



City of
Peterborough

Committee of Adjustment Minutes

June 7, 2016

Minutes of a Meeting of Committee of Adjustment held on Tuesday, June 7, 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.

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 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 May 3, 2016 hearing, at which time the Committee determined the application was premature considering the information provided by the applicant and adjourned consideration of the application to this meeting to allow time for the applicant to prepare and submit the revised plans for the development.

Dion Gemmitti, representing CB Rubidge Inc., attended the meeting and addressed the Committee as follows:

- He is working with the City on a solution for the proposed development and would like to schedule a meeting with the Utility Services Department to discuss their concerns with the application.
- He would prefer to maintain the proposed size of the building and locate it closer to the road than currently recommended by City Staff.
- He requests that the Committee adjourn the application to the next scheduled hearing rather than to an undetermined meeting date.

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:

- To meet the regulations of the Planning Act, the application will require recirculation if the application is adjourned sine die. The additional cost incurred by the City for recirculation would be invoiced to the applicant.

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

- After meeting with City Staff on May 18, 2016, he provided Staff with three options for the development: maintain the proposed design, eliminate the front porches or reduce the number of bedrooms to make the building smaller.
- The owners would prefer not to reduce the size of the building if another option is available.

The Committee noted that as of the date of the hearing, the Applicant has not provided plans for review by City Staff representing the proposed three alternatives for the development.

Moved by Len Lifchus

That the application be adjourned to the next Committee of Adjustment hearing, scheduled for July 5, 2016.

“CARRIED”

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. At the May 3, 2016 hearing, the application was adjourned to this meeting to allow the applicant an opportunity to complete the registration of the Plan of Subdivision.

Mr. Richard Straka, Planner, Policy & Research, advised that, as the Plan of Subdivision has not been registered, the blocks of land to which the variances would apply cannot be legally identified separate from the remainder of the subdivision. With no sense of insight into the timing of when the plan may be registered, Staff consider the application to be premature and recommend adjourning the application sine die.

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

Mr. Frank Steffler disclosed that the owner of the subject property was a client of his legal practice prior to his retirement, but that he does not have a current pecuniary interest in the matter before the Committee.

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

- The applicant has received the Staff Report outlining the recommendation to adjourn the application sine die and is aware of the cost to re-circulate the application.

- The Associate City Solicitor advised that consideration of the requested variances is premature prior to registration of the Plan of Subdivision. As such, Planning Staff have not considered the impact of the proposed setbacks of each parcel on the adjacent wetland. There may be some parcels that Staff would not recommend approval of the variance.
- Mason Homes Limited has submitted a copy of the Concept Site Plan to the Committee. A Draft Plan of Subdivision has not been submitted for the Committee's consideration and could be subject to change before registration.

Moved by Claude Dufresne

That the application be adjourned sine die to permit the applicant an opportunity to complete the registration of the Plan of Subdivision, at which time the application would be re-advertised and re-circulated at the expense of the applicant/owner.

"CARRIED"

3. **File No.: B08/16**
 Address: 631 Otonabee Drive
 Applicant: Ronald Douglas McCoy

This matter relates to a severance application submitted by Ronald Douglas McCoy, 656 Cloverleaf Street, Peterborough, Ontario K9J 1H7, the owner of the property that is the subject of the application.

Ronald McCoy attended the meeting and addressed the Committee as follows:

- He is requesting consent to sever a triangular portion of the property from the rear yard and add it to the rear yard of the property at 656 Cloverleaf Street, which he owns jointly with his wife.
- He would like to gain more green space at for the rear yard of the Cloverleaf property, as the pool takes up a large portion of the amenity space.

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 pool at 656 Cloverleaf Street extends slightly over the current rear property line. Granting the consent would correct the encroachment of the pool over 631 Otonabee Drive.
- Sections 50(3) or 50(5), as applicable, should apply to any subsequent conveyance of the severed property to be merged with 656 Cloverleaf Street.
- The City's maps reflect that Part 1 of 45R-1066, a 13 ft wide strip of land fronting on Otonabee Drive, is owned by the applicant. However, Planning Staff have not requested that Legal Services perform a search on title to confirm ownership.

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

- He objects to the City's proposed condition for a 3 m wide strip of land for road widening of Otonabee Drive and would like additional time to review the request and if Part 1 of 45R-1066 was previously conveyed to the City.

Moved by Mauro DiCarlo

That the application be adjourned to the next Committee of Adjustment hearing, scheduled for July 5, 2016, to allow the applicant time to review the proposed condition to convey a 3 metre wide strip of land across the frontage of 631 Otonabee Drive for the purpose of the future road widening of Otonabee Drive.

“CARRIED”

4. **File No.: A22/16**
Address: 375 Daniel Street
Applicants: Anthony and Kimberley Paglialunga

This matter relates to a minor variance application submitted by Anthony and Kimberley Paglialunga, 53 Annie Crescent, Ajax, Ontario L1T 3Z4, as applicants on behalf of Daniel Goodfellow, 205 O’Dette Road, Peterborough, Ontario K9K 2L4, the owner of the property that is the subject of the application.

Kimberley Paglialunga attended the meeting and addressed the Committee as follows:

- The applicants have an offer to purchase the subject property and would like to build a bungalow and a detached garage on the vacant lot.
- The zoning permits a maximum lot area coverage of 12%. They are requesting a variance to increase the lot coverage to 15% to permit the proposed building plans.
- She has received an e-mail from Peterborough County-City Health Unit in support of the application.

Ms. Paglialunga provided a copy of an e-mail from the Public Health Inspector, Peterborough County-City Health Unit to Planning Staff.

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.

Mr. Straka read the e-mail from Peterborough County-City Health Unit submitted by Ms. Paglialunga into the record.

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

Decision

The Committee reviewed the application and considered size of the property and the use and development of adjacent properties. The Committee and determined that the property could support the proposed development and that the impact of the variance was minor and would result in appropriate development that would be in keeping with the established standard of development of the neighbourhood.

Accordingly, the Committee determined that:

1. the variance is 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 a variance is granted to increase the maximum lot coverage by buildings to 15% CONDITIONAL UPON the applicant providing a letter from Peterborough County City Health Unit to the satisfaction of the City Planner and the Chief Building Official, indicating that there is adequate space on the property to accommodate the proposed structures together with the spatial separation required to accommodate a septic system and well as a source of water on the property.

5. **File No.:** B09/16
Address: 153 Park Place
Applicant: Keith Payne
6. **File No.:** B10/16
Address: 161 Park Place
Applicant: Keith Payne

This matter relates to a severance application submitted by Keith Payne, 1997 MacFarlane Avenue, Peterborough, Ontario K9H 0E1, as applicant on behalf of Blair and Mary Ellen Stewart, 1246 Neptune Street, Peterborough, Ontario K9H 7M1, the owners of the 153 Park Place, and Grant Kent and Brent Kent, 782 Canal Road, Peterborough, Ontario K9L 1A1, the owners of 161 Park Place.

Keith Payne attended the meeting and addressed the Committee as follows:

- He has an agreement with the owners of 153 Park Place and 161 Park Place to purchase the rear 18.29 metres of each lot to create a new lot facing Paterson Street for residential development.
- He is asking for consent to the severance applications to permit the proposed development.

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.

Mr. Straka advised that the condition outlined in the report to convey a 3 metre wide strip of land relative to Paterson Street should be omitted as Paterson Street is not identified for road widening in Table 2 of the City's Official Plan.

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

- i) Ian Caldwell, 466 Paterson Street, Peterborough, Ontario K9J 4P7 advised that he has no objected to the application. He further advised that he has concerns with the debris currently located in the rear of 161 Park Place.
- ii) Ruth Van Vierzen, 3295 University Heights Boulevard, Peterborough, Ontario K9L 1T3 advised that she owns property in the vicinity of the subject properties and raised concerns with the condition of the property at 161 Park Place. She indicated that she supports development that would improve the current standard.

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

- The property is currently larger than is required by the current owner and as a result the rear yard is being used to store debris.
- Planning Staff will advise Enforcement Services that property owners have raised concerns that 161 Park Place is in contravention of the City's Property Standards By-law.

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

- The agreement with the owners of the subject properties is time sensitive and may lapse if the decision is adjourned.

Decision B09/16

Consent is hereby granted to sever the westerly 18.29 metres of the subject property to be merged with the severed, westerly 18.29 metres of 161 Park Place to create a new lot for future development of a two unit dwelling with frontage on Paterson Street PROVIDED THAT Sections 50(3) and 50(5) of the Planning Act apply to any subsequent transaction involving the parcel of land that is subject to the application.

Decision B10/16

Consent is hereby granted to sever the westerly 18.29 metres of the subject property to be merged with the severed, westerly 18.29 metres of 153 Park Place to create a new lot for future development of a two unit dwelling with frontage on Paterson Street PROVIDED THAT Sections 50(3) and 50(5) of the Planning Act apply to any subsequent transaction involving the parcel of land that is subject to the application.

7. **File No.:** **A23/16**
 Address: **1140 Barnardo Avenue**
 Applicant: **Lynn Moore**
 Agent: **R. Dan Young**

This matter relates to a minor variance application submitted by Lynn Moore, 1140 Barnardo Avenue, Peterborough, Ontario K9H 5X2, as applicant on behalf of Lynn Moore and William Moore, the owners of the property that is the subject of the application.

R. Dan Young of Eastern Realty Inc., 871 Ward Street, Bridgenorth, Ontario K0L 1H0, attended the meeting and addressed the Committee as follows:

- The owners would like to construct a detached garage at the northwestern corner of the property. They are requesting a variance to reduce the minimum building setback from the west side lot line to 2 feet.
- The garage will be constructed parallel to the dwelling, and due to the shape of the lot that flares out toward the street, only the rear corner of the garage will require the variance.
- The location of the garage will permit one additional parking space to be located between the garage and the dwelling.
- He has contacted a number of property owners in the vicinity of the subject property and they indicated that they are in support of the application.
- The lot line has been staked by a surveyor and a copy of the invoice has been provided to the Committee.

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.

Mr. Straka advised that Staff recommend that approval be granted provided that eavestroughing be established and maintained on the garage to manage stormwater on the property.

The Chair read a letter from the following persons in support of this application:

- i) Patrick and Carol Heffernan, 1141 Barnardo Avenue, Peterborough, Ontario K9H 5W9
- ii) Sandra Cardwell, 1139 Barnardo Avenue, Peterborough, Ontario K9H 5W9
- iii) Carol Van Tol, 1129 Barnardo Avenue, Peterborough, Ontario K9H 5W9
- iv) Anne Marie Thomas, 1135 Barnardo Avenue, Peterborough, Ontario K9H 5W9

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

- He surveyed the neighbouring property owners to advise them of the application and asked them to sign the letter of support to show that they had no objections to the application.
- He has no pecuniary interest in the application.

Decision

The Committee reviewed the application, considered the flared configuration of the side lot lines and the orientation of the adjacent dwellings, and determined that the location of the proposed garage would have minimal impact on adjacent properties and that the variance was minor and would result in appropriate development that would be in keeping with the established standard of development of the neighbourhood.

Accordingly, the Committee determined that:

1. the variance is 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 a variance is granted to reduce the minimum building setback of the southwest corner of the proposed garage from the west side lot line to 0.6 metres PROVIDED THAT eavestroughing be established and maintained on the garage to manage stormwater on the property so as not to affect the adjacent properties.

Minutes

Moved by Len Lifchus

That the minutes of the Committee of Adjustment hearing held on May 3, 2016 be approved.

“CARRIED”

Other Business

Ms. Campbell advised the Committee that Mr. Richard Straka has announced his retirement. The Committee extended their congratulations and thanked Mr. Straka for his years of service.

Ms. Campbell introduced the Committee to Christie Gilbertson who will be assisting the Planning Division with the review of applications to the Committee of Adjustment until the Planner, Policy and Research position is filled.

Next Meeting

The next meeting of the Committee of Adjustment is scheduled for Tuesday, July 5, 2016.

Adjournment

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

(Sgd.) Brenda Campbell, Chair

(Sgd.) Jennifer Sawatzky, Secretary-Treasurer