

COMMITTEE OF ADJUSTMENT

Minutes of a Meeting of the Committee of Adjustment for the City of Peterborough held **Tuesday, March 1, 2011**, at 7:00 p.m., in the General Committee Room, City Hall.

PRESENT: Mr. Paul Dorris, Chairperson
Mr. Claude Dufresne
Ms. Brenda Campbell
Mr. John Duncan

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

REGRETS: Mr. Alan Porteous

1. **FILE NO.** A02/11
ADDRESS: 550 Lansdowne Street West
APPLICANT: 938804 Ontario Inc. (Jane Meyers)

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 which is subject to this application.

This application was adjourned from the Committee of Adjustment meeting held on January 25th, 2011, to permit the Applicant an opportunity to provide further detailed information on the proposal.

Jane Meyers, a representative from 938804 Ontario Inc. and Chris Heckel, a representative from Johnston's Greenhouse, 871 Crawford Drive, Peterborough, Ontario, K9J 3X1 attended the meeting and addressed the Committee as follows:

- The owner would like to establish a pergola structure across a portion of the property frontage 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.
- Ms. Meyers believes that this will improve the "curb appeal" of her property.
- The garden centre will be operating during the spring, summer and fall. During the winter months, the owner of the green house will remove the structure as this is the location for snow storage on the property during the winter. The structure would likely be removed for the months of December to April.
- Visibility for egress from the property will not be an issue because the structure will be approximately 6 metres from the intersection of the driveway entrance and Lansdowne Street West.
- The owner and the applicant advised that having a variance granted by the Committee for a temporary structure for a three year period, subject to amending the site plan agreement, would not cause any hardship.

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. Mr. Straka circulated to the Committee an addendum to the staff report consisting of Exhibit A, Sheets 2 of 3 consisting of a plan illustrating the limits of the garden centre structure and Exhibit A Sheet 3 of 3 illustrating an artists depiction of the garden centre. The Committee was asked to consider the two Exhibits in their deliberation.

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

DECISION

The Committee reviewed the application and noted that the 17 motor vehicle parking spaces across the front of the property where the garden centre is to be established are surplus to the needs of the existing development and adequate parking spaces exist on the property to support the proposed additional garden centre retail space. The Committee further noted that the proposed garden centre would contribute to the beautification of the streetscape rather than simply allowing the wall of a building to be established closer to the street if constructed as depicted by the artist drawings shown as Exhibit A Sheets 2 and 3.

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 centreline of the original road allowance of the Lansdowne Street West road allowance to 17.18 metres to permit the temporary structure, in its proposed location, until March 15, 2014, PROVIDED THAT the owner enter into an amended Site Plan Agreement with the City requiring that, prior to the issuance of a building permit, the building plans be approved by the Planner of Urban Design to ensure that the proposed 46 metre long structure does not consist of a solid wall of a building and is designed to appear more like aesthetically appealing landscape structures associated with the nature of the products being sold from the site as portrayed by the drawings provided as an addendum to the Staff report (Exhibit A Sheets 2 and 3).

2. **FILE NO. A04/11**
ADDRESS: 725 Park Street South
APPLICANT: Adam Simmonds

This matter relates to a minor variance application submitted by Adam Simmonds, 725 Park Street South, Peterborough, Ontario, K9J 3T3, being the owner of the property which is subject to this application.

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

- He would like to convert the use of a portion of the building into a small-scale office to be considered as a similar use to that of a clinic being a use permitted by the C.1 Commercial district zoning of the property.

- A variance is therefore requested to recognize the (87 sq m) office and a dwelling unit in the upper level of the building supported by four parking spaces located to the rear of the building two of which would be tandem.

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 noted that the survey provided by the Applicant and circulated to the Members does not illustrate the elevated deck attached to the rear of the building. The Surveyor has subsequently provided staff with information regarding the location of the support posts for the elevated deck and the dimensions of the parking area. Accordingly, Staff are able to confirm that there is sufficient space at the rear of the building for four motor vehicle parking spaces, two of which would be in tandem.

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

- The calculation of the space used for the office nets out the space used for the entrance areas, stairway and washroom area.
- The Standard and Enforcement Officer will address any issues that may arise as a result of any more than the 87 sq. metres of the building being used for office space.

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

- The second floor contains one residential unit. This unit has an entrance at the front of the building from Park Street South and a fire escape at the rear of the building.
- He employs 7 sales agents, however, only 3 – 4 agents at the most will be in the office at one time. Most of the agents prefer to work from home and, in that it is a real estate office, agents mostly attend at a client's home rather than a client attending at the office.
- His office hours are Monday to Friday from 9:00 am – 4:00 pm. On weekends a call centre picks up all telephone calls as the office is closed.
- He is confident that he will be able to monitor the parking area to ensure that it is not misused.

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

DECISION

The Committee reviewed the application and noted that the property is located along a local commercial strip providing a range of local convenience commercial uses. The Committee considered the nature of the building on the property in the context of this strip of local commercial land use as well as the size of the office being proposed. The Committee determined that the impact of a variance for an 87 sq. m. office as a use being similar to a clinic supported with the residence in the upper storey of the building would be minor. The Committee also reviewed the parking requirements and noted that one parking space could be provided for the one residential unit and three for the proposed 87 sq. m. office, two of which would be in tandem. The Committee determined that while the by-law required each parking space to be mutually accessible, a variance to this requirement would facilitate the opportunity to provide all parking on the property to support the use to a limited scale.

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 recognize a small scale office as a use considered similar to a clinic and permit only an 87 sq metre office and a single unit dwelling in the upper level of the building to be supported by four parking spaces located to the rear of the building two of which would be tandem.

3. **FILE NO. A06/11**
ADDRESS: 73 Lansdowne Street West
APPLICANT: Timothy Whalen

This matter relates to a minor variance application submitted by Timothy Whalen, P. O. Box 80, Warsaw, Ontario, K0L 3A0, being the owner of the property which is subject to this application.

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

- He would like to establish a third residential unit within the dwelling on the property and is therefore requesting the following variances regarding the proposed development and use of the property:
 - i. reduce the minimum required lot width per dwelling unit from 6 metres to 5.44 metres;
 - ii. reduce the minimum distance of a driveway from a lot line from 1.5 metres to 0.6 metres; and
 - iii. reduce the minimum distance of a driveway or parking space from a window of a habitable room from 6 metres (19.6 ft) to 0 metres.
- He has sufficient space in the rear yard to accommodate the additional motor vehicle parking spaces required by the third unit and to relocate the motor vehicle parking space that is currently located at the front of the building.
- The water to the Quonset building has been disconnected and he is prepared to remove the washroom from this building.
- The building provides storage for use for the subject property and other properties he manages in the City.

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.

Earle Henderson, 71 Lansdowne Street West, P. O. Box 2324, Peterborough, Ontario, K9J 7Y9, attended the meeting to express his concerns regarding the use of the Quonset building and sightline limitations with respect to the proposed motor vehicle parking space at the front of the dwelling.

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

- The inside of the Quonset building had been finished for residential use. He does

not plan to rent the building for residential purposes. He understands that it can only be used as an accessory building. He uses the building for storage associated with the subject property and for storage for his other rental properties.

- He is aware that he will be required to pay a parks levy for the creation of the third unit in the dwelling.

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

- The Quonset building is an unusually large accessory building measuring approximately 14 metres by 7.6 metres and presents a challenge to the proposed use and development of the property. Considering the by-law's definition of an accessory building, staff would suggest that the building needs to be modified to be considered an accessory building to the residential dwelling on the property.
- Staff suggested that one possible solution would be to modify the front half of the building to function as a garage in order to accommodate two motor vehicle parking spaces and use the remaining portion of the building for storage.

In response to the suggestion, the applicant advised as follows:

- The suggestion was a reasonable proposal however, the inside of the Quonset building had been finished for residential use and the proposed modifications may be costly.
- The applicant extended an invitation to enter the building to better appreciate what the modification would involve.

DECISION

The Committee agreed to adjourn this application to the next Committee of Adjustment meeting, tentatively scheduled for April 19, 2011, in order to permit the applicant an opportunity to meet with the Building/Planning Division Staff to determine what corrective measures would need to be taken for the Quonset building to become an accessory building and, further, for the applicant to illustrate how five motor vehicle parking spaces can be accommodate at the rear of the dwelling, and to report back to the Committee regarding same.

NEXT MEETING:

The next meeting of the Committee of Adjustment is scheduled for April 19, 2011.

ADJOURNMENT:

Meeting adjourned at 8:50 pm.

Dated the 8th day of March, 2011.

Paul Dorris
Chairman

Carolyn Jobbitt
Secretary-Treasurer