

COMMITTEE OF ADJUSTMENT

Minutes of a Meeting of the Committee of Adjustment for the City of Peterborough held **Tuesday, November 4th, 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

REGRETS: Mr. Bob Waldron, Manager, Building Division

- FILE NO. A43/08**
ADDRESS: 1174 – 1178 Armour Road
APPLICANT: JLB Civil Engineering Ltd.

This matter relates to a minor variance application submitted by JLB Civil Engineering Ltd., 1001 Nornabell Ave., Peterborough, Ontario, K9K 2S8, on behalf of 2160288 Ontario Inc., 2345 Yonge Street, Suite 302, Toronto, Ontario, M4P 2E3, being the owner of the property which is subject to this application.

The owner of the property has requested a variance to increase the maximum commercial floor area of a building on the site from 745 square metres (8,019 sq ft) to 1,160 sq metres (12,486 sq ft) and increase the maximum permitted floor area per commercial purpose from 235 sq metres (2,529 sq ft) to 380 sq metres (4,090 sq ft) to accommodate various tenants.

The Chairman acknowledge the written request of the applicant for an adjournment to the next Committee of Adjustment meeting, to be held on December 2, 2008, in order to permit sufficient time for a review of the Site Plan.

Mr. Ron Egan, 23 Lila Court, R. R. #4, Omemee, Ontario, K0L 2W0, owner of 1193 Armour Road, Peterborough, attended the meeting to address the Committee.

DECISION

The Committee agreed to adjourn this application to the next Committee of Adjustment meeting to be held on December 2, 2008, to permit the applicant an opportunity to review the requirements of the City's Official Plan regarding the proposed use and development of the subject property.

- FILE NO. A44/08**
ADDRESS: 1149 Armour Road
APPLICANT: Greg & Janis O'Heron

This matter relates to a minor variance application submitted by Greg and Janis O'Heron, 1149 Armour Road, Peterborough, Ontario, K9J 6Y1, being the owners of the property which is subject to this application.

Mr. and Mrs. O'Heron attended the meeting and Mr. O'Heron addressed the Committee as follows:

- They are requesting a variance to reduce the minimum building setback from the rear lot line from 7.6 metres (25 ft) to 3.2 metres (10.5 ft) to permit a sunroom addition to the west side of the dwelling and to 1.8 metres (6ft) to permit a stairwell entrance to the basement of the dwelling on the site.
- The carport and garage illustrated on the location survey attached to the Staff Report as Exhibit "A", sheet 1 of 2, have now been removed.
- He advised that removal of the garage and carport and the construction of the proposed addition will permit him the opportunity to address a flooding issue on that portion of the property.
- He is currently working with Cavanagh Builders to create a design of the addition that will be aesthetically pleasing to view from both the roadway and the trail at the rear of the property.
- He would like to construct a garage on the southwest corner of the property and is currently in formal discussions with the City regarding acquisition of the right of way.
- He has no plans to duplex this 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. Staff also advised that the garage recently removed was permitted by a variance granted in 1991 (File No. A107/91). This variance was granted to reduce the minimum rear yard setback to 0.0914 metres (3 feet) to recognize the location of the existing garage. It is Staff's recommendation that should the Committee grant the requested variances, a condition be imposed that any new garage must comply with the requirements of the City's current by-law and not the variance granted by File No. A107/91.

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

DECISION

The Committee reviewed the application and determined that this was a unique situation in that there was once a garage on the property located 2.05 feet from the west property line. The Committee also determined that the proposed sunroom addition and basement entrance would be in greater conformity with the by-law than the previously existing garage and the impact on the use of the Rotary Trail would be minor.

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 reduce the minimum building setback from the rear lot line to 3.2 metres to permit a sunroom addition to the west side of the dwelling and to 1.8 metres to permit a stairwell entrance to the basement of the dwelling on the site PROVIDED THAT any future garage being constructed in according to the City's current by-law and not based on the variance granted on October 7, 1991 (File No. A107/91).

3. **FILE NO.** **A45/08**
 ADDRESS: **501 Weller Street**
 APPLICANT: **Ron Freer (Prestige)**

This matter relates to a minor variance application submitted by Ronald Freer from Prestige, 765 The Kingsway, Peterborough, Ontario, K9H 2N8, on behalf of Donna Dowse, 501 Weller Street, Peterborough, Ontario, K9H 2N8, being the owner of the property subject to this application.

Mr. Freer and Mrs. Dowse attended the meeting and Mr. Freer addressed the Committee as follows:

- His clients would like to construct a 16 ft. by 10 ft. sunroom addition to the rear of the dwelling in place of the existing deck.
- Accordingly, a variance is requested to reduce the minimum building setback from the rear lot line from 7.6 metres (24.9 ft) to 6.3 metres (20.9 ft) to permit a one storey 14.8 sq metre sunroom addition.
- The sunroom will be constructed as per the drawings prepared by Prestige and submitted with the Application for Minor Variance.
- The sunroom will be constructed with a shed roof, sliding windows, partially heated, insulated french door leading into the dwelling and eavestroughing to maintain storm water onto the subject 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 development would be compatible with the established standard of property development in the neighbourhood. The Committee further determined that because the structure is one storey and has a low profile roof design, the impact of the proposed addition on the adjacent properties would be minor.

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 rear lot line to 6.3 metres to permit a one storey, 14.8 sq metre sunroom addition PROVIDED THAT the sunroom addition is constructed with a low profile roof design as submitted by the applicant to the Committee.

4. **FILE NO.** **A45/08**
 ADDRESS: **1825 Parkwood Circle**
 APPLICANT: **Peter Lawless**

This matter relates to a minor variance application submitted by Peter Lawless, with the law firm Lockington, Lawless, Fitzpatrick, 332 Aylmer Street North, Box 1146, Peterborough, Ontario, K9J 7H4, on behalf of Gail Jo-Ann Morris, 1825 Parkwood Circle, Peterborough, Ontario, K9J 8C3, being the owner of the property which is subject to this application.

Mr. Emmet Connolly, a solicitor with the law firm Lockington, Lawless, Fitzpatrick, attended the meeting on behalf of Mr. Lawless, representing Stewart Title Guaranty Company, and addressed the Committee as follows:

- His client is requesting a variance to reduce the minimum building setback from the south side lot line from 0.6 metres (1.96 ft) to 0.37 metres (1.21 ft) to recognize the location of a frame shed on the property.
- He and his client have read the recommendations set out in the Staff report and are in agreement with same.
- His client inherited this problem when she recently purchased the property and wishes to rectify this situation.

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 questions from the Committee, Staff advised as follows:

- i) The shed is not easily removed as it is located on a retaining wall and is located immediately adjacent a large tree. If the shed was moved, it would be necessary to extend the retaining wall and remove the tree at significant cost.
- ii) In that no building permit was obtained at the time of construction, staff is uncertain when the shed was constructed. Dwellings in the subdivision are approximately 18 years old.

Mrs. Morris, the current owner of the property, attended the meeting.

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

DECISION

The Committee considered the circumstances of the garden shed including:

- i) the size of the shed that would have required a building permit;
- ii) the proximity of the shed to the side lot line;
- iii) there is no structure on the neighbouring property adjacent to the shed;

- iv) the elevated base and retaining wall associated with the foundation of the shed;
and
- v) the size of the tree immediately adjacent to the shed.

The Committee determined that the relocation of the shed would be impractical and costly and the impact of granting the variance would be minor provided that the issues of storm water and building code are addressed.

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 south side lot line to 0.37 metres to recognize the location of a frame shed on the property, CONDITIONAL UPON:

- i. **A building permit being obtained for the structure to ensure that it complies with the Ontario Building Code; and**
- ii) **Eavestroughing is established and maintained on the structure to manage storm water so as not to affect the neighbouring property.**

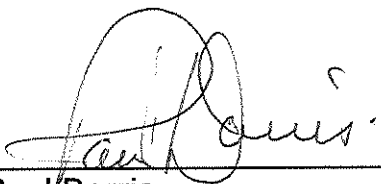
NEXT MEETING:

The next meeting of the Committee of Adjustment is scheduled for **December 2, 2008**.

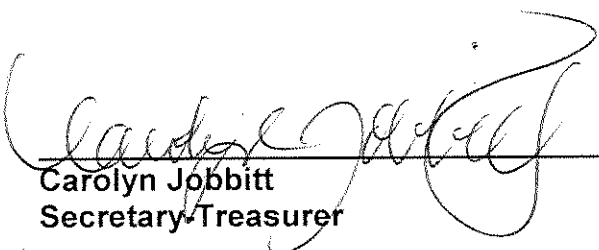
ADJOURNMENT:

Meeting adjourned at 8:15 pm.

Dated the 13th day of November, 2008.



Paul Dorris
Chairman



Carolyn Jobbitt
Secretary-Treasurer