



City of
Peterborough

Committee of Adjustment Minutes

June 22, 2021

Draft Minutes Not Approved

Minutes of an Electronic Meeting of Committee of Adjustment held on Tuesday, June 22, 2021 at 6:00 p.m.

Present: Robert Short, Chair
Mauro DiCarlo
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

Committee of Adjustment was called to order at 6:01 p.m.

Disclosure of Pecuniary Interest

Stewart Hamilton declared an interest in File No. A30/21, 33 Dennistoun Avenue, as he owns property in close proximity to the subject lands.

Applications

1. File No. A27/21, 498 Mark Street

This matter relates to a minor variance application submitted by Scott Wood, 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 Douro Street streetline from 6 metres to 3.43 metres and from the Mark Street streetline from 6 metres to 5.4 metres, to facilitate the construction of a new covered and screened in porch along the north side of the dwelling.

Scott Wood attended the meeting and addressed the Committee as follows:

- He has read the staff report and understands that staff have no objection to the proposal.
- The proposal is to construct a covered, screened-in porch on the north side of the house. Other porches on the house are too narrow to accommodate both furniture and the passage of people.
- The porch would improve the appearance of the north façade.

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

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

Moved by Stewart Hamilton

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

“CARRIED”

Decision

The Committee received no comment or presentation from members of the public concerning the application and thus made its decision on the basis of the Staff Report and the application.

Having reviewed the application and considered the information presented in the Staff Report, the Committee determined that the application should be approved as per the Staff Recommendation and that the variances are minor, the proposal is desirable for the appropriate development or use of the land, and the general intent and purpose of the Zoning By-law and Official Plan are maintained.

Therefore, variances are granted from Section 6.11 (a) of the Zoning By-law to facilitate the construction of a covered porch, as follows:

- a) **A reduction to the minimum building setback from the Douro Street streetline to 3.43 metres; and**
- b) **A reduction to the minimum building setback from the Mark Street streetline to 5.4 metres.**

PROVIDED THAT construction related to this approval proceed substantially in accordance with the concept plan attached as Exhibit A to the Staff Report dated June 22, 2021.

2. File No. A28/21, 111 Oakwood Crescent

This matter relates to a minor variance application submitted by David Michael Martin and Yvonne Sylvia Foster, 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 Oakwood Crescent streetline from 6 metres to 3.66 metres to facilitate the construction of a covered front porch.

David Michael Martin attended the meeting and addressed the Committee as follows:

- He has read the staff report and recommendation.
- Following circulation of the application, it was noted that there was an error on the drawing. A revised drawing was submitted showing that the closest setback from the streetline to the covered porch is 4.6 metres instead of 3.66 metres.
- The proposal is to construct a covered porch on north side of property facing Oakwood Crescent.

Christie Gilbertson, Planner, Policy and Research noted that because the actual measurement from the covered porch to the streetline is 4.6 metres, the Committee may want to consider granting a lesser variance, reducing the minimum building setback from the streetline to 4.6 metres. Should the Committee decide to grant the variance as circulated, staff have recommended adding a proviso that would require the applicant to construct the porch in accordance with the revised drawing showing the corrected setback.

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:

- He would not object to the committee granting a lesser variance of 4.6 metres.

Moved by Tom Green

That the application be approved with a lesser variance of 4.6 metres subject to the Proviso recommended 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 both in the Staff Report and presentation, the Committee determined that the application should be approved with a reduced variance reflecting the measurement shown on the revised concept plan submitted by the applicant and subject to the Proviso recommended in the Staff Report. The Committee further determined that the variance is minor, the proposal is desirable for the appropriate development or use of the land, and the general intent and purpose of the Zoning By-law and Official Plan are maintained.

Therefore, a variance is granted from Section 6.11(a) of the Zoning By-law to reduce the minimum building setback from the Oakwood Street streetline to 4.6 metres to facilitate the construction of a covered front porch PROVIDED THAT construction related to this approval proceed substantially in accordance with the concept plan attached as Exhibit B to the Staff Report dated June 22, 2021.

3. File No. A29/21, 297 Pearl Avenue

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

The purpose of the application is to increase the maximum projection of a platform into the building setback from the King Street streetline from 1.5 metres to 2.56 metres to facilitate the construction of an uncovered deck 3.44 metres from the streetline.

Susan Wurtele attended the meeting and addressed the Committee as follows:

- She has read the Staff Report outlining the recommendation to the Committee
- The property is located in the Heritage Conservation District. She has contacted the Heritage Preservation Office to ensure that the construction proceeds according to their guidelines.

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:

- She is aware that a Heritage Permit is required to proceed with construction of the deck.

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 from Section 6.19(b) of the Zoning By-law to increase the maximum projection of a platform into the building setback from the King Street streetline to 2.56 metres to facilitate the construction of an uncovered deck PROVIDED THAT construction related to this approval proceed substantially in accordance with the concept plan attached as Exhibit C to the Staff Report dated June 22, 2021.

Due to his previously declared conflict, Stewart Hamilton left the meeting.

4. File No., A30/21, 33 Dennistoun Avenue

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

The purpose of the application is to reduce the minimum length of a parking space from 5.7 metres to 3.99 metres **or** to reduce the minimum number of required parking spaces from 2 to 0 to allow the applicant to reinstate a verandah at the front of the dwelling.

The Chair acknowledged that the Committee had received and reviewed letters in support of the application from:

- i) John and Joan Reeves, Peterborough
- ii) Margaret Adkins and Hans Ragetli, Peterborough
- iii) Michelle Etchells, Peterborough
- iv) Julia Bell, Peterborough
- v) Evan Bates, Peterborough
- vi) John Bruce, Peterborough
- vii) Paul Hough, Peterborough

Sara Whitehead attended the meeting and addressed the Committee as follows:

- Approval of the application would facilitate the reconstruction of the front verandah to its original proportions across the front of the house, which would result in a loss in length of approximately 1 metre from the existing parking space.
- The restoration of the verandah would result in a number of benefits including, heritage, streetscape, community connection, and community safety.
- The City has declared a climate emergency, and reinstatement of the verandah will provide environmental benefits, providing shade to cool the house and promoting a walkable neighbourhood.
- In response to staff's concern regarding the encroachment of the parking space into the road allowance, there would be 0.8 metres remaining between the end of her vehicle and the sidewalk if it was parked up to the proposed edge of the verandah. The parking stall length would be identical to others found on the street.

- With respect to staff's concern regarding the substandard road allowance of Dennistoun Avenue, the street is a one-way street with housing only on one side and a public park established on the opposite side. The road width is more than adequate for its purpose.
- With respect to staff's concern that approving a reduction to 0 required parking spaces would encourage on-street parking, she has many options available for off street parking options on neighbouring properties and plans to become car-free in the future.
- Other recently approved applications for minor variance appear to be a similar level of variance from the established regulations and were considered minor.

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.

- Parking for properties on Dennistoun Avenue is provided in a variety of configurations. The majority of lots on the street are wide enough to have side loaded driveways. Other parking configurations include a shared right-of-way to access rear parking and front yard parking that is not compliant with the by-law. Only 35 Dennistoun Avenue does not have parking established and enjoys legal non-conforming status with respect to parking.
- Although the subject property may have historically had a full verandah, when it was reduced in size the use was interrupted, and the property lost the legal non-conforming right for the verandah to be re-established without ensuring that the required one parking space is provided.
- There is a range of styles and sizes of porches on the street, and the applicant may have options to expand the porch without displacing the parking space.
- The City's parking by-law does have an exception where on-street parking is only permitted on the park side of Dennistoun Avenue. There is a city-wide three-hour parking limit and winter restrictions prohibit overnight parking to allow for snow clearing. The by-law also prohibits vehicles from overhanging the sidewalk.

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

- There is a garage established in the rear yard of 15 Dennistoun Avenue with parking spaces inside. The garage is likely accessed off the rear laneway as there does not appear to be adequate turning room to access it from the front driveway. The property is a multi-unit building and is required to have more parking spaces than other properties on the street.
- The length of a legal parking space of 5.7 metres, or 5.5 metres in Parking Area 1, has been established as the required minimum length to avoid vehicle overhang into the road allowance. Larger vehicles will not be able to fit in a space of the size proposed by the applicant. Although the applicant's vehicle is smaller and would fit between the proposed verandah and sidewalk, other vehicles that may use the space would not.
- She understands that Parking Enforcement Officers do enforce the provision of the Parking By-law that prohibits vehicles from blocking the sidewalk.
- Enforcement of the Parking By-law for vehicles parked on the road allowance, but not overhanging the sidewalk, would be at the discretion of Parking Enforcement.
- Although a smaller vehicle would fit within the space provided on the subject property with some encroachment onto the road allowance without overhanging the sidewalk, the proximity of the vehicle to the sidewalk may pose problems for Public Work's sidewalk maintenance operations. The Public Works Division requires clearance room between parked vehicles and the sidewalk so that their equipment can operate safely.

- Where a portion of a private parking area is facilitated within the road allowance, the City's preference is to enter into an encroachment agreement to formalize the arrangement. Comments received on the application have suggested that an encroachment agreement in this situation would not be supported.
- Comments from the Transportation Division referenced a minimum parking size of 5 metres by 2.5 metres, which is smaller than the minimum size in the Zoning By-law. This may refer to an engineering standard rather than the zoning regulation.
- The road allowance of Dennistoun Avenue is 14 metres wide. On the west side of the street, it includes the travelled portion of the roadway, the sidewalk, and a small portion of the land between the sidewalk and the property line. The survey does not show the location of the sidewalk in relation to the property line, but the concept plan submitted by the applicant shows the measurement to be 1.39 metres.
- If the Committee imposed a condition to require an encroachment agreement for the vehicle overhang into the road allowance, it is possible that the City would not support entering into that agreement. The general direction from the Real Estate Manager is that the City will not entertain encroachment agreements going forward.

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

- If the application for a reduced parking space length was approved, she would not object to the reduced parking space size being limited to one space to prevent additional parking being established in the front yard.

Discussion

With respect to the application to reduce the number of required parking spaces to 0, Robert Short stated that it does not seem to be in keeping with the intent of the Zoning By-law to provide no parking on-site.

Mr. Short further noted that an average vehicle of 4.2 to 4.5 metres would be able to fit between proposed verandah and the edge of the sidewalk without overhanging and that the applicant's vehicle would adequately fit within that space. He determined that the Transportation Division's recommended minimum length of 5 metres could be met if the Committee was prepared to see the vehicle encroach into the boulevard without blocking the sidewalk.

Mr. Short observed that front verandahs positively impact neighbourhoods and approving the application to reduce the length of the parking space would have no measurable negative impact. He raised the concern that the relief could be used to establish a second parking space in the front yard of the same length and suggested that the approval should be limited to one parking space.

Mr. Short noted he did not believe that the Committee should impose a condition requiring applicant to enter into an Encroachment Agreement with the City and that it was not in the Committee's jurisdiction to bind the City to enter into an agreement. He noted that the provisions in the Parking By-law would regulate any overhang onto the sidewalk that may result from the reduced length.

Mauro DiCarlo noted that there would be 5.38 metres between the proposed verandah and the sidewalk, including a portion of the City's road allowance. Mr. DiCarlo suggested that parking within the boulevard is not in violation of the Parking By-law, and he was prepared to support the application.

Moved by Mauro DiCarlo

That the application to reduce the minimum number of parking spaces to 0 be denied and that application to reduce the minimum length of a parking space to 3.99 metres be approved provided that the reduced length is limited to one parking space on the property.

“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.

With respect to the application to reduce the minimum number of parking spaces to 0:

The Committee considered the requirement in the Zoning By-law for parking to be provided on site and determined that the request to reduce the required number of parking spaces to 0 was not minor and did not meet the intent and purpose of the Zoning By-law.

Therefore, a variance from Section 4.2.A (1) of the Zoning By-law to reduce the minimum number of parking spaces to 0 is DENIED.

With respect to the application to reduce the minimum length of a parking space to 3.99 metres:

The Committee reviewed the application, the additional materials provided by the applicant and members of the public, and considered the information presented by both applicant and City staff. The Committee considered the location of the property in close proximity to the Central Area and the reduced demand for parking in such neighbourhoods. The Committee noted that front verandahs contribute to the neighbourhood and foster connections within the community. Further, the Committee determined that the Parking By-law did provide some leniency for property owners whose parking areas may encroach onto City property without impeding pedestrian access to the sidewalk. The Committee expressed concern that the relief could be utilized to expand the parking area across the front yard of the property and determined that a proviso to limit the relief to one parking space on the property was appropriate. The Committee concluded that the application should be approved, 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 4.3.1 (b)(i) to reduce the minimum length of a parking space to 3.99 metres PROVIDED THAT the reduced length is limited to one parking space on the property.

Stewart Hamilton rejoined the meeting at 7:12 p.m.

5. File No. A31/21, 7 Bruce Street

This matter relates to a minor variance application submitted by Joel Rong, as applicant on behalf of 1529059 Ontario Inc., the owner of the property that is the subject of the application.

The purpose of the application is to reduce the minimum building setback from the Bruce Street streetline from 6 metres to 2.6 metres to facilitate the construction of a covered front porch.

Joel Roung attended the meeting and addressed the Committee as follows:

- He has read the Staff Report and staff's recommendation to the Committee.
- The property owner is proposing to construct a covered front porch along the front of the house encompassing the stairs that lead down to the driveway.
- There is an existing front porch on the house, and the owner would like to extend it across the front, leading into the front entrance. The proposal would improve the appearance of the home from the street and provide a covered entryway.

Christie Gilbertson, Planner, Policy and Research noted that there is a typo in the Staff Report, and that the recommendation should refer to Exhibit E, not Exhibit D.

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 covered porch will be unenclosed.

Discussion

Robert Short noted that it was not clear on the concept plan that the porch was unenclosed and suggested that the relief should be restricted to an unenclosed, covered front porch.

Moved by Stewart Hamilton

That the application be approved provided that construction related to this approval proceed substantially in accordance with the concept plan attached as Exhibit E of the Staff Report and that relief to the setback requirements are restricted to an unenclosed, covered front porch.

“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 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 6.11(a) of the Zoning By-law to reduce the minimum building setback from the Bruce Street streetline to 2.6 metres PROVIDED THAT construction related to this approval proceed substantially in accordance with the concept plan attached as Exhibit E to the Staff Report dated June 22, 2021 and that relief to the setback requirements is restricted to an unenclosed, covered front porch.

Minutes

Moved by Tom Green

That the minutes of the Committee of Adjustment hearing held on May 26, 2021 be approved.

“CARRIED”

Other Business

Robert Short inquired if File Number A25/20, 556 Stewart Street was scheduled to return to the Committee. The Planner, Policy and Research advised that she met with the applicant following the meeting, but a revised application has not been submitted. The application was deferred sine die and will require recirculation when the applicant is prepared to move forward with the application.

Robert Short inquired if relaxed Covid 19 restrictions would result in a return to in-person hearings. The Secretary-Treasurer advised that the City has not provided any direction with respect to returning to in-person meetings for Boards and Committees, and that the Committee should be prepared to meet electronically until additional direction is provided.

Next Meeting

The next meeting of the Committee of Adjustment is scheduled for Tuesday, August 10, 2021.

Adjournment

The meeting was adjourned at 7:24 p.m.

Robert Short, Chair

Jennifer Sawatzky, Secretary-Treasurer