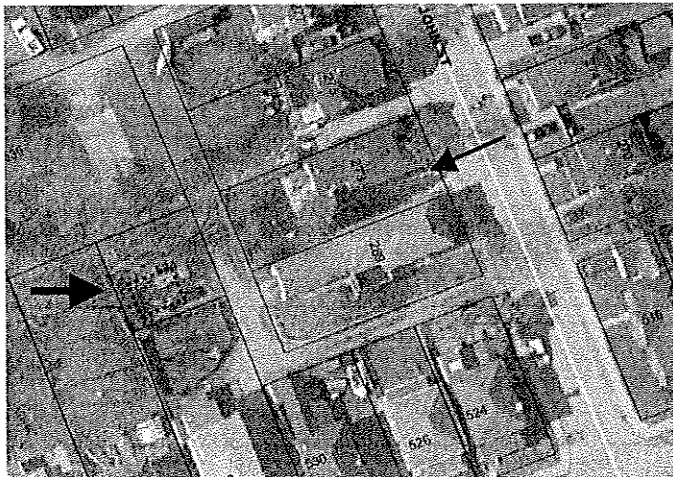




Staff Comments Regarding Files: A15/09, A16/08, A17/09, A18/09, A19/09, A20/09, and A21/09

A15/09 – 534 Bolivar Street - Alyson Bond & Colin Crooks

Referring to the Air photo below, the subject property is a parcel of land located to the west or across a lane way to the rear of the property known municipally as 273 John Street. It is owned by the same owner as 273 John Street and is used and maintained by the owner of 273 John Street.



Although there is a driveway from John Street providing parking associated with the dwelling at 273 John Street, the owner would like to make use of the vacant parcel by constructing a 6 metre (20 ft) by 7.3 metre (24 ft), one storey, two-car garage on a parcel of land rather than in the rear of 273 John Street thereby preserving the rear yard as amenity space associated with the dwelling.

The parcel is accessible by a right-of-way to a laneway located 15 metres to the south of the property and could be accessed as a pedestrian through a gate to be constructed in the fence across the rear lot line. Currently there is a temporary structure on the property used for storage of items owned by the residents of 273 John Street including a motor vehicle.

The by-law is designed to prevent development on properties that do not have access to a public roadway. If a primary use cannot be permitted on a property then the by-law is designed to prevent development of a disassociated accessory building.

The applicant would make use of the subject property located to the rear of 273 John Street separated by a laneway. The following variances to the zoning by-law are therefore requested:

- i) relief from Section 6.4 to permit the establishment of a building on an un-serviced lot;
- ii) relief from Section 6.5 to permit a building on a lot that does not abut a public street;
- iii) relief from Section 6.18 to permit an accessory building on a lot that has no primary establishment; and

- iv) increase the maximum lot coverage by an accessory building from 10% to 27%.

Considering the intent of the by-law, Staff is of the opinion that the key issue is that the use and development of the property is associated with a primary use of property in close proximity for practical purposes. In the case of the subject property, Staff is of the opinion that the impact of granting the variances described to permit the proposed development of a two car garage would be minor provided that the building is located so as to ensure there is adequate functional spatial separation from all lot lines and the owner is associated with a neighbouring property owner.

Subject to concerns raised by neighbouring property owners, Staff would not object to the Committee granting the variances as described provided that; the owner provide proof of a right to access the parcel over the R.O.W., the building is located a minimum of 1.2 metres from the north, south and west lot line and 6 metres from the east lot line and the owner of the property enter into an agreement that would be registered on title that would require that the owner of property known as 543 Bolivar Street could be no other than the owner of 532 Bolivar Street or 273 John Street.

A16/09 – 694 Sherbrooke Street - Rolf & Uwaya Erdmann

In 2002, the subject property was zoned with regulations to protect the size of the property and to permit a clinic with a maximum floor area of 150 square metres (1,615 sq ft) in addition to the residential use. The owner lives on the property and operates a Naturopathic clinic on the property. Referring to the plans attached as Exhibit A, the owner would like to remove a portion of the entrance at the southwest corner of the building and construct an addition in its place that would function as an entrance, waiting and reception area associated with the clinic. A variance is therefore requested to increase the maximum permitted floor area of the clinic from 150 sq. metres (1614 sq ft) to 202 sq. metres (2174 sq ft) to permit the proposed addition.

The subject property is a large 1.68 acre parcel of land surrounded by residential lots of a more typical urban size. The existing large mansion style building on the property is separated from adjacent development and use by not just spatial distance but also by grades being located on the top of the drumlin on Sherbrooke Street. The clinic has operated on the property since 2002 with no conflicts with surrounding land uses. On site parking is provided and the property has been developed and maintained with care and not just with regard to the surrounding land use but also with regard for the character and integrity of the building and grounds as well. Considering proportionate scale of the building on the property to the size of the property and the separation distance of 26 metres (86 ft) between the building and the west side of the property, Staff is of the opinion that the impact of the additional building would be minor. Considering the motor vehicle parking spaces associated with the use, onsite parking for 12 motor vehicle parking spaces was illustrated on a conceptual site plan provided at the time the property was originally zoned for a clinic. Staff visited the site and noted there was room to accommodate parking for 12 motor vehicles within the parking area as developed. Considering the clinic with a gross floor area 202 metres and a residence, parking for 12 motor vehicles would satisfy the requirements of the by-law.

Subject to concerns raised by neighbouring property owners, Staff would not object to the Committee granting the variance to increase size of the clinic to 202 metres as requested.

A17/09 – 871 Armour Road - Ad & Johanna Bekkers

Referring to the survey attached as Exhibit B, a garage has been constructed on the property by the previous owner that is located approximately 0.6 metres (2 ft) from the south side lot line in accordance with the by-law. The new owner of the property would like to construct a 6 metre (20 ft) by 5.3 metre (17.66 ft) carport attached to the front of an existing garage established on the property. The following variances are therefore requested to permit the proposed structure:

- i) reduce the minimum building setback from the south side lot line from 1.2 metres (3.96 ft) to 0.6 metres (2 ft); and
- ii) increase the maximum lot coverage by an accessory building from 10% to 13%.

Staff visited the property and noted that the garage was established forward on the property so the proposed carport extension would be less than 1.2 metres from the rear of the dwelling hence the need for the first variance. The owner would like to use the garage for a home-based business.

Staff considered the standard of development in the neighbourhood and was 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 variance provided that eavestroughing was established and maintained on the buildings with a downspout to manage storm water on the property so as not to affect the neighbouring property.

A18/09 – 377 Highland Road - Barbara Westropp

The owner would like to construct a 4.8 metre (16 ft) by 7.31 metre (24 ft) garage within 1.2 metres (3.9 ft) of the rear of the dwelling as illustrated on the survey attached as Exhibit C. A variance is therefore requested to reduce the minimum building setback from the east side lot line from 1.2 metres (3.9 ft) to 0.6 metres (2 ft). The purpose is to locate the garage so as to avoid the slope that falls off to the rear of the property.

Staff visited the subject property and noted the grades that fall off dramatically to the south or rear of the property. To set the structure back on the property to be 1.2 metres beyond the rear of the dwelling would become a hardship in terms of the cost of constructing a foundation for the garage grading and the extension of a driveway. Considering the fall of the land, storm water would drain toward the southwest, away from the property line to which the variance pertains.

Staff is of the opinion that the variance is reasonable and the impact would be minor provided that an eavestrough and downspout is established and maintained on the building so as to manage storm water on the property so as not to impact on the

neighbouring property.

A19/09 – 1189 Talwood Court - Skyline Real Estate Holdings Inc.

Upon transfer of ownership it was discovered that there are 103 apartment units within the apartment building on the property. The new owner is therefore requesting relief from the regulations of the zoning by-law to acknowledge the 103 units established within the building on the property.

A variance is therefore requested to reduce the minimum required lot area per dwelling unit from 93 square metres to 91 and reduce the number of parking spaces that the by-law would required in relation to the additional apartment unit from 2 to 0.

According to city records a permit for construction of an 8-storey apartment building was issued in 1976. Upon completion of the building in 1980, a variance was granted permitting 102 apartment units on the basis of there being 128 parking spaces including driveways that would cover no more than 28% of the lot. (See File A90/80 attached as Exhibit D). The 1972 by-law would have required 128 parking spaces at that time.

According to the information provided through the application, there are 119 parking spaces established on site including those located underground. The surface area covered by the parking and driveway calculates to be 22.4%.

Considering that there are not 128 parking spaces on the lot as represented by the decision of File A90/80 it would appear that the variance to acknowledge the 102 units is not valid and the development never did comply with the 1972 by-law.

The parking required when the building was constructed was 1.25 spaces per unit. The variance granted in 1980 relied on there being 1.25 spaces per unit. Considering that the parking by-law today would require parking at a rate of 1.75 parking spaces per unit Staff cannot support a variance to the parking requirements on the scale to which the variance would apply to this development without further research into parking requirements related to large scale residential developments.

Staff would suggest the Committee consider the response to the public notice regarding parking associated with this variance application along with the time that has lapsed over which this development and parking condition has existed. Should the Committee choose to consider the variance to the minimum lot area per unit requirement to permit the 103 apartment units as reasonable on the condition that 4 new parking spaces are constructed on the site to support the additional two apartment units, Staff would urge the Committee to impose a time limit of October 2009 by which the 123 parking spaces shall be established on the property otherwise this variance should lapse.

A20/09 – 91 Hunter Street East - The Becker Milk Company Limited

The subject property is included in the Hunter Street East Business District designation of the Official Plan. It is located at the south west corner of Hunter Street East and Mark Street and has SP.137 Commercial District zoning that would permit a list of uses

including a barbershop and beauty shop. The owner is requesting a variance to permit a "pet grooming establishment" as a use considered similar to a "barber shop" or "beauty shop" which are both listed as permitted uses by the site specific zoning of the property.

Considering the liberal nature of the zoning, a pet store would be a permitted use. Also considering the neighbourhood context of the location, Staff is of the opinion that a pet-grooming establishment may cater to the local convenience needs of the adjacent residential neighbourhood functioning similarly to a barbershop. Subject to concerns raised in response to the notice of this public hearing, Staff would not object to the Committee granting a variance to recognize a pet-grooming establishment as a permitted use of the subject property.

A21/09 – 971 Chemong Road - Mike Hyde

The subject property is designated as residential. While Official Plan policies would permit a drug store within residentially designated areas of the city, the sign by-law regulates the area of such signs and the luminous nature of signage out of respect for residential properties in proximity. A variance to the sign by-law is requested to increase the maximum area of a portable sign permitted on the property from 2 square metres (21.5 sq ft) to 4.5 square metres (48 sq ft). A variance is also requested to permit luminous signs on a local commercial property within a residentially designated area and located within 15 metres of a residentially designated property.

The proposed location of the portable sign is to be midway in front of the building. It would be located 1.5 metres back from the street line and like the established freestanding sign, it would be greater than 15 metres from residential property.

Staff visited the subject property and noted that the Shoppers Drugmart store has been constructed on the property in place of residential buildings that existed. The development is across the street from the entrance to a Walmart store. Staff considered the context of land use in the vicinity of the subject property as in transition from residential to commercial and was of the opinion that the impact of the variance to permit the proposed larger portable sign and the luminosity of the signage would be minimal provided that they were located no less than 15 metres from a residential property.

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

A22/09 – 756 George Street North - CL Properties Inc.

The owner would like to convert the existing building on the property from a rooming house to a 7 unit dwelling and is requesting the following variances to the zoning by-law to permit the change in use:

- i) reduce the minimum required number of motor vehicle parking spaces provided on the property from 13 to 12;
- ii) reduce the minimum dimensions of a motor vehicle parking space from 2.7 metres by 5.7 metres to 2.5 metres by 5.5 metres;

- iii) reduce the minimum width of a laneway in relation to the parking spaces from 6.4 metres to 6 metres;
- iv) reduce the minimum lot area per dwelling unit from 230 sq metres to 208 sq metres;
- v) reduce the minimum required lot depth from 30 metres to 26 metres;
- vi) reduce the minimum building setback from a rear lot line from 9 metres to 1.2 metres;
- vii) reduce the minimum distance that a motor vehicle parking space may be located from the north side lot line from 1.5 metres to 0 metres; and
- viii) reduce the minimum distance that a motor vehicle parking space may be located from a window of a habitable room from 6 metres to 1.2 metres.

The subject property was rezoned from R.1, R.2, R.3 Residential District with the addition of the SP. 204 Residential Zoning in 1983. Well positioned between the Eastern Pentecostal Bible Collage and Peter Robinson College the zoning facilitated the use of the building as a student residence. With the relocation of the two institutions over time, the use became a generic rooming house. The current owner would like to covert the use of the building back to a multi-unit apartment as would be anticipated by the retention of its original R.3 zoning by addressing the established development of the lot by way of the variances to the regulations of the zoning district.

The subject property is located on a George Street North a major arterial roadway just north of the entrance to the downtown. Considering that the building was established in 1874 and the fringe inner city neighbourhood context of the property, Staff is of the opinion that there should be some practical flexibility in considering variances 5 & 6 to zoning regulations provided that the property functions without impacting on neighbouring land use and quality of living experience.

Considering the dimensional layout of the parking area and number of parking spaces, Staff is of the opinion that the variances 1 to 3 are reasonable as would pertain to a residential property with a parking area that would function to support the use for 7 residential units. Considering the seventh variance regarding the separation of the parking from the north lot line, Staff would suggest that the Committee consider input from the neighbouring property owner and rely on the site plan agreement that would have to be updated to address and minimize the impact of any concerns. The agreement will address among other details, fencing and curb stops to be established as well as wording regarding the storage and or removal of snow. Storm water management would also be ensured through the site plan agreement.

No change is proposed to the exterior dimensions of the building on the property. The building form is typical of medium density development and has been used as such for some time. The variance to the lot area per dwelling unit would still fall within the medium density range at 48 units per hectare and once again is considered appropriate in terms of the use of an established residential building located along a transportation corridor to the inner city. Because there is no change to the exterior dimension of the building Staff is of the opinion that the neighbouring properties have become accustomed to the established standard of development in the neighbourhood including the building as

established. The owner is proposing to create 7 apartment units that would be set up under condominium ownership. Considering the activity associated with the nature of up to 30 inhabitants of a rooming house compared to a 7 unit condominium, Staff is of the opinion that the change in use from a rooming house to an apartment building would be an improvement in terms of a lesser impact concerning variance number 6.

Considering the variance to the distance of a parking space to a window of a habitable room, the intention for the by-law is to protect the access to fresh air circulation through an open window of a unit in relation to parking. The apartment units are to have central air conditioning. Staff would have no objection to the variance provided that separate heating and air conditioning units are provided for each unit located within 6 metres of the parking area.

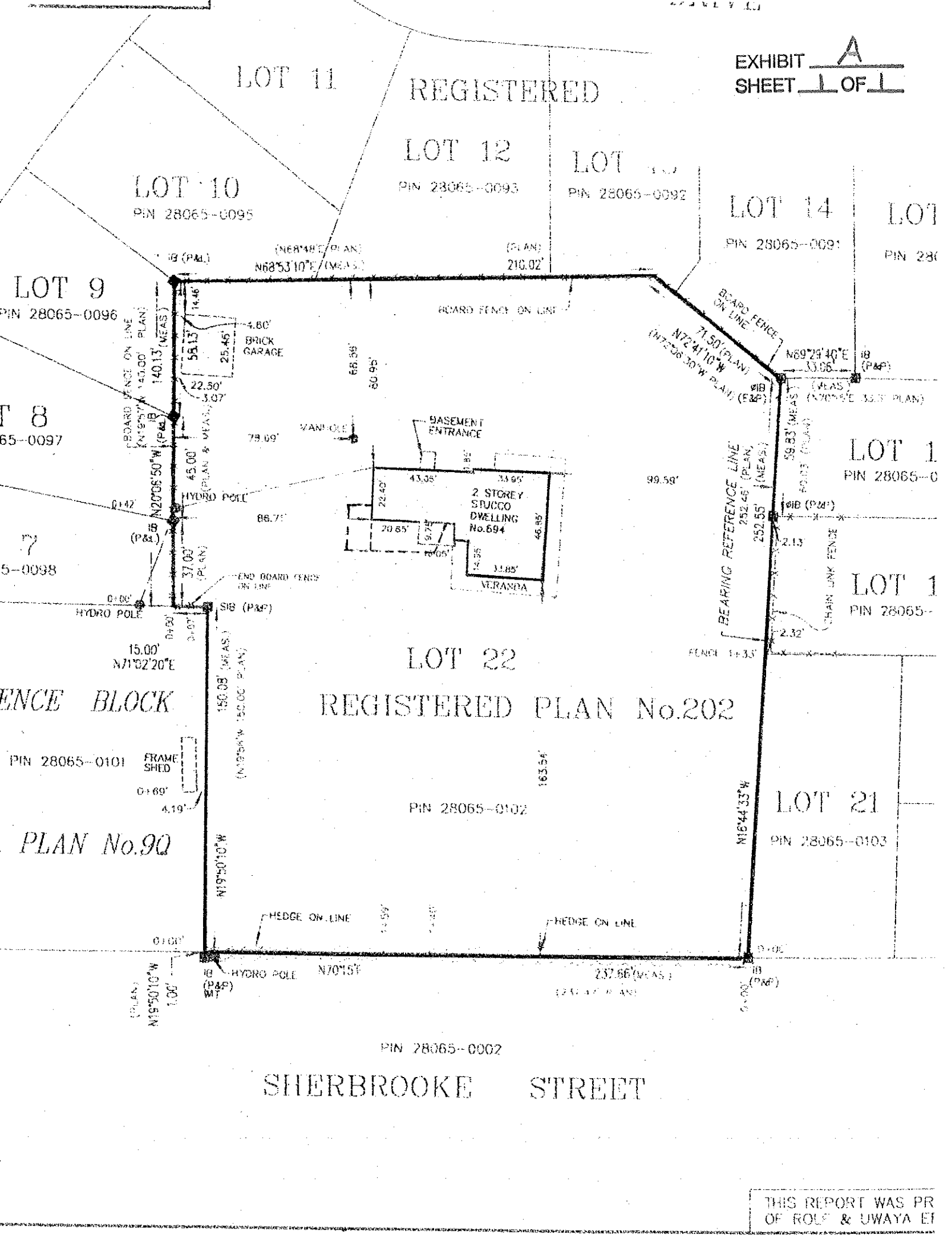
Respectfully submitted,



Richard Straka
Planner Policy & Research



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



LOT 11

REGISTERED

LOT 12
PIN 28065-0093

LOT 13
PIN 28065-0092

LOT 14
PIN 28065-0091

LOT 15
PIN 28065-0090

LOT 10
PIN 28065-0095

LOT 9
PIN 28065-0096

LOT 8
PIN 28065-0097

LOT 7
PIN 28065-0098

LOT 1
PIN 28065-0099

LOT 1
PIN 28065-0100

LOT 22
REGISTERED PLAN No. 202

PIN 28065-0102

LOT 21
PIN 28065-0103

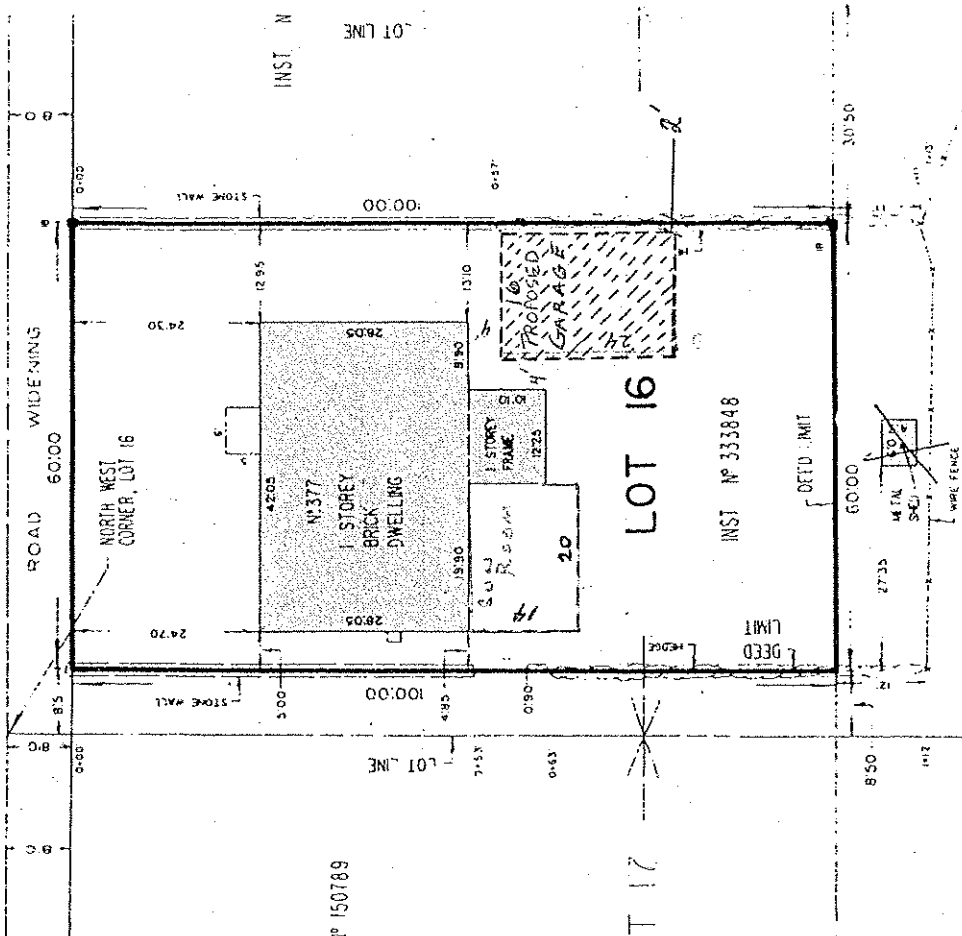
FRAME SHED
PLAN No. 90

SHERBROOKE STREET

63957

HIGHLAND ROAD

File # A18109
377 Highland Rd



TO: _____ FILE _____

PLANNING & DEVELOPMENT SERVICES
CITY OF PETERBOROUGH
RECEIVED
APR 23 2009

LOT 15

BUILDING LOCATION SURVEY ON

PART OF LOT 16,
REGISTERED PLAN N°17

CITY OF PETERBOROUGH
COUNTY OF PETERBOROUGH

EXHIBIT SHEET 1 OF 1

SCALE: 1 INCH EQUALS 20 FEET

ROBERT B. PARR, O.L.S.
1986

REGISTERED

PLAN

Surveyor's Certificate:
I CERTIFY THAT THE FIELD SURVEY REPRESENTED ON THIS PLAN WAS COMPLETED ON THE 17th DAY OF SEPTEMBER, 1986

ROBERT B. PARR
Ontario Land Surveyor

1" = 20'

ELLIOTT AND PARR
(PETERBOROUGH) LTD.
ONTARIO LAND SURVEYORS

P.O. BOX 1116 211 SHERBROOKE ST.
PETERBOROUGH, ONTARIO
K9J 7H4 (705) 745-8444

DRAWN BY: H

FILE N° 436

3. File No. A 90/80

This is an application from Heathcliffe Developments Limited, 18 Denton Avenue, Scarborough, Ontario.

Mr. Herbert Stricker, President of the Company, appeared and was heard.

Reports were presented by Mr. R. Whitehill on behalf of the Engineering Department and Mr. N. Lasch on behalf of the Planning Department.

Mr. John Lonsdale, 1164 Whitefield Drive, appeared and questioned the application concerning a narrow portion between the properties. After discussion this was found to not actually be involved with the application to the Committee. No written objection was received.

Decision: This is an application from Heathcliffe Developments Limited for permission for a minor variance from the minimum lot area/dwelling unit provision of the zoning by-law to allow one additional apartment unit in addition to the existing 101 apartment units presently located in the building at part Block B, Plan 286, Part Lot 11, Concession 12, Building #4, City of Peterborough.

Permission is granted when the Chief Building Inspector has received a certificate from a land surveyor that there are 128 parking spaces with paved parking areas and driveways that do not exceed 25% coverage of the lot.

4. File No. B 92/80

This is an application from Mr. and Mrs. Victor Montgomery, 841 Barnardo Avenue Peterborough, Ontario.

Mr. John Gillespie, 444 George Street North, representing the applicant, appeared and was heard.

Reports were presented by Mr. R. Whitehill on behalf of the Engineering Department and Mr. N. Lasch on behalf of the Planning Department.

Neighbours spoke against the variance application, File No. 93/80, and after discussion the application was adjourned until November 3, 1980, at 7:30 p.m.

5. File No. A 93/80

This is an application from Mr. and Mrs. Victor Montgomery, 841 Barnardo Avenue, Peterborough, Ontario.

Mr. John Gillespie, 444 George Street North, representing the applicant, appeared and was heard.

Reports were presented by Mr. R. Whitehill on behalf of the Engineering Department and Mr. N. Lasch on behalf of the Planning Department.

Mr. Charles Madeley, 232 Bellevue Street and Mrs. Reginald Wilson, 236 Bellevue Street, neighbours, appeared and they felt that the wooden garage could be moved and a 50 foot frontage could be established which the by-law required. No written objection was received.

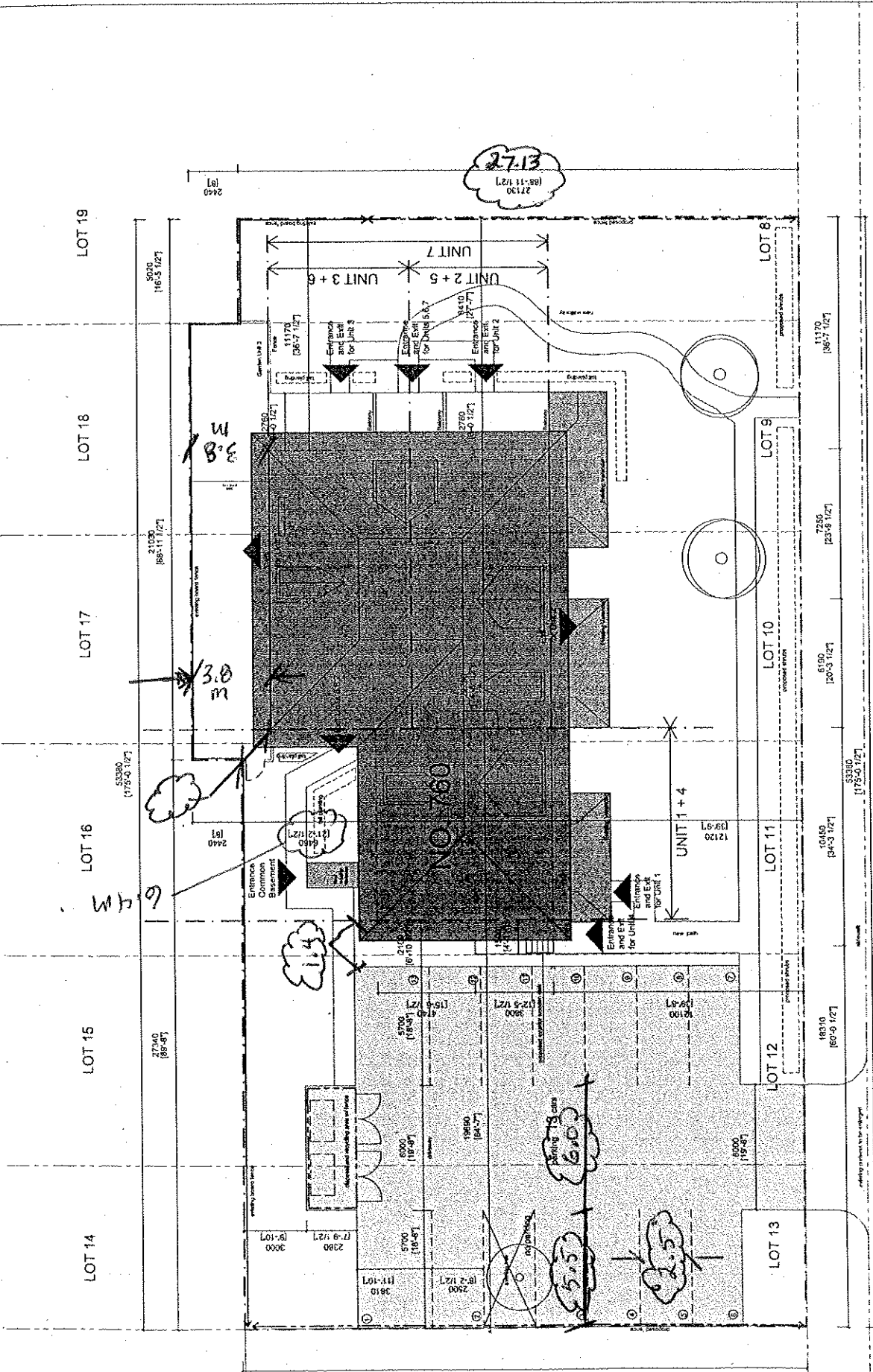
After discussion, the application was adjourned until Monday, November 3, 1980, at 7:30 p.m. Lawyer Gillespie shall discuss the situation with his clients.

PROPERTY LINE
LOT LINE

Project Zoning Info
Site Area: 1515 sq.m
Building Area: 261 sq.m
Allowable Coverage: 33%
Existing Coverage: 17%
Proposed Coverage: 17%
Parking Area: 393 sq.m
Allowable Parking Coverage
Existing Parking Coverage
Proposed Parking Coverage

Site plan based on sub-lots 9, 10, 11, 12, 13 and 18. Lots 8, 16, 17, and 18. Reg plan No. 126 City of Peterborough Elliot and Parr (Peterborough) LTD. 2009

GENERAL NOTES:
-CONFORM TO THE REQUIREMENTS OF THE ONTARIO BUILDING CODE 1997
-ALL CONSTRUCTION PRACTICES TO BE IN ACCORDANCE WITH ONTARIO BUILDING CODE REGULATIONS
-ALL DIMENSIONS GIVEN FIRST IN METERS FOLLOWED BY IMPERIAL
-DO NOT SCALE DRAWINGS
-CONTRACTOR SHALL CHECK AND VERIFY DIMENSIONS AND REPORT ANY DISCREPANCIES TO USC DESIGNERS IN WRITING BEFORE PROCEEDING WITH WORK
-ALL PRINTS AND SPECIFICATIONS SHALL BE THE PROPERTY OF USC DESIGNERS AND SHALL NOT BE COPIED IN PART OR IN WHOLE WITHOUT PRIOR WRITTEN PERMISSION



GEORGE STREET

DATE: MAY, 2009
SCALE: 1:200

0 GEORGE STREET, PETERBOROUGH, ON