



COMMITTEE OF ADJUSTMENT

HEARING DATE: February 12, 2008

Staff Comments Regarding Files:

A53/07, A59/07, A01/08, B01/08 & A02/08

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

This application was adjourned from the meeting of January 15 to permit Staff to meet with the applicant to evaluate modifications to the proposed addition as described at the meeting by the applicant. The applicant would like to construct a verandah across the front of the dwelling on the property and partially along its two sides. The project would also involve the reconstruction of the legal, non-conforming, second storey extension of the building over the front door and a vestibule on the lower level at the front entrance and side entrance to the dwelling. (See Exhibit A)

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 two vestibules. A variance is also required 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) and to 22 metres (72.5 ft) considering a 5 metre wide extension of the verandah in relation to the front entrance.

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 (EIS) to evaluate the impact of the development on the wetland. Since originally heard by the Committee on Jan 15/08, a scoped EIS has been provided to the satisfaction of Otonabee Conservation describing the impact as negligible.

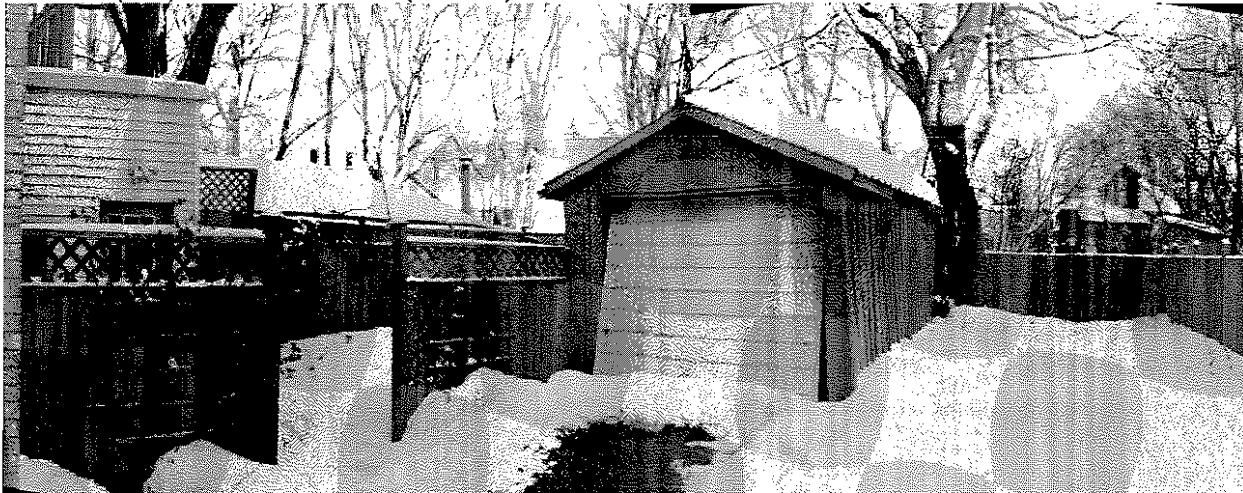
Staff visited the subject property and considered the scale of the proposed development and use of the property in relation to adjacent industrial land use and is of the opinion that the proposed addition of the expanded verandah and vestibules to the building is a modest addition in terms of the residential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

Staff also considered the location of the building and proposed additions in relation to Ashburnham Road as represented by the applicant and would not object to the Committee granting the variance to the setback for the open verandah and vestibules as described

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 B 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.

A01/08 – 2350 Woodglade Boulevard - MHBC Planning Ltd.

The Official Plan designation for the subject property is a Neighbourhood Centre. The designation would anticipate development of a node of commercial establishments in the form of a shopping plaza with shared parking. The anticipated scale of the plaza could be up to 8,000 sq metres including a food store of up to 3,000 sq metres. In March 2006 the subject property was rezoned to SP 246 that would permit development of a plaza of

up to 7,200 sq metres on the site including a food store of up to 3,300 sq metres. Considering the demand for commercial services in a neighbourhood centre the proponent would rather accommodate a larger food store and forgo the potential to accommodate other commercial uses in the Neighbourhood Centre. A variance is therefore requested to increase the maximum permitted gross leasable floor area of a food store from 3,300 sq metres (35,522 sq ft) to 3,750 sq m (40,365 sq ft).

Regarding scale of development, official plan policy would normally require that a food store within a Neighbourhood Centres not exceed 3000 sq metres unless supported by a market study. While the proposed total leaseable floor area of the plaza is 800 sq metres less than the maximum limit permitted by zoning, Council has considered it appropriate to permit a 3,300 sq metre food store through the Site Specific zoning. Staff would concur with the direction of Council in facilitating a larger food store on the site to serve the neighbourhood and is of the opinion that the variance to permit an additional 450 sq metres (4843 sq ft) would be minor and not a significant enough difference to warrant the requirement of a market study in this site specific case.

Subject to concerns raised in response to the public notice, Staff would not object to the Committee granting the variance as described.

B01/08 – 746 Jane Street - Lakeridge Development Ltd.

Referring to the Plan attached as Exhibit C, the applicant would like to sever the land located at the south -west corner of the former St John's School site from the balance of the property creating three new lots for residential development.

Last November, City Council rezoned the subject property to permit the use of the former school site for multi unit residential purposes and zoned the 1,810 sq metre portion of property at the south west corner as R.2-Residential. The proposal is considered an appropriate reuse of a school site as a residential infill opportunity including the three lots on the subject property for potential development of semi-detached dwellings.

Considering the size of the parcels in relation to the regulation of the zoning the proposed parcels would conform. Staff would therefore recommend the Committee grant the consent to create the three new lots subject to the following conditions:

- i) payment of a parks levy in an amount to be determined by the Parks Levy Review Committee,
- ii) payment of a tree levy of \$676.75, and
- iii) the applicant entering into an agreement with the City that would require the provision of building plans for approval by the Planner of Urban Design prior to issuance of a building permit. The purpose would be to ensure compatibility of building design considering the established standard of development in the neighbourhood.

A02/08 – 824 Lansdowne Street West - Speedy Auto Glass Ltd.

The subject property is legal, non-conforming in terms of size and development with a building that encroaches on the municipal boulevard. In 1965, the use of the property as an "auto glass repair establishment" was permitted by way of Committee of Adjustment decision 159/65 and in 1972 the C.4-Commercial zoning was applied that would permit highway commercial uses including a restaurant.

The applicant is proposing to change the use of the building on the subject property from an auto glass repair establishment to a restaurant. A variance is requested to reduce the minimum number of motor vehicle parking spaces required to support the restaurant from 10 to 9.

Section 6.2.1 of the zoning by-law states that a lawfully existing use of a property may change to a use permitted by the zoning district provided that there is no increase in the extent of non-conformity to the provisions of the by-law. In this case the proponent is seeking a variance to reduce the number of motor vehicle parking spaces from 10 to 9 based on the plan attached as Exhibit D.

Although the property is substandard considering the C.4 zoning regulations and the intensity of use could increase as a restaurant, Staff is of the opinion that the site could function if designed properly and the variance reducing the parking by one space is minor provided that there will be no drive-through component to the restaurant use.

Subject to concerns raised in response to the public notice issued, Staff would not object to the Committee granting the variance to reduce the minimum number of motor vehicle parking spaces to 9 to support the change in use to a restaurant provided that the restaurant not include a drive through component associated with the restaurant use. The recommendation is also made conditional upon the owner being required to enter into a site plan agreement with the City to address improvements to the site including those illustrated by Exhibit E. Recommended improvements to the site plan would include the following:

- i) A minimum of 1.2 metres wide strip of soft landscaping and raised barrier curb separating the parking from the 1.8 metre high privacy fence along the north lot line. This would protect the fence from damage and provide space for on site snow storage.
- ii) The width of the driveway access from Western Avenue should be defined by raised barrier curbing and soft landscaping,
- iii) Landscaping and a pedestrian connection between Lansdowne Street and the building face to the satisfaction of the Planner of Urban Design,
- iv) Storm water management.

Respectfully submitted,

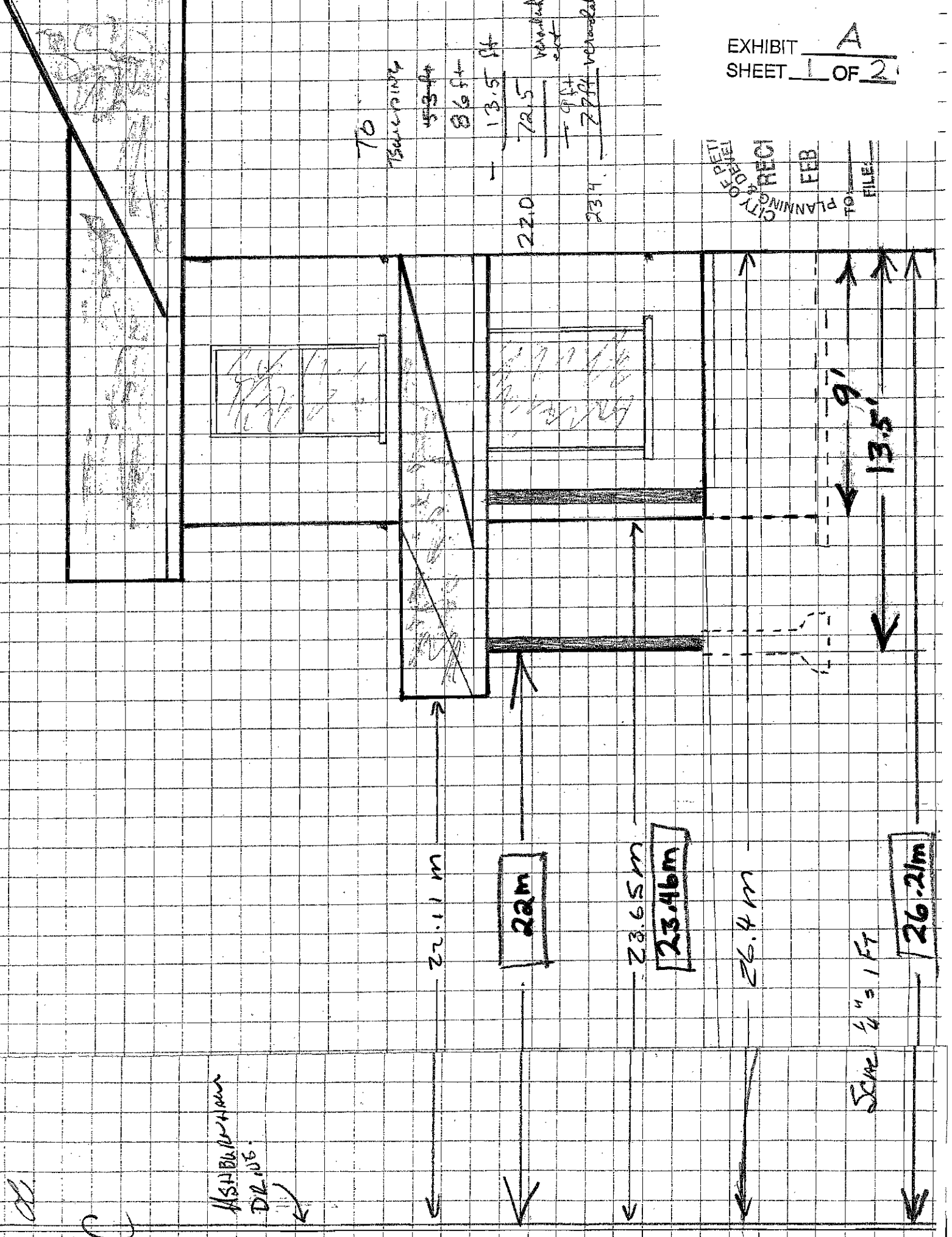


Richard Straka
Planner Policy & Research



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

CITY OF PETE
 PLANNING & REG
 FEB
 TO FILE



TO
 BOUNDARY
 15.3 ft
 8.6 ft
 13.5 ft
 22.5
 23.4
 27 ft removed
 27 ft removed

ASHBURNHAM
 DRAWING

22m

23.46m

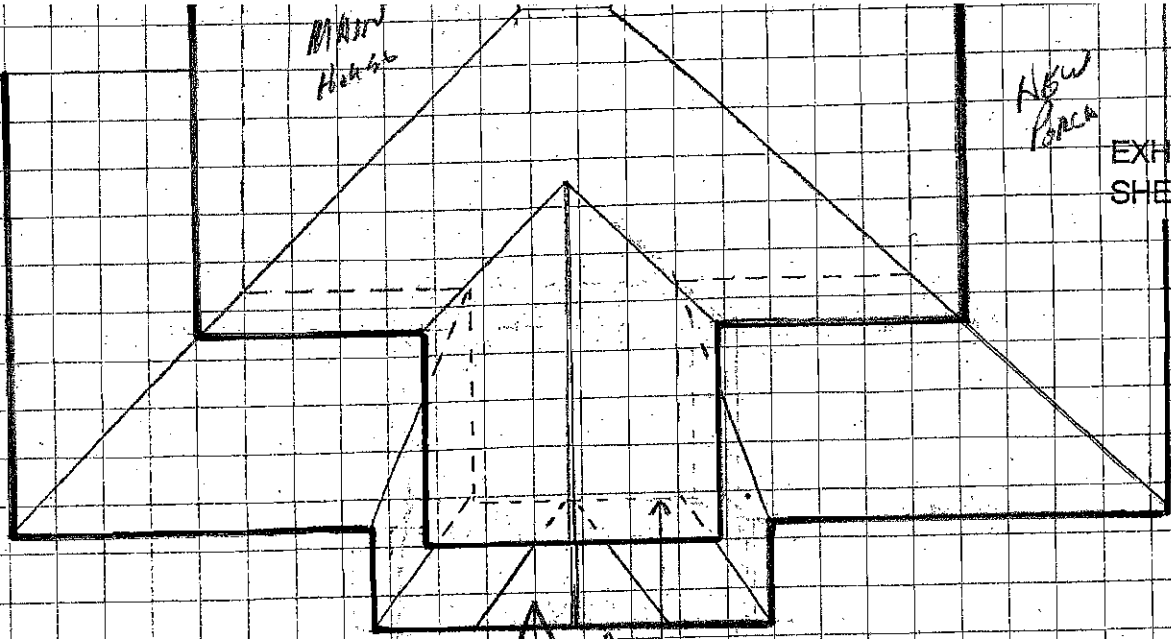
26.21m

Scale 1/4" = 1 FT

MAIN HOUSE

NEW PORCH

EXHIBIT A
SHEET 2 OF 2



5M (16.5 FT)

22.11 m

22.11 m

23.65 m

23.46 m

26.21 m

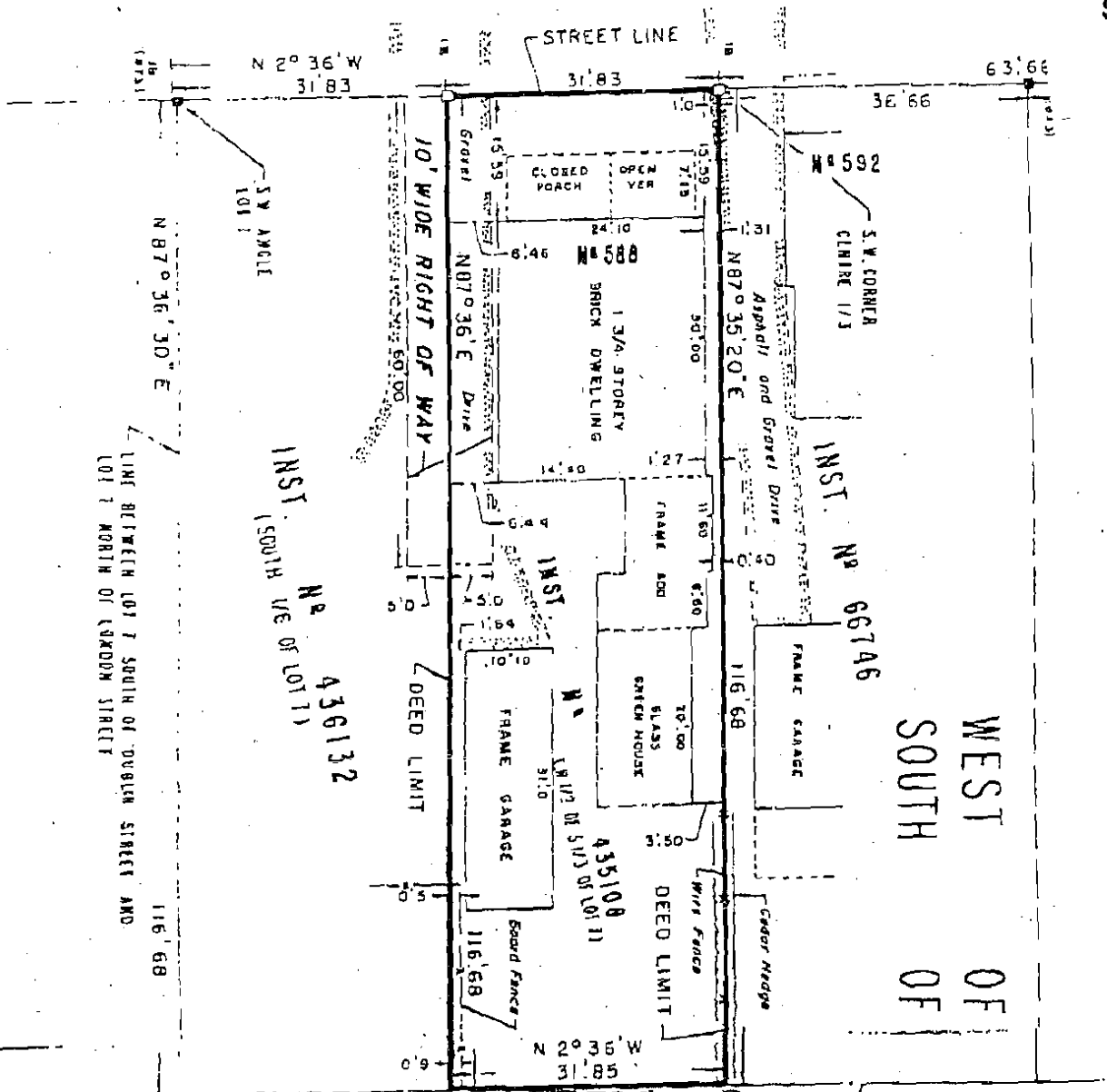
26.4 m

LEN VASS
400 ASH
SITE DRINK

ASHBURNHAM DRIVE

PETERBOROUGH
CITY & DEVELOPMENT SERVICE
RECEIVED
FEB - 6 2008
TO: _____
FILE: _____

AYLMER



WEST OF SOUTH OF

GEORGE STREET DUBLIN STREET

LINE BETWEEN LOT 7 SOUTH OF DUBLIN STREET AND LOT 7 NORTH OF LONDON STREET

LINE BETWEEN LOTS 6 AND WEST OF GEORGE ST AND SOUTH OF DUBLIN STREET

TO PLANNING & DEVELOPMENT SERVICES
CITY OF PETERBOROUGH
RECEIVED
DEC 11 2007

W.A. BENING
ONTARIO LAND
412 WATER
PETERBOROUGH
K9H
TEL 703-723-0672

Dimensions are in metric



CLERK

MCGILL ST

ROGER NEILSON WAY

BRAIDWOOD AVE

HURLEY ST

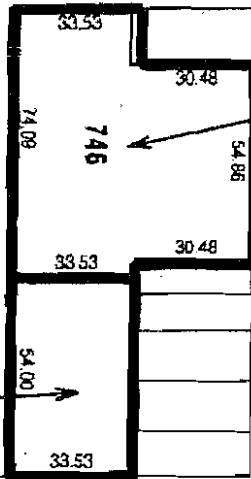
JANE ST

YOUNG ST

PAYNE ST

Change from
PS.2 to R.2

Change from
PS.2 to
SP.339



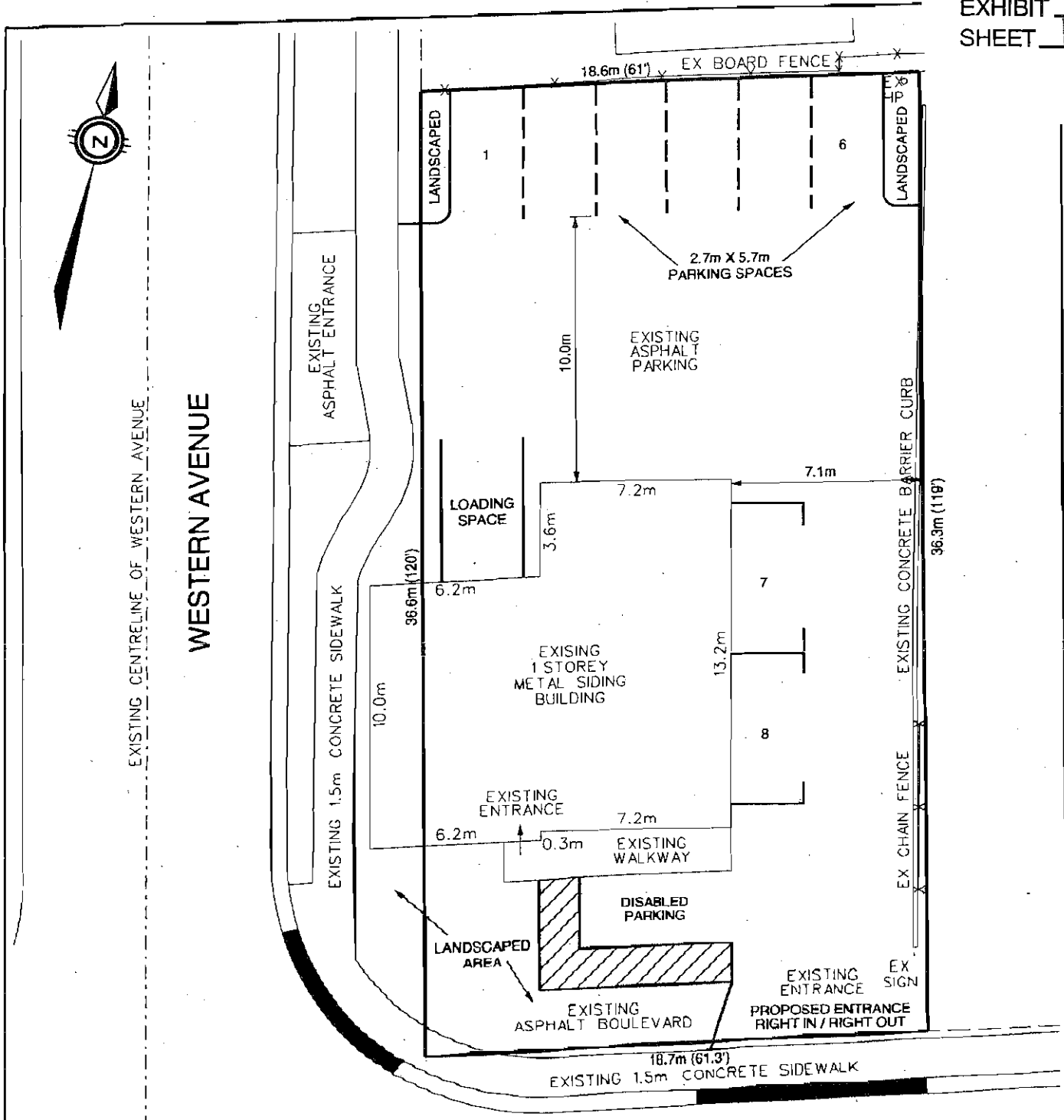
WILSON ST

City of
Peterborough

The "City of Peterborough," its employees, or agents, do not undertake to guarantee the validity of the contents of this digital or hardcopy mapfile, and will not be liable for any claims for damages or loss arising from their application or interpretation, by any party. It is not intended to replace a survey or to be used for legal description.

File: z0709

Scale: 1:1750



AREA	SQUARE METRES	PERCENT COVERAGE
LOT AREA	677.7	100
BUILDING	133.7	19.7
PARKING	497	73.3
LANDSCAPE	47.0	7.0

LANSDOWNE STREET WEST

Proposed

SCALE: HORIZONTAL 1:200
VERTICAL

KEVIN M. DUGUAY
COMMUNITY PLANNING AND CONSULTING INC.
560 ROMAINE STREET
PETERBOROUGH, ONTARIO, K9J 2E9
PHONE 705-749-6710
FAX 705-741-0975

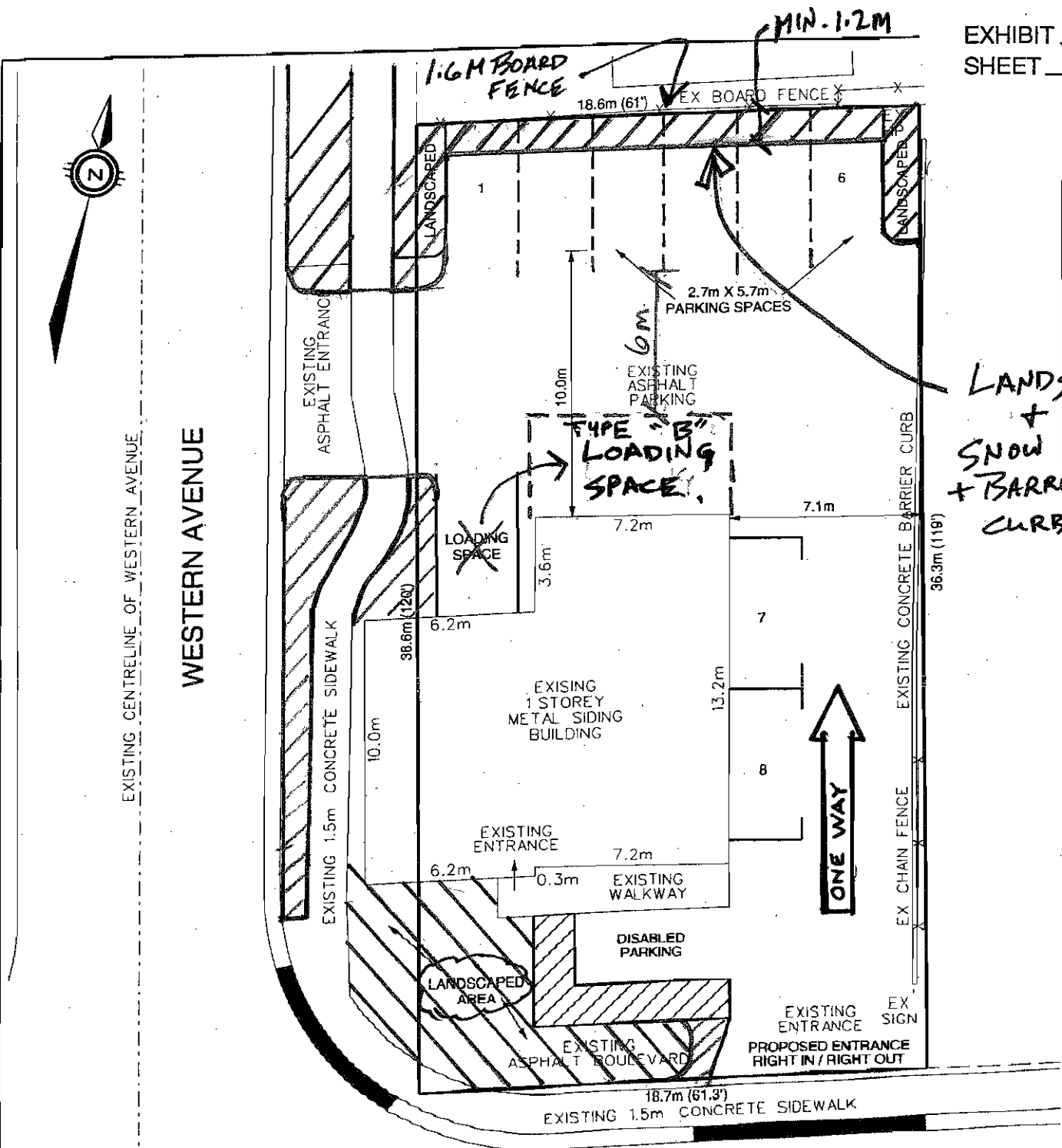
824 LANSDOWNE STREET WEST
CONCEPT PLAN
CITY OF PETERBOROUGH

G-05-07-SK1
DRAWING NO.

0
REVISION NO.

K.M. DUGUAY
DESIGNED BY

DECEMBER 2007
DATE



LANDSCAPING
+
SNOW STORAGE
+ BARRIER
CURBING

EXISTING CENTRELINE OF WESTERN AVENUE
WESTERN AVENUE

AREA	SQUARE METRES	PERCENT COVERAGE
LOT AREA	677.7	100
BUILDING	133.7	19.7
PARKING	497	73.3
LANDSCAPE	47.0	7.0

LANSDOWNE STREET WEST

RECOMMENDED.

SCALE: HORIZONTAL 1:200
VERTICAL

KEVIN M. DUGUAY
COMMUNITY PLANNING AND CONSULTING INC.
560 ROMAINE STREET
PETERBOROUGH, ONTARIO, K9J 2E3
PHONE 705-749-6710
FAX 705-741-0975

824 LANSDOWNE STREET WEST
CONCEPT PLAN
CITY OF PETERBOROUGH

G-05-07-SK1
DRAWING NO.
K.M. DUGUAY
DESIGNED BY

0
REVISION NO.
DECEMBER 2007
DATE