



City of
Peterborough

Committee of Adjustment Minutes

April 4, 2017

Minutes of a Meeting of Committee of Adjustment held on Tuesday, April 4, 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. 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.:** A01/17
Address: 623 Aylmer 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 Christopher Wood and Veronica Wood, the owners of the property that is the subject of the application.

The purpose of this minor variance application is to reduce the minimum required lot area per dwelling unit from 278 square metres to 191 square metres and reduce the minimum required lot width per dwelling unit from 9 metres to 6.1 metres to legalize and continue the use of a second dwelling unit within the existing dwelling.

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

- He has reviewed the Staff Report and is in agreement with the recommendation to approve the requested variances conditional upon entering into an encroachment agreement for the steps, stairs, vehicle and retaining wall in the Aylmer Street right-of-way.
- The proposal has been discussed with both the Planning and Building Divisions and the owner has made amendments to the application to ensure the proposed renovations represent appropriate development.

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 variances are minor, the proposal is desirable for the appropriate 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 from 278 square-metres to 191 square-metres; and**
- b) **Reduce the minimum required lot width per dwelling unit from 9 metres to 6.1 metres.**

CONDITIONAL UPON the owner entering into an encroachment agreement with the City of Peterborough to address the encroachment of the vehicle and retaining wall and stairs located within the Aylmer Street Right-of Way.

2. **File No.: A14/17
Address: 540 Brealey Drive
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 Life at the Brealey Inc., 5 Brisdale Drive, Suite 201, Brampton, Ontario L7A 0S9, the owner of the property that is the subject of the application.

The owner proposes to construct a two storey apartment building (18 units) and three two-storey townhouse blocks (14 units) on the subject property. To permit the development, the applicant is requesting a reduction of the minimum required lot area per dwelling unit from 465 square metres to 360 square metres; a reduction of the minimum required number of parking spaces from 2 to 1.75 spaces per dwelling unit for the apartment units; a reduction of the minimum required distance of the driveway and parking spaces from the window of a habitable room within the apartment building from 6 metres to 4.5 metres; a reduction of the minimum required amount of landscaped open space from 50% to 49% of the total lot area; a reduction of the minimum required width of the landscaped open space strip along the east side lot line from 9 metres to 7 metres; and a reduction of the minimum required building setback from the east side lot line from 9 metres to 7 metres, limited to a deck structure.

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

- The subject property was rezoned in 2004 to permit residential development and was severed from 520 Brealey Drive in 2005.
- The proposal that prompted the 2004 zoning amendment did not proceed. The subject property was subsequently purchased by his clients, who are proposing a more productive and appropriate use of the property, including a two-storey apartment building and a series of two-storey townhome developments along the eastern limit of the property.
- A number of the regulations of the Special Zoning District that were intended for the former proposal require a variance to reflect the current plans for development.

- The reduction to the minimum lot area per dwelling unit is similar to the standard lot area for a single unit dwelling and is in keeping with the Low Density Residential Official Plan designation, notwithstanding the built form of the dwellings.
- The reduction to the required number of motor vehicle parking spaces is only a reduction of a quarter of a space per unit, and is in keeping with the standard requirement associated multi-unit residential use.
- He has worked closely with the Planning Division Staff to minimize the proximity of the parking area to windows and the variance is only in relation to the dwellings in the apartment building.
- The variance to reduce the amount of landscaped open space on the property is required to ensure the vehicle movement areas function appropriately.
- The variances relating to the east side lot line are comparable to the standard for single unit dwellings and will permit decks at the rear of the townhome units.
- The owners intend to proceed with a Site Plan Approval application immediately if the application for variances is approved.

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 comments from Otonabee Conservation were received after the publication of the Staff Report. Otonabee Conservation advised that there are no apparent wetland, watercourse and flood plain features on or in close proximity to the subject property. However existing mapping suggests that there is habitat for an endangered or threatened species on the subject property. Consultation with the Ministry of Natural Resources and Forestry (MNRF) determined that an evaluation was not required in support of the variance, but MNRF did recommend that the landowner check for Butternut on the property prior to construction, which is an endangered tree species that is protected under the provincial Endangered Species Act (ESA). The application was also reviewed in consideration of the Trent Source Protection Plan (SPP) and the subject property is not located within an area that is subject to the policies contained in the SPP.

Richard Storey, 490 Fortye Drive, Peterborough, Ontario K9K 2H1, attended the meeting and addressed the Committee in opposition to this application. He expressed concern with the number of variances to the zoning by-law and stated that he did not consider them to be minor and that the development would have a negative impact on neighbouring properties.

Mr. Storey read a letter from Jeff Gosselin, 486 Fortye Drive, Peterborough, ON K9K 2H1, in opposition to the application.

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

- The zoning of the property is subject to a Holding Symbol, which will be removed upon the approval of a Site Plan by City Council. As a Site Plan Approval is a requirement to remove the Holding Symbol, Staff do not recommend that the Committee add any conditions to the approval of the application.
- Staff have received no additional comments or complaints from the public in respect to this application.

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

- The intent of the development is not student housing but a market driven, condominium development for a higher end market.

- The requirements for easements and rights of way will be reviewed when the Site Plan Application is filed. Applications for consent will be submitted to the Committee once the site plan has been finalized and the configuration for easements and rights of way for both the subject property and 520 Brealey Drive have been established.
- The owner does not wish to establish a privacy board fence along the eastern limit of the property as there is an existing mature cedar hedge in that location and a fence would affect the vegetation. The owner proposes to fill any gaps in the hedge.
- There are three accessible parking spaces on the property, which meets the requirements of the Zoning By-law.

Decision

The Committee heard from members of the public concerning the application and gave due consideration and weight to the comments made and received.

Having reviewed the application and considered the information presented both in the Staff Report and presentation, the Committee determined that the application should be approved as per the Staff Recommendation and that the variances are minor, the proposal is desirable for the appropriate development of the land, and the general intent and purpose of the Zoning By-law and Official Plan are maintained.

Therefore variances are granted to:

- Reduce the minimum required lot area per dwelling unit from 465 square-metres to 360 square-metres;**
 - Reduce the minimum required number of parking spaces from 2 to 1.75 spaces per dwelling unit for the apartment units;**
 - Reduce the minimum required distance of the driveway and parking spaces from the window of a habitable room within the apartment building from 6 metres to 4.5 metres;**
 - Reduce the minimum required amount of landscaped open space from 50% to 49% of the total lot area;**
 - Reduce the minimum required width of landscaped open space strip along the east side lot line from 9 metres to 7 metres; and**
 - Reduce the minimum required building setback from the east side lot line from 9 metres to 7 metres, limited to a deck structure.**
3. **File No.: A15/17**
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, ON K9J 7Y5, the owner of the property that is the subject of the application.

The purpose of this minor variance application is to request relief from the Zoning By-law to permit a temporary structure on the property and to reduce the minimum required number of motor vehicle parking spaces from 1,951 to 1,863 (a shortfall of 88 parking spaces) between April 15 and July 15 annually to facilitate the installation of a seasonal garden centre.

Ms. Heather Garrett of Zelinka Priamo Ltd. attended the meeting and addressed the Committee as follows:

- Zelinka Priamo Ltd. has been hired by Real Canadian Superstore, a tenant of Lansdowne Mall Inc., to represent them on their application to permit an seasonal garden centre on the mall property.
- The garden centre is a permitted use of the commercial zoning district, is approved on the site plan, and meets the intent of the Official Plan.
- The parking study submitted with the application examined parking demand during operation of the garden centre over the 2016 season and concurred with previous studies in concluding that the installation of the garden centre does not have a substantial impact on the site.
- An ORCA permit is in place for the 2017 season. An engineer has assessed the proposal and confirms that the installation of a garden centre in the proposed location would not be a concern in the event of a flood.
- She has met with a representative of 20 Vic Management Inc., who manage the operation of Lansdowne Place, and they confirmed that the property owner does not have plans to develop additional parking at 780 Erskine Avenue.
- Real Canadian Superstore will work with ORCA to obtain permits until the flood mitigation measures are completed.

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, Staff advised as follows:

- ORCA have issued a permit for the installation of the garden centre that is valid until the end of the 2017 season. As the flood mitigation measures are still pending, their comments on the application state that they cannot support development, in accordance with their policies.

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

- During the winter season, snow storage is typically located on the same area of the parking lot as the garden centre. The number of parking spaces lost to snow storage depends on the severity of the season and the amount of snow accumulation.
- Any materials that require stacking are stored on elevated pallets allowing water to flow beneath. Concentrated fertilizer products are stored on high shelves out of the reach of water.
- ORCA's policy approach to the application is similar to other Ontario conservation authorities who issue permits for garden centres operating within a flood plain.

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 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 a temporary garden centre on the subject property between April 15 and July 15 annually:

- a) Relief from the Zoning By-law to permit a temporary tent structure on the property; and
- b) A reduction to the minimum required number of motor vehicle parking spaces from 1,951 to 1863 (a shortfall of 88 parking spaces).

CONDITIONAL UPON approval from the Chief Building Official with regards to the location, size, materials, limits, etc. of the temporary structure for the seasonal garden centre and a permit from Otonabee Conservation (ORCA) for the 2017 season and PROVIDED THAT the installation of the garden centre creates a shortfall of no more than 88 parking spaces, ORCA permitted fertilizer and/or other chemicals are stored with an elevation higher than the surface water depth/floodwater, measured for the project area to reduce/eliminate adverse impacts during a regional storm/flood event, and a Building Permit and an ORCA permit are obtained for each season that the garden centre will be in operation.

4. **File No.: A16/17**
Address: 813 Argyle Street
Applicant: Padraic Hammond

This matter relates to a minor variance application submitted by Padraic Hammond, 813 Argyle Street, Peterborough, Ontario K9H 5T4, as applicant on behalf of Mary Anne Hammond, 813 Argyle Street, Peterborough, Ontario K9H 5T4, the owner of the property that is the subject of the application.

The purpose of this minor variance application is to reduce the minimum required building setback from the centre line of Dumble Avenue from 16 metres to 14.17 metres and increase the maximum extension of a platform into the building setback from the streetline from 1.5 metres to 1.83 metres to permit the construction of a verandah and a platform attached to the existing dwelling on the subject property..

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

- The property is located at the corner of Dumble Avenue and Argyle Street with vehicle access from Dumble Avenue.
- The proposal includes removing the existing deck at the east side of the house, building an addition for a new bedroom and constructing a platform off of the bedroom addition. He also proposes a workshop addition next to the garage and a verandah at the front entrance.

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 comments from Otonabee Conservation were received after the publication of the Staff Report and read the comments into the record. Otonabee Conservation advised that there are no apparent wetland, watercourse and flood plain features on or in close proximity to the subject property and, therefore, ORCA has no objections. However, existing mapping suggests that there is habitat for an endangered or threatened species on the subject property. Consultation with the Ministry of Natural Resources and Forestry (MNR) determined that an evaluation was not required in support of the variance. Landowners are responsible to ensure compliance with the Endangered Species Act and Ontario Regulation 242/08. The application was also reviewed in consideration of the Trent Source Protection Plan (SPP). It was determined that the subject property is not located within an area that is subject to the policies contained in the SPP.

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 variances are minor, the proposal is desirable for the appropriate development of the land, and the general intent and purpose of the Zoning By-law and Official Plan are maintained.

Therefore a variances are granted to:

- a) **Reduce the minimum required building setback from the centre line of Dumble Avenue from 16 metres to 14.17 metres; and**
- b) **Increase the maximum extension of a platform into the building setback from the streetline from 1.5 metres to 1.83 metres to permit a platform to be located at a distance of 4.17 metres from the street line.**

PROVIDED THAT any alterations to the proposed roof drainage and/or lot grading will not adversely impact adjacent properties.

Minutes

Moved by Frank Steffler

That the minutes of the Committee of Adjustment hearing held on March 7, 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 Tuesday, May 2, 2017.

Adjournment

The meeting was adjourned at 7:08 p.m.

(Sgd.) Brenda Campbell, Chair

(Sgd.) Jennifer Sawatzky, Secretary-Treasurer