



City of
Peterborough

Committee of Adjustment Minutes

October 6, 2020

Minutes of a Meeting of Committee of Adjustment held on Tuesday, October 6, 2020 at 6:00 p.m. in the Council Chambers, City Hall.

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

Regrets: Tom Green

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

Committee of Adjustment was called to order at 6:00 p.m.

Disclosure of Pecuniary Interest

Claude Dufresne declared conflict of interest regarding Item 2, File No. B07/20, 689 Towerhill Road, as he sits on the Committee of Management of Fairhaven Long-Term Care Facility.

- File No.:** A11/20
Address: 359 Rogers Street
Applicant: Molly Conlin

This matter relates to a minor variance application submitted by Molly Conlin, as applicant on behalf of Chris Bridge, the owner of the property that is the subject of the application.

The purpose of the application is to reduce the minimum lot width per dwelling unit from 6.0 metres to 4.4 metres and to increase the maximum lot coverage by open parking areas, driveways and vehicle movement areas from 25% to 32.5% to facilitate the construction of a fourth dwelling unit and associated parking in an existing triplex.

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

- The application proposes a reduction in the minimum lot width per dwelling unit to allow the existing triplex to be converted to a fourplex without changing the footprint. An increase to the maximum parking area is also being requested to accommodate the required number of parking spaces.

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 Zoning By-law does not restrict the landscaping materials that are considered Landscaped Open Space, provided the area is not used for a parking or driveway area.

- The proposed conditions of approval would require the property owner to submit a lot grading and drainage plan for review. Staff do not believe an agreement with the property owner is required, as the owner will not be able to obtain a Building Permit without the approval of the lot grading and drainage plan by the City's Development Engineering staff.

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

- There is no permit process for the proposed changes to the parking area; however, the Building Division will not issue a Building Permit for the fourth unit until a lot grading and drainage plan is approved. The plan will be prepared by an engineer and reviewed by the City's Development Engineering staff.

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 variance from Section 9.2 (c) of the Zoning By-law to reduce the minimum lot width per dwelling unit to 4.4 metres; and**
- A variance from Section 9.2 (h) of the Zoning By-law to increase the maximum lot coverage by open parking areas, driveways, and vehicle movement areas to 32.5%.**

PROVIDED THAT construction related to this approval proceed substantially in accordance with the concept plan attached as Exhibit A to the Staff Report dated October 6, 2020 and CONDITIONAL UPON the following:

- The completion of a lot grading and drainage plan for the proposed parking and driveway area, to the satisfaction of Development Engineering; and**
- The removal of the porch located on the north side of the existing building.**

- File No.: B07/20**
Address: 689 Towerhill Road
Applicant: EcoVue Consulting Services Inc.

Due to his previously declared conflict of interest, Claude Dufresne left the Council Chambers at 6:12 p.m. and did not participate in the discussion or consideration of this item.

This matter relates to a severance application submitted by EcoVue Consulting Services Inc., as applicant on behalf of Muskoka D&M Corp., the owner of the property that is the subject of the application.

The purpose of the application is to sever a 2.16-hectare parcel with 144 metres of frontage along Hillside Street from the southern portion of the subject property to create a new building lot for a long-term care facility together with an easement over the retained lands to facilitate vehicle access to the severed lands.

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

- The intent of the application is to sever a 2.16-hectare parcel of land to sell to Extendicare for construction of a 256-bed long-term care facility.
- Official Plan and Zoning By-law amendment applications related to the proposed use of the land were approved by City Council on September 28, 2020 and are currently in the appeal period.
- EcoVue is requesting that the application be approved as recommended in the Staff Report with the exception of proposed condition ii), requiring the removal of the Holding Symbol from the Zoning By-law designation. The conditions to remove the Holding Symbol would require the completion of the detailed design for the site relating to servicing, natural heritage, and storm water management, which are details typically addressed through the site plan approval process.
- The inclusion of this condition prior to the severance is a procedural barrier, as the sale of the land to Extendicare should occur prior to the execution of the agreements required by the Holding Symbol. Further, as there is a significant amount of work required to prepare the agreements, there may not be sufficient time to complete the conditions of approval within the one-year period if this condition is not removed.
- Removal of the condition represents good planning and is reasonable since the Holding Symbol and Site Plan Approval process will provide adequate insurance that all conditions have been met before any development occurs on the property.
- Regarding the proposed extension of Hillside Street to provide access to the property, she understands that the road will be required to be built to municipal standards and will be assumed by the City. This will be addressed at the detailed design stage.

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

- i) Richard Taylor, Peterborough, Ontario, speaking on behalf of 1972909 Ontario Limited, attended the meeting, and addressed the Committee in opposition to this application. He expressed concerns related to the proposed lot fronting onto an unopened portion of Hillside Street, access and egress to the proposed facility along the local road network, emergency access to the proposed facility, and conformity with the Official Plan and the Planning Act. Mr. Taylor advised that he has been in discussions with the applicant regarding the extension of Hillside Street and a proposed a condition of severance requiring the owner to enter into an agreement with the City for the extension of Hillside Street to municipal standards, consistent with the design prepared by his client's engineer, Murray Davenport.
- ii) Mitchell Brownstein, Peterborough, Ontario, attended the meeting and addressed the Committee in opposition to this application. He expressed concerns related to water quality, future development of the retained lands and access to the retained lands through McCrea Drive.

Nolan Drumm, Planner, Policy and Research, provided the following comments with respect to the application:

- He recommends that the Committee not remove the condition to remove the Holding Symbol from the zoning, as the zoning district will not permit the use of the property as a long-term care facility until the Holding Symbol is removed. This

condition will also ensure adequate servicing is available to the site prior to the creation of a new lot. Should this condition be removed by the Committee, he recommends the inclusion of the Holding Symbol conditions noted in Zoning Amendment By-law 20-065 as conditions of the severance.

- With respect to the road access, Legal Services have confirmed that Hillside Street is dedicated as a public highway. The Transportation Division provided comment on the Official Plan and Zoning By-law amendment applications and did not approve the completion of Hillside Street as a through street due to site line issues at the intersection of Hillside and Fairbairn Streets. The Transportation Division supports the proposal to locate the primary access to the facility from the east through the Simons subdivision off Chemong Road and additional emergency access from the west. The final design would be determined through the Site Plan Approval process.
- With respect to access to the property from McCrea Drive, this relates to the retained lands. There is no development application for the retained lands at present, and therefore, the design of road access through McCrea Drive has not been contemplated as part of this proposal.

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

- There was a Traffic Impact Study completed as part of the Official Plan and Zoning By-law amendment process. It was determined that general traffic through the Simons subdivision off Chemong Road would be minimal and that emergency access from Fairbairn Street would not have an impact on the existing operations of the road network.
- He has no objection to the Committee adding a condition requiring the proponent to enter into an agreement with the City regarding the design and construction of the extension of Hillside Street.
- He has not been involved in any discussions with respect to the design or status of the extension of Hillside Street.

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

- They are not requesting that the eastern access to the facility, constructed within the municipal road allowance, be a private driveway, and they have always assumed that the road will be a municipally maintained road, built to municipal standards with municipal servicing.
- The design of the extension of Hillside Street will be reviewed either as a condition of the Site Plan Approval process or as a condition of the consent to sever. They do not object to the Committee adding a condition to execute an agreement with the City to construct the road to municipal standards. However, they do object to the design being in compliance with the plan prepared by Murray Davenport and submitted to the Committee by Richard Taylor, as this plan has not been reviewed by either the applicant's or the City's engineering divisions.
- The consent sketch submitted with the application illustrates the existing extent of the road as well as the general design of the Hillside Street extension providing access to the site.

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

- His present instructions from his client are to appeal the decision of City Council with respect to the Official Plan and Zoning By-law Amendment applications. However, there have been discussions with the applicant regarding a potential resolution of the issues through the execution of an agreement between the property owner and the City under Section 51 (26) of the **Planning Act** to confirm the status of the eastern access point to the long-term care facility as a municipally maintained road, built to municipal standards.

- His client has concerns with the engineering specifications of the road shown on the applicant's consent sketch and with the potential for stormwater discharge from the development impacting his property.
- The consent sketch prejudices his client, as it does not clarify that the extension of Hillside Street will be a municipally assumed road as opposed to a private driveway on public property, the plan does not include a cul-de-sac, as proposed in the design prepared by Murray Davenport, and the location of the roadway slightly to the north within the road allowance leads to questions that it will be a standard, municipally maintained, municipally assumed road.

Discussion

Robert Short noted that the section of Hillside Street along the street line of the proposed severed parcel is undeveloped. He also noted that the only developed portion of the municipal roadway is the extension of Cochrane Crescent into this section of the street. He expressed concerns with the conformity of the proposed 130 metre-wide parcel with the minimum lot width regulations of the Zoning By-law and noted that he would like clarification on the status of the extension of Hillside Street prior to deciding on the application.

Mr. Short further expressed concerns with the conformity of the proposal with the **Planning Act** and the unopened portion of Hillside Street meeting the criteria of a municipal street.

Mr. Short acknowledged that there have been discussions between the applicant and Richard Taylor but noted that the Committee has not been informed on the City's position on the proposed agreement. He suggested that the outstanding issues between the applicant and Mr. Taylor's client should be resolved before the Committee issues a decision on the proposed consent.

Mr. Short advised that he did not support the applicant's request to remove condition ii), requiring the Holding Symbol to be removed from the Zoning By-law.

Moved by Mauro DiCarlo:

That the application be deferred to the November 4, 2020 hearing of the Committee of Adjustment to allow the applicant, the City and the owner of 491-944 Hillside Street to come to an agreement on the development of the easterly extension Hillside Street.

"CARRIED"

3. **File No.: A14/20**
Address: 174 Evans Drive
Applicants: Don Duncan and Mary Duncan

This matter relates to a minor variance application submitted by Don Duncan and Mary Duncan, the owners of the property that is the subject of the application.

The purpose of the application is to reduce the minimum building setback from a rear lot line from 7.6 metres to 6.85 metres to facilitate the construction of a covered deck.

Nolan Drumm, Planner, Policy and Research, provided an overview of the application to the Committee.

Don Duncan attended the meeting and addressed the Committee as follows:

- They are proposing to extend their rear deck to the west and to construct a roof over the enlarged deck.

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 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 from Section 7.2(e)(ii) of the Zoning By-law is granted to reduce the minimum building setback from the rear lot line to 6.85 metres to permit the construction of a covered deck PROVIDED THAT construction related to this approval proceed substantially in accordance with the concept plan attached as Exhibit D to the Staff Report dated October 6, 2020.

4. **File No.: A15/20**
Address: 922 Fairbairn Street
Applicant: Dmitry Mishchenko

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

The purpose of the application is to increase the maximum lot coverage from 12.0% to 15.5% to permit the construction of an addition to the existing dwelling.

Jessie Iriwanto, speaking on behalf of Dmitry Mishchenko, attended the meeting and addressed the Committee as follows:

- They are requesting an increase to the maximum lot coverage to allow construction of an attached storage room to the house. She has reviewed the Staff Report and is in agreement with Staff's recommendation.

Larry Urbach attended the meeting and addressed the Committee with respect to this application.

Andrea Stillman, Zoning Administrator, advised that the Building Division is aware that a structure was constructed on the property without a Building Permit. The owner was issued an Order to remove the structure. This will allow the Building Division to require that the structure to be removed should the owner decide not to proceed with the proposed addition. When the owner applies for a permit for the proposed addition, it will be reviewed for compliance with Engineering and Building Code requirements.

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

- The structure will be removed, and the proposed addition will be an attached addition to the house.

Moved by Mauro DiCarlo:

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 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 from Section 11.2(c) of the Township of Smith Zoning By-law to increase the maximum building coverage to 15.5% to permit the construction of an addition on the north side of the existing dwelling PROVIDED THAT construction related to this approval proceed substantially in accordance with the concept plan attached as Exhibit E to the Staff Report dated October 6, 2020.

5. **File No.: A16/20**
Address: 1 Lloyd Avenue
Applicants: Tatiana Alexandria Fleming and Stephenie Anne James

This matter relates to a minor variance application submitted by Tatiana Alexandria Fleming and Stephenie Anne James, 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 4.2 metres into the street line of Braidwood Avenue and to 2.4 metres into the street line setback of Lloyd Avenue.

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 from Section 6.19(b) of the Zoning By-law to increase the maximum distance a platform can project into the building setback from the Braidwood Avenue street line to 4.2 metres; and
- b) A variance from Section 6.19(b) of the Zoning By-law to increase the maximum distance a platform can project into the building setback from the Lloyd Avenue street line to 2.4 metres.

PROVIDED THAT construction related to this approval proceed substantially in accordance with the concept plan attached as Exhibit F to the Staff Report dated October 6, 2020.

6. **File No.: A17/20**
Address: 1285 Scollard Drive
Applicant: Jacob Clark

This matter relates to a minor variance application submitted by Jacob Clark, as applicant on behalf of Bill Edmanson and Nancy Endicott, the owners of the property that is the subject of the application.

The purpose of the application is to reduce the minimum building setback the street line from 6.0 metres to 5.75 metres and to reduce the minimum building setback from the rear lot line from 7.6 metres to 5.0 metres to permit additions at the front and back of the existing dwelling.

Jacob Clark attended the meeting and addressed the Committee as follows:

- He works for the engineering firm completing the design of the additions. He has read the Staff Report and has no objection to the recommendation.

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 City does have an Urban Forestry Division but does not currently have a tree by-law that restricts the removal of trees on private property.

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

- It is the owner's intention to try and save the tree during construction, although they have not yet completed the design of a tree root barrier system.
- As the owners would like to save the tree, he does not believe that they would object to a condition that requiring a tree root barrier during construction.

Discussion

Robert Short suggested that a condition be added to the approval to require a tree root barrier for the tree in the front yard to protect it during construction.

Moved by Claude Dufresne:

That the application be approved in accordance with the recommendation in the Staff Report with the addition of a condition requiring the installation of a tree root barrier around the tree in the front yard to the satisfaction of the Urban Forest Manager.

"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 with the addition of a condition to protect the tree located in the front yard of the property. The Committee determined 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 from Section 6.11(a) of the Zoning By-law to reduce the minimum building setback from a local street having a width of 20 metres or greater to 5.75 metres; and**
- b) **A variance from Section 7.2(e)(ii) of the Zoning By-law to reduce the minimum building setback from a rear lot line to 5.0 metres.**

PROVIDED THAT construction related to this approval proceed substantially in accordance with the concept plan attached as Exhibit G to the Staff Report dated October 6, 2020 and CONDITIONAL UPON the installation of a tree root barrier around the tree in the front of the property to the satisfaction of the Urban Forest Manager.

7. **File No.: A18/20**
Address: 55 Edgewater Boulevard
Applicants: Barbara Morden and David Morden

This matter relates to a minor variance application submitted by Barbara Morden and David Morden, the owners 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 from 6.0 metres to 1.32 metres to permit the enlargement of an existing deck.

Barbara Morden attended the meeting and addressed the Committee as follows:

- The house currently has a front deck that was constructed in 2015 within the setback regulations. To meet the setbacks, the deck measures 6 metres wide on the eastern side and 9 metres wide on the western side. They are proposing a reduction to the minimum building setback to allow the deck to be 9 metres wide on both sides to create more functional space.

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 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 Section 6.11(a) of the Zoning By-law to reduce the minimum building setback from a local street having a width of 20 metres or greater to 1.32 metres to permit the enlargement of an existing deck at the front of the dwelling PROVIDED THAT construction related to this approval proceed substantially in accordance with the concept plan attached as Exhibit H to the Staff Report dated October 6, 2020.

8. **File No.: A19/20**
 Address: 21 Merino Road
 Applicant: Richard Love

This matter relates to a minor variance application submitted by Richard Love, as applicant on behalf of Neil Horne and Claire Horne, the owners 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 12 metres to 10.25 metres to facilitate the construction of an addition to the existing dwelling.

Richard Love attended the meeting and addressed the Committee as follows:

- The house at 21 Merino Road was built around the milk house of 17 Merino Road, the original farmhouse in the area. Subsequent development in the area has caused the property to only have frontage on Moorecraig Road despite its Merino Road street address. The proposed addition will be constructed no closer to the lot line than the existing dwelling.

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 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 3.4(10)(d) of the Zoning By-law to reduce the minimum building setback from a rear lot line to 10.25 metres to permit the construction of an addition on the existing dwelling PROVIDED THAT construction related to this approval proceed substantially in accordance with the concept plan attached as Exhibit I of the Staff Report dated October 6, 2020.

9. **File No.:** **B08/20**
 Address: **1709 Glenforest Boulevard**
 Applicant: **Colin Darling**
- File No.:** **A20/20**
 Address: **345 Hywood Road**
 Applicant: **Colin Darling**

File Number B08/20 relates to a consent application submitted by Colin Darling, as applicant on behalf of Karl Collins and Alice Collins, the owners of the property that is the subject of the application.

The purpose of the application is to sever an irregular, 127.3 square metre parcel from the rear of the property for a lot addition to 345 Hywood Road.

File Number A20/20 relates to a minor variance application submitted by Colin Darling, as applicant on behalf of Frank Moloney and Jean Moloney, the owners of the property that is the subject of the application.

The purpose of the application is to reduce the minimum building setback from a rear lot line from 7.6 metres to 1.2 metres to facilitate the expansion of the attached garage.

Colin Darling attended the meeting and addressed the Committee as follows:

- The owner of 345 Hywood Road proposes to construct a single storey addition to the north side of his home. The proposed addition requires an increase to the lot dimensions on the north side. The applicant has come to an agreement with the owners of 1709 Glenforest Boulevard to convey a lot addition from the rear of their property. The variance will relate to the newly created lot line, which is defined as a rear lot line, since it does not intersect with a street line.

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

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

- She has no information on the City's policy regarding the flagging of fire hydrants to ensure they are visible through the winter season.

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

- The application was circulated to Fire Services, who did not provide comment on the application. He is not aware of any policy regulating the distance of a driveway from a fire hydrant.

Moved by Mauro DiCarlo:

That the applications for consent and minor variance be approved in accordance with the recommendations in the Staff Report.

"CARRIED"

Decision B08/20

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 reconfigured lots conform to the Official Plan policy and the Zoning By-law, consent is granted to sever the rear 127.3 square metres of the subject property, as generally depicted on Exhibit J of the Staff Report dated October 6, 2020, for a lot addition to the lands municipally known as 345 Hywood Drive, CONDITIONAL UPON THE FOLLOWING:

- i) **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, 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-relatable 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 file;**
- iii) **The owner's solicitor shall provide an Undertaking to forthwith register an Application to Consolidate the severed lands with the property municipally known as 345 Hywood Road;**
- iv) **That the two parcels shall be considered as one lot and shall not be dealt with separately. Section 50(3) or 50(5) of the Planning Act shall apply to any subsequent conveyance or transaction involving the parcel of land that is subject to this application;**
- v) **That the applicant provide the Secretary-Treasurer with a draft of the Transfer/Deed of Land; and**
- vi) **That if the conditions are not satisfied within 365 days of the circulation of the Committee's decision that this consent will lapse.**

Decision A20/20

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.

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 7.2(e)(ii) of the Zoning By-law to reduce the minimum building setback from a rear lot line to 1.2 metres to permit an addition to the existing attached garage at the north side of the existing dwelling CONDITIONAL UPON submission of the registered transfer/deed of land related to file number B08/20 and PROVIDED THAT:

- i) **The roof design directs water runoff along the new lot line; and**
- ii) **Construction related to this approval proceed substantially in accordance with the concept plan attached as Exhibit J to the Staff Report dated October 6, 2020.**

10. **File No.: A21/20
Address: 339 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 from 3.0 metres to 2.91 metres to facilitate the construction of a single-detached dwelling.

Karen Liu of Mason Homes Limited, attended the meeting and provided the Committee with a general overview of the application.

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 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(k)(i) of the SP.328 zoning district to reduce the minimum setback from the street line for a dwelling, excepting an attached garage or carport to 2.91 metres to permit the construction of a single-detached dwelling PROVIDED THAT construction related to this approval proceed substantially in accordance with the concept plan attached as Exhibit K to the Staff Report dated October 6, 2020.

11. **File No.:** A22/20
Address: 314 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 rear lot line from 6.0 metres to 2.13 metres to facilitate the construction of a single-detached dwelling.

Karen Liu of Mason Homes Limited, attended the meeting and provided the Committee with a general overview of the application.

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:

- She is not aware if Mason Homes explored design alternatives that would fit the regulations of the zoning district.

Discussion

Robert Short suggested that the developer was aware of the setbacks at the time the zoning district was created and could design a building that will fit withing the setbacks. He indicated that he did feel the reduction to the minimum building setback was minor.

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)(ii) of the Zoning By-law to reduce the minimum building setback from the rear lot line to 2.13 metres to permit the development of a single-detached dwelling PROVIDED THAT construction related to this approval proceed substantially in accordance with the concept plan attached as Exhibit L to the Staff Report dated October 6, 2020.

Robert Short was opposed to the approval.

Minutes

Moved by Claude Dufresne

That the minutes of the Committee of Adjustment hearing held on August 11, 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 Wednesday, November 4, 2020.

Adjournment

The meeting was adjourned at 7:42 p.m.

Sgd. Robert Short, Chair

Sgd. Jennifer Sawatzky, Secretary-Treasurer