



City of
Peterborough

Committee of Adjustment Minutes

May 15, 2018

Minutes of a Meeting of Committee of Adjustment held on Tuesday, May 15, 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

Mr. Claude Dufresne declared an interest in Item 4, Application No. A17/18, as he serves on the Fairhaven Committee of Management with the owner of the subject property.

1. **File No.: A10/18**
Address: 739 Young Street
Applicants: Riley Crough and Ivory Gannon
2. **File No.: A20/18**
Address: 741 Young Street
Applicants: Riley Crough and Ivory Gannon
3. **File No.: B06/18**
Address: 739 Young Street
Applicants: Riley Crough and Ivory Gannon

This matter relates to two minor variance applications and a consent 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 properties that are the subject of the applications.

Application No. A10/18 was adjourned from the March 20, 2018 and April 17, 2018 hearings. No evidence was presented at either hearing.

The purpose of Application No. A10/18 is to reduce the minimum required lot area from 370 square metres to 283 square metres, reduce the minimum required lot width from 12 metres to 9.14 metres, and to increase the maximum number of driveways for a lot under 20 metres to 2 to permit the development of 739 Young Street with a single detached house.

The purpose of Application No. A20/18 is to reduce the minimum number of required parking spaces from 2 to 1 at 741 Young Street and to allow the parking space to be provided partially off-site at 739 Young Street, to be facilitated by Application No. B06/18, requesting consent for an easement over 739 Young Street.

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

- He is owner of the subject properties along with his wife, Kelly Speer, and son, Riley Crough. The two adjacent properties are separately conveyable with an existing dwelling on 741 Young Street.
- They would like to develop 739 Young Street with a single unit dwelling within the permitted setbacks of the zoning district.
- The applications have been filed to facilitate this development and address the parking deficiency at 741 Young Street.
- There will be green space between the two driveways on 739 Young Street for snow storage, and a drainage plan will be required prior to development. He does not anticipate that drainage will be an issue due to the slope of the driveways and the location of a storm drain in front of the property.

Ms. Christie Gilbertson, Planner, Policy and Research, presented Staff comments with respect to the application on behalf of the Building and Planning Divisions of the Planning & Development Services Department, City of Peterborough.

The Chair read a letter into the record in opposition to the application from Doug and Cecilia Simmons, 735 Young Street, Peterborough, Ontario K9J 3A5.

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

- He feels that the development will result in an improvement to the drainage of stormwater since water currently pools on 739 Young Street. After development surface water will be diverted to the storm drains.

Decision – A10/18

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 variances are granted to:

- a) **Reduce the minimum required lot area to 283 square metres;**
- b) **Reduce the minimum required lot width to 9.14 metres; and**
- c) **Increase the maximum number of driveways on a lot containing a single unit dwelling with a lot width less than 20 metres to 2.**

Conditional upon the Following:

- i) **Submitting to the City the registered Transfer of Easement in accordance with Consent Application No. B06/18;**
- ii) **If applicable, payment of a Parks Levy in an amount to be determined by the Parks Levy Review Committee; and**

- iii) **The owner entering into an agreement with the City requiring the following be achieved prior to the issuance of a Building Permit:**
- a) **That building plans and elevations be provided for approval by the Planner of Urban Design to ensure compatibility of the building with other buildings in the neighbourhood;**
 - b) **That these building plans show the proposed new house at 739 Young Street be setback a minimum of 6.7 metres from the Streetline; and**
 - c) **That a lot grading and drainage plan be submitted to support the development of the house at 739 Young Street be accompanied by a lot grading and drainage plan for 741 Young Street, providing details regarding the proposed grading and drainage of the driveway that straddles both lots.**

Decision – A20/18

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 variances are granted to:

- a) **Reduce the minimum number of required parking spaces for a single unit dwelling to 1; and**
- b) **Permit the parking space to be provided partially off-site, by way of an easement over 739 Young Street.**

CONDITIONAL UPON the applicant submitting to the City the registered Transfer of Easement in accordance with Consent Application No. B06/18.

Decision – B06/18

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

In that the easement reflects the driveway configuration approved by Application No. A20/18 and facilitates driveway access for 741 Young Street, consent is granted for a 1.55 metre by 6.1 metre easement along the north lot line of the subject property for a right-of-way in favour of the owner of the property known municipally as 741 Young Street, CONDITIONAL UPON THE FOLLOWING:

- i) **Prior to registering the Reference Plan at the applicant's cost, the applicant shall submit for approval a draft Reference Plan to the Secretary-Treasurer, showing the extent of the easement. Upon registration of the approved Reference Plan, two copies of the registered reference plan will be provided to the Secretary-Treasurer;**
- ii) **A closed polygon vector file of the Part boundaries shown on the Reference Plan is to be provided in Autodesk DWG in NAD83 UTM CSRS CGVD28 projection Windows-readable format to the satisfaction of the City of Peterborough Geomatics/Mapping Division. It is recommended that the applicant's Ontario Land Surveyor consult with the City of Peterborough Geomatics/Mapping Division to confirm acceptable standards and formatting. The Surveyor should contact the Secretary-Treasurer for instructions on how to submit this document.**

- iii) **That the applicant provide the Secretary-Treasurer with a draft of the Transfer of Easement.**
- iv) **All conditions shall be satisfied within 365 days of the circulation of the Committee's decision, otherwise the Provisional Consent will lapse.**

Respecting the request by the applicants for a reduction or waiver of the application fees for File Nos. A20/18 and B06/18:

Moved by Len Lifchus:

That the applicants be refunded the application fee for Minor Variance File No. A20/18 less the proportionate cost of the circulation of the application, being a refund of \$290.00.

"CARRIED"

- 4. **File No.: A17/18**
Address: 477 Carriage Lane
Applicant: Kevin M. Duguay

Mr. Claude Dufresne did not discuss or vote on this item.

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 David and Joanne Haacke, 477 Carriage Lane, Peterborough, Ontario K9L 2A4, the owners of the property that is the subject of the application.

The purpose of this application is to seek relief from the minimum required setbacks of a platform that exceeds 0.15 metres above grade to recognize the proximity of the existing platform located in the rear yard surrounding an in ground pool. The variances propose to reduce the platform setbacks from 4.6 metres to 0 metres from the rear lot line and from 0.3 metres to 0 metres from the side lot line.

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

- He has reviewed the Staff Report and supports the recommendation outlined by Staff.
- The report speaks to the need to ensure that there is no adverse effect on adjacent properties. Letters from neighbouring property owners were submitted with the application in support of the Committee approving the application to permit the existing deck.
- Because of the grade of the property, some portions of the platform contravene the setback provisions of the Zoning By-law and therefore the application for a variance is required.

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.

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:

- a) **Reduce the minimum setback for a platform from the rear lot line to 0 metres; and**
- b) **Reduce the minimum setback for a platform from the west side lot line to 0.**

PROVIDED THAT any alterations to existing lot grading patterns or drainage will not adversely impact adjoining properties.

5. **File No.: B04/18**
Address: 266 Burnham Street
Applicants: David Holmquist and Janice Gainey

This matter relates to a severance application submitted by David Holmquist and Janice Gainey, 266 Burnham Street, Peterborough, Ontario K9H 1T3, the owners of the property that is the subject of the application.

The purpose of the application is to request consent for an easement over the easterly 3.66 metres of 266 Burnham Street for vehicular access to 20 James Street.

Mr. Holmquist and Ms. Gainey attended the meeting and addressed the Committee as follows:

- They are requesting consent to grant a right-of-way over the existing easement to facilitate access to the newly created lot at 20 James Street.
- They would like to utilize the existing curb cut on James Street to save green space in the neighbourhood and to reduce the number of driveways exiting onto the slope of the hill.

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 easement extends over the easterly 3.66 metres of the driveway pictured in the presentation. The remaining paved area is the driveway associated with 266 Burnham Street.

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

- They are aware that the right-of-way is restricted to ingress and egress to the parking area that will be established at the rear of 20 James Street and that parking will not be permitted over the right-of-way.

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 easement will utilize the existing right-of-way, reduce the need for an additional curb cut onto James Street and facilitate the development of 20 James Street to be in keeping with the standard of design in the neighbourhood, consent is granted for a 3.66 metre wide right-of-way along the eastern property line of 266 Burnham Street, illustrated as Part 3 on Reference Plan 45R-16587 in favour of the owner of the property known municipally as 20 James Street, CONDITIONAL UPON THE FOLLOWING:

- i) **That the applicant provide the Secretary-Treasurer with a draft of the Transfer of Easement.**

ii) **All conditions shall be satisfied within 365 days of the circulation of the Committee's decision, otherwise the Provisional Consent will lapse.**

6. **File No.: A18/18**
Address: 283 Park Street North
Applicants: Jeffrey Pinkney and Andrew Rothfischer

This matter relates to a minor variance application submitted by Jeffrey Pinkney and Andrew Rothfischer, 559 Downie Street, Peterborough, Ontario K9H 4J7, the owners of the property that is the subject of the application.

The purpose of the application is to reduce the minimum setback for a platform from the King Street streetline from 6 metres to 1.1 metres to permit a platform at the rear of the northernmost residential unit.

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

- The property consists of four side by side townhomes located in the Avenues Heritage Conservation District.
- The existing platforms at the rear of the property predate his and Mr. Rothfischer's purchase of the property in 2011 and they would like to update and improve the platforms.

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.

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 setback for a platform from the King Street streetline to 1.1 metres to permit a platform at the rear of the northernmost unit, as generally shown on the Site Plan prepared by the Little Building Company dated April 6, 2018, PROVIDED THAT parking and access to the right-of-way is not removed or undersupplied by the creation of the new platforms.

7. **File No.: A19/18**
Address: 550 Cameron Street
Applicant: Simon Mokedanz

This matter relates to a minor variance application submitted by Simon Mokedanz, 1032 Hatfield Crescent, Peterborough, Ontario K9J 6L8, as applicant on behalf of Will and Heather Howe, 550 Cameron Street, Peterborough, Ontario K9J 3Z5, the owners of the property that is the subject of the application.

The purpose of the application is to reduce the minimum building setback from the centreline of Cameron Street from 16 metres to 15 metres for an enclosed entryway addition and to reduce the minimum setback from the centreline of Cameron Street from 16 metres to 14 metres for an attached platform across the front of the house.

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

- The house currently has a small porch at the entrance which opens directly into the kitchen. The owners would like to construct an 8 foot by 10 foot addition at the front of the dwelling with a platform for entry into the house. They are requesting a relief from the setback requirements of the Zoning By-law to permit the proposed addition and platform.

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.

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:

- a) **Reduce the minimum building setback from the centreline of Cameron Street to 15 metres for a 2.4 metre by 3.2 metre enclosed entryway addition; and**
- b) **Reduce the minimum setback for a platform from the centreline of Cameron Street to 14 metres.**

PROVIDED THAT any alterations to existing lot grading patterns or drainage will not adversely impact adjoining properties.

8. **File No.: B05/18**
Address: 553 Bonaccord Street and 526 McDonnel Street
Applicant: Darlene Cook, Peterborough Housing Corporation

This matter relates to a severance application submitted by Darlene Cook, CEO, Peterborough Housing Corporation, 526 McDonnel Street, Peterborough, Ontario K9H 0A6, the owner of the property that is the subject of the application.

The purpose of the application is to sever the properties known municipally as 553 Bonaccord Street and 526 McDonnel Street to re-establish the former lot line of the properties that have merged in title.

Mr. John Ewart, Ewart O'Dwyer Barristers and Solicitors, 311 George Street North, Suite 103, Peterborough, Ontario K9J 3H3, solicitor for Peterborough Housing Corporation, attended the meeting and addressed the Committee as follows:

- Peterborough Housing Corporation has owned 526 McDonnel Street for 10 years and has developed property with 50 units of affordable housing. In September of 2016, they purchased 553 Bonaccord Street for development of 38 additional affordable housing units.
- The severance is required as there are different financing and funding arrangements for each development.
- As the two properties are adjacent, they have merged in title and he is requesting that the Committee approve the technical severance.

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.

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 the Official Plan policy and comply with the Zoning By-law, the Committee considers that it is appropriate to allow a severance that would re-establish the former property line between the two properties merged in title under common ownership and permit independent ownership of each property.

Therefore, consent is granted to sever the property municipally known as 553 Bonaccord Street from the property municipally known as 526 McDonnel Street, CONDITIONAL UPON THE FOLLOWING:

- i) **That the applicant provide the Secretary-Treasurer with a draft of the Transfer/Deed of Land.**
- ii) **All conditions shall be satisfied within 365 days of the circulation of the Committee's decision, otherwise the Provisional Consent will lapse.**

Minutes

Moved by Brenda Campbell

That the minutes of the Committee of Adjustment hearing held on April 17, 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, June 19, 2018.

Adjournment

The meeting was adjourned at 6:55 p.m.

(Sgd.) Mauro DiCarlo, Chair

(Sgd.) Jennifer Sawatzky, Secretary-Treasurer