



City of
Peterborough

COMMITTEE OF ADJUSTMENT

HEARING DATE: July 12, 2011

Staff Comments Re: Files: A20/11, A21/11, A22/11, A23/11, B09/11, A24/11, A25/11, B10/11 & A26/11, A27/11 and A28/11

A20/11 – 5 McGregor Court - 1612328 Ontario Limited (Parkview Homes)

Referring to the Plan attached as Exhibit A, a variance is requested to reduce the minimum required building setback from the rear lot line from 7.6 metres (24.9 ft) to 7.46 metres (24.47 ft) to accommodate the dimensions of a particular model dwelling on the irregular shaped property.

Staff considered the configuration of the property and the orientation of lot lines in relation to the building on the property and is of the opinion that the variance requested is minor and would have no impact on adjacent properties.

A21/11 – 6 McGregor Court - 1612328 Ontario Limited (Parkview Homes)

Referring to the Plan attached as Exhibit A, a variance is requested to reduce the minimum required building setback from the rear lot line from 7.6 metres (24.9 ft) to 7.51 metres (24.6 ft) to accommodate the dimensions of a particular model dwelling on the property.

Staff considered the configuration of the property and the orientation of lot lines in relation to the building on the property and is of the opinion that the variance requested is minor and would have no impact on adjacent properties.

A22/11 – 248 – 256 Murray Street - St Vincent de Paul Society

The Subject property is located on the fringe of the Commercial Core of the City - designated Transitional Use Area. The Official Plan designation recognizes a diversity of land uses that would co-exist and be compatible with adjacent uses including residential uses. Uses anticipated by the Official Plan designation would include “institutional uses” and “convenience retail uses”.

Notwithstanding the Official Plan designation, the subject property is zoned M3.2 Industrial as is the adjacent property to the north. The subject property is currently owned by the St. Vincent de Paul Society. In March 1984 a variance was granted by the Committee of Adjustment (File A12/84 attached as Exhibit B). The decision recognized warehousing of goods as a use permitted by the industrial zoning but also granted permission to retail clothing and furniture from the property.

The proponent is requesting a variance to consider a food distribution centre as a use

considered similar to an establishment for retailing of used clothing and furniture by St Vincent de Paul. The purpose would be to use the building for the storage sorting and distribution of un prepared food. The building would be used as a community food bank.

A warehouse is a use permitted by the zoning. Staff is of the opinion that the variance requested to warehouse and distribute food from the premises is similar in nature to the use permitted by the variance and perhaps more conforming to the intent of the Official Plan than industrial uses, particularly considering the logic of a convenient location from which to distribute food to a residential population concentrated in the core area of the city.

Subject to concerns raised by the public in response to the notice issued, Staff would not object to the Committee granting the variance as described provided that the hours of operation would be between 9AM and 6 PM.

A23/11 – 730 The Kingsway - 1576626 Ontario Limited

A variance is being requested to permit a training facility for industrial or construction oriented tradesman as a use considered similar to a “tradesman shop” or “woodworking shop”- uses permitted by the M1.2 Industrial zoning of the property.

The subject property is located in an area of the City designated General Industrial. It is zoned M1.2 Industrial that would permit a “tradesman shop” or “woodworking shop.” The existing building on the property is a large industrial building offering internal space for tradesmen to construct and assemble components of a product that could be broken down and relocated for final assembly of the product off site. For example, the materials for construction of a garage would be provided by a client. The structure would be produced designed to be disassembled in the form of prefabricated components, relocated and finally reassembled off site.

Staff have considered the description of the activities that would be carried out within the building on the property and staff is of the opinion that the training facility for tradesmen would be similar to the activities and operations carried out on the floor of a tradesman’s shop constructing prefabricated products.

Subject to concerns raised in response to the notice of the hearing regarding this application Staff would not object to the Committee granting permission for the use of this property as described above.

B09/11 – 268 Towerhill Road - Habitat for Humanity

In April 2011 City Council rezoned the property R.2, 16j Residential District to facilitate the development of a semi-detached dwelling on the property. The result is the construction of a semi detached dwelling currently underway.

The proponent is now requesting a consent to allow conveyance of the easterly 9.67 metres of the subject property resulting in separate ownership of each half of a semi-detached dwelling.

Referring to the plan attached as Exhibit C, the proposed severance would conform to the regulations of the zoning district so staff would not object to the Committee granting consent subject to payment of a parks levy fee as determined by the Parks Levy Review Committee and a tree levy in the amount of \$121.00.

A24/11 – 51 Sophia Street - Laurie Davis & Michael Scorer

The proponent is requesting a variance to reduce the minimum building setback from the westerly side lot line from 1.2 metres (3.96 ft) to 0.5 metres (1.6 ft) to allow construction of a second storey addition over the building in its established location.

Referring to the Plan attached as Exhibit D, the subject property is a 16.76 metre (55 ft) wide lot zoned R.1, R.2 Residential considered zoned for a two unit dwelling. It should be noted that the existing dwelling on the property has been established 0.5 metres (1.6 ft) ft from the west side lot line since 1921. It should also be noted that there is a driveway on the adjacent property leading to a garage located in the rear yard of the adjacent property.

Staff noted that the spatial separation afforded by the driveway between the dwelling on the subject property and the dwelling on the adjacent property is approximately 3 metres.

Considering the existing development of the adjacent property including the garage located to the rear of the building, staff would not anticipate any building addition that would reduce the separation afforded by the driveway on the adjacent property.

Considering the established standard of development of properties in the vicinity of the subject property staff is of the opinion that the impact of the variance requested would be minor and subject to concerns raised by neighbouring property owners, staff would not object to the committee granting the variance as described.

A25/11 – 119 Greenhill Drive - Carolanne and Gerard Lee

The applicant is requesting a variance to reduce the minimum building setback from the Greenhill Road street line from 6 metres (19.6 ft) to 5.9 m (19.4 ft) to recognize the location of the dwelling established on the property in 1956.

Considering the size of the variance requested and the long established location of the building on the property, staff regards the variance as minor and would recommend the Committee grant the variance as described.

B10/11 & A26/11 – 31 Greenhill Drive - (Residential)

Referring to the plan attached as Exhibit E, the applicant is proposing to convey the easterly 15 metres of the subject property upon which a house is established and retain the westerly portion of the property for development of a new, single unit dwelling. To support the proposed severance, a variance is requested to reduce the minimum lot width of the westerly parcel from 15 metres (49.2 ft) to 13.5 fm (44.2 ft).

The subject property is located at the north end of a cul-de-sac with residential properties zoned with alternate regulations requiring a minimum lot width of 15 metres (50 ft). The subject property is deep enough and wide enough to allow the severance in accordance with the zoning, but the owner would like to be practical with respect to the proposed location of the driveways to the two properties. The proponent would like to maintain the existing driveway on the west side of the existing dwelling in attempt to minimize the impact of the proposed development on established trees at the front of the property and access to the public walkway to the east of the property. By maintaining the driveway where it is, a variance would be necessary to reduce the minimum width of the new lot to 13.5 metres (44.2 ft) measured 6 metres back from the street line.

Staff have visited the subject property and considered the plans as well as the grades of the property in relation to the proposed development. Staff is of the opinion that the variance, if granted, would serve to accommodate the driveway where it is, thereby minimizing the impact of the proposed development on existing trees and the public walkway. Staff is however, concerned with how close the variance may be in relation to accommodating the driveway and varied lot width. While the survey illustrates the total lot dimensions, an accurate concept plan illustrating the proposed location and footprint of the building and would help demonstrate how the property would be developed in relation to the established development of adjacent properties. Based on the concept plan for development of the property the proponent is proposing to locate the building approximately 14 metres (46 ft) from the street line to minimize the impact on adjacent properties and accommodate off street parking. Staff regards this offer as considerate and if the Committee considers the offer appropriate, staff would suggest that the offer could be included as a part of the agreement and condition for approval by the Committee.

Staff would support the severance and minor variance as described subject to concerns raised by neighbouring property owners and the following conditions:

- 1) Provision of a plan of survey illustrating the proposed severed parcel to the satisfaction of the City Planner.
- 2) The owner entering into a development agreement with the City registered on the title of the vacant lot that would require the owner to locate a dwelling on the lot no closer than 14 metres from the street line and provide building plans for approval by the Planner of Urban Design to ensure compatibility of building design with the established standard of other buildings in the neighbourhood prior to issuance of a building permit.
- 3) Payment of a parks levy to be determined by the Parks Levy Review Committee.
- 4) Payment of tree levy in the amount of \$168.00.

A27/11 – 630 Garside Drive - William & Ethel Little

By way of a misunderstanding, construction of a garage commenced in a location that is 6 metres from the curb line of Garside Street rather than 6 metres from the street line or property line as required by the by-law. As a result, a variance is requested to reduce the minimum building setback from the Garside Drive street line from 6 metres (19.6 ft) to 1.5

metres (5 ft) to recognize the location of a partially constructed, detached garage as established.

The subject property is a triangular property located at the acute angled intersection of Garside Drive and Leahy's Lane. Referring to the Plan attached as Exhibit F, the detached garage is shown to be located to the rear of the dwelling accessed by a driveway from Leahy's Lane. While the garage is located only 1.5 metres from the street line it is separated and screened from the street line by a row of mature maple and spruce trees established along the property line.

Staff visited the property and considered the circumstances including the orientation of development across the street. While the variance would appear numerically significant, staff was of the opinion that the impact did not appear to significant due to the mature trees established along the property line. Should the Committee choose to grant the variance as described, staff would recommend that they consider input from neighbouring property owners.

A28/11 – 16 Lansdowne Street West - 1254681 Ontario Ltd.

An 8.5 metre (28 ft) long trailer has been situated on the subject property with the intended purpose of retailing prepared foods. For the trailer to be used as described, a variance to Section 6.40 of the zoning by-law is requested to permit the temporary structure on the property.

The general intention of Section 6.40 of the by-law is to restrict reliance on the use of temporary structures within the City. The by-law allows temporary structures to be established only within commercial districts or open space districts by way of a minor variance. On April 17 2009 the Committee of Adjustment granted a variance (File A12/09 attached) permitting a trailer to be established temporarily on the subject property for a period of one year while a permanent building was to be constructed. Since then, the trailer had been removed, no permanent structure was established and the period for which the trailer was to be allowed has lapsed.

Staff reviewed the circumstances by which the current trailer became established on the property. Although the trailer was not allowed on the property, a business licence to operate was issued in error. Considering the circumstances including the hardship on the business operator and the fact that there is space on the property as proven from the last time the variance was granted staff would not be opposed to the Committee should they see fit to grant a variance temporarily for a period of six months.

Richard Straka
Planner Policy & Research

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

March 5, 1984

Decision: This is an application from Quaker Oats Company of Canada Ltd. for consent to establish an easement in favour of the Peterborough Utilities Commission for the installation, maintenance and operation of power lines over part of Dickson and Brock Street closed by by-law and designated as Part 2, according to Plan 45R 4852. The easement is for utility purposes and recognizes the existing 44KV overhead transmission line. Consent is granted.

Mr. Paul R. Jobe declared a conflict of interest and did not take part in any discussion nor vote thereon.

3. File No. A 11/84

HEARD
MAR 19/84

This is an application from Catherine E. Dewart, 416 Park Street North, Peterborough, Ontario, K9H 4P9.

Mr. Murray Dewart, husband of applicant, appeared and was heard.

A report was presented by Mr. R. Whitehill on behalf of the Standards and Enforcement Division and the Planning Department.

No one spoke for or against the application and no written objection was received.

This is an application from Catherine E. Dewart for permission to reduce the setback requirement from the centre line of Donegal Street for property at Part of Lot 5, Registered Plan No. 118, municipally known as 416 Park Street North to permit construction of an addition. This application was adjourned until the meeting of March 19, 1984, in order that the application can be reviewed by the Committee.

4. File No. A 12/84

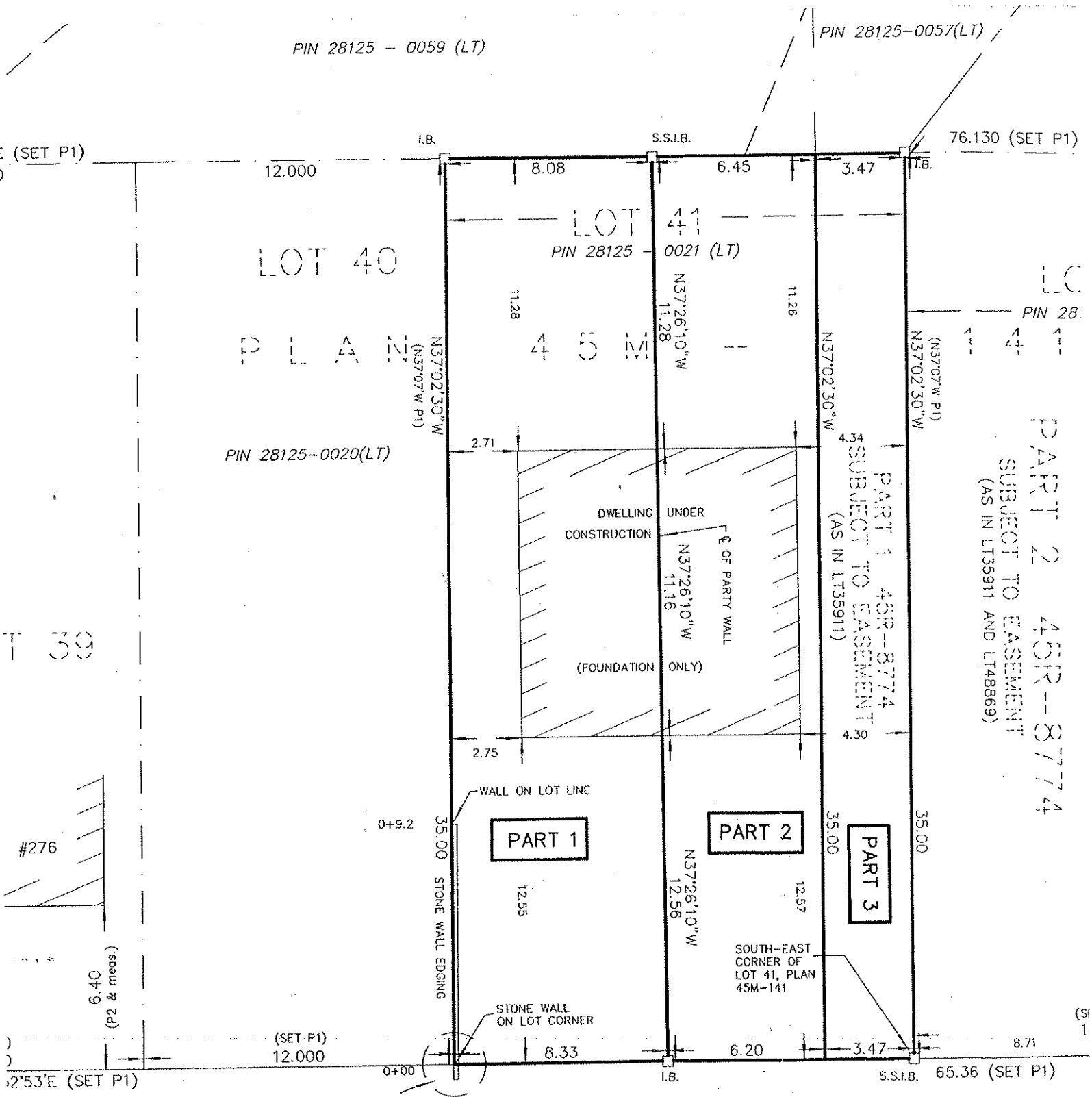
This is an application from Victor S. Jackson, through a prospective purchaser, Society of St. Vincent de Paul, c/o John W. Corkery, 164 Hunter Street West, P.O. Box 331, Peterborough, Ontario, K9J 6Z3.

Mr. John Corkery, 164 Hunter Street West, Peterborough, Ontario, K9J 6Z3, representing the applicant appeared and was heard.

A report was presented by Mr. R. Whitehill on behalf of the Standards and Enforcement Division and the Planning Department.

No one spoke for or against the application and no written objection was received.

Decision: This is an application from the Society of St. Vincent de Paul for permission to allow the retailing of used clothing and furniture in an industrial zone at Part of Lot 9, north of Murray Street and west of George Street, municipally known as 248-256 Murray Street, formerly Centennial Printers. The Society has submitted an offer to purchase the property, which is legal non-conforming; to consolidate its public service operation. They are presently operating out of three separate buildings on the south-east corner of Rubidge and Hunter Streets. The operation is essentially a warehouse, the retail function is an accessory; therefore the intent of this application is to confirm that the Society would be able to sell to the public from this property. Permission is granted limited to the Society of St. Vincent de Paul or a similar public service agency to retail goods.



PIN 28125 - 0059 (LT)

PIN 28125-0057(LT)

LOT 40

LOT 41
PIN 28125 - 0021 (LT)

PLAN 45M

PIN 28125-0020(LT)

DWELLING UNDER CONSTRUCTION (FOUNDATION ONLY)

PART 1 45R-8774
SUBJECT TO EASEMENT
(AS IN LT35911)

PART 2 45R-8774
SUBJECT TO EASEMENT
(AS IN LT35911 AND LT48869)

PART 1

PART 2

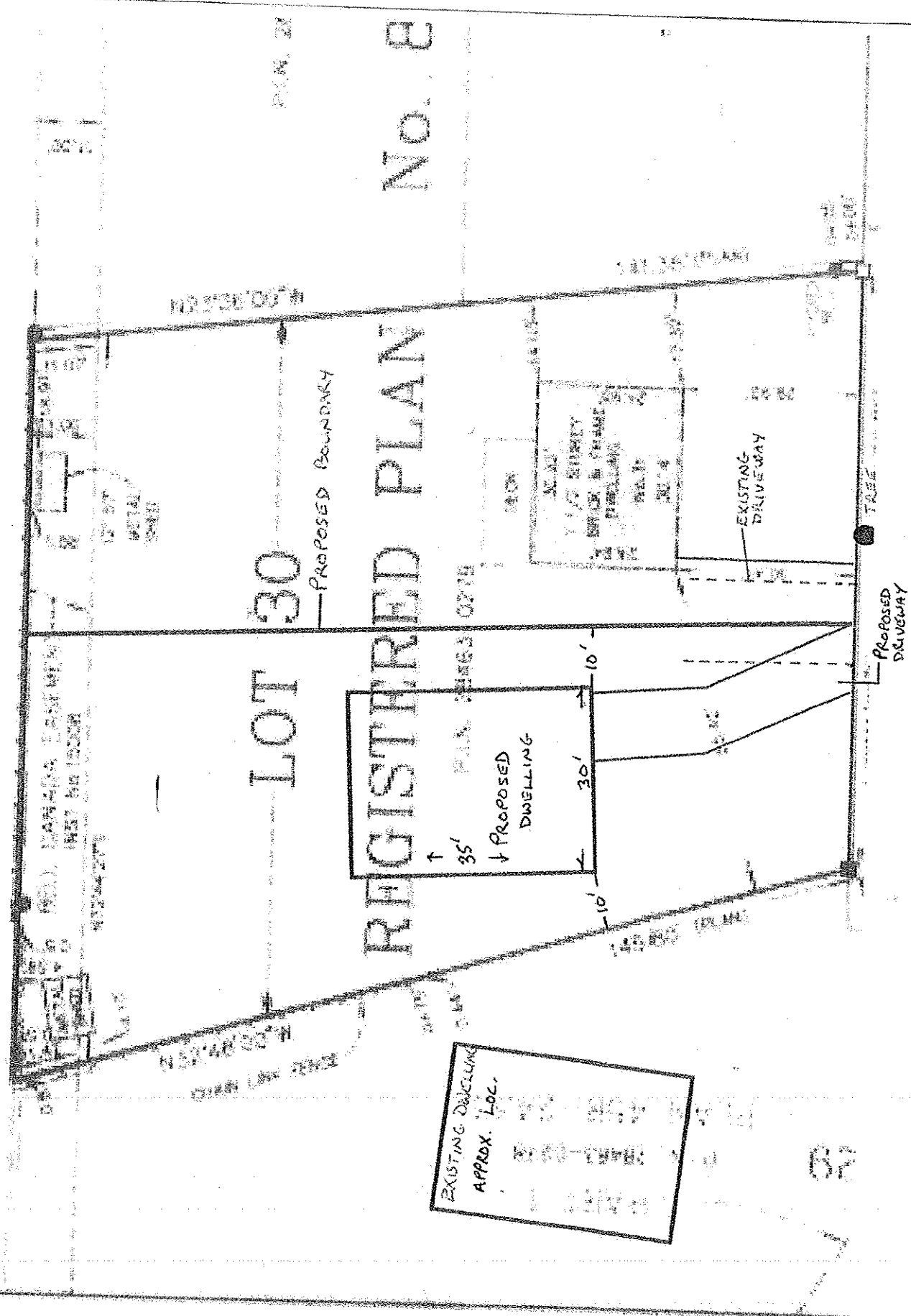
PART 3

SOUTH-EAST CORNER OF LOT 41, PLAN 45M-141

TOWER HILL ROAD

(PLAN 45M - 141)
PIN 28125 - 0002 (LT)

N4°40'E
64.49



EXISTING DWELLING
APPROX. LOC.

62

DRIVE

GARNSIDE (BY REG'D PLAN N° 274)

REG'D PLAN N° 66

LANE



1:30'

