



City of  
**Peterborough**

## **Committee of Adjustment Minutes**

**July 5, 2016**

Minutes of a Meeting of Committee of Adjustment held on Tuesday, July 5, 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:** Ms. Christie Gilbertson, Assistant Planner  
Ms. Caroline Kimble, Land Use Planner  
Ms. Andrea Stillman, Permit Technician; Plans Examiner  
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 consent application B06/16. The remaining variances required to facilitate the proposed development were adjourned to the May 3, 2016, and June 7, 2016 hearings to allow the applicant time to submit revised building plans. At the June 7<sup>th</sup> hearing, the Committee adjourned the application to this meeting at the request of the owner, anticipating the submission of revised building plans for the proposed development.

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

- He met with City Staff on June 20, 2016 to discuss the application. He has submitted revised plans and the revised variances will be submitted to the City in time for the next meeting of the Committee.

Ms. Christie Gilbertson, Assistant Planner, 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 property owner submitted a revised plan for the proposed development to the Planning Division the morning of the July 5, 2016 hearing. The plan needs to be reviewed by Staff to assess the changes made to the design, however the application will require recirculation since the variances required for the revised plan differ from the notice provided to the public.

Moved by Len Lifchus

**That the application be adjourned to an undetermined meeting date to permit the applicant an opportunity to submit revised variances, at which time the application would be re-advertised and re-circulated at the expense of the applicant/owner.**

“CARRIED”

2.     **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.

This application to convey a triangular portion of the rear yard of the property to the owner of 656 Cloverleaf Street was adjourned from the June 7, 2016 hearing to allow the applicant time to review the proposed condition to convey a 3-metre wide parcel of land for the future road widening of Otonabee Drive.

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

- He has reviewed the Staff Report and the recommended conditions and is prepared to accept the conditions to move forward with the application.

Ms. Christie Gilbertson, Assistant Planner, 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 recommended conditions that have been added to the Staff Report are procedural in nature and included to assist the applicant in proceeding with the consent process.

### **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 lot addition would be an improvement to the use and development of the properties and would have no impact on adjacent properties, consent is granted to sever the northerly, triangular portion of land abutting the rear lot line of 656 Cloverleaf Street, as illustrated in Exhibit B of the Staff Report dated June 7, 2016, to the owner of 656 Cloverleaf Street CONDITIONAL UPON THE FOLLOWING:**

- i)     **That the applicant convey to the City, free of encumbrances and at no cost to the city, a 3 metre wide parcel of land relative to Otonabee Drive for road widening purposes.**

- ii) That the applicant submit the draft reference plan showing the subject land to the Secretary-Treasurer for review and approval. Upon approval the applicant shall submit two copies of the deposited reference plan.
  - iii) That the applicant provide the Secretary-Treasurer with a draft of the Transfer/Deed of Land.
  - iv) That the property to be severed be conveyed to the owner of abutting land municipally known as 656 Cloverleaf Street. Such that these two parcels shall be considered as one lot and shall not be dealt with separately, Section 50 (3) or 50 (5) shall apply to any subsequent conveyance of or transaction involving the parcel of land that is the subject of this consent.
  - v) That if the above conditions are not satisfied within 365 days of the Committee's decision that this consent will lapse.
3. **File No.:** A25/16  
**Address:** 494 Park Street North  
**Applicant:** Robin Rivison

This matter relates to a minor variance application submitted by Robin Rivison, 480 Mark Street, Peterborough, Ontario K9H 4R4, as applicant on behalf of Hermione Rivison, of the same address, the owner of the property that is the subject of the application.

Robin Rivison attended the meeting and addressed the Committee as follows:

- The applicant is requesting a minor variance to maximum lot coverage by a building from 35% to 43.6% to permit the replacement of the five, separate additions with one continuous addition.
- The replacement of the rear additions is required due to the poor condition of the foundations of the rear additions.
- Despite being fully insulated, the additions are the coldest rooms in the apartments. Replacing the five separate additions will improve the energy efficiency of the property.
- The rear decks will be removed and replaced with ground level patios for amenity space.
- Due to the slope of the property, stormwater from the roof drains toward the creek away from the neighbouring property.

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

Ms. Gilbertson read comments from the City's Heritage Preservation Office in support of improvements to the property and requesting that the addition be completed using materials and finishes that compliment the existing structure and surrounding properties.

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

Mr. DiCarlo observed that the Lot Coverage Details on the Site Plan are incorrect. The proposed lot coverage, although showing an increase in percentage, is less square feet than the total existing lot coverage.

Ms. Gilbertson advised that the Committee could add a condition to the decision that the applicant provide a revised plan demonstrating that the total lot coverage of the proposed development is no greater than 43.6% of the property's area.

## 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 reviewed the application and noted that the proposal would improve development at the subject property. The Committee further noted that the property is located within Otonabee Region Conservation Authority's (ORCA's) Development Control Area and will require a permit from ORCA prior to obtaining a building permit. Further to ORCA's requirements, the City's Building Division requires submission of a design by a professional engineer prior to issuing a building permit for development in the floodplain. The Committee determined that the additional permit requirements would ensure appropriate development given the property's location adjacent to the floodplain. The Committee considered the use and development of adjacent properties and determined 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 a building to 43.6 % PROVIDED THAT any alterations to the existing lot grading patterns or roof drainage will not adversely impact adjoining properties and CONDITIONAL UPON applicant providing a revised plan demonstrating that the total lot coverage of the proposed development is no greater than 43.6% of the property's area.**

4. **File No.: A26/16**  
**Address: 518 Arndon Avenue**  
**Applicants: Brian and Maggie O'Donnell**

This matter relates to a minor variance application submitted by Brian and Maggie O'Donnell, 1290 Victory Drive, Peterborough, Ontario K9J 4T7, the owners of the property that is the subject of the application.

Brian O'Donnell attended the meeting and addressed the Committee as follows:

- The owners are seeking a minor variance to increase the maximum lot coverage by an accessory structure to permit a 35.6 square metre addition to the garage that will allow room for parking a pick-up truck.

Ms. Christie Gilbertson, Assistant Planner, 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 rear addition to the house was constructed as an enclosed ramp for sheltered access to the dwelling. It is currently used as sunroom space and will be removed. The removal of this addition will facilitate a separation distance between the rear of the dwelling and the accessory building that is compliant with the Zoning By-law.

## 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 reviewed the application, and noted that although the application proposes an increase to the maximum lot coverage by an accessory structure, the total lot coverage by all buildings on the property would still be well below the standard of 45% permitted by the R.1 zoning of the property. The Committee considered the use and development of adjacent properties and determined 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 lot coverage by an accessory building to 13% to permit the expansion of the existing garage, PROVIDED THAT eavestroughing is established and maintained on the addition to manage stormwater on the subject property so as not to affect the neighbouring property and CONDITIONAL UPON the rear ramp addition being removed to bring the separation distance to the rear of the dwelling from the garage into compliance with the Zoning By-law.**

5. **File No.: A27/16**  
**Address: 346 Middlefield Road**  
**Applicant: Ron Freer**

This matter relates to a minor variance application submitted by Ron Freer, 637 The Queensway, Peterborough, Ontario K9J 7J6, as applicant on behalf of Vera Crebar, 346 Middlefield Road, Peterborough, Ontario K9J 8S4, the owner of the property that is the subject of the application.

Ron Freer attended the meeting and addressed the Committee as follows:

- The owners are seeking a minor variance to increase the maximum lot coverage to 50.5% to permit the construction of a sunroom addition to the rear of the dwelling.

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

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

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

- The construction of the sunroom is restricted by the allowable lot coverage and setback requirements of the R.2 zoning district. The requested minor variances would facilitate the sunroom addition.
- Part-lot control regulates the division of land within a plan of subdivision and stipulates that division of the whole of a lot within a plan of subdivision can only be achieved through registration of a plan of subdivision or the granting of a consent. Council can exempt land from this requirement, which is how this lot was created. The R.2 zone permits two dwelling units that can be either attached or detached. Part lot control exemption in this case has facilitated the proximity of 346 Middlefield Drive to the dwelling at 348 Middlefield Drive.

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

- The sunroom will be built at the same level of the existing deck, which extends further into the rear yard than the proposed sunroom.

### **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 reviewed the application, and noted that an attached sunroom, located on approximately the same footprint as the existing deck and windowed/screened on all sides, would not represent a significant departure from the established rear deck on the property. The Committee considered the use and development of adjacent properties and determined 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 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 a variance is granted to reduce the minimum building setback from the rear lot line to 6.5 metres and to increase the maximum building coverage to 50.5% to permit the construction of a 2.4 metre by 4.0 metre sunroom addition to the rear of the dwelling, PROVIDED THAT eavestroughing is established and maintained on the sunroom to manage stormwater on the subject property so as not to affect the neighbouring property.**

6. **File No.: B11/16  
Address: 134 Dufferin Street  
Applicant: Catherine Faiers**

This matter relates to a severance application submitted by Catherine Faiers, 134 Dufferin Street, Peterborough, Ontario K9H 1N2, as applicant on behalf of the estate of James and Helen Hunter, the owner of the property that is the subject of the application.

Catherine Faiers attended the meeting and addressed the Committee as follows:

- The applicant is requesting consent to sever the easterly 13.69 metres of the subject property to create a new lot for development of a single unit dwelling.

Ms. Christie Gilbertson, Assistant Planner, 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 easterly 13.69 metres of the subject property to create a new lot for the development of a single unit dwelling **CONDITIONAL UPON THE FOLLOWING:**

- i) Payment of a parks levy to be determined by the parks levy review committee.
- ii) Payment of a tree levy in the amount of \$193.00.
- iii) Payment of \$620.00 for the proportionate share of the cost of the upgrade to the downstream sanitary sewer system on Armour Road.
- iv) That a 5.0 m x 5.0 m Daylighting Triangle along the southeast corner of the property is conveyed to the City free of encumbrances and at no cost to the City.
- v) That the Applicant has PUSI and PUC satisfy the City Solicitor that the services for the retained parcel are located on the retained parcel.
- vi) That the Applicant prepares a draft Reference Plan to be approved by the City Solicitor showing:
  - a. a 5.0m x 5.0m Daylighting Triangle at the southeast corner of the site (the "Daylighting Triangle"); and
  - b. the severed parcel.
- vii) Upon approval the applicant shall submit two copies of the deposited reference plan.
- viii) That the applicant provide the Secretary-Treasurer with a draft of the Transfer/Deed of Land.
- ix) That if the above conditions are not satisfied within 365 days of the Committee's decision that this consent will lapse.

#### **Minutes**

Moved by Claude Dufresne

**That the minutes of the Committee of Adjustment hearing held on June 7, 2016 be approved.**

"CARRIED"

#### **Next Meeting**

The next meeting of the Committee of Adjustment is scheduled for Wednesday, September 7, 2016.

#### **Adjournment**

The meeting was adjourned at 7:56 p.m.

(Sgd.) Brenda Campbell, Chair

(Sgd.) Jennifer Sawatzky, Secretary-Treasurer