

COMMITTEE OF ADJUSTMENT

Minutes of a Meeting of the Committee of Adjustment for the City of Peterborough held **Tuesday, July 28, 2009**, at 7:00 p.m., in the General Committee Room, City Hall.

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

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

REGRETS: Mr. Bob Waldron, Manager, Building Division
Ms. Margaret Wood

1. **FILE NO.** A30/09
ADDRESS: 135 Rubidge Street
APPLICANT: Mary K. Edwards and Shelly H. Ingram

This matter relates to a minor variance application submitted by Mary K. Edwards and Shelly H. Ingram, 781 Cedarhurst Drive, Peterborough, Ontario, K9J 6X3, being the owners of the property which is subject to this application.

Mr. Brad Edwards, attended the meeting on behalf of the owners and addressed the Committee as follows:

- The owners would like to re-establish on the property the 12 unit residential dwelling that was destroyed by fire.
- The proposal is to simplify the building design by constructing a straight wall across the rear of the building eliminating the interior wall between units internal to the site.
- A variance is therefore requested to increase the maximum building coverage from 30% to 41% to allow the reconfigured building design.
- 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. & Mrs. David and Marcia McQueen, 296 Kirby Crescent, Newmarket, Ontario, L3X 1G9, (owners of the property municipally known as 133 Rubidge Street) attended the meeting to address the Committee.

In response to questions from the Committee, Staff advised as follows:

- The variance requested is for an increase of the maximum building coverage. The applicant is not requesting permission to create additional units.
- The zoning of the property permits 12 units.
- The property must provide 12 motor vehicle parking spaces. Prior to the fire, 12 motor vehicle parking spaces were provided on the property. The owner of the property will be required to provide 12 motor vehicle parking spaces when the building is reconstructed.

- The owner of the property has the right to reconstruct the building in the footprint of the building that was destroyed by fire.
- When the building is reconstructed, all regulations of the Ontario Building Code must be adhered to, which would include construction of a fire wall between the property municipally known as 133 Rubidge Street and the subject property.
- Aspects of the Building Code are not subject to this matter, but Staff confirm that those matters will be dealt with at the building permit stage.
- The designated parking area for this property is at the rear of the property. Access is gained by a laneway from Townsend Street.

Mr. Edwards advised that he was uncertain who owned the rear laneway, but since the owners have owned the subject property, approximately 5 years, they have removed the snow from entrance on Townsend Street to the designated parking area at the subject property.

DECISION

The Committee reviewed the application and noted that the subject property is located in an older part of the City surrounded by older dwellings, many of which have been converted to multi-unit buildings. The Committee also acknowledged that the property owners have the right to re-establish the building on the footprint of the former structure. The Committee determined that the impact on the neighbouring properties to the modifications to the building footprint 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 building coverage to 41% to permit the reconfigured building design.

2. **FILE NO. A32/09**
ADDRESS: 199 - 207 Murray Street
APPLICANT: TVM Terraces Inc.

This matter relates to a minor variance application submitted by TVM Terraces Inc., 301 – 801 Eglinton Avenue West, Toronto, Ontario, M5N 1E3, being the owner of the property which is subject to this application.

Mr. Amit Sofer, a representative of TVM Terraces Inc., attended the meeting and addressed the Committee as follows:

- The owner would like to increase the number of units in the building by extending the building 9.1 metres (30 ft) to the rear in line with the west wall of the building as established 0.63 metres (2.08 ft) from the west side lot line.
- The expansion would contain four additional units and an elevator for access to the three-storey building.

- A variance is therefore requested to reduce the minimum building setback from the west side lot line from 9 metres to 0.63 metres (2.08 ft) to permit the addition as proposed.
- A further variance is requested to recognize the lot coverage by motor vehicle parking and driveways to accommodate the parking required to support the development.
- The variance would increase the maximum lot coverage by parking area and driveway from 25% to 29.5%.

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. Sofer responded as follows:

- Final building plans have not yet been determined, however, he is anticipating the exterior finish will be either brick or stucco, the colour of which will blend with the existing brick.
- There will be a mix of 2 and 3 bedrooms units. The total number of units on the subject property will be 18.
- He wants the building to be family oriented.
- His current building plans are for each unit to be fully accessible for persons with disabilities.
- The monthly rental charge will be based on CMHC Affordable Housing regulations.

DECISION

The Committee reviewed the application and considered the location of the subject property in context of the neighbourhood with public parkland across the street and amenities of downtown. Considering the nature of the project, the official plan policies and neighbourhood context, the Committee determined that the creation of further units would have no impact on the neighbouring properties.

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 west side lot line to 0.63 metres;**
- ii. **increase the maximum lot coverage by parking area and driveway to 29.5%; and**

- iii. reduce the minimum lot area per dwelling unit to 111.8 sq. m. to permit an additional 4 units.

CONDITIONAL UPON:

- i. Installation and maintenance of eavestrough along the west side of the westerly building in order to conduct storm water onto the subject property so as not to affect the neighbouring property;
- ii. the owner entering into a Site Plan Agreement with the City regarding the development of 199 and 207 Murray Street, including the parking to the rear of the buildings, to the satisfaction of the Planner of Urban Design; and
- iii. payment of a parks levy to be determined by the Parks Levy Committee for the additional four units that would be permitted by the variance.

3. **FILE NO.** A31/09
ADDRESS: 191 – 203 Rink Street
APPLICANT: R.P.M. Holdings, Jarrett & Jarrett Designs
and Duncan Ross Architect

This matter relates to a minor variance application submitted by R.P.M. Holdings, Jarrett & Jarrett Designs and Duncan Ross Architect, c/o P. O. Box 742, Peterborough, Ontario, K9J 6Z8, on behalf of Alexander Romanov, Alyson Romanov, Mairead Sorensen and James Colm Sorensen, c/o Mr. Steven D. Partridge, Barrister & Solicitor, 347 Charlotte Street, P. O. Box 1718, Peterborough, Ontario, K9J 7X6, being the registered owners of the property subject to this application.

Mr. Paul Bennett, a representative from R.P.M. Holdings, and Mr. Steve Jarrett attended the meeting and addressed the Committee as follows:

- R.P.M. Holdings is the proposed purchaser of the subject property. The purchase transaction is scheduled for completion on August 28, 2009.
- Once the purchase transaction has been completed, R.P.M. Holdings would like to remove the buildings on the properties and construct a new, 64 units, 4 storey apartment building on a portion of the property.
- The proposal is to advance the development in two phases.
- The first phase would be established on the subject properties consisting of 57 units.
- The second phase will involve adjacent properties under the same ownership and complete the 64-unit development that will involve a rezoning of adjacent land along Olive Street.
- Considering phase one, the following variances to the regulations of the site specific zoning are being requested:
 - i. reduce the minimum building setback from the centre line of Rink St. from 19 metres (62.3 ft) to 15 metres (49.2 ft);

- ii. reduce the minimum building setback from Olive St. from 3 metres (9.8 ft) to 2.4 metres (8 ft);
 - iii. reduce the minimum building setback from the south side lot line from 7 metres (22.9ft) to 0 metres;
 - iv. reduce the minimum required landscaped open space between the parking area and the south easterly side lot line and easterly rear yard from 1.5 metres (5 ft) to 0;
 - v. increase the maximum building coverage from 30% to 34%;
 - vi. increase the maximum building height from 3 to 4 storeys;
 - vii. reduce the number of required parking spaces at from 60 to 53; and
 - viii. reduce the number of required parking spaces for disabled persons from 3 to 2.
- It is R.P.M. Holdings intention to create an Affordable Housing Development for seniors.

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 the Committee that funding for Affordable Housing projects is available through the Federal and Provincial Government. In order to qualify for this funding, this project must be ready to proceed by September, 2009. Currently, taxes are in arrears against the subject lands. Staff has discussed this issue with the City's Finance Department, who have agreed to postpone the requirement of taxes being paid prior to advancing an application to the Committee, provided that taxes are brought into good standing by August 31, 2009. Accordingly, it is recommended by Staff that should the Committee grant the variance, the decision be conditional upon payment of the outstanding taxes and penalties by August 31, 2009.

Ms. Merrill Alton-Graham, 115 Romaine Street, Peterborough, Ontario, K9J 2C1 (owner of the property municipally known as 53 Olive Street) attended the meeting and addressed the Committee.

In response to questions from the Committee, the applicant advised as follows:

- Phase I and Phase II will be completed at the same time.
- The government funding will be on Phase I.
- The lands in Phase II are subject to a rezoning application, which he anticipates will be addressed by Council within the next few months.

In response to questions from the Committee, Staff advised as follows:

- When the subject property was rezoned at Council, a condition regarding the conveyance of a 3 metre wide strip of land along Olive Street, in favour the City of Peterborough, for the purpose of road widening was imposed.

- The City recognizes that Olive Street is very narrow, local street, however, the status of that street will not be changed by the development of this property.

Staff advised that the applicant has now provided revised plans for the development of this property. As a result of the new plans, the following variances are not required:

- i. reduce the minimum building setback from Olive St. from 3 metres (9.8 ft) to 2.4 metres (8 ft);
- ii. increase the maximum building coverage from 30% to 34%;
- iii. reduce the number of required parking spaces at from 60 to 53; and

DECISION

The Committee reviewed the application and determined the following:

- The subject property is located on the southerly limit of the Central Area of the City. The Official Plan designation is Transitional Use Area. The designation anticipates mixed uses including high-density residential development within new buildings designated in a manner that would be compatible with existing building in the vicinity of the property.
- The applicant owns the adjacent properties known as 59, 61 and 63 Olive Street that will make up the second phase of the proposed development. Because Phase II of the development will provide the required building separation and landscaping in relation to the parking as well as the third parking space for the disabled, the Committee was comfortable in granting the variances temporarily conditional upon completion of Phase II of the proposal.
- The subject property is located in a neighbourhood of significant diversity in terms of land use and development standards.
- The proposed landscaped buffer along Rink Street and open parking area on the opposite side of the street result in minimal impact of locating the building 6 metres from the Rink Street street line.
- The proposed development is in-keeping with the Central Area and the City's downtown.

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 centre line of Rink St. to 16 metres; and**
- ii. increase the maximum building height to 4 storeys provided that the fourth storey is setback from the front and rear face of the building to accommodate roof top terraces and gardens in relation to the fourth storey units.**

The following minor variances are granted temporarily until October 31, 2010 to allow for the adjacent properties known municipally as 59, 61 and 63 Olive Street to become a part of the Site Plan for the complete development of the project. After October 31, 2010 the variances will be null and void.

- i. reduce the minimum building setback from the south side lot line to 0 metres;
- ii. reduce the minimum required landscaped open space between the parking area and the south easterly side lot line and easterly rear yard to 0; and
- iii. reduce the number of required parking spaces for disabled persons to 2.

THE DECISIONS REGARDING ALL OF THE VARIANCES DESCRIBED ARE GRANTED CONDITIONAL UPON PAYMENT OF ALL OUTSTANDING TAXES AND PENALTIES OWING ON THE SUBJECT PROPERTIES BY AUGUST 31, 2009, OTHERWISE ALL OF THE VARIANCES SHALL BE NULL AND VOID.

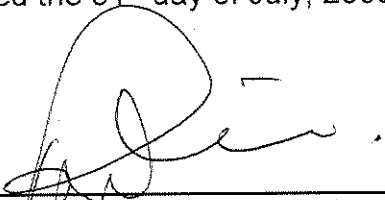
NEXT MEETING:

The next meeting of the Committee of Adjustment is scheduled for September 29, 2009.

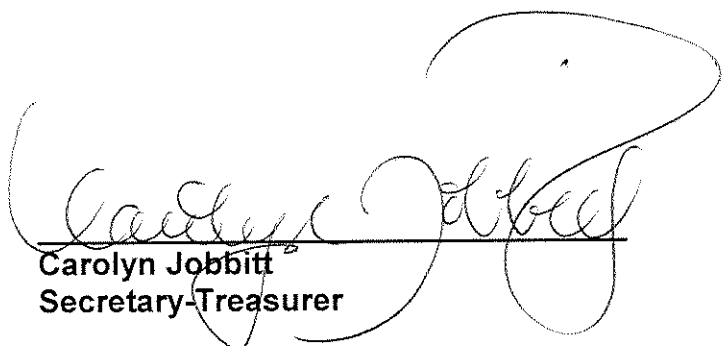
ADJOURNMENT:

Meeting adjourned at 9:00 p.m.

Dated the 31st day of July, 2009.



Paul Dorris
Chairman



Carolyn Jobbitt
Secretary-Treasurer