

COMMITTEE OF ADJUSTMENT

Minutes of a Meeting of the Committee of Adjustment for the City of Peterborough held **Tuesday, October 7, 2008**, at 7:00 p.m., in the General Committee Room, City Hall.

PRESENT: Mr. Paul Dorris, Chairperson
Mr. Len Lifchus
Mr. Claude Dufresne
Ms. Margaret Wood
Mr. Keith Riel

ALSO PRESENT: Mr. Richard Straka, Planner, Policy and Research
Mrs. Carolyn Jobbitt, Secretary Treasurer

ABSENT: Mr. Bob Waldron, Manager, Building Division

1. **FILE NO.** A34/08
ADDRESS: 211 Barnardo Ave.
APPLICANT: Scott Murison and Kathy Murison

This matter relates to a minor variance application submitted by Scott and Kathy Murison, 72 Sophia Street, Peterborough, Ontario, K9H 1E1, being the owners of 211 Barnardo Avenue which is subject of this application.

Mr. Murison attended the meeting and addressed the Committee as follows:

- He is requesting a variance to reduce the minimum building setback from the centre line of Barnardo Avenue from 16 metres (52.5 ft) to 14.1 metres (46.3 ft) to permit the construction of an attached, two car garage on the west side of the dwelling established 13.1 metres (43 ft) from the centre line of the street.
- This variance is required because Barnardo Ave. is a high capacity collector street that has a 15.6 metre wide road allowance instead of a 20 metre width that should be in this area.
- He noted that there are other buildings along Barnardo Ave. that are located as close as he is proposing to locate the new garage. Accordingly, it is his opinion that proposed location of the new garage is the established standard.

Mr. Richard Straka, Planner, Policy & Research, presented staff comments with respect to the application on behalf of the Building and Planning Division of the Planning & Development Services Department, City of Peterborough.

No one spoke in objection to the application and no written objections were received.

In response to questions from the Committee, Mr. Murison confirmed that the property was formerly a group home. He and his spouse are proposing to use the property as a single-family dwelling. The driveway will be the width of the garage and the garage will be one storey in height. The exterior of the garage will be brick and siding to compliment the dwelling established on the property.

DECISION

The Committee reviewed the application and noted that the setback of the buildings established on the south side of Barnardo Ave. to be as little as 4.25 metres from the street line or 8 metres from the centre line of the street rather than 16 metres. The Committee further noted that the proposed location of the new garage is in greater conformity than the established standard, would be setback behind the dwelling on the

subject property and would leave room for two motor vehicles to be parked on the property in front of the garage.

Accordingly the Committee determined that:

1. the variance is minor;
2. the proposal is desirable for the appropriate development or use of the land;
3. the general intent and purpose of the Zoning By-law is maintained; and,
4. the general intent and purpose of the Official Plan is maintained.

Therefore, a minor variance is granted to reduce the minimum building setback from the centre line of Barnardo Avenue to 14.1 metres for a one storey, garage attached to the west side of the dwelling.

2. **FILE NO. A36/08**
ADDRESS: 286 Simcoe Street
APPLICANT: YWCA

This matter relates to a minor variance application submitted by Trevelyan Architect Inc., Suite 201, 379 George Street North, Peterborough, Ontario, K9H 3R2 on behalf of YWCA , 216 Simcoe Street, Peterborough, Ontario, K9H 2H7, being the owner of the property subject to this application.

Mr. Ken Trevelyan attended the meeting, bringing with him an artist's illustration of the proposed new women's shelter. He addressed the Committee as follows:

- The property has recently been rezoned by City Council to permit use of the property for a multi-suite residence.
- The owner of the property would like to construct a multi-suit residential building on the property with extended structural canopies over the windows. Because of the extent of the canopy beyond the building face, the canopy is regarded as a structure and would therefore require the following variances:
 - i. increase the maximum building coverage from 45% to 52.5%;
 - ii. reduce the minimum building setback from Stewart Street and Simcoe Street from 6 metres (19.6 ft) to 2.63 metres (8.66 ft); and
 - iii. reduce the setback of the north side lot line from 2. 4 metres to 1.2 metres.
- The buildings currently located at 375 Stewart Street and 286 Simcoe Street will be demolished.

Mr. Richard Straka, Planner, Policy & Research, presented staff comments with respect to the application on behalf of the Building and Planning Division of the Planning & Development Services Department, City of Peterborough.

In response to a question by the Committee, Mr. Straka confirmed that the zoning of the property currently has an "H" holding provision attached to it which may only be removed upon the approval of a Site Plan.

No one spoke in objection to the application and no written objections were received.

DECISION

The Committee reviewed the application and determined that the property is a corner lot on high profile site with sidewalks on both the south and east side of the property, with open sight lines from the intersection of Simcoe Street and Bethune Street. The Committee noted that the extended canopy design for which the variance is sought enhances the aesthetic appeal of the building from the street. It is the Committee's opinion that the design of the new building on both 286 Simcoe Street and 375 Stewart Street, improves the street profile, reduces portions of the building massing in relation to the street and reduces the non-conforming setback of buildings on both properties considering the current state of development.

Accordingly, the Committee determined that:

1. the variances are minor;
2. the proposal is desirable for the appropriate development or use of the land;
3. the general intent and purpose of the Zoning By-law is maintained; and,
4. the general intent and purpose of the Official Plan is maintained.

Therefore, minor variances are granted to:

- i. **increase the maximum building coverage to 52.5%;**
- ii. **reduce the minimum building setback from Stewart Street and Simcoe Street to 2.63 metres regarding a canopy structure extending from the building face; and**
- iii. **reduce the setback of the north side lot line to 1.2 metres regarding the extended canopy structure.**

3. **FILE NO. A37/08**
ADDRESS: 748 Overend Gardens
APPLICANT: Princeton Homes Inc.

4. **FILE NO. A38/08**
ADDRESS: 749 Overend Garden
APPLICANT: Princeton Homes Inc.

These matters relates to minor variance applications submitted by Princeton Homes Inc., 619 Dobbin Road, Peterborough, Ontario, K9H 6X4, being the owner of the properties subject to these applications.

Mr. Ed Prins, the President of Princeton Homes Inc., attended the meeting and addressed the Committee as follows:

- Princeton Homes Inc. recently purchased a number of lots from the developer.
- Upon review of building plans for construction of dwellings on these properties, he discovered that these two corner lots were not large enough to accommodate the dwellings he proposed to construction on the lots. While he has amended the plans slightly, further amendment will negatively impact the living space. Accordingly, he is requesting the following:

748 Overend Garden

A variance to reduce the minimum building setback from the Bianco Crescent Street line from 6 metres (19.6 ft) to 5.74 metres (18.85 ft) to permit a specific house plan to be accommodated on the building lot.

749 Overend Garden

A variance to reduce the minimum building setback from the Bianco Crescent Street line from 6 metres (19.6 ft) to 5.74 metres (18.85 ft) to permit a specific house plan to be accommodated on the building lot.

Mr. Richard Straka, Planner, Policy & Research, presented staff comments with respect to the application on behalf of the Building and Planning Division of the Planning & Development Services Department, City of Peterborough.

No one spoke in objection to the application and no written objections were received.

DECISION

The Committee reviewed the application and noted that both Overend Gardens and Bianco Crescent are designated local streets according to the Official Plan. The Committee considered the impact of the proposed variance to be minor in relation to a local street which is usually more pedestrian oriented than that of a collector or arterial street.

The Committee also considered the orientation of each lot to the street and the proposed location of the building on each lot.

Accordingly, the Committee determined that:

1. the variances are minor;
2. the proposal is desirable for the appropriate development or use of the land;
3. the general intent and purpose of the Zoning By-law is maintained; and,
4. the general intent and purpose of the Official Plan is maintained.

Therefore, minor variances are granted to:

- i. **reduce the minimum building setback from the Bianco Crescent Street line to 5.74 metres for the property known as 748 Overend Gardens; and**
- ii. **reduce the minimum building setback from the Bianco Crescent Street line to 5.74 metres for the property known as 749 Overend Gardens.**

5. **FILE NO. A39/08**
ADDRESS: 727 Lansdowne Street West
APPLICANT: Warren Davis

This matter relates to a minor variance application submitted by Warren Davis, 2219 Burnham Line, R. R. #8, Peterborough, Ontario, K9J 6X9, on behalf of Udo Prinz Von Schoenaich Carolath, c/o Novitium Management, 311 George Street North, Level 5, Peterborough, Ontario, K9J 6X9, being the owner of the property subject to this application.

Staff advised that it would be premature for the application to be addressed at this meeting and advised that there was no clear indication by the property owner when the applicant would be in a position to proceed.

No one attended the meeting to speak on behalf of the applicant.
No one spoke in objection to the application and no written objections were received.

DECISION

The Committee decided to defer the application indefinitely.

6. **FILE NO.** **A40/08**
ADDRESS: **607 Water Street**
APPLICANT: **David Tomlinson**

This matter relates to a minor variance application submitted David Tomlinson, 607 Water Street, Peterborough, Ontario, K9H 3M9, being the owner of the property subject to this application.

Mr. Tomlinson attended the meeting and addressed the Committee as follows:

- He would like to convert the subject property into a duplex with one new parking space to be established and maintained at the rear of the property. The access to the proposed parking area will be gained by a laneway from Dublin Street.
- He is requesting the following variances to permit the use of the building as a two unit dwelling:
 - i. reduce the minimum required lot area per dwelling unit from 278 sq metres (2992 sq ft) to 177 sq metres (1905 sq ft);
 - ii. reduce the minimum required lot width per dwelling unit from 9 metres (29 ft) to 5.6 metres (18.5 ft); and
 - iii. reduce the minimum floor area per dwelling unit from 70 sq metres (753 sq ft) to 52 sq metres (559 sq ft).

Mr. Richard Straka, Planner, Policy & Research, presented staff comments with respect to the application on behalf of the Building and Planning Division of the Planning & Development Services Department, City of Peterborough.

No one spoke in objection to the application and no written objections were received.

DECISION

The Committee reviewed the application and noted that the applicant had an easement that would provide access to the rear of the property from Dublin Street. Based on the creation of one additional motor vehicle parking space at the rear of the property, the building could function as a two unit dwelling. The Committee also acknowledged that the use of the property as two units would be in-keeping with the provincial policy direction to foster residential intensification and the variances requested are reasonable for an inner city property.

Accordingly, the Committee determined that:

1. the variances are minor;
2. the proposal is desirable for the appropriate development or use of the land;
3. the general intent and purpose of the Zoning By-law is maintained; and,
4. the general intent and purpose of the Official Plan is maintained.

Therefore, minor variances are granted to:

- i. **reduce the minimum required lot area per dwelling unit to 177 sq metres;**
- ii. **reduce the minimum required lot width per dwelling unit to 5.6 metres;**
and
- iii. **reduce the minimum floor area per dwelling unit to 52 sq metre;**

that would permit the use of the building on the property as a two unit dwelling, CONDITIONAL UPON payment of a Parks Levy in an amount to be determined by the Parks Levy Review Committee.

7. **FILE NO. A41/08**
ADDRESS: 255 Engleburn Ave.
APPLICANT: Diane Donaldson

This matter relates to a minor variance application submitted by Diane Donaldson, 255 Engleburn Ave., Peterborough, Ontario, K9H 1S5, on behalf of her company, Daughters Domain Ltd., of the same address, being the owner of the property subject to this application.

Mrs. Donaldson and Mr. Michael Iles attended the meeting and Mr. Iles addressed the Committee as follows:

- They would like to reconstruct a garage that was attached to the north side of the dwelling. The original garage was demolished approximately 2 years ago.
- The proposed garage would be extended an additional 1.37 metres (4.5 ft) to the rear of the previously existing garage.
- A variance is therefore requested to reduce the minimum building setback from the north side lot line from 1.2 metres (3.9 ft) to 0.15 metres (0.5 ft) to permit the proposed garage.
- The exterior finish of the garage will be entirely bricked.

Mr. Richard Straka, Planner, Policy & Research, presented staff comments with respect to the application on behalf of the Building and Planning Division of the Planning & Development Services Department, City of Peterborough.

In response to a question from the Committee, Mr. Straka advised that the reconstruction of the garage is permitted provided it is constructed in the footprint of the previous building. The variance requested is only for the portion of the proposed garage that will be extended 1.37 metres to the rear of the previously existing garage.

No one spoke in objection to the application and no written objections were received.

DECISION

The Committee reviewed the application and noted that the subject property is part of a cluster of older established dwellings which have been added to and maintained with a view to ensure compatibility of not only aesthetic design, but architectural character considering other dwellings in the vicinity. The various modifications to dwellings in the neighbourhood assist in facilitating functional attributes of dwellings while preserving the character of development considered desirable by those residing in the area. The Committee determined, accordingly, that the proposed re-establishment of the garage as it was originally constructed, with the minor addition to the length, would have little impact on the neighbouring properties.

Accordingly, the Committee determined that:

1. the variance is minor;
2. the proposal is desirable for the appropriate development or use of the land;
3. the general intent and purpose of the Zoning By-law is maintained; and,
4. the general intent and purpose of the Official Plan is maintained.

Therefore, a minor variance is granted to reduce the minimum building setback from the north side lot line to 0.15 metres to permit the proposed garage, **CONDITIONAL UPON** the owner entering into a Development Agreement with the City requiring that building plans be approved by the Planner of Urban Design to ensure compatibility of the building design with the standard of other buildings established in the neighbourhood, prior to the issuance of a building permit. The Development Agreement will also include, but not be limited to, the following:

- i. the garage will be one storey, flat roof design with no eaves extended to the north side of the structure;
- ii. storm water will drain from the garage to the rear of the property; and
- iii. the exterior of the garage will be entirely brick veneer.

8. **FILE NO.** A42/08
ADDRESS: 383 George Street South
APPLICANT: Johanna Sinclair

This matter relates to a minor variance application submitted by Johanna Sinclair, 1096 Armour Road, Peterborough, Ontario, K9H 7H4, on behalf of her Company, Dreams of Beans Ltd., of the same address, being the owner of the property subject to this application.

Mrs. Sinclair attended the meeting and addressed the Committee as follows:

- The Company has grown resulting in the need to expand the coffee bean roasting component of the operation.
- The main purpose of the subject property is for roasting the coffee beans used in the small-scale commercial retail operations.
- She anticipates some pedestrian traffic that may result in the sale of some of her products at this location, however, that will be a secondary use.

- She is requesting a variance to permit the use of the building on the property for a small-scale, retail shop coffee bean roasting operation, considered as a use similar to a restaurant, which is a use permitted by the C.50-1 Commercial zoning of the property.

Mr. Richard Straka, Planner, Policy & Research, presented staff comments with respect to the application on behalf of the Building and Planning Division of the Planning & Development Services Department, City of Peterborough.

No one spoke in objection to the application and no written objections were received.

DECISION

The Committee reviewed the application and determined that the proposed coffee roaster is a small-scale operation creating an aroma that is similar to aroma that may be associated with operation of a restaurant. The property is able to provide sufficient parking for the loading and unloading of a delivery vehicle associated with the operation. The property is located in a mixed-use area and would have little impact on neighbouring properties.

Accordingly, the Committee determined that it was appropriate to permit the use.

Therefore, a small-scale, retail shop coffee bean roasting operation, is permitted as a use considered to conform with the use of a restaurant permitted by the zoning of the property and considered compatible with the use of adjacent properties in the vicinity.

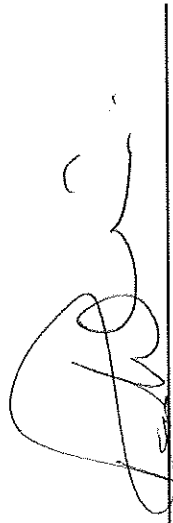
NEXT MEETING:

The next meeting of the Committee of Adjustment is scheduled for November 4, 2008.

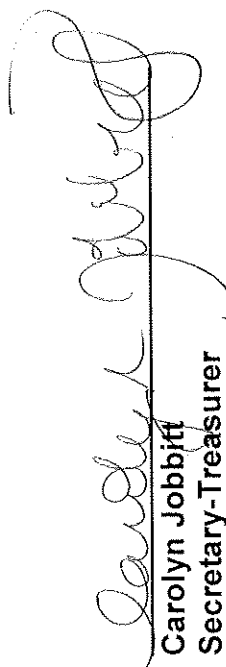
ADJOURNMENT:

Meeting adjourned at 8:15 p.m.

Dated the 14th day of October, 2008.



Paul Dorris
Chairman



Carolyn Jobbiff
Secretary-Treasurer