



City of
Peterborough

To: **Members of the General Committee**

From: **W. H. Jackson**
Commissioner of Infrastructure and Planning Services

Meeting Date: **August 27, 2018**

Subject: **Report IPSPD18-022**
Request for Minor Variance Consideration within 2 years of
Zoning Amendment for 186 Romaine Street

Purpose

A report to evaluate the planning merits of proceeding with a Minor Variance Application to address five variance requests for the redevelopment of lands with the City's Committee of Adjustment, within two years of the passing of a Zoning Amendment for the property at 186 Romaine Street.

Recommendation

That Council approve the recommendation outlined in Report IPSPD18-022 dated August 27, 2018, of the Commissioner of Infrastructure and Planning Services, as follows:

That a Minor Variance Application to address five variance requests as described in Report IPSPD18-022, proceed to the City of Peterborough Committee of Adjustment for the property known as 186 Romaine Street, being within two years of the passing of Zoning By-law Amendment #17-105.

Budget and Financial Implications

There are no direct budget or financial implications arising from this recommendation. The applicant will be required to pay the requisite fees to the City and ORCA for consideration of a Minor Variance request.

Background

The property was the subject of a Zoning By-law Amendment (By-law #17-105) approved by Council on September 11, 2017 to permit a residential development, comprised of a maximum of 44 dwelling units and associated landscaping and parking. The zoning change permits the conversion of the existing school building, together with a 4 storey addition, into a multi-unit residential dwelling. The zoning of the property was changed from PS.2 – Public Service District to the R.5-313'H' - Residential District to facilitate the change in land use. Exception 313 was introduced to the Zoning By-law to allow for site specific regulations related to minimum lot area per unit, setbacks, landscaped open space, motor vehicle parking and space dimensions and tandem parking provisions.

Subject to the zoning condition for Site Plan Approval, the applicants have submitted an application for a refined development plan, and through the process of securing Site Plan Approval, the applicants have identified the need for additional site specific variances. Recent changes to the **Ontario Planning Act**, R.S.O. c.P.13 (Bill 73, 2015) now prohibit applicants from applying for a Minor Variance within two years from the adoption of a Zoning Amendment that was privately initiated on the same property, unless the Council of the municipality passes a resolution to allow it to be considered. The intent of this change to the **Planning Act** is to give greater control to municipalities and provides stability by preventing zoning provisions that Council deems to be appropriate from being reversed within 2 years.

Site Plan Application

An application for Site Plan Approval for the development was submitted to the City on January 29, 2018. The Concept Site Plan submitted to Council at the time of the rezoning application request has been refined to address the proposed development and submitted with the application in January, 2018. As a result of the refinement, and as part of the review of the Site Plan, Planning Staff identified deficiencies with respect to four specific zoning regulations. These deficiencies require planning approval prior to Staff approving the Site Plan. In addition, the applicant has also indicated his desire to place a temporary sales office trailer on the easterly portion of the lands. It is the intention that this temporary sales office trailer be converted to a construction trailer and that it remain on site for up to a maximum of 3 years.

The subject variance request from the applicant indicates that the proposed changes to the concept site plan provided at the rezoning stage are in response to engineering, site servicing, low-impact development, construction and architectural design considerations. The overall number of units and site parking remains as originally anticipated.

Minor Variance Request

The Applicant is seeking a Council Resolution to proceed with an application for Minor Variance to address the items identified at the Site Plan Approval stage of the development. Given that the property was subject to a privately initiated Zoning Amendment application within the two year window as set out in the **Planning Act**, Council must pass a resolution if Council agrees that it is appropriate to allow the Committee of Adjustment to deal with the matter.

The concept site plan is in general conformity with the concept for development as envisioned through the rezoning process. Additional details have now been considered with regard to parking layout, fire access, site servicing and low impact development methods, resulting in revisions to the plan since the rezoning phase of the development. As such, Planning Staff are of the opinion that it is appropriate to allow the applicant to proceed to the Committee of Adjustment with a Variance Application to address the following:

- i. Reduce the setback of the proposed garbage enclosure to the rear lot line (north limit of the property) from 3 metres to 0.77 metres;
- ii. Reduce the minimum distance of driveway/parking spaces to windows of habitable rooms of dwelling units from 6 metres to 5 metres;
- iii. Reduce the width of the landscaped strip from a minimum of 1.5m to 1.1m to accommodate the proximity of four parking spaces to rear lot line (north limit of the property);
- iv. Increase the maximum permitted coverage of the lot for parking, driveway and vehicle movement areas, from 25% to 45% of the lot area; and
- v. Permit the placement of a temporary sales/construction trailer measuring approximately 3.0m by 9.45m to be located on the easterly proposed parking area for a period not exceeding 3 years.

Subject to a Council Resolution, the Committee of Adjustment is able to proceed with a minor variance. Based on a Council Resolution dated September 10, 2018, the applicant would be in a position to submit a Minor Variance Application by September 21, 2018 and be considered by Committee of Adjustment on October 16, 2018.

Summary

The proposed variance request is in keeping with the general intent and purpose of the zoning of the subject lands, approved by Council in September, 2017. Deviations from the recently approved zoning require a Council Resolution in order to be considered via the minor variance approval process through the City's Committee of Adjustment. The applicant is requesting Council consideration for such a resolution.

Submitted by,

W. H. Jackson, P. Eng.
Commissioner of Infrastructure and Planning Services

Contact Names:
Ken Hetherington
Manager, Planning Division
Phone: 705-742-7777, Ext. 1781
Toll Free: 1-855-738-3755
Fax: 705-742-5218
E-mail: khetherington@peterborough.ca

Caroline Kimble
Planner, Land Use
Planning & Development Services
Phone: 705-742-7777, Ext. 1735
Toll Free: 1-855-738-3755, Ext. 1735
Fax: 705-742-5218
E-Mail: ckimble@peterborough.ca

Attachments:
Exhibit A: Land Use Map
Exhibit B: Site Plan Submission

Exhibit A, Land Use Map, Page 1 of 1

Land Use Map

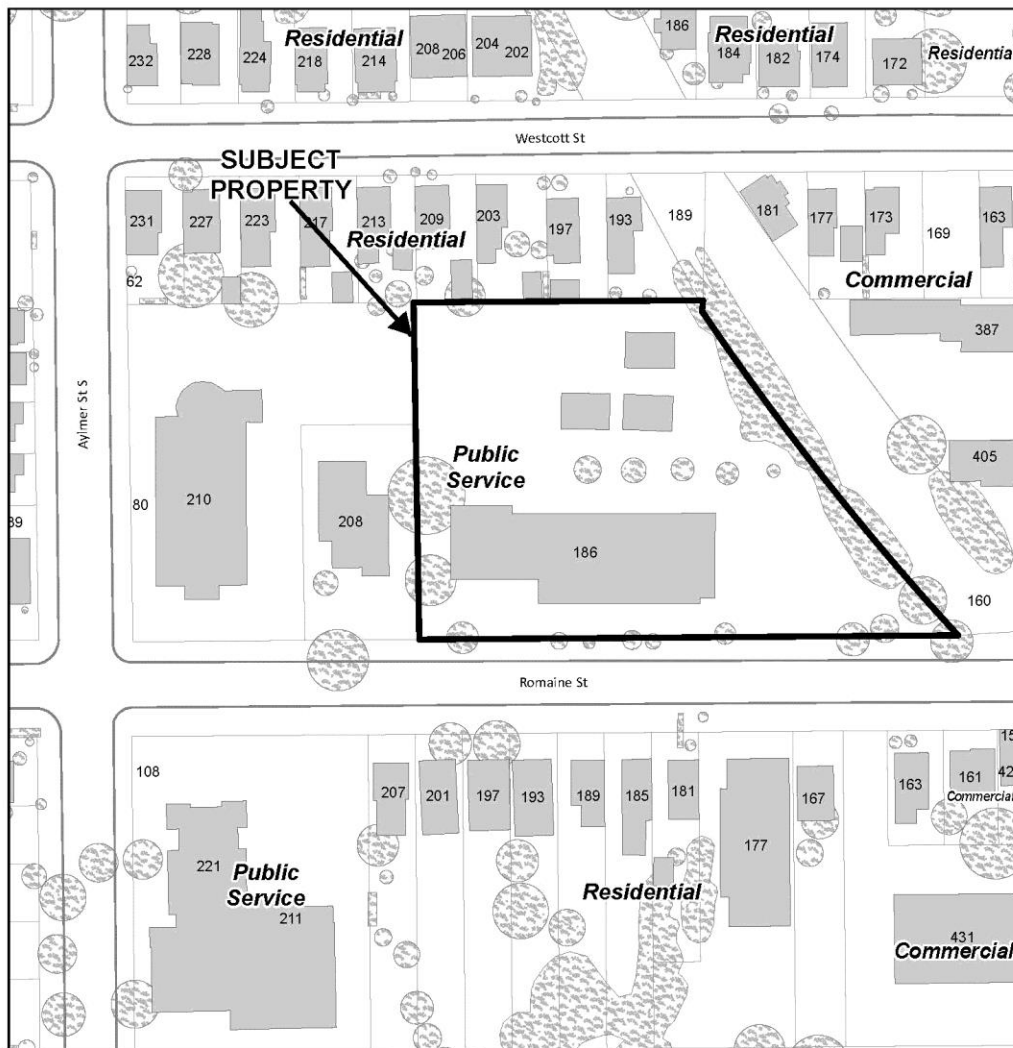
File: Z1707

Property Location: 186 Romaine St

EXHIBIT

SHEET

OF



The City of Peterborough Planning Division

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Date: June 7, 2017
Map by: Jellis
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Exhibit B, Site Plan, Page 1 of 1

