Committee of Adjustment
Hearing Date: March 30, 2021
Staff Recommendations Regarding Files: A25/20, A08/21, A09/21, A10/21, A12/21, A13/21, A14/21, A15/21, A16/21, and A17/21

1. File Number: A25/20

Address: 556 Stewart Street
Applicant: Kevin M. Duguay
Owner: Blair Taylor
The subject property is located on the southeast corner of the intersection of London and Stewart Streets, near the City's central area. The property is zoned R.1, R.2, R. 3 and is designated 'Residential' on Schedule A 'Land Use' in the City's Official Plan. The property is currently a vacant lot and has a grade change falling west to east on the property. The property measures 341 square metres in size and has access to a 4.3 metre wide laneway that runs behind the houses on Bethune and Stewart Streets.

The applicant is seeking the following variances from the Zoning By-law to facilitate the development of the vacant property utilizing the R. 2 regulations to construct a semidetached dwelling:
a) Section 6.11(a) to reduce the minimum building setback from a local street (Stewart Street) from 6 metres to 5 metres;
b) Section 6.11(a) to reduce the minimum building setback from a local street (London Street) from 6 metres to 3 metres;
c) Section 4.3.1(b) (i) to reduce the minimum required parking space from 2.7 metres by 5.7 metres to 2.5 metres by 5.5 metres;
d) Section 4.3.1(b)(i) to reduce the minimum driveway access aisle for 90 degree parking from 6.4 metres to 0.4 metres (the remaining of which is to be provided within the public laneway along the east limit of the property);
e) Section 8.2(f)(ii) to increase the maximum building coverage by a two-storey dwelling from 40\% to 41\%;
f) Section 8.2(f)(b) to reduce the minimum lot area per dwelling unit from 278 square metres per unit to 162 square metres per unit; and
g) Section 8.2(c) to reduce the minimum lot width per unit from 9 metres per unit to 5.2 metres per unit.

It was belatedly brought to staff's attention that the relief sought from Stewart Street was incorrectly denoted in the most recent memorandum from the applicant and therefore was not reflected appropriately in the Notice of Hearing. The required setback from the Stewart Street streetline is 3 metres (as denoted on Exhibit A) as opposed to 5 metres (as denoted in the notice and memorandum).

A concept plan, building layout, and supporting elevations were submitted with the application (Exhibit A), showing the location of the proposed dwelling and parking configuration. The applicant has informed staff that it is his intent to establish a secondary suite on site in the lower half of what is shown as 'Unit 2' on the plans. Accordingly, the number of parking spaces shown meets the requirements for two units and one secondary suite.

The City of Peterborough's Official Plan recognizes provincial direction to direct future growth to areas within the Built Boundary through infill where development can be compatibly integrated with the existing built form. The subject lands are recognized as low density residential. The proposed two-unit (semi-detached) dwelling falls within the medium residential density range at 61 dwelling units per hectare. Section 4.2.2.1.3 of the City's Official Plan provides policies relating to infill housing on vacant lands in existing residential areas. This allows infill to occur up to the maximum scale permitted under the medium density residential designation on the basis that lower height and density guidelines will be prescribed in the Zoning By-law to ensure the project is sensitive to the scale and physical characteristics of development in the surrounding neighbourhood, be sensitive to the continuity of the existing residential streetscape, and provide adequate off street parking and landscaped open space with suitable buffering to not intrude on adjacent residential properties.

Staff have reviewed Exhibit A considering the guidance provided in Section 4.2.2.1.3 above and are of the opinion that the built form derived from the proposed list of variances would create a departure from the existing streetscape. A smaller scale building, possibly a single dwelling unit with opportunity for a secondary suite would better suit the restrictions of the property. Reductions in the number of parking spaces and the footprint of the building will improve pedestrian access and stormwater management, while navigating the likely need for retaining wall construction and consideration of the adjacent utility pole and anchors.

The proposed building has a parking arrangement that relies heavily on the presence of the 4.3 metre wide laneway and is seeking relief for the required parking aisle as well as the minimum parking stall size on site. The building footprint has been expanded at the expense of providing adequate on-site parking as well as safe pedestrian access to the building. A parking arrangement where parking is accommodated deeper on site may reduce off site parking impacts and pedestrian-vehicle conflict. A revised concept plan for the property that considers a smaller building footprint (E.g. a single-dwelling with secondary suite), along with reductions in parking will provide more room for walkways,
access and stormwater management, while navigating the likely need for retaining wall construction and consideration of the adjacent utility pole and anchors.

Staff have reviewed the proposed built form that corresponds with the variances requested and note that the proposed building appears to be greater than two storeys in height, exceeding the R. 2 zoning regulations for the number of storeys. Staff have previously requested that the applicant provide section details for review by the Building Division to formally determine the number of storeys - sufficient information to determine this has not, to date, been provided. Based on the information available at this time, the proposed building appears to be three storeys in height and therefore does not maintain the general intent and purpose of the Zoning By-law.

Staff acknowledges that the property has challenging topography, in addition to it being an undersized corner property, but believe the proposed development of the subject lands as prescribed in the requested variances and supporting documents, would result in the overdevelopment of the lot that is not compatible with the surrounding neighbourhood. It is staff's opinion that the applicant's proposal does not maintain the general intent and purpose of the Official Plan.

Should the committee approve this request, staff recommend that the Committee impose Site Plan Control to ensure that the following are adequately addressed: parking configuration; pedestrian walkways; setbacks for retaining walls and other structural elements from electrical infrastructure, etc.

## Agency Comment

The City's Building Division has provided comment on the proposal and has indicated that the proposed dwelling appears to be a three-storey structure. Supplementary information has been requested to demonstrate the number of storeys does not exceed two. For the building permit application, the applicant will need to demonstrate the location of the first storey as per the lot grade definition and first storey definition of the City's Comprehensive Zoning By-law.

The Otonabee Region Conservation Authority (ORCA) reviewed the application and notes that the proposal is consistent with Section 2.1 (Natural Heritage), 2.2 (Water), and 3.1 (Natural Hazard) of the Provincial Policy Statement. The property is located outside of ORCA's regulated area so a permit from the Authority is not required. The subject property is not located in an area subject to the policies of the Trent Source Protection Plan.

Peterborough Utilities Commission (PUC) has reviewed the application and has indicated that water service sizing is the responsibility of the owner and that development and/or frontage charges are applicable.

Peterborough Distribution (PD) has reviewed the application and has concerns regarding the ability to achieve adequate clearance from the overhead 27.6kV line (high capacity) on London Street to the proposed building. They have also indicated that anchors on the
north side of the property on the steep slope may need to be reset if a retaining wall is required. They have indicated that the applicant is to contact PD Engineering Department.

The City's Engineering Design and Construction Technologist / Inspector has reviewed the application and has indicated that the floor plans show three units not two, and the lot grading plan must include drainage of the shared driveway, as the proposed layout will result in drainage onto this shared driveway, theplan will have to demonstrate that the proposed drainage will not result in negative drainage issue on the shared driveway or abutting properties.

The City's Planner, Urban Design has reviewed the application and has provided comment. They have indicated there is no existing Site Plan on the subject lands. They recommend that Site Plan approval be made a condition of the proposed variances to ensure the proposed development will be in keeping with the existing neighbourhood context. The proposed building reads as a three-storey structure; special attention should be paid to the design of the building to reduce the overall impact to the adjacent neighbours. If subject to Site Plan approval, special attention will be paid to the architectural design and massing of the proposed building as it relates to the surrounding properties. The property has steep existing slopes, as well as other site constraints, that will need special consideration prior to issuance of building permit. It should be demonstrated that on-site stormwater does not negatively impact adjacent lands.
Adequate access should be provided to all building entrances. It is recommended that the walkway adjacent to the building be a minimum 1.2 meters wide.

Further, the Planner, Urban design recommends that the Committee deny the request to reduce the minimum required parking space width from 2.7 metres to 2.5 metres. The reduced parking stall width, combined with the reduced drive aisle/laneway width, will make it very difficult to access the proposed parking spaces. The additional 0.2 metres will provide the necessary space for vehicles to enter/exit the parking stall. Given the reduced drive aisle and narrow, 4.5 metre laneway, an increased parking stall width is recommended to allow for adequate vehicle turning radius.

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.

The City's Senior Project Manager - Transportation has indicated concern regarding the location being a popular choice for student accommodation. They have indicated that with the number of bedrooms presented in the plans, spillover parking on the streets and laneway may result.

The Heritage Preservation Office (HPO) has reviewed the proposal and has no comment.

## Recommendation

Staff recommends that the Committee of Adjustment deny the minor variance on the basis that it does not meet the general intent and purpose of the Zoning By-law and Official Plan and would not be desirable for the appropriate development of the land.

## 2. File Number: A08/21

Address: 163 Lansdowne Street East
Applicant: Molly Conlin
Owner: 2663768 Inc.
The subject property is located on the south side of Lansdowne Street East, near the intersection of Ashburnham Drive and Lansdowne Street East. The property is zoned C.4218 and is designated 'Commercial' on Schedule A 'Land Use' and 'Service Commercial' on Schedule I ‘Commercial Area Land Use Plan’ in the City’s Official Plan. The property is currently developed with 'Fires Alive', a commercial retail store. The subject property is an irregularly shaped property

The applicant is seeking the following variances from the Zoning By-law to facilitate the renovation and expansion of the existing building and corresponding site layout changes:
a) Section $16.3(\mathrm{~g})$ to reduce the minimum landscaped open space of 1.5 metres to 0.3 metres along the west side lot line;
b) Section 4.3.1(b) to reduce the minimum aisle width from 6.4 metres to 5.5 metres;
c) Section 6.7 to reduce the minimum building setback from the centreline of Lansdowne Street East from 24.4 metres to 17 metres for the covered deck;
d) Section16.3 (c) to reduce the minimum building setback from a side lot line from 9 metres or the height of the building, whichever is greater to:
i) $\quad 1.6$ metres for a new staircase (east side lot line)
ii) 3 metres for a building addition (east side lot line)
iii) 6.1 metres for a covered deck (west side lot line)
iv) $\quad 6.4$ metres for a building addition (west side lot line)

A concept plan (Exhibit B) was submitted depicting the proposed addition and site layout changes. 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 proposed variances have been sought as part of an overall housekeeping exercise at the subject property, including the removal of some nonconforming buildings/trailers and the deck that currently encroaches on the road allowance. There is anticipated to be limited perceived impact to the surrounding area resulting from approval of this application. Staff is of the opinion that the requested variances are minor in nature and represent a desirable and appropriate use of the land.

The intent of the Service Commercial designation, as implemented in by the existing Zoning, is to provide for a broad range of commercial services that have site access or storage/display requirements. Where these areas are located adjacent to existing residential areas, restrictions on outdoor storage, landscaping, lighting, and other measures exist through Zoning to ensure compatibility and reduce impact. The proposed application will result in a better storage solution for the business on site, removing the reliance on transport trailers for storage and be in better keeping with the provisions of the form of development outlined in the Official Plan for Service Commercial development abutting residential areas. The proposed building expansion and site improvements are in keeping with the general intent and purpose of the Official Plan.

The intent of the streetline setback is to ensure, among other factors, that there is adequate separation between the road allowance and structures, sufficient space for snow storage from road operations, and sightlines for vehicles. The relocation of the decking at the subject property will provide an improvement on site with respect to removing the existing encroachments. The proposed building addition will resolve ongoing issues at the subject property with respect to temporary outdoor storage within the landscaped component of the property. The requested variance maintains the intent and purpose of the Zoning By-law.

A site plan currently applies to the subject lands as required by previous minor variance and zoning by-law amendment applications. an amendment to this site plan will be required prior to the issuance of a building permit to address the slight reconfiguration of parking, the new addition, decking, garbage/recycling receptible locations etc.

## Agency Comment

The Otonabee Region Conservation Authority (ORCA) reviewed the application and notes that the proposal is consistent with Section 2.1 (Natural Heritage), 2.2 (Water), and 3.1 (Natural Hazard) of the Provincial Policy Statement. The property is located outside of ORCA's regulated area so a permit from the Authority is not required. The subject property is not located in an area subject to the policies of the Trent Source Protection Plan.

Peterborough Utilities Commission (PUC) has reviewed the application and has indicated that water service sizing is the responsibility of the owner and that development and/or frontage charges are applicable.

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

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

The City's Planner, Urban Design has reviewed the application and has provided comment. They have indicated there is no existing Site Plan on the subject lands and recommend that Site Plan Approval be made a condition of the proposed variances.

The City's Heritage Preservation Office (HPO) has reviewed the proposal and has indicated that a small portion of the property is in an area of high archaeological potential. However, the work proposed in the application is identified as occurring in an area which is deemed to be heavily disturbed by previous development and site alteration. As such, there is little likelihood of encountering significant archaeological resources in situ, and the Heritage Preservation Office has no concerns at this time regarding the proposed undertaking. Should archaeological resources be encountered during sub-surface work, all construction must cease immediately pursuant to the City of Peterborough's Archaeological Policy.

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 applicant entering into a Site Plan Agreement.
3. File Number: A09/21

Address: 212 Brock Street
Applicant: TVM Tower Residences Inc.
Owner: TVM Tower Residences Inc.
The subject property is located on the north side of Brock Street, between George Street North and Aylmer Street in the City's central area. The property is zoned C. 6 in the City's Zoning By-law and is designated 'Commercial' on Schedule A 'Land Use' and 'Commercial Core' on Schedule J 'Central Area Land Use Plan' in the City's Official Plan. The property is developed as an 83-unit residential building with supporting parking.

The applicant is seeking a variance from section 18.2 (e) of the Zoning By-law to allow four additional units in the lower level of the existing building.

Previous Committee of Adjustment approval in 1984 (A98/84) permitted the use of the main floor for residential purposes - locating any commercial uses on site to the basement. In the 35 plus years since this approval, there has been no commercial use established in the lower level of the building.

A Site Plan and Site Sketch (Exhibit C) were submitted alongside the application depicting the proposed location of the four additional residential units at the subject property. These units would be in a portion of the building where, due to the grade change, slight excavation and window placement will be able to provide sufficient natural light to satisfy the requirements of the Ontario Building Code. There is anticipated to be limited perceived
impact to the surrounding area resulting from approval of this application due to the use of the existing building with no changes to the site layout. Staff is of the opinion that the requested variance is minor in nature and represents a desirable and appropriate use of the land.

The Commercial Core designation on Schedule J of the Official Plan anticipates a "mainstreet" built form. This location on Brock Street is an area of transition from the true commercial core mainstreet of George Street North and the more residential area to the west of Aylmer Street.

The policies related to the Commercial Core Area intend to preserve floor area at grade for pedestrian oriented commercial uses and typically limits residential to second or higher storeys. The ground floor use for commercial purposes for this building was eliminated by a previous Committee of Adjustment decision - the subject application will not change the existing scale of development.

The provision that restricts at grade residential in the C. 6 Zoning is intended to implement the policies of the Official Plan that preserve the at grade pedestrian experience in the City's Commercial Core. The proposed variance will not negate this experience in this location in the Central Area and maintains the general 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 property is located outside of ORCA's regulated area so a permit from the Authority is not required. The subject property is not located in an area subject to the policies of the Trent Source Protection Plan.

Peterborough Utilities Commission (PUC) has reviewed the application and has indicated that water service sizing is the responsibility of the owner.

Peterborough Distribution (PD) has reviewed the application and has requested that the applicant provide additional electrical loading associated with the additional units to PD Engineering Department.

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

The City's Planner, Urban Design has reviewed the application and has provided comment. They have indicated there is no existing Site Plan on the subject lands. They have indicated that the applicant should be aware of section 6.37 of the Zoning By-law which outlines the minimum floor area for a dwelling unit. It is unclear from the provided plans if the proposed units will comply. This can be confirmed prior to the issuance of building permits. Urban Design staff have also indicated there appears to be opportunity to re-introduce some vegetation (trees) at the front of the building to improve the residential
experience of the subject property and streetscape. They are requesting that a landscape improvement agreement be a condition of minor variance approval.

The City's Heritage Preservation Office (HPO) has reviewed the proposal and has indicated that the property is in an area of high archaeological potential and is adjacent to a designated heritage property. Since there is no exterior work being proposed, a Heritage Impact Assessment will not be required unless subsequent design indicates exterior changes.

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:
i) The payment of a parks levy, as determined by the Parks Levy Committee, for the four additional units;
ii) The payment of cash in lieu of parking for the parking associated with the four additional units; and
iii) Entering into a landscape improvement agreement to establish trees at the front of the building.
4. File Number: A10/21

Address: 890 St. Mary's Street
Applicants: Floyd Letto and Dawn Letto
Owners: Floyd Letto and Dawn Letto
The subject property is located at the northwest corner of Goodfellow Road and St. Mary's Street in the City's southwest end. The property is zoned R. 1 and is designated 'Residential' on Schedule A 'Land Use' in the City's Official Plan. The property is developed with one-storey, single-detached dwelling.

The applicant is seeking a variance from section 6.10(13)(a) of the Zoning By-law to reduce the minimum building setback from the centreline of Goodfellow Road from 16 metres to 14 metres to permit the construction of a covered deck.

The applicant submitted a conceptual drawing to support their application (Exhibit D), depicting the location of the covered deck in relation to the existing dwelling. Covered front decks are a common design element of residential development. 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 construction supports the residential function of the property by providing enhanced entry space at the front of the dwelling. The requested variance maintains the intent and purpose of the Official Plan.

The R. 1 zoning district permits single-detached residential dwellings. The intent of the streetline setback is to ensure that there is adequate separation between the road allowance and structures, sufficient space for snow storage from road operations, and sight lines for vehicles, 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. 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. The property is located outside of ORCA's regulated area so a permit from the Authority is not required. The subject property is not located in an area subject to the policies of the Trent Source Protection Plan.

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

Peterborough Distribution (PD) has reviewed the application and has indicated that construction must maintain minimum clearance from overhead primary lines as per the PD standard clearance 3-105.

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

The City's Planner, Urban Design has reviewed the application and has no comment on the proposal.

The City's Heritage Preservation Office (HPO) has reviewed the proposal and has no comment.

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 D and conditional upon the applicant obtaining written approval from Peterborough Distribution regarding the porch clearance from the overhead lines.

## 5. File Number: A12/21

Address: 51 Sophia Street
Applicants: Michael Scorer and Laurie Davis Owners: Michael Scorer and Laurie Davis

The subject property is located on the south side of Sophia Street, between Burnham and Mark Streets in East City. The subject property is zoned R.1, R. 2 and is designated 'Residential' on Schedule A 'Land Use' in the City's Official Plan. The property is currently developed with a two-storey duplex under the provisions of the R. 2 zoning district.

The applicant is seeking a variance from Section 8.2(e)(i) of the Zoning By-law to reduce the minimum building setback from the east side lot line from 1.2 metres to 0.6 metres to permit the construction of a carport with living space above.

The applicant submitted a site concept plan, building layout and elevations in support of the application (Exhibit E). The intent behind this application is to create covered parking space that is wide enough to fit two vehicles beneath - requiring the proposed encroachment of the carport into the required 1.2 metre side yard setback - sitting at 0.6 metres from the east side lot line. The overall development includes the expansion of the existing upper unit to include living space over the carport. It is intended that the exterior wall of the addition will be recessed so that the exterior wall is 1.2 metres from the side lot line.

In consideration of the surrounding neighbourhood, an attached carport with living quarters above, which is recessed from the side lot line, is a departure from the standard of development of the neighbourhood. Staff is of the opinion that the proposed does not meet the test of being desirable and appropriate development of the land.

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 access from front to back as well as provide sufficient space between structures to reduce overlook and enhance privacy. Typically, reductions to 0.6 metres for a carport offer reasonable access into the rear yard, due to their open nature. However, the proposed development involves a second storey expansion above the carport, having the visual effect of this addition being closer to the east side lot line.

## Agency Comment

The Otonabee Region Conservation Authority (ORCA) reviewed the application and notes that the proposal is consistent with Section 2.1 (Natural Heritage), 2.2 (Water), and 3.1 (Natural Hazard) of the Provincial Policy Statement. The property is located outside of ORCA's regulated area so a permit from the Authority is not required. The subject property is not located in an area subject to the policies of the Trent Source Protection Plan.

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

Peterborough Distribution (PD) has reviewed the application and has indicated that existing overhead electrical servicing is located on the east side of the house. Electric service will require relocation and/or changes to accommodate the new addition and carport. The applicant is to call PD Electric Department for service layout before construction begins.

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

The City's Planner, Urban Design has reviewed the application and has provided comment. They have indicated there is no existing Site Plan on the subject lands. They recommend refusal of the application for variance. If the Committee approves the proposed variance, it is highly recommended that the property be subject to review and approval from the Planner, Urban Design prior to the issuance of a building permit.

The City's Heritage Preservation Office (HPO) has reviewed the proposal and has indicated that the property is in an area of high archaeological potential. However, the work proposed in the application is identified as occurring in an area which is deemed to be heavily disturbed by previous development and site alteration. As such, there is little likelihood of encountering significant archaeological resources in situ, and the Heritage Preservation Office has no concerns at this time regarding the proposed undertaking. Should archaeological resources be encountered during sub-surface work, all construction must cease immediately pursuant to the City of Peterborough's Archaeological Policy.

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 deny the minor variance on the basis that the proposal fails the test of desirable for the appropriate development or use of the land.

If the Committee of Adjustment were to approve the subject application, staff recommend consideration of the following conditions:
i) Confirmation that the location of the electric service location meets Peterborough Distribution Electric Department requirements and if not, is appropriately relocated.
ii) That that the exterior wall of the second story be set back 1.2 metres from the east side lot line; and
iii) That the proposed construction be subject to review and approval by the Planner, Urban Design prior to the issuance of a building permit.
6. File Number: A13/21

Address: 636 Tully Crescent
Applicant: Ken Tompkins
Owner: Brian Balcombe and Jan Balcombe
The subject property is located on the east side of Tully Crescent in the City's west end. The subject property is zoned R. 1 and is designated 'Residential' on Schedule A 'Land Use' in the City's Official Plan. The property is developed with a one-storey dwelling and partially covered rear deck.

The applicant is seeking a variance from 7.2(e)(ii) of the Zoning By-law to reduce the minimum building setback from a rear lot line from 7.6 metres to 5.0 metres to permit the construction of a new 14.49 square metre sunroom at the rear of the dwelling. A concept plan (Exhibit F) was submitted in support of the application. Staff has reviewed the concept plan 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 living space. The requested variance maintains the intent and purpose of the Official Plan.

The intent of the rear yard setback is to ensure, among other factors, that there is adequate separation between buildings on neighbouring properties, that there is adequate landscape open space, and that privacy and overlook are managed between properties. The proposed development on site involves converting existing deck space into a threeseason sunroom. It is anticipated that the location and limitation of the size of the enclosed structure will 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 property is located outside of ORCA's regulated area so a permit from the Authority is not required. The subject property is not located in an area subject to the policies of the Trent Source Protection Plan.

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

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

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

The City's Planner, Urban Design has reviewed the application and has no comment on the proposal.

The City's Heritage Preservation Office (HPO) has reviewed the proposal and has indicated the property is in an area of medium archaeological potential. However, the work proposed in the application is identified as occurring in an area which is deemed to be heavily disturbed by previous development and site alteration. As such, there is little likelihood of encountering significant archaeological resources in situ, and the Heritage Preservation Office has no concerns at this time regarding the proposed undertaking. Should archaeological resources be encountered during sub-surface work, all construction must cease immediately pursuant to the City of Peterborough's Archaeological Policy.

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 F.
7. File Number: A14/21

Address: 1193 Wildlark Drive
Applicant: J. Laurie Young
Owners: Bob Steele and Pat Keene
The subject property is located on the north side of Wildlark Drive, in the City's west end. The property is zoned R.1, $1 \mathrm{~m}, 2 \mathrm{~m}$ and is designated 'Residential' on Schedule A 'Land Use' in the City's Official Plan. The property is developed with a one-storey detached dwelling and rear deck.

The applicant is seeking a variance from 7.2(e)(ii) of the Zoning By-law to reduce the minimum building setback from a rear lot line from 7.6 metres to 4.06 metres to permit the construction of a new 12.26 square metre sunroom at the rear of the dwelling. It will extend slightly into the rear yard from where the current deck sits. A concept plan (Exhibit G) was submitted in support of the application. The applicant is proposing that the windows along the north side of the sunroom be transom windows, located high in the wall, to help enhance privacy. Staff has reviewed the concept plan 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 living space. The requested variance maintains the intent and purpose of the Official Plan.

The intent of the rear yard setback is to ensure, among other factors, that there is adequate separation between buildings on neighbouring properties, that there is adequate landscape open space and that privacy and overlook are managed between properties. The proposed configuration and size of the sunroom has evolved from the original submission to Staff having been reduced slightly to ensure adequate separation is maintained between the proposed structure and the rear lot line. The proposed development on site involves converting a slightly enlarged existing deck space into a three-season sunroom. It is anticipated that the location and limitation of the size of the enclosed structure will 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 property is located outside of ORCA's regulated area so a permit from the Authority is not required. The subject property is not located in an area subject to the policies of the Trent Source Protection Plan.

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

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

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

The City's Planner, Urban Design has reviewed the application and has no comment on the proposal.

The City's Heritage Preservation Office (HPO) has reviewed the proposal and has indicated that the property is in an area of medium archaeological potential. However, the work proposed in the application is identified as occurring in an area which is deemed to be heavily disturbed by previous development and site alteration. As such, there is little likelihood of encountering significant archaeological resources in situ, and the Heritage Preservation Office has no concerns at this time regarding the proposed undertaking. Should archaeological resources be encountered during sub-surface work, all construction must cease immediately pursuant to the City of Peterborough's Archaeological Policy.

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 G.
8. File Number: A15/21

Address: 742 Wallis Drive
Applicant: J. Laurie Young Owners: Corey Nottingham and Jennifer Robbins

The subject property is located at the southeast corner of Wallis Drive and Valleyview Drive in the City's west end. The property is zoned R.1, 1m, 2 m in the City's Zoning By-law and is designated 'Residential' on Schedule A 'Land Use' in the City's Official Plan. The property is currently developed with a two-storey side split detached dwelling.

The applicant is seeking the following variances from the Zoning By-law to facilitate a two-storey addition (with garage expansion) on the north side of the existing dwelling:
a) Section 6.11(a) to reduce the minimum building setback from a local street (Wallis Drive) from 6 metres to 5.2 metres;
b) Section 6.11 (a) to reduce the minimum building setback from a local street (Valleyview Drive) from 6 metres to 1.8 metres; and
c) Section 6.19(e) to reduce the setback of an obstruction (the proposed addition) from 21.3 metres to 19.55 metres from the point of intersection of two intersecting streetlines.

The application was supported by a concept site plan, floor plan and elevations (Exhibit H) and google SketchUp neighbourhood flyover (will be shown at meeting). The proposed addition will add an additional single car garage bay to the property, accessed via Wallis Drive. A principal bedroom with en-suite is proposed above the garage. The proposed location of the driveway entrance from Wallis Drive introduces hard surfacing and expands the parking area. The plans indicate that the driveway will not expand at the streetline, but it will flare out on private property to service the additional garage bay.

The application was supported by a number of letters provided by neighbouring residents who face/back onto the subject property and who would pass the property daily and/or be able to view it from their respective properties.

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 living space as well as additional garage space to support the residential use of the property. The requested variance maintains the intent and purpose of the Official Plan.

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, and sight lines for vehicles, 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. The reduction to 1.8 metres from a Streetline is very close by any standard. However, staff believe there are several mitigating features of this property that need to be considered when reviewing this request. This property is a large corner lot, adjacent to a wide road allowance with a deep boulevard. There is no anticipated need for road widening or prioritization for the installation of sidewalks in the vicinity of this property. Further, the location of the proposed garage expansion/addition is well setback from the neighbour to the east ( 949 Valleyview Drive) and would not impact their ability to safely back out of their driveway etc. Staff has considered these mitigating circumstances to the overall impact of the proposed relief and consider the minor variance to be minor, to maintain the general intent and purpose of the Zoning By-law and will result in development that is desirable for the use of the land.

## Agency Comment

The Otonabee Region Conservation Authority (ORCA) reviewed the application and notes that the proposal is consistent with Section 2.1 (Natural Heritage), 2.2 (Water), and 3.1 (Natural Hazard) of the Provincial Policy Statement. The property is located outside of ORCA's regulated area so a permit from the Authority is not required. The subject property is not located in an area subject to the policies of the Trent Source Protection Plan.

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

Peterborough Distribution (PD) has reviewed the application and has indicated that the applicant needs to confirm that the location of existing electric underground service is not compromised by the proposed addition. The customer is to call for locates and coordinate with PD for service conflicts.

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

The City's Planner, Urban Design has reviewed the application and has provided comment. They have indicated that vehicle access into the proposed garage will be difficult to navigate if the intent is to have two vehicles parked inside. The proposed reduced setback from Valleyview Drive from 6 metres to 1.8 metres is not preferred, however, there is not a significant concern with approval of the proposed variances.

The Urban Forest Technologist commented on the proposal. They have indicated that tree protection fencing may be required to protect two of the three City trees adjacent to the proposed construction (the third tree, closest to the corner has already been identified to be removed by the City due to its condition). The installation of the tree protection fencing should be carried out by an ISA Certified Arborist and approved by the Urban Forestry Department. Any above ground pruning of branches or below ground root pruning/cutting must be carried out by an ISA Certified Arborist.

The City's Senior Project Manager - Transportation reviewed the application and has provided comment. They have indicated that Valleyview Drive and Wallis Drive adjacent to 742 Wallis Drive are classified as local roads and that only local traffic is expected to use these roads. Due to relatively low traffic on these roads, no road widening projects are planned. They have indicated that the existing driveway is located close to the intersection, recommending that the existing driveway width at Wallis Drive be retained. They have requested that the applicant submit a turning template/ autoturn drawing illustrating that sufficient turning radius is available for a car to access the proposed garage.

The City's Heritage Preservation (HPO) has reviewed the proposal and has indicated the property is in an area of high archaeological potential. However, the work proposed in the application is identified as occurring in an area which is deemed to be heavily disturbed by previous development and site alteration. As such, there is little likelihood of encountering significant archaeological resources in situ, and the Heritage Preservation Office has no concerns at this time regarding the proposed undertaking. Should archaeological resources be encountered during sub-surface work, all construction must cease immediately pursuant to the City of Peterborough's Archaeological Policy.

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 H and conditional upon the applicants confirming and installing tree protection measures required for the two City owned street trees that are adjacent to the proposed construction to the satisfaction of the City's Urban Forestry Department.
9. File Number: A16/21

Address: 282 Swanston Avenue
Applicant: Donald Koppin
Owner: Donald Koppin
The subject property is located on the north side of Swanston Avenue, east of the intersection of Snelgrove Road and Swanston Avenue in East City. The property is zoned R. 1 and is designated 'Residential' on Schedule A 'Land Use' in the City's Official Plan. The property is developed with a one-storey detached dwelling.

The applicant is seeking a variance from Section 6.11(a) of the Zoning By-law to reduce the minimum building setback from a street line of a local street 20 metres or wider in width from 6 metres to 3.7 metres to facilitate the construction of covered front porch.

The applicant submitted conceptual drawings to support their application (Exhibit I), one considering covering the existing deck and the other considering a covered deck that spans the entire front of the dwelling. Covered front decks are a common design element of residential development, and either approach would be considered appropriate. Staff has reviewed the concept plans 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 residential function of the property by providing enhanced entry space at the front of the dwelling. The requested variance maintains the intent and purpose of the Official Plan.

The R. 1 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, and sight lines for vehicles, 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. 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. The property is located outside of ORCA's regulated area so a permit from the Authority is not required. The subject property is not located in an area subject to the policies of the Trent Source Protection Plan.

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

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

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

The City's Planner, Urban Design has reviewed the application and has no comment on the proposal.

The City's Heritage Preservation Office (HPO) has reviewed the proposal and has indicated that the property is in an area of high archaeological potential. However, the work proposed in the application is identified as occurring in an area which is deemed to be heavily disturbed by previous development and site alteration. As such, there is little likelihood of encountering significant archaeological resources in situ, and the Heritage Preservation Office has no concerns at this time regarding the proposed undertaking. Should archaeological resources be encountered during sub-surface work, all construction must cease immediately pursuant to the City of Peterborough's Archaeological Policy.

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 either concept plan option presented in Exhibit I.
10. File Number: A17/21

Address: 215 Rogers Street
Applicant: Adam Hanes
Owner: Adam Hanes
The subject property is located on the west side of Rogers Street, north of the intersection of Maria and Rogers Streets in East City. The property is zoned R. 1 and is designated 'Residential' on Schedule A 'Land Use' in the City's Official Plan. The property is developed with a one-storey detached dwelling and detached garage.

The applicant is seeking a variance from 6.18 of the Zoning By-law to increase the maximum lot coverage of a residential accessory building from $10 \%$ to $14.8 \%$ of the lot area to permit the construction of a 29.7 square metre addition onto the existing detached garage (currently 37.16 square metres in size).

The applicant has submitted a concept plan, including floorplans and elevations to support the proposed garage expansion (Exhibit J) for the purpose of storing tools. From the supporting materials, the addition is in the form of a separate room with separate entrance, and not an additional garage bay. Staff have reviewed the proposed minor variance request and consider the definition of accessory building: "means a detached building that is used solely for an accessory use or uses" and accessory use: "means a use that is clearly incidental, subordinate and exclusively devoted to a permitted use and carried on within the same lot". Considering the definitions presented in the Zoning By-law and the nature of residential accessory structures in the surrounding neighbourhood, staff are of the opinion that the proposed built form that corresponds to the relief being sought presents a departure from maintaining the general intent and purpose of the Zoning By-law, that the request is not minor and would not meet the test of desirable for the appropriate development or use of the land.

## Agency Comment

The Otonabee Region Conservation Authority (ORCA) reviewed the application and notes that the proposal is consistent with Section 2.1 (Natural Heritage), 2.2 (Water), and 3.1 (Natural Hazard) of the Provincial Policy Statement. The property is located outside of ORCA's regulated area so a permit from the Authority is not required. The subject property is not located in an area subject to the policies of the Trent Source Protection Plan.

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

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

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

The City's Planner, Urban Design has reviewed the application and has provided comment. They have indicated there is no existing Site Plan on the subject lands. The proposed variance will allow for the accessory building to be only $25 \%$ (approximately) smaller than the main building. Consideration should be given to whether this building can be considered "accessory" given the scale in comparison to the main dwelling. The proposed addition reads as a second dwelling structure.

The City's Heritage Preservation Office (HPO) has reviewed the proposal and has indicated that the property is in an area of high archaeological potential. However, the work proposed in the application is identified as occurring in an area which is deemed to be heavily disturbed by previous development and site alteration. As such, there is little likelihood of encountering significant archaeological resources in situ, and the Heritage Preservation Office has no concerns at this time regarding the proposed undertaking. Should archaeological resources be encountered during sub-surface work, all construction must cease immediately pursuant to the City of Peterborough's Archaeological Policy.

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 deny the minor variance on the basis that the request does not maintain the general intent and purpose of the Zoning By-law, the request is not minor, and that it is not desirable for the appropriate development or use of the land.

Prepared By:
Christie Gilbertson RPP, MCIP
Planner, Policy and Research Planning Division Infrastructure and Planning Services

Concurred With:
Andrea Stillman
Zoning Administrator
Building Division
Infrastructure and Planning Services

Exhibit A, Page 1 of 6


Exhibit A, Page 2 of 6

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Exhibit A, Page 3 of 6



Exhibit A, Page 4 of 6



Exhibit A, Page 5 of 6


Exhibit A, Page 6 of 6



Exhibit B, Page 1 of 1



## Exhibit C, Page 1 of 3



## Exhibit C, Page 2 of 3



## Exhibit C, Page 3 of 3



## Exhibit D, Page 1 of 1



## Exhibit E, Page 1 of 6



## Exhibit E, Page 2 of 6




59 SOPHIA STREET SURVEY

Exhibit E, Page 3 of 6


## Exhibit E, Page 4 of 6



## Exhibit E, Page 5 of 6



## Exhibit E, Page 6 of 6



## Exhibit F, Page 1 of 3



गART 2 - There are no building encrocchments. There are no registered easements. Fence type and location are as shown hereon.
p2 denotes Survey by ivan B. Walloce Ltd., 0.L.S. (dated April 14, 2008. Project No. 5-8291)
1056 denotes Ivan B. Wallace Ltd., O.LS.
Building ties shown hereon ore to the concrete foundation.

## Exhibit F, Page 2 of 3



## SURVEYOR'S CERTIFICATE

I CERTIFY THAT :

1. This survey and plan are correct and in accordance with the Surveys Act, the Surveyors Act and the regulctions made under them.
2. The survey was completed on June 19, 2008.



> IVAN. B. WALLACE
> ONTARIO LAND SURVEYOR LTD.
> 71 MEARNS COURT, UNIT 1 BOWMANVLE ONTARIO
> LiC 4N4
> Tolephone $905-623-2205$ Cobourg $905-372-5262$
> Toll Free $1-800-667-0696$ Focsimile $905-623-0612$

Project No. 5-8412 Client: Melody Homes | Additional Copies Available at "www.landsurveyrecords.com" |
| :--- |
| Drown by: JP |

Exhibit F, Page 3 of 3


## Exhibit G, Page 1 of 1



Exhibit H, Page 1 of 5


## Exhibit H, Page 2 of 5



Exhibit H, Page 3 of 5




MAIN FLOOR PLAN

Exhibit H，Page 4 of 5

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## Exhibit H, Page 5 of 5

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Exhibit I, Page 1 of 4



Exhibit I, Page 2 of 4



Exhibit I, Page 3 of 4


Exhibit I, Page 4 of 4

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## Exhibit J, Page 1 of 2




FRONT


RIGHT


REAR


LEFT



