

COMMITTEE OF ADJUSTMENT

Minutes of a Meeting of the Committee of Adjustment for the City of Peterborough held **Tuesday, September 13, 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.** A29/11
ADDRESS: 861 Lansdowne Street West
APPLICANT: 2287992 Ontario Inc. (Mike Schillaci)

This matter relates to a minor variance application submitted by 2287992 Ontario Inc., 2489 Bloor Street West, Toronto, Ontario, M6S 1R6 on behalf of the Peterborough District Co-Operative Services, 861 Lansdowne Street West, Peterborough, Ontario, K9J 1Z5, being the owner of the property subject to this application.

Mr. Mike Schillaci, a representative of 2287992 Ontario Inc., attended the meeting and addressed the Committee as follows:

- A variance is requested to reduce the minimum required building setback from the easterly side lot line from 6 metres (20 ft) to 5 metres 16.4 ft) to allow the construction of a new building on the property and to 0.1 metres (4 inches) to allow construction of a 7 metre canopy overhang on the east side of the new building.
- The existing building on the property will remain as established 3 metres (9.8 ft) from the west side lot line.
- He is in agreement with the comments set out in the staff report and confirmed that no hardship would be incurred should the Committee elect to grant a lesser variance, as set out in the Staff report regarding the construction of a canopy overhand on the east side of the building.
- The proposed canopy would be a flat roof without support posts.

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 determined that a variance to reduce the minimum required building setback from the easterly side lot line is minor and in keeping with the standard of development along this portion of Lansdowne Street West and would allow the appropriate accommodation of parking, walkways and vehicular access between the existing building located on the west side of the property and the proposed new building to be constructed on the east side of the property. The

Committee considered the impact of recognizing the location of the existing building on the property in relation to the west side lot line would be minor, considering the long standing location of the existing 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) **reduce the minimum required building setback from the westerly side lot line to 3 metres; and**
- ii) **reduce the minimum required building setback from the easterly side lot line to 5 metres to permit the construction of a new building on the property;**

PROVIDED THAT all landscaping requirements of the zoning district are complied with.

With respect to the proposed construction of a 7 metre canopy overhang on the east side of the new building, the Committee determined that the variance requested to locate the canopy 0.1 metres from the east lot line is not minor and would result in a poor standard of development between the two properties.

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 maintained; and,
4. the general intent and purpose of the Official Plan is maintained.

Therefore, a minor variance requested for the canopy is DENIED.

The Committee further determined that a lesser variance reducing the setback to 2.75 metres would permit a shallower canopy projection that could be cantilevered from the building to provide adequate shelter for the driver side of the motor vehicle being served by the drive through window.

Therefore a minor variance is granted to reduce the minimum required building setback from the east side lot line to 2.75 metres to permit the construction of a 7 metre long canopy for the drive thru that would project 2.25 metres into the east side setback.

2. **FILE NO. A30/11**
ADDRESS: 333 Brock Street and 443 Reid Street
APPLICANT: Kevin Duguay

This matter relates to a minor variance application submitted by Kevin Duguay, 560 Romaine Street, Peterborough, Ontario, K9J 3E2, on behalf of OP Trust Multi-Residential Inc., c/o Realstar Management, 77 Bloor Street West, Suite 2000, Toronto, Ontario, M5S 1M2 being the owner of the property subject to this application.

Mr. Kevin Duguay attended the meeting with Johann Isopp (a representative of the owner's management company) and addressed the Committee as follows:

- Parking requirements for the 105 unit residential building is required at a rate of 1 per 2 dwelling units provided that the entire building is occupied by elderly persons.
- A variance is requested to require the same parking ratio for tenants within the building notwithstanding whether all tenants within the building are "elderly" or not.
- 53 parking spaces will continue to be provided on site.
- When the above zoning was passed, the property was entirely occupied by elderly persons. However, currently the property does have a variety of age groups occupying the property.
- The subject property is now in the process of being sold and the proposed purchaser is doing their "due diligence" in order to ensure that the building can be used in this current manner.
- Prior to submission of this application, a two week traffic study was completed by Mr. Duguay which determined that there is no "over-commitment" of on street parking or private parking lots.
- By today's standards, the existing by-law is not enforceable as the City cannot state that a property can only be occupied by "elderly persons".

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 current zoning on the property states that *"notwithstanding the provisions of Section 4.2 of the by-law requiring 1.5 parking spaces per unit, the minimum parking space requirement for dwelling units occupied entirely by elderly persons shall be 1 per 2 dwelling units"*.

Staff advised that the by-law exception as described is difficult to enforce and subject to concerns raised by neighbouring property owners, staff would not object to the Committee granting the variance as described.

In addition, staff advised that the City's Parking Enforcement Division has confirmed that there is no record of there being any parking issues in the neighbourhood based on complaints from the neighbours or an above average number of parking tickets issued in the area.

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

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

- There are 53 on-site motor vehicle parking spaces provided in an underground ground parking facility.
- There are four surface parking spaces behind the Bishops House.
- There are also surface parking areas that a tenant could rent from a private

property owner (i.e. churches).

- There is also a municipal parking lot a block away from the property.
- The bachelor and one bedroom apartments typically do not require motor vehicle parking spaces. The two bedroom apartments typically require a motor vehicle parking space. There are 53 one bedroom apartments and 51 two bedroom apartments.
- Based on his interaction with the prospective purchaser, he believes that the new owner has the necessary experience to ensure that parking issues do not arise.

DECISION

The Committee reviewed the application and noted that the property is located on the fringe of the inner city and is within walking distance of most amenities. The location of the property in relation to the downtown is the primary reason relief from the parking requirements may be considered for this property given the established development. The Committee further determined, based on there being no response from the neighbouring property owners to the notice of this hearing, there is no apparent concern or stress on the demand for parking spaces in the immediate vicinity of the subject property.

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 By-law exception .108 to require that motor vehicle parking spaces be provided on site, at a rate of one space for two dwelling units for no more than 105 dwelling units located within the building.

3. **FILE NO. A31/11**
ADDRESS: 240 Bellevue Street
APPLICANT: Kevin Duguay
4. **FILE NO. B11/11**
ADDRESS: 240 Bellevue Street
APPLICANT: Kevin Duguay
5. **FILE NO. B12/11**
ADDRESS: 859 and 865 Barnardo Avenue
APPLICANT: Kevin Duguay

These matter relate to a minor variance application and two severance applications submitted by Kevin Duguay, 560 Romaine Street, Peterborough, Ontario, K9J 3E2, on behalf of the Peterborough Victoria Northumberland Clarington Catholic District School Board, 1355 Lansdowne Street West, Peterborough, Ontario, K9J 7M3, being the owner of the property municipally known as 240 Bellevue Street, and on behalf of St. Anne's Roman Catholic Church, 859 Barnardo Ave., Peterborough, Ontario, K9H 5W2, being the owner of the property municipally known as 859 and 865 Barnardo Avenue.

Mr. Duguay attended the meeting with Isobel Grace (a representative of the PVNCC District School Board) and addressed the Committee as follows:

- A 3,131 square metre addition to the school is being proposed that will increase the number of classrooms in the school from 22 to 27 on which the parking by-law is based.
- While the development of the school property has been developed in conjunction with the church property, a variance is required to reduce the number of parking spaces required to support the addition from 10 to 4 and the two consent applications are filed to recognize the cross-easements that would recognize the shared parking arrangement between the school and the church property owned separately.
- The addition is necessary to accommodate the full day / every day kindergarten program and to eliminate the need for portable classrooms that currently exist on the school property.
- The redevelopment of the property will create 4 motor vehicle parking spaces on the school property.
- A Site Plan Application has been filed with the City and is currently being circulated for comments.

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 advised that a draft reference plan, prepared by Beninger Surveying Ltd., dated August 23, 2011, has now been provided reflecting the properties subject to the two consent applications.

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

DECISION – A31/11

The Committee reviewed the application and noted that while the gymnasium constitutes a substantial building addition that functions as a place of assembly, the by-law only requires parking to be provided in association with the five additional classrooms. The Committee further noted that existing parking arrangement between the school and church has functioned in the past and will continue to function in the future provided that cross easements are granted that would recognize the shared parking arrangement between the school and the church 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 number of parking spaces required to support the addition to 4, PROVIDED THAT the Consent Applications numbered B11/11 and B12/11 for cross easements describing the vehicle movement area and parking arrangement between the school and church, as set out on the draft reference plan prepared by Beninger Surveying Ltd., dated August 23, 2011, are approved.

DECISION – B11/11 and B12/11

The Committee reviewed the two applications and determined that the proposed cross easements will improved an accepted relationship between the two properties, which would facilitate an arrangement for on-site parking associated with both properties.

Accordingly, consent is granted for the following easements:

- i. **Over a portion of the property municipally known as 859 and 865 Barnardo Avenue, illustrated as Part 1 on a draft reference plan prepared by Beninger Surveying Ltd., dated August 23, 2011, in favour of the owner of the property municipally known as 240 Bellevue Street for the purpose of motor vehicle access and egress and motor vehicle parking spaces.**
- ii. **Over a portion of the property municipally known as 240 Bellevue Street, illustrated as Parts 2 and 3 on a draft reference plan prepared by Beninger Surveying Ltd., dated August 23, 2011, in favour of the owner of the property municipally known as 859 and 865 Barnardo Avenue for the purpose of motor vehicle access and parking spaces.**

6. **FILE NO. A32/11**
ADDRESS: 157 George Street North
APPLICANT: The TDL Group Corp.

This matter relates to a minor variance application submitted by The TDL Group Corp, 874 Sinclair Road, Oakville, Ontario, L6K 2Y1, on behalf of Kaylan Properties Limited, 310 North Queen Street, Suite 105, Etobicoke, Ontario, M9C 5W4 being the owner of the property subject to this application.

Ms. Debbie Boshart, a representative of The TDL Group Corp, attended the meeting and addressed the Committee as follows:

- The applicant is requesting a variance to Section 6.40 of the zoning by-law to permit a trailer as a temporary structure on the property from which the business will operate while the permanent store is undergoing renovations.
- They are agreeable to installing signage while the trailer is on the property to help direct the flow of traffic.

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 determined that the trailer is appropriately located to permit the site to function adequately on an interim basis considering vehicle movement and parking as well as delivery and removal of refuse from 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 Section 6.40 of the zoning by-law to permit a trailer as a temporary structure, for a period of 5 weeks, commencing upon the issuance of a building permit, on the property from which the business will operate while the permanent store is undergoing renovations PROVIDED THAT signage is installed on the property to direct the flow of traffic onto and around the property.

7. **FILE NO. A33/11**
ADDRESS: 255 McDonnell Street
APPLICANT: 885073 Ontario Ltd.

This matter relates to a minor variance application submitted by 885073 Ontario Ltd., 255 McDonnell Street, Peterborough, Ontario, K9H 4W1, being the owner of the property subject to this application.

Mr. Lance King, a representative of 885073 Ontario Ltd., attended the meeting and addressed the Committee as follows:

- He recently received a variance to recognize the setback of the building from McDonnell Street and Bethune Street.
- The decision allowed the variance to the setback of a raised building from McDonnell Street and Bethune Street on the condition that the proposed new roof over the building be a cottage style design with a building height of no more than 6 metres (20 ft).
- Relief from the variance is requested to allow the height of the building to be 6.8 metres (22 ft) to accommodate the cottage style roof design over existing structural components within the building.

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 the proposed cottage style roof design would be a more compatible building design that would be in keeping with the established standard of residential land use and building form in the vicinity of the property, as intended by the previous decision of the Committee (File A11/11), which was addressed by the Committee at its meeting held on May 17, 2011.

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 centre line of McDonnell Street to 18.97 metres and to 12.5 metres in

relation to Bethune Street to permit the construction of a higher, pitched roof on the existing building, **PROVIDED THAT** the roof is altered to a cottage roof design and the height of the building as defined in the Zoning By-law is no greater than 6.8 metres.

8. **FILE NO.** **A34/11**
 ADDRESS: **1063 Chemong Road**
 APPLICANT: **R. Ritz Architect**

This matter relates to a minor variance application submitted by R. Ritz Architect, 322 Ontario Street, Stratford, Ontario, N5A 3H8, on behalf of Marmac Productions Inc., 1063 Chemong Road, Peterborough, Ontario, K9J 6Z2, being the owner of the subject property.

Leah Aylsworth attended the meeting and addressed the Committee as follows:

- The applicant is requesting a variance to the sign by-law to increase the maximum permitted area of signage on the property to be established in relation to the limit for freestanding signs on the property.
- The additional sign area pertains to a proposed 2.134 square metre, freestanding sign associated with the clearance gate for the drive through located to the rear of the property.
- There will be some illumination under the letters of the drive thru sign, as well as a reflective height restrictor, to indicate the location of the drive thru.

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 determined that the added sign area will not contribute to the competition for sign exposure along the Chemong Road frontage. Considering the location of the sign in relation to the adjacent non-commercial property, the Committee determined that the impact would be minor, provided the sign is not completely illuminated or does not have lights shining on it.

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 the sign by-law to increase the sign area pertaining to a proposed 2.134 square meter, freestanding sign associated with the clearance gate for the drive thru located to the rear of the property, PROVIDED THAT the sign is not illuminated or luminous.

NEXT MEETING:

The next meeting of the Committee of Adjustment is scheduled for the 18th day of October, 2011.

ADJOURNMENT:

Meeting adjourned at 8:40 pm

Dated the day of September, 2011.

Paul Dorris
Chairman

Carolyn Jobbitt
Secretary-Treasurer