

February 8, 2016

City of London
City Clerks Office
300 Dufferin Ave
London, ON N6A 4L9
Attention: Ms. Cathy Saunders, City Clerk

Delivered by email to csaunder@london.ca

Dear Ms. Saunders:

Re: Anderson Craft Ales Ltd. Manufacturer's Limited Liquor Sales Licence Application

Anderson Craft Ales Ltd. will begin operations as a craft brewery at 1030 Elias St, London, Ontario, N5W 3P6 in late spring/early summer with the express purpose of brewing and packaging beer. In the spirit of craft brewers throughout Ontario, part of our intended use is to sell our beer on-site, primarily cans and growlers to go, but also to create an ambiance in our facility that our customers will be able to taste and sample our beer while experiencing the brew making process. Based on a recent minor variance approval, our property is now zoned to enable this intended use (the appeal period expires on February 15, 2016, Notice of Decision attached).

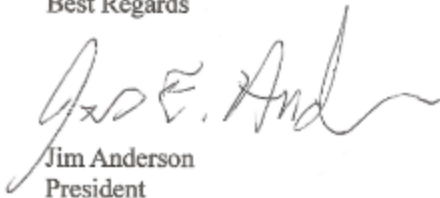
Our business will create employment within the City of London and we feel that our vision will contribute to the culture of this fine City.

We require City Council support for AGCO as part of the application process to grant our company a "By the Glass" Liquor License. As such, we are requesting that Council pass the following resolution at Council's earliest convenience:

"Be it resolved that the City of London supports the application of Anderson Craft Ales Ltd. for a Manufacturer's Limited Liquor Sales Licence from the Alcohol and Gaming Commission of Ontario, for the purpose of serving beer for consumption by patrons at its manufacturing site."

Kindly advise if this request can be included on the agenda for your February 16, 2016 meeting.

Best Regards



Jim Anderson
President
Anderson Craft Ales Ltd.
Mailing Address: Box 277, Rockwood, Ontario, N0B 2K0



300 Dufferin Avenue
P.O. Box 5035
London, ON
N6A 4L9

London
CANADA

**NOTICE OF DECISION
LONDON COMMITTEE OF ADJUSTMENT SUBMISSION NO.: A.013/16**

January 25, 2016

OWNER:

George Gallant
485 McCormick Blvd
London ON N5W 5N2

AGENT:

Anderson Craft Ales Ltd
c/o Jim Anderson
Box 277
Rockwood ON N0B 2K0

WARD: 4

LOCATION: 1030 Elias Street, Pt Lots 38 and 39 Plan 115, Pt Part 2 RP 33R-13275, Parts 1 and 5 RP 33F-13897, on the north side of Elias Street, East of Glasgow Street

At its meeting on **Monday, January 25, 2016**, the London Committee of Adjustment **GRANTED** the requested Minor Variance **SUBJECT** to the following **CONDITIONS**:

1. A building permit is obtained prior to the commencement of construction.
2. A change of use permit is required.
3. The scale of the retail and manufacturing uses shall be limited to the proposed use only, as submitted.
4. The Applicant receives the necessary approvals from Provincial agencies to permit the manufacturing and sales of alcohol.

PURPOSE: To permit a brewing on premises establishment.

VARIANCES REQUESTED:

1. Permission to allow a brewing on premises establishment with 724m² (7,800 sq ft) of gross area for bottling and sales of beer for commercial use in place of a commercial establishment where individuals produce wine, beer or cider for personal use and consumption off the premises.
2. To permit 45 parking spaces and to allow the said amount of parking spaces for all permitted uses under the current zoning by-law for a gross floor area of 2313.6m² (24,903.4 sq ft).
3. Permission to allow 66m² (710 sq ft) of retail sales of good permitted as an ancillary use to a "brewing on premises establishment for bottling and sales of beer for commercial use whereas 30m² (322 sq ft) is the maximum permitted.
4. Permission to allow the ancillary retail use to be accessible from the east wall of the building whereas the ancillary retail use is required to be accessible from the front of the building.

REASON: In all the circumstances, the Committee is of the opinion that the variance requested is minor and is desirable for the appropriate development of the land and is in keeping with the general intent and purpose of the By-law and Official Plan.

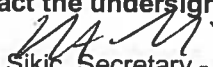
APPEAL PERIOD

This permission is not final until the expiration of a statutory appeal period of twenty (20) days from the date the decision is signed, being **4:30 p.m. on Monday, February 15, 2016**, during which any objector may file with the Secretary - Treasurer an appeal against this decision of the London Committee of Adjustment.

Any appeal must set out the reasons for the appeal and must be accompanied by the \$125.00 fee prescribed by the Ontario Municipal Board Act in the form of a **certified cheque or money order** made payable to the Minister of Finance and **must** be accompanied by an **Appellant Form (A1)** found on omb.gov.on.ca or from the Office of the Secretary - Treasurer of the Committee of Adjustment. A copy of the regulations governing appeals is enclosed. If you have any questions regarding the OMB process, please contact the OMB Citizen Liaison Office at (416) 326-6800 or toll free 1-866-887-8820, or in person at 655 Bay Street, Suite 1500, Toronto.

Note: The Planning Act provides for appeals to be filed by "persons". As groups or associations, such as residents or ratepayers groups which do not have incorporated status, may not be considered "persons" for purposes of the Act, groups wishing to appeal this decision should do so in the name or names of individual group members, and not in the name of the group.

**Please ensure that all conditions are cleared prior to applying for a Building Permit.
Contact the undersigned if information is required.**


Peter Sikic, Secretary - Treasurer
London Committee of Adjustment
/rp

The Corporation of the City of London
Phone: 519-661-2500 ext. 4988
Fax: 519-661-5184
psikic@london.ca
www.london.ca

The following extracts from section 45 of the Planning Act outline the appeal process for appealing variance decisions made by the Committee of Adjustment.

Appeal to O.M.B.

45 (12) The applicant, the Minister or any other person or public body who has an interest in the matter may within 20 days of the making of the decision appeal to the Municipal Board against the decision of the committee by filing with the secretary-treasurer of the committee a notice of appeal setting out the objection to the decision and the reasons in support of the objection accompanied by payment to the secretary-treasurer of the fee prescribed by the Municipal Board under the Ontario Municipal Board Act as payable on an appeal from a committee of adjustment to the Board. 1994, c. 23, s. 26 (2).

Note: The fee for an appeal is \$125.00 and \$25.00 for a related appeal and should be in the form of a **certified cheque or money order** made payable to the Minister of Finance of Ontario.

45 (13) The secretary-treasurer of a committee, upon receipt of a notice of appeal filed under subsection (12), shall forthwith forward the notice of appeal and the amount of the fee mentioned in subsection (12) to the Municipal Board by registered mail together with all papers and documents filed with the committee of adjustment relating to the matter appealed from and such other documents and papers as may be required by the Board. R.S.O. 1990, c. P.13, s. 45 (13).

Exception

45 (13.1) Despite subsection (13), if all appeals under subsection (12) are withdrawn within 15 days after the last day for filing a notice of appeal, the secretary-treasurer is not required to forward the materials described under subsection (13) to the Municipal Board. 1999, c. 12, Sched. M, s. 26.

Decision final

45 (13.2) If all appeals under subsection (12) are withdrawn within 15 days after the last day for filing a notice of appeal, the decision of the committee is final and binding and the secretary-treasurer of the committee shall notify the applicant and file a certified copy of the decision with the clerk of the municipality. 1999, c. 12, Sched. M, s. 26.

45 (14) If within such 20 days no notice of appeal is given, the decision of the committee is final and binding, and the secretary-treasurer shall notify the applicant and shall file a certified copy of the decision with the clerk of the municipality. R.S.O. 1990, c. P.13, s. 45 (14); 1994, c. 23, s. 26 (3).

45 (15) Where all appeals to the Municipal Board are withdrawn, the decision of the committee is final and binding and the secretary of the Board shall notify the secretary-treasurer of the committee who in turn shall notify the applicant and file a certified copy of the decision with the clerk of the municipality. R.S.O. 1990, c. P.13, s. 45 (15); 1994, c. 23, s. 26 (4).

45 Hearing

45 (16) On an appeal to the Municipal Board, the Board shall, except as provided in subsections (15) and (17), hold a hearing of which notice shall be given to the applicant, the appellant, the secretary-treasurer of the committee and to such other persons or public bodies and in such manner as the Board may determine. R.S.O. 1990, c. P.13, s. 45 (16); 1994, c. 23, s. 26 (5).

Dismissal without hearing

45 (17) Despite the Statutory Powers Procedure Act and subsection (16), the Municipal Board may dismiss all or part of an appeal without holding a hearing, on its own motion or on the motion of any party if,

- (a) it is of the opinion that,
 - (i) the reasons set out in the notice of appeal do not disclose any apparent land use planning ground upon which the Board could allow all or part of the appeal,
 - (ii) the appeal is not made in good faith or is frivolous or vexatious, or
 - (iii) the appeal is made only for the purpose of delay;
- (b) the appellant has not provided written reasons for the appeal;
- (c) the appellant has not paid the fee prescribed under the Ontario Municipal Board Act; or
- (d) the appellant has not responded to a request by the Municipal Board for further information within the time specified by the Board. 1994, c. 23, s. 26 (6).

Representation

45 (17.1) Before dismissing all or part of an appeal, the Municipal Board shall notify the appellant and give the appellant the opportunity to make representation on the proposed dismissal but this subsection does not apply if the appellant has not complied with a request made under clause (17) (d). 2000, c. 26, Sched. K, s. 5 (3).

Dismissal

45 (17.2) The Municipal Board may dismiss all or part of an appeal after holding a hearing or without holding a hearing on the motion under subsection (17), as it considers appropriate. 2000, c. 26, Sched. K, s. 5 (3).

Powers of O.M.B.

45 (18) The Municipal Board may dismiss the appeal and may make any decision that the committee could have made on the original application. R.S.O. 1990, c. P.13, s. 45 (18).

Amended application

45 (18.1) On an appeal, the Municipal Board may make a decision on an application which has been amended from the original application if, before issuing its order, written notice is given to the persons and public bodies who received notice of the original application under subsection (5) and to other persons and agencies prescribed under that subsection. 1993, c. 26, s. 56; 1994, c. 23, s. 26 (7).

Exception

45 (18.1.1) The Municipal Board is not required to give notice under subsection (18.1) if, in its opinion, the amendment to the original application is minor. 1996, c. 4, s. 25 (1).

Notice of intent

45 (18.2) Any person or public body who receives notice under subsection (18.1) may, not later than thirty days after the day that written notice was given, notify the Board of an intention to appear at the hearing or the resumption of the hearing, as the case may be. 1993, c. 26, s. 56; 1994, c. 23, s. 26 (8).

Order

45 (18.3) If, after the expiry of the time period in subsection (18.2), no notice of intent has been received, the Board may issue its order. 1993, c. 26, s. 56.

Hearing

45 (18.4) If a notice of intent is received, the Board may hold a hearing or resume the hearing on the amended application or it may issue its order without holding a hearing or resuming the hearing. 1996, c. 4, s. 25 (2).

Notice of decision

45 (19) When the Municipal Board makes an order on an appeal, the secretary of the Board shall send a copy thereof to the applicant, the appellant and the secretary-treasurer of the committee. R.S.O. 1990, c. P.13, s. 45 (19).

Idem

45 (20) The secretary-treasurer shall file a copy of the order of the Municipal Board with the clerk of the municipality. R.S.O. 1990, c. P.13, s. 45 (20).