



City of
Peterborough

Committee of Adjustment Minutes

February 1, 2022

Minutes of an Electronic Meeting of the Committee of Adjustment held on Tuesday, February 1, 2022 at 6:00 p.m.

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

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 6:03 p.m.

Election of Officers:

Moved by Mauro DiCarlo

That Stewart Hamilton be appointed as Chair of the Committee of Adjustment.

“CARRIED”

Stewart Hamilton assumed the Chair.

Moved by Robert Short

That Tom Green be appointed as Vice-Chair of the Committee of Adjustment.

“CARRIED”

Disclosure of Pecuniary Interest

There were no disclosures of Pecuniary Interest.

Applications

1. File No., A01/22, 49 Robinson Street

This matter relates to a minor variance application submitted by J. Laurie Young, 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 reduce the minimum building setback from a rear lot line from 7.6 metres to 5.34 metres for a below grade basement stair and to increase the maximum building coverage by a two-storey dwelling from 40% to 40.5% to facilitate the construction of a new two-storey dwelling.

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

- The subject property is a recently severed lot. The home was designed to occupy the 40% lot coverage allowed by the zoning district. Following a review of the plans by the Building Division, she was advised that a set of exterior basement stairs is considered part of the building and requires variances for building coverage and minimum building setback.
- They worked closely with the Planner of Urban Design to ensure that the design was in keeping with the neighbourhood and all conditions of the Development Agreement required by the severance approval have been satisfied.

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 had received and reviewed a letter in objection to the application from Gord Young, Lakefield, Ontario.

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

- With respect to the concerns raised in Mr. Young's letter, the property is not located within a Heritage Conservation District and the property is not designated under the Ontario Heritage Act. The Heritage Preservation Office (HPO) staff reviewed all applications on this agenda and was copied on Mr. Young's correspondence. The HPO did not raise any concerns with the application.
- The development agreement on title does not include any conditions related to the street tree. However, Urban Forestry commented and advised on the compensation and permitting required should the street tree be removed or disturbed during construction. The previous application for severance considered the street tree as well as the relocation of the utility pole.

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

- The exterior stairs are not the only entrance to the workshop in the lower level. There is a set of interior stairs, but the owner requires the exterior stairs for bringing long pieces of wood into the basement workshop, due to the sharp angle of the interior stairs.

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.

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, variances are granted as follows:

- A variance to Section 7.2 (e)(ii) to reduce the minimum building setback from a rear lot line from to 5.34 metres for a below grade basement staircase; and**
- A variance to Section 7.2 (f)(ii) to increase the maximum building coverage by a two-storey dwelling to 40.5%.**

PROVIDED THAT construction related to this approval proceed substantially in accordance with the concept plan attached as Exhibit A to the Staff Report dated February 1, 2022.

2. File No., A02/22, 235 Spencley's Lane

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

The purpose of the application is to reduce the distance of a driveway from a window of a habitable room in an apartment dwelling from 6 metres to 1.8 metres; reduce the minimum building setback from the southwest rear lot line from 13.5 metres to 4.5 metres; reduce the minimum building setback from the south rear lot line from 13.5

metres to 7.9 metres; and increase the maximum lot coverage by open parking areas, driveways and vehicle movement areas from 25% to 40% to facilitate the construction of a new, three-storey, multi-unit residential building.

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

- The property is zoned for the proposed three-storey, 30-unit building.
- Due to site plan requirements for turning radius for garbage removal and fire truck access, as well as minimum parking requirements, the proposal resulted in the need for the four requested variances.
- The first variance for the distance from vehicular access to the window of a dwelling unit relates to the drive aisle rather than a parking space, so the impact on the residents is limited.
- The second and third variances relate in part to the jog in the western lot line, which results in the classification as rear lot lines rather than side lot lines.
- The fourth variance for an increase to the parking and vehicle movement areas is needed due to the requirements for the number of parking spaces, barrier free parking spaces and the requirements for larger vehicles that need to access the site.
- They have completed the pre-consultation requirement for the Site Plan application, and the plans have been adjusted in line with the comments received following the meeting.
- This project is a good example of bringing more residential supply into Peterborough. The units are generous, two-bedroom units in a well-built building are a good fit with the surrounding neighbourhood.

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 had received and reviewed a letter in objection to the application from Gord Young, Lakefield, Ontario.

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

- He has not yet discussed electric vehicle charging stations with the developer for this project. This will be addressed at the time the submission for Site Plan Approval is being prepared. Typically, for multi-unit developments of this size, he recommends to at least rough-in the services and ensure that the building has a service large enough to accommodate the charging stations.

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 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, variances are granted as follows:

- a) **A variance to Section 4.3.2 (c) to reduce the distance of a driveway from a window of a habitable room in an apartment dwelling to 1.8 metres;**
- b) **A variance to Section 10.2 (f)(ii) to reduce the minimum building setback from the southwest rear lot line to 4.5 metres;**
- c) **A variance to Section 10.2 (f)(ii) to reduce the minimum building setback from the south rear lot line to 7.9 metres; and**
- d) **A variance to Section 10.2 (j) to increase the maximum lot coverage by open parking areas, driveways, and vehicle movement areas to 40%.**

CONDITIONAL UPON the approval of the Site Plan Application and PROVIDED THAT construction related to this approval proceed substantially in accordance with the concept plan attached as Exhibit B to the Staff Report dated February 1, 2022.

3. File No., A03/22, 240 Herbert Street

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

The purpose of the application is to reduce the minimum building setback from a rear lot line from 7.6 metres to 3.96 metres for an 8.05 square metre sunroom addition and to increase the projection of a platform into the building setback from a rear lot line from 3 metres to 3.03 metres (a setback of 4.57 metres) to facilitate the construction of an attached sunroom addition and platform.

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

- Has reviewed the staff report and has no comments on staff's recommendation.

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.

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, variances are granted as follows:

- A variance to Section 7.2 (e)(ii) to reduce the minimum building setback from a rear lot line to 3.96 metres for an 8.05 square metre sunroom addition; and**
- A variance to Section 6.19 (b) to increase the projection of a platform into the building setback from a rear lot line to 3.03 metres, to allow a setback of 4.57 metres.**

PROVIDED THAT construction related to this approval proceed substantially in accordance with the concept plan attached as Exhibit C to the Staff Report dated February 1, 2022 and that any alterations to existing lot grading patterns or roof drainage will not adversely impact adjoining properties.

4. File No., A04/22, 725 Harper Road

This matter relates to an application for permission submitted by Robert Cousins, as applicant on behalf of Sandra Becker, the owner of the property that is the subject of the application.

The purpose of the application is to request permission to expand a legal non-conforming, single-detached dwelling at the subject property. The applicant is proposing to enlarge the footprint of the dwelling by 68.5 square metres to accommodate an attached garage.

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

- He has reviewed the recommended conditions in the staff report. Although the planting and drainage plans have not been prepared yet, he has no issues with complying with the recommendations before applying for the Building Permit.

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 is no intention of converting the garage addition to living space. The garage will be one-storey and limited to parking and storage use.

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 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 expand the footprint of the legal non-conforming, single unit dwelling by 68.5 square metres to accommodate an attached garage PROVIDED THAT construction related to this approval proceed substantially in accordance with the concept plan attached as Exhibit D to the Staff Report dated February 1, 2022 and that any alterations to existing lot grading patterns or roof drainage will not adversely impact adjoining properties and **CONDITIONAL UPON THE FOLLOWING:**

- i) **The applicant submitting a planting plan to the satisfaction of ORCA prior to the issuance of a Building Permit; and**
- ii) **That a lot grading and drainage plan be submitted in conjunction with the Building Permit application.**

5. File No., A05/22, 653 Little Street

This matter relates to a minor variance application submitted by William Rykers, 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 a street line of a local street 20 metres or wider in width from 6 metres to 4.72 metres to facilitate the construction of covered front porch measuring 1.98 metres in depth across the front of the existing dwelling.

William Rykers attended the meeting and addressed the Committee as follows:

- The original porch was damaging the foundation and was removed. He is requesting the variance, as building within the required setback would not allow for a porch of a comfortable size.
- The front porch will improve the appearance of the house 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.

The Chair acknowledged that the Committee had received and reviewed a letter in support of the application from Kristin Drummond, Peterborough, Ontario.

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

- He does not plan to enclose the front porch.

Discussion

Robert Short noted that the staff recommendation does not speak to the porch being unenclosed. He stated that he would like to include a provision that the approval would be limited to an unenclosed porch, as an enclosed porch would not be compatible with the neighbourhood.

Moved by Robert Short

That the application be approved in accordance with the recommendation in the Staff Report and that approval be limited to a covered, unenclosed porch, measuring 1.98 metres in depth.

"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. The Committee noted that while the proposal was in keeping with the character of the neighbourhood, an enclosed porch would not be and determined that the approval should be limited to a covered, unenclosed porch. The Committee 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 6.11 (a) to reduce the minimum building setback from the Little Street street line to 4.72 metres PROVIDED THAT construction related to this approval proceed substantially in accordance with the concept plan attached as Exhibit E to the Staff Report dated February 1, 2022 and that any alterations to existing lot grading patterns or roof drainage will not adversely impact adjoining properties. The approval is limited to a covered, unenclosed front porch measuring 1.98 metres in depth across the front of the existing dwelling.

Minutes

Moved by Claude Dufresne

That the minutes of the Committee of Adjustment hearing held on November 30, 2021 be approved.

"CARRIED"

Other Business

The Secretary-Treasurer noted that T4 slips would be issued by the Finance Department this month, and that she would advise Committee members when they were available.

Next Meeting

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

Adjournment

The meeting was adjourned at 6:38 p.m.

(Sgd.) Stewart Hamilton, Chair

(Sgd.) Jennifer Sawatzky, Secretary-Treasurer