

то:	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

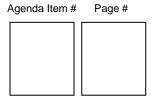
The recommended action would advise the Ontario Municipal Board that Municipal Council is in agreement with their previous decision on May 30, 2017 to approve the requested amendment to the Official Plan and Zoning By-law to permit the apartment building development.

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 aproved 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.



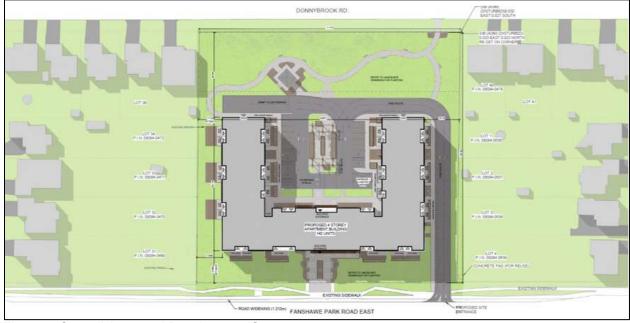


Figure 1: Council Approved Development Concept

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

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Appendix A



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Appendix B

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.elto.gov.on.ca

Appellant Form (A1)

Receipt Number (OMB Office Use Only)



	ise check all applicable boxes) *	Act Reference		
Subject of Appeal	ject of Appeal Type of Appeal			
	Planning Act Matters			
	Appeal a decision by local council that adopted an OP or OPA (exempt from approval by Minister or Approval Authority)	17(24)		
Official Plan or Official Plan	Appeal a decision of an Approval Authority that approved or did not approve all or part of a plan or amendment	17(36)		
Amendment	Approval Authority failed to make a decision on the plan within 180 days	17(40)		
	Council failed to adopt the requested amendment within 180 days	22(7)		
	Council refused the requested amendment	0 00000000		
	Appeal the passing of a Zoning By-law	34(19)		
Zoning By-law or Zoning By-law Amendment	Application for an amendment to the Zoning By-law – failed to make a decision on the application within 120 days	34(11)		
	Application for an amendment to the Zoning By-law – refused by the municipality			
nterim Control Coning By-law	Appeal the passing of an Interim Control By-law	38(4)		
Minor Variance	Appeal a decision of the Committee of Adjustment that approved or refused the application	45(12)		
	Appeal a decision that approved or refused the application	53(19)		
	Appeal conditions imposed			
Consent/Severance	Managa special sanditions	53(27)		
		53(14)		
-	Application for a plan of subdivision – Approval Authority failed to make a decision on the plan within 180 days	51(34)		
	Appeal a decision of an Approval Authority that approved a plan of subdivision			
lan of Subdivision	Appeal a decision of an Approval Authority that did not approve a plan of subdivision	51(39)		
	Appeal a lapsing provision imposed by an Approval Authority			
	Appeal conditions imposed by an Approval Authority			
	Appeal conditions - after expiry of 20 day appeal period but before final approval (only applicant or public body may appeal)	51(43)		
	Appeal changed conditions	51(48)		

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

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			Other	Matters			
Subject of Appeal	Act/Legistation Name						Section Number
2. Location Info			530		2011		-//
Address and/or Le 420 Fanshawe P	gal Description of pr ark Road East	operty su	bject to the appe	eal *			
Municipality * City of London							
Upper Tier (Examp County of Middle	ole: county, district, r sex	egion)					
	jector Information						
Number(s) a Last Name * Bristol	fler they have been	assigned		First Name * Lorrie			e your OMB Case/Fil
Company Name o	r Association Name	(Associat	ion must be inco	orporated – inclu	de copy	of letter of inco	orporation)
Professional Title							1122
Email Address							
Daytime Telephon	e Number * ext.		Alternate Telep	phone Number		Fax Number	
Mailing Address	116	70	7-55				And Control of Control
Unit Number	Street Number * 1562	100,000	Name * ook Drive		1947		PO Box
City/Town * London			Province * Ontario	Country * Canada		Postal Code N5X 2S4	
4. Representati	ve Information	5		-2.1			
I hereby author	rize the named com	pany and	or individual(s)	to represent me			
Last Name Patton	A		- 5300	First Name Alan	100		
Company Name Patton Law							
Professional Title Lawyer							
Email Address alan@pattonlaw	.ca	2000					149
S Talankan	Telephone Number Alternate Telephone			ne Number		Fax Number 519-432-72	
519-432-8282		়				36	75
		Character	Name				PO Box
519-432-8282	Street Number 140		ton Street	32	10 12	1272	

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Note: If you are re the OMB's F	presenting the appellar Rules of Practice and Pr	nt and are not a solicitor, procedure, to act on behalf	please confirm that you hof the appellant. Please	ave written authorization, as	required b
		ation from the appellant to hay be asked to produce		with respect to this appeal time.	on his or
5. Appeal Speci	ific Information				
Municipal Referen	ce Number(s)		***	W	
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		to the site along the ea e residential uses of th		property is inapporpriate librook Drive.	e and will
Such further and	other reasons as co	unsel may advise and	the Board permit.		
Oral/written subn	nissions to council			4531	
Did you make you	r opinions regarding thi	s matter known to counc	il?		
Oral submissio	ns at a public meeting	Written submission	ns to council		
Planning Act mat Applicable only to on or after July 1, 2	official plans/amendmen	nts, zoning by-laws/amend	dments and minor variance	es that came into effect/wer	re passed
	NA CONTRACTOR OF THE PARTY OF T	der section 22(2.2) or 34(10.0.0.2) or 45(1.4) app	licable?	
Yes No					
6. Related Matte			Wil	76	
	peals not yet filed with	the Municipality?			
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		peal? (For example: A co	nsent application connec	cted to a variance application	on)
Yes No					á
7. Scheduling Ir	formation				1
How many days do	you estimate are need	ded for hearing this appe	al?		10
1 day	2 days	√ 3 days	4 days	1 week	
More than 1 we	ek				
How many expert (Two(2)	witnesses and other wi	tnesses do you expect to	have at the hearing pro	viding evidence/testimony?	
Describe expert wi	tness(es)' area of expe	rtise (For example; land	use planner, architect, e	ngineer, etc.)	
Land Use Planne	er and Traffic Enginee	er			
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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 Alan R. Patton 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.	.Do you believe this matter would benefit from media (Prior to scheduling a matter for mediation, the OMB	tion? B will conduct an assessment to determine its suit	tability for mediation)
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 ☐ Date (yyyy/mm/dd) 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	1		100 100 (4 Min 14 COL) 11 12 14 14 15 15 15 15 15 15 15 15 15 15 15 15 15
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Payment Method *	Marie Marie Commercia		
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Environment and Land Tribunals Ontario Ontario Municipal Board

655 Bay Street, Suite 1500 Toronto ON M5G 1E5

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Appellant Form (A1)

Receipt Number (OMB Office Use Only)



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	Council failed to adopt the requested amendment within 180 days		
	Council refused the requested amendment	201	
	Appeal the passing of a Zoning By-law	34(19)	
Zoning By-law or Zoning By-law Amendment			
	Application for an amendment to the Zoning By-law – refused by the municipality		
Interim Control Zoning By-law	Appeal the passing of an Interim Control By-law	38(4)	
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	Appeal a decision that approved or refused the application	53(19)	
	Appeal conditions imposed		
Consent/Severance	Appeal changed conditions	53(27)	
	Application for consent – Approval Authority failed to make a decision on the application within 90 days	53(14)	
Plan of Subdivision	Application for a plan of subdivision – Approval Authority failed to make a decision on the plan within 180 days	51(34)	
	Appeal a decision of an Approval Authority that approved a plan of subdivision	51(39)	
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	Aggregate Resources Act Matters	100	
	One or more objections against an application for a 'Class A' aggregate removal licence	11(5)	
	One or more objections against an application for a 'Class B' aggregate removal licence		
	Application for a 'Class A' licence – refused by Minister	11(11)	
	Application for a 'Class B' licence – refused by Minister		
Aggregate Removal	Changes to conditions to a licence	13(6)	
Licence	Amendment of site plans	16(8)	
	Minister proposes to transfer the licence – applicant does not have licensee's consent	18(5)	
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Heritage	Appeal the passing of a by-law designating a heritage conservation study area	40.1(4)	
Conservation District	Appeal the passing of a by-law designating a heritage conservation district	41(4)	

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Subject of Appeal			Other	Matters		111 11	
	Act/Legislation	Name					Section Number
2. Location Inform	ation						
Address and/or Lega 420 Fanshawe Pari	l Description of pro k Road East	perty su	bject to the appo	eal *			
Municipality * City of London							
Upper Tier (Example: County of Middlese	county, district, re	gion)					
3. Appellant/Objec	tor Information						
Note: You must notify Number(s) afte	y the OMB of any or they have been a				in writing	. Please quote yo	ur OMB Case/File
Last Name * Bristol				First Name * Lorrie			
Company Name or A	ssociation Name (Associati	ion must be inco	1	de copy	of letter of incorpo	ration)
Professional Title							
Email Address							
Daytime Telephone N	Number *		Alternate Telep	hone Number		Fax Number	
	ext.						
	Street Number *	Street N	Name * ook Drive				РО Вох
City/Town * London			Province * Ontario		Countr		Postal Code * N5X 2S4
4. Representative	Information						
I hereby authorize	the named compa	any and/	or individual(s) t	o represent me			
Last Name Patton				First Name Alan			
Company Name Patton Law							
Professional Title Lawyer							
Email Address alan@pattonlaw.ca							
Daytime Telephone N 519-432-8282	lumber ext. 24		ernate Telephon 9-872-8927	e Number		Fax Number 519-432-7285	
Mailing Address			25				
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1512 1			Province		Countr		Postal Code

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ritten authorization terstand that I may b	from the appellant to a e asked to produce th	act as a representative v	vith respect to this appeal o	n his or
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Do you believe this matter would benefit from m (Prior to scheduling a matter for mediation, the	nediation? OMB will conduct ar	n assessment to determine it	ts suitability for mediation)				
✓ Yes No							
8. Required Fee							
Total Fee Submitted * \$ 300							
Payment Method * ▶ ☐ Certified cheque	Money Order	✓ Solicitor's general or tr	ust account cheque				
9. Declaration				S (
I solemnly declare that all of the statements and and complete.	d the information pro	ovided, as well as any suppo	rting documents are true, cor	rect			
Name of Appellant/Representative	Signature of A	ppellant/Representative	Date (yyyy/mm/dd)				
Alan R. Patton			2017/07/04				
Personal information requested on this form is collected under the provisions of the <i>Planning Act</i> , R.S.O. 1990, c. P. 13, as amended, and the <i>Onlario Municipal Board Act</i> , 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.							
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		2017-401	
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