



City of
Peterborough

To: Members of the General Committee

From: Cynthia Fletcher
Commissioner of Infrastructure and Planning Services

Meeting Date: March 8, 2021

Subject: Report IPSPL21-015
Request for Minor Variance Consideration within Two Years of
a Zoning By-law Amendment for 265 Edinburgh Street

Purpose

A report to evaluate the planning merits of proceeding with a Minor Variance Application to address two variance requests to facilitate the conversion of an existing 4-unit dwelling to an 8-unit dwelling.

Recommendation

That Council approve the recommendation outlined in Report IPSPL21-015 dated March 8, 2021, of the Commissioner of Infrastructure and Planning Services, as follows:

That a Minor Variance Application to address a variance request as described in Report IPSPL21-015 be permitted to proceed to the City of Peterborough Committee of Adjustment, for the property known as 265 Edinburgh Street, within two years of the passing of Zoning By-law Amendment No. 20-079.

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

On October 26, 2020, Council approved By-law No. 20-079 to amend the Zoning By-law for the property at 265 Edinburgh Street. The By-law permitted the conversion of an existing 4-unit dwelling on the property to an 8-unit dwelling by changing the zoning on the property from R.1, R.2 – Residential District to R.3-335 – Residential District. Exception 335 was introduced to the Zoning By-law to implement site specific regulations related to minimum lot width per dwelling unit, maximum building coverage, maximum lot coverage by open parking areas, driveways and vehicle movement areas, building height, minimum separation between parking/vehicle movement areas and windows to habitable rooms, and to prohibit the establishment of a Lodging House on the property. As part of the amending By-law, Council imposed a Holding Symbol to require Site Plan Approval for the proposed building conversion and to require cash-in-lieu of parkland dedication for the four dwelling units to be created. A copy of a concept site plan reflecting the current built condition is attached hereto in Exhibit A. In accordance with Council's resolution dated October 26, 2020, the required site plan is subject to Council approval.

As part of the original Zoning By-law amendment application, the applicant requested a reduction in the required distance between a motor vehicle parking space/driveway and a window to a habitable room in an apartment building/group dwelling from 6 metres to 0 metres in order to reflect the existing condition on site. This regulation, Section 4.3.2c) of the Zoning By-law, did not apply to the dwelling as originally constructed but it will apply to the dwelling if it is converted to an 8-unit dwelling.

At the time, staff had concern with eliminating the minimum 6 metre separation altogether noting that several large windows to basement and main floor suites are located at either ground level or just above ground level, directly adjacent to the parking area (see photo in Exhibit C). Given the proximity of these windows to the parking area and the dimensions of the parking area, staff felt that vehicle movements could pose a collision risk to the building and therefore recommended that a minimum separation of 1 metre be maintained in the proposed By-law. In accordance with staff's recommendation, By-law 20-079 includes a requirement to maintain a 1 metre separation between the west wall of the dwelling and the parking/driveway area.

As part of the pre-consultation process for the applicant's forthcoming Site Plan application, it was discovered that the subject property can not accommodate the required 1 metre separation without encroaching into a required Zoning By-law standard

with respect to either the driveway/parking area and/or the required separation between the parking area and the west property line. Specifically, Section 4.3.1(b)(i) of the Zoning By-law prescribes a minimum drive aisle width of 6.4 metres for the parking area and a minimum parking stall length of 5.7 metres while Section 4.3.2b) requires a separation of at least 1.5 metres between the parking area and the west lot line. At the time the existing dwelling was constructed in 2019-2020, the property met these required dimensions precisely however, following approval of By-law 20-079, it is no longer possible to meet these regulations. The introduction of a 1 metre separation along the west side of the dwelling requires a commensurate reduction in the driveway/parking area and/or landscape area along the west property line. Such a reduction cannot be achieved without seeking relief from the applicable regulations in the Zoning By-law.

Subsection 45(1.3) of the Ontario Planning Act, R.S.O, c.P.13 prohibits 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 the legislation 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 property is located on the southwest corner of Edinburgh and Bethune Streets. The property is approximately 0.12 ha (0.31 ac) in size and currently supports a newly built semi-detached dwelling (two principal dwelling units, side by side) with secondary suites in each basement (four units total on the property). The building is two storeys in height and has a walk-out basement and a potentially habitable attic.

As described in report IPSPL20-023, the Applicant is proposing to renovate the interior of the dwelling to establish two separate apartments in each of the second floor and attic levels to bring the total number of dwelling units in the building to 8. The property currently has 13 parking spaces and the dwelling has a rear deck/fire escape on its south side of the building that provides direct access from all upper levels to the ground.

Site Plan Application

The applicant is in the process of preparing an application for Site Plan approval as required by By-law 20-079. Although the site is already built, Site Plan Approval will provide the City the opportunity to review and address details related to the location of parking, driveways, lighting, tree preservation and/or planting, landscaping and buffering, stormwater management, municipal servicing and necessary road improvements. To allow the applicant to finalize a Site Plan application for Council's approval, a Minor Variance is required.

Minor Variance Request

The Applicant is seeking a Council Resolution to allow them to proceed with an application for Minor Variance to address an item identified at the pre-consultation stage for the required Site Plan application. 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 it agrees that it is appropriate to allow the Committee of Adjustment to consider the matter.

The concept site plan in Exhibit A reflects the existing site condition and is consistent with the plan considered through the rezoning process. With the introduction of a 1 metre setback along the west wall of the dwelling, adjustments need to be made to the site plan to both incorporate that setback and to adjust the adjacent parking/driveway area accordingly. To achieve this, the applicant is proposing to reduce the minimum parking stall length from 5.7 metres to 5.5 metres and to reduce the minimum drive aisle width from 6.4 metres to 5.6 metres (see Exhibit B). Planning Staff is of the opinion that it is appropriate to allow the applicant to proceed to the Committee of Adjustment with a Variance Application to address these reductions.

Subject to a Council Resolution, the Committee of Adjustment can proceed with a minor variance. Based on a recommendation from General Committee on March 8, 2021 and a Council Resolution dated March 22, 2021, the application for Minor Variance could be considered by Committee of Adjustment on March 30, 2021.

Summary

The proposed minor variance request is in keeping with the general intent and purpose of the zoning of the subject lands as approved by Council in October of 2020. Deviations from the recently approved zoning require a Council Resolution to allow their consideration via the minor variance approval process through the City's Committee of Adjustment.

Submitted by,

Cynthia Fletcher
Commissioner of Infrastructure and Planning Services

Contact Names:

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

Brad Appleby
Supervisor, Development Planning
Phone: 705-742-7777, Extension 1886
Toll Free: 1-855-738-3755
Fax: 705-742-5218
E-mail: bappleby@peterborough.ca

Attachments:

Exhibit A – Existing Conditions Site Plan
Exhibit B – Proposed Condition Site Plan
Exhibit C – Site Photograph

Exhibit A, Page 1 of 1

Existing Conditions Site Plan

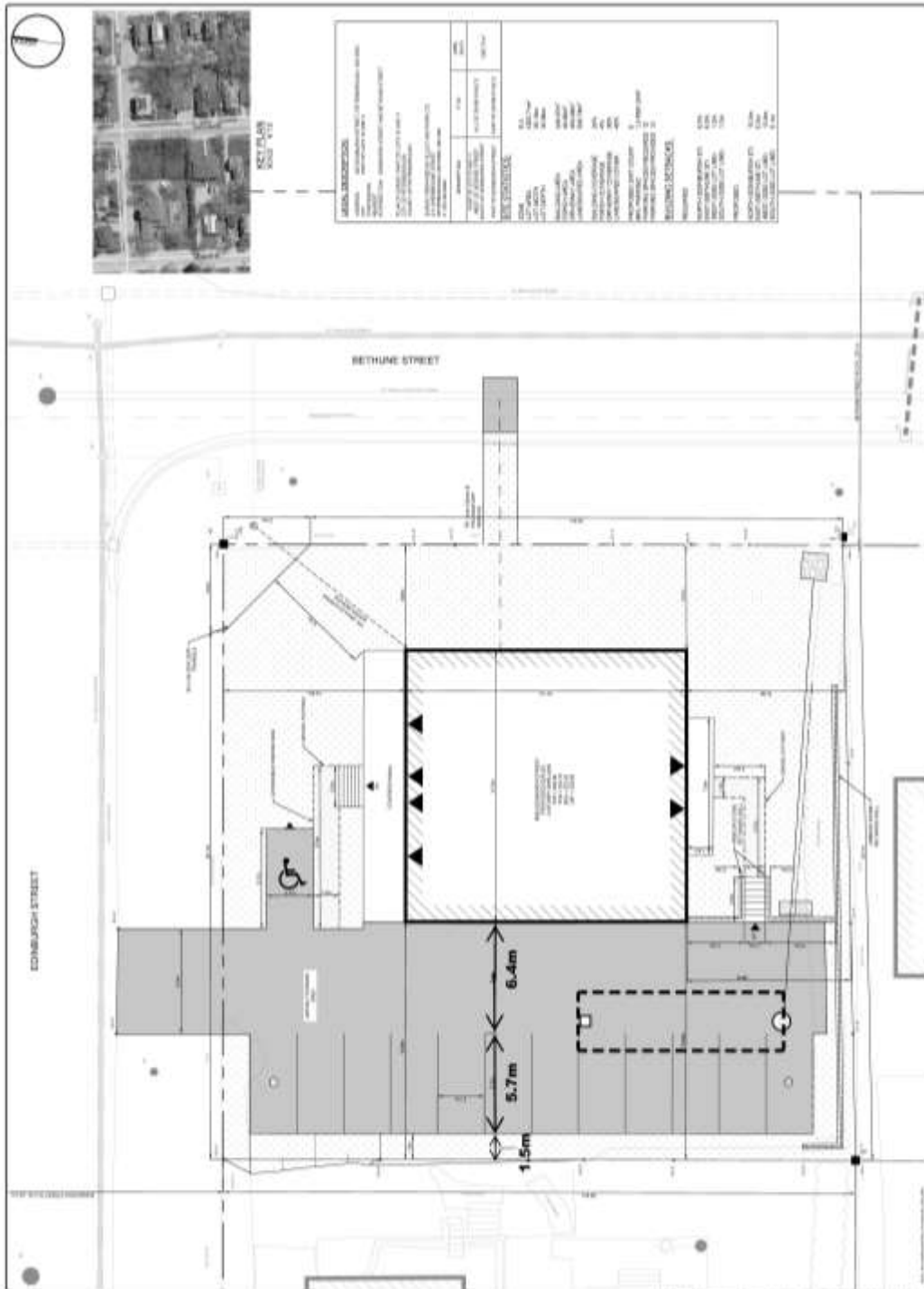


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Proposed Condition Site Plan

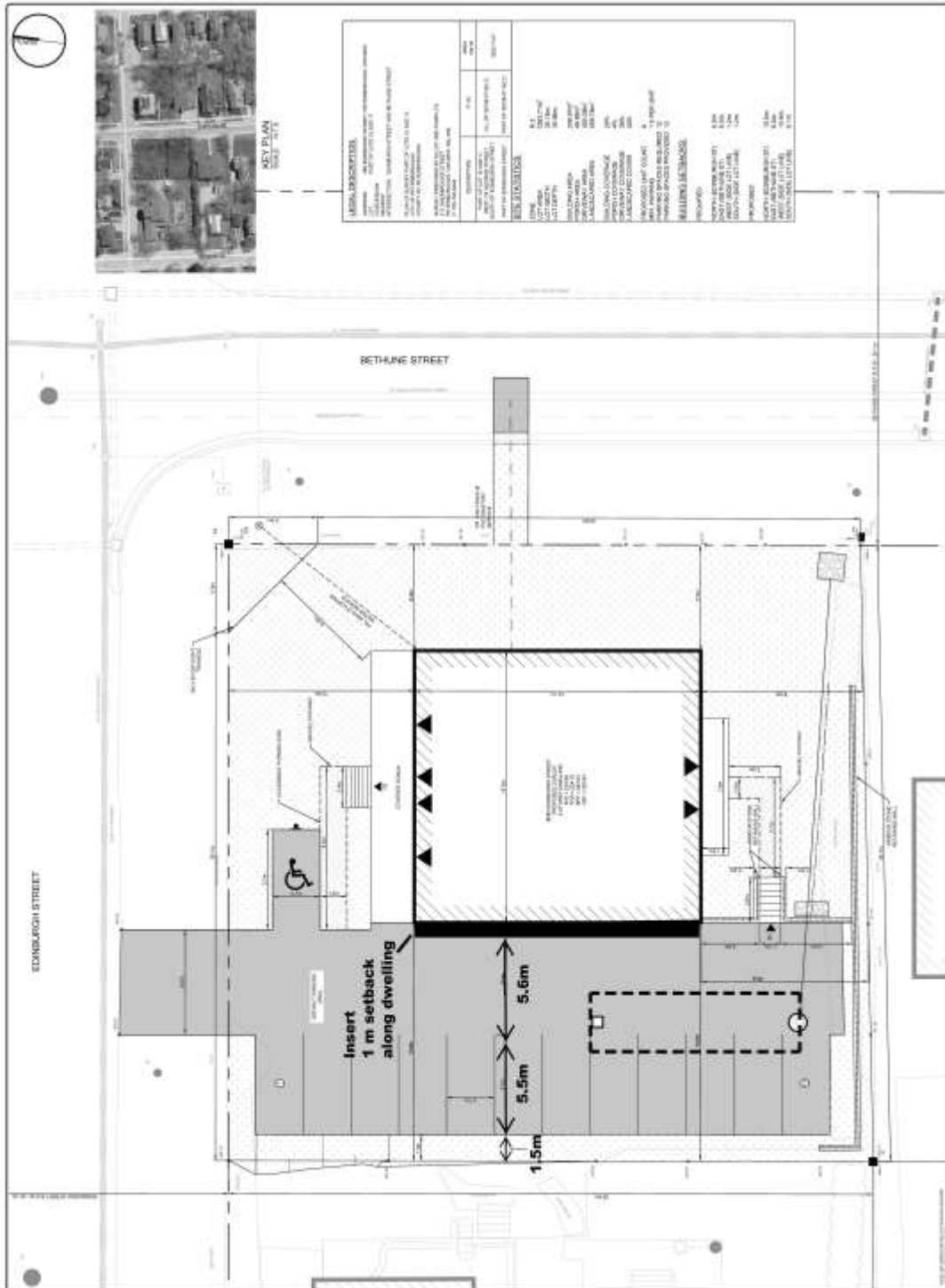


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Site Photograph – August 14, 2020



Looking from Edinburgh Street