

COMMITTEE OF ADJUSTMENT

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

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

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

1. **FILE NO.** A17/11
ADDRESS: 305 Hywood Road
APPLICANT: Mario Voros

This matter relates to a minor variance application submitted by Mario Voros, 1729 Keppler Crescent, Peterborough, Ontario, K9K 2P1, being the owner of the property subject to this application.

Mr. Voros and Mr. Alan Didone, 1694 Waddell Crescent, Peterborough, Ontario, K9K 2G8 (the Builder) attended the meeting and addressed the Committee as follows:

- Mr. Voros is constructing a new dwelling on the property and would also like to construct a detached garage on the property that would have a mansard roof designed to match the mansard roof design of a proposed dwelling to be constructed.
- Considering the definition of building height in relation to a mansard roof, a variance is requested to increase the maximum permitted height of an accessory building from 4.3 metres (14 ft) to 7.9 metres (25.9 ft) to allow the design of the proposed, detached garage.
- The proposed garage will be two storeys in height.
- The extra storey has no purpose other than for aesthetic appeal and extra space that may be used for storage purposes.
- There will be no outside door providing access to the second storey. Access to the second storey will be obtained from within the garage.
- There will be no plumbing extended to the garage.

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.

Louise Mackenzie from Mackenzie Design Inc., 271 Brock Street, Peterborough, Ontario, K9H 2P8, attended the meeting and advised as follows:

- She designed the proposed dwelling and garage.
- The buildings have been designed to create an old English feeling.

- A garage that is attached to the house would not be in keeping with that style of design applied to the dwelling.
- As well, in order to create a garage that maintained the old English design, it was necessary to make the garage two storeys in height. The purpose of the two storeys was to create something that was aesthetically appealing not to create additional living space.

DECISION

The Committee reviewed the application and noted that that the proposed location of the detached garage is a preferred location for the structure, making better use of the property. The Committee further noted the existing trees to the west and the proposed trees to be established along the south lot line in front of the garage as illustrated on the site plan that would offer screening of the development in relation to adjacent properties. Furthermore the Committee is of the opinion that the landscaping and the detailed design of the garage will contribute to the overall aesthetics of the property's development.

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 permitted height of an accessory building to 7.9 metres to permit the design of the proposed, detached garage, PROVIDED THAT the garage is located no less than 7.6 metres from the rear lot line.

2. **FILE NO. A18/11**
ADDRESS: 948 Weller Street
APPLICANT: Kevin Duguay

This matter relates to a minor variance application submitted by Kevin Duguay, 560 Romaine Street, Peterborough, Ontario, K9J 2E3, on behalf of John and Sharon Parkes, 948 Weller Street, Peterborough, Ontario, K9J 4X9, being the owners of the property subject to this application.

Mr. Duguay attended the meeting, with John and Sharon Parkes, and addressed the Committee as follows:

- The owner would like to construct a 6.27 metre (20 ft) X 10.97 metre (36 ft) wide open sided carport attached to the northwest corner of the dwelling on the property.
- A variance is therefore requested to reduce the minimum building setback from the centre line of a collector street (Wallis Drive) from 19 metres (62.3 ft) to 15.61 metres (51.2 ft).
- The proposed carport would have two upright posts at the front of the structure spaced 29 feet apart to accommodate 3 motor vehicles.
- There is sufficient space to permit motor vehicles to turn on the subject property and drive out onto the road facing forward.

- In response to comments from the Utility Services Department and the Planning Division, Mr. Duguay advised as follows:
 - A portion of the cedar hedge at the intersection of the driveway and street line will be removed and replaced by a new planting that will one be 1 metre in height.
 - The shed will be relocated to conform to the zoning by-law
 - The driveway will not be widened
 - The balance of cedar hedge will be trimmed and maintained.
- The applicant is aware of the City's utility services interest in road widening in relation to Weller Street and Wallis Road and it is his opinion that the City cannot require the above-noted conveyances as conditions to the Decision because this matter relates to a minor variance.
- His clients are not agreeable to granting and road widening or to Site Plan Control being required as a condition for approval of the 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.

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

- According to the latest drawing provided, the overall size of the proposed carport would be 37.49 feet by 23.5 ft. There would be 29 feet between the posts and 2 feet overhang on each side.
- There are no other properties in the vicinity that have the same setbacks as proposed by this application.
- Considering the proposed width of the carport, a further variance to the by-law would be required to permit the parking of a third motor vehicle within 6 metres of the street line.
- The cedar hedge in relation the entrance of the driveway to the street and at the intersection of the two streets must be substantially cut back to comply with the by-law.
- Should the Committee consider the variances required, staff would recommend that the carport be smaller to accommodate no more than two motor vehicles.
- Staff often recommends that a property be subject to site plan control to ensure that the limits of a property's development are respected and ensure that the property is maintained in accordance with the by-law.

In response to questions from the Committee, the application/owners advised as follows:

- The shed will be removed from the property, not relocated.
- The roof on the carport will be a pitched roof, which will abut up to the flat roof.
- The carport will have eavestroughing.
- Some of the hedging will be replaced with fencing.
- The remaining hedge will be reduced in height.
- Mr. Parkes advised that a lesser variance would not be aesthetically appropriate and would not be inkeeping with the existing dwelling.

The chairman read a letter from Josephine Mewett, 950 Weller Street, Peterborough, Ontario, K9J 4X9, who is opposed to the application.

DECISION

The Committee reviewed the application and determined that the standard of development of other properties in the neighbourhood and noted that although there are some properties with development perhaps as close to the street line as 6 metres, the average setback from the street line in the vicinity of the subject property is approximately 11.2 metres, and, further, that there is no property in the neighbourhood with a structure as close to the street line as the proposed carport.

The Committee noted that the intent of the setback regulations of the by-law is to ensure spatial separation between structures established on properties and the activities that may be associated with the use and role of a high capacity street as described by the Official Plan.

The Committee noted the flankage triangles in relation to the driveway and determined that development and maintenance of the property does not conform to Section 6.19 of the by-law. The by-law prohibits the location of any visual obstruction within 21.3 metres of the centre line of the two intersecting streets and should be brought into conformity with the by-law. Finally, because the by-law does not allow any more than two motor vehicles to be parked within 6 metres of the street line, the variance to allow a structure to accommodate three motor vehicles with 6 metres of the street line would not maintain the intent of the by-law that is difficult to enforce.

The Committee considered the circumstances of this proposal and is concerned with setting a precedent that would not maintain the intent of the by-law with respect to the setback of structures to accommodate parking in relation to a collector street.

Accordingly, the Committee determined that:

1. the variance is 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, a minor variance is DENIED.

3. **FILE NO.** **A19/11**
 ADDRESS: **235 Spencley's Lane**
 APPLICANT: **M. J. Davenport & Associates**

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 The Fellowship Christian Centre, P. O. Box 81, Peterborough, Ontario, K9J 6Y5, being the owner of the property which is subject to this application.

Murray Davenport and Mike Davenport attended the meeting and addressed the Committee as follows:

- The following variances are requested to the zoning of the property in order to permit the proposed construction of a 30 unit apartment building in a single building format:

- i. Reduce the minimum required lot area per dwelling unit from 185 sq metres to 160 sq metres;
 - ii. Increase the maximum number of units per building from 16 to 30;
 - iii. Reduce the number of required parking spaces required per unit from 1.75 to 1.5; and
 - iv. Increase the maximum lot coverage by open parking area and driveway from 25% to 35%.
- They are proposing to develop the property in the same fashion as their development, "Castlewood Place".
 - There will be one building containing 30 units and will consist of 1 and 2 bedroom units.
 - There will be an elevator in the building.
 - At staff's recommendation, the building is to be constructed closer to Spencley's Lane and the parking area will be closer to the Church property.
 - Murray Davenport circulated a revised draft site plan which illustrated an extra 8 parking spaces. These spaces permit for onsite snow storage.
 - The fire route will be through the church property and will not create more traffic. They are not opposed to chaining this route at the property line to stop non-emergency traffic from using the fire route to get to Spencley's Lane.

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 following people attended the meeting and expressed their concerns to the application:

1. Mr. Douglas McIlvride, 842 Abbey Lane, Peterborough, Ontario, K9H 7N6;
2. Bonnie Skinner, 236 Spencley's Lane, Peterborough, Ontario, K9H 1R9; and
3. Lorene Cannon, 228 Spencley's Lane, Peterborough, Ontario, K9H 1R9.

The Chairman read a letter from Linda and Mike Jackson, 256 Spencley's Lane, Peterborough, Ontario, K9H 1R9 expressing their concerns with the property development.

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

- The apartment will not be low rentals.
- The apartments are geared for older adults.
- There will be 4 one-bedroom apartments and 26 two-bedroom apartments.
- He does not like to have balconies on apartment buildings for structural reasons and to eliminate occupants of the units from storing items on the balcony.
- The building will be "up-scale" in design.

- The original site plan had the building at the rear of the property and the parking area at the front. However, at the request of Staff, this was changed.
- The existing trees on Spencley's Lane are at their lifespan and will be replaced by new plantings.
- Reducing the number of units in the building to 28 would drastically change the feasibility of this property and cause some financial hardship. He needs to have the 30 units to proceed with this project.
- They are agreeable to chaining the fire route to stop it from being used by non emergency vehicles as a link to get to and from Spencley's Lane and Armour Road. They are prepared to discuss this with staff at the site plan stage.

Raymond Foster, a representative from the Church, advised that the fire route is not intended to be used as a roadway from the Church property to Spencley's Lane.

DECISION

The Committee reviewed the application and noted that the property is zoned for a typical medium density development. The Committee further noted that the Official Plan designation anticipates medium density on this property and that the typical range for medium density is between 25 and 75 units per hectare. While the R.4 zoning would allow 54 units per hectare, the proponent is asking for a variance to the lot area per dwelling unit that would increase the density to 61 units per hectare that would be within the range of density anticipated by the Official Plan.

The Committee noted that the proposal is infill development that is a unique situation zoned by council to be developed in connection with an adjacent church site to the south. While the site of the proposed apartment building may become independently owned and developed, it is still linked to the church site physically and functionally sharing a driveway for vehicular movement and servicing easements. The Committee acknowledged that there is the potential for spill over, between the two properties and the driveway connection could work both ways to a positive end.

The Committee further noted that the proposal would allow a reasonable intensity of development that would result in less paved surface area to accommodate fewer motor vehicles associated with a suburban apartment dwelling.

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, minor variances are granted to:

- i. **reduce the minimum required lot area per dwelling unit to 160 sq metres;**
- ii. **increase the maximum number of units per building to 30;**
- iii. **reduce the number of required parking spaces per unit to 1.5; and**
- iv. **increase the maximum lot coverage by open parking area and driveway to 35%.**

PROVIDED THAT the Site Plan Agreement will address, among other details, the possibility of a chain barricade, if both property owner are agreeable.

4. **FILE NO.** **B08/11**
 ADDRESS: **1585 and 1597 Lansdowne Street West**
 APPLICANT: **Howell, Fleming (Jim Baird)**

This matter relates to severance application submitted by Messrs. Howell, Fleming (Mr. Jim Baird), 415 Water Street, P. O. Box 148, Peterborough, Ontario, K9J 6Y5, on behalf of 2255695 Ontario Limited, 720 Arrow Road, Toronto, Ontario, K9J 6Y5, being the owner of the property which is subject to this application.

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

- The proponent is requesting consent to convey the westerly 36.5 metres of the subject property to the owner of the adjacent property known municipally as 1607, 1619 & 1633 Lansdowne Street West.
- The retained parcel will remain as a car rental establishment while the severed parcel will merge with adjacent lands to the west for future development.
- He and his client would like the Committee to consider delaying the need to convey the 3.1 metre road widening strip at this time. His clients are prepared to enter into an agreement with the City that the owner will convey the 3.1 metre wide strip of land when the City is ready to proceed with the road widening.

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 appreciated the purpose of the severance being to facilitate the consolidation of land under appropriate ownership to advance forthcoming rezoning application proposals for future development.

In that both the severed and retained property would conform to the Official Plan policy and the retained property would conform to its zoning, consent is granted to convey the westerly 36.5 metres of the subject property to the owner of the adjacent property known municipally as 1607, 1619 and 1633 Lansdowne Street West CONDITIONAL UPON the owner conveying to the City a 3.1 metre road widening across the front of 1597 Lansdowne Street West to complete the road widening requirements in relation to the intersection of Lansdowne Street West and Spillsbury Drive.

NEXT MEETING:

The next meeting of the Committee of Adjustment is scheduled for July 12, 2011.

ADJOURNMENT:

Meeting adjourned at 9:15 p.m.

Dated the 17th day June of, 2011.

Paul Dorris
Chairman

Carolyn Jobbitt
Secretary-Treasurer