

## **COMMITTEE OF ADJUSTMENT**

Minutes of a Meeting of the Committee of Adjustment for the City of Peterborough held **Tuesday, April 19, 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  
Mr. Dean Findlay, Deputy Chief Building Official  
Mrs. Carolyn Jobbitt, Secretary Treasurer

**REGRETS:** Mr. Alan Porteous

1. **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.

This application was adjourned from the March 1, 2011, Committee of Adjustment meeting to permit the applicant an opportunity to meet with the Building/Planning Division Staff onsite 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 four motor vehicle parking spaces can be accommodate at the rear of the dwelling, and to report back to the Committee regarding same.

The owner of the property 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.

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

- He is prepared to convert the front portion of the Quonset building for use as parking for two motor vehicles.
- The plumbing in the Quonset building will be disconnected.
- He will eliminate the parking at the front of the building and replace it with landscaping.

- Instead of the variances numbered (ii) and (iii), he would agree with staff's recommendation requesting a variance to reduce the required number of motor vehicle parking spaces from 5 to 4 in conjunction with the use of the building for 3 units.

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.

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

- The conditions attached to the Decision would need to be brought into compliance with the time period set out by the Committee.
- The Building Division would not issue a building permit to establish the third unit until all conditions have been satisfied.
- It is the conditions of the Decision that have a time limit not the creation of the third unit.

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

- In accordance with the Zoning By-law, an accessory building is a building that is devoted to and supports the permitted use of the building on the property.
- By converting the front portion of the Quonset building into a two-car garage and the remainder of the building into storage, the Quonset building would be considered accessory to the dwelling.
- The conversion of the Quonset building for use as an accessory building must be completed to the satisfaction of the Building Division.

## **DECISION**

The Committee reviewed the application and determined that the property can accommodate four motor vehicle parking spaces at the rear of the property, if the Quonset building is either removed or converted into an accessory use. 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, minor variances are granted to**

- i. reduce the minimum required lot width per dwelling unit to 5.44 metres;**
- ii. reduce the required number of motor vehicle parking spaces to 4 in conjunction with the use of the building for 3 units.**

**PROVIDED THAT:**

- i. No less than four motor vehicle parking spaces, as defined by the by-law, are established to the rear of the dwelling;**
- ii. The owner enter into a development agreement to establish and maintain soft landscaping between the front of the building and the street line designed to include a barrier to prevent motor vehicle parking in front of the building to the satisfaction of the Planner of Urban Design;**
- iii. Either removal or conversion of the Quonset building for use as an “accessory building” to the satisfaction of the building division. This will require but not be limited to removal of the sanitary sewer service to the building and conversion of the front part of the building to a garage to accommodate parking for two motor vehicles, or reduction of its size to make parking more readily available on the site; and**
- iv. Payment of a parks levy for the additional apartment unit in an amount to be determined by the City’s Parks Levy Review Committee.**

**Failure to comply with the above-noted conditions by the 15<sup>th</sup> day of October, 2012, will result in the Decision of the Committee lapsing and being null and void.**

**2. FILE NO. A10/11  
ADDRESS: 320 King Street  
APPLICANT: Sean Paul Cowling**

This matter relates to a minor variance application submitted by Sean Paul Cowling, 266 Charlotte Street, Suite 213, Peterborough, Ontario, being the owner of the property which is subject to this application.

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

- He has constructed a 2 storey, framed accessory building on the property and finished the upper level of the dwelling as part of the residential use of the property.
- Accordingly, he is requesting the following variances to recognize the development and use of buildings on the property for four dwelling units:
  - i) Increase the maximum lot coverage by an accessory building from 10% to 15.2%;
  - ii) Increase the maximum permitted height of an accessory building from 4.3 metres to 5.6 metres;
  - iii) Reduce the minimum building setback of a fire escape structure from the third storey of the building from 2.4 metres to 0.7 metres in relation to the west side lot line;
  - iv) Reduce the minimum lot area per dwelling unit from 230 sq metres to 55.5 sq metres;
  - v) Reduce the minimum lot width per dwelling unit from 6 metres to 1.8 metres;

- vi) Reduce the minimum building setback from the side lot lines from 2.4 metres to 0.74 metres regarding the garage and to 0.74 metres regarding the main dwelling on the property;
  - vii) Increase the maximum building coverage of the lot from 35% to 45%;  
and
  - viii) Reduce the minimum number of parking spaces required from 6 to 1.
- It is Mr. Cowling's opinion that this proposal is a minor variance based on the current zoning of his property and that there are several properties in the neighbourhood that have similar uses to what he is proposing.
  - There is no change to the existing dwelling.
  - The Fire Department has completed an inspection and are satisfied that the regulations with their department have been satisfied concerning the fire escape.
  - He is before the Committee to address the planning regulations with the Committee.
  - It is his opinion that his proposal is in keeping with the Official Plan and the City's Growth Plan in providing intensification and affordable housing.
  - In that the property is in close proximity to all amenities, tenants of this property do not require automobiles so parking is not necessary.

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. Gerry Vis, 318 King Street, Peterborough, Ontario, K9J 2S6, attended the meeting to object to this application.

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

- He did not obtain a building permit. The application for a permit was filed, but the permit was not issued because of zoning issues.
- In that he had tenants in the third floor unit, he was required to complete the fire escape in accordance with the Fire Department regulations. He did not obtain a building permit for construction of the fire escape.
- He did not continue with any other construction in order to comply with the Stop Work Order issued by the Building Division.

In response to questions from the Committee, Mr. Findlay advised as follows:

- The property is zoned R1,R2,R3,R4, Residential, however, the property does not comply with the zoning regulations to permit the property to be used as a four-plex.
- In that a building permit was not issued, Staff have not inspected the interior of the building. Staff cannot advise if the building is in compliance with the Ontario

Building Code. The fire escape was required to be constructed by the Fire Department because of tenants occupying the 3<sup>rd</sup> floor of the building, which appeared to be operated as a rooming house. The owner of the property is subject to prosecution and this matter is currently before the Courts.

- The building constructed at the rear of the property without a building permit will be demolished should the Committee deny the variances requested to recognize the structure as an accessory building.

## **DECISION**

The Committee reviewed the application and determined that while the property is designated as part of the Central Area, high density residential use of a property this size is not an expected use. The property is a 7.4 m by 29.5 m lot. It is non-conforming in size as a lot for a single unit dwelling. The use of the building for two dwelling units would be considered high-density development at 90 units per hectare. That figure exceeds 75 units per hectare being the maximum range of medium density that would be permitted under the "infill policies" of the Official Plan. Four Units on the property as proposed by the applicant would be a density of 184 units per ha, which is a level of density that is not anticipated by the Official Plan or planned for in this area.

Further, the Committee determined that variances listed as number three to six, requesting permission for the property to be used as four dwelling units are not minor, would not maintain the intent of the Official Plan or the zoning of the property considering the density and building regulations of the R.3 or R.4 Residential zoning of the property. It is the opinion of the Committee that the variances would result in development not anticipated by the Official Plan or Zoning district and is considered inappropriate in the context of the use the building form and apparent development of neighbouring properties. While the expansion of the attic of a single unit dwelling without a building permit, was not specifically addressed by the Committee through this application, the Committee was not convinced of the need for the excessive platform and fire escape from the attic of a single unit dwelling as constructed without a permit within 0.7 metres of the side lot line. The Committee was of the opinion that the variance requested to recognize the fire escape as constructed would result in development that is not desirable and the impact on adjacent properties and functionality of the subject property is not minor. The Committee is therefore denying the variance (number iii) regarding the location of the platform and fire escape.

Committee reviewed the variance to parking and noted that the property is located in the Central Area of the City. The City has a "cash-in-lieu of parking" policy to facilitate development in this area. However, to be consistent with the intent and purpose for implementing the cash-in-lieu policy, the Committee could not see any reason to grant a variance to the by-law to exempt the development from paying cash in lieu of the required six parking spaces.

Considering the first two variances requested to the size and height of the accessory building, the definition of the use of an accessory building states that it is "clearly incidental subordinate and exclusively devoted to a permitted use of the property". The permitted use of the property is a single unit dwelling. An elevated deck and fire escape has been constructed obstructing vehicular access to the rear yard for use of the building as a garage to accommodate parking. It is the Committee's opinion that the structure is not incidental or devoted in support of the permitted use but specifically constructed and designed with dimensions to accommodate more dwelling units on the property.

Accordingly, 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, each of the minor variances applied for is DENIED.**

3.     **FILE NO.**                **B03/11**  
       **ADDRESS:**           **753 Pinewood Drive**  
       **APPLICANT:**       **Marilyn Diane Istead and Paul Wayne Istead**

This matter relates to severance application submitted by Marilyn Diane Istead and Paul Wayne Istead, 753 Pinewood Drive, Peterborough, Ontario, K9K 1L3, being the owners of the property which is subject to this application.

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

- He would like to sever and convey the northerly 15.24 metres of the subject property to create a new lot for development of a single unit dwelling.
- He is proposing to relocate the existing garage.
- It is his opinion that the proposal is in keeping with the neighbourhood.

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 proposal and appreciated that the proposed severance would result in two parcels that would conform to the regulations of the Zoning district.

**Therefore, Consent is granted to convey the northerly 15.24 metres of the subject property to create a new lot that would conform with the zoning SUBJECT TO THE FOLLOWING CONDITIONS:**

- i)     **The owner entering into an agreement with the City requiring that building plans be provided for approval by the Planner of Urban Design to ensure compatibility of the building with other buildings in the neighbourhood prior to issuance of a building permit;**
- ii)    **Production of a reference plan describing the property to be severed to the satisfaction of the Planner of Policy & Research;**
- iii)   **Payment of a Parks Levy in the amount to be determined by the Parks Levy Review Committee; and**
- iv)    **Payment of a Tree Levy in the amount of \$191.00.**

4.     **FILE NO.**             **A07/11**  
       **ADDRESS:**         **400 Lansdowne Street East**  
       **APPLICANT:**       **Zelinka Priamo Ltd.**

This matter relates to a minor variance application submitted by Zelinka Priamo Ltd., 318 Wellington Road, London, Ontario, N6C 4P4, on behalf of 1783838 Ontario Inc. c/o Counsel Willowcreek Limited / Counsel Real Estate, 75 The Donway West, Suite 1002, Toronto, Ontario, M3C 3E9, being the owner of the property which is subject to this application.

Stephen Cornwell, a representative from Zelinka Priamo Ltd., attended the meeting and addressed the Committee as follows:

- The owner is requesting a variance to permit a temporary structure for the purpose of a seasonal garden centre on the property to be operated by the tenant, Morello's Independent Grocery Store.
- The variance is being re-applied for because the proposed size and location of the garden centre on the property has changed.

Staff brought to the attention of the Committee and the Applicant that the Garden Centre has been established on the property in a location that does not conform to the location previously establish or as illustrated on the application for this variance.

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 brought to the attention of the Committee and the applicant that the Garden Centre has been established on the property as presented in the application.

In response to questions from the Committee, Mr. Cornwell advised as follows:

- The Garden Centre has been erected.
- He has not been to the site, but recognizes that the structure may not be in the exact location as illustrated on the documentation provided with the application and is uncertain if it conforms with the location of where it was permitted in the past.
- His client will have the structure realigned if the City deems it necessary.

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

- In accordance with the Planning Act, a temporary use by-law is typically granted for up to three years.
- Temporary use by-laws are passed when there is an imminent change to land use policy anticipated. In this case, the variance pertains to a Temporary structure that could be established temporarily year after year. There is likely not a need to impose a time limitation on the variance.
- No one spoke in objection to the application and no written objections were received.

**DECISION**

It was brought to the attention of the Committee that there is a surplus of 118 motor vehicle parking spaces. Only 46 motor vehicle parking spaces would be eliminated by the establishment of the Garden Centre, which would generate a demand for 24 motor vehicle parking spaces, resulting in a surplus of 48 motor vehicles parking spaces on the property. The proposal would not have significant impact on the parking circumstances or vehicle movement on the site nor access or egress to the site.

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 permit a temporary structure for the purpose of a seasonal garden centre on the property that is up to 864 square metres in size from April 1<sup>st</sup> to and including August 31<sup>st</sup> in each year, PROVIDED THAT the site plan agreement is amended to illustrate the location and dimensions of the garden centre as illustrated in the concept plan to the satisfaction of the Planner of Urban Design.**

5. **FILE NO.                   A08/11**  
**ADDRESS:                 661 Lansdowne Street West**  
**APPLICANT:             Zelinka Priamo Ltd.**

This matter relates to a minor variance application submitted by Zelinka Priamo Ltd., 318 Wellington Road, London, Ontario, N6C 4P4, on behalf of Lansdowne Place Inc., 1 Toronto St., Suite 1400, Toronto, Ontario, M5C 3B2, being the owner of the property subject to this application.

Mr. Steven Zakem, solicitor for Loblaws Properties Limited, attended the meeting and addressed the Committee as follows:

- The owner is requesting a variance to permit a temporary structure for the purpose of a seasonal garden centre on the property.
- A variance was granted in 2008 and 2009 for a temporary structure. In 2009 the variance was granted provided that the review of the updated flood plain information confirmed that the Garden Centre is not located within the limit of Byersville Creek flood plain.
- This year his client applied for a building permit and was advised by the Building Division that the property was in the flood plain. Accordingly, a building permit could not be issued.
- His client has not been notified that the Conservation Authority has updated its flood plain mapping or that such updated flood plain mapping may have an impact on his client's lands.
- It is his understanding that any mapping that the Conservation Authority has completed as an initial assessment with respect to updated flood plain mapping in the City remains preliminary and may be subject to further review and modification.

- The regulatory flood line would require the approval of the Minister. To date no such regulation has been passed implementing the updated flood plain mapping.
- He recommends that the Committee grant the variance for this year only for period of April 1<sup>st</sup> – July 31<sup>st</sup> because the updated flood plain information has not yet been finalized.
- Notwithstanding that it is his position that the minor variance granted in 2009 remains in full force and effect, his client wishes to co-operate with the municipality by filing 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.

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

- Otonabee Regional Conservation Authority and the City's Utility Services Department do not support the proposed application because the latest flood plain mapping prepared by XCG Engineering Consultants for the City has illustrated that the location of the Garden Centre is in the flood plain.
- Mr. Zakem is correct in that no change to the "regulatory flood limit" has been approved by the Minister.
- Staff have had no response from the Legal Services Department regarding the question of the 2009 variance in relation to the updated mapping of the flood plain and suggested an adjournment may be in order if that is a question in the mind of the Committee.
- The fact that the Garden Centre is established on the property and operational without a permit is a matter to be dealt with by the City's Standards and Enforcement Division.

In response to questions from the Committee, Mr. Zakem advised as follows:

- His client does not wish to be in violation with the City. However, this is gardening season right now. He would ask that the City "turn a blind eye" until the Committee is in a position to provide a decision. However, if that is not possible, he points out that it is his client's position that they received the necessary variance in 2009 and accordingly, they are not in violation.

Mr. Richard Taylor, Barrister & Solicitor, 1327 Hetherington Drive, Peterborough, Ontario, K9L 1X4, attended the meeting. He is neither in support of nor in opposition of this application, but would support an adjournment to allow the City to obtain the City Solicitor's opinion regarding the matter of the updated flood plain mapping.

## **DECISION**

The Committee agreed to adjourn this application to the next Committee of Adjustment meeting, scheduled for May 17, 2011, in order to permit the Legal Services Department an opportunity to review this application and provide Staff with further opinion on the last decision of the Committee as it would pertain to the location of the garden centre in the flood plain.

6.     **FILE NO.**             **A09/11**  
       **ADDRESS:**         **530 Lansdowne Street East**  
       **APPLICANT:**     **Darrin Henwood, Nicole Henwood**  
                                  **and M. Douglas Beasley**

This matter relates to a minor variance application submitted by Darrin Henwood, Nicole Henwood and M. Douglas Beasley, 530 Lansdowne Street East, Peterborough, Ontario, K9J 6X9, being the owners of the property subject to this application.

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

- He is requesting the following variances to the regulations of the D.1 Development District zoning of the property to permit construction of a new, two-car garage in place of the existing single car garage on the property:
  - i) increase the maximum floor area that an accessory building may be increased from 10% to 125 %; and
  - ii) reduce the minimum building setback from the west side lot line from 3 metres to 1.2 metres.
- The garage will be one storey with no plumbing.
- The purpose of the garage is for his woodworking hobby and to have a spot to work on his personal vehicles.

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:

- Neither he, nor any of the other applicants, are intending to use the proposed garage as a home based business for the repair of motor vehicles.

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

## **DECISION**

The Committee reviewed the application and considered the established use being a single unit residential dwelling and the standard of development of the neighbouring properties in relation to an appropriate residential district zoning and is of the opinion that the variances requested are a reasonable and fair approach to facilitating appropriate development of the property by permitting the construction of an accessory building on the property.

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) increase the maximum floor area that an accessory building may be increased by 125 % to allow a 6.1 m by 7.4 m garage; and
- ii) reduce the minimum building setback from the west side lot line to 1.2 metres.

7. **FILE NO.** B04/11  
**ADDRESS:** 285 and 289 Armour Road  
**APPLICANT:** David Wilkins

8. **FILE NO.** B05/11  
**ADDRESS:** 283 Armour Road  
**APPLICANT:** David Wilkins

This matter relates to severance application submitted by Dave Wilkins, 346 Daniel Street, Peterborough, Ontario, K9K 1C5, on behalf of Brian Preddy, Michael Preddy, Fred Preddy, Wilma Preddy and Jacqueline Walling, being the owners of the properties subject to this application.

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

- The owner is proposing to re-delineate the lot lines of the two properties to create three newly defined lots.
- The southerly two lots would be 18 metres wide each conforming to the R.2 zoning of the properties for potential development of a duplex on each parcel.
- The third lot known as 289 Armour Road, would conform to the zoning regulations for development of a single unit dwelling.

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 – B04/11**

The Committee considered the proposed reconfiguration of the lot lines and appreciated that the result would be the delineation of three new lots that would conform to the R.1, R.2 residential zoning.

**Consent is therefore granted to convey the southerly 1.49 metres of the property known municipally as 289 Armour Road to the owner of the property known municipally as 285 Armour Road PROVIDED THAT Section 50(5) of the *Planning Act* apply to any subsequent transactions involving the parcel CONDITION UPON the owner of the property conveying to the City, free of encumbrances and at no cost to the City, a 2.74 metre wide strip of land across the frontage of 285 and 289 Armour Road for the purpose of future road widening.**

**DECISION – B05/11**

Consent is granted to convey the northerly 1.81 metres of the property known municipally as 283 Armour Road to the owner of the property known municipally as 285 Armour Road PROVIDED THAT Section 50(5) of the *Planning Act* apply to any subsequent transactions involving the parcel CONDITION UPON the owner of the property conveying to the City, free of encumbrances and at no cost to the City, a 2.74 metre wide strip of land across the frontage of 283 Armour Road for the purpose of future road widening.

9.     **FILE NO.**                 **B06/11**  
       **ADDRESS:**            **749 Bethune Street**  
       **APPLICANT:**         **Richard Taylor**

This matter relates to severance application submitted by Richard Taylor, Barrister & Solicitor, P. O. Box 1963, Peterborough, Ontario, K9J 7X7, on behalf of Jennifer Debues and Simon Debues, 749 Bethune Street, Peterborough, Ontario, K9H 4A5, being the owner of the property subject to this application.

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

- The owner is proposing to sever the southerly 13.7 metres of the subject property to create a new lot for potential development of a single unit dwelling.
- He has read the staff report and is in agreement with same.
- The new lot will be for a single-family residential dwelling. Building plans have not yet been determined, but his clients will ensure that any prospective purchaser is aware that building plans must be reviewed by the Planner of Urban Design.

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**

Consent is granted to convey the southerly 13.7 metres of the subject property to create a new lot for potential development of a single unit dwelling CONDITION UPON the following:

- i) That the owner enter into a development agreement with the City to require that building plans be submitted for approval of the Planner of Urban Design to ensure compatibility of building design with the established standard of other buildings in the neighbourhood prior to the issuance of a building permit;
- ii) Production of a reference plan describing the property to be severed to the satisfaction of the Planner of Policy & Research;
- iii) Payment of a Parks Levy in the amount to be determined by the Parks Levy Review Committee; and
- iv) Payment of a Tree Levy in the amount of \$171.90.

10. **FILE NO.**                    **A11/11**  
**ADDRESS:**                   **255 McDonnell Street**  
**APPLICANT:**               **M. J. Davenport & Associates Ltd.**

This matter relates to a minor variance application submitted by M. J. Davenport & Associates Ltd., 169 Lansdowne Street East, Peterborough, Ontario, K9J 7P7, on behalf of 885073 Ontario Ltd., 255 McDonnell Street, Peterborough, Ontario, being the owner of the property subject to this application.

Mike Davenport, a representative from M. J. Davenport & Associates Ltd., attended the meeting and addressed the Committee as follows:

- He represents Lance King, the owner of 885073 Ontario Ltd.
- The owner would like to construct a 207.56 sq metre addition to south end of the building upon the foundation established on the property.
- The owner would also like to construct a higher, pitched roof on the building.
- A variance is therefore requested to reduce the minimum building setback from the centre line of McDonnell Street from 24.4 metres to 18.97 metres and from 19 metres to 12.5 metres in relation to Bethune Street.
- He would like to adjourn this matter to the next Committee of Adjustment meeting to speak to his client regarding this matters set out in the staff report.

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:

- They will inquire as to the zoning of 243 McDonnell Street and if the tenants of that property park at 255 McDonnell Street.

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

#### **DECISION**

**The Committee agreed to adjourn this application to the next Committee of Adjustment meeting, scheduled for May 17, 2011, in order to permit the Applicant an opportunity to review the comments set out in the staff report and provide Staff with further information regarding the current and proposed uses of the property as they would relate to the parking requirements and to provide information as to the length of time that has passed since a portion of the building had been removed from the property.**

#### **NEXT MEETING:**

The next meeting of the Committee of Adjustment is scheduled for May 17, 2011.

**ADJOURNMENT:**

Meeting adjourned at 9:45 p.m.

Dated the 29<sup>th</sup> day of April, 2011.

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**Paul Dorris**  
**Chairman**

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**Carolyn Jobbitt**  
**Secretary-Treasurer**