

COMMITTEE OF ADJUSTMENT

Minutes of a Meeting of the Committee of Adjustment for the City of Peterborough held **Tuesday, the 13th day of December, 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.** B14/11
ADDRESS: 899 Western Avenue
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.

At the November 15, 2011 Committee of Adjustment meeting, the Committee agreed to adjourned this application to this meeting in order to permit the applicant an opportunity to attend the meeting to address the Committee's concerns.

Mr. Lafonte attended the meeting addressed the Committee as follows:

- He would like to convey the southerly 1 metre of his 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 owner of the property at 895 Western Avenue would like to construct a walkway between the two properties into his backyard.
- The shed at the rear of 895 Western Ave. has been relocated in compliance with the zoning regulations.

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 severed and retained property would conform to both the Official Plan policy and the zoning applied to the property, consent is granted to convey the southerly 1 metre of his property known municipally as 899 Western Avenue to be added to the adjacent property known as 895 Western Avenue, PROVIDED THAT Section 50(5) of the *Planning Act* apply to any subsequent transaction involving the parcel of land that is subject of this application.

2. **FILE NO. A48/11**
ADDRESS: 1587 Ravenwood Drive
APPLICANT: LLF Lawyers (Emily Whetung)

This matter relates to a minor variance application submitted by Emily Whetung, solicitor with LLF Lawyers, 332 Aylmer Street North, P. O. Box 1146, Peterborough, Ontario, K9J 7H4, on behalf of Engelbertus Johannes Vissers and Maria Anna Vissers, 1587 Ravenwood Drive, Peterborough, Ontario, K9K 2P8, being the owners of the property subject to this application.

Ms. Whetung attended the meeting and addressed the Committee as follows:

- A variance is requested to reduce the minimum building setback from the rear lot line from 7.6 metres (24.9 ft) to 7.14 metres (23.4 ft) to recognize the location of a covered, elevated deck attached to the rear of the dwelling on the property.
- An adjournment of this matter to the next Committee of Adjustment meeting is requested to permit an opportunity to review and investigate additional development to which this application will pertain as described in the staff report.

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

DECISION

The Committee reviewed the applicant's request and agreed to adjourn the application to the next Committee of Adjustment meeting scheduled for Tuesday, January 24, 2012, to permit the applicant and the owner an opportunity to review the survey submitted with their application and provide staff and the Committee with further details.

3. **FILE NO. B15/11**
ADDRESS: 740 – 742 Jane Street
APPLICANT: Kevin Duguay

This matter relates to severance application submitted by Kevin Duguay, 560 Romaine Street, Peterborough, Ontario, K9J 3E3, on behalf of Habitat for Humanity Peterborough & District, 161 Sherbrooke Street, Peterborough, Ontario, K9J 2N2, being the owner of the property subject to this application.

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

- The owner would like to sever the property upon which a semi-detached building is constructed conveying the northerly half of the property and building into separate ownership.

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 severed and retained property would conform to both the Official Plan policy and the zoning applied to the property, consent is granted to convey the northerly half of the property and building into separate ownership, being illustrated as Part 1 on the draft Reference Plan submitted with the application, which was prepared by Elliott and Parr (Peterborough) Ltd., dated October 14, 2011.

4. **FILE NO. B16/11**
ADDRESS: 399 Pido Road
APPLICANT: John Dunn

5. **FILE NO. B17/11**
ADDRESS: 401 Pido Road
APPLICANT: John Dunn

These matters relates to severance applications submitted by John Dunn, Barrister & Solicitor, 469 Water Street, Peterborough, Ontario, K9H 3M2, on behalf of Beverley Norma Shearer, 899 Settler's Trail, Ennismore, Ontario, K0L 1T0 (File B16/11) and National Sanitation and Supply Company Limited, 771 Webber Ave., Peterborough, Ontario, K9J 8N3.

Ken Brown, a representative from John Dunn's office, attended the meeting and addressed the Committee as follows:

- The properties known municipally as 399 and 401 Pido Road are separately owned properties that share a common vehicular entrance.
- The owners would like to convey reciprocal easements over each of the properties for the purpose of accommodating motor vehicle access and movement in relation to the established buildings on each site.

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 – B16/11 and B17/11

The Committee reviewed the two applications and determined that the proposed cross easements will accommodate an acceptable arrangement for motor vehicle access to and between the two properties considering the established development of the two properties.

Accordingly, consent is granted for the following easements:

- i. **Conveyance of a 3.3 m by 43 metre easement for motor vehicle access purposes over the south east corner of the property known municipally as 401 Pido Road in favour of the owner of 399 Pido Road.**

- ii. **Conveyance of an easement of variable width ranging from 3.3 metres to 15 metres over the north portion of 399 Pido Road, in favour of the owner of 401 Pido Road also for the purposes of motor vehicle access and egress.**

SUBJECT TO THE FOLLOWING CONDITIONS:

- i. **preparation of Reference Plan of Survey reflecting the Decision of the Committee to the satisfaction of the Planner of Policy and Research, and the subsequent registration of same thereafter;**
- ii. **conveyance to the City, free of encumbrances and at no cost to the City, a 3 metre wide strip of land across the frontage of both 399 and 401 Pido Road for the purpose of road widening; and**
- iii. **establishment of grading and soft landscaping on the property and boulevard to define the access and parking on 300 Pido Road in accordance with the zoning by-law to the satisfaction of the Planner of Urban Design.**

6. **FILE NO. A49/11**
ADDRESS: 294 Rubidge Street
APPLICANT: Ben Goodge

This application relates to an application submitted by Ben Goodge, 631 Steinkrauss Drive, Bridgenorth, Ontario, K0L 1H0, on behalf of Martti Pervalu and Virginia Pervalu, 1657 Nash Road, Unit J12, Box 174, Courtice, Ontario, L1E 1S8, being the owners of the property subject to this application.

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

- He would like to use the building as a travellers “hostel”, also referred to as a “backpackers hostel”. The following variances are therefore requested to permit the use of the building as a “hostel”:
 - i) permit a “hostel” as a use considered similar to a “boarding house” permitted by the zoning of the property;
 - ii) increase the maximum number of lodgers permitted in the building from 10 to 18;
 - iii) reduce the number of parking spaces provided in association with the proposed use of the building from one space per three lodgers to one space per 4.5 lodgers;
 - iv) reduce the minimum building setback of the existing building from the south side yard from 2.4 metres (8 ft) 0.7 metres (2 ft); and
 - v) reduce the minimum building setback from the rear yard from 9 metres (30 ft) to 8 metres (26.25 ft).

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 by the Committee from Jack McVicar, Barrister & Solicitor, 314 Rubidge Street, Box 456, Peterborough, Ontario, K9J 6Z6 in opposition of this application.

The following people attended the meeting and expressed their opposition to this application:

- Roger Howson, Barrister & Solicitor, 310 Rubidge Street, Box 1077, Peterborough, Ontario, K9J 7A9 who also provided a written submission to the Committee.
- Graham Hart, 303 Rubidge Street, Peterborough, Ontario, K9J 3P4
- Joanne Reinert, 289 Rubidge Street, Peterborough, Ontario, K9J 3P3
- Jan Groneng and Martin Groneng, 1486 Fairmount Blvd., Peterborough, Ontario, K9J 6S8
- Kim Lamond, 312 Rubidge Street, Peterborough, Ontario, K9J 3P4
- Brian Martindale, c/o Century 21, United Realty Inc., 387 George Street South, Box 178, Peterborough, Ontario, K9J 3E1

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

- The current R.3 zoning of the property would permit the building on the property to be used as a boarding house for up to 10 boarders in accordance with the zoning by-law.
- The application is a variance relying on Section 45 (2) of the *Planning Act* requesting the Committee to consider the proposed use as similar to a use permitted by the zoning by-law. It is staff's opinion that a hostel is a use that may be similar to a "boarding house" permitted by the zoning of the property.
- The building was used as a single unit dwelling and could be operated as a "Bed and Breakfast" or be rented as a single unit dwelling.
- Any issue pertaining to excessive noise falls under the "Noise By-law" and is matter for Police Services to enforce.
- While the proposed hostel will provide travellers with an option for economical accommodations on a short term basis, the cost would likely exceed that of a boarding house on a longer term basis.
- It is not practical for the City to enforce propriety regarding the dorm rooms designated for males and/or females.
- By definition, the word "hostel" means to stay overnight implying a short term stay. Guests at the hostel may be provided with a locker to secure their personal possessions. "Boarders" in a boarding house would more likely stay for a longer period of time and therefore require more private space including space to store their personal possessions.
- The only comment received from other City departments was from the Utility Services Department, who advised that the water service should be investigated to ensure adequate water supply to the building considering the proposed use.
- Staff advised the Committee that matters pertaining to the Ontario Building Code are not before the Committee. Any Building Code issues concerning space per tenant will be addressed by the Building Division at such time that a building

permit is applied for to make improvements to the building.

- While information regarding the internal space of the building could be obtained, it would have little to do with the variances being requested.
- The Committee is not being asked to create a new use but to consider a “hostel” as a permitted use considered similar and regulated similarly to a “boarding house”.
- Staff is not supporting the accommodation of any more than 15 tenants within the building as a minor variance.
- Staff is not supporting any variance to the parking by-law

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

- He will create further parking on the property if the Committee determines that the variance requested relating to parking is not minor.
- He has stayed at backpackers hostels all over the world and believes that he is aware of what travellers are looking for in accommodations when they travel.
- He will operate this business similar to a bed and breakfast.
- There will be some rooms that will be private, but there will also be rooms that will provide dormitory style accommodations.
- The kitchen and bathroom will be shared by all guests.
- The majority of backpackers are University students who are on summer break or are taking time to travel. These people are socially conscious and will not negatively impact the neighbourhood.
- No alcohol will be sold at the subject property and the property will not become a “party house” because he will be residing on the premises.
- People using this type of accommodation will enjoy the City’s resources, frequent cafes and restaurants downtown and enjoy local biking / walking trails.
- He will be living at the property. Either he or another individual will be at the property twenty-four hours a day, seven days a week.
- The new owner of the property will be John Goodge, who was in attendance at the meeting and confirmed that the closing date is January 31, 2011. The proposal is for the business to operate with the highest regard for the neighbourhood.
- Should the Committee elect to grant the variances, the applicant and the owner are prepared to enter into an agreement with the City that would relinquish the “hostel” use when he sells the property.
- He will give some consideration as to having a location survey prepared to mark the limit of the subject property in order to assist the neighbouring property owner to the south with clarification of the property boundary lines.

The Chairman advised that the closest place similar to the proposed hostel would be the YMCA that once rented on a night by night basis to people who were travelling. Member John Duncan, a retired Peterborough Police Officer, advised that he does not recall any problem arising from the rental of rooms by the Peterborough YMCA.

DECISION

The Committee recognized the location of the property within the Charlotte Street West Business District as a residential building within a commercially designated area of the downtown as appropriate considering Official Plan. The property is surrounded by a mix of both residential and commercial uses in transition that is anticipated by the designation therefore the general intent and purpose of the Official Plan is adhered to.

The zoning would permit a residential dwelling and a “boarding house.” Upon considering the by-law’s definition of a “boarding house”, the Committee viewed a “hostel” as a use considered similar to a boarding house provided it would be limited to no more than 15 occupants including a proprietor or manager who will reside within the building and be available at all times. Considering the zoning and use of subject property and surrounding properties, the Committee felt the proposed use would be appropriate and the general intent and purpose of the zoning by-law would not be compromised.

The Committee considered the impact of the variances to recognize the long established location of the building in relation to the property lines to be minor. Therefore variances are granted to recognize the building on the property established 0.7 metres from the south side lot line and the one storey attached garage located 26.25 metres from the rear lot line.

Considering the relief built into the parking by-law and the “cash in lieu of parking” policies in place, the Committee saw no reason to grant any relief to the parking required by the by-law to support the proposed use. Accordingly, the variance requested for relief from parking associated with the proposed use is therefore DENIED.

**7. FILE NO. A50/11
ADDRESS: 750 Fairbairn Street
APPLICANT: Fraser Bleasdale**

This matter relates to a minor variance application submitted by Conlin Premier Construction, 1137 Johnston Drive, Peterborough, Ontario, K9J 6X6, on behalf of Fraser Bleasdale, 750 Fairbairn Street, Peterborough, Ontario, K9H 6B7, being the owner of the property subject to this application.

Mr. Lawrence Conlin, a representative from Conlin Premier Construction, attended the meeting and addressed the Committee as follows:

- A variance is requested to increase the maximum distance that a platform deck may project into a minimum setback from the Bellevue Street lot line from 1.5 metres (4.9 ft) to 4.5 metres (14.75 ft).
- The purpose would be to allow a deck that would facilitate access around the end of the building addition to the parking area in relation to Bellevue Street.

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 development of the property is in keeping with the standard of development of other properties in the neighbourhood.

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 distance that a platform deck may project into a minimum setback from the Bellevue Street lot line to 4.5 metres.

8. **FILE NO. B18/11**
ADDRESS: 1257 and 1271 Lansdowne Street West
APPLICANT: Parallel Architecture Inc. (Sarah Cluett)

This matter relates to a minor variance application submitted Parallel Architecture Inc., 639 Queen Street East, Suite 300, Toronto, Ontario, M4M 1G4, on behalf of Peterborough Motel 8 Ltd., 200, 1060 – 7th Street S.W., Calgary, Alberta, Canada, T2R 0C4.

Sarah Cluett, a representative of Parallel Architecture Inc., attended the meeting and addressed the Committee as follows:

- The proponent would like to sever a one hectare parcel of land to the south of the hotel site including a 9 metre wide driveway along the east side of the building, retaining an easement for access purposes over the driveway and a portion of a proposed parking area, while providing an easement for access purposes over a portion of the parking area to the south of the hotel.

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

Referring to Plan 45R-14394, consent is granted to convey ownership of Parts 3, 4, 11 and 12, subject to an easement over Parts 3 and 4 for purposes of access and maintenance of storm water management facilities and together with an easement over Parts 5, 6, 7, 8, 9 and 10 for access purposes in favour of the owner of the severed property.

CONDITIONAL UPON the amendment of the draft reference plan to extend Part 4 south to the adjacent City owned lands shown as Part 14 on Plan 45R-14394.

NEXT MEETING:

The next meeting of the Committee of Adjustment is scheduled for January 24, 2012.

ADJOURNMENT:

Meeting adjourned at 9:40 pm

Dated the day of December, 2011.

Paul Dorris
Chairman

Carolyn Jobbitt
Secretary-Treasurer