



City of
Peterborough

Committee of Adjustment Minutes

August 11, 2020

Minutes of an Electronic Meeting of Committee of Adjustment held on Tuesday, August 11, 2020 at 6:00 p.m.

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

Also Present: Nolan Drumm, Planner, Policy and Research
Andrea Stillman, Zoning Administrator
Jennifer Sawatzky, Secretary-Treasurer

Mauro DiCarlo called the Committee of Adjustment to order at 6:00 p.m.

Election of Officers:

Moved by Mauro DiCarlo

That Robert Short be appointed as Chair of the Committee of Adjustment.

“CARRIED”

Moved by Mauro DiCarlo

That the Committee shall appoint a Chair and Vice-Chair to serve a one-year term.

“CARRIED”

Robert Short assumed the Chair.

Moved by Stewart Hamilton

That Mauro DiCarlo be appointed as Vice-Chair of the Committee of Adjustment.

“CARRIED”

Disclosure of Pecuniary Interest

There were no disclosures of Pecuniary Interest.

- File No.:** A04/20
Address: 316 Cullen Trail
Applicant: Mason Homes Limited

This matter was deferred from the February 25, 2020 hearing.

This matter relates to a minor variance application submitted by Mason Homes 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 rear lot line from 6.0 metres to 4.21 metres to accommodate the construction of a single-detached dwelling.

Karen Liu of Mason Homes Limited represented the application and addressed the Committee as follows:

- The application was deferred from the February hearing to provide clarification on the measurement of the setback to the rear lot line. The measurement on the site plan was corrected and is now shown as 4.21 metres.

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 Mauro DiCarlo:

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 from Section 358.3(e)(iii) of the Zoning By-law to reduce the minimum building setback from the rear lot line to 4.21 metres to permit the development of a single-detached dwelling PROVIDED THAT the construction of the dwelling related to this approval proceed substantially in accordance with the concept site plan attached as Exhibit A to the Staff Report dated August 11, 2020.

2. **File No.: A06/20**
Address: 343 Cullen Trail
Applicant: Mason Homes Limited

This matter relates to a minor variance application submitted by Mason Homes 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 street line for a dwelling from 3.0 metres to 1.75 metres and to reduce the minimum building setback from the street line for a verandah from 1.5 metres to 0.91 metres to facilitate the construction of a single-detached dwelling.

Karen Liu of Mason Homes Limited represented the application and addressed the Committee as follows:

- There is no additional information to provide to the Committee at this time.

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 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, variances are granted as follows:

- a) **A variance to Section 358.3(k)(i) of the Zoning By-law to reduce the minimum building setback from the street line to a dwelling to 1.75 metres; and**
- b) **A variance to Section 358.3(k)(iii) of the Zoning By-law to reduce the minimum building setback from the street line to a verandah to 0.91 metres.**

PROVIDED THAT the construction of the dwelling related to this approval proceed substantially in accordance with the concept site plan attached as Exhibit B to the Staff Report dated August 11, 2020.

3. **File No.: A09/20
Address: 68 Aylmer Street North
Applicant: Glen Salmon**

This matter relates to a minor variance application submitted by Glen Salmon, as applicant on behalf of Stefan Olafur Fridriksson, 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 centre line of Aylmer Street from 16.0 metres to 13.5 metres and reduce the minimum building setback from the side lot line from 1.2 metres to 0.6 metres for both the north and south side lot lines to permit the construction of a front verandah.

Glen Salmon represented the application and addressed the Committee as follows:

- He has reviewed the recommendation in the Staff Report.

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.

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 variance to Section 6.8(2.1)(a) of the Zoning By-law to reduce the minimum building setback from the centre line of Aylmer Street (east side, Canadian National Railway near Dublin Street to Lansdowne Street) to 13.5 metres; and**
- b) **A variance to Section 7.2(e)(i) of the Zoning By-law to reduce the minimum building setback from the side lot line to 0.6 metres for both the north and south lot lines.**

PROVIDED THAT the construction of the verandah related to this approval proceed substantially in accordance with the drawings attached as Exhibit C to the Staff Report dated August 11, 2020.

4. **File No.: A10/20
Address: 138 Park Street North
Applicant: J. Laurie Young**

This matter relates to a minor variance application submitted by J. Laurie Young, as applicant on behalf of Matthew Aston, 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 centre line of Park Street from 16 metres to 12.1 metres to facilitate the construction of a front verandah at the entrance to three units.

J. Laurie Young attended the meeting and addressed the Committee as follows:

- She has reviewed the Staff Report and has no objection to the Staff Recommendation.

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 Section 6.8(12)(a) of the Zoning By-law to reduce the minimum building setback from the centre line of Park Street (Reid Street to Cameron Street) to 12.1 metres PROVIDED THAT the construction of the verandahs related to this approval proceed substantially in accordance with the concept site plan and elevation drawing attached as Exhibit D to the Staff Report dated August 11, 2020.

5. **File No.: B03/20**
Address: 689 George Street North
Applicants: Herb Koning and Elaine Koning

File No.: B04/20
Address: 693 George Street North
Applicants: Herb Koning and Elaine Koning

File Number B03/20 relates to a consent application submitted by Herb Koning and Elaine Koning, as applicants on behalf of Cleary Investments Inc., the owner of the property that is the subject of the application.

File Number B04/20 relates to a consent application submitted by Herb Koning and Elaine Koning, on behalf of Elaine Koning, the owner of the property that is the subject of the application.

The purpose of the applications is to seek consent for cross-easements to facilitate vehicular access to the rear of the properties from a mutual driveway to George Street North.

Herb Koning and Elaine Koning represented the application and addressed the Committee as follows:

- They have reviewed the Staff Report and have no objection to the Staff Recommendation.

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 applications be approved in accordance with the recommendations in the Staff Report.

“CARRIED”

Decision – B03/20

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 facilitate vehicle access to 689 and 693 George Street North by way of a shared driveway, consent is granted for a two-metre wide easement along the northern boundary of the property in favour of the property known municipally as 693 George Street North CONDITIONAL UPON THE FOLLOWING:

- i) 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 easements. 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;**
- ii) 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.**
- iii) That the applicant provide the Secretary-Treasurer with a draft of the Transfer Easement.**
- iv) If the above condition is not satisfied within 365 days of the circulation of the Committee's decision that the consent will lapse.**

Decision – B04/20

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 facilitate vehicle access to 689 and 693 George Street North by way of a shared driveway, consent is granted for a two-metre wide easement along the southern boundary of the property in favour of the property known municipally as 689 George Street North CONDITIONAL UPON THE FOLLOWING:

- i) 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 easements. 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;**
- ii) 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.**
- iii) That the applicant provide the Secretary-Treasurer with a draft of the Transfer Easement.**
- iv) If the above condition is not satisfied within 365 days of the circulation of the Committee's decision that the consent will lapse.**

6. **File No.:** A12/20
Address: 559 Downie Street
Applicants: Leslie Fagan and Jeff Pinkney

This matter relates to a minor variance application submitted by Leslie Fagan and Jeff Pinkney, the owners of the property that is the subject of the application.

The purpose of the application is to increase the maximum distance a platform can project into a building setback from a street line from 1.5 metres to 1.9 metres to facilitate the construction of a platform associated with an existing fire escape.

Leslie Fagan and Jeff Pinkney represented the application and had no comment for the Committee.

Nolan Drumm, Planner, Policy and Research, advised that staff is recommending a change to the recommended condition of approval in the Staff Report to permit the applicant to either enter into an encroachment agreement to formalize the existing parking area within the London Street road allowance or to provide three parking spaces on the property. He also clarified that the proviso in the staff report refers to a verandah, however the application is to facilitate the construction of a platform.

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:

- Currently, all three parking spaces are located within the road allowance. There is room on the property to establish two parking spaces in tandem along the west lot line and one parallel to London Street.
- The City recommends providing the applicant with an option to establish the required parking spaces on site so that they will be able to fulfill the condition of approval if their application to enter into an encroachment agreement is not successful.

Moved by Claude Dufresne:

That the application be approved in accordance with the recommendation in the Staff Report, including the revised Condition to permit the applicant the option of providing three parking spaces 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, comments provided by staff, 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 amended 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 Section 6.19 (b) of the Zoning By-law to increase the maximum distance a platform may extend into the building setback from a street line to 1.9 metres PROVIDED THAT the construction of the platform related to this approval proceed substantially in accordance with the concept site plan attached as Exhibit F to the Staff Report dated August 11, 2020 and CONDITIONAL UPON one of the following:

- i) **That the owner entering into an encroachment agreement with the City to formalize the existing parking area within the London Street road allowance; or**
- ii) **Demonstration of the establishment of three parking spaces, in accordance with the Zoning By-law, on the property.**

7. **File No.: B05/20
Address: 853 Fairbairn Street
Applicant: Jenny Laing**

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

The purpose of the application is to sever the northerly 619.8 square meters of the irregularly shaped property to create a new residential building lot.

Jenny Laing, Robert Rudell, and William Rudell represented the application and advised they have no comments on the application or Staff Report.

Nolan Drumm, Planner, Policy and Research, advised that following the publication of the Staff Report, comments were received from Bell Canada, who have no concerns with the application. He noted that two concept plans were submitted to support the application showing different locations for the easement over the property. Following the circulation of the revised plan, the applicant confirmed that the original plan showed the location of the easement correctly.

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

Moved by Mauro DiCarlo:

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 and the Zoning By-law, consent is granted to sever the northerly 619.8 square metres of the irregularly shaped lot, with a lot frontage of 15 metres to create a new lot for a single-detached dwelling, CONDITIONAL UPON THE FOLLOWING:

- i) **The payment of a Parks Levy for the newly created lot, in an amount to be determined by the Parks Levy Review Committee;**
- ii) **The payment of a Tree Levy in the amount of \$189.96 for the newly created lot;**
- iii) **Prior to registering of 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 and road widening. 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;**

- 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'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;**
 - v) **Conveyance by the owner to the City, free of encumbrances and at no cost to the City, a 5.0-metre road widening across the frontage of the severed lot;**
 - vi) **That the applicant provides 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.**
8. **File No.: B06/20**
Address: 130 Maria Street
Applicant: Susan Bowes

This matter relates to a severance application submitted by Susan Bowes as applicant on behalf of Margaret Vyse, the owner of the property that is the subject of the application.

The purpose of the application is to sever the westerly 21.6 meters from the subject property to create a new residential building lot.

Susan Bowes and Andrew Bowes represented the application and addressed the Committee as follows:

- They have reviewed the Staff Report and the proposed conditions and have no comments at this time.

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

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

- Maria Street is a collector street, with a required minimum building setback from the centre line of the street of 19 metres. The applicant would not be able to achieve a building setback similar to other properties in the neighbourhood without a minor variance application. The plan submitted with the application demonstrates the potential building envelope within the existing regulations.
- Canadian Pacific Railway was circulated as an adjacent property owner and have not provided comment on the application.

Moved by Mauro DiCarlo:

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 and the Zoning By-law, consent is granted to sever the westerly 21.6 metres of the property to create a new lot for development of a single-detached dwelling, **CONDITIONAL UPON THE FOLLOWING:**

- i) **The payment of a Parks Levy for the newly created lot, in an amount to be determined by the Parks Levy Review Committee;**
- ii) **The payment of a Tree Levy in the amount of \$273.54 for the newly created lot;**
- iii) **The removal of the existing accessory structure, attached carport and portion of chain link fence located along the frontage of the severed lot;**
- iv) **Prior to registering of 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 and road widening. 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) **Conveyance by the owner to the City, free of encumbrances and at no cost to the City, a 3.0-metre road widening across the frontage of the severed lot;**
- vii) **That the applicant provides 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.**

9. **File No.: B21/19
Address: 884 Sherbrooke Street
Applicants: Earle Henderson and Patricia Henderson**

Earle Henderson represented the application to amend the conditions of consent and addressed the Committee as follows:

- The application for consent was approved in December 2019 with conditions to submit a reference plan and closed polygon vector file depicting the proposed severed parcel. Following consultation with a land surveyor and his lawyer, he was advised that the parcel already had an existing legal description and a reference plan was not required. He is therefore requesting that conditions i) and ii) be removed from the conditional approval.

Moved by Stewart Hamilton

- a) **That Conditions i) and ii) 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"

Minutes

Moved by Claude Dufresne

That the minutes of the Committee of Adjustment hearing held on February 25, 2020 be approved.

“CARRIED”

Other Business

There were no items of other business.

Next Meeting

The next meeting of the Committee of Adjustment is scheduled for Tuesday, October 6, 2020.

Adjournment

The meeting was adjourned at 7:00 p.m.

(Sgd.) Robert Short, Chair

(Sgd.) Jennifer Sawatzky, Secretary-Treasurer