





City of  
**Peterborough**

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**TO: Members of the Planning Committee**

**FROM: Ken Hetherington, Manager, Planning Division**

**MEETING DATE: July 16, 2012**

**SUBJECT: Report PLPD12-037  
834 Water Street**

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## **PURPOSE**

A report to evaluate the planning merits of amending the Zoning By-Law for the property known as 834 Water Street from the R.1, R.2 – Residential District to the R.3 – 272 - 'H' – Residential District to permit the use of the lands for a maximum of four dwelling units on full municipal services.

## **RECOMMENDATIONS**

That Council approve the recommendations outlined in Report PLPD12-037 dated July 16, 2012, of the Manager, Planning Division, as follows:

- a) That Section 3.9 Exception 272 be added to the City's Comprehensive Zoning By-Law #97-123, in accordance with the draft amendment, attached as Exhibit 'C' to Report PLPD12-037.
- b) That the zoning of the subject property, be amended from the R.1, R.2 – Residential District to the R.3 – 272 - 'H' – Residential District in accordance with the draft amendment attached as Exhibit 'C' to Report PLPD12-037.
- c) That the 'H' Holding Symbol be removed from the property subject to the following:
  - i. Site Plan Approval is granted;
  - ii. Cash in Lieu of Parkland is provided for the fourth unit;

- iii. Obtain a Building Permit for Residential Occupancy for Unit C as identified on the Concept Sketch prepared by Beninger Surveying Ltd., Mar. 19, 2012;
- iv. Obtain approval and final inspection from the Electrical Safety Authority for Unit C as identified on the Concept Sketch prepared by Beninger Surveying Ltd., Mar. 19, 2012; and
- v. Payment of all applicable Development Charges for the fourth unit.

## **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 additional 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. The 'Residential' policies of the Official Plan contemplate housing and other land uses that are integral to a residential environment. The proposed amendment will facilitate development that is consistent with the policies of the City's Official Plan with regard to intensification.

The subject lands are located between an existing 3 storey multi-unit (34 units) residential apartment building to the north and a single detached dwelling to the south. The introduction of a fourth unit results in a compatible density between the two adjacent land uses. The application demonstrates the ability of the site to maintain the character of the area with up to four residential dwelling units and respects the scale and physical characteristics of existing development in the surrounding neighbourhood. The units can be serviced by full municipal servicing with open space to provide buffering and amenity space for the residents. Although the applicant is proposing a total of 6 parking spaces on site, the property is large enough to support a total of 7 spaces, as required by the Zoning By-law for a property with 4 dwelling units. The property is located within an intensification corridor along Water Street, north of Parkhill Road, well serviced by public transit.

The recommendation to approve the amendment is conditional upon confirmation of compliance with the Ontario Building Code, Electrical Safety Authority and requirement to enter into a Site Plan Agreement to ensure future maintenance of the parking, driveway, landscaping and exterior lighting.

## BACKGROUND

The subject application was received on March 21, 2012, deemed to be complete as of March 28, 2012 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 July 26, 2012 if Council has not made a decision.

The subject property is approximately 0.12 ha. (0.3 ac.) in size, located on the east side of Water Street, north of Argyle Street, adjacent to City owned land and the Otonabee River.

The owner purchased the property in November, 2011. The property was being used illegally for four units at the time of purchase and the owner assumed all tenants residing at the property. The owner has submitted the subject application to legalize the fourth unit. The lands are zoned R.1, R.2 and have been recognized by the City as a legal non-conforming triplex. The use of the property changed some time since the construction of the rear building addition (garage) in 2006. The building permit issued for the rear building was for use as a garage/workshop. Consequently, the owner will have to verify the ability of the former garage/workshop space to comply with standards of the Ontario Building Code and Electrical Safety Code for habitable space as a fourth dwelling unit.

The front building closest to Water Street is a one and one half storey frame dwelling with a one storey frame addition, supporting three dwelling units with floor areas of approximately 52 m<sup>2</sup> (559 ft<sup>2</sup>); 53.5 m<sup>2</sup> (576 ft<sup>2</sup>) and 112m<sup>2</sup> (1205 ft<sup>2</sup>) each. The dwelling unit located within the rear building has a total floor area of 76.5m<sup>2</sup> (823 ft<sup>2</sup>). It is the intention of the owner that the rear shed attached to the garage/workshop building be used for storage/gardening tools. The owner will have to demonstrate the ability of the rear unit to comply with the minimum dwelling unit sizes in accordance with the Ontario Building Code and the Electrical Safety Authority.

The applicant proposes to retain the existing buildings on the property with a relocation of the existing frame shed at the southerly property line to facilitate a relocated driveway and additional parking toward the rear of the property. No additional buildings are proposed for the property.

The application is supported by a Concept Sketch, prepared by Beninger Surveying Ltd., illustrating the ability of the site to introduce additional on-site parking to provide a total of six parking spaces, together with turning facilities to ensure vehicular movement in a forward facing direction onto Water Street. Water Street is designated a "High Capacity Arterial Road" on Schedule 'B' of the City's Official Plan. The policies of the Official Plan require that new development or redevelopment that requires backing a motor vehicle onto a High or Medium Capacity Arterial road not be permitted.

## **ANALYSIS**

### **a) Official Plan**

The lands are currently designated “Residential” on Schedule ‘A’ – Land Use of the City of Peterborough Official Plan. The proposed density of the four unit residential development is equal to approximately 32 units per hectare, within the range of a medium density residential development. The application is assessed against the Infill policies of the Low Density Residential designation to determine its appropriateness for intensification.

No additional buildings are proposed for the subject site. The application seeks to legalize the existing use of the property for a total of four dwelling units. The applicant further proposes to reconfigure the existing parking and driveway areas and add further parking spaces to the site to ensure off street parking and compliance with Official Plan policies in order to facilitate forward facing vehicular movement onto Water Street and eliminate the current parking requiring backing out of 3 parking spaces onto Water Street.

The existing buildings are consistent with the character and design of many surrounding detached homes along this portion of Water Street. The significant tree cover and rear yard space provide adequate buffering and amenity space. The addition of parking and driveway space is proposed to be crushed gravel and will allow for sufficient buffering for adequate lot grading and stormwater management on site.

The area is well served by municipal servicing, parks and schools. The subject lands, located on Water Street, are situated within an intensification corridor, identified on Schedule A-1 to the City’s Official Plan. Lands within the intensification corridors are to be considered on a priority basis to satisfy the City’s growth targets. Underdeveloped lands within these corridors are to be considered for intensification and growth, given in part, their location on public transit routes.

### **b) Zoning By-law**

The subject property is currently zoned R.1, R.2 – Residential District, restricting the use of the lands for up to a maximum of two units, subject to the ability of the lot to comply with the minimum regulations. The subject lands have been identified by the City of Peterborough as a legal non-conforming triplex. The subject property can adequately support a fourth unit with on site parking spaces and buffering from the lands to the south. The request for reduction of the total number of required off-street parking spaces from 7 to 6 (1.5 parking spaces per unit) is not supported by the City’s Utility Services Department due to potential on street impacts. The site is large enough to support a 7<sup>th</sup> space and the owner has agreed to revise the plan to include an additional space. As such, Planning Staff recommend that the property comply with the parking standards.

The applicant has illustrated, on a Concept Site Plan, how parking is to be accommodated on site, in accordance with a minimum ratio of 1.5 parking spaces per unit. Provision of an additional space will ensure compliance with the minimum ratio of 1.75 parking spaces per unit. The application further requests a slightly smaller parking space dimension of a minimum of 2.7m by 5.5m (vs. 5.7m standard); and a minimum driveway width of 5.8m (vs. 6.4m standard) to facilitate the relocation of existing parking and introduction of new parking spaces and driveway to the property. The shorter parking stalls and driveway width will also facilitate lot grading, buffering and drainage along the southerly lot line. Services are adequate along Water Street to support four units. Installation and restoration costs for connection to these services will be the responsibility of the applicant/owner.

The proposed concept illustrates the ability of the site to comply with some of the R.3 – Residential District zoning requirements, save and except the following requested revisions:

- i. a Minimum Lot Width Per Unit of 5m
- ii. a Minimum Building Setback from the side lot line (north side) of 0m
- iii. a Minimum Building Setback from the rear lot line of 4.8m

The requested amendments to the R.3 Regulations reflect the existing built form on the site and would serve to legalize a fourth unit only. No further intensification would be permitted without further Planning Application. An alternative regulation is proposed to address this as part of the proposed zoning amendment as well as to facilitate the modifications to the minimum parking and driveway dimensions.

## **RESPONSE TO NOTICE**

### **a) Significant Agency Responses:**

Agency circulation was issued on April 18, 2012.

The City's Utility Services Department indicated no objection to the rezoning request subject to the provision of adequate off street parking and driveway configuration to facilitate proper turning maneuvers. A minimum of 5.5m parking stall length is recommended to be maintained on site in conformity with the Concept Sketch provided. A 'H' Holding Symbol is recommended to ensure Site Plan Agreement is entered into with the City and Cash in Lieu of Parkland is recommended. In addition, Utility Services has provided comment regarding Site Plan Approval conditions, including notice of the requirement for road widening along the Water Street frontage of (0.914m). The Concept Site Plan illustrates the future road widening dedication to the City.

The City's Building Division note that a permit was issued for the rear building in 2006 for purpose of a detached garage. As such, it was not reviewed under the Building Code for human habitation. The Building Division recommend approval of the zoning amendment be conditional upon payment of parks levy, development charges, and

subject to the owner obtaining a building permit to demonstrate compliance with the Ontario Building Code and an Electrical Safety Authority Inspection.

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 April 2, 2012 by newspaper advertisement (Peterborough Examiner) and Notice of Public Meeting was issued by direct mail on June 18, 2012 and by newspaper advertisement (Peterborough Examiner) on June 20, 2012. The notice complies with the requirements of the Planning Act.

No written comments have been received as of June 22, 2012.

Submitted by,

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Ken Hetherington,  
Manager, Planning Division

Prepared by,

Concurred with,

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Caroline Kimble,  
Land Use Planner

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Malcolm Hunt, Director  
Planning and Development Services

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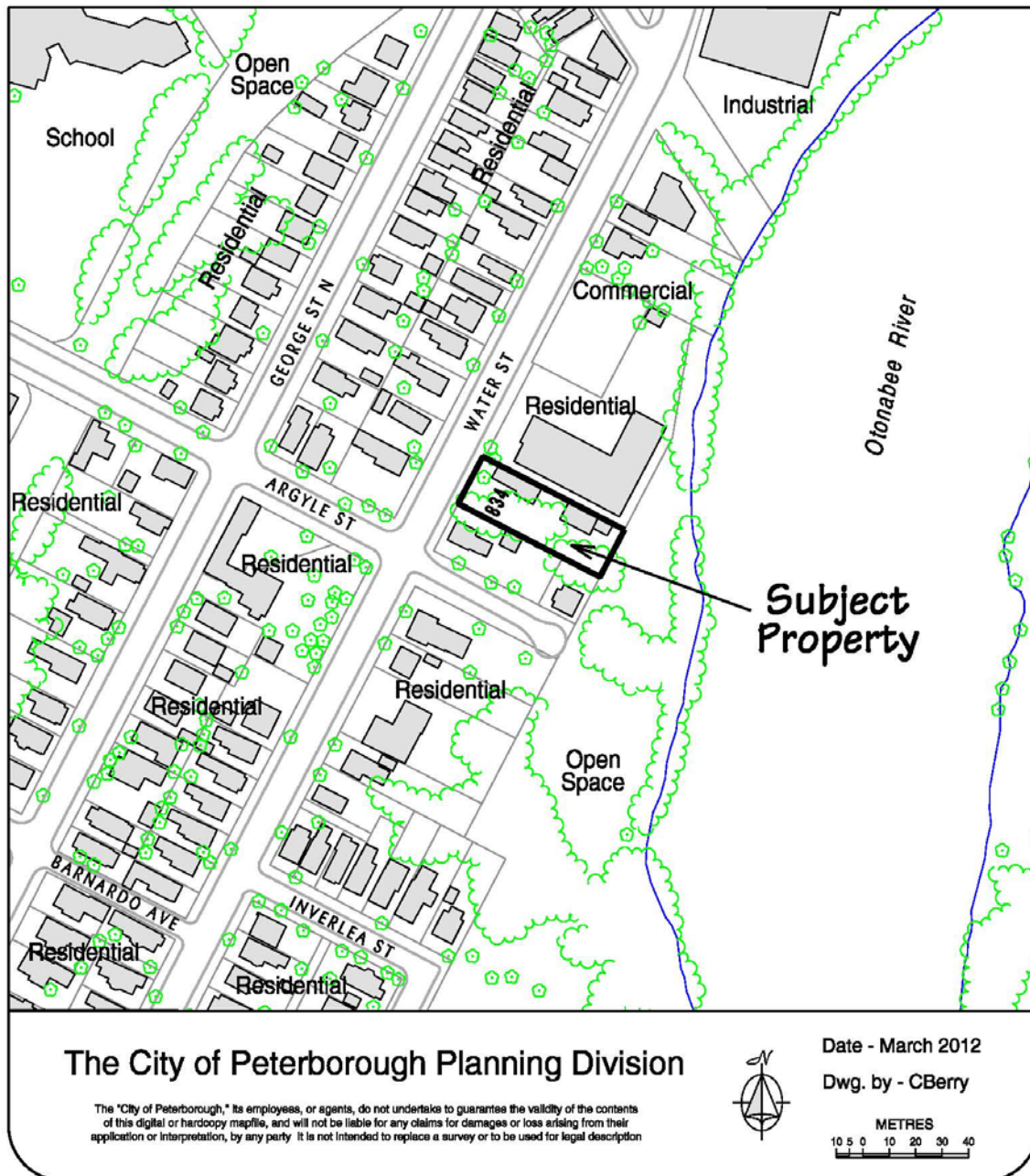
Attachments:  
Exhibit A - Land Use Map  
Exhibit B - Concept Plan  
Exhibit C –Draft Zoning By-law

# Land Use Map

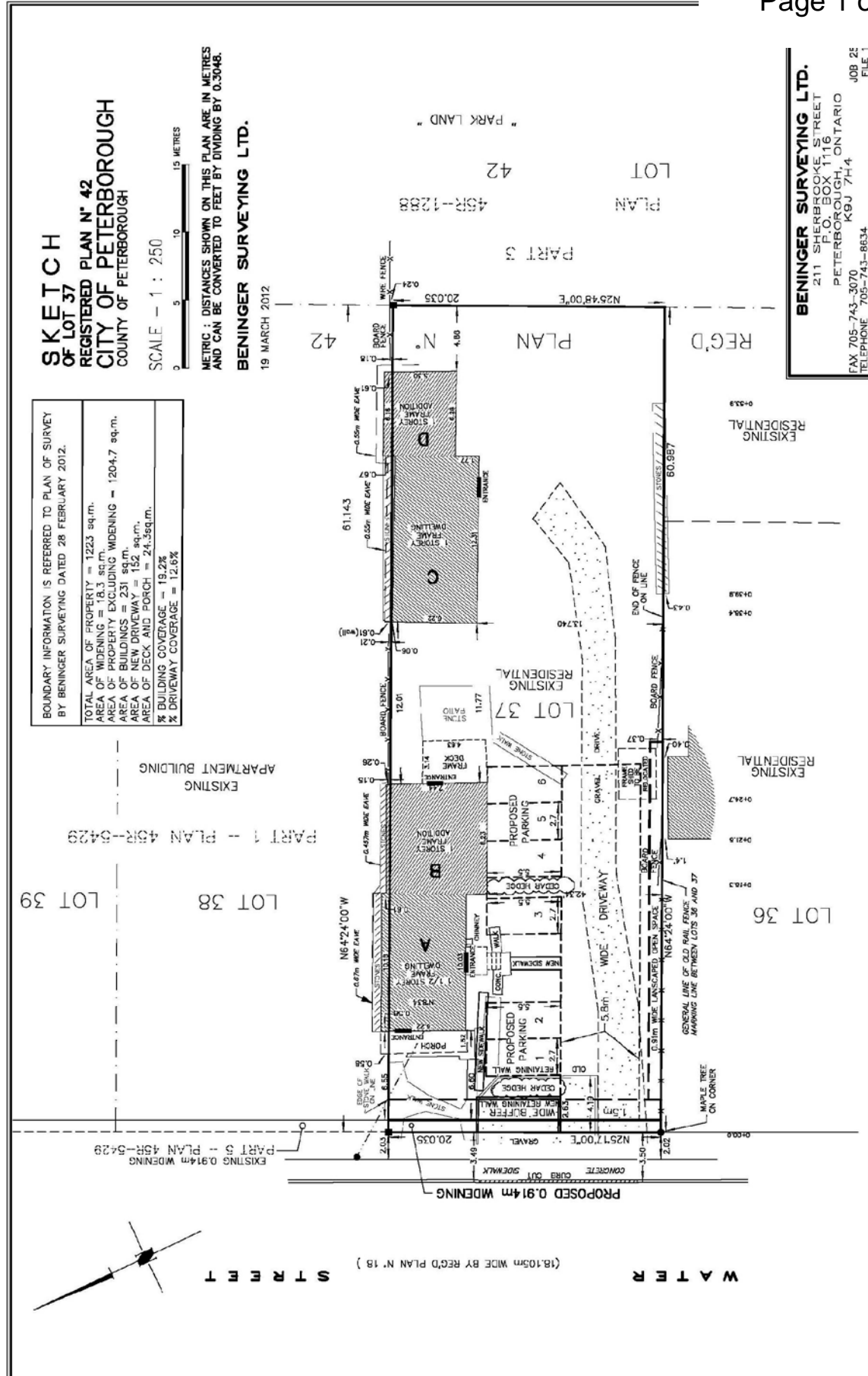
Exhibit 'A'  
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File # z1207

Property Location: 834 Water St







THE CORPORATION OF THE CITY OF PETERBOROUGH

**Exhibit 'C'**  
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**BY-LAW NUMBER 12- \_\_\_\_\_**

**BEING A BY-LAW TO AMEND THE ZONING FOR  
834 WATER STREET**

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

1. That Section 3.9 of By-Law 97-123, be amended by adding the following to Subsection 3.9 EXCEPTIONS:  
  
“272. Notwithstanding the Regulations of Section 9.2 and Section 4, the following shall apply:
  - i. a Minimum Lot Width Per Unit of 5m
  - ii. a Minimum Building Setback from the side lot line (north side) of 0m
  - iii. a Minimum Building Setback from the rear lot line of 4.8m
  - iv. a Minimum Parking Space dimension of 2.7m by 5.5m
  - v. a Minimum Driveway Width of 5.8m”
2. That Map 7 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, R.2 to R.3 – 272 – ‘H’**.
3. The ‘H’ Holding Symbol shall be removed subject to the following:
  - i. Site Plan Approval is granted, including the requirement to enter into a Site Plan Agreement with the City of Peterborough;
  - ii. Cash in Lieu of Parkland is provided for the fourth unit;
  - iii. Obtain a Building Permit for Residential Occupancy, including an Electrical Safety Authority Inspection, for Units C and D as identified on the Concept Sketch prepared by Beninger Surveying Ltd., Mar. 19, 2012.
  - iv. Payment of all applicable Development Charges for the fourth unit.

By-law read a first, second and third time this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

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Daryl Bennett, Mayor

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John Kennedy, City Clerk

Exhibit 'C'  
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