



City of
Peterborough

Committee of Adjustment Minutes

November 4, 2020

Minutes of a Meeting of Committee of Adjustment held on Tuesday, November 4, 2020 at 6:00 p.m. in the Council Chambers, City Hall.

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

Regrets: Tom Green

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

Committee of Adjustment was called to order at 6:04 p.m.

The Committee moved consideration of Item 3.a., File No. B07/20 to the end of the agenda.

1. **File No.:** A23/20
Address: 459 Cameron Street
Applicants: Alan Wilson and Lorraine Wilson

This matter relates to a minor variance application submitted by Alan Wilson and Lorraine Wilson, 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 centre line of Cameron Street from 19.0 metres to 16.5 metres to facilitate the expansion of an existing carport.

Alan Wilson attended the meeting and addressed the Committee as follows:

- He has read the Staff Report and has no questions or comments at this time.

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 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 6.9 of the Zoning By-law to reduce the minimum building setback from the centre line of a Cameron Street to 16.5 metres PROVIDED THAT construction related to this approval proceed substantially in accordance with the concept plan attached as Exhibit B to the Staff Report dated November 4, 2020 and CONDITIONAL UPON the completion of a Stage 1 Archaeological Assessment.

2. **File No.: A24/20**
Address: 449 Braidwood Avenue
Applicants: Dianne Dodd and John Dodd

This matter relates to a minor variance application submitted by Dianne Dodd and John Dodd, the owners of the property that is the subject of the application.

The purpose of the application is to increase the maximum distance a platform can project into the building setback from the Braidwood Avenue street line from 1.5 metres to 1.8 metres.

Dianne Dodd and John Dodd attended the meeting and addressed the Committee as follows:

- They have read the Staff Report and have no questions or comments at this time.

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 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 6.19(b) of the Zoning By-law to increase the maximum distance a platform can project into the building setback from the street line of Braidwood Avenue to 1.8 metres to permit the construction of a platform at the front of the existing dwelling PROVIDED THAT construction related to this approval proceed substantially in accordance with the concept plan attached as Exhibit C of the Staff Report dated November 4, 2020 and CONDITIONAL UPON the applicant obtaining written approval from Peterborough Distribution Inc. regarding the platform clearance from the overhead lines.

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

This item was deferred from the October 6, 2020 Committee of Adjustment hearing.

Due to the conflict of interest declared at the October 6, 2020 Committee of Adjustment Hearing, Claude Dufresne left the Council Chambers at 6:12 p.m. and did not participate in the discussion or consideration of this item.

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

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

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

- The application is to sever lands from the balance of the property for construction of a long-term care facility.
- At the previous Committee of Adjustment hearing Richard Taylor presented an objection to the application to the Committee. His objection related to the development of the extension of Hillside Street to provide access to the severed lands.
- The condition of approval recommended by staff addresses his concerns and states that a municipally maintained and assumed road will provide access to the severed lands. We are amenable to the proposed condition and any associated agreement with the municipality.
- With respect to the concerns raised by Richard Taylor at the previous hearing, we disagree that the design of the road cannot be addressed at the detailed design stage. It is standard practice to complete the design and sign any agreements to complete the work on behalf of the municipality at site plan approval.
- With respect to the pipe traversing Richard Taylor's client's property as part of servicing plan, this pipe can be relocated to municipal road allowance, which can be addressed through detailed design and the associated agreements.
- With respect to the request for a third party agreement between ourselves, Richard Taylor's client and the City, we do not believe it is appropriate to include a third party developer or engineer as a final approval of this agreement for the design of a City road. The City should determine the design of infrastructure that is constructed within the municipal right-of-way.

The chair acknowledged that the City has revised the proposed conditions of approval and read the revised condition iii) into the record.

Richard Taylor, Peterborough, Ontario, speaking on behalf of 1972909 Ontario Limited, attended the meeting, and addressed the Committee in opposition to this application.

- He stated that his client would like to see a dimensioned concept plan of the proposed extension of Hillside Street to show the location of the extension, if it will be designed with a cul-de-sac, if the extension will include curb and gutter, how stormwater will be addressed, and pedestrian access.
- He stated that he agrees with the City's position that Hillside should not be a through street and stated that his clients preference is that the extension is constructed with a cul-de-sac, as shown in the plan prepared by Murray Davenport and submitted to the Committee.
- He stated that he does not believe that the revised condition is appropriate.

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

- He has reviewed the proposed conditions of approval submitted by Richard Taylor and has comments on items a) and b). With respect to proposed condition a), City infrastructure should be designed by the City's Engineering Division. Once the Engineering Division has determined if the road will be developed as local or collector street, they will begin the detailed design process. It is too soon to determine if the concept plan prepared by Murray Davenport is appropriate for the extension of Hillside Street.
- With respect to item b), the City's Engineering Division hasn't determined if a cul-de-sac is appropriate in this instance or the extent of the extension west on Hillside.
- He understands that the cost of the extension will be borne by the proponent and the road will be assumed by the municipality.
- A Traffic Impact Study was completed to support the Official Plan Amendment and Zoning By-law Amendment applications. The study concluded that the existing road network through the Simons subdivision to Chemong Road was sufficient to handle any traffic generated by the long-term care facility in addition to the emergency access route via Hillside Street to Fairbairn Street.
- The Zoning By-law Amendment was approved by City Council and is currently subject to an appeal.
- There is a condition of the Holding Symbol associated with the Zoning By-law Amendment requiring additional agreements related to stormwater management and low impact development.
- Staff reviewed the application for severance with respect to conformity with the Zoning By-law regulations. With respect to the minimum lot width requirement, Staff have interpreted that the lot width is equal to the total frontage on the road allowance of Hillside Street, regardless of the extent to which Hillside Street is built out and meets the requirement of the Zoning By-law.

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

- His client is willing to discuss cost sharing with the City related to the extension of Hillside Street.
- He stated that the consent sketch provided to the Committee with the application for severance does not meet urban municipal standards with respect to minimum turning distance requirements and doesn't address stormwater issues in the southeast corner of the property. He further stated that the plan prepared by Murray Davenport was based on specifications provided by City Engineering staff.
- He did receive a copy of the Traffic Impact Study, which is a transportation review rather than an infrastructure planning review. He requested a copy of the Road Needs Study that was completed several years ago and was informed the document could only be obtained through a Freedom of Information request.
- His client has not requested an extension to Hillside Street to permit the development of his properties, as the properties were purchased as an investment, and he does not have a current proposal to develop the land.

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

- A concept plan for the extension of Hillside Street has not been made public at this stage. Several proposals have been submitted to City staff and the City's Engineering staff will determine through the detailed design stage what the final design of the municipal road will be.

- A concept plan for stormwater management was reviewed by City Engineering staff and deemed appropriate for the development. The Zoning By-law was passed by Council based on that plan. Any refinement to the stormwater management plan can be done in detailed design and through any required agreements after the approval of detailed design.
- An analysis of the requirement for an Environmental Assessment for the extension of Hillside Street was provided as part of the Planning review. When the proponent takes over the cost of a road extension, and the road is subsequently assumed by the municipality, the requirements of the **Environmental Assessment Act** are met without completing an Environmental Assessment.

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

- Since the street extension will be constructed in an existing municipal right-of-way, he understands that if the project were initiated by the municipality, it would not require an Environmental Assessment.
- The City Engineer did look at the concept plan prepared by Murray Davenport. The details being requested by the applicant prior to approval of this application go beyond what can be provided on a preliminary concept plan. The City Engineer advised that it is standard operating procedure to prepare the detailed engineering following the approval of a severance, subject to a development agreement. Any municipal infrastructure will be approved by the City Engineer. It is not appropriate to have approval of municipal infrastructure by a private developer.
- The City will ensure that the design of the municipal infrastructure for the extension of Hillside Street considers all affected landowners.

Discussion

The Chair stated that the proposed development of the severed lands will bring capital infrastructure improvements to the area and that it is reasonable for property owners across from the development to endeavor to benefit from the opportunity to gain access and servicing of their property. He further stated that the proposal appears to have a municipal benefit and is supported by City Staff and City Council as a good planning solution. He suggested that the property owners that stand to benefit from the extension of Hillside Street should have access to the plans for the design of the street and that they should have some input in the discussions related to the road extension. He suggested that a condition of approval be added that the City meet with the owner of 491-499 Hillside Street to pursue discussions related to street access and cost sharing.

Beverly Saunders stated that she objected to the proposed additional condition, as the conditions of approval need to be cleared by her client. She further stated that the conditions should be directly related to the application for severance and access to the proposed development and that any third-party negotiations with the City should not be tied to approval of this application.

Richard Taylor stated that his client would be willing to meet with the City to discuss the extension of Hillside Street.

Moved by Mauro DiCarlo:

That the application be approved subject to the conditions itemized in the Staff Report, as amended by the memo from the Planner, Policy and Research, dated November 4, 2020, and that a condition be added that the City meet with the owner of 491-499 Hillside Street to pursue discussions related to street access and cost sharing solutions.

“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.

The development's approval was seen as an opportunity for municipal infrastructure improvements to be made for the undeveloped lots on the south side of Hillside with the participation of the property owner, and with the City leading such discussions. The Committee determined that since the owner of 491-499 Hillside Street may benefit from the road extension, that a condition of approval be added permitting them to provide input with respect to the design of the street and related cost sharing.

In that the severed and retained parcels conform to the Official Plan policy and with the approval of Zoning By-law Amendment File Number Z1917 will conform with the Zoning By-law, consent is granted to sever a 2.16-hectare parcel with 144 metres of frontage along Hillside Street from the southern portion of the subject property, together with an easement over the retained lands to facilitate vehicle access to the severed lands, as generally depicted on Page 5 of Exhibit A of the Staff Report dated November 4, 2020, for development of a long-term care facility, **CONDITIONAL UPON THE FOLLOWING:**

- i) The approval of Zoning By-law Amendment File Z1917;
- ii) Removal of the Holding Provision imposed on By-law 20-065 associated with the PS.2 zoning district on the severed lands;
- iii) That the owner enters into a Development Agreement with the City, including appropriate security, agreeing to the extension of Hillside Street to a municipal standard, to be assumed and maintained by the municipality, to provide vehicle access to the severed lands, with consideration of access to adjacent properties and cost sharing;
- iv) Prior to registering of 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 and easement. 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;
- v) 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's Geomatics/Mapping Division to confirm acceptable standards and formatting. The Surveyor should contact the Secretary-Treasurer for instructions on how to submit this document;
- vi) That the applicant provides the Secretary-Treasurer with a draft of the Transfer/Deed of Land;
- vii) That the City meet with the owner of 491-499 Hillside Street to pursue discussions related to street access and cost sharing solutions; and
- viii) That if the above conditions are not satisfied within 365 days of the circulation of the Committee's Decision that this consent will lapse.

Claude Dufresne returned to the Council Chambers at 7:25 p.m.

Minutes

Moved by Mauro DiCarlo

That the minutes of the Committee of Adjustment hearing held on October 6, 2020 be approved.

“CARRIED”

Other Business

There were no items of other business.

Adjournment

The meeting was adjourned at 7:31 p.m.

(Sgd.) Robert Short, Chair

(Sgd.) Jennifer Sawatzky, Secretary-Treasurer