



City of
Peterborough

Committee of Adjustment Minutes

January 24, 2017

Minutes of a Meeting of Committee of Adjustment held on Tuesday, January 24, 2017 at 6:00 p.m. in the Council Chambers, City Hall.

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

Also Present: Ms. Banani Afsana, Planner, Policy and Research
Ms. Caroline Kimble, Land Use Planner
Ms. Jennifer Sawatzky, Secretary-Treasurer

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

Disclosure of Pecuniary Interest

There were no disclosures of Pecuniary Interest.

1. **File No.:** A02/17
Address: 549 Albert Street
Applicant: Walter (Barry) Douglas Davidson

The Chair acknowledged that the applicant was not present.

Moved by Claude Dufresne

That deliberation of File No. A02/17 be moved to the end of the agenda to allow the applicant additional time to arrive at the hearing.

“CARRIED”

2. **File No.:** A03/17
Address: 125 Ridgewood Road
Applicants: Craig and Nichole Osborne

This matter relates to a minor variance application submitted by Craig and Nichole Osborne, 125 Ridgewood Road, Peterborough, Ontario K9J 1P2, the owners of the property that is the subject of the application.

The purpose of this application is to increase the maximum projection of a platform into the rear yard setback from 3 metres to 7.1 metres to allow the platform to be located within 4.9 metres of the rear lot line.

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

- He has applied for a Minor Variance to recognize the location of a recently constructed platform deck that is located closer to the rear lot line than is permitted by the regulations. He has been working with Building Division Staff to rectify the problem without removing the structure.

Ms. Banani Afsana, Planner, Policy and Research, presented Staff comments with respect to the application on behalf of the Building and Planning Divisions of the Planning & Development Services Department, City of Peterborough.

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

In response to questions from the Committee, Ms. Afsana advised as follows:

- The subject property has alternative regulations from the R.1 Zoning District that prescribe a setback of 12 metres from the rear lot line, greater than the standard R.1 zoning district with a setback of 7.6 metres from the rear lot line. A platform is permitted to project up to a maximum of 3 metres into a rear yard setback. Because the variance is from the 12 metre setback, there is still 4.9 metres between the platform and the rear lot line. Due to the distance between the platform and the rear lot line and the low height of the platform, Staff believe that there would be no negative impact on neighbouring properties.

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

- The contractor, hired to construct the platform, advised him that he did not require a building permit. It was not until Building Staff were completing the inspection for the Pool Permit that he became aware that a Building Permit was required for the platform. After Staff's review of the application, he was advised that the structure does not meet the regulations and he requires a Minor Variance.

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, a variance is granted to increase the maximum distance a platform may extend into the setback from the rear lot line to 7.1 metres CONDITIONAL UPON the property owner obtaining a building permit.

3. **File No.:** A04/17
Address: 469 Stewart Street
Applicant: Colin Darling

This matter relates to a minor variance application submitted by Colin Darling, 233 King George Street, Peterborough, Ontario K9J 1R7, as applicant on behalf of Doug Rose and Sarah Voldeng, 269 Edinburgh Street, Peterborough, Ontario K9H 3E5, the owners of the property that is the subject of the application.

The purpose of this application is to reduce the minimum required lot area per dwelling unit from 230 square metres to 171 square metres; reduce the minimum required lot width per dwelling unit from 6 metres to 4.88 metres; reduce the minimum required side yard setback from the south side lot line from 2.4 metres to 1.2 metres; reduce the minimum number of required parking spaces from 1.5 spaces per unit to 1 space per

unit; and reduce the minimum required setback of parking spaces from a side lot line from 1.5 metres to 0.3 metres, if necessary, to allow the conversion and expansion of the existing duplex on the subject property to a fourplex.

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

- He purchased the duplex last August and approached City Staff about constructing an addition to the rear of the building and converting the use to a fourplex.
- The building is on a wide lot and is located in a neighbourhood with other multi-unit dwellings.
- He believes the reduction to the number of required parking spaces is reasonable due to the proximity of the property to the downtown and the availability of transit. Based on the demand for parking at other properties he owns in the area, the tenants will not require more than one parking space per unit.

Ms. Banani Afsana, Planner, Policy and Research, presented Staff comments with respect to the application on behalf of the Building and Planning Divisions of the Planning & Development Services Department, City of Peterborough.

Ms. Afsana noted that subsequent to the publication of the report, additional comments were received from the Utility Services Department noting a concern with potential off-site effects resulting from a reduction to the minimum number of required parking spaces.

Murielle Beliveau, 1297 Deyell Street, Millbrook, ON, L0A 1G0, attended the meeting and addressed the Committee in opposition to this application. Ms. Beliveau owns 455 Stewart Street and expressed concerns with the potential for increased street parking resulting from the additional units and the reduction of required parking spaces.

In response to questions from the Committee, Ms. Afsana advised as follows:

- Staff support a reduction in the required number of parking spaces due to the location of the property in the Central Area and the proximity of public transit routes. However, should the Committee determine that a additional parking spaces are required to support four units, there is room on the property for the additional spaces with the reduction to the minimum required setback of parking spaces to the north side lot line.

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

- The interior design of the additional units has not been finalized. He expects that each will be two to three bedroom units. If they are three bedroom units, the third bedroom would be smaller and likely used as an office or den.
- Tenants sign leases allowing for one parking space for the unit, and his experience is that more parking spaces are not required.
- He would like to maintain as much amenity space for the tenants as possible. Although he would prefer that the Committee grant the variance to allow one parking space per unit, he could reconfigure the design to include five parking spaces and still maintain some amenity space for the tenants.
- The current design is for a grass yard. In the future he may add a deck or ground level patio.

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, considered the information presented both in the Staff Report and presentation, and noted the concern expressed by the Utility Services Department and the public in respect to the reduction in parking, the Committee determined that granting a lesser variance to the minimum number of required parking spaces would reduce the potential impact of on-street parking on neighbouring properties. The Committee noted that the reduction to the minimum required setback of parking spaces from the north side lot line was required to accommodate the additional parking space. The Committee determined that the variances, as amended, 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 to:

- a) **Reduce the minimum required lot area per dwelling unit to 171 square metres;**
- b) **Reduce the minimum required lot width per dwelling unit to 4.88 metres;**
- c) **Reduce the minimum required building setback from the south side lot line to 1.2 metres;**
- d) **Reduce the minimum number of required parking spaces to 1.25 parking spaces per unit; and**
- e) **Reduce the minimum required setback of parking spaces from the north side lot line to 0.3 metres.**

CONDITIONAL UPON the following:

- i) **Removal of the two accessory buildings on the property;**
- ii) **Site Plan Approval; and**
- iii) **The owner entering into a Site Plan Agreement with the City to include the following:**
 - a) **A cash contribution to the City's Tree Reserve Funds to replace the City tree to be removed for the widened driveway entrance;**
 - b) **Payment of a proportionate share (creation of two additional units) of the cost for upgrading of the downstream Stewart Street sanitary sewer system;**
 - c) **The restoration of the boulevard north of the proposed driveway to topsoil and sod and the replacement of the existing depressed curb and sidewalk with barrier curb; and**
 - d) **The lot grading and roof drainage from the proposed addition and parking area shall be configured as to not adversely impact adjoining properties.**

4. **File No.: B01/17**
Address: 727 & 733 Bethune Street
Applicant: Suzanne Galloway

File No.: A05/17
Address: 727 Bethune Street
Applicant: Suzanne Galloway

This matter relates to a severance application and a minor variance application submitted by Suzanne Galloway, 733 Bethune Street, Peterborough, Ontario K9H 4A5, the owner of the property that is the subject of the application.

The purpose of this application is to obtain consent to sever and convey the southerly 9.1 metres of the subject property, known as 727 Bethune Street, into separate title. The owner proposes to construct a single dwelling unit on the severed parcel. A minor variance is required to reduce the minimum required lot width at 727 Bethune Street from 12 metres to 9.1 metres to permit the severance of a lot.

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

- She purchased the property 12 years ago and resides at 733 Bethune Street. She was unaware the lots had merged and is applying for consent to sever 727 Bethune Street. A Minor Variance is required to reduce the minimum required lot width to permit the severance.

Ms. Banani Afsana, Planner, Policy and Research, presented Staff comments with respect to the application on behalf of the Building and Planning Divisions of the Planning & Development Services Department, City of Peterborough.

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

In response to questions from the Committee, Ms. Afsana advised as follows:

- Although the applicant's proposed plan shows two parking spaces at the front yard of 727 Bethune Street, there is enough room at the rear of the property to establish parking spaces off of a rear laneway accessed from Chemong Road.
- The proposed lot width is consistent with the adjacent property and other properties on the west side of Bethune Street.

In response to questions from the Committee, Ms. Kimble advised as follows:

- The sketch provided to the Committee shows the parking area for 727 Bethune Street in the front of the property. Staff are working on an amendment to the Zoning By-law that would limit parking to areas that are surfaced for that purpose to prevent parking on the landscaped areas of the property. The width of the driveway, the number and size of vehicles, and the size of the parking area would be regulated. The proposed by-law will not affect the location of the parking area for the proposed dwelling. Staff have no objections to the proposal and note that there is an opportunity for additional parking accessed via the rear laneway.
- The laneway is publicly owned and adjoining property owners have the right to use it to access their property.

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

- Once the property is severed, parking for 733 Bethune Street will be accessed from the rear of the property off of the laneway.
- The laneway is maintained by a neighbouring property owner who owns a seven unit dwelling.
- She was not aware when she purchased the properties that the lots had merged.

Decision – B01/17

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 the Official Plan policy and that Minor Variance application number A05/17 addresses the deficiency from the Zoning By-law regulations at 727 Bethune Street resulting from the severance, the Committee considers it appropriate to allow a severance that would permit independent ownership of each property and the construction of a single unit dwelling on 727 Bethune Street.

Therefore, consent is granted to sever the southerly, 9.1 metre wide property known municipally as 727 Bethune Street from the balance of the property known municipally as 733 Bethune Street, CONDITIONAL UPON THE FOLLOWING:

- i) **The approval of Minor Variance Application No. A05/17;**
- ii) **The applicant submitting the draft reference plan showing the subject land to the Secretary-Treasurer for review and approval. Upon approval, the applicant shall submit two copies of the deposited reference plan;**
- iii) **The applicant providing the Secretary-Treasurer with a draft of the Transfer/Deed of Land; and**
- iv) **If the above conditions are not satisfied within 365 days of the Committee's decision, this Consent will lapse.**

Decision – A05/17

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, a variance is granted to reduce the minimum required lot width to 9.1 metres to allow the development of a single unit dwelling on the subject property CONDITIONAL UPON:

- i) **The approval of Consent Application No. B01/17; and**
- ii) **Submission to the City of the registered deed to create a new lot in accordance with the Committee's decision on Consent Application No. B01/17.**

5. **File No.: B02/17**
Address: 424 Arndon Avenue
Applicant: Monica Fowler

This matter relates to a severance application submitted by Monica Fowler, 424 Arndon Avenue, Peterborough, Ontario K9J 4A8, the owner of the property that is the subject of the application.

The purpose of this severance application is to obtain consent to sever and convey ownership of a 790 square metre, irregular shaped, rear portion of the subject property to be consolidated with the property known as 435 Howden Street.

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

- She owns a large, L-shaped lot and no longer uses the rear portion. A neighbouring property owner would like to purchase this rear portion to increase the amenity space associated with his property.

Ms. Banani Afsana, Planner, Policy and Research, presented Staff comments with respect to the application on behalf of the Building and Planning Divisions of the Planning & Development Services Department, City of Peterborough.

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

In response to questions from the Committee, Ms. Afsana advised as follows:

- Peterborough Distribution Inc. have advised that they have a distribution line attached to poles located at the southern lot line of the portion of the property proposed to be severed. The easement would be over this area and not the entire severed portion.

In response to questions from the Committee, Ms. Kimble advised as follows:

- The City will work with Peterborough Distribution Inc. to define an area for the easement, if the easement is necessary. The Committee could add a condition that the Utility Easement is illustrated as a separate Part on the Draft Reference Plan in consultation with the owner and PDI.

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 retained property and the severed and consolidated property would conform to both the Official Plan policy and the Zoning By-law, consent is granted to sever a 790 square metre, rear portion of the subject property, as illustrated in Exhibit 8 of the Staff Report dated January 24, 2017, to be consolidated with the property municipally known as 435 Howden Street, CONDITIONAL UPON THE FOLLOWING:

- i) The applicant submitting the draft reference plan showing the subject land to the Secretary-Treasurer for review and approval. The draft reference plan should describe the portion of the property required by Peterborough Distribution Inc. for a Utility Easement as a separate Part, if required. Upon approval, the applicant shall submit two copies of the deposited reference plan;**
- ii) The applicant providing the Secretary-Treasurer with a draft of the Transfer/Deed of Land;**
- iii) The owner's solicitor providing an undertaking that the property to be severed be consolidated with 435 Howden Street. Such that these two parcels shall be considered as one lot and shall not be dealt with separately. Section 50 (3) or 50 (5) shall apply to any subsequent conveyance of or transaction involving the parcel of land that is the subject of this Consent;**
- iv) The owner granting a utility easement to Peterborough Distribution Inc. (P.D.I.), if it is determined that an easement is necessary for access to existing utility services; and**
- v) If the above conditions are not satisfied within 365 days of the Committee's decision, this Consent will lapse.**

6. File No.: A06/17
Address: 138 Dufferin Street
Applicants: David and Mya Breukelaar

This matter relates to a minor variance application submitted by David and Mya Breukelaar, 2301 Marsdale Drive, Peterborough, Ontario K0L 0B6, as applicants on behalf of Catherine Faiers, 134 Dufferin Street, Peterborough, Ontario K9H 1N2, the owner of the property that is the subject of the application.

The purpose of this application is to reduce the minimum building setback from the street line of Rogers Street from 6 metres to 2.5 metres to allow the construction of a single dwelling unit.

John Breukelaar, 309 Leon Avenue, Selwyn, Ontario K9L 1L9, attended the meeting on behalf of David and Mya Breukelaar, and addressed the Committee as follows:

- The owners are seeking a minor variance to the setback from the street line to be able to achieve a larger home than is currently permitted on the corner lot.

Ms. Banani Afsana, Planner, Policy and Research, presented Staff comments with respect to the application on behalf of the Building and Planning Divisions of the Planning & Development Services Department, City of Peterborough.

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 Rogers Street street line to 2.5 metres.

7. **File No.: A02/17**
 Address: 549 Albert Street
 Applicant: Walter (Barry) Douglas Davidson

This matter relates to a minor variance application submitted by Walter (Barry) Douglas Davidson, as applicant on behalf of himself and Darlene Marie Davidson, 549 Albert Street, Peterborough, Ontario K9J 4N7, the owners of the property that is the subject of the application.

The purpose of this application is to increase the allowable height of an accessory building from 4.3 metres to 5.87 metres to accommodate additional headroom for an art studio in the existing accessory building on the property.

The Chair acknowledged that the applicant was not in attendance.

Mr. Dufresne advised that he had questions for the applicant and that he would prefer that the applicant be present before proceeding with discussion on the application.

Moved by Claude Dufresne

That consideration of File No. A02/17 be deferred to the next meeting of the Committee of Adjustment to allow an opportunity for the Committee to hear from the owner/applicant.

“CARRIED”

Minutes

Moved by Claude Dufresne

That the minutes of the Committee of Adjustment hearing held on November 15, 2016 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 Tuesday, March 7, 2017.

Adjournment

Moved by Len Lifchus

That this meeting of the Committee of Adjustment adjourn at 7:17 p.m.

“CARRIED”

Brenda Campbell, Chair

Jennifer Sawatzky, Secretary-Treasurer