

--	--

File No.: OZ-7972
Alanna Riley

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

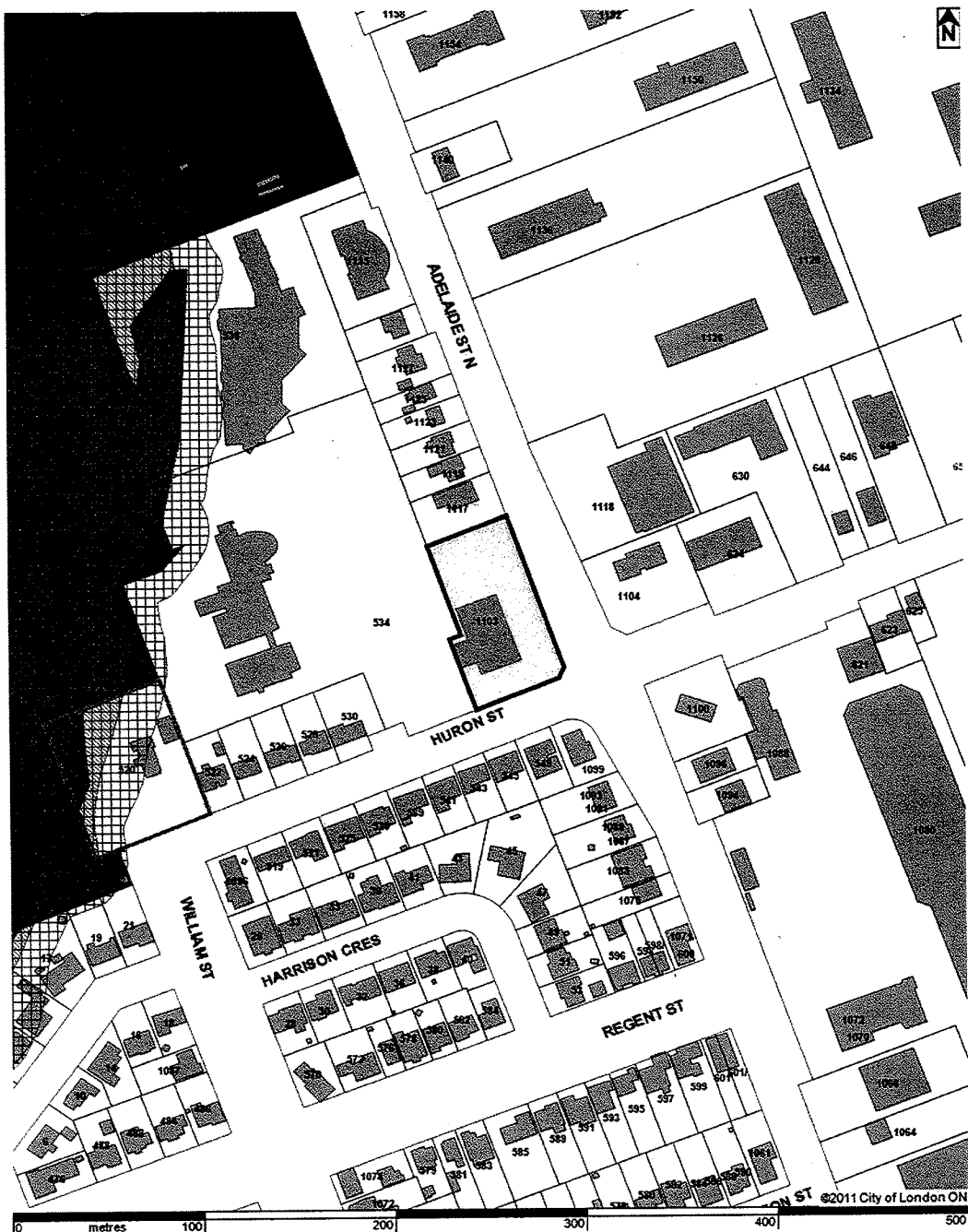
--	--

File No.: OZ-7972
Alanna Riley

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;



Agenda Item #	Page #

File No.: OZ-7972
Alanna Riley

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.*

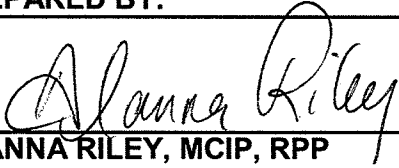


Appellant Avinoam Chernick, submitted an appeal letter on April 24, 2012, in response to Council's decision. The reasons stated in the Zoning By-law amendment appeal as submitted are:

--	--

File No.: OZ-7972
Alanna Riley

- 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 RILEY, MCIP, RPP PLANNER II COMMUNITY PLANNING AND DESIGN	JIM YANCHULA, MCIP, RPP MANAGER OF COMMUNITY PLANNING AND DESIGN
RECOMMENDED BY:	
	
JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING & CITY PLANNER	

November 7, 2012

Y:\Shared\implemen\DEVELOPMENT APPS\2011 Applications 7854 to\7972OZ - 1103 Adelaide St N
 (AR)\OMB\7972OMBreport.docx

--	--

File No.: OZ-7972
Alanna Riley

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

**TO
MUNICIPALITY/APPROVAL
AUTHORITY**

FORM

Date Stamp - Appeal Received by Municipality

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"/> 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 or Zoning By-law Amendment	<input type="checkbox"/> Appeal the passing of a Zoning By-law	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 checked="" 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

1103 Adelaide Street North

Two empty rectangular boxes for Agenda Item # and Page #.

File No.: OZ-7972
Alanna Riley

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

Municipality/Upper tier: City of London

Part 3: Appellant Information

First Name: Rachel Last Name: Joseph

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 #: _____

Mailing Address: 846 Huron Street London
Street Address Apt/Suite/Unit# City/Town

Ontario NEY 4J8
Province Country (if not Canada) Postal Code

Signature of Appellant: *R. Joseph* Date: April 23, 2012
(Signature not required if the appeal is submitted by a law office.)

Please note: You must notify the Ontario Municipal Board of any change of address or telephone number in writing. Please quote your OMB Reference Number(s) after they have been assigned.

Personal information requested on this form is collected under the provisions of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, and the *Ontario Municipal Board Act*, R.S.O. 1990, c. O. 28 as amended. After an appeal is filed, all information relating to this appeal may become available to the public.

Part 4: Representative Information (if applicable)

I hereby authorize the named company and/or individual(s) to represent me:

First Name: _____ Last Name: _____

Company Name: _____

Professional Title: _____

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

Daytime Telephone #: _____ Alternate Telephone #: _____

Fax #: _____

Mailing Address: _____
Street Address Apt/Suite/Unit# City/Town

Province Country (if not Canada) Postal Code

Signature of Appellant: _____ Date: _____

Please note: If you are representing the appellant and are NOT a solicitor, please confirm that you have written authorization, as required by the Board's Rules of Practice and Procedure, to act on behalf of the appellant. Please confirm this by checking the box below.

Agenda Item #	Page #

File No.: OZ-7972
Alanna Riley

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: 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)
Official Plan Amendment (application by 2261531 Ontario Limited) – OPA No. 520
Municipal File No. OZ-7972

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)
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 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? YES NO

Are there other planning matters related to this appeal? YES NO

(For example: A consent application connected to a variance application)

Two empty rectangular boxes for Agenda Item # and Page #.

File No.: OZ-7972
Alanna Riley

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. Z.-1-122089.

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 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?
2

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? 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? *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.

A large empty rectangular box for providing other applicable information.

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.

--	--

File No.: OZ-7972
Alanna Riley



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

Receipt Number (OMB Office Use Only)

Part 1: Appeal Type (Please check only one box)

SUBJECT OF APPEAL	TYPE OF APPEAL	PLANNING ACT REFERENCE (SECTION)
Minor Variance	<input type="checkbox"/> Appeal a decision	45(12)
	<input type="checkbox"/> Appeal a decision	53(19)
Consent/Severance	<input type="checkbox"/> Appeal conditions imposed	53(27)
	<input type="checkbox"/> Appeal changed conditions	53(14)
	<input type="checkbox"/> Failed to make a decision on the application within 90 days	34(19)
	<input type="checkbox"/> Appeal the passing of a Zoning By-law	34(11)
Zoning By-law or Zoning By-law Amendment	<input type="checkbox"/> Application for an amendment to the Zoning By-law - failed to make a decision on the application within 120 days	34(11)
	<input 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 checked="" 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

Address and/or Legal Description of property subject to the appeal: 1103 ADELAIDE ST N.

Municipality/Upper tier: LONDON ON.

--	--

File No.: OZ-7972
Alanna Riley

Part 3: Appellant Information

First Name: RYINDAM Last Name: CHERNICK.
Congregation Or Shalom London On.
 Company Name or Association Name (Association must be incorporated - include copy of letter of incorporation)
 Professional Title (if applicable): DR.
 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: 1051 FRASER AVE LONDON
Street Address Apt/Suite/Unit# City/Town
ON N5Y 2Y9
Province Country (if not Canada) Postal Code
 Signature of Appellant: [Signature] Date: 24 APR '12
(Signature not required if the appeal is submitted by a law office.)

Please note: You must notify the Ontario Municipal Board of any change of address or telephone number in writing. Please quote your OMB Reference Number(s) after they have been assigned.

Personal information requested on this form is collected under the provisions of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, and the *Ontario Municipal Board Act*, R.S.O. 1990, c. O. 28 as amended. After an appeal is filed, all information relating to this appeal may become available to the public.

Part 4: Representative Information (if applicable)

I hereby authorize the named company and/or individual(s) to represent me:

First Name: _____ Last Name: _____
 Company Name: _____
 Professional Title: _____
 E-mail Address: _____
By providing an e-mail address you agree to receive communications from the OMB by e-mail.
 Daytime Telephone #: _____ Alternate Telephone #: _____
 Fax #: _____
 Mailing Address: _____
Street Address Apt/Suite/Unit# City/Town

Province Country (if not Canada) Postal Code
 Signature of Appellant: _____ Date: _____

Please note: If you are representing the appellant and are NOT a solicitor, please confirm that you have written authorization, as required by the Board's Rules of Practice and Procedure, to act on behalf of the appellant. Please confirm this by checking the box below.

I certify that I have written authorization from the appellant to act as a representative with respect to this appeal on his or her behalf and I understand that I may be asked to produce this authorization at any time.

--	--

File No.: OZ-7972
Alanna Riley

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)

~~ZONING BY-LAW AMENDMENT OPA # 520~~
OPA # 520

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)

TYPARAPIC DENSITY
PEDESTALIAN SAFETY.
NOISE, ODOR, CAR EXHAUST ACCUMULATION

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? 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)

Two empty rectangular boxes for Agenda Item # and Page #.

File No.: OZ-7972
Alanna Riley

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?
2.

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

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? more acceptable, cheaper, faster conclusion to the problem.

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

A large empty rectangular box with horizontal lines, intended for additional information.

Part 10: Required Fee

Total Fee Submitted: \$ 12500

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.

--	--

File No.: OZ-7972
Alanna Riley



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

**TO
MUNICIPALITY/APPROVAL
AUTHORITY**

FORM

Date Stamp - Appeal Received by Municipality

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)
Consent/Severance	<input type="checkbox"/> Appeal a decision	53(19)
	<input type="checkbox"/> Appeal conditions imposed	
	<input type="checkbox"/> Appeal changed conditions	53(27)
	<input type="checkbox"/> Failed to make a decision on the application within 90 days	53(14)
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 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

1103 Adelaide Street North

--	--

File No.: OZ-7972
Alanna Riley

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

Municipality/Upper tier: City of London

Part 3: Appellant Information

First Name: Rachel Last Name: Joseph

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 #: _____

Mailing Address: 545 Huron Street London
Street Address Apt/Suite/Unit# City/Town
Ontario N5Y 4J6
Province Country (if not Canada) Postal Code

Signature of Appellant: *Roseph* Date: April 23, 2012
(Signature not required if the appeal is submitted by a law office.)

Please note: You must notify the Ontario Municipal Board of any change of address or telephone number in writing. Please quote your OMB Reference Number(s) after they have been assigned.

Personal information requested on this form is collected under the provisions of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, and the *Ontario Municipal Board Act*, R.S.O. 1990, c. O. 28 as amended. After an appeal is filed, all information relating to this appeal may become available to the public.

Part 4: Representative Information (if applicable)

I hereby authorize the named company and/or individual(s) to represent me:

First Name: _____ Last Name: _____

Company Name: _____

Professional Title: _____

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

Daytime Telephone #: _____ Alternate Telephone #: _____

Fax #: _____

Mailing Address: _____
Street Address Apt/Suite/Unit# City/Town
Province Country (if not Canada) Postal Code

Signature of Appellant: _____ Date: _____

Please note: If you are representing the appellant and are NOT a solicitor, please confirm that you have written authorization, as required by the Board's Rules of Practice and Procedure, to act on behalf of the appellant. Please confirm this by checking the box below.

--	--

File No.: OZ-7972
Alanna Riley

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: 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)

Application to rezone (by 2261531 Ontario Limited) – Zoning By-law No. Z.-1-122089
Municipal File No. OZ-7972

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)

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 m² 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? YES NO

--	--

File No.: OZ-7972
Alanna Riley



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

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	
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – refused by the municipality	
	<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

1103 ADELAIDE ST N
Address and/or Legal Description of property subject to the appeal:
Municipality/Upper tier: LONDON ON

--	--

File No.: OZ-7972
Alanna Riley

Part 3: Appellant Information

First Name: AVINDAM ~~CHERNICK~~ Last Name: CHEERNICK

Congregation Or Shalom London On.
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)

Professional Title (if applicable): DR.

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: 1051 FRASER AV LONDON
Street Address Apt/Suite/Unit# City/Town

ON NSY 2Y9
Province Country (if not Canada) Postal Code

Signature of Appellant: [Signature] Date: 24 APRIL 2012
(Signature not required if the appeal is submitted by a law office.)

Please note: You must notify the Ontario Municipal Board of any change of address or telephone number in writing. Please quote your OMB Reference Number(s) after they have been assigned.

Personal information requested on this form is collected under the provisions of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, and the *Ontario Municipal Board Act*, R.S.O. 1990, c. O. 28 as amended. After an appeal is filed, all information relating to this appeal may become available to the public.

Part 4: Representative Information (if applicable)

I hereby authorize the named company and/or individual(s) to represent me:

First Name: _____ Last Name: _____

Company Name: _____

Professional Title: _____

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

Daytime Telephone #: _____ Alternate Telephone #: _____

Fax #: _____

Mailing Address: _____
Street Address Apt/Suite/Unit# City/Town

Province Country (if not Canada) Postal Code

Signature of Appellant: _____ Date: _____

Please note: If you are representing the appellant and are NOT a solicitor, please confirm that you have written authorization, as required by the Board's Rules of Practice and Procedure, to act on behalf of the appellant. Please confirm this by checking the box below.

I certify that I have written authorization from the appellant to act as a representative with respect to this appeal on his or her behalf and I understand that I may be asked to produce this authorization at any time.

--	--

File No.: OZ-7972
Alanna Riley

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)

PLANNING DIVISION FILE # OZ 7972
ZONING BY-LAW 2-1-122089

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)

UNACCEPTABLE, NOISE, ODOR, HEADLIGHT CAR EXHAUST INCREASE
TRAFFIC INTERFERENCE
DOES NOT ADHERE TO OFFICIAL PLAN INTENTION(S)

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? 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)

