



## COMMITTEE OF ADJUSTMENT

HEARING DATE: March 11, 2008

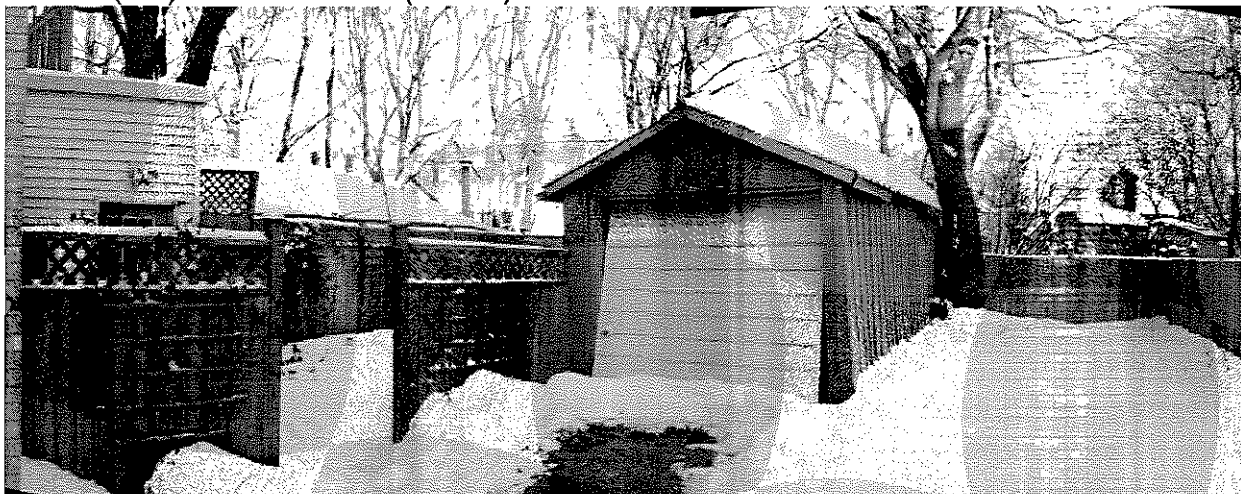
### Staff Comments Regarding Files:

A59/07, B02/08 & A03/08, A04/08, A05/08, A06/08, A07/08, A08/08, A09/08 & B03/07

### 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.

**B02/08 & A03/08 – 416 Stewart Street - Craig Dean**

Referring to the Plan attached as Exhibit B, the owner would like to convey a right of way for access purposes across the subject property to the owner of the adjacent property located at 420 Stewart Street to facilitate access to parking at the rear of the property. Considering the delineation of the easement across the subject property, the following variances are being requested:

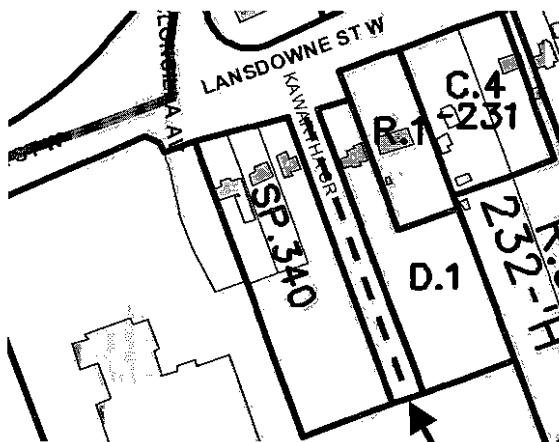
- i. reduce the minimum dimension of a motor vehicle parking space from 2.7 metres by 5.7 metres to 2.5 metres by 5.5 metres; and
- ii. reduce the minimum distance that a motor vehicle parking space may be located from a side or rear lot line from 1.5 metres (5 ft) to 1.2 metres (4 ft) and to 0 metres on the north side lot line.

Staff have worked with the agent of the applicant and considered the proposal a workable arrangement between property owners that would accommodate parking and access to parking between the two properties. The impact of the variances together with the variances already granted by the Committee File A88/93 attached as Exhibit C, would be minor. The reduced size of parking space would equal the typical size of a parking space in the core area of the City and the reduced width of landscaped open space by only one foot is not substantial enough to compromise snow storage or storm water run off.

Subject to concerns raised by neighbouring property owners, Staff would not object to the Committee granting the variances and the consent as described.

**A04/08 – Kawartha Crescent City road allowance adjacent 1307 Lansdowne St. W.**

The applicant will be acquiring a portion of the road allowance for Kawartha Crescent and is requesting a variance to permit the development and use of the property for landscaping in conjunction with the adjacent lands zoned Special District 340 that would permit development of a senior's retirement residence. Staff have been working with the applicant who intends to use the land in conjunction with development of the multi-unit residential property. According to the site plan the land will be used as open space to deal with the sloping land from a row of parking spaces.



Because the subject property is a portion of a municipal road allowance, Section 3.3(1) of the by-law provides that the boundary between the two adjacent zoning districts, (the SP 340 and the D.1 zoning districts) is located in the middle of the parcel. Because the entire width of a portion of the road allowance is to be conveyed to the owner of 1307- 1321 Lansdowne St. W., a variance is required to acknowledge the use of the property as a part of the property zoned SP.340.

To facilitate appropriate development and use of the property as illustrated by the site plan to be approved by the City, Staff would recommend the Committee grant the variance to provide that notwithstanding Section 3.3(1) of the zoning by-law, the easterly limit of the SP. 340 zoning district shall be the easterly limit of Part 4 of Plan 45R-14331.

**B03/08 – 554 Downie Street - Donna Mae Hanrahan**

In 1890 a dwelling was constructed on the property known municipally as 548 Downie Street. A recent survey has revealed that the eave of the building encroaches upon the subject property. The applicant is requesting consent to convey a 0.6 metre (2 ft) wide by 11 metre (36 ft) long strip of land to recognize the location of the eave of the dwelling that encroaches over the subject property.

Staff would have no objection to the Committee granting the easement as described, to acknowledge the location of the limits of the building and improve access for maintenance purposes.

**A05/08 – 661 Lansdowne Street West - Lansdowne Place Inc.**

The applicant is requesting a variance to Section 6.4 of the by-law regarding Temporary Structures to permit a Garden Centre during the months of April to July, inclusive. A variance may also be required to reduce the number of motor vehicle parking spaces required to support the retail operation from 1,258 to 1,201 for a period of approximately 90 days when the Garden Centre is established.

Staff considered the proposed location of the garden centre as illustrated on Exhibit D and noted that the location obstructs a corridor between parking areas and the secondary access from High Street. Staff also appreciates that the site plan filed with the application is interim with plans for expanding the mall in the works. Considering the shortfall of 57 motor vehicle parking spaces, the summer months are typically a slower season for retail shopping malls and demand for parking is not as great. Because the proposal is based on an interim site plan, staff would not consider the impact of the variance to the number of parking spaces based on the lay-out to be significant if the variance is limited to a two year time frame.

Subject to concerns raised in response to the notice issued, Staff would not object to the Committee granting a temporary variance to reduce the number of motor vehicle parking space required to 1,201 and to Section 6.4 to permit the temporary structure as a garden centre to be located next to the High Street entrance for a period of 90 days during the months of April through to July, provided that the approved site plan is amended to illustrate the location of the facility. Staff would recommend that this decision of the Committee lapse on July 31, 2010 to allow a review of the evolving site plan, the flow of traffic on the site and the impact of the relief from parking.

**A06/08 – 675 Weller Street - Mike Halloran and Carrie Anderson**

The applicant would like to construct a two storey addition to the south end of the dwelling in the property. A variance is therefore requested to reduce the minimum building setback from the Gordon Avenue street line from 6 metres (20 ft) to 1.9 metres (6.25 ft) to permit a proposed, two storey addition to the south end of the dwelling.



**675 Weller Street**

Currently there is a single garage on the south side of the dwelling with access from Gordon Ave. The access is more appropriately from Gordon Ave a local street, rather than Weller St. a collector notwithstanding the proximity of the building precluding parking between the building and street line. The proposed addition would improve the situation by creating a second parking space within the two car garage under living space as required by the by-law. The building is already established 2.41 metres (7.91 ft) from the street line. The design would project toward the street slightly more than the established building line to make the elevation more aesthetically pleasing.

Considering the established building line of the dwelling and the nature of development of other properties in the vicinity, Staff is of the opinion that the impact of the variance requested would be minor and would facilitate a functional expansion to the dwelling including a second parking space on the property.

**A07/08 – 482 Mark Street - Robin and Hermione Rivision**

A variance is requested to reduce the minimum building setback from the Mark Street street line from 6 metres (19.6 ft) to 4.8 metres (16 ft) to permit an alteration to the roof design that would permit a new, gable end facing the street.

The owner would like to create more space in the upper level of the building. There is no change to the height of the north wall of the building or the elevation of the soffit. Although there will be a slight increase in the floor area of the attic, it will not, by definition result in a third storey.

Staff visited the site and considered the design of the building compared to other

buildings in the area and in relation to the building massing next to the street. Staff noted that the southerly portion of the building that is already 3.45 metres (11.33 ft) from the street line has a gable end. It was noted that the north portion of the dwelling on which the proposed gable end is to be constructed is recessed approximately 1.35 metres from the protruding portion of the dwelling with the established gable end.

Staff is of the opinion that the proposed modification to the roof design will result in a minor physical change to the roof elevation as perceived from the street and the proposed design would contribute to the over-all design of the building with building massing not being an issue.

Staff considers the variance requested as minor and would not object to the Committee granting the variance as described.

**A08/08 – 274 Braidwood Avenue - Sarah Hadwin**

A two storey building was established on the property in 1912. The building is located 0.35 metres (1.15 ft) from the east side lot line as shown on the plan attached as Exhibit E. The owner would like to construct a second storey addition over the one storey portion of the building. A variance is therefore requested to reduce the minimum building setback from the east side lot line from 1.2 metres (3.9 ft) to 0.35 metres (1.15 ft) to permit a second storey addition to the rear of the existing dwelling.

Staff visited the site and considered the separation between the proposed addition and the building on the adjacent property to the east and is of the opinion that the impact of the variance would be minor.

Staff would have no objection to the Committee granting the variance as described provided that eavestroughing is established on the building to conduct storm water onto the subject property so as not to affect the neighbouring property.

**A09/08 – 462 Gilmour Street - Florence Treadwell**

The building was constructed in the middle of the subject property in 1910. In order to update the functional space within the building, the owner would like to construct a family room as a one storey addition to the west side of the building. A variance is therefore requested to reduce the minimum building setback from the west side lot line from 1.2 metres (3.9 ft) to 0.6 metres (2 ft) to permit a one-storey addition to the side of the dwelling.



***462 Gilmour Street***

Staff visited the site and considered the separation of the building on the adjacent property to be approximately 3 metres from the lot line as illustrated to the left. Staff also considered the dimensions of the family room proposed to be 3 metres (10.5 ft) by 4.77 metres (15.6 ft).

Considering the circumstances, Staff is of the opinion that the variance being requested is reasonable provided there is no objection from the neighbouring property owner.

Subject to concerns raised by neighbouring property owners, Staff would not object to the Committee granting the variance as described provided that the owner establish eavestroughing on the building addition to conduct storm water onto the subject property so as not to affect the neighbouring property.

**B03/07 – 413 Carnegie Avenue - Jean Carl and Johnathan Brown**

Referring to the Plan attached as Exhibit F, the subject property has recently been rezoned SP.31 Residential apart from the surrounding lands that will form a part of a plan of subdivision in the future. Council considered it appropriate to recognize the homestead separate from the adjacent lands as it may continue to offer an appropriate living experience in the context of future development.

The SP. 31 zoning district would permit a single unit dwelling on an unserviced lot of at least 2,785 sq metres. The proposed parcel would be 60 metres by 72 metres and would conform to the minimum lot size required.

Carnegie Avenue is designated as an arterial road with a minimum width requirement of 30 metres. Staff noted that there will be need to require land for future widening of the Carnegie Avenue road allowance.

Staff would not object to the Committee granting consent to the conveyance of Part 2 as illustrated in the draft reference plan subject to the following conditions:

- 1) conveyance, free of encumbrances and at no cost to the City, of a strip of land for the purpose of road widening to the satisfaction of the Utility Services Department, and
- 2) payment of a tree levy in the amount of \$751.00.

Respectfully submitted,



**Richard Straka**  
Planner Policy & Research



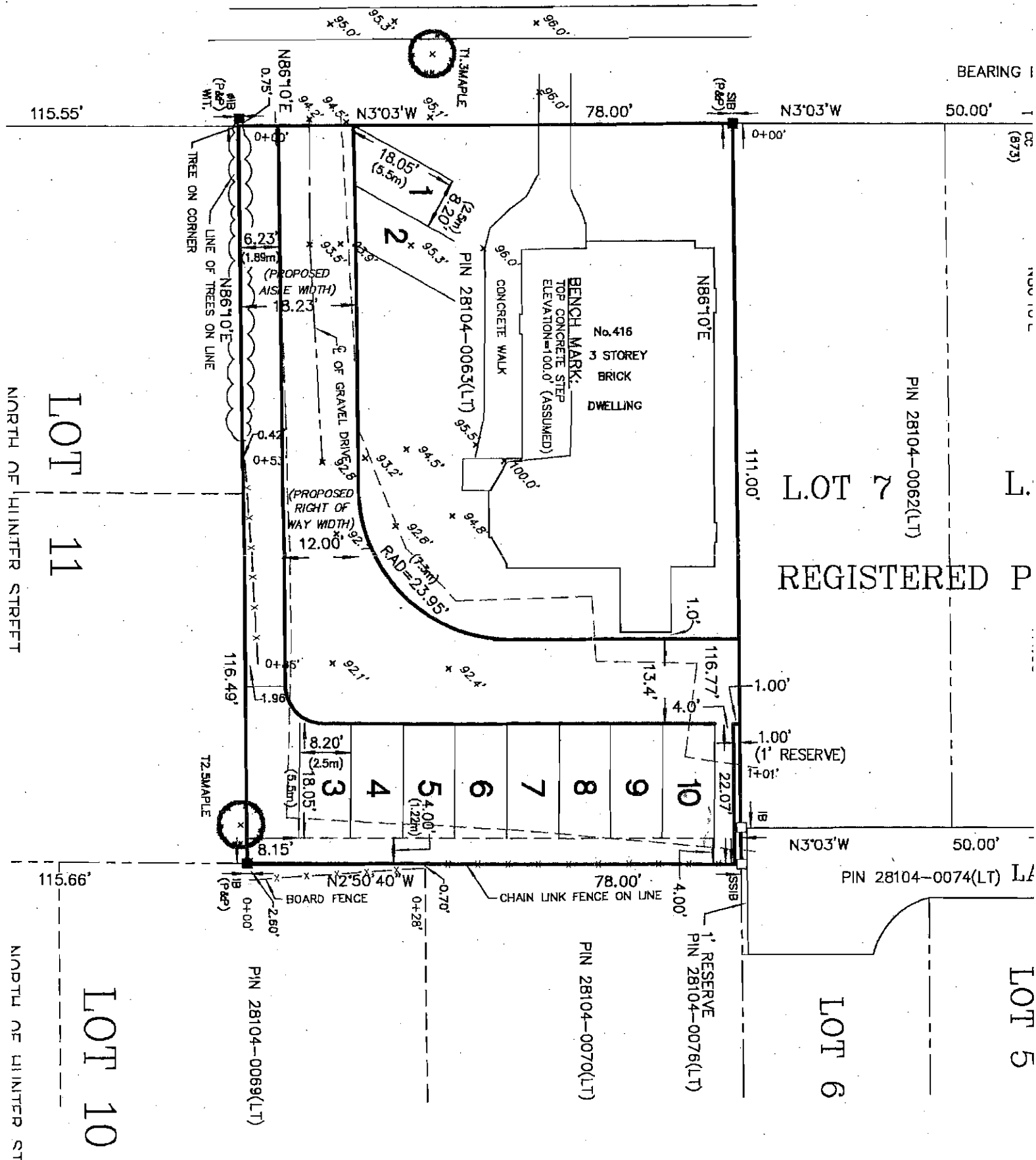
**R. Waldron, C.E.T., CBCO**  
Manager, Building Division



# STEWART STREET

EXHIBIT B  
SHEET 1 OF 11

PIN 28104-0059(LT)



A letter was received prior to the meeting from Ms. Sheila McConkey, 106 Hunter Street East, P.O. Box 494, Peterborough, Ontario, K9J 6Z6, in objection to the application. Ms. McConkey stated that the minor variance requested was not minor in nature.

A letter was received prior to the meeting from Mr. David Burns, Mantilla Investments Limited, P.O. Box 2409, Peterborough, Ontario, K9J 7Y8, in support of the application. Mr. Burns stated that the applicant has improved the quality of the neighbourhood, by enhancement of the property.

### DECISION

This is a minor variance application seeking relief from the provisions of the zoning by-law to construct an eighth unit within the existing building at Part Lot 11, north of Hunter Street, west of George Street, municipally known as 416 Stewart Street. The applicant is requesting the following variances:

- (a) to reduce the minimum lot area per dwelling unit from 185.8 square metres (2,000 square feet) to 105.069 square metres (1,131 square feet);
- (b) to increase the maximum lot coverage by driveway and parking area to 46%, and
- (c) to reduce the minimum distance of vehicle movement area in relation to a window of a habitable room from 6.096 metres (20 feet) to 1.5 metres (5 feet).

The applicant has provided with the application a sketch as to how parking for nine (9) vehicles associated with the eight (8) units may be accommodated on the property.

The Committee adjudicated on the application and determined that:

1. the variances are minor, and
2. the proposal is desirable for the appropriate development or use of the land, and
3. the general intent and purpose of the Zoning by-law is maintained, and
4. the general intent and purpose of the Official plan is maintained.

Therefore minor variances are granted for the following:

- (a) to reduce the minimum lot area per dwelling unit to 105.069 square metres (1,131 square feet);
- (b) to increase the maximum lot coverage by driveway and parking area to 46%, and
- (c) to reduce the minimum distance of vehicle movement area in relation to a window of a habitable room to 1.5 metres (5 feet),

conditional upon the payment of a parks levy of \$500.00.



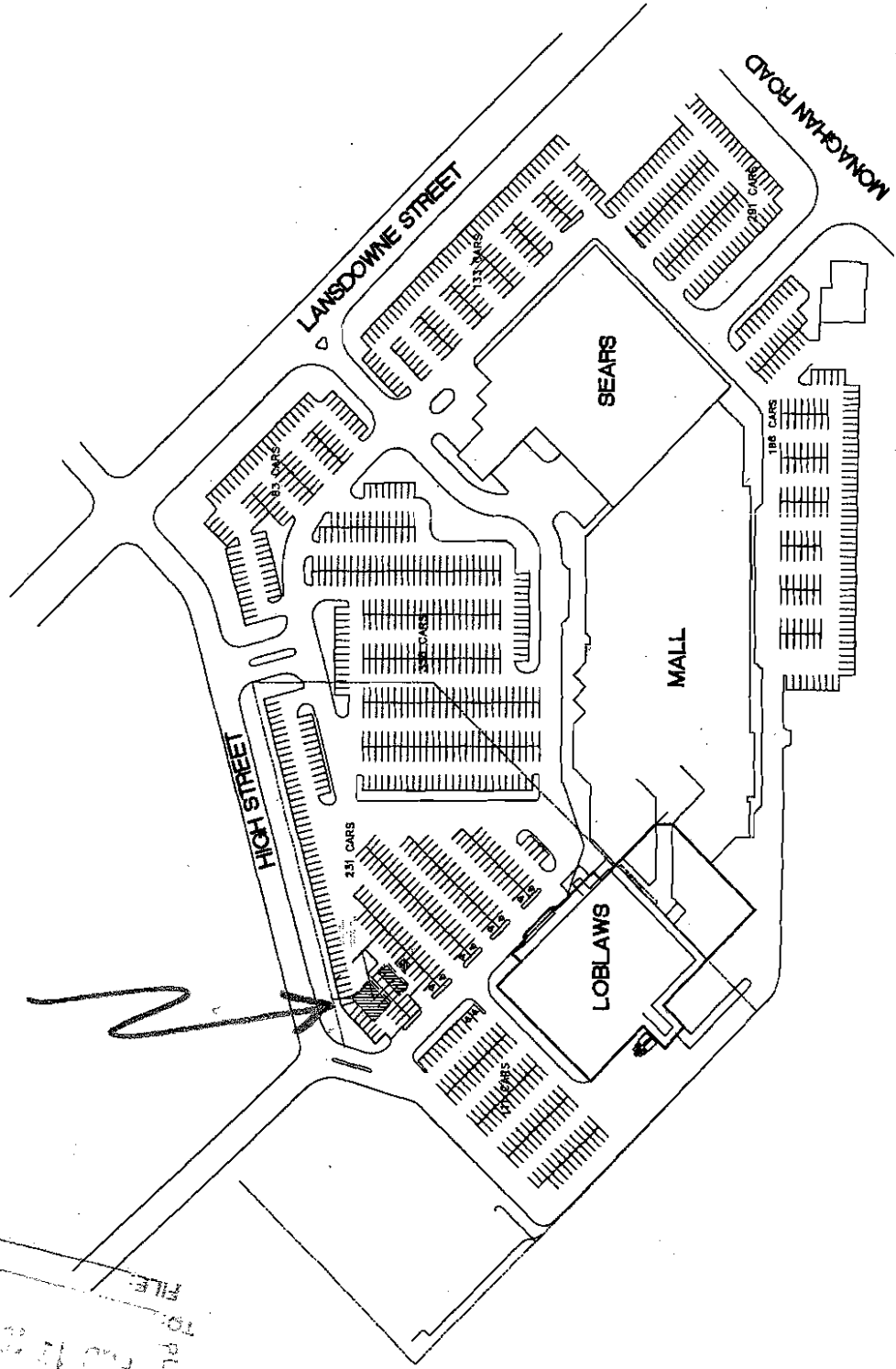
SCALE 1:1200

GARDEN CENTRE APPROVALS	
DATE	BY
FEDOR CHANGE LOCATION OF GARDEN CENTRE ZP-HC	

**LOBLAW PROPERTIES LIMITED**  
GARDEN CENTRE APPROVALS

LANSLOWNE STREET	
PETERBOROUGH, ONTARIO	
SITE AREA (LOBLAWS)	44.49 ACRES
LOBLAWS RETAIL AREA	5,998.00 S.M.
GARDEN CENTRE TENT AREA	77.00 S.M.
TOTAL RETAIL - LOBLAWS AREA	23,156.00 S.M.
PARKING RATIO (FOR LOBLAWS ONLY)	1239 CARS 4.87/1000 S.F. 26.04 %
LOBLAW PROPERTIES LIMITED	
OCTOBER 13, 2001 2:51	

EXHIBIT D  
SHEET 1 OF 1



TO: PLANNING OFFICE  
 PETERBOROUGH  
 SERVICES  
 FILE # NOS/08

11

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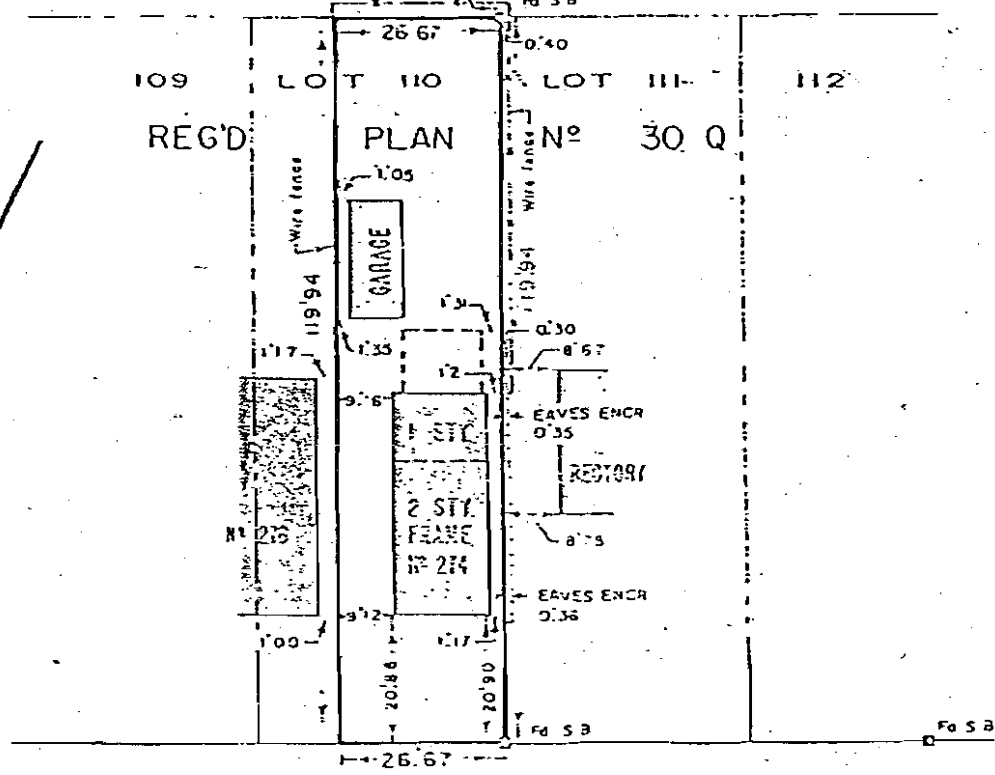
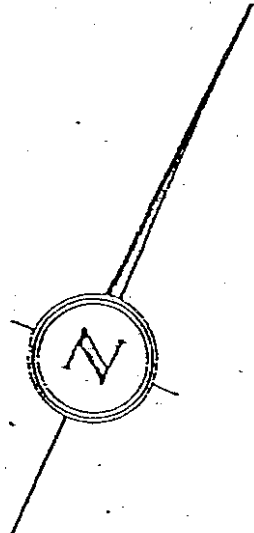
15' L A N E

109 REG'D

LOT 110

LOT 111-30 Q

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PETERE  
JULY 11,

BRAIDWOOD AVENUE

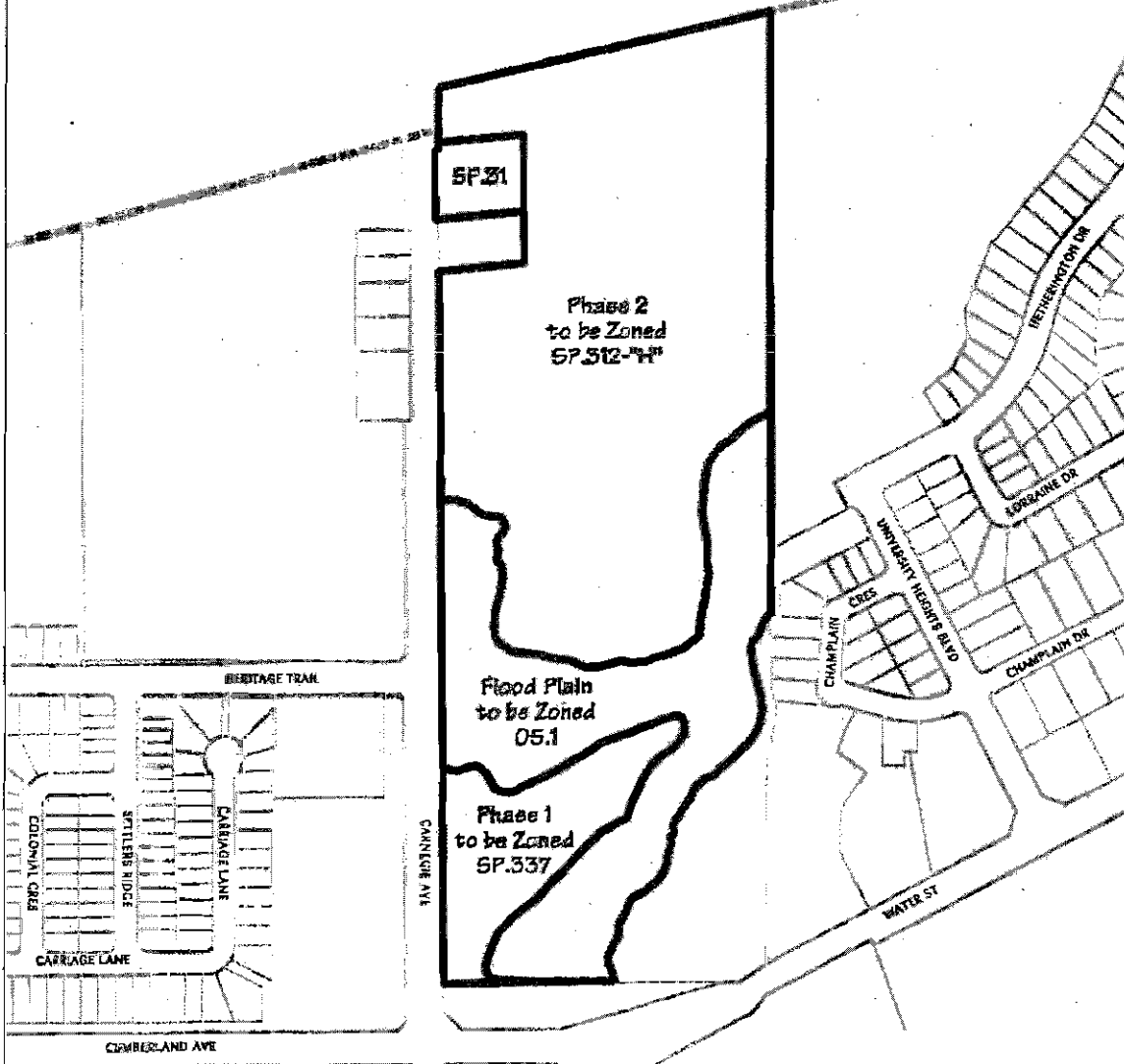
Fd.C.C.

Fd.C.C.



**Change from A1  
 and SP.337 to  
 as shown below**

SCHEDULE 'A' TO  
 BYLAW 2008 -  
 PASSED THE DAY  
 OF 2008  
 MAYOR  
 CLERK



**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 map, 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: z0622

Scale: 1:5000