



COMMITTEE OF ADJUSTMENT

HEARING DATE: January 15, 2008

Staff Comments Regarding Files:

A53/07, B22/07, A57/07, A58/07, A59/07, B23/07 & B24/07

A53/07 – 400 Ashburnham Drive – Len and Susan Vass

The applicant would like to construct a verandah across the front of the dwelling on the property and partially along its two sides. The subject property is zoned M3.2 Industrial District and is therefore legal, non-conforming in terms of the use of the building for residential purposes. A variance is requested to permit the expansion of the legal, non-conforming residential use of the property by addition of the verandah and to reduce the minimum building setback of the verandah from the centre line of Ashburnham Drive from 24.4 metres (80 ft) to 23 metres (75 ft).

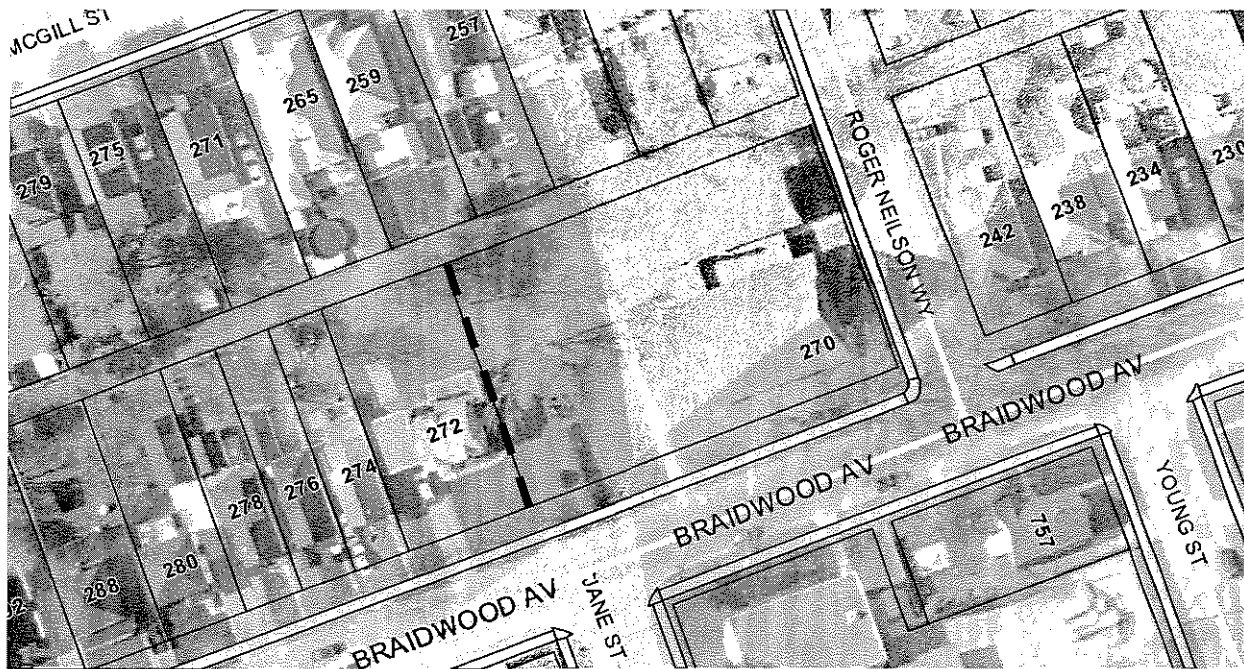
The subject property is located within the area regulated by Otonabee Conservation and would therefore require a permit from the authority. The property is also located within 120 metres of a Provincially Significant Wetland and according to Provincial Policy and the Official Plan, would require an Environmental Impact Study to evaluate the impact of the development on the wetland.

Staff visited the subject property and considered the development and use of the property in relation to adjacent industrial land use and is of the opinion that the proposed addition of a verandah to the building is a modest addition in terms of the residential development and the variance would be appropriate.

Staff also considered the location of the building and proposed addition in relation to Bensfort Road and would not object to the Committee granting the variance to the setback for the open verandah as described. Should the Committee choose to grant the variances as described, Staff would recommend that the variances be granted conditional upon the owner providing a “scoped” Environmental Impact Study to the satisfaction of Otonabee Conservation prior to the City issuing a building permit.

B22/07 – 270 Braidwood Avenue – St. Georges Anglican Church

The subject property developed by the church includes a residential dwelling located on the east portion of the property. No longer requiring the residential portion of the property to be associated with the church, the owner has rezoned the easterly portion of the property and would now like to sever the easterly 18.63 metres (61.14 ft) portion of the property upon which a single unit dwelling is established, to be separate from the balance of the property upon which St. George’s Anglican Church exists.



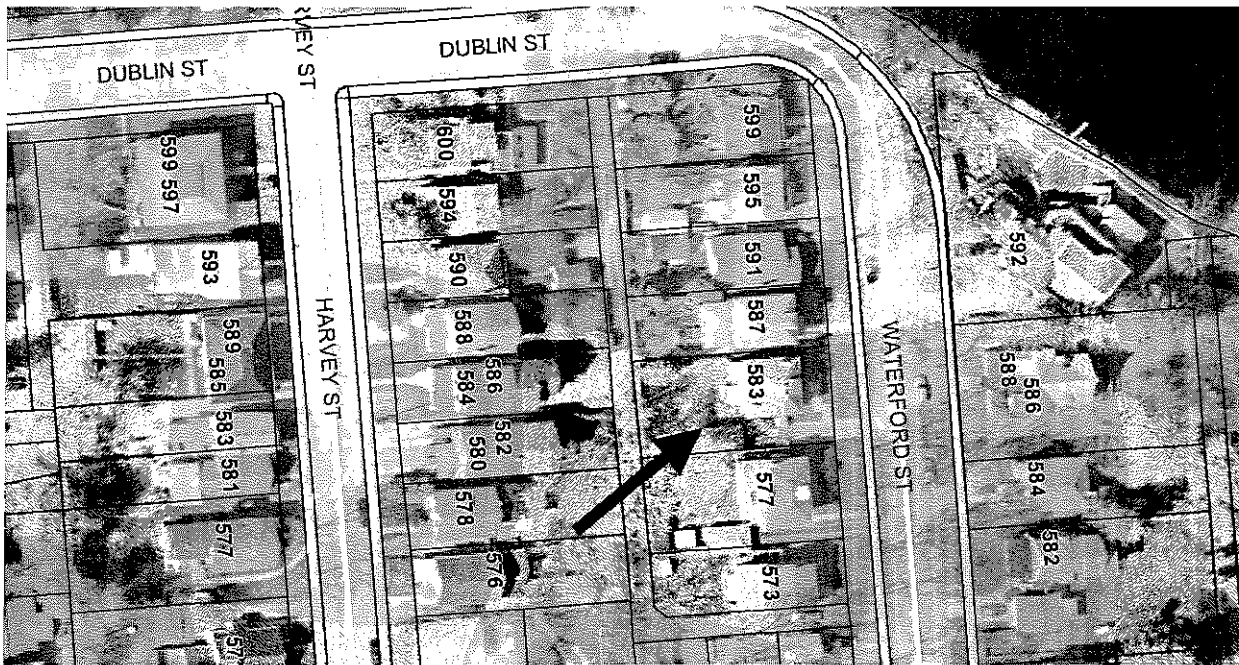
The proposed severance is an application under the Planning Act that would redefine the limits of property. While the residential dwelling to be severed would conform to the applicable zoning regulations, Staff is of the opinion that the newly defined, retained parcel associated exclusively with the church should be required to provide parking in accordance with the requirements of the zoning by-law or apply for a variance to the regulations. While property conforms in size the development of the church never provided parking and may be considered legal-nonconforming. The Anglican Church is interested in developing a parking area on the open space to the west of the building. This would amount to an improved situation in relation to the requirements of the by-law for parking.

Staff would recommend that the Committee grant the Consent on the condition that the owner of the retained property enter into a development agreement with the City to provide parking and address storm water run off from the property to the satisfaction of the Planner of Urban Design.

A57/07 – 583 Waterford Street - Susan Neale & Paul Hulsmans

The applicant would like to construct a 3.6 metre by 7.3 metre wide addition to the rear of the dwelling on the property. A variance is therefore requested to reduce the minimum building setback from the north side lot line from 1.2 metres (4 ft) to 0.66 metres (2.1 ft) to allow the structure to be extended in line with the north side wall of the dwelling as established.

Staff visited the neighbourhood and considered the standard of development of properties in the vicinity. Buildings in the fringe inner-city neighbourhood were of 1925 vintage and are built close together by today's standards as illustrated on the photo below.



583 Waterford Street and vicinity

Although some properties in the vicinity are narrower than the subject property and served by a rear laneway, the width of the subject property would appear to preserve a reasonable separation between buildings on adjacent properties. Staff did note that the dwelling on the adjacent property to the north has a similar addition to that being proposed and is already located close to the lot line.

Given the standard of development in this neighbourhood where buildings are close together, Staff is of the opinion that the variance requested would not result in a significant deviation from the acceptable standard of development in the neighbourhood and would not object to the Committee granting the variance to permit the proposed addition as described.

Subject to concerns raised by neighbouring property owners, Staff would not object to the Committee granting a variance to reduce the minimum building setback from the north side lot line from 1.2 metres (4 ft) to 0.66 metres (2.1 ft) to allow a one storey, 3.6 metre by 7.3 metre wide addition to be extended in line with the north side wall of the dwelling as established. Considering the proximity of the addition to the lot line, the decision should be granted on the condition that storm water in relation to the development of the property be managed on the subject property so as not to affect the neighbouring properties.

A58/07 – 602 Rubidge Street - Ken Yates & Heather Avery

The subject property is a corner lot in a neighbourhood of well appointed homes across from the Traill Campus of Trent University. The owner would like to enhance the aesthetics of the building by constructing a wrap around verandah and roof overhang that would extend 1.6 metres (5.5ft) beyond the garage attached to the rear of the dwelling on

the property. The following variances are therefore requested to permit the proposed addition:

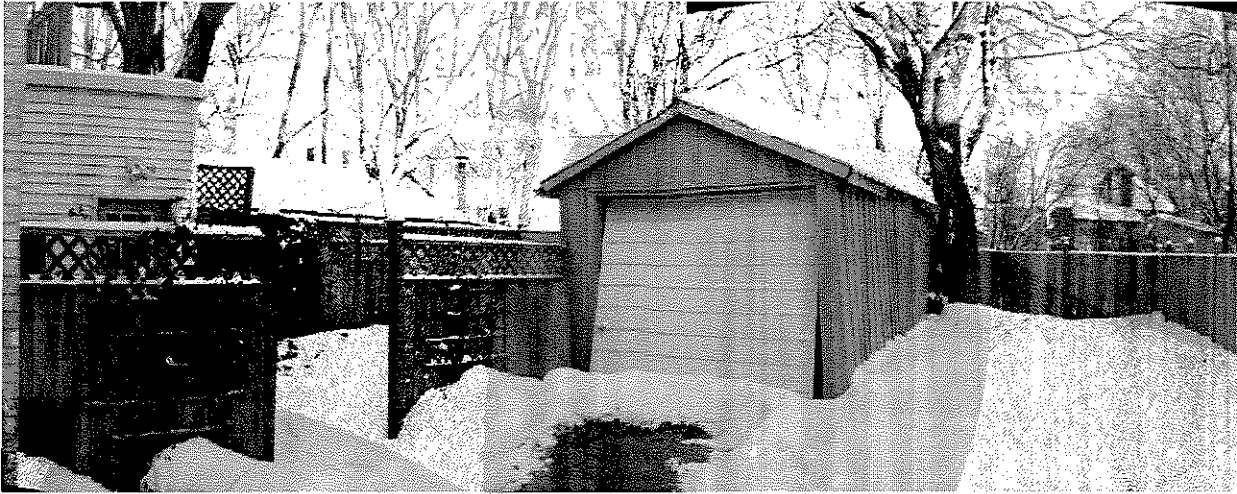
- i. reduce the minimum building setback from the intersecting side lot lines of a corner lot from 4.5 metres (15 ft) to 2.7 metres (9 ft);
- ii. reduce the minimum width of a motor vehicle parking space from 2.7 metres (8.8 ft) to 2.5 metres (8.2 ft); and
- iii. reduce the minimum building setback from the Dublin Street street line from 6 metres (19.9 ft) to 5.1 metres (16.7 ft).

Staff considered the standard of construction of dwellings in the neighbourhood and is of the opinion that the variances requested are minor and the impact of the proposed addition would be negligible and the result would be an improvement to the design and aesthetics of the dwelling. Staff also considered the location of the property on the fringe of the inner city and potential to be less auto dependent. Although there is space on the property for motor vehicle parking including one parking space that could be accommodated in the garage, Staff would consider the variance to reduce the minimum dimensions of the motor vehicle parking space as reasonable. Subject to concerns raised by neighbouring property owners, Staff would not object to the Committee granting the variances as requested.

A59/07 – 588 Aylmer Street - Mirtha Dubey

The applicant is requesting a variance to reduce the minimum building setback from the north side lot line from 1.2 metres (3.9 ft) to 0.12 metres (0.4 ft) considering the location of the existing frame addition to the rear of the dwelling and to 0.49 metres (1.64 ft) in relation to the south side lot line with respect to the location of the detached garage established on the property.

The purpose of the variance is to acknowledge the location of the structures that have been in place for some time but there is no record of when they were constructed. Staff visited the subject property and noted that the structure appeared to have existed since before 1985 as verified by air photos. Staff also noted that the structure was not in good repair, did not appear to have a foundation and would question its future as it is established. Staff also noted that the glass green house shown on the survey attached as Exhibit A has been removed and the frame addition does not appear as illustrated on the survey. Specifically, the garage now appears to be located more than 1.5 metres to the rear of the building. Accordingly, the variance to the garage need only be from 0.6 metres (2 ft) to 0.49 metres (1.64 ft).



Because the structure has been in place for some time, the neighbours have had the opportunity to assess the impact of the development that would be sanctioned by the variance.

Subject to concerns raised by neighbouring property owners, Staff would not object to the Committee granting the variances as described on the condition that eavestroughing is established on the structure to manage storm water on the subject property so as not to affect the neighbouring properties.

B23/07 – 128 Aberdeen Street - Douglas Fisher & Michele Robinson Fisher

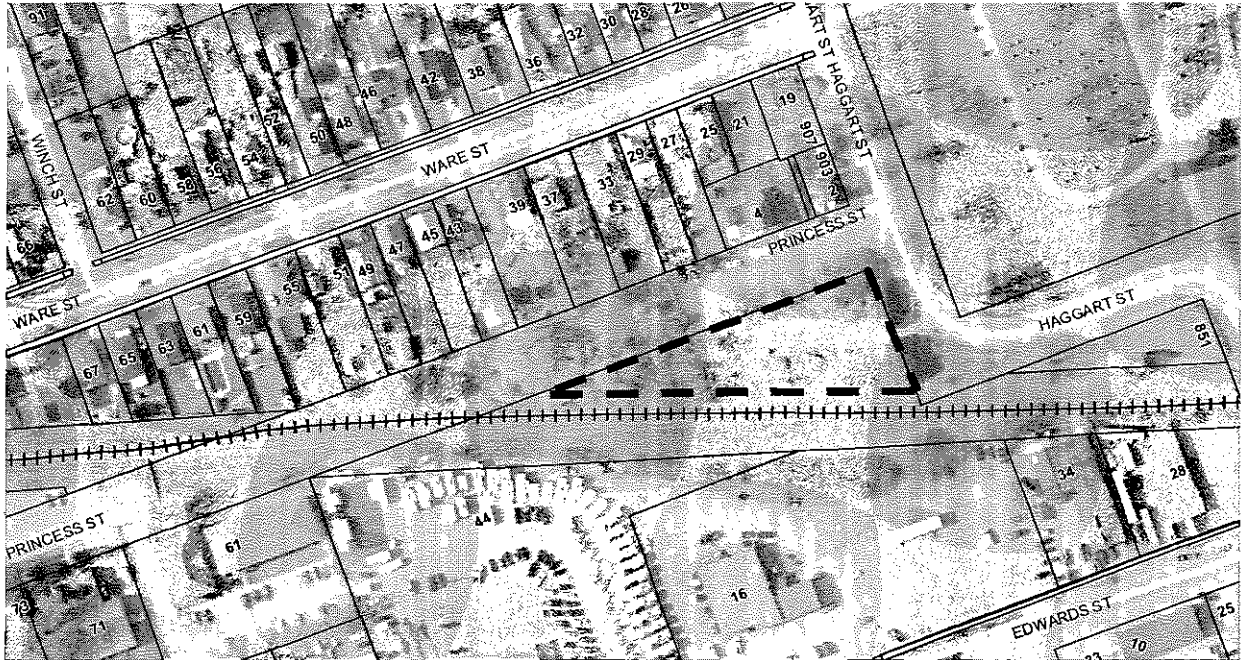
The subject property is a 25.9 metre (85 ft) wide lot at the end of Aberdeen Avenue with a park across the street. The zoning is R.1 residential that would permit a 12 metre wide by 30 metre deep lot. Referring to the survey attached as Exhibit B, the owner would like to sever the easterly 12.2 metres (40 ft) of the subject property creating a new lot for development of a single unit dwelling. The proposed line of severance would provide the 1.2 metre side yard required from the existing dwelling on the property so that both the severed and retained property would conform to the zoning regulations.

Staff regards the proposal as an appropriate infill opportunity. There are properties in the immediate vicinity of a similar size to the lots that would result from the severance and the size of the properties could support proportionate development including a dwelling and associated amenity space that would be typical of the standard in the vicinity.

Staff would not object to the Committee granting consent on the condition that the owner be required to enter into an development agreement with the City to ensure that the design of the new dwelling will be compatible with the standard of development in the neighbourhood. Staff would also require that the owner create parking space for two motor vehicles on the retained property as a condition for approval and pay a tree levy fee in the amount of \$152.00.

B24/07 – 1 Princess Street - CPR Property

The subject property is a vacant, triangular parcel of land at the corner of Princess Street and Haggart Street that is considered surplus to the needs of Canadian Pacific Railway. The railway right-of way exists as a spur line that is leased to the Kawartha Lakes Railway and is infrequently used to serve several properties in the industrial park in the south east end of Peterborough.



The property is zoned for residential purposes and is of a size and configuration that could support residential development that, while be located close to the railway spur line, would be similar to other residential properties in the vicinity.

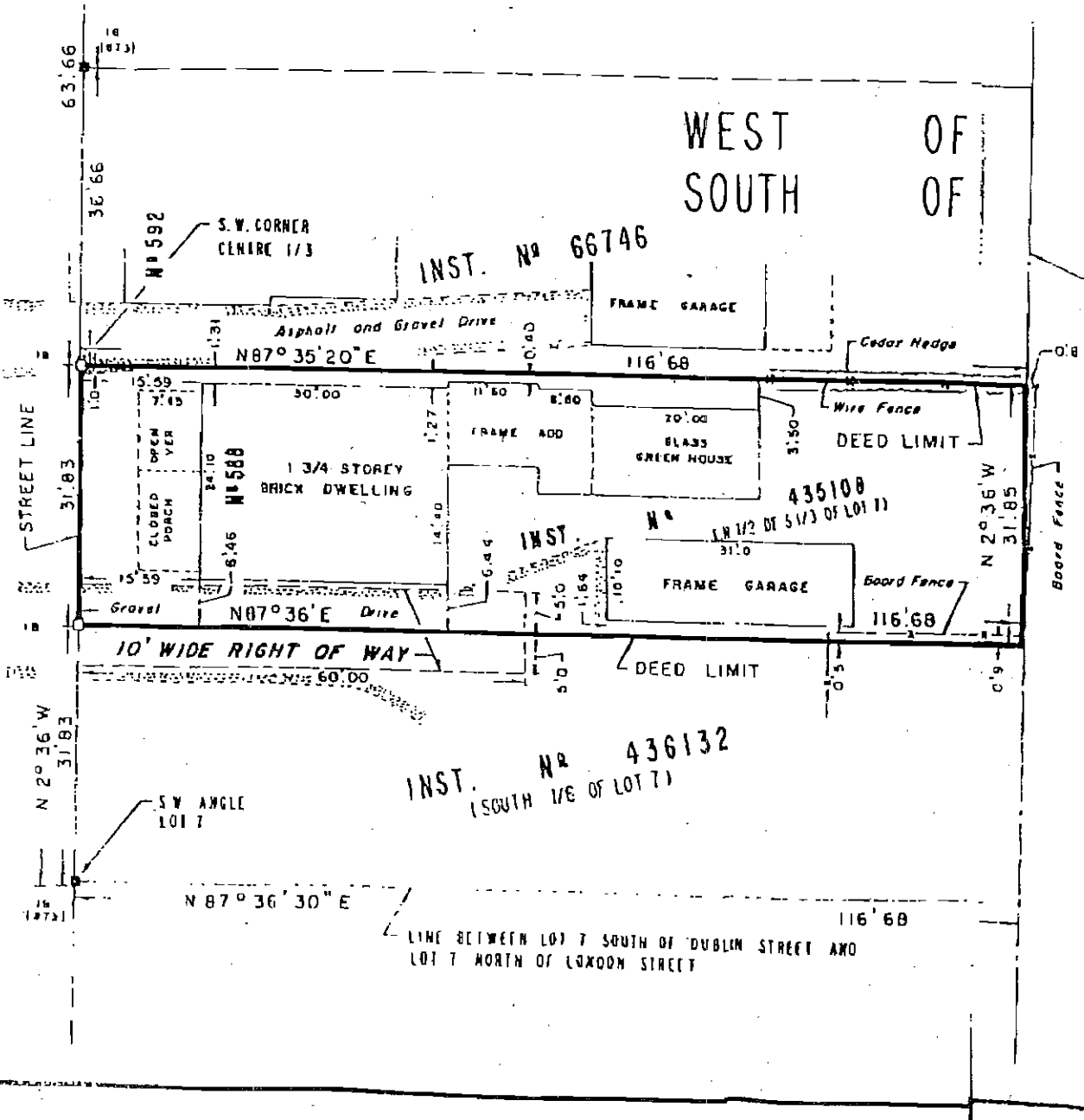
Staff would not object to the Committee granting consent to the conveyance of Part 11 on Plan 45R-8563 on the condition that the owner pay a tree levy in the amount of \$383.00 and be required to enter into an development agreement with the City to ensure that the design of the new dwelling will be compatible with the standard of development in the neighbourhood.

Respectfully submitted,

Richard Straka
Planner Policy & Research

R. Waldron, C.E.T., CBCO
Manager, Building Division

AYLMER



GEORGE DUBLIN STREET
STREET

FILE TO
CITY OF PETERBOROUGH
PLANNING & DEVELOPMENT SERVICES
RECEIVED
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