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File No: Z-7952
Planner: C Smith

TO:	CHAIR AND MEMBERS BUILT AND NATURAL ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING DIRECTOR OF LAND USE PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: THE HERMITAGE CLUB 1040 & 1036 COMMISSIONERS ROAD W PUBLIC PARTICIPATION MEETING ON OCTOBER 17, 2011 AT 4:40 P.M.

RECOMMENDATION

That, on the recommendation of the Director of Land Use Planning and City Planner, based on the application of The Hermitage Club relating to the property located at 1040 and 1036 Commissioners Road West, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on October 24, 2011 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject lands **FROM** a Residential R5/Residential R8 (R5-3/R8-4) Zone which permits medium density residential development in the form of cluster townhouses and low rise apartments and a Commercial Recreation (CR) Zone which permits commercial recreation establishments **TO** a Residential R5 Special Provision/Residential R8 (R5-3(_)/R8-4) Zone to allow an existing single detached dwelling with a 14.9m lot frontage, a 1.0 metre minimum east interior side yard setback and a 3.0 metre minimum front yard setback and a Commercial Recreation Special Provision (CR(_)) Zone to permit a commercial recreational use with a 0.0 metre west interior side yard setback and a 0.0 metre front yard setback.

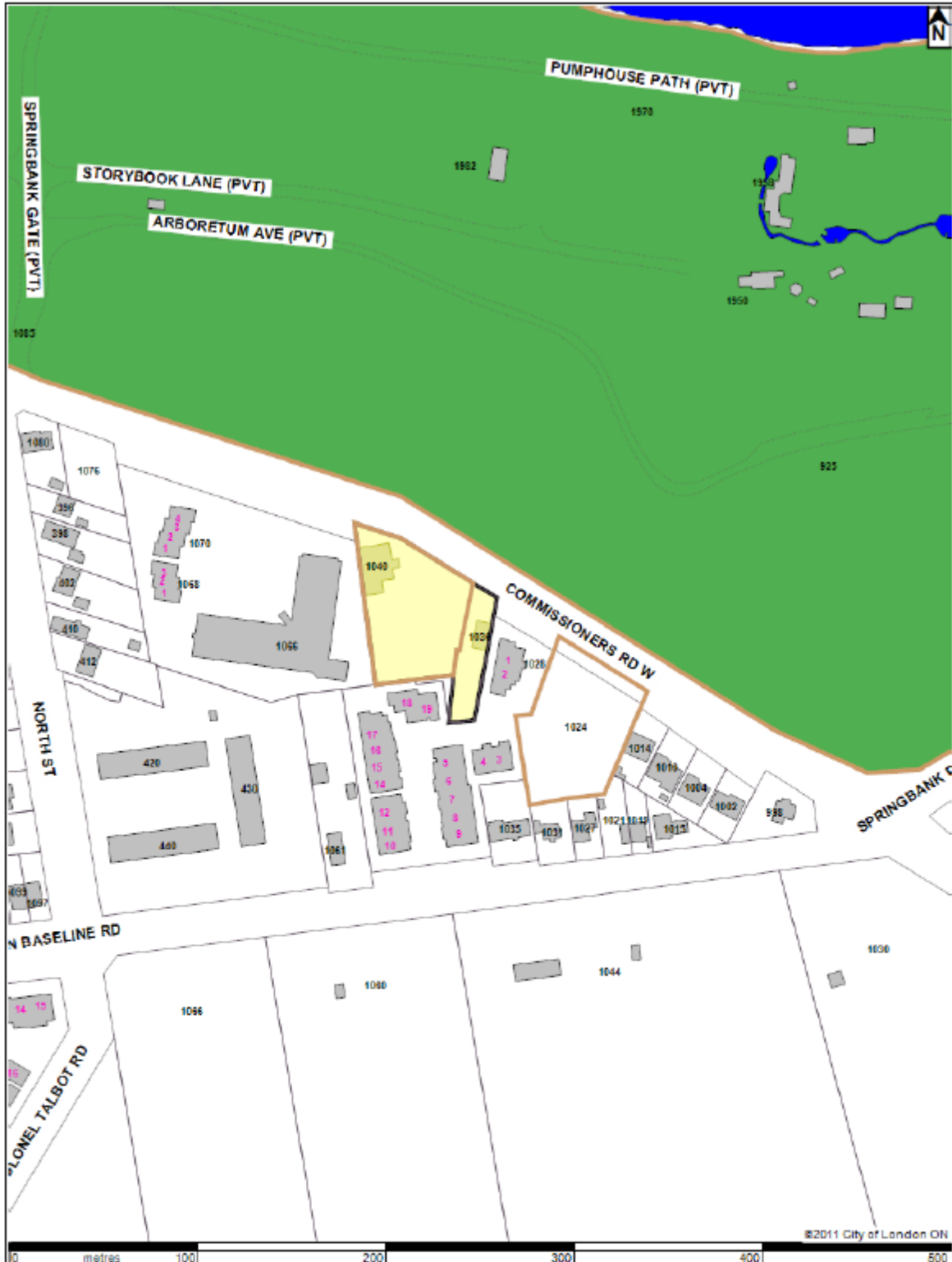
PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of this zoning change is to permit the severance of the single detached dwelling on the site from the Hermitage Club.

RATIONALE

1. The proposed zoning amendment meets the policies in the Official Plan.
2. The proposed zoning amendment will recognize an existing single family home which is in keeping with other uses in the area.
3. The proposed zoning amendment will allow for the severance of the existing single detached dwelling use from the existing commercial recreation use (Hermitage Club).

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<p style="text-align: center;">LOCATION MAP</p> <p>Description: 1036 -1040 Commissioners Rd W File Number: Z-7952 Created By: Craig Smith Date: 2011-09-29 Scale: 1:2500</p> <p style="text-align: right;">Prepared By: Planning and Development</p>	<p style="text-align: center;">LEGEND</p> <ul style="list-style-type: none"> Parks Assessment Parcels Flood Plains Buildings 123 Address Numbers Parking Area 1 Parking Area 2 Parking Area 3
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BACKGROUND

Date Application Accepted: August 8, 2011	Agent: McKenzie Lake Lawyers LLP – Attention: Becky Griffiths
<p>REQUESTED ACTION: Change Zoning By-law Z.-1 from a Residential R5/Residential R8 (R5-3/R8-4) Zone which permits medium density residential development in the form of cluster townhouses and low rise apartments and a Commercial Recreation (CR) Zone which permits commercial recreation establishments to a Residential R5 Special Provision/Residential R8 (R5-3(_)/R8-4) Zone to allow an existing single detached dwelling with a 14.9m lot frontage a 1.0 metre minimum east interior side yard setback and a 3.0 metre minimum front yard setback and a Commercial Recreation Special Provision (CR(_)) Zone to permit and a commercial recreational use with a 0.0 metre west interior side yard setback and a 0.0 metre front yard setback.</p>	

<p>SITE CHARACTERISTICS:</p> <ul style="list-style-type: none"> • Current Land Use – 1036 Commissioners Road West – Single family detached 1040 Commissioners Road West – Hermitage Club • Frontage – 1036 Commissioners Road West – +/- 14.96m 1040 Commissioners Road West – +/- 72.02m • Depth – 1036 Commissioners Road West – +/- 77 metres 1040 Commissioners Road West – +/- 56 metres • Area – 1036 Commissioners Road West – +/- 0.12ha 1040 Commissioners Road West – +/- 0.37ha • Shape – 1036 Commissioners Road West – Irregular 1040 Commissioners Road West – Irregular

<p>SURROUNDING LAND USES:</p> <ul style="list-style-type: none"> • North – Springbank Park • South – Residential Condominium (cluster townhouses) • East – Residential Condominium (cluster townhouses) • West - Residential Condominium (apartment)

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OFFICIAL PLAN DESIGNATION: (refer to map on page 5)
<ul style="list-style-type: none"> Multi-Family, Medium Density Residential
EXISTING ZONING: (refer to map on page 6)
<ul style="list-style-type: none"> 1036 Commissioners Road West - Residential R5/Residential R8 (R5-3/R8-4) 1040 Commissioners Road West - Commercial Recreation (CR)

PLANNING HISTORY

The building located on 1040 Commissioners Road West was constructed approximately in 1927. The property is listed as a Priority 2 building in the City of London Heritage Inventory. In 1967 a variance was granted (A.350/1967) to allow for a change of use from the Cobblestone Inn to the Hermitage Club. Further variances were granted in 1975 (A.51/1975) and in 1986 (A.49/1986) to allow for reduced west interior side yard setbacks to accommodate building additions. A single detached dwelling at 1036 Commissioners Road West was constructed approximately in 1945. The properties are located on a de-registered plan of subdivision and as both properties are owned by the Hermitage Club the properties have merged on title. The Hermitage Club has been renting out the single detached dwelling at 1036 Commissioners Road West for several years as a single detached residence.

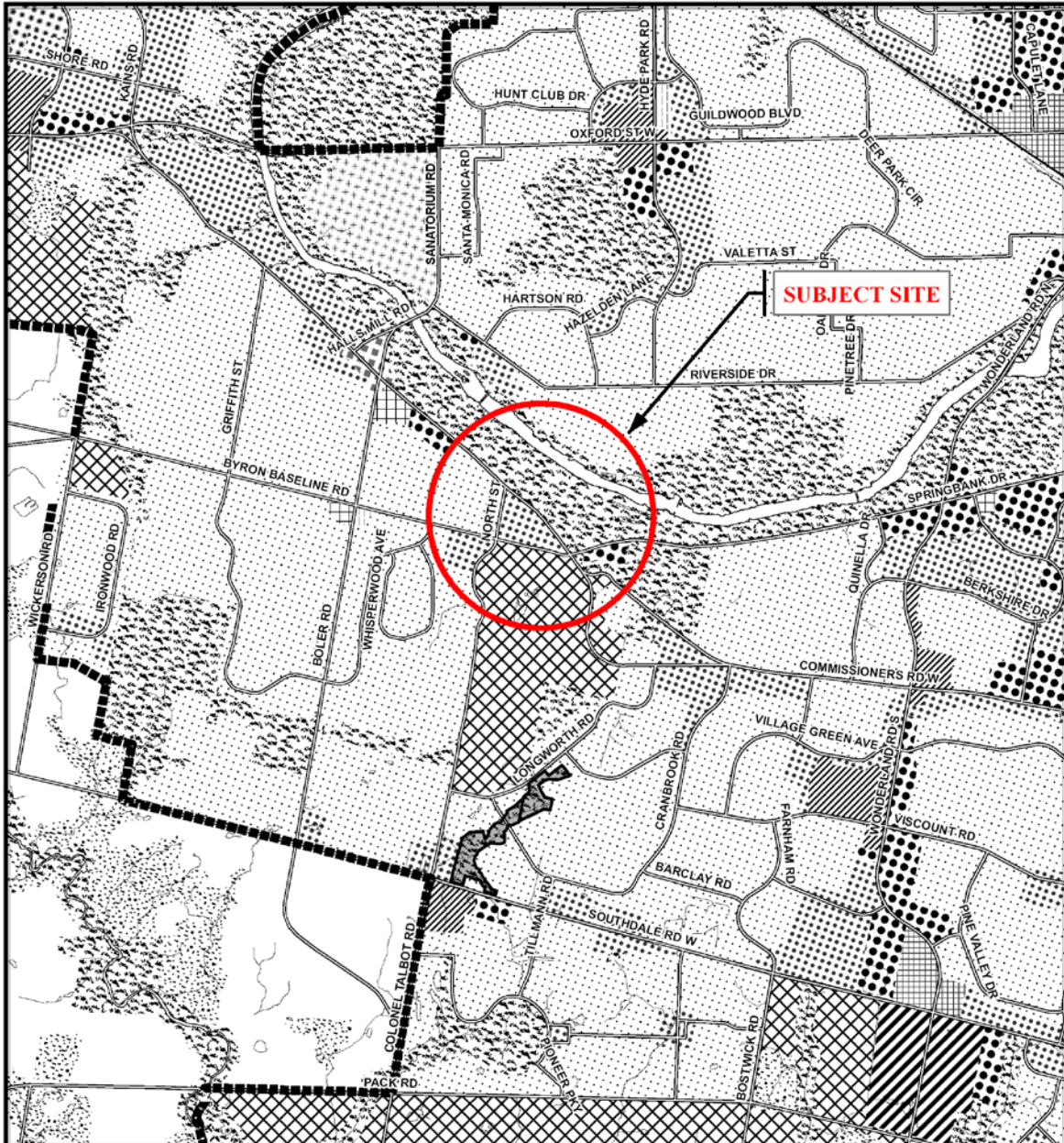
SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

Environmental and Engineering Services Department
"The Environmental and Engineering Services Department (EESD) has no objection to the proposed zone change.

PUBLIC LIAISON:	On August 10, 2011, 40 letters were sent to landowners within 120 metres of the property. Living in the City notice was provided Saturday, August 13, 2011 in the London Free Press.	No replies were recieved.
<p>Nature of Liaison: The purpose and effect of this zoning change is to allow for the severance of 1036 Commissioners Road West with an existing single detached dwelling from 1040 Commissioners Road West with an existing private club (Hermitage) which have merge on title.</p> <p>Change Zoning By-law Z.-1 from a Residential R5 /Residential R8 (R5-3 /R8-4) Zone which permits townhouses and apartments and a Commercial Recreation (CR) Zone which permits the Hermitage Club to a Residential R5 Special Provision/Residential R8 (R5-3 (_)/R8-4) Zone to allow the existing single detached dwelling to remain in its existing location with reduced setbacks from the ultimate road allowance and interior side yards and a Commercial Recreation Special Provision (CR(_)) Zone to allow the Hermitage Club to remain in its existing location with reduced setbacks from the ultimate road allowance and interior side yard.</p>		
Responses: none		

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File No: Z-7952
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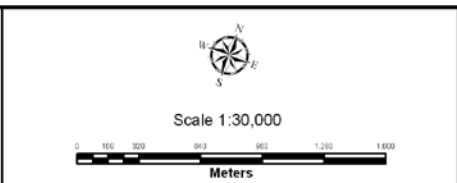
Legend

Downtown Area	Office Business Park
Enclosed Regional Commercial Node	General Industrial
New Format Regional Commercial Node	Light Industrial
Community Commercial Node	Regional Facility
Neighbourhood Commercial Node	Community Facility
Main Street Commercial Corridor	Open Space
Auto-Oriented Commercial Corridor	Urban Reserve - Community Growth
Multi-Family, High Density Residential	Urban Reserve - Industrial Growth
Multi-Family, Medium Density Residential	Rural Settlement
Low Density Residential	Environmental Review
Office Area	Agriculture
Office/Residential	Urban Growth Boundary
	Areas Under Appeal

CITY OF LONDON
Department of
Planning and Development

OFFICIAL PLAN SCHEDULE A
- LANDUSE -

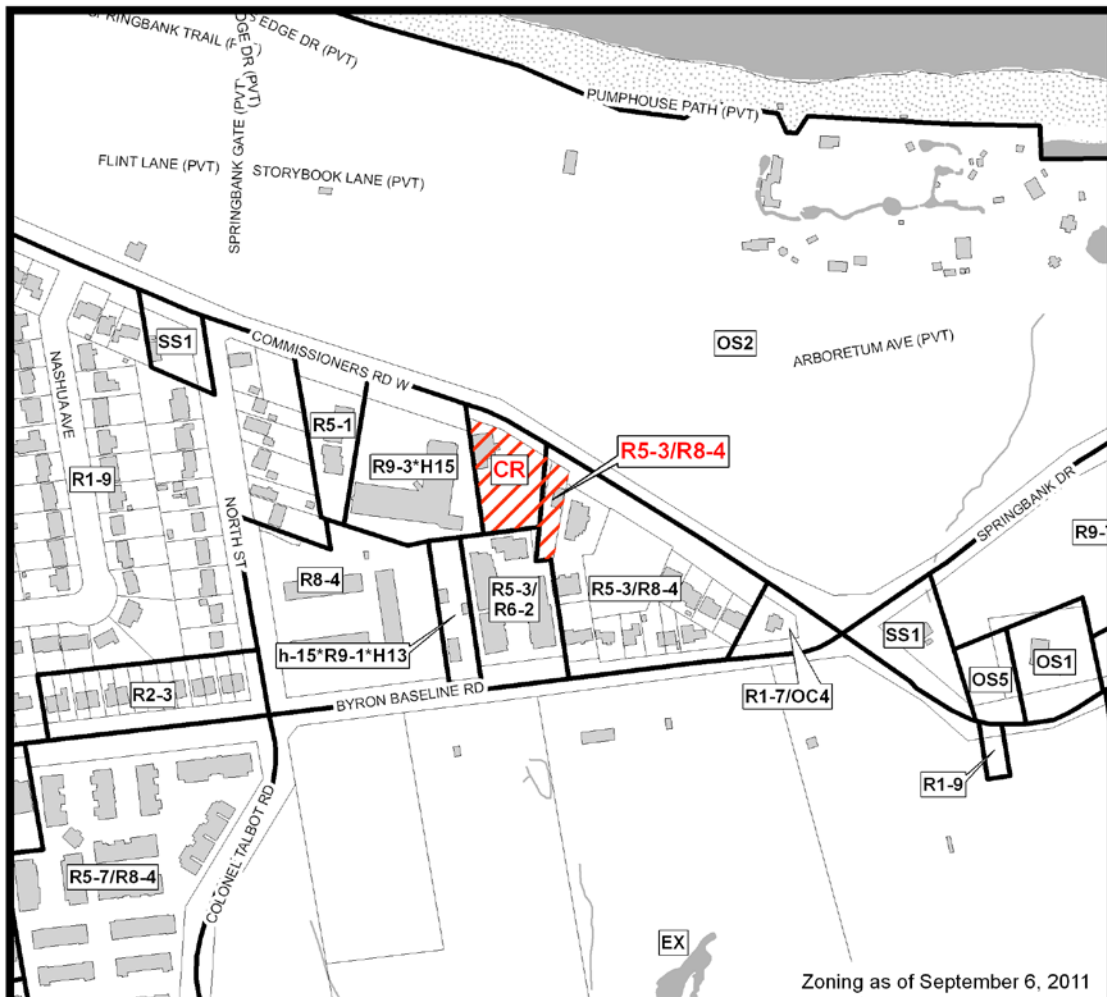
PREPARED BY: Graphics and Information Services



FILE NUMBER: Z-7952
PLANNER: CS
TECHNICIAN: CK
DATE: 2011 Sept 22

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File No: Z-7952
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COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: CR & R5-3/R8-4

1) *LEGEND FOR ZONING BY-LAW Z-1*

- R1 - SINGLE DETACHED DWELLINGS
- R2 - SINGLE AND TWO UNIT DWELLINGS
- R3 - SINGLE TO FOUR UNIT DWELLINGS
- R4 - STREET TOWNHOUSE
- R5 - CLUSTER TOWNHOUSE
- R6 - CLUSTER HOUSING ALL FORMS
- R7 - SENIOR'S HOUSING
- R8 - MEDIUM DENSITY/LOW RISE APTS.
- R9 - MEDIUM TO HIGH DENSITY APTS.
- R10 - HIGH DENSITY APARTMENTS
- R11 - LODGING HOUSE

- DA - DOWNTOWN AREA
- RSA - REGIONAL SHOPPING AREA
- CSA - COMMUNITY SHOPPING AREA
- NSA - NEIGHBOURHOOD SHOPPING AREA
- BDC - BUSINESS DISTRICT COMMERCIAL
- AC - ARTERIAL COMMERCIAL
- HS - HIGHWAY SERVICE COMMERCIAL
- RSC - RESTRICTED SERVICE COMMERCIAL
- CC - CONVENIENCE COMMERCIAL
- SS - AUTOMOBILE SERVICE STATION
- ASA - ASSOCIATED SHOPPING AREA COMMERCIAL

- OR - OFFICE/RESIDENTIAL
- OC - OFFICE CONVERSION
- RO - RESTRICTED OFFICE
- OF - OFFICE

- RF - REGIONAL FACILITY
- CF - COMMUNITY FACILITY
- NF - NEIGHBOURHOOD FACILITY
- HER - HERITAGE
- DC - DAY CARE

- OS - OPEN SPACE
- CR - COMMERCIAL RECREATION
- ER - ENVIRONMENTAL REVIEW

- OB - OFFICE BUSINESS PARK
- LI - LIGHT INDUSTRIAL
- GI - GENERAL INDUSTRIAL
- HI - HEAVY INDUSTRIAL
- EX - RESOURCE EXTRACTIVE
- UR - URBAN RESERVE

- AG - AGRICULTURAL
- AGC - AGRICULTURAL COMMERCIAL
- RRC - RURAL SETTLEMENT COMMERCIAL
- TGS - TEMPORARY GARDEN SUITE
- RT - RAIL TRANSPORTATION

- "h" - HOLDING SYMBOL
- "D" - DENSITY SYMBOL
- "H" - HEIGHT SYMBOL
- "B" - BONUS SYMBOL
- "T" - TEMPORARY USE SYMBOL

2) ANNEXED AREA APPEALED AREAS

CITY OF LONDON

PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES

**ZONING
BY-LAW NO. Z.-1
SCHEDULE A**



FILE NO:
Z-7952 CS

MAP PREPARED:
2011/09/22 CK

1:4,300
0 20 40 80 120 160
Meters

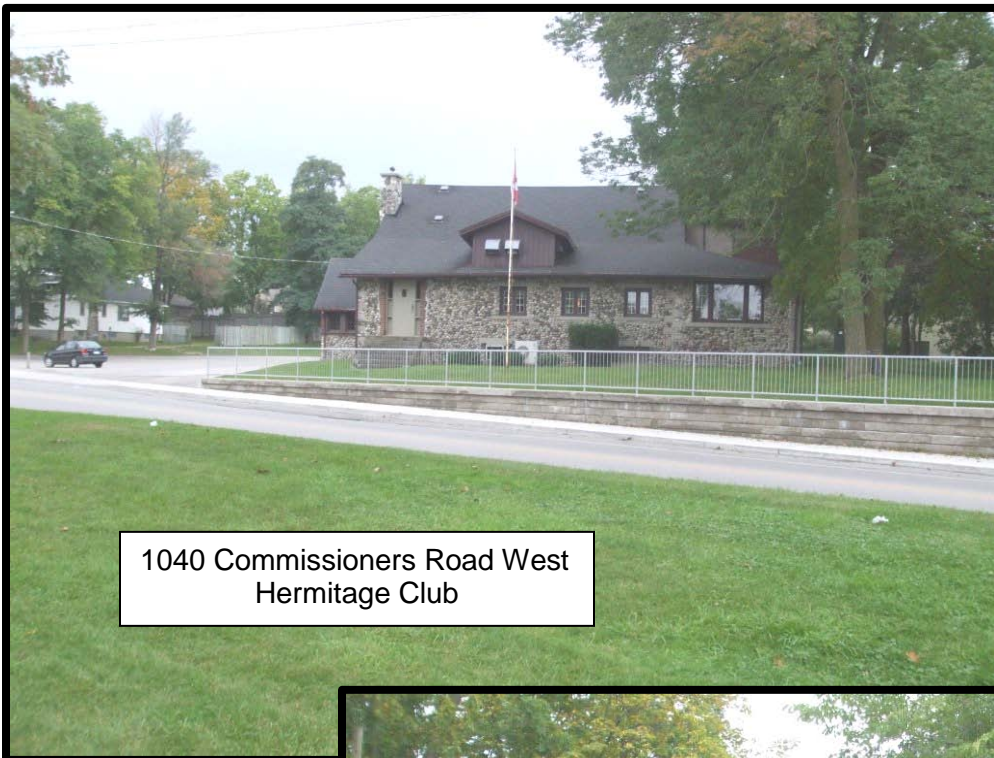
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ANALYSIS

Subject site

The subject site is located on south side of Commissioners Road West, east of North Street. The subject site is addressed 1036-1040 Commissioners Road West. The Hermitage Club is officially addressed as 1040 Commissioners Road West, and the single detached dwelling is addressed as 1036 Commissioners Road West, however, they are on one property. The property is surrounded by residential uses, including cluster single dwellings, cluster townhouse dwellings, and low rise apartment uses on the south side of Commissioners Road West directly across from Springbank Park.



1040 Commissioners Road West
Hermitage Club



1036 Commissioners Road West
Single Detached Dwelling

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What is the nature of the application?

The applicant, the Hermitage Club, has applied for a zoning by-law amendment to change the zoning for the existing single detached dwelling (located at 1036 Commissioners Road West) and the existing commercial recreation use (located at 1040 Commissioners Road West). Ultimately, the applicant wishes to sever the existing single detached dwelling in order to be able to sell it. The applicant has applied for consent (B.067/10) to sever the properties and has received a provisional decision with conditions.

Conditions of the consent are:

- *The applicant shall obtain a minor variance, to address all deficiencies on 1040 Commissioners Road West. The variances shall be in full force and effect prior to the issuance of a certificate.*
- *The applicant shall rezone the property at 1036 Commissioners Road West to recognize the existing single-family dwelling. The rezoning shall be in full force and effect prior to the issuance of a certificate.*
- *That the Owner transfer at no cost to the City, sufficient lands free of encumbrances, to widen Commissioners Road West to a maximum width of 18.0 meters in perpendicular width from the centerline of Commissioners Road West along the frontage of the subject lands as determined by the City Engineer. The reference plan describing the widening to be transferred must be pre-approved by the City Engineer.*

The proposed amendment would allow the applicant to satisfy the above conditions of consent. The proposed amendment includes special provisions that address all the deficiencies with Zoning By-law Z.-1 at 1040 Commissioners Road West and 1036 Commissioners Road West bringing both properties into conformity with Zoning By-law Z.-1.

Is the proposed change appropriate?

Provincial Policy Statement

All Planning applications are required to be consistent with the Provincial Policy Statement. This application is consistent with Policy 1.1, as it achieves efficient land use development and land use patterns, has existing services and will not unduly expand a settlement area.

Official Plan & Zoning By-law

The Multi Family Medium Density Residential designation permits multiple-unit residential developments having a low-rise profile, and densities that exceed those found in Low Density Residential areas but do not approach the densities intended for the Multi-Family, High Density Residential designation. Residential uses that typically comprise medium density development include row houses, cluster houses, low-rise apartment buildings, and certain specialized residential facilities such as small-scale nursing homes, homes for the aged and rest homes.

The Multi-Family, Medium Density Residential designation may serve as a suitable transition between Low Density Residential areas and more intense forms of land use. It will also provide for greater variety and choice in housing at locations that have desirable attributes but may not be appropriate for higher density, high-rise forms of housing.

The Multi Family Medium Density Residential (MFMDR) designation extending along Commissioners Road West fronting Springbank Park contains a mix of low rise medium density residential uses and includes pockets of existing single detached dwellings. In order to minimize the potential for land use conflicts, and to encourage development which complements the pattern of existing development, the range of permitted uses in the MFMDR include: *multiple-attached dwellings, such as row houses or cluster houses; low-rise apartment buildings; rooming and boarding houses; emergency care facilities; converted dwellings; and small-scale nursing homes, rest homes and homes for the aged. These areas may also be developed for single-detached, semi-detached and duplex dwellings.* The MFMDR allows for secondary uses which include: *Uses that are considered to be integral to, or compatible with, medium density residential development, including group homes, home occupations, community facilities,*

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File No: Z-7952
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funeral homes, commercial recreation facilities, small-scale office developments, and office conversions.

The proposed zoning by-law amendment to maintain the existing single detached dwelling and the Hermitage Club, each on their property parcels, meets the intent of the Official Plan. The properties are compatible with other uses in the immediate area and will not impact on adjacent lands. No changes are proposed to the site, and the scale, height, location and spacing of the existing building remains unchanged. It is an existing single detached dwelling and commercial recreation use that has operated for many years. The property is fully served by municipal services. There will be no increases in traffic. There are no constraints posed by the environment on this site, nor will this application affect the natural environment. This proposed change fully complies with the policies of the Official Plan.

The condition of the consent requires that the owner transfer to the City the lands required to widen Commissioners Road West. The dedication of these lands results in a front yard setback of 0.0m on 1040 Commissioners Road West and a front yard setback of 3.0m on 1036 Commissioners Road West whereas the Commercial Recreation (CR) Zone and the Residential R5 (R5-3) Zone both require a 8.0 metre minimum front yard setback.

1040 Commissioners Road West require a special provision to recognize the existing 0.0m west interior side yard setback where the Commercial Recreation (CR) Zone requires a minimum of 7.5 meters. Minor variances were granted in 1975 (A.51/1975) and in 1986 (A.49/1986) to allow for reduced west interior side yard setbacks for additions to the existing building.

1036 Commissioners Road West requires a special provision to recognize the existing single detached dwelling, a 14.9 lot frontage and the existing 1.0 metre east interior side yard setback where the Residential R5 (R5-3) Zone allows cluster townhouses, a 30 metre minimum lot frontage and a 4.5 metre minimum east interior side yard setback.

The proposed zoning amendment including special provisions will allow both properties to conform to Zoning By-law Z.-1 and allow for the severance of the lands.

CONCLUSION

The applicant has applied to the City to permit the severance of the existing single detached dwelling from the Hermitage Club. Conditions of the consent include the requirement that both properties conform to Zoning By-law Z.-1. The proposed zoning amendment will allow for the severance of the existing single detached dwelling use from the existing commercial recreation use (Hermitage Club). The proposed zoning amendment meets the policies in the Official Plan and the proposed zoning amendment will recognize an existing single family home which is in keeping with other uses in the area.

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PREPARED BY:	SUBMITTED BY:
C. SMITH – PLANNER, COMMUNITY PLANNING AND URBAN DESIGN	JIM YANCHULA, MCIP, RPP MANAGER OF COMMUNITY PLANNING AND URBAN DESIGN
RECOMMENDED BY:	
JOHN M. FLEMING, MCIP, RPP DIRECTOR OF LAND USE PLANNING AND CITY PLANNER	

CS/

October 4, 2011

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BIBLIOGRAPHY

The following documents were used in the review of this development proposal:

- Provincial Policy Statement, 2005
- City of London Official Plan
- Zoning By-law Z.-1

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Bill No. (number to be inserted by Clerk's Office)
2011

By-law No. Z.-1-_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located 1036 Commissioners Road West and 1040 Commissioner Road West.

WHEREAS the Hermitage Club has applied to rezone an area of land located 1036 Commissioners Road West and 1040 Commissioners Road West, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 1036 Commissioners Road West and 1040 Commissioners Road West as shown on the attached map comprising part of Key Map No.127, from a Residential R5/Residential R8 (R5-3/R8-4) Zone and a Commercial Recreation (CR) Zone to a Residential R5 Special Provision/Residential R8 (R5-3(_)/R8-4) Zone and a Commercial Recreation Special Provision (CR(_)) Zone.

1) Section 9.4 of the Residential (R5-3) Zone to By-law No. Z.-1 is amended by adding the following Special Provision:

- 9.4 c) ___) R5-3 ()
 - a) Additional Use:
 - i) Existing single detached dwelling
 - b) Additional Regulations for existing single detached dwelling:
 - i) Lot frontage 14.9 metres
 - ii) East Side Yard Setback 1.0 metres (minimum)
 - v) Front Yard Setback 3.0 metres (minimum)

2) Section 38.4 of the Commercial Recreation (CR) Zone to By-law No. Z.-1 is amended by adding the following Special Provision:

- 38.4 c) ___) CR ()
 - a) Additional Regulations for existing structure:
 - i) Front Yard Setback 0.0 metres (minimum)
 - iii) West Interior Side Setback 0.0 metres (minimum)

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P.13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

Agenda Item # Page #

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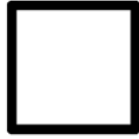
File No: Z-7952
Planner: C Smith

PASSED in Open Council on October 24, 2011.

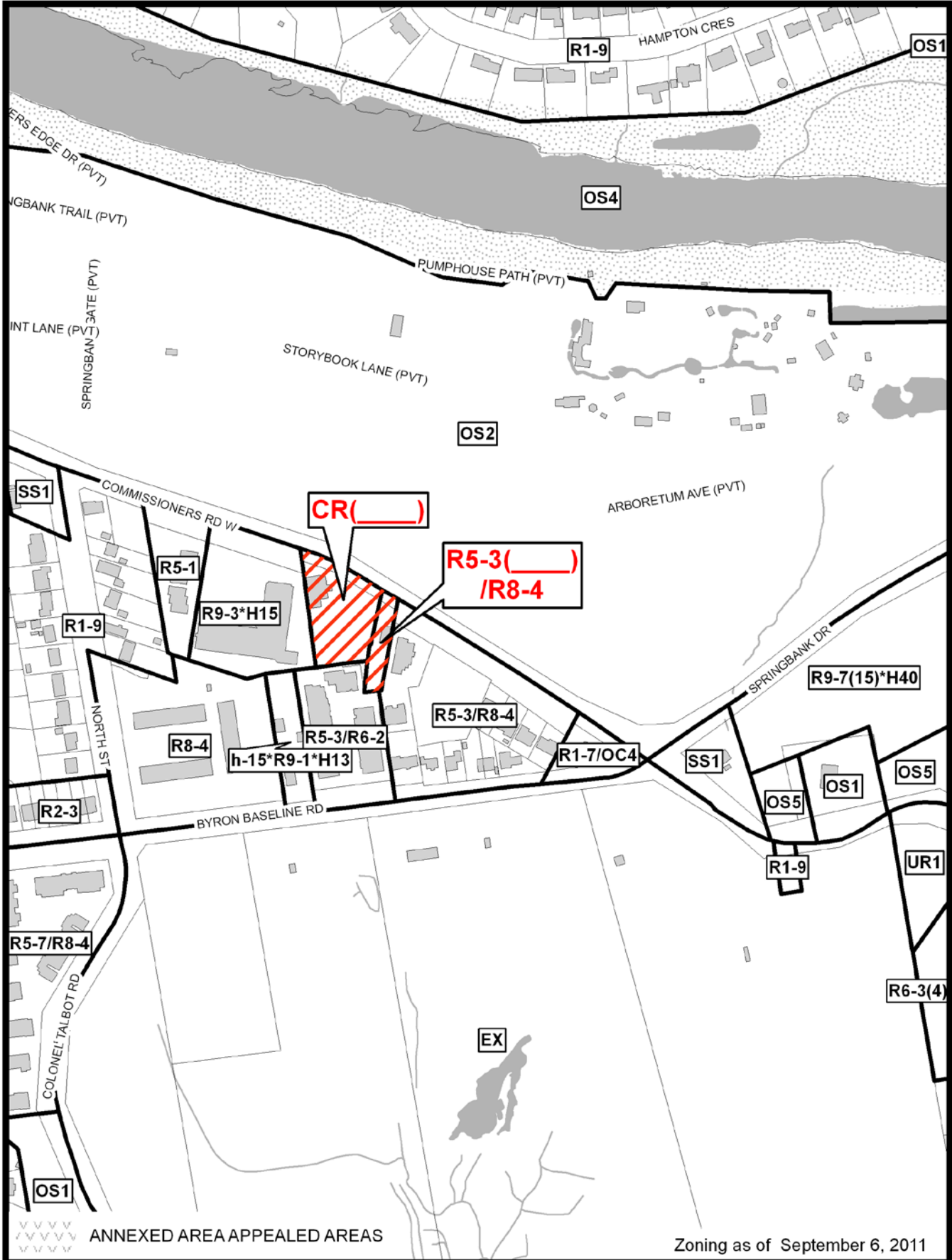
Joe Fontana
Mayor

Catharine Saunders
City Clerk

First Reading - October 24, 2011
Second Reading - October 24, 2011
Third Reading - October 24, 2011



AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)



File Number: Z-7952

Planner: CS

Date Prepared: 2011/09/23

Technician: CK

By-Law No: Z.-1-

SUBJECT SITE 

1:4,000

0 20 40 80 120 160 Meters

