



300 Dufferin Ave  
P.O. Box 5035  
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N6A 4L9

Chair and Members, Strategic Priorities and Policy Committee  
[sppc@london.ca](mailto:sppc@london.ca)

December 27, 2022

**Re: Committee of Adjustment - Member Vacancy**

On Thursday December 15, 2022, the Committee of Adjustment members placed a motion on the floor to rescind the Council appointment of a Committee Member given their absence at Committee of Adjustment meetings, and given there has been no contact with Civic Administration, as outlined:

*Whereas Mohamed Mohamed El Hadary has missed 4 consecutive meetings and whereas staff have reached out to him numerous times and have not received any response. Therefore, the Committee of Adjustment request that the Mayor and Council declare his seat vacant and select a new member for the Committee of Adjustment.*

The complete set of meeting Minutes of the Committee of Adjustment for December 15, 2022, are attached for reference.

On behalf of the Committee of Adjustment, as the Secretary-Treasurer for Committee of Adjustment, I am respectfully requesting City Council consider rescinding the appointment of Mohamed Mohamed El Hadary. Civic Administration is also seeking direction from Council to advertise and recruit for another member to sit on the Committee of Adjustment.

This is a time sensitive matter; therefore, we are seeking Council's consideration of this request at their earliest opportunity.

I can be reached at [CoAsubmit@london.ca](mailto:CoAsubmit@london.ca) for additional information, if needed.

Yours truly,

Sandra Fisher  
Secretary - Treasurer  
London Committee of Adjustment  
The Corporation of the City of London

London Committee of Adjustment  
The Corporation of the City of London  
Phone: 519-930-3500  
[CoAsubmit@london.ca](mailto:CoAsubmit@london.ca)  
[www.london.ca](http://www.london.ca)



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Copy: Michael Corby, Manager, Planning Implementation  
Britt O'Hagan, Acting Manager, Current Development  
Heather McNeely, Director, Planning and Development

attached

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## COMMITTEE OF ADJUSTMENT

### 45th MEETING

December 15, 2022

The Committee of Adjustment met through electronic public hearing on Thursday **December 15, 2022**, commencing at 1:33 p.m.

The City of London is situated on the traditional lands of the Anishinaabek (AUh-nish-in-ah-bek), Haudenosaunee (Ho-den-no-show-nee), Lūnaapéewak (Len-ah-pay-wuk) and Attawandaron (Add-a-won-da-run).

We honour and respect the history, languages, and culture of the diverse Indigenous people who call this territory home. The City of London is currently home to many First Nations, Metis, and Inuit people today.

As representatives of the people of the City of London, we are grateful to have the opportunity to work and live in this territory.

Committee Members Present:

- ✓ Steve Polhill (Chair)
- ✓ Cheryl Miller (Vice Chair)
- ✓ Daniela Schmidt
- ✓ John Fyfe-Millar
- × Mohamed Mohamed El Hadary

Also Present:

- ✓ A. Singh / B. House / M. Hynes / S. Sebastien / N. O'Brien / B. Calderon (Planners)
- ✓ M. Corby (Manager, Planning Implementation)
- ✓ I. Abushehada (Manager, Development Engineering)
- ✓ S. Fisher / C. Barrios (Secretary - Treasurer)
- ✓ B. O'Hagan (Manager, Community Planning, Urban Design and Heritage)

Procedural Orders:

#### 1. 2022

Cheryl Miller puts a motion on the floor; Whereas Mohamed Mohamed El Hadary has missed 4 consecutive meetings and whereas staff have reached out to him numerous times and have not received any response. Therefore, the Committee of Adjustment request that the Mayor and Council declare his seat vacant and select a new member for the Committee of Adjustment, seconded by John Fyfe-Millar

**Passes 4-0**

1. That the minutes of the previous meeting held on Thursday December 8, 2022, **BE ADOPTED**.
2. Motion that committee members provide electronic signatures for use on any/all decisions made by committee during electronic Committee of Adjustment meetings, and members of the Committee of Adjustment instruct the secretary-treasurer to insert our electronic signatures, acknowledging that such signatures shall constitute a signature in writing, and that said documents are distributed as required.

John Fyfe-Millar moves, seconded by Daniela Schmidt

**Passes 4-0**

## HEARINGS ON APPLICATIONS

218.  
2022 **A.136/22 – Gama Auto Spare Parts Inc. – 3505 Morgan Avenue**

Application from **Gama Auto Spare Parts Inc.** requesting the following:

**PURPOSE:** To permit the development of a two-storey multi-use commercial plaza and one storey drive-through restaurant.

**VARIANCE REQUESTED:**

1. A front and exterior side yard setback of 1.0m is required whereas 9.0m is otherwise required based on the height of the proposed building.

The Secretary reports that notice of the public meeting was sent to **57** property owners within the circulation distance and received **0** letters from the property owners most affected.

**Upper Thames River Conservation Authority** has no objection to this Minor Variance application.

**Planning Implementation** has no objection to this Minor Variance application.

**Development Engineering** has no objection to this Minor Variance application.

**Public Comments:**

The applicant/agent Hussein Abushehada / Jay McGuffin (MBC) / Hannah Surgenor (MBPC) were present to request this minor variance.

Cheryl Miller moves, seconded by John that the application **BE GRANTED SUBJECT** to the following conditions:

**Passes 4-0**

1. Engineering:
  - The owner is required to provide a lot grading plan for stormwater flows and major overland flows on site and ensure that stormwater flows are self-contained on site, all to be designed by a Professional Engineer, or landscape architect for review such that additional flows will not be impacting this or neighbouring properties. On-site controls maybe required. Any proposed on-site controls will require supporting designs and calculations (i.e., infiltration gallery, drywell, etc.). If any onsite controls are required, pictures should be submitted of the installation.

**NOTES:**

- I. London Hydro
  - London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. Any new or relocation of the existing service will be at the expense of the owner.
- II. Heritage Planning
  - This is to confirm that there are currently no heritage planning or archaeological issues related to this property and associated application.
- III. Engineering
  - Transportation supports both front and exterior yard setbacks.

**Reasons for Decision:**

- The requested minor variance meets the general intent and purpose of the Zoning By-law;
- The requested minor variance meets the general intent and purpose of the Official Plan;
- The requested minor variance is minor in nature; and
- The requested minor variance is desirable for the appropriate developments or use of the land, building or structure.

**CARRIED.**

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219.  
2022 **A.140/22 – Yulia and Pavel Balcar – 470 Coombs Avenue**

Application from **Yulia and Pavel Balcar** requesting the following:

**PURPOSE:** To add a new living room addition to the existing house.

**VARIANCE REQUESTED:**

1. To permit a front yard setback of 11m, whereas 13m is the minimum required

The Secretary reports that notice of the public meeting was sent to **30** property owners within the circulation distance and receive **0** letters from the property owners most affected.

**Upper Thames River Conservation Authority** has no objection to this Minor Variance application.

**Planning Implementation** has objection to this Minor Variance application.

**Development Engineering** has no objection to this Minor Variance application.

**Public Comments:**

The applicant/agent Yulia Balcar was present to request this minor variance.

The requested minor variance is being recommended for **refusal** as it has satisfied the following provisions of Section 45(1) of the Planning Act R.S.O. 1990:

- The requested variance does not maintain the general intent and purpose of The London Plan.
- The requested variance does not maintain the general intent and purpose of the Zoning By-law.
- The requested variance is not minor in nature.
- The requested variance is not desirable for the appropriate development or use of the subject lands.

Subsection 3(5) of the Planning Act R.S.O. 1990 requires that a decision that affects a planning matter shall be consistent with the Provincial Policy Statement. The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development that are complemented by local policies addressing local interests. The application being considered is site specific to permit a specific proposal and does not involve any major policy consideration.

Cheryl Miller moves to add a condition that the applicant is required to apply for a building permit, seconded by John Fyfe-Millar that the application **BE GRANTED SUBJECT** to the following conditions:

**Passes 4-0**

1. Applicant is required to apply for a building permit.

**NOTES:**

- I. London Hydro
  - London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. Any new or relocation of the existing service will be at the expense of the owner.
- II. LTVCA
  - Please advise all parcels are located outside of LTVCA jurisdiction.
- III. Engineering
  - Transportation supports front yard setback.
  - Ensure lot drainage isn't affected for neighbouring properties and they are not accepting additional stormwater flows
- IV. Landscape Architect
  - No comments to provide on this variance for a living room addition. No conflicts with City trees
- V. Heritage
  - No heritage planning or archaeological issues related to this property and associated proposal.
- VI. UTRCA
  - The UTRCA has no objections or requirements for this application.

**Reasons for Decision:**

- The requested minor variance meets the general intent and purpose of the Zoning By-law;

- The requested minor variance meets the general intent and purpose of the Official Plan;
- The requested minor variance is minor in nature; and
- The requested minor variance is desirable for the appropriate developments or use of the land, building or structure.

**CARRIED.**

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220.

2022 **B.032/22 – Walker Andrew James and Spindler Susan Reid – 79 - 81 Wilson Avenue**

Application from **Walker Andrew James and Spindler Susan Reid** requesting the following:

**PURPOSE:** Permission to sever a lot with an area of 2713.5m<sup>2</sup> and a lot frontage of 14.2m and retain a parcel with an area of 541.2m<sup>2</sup> with a lot frontage of 14.4m.

The Secretary reports that notice of the public meeting was sent to **62** property owners within the circulation distance and received **0** letters from the property owners most affected.

**Upper Thames River Conservation Authority** has no objection to this Consent application.

**Planning Implementation** has no objection to this Consent application.

**Development Engineering** has no objection to this Consent application.

**Public Comments:**

The applicant/agent Andrew Walker was present to request this Consent.

Staff are requesting that the Committee defer this consent application to no later than January 27, 2022, as the application is not requiring to be heard at the Committee of Adjustment due to the potential that no variances are required based on an updated Zoning Referral Record removing the requirements for variances on the existing setbacks on the property. As the original Notice of Application included variances, the updated site plan, and Zoning Referral Record for consent is requesting a lot adjustment to the existing boundaries, and no variances are required. For this reason, staff are requesting the application be deferred to a later date in the case that the applicant wishes to keep the current proposed new lot line between both properties, which would require an updated Zoning Referral Record to accurately depict the proposed changes.

John Fyfe- Millar moves, seconded by Daniela Schmidt that the application be deferred.

**Passes 4-0**

**CARRIED.**

John Fyfe- Millar moves, seconded by Daniela Schmidt that the application be deferred to no later than **January 27, 2023**

**Passes 4-0**

**CARRIED.**

**Reasons for Decision:**

In their comments, Planning and Development identified that the requested consent is being recommended for DEFERRAL until the following are received by the City of London:

1. An updated Zoning Referral Record removing the requirements for variances on the existing setbacks on the property.
2. The original Notice of Application included variances, the updated site plan, and Zoning Referral Record for consent is requesting a lot adjustment to the existing boundaries.
3. If the proposed lot line is remaining intact the applicant will have to show what parts are being added to each lot.

**CARRIED.**

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221.

2022 **A.120/22 – Walker Andrew James and Spindler Susan Reid – 79 - 81 Wilson Avenue**

Application from **Walker Andrew James and Spindler Susan Reid** requesting the following:

**PURPOSE:** Permission to sever a lot with an area of 2713.5m<sup>2</sup> and a lot frontage of 14.2m and retain a parcel with an area of 541.2m<sup>2</sup> with a lot frontage of 14.4m.

**VARIANCE REQUESTED:**

**Retained Parcel:**

1. To permit a south interior side yard setback of 2.8m for the retained lands, whereas a minimum interior side yard setback of 3.0m is required.

**Severed Parcel:**

1. To permit a north interior side yard setback of 0.7m for the severed lands, whereas a minimum interior side yard setback of 1.2m is required.
2. To permit a minimum south interior side yard setback of 1.9m for the severed lands, whereas a minimum interior side yard setback of 6.0m is required.

The Secretary reports that notice of the public meeting was sent to **62** property owners within the circulation distance and received **0** letters from the property owners most affected.

**Upper Thames River Conservation Authority** has no objection to this Minor Variance application.

**Planning Implementation** has no objection to this Minor Variance application.

**Development Engineering** has no objection to this Minor Variance application.

**Public Comments:**

The applicant Andrew Walker was present to request this minor variance.

John Fyfe- Millar moves, seconded by Daniela Schmidt that the application be deferred.

**Passes 4-0**

**CARRIED.**

John Fyfe- Millar moves, seconded by Daniela Schmidt that the application be deferred to no later than **January 27, 2023**

**Passes 4-0**

**CARRIED.**

**Reasons for Decision:**

In their comments, Planning and Development identified that the requested minor variance is being recommended for DEFERRAL until the following are received by the City of London:

1. An updated Zoning Referral Record removing the requirements for variances on the existing setbacks on the property.
2. The original Notice of Application included variances, the updated site plan, and Zoning Referral Record for consent is requesting a lot adjustment to the existing boundaries.
3. If the proposed lot line is remaining intact the applicant will have to show what parts are being added to each lot.

**CARRIED.**

222.  
2022 **B.025/22 – Rimmelzwaan James Peter – 942 Westminster Drive**

Application from **Rimmelzwaan James Peter** requesting the following:

**PURPOSE:** Request to sever Parcel 1 with an area of 11,900m<sup>2</sup> and a lot frontage of 70m and retain Parcel 2 with an area of 395,000m<sup>2</sup> with a lot frontage of 130.2m. The existing residential dwelling and 2 accompanying accessory structures on the severed parcel will remain, and the retained parcel will be consolidated with the abutting agricultural property.

The Secretary reports that notice of the public meeting was sent to **11** property owners within the circulation distance and received **0** letters from the property owners most affected.

**Upper Thames River Conservation Authority** has no objection to this Consent application.

**Planning Implementation** has no objection to this Consent application.

**Development Engineering** has no objection to this Consent application.

**Public Comments:**

The applicant Jim Rimmelzwaan was present to request this Consent.

Cheryl Miller moves, seconded by John Fyfe-Millar that the application **BE GRANTED SUBJECT** to the following conditions:

**Passes 4-0**

1. That, pursuant to Section 53(41) of the Planning Act, if the applicant has not within a period of 2 years after notice was given of a decision to grant a provisional consent fulfilled all of the following conditions, the application shall be deemed to be refused.
2. That a certificate fee shall be paid at the London Consent Authority's office for each new lot created in the amount current at the time of the issuance of the Consent Authority's Certificate.
3. For the purposes of satisfying any of the conditions of provisional approval herein contained, the Owner shall file with Development Services Staff (6th floor, City Hall), at a minimum of fourteen (14) working days in advance of final consent approval, a complete submission consisting of all required clearances, fees, draft transfer(s) and final plans, and to advise in writing how each of the conditions of provisional approval has been, or will be, satisfied. The Owner acknowledges that, in the event that the final approval package does not include the complete information required by the Consent Authority, such submission will be returned to the Owner without detailed review by the City.
4. That prior to issuance of certificate of consent, the Owner shall pay in full all financial obligations/encumbrances owing to the City on the said lands, including property taxes and local improvement charges.
5. The Owner shall have an Ontario Land Surveyor submit to the City for review and acceptance a copy of the draft reference plan identifying the severed and retained parcels, to the satisfaction of the City. Upon acceptance by the Chief Surveyor, this reference plan is to be registered on title of the subject lands.
6. The Owner shall transfer to the City sufficient lands, free of encumbrances, to widen the municipal right of ways noted below as determined by the City's Chief Surveyor: a. Westminster Drive - Presently the width from centerline of Westminster Drive at this location is 10.058m as shown on Reference Plan 33R-4974. Therefore, an additional widening of 7.942m would be required to attain 18.0m from centerline.

The reference plan describing the widening to be transferred must be pre-approved by the City's Chief Surveyor.

7. A Zoning By-law amendment application shall be submitted to re-zone the severed lands to recognize the proposed use and lot size. The amendment shall be approved and in full force and effect prior to the issuance of the Certificate of Consent.
8. The proposed retained parcel shall be joined to and placed in the same title as the abutting property located at 832 Westminster Drive. Regarding the proposed retained parcel, Section 50(3) and/or 50(5) of the Planning Act, R.S.O. 1990, shall apply to any the subsequent conveyance of the retained parcel.
9. Prior to the issuance of a certificate of consent, the City shall require compliance with the Minimum Distance Separation (MDS) requirements. The Minimum Distance Separation (MDS) regulations shall not apply to the subject lands *if* the applicant successfully demonstrates (to the City's satisfaction) that the accessory dwelling no longer qualifies to be used as a livestock facility. Should the structure be found to have potential to be used for livestock facilitation purposes, the applicant will be required to remove the structure, or decommission it, before final consent can be granted.
10. The Owner shall register the certificate(s) of consent on title and provide the final transfer documents to the file planner. The Owner acknowledges that the Consent Certificate shall lapse after 6 months of issuance if this transaction has not been completed.

## **NOTES:**

### I. UTRCA

- The subject lands are regulated by the UTRCA and have been previously reviewed as part of the zoning by-law application Z-9526. The UTRCA has no objections to this application.
- If any future site alteration or development occurring within the regulated area including filling, grading, construction, alteration to a watercourse and/or interference with a wetland were proposed, a Section 28 permit approval must be obtained prior to any site alteration or development.

### II. Heritage

- Archaeological potential at the above property – 942 Westminster Road – is identified on the City's Archaeological Mapping. The scope of work described in the proposal does not



appear to result in soil disturbance (new construction or paving), therefore no archaeological assessment is being required.

- Archaeological potential remains on the property. If soil disturbance is reasonably anticipated as part of future alterations/new construction on the property, an archaeological assessment may required.
- It is an offence under Section 48 and 69 of the Ontario Heritage Act for any party other than a consultant archaeologist to make alterations to a known archaeological site or to remove any artifact or other physical evidence of past human use or activity from an archaeological site.
- Should previously undocumented (i.e. unknown or deeply buried) archaeological resources be discovered, they may be a new archaeological site and therefore be subject to Section 48(1) of the Ontario Heritage Act. The proponent or person discovering the archaeological resources must cease alteration of the site immediately and engage a consultant archaeologist to carry out archaeological fieldwork, in compliance with Section 48(1) of the Ontario Heritage Act. Archaeological sites recommended for further archaeological fieldwork or protection remain subject to Section 48(1) of the Ontario Heritage Act and may not be altered, or have artifacts removed from them, except by a person holding an archaeological license.
- If human remains/or a grave site is discovered, the proponent or person discovering the human remains and/or grave site must cease alteration of the site immediately. The Funerals, Burials and Cremation Services Act requires that any person discovering human remains must immediately notify the police or coroner and the Registrar of Burial Sites, War Graves, Abandoned Cemeteries and Cemetery Closures, Ontario Ministry of Government and Consumer Services.

III. London Hydro

- London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. Any new or relocation of the existing service will be at the expense of the owner.

**Reasons for Decision:**

- The Consent is consistent with the 2020 Provincial Policy Statement.
- The Consent conforms to The London Plan.
- The Consent complies with the regulations of the Zoning By-law No. Z.-1.
- The Consent will not impact the ability of the surrounding lands to be developed in their intended manner.

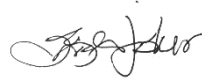
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**CARRIED.**

Cheryl Miller moves, seconded by John-Fyfe-Millar that the meeting be adjourned.

**Passes -4-0**

**CARRIED.**



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Meeting Adjourned at 2:01 p.m.