



City of
Peterborough

Committee of Adjustment Hearing Date: March 1, 2016

Staff Comments Regarding: Files A03/16, A10/16, and B05/16,

A03/16 – 1090 Clonsilla Avenue – Joseph Hoja Optometry Professional Corporation

The subject property is designated Service Commercial and is zoned C.4 with alternate regulations to allow a clinic. It is currently used as an optometry clinic.

The owner is proposing to construct an addition to the southeast side of the building. A variance is therefore requested to reduce the minimum building setback from the east side lot line from 9 metres to 4.79 metres to allow a proposed extension of the building to the rear of the existing building that could be two storeys (7.31 metres) in height.

The proposed location of the addition is to the southeast corner of the building, as illustrated on Exhibit A. To the south end of the property and encroaching on the subject property, there is an easement within which a very large trunk sewer line exists. The City has developed a storm sewer management plan that will involve expansion of the capacity of the sewer line within the easement that may even involve expanding the easement. Staff have investigated the needs of the municipality regarding an expanded easement and have worked with the applicant to modify the proposed plan for expansion that will not compromise the potential needs to expand the easement.

The plans for expansion have been modified to achieve adequate space within the proposed building on the site while avoiding the area of the possible expanded easement. With the multi-unit residential building to the east being located toward the front of the property and the spatial distance separating the proposed addition from residential buildings on adjacent properties to the south, Staff is of the opinion that the variance sought would have little impact on the development and use of other properties in the vicinity.

Staff reviewed the parking requirements to support the proposed expansion, and the owner is aware of the parking required to support the proposed addition.

Subject to concerns raised by neighbouring property owners, Staff would not object to a variance to reduce the minimum building setback from the east side lot line to 4.79 metres to permit a two storey building on the property for a distance of no more than 49.8 metres from the street line as illustrated on Exhibit A. The Committee should note that the proposed expansion would be subject to site plan approval that would include a review of the stormwater management plan for the property.

A10/16 – 627 Downie Street – Hilary Bakker

The applicant is requesting a variance to reduce the minimum building setback from the north side lot line from 1.2 metres to 0.6 metres to allow an addition to the second storey over the established one storey extension to the rear of the building on the property.

A two storey brick dwelling is established 0.5 metres (1.66 ft) from the north lot line. A one storey, frame addition currently extends approximately 7.9 metres (26 ft) to the rear of the brick portion of the dwelling on the property. The first 4.58 metre (15 ft) part of the addition is located 0.6 metres from the north lot line while the second, 3.3 metre (11 ft) part is located 1.2 metres (4 ft) from the lot line in compliance with the zoning regulations. The owner would like to make use of the established foundation and structure to add a second storey to the entire addition as illustrated on the plan attached as Exhibit B.

Staff visited the subject property and noted that there is a driveway on the adjacent property immediately to the north separating the proposed two storey addition from the two storey dwelling on the adjacent property. Considering the established location of the existing dwelling including the one storey addition from the north lot line and the spatial separation provided by the driveway between buildings on adjacent properties, Staff is of the opinion that the impact of the variance would be minor.

Staff recognizes the established location of the brick dwelling and frame addition as legal non-conforming. Subject to concerns raised by neighbouring property owners, Staff would not object to the Committee granting a variance to reduce the minimum setback distance to 0.6 metres to allow a second storey addition extending no more than 4.6 metres to the rear of the brick dwelling, provided that eavestroughing is established and maintained on the dwelling to manage stormwater on the subject property so as not to affect the neighbouring property. The balance of the proposed two storey addition would comply with the zoning, being located 1.2 metres from the side lot line.

B05/16 – 91 Langton Street – Robert and Joanne Lapum

Referring to the plan attached as Exhibit C, the applicant is proposing to convey the westerly 18.29 metres of the subject property to create a new lot for potential development of a single unit dwelling.

It should be noted that the subject property is a Designated property under the Ontario Heritage Act. The proposed severance of the property would result in a change to the property that would require an amendment of the designation by-law describing the Heritage designation of the property. While it may be determined that the severance may not compromise the integrity of the property, it is necessary to amend the by-law designating the property that will involve a decision by City Council to do so.

This application had been before the Committee as Files B11/12 and A24/12. The severance and variance was granted by the Committee subject to conditions that were allowed by the owner to lapse. The application to sever the property is once again before the Committee with the benefit of the variance that addressed the depth of the proposed parcel to be severed, therefore allowing it to conform and be severed for development of a single unit dwelling.

Staff would recommend the Committee grant the consent as described subject to the following conditions:

- i) That the owner enters into an agreement with the City to amend the Heritage Designation By-law that applies to the subject property.
- ii) That the owner enter into an agreement with the City to consolidate ownership of all parts that would comprise the parcel to be created under one ownership,
- iii) That the owner enter into an agreement with the City, to be registered on the title of the severed parcel, that would require the submission of building plans for approval by the City's Heritage Officer to ensure compatibility of the design of any building on the property prior to issuance of a building permit.
- iv) Payment of parks levy of an amount to be determined by the Parks Levy Review Committee, and
- v) Payment of a tree levy of \$229.

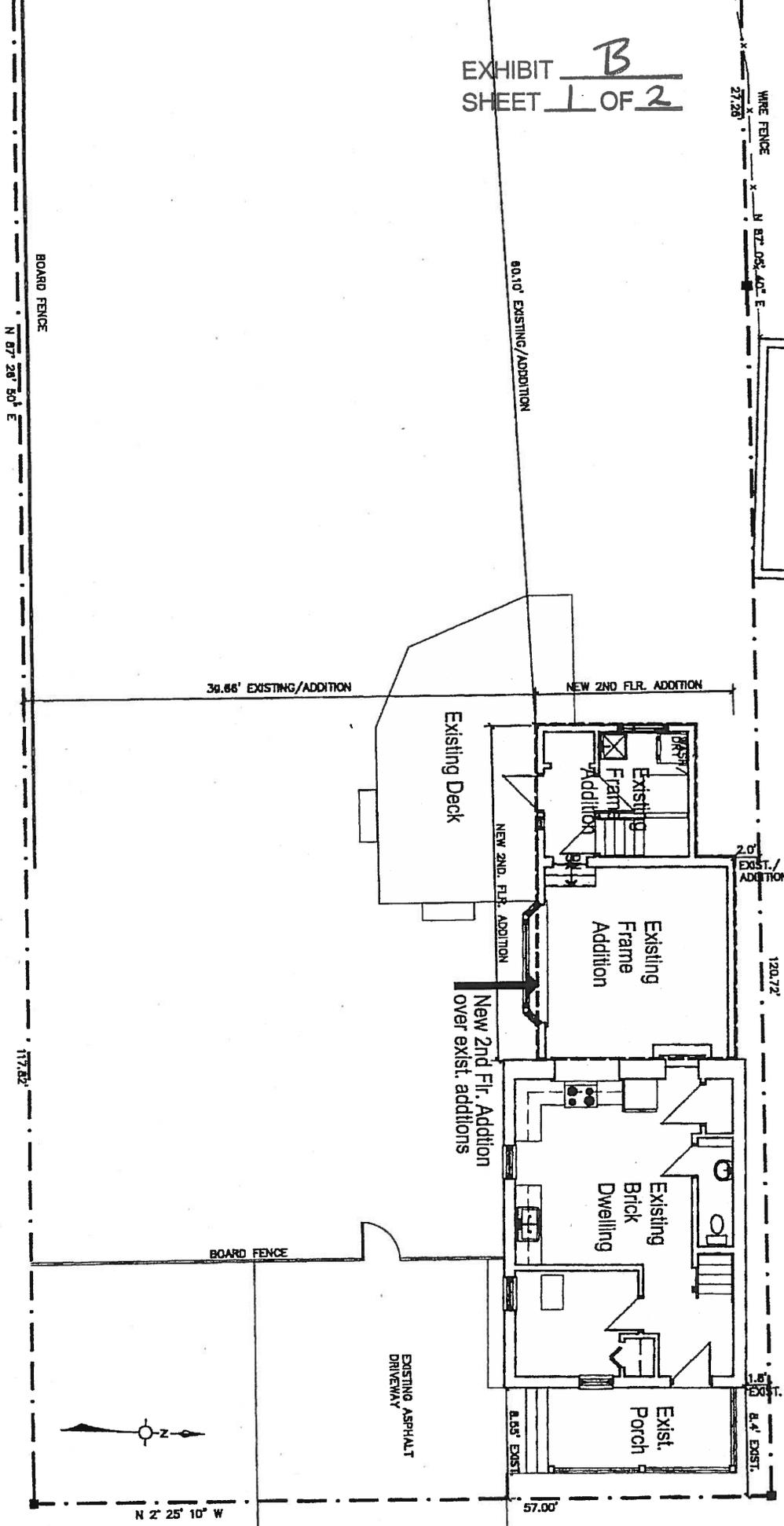
(Sgd.) Richard Straka, Planner Policy & Research

(Sgd.) Dean Findlay, C.Tech., CBCO, Chief Building Official

Street

Frame
Garage
(ADJACENT PROPERTY)

EXHIBIT B
SHEET 1 OF 2



SITE PLAN

SCALE: 1/8" = 1'-0"

DOWNIE STREET

Robert & Joanne Lippin
91 Langton Street
Scale 1" = 30'
Severance of Lot 20 Plan 14

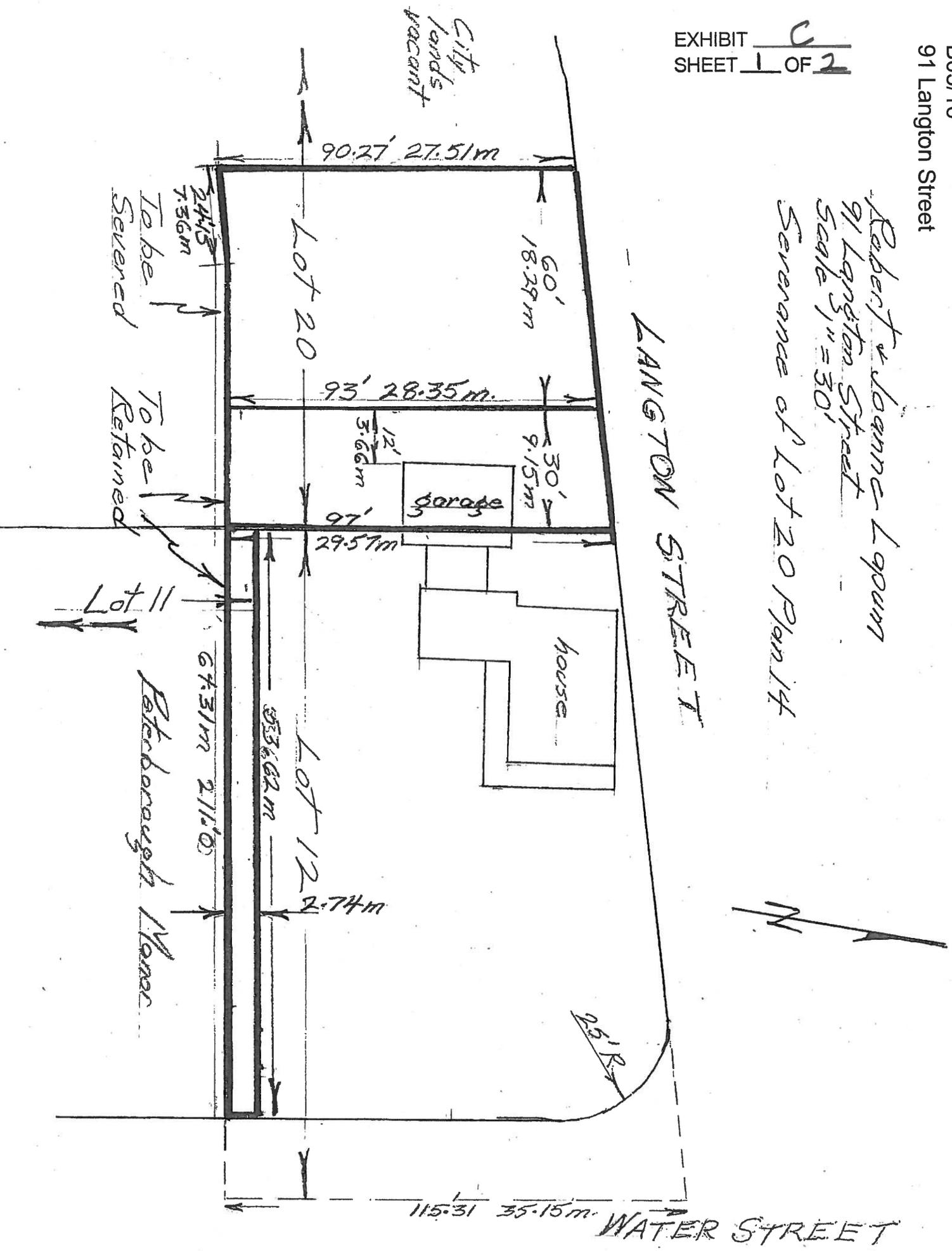
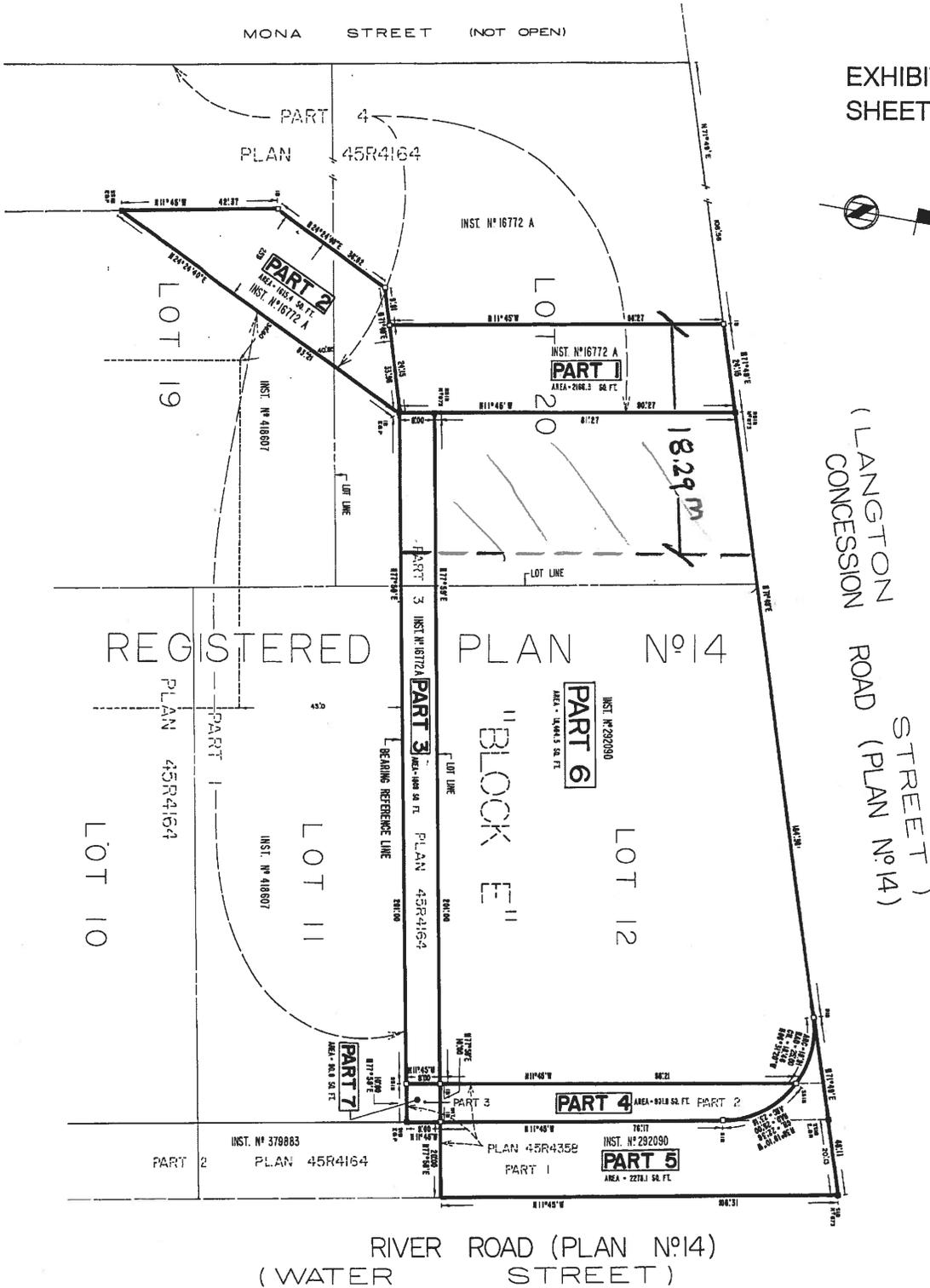


EXHIBIT C
SHEET 2 OF 2.



SCHEDULE

PART	INST. #	DESCRIPTION
1	16172 A	PART OF LOT 20, REG'D PLAN No 14
2	16172 A	PART OF LOTS 11 & 20, REG'D PLAN No 14
3	16172 A	PART OF LOTS 11 & 20, REG'D PLAN No 14
4	16172 A, 28090	PART OF LOTS 11 & 12, REG'D PLAN No 14
5	28090	PART OF LOT 12, REG'D PLAN No 14
6	28090	PART OF LOTS 12 & 20, REGISTERED PLAN No 14
7	28090	PART OF LOT 11, REGISTERED PLAN No 14

TO REQUIRE THIS PLAN TO BE
REGISTERED BY THE
REGISTERED ACT.

16 AUGUST, 1985

DATE: _____

RECEIVED AND DEPOSITED

23 SEPTEMBER 1985

DATE: _____

ROBERT B. PARR, O.L.S.

ROBERT B. PARR, O.L.S.

REGISTERED LAND REGISTRAR FOR
PETERBOROUGH (PLAN No 14)

PLAN
OF SURVEY OF LOT 12 AND
PART OF LOTS 11, 19
AND 20, IN BLOCK "E",
REGISTERED PLAN No 14
CITY OF PETERBOROUGH
COUNTY OF PETERBOROUGH

SCALE: 1 INCH EQUALS 20 FEET

ROBERT B. PARR, O.L.S.
1985

SURVEYOR'S CERTIFICATE:

I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT AND MADE THEREUNDER AND THE REGULATIONS MADE THEREUNDER;
2. THE SURVEY WAS COMPLETED ON THE 15 TH DAY OF AUGUST, 1985

ELIOTT AND BIRD (PETTERBOROUGH) LTD.
ONTARIO LAND SURVEYORS
PETERBOROUGH, ONTARIO
16 AUGUST, 1985

ROBERT B. PARR,
Ontario Land Surveyor

LEGEND AND NOTE:

BEARINGS ARE ASTRONOMIC, DERIVED FROM THE SOUTHERLY LIMIT OF PART 3, PLAN 45R4164 PETERBOROUGH (N 46) HAVING A BEARING OF N 77 59' E.

*** DENOTES ELIOTT & BIRD, O.L.S.
*** DENOTES W.A. BENNINGER, O.L.S.

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