



City of
Peterborough

Committee of Adjustment Minutes

Draft Minutes not Approved

December 3, 2019

Minutes of a Meeting of Committee of Adjustment held on Tuesday, December 3, 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: 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.

1. **File No.:** B14/19
Address: 788 Aylmer Street North
Applicant: 2695867 Ontario Limited

File No.: A50/19
Address: 788 Aylmer Street North
Applicant: 2695867 Ontario Limited

This matter relates to a severance application submitted by 2695867 Ontario Limited, the owner of the property that is the subject of the application.

The purpose of Application Number B14/19 is to create two new residential building lots by severing two 12.5 metre wide lots from the easterly portion of the subject lands.

The purpose of Application Number A50/19 is to recognize the use of the land for the existing, unserviced, private residential garage prior to the establishment of a residential dwelling unit.

John Cooper, president of 2695867 Ontario Limited, attended the meeting and addressed the Committee as follows:

- He has reviewed the recommendation of the Staff Report and agrees with the recommendation to defer consideration of the application to the January hearing.

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

Moved by Mauro DiCarlo

That the application be deferred to the January 28, 2020 hearing of the Committee of Adjustment.

“CARRIED”

2. **File No.:** A55/19
Address: 1310 Albertus Avenue
Applicant: Kevin M. Duguay

This matter relates to a minor variance application submitted by Kevin M. Duguay, as applicant on behalf of Glenda Salt, the owner of the property that is the subject of the application.

The purpose of the application is to reduce the minimum number of required parking spaces from 1.75 per unit to 1 per unit, increase the maximum driveway width at the streetline from 7.5 metres to 13 metres, and to permit the required parking spaces to be located on municipally owned lands in the Albertus Avenue right-of-way to facilitate a parking area for the subject property.

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

- The application seeks relief from the Zoning By-law to permit four parking spaces to continue in their current location, partly on the property and partly on the road allowance.
- A minor variance was granted 40 years ago to permit the demolition of a four-car garage and construction of a smaller garage in its place. The garage was never constructed, and the parking was subsequently established in the current location.
- If the parking was to be established on the property, the existing amenity space would be negatively impacted.
- He has reviewed the Staff Report and agrees with the recommendation, including the proposed conditions.

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

Bernice Pepe, Peterborough, Ontario, attended the meeting to address the Committee with respect to this application and requested clarification of the proposal.

The applicant provided an overview of the requested variances and the proposed changes to the parking configuration.

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

- Staff considered the reduction to the number of required parking spaces in conjunction with the variance from Section 4.10 of the Zoning By-law to permit the parking to be located off site. Since the City may require the future use of the road allowance to construct a sidewalk, Staff does not support a large reduction to the size of a parking space. This avoids inadvertently legalizing a parking space that is not large enough to support a vehicle.
- If the City requires the road allowance for a sidewalk and the proposed encroachment agreement is terminated, the owner could establish the parking off site in an alternate location or reconfigure the property to locate the parking on site.

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

- The original garage was constructed mainly in the city's road allowance and only partly on the property.
- The application was triggered by a pending Agreement of Purchase and Sale. As the current parking configuration does not meet the Zoning By-law requirements, the application was filed to legalize the parking associated with the property.
- The landscaped areas shown on the parking plan will likely be limited to sod, as planting trees in the road allowance could impede the path of snow ploughs during the winter.
- The garbage bin will be relocated so that it is located within the property boundaries.

Moved by Claude Dufresne:

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:

- a) **A reduction to the minimum number of required motor vehicle parking spaces to one space per unit;**
- b) **An increase to the maximum driveway width at the street line to 13.0 metres; and**
- c) **Relief from Section 4.10 – On Same Lot, to permit the four required parking spaces to be partially located off-site in the municipal road allowance.**

Conditional upon the Following:

- i) **The owner entering into a development agreement with the City, agreeing to establish parking spaces for four vehicles, protection of the water curb stop, continuation of the two walkways and the creation of landscaped areas along Albertus Avenue in accordance with the concept design submitted with the application, to be reviewed and approved by the Planner of Urban Design.**
- ii) **The owner entering into an encroachment agreement with the City to formalize the existence of the parking area within the road allowance of Albertus Avenue, including provisions that:**
 - a) **When the City determines that a sidewalk is required on this section of Albertus Avenue, the City retains the right to terminate the encroachment agreement and build a sidewalk at any time, with no penalty;**
 - b) **In the event that the City exercises its option to terminate the agreement, the owner is responsible for finding an alternative parking arrangement;**
 - c) **The property owner agrees to clear all snow deposited within the driveway entrance and parking area due to City snow clearing operations; and**
 - d) **That the agreement ends upon any change to the use of the property.**

3. **File No.:** A56/19
Address: 458 Weller Street
Applicant: J. Laurie Young

This matter relates to a minor variance application submitted by J. Laurie Young, as applicant on behalf of Patrick Cooper and Amy Watson, the owners of the property that is the subject of the application.

The purpose of the application is to reduce the minimum required setback from the centreline of Weller Street from 16.0 metres to 13.5 metres to permit the construction of a verandah attached to the front of the existing dwelling.

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

- The owners are requesting the minor variance to permit the construction of a covered verandah to replace the existing concrete steps and canvas awning. The proposed verandah will be consistent with the character of the old west end neighbourhood.

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 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 reduce the minimum building setback from the centre line of Weller Street to 13.5 metres to permit the construction of a covered front verandah CONDITIONAL UPON approval of the design of the addition by the Planner of Urban Design prior to the issuance of a building permit.

4. **File No.:** A57/19
Address: 974 Albany Court
Applicant: Marina Bedard and Richard Baccari

As the applicant was not present, the Committee moved consideration of this item to the end of the agenda.

5. **File No.:** A58/19
Address: 989 Fairbairn Street
Applicants: Judith Broersma and Michael Broersma

This matter relates to a minor variance application submitted by Judith Broersma and Michael Broersma, the owners of the property that is the subject of the application.

The purpose of the application is to increase the maximum lot coverage from 12.0% to 16.8% to permit the construction of two separate decks (one covered and one uncovered) at the rear of the existing dwelling.

Michael Broersma attended the meeting and addressed the Committee as follows:

- He has nothing further to add to the information presented in the application.

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.

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

- An existing septic system permit is issued by Peterborough Public Health. The permit would indicate if there any issues with current septic location and if the proposed construction would impact the septic system.

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 increase the maximum lot coverage of a dwelling to 16.8% to permit the development of two decks at the rear of the dwelling CONDITIONAL UPON the issuance of an existing septic system permit from Peterborough Public Health and PROVIDED THAT the construction of the two decks related to this approval shall proceed substantially in accordance with the concept plan prepared by Kavan Residential Design submitted in support of this application.

6. **File No.: B21/19**
Address: 884 Sherbrooke Street
Applicants: Earle Lindsay Henderson and Patricia Henderson

This matter relates to a severance application submitted by Earle Lindsay Henderson and Patricia Henderson, the owners of the property that is the subject of the application.

The purpose of the application is to reconfigure the property boundaries of 884 Sherbrooke Street and 50 Earlwood Drive, which have merged on title. The applicant proposes to sever the front 710 square metres of 884 Sherbrooke Street, an “L-shaped” property, from the rear 1,930 square metres. The retained, rear portion of the property will be added to 50 Earlwood Drive, creating a new lot line, in line with the neighbouring properties.

Earle Lindsay Henderson attended the meeting and addressed the Committee as follows:

- He resides at 50 Earlwood Drive and recently purchased the abutting property at 884 Sherbrooke Street.
- 884 Sherbrooke Street was an L-shaped property prior to the properties merging on title. He proposes to sever the front, 51 by 150 foot portion of 884 Sherbrooke Street. This will create a property with a rear lot line in line with the adjacent properties and increase the size of the rear yard at 50 Earlwood Drive.
- There is no development proposed for either property.

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 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 proposal will result in the establishment of a common rear lot line with adjacent properties and the proposal conforms with Official Plan policy and the Zoning By-law, consent is granted to sever the front 710 square metres of the property municipally known as 884 Sherbrooke Street from the remainder of the property, which has merged on title with the property municipally known as 50 Earlwood Drive, to create a new lot line, in line with the neighbouring properties, CONDITIONAL UPON THE FOLLOWING:

- i) 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;**
- 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 forthwith register an Application to Consolidate the retained lands property with the property municipally known as 50 Earlwood Drive;**
- iv) That the applicant provides the Secretary-Treasurer with a draft of the Transfer/Deed of Land; and**
- v) That if the above conditions are not satisfied within 365 days of the circulation of the Committee’s decision that this consent will lapse.**

7. **File No.:** A59/19
Address: 283 Stewart Street
Applicant: Kevin M. Duguay

This matter relates to a minor variance application submitted by Kevin M. Duguay, as applicant on behalf of Chris Shea, the owner of the property that is the subject of the application.

The purpose of the application is to reduce the minimum lot area per dwelling unit from 230 square metres to 130 square metres; reduce minimum lot width per dwelling unit from 6 metres to 5.52 metres; increase the maximum building coverage from 35% to 40%; reduce the minimum required parking spaces per unit from 1.5 to 1.0; and reduce the size of a parking space from 2.7 metres by 5.7 metres to 2.5 metres by 5.5 metres to facilitate the use of the existing building as a three-unit dwelling.

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

- The requested variances are required to permit the subject property to be used as three-unit dwelling.
- The concept plan submitted with the application illustrates the location of the parking spaces that are required to support the use. Minor site alterations will be required to establish the parking spaces, including the relocation of a portion of the privacy board fence.
- He has reviewed the Staff Report and agrees with the recommendation, including the proposed conditions.

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.

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

- The Building Division would not issue a permit until the property is in compliance with the parking regulations of the Zoning By-law.

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

- Staff discussed an alternate parking configuration with the applicant with the three parking spaces parallel to each other across the front of the property. The current parking configuration was accepted by staff to preserve the mature tree on the property.

- The maximum width of a curb cut for a property with three units is 7.5 metres, which is approximately the width of three parking spaces. If the curb cut is less than that, it could be increased.

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

- The concept plan is based on a current survey and was prepared for the purpose of the application. The Staff recommendation indicates that the variance should be granted subject to parking being carried out in manner it is presented in the concept plan.
- He discussed several options to the parking configuration with his client. The proposed configuration is the one that his client supported and shared as the preferred option, as it preserves the mature tree and meets the minimum requirements.

Discussion

Robert Short expressed concern with the ability of westbound vehicles to navigate into the parking space located parallel to the street.

Mauro DiCarlo suggested that restricting the parking plan to what has been presented to the Committee may restrict the applicant if an alternate solution was presented.

Moved by Mauro DiCarlo:

That the application be approved and that the proposed condition be amended to allow the establishment of three parking spaces in accordance with the Parking Layout prepared by Kevin M. Duguay Community Planning and Consulting Inc. or as otherwise agreed to between the property owner and the City.

“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.

With respect to the request to reduce the minimum number of required parking spaces and to reduce the minimum size of a parking space:

Having reviewed the application and the information presented in the Staff Report, the Committee determined that due to the property's location in Parking Area 1, relief from the regulations of the Zoning By-law with respect to the number and size of the parking spaces is not required. The Committee did not deliberate on these variances.

With respect to the remaining variances:

Having reviewed the application and considered the information presented in the Staff Report, the Committee determined that the applicant should be granted more flexibility to reconfigure the location of the proposed parking spaces to improve vehicle movement. Therefore, the Committee determined that condition to require the owner to enter into a development agreement should be amended to allow the establishment of three parking spaces in accordance with the Parking Layout prepared by Kevin M. Duguay Community Planning and Consulting Inc. or as otherwise agreed between the property owner and the City. With the amendment to the proposed condition, 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 are granted as follows:

- a) **A reduction in the minimum lot area per dwelling unit to 130 square metres;**
- b) **A reduction in the minimum lot width per dwelling unit to 5.52 metres; and**
- c) **An increase in the maximum building coverage to 40%.**

Conditional upon the owner entering into a development agreement with the City, agreeing to:

- i) **The establishment of three parking spaces in accordance with the Parking Layout prepared by Kevin M. Duguay Community Planning and Consulting Inc., or as otherwise agreed to between the property owner and the City; and**
 - ii) **The removal of the board fence located within the King Street road allowance.**
8. **File No.: A60/19**
Address: 306 Cullen Trail
Applicant: Mason Homes Limited

This matter relates to a minor variance application submitted by Mason Homes Limited, the owner of the property that is the subject of the application.

The purpose of the application is to reduce the minimum required setback from the rear lot line from 6.0 metres to 3.32 metres to permit the construction of a single-detached dwelling.

Karen Liu, of Mason Homes Limited attended the meeting and addressed the Committee as follows:

- A single-detached dwelling is proposed to be developed on the vacant lot. Due to the irregular shape of the lot and the setback from the conservation lands to the northern boundary of the site, a variance from the zoning regulations is required.

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 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 rear lot line to 3.32 metres to permit the development of a single-detached dwelling PROVIDED THAT the construction of the dwelling related to this approval shall proceed substantially in accordance with the concept plan prepared by GHD submitted in support of this application.

9. **File No.:** A57/19
Address: 974 Albany Court
Applicant: Marina Bedard and Richard Baccari

This matter relates to a minor variance application submitted by Marina Bedard and Richard Baccari, the owners of the property that is the subject of the application.

The purpose of the application is to reduce the minimum required setback from the Severn Road street line from 6.0 metres to 4.16 metres to permit the construction of an addition containing a garage and studio space.

Richard Baccari attended the meeting and addressed the Committee as follows:

- He has nothing further to add to the information presented in the application.

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

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 to reduce the minimum building setback from the Severn Road street line to 4.16 metres to permit the construction of an attached two-storey addition CONDITIONAL UPON approval of the design of the addition by the Planner of Urban Design prior to the issuance of a building permit and PROVIDED THAT the addition is constructed generally in accordance with the proposed footprint illustrated in Exhibit E of the Staff Report dated December 3, 2019.

Minutes

Claude Dufresne noted that the date under the heading “Next Meeting” should be amended to December 3, 2019.

Moved by Claude Dufresne:

That the minutes of the Committee of Adjustment hearing held on November 5, 2019 be approved, as amended.

“CARRIED”

Other Business

There were no items of other business.

Next Meeting

The next meeting of the Committee of Adjustment is scheduled for Tuesday, January 28, 2020.

Adjournment

The meeting was adjourned at 6:53 p.m.

Mauro DiCarlo, Chair

Jennifer Sawatzky, Secretary-Treasurer