

COMMITTEE OF ADJUSTMENT

Minutes of a Meeting of the Committee of Adjustment for the City of Peterborough held **Tuesday, September 14, 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.** A24/10
ADDRESS: 372 George Street South
APPLICANT: Reanne Schaper

This matter relates to a minor variance application submitted by Reanne Schaper, 372 George Street South, Peterborough, Ontario, K9J 3C9, being the owner of the property which is subject to this application.

Mr. Walter Dobrew and Ms. Reanne Schaper attended the meeting and addressed the Committee as follows:

- They are proposing to construct the following additions to the dwelling that would require a reduction from the northerly side lot line from 1.2 metres (3.9 ft) to 0.64 metres (2.1 ft):
 - i) a reconstructed addition to the rear of the dwelling in line with the existing north side of the building that would extend 2.44 metres further to the rear and be two storeys high;
 - ii) an addition to the second storey over the stoop and entrance at the north west corner of the building; and
- At this time they would like to withdraw their request for a variance for a 4.26 metre wide shed dormer on the north side of the attic that would extend to 0.64 metres from the north lot line. After further review it is their opinion that construction of a dormer of this size on the north and south side of the attic would result in over massing of the property. Accordingly, the dormers they are now proposing do not require a variance to construct.
- The attic dormers will provide them with headroom above the stairs to access the bedroom in the attic.
- The property will remain as a duplex.
- The area under the rear addition will be crawl space to allow for better air circulation.

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 there would be room for amenity space and parking to the rear of the dwelling that accessed from the rear laneway that would adequately support the two unit dwelling. The Committee further noted that the building on the adjacent property to the north is setback from the common side lot line in conformity with the zoning regulations resulting in adequate space between the buildings. The Committee recognized the practical requirement for additional space within the dwelling and determined that the addition to the second story extension to the rear and addition over the stoop at the northwest corner of the building would be in-keeping with other properties in the neighbourhood.

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 reduce the minimum building setback from the north side lot line to 0.64 metres to permit a reconstructed, two storey addition to the rear of the dwelling in line with the existing north side of the building that would extend no more than 13.5 metres from the rear lot line and an addition to the second storey over the stoop and entrance at the north west corner of the building; PROVIDED THAT eavestroughing is established and maintained to direct storm water onto the subject property so as not to adversely affect the neighbouring properties.

2. **FILE NO. A25/10**
ADDRESS: 1535 Water Street
APPLICANT: D. G. Biddle & Associates Ltd.

This matter relates to a minor variance application submitted by D. G. Biddle & Associates Limited, 96 King Street East, Oshawa, Ontario, L1H 1B6, on behalf of 2250820 Ontario Inc., 182 Brookside Road, Richmond Hill, Ontario, L4C 9W5, being the owner of the property.

Eugene Shcolyar, a representative from 2250820 Ontario Inc., attended the meeting and addressed the Committee as follows:

- They are planning modifications to the site plan as a part of the use and renovation of the fuel pumps and subsurface storage tanks on the site. The proposal would involve the following variances to the by-law:
 - i) reduce the minimum number of motor vehicle parking requirements in advance of each of four self serve car wash bay from 3 to 2 and
 - ii) reduce the minimum building setback from the centre line of Water Street road allowance from 24.4 metres (80 ft) to 19.5 metres (63.9 ft) to permit a 14.6

metre wide by 18.2 metre canopy roof over the existing parking area associated with the pump islands.

- He has read the staff report and is agreeable to the site plan agreement that would require the transferring of a 6 metre wide strip of land across the frontage for the purpose of widening the Water Street road allowance.
- After discussions with Staff, a further variance is requested to reduce the minimum required landscaped open space along the front lot line from 1.5 metres to 0 metres to acknowledged the proposed state of development of the property after the road widening is taken.

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.

The Chairman acknowledged and read two letters received from neighbouring property owners in opposition to this application as follows:

1. Jeeva A. Mathavan, 864 Kawartha Drive, Peterborough, Ontario, K9J 6L3; and
2. Vern St. Louis, President, on behalf of the University Heights Neighbourhood Association, 1373 Hetherington Drive, Peterborough, Ontario, K9L 1Z5

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

- The property is zoned C4. It does not permit a convenience store use. In order for this property to be used as a convenience store, the owner would have to successfully obtain a rezoning of the property.
- The zoning of the property does permit a restaurant. Accessory retail would be permitted provided that it was subordinate and supportive of the main use of the property use as a carwash and an establishment for the retail of gasoline.
- While the property is within the intake protection zone 2 of the source of Peterborough's drinking water, the Source Water Protection Plan policies being formulated by the Ministry of Environment initiative will not be completed or in place until at least 2012. In the meantime, there really are no policies in place to restrict use of the subject property for the sale of gasoline.
- The applicant is proposing to remove the existing, aging fuel tanks and replace them with new, state of the art, double walled, fiberglass tanks with monitoring devices for leaks. The old tanks will be removed, the soils cleaned up and new tanks will be installed all in accordance with MOE standards. The property will be subject to site plan control that will involve storm water management plan including the requirement of interceptors for oil and gas within the system. Re-development of this property will involve upgrades to the property that will minimize the impact of the use of the property in close proximity to the City's drinking water supply.
- Prior to the road-widening strip of land being conveyed to the City, the soil will be tested. The City will not accept title to a property that contains contaminations. Should the soil be contaminated, the City will require removal of the contaminants prior to it being accepted.

- In response to the circulation of this application, the Utility Services Department required that storm water management be addressed at the Site Plan Amendment stage and PUSI asked that attention be given to the proximity of the canopy in relation to the power lines.
- The amended Site Plan Agreement will address such issues as the delineation of parking, a comprehensive review of storm water management and removal of the existing temporary structure (chip truck).

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

- He does not intend to have a convenience store on the subject property, just a restaurant, carwash, retail gasoline and possibly accessory retail pertaining to the carwash and an establishment for the retail of gasoline use.
- He shares the concerns of the University Heights Neighbourhood Association regarding potential leakage into the City's drinking water supply. Re-development of his property and installation of new storage tanks and address long-term monitoring into the underground water system will greatly improve the current situation.

DECISION

The Committee reviewed the application and determined that there is adequate space for motor vehicle movement and further that parking and stacking of motor vehicles can be provided on the site such that the impact of the variance would be minor. The Committee further noted that the development of this property would result in significant improvements to the property including the upgrade of fuel storage tanks in accordance with Ministry of Environment's current standards and an updated Site Plan Agreement with the City.

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 number of motor vehicle parking requirements in advance of each of four self serve car wash bay to two;**
- ii) reduce the minimum building setback from the centre line of Water Street road allowance to 19.5 metres to permit a canopy roof over the existing parking area associated with the pump islands; and**
- iii) reduce the minimum required landscaped open space along the front lot line to 0 metres.**

PROVIDED THAT:

The owner enter into a Site Plan Amendment Agreement with the City that will include a updated, comprehensive storm water management plan for the property that will include oil and grease interceptors and conveyance to the City, free of encumbrances and at no cost to the City, of a 6 metre wide strip of land across the front of the property for the purpose of future road widening of Water Street.

3. **FILE NO.** **A26/10**
 ADDRESS: **1597 Lansdowne Street West**
 APPLICANT: **Eddie Apelowicz**
4. **FILE NO.** **B06/10**
 ADDRESS: **1597 Lansdowne Street West**
 APPLICANT: **Eddie Apelowicz**

These matters relate to a minor variance application and a severance application submitted by Eddie Apelowicz, 101 Simcoe Street North, Oshawa, Ontario, L1G 4S4, on behalf of RMJ Holdings Ltd, 101 Simcoe Street North, Oshawa, Ontario, L1G 4S4, being the owner of the property subject to these applications.

The applicant was not in attendance at the meeting.

The purpose of these applications is to request the following:

- i) A variance to reduce the minimum building setback from the east side lot line from 10 metres (30 ft) to 3.3 metres (10.8 ft).
- ii) A variance to reduce the minimum required lot area from 16 hectares to 0.5 hectares and reduce the minimum lot width from 305 metres to 36 metres provided the only permitted use remain as “established” being vacant land.
- iii) Consent to sever and convey the southerly 152 metres of the property designated for residential purposes.

Mr. Bob Pakenham, a solicitor with the law firm Howell, Fleming, located at 415 Water Street, P. O. Box 148, Peterborough, Ontario, K9J 6Y5, attended the meeting and addressed the Committee on behalf of his client, Parkview Homes, 637 the Queensway, Suite 17, Peterborough, Ontario, K9J 7J6, who are in opposition to the proposed Minor Variance Application and Severance Application.

DECISION

In that there was representation in opposition to the application and the Committee had questions to ask the applicant, the Committee adjourned the application to the next Committee of Adjustment meeting scheduled for October 26, 2010, to permit the applicant or his agent an opportunity to attend the meeting to address the Committee.

5. **FILE NO.** **A27/10**
 ADDRESS: **1 McGregor Court**
 APPLICANT: **1612328 Ontario Inc.**

This matter relates to a minor variance application submitted by 1612328 Ontario Inc., 17 – 637 The Queensway, Peterborough, Ontario, K9J 7J6, being the owner of the property subject to this application.

Mr. Bob Pakenham, solicitor for Howell, Fleming, 415 Water Street, P. O. Box 148, Peterborough, Ontario, K9J 6Y5 attended the meeting on behalf of the applicant and addressed the Committee as follows:

- A variance is requested to reduce the minimum required building setback from the street line from 6 meters (20 ft) to 5.77 meters (18.9 ft) to permit the construction of a regularly shaped (rectangular) dwelling in relation to an irregular shaped street line.
- The dwelling is currently under construction. A building permit was obtained, however, the foundation was inadvertently located too close to the street 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 the irregular configuration of the street line and that the variance is only required for one corner of the front of the dwelling which would result in no impact on the abutting 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 required building setback from the street line to 5.77 meters.

6. **FILE NO. A28/10**
ADDRESS: 459 Albertus Avenue
APPLICANT: Jill Emery and Neil Emery

This matter relates to a minor variance application submitted by Jill and Neil Emery, 459 Albertus Ave., Peterborough, Ontario, K9J 5Z9, being the owners of the property subject to this application.

Mrs. Emery attended the meeting and addressed the Committee as follows:

- A variance is requested to reduce the minimum required building setback from the south side lot line from 1.2 metres (3.9 ft) to 0.93 (3 ft) to permit the reconstruction of a wider garage with a second storey addition over the garage.
- A variance is also requested to reduce the minimum building setback from 6 metres (20 ft) to 1.2 metres (3.9 ft) from the Hopkins Avenue property line to permit a pergola structure to the rear of the building.
- She wishes to expand the dwelling to accommodate the needs of their family.
- The side lot variance will permit the construction of a more functional garage and the additions will provide greater living space.

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 established building line of the north wall of the dwelling in relation to Hopkins Avenue and the solid board fencing of the rear yard amenity space. The Committee further noted the established standard of development of other properties in the neighbourhood and that other dwellings were two storey with side yard setback similar to the what is being proposed. Accordingly, the Committee determined that variances requested would have minimal impact on the neighbouring properties and would be in-keeping with the other dwellings in the area.

According 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 required building setback from the south side lot line to 0.91 metres to permit the reconstruction of a wider garage with a second storey addition over the garage; and**
- ii) **reduce the minimum building setback from to 1.2 metres from the Hopkins Avenue property line to permit a pergola structure to the rear of the building.**

NEXT MEETING:

The next meeting of the Committee of Adjustment is scheduled for October 26, 2010.

ADJOURNMENT:

Meeting adjourned at 9:15 p.m.

Dated the 21st day of September, 2010.

Paul Dorris
Chairman

Carolyn Jobbitt
Secretary-Treasurer