



Committee of Adjustment Minutes

August 10, 2021

Draft Minutes Not Approved

Minutes of an Electronic Meeting of Committee of Adjustment held on Tuesday, August 10, 2021 at 6:00 p.m.

Present: Robert Short, Chair
Mauro DiCarlo
Claude Dufresne
Tom Green (arrived at 6:12 p.m.)
Stewart Hamilton

Also Present: Christie Gilbertson, Planner, Policy and Research
Andrea Stillman, Zoning Administrator
Jennifer Sawatzky, Secretary-Treasurer
Alexey Shcherbin, Assistant Planner

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

Disclosure of Pecuniary Interest

There were no disclosures of Pecuniary Interest.

Applications

1. File No. B05/21, 274 Dalhousie Street

As Tom Green was not present for the entire discussion, he did not vote on this item.

This matter relates to a severance application submitted by Kevin M. Duguay, as applicant on behalf of Andrew Morch and James Brugmann, the owners of the property that is the subject of the application.

The purpose of the application is to sever the existing building along the common party wall, having one dwelling unit on each lot as a result.

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

- He has reviewed the Staff Report with his clients, and they concur with the recommendation and proposed conditions.
- The application is to sever the lot supporting an existing semi-detached dwelling. There will be no physical alterations or changes to the property arising from the lot severance.

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.

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

- The property is listed under the **Ontario Heritage Act** as 274-276 Dalhousie Street in the City's Heritage Register, and both properties will be identified as listed following the severance. City Staff will ensure that both property records are updated to reflect this status in the city's property database software. Since the property is listed rather than designated under the Act, there are no documents registered on title that would require amendment.
- If vehicles were parked in the laneway, blocking access to the parking area, resolution of the issue would be a civil matter between the property owners. The City would not typically get involved in the matter of a blocked laneway.

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

- The laneway is shared by several properties that have been granted a right-of-way. Although he is not aware of the arrangement between the owners regarding snow removal, he observed that the lane was cleared of snow during the previous winter season. The City does not maintain the lane and clearing snow would be a responsibility shared by the property owners. Although, there is no written agreement regarding maintenance of the lane, this is common for properties serviced by laneways in Peterborough.
- He has received copies of correspondence between a previous property owner and a property owner to the west of the subject property that identified an issue with access to the lane being blocked. He understands that this issue has now been resolved.

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 both the severed and retained property would conform to the Official Plan policy and the Zoning regulations applied to the property, consent is granted to sever the westerly 6.096 metres of the subject property along the common party wall of the existing semi-detached dwelling CONDITIONAL UPON THE FOLLOWING:

- i) **The owner secures:**
 - a) **all necessary approvals for individual connections of municipal services for each of the retained and severed parcels, to the satisfaction of the Supervisor, Development Engineering, in accordance with City standards and the Ontario Building Code; and**
 - b) **any necessary easements for servicing;**
- ii) **Payment of a Tree Levy in the amount of \$123.76;**
- iii) **Prior to registering the Reference Plan at the owners' cost, they shall submit for approval a draft Reference Plan to the Secretary-Treasurer, showing the proposed severed parcel. 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;**

- iv) **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 owners' 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;**
- v) **That the applicant provide the Secretary-Treasurer with a draft of the Transfer/Deed of Land; and**
- vi) **That if the above conditions are not satisfied within 365 days of the circulation of the Committee's decision that this consent will lapse.**

Tom Green joined the meeting at 6:12 p.m.

2. File No. A35/21, 362 George Street North

This matter relates to a minor variance application submitted by 2760534 Ontario Inc., the owner of the property that is the subject of the application.

The purpose of the application is to allow two ground floor residential units located at the rear of the existing building.

Jeffrey Steffen and Richard Summers of 2760534 Ontario Inc. attended the meeting and addressed the Committee as follows:

- An application to permit one residential unit on the ground floor was approved by the Committee of Adjustment earlier this year.
- Due to egress requirements in the Building Code, a planned unit with access from the courtyard could not be developed, and they decided to split the large, ground floor unit at the rear of 362 George Street into two units.
- Because the initial approval from the Committee was restricted to one unit, they had to submit a new application for the modified unit layout.

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 18.2 (e) of the Zoning By-law to allow for a total of two ground floor residential units PROVIDED THAT construction related to this approval proceed substantially in accordance with the concept plan attached as Exhibit B to the Staff Report dated August 10, 2021.

3. File No. A36/21, 1079 St. Paul's Street

This matter relates to a minor variance application submitted by D.M. Wills Associates Limited, as applicant on behalf of Frank Robert Mandeljc, the owner of the property that is the subject of the application.

The applicant has requested that this application be deferred to the September 8, 2021 hearing to address comments received.

The chair acknowledged that the application is deferred to the September 8, 2021 Committee of Adjustment hearing.

4. File No. A37/21, 2556 Denure Drive

This matter relates to a minor variance application submitted by Shivani Khapare, as applicant on behalf of Krista Fitzsimmons, 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 7.6 metres to 5.41 metres to facilitate the construction of an unheated sunroom measuring 16.16 square metres.

The Chair acknowledged that the Committee had received and reviewed a letter in objection to the application from Adrian Joosse, Peterborough, Ontario.

Shivani Khapare attended the meeting and addressed the Committee as follows:

- The owner would like to establish a sunroom addition at the rear of the house where the existing deck is located. The footprint of the sunroom does not project farther into the yard than the deck.
- She does not believe that the sunroom would block any views from the neighbouring yard, and the owners are planning on removing the rear shed, which would open up more space in the rear yard.

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:

- Staff would not recommend adding a condition requiring the owner to remove the shed as a condition of approval, as the Zoning By-law allows accessory structures. The Committee would need to determine if that condition was reasonably related to the application.

Discussion

Robert Short stated that the projection of the proposed sunroom into the rear yard did not seem to create an unreasonable impact on the neighbouring property to the south and noted that the view across backyards can also change over time with the growth of trees. He further noted that there are storage sheds of a similar size in the neighbourhood, and he did not think that a condition to remove the shed should be imposed as a condition of approval.

Moved by Tom Green

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 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 to 5.41 metres for an unheated sunroom PROVIDED THAT construction related to this approval proceed substantially in accordance with the concept plan attached as Exhibit C to the Staff Report dated August 10, 2021.

Minutes

Moved by Mauro DiCarlo

That the minutes of the Committee of Adjustment hearing held on June 22, 2021 be approved.

“CARRIED”

Other Business

In response to a question from the Chair, the Secretary-Treasurer advised that the City has not set a date for a return to in-person meetings.

Next Meeting

The next meeting of the Committee of Adjustment is scheduled for Wednesday, September 8, 2021.

Adjournment

The meeting was adjourned at 6:37 p.m.

Robert Short, Chair

Jennifer Sawatzky, Secretary-Treasurer