

COMMITTEE OF ADJUSTMENT

Minutes of a Meeting of the Committee of Adjustment for the City of Peterborough held Tuesday, January 20, 2009 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

1. **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.

This application was adjourned to December 2, 2008, meeting from the November 4th, 2008, Committee of Adjustment meeting at the request of the owner. It was adjourned further at the December 2, 2008 meeting to the January 20, 2009 meeting at the request of the owner.

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 a further written request by the applicant dated January 13, 2009, requesting an adjournment once more to the next Committee of Adjustment meeting, to be held on February 18, 2009. The purpose of the request is to permit sufficient time for the proponent to review the proposal in the context of applicable Official Plan Policies.

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

DECISION

The Committee reviewed the application and determined that it would be preferable for the applicant to advise when they have, in fact, completed their review of the proposal in the context of applicable Official Plan Policies. Accordingly, the Committee agreed to defer this application to an undetermined meeting date, at which time the application would be re-advertised and re-circulated at the expense of the applicant.

2. **FILE NO.** **A49/08**
 ADDRESS: **730 HAWLEY STREET**
 APPLICANT: **RICK LOCKETT**

This matter relates to a minor variance application submitted by Rick Lockett, 1650 Chemong Road, Peterborough, Ontario, K9J 6X2, on behalf of 724 Erskine Inc., c/o Monreal Property Manage Inc., 41 Main Street, Unionville, Ontario, L3R 2E5, being the owner of the property which is subject to this application.

This application was adjourned from the December 2, 2008 meeting to this meeting to permit the applicant an opportunity to obtain the owner's authorization to pursue this application.

The purpose of this application is to seek permission to use the property for retail sale and repair of recreation vehicles as a use similar to the sale of heavy trucks and a motor vehicle repair establishment which are uses permitted by the industrial zoning of the property.

Staff advised that permission from the owner of the subject property to proceed with the application has still not been received and, in fact, the applicant has advised that he is not interested in proceeding at this time. Accordingly, the application remains incomplete and would suggest that the Committee defer the application to an undetermined meeting date.

DECISION

The Committee agreed to defer this application, without prejudice, to an undetermined meeting date because the application is imperfect and the applicant has indicated he is not interested in proceeding at this time.

3. **FILE NO.** **B01/09**
 ADDRESS: **612 RUBIDGE STREET**
 APPLICANT: **ANDREA BARRETT**

This matter relates to severance application submitted by Andrea Barrett, 612 Rubidge Street, Peterborough, Ontario, K9H 4G1, being the owner of the property which is subject to this application.

Ms. Barrett attended the meeting and addressed the Committee as follows:

- She would like to convey the northeasterly portion of the subject property to the owner of the adjacent property known municipally as 611 Stewart Street.
- That portion of property is surplus to the requirements of 612 Rubidge Street and would improve the practical configuration of the two properties.
- The owner of 611 Stewart Street would like to acquire the additional property to create a larger rear yard.

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, and provided the further following information:

- Since preparation of the staff report, the applicant has had a survey completed of the Stewart Street property. It revealed that there is a physical separation of the proposed severed and retain lands, as well as separate property identification numbers assigned to the two lots and the laneway at the rear of the property.
- If the owner of the subject property also owns the laneway, then consent will be required to convey the northeast portion of the subject property into separate ownership. Accordingly, the applicant would like to proceed with this application in the event that she is the owner of the laneway.
- Staff request, if the Committee grants this consent, that its Decision be subject to Section 50(3) or 50(5) of the Planning Act to ensure that property being severed will merge with the property municipally known as 611 Stewart Street.

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

DECISION

The Committee considered the proposed severance to be a practical reconfiguration of property ownership and therefore, Consent is granted to convey the north-easterly portion of the subject property to the owner of the adjacent property municipally known as 611 Stewart Street, PROVIDED THAT Section 50(5) of the *Planning Act* apply to any subsequent transaction involving the parcel of land that is the subject of this application.

4. FILE NO. A01/09
ADDRESS: 242 DUBLIN STREET
APPLICANT: PAUL PATTERSON AND CATHY HOOPER
5. FILE NO. B02/09
ADDRESS: 617 AYLMEYER STREET NORTH
APPLICANT: PAUL PATTERSON
6. FILE NO. B03/09
ADDRESS: 242 DUBLIN STREET
APPLICANT: PAUL PATTERSON

These matters relate to a minor variance application submitted by Paul Patterson and Cathy Hooper, 834 Water Street, Unit 3, Peterborough, Ontario, K9H 3N9, being the owners as shown of the above-noted properties which are subject to these applications.

Mr. Patterson attended the meeting and advised the Committee as follows:

- He has taken ownership of two properties in proximity to each other separated by an unopened right of way over which he enjoys a right of way.
- The building at 617 Aylmer Street North is a single unit dwelling that is separated from Aylmer Street North by a section of the Rotary Greenway Trail. The property has no access to Aylmer Street North and has no onsite parking.
- The property at 242 Dublin Street has access from Dublin Street.
- He would like to develop and provide parking for both 242 Dublin Street and 617 Aylmer Street North on a portion of 617 Aylmer Street North with access from 242 Dublin Street.

- He would like to redevelop the building at 242 Dublin Street for use as a duplex. The use of 617 Aylmer Street North would remain a single unit dwelling.
- Accordingly, he is requesting the following variances to the regulations of the zoning district to permit the conversion of the building at 242 Dublin St. for use as a two unit dwelling:
 - i. reduce the minimum lot area per dwelling unit from 278 square metres (3000 sq ft) to 208sq m (2238 sq ft);
 - ii. reduce the minimum lot width per unit from 9 metres (29.5 ft) to 5.1 metres (16.7 ft); and
 - iii. reduce the number of required parking spaces on the property from 2 to 0.
- He is also proposing to convey easements for access and parking between the two properties.
- An easement over the driveway and turnaround area at 242 Dublin St. in favour of the owner of 617 Aylmer Street North could provide access to adequate parking associated with both properties to be accommodated at 617 Aylmer Street North by way of an easement in favour of the owner of 242 Dublin St.
- The proposed easement sought would create an arrangement for on-site parking for both properties that would be a solution to the problem for parking motor vehicles associated with 617 Aylmer Street North.

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 – A01/09

The Committee reviewed the application and considered that the entire land base between the two properties including the right of way. The Committee considered the proposed additional unit to be an appropriate density in accordance with the Official Plan. The Committee determined that the impact of one additional apartment in a fringe inner city neighbourhood would not be significant because parking can be adequately addressed. Considering the configuration of the two properties and the size of the buildings at 242 Dublin Street, the Committee believes that the proposal is not unreasonable in terms of the significance of the variances sought and the degree of intensification that would result.

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, regarding 242 Dublin Street, a minor variance is granted to:

- i. reduce the minimum lot area per dwelling unit to 208 sq. m.;

- ii. reduce the minimum lot width per unit to 5.1 m.; and
- iii. reduce the number of required parking spaces on the property to 0, PROVIDED THAT off-street parking for two motor vehicles is provided within 19 metres of the 242 Dublin Street;

CONDITIONAL UPON payment of a Parks Levy in the sum of \$600.00;

DECISION – B02/09 and B03/09

The Committee reviewed the two applications and determined that the proposed easements would create an arrangement for on-site parking associated with both properties.

Accordingly, consent is granted for the following easements:

- i. Over the driveway of the property municipally known as 242 Dublin Street in favour of the owner of the property municipally known as 617 Aylmer Street North for the purpose of accessing motor vehicle parking spaces and turnaround for vehicles to drive out onto Dublin Street.
- ii. Over an area of property municipally known as 617 Aylmer Street North in favour of the owner of the property municipally known as 242 Dublin Street for the purpose of providing sufficient motor vehicle parking spaces associated with both properties, all of which is to be accommodated at 617 Aylmer Street North.

PROVIDED THAT the owner enter into a Development Agreement with the City, to be registered against both properties. The Development Agreement will address such issues as landscaping, definition of easements and parking, driveway, fencing and any other matters staff deemed necessary, to the satisfaction of the Planner of Urban Design.

7. **FILE NO.** **A02/09**
 ADDRESS: **3 EDGEWATER BLVD.**
 APPLICANT: **ANDY ROTHFISCHER**

This matter relates to a minor variance application submitted by Andy Rothfischer, 3 Edgewater Blvd., Peterborough, Ontario, K9H 1A1, being the owner of the property which is subject to this application.

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

- He would like to complete some renovations that would include an addition to the building on the property, a verandah at the front of the dwelling and some interior work.
- When he attended to at the Building Division to inquire as to the requirements to obtain a building permit he were advised that a variance would be required in order to complete construction of the verandah.
- A variance is therefore requested to reduce the minimum building setback from the front street line from 1.37 metres (4.5 ft), being the setback of the dwelling on the adjacent lot, to 0.64 metres (2.12 feet). The variance would permit a 1.14 m (3.75

ft) X 3.65 m (12 ft), unenclosed covered verandah to be constructed at the front of the dwelling.

- It is his opinion that construction of a verandah in this fashion is in keeping with other homes in the neighbourhood.

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 construction of a verandah would improve the functionality of the dwelling without departing significantly from the zoning regulations and to the established standard for the development of other properties in the neighbourhood.

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 front street line to 0.64 m. to permit a 1.14 m by 3.65 m, open-sided, covered verandah to be constructed at the front of the dwelling.

The Committee also noted that the southwest corner of the dwelling was 1.15 metres from the side lot line and granted a minor variance to recognize the location of the dwelling as established.

8. **FILE NO. A03/09**
ADDRESS: 1293 CLONSILLA AVE.
APPLICANT: JOHN DUNN

This matter relates to a minor variance application submitted by John Dunn, Barrister & Solicitor, 469 Water Street, Peterborough, Ontario, K9H 3M2, on behalf of Younis Properties Inc., 1293 Clonsilla Avenue, Peterborough, Ontario, K9J 2Z3, being the owner of the property subject to this application.

Mr. Dunn and Mr. Younis attended the meeting and addressed the Committee as follows:

- The property, known as the Westmount Plaza, contains a convenience store, beauty salon, and a pharmacy.
- The property owner would like to expand the pharmacy into the convenience store.
- A variance is therefore requested to increase the maximum floor area per commercial purpose permitted by the zoning district from 140 square metres (1506 sq ft) to 348 square metres (3745 sq ft).

- The variance size requested was calculated by excluding the storage and preparatory areas.
- Many of the convenience items currently sold in the convenience store will be offered for sale in the expanded pharmacy.
- It is Mr. Younis intention to create a "professional", "old fashion style" drug store, with the interior replicating a 1930's Drug Store.
- The property is designated as a neighbourhood center and the zoning permits the drug store use.
- Adequate parking is available on-site. No parking spaces are rented to any third parties.
- There are 35 parking spaces on the property, of which 3 parking spaces should be designated as handicapped parking spaces. The owner will ensure that these spaces are marked with vertical signs indicating that they are for handicapped use.

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 advised that there is sufficient parking onsite to support the variance requested. Should plans for the maximum floor area per commercial purpose change, however, the owner will need to re-apply to the Committee to request a variance for the reduction of motor vehicle parking spaces.

The following people attended the meeting and addressed the Committee:

Mr. Kent McGovarin
1300 Clonsilla Ave.
Peterborough, Ontario
K9J 5Z6

Greg Raine
1328 Gordon Ave.
Peterborough, Ontario
K9H 6G9

DECISION

The Committee considered the Neighbourhood Commercial Official Plan designation of the property that anticipate a large scale drugstore.

The Committee reviewed the application and determined that the C.1 Commercial Zoning district permits a drug store, which from a parking assessment standpoint, operates similar to the convenience store. Considering that there is adequate parking on-site and that a convenience store will be giving way to the drug store as the principal use of the property, the impact on the neighbourhood 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 increase the maximum floor area per commercial purpose of a Drug Store permitted by the zoning district to 348 sq. m., PROVIDED THAT sufficient motor vehicle parking spaces are provided on the property in accordance with the by-law considering all other uses within the building.

9. **FILE NO. A04/09**
ADDRESS: 286 SIMCOE STREET AND 375 STEWART STREET
APPLICANT: TREVELYAN ARCHITECT INC.

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

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

- The applicant has made modifications to the building plans for development of the YWCA housing project on the subject property and is seeking the following variances to the zoning regulations:
 - i. increase the maximum building coverage of the lot from 45% to 61% to include a sub surface basement under the courtyard; and
 - ii. reduce the minimum building setback from both Simcoe Street and Stewart Street from 6 metres (19.6 ft) to 2.41 metres (7.9 ft) regarding the canopy structure projecting out in front of the building face.
- The proposed basement will be used for storage and a mechanical room. The basement will not be visible from the exterior.
- They have revised the location of the wheel chair ramp access as per the staff report and are not requesting a variance in that regard.
- On the west side of the building is a large Walnut Tree, which is currently in good health. The owner of the property had a report prepared by an Arborist, who advised that the tree requires most of the site to survive. The tree has been there as long as the building on the site (approximately 1870). Some concern has been expressed by neighbouring property owners regarding the possible loss of this Walnut Tree.

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.

Mr. Hank Fisher, 300 Simcoe Street, Peterborough, Ontario, K9H 2J3, attended the meeting and addressed the Committee.

DECISION

The Committee reviewed the application and determined that the impact of the variance to permit the sub-surface structure would be minor in that the structure is not only underground but internal to the building. The Committee further determined that the variance regarding the canopy is a minor deviation from the original plan that was acceptable to the Committee when they approved the prior variance (File A36/08).

Accordingly, 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, a minor variance is granted to:

- i. increase the maximum building coverage of the lot to 61%; and
- ii. reduce the minimum building setback from both Simcoe Street and Stewart Street to 2.41 metres regarding the canopy structure projecting out in front of the building face.

OTHER BUSINESS:

The Secretary-Treasurer took the chair and called for nominations for Chairperson and Vice Chairperson. Paul Dorris was elected Chairperson for the next two-year period and Len Lifchus was elected Vice-Chairperson for the next two-year period. The Chairperson, Paul Dorris, took the chair.

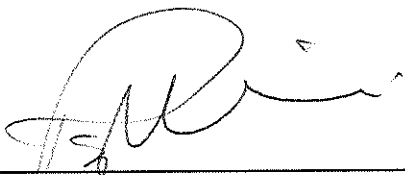
NEXT MEETING:

The next meeting of the Committee of Adjustment is scheduled for Wednesday, February 18, 2009.

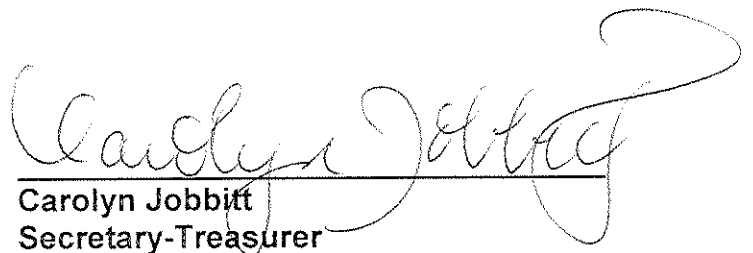
ADJOURNMENT:

Meeting adjourned at 9:45 p.m.

Dated the 30th day of January, 2009.



Paul Dorris
Chairman



Carolyn Jobbitt
Secretary-Treasurer