



City of  
**Peterborough**

## **Committee of Adjustment Minutes**

**May 3, 2016**

Minutes of a Meeting of Committee of Adjustment held on Tuesday, May 3, 2016 at 7:00 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:** Mr. Richard Straka, Planner, Policy and Research  
Ms. Jennifer Sawatzky, Secretary-Treasurer

Committee of Adjustment was called to order at 7:00 p.m.

### **Election of Officers**

#### **Chair**

Moved by Len Lifchus

**That Brenda Campbell be appointed as Chair of the Committee of Adjustment for a one year term.**

“CARRIED”

#### **Vice-Chair**

Moved by Claude Dufresne

**That Mauro DiCarlo be appointed as Vice-Chair of the Committee of Adjustment for a one year term.**

“CARRIED”

### **Disclosure of Pecuniary Interest**

There were no disclosures of Pecuniary Interest.

- File No.: A16/16**  
**Address: 135 Rubidge Street**  
**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 CB Rubidge Inc., 423 Highway 36, Lindsay, Ontario K9V 4R3, the owner of the property that is the subject of the application.

The Committee approved the variances to the lot width and depth at the April 5, 2016 hearing to facilitate the approval of file no. B06/16. The remaining variances were adjourned to this meeting to allow the applicant time to develop a design that would better conform to the zoning district.

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

- He is the Planning Consultant for this application for variances to the zoning regulations relating to the south portion of the subject property to permit the construction of a four unit dwelling.
- The empty lot was formerly developed with multi-unit row housing. The owner is proposing to sever the property into two lots and develop a four unit building on each of the severed parcels.
- The severance application, the variances in respect to the proposed north lot and the variances to the lot depth and width of the proposed south lot were approved at the April 5, 2016 meeting of the Committee of Adjustment.
- He has reviewed the Staff Report prepared in respect to the application and has noted the recommendation that an approval be subject to Site Plan Control. The owner would be willing to enter into a site plan agreement with the City provided that the variances granted would permit the development a four-unit building.
- The R4 zoning district is not ideal for the proposed application, but the owners have elected to proceed with a minor variance application instead of rezoning the property. Although there are a number of variances, they are technical in nature and it is his opinion that the variances to permit two four-unit buildings is appropriate considering the former 10 unit development covering 40% of the property.
- The building is designed with a front porch and a small amount of amenity space is available on the property. There are four parking spaces at the rear, accessible by a laneway, which is an appropriate level of parking in the downtown.
- The owner is willing to amend the design to move the building, including the front porch west on the property to fit within the variance to the setback from the centreline of Rubidge Street requested in the application.
- The common walkway between the buildings could be addressed by widening the walkway from two to four feet.

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 initial proposal of two identical buildings on each lot presents challenges to the functionality of the site for the smaller, south lot. The applicant proposes to amend the design to fit on the smaller lot, however, Staff have not been provided with the revised plans or measurements relating to the redesign of the building.
- The row house that was developed on the property was legal non-complying. The building was removed following a fire and a building could have been constructed on the same footprint. A previous variance was granted to increase the building coverage to 41%, but the proposed development was never built.

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

- There will be a modest redesign of the building to move the porch within the setback from the centreline of Rubidge Street of 12.7 metres. The rear yard setback will not be affected.

- There may be a small reduction to the building coverage due to the changes to the building design.
- The proposed development incorporates a severance of the lot to permit two types of affordable housing: rental housing on the north lot and affordable home ownership through Habitat for Humanity on the south lot. To develop one building with more units would complicate the funding arrangements for the development. Although it was previously achieved on the site, a development with 10 units in one building would still require variances from the zoning regulations.

### **Decision**

The Committee considered the application and determined that a decision on the requested variances was premature given that the revised plans for the development contemplated by the proponent that were not available for review by Staff and the Committee.

**Accordingly, the Committee adjourned the application to the next Committee of Adjustment hearing, scheduled for Tuesday, June 7, 2016, to allow time for the applicant to prepare and submit the revised plans for the development.**

2. **File No.: A17/16**  
**Address: 1300 Chemong Road**  
**Applicant: Alexander Chow**

This matter relates to a minor variance application submitted by Alexander Chow, 30 Pennsylvania Avenue, Unit 6, Concord, Ontario L4K 4A5, as applicant on behalf of Mason Homes Limited, 30 Pennsylvania Avenue, Unit 6, Concord, Ontario L4K 4A5, the owner of the property that is the subject of the application.

The application proposes to amend the minimum building setback from the side and rear lot lines for multiple townhouse units within a proposed plan of subdivision.

Mr. Richard Straka, Planner, Policy & Research, advised that the Plan of Subdivision has not been registered and the blocks of land to which the variances sought would apply cannot be legally identified separate from the remainder of the subdivision. Staff recommend adjourning the application to the next meeting of the Committee to allow the applicant time to complete the registration of the Plan of Subdivision.

The applicant was not in attendance.

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

### **Decision**

**In order to permit the Applicant an opportunity to complete the registration of the Plan of Subdivision, the Committee agreed to adjourn this application to the next Committee of Adjustment meeting scheduled for June 7, 2016.**

3. **File No.: A18/16**  
**Address: 376 Stewart Street**  
**Applicants: Anila Kelolli and Arben Prendi**

This matter relates to a minor variance application submitted by Anila Kelolli and Arben Prendi, P.O. Box 30074, R.P.O. Chemong Road, Peterborough, Ontario K9H 7R4, the owners of the property that is the subject of the application.

Sandi Boyd, 305-380 Burnham Street, Peterborough, Ontario K9H 1T6, attended the meeting on behalf of the applicants and addressed the Committee as follows:

- The owners are seeking minor variances to the Zoning By-law to recognize the property as a fourplex.

- She has been familiar with the property since 1997, and the fourth unit has been established since that time.
- The double driveway can accommodate up to six cars and insufficient parking has not been an issue.

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 City's records acknowledge the use of the property as a triplex, however the property is currently being used as a fourplex. A building permit was not issued for the construction of the fourth unit.
- He is unaware if the units are in compliance with the Building Code.
- The application was submitted to bring the property into compliance with the Zoning By-law. If the application is denied, Enforcement Services will require the owner to remove the non-complying unit.

### **Decision**

The Committee reviewed the application and noted that the property was located outside of the area where cash-in-lieu of parking applies. The Committee noted that the three parking spaces established on the property were located in tandem, and determined that the configuration of three parking spaces was not appropriate or adequate to support four units. The Committee therefore determined that a reduction to the number of required parking spaces to support a fourth unit could not be considered minor. The Committee also considered the fourth unit established without a building permit in an attached garage was a sub-standard building form. The Committee was therefore of the opinion that the cumulative effect of the variances sought would result in development of a standard that was not considered appropriate, desirable or in keeping with the intent of the R.5 Residential Zoning District applied to the property.

Accordingly, the Committee determined that:

1. the variances are 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, each of the minor variances applied for is DENIED.**

4. **File No.: A19/16**  
**Address: 772 Devon Avenue**  
**Applicant: Shari Darling**

This matter relates to a minor variance application submitted by Shari Darling, 772 Devon Avenue, Peterborough, Ontario K9J 4P2, the owner of the property that is the subject of the application.

Shari Darling attended the meeting and addressed the Committee as follows:

- She is seeking a minor variance to reduce the minimum setback of an accessory building from the east side lot line and increase the maximum permitted lot coverage by an accessory building to permit the construction of a sunroom in the rear yard.

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 zoning would not permit an additional residential unit on the property.

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

- She plans on installing plumbing in the sunroom for a two piece bathroom and a wet bar so that she may use the space for entertaining. The sunroom will not be used as an additional dwelling unit.
- The sunroom will be one storey in height.

### **Decision**

The Committee reviewed the application and noted that a variance to allow construction of a sunroom in line with the setback from the east side lot line of the garage established on the property was appropriate considering the configuration of the property with shallow lot depth and a servicing easement across the rear of the property. In respect to the application to increase the lot coverage by an accessory building, the Committee noted that the lot coverage of the existing dwelling on the property combined with the lot coverage of the existing and proposed accessory buildings is less than the maximum permitted coverage by a one storey dwelling. The Committee determined that the impact of the variance was minor and 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:**

- i) **reduce the minimum setback of an accessory building from the east side lot line from 1.2 metres to 1.11 metres, and**
- ii) **increase the maximum permitted lot coverage by an attached accessory building from 10% to 14% for the attached garage and sunroom.**

**PROVIDED THAT the attached garage and sunroom do not exceed one storey in height.**

5. **File No.: A20/16**  
**Address: 275 Wallis Drive**  
**Applicant: Stephen and Arlene House**

This matter relates to a minor variance application submitted by Stephen and Arlene House, 275 Wallis Drive, Peterborough, Ontario K9J 6C6, the owners of the property that is the subject of the application.

Stephen House attended the meeting and addressed the Committee as follows:

- He is seeking minor variances to the zoning regulations to permit the construction of a double car garage.
- The existing garage on the property is small and constructed below the grade of the house. He would like to raise the level of the driveway and garage and improve its appearance from the 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.

The Chair read a letter from Glenn Dalton, 285 Wallis Drive, Peterborough, Ontario K9J 6E1, in respect to this application.

### **Decision**

The Committee reviewed the application and noted the location of the building on a corner lot. The Committee acknowledged that the view of the reconstructed garage and driveway would be shielded from view by the existing vegetation along Merino Road and that the size of the property is sufficiently large to accommodate the proposed structure. The Committee determined that the impact of the variances on the adjacent properties was minor and that the development would be in keeping with the established standard of development in 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:**

- i) **reduce the minimum building setback from the Merino Road street line from 6 metres to 3.9 metres,**
- ii) **increase the maximum number of motor vehicles that may be parked on a property within 6 metres of a street line from 2 to 3, and**
- iii) **reduce the minimum distance that a driveway may be located from an intersecting street line from 6 metres to 3.9 metres.**

**PROVIDED THAT the entrance to the garage and driveway remain oriented towards Wallis Drive.**

6. **File No.: A21/16**  
**Address: 63 Edgewater Boulevard**  
**Applicant: LETT Architects Inc.**

This matter relates to a minor variance application submitted by LETT Architects Inc., 171 King Street, Peterborough, Ontario K9J 2R8, as applicant on behalf of Jim Watson and Judi Dusto, 1052 Tedford Lane, Lakefield, Ontario K0L 2H0, the owners of the property that is the subject of the application.

Michael Gallant and Amanda Motyer, representing LETT Architects Inc., attended the meeting and addressed the Committee as follows:

- Mr. Gallant and Ms. Motyer made a presentation to the Committee in respect to the application and provided the Committee with a copy of the presentation slides.
- The owners are seeking variances to the minimum building setbacks from Edgewater Boulevard and Bruce Street to permit the construction of an architecturally significant building on the property.
- The project is currently mid-way through the concept design phase. During the design development phase they will hire civil, structural and mechanical engineers to work on various aspects of the design.
- Prior to submitting the application, he met with Planning Division staff and based the preliminary design on the setbacks discussed during these meetings.

- The building is designed to maximize solar heat gain in the winter and limit heat gain in the summer months.
- The glazing on the west elevation is limited due to the proximity of the property line, and is maximized in the centre of the building.
- The scale and setbacks are consistent with other buildings achieved in the neighbourhood.
- Stormwater would be dealt with on site and would be collected on the roof and released slowly into the ground.
- A condition to require a Stormwater Management Report rather than a Site Plan Agreement would reduce costs for the owner and allow the project to proceed in a timely fashion.

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.

Staff advised that although the variances to building setbacks from the street would permit lot coverage that would comply with the zoning, the proposed building coverage would be a departure from the established standard in the neighbourhood. The variances, if granted, may set a precedent for development expectations that could have a cumulative effect on stormwater runoff considering that there are no storm sewers on Burnham Point. The variance in relation to Bruce Street would result in proportionately greater, continuous building massing in proximity to the street which is a departure from the established standard for property development in the neighbourhood.

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

- i) Ron Hewitt, 9 Bruce Street, Peterborough, Ontario K9H 1A6 expressed concerns with the design and size of the building and the impact on his property from increased stormwater runoff.
- ii) Sharon Taylor, 12 Bruce Street, Peterborough, Ontario K9H 1A7 expressed concerns with the size of the dwelling and the compatibility of the design of the building with the neighbourhood.

Al Demonte, 2752 Old Norwood Road, Keene, Ontario K9J 0G6 attended the meeting and addressed the Committee in support of this application.

The Chair read a letter from the following residents in opposition to this application:

- John and Elaine Graham, 65 Edgewater Boulevard, Peterborough Ontario K9H 1A5 and Mary Cameron on behalf of Petie Mcquigge, 16 Bruce Street, Peterborough, Ontario K9H 1A7
- Ron and Sandra Scriver, 14 Bruce Street, Peterborough, Ontario K9H 1A7
- Lori and Phil Anderson, 13 Wallace Street, Peterborough, Ontario K9H 1A8
- Sharon Tuttle, 8 Bruce Street, Peterborough, Ontario K9H 1A7

Chair acknowledged receipt of letters in opposition to the application from the following:

- Ron and Joan Hewitt, 9 Bruce Street, Peterborough, Ontario K9H 1A6
- Sharon Taylor, 12 Bruce Street, Peterborough, Ontario K9H 1A7

The Chair acknowledged a petition signed by 26 residents in opposition to the application.

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

- The meetings with the applicant were preliminary and the proposed setbacks requested may be reasonable considering the setback of other buildings in the neighbourhood.
- The difference in lot area coverage between what can be achieved on the site without variances and what is proposed has not been calculated.

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

- The preliminary sketch of the proposed setbacks was drawn following meetings with the Planning Division, and the concept design was based on the measurements discussed during those meetings. The Planner of Urban Design expressed support of the proposal, however Mr. Straka did not make a commitment to support the proposal prior to the submission of the concept design.
- Because of the unique situation on Burnham Point, stormwater will be managed on site. The flat roof will capture stormwater and store it up to 48 hours, allowing the water to percolate into the ground. A civil engineer will be consulted to determine how much stormwater should be captured on the roof and in the sunken terrace. The proposed stormwater management represents an improvement over the existing situation.
- The setback is consistent with what has been achieved with other redeveloped properties in the neighbourhood.
- The proposed lot coverage is 37%, which is less than the 40% lot coverage permitted by the zoning.
- The lot coverage of the building that will be used as living space is less than the lot coverage of the current building on the property. The garage increases the lot coverage by 728 square feet.

### **Decision**

The Committee reviewed the application and noted the location of the property on Burnham Point, a peninsula that extends into Little Lake. The Committee noted the similarity of development and building design of the existing dwellings constructed in the 1940s. The Committee reviewed the building designs provided by the applicant and noted that the design is a significant departure from the standard of development in the neighbourhood. The Committee further noted that stormwater services were not established to service the neighbourhood that was originally conceived of as temporary development.

The Committee considered the comments submitted from the Utility Services Division stating that the sunken terrace is contrary to the City's Lot Grading Policies and because there are no storm sewers to collect runoff from the sunken terrace and garage, the proposal could adversely impact adjacent properties.

The Committee considered the sight lines of other dwellings in the vicinity relative to the proposed setbacks and noted that although the setback from the street line to the open verandah at 61 Edgewater Boulevard is similar, the setback to the main building is actually set back 5.62 metres. The proposed building would project a further 3.1 metres out toward Edgewater Boulevard with a greater width and building massing in relation to the street line than what exists.

The Committee further noted the massing of the proposed building relative to the Bruce Street street line and determined that although the setback was similar to other properties in the vicinity, the continuous massing of the structure in relation to the flankage along Bruce Street would have an impact on the streetscape and sight lines of adjacent properties. The impact of the variance to reduce the setback from Bruce Street is not considered minor.

The Committee considered Section 2.1.4 of the City's Official Plan, which states that an "assessment shall be made of the visual impact of each proposed development in relation to existing structures, land uses, streetscape, natural areas and features" and determined that the appearance of the proposed structure is not in scale with existing buildings and would respect the established standard of development in the neighbourhood and was therefore not considered desirable.

Accordingly, the Committee determined that:

1. the variances are 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 not maintained.

**Therefore, each of the minor variances applied for is DENIED.**

### **Minutes**

Moved by Claude Dufresne

**That the minutes of the Committee of Adjustment hearing held on April 5, 2016 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, June 7, 2016.

### **Adjournment**

The meeting was adjourned at 9:32 p.m.

(Sgd.) Brenda Campbell, Chair

(Sgd.) Jennifer Sawatzky, Secretary-Treasurer