

Economic Development & Planning Committee

Tuesday, September 7, 2010 - 5:15 p.m.
City Hall - Council Chambers

<u>Committee Members</u>	<u>Areas of Responsibility</u>	
Councillor J. Baker, Chair	Economic Development	Museum Board
Councillor M. Kalivas	Planning	Library Board
Councillor S. Williams	Chamber of Commerce	Arts Centre
Mayor D. Henderson,	DBIA	Tourism
Ex-Officio	Heritage Brockville	

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STAFF REPORTS

2-13

1. 2010-130-09
Proposed Amendment to Zoning By-Law 194-94,
Part Lot 31, Block 34, Plan 67, 67 Church Street, City of Brockville
Owner: Peter S. Shepherd File: D14-142

CONSENT AGENDA

27August2010

**REPORT TO THE ECONOMIC DEVELOPMENT PLANNING COMMITTEE - 07
SEPTEMBER 2007**

2010-130-09

**PROPOSED AMENDMENT TO ZONING BY-LAW
194-94, PART LOT 31, BLOCK 34, PLAN 67,
67 CHURCH STREET, CITY OF BROCKVILLE
OWNER: PETER S. SHEPHERD
FILE: D14-142**

**M. PASCOE MERKLEY
DIRECTOR OF PLANNING
J. FAURSCHOU
PLANNER I**

RECOMMENDED:

THAT the T-R4-X2-5 Zone in effect on the property with municipal address 67 Church Street be extended for a further temporary period of three (3) years, to permit a boarding house with a maximum of five (5) rooms and one (1) bachelor apartment dwelling unit to be occupied by the Owner of the property.

PURPOSE:

The purpose of this report is to consider an application for amendment to City of Brockville Zoning By-law 194-94 to permit 67 Church Street to be occupied by a boarding house containing not more than five (5) rooms and one (1) owner-occupied bachelor apartment for a temporary period of not more than three (3) years.

BACKGROUND:

The property known municipally as 67 Church Street is currently zoned T-R4-X2-5 Zone and permits the property to be occupied by a boarding house containing not more than five (5) rooms and one (1) owner-occupied bachelor apartment for a temporary period of three (3) years which currently expires on 26 October 2010. The details of the existing T-R4-X2-5 Zone are attached as **Schedule "A"** to this report.

The continued temporary use of 67 Church Street for a boarding house and apartment is the subject of this application. Should the application be denied, the zoning for the subject property shall revert to the original R4-General Residential Zone after 26 October 2010.

Mr. Peter Shepherd, Owner of the subject property, has submitted an application for amendment to City of Brockville Zoning By-law 194-94 which would, if approved, permit the existing uses (as outlined above) to continue for an additional three (3) year period. The matter of a three year limit to the operation versus a permanent use was discussed with Mr. Shepherd. Mr. Shepherd stated that he would prefer to request that the use be permitted only for a three year period as he has committed verbally to ensuring that the use is not continued under a new operator/owner.

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A copy of a sketch showing the lands which are the subject of this application, are attached as **Schedule "B"** to this report.

The application for Amendment to Zoning By-law 194-94 has proceeded through the normal review process. On 06 July 2010 a Public Meeting was held by the Economic Development Planning Committee. Notice of the Public Meeting was advertised in the Brockville Recorder and Times on 10 June 2010 and was circulated to property owners within 120 metres (400 feet) of the subject property. In addition, a sign was requested to be posted on the subject property advising that the lands are the subject of an Application for Amendment to City of Brockville Zoning By-law 194-94. Comments from City Departments and affected agencies were also solicited. The results of the Public Meeting (minutes attached as **Schedule "C"**) and circulation for comments are indicated elsewhere in this report.

ANALYSIS:

Official Plan Designation:	Residential (No change in designation required.)
Existing Zoning:	T-R4-X2-5 Zone (until 26 October 2010)
Proposed Zoning:	T-R4-X2-5 Zone (continuation of temporary use for an additional three (3) year period until 26 October 2013)

Site Characteristics:

A "key map" showing the location of the subject property is attached as **Schedule "B"** to this report.

Frontage (Church Street):	10.4 metres (34.05 feet)
Depth (average):	25 metres (82 feet)
Site Area:	233.4 m ² (2,512.4 ft ²)

Surrounding Land Uses:

North:	St. Francis School and St. Francis Xavier Church, I1-General Institutional Zone, and the Marguerita Residence, R9-Multiple Residential Zone, on the north side of Church Street.
East:	Older low density residential uses on the south side of Church Street, R4-General Residential Zone.

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South: Older low density residential uses on the north side of George Street, R4-General Residential Zone.

West: Older low density residential uses on the south side of Church Street, R4-General Residential Zone.

Provincial Policy Statement Considerations:

A Provincial Policy Statement (P.P.S.) has been issued under the authority of Section 3 of the Planning Act. The PPS provides policy direction on matters of Provincial Interest related to land use planning and development. Section 3 of the Planning Act further directs that Council decisions affecting planning matters "shall be consistent with" the Provincial Policy Statement.

Part V of the PPS sets out various policies which describe the areas of Provincial interest. Not all policies in the PPS are relevant to the planning matter under consideration, and thus, only those relevant portions will be discussed in this report.

The preamble to Part V, Section 1 Building Strong Communities sets the tone by suggesting that *"Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns. Efficient land use and development patterns support strong, livable and healthy communities, protect the environment and public health and safety, and facilitate economic growth."*

Part V, Section 1.1 is entitled Managing and Directing Land Use to Achieve Efficient Development and Land Use Patterns.

Subsection 1.1.1 speaks more specifically to sustaining healthy, livable and safe communities. 1.1.1 b) identifies *"accommodating an appropriate range and mix of residential ... spaces to meet long-term needs"*. 1.1.1 e) identifies *"promoting cost-effective development standards to minimize land consumption and servicing costs"*.

Subsection 1.1.3 addresses intensification within settlement areas which ensures a mix of uses and densities which efficiently use lands and resources and minimizes the cost of housing.

Part V, Section 1.4 is entitled Housing. Various subsections address the need for a range of housing types and densities required to meet projected requirements of current and future residents. More specifically, housing which is affordable to low and moderate

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income households is encouraged with particular focus on new housing where appropriate levels of infrastructure and public service facilities are available.

All of the above noted directives found in Part V, Section 1 of the PPS point towards support for intensification of settlement areas and the creation of a range of housing types.

67 Church Street is an existing building constructed as a semi-detached dwelling which was initially approved on a temporary basis for use as five (5) rental rooms and one (1) owner-occupied bachelor apartment in 1999. Since the initial approval was granted by the Ontario Municipal Board, 67 Church Street has been the subject of periodic re-application to extend the use. The uses have continued since 1999 without adverse effects on the building exterior or the neighbourhood. The uses represent intensification of an existing dwelling within the existing settlement area to provide accommodation for low income special needs residents, on existing services without adverse effects on the building exterior or the neighbourhood.

It can therefore be concluded that the zoning amendment requested is consistent with the PPS.

Official Plan Considerations:

67 Church Street is located within Planning District Number 2 and is currently designated Residential under the Official Plan for the City of Brockville. The proposed extension of the T-R4-X2-5 Zone for a further period of three (3) years does not involve changing the Official Plan from the current designation, being Residential. The proposed use retains the residential nature of the district and is consistent with policies set out under the Official Plan for Planning District Number 2.

Specifically Part IV-Goals and Objectives for residential areas, address the need for a *"choice of a variety of housing types, a balance between ownership and rental accommodation, and affordable housing the residents, encourage a wider variety of housing types, and the rehabilitation of existing units,"*. The boarding house located at 67 Church Street provides housing for individuals with low to moderate income and with special needs. The extension of the temporary zoning is supported by this policy in that it is a reuse of an older dwelling, providing an owner occupied bachelor apartment and a rooming house accommodating a maximum of five (5) rental rooms.

Given that the proposed uses are consistent with policies set out in the Official Plan for the City of Brockville, no amendment is required to the Official Plan.

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Official Plan Considerations – Working Draft August 2010:

The City of Brockville is currently in the process of developing a new Official Plan. A review of the currently available working draft dated August 2010 shows that the proposed temporary uses for 67 Church Street uses are consistent with the draft policies addressing Neighbourhood Areas. The proposed uses maintain the existing building while utilizing existing municipal services, roadways, transit, etc. In addition, it contributes to the maintenance of an existing neighbourhood through intensification of an existing dwelling and offers an alternative housing tenure and accommodation for special needs without adversely affecting the surrounding neighbourhood.

Zoning By-law Considerations:

67 Church Street is currently zoned T-R4-X2-5 General Residential Site Specific Zone (Temporary). This temporary zone permits 67 Church Street to be occupied by a boarding house containing not more than five (5) rooms and one (1) owner-occupied bachelor apartment for a temporary period of three (3) years. The T-R4-X2-5 Zone expires on 25 October 2010. The proposed amendment to Zoning By-law 194-94 is to extend the temporary zoning for a further three (3) years, thereby expiring on 25 October 2013.

With respect to the history of the temporary zoning for the subject property, three previous applications were submitted and in all cases a temporary zoning was subsequently approved.

The first application was introduced to Council in October of 1999 at which time the Planning Department recommended a temporary zoning amendment to Zoning By-law 194-94. This recommendation was supported by the Environment Planning Development (EPD) Committee who, in turn, recommended support to Council for the Corporation of the City of Brockville. The temporary zoning amendment to Zoning By-law 194-94 was then denied by Council for the Corporation of the City of Brockville. The decision on this application was appealed to the Ontario Municipal Board (OMB) by Mr. Peter Shepherd the Owner of 67 Church Street. The temporary zoning of 67 Church Street was implemented on 25 April 2000 through a decision made by the OMB on the appeal.

Subsequent applications for extension of the temporary zoning have been submitted on four occasions, all but one of which have been approved for periods of three (3) years.

The current proposed three (3) year extension to the T-R4-X2-5 General Residential Site Specific Zone amendment to Zoning By-law 194-94, has received no written objections. It is consistent with the previous decision made by the Ontario Municipal Board in April 2000,

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and Council's subsequent renewals, as well as being consistent with the Official Plan Zoning By-law and PPS. Given this situation, the Planning Department is supporting the proposed temporary zoning.

Issues Raised at The Public Meeting (minutes attached as **Schedule "C"**):

No issues were raised at the Public Meeting.

Comments Received (**Schedule "D"**):

The following comments were received in response to the Notice of Public meeting which appeared in the Recorder and Times Newspaper, on-site signage and letters to property owners within 120 metres (400 feet) of the subject property, as well as circulation to City Departments and affected agencies.

1. Environmental Services - Engineering Division, Eric Jones, Engineering Supervisor
No concerns.
2. Operations Department - Public Works/Parks Division, Russ Fraser, Public Works Supervisor
No objections.
3. Operations Department , Conal Cosgrove, Director of Operations
No objections.
4. Planning Department – Building Division, Brent Caskenette, Chief Building Official
No objections.
5. Fire Department – Greg Healy, Fire Prevention Officer
No objections. Fire Safety Inspection Report included – *"No violations found at this time"*

In addition, a letter of support **Schedule "D"** was provided at the time from the following:

1. Illegible Name – 417 King Street West, Brockville (*see letter date stamped 21 June 2010 – attached*)
No objections.

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POLICY IMPLICATIONS:

There are no policy implications associated with the proposed use of 67 Church Street as a boarding house containing not more than five (5) rooms and one (1) owner-occupied bachelor apartment for a temporary period of three (3) years as it is consistent with the Provincial Policy Statement and Official Plan as noted previously in this report.

FINANCIAL IMPLICATIONS:

All costs associated with the proposed amendment to City of Brockville Zoning By-law 194-94 are the responsibility of the owner.

CONCLUSIONS:


The current zoning is T-R4-X2-5 General Residential Site Specific Zone under City of Brockville Zoning By-law 194-94. The proposed extension to the temporary zoning would permit the continuation of the use of 67 Church Street as a rooming house with a maximum of five (5) rooms and one owner-occupied bachelor apartment dwelling unit for a further three (3) year period.

The proposed Amendment is consistent with the current Official Plan and draft working Draft Official Plan, August 2010, and with policies set out in the Provincial Policy Statement.

Based on the foregoing discussion, the proposal to extend the T-R4-X2-5 Site Specific Residential Zone to permit a rooming house with a maximum of five (5) rooms and one owner-occupied bachelor apartment dwelling unit for a further three (3) year period is supportable.


M. Pascoe Merkley
Director of Planning


B. Casselman
City Manager


J. Faurschou
Planner I

THE CORPORATION OF THE CITY OF BROCKVILLE

BY-LAW NO. 083-2007

*By-law to Amend City of Brockville Zoning By-law 194-94
(67 Church Street - File D14-120)*

WHEREAS the Council for the Corporation of the City of Brockville, on the 16th day of August, 1994, adopted City of Brockville Zoning By-law 194-94; and

WHEREAS the Council of the Corporation of the City of Brockville deems it expedient to amend said Zoning By-law 194-94.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF BROCKVILLE HEREBY ENACTS AS FOLLOWS:

1. THAT By-law 194-94 be amended as follows:

THAT Part 8.0, Subsection 8.2, "Special Exception Zones - Planning District No. 2", clause e), be and the same is hereby repealed and replaced by the following clause:

"e) T-R4-X2-5 Zone

The uses permitted in the T-R4-X2-5 Zone shall be a maximum of one (1) owner-occupied bachelor dwelling unit and five (5) rental rooms within the definition of a "Boarding/Rooming/Lodging House" only.

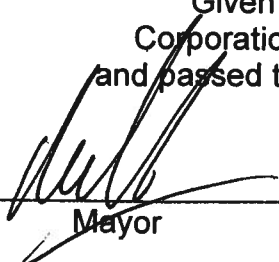
The zone provisions for the T-R4-X2-5 Zone shall be the same as the zone provisions for the R4 Zone, save and except for the following zone provisions:

Minimum Lot Area	232 m ² (2,500 sq.ft.)
Minimum Landscaped Open Space	4%
Minimum On-Site Parking	2 spaces
Minimum 90° On-Site Parking Space Length	5.4 m

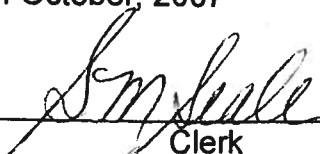
The T-R4-X2-5 Zone shall be in effect for a three (3) year period commencing on October 26, 2007 to October 26, 2010, in accordance with Section 39 of the Planning Act, R.S.O. 1990."

2. THAT this by-law shall come into effect on October 26, 2007.

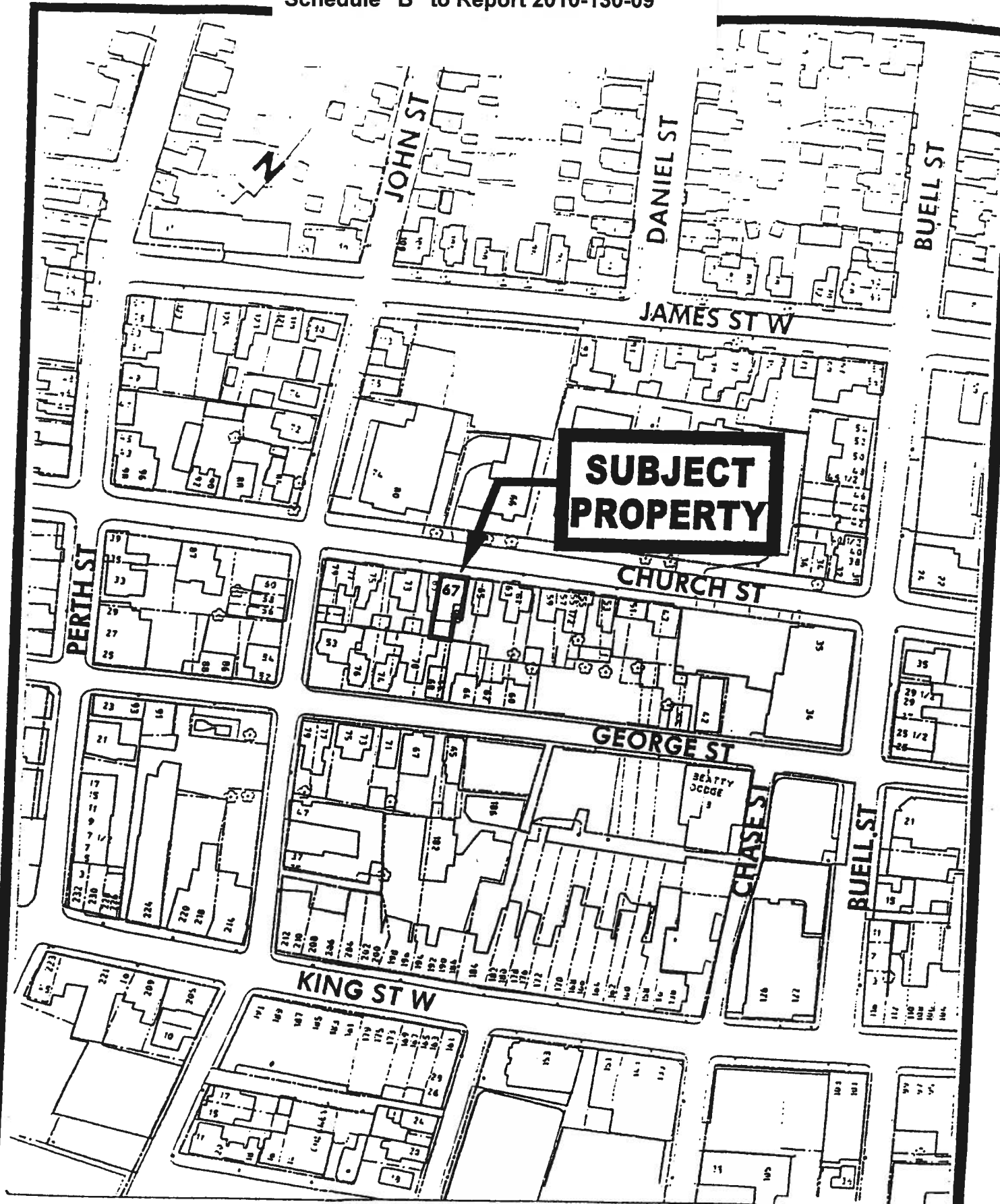
Given under the Seal of the
Corporation of the City of Brockville
and passed this 9th day of October, 2007



Mayor



Clerk



KEY MAP

SHOWING

67 CHURCH STREET



BROCKVILLE

CITY OF THE 1000 ISLANDS

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5199-68

DATE 99 08 11



**Public Meeting
Economic Development &
Planning Committee**

Tuesday, July 06, 2010, 6:00 P.m.
City Hall - Council Chambers

COMMITTEE MINUTES

Roll Call

Committee Members:

Councillor J. Baker, Chair
Councillor M. Kalivas
Councillor S. Williams

Staff:

Ms. T. Brons, Administrative Coordinator, Clerk's Office (Recording Secretary)
Mr. J. Faurschou, Planner I
Mr. A. McGinnis, Planner II
Ms. M. Pascoe Merkley, Director of Planning
Ms. S. Seale, City Clerk

Others:

Mr. N. Gardiner, Recorder and Times

The Chair called the meeting to order at 6:00 p.m

ITEM

2010-104-07
Proposed Amendment to Zoning By-Law
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67 Church Street, City of Brockville
Owner: Peter S. Shepherd
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Councillor Baker, Chair, announced the Public Meeting.

Councillor Baker provided an overview of the Public Meeting procedures and the nature of the application.

Mr. J. Fourschou, Planner I, announced that Notice of the Public Meeting for Staff Report 2010-104-07 was provided in the Recorder and Times on June 10, 2010, and a notice was sent to surrounding property owners within 120 meters of

the subject property and circulated to various departments.

Councillor Baker asked that any person wanting further notice of the passage of the proposed amendment should give their full name, address and postal code to the Secretary prior to leaving the meeting.

Mr. J. Faurschou, Planner I, reviewed the proposed amendment to Zoning By-Law 194-94. If approved, the amendment will allow for a temporary period of three (3) years, expiring on October 2010, a five (5) room boarding house and one (1) bachelor apartment occupied by the owner of the property.

Mr. J. Faurschou noted that the temporary zoning of the subject property, four (4) previous applications were submitted and in all cases, a temporary zoning was approved.

The following persons spoke in favour of the proposed amendment:

Mr. Peter S. Shepherd
67 Church Street
Brockville, ON
K7G 2M9

Moved by: Councillor Kalivas

THAT Report 2010-104-07 be received as information and that a report on this matter be prepared for staff for consideration of the Economic Development Planning Committee at a future meeting.

CARRIED

Ms. M. Pascoe Merkley, Director of Planning, noted that a report from the Planning Department would be brought forward to the September Committee meeting.

The meeting adjourned at 6:12 p.m.

417 KING W

BROOKLYN

Re 67 Church ST.

I have no objection to
the Zoning of the Said Property
Its Well maintained inside
and outside, and it won't
effect me.

J. Curran

