



City of
Peterborough

Committee of Adjustment

Hearing Date: February 25, 2020

Staff Recommendations Regarding Files: B02/20, A03/20, A04/20, A05/20, and A08/20

1. File Number: B02/20
Address: 321 Euclid Avenue
Applicant: Babak Izadi
Owner: Justin Motazedian

The subject property is located on the south side of Euclid Avenue, west of the intersection with Ludgate Street. The subject property is zoned R.1 – Residential District and is designated 'Residential' in the City's Official Plan. The property is currently developed with a two-storey single-detached dwelling and detached single-car garage.

The owner of the property is seeking consent from the Committee of Adjustment to sever the easterly 13.69 metres (Exhibit A). The proposed retained and severed lots will meet the minimum lot area and dimension regulations of the R.1 zoning district.

The subject property is located within a settlement area, as defined by the Provincial Policy Statement (PPS). The PPS directs growth and development to settlement areas. Land use patterns in settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources while being appropriate for and efficiently use infrastructure and public service facilities that are planned or available (PPS Section 1.1.3.2). Additionally, Section 1.6.6.2 of the PPS states that "Intensification and redevelopment within settlement areas on existing municipal sewage services and municipal water services should be promoted, wherever feasible."

The Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan) states that the majority of growth forecasted to the horizon of the plan is to be allocated to settlement areas that have a delineated built boundary, have existing or planned municipal water or wastewater services, and can support the achievement of a complete community (Growth Plan Section 2.2.1.2(a)). The application supports the achievement of complete communities by assisting with the provision of a range and mix of housing options and densities (Growth Plan Section 2.2.6.2(c)). The proposed severance conforms to the Growth Plan as it will provide for an additional building lot within the existing built up area of the City.

The subject property is designated '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". The creation of a new lot for a single detached dwelling will assist the City in achieving the objectives of the 'Residential' designation as set out in Section 4.2 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.

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

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

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

Bell Canada has reviewed the application and has no concerns with the proposal.

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

The City's Subdivision and Development Engineer has reviewed the application and has no objection on the proposal and notes that sanitary, water and utility services are required to service the severed lot.

The City's Heritage Resources Co-ordinator has reviewed the application and has no comments on the proposal.

Recommendation

With respect to consent for severance application B14/19, staff recommends that the Committee of Adjustment **approve** the application, conditional upon the following:

- i) Confirmation that the existing detached garage on the lands to be severed is removed;
- ii) The payment of a Parks Levy for the newly created lot, in an amount to be determined by the Parks Levy Review Committee;
- iii) The payment of a Tree Levy in the amount of \$173.37 for the newly created lot;

- iv) Submission of either a draft Reference Plan showing the proposed severed and retained parcels or a legal description acceptable and approved by the Land Registrar to the Secretary-Treasurer. The applicant shall submit a digital copy of the registered Reference Plan, in PDF format, to the City of Peterborough, if applicable;
- v) If a Reference Plan is prepared, 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's Geomatics/Mapping Division to confirm acceptable standards and formatting. The Surveyor should contact the Secretary-Treasurer for instructions on how to submit this document;
- 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.

2. File Number: A03/20

Address: 581 Harvey Street

Applicant: Kawartha Lakes Construction

Owners: Deanna Guttman and Sandra Walton

The subject property is located on the west side of Harvey Street, between London and Dublin Streets. The subject property is zoned R.1, R.2, R.3 – Residential District and is designated 'Residential' in the City's Official Plan. The property is currently developed with a one-storey single-detached dwelling. As such, the application is evaluated under the regulations of the R.1 zoning district.

The applicant is proposing to add a second storey to the existing dwelling as part of a comprehensive renovation to the subject property (Exhibit B). The existing dwelling is legal non-complying with regards to the side yard setback on both sides of the property as well as the street line setback. Since the addition of a second storey will increase the existing deficiency of side yard and street line setbacks, the applicant has requested variances from regulation 7.2(e)(i) of the R.1 zone and supplementary regulation 6.11(a) to permit its construction, as follows:

- a) A reduction of the minimum side yard setback from 1.2 metres to 0.524 metres from the north lot line and to 0.293 metres from the south lot line; and
- b) A reduction in the minimum setback from a local street which is 20 metres or wider in width from 6 metres to 2.636 metres.

There is anticipated to be limited perceived impact to the surrounding area resulting from approval of this application. 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 subject property is located adjacent to a property (583 Harvey Street) that is designated under Part IV of the **Ontario Heritage Act**. According to section 2.4.9.2 of the Official Plan, “development and site alteration may be permitted on adjacent lands to protected heritage property where the proposed development has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.”

The minor variance application is supported by a scoped Heritage Impact Assessment prepared by Branch Architecture, dated January 31, 2020. It was determined that the proposed alterations to the structure allow for the conservation of heritage value of 583 Harvey Street. Exterior building materials have not yet been determined and it is recommended that traditional building materials are used in keeping with the front gable building style on the street-facing elevation. The assessment has been reviewed by the Heritage Preservation Office and concurs with its conclusions.

The purpose to 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 by providing for additional indoor living space. The proposed variances maintain the intent and purpose of the Official Plan.

The R.1 zoning district permits single-detached residential dwellings. The intent of a setback from the side yard is to ensure that there are sufficient separation distances between structures and to provide property access from front to back. Street line setbacks ensure that there is adequate separation between the road allowance and the structure and sufficient space for snow storage from road operations, among other factors. It is not anticipated that the proposal will have an impact on road operations, sightlines or circulation between buildings, as the requested variances only apply to the proposed second storey. The requested 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.

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

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

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

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

The City's Subdivision and Development Engineer has reviewed the application and has no objection to the proposal.

The City's Heritage Resources Co-ordinator has reviewed the application and is satisfied with the conclusions of the scoped Heritage Impact Assessment.

Recommendation

Staff recommends that the Committee of Adjustment **approve** the application for minor variance provided that construction proceed substantially in accordance with the concept plan submitted in support of this application (included as Exhibit B) and conditional upon approval of the exterior building materials by the Heritage Preservation Office and the Planner of Urban Design to ensure consistency with the conclusions of the scoped Heritage Impact Assessment.

3. File Number: A04/20
Address: 316 Cullen Trail
Applicant: Mason Homes Limited
Owner: Mason Homes Limited

The subject property is part of the final phase of the Mason Homes Parklands subdivision in the City's north end. The undeveloped property is located on the north side of Cullen Trail and backs on to an Open Space zoning district containing wetland features. The property is designated 'Residential' in the Official Plan and zoned SP.328, 13a and SP.329, 11j, 13k. The construction of the dwelling on this property was considered under the SP.328, 13a residential zoning district.

The applicant is requesting a variance from section 358.3(e)(ii) of the By-law to reduce the minimum rear yard setback from 6.0 metres to 5.62 metres to permit the development of a single-detached dwelling (Exhibit C). Due to the dimensions of the wetland feature and associated setbacks, the rear lot line is at an angle resulting in a lot depth that gets narrower from north to south. The rear yard setback from the southwest corner of the lot to the proposed dwelling is 5.62 metres. Staff has reviewed the concept plan provided by the application and is of the opinion that the requested variance is minor in nature and represents a desirable and appropriate use of the land.

The purpose of the "Residential" designation is to "provide areas for housing and other land uses that are integral to, and supportive of a residential environment." The proposed variance maintains the intent and purpose of the Official Plan.

The SP.328, 13a 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. The requested variance represents the narrowest distance between the rear lot line and the proposed

dwelling and, if approved, the resulting rear yard will still provide sufficient amenity space. Additionally, as the property backs on to an Open Space block associated with natural heritage features, there is no concern of negative impacts on neighbouring landowners. The requested 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.

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

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

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

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

The City's Subdivision and Development Engineer has reviewed the application and has no objection to the proposal.

The City's Heritage Resources Co-ordinator has reviewed the application and has no comments on the proposal.

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 proceed substantially in accordance with the concept sketch attached as Exhibit C.

4. File Number: A05/20
Address: 1122 Rippingale Trail
Applicant: Mason Homes Limited
Owner: Mason Homes Limited

The subject property is part of the final phase of the Mason Homes Parklands subdivision in the City's north end. The undeveloped property is located on the north side of Rippingale Trail at the intersection of Marsh Avenue. The property is designated 'Residential' in the Official Plan and zoned SP.328, 13a and SP.329, 11j, 13k. The construction of the dwelling on this property was considered under the SP.329, 11j, 13k residential zoning district.

The applicant is requesting a variance from section 359.3(k)(i) of the By-law to reduce the minimum street line setback from 3.0 metres to 1.1 metres to permit the development of a single-detached dwelling (Exhibit D). Due to the conveyance of the daylight triangle at the corner of Rippingale Trail and Marsh Avenue, the street line is at an angle resulting in a lot width that is narrow at the southern portion of the property. The street line setback from the southeast corner of the lot to the proposed dwelling is 1.1 metres. Staff has reviewed the concept plan provided by the application and is of the opinion that the requested variance is minor in nature and represents a desirable and appropriate use of the land.

The purpose of the 'Residential' designation is to "provide areas for housing and other land uses that are integral to, and supportive of a residential environment." The proposed 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 street line setback 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 parking in the front yard, among other factors. It is not anticipated that the proposal will have an impact on road operations or sight lines from the right-of-way, due to the conveyance of the daylight triangle. Driveway access will be provided from Rippingale Trail and the parking area will not be impacted by the reduced setback. The requested variance maintains the intent and purpose of the Zoning By-law.

Agency Comment

The Otonabee Region Conservation Authority (ORCA) reviewed the application and is of the opinion 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 Distribution Inc. (PDI) has reviewed the application and has no comments on the proposal.

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

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

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

The City's Subdivision and Development Engineer has reviewed the application and has no objection to the proposal.

The City's Heritage Resources Co-ordinator has reviewed the application and has no comments on the proposal.

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 proceed substantially in accordance with the concept sketch attached as Exhibit D.

5. File Number: A08/20
Address: 306 Cullen Trail
Applicant: Mason Homes Limited
Owner: Mason Homes Limited

Notice was provided for this application in accordance with subsection 3(2) of Ontario Regulation 200/96 of the **Planning Act** by the applicant placing a sign on the subject property at least 10 days before the date of a hearing. Because the only property owners within 60 metres of the subject property aside from Mason Homes (the applicant) is the City of Peterborough, the City was not required to sent notice by mail.

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; SP.329, 11j, 13k; SP.330, 11j, 13k; SP.331, 3q, 11j, 13k, 16c. The construction of the dwelling on this property was considered under the SP.329, 11j, 13k Residential Zoning District.

A minor variance was considered and approved by the Committee at its meeting on December 3, 2019. Upon applying for a building permit, it was determined by Building Division staff that the variance requested in December did not address the smallest setback to a rear lot line.

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 2.52 metres to permit the development of a single-detached dwelling (Exhibit E). 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 2.52 metres while the southwest corner is 10.0 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 application was circulated to agencies on February 14, 2020. As the site plan is substantially the same as the one that came before the Committee in December, agencies were advised to provide comments if there was anything in addition to what was provided for the previous application. No new comments were received by the time the Staff Report was published.

Recommendation

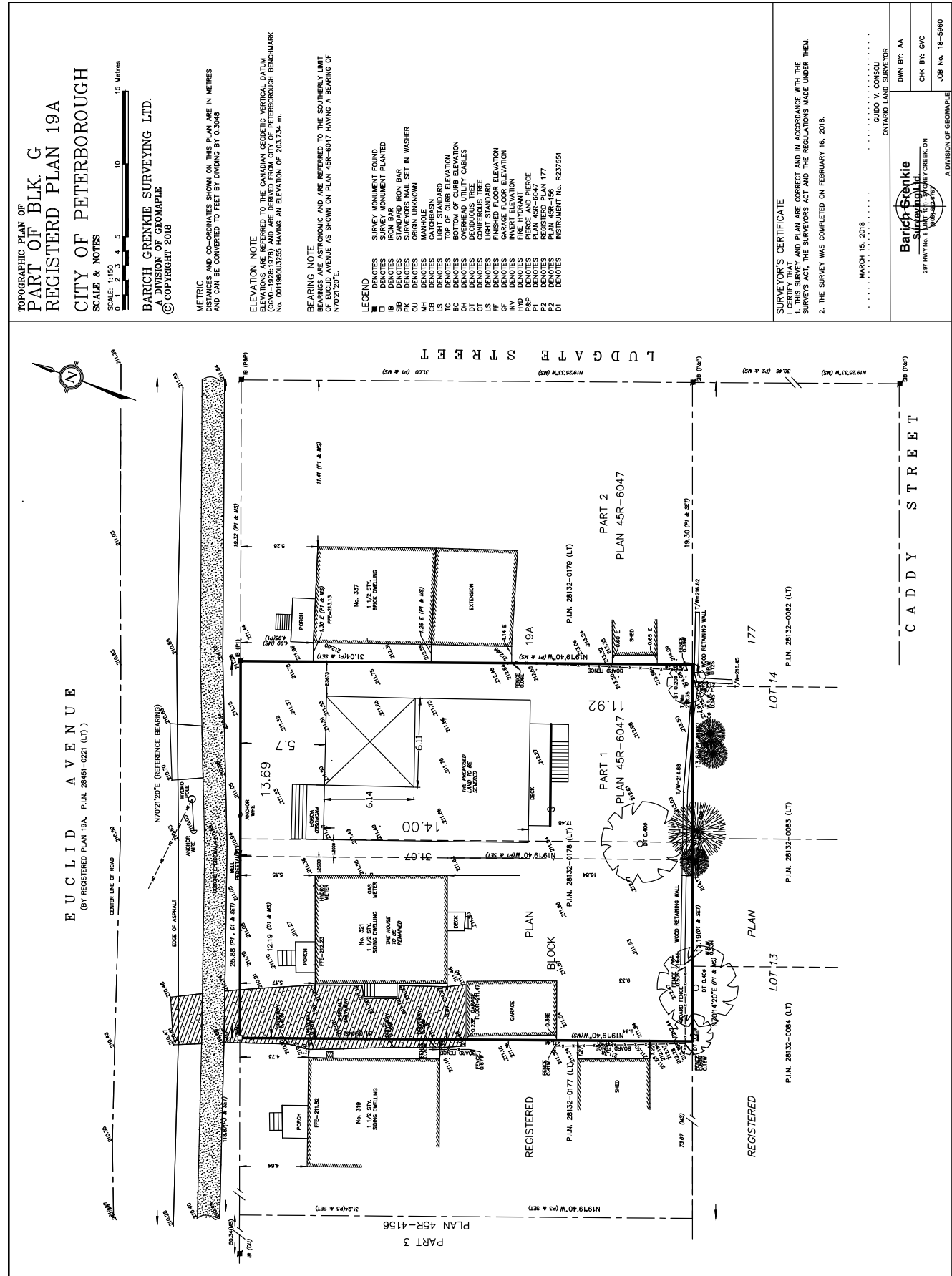
Staff recommends that the Committee of Adjustment **approve** the application for minor variance provided that the construction of the dwelling related to this approval shall proceed substantially in accordance with the concept plan prepared in support of this application attached as Exhibit E.

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



SKETCH FOR MINOR VARIANCE

(316 CULLEN TRAIL)

ON LOT 18, PLAN 45M - 254,

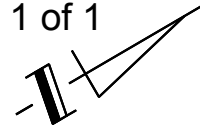
CITY OF PETERBOROUGH,

COUNTY OF PETERBOROUGH,

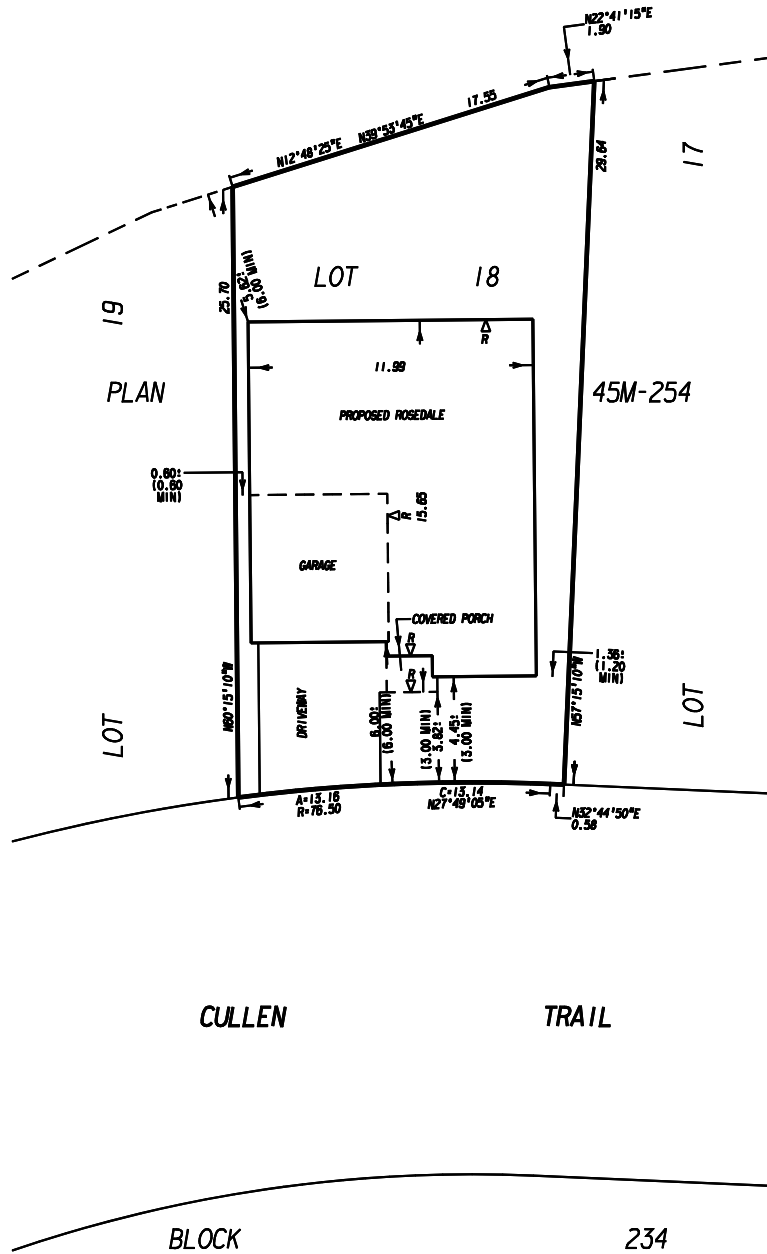
SCALE 1 : 250 METRES

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND
CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

Exhibit C, Page 1 of 1



PART OF LOT 4
EAST OF COMMUNICATION ROAD



APRIL 30, 2019

CADD FILE: 7811-PHM-MV-LT018.1.DPD
PROJECT No. 7811-PHM-MV-LT018

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND
CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

1 of 1

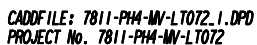




Exhibit E, Page 1 of 1



CULLEN TRAIL

#306

REFER TO GHD PLAN 11116909 L-101

SITE STATISTICS	
COVERAGE CALCULATION	
LOT AREA:	385.26 m ²
BUILDING FOOTPRINT AREA:	122.69 m ²
LOT COVERAGE:	31.85 %
LANDSCAPE AREA	
LOT AREA:	385.26 m ²
SOFT LANDSCAPE AREA:	226.49 m ²
LANDSCAPE COVERAGE:	58.79 %
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. 00818828148 NORTH OF SMITH TOWNSHIP 3RD LINE ON TOP OF CONCRETE CULVERT UNDER CHEMUNG 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 Survey Street
Whitby, Ontario L1N 8Y3
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GHD
65 Survey Street
Whitby, Ontario L1N 8Y3
Phone: (905) 429 8000
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.

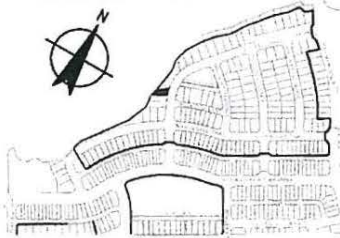
Builder to ensure min. 1.2m cover on all footings.

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.



KEY PLAN
N.T.S.

#306 CULLEN TRAIL
REG. PLAN NO. 45M-254
CITY OF PETERBOROUGH

LOT
20-4