



City of
Peterborough

To: **Members of the General Committee**

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

Meeting Date: **September 3, 2019**

Subject: **Report IPSPL19-027**
Request for Minor Variance Consideration within 2 years of
Zoning Amendment for 1341 Water Street

Purpose

A report to evaluate the planning merits of proceeding with a Minor Variance Application to address five variance requests for the redevelopment of lands with the City's Committee of Adjustment, within two years of the passing of a Zoning Amendment for the property at 1341 Water Street.

Recommendation

That Council approve the recommendation outlined in Report IPSPL19-027 dated September 3, 2019, of the Commissioner of Infrastructure and Planning Services, as follows:

That a Minor Variance Application to address a variance request as described in Report IPSPL19-027, proceed to the City of Peterborough Committee of Adjustment for the property known as 1341 Water Street, being within two years of the passing of Zoning By-law Amendment #18-025.

Budget and Financial Implications

There are no direct budget or financial implications arising from this recommendation. The applicant will be required to pay the requisite fees to the City and ORCA for consideration of a Minor Variance request.

Background

The property was the subject of a Zoning By-law Amendment (By-law #18-025) approved by Council on April 9th, 2018 to permit a residential development, comprised of a maximum of 96 dwelling units and associated landscaping and parking. The zoning of the property was changed from the A1(SM) – Rural District in the Township of Smith Zoning By-law 1971-17, to the R.5-324'F' – Residential District in the City of Peterborough Zoning By-law to facilitate the change in land use. Exception 324 was introduced to the Zoning By-law to allow for site specific regulations related to minimum lot width, minimum setbacks from the south side lot line and minimum motor vehicle parking provisions. As part of the ongoing Site Plan Approval process the applicants have submitted a refined development plan. Through the process of securing Site Plan Approval, the applicants have identified the need for relief from the minimum distance requirement between vehicular areas and windows to habitable rooms in an apartment dwelling. Despite reconfiguring the site plan and working with Planning Staff, the applicant is not able to comply with the minimum 6.0m and is seeking a reduction to a minimum of 1.5m between vehicular areas and windows to habitable rooms.

Recent changes to the **Ontario Planning Act**, R.S.O, c.P.13 (Bill 73, 2015) now prohibit applicants from applying for a Minor Variance within two years from the adoption of a Zoning Amendment that was privately initiated on the same property, unless the Council of the municipality passes a resolution to allow it to be considered. The intent of this change to the **Planning Act** is to give greater control to municipalities and provides stability by preventing zoning provisions that Council deems to be appropriate from being reversed within 2 years.

The subject lands are located on the west side of Water Street in the north end of the City, opposite Riverview Park. The lands have historically been used as a gravel pit and are intended to be developed by Triple T Holdings Limited to support three 5 storey buildings with a combination of underground and surface parking.

Site Plan Application

An application for Site Plan Approval for the development was originally submitted to the City on November 16, 2017 and refined subsequent to the rezoning approval in 2018. Comments related to the revised site plan submission application were provided to the applicant on July 3, 2019, indicating the requirement for a Minor Variance to address the proposed reduction in the minimum distance between vehicular areas and windows to habitable rooms.

The applicant has confirmed that the lower level and surface parking is proposed to be located within 1.5m of the wall and balconies, measured on a horizontal plane. The residential units are to be located on a higher storey and separated vertically from the driveway/parking areas. In addition, the applicant has indicated that the units are intended to be air conditioned. The corner units are most impacted by this reduction, however, provide alternative window openings on the other wall.

The subject variance request from the applicant indicates that the proposed changes to the concept site plan provided at the rezoning stage are in response to engineering, site servicing, low-impact development, construction and architectural design considerations. The overall number of units and site parking remains as originally anticipated.

Minor Variance Request

The Applicant is seeking a Council Resolution to proceed with an application for Minor Variance to address an item identified at the Site Plan Approval stage of the development. Given that the property was subject to a privately initiated Zoning Amendment application within the two year window as set out in the **Planning Act**, Council must pass a resolution if Council agrees that it is appropriate to allow the Committee of Adjustment to consider the matter.

The concept site plan is in general conformity with the concept for development as envisioned through the rezoning process. Additional details have now been considered with regard to parking layout and delineation of buffers, building footprint, etc, resulting in revisions/refinement of the plan since the rezoning phase of the development. As such, Planning Staff are of the opinion that it is appropriate to allow the applicant to proceed to the Committee of Adjustment with a Variance Application to address the reduction of the minimum distance of driveway/parking spaces to windows of habitable rooms of dwelling units from 6 metres to 1.5 metres.

Subject to a Council Resolution, the Committee of Adjustment is able to proceed with a minor variance. Based on a recommendation from General Committee on September 3, 2019 and a Council Resolution dated September 23, 2019, the application for Minor Variance could be considered by Committee of Adjustment on October 11, 2019.

Summary

The proposed variance request is in keeping with the general intent and purpose of the zoning of the subject lands, approved by Council in April, 2018. Deviations from the recently approved zoning require a Council Resolution in order to be considered via the minor variance approval process through the City's Committee of Adjustment. The applicant is requesting Council consideration for such a resolution.

Submitted by,

Cynthia Fletcher
Commissioner of Infrastructure and Planning Services

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Attachments:

Exhibit A – Land Use Map
Exhibit B – Site Plan

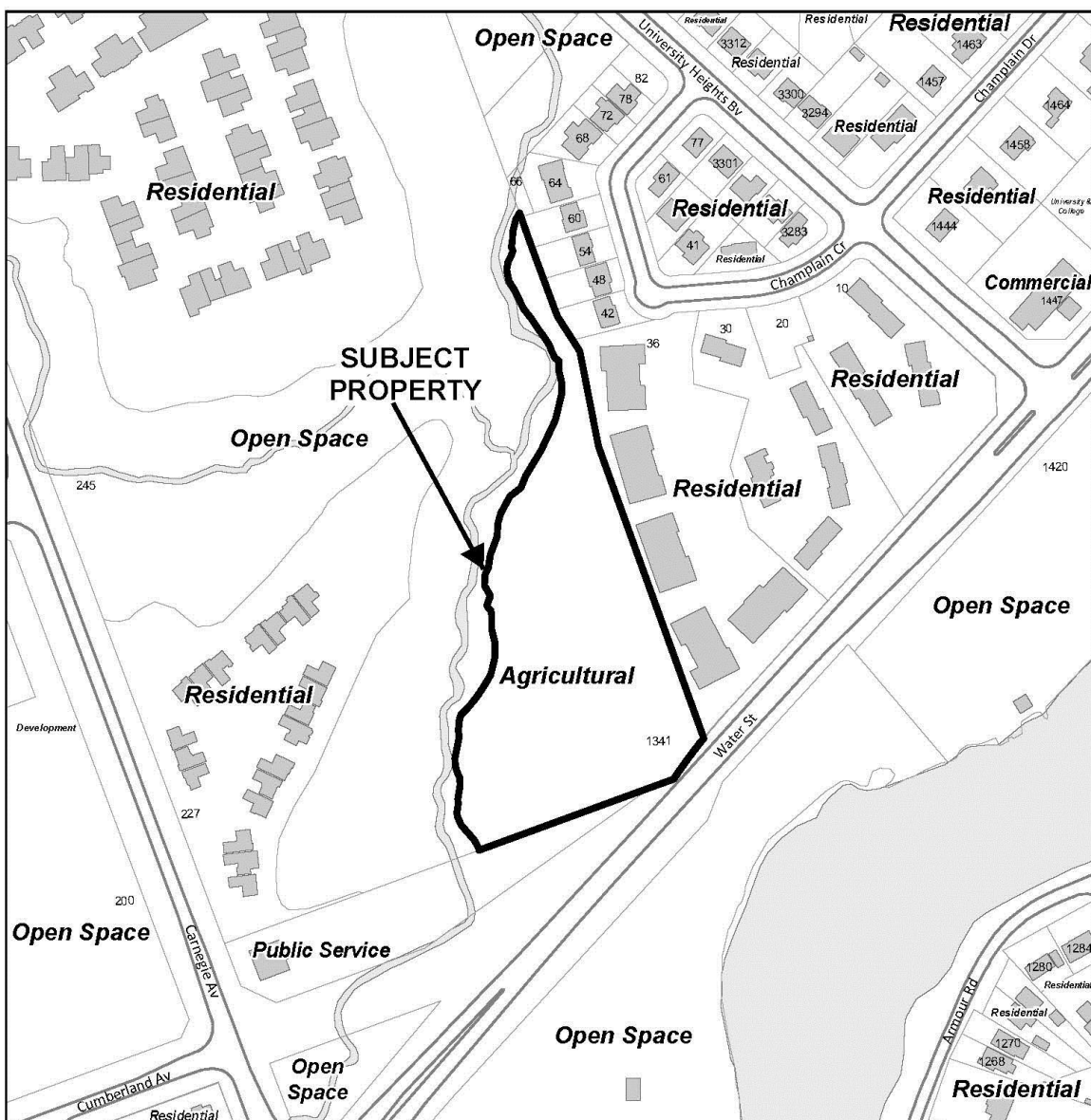
Exhibit A – Land Use Map – Page 1 of 1

Land Use Map

File: Z1801

Property Location: 1341 Water St

EXHIBIT
SHEET OF



The City of Peterborough Planning Division

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Date: November 1, 2017

Map by: JEllis

0 20 40 80 120
Metres

Exhibit B – Site Plan – Page 1 of 1

