



City of
Peterborough

To: **Members of the General Committee**

From: **Cynthia Fletcher**
Commissioner of Infrastructure and Planning Services

Meeting Date: **April 1, 2019**

Subject: **Report IPSPL19-016**
Zoning By-law Amendment – 730 Orpington Road

Purpose

A report to evaluate the planning merits of amending the zoning of the lands known as 730 Orpington Road from the R.1 – Residential District to the R.2 – Residential District to recognize the existing legal non-conforming use of the property for two dwelling units and to facilitate the future severance of the dwelling along the common party wall.

Recommendation

That Council approve the recommendation outlined in Report IPSPL19-016 dated April 1, 2019, of the Commissioner of Infrastructure and Planning Services, as follows:

That the zoning of the lands known as 730 Orpington Road be amended from the R.1 – Residential District to the R.2- Residential District in accordance with Exhibit 'C' attached to Report IPSPL19-016

Budget and Financial Implications

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

Background

The property is located on the north side of Orpington Road, between Erskine and Monaghan Road in the City's South End. The property backs onto the Kenner Collegiate land. The City recognizes the use of the property for a legal non-conforming two unit dwelling within the R.1 – Residential District.

The current owner recently purchased the property and received permission from the Committee of Adjustment to expand the legal non-conforming use of the property for a larger footprint in 2018 (File A05/18). Subsequent to the Decision of the Committee of Adjustment, a building permit was issued for the demolition of the former dwelling and a further permit issued for construction of a new dwelling in accordance with the regulations of the R.1 – Residential District, also recognized as a legal non-conforming use (expanded via the Permission granted in 2018).

The new dwelling construction is underway and the owner wishes to proceed to sever the property, allowing the transfer of ownership for each half.

The area is characterized as predominantly residential with public service and limited commercial uses along Monaghan Road.

The application was accompanied by a Survey of the concrete foundation under construction, prepared by Elliott and Parr, dated September 13, 2018 and a Site Plan prepared by Cleary Homes, dated November 4, 2018.

The application seeks to recognize the use of the land for a semi-detached dwelling and to facilitate the future severance of the parcel along the common party wall, conforming with the regulations of the proposed R.2 – Residential Zoning District.

Analysis

a) Official Plan

The lands are designated 'Residential' on Schedule 'A' –Land Use. The Low Density Residential policies apply to the subject lands and contemplate residential dwelling units consisting primarily of single detached, semi-detached and duplex dwellings. Multiple

unit buildings are also contemplated with similar height and provided the maximum density is less than 25 units per hectare.

A Zoning Amendment that has the effect of recognizing the existing semi-detached dwelling that is serviced by municipal servicing, in close proximity to schools, trails and public transit, conforms to the Residential policies of the Official Plan and is compatible with the neighbouring uses.

b) Zoning By-law

The current R.1– Residential Zoning District restricts the use of the land to a single unit dwelling, subject to specific regulations requiring minimum lot width and minimum setback from a dwelling unit to a side lot line. The existing semi-detached dwelling was recognized by the City as an expanded Legal Non-conforming use with a building form consistent with a semi-detached dwelling.

The owner proposes to provide a driveway for each unit, to support 2 parking spaces per unit. The owner intends to apply to sever the lands along the common party wall, allowing a 0m setback for driveway, garage and living space, consistent with the proposed R.2 – Residential Zoning District regulations.

It is recommended that the Zoning be amended to allow the owners to seek Consent for a Severance, conditional upon the payment of parks levy and tree levy for the newly created residential lot.

Response to Notice

a) Significant Agency Responses:

Agency circulation was issued on December 19, 2018.

Peterborough Utilities notes that water and electrical services must be metered separately to facilitate the subdivision of the lot, with a second water service required so that each property has dedicated water service. The owner has confirmed that a separate water service has been installed on the westerly unit and the original water service is located on the easterly unit. PUC will require confirmation at the time of severance.

b) Summary of Public Responses:

No written comments have been received as of March 4, 2019.

Submitted by,

Cynthia Fletcher
Commissioner of Infrastructure and Planning Services

Contact Names:

Ken Hetherington
Manager, Planning Division
Phone: 705-742-7777, Ext. 1781
Toll Free: 1-855-738-3755
Fax: 705-742-5218
E-mail: khetherington@peterborough.ca

Caroline Kimble
Land Use Planner
Phone: 705-742-7777, Extension 1735
Toll Free: 1-855-738-3755
Fax: 705-742-5218
E-mail: ckimble@peterborough.ca

Attachments:

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

Exhibit A – Land Use Map – Page 1 of 1

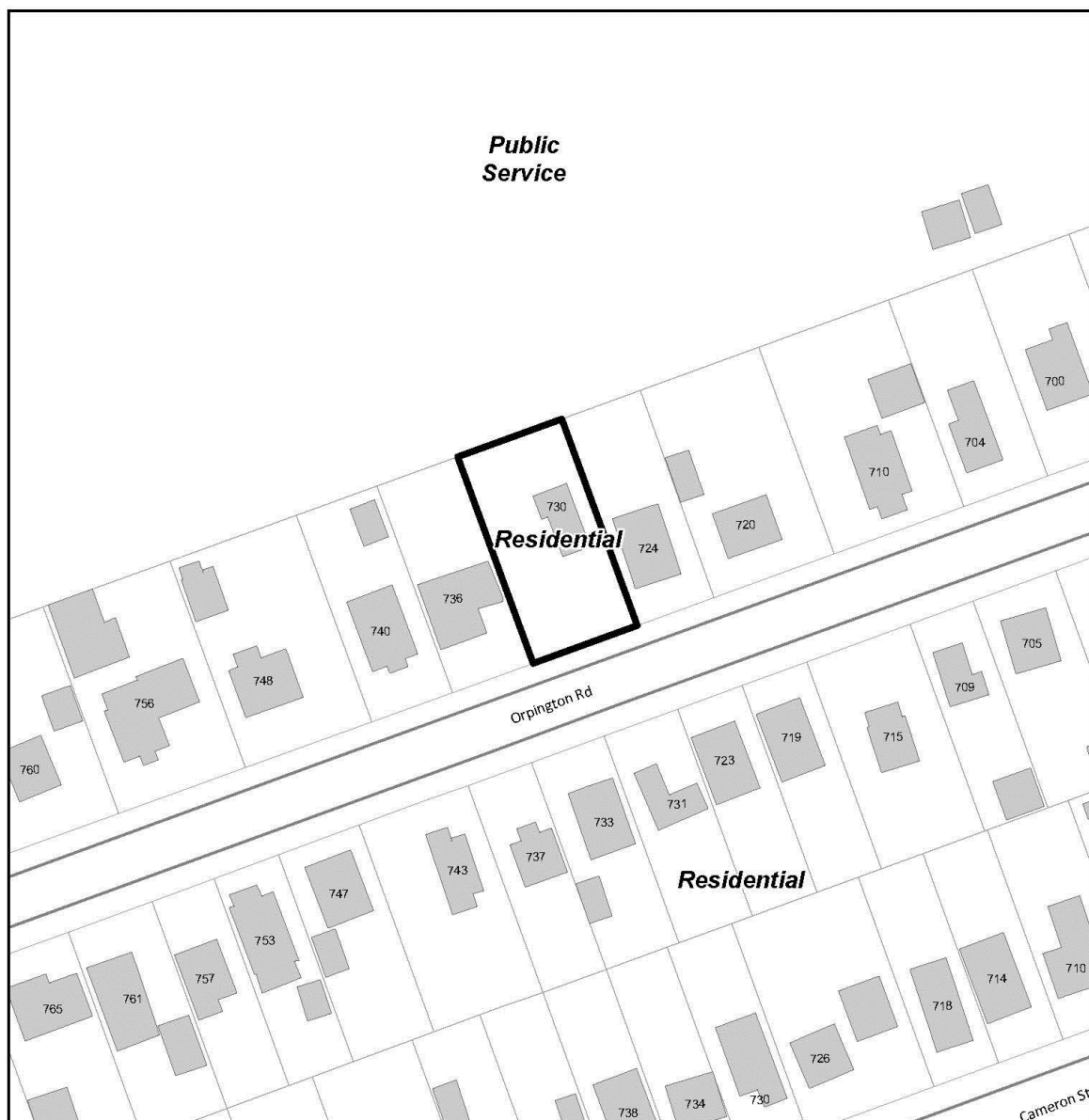
Land Use Map

File: Z1902

Property Location: 730 Orpington 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: December 19, 2018

Map by: JEllis

0 5 10 20 30 Metres

Appendix B – Site Plan – Page 1 of 1

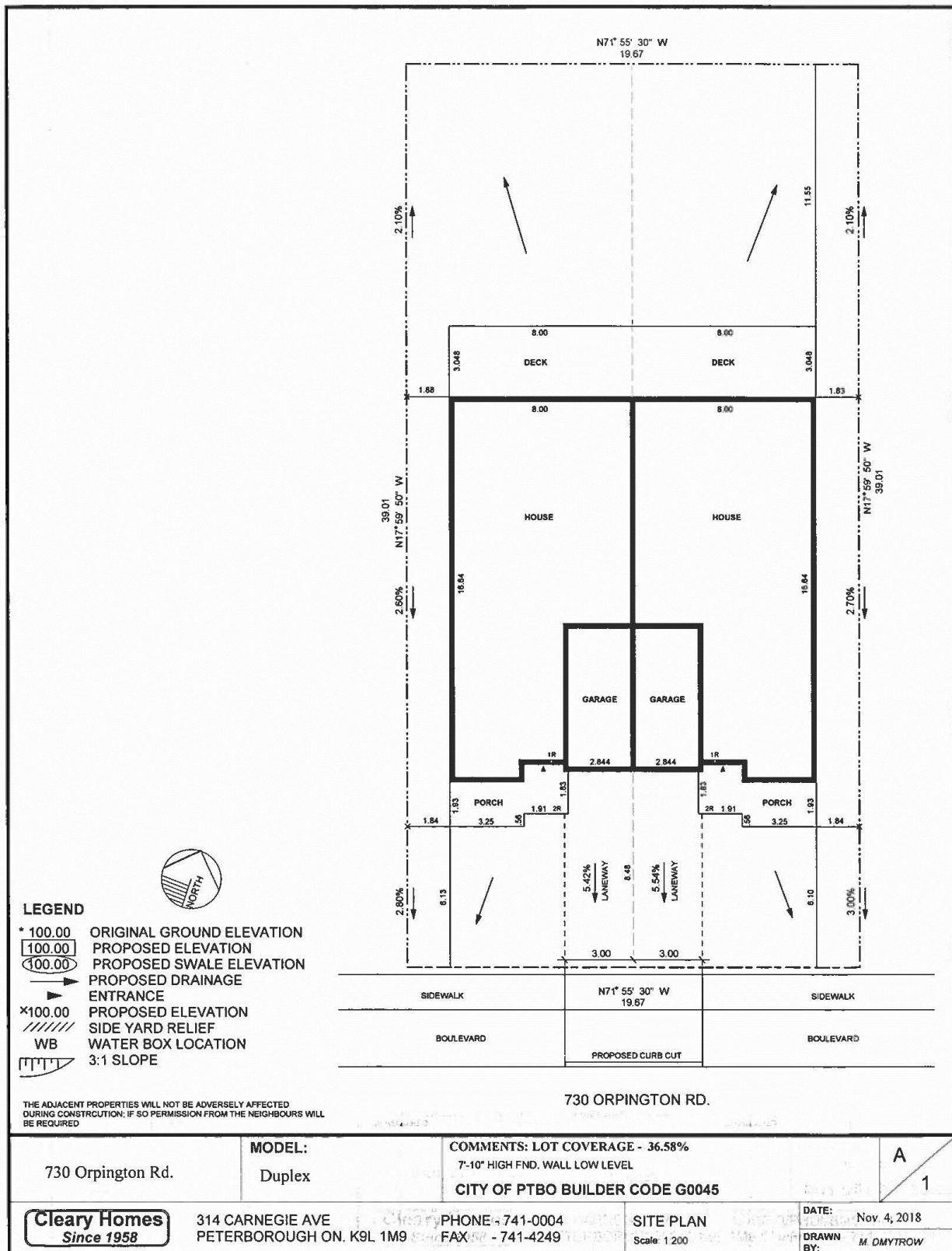


Exhibit C – Zoning By-law - Page 1 of 2



The Corporation of the City of Peterborough

By-Law Number 19-

Being a By-law to amend the Zoning By-law for the lands known as 730 Orpington Road

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

That Map XX 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.

By-law read a first, second and third time this day of , 2019.

Diane Therrien, Mayor

John Kennedy, City Clerk

Exhibit C – Zoning By-law - Page 2 of 2

