



City of
Peterborough

Committee of Adjustment Hearing Date: May 20, 2015

Staff Comments re: Files A19/15, A20/15, A21/15, A22/15, A23/15, A24/15, B06/15, A25/15, A26/15, A27/15 and A28/15

A19/15 – 726 Clonsilla Avenue – Kim Wallace Holdings Limited.

Referring to the Plan attached to the Staff report as Exhibit A, the owner would like to construct a 389.5 square metre addition to the rear of the building used for automotive repair purposes. The following variances to the C.4 Commercial Zoning District are therefore requested:

- i) reduce the minimum building setback from the rear lot line from 9 metres to 2.37 metres,
- ii) reduce the minimum building setback from the east side lot line from 9 metres to 6.79 metres, and
- iii) reduce the minimum number of motor vehicle parking spaces required to support the proposed development on the property from 107 to 46.

The subject property is designated as Special Purpose Retail and is zoned C.4 Commercial that would permit the public garage and auto body repair establishment for which the building on the property is used. The proponent would like to construct an addition to the southeast end of the building to expand the business. While the addition would increase internal space, it would include two more overhead doors to the 16 associated with the existing building.

The proposed addition is offset to the east side of the lot to avoid conflict with access to underground oil storage tanks established at the southwest corner of the building. Staff noted that the space between the proposed additional building and the east lot line will be landscaped open space that will provide the spatial separation of permeable surface to address the stormwater management that will have to be reviewed through an amended site plan agreement. It should also be noted that the owner has an interest in the adjacent property to the east, which is currently undeveloped but plays a role in stormwater management associated with the subject property.

The property to the south was zoned SP.268 – 166 by City Council in 2000. The .166 alternate regulations reduced the standard building setbacks from all lot lines, including the rear lot line, being 6 metres. Staff considered the existing and proposed spatial separation between buildings on the adjacent properties, and while buildings can be constructed in accordance with the building code without any issues, a separation of 2.37

metres from the rear lot line offers limited space for access to the rear of the building and insufficient space for more sophisticated means of stormwater management, such as rain gardens or bio-retention cells. Construction of a building that close to the rear lot line will also preclude vehicular access behind the building, restricting efficient vehicle movement on the site to take advantage of the two access/egress points on Clonsilla Avenue. While the proposed development may suit the short term requirements of the property owner, it will be a limitation on the future functionality of the site for any other use listed under the zoning district with inadequate space for parking. Staff is aware that the adjacent properties to the south and east share easements to address stormwater management concerns that will be reviewed as a part of the revised site plan agreement required by the proposed development.

Staff received communication from the adjacent property owner to the south concerned about the reduced separation distance between buildings on the adjacent properties that would result from the reduced setback from the south lot line. The neighbour shares Staff's concerns with the reduced space to the rear of the building. The applicant was subsequently contacted, and further information on the use of the interior space of the building addition was requested to help understand the need for the sizeable addition where it is proposed.

While Staff does not object to the variance sought to reduce the minimum building setback from the east side lot line to 6.79 metres as requested, Staff cannot support the variance to the rear lot line as requested without further information on the proposed use of the interior space of the building addition.

Should the Committee choose to grant the variance regarding the setback from the rear lot line, Staff would advise that attention to a plan for stormwater management that would involve the use of bio-retention cells and rain gardens on the property to make double use of the remaining landscaped open space be used to address stormwater management on the property. This should be a condition required of an amendment to the site plan agreement.

Considering the variance requested to reduce the requirement of motor vehicle parking, the zoning by-law requires motor vehicle parking to be provided at a rate of "the greater of 1 per 4 service bays or one space per 9 square metres of service area". On the basis of the latter requirement, a total of 107 motor vehicle parking spaces would be required.

The relief from the parking requirements as requested considering the contextual location of the subject property does not appear to be a minor variance.

Staff is recommending that the application be adjourned to allow the applicant to provide further detailed information on the interior space of the building to help Staff and the Committee understand the proposed use of the building in order to help justify relief from the parking requirements to the extent requested.

A20/15 – 217 Brock Street – Funclin Li and Hua Gao Li

The subject property was originally zoned LI Light industrial in the 1954 by-law. The more contemporary by-law 97-123 rezoned the property C.6 recognizing the use as a legal, non-conforming, single unit dwelling. The modern zoning by-law also permitted an

additional dwelling unit. The main level of the building was subsequently converted to a commercial use while retaining the residential unit within the building.

The owner would like relief from regulation 18.2 e) of the C.6 Commercial Zoning District to permit the use of the street level (first floor) of the two storey building to be used for residential purposes.

The subject property is a commercially zoned building located on the south side of Brock Street between George Street and Aylmer Street, in the Commercial Core Area of the City. Being located in the Core area of the City, the property is located in an area of the City where the conversion of land potentially useable for employment purposes to non employment uses is discouraged by the Provincial Growth Plan. The objective of the plan is to intensify the density of jobs and residents within the Commercial Core Area of a City.

This objective is also described by the City Official Plan policy 2.3.2 g) and l) considering the purpose of pre-zoning property to “facilitate a full range of density and uses” and ultimately “foster the re-use of outmoded sites and buildings which are in the Central Area...”. Section 4.3.2.2.2 of the Official Plan goes on to describe how commercial development should occur, requiring commercial uses which generate pedestrian traffic to be located on the grade level with residential uses located on the upper storeys to maintain a continuous shopping function.

The subject property and adjacent properties appear as single unit dwellings, some of which were converted for commercial use. They may all be considered to be “pre-zoned” C.6 Commercial District anticipating their conversion for potentially mixed residential and commercial use or their amalgamation, buildings removed and redeveloped for commercial purposes. The C.6 Zoning would allow the entire building to be used for commercial purposes, however, a residential use is permitted only on the second storey or higher. The intention of this regulation is to facilitate and maintain a continuous commercial street front presence in the downtown, considering the pedestrian experience.

Staff noted that the street-level uses of the buildings to the west are a commercial hair salon and a vacuum sales and repair establishment. The use of the building to the east is unclear but appears to be residential, and further east is the entrance to the FreshCo grocery store parking lot.

Staff received telephone calls from neighbouring property owners in the vicinity concerned about the use and management of the property by the current owner and the implications of the variance sought. While the owner finds it difficult to keep commercial tenants in the main level of the building Staff, would ask the Committee to consider and weigh the impact of the requested variance considering the following:

1. Deterring the imminent possibility of the intent of the liberal C.6 Commercial zoning to facilitate commercial redevelopment of the subject property in conjunction with adjacent properties.
2. The impact of granting a variance that will allow a use that could weaken the propensity for change by facilitating the economic viability of the status quo.

3. The impact of returning what was once a commercial use to a residential use, interrupting the commercial street front continuum.
4. The precedent that may be set regarding street front properties zoned similarly for commercial purposes.

Staff can not support the variance sought that undermines the intent of the Official Plan and the zoning applied to the subject property.

In addition, Staff received comments from ORCA citing the proximity of the building to the flood plain. Presuming the furnace is located in the lower level of the building, City policy would require flood proofing of any space where heating and ventilation equipment is located in the lower portion of the building.

**A21/15, A22/15, A23/15, A24/15 and B06/15
1071 Parkhill Road West – Joseph and Peggy Johnson**

Referring to the Plan attached as Exhibit B, the applicant is proposing to sever the subject property to create three new lots in addition to the retained property, upon which a dwelling exists. To facilitate the severance, the following variances are requested to address the dimensions of each of the proposed lots:

Lot 1 (The retained parcel):

- i) reduce the minimum required lot width from 60 metres to 55 metres

Lot 2 (The most westerly lot):

- i) reduce the minimum required lot area from 1855 sq m to 1264 sq m
- ii) reduce the minimum required lot width from 60 metres to 24.3 metres

Lot 3 (The lot to the west of the retained parcel):

- i) reduce the minimum required lot area from 1855 sq m to 1249 sq m
- ii) reduce the minimum required lot width from 60 metres to 24.3 metres

Lot 4 (The lot to the east of the retained parcel):

- i) reduce the minimum required lot area from 1855 sq m to 1039 sq m
- ii) reduce the minimum required lot width from 60 metres to 21 metres

Parkhill Road West is a high capacity arterial road that is scheduled to undergo roadway reconstruction. The design will result in improved grading between the road elevation and the subject property and would be an appropriate opportunity to install sewer and water services to the subject property. The zoning of the subject property is R.1 with alternate regulations 1d, 2d regarding minimum lot area and lot width applied to protect the size of the lot, as the property was not connected to municipal sewer and water services. Staff considered the services that will be available to the property, and determined that a reduced standard in terms of lot width and area would be appropriate.

Staff carefully considered the established standard of development of properties to the east of the subject property created by way of severance through the Committee of Adjustment in 2001 – File B48/01. Properties vary in lot width and area with a minimum width of 22.8 metres (75 ft) and lot area of 1128.6 sq metres (12,148 sq ft). The

severance and development of the properties was carefully done resulting in a respectful distance between buildings on adjacent lots.

Staff noted that the setback of the building established on the adjacent lot to the east appears to be as little as 1.2 metres. With there being no transition between the developed property to the east and the subject property, the proposed new lot to the east of the existing dwelling on the subject property should be considered the transitional parcel.

To respect the established standard of development along the south side of Parkhill Road West in the vicinity of the subject property, Staff is recommending that the variances requested for Lot 4 be denied and instead, variances be granted to reduce the minimum lot width to 22.8 metres with a minimum lot area of 1128.6 square metres. To respect the separation distance between buildings on adjacent lots, the Committee may also consider imposing a restriction on the establishment of a building within 2.4 metres of the east side lot line of Lot 4.

Staff are of the opinion that the recommendation would respect the established standard of development in the vicinity and would facilitate the proposed severance, creating three new lots of appropriate dimensions to accommodate development of single unit dwellings of a compatible standard to established development in the vicinity.

Considering access to the arterial roadway, the width of each of the proposed lots is adequate to facilitate a driveway and parking area designed to turn a vehicle around so it would not have to back out onto the arterial street.

Subject to concerns raised by neighbouring property owners, Staff would not object to the Committee granting the variances and severances as described in this Report, subject to the following conditions:

1. Connection of the dwelling on the retained property to municipal sewer and water services, including payment of the costs associated with the services to the properties to the satisfaction of the City Engineer and P.U.S.I.
2. The owner entering into a development agreement with the City to require:
 - i) all of the lots to be graded appropriately in relation to Parkhill Road, each other and adjacent lands to the satisfaction of the City Engineer,
 - ii) development of a driveway and parking on each of the new lots designed to accommodate the ability of a motor vehicle to turn around on the property and drive out forward onto Parkhill Road,
 - iii) restrict the establishment of a building within 2.4 metres of the east side lot line of Lot 4, being the easterly lot to be created, with a width of 22.84 metres, and
 - iv) modifications to a tree planning plan by the City for the property in response to the lots created, as per the decision of the Committee of Adjustment.
3. Payment of a Parks levy of an amount to be determined by the Parks Levy Review Committee.
4. Payment of a tree levy in the amount of \$875.00 in relation to the three new lots.

A25/15 – 643 Charlotte Street – Sue Carlson and Damon Toth

Referring to the plan attached as Exhibit C, the owner is requesting the following variances to the regulations of the R.2 Residential Zoning District to allow the use of the dwelling as a duplex:

- i) reduce the minimum required lot area per dwelling unit from 278 square metres to 275 square metres,
- ii) reduce the minimum required lot width per dwelling unit from 9 metres to 7 metres, and
- iii) reduce the minimum required building setback from the west side lot line from 1.2 metres to 0.4 metres.

The subject property is located on a section of Charlotte Street that is designated as a high capacity arterial street. Official Plan Policy 5.4.7 prohibits variances that facilitate development that would rely on the backing of a motor vehicle out onto an arterial street and recommends a revision to circumstances where the occurrence exists and can be remedied. While there is an existing double wide driveway from Charlotte Street there is the opportunity to create parking for three motor vehicles to the rear of the property, accessible from the laneway to the rear of the property.

Staff have considered the variances requested in relation to the standards of the Zoning By-law and noted that that the proposed use technically relies on the variance to recognize the location of the dwelling established on an angle, as close as 0.4 metres from the west side lot line.

In that there is no proposal to expand the dwelling, Staff would not object to the variances as described to permit the use of a dwelling for two units provided there is no addition to the height of the one storey, frame addition to the rear of the dwelling and conditional upon the following:

1. Payment of a parks levy of an amount to be determined by the Parks Levy Review Committee,
2. A barrier curb is established at the owners expense, to reduce the curb cut on Charlotte Street to a width of more than 3 metres to access no more than one motor vehicle parking space from Charlotte Street, and
3. That parking spaces for 4 motor vehicles be established and maintained on the property in accordance with the regulations of the Zoning By-law to the satisfaction of the Chief Building Official.

A26/15 – 840 Water Street – D.D. 840 Water Ltd.

The owner is requesting a deferral of this application to allow the consultant to conduct a study of the parking associated with the proposed use of the property for 38 apartment units based on 41 motor vehicle parking spaces.

A27/15 – 544 Hopkins Avenue – Steve and Jen Milsom

Referring to the Plan attached as Exhibit D, the subject property is a 13.7 metre (45 ft) wide by 27.4 metre (90 ft) deep lot, located at the corner of Hopkins Avenue and

Cambridge Street. Both streets are local streets in an older, established neighbourhood where development of many properties does not comply with the regulations of the current by-law. Considering the established development of the property, the owner would like to establish a garage on the property and has requested the following variances:

- i) reduce the minimum building setback from the point of intersection for the two side lot lines of a corner lot from 4.5 metres to 1.2 metres,
- ii) reduce the minimum building setback from the Cambridge Street line from 6 metres to 5.4 metres,
- iii) reduce the minimum required length of a motor vehicle parking space from 5.7 metres to 5.4 metres, and
- iv) increase the maximum number of motor vehicle parking spaces that may be located within 6 metres of a street line from 2 to 3.

Staff considered the established development of the property and the established standard of development of other properties in the vicinity and is of the opinion that the variances described to facilitate the proposal are reasonable and would allow a garage that would contribute to a more functional use and development of the property.

Subject to concerns raised by the neighbouring property owners, Staff would not object to the Committee granting the variances as described to permit a **one-storey** garage attached to the north side of the dwelling.

A28/15 – 741 George Street North – Cader Inc.

A proposed redevelopment to convert the existing buildings on the property to contain 57 dwelling units has required modifications to the site plan for the property, as illustrated on the plan attached as Exhibit E. Revisions to the site plan resulted in the need for a variance to reduce the minimum width of required landscaped open space between a parking area and a rear or side lot line from 1.5 metres to 0 metres. Upon further review of details into how the parking will be physically established in relation to the west side lot line, it was discovered that a retaining wall will be necessary, which will result in less space for the width of the aisle and the length of the parking space internal to the property. Variances are therefore requested to reduce the minimum length of a motor vehicle parking space from 5.7 metres to 5.5 metres and reduce the minimum width of the aisle from 6.4 metres to 6.0 metres.

The subject property is located on the west side of George Street North, a residentially designated area just north of Parkhill Road. Schedule A-1 of the Official Plan identifies that the property, located along George Street North, a high capacity arterial roadway, as being on a Transportation Corridor and Intensification Corridor.

Staff have been working with the applicant on the site plan to facilitate the proposed redevelopment of the property as presented and is of the opinion that the variances, if granted, would facilitate a functional site plan, with the impacts of the variances being primarily internal to the property.

The variance to reduce the length of the parking space to 5.5 metres is a typical dimension accepted for parking spaces located within Area 1, the Central Business District (downtown) area of the City. The reduced dimensions of the parking space are functionally acceptable in their application to a residential property located on the fringe of the inner city, as in this case.

The reduced width of landscaped open space in relation to the 17 parking spaces along the west lot line would have minimal impact on the landscaped open space that forms a part of the stormwater management in relation to the adjacent bike way. While the reduced width of landscaped open space in relation to the adjacent north lot line will eliminate the opportunity for snow storage, the impact may be mitigated, provided a clause is included within the site plan agreement to address the careful removal of snow. Together, the three variances described would facilitate a functional site plan for redevelopment of the property, including parking to support the use that would achieve appropriate residential intensification.

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

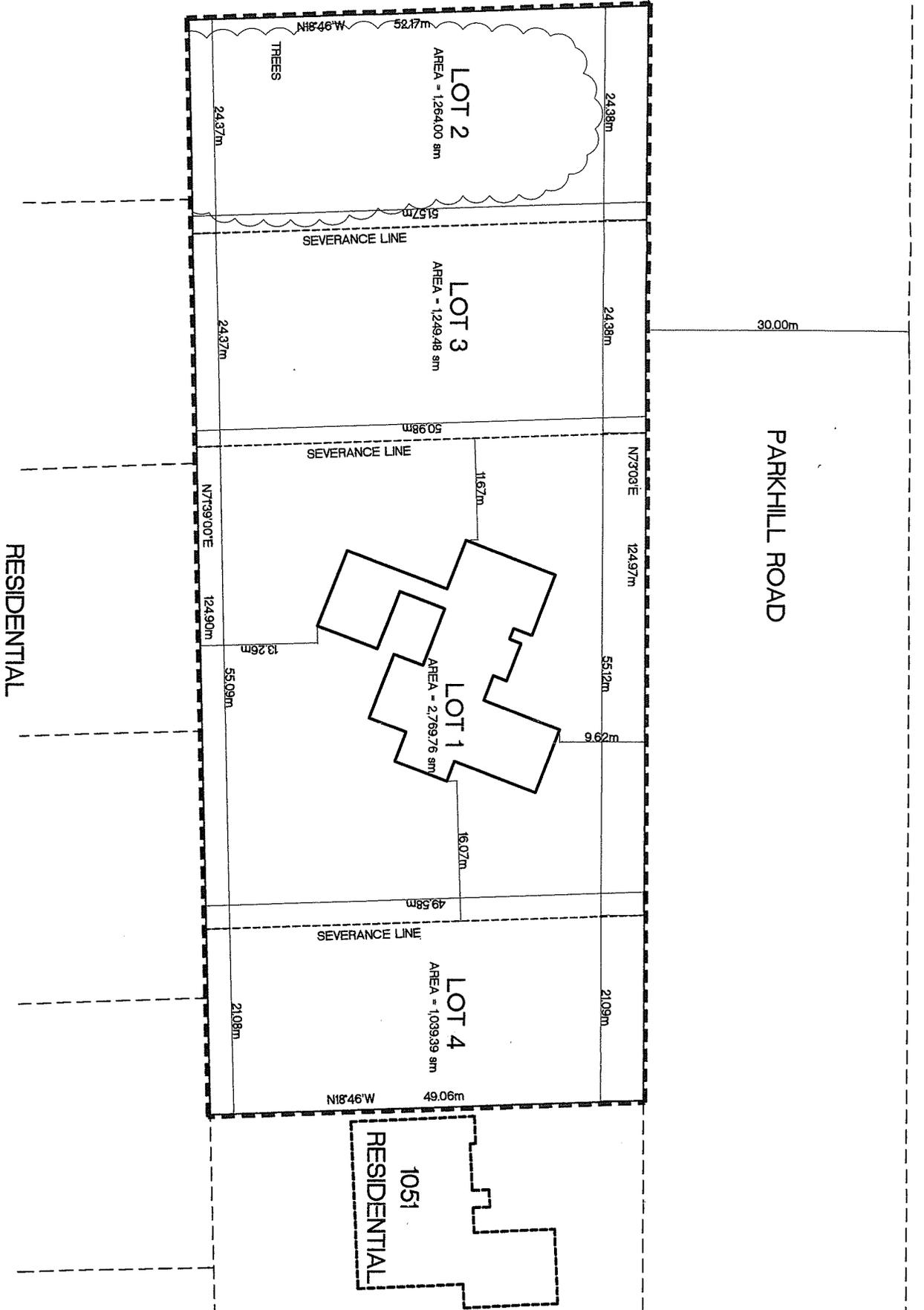
(Sgd.) Richard Straka, Planner Policy & Research

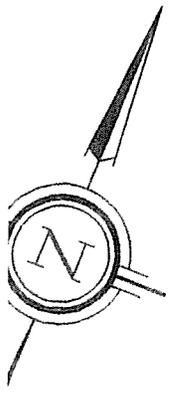
(Sgd.) Dean Findlay, C.Tech., CBCO, Chief Building Official

RESIDENTIAL (CONDOMINIUMS)

EXHIBIT B
SHEET 1 OF 1

WALKWAY (SERVICING CORRIDOR)

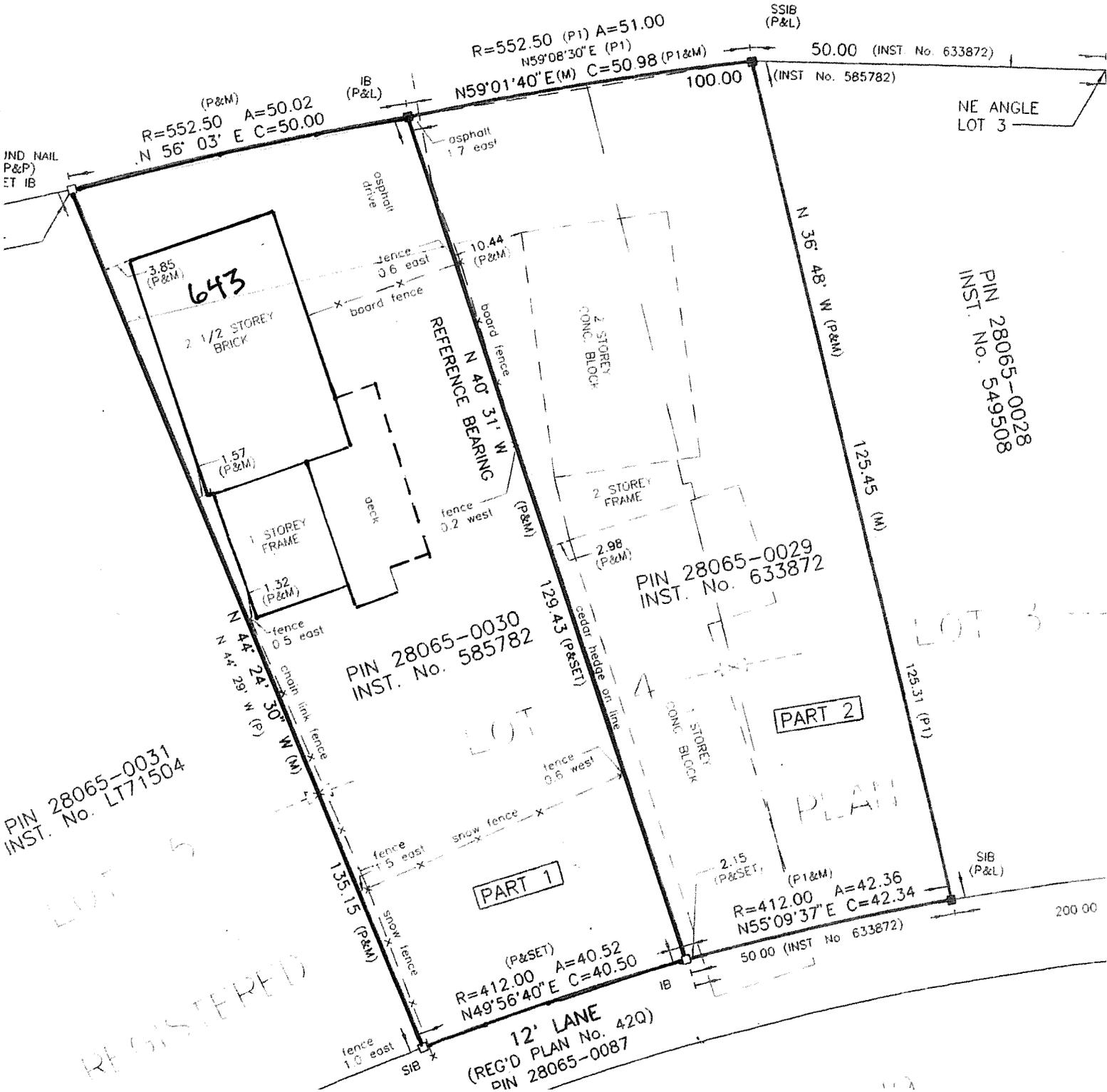




66' (RP 42Q)

CHARLOTTE STREET

(CLONSILLA AVENUE - REG'D PLAN No. 42Q)
PIN 28065-0191



(P&M)
R=552.50 A=50.02
N 56° 03' E C=50.00

IB (P&L)
R=552.50 (P1) A=51.00
N59°08'30"E (P1)
N59°01'40"E (M) C=50.98 (P1&M)

SSIB (P&L)
50.00 (INST No. 633872)
100.00 (INST No. 585782)

NE ANGLE
LOT 3

643

2 1/2 STOREY
BRICK

1 STOREY
FRAME

REFERENCE
BEARING
N 40° 31' W

2 STOREY
CONC. BLOCK

2 STOREY
FRAME

PIN 28065-0029
INST. No. 633872

PIN 28065-0030
INST. No. 585782

PART 2

PART 1

R=412.00 A=42.36
N55°09'37"E C=42.34

(P&SET)
R=412.00 A=40.52
N49°56'40"E C=40.50

12' LANE
(REG'D PLAN No. 42Q)
PIN 28065-0087

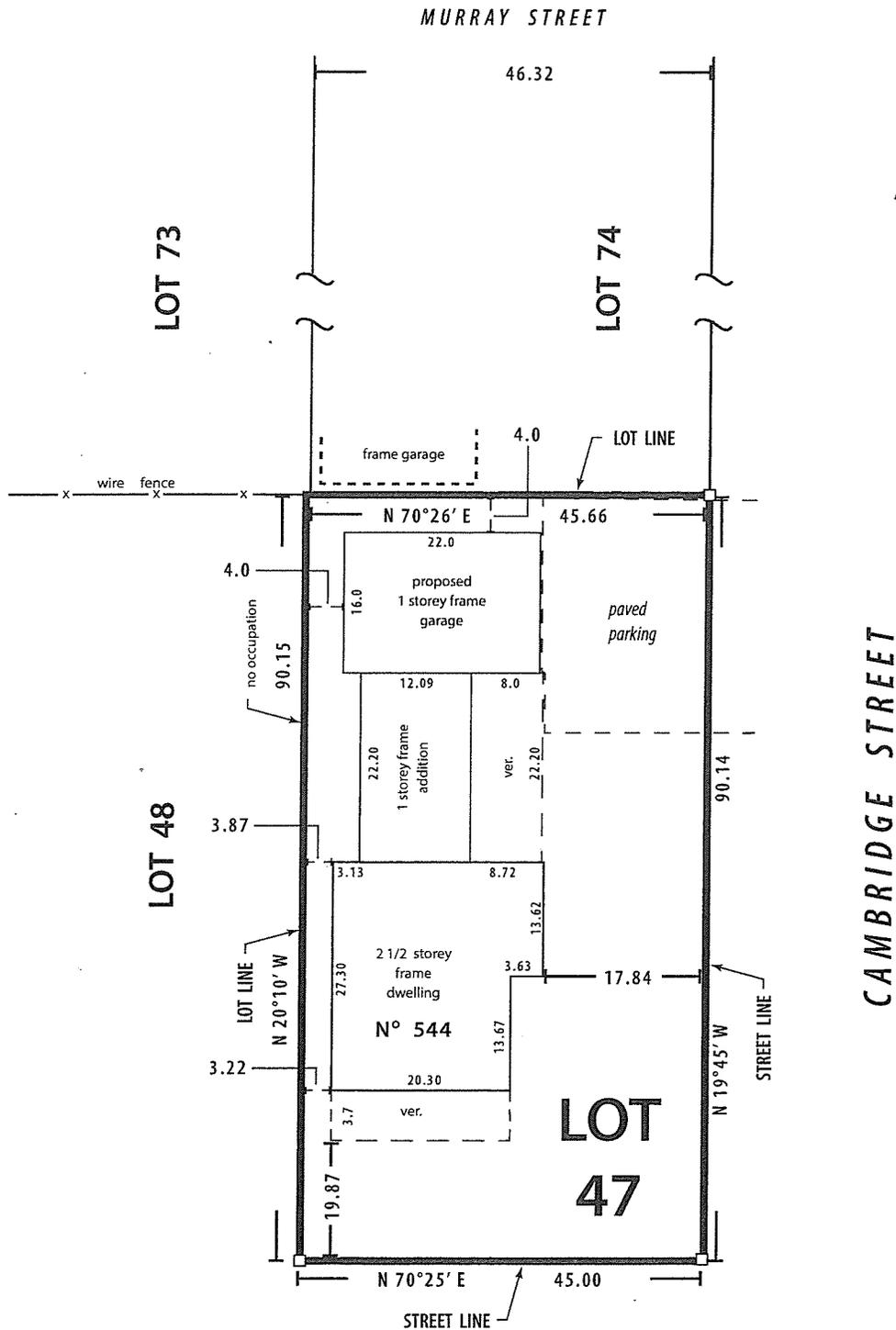
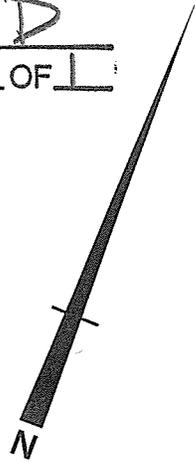
PIN 28065-0028
INST. No. 549508

PIN 28065-0031
INST. No. LT71504

REGISTERED

200.00

- DENOTES IRON BAR, FOUND
- DENOTES IRON BAR, SET



HOPKINS AVENUE
(FORMERLY ELM STREET)

