

DRAFT



City of
Peterborough

Committee of Adjustment Minutes

September 13, 2022

Draft Minutes Not Approved

Minutes of an Electronic Meeting of Committee of Adjustment held on Tuesday, September 13, 2022 at 6:00 p.m.

Present: Stewart Hamilton, Chair
Mauro DiCarlo
Tom Green
Robert Short

Regrets: Claude Dufresne

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

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

Disclosure of Pecuniary Interest

Tom Green declared an interest in item number 3c (B06/22 and A33/22 – 211 Hunter Street East).

Mauro DiCarlo declared an interest in item number 3f (A36/22 – 557 Water Street).

Applications

1. **File No., A34/22, 645 River Road South**

This matter relates to a minor variance application submitted by Karen Penkman and Mac Arnott, the owners of the property that is the subject of the application.

The purpose of this application is to seek relief from the Zoning By-law to facilitate the expansion of the footprint of a legal noncomplying residential accessory structure at the Subject Property as follows:

- a) Section 6.18 to increase the maximum, height of a residential accessory building from 4.3 metres to 5.06 metres to represent the average height of the structure; and
- b) Section 6.18 to reduce the minimum building setback from a side lot line from 0.6 metres to 0.06 metres.

Karen Penkman attended the meeting and addressed the Committee as follows:

- The owners are seeking deferral of the application to the November 22, 2022 Committee of Adjustment Hearing.

Moved by Tom Green

That the application be deferred to the November 22, 2022 hearing of the Committee of Adjustment.

“CARRIED”

2. File No., A31/22, 1003 Baker Street

The applicant for File Number A31/22 1003 Baker Street was having difficulties with access to the electronic meeting and the Committee decided to move their item to later in the agenda to allow a connection to be established.

3. File No., A32/22, 22 York Drive

This matter relates to a minor variance application submitted by Jim Pitre, Lifestyle Sunrooms Inc., as applicant on behalf of Charles Vella and Anne Vella, the owners of the property that is the subject of the application.

The purpose of the application is to seeking relief from Section 7.2(e)(ii) of the Zoning By-law to reduce the minimum building setback from a rear lot line from 7.6 metres to 6.4 metres to permit the construction of a new seasonal sunroom at the rear of the dwelling. To clarify from the notice, the sunroom is to be built on helical piles as opposed to an existing deck.

Syed Ahmed of Lifestyle Sunrooms Inc. attended the meeting and addressed the Committee as follows:

- He has reviewed the staff report and has no questions or concerns.

Christie Gilbertson, Planner, Policy and Research clarified that the proposed sunroom

will be constructed at the rear of the dwelling and not on an existing deck.

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 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 Section 7.2(e)(ii) of the Zoning By-law to reduce the minimum building setback from a rear lot line from 7.6 metres to 6.4 metres to permit the construction of a new seasonal sunroom at the rear of the dwelling.

PROVIDED THAT construction related to this approval proceed substantially in accordance with the concept plan attached as Page 1 of Exhibit B of the Staff Report dated September 13, 2022.

4. File No. B06/22, 211 Hunter Street East

Tom Green left the meeting for this item and the associated file A32/22.

This matter relates to a severance application submitted by Marnie Saunders, D.M. Wills Associates Ltd., as applicant on behalf of Skyline Real Estate Holdings Inc., the owner of the property that is the subject of the application.

The purpose of the application is to seek consent to sever the south portion of the subject property associated with the development of 3 new multi unit apartment buildings. The applicant is also seeking a blanket easement in favour of both the severed and the retained parcels for:

- a) Pedestrian and vehicle access throughout the proposed severed and retained lands;
- b) Stormwater management, grading and drainage, across the entire land holding for the existing stormwater management design and the proposed stormwater

- management design for the new development;
- c) Functional servicing including water, sanitary and sewer infrastructure for existing and proposed use, inclusive of maintenance and construction; and all underground services, for the existing and proposed developments.

Marnie Saunders, D.M. Wills Associates Ltd. attended the meeting and addressed the Committee as follows:

- The purpose of the application for consent is to facilitate the financial structure and construction financing of the proposed development on the southern portion of the property. The ownership and maintenance will continue to be by the same owner.
- The proposed new development of the southern half of the subject property is currently undergoing the Site Plan Approval Process.
- Representatives of the owners, Skyline Real Estate Holdings Inc. are present this evening, Sarah Reeve and Carrie LaMarche.
- They are supportive of the recommendations of the Staff Report.

Christie Gilbertson, Planner, Policy and Research, advised that she had nothing further to add to the information presented in the Staff Report.

The Chair acknowledged that the Committee has received and reviewed a letter of support/concern from Dr. Kevin Kaller, Kawartha Orthodontics, the owner of the adjacent property at 336 Armour Road.

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

- There is no intention of developing the severed lands to the south as a Plan of Condominium.
- They acknowledge that a condition of consent approval is Site Plan Approval.

In response to questions from the Committee, Sarah Reeve, representing Skyline Real Estate Holdings Inc. advised as follows:

- The proposed severance is for bank financing. Both properties will be owned by a Skyline company and it is not proposed to be a condominium.
- Blanket easements will be registered on title in both company names, providing pedestrian and vehicular access.

Discussion

Robert Short expressed concern for the proposed line of severance and the potential in the future for complications if this proposal becomes a Plan of Condominium. He expressed concern related to cost sharing for maintenance.

Mauro DiCarlo noted that the staff report incorrectly refers to this property being on the south west corner of the intersection of Armour Road and Hunter Street East, it should read the south east corner.

Moved by Mauro DiCarlo

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.

Consent is granted to sever the southerly portion of the property as generally depicted on Schedule C of the Staff Report dated September 13, 2022 together with easements as requested, CONDITIONAL UPON THE FOLLOWING:

- i) Site Plan approval granted for the subject property,**
- 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-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 two years.**

5. File No., A32/22, 211 Hunter Street East

Tom Green left the meeting for this item and the associated file B06/22.

This matter relates to a minor variance application submitted by Marnie Saunders, D.M. Wills Associates Ltd., as applicant on behalf of Skyline Real Estate Holdings Inc., the owner of the property that is the subject of the application.

The purpose of the application is to seek relief from Section 259.3(d) of the Zoning By-law to increase the maximum lot coverage of open parking areas, driveways and vehicle movement areas from 35% to 40%.

Marnie Saunders, D.M. Wills Associates Ltd. attended the meeting and addressed the Committee as follows:

- She provided a summary of the two applications for the subject property.
- Representatives of the owners, Skyline Real Estate Holdings Inc are present this evening, Sarah Reeve and Carrie LaMarche.
- They are supportive of the recommendations of the Staff Report.

Christie Gilbertson, Planner, Policy and Research, advised that she had nothing further to add to the information presented in the Staff Report.

The Chair acknowledged that the Committee has received and reviewed a letter of support/concern from Dr. Kevin Kaller, Kawartha Orthodontics, the owner of the adjacent property at 336 Armour Road.

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

- The Site Plan Approval process will involve review of the Stormwater Management of the site. They will be required to meet the City's requirements for post development.
- Comments provided by Dr. Kaller were shared with the Planner, Urban Design with respect to the Site Plan Approval process.

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

- The Site Plan Approval process will be dealing with detailed stormwater management of the site.
- The maximum coverage for buildings on the site is 45%. The proposed development is 19% coverage. The proposed 5% increase in parking coverage should not have impact.
- A Global Stability Analysis Study and Retained Soil System Analysis Study have been conducted through the Site Plan Approval Process.

In response to questions from the Committee, Sarah Reeve, representing Skyline Real Estate Holdings Inc. advised as follows:

- They are proposing to have 10% of the parking spaces to be Electric Vehicle (EV) charging ready upon occupancy. Appropriate sizing and infrastructure will be installed to allow up to 50% EV charging stations in the future.

- In between towers A and B, the greenspace will be rooftop amenity space for the residents. The rooftops will have rental terrace units. Tower C will have a partial rooftop amenity space. From a grading perspective, additional greenspace above the parking between buildings B and C is not possible.
- Erosion and Sediment Control Plans have been developed through the Site Plan Approval Process to ensure they are not disrupting neighbouring properties.

In response to questions from the Committee, Carrie LaMarche, representing Skyline Real Estate Holdings Inc. advised as follows:

- They are prepared to be shovel ready before winter pending Site Plan Approval.
- They are aware of the conditions of testing requirements of the Ministry of the Environment and are thoroughly reviewing this matter with them.

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

- If a property has had a more commercial or manufacturing use on the property, then a Record of Site Condition would be required prior to issuing a building permit.

Discussion

Robert Short indicated concern with there being no compensation for the loss of open space via the green roofs or enhanced landscaping.

Mauro DiCarlo noted that the staff report incorrectly refers to this property being on the south west corner of the intersection of Armour Road and Hunter Street East, it should read the south east corner.

Moved by Mauro DiCarlo

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 both in the Staff Report and presentation, 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 a variance is granted to Section 259.3(d) of the Zoning By-law to increase the maximum lot coverage of open parking areas, driveways and vehicle movement areas from 35% to 40, PROVIDED THAT the construction related to this approval proceed substantially in accordance with the concept plan attached as Exhibit D to the Staff Report dated September 13, 2022.

6. File No., A31/22, 1003 Baker Street

This matter relates to a minor variance application submitted by Robert Desjardins and Rose Lowry, the owners of the property that is the subject of the application.

The purpose of the application is to seek relief from Section 7.2(e)(ii) of the Zoning By-law to reduce the minimum building setback from 7.6 metres to 6.1 metres to permit the construction of a new sunroom on top of the existing deck.

Robert Desjardins attended the meeting and addressed the Committee as follows:

- The owners are seeking a minor variance to permit the construction of a new sunroom on top of the existing deck.

Christie Gilbertson, Planner, Policy and Research, advised that she had nothing further to add to the information presented in the Staff Report, except to note an error in the Staff Report, wherein it indicates the setback being sought is 5.8 metres, when the actual setback being sought is 6.1 metres.

No one spoke in objection to the application and no written objections were received.

The Committee had no questions for Mr. Desjardins.

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 both in the Staff Report and presentation, 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 a variance is granted to Section 7.2(e)(ii) of the Zoning By-law to reduce the minimum building setback from 7.6 metres to 6.1 metres to permit the construction of a new sunroom on top of the existing deck. PROVIDED THAT the construction related to this approval proceed substantially in accordance with the concept plan attached as Exhibit A to the Staff Report dated September 13, 2022.

7. File No., A35/22, 605 Ashburnham Drive

This matter relates to a minor variance application submitted by Patrick Schillemat and Rebecca Schillemat, the owners of the property that is the subject of the application.

The purpose of the application is to seek relief from Section 6.11 (a) of the Zoning By-law to reduce the minimum building setback from a streetline from 6 metres to 1.8 metres to permit the construction of a 63 square metre detached garage 1.2 metres in front of the existing dwelling.

Patrick Schillemat attended the meeting and addressed the Committee as follows:

- The owners are seeking a minor variance to place a 63 square metre garage to provide an enclosed parking area for their vehicles.
- He had concerns about where the Centreline of Ashburnham Road is measured from. He indicated there is quite a buffer between Ashburnham Road proper and the subject property.

Rebecca Schillemat attended the meeting and addressed the Committee as follows:

- She indicated that the existing width of Ashburnham Drive would not need to be further widened and therefore, the garage would not impact future alignments.

The Chair acknowledged that the Committee has received and reviewed a letter of objection from Gail Kellar, owner of 619 Ashburnham Drive. Robert Short indicated that he did not receive a copy of the email, therefore the Chair read the letter into the record.

Christie Gilbertson, Planner, Policy and Research, clarified that Ashburnham Drive is comprised of two portions – the main part of Ashburnham Drive as well as a Layby local road associated with Ashburnham Drive. The setback requirement for this portion of Ashburnham Drive is 6 metres from the streetline.

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

- The plan was amended to ensure the garage door was widened to ensure that two vehicles can be parked.

Discussion

Mauro DiCarlo indicated that with the proposal, the vehicles would either have to be located within the garage or on the City property. He indicated there is a real potential for more vehicles to be on that property than what can be accommodated within the garage and therefore a City property encroachment issue is likely.

Robert Short indicated that he understands the applicants comments. He indicated that the matter at hand deals with the structure near a public street. The proposal reduces visibility, which has potential impact on other vehicles and the street.

Moved by Robert Short

That the application be denied 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 both in the Staff Report and presentation, the Committee determined that the variance is not minor and is not desirable for the appropriate development or use of the land. Therefore, the Committee concluded that the application should be denied as per the Staff Recommendation.

Therefore, the application for a minor variance is denied.

8. File No., A36/22, 557 Water Street

Mauro DiCarlo left the meeting for this item.

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

The purpose of the application is to seek relief the zoning bylaw to facilitate the renovation and an addition onto the existing semi-detached dwelling to convert it into a four-unit dwelling:

- a. Section 9.2(b) reduce the minimum lot area per dwelling unit from 230 square metres to 107 square metres per dwelling unit;
- b. Section 9.2(e)(i) reduce the minimum building setback from the west side lot line from 2.4 metres to 1.7 metres;
- c. Section 9.2(e)(ii) reduce the minimum building setback from the west side rear lot line from 9 metres to 2.2 metres;
- d. Section 9.2(f) increase the maximum building coverage from 35% to 54%

- existing is 48.18%;
- e. Section 9.2(g) increase the number of storeys to 3 storeys; and
- f. Section 6.11(a) to reduce the minimum building setback to the London Street streetline from 6 metres to 2.2 metres to allow the construction of the entrance to unit 3.

Aurel and Beshia Dervishi attended the meeting and addressed the Committee as follows:

- They are the new owners of the property and are seeking minor variances to convert the subject dwelling to a fourplex. They view the building as having a lot of potential.
- It is currently a duplex and was previously used as a rooming house. It has a lot of square footage.
- They have reviewed the Staff Report and the recommendations that were provided by staff.

Christie Gilbertson, Planner, Policy and Research, presented Staff comments with respect to the application on behalf of the Building and Planning Divisions of the Infrastructure and Planning Services Department, City of Peterborough. She indicated that following the publishing of the staff report, comments were provided by Urban Forestry. It is recommended that an additional condition be applicable due to the presence of trees on and near the property to comply the City's Tree By-law (21-074).

The Chair acknowledged that the Committee has received and reviewed letters of objection from Mary Thomas and Sally Wolf. Robert Short indicated that he did not receive a copy of the letters, therefore the Chair read the letters into the record.

The following persons attended the meeting and addressed the Committee in opposition to this application:

- i) Syd Birrell, Peterborough, ON
 - He has owned the house next door for 44 years. He is happy to see the improvement of the house beside his property but has some concerns.
 - He indicated that although he received a link to the staff report it did not function for him properly.
 - There are concerns with crossing Water Street and that parking is not addressed. There have been instances in the past where occupants of 557 Water Street would utilize parking on his property on London Street.

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

- The current building has 21 rooms. The proposed fourplex will have apartments one and two, having five bedrooms each and apartments three and four are the on the second floor and attic with four bedrooms each. This is a total of 18 bedrooms.
- Cash In Lieu of parking is not a Council decision. Council delegated approval to the Director of Planning. An agreement would need to be entered into with the City as well as payment for the four spaces not being provided. The Cash in Lieu rate is set annually.
- The intention of paying Cash in Lieu of Parking is raise funds to go towards developing additional parking resources in the City's Central Area.
- No comments were received from the Heritage Preservation Office. The need for a Heritage Impact Assessment was not identified.

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

- They are trying to move away from the rooming house use of the house. They have indicated that there could be families renting the property. There could be a four bedroom rented by two people.

Discussion

Robert Short has indicated concern with taking Cash in Lieu of Parking as many of the on-street parking spaces are occupied. He does not believe there is an on-street parking program in place along the street which would resolve parking issues. In looking at the proposal, parking is an immediate issue in the area. In the absence of parking, there will be issues for future tenants and neighbours. He thinks the application should be directed to Council for Zoning By-law Amendment to ensure parking is better regulated.

Stewart Hamilton indicated that the subject property is directly across the street from two designated heritage properties. He ididcated that it is typical that even though these are across the road, they are treated as adjacent properties in the past. There is a notion that the proposal cannot detract from the designated property, and that it would be appropriate to have review by the Heritage Preservation Office.

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 both in the Staff Report and presentation, 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) Section 9.2(b) reduce the minimum lot area per dwelling unit from 230 square metres to 107 square metres per dwelling unit;**
- b) Section 9.2(e)(i) reduce the minimum building setback from the west side lot line from 2.4 metres to 1.7 metres;**
- c) Section 9.2(e)(ii) reduce the minimum building setback from the west side rear lot line from 9 metres to 2.2 metres;**
- d) Section 9.2(f) increase the maximum building coverage from 35% to 54% existing is 48.18%;**
- e) Section 9.2(g) increase the number of storeys to 3 storeys; and**
- f) Section 6.11(a) to reduce the minimum building setback to the London Street streetline from 6 metres to 2.2 metres to allow the construction of the entrance to unit 3.**

PROVIDED THAT that the construction substantially proceed in accordance with the plans provided in Exhibit F to the September 13, 2022 Staff Report (save for the omission of the Water Street Parking Space), Conditional upon the Following:

- i. The owner entering into a development agreement with the City to satisfaction of the Planner, Urban Design. The development agreement will ensure the proposed built form is compatible with the neighbourhood and facilitates a functional site layout. The Development Agreement should consider but is not limited to the following;**
 - a. site concept plan which includes the location of walkways providing connection from city sidewalks to all entrances, parking areas, landscape enhancement along the street frontages including tree plantings; and**
 - b. Building Elevations illustrating all sides of the proposed structure;**
- ii. That a lot grading and drainage plan and a stormwater management brief is to be submitted in conjunction with the building permit application, to**

- the satisfaction of the Supervisor, Development Engineering;
- iii. Payment of parks levy for the two additional units;
- iv. Entering into a Cash in lieu of Parking Agreement and payment of Cash in lieu of parking to address the shortfall of 4 parking spaces on site.
- v. The submission of an Arborists report to the Urban Forestry Division that outlines the location of trees on and near the subject property, and the impacts on the trees by the proposed construction, and if required, the submission of a complete application for Injury or Destruction of Trees in compliance with Tree By-law 21-074.

9. **File No. B07/22, 851 Lily Lake Road**

This matter relates to a severance application submitted by Heather Salder, as applicant on behalf of Jackson Heights Developments Inc., the owner of the property that is the subject of the application.

The purpose of the application is to seek consent to sever a 10 metre wide servicing block to be added to the adjoining lands subject to Draft Approved Plan of Subdivision 15T-17503

Heather Sadler, Jackson Heights Developments Inc. attended the meeting and addressed the Committee as follows:

- The intention of the lot addition is to fulfill conditions of the Draft Plan Approval for the Subdivision to the south of the Subject Property.
- This is a technical matter to deal with the servicing block that will be transferred to the City. They have an offer of purchase and sale with a potential developer.

Christie Gilbertson, Planner, Policy and Research, presented Staff comments with respect to the application on behalf of the Building and Planning Divisions of the Infrastructure and Planning Services Department, City of Peterborough. She indicated that the required road widening is generally 2.13 metres across the frontage of the Subject Property. The applicant or their surveyor would need to seek direction for dimensions of the widening with Development Engineering.

The Chair acknowledged that the Committee has received and reviewed letters of objection from Maria Caravaggie and Jeannie Caravaggie, owners of 863 Lily Lake Road. Robert Short indicated that he did not receive a copy of the letters, therefore the Chair read the letters into the record.

The following person attended the meeting and addressed the Committee regarding this application:

- ii) Matthew Martin, Peterborough, ON
- He owns the property to the west of the subject property and is concerned about

the potential for flooding on his property.

- His concerns related primarily to the details pertaining to the Stormwater Management and the channel design that will be constructed in the 10 metre wide corridor.

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

- A copy of the preliminary stormwater management report can be shared with Mr. Martin.
- The developer would need to bear the costs associated with infrastructure upgrades.

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

- The detailed design would be prepared by the Developer's Engineer in close discussion with the City's Development Engineering.
- The Developer would be required to come up with a final design for the pond, ditch or structure that will carry the water from the pond to the ditch along Lily Lake Road.
- The outlet from the pond to the ditch and the details regarding the sufficiency of the existing ditch would be reviewed that the detailed design stage.

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.

Consent is granted to sever the westerly 10 metres of the subject property for the purposed of a lot addition, as generally depicted in Exhibit G of the September 13, 2022 Staff report, CONDITIONAL UPON THE FOLLOWING:

- 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 including road widening, which is approximately 2.13 metres the details of which are to be confirmed with Development Engineering. 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-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. Conveyance by the owner to the City, free of encumbrances and at no cost to the City, of the road widening as required per Section 5.4.2 of the Official Plan to be confirmed with Development Engineering;**
 - iv. That the applicant provide the Secretary-Treasurer with a draft of the Transfer/Deed of Land;**
 - v. The owner's solicitor shall provide an Undertaking to consolidate the severed lands with the property municipally known as 0 Fairbairn Street (specifically the lands to the south – 28458-0099 (LT)) and to provide a registered copy of the Application Consolidation. The consolidated parcels shall be considered as one lot and shall not be dealt separately, and Section 50 (3) or 50 (5) shall apply to any subsequent conveyance or transaction involving the parcel of land that is subject to this Consent application.**
 - vi. The owner's solicitor shall provide an Undertaking to submit the registered transfer for the easement in favour of the retained lands over the severed lands for pedestrian and vehicular access, stormwater management, grading and drainage, functional servicing, underground services for the parcel of land that is subject to this Consent application;**
 - vii. That if the above conditions are not satisfied within two years of the circulation of the Committee's decision that this consent will lapse.**
- 10. File No., A37/22, 941 Bamford Terrace**

This matter relates to a minor variance application submitted by Ashlee Prescott, D.G. Biddle & Associates Ltd., as applicant on behalf of 1013034 Ontario Inc., the owners of the property that is the subject of the application.

The purpose of the application is to seeking relief from Section 3.4.8(z) of the Zoning By-law to reduce the minimum separation of buildings on adjacent lots from 1.8 metres to 1.5 metres (east side of lot) to allow the construction of a new dwelling.

Ashlee Prescott, D.G. Biddle & Associates attended the meeting and addressed the Committee as follows:

- She provided a summary of how the proposal meets the four tests of a minor variance.

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:

- There is a Restrictive Covenant registered on title for the entirety of the Plan to ensure there are no obstructions, allowing the mutual use by the adjacent properties for maintenance and inspections of their dwellings.

Discussion

Stewart Hamilton expressed his appreciation for the letter in the application package from Peterborough Homes that mentions that rather than coming back for minor variances on all twenty-three homes that do not meet the setback regulations, they are narrowing and extending the homes so that they would all meet the requirements.

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 both in the Staff Report and presentation, 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, a variance is granted to allow Section 3.4.8(z) of the Zoning By-law to reduce the minimum separation of buildings on adjacent lots from 1.8 metres to 1.5 metres (east side of lot) to allow the construction of a new dwelling. PROVIDED THAT construction related to this approval proceed substantially in accordance with the concept plan attached as Exhibit H to the Staff Report dated September 13, 2022.

Conditional upon the following:

- i) **approval of Minor Variance file A38/22 22; and**
- ii) **The submission and approval of a revised lot grading and drainage plan to the satisfaction of the Supervisor of Development Engineering**

11. File No., A38/22, 943 Bamford Terrace

This matter relates to a minor variance application submitted by Ashlee Prescott, D.G. Biddle & Associates Ltd., as applicant on behalf of 1013034 Ontario Inc., the owners of the property that is the subject of the application.

The purpose of the application is to seeking relief from Section 3.4.8(z) of the Zoning By-law to reduce the minimum separation of buildings on adjacent lots from 1.8 metres to 1.5 metres (west side of lot) to allow the construction of a new dwelling

Ashlee Prescott, D.G. Biddle & Associates attended the meeting and addressed the Committee as follows:

- She provided a summary of how the proposal meets the four tests of a minor variance.

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:

- There is a Restrictive Covenant registered on title for the entirety of the Plan.to ensure there are no obstructions,allowing the mutual use by the adjacent properties for maintenance and inspections of their dwellings

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 both in the Staff Report and presentation, 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, a variance is granted to allow Section 3.4.8(z) of the Zoning By-law to reduce the minimum separation of buildings on adjacent lots from 1.8 metres to 1.5 metres (west side of lot) to allow the construction of a new dwelling. PROVIDED THAT construction related to this approval proceed substantially in accordance with the concept plan attached as Exhibit H to the Staff Report dated September 13, 2022.

Conditional upon the upon the following:

- i) Approval of Minor Variance file A37/22 22; and**
- ii) The submission and approval of a revised lot grading and drainage plan to the satisfaction of the Supervisor of Development Engineering.**

Minutes

Moved by Robert Short

That the minutes of the Committee of Adjustment hearing held on August 16, 2022 be approved.

“CARRIED”

Other Business

Denise Driscoll, Secretary-Treasurer advised that at the September 6, 2022 Council meeting, it was discussed that due to the upcoming election, the Committee of Adjustment members are to remain in their positions until successors have been appointed.

Next Meeting

The next meeting of the Committee of Adjustment is scheduled for Tuesday, October 11, 2022.

Adjournment

The meeting was adjourned at 8:18 p.m.

Stewart Hamilton, Chair

Denise Driscoll, Secretary-Treasurer