Committee of Adjustment
Hearing Date: June 22, 2021
Staff Recommendations Regarding Files: A27/21, A28/21, A29/21, A30/21, and A31/21

## 1. File Number: A27/21 <br> Address: 498 Mark Street <br> Applicant: Scott Wood <br> Owner: Scott Wood

The subject property is located on the southeast corner of the intersection of Mark and Douro Streets in East City. The property is developed with two storey dwelling. The property is zoned R.1, R. 2 and is designated 'Residential' on Schedule A of the City's Official Plan.

The applicant is seeking the following variances from Section 6.11 (a) of the Zoning by-law to reduce the minimum building setback on a local street, to facilitate the construction of a new covered and screened in porch along the north side of the dwelling:
a) From 6 metres to 3.43 metres from Douro Street; and
b) From 6 metres to 5.4 metres from Mark Street.

The application was supported by a site plan (Exhibit A) depicting the location of the proposed screened in porch on site. Staff has reviewed the concept plan submitted in support of the application and is of the opinion that the requested variance is minor in nature and represents a desirable and appropriate use of the land.

The purpose of the 'Residential' designation is to "provide areas for housing and other land uses that are integral to, and supportive of a residential environment." The proposed construction supports the residential function of the property by providing additional living space that is limited in scale. The requested variance maintains the intent and purpose of the Official Plan.

The intent of the streetline setback is to ensure, among other factors, that there is adequate separation between the road allowance and structures, sufficient space for snow storage from road operations, and sightlines for vehicles. The proposed screened-in porch is proposed to be adequately setback from the intersection and will not go as close to the streetline as the properties that are adjacent (499 Mark Street and 115 Douro Street). It is not anticipated to impact surrounding properties or vehicular traffic and will provide additional amenity space for the dwelling. The requested variance maintains the intent and purpose of the Zoning By-law.

## Agency Comments

The Otonabee Region Conservation Authority (ORCA) reviewed the application and notes that the proposal is consistent with Section 2.1 (Natural Heritage), 2.2 (Water), and 3.1 (Natural Hazard) of the Provincial Policy Statement. The property is located outside of ORCA's regulated area, so a permit from the Authority is not required. The subject property is not located in an area subject to the policies of the Trent Source Protection Plan.

Hydro One has not provided written comment before the report deadline.
Peterborough Utilities Commission (PUC) has reviewed the application and has no comment.

The Ontario Ministry of Transportation (MTO) has reviewed the application and has determined that the subject lands are not within its permit control area and has no objections with the proposal as submitted.

The City's Engineering Design \& Construction Technologist/Inspector has reviewed the application and has no engineering issues.

The City's Planner, Urban Design has reviewed the application and has no comments on the proposal.

The City's Heritage Preservation Office (HPO) has reviewed the proposal and has indicated that the proposal is in an area of high archeological potential but is a highly disturbed site and has no comments on the proposed.

## Recommendation

Staff recommends that the Committee of Adjustment approve the application provided that construction related to this approval proceed substantially in accordance with the concept plan attached as Exhibit A.
2. File Number: A28/21

Address: 111 Oakwood Crescent
Applicant: David Michael Martin and Yvonne Sylvia Foster Owner: David Michael Martin and Yvonne Sylvia Foster

The subject property is located on the south side of Oakwood Crescent, east of the intersection of Woodglade Boulevard and Oakwood Crescent, in the City's west end. The property is zoned R.1, 1m, 2m and is designated 'Residential' on Schedule A of the City's Official Plan. The property is developed with a two-storey dwelling with attached garage.

The applicant is seeking the following variance from Section 6.11(a) of the Zoning By-law to reduce the minimum building setback form a local street from 6 metres to 3.66 metres to facilitate the construction of a covered front porch.

The application was supported by a revised site plan (Exhibit B) depicting the location of the proposed porch on site. The original site plan that was submitted with the application did not accurately depict the location of the dwelling on site. The applicant's designer has subsequently revised the site plan to accurately reflect the location of the dwelling on site and properly depict the relief being sought. Staff has reviewed the concept plan submitted in support of the application and is of the opinion that the requested variance is minor in nature and represents a desirable and appropriate use of the land.

The intent of the streetline setback is to ensure that there is adequate separation between the road allowance and structures, sufficient space for snow storage from road operations, and sight lines for vehicles, among other factors. It is not anticipated that the location of the proposed covered porch will have an impact on road operations or sight lines from the right-of-way as it is well setback from the travelled portion of the road and there is intervening mature vegetation.

The purpose of the 'Residential' designation is to "provide areas for housing and other land uses that are integral to, and supportive of a residential environment." The proposed construction supports the residential function of the property by providing a covered entry point into the home as well as some functional amenity space at the front of the dwelling. Covered porches at the front of dwellings are common design elements that enrich residential areas. The requested variance maintains the intent and purpose of the Official Plan.

## Agency Comments

The Otonabee Region Conservation Authority (ORCA) reviewed the application and notes that the proposal is consistent with Section 2.1 (Natural Heritage), 2.2 (Water), and 3.1 (Natural Hazard) of the Provincial Policy Statement. The property is located outside of ORCA's regulated area so a permit from the Authority is not required. The subject property is not located in an area subject to the policies of the Trent Source Protection Plan.

Hydro One has not provided written comment before the report deadline.

Peterborough Utilities Commission (PUC) has reviewed the application and has no comment.

The Ontario Ministry of Transportation (MTO) has reviewed the application and has determined that the subject lands are not within its permit control area and has no objections with the proposal as submitted.

The City's Engineering Design \& Construction Technologist/Inspector has reviewed the application and has no engineering issues; however, they have indicated concerns with how the proposal is depicted on site and compliance with side yard setbacks. Staff have included a copy of the Survey associated with this property (Exhibit B, page 4) to confirm there were errors on the original Site Plan submitted with the application.

The City's Planner, Urban Design has reviewed the application and has no comments on the proposed.

The City's Heritage Preservation Office (HPO) has reviewed the proposal and has no comment.

## Recommendation

Staff recommends that the Committee of Adjustment approve the application provided that construction related to this approval proceed substantially in accordance with the concept plan attached as Exhibit B.

## 3. File Number: A29/21 <br> Address: 297 Pearl Avenue Applicant: Susan Wurtele Owner: Susan Wurtele

The subject property is located at the northwest corner of the intersection of Pearl Avenue and King Street near the City's Central Area. The property is zoned R.1, R. 2 and is designated 'Residential' on Schedule A in the City's Official Plan. The property is developed with a two and half storey dwelling that is recognized as a duplex. The property is located in 'The Avenues and Neighbourhood Heritage Conservation District', meaning the property is designated under part V of the Ontario Heritage Act.

The applicant is seeking a variance from Section 6.19(b) of the Zoning By-law to increase the maximum projection of a platform into the building setback from a streetline (King Street) from 1.5 metres to 2.56 metres to facilitate the construction of an uncovered deck 3.44 metres from the King Street streetline.

The application was supported by a site plan (Exhibit C) depicting the location of the proposed deck on the southwest corner of the dwelling, adjacent to the existing side porch. Staff has reviewed the concept plan submitted in support of the application and is of the opinion that the requested variance is minor in nature and represents a desirable and appropriate use of the land.

The intent of the regulation that pertains to projections into streetline setbacks allows for decks to extend slightly into this setback, as most dwellings are constructed at the standard setback to ensure that there is adequate separation between the road allowance and structures, sufficient space for snow storage from road operations, and sight lines for vehicles, among other factors. It is not anticipated that the location of the proposed deck will have an impact on road operations or sight lines from the right-of-way as it is well set back from the travelled portion of the road, and there is intervening mature vegetation. The proposed deck will go no closer to the streetline than the existing porch.

The purpose of the 'Residential' designation is to "provide areas for housing and other land uses that are integral to, and supportive of a residential environment." The proposed construction supports the residential function of the property by providing additional amenity space adjacent to the existing porch. The requested variance maintains the intent and purpose of the Official Plan.

## Agency Comments

The Otonabee Region Conservation Authority (ORCA) reviewed the application and notes that the proposal is consistent with Section 2.1 (Natural Heritage), 2.2 (Water), and 3.1 (Natural Hazard) of the Provincial Policy Statement. The property is located outside of ORCA's regulated area so a permit from the Authority is not required. The subject property is not located in an area subject to the policies of the Trent Source Protection Plan.

Hydro One has not provided written comment before the report deadline
Peterborough Utilities Commission (PUC) has reviewed the application and has no comment.

The Ontario Ministry of Transportation (MTO) has reviewed the application and has determined that the subject lands are not within its permit control area and has no objections with the proposal as submitted.

The City's Engineering Design \& Construction Technologist/Inspector has reviewed the application and has no engineering issues with the proposal.

The City's Planner, Urban Design has reviewed the application and has no comments on the proposal.

The City's Heritage Preservation Office (HPO) has reviewed the proposal and has indicated that the property falls within the Heritage Conservation District and that the design meets the guidelines of the District Plan. The HPO supports the variance request.

## Recommendation

Staff recommends that the Committee of Adjustment approve the application provided that construction related to this approval proceed substantially in accordance with the concept plan attached as Exhibit C.

## 4. File Number: A30/21

Address: 33 Dennistoun Avenue
Applicants: Sara Whitehead
Owners: Sara Whitehead
The subject property is located on the west side of Dennistoun Avenue, across the road from Inverlea Park, north of the City's Central Area. The property is zoned R.1, R.2, R. 3 and is designated 'Residential' on Schedule A 'Land Use' in the City's Official Plan. The property is developed with a two-storey single dwelling unit.

In 2001, the owners at the time applied for and were granted relief via minor variances to recognize the location of structures on the property, as well as the deficiency of parking spaces on site (there is only one recognized legal 5.7 metre by 2.7 metre parking space, at the front of the dwelling).

The application proposes to reinstate a verandah at the front of the dwelling which will displace the required parking space. The applicant is seeking relief from the Zoning By-law as follows:
a) Section 4.3 .1 (b)(i) to reduce the minimum length of a parking space from 5.7 metres to 3.99 metres; or
b) Section $4.2(\mathrm{~A})(1)$ to reduce the minimum number of parking spaces from 2 to 0 .

Previous Committee of Adjustment application A95/00 recognized the legal non-complying status of one parking space provided at the front of the dwelling.

The application was supported by a site plan (Exhibit D) depicting the location of the proposed expanded verandah at the front of the dwelling and the impact on the required parking space length. The resulting parking space (if accommodated on site) would be 3.99 metres in length.

The subject property does have access to a rear laneway that could be utilized as an option to establish the required parking space. Alternatively, a reduced width verandah could be constructed in such a way that the required parking space is not displaced. Staff has reviewed the concept plan submitted in support of the application and is of the opinion that the requested variance is not minor in nature and does not represent a desirable and appropriate use of the land.

The applicant has proposed two solutions to assist in reinstating a verandah across the front of the dwelling (similar to what is currently in place at 35 Dennistoun Avenue) by either a) facilitating a reduced length parking space that will have some encroachment onto the City's right-of-way, or b) formally eliminating the requirement for a parking space all together by reducing the number of required parking spaces at the subject property to ' 0 '.

In consideration of the reduced length of parking space, there are occasionally instances where there is a wide road allowance and large distance between the sidewalk and the property line where it may be conducive to support a parking space through an encroachment onto City property. However, the subject property directly abuts the sidewalk, and the Dennistoun Avenue road allowance is substandard for a local street measuring just 14 metres in width (the standard for most local streets is 20 metres). The location of the sidewalk and the narrow width of the road allowance are not conducive to supporting a parking encroachment. Further, the average vehicle length in North America is 4.2 to 4.9 metres in length, meaning the 3.99 metre distance between the verandah and property line would mean that in most instances a vehicle would physically straddle the streetline and would potentially overhang the sidewalk. In this location, Staff does not recommend a reduced parking stall length as the likelihood of conflicts with pedestrians, other vehicles, and snow clearing efforts are high.

The applicant has also proposed an alternative variance request that proposes to formally remove the parking requirement all together for the subject property - similar to the existing condition of 35 Dennistoun Ave (the property to the north). It must be noted that this condition is considered 'legal non complying' with respect to parking. This property would have not had parking provided on site when built circa 1900 - and no owner after its construction tried to establish it, either via the rear laneway or other method (such as a partial removal of the verandah). It would not be ideal to eliminate parking all together on the subject property as it would mean on-street parking or other private parking arrangement would need to be established. The City of Peterborough does not currently have an on-street parking program in place in the vicinity of this property, meaning there would be ongoing issues for current and future residents of this property to park their vehicle.

Although it is noted that verandahs are suitable and appropriate design elements in residential neighbourhoods, the introduction of one in this location does generate issues with respect to ensuring that adequate parking can be provided on site, as required by the Zoning By-law and Official Plan. There are alternative design or parking solutions that could be accommodated on site that would not have the long term and offsite impacts of removing the parking space all together or facilitating the encroachment.

Section 5.11 of the Official Plan indicates that "Adequate and accessible off-street parking and loading areas shall be provided for all permitted uses." Although the Parking section of the Official Plan does enable the ability for an on-street parking permit system to be adopted by the City, there have been no efforts to fully enable this type of parking system in any part of the City to date.

## Agency Comments

The City's Senior Project Manager-Transportation reviewed the proposal and has indicated concerns as follows:

- The length of almost all standard cars is greater than 4.00 metres. Approving a parking bay of 3.99 meters long is not acceptable. The minimum size of a constrained parking bay may not be less than 5.00 by 2.50 metres.
- Approving ' 0 ' parking for the site would encourage on-street parking and burden the already under resourced parking enforcement staff. Residents must comply with City's parking bylaw regarding on-street parking.

The Otonabee Region Conservation Authority (ORCA) reviewed the application and notes that the proposal is consistent with Section 2.1 (Natural Heritage), 2.2 (Water), and 3.1 (Natural Hazard) of the Provincial Policy Statement. The property is located outside of ORCA's regulated area so a permit from the Authority is not required. The subject property is not located in an area subject to the policies of the Trent Source Protection Plan.

Hydro One has not provided written comment before the report deadline.
Peterborough Utilities Commission (PUC) has reviewed the application and has no comment.

The Ontario Ministry of Transportation (MTO) has reviewed the application and has determined that the subject lands are not within its permit control area and has no objections with the proposal as submitted.

The City's Engineering Design and Construction Technologist/Inspector has reviewed the application and has indicated that there are no engineering issues and that the reduced parking length will be an issue with the City sidewalk.

The City's Planner, Urban Design has reviewed the application and has recommended denial of the application on the basis that the property does not have access to any municipal parking facilities and that the reduced length parking space would result in encroachments into the right-of-way and sidewalk.

The City's Heritage Preservation Office (HPO) has reviewed the proposal and has indicated that the property is not on the Heritage Register but is supportive of reinstating the verandah.

## Recommendation

Staff recommends that the Committee of Adjustment deny the application for minor variance

## 5. File Number: A31/21

## Address: 7 Bruce Street

Applicant: Joel Roung
Owner: 1529059 Ontario Inc.
The subject property is located on the south side of Bruce Street in East City. The property is zoned R. 1 and is designated 'Residential' on Schedule A 'Land Use' in the City's Official Plan. The property is developed with a single storey dwelling and detached garage. The dwelling currently has a deck and sunroom.

The applicant is seeking the following variance from Section 6.11(a) of the Zoning By-law to reduce the minimum building setback form a local street from 6 metres to 2.6 metres to facilitate the construction of a covered front porch.

The application was supported by a site plan (Exhibit E) depicting the location of the proposed covered porch extending across the front of the dwelling. Staff has reviewed the concept plan submitted in support of the application and is of the opinion that the requested variance is minor in nature and represents a desirable and appropriate use of the land.

The intent of the streetline setback is to ensure that there is adequate separation between the road allowance and structures, sufficient space for snow storage from road operations, and sight lines for vehicles, among other factors. It is not anticipated that the location of the proposed covered porch will have an impact on road operations or sight lines from the right-of-way as it is well set back from the travelled portion of the road. Many dwellings in the vicinity of this property support front porches like the proposed.

The purpose of the 'Residential' designation is to "provide areas for housing and other land uses that are integral to, and supportive of a residential environment." The proposed construction supports the residential function of the property by providing a covered entry point into the home, as well as some functional amenity space at the front of the dwelling. Covered porches at the front of dwellings are common design elements that enrich residential areas. The requested variance maintains the intent and purpose of the Official Plan.

## Agency Comments

The Otonabee Region Conservation Authority (ORCA) reviewed the application and notes that the proposal is consistent with Section 2.1 (Natural Heritage), 2.2 (Water), and 3.1 (Natural Hazard) of the Provincial Policy Statement. The property is located outside of ORCA's regulated area so a permit from the Authority is not required. The subject property is not located in an area subject to the policies of the Trent Source Protection Plan.

Hydro One has not provided written comment before the report deadline.
Peterborough Utilities Commission (PUC) has reviewed the application and has no comment.

The Ontario Ministry of Transportation (MTO) has reviewed the application and has determined that the subject lands are not within its permit control area and has no objections with the proposal as submitted.

The City's Engineering Design \& Construction Technologist/Inspector has reviewed the application and has no engineering issues with the proposed.

The City's Planner, Urban Design has reviewed the application and has no comments on the proposed.

The City's Heritage Preservation Office (HPO) has reviewed the proposal and has no comment.

## Recommendation

Staff recommends that the Committee of Adjustment approve the application provided that construction related to this approval proceed substantially in accordance with the concept plan attached as Exhibit D

## Prepared By:

Christie Gilbertson, RPP, MCIP Planner, Policy and Research, Planning Division, Infrastructure and Planning Services

Concurred With:

Andrea Stillman
Zoning Administrator
Building Division, Infrastructure and Planning Services

Exhibit A, Page 1 of 1

$(60.81)$ 上20015 $71-6 \mathrm{~L}$

Exhibit B, Page 1 of 4


Exhibit B, Page 2 of 4


Exhibit B, Page 3 of 4


Exhibit B, Page 4 of 4


Exhibit C, Page 1 of 1
297 Peal Ave.
Alley


Exhibit D, Page 1 of 3

$$
\begin{gathered}
\frac{2}{5} \\
\substack{\frac{3}{5}} \\
0^{\frac{1}{3}} \\
\hline
\end{gathered}
$$

hamporas


Exhibit D, Page 2 of 3


Exhibit D, Page 3 of 3


Exhibit E, Page 1 of 1


