



Staff Comments Regarding Files: A50/09, B02/10 & A01/10

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.

This application was adjourned by the Committee from the commencement of its hearing December 15/09 when the following points were highlighted:

- 1) A building permit was issued for construction of a carport in 1978.
- 2) A carport structure was constructed with dimensions that were significantly greater than what was permitted by the zoning regulations and what would be required to simply shelter an automobile.
- 3) The “carport” structure was constructed with a wall along the south side and including an enclosure within the carport with four walls and widow openings located within 1.2 metres of the south side lot line.
- 4) The carport structure is attached to the south side of the dwelling that is situated on an angle in relation to the south side lot line. The result is that the carport with a wall is located on an angle and is within the 1.2 metre setback from the lot line tapering closer to a point where a portion of the structure encroaches on the neighbouring property.
- 5) A variance to recognize the structure was sought and granted in 1986 (File A111/86), provided that a maintenance easement was established on the adjacent property. The condition was never fulfilled and the decision has lapsed.
- 6) The neighbouring property owner indicated that they did not support the variance in 1986 and are not in support of the variance at this time.

This application was adjourned requesting information from city staff regarding the following:

- 1) A description of what modifications would be required to bring the structure into compliance with the Ontario Building Code.
- 2) Comment on the regulations (possibilities) regarding prescriptive easements between property owners.
- 3) Confirmation that the neighbours both Gail and Jim Hetherton are opposed to the variance requested.

City records indicate that a building permit was issued for a carport. A carport is most often attached to a dwelling but does not include exterior walls. To comply with the Ontario Building Code the following modifications would be required:

- 1) The structure would have to be modified by either removing all of the exterior walls on the structure that are located within 1.2 metres of the south side lot line or ensure that the walls are constructed and fire rated in accordance with Section 9.10.15.5 of the Ontario Building Code (OBC).
- 2) No window openings on the south wall within 1.2 metres of the lot line w are permitted unless protected in accordance with OBC 9.10.15.4(4).

Considering the possibility of prescriptive rights to an easement over the neighbours property, the circumstances have existed since 1986 without any legal action by the property owner. Staff would suggest that the onus would be on the property owner to provide proof that the easement rights have been or could be secured.

Staff contacted Gail Hetherton on January 8, 2010 who reconfirmed that both she and her husband were not in support of the variance requested considering the imposition on their property at 2572 Bensfort Road.



Staff met with representatives of the owner of the property who are prepared to modify the structure to comply with the Ontario Building code. The proposed modifications will involve removal of all portions of the wall located within 1.2 metres of the south side lot line, modification of the carport roof to eliminate the encroachment over the neighbouring property and relocation of the upright support members to be 0.6 metres from the side lot line. The southerly wall of the shed established within the carport will be relocated to be 1.2 metres from the south side lot line.

Staff considered the proposed modifications to the structure with respect to the Ontario Building Code and the zoning by-law and is of the opinion that the proposal is a reasonable compromise and the impact would be minor. Subject to concerns raised by the neighbouring property owner, staff would not object to the Committee granting a variance to reduce the minimum building setback from the south side lot line from 1.2 metres to 0.6 meters regarding the upright support members of an open sided carport provided that eavestroughing is established and maintained on the structure with a downspout to conduct storm water onto the subject property so as not to affect the neighbouring property.

Staff would recommend that the modifications to the carport be completed to the satisfaction of the Building Division by October 31/2010 otherwise this decision would be void.

B02/10 – 875 Barnardo Avenue - Mark Lamirande

Referring to the Plan attached to the staff report as Exhibit B, the owner would like to sever the northerly 20.2 metres (66.4 ft) of the property to create a new lot for development of a single unit dwelling. Both the severed and retained portion of the property would conform to the regulations of the zoning district having a minimum lot width of 15 metres (50 ft) and lot area of 465 sq metres (5000 sq ft).

Staff would not object to the Committee granting consent 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
- 2) payment of a parks levy in the amount to be determined by the City's Parks Levy Review Committee, and
- 3) payment of a tree levy in the amount of \$186.00.

A01/10 – 581 McDonnell Street - Peterborough Lawn Bowling Club Limited

The applicant is the City of Peterborough who is interested in preserving the existing Peterborough Lawn Bowling Club building established on the property as the areas first public recreation pavilion built in 1930. The owner of the property being the Peterborough Lawn Bowling Club Limited, is interested in constructing a new building on the property that would function primarily as a place of assembly a permitted under the PS.2 Public District Zoning.

Referring to the Plan attached as Exhibit C, the proposal would involve development of a new, 471.7 sq metre building and a parking area for 73 motor vehicles toward the east side of the property while preserving the existing club building on the north west corner of the property and two lawn bowling greens located to the west side of the property. The following variances are requested to allow the development as illustrated on the site plan:

- 1) reduce the minimum width of landscaped open space from 3 metres (10 ft) to 1.5 metres (5 ft) along the lot line in relation to the McDonnell Street boulevard.
- 2) Reduce the minimum number of Motor vehicle parking space required from 108 to 73.

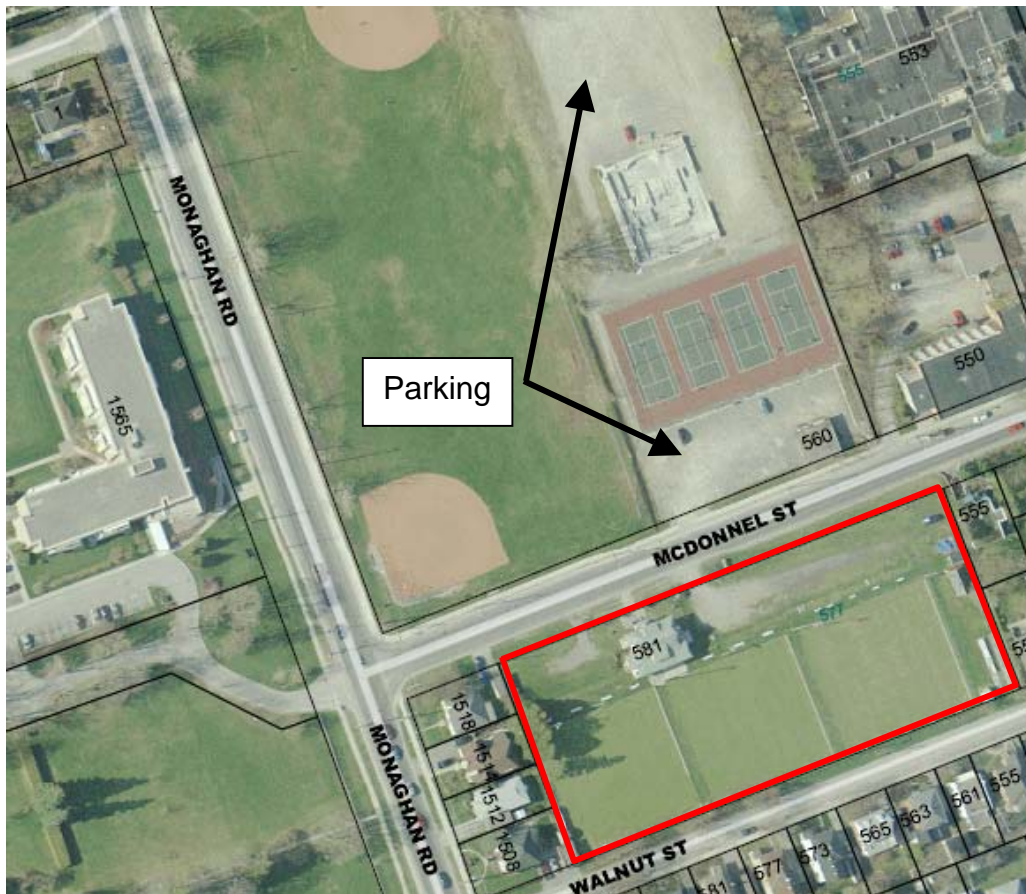
An evaluation of the Lawn Bowling Club Building determined there to be some heritage value and merit to preserving the building in situ. While an objective of this proposal is to facilitate the possibility of preserving the original Peterborough Lawn Bowling Club building on the property, the Lawn Bowling Club needs a new building but cannot afford to save the old building.

Council has directed staff to prepare a Request for Proposal to be put to the public to determine if there is interest in acquiring the building and the adjacent land to the west. The building would have to be preserved and used for compatible purposes supported by the parking on the adjacent land to the west.

If a suitable proposal is received, the building and associated property will be conveyed to the City and in turn to the prospective owner by way of agreements with the City. If no suitable proposal is received the building may be removed and the land will remain a part of the Lawn Bowling Club holdings and should be used for parking associated with the proposed new development of the property. While it may take time to determine the future of the heritage building, the proposed new development and variance must proceed at this time to enable the Lawn Bowling Club to qualify for Federal grant money available for the project.

Considering the proposed site plan, Staff is of the opinion that the variance to the reduced width of landscaped open space along the boulevard is reasonable considering the amount of open space on the property (the bowling greens) and the amount of permeable open space in the vicinity (Bonnerworth Park). Staff also appreciates the attempt to provide the maximum amount of parking on site as a priority considering the challenge of the grade separation between McDonnel Street and the property.

Considering the variance to the parking requirements, Staff would ask the Committee to consider the City being the owner of Bonnerworth Park and that there is public parking for 32 motor vehicles available directly across the street and approximately 100 spaces to the north accessed from Bonaccord Street. Staff would suggest that the shortfall of 35 motor vehicle parking spaces could be accommodated at Bonnerworth Park.



Peterborough Lawn Bowling Club and Bonnerworth Park

Considering the municipal interest in preserving the heritage building and the flexibility that city owned parking across the street can afford, Staff would suggest that the impact of the variance may be minor and the variance could be granted conditional upon the owner of the property arranging to have parking for the 35 motor vehicles provided on land located within a distance of 35 metres of the subject property. Staff would also recommend that the variance to parking be granted provided that the heritage building is preserved. If the building were removed, the variance should be null and void forcing the requirement to provide parking on the property.

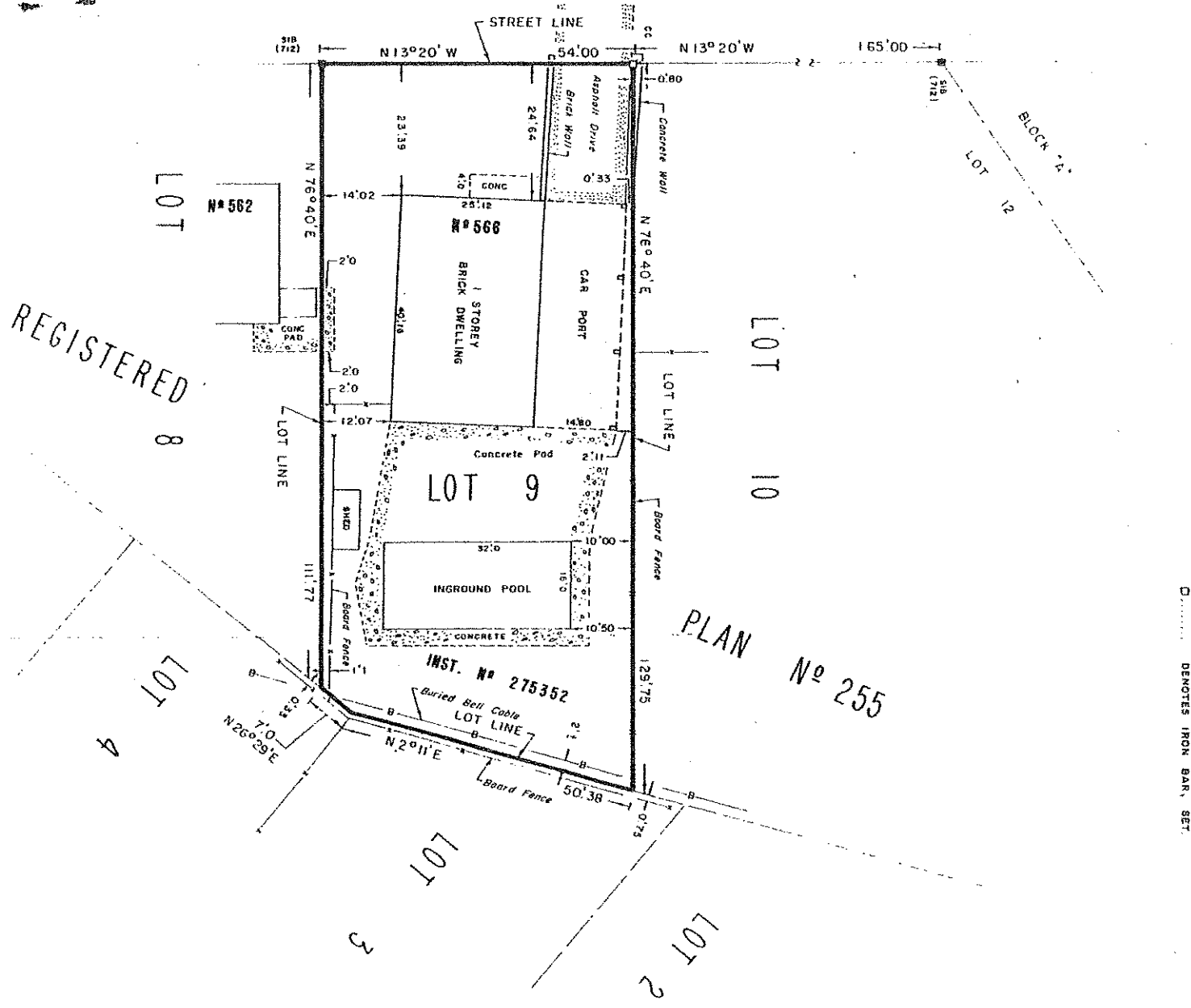
Respectfully submitted,

Richard Straka
Planner Policy & Research

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

FOUNDATION OF DWELLING

BENSFORD ROAD
(ROAD ALLOWANCE BETWEEN CONCESSIONS 13 AND 14)

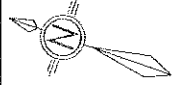


REGISTERED
8

PLAN No 255

..... DENOTES IRON BAR, SET

W.A. BENINGER LIMITED
ONTARIO LAND SURVEYORS
414 WATER STREET
PETERBOROUGH, ONTARIO
K9H 3L8 P.H. 65
Tel. 705-723-8834



SITE STATISTICS
 CITY OF PETERBOROUGH, DISTRICT 2 (P13)
 0.17 ACRES (7,400 SQ. METERS)
 TOTAL PROPOSED BUILDING FOOTPRINT = 8,233 SQUARE METERS (216,000 SQ. FT.) INCLUDING ACCESSORY BUILDINGS AND SPACES
 TOTAL PROPOSED PARKING SPACES = 101/2 / 4 / 2 / 2 SPACES
 EXISTING BUILDING FOOTPRINT = 1,013 / 4 / 2 / 2 SPACES
 EXISTING PARKING SPACES = 101/2 / 4 / 2 / 2 SPACES
 A) PROPOSED BUILDING
 0.1) ACCURATE AREA = 7,711 SQUARE METERS (208,000 SQ. FT.)
 TOTAL REQUIRED PARKING FOR BUILDING = 58 SPACES
 B) MAIN FLOOR INCLUDING VERANDA
 0.1) ACCURATE AREA = 19,752 SQUARE METERS (528,000 SQ. FT.)
 TOTAL REQUIRED PARKING FOR MAIN FLOOR = 56 SPACES
 TOTAL REQUIRED PARKING FOR NEW BUILDING = 104 SPACES
 TOTAL PROVIDED ON SITE PARKING = 75 SPACES ALONG WEST SIDE OF EXISTING BUILDING
 VARIANCES REQUIRED FOR PARKING AND FRONT LANDSCAPE STRIP

1. EXISTING PROPOSED, EXISTING, AND REMOVED EXISTING INFORMATION
 2. PROPOSED BUILDING FOOTPRINT AND ACCESSORY BUILDINGS AND SPACES
 3. PROPOSED PARKING SPACES AND ACCESSORY BUILDINGS AND SPACES
 4. PROPOSED LANDSCAPE STRIP AND ACCESSORY BUILDINGS AND SPACES
 5. PROPOSED VERANDA AND ACCESSORY BUILDINGS AND SPACES
 6. PROPOSED VERANDA AND ACCESSORY BUILDINGS AND SPACES
 7. PROPOSED VERANDA AND ACCESSORY BUILDINGS AND SPACES
 8. PROPOSED VERANDA AND ACCESSORY BUILDINGS AND SPACES
 9. PROPOSED VERANDA AND ACCESSORY BUILDINGS AND SPACES
 10. PROPOSED VERANDA AND ACCESSORY BUILDINGS AND SPACES

NO.	DESCRIPTION	DATE	BY
1	PREPARED		
2	REVISED		
3	REVISED		
4	REVISED		
5	REVISED		

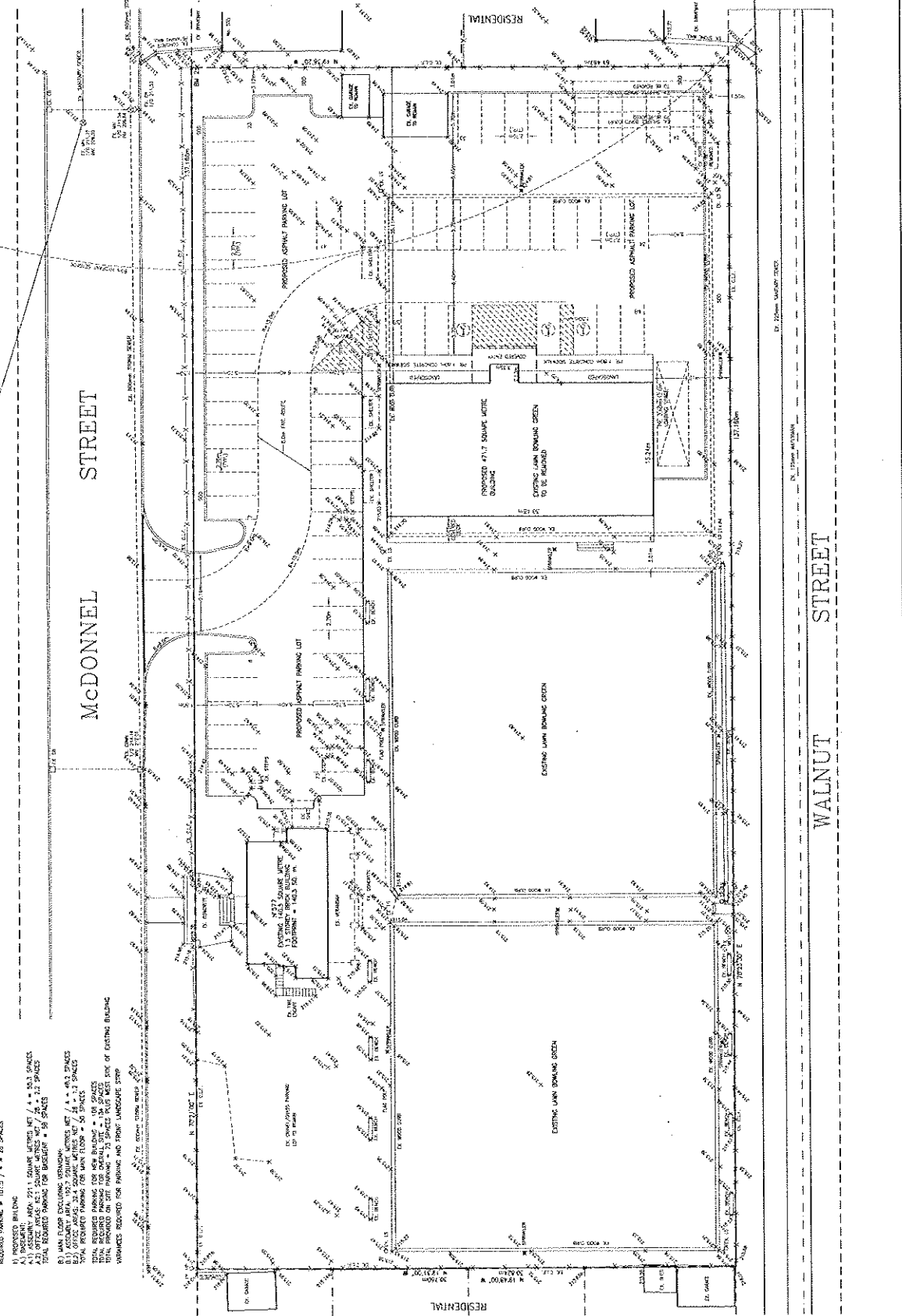
BM 1 ELEV. 218.475m
 TOP OF WEST CORNER OF EXISTING CORNER OF
 BOWLING STREET AND ADJACENT ROAD.
 BM 2 ELEV. 213.39m
 TOP OF WEST CORNER OF EXISTING CORNER OF THE PROPERTY.

LEGEND
 EXISTING BUILDING
 EXISTING LANDSCAPE
 PROPOSED BUILDING
 PROPOSED LANDSCAPE

PETERBOROUGH LAWN
 BOWLING CLUB
 BUILDING ADDITION
 577 McDONNELL STREET
 CITY OF PETERBOROUGH

CONCEPT PLAN
 J.L.S. CIVIL ENGINEERING LTD.
 1001 WILSON AVENUE, WILSON, ONTARIO
 PHONE (905) 304-1000 FAX (905) 304-1000

DESIGNED BY: J.L. BLAKE
 CHECKED BY: J.L. BLAKE
 DATE: AUGUST 2008
 JOB NO.: 08-001
 DATE: NOVEMBER 25, 2008



RESIDENTIAL
 McDONNELL STREET
 WALNUT STREET
 RESIDENTIAL