

Report to London Committee of Adjustment

To: Chair and Members
London Committee of Adjustment
From: Michaela Hynes
Senior Coordinator – Committee of Adjustment
Subject: A-26077 – 183 Ann Street, Ward 13
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 height of 27 storeys and 92.4m, whereas 23 storeys and 84m is the maximum permitted.
2. To permit a density of 668 units per hectare, whereas 603 units per hectare is the maximum permitted.

Purpose and Effect

Variances requested to permit an apartment building.

Recommendation

The requested variances are being recommended for **refusal** as they do not satisfy the provisions of Section 45(1) of the *Planning Act R.S.O. 1990 c.P. 13*:

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

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 183 Ann Street, are located on the southeast corner of Ann Street and St. George Street, in the Central London Planning District. The surrounding area consists of a mix of light industrial, commercial, and existing and future low-, medium-, and high-density residential uses. The subject lands are currently vacant, following the demolition of the former buildings. The applicant is requesting relief from the City of London's Zoning By-law to permit the construction of a twenty-seven (27) storey apartment building containing 241 residential units.

Planning Background

In July 2022, Official Plan and Zoning By-law Amendment applications (OZ-9217) were recommended for refusal by staff but ultimately approved by Council to facilitate a mixed-use development with a maximum building height of twenty-three (23) storeys and a maximum density of 603 units per hectare. Site-specific approvals were implemented through Official Plan Amendment No. 66 (OPA 66), which established Specific Policy Area 1038C, and Zoning By-law Amendment Z.-1223039, which established the Zoning, including special provisions and Bonus zone B-86.



Figure 1 – Aerial View of 183 Ann Street

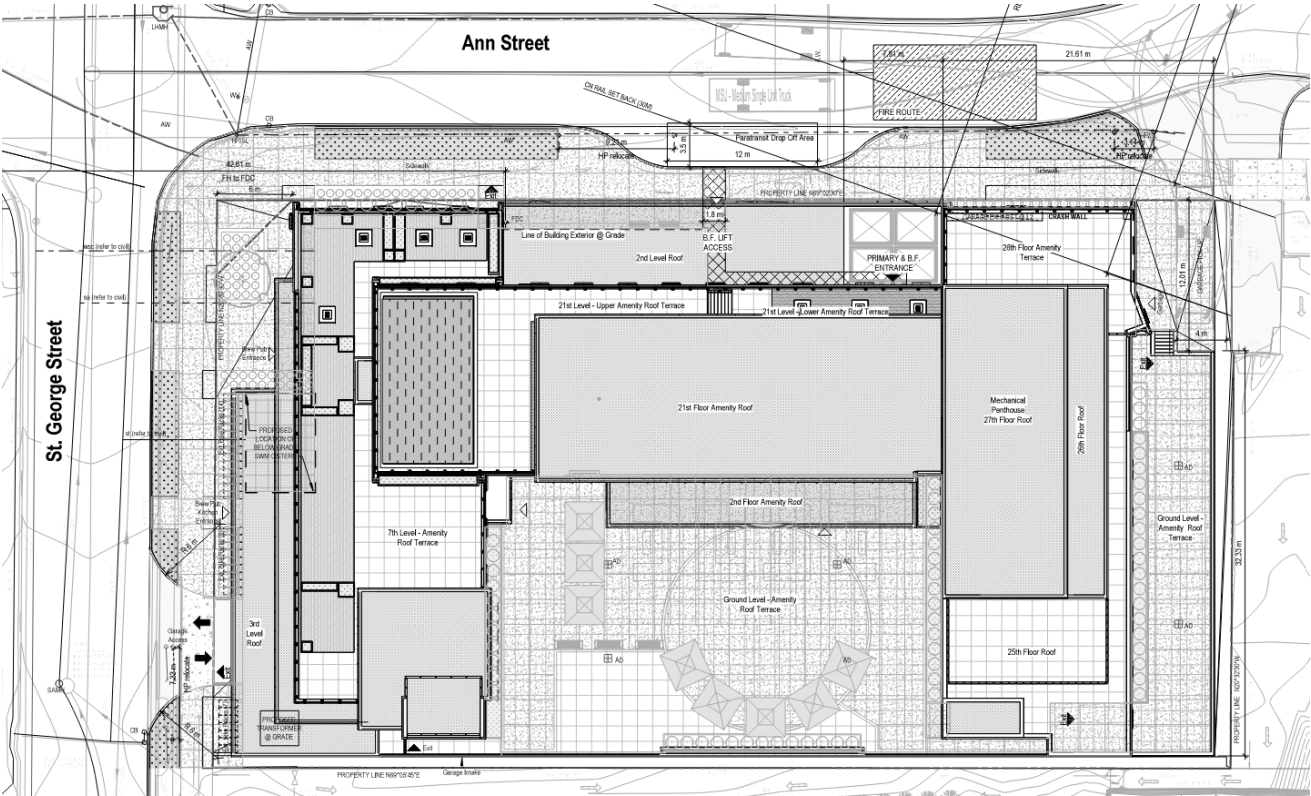


Figure 2 – Site Plan

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 located in the Neighbourhoods Place Type at the intersection of two (2) Neighbourhood Streets (Ann Street, St. George Street), as per Map 1 – Place types and Map 3 – Street Classifications in The London Plan. The proposed apartment building is a contemplated use in accordance with Table 10 – Range of Permitted Uses in the Neighbourhoods Place Type of The London Plan.

In conformity with Table 11 – Range of Permitted Heights in the Neighbourhoods Place Type, properties fronting onto major streets may allow for a broader range of intense forms of development than those fronting onto minor street (TLP 919_3). In general terms, the intent of this approach is to balance neighbourhood stability and predictability with the goals of creating neighbourhoods that allow for different housing types, an

appropriate mix of uses, affordability, aging in place, and vibrant, interesting communities (TLP 919_6). According to Table 11, because the subject lands are located at the intersection of two Neighbourhood Streets, the maximum height that may be permitted is three (3) storeys. Nevertheless, where more specific policies exist related to permitted uses and intensity of development for an area or specific site, those more specific policies shall prevail (TLP 920_3). In this case, as previously noted, an Official Plan Amendment was approved in 2022 to permit a maximum height of twenty-three (23) storeys for an apartment building. As the proposed development includes twenty-seven (27) storeys, exceeding the maximum height permissions permitted by the existing Specific Policy Area, it would require an Official Plan Amendment (TLP 1069).

Planning and Development staff are of the opinion that the requested variances do not maintain the general intent and purpose of The London Plan and would adversely impact the integrity of the in-force policies. Specifically, intensification is intended to occur in appropriate locations and in a manner that is sensitive to, and compatible with, existing neighbourhoods (TLP 83_). Intensity policies and regulations also ensure the intensity of development is sensitive to 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 953_). While the subject lands can accommodate a level of intensification, Planning and Development staff continue to have concerns with the previous and current proposed level of intensity and the proposal has not sufficiently demonstrated compatibility with the surrounding context or the City Design policies of The London Plan or adequately mitigated potential adverse impacts on adjacent and nearby properties. In addition, given the surrounding area context, Planning and Development staff are concerned that the proposal could constrain the ability of adjacent lands within the Urban Corridors Place Type, where more intense forms of development are contemplated, to develop in a compatible and coordinated manner. Furthermore, the proposed scale and intensity of development are considered to exceed what is appropriate for the site and represents over intensification rather than the reduced height and density contemplated by The London Plan and existing permissions.

Planning and Development staff are also of the opinion that permitting additional height beyond the established maximum through this planning process, in the absence of compelling justification, not only contradicts the heights framework of The London Plan but also sets a precedent that could weaken the effectiveness of the policy framework as a tool for managing growth. This is particularly concerning given that the previous Zoning By-law Amendment included a Bonus Zone to permit increased height and density beyond what was allowed under The London Plan. While the Bonus Zone continues to apply to the subject lands, the current proposal seeks a further significant increase in scale and intensity of development, which introduces potential additional concerns related to built form and height transition, compatibility, site functionality, and transportation impacts. Furthermore, previously identified concerns through the 2022 Official Plan and Zoning By-law Amendment applications (OZ-9217) regarding the level of intensity, overall built form, and how the height and density would manifest on the subject lands are further exasperated by the current proposal. Accordingly, an Official Plan and Zoning By-law Amendment application to amend the existing Specific Policy Area and site-specific special provisions for height and density would be the more appropriate planning mechanism to consider the additional height and density requested. This process would also provide an opportunity for any additional complete application requirements to be identified and addressed through the amendments. Nevertheless, Planning and Development staff's concerns regarding the proposed level of residential intensification could continue to apply.

Special Planning Area – Primary Transit Area (PTA), Near Campus Neighbourhoods (NCN) Area & 175-197 Ann Street and 84-86 St. George Street

The subject lands are also located in the Primary Transit Area (PTA), which is the 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 175-197 Ann Street and 84-86 St. George Street and the Near-Campus Neighbourhoods (NCN) Areas 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.

Within the NCN areas, most intensification will be directed to Place Types that are intended to accommodate mid-rise and high-rise residential development (TLP 965_7). Specifically, residential intensification is to be strategically located in areas with strong transit connections to link these opportunities to campuses, directing residential intensification to transportation nodes and corridors and away from interior of neighbourhoods (TLP 965_2,8). In this case, both the previous proposal and the current proposal seek to maximize the development potential of the subject lands, required relief from several regulations related to building form and site layout, including yard setbacks, height, density, landscaped open space, and building coverage. While the NCN policies support appropriate forms of intensification, urban design qualities are to be incorporated into the design to ensure that intensification projects contribute to the character of the neighbourhood while respecting the residential amenity of nearby properties. Staff have significant concerns with the proposed built form, as it does not sufficiently enhance the streetscape, contribute to, or respect the existing character of the neighbourhood. The extent of relief required from the zoning regulations, combined with the proposed height, massing, and density, result in an over-intensification of the subject lands.

Furthermore, staff are not satisfied that the requested variances conform with the vision and planning goals of the NCN. Specifically, the proposed development does not appropriately respond to the site-specific policies previously applied to the subject lands or the intent of the NCN policies regarding the scale and form of residential intensification. The requested variances would facilitate a significant increase in residential intensification and over development intensity without adequate mitigation of the impacts associated with the bulk and massing on the surrounding residential lands uses. In particular, the proposed built form is anticipated to result in such things as more significant shadowing impacts. Furthermore, the intent of the NCN policies is to enhance the livability, diversity, vibrancy, culture, sense of place, and quality of housing options for all residents through encouraging appropriate forms of intensification. In staff's opinion, the proposed development does not represent an appropriate form, size, scale, mass, or density for the subject lands and does not sufficiently contribute to or respect the character of the surrounding neighbourhood.

On this basis, Planning and Development staff are of the opinion that the requested variances do not maintain the general intent and purpose of The London Plan. The proposed height and density represent a substantial increase beyond the development framework previously established through the 2022 Official Plan and Zoning By-law Amendment applications (OZ-9217), through which staff had previously identified concerns regarding the level of intensity and built form. Accordingly, staff are of the opinion that a Official Plan and Zoning By-law Amendment applications would be required to appropriately consider the proposed height and density and to comprehensively assess the associated built form, compatibility, site functionality, and impact on surrounding lands and land uses.

Zoning By-law No. Z.-1

The subject lands are zoned a Holding Compound Residential R10 and Convenience Commercial Special Provision (h-8*h-10*h-147*h-175*R10-5*CC4(7)*B86) Bonus Zone. The proposed apartment building is a contemplated use as per City of London Zoning By-law No. Z.-1.

Variance 1: To permit a height of 27 storeys and 92.4m, whereas 23 storeys and 84m is the maximum permitted.

As established through the previous zoning approval in 2022, a maximum height of twenty-three (23) storeys is permitted on the subject lands. The intent of regulating the maximum building height is to ensure that all aspects of the buildings maintenance and functionality can be appropriately accommodated on site. Further, when combined, the maximum height and density regulations work to ensure the proposed residential intensity is appropriate for the size of the site, ensuring adequate space for various site functions is provided relative to the intensity of development or number of units on the lot. These regulations also help to ensure abutting properties are not negatively impacted by potential impacts such as massing, shadowing, or loss of privacy through appropriate determinations of height, density and associated mitigation measures. Furthermore, it is important to note that the Zoning By-

law will include regulations to ensure that the intensity of development is appropriate for individual sites and the full extent of intensity described in the intensity policies of the Neighbourhoods Place Type will not necessarily be permitted on all sites (TLP 935_3,4).

Planning and Development staff are of the opinion the subject lands are suitable for residential intensification; however, an apartment building height of twenty-seven (27) storeys will facilitate a development that is not compatible within the existing and planned context of the area. While the primary building height will be oriented along Ann Street, the additional height has the potential to negatively impact adjacent properties through massing, shadowing, or loss of privacy. In addition, given the surrounding area context, Planning and Development staff are concerned that the proposal could constrain the ability of adjacent lands within the Urban Corridors Place Type, where more intense forms of development are contemplated, to develop in a compatible and coordinated manner. Also, while numerically the increase of four (4) additional storeys may appear insignificant, when considering previous approvals, the following would facilitate a further increase from the original twenty-three (23) storeys (approx. 84m) approved by Council. Intensity policies and regulations also ensure the intensity of development is sensitive to 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 953_). As such, the requested height would be in opposition of the intensity policies of The London Plan as well as the NCN policies, as it does not ensure that the intensity of development is sensitive to adjacent land uses or appropriately balances neighbourhood stability and predictability. The proposed twenty-seven (27) storey height, therefore, does not uphold the integrity of the in-force policies of The London Plan, is not considered minor in nature, is not appropriate for the use and development of the land and does not maintain the general intent of the Zoning By-law.

Variance 2: To permit a density of 668 units per hectare, whereas 603 units per hectare is the maximum permitted.

As established through the previous zoning approval in 2022, a maximum density of 603 units per hectare is permitted on the subject lands. The intent of regulating the maximum residential density is to ensure that the proposed residential intensity is appropriate for the size of the site, ensuring adequate space for various site functions is provided relative to the intensity of development or number of units on the lot. This includes ensuring the lot can reasonably provide site functions such as safe access, adequate parking in appropriate locations, sufficient landscaped open space, an appropriately sized outdoor residential amenity area, adequate buffering and setbacks, and garbage storage areas. Intensity policies and regulations also ensure the intensity of development is sensitive to adjacent land uses while balancing neighbourhood stability and predictability with the goals of creating complete communities that allow for different housing types and an appropriate mix of uses (TLP 953_).

Planning and Development staff recognize that the subject lands are suitable for residential intensification, however, staff are of the opinion that the density increase must be considered in the context of the requested increase in building height. While the proposed increase in density may appear numerically minor, the additional density of 65 units per hectare, when combined with the building height that exceeds the maximum height permissions contemplated by The London Plan, contributes to an overall increase in the intensity of development beyond what was previously evaluated and approved by Council for the subject lands. The proposed height and density increases are interconnected and collectively contribute to the overall scale, massing, and intensity of the proposed development. As such, the cumulative impact of the requested variances has not been adequately demonstrated to be compatible with the surrounding context or consistent with the intent of the applicable policies of the London Plan. Planning and Development staff also have concerns with the potential broader policy considerations regarding the requested density and height increases and the precedent approval of the variances could set, weakening the effectiveness of the policy framework as a tool for managing future growth.

Conclusion

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

Prepared by:	Matt Litwinchuk, BEDP, CPT, Planner
Reviewed by:	Michaela 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, Landscape Architecture, Urban Design, and Engineering.

Parks, Long Range Planning & Design

- Parkland dedication will be taken at the time of site plan approval for the subject lands. No parkland dedication is required for this application.

Heritage

- The alterations proposed through this minor variance application do not appear to result in design changes affecting the commemorative design concepts considered as mitigation strategies for this development. Provided that the commemoration and interpretive concepts as well as the terms and conditions of the demolition approval of 197 Ann Street by Municipal Council on June 3, 2025, are unchanged, heritage has no comments.

Engineering

- Engineering Comments have been/will be addressed as part of SPA-25092.