



City of
Peterborough

Committee of Adjustment

Hearing Date: December 3, 2019

Staff Comments Regarding Files: B14/19, A50/19, A55/19, A56/19, A57/19, A58/19, B21/19, A59/19, and A60/19

1. File Numbers: B14/19 and A50/19
Address: 788 Aylmer Street North
Applicant: 2695867 Ontario Limited
Owner: 2695867 Ontario Limited

These applications were deferred from the October 1, 2019 meeting of the Committee of Adjustment. The reason for the deferral was to select a future date to hear the application once concerns regarding the amendment to the Heritage Designation By-law (By-law 10-125) and the appropriateness of the consent process could be addressed.

It has been determined by Legal and Heritage staff that there is nothing in the Heritage Designation By-law that can be amended prior to the severance occurring. Although the “informal front gardens and expansive yard” were identified in the Heritage Designation Brief as an attribute to be designated, it was not included in the list of heritage attributes in By-law 10-125 (Exhibit A). The only portion of By-law 10-125 that will need to be amended as it relates to the subject property is the legal description which cannot occur until the severance has been granted and the legal description of the lands has been changed.

Secondly, members of the Committee discussed whether lot creation in this location was appropriate to be done through consent or if a plan of subdivision is required. When evaluating an application for consent to sever staff considers the following:

1. That new lots be fully serviced by water and wastewater facilities;

The proposed lots will have access to water and wastewater services through connections to existing mains in the Aberdeen Avenue right-of-way.

2. That new lots have frontage and direct access to a public street;

The proposed lots will have frontage and access to a public street (Aberdeen Avenue).

3. That new lots conform to the policies of the Official Plan or secondary plan, where applicable;

The subject property is designated “Low Density Residential” in the Official Plan. Objectives of the Residential designation include encouraging “infill residential development in residential areas where the impacts of development on existing uses can be minimized and where development can efficiently utilize existing municipal services and facilities” and “encourage residential intensification to increase the supply of housing through better use of existing resources, buildings and under-utilized sites”.

Further, the growth management goal of the Official Plan, as established in section 2.4.1, is to “provide for the efficient use of urban land resources through the planning of appropriate greenfield development, intensification and redevelopment opportunities and provision of adequate densities and mix of land uses that promote a compact urban form.” It is staff’s opinion that the proposal to create two new building lots conforms to the policies of the Official Plan.

4. That new lots will comply with the Zoning By-law or approved minor variance;

The proposed lots comply with the regulations of the R.1 zoning district. The proposed minor variance application is to permit the existing garage, which was identified as a heritage resource by the applicant’s consultant, to remain on one of the newly created lots in advance of a primary dwelling being established.

5. The current and future use of surrounding properties will not be restricted; and

It is likely that the area will remain a residential neighbourhood for the foreseeable future. It is staff’s opinion that the proposed severances will not restrict the current and future use of the surrounding properties

6. That new lots reflect the general character and scale of the established development pattern in the surrounding area.

The proposed new lots will extend the lot pattern west down Aberdeen Avenue in a manner which is consistent with the established development pattern.

Based on the foregoing, it’s staff’s opinion that it is appropriate for the application to proceed by way of consent.

Recommendation

Staff recommends that applications B14/19 and A50/19 be heard by the Committee at the January 28, 2020 meeting.

2. File Number: A55/19
Address: 1310 Albertus Avenue
Applicant: Kevin M. Duguay
Owner: Glenda Salt

The subject property is located on the east side of Albertus Avenue between Charlotte and Huffman Streets. The property is designated “Low Density Residential” in the Official Plan and is zoned “R.1 – Residential District” in the Zoning By-law. The property listed on the City’s Heritage Register and is currently developed with a legal non-conforming fourplex.

The subject property, in 1974, was subject to several consent applications which resulted in the creation of 1304, 1320 and 1328 Albertus Avenue. As a condition of those applications, the City took a road widening of approximately 4.0 metres (13 feet). The road widening resulted in a condition where an existing four-car garage associated with 1310 Albertus Avenue was located partially within the right-of-way. The City entered into an encroachment agreement with the property owner on March 18, 1975 “to maintain the aforesaid existing encroachment in its present position, during the lifetime of the said [four-car garage] building.” The location of the four-car garage is identified as Part 7 of Plan 45R1431 (Exhibit B).

In 1977, the subject property was subject to a minor variance application to permit the construction of a new two-car garage with a setback of 10.06 metres (33 feet) from the centre line of Albertus Avenue. This variance was conditional upon the demolition of the then existing four-car garage and that the area of the garage to be demolished (Part 7 of Plan 45R1431) be deeded to the City for road widening purposes. A permit for the demolition of the four-car garage was issued in the summer of 1987 and the permit was closed later that same year. Once the four-car garage was demolished, the encroachment agreement was no longer in effect.

After the four-car garage was demolished, the proposed two-car garage was never constructed. Since that time, parking associated with the subject property has occurred in the municipal right-of-way without an agreement in place with the City and in non-compliance with the Zoning By-law.

Planning staff was circulated on an application for an encroachment agreement on August 2, 2019, at which time it was identified that there were a number of deficiencies related to the existing parking area and the zoning of the property. The applicant is proposing the following variances from parking regulations 4.2(a), 4.8(1)(iv), and 4.10 to formalize a legal parking situation for the subject property, as shown in Exhibit C:

- a) A reduction in the minimum motor vehicle parking requirements for a dwelling containing three or more units in Parking Area 3 from 1.75 spaces per unit to 1.0 spaces per unit;
- b) An increase in the maximum driveway width at the street line for other residential lots from 7.5 metres to 13.0 metres; and

- c) Permission to locate the four required parking spaces off-site in the municipal road allowance.

Due to the location of the listed heritage structure on the subject property, there is limited area to provide the amount of parking spaces and drive aisle required by the By-law in either the rear or front of the property. Additionally, establishing seven parking spaces along the frontage and maintaining the existing parking condition does not represent desirable development of the property. Allowing a driveway with a width up to 13 metres will allow for parking spaces of adequate size to be established while also providing area for the extension of the two walkways. The hard surface area along the road allowance will be significantly reduced from the existing condition and allow for the creation of landscaped areas at both ends of the driveway to provide area for stormwater infiltration and snow storage. A reduction in the parking ratio is supported by the location of multiple bus routes serving Charlotte Streets (Route 5 Charlotte, Route 14 Fleming Lansdowne, and Route 18 Fleming Late Night). Route 5 has a stop at the corner of Charlotte Street and Albertus Avenue and the Fleming routes have a stop at Charlotte Street and Monaghan Road. Through active transportation modes, one could reach downtown in under 10 minutes cycling or 20 minutes walking. Staff has reviewed the concept plan provided by the applicant and is of the opinion that the requested variances are minor in nature and represent 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 variances will not change the use of the existing legal non-conforming fourplex and will support the continued residential use of the subject property. The proposed variance maintains the intent and purpose of the Official Plan.

The R.1 Zoning District permits single-detached residential dwellings, and the property is located in Parking Area 3 according to Schedule E(1) to the Zoning By-law. The subject property is recognized as a legal non-conforming fourplex, with the existing building being present on the site since 1876. The intent of the parking regulations is to provide adequate vehicle storage space for the use of the property and ensure the driveway does not overpower the street presence of the use while also allowing enough landscaped area for stormwater infiltration and snow storage. With the presence of alternative transportation options in proximity to the subject property and the re-establishment of landscaped areas at both ends of the driveway, staff is of the opinion that the proposed variances 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 Manager of Transportation provided comment and he is supportive of the proposal provided that there is an encroachment agreement in place with the owner that recognizes the following items:

- a) When the City determines that a sidewalk is required on this section of Albertus Avenue, the City retains the right to terminate the encroachment agreement and build a sidewalk and build a sidewalk at any time, with no penalty;
- b) In the event that the City exercises its option to terminate the agreement, the owner is responsible for finding an alternative parking arrangement;
- c) The property owner agrees to clear all snow deposited within the driveway entrance and parking area due to City snow clearing operations; and
- d) That the agreement ends upon any change to the use of the property.

The Heritage Resources Coordinator provided comments and stated that the subject property is listed on the Heritage Register, however, since there is no proposed alteration to the existing structure there are no concerns.

The Urban Design and Engineering Technologist provided comments and has no concerns.

The Development Engineer reviewed the application and has no comments.

Peterborough Distribution Inc. (PDI) reviewed the application and noted that a PDI-owned high-voltage overhead line is located along the east side of Albertus Avenue. The proposed parking plan does not appear to create any conflicts with infrastructure, but no buildings shall be constructed in this location as it would violate the required safety clearances from the overhead lines.

The Peterborough Utilities Commission (PUC) noted that the water curb stop at the property line should be located to ensure that it is not paved over. If paving is proposed in that area, care shall be taken to ensure the valve is accessible.

Recommendation

Staff recommends that the Committee of Adjustment **approve** the application for minor variance, conditional upon the following:

- i) The owner enters into a development agreement with the City, agreeing to establish parking spaces for four vehicles, protection of the water curb stop, continuation of the two walkways and the creation of landscaped areas along Albertus Avenue in accordance with the concept design submitted with the application, to be reviewed and approved by the Planner of Urban Design.
- ii) The owner enters into an encroachment agreement with the City to formalize the existence of the parking area within the road allowance of Albertus Avenue, including provisions that:
 - a) When the City determines that a sidewalk is required on this section of Albertus Avenue, the City retains the right to terminate the encroachment agreement and build a sidewalk and build a sidewalk at any time, with no penalty;

- b) In the event that the City exercises its option to terminate the agreement, the owner is responsible for finding an alternative parking arrangement;
 - c) The property owner agrees to clear all snow deposited within the driveway entrance and parking area due to City snow clearing operations; and
 - d) That the agreement ends upon any change to the use of the property.
3. File Number: A56/19
Address: 458 Weller Street
Applicant: J. Laurie Young
Owner: Patrick Cooper and Amy Watson

The subject property is located on the north side of Weller Street, west of the intersection with Park Street North. The property is designated “Low Density Residential” in the Official Plan and is zoned “R.1, 1m, 2m – Residential District” in the Zoning By-law. The property is currently developed with a single-detached dwelling and detached shed.

The applicant is proposing a variance from section 6.10(25) of the Zoning By-law to reduce the building setback from the centre line of a collector street (Weller Street – from Sherwood Crescent to Park Street) from 16.0 metres to 13.5 metres to permit the construction of a covered front verandah (Exhibit D). Front verandahs are a typical feature of the residential development in the area. The establishment of a verandah on this property as proposed will result in a similar building line as what is currently present on the neighbouring properties. 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 construction supports the continued residential use of the subject property, providing a covered outdoor amenity space at the front of the property. The proposed variance maintains the intent and purpose of the Official Plan.

The R.1, 1m, 2m Zoning District permits single-detached residential dwellings. The intent of a setback from the street line is to ensure that there is adequate separation between the road allowance and structures, sufficient space for snow storage from road operations, sight lines for vehicles, and to provide vehicle parking in the front yard, among other factors. The subject property is located mid-block and the proposed verandah will maintain a similar building line to the adjacent properties. It is not anticipated that the proposal will have an impact on road operations or sightlines in the right-of-way. The available parking area for the dwelling will not be impacted. The proposed variance maintains 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 Heritage Resources Coordinator provided comment and has no concerns.

The Urban Design and Engineering Technologist provided comments and has no concerns.

The Development Engineer reviewed the application and has no comments.

Peterborough Distribution Inc. (PDI) reviewed the application and has no comments.

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

Recommendation

Staff recommends that the Committee of Adjustment **approve** the application for minor variance conditional upon approval of the design of the addition by the Planner of Urban Design prior to the issuance of a building permit.

4. File Number: A57/19
Address: 974 Albany Court
Applicant: Marina Bedard and Richard Baccari
Owner: Marina Bedard and Richard Baccari

The subject property is located on the northwest corner of the intersection of Albany Court and Severn Road. The property is designated “Low Density Residential” in the Official Plan and is zoned “R.1, 1m, 2m – Residential District” in the Zoning By-law. The property is currently developed with a single-detached dwelling.

The applicant is proposing a variance from section 6.11(a) of the Zoning By-law to reduce the building setback from the street line abutting a local street (Severn Road) from 6.0 metres to 4.16 metres to permit the construction of an attached two-storey addition containing a garage with studio space above on the east side of the existing dwelling (Exhibit E). 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 construction supports the continued residential use of the subject property, expanding the living area and providing an enclosed space for vehicle parking. The proposed variance maintains the intent and purpose of the Official Plan.

The R.1, 1m, 2m Zoning District permits single-detached residential dwellings. The intent of a setback from the street line is to ensure that there is adequate separation between the road allowance and structures, sufficient space for snow storage from road operations, sight lines for vehicles, and to provide vehicle parking in the front yard, among other factors. Severn Road is a relatively short, curvilinear, local street internal to a residential area where traffic is not anticipated to be travelling at great speed. The available parking area for the dwelling will not be impacted as the property's access is from Albany Court. The proposed variance maintains the intent and purpose of the Zoning By-law.

Agency Comment

The Otonabee Region Conservation Authority (ORCA) has 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 Heritage Resources Coordinator provided comment and has no concerns.

The Urban Design and Engineering Technologist has provided comments and has no concerns.

The Development Engineer has reviewed the application and has no comments.

Peterborough Distribution Inc. (PDI) provided comment and noted that the electric service may need to be moved to accommodate the new addition. If relocation of the service is required it will be done at the owner's cost.

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

Recommendation

Staff recommends that the Committee of Adjustment **approve** the application for minor variance conditional upon approval of the design of the addition by the Planner of Urban Design prior to the issuance of a building permit and conditional upon the addition being constructed generally in accordance with the proposed footprint illustrated in Exhibit E.

5. File Number: A58/19
Address: 989 Fairbairn Street
Applicant: Judith and Michael Broersma
Owners: Judith and Michael Broersma

The subject property is located on the west side of Fairbairn Street, approximately 150 metres south of the intersection with Lily Lake Road. The subject property is designated 'Low Density Residential' in the City's Official Plan and is zoned 'Residential' in the former Township of Smith Zoning By-law 1971-17. The property is currently developed with a single-detached dwelling and is serviced by private well and septic services. Lands containing the subject property were annexed by the City in 2008.

The applicant is proposing a variance from section 11.2(c) of the former Township of Smith Zoning By-law to increase the maximum lot coverage for a lot containing a single-detached dwelling with neither municipal water nor sanitary sewer from 12.0% to 16.8% to permit the development of two decks (one covered and one uncovered) at the rear of the existing dwelling (Exhibit F). 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 in the Official Plan is to “provide areas for housing and other land uses that are integral to, and supportive of a residential environment”, with an objective to provide a choice of housing options, of which size and design are listed considerations, so that a range of housing requirements are satisfied. The proposed variance maintains the intent and purpose of the Official Plan.

The intent of the low lot coverage percentage on privately serviced residential lots is to ensure that there is enough undeveloped area for the provision of well and septic systems. The location of the proposed decks will consider the location of the septic tank and tile bed through the Building Permit review process. The proposed variance maintains the intent and purpose of the Zoning By-law.

Agency Comment

The Otonabee Region Conservation Authority (ORCA) has 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.

Peterborough Public Health (PPH) provided comment and has no objection to the minor variance provided that the owner applies for and is approved for an existing sewage system permit prior to the issuance of a building permit.

The Heritage Resources Coordinator provided comment and has no concerns.

The Urban Design and Engineering Technologist has provided comments and has no concerns.

The Development Engineer has reviewed the application and has no comments.

Peterborough Distribution Inc. (PDI) reviewed the application and noted that the property is serviced by Hydro One. Hydro One has been contacted for comment.

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

Recommendation

Staff recommends that the Committee of Adjustment **approve** the application for minor variance conditional upon the issuance of an existing septic system permit from Peterborough Public Health and provided that the construction of the two decks related to this approval shall proceed substantially in accordance with the concept plan prepared by Kavan Residential Design submitted in support of this application.

6. File Number: B21/19
Address: 884 Sherbrooke Street
Applicant: Earle Henderson and Patricia Henderson
Owner: Earle Henderson and Patricia Henderson

The subject property is located on the north side of Sherbrooke Street between Alexander Avenue and Earlwood Drive. The property is designated “Low Density Residential” in the City’s Official Plan and zoned “R.1, 1j, 2m, 4e – Residential District” in the Zoning By-law. The subject property recently merged on title under common ownership with 50 Earlwood Drive. 50 Earlwood Drive is designated “Low Density Residential” and zoned “R.1, 1f, 2j, 4f – Residential District” in the Zoning By-law. The previous lot fabric is shown in Exhibit G.

The applicant intends to re-create two parcels to continue the existing residential uses on both properties. The proposed lot line is not the same as the previously existing lot line but located to create a common rear lot line with the adjacent lots (Exhibit H). No new development is contemplated with this application. 884 Sherbrooke Street is an L-shaped lot, approximately 15.5 metres wide at the Sherbrooke Street frontage and widening out at the rear in behind 880 Sherbrooke Street. The horizontal portion of the “L” shares a common rear lot line with 50 Earlwood Drive.

Each property is subject to different alternative regulations to the R.1 zone as outlined in Schedule B to the Zoning By-law. 884 Sherbrooke Street is subject to alternative regulations 1j (minimum lot area of 650 square metres), 2m (minimum lot width of 15 metres), and 4e (minimum lot depth of 45 metres). 50 Earlwood Drive is subject to alternative regulations 1f (minimum lot area of 925 square metres), 2j (minimum lot width of 21 metres), and 4f (minimum lot depth of 38 metres). The resulting lots will comply with their applicable zoning regulations.

Staff is of the opinion that the proposed severance is consistent with, and would improve upon, the parcel fabric of the neighbourhood by creating common side and rear lot lines with the adjoining properties.

Agency Comment

The Otonabee Region Conservation Authority (ORCA) has 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 Heritage Resources Coordinator provided comment and has no concerns.

Bell Canada provided comment and has no concerns.

The Urban Design and Engineering Technologist has provided comments and has no concerns.

The Development Engineer has reviewed the application and has no comments.

Peterborough Distribution Inc. (PDI) reviewed the application and has no comment.

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

Recommendation

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

- i) Prior to registering the Reference Plan, the applicant shall, at its cost, 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;
- ii) 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;
- iii) The owner's solicitor shall provide an Undertaking to forthwith register an Application to Consolidate the severed property with the property municipally known as 50 Earlwood Drive;
- iv) That the two parcels shall be considered as one lot and shall not be dealt with separately, Section 50 (3) or 50 (5) of the Planning Act shall apply to any subsequent conveyance or transaction involving the parcel of land that is subject to this Consent application;
- v) That the applicant provides 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.

7. File Number: A59/19
Address: 283 Stewart Street
Applicant: Kevin M. Duguay
Owner: Christopher Shea

The subject property is located at the northwest corner of the intersection of King and Stewart Streets. The property is designated "Charlotte Street West Business District" in Schedule J – Central Area to the Official Plan and zoned R.3, R.4 – Residential District in the Zoning By-law. The property is currently recognized as a duplex, however, an illegal third unit was brought to the attention of the Building Division through a zoning complaint in 2010.

The property has recently changed ownership and the new owner is seeking to legalize the building as a triplex. In order to achieve this, the applicant has requested the following variances from regulations 9.2(b), (c), and (f) of the R.3 Zone and parking regulations 4.2(a) and 4.3.1(a)(ii):

- a) A reduction in the minimum lot area per dwelling unit from 230 square metres to 130 square metres;
- b) A reduction in the minimum lot width per dwelling unit from 6 metres to 5.52 metres;
- c) An increase in the maximum building coverage from 35% to 40%;
- d) A reduction in the parking ratio from 1.5 spaces per dwelling unit to 1 space per dwelling unit; and
- e) A reduction in the minimum size of a parking space from 2.7 metres by 5.7 metres to 2.5 metres by 5.5 metres.

It was noted through the review of the application and submitted concept plan that the requests for minor variances (d) and (e) are not required. The subject property is located in Parking Area 1 where the requested relief is already the standard.

Staff have reviewed the parking layout (Exhibit I) and have no concerns with what is proposed. Having one parking space parallel to King Street, as opposed to all three side-by-side, will allow for the protection of the mature tree located on the subject property. Both King and Stewart Streets are identified as Local Streets and the intersection has four-way stop control to help facilitate vehicle movements from the parking area to the travelled roadway.

Variances (a) through (c) relate to the regulations of the R.3 zone which would facilitate the increase of one additional unit within the footprint of the existing building. There is anticipated to be limited perceived impact to the neighbourhood resulting from approval of this application aside from slight increase in parking area on the property. The proposal will result in desirable intensification within the Central Area. Staff has reviewed the concept plan provided by the applicant and is of the opinion that the requested variances are minor in nature and represents a desirable and appropriate use of the land.

The subject property is located within the Central Area, where medium and high-density residential development is contemplated, provided the development is compatible with the surrounding area. At approximately 77 units per hectare, the proposed development is considered medium density in the Official Plan. The City, through Provincial Policy, is expected to accommodate at least 40% of all new residential growth within the existing built up area. The proposed variance maintains the intent and purpose of the Official Plan.

The purpose of minimum lot area and width per dwelling unit regulations, along with maximum lot coverage, is generally to ensure that there is sufficient on-site amenity space for the residents of the building. The location of the property within the Central Area and its existing and planned outdoor amenities (Millennium Park and the downtown waterfront, Simcoe and Bethune Park, the Urban Park between Charlotte and King Streets and the Bethune Street Linear Park) provide several alternatives to compensate for a reduction in amenity space on-site. The proposed variance maintains the intent and purpose of the Zoning By-law.

As noted below, the Development Engineer has requested a daylight triangle be conveyed to the City as a condition of the approval. Planning staff note that it is not standard practice to require the conveyance of road widening or daylight triangle outside of the Consent or Site Plan Control process and will not be recommending it as a condition of approval.

Agency Comment

The Otonabee Region Conservation Authority (ORCA) has 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 Urban Design and Engineering Technologist has provided comments and has no concerns.

The Development Engineer has reviewed the application and request that a 5 metre by 5 metre daylight triangle is required at the corner of King and Stewart Streets.

Peterborough Distribution Inc. (PDI) reviewed the application and noted that if electric heat is provided in the rental units, the electric heat has to be metered separately from the renter's meter as per O.Reg 389/10.

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

Recommendation

Staff recommends that the Committee of Adjustment **approve** the application for minor variance, conditional upon the following:

- i) The owner enters into a development agreement with the City, agreeing to:
 - a) The establishment of three parking spaces in accordance with the Parking Layout prepared by Kevin M. Duguay Community Planning and Consulting Inc.; and
 - b) The removal of the board fence located within the King Street road allowance.

8. File Number: A60/19
Address: 306 Cullen Trail
Applicant: Mason Homes Limited
Owners: Mason Homes Limited

The subject property is part of the final phase of the Mason Homes Parklands subdivision located in the City's north end on the east side of Chemong Road. The undeveloped property is located on the west side of Cullen Trail and backs on to an Open Space District containing wetland features. The property is designated "Residential" in the City's Official Plan and zoned SP.328, 13a-H; SP.329, 11j, 13k-H; SP.330, 11j, 13k-H; SP.331, 3q, 11j, 13k, 16c-H. The construction of the dwelling on this property was considered under the SP.329, 11j, 13k Residential Zoning District.

The applicant is proposing a variance from section 359.3(e)(ii) of the By-law to reduce the minimum rear yard setback from 6.0 metres to 3.32 metres to permit the development of a single-detached dwelling (Exhibit J). Due to the dimensions of the wetland and associated setback, the rear lot line is at an angle resulting in a rear yard that gets smaller from south to north. The rear yard setback from the northwest corner of the proposed dwelling is 3.32 metres while the southwest corner is 9.43 metres. 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 maintains the intent and purpose of the Official Plan.

The SP.329, 11j, 13k Zoning District permits single-detached residential dwellings. The intent of the rear yard setback is to ensure that there is adequate privacy between neighbouring properties and that there is enough amenity space in the rear of the lot. If approved, the resulting rear yard will still provide sufficient amenity space. Additionally, as the dwelling is located adjacent to Open Space blocks associated with the wetland feature at the rear and north side yard there is no concern with impacts on neighbouring landowners. The proposed variance maintains the intent and purpose of the Zoning By-law.

Agency Comment

The Otonabee Region Conservation Authority (ORCA) has 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. Protection of the adjacent Provincially Significant Wetland and Bears Creek through appropriate buffering has been established and approved through the previous planning process associated with the Plan of Subdivision. The property is located within ORCA's regulated area and a permit is required prior to the placement of fill, grade alterations or construction activity occurring on site.

The Heritage Resources Coordinator provided comment and has no concerns.

The Urban Design and Engineering Technologist has provided comments and has no concerns.

The Development Engineer has reviewed the application and has no comments.

Peterborough Distribution Inc. (PDI) reviewed the application and has no comment.

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

Recommendation

Staff recommends that the Committee of Adjustment **approve** the application for minor variance provided that the construction of the dwelling related to this approval shall proceed substantially in accordance with the concept plan prepared by GHD submitted in support of this application.

Prepared By:

Concurred With:

Nolan Drumm
Planner, Policy and Research
Planning Division,
Infrastructure and Planning Services

Dean Findlay, C.Tech., CBCO
Chief Building Official
Building Division,
Infrastructure and Planning Services

THE CORPORATION OF THE CITY OF PETERBOROUGH

BY-LAW NUMBER 10-125

BEING A BY-LAW TO DESIGNATE CERTAIN PROPERTIES IN THE CITY OF PETERBOROUGH UNDER THE ONTARIO HERITAGE ACT, R.S.O. 1990, c. O.18 (64 HUNTER STREET, 597- 599 WATER STREET, 651 GILMOUR STREET AND 788 AYLMER STREET NORTH)

THE CORPORATION OF THE CITY OF PETERBOROUGH BY THE COUNCIL THEREOF HEREBY ENACTS AS FOLLOWS:

1. That the hereinafter described properties be and are hereby designated to be of historical and architectural value or interest pursuant to the provisions of the Ontario heritage Act, R.S.O. 1990, c. O.18, for the reasons hereafter stated:

- a) 64 Hunter Street West

PT 6 N HUNTER E WATER REG 5208.00SF 54.82FR 95.00D
PETERBOROUGH CITY;

REASON FOR DESIGNATION

The building at 64 Hunter Street has good cultural and heritage value in its association with prominent early citizens of Peterborough. It is constructed on the site of the former British Wesleyan Methodist Church, later demolished. The land was later owned by Mr. Walter Sheridan. Sheridan was born in 1796 in the County Carlow, Ireland and became an architect and the first clerk of the county of Peterborough in 1844. Sheridan Street, to the west of the property, was named after him. An earlier house was built on the site and was demolished before Mr. Walter Nesbitt purchased the land and built the present house in 1879. Due to its proximity to St. John's Anglican Church, 64 Hunter Street was also home to Rev. Canon John C. Davidson (later Archdeacon) of the Church before the Rectory at St. John's was constructed. The building has good architectural and design value. It was designed by noted Peterborough architect and City engineer John Belcher.

HERITAGE ATTRIBUTES

- i) Two storey buff brick construction
- ii) Low hipped roof
- iii) Two-storey front bay windows
- iv) All original 2/2 sash windows with segmented upper windows and voussoirs
- v) Jack arches above lower window openings
- vi) Original painted wooden front door facing south onto Hunter Street with arched oblong windows and matching sidelights and transom with painted wood surrounds
- vii) Front porch with low pitched roof supported by carved wooden columns including enclosed front vestibule
- viii) Boxed cornice
- ix) Soffits and fascia
- x) Large original brick chimney on north west side

b) 597-599 Water Street

597: PLAN 63 PT LOT 2 S DUBLIN E GEO IRREG 0.07AC
27.00FR 81.00D

599: PLAN 63 PT LOT 2 S DUBLIN E GEO E OF ABOVE DESC
PCL IRREG 0.04AC 23.75FR D

REASON FOR DESIGNATION

The house at 597-599 Water Street is a good example of a Georgian style duplex. Constructed circa 1870-75, the house was built on land owned by Dr. George Burnham Sr. who purchased the land in 1854 from William Bell, who owned it via a patent from the Crown in 1843. Some characteristic elements of the Georgian style include a symmetrical façade, muted details and very simple appearance. This style came to Canada with the British settlers and was a reflection of the simple dignity they wished to portray through their homes. The front porches, one ornate and one unadorned, and back portions to both sides of the duplex are all original features of the house which was always intended to be a duplex rental unit. Dr. George Burnham Sr. was a very important figure in early Peterborough. He was born in Cobourg and came to Peterborough in 1836 to set up a medical practice in his house. He served the community for over forty years as medical doctor and as superintendent of the local school board, the first school inspector and as a charter member of the Peterborough Masonic Lodge.

HERITAGE ATTRIBUTES

- i) 2-storey red brick construction in stretcher bond style
- ii) Jack arches above all windows
- iii) Fenestration including 2/2 and 6/6 wooden sash
- iv) Pairs of wooden shutters flanking windows
- v) Medium pitch hipped roof
- vi) Both east facing verandas and wooden details including railing and balusters on both sides, original on 599 and a later, more intricately designed veranda on 597.
- vii) Wide cornice line
- viii) Red brick cornice bracket style brickwork under roofline

- c) 651 Gilmour Street

PLAN 169 LOT 6 TO 7 IRREG 0.27AC 100.33FR D

REASON FOR DESIGNATION

The property at 651 Gilmour Street holds good heritage and cultural value in its association with the Campbell and Hatton families and intact early twentieth century interior features. The Campbell-Hatton House is an interpretation of the Edwardian style with large window openings a plain architrave above the columns that support the porch. Under the soffit of the roof, a similar plain frieze board echoes this architrave. Edwardian style homes usually show their grandeur through their front entrances, in this case the front porch, which wraps around the entire south elevation of the house that once faced Charlotte Street. This is no longer seen from the street since Charlotte Street has been developed and newer homes have been constructed to the south of 651 Gilmour Street. This serves as a reminder that the lot was a generous, somewhat secluded lot at the outer limits of the city, then part of the Township of North Monaghan. The interior of the home, refinished after the fire of the early 1900s, still contains all of its original features including all fireplaces, wooden staircase and pocket doors separating rooms.

HERITAGE ATTRIBUTES

- i) Brick construction laid in Flemish Bond pattern
- ii) High pitched gable roof
- iii) False timbering on third storey (NSEW)
- iv) Symmetrical façade
- v) Original fenestration
- vi) Wrap-around veranda on south side (which was originally the front facing Charlotte Street) with low-pitched roof including dentil details and ornate ionic capitals with turned balusters plain architrave above the columns supporting the porch.
- vii) Original wooden soffits and fascia with a plain frieze board echoing the architrave of the veranda.

Interior Elements:

- i) Original fireplaces including decorative tile and intricately carved wood surrounds
- ii) Original coffered wooden staircase
- iii) Original wooden newels and balusters
- iv) Original trim throughout the house
- v) Pocket doors between rooms on main floor
- vi) Wooden plank floors
- vii) Wooden trim details surrounding windows on interior, including shutters
- viii) Original coffer-style paneling in main entrance
- ix) Decorative glass in entrance

d) **788 Aylmer Street North**

PLAN 101 LOTS 19 TO 21 AND PART CLOSED LANE 0.53AC
112.00FR 208.00D

REASON FOR DESIGNATION

The property at 788 Aylmer Street North has excellent cultural and heritage value as an Arts & Crafts style home built for an upper class family from Toronto. The builders and first owners of the property, George and Emma Copping, were originally from Toronto where George was president of the Reliable Knitting Company, which was founded in 1911 (and closed in 2006 in Milwaukee, Wisconsin), was the head of the firm George R. Copping and Sons, and had an address at 72 South Drive in Toronto's south Rosedale neighbourhood. His immediate neighbour was William Moffat, chief inspector of the Imperial Bank of Canada. Copping may have belonged to the Royal Canadian Yacht Club, as it appears that his wife was chairman of the grounds committee, and he took part in lawn bowling. It is likely that 788 Aylmer Street North was the couple's 'country home', which was very popular with upper class Torontonians, and it was quite easily accessible by rail at the time.

HERITAGE ATTRIBUTES

- i) 2 ½ -storey brick structure
- ii) Medium pitch hipped roof with long slope over porch
- iii) Wooden shingle exterior, painted
- iv) Original fenestration including:
 - All original wooden windows and sashes
 - Original window openings on all storeys
 - Large set of west facing windows
- v) Covered porch with discreet entrance facing walkway and informal garden with built in elements

Interior Elements:

- i) Main staircase at west entrance of the house
- ii) Stained glass windows at top of first staircase
- iii) Fireplace in living room on main floor of house with semi-circular front and egg and dart details
- iv) Original wood flooring throughout
- v) Original kitchen pantry off main kitchen
- vi) Original wooden pocket doors on main floor (2 sets)
- vii) Coved plaster ceilings on main floor
- viii) Original decorative radiators throughout
- ix) Original wood trim and mouldings throughout house

By-law read a first, second and third time this 5th day of July, 2010.

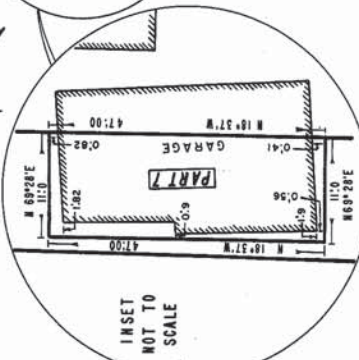
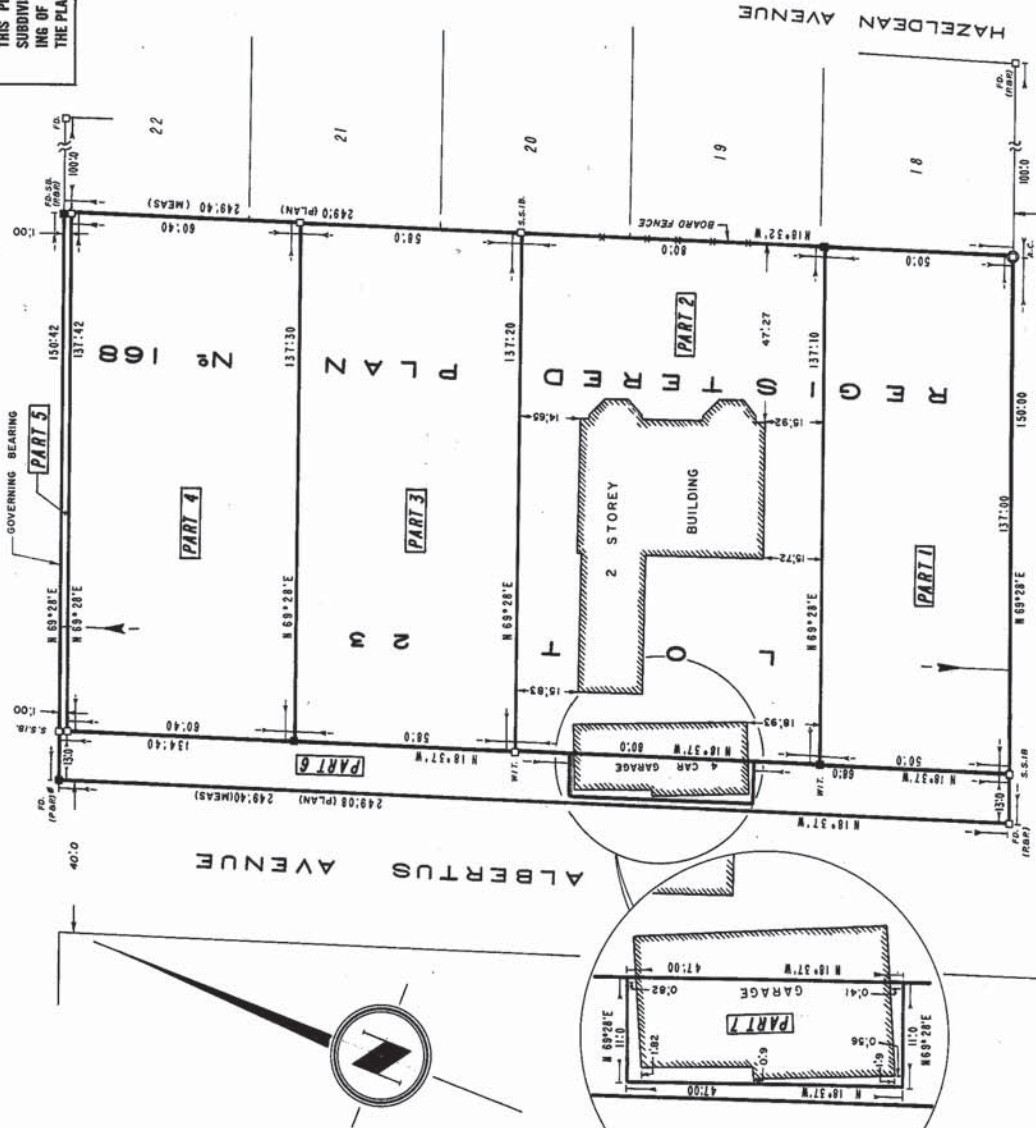
(Sgd.) D. Paul Ayotte, Mayor

(Sgd.) Kevin Arjoon, Deputy Clerk

45 R. 1431

| SCHEDULE | | |
|----------|-------------------|----------------|
| PART | SHORT DESCRIPTION | AREA |
| 1 | PART OF LOT 23 | 6,850 SQ. FT. |
| 2 | REGISTERED | 10,960 SQ. FT. |
| 3 | PLAN N° 168 | 7,851 SQ. FT. |
| 4 | | 8,268 SQ. FT. |
| 5 | | 151 SQ. FT. |
| 6 | | 2,724 SQ. FT. |
| 7 | | 510 SQ. FT. |

CHARLOTTE STREET



HUFFMAN STREET

RECEIVED AND DEPOSITED AS
PLAN 45 R. 1431
DATE JAN. 27, 1974

LAND REGISTRAR FOR THE
REGISTRY DIVISION OF
PETERBOROUGH (N° 45)

I REQUIRE THIS PLAN TO BE
DEPOSITED UNDER PART II OF THE
REGISTRY ACT.
DATE JAN. 30, 1974

CAUTION
THIS PLAN IS NOT A PLAN OF
SUBDIVISION WITHIN THE MEAN-
ING OF SECTION 23, 32 OR 33 OF
THE PLANNING ACT.

PLAN
SHOWING SURVEY OF LOT 23, REGISTERED PLAN N° 168
CITY OF PETERBOROUGH
COUNTY OF PETERBOROUGH

SCALE—1 INCH EQUALS 30 FEET
1974

LEGEND

- — DENOTES IRON BAR 1/4" SQUARE X 30" LONG
- — DENOTES SUBDIVISION BAR 1/4" SQUARE X 30" LONG
- — DENOTES STANDARD IRON BAR 1" SQUARE X 48" LONG
- — DENOTES SHORT STANDARD IRON BAR 1" SQUARE X 24" LONG
- FD. — DENOTES FOUND
- — DENOTES IRON BAR
- — DENOTES ALUMINUM CAP

BEARINGS ARE ASTROMERIC DERIVED FROM PREVIOUS SURVEY
O.C.E. REGISTERED PLAN N° 1683—SOUTH LIMIT OF CHARLOTTE
STREET—CURSE N 69° 28' E

ALL HANGING LINES HAVE BEEN VERIFIED.

SURVEYOR'S CERTIFICATE

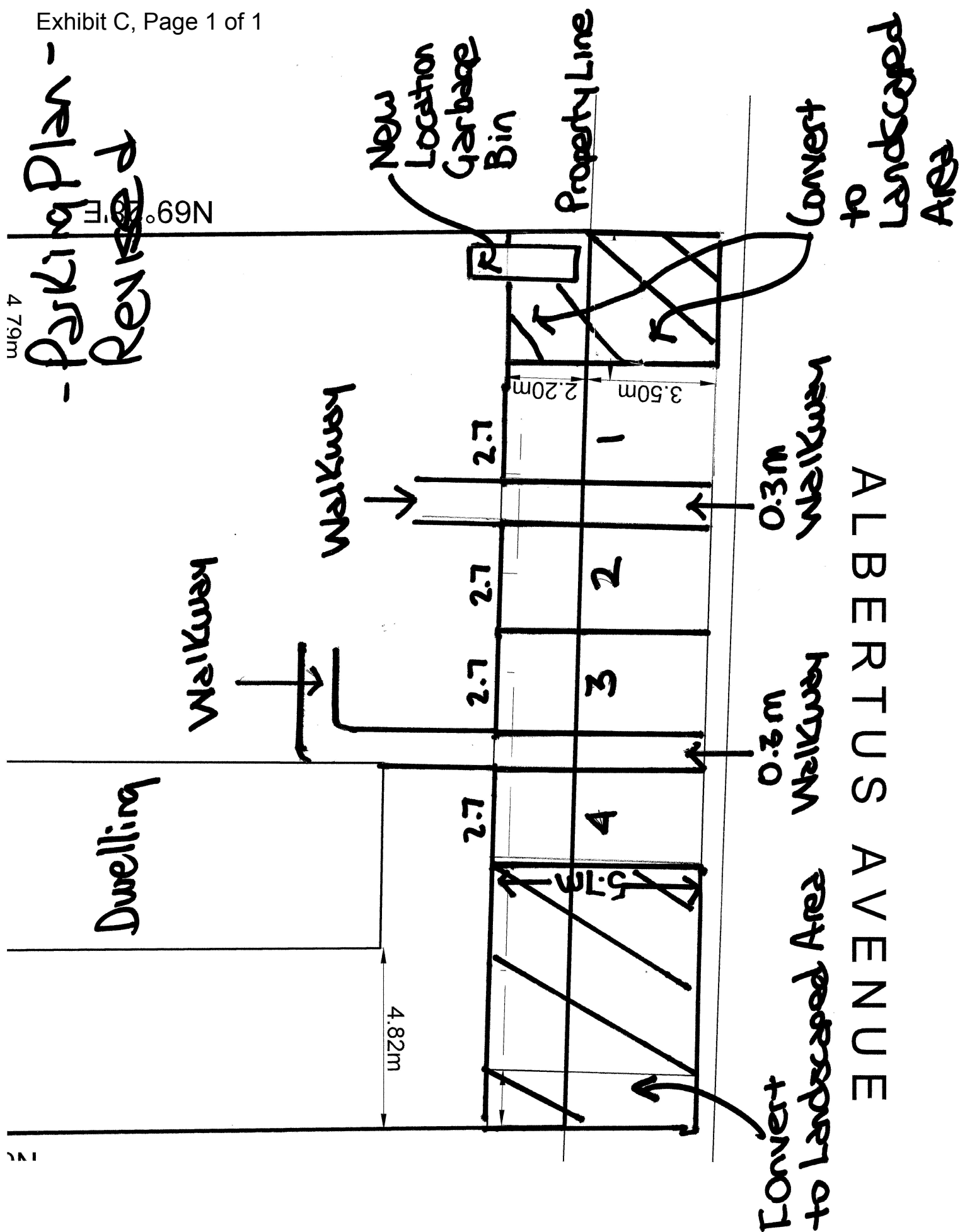
- I HEREBY CERTIFY THAT—
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE
WITH THE SURVEYS ACT AND THE REGISTRY ACT AND THE
REGULATIONS MADE THEREUNDER.
2. THE SURVEY WAS COMPLETED ON MARCH 27, 1974

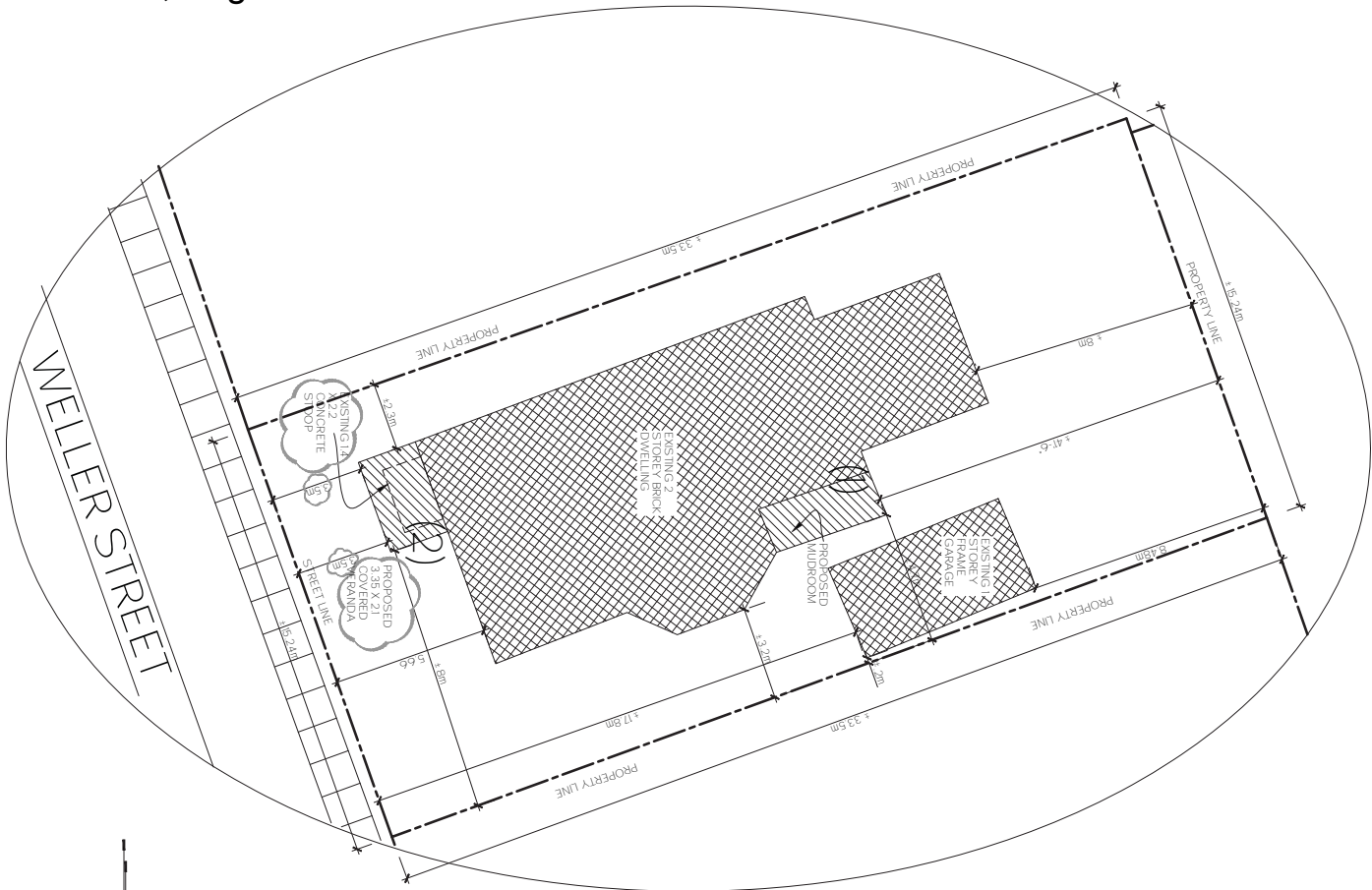
PETERBOROUGH, ONTARIO
DEC 12, 1974

Thos E. Lygoe
THOS E. LYGOE
ONTARIO LAND SURVEYOR

PIERCE & PIERCE INC.
ONTARIO LAND SURVEYORS
129% HUNTER ST. WEST
PETERBOROUGH, ONTARIO
TELEPHONE — 745-0577 — K9H 2K7

- Talking Plan -





SITE SKETCH

SCALE: 1" = 10'-0"

- LEGEND**
- PROPERTY LINE
 - EXISTING DWELLINGS
 - PROPOSED DWELLINGS
 - DIRECTION OF SURFACE WATER DRAINAGE
 - APPROXIMATE LOCATION OF TREES
 - EXTERIOR EXIT/ENTRANCE

LOT COVERAGE:

| | |
|-------------------------|---------------------|
| LOT AREA | = 517.39m² |
| EXISTING DWELLING | = 142.6 m² (28.8%) |
| EXISTING GARAGE | = 22.3 m² (4.5%) |
| PROPOSED MUDROOM | = 6.7 m² (1.3%) |
| PROPOSED VERANDA | = 7.1 m² (1.4%) |
| EXISTING LOT COVERAGE | = 164.85 m² (33.3%) |
| ADDITIONAL LOT COVERAGE | = 13.8 m² (2.7%) |

SITE SKETCH NOTE:

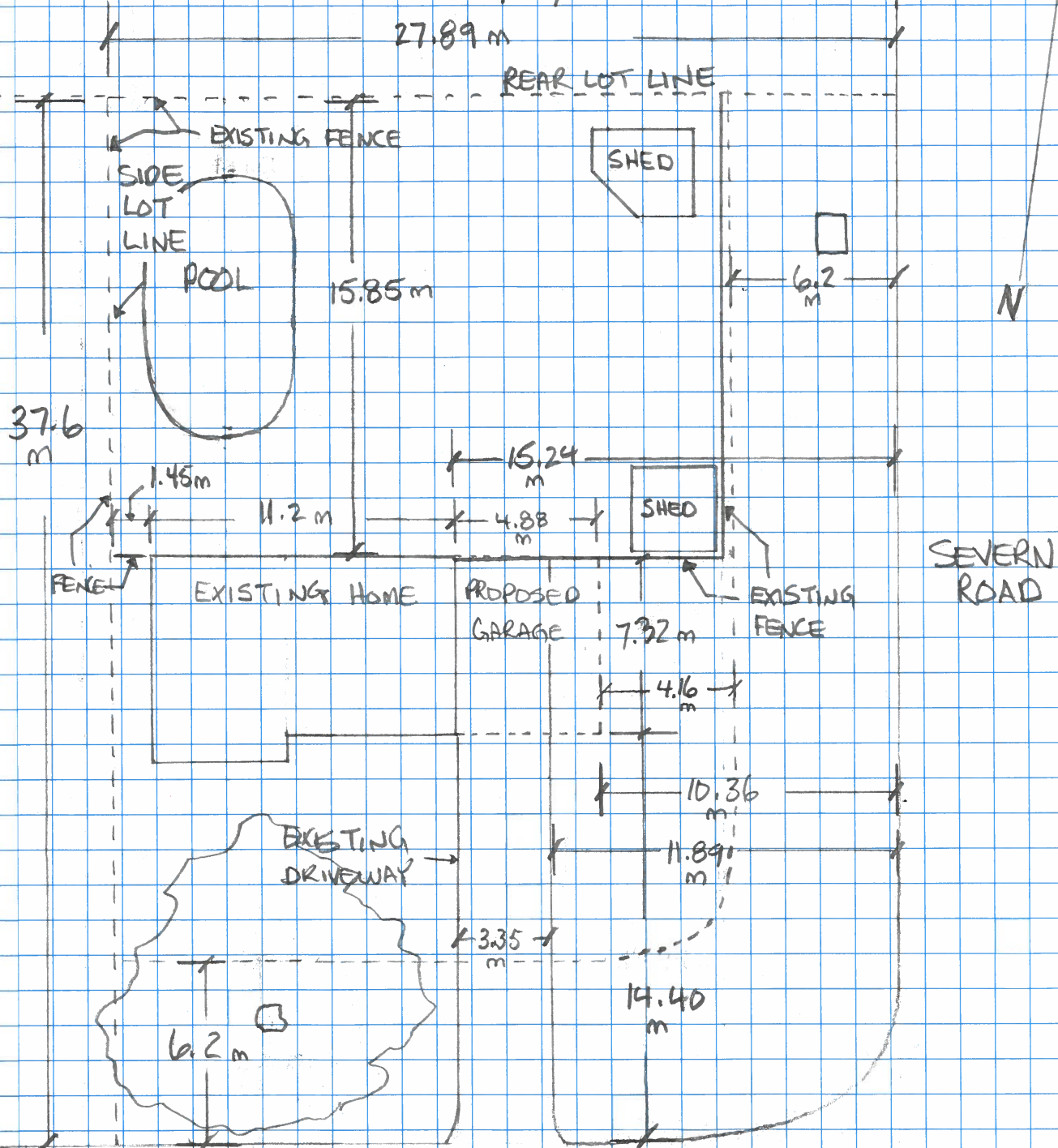
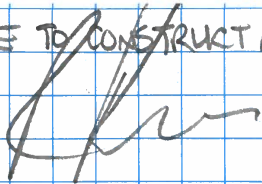
INFORMATION FOR SITE SKETCH TAKEN FROM CITY OF PETERBOROUGH GIS SYSTEM AND GOOGLE MAPS & LATER AUGMENTED BY A SURVEY IN THE PROPERTY FILE. TO REFLECT ACCURACY IN ALL DIMENSIONS SHOWN WITHOUT A +/-

REVISED Nov. 3 2016.

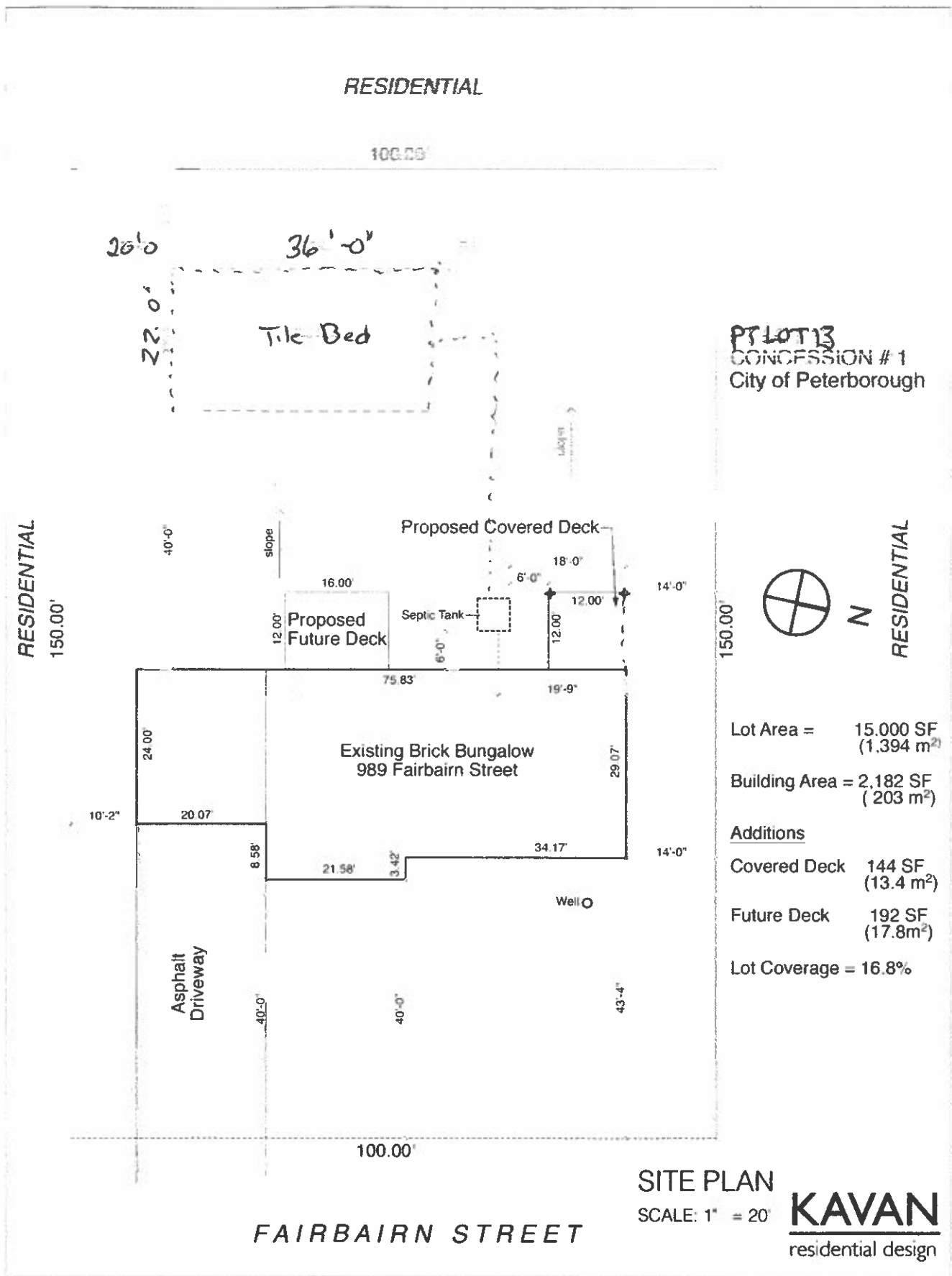
A SURVEY IN THE PROPERTY FILE REFLECTED MORE ACCURATELY ALL DIMENSIONS SHOWN WITHOUT A +/- IN FRONT HAVE BEEN ADJUSTED

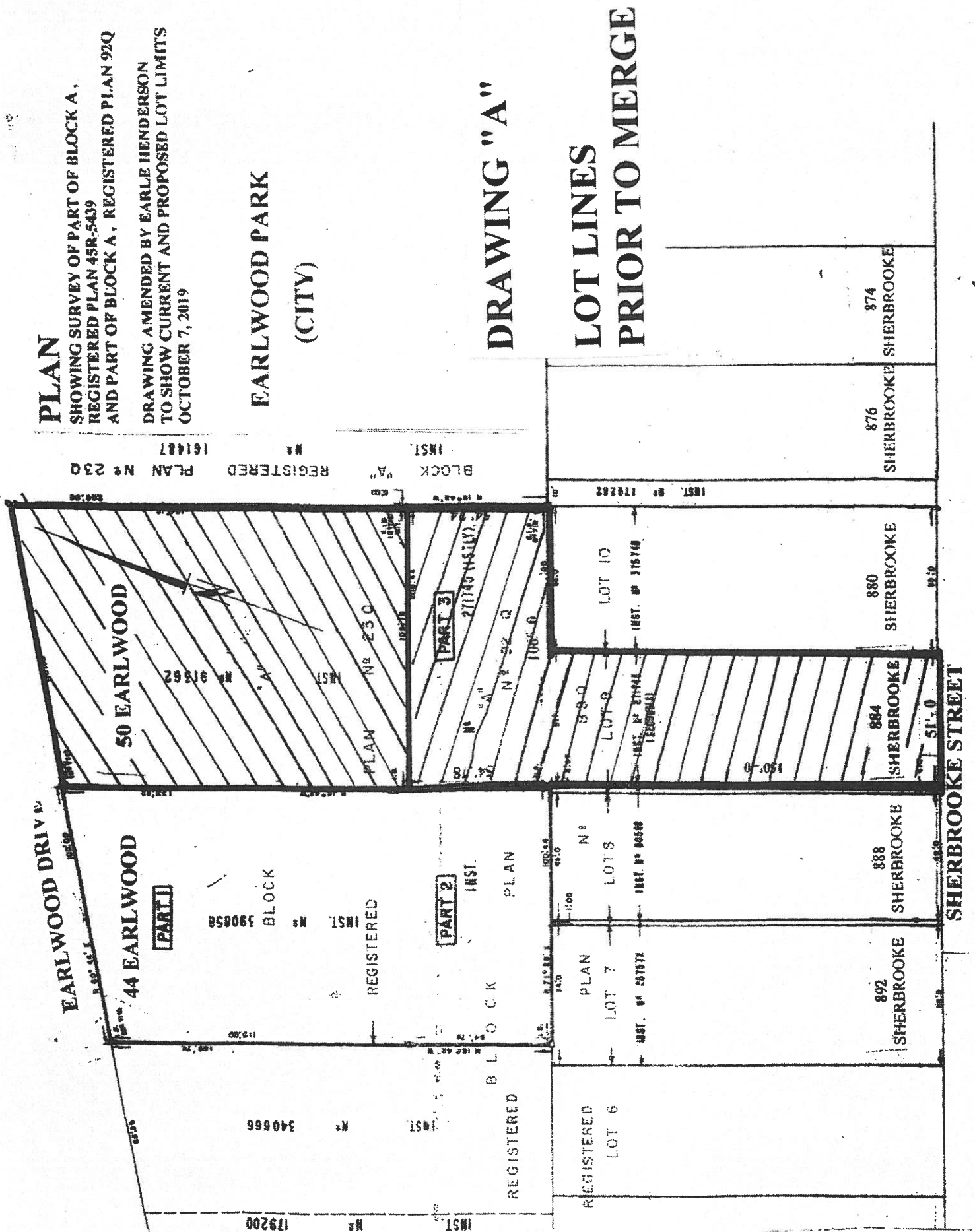
• C O O P E R •

APPLICATION FOR MINOR VARIANCE TO CONSTRUCT A GARAGE
RICHARD BACCARI NOV 6/2019
974 ALBANY CRT.



ALBANY CRT





PLAN

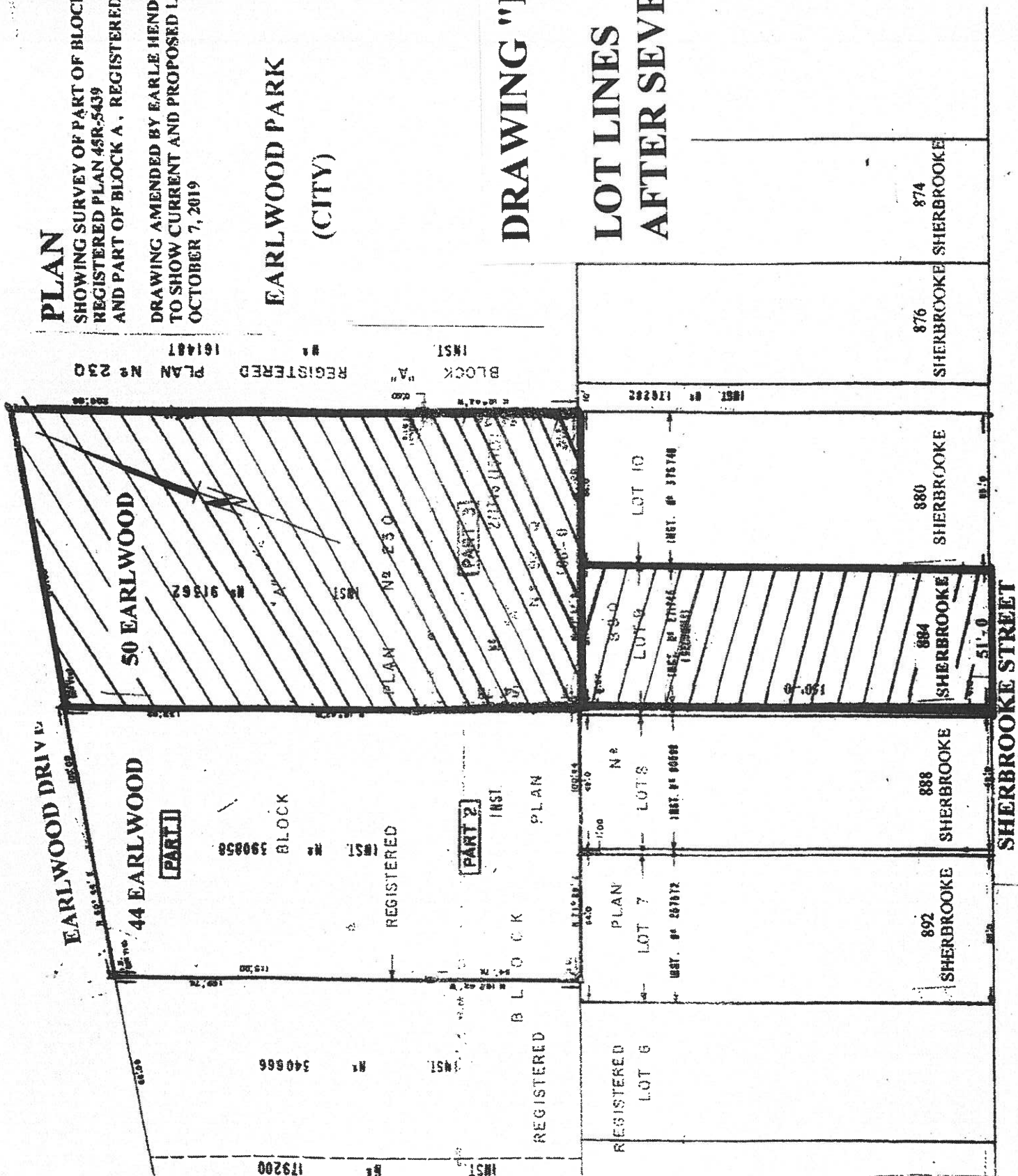
SHOWING SURVEY OF PART OF BLOCK A,
REGISTERED PLAN 43R-5439
AND PART OF BLOCK A, REGISTERED PLAN 92Q

DRAWING AMENDED BY EARLE HENDERSON
TO SHOW CURRENT AND PROPOSED LOT LIMITS
OCTOBER 7, 2019

EARLWOOD PARK
(CITY)

DRAWING "B"

LOT LINES AFTER SEVERANCE



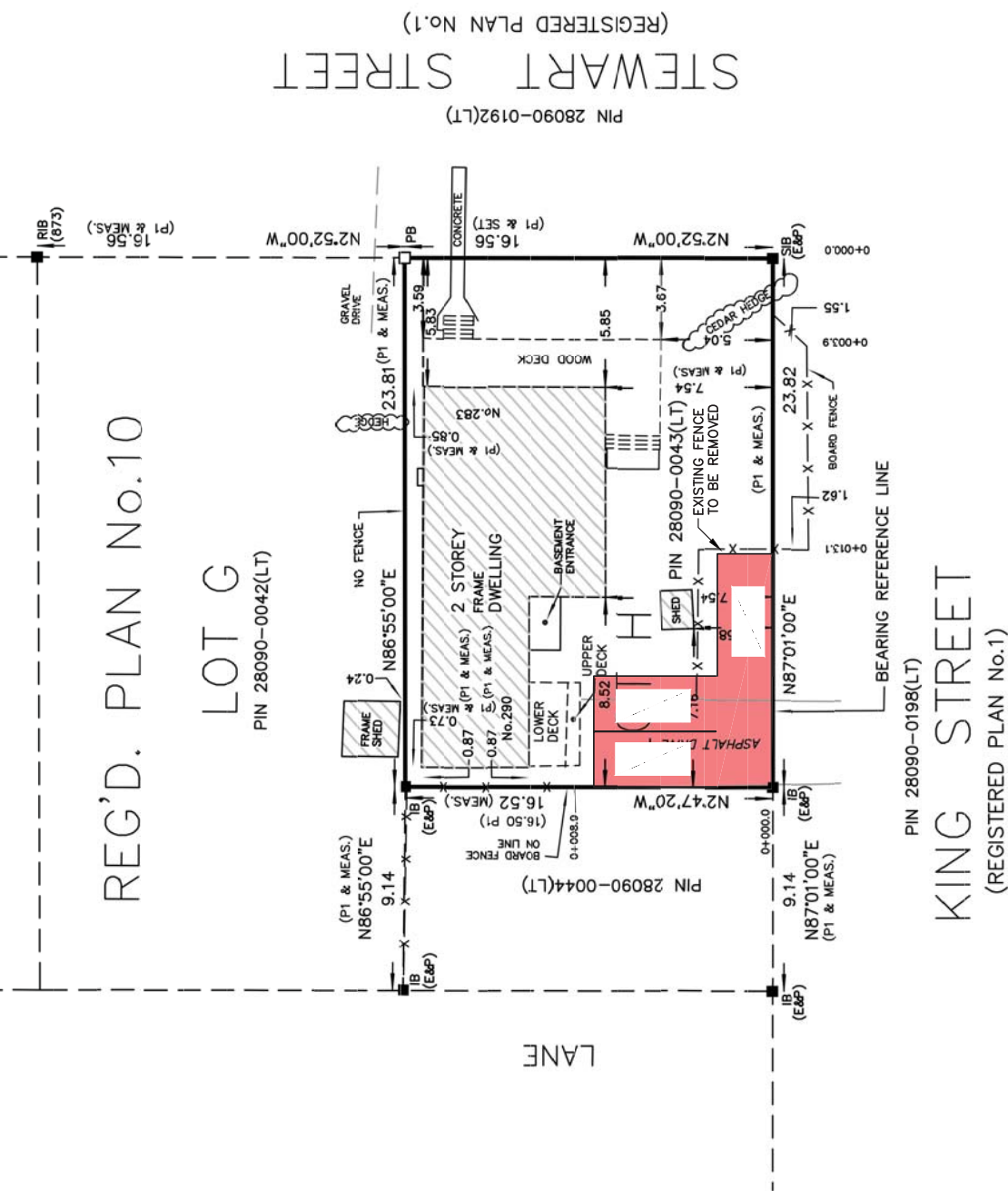
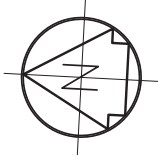




Exhibit J, Page 1 of 1



CULLEN TRAIL

REFER TO GHD PLAN 11116909 L-101

| SITE STATISTICS | |
|---------------------------|-----------------------|
| COVERAGE CALCULATION | |
| LOT AREA: | 385.26 m ² |
| BUILDING FOOTPRINT AREA: | 133.43 m ² |
| LOT COVERAGE: | 34.63 % |
| LANDSCAPE AREA | |
| LOT AREA: | 385.26 m ² |
| SOFT LANDSCAPE AREA: | 215.75 m ² |
| LANDSCAPE COVERAGE: | 56.00 % |
| FRONT YARD LANDSCAPE AREA | |
| FRONT YARD AREA: | - m ² |
| DRIVEWAY AREA: | 36.08 m ² |
| COVERED PORCH AREA: | - m ² |
| SOFT LANDSCAPE AREA: | - m ² |
| LANDSCAPE/OPEN SPACE: | - % |

ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE REFERRED TO M.T.O. BENCHMARK No. 00819828146 NORTH OF SMITH TOWNSHIP 3RD LINE ON TOP OF CONCRETE CULVERT UNDER CHEMONG ROAD (BRASS CAP NEAR WEST END OF CULVERT) HAVING AN ELEVATION OF 262.134.

LEGEND:

- 123.45 EXIST. ELEVATION
- 123.45 PROP. ELEVATION
- 2.0% DRAINAGE FLOW
- CATCH BASIN
- HYDRANT
- VALVE
- TRANSFORMER
- LIGHT POLE
- SUMP PUMP OUTLET TO STORM SEWER
- SUMP PUMP OUTLET TO GRADE
- * UNIT IS WITHIN ENGINEERED FILL AND REQUIRES SPECIAL FOUNDATION CONSIDERATION
- ROGERS PEDESTAL
- BELL PEDESTAL
- EXTERIOR DOOR
- OPTIONAL DOOR
- SIDE WINDOW LOC.
- COMMUNITY MAILBOX
- FF FINISHED FLOOR
- FF ENT. FINISHED ENTRY
- TFW TOP FOUNDATION WALL
- BS BASEMENT SLAB
- DOWNSPOUT LOCATION
- EXISTING TREE (SIZE SPECIFIED ON PLAN)
- EXISTING TREE TO BE REMOVED
- LINK WALL
- USF UNDERSIDE FOOTING
- USFR UNDERSIDE FOOTING REAR

BUILDER TO VERIFY AND CONFIRM THE LOCATION, INVERT ELEVATION AND SIZE OF THE EXISTING STORM AND SANITARY LATERAL CONNECTIONS.



65 Sunray Street
Whitby, Ontario L1N 8Y3
T 1 905 686 6402 F 1 905 432 7877
E ytomai@ghd.com W www.ghd.com

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GHD
65 Sunray Street
Whitby, Ontario L1N 8Y3
Phone: (905) 429 5000
LOT GRADING REVIEWED

NOTE: THE CONTRACTOR IS TO VERIFY ALL DIMENSIONS AND REPORT ANY DISCREPANCIES TO THE ENGINEER PRIOR TO CONSTRUCTION.

CONSULTANTS DECLARATION:
THIS PROPOSAL CONFORMS WITH THE APPROVED SUBDIVISION LOT GRADING PLAN. THE PROPOSED HOUSE TYPE IS COMPATIBLE WITH THE GRADING. THE PROPOSED DRIVEWAY LOCATIONS DO NOT CONFLICT WITH THE LOCATION OF ANY EXISTING ON STREET SERVICES.

CLIENT:

MASON HOMES

PROJECT :

PARKLANDS PHASE 4

CITY OF PETERBOROUGH

PROJECT No.

11116909

SCALE 1 : 250

General Notes

Side yard swales shall be a minimum of 0.15m deep, with maximum 3:1 side slopes.

Side yard swales shall be constructed continuously on the property line, unless otherwise noted.

Builder to verify location of all utilities and other services. If minimum dimensions are not maintained, builder is to relocate at own expense.

Driveway is not to be used as an outlet for any side yard swales or downspouts.

Builder to ensure min. 1.2m cover on all footings.

Underside of footing may be lower than noted elevation due to existing conditions. Exact footing elevation is to be determined onsite during excavation.

Builder to verify location and elevation of RYCB lead prior to pouring footing/foundation. Footing adjacent to RYCB lead is to be placed on undisturbed soils, as per Geotechnical Consultant recommendation.

The builder shall ensure that the siting is consistent with the approved engineering plans and shall ensure that the siting conforms to the City's Design Criteria and Standards.

Roof Leaders are to be connected/outlet as specified on the approved Engineering Plans.



#304 CULLEN TRAIL

REG. PLAN NO. 45M-254

CITY OF PETERBOROUGH

LOT
20-4