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File No.: Z-8143
Planner: Mike Corby

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: SOUTHSIDE GROUP 193 CLARKE ROAD NOTICE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD MEETING ON APRIL 29, 2014

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, in response to the letter of appeal to the Ontario Municipal Board, dated February 24, 2014 and submitted by Debbie Newman and Lynn Johnston relating to Zoning By-law No. Z.-1-142259 concerning 193 Clarke Road, the Ontario Municipal Board **BE ADVISED** that the Municipal Council has reviewed its decision relating to this matter and sees no reason to alter it.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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On April 9, 2013 a report to the Planning and Environment Committee recommending approval of a Zoning By-law amendment to permit a one-storey, 14-unit, single bedroom affordable housing development for adults with Autism Spectrum Disorder.

After Council referred the original recommendation back to staff a second report to the Planning and Environment Committee was presented on January 21, 2014 recommending approval of the Zoning By-law amendment to permit a modified form of development designed to mitigate concerns raised by abutting neighbours and adding site specific items for the Site Plan Approval Authority to consider as well as a holding provision to ensure the proposal would go through a public site plan review process.

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The recommended action would advise the Ontario Municipal Board that Municipal Council is in agreement with its previous decision of January 28, 2014:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on January 28, 2014 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 R1 (R1-7) Zone which permits single detached dwellings **TO** a Holding Residential R7 Special Provision (h-5•R7(____)•H9•D45) Zone with a maximum height of 9 metres and a maximum density of 45 units per hectare; and,
- (b) the Site Plan Approval Authority **BE REQUESTED** to implement the design and landscape features illustrated in general conformity with the conceptual plans attached hereto as Appendix "B" through the Site Plan Approval process, and consider the following:
 - Bicycle parking be included on the site;
 - A Tree Preservation and Protection Plan be submitted with the site plan application;
 - Pedestrian walkway from Clarke Road to the proposed building be lined with continuous landscaping to help screen the walkway from the adjacent property to the

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- north;
- Shift the building to the west to provide a more welcoming feature at the front of the building and some outdoor amenity space adjacent to the Programme/Common space;
 - Eliminate parallel parking spaces on the north side of the entrance drive;
 - Further develop the landscape design of the outdoor amenity space at the back of the building;
 - Include deciduous trees along the south property line to screen the building rooflines from neighbours;
 - Use landscaping to demarcate private patio space.



<p style="text-align: center;">LOCATION MAP</p> <p>Subject Site: 193 Clarke Rd Applicant: Southside Group of Companies File Number: Z-8143 Planner: Mike Corby Created By: Mike Corby Date: 2013-01-18 Scale: 1:2500</p>	<p style="text-align: center;">LEGEND</p> <ul style="list-style-type: none"> Subject Site Parks Assessment Parcels Buildings Address Numbers
<p>Corporation of the City of London Prepared By: Planning and Development</p>	

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BACKGROUND

On January 14, 2013, Southside Group submitted an application for a Zoning By-law amendment requesting approvals which would facilitate the development of a one-storey, 14-unit, single bedroom affordable housing development for adults with Autism Spectrum Disorder.

Planning Staff recommended the approval of the Zoning By-law amendment, with minor refinements, to ensure that the height of the proposed development was in keeping with the surrounding area and a holding provision was used to ensure the development went through a public Site Plan Review. Staff felt the proposed use was appropriate for the following reasons:

1. The recommended amendment is consistent with the policies of the Provincial Policy Statement (2005);
2. The proposed amendment is consistent with the Low Density Residential policies of the City of London Official Plan;
3. The recommended amendment regulates height and density on a site specific basis to ensure compatibility with abutting residential uses;
4. The subject site is a vacant and underutilized site unique in the context of the neighbourhood and surrounding area which is conducive to intensification;
5. The proposed development will provide an opportunity for affordable housing for adults with autism spectrum disorder and allow them to live independently within an active community; and,
6. The recommended holding provision is intended to ensure that the development proposal, which has been modified based on neighbourhood input to achieve compatibility with the abutting properties, is vetted at a public site plan meeting consistent with the Council Resolution of April 16, 2013.

On February 27, 2014, an appeal was submitted by Debbie Newman and Lynn Johnston, in opposition to Municipal Council's decision to approve the requested amendments. The reasons for appeal were based on the proposal not meeting the residential intensification policies and the proposed building not meeting the character nor being compatible with the surrounding area. The reasons for appeal are included in detail in the Notice of Appeal, attached as Appendix "A" to this report.

Review of Provincial Policy Statement 2014

The previous application was reviewed through the relevant policies of the 2005 PPS. Since that time the new 2014 Provincial Policy Statement has been adopted and will come into force and effect on April 30, 2014. Any decisions of Municipal Council must be consistent with all changes to the relevant PPS policies. The policies used to review the application at the time of decision of Municipal Council; **Section 1.1 - Managing and Directing Land Use to Achieve Efficient Development and Land Use Patterns** specifically Section 1.1.1 and 1.1.3.3. and **Section 1.4 Housing** specifically section 1.4.3. have not been materially amended in the new 2014 PPS and therefore staff's initial review is unchanged.

A date for the Ontario Municipal Board Hearing has not yet been scheduled. Planning staff have reviewed the staff recommendation in view of the stated reasons for appeal. Planning Staff see no reason for Council to alter its decision relating to this matter.

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PREPARED BY:	SUBMITTED BY:
MIKE CORBY PLANNER II, CURRENT PLANNING	MICHAEL TOMAZINCIC, MCIP, RPP MANAGER, CURRENT PLANNING
RECOMMENDED BY:	
JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER	

March 19, 2014

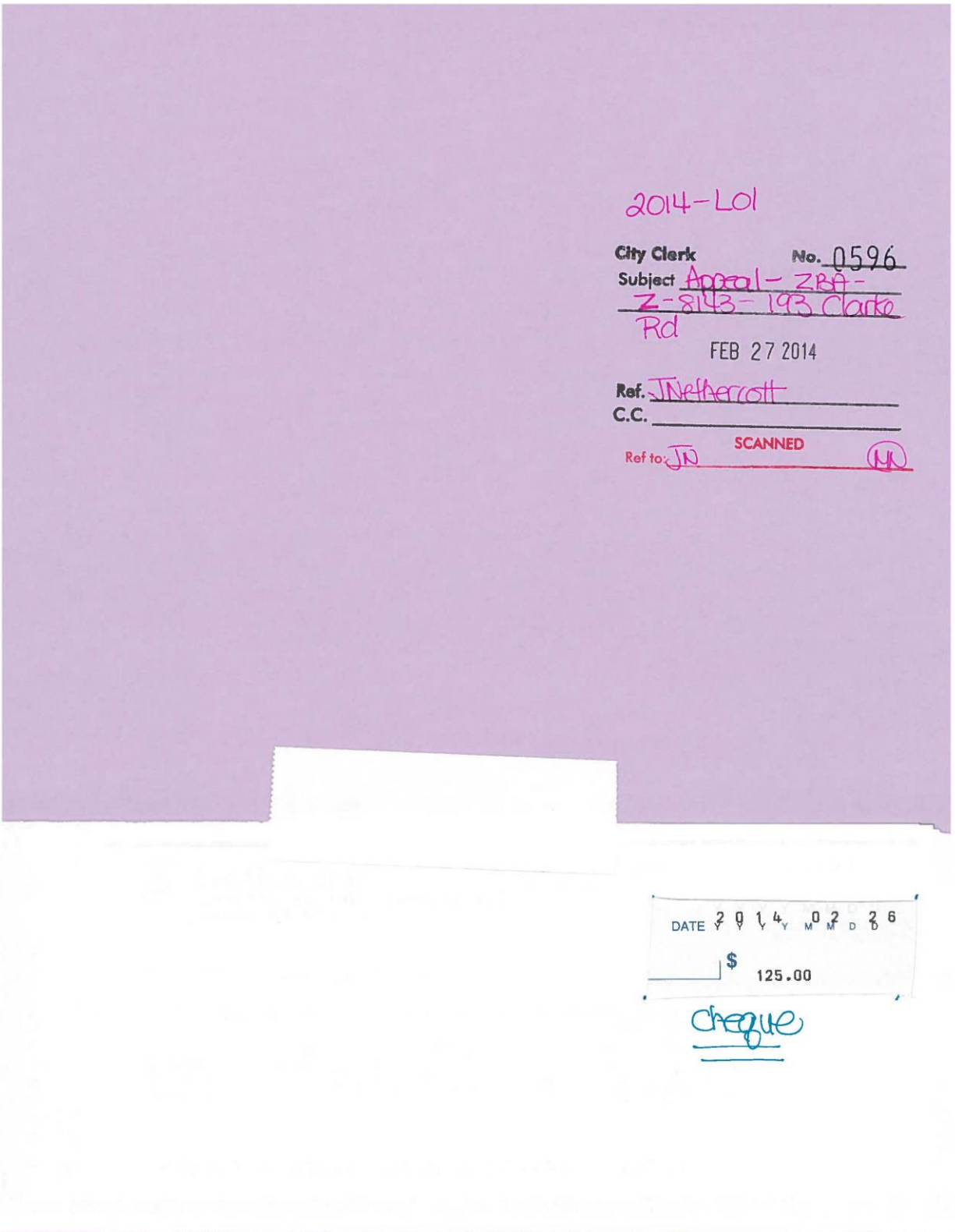
MC/mc

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Appendix "A"



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Environment and Land Tribunals Ontario
Ontario Municipal Board
655 Bay Street, Suite 1500 Toronto, Ontario M5G 1E5
TEL: (416) 212-6349 or Toll Free: 1-866-448-2248
FAX: (416) 326-5370
www.eito.gov.on.ca

**APPELLANT FORM (A1)
PLANNING ACT**

**SUBMIT COMPLETED FORM
TO MUNICIPALITY/APPROVAL AUTHORITY**

Date Stamp - Appeal Received by Municipality

RECEIVED

FEB 27 2014

Receipt Number (OMB Office Use Only)

Part 1: Appeal Type (Please check only one box)

SUBJECT OF APPEAL	TYPE OF APPEAL	PLANNING ACT REFERENCE (SECTION)
Minor Variance	<input type="checkbox"/> Appeal a decision	45(12)
	<input type="checkbox"/> Appeal a decision	53(19)
Consent/Severance	<input type="checkbox"/> Appeal conditions imposed	53(19)
	<input type="checkbox"/> Appeal changed conditions	53(27)
	<input type="checkbox"/> Failed to make a decision on the application within 90 days	53(14)
	<input checked="" type="checkbox"/> Appeal the passing of a Zoning By-law	34(19)
Zoning By-law or Zoning By-law Amendment	<input type="checkbox"/> Application for an amendment to the Zoning By-law – failed to make a decision on the application within 120 days	34(11)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – refused by the municipality	
Interim Control By-law	<input type="checkbox"/> Appeal the passing of an Interim Control By-law	38(4)
Official Plan or Official Plan Amendment	<input type="checkbox"/> Appeal a decision	17(24) or 17(36)
	<input type="checkbox"/> Failed to make a decision on the plan within 180 days	17(40)
	<input type="checkbox"/> Application for an amendment to the Official Plan – failed to make a decision on the application within 180 days	22(7)
	<input type="checkbox"/> Application for an amendment to the Official Plan – refused by the municipality	
Plan of Subdivision	<input type="checkbox"/> Appeal a decision	51(39)
	<input type="checkbox"/> Appeal conditions imposed	51(43) or 51(48)
	<input type="checkbox"/> Failed to make a decision on the application within 180 days	51(34)

Part 2: Location Information

193 Clarke Road

Address and/or Legal Description of property subject to the appeal:

Municipality/Upper tier: London, Ontario

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Part 3: Appellant Information

First Name: Debbie Last Name: Newman

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)

Professional Title (if applicable): _____

E-mail Address: _____
By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: _____ Alternate Telephone #: _____

Fax #: _____

Mailing Address: 1801 Royal Cres. London
Street Address Apt/Suite/Unit# City/Town

ON NSW2A7
Province Country (if not Canada) Postal Code

Signature of Appellant: [Signature] Date: Feb 24/14
(Signature not required if the appeal is submitted by a law office.)

Please note: You must notify the Ontario Municipal Board of any change of address or telephone number in writing. Please quote your OMB Reference Number(s) after they have been assigned.

Personal information requested on this form is collected under the provisions of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, and the *Ontario Municipal Board Act*, R.S.O. 1990, c. O. 28 as amended. After an appeal is filed, all information relating to this appeal may become available to the public.

Part 4: Representative Information (if applicable)

I hereby authorize the named company and/or individual(s) to represent me: information to follow

First Name: _____ Last Name: _____

Company Name: _____

Professional Title: _____

E-mail Address: _____
By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: _____ Alternate Telephone #: _____

Fax #: _____

Mailing Address: _____
Street Address Apt/Suite/Unit# City/Town

Province Country (if not Canada) Postal Code

Signature of Appellant: _____ Date: _____

Please note: If you are representing the appellant and are NOT a solicitor, please confirm that you have written authorization, as required by the Board's Rules of Practice and Procedure, to act on behalf of the appellant. Please confirm this by checking the box below.

I certify that I have written authorization from the appellant to act as a representative with respect to this appeal on his or her behalf and I understand that I may be asked to produce this authorization at any time.

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Part 5: Language and Accessibility

Please choose preferred language: English French

We are committed to providing services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our Accessibility Coordinator as soon as possible.

Part 6: Appeal Specific Information

1. Provide specific information about what you are appealing. For example: Municipal File Number(s), By-law Number(s), Official Plan Number(s) or Subdivision Number(s):

(Please print)
The passing of a Zoning By-law by the Council of the Corporation of the City of London
Z-1-142259

2. Outline the nature of your appeal and the reasons for your appeal. Be specific and provide land-use planning reasons (for example: the specific provisions, sections and/or policies of the Official Plan or By-law which are the subject of your appeal - if applicable). **If more space is required, please continue in Part 9 or attach a separate page.

(Please print)
See attached for nature and reason for appeal.

THE FOLLOWING SECTIONS (a&b) APPLY ONLY TO APPEALS OF ZONING BY-LAW AMENDMENTS UNDER SECTION 34(11) OF THE PLANNING ACT.

a) **DATE APPLICATION SUBMITTED TO MUNICIPALITY:** _____
(If application submitted before January 1, 2007 please use the O1 'pre-Bill 51' form.)

b) Provide a brief explanatory note regarding the proposal, which includes the existing zoning category, desired zoning category, the purpose of the desired zoning by-law change, and a description of the lands under appeal:
**If more space is required, please continue in Part 9 or attach a separate page.

Part 7: Related Matters (if known)

Are there other appeals not yet filed with the Municipality? YES NO

Are there other planning matters related to this appeal? YES NO
(For example: A consent application connected to a variance application)

If yes, please provide OMB Reference Number(s) and/or Municipal File Number(s) in the box below:

(Please print)

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We feel that the requirements of section 3.2 and the subsequent sub-sections pertaining to this property being 3.2.1. "permitted uses", 3.2.2 "scale of development", 3.2.3 "residential intensification", Paragraph 3 stating "Residential Intensification projects shall use innovative and creative urban design techniques to ensure that **character and compatibility** with the surrounding neighbourhood are maintained as outlined in policy 3.2.3.3. and 3.2.3.4. " We feel the character and compatibility with the neighbourhood is not maintained as outlined in 3.2.3.4 which states "As part of an application for residential intensification, the applicant shall be required to provide an adequately detailed statement of the compatibility, where it is clearly demonstrated that the proposed project is sensitive to, compatible with, and a good fit within, the existing surrounding neighbourhood based on, but not limited to, a review of both the existing and proposed built form, massing and architectural treatments as outlined in section 3.7.3.1. of the plan."

In our eyes, the applicant has failed to "demonstrate" that this project is sensitive to, compatible with and a good fit within the existing surrounding neighborhood with the key point being the building is too large.

It is our opinion that this R-1 (R1-7) low density residential neighbourhood should be maintained to keep in character and compatibility of the adjacent single family dwellings.



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193 Clarke Rd



(Please note this picture is our rendering of the lot with proposed building)

We would like to file this as a joint appeal

2nd Appellant information

Name: Lynn Johnston

Email: |

Daytime Telephone:

Alternate Telephone:

Mailing address: 1797 Royal Cres

London, Ontario N5W2A7

Signature of Appellant

Lynn Johnston

Date: 26/02/2014