

COMMITTEE OF ADJUSTMENT

Minutes of a Meeting of the Committee of Adjustment for the City of Peterborough held **Tuesday, November 15, 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.** A45/11
ADDRESS: 457 Edison Ave.
APPLICANT: Patricia Crust

This matter relates to a minor variance application submitted by Patricia Crust, 457 Edison Ave., Peterborough, Ontario, K9J 4G3, being the owner of the property subject to this application.

Mr. and Mrs. Crust attended the meeting and addressed the Committee as follows:

- They would like to construct a freestanding carport on the driveway between their dwelling and the west side lot line.
- To fit the 3.2 metre by 6 metre, prefabricated structure between the dwelling and the lot line, a variance is requested to reduce the minimum building setback from the west side lot line from 1.2 metres (3.9 ft) to 0.6 metres (1.9 ft).
- The proposed prefabricated structure is open-sided and they do not propose to constructed side or rear walls in the future.
- The structure has a corrugated roof which directs storm water runoff. If, after construction, this roof design does not adequately address water runoff, they are prepared to install eavestroughing to manage rain water on their property so as not to affect the neighbour's 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.

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 open-sided, freestanding carport constructed on the driveway was in-keeping with the standard of development in the neighbourhood and, that it would have no impact on the neighbouring properties provided that storm water was directed onto 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 reduce the minimum building setback from the west side lot line to 0.6 metres to permit the construction of a detached, 3.2 metre by 6 metre, open sided carport PROVIDED THAT the structure is modified as necessary to ensure that storm water from the structure is managed on the subject property so as not to affect the neighbouring property.

2. **FILE NO. A46/11**
ADDRESS: 637, 645 and 661 Lansdowne Street West and
769 Borden Avenue
APPLICANT: Jim Kotsopoulos

This matter relates to a minor variance application submitted by Jim Kotsopoulos with the planning firm JKO Planning Services Inc., 27 Fieldflower Crescent, Richmond Hill, Ontario, L4E 5E9, on behalf of Lansdowne Place Mall, 1 Toronto Street, Suite 1400, Toronto, Ontario, M5C 3B2, being the owner of the subject property.

Mr. Kotsopoulos attended the meeting with Bruno Bartel, a representative with Vic Management Inc., 1 Queen Street East, Suite 300, Toronto, Ontario, M5C 2W5, being the Property Manager for Lansdowne Place Mall and addressed the Committee as follows:

- The owner of Lansdowne Place Mall is proposing to construct a freestanding building on the site to be used as a restaurant.
- A variance is requested to reduce the minimum building setback from the centre line of an arterial road (High Street) from 24.4 metres (80 ft) to 17.913 metres (58.76 ft).
- He and his client have reviewed the recommendation set out in the staff report and understand that construction of the freestanding restaurant results in the reduction of the surplus of motor vehicle parking spaces on the mall site. The reduction of motor vehicle parking spaces would result in insufficient parking spaces to support the seasonal Garden Centre permitted by an earlier decision of the Committee of Adjustment.

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 road allowance is adequate in width to accommodate the design of the street and would not compromise the intent of the regulations of the by-law. Further, given the proportionate scale of the

property in relation to the proposed development, and the location of the building in relation to development on adjacent properties, there is little issue with regard to a precedent being set.

The Committee noted that the proposed development will reduce the surplus of motor vehicle parking spaces on the mall site that was the basis for a previous decision of the Committee (File A11/09) to permit a temporary structure in the form of a Garden Centre. Considering this application to permit a permanent development, the previous decision regarding file A11/09 can no longer be relied upon to permit the garden centre. A new application would have to be filed and considered regarding the Garden Centre.

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 an arterial road (High Street) to 17.913 metres in order to permit the construction of a new freestanding building, PROVIDED THAT the owner enter into an agreement with the City to not establish a temporary structure on the property associated with the seasonal garden centre based on parking requirements considered regarding variance file A11/09.

3. **FILE NO. A47/11**
ADDRESS: 211 – 221 Romaine Street
APPLICANT: Ron Horton

This matter relates to a minor variance application submitted by Ron Horton, 1636 Waddell Ave., Peterborough, Ontario, K9K 2G9 on behalf of St. James United Church, 221 Romain Street, Peterborough, Ontario, K9J 2C3, being the owner of the property subject to this application.

Committee Member Mr. Alan Porteous declared a conflict of interest with respect to this application and left the room, participating in neither the discussion nor the decision with respect to this application.

Mr. Horton and Mr. Sutherland, representatives from St. James United Church, attended the meeting and addressed the Committee as follows:

- The Church is looking at opportunities to help offset their expenses. Accordingly, they would like to use 371 sq metres (4,000 sq ft) of the space within the building as a “place of assembly” for the administration of services and programs associated with the New Canadian Centre as a tenant.
- Between 30 and 32 motor vehicle parking spaces were available associated with the use of the site.
- A variance to the parking regulations of the by-law is therefore requested to reduce the number of additional parking spaces to be provided for the staff associated with the use from 10 to 0.
- The new tenant would operate Monday to Friday during regular business hours.

- During that time period, the Church does not use their parking area. Accordingly, the parking area is available for use by the new tenant.
- Should the Church need to use the parking area on a weekday (i.e. for a funeral), arrangements would be made with the tenant.
- The proposed new tenant has few staff members and the clientele that would frequent would most likely not have a vehicle.
- The Church employs 6 people.
- Other tenants that the Church rents to on a yearly basis use the facility in the evening.

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, considered the 30 to 32 motor vehicles associated with the site and determined that the sharing of the parking between the church and the proposed "place of assembly" would not result in a serious stress on the demand for motor vehicle parking spaces in the vicinity on a day-to-day basis.

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 additional parking spaces to be provided for the staff associated with the use to 0.

Mr. Porteous returned to the room and participated in the balance of the meeting.

4. **FILE NO. B01/10**
ADDRESS: 1597, 1607, 1609 and 1633 Lansdowne Street West
APPLICANT: Howell, Fleming (Jim Baird)

This matter relates to severance application submitted by Jim Baird, a solicitor with the law firm Howell, Fleming, P. O. Box 148, Peterborough, Ontario, K9J 6Y5, on behalf of 1494282 Ontario Inc., 637 The Queensway, Suite 17, Peterborough, Ontario, K9J 7J6, being the owner of the property subject to this application.

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

- The owner would like to sever the northerly 73.16 metres of the subject lands designated for commercial purposes from the southerly portion of the property that is designated for residential purposes to permit the owner to pursue development of the two properties independently.

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, Mr. Baird responded as follows:

- The conditions set out in the staff report, being the removal of a shed and a proposed road widening, are acceptable to his client. However, his client would like the City to consider entering into a licencing agreement to permit them to use the proposed road widening strip of land as their own until such time as the City needs to use it for road widening purposes. This agreement could be terminated at anytime.

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

- The parcel of land to be retained can be potentially accessed from three road stubs including a block of land owned by the City next to Spillsbury Drive. The parcel to be retained is therefore not "landlocked".
- The Utility Services Department is requesting the widening of the road allowance in relation to Lansdowne Street West for potential road widening in relation to the intersection in the future and to accommodate sub surface utilities. The City would not want to enter into a licensing agreement for use of the widening without information or a plan demonstrating the need for the licence based on a plan for the use and development of the land by a prospective future owner.

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

DECISION

The Committee considered the dimensions of the two parcels and determined that they could each be rezoned and developed independently and the severance would facilitate the advancement of the development of each parcel in accordance with the intent of the Official Plan, therefore, consent is granted to convey the northerly 73.16 metres of the subject lands **CONDITIONAL UPON THE FOLLOWING:**

- The removal or relocation of the accessory building located to the rear of 1619 Lansdowne Street West to an appropriate location in relation to the proposed line of severance; and**
- Conveyance, free of encumbrances, and at no cost to the City, of a 3.05 metre wide strip of land across the entire Lansdowne Street West frontage of the properties known municipally as 1607, 1619 and 1633 for the purpose of widening the Lansdowne Street West road allowance in accordance with the requirements of the Official Plan.**

- 5. FILE NO. B14/11
ADDRESS: 899 Western Ave.
APPLICANT: Larry Lafonte**

This matter relates to severance application submitted by Larry Lafonte, 899 Western Ave., Peterborough, Ontario, K9J 5W1, being the owner of the property subject to this application.

The purpose of this severance application is to request Consent to convey the southerly 1 metre of the property known municipally as 899 Western Avenue to be added to the adjacent property known as 895 Western Avenue. The addition would result in the development of both properties that would conform to the side yard setback regulations.

The applicant was not present at this meeting and no one was present to represent the owner.

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

In that the Committee had questions of the applicant regarding the application, the Committee elected to adjourn this meeting to the next Committee of Adjustment meeting to be held on Tuesday, December 13, 2011, to permit the applicant an opportunity to address the Committee.

NEXT MEETING:

The next meeting of the Committee of Adjustment is scheduled for the 13th day of December, 2011.

ADJOURNMENT:

Meeting adjourned at 8:30 pm.

Dated the 25th day of November, 2011.

Paul Dorris
Chairman

Carolyn Jobbitt
Secretary-Treasurer