



COMMITTEE OF ADJUSTMENT

HEARING DATE: September 3, 2008

Staff Comments Regarding Files:

A26/08, A29/08, A30/08, A31/08, A32/08, A33/08, A34/08, A35/08 & B08/08

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 A.

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-southeast resulting in an inefficiency of spatial use. As rectangular prayer mats are aligned east west there is space in the north and south corners that cannot 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 site of 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 and reasonable considering 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 could be addressed. Staff recommended 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.

Notice of this application was issued for it to be heard on July 15/08. The meeting was attended by a representative of the adjacent property owner at 776 Parkhill Road West. While the adjacent property owner was not opposed to the expansion, concerns were raised over storm water issues considering the proximity of the addition, runoff from the newly paved parking area, the location of snow storage and storm water runoff from the subject property in general being higher in elevation than the adjacent property. Consideration of the application was adjourned to this evening to allow the proponent to attend to address questions of the Committee.

Considering the proximity of the proposed addition and the elevation of the subject property in relation to the adjacent land Staff would not object to the Committee granting the variances as described provided that the use of the property is for only a Mosque and that the development is subject to a site plan agreement with the City that would address storm water management on the property.

A29/08 – 293 Lansdowne Street East - 2174174 Ontario Ltd.

The subject property is located on Lansdowne Street East – a high profile major arterial street. An older warehouse was established when the subject property was zoned for industrial purposes. The property has since been re-designated Commercial and zoned SP. 268"H" for commercial purposes. The proponent is requesting permission to expand a legal-nonconforming, wholesale warehouse by the proposed addition of a 65 square metre (700 sq ft) cooler room to the rear of the building on the property.

Staff have visited the site and considered the "H" Holding symbol on the zoning that would require a site plan agreement to address motor vehicle access parking and storm water run off from the property to take advantage of the new uses permitted under the zoning district. Although the proposed addition constitutes a modest addition to the development of the property, Staff would recommend that the variance be conditional upon the owner entering into a site plan agreement with the City to address site development to ensure that the property would fit into the future commercialization of properties in the vicinity. The requirement of the site plan agreement would be consistent with a decision of the Committee regarding the modification of use that fostered plans for redevelopment of 277 Lansdowne Street East only two doors to the west of the subject property.

Subject to concerns raised by neighbouring property owners, Staff would not object to the Committee granting the permission for the expanded use as described provided that the addition is limited to the 65 square metres, and the applicant enters into a site plan agreement with the City that would address among other issues, access to the site, parking and storm water management.

A30/08 – 331 McDonnell Street – Brian Schofield

Referring to Exhibit B, the subject property is an 11.9 metre (40 ft) wide by 24.9 metre (81 ft) deep lot located at the corner of Reid Street (a major arterial street) and McDonnell Street (a high capacity collector street). The Special District 228 zoning of the property

permits a take out restaurant, a convenience store, and a dwelling unit.

Considering the size and location and development of the property, the uses permitted by the zoning may have worked at a time when the traffic was not as busy along Reid Street and neighbourhood residents may have been served by the commercial site as a "walk to" destination. Considering the contemporary standard of successful commercial sites in the vicinity, Staff would suggest that the commercial potential of the subject property is limited. Referring to the photo below, there is little room for on site parking and access from Reid Street is difficult.



331 McDonnell Street

The property is located on the fringe of the inner city and is connected to the core by the Trans Canada Trail. The proponent would therefore like to use the property as a three unit dwelling to accommodate people who may be less auto-dependent. A variance is therefore requested to increase the maximum number of dwelling units permitted on the property from 2 to 3. A variance is also requested to reduce the number of required motor vehicle parking spaces associated with the three dwelling units from 5 to 2.

Staff considers the legal use of the property to be a two unit dwelling that would require parking spaces for two motor vehicles to support the use. Staff noted an addition to the east side of the building that had been constructed by a previous owner without permits. As a result, the development has left limited space on the property for parking and motor vehicle movement. Although there maybe room for three motor vehicles on the property, Staff must consider Official Plan policy and not support a variance that would permit development that would rely on the backing of a motor vehicle onto an arterial street.

Considering the proximity of the property to the services offered by the inner core of the city and the ease of pedestrian access to the core along the Trans Canada Trail, Staff is of the opinion that it is reasonable to expect that less auto-dependent people may be interested in such accommodations and the impact of the variance being requested could be considered as the reduction of parking required by merely one motor vehicle parking space.

Subject to the response of neighbouring property owners regarding motor vehicle parking issues in the neighbourhood, Staff would anticipate the impact of the variance to be minor and would not object to the Committee granting the variance as described.

A31/08 – 1030 Armour Road - Peterborough Golf and Country Club

The Peterborough Golf and Country Club is planning to conduct substantial renovations to the club house facilities located on the property and would like to locate a 7.3 metre (24 ft) by 16 metre (60 ft) temporary structure within the parking area at the north end of the curling rink. The structure would be used as an office for the contractor doing the renovation work on the building over the next year.

The subject property is zoned OS.2 Open Space and would require a variance to permit a temporary building on the property. Staff considered the proposed location of the temporary structure on the property being well away from neighbouring properties and is of the opinion that the impact of the temporary building would be minor.

Staff would not object to the Committee granting the variance as requested. Staff would further suggest that the Committee limit the duration of their decision to lapse on October 31, 2009 to limit the time the temporary structure may be on the property for a period of one year as described by the applicant.

A32/08 – 1465 Lansdowne Street - Geertsma Construction

The subject property is zoned SP. 299 Special District that sets out regulations for development that can occur in specific areas of the property. The proponent would like to construct a 60 unit apartment building on the south east side of the property that would contain a meeting facility for residents of the condominium complex. A variance is requested to increase the maximum number of residential dwelling units permitted in a dwelling from 12 to 60. The variance would allow a 60-unit apartment building form rather than a town house style of building form. A variance is also requested to increase the number of storeys for a multi unit building from 2 to 3. The building is to be constructed as a three storey building but due to the orientation of the building in relation to the sloping topography, portions of the building will be four storeys in height.

The subject property is located on the south side of Lansdowne Street West and wraps around the Eastern Pentecostal Church Property and abuts the Holy Cross High School athletic fields to the west and Harper Park to the south. The concept for development and use of the property is to offer a community within which mature adults may age in place. The final phase of the development is the proposed multi unit apartments with communal facilities catering to residents of the complex only. The variance requested is to the regulations of the zoning district to permit a multi-unit building form containing 60 apartment units and a common area rather than the linked town house clusters limited to 12 unit blocks.

Staff reviewed the density anticipated by the zoning district and confirmed that the proposed number of units would be permitted by the zoning either as suites or as apartment units. The parking would be provided in accordance with the by-law requirements and the common meeting facility is considered an accessory use for residents of the complex and their guests. Considering the proposed location of the multi-unit building in relation to the adjacent land uses, Staff is of the opinion that the impact of the variance requested would be minor and provide the flexibility necessary to achieve the density of development anticipated by the zoning district.

Staff would not object to the Committee granting the variance to increase the maximum number of units per dwelling as described.

Referring to the building elevation attached as Exhibit C sheet 2 of 3, Staff reviewed the design of the building in relation to the lay of the land and how it slopes dramatically to the south. Although the design of the building almost qualifies as a three storey building, Staff advised the proponent to request a variance to increase the building height from 3 to 4 storeys to be cautious considering the definition of a storey, and average height of the building in relation to the finished grades of the sloping terrain.

Staff is of the opinion that the impact of the variance to permit four storeys would be minor provided the variance pertains to the building design as presented to the Committee not exceeding four levels total, as it is situated within the landscape in the location shown as Part 9 of Plan 45R-13851. (See Exhibit C, Sheet 3 of 3)

A33/08 – 193 Maxwell Avenue - Leonard and Sandy Goselin

The applicant would like to construct a 1.8 metre (6 ft) uncovered deck across the front of the dwelling in place of the 1.5 (5 ft) by 1.2 metre (4 ft) stoop that was recently removed as a part of access to the front door. A variance is therefore requested to increase the maximum distance that a platform may project into a minimum setback from a street line from 1.5 metres (5 ft) to 1.99 metres (6.5 ft) in relation to Maxwell Avenue and to 1.67 metres (5.47 ft) in relation to Barker Avenue to permit the proposed deck.

The subject property is a corner lot on a local street in an older residential neighbourhood with liberal boulevards. Staff visited the subject property and considered the established standard of development of adjacent properties along the south side of Maxwell Avenue as well as the established location of the dwelling in relation to Barker Avenue and is of the opinion that the impact of the variance requested on a local street would be minor provided that the structure remain unenclosed.

In this case, the proponent does not intend to construct a roof over the platform. Subject to concerns raised by neighbouring property owners, Staff would not object to the Committee granting the variance as described.

A34/08 – 211 Barnardo Avenue - Scott & Kathy Murison

A variance is requested to reduce the minimum building setback from the centre line of Barnardo Avenue from 16 metres (52.5 ft) to 14.1 metres (46.3 ft) to permit the construction of an attached, two car garage on the north west side of the dwelling established 13.1 metres (43 ft) from the centre line of the street.

Referring to the plan attached as Exhibit D, the subject property is an irregular shaped parcel of land upon which a single unit dwelling was established in 1890, located 5.2 metres (17.1 ft) from the street line. Barnardo Avenue is designated as a high capacity collector street that has a 15.6 metre wide road allowance instead of the 20 metres it should be in this area. While the setback that would be measured from the centre line of a collector street that would typically be 20 metres or 66 ft wide would require a building to be located 6 metres or 20 feet from the street line the existing dwelling is located 5.2 metres (17.1 ft) from the street line and the proposed garage is located 6.2 (20.6 ft) from the street line. Staff considered this circumstance and noted the setback of other older buildings established on the south side of Barnardo at 4.25 metres (14 ft) from the street line or 8 metres from the centre line of the street rather than 16 metres and would suggest that the proposed location of the new garage is in greater conformity than the established standard, reasonable considering the location of other dwellings along Barnardo and practical in allowing space to accommodate a motor vehicle parking space on the property in front of the garage.

Subject to concerns raised by neighbouring property owners, Staff would not object to the Committee granting the variance as described to permit the garage.

A35/08 – 59 Edgewater Boulevard - David Austin

The subject property is an irregular shaped lot with an angular rear lot line. Referring to the Plan attached as Exhibit E, the applicant would like to construct additions to the existing single unit dwelling on the property that would include removal and replacement of the detached garage with an attached garage and second storey addition over the garage, replacement of the enclosed sunroom on the front of the dwelling with an unenclosed verandah across the front of the dwelling and a one storey addition to the rear of the dwelling.

The applicant is therefore requesting the following variances to accommodate proposed additions to the dwelling:

- 1) reduce the minimum building setback from the street line from 6 metres (19.6 ft) to 2.62 metres (8.5 ft) in relation to a proposed covered, open sided verandah;
- 2) reduce the minimum building setback from the east side lot line from 1.2 metres (3.9 ft) to 0.82 metres (2.6 ft) and 1. metre (3.5 ft) regarding two points along the east side of an attached garage and second storey addition and to 4.6 metres (15 ft) from the street line regarding the second storey addition over the garage; and
- 3) reduce the minimum building setback from the rear lot line from 7.6 metres (24.9 ft) to 3 metres (10 ft) and 5 metres (16.66 ft) regarding the proposed extension to the rear of the dwelling.

Staff visited the property and considered the standard of development of the subject property in relation to the established standard of adjacent properties and would offer the following opinions:

- 1) Dwellings in the neighbourhood are modest in scale and design and were constructed in the 1940s. There is an understandable inclination for property owners in the vicinity to update the dwellings to more contemporary standards but this must be accomplished within reason and with sensitivity and respect for the impact on adjacent property owners. While the existing dwelling on the property may be a low profile, storey and a half high, the detached garage in relation to the east lot line currently is a single storey structure. While the proposal to remove the non-conforming detached garage would improve the location of the structure in relation to the rear lot line, the new attached garage would be a full two storey addition to the dwelling that would be 4.4 metres (14.4 ft) from the street line and 0.81 metres (2.66 ft) from the east side lot line. While the purpose of the variance is to allow a wider, car and half garage and an additional large bed room above, a variance file A70/02 has already granted reduction in the length of the second parking space required for the dwelling between the building and the front property line from 5.7 metres to 4.4 metres.

While Staff considers the configuration of the attached garage and second storey addition an improvement to the development of the site, Staff is of the opinion that the impact of a two storey addition so close to the lot line is not minor and cannot support the variance requested to reduce the minimum building setback from the east side lot line. Subject to neighbouring property owners concerns, Staff would support a lesser variance to reduce the minimum setback from the east side lot line to 1.06 metres (3.5 feet) regarding the north east corner of the addition.

- 2) Staff considers the proposal to remove the front porch and replace the porch with an open sided, covered verandah to be more conforming and conducive to the pedestrian orientation and design of other dwellings in the neighbourhood. Staff would therefore not object to the variance requested to reduce the minimum setback of the one storey, open sided verandah to 2.6 metres (8.5 ft).
- 3) Staff considered the irregular almost triangular shape of the lot in relation to the size of the dwelling and the proposed addition to the rear of the dwelling and is of the opinion that the variance requested is reasonable and the impact would be minor. Subject to concerns raised by neighbouring property owners, Staff would not object to the Committee granting the variance requested with respect to the proposed addition to the rear of the building.

B08/08 – 746 Jane Street - Lakeridge Development Ltd.

The applicant is proposing to sever the easterly 24.36 metres (79.9 ft) of the former school site property to create four new lots for development of a single unit dwelling on each. The retained property upon which the former school existed remains zoned for a potential use as a multi-unit apartment building.

On June 16, 08 Council zoned the subject property including the land to be severed. The land to be severed was zoned R.1,1r,4j-"H" that would facilitate the potential severance, development and use of the property for four dwelling units. The "H" Holding symbol was included to ensure that development required plans be approved by the Planner of Urban Design prior to issuance of a building permit.

While the retained property being the former school site will be subject to site plan approval, Staff would not object to the severance of the four lots subject to the following conditions:

- 1) the owner entering into a development agreement with the City to provide building plans for approval by the Planner of Urban Design to ensure compatible building design prior to issuance of a building permit,
- 2) payment of a parks levy to be determined by the Parks Levy Review Committee, and
- 3) payment of a tree levy in the amount of \$147.00 for each of the four new lots that would be created.

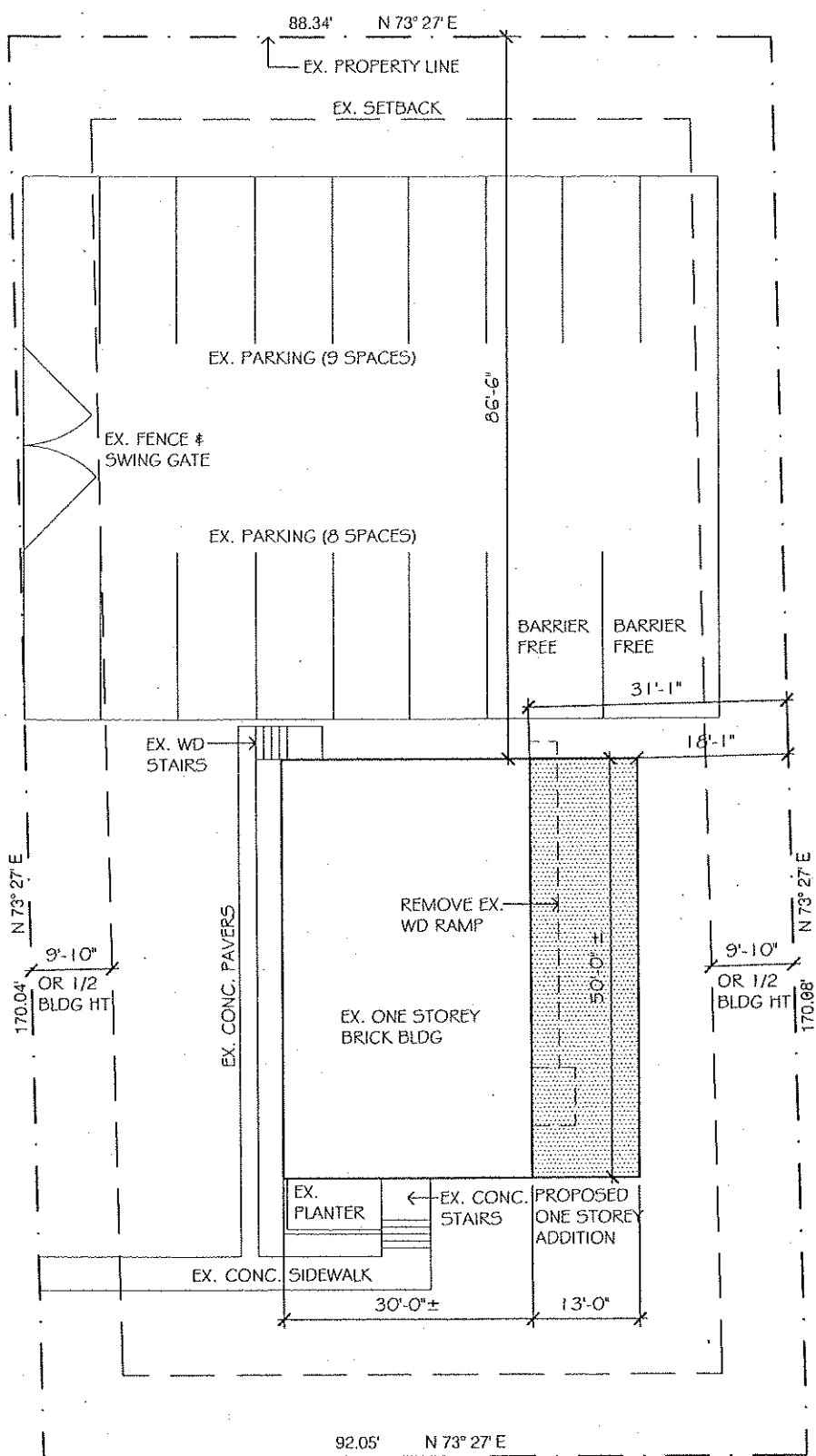
Respectfully submitted,



Richard Straka
Planner Policy & Research



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



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

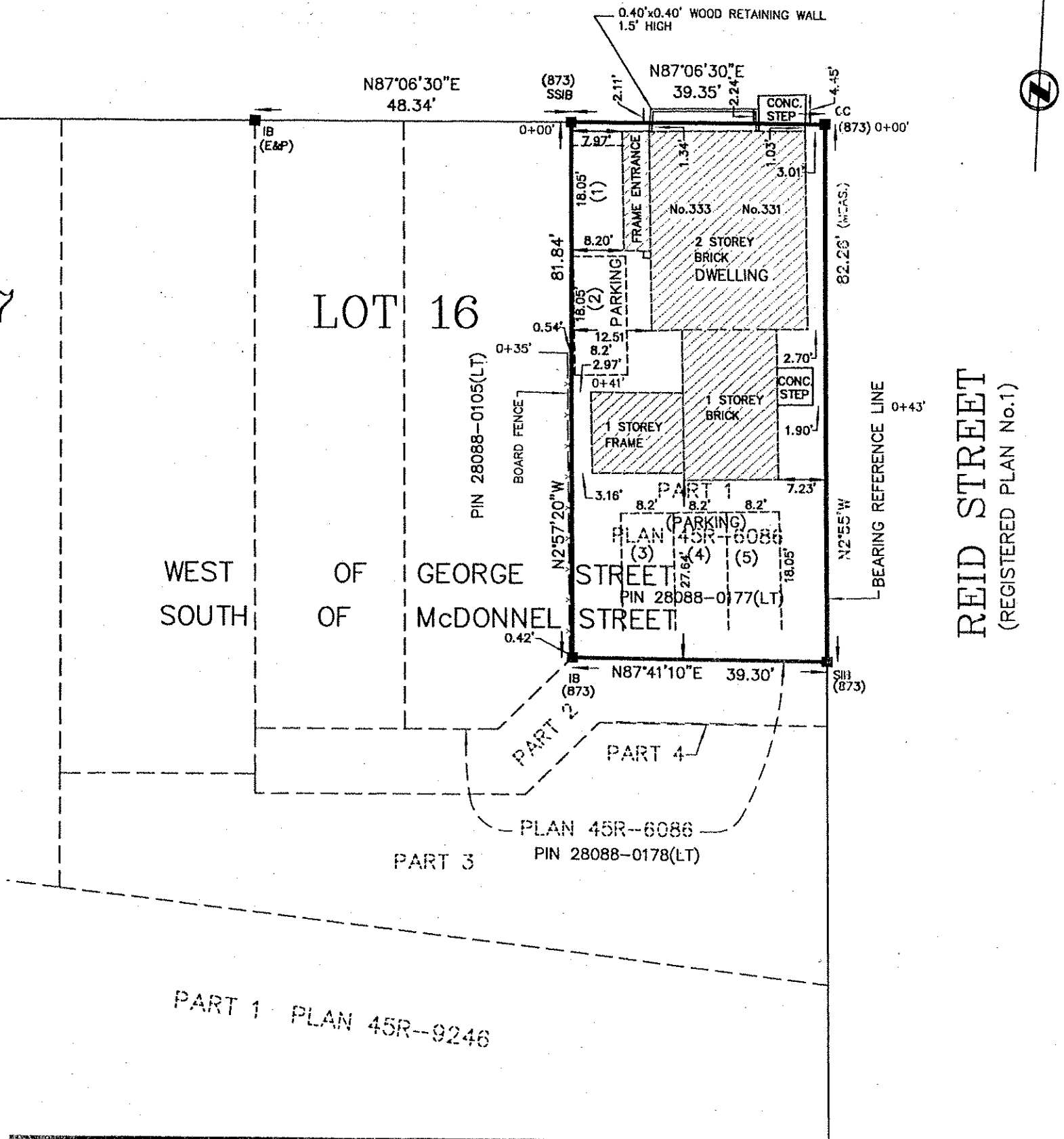


INFORMATION OBTAINED FROM
 DRAWING BY B. TAMACHI (SURVEY
 TECH.) FOR KHRA, PETERBOROUGH,
 ONT., DATED JUNE 24/07

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

McDONNELL STREET

(REGISTERED PLAN No.1) PIN 28088-0149(LT)



LOT 16

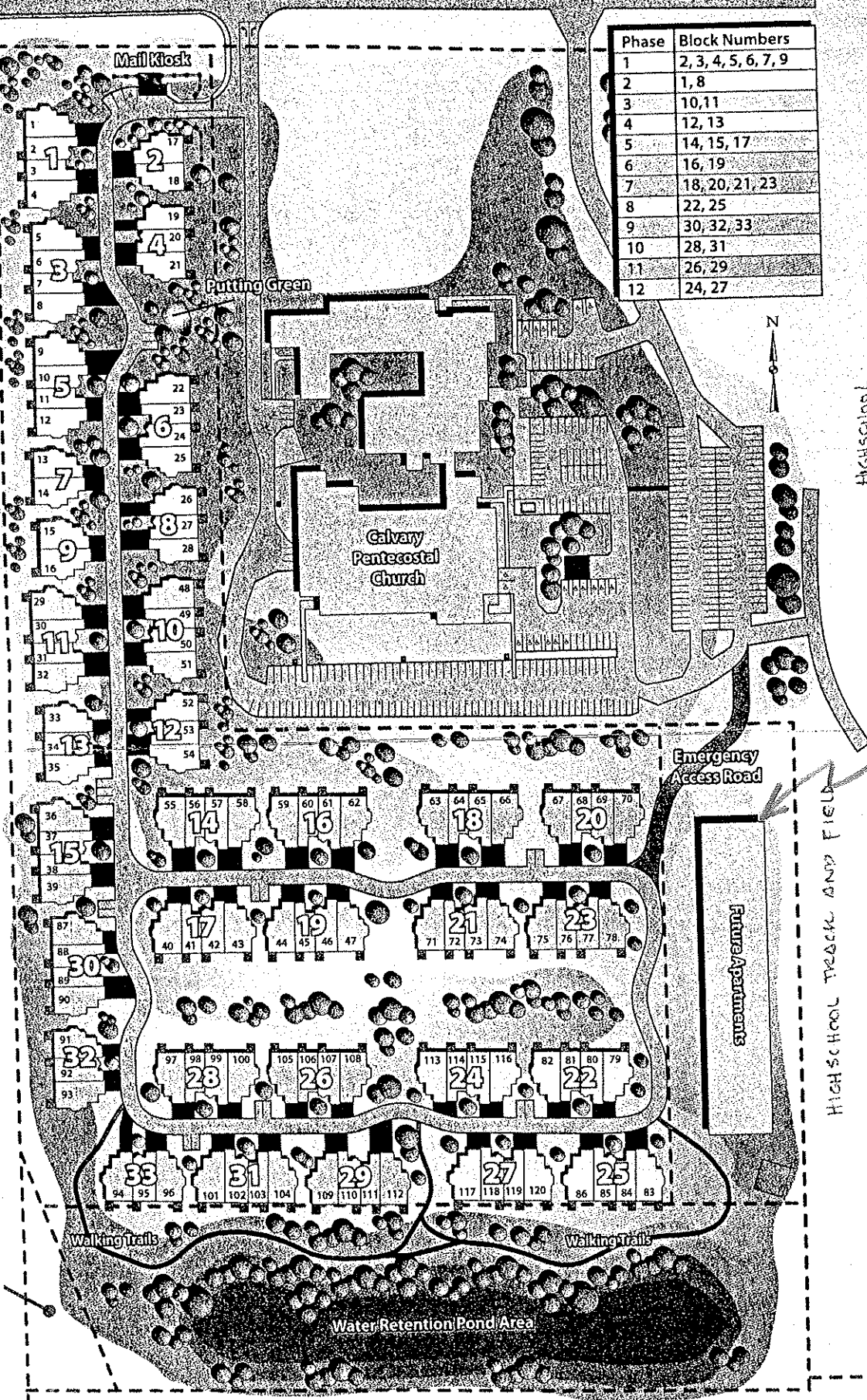
WEST SOUTH OF GEORGE OF McDONNELL STREET

REID STREET
(REGISTERED PLAN No.1)

LEGEND:

Lansdowne Street West

Phase	Block Numbers
1	2, 3, 4, 5, 6, 7, 9
2	1, 8
3	10, 11
4	12, 13
5	14, 15, 17
6	16, 19
7	18, 20, 21, 23
8	22, 25
9	30, 32, 33
10	28, 31
11	26, 29
12	24, 27



HIGH SCHOOL

PROPOSED APARTMENT BUILDING

HIGH SCHOOL TRACK AND FIELD

Emergency Access Road

Water Retention Pond Area

Walking trails

Walking trails



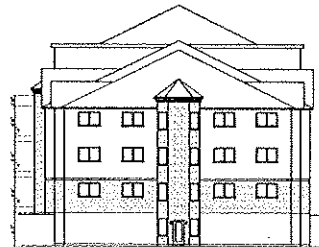
FRONT ELEVATION
NOT TO SCALE



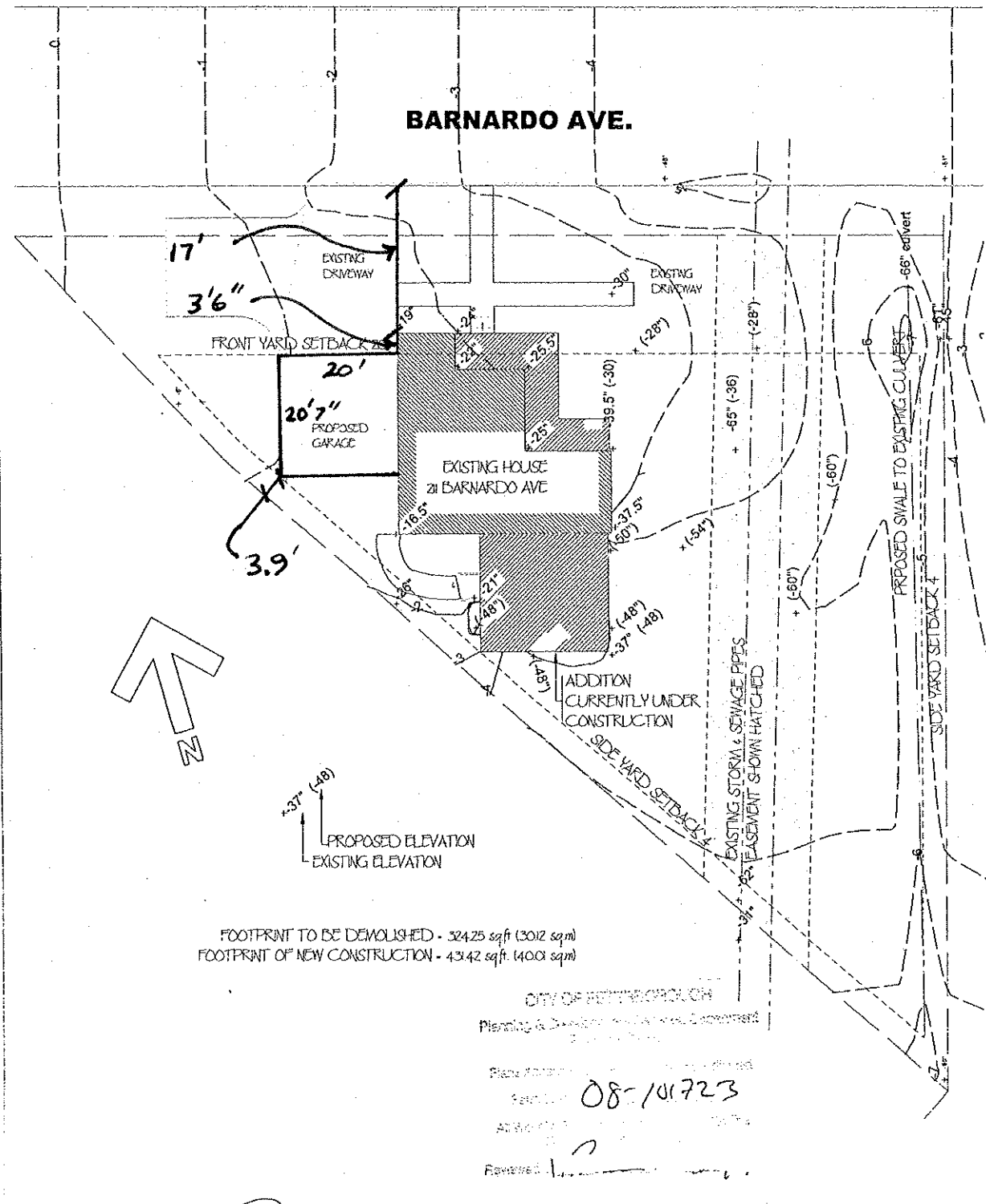
BACK ELEVATION
NOT TO SCALE



LEFT ELEVATION
NOT TO SCALE

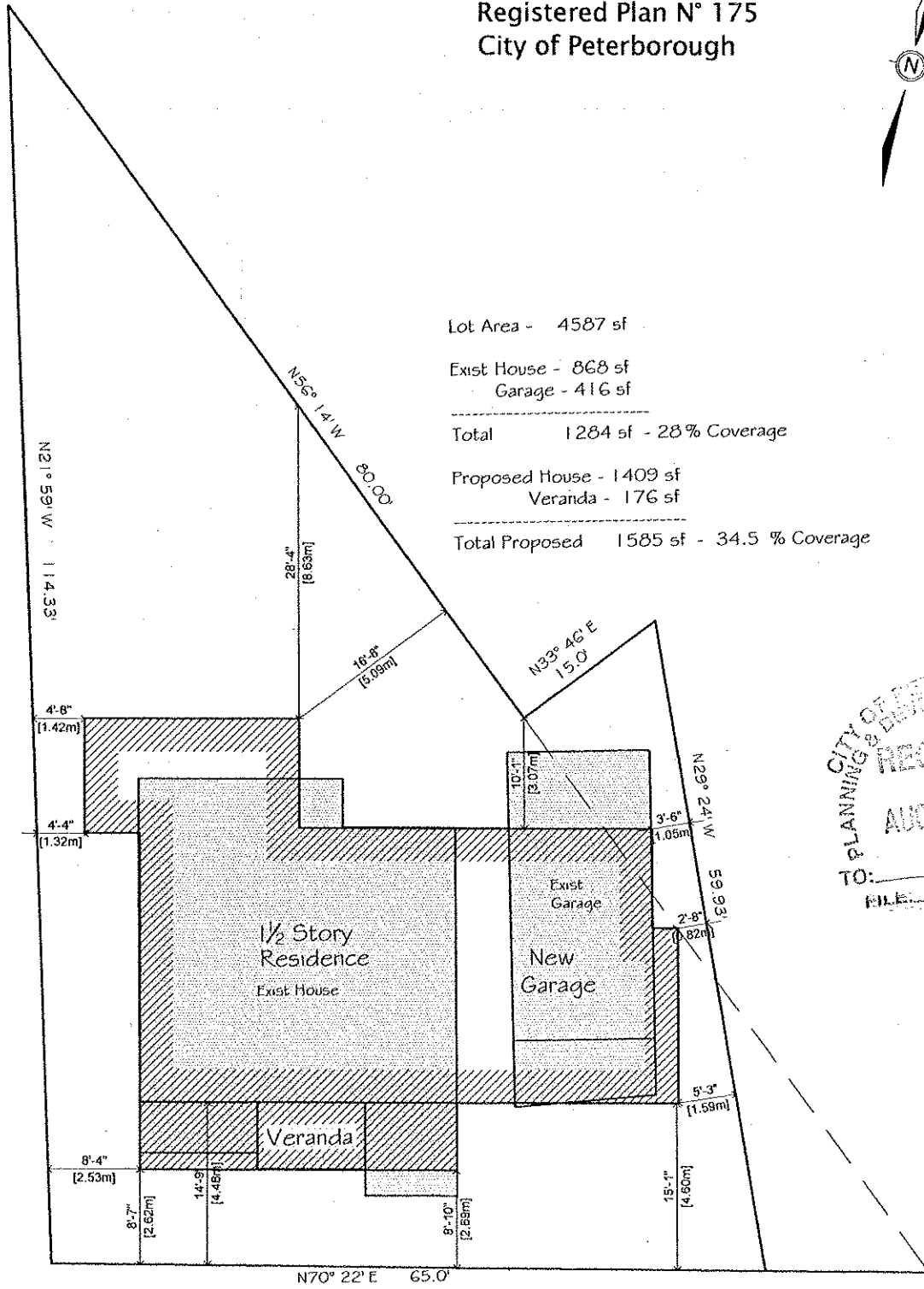


RIGHT ELEVATION
NOT TO SCALE



	Project No: 08-101723 City: Pettiborough, ON Date: 08/27/08 Author: [Signature]	Title: GARAGE ADDITION	Scale: 1/8" = 1'-0"	Date: 08/27/08
	Project Name: [Blank]	Title: SITE PLAN	Date: 08/27/08	Date: 08/27/08

Part of Lots 2 and 3
Registered Plan N° 175
City of Peterborough



Lot Area - 4587 sf
 Exist House - 868 sf
 Garage - 416 sf

 Total 1284 sf - 28 % Coverage
 Proposed House - 1409 sf
 Veranda - 176 sf

 Total Proposed 1585 sf - 34.5 % Coverage

CITY OF PETERBOROUGH
 PLANNING & DEVELOPMENT SERVICES
 RECEIVED
 AUG - 5 2008
 TO: _____
 FILE: _____

Edgewater Blvd.

Scale - 1" = 15'-0"

KAVAN
 building design & drafting
 208 Charlotte Street Peterborough Ontario K9J2T8
 705-742-5171 Fax (705) 742-2432

PLAN OF SURVEY
 OF LOTS 187, 188, 189, 170, 171, 172, 173, 174, 175, 176
 177, 178, 179, 180, 181, 182, 183, 184, 185, 186 AND 188
 AND PART OF LANE (CLEROD)
 RECORDED PLAN N° 480
CITY OF PETERBOROUGH
 COUNTY OF PETERBOROUGH

SCALE - 1 : 250

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

BENINGER SURVEYING LTD.

SURVEYOR'S CERTIFICATE

I, CERTIFY THAT
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH
 THE SURVEY ACT AND THE STATUTORS ACT AND THE REGULATIONS
 MADE UNDER THEM
 2. THE SURVEY WAS COMPLETED ON

13 AUGUST 2008
 PETERBOROUGH, ONTARIO

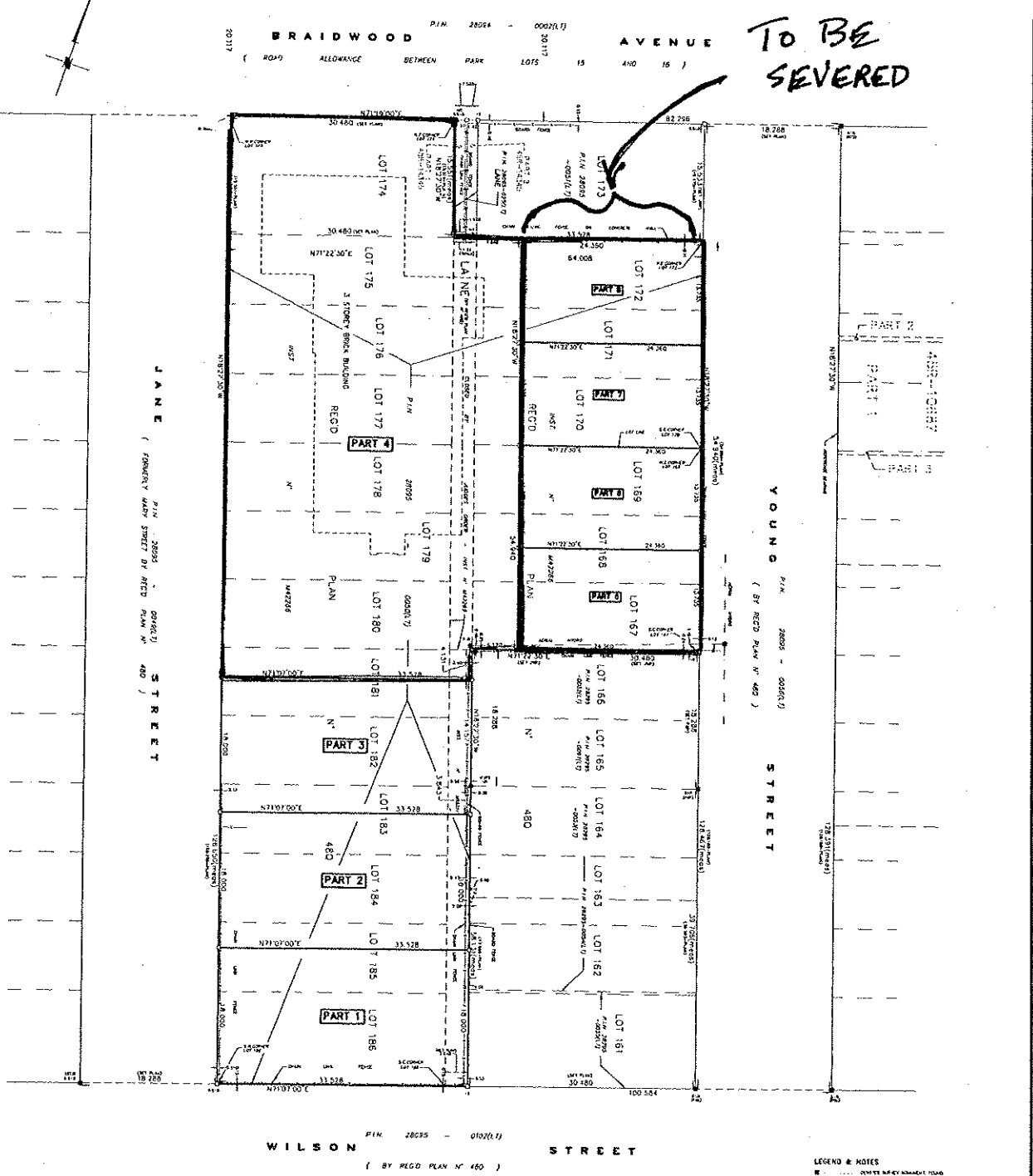
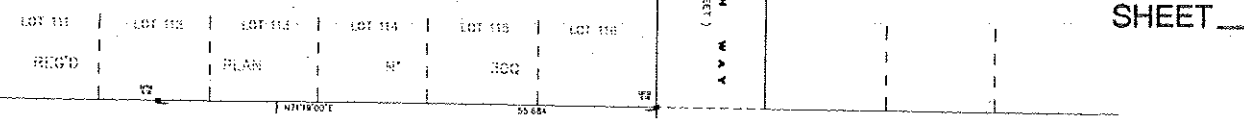
JOHN S. BUNICK
 Ontario Land Surveyor

ROBER MELLON WAY
 (FORMERLY GEORGE STREET)

SCHEDULE			
PART	LOT	PLAN	PIN
1	187	480	28054
2	188	480	28054
3	189	480	28054
4	170	480	28054
5	171	480	28054
6	172	480	28054
7	173	480	28054
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16	182	480	28054
17	183	480	28054
18	184	480	28054
19	185	480	28054
20	186	480	28054
21	188	480	28054

PLAN 45R
 RECEIVED AND DEPOSITED
 13 AUGUST 2008
 JOHN S. BUNICK
 Ontario Land Surveyor
 LAND REGISTRATION FOR THE
 LAND REVENUE DEPARTMENT OF
 PETERBOROUGH (1-43)

EXHIBIT F
 SHEET 1 OF 1



LEGEND & NOTES
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT AND THE STATUTORS ACT AND THE REGULATIONS MADE UNDER THEM
 2. THE SURVEY WAS COMPLETED ON 13 AUGUST 2008
 3. DISTANCES SHOWN BELOW ARE METRIC AND ARE DERIVED FROM THE EAST LOT OF YOUNG STREET, SCHEME OF PLAN 106-10014 AS HAVING A BEARING OF N182°23'0"

BENINGER SURVEYING LTD.
 414 WATER STREET
 PETERBOROUGH, ONTARIO
 K9H 3J6
 TEL: 705-742-3210
 FAX: 705-742-8814
 480 21123
 451 1031