



City of
Peterborough

Committee of Adjustment Minutes

July 16, 2019

Minutes of a Meeting of Committee of Adjustment held on Tuesday, July 16, 2019 at 6:00 p.m. in the Council Chambers, City Hall.

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

Also Present: Christie Gilbertson, Planner, Policy and Research
Andrea Stillman, Permit Technician, Plans Examiner
Jennifer Sawatzky, Secretary-Treasurer

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

Disclosure of Pecuniary Interest

There were no disclosures of Pecuniary Interest.

1. **File No.:** A22/19
Address: 591 Water Street
Applicants: Ken Yates and Heather Avery

This matter relates to a minor variance application submitted by Ken Yates and Heather Avery, the owners of the property that is the subject of the application.

The application was deferred from the May 5, 2019 hearing and has been amended to address the new location of the proposed fire escape to the south side of the building. The revised application proposes to reduce the minimum building setback from the centreline of Water Street from 16 meters to 12 metres, increase the lot coverage by building area from 40% to 48%, and reduce the minimum width of a parking stall from 2.7 metres to 2.5 metres, to support the construction of a fire escape.

Ken Yates attended the meeting and addressed the Committee as follows:

- The application was revised from the previous proposal to address the relocation of the fire escape to the side of the building. The requested variance to the lot coverage has increased due to the larger footprint of the new design for the fire escape.

Christie Gilbertson, Planner, Policy and Research, presented Staff comments with respect to the application on behalf of the Building and Planning Divisions of the Planning & Development 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 Secretary-Treasurer advised as follows:

- Fire Services was circulated notice of the application and had no comment.

In response to questions from the Committee, the Permit Technician/Plans Examiner advised as follows:

- In regard to concerns raised about the design of the Fire Escape, Section 3.4.7 of the Building Code addresses fire escapes and allows for a window to be used as a fire escape, provided that it meets the required height from the floor to the bottom of the sill and the minimum window size. The applicant has discussed the revised proposal with Building Staff, and the renderings appear to meet Building Code requirements. If the application is approved the applicant will submit a full set of drawings prepared by an architect or qualified designer for review by the Building Division prior to receiving a permit.

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 both in the Staff Report and presentation, the Committee determined that the revised 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 to support the construction of a fire escape:

- A reduction to the minimum setback from the centreline of Water Street from to 12 metres;**
- An increase to the lot coverage by building area to 48%; and**
- A reduction to the minimum width of a parking stall to 2.5 metres.**

PROVIDED THAT a distance of at least 2.5 metres is maintained between the south side lot line and the fire escape.

2. **File No.: B07/19
Address: 400 Ashburnham Drive
Applicants: Leonard Vass and Susan Vass**

**File No.: A28/19
Address: 400 Ashburnham Drive
Applicants: Leonard Vass and Susan Vass**

**File No.: A29/19
Address: 400 Ashburnham Drive
Applicants: Leonard Vass and Susan Vass**

This matter relates to a severance application and associated minor variance applications submitted by Leonard Vass and Susan Vass, the owners of the property that is the subject of the applications.

The applications were deferred from the June 18, 2019 hearing. The purpose of the severance application is to sever an approximate 0.49-hectare parcel associated with the legal non-conforming residential use of the subject property. The applicant is also seeking consent for easement to facilitate the encroachment of a shed at the southwest corner of the severed lot over the retained lands. Supporting minor variance applications have been submitted relating to both the severed and retained lands.

Leonard Vass attended the meeting and addressed the Committee as follows:

- The application was originally submitted for consideration at the June hearing but was deferred to allow Otonabee Region Conservation Authority time to review the proposal. Following their review, Otonabee Region Conservation Authority advised that they required a revised Environmental Impact Study prepared by a biologist.
- He has retained Niblett Environmental Associates Inc. to prepare the study. The firm has completed a site visit and indicated that they have no specific concerns and the 30-metre buffer from the wetland will be met. He anticipates that the report will be submitted by August 1, 2019 for review by the conservation authority.
- As the required study will be submitted prior to the September 4, 2019 hearing deadline, he is requesting that the Committee adjourn the application to that date instead of sine die, as recommended in the Staff Report.

Christie Gilbertson, Planner, Policy and Research, advised that she has no objections to the applicant's request.

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

Accordingly, the Committee agreed to defer the applications to the September 4, 2019 hearing to permit the applicant time to submit the revised Environmental Impact Statement to Otonabee Region Conservation Authority for review.

3. **File No.:** B11/19
Address: 189 Lisburn Street
Applicant: Don Helleman

This matter relates to a severance application submitted by Don Helleman, as applicant on behalf of Glenn Field, Susan Field and Olivia Henderson, the owners of the property that is the subject of the application.

The purpose of the application is to sever two 9.6 metre wide lots to be divided along the party wall of a future semi-detached building. The retained lands will support the construction of a future single dwelling unit.

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

- In preparing the application, consideration was given to the Provincial Policy Statement and the City's Official Plan and Zoning By-law. The proposed lots are consistent with the Official Plan and meet all zoning regulations.
- If the application is approved, any construction would have to comply with the setbacks of the zoning district.
- He has reviewed the Staff Report and has no objections to the conditions outlined in the report.

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

Liz DeCarlo and Dallas DeCarlo attended the meeting and addressed the Committee in opposition to this application. The speakers expressed concerns related to traffic, safety of pedestrians, compatibility of the development with the neighbourhood, stormwater management, and snow removal.

The Secretary-Treasurer read letters in objection to the application from the following persons:

- i) William Douglas, Grace Douglas and Allen Douglas;
- ii) Brian Nichols and Paulette Nichols;

- iii) Kim Harris;
- iv) Joanne Gray;
- v) Paul Gray;
- vi) Elizabeth Teleki; and
- vii) Johanna Kowacz.

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

- Fire Services received notice of the application and had no comments.
- Infrastructure and Planning Services' Engineering staff provide comment on applications, including from a traffic perspective, and no concerns were raised with respect to the concerns raised in the comments from the public.
- The Zoning By-law does not have a minimum landscaped open space requirement for the R.1, R.2 zoning district. Parking areas are restricted to a maximum of 20 percent lot coverage, there cannot be more than two vehicles parked within 6 metres of a streetline, and the width of a driveway at the streetline is restricted.
- There was an application in 2005 to amend the zoning to permit a four-plex, which included the lands to the south that were later severed to create 21 Moir Street. This application did not proceed, and a subsequent application amended the zoning to the current R.1, R.2 district, requiring that any future building plans be reviewed by the Planner, Urban Design to address some of the issues raised this evening.
- Lisburn Street is considered a local street. A reduced setback could be established in line with buildings on adjoining lots.

In response to questions from the Committee, the Permit Technician/Plans Examiner, advised as follows:

- She is not aware if linked houses have been recently constructed in Peterborough, but it is something that has been done in the past. It is not a common building form within the City.

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

- The designs for the proposed dwellings have not been finalized. The recommended conditions require the plans to be reviewed by the Planner of Urban design prior to obtaining a building permit, which will ensure compatibility with the neighbourhood.
- The application will utilize existing infrastructure to create additional housing that is needed within the City.
- As the City hadn't received any formal submissions in respect to the application in advance of the hearing date, he did not have the opportunity to contact the neighbours prior to the hearing to address their concerns.
- He is aware that the review of the building plans by the Planner of Urban Design will include such details as the materials, footprint, and height and has no objection to this condition.
- Although the building plans are not finalized, the intention is to build bungalows that would have a footprint smaller than what the setbacks permit, resulting in a greater separation from 21 Moir Street than what could be established.
- The party wall between the semi-detached dwellings restricts window placement and views on one side. Although he plans on constructing bungalows, he would prefer that the Committee not impose a condition limiting the dwellings to a single storey, as the drawings are not finalized, and the design could change to ensure adequate views.

- He does not think that deferring the application to a future meeting will help to address the concerns raised. Some of the concerns are not issues with the subject property but are created by conditions on other properties in the area. The proposal meets the regulations of the Zoning By-law, and Planning staff will ensure through the review of the plans that the development is in line with the standard in the neighbourhood.

Discussion

It was suggested by Robert Short that the applicant explore a linked home design for the development on Parts 2 and 3 of the severance sketch rather than a traditional semi-detached dwelling as the single-family form would be more in keeping with the character of the neighbourhood. He further suggested that imposing a condition to require a minimum of 40 percent of the lot frontage as landscaped open space for both the severed and retained lots would provide greenspace on the properties and constrain the number of parking spaces.

Mauro DiCarlo advised that he did not think that the Committee has the authority to impose a condition that is more restrictive than the regulations of the Zoning By-law and did not support the additional conditions. Tom Green agreed with Mr. DiCarlo.

Robert Short advised that he felt the condition was reasonable, will protect the streetscape, and prevent excess asphalt on front lawns. He added that he does not consider that the additional condition to be adding a zoning provision to the by-law.

Moved by Robert Short

That the application be approved according to the recommendation outlined in the Staff Report with the addition of the following conditions:

- i) **That the review of the building plans for Parts 2 and 3 of the severance sketch submitted with the application include the opportunity to consider a linked, semi-detached building; and**
- ii) **That 40 percent of the frontage within the design be soft landscaping that would restrict the driveway and hard landscaping in the area and make the development more compatible with neighbourhood.**

“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 concern with traffic issues, the Committee did not feel that an additional three units would have a significant impact on traffic or pedestrian safety. The Committee indicated that the application is in compliance with the Zoning By-law amendment approved by Council and that the additional conditions will protect the streetscape and ensure the development is compatible with the neighbourhood.

Therefore, in that the severed and retained parcels conform to the Official Plan policy and the Zoning By-law, consent is granted to sever two 9.6 metre wide lots from the southerly portion of the property for the development of a semi-detached dwelling to be severed along the party wall CONDITIONAL UPON THE FOLLOWING:

- i) **That the owner enters into a development agreement with the City requiring:**
 - a) **That building plans be provided for approval by the Planner of Urban Design to ensure compatibility of the building with other buildings in the neighbourhood, including the opportunity to consider a linked semi-detached building on Parts 2 and 3 depicted on the severance sketch submitted with the application, prior to issuance of a building permit; and**

- b) That 40 percent of the frontage of both the severed and retained properties be soft landscaping to restrict the driveway and hard landscaping area and make the development more compatible with the neighbourhood;
 - 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, two copies of the registered reference 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) Payment of a Parks Levy in an amount to be determined by the Parks Levy Review Committee;
 - v) Payment of a Tree Levy in the amount of \$229.45;
 - 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.
4. **File No.:** A31/19
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 in the maximum allowable building coverage on a property with private services from 12% to 17% to build a new 84 square metre accessory building.

Jessie Iriwanto attended the meeting and addressed the Committee as follows:

- She has no further information to add to the application submitted to the Committee.

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 Planner, Policy and Research advised as follows:

- The proposed structure is a detached accessory building, the applicant will have room to park a vehicle and establish a workshop area for a multi-purpose accessory building.
- The applicant initially proposed a second driveway, but the Transportation Division was not supportive of the proposal due to the property's location on a bend on Fairbairn Street. The applicant revised the application, removing the second driveway.
- There is a grade differential on the property. The applicant has been made aware of the definition and requirements for height for the accessory building in the former Smith Township Zoning By-law.

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 to increase the lot coverage by buildings to 16% for a detached, 84 square metre accessory building.

5. **File No.: A32/19**
Address: 1080 St. Paul's Street
Applicant: Doug Head

This matter relates to a minor variance application submitted by Doug Head, as applicant on behalf of Donna Marie Wedlock, 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 a side lot line from 1.2 metres to 0.6 metres to permit the construction of a carport.

Doug Head attended the meeting and addressed the Committee as follows:

- The owner of the property is constructing a carport that is proposed to be established 2 feet from the side lot line. The reduction to the setback will allow the carport to be wide enough to comfortably enter and exit a vehicle.
- The design of the carport is compatible with the character of the neighbourhood.

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 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 variance is minor, the proposal is desirable for the appropriate development or use of the land, and the general intent and purpose of the Zoning By-law and Official Plan are maintained.

Therefore, a variance is granted to reduce the minimum building setback from the south side lot line to 0.6 metres for a carport PROVIDED THAT the carport remains unenclosed.

6. **File No.: A33/19**
Address: 170 Chandler Crescent
Applicants: Beverley and Milton McKenzie

This matter relates to a minor variance application submitted by Beverley and Milton McKenzie, the owners of the property that is the subject of the application.

The purpose of the application is to reduce the setback of a platform from a rear lot line from 4.6 metres to 0 metres and to reduce the setback of a platform from a side lot line from 0.3 metres to 0 metres.

The applicant was not in attendance.

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 Planner, Policy and Research advised as follows:

- Ontario Municipal Board case law demonstrates that a variance to 0 metres is an acceptable option, provided the proposal meets the four tests of a minor variance.

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 to reduce the setback of a platform from the rear lot line to 0 metres and reduce the setback of a platform from the east side lot line to 0 metres PROVIDED THAT any alterations to existing lot grading patterns or drainage will not adversely impact adjoining properties.

7. **File No.: A34/19**
Address: 50 Sophia Street
Applicant: Katelyn Mitchell

This matter relates to a minor variance application submitted by Katelyn Mitchell, 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 unit from 9 metres to 5.5 metres, reduce the minimum number of parking spaces from 4 to 3, increase the width of a driveway at the streetline from 6 metres to 8.2 to recognize the existing driveway width, and allow three vehicles to be parked within 3 metres of a streetline to permit a second dwelling unit to be established.

Katelyn Mitchell attended the meeting and addressed the Committee as follows:

- This property was severed from 56 Sophia Street and the house was built close to the road to meet the setback of other properties in the neighbourhood. To meet this setback, the parking was established across the frontage of the property, resulting in the large paved surface area in front of the house.
- The application to permit an additional unit will not result in any additional paved surface area or exterior changes to 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.

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

- The distance from the street line to the house is 7.6 metres. The distance from the streetline to the sidewalk is unknown, as that dimension is outside of the property limits and not included on the survey.
- There is not enough room on the property to permit tandem parking.
- The applicant will not be widening the curb cut, and there is no proposed change to the parking area as currently established. The existing parking area has been established since at least 1996.

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

- The dwelling is currently a single unit with five bedrooms sharing one kitchen. She is requesting the variance to allow for two, smaller units.
- There will be no change to the retaining wall at the east side of the property.

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 reduction to the minimum lot width per unit to 5.5 metres;**
- b) A reduction to the minimum number of parking spaces to 3;**

- c) **An increase to the width of a driveway at the streetline to 8.2 metres to recognize the existing driveway width; and**
 - d) **To allow three vehicles to be parked within 3 metres of a streetline.**
8. **File No.: A35/19**
Address: 571 Romaine Street
Applicants: Kendra Grant and Norm Grant

This matter relates to a minor variance application submitted by Kendra Grant and Norm Grant, 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 centreline of Romaine Street from 15 metres to 12.7 metres to permit a verandah.

Kendra Grant attended the meeting and addressed the Committee as follows:

- She has no further information to add to the application submitted to the Committee.

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 Robert Short

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

“CARRIED”

Decision

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

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

Therefore, a variance is granted to reduce the minimum building setback from the centreline of Romaine Street to 12.7 metres for a verandah.

9. **File No.: B12/19**
Address: 1414 Lansdowne Street West
Applicant: Gregg Gordon Architect

This matter relates to a severance application submitted by Gregg Gordon Architect, as applicant on behalf of Used Car Solutions Inc., the owner of the property that is the subject of the application.

The purpose of the application is to sever a 3.77 metre wide portion of the property for a lot addition to 1400 Lansdowne Street West.

Gregg Gordon attended the meeting and addressed the Committee as follows:

- He has no further information to add to the application submitted to the Committee.

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 Robert Short

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 lot addition will improve vehicle circulation on 1400 Lansdowne Street West and the reconfigured lots conform to the Official Plan policy and the Zoning By-law, consent is granted to sever a 3.77 metre wide portion of the subject property, as generally illustrated in the Draft Reference Plan prepared by Elliott and Parr, Reference Number 18-19-230-01, as a lot addition to 1400 Lansdowne Street, 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 lot addition parcel, including road widening. Upon registration of the approved Reference Plan, two copies of the registered reference 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) **The owner’s solicitor shall provide an Undertaking to register an Application to Consolidate the severed property with 1400 Lansdowne Street West.**
- iv) **The two parcels shall be considered as one lot and shall not be dealt with separately, Section 50 (3) or 50 (5) shall apply to any subsequent conveyance or transaction involving the parcel of land that is subject to this Consent application;**
- v) **That the applicant provides the Secretary-Treasurer with a draft of the Transfer/Deed of Land.**
- vi) **That if the above conditions are not satisfied within 365 days of the circulation of the Committee’s decision that this consent will lapse.**

Minutes

Moved by Claude Dufresne

That the minutes of the Committee of Adjustment hearing held on June 18, 2019 be approved.

“CARRIED”

Other Business

The Secretary-Treasurer circulated updates to the City's Official Plan and Zoning By-law.

Next Meeting

The next meeting of the Committee of Adjustment is scheduled for Wednesday, September 4, 2019.

Adjournment

The meeting was adjourned at 7:41 p.m.

(Sgd.) Mauro DiCarlo, Chair

(Sgd.) Jennifer Sawatzky, Secretary-Treasurer