

COMMITTEE OF ADJUSTMENT

Minutes of a Meeting of the Committee of Adjustment for the City of Peterborough held **Tuesday, May 4, 2010** at 7:00 p.m., in the General Committee Room, City Hall.

PRESENT: Mr. Paul Dorris, Chairperson
Mr. Keith Riel
Mr. Claude Dufresne
Ms. Margaret Wood
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.** B04/10
ADDRESS: 250 Sherbrooke Street
APPLICANT: AON Inc.

This matter relates to a severance application submitted by AON Inc., P. O. Box 296, Peterborough, Ontario, K9J 6Y8, being the registered owner of the property to which this application is subject.

Mr. Brad Smith attended the meeting and addressed the Committee as follows:

- The two properties known municipally as 235 King Street and 250 Sherbrooke Street have merged in title.
- He would like to separate the ownership of the two properties so each of the properties may be dealt with independently from a mortgaging and financing perspective.
- From 1975 until January, 2010, the properties were held in separate ownership by two Companies owned by AON Inc.
- In January, 2010, AON Inc. amalgamated these two Companies which resulted in the two properties merging in title.
- The use of the property will remain unchanged.
- He is in support of the condition set out in the staff report wherein it is recommended that the landscaping at the corner of the property be restored in order to conform to Schedule "X", Section 71 (page 2) of the SP.43 Zoning District.
- However, he is not in support of the condition set out in the staff report wherein it is recommended that a day light radius of 7.62 metres at three locations.

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:

- While the City would typically require conveyance of the daylight radii in relation to the subject properties to accommodate utilities, it was decided that the City would not require the conveyance at this time for the following reasons:
 - The application is a true “technical” severance for mortgaging and financing purposes only;
 - The development of the two properties would comply with the zoning;
 - There would be no change to the use of development of the two properties as a result of the severance that would warrant the requirement of the radii at this time; and
 - Any significant change to the development of the properties in the future would trigger the need for a site plan approval that would provide the means by which the radii could be required if applicable.

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

DECISION

In that the severed and retained property would conform to both the Official Plan policy and the zoning applied to the property, consent is granted to convey the properties municipally known as 235 King Street and 250 Sherbrooke Street into separate ownership, CONDITIONAL UPON landscaping at the northwest corner of the property being restored in accordance with Schedule “X”, Section 71 (page 2) of the SP.43 Zoning District.

2. **FILE NO.** **B05/10**
 ADDRESS: **695 Spillsbury Drive**
 APPLICANT: **Todd Farquhar**

This matter relates to severance application submitted by Todd Farquhar, R. R. #1, Omeme, Ontario, K0L 2W0, on behalf of Ross Farquhar, 695 Spillsbury Drive, Peterborough, Ontario, K9K 1K7, being the owner of the property subject to this application.

Ms. Trudy Farquhar attended the meeting on behalf of Todd Farquhar and Ross Farquhar and addressed the Committee as follows:

- The owner would like to convey ownership of the southerly 15 metres (50 ft) of the subject property to create a new building lot for a single unit dwelling.
- She has reviewed the conditions set out in the staff report and is in agreement with them, except for item #2. It is her understanding that cost associated with connecting the proposed new building lot to sanitary sewer services was paid for years ago.

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 further advised that the application reflects a request for a severance to create a lot that is 60 feet wide. Since submission of the application, the applicant has had a draft plan prepared which reflects a 15 metres (50-foot) lot width. Staff has no problem

with the reduction in the lot width as it reflects the standard of other lots in the area and complies with the regulations of the zoning by-law.

In response to questions from the Committee, Ms. Farquhar advised as follows:

- At this time, they are uncertain what type of dwelling will be constructed on the property. They do not have any prospective purchasers.
- The dwelling is connected to City services and has been for many years.
- At the time the property was connected to water services the well on the property was capped and de-commissioned. Ms. Farquhar advised that she will attempt to locate confirmation of the capping of the well that was provided at that time and provide the same to staff if successful.

Bernard William Cridland and Leila Cridland, 683 Spillsbury Drive, Peterborough, Ontario, K9K 1K7, attended the meeting in support of the application.

DECISION

In that the severed and retained property would conform to both the Official Plan policy and the zoning applied to the property, consent is granted to convey ownership of the southerly 15 metres of the subject property to create a new building lot for a single unit dwelling CONDITIONAL UPON:

- i) The owner enter into an agreement with the City to require that building plans be provided for approval by the Planner of Urban Design to ensure compatibility of building design with other buildings in the neighbourhood prior to issuance of a building permit;**
- ii) That the owner reimburses the City for the cost of sanitary sewer services installed relative to the proposed lot to be created or, alternatively, production of evidence confirming that this charge has already been paid for by the current owner;**
- iii) That the owner pay a parks levy in the amount to be determined by the City's Parks Levy Review Committee;**
- iv) That the owner pay a tree levy in the amount of \$191.00; and**

**3. FILE NO. A06/10
ADDRESS: 275 Lee Street
APPLICANT: Terry Mann**

This matter relates to a minor variance application submitted by Terry Mann, 910 High Street, Unit 9, Peterborough, Ontario, K9J 5R2, on behalf of John and Debbie Keating, 275 Lee Street, Peterborough, Ontario, K9H 3P3, being the owners of the property subject to this application.

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

- The owners of the property wish to construct a 7.9 m (26 feet) wide addition that would extend 4.8 m (16 ft.) to the rear and wrap around the southwest corner of the existing dwelling.

- Accordingly, the owners are requesting a variance to reduce the minimum building setback from the southeast rear lot line from 7.6 metres (25 ft) to 4.8 metres (16 ft) to permit a proposed addition to the rear of the dwelling.
- The owners have indicated that they do not wish to enclose the side of the carport.
- The exterior of the dwelling will be stone and siding.

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:

- The front corner of the carport is 4.32 ft. from the side lot line. In accordance with City regulations, this carport may be enclosed along the rear and side. The Building Division will address all building code regulations regarding the carport at the time of issuance of the building permit.

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

DECISION

The Committee reviewed the application and determined that the irregular shape of the lot resulted in the southeast rear lot line being closer to the proposed building. The Committee further determined that the proposed addition was in keeping with the standard of development in the neighbourhood and would have no impact on the neighbouring properties.

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 to 4.8 metres from the southeast rear lot line only.

4. **FILE NO. A07/10**
ADDRESS: 97 Crescent Street
APPLICANT: John Warner

This matter relates to a minor variance application submitted by John A. Warner, 97 Crescent Street, Peterborough, Ontario, K9J 2G3, being the owner of the property which is subject to this application.

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

- He would like to remove the frame garage attached to the rear of the dwelling and construct a one storey addition to the rear of the dwelling that would wrap around to the west side of the building.
- The proposal would require the following variances:

- i) reduce the minimum building setback from the Winch Street street line from 2.7 metres (9 ft) to 1.84 metres (6 ft); and
 - ii) reduce the minimum building setback from Crescent Street from 6 metres (20 ft) to 3.8 metres (12.7 ft) regarding a proposed extension to the open verandah across the front of the dwelling.
- The existing verandah will be removed and a new verandah will be constructed across the front of the dwelling and the proposed addition.
 - The exterior of the addition will be a brick finish.
 - At some future date he hopes to construct a garage, but it will be at the rear of the 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

The Committee reviewed the application and noted the garage to be removed encroaches on the Winch Street road allowance. Accordingly, the Committee determined that removal of the garage results in an improvement to the current circumstance in relation to Winch Street. The Committee further determined that the impact of the variance to permit the verandah in relation to the Crescent Street would have no significant 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, a minor variance is granted to:

- i) reduce the minimum building setback from the Winch Street street line to 1.84 metres to construct a one storey addition in place of the existing garage; and**
- ii) reduce the minimum building setback from Crescent Street to 3.8 metres regarding a proposed extension to the open verandah across the front of the dwelling and the proposed one storey addition.**

5. **FILE NO. A08/10**
ADDRESS: 150 Jameson 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.

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 following information:

- The City is in the process of selling the subject property to D. M. Willis and Associates, who would like to construct a new industrial office building as the first part of a plan for development of the property.
- The second part of the plan would involve a second building of the same size on the property that may be required in the future. The property would accommodate a third building of approximately the same size should further expansion be required.
- Accordingly, a variance is requested to a regulation of the M.2.1 Industrial District zoning of the property to reduce the minimum required building area from 1500 sq metres to 743 sq metres (8000 sq ft) to permit the construction of the one 743 sq m standalone building on the property.

Mr. William Farnsworth, 366 Spillsbury Drive, Peterborough, Ontario, K9K 2N6, attended the meeting to inquire as to what would be manufactured at this location.

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

- The lands are to be sold to D.M. Wills and Associates a company that would be using the property for an “engineering and technical services establishment” permitted by the zoning by-law.

DECISION

The Committee reviewed the application and determined that the zoning permits the proposed use of the building. The Committee considered the location of the property in the context of the industrial park and the similar size of buildings established on properties across the street and to the east of the property. The Committee further noted that when a future building is constructed on the property of a similar size as is currently proposed, the property could eventually be developed to conform to the regulations of the zoning district.

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 regulation of the M.2.1 Industrial District Zoning for the property to reduce the minimum required building area to 743 sq metres to permit the construction of the one 743 sq m standalone building on the property.

NEXT MEETING:

The next meeting of the Committee of Adjustment is scheduled for June 1, 2010.

ADJOURNMENT:

Meeting adjourned at 8:35 p.m.

Dated the 14th day of May, 2010.

Paul Dorris
Chairman

Carolyn Jobbitt
Secretary-Treasurer