



City of  
**Peterborough**

## COMMITTEE OF ADJUSTMENT

HEARING DATE: October 20, 2009

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**Staff Comments Regarding Files: A38/09 & A39/09, A40/09, A41/09, A42/09, A43/09 & A44/09**

**A38/09 & A39/09 - 303 to 354 Blacksmith Way - Cleary Homes**

Heritage Park is a newer subdivision including areas with zoning that has introduced innovative standards for the location of buildings in relation to property lines. These standards include reduced setbacks from street lines for verandahs and increased setbacks from street lines for garages for example. Reduced setbacks of garages from side lot lines in some cases have also been permitted both through zoning in some areas of the Heritage Park Subdivision and by way of minor variances on a lot by lot basis.

The homebuilder would like, as an option, to offer a model home that would fit on properties with a reduced setback from the side yard that would apply only for a single storey, attached garage as illustrated on the plan attached as Exhibit A. Referring to the plan attached as Exhibit B, a variance is requested to reduce the minimum building setback of a single storey attached garage from 1.2 metres (3.9 ft) to 0.6 metres (2 ft) for the lots illustrated on the Plan. In most cases the lots are alternated with lots having the typical 1.2 metre side yard regulation in order to offer some variation to a uniform pattern of building separation. The alternating pattern would also minimize the perceived reduction of separation between buildings. In some cases the lots flair around a curve so there would be a greater separation between buildings beyond the point where the minimum side yard is met. The variance would result in there being a minimum of 1.8 metres (6 ft) rather than 2.4 metres (8 ft) between buildings.

Exhibit B illustrates the location of driveways and services approved by the Utility Services Division considering the location of services to each property. Staff noted that the only instance where the driveway would not be on the alternate side of the lot would be on lot 31. Lot 31 is not a part of this application and would have the standard setback requirement of 1.2 metres and could have a second storey over the garage. Considering the variance requested for lot 32, the minimum distance between the buildings on lots 31 and 32 would be 1.8 metres (6 ft). Staff noted that there may be a conflict with the required minimum 1.6 metre separation distance of a driveway from a transformer box located in front of lot 38.

Staff are of the opinion that the variance requested would result in a reasonably acceptable standard of development provided that the garage was located on the opposite side of each adjacent lot and the height of the garage was restricted to one storey. Considering further the design of the proposed building illustrated as Exhibit A, the width of the driveway could only be 3 metres rather than 6 metres considering the length of a standard parking space and the reduced setback of the verandah from the street line.

Staff are of the opinion that the variance requested would provide some flexibility in building design through development standards within the subdivision. Provided that the buildings adhere to the plans approved by the Utility Services Division that illustrate the location of the driveway to the garage, staff would not object to the Committee granting the variances that would pertain only to a single storey attached garage on the following lots 11, 13, 15, 17, 19, 33, 34, 35, 36, and 40. Approval of the variance is conditional upon the maximum driveway width of 3 metres for any dwelling or part of the dwelling constructed less than 6 metres from the street line.

It should be noted that Lot 32 is excluded from the list in order to allow a transition between a series of lots with the same development potential and Lot 31 that could be impacted by the close proximity of a garage on Lot 32. Lot 38 is excluded to ensure there is no conflict with the transformer box as a result of the driveway location.

**A40/09 – 141 Bowen Drive - 2064086 Limited (Mason Homes)**

A variance has been requested to reduce the minimum building setback from the laneway that abuts the east side of the property from 7.6 metres (24.9 ft) to 3.7 metres (12.1 ft). Referring to the plan attached as Exhibit C, the subject property is a narrow lot located at the east end of Bowen Drive with its flankage along Logan Lane. The liberal zoning of properties in this new subdivision has been designed to permit dwellings on narrow lots that would have rear lanes that are usually located to the rear of each property. The zoning regulation is designed to set buildings back 7.6 metres from a laneway that is expected to be located at the rear of each lot. In the unusual case of the subject property, the laneway is also located along its side so the regulation for the building setback intended for the rear yard restricts the location of the building in relation to what is the east side lot line. The plan attached as Exhibit C illustrates how the lot can be developed in compliance with the zoning regulations with the help of the variance requested.

Considering the subject property to be an anomaly within the subdivision, staff are of the opinion that the separation between buildings in relation to adjacent properties is proportionately reasonable, that the property is large enough to function as a residential building lot and would therefore not object to the Committee granting the variance as described.

**A41/09 – 99 Brock Street - St John's Anglican Church**

The applicant is proposing to redefine the limits of the small parking area at the back of the church with access off of Brock Street as illustrated on the plan attached as Exhibit D. A variance has been requested to reduce the minimum width of landscaped open space between the limits of the parking area and the street line from 3 metres (9.8 ft) to 1.5 metres (4.9 ft). Staff have visited the site and considered the proposal in the context of the streetscape and the pedestrian character of the area.

The property is located at the top of the Court House Hill and a sidewalk exists on both sides of Brock Street with the park across the street. The parking area will be cut into the landscape with retaining walls defining the limits of the parking area. While staff are

concerned with the limited opportunities for snow storage on site, staff are of the opinion that the pedestrian experience in the vicinity will not be seriously compromised by the redefined parking area.

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

**A42/09 – 2350 Woodglade Boulevard - Sherwood Centre Inc.**

The subject property has been zoned for development of linked townhouses. The proponent would like to establish a temporary sales office on the property from which the town houses would be sold. A variance to Section 6.4 of the by-law is therefore requested to permit a temporary structure on a residentially zoned property that would not be connected to Municipal sewer and water services. The building is proposed to be located on the property as illustrated on the plan attached as Exhibit E.

Staff visited the site and considered the separation from adjacent land uses and the temporary nature of the building and is of the opinion that the impact of granting the variance would be minor. Staff would not object to the Committee granting the variance for a period of 18 months. The variance should therefore lapse as of April 1, 2011.

**A43/09 – 1419 Ireland Drive - Kristine Gulyas & Johanes Doy**

The applicant is requesting a variance to increase the maximum permitted width of a driveway opening at the street line from 6 metres (19.6 ft) to 7.62 metres (25 ft). The purpose would be to facilitate access to a driveway of reasonable width in relation to the three car garage attached to the dwelling on the property.

Staff visited the area and noted that there is one adjacent vacant lot owned by the applicant and there is only one other property with a three car garage in the vicinity. The subject property is located along a section of Ireland Drive, a collector street that is broken up by a public access to a park area on the north side of the street. Considering the standard of development in the vicinity and the reasonable width of the driveway being requested, staff are 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.

**A44/09 – 1431 Ireland Drive - Allan Seabrooke**

The applicant is requesting a variance to increase the maximum permitted width of a driveway opening at the street line from 6 metres (19.6 ft) to 7.62 metres (25 ft). The purpose would be to facilitate access to a driveway of reasonable width in relation to the three car garage attached to the dwelling on the property.

Staff visited the area and noted that there is one vacant lot to the east and others to the west and one other property with a three car garage in the vicinity that has also applied

for the variance. The subject property is located along a section of Ireland Drive, a collector street that is broken up by a public access to a park area on the north side of the street. Considering the standard of development in the vicinity and the 7.62 metre width of the driveway being requested, staff are of the opinion that the variance is reasonable and 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.

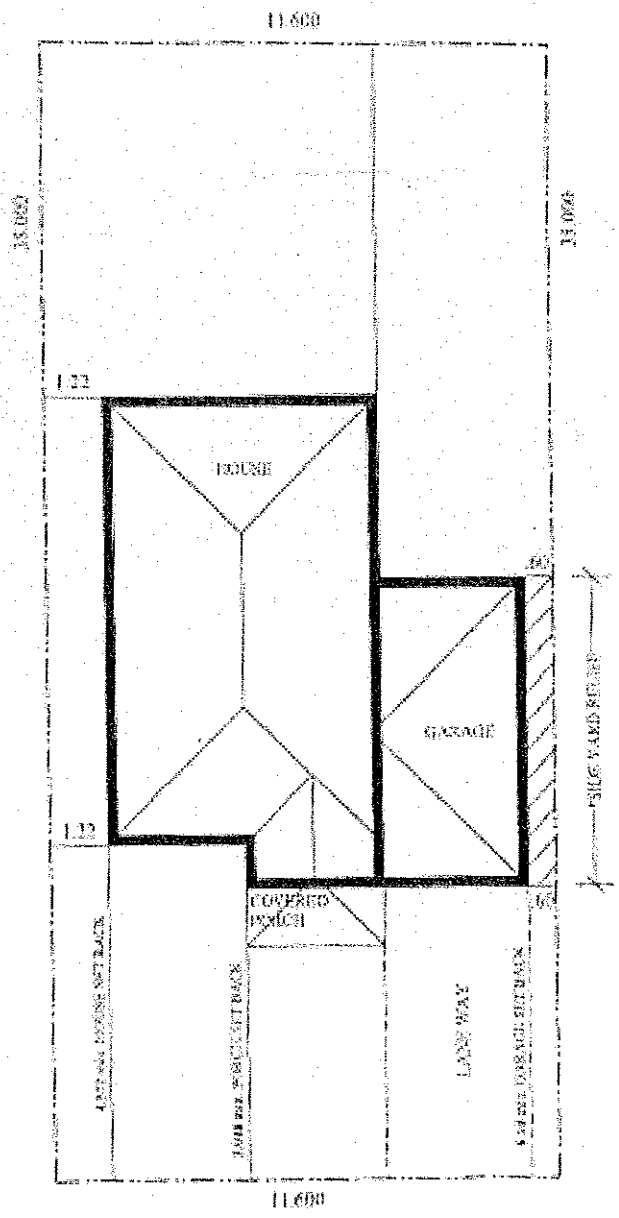
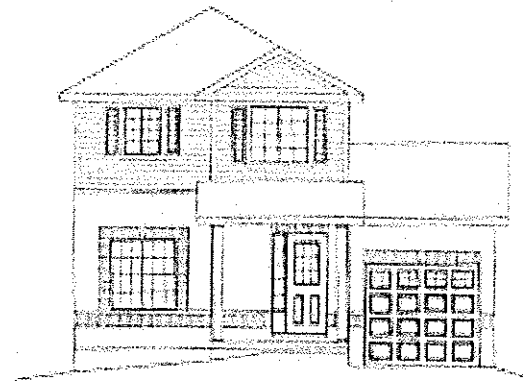
Respectfully submitted,



**Richard Straka**  
Planner Policy & Research



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



LOT 15 BLACKSMITH WAY







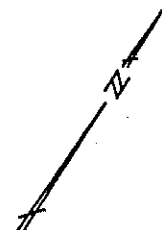


BLOCK 101

PIN 28472-1536

EXHIBIT F  
SHEET 1 OF 1

IB (1056) N32°54'30"E (P1 & M) 12.20 IB (1056)



LOT 29

7.73  
7.77

PIN 28472-1464

2.91

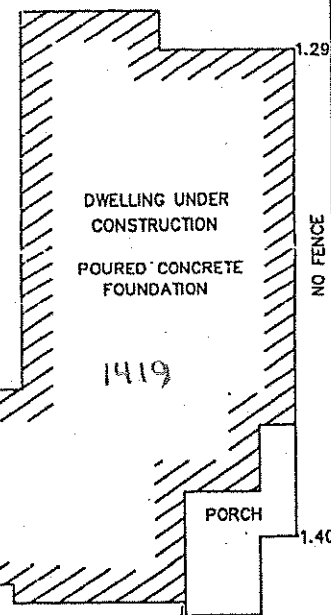
36.37

(P1 & M)

N48°52'50"W

1.29

2.16



DWELLING UNDER  
CONSTRUCTION  
POURED CONCRETE  
FOUNDATION

1419

PORCH

1.29

1.40

N57°05'30"W (P1 & M) 36.00

LOT 30

PIN 28472-1465

LOT 28

PIN 28472-1463

REGISTERED PLAN 45M-229

18.64 (P1 & M)

IB (1056)

17.40 (P1 & M)

IB (1056)

12.20 (P1 & M)

IB (1056)

7.62m  
(25ft)

I R E L A N D   D R I V E

( ESTABLISHED BY REGISTERED PLAN 45M-229 )

PIN 28472-1542

ASSOCIATION OF ONTARIO  
LAND SURVEYORS  
PLAN SUBMISSION FORM

1702699



THIS PLAN IS NOT VALID  
UNLESS IT IS AN EMBOSSED  
ORIGINAL COPY  
ISSUED BY THE SURVEYOR  
In accordance with  
Regulation 1026, Section 29(3).

VEYOR'S CERTIFICATE

RTIFY THAT :

is survey and plan are correct and in accordance  
h the Surveys Act, the Surveyors Act and the  
gulations made under them.

e survey was completed on June 19, 2008.

ne 24, 2008

IVAN B. WALLA

ONTARIO LAND SURVEYOR LT  
71 MEARNS COURT, UNIT  
BOWMANVILLE, ONTARIO  
L1C 4N4

Telephone 905-623-2205  
Cobourg 905-372-5262  
Toll Free 1-800-667-0696  
Facsimile 905-623-0612

Project No. 5-8412 Client: Meloc

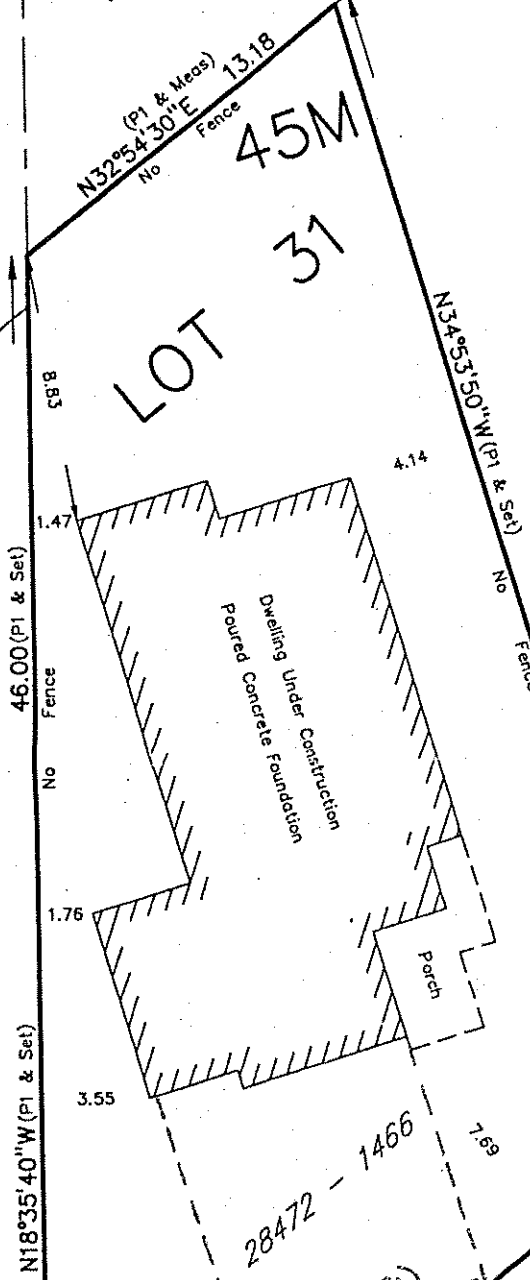
REGISTERED

LOT 104 BLOCK 11  
REGISTERED PLAN 45M - 224  
PIN 28472 - 1428

LOT 103 BLOCK 103  
REGISTERED PLAN 45M - 224  
PIN 28472 - 1538

LOT 30 BLOCK 30  
REGISTERED PLAN 45M - 224  
PIN 28472 - 1428

LOT 104 BLOCK 11  
REGISTERED PLAN 45M - 224  
PIN 28472 - 1428



IRELAND DRIVE  
PIN 28472 - 1542  
(Established By Registered Plan 45)

FILE: CITY OF PETERBOROUGH SERVICES  
PLANNING & DEVELOPMENT  
RECEIVED  
OCT - 2 2009

IRELAND DRIVE  
(Established By Registered Plan 45M-224)  
PIN 28472-1428

ASSOCIATION OF ONTARIO LAND SURVEYORS

