



City of
Peterborough

Committee of Adjustment Minutes

April 26, 2022

Draft Minutes Not Approved

Minutes of an Electronic Meeting of Committee of Adjustment held on Tuesday, April 26, 2022 at 6:00 p.m.

Present: Tom Green, Vice-Chair
Mauro DiCarlo
Robert Short

Regrets: Stewart Hamilton
Claude Dufresne

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

Committee of Adjustment was called to order at 6:00 p.m.

Disclosure of Pecuniary Interest

There were no disclosures of Pecuniary Interest.

Applications

1. File No., A12/22, 613 River Road South

This matter relates to a minor variance application submitted by Molly Conlin, Molly Conlin Drafting and Design, as applicant on behalf of Paul Tinney, the owner of the property that is the subject of the application.

The purpose of the application is to increase the maximum height of a residential accessory structure from 4.3 metres to 6.6 metres to facilitate the construction of a detached garage with storage loft.

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

- The owners are seeking a minor variance to increase the maximum height of an accessory building to allow the owner to build a loft above the garage for extra storage space. The loft space is not intended for living space.
- She has reviewed the staff report and the recommended conditions of approval.

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, the applicant advised as follows:

- The owner is aware that a Stage 2 Archaeological Assessment would be required to be completed, if recommended in the Stage 1 Assessment and is willing to complete the Stage 2 Assessment if necessary.
- She noted that the Planner, Urban Design's comments in the staff report referred to the height of an accessory structure containing a dwelling unit. At this present time, there is no plan to convert the loft into living space.

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

- The comments from the Planner, Urban Design with respect to the height of an accessory building supporting a dwelling unit were of a general nature and do not reflect the applicant's proposal for a storage loft. A secondary suite is not under review at this time.
- The recommendation for the installation of siltation control relates to comments received from the Otonabee Region Conservation Authority, who review applications from an environmental perspective. Installation of siltation control would ensure that the building activity on site does not displace debris that would enter the river through the storm drains.

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

- Although the proposal has not been reviewed as a secondary suite, a dwelling unit above the garage would have to be completely separate from the garage area.

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 Section 6.18 of the Zoning By-law to increase the maximum height of a residential accessory structure to 6.6 metres for a detached garage with a storage loft PROVIDED THAT use of the building is limited to a garage with storage loft and that construction related to this approval proceed substantially in accordance with the concept plan attached as Exhibit A of the Staff Report dated April 26, 2022, and CONDITIONAL UPON THE FOLLOWING:

- i) **The submission of a complete application to injure or remove trees, as per the City’s Tree Removal By-law 21-074;**
- ii) **Installation of a siltation control, as appropriate, to mitigate uncontrolled runoff into street storm drains to the satisfaction of Otonabee Region Conservation Authority;**
- iii) **Submission of a lot grading and drainage plan to the satisfaction of Development Engineering; and**
- iv) **The completion of a Stage 1 Archaeological Assessment and, if recommended, completion of a Stage 2 Assessment. The recommendations of the Archaeological Assessment shall be addressed, and any necessary agreements shall be in place, prior to the issuance of a building permit.**

2. File No., A13/22, 430 Sheridan Street

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

The purpose of the application is to reduce the minimum floor area per dwelling unit from 80 square metres to 63 square metres to facilitate the conversion of the ground floor commercial space into a dwelling unit.

Mauro DiCarlo noted the written objection to the application received from Stephen Loch, Supply Chain Director, Quaker Foods, Canada, PepsiCo Foods Canada. Mr. DiCarlo indicated that the Committee should vote on a deferral of the application before introducing any evidence with respect to the application to preserve the remaining members' right to participate in the hearing should the matter be deferred.

Eric Mickee, representing the application on behalf of Nora Mickee, indicated that he received a copy of the correspondence from PepsiCo Foods Canada and would like to proceed with the application at this time.

Christie Gilbertson, Planner, Policy and Research advised the Committee that staff asked Stephen Loch to clarify the concern with the application, but additional information about the objection was not provided.

Discussion

Mauro DiCarlo noted that notice was provided pursuant to the requirements of the Planning Act and, as the correspondence does not specify a reason for the objection, that the Committee should proceed to hear the application.

Robert Short indicated that additional time would allow the two parties to discuss the proposal and clarify any potential issues.

Moved by Robert Short

That the Committee of Adjustment defer the application to the May 25, 2022 hearing to allow the applicant an opportunity to discuss the objection to the application with the representative from PepsiCo Foods Canada.

"CARRIED"

3. File No., A14/22, 489 Sherbrooke Street

This matter relates to a minor variance application submitted by Ronald De Coteau, Property Pathways Inc., as applicant on behalf of Donny Gagliardi and Mariette-Ann Xerri, the owners of the property that is the subject of the application.

The purpose of the application is to increase the maximum lot coverage by open parking areas, driveways and vehicle movement areas from 20% to 33% and to reduce the distance between a parking space or driveway and a side lot line from 1.5 metres to 1.2 metres for the west side lot line to facilitate the construction of a new, semi-detached dwelling in place of the existing building.

Ronald De Coteau attended the meeting and addressed the Committee as follows:

- He has read the staff report and proposed conditions of approval and agrees with staff's assessment. A lot grading and drainage plan will be provided with the application for a Building Permit, and an application to injure or remove trees will be submitted for any trees that are impacted by the development.
- The proposal is for a semi-detached dwelling, which will replace the existing single unit dwelling on the site. The zoning permits the semi-detached dwelling and he worked closely with staff to ensure the development will be a good fit for the neighbourhood.
- Based on staff's comments on the parking configuration, the proposal was amended to the current plan with the parking at the rear of the dwelling. The placement of the parking area in the rear helps the development to fit in with the neighbourhood but triggered the requirement for the requested minor variances.

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, the Planner, Policy and Research advised as follows:

- The proposal before the Committee is a semi-detached dwelling with one unit on each side. The Zoning By-law and provincial policy allow for secondary suites to be established in a variety of housing types, and the lot area and lot width per dwelling unit regulations of the Zoning By-law do not apply. Secondary suites must be smaller than the main unit and cannot have more than two bedrooms. Applications for secondary suites must comply with the Zoning By-law regulations and obtain a Building Permit. If a true four-plex was being proposed (equivalent in size to the main unit or more than two bedrooms), the proposal would not comply with the Zoning By-law.
- A lot grading and drainage plan was not included as a condition of approval as a plan must be submitted with the Building Permit application for all new dwellings.

Discussion

Robert Short noted that he appreciated the placement of the parking area to the rear of the building rather than in the front yard.

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 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 variance to Section 8.2 j) to increase the maximum lot coverage by open parking areas, driveways, and vehicle movement areas to 33%; and**
- b) **A variance to Section 4.3.2 b) to reduce the distance between a parking space or driveway and the west side lot line to 1.2 metres.**

PROVIDED THAT construction related to this approval proceed substantially in accordance with the concept plan attached as Exhibit C to the Staff Report dated April 26, 2022 and CONDITIONAL UPON the submission of a complete application to injure or remove trees, as per the City's Tree Removal By-law 21-074.

4. File No., A15/22, 148 Fradette Avenue

This matter relates to a minor variance application submitted by Bill Hardwick and MaryAnne Hardwick, 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 street line from 6 metres to 4.27 metres for the porch and to 3.4 metres for the stairs to facilitate the construction of a covered front porch measuring 2.13 metres by 5.79 metres across the front of the existing dwelling.

Bill Hardwick attended the meeting and addressed the Committee as follows:

- He is proposing to construct a covered porch to provide shade at the front of the south-facing house. The existing porch is located within the setback from the street line, and a minor variance is required to permit the covered porch.
- He has read the staff report and recommendations and has no concerns.

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 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 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 to Section 6.11 (a) of the Zoning By-law to reduce the minimum building setback from the Fradette Avenue street line to 4.27 metres for the porch, and to 3.4 metres for the stairs, to permit a covered front porch measuring 2.13 metres by 5.79 metres PROVIDED THAT construction related to this approval proceed substantially in accordance with the concept plan attached as Exhibit D to the Staff Report dated April 26, 2022.

5. File No., A16/22, 714 Walkerfield Avenue

This matter relates to a minor variance application submitted by Jason Marshall, Marshall Design Studio, as applicant on behalf of Myrlene Sundberg and John Palchinski, the owners of the property that is the subject of the application.

The purpose of the application is to reduce the minimum building setback from a rear lot line from 7.6 metres to 3.96 metres and to increase the maximum building coverage by a one-storey dwelling from 45% to 46% to facilitate the construction of two, one-storey, 14.3 square metre additions at the rear of the existing dwelling.

The Chair acknowledged that the Committee had received and reviewed written comments with respect to the application from Kazia Milian and Blaine Radbourne, Peterborough.

Jason Marshall attended the meeting and addressed the Committee as follows:

- He has reviewed the letter submitted following circulation of the application and spoke to the neighbouring property owners about their concerns.

- The proposal is to construct two, one-storey additions of the rear of the home, creating a small courtyard area.
- The additions will not increase the height of the house, will follow the same roof pitch, and will maintain the home's character.
- He has reviewed the staff report with the owners and they agree with the recommendations of staff.

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, the applicant advised as follows:

- With respect to Kazia Milian and Blaine Radbourne's request that the fence between the properties remain during construction, the fence will be left in place as removing is of no advantage during construction. The owners also want to maintain the fence between the homes.

Moved by Robert Short

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

"CARRIED"

Decision

The Committee heard from members of the public concerning the application and gave due consideration and weight to the comments made and received.

Having reviewed the application and considered the information presented 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 variance from Section 7.2.e) ii) of the Zoning By-law to reduce the minimum building setback from a rear lot line to 3.96 metres; and**
- A variance from Section 7.2 f) 1) to increase the maximum building coverage by a one-storey dwelling to 46%.**

PROVIDED THAT construction related to this approval proceed substantially in accordance with the concept plan attached as Exhibit E to the Staff Report dated April 26, 2022 and CONDITIONAL UPON:

- i) **The submission of a brief arborist report detailing recommendations for tree preservation, protection or removal based on the proposed construction impacts to the tree at 715 Weller Street, along the rear lot line, as per the Tree Removal By-law 21-074; and**
- ii) **Submission of a lot grading and drainage plan to the satisfaction of Development Engineering.**

Minutes

Robert Short proposed the following amendment to his comments under Discussion, File No. B02/22, 551 Parkhill Road East, of the March 29, 2022 minutes.

“Robert Short indicated his appreciation for Staff’s withdrawal of the recommendations respecting the road widening at the intersection of 555 Parkhill Road East and Television Road. He also indicated that while the road widenings requested for 551 Parkhill Road East would normally be secured through the development control (site plan) process, in that the applicant appeared to be satisfied with City’s request to provide the widenings, he could accept Staff’s recommendation.”

Moved by Mauro DiCarlo

That the minutes of the Committee of Adjustment hearing held on March 29, 2022 be approved, as amended.

“CARRIED”

Other Business

The Secretary-Treasurer indicated that there was an amendment to the September, October, and November hearing dates and that she would circulate the revised hearing schedule to the Committee members.

Next Meeting

The next meeting of the Committee of Adjustment is scheduled for Wednesday, May 25, 2022.

Adjournment

The meeting was adjourned at 6:47 p.m.

Tom Green, Vice-Chair

Jennifer Sawatzky, Secretary-Treasurer