

Committee of Adjustment Hearing Date: July 16, 2019

Staff Comments Regarding: Files: A22/19, B11/19, A31/19, A32/19, A33/19, A34/19, A35/19, B12/19

A22/19 – 591 Water Street – Ken Yates and Heather Avery

This application was adjourned from the May 7, 2019 meeting to address concerns relating to the original design of the fire escape. The subject property is located on the west side of Water Street, south of the intersection of Dublin and Water Streets, just north of the City's Central Area. The property is zoned R1, R2, R3 and is recognized as a legal non-complying triplex. The property is designated 'Residential' on Schedule A – 'Land Use' of the City's Official Plan.

The applicant is seeking the following minor variances from the Zoning By-law to permit the construction of a fire escape at the south side of the existing building:

- a) Reduce the minimum setback from the centreline of Water Street from 16 meters to 12 metres:
- b) Increase the lot coverage by building area from 40% to 48%; and
- c) Reduce the minimum width of a parking stall from 2.7 metres to 2.5 metres.

The variances are collectively required to facilitate the fire escape that has been ordered by Fire Services to service the triplex (Exhibit A). The location of the fire escape has shifted from being at the front of the building to the side, to accommodate concerns previously raised. This new location is preferred by staff.

The revised application was supported by drawings depicting the location of the proposed fire escape and its design. Staff noted that there was flexibility in the design of the stairs, from a building code perspective, to ensure that a minimum 2.5-metre-wide parking space can be maintained at the side of the dwelling. The reduction in the minimum width of a parking space will help ensure that the construction of the fire escape will not create a challenge with respect to the continuation of locating one parking space adjacent to the building.

The proposed fire escape will aid in ensuring that the legal non complying triplex is safe for its residents, in compliance with the Fire and Building Codes. Compliance with these codes will be handled by the Building Division at the Building Permit Stage. The variances sought maintain the general intent and purpose of the Official Plan and the Zoning By-law. The

proposed variances are desirable and are considered minor. Staff recommend that the Committee approve the application as revised, provided that a distance of at least 2.5 metres is maintained between the south side lot line and the fire escape.

B07/19, A28/19, A29/19 - 400 Ashburnham Drive – Len and Susan Vass

Staff recommend that the Committee defer this application *Sine die*, as the revised Environmental Impact Statement (EIS) that meets the Otonabee Region Conservation Authority's minimum submission requirements has at the time of writing this report not been provided to ORCA. An EIS is required to evaluate the impact of the development in relation to the Provincially Significant Wetland on site.

B11/19 – 189 Lisburn Street – Glenn and Susan Field and Oliva Henderson (nee Field) / Don Helleman

The subject property is located on the west side of Lisburn Street in East City. It is zoned R.1, R.2 and is designated 'Residential' on Schedule A 'Land Use' of the City's Official Plan. The property is vacant except for a small garage. The property backs onto the Rotary Greenway trail. The property is subject to an existing sanitary sewer easement measuring 7.6 metres in width across the westerly (rear) portion of the lands as shown as Parts 4, 5 and 6 in the attached draft reference plan Exhibit B.

The applicant is proposing to redevelop the lands with a semi-detached dwelling and a single detached dwelling – a total of three separately conveyable lots. In order to do so, the applicant intends to sever along the party wall of a to be constructed semi-detached dwelling creating two 9.6-metre-wide lots, leaving one 12-metre-wide lot for a single detached building (Exhibit B).

Section 6.39 of the Zoning By-law refers to instances where lot area per dwelling unit, lot width per dwelling unit, and building setback from a side lot line that separates the subdivided lots need not apply, so long as the subdivided lots contain only one dwelling unit on each side. This provision in the Zoning By-law facilitates the division of the semi-detached building along the party wall.

The proposed application for consent is to facilitate the conveyance of either side of the semidetached building and the single detached building lot. Each lot meets the minimum requirements outlined in the Zoning By-law for lot width and area. The creation of two new residential lots within the Built Boundary, where municipal services are available, is in keeping with policies in the City's Official Plan.

Peterborough Distribution Inc (PDI) has provided comment and have indicated that overhead line clearance shall comply with PDI Standard 3-105. They indicate that the existing garage (that is to be removed) does not comply with these requirements. Planning Staff note that any construction will require a building permit and will need to comply with these standards. Peterborough Utilities Commission (PUC) has provided comment and have indicated that each new lot will require a new water service. Water service sizing is the responsibility of the

owner and development charges are applicable.

The Otonabee Region Conservation Authority (ORCA) has reviewed this application and have indicated there are no concerns with respect to natural hazards or natural heritage policies of the Provincial Policy Statement.

Staff recommend that the Committee of Adjustment approve the subject consent application, conditional upon the following:

- i) That the owner enters into a development agreement with the City requiring that building plans be provided for approval by the Planner of Urban Design to ensure compatibility of the building with other buildings in the neighbourhood prior to issuance of a building permit;
- ii) Prior to registering the Reference Plan at the applicant's cost, the applicant shall submit for approval a draft Reference Plan to the Secretary-Treasurer, showing the proposed severed parcel. Upon registration of the approved Reference Plan, two copies of the registered reference will be provided to the Secretary-Treasurer;
- iii) 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 applicant's 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;
- iv) Payment of a Parks Levy in an amount to be determined by the Parks Levy Review Committee:
- v) Payment of a Tree Levy in the amount of \$229.45;
- vi) That the applicant provides the Secretary-Treasurer with a draft of the Transfer/Deed of Land; and
- vii) That if the above conditions are not satisfied within 365 days of the circulation of the Committee's decision that this consent will lapse.

A31/19 – 922 Fairbairn Street – Dmitry Mishchenko

The subject property is approximately 0.43 acres in size and is located on the east side of Fairbairn Street in the City's North End. The subject property is zoned 'Residential' in the former Smith Township Zoning By-law and is Designated 'Urban Fringe Control' in the former Township's Official Plan. The property is developed with a dwelling unit and is privately serviced. These lands were annexed by the City in 2008.

The applicant is proposing to construct a detached workshop on the subject property, measuring 84 square metres in size (Exhibit C). The former Smith Township Zoning By-law specifies that on lots that are privately serviced, lot coverage by buildings is limited to 12%.

The applicant is seeking a minor variance to increase this to 16%.

At the time of writing this report, comments from Hydro One have not been received. Staff note that separation distances of structures to infrastructure are reviewed at the Building Permit Stage.

Peterborough Public Health has provided comment and has no objection to the proposed minor variance.

The Otonabee Region Conservation Authority (ORCA) has reviewed this application and have indicated there are no concerns with respect to natural hazards or natural heritage policies of the Provincial Policy Statement.

The Urban Fringe Control Policies of Smith Township's Official Plan contains policies to ensure that uses not limit the future development or urban growth of the City of Peterborough. This supports the ongoing use of the property for the existing residential purpose and the proposal to construct a workshop. The footprint of a detached accessory structure on site is limited to 5% lot coverage. The proposed workshop falls within this threshold.

The intent behind the low threshold for lot coverage on unserviced lots is to ensure that there remain a suitable site and amount of lands to locate septic and well facilities. The location of the structure on site will consider the existing location of septic and well facilities through the Building Permit review.

The proposal to construct a workshop in support of the residential use of the property is seen as being in keeping with the Zoning By-law and Official Plan applicable to this property. The proposed variance is viewed as desirable for the use of the land and is considered minor. Staff recommend that the Committee of Adjustment approve the subject application.

A32/19 - 1080 St. Paul's Street - Donna Marie Wedlock / Doug Head

The subject property is located on the east 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 is developed with a single detached dwelling.

The applicant is proposing to construct a carport at the side of the dwelling (Exhibit D). The carport requires a minor variance from the side yard setback to the outside of the support post from 1.2 metres to 0.6 metres to achieve the appropriate width to park a vehicle within the carport.

The Otonabee Region Conservation Authority (ORCA) has reviewed this application and have indicated there are no concerns with respect to natural hazards or natural heritage policies of the Provincial Policy Statement.

Peterborough Distribution Inc (PDI) has provided comment and have indicated that the electric service will need to be moved to accommodate the new carport – at the owner's cost.

The proposed variance facilitates the construction of a carport, serving as a covered entry point into the existing dwelling. The immediate neighbouring property has their driveway and garage adjacent to the proposed carport – limiting the impact of the proposed. The presence of a carport on a residential designated and zoned property is in keeping with the Official Plan and Zoning By-law. Considering the presence of the adjacent driveway and detached garage, staff consider the request to be minor in nature and would be desirable development of the land. Staff recommend that the Committee approve the variance to provide relief from the 1.2 metre building setback to allow a carport with posts to be located 0.6 metres from the side lot line provided that the carport remains unenclosed.

A33/19 – 170 Chandler Crescent – Beverley and Milton McKenzie

The subject property is located on the east side of Chandler Crescent in the Jackson Park Meadows subdivision. The property is zoned R.1,8z-256, which is one of the standard zoning districts used in the new subdivision. The property is designated as 'Residential' on Schedule A – 'Land Use' in the City's Official Plan. The property is developed with a single storey dwelling with attached garage.

The applicant has constructed a platform in the rear yard, abutting the rear and side yard lot lines (Exhibit E). When a platform exceeds 0.15 metres above grade, the setback provisions in the City's Zoning By-law apply, and a Building Permit is required. A platform can extend 0.9 metres into the building setback from a side lot line and 3 metres into the setback from a rear lot line. The applicant is seeking relief of these requirements to 0 metres. The platform abuts a wooden privacy fence along the northerly side and rear lot line. A chain-link fence divides the subject property and the adjacent property to the south.

The Otonabee Region Conservation Authority (ORCA) has reviewed this application and have indicated there are no concerns with respect to natural hazards or natural heritage policies of the Provincial Policy Statement.

The introduction of the platform does not create an increased impact as the space could otherwise be occupied by lawn furniture or landscaping, in the absence of the platform. The remaining half of the backyard remains as landscaped open space. The platform does not detract from the residential designation and zoning of the property. As such, Staff sees the proposed variance is in keeping with the general intent and purpose of the Official Plan and Zoning By-law, is appropriate for the development of this residential property and is considered minor. Staff recommends that the Committee of Adjustment approve the application, provided that any alterations to existing lot grading patterns or drainage will not adversely impact adjoining properties.

The applicant will be required to resolve all matters pertaining to the Ontario Building Code and will have to make appropriate submissions to the Building Division.

A34/19 – 50 Sophia Street – Katelynn Mitchell

The subject property is located on the north side of Sophia Street, in East City. 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. This is a deep property, measuring 11 metres wide and 58 metres deep. It has a bungalow centred near the front of the lot with parking in front (Exhibit F).

In order to qualify under the City's new Secondary Suites, the property must, among other things, be able to accommodate three legal parking spaces. The parking configuration at the subject property is at the front of the existing dwelling in an oversized driveway and is considered non-complying. As the property is zoned to allow multiple dwelling units, the applicants have the option to seek minor variances to establish the second dwelling unit, in lieu of a secondary suite.

When this building was constructed in 1986, the design did not anticipate a side driveway as the others do on the street. Since the driveway configuration (three vehicles across) in a driveway exceeding the maximum of 6 metres, the applicant is required to pursue their request for the second dwelling unit via a minor variance to the R.2 Zoning District and parking provisions of the Zoning By-law as follows:

- a) Reduce the minimum lot width per unit from 9 metres to 5.5 metres;
- b) Reduce the minimum number of parking spaces from 4 to 3;
- c) Increase the width of a driveway at the streetline from 6 metres to 8.2 to recognize the existing driveway width; and
- d) Allow three vehicles to be parked within 3 metres of a streetline.

The infill policies of the Official Plan support additional units to maximum scale permitted within the medium density residential designation (up to 75 dwelling units per hectare) subject to being sensitive to the scale and physical characteristics of the surrounding neighbourhood. The proposed will make efficient use of the existing building to support the second dwelling unit. With respect to the reduction in the number of parking spaces, this property is within walking distance to the Hunter Street East Business District which has a wide variety of commerce, is within proximity to parks, schools and is serviced by transit. The driveway at the subject property is 8.2 metres in with, exceeding the 6-metre maximum. Aerial imagery indicates that the parking configuration on site dating back to at least 1996.

Peterborough Distribution Inc (PDI) has indicated there should only be one electric service to the property. Each unit is to be metred separately. If electric heat is provided in rental units, then the electric heat must be metered separately from the renter's meter as per Ontario Regulation 389/10. Peterborough Utilities Commission has indicated that the owner shall determine if existing water service size is suitable for the proposed residential unit. If larger water service size is required, the cost to replace the existing service is the responsibility of the owner.

The Otonabee Region Conservation Authority (ORCA) has reviewed this application and

have indicated there are no concerns with respect to natural hazards or natural heritage policies of the Provincial Policy Statement.

The proposed second dwelling unit at the subject property is in keeping with the Zoning Bylaw and Official Plan, will result in desirable use of the land and the requests variances are considered minor. Staff recommend that the Committee of Adjustment approve the subject application.

A35/19 – 571 Romaine Street – Kendra and Norm Grant

The subject property is located on the south side of Romaine Street, east of the intersection of Romaine Street and Monaghan Road. The property is zoned R.1, R.2 and is designated Residential on Schedule A 'Land Use' of the City's Official Plan. The property is developed with a two and a half storey dwelling.

The applicant is proposing to re-establish a covered front verandah. A variance is required from the Zoning By-law to reduce the minimum building setback from the centreline of Romaine Street from 15 metres to 12.7 metres to allow the re-establishment of the verandah at the front of the dwelling (Exhibit G). The previous veranda was removed by the applicants over 20 years ago as it was in poor condition at the time. Due to the time that has passed between the verandah's removal and the proposed reconstruction, a variance to reduce the setback from the Centreline of Romaine Street is required.

Peterborough Distribution Inc has indicated that the overhead line clearance shall comply with PDI standard 3-105. The minimum horizontal clearance from the structure to the overhead lines shall be 4 metres. This will be reviewed at the Building Permit Stage.

The Otonabee Region Conservation Authority (ORCA) has reviewed this application and have indicated there are no concerns with respect to natural hazards or natural heritage policies of the Provincial Policy Statement.

The proposed verandah is in keeping with the built form of the street, replicating what would have been historically part of the subject property. This supports the ongoing residential use of the property, maintaining the general intent and purpose of the Official Plan and Zoning By-law. It is desirable development of the land and the request is minor. Staff recommend that the Committee of Adjustment approve the proposed variance request.

B12/19 – 1414 Lansdowne Street West – Used Cars Solutions Inc. / Gregg Gordon Architect

The subject property is located on the North Side of Lansdowne Street West. It is the current location of Russelle Toyota Certified Used Cars. The property is zoned Sp.220-146 and designated Service Commercial. The property is developed for automotive sales.

The applicant is seeking consent for a 3.77-metre-wide lot addition to the property

known as 1400 Lansdowne Street West (Exhibit H). The intent behind this application is to improve circulation of vehicles around the proposed building expansion at 1400 Lansdowne Street West (subject to Site Plan Approval).

Peterborough Utilities Commission have provided comment indicating that the owner shall determine if existing water service size is suitable for the proposed building expansion. I larger service size is required, the cost to replace the existing service is the responsibility of the owner. Development charges would be applicable. Planning Staff note that this item is most appropriately addressed at the time of a Site Plan Application that would deal with the expansion of the building.

The Otonabee Region Conservation Authority (ORCA) has reviewed this application and have indicated there are no concerns with respect to natural hazards or natural heritage policies of the Provincial Policy Statement.

The proposed lot addition, by adding a small portion of 1414 Lansdowne Street West to 1400 Lansdowne Street West will improve circulation on site of 1400 Lansdowne Street West and will not detract from 1414 Lansdowne Street West. The proposed meets the requirements outlined in the Zoning By-law and is in keeping with the Official Plan. Formal changes on either site will go through the appropriate Site Plan Approval Process. Each property's site plan will have to be updated to reflect the property change. Staff recommend that the Committee Grand Consent for the lot addition subject to the following conditions:

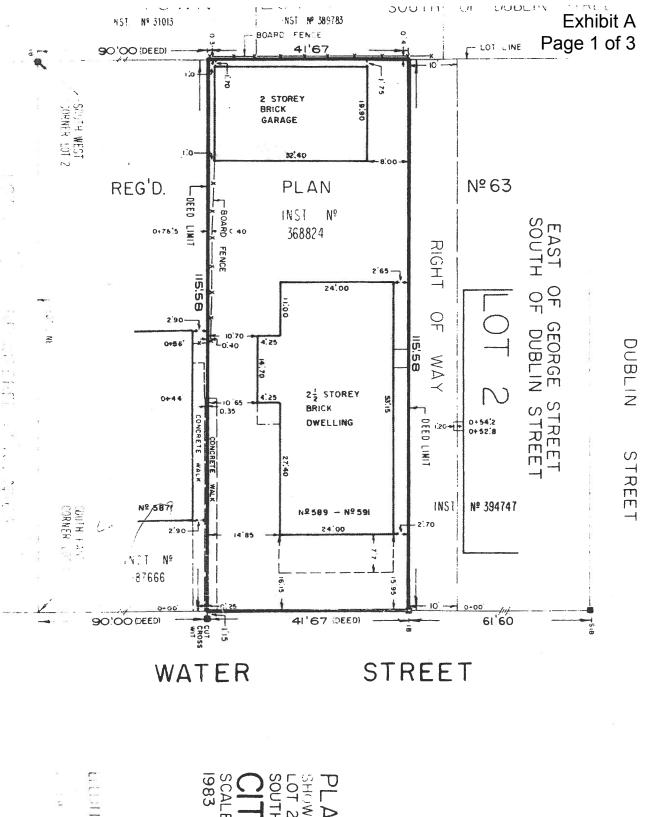
- a) Prior to registering the Reference Plan at the applicant's cost, the applicant shall submit for approval a draft Reference Plan to the Secretary-Treasurer, showing the proposed lot addition parcel, including road widening. Upon registration of the approved Reference Plan, two copies of the registered reference will be provided to the Secretary-Treasurer;
- b) 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 applicant's 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.
- c) The owner's solicitor shall provide an Undertaking to register an Application to Consolidate the severed property with 1400 Lansdowne Street West. The two parcels shall be considered as one lot and shall not be dealt with separately, Section 50 (3) or 50 (5) shall apply to any subsequent conveyance or transaction involving the parcel of land that is subject to this Consent application;
- d) That the applicant provides the Secretary-Treasurer with a draft of the Transfer/Deed of Land.

e) That if the above conditions are not satisfied within 365 days of the circulation of the Committee's decision that this consent will lapse.

Prepared By:

Concurred With:

Christie Gilbertson R.P.P., M.C.I.P., Planner, Policy and Research Planning Division, Infrastructure and Planning Services Dean Findlay, C.Tech., CBCO Chief Building Official Building Division, Infrastructure and Planning Services

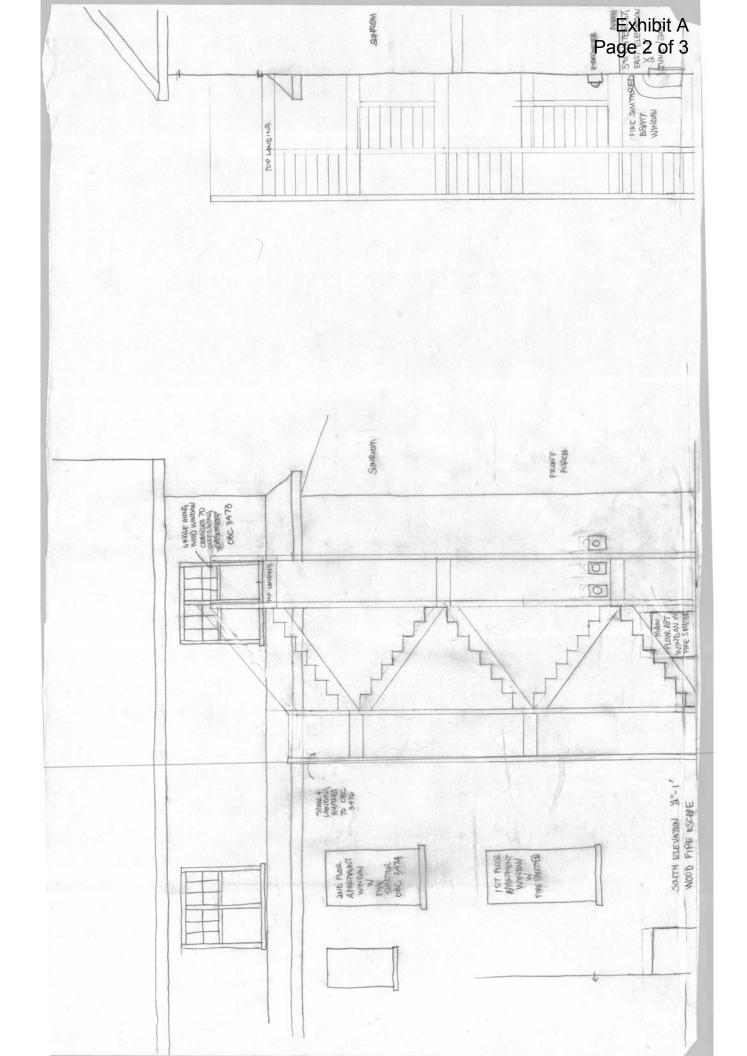


ELLISTI AND PARR (PETERBURGUGH)

SHOWING BUILDING LOCATION LOT 2, EAST OF GEORGE STREE SOUTH OF DUBLIN STREET, REGINATION OF PETER!

SCALE I INCH EQUALS 20 FEET 1983





SITE PLAN 591 WATER ST. Exhibit A Page 3 of 3

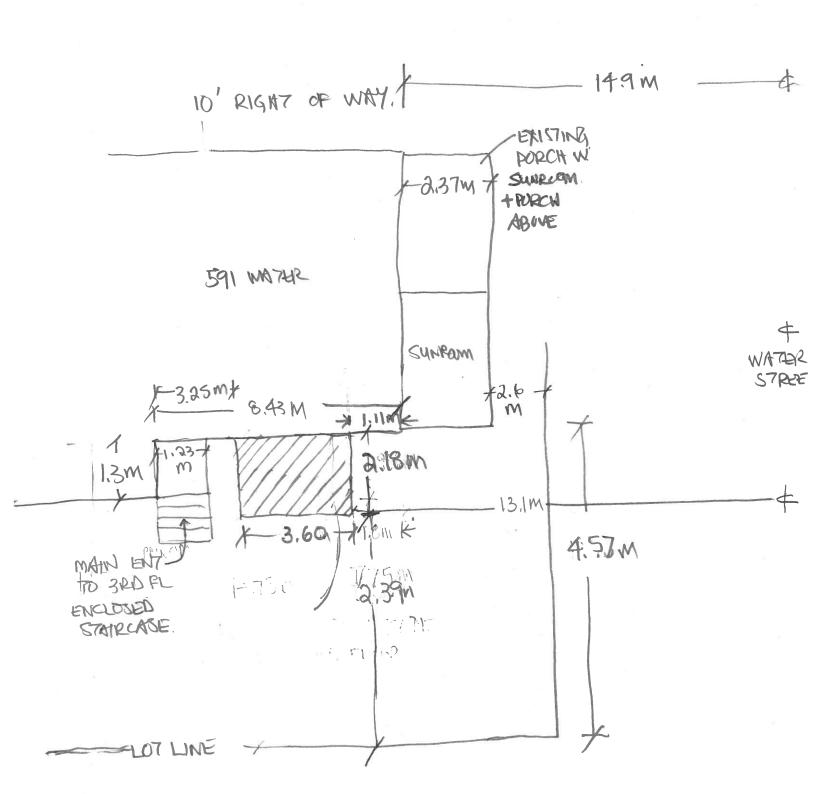
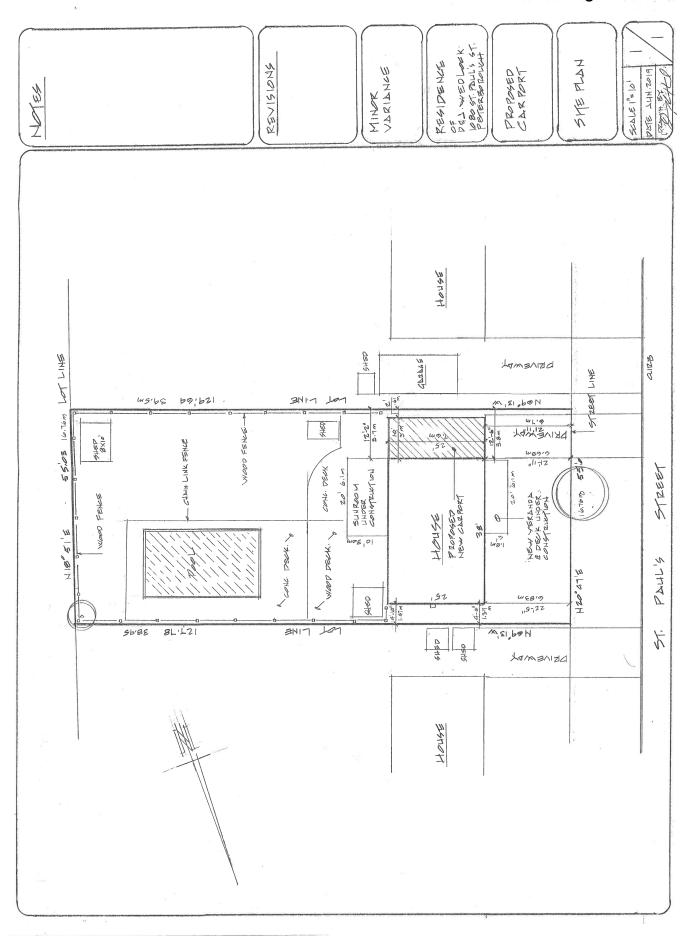
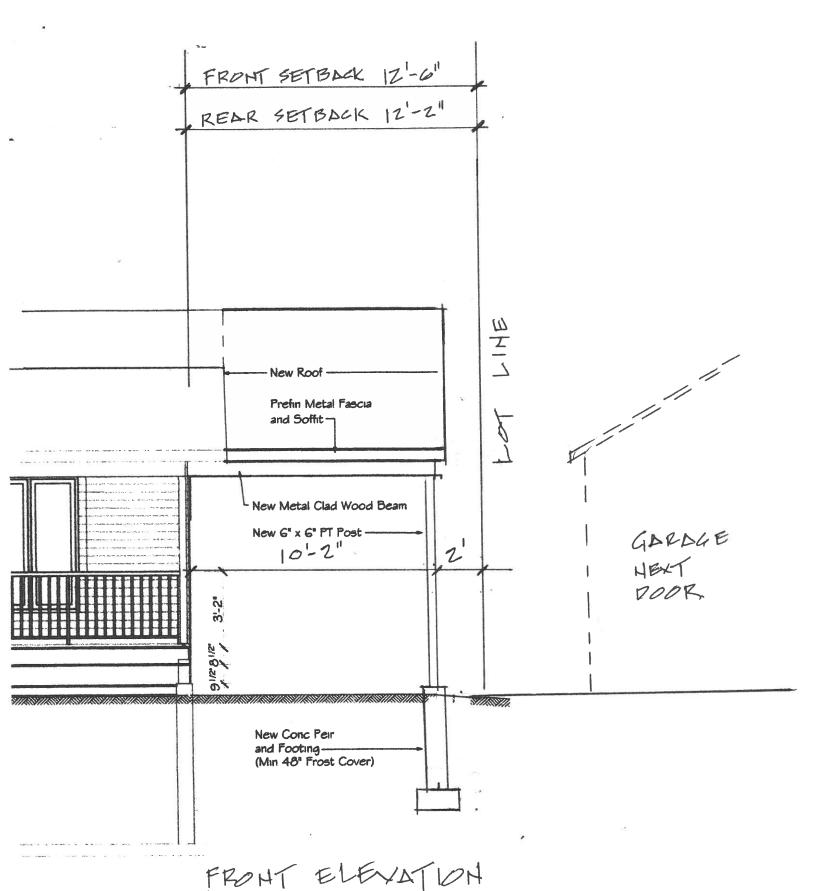
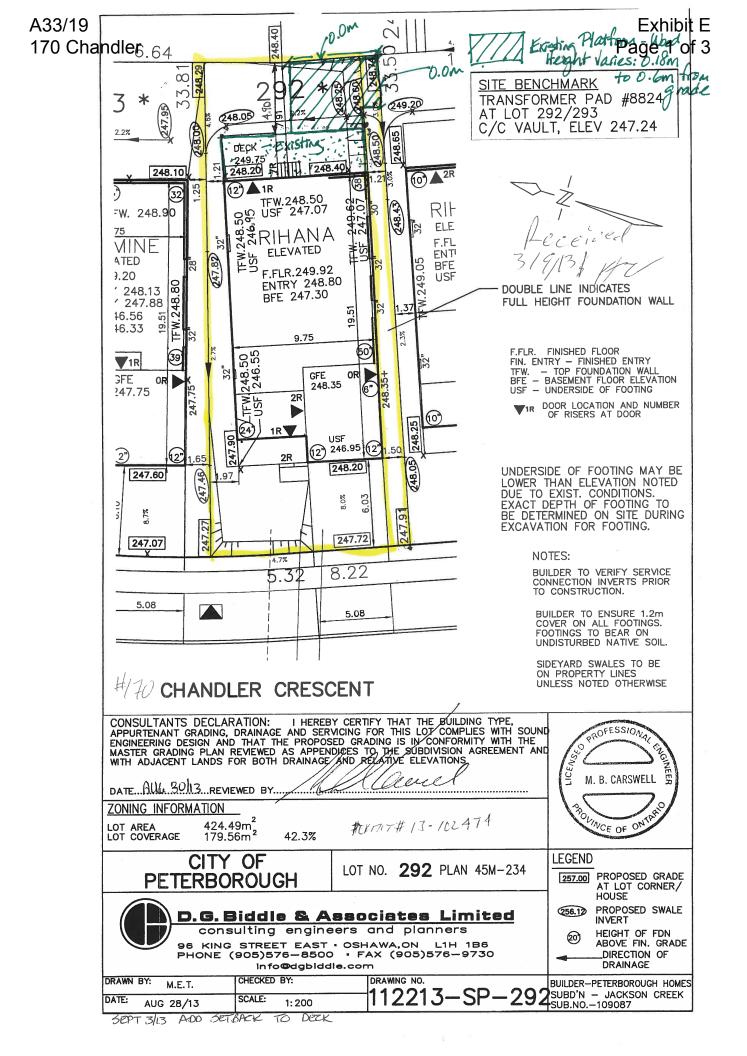
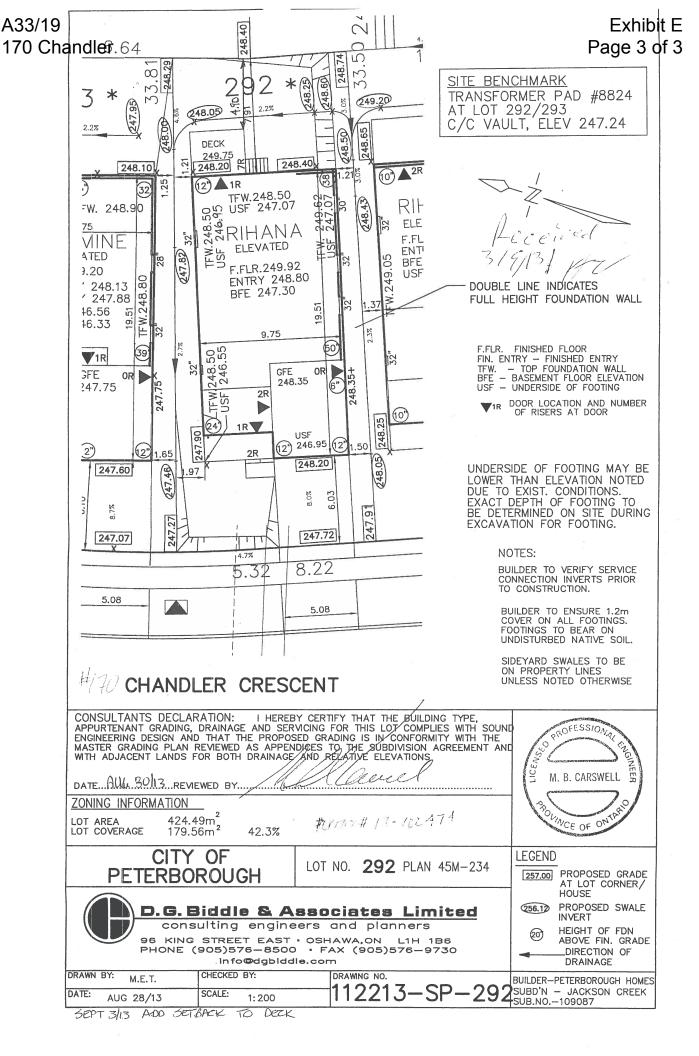


Exhibit D Page 1 of 3

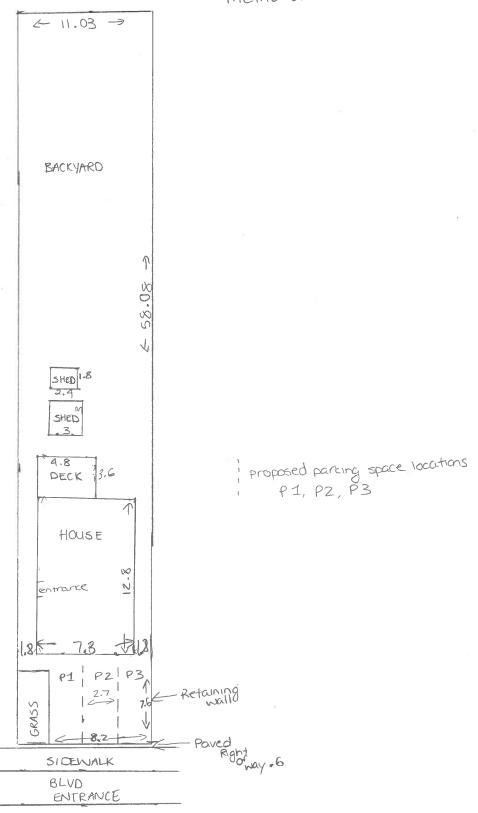




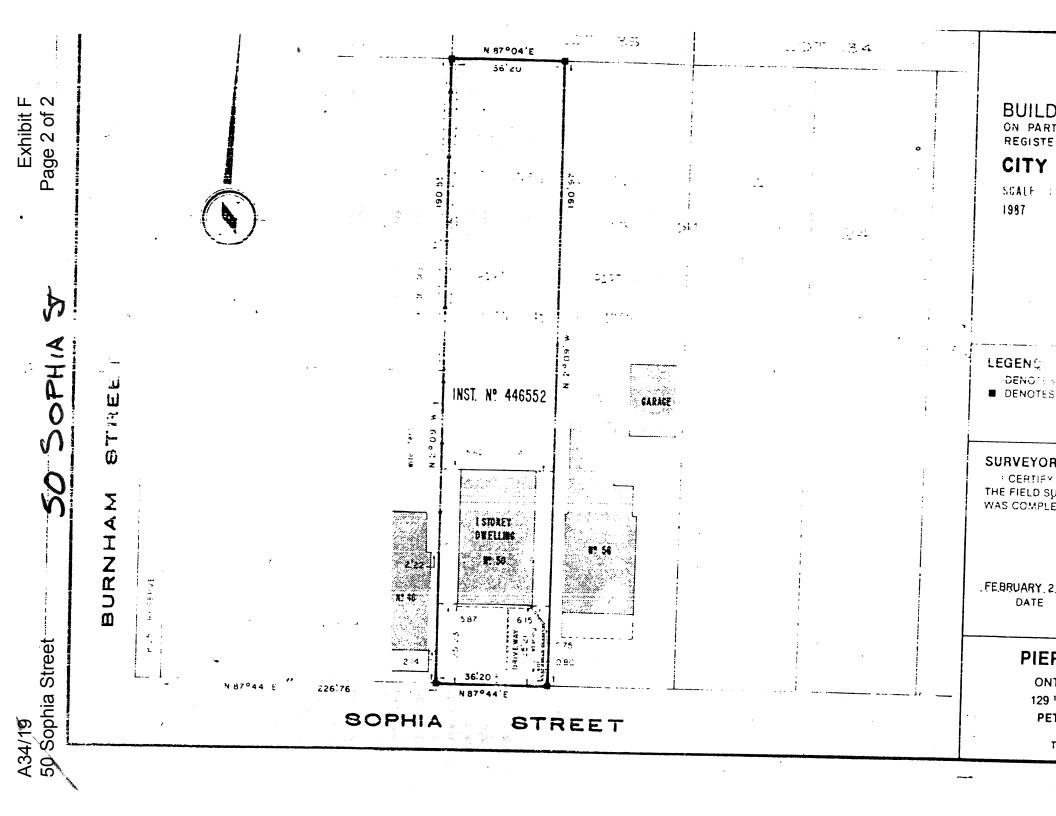


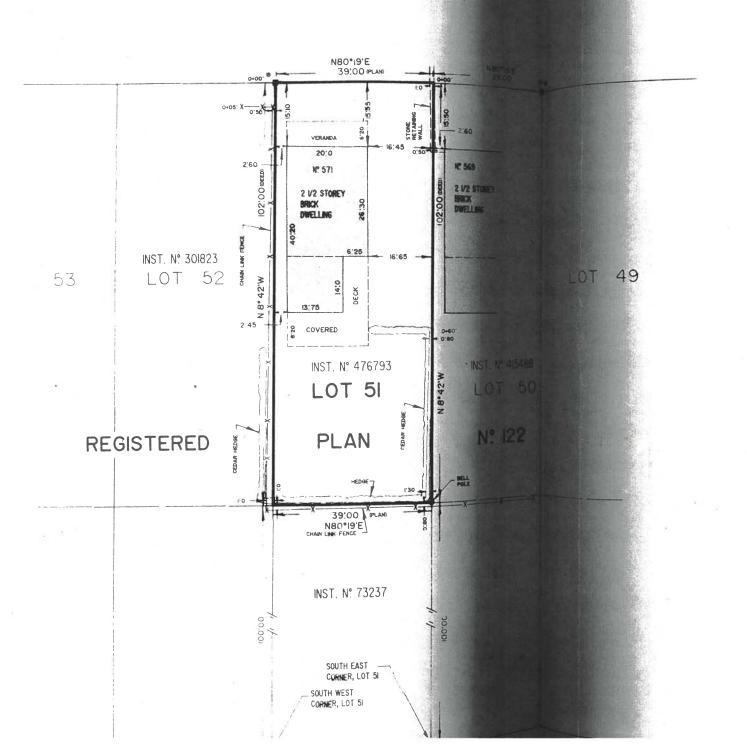


Metric Units



SOPHIA STREET





PART OF LOT SE EXHIBIT G

SCALE: I INCH EQUALS

ROBERT B. PARR, O.L.S 1988

