



City of
Peterborough

TO: Members Planning Committee

FROM: Malcolm Hunt, Director of Planning and Development Services

MEETING DATE: October 13, 2009

SUBJECT: Report PLPD09-055A
Final Approval of Plan of Subdivision 15T-02502 (Stage 2)
Activa Holdings Inc.

PURPOSE

A report to provide additional information regarding a minor variance application to reduce the sideyard setbacks for 12 lots within the Activa Holdings Inc. Subdivision (Stage 2).

RECOMMENDATION

That Council approve the recommendation outlined in Report PLPD09-055A dated October 13, 2009, of the Director of Planning & Development Services, as follows:

That Council provide direction on the application currently before the Committee of Adjustment with respect to the sideyard setback variance for 12 lots in the Activa Holdings Inc. Subdivision (Stage 2).

BUDGET AND FINANCIAL IMPLICATIONS

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

BACKGROUND

At the September 28, 2009 Special Planning Committee meeting, the Committee approved the application for Final Approval of the next stage of subdivision development in the Heritage Park Subdivision. During the discussion of the recommendation, staff were asked if there was an active application to reduce the side yard setback for lots in the new subdivision. Staff advised that there was an application going forward to the Committee of Adjustment requesting a reduction in the side yard setback for an attached garage for 12 of the 58 lots in the subdivision. However, Staff were not able to provide details of the application at the Planning Committee meeting.

A similar amendment was approved by Planning Committee for 51 lots owned by Lancaster Homes in the first stage of this Heritage Park Subdivision in May 2007. As part of reporting on this 2007 application, staff advised that due to the number of lots covered by the application, it was staff's opinion that a rezoning was more appropriate than proceeding by way of a minor variance.

At the September 28, 2009 Planning Committee meeting, staff were directed to report to Council as to why this second application for a reduction in the side yard setback was being considered as a minor variance when the Lancaster Homes application in 2007 was processed as a zoning by-law amendment. As a result of the information requested by Planning Committee, the application to the Committee of Adjustment to reduce the side yard setback for a garage from 1.2 metres to 0.6 metres for 12 lots was deferred by the Committee on September 29, 2009 until the meeting to be held on October 20, 2009. The deferral will allow staff the opportunity to report to Planning Committee.

The primary reason that the current application for a reduction in the side yard setback was being considered by way of a minor variance rather than a zoning bylaw amendment was due to the number lots affected. The Lancaster Homes application approved in 2007 affected 51 lots, all adjacent to each other. This constituted almost all of the lots on Farrier Crescent. The application also tested the acceptance of City Council for flexibility in the setbacks to address some improvements to building facades and the streetscape. The current application before the Committee of Adjustment pertains to 12 lots with frontage on Blacksmith Way.

The staff decision to proceed with a minor variance application for the Blacksmith Way lots was because of the number of lots affected, not because any precedent was set with the approval of the Lancaster Homes application. If the application was proposing a reduction in the side yard setback for an attached garage for most of the lots on Blacksmith Way, an application for zoning by-law amendment would have been processed.

The applicant is prepared to withdraw the application for minor variance on the 12 lots and to apply for a rezoning to be considered by Planning Committee. The applicant has advised that an application for rezoning would likely cover all 58 lots in this phase of the subdivision.

There are two (2) options available:

1. Agree that the Committee of Adjustment process for 12 of the 58 lots is appropriate and the application will be considered by the Committee of Adjustment on October 20, 2009. This is the staff recommendation.
2. Request staff to advise the Committee of Adjustment that the application be denied so that relief can be secured through an amendment to the Zoning By-law

The direction of Planning Committee is required.

Submitted by,

Prepared by,

Malcolm Hunt, Director,
Planning & Development Services
Department

Ken Hetherington
Manager of Planning

Attachments:

Exhibit A - Lancaster Homes Lots
Exhibit B - Current Committee of Adjustment Lots

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Attachments:

Appendix A Lancaster Homes Lots
Appendix B Current Committee of Adjustment Lots