



City of
Peterborough

Committee of Adjustment Minutes

March 20, 2018

Minutes of a Meeting of Committee of Adjustment held on Tuesday, March 20, 2018 at 6:00 p.m. in the Council Chambers, City Hall.

Present: Mr. Mauro DiCarlo, Chair (arrived 6:28 p.m.)
Ms. Brenda Campbell
Mr. Claude Dufresne
Mr. Len Lifchus
Mr. Frank Steffler

Also Present: Ms. Christie Gilbertson, Planner, Policy and Research
Ms. Andrea Stillman, Permit Technician, Plans Examiner
Ms. Jennifer Sawatzky, Secretary-Treasurer

Mr. Len Lifchus, Vice-Chair, called the Committee of Adjustment to order at 6:06 p.m.

Disclosure of Pecuniary Interest

There were no disclosures of Pecuniary Interest.

Moved by Claude Dufresne

That consideration of Item b), File No. A07/18 be moved to the end of the agenda.

“CARRIED”

- File No.: A04/18**
Address: 948 Ashdale Crescent West
Applicants: Peter and Marian VanBruinessen

This matter relates to a minor variance application submitted by Peter and Marian VanBruinessen, 948 Ashdale Crescent West, the owners of the property that is the subject of the application.

The purpose of the application is to reduce the minimum building setback from the south side lot line from 1.2 metres to 0.6 metres to permit the construction of a new 8.53 metre long attached deck along the south exterior of the existing house.

Mr. and Mrs. VanBruinessen attended the meeting to represent the application.

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

Decision

The Committee received no comment or presentation from members of the public concerning the application and thus made its decision on the basis of the Staff Report and the application.

Having reviewed the application and considered the information presented in the Staff Report, 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 south side lot line to 0.6 metres to permit the construction of a new 8.53 metre long attached deck along the south exterior of the existing house PROVIDED THAT any alterations to existing lot grading patterns or drainage will not adversely impact adjoining properties.

2. **File No.: A10/18**
Address: 739 Young Street
Applicants: Riley Crough and Ivory Gannon

This matter relates to a minor variance application submitted by Riley Crough and Ivory Gannon, 741 Young Street, Peterborough, Ontario K9J 3A5, as applicant on behalf of Riley Crough, Kelly Ann Speer and Rob Crough, 741 Young Street, Peterborough, Ontario K9J 3A5, the owners of the property that is the subject of the application.

The purpose of this application is to request variances to the R.1 Zoning District to permit the development of the lot with a single detached house.

Ms. Gilbertson advised that the applicants have requested that the application be deferred to the next meeting of the Committee of Adjustment to allow time to revise their application to address concerns that were raised through the commenting period.

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

Moved by Claude Dufresne

That the application be deferred to the April 17, 2018 meeting of the Committee of Adjustment to provide the applicant an opportunity to revise their application to address concerns that were raised through the commenting period. Should additional variances be required, the application will be re-advertised and re-circulated at the expense of the applicant/owner.

“CARRIED”

3. **File No.: A11/18**
Address: 689 Chemong Road
Applicant: Brian Fawcett

This matter relates to a minor variance application submitted by Brian Fawcett, P.O. Box 1412, Lakefield, Ontario K0L 2H0, as applicant on behalf of Roger Currier, 689 Chemong Road, Peterborough, Ontario K9H 5Y8, the owner of the property that is the subject of the application.

The purpose of the application is to reduce the minimum building setback from the rear lot line from 7.6 metres to 5 metres to allow the construction of a 4.93 metre by 3.8 metre attached, unenclosed, covered deck.

The applicant was not in attendance.

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

Decision

The Committee received no comment or presentation from members of the public concerning the application and thus made its decision on the basis of the Staff Report and the application.

Having reviewed the application and considered the information presented in the Staff Report, the Committee determined that the application should be approved as per the Staff Recommendation and that the 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 rear lot line to 5 metres to allow the construction of a 4.93 metre by 3.8 metre attached, unenclosed, covered deck PROVIDED THAT any alterations to existing lot grading patterns or roof drainage will not adversely impact adjoining properties.

4. **File No.: A12/18**
Address: 572 Cameron Street
Applicants: Keli and Dean Whitney

This matter relates to a minor variance application submitted by Keli and Dean Whitney, 572 Cameron Street, Peterborough, Ontario K9J 3Z5, the owners of the property that is the subject of the application.

The purpose of the application is to reduce the minimum building setback from the west side lot line from 1.2 metres to 0.8 metres to allow the construction of a dormer along the north roof line of the existing house.

Ms. Whitney attended the meeting to represent the application.

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

Decision

The Committee received no comment or presentation from members of the public concerning the application and thus made its decision on the basis of the Staff Report and the application.

Having reviewed the application and considered the information presented in the Staff Report, 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 west side lot line to 0.8 metres to allow the construction of a dormer along the north roof line of the existing house.

5. **File No.: A07/18**
Address: 666 George Street North
Applicant: Colin Darling

This application was adjourned from the February 21, 2018 hearing.

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 2449139 Ontario Inc., 269 Edinburgh Street, Peterborough, Ontario K9H 3E5, the owner of the property that is the subject of the application.

The purpose of the application is to obtain permission for the expansion of a legal non-conforming use. The applicant proposes to reconfigure the layout of a legal non-conforming triplex by adding a two-storey addition to the rear of the building.

Mr. Doug Rose, owner of 2449139 Ontario Inc., attended the meeting and addressed the Committee as follows:

- He has met with City Staff since the application was presented to the Committee on February 21, 2018 to discuss the application and the proposed condition of approval and is satisfied with the recommendation in the Staff Report.

Ms. Christie Gilbertson, 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.

The Vice-Chair read a letter into the record in opposition to the application from Bill van der Wel, 643 Water Street, Peterborough, Ontario K9H 2S4

Mr. Mauro DiCarlo arrived at 6:28 p.m. and assumed the chair.

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

- i) Trevor Denton, 657 Water Street, Peterborough, ON K9H 3N2 provided a letter to the Committee and spoke in opposition to the application. Mr. Denton expressed concerns related to the number of available parking spaces to support the enlarged dwelling units.
- ii) Kady Denton, 657 Water Street, Peterborough, ON K9H 3N2 provided a letter to the Committee and spoke in opposition to the application. Ms. Denton expressed concerns related to conformity of the application with the Official Plan, the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe in addition to the impact of the proposed expansion on the neighbourhood and its heritage attributes.
- iii) Tina Avlonitis, 1377 Hawthorne Avenue, Peterborough, ON K9J 7G1 and owner of 672 George Street North spoke in opposition to the application and expressed concerns related to the preservation of the heritage attributes of the neighbourhood and the potential for increases in noise, garbage and parking demand.
- iv) Karen Foskett, 675 George Street North, Peterborough, ON K9H 3S7 attended the meeting and presented a letter in opposition to the application to be read into the record by the Chair.
- v) Edward Smith, 110 Antrim Street, Peterborough, Ontario K9H 3G2 and owner of 671 George Street North provided the Committee with photographs of the renovation to his property at 671 George Street North and spoke in opposition to the application. Mr. Smith expressed concerns with the impact of the proposed expansion and design on the streetscape and the heritage attributes of the neighbourhood and the potential for an increase in parking demand.
- vi) Gloria Edwards, 167 Antrim Street, Peterborough, Ontario K9H 3G5 spoke in objection to the application and expressed concerns related to the size of the addition in relation to the size of the lot, compatibility of the proposed development with the character of the neighbourhood and issues related to privacy, parking, & garbage storage.

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

- The property is recognized as a legal non-conforming three-unit dwelling. The property is also considered legal non-complying in relation to the motor vehicle parking requirements of the Zoning By-law, with four parking spaces established. The property is located in Parking Area 2. If a new three-unit dwelling were to be developed in Area 2, 1.5 parking spaces per unit would be required for a total of five. As the applicant is not proposing a change to the number of dwelling units, there is no requirement to add additional parking spaces, and a Minor Variance application is not required to address parking.

- Ms. Gilbertson advised that she would need to consult with Legal Services to establish if the Committee has the authority to impose a condition to increase the number of required parking spaces beyond the requirements of the Zoning By-law.
- The classification of a property as a lodging house under the City's licensing provisions is based on an interpretation by staff of the function of the property relating to the Fire and Building Codes in addition to the number of bedrooms per dwelling unit.
- The City adopted amendments to the Official Plan related to intensification and density targets required by the Province's Growth Plan for the Greater Golden Horseshoe subsequent to the Growth Plan coming into effect in 2008. The subject property is outside of the limits of the Urban Growth Centre but is located along an Intensification Corridor.
- Staff do not recommend a deferral at this time. Following the deferral of the application at the February 21, 2018 hearing, Staff were able to develop a suggested condition of approval that adequately addresses Provincial Policy Statement and Official Plan policies related to location of the subject property adjacent to a protected heritage property. Staff recommend that the owner be required to enter into a Site Plan Application requiring a review of detailed design specifications before a Building Permit is issued, as well as requiring financial security to implement the design in the form of a letter of credit.

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 acknowledged the recognized use of the property as a legal non-conforming three-unit dwelling, and determined that the proposal is desirable for an appropriate development of the subject property and that the application should be approved as per the Staff Recommendation.

Therefore, permission is granted to enlarge the building footprint for the legal non-conforming triplex use on the subject property with an addition to the rear of the existing dwelling CONDITIONAL UPON the owner entering into a Site Plan Agreement, addressing the following:

- i) **That building elevation drawings be approved by the Planner of Urban Design in consultation with the Heritage Resources Coordinator, including specifications for the exterior finishes generally consistent with Exhibit D of the Staff Report dated March 20, 2018 with materials to align with the design of the period; and**
- ii) **That the owner provides the City with a letter of credit, to provide the financial security related to the final construction and the specifications laid out in the Site Plan Agreement.**

Minutes

Moved by Len Lifchus

That the minutes of the Committee of Adjustment hearing held on February 21, 2018 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, April 17, 2018.

Adjournment

The meeting was adjourned at 7:16 p.m.

(Sgd.) Mauro DiCarlo, Chair

(Sgd.) Jennifer Sawatzky, Secretary-Treasurer