

Recommendation:

That Report Planning-2024-09, dated April 2, 2024, regarding Zoning By-law Amendment – File R-06-24 be received; and

That Council receive all comments related to Zoning By-law Amendment File R-06-24; and

That the By-law to enact the amendment be passed at the appropriate time in the meeting.

Overview:

Owners, Michel and Megan Girard have applied to amend the existing zoning on their property known municipally as 782 Canal Road, being Roll No. 1522-010-005-24000. The subject property is currently zoned the Residential Zone (R) and the Special District 95 Zone (S.D. 95) as shown on Schedule B1 to By-law No. 10-1996, as amended.

The subject property was previously two separate properties. The southern parcel was known municipally as 782 Canal Road, Roll No. 1522-010-005-24000 and zoned Residential (R). The northern parcel was known municipally as 796 Canal Road, Roll No. 1522-010-005-24100 and zoned Special District 95 (S.D. 95). The Special District zoning was approved by the Township of Douro through By-law No. 1992-72 and the effect of the By-law was to permit an existing home on the subject lands for the purposes of a single-family residential dwelling and to allow the use on the property with a deficient lot frontage and lot area. A copy of By-law No. 1992-72 is attached to this Report.

With the consolidation of the two parcels into Roll No. 1522-010-005-24000, the property, as it exists today, contains two single detached dwellings and a shed. The larger of the two dwellings is considered the primary dwelling unit while the smaller of the two dwellings is considered a second dwelling unit. Both are permitted uses in the Zoning By-law (Ss. 21.95.1.1, 4.1.1 and 4.1.3).

The owners wish to construct a 128 m² addition with combined 39 m² front and rear decks on the existing single detached dwelling (primary dwelling). An existing rear deck is proposed to be removed in order to accommodate the new addition. At the closest point, the proposed front deck addition will be 9.27 metres from the front lot line. The owner is seeking relief to reduce the front yard setback from 9.4 metres to 9.2 metres.

The existing structures, proposed additions and structures to be removed are illustrated on the site plan prepared by Elliott and Parr, dated 03-01-2024, and attached to this Report. The proposed addition elevations prepared by Molly Conlin Design and Drafting, dated October 2023 are also attached to this Report.

The need for planning relief was identified through review of Permit Number DD-2023-1100. A pre-consultation was held on November 23, 2023 and Township Staff recommended that the entire property be rezoned to the Special District 95 Zone (S.D. 95) and that Section 21.95.2 of the (S.D. 95) Zone be amended to reflect all existing deficiencies and the requested reduced front yard setback.

As proposed, the effect of the Amendment is to rezone the southern portion of the subject property from the Residential Zone (R) to the Special District 95 Zone (S.D. 95). The By-law proposes to replace the existing text for the (S.D. 95) Zone to recognize the deficient lot area and deficient lot frontage as well as the existing deficient interior side yard and deficient rear yard for the second dwelling unit. The rezoning will also reduce the front yard setback of the (S.D. 95) Zone from 9.4 metres to 9.2 metres in order to accommodate an addition to the existing primary dwelling.

A copy of the draft By-law is attached to this Report.

Notice of the public meeting was given on March 12, 2024 by ordinary mail and/or e-mail to all prescribed public bodies and to every person and public body that has provided a written request for Notice.

Notice of the public meeting was posted on the subject property and on the Township Website.

A copy of the Notice is attached to this Report. The giving of Notice complies with the applicable Regulation of the Planning Act.

Conformity to Provincial Policy Statement (PPS) and A Place to Grow, Growth Plan for the Greater Golden Horseshoe (Growth Plan):

The subject property is within a settlement area for the purposes of the PPS and Growth Plan. Settlement areas are the focus of growth and development (PPS Policy 1.1.3.1).

While a key hydrologic feature (Otonabee River/Trent Canal) is within 120 m, the subject lands are within a settlement area and therefore Sections 4.2.3 and 4.2.4 of the Growth Plan are not applicable.

The property is flagged for species at risk (PPS Policy 2.1.7). The landowner/applicant, not the planning authority, is responsible to demonstrate compliance with the Endangered Species Act prior to any on-site development (clearing, grading, roads, infrastructure, buildings) regardless of planning approvals or EIS/survey efforts/data in accordance with MECP comments/guidance.

In correspondence dated March 21, 2024, the Otonabee Region Conservation Authority indicated that the proposed development on the lands is not located within a known

hazard. Therefore, it is the opinion of Otonabee Conservation staff that the application remains consistent with Section 3.1 of the PPS.

A copy of the ORCA comments are attached to this Report and further comments are outlined below.

The rezoning application has demonstrated consistency and conformity with the applicable provisions of the PPS and Growth Plan.

Conformity to Official Plan:

The subject property is within the Donwood settlement area and is designated Hamlet as illustrated on Schedule A4-4 to the Official Plan.

The Hamlet designation refers to existing settlement areas which function as residential and commercial service nodes. They may contain a mix of residential, commercial, small scale industrial, public and institutional facilities (S. 6.2.3.1).

In the Township of Douro-Dummer, the settlement areas of Donwood, Douro and Warsaw function as the primary growth and service centres for the Township. It is intended that residential growth opportunities in Douro-Dummer be directed to these communities (S. 6.2.3.1).

A single detached residential dwelling and one second dwelling unit in an accessory structure are permitted within the Hamlet designation (S. 6.2.3.2 & 7.34). The Official Plan prohibits a second dwelling unit in an accessory building that is located within 30 metres of the high water mark (S. 7.34 (f)). While the existing second dwelling unit is located within 30 metres of the highwater mark of the Canal, the dwelling is an existing non-conforming use and is not proposed to be extended or enlarged as a result of this application. Therefore, the Application appears to meet the intent of 7.11.2 – Existing Non-Conforming Uses.

The Hamlet policies require provisions be made for, among other matters, adequate setbacks from property lines and off-street parking facilities (S. 6.2.3.3 (a)). The site plan attached to this Report demonstrates there will be sufficient parking spaces to accommodate the existing primary and second dwelling units. The proposed 9.27 m front yard setback to the deck and 12.90 m setback to the dwelling addition is within the acceptable setback distance from Canal Road as provided by the Manager of Public Works through the pre-consultation process.

The application appears to comply with the Official Plan.

Comments:

As of the writing of this Report, no comments have been received from members of the public.

Comments were received from the following agencies:

- Enbridge Gas Inc.: No objections to the application.
- City of Peterborough: No comments or concerns in relation to the proposed rezoning application.
- Otonabee Region Conservation Authority:

Otonabee Conservation staff review indicates that the proposed development on the lands is not located within a known hazard. Therefore, it is the opinion of Otonabee Conservation staff that the application remains consistent with Section 3.1 of the PPS.

Otonabee Conservation staff review indicates that the lands are not subject to Ontario Regulation 167/06 Otonabee Conservation's "development, interference with wetlands and alterations to shorelines and watercourses" regulation. Permits from Otonabee Region Conservation Authority are not required.

It was determined that the subject property is not located within a vulnerable area that is subject to SPP policies. Significant drinking water threats are not possible and a Restricted Land Use Notice is not required.

Copies of these agency comments are attached to this Report.

The application was circulated to Senior Staff on March 12, 2024. As of the writing of this Report, there were no concerns identified by Senior Staff.

Conclusion:

The requested zoning by-law amendment is required in order to permit the construction of an addition including front and rear decks. The rezoning will apply the Special District 95 (S.D. 95) Zone to the entire subject parcel and will recognize all existing deficiencies and the requested reduced front yard setback.

As applied for, the proposed rezoning meets the intent of municipal and provincial policies.

Financial Impact:

All costs related to the application for a Zoning By-law Amendment are the responsibility of the Owner/Applicant.

Strategic Plan Applicability: N/A

Sustainability Plan Applicability: N/A

Report Approval Details

Document Title:	R-06-24 (Girard) Public Meeting Report.docx
Attachments:	<ul style="list-style-type: none"> - R-06-24 Application_Redacted.pdf - R-06-24 - ZBA Notice.pdf - R-06-24 PROPOSED SITEPLAN-03-01-2024.pdf - R-06-24 Elevations (NOVEMBER 13th 2023).pdf - R-06-24 - Draft By-law.pdf - By-law No. 1992-72.pdf - R-06-24 - Enbridge Comments (March 13, 2024).pdf - R-06-24 - City of Peterborough Comments (March 12, 2024).pdf - R-06-24 - ORCA File No PPLD-2303 (March 21, 2024).pdf
Final Approval Date:	Mar 21, 2024

This report and all of its attachments were approved and signed as outlined below:

Martina Chait-Hartwig

Elana Arthurs