City of Peterborough

Committee of Adjustment Agenda

November 5, 2019
6:00 p.m.
Council Chambers, City Hall

Pages

1. Call to Order

2. Disclosure of Pecuniary Interest

3. Applications

3.a File No. B20/19

Address: 47 Robinson Street
Applicant: Kevin M. Duguay
Owners: Troy Ellis and Deborah Loman

File No. A47/19
Address: 47 Robinson Street
Applicant: Kevin M. Duguay
Owners: Troy Ellis and Deborah Loman

3.b File No. A54/19

Address: 1201 Armour Road
Applicant: Kevin M. Duguay
Owners: Catherine Bick and Dawson Bick

4. Confirmation of Minutes

4.a October 1, 2019 — 1 - 15

5. Other Business

6. Next Meeting

7. Adjournment

City of Peterborough

Committee of Adjustment Minutes

October 1, 2019

Draft Minutes not Approved

Minutes of a Meeting of Committee of Adjustment held on Tuesday, October 1, 2019 at 6:00 p.m. in the Council Chambers, City Hall.

Present: Mauro DiCarlo, Chair
Claude Dufresne
Tom Green
Stewart Hamilton
Robert Short

Also Present: Nolan Drumm, Assistant Planner
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.

1. **File No.:** **B16/19**
Address: **175 Hunter Street East**
Applicant: **TVM 175 Hunter Street East Inc.**

File No.: **B17/19**
Address: **185 Hunter Street East**
Applicant: **TVM 185 Hunter Street East Inc.**

File No.: **B18/19**
Address: **385 Rogers Street**
Applicant: **TVM 385 Rogers Street Inc.**

This matter relates to three consent applications submitted by TVM 175 Hunter Street East Inc., TVM 185 Hunter Street East Inc., and TVM 385 Rogers Street Inc., the owners of the properties that are the subject of the applications.

The purpose of the applications is to seek consent for easements over the subject properties, in favour of 195 Hunter Street East to facilitate vehicular access to 195 Hunter Street East and to provide a below grade utility easement.

Amit Sofer, principal of TVM 175 Hunter Street East Inc., TVM 185 Hunter Street East Inc., and TVM 385 Rogers Street Inc., attended the meeting and addressed the Committee as follows:

- Condition Number 1 in the Staff Report requires the consolidation of the PINs associated with both 195 Hunter Street East and 345 Armour Road. This condition is a duplicate of conditions associated with File Number B18/18 that remain outstanding due to a delay at the Land Registry Office.
- The last day to fulfill the condition associated with File Number B18/18 is October 26, 2019, and he is requesting that the Committee change the conditions of File B18/18 to remove the requirement to consolidate the parcels, as the recommended condition associated with the current applications will ensure the consolidation is completed.

Nolan Drumm, Assistant Planner, advised that he had nothing further to add to the information presented in the Staff Report.

The Committee adjourned discussion of this application to the end of the agenda, as the applicant had not submitted the request to amend conditions associated with File Number B18/18 in advance of the hearing.

The Committee resumed discussion of this item at 7:49 p.m.

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

- Condition Number 1 in the Staff Report is a duplicate of the condition that is outstanding from File Number B18/18. If the condition is removed from the previous application, it ensures that the previous application will not lapse due to delays at the Land Registry Office. If the consent lapses, he will have to reapply.
- He purchased the former hospital site in October of 2009. Following the purchase of the property, the property was rezoned, and a severance and easement plan were implemented, resulting in a master site plan for the entire site. The corner property, 195 Hunter Street, was originally intended to be developed with a two-storey medical office. However, with the current demand for housing, the scope of the project has changed to include a higher intensity of development. Accordingly, lot lines were adjusted to facilitate the new phase of development. These related applications had to be registered consecutively rather than concurrently, and the consecutive nature of the registrations has resulted in the delays fulfilling the conditions of approval.

Moved by Robert Short

a) **That the applications be approved in accordance with the recommendation in the Staff Report;**

b) **That conditions ii) and iii) of the Notice of Decision for File Number B18/18 are hereby deleted; and**

c) **That the change to the Conditions is minor and Notice of the Change of Conditions is not required.**

“CARRIED”

Decision – B16/19

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.

In that the easement will improve vehicle access to 195 Hunter Street East, consent is granted for an easement over Part 5, as illustrated on the Draft Reference Plan prepared by Elliott and Parr, Reference Number 18-19-405-01, in favour of 195 Hunter Street East, CONDITIONAL UPON THE FOLLOWING:

i) **That the PINs associated with the lands known municipally as 195 Hunter Street East and 345 Armour Road be consolidated into one parcel;**

ii) **Prior to registering the Reference Plan, the applicant shall, at its cost, submit for approval a draft Reference Plan to the Secretary-Treasurer, showing the proposed severed parcel. Upon registration of the approved Reference Plan, two copies of the registered reference will be provided to the Secretary-Treasurer;**

iii) **A closed polygon vector file of the Part boundaries shown on the Reference Plan is to be provided in Autodesk DWG NAD83 UTM CSRS CGVD28 projection Windows-readable format to the satisfaction of the City of Peterborough Geomatics/Mapping Division. It is recommended that the applicant's Ontario Land Surveyor consult with the City of Peterborough Geomatics/Mapping Division to confirm acceptable standards and formatting. The Surveyor should contact the Secretary-Treasurer for instructions on how to submit this document.**

iv) **That the applicant provide the Secretary-Treasurer with a draft of the Transfer/Deed of Land; and,**

v) **That if the above conditions are not satisfied within 365 days of the circulation of the Committee's decision that this consent will lapse.**

Decision – B17/19

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.

In that the easement will improve vehicle access to 195 Hunter Street East and facilitate below grade infrastructure to support the development, consent is granted for an easement over Part 12, Plan 45R-15575 for vehicular access in favour of 195 Hunter Street East and over Part 8, as illustrated on the Draft Reference Plan prepared by Elliott and Parr, Reference Number 18-19-405-01, for a utility easement in favour of 195 Hunter Street East, CONDITIONAL UPON THE FOLLOWING:

i) **That the PINs associated with the lands known municipally as 195 Hunter Street East and 345 Armour Road be consolidated into one parcel;**

ii) **Prior to registering the Reference Plan, the applicant shall, at its cost, submit for approval a draft Reference Plan to the Secretary-Treasurer, showing the proposed severed parcel. Upon registration of the approved Reference Plan, two copies of the registered reference will be provided to the Secretary-Treasurer;**

iii) **A closed polygon vector file of the Part boundaries shown on the Reference Plan is to be provided in Autodesk DWG NAD83 UTM CSRS CGVD28 projection Windows-readable format to the satisfaction of the City of Peterborough Geomatics/Mapping Division. It is recommended that the applicant's Ontario Land Surveyor consult with the City of Peterborough Geomatics/Mapping Division to confirm acceptable standards and formatting. The Surveyor should contact the Secretary-Treasurer for instructions on how to submit this document.**

iv) **That the applicant provide the Secretary-Treasurer with a draft of the Transfer/Deed of Land; and**

v) **That if the above conditions are not satisfied within 365 days of the circulation of the Committee's decision that this consent will lapse.**

Decision – B18/19

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.

In that the easement will improve vehicle access to 195 Hunter Street East, consent is granted for an easement over the portion of Part 6, Plan 45R-15575 indicated on the consolidated easement sketch submitted with the application for vehicular access in favour of 195 Hunter Street East, CONDITIONAL UPON THE FOLLOWING:

i) **That the PINs associated with the lands known municipally as 195 Hunter Street East and 345 Armour Road be consolidated into one parcel;**

ii) **Prior to registering the Reference Plan, the applicant shall, at its cost, submit for approval a draft Reference Plan to the Secretary-Treasurer, showing the proposed severed parcel. Upon registration of the approved Reference Plan, two copies of the registered reference will be provided to the Secretary-Treasurer;**

iii) **A closed polygon vector file of the Part boundaries shown on the Reference Plan is to be provided in Autodesk DWG NAD83 UTM CSRS CGVD28 projection Windows-readable format to the satisfaction of the City of Peterborough Geomatics/Mapping Division. It is recommended that the applicant's Ontario Land Surveyor consult with the City of Peterborough Geomatics/Mapping Division to confirm acceptable standards and formatting. The Surveyor should contact the Secretary-Treasurer for instructions on how to submit this document.**

iv) **That the applicant provide the Secretary-Treasurer with a draft of the Transfer/Deed of Land; and**

v) **That if the above conditions are not satisfied within 365 days of the circulation of the Committee's decision that this consent will lapse.**

2. **File No.: A45/19**
Address: 220 Denne Crescent
Applicant: Don Hendry

This matter relates to a minor variance application submitted by Don Hendry, as applicant on behalf of Don Hendry, Paul Hendry and Gilbert Hendry Estate, the owners of the property that is the subject of the application.

The purpose of the application is to increase the maximum lot coverage by a residential accessory building from 10% to 13.2% to allow the construction of a 54 square metre garage.

Don Hendry and Leo Auve attended the meeting and addressed the Committee as follows:

- The minor variance is required to permit the construction of a 54 square metre, detached, two-car garage.

Nolan Drumm, Assistant Planner, advised that he had nothing further to add to the information presented in the Staff Report.

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:

- The garage will be one-storey in height with a ten-foot ceiling.

Moved by Claude Dufresne

That the application be approved conditional upon the removal of all existing sheds and temporary garages located on the property.

"CARRIED"

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 in the Staff Report, the Committee determined that approval of the application should be conditional upon the removal of all existing sheds or temporary garages to ensure compliance with the relief granted to the maximum lot coverage by accessory buildings. The Committee determined that the application should be approved and that the variance is 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, a variance is granted to increase the maximum lot coverage by residential accessory structures to 13.2% CONDITIONAL UPON demonstration of that all existing sheds and temporary garages currently established on the property have been removed.

3. **File No.: B19/19**
Address: 87 London Street
Applicants: Susan Cooper and Oliver Strong

File No.: A46/19
Address: 87 London Street
Applicants: Susan Cooper and Oliver Strong

This matter relates to a severance application and a minor variance application submitted by Susan Cooper and Oliver Strong, the owners of the property that is the subject of the applications.

The purpose of Application Number B19/19 is to sever a 3 metre by 21.64 metre piece of property from 87 London Street for a lot addition to 83 London Street, creating parking for the recipient property.

The purpose of Application Number A46/19 is to reduce the minimum lot width per unit from 9 metres to 7.1 metres and reduce the minimum lot area per unit from 278 metres square to 237 metres square to address the reduced lot size of 87 London Street resulting from the proposed severance.

Susan Cooper attended the meeting and addressed the Committee as follows:

- She has no additional information to add to the application provided to the Committee.

Nolan Drumm, Assistant Planner, advised that he had nothing further to add to the information presented in the Staff Report.

The Chair read a letter in support of the application from Melanie Collins, Peterborough, Ontario.

Moved by Robert Short:

That the applications be approved in accordance with the recommendation in the Staff Report.

“CARRIED”

Decision – B19/19

The Committee heard from members of the public concerning the application and gave due consideration and weight to the comments made and received.

In that reconfigured lot boundaries of both 83 and 87 London Street conform to the Official Plan policy and File Number A46/19 addresses the deficiencies from the Zoning By-law, consent is granted to sever a 3 metre by 21.64 metre parcel of land for a lot addition to 83 London Street, CONDITIONAL UPON THE FOLLOWING:

i) **Approval of File Number A46/19;**

ii) **Demonstration of the establishment of two parking spaces, in accordance with the Zoning By-law, on each property;**

iii) **Prior to registering the Reference Plan, the applicant shall, at their cost, submit a draft Reference Plan to the Secretary-Treasurer, showing the proposed severed parcel. Upon registration of the approved Reference Plan, two copies of the registered reference will be provided to the Secretary-Treasurer;**

iv) **A closed polygon vector file of the Part boundaries shown on the Reference Plan is to be provided in Autodesk DWG NAD83 UTM CSRS CGVD28 projection Windows-readable format to the satisfaction of the City of Peterborough Geomatics/Mapping Division. It is recommended that the applicant's Ontario Land Surveyor consult with the City of Peterborough Geomatics/Mapping Division to confirm acceptable standards and formatting. The Surveyor should contact the Secretary-Treasurer for instructions on how to submit this document;**

v) **That the owner's solicitor shall provide an Undertaking to forthwith register an Application to Consolidate the severed property with the property municipally known as 83 London Street.**

vi) **That the two parcels shall be considered as one lot and shall not be dealt with separately, Section 50 (3) or 50 (5) of the Planning Act shall apply to any subsequent conveyance or transaction involving the parcel of land that is subject to this Consent application;**

vii) **That the applicant provide the Secretary-Treasurer with a draft of the Transfer/Deed of Land; and**

viii) **That if the above conditions are not satisfied within 365 days of the circulation of the Committee's decision that this consent will lapse.**

Decision – A46/19

The Committee heard from members of the public concerning the application and gave due consideration and weight to the comments made and received.

Having reviewed the application and considered the information presented in the Staff Report, 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 variances are granted as follows:

a) **A reduction to the minimum lot width per unit to 7.1 metres; and**

b) **A reduction to the minimum lot area per unit to 237 square metres.**

CONDITIONAL UPON submission of the registered transfer/deed of land associated with File Number B19/19.

4. **File No.: A48/19**
Address: 1341 Water Street
Applicant: Neil Campbell, Aside Architects

This matter relates to a minor variance application submitted by Neil Campbell, Aside Architects, as applicant on behalf of Triple T Holdings Ltd., the owner of the property that is the subject of the application.

The purpose of the application is to reduce the minimum setback of a motor vehicle parking space or driveway to a window of a habitable room from 6 metres to 1.5 metres.

Neil Campbell attended the meeting and addressed the Committee as follows:

- The development was approved by City Council through a Zoning By-law Amendment in 2017. The site plan being considered today by the Committee remains mostly unchanged from the plans submitted with the application to rezone.
- The application for Site Plan Approval was submitted following approval of the Zoning By-law Amendment. Upon review of the plans, it was identified that the proposal was not in compliance with the setback requirements for the parking area.
- He believes that the proposal is reasonable, as the ground floor is an underground parking garage set into the hill. As such, any windows in dwelling units are located more than 6 metres away from the parking, measured from the grade to the window.
- He acknowledges that there are health risks associated with vehicular emissions, and he is prepared to establish an idle free zone in front of “Building A”, which is the building closest to the parking area, as suggested by Peterborough Public Health. “Building B” is 6 metres from a parking space and “Building C” is 5 metres from a parking space.
- Due to the lot shape, topography and 30 metre environmental buffer, there is only 55% to 60% of the site that is available to build on, and it would be challenging to alter the site plan to accommodate the setback regulations.

Nolan Drumm, Assistant Planner, provided the Committee with a summary of the comments received from the Otonabee Region Conservation Authority that were received following the publication of the Staff Report.

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

In response to questions from the Committee, Nolan Drumm, Assistant Planner, advised as follows:

- There are no requirements in the Zoning By-law to provide parking spaces reserved for electric vehicle charging stations.
- The required separation distance from both a drive aisle and a parking space to a window of a habitable room is the same, being 6 metres.
- The entrances to the underground parking would not require a variance if there is not a window to a habitable room located within 6 metres of the driveway entrance.
- “Driveway”, “aisle”, and “parking aisle” are not defined terms in the Zoning By-law.

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

- Upon reviewing the application, Peterborough Public Health offered four suggestions, two of which can be accommodated. It is possible to designate certain areas idle free zones and to limit fresh air intakes on the building away from parking areas. However, you can’t regulate which direction people will park a vehicle in a parking spot, and that suggestion cannot be incorporated in the design.
- He has no objection to relocating the two barrier free parking spaces along the east wall of “Building A” and designating those two parking spaces as electric vehicle charging stations. This could be incorporated into the Site Plan Approval process.
- The east wall of “Building A” does have windows in upper floors, 6 metres above the parking area. Typically, windows have limiters, which only allow them to be partially opened. Because the affected units are on a corner, and would have windows on both sides, the windows that require the relief could be fixed windows.

- Not all of the buildings require the reduction to 1.5 metres, which is the closest distance that a parking space or drive aisle is located to the buildings.
- Approval of a reduced variance to 5 metres would not allow the proposed parking configuration for Building A and result in a loss of four parking spaces and three units.
- Although it could be considered reasonable to request a reduction to the number of parking spaces to support the units, he would prefer to not have to apply for a further variance and delay the project further.

Moved by Robert Short

That the applications be approved with the following amendments:

a) **With respect to "Building A": that a variance be granted to reduce the minimum setback of a motor vehicle parking space to a window of a habitable room from 6 metres to 1.5 metres and that no variance be granted to the setback from a driveway, provided that air conditioning is provided to the units, that all affected windows to habitable rooms be fixed, and that the two barrier free parking spaces closest to the building be relocated and replaced with electric vehicle charging stations;**

b) **With respect to "Building B": that a variance be granted to reduce the minimum setback of a driveway to a window of a habitable room from 6 metres to 1.5 metres and that no variance be granted to the setback from a motor vehicle parking space; and**

c) **With respect to "Building C": that a variance be granted to reduce the minimum setback of a motor vehicle parking space to a window of a habitable room from 6 metres to 5 metres and that no variance be granted to the setback from a driveway.**

"CARRIED"

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 it was appropriate to limit the requested variances to the separation distances illustrated in the Site Plan, restricting the scope of the variance to the proposal before the Committee. The Committee further determined that it was appropriate to add additional conditions to the variance for Building A to reduce the impact of any vehicle emissions due to the proximity of the motor vehicle parking spaces to the windows to habitable rooms. The Committee concurred that the application should be approved, and that the variances, as amended, 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 variances are granted as follows:

With respect to "Building A":

A variance is granted to reduce the minimum distance of a motor vehicle parking space to the window of a habitable room to 1.5 metres and that the requested reduction to the minimum distance of a driveway to the window of a habitable room is denied, PROVIDED THAT air conditioning is provided to the units and that all affected windows to habitable rooms be fixed and CONDITIONAL UPON the site plan being amended to replace the two barrier free parking spaces closest to the building with electric vehicle charging stations.

With respect to "Building B":

A variance is granted to reduce the minimum setback of a driveway to a window of a habitable room to 1.5 metres and the requested reduction to the minimum distance of a motor vehicle parking space to the window of a habitable room is denied.

With respect to "Building C":

The requested variance to reduce the distance of a motor vehicle parking space or driveway to the window of a habitable room to 1.5 metres is denied. However, the Committee considered that a reduced variance with a limited scope was appropriate and would reduce the impact of any vehicle emissions on the residents. Therefore, a variance is granted to reduce the minimum distance of a motor vehicle parking space to the window of a habitable room to 5 metres.

5. **File No.:** **B14/19**
Address: **788 Aylmer Street North**
Applicant: **2695867 Ontario Limited**

File No.: **A50/19**
Address: **788 Aylmer Street North**
Applicant: **2695867 Ontario Limited**

This matter relates to a severance application and a minor variance application submitted by 2695867 Ontario Limited, the owner of the property that is the subject of the application.

The purpose of Application Number B14/19 is to create two new residential building lots by severing two 12.5 metre wide lots from the easterly portion of the subject lands.

The purpose of Application Number A50/19 is to recognize the use of the land for the existing, unserviced, private residential garage prior to the establishment of a residential dwelling unit.

John Cooper, president of 2695867 Ontario Limited, attended the meeting and addressed the Committee as follows:

- He has reviewed the Staff Report and agrees with the recommendations and proposed conditions.
- Concerns have been raised by neighbouring property owners regarding the mature trees located on the severed portion of the property. He believes there will be a limited impact to the trees on the severed portions of the property.

Nolan Drumm, Assistant Planner, advised that he had nothing further to add to the information presented in the Staff Report.

The Chair acknowledged that the Committee had received and reviewed letters in objection to the application from the following persons:

i) Kathy Boyd, Selwyn, Ontario

ii) Cauleen Viscoff, Peterborough, Ontario on behalf Jill Adams, Bill Atkinson, Jen Bird, Cathy Bolan, Ken Clare, Matt Dunkin, Linda Hancox, Tamara Hoogerdyk, Fred Huffman, Carolee Huffman, Peter Laurie, Steven Leak, Jill Lloyd, Jeanette McCaskill, Ken Powell, Penny Rush, and Ian Toms.

iii) Ian D. Toms, Peterborough, Ontario

The Chair acknowledged that the Committee had received and reviewed a letter in support of the application from Eldon Campbell, Peterborough, Ontario.

The following persons attended the meeting and addressed the Committee in opposition to this application:

i) Cauleen Viscoff, Peterborough, Ontario, spoke in opposition to the application and expressed concerns related to the impact on the mature trees on the property and in the boulevard and the sanitary sewer system.

ii) Fred Huffman, Peterborough, Ontario, spoke in opposition to the application and expressed concerns related to the impact on water pressure.

The Committee adjourned discussion on this item to later in the meeting to allow the applicant time to review materials submitted in opposition to the application.

The Committee resumed discussion of this item at 7:16 p.m.

The applicant addressed the Committee and advised that that any future build on the proposed severed lots would have a limited impact on the trees and that no City trees would be impacted. The concept plans submitted include driveways that enter the property between the trees located on the boulevard.

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

- Condition Number 4 in the Staff Report recommends that both Parts 2 and 3 on the Severance Sketch be subject to a Development Agreement to ensure that building plans are reviewed by the Planner of Urban Design, the Heritage Preservation Office, and the Peterborough Architectural Conservation Advisory Committee.
- The legal description of the Heritage Designation By-law refers to the current property boundaries.
- Staff recommend that the Heritage Designation By-law be amended to reflect the revised legal description as a condition of the severance.

In response to questions from the Committee, the Secretary-Treasurer advised as follows:

- If the application is adjourned sine die, the application will have to be re-advertised and re-circulated at the applicant's expense at the time it is scheduled to be heard by the Committee.

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

- The Heritage Planner that prepared the Heritage Impact Statement is not present.

Discussion

Stewart Hamilton noted that the Cultural Heritage Impact Statement does not address Section 2.4.9.2 of the Official Plan, which relates to development on lands adjacent to protected heritage properties. He further noted that the proposed lot depicted as Part 2 on the severance sketch would be adjacent to two heritage properties, as the lot depicted as Part 3 is proposed to be designated to protect the Copping Garage and that the Cultural Heritage Impact Statement should be updated to address this section of the Official Plan.

Robert Short stated that he thought that consideration of the application by the Committee of Adjustment prior to City Council amending the Heritage Designation By-law was premature.

Mauro DeCarlo raised concerns regarding the Committee of Adjustment's jurisdiction to hear the application prior to the amendment of the Heritage Designation By-law. He further questioned if the application was appropriately addressed as a Consent application under Section 53 of the **Planning Act** or if the application should be withdrawn and resubmitted as a Plan of Subdivision.

Moved by Mauro DeCarlo

a) **That the application be deferred to the December 3, 2019 hearing of the Committee of Adjustment for staff to provide comment on the jurisdiction of the Committee to hear the application under Section 53 of the Planning Act and to determine a date in 2020 for the application to be scheduled; and**

b) **That the application be deferred until such time as City Council has considered the amendment to the Heritage Designation By-law to reflect the configuration of the proposed lot boundaries.**

"CARRIED"

6. **File No.: A51/19**
Address: 670 Harper Road
Applicant: Health Care Relocations Ltd.

This matter relates to a minor variance application submitted by Health Care Relocations Ltd., the owner of the property that is the subject of the application.

The purpose of the application is to reduce the minimum building setback from the south side lot line from 8.6 metres to 4.3 metres to permit the construction of a two-storey building.

Sanford Smith, employee of Christopher Z. Tworkowski Architect, and Andy Wasson, owner of Health Care Relocations Ltd., attended the meeting and addressed the Committee as follows:

- There is no additional information to add to the application provided to the Committee.

Nolan Drumm, Assistant Planner, advised that he had nothing further to add to the information presented in the Staff Report.

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:

- The patio area depicted on the site plan is a landscaping feature for the use of employees and is not part of the structure.

Moved by Claude Dufresne

That the application be approved in accordance with the recommendation in the Staff Report.

"CARRIED"

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 in the Staff Report, 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 a variance is granted to reduce the minimum building setback from the south side lot line to 4.3 metres to permit a two-storey building.

7. **File No.: A52/19**
Address: 53 Parkhill Road West
Applicant: EcoVue Consulting Services Inc.

This matter relates to a minor variance application submitted by EcoVue Consulting Services Inc., as applicant on behalf of Mike Francoeur and Jean-Guy Francoeur, the owners of the property that is the subject of the application.

The purpose of the application is reduce the minimum building setback from the east side lot line from 1.2 metres to 0.8 metres for a fire escape; increase the maximum lot coverage by a parking or vehicular movement areas from 20% to 29.6%; reduce the minimum size of a parking space from 2.7 metres by 5.7 metres to 2.5 metres by 5.5 metres; and reduce the minimum width of an aisle from 6.4 metres to 6 metres.

Beverly Saunders of EcoVue Consulting Services Inc. attended the meeting and addressed the Committee as follows:

- She has reviewed the Staff Report and agrees with the staff recommendations and proposed conditions.

Nolan Drumm, Assistant Planner, advised that he had nothing further to add to the information presented in the Staff Report.

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 existing building footprint will not change as a result of the proposed development. The only change to the balance of the property will be to the parking area, with no major impact on the area of environmental significance.

Discussion

Robert Short expressed concern that the application may not meet the general intent of the Official Plan, being designated Major Open Space, but noted that the developed portion of the property was outside of the area of environmental significance.

Moved by Robert Short

That the application be approved in accordance with the recommendation in the Staff Report subject no additional built structures being established on the property.

“CARRIED”

Decision

With respect to the reduction to the minimum width of an aisle:

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 in the Staff Report, the Committee acknowledged that the request to reduce the minimum width of an aisle to 6 metres is not required for the proposed development.

Therefore a variance to reduce the minimum width of an aisle to 6 metres is DENIED.

With respect to the reduction to the remaining variances:

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 variances are granted as follows:

a) **A reduction to the minimum building setback from the east side lot line to 0.8 metres for a fire escape;**

b) **An increase to the maximum lot coverage by parking areas, driveways, and vehicle movement areas to 29.6%; and**

c) **A reduction to the minimum size of a parking space to 2.5 metres by 5.5 metres.**

CONDITIONAL UPON the owners entering into a Development Agreement with the City to address the following:

i) **The removal of the shed located on 49 Parkhill Road West;**

ii) **That no additional built structures will be established on the subject property; and**

iii) **The establishment of two parking spaces, in accordance with the Parking Concept Plan prepared by EcoVue, dated September 6, 2019, including the submission of a lot grading and drainage plan and a sediment and erosion plan, for review and approval by the City and Otonabee Region Conservation Authority.**

8. **File No.: A53/19**
Address: 414 McDonnel Street
Applicant: Jane Humphreys

This matter relates to a minor variance application submitted by Jane Humphreys, the owner of the property that is the subject of the application.

The purpose of the application is to reduce the minimum building setback from the centreline of McDonnell Street from 16 metres to 12 metres and increase the maximum vehicle area coverage from 25% to 37.55% to facilitate the construction of a new, two-unit, semi-detached building, replacing the current duplex on the property.

Jane Humphreys attended the meeting and addressed the Committee as follows:

- There is no additional information to add to the application provided to the Committee.

Nolan Drumm, Assistant Planner, advised that he had nothing further to add to the information presented in the Staff Report.

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 property currently supports two dwelling units. The applicant’s proposal is to develop a semi-detached building with each of the units having a secondary suite, for a total of four units.

- Secondary suites are permitted as a right for single detached units, semi-detached units and row units. The definition of a semi-detached dwelling is a two unit dwelling consisting solely of two dwelling units separated by a vertical party wall. A semi-detached dwelling is permitted in the R.2 zone, and each of those dwelling units is permitted as a right to have a secondary suite.
- Building plans have not yet been reviewed by the Planner of Urban Design, but the review is a recommended condition in the Staff Report.

Moved by Claude Dufresne

That the application be approved in accordance with the recommendation in the Staff Report.

"CARRIED"

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 variances are granted as follows:

a) **A reduction to the minimum building setback from the centreline of McDonnel Street to 12 metres; and**

b) **An increase to the vehicle area coverage to 37.55%.**

CONDITIONAL UPON the review and approval of building plans by the Planner of Urban Design to ensure that pedestrian access, parking, and snow storage can be adequately handled on site.

Minutes

Moved by Robert Short

That the minutes of the Committee of Adjustment hearing held on September 4, 2019 be approved.

"CARRIED"

Other Business

a) The Secretary-Treasurer advised the Committee that the 2020 hearing schedule is being finalized. She advised the Committee that hearings have traditionally been scheduled on either the first or third Tuesday of the month and asked if any Committee members had a conflict with any other Tuesday evenings. The Committee advised that there are no conflicts with any Tuesday evening.

b) The Secretary-Treasurer advised that the Local Planning Appeal Tribunal issued a Decision on the appeal of File Number A08/19, 754 Water Street, and that the appeal was dismissed, and the application is approved.

c) Robert Short referenced Section 7.5.3 – Consent to Sever of the Draft Official Plan document prepared for the current Official Plan update project. He expressed concern with item c) and the authority to impose conditions of approval, specifically the preparation of development agreements regarding the development of the land when the agreement is not a requirement under the Zoning By-law. He requested that information be provided to the Committee regarding the authority to impose development agreements as a condition of both Consent and Minor Variance applications.

Mauro DeCarlo requested that more explanation be provided to the Committee in the Staff Reports on the authority to impose conditions and background information on how the condition relates to the application.

Next Meeting

The next meeting of the Committee of Adjustment is scheduled for Tuesday, November 5, 2019.

Adjournment

The meeting was adjourned at 8:09 p.m.

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Mauro DiCarlo, Chair

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Jennifer Sawatzky, Secretary-Treasurer