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File No.: OZ-8188
 Planner: Mike Corby

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| TO: | CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE |
| FROM: | JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER |
| SUBJECT: | APPLICATION BY: CHRIS HAVARIS 360 CRUMLIN SIDEROAD AND 3301 AND 3345 GORE ROAD NOTICE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD MEETING ON SEPTEMBER 9, 2014 |

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| RECOMMENDATION |
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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 July 8, 2014 and submitted by Barry R. Card on behalf of the Crumlin Sports Association relating to Official Plan and Zoning By-law amendment application No. OZ-8188 concerning 360 Crumlin Sideroad and 3301 and 3345 Gore 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.

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| PREVIOUS REPORTS PERTINENT TO THIS MATTER |
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In 2005 the Planning Division initiated an Official Plan and Zoning By-law amendment to designate the subject lands and surrounding area as Rural Settlement and rezone the lands as Urban Reserve to prevent premature lot creation without municipal services being available. This application resulted in an appeal to the Ontario Municipal Board where it was determined that the R1-17 zone is the most appropriate Zone as it would not sterilize the lands from new development. In granting the R1-17 zone the OMB also regulated the lot size to ensure the lots were large enough to function on private servicing by limiting the minimum lot area to one hectare in size.

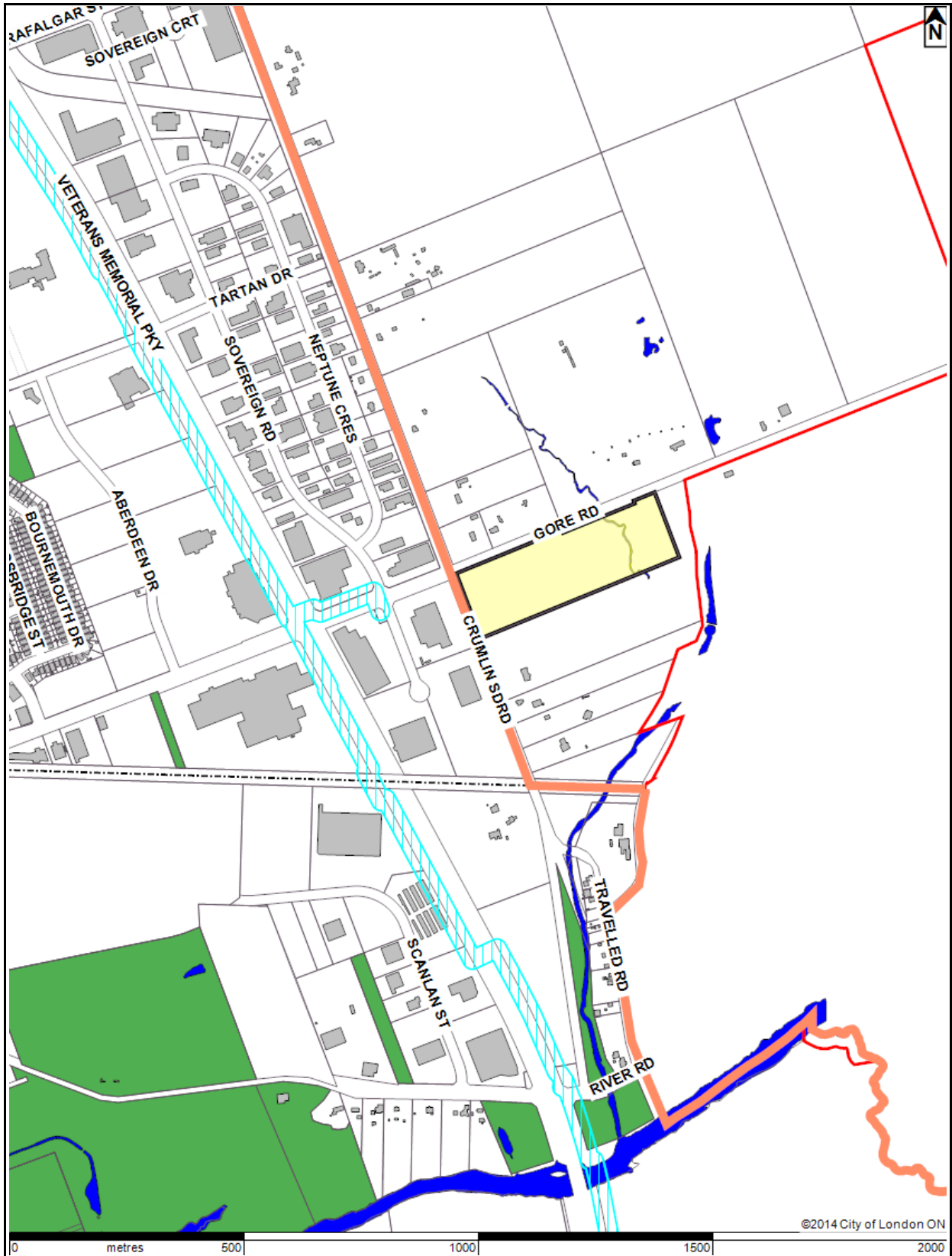
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| PURPOSE AND EFFECT OF RECOMMENDED ACTION |
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The recommendation will advise the Ontario Municipal Board that Council agrees with its previous recommendation to amend the Official Plan and Zoning By-law as follows:

- (a) The proposed by-law **BE INTRODUCED** to amend the Official Plan **TO** add a Specific Area Policy under Chapter 10.1.3 of the Official Plan;
- (b) The proposed by-law **BE INTRODUCED** to amend Zoning By-law No. Z.-1, in conformity with the Official Plan as amended in part (a) above, to change the zoning of the subject property **FROM** an Agricultural (AG1) Zone **TO** Holding Agricultural Special Provision (h-AG1(_)) Zone (3345 Gore Road) and **FROM** a Residential R1 (R1-17) Zone **TO** a Residential R1 Special Provision (R1-16(_)) Zone (360 Crumlin Sideroad) and **FROM** an Agricultural/Holding Open Space/Residential R1 (AG1/h-2•OS4/R1-17) Zone **TO** an Open Space (OS4) Zone (3301 Gore Road);
- (c) Consistent with Policy 19.1.1. of the Official Plan, the subject lands, representing a portion of 3301 Gore Road, **BE INTERPRETED** to be located within the Open Space Designation;
- (d) Pursuant to Section 34(17) of the *Planning Act*, as determined by the Municipal Council, no further notice **BE GIVEN** in respect of the proposed by-law as:
 - The change in zone boundaries for the lands being dedicated to the City at 3301 Gore Road is minor in nature and mirrors the new lot boundaries which were created through a consent application for the purposes of parkland dedication; and,
 - Public uses, such as parks, are permitted in all zones therefore no new uses are being introduced.

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File No.: OZ-8188
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LOCATION MAP

Subject Site: 360 Crumlin Sdrd
 Applicant: Estate of Theodora Havaris
 File Number: OZ-8188
 Planner: Mike Corby
 Created By: Michael Tomazincic
 Date: 2014-08-21
 Scale: 1:10100

LEGEND

- Subject Site
- Parks
- Assessment Parcels
- Buildings
- Address Numbers



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File No.: OZ-8188
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BACKGROUND

In May of 2013 Zelinka Priamo Ltd. submitted an application on behalf of Theodore Havaris for the severance of 360 Crumlin Sideroad. The severance would create 6 lots comprising of four large estate lots within the Rural Settlement designation (Lots 1-4) and a lot that encompasses a natural heritage feature (Lot 5), which is to be dedicated to the City of London, which results in the creation of a remnant sixth parcel being created in the Agricultural designation (Lot 6). The severance application was submitted with an accompanying Zoning By-law amendment which requested a residential zone that would help facilitate the consent for Lots 1-4. Through the severance process it was determined that the applicant must apply for an Official Plan amendment for the creation of Lot 6 and this request was included as a condition of consent. On January 13, 2014, Zelinka Priamo Ltd. re-submitted an application on behalf of Theodore Havaris for an amendment to the Official Plan and Zoning By-law. The Official Plan amendment was requested to add a Specific Area policy to permit an undersized agricultural lot under the Agricultural designation. The site specific policy would only be placed on the most westerly property (Lot 6) created through a severance. The requested Zoning By-law amendment was similar to the original request however it included a request to mirror the special policy and recognize the undersized agricultural lot through the zoning by using special provisions.

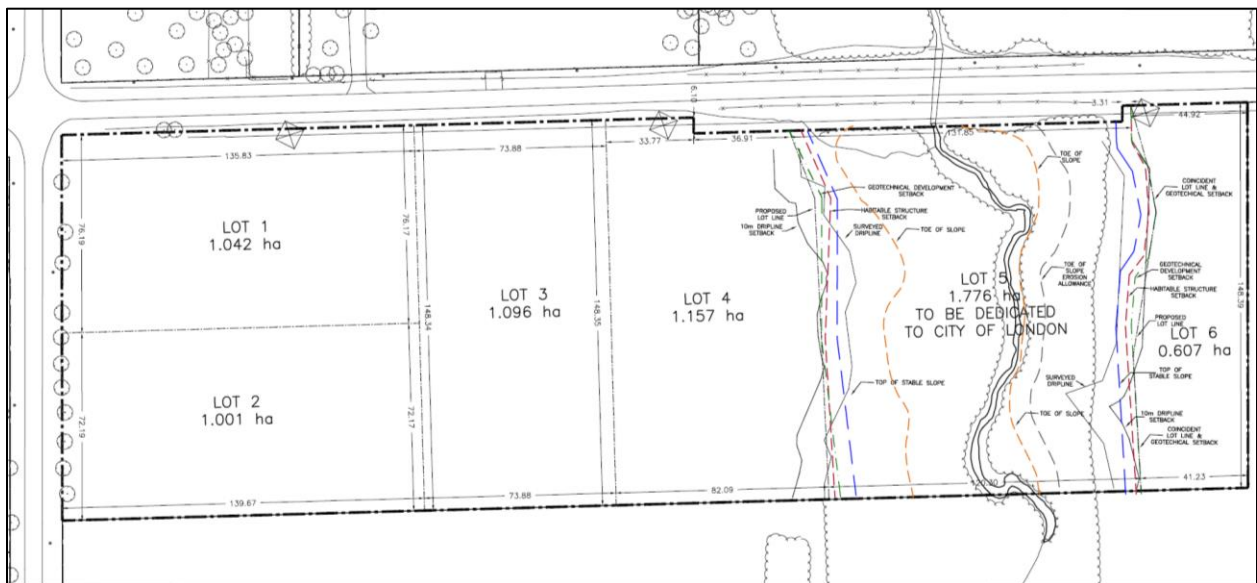


Illustration depicting the proposed lots created through consent

Planning Staff recommended the approval of the Official Plan and Zoning By-law amendment, with minor refinements by adding a holding provision, to ensure that no dwelling unit would be built on severed lands in the agricultural area without the appropriate noise studies being completed and accepted by City Staff. Staff also ensured that appropriate setbacks from abutting industrial uses were in place for future single detached dwellings as well as maintaining appropriate lot sizes. Staff felt the proposed use was appropriate for the following reasons:

- i) The recommendation is consistent with the rural area and agricultural lands policies of the Provincial Policy Statement, 2014;
- ii) The recommendation is consistent with the policies of the City of London Official Plan relating to Rural Settlement Areas.
- iii) The recommendation is consistent with Chapter 10 of the Official Plan which permits Policies for Specific Areas where the application of existing policies would not accurately reflect the intent of Council with respect to the future use of the land.
- iv) The recommendation is consistent with the decision of the OMB (Case # PL051297) which designated the lands west of the Natural Heritage feature as a Rural Settlement Area and that lot creation on the property should be contemplated.

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On July 9, 2014, an appeal was submitted by Barry R. Card Barrister and Solicitor on behalf of the Crumlin Sports Association, in opposition to Municipal Council's decision to approve the requested amendments. The reasons for appeal were based on the proposal not being consistent with the PPS and Official Plan and the residential use is not compatible with the existing uses in the area. The reasons for appeal are included in detail in the Notice of Appeal, attached as Appendix "A" to this report.

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 | |

August 15, 2014

MC /mc

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**File No.: OZ-8188
Planner: Mike Corby**

Barry R. Card

BARRISTER & SOLICITOR
Certified Specialist - Municipal Law: Local Government/ Land Use Planning & Development Law
568 RIDGEWOOD CRESCENT
LONDON, ONTARIO N6J 3J2

July 8, 2014

DELIVERED

Catharine Saunders, City Clerk
Corporation of the City of London
City Hall, 3rd Floor
300 Dufferin Avenue
London, Ontario
N6B 1Z2

Dear Ms. Saunders

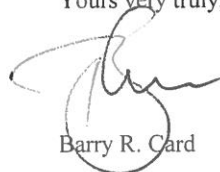
**Re: Appeals to the Ontario Municipal Board
Official Plan Amendment No. 584
and Zoning By-law Amendment No. Z.-1-142306
Crumlin Sportsmen's Association**

I am the solicitor for the Crumlin Sportsmen's Association. On behalf of my client, I enclose the following:

1. Appeal against Official Plan Amendment No. 584 and money order in the sum of \$125.00 payable to the *Minister of Finance*; and
2. Appeal against Zoning By-law Amendment No. Z.-1-142306 and money order in the sum of \$125.00 payable to the *Minister of Finance*.

If anything further is required to permit the City to forward these appeals to the Board, please let me know.

Yours very truly,



Barry R. Card

BRC:jmh:Encls.

cc: **Ontario Municipal Board - 1-416-326-5370
Crumlin Sportmen's Association**

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**File No.: OZ-8188
Planner: Mike Corby**



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.elt.o.gov.on.ca

**APPELLANT FORM (A1)
PLANNING ACT**

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



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) |
| Consent/Severance | <input type="checkbox"/> Appeal a decision | 53(19) |
| | <input type="checkbox"/> Appeal conditions imposed | |
| | <input type="checkbox"/> Appeal changed conditions | 53(27) |
| | <input type="checkbox"/> Failed to make a decision on the application within 90 days | 53(14) |
| Zoning By-law or Zoning By-law Amendment | <input type="checkbox"/> Appeal the passing of a Zoning By-law | 34(19) |
| | <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 checked="" 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

3345 Gore Road

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

Municipality/Upper tier: City of London

Two empty rectangular boxes for agenda item and page numbers.

File No.: OZ-8188
Planner: Mike Corby

Part 3: Appellant Information

First Name: _____ Last Name: _____

Crumlin Sportsmen's Association (corporation without share capital), c/o Barry R. Card, Barrister and Solicitor
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: 568 Ridgewood Crescent London
Street Address Apt/Suite/Unit# City/Town

Ontario N6J 3J2
Province Country (if not Canada) Postal Code

Signature of Appellant: _____ Date: July 8, 2014

(Signature not required if the appeal is submitted by a law office.)

Barry R. Card

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:

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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**File No.: OZ-8188
Planner: Mike Corby**

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)
Official Plan Amendment No. 584 of the City of London
City File No. OZ-8188

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)
The OPA is not consistent with the PPS and in particular, s. 2.3.4.1 and 1.1.1 c).
The proposed (residential) use is not compatible with existing uses in the area, including the use of my client's property.
The proposed use of the subject is contrary to the Official Plan as amended by OPA 370.

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)
A concurrent Zoning By-law Amendment appeal is being filed by the Appellant concerning the subject lands, against Zoning By-law Z.-1-142306.

Two empty rectangular boxes for entering agenda item and page numbers.

File No.: OZ-8188
Planner: Mike Corby

Part 8: Scheduling Information

How many days do you estimate are needed for hearing this appeal? half day 1 day 2 days 3 days
 4 days 1 week More than 1 week – please specify number of days: _____

How many expert witnesses and other witnesses do you expect to have at the hearing providing evidence/testimony?

Describe expert witness(es)' area of expertise (For example: land use planner, architect, engineer, etc.):

Do you believe this matter would benefit from mediation? YES NO
(Mediation is generally scheduled only when all parties agree to participate)

Do you believe this matter would benefit from a prehearing conference? YES NO
(Prehearing conferences are generally not scheduled for variances or consents)

If yes, why? _____

Part 9: Other Applicable Information **Attach a separate page if more space is required.

A large empty rectangular box with horizontal lines, intended for providing other applicable information.

Part 10: Required Fee

Total Fee Submitted: \$ _____ 125.00

Payment Method: Certified cheque Money Order Solicitor's general or trust account cheque

- The payment must be in Canadian funds, payable to the Minister of Finance.
- Do not send cash.
- PLEASE ATTACH THE CERTIFIED CHEQUE/MONEY ORDER TO THE FRONT OF THIS FORM.

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**File No.: OZ-8188
Planner: Mike Corby**



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.elto.gov.on.ca

**APPELLANT FORM (A1)
PLANNING ACT**

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



Receipt Number (OMB Office Use Only)

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Part 2: Location Information

3345 Gore Road, 3301 Gore Road and 360 Crumlin Sideroad
Address and/or Legal Description of property subject to the appeal:

Municipality/Upper tier: City of London

Two empty rectangular boxes for Agenda Item # and Page #.

File No.: OZ-8188
Planner: Mike Corby

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First Name: _____ Last Name: _____

Crumlin Sportsmen's Association (corporation without share capital), c/o Barry R. Card, Barrister and Solicitor
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)

Professional Title (if applicable): _____

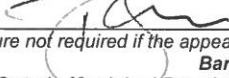
E-mail Address: _____

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

Daytime Telephone #: _____ Alternate Telephone #: _____

Fax #: _____

Mailing Address: 568 Ridgewood Crescent London
Street Address Apt/Suite/Unit# City/Town
Ontario N6J 3J2
Province Country (if not Canada) Postal Code

Signature of Appellant:  Date: July 8, 2014
(Signature not required if the appeal is submitted by a law office.)
Barry R. Card

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.

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

First Name: _____ Last Name: _____

Company Name: _____

Professional Title: _____

E-mail Address: _____

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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: _____

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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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File No.: OZ-8188
Planner: Mike Corby

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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)
 Zoning By-law No. Z.-1-142306 of the City of London
 City File No. OZ-8188

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)
Residential Zone
 The proposed residential (R1-16(3)) zoning for the subject land is premature, because known noise issues have not been satisfactorily addressed.
 The proposed zoning regulations are unsuitable for the subject lands.
 The proposed residential zoning does not conform to the Official Plan and does not, for example, reflect s. 11.1.1 (xviii).

Agricultural Zone
 The proposed "agricultural" (h-(172)*AG1(3)) zone is premature, because known noise issues have not been satisfactorily addressed and may not be capable of being addressed.
 The proposed agricultural zone permits a dwelling and is not consistent with s. 1.1.1 and 2.3.4.1 of the PPS.
 The land affected by the proposed agricultural zone has been historically cropped (cash crop) in its present configuration.
 The proposed agricultural zone does not conform to the Official Plan and in particular, s. 11.1.1. (xviii).

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)
 A concurrent Official Plan Amendment appeal is being filed by the Appellant concerning 3345 Gore Road, against OPA 584.

Agenda Item # Page #

Two empty rectangular boxes for entering agenda item numbers and page numbers.

File No.: OZ-8188
Planner: Mike Corby

Part 8: Scheduling Information

How many days do you estimate are needed for hearing this appeal? half day 1 day 2 days 3 days
 4 days 1 week More than 1 week – please specify number of days: _____

How many expert witnesses and other witnesses do you expect to have at the hearing providing evidence/testimony?
_____ 1

Describe expert witness(es)' area of expertise (For example: land use planner, architect, engineer, etc.):
_____ land use planner

Do you believe this matter would benefit from mediation? YES NO
(Mediation is generally scheduled only when all parties agree to participate)

Do you believe this matter would benefit from a prehearing conference? YES NO
(Prehearing conferences are generally not scheduled for variances or consents)

If yes, why? _____

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- Do not send cash.
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