

DRAFT



City of
Peterborough

Committee of Adjustment Minutes

October 11, 2022

Draft Minutes Not Approved

Minutes of an Electronic Meeting of Committee of Adjustment held on Tuesday, October 11, 2022 at 6:00 p.m.

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

Also Present: Christie Gilbertson, Planner, Policy and Research
Andrea Stillman, Zoning Administrator
Denise Driscoll, Secretary-Treasurer
Alexey Shcherbin, 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 Nos. B05/22, A26/22 and A27/22, 478 Downie Street

This matter relates to a severance application and two accompanying minor variance applications submitted by Kevin M. Duguay, as the applicant on behalf of 1587391 Ontario Inc., the owner of the property that is the subject of the application.

Kevin Duguay attended the meeting and addressed the Committee as follows

- They are very close to finalizing an updated Draft Reference Plan

Moved by Claude Dufresne

That the applications B05/22, A26/22 and A27/22 be deferred Sine die.

“CARRIED”

2. File No., A40/22, 36 Kawartha Heights Boulevard

The Applicants for File Number A40/22 36 Kawartha Heights Boulevard were not present at the time this item was called. The Committee decided to move their item to later in the agenda to allow the Applicants to join the meeting.

3. File No. A41/22, 827 Sherbrooke Street

This matter relates to a minor variance application submitted by Kevin Duguay, KMD Planning Inc., as applicant on behalf of M.U. Holdings, the owners of the property that is the subject of the application.

The purpose of the application is to seek to modify Schedule A to Section 248 (SP.218) of the Zoning By-law to reflect the proposed construction of an enclosed building entrance with interior lift device for barrier free access.

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

- The owners are seeking a minor variance in order to replace an exterior wooden accessible barrier free ramp with a permanent enclosed feature that will include a mechanical lift for riding barrier free access to the basement and main level of the existing clinic
- The schedule appended to the City's Zoning By-law does not recognize the existing non-conforming wooden ramp and would not recognize the proposed permanent replacement structure.

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

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

Moved by Mauro DiCarlo

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

“CARRIED”

Decision

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

Having reviewed the application and considered the information presented in the Staff Report, the Committee determined that the application should be approved as per the Staff Recommendation and that the 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 modify Schedule A to Section 248 (SP.218) of the Zoning By-law to reflect the proposed construction of an enclosed building entrance with interior lift device for barrier free access. PROVIDED THAT the construction related to this approval proceed substantially in accordance with the concept plan attached as Exhibit B to the Staff Report dated October 11, 2022

CONDITIONAL UPON the approval of a Site Plan amendment.

4. File No. B08/22, 516 Hopkins Avenue

This matter relates to a severance application submitted by Kevin Duguay, KMD Planning Inc., as applicant on behalf of Kyle Johnston and Anne Brouwers, the owners of the property that is the subject of the application.

The purpose of the application is to seek consent to sever the westerly 9.3 metres to facilitate a new residential building lot on the retained lands. To satisfy the requirements of the Zoning By-law, the applicant is also seeking relief from the Zoning By-law in two separate applications

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

- The Applicants are seeking to construct a new single detached dwelling on the retained lands to accommodate their growing family.

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 two letters of support of the Application from the following:

- Faiz and Ashley Arshad – Peterborough
- Phil Abbott - Peterborough

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

- There is currently no recommendation of a road widening conveyance.
- The new dwelling will occupy a fair amount of visual space, Staff want to ensure the building orients towards the street. There are key components to be accounted for in the overall look and feel of the new dwelling
- Staff are looking into a Development Agreement to be entered into which is

distinct from a site plan agreement.

- The Official Plan does speak to local streets having a desired 20 meter width and in the case of Hopkins Avenue, it is 15 meters in width.
- The City's Zoning By-law factors in mass and scale when going from a single story to a two-storey dwelling. By being smaller in scale it can occupy a larger footprint. The zoning by-law then reduces the lot coverage when you add a second storey dwelling.
- The idea behind the Development Agreement is that it be a fulfillable condition within 2 years. The idea behind the agreement is to buy time for the Applicant and to compel any future developer to do what the Committee has imposed.

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

- The owners are very eager to construction on the new dwelling on the property they own. They intend to build and live next door.

Discussion

Robert Short discussed that in terms of lot coverage, 45% or 40% is not going to be noticeable. When considering a bungalow, it is larger and has greater water run off. The Applicants have provided the rear yard in accordance with the By-law and it doesn't increase stormwater runoff.

Claude Dufresne indicated he agreed with the discussion. Tom Green also indicated he agreed with the increase in lot coverage and that a development agreement would ensure the building's compatibility and would cover the concerns discussed.

Robert Short advised he would move the recommendations set out by the Staff Report save and accept the requirement for the Applicants to enter into a development agreement with the City. A review can be conducted by Staff without an agreement at the expense of the Applicant.

Mauro DiCarlo was concerned that the Applicant may decide to sell of both lots with the granted variance. This essentially allows the homeowner to not only not build on the property, but profit by providing a more generous footprint for the property to subsequent owner of that property.

Moved by Robert Short

That the application be approved in accordance with the recommendation in the Staff Report with the revision to clause viii to remove the requirement for a development agreement.

"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.

In that the severed and retained parcels conform to the Official Plan policy and File numbers A42/22 and A43/22 address deficiencies from the Zoning By-law, consent is granted to sever the westerly 9.3 metres to facilitate a new residential building lot on the retained lands. PROVIDED THAT the approval proceeds in accordance with the Site Plan attached as Exhibit D of the Staff Report dated October 11, 2022.

CONDITIONAL UPON THE FOLLOWING:

- i) Approval of Minor Variance Applications A42/22 and A43/22 associated with the proposed severed and retained lands;**
- ii) Payment of Tree Levy in the Amount of \$332.02;**
- iii) Payment of a Parks Levy in an amount to be determined by the Parks Levy Review Committee;**
- iv) Relocation and establishment of a new driveway on the severed lands to the satisfaction of Public Works and Development Engineering, including the reinstatement of the curb and landscaping, at the owner's expense;**
- v) Receipt of confirmation that the rear shed and portion of the deck on the east side of the existing dwelling as depicted on Exhibit C has been demolished or otherwise removed through the appropriate permits from the Building Department to the satisfaction of the Chief Building Official;**
- vi) A lot grading and drainage plan is to be submitted for each lot (retained and severed), to the satisfaction of the Supervisor, Development Engineering;**
- vii) Receipt of a Servicing Plan to the satisfaction of the Supervisor, Development Engineering or their designate, to confirm the existing sanitary and water servicing does not cross the line of severance;**
- viii) That building plans be provided for approval by the Planner of Urban Design to ensure compatibility of the building with other buildings in the neighbourhood and that the construction related to this approval proceed substantially in accordance with the approved plans and elevations;**
- ix) A stormwater management brief is to be submitted for the retained lands. The stormwater management brief is to provide an overview of the quantity and quality controls required as a result of the proposed development exceeding the maximum permitted lot coverage, as well as**

Low Impact Development or other Stormwater Management features to be implemented to maintain post to predevelopment flows;

- x) 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**
- xi) 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.**
- xii) That the applicant provide the Secretary-Treasurer with a draft of the Transfer/Deed of Land.**
- xiii) That if the above conditions are not satisfied within two years of the circulation of the Committee's decision that this consent will lapse.**

5. File No. A42/22, 516 Hopkins Avenue

This matter relates to a minor variance application submitted by Kevin Duguay, KMD Planning Inc., as applicant on behalf of Kyle Johnston and Anne Brouwers, the owners of the property that is the subject of the application

The purpose of the application is to seek the following relief from the Zoning By-law to facilitate the construction of a new two storey dwelling with attached garage on the retained lands resulting from B08/22:

- a) Section 3.4.1(m) to reduce the minimum lot area from 465 square metres to 248.8 square metres;**
- b) Section 3.4.2(m) to reduce the minimum lot width from 15 metres to 9.01 metres;**
- c) Section 7.2(f)(2) to increase the maximum building coverage for a two-storey dwelling from 40% to 44%;**
- d) Section 7.2(d) to reduce the minimum lot depth from 30 metres to 27.59 metres to recognize the existing deficient lot depth;**

- e) Section 4.3.1(b) (i) to permit one of the two required parking spaces to have the required length reduced from 5.7 metres to 5.52 metres.

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 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 to facilitate the construction of a new dwelling on the retained lands associated with file B08/22:

- a) Section 3.4.1(m) to reduce the minimum lot area from 465 square metres to 248.8 square metres;
- b) Section 3.4.2(m) to reduce the minimum lot width from 15 metres to 9.01 metres;
- c) Section 7.2(f)(2) to increase the maximum building coverage for a two-storey dwelling from 40% to 44%;
- d) Section 7.2(d) to reduce the minimum lot depth from 30 metres to 27.59 metres to recognize the existing deficient lot depth;
- e) Section 4.3.1(b) (i) to permit one of the two required parking spaces to have the required length reduced from 5.7 metres to 5.52 metres.

CONDITONAL ON THE FOLLOWING:

- i) **Submission of the registered Transfer/Deed of Land related to File Number B08/22;**
- ii) **That the Owner contact the City's Urban Forestry Division (treebylaw@peterborough.ca) to determine how the Owner will comply with the City's Tree Removal By-law 21-074;**

iii) **The Submission of a Lot Grading and Drainage plan to the satisfaction of the Supervisor, Development Engineering; and**

iv) **Confirmation from Peterborough Utilities Group of payment of any applicable Development and/or Frontage Charges**

6. File No. A43/22, 516 Hopkins Avenue

This matter relates to a minor variance application submitted by Kevin Duguay, KMD Planning Inc., as applicant on behalf of Kyle Johnston and Anne Brouwers, the owners of the property that is the subject of the application.

The purpose of the application is to seek the following relief from the Zoning By-law to facilitate application B08/22:

- a) Section 3.4.1(m) to reduce the minimum lot area from 465 square metres to 257.3 square metres;
- b) Section 3.4.2(m) to reduce the minimum lot width from 15 metres to 9.2 metres;
- c) Section 7.2(d) to reduce the minimum lot depth from 30 metres to 27.6 metres to recognize the existing deficient lot depth; and
- d) Section 6.11(b) to reduce the minimum building setback from a local street having a width of 20 metres or less from having the same stance from the streetline as any existing building on an adjoining lot to 1.3 metres to allow the relocation of stairs from the side of the porch to the front.

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 to facilitate the location of the existing dwelling on the severed lands associated with file B08/22:

- a) Section 3.4.1(m) to reduce the minimum lot area from 465 square metres to 257.3 square metres;
- b) Section 3.4.2(m) to reduce the minimum lot width from 15 metres to 9.2 metres;
- c) Section 7.2(d) to reduce the minimum lot depth from 30 metres to 27.6 metres to recognize the existing deficient lot depth; and
- d) Section 6.11(b) to reduce the minimum building setback from a local street having a width of 20 metres or less from having the same stance from the streetline as any existing building on an adjoining lot to 1.3 metres to allow the relocation of stairs from the side of the porch to the front.

CONDITIONAL UPON the submission of the registered Transfer/Deed of Land to the related to File Number B08/22:

7. File No. A40/22, 36 Kawartha Heights Boulevard

This matter relates to a minor variance application submitted by Bradley Hale and Alyssa Park, the owners of the property that is the subject of the application.

The purpose of the application is to seek the following relief from the Zoning By-law to facilitate the construction of a new one storey addition on the north side of the dwelling:

- a) Section 6.11(a) to reduce the minimum building setback from a local streetline having a width of 20 metres or more from 6 metres to 3.3 metres; and
- b) Section 7.2(f)(2) to increase the maximum building coverage by a two-storey dwelling from 40% to 42%.

Bradley Hale and Alyssa Park attended the meeting and addressed the Committee as follows:

- They are seeking a minor variance in order to create a family friendly home. They are hoping to start a family and require more living space. The neighborhood is perfect, and they have no desire to move.

Christie Gilbertson, Planner, Policy and Research, advised that she had nothing further to add to the information presented in the Staff Report, but wanted to give the Applicants an opportunity to review the Staff Report and Conditions set out therein. She read the recommendations and conditions outlined in the Staff Report for the Applicants.

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

- They have no plans to do anything with the deck or porches.

Discussion

Robert Short suggested that building plans be submitted for approval by the Planner of Urban Design to ensure compatibility of the building with other buildings in the neighborhood with approval to proceed substantially in accordance with the approval of plans and elevations.

Mauro DiCarlo wanted to ensure the Applicants understand that the conditions that are being put into place may involve them incurring further costs to complete the proposed extension on the property. Costs relating to tree removal and replacement, or their hydro lines. The Applicants advised they are aware of the possibility of extra costs and are prepared for that.

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 variances are granted as follows:

- a) **Section 6.11(a) to reduce the minimum building setback from a local streetline having a width of 20 metres or more from 6 metres to 3.3 metres; and**
- b) **Section 7.2(f)(2) to increase the maximum building coverage by a two-storey dwelling from 40% to 42%.**

PROVIDED THAT construction related to this approval proceed substantially in accordance with the concept plan attached as Exhibit A to the Staff Report dated October 11, 2022

CONDITIONAL UPON THE FOLLOWING:

- i) **Submission of a Lot Grading and Drainage plan to the satisfaction of the Supervisor, Development Engineering;**
- ii) **Submission of a Stormwater Management Brief in conjunction with the building permit application to the satisfaction of the Supervisor, Development Engineering;**
- iii) **Provision of written confirmation from Hydro One that the proposed structure can meet their separation distance requirements from the overhead wires; and**
- iv) **That the Owner contact the City's Urban Forestry Division (treebylaw@peterborough.ca) to determine how the Owner will comply with the City's Tree Removal By-law 21-074**

8. File No. A44/22, 23 Manning Avenue

This matter relates to a minor variance application submitted by Garnet Northey, Spotlight Home and Lifestyle, as applicant on behalf of John Cole and Johanna Cole, 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)(i) of the Zoning By-law to reduce the minimum building setback from the east side lot line from 1.2 metres to 0 metres to permit the replacement and expansion of the existing single storey garage.

Garnet Northey attended the meeting and addressed the Committee as follows:

- The owners are seeking a minor variance to accommodate their growing family and replace a garage that is past it's serviceability and will present a safety concern in the coming years.
- The owners wish to extend the depth of the garage to accommodate a vehicle and to provide additional living space with the addition of a second storey on the garage
- The owners have submitted a letter that several of the neighbors have signed supporting the proposed changes.

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

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

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

- The Building Division will not issue a permit that would involve the overhang of

an eave onto another property.

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

- The width of the garage is to the exterior wall which is the same footprint as the current garage
- The final design will not contemplate anything overhanging or encroaching onto the neighboring property. The final design and construction drawings will reflect that when submitted for permit.

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 7.2(e)(i) of the Zoning By-law to reduce the minimum building setback from the east side lot line from 1.2 metres to 0 metres to permit the replacement and expansion of the existing single storey garage that sits on the lot line, PROVIDED THAT construction related to this approval proceeds substantially in accordance with the concept plan attached as Exhibit D of the Staff Report dated October 11, 2022.

CONDITIONAL UPON THE FOLLOWING:

- i) The submission of a lot grading and drainage plan to the satisfaction of the Supervisor, Development Engineering; and
- ii) That the Owner contact the City's Urban Forestry Division (treebylaw@peterborough.ca) to determine how the Owner will comply with the City's Tree Removal By-law 21-074.

9. File No. A45/22, 49 Robinson Street

This matter relates to a minor variance application submitted by Laurie Young, JL Young Design and Drafting, as applicant on behalf of Tino Montopoli and Christine

Maloley, the owners of the property that is the subject of the application.

The purpose of the application is to seek the following variances from the Zoning By-law to facilitate the construction of a new two-storey dwelling:

- a) 7.2(e)(ii) to reduce the minimum building setback from a rear lot line from 7.6 metres to 3.9 metres to construct a below grade basement stair; and
- b) 7.2(f)(ii) to increase the maximum building coverage by a two-storey dwelling from 40% to 41%.

Laurie Young attended the meeting and addressed the Committee as follows:

- The owners are seeking a minor variance in order to allow for a landing at the bottom of the stairs. There was an error in the previous Site Plan that did not include the landing.

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

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 variances are granted as follows:

- a) **Section 7.2(e)(ii) to reduce the minimum building setback from a rear lot line from 7.6 metres to 3.9 metres to construct a below grade basement stair; and**
- b) **Section 7.2(f)(ii) to increase the maximum building coverage by a two-storey dwelling from 40% to 41%.**

PROVIDED THAT this approval proceeds substantially in accordance with the concept plan attached as Exhibit E of the Staff Report dated October 11, 2022

CONDITIONAL UPON THE FOLLOWING:

- i) The submission of an updated lot grading and drainage plan to the satisfaction of the Supervisor, Development Engineering that reflects the revised footprint of the stairs; and**
- ii) That the Owner contact the City's Urban Forestry Division (treebylaw@peterborough.ca) to determine how the Owner will comply with the City's Tree Removal By-law 21-074**

10. File No. B09/22, 674 Otonabee Drive

This matter relates to a severance application submitted by Kevin Duguay, KMD Planning Inc., as applicant on behalf of Roger Sweeting Jr. and Roger Sweeting Sr., the owners of the property that is the subject of the application.

The purpose of the application is to seek consent sever the northerly 12.19 metres to facilitate a new residential building lot on the severed lands

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

- Kevin Duguay confirmed he has reviewed the Staff Report and is supportive of the recommendations regarding the Severance Application and it's associated Applications for Minor Variances

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 opposition from Elaine Hopkins, the owner of the adjacent property at 680 Otonabee Drive.

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

- Kevin Duguay advised that the property to the north at 680 Otonabee Drive will still have appropriate driveway access to their property, they are delineating driveway access so that it will no longer travel across that of 674 Otonabee Drive.

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.

In that the severed and retained parcels conform to the Official Plan policy and File numbers A46/22 and A47/22 address deficiencies from the Zoning By-law, consent is granted to sever the northerly 12.19 metres to facilitate a new residential building lot on the severed lands.,

CONDITIONAL UPON THE FOLLOWING:

- i) Approval of Minor Variance Applications A46/22 and A47/22;**
- ii) Payment of a Parks Levy in an amount to be determined by the Parks Levy Review Committee;**
- iii) Payment of a Tree Levy in the amount of \$433.07;**
- iv) Receipt of a Servicing Plan to the satisfaction of the Supervisor, Development Engineering or their designate, to confirm the existing sanitary and water servicing is located on the retained lands;**
- v) Receipt of confirmation that the vinyl shed depicted on Exhibit F has been demolished or otherwise removed through the appropriate permits from the Building Department if applicable, to the satisfaction of the Chief Building Official;**
- vi) That a stormwater management brief is to be submitted for the retained lands to the satisfaction of the Supervisor of Development Engineering. The stormwater management brief is to provide an overview of the quantity and quality controls required as a result of the proposed development exceeding the maximum permitted lot coverage, as well as Low Impact Development or other Stormwater Management features to be implemented to maintain post to pre development flows.**
- vii) Confirmation that the driveway and vehicular movement areas on the retained lands have been reduced in size to comply with the minor variance relief sought in Application A47/22;**
- viii) 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 of 3.048 metres across the frontage of the subject lands. 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;**

- ix) **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.**
- x) **Conveyance by the owner to the City, free of encumbrances and at no cost to the City, of the 3.048-metre road widening;**
- xi) **That the applicant provide the Secretary-Treasurer with a draft of the Transfer/Deed of Land.**
- xii) **That if the above conditions are not satisfied within two years of the circulation of the Committee's decision that this consent will lapse.**

11. File No. A46/22, 674 Otonabee Drive

This matter relates to a minor variance application submitted by Kevin Duguay, KMD Planning Inc., as applicant on behalf of Roger Sweeting Jr. and Roger Sweeting Sr., the owners of the property that is the subject of the application.

The purpose of the application is to seek the following relief from the Zoning By-law to facilitate the construction of a new residential dwelling on the severed lands resulting from B09/22:

- a) Section 3.4.2(m) to reduce the minimum lot width from 15 metres to 12 metres; and
- b) Section 3.4.4(e) to reduce the minimum lot depth from 45 metres to 42 metres to recognize the existing lot depth.

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 variances are granted as follows:

- a) A variance to Section 3.4.2(m) to reduce the minimum lot width from 15 metres to 12 metres; and**
- b) A variance to Section 3.4.4(e) to reduce the minimum lot depth from 45 metres to 42 metres to recognize the existing lot depth.**

CONDITIONAL UPON THE FOLLOWING:

- i) Submission of the registered transfer/Deed of Land related to File Number B09/22; and**
- ii) Confirmation from Peterborough Utilities Group of payment of any applicable Development and/or Frontage Charges.**

12. File No. A47/22, 674 Otonabee Drive

This matter relates to a minor variance application submitted by Kevin Duguay, KMD Planning Inc., as applicant on behalf of Roger Sweeting Jr. and Roger Sweeting Sr., the owners of the property that is the subject of the application.

The purpose of the application is to seek the following relief from the Zoning By-law to facilitate the severance resulting from B09/22:

- a) Section 7.2(j) increase the maximum lot coverage by open parking areas, driveways and vehicle movement areas from 20% to 30% to reflect the existing driveway, less the area proposed to be converted into amenity space;**
- b) Section 6.18 as follows to recognize the existing residential accessory structure:**
 - i. Increase the maximum coverage from 10% to 20%; and**
 - ii. Reduce the minimum distance to the south side lot line from 0.6 metres to 0.47 metres.**

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, variances are granted as follows:

- a) A variance to Section 7.2(j) increase the maximum lot coverage by open parking areas, driveways and vehicle movement areas from 20% to 30% to reflect the existing driveway, less the area proposed to be converted into amenity space;**
- b) Variances to section 6.18 as follows to recognize the existing residential accessory structure:**
 - iii. Increase the maximum coverage from 10% to 20%; and**
 - iv. Reduce the minimum distance to the south side lot line from 0.6 metres to 0.47 metres.**

CONDITIONAL UPON submission of the registered transfer/Deed of Land related to File Number B09/22

13. File No. A48/22, 194 Sophia Street

This matter relates to a minor variance application submitted by Scott Donovan, Lett Architects Inc, as applicant on behalf of 1297135 Ontario Inc., the owners of the property that is the subject of the application.

The purpose of the application is to seek relief from Section 47.2(c) of the Zoning By-law to allow the interruption of the 6-metre landscaped open space along the south side of the subject property to facilitate a screened driveway entrance to a loading area.

Scott Donovan attended the meeting and addressed the Committee as follows:

- The owners are seeking a minor variance in order to combine the pedestrian entrance with a turnaround to allow for vehicle access to pick up bins as they are filled. The intention of the design is to build up the berm so that the bins and lab entrance are not visible from the street

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:

- There are canopies over both the main entrance and the lab entrance with lighting under the canopies

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 47.2(c) of the Zoning By-law to allow the interruption of the 6-metre landscaped open space along the south side of the subject property to facilitate a screened driveway entrance to a loading area, PROVIDED THAT the construction related to this approval proceed substantially in accordance with the concept plan attached as Exhibit G to the Staff Report dated October 11, 2022 and CONDITIONAL UPON approval of a minor Site Plan Amendment.

14. File No. A49/22, 251 Swanston Avenue

The Applicants had been present earlier in the meeting, however have since left. The Secretary Treasurer attempted to contact the Applicants, but they were unavailable to answer the call.

The Committee members decided to move on to the next item to allow the Applicants an opportunity to join the meeting.

15. File No. A50/22, 1003 Clonsilla Avenue

This matter relates to a minor variance application submitted by Brian Buchardt as

applicant on behalf of H. Owen Investments, the owner of the property that is the subject of the application.

The purpose of the application is to seek relief from Section 16.3(c) of the Zoning By-law to reduce the minimum building setback from a rear lot line from 9 metres to 2 metres to facilitate the construction of a detached ambulance garage north of the existing main building.

Brian Buchardt attended the meeting and addressed the Committee as follows:

- The owners are seeking a minor variance in order to construct an 8 bay garage to accommodate 8 compact SUV ambulances

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.

Discussion

Robert Short indicated that it has been the Committee's practice in the past to limit the area requiring an archeological assessment to the area of disturbance.

Moved by Robert Short

That the application be approved in accordance with the recommendation in the Staff Report, with a modification to condition clause iii to limit the archeological assessment to the area of disturbance.

"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, as modified, 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 16.3(c) of the Zoning By-law to reduce the minimum building setback from a rear lot line from 9 metres to 2 metres to facilitate the construction of a detached ambulance garage north of the existing main building, PROVIDED THAT the construction related to this approval proceed substantially in accordance with the concept plan attached as Exhibit I in the

Staff Report dated October 11, 2022.

CONDITIONAL UPON THE FOLLOWING:

- i) **Approval of the amendment to the Site Plan Agreement;**
- ii) **Submission of a lot grading and drainage plan in conjunction with the building permit application; and**
- iii) **Completion of a Stage 1 Archeological Assessment, limited to the area of disturbance, and if required, subsequent Archeological Assessments, to the satisfaction of the Heritage Preservation Office, prior to the issuance of a building permit File No. A51/22, 727 Lock Street.**

This matter relates to a minor variance application submitted by Keith Kissel, as applicant on behalf of Vladimir Akopyan and Marina Palatkina, the owners of the property that is the subject of the application.

The purpose of the application is to seek relief from Section 6.18 of the Zoning By-law to increase the maximum coverage of a residential accessory building from 10% to 13% to permit the construction of a new 54 square metre two-vehicle garage, replacing the existing single-vehicle garage.

Keith Kissel attended the meeting and addressed the Committee as follows:

- The owners are seeking a minor variance to replace the existing structure with a new structure

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 advised as follows:

- Since Wilson Street is a local street less than 20 meters in width, the applicable set back from the streetline is the prevailing setback of 206 Wilson Street. The plans indicate that they are in compliance with the zoning requirement.

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 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 6.18 of the Zoning By-law to increase the maximum coverage of a residential accessory building from 10% to 13% to permit the construction of a new 54 square metre two-vehicle garage, replacing the existing single-vehicle garage, PROVIDED THAT the construction related to this approval proceed substantially in accordance with the concept plan attached as Exhibit J to the Staff Report dated October 11, 2022.

CONDITIONAL UPON THE FOLLOWING:

- i) **Submission and approval of a lot grading and drainage plan to the satisfaction of the Supervisor, Development Engineering, in conjunction with the building permit application; and**
- ii) **That the Owner contact the City's Urban Forest Division (treebylaw@peterborough.ca) to determine how the Owner will comply with the City's Tree Removal By-law 21-074.**

16. File No. A49/22, 251 Swanston Avenue

This matter relates to a minor variance application submitted by Matt Paige and Taysha Paige, 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 the streetline having a width of 20 metres or more from 6 metres to 3.7 metres (to the stairs) to facilitate the construction of a covered, unenclosed front porch across the front of the dwelling

The Applicants were still unavailable at the time this item was recalled. The Chair called for a motion to proceed in their absence as the application was straightforward and no objections had been received from Staff or the public:

Moved by Mauro DiCarlo

That the Committee of Adjustment consider the application in the absence of the Applicants.

CARRIED.

Alexey Shcherbin, Assistant Planner addressed the Committee as follows,

- There is a small platform at the front of the dwelling. The Applicants are looking to have this removed and construct a covered veranda across the front of the dwelling.

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

Moved by Tom Green

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 6.11(a) of the Zoning By-law to reduce the minimum building setback from the streetline having a width of 20 metres or more from 6 metres to 3.7 metres (to the stairs) to facilitate the construction of a covered, unenclosed front porch across the front of the dwelling, PROVIDED THAT construction of the verandah proceed substantially in accordance with the elevations and plans attached as Exhibit H in the Staff Report dated October 11, 2022 and CONDITIONAL UPON the Owner contacting the City's Urban Forest Division (treebylaw@peterborough.ca) to determine how the Owner will comply with the City's Tree Removal By-law 21-074

Minutes

Moved by Robert Short

That the minutes of the Committee of Adjustment hearing held on September 13, 2022 be approved.

“CARRIED”

Other Business

The proposed 2023 Committee of Adjustment schedule was reviewed by the

Committee. The Committee considered a written refund request from the applicants for 645 River Road South (file number A34/22):

- The members considered the time spent by Staff on the application and Committee of Adjustment applications are heavily subsidized by the taxpayers.
- The applicants retained someone to assist them with the process, perhaps too late in the process.
- Mauro DiCarlo indicated that the Application fee is for processing the Application in the early stages, not at the hearing stage.
- Members accepted the withdrawal of the Application, that the file be closed and would not recommend the refund of the Application fee.

Moved by Robert Short

That the request for a refund associated with File number A34/22 for 645 River Road South be denied.

“CARRIED”

Next Meeting

The next meeting of the Committee of Adjustment is scheduled for Tuesday, November 22, 2022.

Adjournment

The meeting was adjourned at 7:58 p.m.

Stewart Hamilton, Chair

Denise Driscoll, Secretary-Treasurer