



Committee of Adjustment Minutes

December 15, 2015

Minutes of a Meeting of Committee of Adjustment held on Tuesday, December 15, 2015 at 7:00 p.m. in the Council Chambers, City Hall.

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

Regrets: Mr. Len Lifchus

Also Present: Mr. Richard Straka, Planner, Policy and Research
Ms. Jennifer Sawatzky, Secretary-Treasurer

Committee of Adjustment was called to order at 7:00 p.m.

Disclosure of Pecuniary Interest

There were no disclosures of Pecuniary Interest.

- File No.:** A44/15
Address: 15 Lockside Drive
Applicant: James and Mary Hauraney

This matter relates to a minor variance application submitted by James and Mary Hauraney, 15 Lockside Drive, Peterborough, Ontario K9J 8T2, the owners of the property that is the subject of the application.

James Hauraney attended the meeting and addressed the Committee as follows:

- He is seeking a minor variance to acknowledge the location of the existing dwelling on the property in relation to the Braidwood Avenue streetline.
- He received a building permit for the private residence on a condominium lot, which was built in accordance with the approved permit.
- Following construction of the dwelling, the building division advised that the dwelling had been located too close to the Braidwood Avenue street line.
- The survey showing the dimensions of the condominium property was amended and the information was not disclosed to him when he presented his building plans for approval.
- The Braidwood Avenue cul-de-sac, which was previously open to Brinton Drive, has now been closed and there is no longer ingress or egress from Braidwood Avenue to the condominium property.

Mr. Richard Straka, Planner, Policy & 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, Staff advised as follows:

- The distance between the dwelling and the western limit of the property is 1.45 metres at the southern end and 1.78 metres at the northern end of the property line. This is due to an extension of Braidwood Avenue into the limits of the condominium property ownership. The area between the property and the curb of the cul-de-sac will be landscaped.
- There will be no further development to the west of the subject property.

Decision

The Committee reviewed the application, considered the width of the landscaped boulevard separating the building on the subject property from the paved surface of Braidwood Avenue, and determined that the impact of the variance to reduce the distance of the building from the street line was minor and would acknowledge the location of the dwelling in relation to the road allowance as established.

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 variance is granted to reduce the minimum building setback from the Braidwood Avenue street line to 1.43 metres.

2. **File No.: B11/15**
Address: 990 Parkhill Road West
Applicant: Carmine Colacci

This matter relates to a severance application submitted by Carmine Colacci, 990 Parkhill Road West, Peterborough, Ontario K9J 6P3, the owner of the property that is the subject of the application.

Carmine and Cherie Colacci attended the meeting and addressed the Committee as follows:

- The applicant is requesting consent to sever the property into two parts in order to create a new lot for development of a single unit dwelling.
- As the reconstruction of Parkhill Road includes the installation of water and sewer services, these services will be available for the proposed new dwelling.
- The dimensions of the proposed severed and retained lots meet all regulations of the Zoning By-law.

Mr. Richard Straka, Planner, Policy & 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.

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

- They do not anticipate any issues with establishing driveways as recommended in the Staff report.

Decision

In that the severed and retained property would conform to both the Official Plan and the zoning applied to the property, consent is granted to sever the easterly 18 metres of the subject property to create a new lot for a single unit dwelling, **CONDITIONAL UPON THE FOLLOWING:**

- i) The owner entering into an agreement with the City to establish and maintain a driveway designed to allow a motor vehicle to turn around and drive out forward onto Parkhill Road with regard to both the severed and retained properties.
 - ii) Payment of a parks levy in an amount to be determined by the Parks Levy Review Committee, and
 - i) Payment of a tree levy in the amount of \$229.00.
3. **File Nos.: B12/15, A45/15 and A46/15**
Address: 789 and 793 Water Street
Applicant: Jack McVicar Professional Corporation

This matter relates to a severance application submitted by Jack McVicar Professional Corporation, 314 Rubidge Street, Peterborough, Ontario K9J 3P4, as applicant on behalf of Gordon Waite Harper and Eleanor Barbara Harper, 1362 Leighton Road, Peterborough, Ontario K9H 6W6, the owners of the property that is the subject of the application.

John Mesec, representing Jack McVicar Professional Corporation, attended the meeting and addressed the Committee as follows:

- The owners of the property would like to sever the property into two parts as the adjoining lots inadvertently merged on title approximately ten years ago.
- It was discovered that the properties had merged when the owners planned to sell 789 Water Street earlier this year.
- As there is no proposed development, and the dwellings on the properties predate the current zoning by-law, the applicant requests that the Committee grant the requested minor variances to acknowledge the location and use of the dwellings on the property.

Mr. Richard Straka, Planner, Policy & 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.

Mr. Straka advised that in addition to the conditions presented in the staff report, the Utility Services Department has requested that the owner convey a 0.6 metre road widening strip across the frontage of 789 and 793 Water Street.

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

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

- The properties are currently assessed separately; however, the ownership has merged on title.
- The *Planning Act* permits the approval authority to require a road widening as a condition for approval of the severance application to accommodate utilities and services within road widths cited in the Official Plan.

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

- Although the road widening would incur additional costs for his client, they are prepared to comply with the condition should the Committee require the conveyance.

Decision – B12/15

The Committee considered the application together with the City's request for road widening, noted that the application was filed to correct an error and that no new development is planned on the subject properties. Therefore, the Committee determined that there was no practical need for the road widening at this time.

In that both 789 and 793 Water Street have functioned independently as duplexes for many years prior to the inadvertent merger of the properties, the Committee considers it appropriate to allow a severance that would permit independent ownership of each property once again.

Consent is therefore granted to sever the southerly 12.9 metres of the subject property into separate ownership CONDITIONAL UPON the approval of the associated minor variance applications, file numbers A45/15 and A46/15 that would acknowledge the dimensions of the two properties as they were.

Decision – A45/15

The Committee reviewed the application, considered the established use of the property as a legal-nonconforming duplex in relation to adjacent properties and determined that, because no change to the building on the property is proposed, the impact of the variances would be minor and in keeping with the established standard of development and land use in the neighbourhood.

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 variances are granted as requested to:

- i) **reduce the minimum required lot area to 329 square metres,**
- ii) **reduce the minimum required lot depth to 27 metres,**
- iii) **reduce the minimum required building setback from the rear lot line to 2.4 metres,**
- iv) **reduce the minimum required distance of the building from the north side lot line to 1 metre, and**
- v) **increase the maximum building coverage to 41%.**

CONDITIONAL UPON submission to the City of the registered deed to create a new lot in accordance with the Committee's decision on file number B12/15.

Decision – A46/15

The Committee reviewed the application, considered the established use of the property as a legal, non-confirming duplex in relation to adjacent properties and determined that, because no change to the building on the property is proposed, the impact of the variances would be minor and in keeping with the established standard of development and land use in the neighbourhood.

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 variances are granted as requested to:

- i) reduce the minimum required lot width to 11.4 metres,
- ii) reduce the minimum required lot area to 329 square metres,
- iii) reduce the minimum required lot depth to 27 metres, and
- iv) reduce the minimum required building setback from the north side lot line to 0.8 metres.

CONDITIONAL UPON submission to the City of the registered deed to create a new lot in accordance with the Committee's decision on file number B12/15.

4. **File No.: A47/15**
Address: 135 Rubidge Street
Applicant: CB Rubidge Inc.

This matter relates to a minor variance application submitted by CB Rubidge Inc., 423 Highway 36, Lindsay, Ontario K9V 4R3, the owner of the property that is the subject of the application.

The purpose of this application is to request a reduction to the minimum setback from the centreline of Rubidge Street, a reduction to the south and north side lot lines, an increase to the maximum building coverage, a reduction to the minimum size of a motor vehicle parking space, and a reduction to the minimum required distance of a motor vehicle parking space from the window of a habitable room to permit the development of a twelve-unit apartment building on the property:

Mr. Richard Straka, Planner, Policy & Research, advised that he is awaiting additional information requested of the applicant to demonstrate how the property can accommodate the building and function with respect to the proposed parking and a clarification as to why development of the vacant property cannot be designed to comply with the regulations of the zoning district. He was contacted by the applicant today, but there was not sufficient time to compile and review the required information. Staff recommend that the application be adjourned until the next hearing of the Committee of Adjustment.

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

Accordingly, the Committee agreed to adjourn the application to the next Committee of Adjustment hearing, scheduled for Tuesday, February 2, 2015, to permit the Applicant more time to submit the required information.

5. **File No.: A48/15**
Address: 696 Water Street
Applicant: 1799844 Ontario Limited

This matter relates to a minor variance application submitted by 1799844 Ontario Limited, the owner of the property that is the subject of the application.

Alket Kulla, representing 1799844 Ontario Limited, attended the meeting and addressed the Committee as follows:

- The applicant is seeking a minor variance to reduce the minimum building setback from the south side lot line from 1.2 metres to 0.74 metres to allow a second storey to be added to a reconstructed, one storey addition at the rear of the dwelling.
- The building was damaged by fire in May of 2015 and has been vacant since that time. He has recently purchased the property and would like to add a second floor to the extension to the rear of the building as part of the planned renovations to the building.

Mr. Richard Straka, Planner, Policy & 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, Staff advised as follows:

- Although the plans submitted show that the proposed addition will be limited to the existing building footprint, granting the requested variance would permit an expansion of the rear addition to extend along the entire rear wall of the building.
- An excessive expansion of the building footprint could compromise vehicle movement on the property.
- There have been five telephone inquiries in response to notice of the application. Most callers were looking for more information on the proposed use.

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

- The dwelling will have two units, one with three bedrooms and one with two. The rental units will be higher end and are not geared to the student rental market.
- The planned addition is designed with a roof that will overhang the main floor window to create an entrance with a covered porch.

Decision

The Committee reviewed the application, noted the proximity of the building on the adjacent property to the south and determined that the impact on the adjacent property could be addressed by the installation of eavestroughing. The Committee expressed concern that granting the variance could facilitate a future expansion of the building's footprint, which may impact the functionality of the motor vehicle parking established on the property. Therefore, the Committee agreed that the variance should only apply to the plans for the rear addition as presented by the applicant at the hearing. The Committee noted that the property has remained vacant since the building was damaged by fire earlier this year and that the proposed development would result in an improvement to the building on the property that would be in keeping with the established standard of development of 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 variance is granted to reduce the minimum building setback from the south side lot line to 0.74 metres to permit a second storey on the reconstructed, one storey extension to the rear of the building on the property PROVIDED THAT eavestroughing be established and maintained on the south side of the building to manage stormwater on the property. The variance would not apply to a plan for development of a building with a foot print that would exceed 36% lot coverage as presented by the owner.

Minutes

Moved by Frank Steffler

That the minutes of the Committee of Adjustment hearing held on November 17, 2015 be approved.

"CARRIED"

Other Business

There were no items of other business.

Next Meeting

The next meeting of the Committee of Adjustment is scheduled for Tuesday, February 2, 2015.

Adjournment

The meeting was adjourned at 7:52 p.m.

(Sgd.) Brenda Campbell, Chair

(Sgd.) Jennifer Sawatzky, Secretary-Treasurer