



City of
Peterborough

TO: Members of the Planning Committee

FROM: Ken Hetherington, Manager, Planning Division

MEETING DATE: October 29, 2012

SUBJECT: Report PLPD12-064
922 Western Avenue

PURPOSE

A report to evaluate the planning merits of amending the Zoning By-Law for the property known as 922 Western Avenue from the R.1 – Residential District to the R.2 – Residential District to permit the use of the lands for two dwelling units on full municipal services.

RECOMMENDATIONS

That Council approve the recommendations outlined in Report PLPD12-064 dated October 29, 2012, of the Manager, Planning Division, as follows:

- a) That Section 3.9 Exception 274 be added to the City's Comprehensive Zoning By-Law #97-123, in accordance with the draft amendment, attached as Exhibit 'C' to Report PLPD12-064.
- b) That the zoning of the subject property, be amended from the R.1 - Residential District to the R.2-274 - Residential District in accordance with the draft amendment attached as Exhibit 'C' to Report PLPD12-064.

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 proposed 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 intensification/infill policies of the City's Official Plan.

The application demonstrates the ability of the site to maintain the character of the area with up to two residential dwelling units and respects the scale and physical characteristics of existing development in the surrounding neighbourhood.

BACKGROUND

The subject application was received on June 4, 2012, deemed to be complete as of June 7, 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 October 5, 2012 if Council has not made a decision.

The subject property is approximately 0.068 ha. (0.17 ac.) in size, located on the east side of Western Avenue, between St. Mary's Street and Lansdowne Street West, with a lot width of 18.28m (60 ft.).

The current owner intends to sever the southerly portion of the lands to create a new building lot for one additional dwelling unit in accordance with the regulations of the R.2 – Residential District.

ANALYSIS

a) Official Plan

The lands are currently designated "Residential" on Schedule 'A' – Land Use of the City of Peterborough Official Plan. The proposed use of the lands for two single detached dwellings, is consistent with the intent of the Low Density Residential policies of the Official Plan.

The existing dwelling is situated on the northerly portion of the property with a non-complying setback from the northerly side lot line. The applicant proposes to sever the

lands to create a new building lot to support up to one additional dwelling unit. The existing building is consistent with the character and design of many surrounding detached homes along this portion of Western Avenue. The subject lands are large enough to support the required parking and amenity space for a second dwelling unit.

The area is well served by municipal servicing, parks and schools. Development Charges and all development and construction costs associated with providing sewer and water services for a severed property will be the responsibility of the owner. A Site and Grading Plan will be required to demonstrate that lot drainage will not adversely impact surrounding properties.

b) Zoning By-law

The subject property is currently zoned R.1 – Residential District, reflecting the use of the lands for a single unit dwelling. The subject property is a large single lot with an area of 0.068 ha. (0.17 ac.) and 18 metres (60 feet) of frontage and can adequately support a second unit with required parking and setbacks.

The R.2 zoning district will facilitate the severance of the lot to create two single detached lots, each with 9 metres (30 feet) of lot width. The proposed lots will comply with the minimum regulations of the R.2 Zoning District for a single unit on each lot with the exception of the existing sideyard setback from the northerly side lot line.

The property is located in an area well served by parks and schools. The applicant has illustrated, on a Concept Site Plan, how parking is to be accommodated on site, in accordance with the requirements of the City's Zoning By-Law, which requires two spaces per unit. Services are adequate along Western Avenue to support two 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 all R.2 – Residential zoning requirements, save and except the existing deficient setback from the northerly side lot line. No further special regulations are required.

RESPONSE TO NOTICE

a) Significant Agency Responses:

Agency circulation was issued on July 6, 2012.

The City's Utility Services Department indicated no objection to the rezoning request subject to payment of cash in lieu of parkland where required; connection to full municipal services along Western Avenue at the expense of the owner/applicant;

provision of a lot grading plan at time of building permit, demonstrating no adverse impacts on adjoining properties; and cash in lieu of parkland where required.

Peterborough Utilities note that Development Charges are applicable and that a new water service is required for the second building at the developer's cost. Peterborough Utilities also comments that the severed portion is subject to development charges, and new services at the owners cost.

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 June 20, 2012 by newspaper advertisement (Peterborough Examiner) and Notice of Public Meeting was issued by direct mail on September 11, 2012 and by newspaper advertisement (Peterborough Examiner) on September 14, 2012. The notice complies with the requirements of the Planning Act.

Comments have been received from Fernand and Pamela Samson of 916 Western Avenue objecting to the proposed amendment. The Samsons express concern with any precedent this approval may set for approval of smaller lots, changing the character and flavour of the neighbourhood. The Samsons have requested that if approved, the trees along the property line be preserved and that privacy fencing be erected to protect the trees.

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 – 742-7777 Ext. 1735

Fax – 742-5218

E-Mail – ckimble@peterborough.ca

Attachments:

Exhibit A - Land Use Map

Exhibit B - Concept Plan

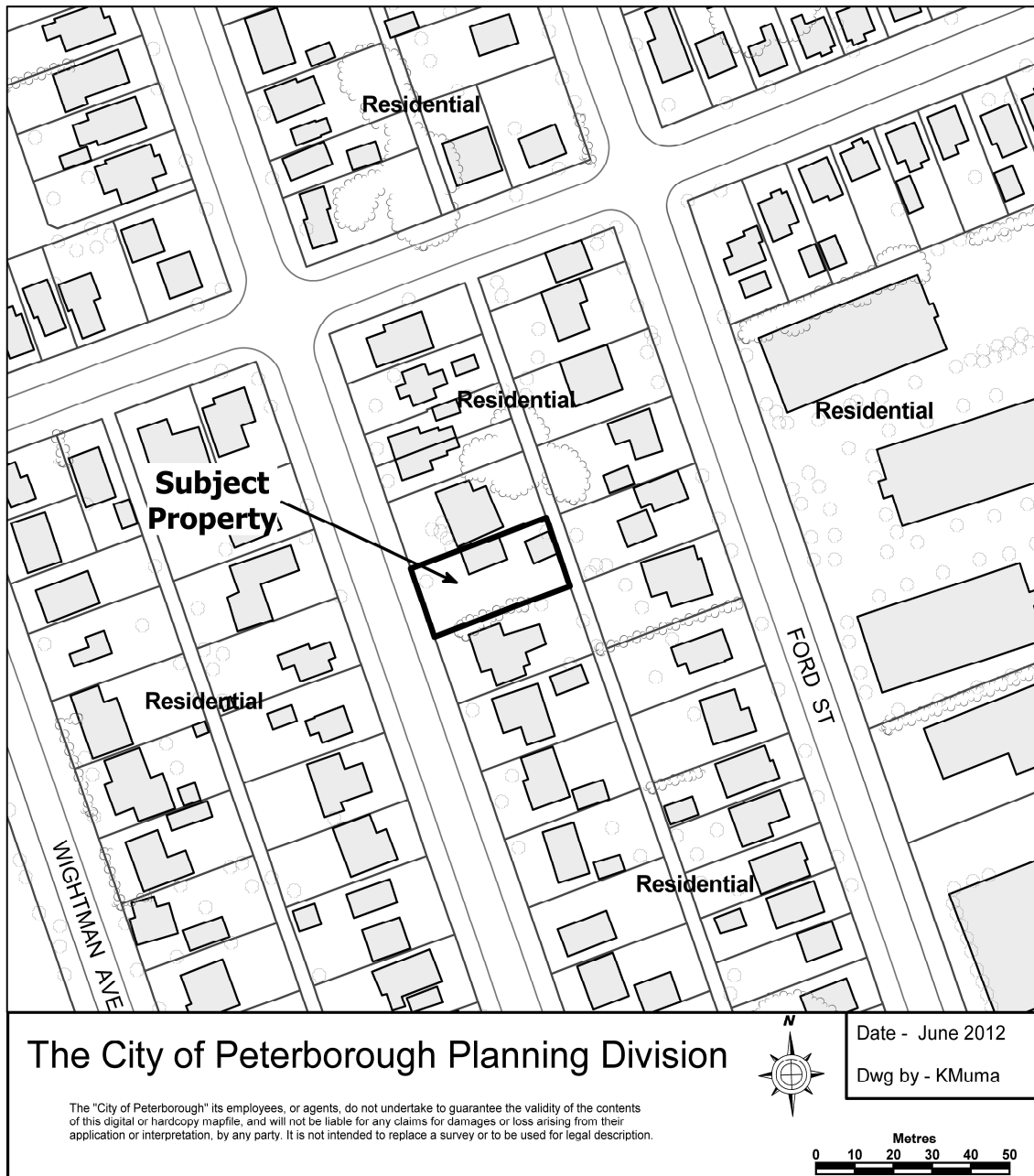
Exhibit C –Draft Zoning By-law

Exhibit 'A'
Page 1 of 1

Land Use Map

File # Z1216

Property Location: 922 Western Ave



[illegible]

THE CORPORATION OF THE CITY OF PETERBOROUGH

Exhibit 'C'
Page 1 of 2

BY-LAW NUMBER 12- ____

**BEING A BY-LAW TO AMEND THE ZONING FOR
922 WESTERN AVENUE**

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:

“274. Notwithstanding the Regulations of Section 8.2, the following shall apply on lands known as 922 Western Avenue:
 - i. a Minimum Building Setback from the side lot line (north side) of 0.4m”
1. Map 16 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 - 274.**

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

Daryl Bennett, Mayor

John Kennedy, City Clerk

Exhibit 'C'
Page 2 of 2

