



City of
Peterborough

Committee of Adjustment Minutes

Draft Minutes Not Approved

February 25, 2020

Minutes of a Meeting of Committee of Adjustment held on Tuesday, February 25, 2020 at 6:00 p.m. in the Council Chambers, City Hall.

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

Regrets: Tom Green

Also Present: Nolan Drumm, Planner, Policy and Research
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.:** B02/20
Address: 321 Euclid Avenue
Applicant: Babak Izadi

This matter relates to a severance application submitted by Babak Izadi, as applicant on behalf of Justin Motazedian, the owner of the property that is the subject of the application.

The purpose of the application is to sever the easterly 13.69 metres to re-establish the former lot line.

Babak Izadi attended the meeting and addressed the Committee as follows:

- The application proposes to create a new lot for residential development on the eastern portion of the property. The existing house will be retained.
- 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.

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

- Euclid Avenue is a local street with a width of less than 20 metres. A dwelling unit may be established with the same setback from the street line as an existing building on an adjoining lot. The setback of the proposed new dwelling from the street line is 5.7 metres to provide adequate room for parking.

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.

In that the severed and retained parcels conform to the Official Plan and the Zoning By-law, consent is granted to sever the easterly 13.69 metres of the subject property to re-establish the former lot line and create a lot for residential development, CONDITIONAL UPON THE FOLLOWING:

- i) **Confirmation that the existing detached garage on the lands to be severed is removed;**
- ii) **The payment of a Parks Levy for the newly created lot, in an amount to be determined by the Parks Levy Review Committee;**
- iii) **The payment of a Tree Levy in the amount of \$173.37 for the newly created lot;**

- iv) **Submission of either a draft Reference Plan showing the proposed severed and retained parcels or a legal description acceptable to the Land Registrar to the Secretary-Treasurer. The applicant shall submit a digital copy of the registered Reference Plan, in PDF format, to the City of Peterborough, if applicable;**
 - v) **If a Reference Plan is prepared, 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; and**
 - vii) **That if the above conditions are not satisfied within 365 days of the circulation of the Committee's Decision that this consent will lapse.**
2. **File No.: A03/20**
Address: 581 Harvey Street
Applicant: Kawartha Lakes Construction

This matter relates to a minor variance application submitted by Kawartha Lakes Construction, as applicant on behalf of Deanna Guttman and Sandra Walton, 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 north side lot line from 1.2 metres to 0.524 metres; to reduce the minimum building setback from the south side lot line from 1.2 metres to 0.293 metres, and to reduce the minimum building setback from the Harvey Street street line from 6 metres to 2.636 metres.

Kevin Grubb of Kawartha Lakes Construction attended the meeting and addressed the Committee as follows:

- His client is requesting the minor variances to permit a second storey addition.
- The subject property is adjacent to a Heritage Designated property. Staff have recommended that approval of building materials for the front facing elevation be a condition of approval. His client has not yet decided on materials but will comply with the condition.

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

The Chair read a letter into the record in support of the application from Fraser Smith, Peterborough, Ontario.

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

- Although his client has not selected the exterior building materials, the elevations provided to the Committee show horizontal lap siding with a cedar shake style gable finish. The final product will likely be a pre-finished wood product on the front facing elevation.

Moved by Stewart Hamilton:

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 reduction to the minimum building setback from the north side lot line to 0.524 metres from the north lot line;**
- A reduction to the minimum building setback from the south side lot line to 0.293 metres; and**
- A reduction in the minimum building setback from the Harvey Street street line to 2.636 metres.**

PROVIDED THAT construction proceeds substantially in accordance with Exhibit B to the Staff Report dated February 25, 2020 and CONDITIONAL UPON approval of the exterior building materials by the Heritage Preservation Office and the Planner of Urban Design to ensure consistency with the conclusions of the scoped Heritage Impact Assessment.

3. **File No.:** A04/20
Address: 316 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 building setback from the rear lot line from 6.0 metres to 5.62 metres to accommodate the construction of a single-detached dwelling.

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

- There is no additional information to provide to the Committee at this time.

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.

The Committee noted that the arrow indicating the measurement to the rear lot line on the site plan terminates in a point to the south of the property boundary. The Committee requested clarification on the distance from the dwelling to the rear lot line.

The applicant did not respond to the Committee's inquiry.

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

- The setback to the wetland buffer is incorporated into the Plan of Subdivision and is not dealt impacted by the requested variance.

Moved by Claude Dufresne:

That the application be deferred to the March 24, 2020 hearing to allow the applicant an opportunity to clarify the measurement between the dwelling and the rear lot line.

"CARRIED"

4. **File No.:** A05/20
Address: 1122 Rippingale 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 building setback from the street line from 3.0 metres to 1.1 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:

- There is no additional information to provide to the Committee at this time.

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 Claude Dufresne:

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

“CARRIED”

Decision

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

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

Therefore a variance is granted to reduce the minimum building setback from the street line to 1.1 metres to permit the construction of a single-detached dwelling PROVIDED THAT the construction of the dwelling related to this approval proceed substantially in accordance with Exhibit D to the Staff Report dated February 25, 2020.

5. **File No.:** A08/20
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 building setback from the easternmost rear lot line from 6.0 metres to 2.52 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:

- There is no additional information to provide to the Committee at this time.

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 a question from the Committee regarding the request by Mason Homes Limited for a refund of the application fee, the applicant advised as follows:

- A minor variance for the setback to the rear lot line was granted by the Committee of Adjustment on December 3, 2019. Following a review of the Building Permit application, Building Division staff advised that the variance did not address the building setback from all of the rear lot lines. Mason Homes is requesting a refund of the application fee as they were required to submit a second minor variance application for the same property.
- Mason Homes Limited completed and submitted the original application for a minor variance.

Moved by Robert Short:

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

“CARRIED”

Moved by Claude Dufresne:

That the request to refund the application fee be denied.

“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 easternmost rear lot line to 2.52 metres to permit the construction of a single-detached dwelling, PROVIDED THAT the construction of the dwelling related to this approval proceed substantially in accordance with Exhibit E to the Staff Report dated February 25, 2020.

Minutes

Moved by Claude Dufresne

That the minutes of the Committee of Adjustment hearing held on January 28, 2020 be approved.

“CARRIED”

Other Business

The Secretary-Treasurer advised the Committee that there will be an election for Chair and Vice-Chair at the next meeting of the Committee of Adjustment.

Next Meeting

The next meeting of the Committee of Adjustment is scheduled for Tuesday, March 24, 2020.

Adjournment

The meeting was adjourned at 6:30 p.m.

Mauro DiCarlo, Chair

Jennifer Sawatzky, Secretary-Treasurer