



COMMITTEE OF ADJUSTMENT

HEARING DATE: July 15, 2008

Staff Comments Regarding Files:

A19/08, B07/08, A21/08, A22/08 & A23/08

A19/08 – 116 Parkhill Road East - Psjegan Inc.

A variance is requested to reduce the minimum building setback from Auburn Street from 6 metres (19.6 ft) to 3 metres (9.8 ft) to permit a proposed, cantilevered, canopy structure to be constructed over the gas pump islands to extend into the setback from the street line as illustrated on the plan attached as Exhibit A.

The application has been adjourned from an earlier meeting of the Committee to permit Staff to review the site plan for the property that advances the site layout parking and access relative to the proposed location of the fuel pump islands. The subject property is located at the skewed intersection of Parkhill Road an arterial street and Auburn Street, a local street requiring only a 6 metre setback. The applicant has been working with staff toward developing a new site plan for the property that would address the new location of the pump islands on the property. The Transportation division is addressing the site plan with the applicant and is satisfied that access to the site will not be compromised by traffic circulation on the site. They did not have any objection to the variance requested that would permit the cantilevered canopy to project into the setback from Auburn Street.

Staff is of the opinion that the impact of the variance requested to the setback would be minor and would contribute to a functional site plan for development of the property. Staff would not object to the Committee granting the variance as described.

B07/08 – 1633 Water Street – Trent University

Referring to the survey attached as Exhibit B, a consent is requested for a lease of a 2.5 hectare (6 acre) parcel of land shown as Part 1, for a period that would exceed 21 years. The purpose of the lease is to facilitate development of the property for mixed commercial and multi-unit residential purposes as permitted under the University College zoning.

This application was first heard by the Committee on June 17, 2008 and adjourned to this date to allow the proponents an opportunity to hold a neighbourhood meeting and address issues raised by the neighbouring property owners. A meeting was held by Trent University on July 3rd and information was shared with the public regarding proposed plans for development of the property.

Since the original hearing Staff have received a revised letter from Otonabee

Conservation regarding the proposal. The letter attached as Exhibit C, raises concerns with the sloped land to the west and the existing natural features on the property citing the Provincial Policy Statement in requesting hydro-geophysical assessment of the site.

The letter cites the need to investigate the slope stability and other details that should be considered and are typically investigated and considered upon preparation of a site plan for development of the property. The application before the Committee is requesting consent that would define a parcel of land that would conform to the regulations of the zoning district. It is the choice of the applicant to define the parcel in advance of determining the actual development that could be supported by the parcel of land in accordance with the zoning regulations, physical and natural constraints of the property that may limit its actual development capacity.

Staff is of the opinion that the property as described can support residential development in accordance with the University College zoning district and given the scale of the development contemplated it would be subject to a site plan agreement to be approved by City Council. Staff would not object to the Committee granting the consent subject to the following conditions:

- 1) The owner conveying to the City, free of encumbrances and at no cost to the City, a 3 metre wide strip of land along the entire road frontage of the subject and retained property on the west side of Water Street for the purpose of widening the Water Street road allowance.
- 2) The owner entering into an agreement with the City that will require provision of the following as a condition for site plan approval:
 - i) a further 3 metre wide strip of land on for the purpose of road widening on either the west side of Water Street in relation to the severed and retained property, or on the east side of Water Street, to be determined as required by Utility Services,
 - ii) a raw water quality impact analysis in accordance with Official Plan policy 3.5.2.1.1 b)
 - iii) a geotechnical and a hydro-geological assessment by a qualified engineer, considering the slopes to the west side of the property in relation to the proposed development, and
 - iv) an inventory of flora and fauna on the site including a statement on the impact of the proposed development on the features to the satisfaction of the Otonabee Conservation.

A24/08 – 1493 Hetherington Drive – Christian Horizons

The applicant would like to construct a stairwell entrance to the rear of the dwelling that would form a part of the foundation of the building. A variance is therefore requested to reduce the minimum building setback from the rear lot line from 7.6 metres (24.9 ft) to 6.32 metres (20.7 ft) to permit the proposed stairwell as illustrated on Exhibit D.

The subject property is the last lot located at the north end Hetherington Drive. The property backs onto the Power line corridor that defines the north limit of the City between

the University Heights Subdivision and Woodland Acres Subdivision in Smith Township. The dwelling is a registered group home and has been advised by the Fire Department that a second exit from the lower level of the building is necessary from a fire safety perspective given the nature of the residents and how they occupy the dwelling.

The proposed stair well is to be an open, concrete structure linked to the foundation of the dwelling. Considering that there is only open field associated with the power transmission corridor to the rear of the property, Staff is of the opinion that the impact of the variance would be minor. Subject to concerns raised by neighbouring property owners, Staff would not object to the Committee granting the variance as described.

A25/08 – 12 Bruce Street – Sharon Taylor

The applicant would like to construct a new covered verandah across the front of dwelling to replace the existing stoop and stairs. The proposed verandah would not project further in front of the dwelling but would extend across the front of the dwelling and covered by a roof. A variance is therefore necessary to reduce the minimum building setback from the street line from 6 metres (19.6 ft) to 2.4 metres (8 ft).

Bruce Street is located on the peninsula that projects into Little Lake. Development on the Peninsula is characterised as modest in scale and pedestrian oriented considering the limited vehicular access to the point. Staff visited the site and considered the nature and established standard of development of properties in the vicinity and is of the opinion that the impact of the variance would be minor and provide for the development that would contribute to the pedestrian character of the neighbourhood.

Subject to concerns raised by neighbouring property owners, Staff would not object to the Committee granting the variance to reduce the minimum setback from the Bruce Street street line to 2.4 metres to permit an unenclosed, covered verandah across the front of the dwelling on the property.

A26/08 – 784 Parkhill Road West - Kawartha Muslim Religious Association

The subject property is a former church site located at the corner of Parkhill Road and Crowley Crescent. The applicant would like to construct a 60 square metre (650 sq ft) addition to the east side of the building as illustrated on Exhibit E.

The following variances are therefore requested:

1. reduce the minimum number of motor vehicle parking spaces required in connection with the proposed addition from 12 to 0,
2. reduce the minimum width of landscaped open space between the parking area and the east side lot line from 3 metres (9.8 ft) to 1.5 metres (5 ft) and to 0 in relation to the boulevard along Crowley Crescent to recognize the existing 17 motor vehicle parking spaces on the site.

The subject property is zoned PS. Public Service with regulations that are designed to accommodate a church that functions typically as a place of assembly. The property is used by the Kawartha Muslim Religious Association as a Mosque that does not function quite the same way that a church would function in relation to the design of the City's By-

law including both the Public Service Zoning and the parking by-law.

Upon considering this application, Staff discussed the proposal at length with the applicant to understand the merits of the proposed land use of a Mosque in relation to the generic application of the by-law and would request the Committee consider the following differences:

- 1) From a land use perspective, a Mosque like a Church functions primarily as a place of assembly for the purpose of worship. The difference between a Mosque and a Church is that a Mosque is used only for that purpose, for approximately two hours once a week on Fridays. Although it may be used as a place of worship on two other religious holidays a year. It is not used as a place of assembly for any other purpose. The consideration here is that a church is typically considered as a place of assembly that may be used for various functions any time, on any day of the week.
- 2) Once a Mosque is decreed by their faith as a Mosque, the use would not be changed by the owners. While churches are often converted to other uses including a full time place of assembly, the Muslim Religion would not permit the sale or conversion of a Mosque for any other use. The point here is that the results of a variance to the zoning regulations would not be as much a potential concern regarding the future conversion of the building to another more intensive use by another owner. Once a Mosque it is kept as a Mosque.
- 3) The parking by-law being considered requires 1 motor vehicle parking space per 4 square metres of floor area. The design of this regulation as applied to a suburban setting is generally based on four square metres to include a square metre of space per person sitting around a table or along a pew in the case of a church. Generally four people can fit in an average motor vehicle. In the case of a Mosque, there is no furniture in the building. A prayer mat of approximately 0.75X2 metres is used for worship that occupies approximately twice as much space on the floor as a person standing or sitting in a church pew. The reason for this is the worship involves bowing from time to time while on the mat. The relief to the parking sought could therefore be rationalized by considering that almost twice as much space is required per person and therefore the standard parking requirement is not as applicable.
- 4) Finally, the parking requirements are based on net floor area for a place of assembly. The Muslim religion orients worship practice toward Mecca and would be aligned more toward the east and west. The building on the property was built as a church not as a Mosque. The building is oriented diagonally north-north west and south-south east south resulting in an inefficiency of spatial use. As rectangular prayer mats are aligned east west there is space in the north and south corners can not be used by attendants in worship. What is requested is if the area that is not used could be netted out in considering floor area used by this particular religion as a place of assembly in generating parking demand.

The Mosque is developed as a typical church property with the building prominently located on the corner of the lot. Parking for 17 motor vehicles including two spaces to serve the disabled is currently located to the rear with access from Crowley Crescent.

The proposal is to construct an addition as described, on the east side of the building that would comply with the setback requirements of the by-law from the residential dwelling to the east. The applicant has explained to Staff that the number of families attending the mosque has not changed substantially but as the children grow to become participating members of the worshipping congregation, more space is required.

The applicant is requesting consideration of the unique cultural differences of the use of this property in relation to the standard application of the zoning regulations in considering the proposed addition that would rely on the existing circumstances regarding parking provided on site as described.

Staff have visited the site and considered the use in relation to the proposed variances sought and is of the opinion that the circumstances are somewhat unique however reasonable with respect to how the property functions and is used. It would appear that there is adequate open space to the north of the parking area for snow storage and storm water run off from the parking area is not a concern. Staff would recommend that the Committee carefully consider the response to the public notice in assessing the current parking situation and any issues regarding storm water management concerning the proposed addition.

Subject to concerns raised by neighbouring property owners, Staff would not object to the Committee granting the variances as described provided that the use of the property is for only a Mosque.

A27/08 – 607 George Street - Greg, Phillis & Clyde Spencer

The Subject property is located in the Central Area of the City. The Official Plan policy would allow infill housing on the basis of a high density in the Central Area. Considering the R. 3 Residential District zoning, the applicant is requesting the following variances to permit the use of the building as a three unit dwelling:

- 1) reduce the minimum required lot area per dwelling unit from 230 square metres (2475sq ft) to 105 square metres (1,130 sq ft),
- 2) reduce the minimum required lot width per dwelling unit from 6 metres (19.6 ft) to 3.3 metres (10.8 ft),
- 3) reduce the minimum building setback from a side lot line from 2.4 metres (7.8 ft) to 0.59 metres (1.9 ft) in relation to the north side lot line and to 2.1 metres (6.8 ft) in relation to the south side lot line, and
- 4) reduce the minimum number of motor vehicle parking space required to support the three units from 5 to 3.

Referring to Exhibit F, the property is a 10 metre wide lot on the west side of George Street with a right of way providing access to the rear of the lot from Dublin Street. Considering the proposed removal of the garage to the rear of the lot, there would be space in the rear yard to accommodate on site parking for three motor vehicles.

Staff visited the property and considered the established standard of development in the neighbourhood, the proximity and accessibility to amenities and the practical ability of the

property to function in accommodating three dwelling units in the inner-city setting. Considering the inner city location of the property and that the property can function with three, onsite parking spaces Staff is of the opinion that the impact of the variances would be minor.

Subject to concerns raised by neighbouring property owners Staff would not object to the variances as described subject to the following conditions:

- 1) payment of a parks levy in an amount to be determined by the Parks Levy Review Committee,
- 2) removal of the garage from the rear yard and establishment of three motor vehicle parking spaces to the rear of the dwelling.

A28/08 – 170 Dunlop Street - Roger Maiesta

The subject property is located on Dunlop Street in East City an area that has a variety of residential densities and housing forms. The site specific SP 293 zoning of the property permits the existing five unit dwelling. While making improvements to the building on the property the owner would like to create a sixth unit in the basement of the dwelling. A variance is therefore requested to reduce the minimum required lot area per dwelling unit from 230 square metres (2,475 sq ft) to 203 square metres (2,187 sq ft).

The applicant is proposing a sixth unit at a proposed density level of 50 units per hectare considered medium density and regarded as appropriate under the infill housing policies of the Official Plan. Considering the Plan attached as Exhibit G, no addition to the external dimensions of the existing building on the property is proposed and there is space on the property to accommodate the ten motor vehicle parking spaces required in connection with the use.

Considering there would be little change to the intensity of use and the density would comply with that anticipated by the Official Plan policy, Staff would suggest that the impact of the variance would be minor.

Subject to concerns raised by neighbouring property owners, Staff would not object to the Committee granting the variance as described provided that the ceiling of the basement is one metre above grade as required by Section 6.25 of the by-law.

Should the Committee approve the application the variance should be conditional upon the owner paying a parks levy of an amount to be determined by the Parks Levy Review Committee.

Respectfully submitted,

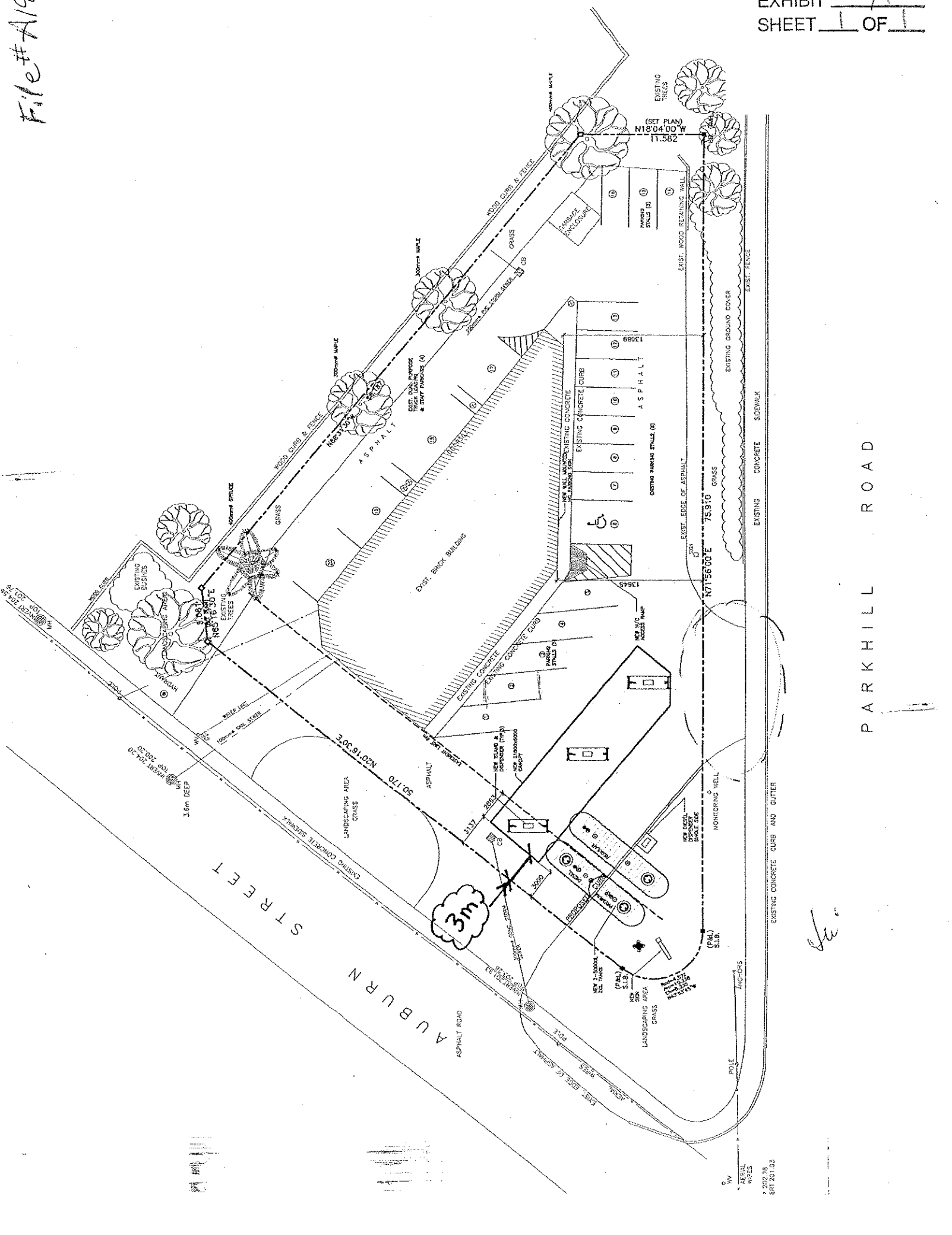


Richard Straka
Planner Policy & Research



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

File # A19



PARKHILL ROAD

AUBURN STREET

Handwritten signature

NOTE:
DISTANCES SHOWN ON THIS PLAN ARE IN FEET
AND CAN BE CONVERTED TO METRES BY MULTIPLYING
BY 0.3048.

EXHIBIT B3
SHEET 1 OF 1

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.		PLAN 45R
DATE: 2008	RECEIVED AND DEPOSITED	
	DATE:	
SHAWN M. O'CONNOR, O.L.S.		LAND REGISTRAR FOR THE LAND TITLES DIVISION OF PETERBOROUGH (No.45)

SCHEDULE			
PART	LOT	PLAN	P.M.
3.	LOT 5, PART OF LOT 4	REGISTRAR'S COMPILED PLAN No.271	
	LOTS 1, 2, 3, 4 AND PART OF LOT 5	REGISTERED PLAN No.75T	PART P.M. 2019-0126(L)
	PART OF ROAD ALLOWANCE	REGISTERED PLAN No.75T	

PLAN OF SURVEY OF
LOT 5 AND PART OF LOT 4
REGISTRAR'S COMPILED PLAN No.271 AND
LOTS 1, 2, 3, 4 AND PART OF LOT 5
REGISTERED PLAN No.75T
PART OF ROAD ALLOWANCE
REGISTERED PLAN No.75T

CITY OF PETERBOROUGH
COUNTY OF PETERBOROUGH

SCALE: 1 INCH EQUALS 100 FEET

ELLIOTT AND PARR (PETERBOROUGH) LTD.
2008

SURVEYOR'S CERTIFICATE:

- I CERTIFY THAT
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT AND THE LAND TITLES ACT AND THE SURVEYOR'S ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE _____ DAY OF _____, 2008.


PETERBOROUGH, ONTARIO
2008

SHAWN M. O'CONNOR
Ontario Land Surveyor

LEGEND AND NOTE:

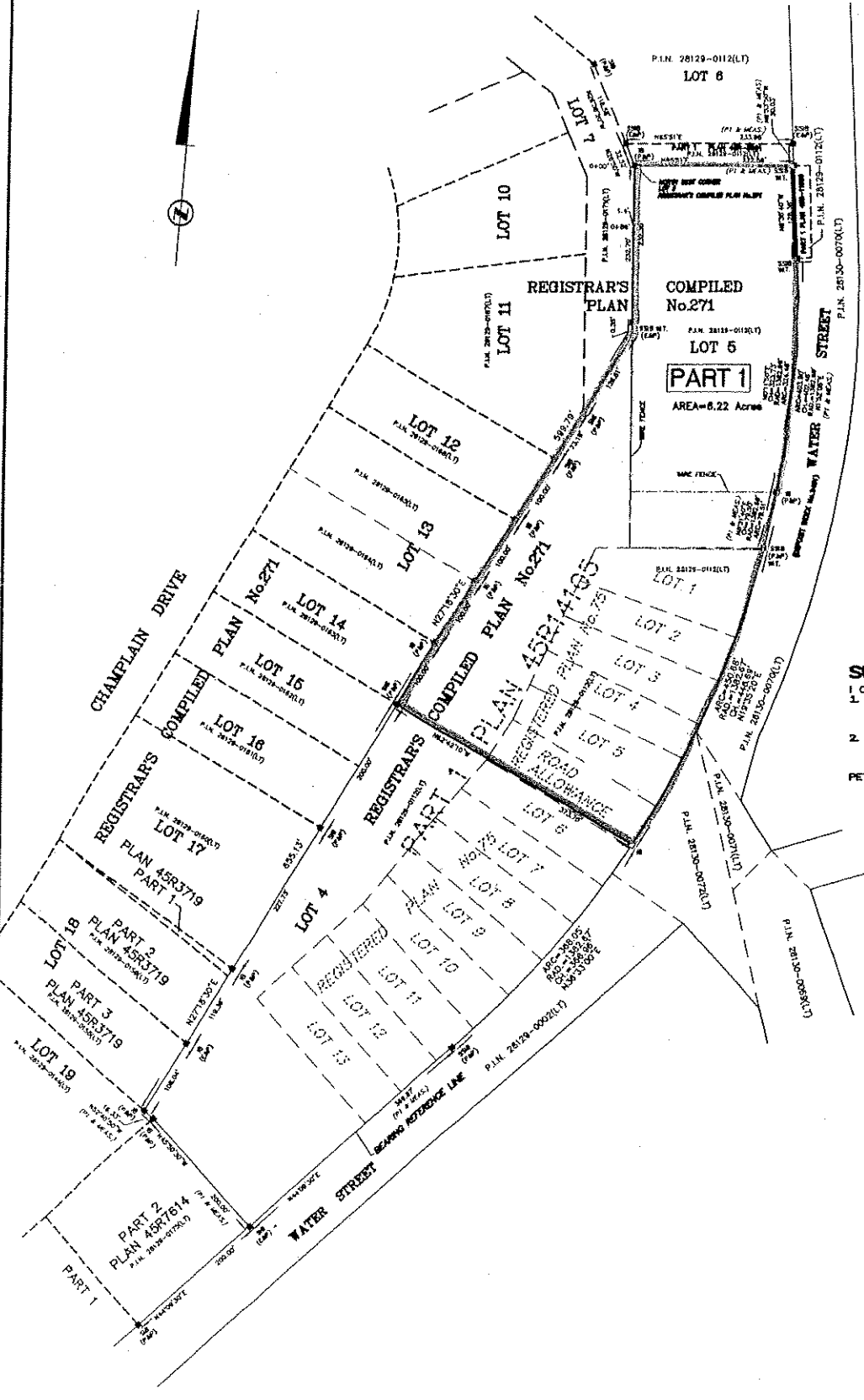
BEARINGS ARE ASTRONOMIC, DERIVED FROM THE SOUTH EASTERLY LIMIT OF LOT 4, REGISTRAR'S COMPILED PLAN No.271, HAVING A BEARING OF N44°09'30"E

- EA/P - DENOTES ELLIOTT AND PARR, O.L.S.
- OT/2 - DENOTES R. W. ELLIOTT, O.L.S.
- PA/P - DENOTES PERCE AND PERCE, O.L.S.
- OT/3 - DENOTES W.A. BENNER, O.L.S.
- WT. - DENOTES WITNESS
- P1 - DENOTES PLAN 45R-14105
- P2 - DENOTES PLAN 45R-11808
- P3 - DENOTES REGISTRAR'S COMPILED PLAN No.271



**ELLIOTT AND PARR
(PETERBOROUGH) LTD.**
ONTARIO LAND SURVEYORS
P.O. BOX 1118 211 SHERBOURNE ST.
PETERBOROUGH, ONTARIO
K9J 7H4 (519) 746-8444

DRAWN BY: CM & RW JOB: 27756A





June 18, 2008

Ms. Carolyn Jobbitt, Secretary
Committee of Adjustment
City of Peterborough
500 George Street
Peterborough, Ontario
K9H 3R9

Dear Ms. Jobbitt:

RE: revised comments: B07/08, Trent University, 1633 Water Street, ORCA file 2008-SV043

Otonabee Region Conservation Authority received additional information today, June 18, 2008, that was not available during the circulation period of the previous agenda. ORCA staff has reviewed the recent information and are submitting revised comments concerning the proposed consent for the above noted property.

The property lies at the bottom of a steep hill. The development as shown on the proposed site concept plan will require excavation into a drumlin that rises some 10 metres over the extent of the subject property. In order to ensure that the excavation works are not going to result in slope stability concerns for the existing residential properties at the top of the hill, a geotechnical investigation is required. The stability of the slope must be assured prior to permitting development that requires excavation works. Section 3.1.1 c) of the Provincial Policy Statement (PPS) declares: *development shall generally be directed to areas outside of hazardous sites.* The PPS definition of hazardous sites: *means property or lands that could be unsafe for development and site alteration due to naturally occurring hazards....*

Consultants working on behalf of the developer have been in contact with ORCA staff and have been made aware of the natural hazards and natural environment issues associated with development of the property. The studies required include but are not limited to the following:

- Geotechnical assessment
- Hydro geological assessment
- inventory of flora and fauna present and analysis of impacts on these features

As stated in our earlier correspondence, run-off from the area at the top of the hill will need to be considered in any stormwater management plan for the proposed development. The property also lies within, or in very close proximity to the Intake Protection Zone, for the City of Peterborough's water supply. The Source Water Protection studies are a work in progress. From the work to date, ORCA has been advised that Stormwater management facilities, including the outlets to watercourses, should be located outside the Intake Protection Zone.

The Otonabee Region Conservation Authority
250 Milroy Drive, Peterborough, Ontario K9H 7M9
BUS: (705) 745-5791 - FAX: (705) 745-7488
EMAIL: otonabecca@otonabee.com - www.otonabee.com

Member of



Conservation
ONTARIO
Natural Champions

revised comments: B07/08, Trent University, 1633 Water Street, ORCA file 2008-SV043

June 18, 2008

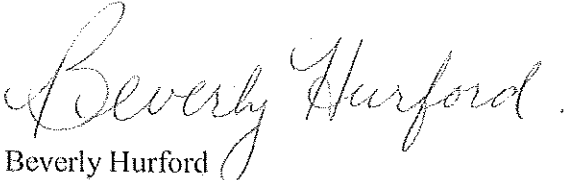
page 2

The receipt of the site concept plan has provided a better indication of the scale of development being proposed. In light of the environmental issues associated with the development of the site, ORCA suggests that the application for consent is premature and should be deferred until the background information has been assembled and reviewed.

In addition, the property is subject to Ontario Regulation 167/06, this Conservation Authority's Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses. A permit from this office is required prior to any grade alteration, fill placement or construction activities of any kind.

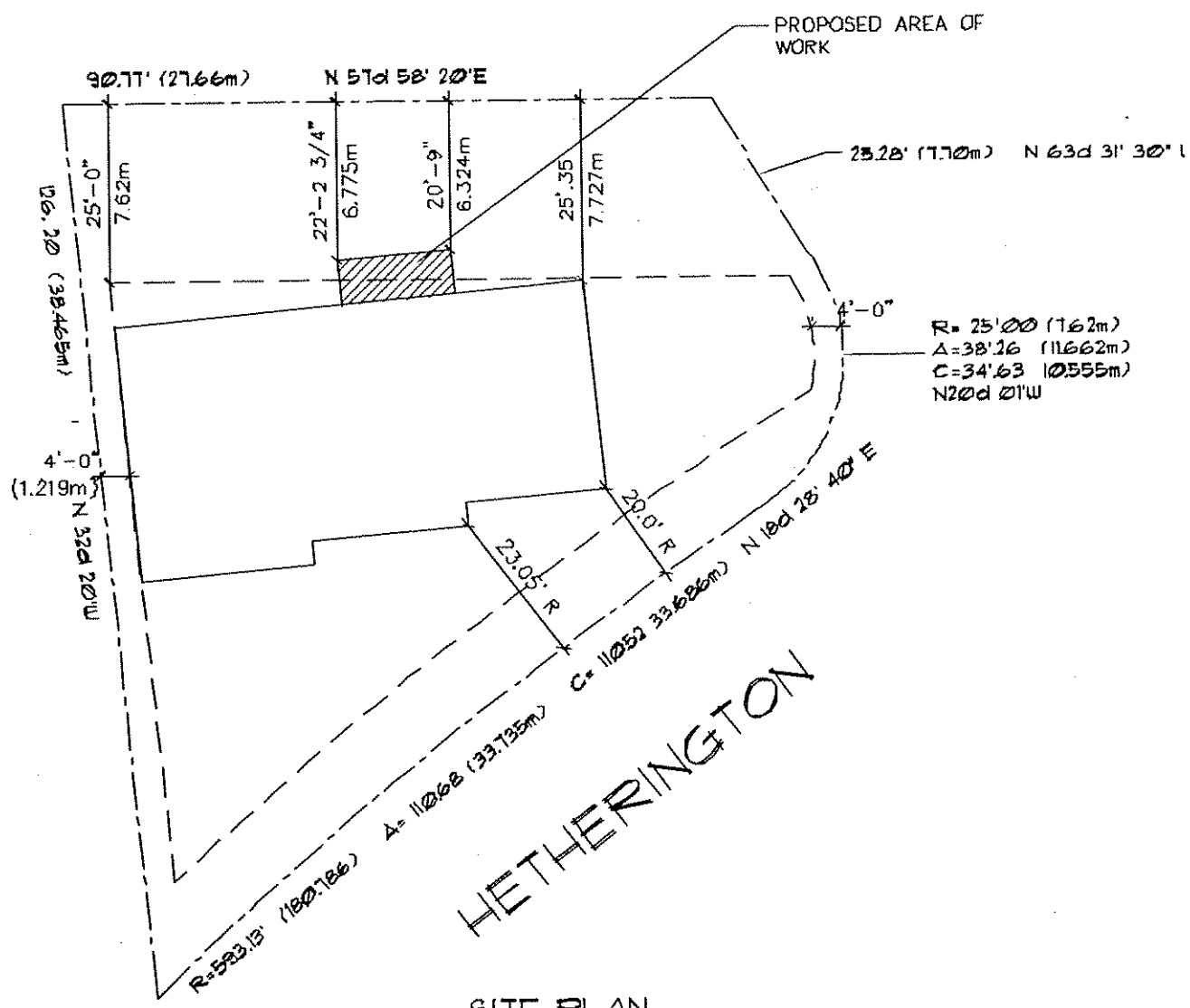
If you have any questions, please do not hesitate to call.

Yours truly,



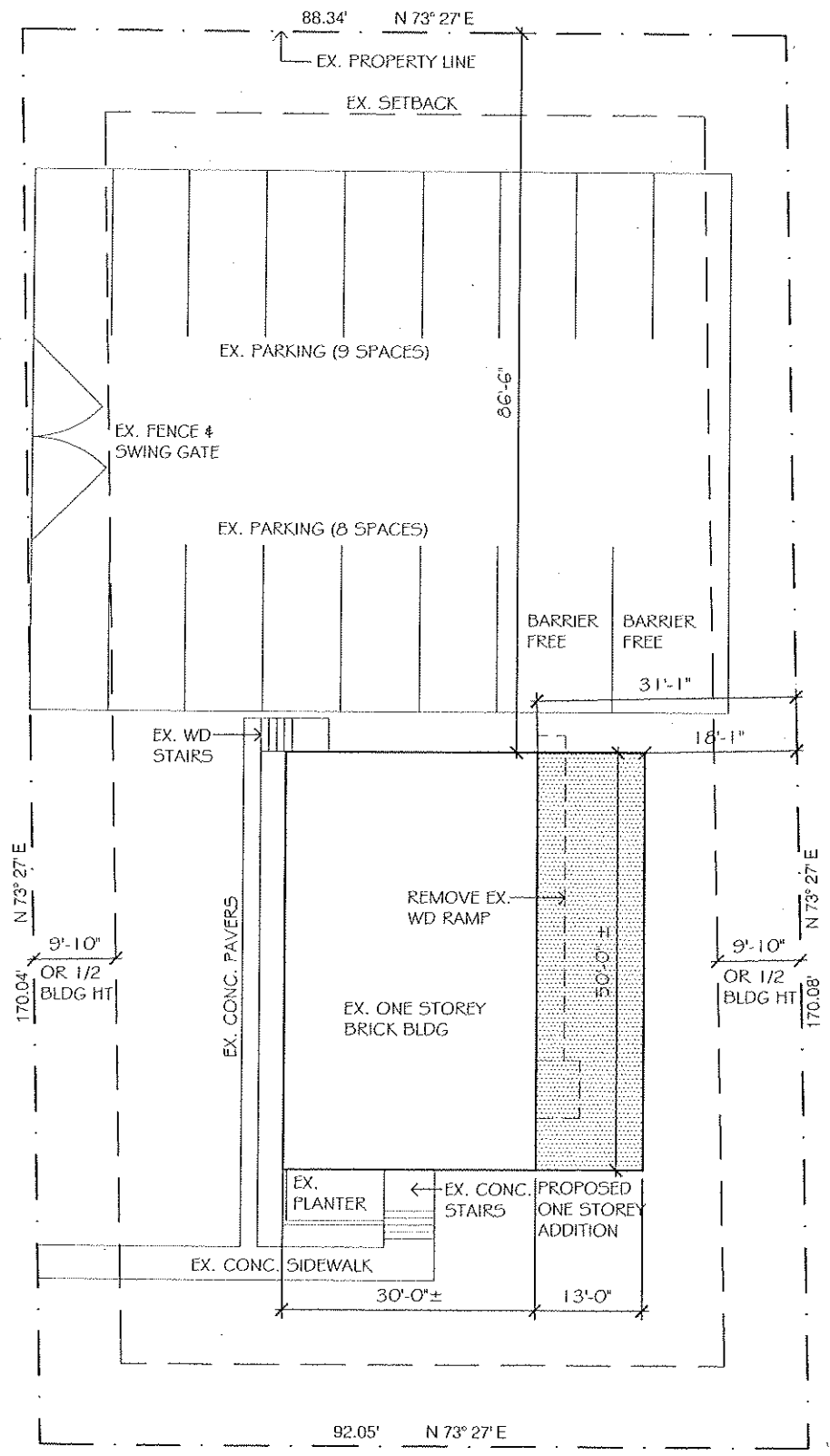
Beverly Hurford
Watershed Planner

copy: ORCA Representatives, Bob Hall, Jack Doris, Clayton Wade



HETHERINGTON

SITE PLAN
 scale: 1" = 20'-0"



ZONING: P52
PARKING: (AREA 3)
MIN. 18.7x8.86' PER SPACE
LOT AREA: 15,652 SQ. FT.
EX. COVERAGE: 9.7% (MAX. 40%)

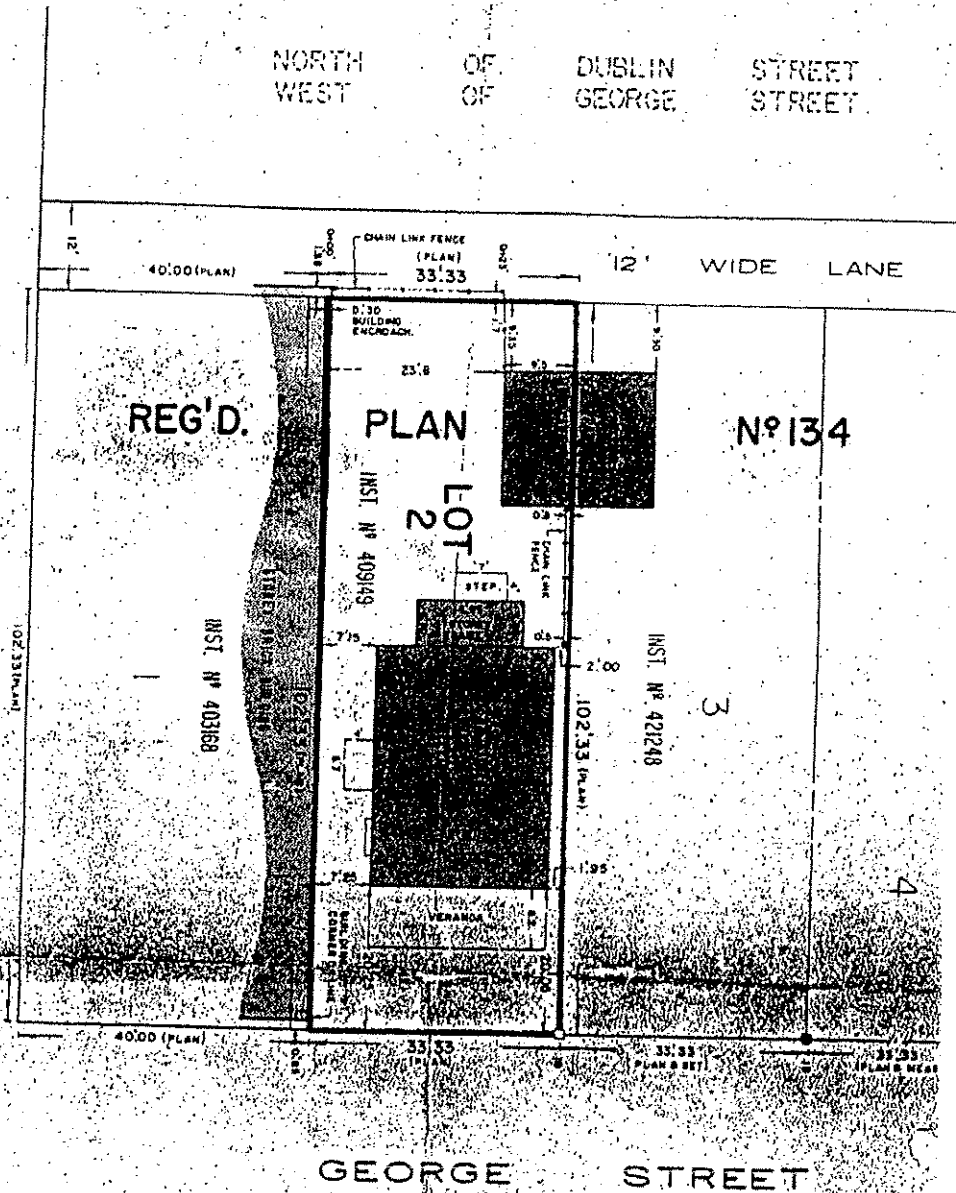
INFORMATION OBTAINED FROM
DRAWING BY B. TAMACHI (SURVEY
TECH.) FOR KHRA, PETERBOROUGH,
ONT., DATED JUNE 24/07

PROJECT	KAWARTHA MUSLIM RELIGIOUS ASSOCIATION ADDITION	WILCOX ARCHITECTS INC. 74 LINDSAY ST. S. LINDSAY, ONT.	
		SCALE 1/16"=1'-0"	DWG No.
DRAWING	SITE PLAN	DATE	JUNE 26/08
LOCATION	784 PARKHILL ROAD WEST, PETERBOROUGH, ONTARIO	JOB #	27036
			P1 OF 3

LOT 2

NORTH WEST OF DUBLIN STREET
OF OF GEORGE STREET

DUBLIN STREET



GEORGE STREET

BUILDING LOCATION SURVEY ON
LOT 2,
REGISTERED PLAN No. 13
CITY OF PETERBORO

SCALE: 1 INCH EQUALS 20 FEET

ROBERT B. PARR, O.L.S.
1985 Oct 17



SHOWING SURVEY
PART OF LOTS 13 & 14
REGISTERED

CITY OF PETE

COUNTY OF PETE

Scale — 1 inch eq

1977

LEGEND

— I.B. — DENOTES IRON
— DENOTES PIN

ARMOUR ROAD



1 1 1
2 1 2

PLANNING

REGISTERED

LOT 13

N 77° 48' 30" W - 105.00

INST. No 185556

N 77° 48' 30" W - 105.00

N 70° 45' E - 75.00

INST. No 176832

N 77° 48' 30" W - 105.04

DUNLOP STREET

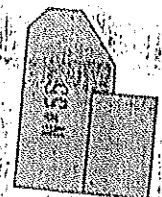
N 70° 45' E - 75.00

149.96

N 77° 48' 30" W

N 77° 48' 30" W - 105.04

S.E. angle of
LOT 13



F4 (I.B.)
(R.B.R.)

F4 (I.B.)
(R.B.R.)

Wire Fence

Board Fence

Line Between Lots 13 and 14

Wire Fence

GARAGE

15' RIGHT OF WAY

22