



City of  
**Peterborough**

## COMMITTEE OF ADJUSTMENT

HEARING DATE: March 23, 2010

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### Staff Comments Regarding Files: B1//10, A2/10 & A3/10 B2/10, A3/10& A4/10

#### B01/10 & A02/10 - 1607, 1619& 1633 Lansdowne Street West - 1494282 Ontario Inc.

The owner continues to negotiate and consider development potential of the southerly property together with the adjacent property to the east. The applicant is therefore requesting that the application be adjourned to the next hearing date of the Committee that would be held in April, 2010.

#### A03/10 – 63 Weller Crescent - Jim Williams

This application considers variances to reduce the minimum building setback from the rear lot line from 12 metres (39.3 ft) to 10.43 metres (34.25 ft) for the dwelling and to 8 metres (26.42 ft) regarding an elevated deck attached to the dwelling. The proposed building is situated to the north west corner of the lot and as close to the road allowance as possible but still requires the variances as described. While the standard rear yard setback for a typical residential lot is 7.6 metres (25 ft) the subject property has alternate zoning requiring a greater rear yard setback of 12 metres (39.3 ft).

This application was heard and adjourned by the Committee on February 23, 2010. The reason for adjournment was to permit a review and comments to be received on the proposed drainage plan from city engineers.

The Committee heard the reasons for the requested variances from the architect and were presented with a revised drainage plan for the property (attached as Exhibit A). The Committee also heard from the neighbours. One opposed, three in favour provided that drainage from the property will not affect their properties.

Considering the contours depicting the natural slope of the land, it is apparent that drainage from the subject property is linked to the adjacent properties to the southeast. The revised drainage plan illustrates how drainage of the property could be altered considering the development of the proposed walkout bungalow with the extended elevated deck. The drainage plan will involve re-grading of the property in relation to a 2.2 metre (7 ft) high retaining wall that would be constructed along the south east side of the property. The grading would rely on a swale created to channel most of the water from around the dwelling out toward the street front at the south west corner of the lot.

Staff visited the property and noted that there would inevitably be the need for attention to management of water draining from the property as a result of its development. Staff noted that the lot was well treed and if some of the trees were preserved they could provide a visual screen from the impact of the proposed building location. Considering the size of the proposed dwelling and the proposed re-grading of the lot including the

retaining wall to manage water flow from the property, many of the mature trees on the property will be lost.

While an approved grading plan would be required in conjunction with a building permit application for a dwelling that would conform with the zoning of this property, the two variances would result in development closer to the lower side of the lot, leaving less lot area available between the building and lot line to handle the water between the building and adjacent properties. For this reason, staff is concerned with variances being requested that may contribute to the challenge of managing post development drainage from the property without impacting on adjacent lots. While there is no obligation to the owner to deal with sub-surface water issues that may be affecting adjacent properties, excavation and the proposed earthworks on the property will significantly alter the character of this lot and may change the sub-surface water regime affecting adjacent properties.

The latest drainage plan dated February 18, 2010, signed by a Professional Engineer reflects efforts to divert water from adjacent lands. Should the Committee choose to grant the variances, staff would recommend that the owner be required to enter into a development agreement with the City that would require the developer to provide a detailed grading, storm water management, servicing plan together with a plan for the preservation of trees on the property to the satisfaction of the Planner of Urban Design and the City Engineer. The development agreement will require a performance security in the order of \$5000 and final inspection of the development upon completion.

**B03/10, A04/10 & A05/10 – 307 & 309 Bethune Street - Donald Bennett**

Referring to the plan attached to the Staff Report as Exhibit B, the two properties known municipally as 307 and 309 Bethune Street have inadvertently merged in title. The owner would like to separate the ownership of the two properties and is requesting the following variances to support the proposed severance of 307 Bethune Street from 309 Bethune Street:

Regarding four-plex at 307 Bethune Street:

- i) reduce the minimum required lot area per dwelling unit from 185 to 133 square metres;
- ii) reduce the minimum required lot width from 30 metres to 15 metres; and
- iii) reduce the minimum required building setback from the north side lot line from 3 metres to 0.9 metres.

Regarding the duplex at 309 Bethune Street:

- i) reduce the minimum required lot area per dwelling unit from 278 to 154 square metres;
- ii) reduce the minimum required lot width per dwelling unit from 9 metres to 4.8 metres;
- iii) reduce the minimum required building setback from the side lot line from 1.2 metres to 1 metre from the north side lot line and to 0.15 metres from the south side lot line; and
- iv) increase the maximum lot coverage by parking area from 20% to 24%.

The subject properties are located within the Charlotte Street West business District of the Central Area of the City across the street from the City Centre apartments towers. While the use of each property would be exempt from the requirement to provide parking there is access to the rear of each property from a laneway that could accommodate parking to support the uses if necessary. It should be noted that Bethune Street is a low capacity collector street that should have a minimum road allowance width of 20 metres. According to city records the width of the road allowance in relation to the subject property is approximately 19.1 metres.

Staff visited the property and is of the opinion that the two parcels described by the severance application could function independently. From the site visit staff did note two complications. A small metal storage shed straddles the proposed line of severance and should be relocated. The more significant complication is the frame addition attached to the rear of the building at 309 Bethune Street. The exterior of the wooden structure is clapboard siding. The Building Code would require the south wall to be fire-rated in order to be located 0.15 metres from the proposed lot line. While the foundation and wall may be locate 0.15 metres from the lot line, the eaves overhang appears to project over the lot line. Because the entire roof of the frame addition slopes to the south and without an eaves trough, it sheds water completely onto the adjacent property. Staff considered the condition of the structure in relation to the cost of modifications required in relation to the building code and storm water management and is of the opinion that it should be removed.

Staff would not object to the Committee granting the variances as described above except for the variance regarding 309 Bethune Street to reduce the minimum required building setback from the south side lot line from 1.2 metres to 0.15 metres. Staff does not consider the variance to permit the frame shed as minor but staff would support a lesser variance regarding the setback of the 13.1 metre length of the south wall of the building established at 309 Bethune Street from the south side lot line to 0.6 metres (2 ft) as scaled from the survey attached as Exhibit B.

Staff would not object to the Committee granting the variances to the two properties as it would pertain to the length of the 9.4 metre north wall of the building established on 307 Bethune Street and the length of the 13.1 metre wall of the brick building established at 309 Bethune Street that would support the severance of the two properties. Staff would support the variance as described to facilitate the severance of the two properties, on the condition that the frame addition to the rear of 309 Bethune Street is removed and conveyance to the city, free of encumbrances and at no cost to the City, of a sufficient widening of the road allowance to measure 10 metres to the centreline of the road allowance.

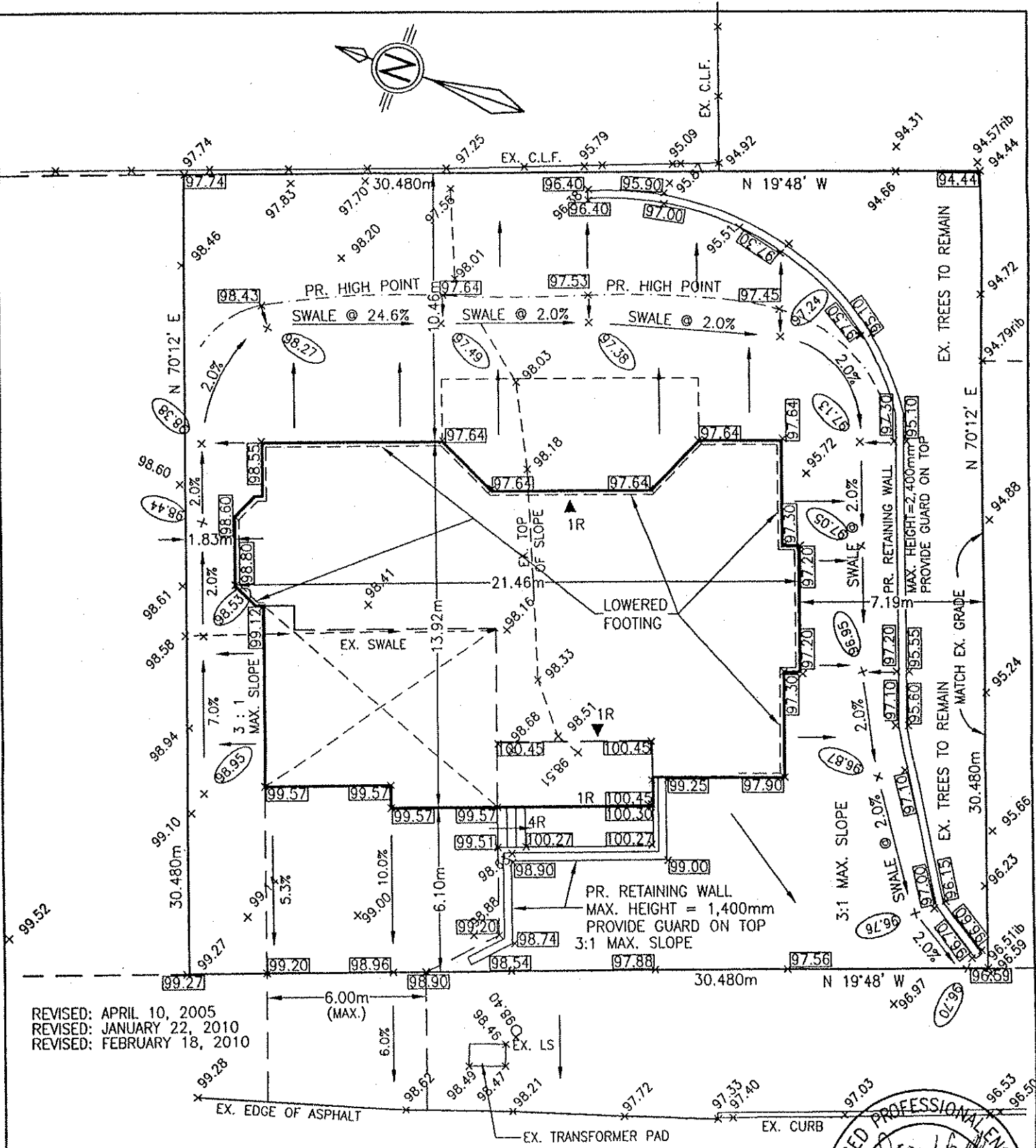
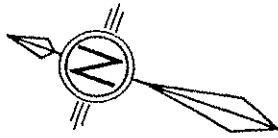
Respectfully submitted,



**Richard Straka**  
Planner Policy & Research



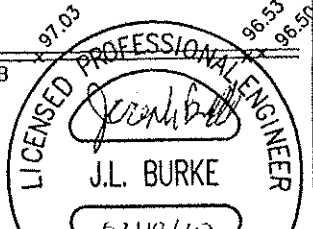
**R. Waldron, C.E.T., CBCO**  
Manager, Building Division



REVISED: APRIL 10, 2005  
REVISED: JANUARY 22, 2010  
REVISED: FEBRUARY 18, 2010

# WELLER CRESCENT

LEGEND



100.00

