



City of
Peterborough

To: Members of the Planning Committee

From: Ken Hetherington, Manager, Planning Division

Meeting Date: August 24, 2015

Subject: Report PLPD15-044
25 Merino Road

Purpose

A report to evaluate the planning merits of amending the Zoning By-law for the property known as 25 Merino Road from the R.1,1f,2e,8b,10d,13f – Residential District to the R.1,1f,2e,8b,10c,13f – Residential District to permit a reduction in the rear yard setback from a minimum of 12m to a minimum of 9m for the proposed dwelling.

Recommendation

That Council approve the recommendation outlined in Report PLPD14-044 dated August 24, 2015, of the Manager, Planning Division, as follows:

That the zoning of 25 Merino Road be amended from the R.1,1f,2e,8b,10d,13f – Residential District to the R.1,1f,2e,8b,10c,13f – Residential District in accordance with the draft amendment attached as Exhibit 'D' to Report PLPD14-044.

Budget and Financial Implications

There are no direct budget or financial implications arising from the approval of this application.

Background

The subject application was received on May 1, 2015, deemed to be complete as of May 12, 2015 and was processed in accordance with department procedures. The *Planning Act* allows applicants to appeal Zoning By-law Amendment Applications after the expiry of 120 days of the application being deemed complete. The applicant is in a position to file an appeal to the Ontario Municipal Board any time after September 9, 2015 if Council has not made a decision.

The subject property is approximately 1174m² (13637 ft.²) in size, located on south side of Merino Road, south of Cottonwood Drive in the Roper Subdivision. The property was created by way of a severance approved by the City's Committee of Adjustment in May, 2006, together with Minor Variances to: 1. Reduce the minimum required lot width; 2. Reduce the minimum setback from the rear lot line from 12m to 9m for the existing building at 44 Moorecraig Road; and 3. Reduce the minimum building setback from the west lot line from 12 metres to 4.7 metres. The decision of the Committee of Adjustment was appealed to the Ontario Municipal Board (OMB) and Minutes of Settlement were entered into that contemplated a general concept plan for the building envelope. The Ontario Municipal Board ruled in favour of the consent and agreed to the proposed settlement and the resultant variances in April 2007, subject to the terms of the Minutes of Settlement, including the general concept plan.

The general concept plan for the building envelope was proposed to protect existing trees on the subject property during the proposed construction and ensure that resulting drainage would be directed to Merino Road. The Minutes of Settlement also contemplate Site Plan Approval for any proposed dwelling, including architectural control to ensure that the architecture of the proposed dwelling is in general conformity with that of the existing neighbourhood.

Since the OMB decision in 2007, the ownership of the vacant parcel has changed and the new owner now proposes to construct a single detached dwelling, in keeping with the general concept plan and terms of the Minutes of Settlement. The rear yard as depicted in 'Attachment 1' of the Minutes of Settlement contemplate a minimum building setback of approximately 12m, consistent with the existing zoning of the property. The new owners are now proposing a reduction in the rear yard setback from 12m to 9m to accommodate the proposed configuration of the new dwelling.

Site Plan Approval, including Architectural control remains a requirement to be addressed prior to the issuance of a building permit, in accordance with the Minutes of Settlement, binding on any successors, heirs, etc of the property.

The property is surrounded by residential uses, characterized by large dwellings on large sized lots. The applicants propose a dwelling that they feel is in keeping with the character of the other dwellings within the neighbourhood in terms of massing and scale, and therefore, propose the reduction in the rear yard setback from 12m to 9m.

Analysis

a) Official Plan

The lands are currently designated “Residential” on Schedule ‘A’ – Land Use, in the City of Peterborough Official Plan and are considered to be subject to the Low Density Residential provisions. The proposed use of the existing building for a single detached dwelling complies with the intent and purpose of the Low Density Residential policies of the Official Plan.

The Low Density Residential policies of the Official Plan contemplate the lands be developed primarily for single detached, semi-detached and duplex dwellings with provision for multiple unit buildings subject to maintaining consistency with other uses, where appropriate, provided the maximum density does not exceed 25 units per hectare.

The proposed use of the property for a single detached dwelling is in keeping with the Low Density policies of the Official Plan.

b) Zoning By-law

The subject property is currently zoned R.1,1f,2e,8b,10d,13f – Residential District, permitting a single detached residential dwelling subject to compliance with the minimum regulations and alternative regulations, including a minimum rear yard setback of 12m. The proposed single detached dwelling is a legal use.

The proposed reduction in the rear yard setback will allow the applicant to situate a dwelling on the irregular shaped lot and facilitate the creation of a new driveway, respecting the Minutes of Settlement in all aspects, save and except the minimum rear yard setback as depicted on the concept plan attached to the Minutes of Settlement and in order to facilitate a proposed upper deck and bedrooms in the rear of the proposed raised bungalow.

The proposed amendment would have the effect of reducing the minimum rear yard setback from 12m to 9m, by way of changing Alternative Regulation 10d to 10c, in accordance with draft by-law attached as Exhibit D to Report PLPD15-044.

The proposed Zoning Amendment complies with the intent and purpose of the Zoning By-law and the Ontario Municipal Board Order of 2007.

Response to Notice

a) Significant Agency Responses:

Agency circulation was issued on June 1, 2015, and the following comments received.

The City's Utility Services Department has requested the payment of cash-in-lieu of parkland where required. A payment of \$7198.58 was received by the City in 2007 representing the payment of a parks levy and tree levy in accordance with the conditions of the provisional consent, therefore, no further payment is applicable.

Peterborough Utilities has noted that Development Charges or frontage charges are applicable and a new water service is required.

No further agency has expressed any significant concerns or requests with respect to the proposed rezoning of the subject property.

b) Summary of Public Responses:

Notice of Complete Application and Public Meeting were issued concurrently by direct mail and by newspaper advertisement (Peterborough Examiner) on July 27, 2015. The notice complies with the requirements of the *Planning Act*.

No written comments have been received as of July 31, 2015.

Submitted by,

Ken Hetherington
Manager, Planning Division

Prepared by,

Caroline Kimble
Land Use Planner

Concurred with,

Malcolm Hunt, Director
Planning and Development Services

Contact Name:

Caroline Kimble
Planner, Land Use
Planning & Development Services
Phone: 705-742-7777 Ext. 1735
Toll Free: 1-855-738-3755 Ext. 1735
Fax: 705-742-5218
E-Mail: ckimble@peterborough.ca

Attachments:

Exhibit A - Land Use Map
Exhibit B - Site Plan
Exhibit C - Concept Elevations
Exhibit D - Draft Zoning By-law

Exhibit A, Page 1 of 1

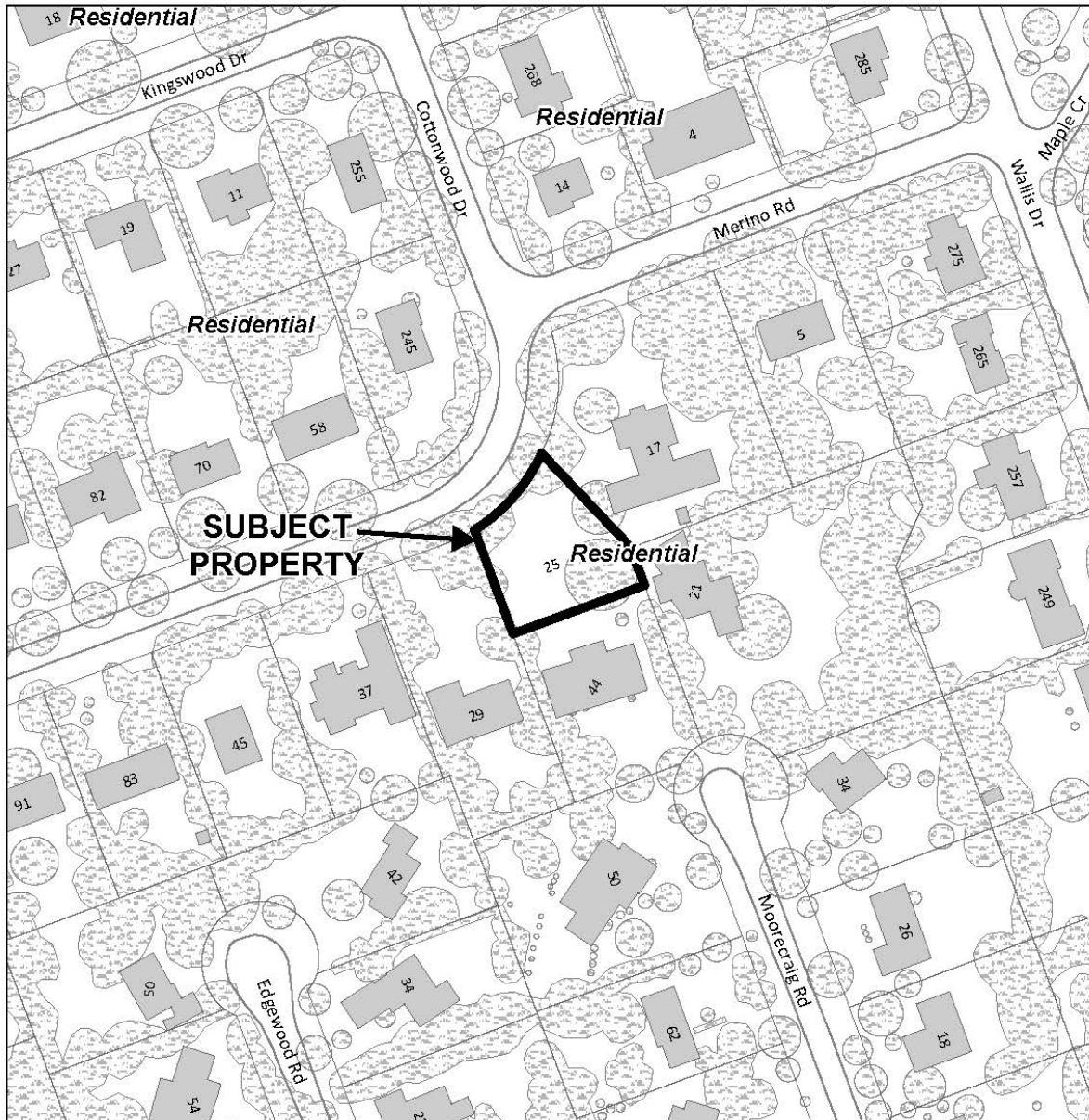
Land Use Map

File: Z1505

Property Location: 25 Merino Rd

EXHIBIT

SHEET OF



The City of Peterborough Planning Division

The "City of Peterborough" its employees, or agents, do not undertake to guarantee the validity of the contents of this digital or handcopy mapfile, and will not be liable for any claims for damage or loss arising from their application or interpretation, by any party. It is not intended to replace a survey or to be used for a legal description.



Date: May 20, 2015

Map by: CSandanayake

0 5 10 20 30 40 50 Metres

Exhibit B, Page 1 of 1

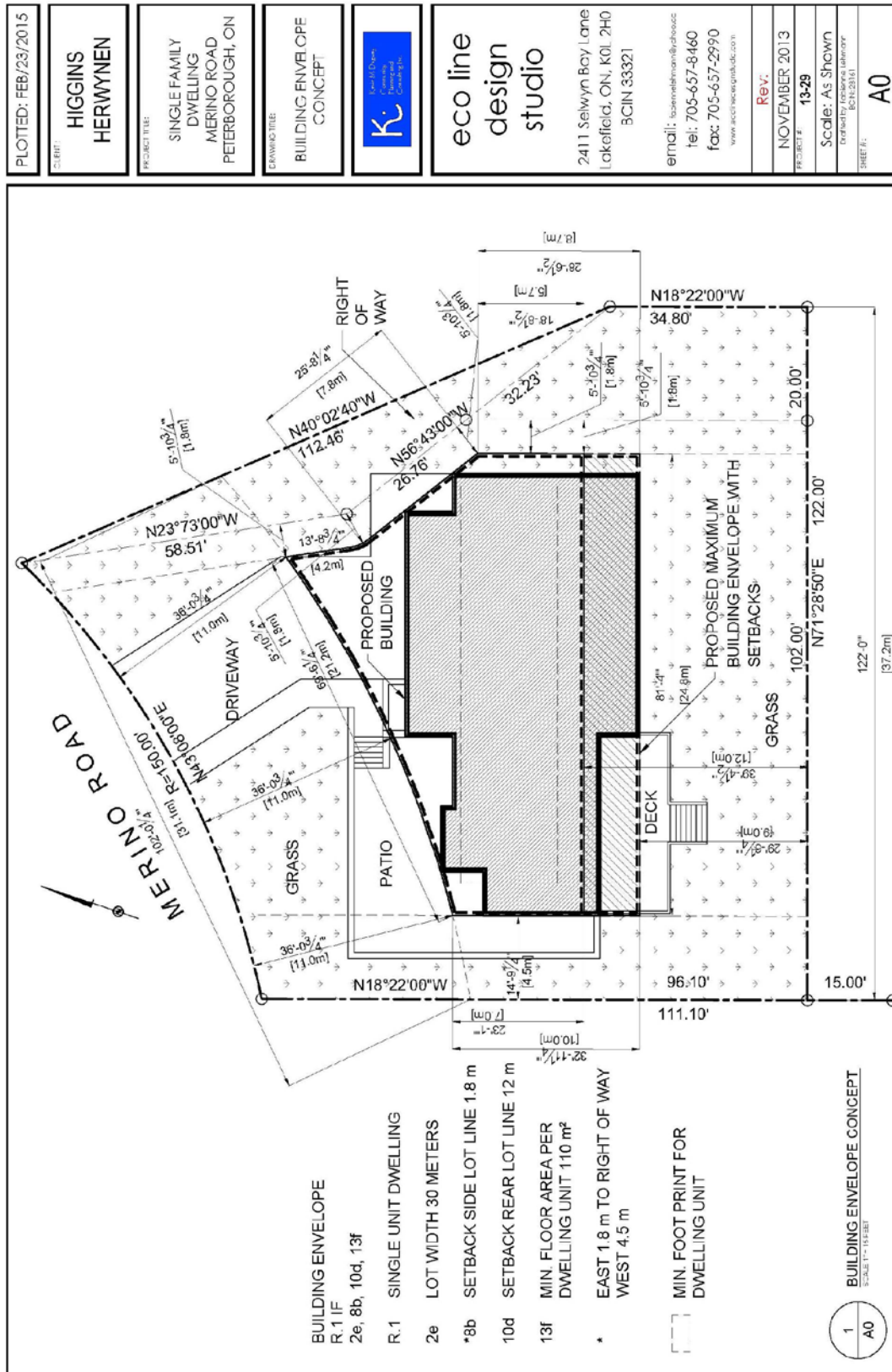


Exhibit C, Page 1 of 1

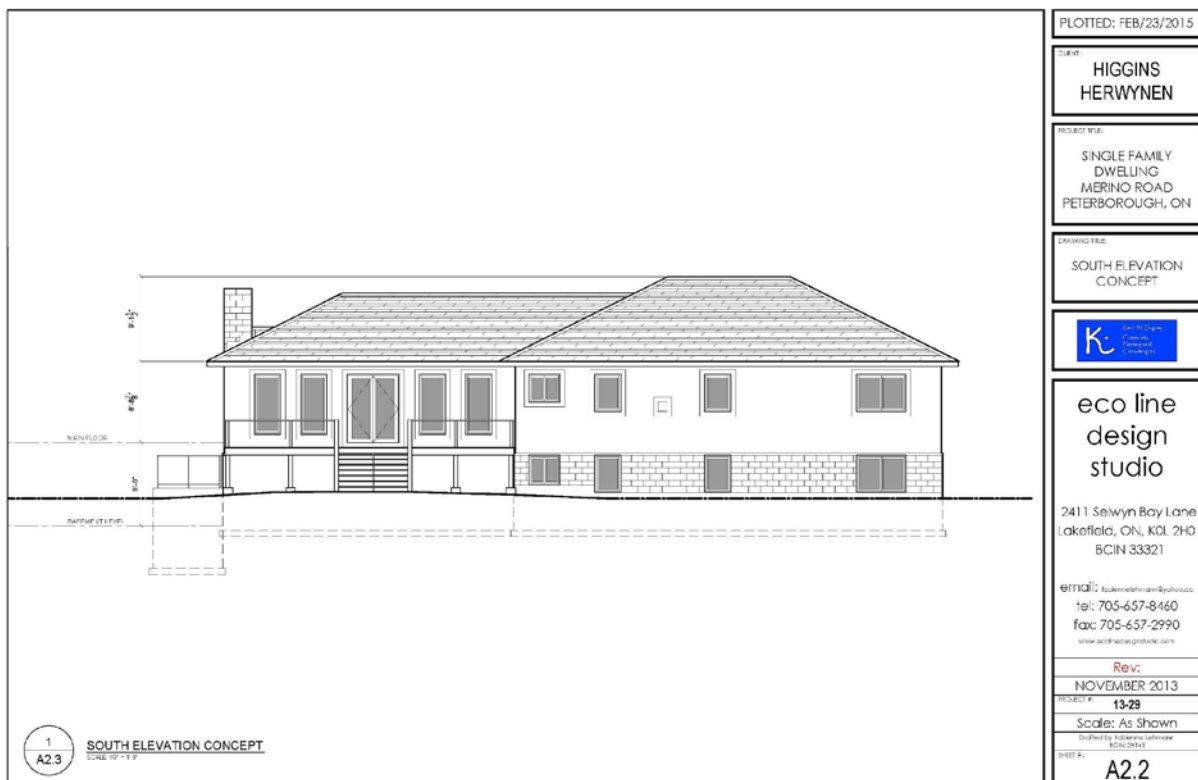
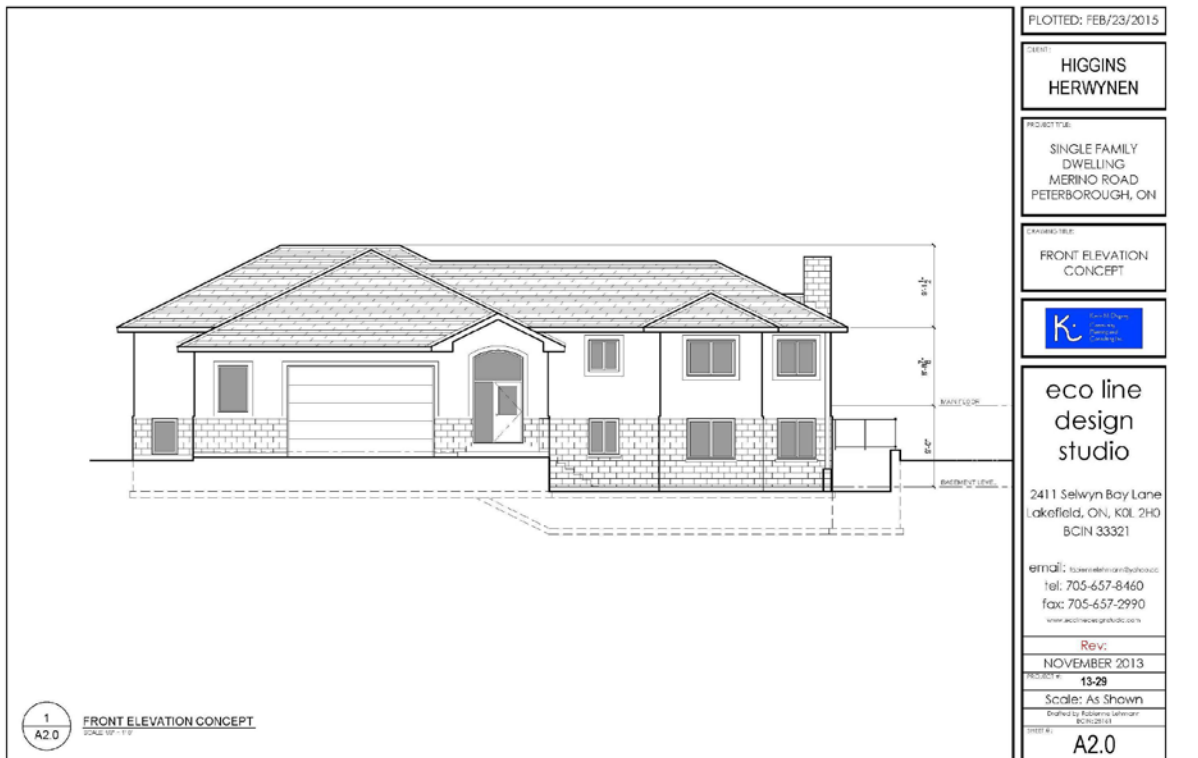


Exhibit D, Page 1 of 2



The Corporation of the City of Peterborough

By-Law Number 15-

Being a By-law to Amend the Zoning By-law for the property known as 25 Merino Road

The Corporation of the City of Peterborough by the Council thereof hereby enacts as follows:

That Map 10 forming part of Schedule "A" to By-law 97-123 is amended by changing the area shown on the sketch attached hereto as Schedule "A" from R.1,1f,2e,8b,10d,13f to R.1,1f,2e,8b,10c,13f.

By-law read a first, second and third time this day of , 2015.

Daryl Bennett, Mayor

John Kennedy, City Clerk

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