



Environment and Land Tribunals Ontario
Ontario Municipal Board
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 FAX: (416) 326-5370
 www.elto.gov.on.ca

**APPELLANT FORM (A1)
 PLANNING ACT**

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

Date Stamp - Appeal Received by Municipality
OFFICE OF THE CITY CLERK

 AUG 7 2015

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	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 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

1413-1417 Hwy 8, Stoney Creek, Hamilton ON, L8E 5K7
 Address and/or Legal Description of property subject to the appeal:

Municipality/Upper tier: Glanbrook, City of Hamilton

Part 3: Appellant Information

First Name: Jawad Last Name: Chaudhry

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

Professional Title (if applicable): _____

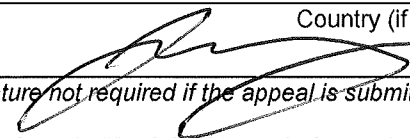
E-mail Address: ~~askjawad@gmail.com~~ askjawad@gmail.com
By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Cell: 905-928-0211

Daytime Telephone #: 905 928 0211 Alternate Telephone #: _____

Fax #: 905-560-8003

Mailing Address: 779 Rymal Rd E Hamilton Hamilton
Address City/Town
Ontario L8W 1B6
Province Country (if not Canada) Postal Code

Signature of Appellant:  Date: Aug 6/15
(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.

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):

City of Hamilton Zoning By-Law No. 15-172 adopting and approving Official Plan Amendment No. 9 to the Rural Hamilton Official Plan and passing of related By-Law No. 15-173, on 10th day of July 2015 to amend Zoning By-Law No. 05-200 to add new zones

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 refer to Map 139 mentioned in Appendix B to Report PED 13167 (C) (Page 100 of 185) regarding the aforementioned amendments; thereafter the amendments.

The amendments adversely affect the properties located at land parcel 1413-1417, Highway 8, Winona, Stoney Creek, Hamilton, ON L8E 5K7. Prior to the current amendment the property at the above mentioned parcel was Zoned as HC, RR, and AS - where in HC contains a Gas Station; RR contains a house and AS consists of agricultural woodland. A rezoning application ZAC-07-077 has been filed in 2008 to the city of Hamilton

A part of the above mentioned property identified in map 139 has been rezoned as E1 and A1 under the Amendments.

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:** AUGUST 6, 2015
(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.

It must be noted that the part of property currently zoned as HC and RR now proposed to become E1 and A1, respectively, is sandwiched between two E1 zoned commercial properties and is adversely affected for residential usage in future due to its close proximity to a Gas station on the right and an industrial workshop on the left. The appellant is working on a plan to remodel the Gas Station located at proposed E1 part of the land parcel in question.

The current E1 part of the land is not enough to allow the Gasoline trucks to safely enter and exit the property. Besides, the property also hosts community mailboxes. Having a wide frontage would allow to expand the parking areas and driveway in the future to allow safe entry and exit for mailbox clients as well as gas station customers. Hence, we appeal to rezone the A1 part of the property to HC / E1 so that the house may be demolished to accommodate a modern Gas Station with a wide frontage; hosting a convenience store, coffee shop ~~may~~ be planned on the extended E1 part of the property, currently proposed to be zoned as A1.

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:

- 1. Re zoning Application ZAC-07-077
- 2. Municipal application No. FC-14-046

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 or more

Describe expert witness(es)' area of expertise (For example: land use planner, architect, engineer, etc.):
_____ Land Use Planner, Architect, 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? It will allow the appellant to know if there are related requirements that need to be fulfilled. This may help the appellant to fulfil those requirements or changes in time to accommodate any concerns the city might have to reach. The appellant is will-to work with the city to accommodate their concerns and hence reach an amicable solution.

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

The area surrounding the property is rapidly developing due to increased commercial activity and residential density in the neighborhood. A modern Gas Station with convenience store and coffee Shop will greatly improve the image of the Neighborhood. Currently, the gas station cannot operate during rain and snowfall due to the absence of proper operating Infrastructure. Besides, in the absence of a canopy the rain fall water runoff from around the pumps might affect the surrounding areas. The conversion of A1part of the property to E1would allow to build a modern Gas station expanding horizontally . A horizontal expansion is good from the environmental conservation point of view as well as this will allow the proposed re-construction of the gas station to conserve the green buffer space on the back of the property between the gas station and 50 Mile Creek. The gas station hosts community mail boxes and wider frontage would allow safe operations of the property while ensuring the safety of the clients and the environment.

Part 10: Required Fee

Total Fee Submitted: \$ _____ 125 _____

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.**