



City of  
**Peterborough**

## COMMITTEE OF ADJUSTMENT

HEARING DATE: December 7, 2010

---

### **Staff Comments Re: Files: A32/10, A33/10, A34/10 and A35/10**

#### **A32/10 – 77 Benson Avenue - Ben Brouwer & Nicole Christie**

The subject property is located in an older established neighbourhood of the City at the corner of Benson Avenue and O'Carroll Avenue. Benson Avenue is a collector street through an older established neighbourhood with a road allowance width of 20 metres.

The owners have recently removed a covered verandah on the front of the dwelling that had fallen into disrepair. The removed structure consisted of a substantial 4.45 metre wide, open sided verandah that projected 3.385 metres (11.1 ft) from the front face of the building. The verandah was designed with a terrace style balcony on top accessed from the second storey of the dwelling. The owners would like to reconstruct the open verandah in the same location with an enclosed addition on the second storey in place of the balcony. A variance is therefore requested to reduce the minimum building setback from the Benson Avenue property line from 6 metres (19.6 ft) to 4.2 metres (13.77 ft) to allow the proposed second storey addition as illustrated by Exhibit A attached to this document.

Staff visited the property and considered the established standard of development of dwellings in the vicinity including their location in relation to the street line, particularly the staggered location of the dwelling on the adjacent property to the north. Staff have also reviewed the plans for the proposed addition and are of the opinion that the proponent will be constructing an addition designed to complement the architectural integrity of the building. Staff noted that the proposed addition is located 2.7 meters (9ft) from the north side lot line. Considering the bend in Benson Avenue, the setback of the structure in relation to the building on the adjacent property and the attention to architectural detail offered by the proponent, Staff are of the opinion that the variance requested to the setback regulations of the by-law that include the second storey addition would be minor. Staff would not object to the Committee granting the variance as described.

#### **A33/10 – 475 Gilmour Street - Mike Gallant**

The owner has begun constructing a new, open sided verandah across the front of the dwelling on the property connected to a covered platform located to the east side of the property without a building permit. Considering the survey of the property and the dimensions of the structure, a variance is requested to reduce the minimum required building setback from the Gilmour Street property line from 6 metres (19.6 ft) to 3.2 metres (10.5 ft) to permit the structure.

The subject property is located mid block on the south side of Gilmour Street in an older

established neighbourhood of what may be described as stately, older homes many of which were constructed just before the turn of the century. Gilmour Street is a local street with a road allowance width of 17 metres. Considering the width of the road allowance and the nature of dwellings in the neighbourhood, Gilmour Street may be characterized as a pedestrian oriented residential street. Although most dwellings along the south side of Gilmour Street have covered verandahs open to the street, the setback of such structures is relatively uniform and consistent considering the structural design, proportionate massing and the potential use in relation to street.

Considering the established standard of development in the neighbourhood, Staff is of the opinion that the establishment of a covered, open sided verandah across the front of the dwelling would be appropriate, however the projection of the covered platform is not consistent with the established standard in the neighbourhood and is viewed as a departure from the design standard and character of buildings in the neighbourhood. Because the width of the road allowance is less than standard The Committee should be aware that a decision to support the variance would set a precedent that would automatically apply to adjacent properties in accordance with Section 6.11(b) ii) of the zoning by-law , potentially changing the set back in relation to the street over time.

Concerned with setting a new precedent for setbacks in relation to a local street with a substandard road allowance width, staff are recommending that the variance as applied for be denied. Staff would however support a lesser variance to reduce the minimum building setback to 4.4 metres (14.5 ft) to permit a covered, open sided verandah across the front of the dwelling and to 3.58m (11.75ft) to recognize the location of the 2.75 metre wide staircase descending from the verandah. A variance to reduce the minimum building setback from the west side lot line from 1.2 metres to 0.68 metres (2.25 ft) would also be supported to recognize the location of the verandah and stairs as established.

Should the Committee grant the variances as recommended, a condition should be that the owner acquires a building permit for the structure and remove the portion of the structure not permitted within 4 months or the decision should lapse and be null and void.

#### **A34/10 – 406-408 George Street North -- TVM George Street Inc.**

The owner is renovating the building creating new residential apartment units in the upper level. The renovation involves creation of eight residential apartments units within the second and third floors of the building. The parking by-law exempts the first four units from providing any parking spaces. The by-law would apply to the second four units at a reduced rate for the Central Business District requiring that 2 parking spaces be provided. Relief is requested from the by-law with respect to two parking spaces required to support the redevelopment.

The subject property is located in an intensely developed location the heart of the Central Business District. Because there is no room on the property to provide parking the owner would be required to pay cash-in-lieu of parking. Staff considers this project progressive, renovating and converting vacant upper level space within older buildings in the down town Central Business District while preserving the historic integrity of the outward appearance of the buildings.

Staff considered that the owner has entered into agreements with the City and the Province regarding four of the eight units being registered as “affordable units”. The agreement would require that the rent rate for the four units remain “affordable” for twenty five years including a five year phase out period whereby new tenants would pay “market rent” rates. Staff considered the location of the units in the down town, in close proximity to most amenities. In addition, staff considered the affordable nature of the residential units and the propensity for such tenants living down town to not own a motor vehicle. Staff would therefore consider the request for relief a reasonable proposal and therefore not object to the Committee granting a minor variance to reduce the required parking from two to one as a minor variance.

**A35/10 – A35/10 – 332-344 Rubidge Street - Calder Terraces Ltd.**

The owner is requesting relief from Section 266.3 (g) of the SP.236 Commercial zoning district to be able to permit a residential use to be located within the first storey of the building.

The building on the property known as Cox Terrace is a Designated Property under *Ontario Heritage Act* and recognized as a National Historic Site since 2007. The building constructed in 1884, is recognized as a prime example of Second Empire Architecture in Canada and is celebrated as an elegant example of early nineteenth century row house design in our City. In 1989, the property was rezoned from R.3 – R.4 Residential to a SP. 236 Commercial to permit the lower level of the building to be used for commercial purposes. In 1989, the Peterborough Architectural Conservation Advisory Committee requested that Council recognize that the building was designed as residential row housing and that ideally, the use of the building should “be kept as close to the original use as possible.” Notwithstanding the opposition at the time, concerning the additional stress that commercial use may generate regarding parking, Council passed the by-law rezoning the property, provided that the integrity of the building is not compromised by the new commercial uses.

Staffs have considered the nature of the building and the historic use and design of the building for residential purposes. Staff also considered the nature of development along Rubidge Street in this vicinity in relation to the Official Plan Policies that intend to maintain a continuous commercial experience on the lower level of the street front. Staff is of the opinion that Rubidge Street departs from the Charlotte Street West Business District where it would be more important to preserve the continuity of commercial uses along the street front level. Considering the setback of the building from the street front and the front lawn in front of Cox Terrace that reflects the original use of the building as a residential row house, staff is of the opinion that it would be appropriate to allow the main level of the building to revert back to residential purposes relying on the management of the building to consider any potential conflicts between commercial and residential uses in proximity to one another as it does today.

Providing flexibility through a variance to the use of the building as it had historically been used in order to assist with the economics of maintaining the architectural integrity of this building would be logical. Staff would not object to the Committee granting relief from

Section 266.3 (g) of the SP.236 Commercial zoning district to be able to permit a residential use to be located within the first storey of the building on the condition that the variance pertain only to the use of the building that would involve no modification to the external façade of the building, including doorways, window openings and the roof.

---

**Richard Straka**  
Planner Policy & Research

---

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

P.L.N. 28113 - 0125(LT)

LOT 33

PLAN

ENCE BEARING

304.12'

LOT 32

P.L.N. 28113 - 0127(LT)

PART OF BLOCK C  
REG'D PLAN N° 18

P.L.N. 28113 - 0169(LT)  
( BY REG'D PLAN N° 149 )

AVENUE

BOARD FENCE ON LINE  
N31°35'50"W  
51.33' (meas)  
(51.51'-DEED)  
DEED LIMIT



(SET DEED)  
24.13'

N54°28'30"E  
BOARD FENCE

N°

149

P.L.N. 28113 - 0126(LT)

S.W. CORNER  
LOT 31, R.P. 149

ASPHALT

LOT LINE

LOT 31

DECK

100.00'

(SET PLAN)  
100.00'

124.13'

2 STOREY  
D.WELLING

WOOD  
STOP

28.3'

19.9'

52.83'

102.83'

WIDENING

BY REG'D

PLAN N° 149

( NO P.L.N. )

134.85'

9.1'

8.8'

8.8'

12.2'

14.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

8.8'

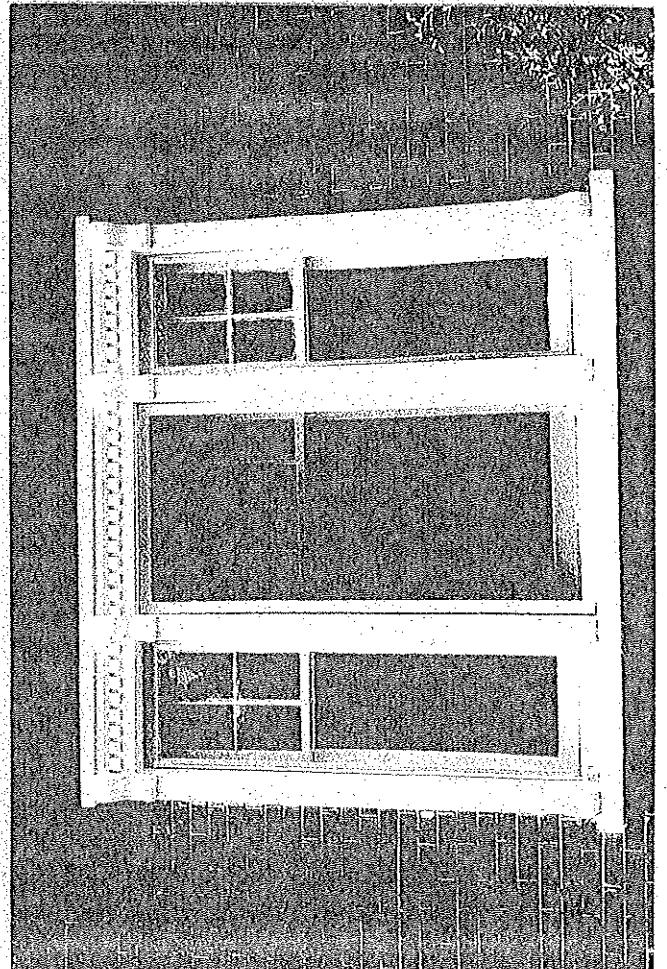
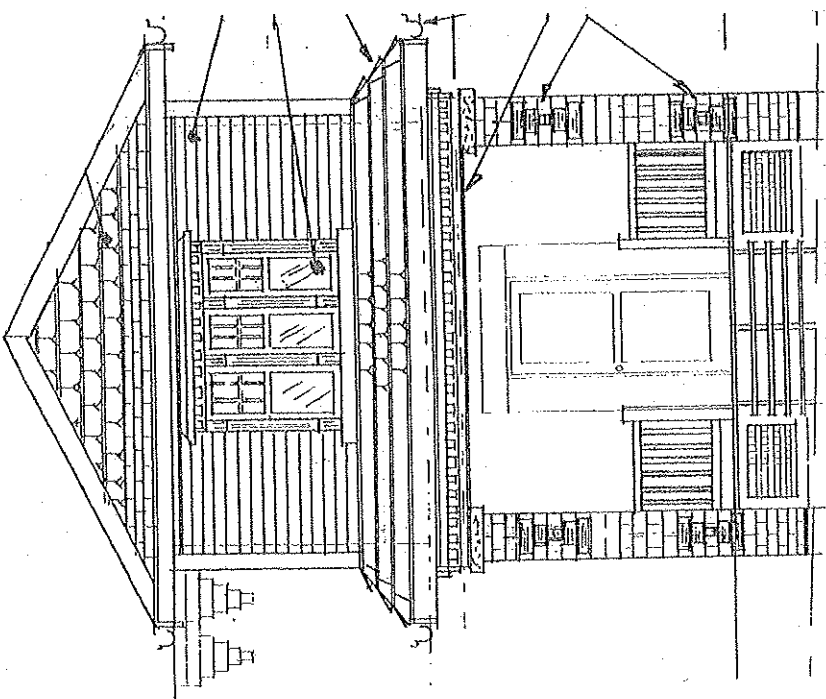
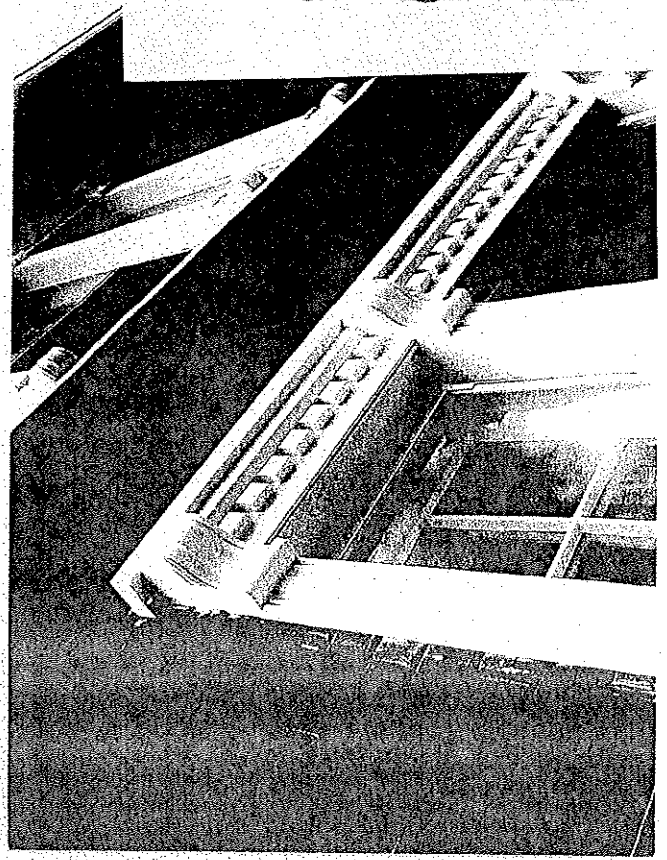
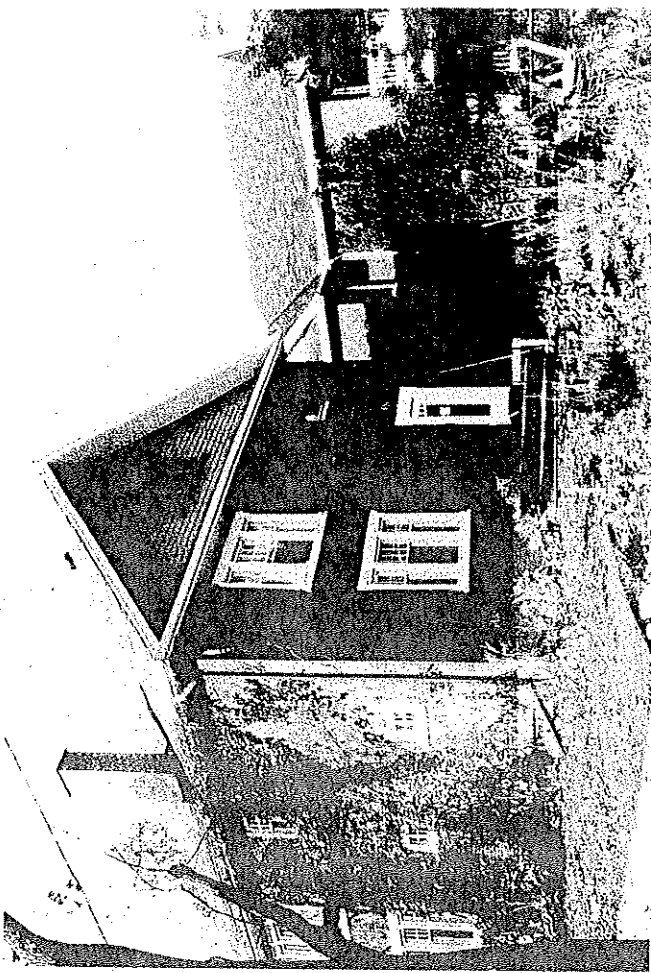
8.8'

8.8'

8.8'

8.8'





FILE

GILMOUR STREET

REGISTERED PLAN No. 73

15 FT. LANE

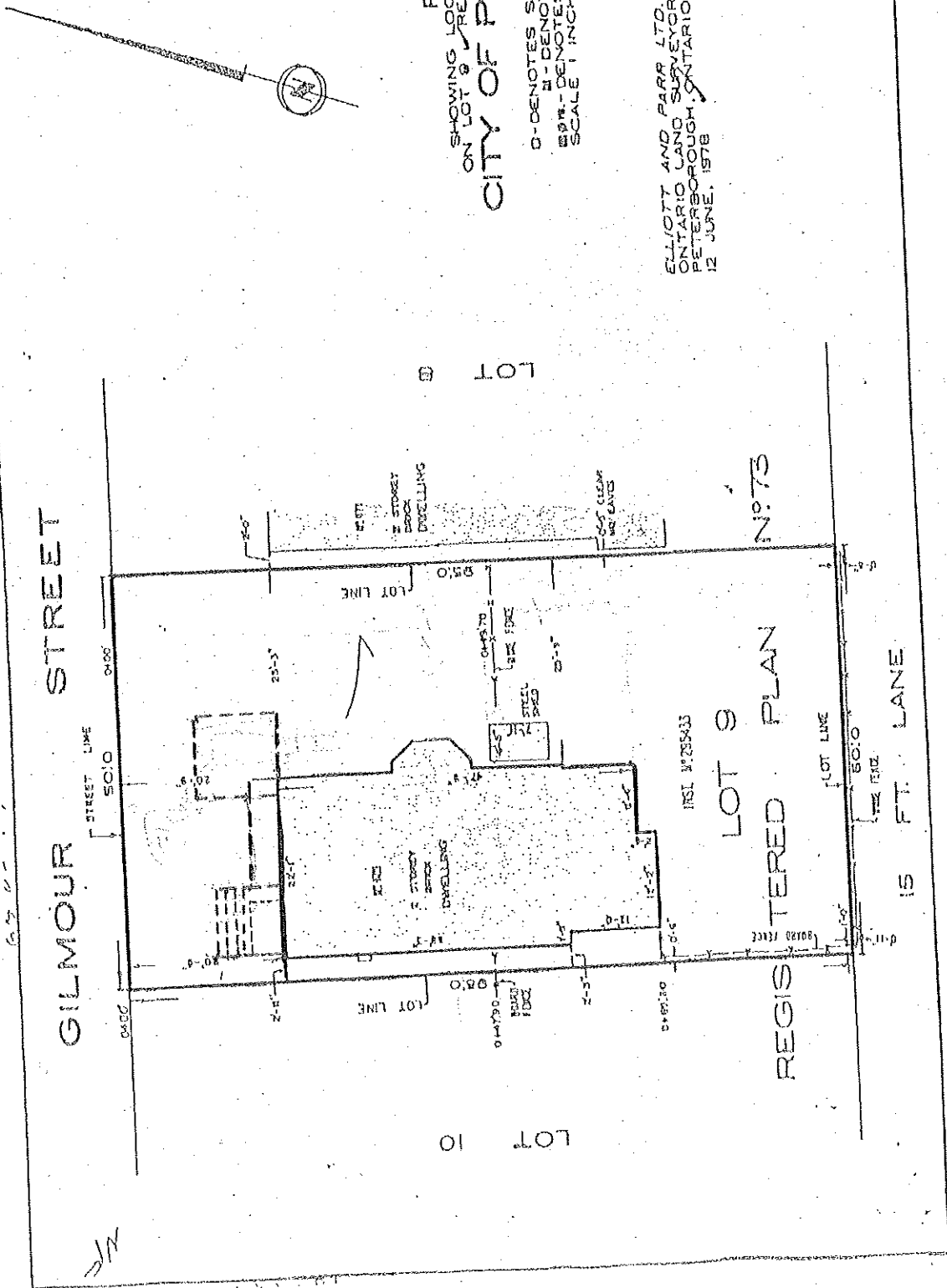
PLAN OF DWELLING ON LOT 9 REGISTERED PLAN No. 73 CITY OF PETERBOROUGH

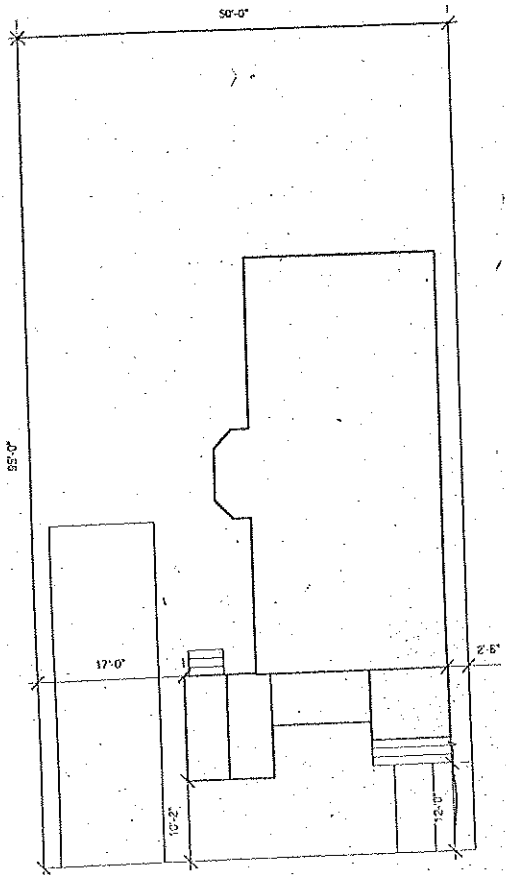
O - DENOTES STANDARD IRON BAR  
H - DENOTES IRON BAR  
S.W. - DENOTES IRON BAR (ROUND)  
SCALE 1 INCH = 15 FEET

ELLIOTT AND PARR LTD  
ONTARIO LAND SURVEYORS  
PETERBOROUGH, ONTARIO  
12 JUNE, 1978

*[Signature]*  
ROBERT B. PARR  
Ontario Land Surveyor

EXHIBIT 13  
SHEET 1 OF 2





**Site Plan:**

\*\* See copy of survey attached.

