of London's area. As mentioned in section (919_2), neighbourhood place type areas permitted uses and intensity of development on a property are based on the street classification in which the property is fronting. The primary permitted uses for lands with a frontage on a "Civic Boulevard" are stacked townhouses, fourplexes, low-rise apartments, emergency care establishments, rooming houses, and supervised correctional residences. Additionally, mixed-use buildings are permitted for lands with a frontage on a "Civic Boulevard" and intersecting a "Neighbourhood Connector." As shown in Table 10, found in the plan, a stand-alone commercial use is not explicitly contemplated as a permitted use in lands that intersect Neighbourhood Connectors and Civic Boulevards streets. Given the subject lands' location within the Neighbourhoods Place Type designation does not include a stand-alone commercial use as a permitted use, an Official Plan Amendment is proposed to add a specific policy area on the subject lands to permit a stand-alone commercial use, in this case being a chiropractor's office.

As per the vision for Neighbourhoods Place type, mixed-use, retail, service, and office uses will be allowed at suitable locations and in an appropriate range in order to cater to the daily requirements of the residents. (Policy 918_5 and 924_). Although the chiropractic office has been operating as a nonconforming use it has been demonstrated that a chiropractic office establishment is considered an appropriate use in this situation as the use has been successfully operating in the existing location for more than 40 years and is a necessity for the community for this type of medical care.

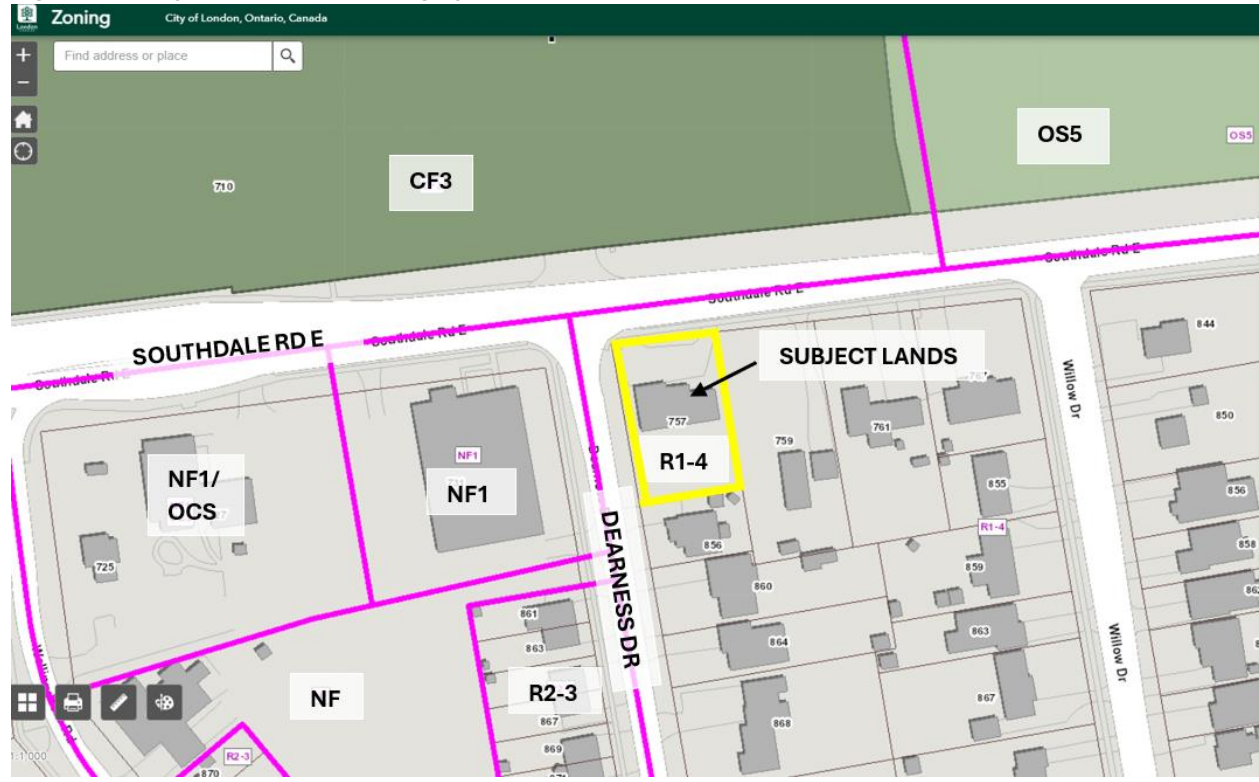
As noted in section 1729_ of The London Plan, a specific policy area may be applied where the applicable place type policies would not accurately reflect the intent of City Council with respect to a specific site or area. Specific criteria, found in section 1730_, must be met in order to permit a Special Policy Area. As noted in section 1730_1, the proposal must meet all other policies of the Plan beyond those that the specific policy identifies. The proposal meets the general intent of the London Plan as it conforms with the City's planning direction. The proposal aligns with Direction #7, which is to "build strong, healthy and attractive neighbourhoods for everyone," as it encourages planning for neighbourhoods that promotes "active living, provide healthy housing options, offer social connectedness, afford safe environments, and supply well distributed health services" as noted in section 61_1. The proposal encourages permitting an existing health service which has been benefiting the residents of the City for decades. As noted in section 1730_2 of the Plan, implementing employment opportunities in close proximity to where the City's population lives is part of the vision for the neighbourhood place type. This proposal meets this criteria since the existing chiropractic office abuts a residential neighbourhood where residents can access this establishment easily. As noted in section 1730_3, the proposed use has to be sufficiently unique and distinctive such that it does not establish an argument for a similar exception on other properties in the area. This establishment is considered unique and distinctive since it has been an integral part of this location as it provided medical services for an extensive period of time, making it unique and distinctive. As outlined in section 1730_4, the proposed use

cannot be reasonably altered to conform to the policies of the place type. Doing so would present an undue hardship for the landowner, essentially requiring the business to be scaled back in favor of adding a residential unit. No physical changes are being proposed to the existing building. The existing use is in the public interest and represents good planning as it provides health services in a suitable location for this type of use. Removing this use from its existing location could negatively impact the surrounding neighbourhood, by removing an existing and valuable service. Given the analysis above, it is appropriate to permit a specific policy area to permit a stand-alone commercial use in the subject lands.

5.3 CITY OF LONDON ZONING BY-LAW

The subject lands are currently zoned “Residential (R1-4)” Zone in the City of London Z.-1 Zoning By-Law (Figure 10). The R1 Zone is the most limiting residential zone, as it only permits a single detached dwelling.

Figure 10 – City of London Z.1 Zoning By-Law Map



The R1-4 Zone does not permit chiropractic office. A Zoning By-Law Amendment (“ZBA”) is required to rezone the subject lands in order to permit and recognized the existing chiropractic office use in the subject lands; while maintaining its residential zoning. The subject lands are proposed to be rezone to lands from only “Residential (R1-4)” to a site-specific, special regulation “Residential, Office Residential (R1-4/ OR(_)) Zone”, keeping the R1-4 zone while compounding the OR Zone in order to permit the existing chiropractic office and the residential uses as stand-alone permitted uses. The OR zone is the standard zone for implementing offices and residential uses in mixed-use buildings, generally in transition areas between Downtown and nearby residential neighborhoods, which in this case applies to the proposed chiropractic office use.

Medical Offices, including a chiropractic office, are permitted in the OR zone, as well as a limited range of similar uses. The OR zone is generally compatible with the surrounding land uses of the subject lands and was developed for land use situations such as this.

The range of uses permitted in OR are as follow:

- Office-apartment buildings;
- Group Home Type 2;
- Lodging House Class 2; (Z.-1-93172)
- Offices;(Z.-1-01908)
- **Medical/dental offices.(Z.-1-01908)**

As the chiropractic office is already existing on the subject lands this proposal will have no impacts on the built-form and character of the surrounding area as no physical changes to the site are being proposed.

The following zone data table provides an overview of the standard OR regulations and the proposed regulations.

	Standard OR	Shown on Plan	Site Specific Regulation
LOT AREA (min)	800 m ²	1,419.95 m ²	NO
LOT FRONTAGE (min)	25m	30.44 m	NO
FRONT YARD (min)	8.0m	13.61 m	NO
EXTERIOR SIDE YARD (min)	8.0m	3.8 m	YES - EXISTING
REAR YARD (min)	7.0m	21.69 m	NO
INTERIOR SIDE YARD (min - abutting non res zone)	4.5m	3.96 m	YES - EXISTING
LANDSCAPED OPEN SPACE (min)	20%	65%	NO
LOT COVERAGE (max)	50%	16%	NO
HEIGHT (max)	10m	3-4.5m	NO
GROSS FLOOR AREA (max)	2,000m ²	234.16 m ²	NO
PARKING (min)	1 per 50 m2 gross floor area	Existing	YES - EXISTING

With regards to the above table, special regulations are therefore required as follows:

Exterior Side Yard (min): 3.8m

Interior Side Yard (min): 3.9m

Parking as existing on the date of the passing of the zoning by-law.

All of the above special regulations are reflective of existing conditions and are appropriate for the continued use of the subject lands as a chiropractic office.

6.0 CONCLUSION

The proposed Official Plan and Zoning By-Law Amendments seek to recognize and permit an existing chiropractic office within the existing building on the subject lands. The proposed Official Plan Amendment is requested to add a specific policy area to permit a stand-alone commercial use. The proposed Zoning By-law Amendment to amend the City of London Z.-1 Zoning By-Law is requested to re-zone the subject lands from only “Residential (R1-4)” to a site-specific, special regulation “Residential, Office Residential (R1-4/ OR ())”. Generally, the proposed Official Plan and Zoning By-Law Amendments are appropriate for the subject lands for the following key reasons:

- The proposed Official Plan and Zoning By-Law Amendments are generally consistent with the policies of the 2020 Provincial Policy Statement;
- The proposed Official Plan and Zoning By-Law Amendments generally maintain the purpose and intent of the London Plan and City of London Zoning By-Law;
- The proposed Official Plan and Zoning By-Law Amendments will permit and recognize an existing use within an existing built-form that is well situated
- The proposed use will maintain the existing use within the surrounding mixed-use area, continuing supporting the needs of the area residents; and,
- The proposed use is considered appropriate for, compatible within, the context of the surrounding neighbourhood.

Given the above, the requested Official Plan and Zoning By-Law Amendments are appropriate for the subject lands and represent good land use planning practice.