



## COMMITTEE OF ADJUSTMENT

HEARING DATE: May 13, 2008

### Staff Comments Regarding Files:

A12/08, A13/08, B05/08, A14/08, A15/08, A16/08 & B06/08

#### A12/08 – 567 King Street -- Tmichael Munn & Anria Loubser

The applicant is seeking a variance to reduce the minimum building setback from the east side lot line from 1.2 metres (4 ft) to 0 metres to recognize the location of a 26 sq metre detached garage located on the east side of the dwelling.

The subject property was formerly owned by people related to the owners of the adjacent property known municipally as 561 King Street. The development on the property appears to have occurred with less regard for the location of the property line than normal.

Staff was contacted by the current owner of the property at 561 King Street concerned about the location of the garage in relation to the lot line. Staff examined the survey evidence regarding the location of the garage and the driveway on the property and is recommending that the application be adjourned to the meeting of the Committee scheduled for June 17, 2008. The adjournment will allow time to investigate the possibility of establishing maintenance easements or right of ways considering the location of the garage and driveway in relation to the lot line. The agent for the applicant has been contacted regarding the recommendation and has agreed to the adjournment.

#### A13/08 – 580 Downie Street - Andrew Fraser & Michell Fraser

Referring to the Plan attached as Exhibit A, the owner of the property had acquired the portion of a lot to the rear of his dwelling with the intention of accommodating an addition to the dwelling. Because the north side lot line is irregular in shape, the portion of the line that does not intersect with the street line is considered a rear lot line. The applicant would like to construct a one-storey addition to the residential dwelling, in line with the north wall of the building up to a jog in the north property line. To the east of the jog, the proposed building addition would be offset 1.6 metres from the north lot line. A variance is therefore requested to reduce the minimum building setback from 1.2 metres (4 ft) to 0.72 metres (2.38 ft) in relation to the north side lot line, from 7.6 metres (24.9 ft) to 0.68 metres (2.25 ft) in relation to the westerly, rear lot line and to 1.6 metres (5.5 ft) in relation to the northerly, rear lot line.

Staff visited the property and considered the standard of development in the neighbourhood. Because the proposal involves the removal of an addition to the rear of the dwelling that is actually closer to the north lot line than the proposed addition and

because the proposed addition will be off set 1.2 metres from the north lot line, Staff is of the opinion that the configuration of the proposed addition is reasonable considering the irregular shaped lot line. The variances sought are in relation to what functions as a side lot line and therefore Staff is of the opinion that the impact of the variance to permit the proposal would be minor.

Subject to concerns raised by the neighbouring property owner, Staff would not object to the Committee granting the variance as described provided that eavestroughing is established and maintained on the building to manage storm water on the subject property so as not to affect the neighbouring property.

**B05/08 – 301 Carnegie Avenue - Triple T Holdings Limited**

Staff is working with the proponent to facilitate the advancement of financing for development of Phase 1 of the residential condominiums along the east side of Carnegie Avenue as illustrated on the Plan attached as Exhibit B. Staff would have no objection to the Committee granting a consent for the mortgaging or charging of a parcel of land municipally known as 301 Carnegie Avenue and more specifically described as Part 1 of Plan 45R-14368.

**A14/08 – 2551 Thornbury Drive - Kal Ojamae**

The subject property was recently annexed into the City from the Otonabee Township and is still subject to the zoning regulations of the Otonabee by-law. Staff have considered the spatial separation of dwellings established on the lots in the rural residential subdivision and is of the opinion that the variance sought to reduce the minimum building setback from the westerly rear lot line from 12 metres (39.4 ft) to 10.3 metres (33.7 ft) to recognize the location of the dwelling is minor.

Staff would have no objection to the Committee granting the variance as described.

**A15/08 – 637 Lundy's Lane - Jean Rowat Montgomery**

Referring to the Plan attached as Exhibit C, the property known municipally as 637 Lundy's Lane is an irregular shaped lot in a plan of subdivision separate from the adjacent property known municipally as 631 Lundy's Lane. Considering its development potential, a variance is requested to reduce the minimum building setback from the north and easterly rear lot lines from 7.6 metres (24.9 ft) to 1.2 metres (3.9 ft) to permit construction of a new, single unit dwelling on the property.

Because the southerly portions of the east lot line do not intersect with a street line, the lines are defined in the by-law as rear lot lines. Staff was contacted by neighbouring property owners responding to the public notice. Concerns included the narrow street width considering on street parking associated with the use, development of the lot and building design. Staff visited the subject property and considered the established standard of development in the neighbourhood. Staff considered the location of the proposed dwelling to be constructed to be reasonable in relation to the irregular shaped

east lot line that functions as a side lot line and is of the opinion that the proposed setback is of 6 metres is reasonable and the impact of the variance would be minor.

Staff would not object to the Committee granting a variance conditional upon the applicant entering into a development agreement with the City that would be registered on title, that would require that building plans be provided to the Planner of Urban design for approval of the building design prior to issuance of a building permit. The purpose of the approval is to ensure the compatibility of building design with regard for the established standard of development in the neighbourhood including the location of the building to be set back 6 meters from the street line.

#### **A16/08 – 899 Cumberland Avenue - Paul Kilfoil & Jeanne Noel**

The applicant would like to renovate the dwelling on the property constructing a second storey addition, a new carport and covered verandah over the existing stoop and front entrance to the home. To accommodate the proposed additions, a variance is requested to reduce the minimum building setback from the centre line of Cumberland Avenue from 24.4 metres (80 ft) to:

- i. 17.8 metres (58.45 ft) to permit the reconstruction of a wider carport and second storey over the building in line with the front foundation of the building as established; and
- ii. 16.29 metres (53.45 ft) to permit the projection of a 1.5 metre by 4 metre wide, covered verandah over the front step and entrance to the dwelling.

Staff visited the site and considered the established building line of other dwellings along Cumberland Avenue in the vicinity and is of the opinion that the proposal would not be a significant departure from the established standard. The second storey addition would be over the established single storey structure and the carport would be in line with the setback of the dwelling. Although the proposed verandah would project 1.5 metres in front of the building face, the feature would add aesthetic and functional design detail to the building and would not have a significant impact in relation to the street line.

Subject to concerns raised by neighbouring property owners, Staff would not object to the Committee granting the variances as described for an unenclosed verandah.

#### **B06/08 – 136 James Street - Lawrence Sadler**

In April 2006, the Committee granted consent and variances to facilitate the creation of a new building lot to the east of the dwelling at 136 James Street. Because the conditions for consent were not followed through on within two years, the consent lapsed. The variances, however remain in place.

Referring to the survey attached as Exhibit D, the applicant is once again before the Committee requesting a consent to convey the easterly 11.16 metres (36 ft) of the subject property to create new building lot for a single unit dwelling.

Staff visited the subject property and considered the standard of lot size and

development of other properties in the vicinity. Staff is of the opinion that the severance of the lot would allow appropriate development of a single unit dwelling to make efficient use of infrastructure in place.



**136 James Street**

Staff would support the variance and severance as described subject to the following conditions:

- 1) the owner entering into an agreement with the City to require that building plans be provided for approval by the Planner of Urban Design to ensure compatibility of building design with other buildings in the neighbourhood prior to issuance of a building permit. The agreement will also obligate the owner to pay the cost for the City to remove the tree on the boulevard,
- 2) payment of a parks levy in the amount to be determined by the City's Parks Levy Review Committee, and
- 3) payment of a tree levy in the amount of \$137.00.

Respectfully submitted,

**Richard Straka**  
Planner Policy & Research

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

DOWNIE ST.

EXHIBIT A  
SHEET 1 OF 1

PORCH

EXISTING 2 1/2 STY.  
BRICK. APR 26, 1830

PROPOSED 1 STY.  
BRICK ADDITION

49'-10"  
SHED - TO BE DEMOLISHED

ORIGINAL PT. LOT 17

RECENTLY ACQUIRED PT. LOT 17

60'-30"

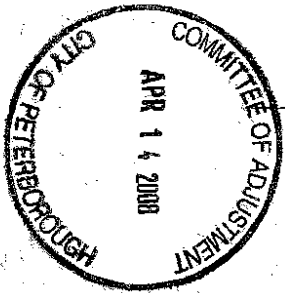
58'-1/2"

58'-1/6"

58'-1/6"

58'-1/11"

58'



FRASER ADDITION  
580 DOWNIE ST. - PETERBOROUGH  
SITE PLAN - NOT TO SCALE  
- DWG. M. LEONARDI APR. 2008





REG'D

PLAN N° 1A

LOT 87

INST. N° 381672

N° 27

72

LOT 73

NORTH OF JAMES STREET

N° 290693

192'.66 (SET BY PRIOR SURVEY)

LOT LINE

192'.92 (MEAS.)

PLAN

REGISTERED

LOT 89

0+79'  
BOARD FENCE

0+56'  
1-7"

191'.40 (PLAN)

1-8"

0+00'

PORCH  
21'-5"

1 1/2 STOREY  
FRAME  
DWELLING  
N° 136

CONCRETE

43'-3"

LOT LINE

191'.40 (PLAN)

PROPOSED  
LINE OF  
SEVERANCE

73'.26 (PLAN AND MEAS.)

JAMES

STREET