



City of
Peterborough

COMMITTEE OF ADJUSTMENT

HEARING DATE: December 15, 2009

Staff Comments Regarding Files: A42/09, A48/09, B10/09 & A49/09, A50/09 & A51/09

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

This application was deferred to this meeting from October to allow the owner to perfect the application in order to be addressed by Staff and the Committee. As of the date of this report, requirements for this application to be addressed remain outstanding so the proponent is requesting a further deferral to the next meeting of the Committee next year.

Considering this second request for a deferral to a subsequent meeting without a explanation or clear time frame for when the applicant will be prepared to proceed, Staff are recommending that this application be deferred sine die.

A48/09 – 594 Park Street South - Estate of John Pruner

According to city records, a building was constructed on the property in 1947 that is recognized as the dwelling that exists on the property today. There is no record of a building permit for the structure that includes a one and one half car garage that was established to the north side of the dwelling as illustrated on the survey attached as Exhibit A. The following minor variances to the regulations of the by-law are being requested to recognize the location of the dwelling and attached garage as established on the property:

- 1) Reduce the minimum building setback from the north side lot line from 1.2 metres (3.9 ft) to 1.14 metres (3.74 ft) regarding the location of the attached garage;
- 2) Reduce the minimum building setback from the south side lot line from 1.2 metres (3.9 ft) to zero to recognize the location of the south east corner of the 73 sq metre (240 sq ft) one storey, frame addition attached to the south side of the dwelling; and
- 3) Reduce the minimum building setback of the garage and dwelling from the rear lot line from 7.6 metres (24.9 ft) to 4.5 metres (15 ft).

The subject property is an irregular shaped parcel of land located next to a "Government Reserve" along the Otonabee River. The property is entirely located within the flood plain of the Otonabee River. The dwelling was probably constructed originally as a recreation property or cottage with little regard for the location of lot lines. Staff visited the property and considered the long established location of the building on the property and the standard of development of other properties in the vicinity.

Staff received a letter from Otonabee Conservation Authority requiring that the owner acknowledge that development of the property including any alteration to the buildings on

the property is limited because the property is located within the flood plain. Staff are of the opinion that the impact of granting the variances requested would be minor and would have no objection to the Committee granting the variances as described provided that the owner register an agreement on title of the property acknowledging that the property is located in the flood plain and no addition or alteration of the building is to occur.

B10/09 & A49/09 – 731 River Road South - Richard Staples

The owner would like to sever the south portion of the property to create a new lot for development of a single unit dwelling. Considering the configuration of the property, the proposal would require a variance to reduce the minimum lot width from 15 metres (50 ft) to 7.9 metres (26 ft).

The subject property is a residential lot located on an arterial street through a low density residential neighbourhood. Referring to the photo below and the plan attached as Exhibit B, the subject property is one of two irregular shaped properties side by side that back onto the Otonabee River. While only a minor portion of the property is located in the flood plain, Otonabee Conservation would request that the fact be acknowledged.



River Road South is a medium capacity arterial street within an established urban area that should have a minimum road allowance width of 30 metres. A widening of the road allowance by 3 metres will be required as a condition for approval of the severance.

Besides the planned width of the road allowance, Official Plan Policy requires staff to consider the frequency and spacing of driveway accesses to an arterial street. Considering the frequency of driveways, Staff considered the zoning of the properties along River Road, the size of lots and frequency of driveways. Staff observed that the standard lot width is generally 15 metres with a driveway from each 15 metre property. Considering this standard of development along River Road in comparison to the

development potential of the land base between the two lots known municipally as 731 and 721 River Road, there would typically be four driveways over a distance of 60 metres rather than the two that exist. A proposal that would result in the creation of one more driveway over the distance of 60 metres is not considered unreasonable.

Staff also considered the intent of the Official Plan in regulating the design of driveway access to the arterial street and would recommend as a condition that the driveways from the severed and retained property be designed to allow a motor vehicle to turn around and drive forward out onto the arterial road.

The zoning of the property is R. 1, 1m, 2m Residential District requiring a minimum lot width of 15 metres measured 6 metres back from the street line. While the northerly portion of the property would conform to the regulations of the zoning by-law, the southerly portion would require a variance to reduce the minimum lot width as described.

Staff visited the subject property and considered the 68 metre (226 ft) depth of the property and the area of the southerly portion of the proposed lot as it flares out to a width of 30 metres (100 ft). Staff also considered the lot grading in relation to the developable portion of the property and were satisfied that there was adequate space on the property to establish a new dwelling. The proponent may or may not relocate the garage established on the property but a new driveway will be created to the north side of the dwelling on the property for access purposes.

Considering the variance to the minimum lot width, Staff considered the overall size and nature of the property being more of a waterfront oriented property with less of an identity to the street than the typical urban residential lot. Provided that the property is developed in such a way that the driveway access to each lot could accommodate the ability for a motor vehicle to turn around, Staff is of the opinion that the variance and resulting severance is not unreasonable and would result in a functional and desirable building lot.

Staff would not object to the Committee granting the consent and variance as described subject to the following conditions:

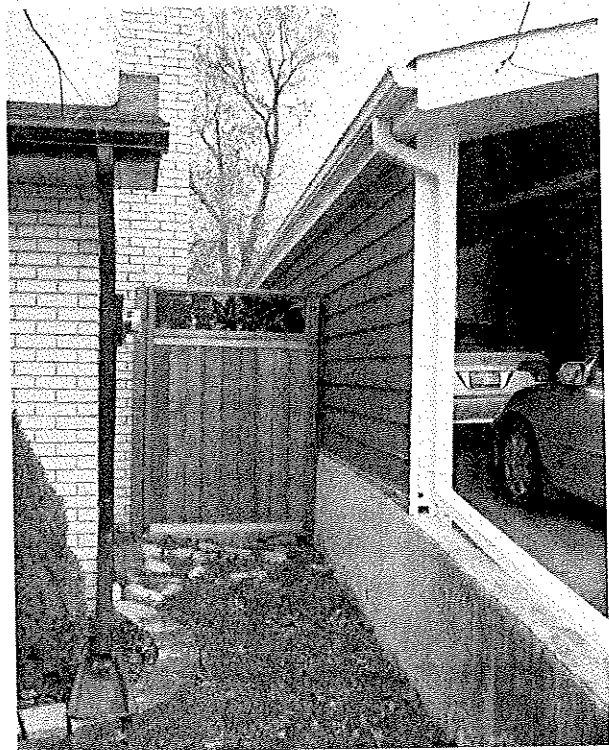
- 1) the owner entering into an agreement with the City to require that building plans be provided for approval by the Planner of Urban Design to ensure compatibility of building design with other buildings in the neighbourhood prior to issuance of a building permit. The agreement will require the owner to develop a driveway designed to allow a motor vehicle to turn around and drive out forward onto River Road South being an arterial street. The agreement will also acknowledge that a portion of the property is located in the flood plain.
- 2) provision of a reference plan describing the properties 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 \$141.00.

A50/09 – 2566 Bensfort Road - Andrea Morton

A variance is requested to reduce the minimum building setback from the north side lot line from 1.21 metres (3.9 ft) to 0.1 metres (0.33 ft) to recognize the location of an attached carport constructed along the north side of the dwelling.

According to City Records, the dwelling was originally constructed in 1968 without a carport. In 1978 a building permit was issued for a carport. There are no records on what was built or inspected. Upon acquisition of the property by a previous owner in 1986, a survey revealed the location of the carport in relation to the lot line and a variance regarding the location of the carport was requested and granted, provided that a maintenance easement was established on the adjacent property. The condition requiring the easement was never fulfilled and the decision has lapsed. The decision of the Committee of Adjustment file A111/86 is attached as Exhibit C.

Referring to the survey attached as Exhibit D, the dwelling is not situated parallel to the side lot lines and therefore the carport is located a distance from the lot line that tapers from 0.64 metres (2.11 ft) to 0.1 metres (0.33 ft) over the entire 12 metre (40 ft) length of the dwelling. Staff have visited the property and noted that the carport has a wall along the north side of the structure as well as a partial wall to the rear of the structure constructed as a part of a shed enclosure within the carport. The exterior of the wall of the carport is clad in clapboard wood while the interior is finished with vinyl siding. The photo and survey illustrates that the upright structures established on a concrete retaining wall are located 0.33 ft from the lot line. A field measurement by Staff determined that the eaves overhang together with the eaves trough project a further 1.0 ft beyond the wall, extending over the lot line. Staff also noted that the eaves trough did appear to function effectively in conducting storm water onto the subject property.



While Staff appreciates the quality of construction of the carport and the fact that it has been there for some time, the structure encroaches onto the neighbours property. Considering the proximity of the wall to the north side lot line, there are building code issues as well as the practicality of access to maintain the exterior of the wall that should be considered. A carport is typically an open sided structure. A carport about 7.3 metres (24 ft) long is normally adequate to shelter a motor vehicle. In this case, the existing carport is 12 metres (40 ft) long.

A letter was received from the neighbouring property owner opposed to the variance being requested.

Notwithstanding the structure has been in place for some time, there is no reason why a carport could not have been constructed in compliance with the zoning by-law and issues including the variance with respect to the location of the structure appear to remain outstanding. Should the Committee choose to grant the variance, the approval should be subject to the following conditions:

- 1) That the northerly walls associated with the structure be removed or be modified to comply with the Ontario Building Code.
- 2) That the owner secure an easement over the adjacent property to the north that would provide space extending 1.2 metres beyond the structure to maintain the structure in place or modify the structure to ensure there is no portion of the structure within 0.6 metres (2 ft) of the lot line,

These two conditions should be fulfilled to the satisfaction of the Building Division by August 1 2010 or this decision of the Committee is null and void.

- 3) That eavestroughing is maintained on the structure with a downspout to conduct storm water onto the subject property so as not to affect the neighbouring property.

A51/09 – 702 Ross Street - James Struthers

The subject property is a single unit dwelling located on the corner of Ross Street and Dufferin Avenue. A variance is requested to reduce the minimum building setback from the Dufferin Street street line from 6 metres (19.6 ft) to 1 metre (3.2 ft) to permit the reconstruction of the vestibule established to the rear of the dwelling on the property. The proposed reconstructed vestibule would be 0.9 metres (2.9 ft) wider but no closer to the street line than the existing structure and set back further than the dwelling as it exists shown on the survey attached as Exhibit E.

Staff visited the property and considered the established standard of development of this property and the fact that the applicant is simply maintaining an existing structure that has been in place for a long time.

Staff are of the opinion that the proposed size of the reconstructed vestibule is reasonable and the impact of the variance would be minor. Staff would have no objection to the Committee granting a variance to reduce the minimum building setback from the Dufferin Street street line from 6 metres (19.6 ft) to 1 metre (3.2 ft) to permit the reconstruction of the 8 square metre vestibule.

Respectfully submitted,

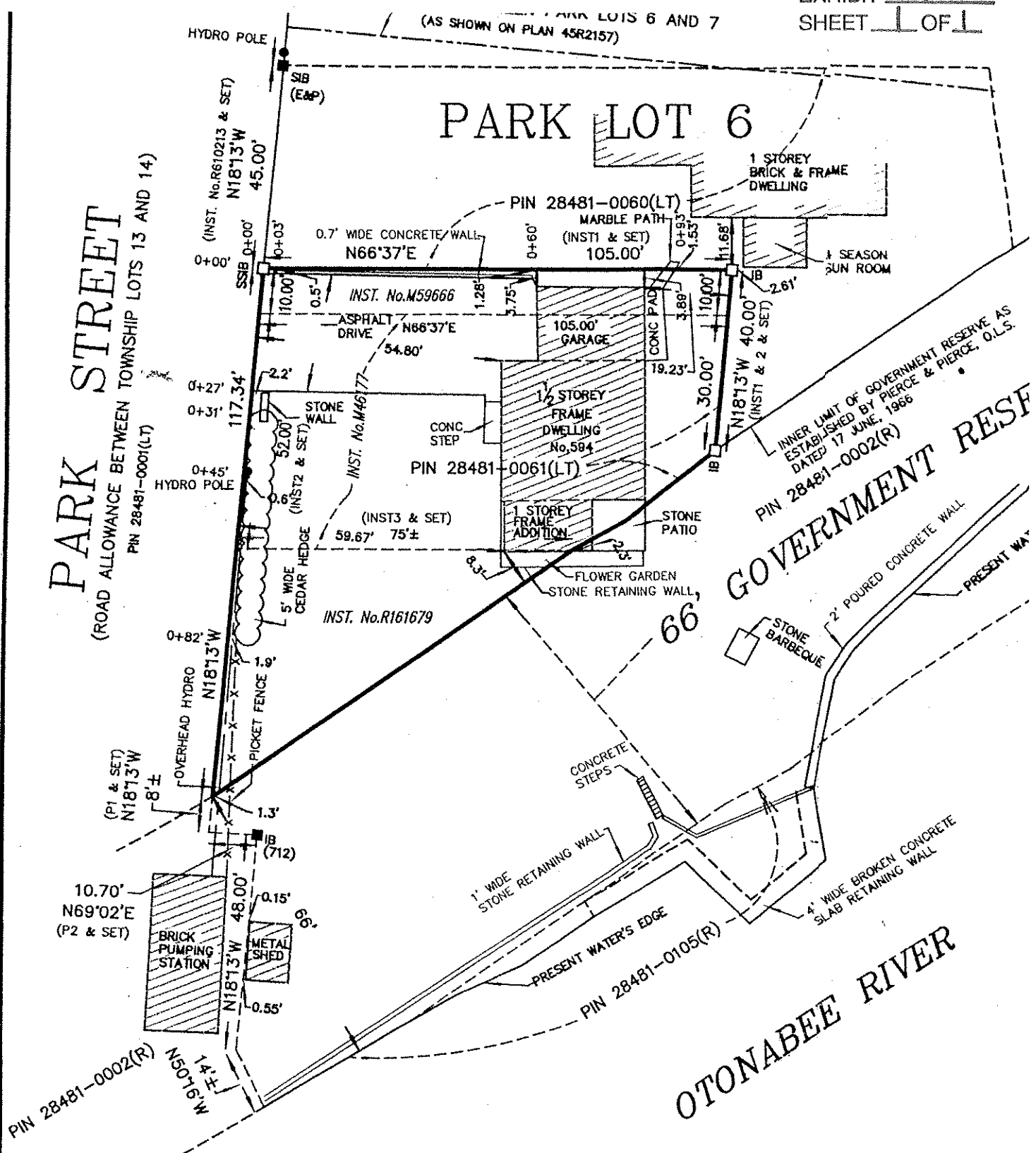


Richard Straka
Planner Policy & Research



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

(AS SHOWN ON PLAN 45R2157)



LEGEND AND NOTE:

BEARINGS ARE ASTRONOMIC, DERIVED FROM THE SOUTHERLY LIMB OF PART 1, PLAN 45R14790 HAVING A BEARING OF N66°37'E

- DENOTES SURVEY MONUMENT FOUND
- DENOTES SURVEY MONUMENT SET
- SIB DENOTES STANDARD IRON BAR
- IB DENOTES IRON BAR
- CC DENOTES CUT CROSS
- WT. DENOTES WITNESS

NOTE:

P1 - DENOTES PLAN OF SURVEY BY G.W. ELLIOTT, O.L.S. DATED: 17 JANUARY, 1967.

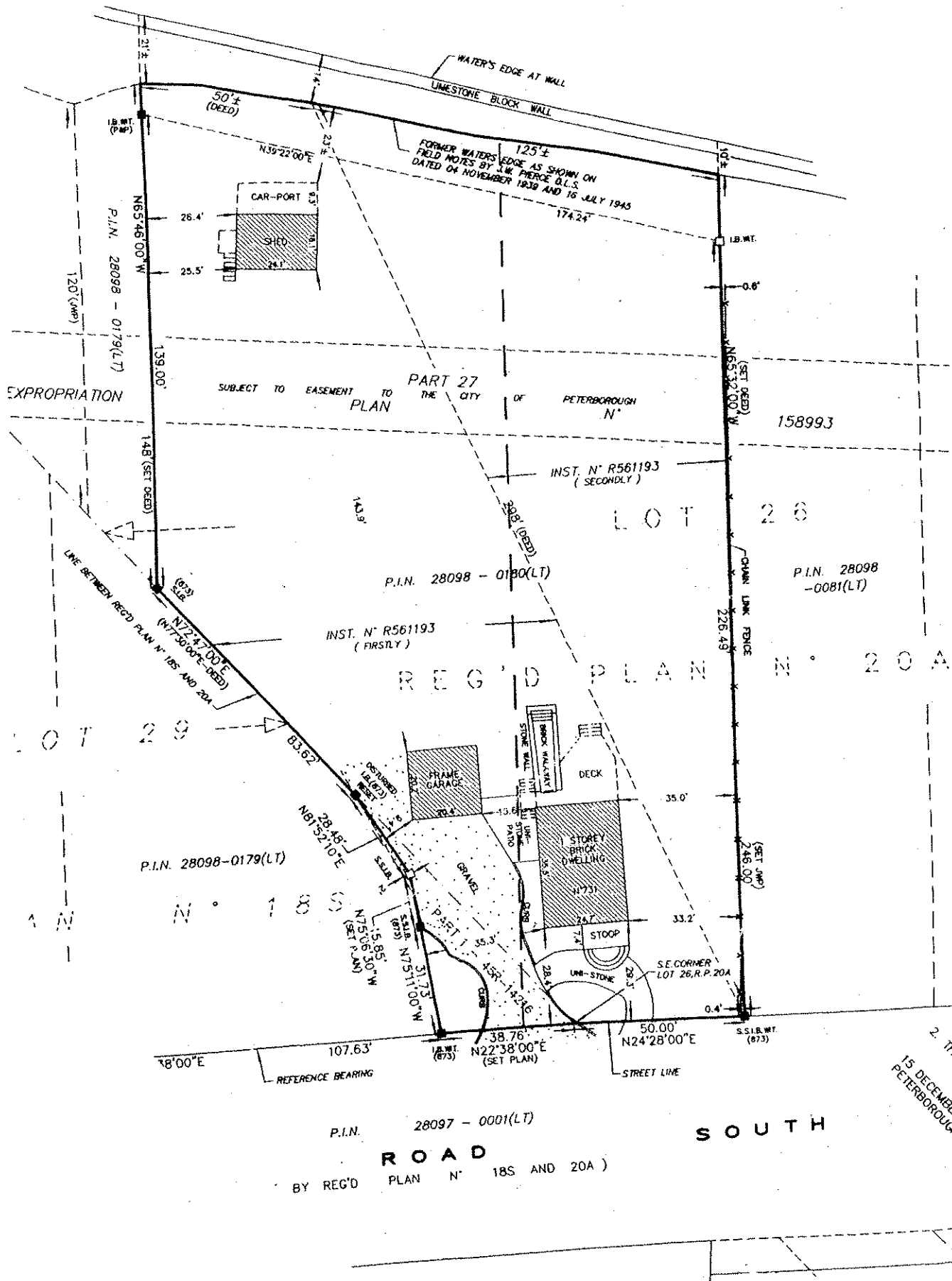
P2 - DENOTES PLAN OF SURVEY BY ELLIOTT AND PARR, O.L.S. DATED 15 JUNE, 2006

INST1 - DENOTES INST No.M59666

INST2 - DENOTES INST. No.M46177

INST3 - DENOTES INST. No.R161679

FLOW
P.I.N. 28098 - 0152 (R)



EXPROPRIATION

SUBJECT TO EASEMENT TO THE CITY OF PETERBOROUGH N°

LOT 26

P.I.N. 28098 - 0180(LT)

P.I.N. 28098 - 0081(LT)

REG'D PLAN N° 20A

LOT 29

P.I.N. 28098-0179(LT)

N° 185

P.I.N. 28097 - 0001(LT)

ROAD BY REG'D PLAN N° 18S AND 20A)

SOUTH

2. THE
15 DECEMBER
PETERBOROUGH

3. File No. A 111/86

This is a minor variance application from the provisions of the zoning by-law from Roger and Jean Leigh, 566 Bensfort Road, Peterborough, Ontario, K9J 1C9.

Mr. Douglas Walker, 308 Park Street North, Peterborough, Ontario, K9J 7H5 representing the applicant, appeared and was heard.

Mr. Roger Leigh was present and spoke on behalf of his application.

A report was presented by Mr. W. Pol on behalf of the Planning Department and the Standards and the Planning Department.

No one spoke for or against the application and no written objection was received.

Decision: This is a minor variance application from Roger and Jean Leigh to reduce the side yard setback for a carport from 4 feet to 0.33 feet. The purpose of the application is to recognize the existing carport constructed too close to the lot line. The Committee adjudicated on the application and determined that:

1. the variance is minor, and
2. the proposal is desirable for the appropriate development or use of the land; and
3. the general intent and purpose of the Zoning by-law is maintained, and
4. the general intent and purpose of the Official Plan is maintained

Committee of Adjustment

-3-

July 7, 1986

By grant of approval in regard to the application, permission is granted subject to the following conditions:

1. the applicant obtain a 4 foot easement parallel to the carport support posts to be registered on title with the abutting neighbour to the north for the purpose of maintaining the northerly wall and eaves of the carport
2. approval lapse one year from the final date of the decision of the Committee of Adjustment unless the condition has been fulfilled by that date

4. File No. B 113/86

The severance application from Peter and Delia Conlin, 421 Brioux Avenue, Peterborough, Ontario, K9J 4G8 was adjourned to a future meeting of the Committee in order for a re-zoning application for the property to be submitted. Mr. James Hauraney, P.O. Box 1268, Peterborough, Ontario, K9J 7H5 asked that the application be adjourned prior to the start of the Committee of Adjustment meeting.

5. File No. B 114/86

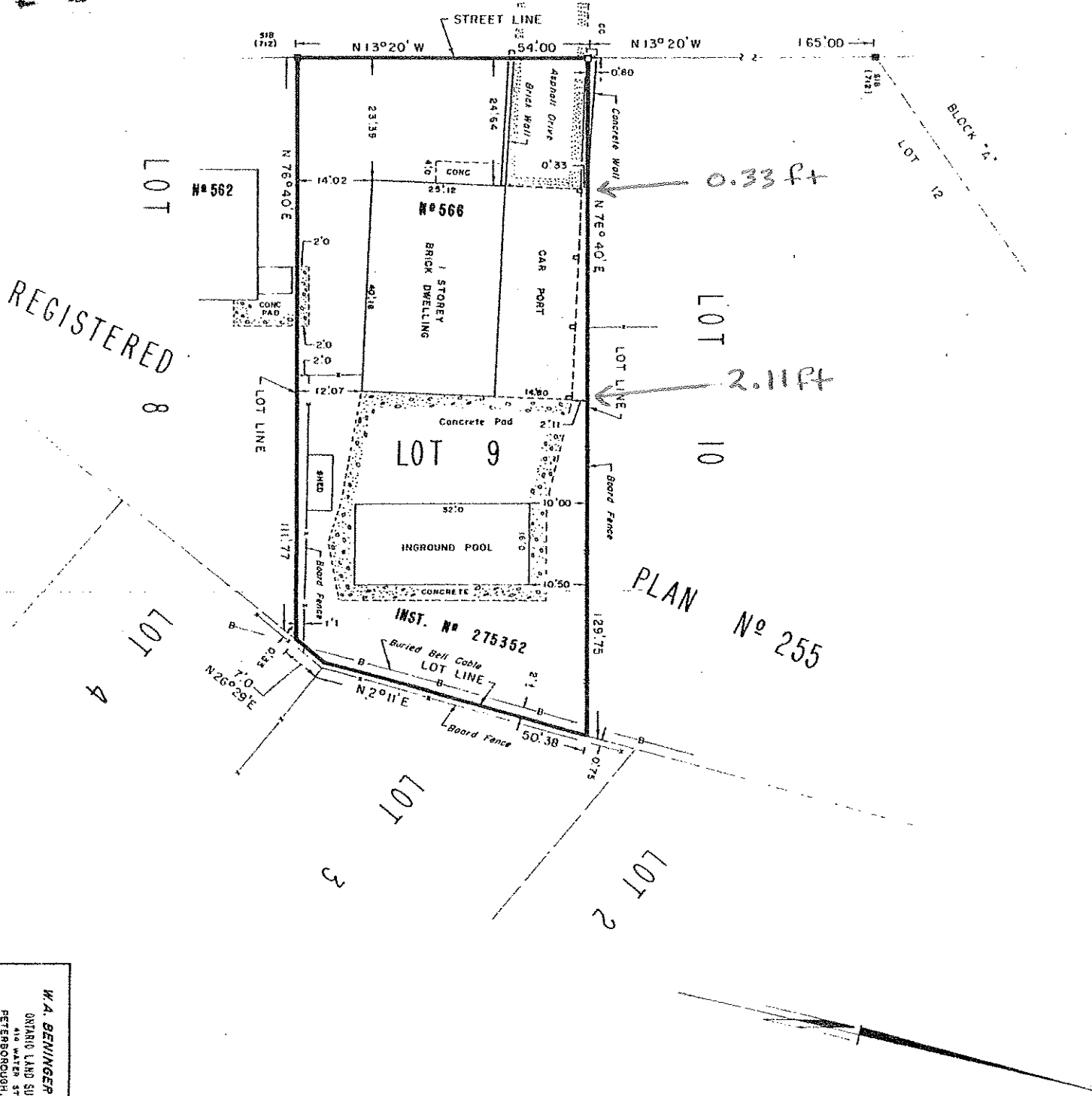
This is a severance application from Jack Allen White, 18 Montague Court, Peterborough, Ontario, K9J 7S1.

Mr. Frank Steffler, 184 Charlotte Street, Peterborough, Ontario, K9J 2T8 representing the applicant, appeared and was heard.

HEARD NOV 3/86

FOUNDATION OF DWELLINGS

BENSFORD ROAD
(ROAD ALLOWANCE BETWEEN CONCESSIONS 13 AND 14)



D..... DENOTES IRON BARR, SET.

REGISTERED
8

PLAN No 255

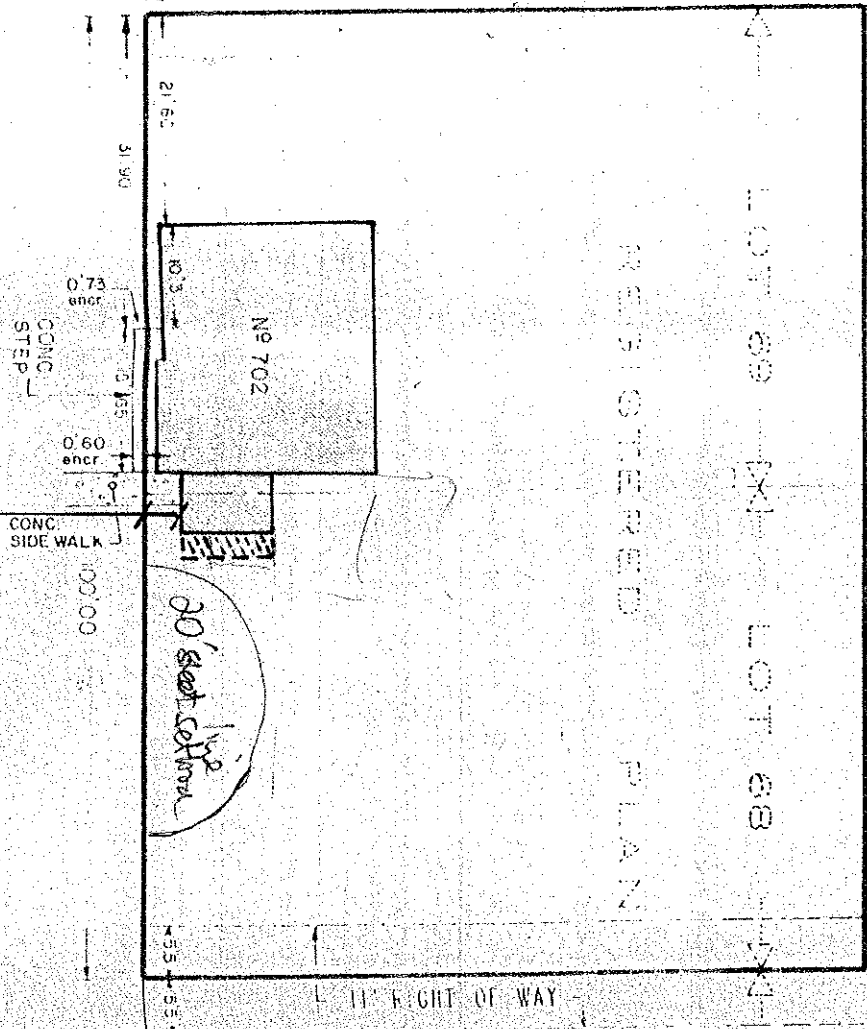
W. A. BENINGER LIMITED
ONTARIO LAND SURVEYORS
110 WATER STREET
PETERBOROUGH, ONTARIO
K9H 3L8 CAN. REG. 68
TEL. 705-743-8534

ROSS STREET

75'00

DUFFERIN STREET

1 metre



REGISTERED PLAN

RIGHT OF WAY

142-223 A

LOT 67

CITY OF PETERBO

Plan

Showing encroachment of
Dufferin street in front of Lot
Registered Plan No

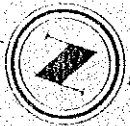
SCALE - 1 inch equals 20

denotes survey

PETERBOROUGH ONTARIO

1985

THOMAS
PIERCE





OTONABEE
CONSERVATION

December 9, 2009

Ms. Carolyn Jobbitt, Secretary
Committee of Adjustment
City of Peterborough
500 George Street
Peterborough, Ontario
K9H 3R9

Dear Ms. Jobbitt:

**RE: A49/09 & B10/09, Richard Staples, 731 River Road South, ORCA files 2009-SV065
& 2009-MV116**

Otonabee Region Conservation Authority has received the notice of hearing of the Committee of Adjustment regarding the proposed consent and minor variance for the above noted property. Staff has reviewed the available information and now offer the following comments.

The subject property is located on River Road South, backing on to the Otonabee River. Engineered flood plain mapping for the Otonabee River shows that a portion of the subject property, both severed and retained parcels are subject to flooding from the Otonabee River.

The Provincial Policy Statement (PPS) is issued under Section 3 of the Planning Act. "Section 3 of the *Planning Act* requires that decisions affecting planning matters *shall be consistent with* policy statements issued under the Act." Through a Memorandum of Understanding between Conservation Ontario, Ministry of Natural Resources and Ministry of Municipal Affairs and Housing, the Conservation Authority is responsible for representing Provincial Interest in planning matters as they relate to Natural Hazards.

Section 3.1 of the Provincial Policy Statement deals with Natural Hazards. Section 3.1.2 d) states; Development and site alteration will not be permitted within a flood plain.

The Conservation Authority has no objection to the proposed consent subject to the following condition:

- The entire property, both severed and retained, be zoned with the (f) suffix to acknowledge the flood plain on the property.

A49/09 & B10/09, Richard Staples, 731 River Road South,
ORCA files 2009-SV065 & 2009-MV116

December 9, 2009

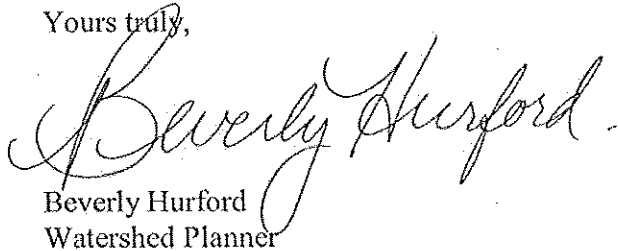
page 2

The proposed severed lot will have a reduced frontage, hence the application for minor variance to reduce the lot width. There appears to be sufficient area outside the flood plain to construct a dwelling on the severed parcel even with the reduced lot width at the front. Therefore, ORCA has no objection to the proposed minor variance.

In addition, portions of the property are subject to Ontario Regulation 167/06, this Conservation Authority's Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses. A permit from this office is required prior to any fill placement, grade alteration or construction related activities taking place in the regulated area.

If you have any questions, please do not hesitate to contact this office.

Yours truly,



Beverly Hurford
Watershed Planner

copy: ORCA Chair, Ron Millen
ORCA Representatives, Jack Doris, Bob Hall



OTONABEE CONSERVATION

December 9, 2009

Ms. Carolyn Jobbitt, Secretary
Committee of Adjustment
City of Peterborough
500 George Street
Peterborough, Ontario
K9H 3R9

Dear Ms. Jobbitt:

RE: A48/09, Estate of John Pruner, 594 Park Street South, ORCA file 2009-MV115

The Otonabee Region Conservation Authority has received the notice of hearing for the Committee of Adjustment for the above noted property. Staff has reviewed the available information and now offer the following advisory comments.

The entire property is within the flood plain of the Otonabee River. The existing residential zoning on the property does not acknowledge the flood risk associated with being located within the flood plain of the Otonabee River, and therefore does not comply with the Provincial Policy Statement (PPS).

It is our understanding that the application for minor variance has been submitted in order to bring the existing structures in compliance with the current zoning. The Conservation Authority does not object to the recognition of the location of the existing structures. However, the landowner should be aware that the presence of the flood plain does limit the development of the site, as well as alteration to the existing structures.

The entire property is subject to Ontario Regulation 167/06, this Conservation Authority's Regulation of development, interference with wetlands and alterations to shorelines and watercourses. A permit from this office is required prior to any fill placement, grade alteration or construction related activity occurring on the property.

If you have any questions, please do not hesitate to contact this office.

Yours truly,


Beverly Hurford
Watershed Planner

copy: ORCA Chair, Ron Millen
ORCA Representatives, Jack Doris, Bob Hall
Linda Whetung

The Otonabee Region Conservation Authority
250 Milroy Drive, Peterborough, Ontario K9H 7M9
BUS: (705) 745-5791 · FAX: (705) 745-7488
EMAIL: otonabeca@otonabee.com · www.otonabee.com

Member of

