

COMMITTEE OF ADJUSTMENT

Minutes of a Meeting of the Committee of Adjustment for the City of Peterborough held **Tuesday, October 18, 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.** A35/11
ADDRESS: 1119 Water Street
APPLICANT: Ron Lay

This matter relates to a minor variance application submitted by Ron Lay, 272 Woodward Avenue, Peterborough, Ontario, K9L 1K3, on behalf of 1731254 Ontario Inc., 47 Shallmar Blvd., Toronto, Ontario, M6C 2K1, being the owner of the property subject to this application.

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

- The permitted use of the subject property is a service station.
- He would like to use the property as a motor vehicle repair establishment.
- He has no interest in selling gasoline from the property.
- Accordingly, a variance to Section 1 of the zoning by-law is therefore requested seeking relief from the definition of a motor vehicle service station as an establishment that must retail gasoline as a primary use.

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:

- The subject property is located within the regulatory limits of the bears Creek so the owner would have to obtain a permit from the Conservation Authority before beginning any work on the property.
- The proposed use of this property in relation to the uses permitted by the zoning of the property was considered by City Staff and the Conservation Authority and it was determined that there would be no requirement of an environmental study provided that the owner agreed to relinquish the rights to use the property for the retail sale of gasoline.
- The number of motor vehicles parking spaces allocated for the purpose of retailing is being limited to six to ensure that the scale of the motor vehicle sales operation remains subordinate to scale of the motor vehicle repair activity on the site being the primary use.

The Chairman read a letter from Lise Fillion, 1111 Water Street, Suite 311, Peterborough, Ontario, K9H 3P7 in opposition to this application.

Molly Cartmill, 1138 Water Street, Peterborough, Ontario, attended the meeting in support of this application.

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

- He will not be operating a body shop; just a mechanic's shop. He proposes to operate Monday to Friday from 8:00 am to 5:00 pm. He will be open on the occasional Saturday.
- He will have no more than six motor vehicle parking spaces for the purpose of retailing vehicles.
- The 10 remaining motor vehicle parking spaces are for use in conjunction with the operation of the motor vehicle repair business.

DECISION

The Committee reviewed the application and determined that the size of the property would only support an operation that would function on more of a local scale that would include a small scale motor vehicle repair establishment as a more appropriate use of the site than a gas station located next to two waterways. The Committee also noted the size of the building on the property that included two service bays and determined that parking for four motor vehicles would be required to support the use. In that the auto sales operation is subordinate to the auto repair business it was the Committee's opinion that the number of motor vehicles on the lot for sale should not exceed the number of motor vehicles on the lot being repaired.

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 motor vehicle repair establishment on the property as a primary use on the condition that the owner of the property enter into an agreement with the City to:

- i) **forfeit the right through zoning to retail gasoline from the property indefinitely, notwithstanding the zoning; and**
- ii) **limit the number of motor vehicles on the property offered for sale at any one time to no more than six.**

2. **FILE NO. A37/11**
ADDRESS: 82 Parcels Crescent
APPLICANT: LLF Lawyers (Emily Whetung)

This matter relates to a minor variance application submitted by Emily Whetung, a lawyer with the firm LLF Lawyers, 332 Aylmer Street North, P. O. Box 1146. Peterborough, Ontario, K9H 7H4 on behalf of Ronald Bruce Scriver, 82 Parcels Crescent, Peterborough, Ontario, K9K 2R2.

The purpose of this application is to request a variance to reduce the minimum building setback from the Parcels Crescent street line to 4.42 metres to acknowledge the location of a dwelling established too close to the front lot line.

Staff advised that there are outstanding issues regarding this property that do not allow staff to comment on this application at this time. Accordingly, staff are recommending that this application be adjourned sine die.

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

DECISION

Accordingly, the Committee agreed to defer this application to an undetermined meeting dated to permit the applicant an opportunity to address the outstanding issues regarding the property, at which time the application would be re-advertised and re-circulated at the expense of the applicant / owner.

3. **FILE NO.** **A38/11**
 ADDRESS: **363 Rogers Street**
 APPLICANT: **Joan Hoja**

This matter relates to a minor variance application submitted by Joe Hoja, 363 Rogers Street, Peterborough, Ontario, K9H 1W8, on behalf of Karen LaRiviere, 363 Rogers Street, Peterborough, Ontario, K9H 1W8, being the owner of the property which is subject to this application.

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

- He would like to construct a carport attached to the north side of the dwelling on the property.
- A variance is therefore requested to reduce the minimum building setback from the centre line of Rogers Street from 19 metres to 13.81 metres and reduce the minimum building setback from the north side lot line from 1.2 metres to 0.76 metres.
- He is proposing that it will be an open-sided carport.
- He will ensure that eavestroughing is established on the carport to direct storm water onto the subject property so as to not adversely affect the neighbouring properties.

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 proposed carport addition was in-keeping with the established standard of development of properties in the vicinity and are of the opinion that a variance would permit the carport to be in line with the established building line of the dwelling in relation to Rogers Street.

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 building setback from the centre line of Rogers Street to 13.81 metres; and**
- ii) **reduce the minimum building setback from the north side lot line to 0.76 metres.**

PROVIDED THAT eavestroughing is established and maintained on the opensided carport to manage storm water on the property so as to not adversely affect the neighbouring properties.

4. **FILE NO. A39/11**
ADDRESS: 211 Hunter Street West
APPLICANT: Skyline Equities Inc.

This matter relates to a minor variance application submitted by Skyline Equities Inc., 70 Fountain Street East, Guelph, Ontario, N1H 3N6, being the owner of the property subject to this application.

Mr. Mike Wood and Mr. Gerry Dubeau, representatives from Skyline Equities Inc., attended the meeting and addressed the Committee as follows:

- They are in the process of undergoing a major power upgrade, which has resulted in the need to relocate the storage building for the equipment used in the maintenance of the property.
- Accordingly, they would like to establish a new out building on the property and are requesting a variance to Schedule "A" of the SP.229 Zoning district to modify the delineation the parking area located to the rear of 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.

Staff confirmed that notwithstanding the elimination of three parking spaces, there is still sufficient motor vehicle parking spaces for use in conjunction with the property.

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

DECISION

The Committee reviewed the application and considered the scale and low profile of the structure in its proposed location and determined that the building would not be visible from the street or the Lift Lock Visitor Centre due to the grades and landscaping. Further the Committee determined that there would be no significant stress on parking in relation to the development and use of the building on the 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 for relief to Schedule "A" of the SP.229 Zoning district to modify the delineation of the parking area located to the rear of the building PROVIDED THAT the site plan for the property is amended to illustrate the location of the one storey garage/storage building to the satisfaction of the Planner of Urban Design.

5. **FILE NO. A40/11**
ADDRESS: 583 Water Street
APPLICANT: Laura Tighe

This matter relates to a minor variance application submitted by Laura Tighe, 583 Water Street, Peterborough, Ontario, K9H 3M7, being the owner of the property subject to this application.

Philip and Laura Tighe attended the meeting and addressed the Committee as follows:

- They would like to remove the garage attached to the rear of the dwelling and construct a two storey, 52 sq metre addition to the building to accommodate a third apartment unit.
- The proposed addition would project 4.8 metres to the rear of the main building on the property.
- Considering the R.3 residential zoning regulation, the following variances are requested to allow the proposed addition:
 - i) Reduce the minimum required lot area per dwelling unit from 230 sq metres to 213 sq metres;
 - ii) Increase the maximum permitted building coverage from 35% to 36%; and
 - iii) Reduce the minimum distance that a driveway or motor vehicle may be located in relation to the south side lot line and west rear yard from 1.5 metres to zero.

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, Mr. Tighe advised as follows:

- He has no building designs completed at this time. However, it will be a high-end design to compliment the existing building and will be in keeping with other properties in the neighbourhood.

- He will have sufficient space at the rear of the property to accommodate motor vehicle parking.
- There is sufficient space in the rear yard for snow storage.

DECISION

The Committee reviewed the application and noted the laneway along the side of the property which provides access to a parking area. The Committee determined that the variance requested to the landscaping in relation to the laneway along the south side of the property is reasonable considering the laneway and how it could be used to facilitate a functional on-site parking arrangement. Further the Committee determined that the proposed development of the property is in keeping with the established standard of property development in the vicinity. Accordingly, the Committee determined that the impact of the variances requested would be minor and would facilitate a reasonable standard of redevelopment and land 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 area per dwelling unit to 213 sq metres;**
- ii. **increase the maximum permitted building coverage to 36%; and**
- iii. **reduce the minimum distance that a driveway or motor vehicle may be located in relation to the south side lot line and west rear yard to zero,**

SUBJECT TO THE FOLLOWING CONDITIONS:

- i. **the owner entering into a Development Agreement with the City requiring the owner to:**
 - a. **provide building plans for review and approval by the Planner of Urban design prior to issuance of a Building Permit to ensure compatibility of the building design and exterior finish with the established standard of other buildings in the vicinity; and**
 - b. **establish and maintain parking spaces for five motor vehicles on the property graded so as to not affect neighbouring properties with storm water runoff.**
- ii. **payment of a Parks Levy fee in a sum to be determined by the Parks Levy Review Committee.**

6. **FILE NO.** **B13/11**
 ADDRESS: **663 – 667 Brown Street**
 APPLICANT: **LLF Lawyers (Phil Aldrich)**

This matter relates to severance application submitted by Mr. Phil Aldrich from the law firm of LLF Lawyers, 332 Aylmer Street North, P. O. Box 1146, Peterborough, Ontario, K9J 7H4, on behalf of Matthew Thomas Packman, 193 Eastwood Drive, R. R. #2, Peterborough, Ontario, K9J 6X3, being the owner of the property subject to this application.

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

- He represents the owner of the subject properties who would like to convey the westerly 12 metres of the subject property known municipally as 667 Brown Street that inadvertently merged in title with the 15 metre wide property to the east known municipally as 663 Brown Street.
- His client would like to return the properties to their original dimensions.

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 application including the requirement of the City for road widening noting the established setback of the buildings and other buildings on adjacent properties are in the mid-block section of Brown Street and determined that there was no practical need for the road widening at this time.

In that the severed and retained property once existed as separate properties and if re-separated would conform to the zoning applied to the property considering the variance file A82/87, consent is granted to convey the westerly 12 metres from the property municipally known as 663 – 667 Brown Street into separate ownership.

7. **FILE NO.** **A41/11**
 ADDRESS: **165 Parkhill Road West**
 APPLICANT: **Stephen Lawson**

This matter relates to a minor variance application submitted by Stephen Lawson, 2095 Deer Bay Road, R. R. #1, Lakefield, Ontario, K0L 2H0, being the owner of the property subject to this application.

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

- The building is designated for 4 units.
- When he purchased the property approximately 10 years ago there was a fifth unit on the top floor that was in disrepair.
- In that the 5th unit was there when he purchased the property, he assumed that it was permitted and proceeded to renovate the unit.

- He is requesting the following variances to acknowledge 5 dwelling units within the building on the subject property:
 - i. Reduce the minimum required lot area per dwelling unit from 230 sq metres to 180 sq metres per unit; and
 - ii. Reduce the minimum number of required motor vehicle parking spaces from 8 to 6.

He has had an opportunity to review the staff report and to discuss this matter further with staff. He understands the need to provide an accurate site plan illustrating how the property will be developed to accommodate parking for 6 motor vehicles on the property and to reflect the road widening requirement of 3 metres, as well as elimination of the driveway to Parkhill Road to the east side of 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 recommending that the application be adjourned to permit the owner to consider the feasibility of pursuing the fifth unit considering the further detailed information that would be required to demonstrate a functional site plan for the property.

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

DECISION

The Committee reviewed the application and determined that it would be necessary to review an accurate site plan illustrating how the property would function and be developed in accordance with the by-law considering the required parking, road widening of 3 metres and elimination of the driveway to Parkhill Road to the east side of the building on the property.

Accordingly, the Committee agreed to defer this application to an undetermined meeting dated until such time as the applicant is able to provide an accurately dimensioned site plan illustrating how the property will be developed. When the applicant is prepared to proceed, the application will be re-advertised and re-circulated at the expense of the applicant / owner.

8. **FILE NO. A42/11**
 ADDRESS: 400 Lansdowne Street East
 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 1783883 Ontario Inc., 1002 – 75 The Donway West, Toronto, Ontario, M3C 2E9, being the owner of the property subject to this application.

Mr. Duguay attending the meeting and addressed the Committee as follows:

- His client would like to construct a 6.51 metre addition to the building at the east end of the plaza.
- The applicant is therefore requesting the following variances to the zoning district:
 - i) Increase the total maximum gross leasable area of retail establishments not exceeding 1,000 sq metres per purpose from 2,500 sq m to 2,507 sq metres; and

- ii) Reduce the minimum required width of landscaped open space in relation to Willowcreek Boulevard lot line from 6 metres to 3 metres.
- When the plaza was developed the neighbours at that time were concerned with lighting and noise, which resulted in the developer created a “berm”, which is now well treed and developed.
- In order to accommodate a new tenant, they are proposing to add an addition to the east side of the building.
- The request for a reduction in the width of landscaped open space is to permit vehicular movement around the rear of the building for the purpose of deliveries to each retail establishment.

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. Chris Reynolds, a representative from Huntingdon Real Estate Investment Trust, Suite 2000, 5000 Miller Road, Richmond, British Columbia, V7B 1K6, attended the meeting to express his support of this application.

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

- The three handicapped parking spaces will be relocated to the front of the building. However, this will be addressed at the site plan process of this addition to the property.
- The owner is prepared to work with City Staff to ensure fencing and landscaping are installed and maintained to address the issue of vehicle head lights at both the east and northeast portion of the property so as to not adversely affect the neighbouring residential properties.

DECISION

The Committee reviewed the application and determined that the proposed addition is in keeping with the intent of the zoning regulations by ensuring space is available in such designated and zoned lands to accommodate larger scale retail establishment by avoiding the space being allocated to many smaller retail purposes. Accordingly, the Committee considered the size and number of units within the plaza and is of the opinion that the variance is minor and would not comprise the intent of the regulations.

With respect to the variance requested to reduce the landscaping in relation to the Willowcreek Blvd. Streetscape, the intention of the regulations was to provide a spatial separation of noise associated with activities on the commercial property from the residential properties to the east and to ensure space to accommodate landscaping including a board fence trees and a berm to separate the activities. The Committee determined that by re-establishing landscaping including trees, shrubs and solid board fencing along the east and the northeast limit of the property to the satisfaction of the Planner of Urban Design the impact on the neighbouring properties would be minor.

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) **increase the total maximum gross leasable area of retail establishments not exceeding 1,000 sq metres per purpose to 2,507 sq metres; and**
- ii) **reduce the minimum required width of landscaped open space in relation to Willowcreek Boulevard lot line to 3 metres.**

PROVIDED THAT the Site Plan agreement is amended to include landscaping including trees, shrubs and solid board fencing along the east and the northeast limits of the property to the satisfaction of the Planner of Urban Design. It is also required that the Site Plan Agreement for the property be amended to illustrate space to accommodate the functional vehicle movement for a Class "A" tractor trailer in relation to the proposed building addition and required limits of landscaping.

9. **FILE NO. A43/11**
ADDRESS: 209 London Street
APPLICANT: Brian Miske

This matter relates to a minor variance application submitted by Brian Miske, 1245 Scollard Drive, Peterborough, Ontario, K9H 7K8, on behalf of Sandy Choy, c/o Mr. Douglas Walker, Barrister & Solicitor, 243 Hunter Street West, Peterborough, Ontario, K9H 2L4, being the owner of the property which is subject to this application.

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

- He has now completed the purchase of the subject property and is the register owner.

He would like to construct an addition to the rear that would accommodate three additional dwelling units.

The following variances are therefore requested to permit the use of the building for 4 apartment units:

- i) Reduce the minimum lot width per dwelling unit from 6 metres to 4.3 metres, and
- ii) Reduce the minimum number of motor vehicle parking spaces required from 6 to 5.

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 Chairman read a letter received from Major J. Donald Howson, 548 Aylmer Street North, Peterborough, Ontario, K9H 3W7, expressing concern with the application.

DECISION

The Committee reviewed the application and determined that the proposed four units on the property would result in a density that is not unreasonable as infill development and considering the location of the property on the fringe of inner city and in proximity to bike

routes, the impact of the variance requested to reduce the parking requirement by one space is minor. The Committee further determined that if the proposed addition to the building on the property is designed to be in-keeping with the established standard of property development in the vicinity, the proposed development and use of the property considering its size is appropriate.

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 lot width per dwelling unit to 4.3 metres, and**
- ii. **Reduce the minimum number of motor vehicle parking spaces required to 5.**

SUBJECT TO THE FOLLOWING CONDITIONS:

- i) **The owner enter into a Development Agreement with the City requiring that:**
 - a. **building plans are provided for review and approval by the Planner of Urban design prior to issuance of a Building Permit to ensure the exterior design and finish of the addition will not compromise the integrity of the existing building as a potential heritage building; and**
 - b. **parking spaces for five motor vehicles are established and maintained on the property graded so as to not affect neighbouring properties with storm water runoff.**
- ii) **the owner agrees to have the dwelling designated as a heritage building if approved by the Heritage Designation Committee.**
- iii) **That the owner pay a parks levy of an amount to be determined by the Parks Levy Review Committee for the additional apartment units.**

10. **FILE NO. A44/11**
ADDRESS: 953 Clonsilla Ave.
APPLICANT: Peterborough Community Housing Development Corp.

This matter relates to a minor variance application submitted by Peterborough Community Housing Development Corporation, 610 Parkhill Road West, Peterborough, Ontario, K9J 6N6, being the owner of the property subject to this application.

Donna Clarke and Dan Healey, representatives from Peterborough Community Housing Development Corporation, attended the meeting and addressed the Committee as follows:

- The rear of the property is mostly asphalt and in full sun.
- They would like to construct an unenclosed shade shelter and a garage to the rear of the building on the property.

- At some future date they are proposing to construct a garage in the rear yard.
- A variance is therefore requested to reduce the minimum building setback:
 - i. from the west sided lot line from 9 metres to 7.5 metres regarding the shade shelter; and
 - ii. from 9 metres to 3 metres from the west side lot line and rear lot line regarding a garage to be located in the northwest corner of the property.

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:

- Smoking will be permitted in the shade shelter.
- Both the shade shelter and the garage will be permanent structures.
- The proposed garage will be 750 sq. ft.
- The purpose of the garage is for storage for the residents of the dwelling.
- The garage will have no plumbing, but will have electricity.
- The shade shelter will be open sided.

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 sun shelter would improve the use and enjoyment of the property by the residence. Further, the Committee determined that the impact of construction of the sun shelter and garage would have no impact on the adjacent properties.

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 reduce the minimum setback distance from:

- i. **the west side lot line to 7.5 metres to permit the construction of one (1) open sided shade shelter not to exceed 67.5 sq. metres; and**
- ii. **the west side lot line and rear, north lot line to 3 metres to permit the construction of one (1) garage not to exceed 67.5 sq metres, to be located in the north west corner of the property.**

PROVIDED THAT the garage and shade shelter are used to support the use of the property for residential purposes only.

NEXT MEETING:

The next meeting of the Committee of Adjustment is scheduled for November 15, 2011.

ADJOURNMENT:

Meeting adjourned at 9:45 pm

Dated the 28th day of October, 2011.

Paul Dorris
Chairman

Carolyn Jobbitt
Secretary-Treasurer