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File: Z-8695
Planner: Mike Corby

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: RYAN O'DONNELL 581 ROSS STREET NOTICE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD MEETING ON OCTOBER 10, 2017

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, received April 29, 2017 submitted by Ryan O'Donnell relating to the Zoning By-law Amendment Z-8695 concerning 581 Ross Street, 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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Z-8695: Public Participation Meeting on March 27, 2017 for the conversion of an existing duplex into a four-unit converted dwelling.

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The recommended action would advise the Ontario Municipal Board that Municipal Council is in agreement with their previous decision on April 13, 2017 to refuse the requested amendment to the Zoning By-law.

BACKGROUND

An application to amend the Z.-1 Zoning By-law was received by the City and deemed complete on October 14, 2016. The application was to convert the existing duplex dwelling into a four-unit converted dwelling.

A Public Participation Meeting occurred before the Planning and Environment Committee on March 27, 2017 and Council approved Staff's recommendation on April 13, 2017 to refuse the requested Zoning Amendment. The fundamental reason the application was refused was due to the Official Plan policy which restricted converted dwellings to a maximum of two units in this area of the City. At the time of this application this same policy was identified in The London Plan within the Near Campus Neighbourhoods policies. After the Ministry Approval of The London Plan the policy restricting converted dwellings to two units in the Near Campus Neighbourhood was removed. Regardless, the removal of this policy from The London Plan does not change Staff's recommendation as the current Official Plan policies continue to restrict converted dwellings to a maximum of two units.

Copies of the appeal letter from Ryan O'Donnell, and the reasons for the appeal, are attached as appendix 'B' to this report. A date for the Ontario Municipal Board hearing has been scheduled for November 17, 2017.

Agenda Item # Page #

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CONCLUSION

The recommendation to refuse the requested amendment is considered appropriate as the requested Zoning By-law amendment does not conform to the North London Broughdale Neighbourhood specific area policies nor the Near Campus Neighbourhood policies of the Official Plan.

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

September 11, 2017

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Appendix 'A'



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File: Z-8695
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Appendix 'B'

2011-201

City Clerk No. 0973
 Subject Appeal to OMB
File Z-8695
 581 Ross St.
 APR 28 2017

Ref. JNethercott (with Cheque)
 C.C. _____

Re: Appeal to the OMB

Appeal Form and Money Order/Cheque for the s. 3-(11) appeal enclosed.

DATE 2017 04 28
 YA MM DJ

\$300.00

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**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)
	<input type="checkbox"/> Appeal a decision	53(19)
Consent/Severance	<input type="checkbox"/> Appeal conditions imposed	53(27)
	<input type="checkbox"/> Appeal changed conditions	53(14)
	<input type="checkbox"/> Failed to make a decision on the application within 90 days	34(19)
	<input type="checkbox"/> Appeal the passing of a Zoning By-law	34(11)
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 checked="" 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

581 ROSS ST Plan 256 LOT 16 PT LOT 15 R66 AC 42.50 FR1
Address and/or Legal Description of property subject to the appeal:

Municipality/Upper tier: _____

[Empty boxes for Agenda Item # and Page #]

File: Z-8695
Planner: Mike Corby

Part 3: Appellant Information

First Name: Ryan Last Name: O'Donnell

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

Professional Title (if applicable):

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

Daytime Telephone #: [Redacted] Alternate Telephone #:

Fax #:

Mailing Address: 581 ROSS STREET MAIN FLOOR LONDON
Street Address Apt/Suite/Unit# City/Town
ON CANADA N5Y 3V6
Province Country (if not Canada) Postal Code

Signature of Appellant: [Signature] Date: Apr 27 2017
(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: Last Name:

Company Name:

Professional Title:

E-mail Address: [Redacted]
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.

Two empty rectangular boxes for agenda item and page numbers.

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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)
FILE Z-8695 ZONING APPLICATION
Plan 256 LOT 16 PT LOT 15 REG AC 42.50 FR D

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)
Unit has been in existence since 1978
application supports infill
meets all
3 units meets size limitations of R3-2 zoning

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: Oct 14 2016
(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.

Existing R2-2 Requesting R2-2 w permission for 3 or 4 units

Bill 73 - This question applies only to official plans/amendments, zoning by-laws/amendments and minor variances that came into effect/were passed on or after July 1, 2016.

- 1. Is the 2-year no application restriction under section 22(2.2) or 34(10.0.0.2) or 45(1.4) applicable?
 - a. No
 - b. Yes

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:

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(Please print)

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?
NOT SURE YET (LAWYER) Land Planner possibly

Describe expert witness(es) area of expertise (For example: land use planner, architect, engineer, etc.):
NOT SURE YET (LAWYER) LAND PLANNER possibly

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? Would offer chance to discuss and understand case

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

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**File: Z-8695
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Part 10: Required Fee

Total Fee Submitted: \$ _____

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.**