



City of
Peterborough

COMMITTEE OF ADJUSTMENT

HEARING DATE: November 17, 2009

Staff Comments Regarding Files:

A40/09, A45/09, B08/09, A46/09 & A47/09

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 A, 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 proportionately larger dwellings on narrow lots that would have public lanes usually located to the rear of each property. The zoning regulation is established to ensure the dwelling is set back 7.6 metres from the laneway that is expected to be located at the rear of each lot. In the unusual case of the subject property, the laneway is located to the rear of the lot and 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 A illustrates how the lot can be developed in compliance with the zoning regulations with the help of the variance being requested.

Considering the subject property with a laneway along its flankage 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 and that the property is large enough to function as a residential building lot. Considering the standard of building separation and development in this neighbourhood, Staff would not object to the Committee granting the variance as described.

A45/09 – 500 Wolsley Street - Michael & Marilyn Skalotis

The owner would like to create a sixth apartment within the lower level of the existing five unit apartment building. No addition to the external dimensions of the building is proposed.

A site plan agreement regarding the development of the property exists with the City and is attached as Exhibit B. Considering the existing state of the property, the following variances would be required to recognize the development and use of the property as a six unit apartment building:

- i) decrease the minimum required lot area per dwelling unit from 275 sq. metres to 244 sq. metres,
- ii) increase the maximum lot area coverage by parking and driveway from 33% to 40%.

- iii) decrease the minimum distance of a window of a habitable room from a parking space or driveway from 6 metres to 1.5 metres,
- iv) reduce the minimum width of landscaped open space required along the westerly lot line from 1.5 metres to 0.6 metres.

The building on the property was converted from an old school building to a five unit apartment building in the early 1980's . The owner entered into a site plan agreement with the City in 1984 that required development of the property as illustrated on Exhibit B.

Since 1984, the property has never really complied with the site plan agreement or conformed to the regulations of the zoning by-law. The variances 2, 3 & 4 described above, attempt to remedy the shortcomings with respect to both the by-law and site plan. It should be noted that the three variances pertain to the size and balance of the paved parking area in relation to the landscaped open space on the property and separation distance of vehicle movement area from windows of habitable rooms.

Staff considered the building form and how the proposed sixth unit would fit within the building without change and that adequate on site parking is available. Staff is therefore of the opinion that the impact of the variance to reduce the minimum lot area per dwelling unit from 275 to 244 square metres to permit one additional apartment would be minor. Considering the additional unit is a basement apartment, it should be verified that the height of the ceiling of the basement apartment is one metre above grade.

Considering the relief sought from the minimum distance of a vehicle movement area or parking space from a window of a habitable room, staff would suggest the Committee could consider the relief from the vehicle movement area (driveways) but would not support the relief regarding the parking area. It should be noted that no parking area is located within 20 metres of a window of a habitable room.

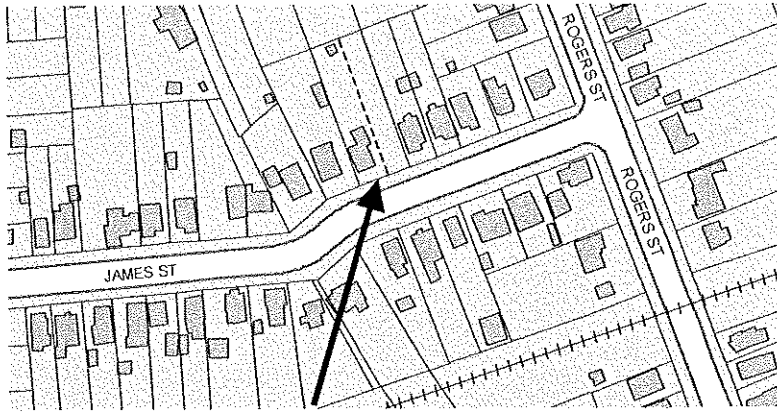
Considering the variances to lot coverage by parking area and the reduced landscaping, the impact of these two variances could result in a contribution to storm water management or snow storage issues.

Subject to concerns raised by neighbouring property owners, Staff would not object to the variances as described on the condition that the owner pay a parks levy for the additional apartment unit to be determined by the Parks Levy Review Committee and amend the site plan agreement for the property to illustrate all changes to the site plan that would result from the decisions of the Committee. Staff would also recommend the decision be conditional upon establishment of the privacy fence along the east lot line as illustrated by the site plan agreement that the Committee impose a reasonable time limit for compliance with the conditions otherwise the variance should be null and void.

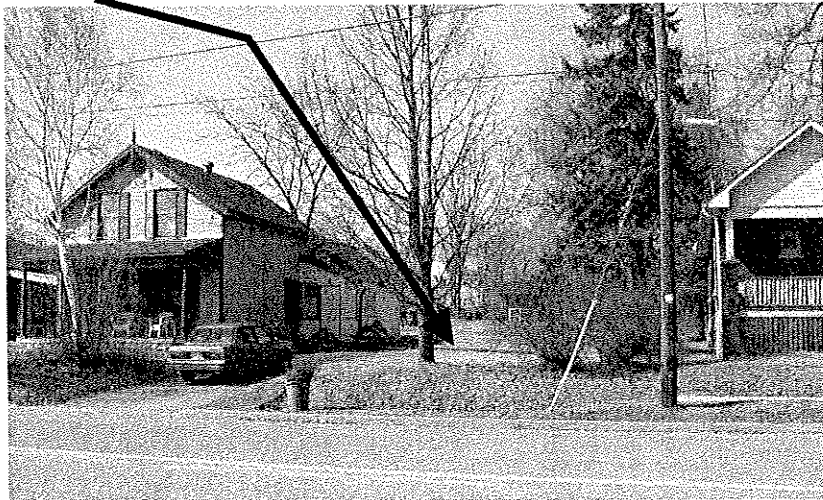
B08/09 – 136 James Street – Lawrence Plate Sadler

Consent is requested to convey the easterly 11.16 metres (36 ft) of the subject property together with a 1.8 metre wide by 1.8 metre deep easement over the south east corner of the retained property to create a new lot for development of a single unit dwelling and accommodate the location of an existing sewer service to the new lot.

The proposed severance has been requested and granted on two previous occasions and variances have been granted to facilitate the severance resulting in two lots with a minimum width of 11.16 metres (36 ft) as shown on Exhibit C. Due to unfortunate personal circumstances, the owner has been unable to fulfil the conditions associated with the consents granted and they have lapsed twice.



136 James Street



Once again staff would support the severance and easement described subject to the following conditions:

- 1) the owner entering into an agreement with the City to require that building plans be provided for approval by the Planner of Urban Design to ensure compatibility of building design with other buildings in the neighbourhood prior to issuance of a building permit. The agreement will also bind the owner with respect to the cost for the City to remove the City tree on the boulevard,
- 2) provision of reference plan describing the properties and easement to the satisfaction of the City Planner,
- 3) payment of a parks levy in the amount to be determined by the City's Parks Levy Review Committee, and
- 4) payment of a tree levy in the amount of \$137.00.

A46/09 – 1420 Crawford Drive - Roshan Holdings Ltd.

Referring to the concept plan attached as Exhibit D, the applicant is proposing to construct a hotel on the site that would maximize the use of the area of the property for surface parking and minimize the area used of the building. For this reason the applicant is requesting a variance to increase the maximum permitted height of the building from 2 storeys to 5 storeys to accommodate between 100 and 140 rooms.

The applicant was before the Committee in February 2007 with application file A03/07 requesting the same variance for the property at 300 The Parkway. Since then, it was found that the property was not suitable for the development and the same proposal is being advanced for 1420 Crawford Drive.

The subject property has dual zoning - Special District 268 and M2.2 Industrial District. Land to the north of the subject property is zoned M2.1 Industrial which has the same building height regulation as the industrial zoning of the subject property. While the Special District 268 zoning of the subject property restricts the maximum building height to 2 storeys, the M2.2 and M2.1 Zoning District have no specific height restriction but relates the building height to setback from the lot line. The M2.2 and M2.1 Zoning District requires a setback from a lot line of 4.3 metres per storey. Therefore a five storey building would have to be setback 21.5 meters from a lot line.

Because both zoning districts are applied to the subject property, there is the development potential for a building higher than two storeys on the property. Exhibit D illustrates the proposed location of the five storey building. The portion of the building that would be five stories in height is located 30 metres from the north lot line.

Considering the existing development and the zoned development potential of the surrounding land, Staff is of the opinion that the impact of granting the variance would be minimal and would have no objection to the Committee granting the variance as described provided that the minimum building setback from any lot line to any portion of the building exceeding two storeys in height is 30 metres. Staff would also suggest that the Committee grant the variance with a condition that if a permit for constructing the building is not issued by January 2012 the decision shall lapse.

A47/09 – 1850- 1900 Technology Drive - City of Peterborough

The subject property is land owned by the City of Peterborough that is to become a part of a subdivision of industrial properties along the north side of Technology Drive. The land is designated as Prestige Industrial considering its accessibility and high profile being located along the Peterborough By-pass Highway.

A variance to the "other regulation" of the M2.3 Industrial zoning district is requested to reduce the minimum distance that a building may be erected from a Canadian Pacific Railway (CPR) line from 40 metres to 16 metres. The purpose of the variance is to permit development of a reasonable sized property located next to a CPR spur line.

The zoning applied to the subject property in the mid 1990s was congruent with the Prestige Industrial Designation of these lands similar to the lands in the Major Bennett Industrial Park where land is adjacent a highway but more to the point, adjacent to an active Canadian Pacific Railway Line. In this case, the land is indeed adjacent to a CPR line, however, the line is actually only a spur line. The railway tracks have been removed beyond the city limits so the spur line service provided by the Kawartha Lakes Railway is limited to the Peterborough Industrial Park. Today the spur line provides infrequent service to only one customer located within the industrial park south of the by-pass.

The regulation of buildings next to the railway line was applied to protect development from the impact of vibrations laden railway cars passing frequently over an active railway line. Considering the nature of this railway spur line and the infrequent use, next to land zoned for industrial purposes, staff are of the opinion that the restriction could be reduced without significant impact on development that may someday occur.

Subject to concerns raised by neighbouring property owners, Staff would not object to the Committee granting the variance to reduce the minimum buildings setback from as described.

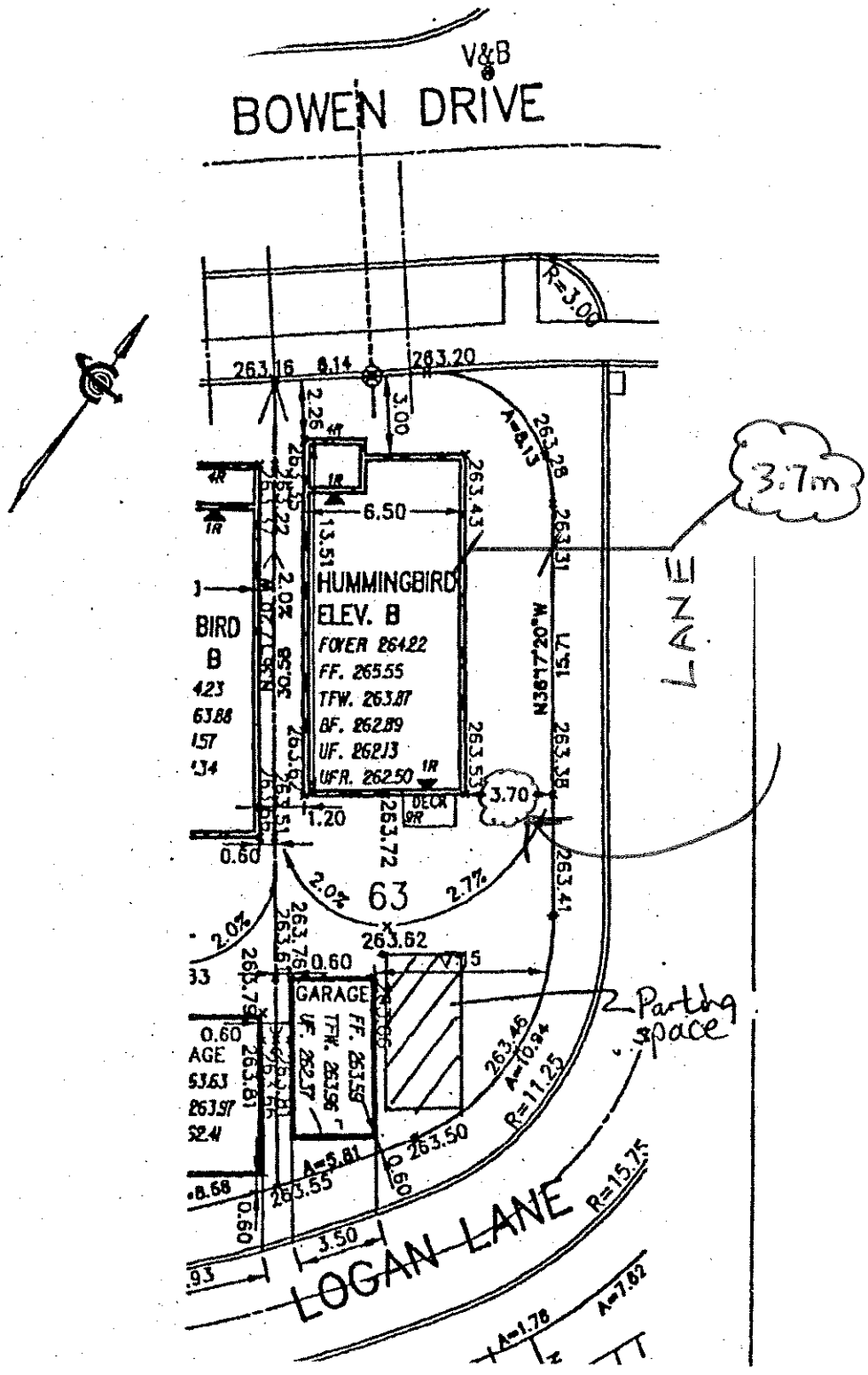
Respectfully submitted,

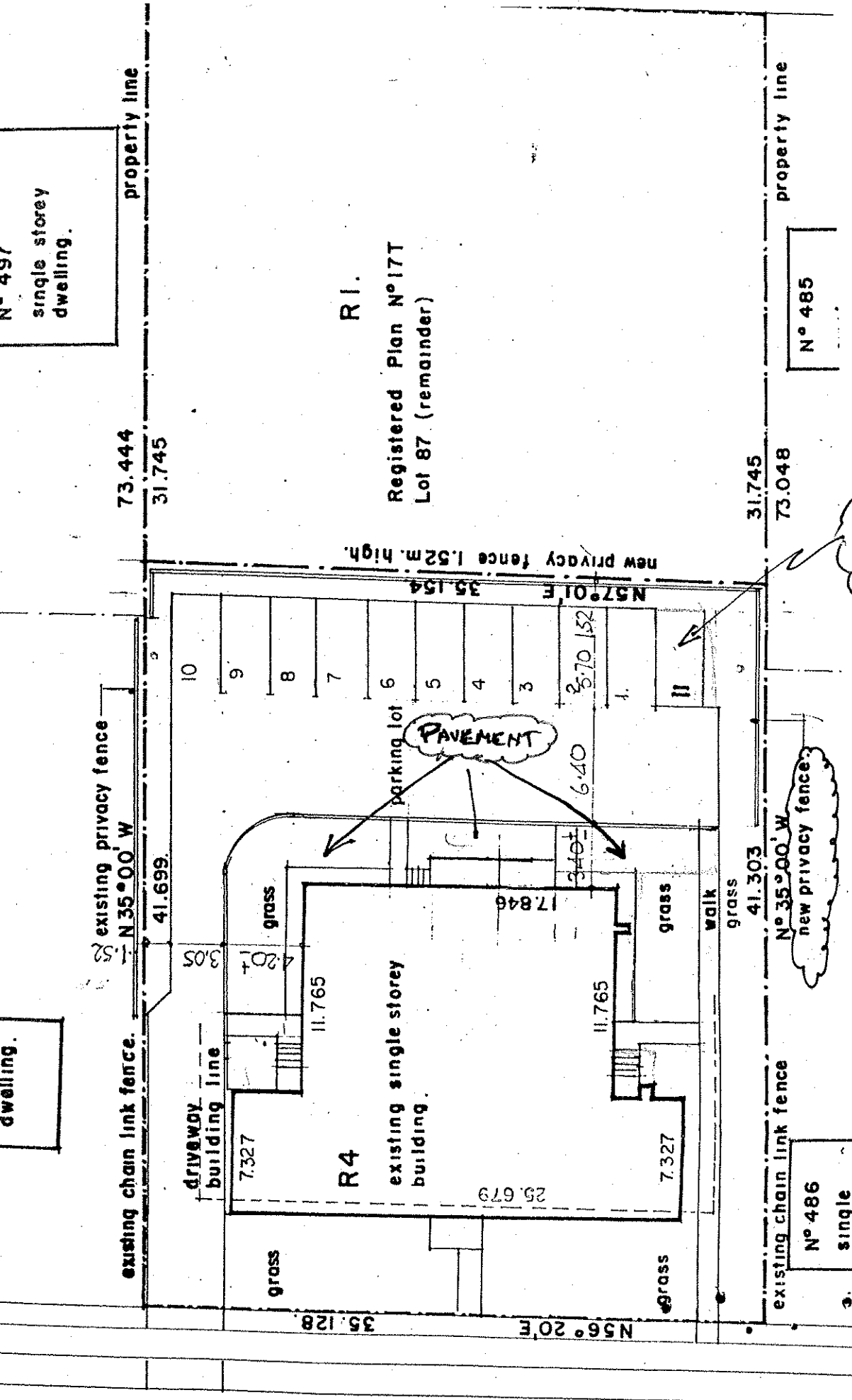


Richard Straka
Planner Policy & Research



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





ADDITIONAL PARKING SPACE REQUIRED

new privacy fence

PAVEMENT

WOLSLEY STREET

1:300

REG'D

PLAN N° 1A

LOT 87

INST. N° 381672

N° 27

72

LOT 73

NORTH OF JAMES STREET

290693

192'66 (SET BY PRIOR SURVEY)

LOT LINE

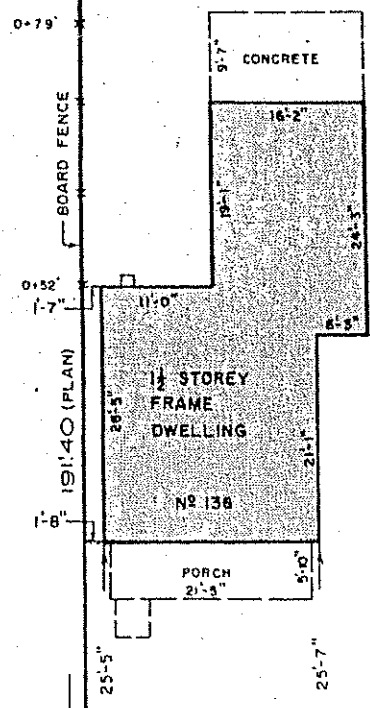
192'92 (MEAS.)

PLAN

LOT LINE

REGISTERED

LOT 89



43'-3"

PROPOSED
LINE OF
SEVERANCE

EASEMENT.

73'26 (PLAN AND MEAS.)

PRELIMINARY
NOT FOR CONSTRUCTION

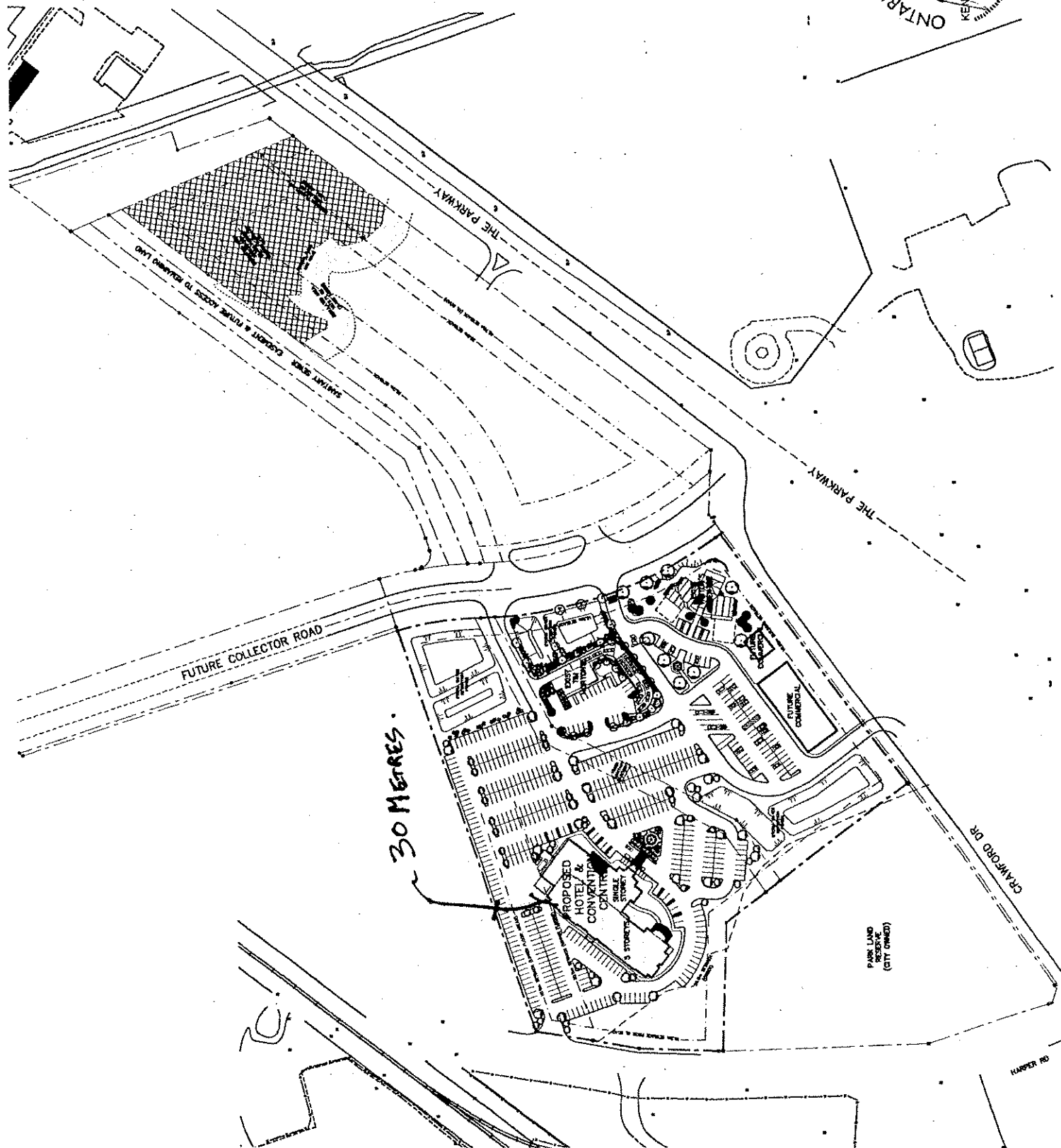
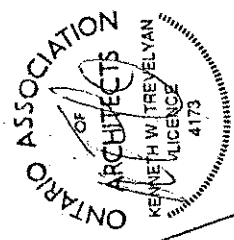
No.	For Minor Variance	5
	Issued / Revision	



TREVELYAN ARCHITECTS
 Suite 201 - 479 Grand Ave
 Scarborough, Ontario M1V 3K2
 Tel: (416) 291-1111
 Fax: (416) 291-1112
 P: 705-742-7005 F: 705-742-7006

Roshan Holdings Ltd.
 Parkway/Crawford Drive
 Development
 Scarborough, Ontario

EXHIBIT **D**
 SHEET **1** OF **1**



HARPER RD