



City of
Peterborough

To: Members of the Planning Committee

From: Ken Hetherington, Manager, Planning Division

Meeting Date: January 30, 2017

Subject: Report PLPD17-004
737 and 739 Hemlock Street

Purpose

A report to evaluate the planning merits of amending the zoning of the properties known as 737 and 739 Hemlock Street from the D.1 – Development District and from R.1,1r,2r,8z – Residential District to R.1,1r,2r,8z-310'H' – Residential District to permit development within 45 m of the centre line of a controlled access arterial street (The Parkway). The applicant intends to use the southerly portion of the lands for a swimming pool and to allow a covered deck at the back of the existing dwelling at 737 Hemlock Street, subject to the consolidation of the two parcels.

Recommendations

That Council approve the recommendations outlined in Report PLPD17-004 dated January 30, 2017, of the Manager, Planning Division, as follows:

- a) That Section 3.9 – Exceptions, be amended to add Exception .310 in accordance with Exhibit 'C' attached to Report PLPD17-004;
- b) That the subject properties be rezoned from D.1 – Development District and from R.1,1r,2r,8z – Residential District to R.1,1r,2r,8z-310 'H' – Residential District in accordance with Exhibit 'C' attached to Report PLPD17-004; and
- c) That the 'H' Holding Symbol be removed subject to the consolidation of the two parcels to create one lot.

Budget and Financial Implications

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

Background

The subject application was received on October 20, 2016, deemed to be complete on October 21, 2016, and was processed in accordance with department procedures. The Planning Act permits 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 February 20, 2017 if Council has not made a decision.

The subject lands support an existing dwelling on the lands known as 737 Hemlock Street and an adjacent vacant block, known as 739 Hemlock Street, both owned by the applicant. The existing single detached dwelling was constructed in 2013 on Lot 7, Plan 45M236 (Registered Plan of Subdivision, 2012). The adjacent vacant block (Block 54) was purchased by the current owners/applicants in April 2016.

Section 6.6 of the Zoning By-law prohibits the construction of a building situated within 45m of the centre line of a controlled access arterial street. In this case, The Parkway corridor is situated to the south of the subject lands and a Zoning By-law Amendment is required to support any development of Blocks 53 and 54 of the Plan of Subdivision in addition to other blocks situated in proximity to the corridor. The scaled drawing submitted with the application has been imposed on the City's mapping, and illustrates a potential encroachment of the existing dwelling into the minimum setback, although not confirmed by a survey.

The D.1 – Development District limits the use of the vacant lot to the established use and and therefore prohibits the use of Block 54 (739 Hemlock) for a swimming pool. The application proposes to extend the Residential R.1 Zoning of Lot 7 (737 Hemlock) to facilitate the proposed use of the lands for accessory uses to the Residential use.

The applicants/owners intend to develop Block 54 (739 Hemlock Street) to support the installation of an inground swimming pool, in association with the residential use permitted on Lot 7 (737 Hemlock Street). In addition, the applicants/owners also propose to construct a covered deck adjacent to the rear wall of the existing dwelling and consolidate the two parcels, thereby restricting the use of the lands to a single detached dwelling and accessory buildings/structures.

A concept plan showing the location of the proposed pool and covered deck has been submitted in support of the application (Exhibit 'B').

Analysis

a) Official Plan

The lands are currently designated “Residential” on Schedule ‘A’ – Land Use in the City of Peterborough Official Plan. The Residential designation contemplates the existing low density residential use of the property at 737 Hemlock Street and anticipates accessory uses.

The proposed amendment contemplates the introduction of a swimming pool and covered deck which are considered accessory to the single detached dwelling located at 737 Hemlock Street. The consolidation of the two parcels will ensure that the use of the lands is limited to one single detached dwelling as contemplated by the original plan of subdivision and preserves the opportunity for the creation of a new lot, pending the status of The Parkway in the future.

b) Zoning By-law

The subject property is currently zoned D.1 – Development District (739 Hemlock Street) and R.1,1r,2r,8z – Residential District (737 Hemlock Street). The use of the D.1 zoned Block is limited to the established use (vacant). The introduction of a covered deck in the R.1,1r,2r,8z zoned Lot is also prohibited due to the proximity of the lands to the controlled access arterial street. A Zoning Amendment is therefore, required to permit the lands to support the introduction of a covered deck and a swimming pool.

The applicant proposes to amend the zoning of the lands from D.1 – Development District and from R.1,1r,2r,8z – Residential District to R.1,1r,2r,8z-310 ‘H’ – Residential District to permit the use of the southerly block for a swimming pool and to further permit the construction of the covered deck within 45 m of the centre line of a controlled access arterial street (The Parkway). The applicant intends to use the southerly portion of the lands for a swimming pool and to allow a covered deck at the back of the existing dwelling at 737 Hemlock Street, subject to the consolidation of the two parcels.

It is recommended that the R.1,1r,2r,8z Zoning District be extended south to include Block 54 and to add Exception .310 to the Zoning By-law to permit the proposed covered deck to be located within 45m of the centre line of a controlled access arterial street (The Parkway). Staff also recommend that the southeast portion of the existing dwelling be referenced in the amending by-law to ensure that any encroachment into the required setback is addressed for the existing dwelling as well.

Staff further recommend that an ‘H’ Holding Symbol be affixed to the zoning and the removal of the ‘H’ Holding Symbol be conditional upon the consolidation of the parcels to ensure that the development of the lands is limited to the existing dwelling and that the accessory use of the swimming pool is situated on the same parcel as the primary dwelling unit.

The proposed Zoning Amendment complies with the intent and purpose of the Residential policies of the Official Plan.

Response to Notice

a) Significant Agency Responses:

Agency circulation was issued on November 3, 2016.

The City's Utility Services Department indicated no objection to the rezoning request and suggest that the proposed swimming pool be subject to the same grading plan criteria as lots within subdivisions, giving due consideration to potential future house grading in the event that 739 Hemlock Street may eventually support a single detached dwelling.

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 was issued on January 3, 2017 by newspaper advertisement (Peterborough Examiner) and by direct mail. The notice complies with the requirements of the *Planning Act*.

No further written comments have been received as of January 9, 2017.

Submitted by,

Ken Hetherington
Manager, Planning Division

Prepared by,

Caroline Kimble
Land Use Planner

Concurred with,

Allan Seabrooke, Acting Director,
Planning and Development Services

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Attachments:

Exhibit A - Land Use Map
Exhibit B - Concept Plan
Exhibit C - Plan Illustrating 45 m setback line
Exhibit D - Draft Zoning By-law

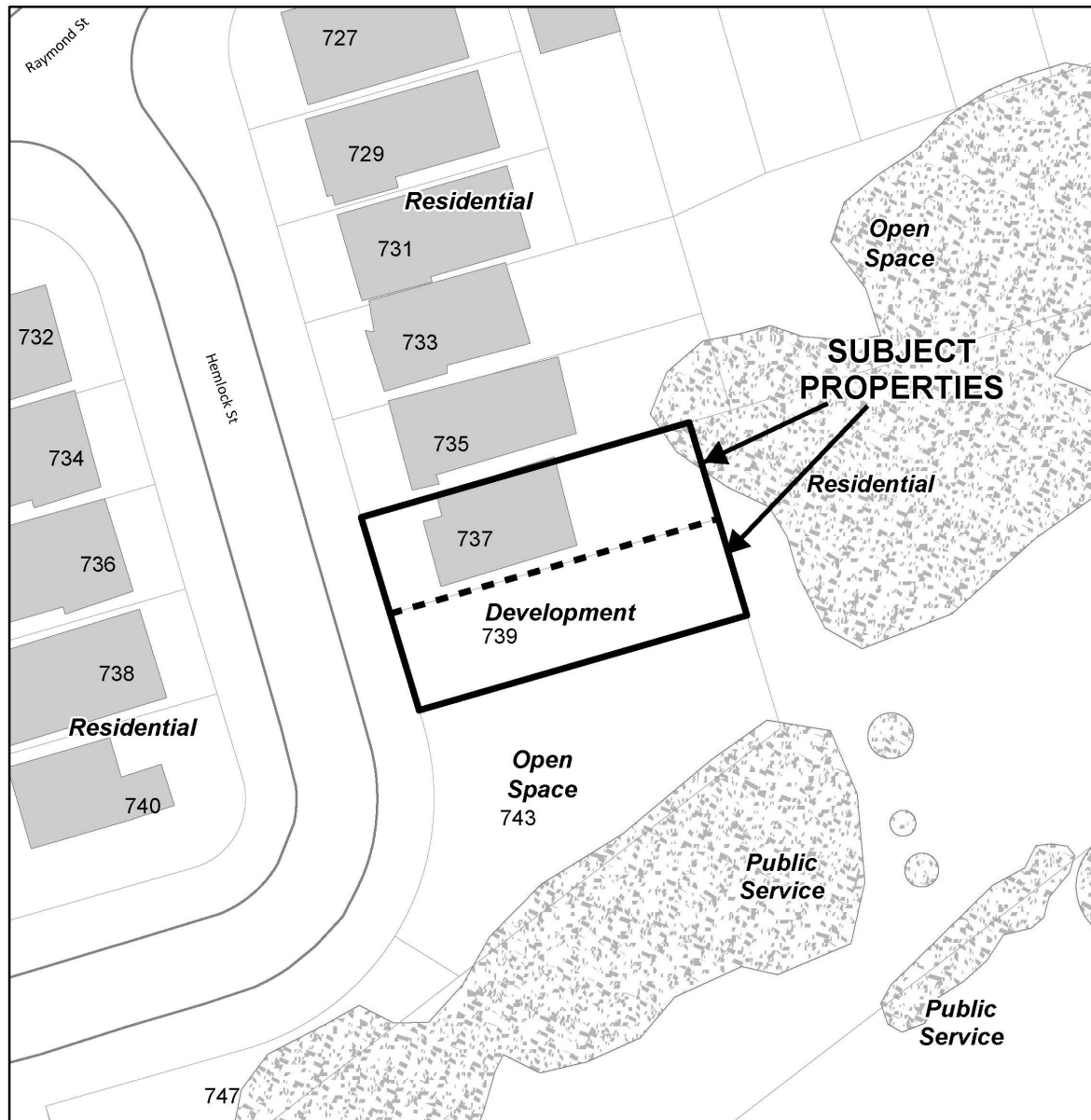
Exhibit A, Page 1 of 1

Land Use Map

File: Z1620

Property Location: 737 and 739 Hemlock St

EXHIBIT
SHEET OF



The City of Peterborough Planning Division

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Date: October 31, 2016

Map by: Jellis

0 2.5 5 10 15 20 25
Metres

Exhibit B, Page 1 of 1

SITE PLAN 737-739 HEMLOCK ST.
PROPOSED POOL + DECK

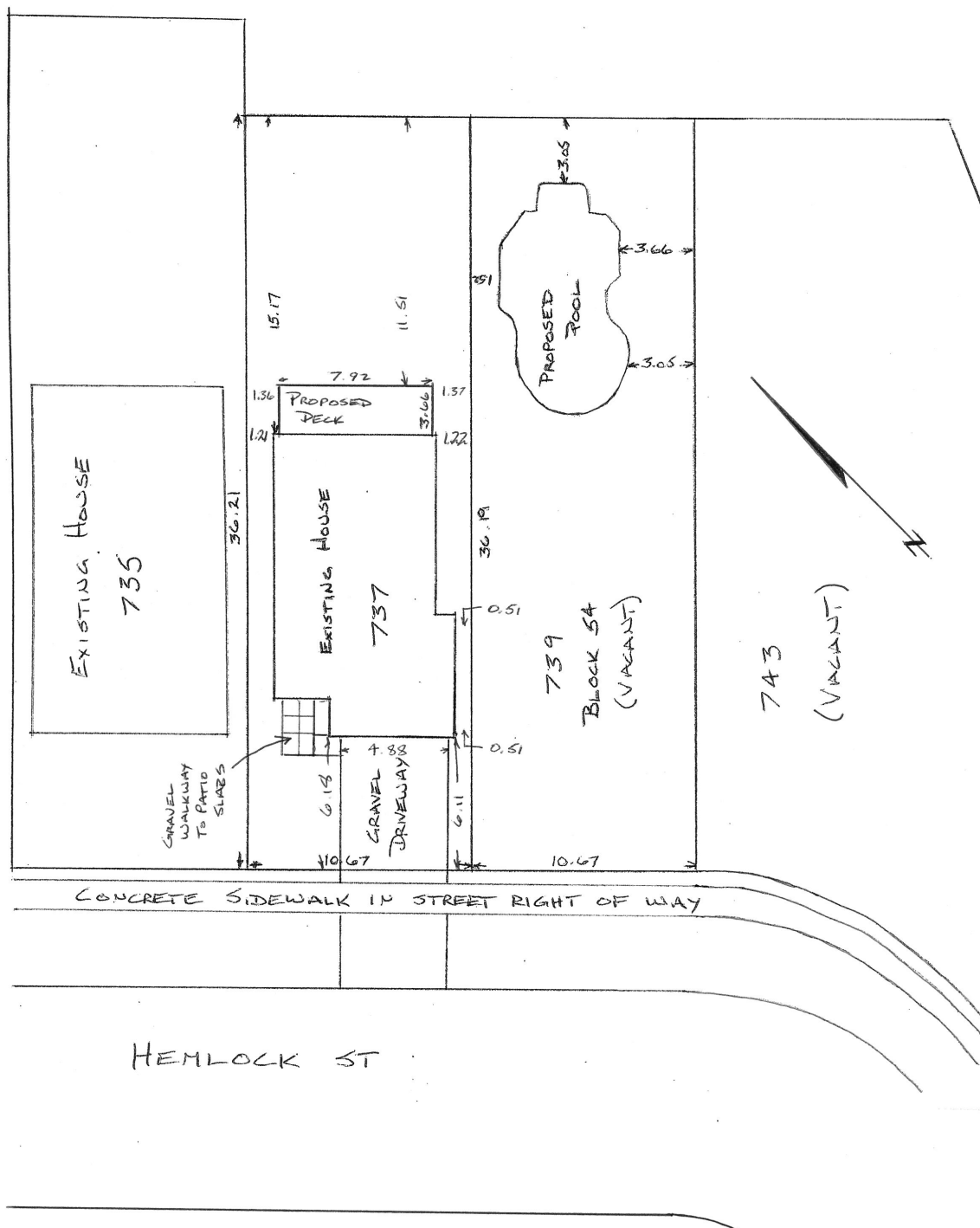


Exhibit C, Page 1 of 1

45 Metre Offset From Proposed Parkway - Site Plan

File: Z1620

Property Location: 737 and 739 Hemlock St



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Date: November 7, 2016
Map by: JEllis
0 2.5 5 10 15 20 25 Metres

Exhibit D, Page 1 of 2



The Corporation of the City of Peterborough

By-Law Number 17-

Being a By-law to amend the Zoning By-law for the properties known as 737 and 739 Hemlock Street, being Lot 7 and Block 54, Plan 45M236.

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

1. That Section 3.9 – Exceptions, be amended to add the following:

“**.310** Notwithstanding Section 6.6 of this By-law, the southeast corner of the existing dwelling, a covered deck measuring approximately 4m by 8m attached to the rear wall of the existing dwelling, and a swimming pool may be erected, altered or used within 45 metres of the centre line of a controlled access arterial street.”
2. That Map 6 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 the D.1 – Development District to R.1,1r,2r,8z-310 ‘H’ and from the R.1,1r,2r,8z – Residential District to R.1,1r,2r,8z-310 ‘H’.
3. That the ‘H’ Holding Symbol be removed subject to the consolidation of Lot 7 and Block 54 , Plan 45M236.

By-law read a first, second and third time this day of , 2017.

Daryl Bennett, Mayor

John Kennedy, City Clerk

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