



City of
Peterborough

Committee of Adjustment Report for June 18, 2024

Staff Recommendations Regarding Files: B03/24, A15/24, B04/24, A21/24, A16/24, A17/24, B05/24, A18/24, A19/24, A20/24, A22/24

- 1. File Number: B03/24 and A15/24, 921 Brealey Drive**
Applicant: Murray Davenport, MJ Davenport & Associates
Owner: Tom Behan and Carol Anne Behan
Assigned Planner: Sarah Dilamarter

Background

The subject property is located on the western side of Brealey Drive, south of Cherryhill Road and north of Lansdowne Street West, in the City's southwest end. The property is currently developed with a single-storey single-family detached dwelling, a swimming pool, and a detached accessory shed. All existing structures are located on the proposed retained lands and are intended to remain on the proposed retained lands. The property is zoned R.2, 10a, 16m – Residential District and is designated Residential on Schedule B – 'Land Use' in the City's Official Plan.

The subject property was rezoned to the R.2, 10a, 16m zone in 2006. During the follow-up on the Zoning By-law amendment, it was discovered that the amendment intended to permit a two-unit dwelling rather than an accessory apartment. Internal records inaccurately listed the dwelling as a single unit with an accessory apartment, which did not align with the 2006 amendment's intent. This is corroborated by a building permit issued in the same year, specifying the addition of a second unit. Discussions with By-law staff confirmed that the unit did not exist in 1995 and couldn't be legalized under previous Ontario Legislation for Apartments in Houses. The owners were subsequently issued a permit for a new dwelling unit.

Building staff have confirmed that the permit for this 2006 dwelling unit remains open, with none of the occupancy inspections completed. Consequently, until the permit is closed, the property is considered a single-unit dwelling. Upon closing the permit, the property will be reclassified as a duplex. According to the City's Zoning By-law, the property must maintain 25 meters of lot width per dwelling unit (for a total of 50 metres). Therefore, should the subject application be approved it will be necessary to address the lot frontage deficiency on the retained lands as the resultant severed lot will only have 35 meters of lot width along Brealey Drive. Consequently, staff have included a condition of the severance application to ensure that the retained lands comply with the Zoning By-law.

There is currently no specific development proposed with this application, though, for illustrative purposes, the applicant has provided a conceptual site plan (Exhibit A) illustrating a residential building on the proposed severed lot that resembles the scale of neighbouring residential developments.

B03/24 – 921 Brealey Drive

The applicant is seeking consent to sever the southern portion of the subject property, having approximately 14.8 metres of frontage along Brealey Drive, with the intention of this severed parcel being suitable for future residential development.

Review of an application for consent is subject to Section 53 of the **Planning Act** (the 'Act'). Section 53(12) of the Act states that Sections 51(24) and 51(25) of the Act apply to consents. The Committee of Adjustment may grant consent if it is satisfied that a Plan of Subdivision is not required for the proper and orderly development of the municipality and shall have regard for matters listed in 51(24) when granting provisional consent. The criteria include, but is not limited to:

- The suitability of the land for the purpose for which it is to be subdivided;
- The dimensions and shapes of the proposed lots;
- Whether the proposed consent is premature or in the public interest;
- Whether the plan conforms to the Official Plan; and,
- The restrictions or proposed restrictions on the land proposed to be subdivided.

In consideration of the criteria above, the properties are within the existing built-up area of the City which has been developed for residential use. The proposed lot fabric will align with what currently exists in the surrounding neighbourhood.

The subject property is located within the settlement area, as defined by the Provincial Policy Statement, 2020 (PPS). The PPS directs growth and development to settlement areas. Land use patterns in settlement areas shall be based on densities and a mix of land uses that efficiently use land and resources while being appropriate for, and efficiently use, infrastructure and public service facilities that are planned or available (Section 1.1.3.2). Further, Section 1.6.6.2 of the PPS states that "within settlement areas with existing municipal sewage services and municipal water systems, intensification and redevelopment shall be promoted wherever feasible to optimize the use of services".

The Growth Plan for the Greater Golden Horseshoe, 2020 (Growth Plan) states that the majority of growth forecasted to the horizon of the Plan is to be allocated to settlement areas that have a delineated built boundary, have existing or planned municipal water or wastewater services, and can support the achievement of a complete community (Section 2.2.1.2(a)). The subject property is located within the City's delineated built boundary and the application supports the achievement of a complete community re-establishing residential lots in an area that is near parks, schools, amenities and can be serviced by existing municipal infrastructure.

It is the opinion of staff that the application for consent to create a new, buildable lot satisfies the criteria of Section 51(24) of the Act, is consistent with the policies of the PPS, and conforms with the policies of the Growth Plan and the Official Plan. The condition to bring the retained lot into conformity with the Zoning By-law will address the lot frontage matter.

A15/24 – 921 Brealey Drive (severed lands)

The applicant is seeking relief from Section 3.4(16)(m) of the Zoning By-law to reduce the minimum permitted lot width from 25 metres to 14.8 metres.

The subject property falls under the Neighbourhood designation, which aims to foster residential land uses, encompassing a diverse range of housing types. According to the City's Official Plan, the policy framework is designed to allow and support various residential building types that are suitably located and scaled. Additionally, it ensures that new developments are compatible with the existing community character and adjacent land uses, while also accommodating supportive land uses.

The proposed variance accompanying the consent application addresses the reduced lot frontage of the newly created lot, facilitating the anticipated development of a dwelling unit. The intent of minimum lot frontage requirements is to ensure that a lot has a sufficient building envelope for development. The applicants have provided a conceptual building envelope on their proposed site plan illustrating that the property can accommodate a functional dwelling on-site. In the opinion of the staff, this variance is minor in nature, promotes a desirable use of the land, and aligns with the intent and purpose of both the City's Official Plan and Zoning By-law.

Agency Comment

The Otonabee Region Conservation Authority reviewed the application and notes that the proposal is consistent with Section 3.1 (Natural Hazards) of the Provincial Policy Statement. The property is located outside of ORCA's regulated area, so a permit from the Authority is not required. The property is not located in a vulnerable area to which the Revised Trent Source Protection Plan applies, therefore a Restricted Land Use Notice is not 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 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 it has no concerns with the proposal.

The Public Works Division – Urban Forestry Section has reviewed the proposal, and has provided the following comments:

Urban Forestry staff have identified that there are existing private trees that may be impacted by the proposed construction. The City of Peterborough regulates the injury and destruction of trees under the 21-074 Tree Removal Bylaw. The Applicant is advised that prior to the injury or destruction of any trees that measure 7.5 cm or greater in diameter at breast height, or any City-owned trees of any size is the applicant must obtain a Permit under the 21-074 Tree Removal By-law.

Urban Forestry identified City-owned trees located within the Municipal Road allowance along Brealey Dr. may be impacted during the construction of a new dwelling unit on the severed lands resulting from File No. B03/24. The City does not support the removal of trees within the municipal road allowance removal is not permitted. City-owned trees must be protected from any above or below ground injury to roots, stem or canopy during construction.

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
- Planning, Development and Urban Design Division – Heritage Planning Section

Recommendation

B03/24 – Severance File

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

- i) Approval of Minor Variance application A15/24;
- ii) That the proposed retained lands are brought into compliance with the City's Zoning By-law to the satisfaction of Building and Planning Staff;
- iii) Payment of a Tree Levy in the amount of \$534.12 for the severed lands;
- iv) Payment of a Parks Levy in an amount to be determined by the Parks Levy Review Committee;
- v) Prior to registering the Reference Plan at the applicant's cost, the applicant shall submit for approval a draft Reference Plan to the Secretary-Treasurer showing the proposed severed parcel. Upon registration of the approved Reference Plan, a digital copy of the registered Reference Plan, in PDF format, will be provided to the Secretary-Treasurer;

- vi) A closed polygon vector file of the Part boundaries shown on the Reference Plan is to be provided in Autodesk DWG NAD83 UTM CSRS CGVD28 projection Windows-readable format to the satisfaction of the City of Peterborough Geomatics/Mapping Division. It is recommended that the applicant's Ontario Land Surveyor consult with the City of Peterborough Geomatics/Mapping Division to confirm acceptable standards and formatting. The Surveyor should contact the Secretary-Treasurer for instructions on how to submit this document;
- vii) That the applicant provide the Secretary-Treasurer with a draft of the Transfer/Deed of Land; and,
- viii) If the above conditions are not satisfied within two years of the circulation of the Committee's Decision, the consent will lapse.

A15/24 – Severed Lands

Staff recommends that the Committee of Adjustment approve the application conditional upon the submission of the registered Transfer/Deed of Land related to File Number B03/24.

2. File Number: B04/24, 1509 Sherbrooke Street Applicant: Jamie Hoefling, One Community Planning Owner: The Trustees of Westdale United Church Congregation Assigned Planner: Christie Gilbertson

Background

The subject property is located on the south side of Sherbrooke Street, west of the intersection of Woodglade Boulevard and Sherbrooke Street in the City's west end. This property is a large property, supporting the Westdale United Church. The property was the subject of a recent Zoning By-law Amendment at Council (File No Z403). A portion of the subject property, along with 1529 and 1533 Sherbrooke Street (two parcels of City-owned land that has a Council-approved Agreement of Purchase and Sale in place), was rezoned to R.5-361-H, which will facilitate the future construction of a 3-storey residential apartment building. The subject application will facilitate the severance of the lands that are intended to be redeveloped for residential purposes upon consolidation with the two Sherbrooke Street fronting parcels. The Holding provision has a condition of removal that requires the severance of the subject property along with the consolidation of the severed parcel with the two City-owned parcels. The development of the new residential building will be subject to Site Plan Approval.

The applicant is seeking consent to sever approximately 3.5 acres of land from the subject property, to be consolidated with two City-owned parcels of land at 1529 and 1533 Sherbrooke Street. The severed lands, together with the two Sherbrooke Street fronting parcels will support a future residential development that has been approved by Council (File No. Z2403). The application was supported by a draft reference plan prepared by Elliott and Parr (Peterborough), showing Part 1 as the proposed severed lands, and Parts

2 and 3 being the retained lands (Exhibit B).

Review of an application for consent is subject to Section 53 of the **Planning Act** (the 'Act'). Section 53(12) of the Act states that Sections 51(24) and 51(25) of the Act apply to consents. The Committee of Adjustment may grant consent if it is satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality and shall have regard for matters listed in 51(24) when granting provisional consent. These criteria include, but are not limited to:

- The suitability of the land for the purposes for which it is to be subdivided;
- The dimensions and shapes of the proposed lots;
- Whether the proposed consent is premature or in the public interest; and
- Whether the plan conforms to the Official Plan.

In consideration of the criteria above, the proposed severance of lands, together with the consolidation of the severed parcel with the two Sherbrooke Street fronting parcels, will create a residential development lot suitable for the Council-approved residential apartment building. Street frontage and access will be provided to the development lands via Sherbrooke Street.

The subject lands are located within the settlement area, as defined by the Provincial Policy Statement, 2020 (PPS). The PPS directs growth and development to settlement areas. Land use patterns in settlement areas shall be based on densities and a mix of land uses that efficiently use land and resources while being appropriate for, and efficiently use, infrastructure and public service facilities that are planned or available (Section 1.1.3.2). Further, Section 1.6.6.2 of the PPS states that "within settlement areas with existing municipal sewage systems and municipal water systems, intensification and redevelopment shall be promoted wherever feasible to optimize the use of services". The Growth Plan for the Greater Golden Horseshoe, 2020 (Growth Plan) states that the majority of growth forecasted to the horizon of the Plan is to be allocated to settlement areas that have a delineated built boundary, have existing or planned municipal water or wastewater services, and can support the achievement of a complete community (Section 2.2.1.2(a)). The subject lands are located within the City's delineated built boundary and the application supports the achievement of a complete community by introducing a development ready land assembly within an established residential area on lands that are excess to Westdale United Church's needs. This severance application will facilitate additional residential development within an area designated for residential development. The site is near parks, schools, amenities, transit and can be serviced by existing municipal infrastructure.

The purpose of the 'Residential' designation is to accommodate a wide range of housing forms and other land uses that are supportive of a residential environment. Housing development can range from single-detached dwellings to high-rise apartment buildings. Low-rise residential uses shall generally be located within the interior of neighbourhoods

on Local or Collector level roads, up to a maximum height of three storeys. It is anticipated that the proposed severance will facilitate the development of a low-rise apartment building on the assembled lands which is comprised of the severed lot together with the two Sherbrooke Street fronting parcels of land (being 1529 and 1533 Sherbrooke Street).

It is the opinion of staff that the application for consent satisfies the criteria under Section 51(24) of the **Planning Act**, is consistent with the policies of the PPS, and conforms with the policies of the Growth Plan and 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. Based on the information provided, the development does not appear to create new or aggravate existing hazards. The property is located outside of ORCA's regulated area, therefore a permit from the Authority is not required. The subject property is located in a vulnerable area however significant drinking water threats are not possible and a Restricted Land Use Notice is not required.

Peterborough Utilities Group Services Corp. has reviewed the application and notes that water service sizing the responsibility of the owner, Development and/or Frontage Charges are applicable.

The Planning, Development and Urban Design Division – Urban Design Section has reviewed the application and has noted that the proposed development will require Site Plan Approval. Pursuant to By-law 23-032, the applicant must request a Pre-screen Meeting with Staff prior to applying for a Stage 1 Pre-consultation Meeting, which is then followed by a Stage 2 Pre-application Technical Adequacy Review. Once the Technical Adequacy Review is completed, the applicant will be invited to apply for Site Plan Approval. The severance line shall be in accordance with the conceptual plan provided in File No. Z2403.

The Public Works Division – Urban Forestry Section has reviewed the impacts to the trees as part of the Zoning By-law Amendment Application. Details pertaining to compensation will be provided at the Site Plan Approval stage through the review of the Landscape Plan.

The Planning, Development and Urban Design Division – Heritage Planning Section has reviewed the application and has noted there is no Archeological assessment required and there are no built heritage concerns.

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

Recommendation

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

- i) Prior to registering the Reference Plan at the applicant's cost, the applicant shall submit for approval a draft Reference Plan or legal descriptions acceptable to the Land Registrar, to the Secretary-Treasurer, showing the proposed severed parcel. Upon registration of the approved Reference Plan, a digital copy of the registered Reference Plan, in PDF format, will be provided to the Secretary-Treasurer;
- ii) A closed polygon vector file of the Part boundaries shown on the Reference Plan is to be provided in Autodesk DWG NAD83 UTM CSRS CGVD28 projection Windows-readable format to the satisfaction of the City of Peterborough Geomatics Division. It is recommended that the applicant's Ontario Land Surveyor consult with the City of Peterborough Geomatics Division to confirm acceptable standards and formatting. The Surveyor should contact the Secretary-Treasurer for instructions on how to submit this document;
- iii) That the applicant provide the Secretary-Treasurer with a draft of the Transfer/Deed of Land; and
- iv) The owner's solicitor shall provide an Undertaking to consolidate the severed lands with the properties municipally known as 1529 and 1533 Sherbrooke Street and to provide a registered copy of the Application Consolidation. The consolidated parcels shall be considered as one lot and shall not be dealt separately, and Section 50(3) or 50(5) shall apply to any subsequent conveyance or transaction involving the parcel of land that is subject to this Consent application;
- v) That if the above conditions are not satisfied within two years of the circulation of the Committee's decision that this consent will lapse.

3. File Number: A21/24, 1500 Northcott Avenue
Applicant: Jamie Hoefling, One Community Planning
Owner: 798240 Ontario Inc.
Assigned Planner: Nolan Drumm

Background

The subject property is located at the northwest corner of the intersection of York Drive and Northcott Avenue. The subject property is zoned SP.365 – Residential District and designated Local Commercial and Medium Density Residential on Schedule 'J' – Lily Lake Secondary Plan to the City's Official Plan. The subject property is currently undeveloped.

The subject property is currently going through the Site Plan Approval process to facilitate the construction of a three-building residential development, two eight-storey buildings and one six-storey building, with a total of 140 dwelling units. The minor variance application

was supported by a site plan, Planning Justification Report, Parking Assessment and an Urban Design Brief. A copy of the site plan is attached as Exhibit C. To facilitate the proposal, the applicant is seeking the following variances:

- a) Section 6.9 to reduce the minimum building setback from the centreline of a collector street, for both York Drive and Northcott Avenue, from 19 metres to 14 metres;
- b) Section 6.19(e) to reduce the minimum building setback from an obstruction on land abutting two intersecting streets, measured from the intersection of the centrelines, from 21.3 metres to 10 metres;
- c) Section 395.3(a) to reduce the minimum lot area per dwelling unit from 135 square metres to 124 square metres;
- d) Section 395.3(e)(i) to reduce the minimum building setback from a side lot line from 6 metres or 3 metres per storey, whichever is greater, to 12 metres;
- e) Section 395.3(e)(ii) to reduce the minimum building setback from a rear lot line from 12 metres or 6 metres per storey, whichever is greater, to 15 metres;
- f) Section 395.3(g) to increase the maximum number of storeys from 6 to 8; and,
- g) Section 395.3(j) to reduce the minimum number of motor vehicle parking spaces per dwelling unit from 1.75 spaces per dwelling unit to 1.25 spaces per dwelling unit.

Requested variances (a), (b), (d) and (e) relate to reductions in the required minimum building setbacks of the property. Reductions in the minimum building setback from the centreline of both collector level streets, and the intersection thereof, allow the development to incorporate components of the urban design program for the Lily Lake subdivision. The irregular lot shape resulting from the construction of the turning circle as opposed to a traditional intersection would otherwise push the building far back from the street. The reduction to the minimum side and rear yard setback relates to how the six-storey building interfaces with the west side lot line and angled rear lot line. According to the current regulations, the six-storey building would require, at a minimum, an 18-metre setback from the side lot line and a 36-metre setback from the rear lot line. Lands to the west of the subject property have been set aside for a future public school and lands to the north are open space blocks that accommodate stormwater management features. The proposed eight-storey buildings will both front onto and frame the collector streets, and the reduction in the parking ratio is in line with modern standards, which was supported by a Parking Assessment prepared by Asurza Engineers. It is the opinion of staff that the requested variances are minor in nature and represent a desirable and appropriate use of the land.

The subject property is designated Local Commercial and Medium Density Residential in the Lily Lake Secondary Plan. Development in the Lily Lake Secondary Planning Area is planned to achieve a minimum density of 50 residents and jobs per hectare and properties

identified as medium density shall be planned for a minimum density of 45 units per hectare. The proposed development will have a density of 80 units per hectare. It is the opinion of staff that the proposed development maintains the general intent and purpose of the Official Plan.

The subject property is zoned SP.365 – Residential District which permits several different types of residential units and local commercial uses in a medium-density built form. The minimum building setback from the centreline of the collector level roads, including the setback from the intersection, is to ensure that there are adequate sightlines for vehicle traffic, area for potential road widenings and sufficient space for winter road operations. Given that the intersection is designed as a turning circle and not a traditional intersection, Transportation staff did not raise any concerns with sightlines or road operations through their review of the Site Plan application. Additionally, Transportation staff were satisfied that a reduced parking ratio of 1.25 spaces per unit would be sufficient to serve the proposed development, as supported by the Asurza report. Regulations relating to building setback from the side and rear lot lines, development density and height combine to ensure development occurs in a way that does not overpower the subject property and adjacent lands. The side and rear yard setback reductions related to the placement of the proposed six-storey building still contemplate robust setbacks of 12 metres to the west side lot line (18 metres required by the regulation) and 15 metres to the rear lot line (36 metres required by the regulation). The property to the west is set aside for a future school use and to the north is a stormwater management block. The buildings with the proposed additional height will be located fronting on the collector roads, which will mitigate the impacts on adjacent properties. It is the opinion of staff that the proposed development maintains the general intent of the Zoning By-law.

Agency Comment

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

The Peterborough Utilities Group Services Corp. has reviewed the application and notes that the lot has been pre-serviced with a water connection. Suitability of the water service sizing is the responsibility of the owner. Development and/or Frontage Charges are applicable.

The Planning, Development and Urban Design Division – Urban Design Section has reviewed the application and has noted that building, policy and site design comments are being addressed through the site plan application. The applicant should satisfy themselves that the requested variances include all relief needed to demonstrate zoning compliance prior to obtaining Site Plan Approval.

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
- Planning, Development and Urban Design Division – Heritage Planning Section
- Public Works Division – Urban Forestry Section

Recommendation

Staff recommends that the Committee of Adjustment **approve** the application provided that construction proceed in accordance with the concept plan attached as Exhibit C.

- 4. File Number: A16/27, 509 King George Street**
Applicant: Dwight Corcoran, Cormor Inc.
Owner: Stanley Szeto and Kar Yee Wong
Assigned Planner: Sarah Dilamarter

Background

The subject property is located on the southwest corner of King George Street and St. Catherine Street in the City's south end. This vacant property is a legally non-compliant undersized lot, where the minimum setback requirements of the current zoning category significantly restrict development possibilities. Consequently, obtaining a minor variance from the City's Zoning By-law is essential for any development to proceed on this lot. An existing City-owned laneway abuts the subject lands to the south. The property is zoned R.1 – Residential District and is designated Residential on Schedule B – 'Land Use' in the City's Official Plan.

The applicant is seeking the following variances to facilitate the construction of a two-storey single family detached dwelling:

- a) Section 6.19(e) to reduce the minimum permitted setback from the intersecting centerline of King George Street and St. Catherine Street from 21.3 metres to 19 metres;
- b) Section 6.10(17) to reduce the minimum permitted setback from the center of King George Street from 16 metres to 14.7 metres;
- c) Section 7.2(b) to reduce the minimum permitted lot area from 370 square metres to 270 square metres to recognize the existing property's non-complying lot area; and,
- d) Section 6.11(b) to reduce the minimum permitted street line setback from St. Catherine Street from 6.0 metres to 2.5 metres.

The application was supported by drawings and renderings prepared by Cormor Inc.

(Exhibit D). The drawings depict the proposed 3-D printed two-bedroom dwelling, entry porch, and rooftop decks. The applicant is proposing to establish a driveway off St. Catherine Street that can accommodate two vehicles, as well as a pathway leading to the sidewalk off King George Street.

Given the significant constraints of the lot due to its legal non-complying area and its location at the corner of King George Street and St. Catherine Street, no functional dwelling design can fully conform with every section of the City's Zoning By-law for the existing zone category. Since the lot is legally non-complying due to its deficient area, and the use of the lot is changing from vacant to residential, the existing deficiency must be addressed through a variance. The intent of this provision in the City's Zoning By-law is to ensure that a dwelling can be established on a site that is adequately sized to support the dwelling and relevant municipal servicing. The proposed dwelling's smaller size ensures that the existing lot can accommodate the residential use whilst offering the services and amenities found in a larger home.

The proposed dwelling design appears to be relatively inconspicuous and compatible with the surrounding area, given the size of the property, whilst still providing a functional home. Notably, the design respects the maximum permitted lot coverage, utilizing only 33% of the lot area for the dwelling and porch, compared to the 40% coverage permitted within this zoning category. Additionally, the parking area respects the R.1 zone district's maximum permitted lot coverage of 20%, with only 14.6% coverage.

The proposed setbacks from the intersecting centerlines of King George Street and St. Catherine Street, as well as the setbacks from the center of King George Street and the streetline of St. Catherine Street, align with the intended character of the surrounding streetscape. These setbacks are both compatible and comparable with some of the nearby corner lots located along the northern end of St. Catherine Street, and the proposed reduced setbacks allow for sufficient parking to service the proposed two-storey single-family detached dwelling. The intent of the minimum setbacks described are to ensure that there is adequate separation between the road allowance and the developed portion of the property to accommodate potential expansions of the right-of-way, protection of sightlines, and to provide sufficient space for snow storage from road operations. Neither King George Street nor St. Catherine Street are being contemplated for road widening works.

The proposed development can maintain the general intent of the Zoning By-law and there have been no technical reasons raised by commenting agencies or staff in opposition to the requested variances.

Staff have reviewed the concept plan submitted in support of the application and are of the opinion that the requested variances are minor in nature and represent a desirable and appropriate use of the land.

The 'Residential' Designation supports a diverse range of housing forms and complementary land uses that enhance and maintain a residential environment. When assessing a development proposal within this designation, factors such as compatibility with the existing developments, the adequacy of municipal services, and the provision of a

varied housing stock for the community must be considered. The proposed dwelling design offers a solution for an underutilized and significantly constrained lot, introducing a unique housing option that supports compatible intensification within the surrounding neighbourhood. The proposed minor variance application appears to meet the general intent and purpose of the Official Plan.

Agency Comment

The Planning, Development and Urban Design Division – Development Engineering Section has requested that the completion of an existing and proposed lot grading plan be required as a condition of approval.

The Otonabee Region Conservation Authority reviewed the application and notes that the proposal is consistent with Section 3.1 (Natural Hazards) of the Provincial Policy Statement. The property is located outside of ORCA's regulated area, so a permit from the Authority is not required. The property is not located in a vulnerable area to which the Revised Trent Source Protection Plan applies, therefore a Restricted Land Use Notice is not 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 Planning, Development and Urban Design Division – Urban Design Section has reviewed the application and notes that there are no site plans registered on the subject lands, and that it has no concerns with the proposal/variance request.

The Public Works Division – Urban Forestry Section has reviewed the proposal, and has provided the following comments:

The proposed construction of a new single unit dwelling is likely to cause injury and/or destruction of trees on the subject property. An Arborist Report must be submitted to the City's Urban Forestry Staff that details how the proposed construction activity will impact the injury and/or destruction of any existing trees. A permit for the injury and/or destruction of any private trees that measure 7.5 cm or greater in diameter at breast height or any sized City owned tree is required under the 21-074 Tree By-law. The Applicant will be required to protect trees from any above or below ground injury to roots, stem or canopy during construction and submit detail for tree protection in an Arborist Report in advance of any construction activity. Tree Replacement and/or compensation will be required for the removal of healthy trees. The Applicant is required to submit the Arborist Report to provide the detailed plans for tree removal or protection to Urban Forestry staff treebylaw@peterbough.ca.

Reduction of minimum street line set back may cause injury to a City-owned tree within the municipal road allowance on St. Catherine St. the City does not support the removal of trees located within the municipal road allowance, removal is not

permitted. City-owned trees must be protected from any above or below ground injury to roots, stem or canopy during construction.

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

- Planning, Development and Urban Design Division – Heritage Planning Section

Recommendation

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

- a) The completion of an existing and proposed lot grading plan to the satisfaction of the Development Engineering Manager; and,
- b) Obtaining an arborist report and tree removal/injury permit from the Urban Forestry Division or written confirmation from Urban Forestry that a permit is not required.

5. File Number: A17/24, 669 Gilchrist Street
Applicant: Brandon Lidkea, Peterborough Coatings and Contracting
Owner: Daniel Wilson, Kaleigh Burtch and Christien Burtch
Assigned Planner: Sarah Dilamarter

Background

The subject property is located on the western side of Gilchrist Street, north of Parkhill Road, and south of Wolsely Street, just west of the City's Central Area. The property is currently developed with a single-storey single-detached dwelling and a detached accessory garage. The property is zoned R.1 – Residential District and is designated Residential on Schedule B – 'Land Use' in the City's Official Plan.

The applicant is seeking a minor variance from Section 6.11(a) of the City's Zoning By-law to reduce the building setback from the Gilchrist Street streetline from 6.0 metres to 2.9 metres to facilitate the construction of a second storey addition to the existing single-storey dwelling (Schedule E). Currently, the existing dwelling has a legal non-conforming setback of 2.9 metres from the Gilchrist Street streetline. To accommodate the proposed second storey, it is essential to recognize and maintain this non-compliant setback for the proposed two-storey dwelling. The footprint of the existing dwelling is not proposed to be altered as part of this variance request.

The existing single-storey dwelling is set back from the streetline at a distance similar to that of neighboring properties along Gilchrist Street, making it consistent with the area's established setback pattern. Although most surrounding dwellings are primarily single-storey, the proposed second storey addition is designed to be situated at the rear of the building. Consequently, this design minimizes any potential impact on the street view,

ensuring that the visual character of the neighbourhood remains largely unaffected by the proposed development. The proposed second-storey addition design appears to align with the desired streetscape aesthetics of the surrounding neighbourhood. Staff have reviewed the concept plan submitted in support of the application and are of the opinion that the requested variance is minor in nature and represents a desirable and appropriate use of the land.

The intent of the minimum streetline setback is to ensure that there is adequate separation between the road allowance and the developed portion of the property to accommodate potential expansions of the right-of-way, protection of sightlines and to provide sufficient space for snow storage from road operations. Although requiring a reduction, the existing dwelling's footprint is not proposed to change or reduce the existing legal non-conforming setback any further than it already is. The minimal increase to the dwelling's height is not anticipated to negatively affect sightlines or snow storage room, and it is important to note that Gilchrist Street is a Local Road, and therefore it is not anticipated to be widened in the near future. Considering this, it is the opinion of staff that the proposed variance maintains the intent and purpose of the Zoning By-law.

The 'Residential' designation accommodates a variety of housing forms and complementary land uses that contribute to and reinforce a residential environment. When evaluating a development proposal within the Residential designation, consideration for factors such as compatibility with existing developments, adequacy of municipal services, and the provision of a varied housing stock for the community is needed. The proposed minor variance application appears to meet the general intent and purpose of the Official Plan.

Agency Comment

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

The Planning, Development and Urban Design Division – Urban Design Section has reviewed the application and notes that there are no site plans registered on the subject lands, and that it has no concerns with the proposal/variance request.

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
- Planning, Development and Urban Design Division – Heritage Planning Section
- Peterborough Utilities Group Services Corp.
- Public Works Division – Urban Forestry Section

Recommendation

Staff recommends that the Committee of Adjustment **approve** the application provided that construction proceed in accordance with the concept plan attached as Exhibit E.

- 6. File Number: B05/24, A18/24 and A19/24, 994 Western Avenue**
Applicant: Molly Conlin, Molly Conlin Design and Drafting
Owner: Jon DeMarco
Assigned Planner: Nolan Drumm

Background

The subject property is located on the east side of Western Avenue between St. Mary's and Chamberlain Streets. The subject property is zoned R.1 – Residential District and designated 'Residential' on Schedule 'B' – Land Use to the City's Official Plan. The subject property is currently developed with a single-detached dwelling and associated accessory structures.

The applicant is seeking consent to sever a new 336.5 square-metre building lot from the south portion of the subject property, with 8.8 metres of frontage on Western Avenue as illustrated on the concept site plan attached as Exhibit F.

B05/24

Review of an application for consent is subject to Section 53 of the **Planning Act** (the 'Act'). Section 53(12) of the Act states that Sections 51(24) and 51(25) of the Act apply to consents. The Committee of Adjustment may grant consent if it is satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality and shall have regard for matters listed in 51(24) when granting provisional consent. These criteria include, but are not limited to:

- The suitability of the land for the purposes for which it is to be subdivided;
- The dimensions and shapes of the proposed lots;
- Whether the proposed consent is premature or in the public interest; and
- Whether the plan conforms to the Official Plan.

In consideration of the criteria in section 51(24), the land is within the existing built-up portion of the City that has been developed for residential purposes. The proposed lot width and area, although less than prescribed by the current zoning district, is consistent with, and a continuation of, the smaller lot fabric to the immediate south of the subject property. The proposed consent and accompanying minor variance applications will result in the creation of two infill lots in line with a more modern land use pattern. Infill development is encouraged in both provincial policy and by the City's Official Plan.

The subject lands are located within the settlement area, as defined by the Provincial Policy Statement, 2020 (PPS). The PPS directs growth and development to settlement

areas. Land use patterns in settlement areas shall be based on densities and a mix of land uses that efficiently use land and resources while being appropriate for, and efficiently use, infrastructure and public service facilities that are planned or available (Section 1.1.3.2). Further, Section 1.6.6.2 of the PPS states that “within settlement areas with existing municipal sewage systems and municipal water systems, intensification and redevelopment shall be promoted wherever feasible to optimize the use of services”.

The Growth Plan for the Greater Golden Horseshoe, 2020 (Growth Plan) states that the majority of growth forecasted to the horizon of the Plan is to be allocated to settlement areas that have a delineated built boundary, have existing or planned municipal water or wastewater services, and can support the achievement of a complete community (Section 2.2.1.2(a)). The subject property is within the City’s delineated built boundary and the application supports the achievement of a complete community by proposing residential infill in an area that has parks, schools, amenities and can be serviced by existing municipal infrastructure.

The subject property is designated ‘Residential’ on Schedule ‘B’ – Land Use to the Official Plan. The intent of the Residential designation is intended to accommodate a wide range of housing forms and other land uses that are supportive of a residential environment. Housing development can range from single-detached dwellings to high-rise apartment buildings. Low-rise residential uses shall generally be located within the interior of neighbourhoods on Local or Collector level roads, up to a maximum height of three storeys.

It is the opinion of staff that the application for consent satisfies the criteria under Section 51(24) of the **Planning Act**, is consistent with the policies of the PPS, and conforms with the policies of the Growth Plan and Official Plan.

To bring the proposed severed and retained lots into compliance with the zoning regulations, as well as support the proposed development of said lots, the applicant has applied for minor variances, as follows:

A18/24 – Retained Lands (Part 1)

The applicant is seeking the following relief from the Zoning By-law to facilitate the creation of the retained lands and the proposed development of the retained parcel resulting from application B05/24:

- a) Section 7.2(b) to reduce the minimum lot area from 370 square metres to 336.5 square metres;
- b) Section 7.2(c) to reduce the minimum lot width from 12 metres to 8.8 metres; and
- c) Section 4.8(1)(i) to increase the maximum driveway width at the street line for a single unit residential or townhouse lot with less than 9 metres of lot width from 3 metres to 5.4 metres.

A19/24 – Severed Lands (Part 2)

The applicant is seeking the following relief from the Zoning By-law to facilitate the creation of the severed lands and the proposed development of the severed parcel resulting from application B05/24:

- a) Section 7.2(b) to reduce the minimum lot area from 370 square metres to 336.5 square metres;
- b) Section 7.2(c) to reduce the minimum lot width from 12 metres to 8.8 metres; and
- c) Section 4.8(1)(i) to increase the maximum driveway width at the street line for a single unit residential or townhouse lot with less than 9 metres of lot width from 3 metres to 5.4 metres.

The concept site plan depicts the proposed boundaries of the retained and severed lands (shown as Parts 1 and 2, respectively) as well as proposed building envelopes and driveway access. Both lots will have driveway access from Western Avenue. To facilitate the creation of the new lot, the applicant is proposing to remove the existing dwelling and the existing accessory structures from the property. The applicant is seeking relief from the minimum lot area and minimum lot width to facilitate the creation of the lots. The requested variance to increase the driveway width would facilitate each lot to accommodate three parking spaces, which would allow for an additional residential unit to be established on each lot. Although the lot area and lot width proposed is less than what is required by the R.1 zoning district, the smaller lot fabric is present in this neighbourhood with two smaller lots to the immediate south of the subject property. 990 Western Avenue has a width of 8.76 metres and an area of 327 square metres. 986 Western Avenue has a width of 9.14 metres and an area of 341 square metres. It is the opinion of staff that the requested variances are minor in nature and represent a desirable and appropriate use of the land.

The subject property is designated 'Residential' on Schedule 'B' – Land Use to the Official Plan. The intent of the Residential designation is intended to accommodate a wide range of housing forms and other land uses that are supportive of a residential environment. Housing development can range from single-detached dwellings to high-rise apartment buildings. Low-rise residential uses shall generally be located within the interior of neighbourhoods on Local or Collector level roads, up to a maximum height of three storeys. It is the opinion of staff that the requested variances maintain the general intent and purpose of the Official Plan.

The R.1 zoning district permits single-detached residential dwellings. The intent of the minimum lot width and area regulations are to ensure that there is sufficient space on a lot for a functional building envelope while leaving an appropriate amount of private outdoor amenity space. The concept site plan illustrates where a potential building could be located on the severed and retained lands, reflective of a more modern building typology which is seen in newer developments across the City, while also meeting the maximum lot coverage requirements for building area and parking area. The maximum driveway width regulation is intended to ensure that lot frontages are not dominated by driveways and parking. The maximum driveway width regulation assigns different widths based on lot

width and the type of development. For lots containing single-detached dwellings, a lot with less than 9 metres of frontage is permitted to have a driveway up to 3 metres wide at the streetline and lots with a width of 9 metres or more are permitted 6 metres. The proposed severed and retained lots would have a width just under 9 metres, where the regulation changes. The proposed increase in driveway width at the streetline will result in over 3 meters of the frontage to be used for landscaping purposes. It is the opinion of staff that the requested variances maintain the general intent and purpose of the Zoning By-law

Agency Comment

The Otonabee Region Conservation Authority reviewed the applications and notes that the proposal is consistent with Section 3.1 (Natural Hazards) of the Provincial Policy Statement. The property is located outside of ORCA's regulated area, so a permit from the Authority is not required. The property is not located in a vulnerable area to which the Revised Trent Source Protection Plan applies, therefore a Restricted Land Use Notice is not required.

Peterborough Utilities Group Services Corp. has reviewed the applications and notes that the suitability of the water service sizing is the responsibility of the owner. Development and/or Frontage Charges are applicable.

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

The Public Works Division – Urban Forestry Section has reviewed the applications and noted that there is a City-owned tree located in the municipal road allowance adjacent to the subject property. The City does not support the removal of trees located within the municipal road allowance and City-owned trees must be protected from any above or below ground injury to roots, stem or canopy during construction in accordance with the City's Tree Protection Fencing Specifications.

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
- Planning, Development and Urban Design Division – Heritage Planning Section

Recommendation

B05/24

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

- i) Approval of Minor Variance applications A18/24 and A19/24 associated with the retained and severed lands;

- ii) Confirmation that the existing dwelling and associated accessory buildings and structures on the property have been demolished or otherwise removed through the appropriate permits from the Building Division to the satisfaction of the Chief Building Official;
- iii) Payment of a Tree Levy in the amount of \$320.43 for the severed lands;
- iv) Payment of a Parks Levy in an amount to be determined by the Parks Levy Review Committee;
- v) Prior to the registering the Reference Plan, the applicant shall, at their cost, submit for approval a draft Reference Plan to the Secretary-Treasurer, showing the proposed severed parcels. Upon registration of the approved Reference Plan, a digital copy of the registered Reference Plan, in PDF format, will be provided to the Secretary-Treasurer;
- vi) A closed polygon vector file of the Part boundaries shown on the Reference Plan is to be provided in Autodesk DWG NAD83 UTM CSRS CGVD28 projection Windows-readable format to the satisfaction of the City of Peterborough Geomatics Division. It is recommended that the applicant's Ontario Land Surveyor consult with the City of Peterborough's Geomatics Division to confirm acceptable standards and formatting. The Surveyor should contact the Secretary-Treasurer for instructions on how to submit this document;
- vii) That the applicant shall provide the Secretary-Treasurer with a draft of the Transfer/Deed of Land;
- viii) That if the above conditions are not satisfied within two years of the circulation of the Committee's decision that this consent will lapse.

A18/24

Staff recommends that the Committee of Adjustment **approve** the application for minor variance upon the submission of the Registered Transfer/Deed of Land related to File B05/24.

A19/24

Staff recommends that the Committee of Adjustment **approve** the application for minor variance upon the submission of the Registered Transfer/Deed of Land related to File B05/24.

7. File Number: A20/24, 113 Robinson Street
Applicant: Michael Adams and Megan Boyles
Owner: Michael Adams and Megan Boyles
Assigned Planner: Sarah Dilamarter

Background

The subject property is a land-locked parcel with legal access via an easement through 115 Robinson Street, located to the north. It is situated west of Rogers Street, and east of Mark Street. Currently, the property is developed with a two-storey single-family detached dwelling and a detached accessory garage. The property is zoned R.1, R.2 (Residential District 1, Residential District 2), and has been developed in accordance with the regulations of the R.1 zoning district. Additionally, the property is designated Residential on Schedule B – 'Land Use' in the City's Official Plan.

The applicant is seeking a minor variance from Section 7.2(e)(ii) the City's Zoning By-law to reduce the minimum building setback from the westerly rear lot line from 6 metres to 2.9 metres, and from 6.0 metres to 1.2 metres from the southerly rear lot line to facilitate the construction of a single-storey addition to the existing two-storey dwelling. The applicant is also proposing to demolish part of the existing dwelling in order to accommodate the addition.

As a land-locked parcel, the property consists only of rear lot lines, as defined by the City's Zoning By-law. A rear lot line is any lot line that isn't a street line or side lot line. Street lines separate a lot from a street, and side lot lines intersect a street line; this property has neither. The existing two-storey dwelling has a legal non-conforming setback of less than one metre to the westerly rear lot line, and approximately less than half a metre to the southerly rear lot line.

The purpose of the minimum rear lot line setback is to ensure adequate privacy between neighbouring properties and sufficient amenity space at the rear of the lot. As land-locked parcels are not a common occurrence within the City, there is no exception within the By-law to provide relief for such a unique circumstance. The policy effectively forces "adequate privacy" around the entirety of this parcel of land, which creates a significant constraint and inadvertently leaves the resultant parcel with only approximately 25 square metres of useable, buildable space for a compliant dwelling out of the approximately 421 square metres of land making up the parcel. Considering this, it is the opinion of staff that the proposed variance maintains the intent and purpose of the Zoning By-law.

The proposed single-storey addition is concentrated in an area where it is anticipated to have the least amount of impact on surrounding property owners, respect two of the existing five rear lot line minimum setbacks and remain within the permitted lot coverage parameters for both structures and parking (Schedule G). Staff have reviewed the concept plan submitted in support of the application and are of the opinion that the requested variance is minor in nature and represents a desirable and appropriate use of the land.

The 'Residential' designation accommodates a variety of housing forms and

complementary land uses that contribute to and reinforce a residential environment. When evaluating a development proposal within the Residential Designation, consideration for factors such as compatibility with existing developments, adequacy of municipal services, and the provision of a varied housing stock for the community is needed. The proposed minor variance application appears to meet the general intent and purpose of the Official Plan.

Agency Comment

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

The Planning, Development and Urban Design Division – Development Engineering Section has requested that the completion of an existing and proposed lot grading plan be required as a condition of approval.

The City's Heritage Preservation Office (HPO) has requested that the completion of a Stage 1-2 Archaeological Assessment be required as a condition of approval, as the subject lands are in an area flagged for high archaeological potential.

The Planning, Development and Urban Design Division – Urban Design Section has reviewed the application and notes that there are no site plans registered on the subject lands, and that it has no concerns with the proposal/variance request.

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

- Peterborough Utilities Group Services Corp.
- Public Works Division – Urban Forestry Section

Recommendation

Staff recommends that the Committee of Adjustment **approve** the application provided that construction proceed in accordance with the concept plan attached as Exhibit G, and conditional upon the following:

- i) The completion of an existing and proposed lot grading plan to the satisfaction of the Development Engineering Manager; and,
- ii) The completion of a Stage 1-2 Archaeological Assessment to the satisfaction of the Heritage Resources Program Manager.

8. File Number: A22/24, 367 Rogers Street
Applicant: Kent Randall, EcoVue Consulting Services
Owner: AREAST II Inc.
Assigned Planner: Christie Gilbertson

Background

This application is essentially a 'reapplication' for approval that was previously granted last fall by the Committee of Adjustment for the same property. At the time, this same proposal sought relief from the Zoning By-law to facilitate the construction of a 6-storey residential apartment building. The Staff report from September 19, 2023 for file A39/23 is attached to this report as **Exhibit H** for the Committee's reference. One of the conditions of the variance being granted was requiring that 367 Rogers Street and 125 Hunter Street East be consolidated.

Due to a change in the ownership structure of the campus of properties known as 'the Railyards', the applicant is seeking the same variance relief that was sought and approved by the Committee of Adjustment via application A39/23, to reflect the property being 367 Rogers Street only (and no longer consolidated with 125 Hunter Street East – as shown in Exhibit I). As such, the applicant is seeking relief from the following sections of the Zoning By-law to facilitate the construction of a new 51-unit 6-storey residential building forming the third and final phase of the 'Railyards' development:

- a) Section 217.3(a) to reduce the minimum lot area per dwelling unit from 175 square metres per dwelling unit to 80 square metres per dwelling unit;
- b) Section 217.3(c) to reduce the minimum building setback from a side lot line from 6.2 metres to 5.9 metres from the west side lot line;
- c) Section 217.3(d) to increase the maximum building height from 3 storeys to 6 storeys;
- d) Section 4.3.2(c) to decrease the distance between a motor vehicle parking space or driveway to a window of a habitable room in an apartment or group dwelling from 6 metres to 1.9 metres;
- e) Section 4.3.1(b)(i) to reduce the minimum aisle width of a parking space with an angle of 76-90 degrees from 6.4 metres to 6 metres;
- f) Section 4.3.(b)(i) to reduce the minimum parking space length from 5.7 metres to 5.5 metres;
- g) Section 4.4.1 (a)(iii) to reduce the length of a parking space serving a disabled person from 5.7 metres to 5.5 metres; and

- h) Section 4.4.1 (b) to reduce the minimum aisle width of a parking space serving a disabled person with an angle of 76-90 degree parking from 6.4 metres to 6 metres.

In addition to these variances, two additional variances are now required due to the property being only 367 Rogers Street and not a consolidated 125 Hunter Street East and 367 Rogers Street:

- i) Section 4.3.2 (b) to reduce the setback of five (5) or more motor vehicle parking spaces from 1.5 metres to the lot line between 367 Rogers Street and 125 Hunter Street East to 0 metres; and
- j) Section 4.10 to permit up to 31 of the total minimum parking spaces required in the SP.187 for the lands known as 367 Roger Street be provided and maintained on the lands known as 125 Hunter Street East.

The subject property is located adjacent to the Rotary Trail, west of the intersection of Robinson Street and Rogers Street in East City. The property has three access points – one from Rogers Street, one from Robinson Street and one from Hunter Street East which is a restricted right-in, right-out driveway. The proposed building forms the third and final phase of the 'Railyards' development. Phase 1 of the development, located at 127 Hunter Street East, is nearing completion and consists of a 6-storey mixed use building. The Phase 2 building, located at 109 Hunter Street East, includes a 5-storey mixed-use building that is currently under construction. The current application is to facilitate the approval of Phase 3 which is currently proposing a 6-storey residential apartment building with frontage onto Robinson Street. The properties, including 109 Hunter Street East, 127 Hunter Street East, 125 Hunter Street East and 367 Rogers Street have blanket easements noting parking, vehicular and pedestrian access as well as shared services. As 125 Hunter Street East was created by Consent, an application for a cancellation of this consent will be required to facilitate the consolidation of the lands.

With respect to the variances being sought a) through h) above, staff concur that the requests are identical in nature to the requests previously sought by the applicant, save for the adjustment to the lot area per unit being reduced to reflect the lot area being comprised of 367 Rogers Street only. Conclusions regarding these requests still align with what was reviewed at the time of the original application.

With respect to the two new requests (i) and (j) that have resulted from the reduced lot configuration, staff are of the opinion that the relief being sought is appropriate and minor in nature as it reflects the original goals set out for the properties to be treated as one campus. Staff are satisfied with the request for parking to be provided 'off site' noting that it will be contained within the same Site Plan area that deals with all phases of development.

The reapplication continues to maintain the intent of the Official Plan and Zoning By-law, is minor in nature and continues to represent desirable development as reflected in previous Committee of Adjustment decisions and on-going development application review.

Staff note that the original decision of the Committee of Adjustment included a proviso that the construction proceed substantially in accordance with the Concept Plan and elevations attached as Exhibit D to the staff report dated September 19, 2023, including step backs and terracing, to the satisfaction of the Urban Design Supervisor, and conditional upon the following conditions:

- i) That the Site Plan Agreement include a provision to establish an enhanced landscape buffer along the east lot line abutting the adjacent residential dwellings, incorporating plant material, along with the preservation of boundary trees where appropriate, to the satisfaction of the Urban Design Supervisor;
- ii) Consolidation of the properties known municipally as 367 Rogers Street and 125 Hunter Street East.
- iii) That the Site Plan Agreement include a provision requiring that all ground floor units have air conditioning.

Staff recommend that the same conditions hold for this current request, save for the request for consolidation of 367 Rogers Street with 125 Hunter Street East to align with the change in ownership structure at the subject lands.

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. Based on the information provided, the development does not appear to create new or aggravate existing hazards. The property is located outside of ORCA's regulated area, therefore a permit from the Authority is not required. The subject property is located in a vulnerable area however significant drinking water threats are not possible, and a Restricted Land Use Notice is not required.

The Planning, Development and Urban Design Division – Urban Design Section has reviewed the application and notes that it has no concerns with the Minor Variance Application and that the proposed development is currently undergoing Site Plan Approval (SPC 948C).

The Public Works Division – Urban Forestry Section has reviewed the application and has noted that the City regulates the removal of trees through the Tree Removal Bylaw (21-074). Any proposed tree removal in advance of site plan approval requires the issuance of a permit under the 21-074 Tree By-law.

The Planning, Development and Urban Design Division – Heritage Planning Section has reviewed the application and has noted there is no Archeological assessment required and there are no built heritage concerns.

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
- Peterborough Utilities Group Services Corp.

Recommendation

Staff recommend that the Committee of Adjustment approve the application provided that the construction proceed substantially in accordance with the Concept Plan and elevations originally considered by the Committee at the September 19, 2023 hearing, including the step backs and terracing to the satisfaction of the Urban Design Supervisor, and conditional upon the following:

- i) That the Site Plan Agreement include a provision to establish an enhanced landscape buffer along the east lot line abutting the adjacent residential dwellings, incorporating plant material, along with the preservation of boundary trees where appropriate, to the satisfaction of the Urban Design Supervisor; and
- ii) That the Site Plan Agreement include a provision requiring that all ground floor units have air conditioning.

Prepared By:

Christie Gilbertson, RPP, MCIP
Land Use Planner
Planning, Development and Urban Design Division
Infrastructure, Planning and Growth Management

Nolan Drumm, RPP, MCIP, PLE
Land Use 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

Proposed Severance Site Plan prepared by M.J. Davenport & Associates Limited, dated April 2024.

Exhibit B

Draft Reference Plan prepared by Elliott and Parr (Peterborough), dated January 16, 2023.

Exhibit C

Site Plan A1.0, prepared by Aside Architects Inc., dated May 17, 2024.

Detail Site Plan A1.01, prepared by Aside Architects Inc., dated May 17, 2024.

Exhibit D

Architectural Drawings, Building Rendering, and Site Plan, prepared by Cormor, dated May 28, 2024.

Exhibit E

Architectural Drawings and Site Plan, prepared by Kingsdale 5754 Architectural Design, dated February 19, 2024.

Exhibit F

Site Plan, prepared by Molly Conlin Design and Drafting, dated May 2024.

Exhibit G

Site Plan, prepared by owner, received on March 24, 2024.

Property Statistics Table, prepared by owner, received on March 24, 2024.

Exhibit H

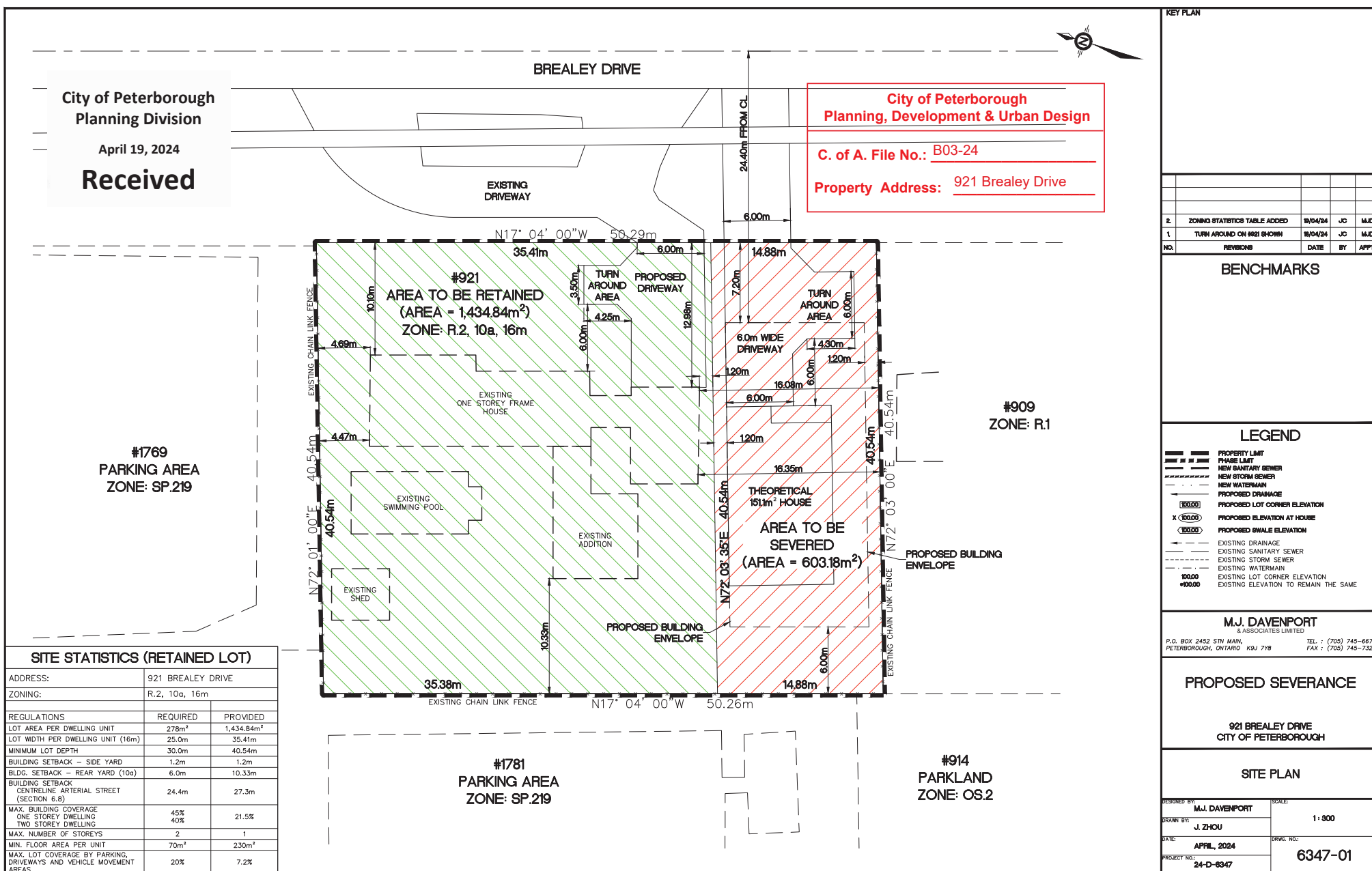
Excerpt from the September 19, 2023 Staff Report for application no. A39/23, 367 Rogers Street.

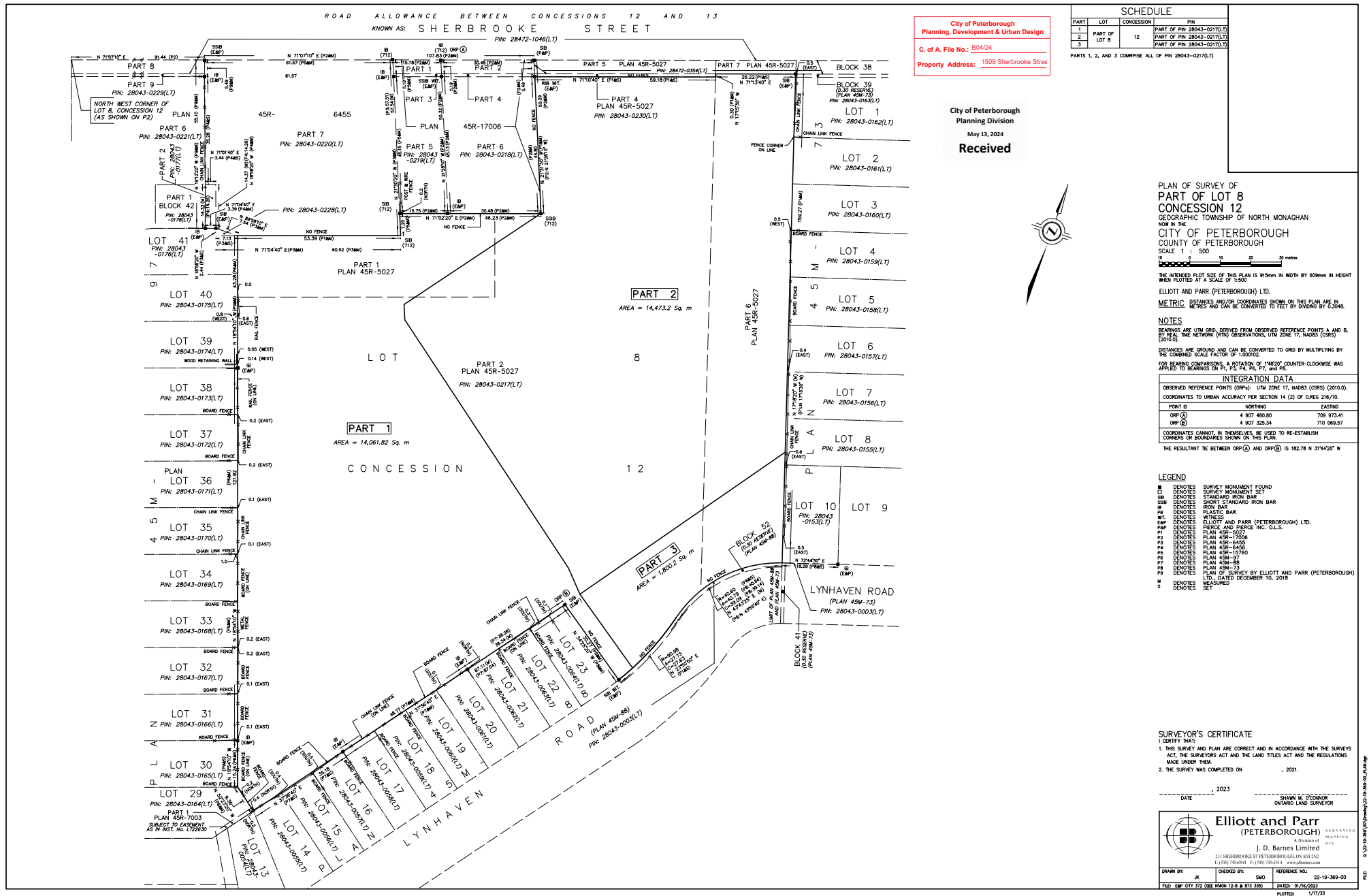
Exhibit I

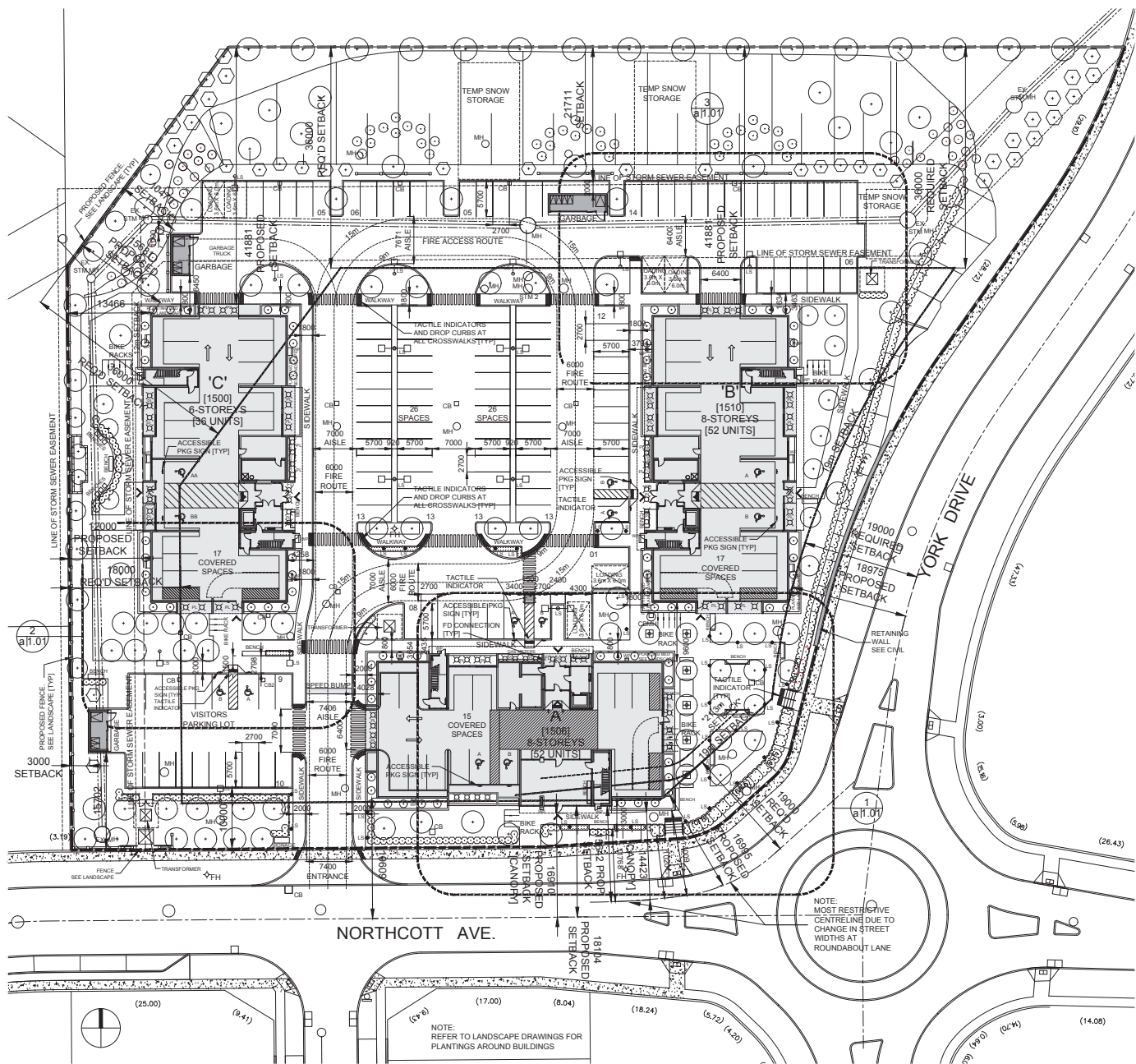
Overall Site Plan, Site Statistics – Phase 3 Development. Prepared by Unity. Dated May 15, 2024

Site Plan – Phase 3 Development. Prepared by Unity. Dated May 15, 2024.

Site Plan – Property Boundaries and Easements – Phase 3 Development. Prepared by Unity. Dated May 15, 2024.







ZONING SUMMARY

SPECIAL DISTRICT 365 (SP-365)
(BLOCK 365, 147-14902 L.L.V. ESTATES)
PART LOT 11, CONCESSION 1, FORMER GEOGRAPHIC TOWNSHIP OF SMITH

MUNICIPAL FILE NUMBER: PC22-0017

MINIMUM LOT AREA: 135m² / DWELLING UNIT OR 87m² / SUITE
MAXIMUM LOT AREA: 165m² / DWELLING UNIT OR 82m² / SUITE
MIN. FLOOR AREA / DWELLING: 56m²

1 LOT AREA / UNITS = 17,423/40 = 124.5m²
PROPOSED MINIMUM LOT AREA: 124.5m² / DWELLING UNIT
PROPOSED MIN. UNIT SIZE FLOOR AREA: 56m²
PROPOSED MAX. UNIT SIZE FLOOR AREA: 148m²

SITE STATISTICS:
LOT AREA: 17,423.7m²

REQUIRED SETBACKS
SIDE LOT LINE: THE GREATER OF 6m OR 3m / STOREY (2ND STOREY = 15m)
REAR LOT LINE: THE GREATER OF 2m OR 6m STOREY (6TH STOREY = 30m)
CENTRELINE OF STREET: 15m (14m TO CANOPY)
CENTRELINE OF CONNECTION OF YORK DRIVE & NORTHCOTT AVE: 21.3m *

2 **PROPOSED SETBACKS**
SIDE LOT LINE (WEST @ BLDG C): 12m (2m / STOREY)
REAR LOT LINE (S BLDG C): 15m (2.5m / STOREY)
CENTRELINE OF STREET: 15m (14m TO CANOPY)
(BASED ON MOST RESTRICTIVE LINE OF ROUNDABOUT LANE CONNECTING YORK DR. TO NORTHCOTT AVE.)

3 **BUILDING HEIGHT**
PERMITTED: MAXIMUM OF 6 STOREYS
PROPOSED: 8 STOREYS (20.5m TOP OF 8TH STOREY PARAPET)
(32.0m TO TOP OF ELEVATOR CORE)

NOTE:
BUILDINGS OVER 3 STOREYS ARE SPRINKLERED

LOT COVERAGE
MAXIMUM BUILDING COVERAGE: 40%
MAXIMUM VEHICULAR COVERAGE: 35%

PROPOSED
BLDG AREA (3 BLDGS): 3390.0m² [1130m² x 3 BLDGS]
ACCESSORY BLDGS (GARAGE): 79.6m²
TOTAL BLDG COVERAGE: 3469.6m² [15.9%]
VEHICULAR AREAS: 4987.2m² [28.6%]
LANDSCAPED AREA: 9965.9m² [57.5%]

4 **REQUIRED PARKING (140 UNITS)**
PARKING SPACES REQUIRED: 245 (1.75 UNIT)
TOTAL PROVIDED: 177 (1.26 UNIT)
BARRIER FREE SPACES PROVIDED: 2 (2 INCL. IN 177 TOTAL)
NOTE: AS PER PRE-CONSULTATION NOTE FILE PC22-0017, THE INTEGRATED ACCESSIBILITY STANDARDS REGULATION REQUIRES 7 BARRIER FREE SPACES BASED ON 175 PARKING SPACES

PARKING TYPES:
48 SPACES IN GROUND FLR GARAGES
128 EXTERIOR SPACES
177 TOTAL SPACES

REQUIRED LOADING SPACES
(A) SIZE = 3.6m X 12m, (B) SIZE = 3.6m X 6m
9 - 30 UNITS = 1 'B' SIZE
31 - 100 UNITS = 2 'B' SIZE
6 - TYPE 'B' LOADING SPACES REQUIRED (BLDG C)
6 - TYPE 'B' LOADING SPACES PROVIDED (BLDG C)

UNITS
1BR: 13
2BR: 103
2BR + DEN: 12
3BR: 12

TOTAL: 140
15% BARRIER FREE PROVIDED [22] (8 - 8 STOREY BLDG, 6 - 6 STOREY BLDG)

MINOR VARIANCE

	PERMITTED	PROPOSED
1 MINIMUM LOT AREA / DWELLING UNIT	135m ²	124m ²
2 SIDE (WEST) YARD SETBACK (BLDG C):	15m	12m
REAR YARD SETBACK (BLDG C):	35m	15m
ROAD CENTRELINE SETBACK:	15m	15m (BLDG A) 14m (TO CANOPY) 10m (STAR GUARD) *
* YORK & NORTHCOTT CONNECTION: 21.3m		

(PROPOSED CENTRELINE SETBACK BASED ON MOST RESTRICTIVE LINE OF ROUNDABOUT LANE CONNECTING YORK DRIVE TO NORTHCOTT AVE.)

3 BUILDING HEIGHT: 6 STOREYS 8 STOREYS (BLDG A&B)

ALLOWABLE BUILDING HEIGHT TO INCLUDE ROOFTOP STAIR/ELEVATOR CORE (32m)

4 PARKING: 245 SPACES (1.75 UNIT) 177 SPACES (1.26 UNIT)
ACCESSIBLE PARKING: 2 (6.57m FROM PKG CURB TO 2ND FL. WINDOW SILL) 12 SPACES (6'-6" / 6'-9")

NOTE:
GARBAGE, RECYCLING AND SOURCE SEPARATED ORGANICS PICKUP TO BE DONE WEEKLY BY A PRIVATE CONTRACTOR
SNOW TO BE REMOVED FROM THE SITE BY A PRIVATE CONTRACTOR

OWNER INFORMATION
TREND ONTARIO INC.
DIETRICH HOMES
55 YORK DRIVE, PETERBOROUGH, K9H 7R4
705-755-6108

SITE PLAN APPLICANT
ONE COMMUNITY PLANNING INC.
PO BOX 50006
RPO LANDOWNER, PETERBOROUGH, K9J 8R1

asie architects inc.
148 Hunter Street W., #201
Peterborough, ON, K9H 2K8
1.705.812.2451

All drawings are the property of the designer / client and may not be reproduced without permission. The contractor shall check and verify all dimensions on site and report all errors, omissions, or discrepancies to the architect. This drawing is not to be scaled.

RESIDENTIAL DEVELOPMENT
1500-1510 Northcott Ave.
Peterborough, ON

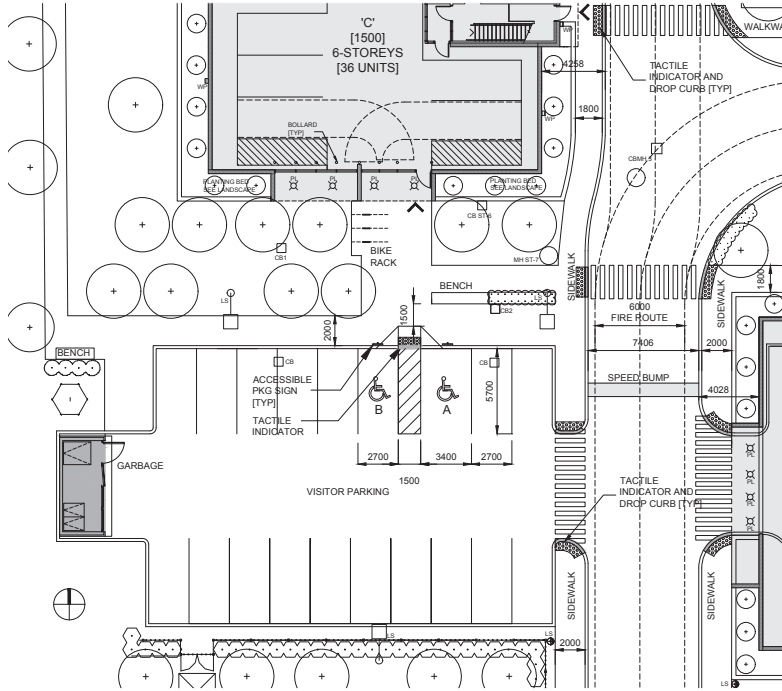
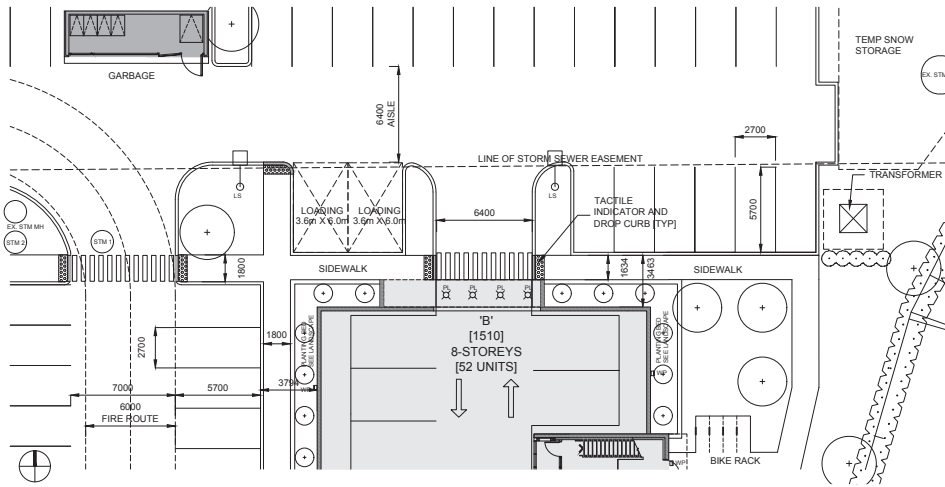
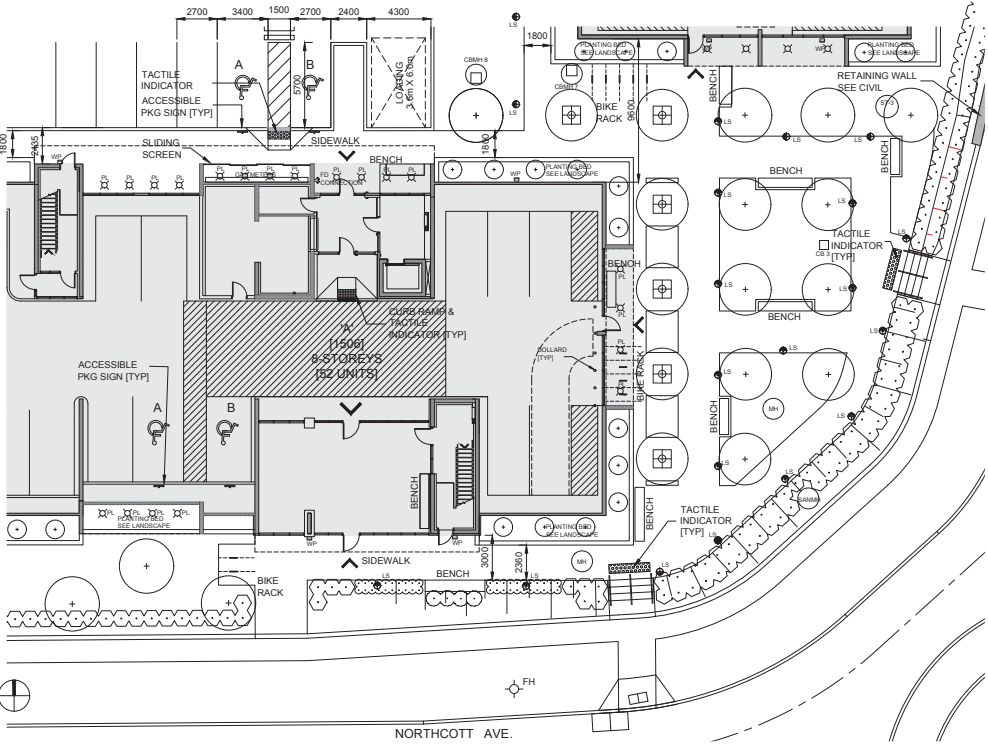
1. 01/15/24 - SUBMITTED
2. 01/15/24 - REVISED
3. 02/18/24 - REVISED
4. 02/28/24 - FINAL
5. 02/28/24 - FINAL COMMENTS
6. 05/17/24 - TAR #2 SUBMIT

1	2	3	4	5	6	7	8	9	10

SCALE: 1:300

SITE PLAN

a 1.0



aside architects inc.
148 Hunter Street W. #201
Peterborough, ON, K9H2K8
1.705.812.2451

All drawings are the property of the designer / client and may not be reproduced without permission. The contractor shall check and verify all dimensions on site and report all errors, omissions, or discrepancies to the architect. This drawing is not to be scaled.



RESIDENTIAL DEVELOPMENT	
1500-1510 Northcott Ave. Peterborough, ON	
1	02/14/2018
2	01/18/2018
3	02/13/2018
4	02/22/2018
5	02/26/2018
6	05/17/2018
7	
8	
9	
10	
11	
SCALE 1:150	
DETAIL SITE PLAN	

City of Peterborough
Planning, Development & Urban Design

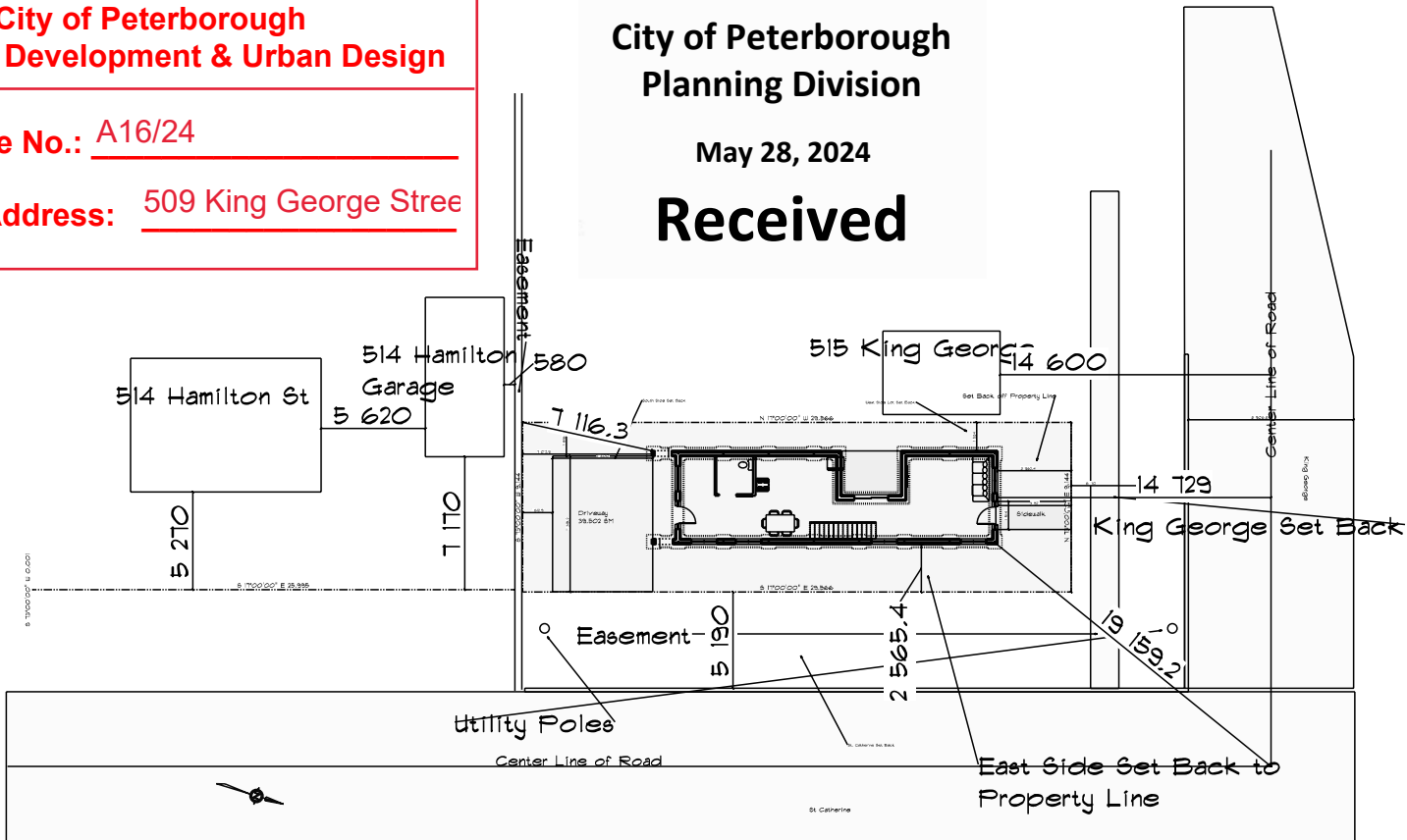
C. of A. File No.: A16/24

Property Address: 509 King George Stree

City of Peterborough
Planning Division

May 28, 2024

Received



MAIN FLOOR

SCALE: 1:400

Descripti	m2	Lot Coverage
Lot Size	270.34	100.00%
House	80	29.60%
Porch	8.09	3.00%
Driveway	39.502	14.60%
Sidewalk	5.936	5.94%



City of Peterborough
Planning, Development & Urban Design

C. of A. File No.: A16/24

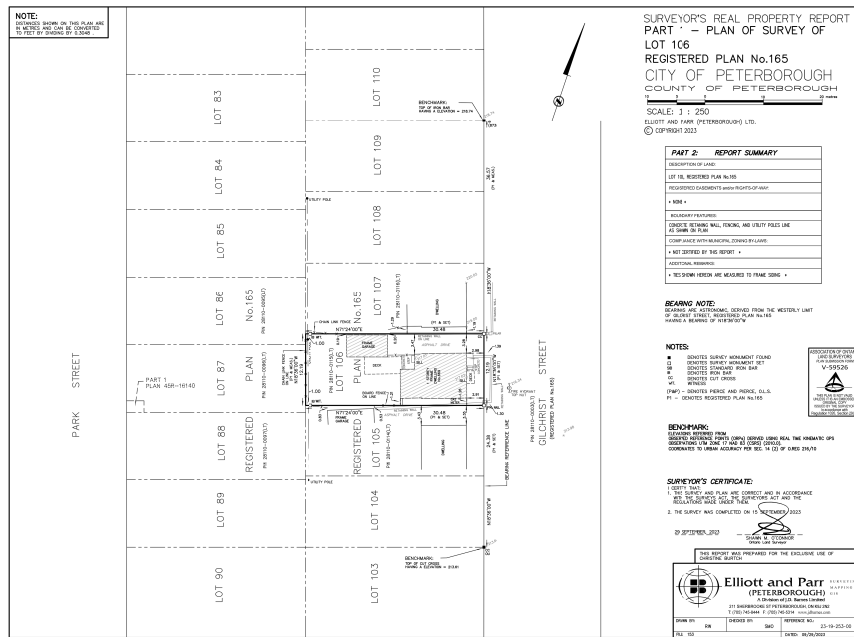
Property Address: 509 King George Stree

City of Peterborough
Planning Division

May 28, 2024

Received

509 King Street P: 705.775.1000 FAX: 705.775.1001 MOBILE: 705.775.1002				<small>City of Peterborough 100 King Street West, 3rd Floor Peterborough, Ontario K7A 1H9 Phone: 705.775.1000 Fax: 705.775.1001 Mobile: 705.775.1002</small>		SCALE: As Noted DRAWN BY: Duane Corcoran DATE: Tuesday, May 28, 2024		APPROVED: _____ CHECKED BY: _____	PAGE: 12 / 12 Front Elevation
---	--	--	--	--	--	--	--	--------------------------------------	----------------------------------



PROJECT INFORMATION:

SITE ADDRESS: 669 GILCHRIST ST.
PETERBOROUGH, ON
K9H 4P4

OWNER: KAI EICH & DAN BJURTO

SCOPE OF WORK:

1. DEMOLISH EXISTING ROOF & REPLACE WITH TRUSS ROOF
2. INTERIOR RENOVATIONS per PLANS



KEY MAP

ZONING ANALYSIS - PETERBOROUGH					
Tag #	BYLAW REQUIREMENT	REGULATION	EXISTING	PROPOSED	
21	ZONE	R1	R1	R1	
22	MINIMUM BUILDING SIDE SETBACK	1.2m	1.21 m (SOUTH)	1.21 m (SOUTH)	
23	MINIMUM BUILDING SIDE SETBACK	1.2m	1.26 m (NORTH)	3.26 m (NORTH)	
24	MINIMUM BUILDING REAR SETBACK	7.6m	16.24 m	16.24 m	
25	MINIMUM BUILDING STREET SETBACK	LOCAL STEETS = 6 m FROM STREET LINE LOCAL = SAME STREET LINE DISTANCE AS ADJOINING LOT	2.91 m	2.91 m	
26	MAXIMUM BUILDING COVERAGE	40% (2 STOREY)	27.39 %	29.94 %	

Project Lot Area		
Lot Area	Allowable Lot Coverage 45%	Allowable Lot Coverage m2
3999.16 ft ²	1599.67 ft ²	148.61 m ²

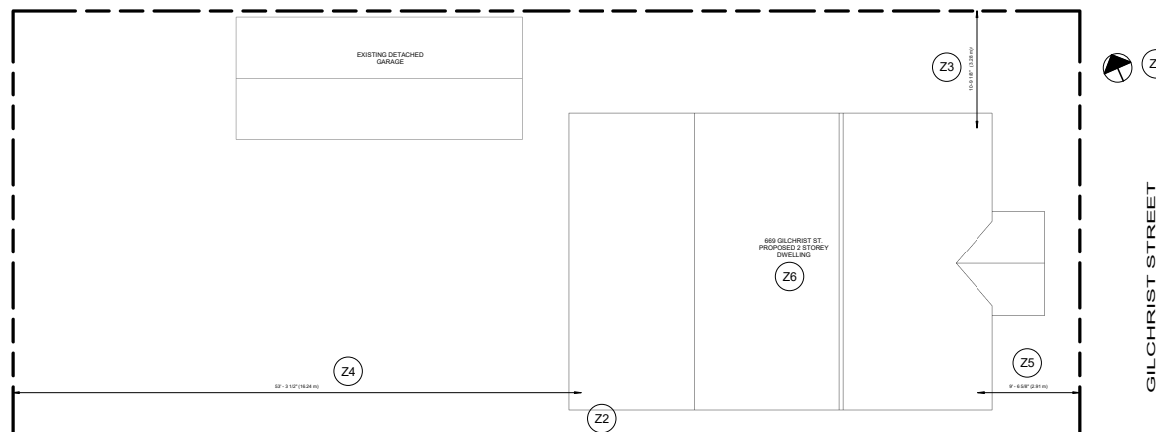
Existing Lot Coverage			
Name	Area	Area m2	Lot Area Coverage
Existing Dwelling Building Area	864.27 ft²	80.29 m²	21.61%
Existing Detached Garage Building Area	231.07 ft²	21.47 m²	5.78%
TOTAL EXISTING LOT COVERAGE	1095.34 ft²	101.76 m²	27.39%

Proposed Lot Coverage			
Name	Area	Area m2	Lot Area Coverage
Existing Detached Garage Building Area	231.07 ft²	21.47 m²	5.78%
Proposed Building Area	930.20 ft²	86.42 m²	23.26%
TOTAL PROPOSED LOT COVERAGE	1161.27 ft²	107.89 m²	29.04%

SITE PLAN NOTES

- ALL MEASUREMENTS ON SITE PLAN TO BE COVERED AND APPROVED BY AUTHORITIES HAVING JURISDICTION BEFORE STARTING CONSTRUCTION
- THE OWNER AND/OR BUILDER/CONTRACTOR SHALL BE RESPONSIBLE FOR THE CORRECT SITING OF THIS BUILDING OR ADDITION ON THE PROPERTY. THE DESIGNER ASSUMES NO LIABILITY FOR PLACEMENT OF BUILDING OR ADDITION ON THE PROPERTY.
- ALL SITE PLAN INFORMATION TAKEN FROM PROPERTY SURVEY OR OTHER SOURCE AS NOTED ON SITE PLAN.
- OWNER TO SUPPLY SURVEY PROVIDED FROM AN ONTARIO LAND SURVEYOR. THE SURVEY SHALL INCLUDE GRADE ELEVATIONS, LEG DESCRIPTION, NORTH DIRECTION, STREET NAME AND LOCATIONS OF SERVICES, EASEMENTS AND RIGHTS OF WAY.

Sheet List	
Sheet Number	Sheet Name
A0-SP	COVER PAGE & SITE PLAN
A1	FOUNDATION & MAIN FLOOR PLAN
A1.2	ATTIC & ROOF PLAN
A2	BUILDING ELEVATIONS
A3	POOLING SECTIONS



1	PROPOSED SITE PLAN (PETERBOROUGH GIS)
A0-SP	3/16" = 1'-0"

<p align="center">City of Peterborough Planning, Development & Urban Design</p>	
C. of A. File No.:	<u>A17/24</u>
Property Address:	<u>669 Gilchrist Street</u>

City of Peterborough
Planning Division
May 15, 2024
Received

REVISION SCHEDULE

[illegible]

Burtch

669 Gilchrist St

Renovation

Project #
2024-BUR

Date Issued: February 19, 2024

COVER PAGE & SITE PLAN

A0-SP

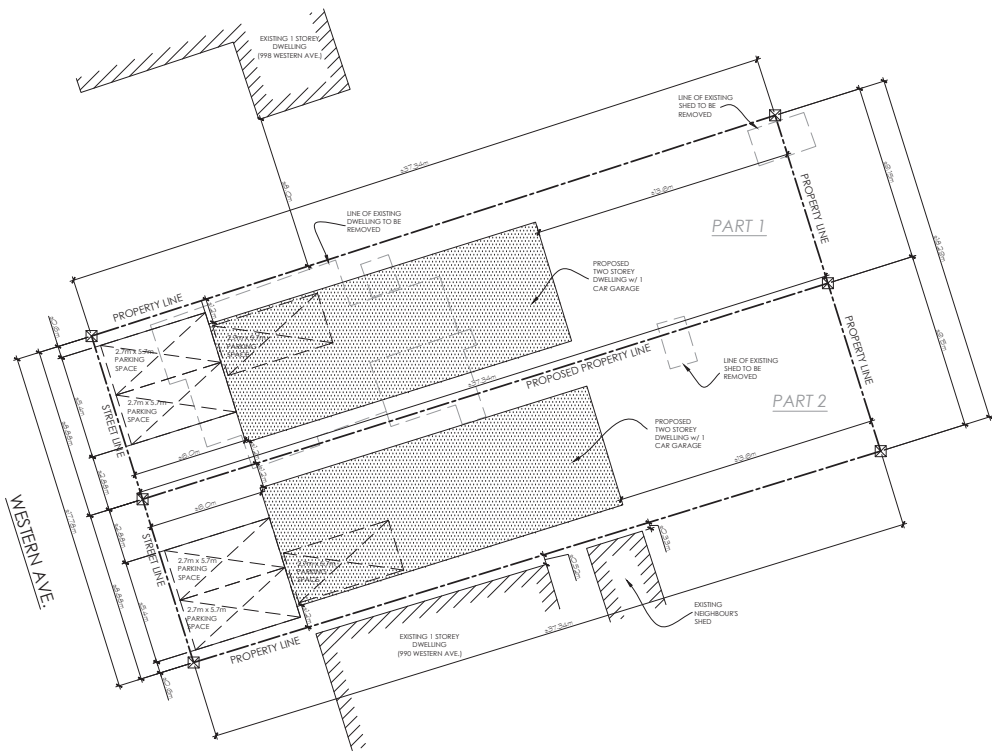
Scale	As indicated
-------	--------------

LOT COVERAGE (PART 1):

LOT AREA	= 3622.1 ft ² (336.5m ²)
PROPOSED DWELLING SQUARE FOOTAGE	= 1402.5 ft ² (130.3m ²) = 38.7 %
PROPOSED PARKING COVERAGE	= 341.5 ft ² (31.7 m ²) = 9.4%

LOT COVERAGE (PART 2):

LOT AREA	= 3622.2 ft ² (336.5m ²)
PROPOSED DWELLING SQUARE FOOTAGE	= 1402.5 ft ² (130.3m ²) = 38.7 %
PROPOSED PARKING COVERAGE	= 341.5 ft ² (31.7 m ²) = 9.4%



SITE PLAN
SCALE: 1"=10'-0"

LEGEND

- PROPERTY LINE
- PROPOSED DWELLING
- LINE OF EXISTING DWELLING TO BE REMOVED

ALL CONSTRUCTION METHODS AS PER PART 9 OF THE O.B.C.

ALL TRADES TO HAVE MIN. FIVE YEARS EXPERIENCE IN THEIR RESPECTIVE DISCIPLINES.

ANY DEVIATION FROM THESE PLANS DURING THE BUILDING PROCESS MUST BE REPORTED TO THIS OFFICE TO ENSURE COMPLIANCE WITH THE ONTARIO BUILDING CODE, LATEST EDITION. FAILURE TO DO SO ABSOLVES THIS FIRM FROM RESPONSIBILITY AND LIABILITY. DRAWINGS ARE NOT TO BE SCALED.

ALL DIMENSIONS ARE TO BE CONFIRMED BY CONTRACTOR PRIOR TO ORDERING MATERIALS. ALL DISCREPANCIES ARE TO BE REPORTED TO DESIGNER.

DRAWINGS ARE NOT TO BE COPIED OR REPRODUCED WITHOUT PERMISSION OF MOLLY CONLIN DESIGN & DRAFTING.

Drawings For:
994 WESTERN AVE.
PETERBOROUGH

Notes / Revisions:

Project:
PROPOSED LOT SEVERENCE

Title:
SITE PLAN

MOLLY CONLIN
design & drafting

FIRM BCIN#: 109402
319 County Rd. 8
Douro, ON K0L 2H0
705-313-5510

SIGNATURE: *Molly Conlin*

Designed By:
M. CONLIN

Date:
MAY, 2024

Scale:
1/4" = 1'-0"

Page:
S1



**City of Peterborough
Planning Division**

March 24, 2024

Received

Item	Size in Square M	coverage in %
Full property	420.85	100
Existing house	71.58	17
Portion of House to remain	60.43	14
New addition	57.08	13.5
Parking space 1	15.39	0.04
Parking Space 2	15.39	0.04
Gravel driveway including parking spaces	73.45	17
Garage	48.31	11
Final home dimensions including addition	117.51	28

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

C. of A. File No.: A20/24

Property Address: 113 Robinson Street

- iii) That the applicant provides the Secretary-Treasurer with a draft of the Transfers/Deeds of Land;
- iv) The completion of a lot grading and drainage plan to the satisfaction of the Development Engineering Manager; and
- v) If the above conditions are not satisfied within two years of the circulation of the Committee's Decision that the consents will lapse.

4. **File Number: A39/23, 367 Rogers Street**
Applicant: Michael Gallant, Lett Architects Inc.
Owner: AREAST II Inc.
Assigned Planner: Christie Gilbertson

Background

The subject property is located adjacent to the Rotary Trail, west of the intersection of Robinson Street and Rogers Street in East City. The property has three access points – one from Rogers Street, one from Robinson Street and one from Hunter Street East which is a restricted right-in, right-out driveway. The proposed building forms the third and final phase of the 'Railyards' development. Phase 1 of the development, located at 127 Hunter Street East, is nearing completion and consists of a 6-storey mixed use building. The Phase 2 building, located at 109 Hunter Street East, includes a 5-storey mixed-use building that is currently under construction. The current application is to facilitate the approval of Phase 3 which is currently proposing a 6-storey residential apartment building with frontage onto Robinson Street. The properties, including 109 Hunter Street East, 127 Hunter Street East, 125 Hunter Street East and 367 Rogers Street are obligated through the existing site plan agreement to secure easements to permit shared parking, vehicular and pedestrian access as well as shared services. It is anticipated that the parcels known as 125 Hunter Street East and 367 Robinson Street will be consolidated to facilitate Phase 3 of the development. As 125 Hunter St E was created by Consent, an application for a Cancellation of this consent will be required to facilitate the consolidation of the lands.

The property, located at 367 Rogers Street, is zoned SP.187 – Residential District and is designated Downtown Neighbourhood Designation on Schedule C – 'Central Area Plan' of the Official Plan. The lands are currently vacant and are serving as a construction staging area for the ongoing development of the earlier phases. The campus of properties comprising the subject property along with 125 Hunter Street East, 127 Hunter Street East and 109 Hunter Street East were rezoned in 2020. At the time, four buildings were contemplated – two fronting Hunter Street East, one central within the block and one facing Robinson Street (Exhibit E).

Since the rezoning, the owner has shifted direction for the southern portion of the campus. The change has been driven by feedback from new residents that was gained through the leasing of the now completed building as well as an adaptation to changing market and construction conditions. Rather than constructing two previously contemplated three-storey

buildings, the owner is seeking approval to construct one six-storey building.

The applicant is seeking relief from the following sections of the Zoning By-law to facilitate the construction of a new 51 unit six-storey residential building forming the third and final phase of the 'Railyards' development:

- a) Section 217.3(a) to reduce the minimum lot area per dwelling unit from 175 square metres per dwelling unit to 143 square metres per dwelling unit;
- b) Section 217.3(c) to reduce the minimum building setback from a side lot line from 6.2 metres to 5.9 metres from the west side lot line;
- c) Section 217.3(d) to increase the maximum building height from three storeys to six storeys;
- d) Section 4.3.2(c) to decrease the distance between a motor vehicle parking space or driveway to a window of a habitable room in an apartment or group dwelling from 6 metres to 1.9 metres;
- e) Section 4.3.1(b)(i) to reduce the minimum aisle width of a parking space with an angle of 76-90 degrees from 6.4 metres to 6 metres; and
- f) Section 4.3.(b)(i) to reduce the minimum parking space length from 5.7 metres to 5.5 metres.

A conceptual Site Plan, Building Elevations, Angular Plane Analysis, Daylight Analysis and Design Brief were included with the request by the Applicant. The Conceptual Site Plan and Elevations are attached to this report as Exhibit D.

Upon review of the concept plan along with the initial request from the applicant to reduce the parking stall length and aisle width in general, Planning Staff note that it appears to be the intention that the parking stall length and aisle width relief extend to the accessible parking spaces.

Planning staff are satisfied that the drive aisle and landscape open space strip along the eastern edge of the property functions as discussed through pre-consultation with the applicant. The following are additional variances, clarifying that the reduction also extends to the accessible parking spaces:

- g) Section 4.4.1 (a)(iii) to reduce the length of a parking space serving a disabled person from 5.7 metres to 5.5 metres and
- h) Section 4.4.1 (b) to reduce the minimum aisle width of a parking space serving a disabled person with an angle of 76-90 degree parking from 6.4 metres to 6 metres.

The Downtown Neighbourhood Designation is a designation within the Central Area Plan as outlined in the Official Plan. Permitted uses include low and mid-rise residential units,

home occupations, neighbourhood supportive uses, artisan studios, galleries, small scale office uses and places of worship. Within the Downtown Neighbourhood Designation, the maximum building height shall be up to six storeys, subject to policies contained within the Plan.

Section 4.3.5.f of the Official Plan indicates that where development in the Downtown Neighbourhood Designation abuts a low-rise residential use – the City shall ensure an appropriate transition between built forms and uses, shall moderate the height of new development through the application of a 45-degree angular plane, setbacks, step backs and/or landscape buffering.

In the consideration of this proposal, being a 6-storey mid-rise residential building, direction from the Official Plan was considered throughout discussions with the applicant, Land Use Planner and Urban Design Supervisor. In turn, the applicant has implemented many of the outlined tools to moderate the mid-rise height of the proposed building. The following were considered in the proposed design of the site and building to satisfy the policy direction offered by the Official Plan:

- The building is located in such a way that it frames the entrance to the Rotary Trail from Robinson Street. This is aesthetically desirable and will also enhance the public safety by providing clear site lines;
- Building setbacks, stepbacks and terracing have been incorporated into the proposed built form;
- The applicant is requesting that the aisle width and parking stall length be reduced to the Area 1 parking configuration requirements. This was requested by staff to accommodate an enhanced landscape buffer that will balance the need for preservation of adjacent boundary trees as well as the establishment of new tree canopy. The details of the proposed plantings and tree preservation will be reviewed through the Site Plan application.
- The building satisfies the 45-degree angular plane from the street as well as the neighbouring properties on Robinson Street. The review of the angular plane analysis as it related to the adjacent residential property at 130 Robinson Street took into consideration the topography of Robinson Street. Robinson Street has a moderate incline from west to east which further reduces the impact of the proposed building height on the adjacent residential property; and
- The exterior design details of the building will include articulation of the ground floor which will complement the existing built form of the existing neighbourhood.

The City's Urban Design staff have reviewed the application through the lens of the City's Official Plan as well as the new Central Area Urban Design Guidelines (CAUDG). Both policy documents speak to 'Compatible Development' as the starting point when considering new development. The Official Plan defines compatible development as development that is not the same as, or even similar to, existing development in the vicinity. Compatible development is development that enhances the character of the surrounding community without causing any undue adverse impacts on adjacent properties including, but not limited to, consideration of Provincial guidelines relating to

Land Use Compatibility and Environmental Noise.

Staff are satisfied that this development will enhance the established community and is compatible with the neighbourhood. This development will help frame the street wall, enhance the pedestrian experience on the adjacent trail and will contribute to the City's housing supply. The characteristics that define the proposed development, as noted above, appear to be a positive change to the neighbourhood and will ensure compatibility of the built form through the implementation of building setbacks, stepbacks, terracing, implementation of the angular plan, enhanced landscape buffer, and exterior ground floor articulations.

The CAUDG also speaks to compatible development coexisting without undue impact on surrounding properties. Staff are satisfied that there will be no adverse impacts due to shadows, privacy, traffic and or parking. These impacts were thoroughly assessed during the previous rezoning and staff are satisfied that it has been demonstrated that these potential impacts have been mitigated through proper site design which prioritizes active transportation.

The proposed building is setback approximately 22 metres (73 feet) from the abutting single-family dwelling to the east. This physical separation ensures that there is no adverse shadow or privacy impacts to the abutting neighbour. The westerly lot line has further separation as it is buffered from a stormwater management pond and shared driveway. There are other large parcels of land within this neighbourhood block that are currently underutilized, as such, it is anticipated these parcels would be redeveloped in the future and would be subject to the Official Plan's definition of compatible development. Staff are of the opinion that the proposed application is compatible with the existing, as well as planned, character of this neighbourhood. It should also be noted that the developer has contributed to the future improvement and realignment of Robinson Street, which will further enhance the look, feel, and function of this street. The City will be responsible for executing this infrastructure improvement work in a timely manner.

Staff are of the opinion that the direction provided in Section 4.3.5.f of the Official Plan has been satisfied in consideration of the proposed mid-rise residential building. As previously noted, in addition to the application of a 45-degree angular plane, the applicant has also proposed to implement an enhanced landscape buffer to further limit any adverse impact to the abutting low-rise residential dwellings. The proposal meets the general intent and purpose of the Official Plan and the overall 'Railyards' development aligns with the direction in Section 4.3.5.g. of the Official Plan which encourages the development of larger blocks rather than individual sites to ensure a consistent development standard in Downtown Neighbourhood Designations.

The subject property was rezoned in 2020 (By-law 20-092) as part of a rezoning of the campus of properties that form the Railyards development. Phase 1 at 127 Hunter Street East was occupied in August of this year. Phase 2 at 109 Hunter Street East is currently

under construction. The first two phases are comprised of mixed-use buildings as reflected in the C.6-338 zoning, with the balance of lands being Zoned SP.187. The intention of the SP.187 Zoning District is to moderate and differentiate the primarily residential component of the site from that of the Commercial Core along Hunter Street East.

The overall goal of the planning applications for these properties was to take an underutilized site and buildings (a former parking lot and former fuel storage yard) and introduce a mixed-use development to the site. According to the staff report that accompanied the application to rezone the lands, 97 dwelling units were conceptually contemplated at the time, between four buildings. The current proposal realizes a site total of 107 units between three buildings. The developer shifted from the original four building layout to a three-building development to accommodate the parking needs that were requested from their residential and commercial tenants. The shift from two 3-storey buildings to one 6 storey building is also a result of market impacts and a significant increase to the construction index which has been a notable shift in the affordability of new developments.

The staff report at the time identified the need and intention to transition to lower heights along the rotary trail and adjacent to residential dwellings. The applicant has demonstrated keeping in the spirit of the original zoning by-law amendment by respecting the distances to the surrounding low rise residential development, differentiating the building form from the ones that front Hunter Street East to one that has a ground oriented residential aesthetic and design, and moderating the height using design interventions such as stepbacks and terracing.

The proposed variance would facilitate the overall goal of rounding out the campus of properties with the final building that is residential in nature. The intent of the Zoning By-law was to differentiate the Hunter Street East facing component of the site with that of the Robinson Street and interior component of the site.

The entirety of the lands are subject to a Site Plan Agreement. The applicant has recently proceeded through a Site Plan Pre-consultation to facilitate the approval of Phase 3 of the development. It was Staff's recommendation that the owner proceed to the Committee of Adjustment prior to submitting a formal application for Technical Adequacy Review.

The accompanying variances for lot area per unit, a slight reduction in the west side lot line setback, shifting the parking length and aisle width to align with the Area 1 requirements, have resulted from minor shifts in the site plan over time to account for the new placement of the trail, the stormwater management feature design and location and the necessity to accommodate two-way traffic as outlined in the Council decision.

The Conceptual Site Plan that was presented to Council in 2020 required reducing the distance between a parking area/driveway to a window of a habitable room as it was

missed when the application was processed. It is the opinion of staff that the proposal meets the general intent and purpose of the Zoning By-law, will result in desirable development, and is minor in nature.

Agency Comment

The Otonabee Region Conservation Authority (ORCA) reviewed the application and notes that the proposal is consistent with Section 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 Group Services Corp. have reviewed the application and have indicated that they have no comments and further comments will be provided when more detail with respect to water servicing is developed for review, including a Functional Servicing Report (through Site Plan Approval).

The Planning, Development and Urban Design Division has assisted in the preparation of this staff report and their comments have been consolidated in the above background section as they are integral to understand the site history as well as future development potential of this neighbourhood. In summary, the Urban Design Supervisor has conducted a thorough review of the application and is of the opinion that the variances will assist the developer in implementing the goals and objectives of the Official Plan and the Central Areas Urban Design Guidelines.

The City's Heritage Preservation Office (HPO) has reviewed the application and has indicated that the subject property is in an area of high archeological potential and that they are awaiting the Archeological Assessment as previously requested. This will be required prior to Site Plan Approval being granted for Phase 3 of the development.

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

- The Planning, Development and Urban Design Division – Development Engineering Section
- Hiawatha First Nation
- The Ontario Ministry of Transportation (MTO)
- Bell Canada
- The City's Urban Forestry Division
- Hydro One

Recommendation

Staff recommend that the Committee of Adjustment **approve** the application provided that the construction proceed substantially in accordance with the Concept Plan and elevations attached as Exhibit D, including the stepbacks and terracing, to the satisfaction of the Urban Design Supervisor, and conditional upon the following:

- i) That the Site Plan Agreement include a provision to establish an enhanced landscape buffer along the east lot line abutting the adjacent residential dwellings, incorporating plant material, along with the preservation of boundary trees where appropriate, to the satisfaction of the Urban Design Supervisor;
- ii) Consolidation of the properties known municipally as 367 Rogers Street and 125 Hunter Street East.
- iii) That the Site Plan Agreement include a provision requiring that all ground floor units have air conditioning.

Prepared By:

Christie Gilbertson, RPP, MCIP
Land Use Planner
Planning, Development and Urban Design Division
Infrastructure and Planning Services

Nolan Drumm, RPP, MCIP, PLE
Land Use Planner
Planning, Development and Urban Design Division
Infrastructure and Planning Services

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

Concurred with:

Andrea Stillman
Zoning Administrator
Building Services Division
Infrastructure and Planning Services

A39/23

City of Peterborough
Planning Division
August 16, 2023
Received

lett
Architects Inc.
138 Sencoe Street
Peterborough Ontario K9H 2H5
T. 705.743.3311
e. studio@lett.ca

ISSUE / REVISIONS	
1 For Pre-Consult Application	MAY 16, 23
2 Issued to Committee of Adjustment	14.08.22

[SHEET NOTICE]

All dimensions to be checked and verified on site. Do not scale drawings. Any discrepancies are to be reported to the Consultant. All drawings remain the property of the Consultant. Only latest approved drawings to be used for construction.

SCHEMATIC DESIGN

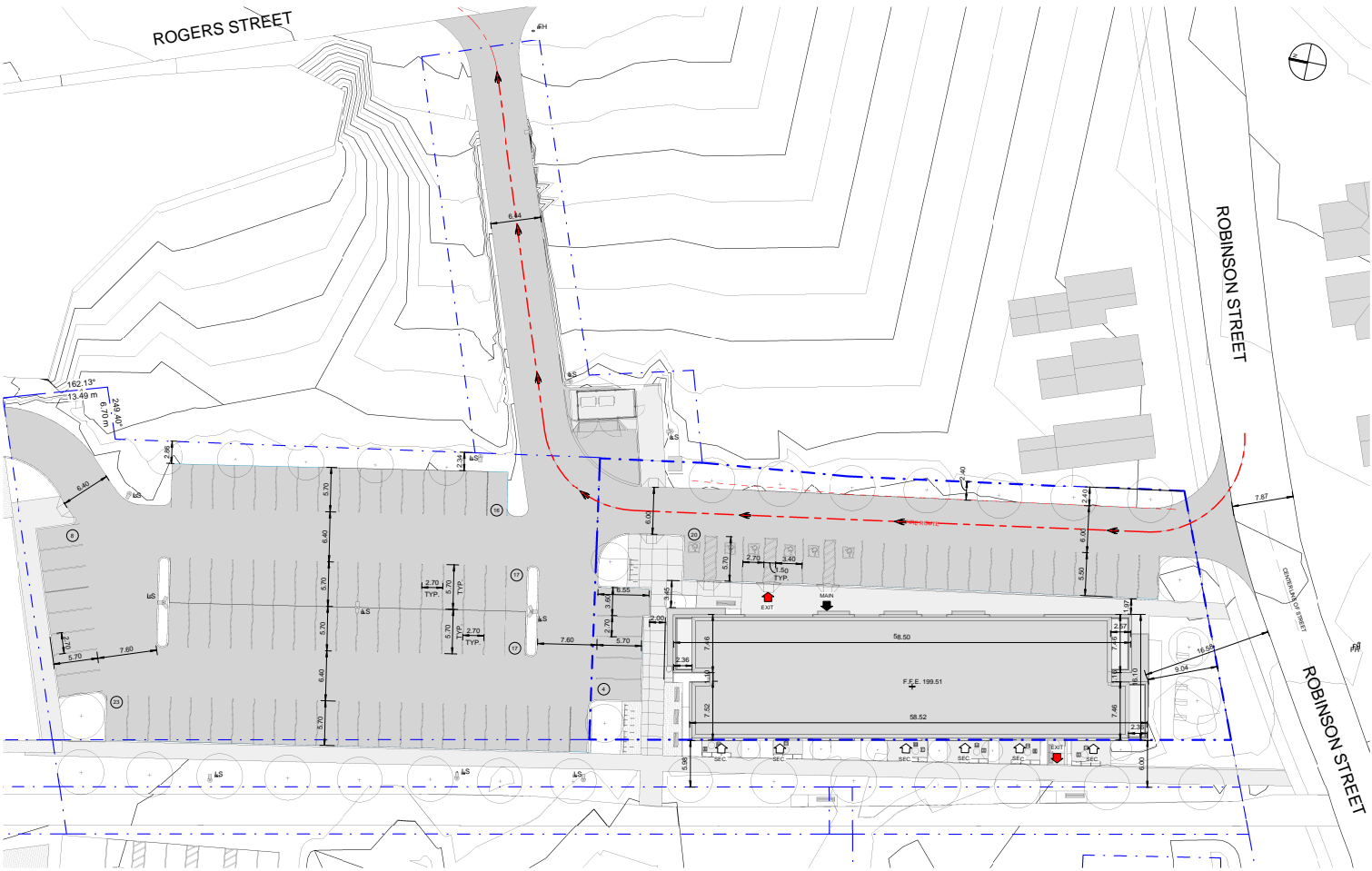
PROJECT No. 22-147
START DATE APR. 23

Ashburnham Realty
PHASE 3
DEVELOPMENT

SITE
367 Rogers Street, Peterborough, ON

PARTIAL SITE PLAN

AS-102

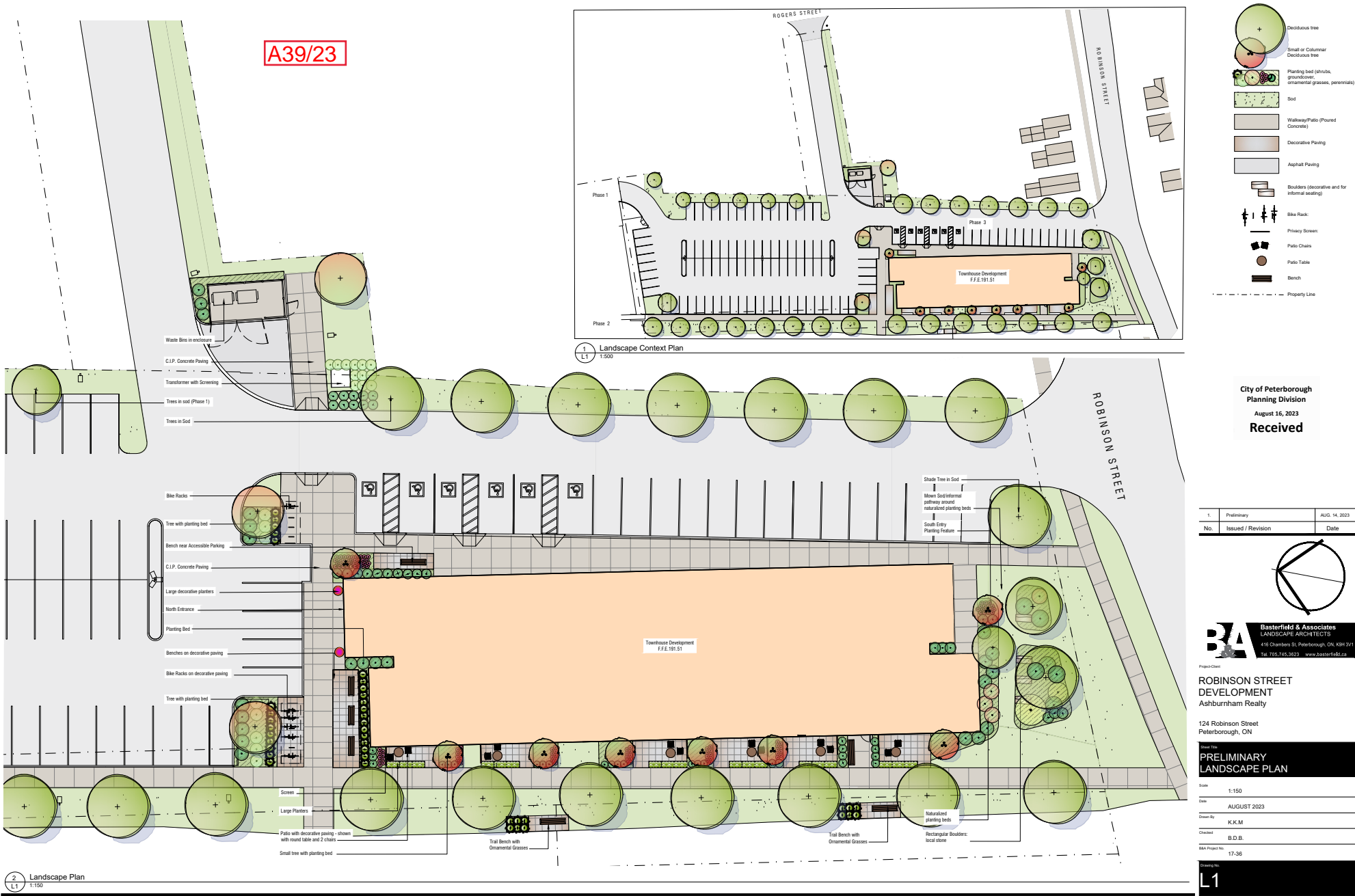


1 SITE PLAN - PARTIAL
AS-102 | REF: Scale: 1: 250

AS-102 24" x 36"

Project Management Limited, Drawn By: Author

Let's Plan! 1025-58-16 10:12 AM
Filename: Ashburnham Realty - 367 Rogers Street - Phase 3 - 22-147 - AS-102.dwg
User: J. Smith
Plot Date: 10/16/2023





1:150



1:150



1:150

1:150

Last Picked: 2022-08-14 11:30:54 AM
 PlanName: Anasoft Devs JAR - Emul City Devs Phase 322-143_LAIEM_AB_P013_SIFF_Arvd

ISSUE / REVISIONS	
1 Issued to Committee of Adjustment	14.08.22

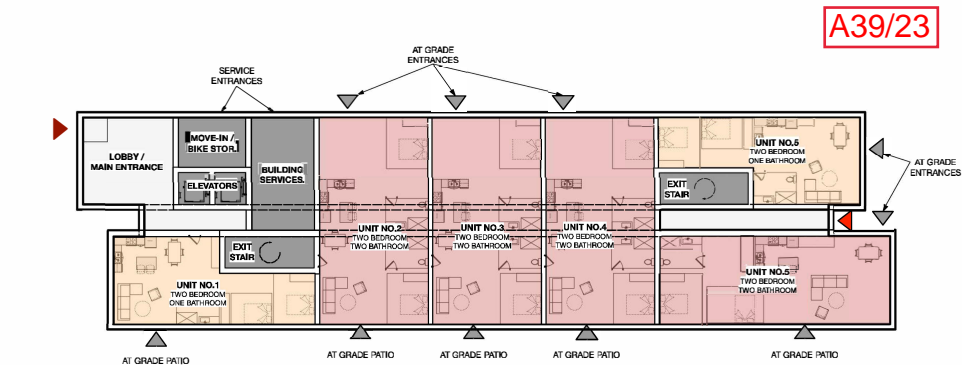
All dimensions to be checked and verified on site. Do not scale drawings. Any discrepancies are to be reported to the Consultant. All drawings remain the property of the Consultant. Only latest approved drawings to be used for construction.

367 Rogers Street, Peterborough, ON

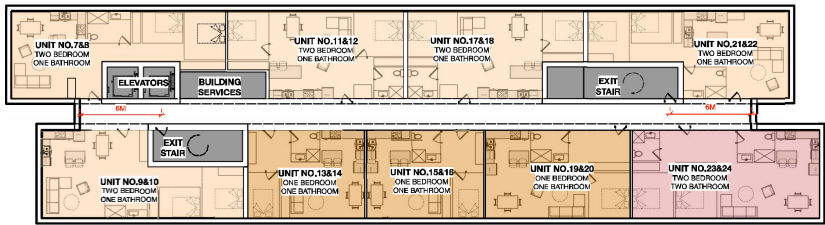
A-201



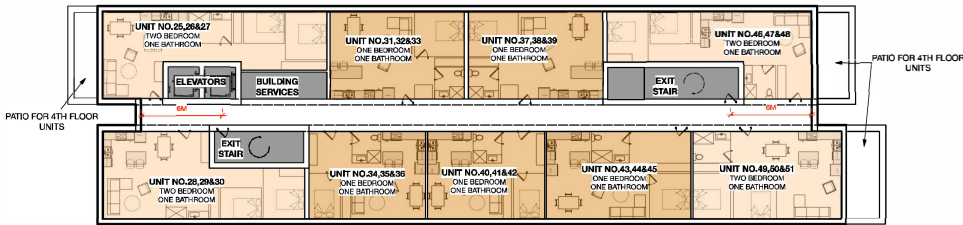
ARCHITECTURAL SITE (B-01A5-198) SIGNAGE DETAILS
ARCHITECT: A39/23
Project Management: J. Smith, J. Smith, J. Smith
Author: J. Smith



LEVEL ONE (MAIN FLOOR PLAN)



LEVEL TWO & THREE



LEVEL FOUR, FIVE & SIX

A39/23

City of Peterborough
Planning Division
August 16, 2023
Received

138 Simcoe Street
Peterborough, Ontario K9H 2H5
t: 705.743.3311
e: studio@etf.ca

ISSUE / REVISIONS
1. Issued to Committee of Adjustment 14.08.22

All dimensions to be checked and verified on site. Do not scale drawings. Any discrepancies are to be reported to the Consultant. All drawings remain the property of the Consultant. Only latest approved drawings to be used for construction.

SCHEMATIC DESIGN
PROJECT NO. 23-147
START DATE APR-23

Ashburnham Realty
PHASE 3
DEVELOPMENT

367 Rogers Street, Peterborough, ON

BLOCK PLANS

A-101

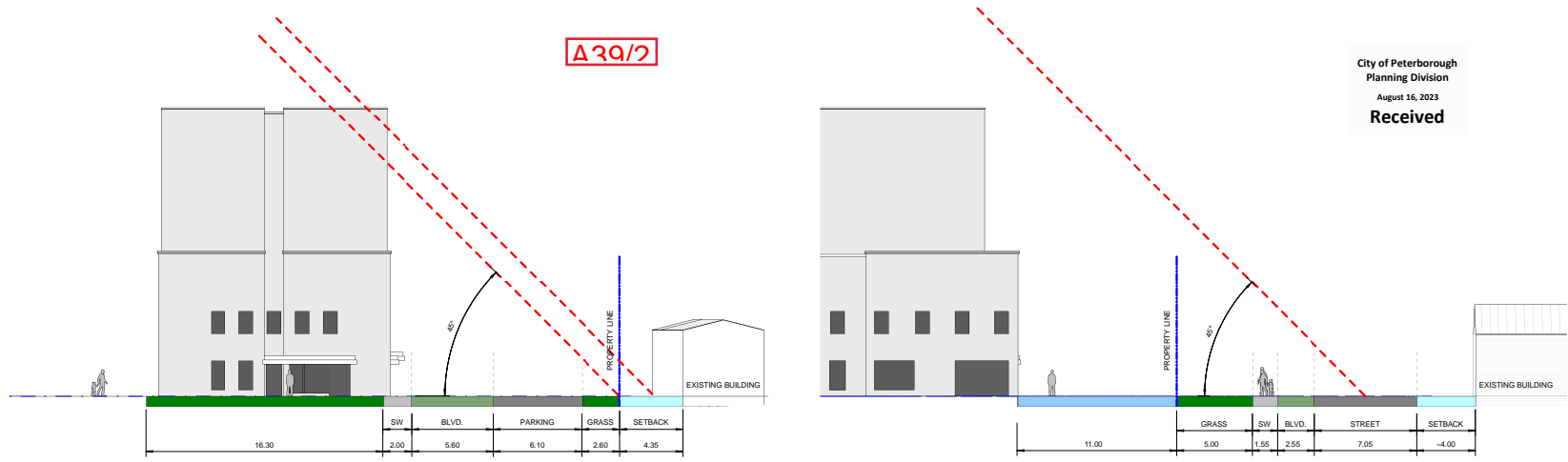
UNIT TYPE NO.1 TWO BEDROOM / TWO BATHROOM	X6 UNITS
UNIT TYPE NO.2 TWO BEDROOM / ONE BATHROOM	X24 UNITS
UNIT TYPE NO.3 ONE BEDROOM / ONE BATHROOM	X21 UNITS

51 TOTAL

A MINIMUM OF 15% OF UNITS WILL
BE DESIGNED TO FULLY ACCESSIBLE
STANDARDS PER THE O.B.C.

AKO1 D 24" x 36"

Project Management: Drawn By: Author:

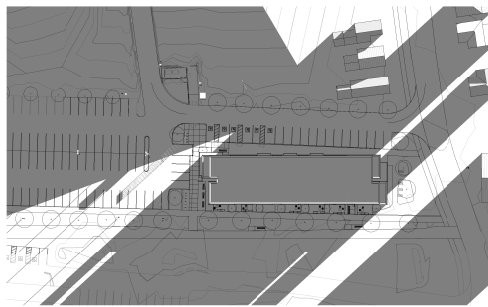


lett
Architects Inc.
138 Simcoe Street
Peterborough Ontario K9H 2H5
t: 705.743.3311
e: studio@lett.ca

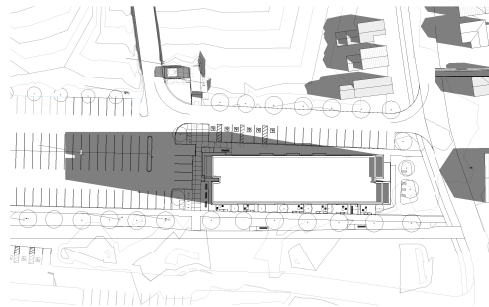
ISSUE / REVISIONS	
1 For Pre-Consult Application	MAY 16,23
2 Issued to Committee of Adjustment	14.08.22

8 | ANGULAR PLANE STUDY
AS-103 | REF: Scale: 1 : 150

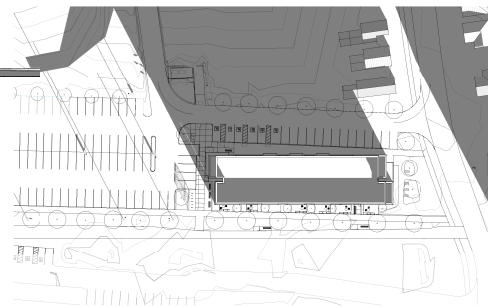
7 | ANGULAR PLANE STUDY
AS-103 | REF: Scale: 1 : 150



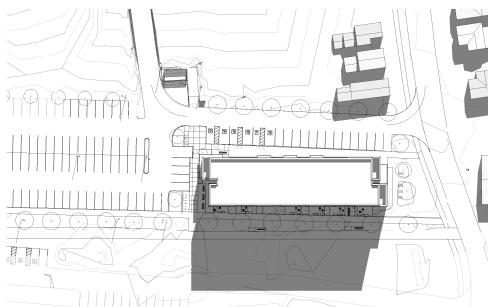
4 | SUN STUDY - WINTER 8:00AM
AS-103 | REF: Scale: 1 : 750



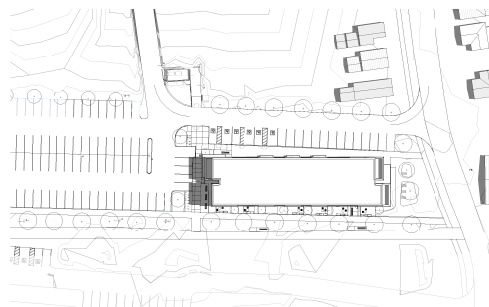
5 | SUN STUDY - WINTER 12:00PM
AS-103 | REF: Scale: 1 : 750



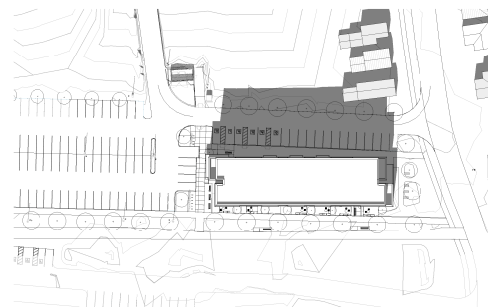
6 | SUN STUDY - WINTER 4:00PM
AS-103 | REF: Scale: 1 : 750



1 | SUN STUDY - SUMMER 8:00AM
AS-103 | REF: Scale: 1 : 750



2 | SUN STUDY - SUMMER 12:00PM
AS-103 | REF: Scale: 1 : 750



3 | SUN STUDY - SUMMER 4:00PM
AS-103 | REF: Scale: 1 : 750

[SHEET NOTICE]

All dimensions to be checked and verified on site. Do not scale drawings. Any discrepancies are to be reported to the Consultant. All drawings remain the property of the Consultant. Only latest approved drawings to be used for construction.

SCHEMATIC DESIGN

PROJECT No. 22-147
START DATE APR.23

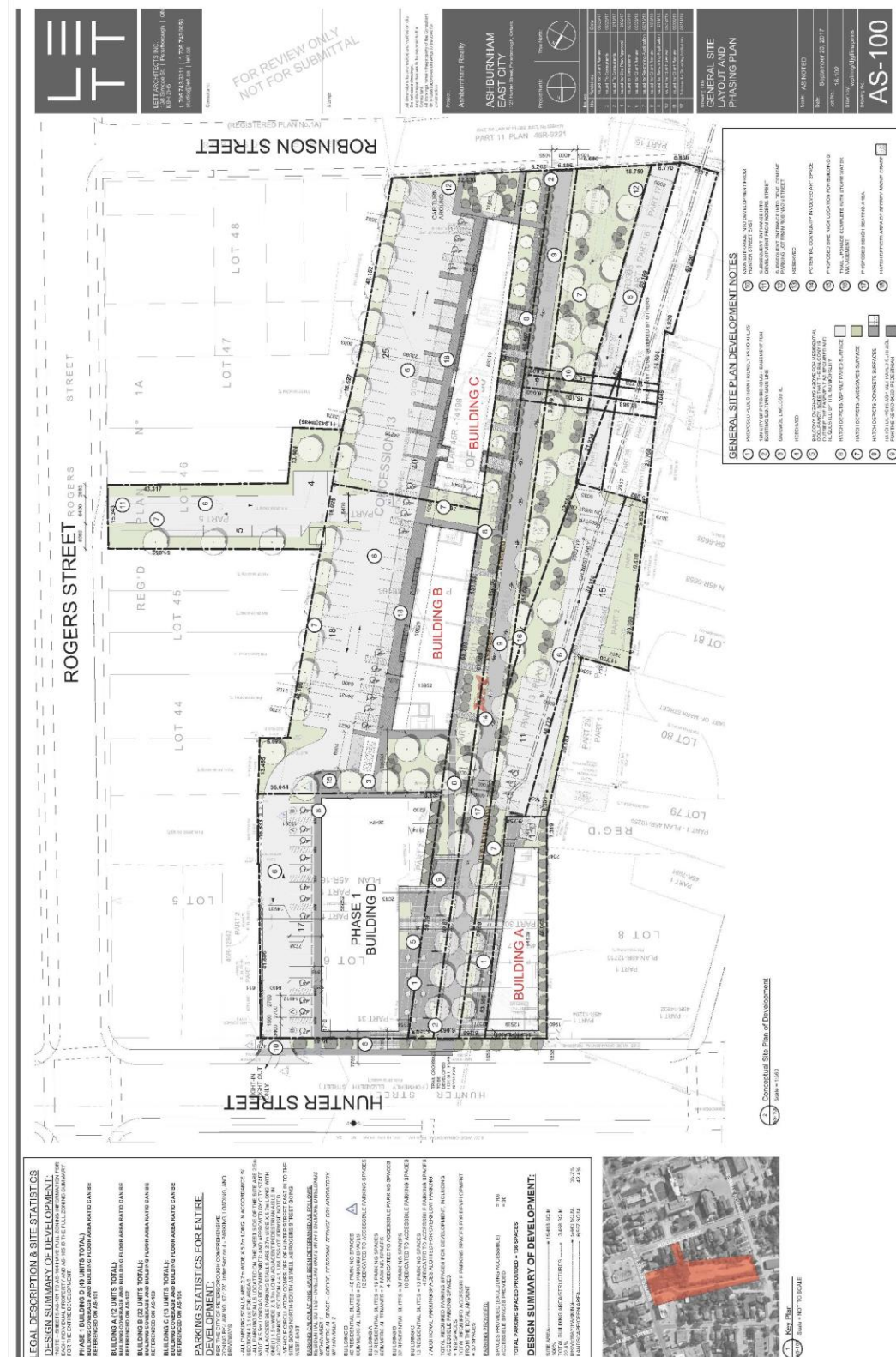
Ashburnham Realty
PHASE 3
DEVELOPMENT

SITE
367 Rogers Street, Peterborough, ON

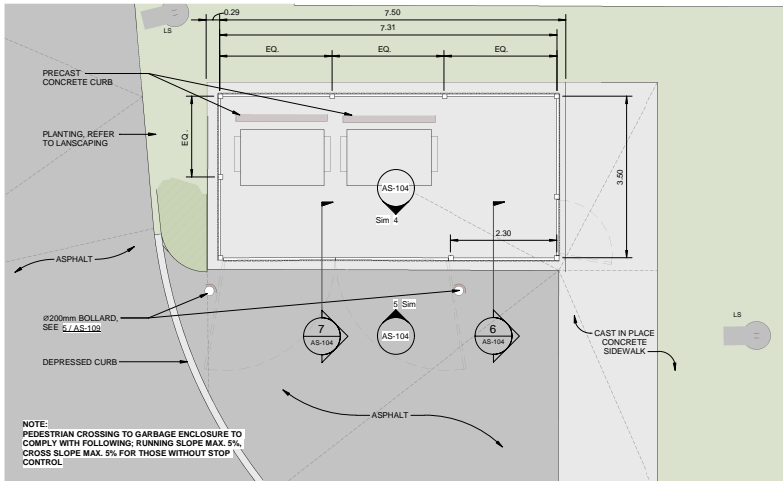
ANGULAR PLANE
ANALYSIS & SHADOW
STUDY

AS-103

Exhibit B, Revised Concept Site Plan, Page 1 of 1



ANCHOR x 3/8"
Project Management Initials: Drawn By: Nathan Probst



ISSUE / REVISIONS		
1	ISSUED FOR PRE-CONSULTATION	MAY 16/23
2	ISSUED TO COMMITTEE OF ADJUSTMENT	AUG 14/23
3	ISSUED FOR SPA	OCT 10/23
4	ISSUED FOR PERMIT	DEC 22/23
5	RE-ISSUED FOR SPA SPA	FEB 20/24
6	RE-ISSUED FOR PERMIT	MAR 26/24
7	RE-ISSUED FOR SPA SPA	APR 12/24
8	RE-ISSUED FOR SPA	MAY 08/24
9	ISSUED FOR CONSULTATION	MAY 16/24

City of Peterborough
Planning, Development & Urban Design
C. of A. File No.: A22/24
Property Address: 367 Rogers Street

City of Peterborough
Planning Division
March 23, 2023
Received

All dimensions to be checked and verified on site. Do not scale drawings. Any discrepancies are to be reported to the Consultant. All drawings remain the property of the Consultant. Only latest approved drawings to be used for construction.

CONSTRUCTION DOCUMENTATION
PROJECT No. 22-147
START DATE APR/23

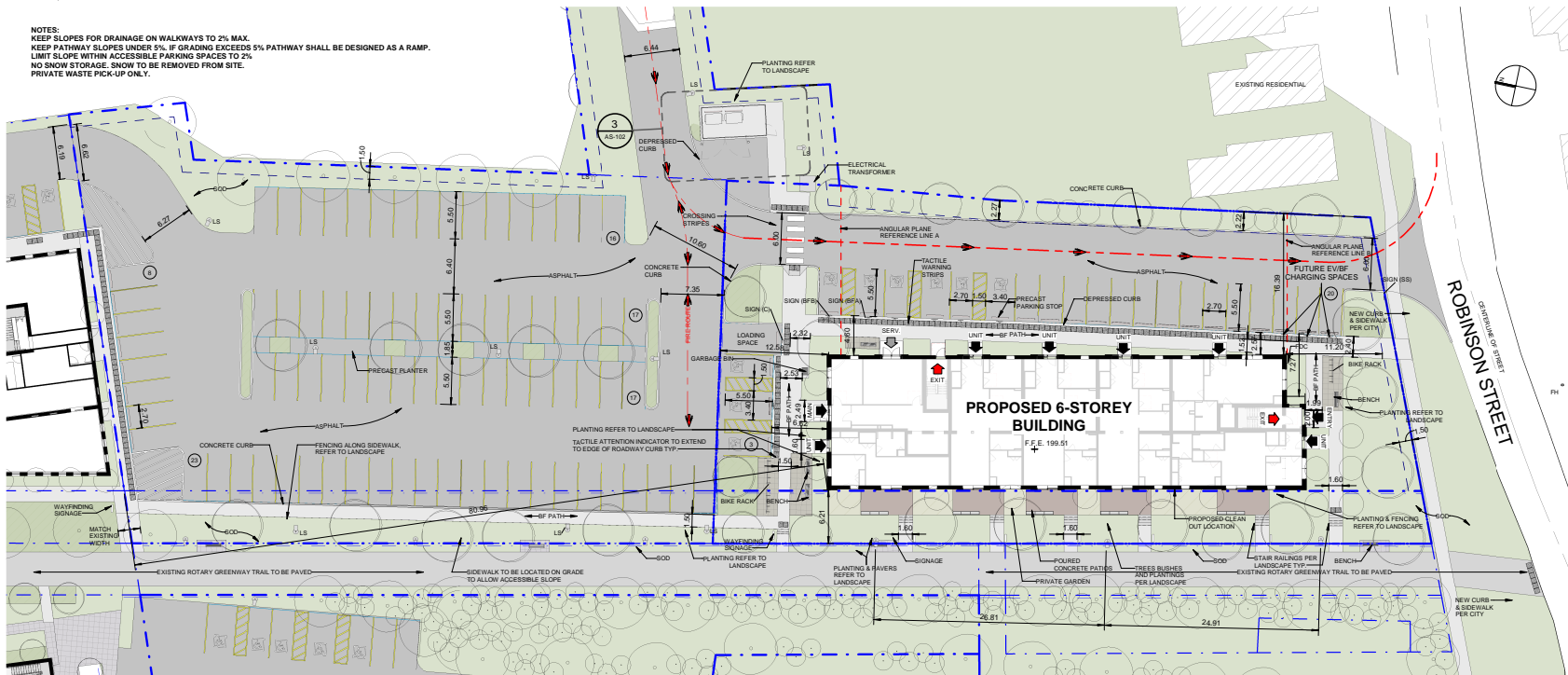
Ashburnham Realty
PHASE 3 DEVELOPMENT

SITE
126 Robinson Street, Peterborough, ON

SITE PLAN

AS-102

Last Printed: 2024-06-23 10:40 PM
Filename: A:\mxd\Drawings\147_LandSPA_A1_P11_Site_A114



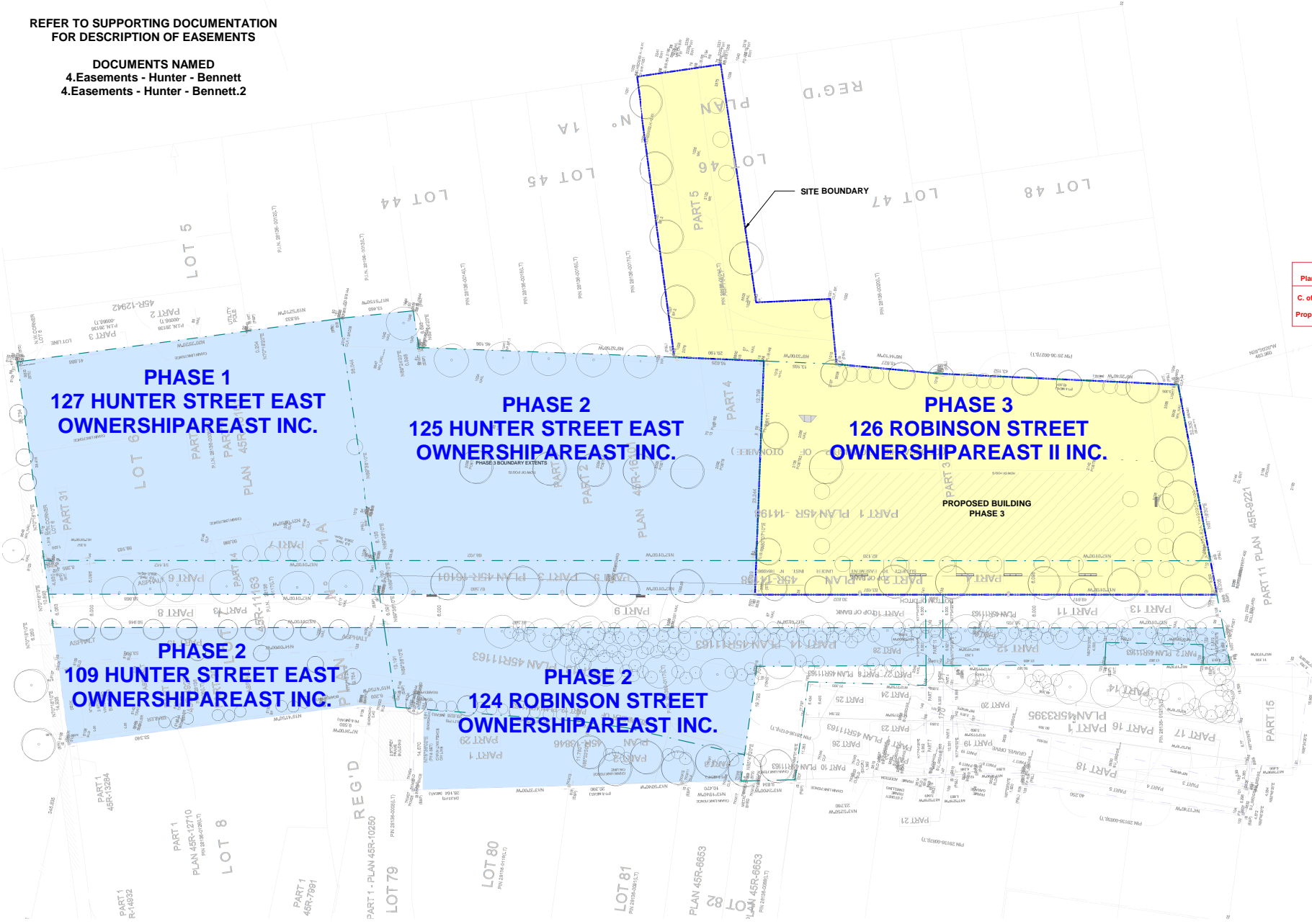
ANCHOR 24" x 36"

Project Management Initials: Drawn By: Author

Last Printed: 2024-03-23 10:54 PM
Filename: A:\mxd\Drawings\AS-105\AS-105.dwg, Phase 3D - 147, LAR 24, A, PNL 876, A, 14

REFER TO SUPPORTING DOCUMENTATION
FOR DESCRIPTION OF EASEMENTS

DOCUMENTS NAMED
4.Easements - Hunter - Bennett
4.Easements - Hunter - Bennett.2



1 SITE PLAN - PROPERTY BOUNDARIES AND EASEMENTS
AS-105 REF: Scale: 1 : 300



Unity Design Studio Inc.
138 Simcoe Street
Peterborough, ON K9H 2H5
705.743.3311
info@unitydesignstudio.ca

ISSUE / REVISIONS		
7	RE ISSUED FOR SPA SPA	APR 12/24
8	RE ISSUED FOR SPA	MAY 28/24
9	ISSUED FOR CONSOLIDATION	MAY 15/24

City of Peterborough
Planning, Development & Urban Design
C. of A. File No.: A22/24
Property Address: 367 Rogers Street

City of Peterborough
Planning Division
March 23, 2023
Received

[SHEET NOTICE]

All dimensions to be checked and
verified on site. Do not scale
drawings. Any discrepancies are to
be reported to the Consultant. All
drawings remain the property of the
Consultant. Only latest approved
drawings to be used for construction.

CONSTRUCTION
DOCUMENTATION
PROJECT No. 22-147
START DATE APR.23

Ashburnham Realty
PHASE 3
DEVELOPMENT

SITE
126 Robinson Street, Peterborough, ON

SITE PLAN -
PROPERTY
BOUNDARIES AND
EASEMENTS

AS-105