



Committee of Adjustment Minutes

November 30, 2021

Minutes of an Electronic Meeting of Committee of Adjustment held on Tuesday, November 30, 2021 at 6:00 p.m.

Present: Mauro DiCarlo, Vice-Chair
Claude Dufresne
Tom Green
Stewart Hamilton

Regrets: Robert Short

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

Committee of Adjustment was called to order at 6:10 p.m.

Disclosure of Pecuniary Interest

There were no disclosures of Pecuniary Interest.

Applications

1. File No. A43/21, 305 Margaret Avenue

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

The application seeks permission to expand the footprint of an existing, legal non-conforming triplex by enlarging the footprint of a single storey structure at the rear of the dwelling that contains a stairwell from 3.7 square metres to 6.34 square metres.

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

- He has reviewed the recommendation in the Staff Report and has no additional comment at this time.

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:

- He is aware that the property is located in the Heritage Conservation District and will require a heritage permit.

Moved by Stewart Hamilton

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 proposal is desirable for an appropriate development of the subject property and that the application should be approved as per the Staff Recommendation.

Therefore, permission is granted to allow the enlargement of the single storey structure at the rear of the dwelling that contains a stairwell to 6.34 square metres PROVIDED THAT construction related to this approval proceed substantially in accordance with the concept plan attached as Exhibit A to the Staff Report dated November 30, 2021.

2. File Nos. B07/21, 215 Herbert Street and B08/21, 219 Herbert Street

File Number B07/21 relates to a severance application submitted by Jessica Reid, EcoVue Consulting Services Inc., as applicant on behalf of Kristy Kimball and Jason Murphy, the owners of the property that is the subject of the application.

The purpose of the application is to sever a 23.90 square metre triangular piece of the property at the street line and convey it as a lot addition to the neighbouring property, 219 Herbert Street.

File Number B08/21 relates to a severance application submitted by Jessica Reid, EcoVue Consulting Services Inc., as applicant on behalf of Robert Dungan and Karen Dungan, the owners of the property that is the subject of the application.

The purpose of the application is to sever a 174.20 square metre triangular piece of the property along the rear lot line and convey it as a lot addition to the neighbouring property, 215 Herbert Street.

Jessica Reid attended the meeting and addressed the Committee as follows:

- She has no additional comments to the materials presented to the Committee in the application.
- She has read the Staff Report and has no issues with the recommendation of staff.

Brad Appleby, Supervisor, Development Planning, noted that there is a typo in the Staff Report. The correct file number for 219 Herbert Street is B08/21.

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

Moved by Claude Dufresne

That the applications be approved in accordance with the recommendations in the Staff Report.

“CARRIED”

Decision – B07/21

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.

In that the reconfigured lots conform to the Official Plan policy and the Zoning By-law, consent is granted to sever a triangular, 23.9 square metre portion of the subject property at the street line, as generally depicted in the concept sketch attached as Exhibit B to the Staff Report dated November 30, 2021, for a lot addition to the property municipally known as 219 Herbert Street, CONDITIONAL UPON THE FOLLOWING:

- i) **Prior to registering the Reference Plan at the applicant's cost, the applicant shall submit for approval a draft Reference Plan to the Secretary-Treasurer, showing the proposed severed parcel. Upon registration of the approved Reference Plan, a digital copy of the registered Reference Plan, in PDF format, will be provided to the Secretary-Treasurer;**
- ii) **A closed polygon vector file of the Part boundaries shown on the Reference Plan is to be provided in Autodesk DWG NAD83 UTM CSRS CGVD28 projection Windows-readable format to the satisfaction of the City of Peterborough Geomatics/Mapping Division. It is recommended that the applicant's Ontario Land Surveyor consult with the City of Peterborough Geomatics/Mapping Division to confirm acceptable standards and formatting. The Surveyor should contact the Secretary-Treasurer for instructions on how to submit this document;**
- iii) **That the applicant provide the Secretary-Treasurer with a draft of the Transfer/Deed of Land;**
- iv) **The owner's solicitor shall provide an Undertaking to consolidate the severed lands with the property municipally known as 219 Herbert Street and to provide a registered copy of the Application Consolidation. The consolidated parcels shall be considered as one lot and shall not be dealt separately, and Section 50 (3) or 50 (5) shall apply to any subsequent conveyance or transaction involving the parcel of land that is subject to this Consent application; and**
- v) **That if the above conditions are not satisfied within 365 days of the circulation of the Committee's decision that this consent will lapse.**

Decision – B08/21

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.

In that the reconfigured lots conform to the Official Plan policy and the Zoning By-law, consent is granted to sever a triangular, 174.2 square metre portion of the subject property as generally depicted in the concept sketch attached as Exhibit B to the Staff Report dated November 30, 2021, for a lot addition to the property municipally known as 215 Herbert Street, CONDITIONAL UPON THE FOLLOWING:

- i) **Prior to registering the Reference Plan at the applicant's cost, the applicant shall submit for approval a draft Reference Plan to the Secretary-Treasurer, showing the proposed severed parcel. Upon registration of the approved Reference Plan, a digital copy of the registered Reference Plan, in PDF format, will be provided to the Secretary-Treasurer;**

- ii) **A closed polygon vector file of the Part boundaries shown on the Reference Plan is to be provided in Autodesk DWG NAD83 UTM CSRS CGVD28 projection Windows-readable format to the satisfaction of the City of Peterborough Geomatics/Mapping Division. It is recommended that the applicant's Ontario Land Surveyor consult with the City of Peterborough Geomatics/Mapping Division to confirm acceptable standards and formatting. The Surveyor should contact the Secretary-Treasurer for instructions on how to submit this document;**
- iii) **That the applicant provide the Secretary-Treasurer with a draft of the Transfer/Deed of Land;**
- iv) **The owner's solicitor shall provide an Undertaking to consolidate the severed lands with the property municipally known as 215 Herbert Street and to provide a registered copy of the Application Consolidation. The consolidated parcels shall be considered as one lot and shall not be dealt separately, and Section 50 (3) or 50 (5) shall apply to any subsequent conveyance or transaction involving the parcel of land that is subject to this Consent application; and**
- v) **That if the above conditions are not satisfied within 365 days of the circulation of the Committee's decision that this consent will lapse.**

3. File No., A46/21, 513 Parnell Street

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

The purpose of the application is to request a minor variance from Section 6.23(a) of the Zoning By-law to allow one non-resident of the dwelling unit to engage in a home-based catering business.

The applicant was not in attendance to represent the application.

The Chair acknowledged that the Committee had received and reviewed a letter in objection to the application from Nick Lance, Peterborough, Ontario.

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

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

- The Health Unit has not been able to provide comment on circulated applications since the beginning of the pandemic.
- The applicant has indicated that a commercial kitchen is not proposed for the home-based business use. A stove and oven will be used for the preparation of food, but a full commercial kitchen will not be installed.
- It is the applicant's responsibility to ensure that they are compliant with relevant health regulations. The applicant has an established catering business in the city and is familiar with health unit requirements.

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 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 6.23(a) of the Zoning By-law to allow one non-resident of the dwelling unit to engage in a home-based business PROVIDED THAT all other regulations set out in the Home-Based Business provisions of the Zoning By-law are met.

Minutes

Moved by Claude Dufresne

That the minutes of the Committee of Adjustment hearing held on October 5, 2021 be approved.

“CARRIED”

Other Business

The committee members noted that they had reviewed the proposed 2022 hearing schedule.

Next Meeting

The next meeting of the Committee of Adjustment is scheduled for Tuesday, February 1, 2022.

Adjournment

The meeting was adjourned at 6:26 p.m.

(Sgd.) Mauro DiCarlo, Vice-Chair

(Sgd.) Jennifer Sawatzky, Secretary-Treasurer