



City of
Peterborough

Committee of Adjustment Minutes

June 21, 2022

Minutes of an Electronic Meeting of Committee of Adjustment held on Tuesday, June 21, 2022 at 6:00 p.m.

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

Regrets: Mauro DiCarlo

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

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

Disclosure of Pecuniary Interest

There were no disclosures of Pecuniary Interest.

Applications

1. File No. B03/22, 26 Wallis Drive

This matter relates to a severance application submitted by Emily McCaveney, LLF Lawyers LLP, as applicant on behalf of Joseph Wilkinson, the purchaser of the land that is the subject of the application.

The purpose of the application is to sever an approximately 0.5 acre parcel from the rear of the subject to property for the purposes of a lot addition onto 11 Earlwood Drive.

Emily McCaveney attended the meeting and addressed the Committee as follows:

- She is representing the owner of 11 Earlwood Drive, who has entered into an agreement of Purchase and Sale with the owner of 26 Wallis Drive to purchase the rear .5 acres of their property as a lot addition.
- The owner of 11 Earlwood Drive has no plans for development and wants the lot addition to ensure the continued privacy at his property.

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 respect to the application from Geoff and Jess Rix, Peterborough.

D. B. Palmer, Peterborough, addressed the Committee to inquire about the purchaser's plans for the lot addition and if the City has plans to develop a road connecting to the northern portion of Earlwood Drive.

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

- The applicant's representative has indicated that the purpose of the of lot addition is to increase the size of 11 Earlwood Drive with no proposal for development.
- A previous consent application to create 11 Earlwood Drive included a provision to protect the City's interest in the land through a servicing easement along easterly side of 11 Earlwood Drive. The City is requesting the continuance of this easement over the lot addition lands. This area is not included in the Transportation Master Plan Environmental Assessment, and the creation of a roadway in this location is not contemplated at this time. However, an easement over the lot addition lands will ensure the lands are not encumbered by structures should the City choose to develop a road in that location in the future.

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

- She has reviewed the proposed conditions of approval. Her client anticipated the transfer of the easement, which is a continuation of the existing easement over 11 Earlwood Drive.

Moved by Claude Dufresne

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 reconfigured lot dimensions will meet the minimum requirements set out in the Zoning By-law and conform to the Official Plan policy, Consent is granted to sever an approximately 0.5 acre parcel from the rear of the property municipally known as 26 Wallis Drive, as generally depicted on Exhibit A to the Staff Report dated June 21, 2022, for a lot addition to the property municipally known as 11 Earlwood Drive, CONDITIONAL UPON THE FOLLOWING:

- i) **Such that Section 50 (12) will no longer apply to the lands municipally known as 11 Earlwood Drive and that the lands will be deemed to not be land previously conveyed by consent, the owner of 11 Earlwood Drive shall apply for a Cancellation Certificate for the consent granted through File No. B68/90. The applicant shall provide the Secretary-Treasurer with a copy of the registered Cancellation Certificate.**
- 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 and a 20.1 metre wide easement, in favour of the City, along the eastern most portion 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;**
- 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) **Conveyance by the owner to the City, free of encumbrances and at no cost to the City, of a 20.1 metre wide servicing easement along the eastern most portion of the subject lands;**
- v) **That the applicant provide the Secretary-Treasurer with a draft of the Transfer/Deed of Land;**

- vi) **The owner's solicitor shall provide an Undertaking to consolidate the severed lands with the property municipally known as 11 Earlwood Drive and to provide a registered copy of the Application to Consolidate. 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; and**
- 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.**

2. File No., A21/22, 964 Fairbairn Street

This matter relates to a minor variance application submitted by Northview Daycare and Nursery School of Peterborough, the owner of the property that is the subject of the application.

The purpose of the application is to reduce the minimum side yard from 1.5 metres to 0.43 metres along the northerly side lot line to facilitate an addition to the existing dwelling.

Norma MacLeod, CEO, Northview Daycare and Nursery School of Peterborough attended the meeting and addressed the Committee as follows:

- They purchased the property in December and would like to add an addition to the home, which is currently very small.
- They would like to construct the addition in the side yard due to the location of the well and septic at the rear of the house.

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

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

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

- The comments from the Heritage Preservation Office are based on the City's policy as it relates to the potential for archaeological artifacts. Most properties in the City seem to fall within areas of high or low potential, which is why the Committee has not seen previous reference to a property with medium potential for the presence of archaeological resources.
- It would be reasonable for the Committee to amend the proposed condition requiring an Archaeological Assessment to narrow the scope of the of the lands reviewed in the Assessment to the area impacted by the excavation for the building addition.

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

- The property is owned by the daycare but will be maintained as a rental dwelling and not utilized as a daycare facility.

Discussion

Robert Short noted that the requirement for the Archaeological Assessment places an undue obligation on the property owner and that restricting the scope of the Assessment to the area of the proposed addition would make the condition more reasonable.

Moved by Robert Short

That the application be approved in accordance with the recommendation in the Staff Report and that the completion of the Stage 1 Archaeological Assessment and, if recommended, completion of a Stage 2 Assessment, is limited to the area where new excavation will occur.

“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, with the requirement for the Archaeological Assessment being limited to the area that will be impacted by the addition, 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 from Section 11.2 e) of the former Township of Smith Zoning By-law 1971-17, as amended, to reduce the minimum side yard from 1.5 metres to 0.43 metres along the northerly side lot line PROVIDED THAT construction related to this approval proceed substantially in accordance with the concept plan attached as Exhibit C to the Staff Report dated June 21, 2022 and CONDITIONAL UPON THE FOLLOWING:

- i) **The completion of a Stage 1 Archaeological Assessment and, if recommended, completion of a Stage 2 Assessment for the area of the property where excavation will occur for the building addition. The recommendations of the Archaeological Assessment shall be addressed, and any necessary agreements shall be in place, prior to the issuance of a building permit;**

- ii) **The Owner applying and receiving approval for an existing sewage system permit from Peterborough Public Health prior to the issuance of a building permit; and**
- iii) **Submission of a lot grading and drainage plan to the satisfaction of Development Engineering.**

3. File No., A22/22, 220 Simcoe Street

This matter relates to a minor variance application submitted by 220 Simcoe Holdings Limited, 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 centreline of Aylmer Street from 16 metres to 13 metres and to request relief from Section 6.40 of the Zoning By-law to allow the placement of a temporary office trailer on the property for up to three years.

Kevin MacDonald, President of 220 Simcoe Holdings Limited, attended the meeting and addressed the Committee as follows:

- Fourcast, the tenant of 220 Simcoe Street, are facilitating the Consumption and Treatment Services and the Mobile Support Overdose Resource Team from this location and require additional space for administration offices, which they hope to establish in a portable, construction-style trailer.
- They initially hoped to locate the trailer in the northeast corner of the property, utilizing power from the light pole. However, the power in that location was not sufficient and power would need to be brought over either using a pole or underground, which was outside of the budget for the project.
- The plan was revised to locate the trailer in the westernmost bus stall that was established for the former bus station use. This would allow the trailer to be located in close proximity to the power source in the main building.
- Although the location of the temporary structure close to the streetline is not ideal, the appearance from the street would not be significantly different from having a bus parked in that location, which was the previous use of the property.
- He was disappointed with Staff's recommendation to deny the request for a reduced setback and Urban Design's preferred location for the trailer in the northeast corner of the site, where it isn't economical to locate it. He hopes to work with Planning staff on an alternate location in the easternmost parking stall, where it would still be adjacent to the building but further from the site line of both Simcoe and Aylmer Streets.

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

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

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

- The location of the trailer illustrated in Exhibit E of the Staff Report was recommended by the Planner of Urban Design and informed by policies for development in the downtown.
- Typically, long-term use of a temporary trailer in the downtown not associated with a construction project would not be supported by staff. In this instance, staff can support the establishment of the trailer on the property but would prefer that the trailer be in a location that minimizes the impact on the streetscape.
- The Official Plan contains policies relating to building form and maintenance of the streetscape, and the placement of the trailer at Aylmer Street does not align with the goals outlined in the Official Plan
- Although the Planner of Urban Design has indicated a preferred location, the recommendation in the Staff Report does not limit the approval to a specific location for the trailer. The final location would be reviewed through the amendment to the existing Site Plan Agreement.
- If the reduction to the setback from Aylmer Street is denied, the trailer would have to be located within the existing setbacks. The location proposed by the applicant in the easternmost parking bay would fall within those setbacks.
- She does not believe that the City has policies requiring decorative screening for construction projects in the downtown area.
- Although the trailer is mobile and could be easily relocated on site, the applicant would need to apply for another Site Plan Amendment to change the location during the three years the trailer is established.

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

- The trailer will be used for office space for administrative staff and potentially for a break room for staff working in the main building. The trailer will not be used for client services. Locating the trailer closer to the main building will provide the staff with more convenient access to the washroom facilities and the main entrance.
- Regardless of where the trailer is located on site, the use of lattice or landscaping will not adequately screen a 40-foot-long trailer. Although his first preference was to have the trailer located in the northeastern corner of the property, the location proposed in the application is the most economically viable and will limit additional expense to the building's tenant. Locating the trailer adjacent to the building, but further east on the property will have less of an impact on the streetscape and will allow for easier connection to electrical services.

- They have investigated temporary power sources, and the options that are not noisy or polluting, such as a solar battery, would be just as costly as extending services to the northeast corner.

Discussion

Claude Dufresne noted that he would like the Decision to include a specific date for the approval to lapse rather than the generic three-year expiry period.

Robert Short indicated that he does not support the preferred location illustrated in Exhibit E to the Staff Report due to the additional expense that would be incurred by the community facility and the need for their staff to be in close proximity to the main building. He understands the concerns of the Planning Division with respect to the aesthetic of the trailer in the commercial core and believes that the incorporation of decorative screening will reduce the visual impact of the trailer on the Aylmer Street streetscape. He believes that the applicant should be granted some flexibility with the location of the trailer on site and would like the Committee to indicate that they do not support the proposed location illustrated in Exhibit E.

Stewart Hamilton advised that he does not support the reduction to the setback from Aylmer Street and would like to see the trailer moved further east on the property in line with the eastern edge of the building.

Tom Green indicated that there may be the ability to find an alternate location from the locations illustrated in Exhibits D and E., and that landscaped screening would help to address the impact on the streetscape by the temporary trailer.

Moved by Robert Short

That the application to allow the placement of a temporary office trailer on the property for up to three years be approved and that the application to reduce the minimum building setback from the centreline of Aylmer Street be denied in accordance with the recommendation in the Staff Report, provided that Staff work with applicant to establish a location on site within the setback from Aylmer Street, but not at the eastern boundary of the property, as illustrated in Exhibit E to the Staff Report and conditional upon the establishment of substantial landscape planters located between the trailer and the streetline.

“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.

With respect to the application for a variance from Section 6.8 (2.1) (a) of the Zoning By-law to reduce the minimum building setback from the centreline of Aylmer Street to 13 metres:

Having reviewed the application and considered the information presented in the Staff Report, the Committee determined that the application should be denied as per the Staff Recommendation and that the proposal is not desirable for the appropriate development or use of the land and the general intent and purpose of Official Plan is not maintained.

Therefore, a variance to Section 6.8 (2.1) (a) of the Zoning By-law to reduce the minimum building setback from the centreline of Aylmer Street to 13 metres is denied.

With respect to the application for a variance from Section 6.40 of the Zoning By-law to allow the placement of a temporary building in a commercial district for up to 3 years:

Having reviewed the application and considered the information presented in the Staff Report and shared by the applicant, the Committee determined the location at the northeast corner of the property would not be economically viable for the tenant of the building nor functional for staff located in the trailer who require access to the main building. The Committee indicated that they did not support the location of the trailer at the northeast corner of the property and indicated that a location adjacent to the building and within the setback from Aylmer Street would function best for the applicant. The Committee indicated that with the incorporation of landscaped screening to lessen the visual impact of the trailer on the streetscape of Aylmer Street, the application should be approved, that the variance is minor, the proposal is desirable for the appropriate development or use of the land, and the general intent and purpose of the Zoning By-law and Official Plan are maintained.

Therefore, a variance is granted to Section 6.40 of the Zoning By-law to allow the placement of a temporary building on the property for up to 3 years PROVIDED THAT staff work with applicant to establish a location on site within the setback from Aylmer Street, but not at the eastern boundary of the property, as illustrated in Exhibit E to the Staff Report and CONDITIONAL UPON securing an amendment to the Site Plan in consultation with the Planner, Urban Design, including the establishment of landscape planters/screening as determined by the Planner, Urban Design.

Minutes

Moved by Robert Short

That the minutes of the Committee of Adjustment hearing held on May 25 and 30, 2022 be approved.

“CARRIED”

Other Business

The Secretary-Treasurer indicated that she has accepted a new position in Legal Services and that there will be a new Secretary-Treasurer in place for the August hearing.

Next Meeting

The next meeting of the Committee of Adjustment is scheduled for Tuesday, August 16, 2022.

Adjournment

The meeting was adjourned at 7:14 p.m.

(Sgd.) Stewart Hamilton, Chair

(Sgd.) Denise Driscoll, Secretary-Treasurer