



City of  
**Peterborough**

## **Committee of Adjustment Minutes**

**April 17, 2018**

Minutes of a Meeting of Committee of Adjustment held on Tuesday, April 17, 2018 at 6:00 p.m. in the Council Chambers, City Hall.

**Present:** Mr. Mauro DiCarlo, Chair  
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

Committee of Adjustment was called to order at 6:00 p.m.

### **Disclosure of Pecuniary Interest**

There were no disclosures of Pecuniary Interest.

- File No.:** A36/17  
**Address:** 1176 Armour 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 2160288 Ontario Inc., 637 The Queensway, Suite 17, Peterborough, Ontario K9J 7J6, the owner of the property that is the subject of the application.

This application was adjourned from the November 7, 2017 and February 21, 2018 hearings. As Mr. Steffler was not present for the discussion at the February 21, 2018 hearing he did not participate in the discussion or vote on this item.

The purpose of this application is to increase the total maximum commercial floor area from 745 square metres to 1,117 square metres; increase the total maximum floor area per commercial purpose from 235 square metres to 315 square metres for Building B; and reduce the width of landscaped open space from 3 metres to 1.5 metres on a lot line abutting a residential district (adjacent to the driveway entrance from Armour Road) to allow the construction of two buildings with commercial and residential units.

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

- The development team attended a meeting with the Otonabee Region Conservation Authority (ORCA) and City staff on April 11, 2018 with respect to the erosion hazard on the property. There is a difference of opinion between the development team and ORCA as to the location of the erosion hazard limit. Buildings cannot be located within the erosion hazard.

- The development team believes that they will be able come to a resolution with ORCA as to the location of the erosion hazard and are requesting a deferral of the application to allow time to present ORCA with documentation to demonstrate that the proposed development is not within the erosion hazard.

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.

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

- Based on the information provided to ORCA to date, ORCA has determined that the proposal does not satisfy provincial policy and that they would not be able to issue a permit for the development. The development team has indicated that they can provide further information regarding the interpretation of the erosion hazard and how it impacts the site. The applicant has requested a deferral to allow additional time to submit this information to ORCA for review. The City and ORCA are supportive of providing the applicant with this opportunity.

Moved by Len Lifchus:

**That the application be deferred to an undetermined meeting date to provide an opportunity for the applicant to submit further documentation to Otonabee Region Conservation Authority (ORCA) in respect to the location of the erosion hazard on the subject property. At such time that ORCA has completed their review, the application will be re-advertised and re-circulated at the expense of the applicant/owner.**

“CARRIED”

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 applicants 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.

This application was adjourned from the March 20, 2018 hearing. The Committee did not discuss the application and no evidence was presented at the March 20, 2018 hearing.

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 at time of preparing notice for tonight's meeting, the applicant has not submitted a revised application with respect to the proposed development. Staff recommend that the Committee defer the application sine die to allow time for the applicants to prepare a revised application.

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:

- Staff have been working with the applicants on a revised application and have recommended that they bring forward a consent application and another minor variance application to address concerns raised following the circulation of the initial application.

Moved by Brenda Campbell:

**That the application be deferred to an undetermined meeting date to permit the applicants an opportunity to address concerns that were raised through the commenting period. Should additional circulation be required, the application will be re-advertised and re-circulated at the expense of the applicant/owner.**

“CARRIED”

3.     **File No.:     A13/18**  
       **Address:     198 London Street**  
       **Applicant:    Colin Darling**

This matter relates to a minor variance application submitted by Colin Darling, 233 King George Street, Peterborough, Ontario K9J 1R7, as applicant on behalf of 2546422 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 reduce the minimum required lot width per dwelling unit from 9 metres to 6.1 metres and to reduce the minimum required lot area per dwelling unit from 278 square metres to 180.2 square metres to allow the conversion of the existing single unit dwelling into a duplex.

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

- In March of 2017, a Building Permit was issued for interior improvements to the dwelling. Through the course of the renovations the owner decided that he would like to utilize the R.2 zoning designation and convert the single unit dwelling into a duplex. The requested variances are required to permit this conversion.
- He acknowledges that improvements to the dormer are under review by the Building Division and that he will need to demonstrate how the dormer complies with the regulations of the zoning district, the Building Code and the Fire Code. He noted that the owner is willing to make any necessary changes should the dormer not be in compliance.

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.

Darlene Ballam, 216 London Street, Peterborough, Ontario K9H 2Y9 attended the meeting and addressed the Committee in opposition to this application. Ms. Ballam stated that the lot was too small to accommodate two units and expressed concerns related to parking.

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

- Intensification Corridors identified on Schedule A-1 of the Official Plan are primarily associated with larger streets, such as George and Water Streets. Although this property is not located on an intensification corridor, changes to the City's Official Plan established following the Provincial Growth Plan coming into effect, direct intensification within the built boundary of the City, where an additional unit can be supported by existing infrastructure.
- The footprint of the building is not changing. The existing 2 ½ storey dwelling will be converted into two dwelling units.
- Consideration of the use of the front yard as a third parking space is not within the scope of the variance application. Two parking spaces are established on the property, which meets the requirements for a two unit dwelling located in Parking Area 2.

## **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 or 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 facilitate the establishment of a second dwelling unit at the subject property:**

- a) **A reduction of the minimum required lot width per dwelling unit to 6.1 metres per unit; and**
- b) **A reduction of the minimum required lot area per dwelling unit to 180.2 square metres per unit.**

4. **File No.: A14/18**  
**Address: 2 Argyle Street**  
**Applicants: Al Fitzgerald and Donna Fitzgerald**

This matter relates to a minor variance application submitted by Al Fitzgerald and Donna Fitzgerald, 2 Argyle Street, Peterborough, Ontario K9J 5S7, the owners of the property that is the subject of the application.

The purpose of this application is to reduce the minimum required setback from a streetline from 6 metres to 0.3 to permit an existing platform.

Mr. and Mrs. Fitzgerald attended the meeting and addressed the Committee as follows:

- They are seeking a variance from the Zoning By-law to permit an existing platform.
- The property is located in a unique location at the end of a dead-end street and has been in the family since 1972. He is now the owner of the property and has begun renovations to the dwelling.
- The former staircase to the front entry vestibule encroached into the streetline and has been removed. A platform was constructed for access to the entrance and to improve the appearance of the property from the street.

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.

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 construction occurred prior to the applicants obtaining a Building Permit. The applicants are now aware of the Building and Planning requirements for the development.

## **Decision**

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

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

**Therefore a variance is granted to reduce the minimum building setback from the streetline to 0.3 metres for the existing platform CONDITIONAL UPON the removal of the existing set of stairs extending into the road allowance off the front of the platform.**

5. **File No.: A15/18**  
**Address: 127 Hunter Street East**  
**Applicant: Kevin M. Duguay**
  
6. **File No.: A16/18**  
**Address: 367 Rogers Street**  
**Applicant: Kevin M. Duguay**

This matter relates to minor variance applications submitted by Kevin M. Duguay, 560 Romaine Street, Peterborough, Ontario K9H 3R9, as applicant on behalf of AREast Inc. and AREast II Inc., 248 Hunter Street West, Peterborough, Ontario K9H 3Y7, the owners of the properties that are the subject of the applications.

The purpose of Application No. A15/18 is to request variances to the minimum required width of landscaped open space abutting a residential district, the maximum building floor area ratio for a building containing 21 or more dwelling units, and the requirement that all parking spaces be located on one lot. The purpose of Application No. A16/18 is to request variances to the minimum required width of landscaped open space abutting a residential district. The variances will allow the development of a six-storey mixed use building with commercial at grade and 32 residential dwelling units above.

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

- Paul Bennett, owner of AREast Inc. and AREast II Inc., and Michael Gallant, the project architect, are both present.
- Approval of these applications will permit a comprehensive redevelopment of the properties, subject to Site Plan Approval and the acquisition of City land.
- Eighteen parking spaces are proposed to be located at 127 Hunter Street East; the balance will be located on 125 Hunter Street East and 367 Rogers Street. Consent applications for easements to address the interconnectivity of the three properties will be submitted subject to approval of tonight's applications and Site Plan review.
- He has read the Staff Report and supports the Staff recommendation, including all of the proposed conditions.

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.

Ms Gilbertson noted that an area resident has alerted Staff that the accessible parking area located on the northwest portion of 125 Hunter Street East does not have the minimum required width of landscaped open space adjacent to the lot line. She has consulted with the Planner of Urban Design who has indicated that the parking can be reconfigured without the requirement for a further variance.

The Chair read an email from R. Short, 345 Rogers Street, Peterborough, ON K9H 1W6, with respect to the application into the record.

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

- The owner intends to maintain the three related properties under separate ownership.
- As the northern portion of the property is a former bulk storage yard, the Province requires the submission of a Record of Site Condition. The Record of Site Condition is nearly complete, and the final report will be made available as part of the Site Plan Approval process. If the properties were consolidated, the requirement for a Record of Site Condition would apply to the entire property, even though the entire property was not used for bulk storage.
- Reciprocal easements will allow vehicle and pedestrian access between the three properties. Although an easement can be released without further consideration by the Committee, the number of parking spaces required to support the mixed use building is established under the Zoning By-law and will be regulated through the Site Plan Agreement. These will be the mechanisms to ensure that the parking configuration remain in place.

#### **Decision – A15/16 – 127 Hunter Street East**

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 or 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 facilitate the development of a six-storey mixed use building:**

- a) **A reduction to the required minimum width of landscaped open space, including a planting strip, abutting the residential district along the east lot line to 1 metre;**
- b) **An increase to the maximum building floor area ratio for a building containing 21 or more dwelling units to 2.87;**
- c) **Relief from Section 4.10 to allow a portion of the required minimum number of motor vehicle spaces associated with the uses at 127 Hunter Street East to be provided on the lands known as 125 Hunter Street East and 367 Rogers Street; and**
- d) **A reduction to the required minimum width of landscape open along a lot line abutting a residential district space to 0 metres for the southwest corner of the proposed building abutting the triangular shaped parcel zoned R1, R.2, R.3.**

**Conditional upon the Following:**

- i) **The applicant acquiring the triangular piece of City owned lands measuring approximately 520 square metres, being Part of 115 Hunter Street East and located adjacent to 127 Hunter Street East;**
- ii) **That the above noted triangular parcel be consolidated with the lands known as 127 Hunter Street East;**
- iii) **The approval of consent applications to facilitate easements for pedestrian and vehicular access and to support required motor vehicle parking over the lands known as 367 Rogers Street and 125 Hunter Street East for the development at 127 Hunter Street East; and**

- iv) **Site Plan Approval for the redevelopment of the lands known as part of 115 Hunter Street East, 127 Hunter Street East, 125 Hunter Street East and 367 Rogers Street, including a provision for the following: That the developer is required to have an archaeologist on site during the excavation stage, and if archaeological resources are found, the developer is required to follow the requirements of the Ontario Heritage Act.**

**Decision – A16/16 – 367 Rogers Street**

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 or 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 facilitate the development of a six-storey mixed use building on 127 Hunter Street East:**

**A reduction to the required minimum width of landscaped open space, along a residential district to the following:**

- a) **Rogers Street south side lot line to 2.47 metres; and**  
b) **Rogers Street north side lot line to 2.925 metres.**

**Conditional upon the Following:**

- i) **The applicant acquiring the triangular piece of City owned lands measuring approximately 520 square metres, being Part of 115 Hunter Street East and located adjacent to 127 Hunter Street East;**  
ii) **That the above noted triangular parcel be consolidated with the lands known as 127 Hunter Street East;**  
iii) **The approval of consent applications to facilitate easements for pedestrian and vehicular access and to support required motor vehicle parking over the lands known as 367 Rogers Street and 125 Hunter Street East for the development at 127 Hunter Street East; and**  
iv) **Site Plan Approval for the redevelopment of the lands known as part of 115 Hunter Street East, 127 Hunter Street East, 125 Hunter Street East and 367 Rogers Street, including a provision for the following: That the developer is required to have an archaeologist on site during the excavation stage, and if archaeological resources are found, the developer is required to follow the requirements of the Ontario Heritage Act.**

**Minutes**

Moved by Len Lifchus:

**That the minutes of the Committee of Adjustment hearing held on March 20, 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, May 15, 2018.

**Adjournment**

The meeting was adjourned at 6:53 p.m.

(Sgd.) Mauro DiCarlo, Chair

(Sgd.) Jennifer Sawatzky, Secretary-Treasurer