



Staff Comments Re: Files: A45/11, A46/11, A47/11, B01/10 and B/14/11

A45/11 – 457 Edison Avenue Patricia & Stanley Crust

The applicant would like to construct a freestanding carport on the driveway between his dwelling and the west side lot line as illustrated on the plan attached as Exhibit A. To fit the 3.2 metre by 20 metre, prefabricated structure between the dwelling and the lot line, a variance is requested to reduce the minimum building setback from the west side lot line from 1.2 metres (3.9 ft) to 0.6 metres (1.9 ft).

Staff visited the subject property and considered the established standard of development in the neighbourhood.

Subject to concerns raised by neighbouring property owners, Staff would not object to the variance as described for the purpose of an open sided carport provided that the structure is modified as necessary to ensure that storm water from the structure is managed on the subject property so as not to affect the neighbouring property.

A46/11 – 637,645 & 661 Lansdowne Street West - Lansdowne Place Mall Inc.

The applicant is proposing to construct a new, freestanding building on the site to be located as illustrated on the plan attached as Exhibit B. A variance is therefore requested to reduce the minimum building setback from the centre line of an arterial road (High Street) from 24.4 metres (80 ft) to 17.913 metres (58.76 ft).

The section of High Street between Lansdowne Street West and Bordon Avenue is a high capacity arterial road with the required road allowance width of 26 metres in accordance with the Official Plan. The intention of the setback regulations of the by-law is for a number of purposes ranging from protecting the development of adjacent land from the impact of activities associated with the role of an arterial street as a transportation and utility corridor, to ensuring a standard setback to protect sight lines along arterial streets from competing interests of commercial development.

In the case of the subject property, the proposed location of the building is near the entrance to the mall - central to the property - over 100 metres from the intersection with Lansdowne Street West and over 100 metres from the west entrance from Bordon Avenue. Considering road allowance being adequate in width to accommodate the design of the street, Staff is of the opinion that the variance requested to permit the location of the building as proposed would not compromise the intent of the regulations of

the by-law and given the proportionate scale of the property to the proposed development, there is little issue with regard to a precedent being set.

The Committee should also note that the proponent has filed an application for amendment to the site plan for the property which is under review. The preliminary site plan data revealed that with the proposed restaurant there would be a surplus of 132 parking spaces on the entire mall site. These latest parking statistics were considering in relation to the variance files A11/09 and A08/11 that permitting a seasonal garden centre on the property. The latest parking statistics would reduce the parking spaces available to support the seasonal garden centre.

Staff would not object to the Committee granting the variance as described on the condition that the owner enters into an agreement with the City to not establish a seasonal garden centre on the property based on variances A11/09 and A08/11.

A47/11 – 211 Romaine Street - St. James United Church

The proponent would like to use 371 sq metres (4,000 sq ft) of the space within the building as a “place of assembly”. A variance to the parking regulations of the by-law is therefore requested to reduce the number of additional parking spaces to be provided for the staff associated with the use from 10 to 0.

The subject property is zoned PS.2 Public Service District and the space within the building has always been used as a church. It has been determined that the property is legal-non conforming with 33 parking spaces being provided to support the use of the building as a church. While Section 4 of the by-law required parking to be provided at a rate of 1 space per 4 square metres of assembly area for use as a church, the proponent would like to rent out 371 sq metres of the space as a place of assembly for other than a church which requires parking at the same rate plus one space per staff associated with the use. While there may be as many as ten staff within the building at once, relief is therefore requested from the by-law’s requirement to provide the ten additional parking spaces for the staff associated with the proposed use.

Staff examined the Air photo illustrating the parking provided and noted that 4 parking spaces are actually on the City boulevard. Staff considered the use of church basements becoming ever more available for other public assemblies during evenings and days ranging from soup kitchens, boy scouts and floor hockey arenas. Staff noted there are two churches in the vicinity with parking issues that spill out onto the City streets. Staff also considered the nature of the proposed “place of assembly” sharing the available parking spaces with a church that would not generate a demand for their share of the parking spaces on a day to day basis. Perhaps there may be the occasion that a funeral service may generate a demand of the church’s share of the parking space but that condition would not be anticipated to occur on a regular basis and could be managed by the church.

Staff received one phone call from a neighbouring property owner concerned about the current parking situation and the additional stress that may result. Staff would suggest

that the Committee consider the response from to the notice of this public meeting in determining the stress on parking that may be anticipated by neighbouring property owners in the vicinity.

Subject to concerns raised by neighbouring property owners, staff would not object to the Committee granting the variance as described.

B01/10 – 1597, 1697, 1619, 1633 Lansdowne Street West - 1494282 Ontario Inc.

Referring to the Plan attached as Exhibit C, the owner would like to sever the northerly 73.16 metres of the subject lands designated for commercial purposes from the southerly portion of the property that is designated for residential purposes to allow the owner to pursue development of the two properties independently.

Lansdowne Street West is a high capacity, arterial roadway with a planned road allowance width of 30 metres. The northerly 73.16 metres of the subject property on Lansdowne Street West is designated for commercial purposes but remains zoned as residential. Staff considered the dimensions of the property and is satisfied that the depth of the property in relation to Lansdowne Street West is adequate to accommodate a building, parking and landscaping in accordance with commercial zoning that would implement the Commercial designation of the property. Redevelopment can also be accommodated considering the requirement of a road widening along the Lansdowne Street road frontage to fulfil the road allowance width requirements of a high capacity arterial roadway in accordance with the Official Plan.

In the mean time, it appears that the properties would conform to the existing residential zoning provided that the accessory building located in the rear yard of 1619 Lansdowne Street West is removed or relocated appropriately in relation to the proposed line of severance. It is anticipated that the residential properties and the commercial property at the east end of the strip will all be subject to rezoning in the future to realize their highest and best use and to implement the commercial designation.

The land to the south to be retained, is designated for residential use but is zoned D.2 Development District. The property does not conform to the zoning due to the size of the property. As a non-conforming property, the only permitted use would be the established use which is vacant land. Staff would suggest that the proponent will be pursuing development of the lands as plan of subdivision. In the mean time Staff would support the severance leaving the zoning as non- conforming to permit only the vacant land use in the interim.

Staff would therefore support the proposed severance subject to the following conditions:

- 1) that the accessory building located to the rear of 1619 Lansdowne Street West is removed or relocated appropriately in relation to the proposed line of severance, and
- 2) conveyance, free of encumbrances and at no cost to the City of a 3.05 metre wide strip of land across the entire Lansdowne Street West frontage of the property for the purpose of achieving a total of 5.18 metre that would include the 2.13 metres purchased from the owner for the purpose of widening the Lansdowne Street road allowance.

B14/11 – 899 Western Avenue - Larry Lafonte

Referring to the Plan attached as Exhibit D, the proponent would like to convey the southerly 1 metre of the property known municipally as 899 Western Avenue to be added to the adjacent property known as 895 Western Avenue. The addition would result in the development of both properties that would conform to the side yard setback regulations.

Staff regards the proposed severance a practical and logical improvement to configuration of the two properties in relation to the zoning regulations and existing development of the properties. Staff would recommend that the Committee grant the consent as described.

Richard Straka
Planner Policy & Research

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

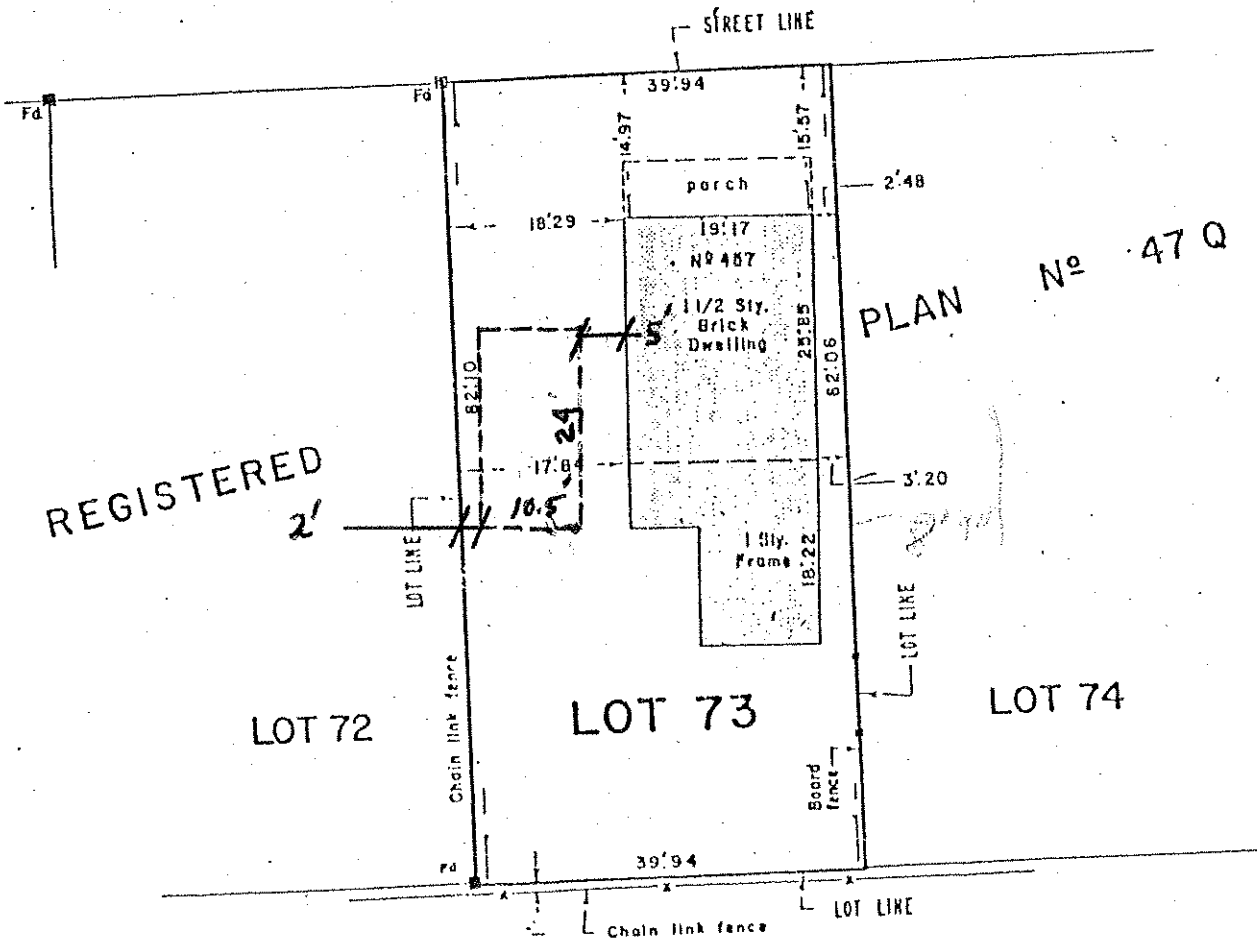
PETERBOROUGH, ONTARIO
29th NOVEMBER, 1974.

W.A. Beninger
W. A. BENINGER
ONTARIO LAND SURVEYOR

EXHIBIT A
SHEET 1 OF 1

□ - DENOTES IRON BAR 1 INCH SQ. 4 FEET LONG.
■ - " " " 5/8 " " 2 " "
MEASUREMENTS ARE TAKEN TO CONCRETE
FOUNDATION OF DWELLING.

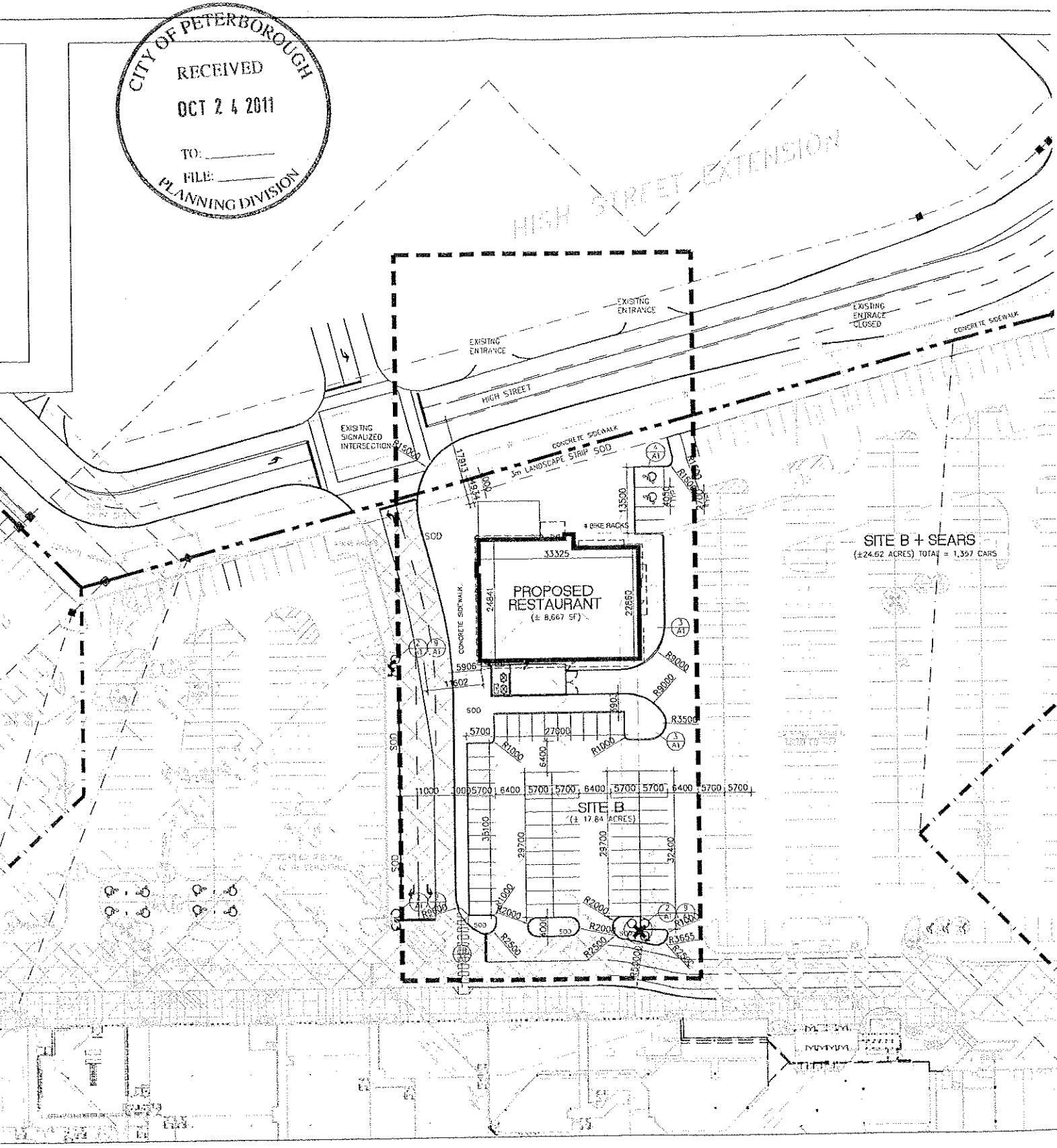
EDISON AVENUE



ok
DM

W A BENINGER LIMITED
ONTARIO LAND SURVEYORS
411 WATER STREET
PETERBOROUGH, ONTARIO

CITY OF PETERBOROUGH
 RECEIVED
 OCT 24 2011
 TO: _____
 FILE: _____
 PLANNING DIVISION



P.I.N. 28059-0224(LT)

EXHIBIT D
SHEET 1 OF 1

