



City of  
**Peterborough**

## **Committee of Adjustment Minutes**

**April 21, 2015**

Minutes of a Meeting of Committee of Adjustment held on Tuesday, April 21, 2015 at 7:00 p.m. in the Council Chambers, City Hall.

The Committee of Adjustment was called to order at 7:00 p.m. by Jennifer Sawatzky, Secretary-Treasurer of the Committee of Adjustment, functioning as the interim Chair.

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

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

The first order of business of the Committee was the election for a Chair of the Committee.

### **Election of Officers**

#### **Term of Office**

Moved by Claude Dufresne

**That the Committee shall appoint a chair and vice-chair to serve one year terms, and each subsequent appointment shall be for one year.**

“CARRIED”

#### **Chair**

Moved by Claude Dufresne

**That Brenda Campbell be appointed as Chair of the Committee of Adjustment**

“CARRIED”

Brenda Campbell assumed the Chair.

#### **Vice-Chair**

Moved by Len Lifchus

**That Mauro DiCarlo be appointed as Vice-Chair of the Committee of Adjustment**

“CARRIED”

1. **File No.:** A11/15  
**Address:** 1037 Avery Avenue  
**Applicant:** 935976 Ontario Inc. (o/a Parkview Homes)

This matter relates to a minor variance application submitted by 935976 Ontario Inc., 17-637 The Queensway, Peterborough, Ontario K9J 7J6 the owner of the property that is the subject of the application.

Paul Dietrich, representing Parkview Homes, attended the meeting and addressed the Committee as follows:

- He is seeking a minor variance to reduce the minimum building setback from the rear lot line to 6 metres to allow a covered rear deck.
- The deck at the rear of the home is elevated to accommodate a walk out on the lower level. The yard will be graded so that the height of the deck will be less than 3 metres above grade.
- The building coverage of the proposed home is 36.6%, less than the 40% allowed by the zoning regulations.
- The uncovered deck conforms to all of the setback requirements. However, a small, 6.6 square metre portion of the covered deck encroaches into the rear lot line.
- The shape and size of the deck will remain the same if the application to allow a portion to be covered is denied.
- As the lot is pie shaped, the dwelling is pushed further back from the street line than is permitted by the regulations.
- The 6.6 square metres of covered deck that encroaches into the rear lot line represents only 2.2% of the total building coverage.
- As other homes in the area will also have rear decks, the design is consistent with other homes in the area.

Mr. Dietrich distributed illustrations of the proposed dwelling to the Committee and proceeded to explain the measurements described in the illustrations that demonstrated the proposed modifications to the grades of the property and why the building was set back on the property.

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:

- Considerable thought has gone into the development of the alternative regulations and exceptions of the zoning. Together with the subdivision agreement, the regulations set limits for development of the properties. Increasing the impermeable surface of covered portions of the deck may contribute to increased stormwater runoff.
- No building permits have been issued for dwellings in close proximity to the subject property. The plans distributed by the applicant at this meeting give an idea as to the scale of buildings on neighbouring properties. This lot is the largest in the subdivision.
- The proponent is now proposing to alter the grades of the rear yard in relation to the elevation of the deck so it does comply with the by-law. The City has no control on the material and finish of the deck. If the surface is impermeable, the stormwater drains into the rear yard. The portion that does not comply with the

zoning regulations is a portion of the roof that extends over the deck. The dwelling is a large building on a large lot, and the lot coverage considering the modifications to the grades in relation to the height of the deck now complies. Staff's reservation is in setting a precedent and a cumulative impact of potential variances to regulations that are in place to protect the natural area.

- Additional information including elevations and information on window openings for the proposed dwelling have clarified why the building could not be located closer to the street line.

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

- The covered portion of the deck will be finished with soffit pan, which will match the rest of the soffit surrounding the home.
- The applicant understood that the covered portion of the deck could not be enclosed with walls.

### **Decision**

The Committee reviewed the application and noted that the size of the proposed dwelling, while large, is within the maximum building coverage of 40% of the property. The Committee further noted that the proposed dwelling with a completely uncovered deck of the proposed size would be permitted under the current zoning regulations. The Committee considered the percentage of the total building coverage represented by the portion of the covered deck which extends beyond the rear yard setback and determined that the impact of the variance was minor and would result in appropriate development that would be in keeping with the 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 building setback from the rear lot line to 6 metres to permit the extension of the west corner of the roof of the dwelling over a portion of an unenclosed deck.**

2. **File No.: A12/15**  
**Address: 1306 Bathurst Street**  
**Applicant: David White**

This matter relates to a minor variance application submitted by David White, 1306 Bathurst Street, Peterborough, Ontario K9H 6X9, the owner of the property that is the subject of the application.

David White attended the meeting and addressed the Committee as follows:

- He is seeking a minor variance to reduce the minimum building setback from the south side lot line to 0.6 metres to allow for the construction of a detached garage. The variance will allow him place the garage beside, rather than behind the house, resulting in a shorter driveway, which is easier to maintain in the winter months. The proposed 7.4 metre long garage will extend 4.6 metres behind the house.
- If the garage were placed further back on the lot, it would block the views from the neighbouring backyards. The lot slopes to the rear, and re-grading the lot to allow a level area would result in the garage being quite high compared to his neighbour's property.

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.

Mr. White provided a letter from Betty Marshall, 1302 Bathurst Street, Peterborough, Ontario K9H 6X9, who is the adjacent neighbour to the south, in support of the application. Richard Straka read the letter to the Committee.

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

- The existing shed will be removed.

### **Decision**

The Committee reviewed the application and considered the side yard setback requirements of the zoning by-law, established to maintain spatial separation between buildings on adjacent properties. The Committee observed that the dwelling on the adjacent property to the south is located approximately 2.4 metres from the lot line and determined that the impact of granting the variance would be minor, as the separation distance between buildings would be maintained. The Committee further considered the impact of re-grading the lot to permit a longer, level driveway to a garage at the rear of the dwelling and determined that granting the variance would allow for a less imposing structure with less impact on adjacent properties.

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 south side lot line to 0.6 metres to allow for the construction of a detached garage PROVIDED THAT eavestroughing is established and maintained on the garage to manage stormwater onto the subject property, so as not to affect the neighbouring property.**

3. **File No.: A13/15**  
**Address: 727 Hemlock Street**  
**Applicant: RD Land Corp**

This matter relates to a minor variance application submitted by RD Land Corp, 169 Lansdowne Street East, Peterborough, Ontario K9J 7P7, the owner of the property that is the subject of the application.

Mike Davenport, representing RD Land Corp, attended the meeting and addressed the Committee as follows:

- He is seeking a minor variance to reduce the setback from the street line to the verandah to 4.38 metres and to the dwelling to 5.52 metres.
- The requested variance will allow the proposed dwelling to be brought closer to the street line so that the house will be in line with the remainder of the houses that are to be built on Hemlock Street.

Mr. Davenport circulated a floor plan of the Ashford 35 model home to the Committee. The Ashford 35 model is proposed to be constructed on the lots represented by application numbers A13/15, A14/15 and A15/15.

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.

Ms. Christine Haffie, 462 Raymond St., Peterborough, ON K9H 0G9, attended the meeting and addressed the Committee to request information about the design of the proposed dwelling.

Mr. Straka showed Ms. Haffie the building elevations provided with the application.

### **Decision**

The Committee reviewed the application and considered the zoning regulations of neo-traditional style subdivisions, designed to encourage a more pedestrian friendly neighbourhood, and determined that permitting the dwelling to be located closer to the street line, level with neighbouring dwellings, is reasonable and consistent with this objective. The Committee determined that the impact of the variance was minor and would result in appropriate development that would be in keeping with the 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 building setback from the street line in relation to the west corner of the dwelling to 4.38 metres to permit an unenclosed, covered verandah and to 5.52 metres regarding the dwelling PROVIDED THAT:**

- i) **The setback from the side lot line relative to Raymond Street is no less than 6.6 metres, and**
  - ii) **The deck is no more than 1.5 metres above grade and setback no less than 3.5 metres from the north side lot line, as illustrated by the plan provided with the application.**
4. **File No.: A14/15 & A15/15**  
**Address: 729 Hemlock Street and 731 Hemlock Street**  
**Applicant: RD Land Corp**

This matter relates to two minor variance applications submitted by RD Land Corp, 169 Lansdowne Street East, Peterborough, Ontario K9J 7P7, the owner of the property that is the subject of the application.

Mike Davenport, representing RD Land Corp, attended the meeting and addressed the Committee as follows:

- He is seeking a minor variance to reduce the minimum building setback from the rear lot line to 6 metres and increase the distance a deck may project into the rear yard setback to allow the deck to be within 2.99 metres of the rear lot line.
- He would like to construct bungalows with main floor access to laundry, bedrooms, and a master bedroom with an en suite bathroom, as there is an increased demand for single storey homes with level access.

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:

- If the developer chose to install a ground level patio, there would be no restrictions on its size or proximity to the rear lot line.

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

- It is difficult to accommodate a set of patio furniture on an 8 foot wide deck, and he would prefer permission to build a 10 foot wide deck, which is a standard size, although most people prefer 12 foot wide decks. The proposed deck will not be elevated more than a couple of feet off the ground and will not be obtrusive to neighbouring properties at that height.
- There are currently no plans to install a fence along the rear lot line.

### **Decision – A14/15 and A15/15**

Considering the variance to the minimum building setback from the rear lot line:

The Committee reviewed the applications, noted that there is no development on the adjacent property to the north and determined that the variance in relation to the proposed development would have little impact on rear yard amenity space of the abutting property to the rear. The Committee determined that the impact of the variance was minor and would result in appropriate development that would be in keeping with the 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 building setback from the rear lot line to 6 metres.**

Considering the variance to the maximum distance that a deck may project into a minimum rear yard setback:

The Committee reviewed the application and expressed concern with the potential impact of an elevated deck on the future rear yard amenity space of the adjacent, undeveloped property to the rear, where a deck could be located as close as 0.3 metres to the side lot line.

Accordingly, the Committee determined that:

1. the variance is not minor;
2. the proposal is not desirable for the appropriate development or use of the land;
3. the general intent and purpose of the Zoning By-law is not maintained; and
4. the general intent and purpose of the Official Plan is maintained.

**Therefore a variance to increase the maximum distance that a deck may project into a minimum rear yard setback to 4.62 metres is DENIED.**

However, the Committee determined that granting a lesser variance would allow for adequate separation distance from the outdoor amenity space of the adjacent property to the rear.

**Therefore a variance is granted to increase the maximum distance that a deck may project into a minimum rear yard setback to 3.96 metres PROVIDED THAT the deck be no greater than 1.5 metres above grade, and the deck extend no more than 2.4 metres beyond the rear of the dwelling.**

5.     **File No.:     A16/15**  
       **Address:     738 Hemlock Street**  
       **Applicant:   RD Land Corp**

This matter relates to a minor variance application submitted by RD Land Corp, 169 Lansdowne Street East, Peterborough, Ontario K9J 7P7, the owner of the property that is the subject of the application.

Mike Davenport, representing RD Land Corp, attended the meeting and addressed the Committee as follows:

- The developer is seeking a minor variance to reduce the minimum building setback from the rear lot line to 6.5 metres and the maximum distance that a deck may project into a rear yard setback to 4.11 metres to allow the deck to be within 3.49 metres of the rear lot line.

Mr. Davenport circulated a map illustrating the location of the subject property in relation to adjacent properties, a floor plan of the Ashford 38 model home, and aerial images of the property to the Committee.

- There is a 6 metre wide watermain easement on the east side of 752 Hemlock Street, on which no building can be constructed, effectively ensuring the separation distance between the homes. There is an existing, wooden privacy fence along the east side of the property line of 752 Hemlock Street.
- The proposed floor plan is designed for a retired couple with all rooms on the main floor, including a main floor laundry and a master bedroom with an en suite bathroom.
- If the application is denied, the proposed single storey home will not fit on the property, and they may have to construct a two storey home, which is not what they plan to build.

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 have been no inquiries from neighbouring property owners on this application.
- Staff have concerns with the application as the proposed dwelling backs onto an established property that was built in 1995. The property owner would expect that the standard separation distance described in the Zoning By-law be maintained. Although 727-731 Hemlock Street also back onto the flankage of a property, as these properties have not yet been developed or sold, the property owners will be aware of the scope of the development on the neighbouring properties.
- Although the developer intends to build a single storey dwelling, a two storey dwelling could be constructed if requested by the purchaser.

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

- The majority of clients looking for retirement properties request two bedrooms and two bathrooms on the main floor. If the en suite is removed, the home will be harder to sell.
- If the home was moved forward on the lot to accommodate the length, the front of the home would not be uniform with the rest of the houses on the street.
- The proposed deck would be less than two feet above grade.
- If the Ashford model cannot be established on the lot, they would have to build a two storey home.

### **Decision**

The Committee reviewed the application and noted that the subject property backs onto a property with an existing dwelling, established since 1995. The Committee further noted that there were no objections to the application received from neighbouring property owners and a 6 metre wide easement along the eastern edge of 752 Hemlock Street prevents development within 6 metres of the side lot line that is shared as the rear lot line of the subject property. The Committee suggested that the proposed development would have less of an impact on the adjacent property to the rear than a two storey dwelling with an elevated deck 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 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 variances are granted to reduce the minimum building setback from the rear lot line to 6.5 metres and to increase the maximum distance that a deck may project into a minimum rear yard setback to 4.11 metres to allow the deck to be established within 3.49 metres of the rear lot line PROVIDED THAT the deck be no greater than 1.5 metres above grade, and the dwelling be limited to one storey in height.**

6. **File No.: B05/15**  
**Address: 656 Rogers Street**  
**Applicant: Joe Scollard**

This matter relates to a severance application submitted by Joe Scollard, 654 Rogers Street, Peterborough, Ontario K9H 1Y2, as applicant on behalf of 1799844 Ontario Limited, c/o 758 Pinewood Drive, Peterborough, Ontario K9K 1L4, the owner of the property that is the subject of the application.

Joe Scollard attended the meeting and addressed the Committee as follows:

- The applicant is would like to purchase the southerly 8 feet of 656 Rogers Street.
- He is seeking consent to sever a portion of the property at 656 Rogers Street to add to his neighbouring property at 654 Rogers Street.

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.

## Decision

In that the parcel is surplus to the needs of the subject property and the lot addition would improve the compliance of 654 Rogers Street with the Zoning By-law, consent is granted to convey the southerly 2.43 metres of the property to the owner of the property at 654 Rogers Streets, PROVIDED THAT Sections 50(3) and 50(5) of the *Planning Act* apply to any subsequent transaction involving the parcel of land that is subject of this application.

7.     **File No.:**     A17/15  
       **Address:**    898 Monaghan Road  
       **Applicant:** Kevin M. Duguay

This matter relates to a minor variance application submitted by Kevin M. Duguay, 560 Romaine Street, Peterborough, Ontario K9J 2E3, as applicant on behalf of 1559741 Ontario Inc., c/o Charter Properties, 235-380 Armour Road, Peterborough, Ontario K9H 7L7, the owner of the property that is the subject of the application.

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

- The owners are seeking a minor variance to allow a building on the property to be used as a travel agency as a use considered similar to the bank or financial institution use allowed by the zoning on the property.
- The building has sat vacant for some time, and the owners have found a tenant who wishes to use the property for a use not specifically identified in the C7 zoning of the property.
- He has read the Staff Report and concurs with Staff's recommendations.

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.

## Decision

The Committee reviewed the application with consideration to the Special Purpose Retail designation outlined in the Official Plan. The Committee determined that the proposed use of the property fulfills the expectations of the uses anticipated by the designation as a large format store that would not usually locate in the Central Area due to the nature of services offered and the requirement for ease of vehicle access and readily available parking. The Committee considered the nature of proposed use and determined that the use was similar in operation to a bank or financial institution, which is a use allowed by the C.7-201 Commercial District zoning. The Committee concluded the variance would have no adverse impact on the surrounding land uses.

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 permit a "Travel Agency - Travel Wholesaler Use" of the 498 square metre building on the subject property.**

8. **File No.:** A18/15  
**Address:** 51 Park Street North  
**Applicant:** Kevin M. Duguay

This matter relates to a minor variance application submitted by Kevin M. Duguay, 560 Romaine Street, Peterborough, Ontario K9J 2E3, as applicant on behalf of 1447098 Ontario Inc., c/o TDL Group, 874 Sinclair Road, Oakville, Ontario L6K 2Y1 the owner of the property that is the subject of the application.

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

- The owners are seeking a minor variance to allow a temporary sales trailer on the property for a limited time while the building undergoes renovations.
- The planned improvements are to upgrade the restaurant to the new corporate standard.
- During the renovation, vehicles would still enter from Albert Street and travel along the west boundary of the property, which is separated from the neighbouring property by a privacy fence and laneway.
- A temporary order box will be erected between the existing building and the trailer. Vehicles will continue along the vehicle queue and leave by the existing Albert Street driveway.
- A previous renovation to the Tim Hortons on George Street, a much larger site, took 28 days to complete. As this site is smaller, renovations will likely be completed within 15 days.
- Sales are anticipated to drop by approximately 50% during construction, and traffic volumes are expected to reduce accordingly.
- The franchise owners have committed to removing the storage shed on site by May 15, 2015.
- The franchise owners have entered into an agreement with GE Canada to allow construction workers and staff to park on their property during the renovation.
- Restaurant staff monitored parking during a one week period and observed that the parking spaces were seldom used. During a one week period, there were only two instances where there were two cars parked on the property. Generally there was only one or no cars parked in the available spaces.
- If the application is denied, 30 people will be out of work for the duration of the construction period.
- During the renovation, staff will marshal cars during busy periods to ensure that cars are not blocking the sidewalk.
- The restaurant is located in the Park Street Business District which is established to promote and facilitate the improvement of existing commercial properties. This renovation will upgrade the business to comply with new corporate standards for the franchise.

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.

Marie Bongard, 461 Albert St., Peterborough, ON K9J 4N5 attended the meeting and addressed the Committee in regards to the application. Ms. Bongard expressed concerns with communication, hours of operation, traffic, pedestrian safety, and refuse storage and collection.

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

- The franchise owners, Mary and Greg Blair, are willing to meet with Ms. Bongard to discuss her concerns with the operation of the restaurant.
- Signs will be posted to notify customers and neighbours about the proposed renovation.
- Although there are accidents at the nearby intersections with Park Street, there is no record of a pedestrian accident at the site. The last vehicle accident at the property was in 2001.
- The restaurant will continue to have 24 hour operating hours during the renovation.
- Garbage collection is scheduled before 6:00 a.m. so that it does not conflict with the safe operation of the site.
- It would be a considerable expense to move the menu board. The trailer can be moved next to it during the renovation if its relocation would accommodate a longer vehicle queue or more turning room.
- A speed bump would present a maintenance problem, complicate snow removal, and could present a liability issue to the property owners.

### **Decision**

The Committee reviewed the application, the temporary construction plan submitted by the applicant and the availability of alternate parking arrangements on the nearby GE Canada property during the renovation. The Committee reasoned that the temporary construction plan could be amended to accommodate a longer vehicle queue, minimizing the impact of the construction on vehicle and pedestrian traffic and determined that the impact of the variance was minor and would result in a temporary disruption of the property.

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 permit a trailer as a temporary building on the property during the renovation of the established building on the property. The trailer shall be removed at such time that the renovations are complete.**

### **Conditional upon the Following:**

- i) **Proof of the agreement with General Electric to provide parking for no less than 6 motor vehicle parking spaces is provided. Should the term of the agreement expire, proof of an extension of the agreement shall be provided.**
- ii) **The Site Plan being amended to illustrate the location of the temporary structure to the satisfaction of the Planner of Urban Design, and**
- iii) **The Site Plan being updated to reflect substantially what is illustrated on the plan submitted with the application, attached to the Staff Report as Exhibit I, including removal of the storage shed by May 15, 2015.**

### **Next Meeting:**

The next meeting of the Committee of Adjustment is scheduled for Wednesday, May 20, 2015.

**Adjournment:**

Meeting adjourned at 9:29 p.m.

(Sgd.) Brenda Campbell, Chair

(Sgd.) Jennifer Sawatzky, Secretary-Treasurer