



AGENDA

PLANNING ADVISORY & ADJUSTMENT COMMITTEE

Wednesday, July 27, 2016
Council Chambers
Chairman Romeo Levasseur
4:30 p.m.

- ITEM # 1: Approval of Agenda**
- ITEM # 2: Approval of Minutes – June 22, 2016**
- ITEM # 3: Declaration of Pecuniary Interest**
- ITEM # 4: 563 Centre Street- (A-7/2016)-Amy Comacchio**
- Minor Variance Application
 - Planning Report and Notice Attached
- ITEM # 5: 65-67 Pembroke Street West – (Z-3/2016)-Ash Arif**
- Rezoning Application
 - Planning Report and Notice Attached
- ITEM # 6: Past Decision Update**
- 1306 Pembroke Street West –Rezoning, Severance
- ITEM # 7: Next Meeting**
- Wednesday August 24, 2016
- ITEM #8: Motion to Adjourn**



COMMITTEE REPORT

CITY OF PEMBROKE

1 Pembroke Street East
Pembroke, Ontario
K8A 3J5
Tel. 613.735.6821

*Chief Administrative Officer
& Human Resources*
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www.pembroke.ca

TO: Planning Advisory and Adjustment Committee
FROM: Colleen Sauriol
Manager – Planning & Building Department
DATE: July 27, 2016
RE: 563 Centre Street – Amy Comacchio

Recommendation:

The applicant, based on the plan provided, requests relief to allow the construction of an irregular shaped deck 16 feet by 30 feet at the side and rear of the existing single detached dwelling house located at 563 Centre Street. The Zoning By-law allows a deck to project into a required yard a maximum of 8 feet by a maximum width of 10 feet. The Planning Department considers this deck to be minor in nature, desirable in the neighbourhood and meets the intent of the Official Plan.

Further the applicant would like to erect a shed on the side of the property but it would be in line with the existing carport. This reduced side yard setback for the carport was approved in 1993. The shed would be only 80 square feet in size.

The Planning Department recommends this application to the Planning Advisory and Adjustment Committee.

Background:

An application was received requesting relief to replace an existing deck and permit a new larger deck along with a shed at 563 Centre Street. The new deck would be irregular in shape and have a maximum width of 16 feet and a maximum depth of 30 feet. The new deck would project into the rear yard 11.75 feet by a width of 16 feet. The proposed deck would have a rear yard setback of 9.1 ft. and interior side yard setback of 7 ft.

The proposed shed would be 80 square feet in size and would meet the rear yard depth, front yard and exterior side yard setbacks. The proposed shed would have a proposed interior side yard width of 1.27 feet instead of the required four feet but would be in line with the existing carport. The shed is not setback the required 4 feet from the carport as required by the Zoning By-law thus relief is required.

The Zoning By-law zones this property as “Residential Type 2 – R2”. This zone permits the existing single detached dwelling house with a shed and deck. The Zoning By-law does requires a rear yard depth of 25 feet and an interior side yard width of 4 feet. There was a previous Committee of Adjustment decision on file (A-27/93) which granted the following relief for 563 Centre Street:

- Rear Yard – 21.17 ft.;
- Interior Side Yard for Carport – 1.27 ft.;
- Lot Area – 4,630.5 sq. ft.;
- Lot Depth – 72.25 ft.; and
- Front Yard Depth – 10.63 ft.

It is recommended that the 1993 Committee of Adjustment decision be rescinded and replaced with a new decision that combines the above deficiencies with the proposed larger deck and new shed.

Section 3.39 of the Zoning By-law states that a deck may project into any required yard a maximum of 8 feet with a maximum width of 10 feet. The proposed deck would project into the required yard 11.75 feet by 16 feet in width. The applicants feel an 8 ft. by 10 ft. deck is not large enough for their needs. The interior side yard width can be met with the proposed deck but according to the Zoning By-law the depth of the deck cannot exceed 8 feet and the width cannot exceed 10 feet. The applicants would like an additional 3.9 feet of depth as well as an additional 6 feet in width.

This request is considered minor in nature, compatible with the neighbourhood and meets the intent of the Official Plan.

Financial Implications:

Nil

Respectfully submitted,



Colleen Sauriol, Manager
Planning and Building Department



**THE CORPORATION OF THE CITY OF PEMBROKE
PLANNING ADVISORY & ADJUSTMENT COMMITTEE
(COMMITTEE OF ADJUSTMENT)
NOTICE OF PUBLIC HEARING FOR A MINOR VARIANCE**

Take Notice that the Planning Advisory & Adjustment Committee of the City of Pembroke will hold a **Public Meeting on July 27, 2016 at 4:30 p.m. in City Hall Council Chambers** to consider a proposed Minor Variance to Comprehensive Zoning By-law 2010-57 under Section 45 of *The Planning Act, R.S.O., 1990*.

In the matter of the property described as: **Plan 83, Pt. Lot 285, City of Pembroke**

And known municipally as: **563 Centre Street**

Take notice of an application by: **Amy Comacchio**

Owner of the subject property requesting relief from the City of Pembroke Comprehensive Zoning By-law 2010-57 as specified for a Single Detached Dwelling House in a "Residential Type-2 – R2" zone as follows:

| ZONE PROVISIONS | By-law Requirement | Relief Requested | Proposed Provisions |
|--|---|----------------------------------|----------------------------|
| 3.1 | | | |
| Interior Side Yard Depth of an Accessory Building | 4 ft. | 2.73 ft. | 1.27 ft. |
| Distance between Building and Main Building | 4 ft. | 4 ft. | 0 ft. |
| ZONE PROVISIONS | | | |
| 3.39 | | | |
| Covered or uncovered balcony, porch, deck, platform and verandah, with a maximum of two enclosed sides, excluding those covered by canopies and awning | Unenclosed covered or uncovered balcony, porch, deck, platform and veranda, may project 2.44 m (8ft) into the required yard with a maximum width of 3.05 m (10 ft.). (amended by By-law 2013-46) | 3.9 ft. (depth) 6 ft. (width) | 11.75 ft. 16 ft. |
| Zoning Provisions | | | |
| 5.2 | | | |
| Lot Area | 5,000 sq. ft. | 369.5 sq. ft. | 4,630.5 sq. ft. |
| Lot Depth | 100 ft. | 27.75 ft. | 72.25 ft. |
| Rear Yard | 25 ft. | 3.83 ft. | 21.17 ft. |
| Front Yard | 20 ft. | 9.37 ft. | 10.63 ft. |
| Interior Side Yard | 4 ft. | 2.73 ft. | 1.27 ft. |

(These conditions were previously approved by Committee of Adjustment under file A-27/93)

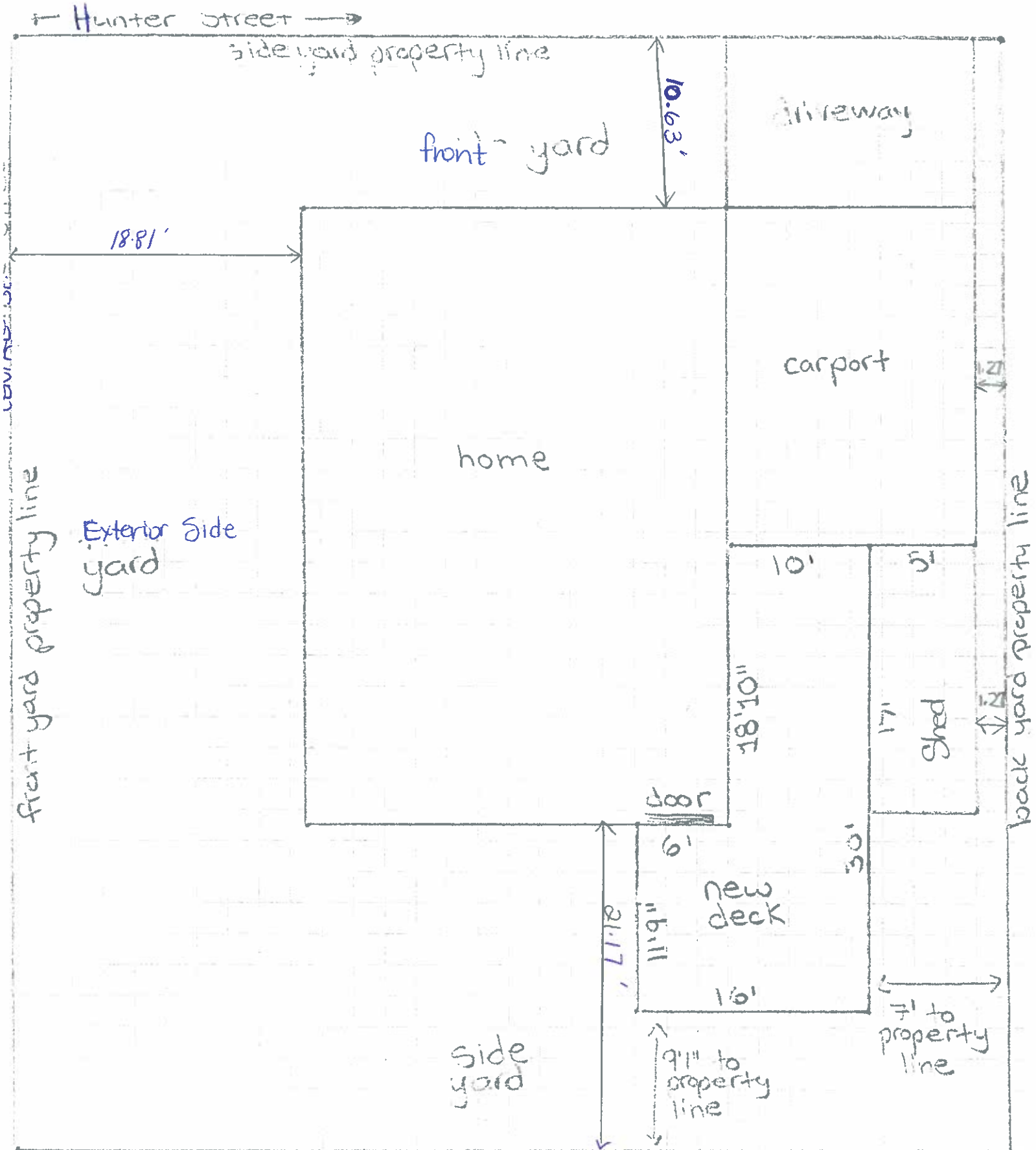
Any person may attend the Public Hearing and/or make written/verbal representation either in support of or in opposition to the proposed Minor Variance. If you wish to be notified of the decision of the Committee of Adjustment in respect of this application, you must submit a written request to the Committee of Adjustment. This will also entitle you to be advised of a possible Ontario Municipal Board hearing. Even if you are the successful party, you should request a copy of the decision since the Committee of Adjustment decision may be appealed to the Ontario Municipal Board by the Applicant or another member of the public.

To appeal the decision to the Ontario Municipal Board, send a letter to the Secretary-Treasurer for the Committee of Adjustment outlining the reasons for the appeal. You must enclose the appeal fee of \$125 for each application appealed, paid by cheque, made payable to the Ontario Minister of Finance.

Additional information relating to the proposed Minor Variance is available for inspection between 8:00 a.m. and 4:00 p.m. at City Hall, 1 Pembroke Street East.

DATED at Pembroke, Ontario, this 5th day of July, 2016.

Colleen Sauriol
Secretary-Treasurer
Committee of Adjustment



Note: deck height will be 5'3" to meet exterior doors on the house



THE CORPORATION OF THE CITY OF PEMBROKE

COMMITTEE OF ADJUSTMENT
DECISION FOR MINOR VARIANCE

FILE A-27/93

NOTICE - Last day for appealing this decision is NOVEMBER 5, 1993

- a) NAME: COMMITTEE OF ADJUSTMENT FOR CITY OF PEMBROKE
- b) APPLICATION BY: MARGARET KELLY
- c) PROPERTY LOCATION: 563 CENTRE STREET
(NORTH HALF LOT 285, PLAN 83)

d) PURPOSE OF APPLICATION: RELIEF FOR A SINGLE FAMILY DWELLING TO ALLOW THE EXISTING DIMENSIONS IN THE LOT AREA-4630.5 SQ FT. LOT DEPTH-72.25 FT. REAR YARD-21.17 FT. FRONT YARD-10.63 FT. AND FOR PROPOSED CARPORT 4-FOOT INTERIOR SIDE YARD REQUIREMENT TO THE EXTENT OF 2.73-FEET TO ALLOW AN INTERIOR SIDE YARD OF 1.27-FEET.

WE, the undersigned in making the decision upon this application have considered whether or not the variance requested was minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-Law and the Official Plan will be maintained, or in the case of a change in a use of property which is lawfully non-conforming under the by-law as to whether or not this application has met the requirements of Section 44(2) of the Planning Act,

- e) DECISION DATE: CONCUR in the following decisions and reasons for decisions made on the 6TH DAY OF OCTOBER, 1993.

DECISION: THE COMMITTEE APPROVED THE APPLICATION AND GRANTED RELIEF AS REQUESTED FOR THE EXISTING DIMENSIONS AND THE REDUCTION OF THE INTERIOR SIDE YARD TO 1.27 FT TO THE ROOF EAVE OF THE PROPOSED CARPORT.

- f) CONDITIONS-This Decision has been made subject to the following conditions: (f) EAVESTROUGH MUST BE INSTALLED ON CARPORT ROOF FOR DRAINAGE PURPOSES.

- g) REASONS FOR DECISION:(g) HOUSE RECENTLY CONSTRUCTED WELL WITHIN PERIMETERS OF PREVIOUS DWELLING IMPROVING THE LOCATION AND NO OBJECTIONS FROM ADJACENT PROPERTY OWNER SO RELIEF GRANTED.

Jack Sherato
Committee Member Signature

[Signature]
Committee Member Signature

[Signature]
Committee Member Signature

Norman A. Down
Committee Member Signature

in Beaman
Committee Member Signature

CERTIFICATION

(PLANNING ACT, 1983, C.1, SS. 44 (10))

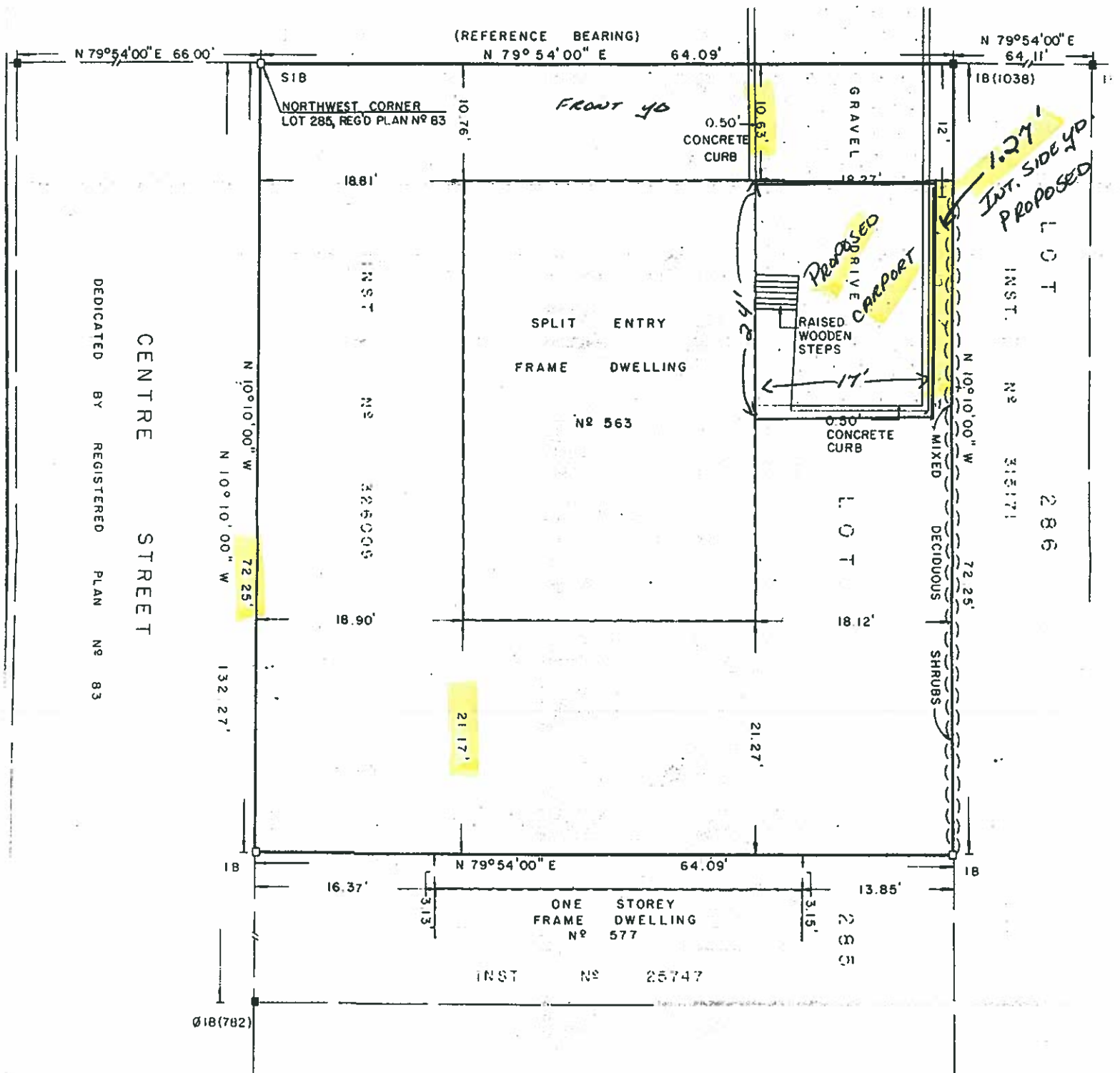
I, SHEILA R. LANDON, SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT FOR THE CITY OF PEMBROKE, HEREBY CERTIFY THAT THE ABOVE IS A TRUE COPY OF THE DECISION OF THE COMMITTEE WITH RESPECT TO THE APPLICATION RECORDED THEREIN.

DATED THIS 7TH DAY
OF OCTOBER, 1993.

Sheila R. Landon
SECRETARY-TREASURER

HUNTER STREET

DEDICATED BY REGISTERED PLAN N^o 83



THIS REPORT WAS PREPARED FOR
WILLIAM MacDONALD
 AND THE UNDERSIGNED ACCEPTS
 NO RESPONSIBILITY FOR USE BY
 OTHER PARTIES.

NOTE:
 THIS REPORT CAN BE UPDATED BY THIS
 OFFICE, HOWEVER NO ADDITIONAL PRINTS
 OF THIS ORIGINAL REPORT WILL BE
 ISSUED, SUBSEQUENT TO THE DATE
 OF CERTIFICATION.

NOTE:
 BEARINGS ARE ASTRONOMIC AND ARE REFERRED
 TO THE NORTHERLY LIMIT OF LOT 285,
 AS SHOWN ON REGISTERED PLAN N^o 83,
 HAVING A BEARING OF N 79° 54' 00" E.

ALL TIES ARE TO THE WALL FACE
 AND ARE PERPENDICULAR TO THE PROPERTY
 LIMITS UNLESS OTHERWISE NOTED.

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COMMITTEE REPORT



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TO: Planning Advisory and Adjustment Committee
FROM: Colleen Sauriol
Manager – Planning & Building Department
DATE: July 27, 2016
RE: **65-67 Pembroke Street West – Ash Arif**

Recommendation:

The Planning Department recommends that this application be amended to allow only 50% of the rear portion of the main floor to be used for residential accommodation of one (1) apartment unit. To convert the portion of the main floor of the building to residential would meet the intent of the Official Plan and the Provincial Policy Statement, 2014 as long as 50% of the front portion of the main floor remained as commercial. The site requires relief from front yard and rear yard depth; however, the lot frontage, lot area and the interior side yard requirements for 65-67 Pembroke Street West are met. The parking requirements do not have to be taken into account due to the fact the property is in a "Central Commercial – C3" zone.

Background:

- 1) The proposed Zoning By-law amendment would change the zoning of the lands municipally known as 65-67 Pembroke Street West and more particularly described as Plan 2, Block C, Part Lot 7 from a "Central Commercial – C3" zone to a "Central Commercial-35 – C3-35" zone. The applicant is proposing to rezone the existing building to allow one (1) additional apartment unit on the main floor at the rear of the building with relief requested for the rear yard and front yard requirements. There is presently one apartment unit on the second floor and one commercial unit on the main floor. The existing commercial unit would remain in the front portion of the building.
- 2) The City of Pembroke Official Plan, 2016 designates the above stated lands as "Central Commercial". The "Central Commercial" classification of land means that the predominant use of the land in areas so designated shall be for the buying and selling of goods and services. The "Central Commercial" classification of land also permits medium and high density residential uses without amendment to the Official Plan.

The Official Plan goes on to say that the medium and high density residential uses shall be located in close proximity to schools, parks and local shopping facilities. The proposed development is located close to the new Algonquin College Campus, Equinox French Public School, Cathedral School, Waterfront Park, and the downtown core.

Section 7.2.2.2 of the City's Official Plan, 2016 states the commercial objectives are to foster improvements in the Central Business District by maintaining a vibrant, attractive downtown as well as providing and maintaining incentives to support the downtown core, to foster a healthy local economy for area businesses. The Official Plan also states the predominant uses in a "Central Commercial" designation are for the buying and selling of goods and services. Residential units shall be allowed on the second and above stories. An objective in the "Central Commercial" designation is to maintain a continuous pedestrian shopping frontage.

Therefore, if 50% of the commercial space was retained along Pembroke Street West this would meet the intent of the plan.

- 3) The property is bounded to the north, south, east and west by existing commercially zoned land. There are many residential dwelling units on the second and third floors of the existing commercial buildings. Based on the existing pattern of the downtown core, it is recommended that approximately 50% of the front portion of the main floor of 65-67 Pembroke Street West remain as commercial. If the front portion of the building were changed to residential, this would affect the total look of the downtown core and not meet the intent of the Official Plan. It could also set a precedent for other buildings and the commercial aspect of the downtown could be lost. This was recommended to the applicant and he agreed to preserve 50% of the main floor area as commercial as per the attached plans.

- 4) According to the site plan provided for 65-67 Pembroke Street West, the lot area, lot frontage and interior side yard requirements of the Comprehensive Zoning By-law are met if the property is rezoned to permit an additional one (1) apartment unit at the rear of the building on the main floor. According to the site plan provided, the lot deficiencies are as follows:

| | <u>Required</u> | <u>Shown</u> |
|------------------|-----------------|--------------|
| Front Yard Depth | 10 ft. | 0 ft. |
| Rear Yard Depth | 10 ft. | 0 ft. |

No addition is proposed to the building. The building will be altered in the interior only to accommodate the proposed one (1) apartment unit. Further the building is located near the City's Waterfront Park and Coronation Park thus there is plenty of landscaped open space in the immediate area.

- 5) According to the attached aerial photo, there would be no parking available at the rear of the building. The Zoning By-law requires 1.5 parking spaces per apartment dwelling unit. The Zoning By-law states when a use changes in a "Central Commercial – C3" zone and this use requires more parking spaces than provided, the by-law shall not require an owner to make up the difference. This section was put into the Zoning By-law due to the fact that there are many parking lots located in the downtown core and further to recognize that each building in this area has limited parking. Therefore, additional parking is not required.
- 6) The property will be serviced by municipal water and sanitary sewer services.
- 7) The vision and the mission statement of the City's Downtown Revitalization Committee is to ensure the first floor of the downtown buildings remain commercial and second and third storey floors are for residential purposes.
- 8) The Provincial Policy Statement, 2014 promotes intensification and redevelopment in accordance with the wise use and management of resources. This intensification shall promote a mixture of land uses and avoids the need for unjustified and/or uneconomical expansion. Section 1.1.2 states sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 20 years.

Section 1.1.3.2 of the Provincial Policy Statement 2014, states that land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources and are appropriate for and efficiently use, the infrastructure and public service facilities which are planned or available and avoid the need for their unjustified and/or uneconomical expansion. Further to Section 1.1.3.3. of the Provincial Policy Statement states that planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

Also Section 1.3.2.1 states that planning authorities shall plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provide to support current and projected needs. Therefore, to convert the building to allow the proposed one (1) apartment unit along with the existing apartment unit on the second floor as well as to preserve 50% of the main floor of the existing commercial unit presently in the building would meet the intent of the Provincial Policy Statement.

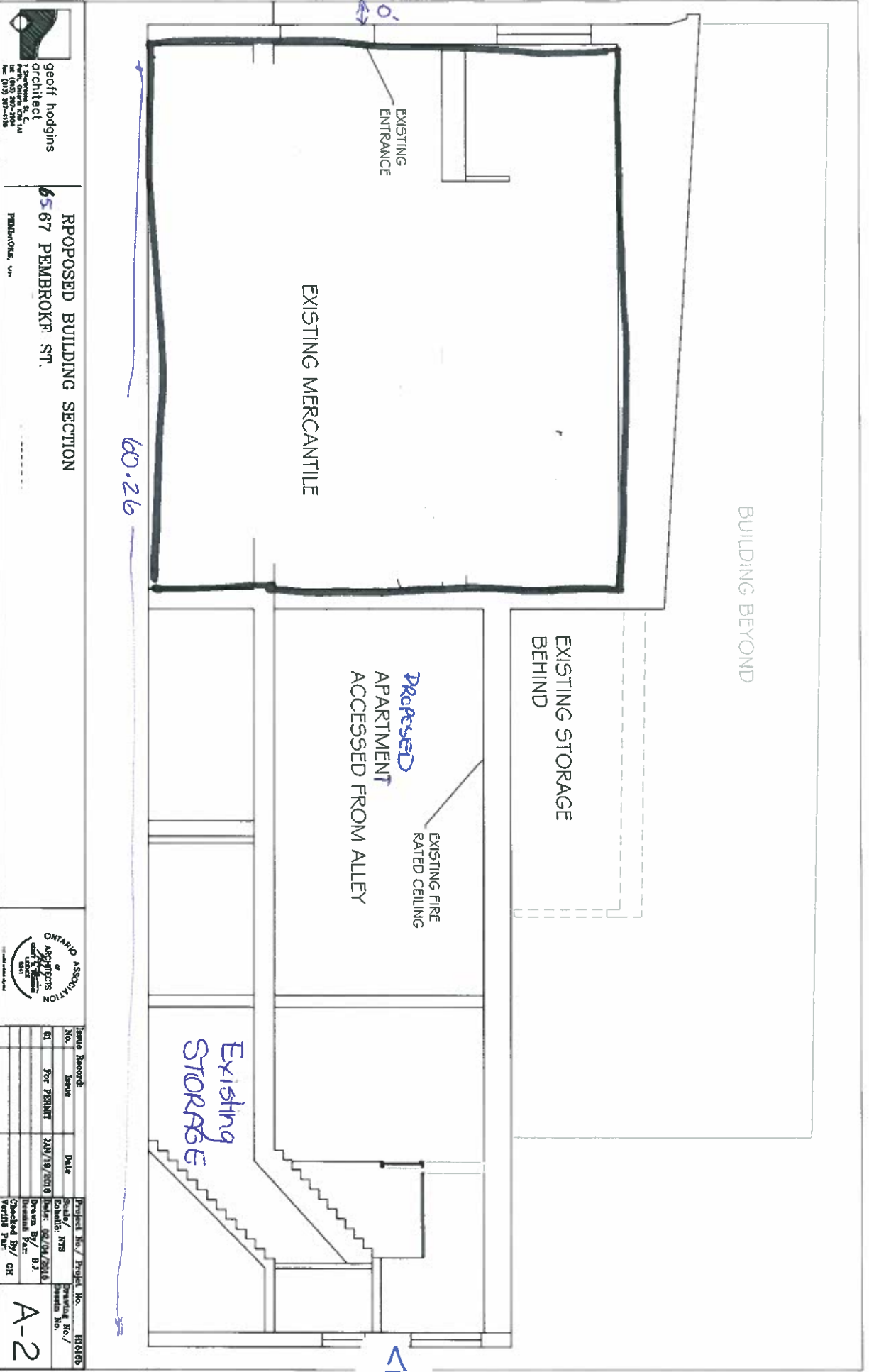
Financial Implications:

Nil

Respectfully submitted,



Colleen Sauriol, Manager
Planning & Building Department



geoff hodgins
 architect
 1000
 Pembroke, Ontario, ON M1A
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PROPOSED BUILDING SECTION
 65 67 PEMBROKE ST.
 PEMBROKE, ON

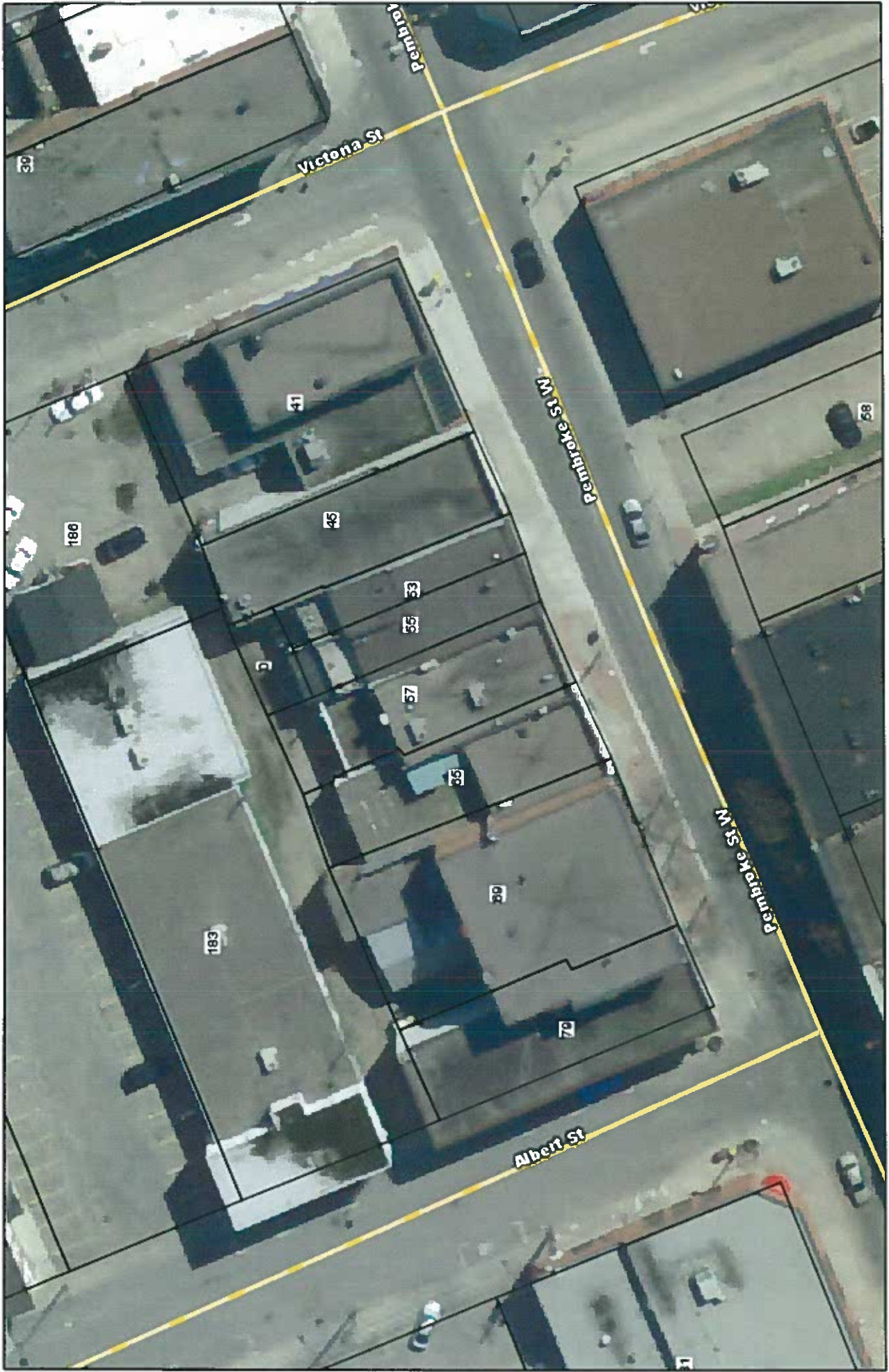


| Issue Record No. | Issue | Date | Scale / NTS | Project No. / Project No. | Drawing No. / Revision No. |
|------------------|------------|-------------|--------------|---------------------------|----------------------------|
| 01 | For PERMIT | JAN/19/2016 | 1/8" = 1'-0" | 1000 | H16165 |
| | | | | Drawn By: B.J. | |
| | | | | Checked By: GH | |
| | | | | Version 1.00 | |

A-2

Pembroke Street West

Jun 20, 2016





THE CORPORATION OF THE CITY OF PEMBROKE

PUBLIC MEETING CONCERNING A PROPOSED AMENDMENT TO THE COMPREHENSIVE ZONING BY-LAW 2010-57 OF THE CITY OF PEMBROKE

TAKE NOTICE THAT the Council of the Corporation of the City of Pembroke will hold a **Public Meeting** on **August 9, 2016** at City Hall at 6:00 p.m., to consider a proposed amendment the Comprehensive Zoning By-law 2010-57 under Section 34 of the Planning Act R.S.O., 1990.

The **Planning Advisory and Adjustment Committee** will be discussing the application at their meeting set for **Wednesday, July 27, 2016** at 4:30 p.m. in the Council Chambers at City Hall. This is a Public Meeting and you are encouraged to attend.

ANY PERSON may attend the Public Meeting and/or make written or verbal representation either in support of or in opposition to the proposed Zoning By-law Amendment. If you wish to be notified of the adoption of the proposed Zoning By-law Amendment, you must make a written request to the Corporation of the City of Pembroke at 1 Pembroke Street East, Pembroke, Ontario K8A 3J5.

The proposed Zoning By-law Amendment (File Z-3/2016) would change the zoning of the lands municipally known as 65-67 Pembroke Street West and legally described as Plan 2, Block C, Pt. Lot 7 from "Central Commercial-C3" to "Central Commercial -35 - C3-35" zone.

PROPOSED AMENDMENT TO THE COMPREHENSIVE ZONING BY-LAW 2010-57 AREA REZONED FROM A "CENTRAL COMMERCIAL-C3" ZONE TO A "CENTRAL COMMERCIAL-35 - C3-35" ZONE



If a person or public body does not make oral submissions at a public meeting or make written submissions to the Corporation of the City of Pembroke before the proposed by-law is passed the person or public body is not entitled to appeal the decision of the Council of the Corporation of the City of Pembroke to the Ontario Municipal Board

If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Corporation of the City of Pembroke before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

ADDITIONAL INFORMATION relating to the Zoning By-law Amendment is available for inspection between 8:00 a.m. and 4:00 p.m. at City Hall at 1 Pembroke Street East.

DATED at Pembroke, Ontario this 28th day of June, 2016.

Colleen Sauriol, Manager
Planning and Building Departments
735-6821 Ext. 1301

Terry Lapierre
Chief Administrative Officer

EXPLANATORY NOTE: The applicant is proposing to rezone the property to allow one (1) additional apartment unit on the main floor at the rear of the building. The front portion of the main floor would continue to permit all "Central Commercial-C3" uses.