



City of  
**Peterborough**

## Committee of Adjustment

Hearing Date: March 2, 2021

Staff Recommendations Regarding Files: A01/21, A02/21, A03/21, A04/21, B01/21, B02/21, B03/21, A05/21, and A06/21

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1. File Number: A01/21  
Address: 1891 Mapleridge Drive  
Applicants: Jake and Krista Fowler  
Owners: Jake and Krista Fowler

The subject property is located on the south side of Mapleridge Drive, in the City's west end. The property is zoned R.1, 1m, 2m and is designated 'Residential' on Schedule A 'Land Use' in the City's Official Plan. The property is developed with a dwelling unit, and the rear yard is dedicated to an inground pool and surrounding decking and amenity space.

The applicants are seeking a variance from Section 7.2 (e)(i) of the Zoning By-law to reduce the minimum building setback from a side lot line from 1.2 metres to 0.2 metres for a portion of a covered deck at the rear of the existing dwelling.

A concept plan was submitted with the application (Exhibit A), showing the location of the covered deck in relation to the side lot line. Due to the angled side lot line and the placement of the dwelling on the property, the covered deck is 2.64 metres from the lot line at its furthest point from the lot line and 0.2 metres from the lot line at the closest point.

The purpose of the 'Residential' designation is to "provide areas for housing and other land uses that are integral to, and supportive of a residential environment." The proposed construction supports the residential function of the property by providing additional amenity space at the rear of the dwelling. The requested variance maintains the intent and purpose of the Official Plan.

The R.1 zoning district permits single-detached residential dwellings. The intent of a setback from the side yard is to ensure that there are sufficient separation distances between structures and to provide property access from front to back. The presence of a roof over the deck increases its scale and impact on the adjacent property.

Staff has reviewed the concept plan provided by the applicant and is of the opinion that there is an ability to modify the structure so as to reduce the extent of the roofed structure to meet the minimum setback requirement of 1.2 metres, while still providing sufficient covered decking, and minimizing the impact on the neighbouring property. The proposed variance as submitted is interpreted as not representing a desirable and appropriate use of the land and the request to reduce the building setback to 0.2 metres is not considered minor. The platform below the deck meets the setback requirements outlined in the Zoning By-law.

Should the committee approve this request, the applicants will still need to satisfy the requirements outlined in the Ontario Building Code, including provisions for ensuring the deck underneath the roofed structure is appropriately constructed and that the roofed structure is built to withstand snow loads and is anchored properly into the dwelling. If approved as applied, staff recommend that eavestroughing be included in the design.

### **Agency Comment**

The Otonabee Region Conservation Authority (ORCA) reviewed the application and notes that the proposal is consistent with Section 2.1 (Natural Heritage), 2.2 (Water), and 3.1 (Natural Hazard) of the Provincial Policy Statement. The property is located outside of ORCA's regulated area so a permit from the Authority is not required. The subject property is not located in an area subject to the policies of the Trent Source Protection Plan. Peterborough Distribution (PD) has reviewed the application and has no comments on the proposal.

Peterborough Utilities Commission (PUC) has reviewed the application and has no comments on the proposal.

The City's Engineering Design and Construction Technologist / Inspector reviewed the application and had no comment regarding the proposal.

The City's Planner, Urban Design has reviewed the application and has no comments on the proposal.

The Ministry of Transportation of Ontario (MTO) reviewed the application in accordance with the **Public Transportation and Highway Improvement Act** and its Highway Access Management Guidelines and has no comments as the subject lands are located outside their permit control area.

### **Recommendation**

Staff recommends that the Committee of Adjustment **deny** the minor variance, requiring a portion of the roofed structure to be brought into compliance with the side yard setback requirements in the Zoning By-law. The platform is shown as being 0.3 metres from the lot line which is compliant with the allowable projections outlined in the Zoning By-law. The applicant is to follow up with the Building Division to satisfy the Ontario Building Code requirements.

2. File Number: A02/21  
Address: 599 Waterford Street  
Applicant: Virginia Swinson  
Owner: Virginia Swinson

The subject property is located at the southwest corner of Dublin and Waterford streets. The property is zoned R.1 and is designated 'Residential' on Schedule A 'Land Use' in the City's Official Plan. The property is currently developed with a single-detached dwelling.

The applicant is seeking a variance from Section 6.11(a) of the Zoning By-law to reduce the minimum building setback from a street line of a local street 20 metres or wider in width from 6 metres to 1 metre to facilitate the construction of one-storey rear addition, measuring 4.88 metres in width and 4.3 metres in depth (Exhibit B). A concept plan was submitted depicting the proposed addition. Staff has reviewed the concept plan submitted in support of the application and is of the opinion that the requested variance is minor in nature and represents a desirable and appropriate use of the land.

The purpose of the 'Residential' designation is to "provide areas for housing and other land uses that are integral to, and supportive of a residential environment." The proposed construction supports the residential function of the property by providing additional living space. The requested variance maintains the intent and purpose of the Official Plan.

The intent of the street line setback is to ensure, among other factors, that there is adequate separation between the road allowance and structures, sufficient space for snow storage from road operations, and sightlines for vehicles. The addition to the dwelling will maintain the existing building setback from the street line, going no closer to Dublin Street than the existing dwelling, in a location on site that is currently used as a platform serving as amenity space to the dwelling. The requested variance maintains the intent and purpose of the Zoning By-law.

### **Agency Comment**

The Otonabee Region Conservation Authority (ORCA) reviewed the application and notes that the proposal is consistent with Section 3.1 (Natural Hazard) of the Provincial Policy Statement. ORCA has indicated that the proposed development is within 20 metres of the Otonabee River and that the City's Official Plan notes the area within 30 metres of the river as Significant Fish Habitat. To demonstrate consistency with PPS 2.1.6 and 2.1.8, in lieu of additional studies Otonabee Conservation recommends the applicant:

- Submit Erosion & Sediment Control Plan (silt fencing or similar type protection to isolate fill, etc.) in support of the permit application. This will show the work area is isolated to mitigate runoff (erosion and pollution) from entering the river and potentially impacting fish habitat.

- Be made aware of the appropriate Ministry of Natural Resources and Forestry timing windows to minimize the risk of introducing a harmful alteration, disruption or destruction of fish habitat (HADD, Fisheries Act) and not introduce sediments/pollution to the river or disturb spawning during these times.

The property is located outside of ORCA's regulated area so a permit from the Authority is not required. The subject property is not located in an area subject to the policies of the Trent Source Protection Plan.

Peterborough Distribution (PD) has reviewed the application and noted that if the overhead electric service(s) need(s) to be relocated in order to accommodate the addition, it will be done at the owner's expense. The attachment point, mast and meterbase cannot be located inside the enclosed, four-season deck area.

Peterborough Utilities Commission (PUC) has reviewed the application and has no comments on the proposal.

The City's Engineering Design and Construction Technologist / Inspector reviewed the application and had no comment regarding the proposal.

The Ministry of Transportation of Ontario (MTO) reviewed the application in accordance with the **Public Transportation and Highway Improvement Act** and its Highway Access Management Guidelines and has no comments as the subject lands are located outside their permit control area.

The City's Planner, Urban Design has reviewed the application and has no comments on the proposal.

### **Recommendation**

Staff recommends that the Committee of Adjustment **approve** the application provided that construction related to this approval proceed substantially in accordance with the concept plan attached as Exhibit B and conditional upon:

- i) The relocation of electrical services, in coordination with Peterborough Distribution; and
- ii) The submission of a sediment and erosion control plan at the time of the building permit application.

3. File Number: A03/21  
Address: 1189 Lansdowne Street West  
Applicant: Katherine Howes, D.M. Wills Associates Ltd.  
Owner: Ardmor Holdings Limited

The subject property is located on the south side of Lansdowne Street West. It is zoned C.40, SP.120 in the City's Zoning By-law and is Designated 'Commercial' on Schedule A 'Land Use' and 'Service Commercial' on Schedule I 'Commercial Area Land Use Plan' in the City's Official Plan. The property is developed as a car dealership (Trans Canada Nissan).

The applicant is seeking the following variances from the Zoning By-law to facilitate the renovation and expansion of the existing building and corresponding site layout changes:

- a) Section 16A.4(g) to reduce the minimum landscape open space along the east lot line from 1.5 metres to 0.2 metres; and
- b) Section 4.6.2(B)(2)(iv) to reduce the required number of Type 'A' loading spaces from three to one enlarged Type 'A' loading space and two Type 'B' loading spaces.

A Site Plan and Site Sketch (Exhibit C) were submitted alongside the application depicting the proposed expansion and site upgrades. The applicant is concurrently going through the Site Plan approval process with the City. The proposed variances have been sought as part of an overall housekeeping exercise at the subject property. There is anticipated to be limited perceived impact to the surrounding area resulting from approval of this application. Staff is of the opinion that the requested variances are minor in nature and represent a desirable and appropriate use of the land.

The intent of the Service Commercial Designation, as implemented in by the existing Zoning, is to provide for a broad range of commercial services that have site access or storage/display requirements – including vehicle sales facilities. Development and redevelopment of these sites encourage integration of parking, access points and provision of adequate landscaping. The Applicant is currently undergoing Site Plan Approval pertaining to the proposed building expansion and site improvements are in keeping with the general intent and purpose of the Official Plan.

### **Agency Comment**

The Otonabee Region Conservation Authority (ORCA) reviewed the application and notes that the proposal is consistent with Section 2.1 (Natural Heritage), 2.2 (Water), and 3.1 (Natural Hazard) of the Provincial Policy Statement. Available mapping indicates the property is in close proximity to Harper Park Provincially Significant Wetland (PSW). However, the proposed development will be more than 120 metres from the PSW. The property is located within ORCA's regulated area so a permit from the Authority is required. The subject property is not located in an area subject to the policies of the Trent Source Protection Plan.

Peterborough Distribution (PD) has reviewed the application and noted that the applicant should ensure that all additions/signage do not encroach on Peterborough Distribution overhead clearance standards, Lansdowne Street. They have also asked to be provided increased electrical loading requirements.

Peterborough Utilities Commission (PUC) has reviewed the application and has no comments on the proposal.

The City's Engineering Design and Construction Technologist / Inspector reviewed the application and had no comment regarding the proposal.

The Ministry of Transportation of Ontario (MTO) reviewed the application in accordance with the **Public Transportation and Highway Improvement Act** and its Highway Access Management Guidelines and has no comments as the subject lands are located outside their permit control area.

The City's Planner, Urban Design has reviewed the application and has indicated that there is an existing Site Plan Agreement registered on the subject lands. As such, a Site Plan Amendment is required to facilitate the proposed renovation and expansion of the existing building and corresponding site related works. A Site Plan Amendment application has been received and is currently under review.

### **Recommendation**

Staff recommends that the Committee of Adjustment **approve** the application provided that construction related to this approval proceed substantially in accordance with the concept plan attached as Exhibit C.

4. File Number: A04/21  
Address: 594 Sherbrooke Street  
Applicants: Sion Hughes and Kelly Pensom  
Owners: Sion Hughes and Kelly Pensom

The subject property is located on the north side of Sherbrooke Street, east of the intersection of Monaghan Road and Sherbrooke Street. The property is zoned R.1, R.2 and is designated 'Residential' on Schedule A 'Land Use' in the City's Official Plan. The property is developed with a two-storey, single-detached dwelling, and for the purposes of this application is reviewed under the R.1 regulations of the Zoning By-law.

The applicant is seeking the following variances from the Zoning By-law to facilitate the construction a verandah:

- a) Section 7.2(e)(i) reduce the minimum setback from 1.2 metres to 0.6 metres; and
- b) Section 6.8(16)(b) reduce the minimum setback from the centreline of Sherbrooke Street from 16 metres to 14 metres.

The applicant submitted a conceptual drawing to support their application (Exhibit D), depicting the location of the proposed verandah in relation to the existing dwelling. Verandahs are a common design element of residential development in this part of the City, and one would have likely been a part of the original construction of the building. Staff has reviewed the concept plan provided by the applicant and is of the opinion that the requested variances are minor in nature and represent a desirable and appropriate use of the land.

The purpose of the 'Residential' designation is to "provide areas for housing and other land uses that are integral to, and supportive of a residential environment." The proposed construction supports the residential function of the property by providing enhanced entry space at the front of the dwelling. The requested variance maintains the intent and purpose of the Official Plan.

The R.1 zoning district permits single-detached residential dwellings. The intent of the street line setback is to ensure that there is adequate separation between the road allowance and structures, sufficient space for snow storage from road operations, and sight lines for vehicles, among other factors. It is not anticipated that the proposal will have an impact on road operations or sight lines from the right-of-way.

The reduction in the side yard setback will allow for the verandah to be constructed across the whole face of the building. The existing building is recognized as being legal non-complying with the west side yard setback, and the reduction for the verandah will not negatively impact access between the subject property and properties on either side. The requested variances maintain the intent and purpose of the Zoning By-law.

### **Agency Comment**

The Otonabee Region Conservation Authority (ORCA) reviewed the application and notes that the proposal is consistent with Section 2.1 (Natural Heritage), 2.2 (Water), and 3.1 (Natural Hazard) of the Provincial Policy Statement. The property is located outside of ORCA's regulated area so a permit from the Authority is not required. The subject property is not located in an area subject to the policies of the Trent Source Protection Plan.

Peterborough Distribution (PD) has reviewed the application and noted that it must be ensured that all clearances from the proposed verandah to existing overhead services are maintained to Peterborough Distribution standards.

Peterborough Utilities Commission (PUC) has reviewed the application and has no comments on the proposal.

The City's Engineering Design and Construction Technologist / Inspector reviewed the application and had no comment regarding the proposal.

The Ministry of Transportation of Ontario (MTO) reviewed the application in accordance with the **Public Transportation and Highway Improvement Act** and its Highway Access Management Guidelines and has no comments as the subject lands are located outside their permit control area.

The City's Planner, Urban Design has reviewed the application and has no comments on the proposal.

### **Recommendation**

Staff recommends that the Committee of Adjustment **approve** the application provided that construction related to this approval proceed substantially in accordance with the concept plan attached as Exhibit D and conditional upon the applicant obtaining written approval from Peterborough Distribution regarding the verandah clearance from the overhead lines.

5. File Number: B01/21  
Address: 21 Montague Court  
Applicants: John Warrington and Carol Salter  
Owner: Olga Orlicky

The subject property is located at the end of Montague Court, a cul-de-sac in the City's west end. The subject property is zoned R.1 1m. 2m and is designated 'Residential' on Schedule A 'Land Use' in the City's Official Plan. The property is currently developed with a two-storey, single detached dwelling.

The applicant is seeking consent from the Committee of Adjustment to sever the southerly 0.0232 hectare 'pie shaped' portion of the subject property measuring 7.4 metres in length at the rear lot line and 0 meters at the street line and add it to 23 Montague Court (Exhibit E). The purpose of the lot addition is to provide additional space between the dwelling at 23 Montague Court and the lot line for access into the rear-yard. The resulting lot pattern will resemble the current lot pattern (pie shaped lots at the end of a cul-de-sac) and the resultant parcels will comply with the lot area and dimension requirements in effect.

### **Agency Comment**

The Otonabee Region Conservation Authority (ORCA) reviewed the application and notes that the proposal is consistent with Section 2.1 (Natural Heritage), 2.2 (Water), and 3.1 (Natural Hazard) of the Provincial Policy Statement. The property is located outside of ORCA's regulated area so a permit from the Authority is not required. The subject property is not located in an area subject to the policies of the Trent Source Protection Plan.

Peterborough Distribution (PD) reviewed the application and has no comment on the proposal.

Peterborough Utilities Commission (PUC) has reviewed the application and has no comments on the proposal.

The City's Engineering Design and Construction Technologist / Inspector reviewed the application and had no comment regarding the proposal.

The Ministry of Transportation of Ontario (MTO) reviewed the application in accordance with the **Public Transportation and Highway Improvement Act** and its Highway Access Management Guidelines and has no comments as the subject lands are located outside their permit control area.

Bell Canada has no concerns with respect to the proposed application.

The City's Planner, Urban Design has reviewed the application and has no comments on the proposal.

### **Recommendation**

Staff recommends that the Committee of Adjustment **approve** the application for consent conditional upon:

- i) Prior to registering the Reference Plan at the applicant's cost, the applicant shall submit for approval a draft Reference Plan to the Secretary-Treasurer, showing the proposed severed parcel. 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;
- 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 relatable 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 file;
- iii) The owner's solicitor shall provide an Undertaking to forthwith register an Application to Consolidate the severed lands with the property municipally known as 23 Montague Court;
- iv) That the applicant provide the Secretary-Treasurer with a draft of the Transfer/Deed of Land;
- v) That the two parcels shall be considered as one lot and shall not be dealt with separately. Section 50(3) or 50(5) of the **Planning Act** shall apply to any subsequent conveyance or transaction involving the parcel of land that is subject to this application; and
- vi) That if the conditions are not satisfied within 365 days of the circulation of the Committee's decision that this consent will lapse.

6. File Number: B02/21 (lot addition)  
Address: 520 Brealey Drive  
Applicant: Kevin M. Duguay  
Owner: Christian Victory Church

The subject property is located at the northeast corner of the intersection of Brealey Drive and Sir Sandford Fleming Drive in the southwest end of the city. The subject property is zoned SP.118-337-'H' and SP.317-336-'H'. The property is developed with the Christian Victory Church. The portion of the property that is zoned SP.317-336-'H' was recently rezoned. The property is designated as 'Residential' on Schedule A 'Land Use' in the City's Official Plan.

Life at the Brealey Inc. is currently constructing 14 townhomes and a two storey, 18-unit apartment building at 540 Brealey Drive (Phase 1). The development parcel was rezoned for residential purposes in 2004 (By-law 04-079), was severed from the adjacent Christian Victory Church property at 520 Brealey Drive in 2005 (File No. B5/05), and received several minor variances to facilitate the development in 2017 (File No. A14/17). The residential development and the church share a driveway access to Brealey Drive, internal water distribution facilities, a sanitary sewer outlet, a stormwater management facility, and an emergency vehicle route through the property.

The applicant is seeking consent for a lot addition by severing a 0.34 hectare parcel of land to be added to 540 Brealey Drive (shown as Part 1 on Exhibit F). The purpose of the lot addition is to increase the size of the property at 540 Brealey Drive to facilitate the construction of a second two-storey, 18-unit building on site. A Zoning By-law amendment in 2020 (Z2005) was approved by Council to permit residential use on the Phase 2 lands, to reflect the previous minor variances granted for the Phase 1 lands, and to adjust some of the regulations that would apply to the remaining church property. Both resulting lots will comply with the lot area and dimension regulations in effect on those lands.

### **Agency Comment**

The Otonabee Region Conservation Authority (ORCA) reviewed the application and notes that the proposal is consistent with Section 2.1 (Natural Heritage), 2.2 (Water), and 3.1 (Natural Hazard) of the Provincial Policy Statement. The property is located outside of ORCA's regulated area so a permit from the Authority is not required. The subject property is not located in an area subject to the policies of the Trent Source Protection Plan.

Peterborough Distribution has reviewed the proposal and has indicated they will need to investigate how easements held by the new condominium Corporation may affect their easements in gross over the property for the primary electrical system. Peterborough Distribution must be protected from costs associated with removing or relocating its infrastructure at the customer's request in the future.

Peterborough Utilities Commission (PUC) has reviewed the application and has no comments on the proposal.

The City's Engineering Design and Construction Technologist / Inspector reviewed the application and had no comment regarding the proposal.

The Ministry of Transportation of Ontario (MTO) reviewed the application in accordance with the **Public Transportation and Highway Improvement Act** and its Highway Access Management Guidelines and has no comments as the subject lands are located outside their permit control area.

Bell Canada has no concerns with respect to the proposed application.

The City's Planner, Urban Design has reviewed the application and notes there is an existing Site Plan Agreement registered on both 520 Brealey Drive and 540 Brealey Drive. A Site Plan Amendment application has been received for 540 Brealey Drive to facilitate the construction of an 18-unit apartment building on the lands proposed to be severed from 520 Brealey Drive. The site plan amendment application is currently under review.

A site plan amendment for 520 Brealey Drive will be required to facilitate the changes associated with the proposed severance. There is an 'H' holding symbol on 520 Brealey Drive to be removed at such time as the lands have been consolidated with 540 Brealey Drive and approval has been granted to amend the Site Plan. In addition, there is an 'H' holding symbol on 540 Brealey Drive to be removed at such time as the lands have been consolidated and the owner has paid cash-in-lieu of parkland.

### **Recommendation**

Staff recommends that the Committee of Adjustment **approve** the application for consent conditional upon:

- i) Conversion of the subject lands (520 Brealey Drive) to Land Titles Absolute;
- ii) Prior to registering the Reference Plan at the applicant's cost, the applicant shall submit for approval a draft Reference Plan to the Secretary-Treasurer, showing the proposed severed parcel. 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;
- iii) 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 relatable 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 file;
- iv) That the applicant provide the Secretary-Treasurer with a draft of the Transfer/Deed of Land;

- v) That the two parcels shall be considered as one lot and shall not be dealt with separately. Section 50(3) or 50(5) of the **Planning Act** shall apply to any subsequent conveyance or transaction involving the parcel of land that is subject to this application; and
- vi) That if the conditions are not satisfied within 365 days of the circulation of the Committee's decision that this consent will lapse.

7. File Number: B03/21 (easements)  
Address: 520 Brealey Drive  
Applicant: Kevin M. Duguay  
Owner: Christian Victory Church

The subject property is located at the northeast corner of the intersection of Brealey Drive and Sir Sandford Fleming Drive in the southwest end of the city. The subject property is zoned SP.118-337-'H' and SP.317-336-'H'. The property is developed with the Christian Victory Church. The portion of the property that is zoned SP.317-336-'H' was recently rezoned. The property is designated as 'Residential' on Schedule A 'Land Use' in the City's Official Plan.

In addition to the lot addition application (B02/21), the applicant is seeking consent for easements over portions of the property for the purposes of an emergency vehicle right-of-way (modification of existing right of way), and storm and sanitary servicing easements in favour of 540 Brealey Drive.

The applicant has provided the following table summarizing their request in relation to the parts shown on the attached Exhibit F:

**Table 1 - Summary of Consent for Easement Requests over 520 Brealey Drive in Favour of 540 Brealey Drive**

Part(s)	Nature of Easement	Area/Dimensions
2	Emergency Vehicle Right-of-way, modification of the existing right-of-way	Irregular shape 9.752 square metres
4 and 5	Storm-sewer Easement in favour of 540 Brealey Drive	78.355 square metres 6 x 15.14 metres
6 and 7	Sanitary sewer Easement In favour of 540 Brealey Drive	166.197 square metres 9.1 x 33.01 (varies)

Life at the Brealey Inc. is currently constructing 14 townhomes and a two storey, 18-unit apartment building at 540 Brealey Drive (Phase 1). The development parcel was rezoned for residential purposes in 2004 (By-law 04-079), was severed from the adjacent Christian Victory Church property at 520 Brealey Drive in 2005 (File No. B5/05), and received several minor variances to facilitate the development in 2017 (File No. A14/17). The residential development and the church share driveway access to Brealey Drive, internal water distribution facilities, a sanitary sewer outlet, a stormwater management facility, and an emergency vehicle route through the property. The subject consent for easement application will facilitate the development that is underway on 540 Brealey Drive.

### Agency Comment

The Otonabee Region Conservation Authority (ORCA) reviewed the application and notes that the proposal is consistent with Section 2.1 (Natural Heritage), 2.2 (Water), and 3.1 (Natural Hazard) of the Provincial Policy Statement. The property is located outside of ORCA's regulated area so a permit from the Authority is not required. The subject property is not located in an area subject to the policies of the Trent Source Protection Plan.

Peterborough Distribution has reviewed the proposal and has indicated they will need to investigate how easements held by the new condominium Corporation may affect our easements in gross over the property for the primary electrical system. Peterborough Distribution must be protected from costs associated with removing or relocating its infrastructure at the customer's request in the future.

Peterborough Utilities Commission (PUC) has reviewed the application and has no comments on the proposal.

The City's Engineering Design and Construction Technologist / Inspector reviewed the application and had no comment regarding the proposal.

The Ministry of Transportation of Ontario (MTO) reviewed the application in accordance with the **Public Transportation and Highway Improvement Act** and its Highway Access Management Guidelines and has no comments as the subject lands are located outside their permit control area.

Bell Canada has no concerns with respect to the proposed application.

The City's Planner, Urban Design has reviewed the application and notes there is an existing Site Plan Agreement registered on both 520 Brealey Drive and 540 Brealey Drive. A Site Plan Amendment application has been received for 540 Brealey Drive to facilitate the construction of an 18-unit apartment building on the lands proposed to be severed from 520 Brealey Drive. The site plan amendment application is currently under review.

A Site Plan Amendment for 520 Brealey Drive will be required to facilitate the changes associated with the proposed severance. There is an 'H' holding symbol on 520 Brealey Drive to be removed at such time as the lands have been consolidated with 540 Brealey Drive and approval has been granted to amend the Site Plan. In addition, there is a 'H'

holding symbol on 540 Brealey Drive to be removed at such time as the lands have the consolidated and the owner has paid cash-in-lieu of parkland.

### **Recommendation**

Staff recommends that the Committee of Adjustment **approve** the application for consent conditional upon:

- i) Approval of application B02/21;
- ii) Prior to registering the Reference Plan at the applicant's cost, the applicant shall submit for approval a draft Reference Plan to the Secretary-Treasurer, showing the proposed easements. Upon registration of the approved Reference Plan, two copies of the registered reference will be provided to the Secretary-Treasurer;
- iii) 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.
- iv) That the applicant provide the Secretary-Treasurer with a draft of the Transfer/Deed of Land.
- 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.

8. File Number: A05/21  
Address: 362 George Street North  
Applicant: TT8 Inc.  
Owner: TT8 Inc.

The subject property is located at the northeast corner of George Street North and Simcoe Street in the City's Downtown. The property is zoned C.6 in the City's Zoning By-law and is designated 'Commercial' on Schedule A 'Land Use' and 'Commercial Core' on Schedule J 'Central Area' in the City's Official Plan. The property is developed with three-storey buildings of varying heights. The building is currently used for commercial purposes with vacant space in the upper floors. An access point via a carriageway exists, accessible from Simcoe Street, leading under the building to a rear courtyard.

The applicant is proposing to renovate the building considerably for residential purposes. The applicant is seeking a minor variance from Section 18.2 (e) of the Zoning By-law to allow one ground-floor residential unit located at the rear of the existing building.

The policies related to the Commercial Core Area intend to preserve floor area at grade for pedestrian oriented commercial uses and typically limits residential to second or higher storeys. The applicant intends to limit the ground floor residential use to the rear of the building where access is provided by a laneway versus the main street. Commercial units will continue to wrap the building at grade along George and Simcoe Streets.

The depth of the commercial use of the ground floor units should represent a usable floor space for at least some form of small-scale commercial use, in keeping with the intent and purpose of the Official Plan. The plan provided in support of the application depicts spaces on the ground floor that can continue to host the array of uses permitted in the C.6 zoning District. Limiting the extent of the residential use to the rear of the building and maintaining commercial space at grade is important to satisfy the intent and purpose of the main street image anticipated in the Official Plan.

The provision that restricts at grade residential in the C.6 zoning is intended to implement the policies of the Official Plan that preserve the at grade pedestrian experience in the City's Commercial Core. The proposed variance will not negate this experience and maintains the general intent and purpose of the Zoning By-law.

The at grade units (along with the one at grade unit at 370 George Street North) will be accessed via a carriageway and a courtyard at the rear of the buildings. It is being recommended that the redevelopment of these buildings is subject to Site Plan Approval. This process will ensure that the courtyard is appropriately lit and carefully landscaped to enhance the space and provide provisions for safety.

### **Agency Comment**

The Otonabee Region Conservation Authority (ORCA) reviewed the application and notes that the proposal is consistent with Section 2.1 (Natural Heritage), 2.2 (Water), and 3.1 (Natural Hazard) of the Provincial Policy Statement. The property is located within ORCA's regulated area so a permit from the Authority is required. The subject property is not located in an area subject to the policies of the Trent Source Protection Plan.

Peterborough Distribution has reviewed the proposal and has requested that the applicant contact the Peterborough Distribution Engineering Department for any required electrical changes.

Peterborough Utilities Commission (PUC) has provided comment and has indicated that the suitability of service sizes is the responsibility of the owner and that development charges are applicable.

The City's Engineering Design and Construction Technologist / Inspector reviewed the application and had no comment regarding the proposal.

The Ministry of Transportation of Ontario (MTO) reviewed the application in accordance with the **Public Transportation and Highway Improvement Act** and its Highway Access Management Guidelines and has no comments as the subject lands are located outside their permit control area.

Peterborough Police Service provided comment on this application and have noted no issues overall from a policing perspective. However, they indicated the need to ensure there is sufficient lighting in place from a safety perspective.

The City's Planner, Urban Design has reviewed the application recommends that Site Plan Approval be made a condition of the proposed variances.

### **Recommendation**

Staff recommends that the Committee of Adjustment **approve** the application provided that construction related to this approval proceed substantially in accordance with the concept plan attached as Exhibit G and conditional upon the applicants entering into a Site Plan Agreement to address lighting of and access to the courtyard.

9. File Number: A06/21  
Address: 370 George Street North  
Applicant: 2760534 Ontario Inc.  
Owner: 2760534 Ontario Inc.

The subject property is located near the northeast corner of George Street North and Simcoe Street in the City's Downtown. The property is zoned C.6 in the City's Zoning By-law and is designated 'Commercial' on Schedule A 'Land Use' and 'Commercial Core' on Schedule J 'Central Area' in the City's Official Plan. The property is developed with two and three storey buildings of varying heights. Most of the interior was damaged by fire in 2017. Prior to the fire, the upper floors were either vacant or used as studio space, and commercial uses were at grade. The rear portion of the building is accessible by an access point via a carriageway, accessible from Simcoe Street, leading under the building at 362 George Street North to a rear courtyard.

The applicant is proposing to renovate the building considerably for residential purposes on the second and third floors. The applicant is seeking a variance from section 18.2 (e) of the Zoning By-law to allow two ground-floor residential units located at the rear of the existing building, one of the two units having a portion of it being located in the basement of the building.

The policies related to the Commercial Core Area intend to preserve floor area at grade for pedestrian oriented commercial uses and typically limits residential to second or higher storeys. The applicants intend to limit the ground floor residential use to the rear of the building where access is provided by a laneway versus the main street. Commercial units will continue to wrap the building at grade along George and Simcoe Streets.

The depth of the commercial use of the ground floor units should represent a usable floor space for at least some form of small-scale commercial use, in keeping with the intent and purpose of the Official Plan. The plan provided in support of the application depicts spaces on the ground floor that can continue to host the array of uses permitted in the C.6 zoning district. Limiting the extent of the residential use to the rear of the building and maintaining commercial space at grade is important to satisfy the intent and purpose of the main street image anticipated in the Official Plan.

The provision that restricts at grade residential in the C.6 Zoning is intended to implement the policies of the Official Plan that preserve the at grade pedestrian experience in the City's Commercial Core. The proposed variance will not negate this experience and maintains the general intent and purpose of the Zoning By-law.

The at grade unit (along with the two at grade units at 362 George Street North) will be accessed via a carriageway and a courtyard at the rear of the buildings. It is being recommended that the redevelopment of these buildings is subject to Site Plan Approval. This process will ensure that the courtyard is appropriately lit and carefully landscaped to enhance the space and provide provisions for safety.

### **Agency Comment**

The Otonabee Region Conservation Authority (ORCA) reviewed the application and notes that the proposal is consistent with Section 2.1 (Natural Heritage), 2.2 (Water), and 3.1 (Natural Hazard) of the Provincial Policy Statement. The property is located within ORCA's regulated area so a permit from the Authority is required. The subject property is not located in an area subject to the policies of the Trent Source Protection Plan.

Peterborough Distribution has reviewed the proposal and has requested that the applicant contact the Peterborough Distribution Engineering Department for any required electrical changes.

Peterborough Utilities Commission (PUC) has provided comment and has indicated that the suitability of service sizes is the responsibility of the owner and that development charges are applicable.

The City's Engineering Design and Construction Technologist / Inspector reviewed the application and had no comment regarding the proposal.

The Ministry of Transportation of Ontario (MTO) reviewed the application in accordance with the **Public Transportation and Highway Improvement Act** and its Highway Access Management Guidelines and has no comments as the subject lands are located outside their permit control area.

Peterborough Police Service provided comment on this application and have noted no issues overall from a policing perspective. However, they indicated the need to ensure there is sufficient lighting in place from a safety perspective.

The City's Planner, Urban Design has reviewed the application recommends that Site Plan Approval be made a condition of the proposed variances.

### **Recommendation**

Staff recommends that the Committee of Adjustment **approve** the application provided that construction related to this approval proceed substantially in accordance with the concept plan attached as Exhibit G and conditional upon the applicants entering into a Site Plan Agreement to address lighting of and access to the Courtyard.

Prepared By:

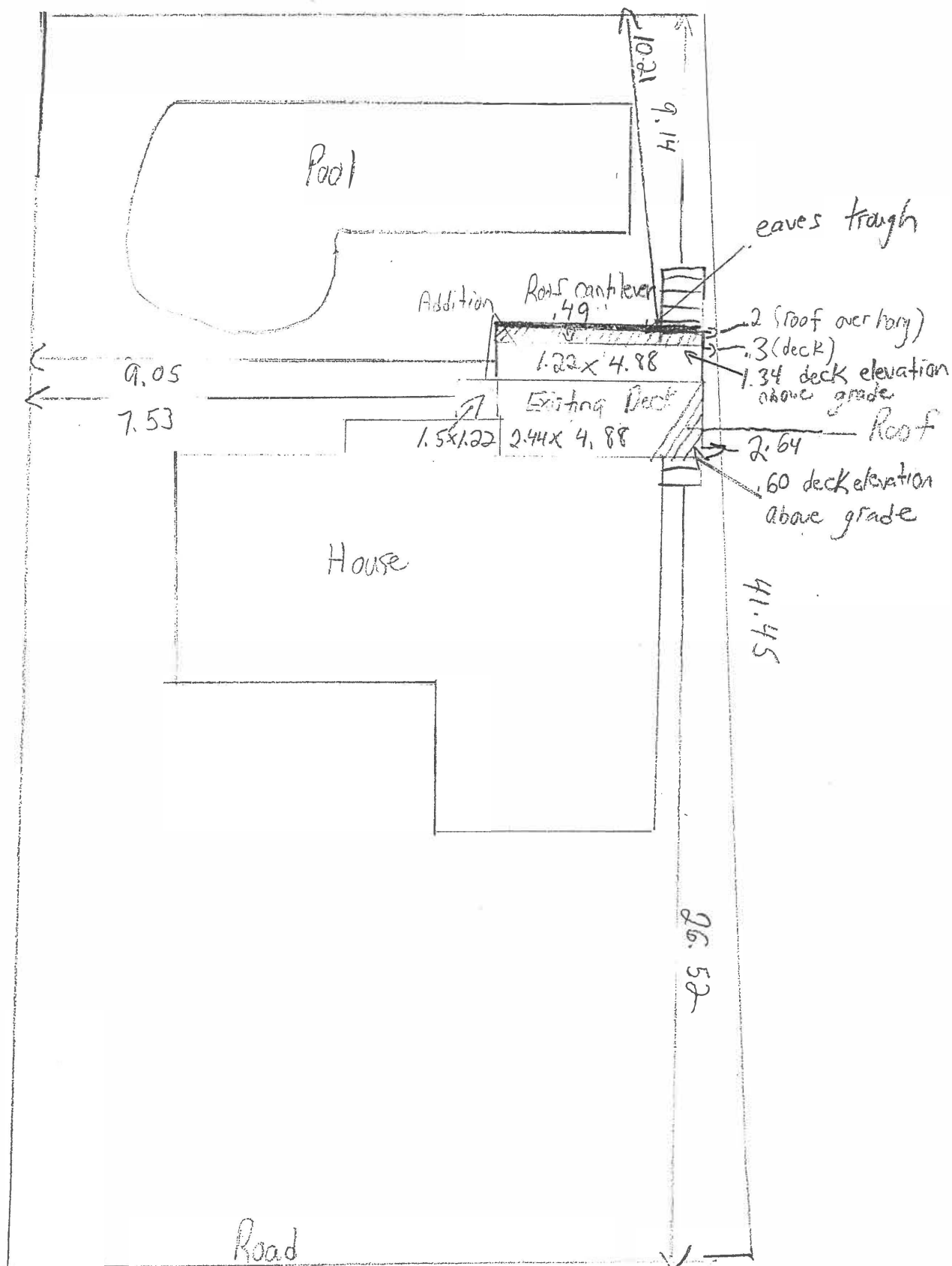
Christie Gilbertson, RPP, MCIP  
Planner, Policy and Research,  
Planning Division,  
Infrastructure and Planning Services

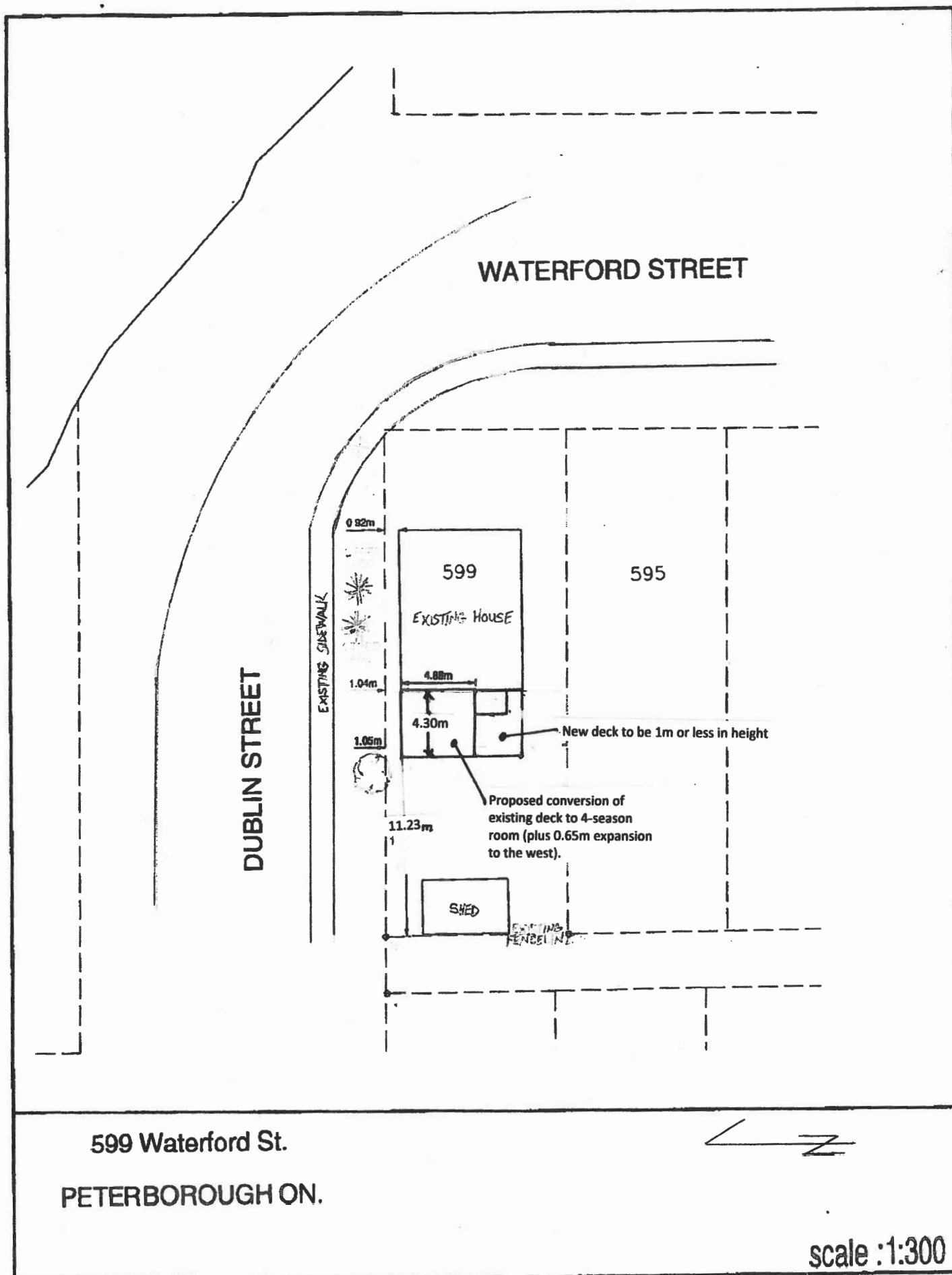
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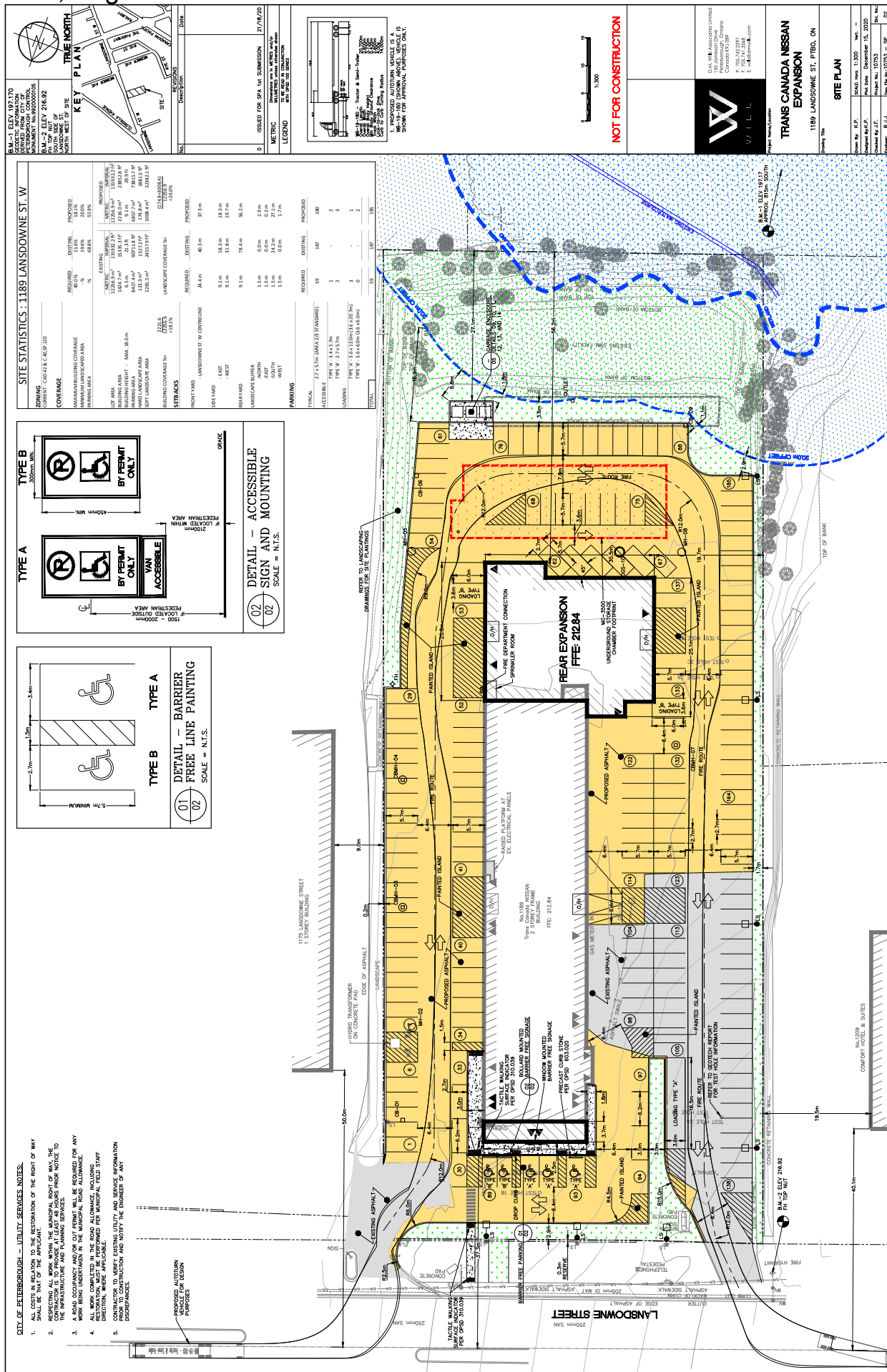
Dean Findlay, C.Tech., CBCO  
Chief Building Official,  
Building Division,  
Infrastructure and Planning Services

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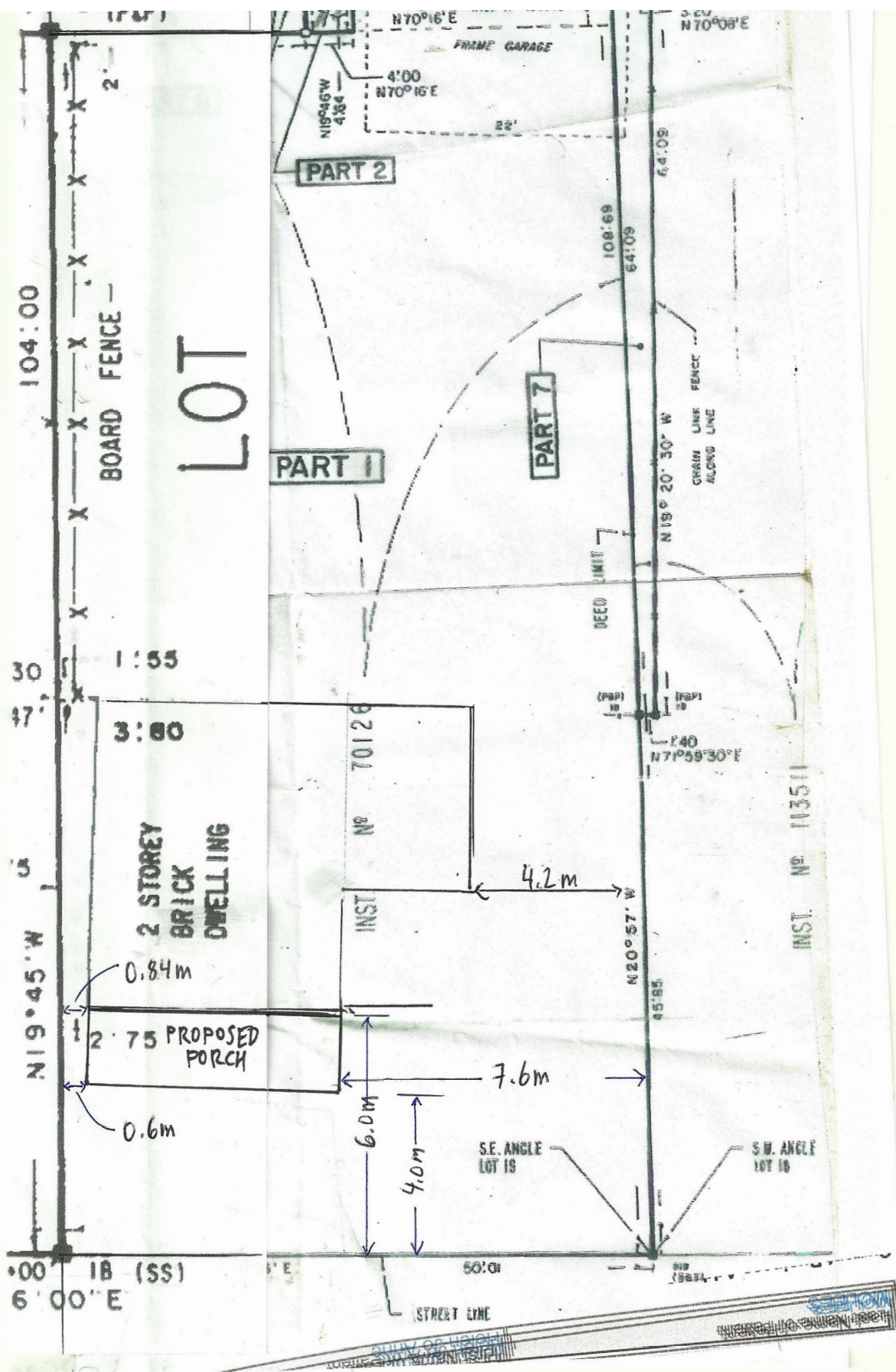
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BEARINGS ARE ASTRONOMIC, DERIVED FROM THE  
EASTERLY LIMIT OF LOT 12, REGISTERED PLAN No.298,  
HAVING A BEARING OF N8°32'00"E

■	DENOTES	SURVEY MONUMENT FOUND
□	DENOTES	SURVEY MONUMENT SET
SB	DENOTES	STANDARD RON BAR
B	DENOTES	IRON BAR
CC	DENOTES	CUT CROSS
WIT.	DENOTES	WITNESS

1. THE  
1. THE  
WILL  
REG  
2. THE

17



The following chart provides a summary of the easements subject of this Consent Application:

<b>Part/s</b>	<b>Nature of Easement</b>	<b>Area/ Dimensions</b>
1	Lot Addition to 540 Brealey Drive	0.34 hectares 28.45 x 68.59 metres
2	Emergency Vehicle Right-of-way, modification of the existing right-of-way	Irregular shape 9.752 square metres
3	Not required at this time	N/A
4 and 5	Storm-sewer Easement  In favour of 540 Brealey Drive	78.355 square metres  6 x 15.14 metres
6 and 7	Sanitary sewer Easement  In favour of 540 Brealey Drive	166.197 square metres  9.1 x 33.01 (varies)

