

City of
Peterborough

TO: Members of the Planning Committee

FROM: Ken Hetherington, Manager, Planning Division

MEETING DATE: April 11, 2011

**SUBJECT: Report PLPD11-027
464 Driscoll Terrace**

PURPOSE

A report to evaluate the planning merits of amending the Zoning By-Law for the property known as 464 Driscoll Terrace to permit the property to be used as a triplex with site specific regulations.

RECOMMENDATIONS

That Council approve the recommendations outlined in Report PLPD11-027 dated April 11, 2011, of the Manager, Planning Division, as follows:

- a) That Section 3.9 Exceptions in the City's Comprehensive Zoning By-law #1997-123, be amended in accordance with the draft amendment, attached as Exhibit 'C' to Report PLPD11-027 to permit a maximum of three dwelling units with a minimum lot width of 3.4m per unit; a minimum of 1.5 parking spaces per unit and to permit 5 parking spaces adjacent to the property line.
- b) That the zoning of the subject property, be amended from the R.1, R.2 - Residential District to the R.1, R.2 - 264 - 'H' Residential District in accordance with the draft amendment attached as Exhibit 'C' to Report PLPD11-027.
- c) That the 'H' Holding Symbol be removed subject to the following:
 - i. Site Plan Approval is granted for the subject property;

- ii. Confirmation from Fire Services and from the Building Division of the City of Peterborough, that the units comply with the requirements of the Ontario Building Code and the Ontario Fire Code;
- iii. Payment of cash-in-lieu of parkland for the third unit; and
- iv. Payment of all applicable development charges for the third unit.

RATIONALE

Approval of this Zoning By-Law Amendment is based upon the following:

The subject property is designated 'Residential' on Schedule 'A' – Land Use of the City of Peterborough Official Plan. The 'Residential' policies of the Official Plan encourage residential intensification "to increase the supply of housing through better use of existing resources, buildings and under-utilized sites." The impacts of the intensification are assessed in the same manner as infill residential development and should be permitted in residential areas where the impacts of development on existing uses can be minimized and the development can efficiently utilize existing municipal servicing and facilities. The application, as revised, demonstrates the ability of the site to maintain the character of the area while accommodating up to 1.66 parking spaces on site. The existing servicing appears to be adequate for the triplex.

The impacts of the proposed use can be minimized through the creation of additional parking in the rear yard to the east of the existing dwelling, with access from Driscoll Terrace, respecting a mutual driveway with the property at 460 Driscoll Terrace.

BUDGET AND FINANCIAL IMPLICATIONS

There are no direct budget or financial implications arising from the approval of this application. The City is able to collect a park levy and any applicable development charges for the third unit.

BACKGROUND

The subject application was received on November 3, 2010, deemed to be complete as of November 15, 2010, 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 120 day deadline for the subject application was March 15, 2011 and therefore, the applicant is in a position to file an appeal to the Ontario Municipal Board due to the lack of decision.

The subject property is a deep narrow lot, located on the east side of Driscoll Terrace, north of Hunter Street East and opposite Rotary Park along the east bank of the Otonabee River. A mutual Right of Way has been established between the subject property and the adjacent property to the south (460 Driscoll Terrace), to provide access by way of a driveway to the rear parking areas for each property.

The land currently supports a 2 1/2 storey brick dwelling with a single storey frame addition on the east side of the dwelling. The building is divided into three one-bedroom units. The applicant purchased the property in 1991 as a triplex. Based on the City's records, the dwelling became a duplex in 1964 and was severed from the adjacent property at 460 Driscoll Terrace in 1981. There are no records of the issuance of a building permit for the creation of the third unit. The City received a complaint regarding the use of the property as a triplex in June, 2010 prompting the submission of the application for Zoning By-Law Amendment to legalize the existing triplex.

ANALYSIS

a) Official Plan

The lands are currently designated "Residential" on Schedule 'A' of the City of Peterborough Official Plan. The property is situated in close proximity to the Central Area, just north of the industrial area supporting the Quaker Oats/Pepsi Co. plant and the Hunter Street East business district. The predominant use of land within the 'Residential' designation is for low, medium and high-density residential accommodation, in accordance with relevant criteria.

The density of the property with three units is slightly higher than the maximum permissible density within the 'Low Density Residential' designation of the Official Plan. The application is assessed with the intensification and infill housing evaluation criteria of Section 4.2.5.7 of the City of Peterborough Official Plan.

The proposal to recognize the existing triplex use of the dwelling at 464 Driscoll Terrace with an expanded parking area for a total of five parking spaces, respects the objectives of the infill and intensification policies, as described by the City's Official Plan.

Based on the size of the subject property, the density of the triplex is approximately 40 units per hectare (16 units per acre). The Official Plan policies support infill housing, up to a maximum of 75 units per hectare in a suburban location (27 units per acre) through an amendment to the Zoning By-Law, provided the development respects the scale and physical characteristics of existing development in the surrounding neighbourhood. The amendment proposes to recognize the existing use of the building for a triplex and the applicant proposes to expand the parking area to increase the number of spaces to a total of five spaces, providing a ratio of 1.66 parking spaces per unit. The property is also located in an area well served by parks and schools. The use of the rear of the property for parking is consistent with the adjoining properties and several lots along the east side of Driscoll Terrace. The ratio of hard surface and green space, with the expanded parking is also consistent with that of neighbouring properties.

b) Zoning By-law

The subject property is currently zoned R.1, R.2 – Residential District, permitting up to a maximum of two dwelling units. The property has 10.21m (33.4 ft.) of frontage on Driscoll Terrace and is in excess of 78m (255 ft.) deep. The property is deficient in its width and as such, the use as a duplex on the subject lands is considered legal non-conforming. The application seeks to legalize a third unit that has been occupied on an intermittent basis for over 19 years.

The proposed R.1, R.2 – 264 - 'H' zoning district provides specific performance standards for the parking ratio and permits the use of the property for a three unit dwelling. The proposed Exception 264, permits the use of the building for up to 3 dwelling units; permits a minimum ratio of motor vehicle parking spaces of 1.5 spaces per dwelling unit; permits a minimum lot width of 3.4m per unit; and permits elimination of the landscape strip adjacent to the parking spaces along the westerly property line. Planning Staff is satisfied that the provision of a minimum of five parking spaces is sufficient for three units on the subject property due to its proximity to the Central Area and the Hunter Street East Business District. Recognition of the third dwelling unit, is also supportable, based on the relevant policies of the City's Official Plan. Treatment of the westerly lot line with a solid board fence will likely be required at Site Plan Approval stage to reduce the impact of introducing additional parking along the property line.

Planning Staff recommend the use of a 'H' Holding Symbol on the zoning of the property to ensure that the units comply with Fire and Building Code regulations and that a Site Plan is approved for the property with an agreement to be registered on title to ensure proper site development of the additional parking facilities and maintenance of the property into the future.

c) Site Development

The applicant has provided a revised Site Plan Sketch illustrating the parking and driveway areas to accommodate up to five parking spaces. Planning Staff recommend that Site Plan Approval be required as a condition of zoning by way of a 'H' Holding Symbol. The existing parking area in the rear of the dwelling is accessed by way of a mutual driveway, formalized by a registered right-of-way over a portion of the abutting land at 460 Driscoll Terrace. This mutual easement was required as a condition of the severance of the subject land from 460 Driscoll Terrace in 1981. The Site Plan will formalize the proposed expansion to the parking area, address landscaping and buffer requirements and ensure adequate stormwater management of the site. In addition, a Site Plan Agreement will ensure long term maintenance of the property, registered on title, and binding for future owners.

RESPONSE TO NOTICE**a) Significant Agency Responses:**

Agency circulation was issued on January 4, 2011.

The City's Building Division requests that the approval be subject to an inspection by the Fire Department to confirm compliance with Fire and Building Code. In addition, the Building Division comments expressed concern with the original proposed parking layout, encroaching into the mutual driveway. The applicant has since revised the site plan to propose additional parking, removed from the mutual driveway, to address these concerns and to increase the total number of parking spaces on site to five.

The City's Utility Services Department requested that additional parking spaces be provided on site to address potential on street parking demands and concerns. In addition, the Utility Services Department request that the property be subject to Site Plan Approval to formalize lot grading and drainage, parking to ensure proper vehicular movement. The applicant has revised the site plan to increase the number of on site parking spaces from 3 to 5 spaces. In addition, Planning Staff concur with the request for Site Plan Approval and have incorporated a requirement in the recommendation. The applicant has demonstrated that the right of way along the mutual driveway between 460 and 464 Driscoll Terrace is formalized on title. Cash-in-lieu of parkland is recommended where 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 was issued on January 6, 2011 and Notice of Public Meeting was issued by direct mail and by newspaper advertisement (Peterborough Examiner) on March 21, 2011. The notice complies with the requirements of the Planning Act.

No written comments have been received.

Submitted by,

Ken Hetherington,
Manager, Planning Division

Prepared by,

Concurred with,

Caroline Kimble,
Land Use Planner

Malcolm Hunt, Director
Planning and Development Services

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Attachments:

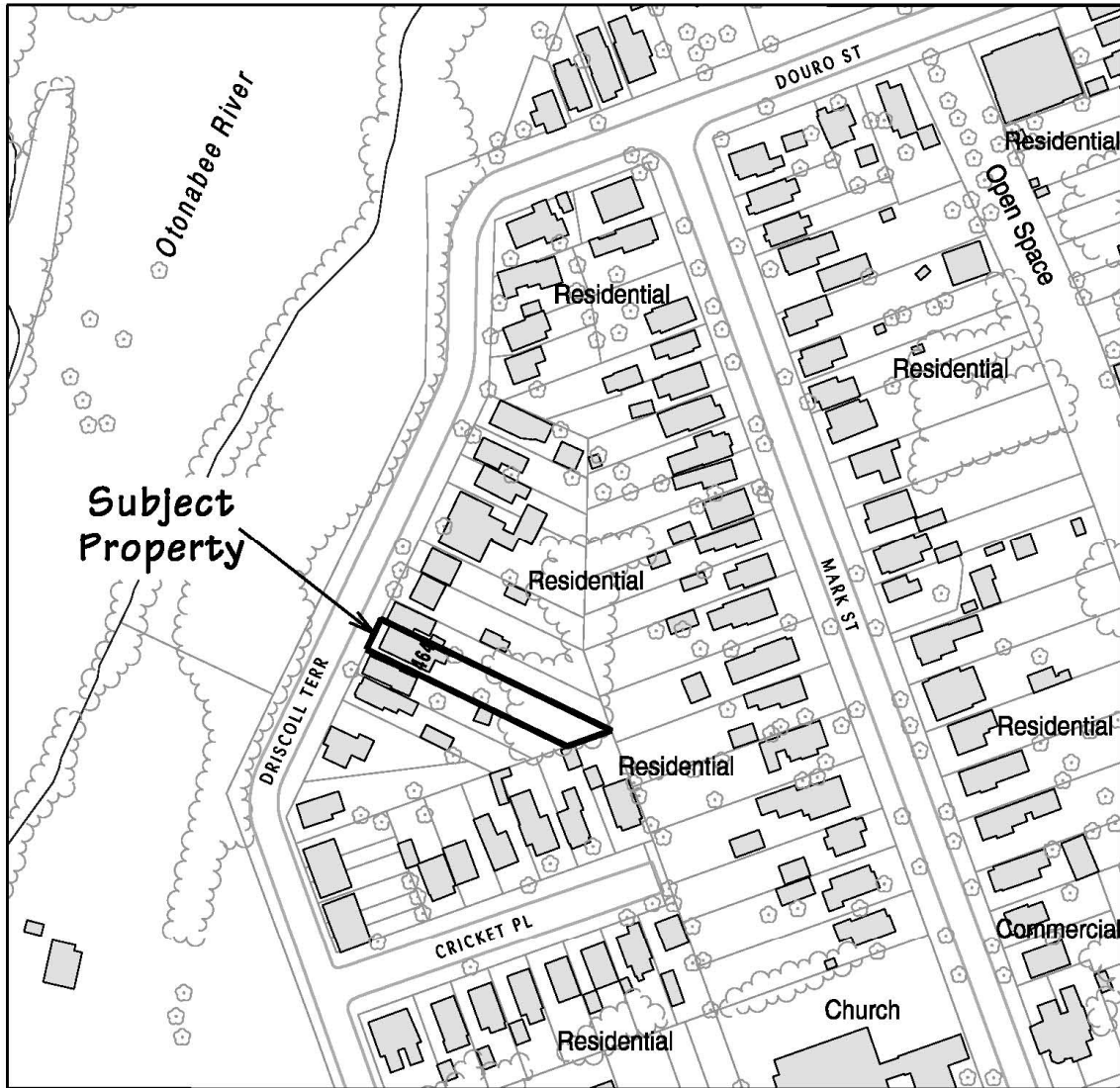
Exhibit A - Land Use Map
Exhibit B - Concept Plan
Exhibit C –Draft Zoning By-law

Land Use Map

Exhibit A
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File # z1103

Property Location: 464 Driscoll Terr



The City of Peterborough Planning Division



Date - November 2010
Dwg. by - CBerry
Scale - 1:1750

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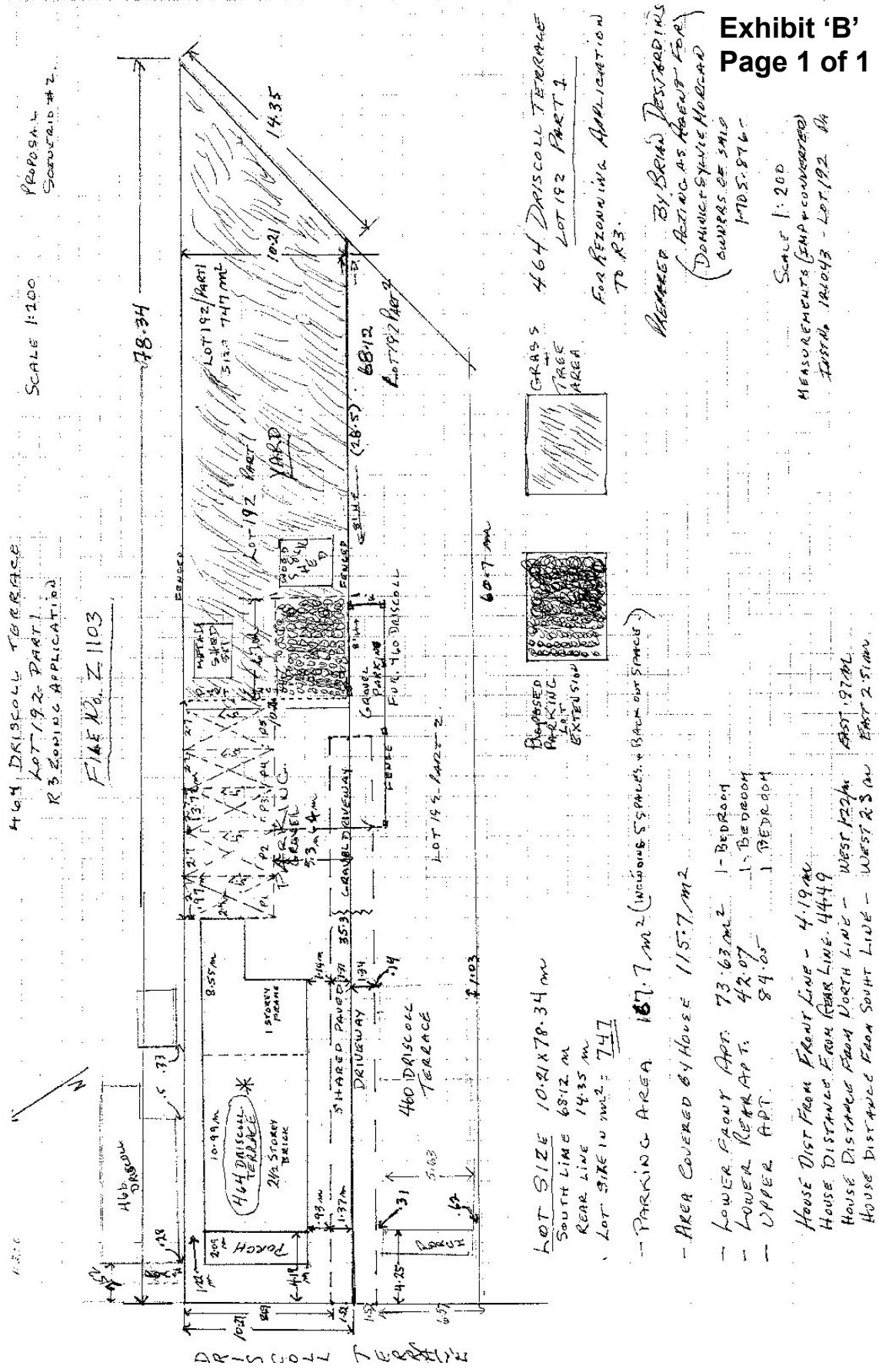


Exhibit 'B'
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THE CORPORATION OF THE CITY OF PETERBOROUGH

**Exhibit 'C'
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BY-LAW NUMBER 11- _____

**BEING A BY-LAW TO AMEND THE ZONING FOR
464 DRISCOLL TERRACE**

THE CORPORATION OF THE CITY OF PETERBOROUGH BY THE COUNCIL
THEREOF HEREBY ENACTS AS FOLLOWS:

1. Section 3.9 Exceptions of By-Law 97-123 is hereby amended by adding the following:

“.264 In addition, this land may be used for a triplex.

Notwithstanding Sections 4, 8 and 9, the following shall apply:

- a) The minimum lot width per Unit shall be 3.4m
 - b) The minimum setback for 5 parking spaces from the side lot line shall be 0.0m
 - c) A minimum of 1.5 parking spaces per unit shall be provided on site.”
2. Map 17 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 to R.2 to R.1,R.2 -264-'H'**.

By-law read a first, second and third time this _____ day of _____, 2011.

Daryl Bennett, Mayor

Nancy Wright-Laking, City Clerk

