



City of
Peterborough

Committee of Adjustment Minutes

March 2, 2021

Minutes of an Electronic Meeting of Committee of Adjustment held on Tuesday, March 2, 2021 at 6:00 p.m.

Present: Robert Short, Chair
Mauro DiCarlo (joined at 6:08 p.m.)
Tom Green
Stewart Hamilton

Regrets: Claude Dufresne

Also Present: Christie Gilbertson, Planner, Policy and Research
Andrea Stillman, Zoning Administrator
Jennifer Sawatzky, Secretary-Treasurer
Nolan Drumm, Assistant Planner
Alexey Shcherbin, Assistant Planner

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.:** A01/21
Address: 1891 Mapleridge Drive
Applicants: Jake Fowler and Krista Fowler

This matter relates to a minor variance application submitted by Jake Fowler and Krista Fowler, 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 side lot line from 1.2 metres to 0.2 metres for a portion of a covered deck at the rear of the existing dwelling.

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.

As the applicant was experiencing difficulties connecting to the electronic meeting, the Committee moved consideration of this item to the end of the agenda.

Mauro DiCarlo joined the hearing at 6:08 p.m.

2. **File No.:** A02/21
Address: 599 Waterford Street
Applicant: Virginia Swinson

This matter relates to a minor variance application submitted by Virginia Swinson, 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 Dublin Street street line from 6 metres to 1 metre to facilitate the construction of one-storey rear addition.

Wayne Jackson attended the meeting on behalf of the applicant and addressed the Committee as follows:

- The application proposes to replace the existing deck with a four-season room.
- With respect to the proposed condition requiring the relocation of the electrical services, he has already contacted Peterborough Distribution, and his contractor advises that it will be possible for the electrician to facilitate the relocation.
- With respect to the condition requiring the submission of a sediment and erosion control plan, submission of the plan will be a part of the building permit application and his contractor has been made aware of the requirement.
- They intend to preserve the large tree in the rear 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.

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 6.11 (a) of the Zoning By-law is granted to reduce the minimum building setback from the Dublin Street street line to 1 metre to permit the construction of a one-storey, rear addition PROVIDED THAT the construction related to this approval proceeds substantially in accordance with the concept plan attached as Exhibit B to the Staff Report dated March 2, 2021 and CONDITIONAL UPON the following:

- i) The relocation of electrical services, in coordination with Peterborough Distribution; and**
- ii) The submission of a sediment and erosion control plan at the time of the building permit application.**

3. **File No.:** A03/21
Address: 1189 Lansdowne Street West
Applicant: Katherine Howes, D.M. Wills Associates Ltd.

This matter relates to a minor variance application submitted by Katherine Howes of D.M. Wills Associates Ltd., as applicant on behalf of Ardmor Holdings Limited, the owner of the property that is the subject of the application.

The purpose of the application is to reduce the minimum width of landscaped open space along the east side lot line from 1.5 metres to 0.2 metres and to reduce the required number of Type 'A' loading spaces from three to one enlarged Type 'A' loading space and two Type 'B' loading spaces to facilitate the renovation and expansion of the existing building and corresponding site layout changes.

Emma Drake of D.M. Wills Associates Ltd. attended the meeting and addressed the Committee as follows:

- This property is developed with the Trans Canada Nissan dealership.
- The owner is redeveloping the property with a building expansion and has submitted a Site Plan Application to the City. Through the Site Plan review process, it was determined that minor variances were required to facilitate the expansion.
- While the proposed width of landscaped open space along the east side lot line is a reduction from the requirement, it will be an improvement over existing conditions on the property.
- The parking area will serve to provide appropriate loading for both vehicles and office supplies.
- She has reviewed the Staff Report and is in agreement with the recommendation.

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 Loading Type 'A' space indicated on the site plan is for loading and unloading of transports. The hatching space to the rear of the loading space provides added room for navigation and also includes part of the curbing.

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) A variance from Section 16A.4 (g) to reduce the minimum width of landscaped open space along the east side lot line to 0.2 metres; and
- b) A variance from Section 4.6.2 (B) (2) (iv) to reduce the required number of Type 'A' loading spaces to one enlarged Type 'A' loading space and two Type 'B' loading spaces.

PROVIDED THAT the construction related to this approval proceeds substantially in accordance with the concept plan attached as Exhibit C to the Staff Report dated March 2, 2021.

4. **File No.: A04/21**
Address: 594 Sherbrooke Street
Applicants: Sion Hughes and Kelly Pensom

This matter relates to a minor variance application submitted by Sion Hughes and Kelly Pensom, 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 west side lot line from 1.2 metres to 0.6 metres and to reduce the minimum building setback from the centre line of Sherbrooke Street from 16 metres to 14 metres to facilitate the construction of a verandah.

Sion Hughes attended the meeting and addressed the Committee as follows:

- The application for a reduction to the building setback from the west side lot line and the centre line of Sherbrooke Street was filed to facilitate a replacement of the existing small front porch with a verandah.

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 verandah will have open sides.

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 7.2 (e) (i) to reduce the minimum building setback from the west side lot line to 0.6 metres; and

- b) **A variance from Section 6.8 (16) (b) to reduce the minimum building setback from the centre line of Sherbrooke Street to 14 metres.**

PROVIDED THAT the construction related to this approval proceeds substantially in accordance with the concept plan attached as Exhibit D to the Staff Report dated March 2, 2021 and CONDITIONAL UPON the applicant obtaining written approval from Peterborough Distribution regarding the verandah clearance from the overhead lines.

5. **File No.: B01/21
Address: 21 Montague Court
Applicants: John Warrington and Carol Salter**

This matter relates to a consent application submitted by John Warrington and Carol Salter, as applicants on behalf of Olga Orlicky, the owner of the property that is the subject of the application.

The purpose of the application is to obtain consent for a lot addition by adding the southerly 0.0232 hectare 'Pie Shaped' portion of the subject property measuring 7.4 metres in length at the rear lot line and 0 meters at the street line to 23 Montague Court.

John Warrington attended the meeting and addressed the Committee as follows:

- The application has been filed as there is currently only three feet between the garage and the side lot line, and they would like to have additional room for access into the rear yard.
- The reconfigured lot line would result in a more equal side yard setback for each of the two properties impacted by the application.
- He has reviewed the Staff Report and has no objection to the recommendation.

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

John Orlicky attended the meeting and addressed the Committee in support of the application.

Moved by Tom Green:

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.

In that the reconfigured lots conform to the Official Plan policy and the Zoning By-law, consent is granted to sever the southerly portion of the subject property measuring 7.4 metres in length at the rear lot line and 0 meters at the street line, as generally depicted in Exhibit E of the Staff Report dated March 2, 2021, for a lot addition to the property municipally known as 23 Montague Court, 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 23 Montague Court;**
 - iv) **That the applicant provide the Secretary-Treasurer with a draft of the Transfer/Deed of Land;**
 - v) **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; 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.**
6. **File No.: B02/21**
Address: 520 Brealey Drive
Applicant: Kevin M. Duguay
- File No.: B03/21**
Address: 520 Brealey Drive
Applicant: Kevin M. Duguay

This matter relates to a severance application submitted by Kevin M. Duguay, as applicant on behalf of Christian Victory Church, the owner of the property that is the subject of the application.

The purpose of Application Number B02/21 is to obtain consent for a lot addition by severing a 0.34 hectare parcel of land to be added to 540 Brealey Drive.

The purpose of Application Number B03/21 is to obtain consent for easements over portions of the property for the purposes of an emergency vehicle right-of-way (modification of existing right of way), and storm and sanitary servicing easements in favour of 540 Brealey Drive.

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

- Both he and the proponents have reviewed the Staff Report and are in agreement with the recommendations.
- There was a previous application to grant servicing easements on this property. Most of those easements remain applicable and are not affected by the lot addition or the servicing easements proposed by this application.
- The emergency vehicle right-of-way is being modified by a rounding of the curb radius, as the original was a straight line.

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 comment from Peterborough Distribution with respect to the costs related to removing or relocating its infrastructure has been a response from the utility throughout the development process, and the proponent is aware of the potential cost.

Moved by Mauro DiCarlo

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

“CARRIED”

Decision – B02/21

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 amendment passed by City Council on November 30, 2020, consent is granted to sever the northerly, 0.34 hectare parcel of land generally depicted as Part 1 of Exhibit F of the Staff Report dated March 2, 2021, as a lot addition to the property municipally known as 540 Brealey Drive CONDITIONAL UPON THE FOLLOWING:

- i) **Conversion of the subject lands (520 Brealey Drive) to Land Titles Absolute;**
- 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, a digital copy of the registered Reference Plan, in PDF format, 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 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;**
- iv) **That the applicant provide the Secretary-Treasurer with a draft of the Transfer/Deed of Land;**
- v) **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; 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 – B03/21

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 easements will facilitate the development of the property, consent is granted for easements over the subject property in favour of the property municipally known as 540 Brealey Drive, as follows:

- a) **An easement for the purposes of an emergency vehicle right-of-way over the 9.752 square metre parcel of land generally depicted as Part 2 of Exhibit F of the Staff Report dated March 2, 2021;**
- b) **A storm sewer servicing easement over the 78.355 square metre parcel of land generally depicted as Parts 4 and 5 of Exhibit F of the Staff Report dated March 2, 2021; and**

- c) **A sanitary sewer servicing easement over the 166.197 square metre parcel of land generally depicted as Parts 6 and 7 of Exhibit F of the Staff Report dated March 2, 2021.**

CONDITIONAL UPON THE FOLLOWING:

- i) **Approval of application B02/21;**
- 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 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;**
- iii) **A closed polygon vector file of the Part boundaries shown on the Reference Plan is to be provided in Autodesk DWG NAD83 UTM CSRS CGVD28 projection Windows-readable format to the satisfaction of the City of Peterborough Geomatics/Mapping Division. It is recommended that the applicant's Ontario Land Surveyor consult with the City of Peterborough Geomatics/Mapping Division to confirm acceptable standards and formatting. The Surveyor should contact the Secretary-Treasurer for instructions on how to submit this document.**
- iv) **That the applicant provide the Secretary-Treasurer with a draft of the Transfer/Deed of Land.**
- v) **That if the above conditions are not satisfied within 365 days of the circulation of the Committee's decision that this consent will lapse.**

7. **File No.: A05/21
Address: 362 George Street North
Applicant: TT8 Inc.**

**File No.: A06/21
Address: 370 George Street North
Applicant: 2760534 Ontario Inc.**

This matter relates to minor variance applications submitted by TT8 Inc., the owner of 362 George Street North and by 2760534 Ontario Inc., the owner of 370 George Street North.

The purpose of Application Number A05/21 is to obtain a variance from Section 18.2 (e) of the Zoning By-law to allow one ground floor residential unit located at the rear of the existing building.

The purpose of Application Number A06/21 is to obtain a variance from Section 18.2 (e) of the Zoning By-law to allow two ground floor residential units located at the rear of the existing building, one of the two units having a portion of it being located in the basement of the building.

Richard Summers of TT8 Inc. and 2760534 Ontario Inc., attended the meeting and addressed the Committee as follows:

- He has read the Staff Report and has no objection to the recommendations.

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.

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 application was circulated to the Urban Design group, who indicated that the Site Plan agreement will specifically address the issues of access through the carriageway, lighting, and landscaping to make the entrance a safe and welcoming space for the occupants of the building. Regardless of the conditions of the Minor Variance, there is a requirement for the applicants to enter into a Site Plan Agreement prior to the issuance of a building permit. The comment was provided to ensure the variance is tied to the requirement to specifically address the issues with the carriageway and courtyard area.
- The applicant advised that they were satisfied that there is a right of access through the carriageway at 362 George Street North to access the courtyard entrance to the proposed units in 370 George Street North.
- There is a portion of Unit 2 that is proposed to have a portion of the unit in the basement. The applicant could comment on the composition of the foundation and the construction methods that will be used to ensure that habitable space requirements are met under the Ontario Building Code.

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

- With respect to safe egress in the case of an emergency event, building permit applications for new residential units are reviewed to ensure there is adequate egress and exiting and that the construction meets the Building Code requirement. Minimum life safety requirements are reviewed to ensure that people can exit the building in the case of an emergency.

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

- The buildings will be merged into one ownership, which will eliminate any issue related to the right of access over 362 George Street North.
- Currently the carriageway is an unlit, fully accessible laneway providing access to the rear courtyard. Improvements to the carriageway will include lighting, security cameras, and controlled fob access for the residents.
- Because the building is being substantially renovated, the building will be up to date with respect to the Fire Code and alarm systems.
- The building is constructed with a rubble foundation, but the units will be constructed with a poured floor and framed with finished walls. He does not anticipate that water will move through the foundations in the event of an emergency response to a fire.

Moved by Stewart Hamilton:

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

“CARRIED”

Decision – A05/21

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 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 18.2 (e) to allow one ground floor residential unit PROVIDED THAT construction related to this approval proceeds substantially in accordance with the concept plan attached as Exhibit G to the Staff Report dated March 2, 2021 and CONDITIONAL UPON the applicant entering into a Site Plan Agreement to address the lighting of and access to the courtyard.

Decision – A06/21

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 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 18.2 (e) to allow two ground floor residential units, one of the units having a portion of it located in the basement, PROVIDED THAT construction related to this approval proceeds substantially in accordance with the concept plan attached as Exhibit G to the Staff Report dated March 2, 2021 and CONDITIONAL UPON the applicant entering into a Site Plan Agreement to address the lighting of and access to the courtyard.

8. **File No.:** A01/21
Address: 1891 Mapleridge Drive
Applicants: Jake Fowler and Krista Fowler

Consideration of this item was resumed following confirmation that the applicant had resolved his issues connecting to the hearing.

Mauro DiCarlo abstained from participating in the discussion and voting on this matter, as he was not present for the initial overview provided by Staff.

Jake Fowler attended the meeting and addressed the Committee as follows:

- Although he was not able to speak to the Committee, he heard the initial summary provided by the Planner, Policy and Research and confirmed that the summary was accurate.
- The intent of the covered deck was to provide permanent shade to the deck overlooking the park. Steel was used to cover the deck to provide a nice finish and shade over the deck.

The Planner, Policy and Research advised that she has nothing further to add to the previous summary provided to the Committee.

The Chair acknowledged that the Committee had received and reviewed a letter in objection to the application from Brian and Clare Armstrong, Peterborough, Ontario.

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

- The applicant applied for a building permit in response to a complaint submitted to the Building Division. Upon review of the building permit application, it was found that the construction did not meet setback requirements, which resulted in the application for a minor variance.

Discussion

Robert Short advised that upon review of the materials it seemed that there was a reasonable concern expressed by the neighbouring property owner. With respect to the requirements for setbacks related to covered decks, the applicant could have proposed a solution in full compliance with the Zoning By-law regulations, which he considers to be reasonable in this situation. Mr. Short advised that he supports the recommendation outlined in the Staff Report.

Moved by Tom Green:

That the application be denied 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 variance is not minor and is not desirable for the appropriate development or use of the land. Therefore, the Committee concluded that the application should be denied as per the Staff Recommendation.

Therefore, the application for a minor variance is denied.

Minutes

Moved by Stewart Hamilton

That the minutes of the Committee of Adjustment hearing held on December 2, 2020 be approved.

“CARRIED”

Other Business

The Secretary-Treasurer advised that the Decisions will be available in the Building Division reception area for the Committee’s signatures.

Next Meeting

The next meeting of the Committee of Adjustment is scheduled for Tuesday, March 30, 2021.

Adjournment

The meeting was adjourned at 7:04 p.m.

(Sgd.) Robert Short, Chair

(Sgd.) Jennifer Sawatzky, Secretary-Treasurer