

Agenda Item #	Page #

M. Tomazincic  
File #OZ-8048

<b>TO:</b>	<b>CHAIR AND MEMBERS PLANNING &amp; ENVIRONMENT COMMITTEE</b>
<b>FROM:</b>	<b>JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER</b>
<b>SUBJECT:</b>	<b>APPLICATION BY: SOUTHSIDE CONSTRUCTION MANAGEMENT LTD 75 BLACKFRIARS STREET NOTICE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD MEETING ON MONDAY, NOVEMBER 26, 2012</b>

**RECOMMENDATION**

That, on the recommendation of the Managing Director, Planning and City Planner, in response to the letters of appeal to the Ontario Municipal Board, dated August 30, 2012 and submitted by Donald Cornell relating to Official Plan and Zoning By-law amendments (File No. OZ-8048) concerning 75 Blackfriars 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**

July 16, 2012 – OZ-8048 (Southside Construction Management Ltd). This report recommended that the Official Plan be amended to add a site-specific special policy to permit medium scale office uses, and a gymnasium as an accessory to a permitted Office use, within the existing building with a maximum total gross floor area of 2,555m<sup>2</sup> for all Office and Gymnasium uses and a maximum total gross floor area of 1,300m<sup>2</sup> for Medical/dental offices and Medical/dental laboratories and the Zoning By-law be amended for the subject site from a Neighbourhood Facility (NF) Zone which permits Churches and Elementary schools to an Office Special Provision (OF2( )) Zone to permit Medical/dental offices, Medical/dental laboratories and Offices, subject to a special provision to: permit a gymnasium as an accessory use to a permitted Office use, include a requirement that all uses be contained within the existing building, permit a maximum total gross floor area of 2,555m<sup>2</sup> for Office and Gymnasium uses, and permit a maximum total gross floor area of 1,300m<sup>2</sup> for all Medical/dental offices and Medical/dental laboratories.

**PURPOSE AND EFFECT OF RECOMMENDED ACTION**

The recommended action would advise the OMB that Municipal Council is in agreement with their previous decision on July 24, 2012 to approve the amendments to the Official Plan and Zoning By-law to permit Office, Gymnasium, Medical/dental office, and Medical/dental laboratory uses within the existing church building.

**BACKGROUND**

On April 11, 2012, an application for Official Plan and Zoning By-law amendments was submitted requesting that a site-specific special Official Plan policy be adopted to permit small-scale office uses and an accessory gymnasium use in addition to the uses permitted in the current Low Density Residential designation and that the Zoning By-law be amended from a Neighbourhood Facility (NF) Zone which permits churches and elementary schools to an Office Special Provision (OF2( )) Zone to permit: Clinics; Medical/dental offices; Medical/dental laboratories; Offices; and, a Gymnasium (accessory to a permitted Office use) subject to a special provision which limits the gross floor area for the proposed clinics, medical/dental offices, and, medical/dental laboratories to a maximum of 2,055m<sup>2</sup> (22,151sq.ft.).

Planning Staff recommended that the requested Official Plan amendment be refused for the following reasons:

- the request to continue to allow uses that are permitted in the existing Low Density

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Residential designation is contrary to the interim policies applied in the West London Special Policy Area;

- the request to permit up to a maximum of 2,555m<sup>2</sup> of gross floor area for general office uses exceeds the maximum gross floor area of small-scale office uses as requested by the applicant;
- the request to add a site-specific special policy does not include a provision requiring that the new uses be confined to the existing building; and,
- the request to add a site-specific special policy does not include a provision to limit the maximum gross floor area of the requested office uses.

Planning Staff also recommended that the requested Zoning By-law amendment be refused for the following reasons:

- the parking standard required for the requested amount of gross floor area for all non-Office uses exceeds the number of parking spaces available on-site;
- there has been no request to reduce the parking standard to accommodate the requested gross floor area for all non-Office uses; and,
- the request to amend the Zoning By-law does not include a provision requiring that the new uses be confined to the existing building.

However, Planning Staff did recommend that the Official Plan be amended to add a site-specific special policy to permit:

- medium-scale office uses; and
- gymnasium (as an accessory to a permitted Office use).

The recommended medium-scale office uses would also inherently permit medical dental offices, medical dental laboratories, and clinics subject to Zoning. Staff's recommendation included a provision that limited the permitted uses within the existing building and recommended that a maximum total gross floor area be applied to permit up to 2,555m<sup>2</sup> for all Office and Gymnasium uses and 1,300m<sup>2</sup> for Medical/dental offices, Medical/dental laboratories, and Clinics.

Planning Staff also recommended that the Zoning By-law be amended to change the zoning of the subject site from a Neighbourhood Facility (NF) Zone which permits Churches and Elementary schools to an Office Special Provision (OF2( )) Zone to permit:

- Clinics;
- Medical/dental offices;
- Medical/dental laboratories;
- Offices; and,
- Gymnasium (as an accessory use to a permitted Office use).

Staff recommended that zoning regulations be included, consistent with the Official Plan, which requires that all uses be contained within the existing building, permits a maximum total gross floor area of 2,555m<sup>2</sup> for Office and Gymnasium uses, and permits a maximum total gross floor area of 1,300m<sup>2</sup> for all Medical/dental offices, Medical/dental laboratories, and Clinics.

During the statutory public participation meeting on July 16, 2012, the Planning and Environment Committee (PEC) heard concerns related to the potential use of the subject site for "Clinic" uses. As a result, the PEC recommended that "Clinics" be removed from the list of recommended uses and Council subsequently supported the PEC recommendation. Therefore, the Zoning By-law amendment was further modified to add an additional regulation prohibiting the use of "Clinics".

On August 30, 2012, appeals were submitted by Donald Cornell in opposition to Council's decision to adopt the Official Plan and Zoning By-law amendments. In the reasons for the appeals of Council's decisions, the appellant states as reasons for the appeals that:

- 1) The approved Zoning By-law and Official Plan amendments will permit an intensity of general office and medical office uses on the subject property that will result in an "overuse" of the subject property

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- 2) The approved Zoning By-law and Official Plan do not adequately address traffic and parking impacts that will be the result of the approved amendment.
- 3) The approved Zoning By-law and Official Plan amendments were instituted without regard for sufficient public notice and input on last minute changes to the application.
- 4) The approved Zoning By-law and Official Plan amendments will result in a substantial increase in activity on the subject property from the existing permitted uses.

Copies of the appeal letters from Donald Cornell, and the reasons for the appeals, are attached as appendices "A" and "B" to this report. A date for the Ontario Municipal Board hearing has not yet been scheduled. Planning Staff have reviewed the appeal letters and see no reason for Council to alter its decision relating to this matter.

<b>PREPARED BY:</b>	<b>SUBMITTED BY:</b>
<b>MICHAEL TOMAZINCIC, MCIP, RPP MANAGER, PLANNING REVIEW COMMUNITY PLANNING AND DESIGN SECTION</b>	<b>JIM YANCHULA, MCIP, RPP MANAGER OF COMMUNITY PLANNING AND URBAN DESIGN SECTION</b>
<b>RECOMMENDED BY:</b>	
<b>JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER</b>	

November 21, 2012  
MT/mt

Y:/shared/implemen/DEVELOPMENT APPS/2012 Applications 8003 to/8048OZ - 75 Blackfriars Street (MT)/OZ-8048 - OMB Report

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M. Tomazincic  
File #OZ-8048

APPENDIX "A"

**INSITES CONSULTING - LAND PLANNING SERVICES**

Ms. Cathy Saunders  
City Clerk  
City of London Ontario  
300 Dufferin Ave.  
London Ontario  
N6A 1H3

Mr. Donald Cornell  
79 Blackfriars Street  
London Ontario  
N6H 1K8

Thursday August 30, 2012

Dear Ms. Saunders:

Re: Official Plan Amendment 536 (75 Blackfriars Street)

Please be advised that, by way of this letter and attached OMB Appeal Form, I Donald Cornell of 79 Blackfriars Street in the City of London Ontario, hereby appeal the above referenced Official Plan Amendment approved by Municipal Council on July 24<sup>th</sup>, 2012.

The basis for this appeal is outlined in detail within the attached OMB Appeal Form. I trust that you will forward this letter of appeal to the offices of the Ontario Municipal Board.

Also, please find attached a certified cheque in the amount of \$125 made payable to the Minister of Finance for the applicable appeal fee.

Should you require any further information regarding the application, please do not hesitate to contact the undersigned.

Kind regards,



Donald Cornell  
79 Blackfriars St.  
London ON  
N6H 1K8  
(519-433-1221)

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M. Tomazincic  
File #OZ-8048

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) 326-5370  
www.elt.o.gov.on.ca

**APPELLANT FORM (A1)  
PLANNING ACT**

**SUBMIT COMPLETED FORM  
TO MUNICIPALITY/APPROVAL AUTHORITY**

Date Stamp - Appeal Received by Municipality

RECEIVED

AUG 30 2012

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	38(4)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – refused by the municipality	17(24) or 17(36)
Interim Control By-law	<input checked="" type="checkbox"/> Appeal the passing of an Interim Control By-law	17(40)
Official Plan or Official Plan Amendment	<input type="checkbox"/> Appeal a decision	22(7)
	<input type="checkbox"/> Failed to make a decision on the plan within 180 days	51(39)
	<input type="checkbox"/> Application for an amendment to the Official Plan – failed to make a decision on the application within 180 days	51(43) or 51(48)
	<input type="checkbox"/> Application for an amendment to the Official Plan – refused by the municipality	51(34)
Plan of Subdivision	<input type="checkbox"/> Appeal a decision	
	<input type="checkbox"/> Appeal conditions imposed	
	<input type="checkbox"/> Failed to make a decision on the application within 180 days	

**Part 2: Location Information**

Address and/or Legal Description of property subject to the appeal: **75 Blackfriars Street London, Ontario**

Municipality/Upper tier: **London Ontario**

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M. Tomazincic  
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APPENDIX "A"

**Part 3: Appellant Information**

First Name: Donald

Last Name: Cornell

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

Professional Title (if applicable):

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 #: N/A

Mailing Address: 79 Blackfriars  
Street Address

Street  
Apt/Suite/Unit#

London  
City/Town

Ontario

Canada

N6H 1K8

Province

Country (if not Canada)

Postal Code

Signature of Appellant:

(Signature not required if the appeal is submitted by a law office.)

Date:

Aug 30 2012

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: Benjamin

Last Name: Billings

Company Name: Insites Consulting

Professional Title: Registered Professional Planner (Consulting Planner)

E-mail Address:

providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #:

Alternate Telephone #:

Fax #: N/A

Mailing Address: 46

Street Address

Bellrock Crescent  
Apt/Suite/Unit#

London  
City/Town

Ontario  
Province

Canada  
Country (if not Canada)

N5V 4M6  
Postal Code

Signature of Appellant:

Date:

Aug 30 2012

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.

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File #OZ-8048

APPENDIX "A"

**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)

This appeal is in reference to Official Plan Amendment 536 passed by the City of London Municipal Council on the 24<sup>th</sup> day of July, 2012 and pertaining to 75 Blackfriars Street in the City of London, Ontario.

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)

This appeal is based upon the following matters:

1) The approved Official Plan Amendment will permit an intensity of general office and medical office uses on the subject property that will result in an "overuse" of the subject property. The subject lands are designated "Low Density Residential" pursuant to Schedule A of the City of London Official Plan. The approved OPA will permit a maximum intensity of 2,555 m<sup>2</sup> (27, 502 s.f.) for all office uses in a building that currently consists of 2,044 m<sup>2</sup> (22, 000 s.f.).

2) The approved Official Plan Amendment does not adequately address traffic and parking impacts that will be the result of the approved amendment. The subject amendment is deemed to be premature until such time as the results of the traffic and parking impact study are available from municipal staff. This study has been requested by Municipal Council, as part of its July 24<sup>th</sup> 2012 Council Resolution; however, municipal transportation staff has indicated that it will not be available until sometime in 2013.

3) The approved Official Plan Amendment was instituted without regard for sufficient public notice and input on last minute changes to the application. The parking area was amended to include nine additional parking spaces by way of a last minute submission by the applicant's consultant.

4) The approved Official Plan Amendment will result in a substantial increase in activity on the subject property from a church used one day a week to a large office use. This will result in increased noise and odour from vehicular traffic, as well as, visual impacts. The applicant has not proposed any improvements to the subject property in the way of landscaping, buffering/screening for the proposed use.

**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: THURSDAY AUGUST 30, 2012  
(If application submitted before January 1, 2007 please use the O1 'pre-Bill 51' form.)

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APPENDIX "A"

- 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.

The proposal relates to the conversion of an existing church in order to accommodate a gymnasium, general offices and medical offices to a maximum intensity of 2,555 m<sup>2</sup> (27, 502 s.f.) for all office uses. The subject church has existed for many years and used typically once a week on Sundays and consists of 2,044 m<sup>2</sup> (22, 000 s.f.). The conversion of the church to a substantial office use will impact the residential amenity of this low density neighbourhood bringing substantial activity and vehicular traffic to the subject property and adjacent streets on a daily basis.

The subject property is currently designated "Low Density Residential" in the City of London Official Plan, which currently permits a very limited amount of medical office uses. The approved "Special Policy" amendment to the Official Plan will permit a substantial change in the use and character of the subject property. Current zoning for the subject property is Neighbourhood Facility (NF) which permits elementary schools and churches.

The desired Official Plan policy for the subject property will limit the proposal to a maximum of 2,000 s.m. (22,000 s.f.) for all office uses and excludes any form of clinic use. In addition, the proposal should provide a site plan that protects adjacent properties from the increased impacts that will result from the proposed office use.

**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:

(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?

Two expert witnesses

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

A land use planner and a traffic engineer

- 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? **If the applicant is willing to address the issues described herein in an adequate manner, there may be the possibility of mediation.**





Empty boxes for Agenda Item # and Page #

M. Tomazincic  
File #OZ-8048

APPENDIX "A"

**INSITES CONSULTING – LAND PLANNING SERVICES**

Ms. Cathy Saunders  
City Clerk  
City of London Ontario  
300 Dufferin Ave.  
London Ontario  
N6A 1H3

Mr. Donald Cornell  
79 Blackfriars Street  
London Ontario  
N6H 1K8

Thursday August 30, 2012

Dear Ms. Saunders

**Re: OMB Appeals: Official Plan Amendment 536 and Zoning By-law Z-1-122126**  
**(79 Blackfriars Street)**

Please be advised that, by way of this letter, I Donald Cornell of 79 Blackfriars Street in the City of London Ontario, hereby grant my authorization to Mr. Ben Billings of Insites Consulting to represent me on land use planning matters relating to the above captioned appeals of Official Plan Amendment 536 and Zoning By-law Z-1-122126 re: 79 Blackfriars Street in London, Ontario.

Should you require any further information regarding this matter, please do not hesitate to contact the undersigned.

Kind regards,

Donald Cornell  
79 Blackfriars St.  
London ON  
N6H 1K8  
(519-433-1221)

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M. Tomazincic  
File #OZ-8048

APPENDIX "B"

**INSITES CONSULTING – LAND PLANNING SERVICES**

Ms. Cathy Saunders  
City Clerk  
City of London Ontario  
300 Dufferin Ave.  
London Ontario  
N6A 1H3

Mr. Donald Cornell  
79 Blackfriars Street  
London Ontario  
N6H 1K8

Thursday August 30, 2012

Dear Ms. Saunders:

**Re: Zoning By-law Z-1-122126 (75 Blackfriars Street)**

Please be advised that, by way of this letter and attached OMB Appeal Form, I Donald Cornell of 79 Blackfriars Street in the City of London Ontario, hereby appeal the above referenced Zoning By-law approved by Municipal Council on July 24<sup>th</sup>, 2012.

The basis for this appeal is outlined in detail within the attached OMB Appeal Form. I trust that you will forward this letter of appeal to the offices of the Ontario Municipal Board.

Also, please find attached a certified cheque in the amount of \$125 made payable to the Minister of Finance for the applicable appeal fee.

Should you require any further information regarding the application, please do not hesitate to contact the undersigned.

Kind regards,



Donald Cornell  
79 Blackfriars St.  
London ON  
N6H 1K8  
(519-433-1221)

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M. Tomazincic  
File #OZ-8048

APPENDIX "B"



Environment and Land Tribunals Ontario  
**Ontario Municipal Board**  
655 Bay Street, Suite 1500 Toronto, Ontario M5G 1E5  
TEL: (416) 212-8349 or Toll Free: 1-866-448-2248  
FAX: (416) 328-5370  
www.elt.o.gov.on.ca

**APPELLANT FORM (A1)  
PLANNING ACT**

**SUBMIT COMPLETED FORM  
TO MUNICIPALITY/APPROVAL AUTHORITY**

Date Stamp - Appeal Received by Municipality

**RECEIVED**  
AUG 30 2012

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 checked="" 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 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**

Ontario Address and/or Legal Description of property subject to the appeal: **75 Blackfriars Street**

Municipality/Upper tier: **London Ontario**

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M. Tomazincic  
File #OZ-8048

APPENDIX "B"

**Part 3: Appellant Information**

First Name: Donald Last Name: Cornell

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

Professional Title (if applicable):

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 #: N/A

Mailing Address: 79 Blackfriars  
Street Address

Street  
Apt/Suite/Unit#

London  
City/Town

Ontario

Canada

N6H 1K8

Province

Country (if not Canada)

Postal Code

Signature of Appellant:

(Signature not required if the appeal is submitted by a law office.)

Date:

Aug 30 2012

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: Benjamin

Last Name: Billings

Company Name: Insites Consulting

Professional Title: Registered Professional Planner (Consulting Planner)

E-mail Address:

providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #:

Alternate Telephone #:

Fax #: N/A

Mailing Address: 46  
Street Address

Bellrock Crescent  
Apt/Suite/Unit#

London  
City/Town

Ontario

Canada

N5V 4M6

Province

Country (if not Canada)

Postal Code

Signature of Appellant:

Date:

Aug 30 2012

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.



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M. Tomazincic  
File #OZ-8048

APPENDIX "B"

**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**

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)

This appeal is in reference to Zoning By-law Z-1-122126 passed by the City of London Municipal Council on the 24<sup>th</sup> day of July, 2012 and pertaining to 75 Blackfriars Street in the City of London, Ontario.

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)

- 1) The approved Zoning By-law will permit an intensity of general office and medical office uses on the subject property that will result in an "overuse" of the subject property. The subject lands are currently zoned Neighbourhood Facility (NF), which permits churches and elementary schools. The approved Zoning By-law will permit a maximum intensity of 2,555 m<sup>2</sup> (27, 502 s.f.) for all office uses in a building that currently consists of 2,044 m<sup>2</sup> (22, 000 s.f.).
- 2) The approved Zoning By-law does not adequately address traffic and parking impacts that will be the result of the approved amendment. The subject amendment is deemed to be premature until such time as the results of the traffic and parking impact study are available from municipal staff. This study has been requested by Municipal Council, as part of its July 24<sup>th</sup> 2012 Council Resolution; however, municipal transportation staff has indicated that the study will not be available until sometime in 2013.
- 3) The approved Zoning By-law was instituted without regard for sufficient public notice and input on last minute changes to the application. The parking area was amended to include nine additional parking spaces by way of a last minute submission by the applicant's consultant.
- 4) The approved Zoning By-law will result in a substantial increase in activity on the subject property from a church used one day a week to a large office use. This will result in increased noise and odour from vehicular traffic, as well as, visual impacts. The applicant has not proposed any improvements to the subject property in the way of landscaping, buffering/screening for the proposed use.

**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: THURSDAY AUGUST 30<sup>TH</sup>, 2012  
(If application submitted before January 1, 2007 please use the O1 'pre-Bill 51' form.)

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M. Tomazincic  
File #OZ-8048

APPENDIX "B"

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.

The proposal relates to the conversion of an existing church in order to accommodate a gymnasium, general offices and medical offices to a maximum intensity of 2,555 m<sup>2</sup> (27, 502 s.f.) for all office uses. The subject church has existed for many years and used typically once a week on Sundays and consists of 2,044 m<sup>2</sup> (22, 000 s.f.). The conversion of the church to a substantial office use will impact the residential amenity of this low density neighbourhood bringing substantial activity and vehicular traffic to the subject property and adjacent streets on a daily basis.

The subject property is currently designated "Low Density Residential" in the City of London Official Plan, which currently permits a very limited amount of medical office uses. Current zoning for the subject property is Neighbourhood Facility (NF) which permits elementary schools and churches.

The desired zoning for the subject property is a zone that will limit the proposal to a maximum of 2,000 s.m. (22,000 s.f.) for all office uses and excludes any form of clinic use. In addition, the proposal should provide a site plan that protects adjacent properties from the increased impacts that will result from the proposed office use.

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:

(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?  
 Two expert witnesses

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

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? **If the applicant is willing to address the issues described herein in an adequate manner, there may be the possibility of mediation.**

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

