

**SP15-005948**  
**A. MacLean**

<b>TO:</b>	<b>CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE</b>
<b>FROM:</b>	<b>G. KOTSIFAS, P.ENG. MANAGING DIRECTOR, DEVELOPMENT &amp; COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL</b>
<b>SUBJECT:</b>	<b>NOTICE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD PL150720  510 CENTRAL MEETING ON NOVEMBER 2, 2015</b>

**RECOMMENDATION**

That, on the recommendation of the Manager, Development Planning, in response to letters of appeal by Donald deJong to the Ontario Municipal Board dated August 4, 2015 relating to the Site Plan Approval application being PL150720, for the property located at 510 Central Avenue:

The City Solicitor BE DIRECTED to provide legal representation at the Ontario Municipal Board Hearing and to take such steps as are necessary, including retaining such experts as the City Solicitor may determine are necessary, to support Municipal Council's position relating to the appeal of the Site Plan application being Ontario Municipal Board File Number PL150720.

**PREVIOUS REPORTS PERTINENT TO THIS MATTER**

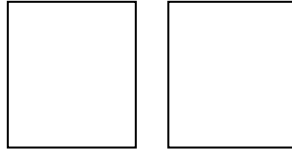
**November 18, 2014 Report to the Planning and Environment Committee – 510 Central Avenue (Z-8141)** - Report recommending approval of an Zoning By-law amendment for the future development of 5 residential units within a multi unit dwelling on this parcel.

**July 20, 2015 Report to the Planning and Environment Committee – 510 Central Avenue (SP15-005984)** – Report for site plan public meeting seeking advice from Council on whether they support the application and report to the Approval Authorities the issues, if any, raised at the public meeting with respect to the application for Site Plan Approval to permit the construction of a five(5) unit multiple residential dwelling.

**July 20, 2015 Council Resolution** advising the Approval Authorities of the issues raised at the site plan public participation meeting, as well as requesting a change to the site plan.

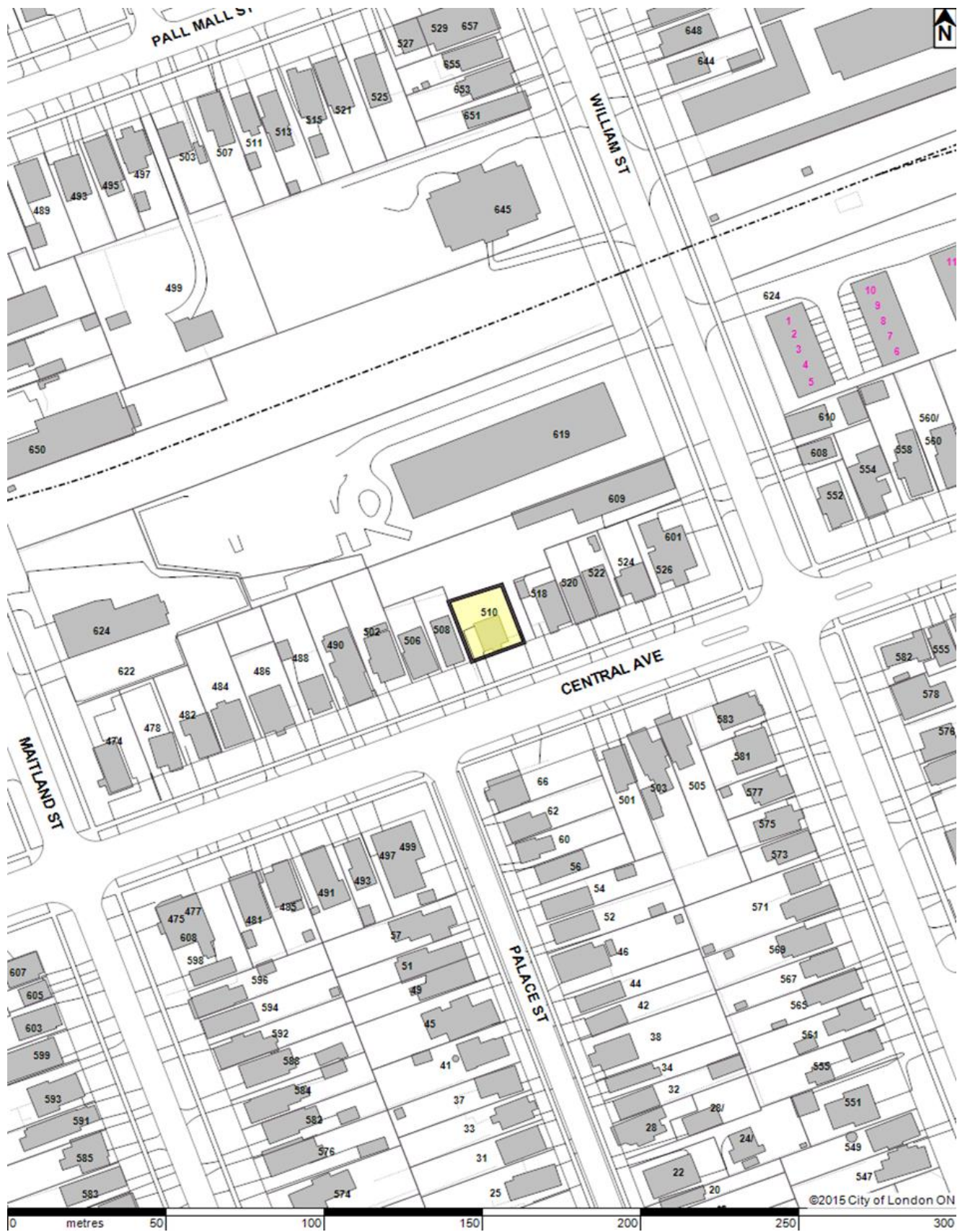
**PURPOSE AND EFFECT OF RECOMMENDED ACTION**

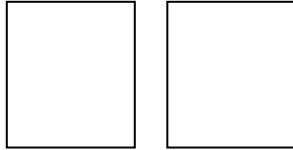
The purpose and effect of the recommended action is to direct The City Solicitor to provide legal representation in support of Municipal Council's position, to authorize retention of external expert planning advice and to take such steps as may be necessary relating to the appeal of the Site Plan application which is currently before the Ontario Municipal Board.



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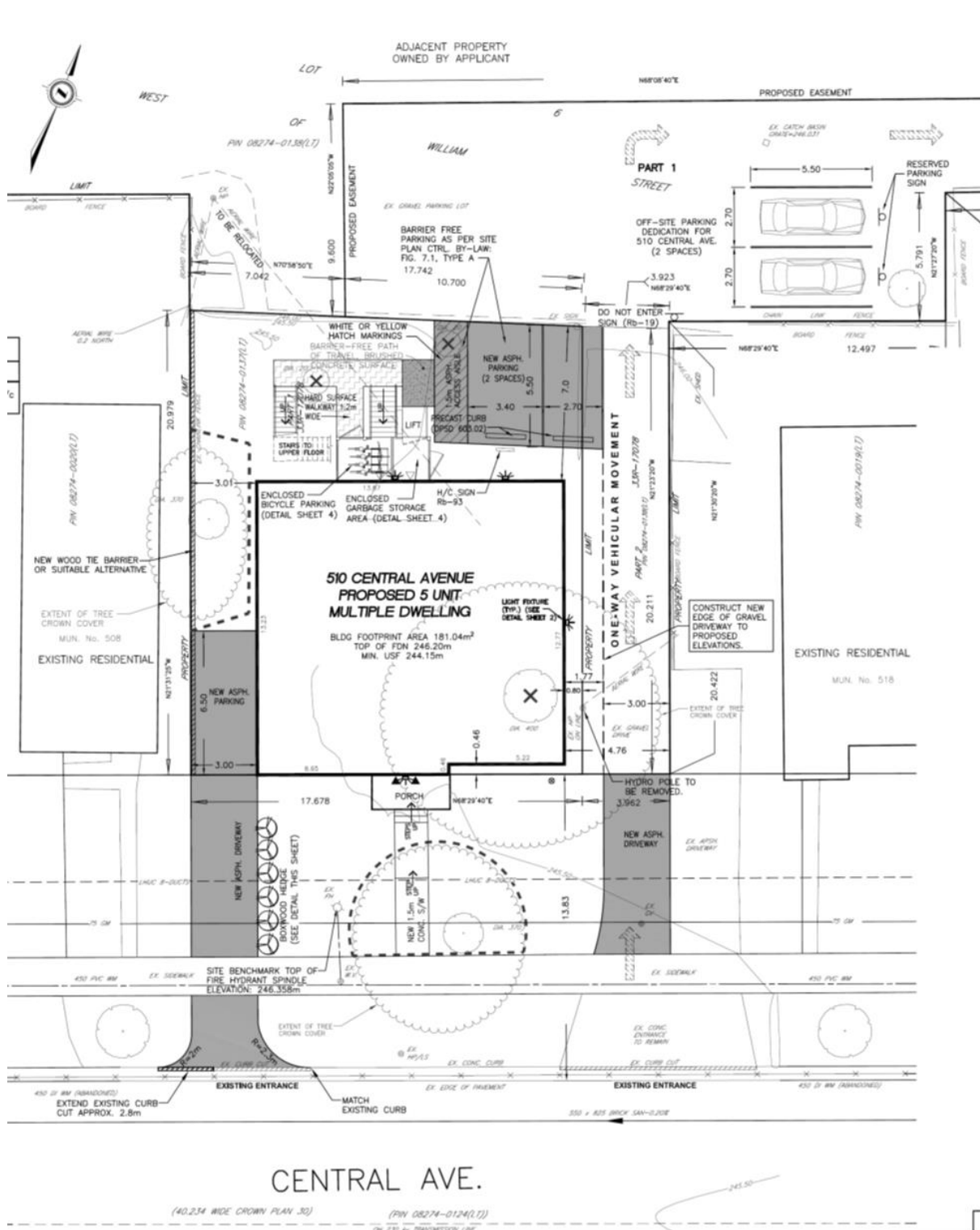
Location Map

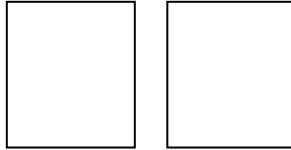




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### Site Plan





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**BACKGROUND**

On November 18, 2014 staff recommended to the Planning and Environment Committee that the zoning on the subject lands be amended to allow for the development of a five (5) unit multiple dwelling. It was also recommended that the Site Plan Approval Authority consider, through the site plan approval process, a building design that is generally consistent with the conceptual front elevation (which was attached to the staff report – shown on page 11 of this report) and subject to possible design modifications consistent with the specific design principles created for this site to ensure the building is compatible and in keeping with the character of the existing buildings in the neighbourhood.

An application for site plan approval was received on February 23, 2015, and conditional approval was provided on April 10, 2015; one condition being that a public participating meeting be held at the Planning and Environment Committee, as required by the h-5\* holding provision.

On March 31, 2015 letters were sent to property owners within 120 metres of the subject site advising them of the application for Site Plan Approval. On July 9, 2015 notice of the public meeting was published in the Londoner and on July 8, 2015 notice was sent to property owners within 120 metres of the subject site.

There were a total of 11 responses to the notice of application for this development. The major concerns raised included but were not limited to scale and design of the building, location of the driveway on site, traffic concerns, location of parking and proposed landscaping.

On July 20, 2015, a public participation meeting was held at Planning and Environment Committee during which several oral submissions were made on this matter.

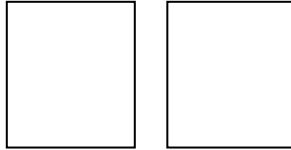
On July 28, 2015, Council resolved that, on the recommendation of the Manager, Development Planning, the following actions be taken with respect to the site plan application by 2353034 Ontario Ltd. relating to the property located at 510 Central Avenue:

- a) the Approval Authority BE ADVISED that the following issues were raised at the public participation meeting held with respect to the application for Site Plan approval to permit the construction of a five(5) unit multiple residential dwelling:
  - i) the increase in the number of residential units from four to five units and the potential negative impacts from the increased intensification on the neighbourhood;
  - ii) retention of a second driveway will lead to parking and safety issues; and,
  - iii) insufficient provision of landscaped open space on the site; and,
- b) the Approval Authority BE ADVISED that Municipal Council requests that the westerly driveway on the proposed draft site plan be removed and replaced with landscaping and the required parking space be provided at 609 William Street.

Subsequent to the public meeting, the Approval Authority required changes to the site plan in accordance with the above request by Municipal Council. The requested changes are not consistent with staff’s original recommendation and as a result external expert planning advice is required to support Municipal Council’s position .

On August 10, 2015 an appeal was submitted to the Ontario Municipal Board by the applicant based on the lack of decision in 30 days for the site plan application. A copy of the appeal is attached as Appendix A. In the reason for the appeal, the appellant indicated opposition to the conditions of site plan approval, specifically the condition that the driveway on the subject site be removed from the plan.

A date for the Ontario Municipal Board hearing has been scheduled for November 30, 2015.

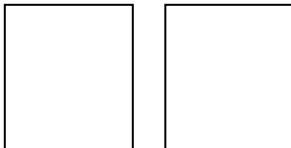


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<b>CONCLUSION</b>
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Direction, in accordance with the recommendation contained herein, is necessary in order to permit the City Solicitor to represent Municipal Council, to authorize retention of external expert planning advice and to take such steps as may be necessary relating to appeal of the site plan application which is currently before the Ontario Municipal Board.

<b>RECOMMENDED BY:</b>	
<b>ALLISTER MACLEAN</b> <b>MANAGER - DEVELOPMENT PLANNING</b>	
<b>REVIEWED BY:</b>	<b>SUBMITTED BY:</b>
<b>TERRY GRAWAY</b> <b>MANAGER-DEVELOPMENT SERVICES</b> <b>AND PLANNING LIAISON</b>	<b>G. KOTSIFAS, P.ENG.</b> <b>MANAGING DIRECTOR, DEVELOPMENT</b> <b>&amp; COMPLIANCE SERVICES AND</b> <b>CHIEF BUILDING OFFICIAL</b>



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**Appendix 1  
OMB Appeal**



August 4, 2015

Secretary,  
Ontario Municipal Board  
655 Bay Street Suite 1500  
Toronto, Ontario  
M5G 1E5

Dear Sir/Madam

**RE: S. 41 (12) Request for Referral to OMB Site Plan for 510 Central Avenue, London, Ontario.**

Please accept this written notice under Section 41 (12) of the *Ontario Planning Act* requesting that the Site Plan for the above referenced property be referred to the Ontario Municipal Board. The Site Plan application was formally accepted by the Corporation of the City on London on February 23, 2015. Conditional Approval was granted by the City Approval Authority on April 10, 2015 some 47 days later. To date we are still unable to obtain acceptance of the site plan which is acceptable to Development Services. The requirement of site plan approval which is not satisfactory is detailed in the Municipal Council resolution of July 28, 2015 clause 9 b) whereas" the Approval Authority BE ADVISED that Municipal Council request the westerly driveway on the proposed draft site plan be removed and replaced with landscaping and the required parking space be provided at 609 William Street."

Should you have any questions or require clarification of this appeal, please contact me at [REDACTED] or [REDACTED]

Yours very truly,

Donald W. de Jong

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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.elt.o.gov.on.ca

**APPELLANT FORM (O2)  
 PLANNING ACT  
 SITE PLAN**

**SUBMIT COMPLETED FORM TO OMB**

**Instructions:**

- Complete one form for each type of appeal you are filing.
- Please print clearly.
- A filing fee of \$125 is required for each type of appeal you are filing. To view the Fee Schedule, visit the Board's website.
- The filing fee must be paid by certified cheque or money order, in Canadian funds, payable to the Minister of Finance.
- If you are represented by a solicitor the filing fee may be paid by a solicitor's general or trust account cheque.
- Do not send cash.
- Professional representation is not required but please advise the Board if you retain representation after the submission of this form.
- Submit your completed appeal form(s) and filing fee(s) to the Ontario Municipal Board by the filing deadline.
- The *Planning Act* and the *Ontario Municipal Board Act* are available on the Board's website.

Receipt Number (OMB Office Use Only):
Reference Number (OMB Office Use Only):
Date Stamp - Appeal Received by OMB

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

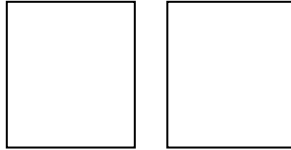
SUBJECT OF APPEAL	TYPE OF APPEAL	PLANNING ACT REFERENCE (SECTION)
Site Plans	<input checked="" type="checkbox"/> Application for a site plan – council failed to make a decision within 30 days	41(12)
	<input type="checkbox"/> Application for a site plan – appealing requirements imposed by the municipality/county or by the regional metropolitan/district municipality	

**Part 2: Location Information**

510 CENTRAL AVENUE WILLIAM STREET RP 33R 17078 PART 1  
 CROWN PLAN 30 PT LOT 6 W  
 Address and/or Legal Description of property subject to the appeal:

CITY OF LONDON  
 Municipality

COUNTY OF MIDDLESEX  
 Upper Tier (Example: county, district, region)



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**Part 3: Appellant Information (Landowner)**

First Name: DONALD W Last Name: de JONG

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

Professional Title (if applicable): -

E-mail Address: ddejong@tridongroup.com Fax #: -  
By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: [REDACTED] Alternate Telephone #: [REDACTED]

Mailing Address: 578 UPPER QUEEN STREET LONDON  
Street Address Apt/Suite/Unit# City/Town  
ONTARIO CANADA N6C 3T9  
Province Country (if not Canada) Postal Code

Signature of Appellant: [Signature] Date: Aug 4 2015  
(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:**

First Name: PAUL Last Name: HINDE

Company Name: 2353034 ONTARIO LTD.

Professional Title: -

E-mail Address: planner@tridongroup.com Fax #: -  
By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: [REDACTED] Alternate Telephone #: -

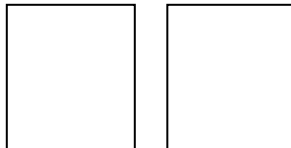
Mailing Address: 609 WILLIAM STREET 200 LONDON  
Street Address Apt/Suite/Unit# City/Town  
ONTARIO CANADA N6B 3G1  
Province Country (if not Canada) Postal Code

Signature of Appellant: [Signature] Date: Aug 4 2015

**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. Please provide the Municipal File Number: SP15-005984

2. Outline the nature of your appeal and the reasons for your referral. Be specific.  
\*\*If more space is required, please continue in Part 9 or attach a separate page.

(Please print)  
APPLICATION WAS ACCEPTED FEB. 23, 2015. ON APRIL 10 2015 THE CITY APPROVAL AUTHORITY PROVIDED CORRESPONDANCE ADVISING THEY WERE PREPARED TO APPROVE THE SITE PLAN CONDITIONAL ON A NUMBER OF FACTORS ONE BEING ACCEPTANCE OF A SITE PLAN BY DEVELOPMENT SERVICES. THIS HAS NOT BEEN POSSIBLE AS THE APPLICANT REQUESTS RETENTION OF THE EXISTING DRIVEWAY ON THE LOT. THE CITY IS REQUESTING THIS BE REMOVED.  
SITE PLAN APPROVAL WAS NOT GRANTED WITHIN 30 DAYS OF FILE ACCEPTANCE.

3. Provide a brief explanatory note regarding the proposed use of the land and a description of the lands under appeal:  
\*\*If more space is required, please continue in Part 9 or attach a separate page.

(Please print)  
FIVE (5) UNIT MULTIPLE DWELLING  
AREA PREDOMINANTLY RESIDENTIAL

Part 7: Related Matters

Are there other appeals not yet filed with the Municipality? YES  NO   
Are there other planning matters related to this appeal? YES  NO

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

(Please print)  
N/A

Two empty rectangular boxes for agenda item and page number.

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**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: \_\_\_\_\_

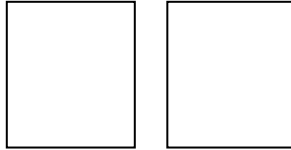
How many expert witnesses and other witnesses do you expect to have at the hearing providing evidence/testimony?  
ONE (1)

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

Do you believe this matter would benefit from a prehearing conference? YES  NO   
If yes, why? \_\_\_\_\_

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

A large rectangular area with horizontal lines for providing additional information.



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Part 10: Required Documentation (Please check boxes to indicate document included in filing)

I confirm that I have attached the following items to this form.

Signature of Appellant/Representative:  Date: Aug 4 2015

The following material **must** be attached to this form where applicable, in the order which it is listed:

- A copy of the application for site plan approval.
- Board fee of \$125 made payable to the Minister of Finance. The appeal will not be processed without this fee.
- A copy of any plans, drawings or agreements which are the subject of this referral.
- A copy of any planning report considered by Council.
- If applicable, a copy of the decision of the approval authority.
- An affidavit or sworn declaration, certifying that copies of all material listed above, as well as a copy of this form, have been sent to the approval authority having jurisdiction to approve the site plan and that the approval authority has been informed of the filing of this referral.

Part 11: Required Fee

Total Fee Submitted: \$ 125<sup>00</sup>

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.