



City of
Peterborough

Committee of Adjustment Report for September 8, 2021

Staff Recommendations Regarding Files: A36/21, A38/21, and A40/21

1. **File Number: A36/21, 1079 St. Paul's Street**
Applicant: D.M. Wills Associates Limited
Owner: Frank Robert Mandeljc

Background

The subject property is located on the north side of St. Paul's Street in the City's north end. The property is zoned R.1,1m,2m and is designated 'Residential' on Schedule A 'Land Use' in the City's Official Plan. The property currently supports a single storey dwelling with attached carport and storage/workshop buildings.

The applicant is seeking the following variances from the Zoning By-law to facilitate a two-storey addition at the subject property in place of the existing carport and storage areas:

- a) Section 7.1 (e)(i) to reduce the minimum building setback from the south side lot line from 1.2 metres to 0.914 metres, measuring 6 metres from the front face of the dwelling; and
- b) Section 7.1 (e)(ii) to reduce the minimum building setback from the rear lot line from 7.6 metres to 5.34 metres

A conceptual site plan was submitted in support of this application, along with a Planning Justification Letter dated July 15, 2021 prepared by D.M. Wills Associates Ltd. on behalf of the property owner. The site plan depicts the removal of the existing carport and storage buildings and their replacement with an attached garage with living space above.

Additionally, the roof of the existing dwelling will be removed, and an upper terrace space will be established. Since the original submission, the applicant has revised the design to increase the separation of the first storey from the south side lot line from 0.61 metres to 0.914 metres (Exhibit A). The second storey will continue to meet the 1.2 metre setback.

It is anticipated that a home-based business will occupy a portion of the upper living space in accordance with the provisions of Section 6.23 of the Zoning By-law. The justification letter indicates that the proposed configuration of the addition is required to maximize the use of the existing dwelling and provide additional living space for the owner's family.

The applicant has met the 1.2 metres side yard setback from the west side of the dwelling for the first 6 metres from the front face of the attached garage, jogging to 0.914 metres to accommodate additional interior space within the garage/workshop. The second storey addition is offset to meet the 1.2 metre setback from the side lot line. It is proposed that the rear lot line setback be reduced to 5.34 metres to facilitate the construction of the rear portion of the attached garage and second storey addition.

The subject property is in an established neighbourhood of single storey detached homes on large lots. Most of the rear yards have detached garages, sheds and/or decks. There are no instances of two storey structures in the vicinity of the subject property. The prevailing character in this neighbourhood is single storey residential dwellings with, or without, detached garages.

The side yard and rear yard setbacks are present in the Zoning By-law to facilitate the appropriate separation between structures on different properties, ensuring sufficient access can be obtained for maintenance of structures (in the case of a side yard setback) and to ensure adequate amenity space is obtained in the rear yard.

With respect to the relief sought from the **side yard setback**, staff are of the opinion that the proposed 0.914 metre setback for the two-storey addition will impede the ability for the south/west portion of the property to be appropriately maintained without trespass issues with the neighbour at 1075 St. Paul's Street. This neighbourhood does not have existing instances of permitted encroachments of the main dwelling into the side yard setback. Any previous requests of the Committee have dealt with detached accessory structures (typical relief to 0.5 metres instead of 0.6 metres) and/or a carport (typical relief of 0.6 metres). It is noted that the second storey will be offset to meet the full 1.2 metres, however, from a practical standpoint (i.e., placement of a ladder to access that side of the dwelling) the reduced first storey setback will result in access issues.

In consideration of the preliminary interior plan for the garage/workshop, staff have reviewed the interior space and a sufficient width can be accommodated for one vehicle parking space (2.7 metres in width) plus additional space (approximately 1.8 metres) for maneuvering and storage. Staff are of the opinion that with respect to the relief sought from the side yard setback for the magnitude of construction proposed, that the request does not meet the general intent and purpose of the Zoning By-law and would not result in desirable development of the land.

With respect to the relief sought from the **rear yard setback**, the plans provided depict that the garage/workshop space will occupy the ground level of the addition and the home-based business will occupy the second storey. The applicant has proposed that any windows facing the neighbours to the west or south would be clerestory in placement and type (located high on the wall) to mitigate overlook issues with these neighbours. There is a large mature deciduous tree located at the rear of the property at 1120 Barnardo Avenue that serves as a mitigating factor.

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.

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 MTO jurisdiction, therefore MTO has no comments to offer these applications.

The City's Engineering Design & Construction Technologist/Inspector has reviewed the application and has indicated that if the variance is approved, due to the reduced side yard setback, a grading plan should be submitted and approved prior to the issuance of a building permit. This grading plan must be signed and stamped by a Professional Engineer.

The City's Planner, Urban Design has reviewed the revised proposal and has provided the following comments:

- There is no site plan registered to the property.
- Given the context of the neighbourhood, the required 1.2 metre side yard setback seems more appropriate than the proposed reduction. The request for a reduction of 0.914 metres would be generally acceptable.
- No concerns with the proposed rear yard setback.

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

With respect to the relief sought for the reduction in the side yard setback, staff recommend that the committee **deny** the minor variance on the basis that it does not meet the general intent and purpose of the Zoning By-law.

With respect to the relief sought for the reduction in the rear yard, staff recommend that the Committee of Adjustment **approve** the minor variance provided that:

- a) The addition is constructed substantially in accordance with the concept plan attached as Exhibit A. Any minor variances that may appear on these plans but are not listed in the written decision are not authorized.
- b) Any new windows along the west and south façade of the addition be clerestory (high in the wall) to mitigate overlook impacts, similar to the proposal in Exhibit A, page 4.

2. File Number: A38/21, 165 Aylmer Street North
Applicant: EcoVue Consulting Services Inc.
Owner: Adeel Baig

Background

The subject property is located at the northwest corner of the intersection of Wolfe and Aylmer Streets in the City's Central Area. The property is zoned R.1, R.2, R.3, R.4 and is designated 'Transitional Uses Area' 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 dwelling, parking, and is recognized by the City as a duplex.

The applicant is seeking the following minor variances from the Zoning By-law to facilitate the legalization of a third dwelling unit within the existing dwelling at the subject property:

- a) Section 9.2(b) reduce the minimum lot area per dwelling unit from 230 square metres per unit to 100.61 square metres per unit, and
- b) Section 9.2(e)(i) reduce the minimum building setback from the north side lot line from 2.4 metres to 0.77 metres to recognize the current location of the dwelling.

Staff note that a typo in the notice did not correctly reflect the request for relief from the side yard setback as was requested in the application and supporting drawings – the relief should have read 0.77 metres to reflect the setback of the existing dwelling from the north side lot line.

The application was supported by a Conceptual Site Plan (Exhibit B) depicting the present layout of the dwelling on the property and proposed parking arrangement. There will be minimal physical changes to the existing dwelling as the third unit is currently existing within the dwelling. It is likely that some interior changes will be needed to comply with Ontario Building Code requirements. Three legal parking spaces will need to be maintained on the property.

Staff have reviewed the concept plan submitted in support of the application and is of the opinion that the requested variances are minor in nature and represent a desirable and appropriate use of the land. It is noted that a noncompliant gravel parking area was established on the east side of the dwelling, accessed from Aylmer Street. The depth of

the parking spaces in this driveway do not meet the minimum requirement and, as a result, pose an issue with respect to pedestrian safety and likely, encroachment into the public right-of-way. The three required parking spaces can be accommodated on the modified existing driveway on the west side of the dwelling. The applicant is proposing to remove the gravel area and reinstate the landscaping.

The subject property falls within the 'Transitional Uses Area' of the Central Area as depicted on Schedule J of the City's Official Plan. This designation recognizes that this area exhibits a diversity of land uses coexisting and compatible with low density residential areas – including medium and high density residential uses. The proposed triplex use of the existing dwelling will have minimal impact on the adjacent low density residential areas as adequate parking, buffering, landscaping, and setbacks can be achieved or represent the existing legal non-complying condition of the older established dwelling. The Transitional Uses policies in the Official Plan emphasize the important role that these areas serve in providing pedestrian linkages with adjacent Business Districts, Commercial Core or Waterfront Commercial Areas wherever practical. The present planning application will assist in re-establishing the landscaped area along Aylmer Street, improving the pedestrian environment. The proposed triplex use of the property and accompanying minor variance relief meet the general intent and purpose of the Official Plan.

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.

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 MTO jurisdiction, therefore MTO has no comments to offer these applications.

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

The City's Planner, Urban Design has reviewed the proposal and has provided the following comments:

- There is no site plan registered on the subject lands.
- A full barrier curb shall be reinstated along Aylmer Street North. The asphalt should be removed on the subject lands and within the right-of-way and reinstated with topsoil and sod.

- A curb cut will be required along Wolfe Street to facilitate the proposed driveway expansion. Recommend the driveway be asphalted instead of the existing gravel, which is proposed to be expanded.
- The staircase along the west elevation of the building to be removed to accommodate the proposed parking. Prior to obtaining building permits, the applicant shall demonstrate three parking spaces be provided with access from Wolfe Street. The entrance to be closed off shall be finished with brick.
- The existing shed along the west side of the property shall be removed to accommodate the proposed parking arrangement.

The City's Heritage Preservation Office (HPO) has reviewed the application and has indicated that the property is listed, and that no demolition is proposed. The HPO has no concerns, however, they recommend that the door to be removed on the west façade be bricked up to match the wall.

The Manager of Design and Construction has provided feedback regarding this application and agreed with the conclusion made by planning staff that the existing parking area established on the Aylmer Street side of the dwelling does not meet the minimum requirements for a parking stall length. They agreed that area pedestrians and motorists would benefit from the removal of the entrance as well as boulevard storage for snow removal.

Recommendation

Staff recommends that the Committee of Adjustment **approve** the application conditional upon the following:

- i) The owner obtaining any necessary building permits and receiving satisfactory final inspections on any open building permits associated with buildings on the subject property and that this condition must be satisfied within two years of this Committee's decision or the benefit of this decision will lapse and become null and void;
- ii) Payment of a Parks Levy in an amount to be determined by the Parks Levy Review Committee for the additional dwelling unit;
- iii) That the owner completes the following to the satisfaction of the Planner, Urban Design prior to obtaining a building permit for the third unit:
 - a) A full barrier curb shall be reinstated along Aylmer Street North. The asphalt shall be removed on the subject lands and within the right-of-way and reinstated with topsoil and sod;
 - b) A curb cut shall be established along Wolfe Street to facilitate the proposed driveway expansion. The driveway shall be asphalted.

- c) The staircase along the west elevation of the building shall be removed to accommodate the proposed parking. Prior to obtaining building permits, the applicant shall establish three parking spaces with access from Wolfe Street. The entrance to be closed off shall be finished with brick.
- d) The existing shed along the west side of the property shall be removed to accommodate the proposed parking arrangement.

3. File Number: A40/21, 2531 Denure Drive
Applicant: Robert M. Hynes, Your Own Design
Owner: Jeff Taylor and Jennifer Taylor

Background

The subject property is located on the northwest corner of the intersection of Denure Drive and Haggis 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 is developed with a two storey dwelling and is fully surrounded by a broad board wooden fence.

The applicant is seeking a variance from Section 6.11(a) of the Zoning By-law to reduce the minimum building setback from a street line of a local street 20 metres or wider in width from 6 metres to 3.048 metres to facilitate the construction of a partially enclosed residential accessory building (pool cabana) measuring 35.67 square metres in size.

A conceptual Site Plan (Exhibit C) was submitted along with this application, depicting the location of the proposed residential accessory building, in relation to the existing dwelling and proposed new in-ground pool. Staff has reviewed the concept plan provided by the applicant 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 variance is needed to facilitate the construction of a residential accessory structure in the yard of this corner property to support the pool use. The proposed maintains the intent and purpose of the Official Plan.

The intent of the street line 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. There is minimal impact given the presence of an existing tall broad board fence, and that the height of the residential accessory structure will be limited to the provisions outlined in the Zoning By-law. There is sufficient physical distance between the sidewalk and the proposed structure (including the intervening broad board fence) to ensure that road operations and sightlines for vehicles are not impacted. Given the corner lot configuration of the property as well as the desire to create some privacy for the pool users the proposal maintains the intent and purpose of the Official Plan.

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.

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 MTO jurisdiction, therefore MTO has no comments to offer these applications.

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

The City's Planner, Urban Design has reviewed this application and has indicated that there is no site plan registered to the property and that she has no concerns regarding the proposed application.

The City's Heritage Preservation Office (HPO) has reviewed the application and have indicated that the property is in an area of high archaeological potential, but that the area is considered to be highly disturbed by subdivision construction. HPO has no concerns relating to proposed construction, however, this clearance is not to be interpreted as extending to proposed future construction of pool.

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

Site Sketch of 1079 St. Paul's Street prepared by J. Laurie Young, dated July 14, 2021.

Floor Plan of 1079 St. Paul's Street, prepared by J. Laurie Young, dated June 2020.

Elevations showing front, side, and rear faces of the proposed addition.

Exhibit B

Concept Plan for 165 Aylmer Street North prepared by EcoVue Consulting Services Inc., dated June 21, 2021.

Exhibit C

Site Plan for 2531 Denure Drive, prepared by Your Own Design, dated July 20, 2021


DRAWING FOR:
FRANKIE MANDELIC & ALLI ROSS
100 ST PAULS STREET
PETERBOROUGH, ONT.

NOTES / REVISIONS:

Project: ADDITION

Title: SITE SKETCH

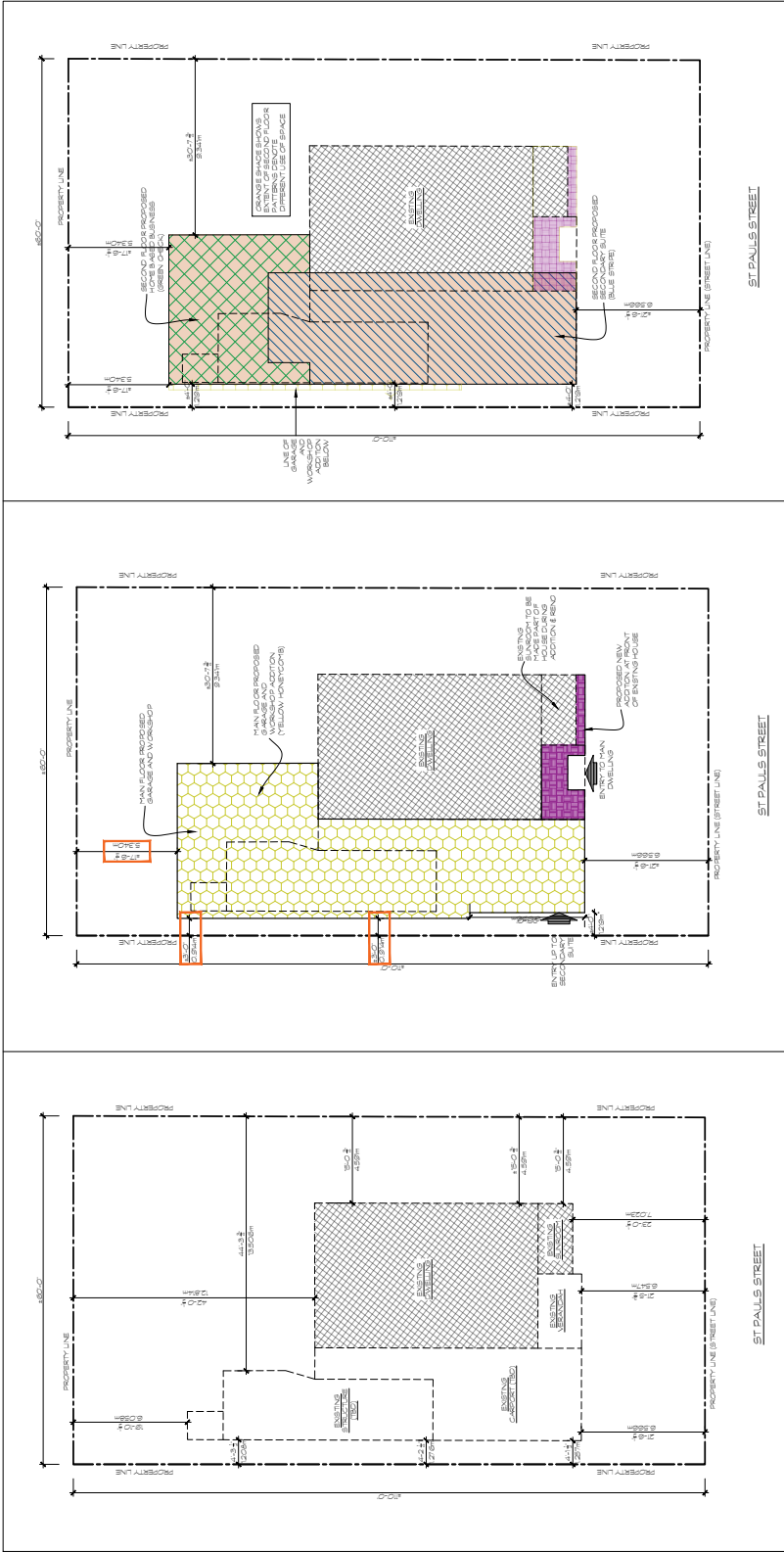
DRAWINGS ARE NOT TO BE
SCALED. CONTRACTORS SHALL
CHECK & VERIFY ALL DIMENSIONS
PRIOR TO CONSTRUCTION. ANY
DISCREPANCIES MUST BE
REPORTED TO THE OFFICE BY
REGISTERED MAIL.

J. Laurie Young
Architectural Designer - Space Planning
BCIN 503320

750 Fleet Bay Road, Suite 100, Peterborough, ON
K7A 1A5
l.young@youngdesign.com

Drawn By: K. THEALL
Checked By: J. L. YOUNG

Date: JULY 14, 2021
Page: S1

Scale: 1/4" = 1'-0"



EXISTING
SITE SKETCH
SCALE: 1" = 10'-0"

PROPOSED SITE
SKETCH
SECOND FLOOR
SCALE: 10" = 1'-0"

PROPOSED SITE
SKETCH
MAIN FLOOR
SCALE: 1" = 10'-0"

LEGEND

---	PROPERTY LINE
[Pattern]	EXISTING DWELLINGS
[Pattern]	PROPOSED GARAGE/WORKSHOP ADDITION
[Pattern]	PROPOSED SECOND FLOOR
[Pattern]	PROPOSED ADDITION (WITH BEDROOMS AND RECREATION AREA)
[Pattern]	PROPOSED STUDIO
[Pattern]	PROPOSED ADDITION ON FRONT OF EXISTING
[Pattern]	DIMENSIONS REQUIRING A VARIANCE

SITE STATISTICS:

LOT AREA	= 6662 SF
EXISTING DWELLING	= 1095.1 SF (16.5%) 98 SF
EXISTING SHED (TBD)	= 426.5 SF (6.4%) 37 SF
EXISTING GARAGE (TBD)	= 525.2 SF (7.9%) 46 SF
PROPOSED GARAGE/WORKSHOP	= 1442.9 SF (21.6%) 134 SF
PROPOSED ADDITION (RENT ENTRY)	= 99.6 SF (1.4%) 9 SF
EXISTING LOT COVERAGE	= 2046.7 SF (30.6%) 193 SF
PROPOSED LOT COVERAGE	= 2596.6 SF (38.9%) 241 SF
TBD= TO BE DEVELOPED	

SITE STATISTICS CONT...

ADDITION (WITH BEDROOMS)	= 1009.7 SF (15.1%) 93 SF
STUDIO (HBB)	= 523.6 SF (7.8%) 46 SF
HBB= HOME BASED BUSINESS	

SITE SKETCH INFORMATION TAKEN FROM SURVEY
COMPLETED BY BENJAMIN SURVEYING ON JANUARY 23, 1995. THIS SURVEY WAS PERFORMED BY ELLIOT AND PART OF IT NOT BE CREDIBLE FOR CURRENT LOT CONDITIONS. ALL DIMENSIONS ARE APPROXIMATE AND THE SURVEYOR ASSUMES ALL RESPONSIBILITY FOR ANY DISCREPANCY ON SITE SKETCH.

ALL CONSTRUCTION METHODS
AS PER PART 9 OF THE OBC.
ALL TRACES TO HAVE MIN FIVE
YEAR EXPERIENCE IN THE
RESPECTIVE DISCIPLINE.

ANY DEVIATION FROM THESE
PROCESSES MUST BE REPORTED
TO THIS OFFICE TO ENSURE
COMPLIANCE WITH THE
ONTARIO BUILDING CODE.
LATEST EDITION FAILURE TO
COMPLY WITH THESE
PROCESSES WILL BE
PROSECUTED FOR
PROFESSIONAL
LIABILITY.

Drawings For:
FRANKIE MANDELIC
ST. PAUL ST.

Notes / Revisions:

Project: ADDITION

Title: PRELIMINARY PLANS

DRAWINGS ARE NOT TO BE
SCALED CONTRACTORS SHALL
CHECK & VERIFY ALL DIMENSIONS
PRIOR TO CONSTRUCTION ANY
MODIFICATIONS MUST BE
REPORTED TO THE OFFICE BY
REGISTERED MAIL

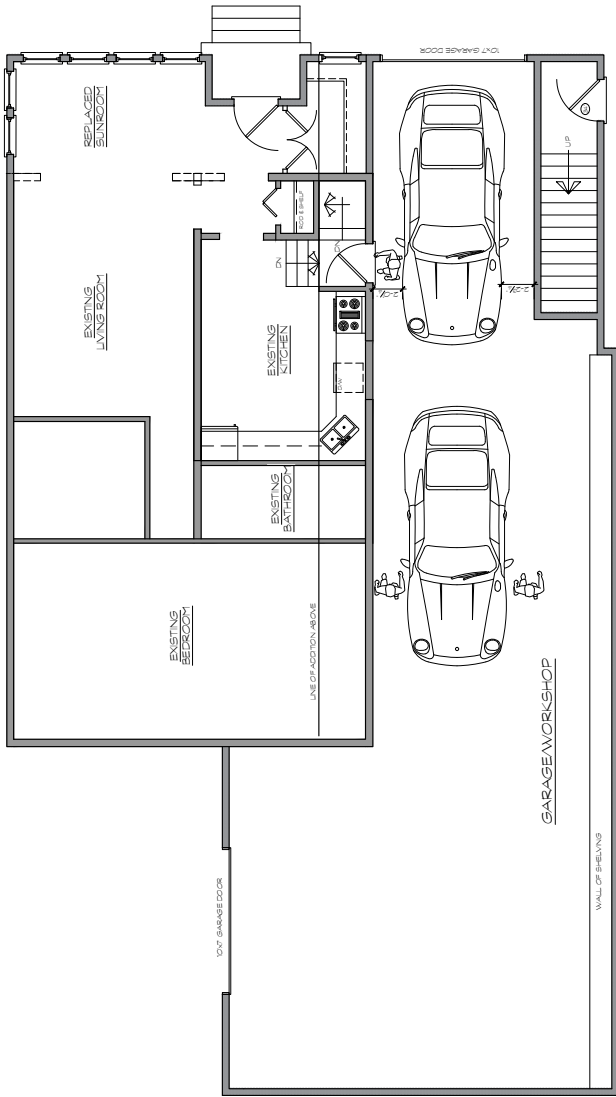
J. Laurie Young
Architectural Designer - Space Planning
BCN# 50320
7500 Hwy 7 East, Suite 100
Richmond Hill, Ontario
L4B 1N1
j.laurie@youngdesign.com

Drawn By: K. THEALL
Checked By: J. L. YOUNG

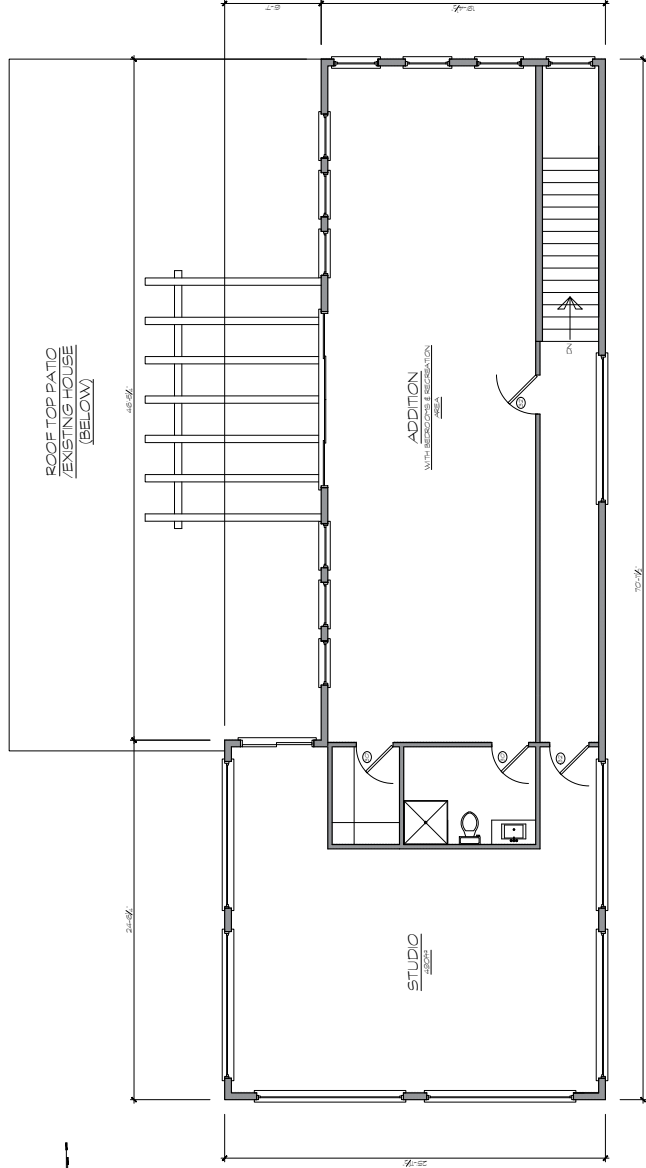
Date: JUNE 2020
Page: D1

Scale: 1/4" = 1'-0"

PRELIMINARY DRAWINGS
DO NOT USE FOR
CONSTRUCTION



MAIN FLOOR PLAN



SECOND FLOOR



Figure 5 - South East Elevation



Figure 6 - South West Elevation



Figure 7 - North West Elevation



All dimensions and information must be verified by owner/builder. YOUR OWN DESIGN accepts no responsibility for errors omissions unless notified writing prior to construction. All workmanship and materials to be in accordance to the ONTARIO BUILDING CODE. All exterior doors to be solid bolt locked. These drawings are the property of YOUR OWN DESIGN. This plan is not to be copied without written permission from designer.

FINISH GRADE TO TOP OF ROOF = 13'-1"

WOULD LIKE TO REDUCE THE
STREET SET BACK FROM 6M (19'-8 1/4")
DOWN TO 3.04 M (10'-0")

HAGGIS DRIVE

NORTH

PROPOSED FINISH GRADE TO TOP OF ROOF = 13'-1"

2531 DENURE DR
EXISTING HOUSE
LOT
= 2142 SQFT (198.99 M2
= 1988.9 SQFT (142.20 M2)
PROPOSED POOL HOUSE = 384 SQFT (35.61 M2)
PROPOSED ACCESSORY STRUCTURE LOT COVERAGE
LOT 1988.9 SQFT X 4.815% = 393.45 SQFT

DENNRE DRIVE

11-0-19

I REVIEW AND TAKE RESPONSIBILITY FOR THE DESIGN WORK ON BEHALF OF A FIRM REGISTERED UNDER SECTION 217.4 OF THE BUILDING CODE

I AM QUALIFIED, AND THE FIRM IS REGISTERED IN THE APPROPRIATE CLASSIFICATION CATEGORIES

Mitchell R. Hayes

(ORIGINAL SIGNATURE ONLY IN RED)
INDIVIDUAL BCIN # 48396
FIRM BCIN # 3701



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Robert M. Hyman
rmh@yourrowndesign.ca

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DATE: JULY 20 2021

PLAN NAME: JIM JOHNSTON POOL CABANA

ADDRESS: 2531 DENURE PTBO

ADDRESS: 2931 DENVER, F
DEBAILING NAME: SITE 21 AN

SCALE: 3/16" TO 1'

REVISED DATES

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REVISED DATES
