



City of
Peterborough

Committee of Adjustment Hearing Date: May 3, 2016

Staff Comments Regarding: Files A16/16, A17/16, A18/16, A19/16, A20/16, and A21/16

A16/16 – 135 Rubidge Street – CB Rubidge Inc.

This application is back before the Committee with revisions to the plan for development of fourplex on what is to be the smaller, south portion of 135 Rubidge Street, an arterial street located in the Central Area of the City.

The applicant has proposed to sever the subject property and construct a fourplex on each of the parcels. The Committee addressed the severance and a number of variances in relation to the proposed fourplex on the north parcel on April 5, 2016.

Referring to the Plan attached as Exhibit A, the following variances are now requested to the zoning and parking regulations that apply to the south portion of the property:

- i) reduce the minimum required lot area per dwelling unit from 185 sq metres to 134 sq metres,
- ii) reduce the minimum building setback from the north side lot line from 3 metres to 2.1 metres for the main building and to 1.2 metres for a porch, open decks and platforms,
- iii) reduce the minimum building setback from the rear lot line from 9 metres to 8.4 metres,
- iv) increase the maximum building coverage from 30% to 42%,
- v) reduce the minimum required number of motor vehicle parking spaces from 6 to 4,
- vi) reduce the minimum dimensions of a parking space from 2.7 metres by 5.7 metres to 2.5 metres by 5.5 metres, and
- vii) reduce the minimum building setback from the centre line of Rubidge Street from 16 metres to 12.7 metres.

The Official Plan would anticipate infill development within the Central Area of the City that would be in the medium density range of between 25-100 units per hectare. Considering the variance to the lot area per dwelling unit, the density based on the variance requested would be an acceptable 75 units per hectare.

Official Plan policy on Infill Housing also requires that such development be “sensitive to the continuity of the existing residential streetscape” and that “adequate off street parking and landscaped open space will be provided.”

Staff commented on the building setback regarding the north property and is of the same opinion regarding redevelopment of the south property. Considering the building form and location of development on adjacent lots, Staff would consider the setback of the building on the property that was once established to be appropriate. A survey of the former row house that existed on the property is attached as Exhibit B for reference. The survey illustrates the building that was located approximately 3.3 metres (11 ft) from the street line or 13.3 metres from the centreline of Rubidge Street.

Considering that Rubidge Street is an arterial street, the intended setback of modern day zoning regulations regarding development in relation to an arterial street, and the setback of buildings established on adjacent properties in the vicinity, Staff is of the opinion that the setback of no less than 13 metres from the centre line of Rubidge Street be granted that would allow the structure to be 3.3 metres from the street line. While the variance was requested to 12.7 metres for the dwelling, the Committee should note that there was no variance requested or notice provided regarding any variance to allow the verandah extending in front of the building as illustrated on the plan.

When there is an accumulation of a number of variances requested for a proposed development, a planner and the Committee should consider the appropriateness of the proposed development in relation to the development for which the zoning district was designed. The applicable test of a minor variance considers the intent of the zoning district and the zoning by-law regarding parking. In this case, the design of the zoning district intends to accommodate an apartment building. The proposed development of a stand alone fourplex is a poor fit for the R.4 Residential zoning district applied to a small lot and the accumulation of variances considering the space on the property should be carefully considered regarding the size of the property.

Considering the variances requested to setbacks of the building from the rear lot line, and for porches, open decks and platforms from the north lot line together with an increase in lot coverage from 30% to 42%, it would seem the proposal is an overdevelopment of the site. The site relies on a shared laneway to access parking on the property that may meet the lot coverage standard, however the coverage of the lot by building leaves little space on site for landscaped amenity space, snow storage and permeable surface to handle storm water run off. Considering the dimensions on the drawing provided, the variances requested appear to be a randomly requested. The main building appears to be 2.7 metres from the north lot line variance so the variance requested to 2.1 m cannot be justified. The covered verandah on the side of the building is 1.6 metres from the north lot line and only the open platform appears to be 1.2 metres from the north lot line. As stated, no variance was requested for the setback of the front verandah from the street line.

While the variance to the size of the parking spaces associated with residential development may be appropriate, the variance to reduce the parking required to one space per unit may not be in that there is no opportunity for visitor parking on the site and restricted (1 hour) parking only on the east side of Rubidge Street.

Should the Committee choose to grant any of the variances, considering the latest concept site plan proposed, Staff would recommend that the decision be subject to site plan agreement to address parking, snow storage, landscaping and walkways shown on the plan to straddle the proposed lot lines, considering the severance.

A17/16 – 1300 Chemong Road – Mason Homes Limited

The applicant is requesting the following minor variances to the Zoning By-law applied to plans for multiple townhouse units located at the northeast edge of the plan of subdivision:

- i) Regulation 379.3 c) i), Special District 349 – reduce the minimum building setback from the east side lot line from 6 metres to no less than 5 metres for the townhouse units and to 3 metres for the elevated decks within Blocks 5 and 6, and
- ii) Regulation 379.3 c) ii), Special District 349 – reduce the minimum building setback from generally the north and northeast, rear lot lines from 6 metres to no less than 5 metres for the townhouse units and to no less than 3 metres for the elevated decks within Blocks 7 to 13 inclusive.

Staff reviewed the status of this subdivision and received a legal opinion on the ability to address this application. The plan for the subdivision could be months away from registration. It is one thing to ask for variances on a large block of land for which variances may not be required, but when the block of land cannot be legally identified apart from the rest of the subdivision, the application has to be considered premature.

Staff would recommend the application be adjourned sine die.

A18/16 – 376 Stewart Street Anila Kelolli and Arben Prendi

The subject property is a 12.4 metre wide by 35 metre deep property located in the Core Area of the City between an inner-city, public park and a property with the same zoning with 1940s vintage 11 unit, row house on it. From a streetscape perspective, the building appears to blend in architecturally with the adjacent row house and the proposed density and development the property benefits from its proximity to the public parkland immediately to the south. Referring to the Plan attached as Exhibit C, the building extends back on the property in the form of what appears to be an attached garage converted as living space with a driveway to the south side of the building that could accommodate up to three motor vehicles in tandem. Municipal records indicate that three units were once established in the building on the property and a fourth unit has since been established within the building involving the extension of the building to the rear of the property with no record of a permit.

The applicant is requesting the following variances to the Zoning By-law to allow the use of the building on the property as a fourplex:

- i) reduce the minimum required lot area per unit from 185 square metres to 107 square metres,
- ii) reduce the minimum required lot width from 24 metres to 12.4 metres, and
- iii) exempt the requirement of 2 parking spaces on the property to support the use of the additional unit.

The Official Plan infill policy would anticipate a density of up to 100 units per hectare in this area of the city. The proposal to have 4 units on the property would be about 93 units per hectare, similar to the property next door at approximately 92 units per hectare. Considering the intent of the Zoning By-law, the property shares the same R.4, R.5, R.6

zoning as the row house property to the north. With a lot width of 12.4 metres, the property on its own does not comply with the zoning district. The intention of applying the multiple zoning districts to this property would have been with the anticipation of the property one day being redeveloped in conjunction with the property to the north and take advantage of the development potential of the higher order, R.5 and R.6 Residential zoning.

Should the Committee chose to grant the variance to allow the additional unit, the Committee should consider the intent of the zoning regarding redevelopment of the property to suitably and appropriately accommodate the additional unit on the property, within an appropriately designed structure, constructed in accordance with the minimum standards of the Ontario Building Code. In addition, an additional unit should be subject to a parks levy to be determined by the Parks Levy Review Committee and development charges that may be appropriate in conjunction with the need for a building permit.

While this area of the City may benefit from the walkable access to amenities located in the core of the city, it lies just outside of the area where cash in lieu of parking space would be accepted. The Committee should therefore weigh the impact of the variance to parking considering available on site parking and the adequacy of parking considering infill policies of the Official Plan.

A19/16 – 772 Devon Avenue – Shari Darling

The applicant would like to establish a sunroom as an accessory building extending into the rear yard in line with the east wall of the garage established on the property and is requesting the following variances:

- i) reduce the minimum setback of an accessory building from the side lot line from 1.2 metres to 1.11 metres, and
- ii) increase the maximum permitted lot coverage by an accessory building from 10% to 14%.

The property is one of a number of six lots located on the north side of Devon Street that are 17.5 metres (57 ft) wide but only 28.8 m (94 ft deep). In addition there is a servicing easement across the back yards illustrated on the survey attached as Exhibit D. Notwithstanding the substandard lot depth, the 17.5 metre width contributes to the lot area that complies with the zoning regulations.

Staff visited the property and noted that the properties all slope down hill to the west and back onto a green space separating the parking area associated with a church on the adjacent property. Considering the shallow lot and encumbrance of the easement, it is not unreasonable to locate the proposed sun room where identified in line with the established garage on the property. The space to the west may be able to handle storm water run off on site without impacting on the neighbouring property owner. Staff considers the variance requested to reduce the setback from the east side lot line as minor and practical for the building to be in line with the east wall of the garage established on the property.

Considering the variance to the lot coverage, The maximum lot coverage by a one storey dwelling would be 45%. In addition, an accessory building could be up to 10% allowing 55% of the lot to be covered by building. The total lot coverage of the subject property including the existing dwelling, garage and proposed sun room would be 30.2%. Staff is of the opinion that the variance is not significant provided that the height of any part of the garage or sunroom does not exceed one storey.

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

A20/16 – 275 Wallis Drive – Steven and Arlene House

The applicant would like to reconstruct a two car garage in place of the single car garage attached to the north side of the dwelling on the property and is requesting the following variances to the By-law:

- i) reduce the minimum building setback from the Merino Road street line from 6 metres to 3.9 metres,
- ii) increase the maximum number of motor vehicles that may be parked on a property within 6 metres of a street line from 2 to 3, and
- iii) reduce the minimum distance that a driveway may be located from an intersecting street line from 6 metres to 3.9 metres.

The subject property is a corner lot at the southwest corner of Wallis Drive and Merino Road. Wallis Drive is a Collector Street and Merino Road is a local street. The proposal is to construct a wider garage that would open toward Wallis Drive with a driveway from Wallis Drive. Staff visited the property and noted there are a number of mature trees along the Merino Road property line that screen the view of the existing driveway and building from the north. Staff also noted an existing laneway from Merino Road into the rear yard.

Staff received a number of calls from neighbouring property owners in support of improvements being made to the dwelling that has been “neglected for some time.” None of the callers seemed to have had any issues with the proposed variances provided that the orientation of the driveway remained towards Wallis Drive and that the variances would not facilitate a reorientation of the garage toward Merino Road. Referring to the plan attached as Exhibit E, Staff is of the opinion that the proportionate size of the variance in relation to the dimensions of the subject property and other properties in the neighbourhood is minor and the impact of allowing the driveway to be a little closer to the intersection would not be an issue.

Subject to concerns raised by neighbouring property owners, Staff would not object to the variance as described provided that the garage and driveway remain oriented toward Wallis Drive and not toward Merino Road.

A21/16 – 63 Edgewater Boulevard – Lett Architects Inc.

The subject property is located at 63 Edgewater Boulevard at the corner of Edgewater Boulevard and Bruce Street, a high profile location on Burnham Point. The owner would like to establish a new building on the property as illustrated on the plans attached as Exhibit F. The following variances to the standard building setbacks from Edgewater Boulevard and Bruce Street to allow the new building's setbacks to be similar to those of existing buildings on adjacent properties:

- i) reduce the minimum building setback from Edgewater Boulevard from 6 metres to 1.8 metres for a corner of the building,
- ii) reduce the minimum building setback from Bruce Street from 6 metres to 4.1 metres for the building and 3.915 metres for projected edges of the terrace, and
- iii) reduce the minimum building setback from Bruce Street from 6 metres to 2.6 metres for a retaining wall associated with a sunken terrace and to 2.1 metres and 1.2 metres in relation to retaining wall associated with the pedestrian entrance and driveway.

Burnham Point is a peninsula that extends into Little Lake. Dwellings on the Point form an enclave of similarly developed properties with modest size, single unit dwellings constructed in the early 1940s with the intention of the structures being temporary. With that in mind, sewer and water service is provided to properties, however, no storm sewer service was ever installed to serve properties on the Point.

Notwithstanding the requirement of the Zoning By-law for a minimum building setback of 6 metres (20 ft) from the street line, the buildings on the Point are located generally with a setback of approximately 4- 5 metres from the street line. It is Staff's opinion that the close proximity of buildings to the street contribute to a relatively pedestrian ambiance along curb faced sidewalks that exist within the road allowance. The City has been approached a number of times by various property owners on the Point seeking variances to expand buildings or redevelop properties according to more contemporary building standards. The City has facilitated variances considered reasonable by taking direction from Official Plan Policies with regard for the established development and standards of development including the proportionate massing of buildings on properties in the neighbourhood, space between buildings as well as respect for the preservation of sight lines from adjacent properties.

One of the four tests of a minor variance is a determination of whether the variance is minor or not. The variances as described appear numerically substantial but notwithstanding the required setback of 6 metres from the street line, the setback of buildings on adjacent properties are setback 4 metres to 5 metres to the building face and as little as 3.2 metres to an open verandah. What should also be considered is the accumulated effect of building massing relative to the street line and the space between buildings on properties. Although the existing building on the property is a storey and a half, the architect has deigned a building that will be set into the ground in attempt to maintain the lower height of the existing storey and a half building, mind you, with a flat roof.

Referring to the Plans attached as Exhibit F, Staff considered the sight lines of other dwellings in the vicinity relative to the proposed setbacks. It should be noted that the building on the adjacent property at 61 Edgewater Boulevard has a similar setback, however, the setback is to an open verandah on the main level. The main building is actually set back 5.62 metres from the streetline. The proposed main building would project a further 3.1 metres out toward Edgewater Boulevard with a wider higher building massing of a one and a half storey building with a greater width in relation to the street line. Staff is of the opinion that the variance requested to the setback from Edgewater boulevard for the proposed footprint compared to the footprint of the existing building is not minor.

Considering the dwelling at 9 Bruce Street, the variances relative to Bruce Street will result in a larger building with a similar setback that will extend a building massing into the street setback that will cut down the sight lines. Once again, the result of the variances extending a continuous building massing in relation Bruce Street may not be considered minor.

Staff received a response from Peterborough Utilities regarding the location of water service very close to the lot line and Staff cannot support a variance that would allow any structure within 2.5 metres of the lot line. Staff cannot support the variances requested to the retaining wall structures associated with the entrance to the garage to any less than 2.5 metres from the street line.

Staff noted the plan illustrates the image of a motor vehicle parked to the north end of the property. A second curb cut in addition to the proposed 6 metre wide entrance to the driveway would not be permitted and, considering the grades of the property in relation to adjacent properties, it may be prudent to create and maintain a permeable surface in the form of soft landscaping to the north end of the property for storm water management purposes.

Two other tests of a minor variance is the intent of the Official Plan and the subjective determination by the Committee whether the variances, if granted, would result in development considered “desirable.” Official Plan policy 2.1.4 also suggests that an “assessment of the visual impact of proposed development in relation to existing structures, land use and streetscape”... should be considered.

While many properties on the Point have been subject to renovation initiatives most of the changes have been respectful of the established proportionate scale of development relative to the size of the lots in the neighbourhood considering building massing, height, lot coverage and compatible design standards. While this is not typical infill development, adequacy of municipal services should be considered in the case of this building design. The absence of storm sewers in the neighbourhood leaves storm water management to the property owners. In the case of the design of the building on the subject property, the flat roof design stores snow that is susceptible to sudden melt conditions, adding to run off from the property. The sunken design of the below grade terrace and entrances to the dwelling and garage would have to be drained for which there is no municipal storm sewer. Utility Services Division has commented on the design of the proposed building considering the sunken terraces and entrances to the building and garage and stated that the proposal is “contrary to City’s Lot Grading Policies”.

While there may be inadequate information to completely comment on storm water management, it was observed that the slope of the land appears to drain toward the north. The permeable surface to the north end of the property should therefore be preserved and storm water management should be a condition for approval if it can be achieved on site.

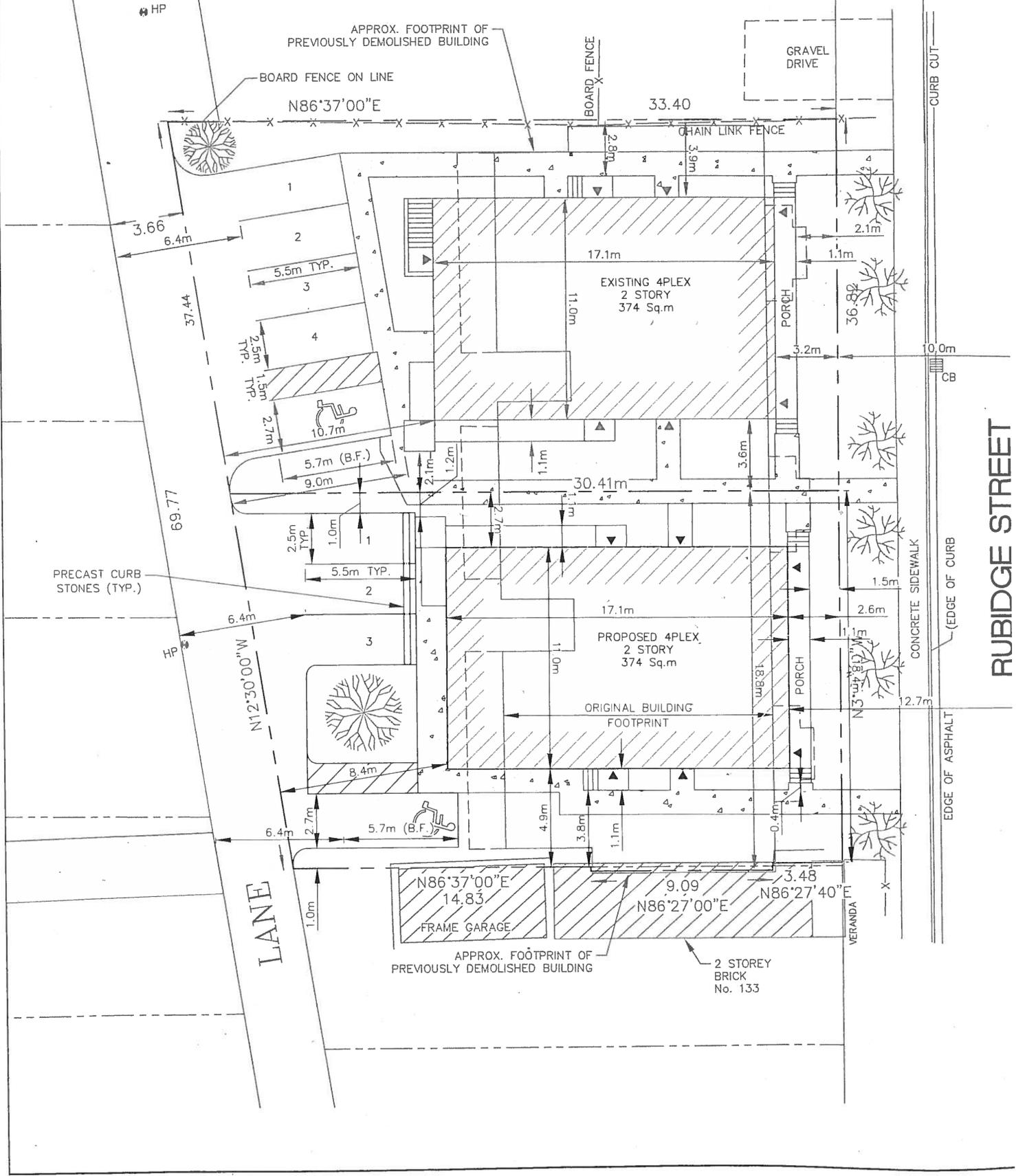
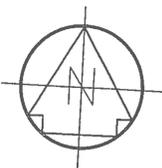
Staff have been contacted by a number of property owners on the Point concerned about the impact of the proposed development that may result from the variances if approved. E-mail received has been provided to with the Committee for consideration.

Should the Committee choose to approve any of the variances, site plan approval should be a condition requiring specifically, a storm water management plan, re-instatement of the barrier curb at the north end of the lot prior to establishing a curb cut for a new driveway and a landscaping plan requiring soft landscaping at the north end of the property that may be integral to the storm water management plan for the property to ensure adjacent properties are not affected either by overland flow or subsurface transmission of water.

Richard Straka, Planner Policy & Research

Dean Findlay, C.Tech., CBCO, Chief Building Official

EXHIBIT **A**
SHEET **1** OF **1**



A21/16

63 Edgewater Boulevard

LEGEND:
Building Setback Dimension
Upper Level Overhang

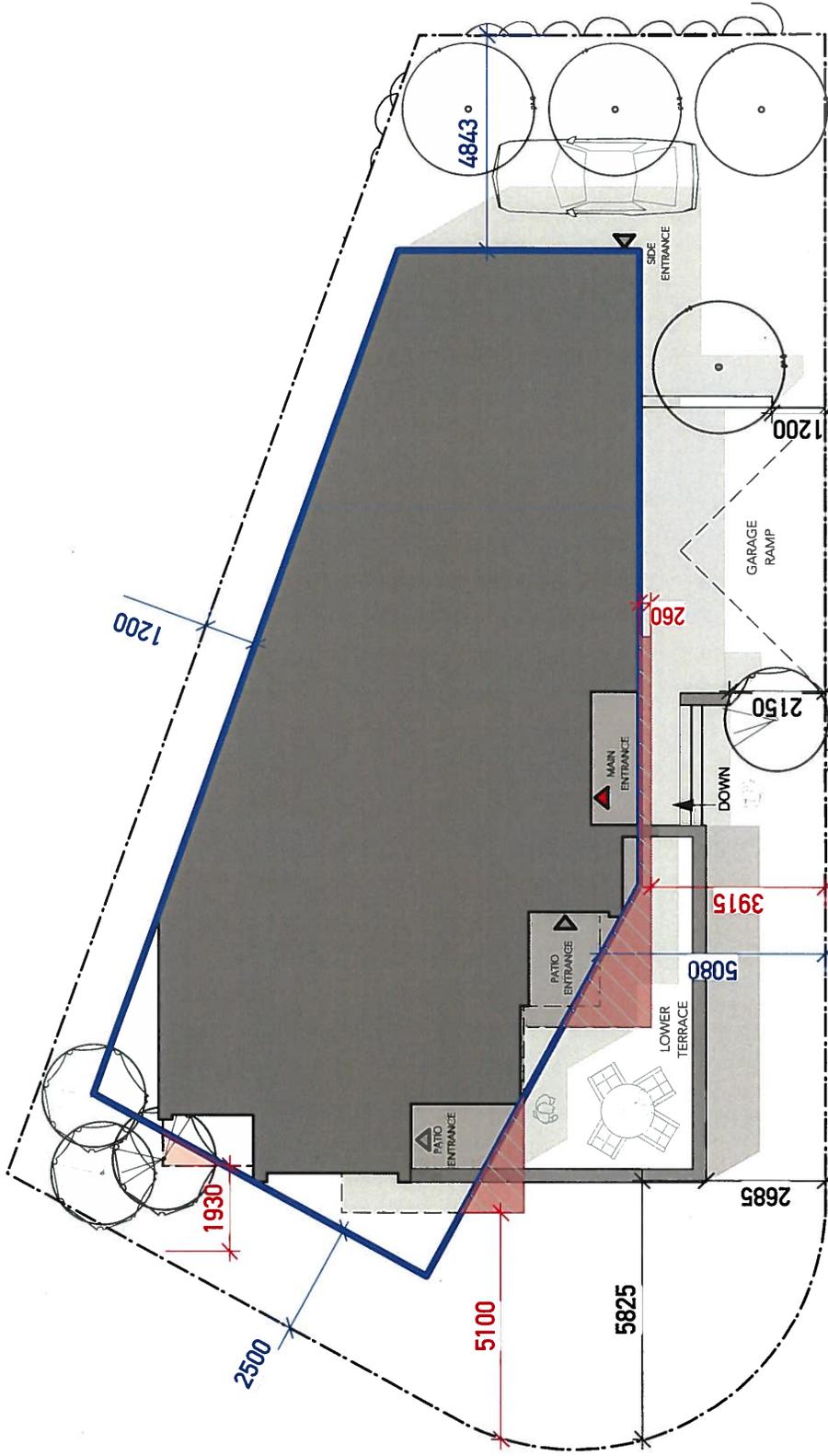


EXHIBIT F
SHEET 1 OF 3



SITE PLAN

SCALE : 1:150

April 13, 2016

LETT ARCHITECTS INC.



WATSON DUSTO RESIDENCE

A21/16
63 Edgewater Boulevard

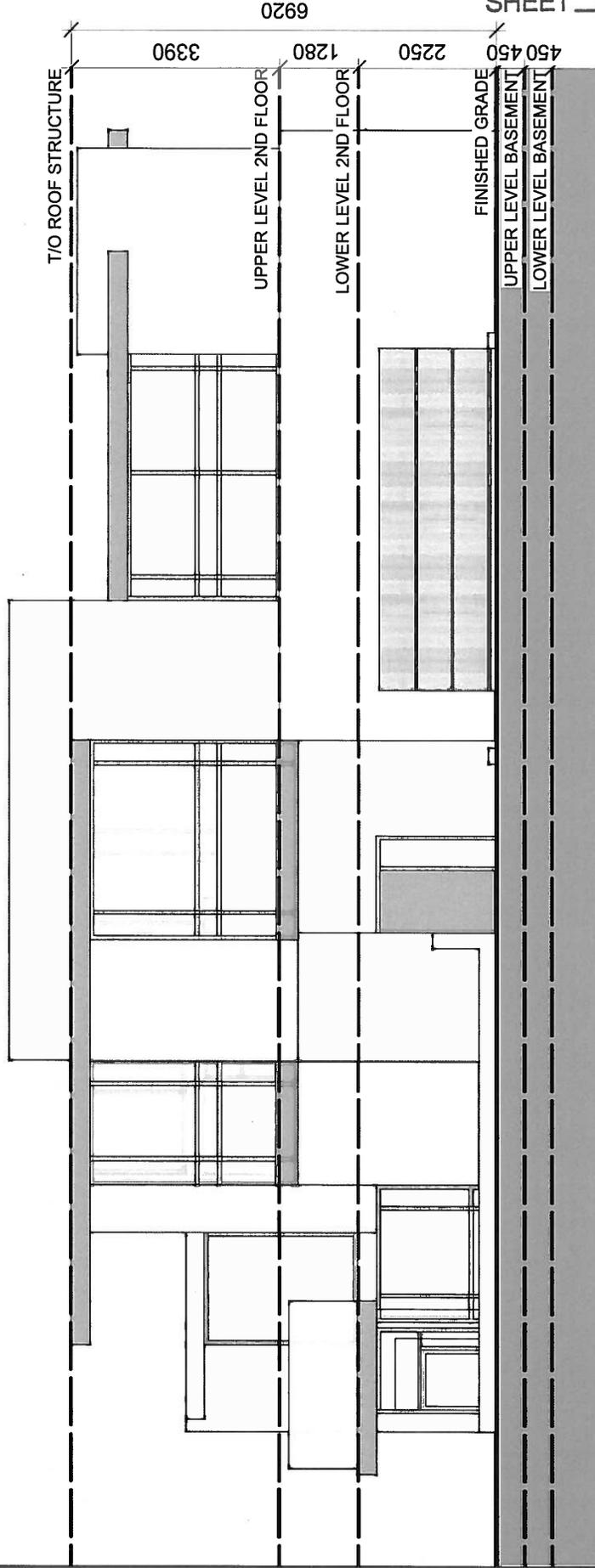


EXHIBIT F
SHEET 2 OF 3



NORTH ELEVATION

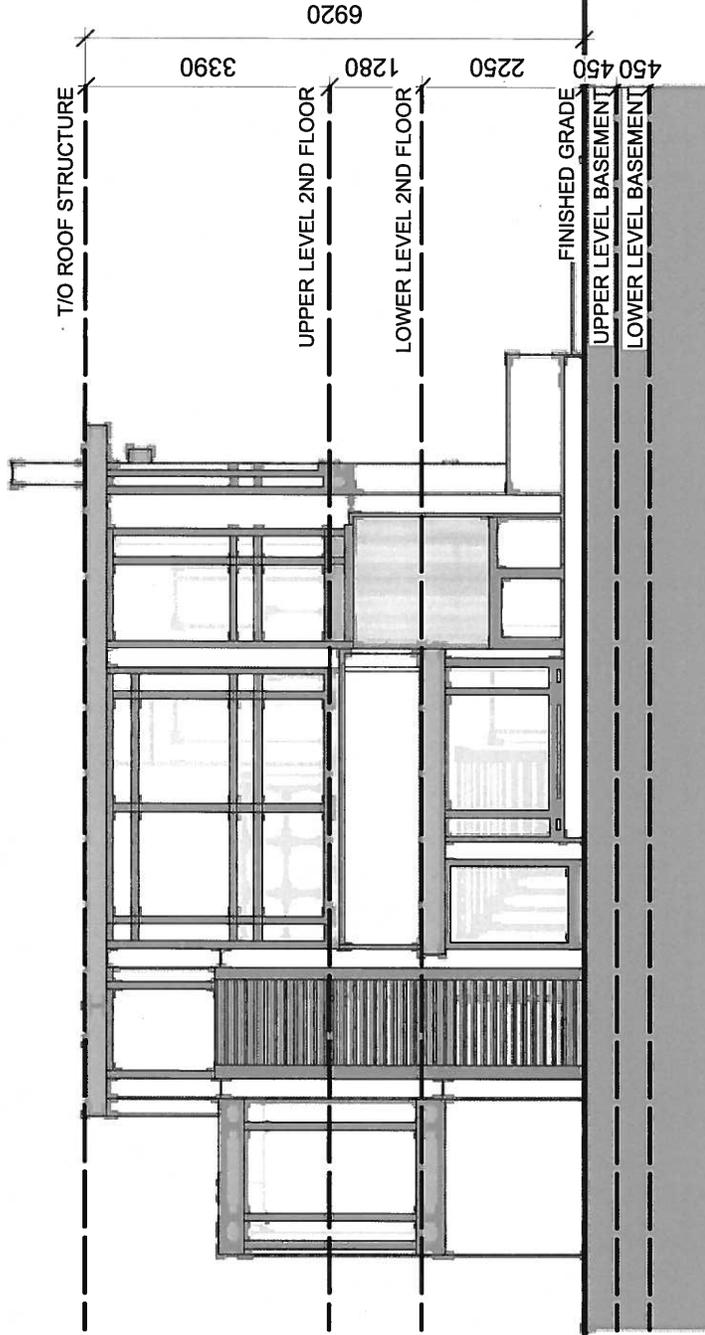
SCALE : 1:100

MONTH DAY, YEAR

LETT ARCHITECTS INC.

WATSON DUSTO RESIDENCE

A21/16
63 Edgewater Boulevard



EAST ELEVATION

SCALE : 1:100

MONTH DAY, YEAR

LETT ARCHITECTS INC.

WATSON DUSTO RESIDENCE