



City of  
**Peterborough**

## COMMITTEE OF ADJUSTMENT

HEARING DATE: January 25, 2011

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### **Staff Comments Re: Files: A01/11, A02/11, B01/11, and B02/11**

#### **A01/11 – 1005 Chemong Road - 167522 Ontario Ltd.**

The subject property located at the south west corner of the intersection of Chemong Road and Simons Avenue was zoned SP. 341 Special District Commercial and a new building was constructed on the property as a dental clinic. A recent survey has determined the new building as built to be located too close to the south lot line requiring a variance to reduce the minimum building setback from the south side lot line from 3 metres (9.84 ft) to 2.99 metres (9.8 ft) to recognize the location of the building as established.

Considering the survey attached as Exhibit A, it should be noted that the side lot lines of the property are not parallel and taper to the west contributing to the potential to make a minor error in the location of the building. Staff considers the variance to be minor, and the impact of granting the variance to be insignificant.

The property is located at the intersection of an arterial and collector roadway. It should be noted that the property had been subject to a rezoning application and the report to Council cited the requirement of a road widening and daylight radius. The property was also subject to site plan agreement that illustrated the daylight radius on the plan. Through the site plan approval process, staff inadvertently omitted acquiring the daylight radius at the intersection as a condition for approval. As a condition for approval of the variance, staff are requesting that the Committee require the conveyance, to the City, free of encumbrances and at no cost to the City, of a 7.62 metre radius at the north east corner of the property. Considering the site plan, conveyance of the daylight radius will have no impact on the development of the property but will provide the municipality with more flexibility for locating utilities above or below ground.

#### **A02/11 – 550 Lansdowne Street West - 938804 Ont. Inc.**

The owner would like to establish a pergola structure across the front of the property that will operate as a retail garden centre. A variance is requested to reduce the minimum building setback from the centreline of the original road allowance of the Lansdowne Street West right of way from 24.4 metres to 17.18 metres to permit the structure in its proposed location.

The subject property is designated as a Service Commercial property located on a major arterial roadway. The designation and zoning of the property would permit uses that could establish a garden centre as an accessory use. The proposed garden centre would

involve establishment of a frame structure occupying 17 parking spaces across the front of the property. Staff examined the parking available on the site in relation to the existing development and use and determined that there is a surplus that would not only afford the parking spaces occupied by the structure, but still have parking to support the proposed additional retail activity of the garden centre as well.

The proposed structure is to be designed to expose the floral wares within the enclosure to appear almost like a landscaping feature. The enclosure will effectively display the flowers and vegetation that will be retailed from the site forming a part of what will be seen from the Lansdowne Street profile. Staff carefully considered this proposal from a streetscape perspective and would suggest that the effect of this variance will contribute to the beautification of the streetscape rather than simply allowing the wall of a building to be established closer to the street.

Staff would not object to the Committee granting a variance to reduce the setback of the structure from Lansdowne Street West for a distance of 46 metres provided that the proposed structure does not consist of a solid wall of a building and is designed to appear more like aesthetically appealing landscape structures associated with the nature of the products being sold from the site as portrayed by the drawings attached to the report as Exhibit B.

The Committee should note that there is a site plan agreement regarding development of the subject property that predated the latest Transportation Plan and current road widening requirements for Lansdowne Street West. As a condition for approval of this variance, Staff would request that the Committee require conveyance, to the City, free of encumbrances and at no cost to the City, of a 3 metre wide strip of land across the entire Lansdowne Street road frontage for the purpose of widening the Lansdowne Street West road allowance.

### **B01/11 – 1627 Forster Avenue - Bernard & Deborah Vanden Broek**

Referring to the Plan attached as Exhibit C, the owner of 1627 Forster Avenue would like to convey the westerly 23.77 metres of the subject property to the owner of the adjacent property known as 1631 Forster Avenue. The 361.1 sq metre parcel of land is surplus to the needs of the subject property and would contribute to a more logical configuration of land ownership in relation to use of the property to which it would be added. The zoning of the property to be severed is R.1, 1m, 2m Residential, the same as the zoning of the property to which it will be added.

Staff would recommend that the Committee grant the consent as described provided that Section 50(5) of the *Planning Act* apply to subsequent transactions involving the parcel of land that is the subject of this application.

**B02/11 – 383 Park Street North - Thomas Miller & Barbara Chisholm**

Referring to the Plan attached as Exhibit D, the owner of 383 Park Street North would like to convey the westerly 21.17 metres (70 ft) of the subject property to the owner of the adjacent property known as 380 Belmont Avenue being the same owner under separate title. The 282.2 sq metre parcel of land is surplus to the needs of the subject property and would contribute positively to the planned development of 380 Belmont Avenue in relation to its proposed property boundaries. The zoning of the property to be severed is R.1,1m, 2m Residential, the same as the zoning of the property to which it will be added.

The Committee has addressed three applications regarding 380 Belmont Avenue, File A51/06, A78/06 and File A29/10. The Committee granted variances to reduce the minimum building setback from the easterly rear lot line from 7.5 metres (25 ft) to as little as 1.5 metres (5ft) as of October 2010. The planning rationale supporting the variances was based on the 67.7 metre depth of 383 Park Street North providing a reasonable separation distance between buildings particularly with the location of the dwelling on 383 Park Street North property being located close to Park Street North.

Considering the proposed reconfiguration of the lot lines between 380 Belmont Avenue and 383 Park Street North, Staff is concerned with the variances granted that would apply to the development potential of 380 Belmont Avenue in relation to the proposed, redefined rear lot line that could result from this application.

Considering the circumstances, Staff would not object to the Committee granting the consent as described provided that Section 50(5) of the *Planning Act* apply to subsequent transactions involving the parcel of land that is the subject of this application. The consent should also be granted on the condition that the owners of 380 Belmont Avenue enter into an agreement with the City to be registered on title of 380 Belmont Avenue that would effectively rescind the rights granted by the two variances to develop any closer than 7.5 metres from the easterly rear lot line.

Finally, Park Street North is a high capacity collector street. Considering the role of this street and its current width of 20 metres, the Utility Services Division is requesting as a condition of the consent, that the owner convey to the City, free of encumbrances and at no cost to the City, a 1.5 metre wide strip of land across the frontage of the subject property for the purpose of widening the road allowance. Considering the current development of the property, the requested widening will not have any impact on the subject property.

**A03/11 – 509 Parnell Street - Ted Higgins**

Referring to the Plan attached as Exhibit E, the owner would like to construct a second storey addition over the existing extension to the rear of the dwelling. A variance is therefore requested to reduce the minimum building setback from the west side lot line from 1.2 metres to 0.84 metres to allow for the second storey addition.

City records indicate that the dwelling was constructed on the property in approximately

1907. Referring to the survey, the building was constructed on an angle located as close as 0.3 metres (1.3 ft) from the east side lot line diverging from the lot line to 0.8 metres (2.77 ft) from the lot line at the rear of the building and to 1.14 metres (3.76 ft) (calculated) at the rear corner of the addition over which the second storey is proposed.

Staff visited the property and noted that the dwelling on the adjacent property to the east is separated by a driveway on the property. The driveway on the adjacent property separates the proposed addition from the neighbouring dwelling by approximately 4 metres. The driveway provides access to a garage located to the rear of the property separated by a distance of approximately 1.4 metres (4.5 ft).

Staff considered the long established standard of development in the neighbourhood and the physical separation of the proposed addition from buildings on adjacent properties. Subject to concerns raised by neighbouring property owners, Staff would not object to the Committee granting the variance as described. It should be noted that that no windows in the addition would be permitted within 1.2 metres of the east side lot line unless they are fire rated and the wall is constructed in accordance with the spatial separation requirements of the Ontario Building Code.

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**Richard Straka**  
Planner Policy & Research

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

**SURVEYOR'S REAL PROPERTY REPORT**

**NOTE:**  
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

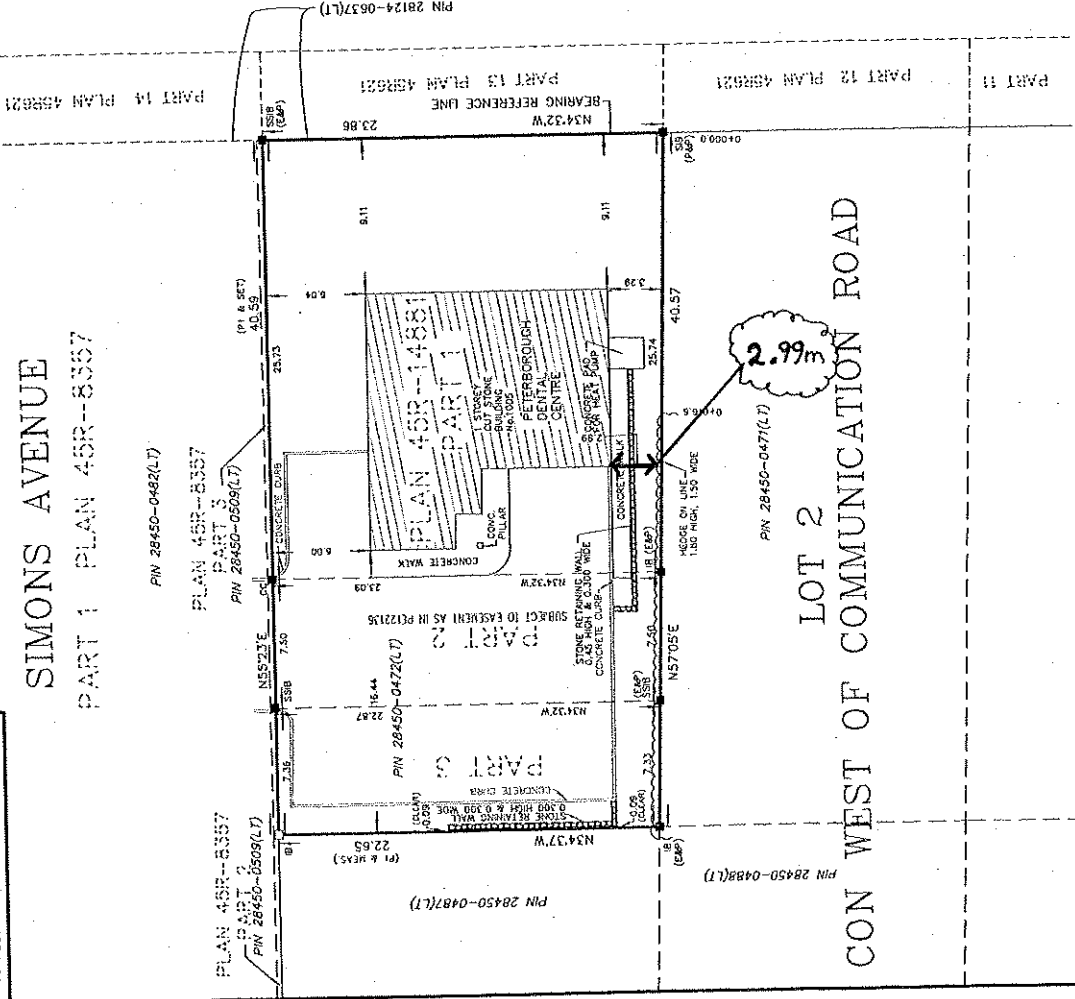
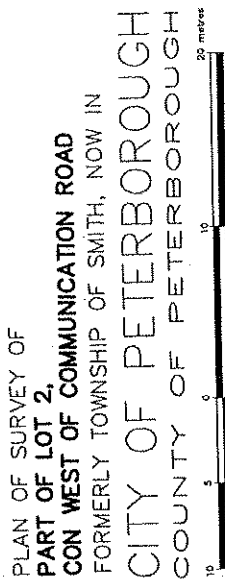
**SIMONS AVENUE**  
**PART 1 PLAN 45R--8357**

PLAN OF SURVEY OF  
**PART OF LOT 2,**  
**CON WEST OF COMMUNICATION ROAD**  
FORMERLY TOWNSHIP OF SMITH, NOW IN  
**CITY OF PETERBOROUGH**  
COUNTY OF PETERBOROUGH

**CHEMONG ROAD**

SCALE: 1 : 250

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2010



PART 2: REPORT SUMMARY	
DESCRIPTION OF LAND:	
REGISTERED EASEMENTS and/or RIGHTS-OF-WAY:	* PART OF LOT 2, CON WEST OF COMMUNICATION ROAD *
ENCROACHMENTS:	* PART 2 - SUBJECT TO EASEMENT AS IN PE122136 *
COMPLIANCE WITH MUNICIPAL ZONING BY-LAWS:	* NONE *
ADDITIONAL REMARKS:	* NOT CERTIFIED BY THIS REPORT *
	* TIES SHOWN HEREON ARE MEASURED TO CONCRETE FOUNDATION *

THIS REPORT WAS PREPARED FOR THE EXCLUSIVE USE OF 1675522 ONTARIO LIMITED

**ELLIOTT AND PARR (PETERBOROUGH) LTD.**  
ONTARIO LAND SURVEYORS  
P.O. BOX 1116 211 SHERBROOKE ST.  
PETERBOROUGH, ONTARIO  
K9J 7H4 (705) 745-8444

FILE: 5996 JOB: 28919  
DRAWN BY: RW

**SURVEYOR'S CERTIFICATE:**

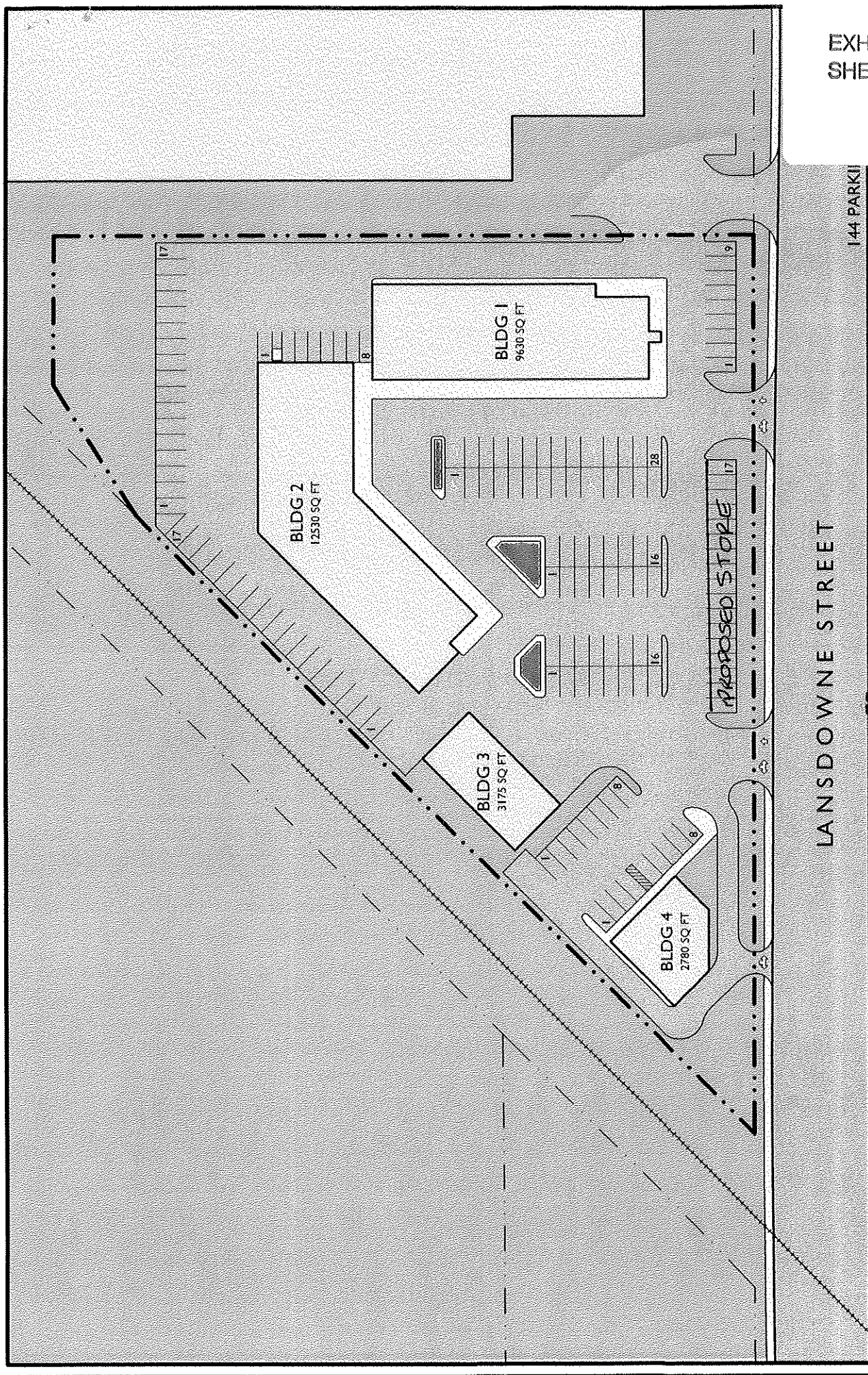
I, **STANIS W. GOONINOR**, Ontario Land Surveyor, on **19 OCTOBER, 2010**

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.  
2. THE SURVEY WAS COMPLETED ON 5 OCTOBER, 2010

**LEGEND:**

- DENOTES SURVEY MONUMENT FOUND
- DENOTES SURVEY MONUMENT SET
- SB DENOTES STANDARD IRON BAR
- IB DENOTES IRON BAR
- CC DENOTES CUT CROSS
- WT. DENOTES WITNESS CUT CROSS
- P1 DENOTES PLAN 45R-14881

**BEARING NOTE:**  
BEARINGS ARE ASTROMERIC, DERIVED FROM THE WESTERLY LIMIT OF PART 1, PLAN 45R-14881 HAVING A BEARING OF N34°32'W



LANSDOWNE STREET

144 PARKL

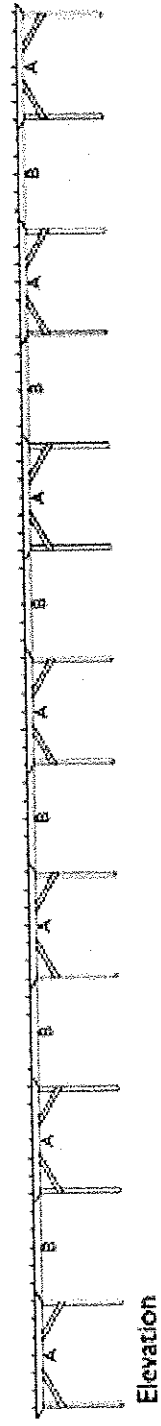
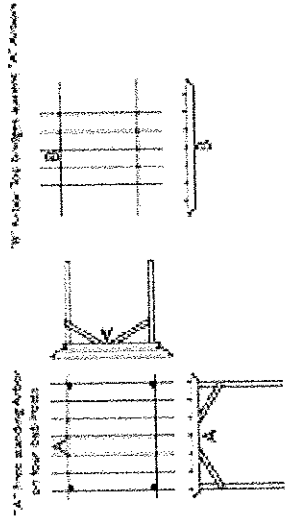
PROPOSED STORE

AREA CALCULATIONS (ALL DIMENSIONS IN SQUARE METRES)	
	%
SITE	100.0
BUILDING	19.7
PARKING	53.9
LANDSCAPE	26.4

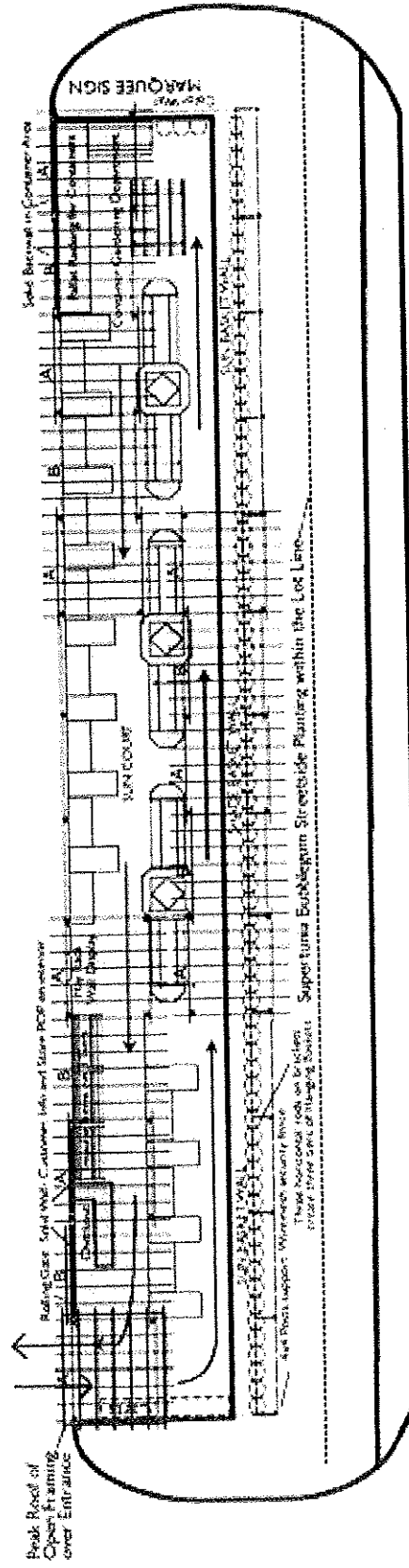
PETER BROUUGH  
 CITY OF DEVELOPMENT SERVICES  
**RECEIVED**  
 OCT - 5 2011  
 TO: \_\_\_\_\_  
 FILE: \_\_\_\_\_

SCALE: 1"=80'  
 EXISTING CONDITIONS R01

The Arbor structures shown stand 10' high on four corner posts. The outboard ends of the rafters are set 3" lower than inboard ends. Sections can be covered with poly to provide rain protection. Rainwater will drain away from center. Water can be captured by gutters and used for irrigating plants. Other sections can have shade cloth.



Elevation



Plan View

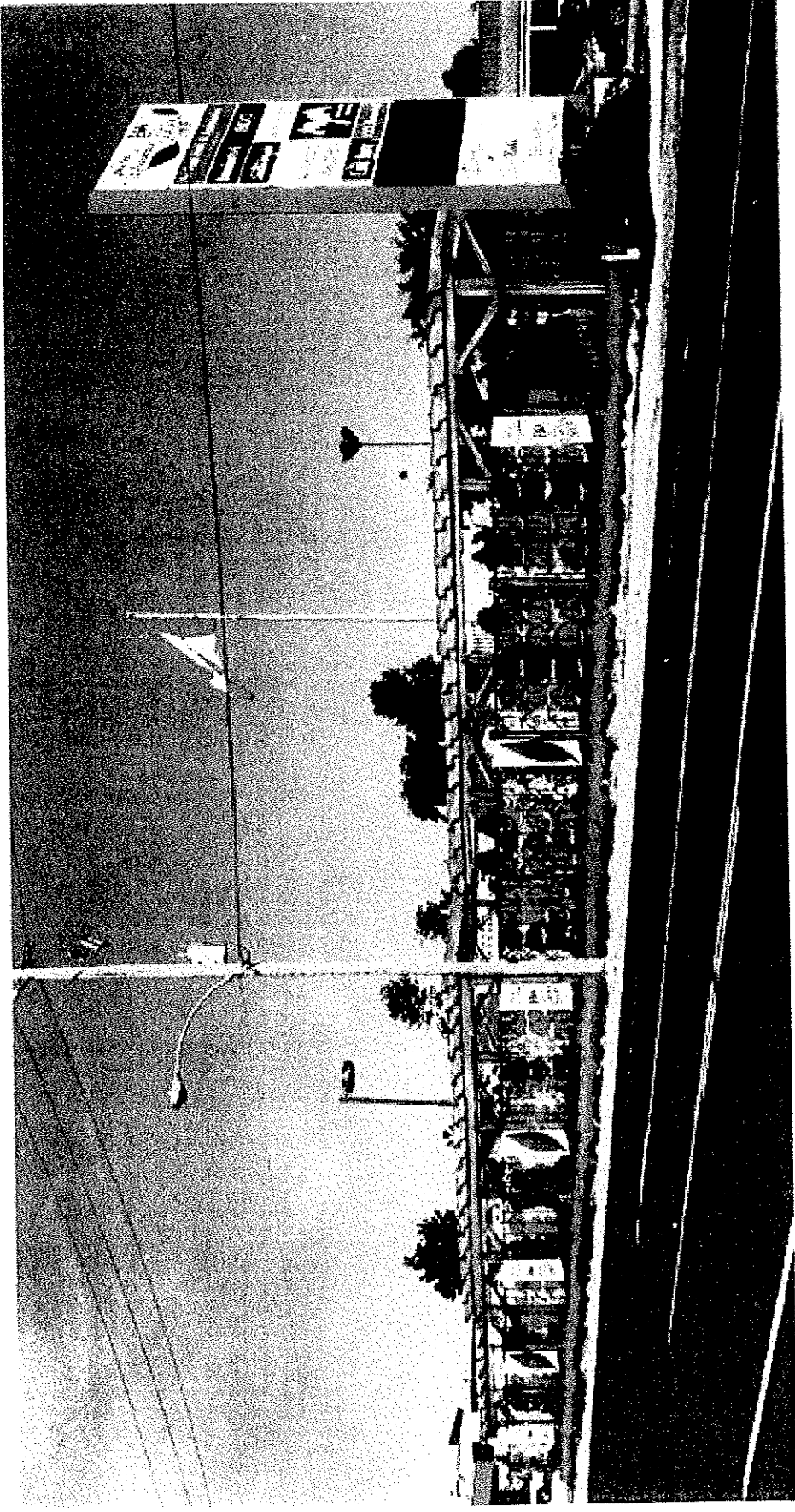
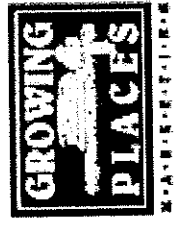
Johnston's Greenh  
 Proven Winners  
 Garden Shop  
 Scale: 1" = 20'  
 Date: September 2010



23' x 160' Garden Shop	3680 sf	covering 48% of the 43' x 178' parking space and green buffer	7654 sf area
Retail Bench/Sheff space	1881 sf		
Hanging Baskets (2' dia)	231 capacity	on three deep 160' rods at 72" 50' 28" heights	
May Rack Display space	72 sf	6' x 12' wall area	
Customer Info Space	104 sf	6.5' x 16' wall area adjoining and behind Checkout Counter	

Johnston's Greenhouses  
Proven Winners  
Garden Shop

Date: September 2010



RECORD AND DEPOSITED AS PLAN UNDER THE REGISTRY ACT. 25 JUNE 1988

45R-1111  
June 25, 1988  
D.M. Robertson  
D.M. ROBERTSON  
ONTARIO LAND SURVEYOR

PLAN OF SURVEY OF LOT 5 AND 6, REGISTERED PLAN 840 AND PART OF LOT 7, CONCESSION II, CITY OF PETERBOROUGH FORMERLY THE TOWNSHIP OF NORTH MONAGHAN COUNTY OF PETERBOROUGH SCALE 1" = 40'

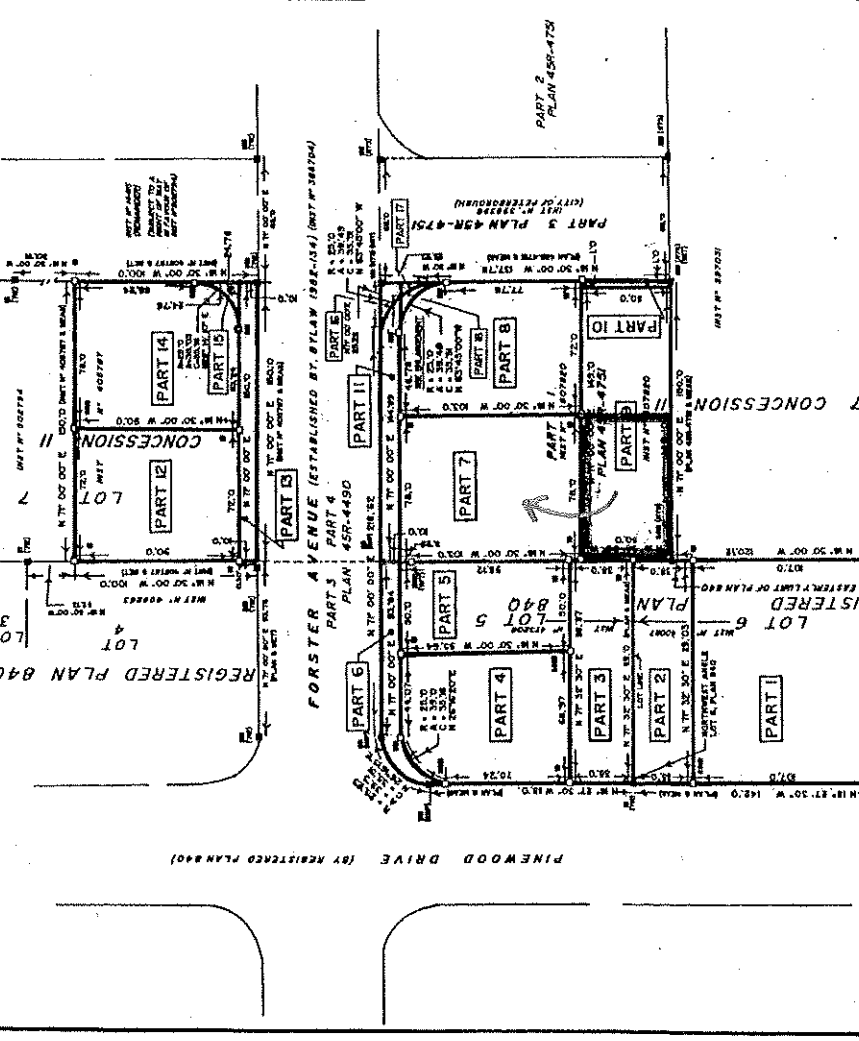
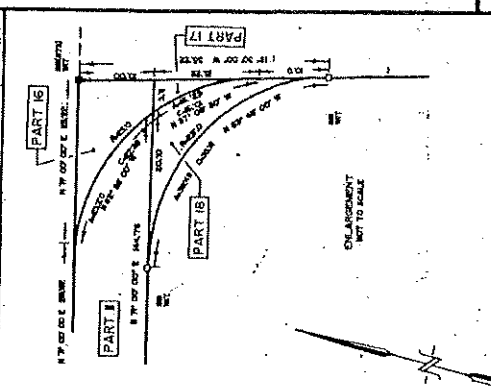
CAUTION: THIS IS NOT A PLAN OF SUBDIVISION WITHIN THE MEANING OF THE PLANNING ACT.

NOTES:  
1. BEARINGS AND DISTANCES ARE AS SHOWN AND HAVE BEEN DERIVED FROM THE SURVEY AND THE PLAN IS ACCORDANCE WITH THE SURVEY ACT AND THE REGULATIONS MADE THEREUNDER.  
2. THE SURVEY WAS COMPLETED ON THE 25TH DAY OF JUNE 1988.

D.M. ROBERTSON, LAND SURVEYING  
45 QUEEN STREET,  
LAKEFIELD, ONTARIO

TELEPHONE: 852-4078

PART	LOCATION	REG. NO.	AREA
1	LOT 5, REGISTERED PLAN 840	450917	2,740 SQ. FT.
2	LOT 6, REGISTERED PLAN 840	450917	4,488 SQ. FT.
3	LOT 7, CONCESSION II	472228	8,432 SQ. FT.
4	PART OF LOT 7, CONCESSION II	507820	1,024 SQ. FT.
5	PART OF LOT 7, CONCESSION II	507820	7,408 SQ. FT.
6	PART OF LOT 7, CONCESSION II	450917	1,400 SQ. FT.
7	PART OF LOT 7, CONCESSION II	450917	1,400 SQ. FT.
8	PART OF LOT 7, CONCESSION II	450917	1,400 SQ. FT.
9	PART OF LOT 7, CONCESSION II	450917	1,400 SQ. FT.
10	PART OF LOT 7, CONCESSION II	450917	1,400 SQ. FT.
11	PART OF LOT 7, CONCESSION II	450917	1,400 SQ. FT.
12	PART OF LOT 7, CONCESSION II	450917	1,400 SQ. FT.
13	PART OF LOT 7, CONCESSION II	450917	1,400 SQ. FT.
14	PART OF LOT 7, CONCESSION II	450917	1,400 SQ. FT.
15	PART OF LOT 7, CONCESSION II	450917	1,400 SQ. FT.
16	PART OF LOT 7, CONCESSION II	450917	1,400 SQ. FT.
17	PART OF LOT 7, CONCESSION II	450917	1,400 SQ. FT.
18	PART OF LOT 7, CONCESSION II	450917	1,400 SQ. FT.



45R8991



File A03/11  
509 Parnell St.

BUILDING  
LOT 15  
REGISTERED PLAN No. 69

EXHIBIT E  
SHEET 1 OF 1

CITY OF PETERBOROUGH  
COUNTY OF PETERBOROUGH

SCALE : 1 INCH EQUALS 30 FEET

MEASUREMENTS ARE TAKEN TO CONCRETE BLOCK  
FOUNDATION OF DWELLING.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

THE FIELD SURVEY REPRESENTED BY THIS PLAN  
WAS COMPLETED ON THE 18th JULY, 1985.

*W.A. Behinger*  
W.A. BEHINGER  
ONTARIO LAND SURVEYOR

PETERBOROUGH, ONTARIO  
23rd JULY, 1985.

- ☒ DENOTES IRON BAR, FOUND.
- ☐ DENOTES IRON BAR, SET.

PARNELL STREET

