

COMMITTEE OF ADJUSTMENT

Minutes of a Meeting of the Committee of Adjustment for the City of Peterborough held **Tuesday, January 25, 2011** at 7:00 p.m., in the General Committee Room, City Hall.

PRESENT: Mr. Paul Dorris, Chairperson
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. Keith Riel

1. **FILE NO.** A01/11
ADDRESS: 1005 Chemong Road
APPLICANT: Joseph Grant (Howell, Fleming)

This matter relates to a minor variance application submitted by Mr. Joseph Grant with the law firm of Howell, Fleming, 415 Water Street, Box 1148, Peterborough, Ontario, K9J 6Y5, on behalf of the 167522 Ontario Ltd., 1175 Connaught Drive, R. R. #1, Ennismore, Ontario, K0L 1T0, being the owner of the property subject to this application.

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

- The owner has recently constructed a new building on the property located too close to the south side lot line.
- A variance is therefore requested to reduce the minimum building setback from the south side lot line from 3 metres to 2.99 metres to recognize the location of the building as established.
- This building was located too close to the lot line because the side lot line of the property is not parallel and tapers toward the west.

Mr. Richard Straka, Planner, Policy & Research, presented staff comments with respect to the application on behalf of the Building Division and Planning Division of the Planning & Development Services Department, City of Peterborough.

Staff advised that the City has reached an amicable agreement with the owner of the property as to the conveyance of the daylight radius as set out in the report.

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

DECISION

The Committee reviewed the application and noted that the side lot line of the property are not parallel and taper to the west, which resulted in the very minor error in the location of the building. The Committee determined that granting this variance would have no impact on any neighbouring property owners.

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 south side lot line to 2.99 metres to recognize the location of the building as established.

2. **FILE NO. A02/11**
ADDRESS: 550 Lansdowne Street West
APPLICANT: 938804 Ontario Inc.

This matter relates to a minor variance application submitted by 938804 Ontario Inc., 627 Fire Route 1B, Peterborough, Ontario, K9J 6X3, being the owner of the property subject to this application.

The owner would like to establish a pergola structure across the front of the property that will operate as a retail garden centre. Accordingly, a variance is requested to reduce the minimum building setback from the centreline of the original road allowance of the Lansdowne Street West road allowance from 24.4 metres to 17.18 metres to permit the structure in its proposed location.

Staff advised that should the Committee grant the variance, the City would request that a condition be imposed requiring the owner to convey to the City, free of encumbrances and at no cost to the City, a 3 metre wide strip of land across the entire Lansdowne Street road frontage for the purpose of widening the Lansdowne Street West road allowance. In order to permit the Applicant the opportunity to provide more detailed plans illustrating the location of the structure in relation to the road widening request, and elaborate on the "temporary" nature of the structure staff recommended that the application be adjourned to the next Committee of Adjustment meeting.

The applicant was not in attendance.

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

DECISION

In order to permit the Applicant an opportunity to provide further detailed information on the proposal, the Committee agreed to adjourn this application to the next Committee of Adjustment meeting, tentatively scheduled for March 1, 2011.

3. **FILE NO. B01/11**
ADDRESS: 1627 Forster Ave.
APPLICANT: Stephen P. Kylie

This matter relates to severance application submitted by Stephen P. Kylie, Barrister & Solicitor, 206 Aylmer Street North, Box 1900, Peterborough, Ontario, K9J 7X7, on behalf of Bernard Vanden Broek and Deborah Vanden Broek, 1627 Forster Ave., Peterborough, Ontario, K9K 1R9, being the owners of the property subject to this application.

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

- The owner would like to convey the westerly 23.77 metres of the subject property to the owner of the adjacent property known as 1631 Forster Avenue to add to the depth of the property.
- The addition to the property municipally known as 1631 Forster Ave., would result in a more logical configuration of the land in relation to the use of the property.
- This severance will create two lots with the same configuration that is in keeping with other lots in the subdivision.

Mr. Richard Straka, Planner, Policy & Research, presented staff comments with respect to the application on behalf of the Building Division 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 convey the westerly 23.77 metres of the subject property to the owner of the property at 1631 Forster Avenue, PROVIDED THAT Section 50(5) of the *Planning Act* apply to any subsequent transaction involving the parcel of land that is subject of this application.

4. **FILE NO.** **B02/11**
 ADDRESS: **383 Park Street North**
 APPLICANT: **Dr. Thomas Miller and Ms. Barbara Chisholm**

This matter relates to severance application submitted by Dr. Thomas Miller and Ms. Barbara Chisholm, 380 Belmont Avenue, Peterborough, Ontario, K9H 2N6, on behalf of The Estate of Helen Weddell, c/o Mr. Peter Lillico, Barrister & Solicitor, 163 Hunter Street West, Peterborough, Ontario, K9H 2L1, being the owner of the property subject to this application.

Dr. Miller attended the meeting and addressed the Committee as follows:

- He has entered into an agreement of purchase and sale for the purchase of 383 Park Street North.
- He would like to convey the westerly 21.17 metres of the subject property to the owner of the adjacent property known as 380 Belmont Avenue thereby adding to the depth of the property in relation to its development.

Mr. Richard Straka, Planner, Policy & Research, presented staff comments with respect to the application on behalf of the Building Division 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 circumstances of Dr. Miller becoming owner of both 383 Park Street North and 380 Belmont Avenue. The Committee considered the variances to the rear yard of 380 Belmont Ave. granted by the Committee under files A51/06, A78/06 and A29/10 regarding the reduction to the rear yard setback. The Committee decided the proposed conveyance would contribute to an appropriate configuration of property considering the size and development of properties in the vicinity.

Accordingly, consent is granted to convey the westerly 21.17 metres of the subject property to the owner of the property at 380 Belmont Avenue, PROVIDED THAT Section 50(5) of the *Planning Act* apply to any subsequent transaction involving the parcel of land that is subject of this application, CONDITIONAL UPON THE OWNER:

- i. entering into an agreement with the City to be registered on the title of 380 Belmont Avenue that would effectively rescind the rights of former variances (Files A51/06, A78/06 and A29/10) to develop any closer than 7.5 metres from the most easterly rear lot line.
- ii. conveyance to the City, free of encumbrances and at no cost to the City, a 1.5 metre wide strip of land across the frontage of the Park Street North streetline for future road widening purposes.

5. **FILE NO. A03/11**
ADDRESS: 509 Parnell Street
APPLICANT: Ted Higgins

This matter relates to a minor variance application submitted by Ted Higgins, 1050 Airport Road, R. R. #5, Peterborough, Ontario, K9J 6X6, being the owner of the property subject to this application.

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

- He would like to construct a second storey addition over the existing extension to the rear of the dwelling.
- A variance is requested to reduce the minimum building setback from the west side lot line from 1.2 metres to 0.84 metres to allow for the addition to the second storey.
- The house currently needs a substantial amount of repair.
- The second storey addition will allow for the reconfiguration of the upstairs resulting in three large bedrooms, with closets, and an updated bathroom.
- He is planning on cutting the decking back at the rear of the dwelling.
- He is not proposing to create a duplex.
- Once he has completed the renovation work, he is proposing to sell the property as a single-family residential dwelling.

- He is prepared to enter into an agreement with the abutting neighbouring property owner to ensure that the trees located at 513 Parnell Street are not damaged during construction.

Mr. Richard Straka, Planner, Policy & Research, presented staff comments with respect to the application on behalf of the Building Division and Planning Division of the Planning & Development Services Department, City of Peterborough.

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

- The property is currently being used as a single family residence. However, the property is zoned R.1,R.2 and may be lawfully developed as a duplex.
- In that the trees are on the neighbouring property and in that there are no streetscape issues, it is not applicable to have the site plan control imposed.

Mr. Simon Terry, 513 Parnell Street, Peterborough, Ontario, K9J 4J3, attended the meeting to express his opposition to this application. Mr. Terry expressed concerns regarding over-massing, reduced sunlight, tree preservation in relation to his property as a result of the proposed addition and builders on his property during the construction process.

The Committee encouraged the Applicant, Mr. Terry and the owner of 513 Parnell Street, Bonnie Kubica to enter into an agreement to their mutual satisfaction regarding the preservation of the trees located on 513 Parnell Street.

DECISION

The Committee reviewed the application and noted that the dwelling on the adjacent property to the west is separated by a driveway on that property, which separates the proposed addition from the neighbouring dwelling by approximately 4 metres and the neighbouring garage by about 1.5 metres. The Committee considered the long established standard of development in the neighbourhood and the physical separation of the proposed addition from buildings on adjacent properties and determined that the impact on the neighbours would be minimal.

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 west side lot line to 0.84 metres to permit the addition to the second storey CONDITIONAL UPON the entire wall, both the first and second storey of the addition, being constructed in accordance with the spatial separation requirement of the Ontario Building Code.

NEXT MEETING:

The next meeting of the Committee of Adjustment is scheduled for the 1st day of March, 2011.

ADJOURNMENT:

Meeting adjourned at 9:00 p.m.

Dated the 1st day of February, 2011.

Paul Dorris
Chairman

Carolyn Jobbitt
Secretary-Treasurer