



City of  
**Peterborough**

## **Committee of Adjustment Minutes**

**August 16, 2022**

Minutes of an Electronic Meeting of Committee of Adjustment held on Tuesday, August 16, 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  
Alexey Shcherbin, Assistant Planner

Committee of Adjustment was called to order at 6:02 p.m.

### **Disclosure of Pecuniary Interest**

Mauro DiCarlo declared an interest in item numbers 4b (A25/22 – 61 Ridgewood Court) and 4.f (A30/22 - 745 Lansdowne Street West).

### **Appointment of Secretary Treasurer**

Moved by Claude Dufresne

That the Committee of Adjustment appoint Denise Driscoll as Secretary Treasurer.

“CARRIED”

### **Applications**

1. **File Nos. B05/22, A26/22 and A27/22, 478 Downie Street**

This matter relates to a severance application 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.

The purpose of Consent application B05/22 is to sever the southern portion of the subject property to create a new parcel having 24.67 metres frontage along Downie Street. The applicant is also seeking consent for a vehicle right of way to be located on the proposed retained lands in favour of the proposed severed lot.

The purpose of the Minor Variance application A26/22 is to reduce the minimum width of landscaped open space required to be established and maintained along all lot lines of the retained lands except where interrupted by driveways from 3 metres to 0 metres for the south lot line.

The purpose of the Minor Variance Application A27/22 is to reduce, for the severed lands, the minimum lot depth from 30 metres to 25.4 m; the minimum width of landscaped open space required to be established and maintained along all lot lines except where interrupted by driveways from 3 metres to 0 for the street line and the eastern/south lot lines to reflect the existing conditions; and the minimum building setback from the Downie Street Streetline from 6 metres to 0 metres.

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

- He has discussed the recommendation with the property owner and agrees with the staff recommendation to defer the application until October 11, 2022; and,
- He has already undertaken preparation of supplementary information to address comments raised in the agency and department comments.

Moved by Robert Short

**That the applications be deferred to the October 11, 2022 hearing of the Committee of Adjustment to allow sufficient time for the applicant to meet with staff, provide the information that has been identified and revise the requests and the submission as needed.**

“CARRIED”

**2. File Nos. B04/22, A23/22 and A24/22, 631 Otonabee Drive**

This matter relates to a severance application submitted by Ron McCoy, the owner of the property that is the subject of the application.

The purpose of the Consent application B04/22 is to sever the southerly 9.74 metres from the subject property to create a new residential building lot.

The purpose of the Minor Variance Application A23/22 is to seek relief from Section 3.4.2.m of the Zoning By-law on the retained lands to reduce the minimum lot width from 15 metres to 14.64 metres to facilitate the creation of a new residential building lot

as described in B04/22.

The purpose of the Minor Variance Application A24/22 is to seek relief from Section 3.4.2.m of the Zoning By-law on the severed lands to reduce the minimum lot width from 15 metres to 9.74 metres to facilitate the creation of a new residential building lot as described in B04/22.

Ron McCoy attended the meeting and addressed the Committee as follows:

- He has reviewed the Staff Report;
- He is trying to sever a lot off a large city lot; and
- He is applying for two minor variances and a severance.

Christie Gilbertson, Planner, Policy and Research advised the Committee of an issue with the staff report wording for condition iii that would inhibit the applicant's ability to fulfill the condition and provided the Committee with revised wording for their consideration.

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 applicant has not proposed a specific building plan but has provided building plans of dwellings that could fit the setback requirements as a result of the narrower lot width.
- The submission came forward to account for the 1.2 metre required building setback from a side yard which would result from the proposed line of severance. The 9.74 metre wide lot accounts for the setback based on the survey provided by the applicant.

Moved by Mauro DiCarlo

**That the applications be approved in accordance with the recommendations in the Staff Report, with the inclusion of the revised condition iii as described by Staff and with the addition of one condition for Application A24/22: that any dwelling built cannot be closer than 1.2 metres to any side yard.**

"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, comments provided by Staff at the hearing and the application.

**In that the severed and retained parcels conform to the Official Plan policy and File numbers A23/22 and A24/22 address deficiencies from the Zoning By-law, consent is granted to sever the southerly 9.74 metres of the subject property to create a new lot for residential development, as generally depicted on Exhibit A (Page 1) of the Staff Report Dated August 16, 2022 CONDITIONAL UPON THE FOLLOWING:**

- i) The approval of the associated minor variance applications A23/22 and A24/12.**
- ii) The owner entering into an agreement with the City requiring that the building elevations and placement be approved by the Planner, Urban Design prior to issuance of building permits to ensure the new structure is compatible with the surrounding neighbourhood.**
- iii) Receipt of a Servicing Plan to the satisfaction of the Supervisor of Development Engineering or their designate, indicating that the sanitary sewer lateral for the existing dwelling does not cross the proposed severance line otherwise, if it does, the owner/applicant is required to relocate the service at their own cost. Services for the severed lot are to be approved at the building permit stage**
- iv) Payment of a parks levy in an amount to be determined by the Parks Levy Review Committee.**
- v) Payment of a tree levy in the amount of \$351.51.**
- vi) 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;**
- vii) 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.**
- viii) That the applicant provide the Secretary-Treasurer with a draft of the Transfer/Deed of Land.**
- ix) That if the above conditions are not satisfied within two years of the circulation of the Committee's Decision that this consent will lapse.**

### **Decision – A23/22**

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 as 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 3.4.2.m of the Zoning By-law to facilitate the creation of a lot outlined in B04/22 by reducing the minimum lot width from 15 metres to 14.64 metres, CONDITIONAL UPON the submission of the registered Transfer/Deed of Land related to File Number B04/22.**

### **Decision A24/22**

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. The Committee wanted to ensure that the eventual dwelling to be built on the new lot meet the side lot line building setback requirement of the Zoning by-law and therefore assigned a condition of approval to highlight the requirement for the 1.2 metre setback. The Committee has determined 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 3.4.2.m of the Zoning By-law to facilitate the creation of a lot outlined in B04/22 by reducing the minimum lot width from 15 metres to 9.74 metres, CONDITIONAL UPON THE FOLLOWING:**

- i) **The submission of the registered Transfer/Deed of Land related to File Number B04/22.**
  - ii) **Any dwelling built cannot be closer than 1.2 metres to any side lot line in accordance with Section 7.2 e) i) of the Zoning By-law .**
3. **File No., A25/22, 61 Ridgewood Court**

Mauro DiCarlo left the meeting for this item.

This matter relates to a minor variance application submitted by Jim Pitre, Lifestyle

Sunrooms Inc, as applicant on behalf of Jennifer Krumins and Ivars Krumins, 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 a rear lot line from 7.6 metres to 2.72 metres for a 14.21 square metre sunroom addition.

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

- He noted that they are seeking one minor variance for a proposed sunroom addition at the back of the dwelling; and
- He indicated they are in the process of obtaining their tree removal/injury permit from Urban Forestry.

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 in support to the application from the owners of the neighbouring property, 55 Ridgewood Court.

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

- The sunroom is the same footprint as the existing deck at the rear of the dwelling.

Moved by Tom Green

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

“CARRIED”

### **Decision**

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

Having reviewed the application and considered the information presented in the Staff Report, the Committee determined that the application should be approved as per the Staff Recommendation and that the 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 a rear lot line from 7.6 metres to 2.72 metres**

**to facilitate a 14.21 square metre sunroom addition PROVIDED THAT construction related to this approval proceed substantially in accordance with the concept plan attached as Exhibit B to the Staff Report Dated August 16, 2022 and CONDITIONAL UPON on the owner obtaining a tree removal/injury permit from Urban Forestry.**

**4. File No., A28/22, 33 Leahy's Lane**

Mauro DiCarlo returned to the meeting.

This matter relates to a minor variance application submitted by Aside Architects Inc. as applicant on behalf of Habitat for Humanity, the owner of the property that is the subject of the application.

The purpose of the application is to increase the maximum building coverage of lot area from 24% to 35% and to increase the maximum lot coverage by open parking areas, driveways and vehicle movement areas from 24% to 30% to facilitate the second phase of the Habitat for Humanity project at the subject property.

Neil Campbell, principal architect of Aside Architects Inc. attended the meeting and addressed the Committee as follows:

- This is a housekeeping matter to address the second Phase of the Habitat for Humanity affordable housing project which will add 12 units to the existing 41 units present at the property;
- The owners are seeking a minor variance to address a clerical error in the notice that went out for a previous variance application;
- The regulations in question were previously reduced without the request of the applicant and were processed in error;
- This project is permit ready and can be shovel ready in September pending Committee Approval.

Christie Gilbertson, Planner, Policy and Research, clarified that the application has come before the Committee due to an error in the processing of the Zoning By-law Amendment application in 2021 and not due to an error from the processing of a Minor Variance application.

The Chair acknowledged that the Committee received and reviewed a letter in objection from David Jeffrey, Peterborough.

The following person attended the meeting and addressed the Committee in regard to this application:

- i) Dr. Aiswarya Pradeep, Peterborough, ON

- Her property borders the subject property to the west and she is concerned about whether access to her property will be impacted by the proposal.

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

- Parking enforcement on Leahy's Lane would fall under parking by-law enforcement staff; and,
- Widenings along Parkhill Road East would have been determined through the Site Plan approval process based upon Official Plan Policy.

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

- There is a considerable building setback from the property line post widening; and,
- The setback requirement is from the Centreline of Parkhill Road.

In response to the concern from the neighbouring property owner the applicant advised as follows:

- Access to the subject property from Parkhill Road East will be formally removed and there will only be a fire route access along the north side of the Phase 2 building.

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:**

- a) A variance to section 3.9(.287)(iv) to increase the maximum building coverage of lot area from 24% to 35%; and**



- b) A variance to section 3.9(.287)(v) to increase the maximum lot coverage by open parking areas, driveways and vehicle movement areas from 24% to 30%.

**PROVIDED THAT construction related to this approval proceed substantially in accordance with the concept sketch attached as Exhibit E to the Staff Report dated August 16, 2022.**

**5. File No., A29/22, 519 Edison Avenue**

This matter relates to a minor variance application submitted by Aside Architects Inc., as the applicant on behalf of Global Point Logistics Inc., the owner of the property that is the subject of the application.

The purpose of the application is to reduce the minimum building setback from the rear lot line from 7.6 metres to 4.7 metres and to reduce the minimum building setback from a street line for a covered front porch from 4.56 metres (aligned with the neighbouring dwelling) to 2.67 metres to facilitate the construction of a two-storey dwelling with secondary suite.

The Chair acknowledged that the Committee has received and reviewed letters in objection to the application from the following:

- Hugh Mallon, Peterborough
- Jennifer Davis and Paul David, Peterborough
- Allison Houser, Peterborough

Neil Campbell, principal architect of Aside Architects Inc. attended the meeting and addressed the Committee as follows:

- He engaged in a preconsultation with the Planning Department May 30<sup>th</sup> and received comments June 15<sup>th</sup>. The proposed application is the more conservative option from what was presented to the department staff;
- The property is part of a larger parcel – 550 Braidwood Avenue – which is a large Commercial property that is subject to an active process to introduce multi unit residential to property;
- The Planning Department has requested two conditions be imposed to address the relationship between the subject property and 550 Braidwood Avenue prior to issuance of a building permit – a severance and a record of site condition;
- This is a modest lot with a proposed modest building consisting of a large one-bedroom basement/lower floor suite with lots of light and a raised ground floor (half a storey) to bring light into the lower level;

- This is an owner-occupied modestly sized dwelling that has been carefully designed and will be a good addition to the neighbourhood; and,
- The development will provide three parking spots and fencing.

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 clarified the following:

- The department is not requesting a severance as the lot is a separately conveyable lot in a Plan of Subdivision and can be transferred without consent from the Committee - the intent is that the applicant transfer the property to a different ownership entity to separate it from the ongoing Zoning By-law Amendment and Official Plan Amending applications at 550 Braidwood Avenue;
- The property is currently vacant and has not had a residential use established on it;
- It would fall on the Chief Building Official to determine whether a Record of Site Condition is required; and,
- Due to the information known about the connection of this property to the larger Commercial property, staff have flagged this property as requiring a Record of Site Condition prior to issuance of a building permit.

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

i) Jennifer Davis and Paul Davis, Peterborough, ON

- There is a subterranean water tank at the rear of the property and there used to be a propane enclosure on site. They are concerned about the alignment of the house with others on the street.

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

- The lot is an existing lot of record;
- If the Committee is concerned about the porch becoming enclosed, it may be advisable to consider a proviso that the porch remain unenclosed;
- There are limitations in terms of how the Zoning By-law is written with respect to projections, however, the Committee may consider language to specify the location of the house in relation to the porch at the front and stairs at the rear; and,

- Staff typically request that relief be conditional on the construction related to the approval proceeding substantially in accordance with the Exhibit considered in the staff report.

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

- She is not aware of the use of the vault however if there is an easement associated with it, a new building cannot be built upon it;
- The property file has been updated to flag that a Record of Site Condition is required prior to building permit issuance;
- The Building Division references the site plan from the Committee's Decision when the Zoning review is conducted for a building permit and therefore if the building permit drawings submitted do not align with the Committee's decision, the permit is not issued; and,
- She also suggested that it appears as though the Committee intends that the porch remain unenclosed, if so, this language should be carried forward into their decision.

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

- He is not aware of the use of the vault however it will be investigated as part of the Record of Site Condition process;
- The owner is not aware of an active service that comes from Edison Avenue to the larger site however it will be investigated and, if necessary, decommissioned property;
- The dwelling at 519 Edison Avenue will be in alignment with dwelling at 511 Edison Avenue – only the proposed covered porch will project beyond the building face;
- It is not the intention that the whole building and enclosed space be built to the full extent of the setback; and,
- The Committee could consider specifying that the allowable depth of the enclosed building could be identified as 14.33 metres to ensure that it aligns with the intent of the Committee.

## **Discussion**

The Committee considered the possibility of a fully enclosed building being built out to the to the full extent of the streetline and rear lot line setback relief for the unenclosed spaces. As building a fully enclosed structure to that extent would be contrary to the

intent of the application and possibly pose issues with neighbourhood compatibility, it was decided that specifying that the relief being sought is for the stairwell at the rear of the dwelling and an unenclosed covered porch at the front of the dwelling, having the effect of allowing an enclosed building depth of a maximum of 14.35 metres.

Moved by Robert Short

**That the application be approved in accordance with the recommendation in the Staff Report and that it be amended to specify that the relief from the rear lot line building setback is for the stairwell and the relief from streetline building setback is for the unenclosed covered porch, provided that the depth of the enclosed main building does not exceed 14.35 metres.**

**“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 as amended. The Committee determined 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(e)(i) reduce the minimum building setback from rear lot line from 7.6 metres to 4.7 metres to a stairwell at the rear of the dwelling.**
- b) A variance to section 6.11(b)(ii) on a street having a width of less than 20 metres, the setback for an unenclosed covered front porch is being reduced from aligning with the neighbouring dwelling (4.56 metres) to 2.67 metres.**

**PROVIDED THAT:**

- i) Construction related to this application proceed substantially in accordance with the concept plan attached as Exhibit F to the Staff Report Dated August 16; and**
- ii) The depth main enclosed building does not exceed 14.35 metres.**

**and CONDITIONAL UPON THE FOLLOWING:**

- i) **The building elevations and conceptual site plan be approved by the Planner, Urban Design to ensure compatibility with the adjacent neighbourhood.**
- ii) **A lot grading and drainage plan and site servicing plan is to be submitted in conjunction with the building permit application.**
- iii) **Confirmation of whether there is an existing sanitary service to this site and if it is in use. If the service is not in use, it is to be removed and capped at the sanitary main.**
- iv) **Transfer of 519 Edison Avenue to a separate ownership entity to avoid the subject property being associated with the rezoning of the balance of the lands.**

**6. File No., A30/22, 745 Lansdowne Street West**

Mauro DiCarlo left the meeting for this item.

This matter relates to a minor variance application submitted by Tanya Farrow, Shoppers Drugmart, as the applicant on behalf of Kaylan Properties Limited, the owner(s) of the property that is the subject of the application.

The purpose of the application is to reduce the minimum building setback from the east side lot line from 3 metres to 0.5 metres and to request relief from Section 6.40 of the Zoning By-law to allow the placement of a 48-foot storage trailer on site seasonally (October 1 – January 10) each year to accommodate increased Christmas Season stock volume associated with Shoppers Drug Mart

Tanya Farrow attended the meeting and addressed the Committee as follows:

- She noted that the trailer has been present for 13 years and apologized as it was unknown until recently that this was not allowed;
- The store has had successful Christmas Sales and this is due to the ability to have this trailer on site;
- The trailer location is due to it being nearest their rear door;
- As soon as the complaint was identified, the trailer was removed;
- Regarding the waste issue, a new waste management company has been hired as the previous vendor was problematic;
- The west facing windows along the neighbouring building are storage area; and,
- She has reviewed the Staff Report and the proposed conditions.

The Chair acknowledged that the Committee has received and reviewed a letter in

objection to the application from Don McPherson, President of MacPherson Realty (Peterborough) Limited, the owner of the adjacent property at 727 Lansdowne Street West.

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.

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

- i) Meryn Steeves, Solicitor for MacPherson Realty (Peterborough) Limited, Peterborough, ON
  - Her client has concerns that the proposed variance will negatively impact his property and that the proposal fails all four tests of a minor variance.
- ii) Don McPherson, Peterborough, ON
  - He has indicated that the applicant has been in contravention of their Site Plan Agreement for 14 years, there are ongoing garbage and recycling management issues as well as trespass issues onto his property due to the location of the trailer.

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

- Section 6.40 of the Zoning By-law allows temporary buildings on Commercial and Open Space Zoned properties, subject to minor variance approval by the Committee of Adjustment;
- The 48-foot trailer would not project beyond the front of the building - the trailer is to be located beside the loading bay;
- The existing fence does not extend to the back loading door;
- The original intent of staff recommending that the existing fence be extended to the front face of the building was to assist in screening the loading, recycling and garbage storage functions of the subject property.

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

- The trailer is used for warehouse purposes only and not refrigeration purposes nor does it have electricity or water service.
- Other locations were looked at elsewhere, the same process will be needed. The vacant unit in the same plaza is currently in lease discussions with a new clinic. Offsite storage will not work. The trailer is needed for 81 days and then it is

gone.

- She is open to a storage container that may be below the fence line, although it may contain less stock.
- She is open to shifting the trailer south on the property, closer to the loading door so as to reduce the amount of fencing needing be extended north.

### **Discussion**

Robert Short indicated that the trailer appears to have been in place on site for many years for reasons of convenience. He noted the effort of the applicant to approach the City formally to deal with this issue. He indicated that the height of the trailer as well as other more appropriate locations on site should be reviewed. He noted that it would be best to have a revised plan come forward that depicts the proposed location in relation to features on the adjacent property. The application should be deferred until that information can be provided.

Stewart Hamilton indicated that there should be consideration for the placement of the fence in relation to the exact location of the trailer as well as to the access door into the Shoppers Drug Mart side access door near the loading area. He indicated that it would be best to ensure the broadboard fencing extend to conceal the south part of the proposed location, so as to not have to extend the fence more than what is needed to ensure that light availability is not reduced.

Moved by Robert Short

**That the application be deferred until such time that Staff and the applicant review other alternatives for placement on site and/or type of storage options.**

“CARRIED”

### **Minutes**

Moved by Robert Short

**That the minutes of the Committee of Adjustment hearing held on June 21, 2022 be approved.**

“CARRIED”

### **Other Business**

Mauro DiCarlo asked when the Committee will return to in person meetings to ensure access to fair and just process. The Planner, Policy and Research indicated that the Committee is to await direction from the Clerks office regarding the return to in person meetings.

**Next Meeting**

The next meeting of the Committee of Adjustment is scheduled for Tuesday, September 13, 2022.

**Adjournment**

The meeting was adjourned at 7:45 p.m.

(sgd.) Stewart Hamilton, Chair

(sgd.) Denise Driscoll, Secretary-Treasurer