

Committee of Adjustment Hearing Date: April 27, 2021 Staff Recommendations Regarding Files: B04/21, A18/21, A19/21, A21/21, and A22/21

File Number: B04/21
 Address: 391 Parkhill Road West
 Applicant: James Brioux
 Owner: James Brioux

The subject lands are located on the south side of Parkhill Road West, near the intersection of Donegal Street. The property is zoned R.2 and is designated 'Residential' on Schedule A 'Land Use' in the City's Official Plan. The property currently supports two single-detached dwelling units that are under construction, one being built on Part 1 and one being built on Part 2 of Reference Plan 45R-15662 (Exhibit A). A 3 metre wide road widening across the front of the property (Parts 4 and 5 on Exhibit A) has previously been conveyed to the City as a result of the rezoning of the property to R.2 in 2013.

The applicant is seeking consent to sever the westerly 10.7 metres (530.5 square metres) of the subject property for the purposes of creating a new lot upon which one of the dwellings that is currently under construction will sit and be separately conveyable. The proposed retained and severed lots meet the regulations of the R.2 zoning district.

The application for consent was supported by Grading Plans (Exhibit B) depicting the dwellings that are currently under construction on Part 1(the proposed severed lands) and Part 2. The proposed retained lands comprise of Parts 2 and 3 (a right-of-way) of Plan 45R-15662 (Exhibit A).

The subject property is 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 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 "within settlement areas with existing municipal sewage services 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, 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 (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 (Section 2.2.6.2(c)). The proposed severance conforms to the Growth Plan as it will provide for an additional building lot on municipal services 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 residential lot will assist the City in achieving the objectives of the 'Residential' designation as set out in Section 4.2 of the Official Plan. The existing construction on site is enabled by the previous rezoning of the property from R.1 to R.2. The proposed lot configuration meets the minimum requirements outlined in 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 development and or frontage charges are applicable.

Peterborough Distribution (PD) has reviewed the application and has indicated that the applicant is to ensure the proposed driveway provides a minimum of 1 metre clearance from hydro poles and that the applicant is to contact Peterborough Distribution for service layout.

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.

Bell Canada has reviewed the application and has no comment.

Recommendation

With respect to consent for severance application B04/21, staff recommends that the Committee of Adjustment **approve** the application, conditional upon the following:

- i) The payment of a Parks Levy for the newly created lot, in an amount to be determined by the Parks Levy Review Committee;
- ii) The payment of a Tree Levy in the amount of \$136.67 for the newly created lot
- iii) A closed polygon vector file of the Part boundaries shown on Reference Plan 45R-15662 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;
- iv) That the applicant provides the Secretary-Treasurer with a draft of the Transfer/Deed of Land; and
- v) That if the above conditions are not satisfied within 365 days of the circulation of the Committee's Decision that this consent will lapse.
- File Number: A18/21
 Address: 160 Sherin Avenue
 Applicant: Gregory Whitehouse
 Owner: Gregory Whitehouse

The subject property is located on the northeast corner of the intersection of Bensfort Road and Sherin Avenue in the City's south end. The property supports a single detached dwelling that overlooks the Otonabee River. The property is zoned R.1 and is designated 'Residential' on Schedule A 'Land Use' in the City's Official Plan. The subject property is unique, as it has two street lines that envelope it.

The applicant is seeking the following variances from the Zoning By-law to facilitate the construction of an attached garage:

- a) Section 7.2 (e)(i) to reduce the minimum building setback from the south side lot line from 1.2 metres to 1.1 metres;
- b) Section 6.11 (a) to reduce the minimum building setback from a local street (Bensfort Road) from 6 metres to 1.8 metres for the southwest corner of the garage; and
- c) Section 6.11 (a) to reduce the minimum building setback from a local street (Sherin Avenue) from 6 metres to 5.3 metres for the southeast corner of the garage.

A concept plan (Exhibit C) was submitted, depicting the footprint of the proposed attached garage. Staff has reviewed the concept plan submitted in support of the application and has considered the unique layout of the lot 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 of an attached garage supports the residential function 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, among other factors, that there is adequate separation between the road allowances and structures, sufficient space for snow storage from road operations, and sightlines for vehicles. Staff coordinated with the applicant to amend the original submission by shifting the garage east slightly to ensure that adequate distance for a minimum parking stall length could be located in the driveway. Due to the unique nature of this lot, regardless of positioning of the garage, a variance would be required. 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 approximately 10 metres outside of the Otonabee River Floodplain elevation and therefore the proposal is consistent with the Natural Hazards policies of the Provincial Policy Statement (PPS). The proposal is within 30 metres of the Otonabee River, and the City's Official Plan identifies this area as Significant Fish Habitat. In lieu of additional studies, ORCA recommends that the applicant:

- a) Submit an Erosion and Sediment Control Plan (silt fencing or similar type protection to isolate fill, etc.) in support of the permit application. This will show that the work area is isolated to mitigate runoff (erosion and pollution) from entering the river and potentially impacting fish habitat; and
- b) Be made aware of the appropriate Ministry of Natural Resources and Forestry timing windows to minimize the risk of introducing a harmful alteration, disruption, or destruction of fish habitat (HADD, Fisheries Act) and not introduce sediments/pollution to the river or disturb spawning during these times.

ORCA mapping indicates that the area of development is subject to Ontario Regulation 167/06, Otonabee Conservation's "development, interference with wetlands and alterations to shorelines and watercourses" regulation. Permits from this agency will be required prior to any site alteration, or construction.

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.

Peterborough Distribution (PD) has reviewed the application and has indicated that the applicant is to ensure that minimum conductor clearance from the overhead primary line on Bensfort Road meets Peterborough Distribution Standard 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.

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 submission of a sediment and erosion control plan at the time of the building permit application; and
- ii) The applicant obtaining written approval from Peterborough Distribution regarding the platform clearance from the overhead lines.
- File Number: A19/21
 Address: 145 Langton Street
 Applicant: Joseph Guzzi, Dillon Consulting Service
 Owner: OMNI Health Care (Peterborough) GP Ltd.

The subject property is on the south side of Langton Street, west of Water Street, and has been vacant since the demolition of the original Fairhaven Home for the Aged in 2005. The zoning of the lands was amended in 2003 from PS.2 – Public Service District to SP.313 – Special Residential District, and again in 2019 to SP.313-'H'.

The current zoning anticipates a nursing home (Long Term Care Home) as a permitted use and medium density residential use to a maximum of 35 dwelling in accordance with the Medium Density Residential Designation of the lands in the Official Plan (Schedule E 'Residential Density'). The property is designated 'Residential' on Schedule A 'Land Use' in the City's Official Plan. The 'H' Holding Symbol was applied to the property as a result of the rezoning in 2019 to ensure that front elevations of the dwelling units along Langton Street face the street to the satisfaction of the Planner of Urban Design and to obtain an easement to facilitate electrical and municipal servicing.

The applicant is seeking the following variances from the SP.313 Zoning District in the Zoning By-law to facilitate the construction of a Nursing Home:

- a) Section 343.3 to increase the maximum number of nursing home beds from 160 to 192; and
- b) Section 343.3 to increase the maximum building height of a nursing home from 3 storeys to 4 storeys.

A concept plan (Exhibit D) was submitted depicting the footprint of the proposed Nursing Home, accommodating the additional beds and storey, with no major changes to the footprint of the building and only some minor changes on site to meet the slight increase in parking requirements. The nursing home component of the site is central and well distanced from the existing dwelling units on the north side of Langton Street. Additional buffering will be provided by the future dwellings that will form part of the overall development scheme. Staff has reviewed the concept plan submitted in support of the application and is of the opinion that the requested variances are minor in nature and represents a desirable and appropriate 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 indicated that development charges are applicable, suitability of existing water service size is the responsibility of the owner, and, if a larger water service is required, the cost to install it will be at the expense of the owner.

Peterborough Distribution (PD) has reviewed the application and has indicated that private overhead and underground electrical facilities are on the property and that the applicant is to contact Peterborough Distribution to discuss additional electrical loading.

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 the applicant has submitted a Site Plan Pre-Consultation Application. There is an 'H' Holding Symbol on the subject lands, to be removed at such time as Site Plan Approval is granted to include the following provisions in the associated Site Plan Agreement: (i) require the front elevations of the residential dwelling units along Langton Street to face the street, to the satisfaction of the Planner of Urban Design; and (ii) require the owner to provide an easement to facilitate electrical and municipal servicing to 881 Dutton Road with a relocated overhead pole line, at the expense of the developer.

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.

File Number: A21/21
 Address: 735 Jane Street, Lot 189
 Applicant: Ivary Gannon
 Owner: Riley Crough

File Number: A22/21 Address: 735 Jane Street, Lot 190 Applicant: Ivary Gannon Owner: Riley Crough

The subject properties are located on the west side of Jane Street in the City's south end. The property known municipally as 735 Jane Street is comprised of two whole lots (being lots 189 and 190) on the Plan of Subdivision Plan 48Q as shown in the attached Survey – 'Exhibit E'.

The applicants are proposing to demolish the existing structures on site and develop the lot as two lots. The applicants have received legal opinion that there is no requirement for a severance to enable the two separate lots as per the **Planning Act**. The properties are zoned R.1 and are designated Residential on Schedule A 'Land Use' in the City's Official Plan. The property is currently developed with a one and a half storey detached dwelling with garage (Exhibit E).

The applicant is seeking the following variances from the R.1 Zoning district on each lot to facilitate the construction of a new single dwelling unit:

- a) Section 7.2 (b): Reduce the minimum lot area from 370 square metres to 278 square metres
- b) Section 7.2 (c): Reduce the minimum lot width from 12 metres to 9.14 metres.

A concept plan was submitted depicting how building footprints and associated required parking could be situated on the two lots (Exhibit F). Staff has reviewed the concept plan submitted in support of the application and is of the opinion that the requested variances for minimum lot width and minimum lot area are minor in nature and represents a desirable and appropriate use of the land.

The subject property is designated 'Residential' on Schedule A 'Land Use' in the City's 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 facilitation of more efficient development on the re-established residential lots will assist the City in achieving the objectives of the 'Residential' designation as set out in Section 4.2 of the Official Plan. The requested variances will facilitate the development of these lots in keeping with the general intent and purpose of the Official Plan.

The intent of the minimum lot width and minimum lot area requirements in the Zoning By-law is to ensure that adequate space for the required parking, landscaped open space, and a dwelling can be supported by the lot – with allowances for privacy, access, and maintenance. The neighbourhood in the vicinity of this property has a variety of lot widths and areas, some of which were developed in accordance with the original 9.14-metre-wide lot width, similar to the proposed, and others have become double lots over time or have been part of another land assembly. For example, the lands associated with the former St. John's school across the road from the subject property. It is anticipated that the proposed minor variances meet 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 indicated that the suitability and location of the existing water service for the original dwelling at 735 Jane Street is the responsibility of the owner. Each separate lot will require a dedicated water service, so at least one new water service will be required. Development Charges are applicable.

Peterborough Distribution (PD) has reviewed the application and has indicated that the applicant is to contact Peterborough Distribution for electrical service layouts.

The City's Engineering Design and Construction Technologist / Inspector has reviewed the application and has indicated that the plan submitted with the application shows the proposed driveways adjacent to the property line. Although there is no zoning requirement to provide a landscaped space between the driveway and the adjacent lot, it is good practice to at least provide a 0.6 metre space. The allows for snow storage and opening of car doors.

The City's Planner, Urban Design has reviewed the applications and has recommended that the building elevations and conceptual site plan(s) for both properties require signoff from the Planner, Urban Design prior to the issuance of building permit. This will help to ensure the proposed buildings will fit within the context of the existing neighbourhood and will include one front door which faces the street and no raised basement. The applicant/owner will address any other relevant design details to the satisfaction of the Planner, Urban Design.

Recommendation

Staff recommends that the Committee of Adjustment **approve** the applications conditional upon the owner entering into a Development Agreement with the City, to be registered on title at the owner's expense, requiring the following prior to the issuance of a Building Permit:

- i) That lots 190 and 189 Plan 48Q have separate Parcel Identification Numbers (PINs);
- ii) Obtaining written clearance from Peterborough Distribution regarding clearance from overhead lines;
- iii) That the driveway location be a minimum of 0.6 metres from the side lot line to align with engineering best practices;
- iv) That building plans and elevations be provided for approval by the Planner of Urban Design to ensure compatibility of the building with other buildings in the neighbourhood prior to issuance of a building permit, including insurance that a door faces the street and there is no raised basement.
- v) For Lot 190: that a demolition permit is obtained and all structures are demolished from the site.

Prepared By:

Concurred With:

Christie Gilbertson RPP, MCIP Planner, Policy and Research Planning Division Infrastructure and Planning Services Andrea Stillman Zoning Administrator Building Division Infrastructure and Planning Services

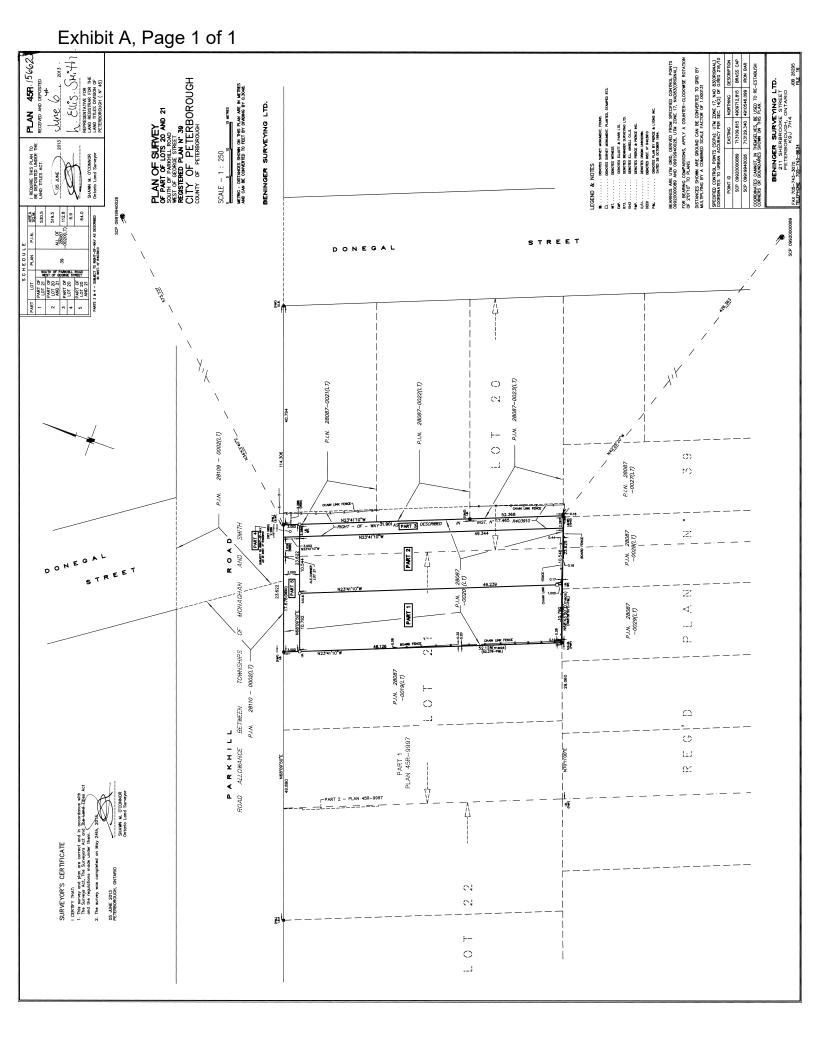


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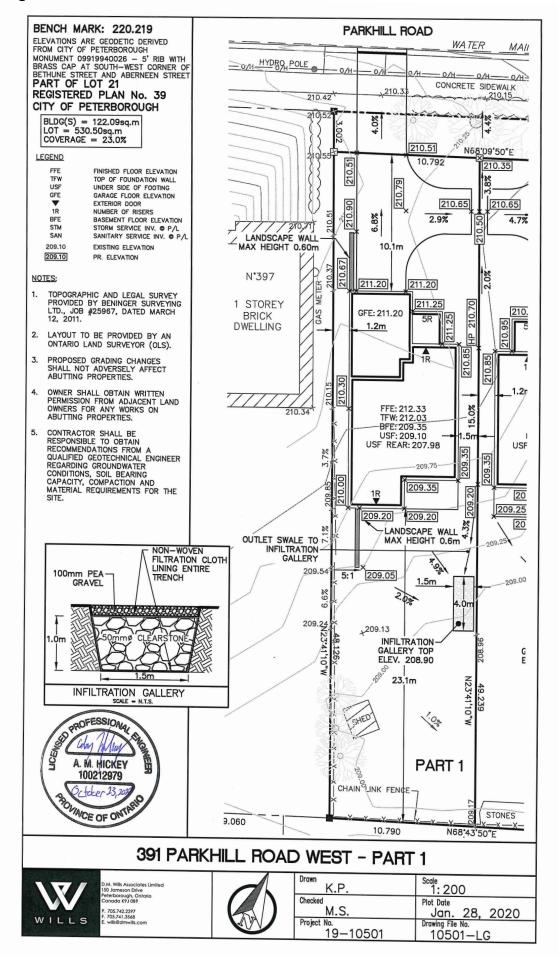
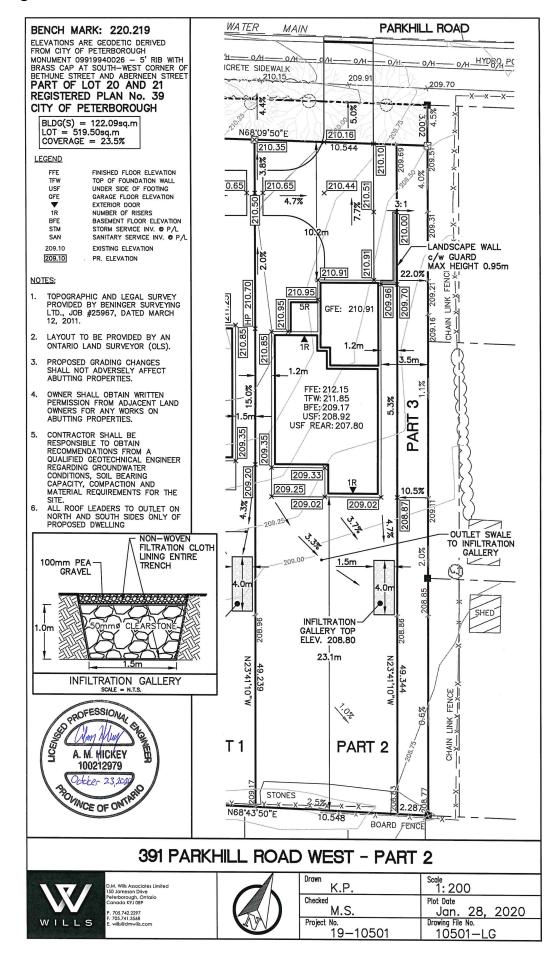
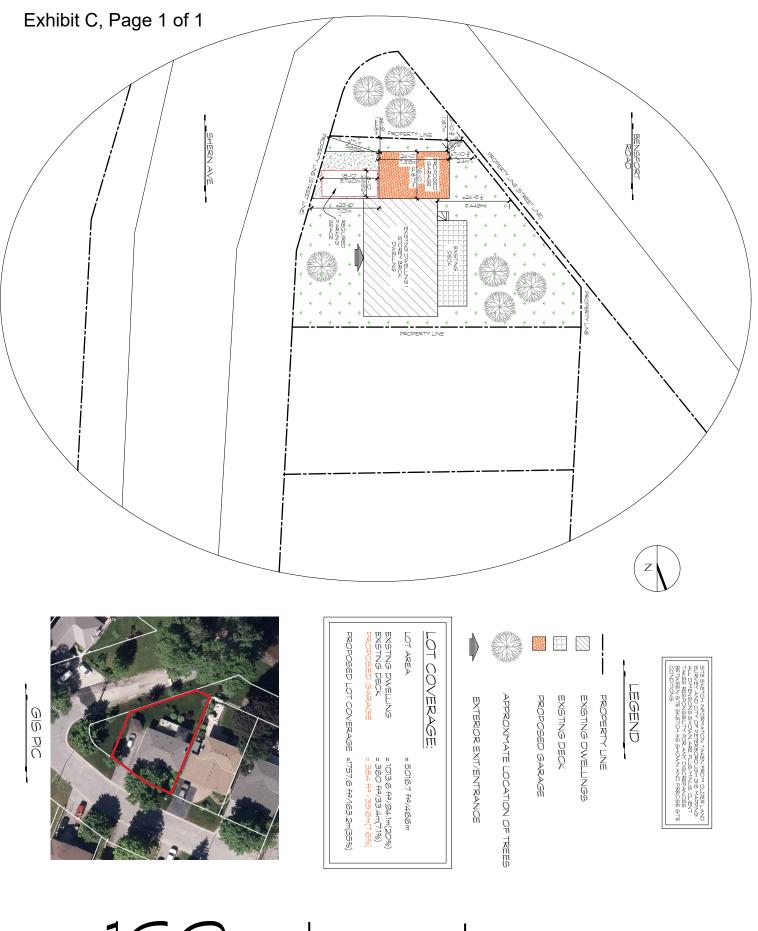


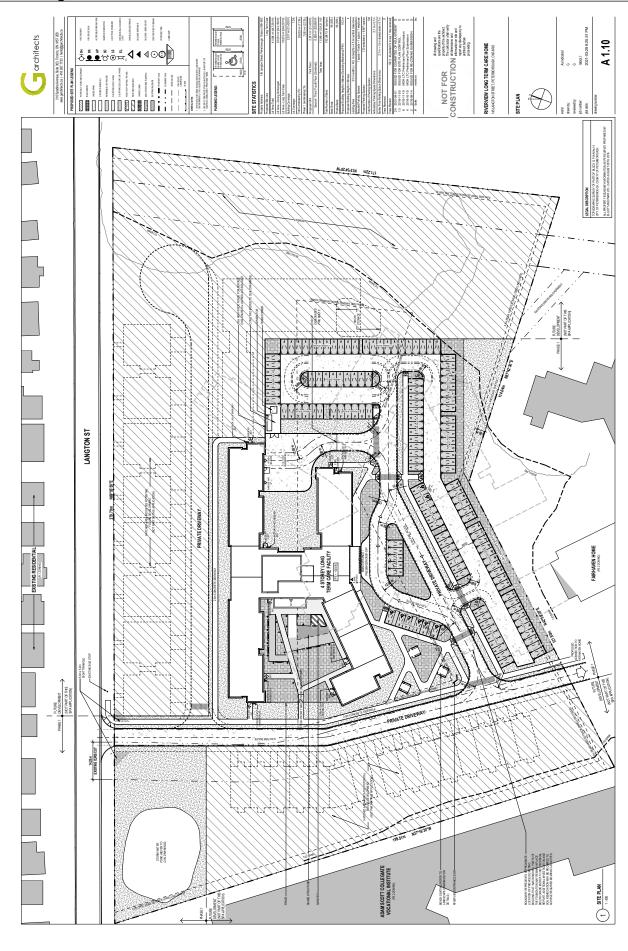
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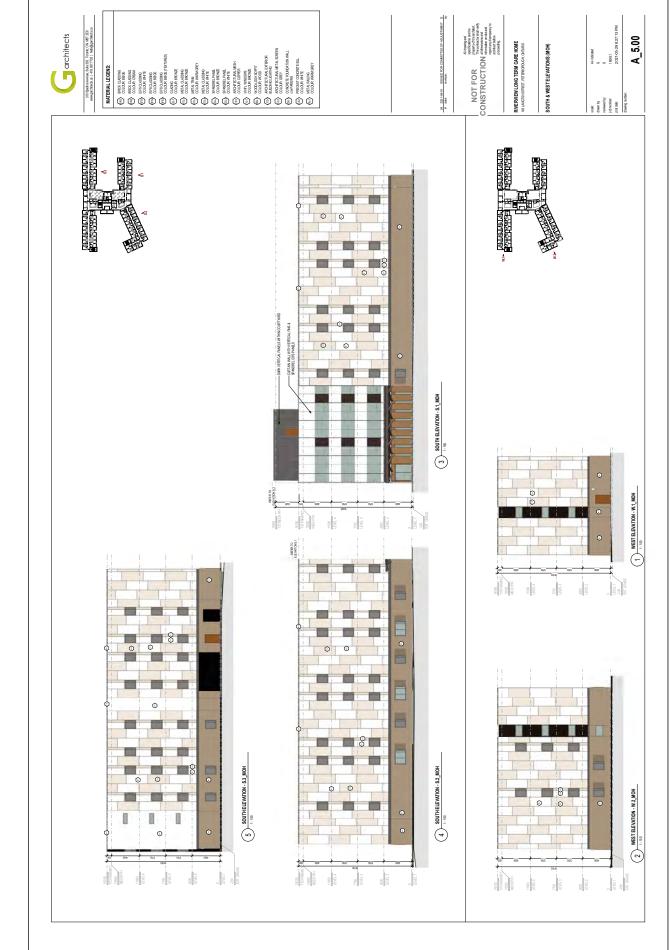
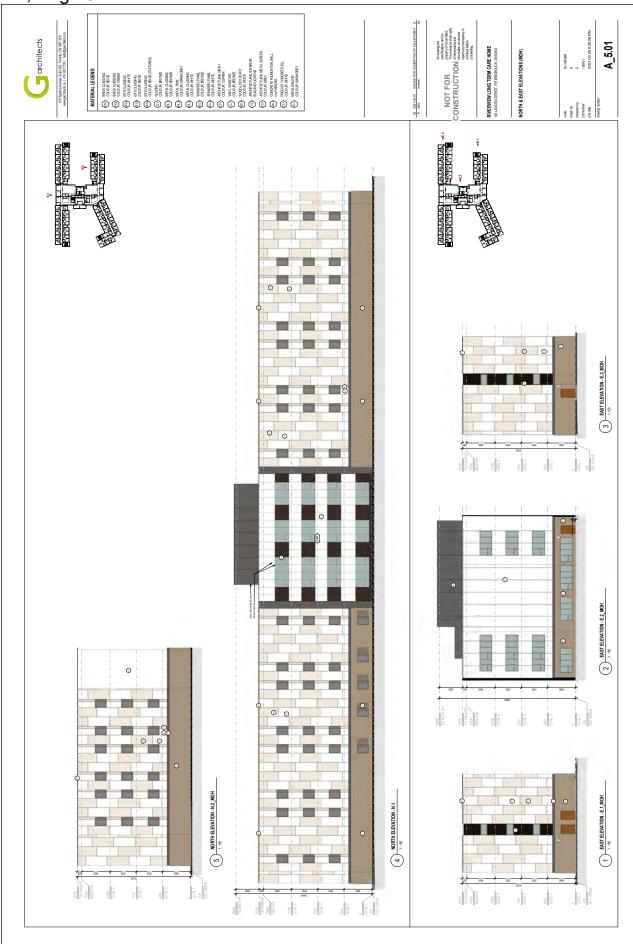


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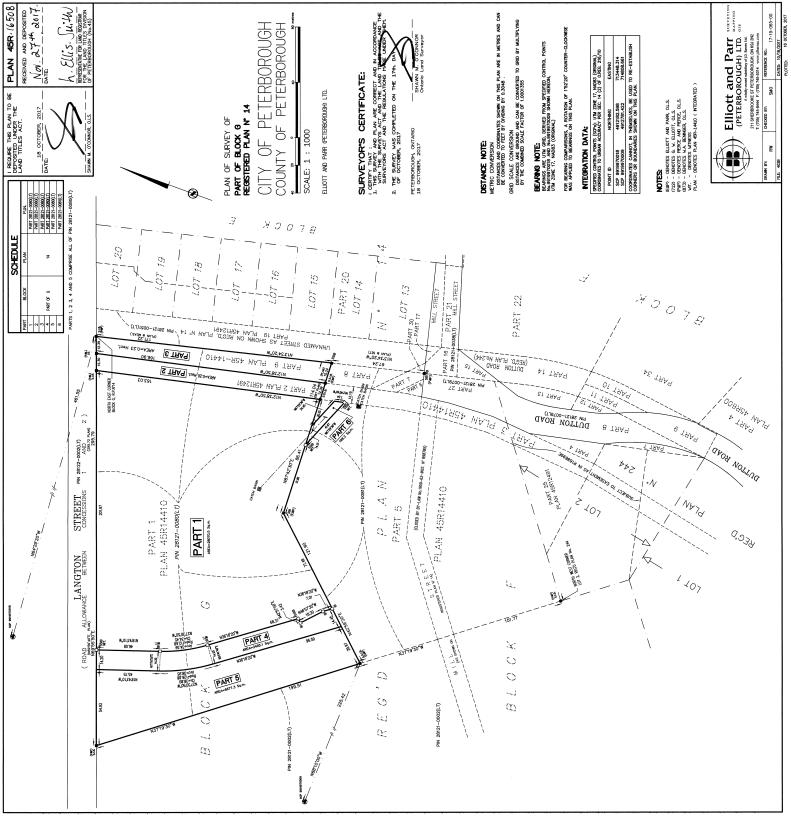


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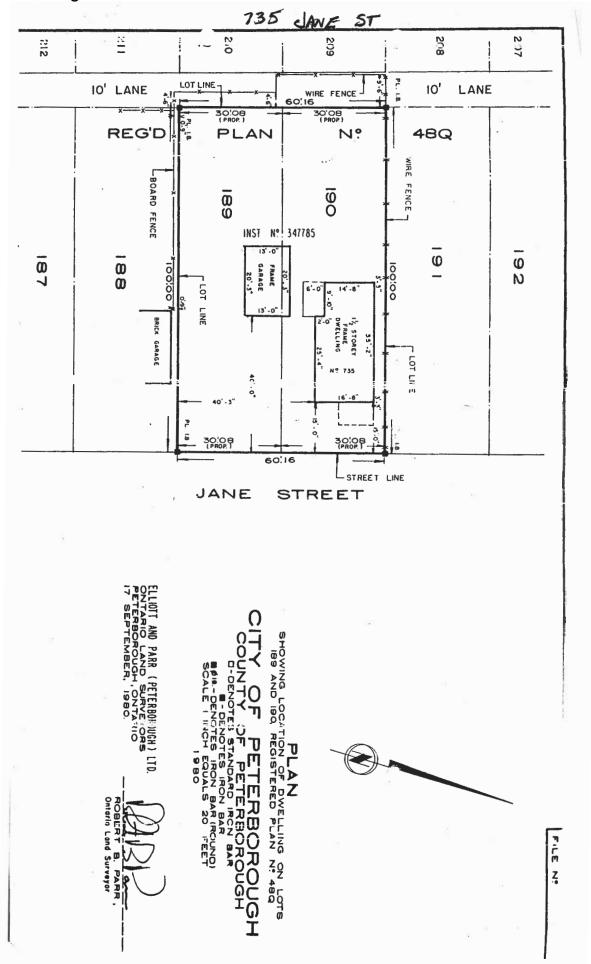


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