



City of
Peterborough

Committee of Adjustment Report for February 21, 2024

Staff Recommendations Regarding Files: A57/23, A01/24, and A02/24

- 1. File Number: A57/23, 31 Kingan Street**
Applicant: Olena Shtepa
Owner: Olena Shtepa
Assigned Planner: Alexey Shcherbin

Background

The subject property is located at the intersection of Benson Avenue and Kingan Street in the City's north end. The subject property is designated Residential on Schedule 'B' - Land Use Plan to the City's Official Plan. The property is zoned R.1 in the City's Zoning By-law. Benson Avenue and Kingan Street are classified as local streets on the Schedule 'D' – Road Network to the City's Official Plan.

The subject property is a wedge-shaped corner lot. The lot shape creates challenges with existing by-law regulations for redevelopment. The property currently supports a single dwelling unit with two garages – one facing Benson Avenue and the other facing Kingan Avenue.

The applicant is seeking the following variances from the Zoning By-law to facilitate construction of a two-storey addition:

- a) Section 6.11(a) to reduce the minimum building setback from the Benson Avenue streetline from 6 metres to 4.33 metres, and
- b) Section 6.29 to reduce the minimum building setback from the point of intersection of two side lot lines from 4.5 metres to 2.35 metres.

The application is supported by a Site Plan prepared by Kingdon Timber Mart attached in Exhibit A, depicting the proposed location of the two-story addition in lieu of existing garage.

The Residential designation is "intended to accommodate a wide range of housing forms as well as other land uses that are integral to, and supportive of a residential environment". The requested variances conform with Sections 4.2.2. c. – Development

Policies and 4.2.2 d. – Policies for Low-Rise Residential Development of the City's Official Plan.

Benson Avenue is identified in the City's Official Plan as a 'local street' with a right-of-way of approximately 20 metres. Section 6.2.6 (a)(vii) of the Official Plan outlines that a local street "serve traffic from abutting properties to Collector Roads within a right-of-way of 20 metres". Reduction to the buildings, and other building features', setback from the streetline is not anticipated to negatively impact snow removal or City operations within the right-of-way, as the adjacent section of Benson Avenue is at the anticipated maximum road width. The requested variance meets the general intent and purpose of the Official Plan.

The intent of the streetline setback is to provide separation from the traveled portion of the road, snow storage away from road operations, and adequate landscaping, among other factors. The setback from Benson Avenue for the proposed addition is equal to the existing garage setback. The parking space located in the existing driveway from Benson Avenue is undersized based on the dimensions required in Area 3 of Schedule E(1) of the City's Zoning By-law and is considered legal non-conforming. The required parking spaces are met with the existing garage and a driveway located off Kingan Street. The proposed variance 'a)' continues to provide adequate landscaping consistent with neighbourhood character from the right-of-way.

The intent of the setbacks from the side lot line on corner lots is to provide separation from adjacent buildings to ensure privacy from neighbouring properties and to allow for adequate snow storage and landscaping. Due to the irregular shape of this corner lot the developable area of the lot is reduced. The proposed reduction maintains landscaping and separation from the adjacent property. The proposed variances meet the intent of the Zoning By-law.

The proposed addition is intended to be used as part of the primary residential dwelling unit for living room space on the main floor and bedrooms on the upper floor. The addition is slightly smaller than the existing garage in building area due to increased setback from the northerly side lot line. Due to the irregular shape of this corner lot, the area within the corner of two lot lines is restricted from situating a building. Based on the available aerial maps, the site has functioned with an existing building (garage) in the corner of the lot since 1965, pre-dating the current by-law. In addition, the proposed addition is further away from the northerly side lot line than the existing garage. Lastly, the proposed addition meets the definition of 'Compatible Development' in the City's Official Plan and is therefore desirable.

Agency Comment

The Otonabee Region Conservation Authority reviewed the application and is of the opinion that the application is consistent with Section 3.1 of the Provincial Policy Statement. A permit from the authority is not required prior to construction and the subject property is not located in an area that is subject to the policies in the Source Protection Plan.

Urban Forestry staff have reviewed aerial and street-view imagery and have determined that there are existing private trees that may be impacted by construction activity for the proposed addition. An Arborist Report must be submitted to the City's Urban Forestry Section that details how the proposed construction activity will impact the injury or destruction of any existing trees. The Applicant will be required to protect trees during construction or obtain a permit for tree removal in advance of any construction activity. Details for an Arborist Report can be provided by the Urban Forestry Section by contacting treebylaw@peterborough.ca. A permit for the injury and/or destruction of trees that measure 7.5 cm or greater in diameter at breast height is required under the Tree Removal By-law.

The Planning, Development and Urban Design Division – Urban Design Section has reviewed the application and has noted that there are no site plans registered on the subject lands and they have no concerns with the proposal.

The following commenting agencies or departments reviewed the proposal and have indicated they have no comment or concerns:

- Ontario Ministry of Transportation (MTO)
- Peterborough Utilities Group
- Planning, Development and Urban Design Division – Development Engineering Section
- Planning, Development and Urban Design Division – Heritage Section

Recommendation

Staff recommends that the Committee of Adjustment **approve** the application provided that construction of the addition proceed substantially in accordance with the concept plan attached as Exhibit A and conditional upon completion of an Arborist Report to the satisfaction of the Urban Forestry Manager.

- 2. File Number: A01/24, 55 Hunter Street East**
Applicant: Michelle Duong, D.M. Wills Associates Limited
Owner: East City Coffee Shop Inc.
Assigned Planner: Sarah Dilamarter

Background

The subject property is located on the south side of Hunter Street East, east of the Hunter Street Bridge and west of the Rotary Greenway Trail. The subject property is zoned Commercial District 6 (C.6) in the City's Comprehensive Zoning By-law and is designated 'Downtown Core Area' on Schedule C - 'Central Area Plan' of the City's Official Plan. The subject property contains 10.2 metres of frontage along Hunter Street East and contains a total lot area of 604.46 square metres (6,506.4 square feet).

The property currently contains a single-storey commercial building with a ground floor area of 55 square metres (592.0 square feet), which is utilized as a 32-seat restaurant. There is an attached two-storey residential dwelling unit located at the rear of the commercial building, which has a ground floor area of approximately 57.8 square metres (622.2 square feet). A second detached residential building with two separate units is located at the rear of the main building and is currently being used to facilitate storage for the commercial business. The two accessory dwelling units at the rear of the subject lands have not been used for residential purposes since 2018 and are not currently connected to municipal services. This structure has a ground floor area of approximately 210 square metres (2,260.4 square feet). One parking space and small storage shed currently occupy the existing laneway on the west side of the property. The subject lands obtained a previous Minor Variance approval in 2023 (file number A33/23), which allows the applicants to remove the single existing parking space during the patio season between April 1st and November 15th of each year. The property is otherwise serviced with short-term curbside parking along Hunter Street East, public transit, and active transportation networks.

The application is supported by a concept site plan identifying the location of the proposed structure (Exhibit B). The applicant is proposing to demolish the existing detached building located at the rear of the property and replace it with an attached two-storey, six-unit residential structure with a ground floor area of approximately 209.14 square metres (2,251.16 square feet). The applicant is requesting a minor variance from Section 18.2(e) of the Comprehensive Zoning By-law to permit up to four (4) dwelling units below the second storey of a building. All six dwelling units are proposed to be serviced by municipal water and sewer. Additionally, the applicant is proposing a covered bicycle storage and garbage enclosure building at the rear of the property to serve the needs of the residents. The applicant is not proposing any parking spaces to service the dwelling units and seeks to pay Cash-in-Lieu of the nine newly required parking spaces, which is supported by a Parking Justification Letter submitted by the applicant. Staff have reviewed the concept plan provided by the applicant and is of the opinion that the requested variance is minor in nature and represents a desirable and appropriate use of the land.

The objective of the Central Area is to enhance residential capacity, both in terms of quantity and density, through the endorsement of multi-unit residential and mixed-use development proposals. In accordance with the Downtown Core Area designation, development is mandated to prioritize a pedestrian-friendly design and facilitate active transportation. Furthermore, the intention is to preserve ground-level floor area for pedestrian-oriented commercial activities; typically confining residential units to the second story or higher. The variance put forth by the applicant seeks to amplify residential development within an existing mixed-use property, with a specific emphasis on restricting ground floor residential usage to the rear of the current structure. Access to the newly proposed dwelling units is proposed to be facilitated through a laneway rather than a main street, as the commercial use will continue to front upon Hunter Street East. The proposed variance is not expected to detract from the street-level shopping functions of the downtown core, as the commercial component of the existing

structure is being retained. Taking everything into consideration, the proposed variance appears to meet the intent of the Official Plan.

Agency Comment

The Otonabee Region Conservation Authority (ORCA) reviewed the application and notes that the proposal is consistent with Section 3.1 (Natural Hazards) of the Provincial Policy Statement. The properties are located outside of ORCA's regulated area, so a permit from the Authority is not required. The property is in a vulnerable area identified as Intake Protection Zone 3 for the Peterborough Municipal Surface Water System to which the Revised Trent Source Protection Plan applies, therefore a Restricted Land Use Notice is required.

The Peterborough Utilities Group Services Corp. has reviewed the application and has noted that water servicing sizing is the responsibility of the owner. It has also noted that Development Charges are applicable.

The Public Works Division – Urban Forestry Section has reviewed aerial imagery of the subject property and notes that private trees may be located within the proposed construction area. A tree removal permit will be required to injure or destroy any trees measuring 7.5 centimetres and greater in diameter at breast height prior to any tree removal activities.

The Planning, Development and Urban Design Division – Development Engineering Section has reviewed the application and recommends the following conditions:

- The submission of a Grading Plan
- The submission of a Servicing Plan
- The submission of an Erosion and Sediment Control Plan
- A Functional Servicing Report that includes sanitary sewer design sheets

The Planning, Development and Urban Design Division – Urban Design Section has reviewed the application and has the following comment:

There are no site plans registered on the subject lands. Due to the extensive site build-out, Urban Design suggests a condition to be added requiring the owner to provide adequate exterior lighting to all building entrances. The Committee may consider requiring the construction of a 1.8 metre board-on-board wood privacy fence along the east, west, and south property lines in areas that do not abut adjacent buildings (as illustrated by the pink line in the drawing [Exhibit C]) as a condition of approval, through an amendment to the proposed plans. Urban Design suggests any approval be conditional on construction related to this approval proceeding in general accordance with these revised plans. These recommended conditions promote the application of Crime Prevention Through Environmental Design to ensure on-site safety of residents.

Upon communicating with the Building Division staff, it has been ascertained that the inclusion of exterior lighting at the entrances of dwelling units is mandatory in accordance with the Ontario Building Code review for the building permit. Consequently, Planning staff are refraining from providing any specific recommendations concerning lighting aspects in relation to the proposed minor variance.

Asset Management and Capital Planning - Transportation Planning Section have reviewed the application and have the following comments:

- We recommend that the applicant provide greater emphasis on providing facilities that would support the use of active transportation modes among users. Providing high-quality secured bike parking infrastructure and a basic bike repair facility within the site helps promote the use of active transportation modes.
- The recently completed residential parking standards review recommends a minimum of 0.9 bicycle parking spaces for each dwelling unit, allocated as a minimum of 0.8 "long-term" bicycle parking space per dwelling unit and a minimum of 0.1 "short-term" bicycle parking space per dwelling unit. Long-term bike parking may be provided in a bike room within the building or a covered bike parking facility.
- Consider accommodating a variety of bicycle types/sizes (e.g., adult tricycles, adaptive bicycles) in the bicycle room or an additional accessible indoor storage location.
- Access to electric bike charging areas would also support residents' transportation needs.
- The Applicant submits an undertaking letter to the City indicating that the tenancy agreement would provide the following parking restriction information to the tenants:
 - No on-site parking is available for the units;
 - No dedicated on-street parking is available for the units;
 - On-street parking along Hunter Street are quick turn-around parking to support commercial establishments and Residents are not permitted to use the on-street parking spaces for long-term parking.

Planning, Development and Urban Design Division – Heritage Planning Section have reviewed the application and have noted that a Stage 1-2 Archaeological Assessment is required for the proposed addition.

The following commenting agencies or departments reviewed the proposal and have indicated they have no comment or concerns:

- Ontario Ministry of Transportation (MTO)

Recommendation

Staff recommends that the Committee of adjustment **approve** the application for minor variance provided that the construction related to this approval proceed substantially in accordance with the concept plan attached as Exhibit B, conditional upon:

- i) An agreement being entered into for the provision of cash-in-lieu of parking for the nine required parking spaces and that the associated payment has been made to the City;
- ii) The submission of a Grading Plan to the satisfaction of the Development Engineering Manager;
- iii) The submission of a Servicing Plan to the satisfaction of the Development Engineering Manager;
- iv) The submission of an Erosion and Sediment Control Plan to the satisfaction of the Development Engineering Manager;
- v) A Functional Servicing Report, including sanitary sewer design sheets, be submitted to the satisfaction of the Development Engineering Manager;
- vi) Completion of a Stage 1 Archeological Assessment and if required, subsequent Archeological Assessments, to the satisfaction of the Heritage Preservation Office, prior to the issuance of a building permit.

3. File Number: A02/24, 304-306 George Street North
Applicant: Brian Buchardt
Owner: 2379254 Ontario Limited
Assigned Planner: Sarah Dilamarter

Background

The subject property is on the east side of George Street North, south of the Charlotte-George Street intersection and north of the King-George Street intersection in the City's Central Area. The subject property is zoned Commercial District 6 (C.6) in the City's Comprehensive Zoning By-law and is designated 'Downtown Core Area' on Schedule C - 'Central Area Plan' of the City's Official Plan. The subject property contains 18.9 metres (62.0 feet) of frontage along George Street North and contains a total lot area of 688.0 square metres (7,405.6 square feet).

The property currently contains a two-storey mixed-use building with a total ground floor area of approximately 633.36 square metres (6,817.4 square feet), which currently utilizes the first floor and basement of the building for commercial purposes, and the second floor as a commercial-residential mix. The applicants intend on maintaining the existing uses on the first and second storeys.

The applicant is seeking a variance from Sections 18.2(e), and Section 18.2(h) of the City's Comprehensive Zoning By-law to permit two Lodging Houses in the basement of the existing building. The applicant has submitted a floor plan (Exhibit D) in support of their application. Staff have reviewed the concept plan provided by the applicant and are of the opinion that the requested variance is minor in nature and represents a desirable and appropriate use of the land.

The overarching objective of the Downtown Core Area designation is to augment residential units in terms of both quantity and intensity by endorsing multi-unit residential and mixed-use development proposals. This entails preserving ground floor areas for pedestrian-oriented commercial uses while confining residential units to the second storey or higher. Furthermore, development within the Central Area is required to be pedestrian-oriented, fostering support for active transportation.

The variance sought by the applicant aims to intensify residential development on an existing mixed-use property by converting a portion of the current basement into two Lodging Houses, whilst maintaining an area in the basement for commercial purposes. Importantly, this proposed alteration is not anticipated to adversely affect the existing commercial uses fronting onto George Street North, and its inconspicuous location within the building is expected to have minimal impact on the existing street-level shopping functions. Consequently, the proposed variance appears to align with the general intent and purpose of the Official Plan.

Agency Comment

The Otonabee Region Conservation Authority (ORCA) reviewed the application and notes that the proposal is consistent with Section 3.1 (Natural Hazards) of the Provincial Policy Statement. The properties are located outside of ORCA's regulated area, so a permit from the Authority is not required. The property is in a vulnerable area identified as Intake Protection Zone 3 for the Peterborough Municipal Surface Water System to which the Revised Trent Source Protection Plan applies, therefore a Restricted Land Use Notice is required.

The Planning, Development and Urban Design Division – Urban Design Section has reviewed the application and has noted that there are no site plans registered on the subject lands and they have no concerns with the proposal.

The Peterborough Utilities Group Services Corp. has reviewed the application and has noted that water servicing sizing is the responsibility of the owner.

Asset Management and Capital Planning - Transportation Planning Section has reviewed the application and has the following comment:

- We recommend that the applicant provide space for secured bike parking/ storage within the site.
- The following commenting agencies or departments reviewed the proposal and have indicated they have no comment or concerns: Planning, Development and Urban Design Division – Development Engineering Section
- Ontario Ministry of Transportation (MTO)
- Public Works Division – Urban Forestry Section
- Planning, Development and Urban Design Division – Heritage Planning Section

Recommendation

Staff recommends that the Committee of adjustment **approve** the application for minor variance provided that the construction related to this approval proceed substantially in accordance with the floor plans attached as Exhibit D.

Prepared By:

Alexey Shcherbin
Junior Planner
Planning, Development and Urban Design Division
Infrastructure, Planning and Growth Management

Sarah Dilamarter
Junior Planner
Planning, Development and Urban Design Division
Infrastructure, Planning and Growth Management

Concurred with:

Andrea Stillman
Zoning Administrator
Building Services Division
Infrastructure, Planning and Growth Management

Summary of Exhibits

The exhibits attached to this report were provided by the applicants and do not meet international standards for web accessibility. A description of each exhibit is provided below.

If you require additional information regarding the exhibits or the applications, contact the Planning Division at 705-742-7777, extension 1880.

Exhibit A

Site Plan. Drawing A1.1. Prepared by Kingdon Timber Mart Design & Drafting. Dated December 19, 2023

Exhibit B

Site Plan. Prepared by D.M. Wills Associates Limited. Dated January 2024.

Exhibit C

Drawing illustrating board-on-board wood privacy fence. Original Site Plan prepared by D.M. Wills Associates Limited. Edit to the Site Plan provided by Planning, Development and Urban Design Division – Urban Design Section. Drawing received February 2, 2024.

Exhibit D

Existing Basement and First Floor Plan. Drawing A2.0. Prepared by Gregg Gordon Architect. Dated January 11, 2024.

Existing Second Floor Plan. Drawing A2.1. Prepared by Gregg Gordon Architect. Dated January 11, 2024.

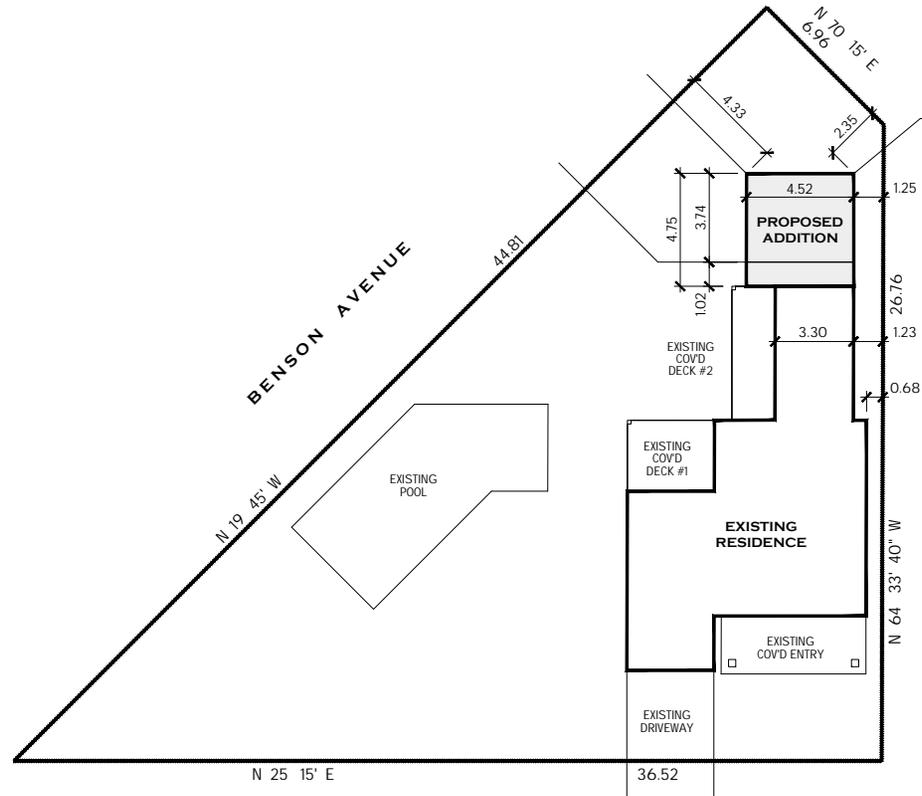
Building Sections. Drawing A2.2. Prepared by Gregg Gordon Architect. Dated January 11, 2024.

Basement Floor Plans. Drawing A2.3. Prepared by Gregg Gordon Architect. Dated January 11, 2024.

**City of Peterborough
Planning, Development & Urban Design**

C. of A. File No.: A57/23

Property Address: 31 Kingan Street



SURVEY INFORMATION

THIS SITE PLAN IS FOR ILLUSTRATIVE PURPOSES ONLY. OWNER & CONTRACTOR TO CONFIRM ALL DIMENSIONS. IF ANY ERRORS ARE NOTICED, PLEASE CONTACT KINGDON TIMBER MART AS SOON AS POSSIBLE.

REFER TO ORIGINAL SURVEY FOR ALL LOT DIMENSIONS, PROPERTY LINE BEARINGS, BUILDING LOCATION AND ALL OTHER PERTINENT INFORMATION.

LOT COVERAGE DATA

PROPERTY AREA	6,938.25 sq. ft. 644.58 m2	
EXISTING RESIDENCE AREA	1,065 sq. ft.	98.94 m2
EXISTING COVID ENTRY AREA	16.0 sq. ft.	14.86 m2
EXISTING COVID DECK #1 AREA	118 sq. ft.	10.96 m2
EXISTING COVID DECK #2 AREA	110 sq. ft.	10.22 m2
PROPOSED HOUSE ADDITION	235 sq. ft.	21.83 m2
TOTAL	1,688 sq. ft.	156.81 m2

EXISTING RESIDENCE LOT COVERAGE	15.35 %
EXISTING COVID ENTRY LOT COVERAGE	2.31 %
EXISTING COVID DECK #1 LOT COVERAGE	1.70 %
EXISTING COVID DECK #2 LOT COVERAGE	1.59 %
PROPOSED GARAGE/HOUSE ADDITION	3.39 %
TOTAL	24.34 %

**City of Peterborough
Planning Division**

December 20, 2023

Received

12/19/23	ISSUED FOR MINOR VARIANCE
date	rev. description

REVISION RECORD



design & drafting

Lakefield Store
1573 8th Line
Lakefield, Ontario, K0L 2H0
ph (705) 652-3361 fax (705) 652-8188

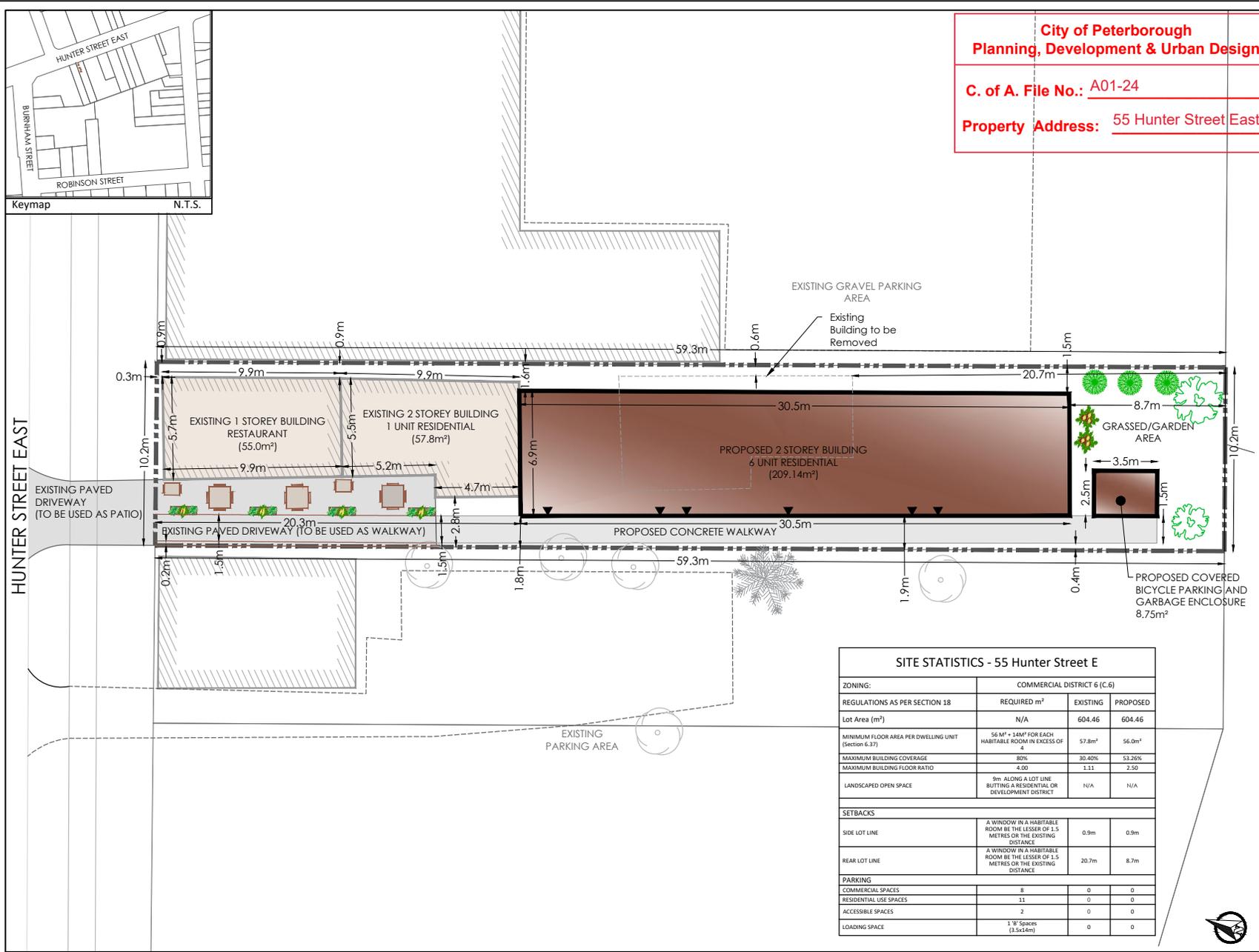
Peterborough Store
309 Lansdowne Street East
Peterborough, Ontario, K9L 2A3
ph (705) 749-1144 fax (705) 749-1388
kingdontruss.com

job description
**Proposed Addition for
Mr. A. Ryabokon &
Ms. O. Shtepa**
31 Kingan Street
Peterborough, Ontario

drawing title	drawing no.
Site Plan	A1.1
scale N.T.S.	date Dec, 19/23
drawn by TW	job no. 23-27
reviewed by TW	

1 SITE PLAN

A1.1 SCALE: N.T.S.



City of Peterborough
Planning, Development & Urban Design

C. of A. File No.: A01-24

Property Address: 55 Hunter Street East

PROPOSED RESIDENTIAL DEVELOPMENT
 55 HUNTER STREET EAST
 CITY OF PETERBOROUGH

- Legend**
- Subject Property
 - Existing
 - Existing Building
 - Existing Building to be removed
 - Existing Paved Area
 - Existing Trees
 - Proposed
 - Proposed Building
 - Proposed Concrete Walkway
 - Proposed Landscape Boxes
 - Proposed Trees (Coniferous)
 - Proposed Trees (Deciduous)

City of Peterborough
Planning Division
 Jan 24 2024
Received

SITE STATISTICS - 55 Hunter Street E			
ZONING:	COMMERCIAL DISTRICT 6 (C.6)		
REGULATIONS AS PER SECTION 18	REQUIRED m²	EXISTING	PROPOSED
Lot Area (m²)	N/A	604.46	604.46
MINIMUM FLOOR AREA PER DWELLING UNIT (Section 6.37)	56 M² + 14M² FOR EACH HABITABLE ROOM IN EXCESS OF 4	57.8m²	56.0m²
MAXIMUM BUILDING COVERAGE	80%	30.40%	53.26%
MAXIMUM BUILDING FLOOR RATIO	4.00	1.11	2.50
LANDSCAPED OPEN SPACE	8m ALONG A LOT LINE BUTTING A RESIDENTIAL OR DEVELOPMENT DISTRICT	N/A	N/A
SETBACKS			
SIDE LOT LINE	A WINDOW IN A HABITABLE ROOM BE THE LESSER OF 1.5 METRES OR THE EXISTING DISTANCE	0.9m	0.9m
REAR LOT LINE	A WINDOW IN A HABITABLE ROOM BE THE LESSER OF 1.5 METRES OR THE EXISTING DISTANCE	20.7m	8.7m
PARKING			
COMMERCIAL SPACES	8	0	0
RESIDENTIAL USE SPACES	11	0	0
ACCESSIBLE SPACES	2	0	0
LOADING SPACE	1 'B' Spaces (3.3x14m)	0	0

for information/discussion purposes only.

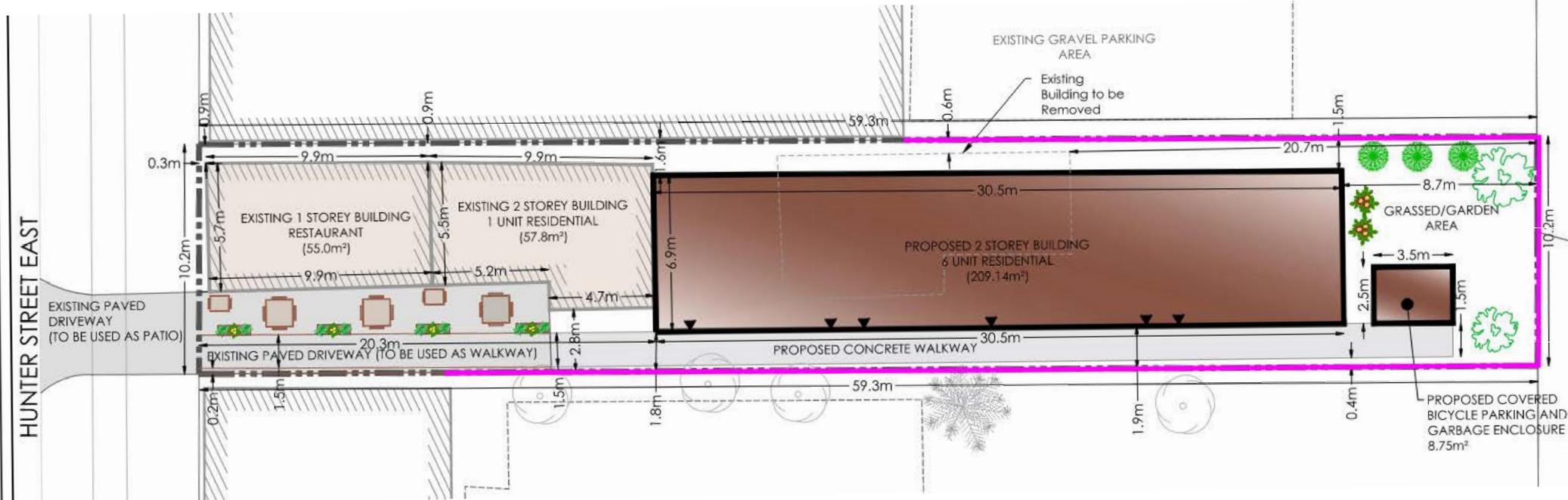
Scale: 1:200m
 NAD 1983 UTM Zone N

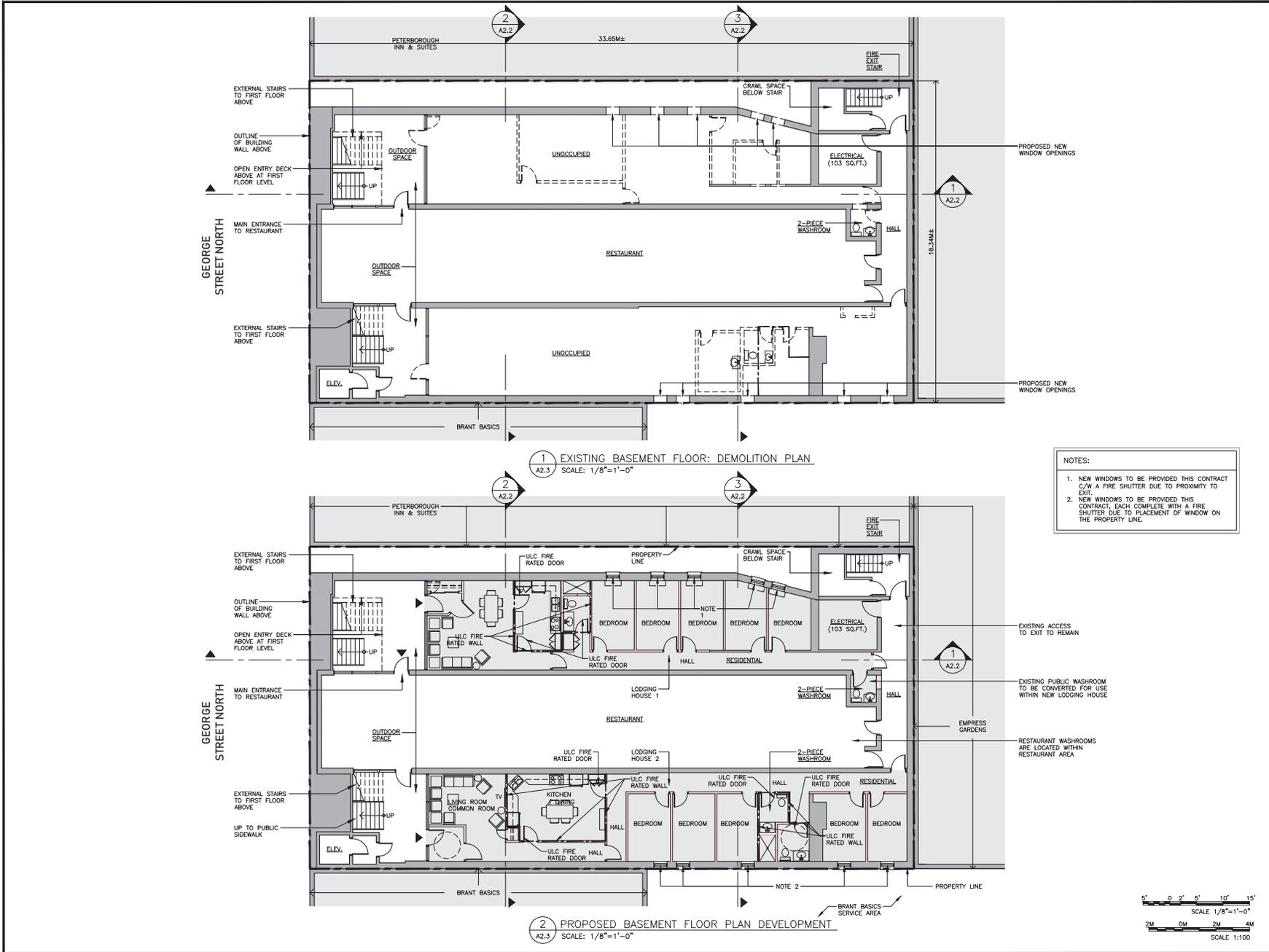
Data Sources:
 City of Peterborough Online Public GIS and Data Share Catalogue
 2019 Aerial Imagery
 City of Peterborough GIS

Created In:	AutoCAD 2019
Drawn By:	JW
Checked By:	EF/KvB
Map Date:	January 2024
Project Number:	85167

D.M. Wills Associates Limited
 150 Jamieson Drive
 Peterborough, Ontario
 Canada K9J 0B9

P: 705.742.2297
 F: 705.748.9944
 E: wills@dmwills.com





NOTES:

1. NEW WINDOWS TO BE PROVIDED THIS CONTRACT C/W A FIRE SHUTTER DUE TO PROXIMITY TO EXIT.
2. NEW WINDOWS TO BE PROVIDED THIS CONTRACT, EACH COMPLETE WITH A FIRE SHUTTER DUE TO PLACEMENT OF WINDOW ON THE PROPERTY LINE.

A	Detail No
B	Location Sheet
C	Detailed On
A	Detail No
B	Sheet No where detailed

PLOT DATE: Jan 24 24

LEGEND

	PROPOSED WALLS
	EXISTING WALLS TO REMAIN
	WALLS TO BE REMOVED
	DOORS TO BE REMOVED

No.	Date	Revision	By

Gregg Gordon Architect
70 Hunter Street West Tel. (705) 876-6568
Peterborough, Ontario Fax. (705) 876-9206
K9H 2K4

Orientation Seal

Project
PROPOSED LODGING HOUSES
304-306 GEORGE STREET NORTH
PETERBOROUGH, ONTARIO, K9J 3H2

Client
RAMNARAYAN RAMANUJAM
304-306 GEORGE STREET NORTH
PETERBOROUGH, ONTARIO, K9J 3H2

Drawing Title
BASEMENT FLOOR PLANS

Drawn By J. ROBERTS	Date JANUARY 11, 2024
Checked By G. GORDON	Scale N/A
Project No 23027	Sheet No A2.3
	Rev. No -

