



Committee of Adjustment Minutes

September 4, 2019

Minutes of a Meeting of Committee of Adjustment held on Wednesday, September 4, 2019 at 6:00 p.m. in the Council Chambers, City Hall.

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

Regrets Claude Dufresne

Also Present: Christie Gilbertson, Planner, Policy and Research
Andrea Stillman, Permit Technician, Plans Examiner
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.:** A23/19
Address: 197 George Street North
Applicant: Neil Campbell, Aside Architects

This matter relates to a minor variance application submitted by Neil Campbell, Aside Architects, as applicant on behalf of Stonehouse Farms 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 Dalhousie Street streetline from 6 metres to 1.75 metres to facilitate the redevelopment of the property.

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

- The developer is proposing to construct a two storey medical clinic on this property. Following meetings with Planning Division staff, the Planner of Urban Design has suggested that the building be located close to the George Street streetline to present a more urban character on the corner property, with the parking at the side and the rear.
- A minor variance from the Dalhousie Street streetline is required to facilitate the proposed location of the property.

Christie Gilbertson, Planner, Policy and Research, advised that she 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 Planner, Policy and Research advised as follows:

- The Heritage Resources Coordinator was consulted on this application, and he advised that Section 2.4.9.2 of the City's Official Plan would be considered during the review of the Site Plan Application for this development. A Heritage Impact Statement would be a requirement of the Site Plan Application.
- The Heritage Impact Statement has not yet been submitted to the City, as the applicant is intending to proceed with the next stage of development once the minor variance has been approved.

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

- Staff have advised that there is no anticipated detrimental impact to the heritage attributes of the adjacent property and that the Heritage Impact Statement could be addressed during the Site Plan Approval process.

Moved by Robert Short

That the application be approved conditional upon the submission of a Heritage Impact Statement to the City for their review and consultation.

"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. The Committee noted that the property is adjacent to a property designated under the *Ontario Heritage Act*. As such the Committee determined that it was appropriate that approval be conditional upon a Heritage Impact Statement being submitted for review by City Staff, in keeping with the City's Official Plan policy governing development adjacent to protected heritage properties. The Committee determined that with the added condition, 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 reduce the minimum building setback from the Dalhousie Street streetline to 1.75 metres CONDITIONAL UPON the submission of a Heritage Impact Statement for review by City Staff.

2. **File No.: B07/19**
Address: 400 Ashburnham Drive
Applicants: Leonard Vass and Susan Vass

File No. A28/19
Address: 400 Ashburnham Drive – (Severed Lands)
Applicants: Leonard Vass and Susan Vass

File No. A29/19
Address: 400 Ashburnham Drive – (Retained Lands)
Applicants: Leonard Vass and Susan Vass

This matter relates to a severance application and two minor variance applications submitted by Leonard and Susan Vass, the owners of the property that is the subject of the application.

The purpose of the application is to sever a parcel associated with the legal non-conforming, residential use of the subject property, measuring approximately 0.49 hectares in size. The applicant is also seeking consent for an easement to facilitate the encroachment of a shed at the southwest corner of the severed lot over the retained lands. Supporting minor variance applications have been submitted for both the severed and retained lands to facilitate the severance.

Leonard Vass attended the meeting and addressed the Committee as follows:

- The initial comments from Otonabee Region Conservation Authority (ORCA) indicated that the property should be rezoned as a condition of approval. City staff contacted ORCA to discuss their comments and clarified that ORCA is satisfied with the conditions recommended in the Staff Report.
- The applicant requested clarification on the extent of the delineation of the Provincially Significant Wetland boundary required as a condition of Minor Variance File No. A29/19.

Christie Gilbertson, Planner, Policy and Research, presented Staff comments with respect to the application on behalf of the Building and Planning Divisions of the Infrastructure and Planning Services Department, City of Peterborough. Ms. Gilbertson advised that the original ORCA comments indicated that the entirety of the lands deemed to be a Provincially Significant Wetland should be rezoned as a condition of approval. This condition would likely be difficult for the applicant to achieve within the one-year deadline to fulfill condition. Through discussions with ORCA, they clarified that a rezoning was not their intent and that delineation of the boundary should be achieved during the Site Plan process.

Ms. Gilbertson further clarified that delineation of the boundary would only apply to the lands where the development would occur, being the subject property and the property to the immediate south where the parking lot is proposed to be established, not the entirety of the applicant's holdings.

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

In response to questions from the Committee, the Planner, Policy and Research advised as follows:

- The proposed retained lands are zoned industrial and a legal non-conforming residential used is established on the proposed severed portion. The applicant is proposing to establish a microbrewery on a portion of the retained lands outside of the environmental features with parking provided on an adjacent lot located in Otonabee-South Monaghan Township. Currently the property is accessed via the property located in the Township. To facilitate development of the retained lands, it is proposed that parking will be provided on the adjacent property, in identical title, located in the township. Staff recommend that an agreement between the City, Otonabee-South Monaghan Township and the owners be a condition of approval of the application, to facilitate the parking arrangement.
- Both the City and the Township property would be subject to a Site Plan Agreement for the entire development. The wetland boundary and the buffer boundary would have to be delineated as part of that process as it relates to the development on both properties.
- Otonabee-South Monaghan Township would be a party to the Site Plan Agreement. City staff have met with the applicant and the Township. The Township is allowing the City to steer the Site Plan process and have indicated that the parking lot use is a permitted use of the Township zoning district.
- The City is satisfied that the Site Plan and merger agreements will adequately facilitate the development straddling the municipal boundary.

Moved by Stewart Hamilton

That File No. B07/19 be approved in accordance with the recommendation in the Staff Report.

“CARRIED”

Decision – B07/19

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 severed and retained parcels conform to the Official Plan policy and File Numbers A28/19 and A29/19 address the deficiencies from the Zoning By-law, Consent is granted for the following:

- a) **Severance of an approximately 0.49 hectare parcel, associated with the legal non-conforming residential use of the subject property and depicted as Part 1 on the Draft Reference Plan submitted with the application; and**
- b) **An easement over the lands depicted as Part 2 on the Draft Reference Plan submitted with the application to facilitate the encroachment of a shed over the retained lands, in favour of the severed lands.**

CONDITIONAL UPON THE FOLLOWING:

- i) **Approval of minor variance applications A28/19 and A29/19;**
- ii) **That the owners enter into a Merger Agreement with City of Peterborough and the Township of Otonabee-South Monaghan pursuant to Sections 51(26) and 53(12) of the Planning Act, R.S.O. 1990, c.P.13 to merge together in one title the retained parcel with the abutting land to the south, located in Otonabee-South Monaghan Township, to be dealt with as one parcel of land;**
- iii) **The applicants are to provide design details for the septic system and well to confirm that private servicing is possible on the property, to be reviewed by Peterborough Public Health or the Ministry of the Environment, Conservation and Parks, as applicable;**
- iv) **Prior to registering the Reference Plan at the applicant’s cost, the applicant shall 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;**
- v) **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;**
- vi) **That the applicants provide the Secretary-Treasurer with a draft of the Transfer/Deed of Land; and**
- vii) **That if the above conditions are not satisfied within 365 days of the circulation of the Committee’s decision that this consent will lapse.**

Moved by Tom Green

That File Nos. A28/19 and A29/19 be approved in accordance with the recommendations in the Staff Report.

“CARRIED”

Decision – A28/19

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.

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 to 0 metres for the existing frame shed at the southwest corner of the severed lands; and**
- b) **A reduction to the minimum width of landscaped open space to 0 metres for a future driveway location associated with the severed lands.**

Conditional upon the Following:

- i) **Submission of the registered transfer/deed of land related to file number B07/19; and**
- ii) **Confirmation of the presence of a blanket easement over the retained lands in favour of the severed lands.**

Decision – A29/19

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.

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 lot width to 23 metres;**
- b) **A variance from Section 4.10 to permit up to 36 of the minimum number of required parking spaces to be located within 100 metres of the retained lands;**
- c) **To permit one ‘B’ sized vehicle loading space to be established in place of one ‘A’ sized vehicle loading space;**
- d) **A variance from Section 6.4 of the Zoning By-law to allow the permitted use of the retained lands on private servicing, in the absence of a public water distribution and wastewater collection facilities being available to the lot;**
- e) **The following variances are required for the expansion of the two and a half storey frame and stone building, nearest Ashburnham Drive:**
 - i. **A reduction to the minimum building setback from the centreline of Ashburnham Drive to 12.58 metres, being 2.3 metres from the streetline;**

- ii. A reduction to the minimum width of landscaped open space at the streetline to 0 metres;
 - iii. A reduction to the minimum width of landscaped open space at the north side lot line to 1.22 metres; and
 - iv. A reduction to the minimum building setback from the north side lot line to 1.22 metres for the building addition.
- f) The following variances are required in relation to the expansion and construction on the old stone foundation:
- i. A reduction to the minimum building setback from the north side lot line to 1.22 metres; and
 - ii. A reduction to the minimum width of landscaped open space at the north side lot line to 1.22 metres.
- g) The following variances are required in relation to the expansion of the metal barn:
- i. A reduction to the minimum building setback from the north side lot line to 1.22 metres;
 - ii. A reduction to the minimum building setback from the south side lot line to 3 metres;
 - iii. A reduction to the minimum width of landscaped open space at the north side lot line to 1.22 metres; and
 - iv. A reduction to the minimum width of landscape open space along the south side lot line to 0 metres.

Conditional upon the Following:

- i) Submission of the registered transfer/deed of land related to file number B07/19; and
- ii) The owner entering into a tri-party Site Plan Agreement with both the City and Otonabee-South Monaghan Township, including the following:
 - a. That, through the Site Plan Approval process, the full delineation of the Provincially Significant Wetland boundary and its 30 metre buffer be identified;
 - b. That development and site alteration adhere to the recommendations described in Sections 7.1 and 7.2 of the Environmental Impact Statement prepared by Niblett Environmental Associates Inc. dated August 2019; and
 - c. That all site disturbances respect the Breeding Bird Timing Window (April 15 to August 15) described in section 6.1 in the Environmental Impact Statement.

3. **File No.:** B13/19
Address: 423 and 427 Mark Street and 90 Hunter Street East
Applicant: Kevin M. Duguay

This matter relates to a severance application submitted by Kevin M. Duguay, as applicant on behalf of The Board of Trustees of Mark Street United Church, the owner of the property that is the subject of the application.

The purpose of the application is to sever two lots, approximately 14.5 metres by 39 metres in size, associated with the two existing residential dwellings.

Kevin Duguay attended the meeting and addressed the Committee as follows:

- The portion of the property that is proposed to be severed was recently rezoned from PS.2 to R.1 (F). The balance of the property remains PS.2.
- The proposal to sever the lots was considered as part of the rezoning application.

- He noted that the condition recommended in the Staff Report to convey a daylighting triangle to the City would require an encroachment agreement, as the church steps are located within the proposed road widening.

Christie Gilbertson, Planner, Policy and Research, advised that the condition to convey the daylighting triangle was based on preliminary comments from the Development Engineer. Subsequent to the Staff Report being drafted, the proposed condition was removed from body of the report on the advice of the Legal Division, due to the location of the church steps. The condition remains in the listed conditions in error.

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

- Zach Agar, Peterborough, Ontario; and
- Joanne Mitchell-Agar, Peterborough, Ontario.

In response to questions from the Committee, the Planner, Policy and Research advised as follows:

- Although she has not been made aware of the establishment of a home based business in one of the residential dwellings, a home based business is a permitted use in the zoning district. The use would have to comply with the Zoning By-law regulations.
- The requirement to assess a Parks Levy is a standard condition of severance. The Review Committee has already assessed this application and has deemed that a levy is not required for this application, as there is no new development.

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

- There is currently no intention to develop the retained lands to the rear of the existing dwellings.

Moved by Robert Short

That the application be approved in accordance with the recommendation in the Staff Report, save and except for conditions iv) (conveyance to the City of a daylighting triangle) and v) (payment of a Parks Levy) outlined in the Staff Report.

“CARRIED”

Decision

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 the severed and retained parcels conform to the Official Plan policy and the Zoning By-law, consent is granted to sever two lots, approximately 14.5 metres by 39 metres in size, associated with the two existing residential dwellings, CONDITIONAL UPON THE FOLLOWING:

- i) That all the lands (PIN 28134-0068 and PIN 28134-0055) be consolidated into one parcel;**
- ii) Prior to registering the Reference Plan at the applicant’s cost, the applicant shall 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) **Payment of Tree Levies in the amounts of \$184.51 and \$184.64 for the two residential lots;**
- v) **That the applicant provide the Secretary-Treasurer with a draft of the Transfer/Deed of Land; and**
- vi) **That if the above conditions are not satisfied within 365 days of the circulation of the Committee's decision that this consent will lapse.**

4. **File No.: A36/19
Address: 696 Rye 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 1154461 Ontario Limited, 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 west side lot line from 8.6 metres to 6.13 metres to facilitate the construction of a second storey onto the existing building.

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

- The existing building is occupied by Delta Elevators. They have been working within the existing warehouse space but require an addition to provide office and board room space.
- The owners are proposing a two-storey addition. The height of the existing building is 6 metres and the height of the proposed addition is 7.2 metres, which is permitted in the zoning district. The variance is required as there is a provision in the zoning district requiring an increased setback for two storey buildings.

Christie Gilbertson, Planner, Policy and Research, advised that she 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 existing driveway approaching the accessible parking space is being removed and sodded.

Moved by Stewart Hamilton

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 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 reduce the minimum building setback from the west side lot line to 6.13 metres to permit a second storey addition to the existing building.

5. **File No.:** **A37/19**
 Address: **589 and 591 Douglas Avenue**
 Applicant: **Molly Conlin**

This matter relates to a minor variance application submitted by Molly Conlin, as applicant on behalf of Sylvia Armstrong, 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 Douglas Avenue streetline from 6 metres to 2.7 metres to permit the construction of a covered front porch.

Molly Conlin attended the meeting and addressed the Committee as follows:

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

Christie Gilbertson, Planner, Policy and Research, advised that she 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.

Moved by Tom Green

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 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 reduce the minimum building setback from the Douglas Avenue streetline to 2.7 metres to permit the construction of a covered front porch.

6. **File No.:** **B15/19**
 Address: **683 Spillsbury Drive**
 Applicant: **Emily Hunt, LLF Lawyers LLP**

This matter relates to a severance application submitted by Emily Hunt, LLF Lawyers LLP, as applicant on behalf of Bernard William Cridland and Leila Cridland, the owners of the property that is the subject of the application.

The purpose of the application is to sever the southerly 15.8 metres of the subject lands to create a new residential building lot.

Emily Hunt attended the meeting and addressed the Committee as follows:

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

Christie Gilbertson, Planner, Policy and Research, advised that she had nothing further to add to the information presented in the Staff Report.

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

- Development of properties with four or less residential units is not subject to Site Plan Control in the City's by-laws.
- It is a standard condition for severances of residential lots in established neighbourhoods that an owner enter into a Development Agreement to require that building elevations be provided to the City for approval. As the property may not be developed within the year deadline to fulfill conditions, the requirement is contained in an Agreement that will be registered on title.

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

- Her client has reviewed the proposed conditions and does not object to the recommendation in the Staff Report.

Moved by Stewart Hamilton

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.

In that the severed and retained parcels conform to the Official Plan policy and the Zoning By-law, consent is granted to sever the southerly 15.8 metres of the subject lands to create a new lot for residential development, CONDITIONAL UPON THE FOLLOWING:

- i) That the owner enter into a Development Agreement with the City, to be registered on title, requiring that building plans be provided for approval by the Planner of Urban Design to ensure compatibility of the building with other buildings in the neighbourhood, prior to issuance of a building permit.**
- ii) Prior to registering the Reference Plan at the applicant's cost, the applicant shall 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) Payment of a Parks Levy in an amount to be determined by the Parks Levy Review Committee;**

- v) **Payment of a Tree Levy in the amount of \$200.09 for the new lot;**
- vi) **That the applicant provide the Secretary-Treasurer with a draft of the Transfer/Deed of Land; and**
- vii) **That if the above conditions are not satisfied within 365 days of the circulation of the Committee's decision that this consent will lapse.**

7. **File No.: A38/19**
Address: 325 Cottonwood Drive
Applicant: Brian Bulger and Karen Bulger

This matter relates to a minor variance application submitted by Brian Bulger and Karen Bulger, the owners of the property that is the subject of the application.

The purpose of the application is to increase the height of an accessory structure from 4.3 metres to 4.7 metres and increase the maximum lot coverage from 20% to 23% to allow the construction of a dwelling on a vacant lot.

Brian Bulger attended the meeting and addressed the Committee as follows:

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

Christie Gilbertson, Planner, Policy and Research, advised that she 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.

Moved by Stewart Hamilton

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, variances are granted as follows to facilitate construction of a dwelling on a vacant lot:

- a) **An increase to the height of an accessory structure to 4.7 metres; and**
- b) **An increase to the maximum lot coverage by buildings to 23%.**

CONDITIONAL UPON demonstration that the new dwelling will be connected to municipal sewer and water services at the Building Permit stage.

8. **File No.: A39/19**
Address: 359 McGill Street
Applicant: Paul Kelly

This matter relates to a minor variance application submitted by Paul Kelly, as applicant on behalf of Kim Kelly, 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 Park Street South from 19 metres to 11.28 metres for a covered front porch and second storey dormers, reduce the minimum building setback from the point of intersection of two streetlines from 21.3 metres to 16.76 metres for a covered front porch, increase the maximum building coverage from 40% to 44%, and reduce the minimum building setback from the McGill Street streetline from 6 metres to 2.5 metres for a covered front porch.

Paul Kelly attended the meeting and addressed the Committee as follows:

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

Christie Gilbertson, Planner, Policy and Research, advised that she 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.

Moved by Tom Green

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 variances are granted as follows:

- A reduction to the minimum building setback from the centreline of Park Street South to 11.28 metres for a covered front porch and second storey dormers;**
- A reduction to the minimum building setback from the point of intersection of two streetlines to 16.76 metres for a covered front porch;**
- An increase to the maximum building coverage to 44%; and**
- A reduction to the minimum building setback from the McGill Street streetline to 2.5 metres for a covered front porch.**

PROVIDED THAT the covered front porch remain unenclosed.

- 9. File No.: A40/19**
Address: 296 Carlisle Avenue
Applicant: Curtis Elliot

This matter relates to a minor variance application submitted by Curtis Elliot, as applicant on behalf of Marcie Goldenberg, 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 6 metres to 1.5 metres for an uncovered deck at the front of the dwelling.

Marcie Goldenberg attended the meeting and addressed the Committee as follows:

- The sketch submitted with the application has an error. The depth of the deck should be 2.4 metres rather than 1.49 metres, as depicted on the sketch.
- Although the depth is noted incorrectly on the sketch, there is no impact on the requested variance as the setback would remain at 1.5 metres.

Christie Gilbertson, Planner, Policy and Research, advised that the applicant does not have a survey of the property, and the variance request was an approximation. Because it seemed that the applicant was requesting a greater reduction from the zoning regulations than what was required to construct 1.49 metre deep deck, staff recommended the application be approved with the proviso that the deck does not exceed the depth illustrated on the sketch submitted with the application.

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

In response to questions from the Committee, the Permit Technician/Plans Examiner advised as follows:

- Not all building permits require the applicant to submit a survey. This proposal may require a survey, but not necessarily a full survey of the lot. The Building Division may require the applicant to obtain the services of an Ontario Land Surveyor to stake the front of the property to ensure the proposed deck is 1.5 metres from the front lot line.
- The sketch that was submitted was not clear and would not be accepted for a Building Permit.

Moved by Tom Green

That the application be approved in accordance with the recommendation in the Staff Report, excluding the proviso limiting the depth of the deck.

“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, considered the information presented in the Staff Report, and acknowledged the owner’s statement that the sketch submitted with the application did not illustrate the correct depth of the deck, the Committee determined that the application should be approved without the proviso that the deck be limited to a depth of 1.49 metres that was recommended in the Staff Report. The Committee determined 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 reduce the minimum building setback from the Carlisle Avenue streetline to 1.5 metres for a deck PROVIDED THAT the deck remains uncovered.

10. **File No.:** A42/19
Address: 195 Hunter Street East
Applicant: TVM 195 Hunter Street East Inc.

This matter relates to a minor variance application submitted by TVM 195 Hunter Street East Inc., 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 Hunter Street East from 16 metres to 14.145 metres and reduce the minimum building setback from the centreline of Armour Road from 16 metres to 13.04 metres for the underground parking garage associated with a proposed mixed-use condominium building at the corner of Hunter Street East and Armour Road.

Mauro DiCarlo advised that he was present at the open house for the development but did not engage in discussions regarding the project with the applicant. He asked if applicant was comfortable with his participation in the hearing and the applicant consented.

Amit Sofer, owner of TVM 195 Hunter Street East Inc., attended the meeting and addressed the Committee as follows:

- The former St. Joseph's Hospital lands have been developed in phases over the last 10 years. This proposed new building on this property is Phase 5. Each phase is reviewed separately and has a separate Site Plan Agreement; however, the properties are interdependent.
- Applications for easements with respect to this property will be coming forward to the October hearing that allow will this property to integrate with the remaining properties on the campus.

Christie Gilbertson, Planner, Policy and Research, advised that she 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:

- Staff feel that deferring the application to allow the Committee to review architectural design is not necessary, as the Site Plan application is proceeding to City Council for approval. The minor variance application is limited to the location of the building on the property. If the footprint of the building were to be reduced to fit within the zoning regulations, the exposed areas of the parking garage would still be visible.

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

- His architect is not present this evening.
- With respect to surface parking, there are seven visitor spaces along the south edge of the property, fully accessible at grade to the front door.
- The elevations and plans circulated to the Committee members have already been updated to address some concerns with the interaction of the building with the street. The Site Plan application, which addresses these issues, will be going forward to City Council for final approval at a future date.
- The project is evolving, and the drawings have been updated since the Committee's circulation, including screening along the Hunter Street wall.
- The entrance with a 23 step staircase is a service entrance for mail and parcel delivery and a fire exit. The staircase entrance on Hunter Street is going to have more decoration with an entrance to an athletic facility and café. Comments have been received from the Accessibility Advisory Committee and are being integrated into the design to ensure that the entrance at the front of the building, to the east of the Hunter Street façade, is completely accessible.
- With respect to the request for the reduction to the minimum setback from the centreline of Armour Road, the portion of the building that requires the relief is entirely below grade, as the underground garage projects beyond the face of the building.

- With respect to the request for the reduction to the minimum setback from the centreline of Hunter Street, the relief is for less than 2 metres from the requirements in the zoning regulations. The building is positioned in the proposed location to make best use of key design elements of the structure. The images provided to the Committee show the position of the building and the Site Plan will have more detail when it proceeds for Council approval.

Moved by Tom Green

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 variances are granted for the underground parking garage as follows:

- A reduction to the minimum building setback from the centreline of Hunter Street East to 14.145 metres; and**
- A reduction to the minimum building setback from the centreline of Armour Road to 13.04 metres.**

11. **File No.: B09/19**
Address: 414 McKellar Street
Applicant: James Baird, LLF Lawyers LLP

File No.: A43/19
Address: 414 McKellar Street – Severed Lot (known as 685 Park Street South)
Applicant: James Baird, LLF Lawyers LLP

File No.: A44/19
Address: 414 McKellar Street – Retained Lot
Applicant: James Baird, LLF Lawyers LLP

This matter relates to a severance application and two minor variance applications submitted by James Baird, LLF Lawyers LLP, as applicant on behalf of The Apostolic Church in Canada, the owner of the property that is the subject of the application.

The purpose of the application is to sever a 16 metre by 33.7 metre lot associated with the existing residence, known municipally as 685 Park Street South, and to request consent for an easement in relation to the existing hydro transformer on the proposed severed lands, in favour of the retained. Two minor variance applications have been submitted to address deficiencies from the Zoning District that would result following the severance.

Emily Hunt, LLF Lawyers LLP, advised that a representative of the owner of the property was in attendance to address the Committee, but that she could address any legal questions the Committee may have.

John Kristensen, pastor emeritus of Elim City Church, representing the Apostolic Church in Canada, attended the meeting and addressed the Committee as follows:

- He has no additional information to add to the application provided to the Committee.
- He has reviewed the Staff Report and the proposed conditions of severance.

Christie Gilbertson, Planner, Policy and Research, advised that the Parks Levy Review Committee has already assessed the application and a levy is not applicable as there is no proposed development. As such, the Committee may want to remove condition viii) of the proposed severance conditions.

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

In response to questions from the Committee, the Planner, Policy and Research advised as follows:

- The recommendation to purchase the portion of the City laneway has been brought to the attention of the Real Estate Manager. It is the preference of the Planning and Legal Divisions to have the property consolidated going forward. Following approval of the previous application for severance, a portion of the laneway on the north side of the proposed severed lot was purchased from the City in accordance with the conditions of severance. There is no indication that it would not be possible to fulfill the condition within the one year deadline.
- The owner's solicitor had no concerns with the proposed condition. If condition ii), to purchase the portion of the laneway that bisects the parking lot were removed, it would affect condition iii) to consolidate the lands, which would have to be modified. There are effectively five separate parcels that make up the property as it currently is established.
- The land has not been declared surplus, and the purchase would be subject to the established process. Staff do not anticipate any issues, as the church is currently utilizing the laneway as part of its parking area.

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

- The church property cannot be accessed from the west via the laneway, and the church was not aware that the laneway existed.
- Since it is possible that the condition to purchase the laneway could delay the sale of the lands, he would prefer that the condition be removed, although he is prepared to proceed with the conditions outlined in the Staff Report.

Moved by Robert Short

That the applications be approved save and except for condition ii) of File No. B09/19, as outlined in the Staff Report, (purchase of the City owned laneway) and that condition iii) (consolidation of the holdings of The Apostolic Church in Canada with the City owned laneway) of File No. B09/19 be modified to read as follows: "That the lands municipally known as 414 McKellar be consolidated into one parcel together with Part 3 illustrated on the Consent Plan submitted with the application".

Decision – B09/19

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 severed and retained parcels conform to the Official Plan policy and File Numbers A43/19 and A44/19 address the deficiencies from the Zoning By-law, consent is granted to sever a 16 metre by 33.7 metre lot associated with the existing residence, illustrated as Part 1 on the Consent Plan submitted with the application, CONDITIONAL UPON THE FOLLOWING:

- i) **Approval of applications A43/19 and A44/19;**
- ii) **That the lands municipally known as 414 McKellar Street be consolidated into one parcel, together with Part 3 illustrated on the Consent Plan submitted with the application;**
- iii) **That two legal parking spaces in compliance with the Zoning By-law be established on the severed lands;**
- iv) **That the existing driveway between the apartment building and manse be removed and the curb reinstated in accordance with the City's requirements;**
- v) **Prior to registering the Reference Plan at the applicant's cost, the applicant shall 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;**
- vi) **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.**
- vii) **Payment of a Parks Levy in an amount to be determined by the Parks Levy Review Committee;**
- viii) **Payment of a Tree Levy in the amount of \$202.62;**
- ix) **That the applicant provide the Secretary-Treasurer with a draft of the Transfer/Deed of Land; and**
- x) **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 – A43/19

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.

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 building setback from the south side lot line to 1.24 metres; and**
- b) **A reduction to the minimum width of landscaped open space from the south side lot line to 1.24 metres.**

CONDITIONAL UPON the submission of the registered transfer/deed of land related to file number B09/19.

Decision – A44/19

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.

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 building setback from the north side lot line to 2.062 metres;**
- b) A reduction to the minimum number of required parking spaces to 67; and**
- c) A reduction to the minimum lot area to 2,960 square metres.**

CONDITIONAL UPON the submission of the registered transfer/deed of land related to file number B09/19.

Minutes

Moved by Robert Short

That the minutes of the Committee of Adjustment hearing held on July 16, 2019 be approved.

“CARRIED”

Other Business

1. File No. A31/19, Corrigendum

Moved by Stewart Hamilton

That it was the intention of the Committee that Application A31/19 be approved as submitted, to increase the maximum lot coverage by buildings to 17% to permit an 84 square metre accessory structure.

“CARRIED”

2. File No. B11/19, Appeal to LPAT

The Secretary-Treasurer advised the Committee that two appeals have been submitted in respect to the Committee’s decision on File No. B11/19, 189 Lisburn Street.

Next Meeting

The next meeting of the Committee of Adjustment is scheduled for Tuesday, October 1, 2019.

Adjournment

The meeting was adjourned at 8:02 p.m.

(Sgd.) Mauro DiCarlo, Chair

(Sgd.) Jennifer Sawatzky, Secretary-Treasurer