



City of
Peterborough

COMMITTEE OF ADJUSTMENT

HEARING DATE: December 2, 2008

Staff Comments Regarding Files:

A43/08, A47/08, A48/08 & A49/08, B10/08, A50/08 and B11/08

A43/08 – 1174-1178 Armour Road - 2160288 Ontario Inc.

The proponent has advanced a proposal to construct two buildings on the subject property. This application is for a variance to increase the maximum commercial floor area of a building on the site from 745 square metres (8,019 sq ft) to 1,160 sq metres (12,486 sq ft) and increase the maximum permitted floor area per commercial purpose from 235 sq metres (2,529 sq ft) to 380 sq metres (4,090 sq ft) to accommodate various tenants.

The proponent is continuing to review the requirements of the Official Plan regarding the development of the subject property and has requested a further adjournment to a future meeting of the Committee.

A47/08 – 844 Rye Street - The Mattress and Bed Co. Ltd.

The proponent is seeking permission to use approximately 250 sq metres (2,700 sq ft) of the existing building for the purpose of display and retailing of mattresses in conjunction with the primary use of the building as a warehouse for mattresses.

The subject property is located at the corner of Lansdowne Street West and Rye Street immediately west of The Parkway. The property is designated as Service Commercial that would anticipate a limited range of retail commercial uses that would have particular storage or display requirements. The objective of the designation is to provide a location for large sites to accommodate buildings that could offer space for storing, display and retail of large items such as furniture and appliances and in the case of the proposed use, mattresses that also occupy a lot of space.

While an application to rezone of the property would be supported by planning staff, the proponent is only interested in a limited area to be used for retail purposes and only for the sale of mattresses that are stored within the building as permitted by the zoning district at this time. Because the primary use of the building is for industrial purposes, staff can appreciate that the owner is not yet ready to redevelop the entire property in order to pursue a complete rezoning for commercial purposes. While the proposed use is an intermediate step toward the potential use of the property, staff is of the opinion that the impact of the proposed use would be minor provided it is limited in scale and purpose.

Subject to concerns raised in response to the notice of this application, Staff would not object to the Committee granting permission to use no more than 250 square metres of the building floor area for the display and retail of mattresses and associated bedding warehoused on the property.

A48/08 - 534 George Street North - George St. United Church

The proponent is seeking permission to use approximately 550 sq metres (6000 sq ft) of floor area within the building as an office for the administration of community services. The Property is located within an area of the city designated by the Official Plan as the Central Area and Transitional Use Area. Official Plan policy anticipates office use being located in the area being on the fringe of the central business district. The property is zoned PS.2 Public Service District that would permit a public administration establishment.

The proponent would like to accommodate the offices of the Community Counselling Services including credit counselling, social community counselling and housing. Strategically the location of these services near the central business district facilitates easier access by a greater number of people being close to central bus service and other services and amenities typically located in the down town area. While the zoning would permit a use described in general terms as a public administration establishment. Staff is of the opinion that the use of a limited area of the building for Community Counselling Services would conform with the nature of the use permitted by the zoning.

The parking situation with respect to the development of the property used primarily as a church is considered as legal, non-conforming. Considering the parking requirements associated with the limit of 550 square metres of floor area to be used for the Counselling Service, Staff considered the 9 motor vehicle parking spaces established on the property together with an additional 9 new parking spaces that are to be established in front of the building on George Street. Although the amount of office space could be reduced by 45 square metres of floor area to comply, the practical layout of the building would lend it self to the gross floor area of 550 square metres and Staff is of the opinion that the impact of varying the parking requirement by one space would be minor.

Subject to concerns raised by the public responding to the notice of this application, Staff would not object to the Committee permitting the use of 550 square metres of the floor area for a Community Counselling Service provided 9 additional motor vehicle parking spaces are provided on the property.

A49/08 – 730 Hawley Street - 724 Erskine Inc.

The proponent is seeking permission to use the property for repair and retail of recreation vehicles as a use similar to the sale of heavy trucks and a motor vehicle repair establishment that are uses permitted by the industrial zoning of the property.

The subject property is designated as Service Industrial. The designation includes lands such as the subject property that is zoned M3.2 Industrial. While the proposed use would be typically anticipated in a service commercial designated area, the M3.2 Industrial zoning does permit service commercial type uses such as a vehicle repair establishment, a heavy truck and equipment sales and service, and a rental establishment excluding automobiles.

While recreation vehicles is not described as a specific use in any zoning district, recreation vehicles include motor homes that would be similar to heavy trucks as well as travel trailers which also occupy a large amount of space.

Considering that the subject property is located on the fringe of the industrial area almost adjacent to residential lands, Staff is of the opinion that the RV Sales and service would be a relatively unobtrusive use that would be compatible with surrounding land uses.

Subject to concerns raised by the public in response to the notice of this application, Staff would not object to the Committee granting permission to permit the repair and retail of recreation vehicles as a use that would conform to the list of uses permitted by the M3.2 zoning of the property.

B10/08 - 561 King Street - Morgan J Tamplin & I Maria Tamplin

On June 27/08, the Committee of Adjustment made a decision to grant a variance to reduce the minimum setback of a garage from 1.2 metres to 0 metres on the condition that a maintenance easement be established over the adjacent property being 561 King Street. This application is following through with the request to convey an easement over a 1.21 metre (4ft) X 9.36 metre (30.73 ft) portion of the westerly limit of 561 King Street in favour of the owner of the adjacent property known municipally as 567 King Street. The easement illustrated as Part 1 on the plan attached as Exhibit A, would provide access over the neighbouring property for the purpose of maintaining the east side of the garage as it is located on the east lot line of 567 King Street.

Considering the long established location of buildings on the two properties and the spatial separation between the buildings, Staff is of the opinion that the easement is a practical solution to the issue of maintaining the garage as established on the property. Staff would not object to the Committee granting the consent for the easement as described for the lifetime of the structure.

A50/08 & B11/08 - 178-184 Stewart Street - David Jones and Joanna Dickson

Referring to the plan attached as Exhibit B, the proponent is seeking to convey ownership of the northerly 12.7 metres of the property known municipally as 184 Stewart Street that inadvertently merged with 178 Stewart Street. The following variances are therefore requested to address the regulations of the zoning by-law with regard to the retained property known municipally as 178 Stewart Street:

- i. reduce the minimum lot area from 370 sq metres (3982 sq ft) to 306 sq metres (3300 sq ft);
- ii. reduce the minimum lot width from 12 metres (39.3 ft) to 9 metres (29.52 ft);
- iii. reduce the minimum building setback from the north side lot line from 1.2 metres (3.9 ft) to 0.3 metres (1.2 ft); and
- iv. reduce the minimum number of motor vehicle parking spaces required on the property from 1 to 0.

The properties known municipally as 178 and 184 Stewart Street, had existed as two separate properties and were inadvertently merged when the owner of one property took ownership of the adjacent property in the same name. The applicant is requesting a consent and as a result would require the variances described to reverse the situation separating the two properties again as they were.

Staff visited the site and considered the proposal to redefine the two properties separately. Staff noted that up to four motor vehicle parking spaces could be accommodated between the two buildings and by moving the proposed line of severance 2.6 metres (8.61 feet) to the north as illustrated in Exhibit C. Moving the proposed line of severance 2.6 metres to the north would not only eliminate the requirement for the variance regarding the parking space but also eliminate the variance requested to reduce the minimum building setback from the north side lot line including the building code issue with respect to the window openings on the north side of the dwelling at 178 Stewart Street.

The following table compares the zoning regulations to the proposed and recommended scenarios illustrated by Exhibits B and C:

Table 1:

	<u>R.2 Zoning Regs.</u>	<u>Proposed by applicant</u>		<u>Recommended by Staff</u>	
		<u>178 Stewart</u>	<u>184 Stewart</u>	<u>178 Stewart</u>	<u>184 Stewart</u>
Min. lot width	12 m 39.3 ft	(9.1 m) 30 ft	12.7 m 41.67 ft	11.7 m 38.6 ft	10 m 33. ft
Min. lot area	370 sq m 3982 sq ft	(306 sq m) (3300 sq ft)	448 sq m 4832.8 sq ft	399 sq m 4303 sq ft	355 sq m 3827 sq ft
Min. Side yard setback	1.2 m 3.98 ft	(0.47 m) (1.56 ft)	5.72 m 18.78 ft	3 m 10 ft	3 m 10 ft
M.V. Parking	1	(0)	1	1	1

While it may be economically convenient to locate the line of severance where it once was to correct a legal oversight, from a planning perspective, this is an opportunity to define two reasonable sized properties in relation to their development making both parcels functional, reducing the number and degree of variances required and avoid contributing to the creation of a disfunctional property in the case of 178 Stewart Street that would not comply with the building code as developed.

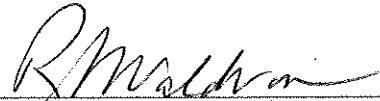
Staff is recommending that the proposed conveyance and variances as applied for be denied. Staff is recommending that the line of severance be located 2.6 metres (8.61 feet) to the north and the variances described in the "Recommended by Staff" column of

the preceding Table 1 be considered for approval. The decision would define two lots that would be of reasonable size, functional in accommodating parking and would conform to the building code considering the windows on the north side of the building at 178 Stewart Street.

Respectfully submitted,



Richard Straka
Planner Policy & Research

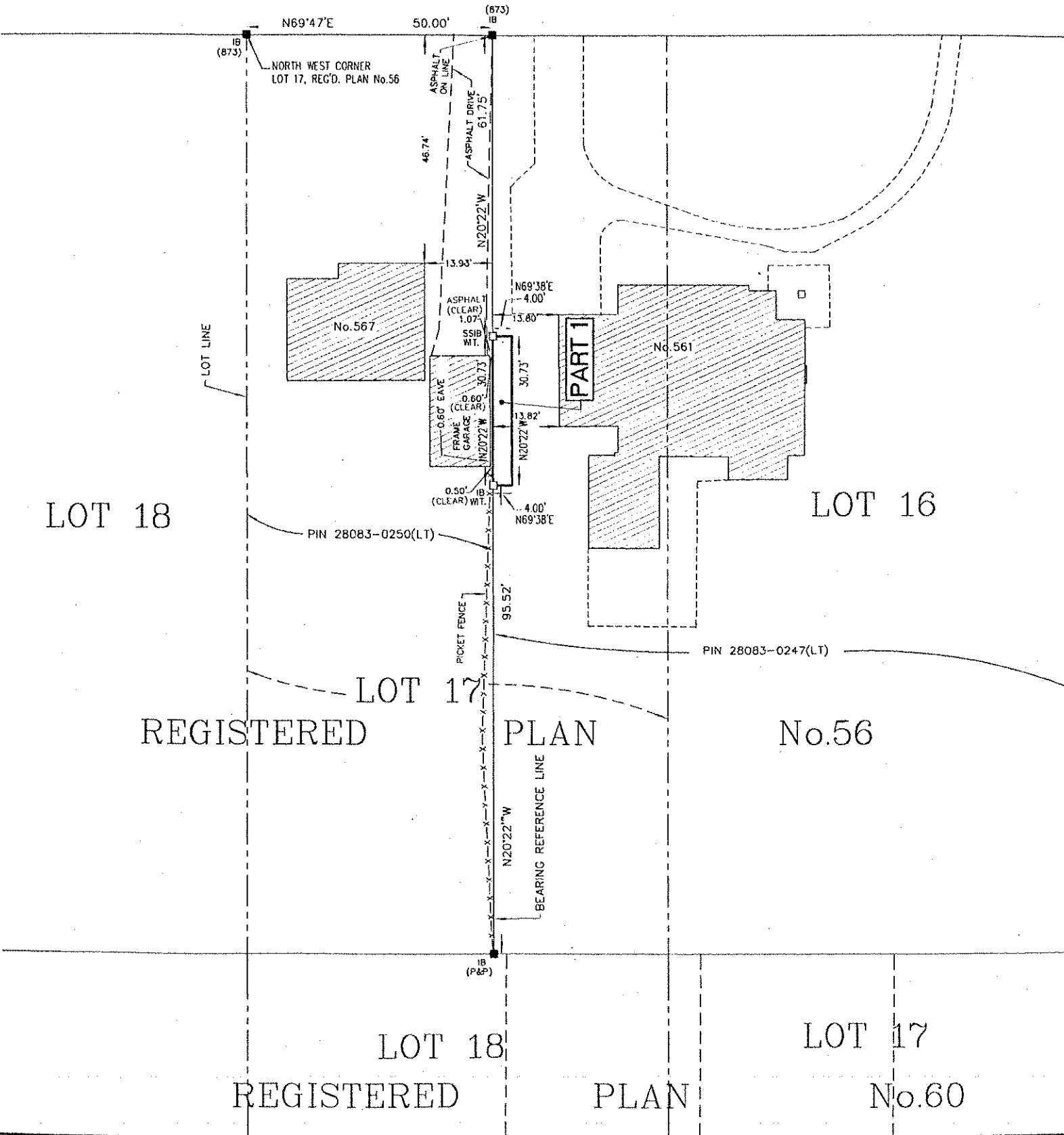


R. Waldron, C.E.T., CBCO
Manager, Building Division

PIN 28083-0371(LT)

KING STREET

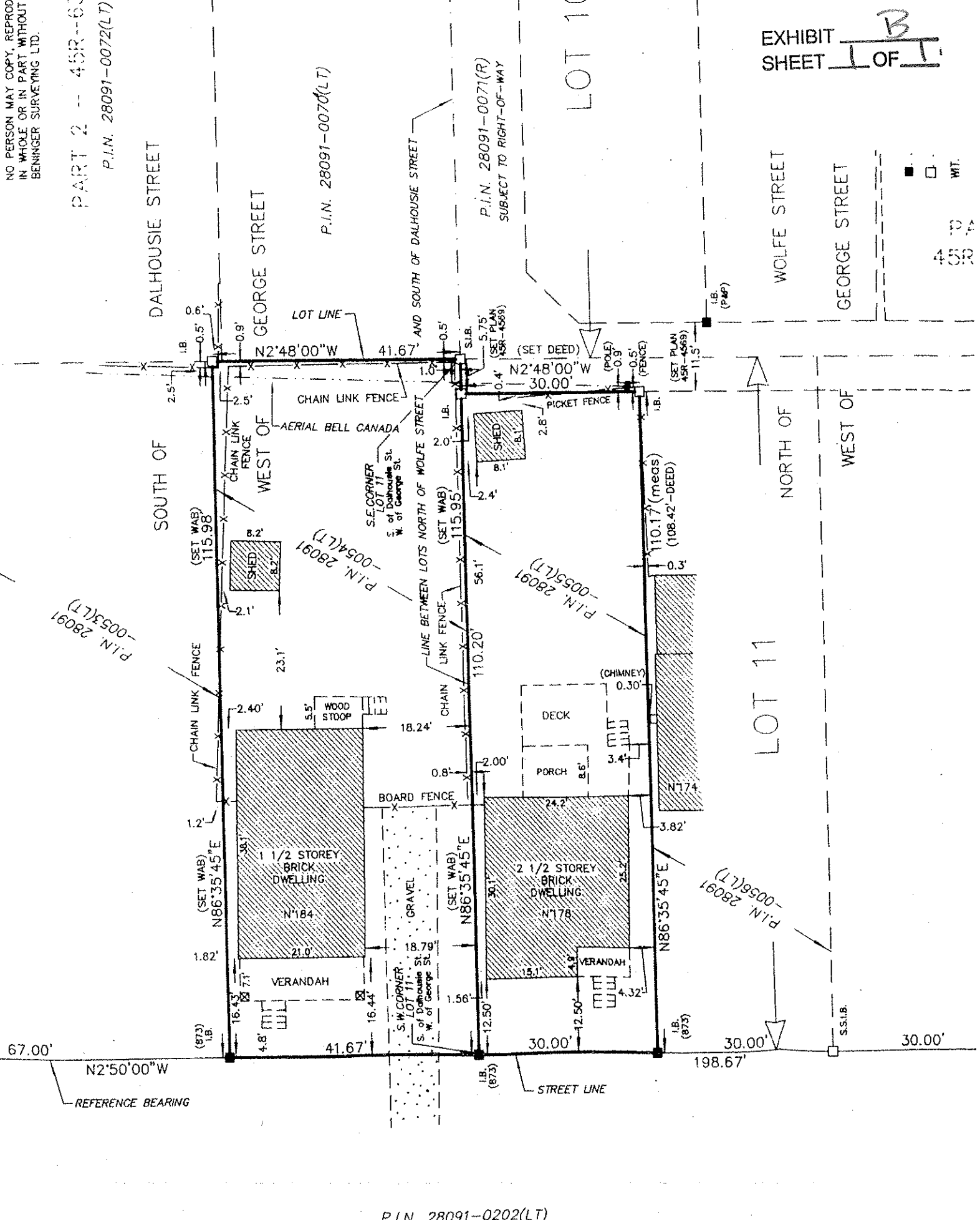
(KING STREET WEST - REG'D. PLAN No.56)



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PART 2 -- 45R-63
P.I.N. 28091-0072(LT)

EXHIBIT B
SHEET 1 OF 1



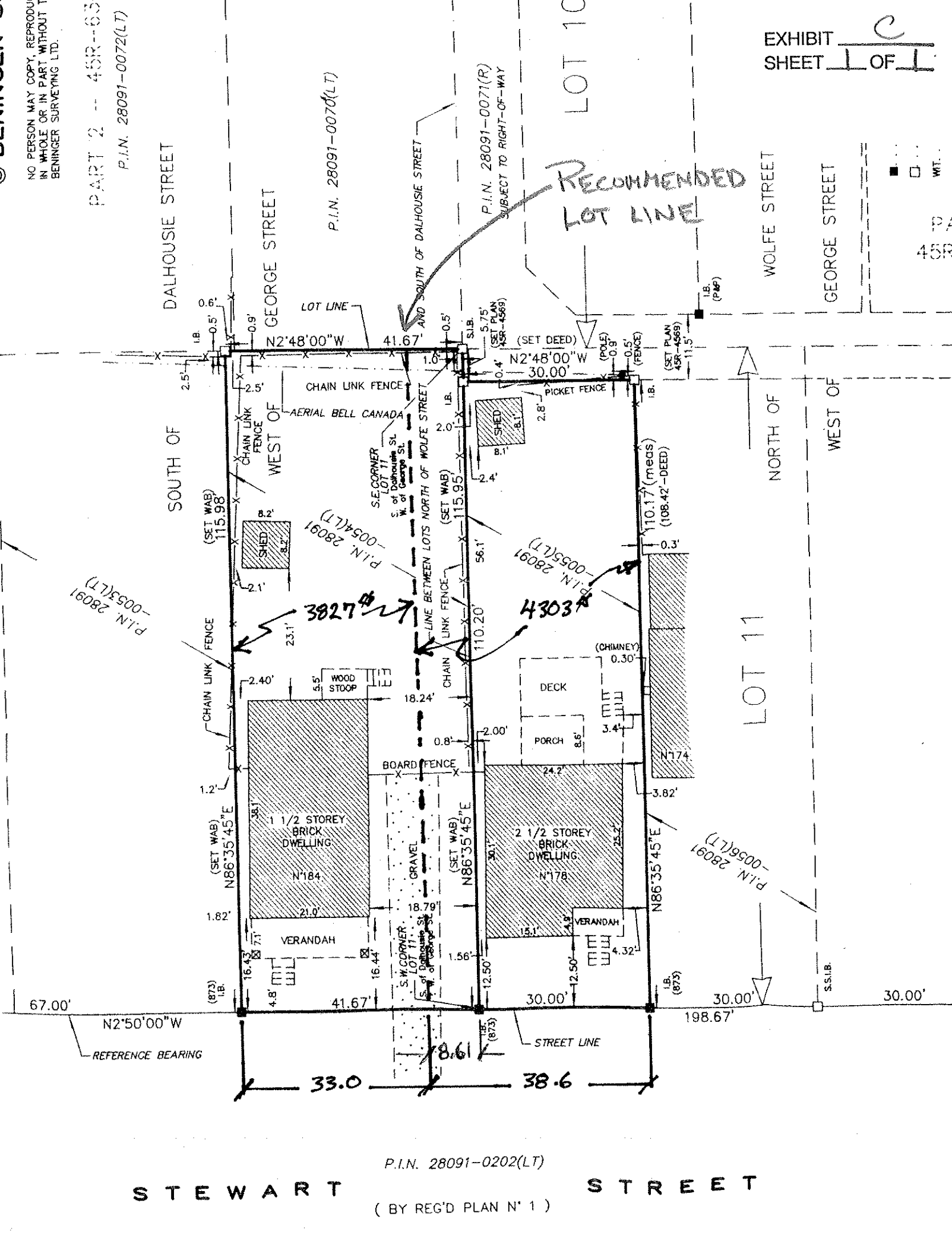
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STEWART

STREET

P.I.N. 28091-0202(LT)

(BY REG'D PLAN N° 1)



RECOMMENDED LOT LINE

3827\$

4303\$

P.I.N. 28091-0202(LT)

STEWART

STREET

(BY REG'D PLAN N' 1)