



City of
Peterborough

COMMITTEE OF ADJUSTMENT

HEARING DATE: October 7, 2008

Staff Comments Regarding Files:

A34/08, A36/08, A37/08, A38/08, A39/08, A40/08, A41/08 & A42/08

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 A, 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 optimum width of 20 metres that 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 (66 ft) wide would require a building to be located 6 metres (20 ft) from the street line, the existing dwelling is located 5.2 metres (17.1 ft) from the street line and the proposed garage is to be 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. Staff is of the opinion that the proposed setback of the garage is reasonable considering the location of other dwellings along Barnardo and practical in allowing space necessary 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.

A36/08 – 286 Simcoe Street - YWCA of Peterborough, Victoria & Haliburton

The subject property located in the inner city was recently rezoned by City Council to SP.326 Special District which would permit a multi-suite dwelling. The proponent has engaged an architect who has designed a building including modifications to improve the building's ability to accommodate more people within a higher quality living space. The Plan attached as Exhibit B illustrates a design that takes advantage of the established footprint of the building while creating an inner court yard for amenity space. The building is already located 3.8 metres (12.5 ft) from Simcoe Street and 1.2 metres (4 ft) from Stewart Street. The proposed plan illustrates structural canopies over the windows that extend beyond the exterior walls to improve the street front presentation of the building

offering a more pedestrian orientation to the building. While the established building location is regarded as legal-non-conforming, the extended canopy structure is considered as building coverage and would therefore require the following variances:

- 1) increase the maximum building coverage from 45% to 52.5%,
- 2) reduce the minimum building setback from Stewart Street and Simcoe Street from 6 metres (19.6 ft) to 2.63 metres (8.66 ft).

Staff visited the site and considered the neighbourhood context of the building. It is a corner lot in a relatively high profile site with sidewalks on both the south and east side of the property and with open sight lines from the intersection of Simcoe Street and Aylmer Street to the east. The variances pertain to an extended canopy designed to take advantage of the profile and enhance the aesthetic appeal of the building from the street. The redesign of the building cleans up the street profile, reduces portions of the building massing in proximity to the street and reduces the extent of nonconformity in relation to both Stewart Street and Simcoe Street.

Staff is of the opinion that the intent of the zoning by-law is not compromised by the variance that pertains to cosmetic design features of the building that contribute to the character of the building located in a pedestrian oriented neighbourhood. Subject to concerns raised by neighbouring property owners, Staff would not object to the variances as described.

A37/08 748 Overend Gardens & A38/08 749 Overend Gardens– Prinston Homes Inc.

The home builder has modified what he has found to be a successful building design by reducing the floor area wherever possible in order to fit the building on a corner lot. While the design could fit on a mid-block lot, the building is too close to the street line on a two corner lots requiring a variance to reduce the minimum building setback from the Bianco Crescent Street line from 6 metres (19.6 ft) to 5.74 metres (18.85 ft).



748 & 749 Bianco Crescent

Staff considered the subdivision plan and noted that in the case of both properties the adjacent lot relative to Bianco Crescent backs on to the subject property. The proposed building plans illustrate the dwelling on each lot to be as close as possible to Overend Gardens street line leaving a spatial separation in excess of 6 metres to the lot line in

relation to Bianco Crescent. The separation distance would minimize the perceivable impact of the variance requested. Staff also noted that both Overend Gardens and Bianco Crescent are local streets. Staff is of the opinion that the impact of the proposed variance would be minor in relation to a local street which is usually more pedestrian oriented than a collector or arterial street.

Considering these circumstances, Staff is of the opinion that the impact of the variance would be minor and would not object to the Committee granting the variances as described for both 748 and 749 Overend Gardens.

A40/08 – 607 Water Street - David Tomlinson

The subject property is a residential lot located on the west side of Water Street just north of London Street and the inner city. A large building exists on the property with one onsite parking space accessed from Water Street. The owner would like to modify the internal space of the building for use as a two unit dwelling and construct a second parking space in the rear yard accessible by an easement from London Street to the south as illustrated on Exhibit C.

The applicant is requesting the following variances to permit the use of the building as a two unit dwelling:

- 1) reduce the minimum required lot area per dwelling unit from 278 sq metres (2992 sq ft) to 177 sq metres (1905 sq ft)
- 2) reduce the minimum required lot width per dwelling unit from 9 metres (29 ft) to 5.6 metres (18.5 ft), and
- 3) reduce the minimum floor area per dwelling unit from 70 sq metres (753 sq ft) to 52 sq metres (559 sq ft).

Staff visited the property and would suggest that with the creation of the additional parking spaces in the rear yard, the building could function as a two unit dwelling. Staff is of the opinion that the use of the building for two units is appropriate, in-keeping with provincial policy direction to foster residential intensification and the variances are reasonable for an inner city property.

Subject to concerns raised by neighbouring property owners, Staff would not object to the Committee granting the variances subject to the payment of a parks levy of an amount to be determined by the Parks Levy Review Committee.

A41/08 – 255 Engleburn Avenue -- Diane Donaldson

The owner of the property had removed a single car garage that was attached to the north side of the dwelling to access the rear of the property to make improvements to the rear of the dwelling. Referring to the Plan attached as Exhibit D, the owner would like to reconstruct an attached single car garage that would be in the same location as the original structure but extended 1.37 metres (4.5 ft) to the rear. A variance is therefore requested to reduce the minimum building setback from the north side lot line from 1.2 metres (3.9 ft) to 0.15 metres (0.5 ft) to permit the proposed garage.

The subject property is located on Engleburn Avenue within a cluster of older established dwellings which have been added to and maintained with the greatest of care to ensure compatibility of not only aesthetic design but architectural character. Staff have worked in cooperation with property owners in the neighbourhood supporting variances to facilitate

functional attributes of dwellings in the area while preserving the character of development considered desirable by those residing in the area. Staff appreciate the functional benefits of having a garage and are willing to support the variance to permit the garage to be re-established as it was originally with the minor addition subject to the consideration of any concerns of the neighbours and the owner entering into a development agreement with the City that would address the following:

- 1) the garage will be one storey, flat roof design with no eaves to the north side and will drain storm water to the rear of the property, and
- 2) provide building plans for the approval of the Planner of Urban Design prior to issuance of any building permit to ensure compatibility of design.

A42/08 383 George Street South - Johanna Sinclair

Referring to the plan attached as Exhibit E, the subject property is a rather small lot with a two storey building on it located within what is designated as the George Street South Business District. The property is a part of a cluster of small lots that all share the same C.50-1 Commercial District zoning. While this transitional zoning permits a range of uses including a dwelling, an office as well as retail opportunities and a restaurant, the challenge for a small lot is to make use of the property within its limitations considering parking.

The applicant is requesting permission use the building on the property for a small-scale, retail shop, coffee bean roasting operation considered as a use that would conform with other uses permitted by the C.50-1 Commercial zoning of the property. The coffee roaster is small scale and there would be the odour of roasting coffee associated with the operation similar to the expectation of odours associated with operating a restaurant. There is space on the property for parking a van for loading or unloading coffee beans and product to be delivered off site. Staff visited the site and considered the surrounding land use including a commercial office building to the south and residential apartments within dwellings on adjacent properties with the same zoning.

Considering the commercial designation and zoning, as well as the neighbourhood context, Staff is of the opinion that the proposed use is compatible with adjacent land use and the permission would enabling the use of the building on a small property.

Subject to concerns raised by neighbouring property owners, Staff would not object to the Committee permitting a small scale, retail shop coffee roasting operation as a use which is compatible with the neighbourhood and conforms with the uses permitted by the zoning.

Respectfully submitted,



Richard Straka
Planner Policy & Research



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

LOT 2
 DUBLIN STREET
 GEORGE STREET
 PLAN N° 1
PETERBOROUGH
 PETERBOROUGH

EXHIBIT c
 SHEET 1 OF 1

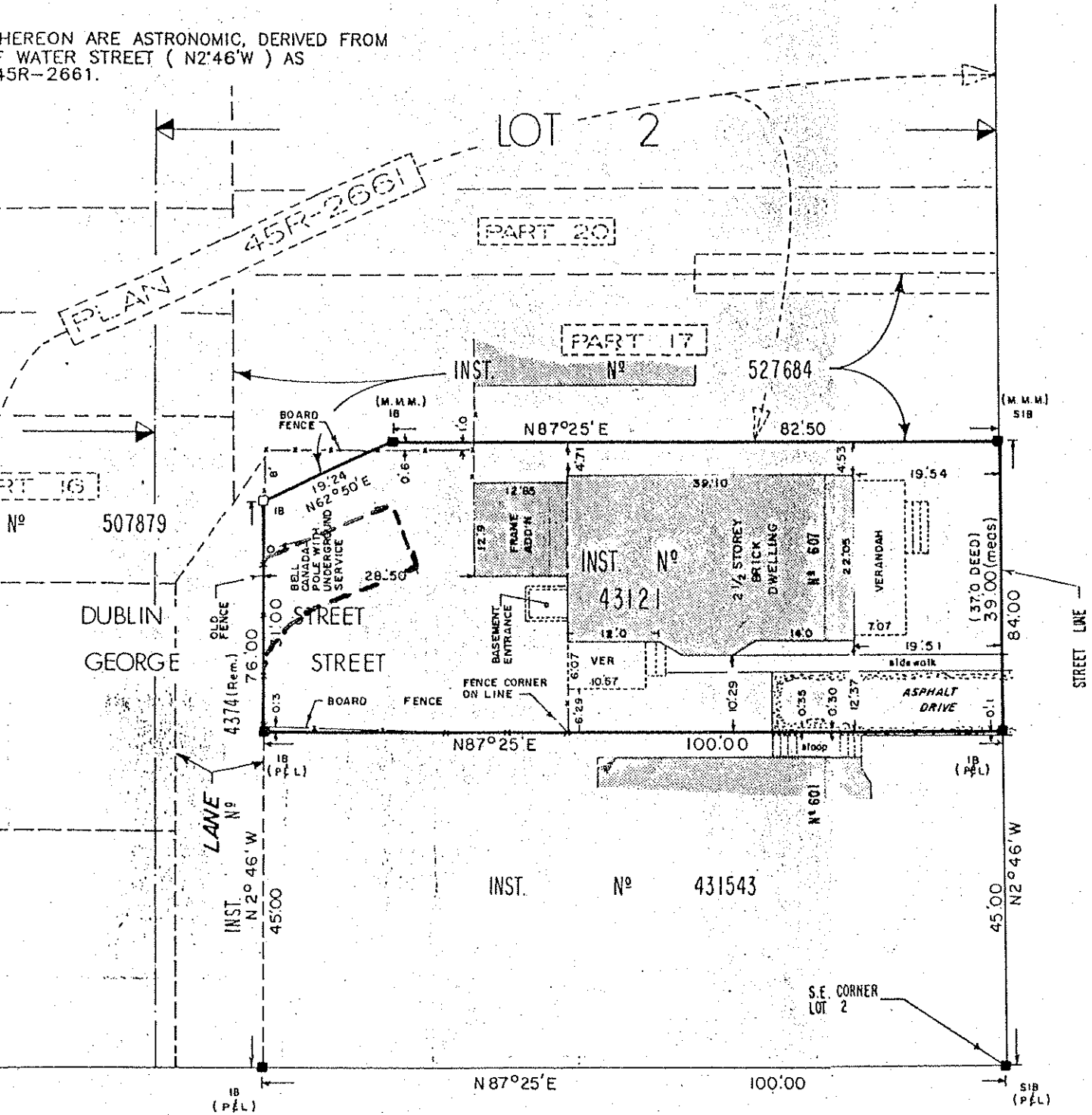
= 20 FEET

SURVEYING LTD. 1995

20 APRIL 1995

ES WITNESS.
 ES SURVEY MONUMENT, FOUND.
 ES SURVEY MONUMENT, PLANTED.

HEREON ARE ASTRONOMIC, DERIVED FROM
 WATER STREET (N2°46'W) AS
 45R-2661.



ENGLEBURN AVENUE

