

COMMITTEE OF ADJUSTMENT

Minutes of a Meeting of the Committee of Adjustment for the City of Peterborough held **Tuesday, September 29th, 2009** at 7:00 p.m., in the General Committee Room, City Hall.

PRESENT: Mr. Paul Dorris, Chairperson
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.** A38/09
ADDRESS: 303, 307, 311, 315, 319 Blacksmith Way
APPLICANT: Paul Lumsden
2. **FILE NO.** A39/09
ADDRESS: 326, 330, 334, 338, 342, 350 354 Blacksmith Way
APPLICANT: Paul Lumsden

This matter relates to a minor variance application submitted by Paul Lumsden, 3 – 254 Brock Street, Peterborough, Ontario, K9H 2P7, on behalf of Activa Holdings Inc. c/o Werner Brummund, 735 Bridge Street West, Waterloo, Ontario, N2V 1H1, being the owner of the property subject to this application.

The purpose of these minor variance applications is to request a variance to reduce the minimum building setback from 1.2 metres (3.93 ft) to 0.6 metres (2 ft) in relation to one storey garages associated with the development of 12 lots located along Blacksmith Way within Phase 3 of the Heritage Park subdivision.

Staff requested that these applications be deferred to the next Committee of Adjustment meeting, to be held on October 20, 2009, pending the further review of the applications by Planning Staff.

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

The applicant was present and did not object to Staff's request for the deferral.

DECISION – A38/09 and A39/09

The Committee deferred the two applications to the October 20, 2009 Committee of Adjustment meeting to permit Planning Staff the opportunity to further review the applications.

3. **FILE NO.** A13/09
ADDRESS: 296 Stewart Street
APPLICANT: John Hunter

This matter relates to a minor variance application submitted by John Hunter, 11 Turtle Lake Drive, Acton, Ontario, L7J 2W7, being the owner of the property which is subject to this application.

Mr. Hunter and his Architect, Mr. Christopher Tworkowski, attended the meeting and addressed the Committee as follows:

- The purpose of this application is as follows:
 - i) To increase the number of residential units within the building on the property from 8 to 11 including the conversion of the one commercial unit on the main level and creation of two units in the basement. In that the zoning of the property (C.5 Commercial District) requires that a dwelling be located on the second storey or higher, the applicant is requesting a variance to the zoning regulations to permit the use of all levels of the building for residential purposes.
 - ii) To permit a dwelling unit in a basement where the ceiling height is not one metre above grade.
 - iii) To reduce the number of motor vehicle parking spaces on the property by one to permit the appropriate street front landscaping to be established on subject property.
- This application was originally addressed by the Committee at its April 7th, 2009, meeting and further adjourned to the July 28, 2009 Committee of Adjustment meeting. At that time, the Committee reviewed the application and determined that it was premature to grant the variance to permit more units before it can be demonstrated that the building can be developed in accordance with the regulations of the Ontario Building Code and Fire Safety Standards for both the existing and new units. Accordingly, the Committee agreed to a further adjournment to the first Committee of Adjustment meeting to be held in September, 2009, to permit the applicant an opportunity to retain a licensed Architect to prepare and submit drawings that would demonstrate how all units within the building can be brought into compliance with the Ontario Building Code and Fire Safety Standards and, how parking and landscaping will be accommodated on 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.

In response to questions from the Committee, staff advised as follows;

- Amendments to the Report prepared by the Architect Mr. Tworkowski have been provided to Staff.
- Approval by the Committee should be subject to the conditions set out in the staff report.
- The Building Division will not issue a building permit unless the building plans conform to the Ontario Building Code.
- It will be necessary for the owner of the property to pay cash in lieu for each additional parking space required to support the development of the property.

DECISION

The Committee reviewed the application and determined that the impact on the neighbouring properties by permitting the use of the entire building for residential purposes would be minor in that that parking may be addressed through the cash-in-lieu policy. The Committee further determined that by permitting the elimination of one motor vehicle parking space, the owner of the property would be able to provide landscaping along the street line to elevate the standard of development of the property to better conform to the intent of Official Plan Policies. The Policies require pedestrian character and connectivity of the property to the Charlotte Street West Business District.

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 variance are granted to permit:

- i) the use of all levels of the building, including the basement for residential purposes;**
- ii) no more than two dwelling units to be established in a basement situation where the ceiling height is less than one metre above grade; and**
- iii) no more than 11 dwelling units within the building supported by no less than four motor vehicle parking spaces on the property, unless cash in lieu of parking is provided.**

CONDITIONAL UPON the following:

- i) Issuance of a building permit with the objective of bringing all units within the building into compliance with the Ontario Building Code.**
- ii) The owner entering into a Site Plan Agreement with the City to address among other details, the requirement of barrier curbs, the establishment of the parking spaces, soft and hard landscaping on the site and removal of snow, all to the satisfaction of the Planner of Urban Design.**
- iii) That existing water service to the building be upgraded to the satisfaction of the Peterborough Utility Services Inc.**
- iv) Payment of a Parks Levy in an amount to be determined by the Parks Levy Review Committee for the additional units and the converted commercial unit.**
- v) Payment of cash in lieu of parking in an amount of \$5,199.65 required in relation to each additional residential unit.**
- vi) Payment of Development Charges for each additional residential unit due upon issuance of a building permit.**

Failure to comply with the above-noted conditions on or before the 5th day of January, 2010 will result in the Decision being null and void.

4. **FILE NO.** B07/09
ADDRESS: 647 Reid Street and 653 Reid Street
APPLICANT: Joseph Grant
5. **FILE NO.** A 33/09
ADDRESS: 647 Reid Street and 653 Reid Street
APPLICANT: Joseph Grant

These matters relate to a severance application and a minor variance application submitted by Joseph Grant, solicitor with the law firm Howell, Fleming, 415 Water Street, Box 148, Peterborough, Ontario, K9J 6Y5, on behalf of the Estate of Philip Basciano, 653 Reid Street, Peterborough, Ontario, K9H 4H6, being the owner of the property which is subject to this application.

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

- The two properties were owned and developed separately for some time but have inadvertently merged in title.
- The applicant would like to sever the southerly 13.1 metres (43 ft) of the subject property with the dwelling established on it from the northerly 11.89 metres (39 ft) to be retained.
- Considering the regulations of the R.1 Zoning District, the following variances would be required for the two properties:

653 Reid Street:

- i. reduce the minimum lot width from 12 metres (39.3 ft) to 11.89 metres (39 ft).

647 Reid Street:

- i. reduce the minimum lot area from 370 sq metres (3982 sq ft) to 199 sq metres 2,142 sq ft);
- ii. reduce the minimum lot depth from 30 metres (98.4 ft) to 15 metres (49 ft); and
- iii. reduce the minimum building setback from the rear lot line from 7.6 metres (24.9 ft) to 1.29 metres 4.23 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 – B07/09

The Committee reviewed the application and determined that both 653 Reid Street and 647 Reid Street have in the past and continue to function independently of each other to a satisfactory degree.

Consent is granted to convey the southerly 13.1 metres of the subject property from the northerly 11.89 metres to be retained subject to the approval of the associated minor variances addressed by application file A33/09.

DECISION – A33/09

The Committee reviewed the application and determined that because the property would continue to be used in the same manner, notwithstanding the completion of the severance application, there would be no impact on the neighbouring property owners.

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, a minor variances are granted to:

653 Reid Street:

- i. **reduce the minimum lot width to 11.89 metres.**

647 Reid Street:

- i. **reduce the minimum lot area to 199 sq metres;**
- ii. **reduce the minimum lot depth to 15 metres; and**
- iii. **reduce the minimum building setback from the rear lot line to 1.29 metres.**

6. **FILE NO. B08/09**
ADDRESS: 840 Armour Road
APPLICANT: Kevin M. Duguay Community Planning and Consulting

This matter relates to severance application submitted by Kevin M. Duguay Community Planning and Consulting, 560 Romaine Street, Peterborough, Ontario, K9J 2E3, on behalf of Peterborough Christian Fellowship, 300 Milroy Drive, Peterborough, Ontario, K9H 7M9, being the owner of the property subject to this application.

Mr. Duguay and Mr. Ray Foster, a representative from the Peterborough Christian Fellowship Church, attended the meeting and addressed the Committee as follows:

- His clients have applied for this severance in order to satisfy the conditions of their recent rezoning of the subject property.
- The retained portion of the property will be a new location of the Peterborough Christian Fellowship Church.
- The severed portion of the property will be used for residential purposes.
- His client would like to sever the northerly portion of the property zoned for residential purposes, from the balance of the land that could be used as a church.
- Consent is also requested for an easement over a portion of the northerly parcel for the purpose of storm water management.

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:

- A record of the clean up of the site considering its former use would have been required by the City when the property was rezoned permitting the use for residential purposes.
- City Council addressed the issue of ingress and egress from Spencely's Lane at the time of rezoning of the property and will again upon approval of the site plan agreement.

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

DECISION

Both the severed and retained property would conform to both the Official Plan policy and the zoning. Referring to the draft reference plan prepared Elliott & Parr, consent is granted to convey Parts 3, 4 and 5, subject to an easement over Part 4 in favour of the owner of Part 1 on the condition that Part 2 is conveyed to the City, free of encumbrances and at no cost to the City, for the purpose of widening the road allowance of Armour Road.

7. **FILE NO.** **A34/09**
 ADDRESS: **311 Swanston Ave.**
 APPLICANT: **John & Karen Ayotte**

This matter relates to a minor variance application submitted by John and Karen Ayotte, 311 Swanston Ave., Peterborough, Ontario, K9H 1P6, being the owners of the property subject to this application.

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

- They would like to construct a covered verandah across the front of the dwelling in place of the concrete stoop that provides access through the front door of the dwelling. They would like to have access to the veranda obtained by a set of stairs that are at the front of the verandah.
- The existing stoop projects 1.2 metres (3.9 ft) in front of the dwelling and the proposed verandah would project 1.6 metres (6 ft).
- A variance is therefore requested to reduce the minimum building setback from the Swanston Street street line from 6 metres (19.6 ft) to 4.1 metres (13.4 ft) to permit the covered veranda across the front of the building.
- A further variance is also requested to reduce the minimum building setback from the Swanston Street street line from 6 metres (19.6 ft) to 3.2 metres (10.56 ft) to permit a staircase descending from the verandah that would be 1.37 metres (4.49 ft) wide.

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 extent of the proposed covered verandah in place of the existing, covered stoop was reasonable and would contribute to the visual appearance of the dwelling while providing a practical access to the front of the dwelling.

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 variance are granted to:

- i. **reduce the minimum building setback from the Swanston Street street line to 4.1 metres to permit the covered, open sided veranda across the front of the building.**
- ii. **to reduce the minimum building setback from the Swanston Street street line to 3.2 metres to permit an uncovered staircase that would be no more than 1.37 metres wide descending from the verandah.**

8. **FILE NO. A35/09**
ADDRESS: 2401 Denure Drive
APPLICANT: Paul Lumsden

This matter relates to a minor variance application submitted by Paul Lumsden, 3 – 254 Brock Street, Peterborough, Ontario, K9H 2P7, on behalf of Cleary Homes, 314 Carnegie Drive, Peterborough, Ontario, K9L 1M9, being the owner of the property subject to this application.

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

- Relief is requested from the minimum setback distance from the centre line of an arterial road.
- A variance is therefore requested to reduce the minimum building setback from the centre line of Sherbrooke Street from 24.4 metres (80 ft) to 22.88 meters (75 ft), to permit construction of a dwelling that would be 7.31 metres (23.9 ft) wide to be constructed on the property.
- The Plan of Subdivision was registered approximately 8 – 9 years ago.
- This lot used to accommodate the advertisement sign for the Plan of Subdivision.
- Now that the subdivision is just about completed, his client would liked to construct a dwelling that would be similar to that of other properties in the subdivision.
- The building massing and profile of the building design in relation to the streetscape of Sherbrooke Street will be addressed by the attention to the design, finish and aesthetics of the building.

- The proposed plan would adhere to the design of the plan presented referred to as the “Devonshire 170” including additional window openings on the south side of the building.

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, staff advised as follows:

- The lot is a standard size lot but is subject to the setback regulations for development in relation to a high capacity arterial street – Sherbrooke Street.
- The potential for a blank building wall in relation to Sherbrooke Street will be addressed by installing additional window openings on the south side of the dwelling and could also be mitigated by the addition of trees as landscape components along Sherbrooke Street.
- The house would be smaller than the maximum building envelope illustrated on the attached to the staff report.

DECISION

The Committee reviewed the application and noted that the proposed dwelling was in keeping with the standard of development on adjacent properties to the north, provided that attention to the exterior aesthetics were addressed so that building massing and profile of the building design in relation to the streetscape were addressed, as illustrated on the Plan provided by the Applicant referred to as “Devonshire 1970”

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 Sherbrooke Street to 22.88 metres, PROVIDED THAT the owner of the property obtain the approval of the Planner of Urban Design of the building plans prior to the issuance of a building permit to ensure that the building design, including window openings, and aesthetics is appropriate in relation to the Sherbrooke Street profile.

9. **FILE NO. A36/09**
ADDRESS: 2404 Denure Drive
APPLICANT: Paul Lumsden

This matter relates to a minor variance application submitted by Paul Lumsden, 3 – 254 Brock Street, Peterborough, Ontario, K9H 2P7, on behalf of Cleary Homes, 314 Carnegie Drive, Peterborough, Ontario, K9L 1M9, being the owner of the property subject to this application.

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

- A variance is requested to reduce the minimum building setback from the centre line of Sherbrooke Street being an arterial road from 24.4 metres (80 ft) to 23.18 meters (76 ft).
- The purpose would be to construct a 4.27 metre (14 ft) wide, covered verandah over the front entrance to the dwelling that would project 1.22 metres (4 ft) into the required setback from Sherbrooke Street.
- The Plan of Subdivision was registered approximately 8 – 9 years ago.
- This lot held the advertisement sign for the Plan of Subdivision.
- Now that the subdivision is just about completed, his client would like to construct a dwelling that is similar to those in the subdivision.

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, staff advised as follows:

- The lot is a standard size lot but is subject to the setback regulations for development in relation to a high capacity arterial street – Sherbrooke Street.
- The orientation of the building massing is appropriate and suitable in relation to Sherbrooke Street.

DECISION

The Committee reviewed the application and noted that the proposed dwelling was in keeping with the standard of development on adjacent properties, provided that attention to the exterior aesthetics were addressed so that building massing and profile of the building design in relation to the streetscape were addressed, as illustrated on the Plan provided by the Applicant referred to as “Cornerbrook 1500”

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 Sherbrooke Street to 23.18 meters to permit a 4.27 metre wide, covered, open-sided, verandah over the entrance to the dwelling PROVIDED THAT the owner of the property obtain the approval of the Planner of Urban Design of the building plans prior to the issuance of a building permit to ensure appropriate design, finish and aesthetics of the building in relation to Sherbrooke Street profile.

10. **FILE NO. A37/09**
ADDRESS: 880 – 884 Armour Road
APPLICANT: The Moher Development Corporation

This matter relates to a minor variance application submitted by The Moher Development Corporation, Unit 2, 880 Armour Road, Peterborough, Ontario, K9H 2A6, being the owner of the property subject to this application.

Mr. Brendan Moher attended the meeting and addressed the Committee as follows:

- The applicant would like to proceed with development of a 12-unit apartment dwelling on the easterly portion of the property. The following variances are therefore requested to the regulations of the SP.267 Special District zoning district:
 - i. reduce the minimum required lot area per dwelling unit from 175 sq metres (1,883 sq ft) to 162 sq metres (1,743 sq ft);
 - ii. increase the maximum building coverage from 25% to 32%; and
 - iii. reduce the minimum number of motor vehicle parking spaces required from 1.75 per unit to 1.5 spaces per unit.
- The proposed apartment building will be a pleasing design with interior balconies, which will create a building that is neat and tidy.
- Each apartment unit is generous in size.
- He will have ample parking, which will be generated from parking at the apartment and parking at the strip plaza at the rear of the proposed apartment. For that reason, he does not agree with the condition set out in the staff report pertaining to imposing a parks levy fee.
- One of the outdoor storage units attached to the building illustrated on the proposed plans is for an electrical room and the other outdoor storage unit is to house the maintenance tools for the general up-keep of the property.
- The exterior of the building is to be entirely in brick with a steel roof.

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 the questioning of the parks levy, Mr. Straka explained to the Committee that while two of the three variances may be avoided by altering the design of the building, the variance with respect to the lot area per dwelling unit would still be necessary to permit the additional unit. Therefore, it is his opinion that the parks levy that would be permitted by the variance to the zoning is warranted.

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 plan would conform to the intensity of development anticipated by the Official Plan. The Committee considered the proposal to be reasonable and functional and the variances to the lot area per unit to be minor with no impact on the adjacent properties. Considering the

increase in building coverage, the onsite amenity space lost to the expanded building coverage is made up for by the provision of balconies and patio space associated with each unit that would be within the larger footprint of the building. With respect to the variance to the parking requirement, the Committee noted that the rate of 1.5 spaces per unit is similar to that of other multi-unit residential building in the neighbourhood and there was no concerns regarding parking in the neighbourhood in response to the notice of the variance issued.

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 162 sq metres;**
- ii. **increase the maximum building coverage to 32%; and**
- iii **reduce the minimum number of motor vehicle parking spaces required to 1.5 spaces per unit.**

CONDITIONAL UPON the following:

- i) **The owner entering into a Site Plan Agreement with the City that would address the proposal for access from Abby Lane to the satisfaction of the Planner of Urban Design.**
- ii) **Payment of a Parks Levy in an amount to be determined by the Parks Levy Review Committee for the one additional unit.**

NEXT MEETING:

The next meeting of the Committee of Adjustment is scheduled for October 20, 2009

ADJOURNMENT:

Meeting adjourned at 9:00 p.m.

Dated the 8th day of October, 2009.

Paul Dorris
Chairman

Carolyn Jobbitt
Secretary-Treasurer