



City of
Peterborough

Committee of Adjustment Minutes

September 6, 2017

Minutes of a Meeting of Committee of Adjustment held on Wednesday, September 6, 2017 at 6:00 p.m. in the Council Chambers, City Hall.

Present: Mr. Mauro DiCarlo, Chair
Ms. Brenda Campbell
Mr. Claude Dufresne

Regrets: 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 6:02 p.m.

Disclosure of Pecuniary Interest

There were no disclosures of Pecuniary Interest.

- File No.:** A30/17
Address: 211 London Street
Applicant: Brian Miske

This matter relates to a minor variance application submitted by Brian Miske, 1245 Scollard Drive, Peterborough, Ontario K9H 7K8, as applicant on behalf of himself and Elizabeth Anne Clark, 1296 Allum Road, Peterborough, Ontario K9H 7K8, the owners 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 230 square metres to 183 square metres; reduce the minimum lot width per dwelling unit from 6 metres to 3.5 metres; reduce the minimum building setback from the east side lot line from 2.4 metres to 0.82 metres; reduce the minimum setback from the rear lot line for a parking area from 1.5 metres to 0.5 metres; reduce the minimum setback from the west side lot line for a parking area from 1.5 metres to 0 metres; reduce the aisle width from 6.4 metres to 6.0 metres; reduce the minimum parking space length from 5.7 metres to 5.5 metres; and increase the maximum lot coverage by open parking areas, driveways and vehicle movement areas from 25% to 31% of the lot to facilitate the construction of an addition on the rear of the existing building and to increase the number of residential units to a total of five.

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

- He recently purchased the subject property and plans a development to increase the total number of units in the building from three to five.
- He plans to keep the development compatible with the look of the existing neighbourhood, with no significant changes to the appearance of the dwelling from the street.

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

- i) Ellen Wilson, 212 McDonnell Street, Peterborough, Ontario K9H 2V9, spoke in opposition the application and expressed concerns with snow storage, and the shared laneway access.
- ii) Aaron Glover, 546 Aylmer Street North, Peterborough, Ontario K9H 3W7, spoke in opposition to the application and expressed concerns with access to the shared laneway and increased lot coverage by parking areas.
- iii) Darlene Ballam, 216 London Street, Peterborough, Ontario K9H 2Y9 spoke in respect to the application and stated that she supports development on the subject property but had concerns with the effect of the development on the appearance of the existing streetscape.

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

- It is Staff's understanding that Mr. Glover does enjoy a right-of-way over the laneway that is accessed from the shared drive between 211 and 217 London Street. Staff does not have a copy of a reference plan describing the right-of-way and does not know what other properties may enjoy a right-of-way over the subject property.
- There is a small encroachment of the garage at the rear of 216 London Street onto the subject property. The encroachment will not have any significant impact on the proposed development.
- The property is not designated under the *Heritage Act*, nor is it adjacent to a designated property. As such, the Peterborough Architectural Conservation Advisory Committee (PACAC) is acting in an advisory capacity for this application. The applicant provided a rendering to show the massing of the proposed addition at the rear of the existing building, which the applicant has advised will be have a brick exterior similar to other homes in the neighbourhood. Planning Staff are satisfied that the applicant has addressed PACAC's concerns.
- Staff are recommending that approval of the application be conditional upon Site Plan Approval. How snow storage is managed on site would be included in the Site Plan review process.

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

- In response to concerns about snow storage on the property, Mr. Miske indicated that the site plan submitted with the application shows the four locations adjacent to the parking area that will be used for snow storage.

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 the concerns expressed regarding snow storage and removal on the subject property and the potential for snow build up to impact adjacent property owners. The Committee determined that the recommended conditions outlined in the Staff Report should be amended to include a plan for snow storage and/or removal in the Site Plan Agreement.

Having reviewed the application and considered the information presented in the Staff Report and presentation, the Committee determined that the application should be approved, that the variances are minor, that 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 per dwelling unit to 183 square metres;**
- b) **Reduce the minimum lot width per dwelling unit to 3.5 metres;**
- c) **Reduce the minimum building setback from the east side lot line to 0.82 metres;**
- d) **Reduce the minimum setback of a parking area from the rear lot line to 0.5 metres;**
- e) **Reduce the minimum setback of a parking area from the west side lot line to 0.0 metres;**
- f) **Reduce the aisle width to 6.0 metres;**
- g) **Reduce the minimum length of a parking space to 5.5 metres; and**
- h) **Increase the lot coverage by parking areas, aisles and driveways to 31%.**

Conditional upon the Following:

- i) **The owner entering into a Site Plan Agreement with the City requiring that the building plans, including plans for snow storage and/or removal, be approved by the Planner of Urban Design prior to the issuance of a building permit; and**
- ii) **The applicant pay any applicable Parks Levy as assessed by the City's Parks Levy Review Committee.**

2. **File No.: B09/17
Address: 3789 Water Street
Applicant: MacNaughton Hermsen Britton Clarkson Planning Limited**

This matter relates to a severance application submitted by McNaughton Hermsen Britton Clarkson Planning Limited, 7050 Weston Road, Suite 230, Woodbridge, Ontario L4L 8G7, as applicant on behalf of Cor-Plan (2012) Inc., 57 Bamboo Grove, North York, Ontario M3B 2C9, the owner of the property that is the subject of the application.

The purpose of the application is to request consent to sever the westerly 0.45 hectares of the subject property, having 181.63 metres of frontage along Hetherington Drive, to facilitate the phased development of the subject site.

Armando Lopes, Associate, MacNaughton Hermsen Britton Clarkson Planning Limited, attended the meeting and addressed the Committee as follows:

- The application for the proposed severance complies with the City's Official Plan and the site specific zoning district of the property.
- The severed parcel will be developed with street fronting townhomes fronting onto Hetherington Drive.
- The retained parcel is proposed to be developed at a later date with condominium apartments and commercial uses.
- A Site Plan Application has been submitted to the City and is currently under review.
- He has reviewed the staff report and is in agreement with Staff's recommendations.

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 proposed severance would facilitate phased development at the subject property that meets the requirements outlined in the Zoning By-law and complies with the Official Plan, consent is granted to sever a 0.45 hectare parcel, having 181.63 metres of frontage along Hetherington Drive, to create a new lot for development of street fronting townhouses, CONDITIONAL UPON THE FOLLOWING:

- i) The owner shall convey to the City, free of encumbrances and at no cost to the City, road widenings along the entire frontage of Water Street and Woodland Drive, measuring 2.13 metres along Water Street and 5.18 metres along Woodland Drive;**
- ii) The owner shall convey to the City, free of encumbrances and at no cost to the City, a 8.0 metre by 12.0 metre daylighting triangle at the southeast corner of Woodland Drive and Hetherington Drive;**
- iii) The owner shall convey to the City, free of encumbrances and at no cost to the City, a 12.0 metre by 12.0 metre daylighting triangle at the southwest corner of Water Street and Woodland Drive;**
- iv) 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 proposed severed parcel including road widening and daylighting triangles. Upon registration of the reference plan, two copies of the registered reference plan will be provided to the Secretary-Treasurer;**
- v) The applicant pay any applicable Parks Levy as assessed by the City's Parks Levy Review Committee;**
- vi) The applicant provide the Secretary-Treasurer with a draft of the Transfer/Deed of Land; and**
- vii) All conditions shall be satisfied within 365 days of the circulation of the Committee's decision, otherwise the Provisional Consent will lapse.**

- 3. File No.: A31/17**
Address: 1381 Holloway Drive
Applicant: Jim Boyle, Imagineers Ltd.

This matter relates to a minor variance application submitted by Jim Boyle, Imagineers Ltd., 315 King Street, Peterborough, Ontario K9J 2S7, as applicant on behalf of Heather Collins, 1381 Holloway Drive, Peterborough, Ontario K9J 6G1, 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 5.6 metres to permit the construction of a 29.7 square metre addition at the rear of the existing dwelling.

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

- His client is requesting the minor variance to permit the construction of an addition at the rear of the dwelling.

- Without the variance, the addition would be far too narrow to justify the expense of the construction.

Mr. Boyle presented model elevations of the proposed addition to the Committee.

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 model elevations presented to the Committee by the applicant have not been submitted to Staff prior this meeting.
- Peterborough Utilities Services Inc. did not indicate that they required an easement for maintenance of the overhead high voltage line. The Building Division indicated that the location of the line would be flagged to ensure safety during the building process; however, the line does not fall within close proximity to where the construction would be occurring.

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

- The electric service to the rear addition will be connected by an underground line, and the overhead wire will be removed.
- There will be two separate eavestroughs and storm drains for the addition and the existing building. The dwelling is at a higher elevation than the surrounding land and there is opportunity to manage stormwater to the side of the building and not on neighbouring properties.

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 to 5.6 metres to permit the construction of a 29.7 square metre rear addition to the existing dwelling, PROVIDED THAT any alterations to existing lot grading patterns or roof drainage will not adversely impact adjoining properties.

4. **File No.: A32/17**
Address: 498 Hunter Street West
Applicant: Ian Holmes

This matter relates to a minor variance application submitted by Ian Holmes, 498 Hunter Street West, Peterborough, Ontario K9H 2N1, as applicant on behalf of himself and Mellissa Trudel, the owners of the property that is the subject of the application.

The purpose of the application is to reduce the minimum required building setback from a local street from 6 metres to 3.3 metres to allow the construction of a covered front porch.

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

- He and his wife purchased the property in October 2016 as a family home. They have since completed extensive renovations in the interior and excavating the foundation in order to waterproofing the basement. The front stoop had to be removed during the excavation of the foundation.
- He would like to replace the former front stoop with a covered porch, slightly larger than the original, and add a covered side entranceway.
- His plans are in keeping the character of the established neighbourhood.

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 a variance is granted to reduce the minimum building setback from a local street to 3.3 metres to allow the construction of a covered porch PROVIDED THAT any alterations to existing lot grading patterns or roof drainage will not adversely impact adjoining properties.

5. **File No.: B10/17**
 Address: 113 Park Street South
 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 K9H 3V6 as applicant on behalf of 923982 Ontario Limited, 13 Front Street South, Cambellford, Ontario, K0L 1L0, the owner of the property that is the subject of the application.

The purpose of the application is to request consent to alter the location of the existing Right-of-way in order to facilitate vehicular movement to the neighbouring property.

Jim Baird, of LLF Lawyers LLP, attended the meeting and addressed the Committee as follows:

- The application proposes a relocation of a portion of the existing right-of-way enjoyed by the Bennett's Home Furniture property at 105 Park Street South.
- Currently, the Bennett's property has a right-of-way over the laneway off Park Street, which runs behind Staples on the subject property. The owner of 113 Park Street South will release the right-of-way over the existing access point in exchange for the new location, which is closer to Park Street.
- The proposed access point is better suited for internal vehicle movement between the two properties and ingress and egress to Park Street.

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, the Applicant advised as follows:

- There is currently no ability for a vehicle to travel between the properties. A curb and landscaped strip are located where existing right-of-way has been granted.

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 proposed easement would facilitate the eventual physical connection between 113 Park Street South and 105 Park Street South, consent is granted for an easement over the land described as Part 2 on the Draft R-Plan attached as Exhibit F of the Staff Report dated September 6, 2017, in favour of the adjacent property, known municipally as 105 Park Street South, CONDITIONAL UPON THE FOLLOWING:

- i) Prior to registering the reference plan at the applicant's cost, the applicant shall submit for approval, to the satisfaction of Legal Services, a draft reference plan to the to illustrate the extent of the easement;**
- ii) Providing a draft Transfer of Release and Abandonment for the existing easement and a draft Transfer of Easement for the new easement to be created for approval by Legal Services, prior to registration;**
- iii) 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.: A33/17
Address: 821 Rye Street
Applicant: Steve Barton, Starbucks Coffee Canada**

This matter relates to a minor variance application submitted by Steve Barton, Starbucks Coffee Canada, 5140 Yonge Street, Suite 1205, Toronto, Ontario M2N 6L7, as applicant on behalf of Peterborough Property Inc., 700 Applewood Crescent, Suite 300, Vaughan, Ontario L4K 5X3, the owner of the property that is the subject of the application.

The purpose of the application is to request relief from Section 6.40 of the Zoning By-law to permit a temporary trailer on the property to continue operations of the coffee shop while the main building is undergoing renovations.

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

- Starbucks would like to utilize a temporary trailer to continue the store's operations during the upcoming renovation.
- The trailer will not offer a drive-through service and will utilize the existing parking spaces. The accessible parking space will be relocated to be close to the entrance to the trailer.

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, the applicant advised as follows:

- Starbucks will be able to complete the renovations to the store within 31 days from the issuance of the building permit.

- He has no objection to the condition to amend the Site Plan Agreement outlined in the Staff Report.

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. To limit the time that the temporary trailer is located on the subject property, the Committee decided to limit the duration of the variance to the earlier of December 31, 2017 or 31 days from the issuance of the Building Permit. The Committee determined 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 permit a temporary building associated with the Starbucks Coffee Shop on the property CONDITIONAL UPON an amendment to the Site Plan Agreement to illustrate the proposed temporary trailer on the site in a location that functions to the satisfaction of the Planner of Urban Design considering parking and vehicle movement on the site. The variance will expire on the earlier of December 31, 2017 or 31 days from the issuance of the building permit.

7. **File No.: A34/17**
Address: 143 Rubidge Street
Applicant: Dion Gemmiti, CB Rubidge Inc.

This matter relates to a minor variance application submitted by Dion Gemmiti of CB Rubidge Inc., 469 Carriage Lane, Peterborough, Ontario K9L 2A4, the owner of the property that is the subject of the application.

The purpose of the application is to reduce the required number of parking spaces from 1.5 per unit to 0.8 per unit; reduce the minimum required lot area per dwelling unit from 185 square metres to 90 square metres; and to permit 100% of a dwelling unit to be located within the basement with a ceiling height of less than 1 metre above grade to facilitate the construction of an additional two residential units in the basement of the existing fourplex to create the total of six residential units.

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

- The requested variances would allow the development of two additional dwelling units in the existing fourplex that was constructed in October 2016.

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.

Ms. Gilbertson noted that subsequent to the publication of the Staff Report it was discovered that the proposed one bedroom unit does not meet the minimum floor area requirements of a dwelling unit. The proposed two bedroom unit does meet this regulation. She advised that the applicant had the option of deferring the application to request an additional variance for a reduction to the minimum floor area of a dwelling unit or to revise the proposal to change the one bedroom unit to a bachelor unit. The applicant advised Staff that they will amend the proposal to two additional units consisting of one two bedroom unit and one bachelor unit. Ms. Gilbertson advised the notice published on August 22, 2017 is adequate for the amended proposal.

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 initial design for the development was for six units. It was then amended to four units, which were facilitated by the previous minor variance application. The six units have appeared on plans submitted to the City since the project was conceived.
- The preliminary work completed in the basement of the building is for fire separation.
- The two bedroom unit is framed but not drywalled. The Building Division has completed inspections at the site.
- He has been planning the additional two units for three to four months, but has not completed any construction since that time.
- Six mailboxes have already been installed at the property. One of the mailboxes is being used for a corporate mailing address.

Moved by Mauro DiCarlo

That the application be deferred to the next meeting of the Committee of Adjustment to permit the Committee members time to review the minutes from the hearings where related applications A47/15, A16/16 and B06/16 were considered.

“CARRIED”

8. **File No.:** B11/17
Address: 1400 Crawford Drive
Applicant: McMillan LLP and LLF Lawyers LLP

This matter relates to a severance application submitted by McMillan LLP, 181 Bay Street, Suite 4400, Toronto, Ontario M5J 2T3 and LLF Lawyers LLP, 332 Aylmer Street North, Peterborough, Ontario K9H 3V6, as applicants on behalf of Roshan Holdings Inc., 161 Chisholm Drive, Milton, Ontario L9T 3G9, the owner of the property that is the subject of the application.

The purpose of the application is to request consent to sever 3.725 hectares of the subject property to facilitate redevelopment. The applicant is also seeking consent for reciprocal and mutual easements to facilitate access, ingress, egress and free passage between the severed and retained parcels.

Jim Baird of LLF Lawyers LLP attended the meeting and addressed the Committee as follows:

- The owner of the property is proposing to sever a 3.725 hectare parcel of the subject property that will be the location of the proposed casino site.
- The retained parcel will be developed with a hotel and restaurant.
- Mutual easements over the entirety of both the severed and retained parcels have also been requested to facilitate access and servicing between the related developments.

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 both the Official Plan policy and the zoning applied to the property and that the easements will allow access, ingress, egress and free passage between the severed lands and the retained lands for persons, vehicles and equipment, consent is granted for the following:

- a) Severance of the westerly 3.725 hectares of the subject property, described as Parts 1, 10, 11, 12 and 13 on the draft reference plan, dated June 6, 2017, prepared by Elliott and Parr (Peterborough) Ltd;
- b) An easement over the entirety of the retained lands in favour of the severed lands for the purposes of allowing access, ingress, egress and free passage from the severed lands to the retained lands for persons, vehicles and equipment, including as required for the exercise and enjoyment of the following rights:
 - i) Parking of motor vehicles in or upon the retained lands by persons including employees, tenants or customers of the severed lands; and
 - ii) Construction, installation, operation, use, maintenance, inspection, repair, alteration, replacement, reconstruction or relocation of underground water, hydro, gas, storm and sanitary sewer services to the severed lands.
- c) An easement over the entirety of the severed lands in favour of the retained lands for the purposes of allowing access, ingress, egress and free passage from the retained lands to the severed lands for persons, vehicles and equipment, including as required for the exercise and enjoyment of the following rights:
 - i) Parking of motor vehicles in or upon the severed lands by persons including employees, tenants or customers of the retained lands; and
 - ii) Construction, installation, operation, use, maintenance, inspection, repair, alteration, replacement, reconstruction or relocation of underground water, hydro, gas, storm and sanitary sewer services to the retained lands.

CONDITIONAL UPON THE FOLLOWING:

- i) Roshan Holdings Inc purchasing Parts 1, 2 and 3 as described on the draft reference plan, dated June 6, 2017, prepared by Elliott and Parr (Peterborough) Ltd, from the City of Peterborough;
- ii) 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 proposed severed parcel. Upon registration of the reference plan, two copies of the registered reference plan will be provided to the Secretary-Treasurer;
- iii) The applicant pay any applicable Parks Levy as assessed by the City's Parks Levy Review Committee;
- iv) That the applicant provide the Secretary-Treasurer with a draft of the Transfer/Deed of Land; and
- v) All conditions shall be satisfied within 365 days of the circulation of the Committee's decision, otherwise this Provisional Consent will lapse.

Minutes

Moved by Claude Dufresne

That the minutes of the Committee of Adjustment hearing held on July 4, 2017 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, October 3, 2017.

Adjournment

The meeting was adjourned at 7:29 p.m.

(Sgd.) Mauro DiCarlo, Chair

(Sgd.) Jennifer Sawatzky, Secretary-Treasurer