



City of
Peterborough

Committee of Adjustment Report for August 10, 2021

Staff Recommendations Regarding Files: B05/21, A35/21, A36/21, and A37/21

1. **File Number: B05/21, 274 Dalhousie Street**
Applicant: Kevin M Duguay
Owner: Andrew Morch and James Brugmann

Background

The subject property is located on the north side of Dalhousie street, east of the intersection of Dalhousie and Stewart Streets in the City's Central Area. The property is Zoned R.1,R.2, R.3, R.4 and is designated Transitional Uses on Schedule J 'Central Area Land Use Plan' in the City's Official Plan. The property is developed with a two and a half storey semi-detached dwelling, having one dwelling unit on either side of a party wall. A lane accessed from Stewart Street serves the rear yard of this property (and others to the west).

The owners are seeking consent to sever along the common party wall of the existing building, having one dwelling unit on each lot as a result (Exhibit A).

Section 6.39 of the Zoning By-law provides regulations with respect to dwelling units on subdivided lots as follows:

In any residential district, where a lot which contains two or more dwelling units is subdivided into lots which contain only one dwelling unit, each such subdivided lot shall comply with all the regulations of this by-law, excepting that there shall be no minimum requirement for:

- a) lot area per dwelling unit;
- b) lot width per dwelling unit; and
- c) building setback from any side lot line which separates the subdivided lots, for so long as the subdivided lot contains only one dwelling unit.

The proposed severance will divide the existing structure in half along the party wall enabling each side of the semi-detached structure to be conveyed separately. No new structures or construction is proposed. Both sides of the semi-detached structure must remain as a single-dwelling unit to maintain compliance with the Zoning By-law and are unable to support the establishment of secondary suites due to the inability to meet the requirements for secondary suites outlined in Section 6.33 of the Zoning By-law.

Agency Comment

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.

The City's Engineering Design & Construction Technologist/Inspector has reviewed the application and has indicated that separate servicing either via separate services or easements be reviewed prior to issuance of the consent Certificate.

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

The City's Heritage Preservation Office (HPO) has reviewed this application and has indicated that the building is Listed under the Heritage Act and in an area of high archaeological potential, however no development or site alteration is proposed. The HPO has no comment.

Recommendation

With respect to consent for severance application B05/21, staff recommends that the Committee of Adjustment **approve** the application, conditional upon the following:

- i) The owner secures:
 - a) all necessary approvals for individual connections of municipal services for each of the retained and severed parcels, to the satisfaction of the Supervisor, Development Engineering, in accordance with City standards and the **Ontario Building Code**; and
 - b) any necessary easements for servicing
- ii) Payment of a Tree Levy in the amount of \$123.76
- iii) Prior to registering the Reference Plan at the owners' cost, they shall submit for approval a draft Reference Plan to the Secretary-Treasurer, showing the proposed severed parcel. Upon registration of the approved Reference Plan, a digital copy of the registered Reference Plan, in PDF format, will be provided to the Secretary-Treasurer;
- iv) A closed polygon vector file of the Part boundaries shown on the Reference Plan is to be provided in Autodesk DWG NAD83 UTM CSRS CGVD28 projection Windows-readable format to the satisfaction of the City of Peterborough Geomatics/Mapping Division. It is recommended that the owners' Ontario Land Surveyor consult with the City of Peterborough Geomatics/Mapping Division to confirm acceptable standards and formatting. The Surveyor should contact the Secretary-Treasurer for instructions on how to submit this document.

- v) That the applicant provide the Secretary-Treasurer with a draft of the Transfer/Deed of Land; and
- vi) That if the above conditions are not satisfied within 365 days of the circulation of the Committee's decision that this consent will lapse.

2. File Number: A35/21, 362 George Street North
Applicant: 2760534 Ontario Inc.
Owner: 2760534 Ontario Inc.

Background

The subject property is located at the northeast corner of George Street North and Simcoe Street in the City's Downtown. The property is zoned C.6 in the City's Zoning By-law and is designated 'Commercial' on Schedule A 'Land Use' and 'Commercial Core' on Schedule J 'Central Area' in the City's Official Plan. The property is developed with three-storey buildings of varying heights. The building is currently used for commercial purposes with vacant space in the upper floors. An access point from Simcoe Street via a partially covered carriageway leading under the building above to a rear courtyard. A large renovation of the property is underway in conjunction with the property to the north, including the introduction of residential units in the upper storeys of the buildings.

The applicant previously applied to the Committee of Adjustment to allow for relief from the C.6 Zoning District to allow one ground floor unit, accessed via the carriageway at the subject property (A05/21 – March 2, 2021). The applicant is now seeking another variance from section 18.2 (e) of the Zoning By-law to allow two ground floor residential units, splitting the previously approved large unit into two smaller units.

A site concept plan and elevations were submitted along with the application (Exhibit B) depicting the proposed splitting of the ground floor unit in half. The single ground floor unit was facilitated by the previous minor variance application (A05/21). Both proposed ground floor units are to be accessed from the open-air portion of the carriageway directly.

The original request to the Committee anticipated a residential unit that would be accommodated in such a way that the Commercial Core policies of the Official Plan are maintained to ensure the remaining commercial space enveloping the residential unit being viable. The physical space dedicated to the ground floor residential use is unchanged from this previous application – the only difference is that there are two smaller residential units proposed as opposed to the original request of one large unit. The proposed splitting of the unit into two does not detract from the ability to meet the four tests of a minor variance. The development of this property is subject to a concurrent Site Plan Approval process.

Agency Comment

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.

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

The City's Planner, Urban Design has reviewed the application and has indicated that the property is currently undergoing the site plan approval process. There are no concerns with the proposed minor variance. Cash-in-lieu of parking and parklands levy will apply through the site plan/building permit process.

The City's Heritage Preservation Office (HPO) has reviewed this application and has indicated that the building is Listed under the **Heritage Act**, however, no development or site alteration is proposed which will affect the identified heritage attributes. The HPO 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: A36/21, 1079 St. Paul's Street**
Applicant: D. M. Wills Associates Limited
Owner: Frank Robert Mandeljc

The applicant has requested that this application be deferred to the September 8, 2021 hearing to address comments received.

4. **File Number: A37/21, 2556 Denure Drive**
Applicant: Shivani Khapare
Owner: Krista Fitzsimmons

Background

The subject property is located near the southeast corner of the intersection of Denure Drive and Ireland Drive, in the City's west end. The property is zoned R.1, 2m and is designated 'Residential' on Schedule A 'Land Use' in the City's Official Plan. The property supports a one storey single detached dwelling with attached double car garage.

The owner is requesting a variance from section 7.2(e)(ii) of the Zoning By-law to reduce the minimum building setback from the rear lot line from 7.6 metres to 5.41 metres to facilitate the construction an unheated sunroom measuring 16.16 square metres.

The application was supported by a site plan (Exhibit C) depicting the location of the proposed sunroom on site. The existing deck at the rear of the dwelling will be removed and the smaller footprint sunroom will take its place. 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 rear yard setback is to ensure, among other factors, that there is adequate separation between buildings on neighbouring properties, that there is adequate landscape open space, and that privacy and overlook are managed between properties.

The proposed development on site involves converting existing deck space into a three-season sunroom with a slightly smaller footprint. It is anticipated that the location and limitation of the size of the sunroom will maintain the intent and purpose of the Zoning By-law.

Agency Comment

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.

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

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

The City's Heritage Preservation Office (HPO) has reviewed the application and has indicated that the property falls within an area of high archaeological potential, however, the proposed development will take place within the footprint of the existing structure which is deemed to be highly disturbed, and the likelihood of unearthing archaeological resources is small. The HPO 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 C.

Prepared By:

Concurred With:

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

Andrea Stillman
Zoning Administrator
Building Division,
Infrastructure and Planning Services

Summary of Exhibits

The exhibits attached to this report were provided by the applicants and do not meet international standards for web accessibility. A description of each exhibit is provided below.

If you require additional information regarding the exhibits or the applications, contact the Planning Division at 705-742-7777, extension 1880.

Exhibit A

Severance Plan for 274-276 Dalhousie Street, prepared by Kevin M. Duguay Community Planning and Consulting Inc.

Reference Plan prepared by Elliott and Parr (Peterborough) Ltd, dated July 4, 2021

Exhibit B

Site Plan, George and Simcoe Lofts Phase 1, Sheet AS101, prepared by Lett Architects, dated July 22, 2021

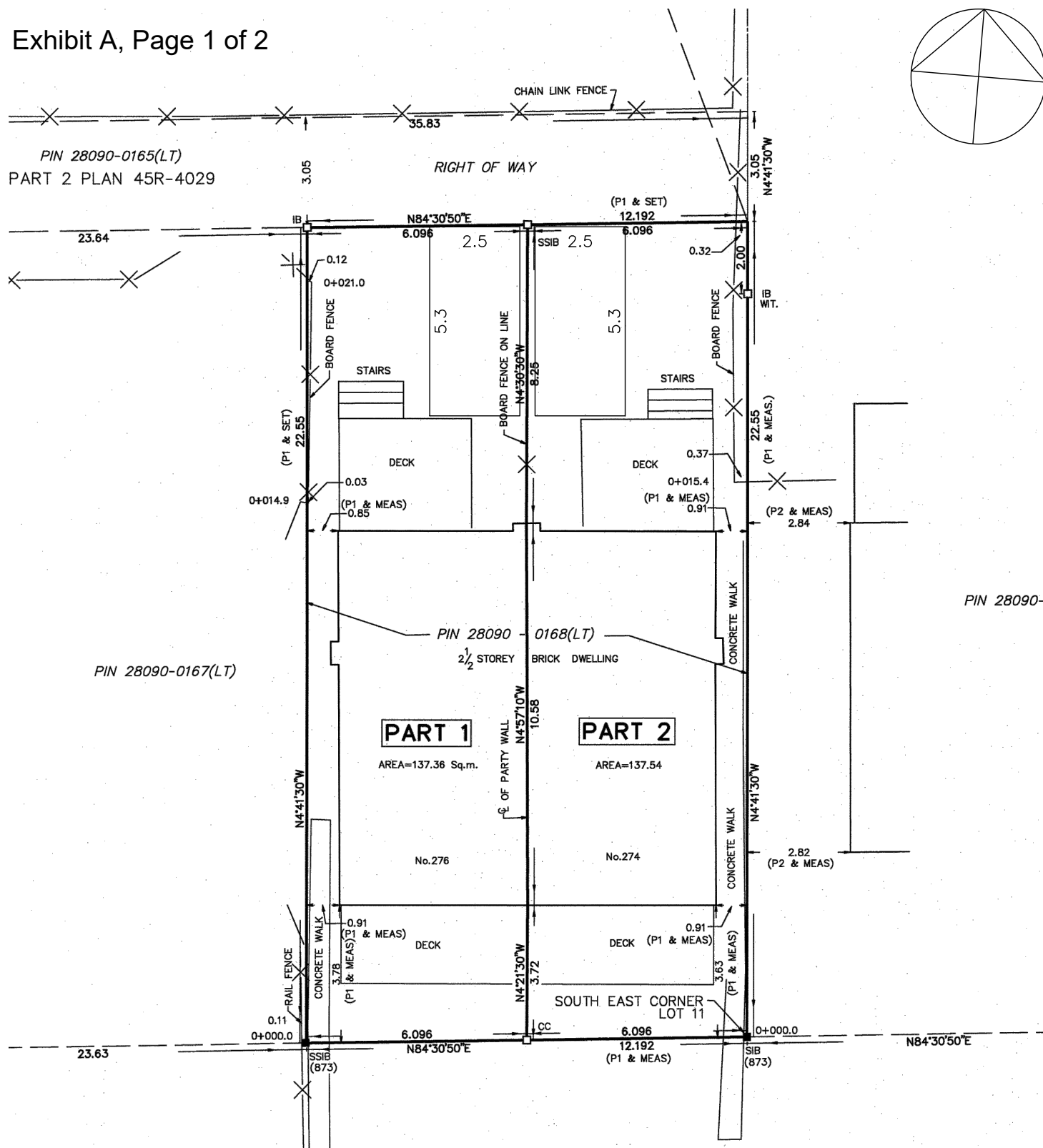
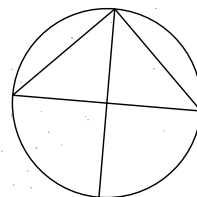
Mezzanine Floor Plan and Loft Unit Section and Elevation, George and Simcoe Lofts Phase 1, Sheet A101.1, prepared by Lett Architects

Exhibit C

Site Plan, 2556 Denure Drive, Drawing Number 01, prepared by Lifestyle Sunrooms, dated February 19, 2021

Elevations, 2556 Denure Drive, Drawing Number 03, prepared by Lifestyle Sunrooms, dated February 19, 2021

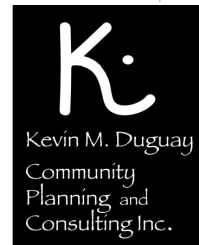
Exhibit A, Page 1 of 2

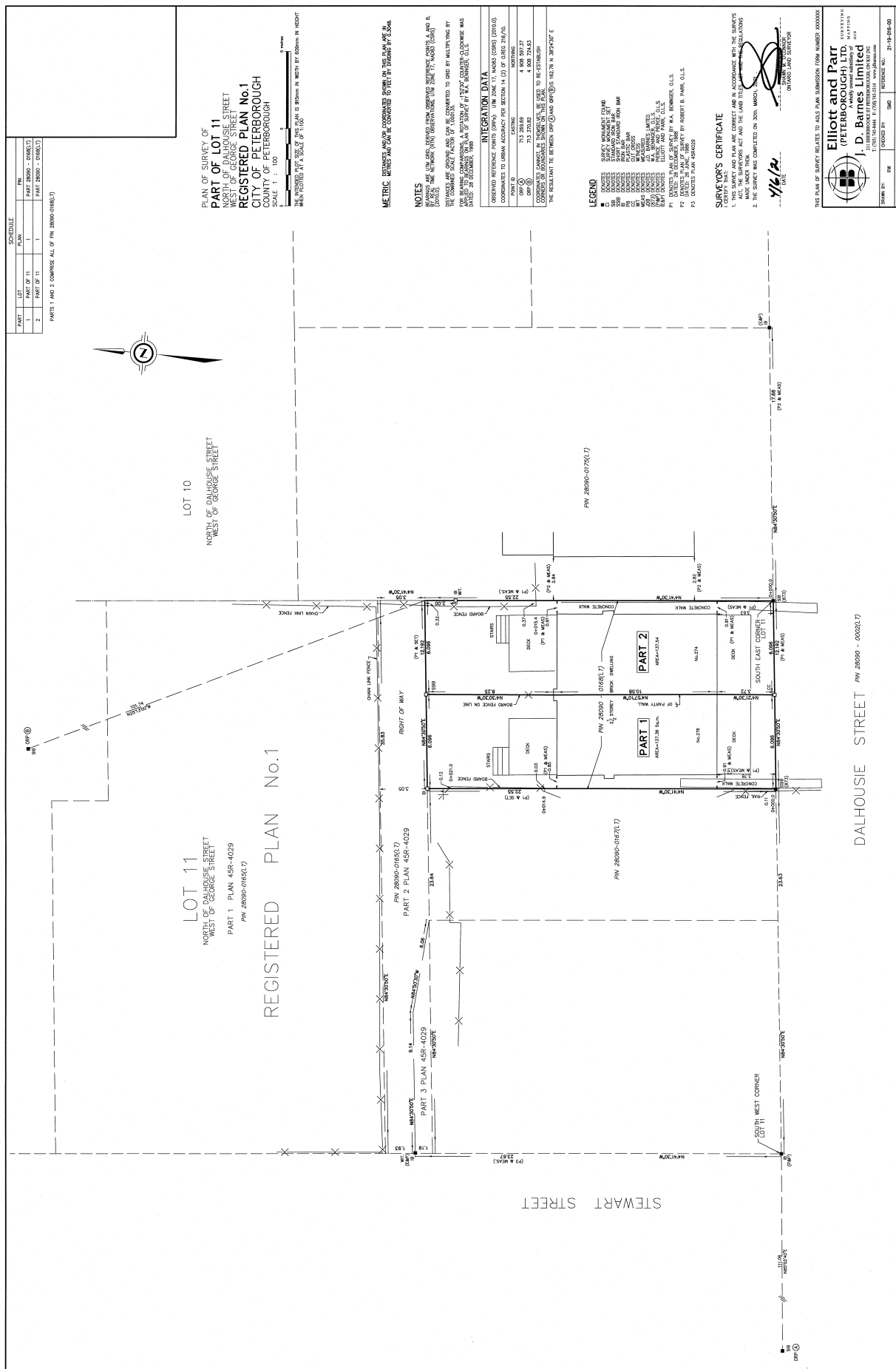


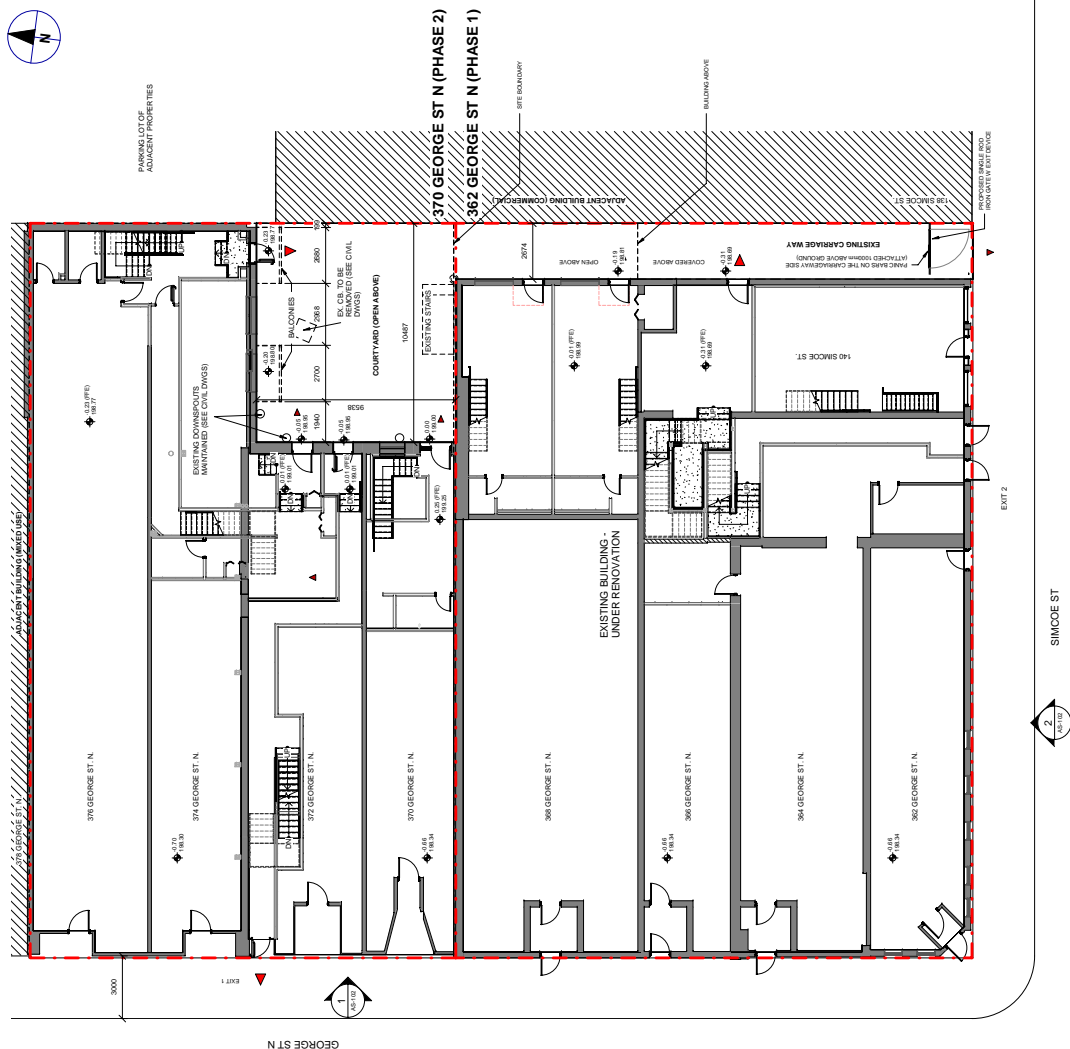
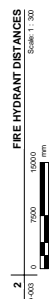
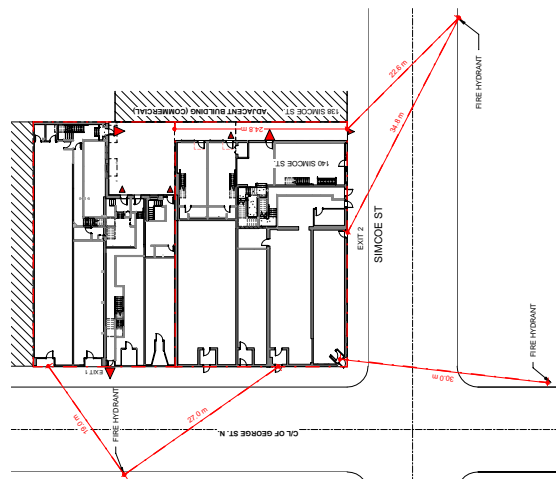
DALHOUSIE STREET PIN 28090 - 0002(LT)

SCALE 1:150
ALL DIMENSIONS IN METRES

EXISTING CONDITIONS
274-276 DALHOUSIE STREET
PETERBOROUGH, ONTARIO
2021-05-17







KEY SITE PLAN_OVERALL

1	0003
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