



City of  
**Peterborough**

## **Committee of Adjustment Minutes**

**June 6, 2017**

Minutes of a Meeting of Committee of Adjustment held on Tuesday, June 5, 2017 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. Banani Afsana, Planner, Policy and Research  
Mr. Brad Appleby, Planner, Subdivision Control and Special Projects  
Ms. Jennifer Sawatzky, Secretary-Treasurer

Brenda Campbell called the Committee of Adjustment to order at 6:00 p.m.

### **Election of Officers**

#### **Chair**

Moved by Claude Dufresne

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

“CARRIED”

Mr. Mauro DiCarlo assumed the Chair.

#### **Vice-Chair**

Moved by Frank Steffler

**That Len Lifchus be appointed as Vice-Chair of the Committee of Adjustment.**

“CARRIED”

### **Disclosure of Pecuniary Interest**

There were no disclosures of Pecuniary Interest.

At the request of the applicant, the Committee agreed to amend the order of the agenda under Item 4, Applications and move item 4. e) File No. A24/17, 565 Water Street, to be the first application considered under Item 4.

1. **File No.:** A24/17  
**Address:** 565 Water Street  
**Applicant:** Tom Weichel

This matter relates to an application for permission submitted by Tom Weichel, 776 Fife Bay Marina Lane, Selwyn, Ontario K9J 0C6 as applicant on behalf of The Canadian Red Cross, 565 Water Street, Peterborough, Ontario K9H 3M7, the owner of the property that is the subject of the application.

The purpose of the application is to obtain permission to establish professional offices within the existing Heritage Designated building on the subject property, considered as a like use to the use permitted under Special District 183 of the Zoning By-law.

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

- The Special District zone limits the use of the property for offices of the Canadian Red Cross Society. This use has been established since 1984.
- He has recently purchased the property and would like utilize the building for professional offices.
- He has discussed his plans with the Heritage Resources Coordinator, has no intention of altering the heritage features of the building and wants to maintain the integrity of the heritage designation.

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:

- The application proposes to permit the use of the building for a Professional Office use only, not for a Clinic use.
- As the property is designated under the *Ontario Heritage Act*, any alterations would be reviewed for compliance with the Heritage Designation By-law 1982-182.
- The Special District zoning specifies both a minimum and maximum number of parking spaces. Additional parking spaces cannot be established without further Planning Approval.

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

- He does not plan any interior renovations at this stage and has no intention of altering the original woodwork. At a future date, there may be a renovation to the coach house that has been used for storage. The building was inspected and does not require any structural renovation.

### **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 proposal meets the intent and objectives of the Official Plan and the Zoning By-law and should be approved as per the Staff Recommendation.

**Therefore permission is granted to permit a Professional Office use as a use considered similar to Offices of the Peterborough Branch of the Canadian Red Cross Society permitted under the Special District 183 Zoning District PROVIDED THAT parking spaces and landscaped open spaces meet the regulations of Section 196 of the Zoning By-law, Special District 183.**

2. **File No.:** B07/16  
**Address:** 777 Clonsilla Avenue  
**Applicant:** Pete Lawless, LLF Lawyers, LLP

This matter relates to a severance application submitted by Pete Lawless, LLF Lawyers LLP, 332 Aylmer Street North, Peterborough, Ontario K9J 7H4, as applicant on behalf of Kawartha Golf and Country Club (1983), 777 Clonsilla Avenue, Peterborough, Ontario K9J 6Z6, the owner of the property that is the subject of the application.

The purpose of this application is to sever a portion of the subject land, having a lot frontage of 515.1 metres along Clonsilla Avenue and lot area of 9.122 hectares, to create a new lot for future development.

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

- Kawartha Golf and Country Club would like to sell a portion of the property to finance infrastructure improvements to their facilities and identified the land fronting on Clonsilla Avenue for its development potential.
- An application to rezone the proposed severed parcel for Commercial use was submitted in 2016, however, a conditional offer on the property was not completed and the application was withdrawn.
- The Club has decided to proceed with the severance application so that the parcel of land is ready to transfer when a sale is ready to proceed.
- Due to the change in the real estate market conditions, the owner anticipates a buyer to develop the land for residential purposes.
- The owner is not proposing a change in zoning at this time. Due to the limitations of the Open Space zoning district, the land cannot be developed before approval of both an Official Plan and a Zoning By-law amendment application.
- Mr. Lawless addressed the comments from Otonabee Region Conservation Authority (ORCA), and noted that the wooded area on the property is considered “significant woodland” according to provincial criteria. ORCA advised that an assessment should be completed to assess the impact of development to the form and function of the woodland.
- It is not feasible to complete an assessment at this time, as there is currently no proposed development.
- A purchaser would have to complete a study when a development proposal is submitted for approval by City Council.

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 the comments from the Otonabee Region Conservation Authority were received after the Staff Report was prepared and read the comments into the record. Ms. Afsana advised that the proposed severed parcel, having a total land area of 9.122 hectares and being zoned OS.2, will be subject to the Tree Removal By-law and a Planning approval process before any development can occur on that parcel of land.

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. The Committee determined that the condition recommended by Otonabee Region Conservation Authority was premature, and that the concerns raised in their comments would be addressed by the Planning Department prior to any future development.

**In that the retained and severed properties conform to both the Official Plan policy and the Zoning By-law, consent is granted to sever a 9.122 hectare lot from the southerly portion of the subject property, having a lot frontage of 515.1 metres along Clonsilla Avenue, CONDITIONAL UPON THE FOLLOWING:**

- i) **The owner shall convey a 2.13 metre road widening across the entire frontage, for both the proposed severed and retained parcels, to City of Peterborough at no cost;**
- ii) **The applicant shall submit a draft reference plan showing the proposed severed parcel including road widening, and two copies of the registered reference plan to the City of Peterborough; and**
- iii) **All conditions shall be satisfied within 365 days of the circulation of Committee's decision, otherwise this Consent Application will lapse.**

3. **File No.: B05/17  
Address: 851 Lily Lake Road  
Applicant: Sean Yilmaz, EcoVue Consulting Inc.**

This matter relates to a severance application submitted by Sean Yilmaz, EcoVue Consulting Inc., 311 George Street North, Peterborough, Ontario K9J 3H3, as applicant on behalf of Santo Garofalo, 851 Lily Lake Road, Peterborough, Ontario K9J 6X3, the owner of the property that is the subject of the application.

The purpose of the application is to sever the southeast/rear portion of the subject land, known as Lot 8 of the O'Grady Plan of Subdivision, to re-establish the former property line and to facilitate a future consolidation and plan of subdivision of the O'Grady lands.

Heather Sadler, principal planner with EcoVue Consulting, attended the meeting and addressed the Committee as follows:

- The application proposes to re-establish separate ownership of the parcel that was originally part of the O'Grady subdivision and has merged in title with the proposed retained parcel.
- Approval of the application will allow the severed portion to be included in a consolidation of the former O'Grady lands for a future plan of subdivision. An application for a Draft Plan of Subdivision will be filed with the Planning Division on June 7, 2017.

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.

**In that approval of the severance would re-establish what was a legal non-conforming parcel and that future development would require planning approval, consent is granted to sever the land designated as Part 6 of Plan 45R-6359 CONDITIONAL UPON THE FOLLOWING:**

- i) **The applicant shall provide a draft transfer/deed of the subject parcel of land to the Secretary Treasurer; and**
- ii) **All conditions shall be satisfied within 365 days of the circulation of the Committee's decision, otherwise this Consent Application will lapse.**

4. **File No.:** A23/17  
**Address:** 733 Hargrove Trail  
**Applicant:** Lifestyle Sunrooms Inc.

This matter relates to a minor variance application submitted by Lifestyle Sunrooms Inc., 944 Crawford Drive, Peterborough, Ontario K9J 3X2, as applicant on behalf of Deborah Lorraine Hughes, 733 Hargrove Trail, Peterborough, Ontario K9L 0A9, the owner of the property that is the subject of the application.

The purpose of the application is to reduce the minimum required building setback from the rear lot line from 7.6 metres to 6.7 metres to allow a one-storey sunroom attached at the back of the dwelling on the subject property.

Bill Carroll, representing Lifestyle Sunrooms Inc., attended the meeting and addressed the Committee as follows:

- He is requesting relief from the minimum setback requirements of the Zoning By-law to permit the construction of a one-storey sunroom.

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, the applicant advised as follows:

- The walls of the sunroom will be mostly glass and eavestroughing will be established along the front of the roof system.

### **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 rear lot line from 7.6 metres to 6.7 metres to allow a one-storey sunroom, attached at the back of the dwelling PROVIDED THAT any alterations to the existing lot grading or roof drainage will not adversely impact adjacent properties.**

5. **File No.:** B06/17  
**Address:** 421 Sheridan Street  
**Applicant:** Enzo Sallese, Minden Gross LLP

This matter relates to an application for a validation certificate submitted by Enzo Sallese, Minden Gross LLP, 145 King Street West, Suite 2200, Toronto, Ontario M5H 4G2, as applicant on behalf of The Incumbent and Church Wardens of St. John's Anglican Church Peterborough, 99 Brock Street, Peterborough, Ontario K9H 2P2, the owner of the property that is the subject of the application.

The purpose of this application is to request a validation certificate under Section 57 of the *Planning Act* in respect to the original ground lease for the property known as 421 Sheridan Street that did not comply with the subdivision control provisions of the *Planning Act*.

Mr. Sallese of attended the meeting and addressed the Committee as follows:

- He is seeking validation for the original ground lease from St. John's church to the original ground lease tenant in 1974.
- In connection with refinancing, it was discovered that the original grant did not comply with Section 53 of the *Planning Act*.
- He is seeking the Committee's approval to recognize the original ground lease.

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.

**In that the existing use conforms with the Official Plan and the Zoning By-law, the Committee approves the application and directs Staff to issue a Validation Certification for the subject property.**

6. **File No.: B07/17**  
**Address: 53 Leahy's Lane**  
**Applicant: Glen Payne**

This matter relates to a severance application submitted by Glen Payne, 1236 Melody Crescent, Peterborough, Ontario K9K 2P9, as applicant on behalf of Jeff Slute, Jen Hammond, Jennifer Goode, and Chris Vandermeer, 456 Florence Drive, Peterborough, Ontario K9N 0J1, the owners of the property that is the subject of the application.

The purpose of this application is to sever the subject property into two residential lots, each having a lot width of 20 metres and lot areas of 1,134 square metres and 1,133 square metres, to allow the construction of a five unit dwelling on each parcel in accordance with the applicable zoning regulations.

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

- The application is to sever the subject property into two equal lots to facilitate the construction of an apartment building on each of the severed parcels.

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.

**In that the severed and retained property would conform to both the Official Plan policy and the zoning applied to the property, consent is granted to convey the southerly 20.02 metres of the subject property to create a new lot for development of a 5 unit dwelling CONDITIONAL UPON THE FOLLOWING:**

- i) **The applicant shall convey a 5.18 metres road widening across the entire frontage, for both the proposed severed and retained parcels, to City of Peterborough at no cost;**
- ii) **Approval of a Site Plan Application, including provisions for stormwater management and cost sharing for downstream sanitary system development;**
- iii) **The applicant shall pay Parks Levy in an amount to be determined by Parks Levy Review Committee;**
- iv) **The applicant shall submit a draft reference plan showing the proposed severed and retained parcels including road widening and two copies of the registered reference plan to the City of Peterborough; and**
- v) **All conditions shall be satisfied within 365 days of the circulation of the Committee's decision, otherwise this Consent Application will lapse.**

**7. File No.: B08/17**  
**Address: 269 Edinburgh Street**  
**Applicant: Colin Darling, Darling Design Services**

This matter relates to a severance application submitted by Colin Darling, Darling Design Services, 233 King George Street, Peterborough, Ontario K9J 1R7, as applicant on behalf of Brad Sproule, 269 Edinburgh Street, Peterborough, Ontario K9H 3E5, the owner of the property that is the subject of the application.

The applicant is proposing to sever the easterly portion of the subject property to create a new residential lot, situated approximately 4 metres to the east of the original lot line, having a lot depth of 35.6 metres and lot area of 1,124 square-metres, to allow future residential development on the proposed severed parcel.

Mr. Darling attended the meeting and introduced Mr. Doug Rose, business partner of the owner Brad Sproule.

Mr. Rose addressed the Committee as follows:

- The property was purchased in December 2015 as 265 and 269 Edinburgh Street. Since the properties were owned under the same name, they merged on title and can't be transferred separately.
- He applied for the severance to correct the legal error and unmerge the properties.
- Upon circulation of the application for severance, Peterborough Architectural Conservation Advisory Committee (PACAC) initially recommended that a Heritage Impact Assessment be completed prior to consideration of the request for severance by the Committee of Adjustment.
- Following this recommendation, the application for severance was discussed at PACAC's meeting on Thursday, June 1, 2017. After the PACAC meeting he spoke with Eric Hanson, Heritage Resources Coordinator and Stewart Hamilton, Chair of PACAC to further explain the property's history. Mr. Hamilton, Chair of PACAC, sent a letter to the Planning Division stating that PACAC no longer requires that a Heritage Impact Assessment be completed as a requirement of the severance application.
- Because Staff and the Committee received the revised recommendation from PACAC only today, he is requesting a deferral of the application for one month, on the advice of City Staff.

The Chair read a letter of objection from Dave Ellison, 274 Edinburgh Street, Peterborough, Ontario K9H 3E5.

The Chair read a letter of objection from Ross and Margaret Wiegand, 643 Bethune Street, Peterborough, Ontario K9H 3E6.

The Chair read a letter of objection from Jen Sage, 650 Stewart Street, Peterborough, Ontario K9H 4C4.

The Chair read the letter received from Stewart Hamilton, Committee Chair, Peterborough Architectural Conservation Advisory Committee, by City Staff the morning of June 6, 2017, stating that PACAC is no longer requesting that Heritage Impact Assessment be completed as a requirement of the severance application.

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 clarified that the application before the Committee is to create a new line of severance, further east than the original lot line, creating a larger parcel for the retained property with the existing heritage property.

Ms. Afsana stated that, as the previous application for a Zoning By-law amendment is on hold at the applicant's request, there is no specific proposal for development at this time.

Ms. Afsana noted that the recommendation published in the Staff Report was based on the original comments from PACAC and, due to the receipt of new comments from PACAC with a different position, recommended deferral of the application to the next meeting of the Committee of Adjustment at no cost to the applicant to allow time for Staff to review the proposal and to give the public an opportunity to review a revised recommendation.

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

- As the Staff Report advised the Committee to defer the application based on the original recommendation by PACAC, the remaining agency comments received following the circulation of the application were not summarized in the report. As such, proposed conditions of severance have not been compiled for this application.
- Ms. Afsana read comments from the Utility Services Department into the record. Utility Services recommends that an approval of the application should be conditional upon the owner transferring a 5 metre by 5 metre daylighting triangle at the northeast corner of the property and a 3 metre by 3 metre daylighting triangle at the northwest corner of the property to the City at no cost and the owner entering into an encroachment agreement recognizing the encroachment of the existing residence into the Edinburgh Street right-of-way. Ms. Afsana noted that Otonabee Region Conservation Authority and Peterborough Utility Services Inc. have no objection to the application.
- The application has no deficiencies from a planning perspective. The lot size requirements are met for both the proposed retained and severed lots.

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

- The proposed retained lot would be larger than the original lot size for 269 Edinburgh Street. The proposed lot line is further to the east than the original lot line to create a buffer for the heritage property. The Heritage Resources Coordinator is in support of the location of the proposed lot line.

## **Decision**

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

The Committee noted that the Peterborough Architectural Conservation Advisory Committee (PACAC) had revised their recommendation summarized in the Staff Report published on June 2, 2017 and that PACAC were no longer requiring the applicant to complete a Heritage Impact Assessment prior to the Committee's consideration of the



severance application. The Committee further noted that an application for a Zoning By-law Amendment had been filed with the Planning Division and suggested that it would be appropriate for approval of the severance application to be conditional upon approval of Zoning By-law Amendment File No. Z1608 in addition to the conditions requested by the Utility Services Department for a 5 metre by 5 metre daylighting triangle at the northeast corner of the property, a 3 metre by 3 metre daylighting triangle at the northwest corner of the property and an encroachment agreement recognizing the encroachment of the existing residence into the Edinburgh Street right of way.

The Committee moved to grant a conditional approval of the application requiring that the above noted conditions be fulfilled prior to a certificate of consent being issued for the severance. The applicant, Mr. Colin Darling, and Mr. Doug Rose later approached the Committee under Other Business and requested clarification of the conditional approval of the application.

Upon summarization of the recommended conditions, Mr. Rose indicated that Zoning By-law Amendment Application No. Z1608 is on hold and he did not intend to proceed with the application at this time and therefore, does not want to delay the severance. He further noted that the plan for development represented by File No. Z1608 may be amended. His intention is to proceed with the severance at this time to allow the lots to be transferred separately and to proceed with development of the severed portion of the property at a later date.

**Following the request by the applicant to amend the Decision, the Committee agreed to adjourn this application to the next hearing of the Committee of Adjustment, scheduled for July 4, 2017, to permit Staff an opportunity to summarize appropriate conditions of approval and that, should the application require recirculation, that it be at no expense to the Applicant.**

8. **File No.: A25/17**  
**Address: 833 Orpington 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 Jason Reaman, 833 Orpington Road, Peterborough, Ontario K9J 4A6, the owner of the property that is the subject of the application.

The purpose of the application is to reduce the minimum required lot area per dwelling unit from 278 square-metres to 208 square-metres; reduce the minimum required lot width per dwelling unit from 9 metres to 6.1 metres; reduce the minimum motor vehicle parking requirements from 2 per dwelling unit to 1.5 per dwelling unit; and increase the maximum lot coverage by parking areas, driveways and vehicle movement areas from 20% to 22% to legalize and continue the use of a second dwelling unit within the basement of the existing dwelling on the subject property.

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

- He is requesting variances to the regulations of the Zoning By-law to permit the continuation of the existing second unit in the basement of the existing dwelling.
- A total of three parking spaces will be provided on the property. He is adding a third parking space to the immediate west of the existing driveway.
- He will continue to work with City staff to ensure that the structure meets current requirements under the Building Code and Fire Code.

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:

- She is not aware of the number of dwellings that accommodate two units in the neighbourhood. However, the R.2 Zone permits two dwelling units in the adjacent four neighbourhood properties.

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

- The MLS listing for the property noted that the property was zoned R.2. He put in an offer on the property in September, not realizing that the second unit was illegal. His lawyer received a letter from the City on October 12, 2016 stating that the current legal use is a single unit dwelling. He did not receive this information until two business days before the sale of the property and chose to proceed with the purchase.
- He believes that the apartment has been in existence for six years without a complaint from the neighbours. A complaint was opened when the listing agent called to confirm the legal use of the property.

### **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 or 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:**

- Reduce the minimum required lot area per dwelling unit from 278 square-metres to 208 square-metres;**
- Reduce the minimum required lot width per dwelling unit from 9 metres to 6.1 metres;**
- Reduce the minimum motor vehicle parking requirements from 2 per dwelling unit to 1.5 per dwelling unit; and**
- Increase the maximum lot coverage by parking areas, driveways and vehicle movement areas from 20% to 22%.**

**PROVIDED THAT any alterations to the existing lot grading will not adversely impact the adjacent properties.**

9. **File No.: A26/17**  
**Address: 1193 Armour Road**  
**Applicant: Ronald and Sondra Egan**

This matter relates to a minor variance application submitted by Ronald and Sondra Egan, 1193 Armour Road, Peterborough, Ontario K9H 0E3, the owners of the property that is the subject of the application.

The purpose of the application is to request permission for expansion of the legal non-conforming dwelling on the subject property by two proposed additions, a 7.3 x 4.8 metre, one-storey sunroom and a 4.8 x 3.6 metre platform, attached at the northeast side of the dwelling.

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

- He is requesting permission from the Committee to expand the footprint of the legal-non conforming dwelling to allow him to build a 400 square foot addition, including a one-storey sunroom and a platform.
- He has reviewed the Staff Report and is in agreement with its recommendations.

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:

- The proposed platform and addition will not be constructed within the flood plain. Otonabee Conservation have confirmed that the proposed development is above the flood plain elevation.
- The high water mark illustrated in the plans is current.

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

- The platform extension height is 1 metre from the grade.
- The existing platform will continue and curve around the rear of the addition. There will be 7 metres from the shore to the platform and 11.5 metres from the shore to the addition.

### **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, as the dwelling is a recognized legal non-conforming use, the application should be approved as per the Staff Recommendation.

**Therefore permission is granted for the enlargement or extension of the building for a one-storey sunroom measuring 7.3 metres by 4.8 metres and a platform measuring 4.8 metres by 3.6 metres, attached at the northeast side of the dwelling CONDITIONAL UPON owner entering into an agreement with the City to ensure compliance with the measures included in Section 5.0, Mitigation and Remediation, of the Environmental Impact Study prepared by Cambium Inc. and PROVIDED THAT any alterations to the existing lot grading and roof drainage will not adversely impact the adjacent properties.**

### **Minutes**

Moved by Len Lifchus

**That the minutes of the Committee of Adjustment hearing held on May 2, 2017 be approved.**

“CARRIED”

### **Other Business**

Mr. Colin Darling, and Mr. Doug Rose approached the Committee in respect to Item 7, File No B08/17 and requested clarification of the conditional approval of the application.

Upon summarization of the recommended conditions, Mr. Rose indicated that he did not intend to proceed with the Zoning Amendment application on file with the City at this time, Application No. Z1608 is on hold and that the plan for development may be amended. His intention is to proceed with the severance at this time to allow the lots to be transferred separately and to proceed with a development application at a later date.

Moved by Mauro DiCarlo

**That the Committee of Adjustment reconsider the motion to approve Consent Application No. B08/17.**

“CARRIED”

Moved by Mauro DiCarlo

**That the Committee of Adjustment rescind the motion to approve Consent Application No. B08/17, that the application be deferred to the next hearing of the Committee of Adjustment, scheduled for July 4, 2017, to permit Staff an opportunity to summarize appropriate conditions of approval and that, should the application require recirculation, that it be at no expense to the Applicant.**

“CARRIED”

### **Next Meeting**

The next meeting of the Committee of Adjustment is scheduled for Tuesday, July 4, 2017.

### **Adjournment**

The meeting was adjourned at 8:08 p.m.

(Sgd.) Mauro DiCarlo, Chair

(Sgd.) Jennifer Sawatzky, Secretary-Treasurer