

--	--

OZ-8624
Sonia Wise

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: 2431602 ONTARIO LIMITED 420 FANSHAWE PARK ROAD EAST NOTICE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD MEETING ON OCTOBER 23, 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 July 04, 2017 submitted by Lorrie Bristol relating to the Official Plan and Zoning By-law Amendment OZ-8624 concerning 420 Fanshawe Park Road East, 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
--

OZ-8624: Public Participation Meeting on May 23, 2017 for the development proposal of a four (4) storey apartment building at 420 Fanshawe Park Road East.

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 May 30, 2017 to approve the requested amendment to the Official Plan and Zoning By-law to permit the apartment building development.

BACKGROUND

An application to amend the Official Plan and Z.-1 Zoning By-law was received by the City and deemed complete on May 19, 2016. The initial application was for a six (6) storey apartment building which stepped to three storeys towards the north of the site. Through the application review and input from city departments, the public and relevant panels and agencies the development design eventually evolved to a 4 storey apartment building located along Fanshawe Park Road East.

A Public Participation Meeting occurred before the Planning and Environment Committee on May 23, 2017, and Council approved the requested Official Plan and Zoning By-law Amendment on May 30, 2017. The approved amendment was a change to the Official Plan from a Low Density Residential designation to a Multi-Family, Medium Density Residential designation, and a change from the Residential R1 (R1-7) Zone to a holding Residential R1 Bonus (h-5*R1-7*B-__) Zone.

A copy of the appeal letter from Lorrie Bristol, and the reasons for the appeal, are attached as appendix 'B' to this report. A pre-hearing conference for the Ontario Municipal Board has been scheduled for December 11, 2017.

--	--

OZ-8624
Sonia Wise

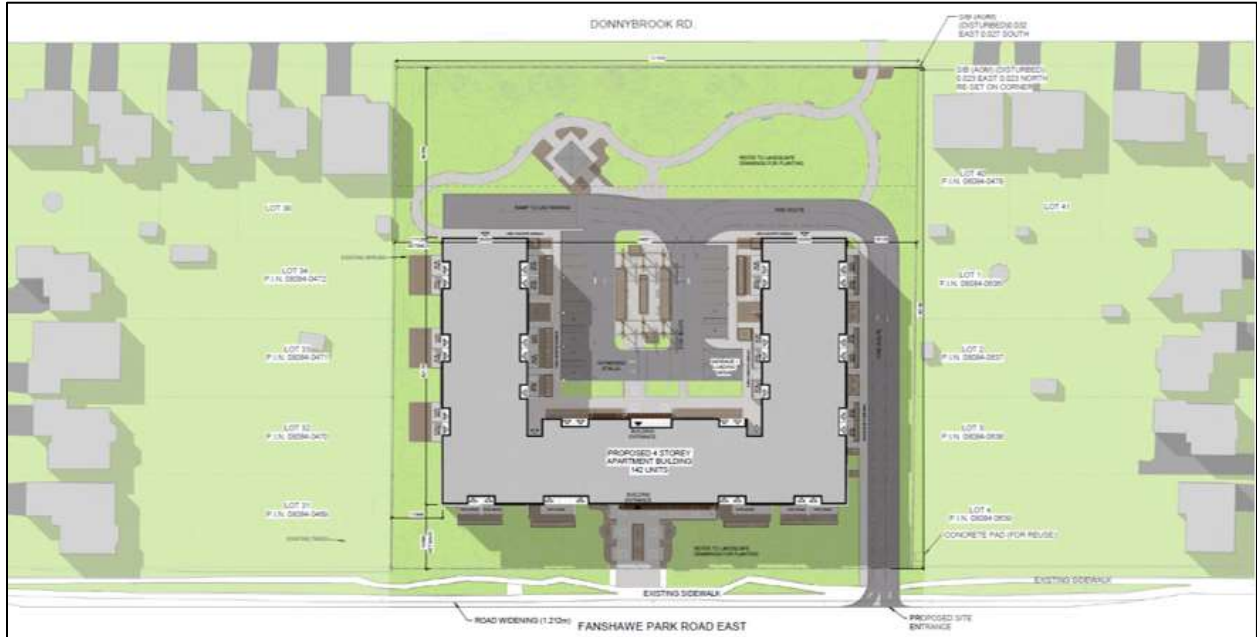


Figure 1: Council Approved Development Concept

CONCLUSION

The proposed development is in keeping with the Provincial Policy Statement, the City of London Official Plan, the London Plan and the Uplands Community Plan. The property is well-suited for the intended development of a medium-density building form considering its physical size and shape, as well as its location adjacent to an arterial street and its proximity to public transit services and nearby commercial nodes. The proposed design has thoughtfully contemplated the various building elements that may have an impact on the existing neighbourhood and mitigated against any adverse impacts to the extent possible. The proposal provides housing diversity and choice within a predominantly single detached dwelling neighbourhood. There are full municipal services available to support the proposed intensity and the proposal makes efficient use of a site through infill development. Planning staff have reviewed the appeal letter and see no reason for Council to alter its decision relating to this matter.

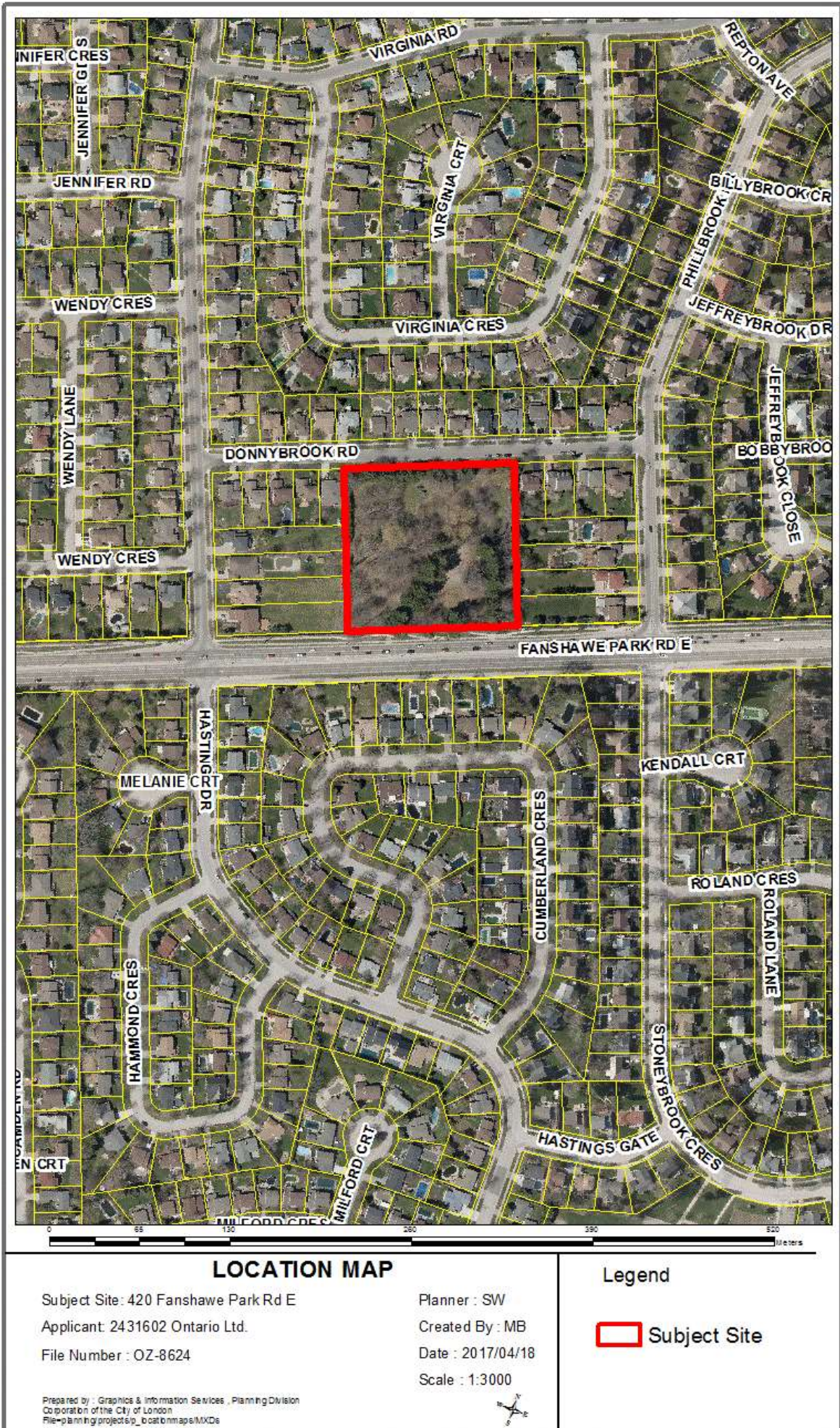
PREPARED BY:	SUBMITTED BY:
SONIA WISE PLANNER II, CURRENT PLANNING	MICHAEL TOMAZINCIC, MCIP, RPP MANAGER, CURRENT PLANNING
RECOMMENDED BY:	
JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER	

\\FILE2\users-z\pdp\Shared\implemen\DEVELOPMENT APPS\2016 Applications 8573 to\8624OZ - 420 Fanshawe Park Rd E (SW)\OMB Appeal\OMB PEC staff report\OZ-8711 - OMB PEC report.docx

--	--

OZ-8624
Sonia Wise



Appendix A



--	--

OZ-8624
Sonia Wise

Appendix B

 Ontario	Environment and Land Tribunals Ontario Ontario Municipal Board 655 Bay Street, Suite 1500 Toronto ON M5G 1E5 Telephone: 416-212-6349 Toll Free: 1-866-448-2248 Fax: 416-326-5370 Website: www.eltlo.gov.on.ca	Appellant Form (A1) Receipt Number (OMB Office Use Only) Date Stamp - Appeal Received by Municipality 
1. Appeal Type (Please check all applicable boxes) *		
Subject of Appeal	Type of Appeal	Act Reference (Section)
<i>Planning Act Matters</i>		
Official Plan or Official Plan Amendment	<input checked="" type="checkbox"/> Appeal a decision by local council that adopted an OP or OPA (exempt from approval by Minister or Approval Authority)	17(24)
	<input type="checkbox"/> Appeal a decision of an Approval Authority that approved or did not approve all or part of a plan or amendment	17(36)
	<input type="checkbox"/> Approval Authority failed to make a decision on the plan within 180 days	17(40)
	<input type="checkbox"/> Council failed to adopt the requested amendment within 180 days	22(7)
	<input type="checkbox"/> Council refused the requested amendment	
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 Zoning By-law	<input type="checkbox"/> Appeal the passing of an Interim Control By-law	38(4)
Minor Variance	<input type="checkbox"/> Appeal a decision of the Committee of Adjustment that approved or refused the application	45(12)
Consent/Severance	<input type="checkbox"/> Appeal a decision that approved or refused the application	53(19)
	<input type="checkbox"/> Appeal conditions imposed	
	<input type="checkbox"/> Appeal changed conditions	53(27)
	<input type="checkbox"/> Appeal changed conditions	53(14)
Plan of Subdivision	<input type="checkbox"/> Application for a plan of subdivision – Approval Authority failed to make a decision on the plan within 180 days	51(34)
	<input type="checkbox"/> Appeal a decision of an Approval Authority that approved a plan of subdivision	51(39)
	<input type="checkbox"/> Appeal a decision of an Approval Authority that did not approve a plan of subdivision	
	<input type="checkbox"/> Appeal a lapsing provision imposed by an Approval Authority	
	<input type="checkbox"/> Appeal conditions imposed by an Approval Authority	51(43)
	<input type="checkbox"/> Appeal conditions - after expiry of 20 day appeal period but before final approval (only applicant or public body may appeal)	
	<input type="checkbox"/> Appeal changed conditions	

--	--

OZ-8624
Sonia Wise

Subject of Appeal	Type of Appeal	Act Reference (Section)
Development Charges Act Matters		
Development Charge By-law	<input type="checkbox"/> Appeal a Development Charge By-law	14
	<input type="checkbox"/> Appeal an amendment to a Development Charge By-law	19(1)
Development Charge Complaint	<input type="checkbox"/> Appeal municipality's decision regarding a complaint	22(1)
	<input type="checkbox"/> Failed to make a decision on the complaint within 60 days	22(2)
Front-ending Agreement	<input type="checkbox"/> Objection to a front-ending agreement	47
	<input type="checkbox"/> Objection to an amendment to a front-ending agreement	50
Education Act Matters		
Education Development Charge By-law	<input type="checkbox"/> Appeal an Education Development Charge By-law	257.65
	<input type="checkbox"/> Appeal an amendment to an Education Development Charge By-law	257.74(1)
Education Development Charge Complaint	<input type="checkbox"/> Appeal approval authority's decision regarding a complaint	257.87(1)
	<input type="checkbox"/> Failed to make a decision on the complaint within 60 days	257.87(2)
Aggregate Resources Act Matters		
Aggregate Removal Licence	<input type="checkbox"/> One or more objections against an application for a 'Class A' aggregate removal licence	11(5)
	<input type="checkbox"/> One or more objections against an application for a 'Class B' aggregate removal licence	
	<input type="checkbox"/> Application for a 'Class A' licence – refused by Minister	11(11)
	<input type="checkbox"/> Application for a 'Class B' licence – refused by Minister	
	<input type="checkbox"/> Changes to conditions to a licence	13(6)
	<input type="checkbox"/> Amendment of site plans	16(8)
	<input type="checkbox"/> Minister proposes to transfer the licence – applicant does not have licensee's consent	18(5)
	<input type="checkbox"/> Minister proposes to refuse transfer of licence – applicant is licensee or has licensee's consent to transfer	
	<input type="checkbox"/> Minister proposes to refuse transfer of licence – applicant does not have licensee's consent to transfer	
	<input type="checkbox"/> Revocation of licence	20(4)
Municipal Act Matters		
Ward Boundary By-law	<input type="checkbox"/> Appeal the passing of a by-law to divide the municipality into wards	222(4)
	<input type="checkbox"/> Appeal the passing of a by-law to redivide the municipality into wards	
	<input type="checkbox"/> Appeal the passing of a by-law to dissolve the existing wards	
Ontario Heritage Act Matters		
Heritage Conservation District	<input type="checkbox"/> Appeal the passing of a by-law designating a heritage conservation study area	40.1(4)
	<input type="checkbox"/> Appeal the passing of a by-law designating a heritage conservation district	41(4)

--	--

**OZ-8624
Sonia Wise**

Other Matters			
Subject of Appeal	Act/Legislation Name	Section Number	
2. Location Information			
Address and/or Legal Description of property subject to the appeal *			
420 Fanshawe Park Road East			
Municipality *			
City of London			
Upper Tier (Example: county, district, region)			
County of Middlesex			
3. Appellant/Objector Information			
Note: You must notify the OMB of any change of address or telephone number in writing. Please quote your OMB Case/File Number(s) after they have been assigned.			
Last Name *		First Name *	
Bristol		Lorrie	
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)			
Professional Title			
Email Address			
Daytime Telephone Number *		Alternate Telephone Number	Fax Number
[REDACTED] ext.			
Mailing Address			
Unit Number	Street Number *	Street Name *	PO Box
	1562	Phillbrook Drive	
City/Town *	Province *	Country *	Postal Code *
London	Ontario	Canada	N5X 2S4
4. Representative Information			
<input checked="" type="checkbox"/> I hereby authorize the named company and/or individual(s) to represent me			
Last Name		First Name	
Patton		Alan	
Company Name			
Patton Law			
Professional Title			
Lawyer			
Email Address			
alan@pattonlaw.ca			
Daytime Telephone Number		Alternate Telephone Number	Fax Number
519-432-8282 ext. 24		519-872-8927	519-432-7285
Mailing Address			
Unit Number	Street Number	Street Name	PO Box
1512	140	Fullarton Street	
City/Town	Province	Country	Postal Code
London	Ontario	Canada	N6A 5P2
3049E (2017/04) Page 4 of 6			

--	--

**OZ-8624
Sonia Wise**

Note: If you are representing the appellant and are not a solicitor, please confirm that you have written authorization, as required by the OMB'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.

5. Appeal Specific Information

Municipal Reference Number(s)
OZ-8624

Outline the nature of your appeal and the reasons for your appeal *

The density, height, and mass of the building(s) permitted in the zoning by-law is incompatible with the surrounding single detached residential land uses and that of the neighbourhood.

Vehicular access to the development site should be restricted to Fanshawe Park Road East, an arterial road on which London Transit operates regular bus service.

The proposed entrance/exit driveway to the site along the eastern boundary of the property is inappropriate and will unnecessarily and adversely affect the residential uses of the properties along Phillbrook Drive.

Such further and other reasons as counsel may advise and the Board permit.

Oral/written submissions to council

Did you make your opinions regarding this matter known to council?

Oral submissions at a public meeting Written submissions to council

Planning Act matters only

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

Is the 2-year no application restriction under section 22(2.2) or 34(10.0.0.2) or 45(1.4) applicable?

Yes No

6. Related Matters

Are there other appeals not yet filed with the Municipality?

Yes No

Are there other matters related to this appeal? (For example: A consent application connected to a variance application)

Yes No

7. Scheduling Information

How many days do you estimate are needed for hearing this appeal?

1 day 2 days 3 days 4 days 1 week

More than 1 week

How many expert witnesses and other witnesses do you expect to have at the hearing providing evidence/testimony?
Two(2)

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

Land Use Planner and Traffic Engineer

--	--

OZ-8624
Sonia Wise

Do you believe this matter would benefit from mediation?
(Prior to scheduling a matter for mediation, the OMB will conduct an assessment to determine its suitability for mediation)

Yes No

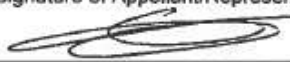
8. Required Fee

Total Fee Submitted * \$ 300

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

9. Declaration

I solemnly declare that all of the statements and the information provided, as well as any supporting documents are true, correct and complete.

Name of Appellant/Representative	Signature of Appellant/Representative	Date (yyyy/mm/dd)
Alan R. Patton		2017/07/04

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.

--	--

OZ-8624
Sonia Wise



2017-LO1

City Clerk No. 1646
Subject Appeal to OMB - ZBA
420 Fanshawe Pk Rd E
OZ-8624
JUL 01 2017
Ref. Wethercott
C.C. _____

Jul/ 4/2017 \$300.00

--	--

OZ-8624
Sonia Wise

 Ontario	Environment and Land Tribunals Ontario Ontario Municipal Board 655 Bay Street, Suite 1500 Toronto ON M5G 1E5 Telephone: 416-212-6349 Toll Free: 1-866-448-2248 Fax: 416-326-5370 Website: www.elt.o.gov.on.ca	Appellant Form (A1) Receipt Number (OMB Office Use Only) Date Stamp - Appeal Received by Municipality 
1. Appeal Type (Please check all applicable boxes) *		
Subject of Appeal	Type of Appeal	Act Reference (Section)
<i>Planning Act Matters</i>		
Official Plan or Official Plan Amendment	<input type="checkbox"/> Appeal a decision by local council that adopted an OP or OPA (exempt from approval by Minister or Approval Authority)	17(24)
	<input type="checkbox"/> Appeal a decision of an Approval Authority that approved or did not approve all or part of a plan or amendment	17(36)
	<input type="checkbox"/> Approval Authority failed to make a decision on the plan within 180 days	17(40)
	<input type="checkbox"/> Council failed to adopt the requested amendment within 180 days	22(7)
	<input type="checkbox"/> Council refused the requested amendment	
Zoning By-law or Zoning By-law Amendment	<input checked="" 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 Zoning By-law	<input type="checkbox"/> Appeal the passing of an Interim Control By-law	38(4)
Minor Variance	<input type="checkbox"/> Appeal a decision of the Committee of Adjustment that approved or refused the application	45(12)
Consent/Severance	<input type="checkbox"/> Appeal a decision that approved or refused the application	53(19)
	<input type="checkbox"/> Appeal conditions imposed	
	<input type="checkbox"/> Appeal changed conditions	53(27)
Plan of Subdivision	<input type="checkbox"/> Application for a plan of subdivision – Approval Authority failed to make a decision on the plan within 180 days	51(34)
	<input type="checkbox"/> Appeal a decision of an Approval Authority that approved a plan of subdivision	51(39)
	<input type="checkbox"/> Appeal a decision of an Approval Authority that did not approve a plan of subdivision	
	<input type="checkbox"/> Appeal a lapsing provision imposed by an Approval Authority	
	<input type="checkbox"/> Appeal conditions imposed by an Approval Authority	
	<input type="checkbox"/> Appeal conditions - after expiry of 20 day appeal period but before final approval (only applicant or public body may appeal)	51(43)
	<input type="checkbox"/> Appeal changed conditions	51(48)
3049E (2017/04)		Page 1 of 6

--	--

Subject of Appeal	Type of Appeal	Act Reference (Section)
Development Charges Act Matters		
Development Charge By-law	<input type="checkbox"/> Appeal a Development Charge By-law	14
	<input type="checkbox"/> Appeal an amendment to a Development Charge By-law	19(1)
Development Charge Complaint	<input type="checkbox"/> Appeal municipality's decision regarding a complaint	22(1)
	<input type="checkbox"/> Failed to make a decision on the complaint within 60 days	22(2)
Front-ending Agreement	<input type="checkbox"/> Objection to a front-ending agreement	47
	<input type="checkbox"/> Objection to an amendment to a front-ending agreement	50
Education Act Matters		
Education Development Charge By-law	<input type="checkbox"/> Appeal an Education Development Charge By-law	257.65
	<input type="checkbox"/> Appeal an amendment to an Education Development Charge By-law	257.74(1)
Education Development Charge Complaint	<input type="checkbox"/> Appeal approval authority's decision regarding a complaint	257.87(1)
	<input type="checkbox"/> Failed to make a decision on the complaint within 60 days	257.87(2)
Aggregate Resources Act Matters		
Aggregate Removal Licence	<input type="checkbox"/> One or more objections against an application for a 'Class A' aggregate removal licence	11(5)
	<input type="checkbox"/> One or more objections against an application for a 'Class B' aggregate removal licence	
	<input type="checkbox"/> Application for a 'Class A' licence – refused by Minister	11(11)
	<input type="checkbox"/> Application for a 'Class B' licence – refused by Minister	
	<input type="checkbox"/> Changes to conditions to a licence	13(6)
	<input type="checkbox"/> Amendment of site plans	16(8)
	<input type="checkbox"/> Minister proposes to transfer the licence – applicant does not have licensee's consent	18(5)
	<input type="checkbox"/> Minister proposes to refuse transfer of licence – applicant is licensee or has licensee's consent to transfer	
	<input type="checkbox"/> Minister proposes to refuse transfer of licence – applicant does not have licensee's consent to transfer	
	<input type="checkbox"/> Revocation of licence	20(4)
Municipal Act Matters		
Ward Boundary By-law	<input type="checkbox"/> Appeal the passing of a by-law to divide the municipality into wards	222(4)
	<input type="checkbox"/> Appeal the passing of a by-law to redivide the municipality into wards	
	<input type="checkbox"/> Appeal the passing of a by-law to dissolve the existing wards	
Ontario Heritage Act Matters		
Heritage Conservation District	<input type="checkbox"/> Appeal the passing of a by-law designating a heritage conservation study area	40.1(4)
	<input type="checkbox"/> Appeal the passing of a by-law designating a heritage conservation district	41(4)

--	--

OZ-8624
Sonia Wise

Other Matters			
Subject of Appeal	Act/Legislation Name	Section Number	
2. Location Information			
Address and/or Legal Description of property subject to the appeal *			
420 Fanshawe Park Road East			
Municipality *			
City of London			
Upper Tier (Example: county, district, region)			
County of Middlesex			
3. Appellant/Objector Information			
Note: You must notify the OMB of any change of address or telephone number in writing. Please quote your OMB Case/File Number(s) after they have been assigned.			
Last Name *		First Name *	
Bristol		Lorrie	
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)			
Professional Title			
Email Address			
Daytime Telephone Number *		Alternate Telephone Number	Fax Number
[REDACTED] ext.			
Mailing Address			
Unit Number	Street Number *	Street Name *	PO Box
	1562	Phillbrook Drive	
City/Town *	Province *	Country *	Postal Code *
London	Ontario	Canada	N5X 2S4
4. Representative Information			
<input checked="" type="checkbox"/> I hereby authorize the named company and/or individual(s) to represent me			
Last Name		First Name	
Patton		Alan	
Company Name			
Patton Law			
Professional Title			
Lawyer			
Email Address			
alan@pattonlaw.ca			
Daytime Telephone Number		Alternate Telephone Number	Fax Number
519-432-8282 ext. 24		519-872-8927	519-432-7285
Mailing Address			
Unit Number	Street Number	Street Name	PO Box
1512	140	Fullarton Street	
City/Town	Province	Country	Postal Code
London	Ontario	Canada	N6A 5P2
3049E (2017/04)			
Page 4 of 6			

--	--

**OZ-8624
Sonia Wise**

Note: If you are representing the appellant and are not a solicitor, please confirm that you have written authorization, as required by the OMB'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.

5. Appeal Specific Information

Municipal Reference Number(s)
OZ-8624

Outline the nature of your appeal and the reasons for your appeal *

The density,height, and mass of the building(s) permitted in the zoning by-law is incompatible with the surrounding single detached residential land uses and that of the neighbourhood.

Vehicular access to the development site should be restricted to Fanshawe Park Road East, an arterial road on which London Transit operates regular bus service.

The proposed entrance/exit to the site along the eastern boundary of the property is inappropriate and will unnecessarily and adversely affect the residential uses of the properties along Phillbrook Drive.

Such further and other reasons as counsel may advise and the Board permit.

Oral/written submissions to council

Did you make your opinions regarding this matter known to council?

Oral submissions at a public meeting Written submissions to council

Planning Act matters only

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

Is the 2-year no application restriction under section 22(2.2) or 34(10.0.0.2) or 45(1.4) applicable?

Yes No

6. Related Matters

Are there other appeals not yet filed with the Municipality?

Yes No

Are there other matters related to this appeal? (For example: A consent application connected to a variance application)

Yes No

7. Scheduling Information

How many days do you estimate are needed for hearing this appeal?

1 day 2 days 3 days 4 days 1 week
 More than 1 week

How many expert witnesses and other witnesses do you expect to have at the hearing providing evidence/testimony?
Two(2)

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

Land Use Planner and Traffic Engineer

--	--

OZ-8624
Sonia Wise

Do you believe this matter would benefit from mediation?
(Prior to scheduling a matter for mediation, the OMB will conduct an assessment to determine its suitability for mediation)

Yes No

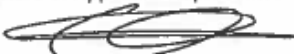
8. Required Fee

Total Fee Submitted * \$ 300

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

9. Declaration

I solemnly declare that all of the statements and the information provided, as well as any supporting documents are true, correct and complete.

Name of Appellant/Representative	Signature of Appellant/Representative	Date (yyyy/mm/dd)
Alan R. Patton		2017/07/04

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.

--	--

OZ-8624
Sonia Wise

2017-LO1

City Clerk No. 1647
Subject Appeal to OMB-2BA
420 Fanshawe Park Rd E
OZ-8624
JUL 01 2017

Ref. VNethercott
C.C. _____

4th RRP
Jul/ 8/2017 \$300.00