

From: Kyle Bentley
Director, City Development & CBO

Subject: Zoning By-law Amendment Application A 10/21
1023343 Ontario Inc.
4973 Brock Road ("Old Brock Road")

Recommendation:

1. That Zoning By-law Amendment Application A 10/21, submitted by 1023343 Ontario Inc., to rezone a portion of the property from ORM-R5 to ORM-C2 and to establish a site-specific exception to permit a detached dwelling on the lot, be approved, and that the draft Zoning By-law Amendment, as set out in Appendix I to Report PLN 41-22, be finalized and forwarded to Council for enactment, following the applicant entering into an encroachment agreement, or other agreements as may be required by the Region of Durham or City of Pickering, for the existing deck.
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Executive Summary: The subject property is located at the northeast corner of Old Brock Road and Wellington Street, within the Hamlet of Claremont (see Location Map, Attachment #1).

The applicant initially requested to rezone the portion of the property currently zoned ORM-C2 to ORM-R5 to facilitate a future severance of the property to create a total of two residential lots fronting Old Brock Road (see Original Site Plan, Attachment #3). Following the Statutory Public Meeting on January 10, 2022, the applicant revised the proposal to address concerns raised by the Region of Durham Health Department pertaining to private servicing.

As such, the applicant has revised their proposal to no longer pursue a future severance of the lot. However, the applicant is now requesting to rezone the portion of the property currently zoned OMR-R5 to ORM-C2. The applicant is also requesting a site-specific exception to permit a detached dwelling, in addition to the various commercial uses permitted under the ORM-C2 Zone. The existing detached dwelling on the lot is proposed to remain (see Revised Site Plan, Attachment #4). Staff support the revised proposal as it legalizes an existing dwelling unit, while still retaining the commercial uses that are already permitted under the by-law.

Staff recommends that Zoning By-law Amendment Application A 10/21 be approved, and that the draft Zoning By-law Amendment, as set out in Appendix I to this report, be finalized and forwarded to Council for enactment, following the applicant entering into an encroachment agreement, or other such agreements as may be required by the Region of Durham (Region) or the City of Pickering (City), for the existing deck.

Financial Implications: No direct costs to the City are anticipated as a result of the proposed development.

1. Background

1.1 Property Description

The subject property is located at the northeast corner of Old Brock Road and Wellington Street, within the Hamlet of Claremont (see Location Map, Attachment #1). The site has an area of approximately 0.27 of a hectare with approximately 47 metres of frontage along Old Brock Road and 57 metres of frontage along Wellington Street.

There is a two-storey detached dwelling located at the northwest corner of the property. In 2019, the owner at that time constructed an attached deck that wraps around the west, south and east walls of the dwelling. A small portion of the deck is located beyond the front property line and encroaches onto the Old Brock Road right-of-way.

The surrounding land uses are as follows (see Air Photo Map, Attachment #2):

North: Immediately to the north are one and two-storey detached dwellings fronting Old Brock Road and Central Street. At the southeast corner of Central Street and Old Brock Road is a two-storey mixed-use building with commercial uses at grade (including a convenience store, LCBO and Beer Store) and residential units on the second floor.

South: To the south, across Wellington Street, are two-storey detached dwellings fronting onto Old Brock Road and Wellington Street. Further south is a commercial property currently occupied by the Claremont Masonic Hall.

West & East: To the west, across Old Brock Road, and immediately to the east are one and two-storey detached dwellings.

2. Applicant's Proposal

The subject property is currently zoned "ORM-C2 – Oak Ridges Moraine – General Commercial Zone" and "ORM-R5 – Oak Ridges Moraine – Hamlet Residential Five Zone" within Zoning By-law 3037, as amended by By-law 6640/06 (see Figure 1 below). Permitted uses within the ORM-C2 Zone include various commercial uses (such as a bake shop, office, clinic, day nursery, and financial institution), and an accessory dwelling unit. Permitted uses within the ORM-R5 Zone include a detached dwelling and a home-based business.

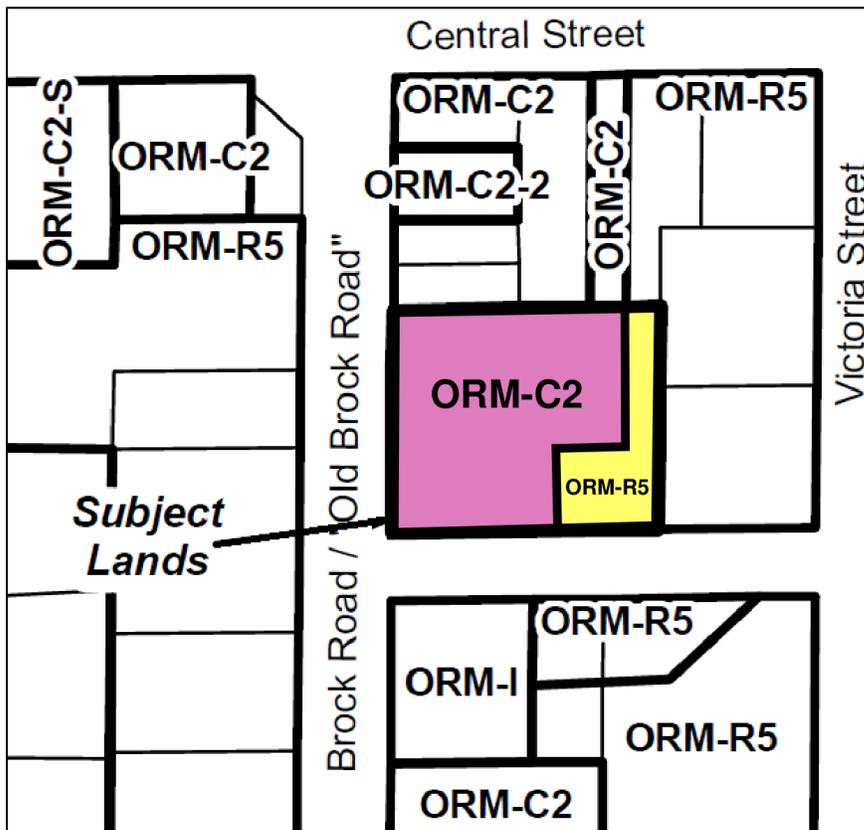


Figure 1: Current Zoning Map

The applicant initially requested to rezone the portion of the property currently zoned ORM-C2 to ORM-R5 to facilitate a future severance of the property to create a total of two residential lots fronting Old Brock Road (see Original Site Plan, Attachment #3). The existing two-storey detached dwelling was proposed to remain on the north lot, and a new detached dwelling was proposed on the south lot.

Subsequent to the Statutory Public Meeting, the City received comments from the Region of Durham in objection to the proposed severance. The Regional Health Department advised that the creation of an additional lot did not meet the requirements of the Region’s lot sizing policy. The proposed sewage system areas for each lot were undersized, and the sewage system areas did not meet the minimum clearance requirements to the proposed wells.

As such, the applicant has revised their proposal to no longer pursue a future severance of the lot. However, the applicant is now requesting to rezone the portion of the property currently zoned OMR-R5 to ORM-C2. The applicant is also requesting a site-specific exception to permit a detached dwelling, in addition to the various commercial uses permitted under the ORM-C2 Zone. This will allow future commercial uses, as well as permit the existing detached dwelling that is proposed to remain on the lot (see Revised Site Plan, Attachment #4). The lot is to be serviced by a new septic system and the existing well. The existing driveway fronting Old Brock Road is proposed to remain.

In December of 2021, the applicant submitted a land division application to facilitate the severance, prior to receiving comments from the Region of Durham. At the recommendation of staff, the Region of Durham Land Division Committee tabled the application to allow Council to make a decision on the associated rezoning application. On June 20, 2022, the applicant withdrew the land division application with the Region.

3. Comments Received

3.1 January 10, 2022 Electronic Statutory Public Meeting

An electronic Statutory Public Meeting was held on January 10, 2022. No residents spoke at the meeting, and the City has not received written comments from the public. Key questions/comments raised by members of the Planning & Development Committee at the electronic Statutory Public Meeting related to previous uses on the site; changes to the existing detached dwelling; the condition of the septic system; and traffic on Old Brock Road. Section 4.6 of this report provides a comprehensive list of comments/questions raised by Committee members, and detailed responses to these questions.

3.2 Agency Comments

3.2.1 Region of Durham

- the Regional Health Department has no objections to the revised application;
- the proposed development does not present any significant impacts from a transportation planning, Durham Region Transit, and Regional Works operational perspective; and
- the proposal conforms to the Region of Durham Official Plan.

3.2.2 Enbridge Gas Inc.

- Enbridge Gas Inc. does not object to the proposed application, however, has reserved the right to amend their development conditions.

3.3 City Department Comments

3.3.1 Engineering Services

- no objections; and
- should an applicant propose to redevelop the property in the future for commercial uses, the applicant will be required to provide a road dedication and protection of the existing trees.

3.3.2 Sustainability

- no objections; and
- given that there is no new development or redevelopment being proposed apart from adding the existing use to the list of permitted uses for the specific zone category, Sustainability has no further comments on this application.

4. Planning Analysis

4.1 The revised proposal conforms to the Oak Ridges Moraine Conservation Plan

The Oak Ridges Moraine Conservation Plan (2017) designates the subject property as “Countryside Area – Rural Settlement”. Residential development and minor infilling are permitted within Rural Settlements. The Plan also states that the character of Rural Settlements must be maintained. The revised proposal to permit a detached dwelling on the subject property is in keeping with the surrounding built form, which consists primarily of detached dwellings.

The revised proposal conforms to the Oak Ridges Moraine Conservation Plan.

4.2 The revised proposal conforms to the Durham Regional Official Plan

The Durham Regional Official Plan (DRO) designates the subject property as “Oak Ridges Moraine Areas – Hamlet”. The DRO states that Hamlets shall consist predominately of single-detached housing. In considering Hamlet development, the following principles should serve to guide the preservation, cultural attributes, and historic heritage of the community:

- simplicity of form;
- predominance of residential units;
- larger lots that accommodate private services;
- almost exclusively single detached dwelling form;
- few facilities; and
- views and vistas of the countryside.

To ensure the subject property can accommodate private servicing, the applicant is no longer proposing to sever the lot. The revised proposal, to permit a detached dwelling on the property, conforms to the Durham Regional Official Plan.

4.3 The revised proposal conforms to the Pickering Official Plan

The Pickering Official Plan designates the subject property as “Rural Settlements – Oak Ridges Moraine Rural Hamlets”. This designation permits a variety of uses, including residential, employment, commercial, community, cultural, and recreational.

The Claremont Settlement Map (Schedule IV – 10 to the City’s Official Plan) designates the subject lands as “Hamlet Commercial”. Permissible uses within the Hamlet Commercial designation include retail, office, business, personal services and employment uses, residential uses, home occupations and community, cultural and recreational uses, including community gardens and farmers’ markets. In addition, the Claremont Settlement policies encourage retail, shopping, office, and other business uses to locate in the hamlet commercial area surrounding Central Street and Brock Road.

The applicant is proposing to permit a detached dwelling on the property, in addition to the various commercial uses that are already permitted. Residential and commercial uses are permitted within both the “Oak Ridges Moraine Rural Hamlets” and “Hamlet Commercial” designations. The proposal will legalize the existing detached dwelling on the lot, while allowing for future opportunities for commercial uses on the site.

The revised proposal conforms to the Pickering Official Plan.

4.4 The siting of the existing building is considered to be legal non-conforming

Based on records from the Municipal Property Assessment Corporation (MPAC), the building that currently exists on the property was constructed in 1960, which predates the passing of Zoning By-law 3037 on August 3, 1965. However, there are no records indicating that the building has been used solely for residential purposes since that time. As such, the current residential use of the building cannot be granted legal non-conforming status, and therefore an amendment to the zoning by-law is required to permit a detached dwelling.

The existing building complies with all zone requirements in the by-law, except the front yard setback. The building is setback 1.1 metres from the front lot line, whereas the by-law requires a minimum front yard setback of 9.0 metres. Given the building was constructed on the property prior to the passing of the by-law, the existing front yard setback condition is granted legal non-conforming status. As such, the draft Zoning By-law Amendment (refer to Appendix I) does not propose to recognize the reduced front yard setback. Accordingly, if the existing dwelling is demolished in the future, any new structure on the property must comply with all existing zone requirements in the by-law.

4.5 An encroachment agreement is required for the existing deck

In 2019, the owner at that time constructed an attached deck that wraps around the west, south, and east walls of the dwelling. A small portion of the deck is located beyond the front property line and encroaches onto the Old Brock Road right-of-way (see Figure 2 below).

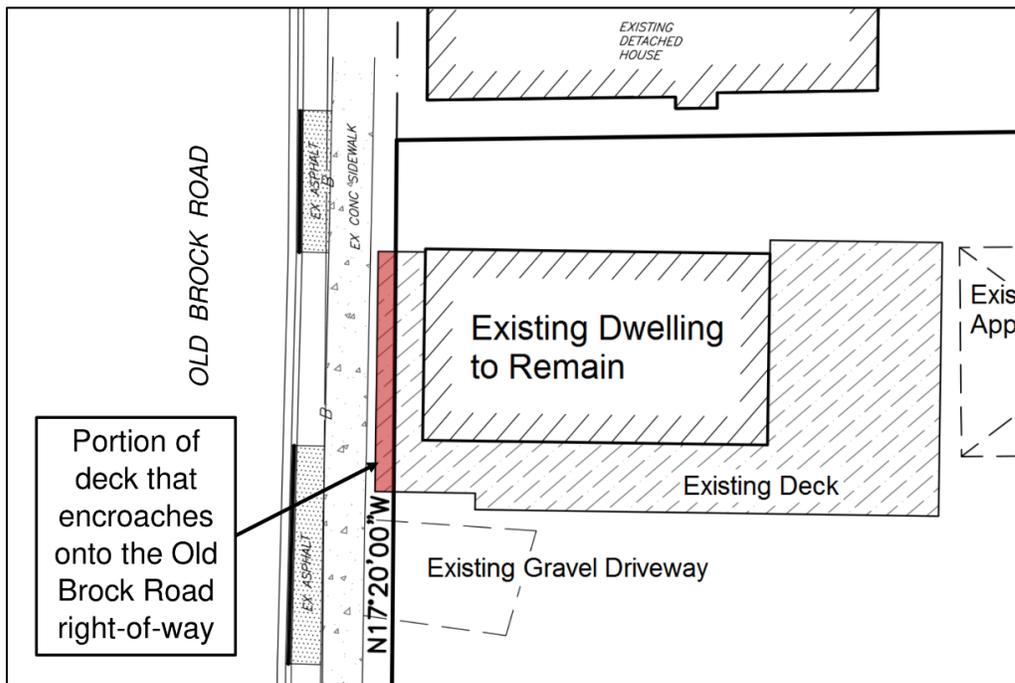


Figure 2: Portion of deck encroaching onto the Old Brock Road right-of-way

Staff are recommending that the draft Zoning By-law Amendment, as set out in Appendix I to this report, be finalized and forwarded to Council for enactment, following the applicant entering into such agreements as may be required by the Region or the City, for the deck encroachment.

4.6 Response to key questions/comments raised by Committee members during the statutory public meeting

Below is a summary of key questions/comments raised by Committee members during the statutory public meeting, and the applicant or staff’s response.

Question	Response
Committee members questioned if the subject property contained a commercial use in the past.	Based on records from MPAC, the building that currently exists on the property was constructed in 1960. However, there are no records indicating that the building has been used solely for residential purposes since that time.
Committee members questioned if the existing building on the subject property would be modified.	In 2019, the owner at the time applied for a Building Permit application for interior alterations to the existing building on the property. The permit application is on hold, as a detached dwelling is not currently permitted on the lot.

Question	Response
Committee members expressed concerns related to the existing septic system on the subject property and the need to ensure the septic is in proper working order.	The applicant has indicated that a new septic system will be installed, which will require obtaining permits from the Regional Health Department.
Committee members expressed concerns related to the impact a new driveway may have on the existing traffic operation on Old Brock Road.	The existing driveway fronting Old Brock Road is to remain and no additional driveways are proposed.

5. Zoning By-law Amendment to be finalized and forwarded to Council for enactment

The purpose of the Zoning By-law Amendment is to rezone a portion of the property from ORM-R5 to ORM-C2, and to establish a site-specific exception to permit a detached dwelling on the lot, in addition to the various commercial uses. Staff supports the proposal, and recommends that the draft Zoning By-law Amendment, attached as Appendix I to this report, be finalized and brought before Council for enactment, following the applicant entering into such agreements as may be required by the Region or the City, to address the existing deck encroachment.

6. Applicant’s Comments

The applicant has been advised of and concurs with the recommendations of this report.

Appendix

Appendix I Recommended Zoning By-law Provisions for Zoning By-law Amendment Application A 10/21

Attachments:

1. Location Map
2. Air Photo Map
3. Original Site Plan
4. Revised Site Plan

Prepared By:

Approved/Endorsed By:

Original Signed By

Original Signed By

Isabel Lima
Planner II

Catherine Rose, MCIP, RPP
Chief Planner

Original Signed By

Original Signed By

Nilesh Surti, MCIP, RPP
Manager, Development Review
& Urban Design

Kyle Bentley, P. Eng.
Director, City Development & CBO

IL:ld

Recommended for the consideration
of Pickering City Council

Original Signed By

Marisa Carpino, M.A.
Chief Administrative Officer

**Recommended Zoning By-law Provisions
for Zoning By-law Amendment A 10/21**

The Corporation of the City of Pickering

Draft By-law No. XXXX/22

Being a by-law to amend Restricted Area (Zoning) By-law 3037, as amended by By-law 6640/06, to implement the Official Plan of the City of Pickering, Region of Durham, being Lots 9, 10, 14, Part of Lots 13, 15, Plan 43, and Lot 6, Part 1, Plan 12, City of Pickering (A 10/21)

Whereas the Council of The Corporation of the City of Pickering received an application to rezone the subject lands being Lots 9, 10, 14, Part of Lots 13, 15, Plan 43, and Lot 6, Part 1, Plan 12, in the City of Pickering to permit a detached dwelling;

And whereas an amendment to Zoning By-law 3037, as amended, is deemed necessary to permit such use;

Now therefore the Council of The Corporation of the City of Pickering hereby enacts as follows:

1. **Schedule I**

Schedule I attached hereto with notations and references shown thereon are hereby declared to be part of this By-law.

2. **Area Restricted**

The provisions of this By-law shall apply to those lands being Lots 9, 10, 14, Part of Lots 13, 15, Plan 43, and Lot 6, Part 1, Plan 12, in the City of Pickering, designated “ORM-C2-3” on Schedule I to this By-law.

3. **Text Amendment**

1. Section 9.3.3, Special Conditions is hereby amended by adding the following new subsection following subsection 9.3.3.2, as follows:

9.3.3.3 – ORM-C2-3

a) In addition to the uses permitted within subsection 9.3.1, a detached dwelling shall be permitted on lands zoned “ORM-C2-3”, subject to the provisions of Section 8.5.2.

4. **By-law 3037**

By-law 3037, as amended by By-law 6640/06, is hereby further amended only to the extend necessary to give effect to the provisions of this By-law as it applies to the area set out in Schedule I to this By-law. Definitions and subject matters not specifically dealt with in this By-law shall be governed by relevant provisions of By-law 3037, as amended.

5. **Effective Date**

This By-law shall come into force in accordance with the provisions of the *Planning Act*.

By-law passed this XXth day of XXXX, 2022.

Draft

David Ryan, Mayor

Draft

Susan Cassel, City Clerk



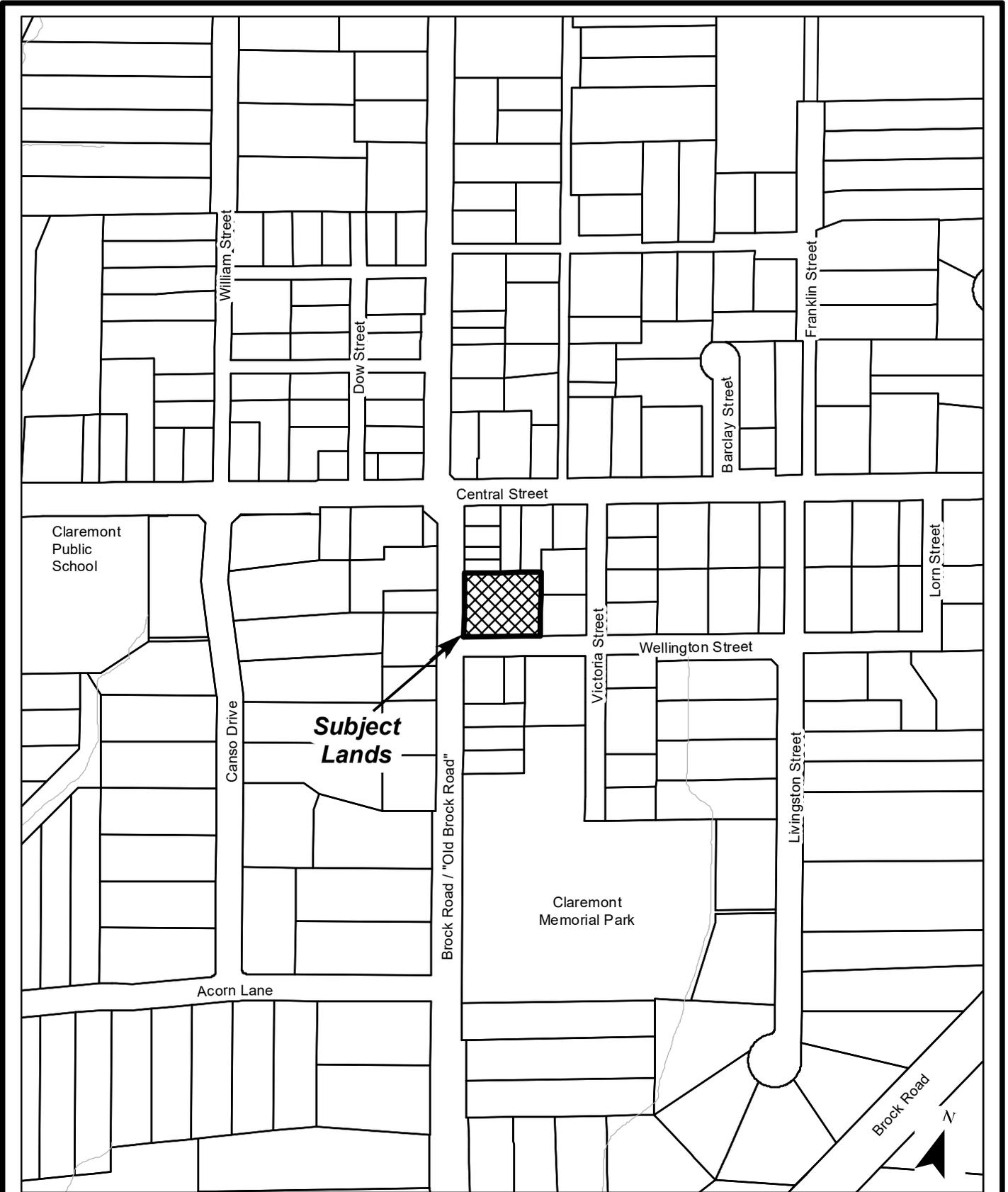
Schedule I to By-Law XXXX/22
Passed This XXrd
Day of XXXX 2022

Draft

Mayor

Draft

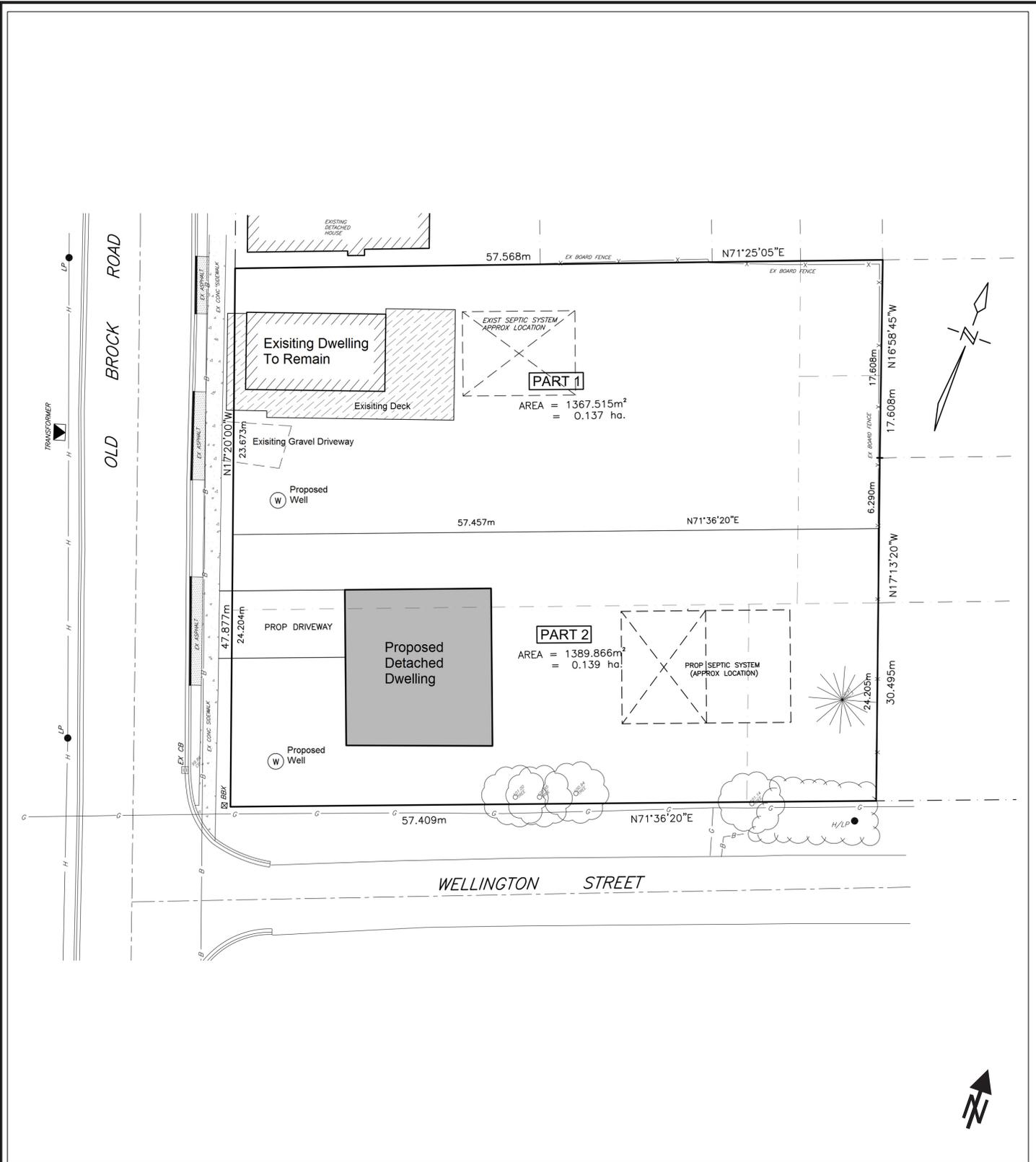
Clerk



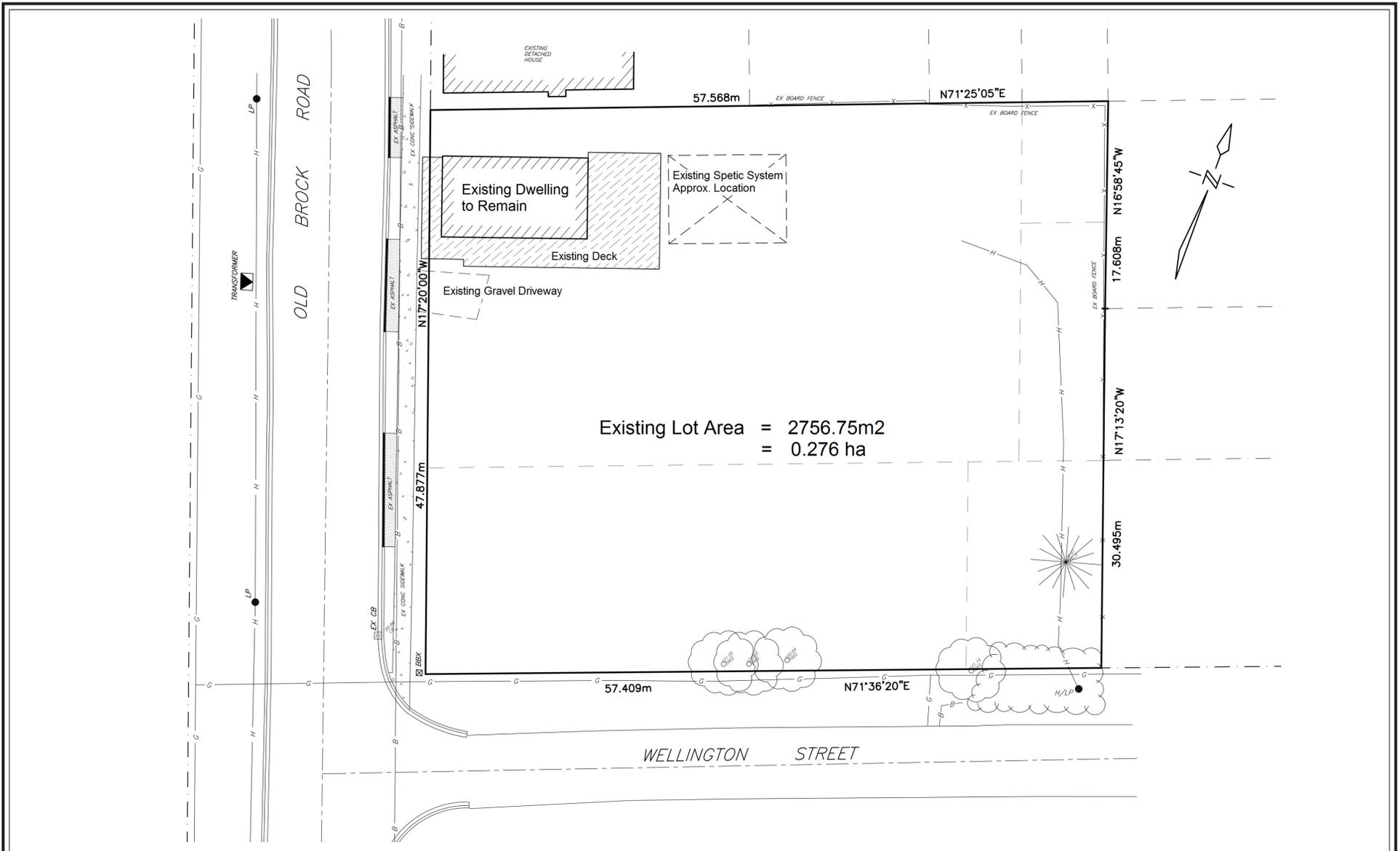
 PICKERING City Development Department	Location Map
	File: A 10/21
	Applicant: 1023343 Ontario Inc
	Municipal Address: 4973 Brock Road ("Old Brock Road")
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	SCALE: 1:4,000 <small>THIS IS NOT A PLAN OF SURVEY</small>



<p><i>City of</i> PICKERING City Development Department</p>	Air Photo Map	
	File: A 10/21	
	Applicant: 1023343 Ontario Inc	
	Municipal Address: 4973 Brock Road ("Old Brock Road")	
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<p>City of PICKERING City Development Department</p>	Original Site Plan	
	File No: A 10/21	
	Applicant: 1023343 Ontario Inc.	
	Municipal Address: 4973 Brock Road ("Old Brock Road")	
FULL SCALE COPIES OF THIS PLAN ARE AVAILABLE FOR VIEWING AT THE CITY OF PICKERING CITY DEVELOPMENT DEPARTMENT.		DATE: July 25, 2022



Existing Lot Area = 2756.75m²
 = 0.276 ha

City of
PICKERING
 City Development
 Department

Revised Site Plan

File No: A 10/21

Applicant: 1023343 Ontario Inc

Municipal Address: 4973 Brock Road ("Old Brock Road")

FULL SCALE COPIES OF THIS PLAN ARE AVAILABLE FOR VIEWING AT THE CITY OF PICKERING CITY DEVELOPMENT DEPARTMENT.

DATE: July 25, 2022