



City of
Peterborough

Committee of Adjustment

Hearing Date: November 4, 2020

Staff Recommendations Regarding Files: B07/20, A23/20, and A24/20

1. File Number: B07/20
Address: 689 Towerhill Road
Applicant: EcoVue Consulting Services Inc.
Owner: Muskoka D&M Corp.

This application was adjourned from the October 6, 2020 meeting of the Committee of Adjustment. The application was deferred to allow the applicant, City, and owner of 491-499 Hillside Street to come to an agreement on the development of the easterly extension of Hillside Street. The Staff Report, recommendations, and exhibits from the October 6, 2020 meeting are attached as Exhibit A.

Since the meeting on October 6, 2020, the applicant has engaged in discussions with the representatives of 491-499 Hillside Street to satisfy their concerns. Those efforts were not successful, and an appeal was filed with the Local Planning Appeal Tribunal on the Zoning By-law Amendment (File Z1917) that would implement the proposed long-term care facility land use. The Official Plan Amendment (File O1906) was not included in the appeal.

Access to the severed lands can be addressed through a Development Agreement. To satisfy concerns regarding vehicle access to the severed lands, it is proposed to add a condition of consent that will require the applicant to construct such segments of Hillside Street as the City will require to provide vehicle access the severed lands. The new construction will be done to a municipal standard, will be assumed by the City, and be maintained as a public highway. In conjunction with the development agreements required as part of removing the H symbol from the zoning, staff is satisfied that the severed lands will be adequately serviced by municipal infrastructure.

Subsection 51(25) of the **Planning Act** outlines the types of conditions that can be imposed on the approval of a plan of subdivision or consent. Item (d) provides the ability for an approval authority to impose a condition that the owner of land subject to an approval enter into one or more agreements with a municipality, dealing with such matters as the approval authority may consider necessary.

Agency Comment

No additional agency comment has been received since the previous circulation.

Recommendation

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

- i) The approval of Zoning By-law Amendment File Z1917;
- ii) Removal of the Holding Provision imposed on By-law 20-065 associated with the PS.2 zoning district on the severed lands;
- iii) That the owner enters into a Development Agreement with the City, including appropriate security, agreeing to the extension Hillside Street to a municipal standard, to be assumed and maintained by the municipality, to provide vehicle access to the severed lands;
- iv) Prior to registering of 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 and easement. Upon registration of the approved Reference Plan, a digital copy of the registered Reference Plan, in PDF format, will be provided to the Secretary-Treasurer;
- v) 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: A23/20
Address: 459 Cameron Street
Applicants: Alan and Lorraine Wilson
Owners: Alan and Lorraine Wilson

The subject property is located on the south side of Cameron Street between St. Catherine Street and Park Street South, backing on to the Otonabee River. The subject property is zoned R.1 residential district and designated 'Residential' (developed portion) and 'Major Open Space' (shoreline area) in the Official Plan. The property is currently developed with a single detached dwelling and shed.

The applicant is proposing to widen the existing carport to improve the functionality of the space (Exhibit B). To achieve this, the applicant has requested a variance from Section 6.9 of the Zoning By-law to reduce the minimum building setback from the centre line of a collector street (Cameron Street) from 19 metres to 16.5 metres. The carport expansion will match the building line of the existing single-detached dwelling and carport currently on the property. Staff has reviewed the concept plan and elevation drawings submitted in support of the application and is of the opinion that the requested variance is minor in nature and represents a desirable and appropriate use of the land.

The purpose of the 'Residential' designation is to "provide areas for housing and other land uses that are integral to, and supportive of a residential environment." The proposed expansion of the carport will improve the functionality of the parking area that serves the residential use of the property. Further, the intent of the 'Major Open Space' designation is to "preserve areas designated as Major Open Space and identified as Natural Areas, from incompatible development and where feasible, integrate such areas within the City's network of parks and open space." The proposed carport expansion is not located within the portion of the property designated as 'Major Open Space'. In addition to the land use designations, the subject property is located within the flood plain of the Otonabee River. The flood plain policies of the Official Plan states that "Flood plains are regarded as hazardous lands. Development and site alteration may be permitted in hazardous lands and sites provided that it is demonstrated that the development can be carried out to the satisfaction of the Conservation Authority and the development does not include schools, essential emergency services or uses that would involve the storage or handling of hazardous substances." Otonabee Region Conservation Authority (ORCA) has reviewed the application and considers the proposal a minor change to a passive use, which should not affect flood flows or otherwise exacerbate the flooding hazard. The proposal maintains the intent and purpose of the Official Plan.

The intent of the setback from the centre line is to ensure, among other factors, that there is adequate separation between the road allowance and structures, sufficient space for snow storage from road operations, sightlines for vehicles, and to provide parking in the front yard. It is not anticipated that the proposal will have an impact on road operations or sightlines from the right-of-way. Driveway access is provided to the subject property from Cameron Street and the parking area will not be impacted from 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 notes that the entire parcel is located within the floodplain of the Otonabee River. While 3.1.1 of the Provincial Policy Statement (PPS) directs development outside areas of flooding, ORCA staff are of the opinion that the proposed development could be considered a passive use, which would not affect flood flows or otherwise exacerbate the flooding hazard. The application is also consistent with Section 2.1 (Natural Heritage) and 2.2 (Water), as the proposed development is greater than 30 metres from the Otonabee River and is not within 120 metres of any other known natural heritage feature of significance.

The property is entirely located within ORCA's regulated area and will require a permit from the Authority prior to any site alteration, fill placement or construction taking place. The subject property is not located in an area subject to the policies of the Trent Source Protection Plan.

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

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

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

The City's Heritage Resources Coordinator reviewed the application and identified that, as a riverfront property, the subject property is in an area of high archaeological potential. In accordance with the City's Archaeology Policy, a Stage 1 Archaeological Assessment should be conducted prior to any development or site alteration.

The Ministry of Transportation of Ontario (MTO) reviewed the application in accordance with the **Public Transportation and Highway Improvement Act** and its Highway Access Management Guidelines and has no comments as the subject lands are located outside their permit control area.

Recommendation

Staff recommends that the Committee of Adjustment **approve** the application provided that construction related to this approval proceed substantially in accordance with the concept plan attached as Exhibit B and conditional upon the completion of a Stage 1 Archaeological Assessment.

3. File Number: A24/20
Address: 449 Braidwood Avenue
Applicant: Diane and John Dodd
Owner: Diane and John Dodd

The subject property is located on the south side of Braidwood Avenue between St. Catherine Street and Park Street South. The subject property is zoned R.1 residential district and designated 'Residential' in the Official Plan. The property is currently developed with a single-detached dwelling and an accessory structure in the rear yard.

The applicant is proposing a variance from 6.19(b) of the Zoning By-law to increase the maximum distance a platform can project into a building setback from a street line from 1.5 metres to 1.8 metres into the street line setback of Braidwood Avenue to permit the construction of a platform at the front of the existing dwelling (Exhibit C). Staff has reviewed the concept plan submitted in support of the application and is of the opinion that the requested variance is minor in nature and represents a desirable and appropriate use of the land.

The purpose of the 'Residential' designation is to "provide areas for housing and other land uses that are integral to, and supportive of a residential environment." The proposed construction supports the residential function of the property by providing additional amenity space at the front of the dwelling. The requested variance maintains the intent and purpose of the Official Plan.

The intent of the setback from the street line is to ensure, among other factors, that there is adequate separation between the road allowance and structures, sufficient space for snow storage from road operations, sightlines for vehicles, and to provide parking in the front yard. It is not anticipated that the proposal will have an impact on road operations or sightlines from the right-of-way. Driveway access is provided to the subject property from Braidwood Avenue and the parking area will not be impacted from 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 notes that the proposal is consistent with Section 2.1 (Natural Heritage), 2.2 (Water), and 3.1 (Natural Hazards) of the Provincial Policy Statement. The property is located outside of ORCA's regulated area so a permit from the Authority is not required. The subject property is not located in an area subject to the policies of the Trent Source Protection Plan.

Peterborough Distribution Inc. (PDI) reviewed the application and notes that the minimum overhead line clearance should comply with PDI Standard 3-105.

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

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

The City's Heritage Resources Coordinator reviewed the application and has no comments.

The Ministry of Transportation of Ontario (MTO) reviewed the application in accordance with the **Public Transportation and Highway Improvement Act** and its Highway Access Management Guidelines and has no comments as the subject lands are located outside their permit control area.

Recommendation

Staff recommends that the Committee of Adjustment **approve** the application provided that construction related to this approval proceed substantially in accordance with the concept plan attached as Exhibit C and conditional upon the applicant obtaining written approval from PDI regarding the platform clearance from the overhead lines.

Prepared By:

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

Concurred With:

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

2. File Number: B07/20
Address: 689 Towerhill Road
Applicant: EcoVue Consulting Services Inc.
Owner: Muskoka D&M Corp.

The subject property is in the City's north end and is generally bounded by Towerhill Road to the north, Hillview Drive and the Simons subdivision to the east, Hillside Street to the south and the Northview Community Church to the west. The majority of the subject property is currently zoned A1 SM in the Township of Smith Zoning By-law 1971-17 and the southern portion fronting on the Hillside Street road allowance is zoned R.1 residential district with alternative regulations 1m and 2m in the City's Zoning By-law. Corresponding with the zoning districts above, the subject property is designated 'Urban Fringe Control Area' in the Township of Smith Official Plan (1995) and 'Residential' in the City's Official Plan.

The property owners are currently undertaking Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) applications that would re-designate the entirety of the subject lands as 'Residential' and re-zone 2.16 hectares of the southern portion of the property PS.2-334-H public service district and the balance of the lands D.2-96 development district. The Official Plan and Zoning By-law amendment applications were approved by Council on September 28, 2020 and are currently within the appeal period.

The property owner is seeking consent to sever 2.16 hectares at the south end of the property, with approximately 144 metres of lot width and 150 metres of lot depth, to create a separate building lot for a long-term care facility. An easement over the retained lands to the east of the severed lands is also being sought to permit legal access to the long-term care facility using a driveway to be constructed on the retained lands (Exhibit B). The proposed severance corresponds with the proposed PS.2-334-H zoning boundary resulting from the ZBA.

The subject lands are located within a settlement area, as defined by the Provincial Policy Statement (PPS, 2020). 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 that efficiently use land and resources while being appropriate for, and efficiently use, infrastructure and public service facilities that are planned or available (Section 1.1.3.2). Additionally, Section 1.6.6.2 of the PPS states that "within settlement areas with existing municipal sewage systems and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services."

The Growth Plan for the Greater Golden Horseshoe, 2020 (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 (Section 2.2.1.2(a)). This application supports the achievement of a complete community by providing access to an additional public service facility, of which long-term care services are identified. The subject property is located within the City's Designated Greenfield Area

(DGA). New development in the DGA shall be planned, designated, zoned, and designed to support the achievement of a complete community (Section 2.2.7.1(a)). The proposed severance conforms with the Growth Plan as it will provide a new building lot for a long-term care facility within the City's Designated Greenfield Area.

The subject lands are currently designated 'Urban Fringe Control Area' in the Township of Smith Official Plan (1995) and 'Residential' in the City of Peterborough Official Plan. OPA File Number O1906 was recently approved by Council at its meeting on September 28, 2020 to re-designate the entirety of the subject lands as 'Residential'. At the time this consent application is heard by the Committee, the OPA file will be in an active appeal period. It is recommended that the approval of this consent be conditional upon the 'Residential' land use designation coming into effect.

Objectives of the 'Residential' designation include to "encourage residential intensification to increase the supply of housing through better use of existing resources, buildings and under-utilized sites" and "support the development, at appropriate locations, of residential facilities that meet the housing needs of persons requiring specialized care". The creation of a lot to support a long-term care facility will assist the City in achieving the objectives of the 'Residential' designation as set out in Section 4.2 of the Official Plan.

The subject lands are currently zoned A1 SM in the Township of Smith Zoning By-law 1971-17 and R.1, 1m, 2m in the City's Zoning By-law. In addition to the OPA, ZBA File Z1917 was recently approved by Council to re-zone the proposed severed lands to a PS.2 public service district, subject to exception 334 and a holding provision. The retained lands are to be re-zoned to a D.2 development district, subject to exception 96.

The PS.2 public service district will permit the long-term care facility and exception 334 refers to site-specific zoning regulations. The holding provision relates to an agreement for provision of sanitary services and other associated upgrades, an agreement relating to natural heritage, stormwater management and water monitoring, and cash-in-lieu of parkland (Exhibit C). It is recommended that the approval of this consent be conditional on the re-zoning coming into effect and the holding provision being removed from the zoning. The removal of the holding symbol will ensure that the proposed long-term care facility use is permitted on the severed lands and that appropriate agreements are in place to adequately service the site prior to the lot being created.

The proposed severed lands will have approximately 144 metres of frontage on Hillside Street. The retained lands will maintain approximately 24 metres of frontage on Hillside Street, with additional access to the municipal road network from Towerhill Road and McRea Drive. Although portions of Hillside Street remain unbuilt the entire length has been dedicated as a public highway, meeting the definition of a 'street' in the Zoning By-law.

Agency Comment

The Otonabee Region Conservation Authority (ORCA) reviewed the application and notes that the proposal is located outside of known flooding hazard. The applicants submitted an Environmental Impact Study (EIS) in support of the OPA and ZBA applications concluding

that the area mapped as non-evaluated wetland at the southwest corner of the property is not present. ORCA agrees with those findings. The EIS discusses an area of significant woodland and ORCA agrees with the EIS that while mitigation details are required, they can be reviewed at the detailed design stage. Portions of the property are within ORCA's regulated area so a permit from the Authority will be required prior to any construction or site alteration. The subject property is not located in an area subject to the policies of the Trent Source Protection Plan. The proposed severance and easement are consistent with the PPS, noting that further details are required during the Site Plan Approval process.

Peterborough Distribution Inc. (PDI) reviewed the application and noted that the development is within Hydro One's service territory. The developer should contact Hydro One's local representative for connection information related to this development.

Peterborough Utilities Commission (PUC) reviewed the application and noted that a trunk watermain and associated easement is in the area of the proposed driveway. The watermain is approximately 2.1 metres from the east property line and they require a minimum 3.0 metres west of the trunk watermain for access. The access driveway on the retained lands should be a minimum of 5.1 metres from the east property line to keep their access unimpeded. It is strongly preferred that no infrastructure or surface works be constructed within the current easement that encroaches on their access. Prior to any construction it is suggested that the watermain be physically located in the field and an accurate dimensioned drawing be prepared for review, which includes the location of the watermain and the proposed offset from the driveway should this proceed further. If the driveway or any other infrastructure is constructed within 3.0 metres of the watermain it may be damaged should excavation have to occur for repair and any costs to repair the damages will be the responsibility of the owner.

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

The City's Heritage Resources Coordinator reviewed the application and has no comments.

Hydro One reviewed the application and has no comments or concerns, noting that their review only considered issues affecting their 'High Voltage Facilities and Corridor Lands'.

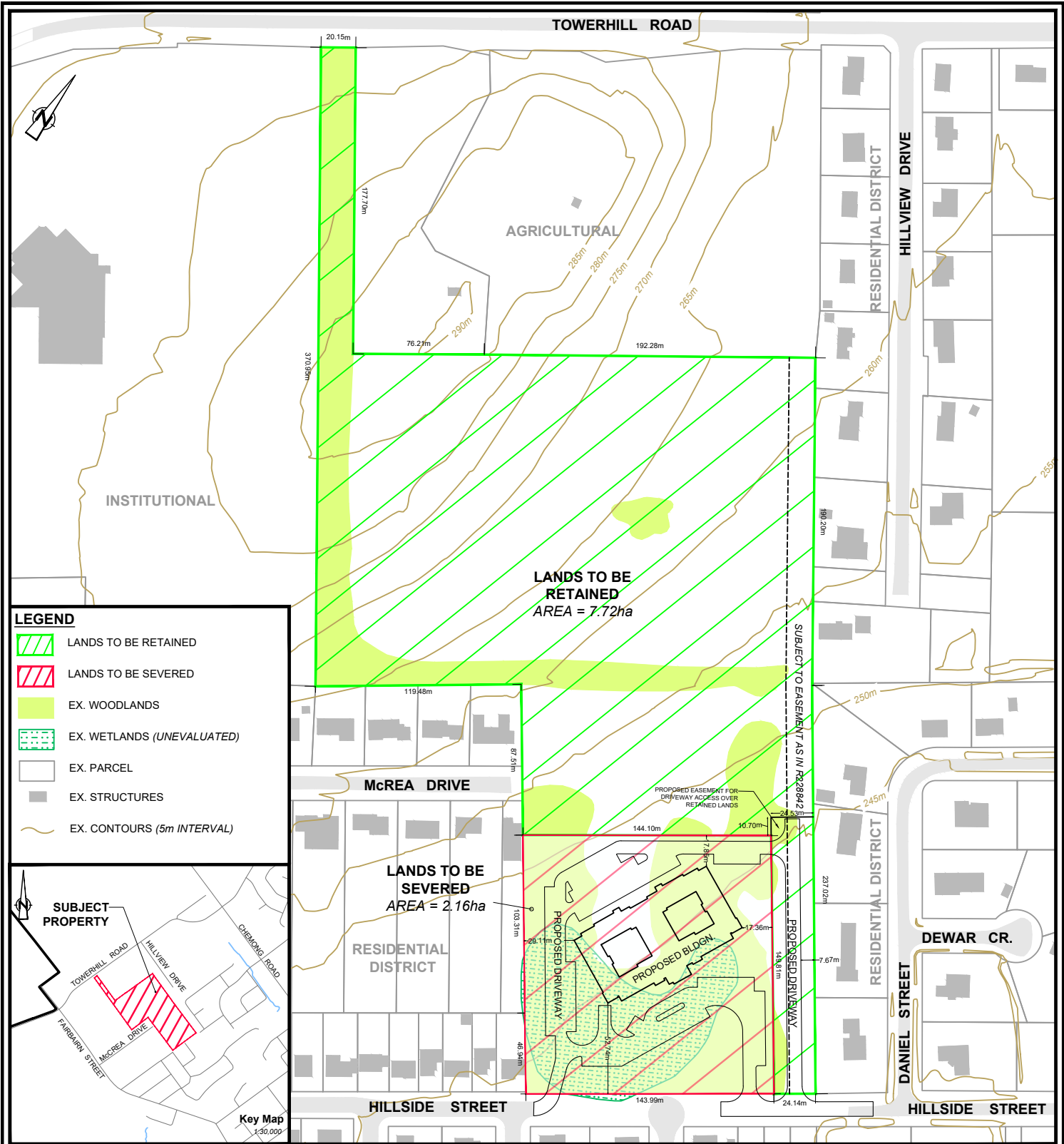
Bell Canada reviewed the application for consent and has no concerns.

The Ministry of Transportation of Ontario (MTO) reviewed the application in accordance with the **Public Transportation and Highway Improvement Act** and its Highway Access Management Guidelines and has no comments as the subject lands are located outside their permit control area.

Recommendation

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

- i) The approval of Official Plan Amendment File O1906 and Zoning By-law Amendment File Z1917;
- ii) Removal of the Holding Provision imposed on By-law 20-065 associated with the PS.2 zoning district;
- iii) Prior to registering of 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 and easement. Upon registration of the approved Reference Plan, a digital copy of the registered Reference Plan, in PDF format, will be provided to the Secretary-Treasurer;
- iv) A closed polygon vector file of the Part boundaries shown on the Reference Plan is to be provided in Autodesk DWG NAD83 UTM CSRS CGVD28 projection Windows-readable format to the satisfaction of the City of Peterborough Geomatics/Mapping Division. It is recommended that the 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;
- 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.





City of
Peterborough

The Corporation of the City of Peterborough

By-Law Number 20-065

Being a By-law to amend the Zoning By-law for the lands known as 689 Towerhill Road

The Corporation of the City of Peterborough by the Council thereof hereby enacts as follows:

1. That Section 3.9 – Exceptions, be amended to add the following:
“.334 Notwithstanding the provisions of Section 22B.2, the following regulations shall apply:
 - a) minimum lot width: 130 m
 - b) minimum lot depth: 130 m
 - c) minimum building setback from the east lot line: 15 m
 - d) maximum building coverage: 17%
 - e) maximum width of landscaped open space to be established and maintained shall be 3.3 m along the north lot line and 4.4 m along the east lot line

Notwithstanding the provisions of Section 4.4, 7 accessible parking spaces and 6 shared accessible parking/guest drop off spaces shall be provided.”
2. That Map 6 forming part of Schedule “A” to By-law 97-123, is amended by changing the area shown on the sketch attached hereto as Schedule ‘A’ from A1 SM – Rural Zone and R.1,1m,2m – Residential District to PS.2-334-H – Public Service District and D.2-96 – Development District.
3. That the ‘H’ Holding Symbol be removed at such time as:
 - a) The Owner has entered into an agreement with the City with respect to the provision of sanitary services to the property and has provided the City with security in the amount of 100% of the estimated cost of the required sanitary sewer installation;

- b) The Owner has entered into an agreement with the City with respect to the sharing of costs related to downstream sanitary sewer upgrades and/or sanitary sewer oversizing;
- c) The Owner has entered into an agreement with the City with respect to Natural Heritage protection and mitigation, conceptual stormwater management and Low Impact Development, and groundwater monitoring on-site and at nearby private drinking water wells; and
- d) The Owner has paid cash-in-lieu of parkland dedication to the City in accordance with the provisions of the Planning Act, R.S.O 1990 c.P.13 and the City's Parkland Dedication By-law.

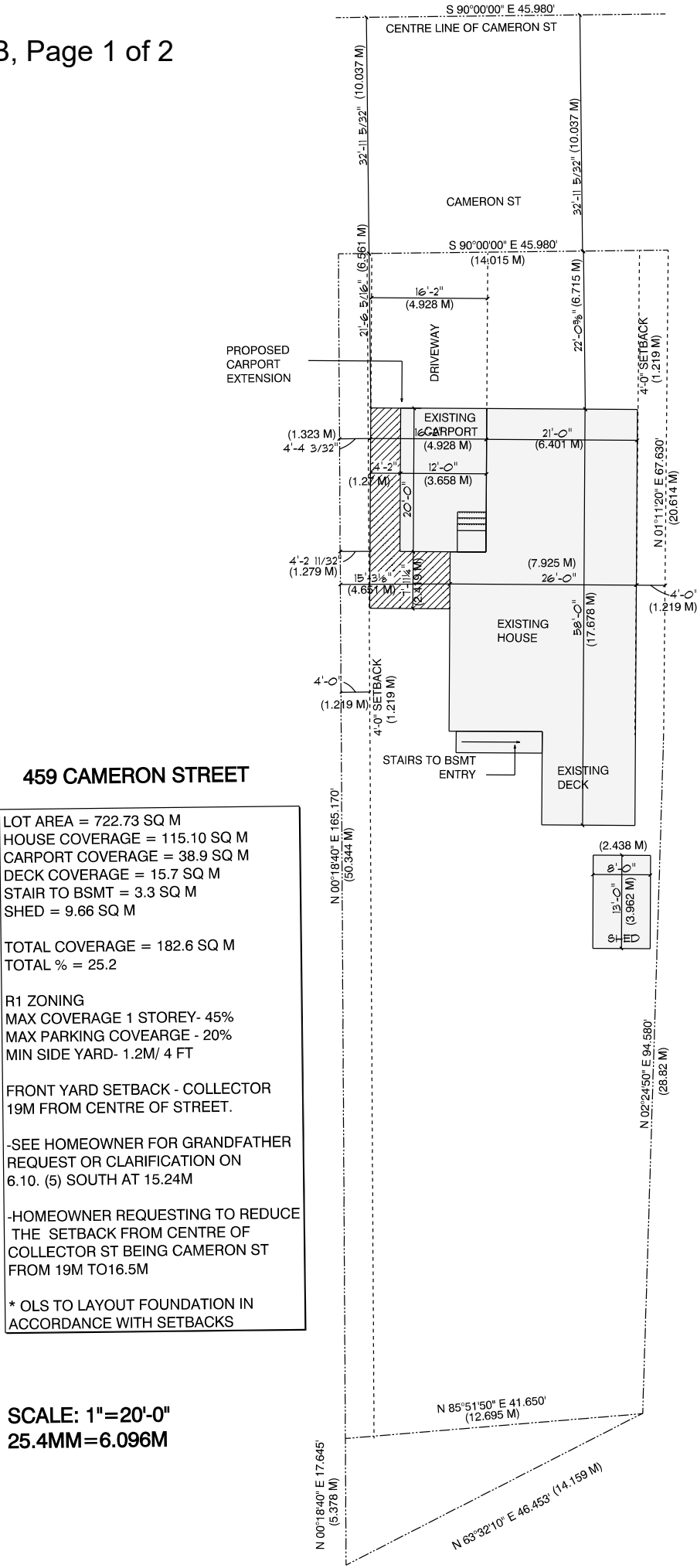
By-law read a first, second and third time this 28th day of September, 2020.

Diane Therrien, Mayor

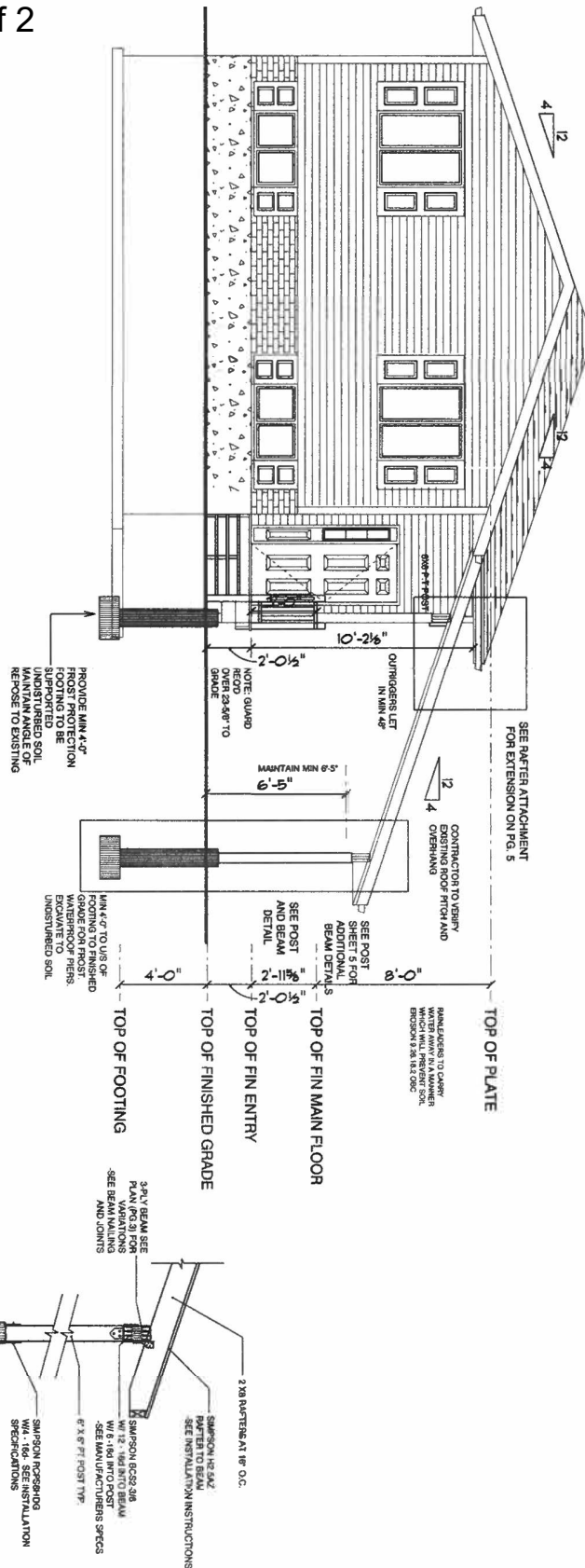
John Kennedy, City Clerk

Schedule A

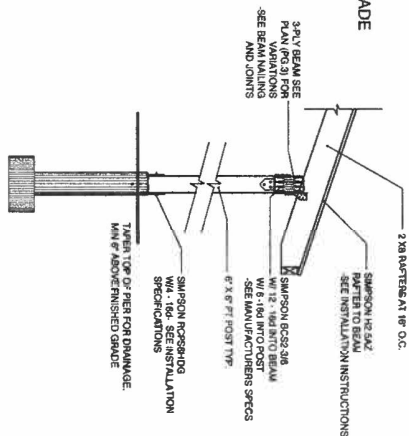




STREET ELEVATION PROPOSED SCALE: 3/16" = 1'-0"



POST AND BEAM DETAIL



GENERAL CONTRACTOR MUST VERIFY ALL SITE DIMENSIONS AS SHOWN ON THIS DRAWING AND NOTIFY "LONI HUDSON" IMMEDIATELY OF ANY DISCREPANCY OR OMISSIONS. GENERAL CONTRACTOR MUST CONFIRM WITH ALL APPLICABLE CODES AND ALL OTHER REGULATORY BODIES WITH JURISDICTION. THE DRAWINGS AND INFORMATION SHOWN ARE THE SOLE PROPERTY OF "LONI HUDSON" AND MAY NOT BE REPRODUCED IN ANY MANNER WITHOUT WRITTEN CONSENT OF "LONI HUDSON."

LONI HUDSON DESIGN

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OTONABEE
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K9J 6X7

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SECTION
LETTER

PAGE
NUMBERS

ALAN AND LORRIE WILSON

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PETERBOROUGH
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FAX:
alanmwilson@bell.net

DRAWN BY:

SCALE: 3/16" = 1'-0"

DATE: July 9, 2020

PAGE:

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STREET VIEW

House

5'6"
1.62m
SIDE YARD

DECK

STAIRS

HEIGHT
39" - 0.91m

WIDTH
6' - 1.89m

LENGTH
22' - 6.76m

DRIVEWAY

13'6"
4.115m

19'7" - 5.96m

15'
4.57m

53'
16.54m

CENTRE
ROAD
TO
HOUSE

3'3"
0.911m

SIDEWALK 5' - 1.54m

6'10" - 2.83m

BOULEVARD

ROAD

47'
14.23m
FROM
PLATFORM
TO
CENTRE ROAD

449 BRAIDWOOD AVE
PETERBOROUGH, ONT.