

## COMMITTEE OF ADJUSTMENT

Minutes of a Meeting of the Committee of Adjustment for the City of Peterborough held **Tuesday, November 17, 2009** at 7:00 p.m., in the General Committee Room, City Hall.

**PRESENT:** Mr. Paul Dorris, Chairperson  
Mr. Claude Dufresne  
Ms. Margaret Wood  
Mr. Keith Riel  
Mr. Alan Porteous

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

**REGRETS:** Mr. Bob Waldron, Manager, Building Division

1. **FILE NO.** A40/09  
**ADDRESS:** 141 Bowen Drive  
**APPLICANT:** Mason Homes Limited

This matter relates to a minor variance application submitted by 2064086 Ontario Limited c/o Mason Homes Limited, 30 Pennsylvania Ave., Unit 6, Concord, Ontario, L4K 4A5, being the owner of the property which is subject to this application.

This application was adjourned to this meeting from the October 20<sup>th</sup>, 2009, Committee of Adjustment meeting to permit the applicant an opportunity to attend before the Committee to response to their inquiries.

Ashley Mason, a representative from Mason Homes Limited, attended the meeting and addressed the Committee as follows:

- They are requesting relief from the regulations of the zoning district that regard a rear laneway as a rear lot line.
- A variance is therefore requested to reduce the minimum building setback from the laneway from 7.6 metres to 3.7 metres in relation to the laneway along the east side of the property.
- The Draft Plan of Subdivision Agreement originally illustrated the rear laneway to be located in a different location.
- Based on further Engineering reports, the location of the laneway was relocated, as reflected in the Final Subdivision Approval finalized by Council.
- This resulted in the setback deficiencies of this lot, which is the only lot affected by the relocation of the laneway.
- The design of the dwelling to be constructed on the property is one of the home designs that is being offered to purchasers wishing to purchase any lot in the subdivision. Accordingly, it is her position that it is in keeping and desirable for the neighbourhood.
- At the request of the purchaser of the subject property, a two-car garage will be constructed. This confirms compliance with the Zoning By-law by demonstrating that 2 motor vehicle parking spaces can be accommodated on 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 noted that the separation between buildings in relation to adjacent properties is proportionately reasonable and that the property is large enough to function as a residential building lot. The Committee determined that the requested variance would accommodate the typical standard of development 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 of the dwelling to 3.7 metres in relation to the laneway along the east side of the property only.**

2     **FILE NO.**             **A45/09**  
       **ADDRESS:**        **500 Wolsley Street**  
       **APPLICANT:**     **Michael & Marilynn Skalotis**

This matter relates to a minor variance application submitted by Michael & Marilyn Skalotis, 500 Wolsley Street, Peterborough, Ontario, K9J 5A6, being the owner of the property which is subject to this application.

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

- The building on the property was once a school house.
- When he purchased the property, he applied to the City to convert the property into a 5 unit apartment building.
- He now wishes to utilize the basement area, which was once used by the school house as a gymnasium, to create a sixth apartment unit.
- No addition to the external dimensions of the building is proposed.
- The following variances would be required to recognize the development and use of the property as a six unit apartment building:
  - i) decrease the minimum required lot area per dwelling unit from 275 sq. metres to 244 sq. metres;
  - ii) increase the maximum lot area coverage by parking and driveway and vehicle movement area from 33% to 40%;

- iii) decrease the distance of a window of a habitable room from a parking space or driveway from 6 metres to 1.5 metres; and
- iv) reduce the minimum width of landscaped opens space required along the westerly lot line from 1.5 metres to 0.6 metres.
- Snow removal is addressed within the property as there is enough landscaped areas to put the snow. If, at some time in the future, a record amount of snow was received, he would be prepared to arrange to remove the snow from the site.
- It is his opinion that he has, in fact, dealt with all issues regarding the existing Site Plan.

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 they have attended at the subject property and determined that the height of the ceiling of the basement unit is adequate in relation to the requirements of the Zoning By-law.

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

#### **DECISION**

The Committee reviewed the application noted that the sixth unit would fit within the building envelope without change and that adequate on-site parking is available. Accordingly, the Committee determined that the impact of the variance to reduce the minimum lot area per dwelling unit to permit one additional apartment unit contained in the basement would not impact the abutting property owners. It was further noted that compliance with the zoning by-law regarding the distance of a window of a habitable room from a parking space could be complied with because there is sufficient parking already contained within the rear portion of the property. Further, the area of the property covered by pavement will remain as it has since 1984 without any neighbouring property owners concern raised in response to the notice of this application.

**The Committee determined that the variance with respect to decreasing the distance of a window of a habitable room from a parking space to 1.5 metres is DENIED.**

However, the Committee determined that the balance of the variances requested were minor, resulted in an appropriate development and use of the land, and that the general intent and purpose of the Zoning By-law and Official Plan is maintained.

**Therefore, a minor variances are granted to permit:**

- i) decrease the minimum required lot area per dwelling unit to 244 sq. metres;
- ii) increase the maximum lot area coverage by parking and driveway and vehicle movement area to 40%;
- iii) decrease the distance of a window of a habitable room from a vehicle movement area or driveway only to 1.5 metres; and

- iv) reduce the minimum width of landscaped opens space required along the southerly 20 metres of the westerly lot line to 0.6 metres;

**CONDITIONAL UPON the following:**

- i) Payment of a Parks Levy in an amount to be determined by the Parks Levy Review Committee.
- ii) The owner amending the existing Site Plan Agreement with the City illustrating all changes to the site plan that have resulted from the Decision of the Committee.
- iii) Establishment of a privacy fence along the east lot line as illustrated by the Site Plan Agreement.

Failure to comply with the above-noted conditions on or before the 30<sup>th</sup> day of June, 2010, will result in the Decision regarding the variances to permit the sixth dwelling unit being null and void.

3.     **FILE NO.**             B09/09  
       **ADDRESS:**         136 James Street  
       **APPLICANT:**     Lawrence Plate Sadler

This matter relates to severance application submitted by Lawrence Plate Sadler, 136 James Street, Peterborough, Ontario, K9H 1C8, being the owner of the property which is subject to this application.

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

- He would like to convey the easterly 11.16 metres (36 ft) of the subject property together with a 1.8 metre wide by 1.8 metre deep easement over the south east corner of the retained property.
- The severance would create a new lot for development of a single unit dwelling and accommodate the location of an existing sewer service to the new 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**

**Consent is granted to sever the easterly 11.16 metres of the subject property to create a new building lot for a single unit dwelling, CONDITIONAL UPON THE FOLLOWING:**

- The owner entering into an agreement with the City requiring that building plans be provided for approval by the Planner of Urban Design to ensure compatibility of the building with other buildings in the neighbourhood prior to issuance of a building permit. The agreement will also require the driveway to be located to the west side of the severed lot and the owner to pay the cost of removing the City street tree on the City boulevard;

- Preparation of a reference plan illustrating the severed and retained properties, including the proposed easement, to the satisfaction of the Planner of Policy and Research;
- Payment of a Parks Levy in the amount of \$2,500.00, as determined by the City's Parks Levy Review Committee; and
- Payment of a tree levy in the amount of \$137.00.

4.     **FILE NO.**            **A46/09**  
       **ADDRESS:**        **1420 Crawford Drive**  
       **APPLICANT:**     **Ken Trevelyan**

This matter relates to a minor variance application submitted by Trevelyan Architect Inc., 148 Hunter Street West, Suite 201, Peterborough, Ontario, K9H 2K8, on behalf of Roshan Holdings Ltd., 161 Chisholm Drive, Milton, Ontario, L9T 4A6, being the owner of the property, which is subject to this application.

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

- The owner would like to construct a hotel on the property and is requesting a variance to the regulations of the SP. 268 commercial zoning of the property to increase the maximum height of the building from two stories to five.
- The property owner was before the Committee in February 2007 with application file A03/07 requesting the same variance for the property at 300 The Parkway. Since then it was found that the property was not suitable for the development and the same proposal is being advanced for 1420 Crawford Drive.
- He confirms that the portion of the hotel proposed to be five storeys in height is not within 30 metres of any property line.
- The lands to the southern part of the property is unsuitable to build upon and will be conveyed to the City for park purposes.

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 the property owner to the north of the subject property had contact him with inquires. After his review of the building plans he was satisfied and advised that he had no concerns with the proposed development.

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

In response to questions from the Committee, Mr. Trevelyan advised as follows:

- The pilons are driven into the ground until they can go no farther. At that point, the steel structure is constructed on top of the pilons.
- The soil conditions are more suitable on this property instead of the previous site at 300 The Parkway.
- As requested by the Committee, drawings were provided illustrating the fire storey building elevation.

- His client wishes to construct a hotel that is unique in design.
- The convention centre is approximately 4,000 square feet and could accommodate approximately 160 people.

## **DECISION**

The Committee reviewed the application and noted the dual zoning districts applied to the subject property, which permits the potential for an industrial building higher than two storeys on the property. Considering the existing development and the zoned development potential of the surrounding land, the Committee determined that the impact of granting the variance would be minimal, provided that the minimum building setback from any lot line to any portion of the building exceeding two storeys in height is 30 metres.

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 the regulations of the SP.268 commercial zoning of the property to increase the maximum height of the building from two stories to five, CONDITIONAL UPON:**

- i) **The minimum building setback from any lotline to any portion of the building exceeding two storeys in height is no less than 30 metres; and**
- ii) **Issuance of a building permit on or before January 31, 2012.**

**Failure to comply with the above-noted conditions on or before the 31<sup>st</sup> day of January, 2012, will result in the Decision regarding the variance being null and void.**

5. **FILE NO: A47/09**  
**ADDRESS: 1850 – 1900 Technology Drive**  
**APPLICANT: City of Peterborough**

This matter relates to a minor variance application submitted by the City of Peterborough, 500 George Street North, Peterborough, Ontario, K9H 3R9, being the owner of the property subject to this application.

- The purpose of this minor variance application is to reduce the minimum distance that a building may be erected from a Canadian Pacific Railway Line from 40 metres to 16 metres.
- This would permit development of a reasonable sized property located next to a CPR spur line.

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 CPR line is only a spur line and, in fact, the railway tracks have been removed beyond the City limits. This railway service provided by Kawartha Lakes Railway is limited to the Peterborough Industrial Park that provides infrequent service to only one customer located within the industrial park south of the by-pass. Accordingly, given the infrequent use of the railway spur line, the Committee determined that the restriction could be reduced without significant impact on future development.

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 distance that a building may be erected from a Canadian Pacific Railway Line to 16 metres.**

**NEXT MEETING:**

The next meeting of the Committee of Adjustment is scheduled for December 15, 2009.


**OTHER BUSINESS**

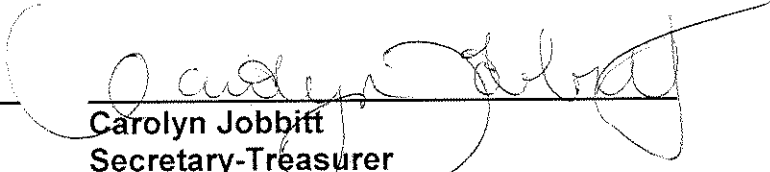
The Chairman advised that with the departure of Len Lifchus, it was necessary to elect a new Vice-Chair. The Chairman called for nominations for Vice-Chair. Keith Riel was elected Vice-Chair for the balance of the term of the present Committee of Adjustment.

**ADJOURNMENT:**

Meeting adjourned at 9:30 p.m.

Dated the 25<sup>th</sup> day of November, 2009.

  
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Paul Dorris  
Chairman

  
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Carolyn Jobbitt  
Secretary-Treasurer