

Report to London Committee of Adjustment

To: Chair and Members
London Committee of Adjustment
From: Michaela Hynes
Senior Coordinator – Committee of Adjustment
Subject: A-26076 – 100 Cheapside Street, Ward 6
Public Participation Meeting
Date: September 10, 2026

Executive Summary

Summary of Request

Variances under Section 45(1) of the *Planning Act* are requested as follows:

1. To permit a lot coverage of 37%, whereas 25% is the maximum permitted.
2. To permit an accessory building within the required exterior side yard, whereas accessory buildings are not permitted within the required front and exterior side yard.
3. To permit an accessory building with a height of 6.6m, whereas 6m is the maximum required.
4. To permit an accessory building with a rear yard setback of 2.0m, whereas 3.2m is the minimum required.
5. To permit a detached garage with an exterior side yard setback of 4.7m, whereas the minimum setback shall be equal to the main building.
6. To permit a driveway width of 15 metres, whereas 8.0 metres is the maximum permitted.

Permissions under Section 45(2) of the *Planning Act* are requested as follows:

1. To permit a gross residential floor area of 547.9m².
2. To permit a maximum floor area ratio of 44%.

Purpose and Effect

Variance and Permissions requested to permit a detached garage addition.

Recommendation

The requested variances **1-5** are being recommended for **approval** as they satisfy the provisions of Section 45(1) of the *Planning Act R.S.O. 1990 c.P. 13*:

- The requested variances maintain the general intent and purpose of the Official Plan (The London Plan).
- The requested variances maintain the general intent and purpose of Zoning By-law No. Z-.
- The requested variances are minor in nature.
- The requested variances are desirable for the appropriate development or use of the subject lands.

The requested variance **6** is being recommended for **refusal** as it does not satisfy the provisions of Section 45(1) of the *Planning Act R.S.O. 1990 c.P. 13*:

- The requested variance does not maintain the general intent and purpose of The London Plan.
- The requested variance does not maintain the general intent and purpose of Zoning By-law.
- The requested variance is not minor in nature.
- The requested variance is not desirable for the appropriate development or use of the subject lands.

The permission requests are being recommended for **approval** as they satisfy the provisions of Section 45(2)(a)(i) of the *Planning Act R.S.O. 1990*.

- The provisions of Section 45(2)(a)(i) of the Planning Act R.S.O. 1990 have been met in order for these requests to be acceptable.
- The requests satisfy the criteria for the consideration of an extension or enlargement of a non-conforming use in The London Plan (1667_).

Conditions

Should the Committee of Adjustment approve the requested variances, the approval would not be subject to any conditions.

Analysis

Property Description

The subject lands, municipally known as 100 Cheapside Street, are located on the northeast corner of St. George Street and Cheapside Street, in the North London Planning District. The surrounding area consists primarily of low-density residential uses in the form of single detached dwellings. The subject lands currently contain a two (2) storey single detached dwelling, a two-storey detached garage, and an in-ground pool. The applicant is requesting relief from the Z.-1 Zoning By-law to permit a one-storey addition to the detached garage and seek permissions for the non-conforming residential portion of the property.



Figure 1 – Aerial View of 100 Cheapside Street.

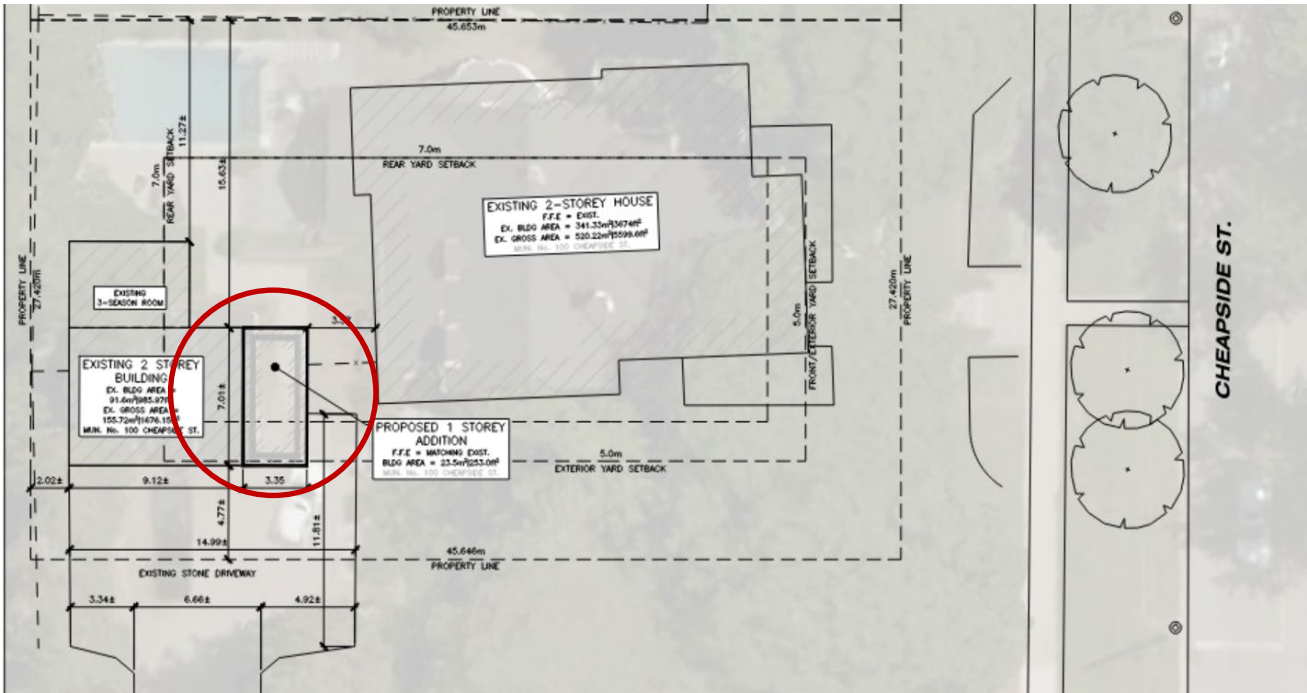


Figure 2 – Site Plan (garage addition circled in red).

The Planning Act and the Provincial Planning Statement, 2024

Subsection 3(5) of the *Planning Act* requires that a decision that affects a planning matter shall be consistent with the *Provincial Planning Statement, 2024 (PPS)*. The *PPS* provides policy direction on matters of provincial interest related to land use planning and development that are complemented by local policies addressing local interests. The application being considered does not involve broad policy considerations and has been reviewed in conjunction with The London Plan, which implements the policies of the *PPS*.

The London Plan, 2016

The subject lands are in the Neighbourhoods Place Type with frontage along two Neighbourhood Connectors, as per Map 1 – Place Types and Map 3 – Street Classifications in The London Plan (TLP). The existing single detached dwelling is a contemplated use in accordance with Table 10 – Range of Permitted Uses in the Neighbourhoods Place Type.

Special Planning Area – Primary Transit Area (PTA) & Near Campus Neighbourhoods (NCN) Area

The subject lands are located within the Primary Transit Area (PTA), which will be a focus of residential intensification, transit investment, and pedestrian and cycling infrastructure within London (TLP 90_). The PTA has specific regulations to ensure that the scale of residential intensification is compatible with and sympathetic to the existing neighbourhood character. The subject lands are also within the Near-Campus Neighbourhoods (NCN) Area in The London Plan, as per Map 7 – Specific Policy Areas. To augment the legislated four tests, Policy 972_ provides an additional policy framework for evaluating minor variance applications within the NCN to ensure that the general intent and purpose of the Official Plan is maintained. The criteria under Policy 973_ applies to this application.

Generally, the intent of the NCN policies is to ensure the form and intensity of development is sensitive to current and future adjacent land uses while balancing neighbourhood stability and predictability with the goals of creating complete neighbourhoods that allow for different housing types and an appropriate mix of uses (TLP 840_). In this case, staff are satisfied that the requested variances and permissions conform with the vision and planning goals of the NCN. Specifically, the requests are in conformity with Tables 10 to 12 of the Neighbourhoods Place Type and will not result in an increase in residential intensification, intensity or new residential development, as the variance relate to recognizing the existing non-conforming residential portion of the property and an addition to the accessory building.

The City Design policies state that the buildings should be sited so that they maintain and reinforce the prevailing street wall or street line of existing buildings (TLP 256_).

Projecting garages are also discouraged and the proportion of building and street frontages used for garages will be minimized (TLP 260_ and 222A_). While The London Plan generally discourages projecting garages due to their potential impacts, in this instance, staff are satisfied that recognizing the existing location will not result in undesirable changes to the character and amenity of the streetscape and surrounding neighborhood (TLP 260_).

The existing site design also incorporates several mitigation measures that reduce visual impacts and maintain compatibility with the existing streetscape. These measures include situating the garage away from the intersection and retaining the existing mature vegetation that provides screening and landscape buffering between the garage and the abutting property. Furthermore, staff are of the opinion that there is no reasonable alternative location for the accessory building that would avoid the need for variances. Specifically, the subject lands are a corner lot within the PTA, which results in additional yard regulations, and the existing in-ground pool further limits the available area for the accessory building. Given these site constraints, relocating the accessory building would not provide a practical alternative that could comply with the applicable setback requirements.

Finally, with respect to the requested increase in driveway width, staff are of the opinion that the increase is not consistent Policy 222A_, which states that the proportion of street frontages used for driveways should be minimized to allow for street trees, provide for on-street parking and support pedestrian and cycling-oriented streetscapes. The London Plan also encourages building to be sited in a manner that minimizes the visual exposure of parking areas from the street, which can generally be achieved by reducing the amount of parking provided on-site and utilizing the existing garage for parking. As such, staff are of the opinion that the request driveway width does not maintain the general intent of purpose of The London Plan.

On this basis, while staff are of the opinion that Variance 6 is not in keeping with the policies of The London Plan, all other requested variances and permissions are considered appropriate within the context of the subject lands. Further, staff are of the opinion that the requested variances and permissions maintain the general intent and purpose of The London Plan, including the applicable NCN and PTA policies, and will not establish an adverse precedent.

Zoning By-law No. Z.-1

The subject lands are zoned Residential R1 Special Provision (R1-6(2)), pursuant to the City of London Zoning By-law No. Z.-1, which permits the use of the existing single detached dwelling. The associated special provisions relate to maximum gross floor area and floor area ratio, based on the size of the lot. Section 4.23 of the Zoning By-law also applies to this application.

Variance 1: To permit a lot coverage of 37%, whereas 25% is the maximum permitted.

The intent of regulating maximum lot coverage is to limit the extent of development on a site to ensure adequate space is provided for open space and landscaping, site functionalities, such as amenity space and access, and site maintenance.

The requesting lot coverage of 37%, whereas 25% is the maximum permitted, is minor in nature when considering the context of the subject lands and surrounding area. The requested increase in building coverage resulting from a proposed garage addition will not facilitate a change in the ability for the site to function, or be maintained, and is not anticipated to have new or additional impacts on abutting properties. The increase in building coverage is considered modest, and the garage will remain subordinate to the main use. As such, the requested relief is not anticipated to result in adverse impacts on the abutting properties.

On this basis, staff are of the opinion that the requested increased lot coverage is minor in nature, desirable for the appropriate development and use of the subject lands and maintains the general intent and purpose of the Zoning By-law.

Variance 2: To permit an accessory building within the required exterior side yard, whereas accessory buildings are not permitted within the required front and exterior side yard.

Section 4.1 (4)(b) of the Zoning By-law states that accessory buildings or structures within residential zones are exclusively permitted in the interior side yard or rear yard. The intent of regulating lot requirements and locations of accessory buildings or structures is to protect the existing character and aesthetic of residential neighbourhoods from the potential adverse impacts on the streetscape while encouraging a visually aesthetic, interactive, and safe public realm (TLP, 90_). Specifically, accessory buildings or structures should be sited so that they maintain and reinforce the prevailing street wall and remain subordinate to the main use. The regulation also ensures that all aspects of accessory structures are appropriately located to accommodate space for the maintenance and functionality of the site, including, but not limited to the provision of landscape buffering and access.

While The London Plan and Zoning By-law generally discourages projecting garages due to their potential impacts, in this instance, staff are satisfied that recognizing the existing location of the accessory building will not result in undesirable changes to the character and amenity of the streetscape and surrounding neighborhood (TLP 260_). The accessory building (garage) has existed in its present location since 2010, with no known adverse impacts to abutting properties or the streetscape. The garage also provides a privacy buffer for the residents by reducing noise and blocking views of the site's amenity area from the street. Ample space is also available for landscape buffering and other mitigation measures to be implemented.

Moreover, the garage is setback approximately the same distance as the primary dwelling and, as such, is not anticipated to contravene with the established street wall along St. George Street. Furthermore, the location of the garage within the exterior side yard is not anticipated to have negative impacts on the character of the neighbourhood, as minimal front and exterior side yard setbacks are not out of character with the surrounding area.

On this basis, staff are of the opinion that the requested variance is minor in nature, desirable for the appropriate development and use of the subject lands and maintains the general intent and purpose of the Zoning By-law.

Variance 3: To permit an accessory building with a height of 6.6m, whereas 6m is the maximum required.

The intent of regulating the maximum accessory building height is to ensure accessory structures remain incidental and subordinate to the principal use while mitigating for potential adverse impacts to abutting properties. The regulation is also associated with location and setback requirements to ensure that sufficient space is provided for maintenance and functionality of the accessory structure.

In this case, the requested accessory building height relates to the existing two-storey garage, whereas the proposed garage addition is a single storey. Planning and Development staff are of the opinion that the requested increase in accessory structure height is minor in nature when considering the overall context of the subject lands. Specifically, the existing accessory building height has no known adverse impacts on the abutting properties or the streetscape and is not anticipated to detract from the character of the surrounding area. In addition, the requested 0.6m increase is considered numerically minor, and the accessory building will remain subordinate in size to the principal dwelling.

On this basis, staff are of the opinion that the requested increased accessory building height is minor in nature, desirable for the appropriate development and use of the subject lands and maintains the general intent and purpose of the Zoning By-law.

Variance 4: To permit an accessory building with a rear yard setback of 2.0m, whereas 3.2m is the minimum required.

The intent of regulating minimum yard setbacks is to ensure that all building components

are located at an appropriate distance away from the lot lines to sufficiently accommodate for all onsite functions, including, but not limited to, site and building maintenance, landscape buffering, and mitigating potential adverse impacts such as privacy and noise concerns, and stormwater management.

Planning and Development staff are of the opinion that the requested variance is minor in nature when considering the context of the subject lands and existing development conditions. In this case, the requested variance would not facilitate any new construction closer to the rear lot line than what currently exists, as the proposed garage addition is intended to maintain the existing rear yard setback. The existing garage was built with a permit in 2010; however, it was constructed in the incorrect location. As such, approval of the requested variance would allow for the legalization of the existing location. Furthermore, there are no known prior concerns associated with the location of the existing garage.

On this basis, staff are of the opinion that the requested variance is minor in nature, desirable for the appropriate development and use of the subject lands and maintains the general intent and purpose of the Zoning By-law.

Variance 5: To permit a detached garage with an exterior side yard setback of 4.7m, whereas the minimum setback shall be equal to the main building.

The intent of regulating minimum front and exterior side yard setbacks for the main dwelling is to ensure all building components are located an appropriate distance away from the lot lines to sufficiently accommodate for all onsite functions, including but not limited to, site and building maintenance, landscape buffering, and mitigating potential adverse impacts such as privacy and noise concerns and stormwater management.

Within the PTA, minimum exterior side yard setbacks are determined based on the average setback of the closest residential building to the subject site, oriented to the same street, within the same block, on the same side of the street. This is intended to ensure new development within an established residential area will not result in undesirable changes to the character and amenity of the streetscape and surrounding neighborhood. Exterior side yard setbacks also implement the City Design goals of The London Plan, which call for buildings to be sited to support the formation of a consistent street wall (TLP 256_).

Planning and Development staff are of the opinion that the requested variance is minor in nature when considering the context of the subject lands and existing development conditions. In this case, the requested variance would not facilitate any new construction closer to the exterior lot line than what currently exists, as the proposed garage addition is intended to maintain the existing exterior side yard setback. As previously mentioned, the existing garage was built with a permit in 2010; however, it was constructed in the incorrect location. As such, approval of the requested variance would allow for the legalization of the existing location.

In addition, the reduced setback brings the garage closer to the street, establishing a more prominent street edge where minimal front and exterior side yard setback are not out of character. Furthermore, the required exterior side yard setback in this instance, is 5.0m, whereas the detached garage is located 4.7m from the lot line, representing a relatively minor numerical reduction. There are no known prior concerns associated with the location of the existing garage, and the requested reduction is not anticipated to negatively impact the function of the site, and ample space for landscaping and other mitigation measures continues to be provided.

On this basis, staff are of the opinion that the requested variance is minor in nature, desirable for the appropriate development and use of the subject lands and maintains the general intent and purpose of the Zoning By-law.

Variance 6: To permit a driveway width of 15m, whereas 8.0m is the maximum permitted.

Section 4.19.6(h) regulates residential driveway widths for residential lots. For lots with a width greater than 12.0m, a maximum of 50% of the required lot frontage or 8.0m, whichever is less, was permitted for single detached dwellings. On July 21, 2026, Council approved a Council-directed amendment to the parking regulations, which included

permitted a standard maximum driveway width of 9.0m for lots with a width greater than 12.0m. As such, the current maximum permitted driveway width is 9.0m.

The intent of regulating driveway widths, particularly in the PTA, is to limit the amount of hardscaping on-site, support stormwater management, and provide a balance with landscape open space. The regulation also ensures that there is sufficient space for vehicles of various sizes to appropriately access the site, while taking into account pedestrian and cyclist safety and site maintenance. The regulation also helps protect the existing character and aesthetic of residential neighbourhoods by limiting the visual and environmental impacts associated with large areas of non-permeable surfaces.

Given the size of the garage, Planning and Development staff are of the opinion that the existing parking area is considered larger than necessary to accommodate on-site parking. The garage width itself is approximately 12.0m, while the driveway is approximately 15.0m wide. As such, staff are of the opinion that the maximum 9.0m driveway width currently permitted, in addition to the garage space, provides sufficient space to accommodate three (3) vehicles on-site.

Furthermore, the proportion of building and street frontages used for garages and driveways should be minimized to allow for street trees, provide for on-street parking and support pedestrian and cycling-oriented streetscapes (TLP 223_). Buildings should also be sited to minimize the visual exposure of parking areas to the street (TLP 269_). In this case, the existing driveway is substantially larger than necessary to accommodate the parking needs of the property. The requested increase in driveway width is, therefore, not consistent with the intent of The London Plan, as it prioritizes additional parking area over the provision of a well-designed streetscape and does not minimize the visual exposure of parking areas from the street.

On this basis, staff are of the opinion that the requested variance is not minor in nature, is not desirable for the appropriate development and use of the subject lands and does not maintain the general intent and purpose of The London Plan or Zoning By-law. Furthermore, the requested variance would permit a driveway width in excess of the updated maximum permitted under the recently amended parking regulations, which staff are of the opinion is not necessary to accommodate the parking needs of the subject lands.

Request 1: To permit a gross residential floor area of 547.9m².

Request 2: To permit a maximum floor area ratio of 44%.

The existing single detached dwelling with a gross residential floor area of 520.2m² and floor area ratio of 41.6% was constructed 20+ years ago, prior to 1993, before the passing of the City of London's Zoning By-law No. Z.-1. As the existing dwelling was lawfully established and has continued without change, the dwelling is recognized as legal non-conforming in accordance with the *Planning Act* and The London Plan (TLP 1665_). The request to permit an increased gross floor area and floor area ratio as a result of the garage addition, therefore, represents an expansion of a legal non-conforming use (TLP 1666_). Specifically, while the garage itself does not continue to the floor area ratio, the proposed addition is intended to accommodate a sunroom, which constitutes livable space that would contribute to the total gross floor area and floor area ratio.

The London Plan contains criteria that provide an evaluative framework for an extension or enlargement of a non-conforming use. The relevant criteria from Policy 1667_ of The London Plan are analyzed, herein:

1. *Such land, building, or structure continues to be used in the same manner and for the same purpose as it was used on the day the Zoning By-law was approved.*

The existing single detached dwelling located on the subject lands has existing in the same manner and for the same purpose as it was used on the day the Zoning By-law was approved.

2. *The use is similar to the purpose for which it is used or more compatible with the uses permitted by the Zoning By-law on the day the by-law was passed.*

Similar to the above, the existing single detached dwelling on the subject lands has continued to be used for the same purpose, being a residential use. Additionally, the increase in gross floor area and floor area ratio resulting from the proposed addition to the garage is considered numerically minor in nature.

3. *Permission for the extension, enlargement or change in the non-conforming use is in keeping with the general intent of the Official Plan and does not unduly aggravate the situation created by the existence of the use, including the requirements of the Zoning By-law applying to the area.*

The London Plan calls for planning decisions to seek to avoid current and future land use conflicts and mitigate conflicts where they cannot be avoided (TLP 62_8). Consideration of potential impacts on adjacent and nearby properties may include visual impact, relationship to cultural heritage resources on the site and adjacent to it, and setback and step-back (TLP 1578_6).

The proposed increase in maximum gross floor area and floor area ratio is in keeping with the general intent of The London Plan and will not unduly aggravate the situation, as the proposed addition to the detached garage is considered appropriate for the subject lands.

4. *That the long-term continuation of the use would be appropriate.*

The long-term continuation of the residential use is considered appropriate, as the existing single-detached dwelling has functioned as a residential use at its current size since its construction. The existing single detached dwelling is not proposed to change and has not resulted in any known previous land use conflicts. As such, the proposed garage addition, resulting in a numerically minor increase in gross floor area and floor area ratio, is not anticipated to result in adverse impacts on the subject lands or abutting properties in the long-term.

5. *There will be no expansion of the site or building beyond the limits of the land owned and used on the day the Zoning By-law was passed.*

There will be no expansion of the site or buildings beyond the limits of the land owned and used on the day the Zoning By-law was passed.

6. *The expansion is minor in relation to the existing buildings and development on the site and is an appropriate proportion to the size of the non-conforming use.*

The proposed expansion is considered appropriate in proportion to the existing non-conforming use and represents a minor increase to the non-conforming situation. Additionally, there are no anticipated impacts to the surrounding neighbourhood.

7. *The characteristics of the existing non-conforming use and the proposed extension or enlargement will not contribute to air, noise or water pollution, and will not result in nuisances such as vibration, fumes, smoke, dust, odour, lighting or traffic.*

The London Plan emphasizes the management and mitigation of potential impacts on adjacent and nearby properties. These may include, among other things, nuisance emissions generated by the use, such as odour, dust, or other airborne emissions, traffic, excessive noise, vibration, and lighting (TLP 1578_6). The proposed addition to the garage is not anticipated to introduce any new nuisances or adversely impact the abutting property.

8. *That the proposed extension, enlargement, or change in use will not interfere with desirable development, in adjacent areas, in conformity with the Official Plan and Zoning By-law.*

The addition to the garage will not interfere with the desirable development of adjacent areas in conformity with The London Plan and the Zoning By-law. The proposed addition is not anticipated to introduce any potential land use conflicts with surrounding uses and will not result in potential encroachments onto neighboring properties or detract from the overall character of the neighbourhood.

11. *That the extension, enlargement or change in use would provide for measures that will*

reduce nuisances, protect adjacent properties, and improve the compatibility of the use with the surrounding area.

The London Plan acknowledges the potential for negative impacts and hazards resulting from development and human activity. These include human-made hazards, including land contamination (TLP 1446_). Neither the existing dwelling nor the proposed addition are anticipated to result in additional nuisances and would maintain the existing level of compatibility with the abutting lands. The proposed increase in gross floor area and floor area ratio is not expected to introduce any land use conflicts with the surrounding uses or hinder compatibility with the surrounding area.

Conclusion

Planning and Development staff are recommending the **approval** of variances **1-5** as the variances maintains the general intent and purpose of The London Plan, and the Zoning By-law, are minor in nature, and are desirable for the appropriate use and development of the lands.

Planning and Development staff are recommending the **refusal** of variance **6** as the variance does not maintain the general intent and purpose of The London Plan, and the Zoning By-law, is not minor in nature, and is not desirable for the appropriate use and development of the lands.

The requests under Section 45(2)(a)(i) of the *Planning Act* R.S.O. 1990, c.P.13., is recommended for **approval** as the request satisfies the criteria for the consideration of an extension or enlargement of a non-conforming use in The London Plan (1667_).

Prepared by: Matt Litwinchuk, BEDP, CPT, Planner

Reviewed by: Michaella Hynes
Senior Coordinator – Committee of Adjustment

Submitted and Recommended by: Catherine Maton, MCIP, RPP
Manager, Planning Implementation

Appendix A – Comments

Public Comments

A Notice of Public Hearing was sent to property owners and residents within a 60-metre radius of the subject site. Notice of Application was also published on the Public Notices webpage of the City's London's official website. There were **no** responses received during the public consultation period.

Internal/Agency Comments

Through the circulation of the application, responses were received expressing no concerns from the following staff and agencies: Ecology, Upper Thames River Conservation Authority, and Engineering.

Heritage

- The property at 100 Cheapside Street is listed on the Register of Cultural Heritage Resources. The proposed garage addition is not anticipated to result in impacts to the potential cultural heritage value or interest of the property. As a result, no conditions are required.

Landscape Architecture

- It is the property owner's responsibility to ensure that the new development does not result in adverse effects on the City's Urban Forest Canopy and/or neighboring properties. If any trees are proposed for injury or removal (destruction) or have the potential to cause injury, contact the Forestry Department (trees@london.ca) prior to development, construction, site works, excavation or site alteration.