



City of
Peterborough

COMMITTEE OF ADJUSTMENT

HEARING DATE: March 1, 2011

Staff Comments Re: Files: A02/11, A04/11, and A06/11

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

This application was adjourned from the January hearing of the Committee to allow the applicant to attend and respond to the Committee considering the municipal issues in relation to the temporary nature and the proposed location of a structure on the property.

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 proponent is proposing to establish a garden centre on the property consisting 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 appearing 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.

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. Considering the current Official Plan the property would be subject to a further 3 metre widening of the road allowance.

Considering the 2000 Transportation Plan the widening of Lansdowne Street West is not anticipated until 2021. Staff must therefore consider the implications of this variance in the context of the infrastructure requirements looking toward the future. Staff would suggest there may be two options by which the variance could be permitted

with conditions:

- 1) The Committee could grant the variance for the temporary structure for a specified period of time not to exceed three years subject to amending the site plan agreement accordingly or
- 2) The owner would be required to convey to the City, free of encumbrances and at no cost to the City, 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. The required space could then be leased back to the owner to establish the garden centre.

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 A.

A04/11 – 725 Park Street South - Adam Simmonds

The owner would like to convert the use of the lower level of the building on the property for use as a small scale office to be considered as a use similar to a clinic, being a use permitted by the C.1 zoning of the property. A variance is therefore requested to permit an 87 sq. metre office on the lower level and a dwelling unit on the second storey supported by four parking spaces located to the rear of the building, two of which would be tandem.

The subject property is located at the north west corner of the intersection of Park Street South and O'Connell Road. Although the Official Plan designation of the subject property and properties in the vicinity is Residential, the property is located at the south end of an unusually long strip of properties on the west side of Park Street zoned for local commercial purposes. The strip extends from Braidwood Avenue to O'Connell Road, is zoned C.1 Commercial and C.2 Commercial providing a range of local commercial uses including a pharmacy, convenience store, hair salon, a restaurant, auto repair and the De la Fosse Branch library and Art studio that wraps around the subject property.

The two storey block building has the appearance of a commercial building and is situated on the property that is legal non-conforming as to the applicable C.1 zoning regulations regarding its size and development considering setbacks from the street lines.

While the designation of the property is residential, the reality is that there is a strip of local commercial land use that is close to exhausting the range of local commercial uses. Official Plan policies would anticipate local commercial uses such as convenience retail stores, personal services, small scale restaurants, small scale service commercial uses (automotive repair shop) small scale office, studio and clinic uses.

Staff considered the commercial nature of the subject property in the context of this strip

of local commercial land use as well as the size of the office being proposed and is of the opinion that the impact of a variance that would acknowledge an 87 sq. metre office as a use being similar to a clinic supported with the residence in the upper storey of the building would be minor. Considering the parking requirements, one parking space would be provided for the one residential unit and three for the proposed office limited to 87 sq metres. Two of the proposed parking spaces would be in tandem. While the by-law would normally require each parking space to be mutually accessible, a variance to this requirement would facilitate the opportunity to provide all parking on the property to support the use to a limited scale as described.

Considering the number of zoned local commercial properties in this strip there may be a stress on parking. Staff would advise that the Committee consider concerns regarding parking that may be raised by the neighbouring property owners. Subject to concerns raised by neighbouring property owners, Staff would not object to the committee granting the variance as described to permit an 87 sq. metre office on the lower level and a dwelling unit on the second storey supported by four parking spaces located to the rear of the building two of which would be tandem.

A06/11 – 73 Lansdowne Street West - Timothy Whalen

Referring to the survey attached as Exhibit C, the subject property is a deep lot located in a mid block section on the south side of Lansdowne Street West. It is zoned R.1, R.2, R.3, R.4-Residential District. Considering its 16 metre width, the use of the property is recognized as a legal, two- unit dwelling.

The owner would like to establish a third residential unit within the dwelling on the property and is therefore requesting the following variances regarding the proposed development and use of the property:

- i. reduce the minimum required lot width per dwelling unit from 6 metres to 5.44 metres,
- ii. reduce the minimum distance of a driveway from a lot line from 1.5 metres to 0.6 metres and
- iii. reduce the minimum distance of a driveway or parking space from a window of a habitable room of an apartment from 6 metres (19.6 ft) to 0 metres.

To support the proposed third unit, the owner would be required to establish parking for five motor vehicles on the property in accordance with the by-law that results in the requirement for variance number ii) concerning landscaped open space. The alternative to this variance described, would be to reduce the number of parking spaces required from five to four which would avoid the need for the variance number ii) regarding the location of the driveway in relation to the west side lot line. To consider this alternative, the Committee should weigh this consideration with the lack of alternative parking available (on the street) and the need to ensure the limited on site parking area is clear of snow.

The third variance is not required as applied for because it pertains to an “apartment”. An

“apartment” by definition, would involve four or more units. The third unit is being proposed as an addition to the dwelling on the property. The insulated and serviced Quonset building is not to be used as a dwelling unit.

Staff reviewed property records including variance applications permitting the Quonset hut as an accessory building but denying the use of the building for anything other than an accessory building.

Staff visited the property and noted that the Quonset hut style accessory building on the property is situated such that it forces the owner to locate two parking spaces in the front yard and remove a portion of the deck to the rear of the building in order to provide the required parking on the property. City records indicate that there are power and sewer connections to the accessory building that was once used as a dwelling unit but was and is not permitted to be used as a dwelling unit. Staff would ask the Committee to give careful consideration to the by-law’s definition of an “accessory building” in weighing the variances requested in relation to the proposed use and development of the property.

Considering the proposed development and use of the property for three dwelling units, Staff would like to support variance number one to allow the third unit. The complication, however, lies with the location and questionable purpose of the accessory building on the property presenting a challenge to providing on-site parking appropriately.

Lansdowne Street West is an arterial roadway. The width of the road allowance in front of the subject property is 20 metres while the Official Plan would require it to be up to 36 metres.

While staff is not concerned with the location of the dwelling on the property, Staff would be concerned with a variance that would allow development that would rely on parking spaces located in the front yard of a dwelling that could be subject to future road widening requirements. The proposal to located two parking spaces in the front yard is not appropriate. All parking spaces should be located beside or to the rear of the dwelling.

Should the Committee consider a third unit on the property to be a reasonable use, staff would recommend the following:

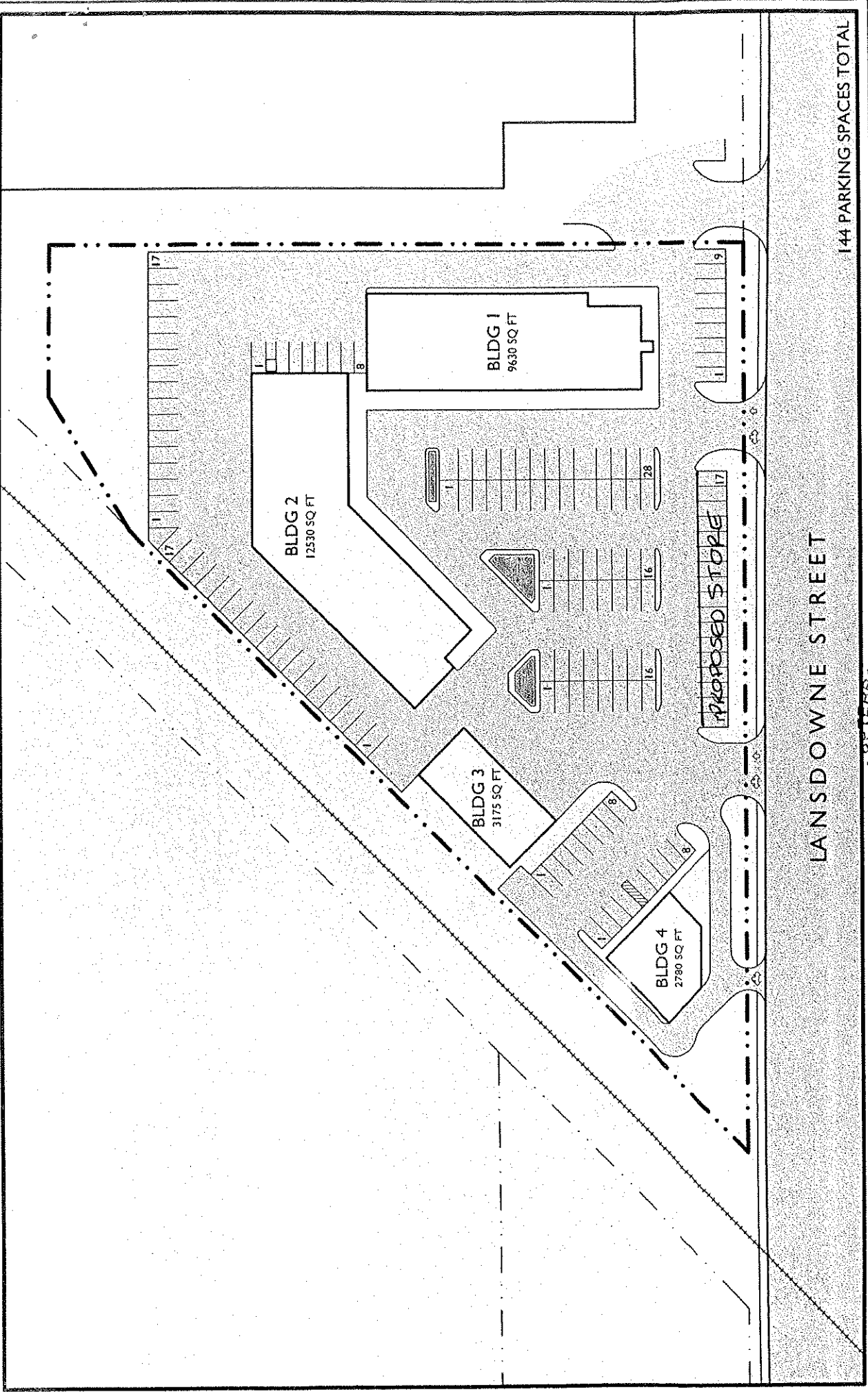
- 1) that the Committee grant relief from the minimum lot width per unit as requested,
- 2) that the Committee grant relief from the parking regulations of the by-law to require only four parking spaces on the property to support the use as a three unit dwelling,
- 3) That no building permit to establish a third unit on the property would be issued until:
 - i) parking space for four motor vehicles is established in accordance with the by-law is established to the rear of the dwelling,
 - ii) soft landscaping is reinstated and maintained between the front of the building and the street line,
 - iii) either removal or conversion of the accessory building for use as an “accessory building” to the satisfaction of the building division. This will require but not be limited to a substantial effort toward

- iv) disconnecting the sanitary sewer service to the building.
payment of a parks levy for the additional apartment unit in an amount to be determined by the City's Parks Levy Review Committee.

Should the Committee choose to grant the variance to allow the third unit with conditions recommended, Staff would further recommend that the decision be subject to a 12 to 18 month time limit for fulfilling the any requirements of the decision.

Richard Straka
Planner Policy & Research

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



LANSDOWNE STREET

144 PARKING SPACES TOTAL

AREA CALCULATIONS (ALL DIMENSIONS IN SQUARE METRES)		
	AREA	%
SITE	13 240.7	100.0
BUILDING	2 612.0	19.7
PARKING	7 139.7	53.9
LANDSCAPE	3 488.3	26.4

PETERSBOROUGH
 CITY OF DEVELOPMENT SERVICES
RECEIVED
 OCT 5 2011
 TO PLANNING
 FILE:

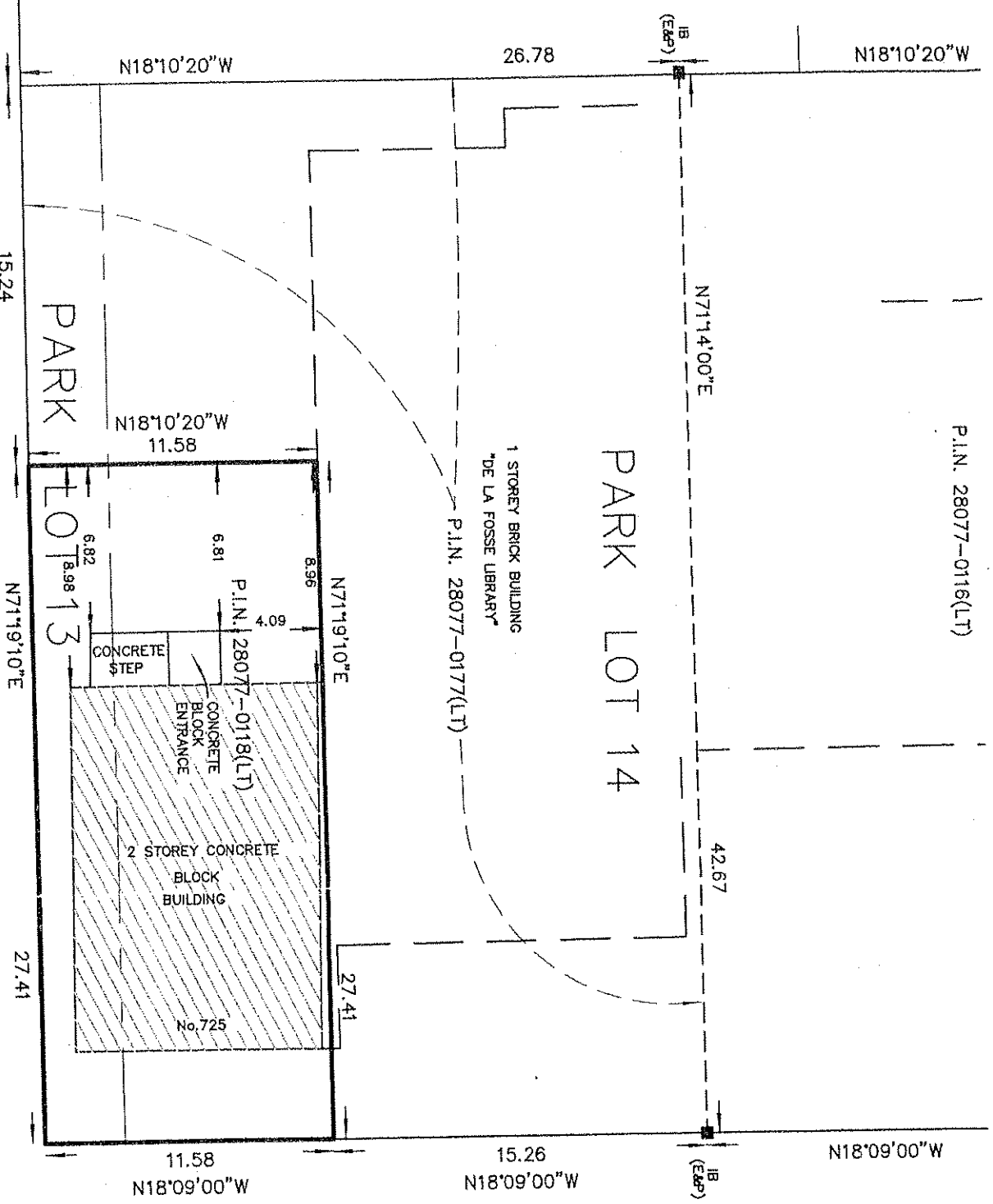
SCALE:
 EXISTING CONDITIC

REGISTER

90
7-0119(LT)

15.24
N71°19'10"E

15.24
N71°19'10"E



PARK LOT 13

PARK LOT 14

N18°10'20"W

N18°10'20"W
11.58

N71°19'10"E

N71°14'00"E

N18°10'20"W

N71°19'10"E

27.41

N18°09'00"W
11.58

N18°09'00"W
15.26

N18°09'00"W

PARK STREET

P.I.N. 28095-0001(LT)

25 JANUARY, 2011

SCALE: 1 : 250

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