



City of
Peterborough

COMMITTEE OF ADJUSTMENT

HEARING DATE: September 14, 2010

Staff Comments Re: Files: A24/10, A25/10, A26/10& B06/10, A27/10 & A28/10

A24/10 - 372 George Street South – Walter Dobrew & Reanne Schaper

The subject property is zoned R.1, R.2 Residential District and the use of the dwelling is recognized as a legal non-conforming duplex. Referring to the Survey attached as Exhibit A, the dwelling was constructed in 1913 with its north wall located 0.64 metres (2.1 ft) from the lot line. The owner would like to enlarge the building, proposing to construct the following additions that would align with the established north wall of the dwelling that would require a reduction of the building setback from the northerly side lot line from 1.2 metres (3.9 ft) to 0.64 metres (2.1 ft):

- i) a reconstructed addition to the rear of the dwelling in line with the existing north side of the building that would extend 2.44 metres further to the rear and would be two storeys high.
- ii) an addition to the second storey over the stoop and entrance at the north west corner of the building and
- iii) a 4.26 metre wide shed dormer on the north side of the attic.

The subject property is a 10 metre (34 ft) wide lot with a depth of 38.2 metre (125.65 ft). Parking is provided in the rear yard accessed by a right of way over a laneway. Considering the proposed reconstructed two storey extension to the rear of the building, staff noted that there would still be room for amenity space and parking to support the two unit dwelling to the rear of the building. Staff visited the property and considered the established standard of development of other properties in the neighbourhood. Staff noted that the lots are on an angle in relation to George Street so the buildings are offset from each other, in relation to the street line and rear lot line. The result is that the proposed extension to the rear would not extend as far to the east as the addition to the rear of the building on the adjacent property to the north. Staff also noted that the building on the adjacent property is setback from the common side lot line in conformity with the zoning regulations and therefore there would be adequate space between buildings.

Staff considered and compared the height of buildings in the vicinity of the subject property and noted that some dwellings do have dormers constructed as a part of the attic on the south side of the building. While the proposal to construct dormers on both the north and south side of the attic will not technically constitute a third storey, staff is of the opinion that the proposed expansion to the attic would appear as such and considering its height would be too close to the lot line compared to other buildings in the vicinity and would have an perceived impact of encroaching building mass.

Staff can appreciate the practical requirement for additional space within older buildings and for that reason would not object to the variance requested to permit the proposed addition to the second storey extension to the rear and the addition over the stoop at the north west corner of the building. Staff however, is of the opinion that the variance requested to permit the dormer on the north side of the attic is not minor and would result in development too high and too close to the north lot line resulting in a departure from the established standard of property development in the neighbourhood. It should be noted that a variance is not required to permit the proposed 4.2 metre wide dormer on the south side of the building.

Subject to concerns raised by neighbouring property owners, Staff would not object to the variance described to permit the proposed additions to the building to a height of two storeys both to the rear and the addition over the stoop at the north west corner of the building. Staff cannot support the variance to permit the shed dormer on the north side of the attic as proposed.

A25/10 – 1535 Water Street - 2250820 Ontario Inc.

The proponent is planning modifications to the development of the site plan as a part of the plan to renovate and upgrade of the service station and car wash on the subject property. The proposed redevelopment will involve replacement of the sub surface fuel tanks on the property, installation of two rows of three fuel pump islands, construction of a new canopy over the pump islands and fuelling pad and conversion of three self serve carwash bays into a restaurant. The existing temporary structure (chip truck) will be removed from the property. The automated car wash and four of the manual car wash bays will remain. The proposed redevelopment will require the following variances to the by-law

- a. reduce the minimum number of motor vehicle parking requirements in advance of each of four self serve car wash bay from 3 to 2 and
- b. reduce the minimum building setback from the centre line of Water Street road allowance from 24.4 metres (80 ft) to 13.3 metres (43.6 ft) to permit a 14.6 metre wide by 18.2 metre canopy roof over the existing parking area associated with the pump islands.

Water Street North is a high capacity arterial road. Referring to the proposed site plan attached as Exhibit B, the plan proposes to shift the fuelling area to the south and allocate space for stacking two motor vehicles in relation to each manual car wash bay to the north side of the property. The site plan illustrates space for motor vehicle access and egress in relation to each of the four bays while providing access to parking in front of the restaurant and space for vehicles to access and leave the additional pump islands on the site. Considering the proposed site plan, staff is of the opinion that adequate space for motor vehicle movement and parking and stacking can be provided on the site and therefore staff would not object to the Committee granting the variance requested to reduce the number of motor vehicle parking space requirements in advance of each of four self serve car wash bay from 3 to 2, provided that the fuel tanks on the property are

replaced with new tanks in accordance with Ministry of Environment contemporary standards and the site plan agreement is amended to reflect the changes to accommodate the redevelopment including the delineation of motor vehicle parking. The existing temporary structure (chip truck) will be removed from the property.

Considering the nature of this land use and the scale of the site redevelopment, the city will be requiring a 6 metre wide strip of land be conveyed to the City for the purpose of widening the Water Street road allowance as a requirement of the approved amendments to the site plan agreement. Because this will reduce the size of the subject property staff is of the opinion that the proposed relocation of the fuel pumps on the property is reasonable and the variance regarding the setback of the proposed canopy shelter over the fuel pumps from the centreline of Water Street is also reasonable. It should be noted that the existing fuel tanks will be removed from the road widening requirement and new fuel tanks will be located on the site.

Staff reviewed the site plan in relation Water Street and verified that the Water Street road allowance is 24.7 metres wide so the proposed setback for the canopy would be 19.5 metres from the centre line of the road allowance. Therefore staff would not object to the Committee granting the variance to reduce the minimum setback from the centre line of Water Street road allowance from 24.4 metres (80 ft) to 19.5 metres (63.9 ft) to permit a 14.25 metre wide by 18.2 metre canopy roof over the parking area associated with the pump islands on the condition that the site plan is amended including a comprehensive review of storm water management for the site.

Staff is relying on Section 2.3 of the by-law that allows consideration of a property's ability to comply with the by-law before a road widening requirement was taken in how the property is regarded after the land taking. Staff would therefore ask the Committee to grant a further variance to reduce the minimum required landscaped open space along the front lot line from 1.5 metres to 0 to acknowledge the proposed state of development of the property after the road widening is taken.

A26/10 & B06/10 – 1597 Lansdowne Street West - Eddie Apelowicz

The subject property has split commercial and residential designation. The zoning of the northerly 72.85 metres of the property has been changed to SP.268-244 Commercial for development of a commercial car wash while the southerly 152 metres is designated for future residential purposes and remains zoned D.2 Development District as shown on Exhibit C.

The owner is proposing to sever and convey the southerly 152 metres of the property designated for future residential purposes while retaining the northerly portion of the property for development of the car wash. Regarding the southerly portion of the property zoned D.2 Development District, a variance would be necessary to reduce the minimum required lot area from 16 hectares to 0.5 hectares and reduce the minimum lot width from 305 metres to 36 metres to address the regulations of the zoning district of the separate parcel. The proposed severance would facilitate the ability of the owner to deal with the property separate from the commercial parcel and facilitate its potential for

residential development looking toward the future. Staff would not object to the Committee granting the severance subject to the following conditions:

- 1) that the Committee also grant the associated variances to the lot width and area and
- 2) that the owner enter into an agreement with the City acknowledging that the use of the property is restricted to only that of the established use which is vacant land.

Because the property to be severed is not immediately intended to be a building lot, Section 6.5 of the by-law requiring a building lot to abut a street need not apply, however, access for the purpose of maintaining the property is necessary and could be achieved over the property owned and retained by the City as a potential future access from Spillsbury Drive (P.I.N 28051.) As a third condition for severance, Staff would require the owner to enter into an agreement with the City to secure access rights over the road stub until such time that alternative access is acquired.

Regarding the northerly portion of the property zoned SP.268-244, a variance has been requested to reduce the minimum building setback from the east side lot line from 10 metres (30 ft) to 3.3 metres (10.8 ft).

The adjacent property to the east is also designated commercial and is zoned SP.268 – 187 Commercial. It is currently developed and used as a car rental agency. The setback of the building on the property from the common property line is approximately 3.5 metres. The Committee should note that the concept site plan attached as Exhibit D was advanced by the proponent at the time the zoning was considered by City Council and the design considered the reduced setback at that time. Considering the commercial nature of the two land uses, the grade separation between the two properties and that both are subject to site plan approval, Staff is of the opinion that site plan design can be relied upon to address the interface between the two properties.

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

A27/10 – 1 McGregor Court - 1612328 Ontario Inc.

The subject property is located at the corner of Marsdale Drive and McGregor Court. Because of the irregular configuration of the street line of the corner lot in relation to the cul-de-sac, and the choice made to locate the dwelling so as to preserve the rear yard, the applicant is seeking a variance to the setback of building from the street line.

A variance is requested to reduce the minimum required building setback from the street line from 6 meters (20 ft) to 5.77 meters (18.9 ft) to permit the construction of a regularly shaped (rectangular) dwelling in relation to an irregular shaped street line as illustrated on Exhibit E.

Considering the irregular configuration of the street line, staff is of the opinion that a minor variance to one corner of the front of the building in relation to the street line is minor and would not object to the variance as described.

A28/10 – 459 Albertus Avenue - Jill and Neil Emery

The building on the property is a two storey dwelling constructed in the mid 1940's. The owners are proposing the following renovations and additions to the dwelling:

- 1) the foundation under the attached garage has slumped and is in need of major repair work. While the repair work will involve reconstruction of the garage from the foundation up, the owner would like to update the garage and dwelling by increasing the width of the attached garage to provide 4 metres (13.125 ft) and extend the garage 2.12 metres (6.95 ft) toward the street to increase the usable space within the garage to better accommodate a motor vehicle used on a day to day basis.
- 2) As part of the garage renovation, a second storey addition to the dwelling is to be constructed over the garage.
- 3) The owner is planning to construct a one storey addition to the rear of the garage that would extend 3.14 metres (10.33 ft) into the rear yard but will jog in 0.6 metres (1 ft) to comply with the side yard setback.
- 4) Finally, the owner is proposing to construct a pergola to the rear of the building that would be located in line with the north side, wall of the dwelling as established.

A variance is therefore requested to reduce the minimum required building setback from the south side lot line from 1.2 metres (3.9 ft) to 0.93 (3 ft) to permit the wider garage and second storey addition. A variance to reduce the minimum building setback from 6 metres (20 ft) to 1.2 metres (3.9 ft) from the Hopkins Avenue property line is also requested to permit a pergola structure to the rear of the building as illustrated on the Plan attached as Exhibit F.

Albertus Avenue and Hopkins Avenues are both designated as local streets in a mature, residential neighbourhood west of Queen Mary Elementary School. Staff have visited the neighbourhood and considered the established standard of development of other properties in the neighbourhood and noted other buildings involving two storey buildings with side yard setbacks similar to what would result from the proposed development. Staff considered the practical nature of the proposed renovations and is of the opinion that the impact of the variance would be minor considering the aesthetic and physical improvements to the property that would result from the initiative.

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

Considering the established building line of the north wall of the dwelling in relation to Hopkins Avenue and the solid board fencing of the rear yard amenity space, staff is of the opinion that the impact of the variance requested to permit the pergola to the rear of the dwelling would also be minor. Staff would not object to the Committee granting the variance as described to permit the proposed pergola structure to project 2.75 metres to the rear of the dwelling in line with the north wall of the dwelling as established.



Richard Straka
Planner Policy & Research



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

5R-4095)
10"W

LOT

PARK

PART 2

CONCESSION 12)

138.20'

P.I.N. 28140 - 0219(LT)
16.0' WIDE RIGHT-OF-WAY

N18°29'00"W
34.00'

78.00'

(P&P)

16.00' (SET P&P)

(873) I.B.

10.00' (SET)

116.28'

10.0' WIDE RIGHT-OF-WAY

N71°23'00"E

1

P.I.N. 28140 -0209(LT)

(SET P&P) 2.55'

N368

2.1A

RAIL FENCE

12.2'

BOARD FENCE

2.4'

2.4'

0.4'

0.5'

0.5'

0.5'

(P&P)

X-125.65'

X-54.7'

X-15.3'

X-2.7'

X-2.4'

X-2.2'

X-22.3'

X-28.9'

X-27.7'

X-27.7'

34.21' (SET DEED)

41.4'

15.3'

15.3'

15.3'

15.3'

15.3'

15.3'

15.3'

15.3'

15.3'

34.21' (SET DEED)

41.4'

15.3'

15.3'

15.3'

15.3'

15.3'

15.3'

15.3'

15.3'

15.3'

34.21' (SET DEED)

41.4'

15.3'

15.3'

15.3'

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15.3'

15.3'

34.21' (SET DEED)

41.4'

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15.3'

15.3'

34.21' (SET DEED)

41.4'

15.3'

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16.00' (SET P&P)

S.I.B.

135.23' (134.0'-INST. R720847)

6.8'

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135.23' (134.0'-INST. R720847)

S.I.B.

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6.8'

6.8'

2

REG'D

LOT

PLAN

(SET INST. R574133) 35.29'

169.36'

(SET DEED) 35.51'

STREET LNR

35.29' N2°58'00"W

LOT

70.50' (DEED)

INTERSECTION OF SOUTH LIMIT OF PARK LOT 7

P.I.N.

28140

0193 (LT)

ST

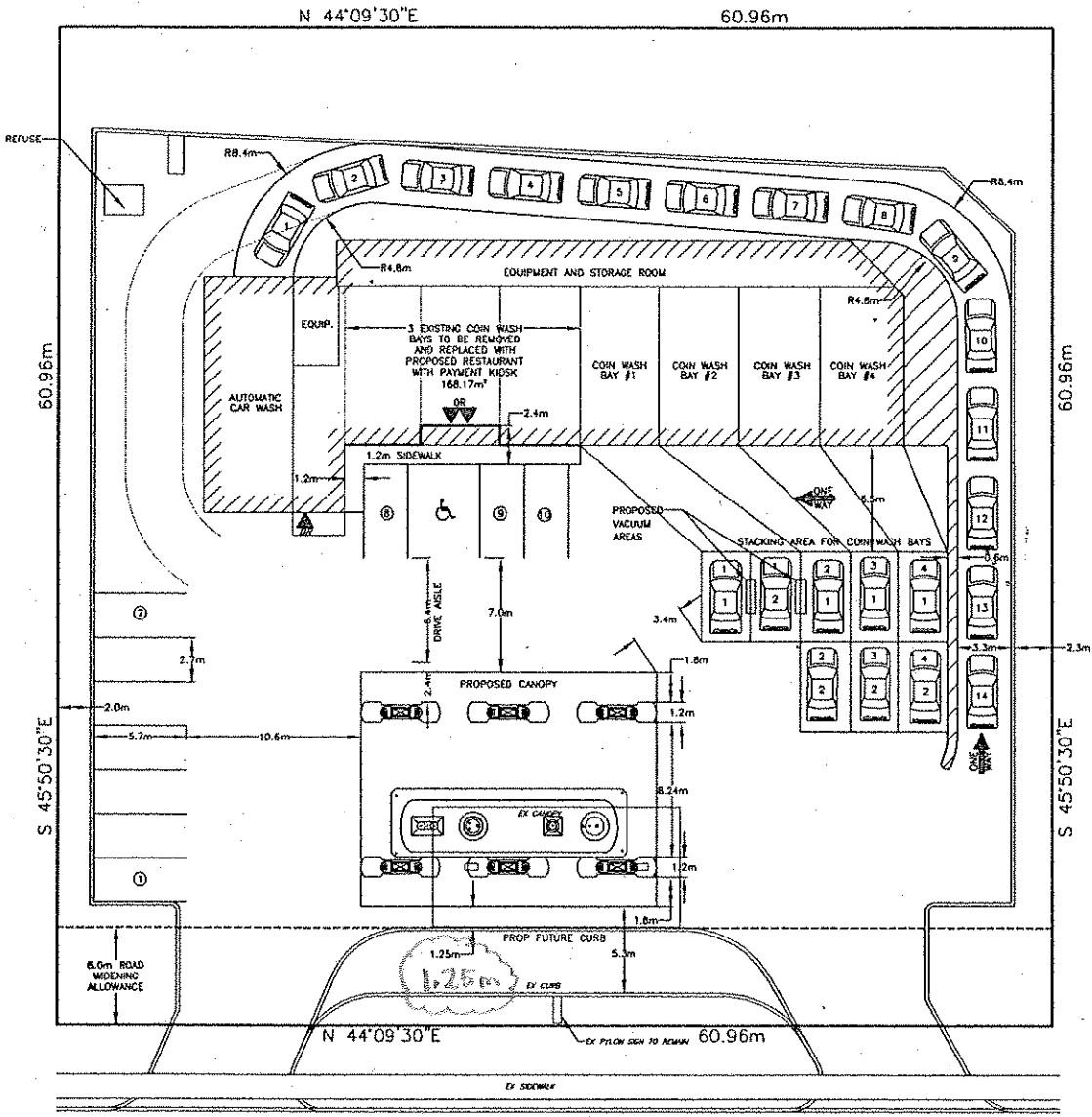
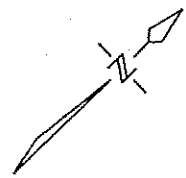
LOT

36

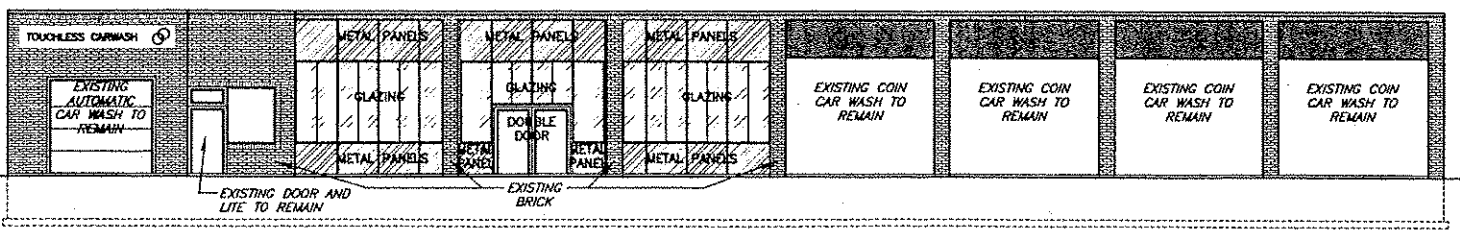
41

(P&P)

70.50' (DEED)



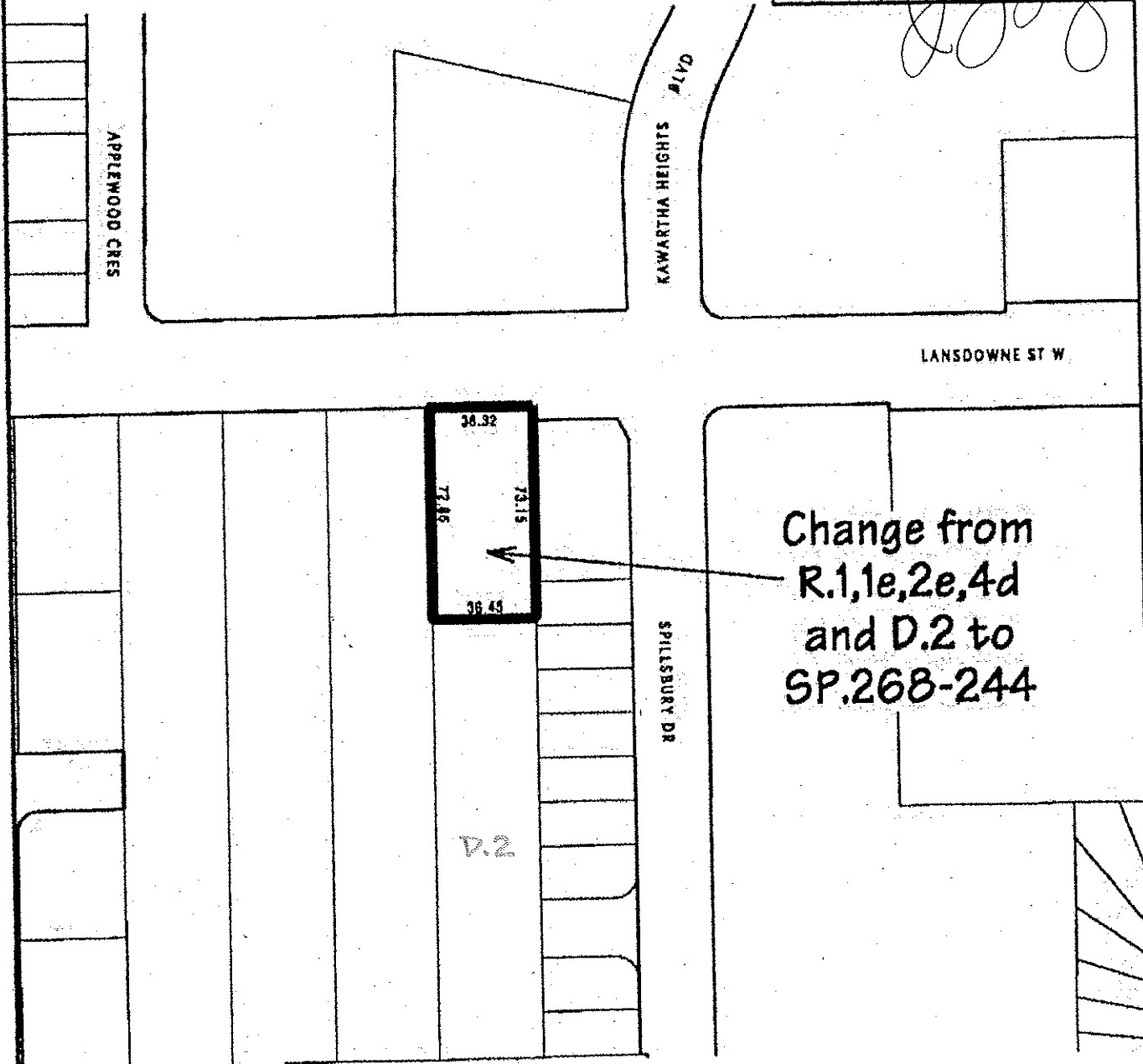
WATER STREET NORTH



EASTERN ELEVATION
SCALE 1/100

Dimensions are in metric

SCHEDULE 'A' TO
BYLAW 2009 - 147
PASSED THE 26th DAY
OF OCTOBER 2009
MAYOR *[Signature]*
CLERK *[Signature]*



Change from
R.1,1e,2e,4d
and D.2 to
SP.268-244

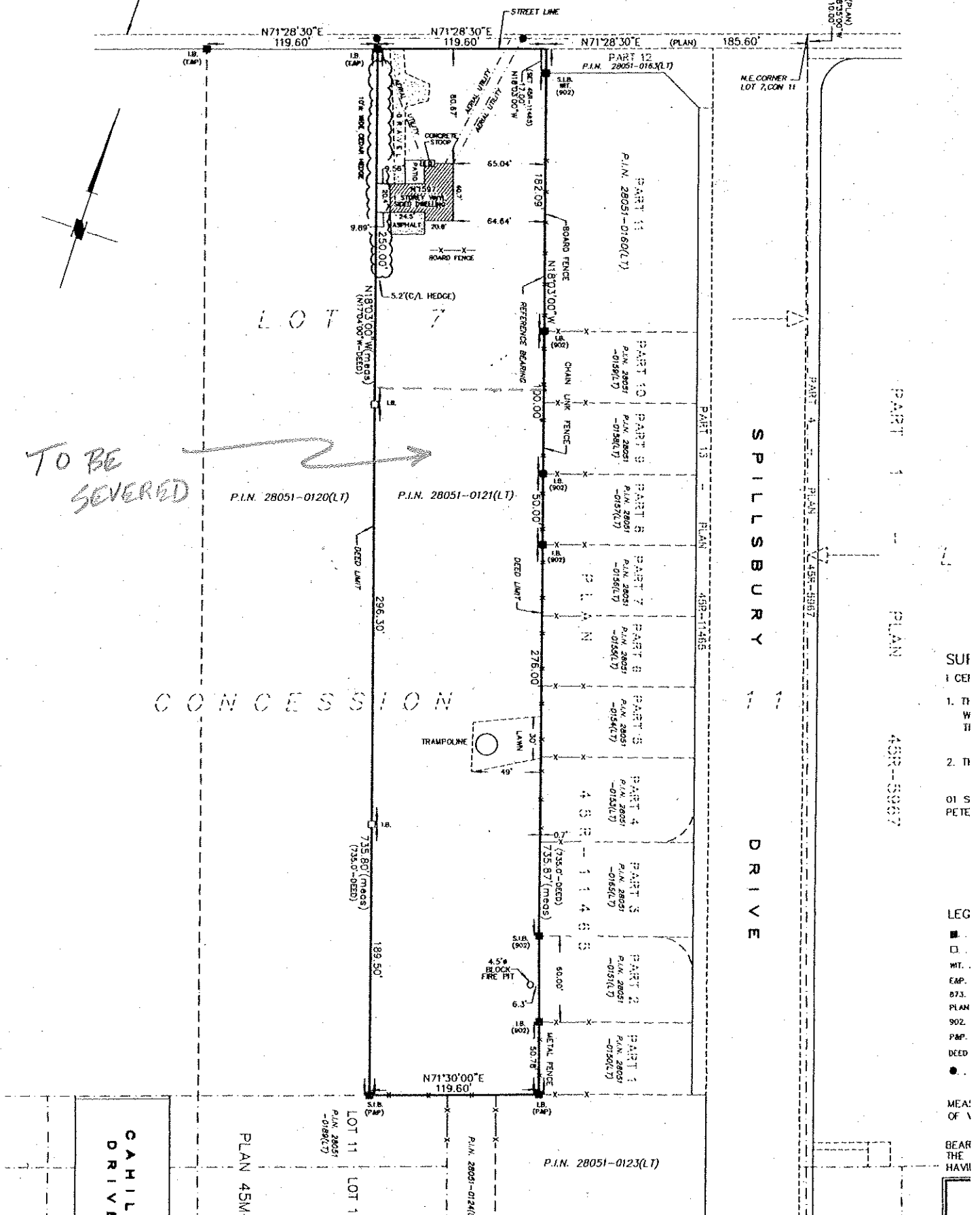
City of Peterborough

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File: z0801

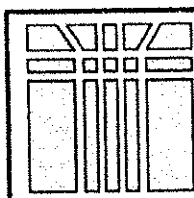
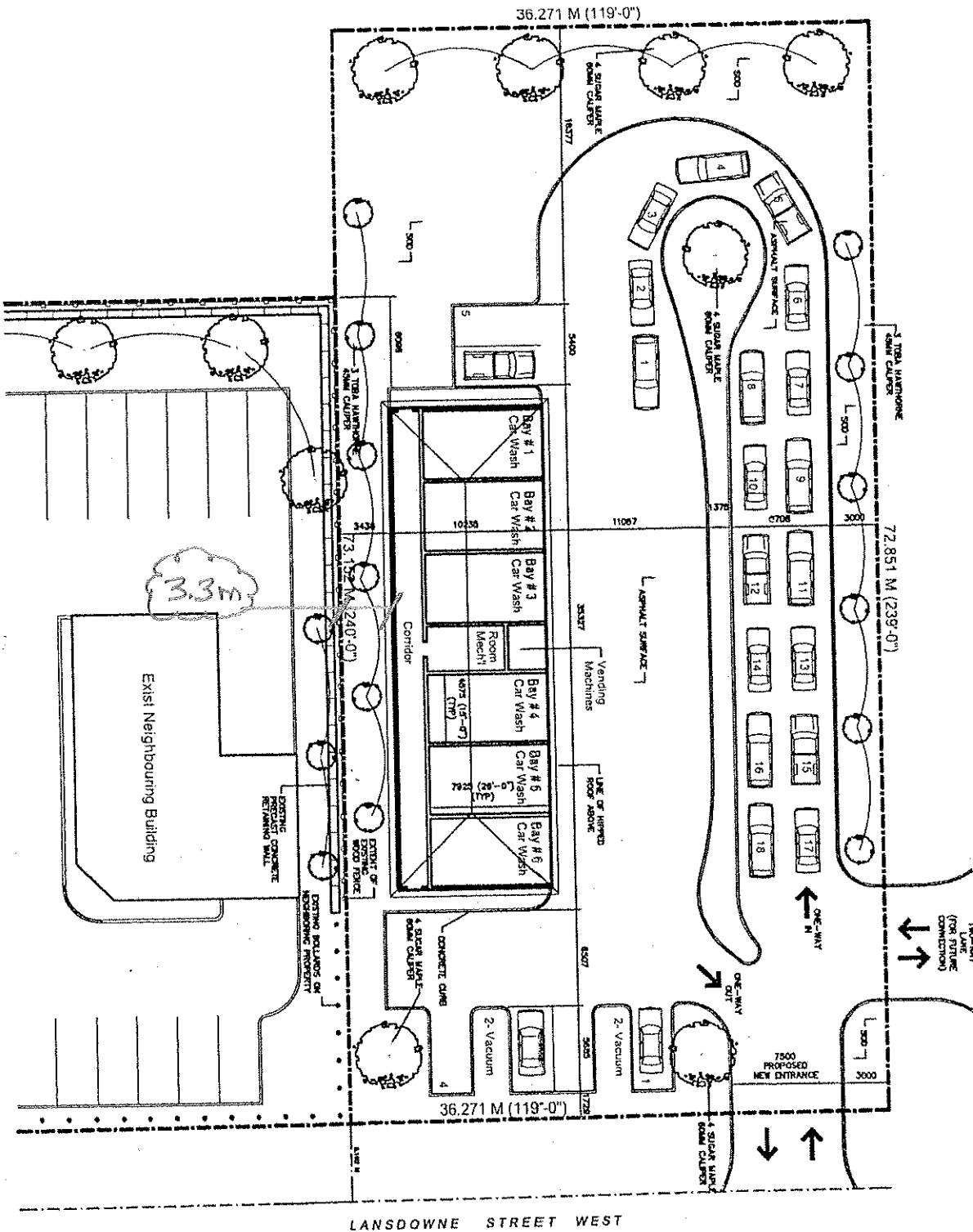
Scale: 1:2000

(ROAD ALLOWANCE BETWEEN CONCESSIONS 11 AND 12)
LANSDOWNE STREET P.I.N. 28050-0262(LT)



PART 1
PLAN 45R-5967

- SURVEY
1. TH W H
2. TH
01 S PETE
LEG
■
□
WT.
EMP.
873.
PLAN
902.
P&P.
DEED
●
MEAS.
OF
BEAR THE HAVI



TREVELYAN ARCHITECT INC.
Suite 201- 379 George Street North
Peterborough, Ontario K9H 3R2
mail@trevelyan.ca
p. 705 745 7055 f. 705 745 3318

Proposed Car Wash
1597 Lansdowne Street West, Peterborough, ON

PROPOSED SITE PLAN

Scale	Date	Project
1:400 metric	April 8, 2008	2716

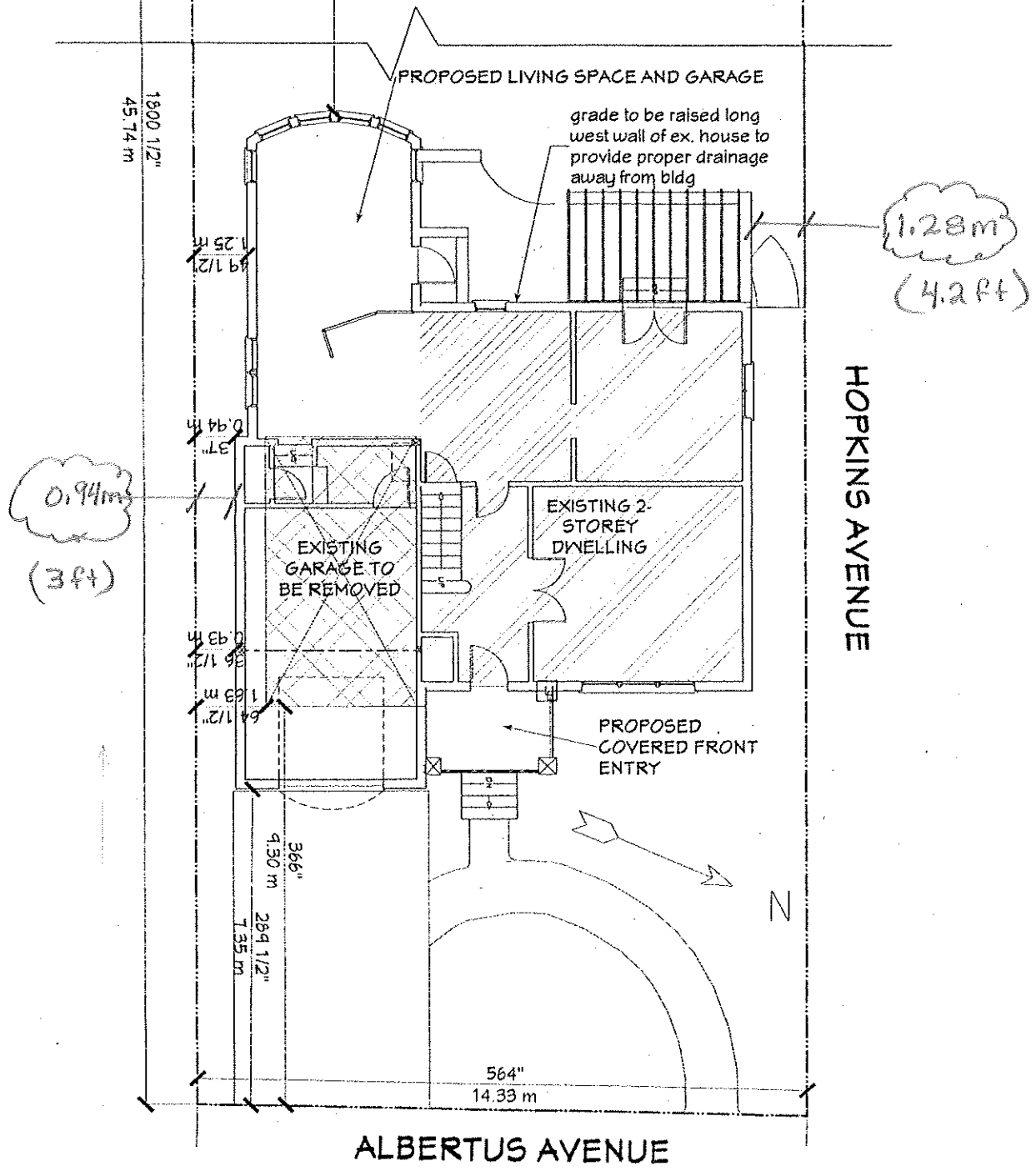
7/11/08 and 1/16/09

McGREGOR COURT

MARSDALE DRIVE



Existing Building Footprint = 1040 sq.ft (14.75% site coverage)
Proposed Building Footprint = 1431 sq.ft (20.3% site coverage)
Lot Area = 7,049 sq.ft



PERSON SHALL BE RESPONSIBLE FOR ANY JOB AND ANY TIED TO THE DRAWING THE HE SCALED.



Ewa Pozdziej
1354 Leighton Road
Peterborough,
Ontario K9H 6W6
p. 905.374.3902
f. 905.349.2242
www@dwecanada.com

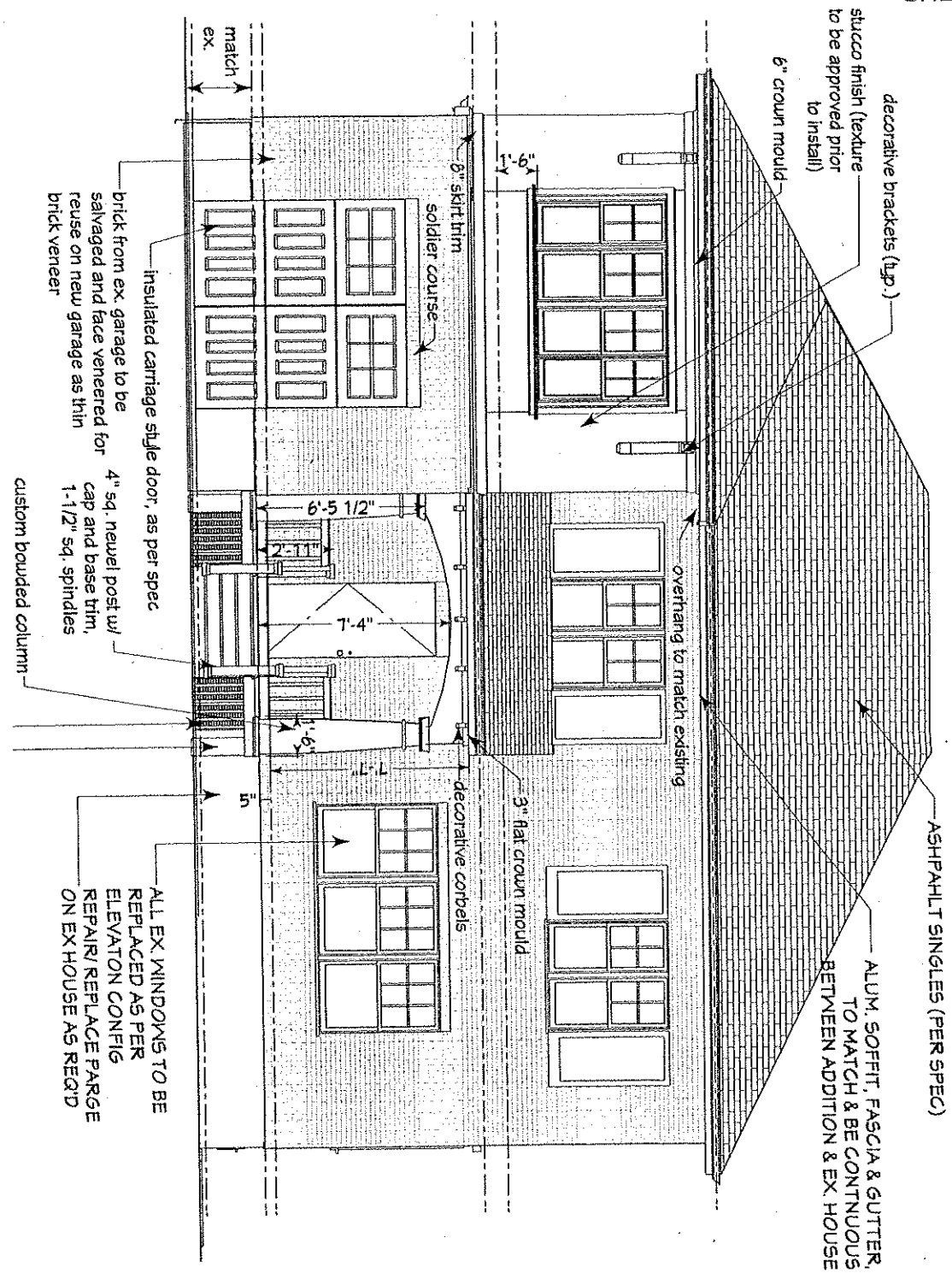
DATE	ISSUES/REVISIONS
July 27/10	ISSUED FOR PERMIT & TENDER

Jill & Neil Emery
459 Albertus Avenue
Peterborough,
ON

DRAWN BY:
DATE:
21012010
SCALE: 1/4" = 1' ON

PROJECT:
Garage Remodel
DRAWING:
Site Plan

East Elevation



brick from ex. garage to be salvaged and face veneered for reuse on new garage as thin brick veneer

4" sq. newel post w/ cap and base trim, 1-1/2" sq. spindles custom banded column

ALL EX WINDOWS TO BE REPLACED AS PER ELEVATION CONFIG REPAIR/REPLACE PARGE ON EX HOUSE AS REQ'D

ALL DIMENSIONS AND INFORMATION SHALL BE CHECKED AND VERIFIED ON THE JOB AND ANY DISCREPANCIES MUST BE REPORTED TO THE CONSULTANT BEFORE COMMENCING THE WORK. DRAWINGS ARE NOT TO BE SCALED.

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ewo@dwelldesign.ca

DATE	ISSUED FOR PERMIT & TENDER
July 27/10	ISSUES/REVISIONS

Jill & Neil Emery
459 Albertus Avenue
Peterborough, ON

DRAWN BY:
DATE:
2/16/2010
SCALE:
1/4" = 1'
ON
11"x17"

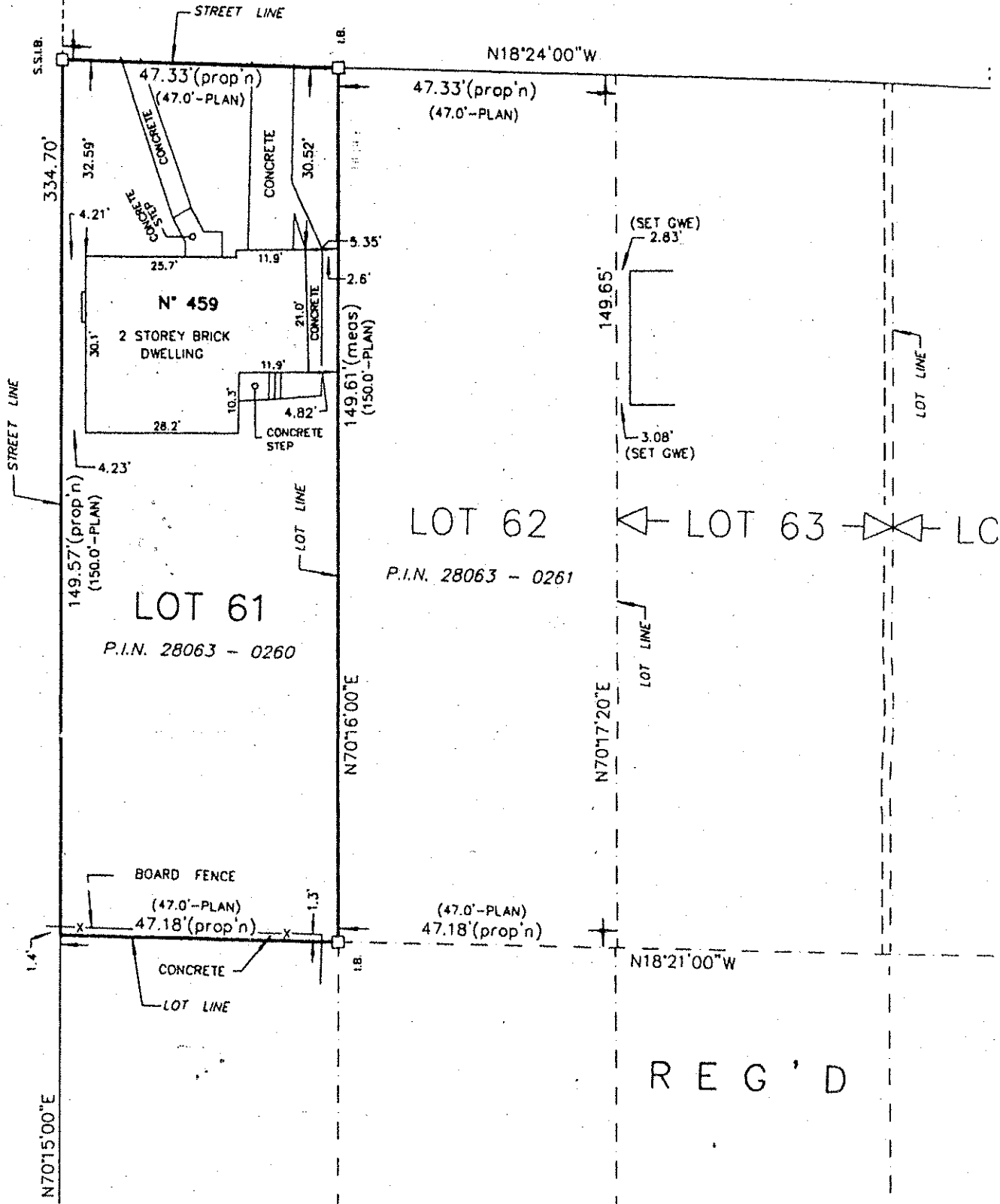
PROJECT:
Garage Remodel Elevations

ALBERT

HOPKINS AVENUE

(BY REC'D PLAN N° 158)

P.I.N. 28063 - 0277



REG'D