



City of
Peterborough

Committee of Adjustment Minutes

March 30, 2021

Minutes of an Electronic Meeting of Committee of Adjustment held on Tuesday, March 30, 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
Alexey Shcherbin, Assistant Planner

Committee of Adjustment was called to order at 6:02 p.m.

Disclosure of Pecuniary Interest

There were no disclosures of Pecuniary Interest.

- File No.:** A25/20
Address: 556 Stewart Street
Applicant: Kevin M. Duguay

This matter relates to a minor variance application submitted by Kevin M. Duguay, as applicant on behalf of Blair Taylor, 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 Stewart Street from 6 metres to 5 metres; reduce the minimum building setback from London Street from 6 metres to 3 metres; reduce the minimum size of a required parking space from 2.7 metres by 5.7 metres to 2.5 metres by 5.5 metres; reduce the minimum driveway access aisle for 90 degree parking from 6.4 metres to 0.4 metres (the remaining of which is to be provided within the public laneway along the east limit of the property); increase the maximum building coverage by a two-storey dwelling from 40% to 41%; reduce the minimum lot area per dwelling unit from 278 square metres to 162 square metres; and reduce the minimum lot width per unit from 9 metres to 5.2 metres to facilitate the development of a semi-detached dwelling.

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

- The application contemplates the development of a vacant lot in the mid-town portion of the City at the intersection of Stewart and London Streets.
- The property slopes from west to east as well as from north to south.
- There is access to the lot from the laneway on the eastern boundary of the property.

- The City was initially approached with an application to rezone the property to permit a three-unit dwelling. Upon review of the proposal, staff recommended that a three-unit dwelling may not be supported by the City, and the proposal was revised to a two-unit dwelling with a potential secondary suite.
- Following the submission of the application for minor variance, and in response to staff comments, there were revisions to the concept plan with respect to parking stalls, access to the units, and floor plans.
- There is a large demand for residential units in the City. This application presents an opportunity to create a two-unit dwelling, with the potential for a secondary suite, on a vacant lot in the mid-town of the city.
- The drawings submitted with the application were prepared by a qualified building official with BCIN certification and meet building code.
- With respect to the comments from Peterborough Distribution, the utility pole and guide wire are located outside the boundary of the property, approximately five metres from the north lot line. The proponent is aware of the location of the pole and would have full regard to Peterborough Distribution's requirements during the development process.
- The Engineering comments indicate that the plans show three units. However, the plans illustrate a two-unit dwelling with the potential for a secondary suite.
- With respect to the comments from the Planner of Urban Design, there is no site plan on the property as the property is vacant. If the development proceeds, it could be subject to site plan control. The proponent would not object to scoped site plan control dealing with grading, drainage, stormwater and building design.
- The Transportation Division comments with respect to occupancy should be disregarded, as you cannot discriminate with respect to occupancy. The Planning Division has indicated that the parking supply was adequate for the number of units.
- He is requesting that the Committee approve the application with a condition for site plan control to address the topographical context and building configuration.

Christie Gilbertson, Planner, Policy and Research, addressed the applicant's comments on Staff's review of the application with respect to the infill policies of the Official Plan. She indicated that the proposal presented several challenges, including the ability for the parking area to be both sufficient and suitable for the site. Peterborough Distribution raised concerns regarding the off-site pole transformer and anchor wires. To date, there has not been sufficient information provided to satisfy Peterborough Distribution that construction could occur in a safe manner. The City has requested additional information to determine the number of storeys in the proposed building but to date has not received this information.

The Planner, Policy and Research further advised that the proposal is out of scale with the standard of development when compared to similar sized lots in the neighbourhood.

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 measurement from the average grade to the ceiling height needs to be established before Building Division staff can determine if the building is two or three storeys, as defined in the Zoning By-law. There have been ongoing discussions between staff and the applicant regarding the concern with the number of storeys, and the information that is required to conclusively make that determination has not been provided.

- The applicant has not shown where the retaining wall would be located on the plan, however it would likely go in the northwest section of the lot where the highest slope is. The retaining wall would have to be constructed to allow safe access into the building. Due to the height differential on the property, the site would require some kind of treatment to prevent erosion.
- The proposed secondary suite would be located below Unit 2 at the rear of the building, with the entrance facing the London Street side of the building. The common areas of the building would be in the lower, western level, below Unit 1.
- The applicant initially approached the City regarding this property in January of 2020. There were various versions of the proposal, including an early concept of a three-unit building. Some refinements to the proposal were submitted in the fall of last year. However, the submissions did not include all the required variances or reflect a building form that was being sought in variances. It was not until February of this year that we saw a building form reflective of the proposal, a two-unit building with a secondary suite, requiring a semi-detached building with the ability to be divided vertically. Although there was a lot of discussion between the applicant and staff, there was not a full proposal submitted until much more recently.
- The Official Plan and Zoning By-law permit secondary suites in single unit dwellings, semi-detached dwellings, and row dwellings, provided all requirements of the by-law are met. The Site Plan submitted with the application shows four parking spaces, anticipating the requirement for the fourth space to permit a secondary suite.

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

- Building Division staff require a lot grading plan to determine where the first storey is located. The elevations were shown to the City's Part 3 Plans Examiner, who indicated that the building appears to be a three-storey building, but noted that until lot grading plan is completed, the number of storeys cannot be confirmed.
- Section 6.33.3 of the Zoning By-law outlines the regulations for secondary suites, including the requirement for the secondary suite to be smaller than main unit with a maximum of two bedrooms. In a semi-detached dwelling, applicants are eligible to have a secondary suite in each side, provided they can meet all the requirements in Section 6.33.3 and the parking requirements in Section 4.

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

- Due to the topography of the site, the building will appear as a one-and-a-half storey building from the street and as a two-and-a-half storey building from the rear. The finished grading on the property will impact whether the basement is interpreted as a storey or not. He interprets the building as a two-storey building with a partial basement and has proceeded with the application on that basis.
- He has contacted Peterborough Distribution to discuss their concerns but has not yet had an opportunity to discuss the proposal with them. He provided City staff with information showing the pole location's proximity to the lot line and proposed dwelling. He does not agree that the pole location would prohibit the proposed building construction and configuration and any issues could be addressed through the site plan and building permit process.
- The property would be serviced by curbside garbage and recycling pickup. Storage for garbage and recycling would be within the units or could possibly be in the common area of the building or along the walkway. Final details could be determined at the site plan stage.
- There are a number of variances requested because the existing Zoning By-law does not reflect modern planning practices on compact building lots.
- The laneway to access the parking area is flat.

- He would welcome a deferral of the application to allow time to confirm the number of storeys in the building and to provide additional information related to the application, such as the location of the retaining wall and preliminary drainage and grading plans.
- A two-month deferral should provide adequate time to provide staff with the required information.

Discussion

Robert Short advised that he had several concerns with the application related to pedestrian circulation, the size of the lot in relation to the building, stormwater management, grading, the location of the retaining wall, and the concerns raised by Peterborough Distribution relating to the overhead high-voltage line and anchors. He noted that the application may not be minor and may be better suited to be considered as a Zoning By-law Amendment rather than a Minor Variance.

Mauro DiCarlo expressed concern with the Committee's jurisdiction to make a decision on the application without confirmation of the number of storeys in the building. He noted that the variances applied for would not be adequate if the building was later found to be three storeys and stated that the issue should be resolved before application was disposed of.

Moved by Mauro DiCarlo:

That the application be deferred to the May 26, 2021 hearing of the Committee of Adjustment.

"CARRIED"

2. **File No.: A08/21**
Address: 163 Lansdowne Street East
Applicant: Molly Conlin

This matter relates to a minor variance application submitted by Molly Conlin, as applicant on behalf of 2663768 Ontario Inc., 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 west side lot line from 1.5 metres to 0.3 metres; reduce the minimum aisle width from 6.4 metres to 5.5 metres; reduce the minimum building setback from the centreline of Lansdowne Street East from 24.4 metres to 17 metres for the covered deck; reduce the minimum building setback from a side lot line from 9 metres or the height of the building, whichever is greater, to: 1.6 metres for a new staircase (east side lot line), 3 metres for a building addition (east side lot line), 6.1 metres for a covered deck (west side lot line), and 6.4 metres for a building addition (west side lot line) to facilitate the renovation and expansion of the existing building and corresponding site layout changes.

The Chair acknowledged that the Committee had received and reviewed a letter in objection to the application from Donald Luther and Kimberly McQuade, Peterborough, Ontario.

Molly Conlin attended the meeting and addressed the Committee as follows:

- The variances are required to permit an addition and changes to the layout of the property.
- There is currently a covered deck that encroaches onto City property. This deck will be removed and re-established within the property boundary.

- The building addition will include an expansion to the current showroom and additional storage. The additional storage will allow the business to clean up the storage that is currently established in trucks and trailers on the property, improve the appearance of the property, and lessen the impact on neighbouring property owners.

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.

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

- She has reviewed the letter of objection with respect to this application. The subject property is not currently in compliance with the Zoning By-law with respect to some features of the site, such as the trailers used for storage and how garbage is being dealt with. The City's by-law enforcement staff have been made aware of the condition of the site. The applicant has submitted the application to help remedy some of the concerns raised. The application provides the Committee with an opportunity to impose site plan control, which will help to improve conditions on the site including screening to adjacent properties and removing the storage trailers.
- The property was previously subject to a Consent application and Zoning By-law Amendment application that resulted in the creation of the residential lot at 701 Otonabee Drive. At the time of the rezoning in the early to mid-2000s, City Council would have considered matters pertaining to the relationship between the commercial and residential portions of the Lansdowne Street and Otonabee Drive facing properties.
- Through staff's review of the applicant's proposal, an effort was made to enhance the landscaped space at the rear of the property that borders onto the residential lot on Otonabee Drive. Currently, most of the land along the rear lot line is paved or has been damaged by vehicular usage over the years. Through Site Plan review, the condition of the landscaped strip will be better defined and brought into conformity with the regulations of the Zoning By-law.

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

- She does not believe that there will be a requirement for a retaining wall or cutting into the bank as a result of the proposed grade changes to the site. However, if required, this could be dealt with during the Site Plan approval process.
- An application for Site Plan Approval has not yet been submitted to the City.
- Currently, the entire property is asphalt or gravel. The owner's intent is to create more landscaped space both between the driveway and the property line and along the rear lot line.
- The area located near parking space seven will be used as a storage area for refuse and a vehicle turn around area.
- The exact location for garbage storage will be determined through the Site Plan Approval process.

Moved by Robert Short:

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.

Having reviewed the application and considered the information presented both in the Staff Report and presentation, the Committee determined that the application represented an opportunity to improve conditions on the property and should be approved as per the Staff Recommendation. The Committee determined 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 granted as follows:

- a) **A variance from Section 16.3 (g) to reduce the minimum width of landscaped open space to 0.3 metres along the west side lot line;**
- b) **A variance from Section 4.3.1(b) to reduce the minimum aisle width to 5.5 metres;**
- c) **A variance from Section 6.7 to reduce the minimum building setback from the centreline of Lansdowne Street East to 17 metres for the covered deck;**
- d) **Variances from Section 16.3 (c) to reduce the minimum building setback from the east side lot line to:**
 - i) **1.6 metres for a new staircase;**
 - ii) **3 metres for a building addition; and**
- e) **Variances from Section 16.3 (c) to reduce the minimum building setback from the west side lot line to:**
 - i) **6.1 metres for a covered deck**
 - ii) **6.4 metres for a building addition**

CONDITIONAL UPON the applicant entering into a Site Plan Agreement and PROVIDED THAT construction related to this approval proceeds substantially in accordance with the concept plan attached as Exhibit B to the Staff Report dated March 29, 2021.

3. **File No.: A09/21
Address: 212 Brock Street
Applicant: TVM Tower Residences Inc.**

This matter relates to a minor variance application submitted by TVM Tower Residences Inc., the owner of the property that is the subject of the application.

The purpose of the application is to obtain a variance from Section 18.2 (e) of the Zoning By-law to allow four additional units in the lower level of the existing building.

Amit Sofer of TVM Tower Residences Inc. attended the meeting and addressed the Committee as follows:

- He is the owner of TVM Group, which owns and manages a number of multi-unit buildings in Peterborough. They have a longstanding relationship with the Canadian Mental Health Association (CMHA) and are one of the largest housing providers to their clients.
- The vacancy rate in Peterborough has fallen, and affordable housing units are difficult to find. A previous application to the Committee resulted in the conversion of the ground floor commercial space into 11 affordable housing units, provided that the lower level was reserved for commercial space.
- As there is high demand for additional units, CMHA has asked if TVM Group can create new suites. The commercial space in the lower level has remained vacant for 15 years, and he requests that the Committee allow the variance that would allow this space to be utilized as four apartment units.
- He has read the Staff Report and is satisfied with the Staff 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.

Mauro DiCarlo advised that he will abstain from voting on the application as he knows Jennifer Bain of the Canadian Mental Health Association, who provided a letter of support as part of the application submission.

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 from Section 18.2 (e) of the Zoning By-law to allow four additional units in the lower level of the existing building PROVIDED THAT construction related to this approval proceeds substantially in accordance with the concept plan attached as Exhibit C to the Staff Report dated March 29, 2021 and CONDITIONAL UPON the following:

- i) **Payment of a parks levy, as determined by the Parks Levy Committee, for the four additional units;**
 - ii) **Payment of cash in lieu of parking for the parking associated with the four additional units; and**
 - iii) **Entering into a Landscape Improvement Agreement to establish trees at the front of the building.**
4. **File No.: A10/21
Address: 890 St. Mary's Street
Applicants: Floyd Letto and Dawn Letto**

This matter relates to a minor variance application submitted by Floyd Letto and Dawn Letto, 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 Goodfellow Road from 16 metres to 14 metres to permit the construction of a covered deck.

Floyd Letto attended the meeting and addressed the Committee as follows:

- They are planning on replacing an existing concrete deck with a covered wooden deck.
- He has read the Staff Report and is satisfied 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.

Moved by Mauro DiCarlo:

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 6.10(13)(a) of the Zoning By-law to reduce the minimum building setback from the centreline of Goodfellow Road to 14 metres to permit the construction of a covered deck CONDITIONAL UPON the applicant obtaining written approval from Peterborough Distribution regarding the porch clearance from the overhead lines and PROVIDED THAT construction related to this approval proceeds substantially in accordance with the concept plan attached as Exhibit D to the Staff Report dated March 30, 2021.

5. **File No.: A12/21**
Address: 51 Sophia Street
Applicants: Michael Scorer and Laurie Davis

This matter relates to a minor variance application submitted by Michael Scorer and Laurie Davis, 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 east side lot line from 1.2 metres to 0.6 metres to permit the construction of a carport with living space above.

The Chair acknowledged that the Committee had received and reviewed letters in objection to the application from:

- i) Dorothy Dubblestein, Peterborough, Ontario; and
- ii) Tom Whillans, Peterborough, Ontario

Laurie Davis attended the meeting and addressed the Committee as follows:

- The property is a duplex, which was purchased to be renovated into two separate units. She and Mr. Scorer are co-parents and occupy the separate units.
- The upper unit has two bedrooms, one of which is small and is used as a guest bedroom or small home office.
- Her adult daughter has moved home and they would like to use the proposed additional living space for her daughter's living space and as extra guest space in the future.
- The deck expansion allows for access from the upper deck to the backyard, which will allow for easier access to transport gardening supplies to the deck container garden.
- In the future, the additional living space would also allow for living space for an on-site caregiver, enabling multi-generational housing.

Michael Scorer attended the meeting and made a presentation to the Committee including revised plans showing a reduction of the roof overhang into the interior side yard and floor plans of the proposed second unit expansion.

Michael Scorer addressed Committee as follows:

- He has designed the plans for this project to ensure that the proposed bedroom with an en-suite bathroom ties into the existing second floor unit and blends in with the existing structure. Although the door to the bedroom is at the top of the entrance stairs, it will feel private. The modification to the upper unit deck will permit direct access to the backyard from the deck.
- Locating the support columns for the carport within the by-law regulations would make access to the two parking spaces beneath the carport difficult, and the support columns on the west side of the carport would need to be offset so as not to block the sidewalk. He considered adding two feet of width to the addition to balance the columns but chose not to pursue this due to the added cost for additional space that was not required. They therefore chose to apply for the minor variance to reduce the setback for the columns on the east side, which maintains the original size of the addition and increases the available space for parking, including adequate space for access to the vehicles. If the Committee objects to the size of the roof overhang illustrated in the initial submission to the Committee, it could be reduced to have less of an impact on the adjacent property.
- With respect to the concerns raised by the neighbouring property owner to the east, there will be some impact on the views from her side windows but, having completed a review of shading impact of the addition, there will be minimal additional shading beginning in the late afternoon. The limited amount of runoff from the roof will have no impact on her property, as they are required to ensure that runoff is contained on their property. The number of parking spaces would be maintained, and there is no plan to increase the amount of parking on site. They will not need to encroach on the neighbour's property during the excavation for the column footings. They have no plans to convert the proposed additional living space into a separate bachelor unit.
- With respect to the second letter of objection, there will be no additional parking spaces resulting from this application being approved. They were required to establish four parking spaces with adequate aisle width to support the second dwelling unit, and the number of spaces will not change. The location of the driveway entrance has adequate visibility and drivers are able to see both pedestrians and cars when exiting the property.
- The property is a legal duplex, with one unit on each level, both approximately 900 square feet in size. The proposed addition would add 350 square feet to the upper unit. If the property were a semi-detached duplex, they would likely be eligible for two secondary suites, and many houses in the neighbourhood are larger in size than the house will be with the addition.

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

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

- If the application is denied, the applicant would be able to apply for a Building Permit for a carport with living space above that meets the regulations of the Zoning By-law that would not require a minor variance.
- The applicant would have to satisfy the Building Division that the proposed construction would not be considered a third dwelling unit. There would be certain provisions that would need to be met in the design and construction of the space to make sure it meets the requirements outlined in the Building Code.

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

- His neighbour provided him with a copy of the survey for 59 Sophia Street which was created when his neighbour wanted to replace their fence. The old fence is shown on the survey. The iron bar is shown in the top left of the survey for 59 Sophia Street, which is the same location as the top right point of the survey for 51 Sophia Street.
- In the site plan submitted with the application, the floor plan shown with a separate living room and kitchen is the lower unit. The colour illustration showing how the addition ties into the second floor and showing a shared kitchen is the upper unit. The two units have similar layouts.
- There will be a fridge in the proposed new bedroom so that their daughter can keep her food separate, as she is a vegetarian.

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

- The kitchen is referred to as a shared kitchen as her daughter will be using the existing kitchen for preparing food.
- If her daughter is not at home, the room would become a second guest room, as the current guest room is small.

Discussion

Mauro DiCarlo expressed concern with the accuracy of the surveys submitted with the application and noted that the Committee could not be certain of the relief required from the east side lot line without an accurate survey.

Robert Short noted that the reduced setback from the east side lot line may result in future issues with maintenance and access to the rear yard. He further noted that the applicant has alternative plans to proceed should the application not be approved and a variance is not required to accommodate an expansion on the site. He observed that the design of the additional living space, while not intended to be a separate dwelling unit, is designed to be flexible space and that the concerns raised by neighbours with respect to the use of the space are valid.

Stewart Hamilton advised that upon reviewing the application, the letters of objection, the additional supporting material provided by the applicant, and completing two site visits, he is in agreement with the staff recommendation to deny the application. Mr. Hamilton advised that he does not feel that the development is desirable for the neighbourhood and that it is a departure from type of development in this area that would not benefit the neighbourhood.

Moved by Stewart Hamilton:

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.

The Committee, having considered the application filed, together with the presentations made, the letters of objection, and the recommendation of the City’s planning report, determined that the variance is not desirable for the appropriate development or use of the land and that the application should be denied.

Therefore, the application for a minor variance is denied.

6. **File No.:** A13/21
Address: 636 Tully Crescent
Applicant: Ken Tompkins

This matter relates to a minor variance application submitted by Ken Tompkins, as applicant on behalf of Brian Balcombe and Jan Balcombe, 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 rear lot line from 7.6 metres to 5.0 metres to permit the construction of a 14.49 square metre sunroom at the rear of the dwelling.

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

- The owner would like to replace an existing covered gazebo with a three-season sunroom.
- He has read the Staff Report and agrees 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.

Moved by Mauro DiCarlo:

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 7.2(e)(ii) of the Zoning By-law to reduce the minimum building setback from the rear lot line to 5.0 metres to permit the construction of a 14.49 square metre sunroom at the rear of the dwelling PROVIDED THAT construction related to this approval proceed substantially in accordance with the concept plan attached as Exhibit F to the Staff Report dated March 30, 2021.

7. **File No.:** A14/21
Address: 1193 Wildlark Drive
Applicant: J. Laurie Young

This matter relates to a minor variance application submitted by J. Laurie Young, as applicant on behalf of Bob Steele and Pat Keene, 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 rear lot line from 7.6 metres to 4.06 metres to permit the construction of a 12.26 square metre sunroom at the rear of the dwelling.

J. Laurie Young attended the meeting and addressed the Committee as follows:

- She has read the Staff Report and agrees with the recommendation.
- The owner proposes to replace an existing deck with a three-season sunroom.

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 both 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 7.2(e)(ii) of the Zoning By-law to reduce the minimum building setback from the rear lot line from 7.6 metres to 4.06 metres to permit the construction of a 12.26 square metre sunroom at the rear of the dwelling 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 30, 2021.

8. **File No.:** **A15/21**
 Address: **742 Wallis Drive**
 Applicant: **J. Laurie Young**

This matter relates to a minor variance application submitted by J. Laurie Young, as applicant on behalf of Corey Nottingham and Jennifer Robbins, 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 Wallis Drive from 6 metres to 5.2 metres; reduce the minimum building setback from Valleyview Drive from 6 metres to 1.8 metres; and reduce the setback of an obstruction (the proposed addition) from 21.3 metres to 19.55 metres from the point of intersection of two intersecting streetlines to facilitate a two-storey addition (with garage expansion) on the north side of the existing dwelling.

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

- i) Betty and Rob Dainton, Peterborough, Ontario;
- ii) Jean Hjort, Peterborough, Ontario
- iii) Maggie and Pete Savage, Peterborough, Ontario;
- iv) Krystel and Sohail Zaheer, Peterborough, Ontario; and
- v) Mike and Tara Sayer, Peterborough, Ontario

J. Laurie Young attended the meeting and addressed the Committee as follows:

- She has read the Staff Report and agrees with the recommendation.
- She advised that her clients have submitted an arborist's report and have had all the locates completed prior to this meeting. Some of these documents were submitted after the report was published.

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

Moved by Mauro DiCarlo:

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.

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 to facilitate a two-storey addition with garage expansion on the north side of the existing dwelling:

- A variance from Section 6.11(a) to reduce the minimum building setback from Wallis Drive to 5.2 metres;**
- A variance from Section 6.11(a) to reduce the minimum building setback from Valleyview Drive to 1.8 metres; and**
- A variance from Section 6.19(e) to reduce the setback of an obstruction (the proposed addition) to 19.55 metres from the point of intersection of two intersecting streetlines.**

CONDITIONAL UPON the applicants confirming and installing tree protection measures required for the two City owned street trees that are adjacent to the proposed construction to the satisfaction of the City's Urban Forestry Department and PROVIDED THAT construction related to this approval proceeds substantially in accordance with the concept plan attached as Exhibit H to the Staff Report dated March 30, 2021.

9. **File No.: A16/21
Address: 282 Swanston Avenue
Applicant: Donald Koppin**

This matter relates to a minor variance application submitted by Donald Koppin, 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 Swanston Street streetline from 6 metres to 3.7 metres to facilitate the construction of covered front porch.

Donald Koppin attended the meeting and addressed the Committee as follows:

- He has read the Staff Report and is satisfied with recommendation.

- He requires relief from the minimum building setback from the streetline to cover the existing front porch, possibly extending the width of the porch.

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 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 6.11(a) of the Zoning By-law to reduce the minimum building setback from the Swanston Avenue streetline to 3.7 metres to facilitate the construction of covered front porch application PROVIDED THAT construction related to this approval proceeds substantially in accordance with either concept plan option presented in Exhibit I of the Staff Report dated March 30, 2021.

10. **File No.:** A17/21
Address: 215 Rogers Street
Applicant: Adam Hanes

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

The purpose of the application is to increase the maximum lot coverage of a residential accessory building from 10% to 14.8% of the lot area to permit the construction of a 29.7 square metre addition onto the existing detached garage.

Adam Hanes attended the meeting and addressed the Committee as follows:

- He has owned the subject property for 16 years and has owned rental properties for 20 years. He has acquired a significant number of tools and equipment and requires additional space for storage. His motorcycle is currently stored in a tin shed along with gardening and camping equipment and his lawn mower, truck plough and ladders are stored outside. He also owns recreational equipment that requires storage. When he made the plans for 20 foot by 16 foot addition, he did not realize that it could be considered to resemble a second dwelling structure. He did not connect the addition to the rest of the garage because of woodworking dust and fumes from paint, oil, and gas.
- He would be willing to amend the plans so that the addition is internally connected to the garage and doesn't have a separate entrance. He does not want to install a garage door as the addition is not accessible from the driveway.

Christie Gilbertson, Planner, Policy and Research, advised that the concerns relating to the proposal centre around how the proposed garage relates to the definition of an accessory structure. There were concerns with the scale of the enlarged garage in relation to the lot size and the principal dwelling.

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

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

- The applicant's initial conversation regarding the proposal was with the Building Division. The application was submitted shortly after the applicant's initial inquiry, and there was little time to discuss concerns with the application prior its circulation to the Committee. It appeared from the submission that there was a specific footprint that was desired, and the application was reviewed on that basis.

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

- He currently owns two rental properties, a duplex and a fourplex, and has no plans to purchase additional properties. He will be storing equipment that he uses for his business as well as recreational equipment.
- The equipment that he will be storing will be used for his rental properties. However, most of the equipment is used for woodworking that is for both his personal and business use.
- He does not own or rent a commercial space for storage of this equipment.
- He is not proposing to extend water to the garage addition.
- He would be willing to work with staff to amend the proposal to a building form that staff could support.
- The space in the garage is not sufficient for his current storage requirements. The addition would allow him to organize and store the items currently stored both outdoors and in a tin shed that would be removed.

Discussion

Robert Short noted that the size and use of the proposed garage addition is not a use that is typically seen as incidental to the residential occupancy of dwelling.

Mauro DiCarlo noted that the size and proposed use of the accessory structure seem to be incidental to a business use rather than incidental to the permitted residential use of the property. He noted that a deferral may allow the applicant time to modify the proposal so that the proposed use is compliant with an accessory residential use as defined in the zoning by-law.

Moved by Mauro DiCarlo:

That the application be deferred to the May 26, 2021 hearing of the Committee of Adjustment.

"CARRIED"

Minutes

Moved by Tom Green

That the minutes of the Committee of Adjustment hearing held on March 2, 2021 be approved.

"CARRIED"

Other Business

The Secretary-Treasurer advised that Claude Dufrene will be absent until the June hearing. The members present confirmed that they plan to be in attendance for the upcoming hearing dates.

Next Meeting

The next meeting of the Committee of Adjustment is scheduled for Tuesday, April 27, 2021.

Adjournment

The meeting was adjourned at 8:30 p.m.

(Sgd.) Robert Short, Chair

(Sgd.) Jennifer Sawatzky, Secretary-Treasurer