



City of
Peterborough

COMMITTEE OF ADJUSTMENT
HEARING DATE: September 13, 2011

Staff Comments Re: Files: A29/11, A30/11, A31/11, B/11/11 & B12/11, A32/11, A33/11 and A34/11

A29/11 – 861 Lansdowne Street West Peterborough District Co-Operative Services-

The applicant is proposing to redevelop the subject property that will involve the construction of a new building to the east side of the property and reconfiguration of the parking layout between the existing building and new building on the property. In order to fit the proposed new building and parking on the property, variances are requested to reduce the minimum required building setback from the easterly side lot line from 6 metres (20 ft) to 5 metres 16.4 ft) and to 0.1 metres (4 inches) to allow construction of a 7 metre canopy overhang projecting from the east side of the new building. The existing building on the property will remain as established 3 metres (9.8 ft) from the west side lot line.

The subject property is C.7 Commercial, a zoning district that implements the Special Purpose Retail designation applied to this and adjacent properties according to the Official Plan. Considering the plan attached as Exhibit A, the existing building on the west side of the property was converted to Rural Roots from the original Co-op building established 3 metres from the west side lot line.

Staff is of the opinion that the impact of recognizing the location of the building on the property would be minor, considering the long time established location of this building on the property and practical, considering the investment into its reconditioning. Considering the spatial requirements of the new building and the practical configuration of the parking layout and walkways between the two buildings from a functional perspective, staff is of the opinion that the impact of a variance to reduce the setback from the east side lot line by one metre would be minor provided that all landscaping requirements of the zoning district are complied with.

The proposed design of the building also intends to accommodate a drive through service window on the east side of the building. The proponent would like to construct a 7 metre wide canopy over the drive through window that would project 4.9 metres into the 5 metre setback of the building from the east side lot line.

Although the adjacent property immediately to the east is designated the same, it is zoned M 3.2 Industrial and permits various light industrial uses including a motor vehicle repair shop (Midas Muffler). While the M3.2 zoning would require a building on the property to be 9 metres from the side lot line, the blank wall of the industrial building is

legal, non-conforming in its location approximately 4.6 metres from the lot line with the minimum landscaped open space requirement of 3 metres provided in relation to the building. If the property was re-zoned commercial, the landscaped open space requirement would be only 1.5 metres leaving potential for a driveway next to the building as well.

Considering the established and potential standard of development of the adjacent property in relation to the proposed canopy projection, Staff is of the opinion that the variance requested for the canopy overhang is not minor and would result in a poor standard of development between the two properties. Staff is therefore recommending that the variance be denied as requested.

Subject to concerns raised by neighbouring property owners, staff would not object to the Committee granting a lesser variance reducing the setback to 2.75 metres that would permit a shallower canopy projection (approximately 2.25 m) that could be cantilevered from the building to provide adequate shelter for the driver side of the motor vehicle being served by the drive through window.

A30/11 – 333 Brock Street & 431 Reid Street - OP Trust Multi-Residential Inc.

In 1993 the subject property was rezoned and redeveloped as a 105 unit apartment building. The zoning applied at the time was R.6 .108 Residential District. The by-law exception .108 stated that *notwithstanding the provisions of Section 4.2 of the by-law requiring 1.5 parking spaces per unit, the minimum parking space requirement for dwelling units occupied entirely by elderly persons shall be 1 per 2 dwelling units.*

A problem exists with the ability to enforce this by-law exception explained as follows:

- 1) An “*elderly person*” is not a defined term in the by-law and no criteria has been referenced by which a person may be determined to be elderly.
- 2) It may be argued that ensuring occupancy of the building exclusively by elderly persons is discrimination.

As a result, the regulation of parking by way of by-law exception .108 relies substantially on the discretion of the tenants and management of the apartment to make the “right” choices considering renting the apartment and the limited motor vehicle parking spaces available. While the right choices may be made understanding the limited parking spaces available, the fact is that not all tenants within the building today may be considered “elderly,” what ever that is.

A variance to By-law exception .108 has been requested to require the same parking ratio for tenants within the building notwithstanding whether all tenants within the building are “elderly” or not. Fifty three parking spaces will continue to be provided on site as they are today.

The subject property is located on the fringe of the inner city and is within walking distance of most amenities. The location of the property in relation to the down town is the primary reason relief from the parking requirements may be considered for this

property given the established development. The applicant has reviewed the parking situation within the neighbourhood and has offered the opinion that there is no apparent stress on the demand for parking spaces in the immediate vicinity of the subject property.

While staff have offered their opinion with respect to the enforceability of the parking by-law as it would pertain to this property, a significant purpose of this public hearing regarding this application is to receive input from the public and gain a sense of how stressed the parking situation may be in this neighbourhood and if possible, offer some relief to the parking required in relation to the zoning considering the development and use of the subject property.

Subject to the response from the notice issued regarding this application Staff would not object to the Committee granting the relief as described provided that it is understood that the relief pertains not to the standard regulations of the parking by-law but to by-law exception .108 that applies to the subject property.

A31/11& B11/11 & B12/11 – 240 Bellevue Street PVNCC District School Board & Roman Catholic Episcopal Corporation for the Diocese of Peterborough

The Peterborough, Victoria Northumberland Clarington Catholic District School Board is proposing to construct a 3,131 square metre addition to the school that will increase the size of the gymnasium and the number of classrooms in the school from 22 to 27 which the parking requirements are based on. While the school property is being developed in conjunction with the church property, a variance is requested to reduce the number of parking spaces required to support the proposed addition from 10 to 0 and the two consent applications are filed to recognize the cross-easements that would recognize the shared parking arrangement between the school and the church property which are owned separately.

Referring to the Plan attached as Exhibit C, the property upon which the school is located is situated to the rear of residential properties with access through the adjacent church property from Barnardo Avenue and egress over the church property to Bellevue Street. The proposed addition consists of a gymnasium and 5 classrooms. While the gymnasium constitutes a substantial building addition that could function as a place of assembly, the by-law considers it as a classroom being expanded and therefore only requires parking associated with the additional classrooms.

The Church has an assembly area of 375 square metres and would therefore require 94 parking spaces to be provided on the property. The plan illustrates that there are 107 parking spaces provided on the church property. With the addition, the school will have 27 class rooms including the gymnasium that would be required to provide 54 parking spaces. The school would be required to provide 10 new parking spaces to support the 5 new classrooms.

While there is a non-conforming, symbiotic relationship between the way the church and school function that has been taken advantage of to account for motor vehicle parking and movement, staff is prepared to recognize this circumstance provided that the consent

for cross easements between the two properties are approved by the Committee.

The site plan illustrates that 4 new parking spaces are to be provided on the school property with a residual (107- 54=53) fifty three parking spaces available on the church property to accommodate the 6 more required by the school. It may also be considered that there is a residual (107-94 = 13) thirteen parking spaces on the church property to accommodate the 6 spaces required by the addition to the school, if the church was in session.

While the development of the property with absence of road frontage and parking for each property would not be permitted today, staff is of the opinion that the circumstances although being intensified, progresses toward an improved condition based on an accepted relationship between the two properties. Subject to concerns raised by neighbouring property owners Staff would not object to the variance to reduce the parking required to 4 parking spaces on the school property provided that the two consents for the cross easements describing the vehicle movement area and parking arrangement between the school and the church property are approved. It should be noted that pursuant to approval of the variance and consents, the development of the two properties will be is subject to site plan approval.

A32/11 – 157 George Street North - Kalan Properties

The franchise is planning on renovating the Tim Horton's restaurant building but rather than shutting down the operation completely the applicant would like to provide a limited service from a trailer to be situated on the property for approximately three weeks. A variance is therefore requested to Section 6.40 of the zoning by-law to permit a trailer as a temporary structure on the property from which the business will operate while the permanent store is undergoing renovations.

Referring to the plan attached as Exhibit D, staff is of the opinion that the trailer is located appropriately to allow the site to function adequately on an interim basis considering vehicle movement and parking as well as delivery and removal of refuse from the site.

Staff would not object to the Committee granting the variance as described for the temporary structure for a period of 5 weeks to commence upon issuance of a building permit within this year of 2011.

A33/11 – 255 McDonnell Street – 885073 Ontario Ltd.

The proponent had recently received a variance to recognize the setback of the building from McDonnell Street and Bethune Street. The decision allowed the variance on the condition that the proposed new roof over the building be a cottage style design with a height of no more than 6 metres (20 ft).

It was determined that there was an oversight in calculating the elevation of the roof in order to enclose some structural lift equipment within the building that would interfere with the cottage roof at the front of the building. Relief from the variance is requested to allow

the height of the roof to be 6.8 metres (22 ft) to accommodate the cottage style design over existing structural components within the building.

Both staff and the applicant would like to see the cottage roof design on the building accommodated in order to be more compatible with the established standard of residential land use and building form in the vicinity of the property. Staff would therefore support the support the variance to increase the height of the building by 0.6 metres (2 ft) as described to accommodate the cottage style roof design as intended by the previous decision of the Committee.

A34/11 – 1063 Chemong Road MarMac Productions Inc.

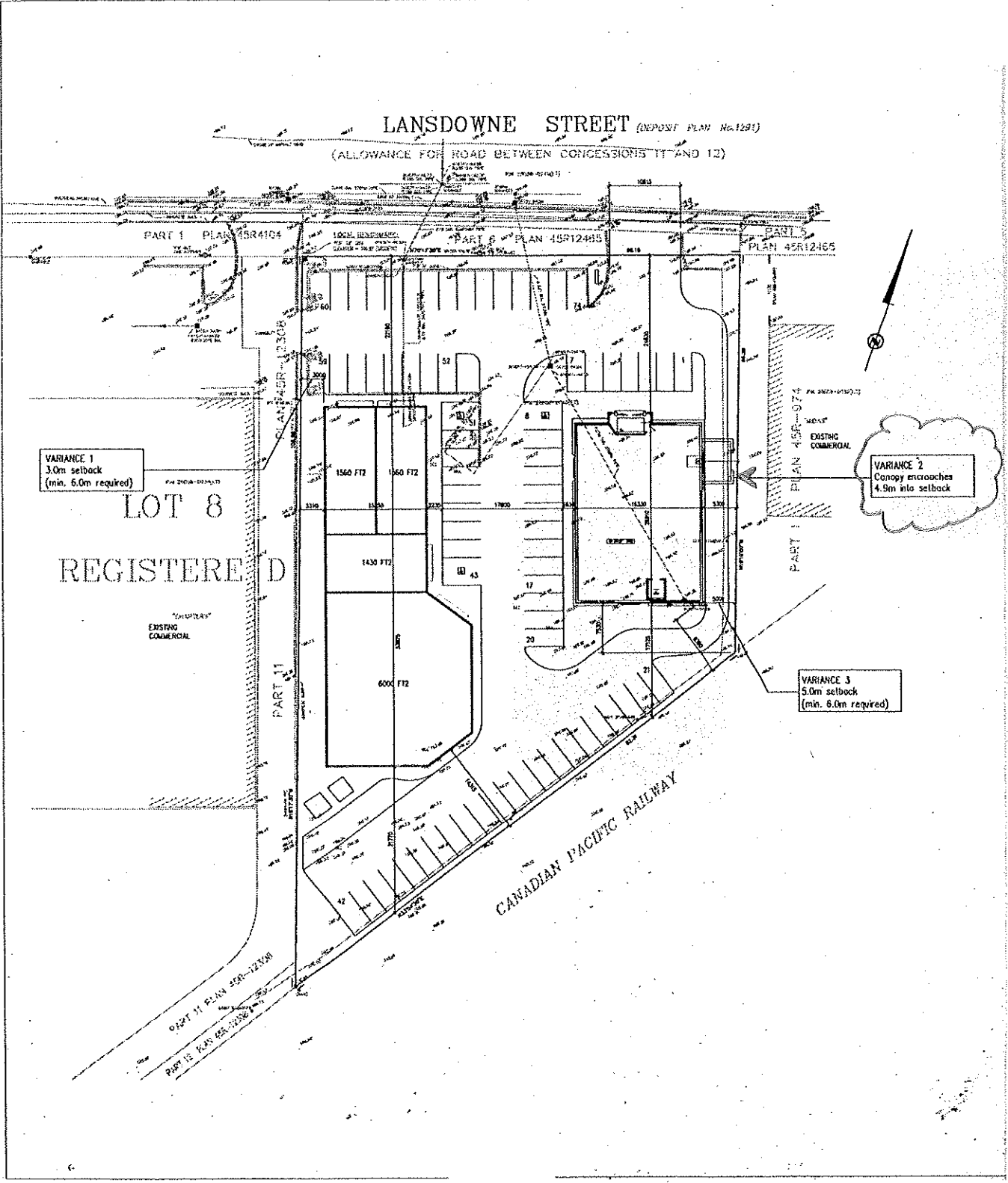
The subject property is zoned C.41 Commercial and has been used as a restaurant for some time. The proponent is renovating the restaurant building converting it to an A&W and will be establishing new signs on the site. The redesign of the site will include a drive through to the rear of the property as illustrated on Exhibit F. In advance of the drive through window, a height restrictor and tower is proposed with a 2.2 square metre sign on the tower the area of which is considered as part of the total sign area for the property. A variance is therefore required to increase the maximum area of free standing signs permitted on the property from 7.3 square metres to 9.5 square metres.

The Subject property is a commercial property located on an arterial road with commercial properties to the north and south of it. To the west is vacant, which according to a secondary plan for the area is intended to be used for residential purposes.

Because the additional sign area pertains to a proposed 2.134 square metre, freestanding sign associated with the clearance gate for the drive through located to the rear of the property, Staff is of the opinion that the added sign area will not contribute to the competition for sign exposure along the Chemong Road frontage. Considering the location of the sign in relation to the adjacent non-commercial property, Staff would not object to the variance requested considering the impact to be minor provided that the sign is not illuminated or does not have lights shining on it.

Richard Straka
Planner Policy & Research

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



LANSDOWNE STREET (DEPOSIT PLAN No.1291)

(ALLOWANCE FOR ROAD BETWEEN CONCESSIONS 11 AND 12)

PART 1 PLAN 45R4104

PART 6 PLAN 45R12485

PART 3 PLAN 45R12465

VARIANCE 1
3.0m setback
(min. 6.0m required)

LOT 8

REGISTERED

EXISTING
COMMERCIAL



VARIANCE 2
Canopy encroaches
4.9m into setback

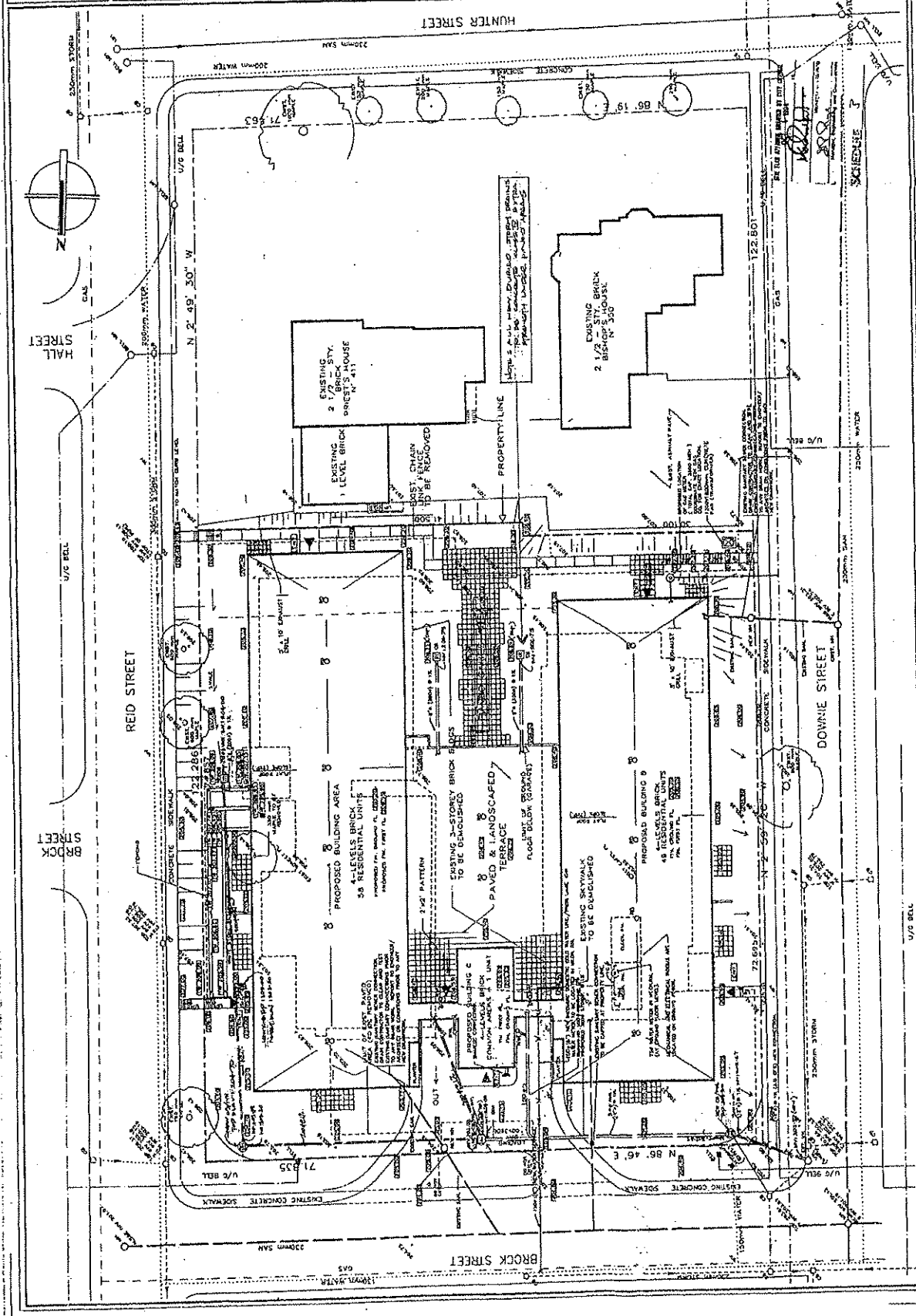
VARIANCE 3
5.0m setback
(min. 6.0m required)

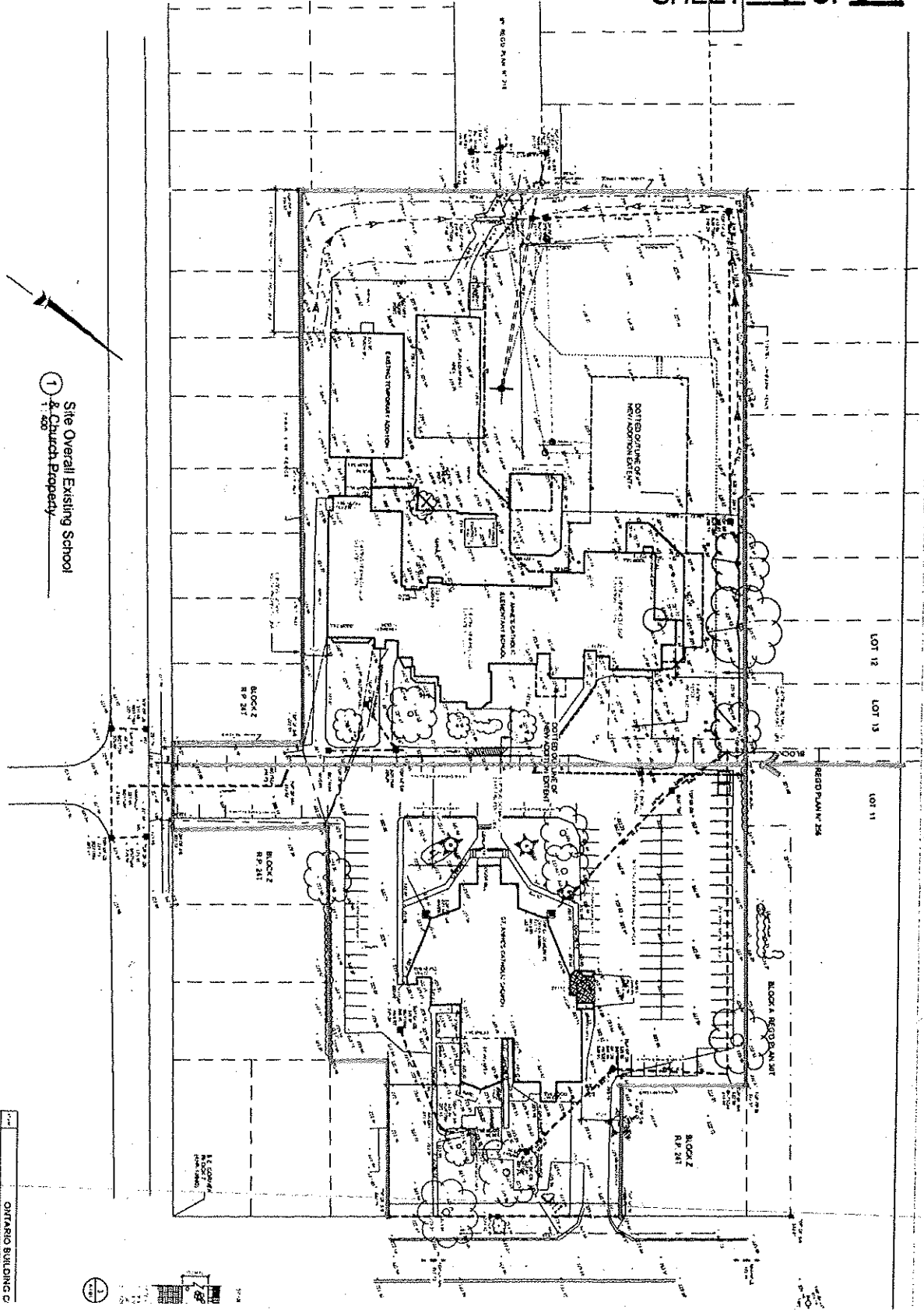
CANADIAN PACIFIC RAILWAY

PART 11 PLAN 45R-12300

PART 12 PLAN 45R-12300

<p>John Bobaljik Architect</p>	 <p>Cansult</p>	<p>ST. PETER'S RESIDENCE DEVELOPMENT LTD. DESIGN/BUILDER</p>	<table border="1"> <tr><th>NO.</th><th>DATE</th><th>REVISION</th></tr> <tr><td>1</td><td></td><td></td></tr> <tr><td>2</td><td></td><td></td></tr> <tr><td>3</td><td></td><td></td></tr> <tr><td>4</td><td></td><td></td></tr> <tr><td>5</td><td></td><td></td></tr> <tr><td>6</td><td></td><td></td></tr> <tr><td>7</td><td></td><td></td></tr> <tr><td>8</td><td></td><td></td></tr> <tr><td>9</td><td></td><td></td></tr> <tr><td>10</td><td></td><td></td></tr> </table>	NO.	DATE	REVISION	1			2			3			4			5			6			7			8			9			10			<p>RELAND CONSULTING INTERNATIONAL LTD. 100 West Beaver Creek, Suite 200 Richmond Hill, Ontario L4B 3N2 Tel: (905) 709-7885 Fax: (905) 709-3884</p>	 <p>DATE: AUG 2004 DRAWN BY: S.K. CHECKED BY: L.A. PROJECT: ST. PETER'S SENIORS RESIDENCE PETERBOROUGH</p>	<p>ONTARIO Project No. 94018</p>	<p>SCALE: 1:200 SHEET NO. M-1</p>
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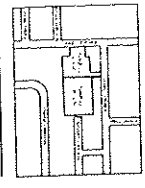




Site Overall Existing School
Church Property

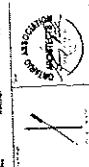


ONTARIO BUILDING C	
Project No.	100-100-100-100
Client	100-100-100-100
Architect	100-100-100-100
Engineer	100-100-100-100
Inspector	100-100-100-100
Contractor	100-100-100-100
Material Supplier	100-100-100-100
Subcontractor	100-100-100-100
Other	100-100-100-100



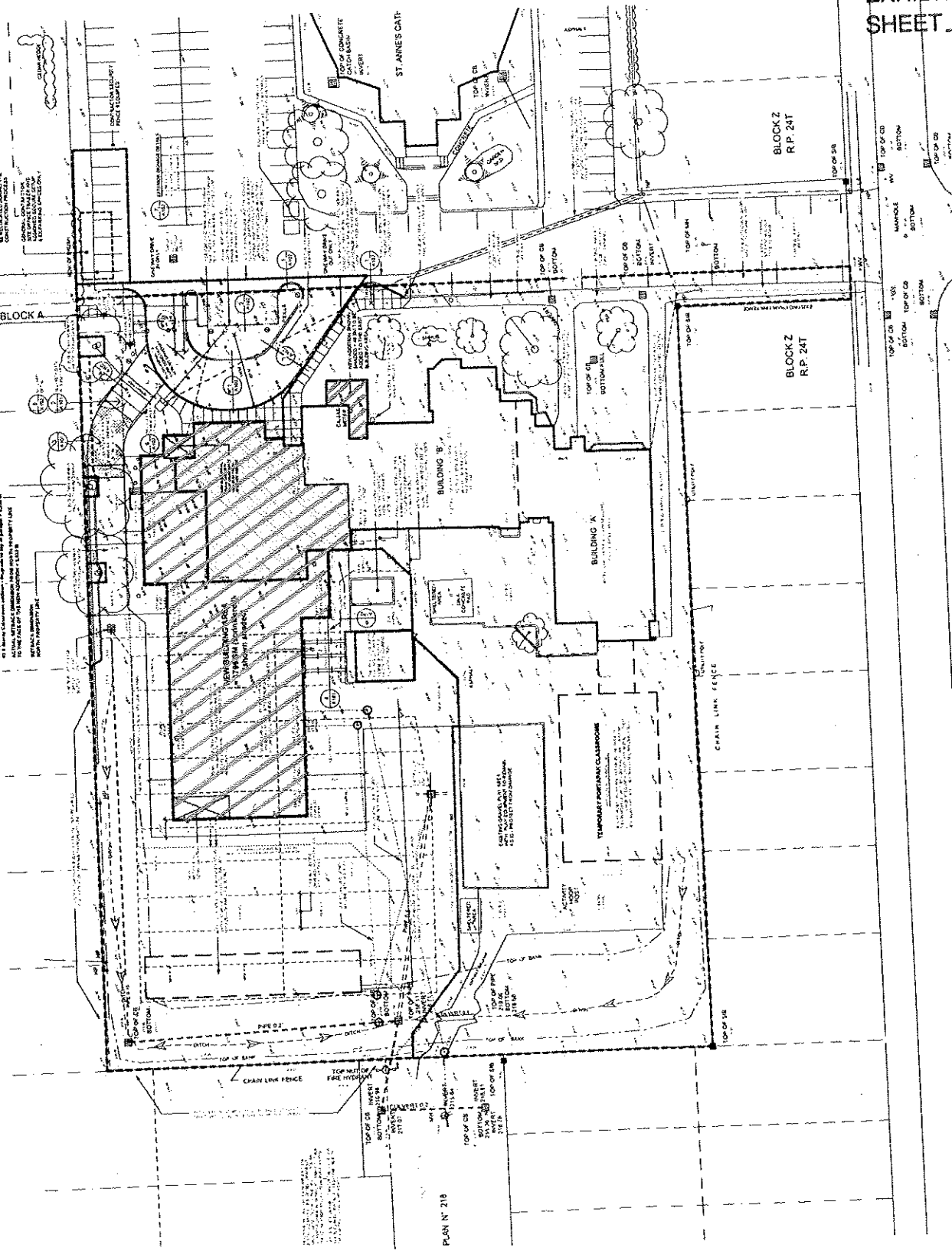
See Plan Notes

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL BUILDING CODE, THE NATIONAL ELECTRICAL CODE, THE NATIONAL MECHANICAL CODE, THE NATIONAL PLUMBING CODE, THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) 90A, 90B, 90C, 90D, 90E, 90F, 90G, 90H, 90I, 90J, 90K, 90L, 90M, 90N, 90O, 90P, 90Q, 90R, 90S, 90T, 90U, 90V, 90W, 90X, 90Y, 90Z, 90AA, 90AB, 90AC, 90AD, 90AE, 90AF, 90AG, 90AH, 90AI, 90AJ, 90AK, 90AL, 90AM, 90AN, 90AO, 90AP, 90AQ, 90AR, 90AS, 90AT, 90AU, 90AV, 90AW, 90AX, 90AY, 90AZ, 90BA, 90BB, 90BC, 90BD, 90BE, 90BF, 90BG, 90BH, 90BI, 90BJ, 90BK, 90BL, 90BM, 90BN, 90BO, 90BP, 90BQ, 90BR, 90BS, 90BT, 90BU, 90BV, 90BW, 90BX, 90BY, 90BZ, 90CA, 90CB, 90CC, 90CD, 90CE, 90CF, 90CG, 90CH, 90CI, 90CJ, 90CK, 90CL, 90CM, 90CN, 90CO, 90CP, 90CQ, 90CR, 90CS, 90CT, 90CU, 90CV, 90CW, 90CX, 90CY, 90CZ, 90DA, 90DB, 90DC, 90DD, 90DE, 90DF, 90DG, 90DH, 90DI, 90DJ, 90DK, 90DL, 90DM, 90DN, 90DO, 90DP, 90DQ, 90DR, 90DS, 90DT, 90DU, 90DV, 90DW, 90DX, 90DY, 90DZ, 90EA, 90EB, 90EC, 90ED, 90EE, 90EF, 90EG, 90EH, 90EI, 90EJ, 90EK, 90EL, 90EM, 90EN, 90EO, 90EP, 90EQ, 90ER, 90ES, 90ET, 90EU, 90EV, 90EW, 90EX, 90EY, 90EZ, 90FA, 90FB, 90FC, 90FD, 90FE, 90FF, 90FG, 90FH, 90FI, 90FJ, 90FK, 90FL, 90FM, 90FN, 90FO, 90FP, 90FQ, 90FR, 90FS, 90FT, 90FU, 90FV, 90FW, 90FX, 90FY, 90FZ, 90GA, 90GB, 90GC, 90GD, 90GE, 90GF, 90GG, 90GH, 90GI, 90GJ, 90GK, 90GL, 90GM, 90GN, 90GO, 90GP, 90GQ, 90GR, 90GS, 90GT, 90GU, 90GV, 90GW, 90GX, 90GY, 90GZ, 90HA, 90HB, 90HC, 90HD, 90HE, 90HF, 90HG, 90HH, 90HI, 90HJ, 90HK, 90HL, 90HM, 90HN, 90HO, 90HP, 90HQ, 90HR, 90HS, 90HT, 90HU, 90HV, 90HW, 90HX, 90HY, 90HZ, 90IA, 90IB, 90IC, 90ID, 90IE, 90IF, 90IG, 90IH, 90II, 90IJ, 90IK, 90IL, 90IM, 90IN, 90IO, 90IP, 90IQ, 90IR, 90IS, 90IT, 90IU, 90IV, 90IW, 90IX, 90IY, 90IZ, 90JA, 90JB, 90JC, 90JD, 90JE, 90JF, 90JG, 90JH, 90JI, 90JJ, 90JK, 90JL, 90JM, 90JN, 90JO, 90JP, 90JQ, 90JR, 90JS, 90JT, 90JU, 90JV, 90JW, 90JX, 90JY, 90JZ, 90KA, 90KB, 90KC, 90KD, 90KE, 90KF, 90KG, 90KH, 90KI, 90KJ, 90KK, 90KL, 90KM, 90KN, 90KO, 90KP, 90KQ, 90KR, 90KS, 90KT, 90KU, 90KV, 90KW, 90KX, 90KY, 90KZ, 90LA, 90LB, 90LC, 90LD, 90LE, 90LF, 90LG, 90LH, 90LI, 90LJ, 90LK, 90LL, 90LM, 90LN, 90LO, 90LP, 90LQ, 90LR, 90LS, 90LT, 90LU, 90LV, 90LW, 90LX, 90LY, 90LZ, 90MA, 90MB, 90MC, 90MD, 90ME, 90MF, 90MG, 90MH, 90MI, 90MJ, 90MK, 90ML, 90MN, 90MO, 90MP, 90MQ, 90MR, 90MS, 90MT, 90MU, 90MV, 90MW, 90MX, 90MY, 90MZ, 90NA, 90NB, 90NC, 90ND, 90NE, 90NF, 90NG, 90NH, 90NI, 90NJ, 90NK, 90NL, 90NM, 90NO, 90NP, 90NQ, 90NR, 90NS, 90NT, 90NU, 90NV, 90NW, 90NX, 90NY, 90NZ, 90OA, 90OB, 90OC, 90OD, 90OE, 90OF, 90OG, 90OH, 90OI, 90OJ, 90OK, 90OL, 90OM, 90ON, 90OO, 90OP, 90OQ, 90OR, 90OS, 90OT, 90OU, 90OV, 90OW, 90OX, 90OY, 90OZ, 90PA, 90PB, 90PC, 90PD, 90PE, 90PF, 90PG, 90PH, 90PI, 90PJ, 90PK, 90PL, 90PM, 90PN, 90PO, 90PP, 90PQ, 90PR, 90PS, 90PT, 90PU, 90PV, 90PW, 90PX, 90PY, 90PZ, 90QA, 90QB, 90QC, 90QD, 90QE, 90QF, 90QG, 90QH, 90QI, 90QJ, 90QK, 90QL, 90QM, 90QN, 90QO, 90QP, 90QQ, 90QR, 90QS, 90QT, 90QU, 90QV, 90QW, 90QX, 90QY, 90QZ, 90RA, 90RB, 90RC, 90RD, 90RE, 90RF, 90RG, 90RH, 90RI, 90RJ, 90RK, 90RL, 90RM, 90RN, 90RO, 90RP, 90RQ, 90RR, 90RS, 90RT, 90RU, 90RV, 90RW, 90RX, 90RY, 90RZ, 90SA, 90SB, 90SC, 90SD, 90SE, 90SF, 90SG, 90SH, 90SI, 90SJ, 90SK, 90SL, 90SM, 90SN, 90SO, 90SP, 90SQ, 90SR, 90SS, 90ST, 90SU, 90SV, 90SW, 90SX, 90SY, 90SZ, 90TA, 90TB, 90TC, 90TD, 90TE, 90TF, 90TG, 90TH, 90TI, 90TJ, 90TK, 90TL, 90TM, 90TN, 90TO, 90TP, 90TQ, 90TR, 90TS, 90TT, 90TU, 90TV, 90TW, 90TX, 90TY, 90TZ, 90UA, 90UB, 90UC, 90UD, 90UE, 90UF, 90UG, 90UH, 90UI, 90UJ, 90UK, 90UL, 90UM, 90UN, 90UO, 90UP, 90UQ, 90UR, 90US, 90UT, 90UU, 90UV, 90UW, 90UX, 90UY, 90UZ, 90VA, 90VB, 90VC, 90VD, 90VE, 90VF, 90VG, 90VH, 90VI, 90VJ, 90VK, 90VL, 90VM, 90VN, 90VO, 90VP, 90VQ, 90VR, 90VS, 90VT, 90VU, 90VV, 90VW, 90VX, 90VY, 90VZ, 90WA, 90WB, 90WC, 90WD, 90WE, 90WF, 90WG, 90WH, 90WI, 90WJ, 90WK, 90WL, 90WM, 90WN, 90WO, 90WP, 90WQ, 90WR, 90WS, 90WT, 90WU, 90WV, 90WW, 90WX, 90WY, 90WZ, 90XA, 90XB, 90XC, 90XD, 90XE, 90XF, 90XG, 90XH, 90XI, 90XJ, 90XK, 90XL, 90XM, 90XN, 90XO, 90XP, 90XQ, 90XR, 90XS, 90XT, 90XU, 90XV, 90XW, 90XX, 90XY, 90XZ, 90YA, 90YB, 90YC, 90YD, 90YE, 90YF, 90YG, 90YH, 90YI, 90YJ, 90YK, 90YL, 90YM, 90YN, 90YO, 90YP, 90YQ, 90YR, 90YS, 90YT, 90YU, 90YV, 90YW, 90YX, 90YY, 90YZ, 90ZA, 90ZB, 90ZC, 90ZD, 90ZE, 90ZF, 90ZG, 90ZH, 90ZI, 90ZJ, 90ZK, 90ZL, 90ZM, 90ZN, 90ZO, 90ZP, 90ZQ, 90ZR, 90ZS, 90ZT, 90ZU, 90ZV, 90ZW, 90ZX, 90ZY, 90ZZ



salter pilon

EXHIBIT SHEET 2 OF 2



1 Site Plan School - New
1 250

DATE	10/3/21	10032	A104
PROJECT	St. Anne's School		
OWNER	St. Anne's School		
ARCHITECT	Salter Pilon Architects		
SCALE	AS SHOWN		

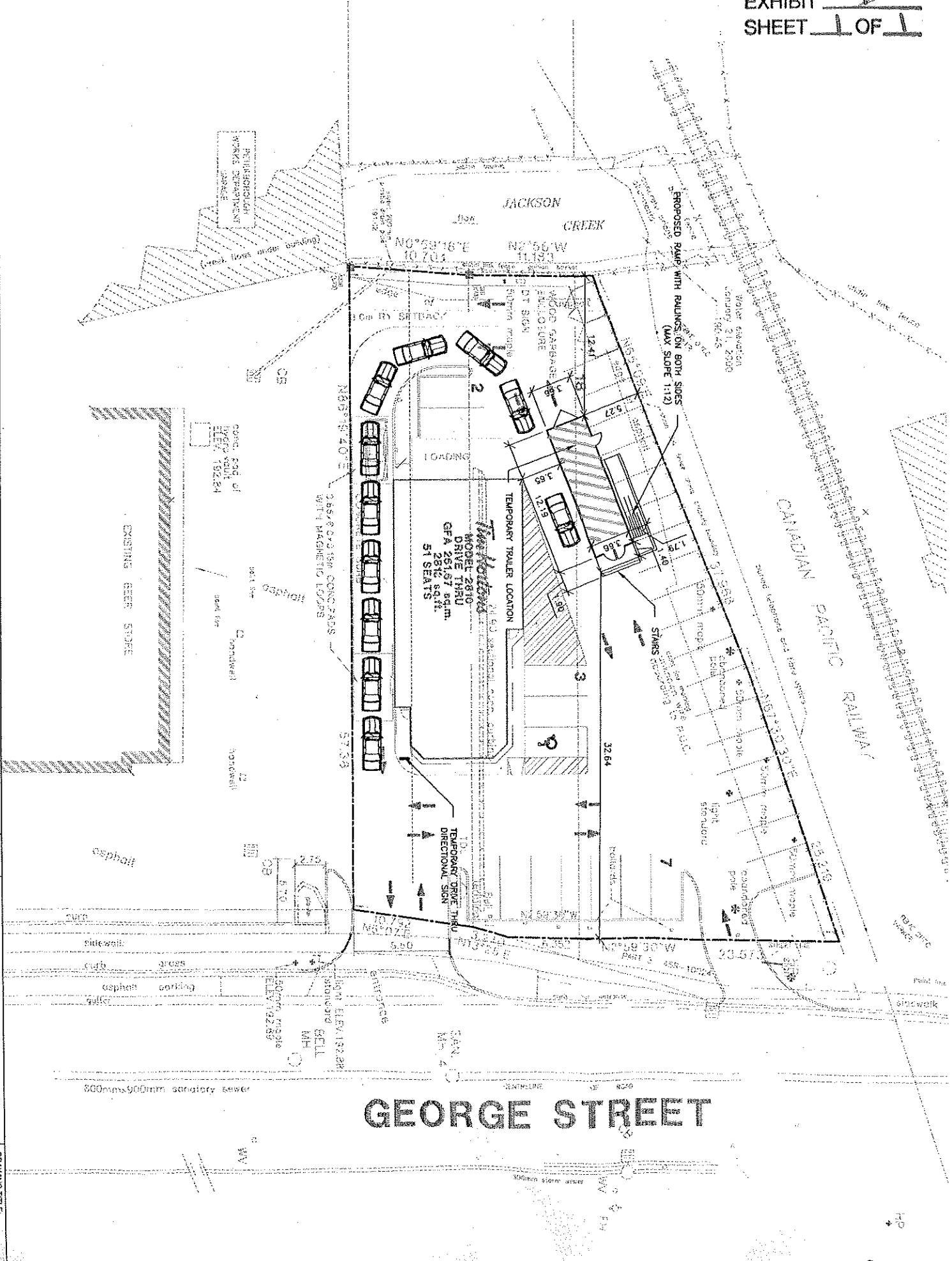
THE TDL GROUP CORPORATION

OFFICE
WESTERN OFFICE
7460 - 51st STREET SE
QUERBEQ OFFICE
10590 CHEMIN COTE DE LESSE
ATLANTIC OFFICE
478 MARLTON ROAD, B0X280
US OFFICE
4150 TULLER ROAD

1	ISSUED FOR REVIEW	AUG 2010	8
2			
3			
4			

PROJECT
PETERBOROUGH, ON
147 GEORGE STREET NORTH

DRAWING TITLE:
TRAILER PLAN
DRAWN BY: BML
SCALE: 1/250



GEORGE STREET

