

TO:	CHAIR AND MEMBERS						
	PLANNING AND ENVIRONMENT COMMITTEE						
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER						
SUBJECT:	APPLICATION BY: 2261531 ONTARIO LIMITED 1103 ADELAIDE STREET NORTH NOVEMBER 26, 2012						

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, dated April 23, 2012 and submitted by Avinoam Chernick, Beth Hickey, Rachel Joseph and Chris McDonnell relating to an application for an amendment to the Official Plan and Zoning By-law No. Z.-1 which was approved by Municipal Council concerning 1103 Adelaide Street North, 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

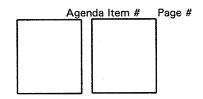
OZ-7972 - Report to Planning and Environment Committee - February 27, 2012

BACKGROUND

The Managing Director, Planning and City Planner recommended approval of the requested Official Plan and Zoning By-law amendments for 1103 Adelaide Street North on February 27, 2012. The purpose and effect of the amendments were to permit a multi-tenant commercial building with a restaurant and drive-through.

Municipal Council resolved on March 21, 2012:

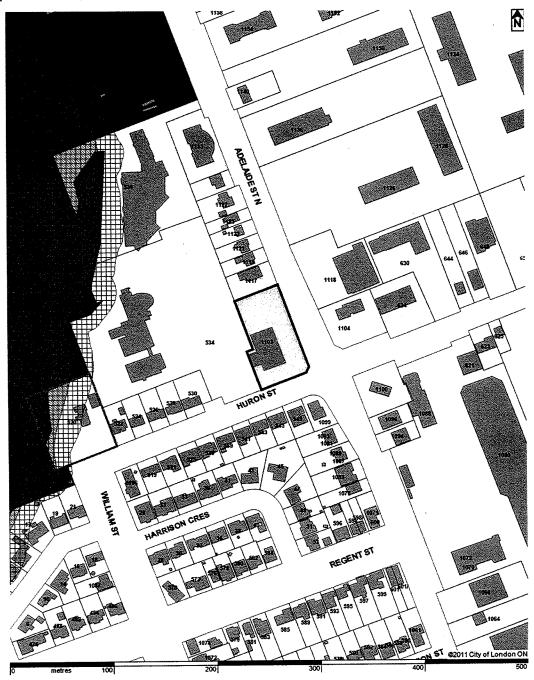
- a) a by-law **BE INTRODUCED** at the Municipal Council meeting to be held on March 20, 2012 to amend the Official Plan to change the designation of the subject lands **FROM** Multi Family High Density Residential, which permits low-rise and high-rise, apartment buildings; apartment hotels; multiple-attached dwellings; emergency care facilities; nursing home; rest homes; homes for the aged; and rooming and boarding houses **TO** Neighbourhood Commercial Node, which permits small retail stores; food stores; pharmacies; convenience commercial uses; personal services; financial institutions; service-oriented office uses such as real estate, insurance and travel agencies; community facilities such as libraries or day care centres; professional and medical/dental offices; small-scale restaurants; commercial recreation establishments; and similar uses that draw customers from a neighbourhood-scale trade area;
- b) the attached revised by-law **BE INTRODUCED** at the Municipal Council meeting to be held on March 20,2012 to amend Zoning By-law No. Z.1, (in conformity with the Official Plan, as amended in part a), above), to change the zoning of the subject lands **FROM** an Automobile Service Station (SS1) Zone, which permits automobile service stations and gas bars, **TO** a Holding Neighbourhood Shopping Area Special Provision (h-5*h-11*h-64*h-95.NSA1()) Zone, which permits a range of neighbourhood scale commercial retail, service and office uses which are primarily intended to provide for the convenience shopping and service needs of nearby residents with a special provision to permit: a reduced rear yard

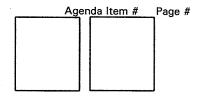


setback from 8 metres to 3.4 metres to recognize the existing building and proposed addition; a reduced setback for parking next to a road allowance and a reduced setback for parking next to a property line from 3 metres to 0 metres to recognize existing parking and proposed parking; a reduced setback for a drive-through lane and speaker from 15 metres to 0 metres with a 2.4 metre high noise attenuation barrier to accommodate a rear drive-through lane with an existing building; a loading space from 1 to 0; and a gross floor area increase from 150 square metres to 416.4 square metres for one proposed restaurant; it being noted that the holding h-5 has been applied to ensure a public site plan review meeting; it being further noted that the holding h-11 has been added to ensure the access arrangements are addressed at site plan review; it being also noted that the holding h-64 has been applied to address noise attenuation and design mitigating measures as recommended in a noise study; it being also noted that the holding h-95 has been added to ensure that urban design is addressed at site plan review;

c) a holding provision BE INCLUDED requiring a traffic impact study to be completed; and,

d) the Approval Authority **BE REQUESTED** to consider prohibiting access to Huron Street; it being noted that staff believe that the proposed conceptual site plan is not achievable and will have to be modified through the site plan process to meet the parking requirements of the proposed zone;





Official Plan Amendment

Appellants Chris McDonnell, Rachel Joseph and Elizabeth Hickey, submitted an appeal letter on April 24, 2012, in response to Council's decision. The reasons stated in the Official Plan amendment appeal as submitted are:

- 1. The proposed designation change does not conform to applicable policies of the Official Plan, including: 4.2.1, 4.3.8.2, 4.3.8.3 and 4.3.10
- 2. The subject site is located adjacent to existing higher order commercial facilities, which provide for a full range of commercial uses.
- 3. The subject site is too constrained to function as Neighbourhood Commercial Node without undue adverse impact upon neighbouring residents and the traffic carrying capacity of Adelaide and Huron Streets, contrary to s. 4.3.10.1
- 4. The subject site does not have a nodal configuration, contrary to s. 4.3.8.4
- 5. The subject site cannot be effectively integrated with existing commercial facilities
- 6. There is no justification for the creation of a new or expanded commercial node.
- 7. Site characteristics have not changed since the land was identified as Multi Family High Density Residential.
- 8. The site remains suitable for high density residential development and is well served by public services, including public transit.
- 9. The proposed designation change is not consistent with Provincial Policy in that it is contrary to Section 1.1.1, 1.4.3, 1.5.1, 1.6.6 and other provisions.

Appellant Avinoam Chernick, submitted an appeal letter on April 24, 2012, in response to Council's decision. The reasons stated in the Official Plan amendment appeal as submitted are:

- 1. Traffic;
- 2. Density;
- 3. Pedestrian Safety;
- 4. Noise;
- 5. Odour; and
- 6. Car Exhaust Accumulation

Zoning By-law Amendment

Appellants Chris McDonnell, Rachel Joseph and Elizabeth Hickey, submitted an appeal letter on April 24, 2012, in response to Council's decision. The reasons stated in the Zoning By-law amendment appeal as submitted are:

- 1. The Zoning By-law Amendment does not conform to prevailing or proposed Official Plan policies, for reason set out in the concurrent Official Plan appeal.
- 2. The Zoning By-law Amendment is not consistent with Provincial Policies, for reasons set out in the concurrent Official Plan appeal.
- 3. The regulations of the proposed site-specific NSA1(8) Zone facilitate overuse of the subject site, and resulting off-site and traffic impacts by eliminating standards pertaining to:
 - Loading spaces
 - Parking area setbacks
 - Drive-through setback, and
 - By reducing the rear yard setback.
- 4. The proposed restaurant GFA of 416.4m2 is beyond the scale anticipated by s. 4.3.8.3 of the Official Plan and is unjustified.
- 5. The concept plan presented in support of the proposed regulation changes illustrates the failure of the proposed ZBA to regulate.
- 6. The concept plan also demonstrates the auto-orientated nature of the proposed development, which does not conform to the Official Plan.

Appellant Avinoam Chernick, submitted an appeal letter on April 24, 2012, in response to Council's decision. The reasons stated in the Zoning By-law amendment appeal as submitted are:

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- 7. Traffic;8. Density;
- 9. Pedestrian Safety;
- 10. Noise;
- 11. Odour; and
- 12. Car Exhaust Accumulation

A copy of the appeals are attached as appendix "A" of this report. A date for the Ontario Municipal Board hearing has been scheduled for January 23, 2013.

PREPARED BY:	SUBMITTED BY:					
Alanna Killey	Morehul					
ALANNA RILEY, MCIP, RPP / PLANNER II COMMUNITY PLANNING AND DESIGN	JIM YANCHULA, MCIP, RPP MANAGER OF COMMUNITY PLANNING AND DESIGN					
RECOMMENDED BY:						
afir Humay						
JOHN M. FLEMING, MCIP, RPP						
MANAGING DIRECTOR, PLANNING & CITY	DI ANNED					

November 7, 2012
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Appendix "A"



Environment and Land Tribunals Ontario Ontario Municipal Board 655 Bay Street, Suite 1500 Toronto, Ontario M5G 1E5 TEL: (416) 212-6349 or Toll Free: 1-866-448-2248 FAX: (416) 326-6370

www.elto.gov.on.ca

APPELLANT	FORM	(A1)
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SUBMIT COMPLETED

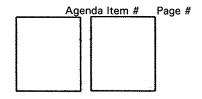
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SUBJECT OF APPEAL	TYPE OF APPEAL	PLANNING ACT REFERENCE (SECTION)	
Minor Variance	Appeal a decision	45(12)	
Consent/Severance	Appeal a decision Appeal conditions imposed	53(19)	
	Appeal changed conditions	53(27)	
	Failed to make a decision on the application within 90 days	53(14)	
	Appeal the passing of a Zoning By-law	34(19)	
Zoning By-law or	Application for an amendment to the Zoning By-law – failed to make a decision on the application within 120 days	34(11)	
Zoning By-law Amendment	Application for an amendment to the Zoning By-law – refused by the municipality		
Interim Control By-law	Appeal the passing of an Interim Control By-law	38(4)	
	X Appeal a decision	17(24) or 17(36)	
	Failed to make a decision on the plan within 180 days	17(40)	
Official Plan or Official Plan Amendment	Application for an amendment to the Official Ptan – failed to make a decision on the application within 180 days	22(7)	
	Application for an amendment to the Official Plan – refused by the municipality		
	Appeal a decision	51(39)	
Plan of Subdivision	Appeal conditions imposed	51(43) or 51(48)	
	Failed to make a decision on the application within 180 days	51(34)	

Part 2: Location Information	
1103 Adelaide Street North	
Ad Davisod April 2040	Pena 2 of 6



Address and/or Legal Description of property subject to the appeal:

Municipality/Up; Part 3. Appella		Oity of London			
First Name:	Rachel		Last Name:	_loseoh	
Company Name o	or Association Nam	ne (Association must be in	corporated - include	copy of letter of	incorporation)
Professional Title	(if applicable):				idea haratan markan da markan kan kan kan kan kan kan kan kan kan
E-mail Address:	D 400-1	ing an armali address you agree			
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Mailing Address:	Street Address		Api/Sulte/Unit#		London City/Town
	Onterio				NGY 4J/G
	Province	Roosph	Country (if not Cana	de)	Postal Code
Signature of Appe	llent:	ture not required if the app	and in numerical has a	Inv. office 1	_Date:April 23, 2012
and the Ontario M may become avail	lunicipal Board Ac able to the public.	t, R.S.O. 1990, c. O. 28 au	s emended. After an	oppeal is filed, a	R.S.O. 1990, c. P. 13, as amended, ill information relating to this appeal
I hereby author	ize the named (company and/or indivi	dual(s) to represe	nt me:	
First Name:			Last Name:	····	
Company Name:					
Professional Title:					
E-mail Address: _	****	ng an e-mail address you agree		many making transport to the	
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			*		
Mailing Address: "	Street Address		Apt/Suite/Unit#		City/Town
	Province		Country (if not Cane	ide)	Postal Code
Signature of Appe	llant				_ Date:
Please note: If yo required by the 8 below. At Revised April 201	oard's Rüles of P	ng the appellant and are rectice and Procedure, to	NOT a solicitor, place act on behalf of the	see confirm the appellant. Plea	l you have written authorization, a se confirm this by checking the bo Page 3 of 6

Agen <u>da Item #</u> Page #
File No.: OZ-797
Alanna Rile
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.
Part 5: Language and Accessibility
Please choose preferred language: X 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
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) Official Plan Amendment (application by 2261531 Ontario Limited) — OPA No. 520 Municipal File No. OZ-7972
 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) The proposed designation change does not conform to applicable policies of the Official Plan, including: 4.2.1, 4.3.8.2,
4.3.8.3 and 4.3.10. The subject site is located adjacent to existing higher order commercial facilities, which provide for a full range of commercial uses.
The subject site is too constrained to function as Neighbourhood Commercial Node without undue adverse impact upon neighbouring residents and the traffic carrying capacity of Adelaide and Huron Streets, contrary to s. 4.3.10.1. The subject site does not have a nodal configuration, contrary to s. 4.3.8.4.
The subject site cannot be effectively integrated with existing commercial facilities. There is no justification for the creation of a new or expanded commercial node.
Site characteristics have not changed since the land was identified as Multi Family High Density Residential.
The site remains suitable for high density residential development and is well served by public services, including public transit.
The proposed designation change is not consistent with Provincial Policy in that it is contrary to Section 1.1.1, 1.4.3, 1.5.1, 1.6.6 and other provisions.
The following sections (a&b) apply $\underline{\text{only}}$ to appeals of Zoning By-law Amendments under Section 34(11) of the <i>Planning Act</i> .

a) DATE APPLICATION SUBMITTED TO MUNICIPALITY: (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.									
Part 7: Related Matters (if known)									
Are there other appeals not yet filed with the Municipality?	YES	X	NO	· [
Are there other planning matters related to this appeal? (For example: A consent application connected to a variance application)	YES	X	NO						

A1 Revised April 2010

Agenda Item #	Page #
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If yes, please provide OMB Reference Number(s) and/or Municipal File Number(s) in the box below:

(Please print) A concurrent Zoning By-law Amendment appeal is being filed with respect to Zoning By-law No. Z1-122089.
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 X1 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?
Describe expert witness(es)' area of expertise (For example: land use planner, architect, engineer, etc.): land use planner, traffic engineer
Do you believe this matter would benefit from mediation? (Mediation is generally scheduled only when all parties agree to participate)
Do you believe this matter would benefit from a prehearing conference? YES NO X (Prehearing conferences are generally not scheduled for variances or consents)
If yes, why?_*The City has not effectively communicated or addressed neighbourhood concerns regarding the proposed scale and intensity of use, or related traffic concerns
Part 9: Other Applicable Information **Attach a separate page if more space is required.
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Part 10: Required Fee
Total Fee Submitted: \$ 125.00
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. A1 Revised April 2010 Page 5 of 6
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Environment and Land Tribunals Ontario
Ontario Municipal Board
655 Bay Street, Suite 1500 Toronto, Ontario M5G 1E5
TEL: (416) 212-6349 or Toll Free: 1-866-448-2248
FAX: (416) 326-5370
www.elto.gov.on.ca

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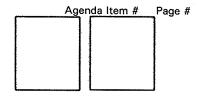
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SUBMIT COMPLETED FORM TO MUNICIPALITY/APPROVAL AUTHORITY

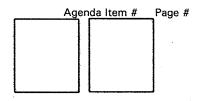
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SUBJECT OF APPEAL	TYPE:OF APPEAL	PLANNING ACT REFERENCE (SECTION)
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·	Failed to make a decision on the application within 180 days	51(34)

Part 2: Location Informat	ion						
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Address and/or Legal Desc	ription of proper	ly subject to	the appeal:	• .			
Municipality/Upper tier:	201	MOON	ON.				<u> </u>
A1 Revised April 2010						·	Page 2 of 5

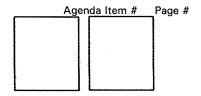


Part 3: Appellant Information			
First Name: AVINO AM	Last Name:	CHERNI	CK.
Congregation Or Shalom.	Lander	On.	
First Name: AYINO AM Congregation Or Shalom. Company Name or Association Name (Association must be in	corporated - includ	e copy of letter of in	corporation)
Professional Title (if applicable): DZ			
E-mail Address:			
By providing an e-man acurees you agree	to receive communica	nuns from the OMB by o	-mail.
Destina Talashara #			
	_ Alternate Telepho	ne #:	AMMORRAL
Fax #	<u></u>		
Mailing Address: 1051 F RM SE72 AVE	Apt/Suite/Unit#		_D N D O N City/Town
ON	•		•
Province //	Country (if not Ca	nada) F	N5 Y 2 Y 9 Postal Code
Signature of Appellant:	white the same of	r	Date: 24 AFR 12
(Signatule in the app	eal is submitted by	a law office.)	
Please note: You must notify the Ontario Municipal Board quote your OMB Reference Number(s) after they have been	d of any change of on assigned.	address or telepho	ne number in writing. Please
Personal information requested on this form is collected under and the Ontario Municipal Board Act, R.S.O. 1990, c. O. 28 as may become available to the public.			
Part 4: Representative Information (if applicable)			
I hereby authorize the named company and/or indivi	dual(s) to repres	ent me:	
First Name:	Last Name:		
Company Name:			
Professional Title:			
E-mail Address:			N
By providing an e-mail address you agree	to receive communica	ions from the OMB by e	-mail.
Daytime Telephone #:	_Alternate Telepho	ne #:	
Fax#:	- .		
Mailing Address:			
Street Address	Apt/Suite/Unit#	(City/Town
Province	Country (if not Ca	anda) E	Postal Code
	• •	•	_
Signature of Appellant:			Date:
Please note: If you are representing the appellant and are required by the Board's Rules of Practice and Procedure, to below.			
I certify that I have written authorization from the appellar behalf and I understand that I may be asked to produce the			t to this appeal on his or her
A1 Revised April 2010			Page 3 of 5



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.
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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)
THENDINE TO SE
2000 81 14 AMENDMENT OFA \$520 GPA # \$20
 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) TRAPPL DENSITY
PEDES TRIAN SAPETY.
NOISE, ODOR, CAR EXHAUST ACCUMULATION
Mode Control Survey
The following sections (a&b) apply only to appeals of Zoning By-law Amendments under Section 34(11) of the <i>Planning Act</i> .
· · · · · · · · · · · · · · · · · · ·
SECTION 34(11) OF THE PLANNING ACT. a) DATE APPLICATION SUBMITTED TO MUNICIPALITY:
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a) DATE APPLICATION SUBMITTED TO MUNICIPALITY: (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.
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a) DATE APPLICATION SUBMITTED TO MUNICIPALITY: (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. Part 7: Related Matters (if known) Are there other appeals not yet filed with the Municipality? Are there other planning matters related to this appeal? (For example: A consent application connected to a variance application)
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Page 4 of 5 /



Part 8: Scheduling Information	
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How many days do you estimate are needed for hearing this appeal?	
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 \mathcal{Z} .	the hearing providing evidence/testimony?
Describe expert witness(es)' area of expertise (For example: land use plan	ner, architect, engineer, etc.):
and use planner. THIFHE ET	MGINEER. members of applicant
Do you believe this matter would benefit from mediation? (Mediation is generally scheduled only when all parties agree to participate)	YES NO I
Do you believe this matter would benefit from a prehearing conference? (Prehearing conferences are generally not scheduled for variances or consents)	YES NO T
If yes, why? more acceptable, chenper, faster	conclision to the problem.
Part 9: Other Applicable Information **Attach a separate page if more	space is required.
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Part 10: Required Fee	
Total Fee Submitted: \$ 1250	
Payment Method: Certified cheque Money Order	Solicitor's general or trust account cheque
The payment must be in Canadian funds, payable to the Mini	ster of Finance.
Do not send cash.	
PLEASE ATTACH THE CERTIFIED CHEQUE/MONEY ORDE	ER TO THE FRONT OF THIS FORM.

A1 Revised April 2010

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Agen	da Item # Page #
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Environment and Land Tribunals Ontario
Ontario Municipal Board
655 Bay Street, Suite 1500 Torento, Ontario M5G 1E5
TEL: (416) 212-6349 or Toll Free: 1-866-448-2248
FAX: (416) 326-5370

www.elte.gov.on.ca

APPEI	LLANT	FORM	(A1)
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SUBMIT COMPLETED

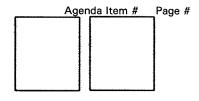
TO MUNICIPALITY/APPROVAL AUTHORITY

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Receipt Number	(OMB Office Use On	W)	

SUBJECT OF APPEAL	TYPE OF APPEAL	PLANNING ACT REFERENCE (SECTION)
Minor Variance	Appeal a decision	45(12)
	Appeal a decision	50/40
Consent/Severance	Appeal conditions imposed	53(19)
	Appeal changed conditions	53(27)
	Failed to make a decision on the application within 90 days	53(14)
	X 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)
Zoning by-law Amenument	Application for an amendment to the Zoning By-law – refused by the municipality	
Interim Control By-law	Appeal the passing of an Interim Control By-law	38(4)
	Appeal a decision	17(24) or 17(36)
	Failed to make a decision on the plan within 180 days	17(40)
Official Plan or Official Plan Amendment	Application for an amendment to the Official Plan – failed to make a decision on the application within 180 days	22(7)
	Application for an amendment to the Official Plan – refused by the municipality	
	Appeal a decision	51(39)
Plan of Subdivision	Appeal conditions imposed	51(43) or 51(48)
	Failed to make a decision on the application within 180 days	51(34)

Part 2: Location Information	
1103 Adelaide Street North	
A1 Revised April 2010	Page 2 of 6



Address and/or Legal Description of property subject to the appeal:

First Name:	Rachel			Last Name: Joseph	
		•		be incorporated - include copy of let	• •
rofessional Titl	e (if applicable):		<u> </u>	
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	Street Addre			Apt/Suite/Unit#	City/Town
	Ontario				N5Y 4J6
	Province	0	1,	Country (if not Canada)	Postal Code
ignature of App		11.00	Sept.	appeal is submitted by a law office.	Date: April 23, 2012
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Page 3 of 6

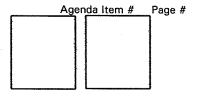
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certify that I have written authorization from the appellant to act as a representative with respect to this appeal on his or her behalf and I understand that I may be asked to produce this authorization at any time.
Part 5: Language and Accessibility
Please choose preferred language: X 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
 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)
Application to rezone (by 2261531 Ontario Limited) – Zoning By-law No. Z1-122089 Municipal File No. OZ-7972
 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) The Zoning By-law Amendment does not conform to prevailing or proposed Official Plan policies, for reasons set out in
the concurrent Official Plan appeal. The Zoning By-law Amendment is not consistent with Provincial Policies, for reasons set out in the concurrent Official
Plan appeal. The regulations of the proposed site-specific NSA1(8) Zone facilitate overuse of the subject site, and resulting off-site and traffic impacts by eliminating standards pertaining to
- Loading spaces
- Parking area setbacks - Drive-through setback, and by
reducing the rear yard setback.
The proposed restaurant GFA of 416.4 m^2 is beyond the scale anticipated by s. 4.3.8.3 of the Official Plan and is unjustified.
The concept plan presented in support of the proposed regulation changes illustrates the failure of the proposed ZBA to
regulate. The concept plan also demonstrates the auto-oriented nature of the proposed development, which does not conform to the Official Plan.
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: (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.
Part 7: Related Matters (if known)
Are there other appeals not yet filed with the Municipality?

A1 Revised April 2010

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Page 4 of 6



Are there other planning matters related to this appeal? (For example: A consent application connected to a variance application)	YES	X	NO	L:		
If yes, please provide OMB Reference Number(s) and/or Municipal File N	umber(s) in the	box be	low:		
(Please print) A concurrent Official Plan Amendment appeal is being filed with respect to	OPA (520.				
Part 8: Scheduling Information						
How many days do you estimate are needed for hearing this appeal? 4 days X 1 week More than 1 week – please specify r		-			2 days	3 days
How many expert witnesses and other witnesses do you expect to have a	it the he	earing p	roviding	evide	nce/testi	mony?
Describe expert witness(es)' area of expertise (For example: land use planner; traffic engineer	nner, a	rchitect,	engine	er, etc	.):	
Do you believe this matter would benefit from mediation? (Mediation is generally scheduled only when all parties agree to participate)	YES	X *	NO	П		
Do you believe this matter would benefit from a prehearing conference? (Prehearing conferences are generally not scheduled for variances or consents)	YES		NO	X		
If yes, why? *The City has not effectively communicated or addressed ne scale and intensity of use, or related traffic concerns.	ighbou	rhood c	oncerns	regar	ding the	proposed
Part 9: Other Applicable Information **Attach a separate page if mor	e spac	e is req	uired.			
						
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Environment and Land Tribunals Ontario
Ontario Municipal Board
655 Bay Street, Suite 1500 Toronto, Ontario M5G 1E5
TEL: (416) 212-6349 or Toll Free: 1-866-448-2248
FAX: (416) 326-5370

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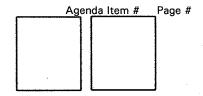
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PLAN	INING	ACT

SUBMIT COMPLETED FORM TO MUNICIPALITY/APPROVAL AUTHORITY

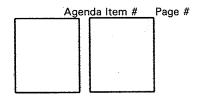
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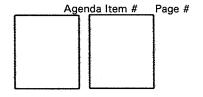
Part 2: Location Info	rmation						 L
	1103	APELA	LDE	31	N		
Address and/or Legal I	Description	of property su	ubject to	the ap	oeal:		
Municipality/Upper tier		OFDON	ON	·			
A1 Revised April 2010							Page 2 of 5



Part 3: Appellant Information		
First Name: AVINOAM CHEPPIER Congregation Or Share Company Name or Association Name (Association must	Last Name: CHERNIC	CK
Congregation Or Sha	lom London On-	
Company Name or Association Name (Association must	be incorporated - include copy of let	ter of incorporation)
Professional Title (if applicable):		
E-mail Address:	agree to receive communications from the	0100 t
By providing an e-mail address you	agree to receive communications from the	OMS by e-mail.
Daytime Telephone #:	Alternate Telephone #:	
Fax#:		•
Mailing Address: 1057 FRASETZ AV		LONDON City/Town
Street Address	Apt/Suite/Unit#	City/Town
ON		N54219
Province	Country (if not Canada)	Postal Code
Signature of Appellant:	appeal is submitted by a law office.	
(Signature not required if the	appeal is submitted by a law office.)
Please note: You must notify the Ontario Municipal E quote your OMB Reference Number(s) after they have		telephone number in writing. Please
Personal information requested on this form is collected and the Ontario Municipal Board Act, R.S.O. 1990, c. O. may become available to the public.	28 as amended. After an appeal is f	iled, all information relating to this appeal
Part 4: Representative Information (if applicable	2)	
, and the second	1	
I hereby authorize the named company and/or in	ndividual(s) to represent me:	
First Name:	Last Name:	
Company Name:	·	
Professional Title:		
E-mail Address:		
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
	Country (if not Canada)	Postal Code
Province	•	
Signature of Appellant:	·	Date:
Please note: if you are representing the appellant and required by the Board's Rules of Practice and Procedula below.	I are NOT a solicitor, please confir re, to act on behalf of the appellant	m that you have written authorization, as Please confirm this by checking the box
I certify that I have written authorization from the ap behalf and I understand that I may be asked to produ	pellant to act as a representative wit uce this authorization at any time.	h respect to this appeal on his or her
A1 Revised April 2010	•	Page 3 of 5



Please choose preferred language: English French	
We are committed to providing services as set out in the Accessibility any accessibility needs, please contact our Accessibility Coordinator	
Part 6: Appeal Specific Information	
 Provide specific information about what you are appealing Number(s), Official Plan Number(s) or Subdivision Number(s): 	. For example: Municipal File Number(s), By-law
(Please print)	07 7972
Please print) PLAHMING DIVISION FILE #	089
LONING BI-LAW Z-1-12Z	
 Outline the nature of your appeal and the reasons for your appeal (for example: the specific provisions, sections and/or policies of your appeal - if applicable). **If more space is required, please c 	of the Official Plan or By-law which are the subject of
(Please print)	THE CAN EXHAUST INCREASE
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TRAFFIC INTERPETABLE	(foi
DOES NOT ADMERE TO OFFICIAL P.	LAN IN JENJON (3)
The following sections (a&b) apply <u>only</u> to appea Section 34(11) of the <i>Planning Act</i> .	LS OF ZONING BY-LAW AMENDMENTS UNDER
a) DATE APPLICATION SUBMITTED TO MUNICIPALITY:	1 'pre-Bill 51' form.)
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Part 7: Related Matters (if known)	
	VES T NO T
Are there other appeals not yet filed with the Municipality?	TES NO
Are there other planning matters related to this appeal? (For example: A consent application connected to a variance applica-	YES NO Lation)
If yes, please provide OMB Reference Number(s) and/or Municipal I	File Number(s) in the box below:
(Please print)	·
A1 Revised April 2010	Page 4 of 5



Part 8: Scheduling Information		f	·	FC'			
low many days do you estimate are needed for hearing this appeal?				2 da	ys '	3 days	
4 days 1 week More than 1 week - please specif	y numbe	er of day	's:				
low many expert witnesses and other witnesses do you expect to have at the hearing providing evidence/testimony?							
Describe expert witness(es)' area of expertise (For example: land use pla	anner, ar	chitect,	enginee	r, etc.):			
Do you believe this matter would benefit from mediation? Mediation is generally scheduled only when all parties agree to participate)	YES	□	NO	г _/			
Do you believe this matter would benefit from a prehearing conference? Prehearing conferences are generally not scheduled for variances or consents)	YES	F	NO				
f yes, why?				<u></u>			
Part 9: Other Applicable Information **Attach a separate page if mo	re space	e is req	uired.				
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Part 10: Required Fee						•	
Total Fee Submitted: \$ 12500							
Payment Method: Certified cheque Money Order	r s	olicitor's	s genera	il or trust	account	cheque	
The payment must be in Canadian funds, payable to the Min						•	
Do not send cash.					٠		
PLEASE ATTACH THE CERTIFIED CHEQUE/MONEY ORD	DER TO	THE FF	RONT O	F THIS F	ORM.		
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Δ1 Revised Antil 2010				•	Р	age 5 of 5	