



Committee of Adjustment Minutes

January 23, 2018

Minutes of a Meeting of Committee of Adjustment held on Tuesday, January 23, 2018 at 6:00 p.m. in the Council Chambers, City Hall.

Present: Mr. Mauro DiCarlo, Chair
Ms. Brenda Campbell
Mr. Claude Dufresne
Mr. Len Lifchus
Mr. Frank Steffler

Also Present: Ms. Christie Gilbertson, Planner, Policy and Research
Ms. Jennifer Sawatzky, Secretary-Treasurer

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

Disclosure of Pecuniary Interest

There were no disclosures of Pecuniary Interest.

1. **File No.:** A42/17
Address: 264 Lansdowne Street East
Applicant: Ellas Holdings Inc.

This matter relates to a minor variance application submitted by Ellas Holdings Inc., 264 Lansdowne Street East, Peterborough, Ontario K9L 2A3, the owner of the property that is the subject of the application.

This application was deferred from the December 5, 2017 hearing. Staff confirmed that the Applicant had elected to withdraw their application at this time.

2. **File No.:** A01/18
Address: 787 Water Street
Applicant: Rebecca Brenna

This matter relates to a minor variance application submitted by Rebecca Brenna, 787 Water Street, Peterborough, Ontario K9H 3N3, as applicant on behalf of William Brenna, 3057 Harbourview Avenue, New Waterford, Nova Scotia B1H 5V3, 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 Water Street from 16 metres to 12.6 metres and to reduce the setback from the north side lot line from 1.2 metres to 0.9 metres to facilitate the construction of a covered front porch.

Mr. Mauro DiCarlo declared a conflict of interest with the application and did not participate in the discussion or deliberation of this matter.

Mr. Mauro DiCarlo stepped down as Chair due to his declared interest.

Mr. Len Lifchus assumed the Chair.

Ms. Brenna attended the meeting and addressed the Committee as follows:

- The entrance to the house was originally established with a small concrete stoop. She proposes to replace this with a covered front porch which will improve the appearance of the property and the functionality of the entrance.

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

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, the following variances are granted to permit the construction of a covered front porch:

- a) **A reduction to the minimum building setback from the centreline of Water Street to 12.6 metres; and**
- b) **A reduction to the minimum building setback from the north side lot line to 0.9 metres.**

PROVIDED any alterations to existing lot grading patterns or roof drainage will not adversely impact adjoining properties.

Mr. Mauro DiCarlo resumed the Chair.

3. **File No.: B01/18**
Address: 450 Wolfe Street
Applicant: Kevin M. Duguay

This matter relates to a severance application submitted by Kevin M. Duguay, 560 Romaine Street, Peterborough, Ontario K9J 2E3, as applicant on behalf of Habitat for Humanity Peterborough and District, 560 Braidwood Avenue, Peterborough, Ontario K9J 1W1, the owner of the property that is the subject of the application.

The purpose of the application is to obtain consent to sever the subject property into two parcels, with each parcel having one half of a semi-detached dwelling on the property.

Mr. Duguay attended the meeting and addressed the Committee as follows:

- He has reviewed the Staff Report in respect to the application and is in agreement with the recommendation and the proposed conditions.

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

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

- The owner was not required to obtain consent to sever prior to starting construction since the subject property is zoned R.2, which permits the semi-detached, two-unit building. In this instance it was preferable to have the foundation in place before applying for the severance so that the surveyor could accurately prepare the Draft Reference Plan submitted with the application illustrating the proposed lot line along the common wall between the dwellings.

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.

In that the severed and retained property would conform to both the Official Plan policy and the zoning applied to the property, consent is granted to sever the westerly 9.145 metres of the subject property to facilitate separate ownership of each portion of a semi-detached dwelling, CONDITIONAL UPON THE FOLLOWING:

- i) If applicable, payment of a Parks Levy in an amount to be determined by the Parks Levy Review Committee.**
- 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. Upon registration of the approved Reference Plan, two copies of the registered Reference Plan will be provided to the Secretary-Treasurer;**
- iii) The applicant providing the Secretary-Treasurer with a draft of the Transfer/Deed of Land; and**
- iv) All conditions shall be satisfied within 365 days of the circulation of the Committee's decision, otherwise the Provisional Consent will lapse.**

**4. File No.: A02/18
Address: 441 Armour Road
Applicant: Kevin Mooney and Adele Mooney**

This matter relates to a minor variance application submitted by Kevin Mooney and Adele Mooney, 1954 Cathcart Crescent, RR #3, Cavan, Ontario L0A 1C0, the owners of the property that is the subject of the application.

The purpose of the application is to reduce the minimum lot width per dwelling unit from 9 metres per unit to 6.1 metres per unit and to reduce the minimum number of required parking spaces from 2 per unit to 1.5 per unit, for a total of 3 parking spaces, to permit the establishment of a second dwelling unit at the subject property.

Mr. & Mrs. Mooney attended the meeting to represent the application.

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

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

- The Utility Services Division provided comment on the application and noted some concern with the reduction in parking as well as a potential conflict with Section 5.4.7 of the City of Peterborough Official Plan.
- Planning Division Staff considered alternatives to the proposed parking configuration and concluded that due to the limitations of the property, there was no practical opportunity to establish three parking spaces on the property that would permit vehicles to enter Armour Road in a forward facing direction.
- Some properties on arterial roads will use a 'hammerhead' style parking space to permit a vehicle to turn around and exit onto the street in a forward facing direction. A turn-around area on this property would necessitate the removal of the tree and cover the entire landscaped open space in the front of the property.
- The steep grade at the rear of the property would make establishing a parking area at the rear of the dwelling impractical.

- The owners are able to establish the proposed parking configuration without a minor variance as the regulations of the Zoning By-law permit a 6 metre wide driveway and one tandem parking space. If the parking spaces were established prior to this application being submitted, the direction of vehicles entering Armour Road would not be a consideration in the review of this application.
- In light of the applicant's right to establish three parking spaces on the property, staff considered Section 5.4.7 along with Section 4.2.3.9 of the Official Plan, which encourages Secondary Suites, where adequate parking, servicing and access to parks exist. Staff determined that the proposal meets the intent of the Official Plan.
- The applicant has indicated that they do not intend to remove the existing tree. If the tree is damaged or does have to be removed, a permit under the Tree Conservation By-law would be required.

In response to questions from the Committee, the Mr. Mooney advised as follows:

- The intent of the application is to improve the property and they plan to maintain the existing tree and landscaped space on the property.

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, the following variances are granted to facilitate the establishment of a second dwelling unit at the subject property:

- Reduce the minimum lot width per dwelling unit to 6.1 metres per unit; and**
- Reduce the minimum number of required parking spaces to 1.5 per unit for a total of 3 parking spaces.**

5. **File No.: A03/18**
Address: 183 Princess Street
Applicant: Paul Harvey

This matter relates to a minor variance application submitted by Paul Harvey, 671 Front Street, Pickering, Ontario L1W 1N9, 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 local street from 6 metres to 2.1 metres to facilitate the construction of a covered front porch.

Mr. Harvey attended the meeting to represent the application.

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

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 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 reduce the minimum building setback from the streetline to 2.1 metres to permit the construction of a covered front porch PROVIDED THAT any alterations to existing lot grading patterns or roof drainage will not adversely impact adjoining properties.

6. **File No.: B02/18**
Address: 1197 Armour Road
Applicant: Richard J. Taylor

File No.: B03/18
Address: 1197 Armour Road
Applicant: Richard J. Taylor

This matter relates to two severance applications submitted by Richard J. Taylor, 193 Dalhousie Street, Peterborough, Ontario K9J 7X7, as applicant on behalf of Donald Sanders Ferguson, 1197 Armour Road, Peterborough, Ontario K9H 0E3, the owner of the property that is the subject of the applications.

The purpose of Application Number B02/18 is to obtain consent for an easement in favour of the adjoining property at 1193 Armour Road to facilitate driveway access to that property and replace an existing easement over a larger portion of the subject property.

The purpose of the Application Number B03/18 is to sever a triangular piece of the subject property for the purposes of a lot addition, to be conveyed to the adjoining property at 1201 Armour Road.

Mr. Taylor of attended the meeting and addressed the Committee as follows:

- He has read the Staff Report associated with the applications and concurs with the recommendation in both cases. He has no objection to the proposed conditions of approval.

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

Decision – B02/18

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 modified easement reflects the current driveway configuration and facilitates driveway access for 1193 Armour Road, consent is granted for an easement over a portion of the subject property as generally illustrated on Exhibit G of the Staff Report dated January 23, 2018 for a right-of-way in favour of the owner of the property known municipally as 1193 Armour Road, CONDITIONAL UPON THE FOLLOWING:

- 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 right-of-way. Upon registration of the approved Reference Plan, two copies of the registered Reference Plan will be provided to the Secretary-Treasurer;**
- That the applicant provide a draft Transfer of Release and Abandonment for the existing easement and a draft Transfer of Easement for the new easement created for approval by Legal Services, prior to registration; and**

- iii) **All conditions shall be satisfied within 365 days of the circulation of the Committee's decision, otherwise the Provisional Consent will lapse.**

Decision – B03/18

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 lot addition will provide driveway access to 1201 Armour Road and address the current encroachment of an existing rock wall, consent is granted to sever a triangular portion of the subject property, as generally illustrated in Exhibit H of the Staff Report dated January 23, 2018, to be consolidated with the property municipally known as 1201 Armour Road, CONDITIONAL UPON THE FOLLOWING:

- i) **Submission of the registered Transfer of Easement and Transfer of Release and Abandonment relating to file number B02/18;**
- 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 to be conveyed to 1201 Armour Road. Upon registration of the approved Reference Plan, two copies of the registered Reference Plan will be provided to the Secretary-Treasurer;**
- 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, describing the property to be severed be consolidated with 1201 Armour Road. Such that the two parcels consolidated shall be considered as one lot and shall not be dealt separately, 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.**

Minutes

Moved by Claude Dufresne

That the minutes of the Committee of Adjustment hearing held on December 5, 2017 be approved.

"CARRIED"

Other Business

There were no items of other business.

Next Meeting

The next meeting of the Committee of Adjustment is scheduled for Wednesday, February 21, 2018.

Adjournment

The meeting was adjourned at 6:31 p.m.

(Sgd.) Mauro DiCarlo, Chair

(Sgd.) Jennifer Sawatzky, Secretary-Treasurer