



City of
Peterborough

Committee of Adjustment Minutes

October 3, 2017

Minutes of a Meeting of Committee of Adjustment held on Tuesday, October 3, 2017 at 6:00 p.m. in the Council Chambers, City Hall.

Present: Mr. Mauro DiCarlo, Chair
Ms. Brenda Campbell
Mr. Claude Dufresne
Mr. Len Lifchus
Mr. Frank Steffler

Also Present: Ms. Christie Gilbertson, Planner, Policy and Research
Ms. Andrea Stillman, Permit Technician, Plans Examiner
Ms. Jennifer Sawatzky, Secretary-Treasurer

Committee of Adjustment was called to order at 6:00 p.m.

Disclosure of Pecuniary Interest

There were no disclosures of Pecuniary Interest.

- File No.:** A34/17
Address: 143 Rubidge Street
Applicant: Dion Gemmiti, CB Rubidge Inc.

This matter relates to a minor variance application submitted by Dion Gemmiti of CB Rubidge Inc., 469 Carriage Lane, Peterborough, Ontario K9L 2A4, the owner of the property that is the subject of the application.

This application was adjourned from the Committee of Adjustment meeting held on September 6, 2017 to permit the Committee members time to review the minutes from previous hearings where related applications A47/15, A16/16 and B06/16 were considered.

Mr. Len Lifchus and Mr. Frank Steffler were not in attendance at the September 6, 2017 hearing and did not participate in the discussion or decision on this matter.

The purpose of the application is to reduce the required number of parking spaces from 1.5 per unit to 0.8 per unit; reduce the minimum required lot area per dwelling unit from 185 square metres to 90 square metres; and to permit 100% of a dwelling unit to be located within the basement with a ceiling height of less than 1 metre above grade to facilitate the construction of an additional two residential units in the basement of the existing fourplex for a total of six residential units.

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

- To clarify the application and the work that has been done on the property to date, he submitted additional information to staff for circulation to the Committee including a letter, a site visit Report prepared by Craig Adams of the Housing Division and a video demonstrating egress from a basement window.

- He acknowledged that some walls in the basement were built prematurely, but noted that a portion of the work had to be completed to comply with fire separation requirements.
- Of the five parking spaces serving the four existing units, only one is regularly used. The property is 700 metres from transit routes, the bus terminal, a grocery store, and Del Cray Park. The property is located 550 feet from Parking Area 1 where reduced parking is permitted.

The Chair acknowledged receipt of the supplementary materials supplied by the applicant.

Ms. Christie Gilbertson, Planner, Policy and Research, presented Staff comments with respect to the application on behalf of the Building and Planning Divisions 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, Ms. Stillman advised as follows:

- The Building Inspector is aware of the work completed to date, but did not approve plans for the framing. The applicant ceased construction when advised by the Building Division that the work had not been approved.
- The Building Division follows a standard process to address any work that occurs without a permit and will address Building Permit issues that arise during the construction phase for this development.

In response to questions from the Committee, Ms. Gilbertson advised as follows:

- Staff recommend that approval of the application be conditional upon the owner entering into a Site Plan Agreement with the City. The Site Plan Agreement would address issues such as snow removal and placement of garbage receptacles.
- Although it is preferable to evaluate a proposed development in its entirety, Staff must evaluate each application as it is submitted and have recommended approval for this application.

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

- Most tenants in the building use public transit and only one current tenant has a vehicle. He has occasionally observed one to two visitors parked at the property, but there is usually only one vehicle parked. Should additional visitor parking be required on occasion, two municipal parking lots are in close walking distance to the property.
- There is space on the property for snow storage and none of the parking spaces would be blocked during the winter months.
- The initial plan for the development was for twelve units in total between this property and the severed lot at 137 Rubidge Street. When the initial concept was reviewed by the Planning Division, staff raised concerns with the reduction to the number of parking spaces. He decided to proceed with an application to permit four units on the property and apply for two additional units at a later date as he needed to meet an application deadline for funding to develop the property with affordable housing units. Discussions with Planning Division staff in August of 2016 resolved issues concerning the parking reduction.
- The stairs were constructed for residential use as Building Division staff stated that he needed to add either commercial or residential stairs to the basement and drawings were already completed for the residential stairs.

Decision

The Committee received no comment or presentation from members of the public concerning the application and thus made its decision on the basis of the Staff Report and the application.

Having reviewed the application and considered the information presented both in the Staff Report and presentation, the Committee determined that the application should be approved as per the Staff Recommendation and that the variances are minor, the proposal is desirable for the appropriate development or use of the land, and the general intent and purpose of the Zoning By-law and Official Plan are maintained.

Therefore the following variances are granted to facilitate the construction of an additional two residential units in the basement of the existing fourplex PROVIDED THAT the smaller of the two units is limited to a bachelor unit:

- a) **A reduction of the minimum number of required parking spaces to 0.8 spaces per unit, for a total of five parking spaces,**
- b) **A reduction to the minimum lot area per dwelling unit to 90 square metres; and**
- c) **Permitting 100% of a dwelling unit in a basement with a ceiling height of less than 1.0 metre above grade.**

Conditional upon the Following:

- i) **The owner entering into a Site Plan Agreement with the City requiring that, prior to the issuance of a building permit, the site plan be approved by the Planner of Urban Design; and**
- ii) **The applicant pay any applicable Parks Levy as assessed by the City's Parks Levy Review Committee.**

2. **File No.: A35/17**
Address: 1123 Water Street
Applicants: Andrew Wright and Lezlie-Ann Rahaman

This matter relates to a minor variance application submitted by Andrew Wright and Lezlie-Ann Rahaman, 55 Summer Lane, Peterborough, Ontario K9L 0G4, as applicants on behalf of Michael Cherney, 171 King Street, Peterborough, Ontario K9J 2R8, the owner of the property that is the subject of the application.

The purpose of this application is to obtain permission for a "Tutoring Centre" use as a similar use to a "Clinic" or a "Studio or Craft Workshop", as permitted under the SP.136 – Special Commercial District in Zoning By-law 97-123, within a unit in the existing commercial building on the subject property.

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

- He is proposing to use the space as a learning centre to provide tutoring services to school age children.
- The use of the property would be similar to a clinic or studio or craft workshop where people will be coming in for prebooked appointments.
- The space will consist of eight rooms for staff and tutoring sessions and a waiting and reception area.

Ms. Christie Gilbertson, Planner, Policy and Research, presented Staff comments with respect to the application on behalf of the Building and Planning Divisions 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, the applicant advised as follows:

- Tutoring sessions will be available for students from kindergarten to grade 12 and will be taught by qualified instructors.

Decision

The Committee received no comment or presentation from members of the public concerning the application and thus made its decision on the basis of the Staff Report and the application.

Having reviewed the application and considered the information presented both in the Staff Report and presentation, the Committee determined that the proposal meets the intent and objectives of the Official Plan and the Zoning By-law and should be approved as per the Staff Recommendation.

Therefore, permission is granted to permit a “Tutoring Centre” use as a similar use to a “Clinic” or a “Studio or Craft Workshop” permitted under SP.136 – Special Commercial District, within a unit in the existing commercial building on the subject property.

Minutes

Moved by Brenda Campbell

That the minutes of the Committee of Adjustment hearing held on September 6, 2017 be approved.

“CARRIED”

Other Business

1. Playing of the National Anthem

Moved by Len Lifchus

That the Committee of Adjustment continue to open each meeting with the playing of the National Anthem.

“CARRIED”

Next Meeting

The next meeting of the Committee of Adjustment is scheduled for Tuesday, November 7, 2017.

The Secretary-Treasurer noted that Staff are working on the meeting schedule for 2018. Committee members advised that the first and third Tuesdays remain the preferred days for scheduling meetings as they do no present conflicts. Meetings could also be scheduled for the last Tuesday of a month if it is the fifth Tuesday.

Adjournment

The meeting was adjourned at 6:47 p.m.

(Sgd.) Mauro DiCarlo, Chair

(Sgd.) Jennifer Sawatzky, Secretary-Treasurer