



City of  
**Peterborough**

## Committee of Adjustment Hearing Date: December 15, 2015

---

**Staff Comments Regarding:** Files A44/15, B11/15, B12/15, A45/15, A46/15, A47/15 and A48/15

### **A44/15 – 15 Lockside Drive – James & Mary Hauraney**

The subject property was one of the last lots to be developed within a condominium plan next to the eastern terminus of Braidwood Avenue. While the location of the building complies with the setbacks from the lot lines within the context of the condominium plan, an oversight in the location of the building relative to the survey plan for the condominium development resulted in the building being constructed too close to the west limit of the condominium property, specifically in relation to a public road allowance of Braidwood Avenue.

Braidwood Avenue provides access to the condominium development from the west and ends in a cul-de-sac relative to the subject property, as illustrated on Exhibit A. Considering the grassed boulevard separating the paved surface of the roadway relative to the building on the subject property, Staff is of the opinion that the impact of the variance to reduce the minimum building setback from the Braidwood Avenue street line from 3 metres (9.8 ft) to 1.43 metres (4.69 ft) would be minor and a practical solution to the circumstances.

Staff would recommend that the Committee grant the variance as described to acknowledge the location of the dwelling in relation to the road allowance.

### **B11/15 – 990 Parkhill Road West – Carmine Colacci**

Referring to the plan attached as Exhibit B, the subject property is a 39.6 metre wide by 49 metre deep serviced parcel of land that is zoned R.1 Residential and located on an arterial roadway. The applicant is requesting a consent to sever the easterly 18 metres (59 ft) of the subject property to create a new lot for development of a single unit dwelling, leaving 21.6 metres (70 ft) to support the existing dwelling on the retained parcel. Both the severed and retained property would conform to the regulations of the zoning district, including the setback of the existing dwelling on the retained property from the proposed line of severance.

Considering the policies of the Official Plan regarding access to an arterial roadway, development of both the severed and retained property should involve a driveway that would accommodate the ability of a motor vehicle to turn around and drive out forward onto the arterial street.

Staff considered the dimensions of the proposed severed and retained parcels to be practical and would have no objection to the proposed severance as described subject to the following conditions:

- i) the owner entering into an agreement with the City to establish and maintain a driveway designed to allow a motor vehicle to turn around and drive out forward onto the arterial roadway from both the severed and retained property,
- ii) payment of a parks levy of an amount to be determined by the parks levy review committee, and
- iii) payment of a tree levy of \$229.00.

**B12/15, A45/15, and A46/15 – 789 & 793 Water Street – Gordon & Eleanor Harper**

Referring to the Plan attached as Exhibit C, the applicant is requesting a consent to sever the southerly 12.9 metres from the subject property consisting of 789 and 793 Water Street that unintentionally merged together under the same ownership.

The following variances are also requested to acknowledge the size of the two lots as they previously existed with a duplex on each property:

789 Water Street:

- i) reduce the minimum required lot area from 370 sq metres to 329 sq metres,
- ii) reduce the minimum required lot depth from 30 metres to 27 metres,
- iii) reduce the minimum required building setback from the rear lot line from 7.6 metres to 2.4 metres,
- iv) reduce the minimum required distance of the building from the north side lot line from 1.2 metres to 1 metre, and
- v) increase the maximum building coverage from 40% to 41%.

793 Water Street:

- i) reduce the minimum required lot width from 12 metres to 11.4 metres,
- ii) reduce the minimum required lot area from 370 sq metres to 329 sq metres,
- iii) reduce the minimum required lot depth from 30 metres to 27 metres, and
- iv) reduce the minimum required building setback from the north side lot line from 1.2 metres to 0.8 metres.

According to municipal records, the two parcels described as 789 & 793 Water Street existed as two independent parcels with a duplex on each since the before the modern day Zoning By-law (1972) until 2006 when they were accidently placed under the same ownership. Since no change to the building or development of each property has taken

place or is proposed, the applicant is seeking the variances necessary to separate the two parcels, acknowledging the development as it has existed for some time.

Subject to concerns raised by neighbouring property owners, Staff would not object to the consent and variances as described provided that the variances are granted and a copy of the registered deeds are provided for each parcel considering the variances for each part.

#### **A47/15 – 135 Rubidge Street – CB Rubidge Inc.**

A multi unit row house on the subject property was destroyed by fire in 2008. The applicant is now proposing to construct a 12 unit apartment building conceptually laid out as illustrated on Exhibit D. The following variances are therefore requested with respect to the proposed development:

- i) reduce the minimum setback from the centreline of Rubidge Street from the required 16 metres to 13.35 metres,
- ii) reduce the minimum required setback from the south and north side lot lines from 3 metres or 1.5 metres per storey to 1.2 metres,
- iii) increase the maximum building coverage from 30% to 48%,
- iv) reduce the minimum size of a motor vehicle parking space from 2.7 m x 5.7 m to 2.5 m x 5.5 m, and
- v) reduce the minimum required distance of a motor vehicle parking space from a window of a habitable room from 6 metres to 3 metres.

Upon writing of this Report to the Committee, Staff had not received adequate information to comment on the variances described considering the functionality of the proposed development. Staff would question why the owner cannot develop the property in greater conformity with the regulations of the Zoning By-law.

Staff would recommend that the application be adjourned to a future meeting pending the receipt of more information on the proposal for consideration by Staff and the Committee.

#### **A48/15 – 696 Water Street – 1799844 Ontario Limited**

The applicant is proposing to add a second storey over the reconstructed, one storey extension to the rear of the building. The applicant is therefore requesting a variance to reduce the minimum building setback from the south side lot line from 1.2 metres (3.9 ft) to 0.9 metres (3 ft) to allow the proposed, second storey addition. Since the application was filed, it was found, based on a 1988 survey attached as Exhibit E, that a variance is actually required to reduce the minimum building setback from the south side lot line to 0.74 metres (2.45 ft).

While the property is zoned R.1, R.2 Residential, the dwelling was originally constructed as a single unit dwelling with the extension to the rear typically functioning as a summer kitchen. City records indicate that the use of the building has since been recognized as a two unit dwelling.

Staff received three telephone calls enquiring about the variance requested and the proposed use of the building. Staff visited the property, considered the established standard of development in the neighbourhood and noted that the spatial separation between the building on the subject property and the neighbouring building to the south is closer than any other buildings in the vicinity. Staff considered the typical scale and use of the buildings in the vicinity and is generally concerned about variances that will contribute to the overdevelopment and intensity of use of such properties.

Should the Committee choose to consider the variance, Staff would recommend that the decision include a proviso that eavestroughing be established and maintained on the south side of the building to manage storm water on the property so as not to affect neighbouring properties.

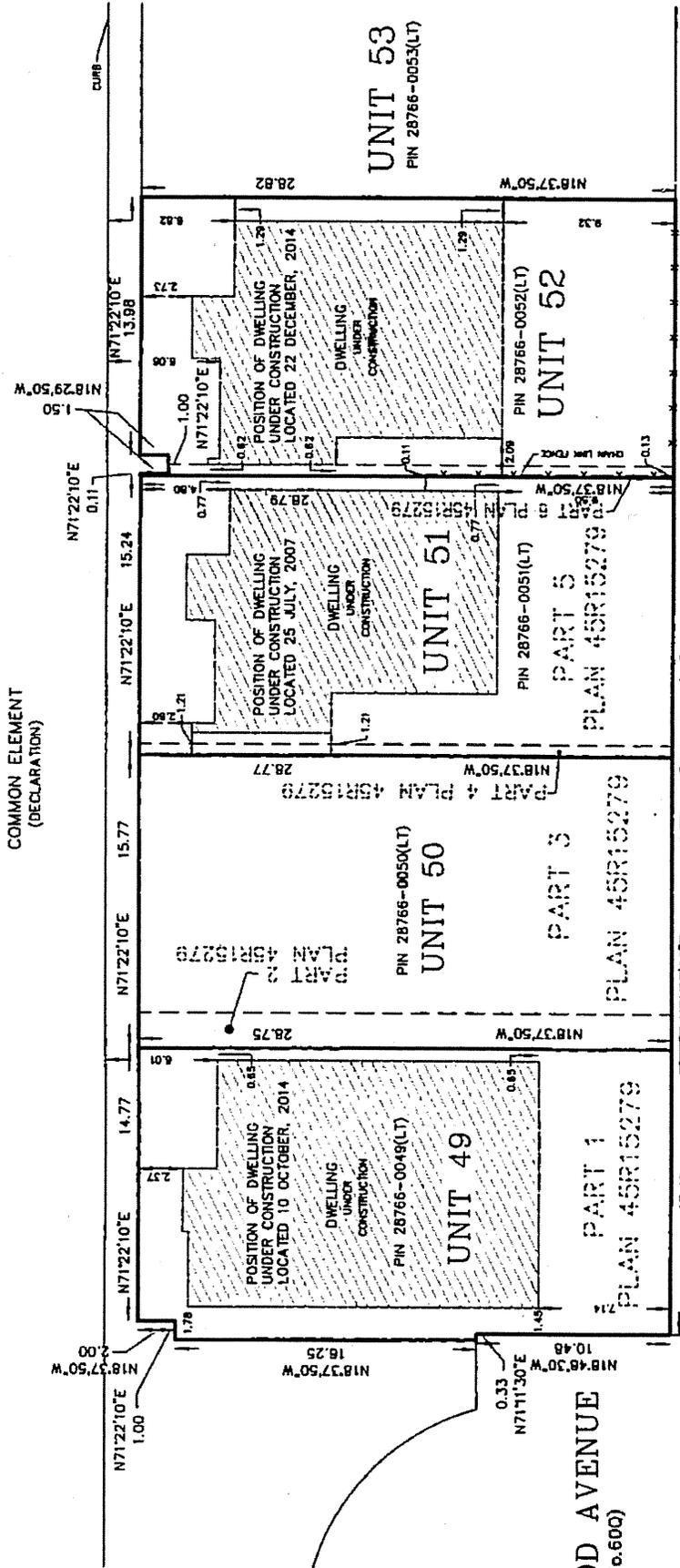
Richard Straka, Planner Policy & Research

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

**NOTE:**  
DISTANCES SHOWN ON THIS PLAN ARE  
IN METRES AND CAN BE CONVERTED  
TO FEET BY DIVIDING BY 0.3048.

**A44/15**  
**15 Lockside Drive**

**LOCKSIDE DRIVE**  
COMMON ELEMENT  
(DECLARATION)



**BRAIDWOOD AVENUE**  
(PLAN No.600)

**PETERBOROUGH VACANT CONDOMINIUM PLAN**  
PART 1 PLAN 45R15279  
PART 2 PLAN 45R15279  
PART 3 PLAN 45R15279  
PART 4 PLAN 45R15279  
PART 5 PLAN 45R15279  
PART 2 PLAN 45R15138  
PART 2 PLAN 45R15138  
PART 2 PLAN 45R15138  
PART 2 PLAN 45R15138

PLAN 45R15138

PART 2  
PLAN 45R-13641  
PIN 28458-0232(LT)

PART 22  
PIN 45R13695

PART 5 PLAN 45R13641

CHAIN LINK  
ON LINE  
PART  
PLAN 45F

WALLIS DRIVE

PROPOSED  
SEVERANCE

100.00' 10.00' N69°58'50"E 130.04' 185.06' 65.02' S58B (EMP)

ART 23  
45R13695  
458-0059(LT)

990

PART 1 PLAN 45R13641  
PIN 28458-0211(LT)

PART 4 PLAN 45R13641  
PIN 28458-0215(LT)

PLAN 45R6783  
PART 1  
PIN 28458-0070(LT)

PART 2  
PLAN 45R6063

PART 1  
PLAN 45R840

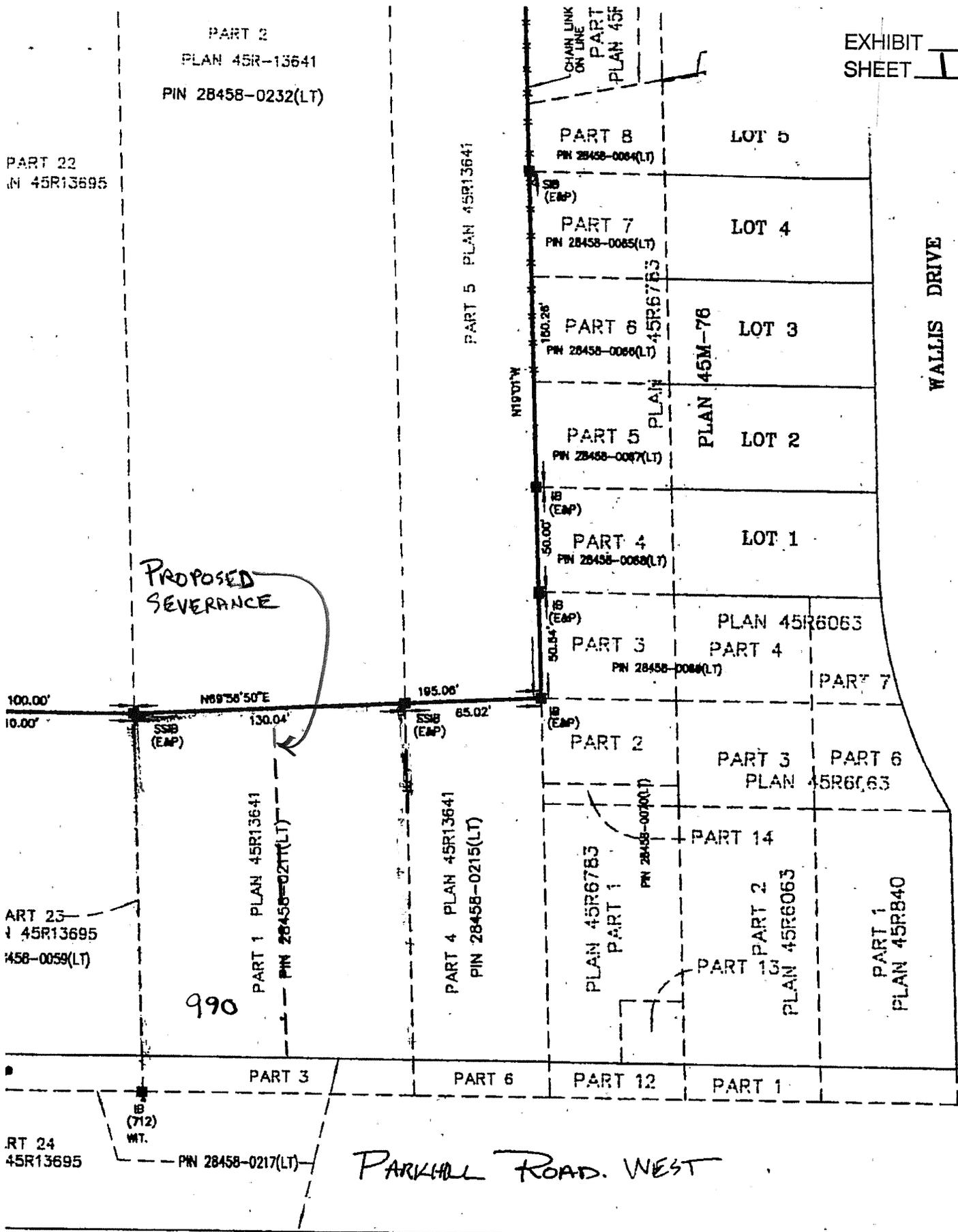
RT 24  
45R13695

PIN 28458-0217(LT)

PARKHILL ROAD WEST

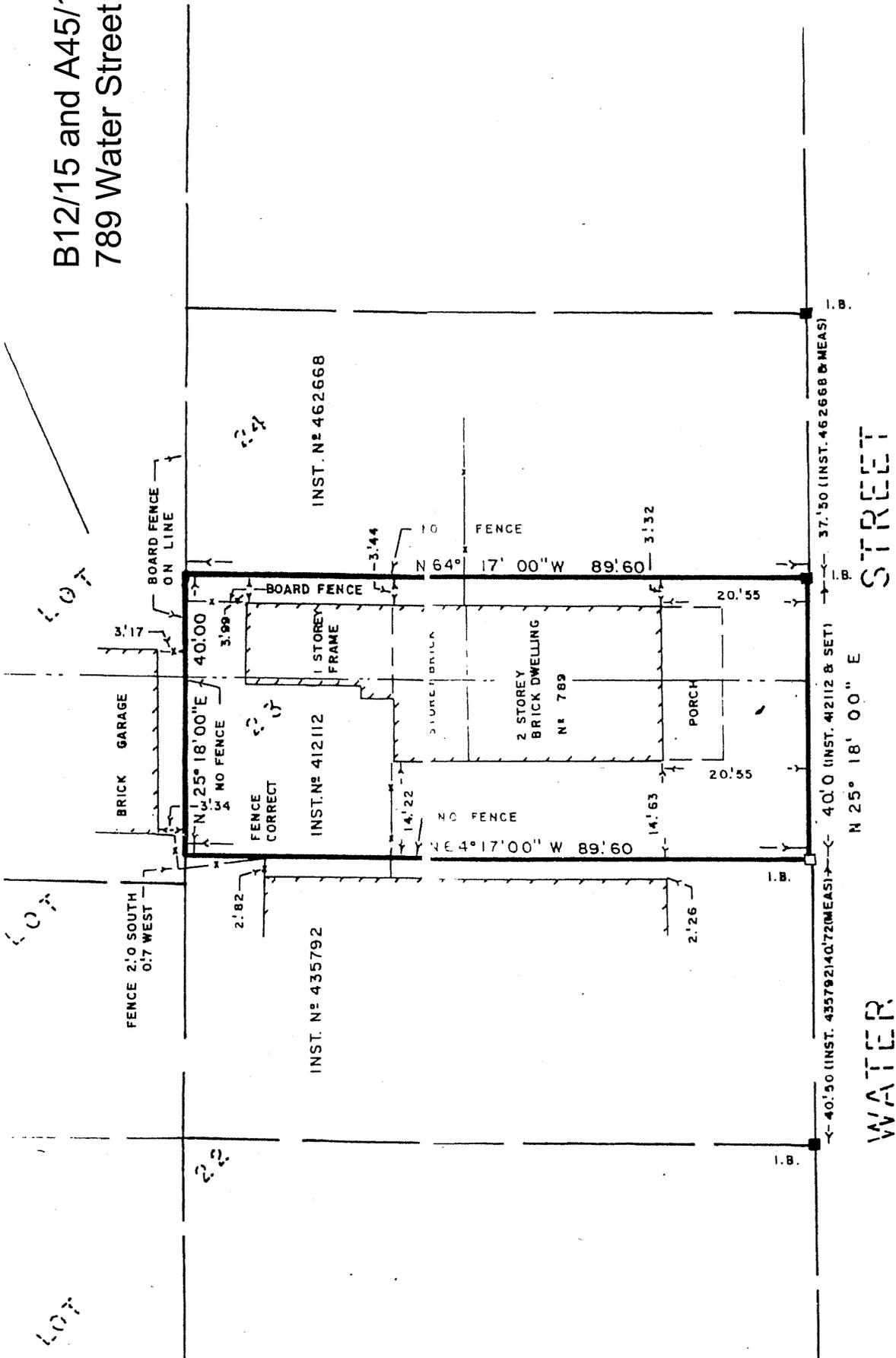
B11/15  
990 Parkhill Road West

1" = 60'



B12/15 and A45/15  
789 Water Street

EXHIBIT C  
SHEET 1 OF 2



789 Wa

BUILDING I  
PART OF LOTS  
REGISTERED PL  
CITY OF PE  
COUNTY OF  
SCALE 1" = 20'  
D.M. ROBERTSON, LAN

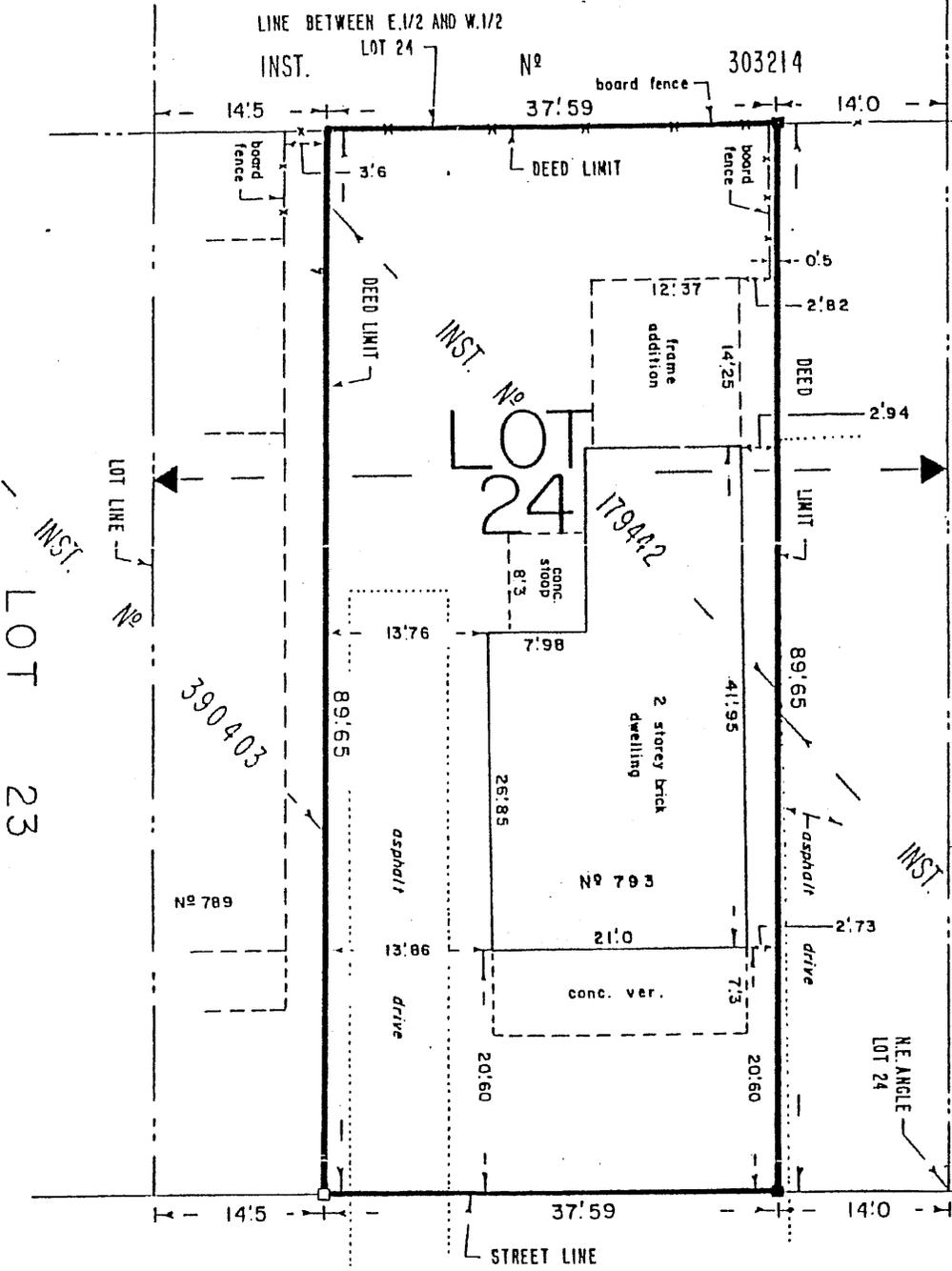
NOTES:  
BEARINGS HEREON ARE AS  
AS N64° 17' 00" W ON  
■ DENOTES SURVEY MO  
□ DENOTES SURVEY MO  
I.B. DENOTES IRON BAR

SURVEYOR'S  
I HEREBY CERTIFY TH  
WAS COMPLETED ON THE

23 MAY 1987

B12/15 and A46/15  
793 Water Street

EXHIBIT C  
SHEET 2 OF 2



**WATER STREET**

**PLAN**

SHOWING LOCATION OF DWEL  
PART OF LOT 24,

REGISTERED PLAN No 42

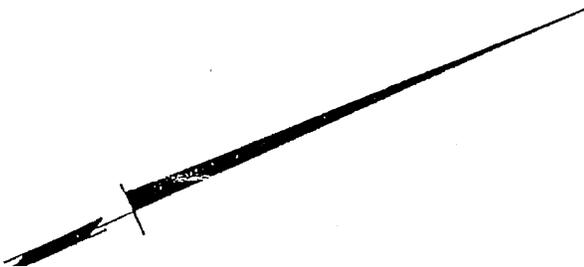
**CITY OF PE**

SCALE - 1 INCH = 15 FT

THE FIELD SURVEY REPRESENTED  
THIS PLAN WAS COMPLETED ON T  
23rd OF NOVEMBER, 1983

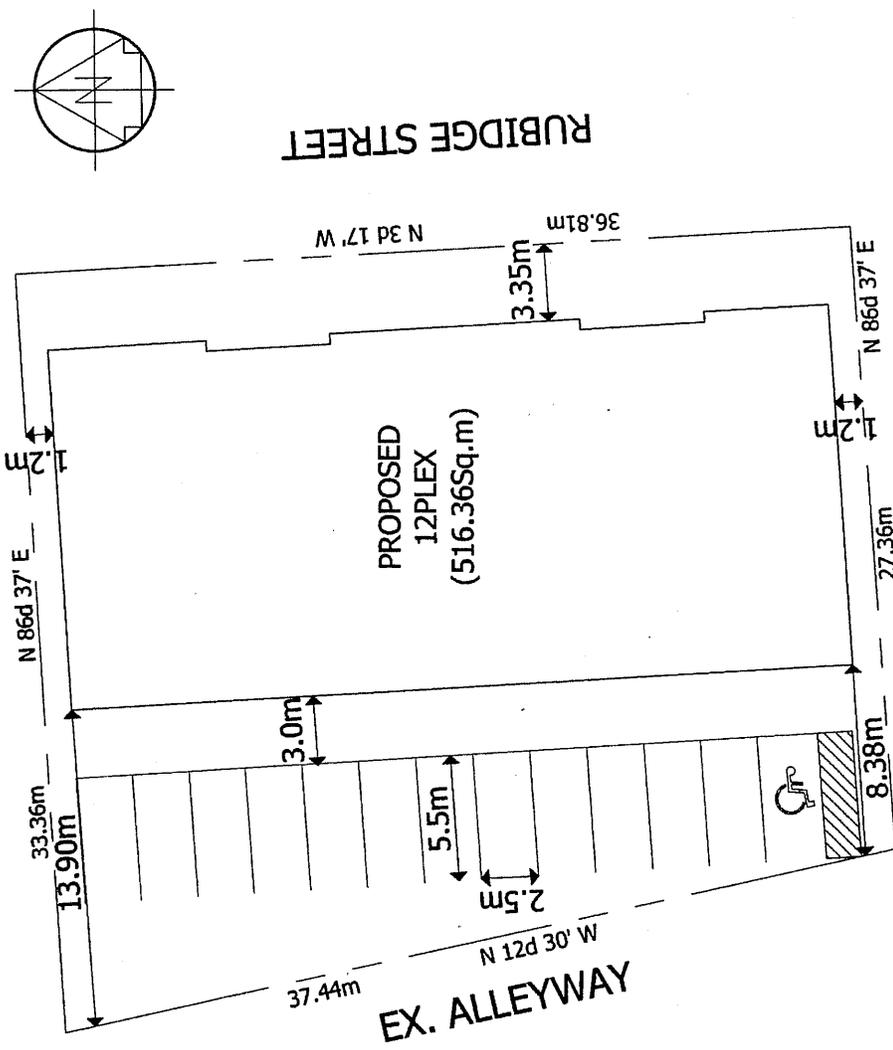
PETERBOROUGH, ONTARIO  
28 NOVEMBER, 1983.

- - DENOTES IRON BAR SET
  - - DENOTES IRON BAR FOUND
- MEASUREMENTS ARE TAKEN TO  
FOUNDATION OF DWELLING.



A47/15

135 Rubidge Street



RUBIDGE STREET

SITE STATISTICS			
ZONE DESIGNATION: R4 RESIDENTIAL		LANDSCAPE	
PERMITTED USES: A DWELLING OR A BOARDING HOUSE			
SETBACKS	BUILDINGS	LANDSCAPE	
	REQUIRED (MIN)	PROVIDED (MIN)	REQUIRED (MIN)
FRONT YARD	3.00m	3.05m	-
SIDE YARD	3.00m	1.20m	-
REAR YARD	9.00m	8.98m	-
AREA OF PROPERTY: 0.182 Ha ± = 182025m <sup>2</sup> (20565.98 ft <sup>2</sup> )			
BUILDING COVERAGE: 535.36m <sup>2</sup> (5762.57ft <sup>2</sup> )			
NUMBER OF UNITS PER BUILDING: 12 ALLOWABLE 16			
HEIGHT OF BUILDINGS: 2 STOREY ALLOWABLE 3			
PERCENTAGE OF SITE COVERAGE: 48% ALLOWABLE 41%			
PARKING AREA COVERAGE: 273.68m <sup>2</sup> 24% ALLOWABLE 25%			
LANDSCAPED AREA: 318.21m <sup>2</sup> 28% ALLOWABLE 28%			
PARKING RATIO (PER DWELLING UNIT) REQUIRED - 1/UNIT PROVIDED - 1/UNIT			
STANDARD LINE PARKING SPACE DIMENSIONS: REQUIRED - 2.5m X 5.5m PROVIDED - 2.5m X 5.5m (MIN)			
BARRIER FREE PARKING SPACE DIMENSIONS: REQUIRED - 2.7m X 5.5m PLUS 15m PEDESTRIAN AISLE PROVIDED - 2.7m X 5.5m PLUS 15m PEDESTRIAN AISLE			
NUMBER OF BARRIER FREE PARKING SPACES: 1 REQUIRED 1 PROVIDED			

Sheet No. 135 RUBIDGE STREET PETERBOROUGH ON  
 D.M. Williams Limited  
 130 Jamieson Drive  
 Peterborough, Ontario  
 Canada K7H 1R8  
 P. 705.742.2277  
 E. williams@dmwll.com

Drawn By: L.P.  
 Checked: D.K.  
 Engineer: D.K.  
 Project No.: 10668

Scale: 1:200  
 Rev: N/A  
 Date Issued:

EXHIBIT D  
SHEET L OF L

