



City of  
**Peterborough**

## **Committee of Adjustment Minutes**

**January 27, 2015**

Minutes of a Meeting of Committee of Adjustment held on Tuesday, January 27, 2015 at 7:00 p.m. in the Doris Room, City Hall.

**Present:** Mr. Paul Dorris, Chair  
Mr. Claude Dufresne  
Mr. John Duncan  
Ms. Brenda Campbell  
Mr. Alan Porteous

**Also Present:** Mr. Richard Straka, Planner, Policy and Research  
Ms. Jennifer Sawatzky, Secretary-Treasurer

1. **File No.:** B11/14  
**Address:** 1154 Chemong Road  
**Applicant:** Robert Jefferson, Cassels Brock & Blackwell LLP

This matter relates to a severance application submitted by Robert Jefferson of Cassels Brock & Blackwell LLP, 2100 Scotia Plaza, 40 King Street West, Toronto, Ontario M5H 3C2, as applicant on behalf of 1865088 Ontario Limited, 158 Dunlop Street East, Barrie, Ontario L4M 1B1, the owner of the property that is the subject of the application.

At the November 25, 2014, Committee of Adjustment meeting, the Committee agreed to adjourn this application to this Committee of Adjustment meeting in order to permit the applicant an opportunity to discuss the conditions recommended in the Staff Report with his client.

Staff informed the Committee that the Applicant submitted a letter on behalf of his client advising that he wishes to withdraw the application for a long term lease at the subject property.

No one spoke in objection to the applications for consent or variances and no written objections were received.

The Committee acknowledged that the Applicant wished to withdraw the application.

2. **File No.:** B01/15  
**Address:** 591-593 Sherbrooke Street  
**Applicant:** Jack McVicar
3. **File No.:** A01/15  
**Address:** 591 Sherbrooke Street  
**Applicant:** Jack McVicar
4. **File No.:** A02/15  
**Address:** 593 Sherbrooke Street  
**Applicant:** Jack McVicar

This matter relates to a severance application and two minor variance applications submitted by Jack McVicar, 314 Rubidge Street, Peterborough, Ontario K9J 6Z6, as applicant on behalf of Gordon Robert King, 122 Park Street South, Peterborough, Ontario K9J 3R9 and Donna Fay King, 593 Sherbrooke Street, Peterborough, Ontario K9J 2P4, the owners of the property, which is the subject of the application.

Bonnie McVicar, representing the office of Jack McVicar, attended the meeting and addressed the Committee as follows:

- She represents the owners of the subject properties and is requesting consent to convey the property in two parts, including a single unit dwelling on each part.
- The properties inadvertently merged on title and the owners wish to return the properties to their original dimensions under separate ownership.
- There are no proposed changes to the development on the properties.

Mr. Richard Straka, Planner, Policy & 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, Staff advised as follows:

- There is adequate parking to allow each property to operate independently located at the rear of each property and accessed via a laneway off Monaghan Road.

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

- 591 Sherbrooke Street and 593 Sherbrooke Street have always been treated separately from an assessment and taxation perspective.

#### **Decision B01/15**

In that both 591 Sherbrooke Street and 593 Sherbrooke Street have functioned independently since the inadvertent merger of the properties, the Committee considers it appropriate to allow a severance that would permit independent ownership of each property.

**Therefore, consent is granted to sever the westerly easterly 8.38 metre wide property known municipally as 591 Sherbrooke Street from the balance of the property known municipally as 593 Sherbrooke Street together with a 0.6 metre wide by 18 metre long easement for maintenance of the west wall of the dwelling on 591 Sherbrooke Street, subject to the approval of the associated minor variance application files A01/15 and A02/15.**

#### **Decision – A01/15**

The Committee reviewed the application, noted that the properties function as independent properties with access to adequate parking, and determined that the variances are minor and would facilitate severance and independent ownership of the properties.

Accordingly, the Committee determined that:

1. the variances are minor;
2. the proposal is desirable for the appropriate development or use of the land;
3. the general intent and purpose of the Zoning By-law is maintained; and
4. the general intent and purpose of the Official Plan is maintained.

**Therefore a variance is granted to:**

- a) **Reduce the minimum lot width to 8.2 metres per unit;**
- b) **Reduce the minimum lot area per unit to 349 sq metres**
- c) **Reduce the minimum building setback from the west side lot line to 0.5 metres, and**
- d) **Increase the maximum lot coverage by a parking area and driveway to 24%**

**Decision – A02/15**

The Committee reviewed the application, noted that the properties function as independent properties with access to adequate parking and a maintenance easement, and determined that the variances are minor and would facilitate severance and independent ownership of the properties.

Accordingly, the Committee determined that:

1. the variances are minor;
2. the proposal is desirable for the appropriate development or use of the land;
3. the general intent and purpose of the Zoning By-law is maintained; and
4. the general intent and purpose of the Official Plan is maintained.

**Therefore a variance is granted to:**

- a) **Reduce the minimum building setback from the west side lot line to 0.78 metres, and**
  - b) **Increase the maximum distance that a platform deck may project into a side yard setback to 0.15 metres.**
5. **File No.: A03/15**  
**Address: 555 Neal Drive**  
**Applicant: Matt Hubble**

This matter relates to a minor variance application submitted by Matt Hubble, 404 Daniel Street, Peterborough, Ontario K9K 1C5, as applicant on behalf of 128425 Canada Inc., 3075 Trans Canada, Pointe Claire, Quebec H9R 1B4, the owner of the property that is the subject of the application.

Matt Hubble attended the meeting and addressed the Committee as follows:

- The owners are constructing an addition to the rear of the existing building on the property and are seeking a minor variance in order to reduce the minimum required width of open space in relation to residentially zoned land to accommodate the relocation of the driveway providing access to the rear of the property, south of the addition.
- The portion of the property with residential zoning was annexed from Otonabee-South Monaghan and retains the zoning designation inherited from the Township.
- The property shares a lot line with Ernest Boyles and Sons Feed supply, and the adjacent property is not used as a residence.

Mr. Richard Straka, Planner, Policy & 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, Staff advised as follows:

- The proposed addition is to be constructed to the rear of the existing building, resulting in the need to locate the driveway closer to limit of the zoning district and property line.
- The Official Plan is undergoing a review that will result in a comprehensive update of the Official Plan. The Planning Division is planning to revise outdated zoning designations subsequently.

## Decision

The Committee reviewed the application, considered the proximity of the proposed driveway to the Hamlet Residential zoning district on the property and acknowledged that a variance of 8.93 metres would not address the location of the driveway in relation to the portion of the subject property with residential zoning. The Committee noted that the residentially zoned portion of the subject property and adjacent property are either vacant or used for general industrial purposes and determined that the impact of the variance was minor and would result in appropriate development that would be in keeping with the established standard of development of the neighbourhood.

Accordingly, the Committee determined that:

1. the variance is minor;
2. the proposal is desirable for the appropriate development or use of the land;
3. the general intent and purpose of the Zoning By-law is maintained; and
4. the general intent and purpose of the Official Plan is maintained.

**Therefore a variance is granted to reduce the minimum required width of landscaped open space to 0 metres in relation to the residentially zoned land.**

6. **File No.:** B02/15  
**Address:** 943 Weller 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 Darlene and Paul Shaughnessy, 943 Weller Street, Peterborough, Ontario K9J 4Y1, the owners of the property that is the subject of the application.

Kevin M. Duguay attended the meeting and addressed the Committee as follows:

- He is representing Mr. and Mrs. Shaughnessy who are requesting consent to sever the property into two parts in order to create a new lot for construction of a single unit dwelling on the property for independent ownership.
- He referred to Exhibit C of the Staff Report showing the dimensions of the proposed severed lot and noted that both the severed and retained lots meet or exceed the requirements of the zoning regulations applied to the property.
- He has reviewed the Staff Report, including the recommended conveyance of land for road widening along Wallis Drive and Weller Street in addition to a daylighting triangle at the intersection of the two streets, and indicated that his clients are aware of the suggested conditions and that the conveyance would not impact the function of the site after severance.

Mr. Richard Straka, Planner, Policy & 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, Staff advised as follows:

- Both the severed and retained properties would conform to the zoning regulations applied to the property and are of a size that could accommodate development similar to that of other properties in the neighbourhood. The Committee has not received any comments from neighbouring property owners expressing concern with the potential severance and development.

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

- The owners are intending on selling the severed lot for independent development.

## Decision

**In that the severance would result in two parcels that would conform to the regulations of the zoning district, consent is granted to sever the southerly 25 metres of the subject property to create a new lot for potential development of a single unit dwelling to the south of the existing dwelling on the property, **CONDITIONAL UPON THE FOLLOWING:****

- i) **Conveyance, free of encumbrances and no cost to the City, of a 3 metre wide strip of land along the road frontage in relation to Wallis Drive and a 3 metre wide strip of land along the road frontage in relation to Weller Street together with a 8 metre by 8 metre daylight triangle at the intersection of the two streets,**
  - ii) **Payment of a tree levy in the amount of \$325.00, and**
  - iii) **Payment of a parks levy in an amount to be determined by the Parks Levy Review Committee.**
7. **File No.: A04/15**  
**Address: 635 Stewart Street**  
**Applicant: Mike and Jennifer Howson**

This matter relates to a minor variance application submitted by Mike and Jennifer Howson, 1142 Matchett Line, Otonabee, Ontario K9J 6Y3, the owners of the property that is the subject of the application.

Mike and Jennifer Howson attended the meeting and addressed the Committee as follows:

- The subject property is a corner lot zoned R.3 residential. In 1983, the Committee of Adjustment approved the use of the property as a duplex.
- They are requesting a reduction to the minimum lot area per dwelling unit and the minimum required lot width per dwelling unit to allow the operation of the three unit dwelling on the property.
- The dwelling is located close to Trent University's Catherine Par Traill College, and many other properties in the area have been converted to multi unit residences. The property's use as a three unit dwelling conforms to the standard of development in the neighbourhood.

Mr. Richard Straka, Planner, Policy & 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, Staff advised as follows:

- The encroachment agreement respecting this property adequately addresses the City's interest with regard to encroachment of the storage garage on Edinburgh Street.

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

- The basement, main floor and upper units are approximately 600 square feet, 1000 square feet, and 800 square feet respectively.
- The basement unit is a one bedroom unit, and the main and upper level units each have two bedrooms.
- The car parked in the right-of-way does not belong to the tenants living in the dwelling.

## Decision

The Committee reviewed the application, considered the proximity of the subject property to the Central Area, noted that many dwellings in the vicinity had been converted to multi unit dwellings, and determined that the proposed density was appropriate for the neighbourhood. The Committee noted that the property could accommodate parking spaces for five motor vehicles to support the three dwelling units and determined that the impact of the variance was minor and would result in appropriate development with minimal impact on adjacent properties.

Accordingly, the Committee determined that:

1. the variances are minor;
2. the proposal is desirable for the appropriate development or use of the land;
3. the general intent and purpose of the Zoning By-law is maintained; and
4. the general intent and purpose of the Official Plan is maintained.

**Therefore a variance is granted to:**

- a) **Reduce the minimum required lot area per dwelling unit to 152 square metres,**
- b) **Reduce the minimum required lot width per dwelling unit to 4.86 metres, and**
- c) **Reduce the required number of motor vehicle parking spaces to 5 to support the use of the building for no more than three dwelling units**

**CONDITIONAL UPON THE FOLLOWING:**

- i) **Payment of a parks levy of an amount to be determined by the Parks Levy review Committee for the additional apartment unit,**
  - ii) **Establishment and maintenance of five motor vehicle parking spaces on the property including two parking spaces on the property relative to Stewart Street by July 31, 2015 failing which this decision will lapse and be null and void, and**
  - iii) **Installation of appropriate water service connection, including metres for the three residential units, to the satisfaction of the Peterborough Utilities Services Inc.**
8. **File No.: A05/15**  
**Address: 315 Pearl Avenue**  
**Applicant: Jason Wilcox**

This matter relates to a minor variance application submitted by Jason Wilcox, 315 Pearl Avenue, Peterborough, Ontario K9J 5G4, as applicant on behalf of himself and Clarissa Morawski, 315 Pearl Avenue, Peterborough, Ontario K9J 5G4 the owners of the property that is the subject of the application.

Jason Wilcox attended the meeting and addressed the Committee as follows:

- They are seeking a minor variance to reduce the minimum setback from the north side lot line as he would like to remove the existing back porch and construct a one storey, insulated addition, incorporating a stairway to the lower level.
- The variance would allow the construction of an addition centred symmetrically at the rear of the house, bringing the addition closer to the lot line with the neighbouring property to the north.

Mr. Richard Straka, Planner, Policy & 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.

Mark Stuart Woolley, 311 Pearl Avenue, Peterborough, Ontario K9J 5G4 attended the meeting and addressed the Committee in support of the application.

### **Decision**

The Committee reviewed the application, considered the established standard of development in the neighbourhood, and determined that the impact of the variance was minor and would result in appropriate development.

Accordingly, the Committee determined that:

1. the variance is minor;
2. the proposal is desirable for the appropriate development or use of the land;
3. the general intent and purpose of the Zoning By-law is maintained; and
4. the general intent and purpose of the Official Plan is maintained.

**Therefore a variance is granted to reduce the minimum building setback from the north side lot line to 1 metre to allow the proposed, one storey addition.**

9. **File No.: A06/15**  
**Address: 100 Dublin Street**  
**Applicant: J. Laurie Young**

This matter relates to a minor variance application submitted by J. Laurie Young, 750 Fife's Bay Road, Selwyn, Ontario K9J 6X4, as applicant on behalf of Tony Storey, 100 Dublin Street, Peterborough, Ontario K9H 3A9, the owner of the property that is the subject of the application.

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

- The owner is seeking a minor variance in order to build a two storey extension onto the rear of his semi-detached duplex to house a book collection and add a main floor washroom with level access for the use of guests.
- The property backs onto the river and has a deep backyard.
- If the variance is granted, the addition will enclose the window in the main floor plan and leave kitchen with access to the addition.
- The plans have been modified to locate the proposed addition 0.6 metres from the west side lot line.

Mr. Richard Straka, Planner, Policy & 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.

The following persons attended the meeting and addressed the Committee in opposition to this application:

- i) Christopher Huxley, owner of 98 Dublin Street, Peterborough, Ontario K9H 3A9 attended the meeting and addressed the Committee to express concerns with the application relating to the size of the proposed addition, the proximity of development to the river, the loss of natural light on his property and the impact of the proposed development on the root system of a maple tree on the property.

The Committee proceeded to review a floor plan clarifying the dimensions of the proposed addition, provided by J. Laurie Young.

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

- The application proposes to reduce the minimum building setback from the west side lot line. If the applicant constructed an addition within the regulated setback from the west lot line the addition could be built closer to the shoreline of the river.
- The addition will extend beyond the addition at 102 Dublin Street by approximately four feet. The addition would not extend beyond the garage established at 98 Dublin Street or the dwelling at 82 Dublin Street.

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

- The lower level of the addition will be constructed to be accessible for a person with a mobility impairment.

### **Decision**

The Committee reviewed the application, considered the distance of the addition from the high water mark and flood plain of the Otonabee River, and in lieu of an Environmental Study considered it appropriate to impose restrictions on future development to protect the shore line.

The Committee further considered the proximity of the proposed development to the adjacent semi-detached dwelling and acknowledged that an addition built 0.3 metres from the lot line could interfere with the construction and maintenance of the exterior wall of the two storey addition as well as the establishment of the grade directing stormwater away from the property.

The Committee noted the distance from the shore line of development on other properties in the neighbourhood along the Otonabee River and determined that the impact of the variance was minor and would result in development that would be in keeping with the established standard of development of the neighbourhood.

Accordingly, the Committee determined that a lesser variance of 0.6 metres from the west lot line would:

1. be minor;
2. be desirable for the appropriate development or use of the land;
3. maintain the general intent and purpose of the Zoning By-law; and
4. maintain the general intent and purpose of the Official Plan.

**Therefore a variance is granted to reduce the minimum building setback from the west side lot line to 0.6 metres to allow a 4.87 metre by 7.62 metre addition to the rear of the dwelling, SUBJECT TO THE FOLLOWING CONDITIONS:**

- i) **The owner entering into an agreement with the City to not alter or destabilize but maintain the vegetation and grades on the property, including the top of the bank, beyond a distance of 34 metres from the street line, and**
- ii) **The building addition is designed with eavestroughing and a down pipe to manage stormwater on the subject property so as not to affect the neighbouring property.**

10. **File No.: A07/15  
Address: 769 Borden Avenue  
Applicant: Zelinka Priamo Ltd.**

This matter relates to a minor variance application submitted by Zelinka Priamo Ltd., 318 Wellington Road, London, Ontario N6C 4P4, as applicant on behalf of Lansdowne Mall Inc., 645 Lansdowne Street West, Peterborough, Ontario K9J 7Y5, the owner of the property, which is the subject of the application.

Correspondence from Zelinka Priamo Ltd. was distributed to the Committee members requesting the application be deferred to a future meeting of the Committee to allow the applicant an opportunity to review the number of parking spaces proposed to be provided on the property in relation to what would be required on the property once the temporary tent structure is established.

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

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

- The application may need to be re-advertised once the applicant has clarified what the variance will be with respect to parking spaces.

### **Decision**

**The Committee reviewed the applicant's request and agreed to defer the application to the next Committee of Adjustment meeting scheduled for Tuesday, February 24, 2015 to permit the applicant an opportunity to review the parking requirements as outlined in their application and the consultant's report and provide staff and the Committee with further details. Any change to the application will require re-advertisement at the applicant's expense.**

11. **File No.:** A08/15  
**Address:** 400 Ashburnham Drive  
**Applicant:** Len and Susan Vass

This matter relates to a minor variance application submitted by Len and Susan Vass, 400 Ashburnham Drive, Peterborough, Ontario K9L 0C8, the owners of the property that is the subject of the application.

Len Vass attended the meeting and addressed the Committee as follows:

- He is seeking a minor variance to acknowledge the expansion of the legal non-conforming, residential use of the property by recognizing two accessory buildings on the property to be associated with the residential use.
- The garage established on the property was never intended for industrial use, but is used to store motor vehicles, lawnmowers, bicycles and other household equipment.
- The open-sided cabana shelters a hot tub, pump equipment, and outdoor furniture. He would like to glaze the entire posted structure to protect the interior space from the elements.

Mr. Richard Straka, Planner, Policy & 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, Staff advised as follows:

- The cabana was constructed without a building permit. There are two open building permits on the property in respect to the wrap around porch on the dwelling and the garage. A final inspection is required on both of these permits.
- The building permit for construction of the garage was issued for industrial, storage purposes. The garage has now been converted for residential use. A permit could not have been issued for construction of a structure accessory to the residential use without a variance.

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

- He relocated a 40 foot by 40 foot frame structure to the property from a location off site without a permit, but the structure collapsed prior to its completion. The garage was eventually constructed in its place with a permit.
- He has purchased glass patio doors for the cabana and requires the variance so that he may obtain a building permit for the structure and enclose it.
- He has lived at the property since 1961. He acknowledged that there are currently seven buildings on the property including a stone foundation of a building with a collapsed roof. The industrial zoning applied to the property was a City initiative, but the family has always used the property as a residence. He also operates his business out of his home.
- The vegetation at the east side of the property is referred to in the conditions recommended in the Staff Report. He considers the Manitoba maples located on the property to be an invasive species and they have grown in an area that was traditionally ploughed. He intends to eventually clean up the Manitoba maples on the property.
- Because the land is designated as provincially significant wetland, he believes that the property is unlikely to be used for industrial development in the future.
- He stated that he thought that the legal non conforming status of his property allowed him to make improvements to his residence.
- He confirmed that he felt he would be able to fulfill the recommended conditions within one year from the date of the decision.

### **Decision**

The Committee reviewed the application to expand the use residential use of the property by way of allowing the residential use of established accessory buildings on the property. The Committee considered the property surrounded by vacant land and the City's Natural Areas Policies that would pertain to the undeveloped land surrounding the developed portion of the property, noting that the buildings were all located on the developed portion of the property well away from the adjacent natural areas.

The Committee determined that the impact of recognizing the modest expansion of the residential use of the two established accessory buildings on the property would be minor provided that there was no further development beyond the developed portion of the property without an Environmental Study.

Accordingly, the Committee determined that with conditions, there would be no impact on surrounding properties from the expanded residential use of the property by allowing conversion of the use of the two accessory buildings associate with the residential use.

**Therefore the proposal was considered by the Committee under Section 45(2) of the Planning Act to recognize the 150 square metre garage and 35 square metre poolside cabana as accessory buildings associated with the residential use of the property, CONDITIONAL UPON THE FOLLOWING:**

- a) **The owner entering into an agreement not to develop or alter vegetation or grades on the property beyond 120 metres east of Ashburnham Drive without obtaining an Environmental Study as required by Section 3.7 of the Official Plan,**
- b) **That the owner provide the City with a survey, satisfactory to the City, showing the location of features located within the Ashburnham Drive right-of-way and enter into an encroachment agreement with the City to the Satisfaction of the City Solicitor,**
- c) **The owner obtaining any necessary building permits and receiving satisfactory final inspections on any open building permits associated with buildings and structures on the subject property, and**

- d) **All of the above conditions must be satisfied by March 1, 2016 or the benefit of this decision will lapse and become null and void.**

**Next Meeting:**

The next meeting of the Committee of Adjustment is scheduled for Tuesday, February 24, 2015.

**Adjournment:**

Meeting adjourned at 9:00 p.m.

Dated the 5<sup>th</sup> day of February, 2015.

(Sgd.) Paul J. Dorris, Chair

(Sgd.) Jennifer Sawatzky, Secretary-Treasurer