

Report to London Committee of Adjustment

To: Chair and Members
London Committee of Adjustment
From: Michaela Hynes
Senior Coordinator – Committee of Adjustment
Subject: A-26078 – 1787 Parkhurst Avenue, Ward 3
Public Participation Meeting
Date: September 17, 2026

Executive Summary

Summary of Request

Request under Section 45(1) of the *Planning Act*, is requested as follows:

1. To permit an accessory building with a west interior yard setback of 0.6 metres, whereas 1.7 metres is the minimum required.

Purpose and Effect

To permit an accessory building in the rear yard.

Recommendation

The requested variance is being recommended for **approval** as it satisfies the provisions of Section 45(1) of the *Planning Act R.S.O. 1990 c.P.13*:

- The requested variance maintains the general intent and purpose of the Official Plan (The London Plan).
- The requested variance maintains the general intent and purpose of Zoning By-law No. Z-1.
- The requested variance is minor in nature.
- The requested variance is desirable for the appropriate development or use of the subject lands.

Conditions

Should the Committee of Adjustment approve the requested variance, the approval should be subject to the following conditions:

1. The Owner shall retain a consultant archaeologist, licensed by the Ministry of Citizenship and Multiculturalism (MCM) under the provisions of the *Ontario Heritage Act R.S.O. 1990* to carry out a Stage 1-2 archaeological assessment and follow through on any recommendations to mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found (Stages 3-4). All archaeological assessment reports and the MCM compliance letter will to be submitted to the City of London once the MCM has accepted them into the Public Registry.
2. Based on the City's internal LiDAR data, it appears that the extension of the garage may negatively impact neighbouring properties by blocking conveyance of external flows. Therefore, the owner must provide a Lot Grading Plan designed by either a professional engineer, landscape architect or O.L.S., which demonstrates the following:
 - a. Stormwater flows are self-contained on-site and do not negatively impact any neighbouring properties.
 - b. Existing and proposed minor and major storm flow drainage for the property.
 - c. Existing stormwater infrastructure servicing neighbouring properties is not inhibited by the proposed works (i.e. swales capturing stormwater runoff from multiple parcels).

- d. Proposed storm water controls (i.e. Infiltration galleries, drywells, etc.) and their supporting calculations/designs (additionally, photos of the installation of such measures will need to be provided once construction has been completed).
- e. Proposed/existing downspout locations ensuring that the outlets are directed to interior green spaces.

Property Description





Figure 2: Conceptual 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 involves 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 fronting a Neighbourhood Connector (Parkhurst Avenue), as per Map 1 – Place Types and Map 3 – Street Classifications in The London Plan (TLP). The existing single detached dwelling and associated accessory building is a contemplated use in accordance with Table 10 – Range of Permitted Uses in the Neighbourhoods Place Type of the London Plan.

Planning and Development staff are of the opinion that the requested variance maintains the general intent and purpose of The London Plan.

Zoning By-law No. Z.-1

The subject lands are zoned Residential R1 (R1-8) Zone, pursuant to the City of London Zoning By-law No. Z.-1, which permits the use of the existing single detached dwelling and associated accessory building.

Variance 1: To permit an accessory building with a west interior yard setback of 0.6 metres, whereas 1.7 metres is the minimum required.

The intent of regulating minimum yard setbacks is to ensure all building components are located at an appropriate distance from the lot lines to sufficiently accommodate all on-site functions, including, but not limited to, site and building maintenance, landscape buffering, stormwater management, and the mitigation of potential adverse impacts on adjacent properties, such as privacy and noise concerns.

In this case, the reduced interior side yard of 0.6 metres is minor in nature when considering the context of subject lands, adjacent properties, and the overall existing conditions. The requested variance would not result in the accessory building being situated closer to the interior lot line than the existing building. Rather, the proposed rear addition will maintain the existing interior side yard setback and provide additional usable space.

Notwithstanding the reduced setback, sufficient separation will remain between the building and the east lot line to accommodate access for building maintenance and other on-site functions. As such, the reduced setback is not anticipated to result in adverse impacts on the functionality of the property or the use and enjoyment of adjacent lands.

Furthermore, there are no known prior concerns related to the existing location of the accessory building, and no concerns were identified through the circulation of this application. To ensure any potential impacts are appropriately mitigated, a drawing confirming the stormwater flows are self-contained is recommended as a condition of approval to verify that stormwater will continue to be appropriately maintained on-site.

Conclusion

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

Prepared by:	Chloe Cernanec, 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: UTRCA, Ecology, CN Rail.

Heritage

- Context
 - Archaeological Potential is identified on the property at 1787 Parkhurst Avenue on the City’s Archaeological Management Plan. Archaeological matters must be addressed.
- Policy
 - As per Policy 616 of The London Plan: “[a]n archaeological assessment is required where a proposal involves development or site alteration, and if it is determined through the application of the Archaeological Management Plan

model that any part of a subject area possesses archaeological resource potential or known archaeological resources.”

- Notes:
 - The proponent shall retain a consultant archaeologist, licensed by the Ministry of Citizenship and Multiculturalism under the provisions of the *Ontario Heritage Act* (R.S.O. 1990 as amended) to carry out a minimum of a Stage 1-2 archaeological assessment of the entire properties and follow through on recommendations to mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found (Stages 3-4).
 - The archaeological assessment must be completed in accordance with the most current Standards and Guidelines for Consulting Archaeologists. Should Indigenous resources be identified in the Stage 1 assessment, engagement with the appropriate First Nations shall be completed consistent with the policies of *The London Plan*. All archaeological assessment reports, both in hard copy format and digitally in Portable Document Format (PDF), will be submitted to the City of London once MCM has accepted them into the Public Registry. Significant archaeological resources will be incorporated into the proposed development through either in situ preservation or interpretation where feasible, or may be commemorated and interpreted on site.
 - No soil disturbance arising from demolition, construction, or any other activity shall take place on the property prior to Planning & Development receiving the Ministry of Citizenship and Multiculturalism (MCM) compliance letter indicating that all archaeological licensing and technical review requirements have been satisfied.
 - It is an offence under Section 48 and 69 of the *Ontario Heritage Act* for any party other than a consultant archaeologist to make alterations to a known archaeological site or to remove any artifact or other physical evidence of past human use or activity from an archaeological site.
 - Should previously undocumented (i.e. unknown or deeply buried) archaeological resources be discovered, they may be a new archaeological site and therefore be subject to Section 48(1) of the *Ontario Heritage Act*. The proponent or person discovering the archaeological resources must cease alteration of the site immediately and engage a consultant archaeologist to carry out archaeological fieldwork, in compliance with Section 48(1) of the *Ontario Heritage Act*. Archaeological sites recommended for further archaeological fieldwork or protection remain subject to Section 48(1) of the *Ontario Heritage Act* and may not be altered, or have artifacts removed from them, except by a person holding an archaeological license.
 - If human remains/or a grave site is discovered, the proponent or person discovering the human remains and/or grave site must cease alteration of the site immediately. The *Funerals, Burials and Cremation Services Act* requires that any person discovering human remains must immediately notify the police or coroner and the Registrar, *Funeral Burials and Cremation Services Act*, Ontario Ministry of Public and Business Services Delivery and Procurement.

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.
- The below information is for the applicant’s knowledge and only applicable if trees are proposed for injury or removal:
- The City of London [Tree Protection Bylaw](#) regulates the injury and/or destruction of trees within the Urban Growth Boundary that have a diameter of at least 50 centimeters growing on private property, and trees of any size in Tree Protection Areas. Permits are required to injure or remove regulated trees. Any person who contravenes any provision of this By-law is guilty of an offence and if convicted is liable to fines and/or court orders. Visit [Privately owned trees | City of London](#) or contact Forestry at trees@london.ca for more information.

- The City of London [Boulevard Tree Protection By-law](#) regulates the injury and/or destruction of all trees located on City of London Boulevards (including their root zones). Any person who contravenes any provision of this By-law is guilty of an offence and if convicted is liable to fines and/or court orders. Contact Forestry at trees@london.ca for more information
- Boundary trees are regulated by Ontario's [Forestry Act](#) Section 10. Boundary trees are trees whose trunk is growing on or crosses the boundary between adjoining lands, are common property and cannot be removed without written consent from all co-owners. Injury or destruction of a boundary tree without consent is guilty of an offence under this Act. The trunk of a tree is considered everything from the root-collar (at the base) to where the first branch appears