



City of
Peterborough

Committee of Adjustment Minutes

January 28, 2020

Minutes of a Meeting of Committee of Adjustment held on Tuesday, January 28, 2020 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, Planner, Policy and Research
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.

The Committee agreed to move consideration of Agenda Item 3.a, File Numbers B14/19 and A50/19 to the end of the agenda.

- File No.: A01/20**
Address: 101 Auburn Street
Applicants: Dan VanSlageren and Courtney VanSlageren

This matter relates to a minor variance application submitted by Dan VanSlageren and Courtney VanSlageren, the owners of the property that is the subject of the application.

The application is requesting permission to enlarge a legal non-conforming use to permit the construction of a second storey on the existing single-detached dwelling.

Dan VanSlageren attended the meeting and addressed the Committee as follows:

- He has nothing additional to add to the information provided to the Committee with the application.

Nolan Drumm, Planner, Policy and Research, 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 a letter in objection to the application from Gord Young, Peterborough, Ontario.

Moved by Claude Dufresne:

That the application be approved in accordance with the recommendation 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.

Having reviewed the application and considered the information presented in the Staff Report, the Committee determined that the proposal is desirable for an appropriate development of the subject property and that the application should be approved as per the Staff Recommendation.

Therefore, permission is granted to allow the enlargement of the dwelling with a second-storey addition PROVIDED THAT the addition is constructed substantially in accordance with Exhibit D of the Staff Report dated January 28, 2020.

2. **File No.:** **B01/20**
 Address: **15 Moir Street**
 Applicant: **Dallas DeCarlo**

This matter relates to a severance application submitted by Dallas DeCarlo, the owner of the property that is the subject of the application.

The purpose of the application is to add the rear 405 square metre “L-shaped” portion of 15 Moir Street as a lot addition to 17 Moir Street. This will result in 15 Moir Street becoming a typical rectangular-shaped residential lot.

Dallas DeCarlo attended the meeting and addressed the Committee as follows:

- He has nothing additional to add to the information provided to the Committee with the application.

Nolan Drumm, Planner, Policy and Research, 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.

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 reconfigured lots conform to the Official Plan policy and the Zoning By-law, consent is granted to sever the rear, 405 square metre, “L-shaped” portion of 15 Moir Street for a lot addition to 17 Moir Street, CONDITIONAL UPON THE FOLLOWING:

- Prior to registering the Reference Plan, the applicant shall, at its cost, submit a draft Reference Plan to the Secretary-Treasurer, showing the proposed severed parcel. Upon registration of the approved Reference Plan, a digital copy of the registered Reference Plan in pdf format will be provided to the Secretary-Treasurer;**
- 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’s**

- Geomatics/Mapping Division to confirm acceptable standards and formatting. The Surveyor should contact the Secretary-Treasurer for instructions on how to submit this document;**
- iii) **The owner's solicitor shall provide an Undertaking to forthwith register an Application to Consolidate the severed property with the property municipally known as 17 Moir Street and 190 Lisburn Street;**
 - iv) **That the two parcels 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;**
 - v) **That the applicant provides 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.**
3. **File No.: A02/20**
Address: 350 Braidwood Avenue
Applicants: Wendy Hockley and David Nolan

This matter relates to a minor variance application submitted by Wendy Hockley and David Nolan, the owners of the property that is the subject of the application.

The purpose of the application is to reduce the minimum required setback from the centreline of Braidwood Avenue from 16.0 metres to 12.36 metres to permit the enclosure of the existing front porch and the construction of a new covered front porch at the front of the dwelling.

Wendy Hockley attended the meeting and addressed the Committee as follows:

- She has nothing additional to add to the information provided to the Committee with the application.

Nolan Drumm, Planner, Policy and Research, 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.

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 centre line of Braidwood Avenue to 12.36 metres to permit the enclosure of the existing covered front porch and the construction of a new covered front porch and stairs at the front of the existing dwelling PROVIDED THAT the construction proceeds substantially in accordance with the concept plan illustration in Exhibit F of the Staff Report dated January 28, 2020.

4. **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 applications.

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:

- The application for consent proposes to sever two 12.5 metre wide lots from the easterly portion of the heritage designated property.
- A variance application has also been submitted to allow the exiting garage to remain as the sole use of the easternmost lot prior to the establishment of the permitted residential use.

Nolan Drumm, 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.

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

- i) Kathy Boyd, Selwyn, Ontario addressed the Committee and expressed concerns related to the compatibility of the proposal with the surrounding neighbourhood and the proposed development preventing driveway access to the existing garage on the easternmost lot.
- ii) Kevin Duguay, Peterborough, Ontario advised that he had been retained by Cauleen Viscoff with respect to the applications and expressed a concern with the creation of a residential lot between the designated property containing the Copping House and the associated garage, which is proposed to be designated on a separate lot. Mr. Duguay presented an alternate proposal which would allow for one severed lot and the relocation of the garage onto the retained property.

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

- i) Janice Fialkowski, New Westminster, British Columbia
- ii) Kevin Duguay, Peterborough, Ontario, representing Cauleen Viscoff, Peterborough, Ontario
- iii) Kathy Boyd, Selwyn, Ontario

Wayne Morgan, author of the Cultural Heritage Impact Statement submitted with the applications, addressed the Committee and advised that he believes the heritage value of the property would be retained following the development of the property contemplated by the proposal.

The Planner, Policy and Research advised that Staff are recommending an additional condition to those listed in the Staff Report requiring the demolition of the wooden shed.

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

- The application was initially submitted with proposed lot widths of 12.0 and 12.2 metres. Following a neighbourhood meeting held by the applicant and consultation with City Staff, the application was amended to request two 12.5 metre wide lots.
- Staff are recommending that the Committee include a condition of approval requiring the owner to enter into a Development Agreement with the City. The agreement would be registered on title and would oblige the current and future owners of the property to comply with the requirements of the agreement prior to obtaining a building permit.
- The request to designate the Copping Garage is contained in the development agreement as the request cannot be considered by Council until the new lots have been created. Legal Services has advised that Council cannot pass a heritage designation by-law for a property until it is created as a separate lot.
- The City's electronic property records would flag the Development Agreement that would be registered on the title of the property. The Building Division would be aware of the requirements outlined in the agreement should the owner apply for a Building Permit.
- The proposed condition does not require that the request to designate the Copping Garage be approved, as that is a decision of City Council and not within the control of the applicant or the Committee.
- The proposed condition regarding the Development Agreement could be revised to add a clause that would require the driveway located on Part 3 be located on the easternmost portion of property, connecting to the garage.

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

- He has not had plans prepared for the proposed lots, as the lots are being marketed as vacant lots for development by the purchaser.
- A concept plan was submitted with the application showing how a dwelling and associated parking could be established in compliance with the regulations of the Zoning By-law. The concept plan shows two parallel parking spaces on the driveway, located in front of each of the proposed dwellings.
- The concept plan illustrates a 9 metre by 9 metre dwelling on the easternmost lot that meets the required setbacks.
- Patio stones have been installed to the rear of the existing dwelling on the retained lot, extending approximately 5.5 metres into the 7 metre long rear yard. The balance of the property is green space that wraps around the house and exceeds the required side yard setback of 1.2 metres.
- The width of the lots was addressed in the Cultural Heritage Impact Statement and its addendum. Varying lot widths were contemplated, and it was determined that lots wider than 12.5 metres would negatively impact the heritage value of the retained lot. If the easternmost lot were increased to 15 metres, the centre lot would have to be reduced to 10 metres, which would not meet the minimum lot width required by the Zoning By-law for the R.1 zoning district.
- Although the concept plan illustrates a 9 metre wide dwelling on the easternmost lot, the width of the house could be decreased to 7 metres to maintain the width of the existing driveway, allowing access to the garage from Aberdeen along the eastern limit of the lot.
- He would not object to the introduction of an additional clause in the proposed development agreement requiring the establishment of a driveway through to the rear garage on the easternmost lot, reducing the maximum size of dwelling that could be established.

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

- The Cultural Heritage Impact Statement examined the impact of the new lots on the Copping House. The side yard setback of the new dwellings the proposed lots and their relationship to the existing lot pattern on Aberdeen Avenue were not addressed, as the focus was the development's impact on the Copping House rather than on the neighbourhood. The new houses would be located with a sufficient setback from Aberdeen Avenue to allow continuing views of Copping House and with heights that would not overwhelm the heritage dwelling. The side yard setbacks were not relevant to heritage conservation in this situation.
- The design of the house on the easternmost lot would be considered at the time that the applicant was preparing to construct the dwelling.

Discussion

Robert Short expressed concern that the parking layout of two parallel parking spaces in front of the dwelling, as illustrated on the concept plan, is not consistent with the existing pattern of development in the neighbourhood. He noted that the garage on the proposed easternmost lot would not be utilized for its intended purpose if it could not be accessed by a driveway. He suggested that a requirement to establish a driveway accessing the garage should be a condition of approval.

Stewart Hamilton suggested that a condition be added to the consent approval to restrict the owner's ability to obtain a demolition permit for the garage until City Council has decided on the proposed heritage designation.

Moved by Claude Dufresne:

- a) **That the applications be approved subject to the proposed conditions outlined in the Staff Report;**
- b) **That a condition be added to the provisional consent requiring that the existing wooden shed be removed; and**
- c) **That the following clauses be added to the Development Agreement required as a condition of Consent:**
 - i) **That the driveway located on Part 3 of Exhibit B to the Staff Report be located on the easternmost portion of property, connecting to the garage; and**
 - ii) **That the owner shall not apply for a demolition permit with respect to the Copping Garage until such time as City Council has decided on the request for Heritage Designation for the property identified as Part 3 on Exhibit B of the Staff Report.**

"CARRIED"

Decision – B14/19

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

The Committee determined that the conditions should be amended to provide additional protection to the Copping Garage and to ensure that the easternmost lot is developed to maintain the current function of the garage and its relationship to the street.

In that the proposed lots conform to the Official Plan Policy and Application Number A50/19 addresses the establishment of a unserviced garage on the otherwise vacant land, consent is granted to sever two 12.5 metre wide lots for residential development CONDITIONAL UPON THE FOLLOWING:

- i) **That minor variance application A50/19 is approved by the Committee of Adjustment;**

- ii) That the wooden shed be removed;
- iii) That the owner enters into a Development Agreement with the City, to be registered on title, agreeing to the following prior to the issuance of a building permit:
 - a) Submit a request to the City's Heritage Preservation Office to designate the property identified as Part 3 on Exhibit B under the Ontario Heritage Act, including reasons for designation being the Copping Garage as described in the Cultural Heritage Impact Statement (CHIS), following the registration of the Transfer/Deed of land;
 - b) Submit the final design of any new construction on the new lots for review by the Heritage Preservation Office and Planner of Urban Design to ensure consistency with the neighbourhood and the recommendations of the CHIS. The CHIS recommends that:
 - i. The maximum height of the new buildings be similar to the existing house at 210 Aberdeen Avenue (two storeys), and
 - ii. The minimum building setback from the street line of Aberdeen Avenue is 6.5 metres;
 - c) Establish a tree protection area around the red oak within the Aberdeen Avenue road allowance, located in front of Part 2, to the satisfaction of the City's Urban Forest Manager, prior to any site alteration on Part 2;
 - d) Apply for a boulevard permit and submit the driveway plans for Parts 2 and 3 to the City's Urban Forest Manager for approval prior to issuance, to minimize the impact on the existing red oak tree located in the Aberdeen Avenue road allowance, located in front of Part 2;
 - e) That the driveway for Part 3 be located on the easternmost portion of property, connecting to the garage; and
 - f) That the owner shall not apply for a demolition permit with respect to the Copping Garage until such time as City Council has decided on the request for Heritage Designation for the property identified as Part 3.
- iv) 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 parcels. Upon registration of the approved Reference Plan, a digital copy of the registered Reference Plan in pdf format 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's 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) Payment of a Parks Levy in an amount to be determined by the Parks Levy Review Committee;
- vii) Payment of Tree Levies in the amounts of \$184.51 and \$184.64 for the two residential lots;
- viii) That the applicant provides the Secretary-Treasurer with a draft of the Transfers/Deeds of Land; and
- ix) 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 – A50/19

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 both in the Staff Report and presentation, 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 recognize the use of the land for the existing, unserviced, private residential garage prior to the establishment of a residential dwelling unit CONDITIONAL UPON submission of the registered Transfers/Deeds of Land related to File Number B14/19.

Minutes

Moved by Claude Dufresne:

That the minutes of the Committee of Adjustment hearing held on December 3, 2019 be approved.

“CARRIED”

Other Business

An application to amend the conditions of provisional consent related to File No. B20/19, 47 Robinson Street was received by the Committee.

Moved by Tom Green

- a) **That Condition vii) of the provisional consent be deleted; and**
- b) **That the change to the Conditions is minor and a Notice of the Change of Conditions is not required.**

“CARRIED”

Next Meeting

The next meeting of the Committee of Adjustment is scheduled for Tuesday, February 25, 2020.

Adjournment

The meeting was adjourned at 7:34 p.m.

(Sgd.) Mauro DiCarlo, Chair

(Sgd.) Jennifer Sawatzky, Secretary-Treasurer