

COMMITTEE OF ADJUSTMENT

Minutes of a Meeting of the Committee of Adjustment for the City of Peterborough held **Tuesday, June 8, 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.** A10/10
ADDRESS: 612 Romaine Street
APPLICANT: Mike and Marilyn Tompkins

This matter relates to a minor variance application submitted by Mike and Marilyn Tompkins, 612 Romaine Street, Peterborough, Ontario, K9J 2E4, being the owners of the property subject to the application.

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

- The owner would like to construct a 9.14 metre by 2.4 metre, covered verandah across the easterly portion of the dwelling.
- A variance is therefore requested to reduce the minimum building setback from the centre line of Romaine Street from 19 metres to 14.27 metres to allow the proposed verandah.
- The verandah will be open sided, covered with a shed style roof that is tied into the roof of the dwelling for support.
- Eavestroughing will be installed.
- Any stairs to access the verandah will be installed to the west end of the verandah toward the driveway and will not extend closer to the street.

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 considered the established standard of development of other properties in the vicinity particularly in relation to the setback from the street line and determined that the proposed open-sided verandah would add to the aesthetics of the dwelling and the functional access to the dwelling without being a departure from the established standards 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 from the centre line of Romaine Street to 14.27 metres to permit a one storey, open-sided, 9.14 metre by 2.4 metre verandah across the east side of the dwelling.

2. **FILE NO.** **A11/10**
 ADDRESS: **27 Charles Street**
 APPLICANT: **Imagineers Ltd.**

This matter relates to a minor variance application submitted by Imagineers Ltd. (James Boyle), 1439191 Ontario Ltd., 315 King Street, Peterborough, Ontario, K9J 2S8, on behalf of Marty and Kathy Laskaris, 27 Charles Street, Peterborough, Ontario, K9H 1C3, being the owners of the property subject to this application.

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

- The owners would like to construct a new garage attached to the east side of the dwelling by a breezeway.
- A variance is therefore requested to reduce the minimum building setback from the centre line of Burnham Street from 19 metres to 17.85 metres to permit the proposed addition.
- The garage will be approximately 27 feet wide and the breezeway will be approximately 8 feet wide.
- There will be no plumbing or residential component located in the proposed addition.
- The addition will be finished in vertical siding that will compliment the established finish of the building on the property as illustrated on images presented.
- The pitch of the roof is 8:12, which is the same as the existing dwelling. The pitch of the roof will permit the loft to be used for storage, however, based on the City's regulations, the proposed garage is a single story.

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 proposed development would be disassociated from Burnham Street separated by a 1 to 2 metres difference in grade. The Committee also noted that the "ornamental reserve" in relation to Burnham Street is heavily treed and there are no sidewalks that have been constructed along the west side of Burnham Street from Maria Street to Charles Street probably due to the

grades. The Committee considered there to be adequate separation distance between the proposed addition and Burnham Street and the impact of the development will 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 reduce the minimum building setback from the centre line of Burnham Street to 17.85 metres to permit the construction of a single storey, two-car, garage and connecting breezeway.

3. **FILE NO.** **A12/10**
 ADDRESS: **843 Cumberland Ave.**
 APPLICANT: **Andrew Snead**

This matter relates to a minor variance application submitted Andrew Snead, 843 Cumberland Ave., Peterborough, Ontario, K9H 7B1, on behalf of MaryLee Bush, 843 Cumberland Ave., Peterborough, Ontario, K9H 7B1, being the owner of the property subject to this application.

Bob Krueger, 843 Cumberland Ave., Peterborough, Ontario, K9H 7B1, attended the meeting on behalf of the applicant and addressed the Committee as follows:

- The owner would like to construct verandah (roof extension over the patio) wrapping around the west, north and east sides of the dwelling. The following variances are therefore requested to regulations of the by-law to permit the proposed structure:
 - Regarding the existing verandah on the west side of the dwelling:
 - i) reduce the minimum building setback from the centre line of Franklin Drive from 19 metres to 15.6 metres; and
 - ii) reduce the minimum building setback from the centre line of Cumberland Avenue from 24.4 metres to 14.9 metres.
 - Regarding the proposed verandah across the front of the dwelling:
 - i) reduce the minimum building setback from the centre line of Cumberland Avenue from 24.4 metres to 14.9 metres;
 - ii) reduce the minimum setback of a 1 metre high hand rail, associated with the verandah, from the intersection of Cumberland Avenue and Franklin Drive from 21.3 metres to 20.8 metres,
 - Regarding the proposed verandah on the east side of the dwelling:
 - i) reduce the minimum building setback from the centre line of Cumberland Avenue from 24.4 metres to 17.7 metres.

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, the applicant advised as follows:

- The owner of the property was unaware that a building permit would be required for exterior construction.
- At the time of purchasing the property, the owner did not have a location survey of the property. A location survey has since been prepared. Accordingly, the owner is aware that the chainlink fence along Franklin Drive and Cumberland Avenue has been partly constructed on City property. The owner has agreed to relocate the fence so that it is entirely on the subject property.
- The interlocking brick to the east is for covered patio, and will not be used as a carport.
- The owner would be content should the Committee decide to grant variances that would:
 - i) permit a covered structure on the west end of the dwelling, that would wrap around as far as the front door with the rail, but not continuing any further; and
 - ii) permit covered patio area on the east side of the building.

Mr. Raymond Yip Choy, 862 Cumberland Ave., Peterborough, Ontario, K9H 7B2, attended the meeting in support of the application.

The Chairman acknowledged receipt of various letters from neighbouring property owners in support of the application.

DECISION

The Committee carefully considered sight lines in relation to the intersection and the setback of other dwellings established on properties in the vicinity in relation to both Cumberland Avenue and Franklin Boulevard. The Committee noted that the dwelling on the subject property actually extends slightly past the established building line along Cumberland Avenue.

Considering the variances requested to extend the covered patio out in front of the dwelling toward Cumberland Avenue, the Committee determined that:

1. the variances are not minor;
2. the proposal is not desirable for the appropriate development or use of the land;
3. the general intent and purpose of the Zoning By-law is not maintained; and,
4. the general intent and purpose of the Official Plan is not maintained.

Therefore, the variances are DENIED.

However, the Committee determined that lesser variances would be more appropriate to permit the roof structures over the patio on the west and east sides of the dwelling. The Committee noted the portion of the dwelling to the immediate west on Franklin Drive that extends approximately 1.8 m closer to the street line than the building line of other dwelling along Franklin Drive. Considering this anomaly, and the bend in the roadway to the 90-degree intersection with Cumberland Street, the projection of the partially constructed verandah does not appear to be a significant irregularity.

Therefore, the following minor variances are granted to permit the 3.5 metre by

7.62 metre roof structure over the open-sided patios on the west and east side of the dwelling:

- i) reduce the minimum building setback from the centre line of Cumberland Avenue from 24.4 metres to 17.7 metres;**
- ii) reduce the minimum building setback from the centre line of Franklin Drive from 19 metres to 15.6 metres;**

SUBJECT TO THE FOLLOWING CONDITIONS:

- i) Relocation of the chainlink fence off of the city boulevard; and**
- ii) Acquisition of a building permit for the two structures by September 3, 2010.**

Failure to comply with the above-noted conditions on or before the 3rd day of September, 2010 will result in the Decision being null and void.

4. FILE NO. A13/10
ADDRESS: 295 George Street North
APPLICANT: 1439191 Ontario Ltd.

This matter relates to a minor variance application submitted by 1439191 Ontario Ltd., 612 Romaine Street, Peterborough, Ontario, K9J 2E4, being the owner of the property subject to this application.

Mr. Allan Nelson, an Officer of 1439191 Ontario Ltd., attended the meeting and addressed the Committee as follows:

- The owners would like to expand the enclosed deck located to the rear of the building on the property as an out door patio.
- A variance is therefore requested to increase the maximum building coverage from 80% to 91%.
- In accordance with the Fire Regulations, there is a door from the deck into the establishment, as well as a fire exit door from the patio to back of the property.
- The walls around the deck are required to comply with the Liquor Licence regulations.

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 considered the nature of the intensity of commercial land use and development in the commercial core area. The Committee determined that the proposed addition will not affect the functionality of the property and that the impact of the variance 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 of the property to 91% to allow expansion of an uncovered, outdoor patio deck.

NEXT MEETING:

The next meeting of the Committee of Adjustment is scheduled for June 29, 2010.

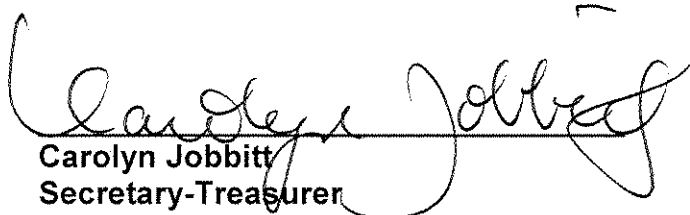
ADJOURNMENT:

Meeting adjourned at 8:45 pm.

Dated the 18th day of June, 2010.



Paul Dorris
Chairman



Carolyn Jobbitt
Secretary-Treasurer