



Committee of Adjustment Minutes

November 5, 2019

Minutes of a Meeting of Committee of Adjustment held on Tuesday, November 5, 2019 at 6:00 p.m. in the Council Chambers, City Hall.

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

Regrets: Robert Short

Also Present: Nolan Drumm, 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.

- File No.:** B20/19
Address: 47 Robinson Street
Applicant: Kevin M. Duguay

File No.: A47/19
Address: 47 Robinson Street, Severed Lot
Applicant: Kevin M. Duguay

This matter relates to a severance application and a minor variance application submitted by Kevin M. Duguay, as applicant on behalf of Troy Ellis and Deborah Loman, the owners of the property that is the subject of the application.

The purpose of Application Number B20/19 is to obtain consent to sever the easterly 10.973 metres of the subject property to create a new residential building lot.

The purpose of Application Number A47/19 is to reduce the minimum lot area per unit from 370 square metres to 321 square metres, reduce the minimum lot width per unit from 12 metres to 10.973 metres, and reduce minimum lot depth from 30 metres to 29.294 metres for the severed lot to facilitate the application for consent.

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

- The application proposes to create a new infill lot on a property that currently supports an established single-unit dwelling.
- The subject lands have been zoned R.1, R.2, R.3 since 1972, which anticipates a higher density than a single-unit dwelling.
- A concept plan was submitted with the application to show where a house and parking area could be developed on the proposed severed lot within the required setbacks.

- He met on site with a representative of Peterborough Distribution Inc. regarding the utility pole located in front of the proposed new lot. Peterborough Distribution indicated that the pole can be relocated to accommodate a driveway at the owner's expense. Neither of the mature trees in the boulevard would be impacted by the relocation of the pole or the creation of the driveway.
- The severance and minor variance applications are appropriate, and the minor variance application meets the four tests described by the Planning Act.
- The application demonstrates consistency with the Provincial Policy Statement, creating an infill lot in an urban settlement area with available municipal services.
- The application also demonstrates consistency with the A Place to Grow Plan, which states that growth should be focused within the built area of communities.
- The City's Official Plan supports the type of infill development contemplated by this application. The property is designated Low Density Residential, which anticipates lot area of no more than 25 units per hectare. This application is within that range.
- No concerns were raised by the commenting agencies following circulation of the Notice of Hearing.
- He has reviewed the Staff Report, including the proposed conditions, and agrees with Staff's recommendation.

Nolan Drumm, 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.

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

- i) Robert Copping, Peterborough, Ontario, spoke in opposition to the application and expressed concerns related to overshadowing and loss of light, privacy, traffic, parking, stormwater, property values and compatibility with the neighbourhood.
- ii) Cavin Jones, Peterborough, Ontario, spoke in opposition to the application and expressed concerns related to compatibility with the neighbourhood, parking, traffic, pedestrian safety, and stormwater.
- iii) Sarah Thompson, Peterborough, Ontario, spoke in opposition to the application and expressed concerns related to environmental and stormwater issues.
- iv) Peter Blow, Peterborough, Ontario, spoke in opposition to the application and expressed concerns related to traffic, parking, and the concentration of proposed new developments in the neighbourhood.
- v) Louis Barker, Peterborough, Ontario spoke in opposition to the application and expressed concerns related to traffic, the size of the proposed lot, compatibility with the neighbourhood, and flooding.

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

- The application was circulated to Engineering staff, who had no concerns with the additional lot adding capacity to the system.
- The property is located outside of the floodplain and Otonabee Conservation's Development Control Area. Otonabee Conservation advised that the proposal is consistent with the Natural Hazards Section of the Provincial Policy Statement.
- The City is developing a Transportation Master Plan in addition to an East Side Transportation Plan that will consider the anticipated residential intensification in East City.
- The property is zoned R.1, R.2, R.3. The R.3 district permits maximum of eight units, provided the lot area per unit and parking regulations of the Zoning By-law are met. The owners could apply for an increase to the number of permitted units if the regulations are met or if minor variances to the regulations are granted.

- Planning Staff do not recommend an amendment to condition number v) a) to include the Heritage Resources Coordinator in the review of building plans. The property is not located in a heritage conservation district and is not adjacent to a designated heritage property. The Heritage Resources Coordinator reviewed the proposal and was satisfied with the Planner of Urban Design approving building plans to ensure compatibility of the building design with the neighbourhood.

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

- The proposal to create one building lot, supporting two parking spaces, accessed by a 3 metre wide driveway at the street will not change the functionality of Robinson Street and does not represent a traffic hazard to residents in the neighbourhood.
- The Conservation Authority have no concerns with respect to flooding in relation to this property.
- A lot grading and drainage plan would need to be provided to the Building Division prior to receiving a Building Permit.
- The standard lot size for an R.1 zoned property is 12 metres. The application proposes the creation of a new lot only slightly narrower than the established standard. The building envelope illustrated on the concept plan provided to the Committee illustrates where a building could be located within the setback and does not represent a proposed design for development.
- The Heritage Resources Coordinator reviewed the application and did not raise any concerns with the proposed new lot.
- The neighbourhood supports a mix of housing types and varieties, including some lots of a comparable width to what is contemplated by this application. The neighbourhood anticipates intensification and the proposal is supported by the City's Official Plan, the Growth Plan and the Provincial Policy Statement.

Moved by Claude Dufresne:

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

"CARRIED"

Decision – B20/19

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 proposal conforms to the Official Plan policy and File Number A47/19 addresses the deficiencies from the Zoning By-law, consent is granted to sever the easterly 10.973 metres of the subject property to create a new lot for residential development to the east of the existing dwelling on the property, CONDITIONAL UPON THE FOLLOWING:

- i) That minor variance application A47/19 is approved by the Committee of Adjustment;**
- ii) Confirmation that the deck structure located on the east side of the existing dwelling is removed to ensure compliance with the minimum building setbacks;**
- iii) The payment of a Parks Levy for the newly created lot, in an amount to be determined by the Parks Levy Review Committee;**
- iv) The payment of a Tree Levy in the amount of \$138.96 for the newly created lot;**
- v) That the owners enter into a development agreement with the City, agreeing to:**

- a) Provide building plans for approval by the Planner of Urban Design prior to the issuance of a building permit to ensure compatibility of building design on the severed lands;
 - b) Submit a lot grading and drainage plan for approval by City staff prior to construction of the new dwelling on the proposed severed lot; and
 - c) Relocation of the existing utility pole to the easterly limit of the retained lot, at the owner's expense, to permit the driveway;
- vi) Prior to registering the Reference Plan, the applicant shall, at its cost, submit for approval a draft Reference Plan to the Secretary-Treasurer, showing the proposed severed parcel. Upon registration of the approved Reference Plan, two copies of the registered reference will be provided to the Secretary-Treasurer;
- vii) 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.
- viii) That the applicant provides the Secretary-Treasurer with a draft of the Transfer/Deed of Land; and
- ix) That if the above conditions are not satisfied within 365 days of the circulation of the Committee's decision that this consent will lapse.

Decision – A47/19

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 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 to the severed portion of the property are granted as follows:

- a) A reduction to the minimum lot area to 321 square metres;
- b) A reduction to the minimum lot frontage to 10.973 metres; and
- c) A reduction to the minimum lot depth to 29.294 metres.

Conditional upon submission of the registered Transfer/Deed of Land related to File Number B20/19.

2. **File No.: A54/19**
Address: 1201 Armour Road
Applicant: Kevin M. Duguay

This matter relates to an application for Permission submitted by Kevin M. Duguay, as applicant on behalf of Catherine Bick and Dawson Bick, the owners of the property that is the subject of the application.

The purpose of the application is to obtain permission to expand a legal non-conforming use to permit the construction of a canopy as an addition to the existing single-detached dwelling.

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

- He has reviewed the Staff Report and agrees with the recommendation.

Nolan Drumm, Planner, Policy and Research, advised that he had nothing further to add to the information presented in the Staff Report.

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

Moved by Tom Green:

That the applications be approved in accordance with the 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 proposal is desirable for an appropriate development of the subject property and that the application should be approved as per the Staff Recommendation.

Therefore, permission is granted to enlarge the building footprint for the legal non-conforming, single-detached dwelling to permit the construction of a canopy at the southeast part of the dwelling, as shown on the Site Plan prepared by Elliott and Parr, dated April 6, 2019.

Minutes

The Committee suggested the following changes to Other Business, item c):

- a) Deleting the words “when the agreement is not a requirement under the zoning bylaw” and substituting with “when the residential use is exempted by the site plan area by-law”; and
- b) Adding “building design site plans through” following “authority to impose”.

Mauro DiCarlo noted that his name is spelled incorrectly in the second paragraph of Other Business, item c).

Moved by Stewart Hamilton

That the minutes of the Committee of Adjustment hearing held on October 1, 2019 be approved, as amended.

“CARRIED”

Other Business

- a) **2020 Hearing Schedule**

Moved by Claude Dufresne

That the Draft 2020 hearing schedule be approved.

“CARRIED”

Next Meeting

The next meeting of the Committee of Adjustment is scheduled for Tuesday, December 3, 2019.

Adjournment

The meeting was adjourned at 7:07 p.m.

(Sgd.) Mauro DiCarlo, Chair

(Sgd.) Jennifer Sawatzky, Secretary-Treasurer