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File No. A.013/10  
Planner: B. Debbert

<b>TO:</b>	<b>CHAIR AND MEMBERS PLANNING &amp; ENVIRONMENT COMMITTEE</b>
<b>FROM:</b>	<b>JOHN M. FLEMING DIRECTOR, LAND USE PLANNING AND CITY PLANNER</b>
<b>SUBJECT:</b>	<b>ONTARIO MUNICIPAL BOARD DECISION 4 ERIE AVENUE  MEETING ON MONDAY, FEBRUARY 27, 2012</b>

<b>RECOMMENDATION</b>
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That, on the recommendation of the Director, Land Use Planning, the following report on the decision of the Ontario Municipal Board relating to the appeal submitted by Leo Belair against the decision of the Committee of Adjustment which refused an application for minor variances, respecting property at 4 Erie Avenue **BE RECEIVED** for information purposes.

<b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b>
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May 10, 2010 – report to Planning Committee recommending that Municipal Council support the Decision of the Committee of Adjustment, and that the City Solicitor and General Manager of Planning and Development be directed to provide legal and planning representation at the Ontario Municipal Board Hearing to support the decision of Municipal Council in response to the appeal with respect to the minor variance.

<b>BACKGROUND</b>
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The attached Ontario Municipal Board decision relates to an application by Leo Belair for a minor variance to permit a converted dwelling with two units with a lot area of 227m<sup>2</sup> whereas 430 m<sup>2</sup> is required; a lot frontage of 9.1m whereas 12.0m is required; a west interior side yard setback of 0.0m whereas 1.8m is required and a front porch with a west interior side yard setback of 0.2m whereas 1.2m is required.

On March 15, 2010, the Committee of Adjustment refused the minor variance application by Leo Belair and in its signed decision stated:

1. *The requested minor variance does not meet the general intent and purpose of the Zoning By-law;*
2. *The requested minor variance does not meet the general intent and purpose of the Official Plan;*
3. *The requested minor variance is not minor in nature;*
4. *The requested minor variance is not desirable for the appropriate development or use of the land, building or structure.*

The owner appealed the Decision of the Committee of Adjustment. The Ontario Municipal Board hearing was scheduled for August 3, 2010, however the appellant did not appear. Following attempts to contact the appellant, the Board dismissed the appeal.

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**Planner: B. Debbert**

<b>PREPARED BY:</b>	<b>SUBMITTED BY:</b>
<b>BARB DEBBERT SENIOR PLANNER COMMUNITY PLANNING AND URBAN DESIGN SECTION</b>	<b>JIM YANCHULA, MCIP, RPP MANAGER OF COMMUNITY PLANNING AND URBAN DESIGN SECTION</b>
<b>RECOMMENDED BY:</b>	
<b>JOHN M. FLEMING, MCIP, RPP DIRECTOR, LAND USE PLANNING AND CITY PLANNER</b>	

February 7, 2012  
BD/

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Planner: B. Debbert

Issue Date:  <b>Aug. 19, 2010</b>
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PL100371

Ontario  
Ontario Municipal Board  
Commission des affaires municipales de l'Ontario

IN THE MATTER OF subsection 45(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Leo Belair
Subject:	Minor Variance
Variance from by-law number:	2-1
Property Address/Description:	4 Erie Avenue
Municipality:	City of London
Municipal File No.:	A-013/10
OMB Case No.:	PL100371
OMB File No.:	PL100371

**APPEARANCES:**

**Parties**

**Counsel**

City of London

J. Page

**MEMORANDUM OF ORAL DECISION DELIVERED BY K. J. HUSSEY ON AUGUST 3, 2010 AND ORDER OF THE BOARD**

Leo Belair appealed the decision of the London Committee of Adjustment, which refused his application for variance to By-Law 2-1 respecting property located at 4 Erie Avenue, in the City of London.

This appeal was scheduled to be heard at 11:00 a.m. August 3, 2010. At the appointed time, no person representing the Appellant appeared, nor did the Appellant. Pursuant to the Board's procedures, the matter stood down for one-half hour (until 11:30 a.m). Attempts were made by the Board's Planner during that time to contact the Appellant by telephone. These were unsuccessful.

The Board served notice of the hearing on the Appellant by Registered Mail.

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In view of the non-appearance of the Appellant or anyone on his behalf, the Board dismisses the appeal.

So Orders the Board.

"K. H. Hussey"

K. H. HUSSEY  
MEMBER