



City of
Peterborough

Committee of Adjustment Minutes

September 7, 2016

Minutes of a Meeting of Committee of Adjustment held on Wednesday, September 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: Ms. Caroline Kimble, Planner, Land Use
Ms. Andrea Stillman, Permit Technician, Plans Examiner
Ms. Jennifer Sawatzky, Secretary-Treasurer

Committee of Adjustment was called to order at 7:02 p.m.

Disclosure of Pecuniary Interest

There were no disclosures of Pecuniary Interest.

- File No.:** A16/16b
Address: 137 Rubidge Street (formerly 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 owners of the property that is the subject of the application.

Mr. Duguay advised that he was not speaking on behalf of the owner.

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

- The severance of 135 Rubidge Street into two lots for development of a fourplex on each lot been registered, and the south lot has been assigned the street address 137 Rubidge Street.
- CB Rubidge Inc. is seeking a number of variances on 137 Rubidge Street to facilitate the development of a four unit dwelling. He has met with City Staff and has submitted a revised plan for a four unit dwelling based on Staff recommendations.

Ms. Caroline Kimble, Land Use 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:

- Water service size has been addressed with Peterborough Utilities for the development on the northerly lot and will similarly be addressed for development at 137 Rubidge Street.

- The building labeled “Existing 4-Plex” on the drawing prepared by D.M. Wills and submitted with the application has not yet been constructed. CB Rubidge Inc. has applied for a building permit for the development on the north lot.

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 received the Staff Comments regarding the application. Staff noted that the property is located within the Transitional Uses Area of the Central Area and that the requested variances would promote appropriate density in an area where the Official Plan contemplates medium and high density residential coexisting with low density development. The setback to Rubidge Street, as shown in the concept plan provided to the Committee, was also discussed and Staff suggested that it would preserve the continuity of the existing streetscape while addressing concerns about separation distance from underground services at the street line.

The property is served by public transit and within walking distance of stores and services in the downtown core. The Committee agreed that the reduction to the number of required parking spaces was appropriate due to property’s location and the availability of public transit. The Committee also reviewed the request for a reduction to the standard parking space dimensions and determined that the applicant’s proposal would function for residential use.

The Committee determined that the variances are consistent with development in the area and will support a building form that is functional and appropriate.

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, variances are granted to:

- a) **Reduce the minimum required lot area per dwelling unit to 134 square metres;**
- b) **Reduce the minimum building setback from the side lot line to 2.9 metres for the main building and to 1.2 metres for porches, open decks and platforms;**
- c) **Reduce the minimum building setback from the rear lot line to 7.9 metres;**
- d) **Reduce the minimum required number of parking spaces to 1.25 spaces per unit;**
- e) **Reduce the minimum dimensions of a parking space to 2.5 metres by 5.5 metres, accessed by a 5.2 metre lane; and**
- f) **Reduce the minimum building setback from the centre line of Rubidge Street to 13.2 metres.**

Conditional upon the following:

- i) **Approval of the Site Plan by the Planner, Urban Design, including a lot grading plan; and**
- ii) **Confirmation that the water service is sized appropriately for four units.**

2. **File No.:** B12/16
Address: 2219 Old Norwood Road
Applicant: Old Norwood Farm Ltd.

This matter relates to a severance application submitted by Old Norwood Farm Ltd., 2227 Old Norwood Road, Peterborough, Ontario K9H 0G2, the owner of the property that is the subject of the application.

John Nichols, speaking on behalf of Mary MacPherson, president of Old Norwood Farm Ltd., attended the meeting and addressed the Committee as follows:

- The applicant is requesting consent to sever a 7.62 metre strip adjacent to the southerly and westerly lot lines of 2227 Old Norwood Road from 2219 Old Norwood Road, to be merged with the lands at 2227 Old Norwood Road.
- The parcel will provide additional buffer space consisting of berming, landscaping and/or trees between 2227 Old Norwood Road and future development at 2219 Old Norwood Road.
- The lot addition will have an insignificant impact on the development potential of 2219 Old Norwood Road while maintaining amenity space at 2227 Old Norwood Road.
- The applicant has reviewed the conditions recommended in the Staff Report and indicated their satisfaction with Staff's recommendations.

Ms. Caroline Kimble, Land Use 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:

- Section 53 (12) of the *Planning Act* provides the authority for the City to require a strip of land for road widening as a condition of a consent approval. Where land subject to a consent application is adjacent to a highway that is substandard in width, the road widening strip shall be conveyed to the City at no cost. The Official Plan sets out the minimum road allowance widths for each roadway network classification within the City. The minimum width for a Low Capacity Collector is 20 metres. This policy is applied consistently for all development applications considered by the City.
- The portion of land to be conveyed for road widening purposes is a 2.8 metre wide strip of the land to be severed from 2219 Old Norwood Road that is adjacent to the Old Norwood Road road allowance. The parcel will be 7.62 metres by 2.8 metres in size.
- The City will require conveyance of lands for road widening from the retained land at such time as an application to develop the property is submitted. The City is not entitled to require road widening along the frontage of 2227 Old Norwood Road at this time.

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 severance does not compromise the development potential of the retained parcel and that the retained land and merged parcels would conform to both the Official Plan policy and the Zoning applied to the property, consent is granted to convey a 7.62 metre strip of land of the subject property, adjacent to the westerly and southerly perimeter of the lands known as 2227 Old Norwood Road, to the owner of the property at 2227 Old Norwood Road, CONDITIONAL UPON THE FOLLOWING:

- i) That the applicant convey to the City, free of encumbrances and at no cost to the city, a 2.80 metre wide parcel of land adjacent to Old Norwood Road from the severed portion of 2219 Old Norwood Road (7.62m wide strip), for road widening purposes.
 - ii) That the applicant submit a 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 2227 Old Norwood Road. Such that these two parcels shall be considered as one lot and shall not be dealt with separately, Section 50 (3) or 50 (5) of the *Planning Act* 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.:** A29/16
Address: 695 Monaghan 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 J. H. Dawson Bick, 1616 Champlain Drive, Peterborough, ON K9L 1N6, the owner of the property that is the subject of the application.

Kevin M. Duguay attended the meeting and addressed the Committee as follows:

- The owner is applying for minor variances to permit the redevelopment of the property to a three unit residential building.
- The owner intends to remove the existing legal non-conforming commercial building and develop the property with a residential use in accordance with its residential zoning district.
- The proposed development will be of a similar form to other multi-unit residential buildings in the area. One parking space is proposed to be established at the front of the property with a driveway south of the building leading to additional parking in the rear. The proposed parking space in the front will be screened by planting, and the owner is willing to reinstate landscaping along the unused portion of the boulevard and adjacent to the parking space in front.
- He has reviewed an email received by the City from a neighbouring property owner requesting that privacy fencing be installed. The owner is willing to incorporate a privacy fence adjacent to the rear property line as part of the site plan.
- He does not anticipate that the reduction in parking will negatively impact the neighbourhood. A review of parking volumes shows that parking is not used to capacity at multi-unit residential properties in the surrounding area.
- He has reviewed the Staff Report and has no objections to the recommendations, including approval of the site plan by the Planner of Urban Design.

Ms. Caroline Kimble, Land Use 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.

The chair acknowledged that a letter was received from Matt Rawlings, 614 Little Street, Peterborough, Ontario K9J 4C3 in respect to the application.

Ms. Kimble noted that she spoke with Mr. Rawlings prior to the hearing and that he stated that he would be satisfied with a privacy fence along the property line, which could be addressed at site plan approval stage.

No one spoke in objection to the application.

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

- The Planner of Urban Design will receive a copy of the Notice of Decision along with a copy of the correspondence from Mr. Rawlings.

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

- He anticipates that a privacy fence would consist of a 6 foot high solid board fence. There may also be an opportunity to introduce trees at the western limit of the parking area.

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 reviewed the application in conjunction with the Staff comments and the correspondence received, whereby the use and development of adjacent properties for multi unit residential purposes was considered. The Committee determined that the impact of the variance was minor and the proposal was compatible with adjacent multi-unit residential buildings in the vicinity. The Committee agreed that although the owner plans one parking space in the front of the building, the parking space would be screened from view by landscaping and was consistent with recent development in the area.

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 variances are granted to reduce the minimum required number of motor vehicle parking spaces to 1.3 spaces per unit and to reduce the minimum lot width to 17 metres CONDITIONAL UPON THE FOLLOWING:

- i) **Approval of the site plan by the Planner, Urban Design, including a lot grading plan;**
 - ii) **Confirmation of the location of the footings beyond the sanitary sewer easement; and**
 - iii) **Confirmation that the water service size is adequate for the triplex use.**
4. **File No.: A30/16**
Address: 340 Florence Drive
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 935976 Ontario Inc., 17-637 The Queensway, Peterborough, Ontario K9J 7J6, the owner of the property that is the subject of the application.

Kevin M. Duguay attended the meeting and addressed the Committee as follows:

- The owners are requesting a number of minor variances to permit the development of two multi-unit residential buildings with a combination of surface and underground parking.
- The subject property was zoned and designed for multi-unit residential in the Plan of Subdivision.
- There is a significant grading challenge for the east side of the property whereby the grades increase dramatically.
- Due to the change in grade from the west to the east side of the property, the underbuilding parking of Building B is considered an additional building storey by definition, and a variance is required to increase the maximum building height. Granting the variance will permit underbuilding parking spaces and reduce the footprint of surface parking on the site.
- The owners will submit a Site Plan Application to the City which will address the layout of the development greater detail.
- The development will consist of a total of 62 rental apartment units in two buildings with a number of the units being fully accessible.
- The applicant indicated that he had reviewed the Staff Report and has no objections to the recommendations.
- The variances requested to will allow the proposal to achieve a density contemplated by the Provincial Policy Statement, Places to Grow and the City's Official Plan.
- The applicant is of the opinion that the City's required parking rate for residential development in suburban areas is in excess of what is required and that granting the requested reduction will not impact the surrounding properties.
- The applicant indicated that the owner spoke with the owners of 350 Florence Drive, which is adjacent to the northeast corner of the property. The owners reviewed the plans and indicated that they have no objection to the reduction to the minimum building setback from the north side lot line.

Ms. Caroline Kimble, Land Use 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 Comments and the application.

The Committee received the Staff Comments at the meeting confirming that the property was created through a recent Plan of Subdivision and zoned contemplating multi-unit residential development. The Committee acknowledged the challenges for development due to the change of grade on the site and noted that the requested variances would permit the anticipated residential development to proceed with an appropriate density. The Committee noted that the development was subject to Site Plan Control and that the Site Plan Approval process would address the site layout and ensure development within the parameters of the zoning district, as modified by the Committee's decision. The Committee determined that the impact of the variances was minor and would result in appropriate development.

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 variances are granted to:

- a) **Decrease the minimum lot area per dwelling unit to 138 square metres per dwelling unit;**
 - b) **Reduce the minimum number of parking spaces to 1.65 spaces per unit;**
 - c) **Increase the maximum building height of the easterly building to 4 storeys;**
 - d) **Reduce the minimum number of loading spaces to 1 space for the easterly building (Building B);**
 - e) **Reduce the setback for driveways or parking spaces from a window of a habitable room to 5 metres;**
 - f) **Reduce the minimum building setback from the westerly side lot line to 6.8 metres for the main building and to 5 metres for a deck or balcony of the main building; and**
 - g) **Reduce the minimum building setback from the north side lot line to 10.55 metres for the easterly building (Building B).**
5. **File No.: A31/16**
Address: 464 George Street North
Applicant: Brad Edwards

This matter relates to a minor variance application submitted by Brad Edwards, 781 Cedarhurst Drive, Selwyn, Ontario K9J 0C5, as applicant on behalf of Shelly Ingram and Mary Kathleen Edwards, 781 Cedarhurst Drive, Selwyn, Ontario K9J 0C5, the owners of the property that is the subject of the application.

Brad Edwards attended the meeting and addressed the Committee as follows:

- The owners are seeking a minor variance to permit the conversion of two ground floor commercial units to residential units.

Ms. Caroline Kimble, Land Use 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.

The Chair read comments from the Peterborough Architectural Conservation Advisory Committee received by City Staff after the publication of the Staff Report.

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 front commercial unit at street level will remain. Staff are satisfied that the retention of the front commercial unit satisfies the intent of the Official Plan and will not disrupt the streetscape.
- The rear units are accessed through a laneway and are not ideal for public access. The rear units are more conducive for residential use.

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

- The ground level residential units will be accessible.

- The property owners do not own the laneway; it is owned by the adjacent landowner. They do not have rights for access for commercial purposes.

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 Comments, agency comments and the application.

The Committee received the comments from Staff that noted the property's location in the Commercial Core Area of the City's Central Area, as identified by the Official Plan. The Committee agreed that the Official Plan promotes maintenance of commercial space at grade within the Commercial Core to preserve the commercial streetscape in the downtown core. The Committee determined that the maintenance of the front, commercial unit would preserve the intent of the Official Plan and that the rear units, accessed via a laneway, were more suited to residential use. The Committee noted that the external, architectural features of the building would not be impacted through the conversion of the interior space.

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 permit an exception from Section 18.2 e) of the Zoning By-law, permitting residential use of the ground floor a minimum distance of 10 metres from the front wall of the building CONDITIONAL UPON the issuance of a building permit for the conversion of the commercial space to residential.

6. **File No.: A32/16**
Address: 833 Water Street
Applicant: Densley Thomas

This matter relates to a minor variance application submitted by Densley Thomas, 833 Water Street, Peterborough, Ontario K9H 3P1, the owner of the property that is the subject of the application.

Densley Thomas attended the meeting and addressed the Committee as follows:

- He is seeking a minor variance to the rear yard setback to legalize an existing addition to the rear of the building.
- He was informed after purchasing the property that the previous owner built the addition without a permit. He is seeking the minor variance to legalize the addition.
- He has provided the Committee with plans for an alternative rear addition with a greater setback from the rear lot line, requiring a lesser variance.

Ms. Caroline Kimble, Land Use 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 requested variance reflects the existing addition. A lesser variance could be granted, forcing the removal of the existing addition, which could be replaced with a new addition with a greater setback from the rear lot line.

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

- If the Committee grants the variance to permit the existing addition, he will examine what is required to bring the addition into compliance with the Building Code. If it is more costly to repair the addition, he will likely remove it and rebuild a new addition in accordance with the alternative plan provided to the Committee.
- He was not aware that the addition was built without a permit when he purchased 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 Comments and the application.

The Committee reviewed the application and noted that a reduction to the minimum rear yard setback to 0.9 metres was not minor and the structure was too close to the rear lot line. Accordingly, the Committee determined that:

1. the variance is not minor;
2. the proposal is not desirable for the appropriate development or use of the land;
3. the general intent and purpose of the Zoning By-law is not maintained; and
4. the general intent and purpose of the Official Plan is maintained.

Therefore the variance to reduce the minimum rear yard setback to 0.9 metres IS DENIED.

However, the Committee noted that the applicant had proposed an alternative to the existing rear structure requiring a lesser reduction to the minimum setback from the rear lot line. The Committee determined that the lesser variance to permit development of the alternative rear addition would result in appropriate development that would be in keeping with the established standard of development of the neighbourhood.

Therefore a variance is granted to reduce the minimum building setback from rear lot line to 2.94 metres CONDITIONAL UPON THE FOLLOWING:

- i) **The owner obtaining a building permit; and**
- ii) **Approval of a lot grading plan to illustrate that the addition does not adversely impact the neighbouring property and that roof drainage is not directed onto adjoining properties.**

7. **File No.: A33/16**
Address: 740 Water Street
Applicant: Brian Miske, David Miller and Jason Pawchuk

This matter relates to a minor variance application submitted by Brian Miske, David Miller and Jason Pawchuk, 1245 Scollard Drive, Peterborough, Ontario K9H 7K8, the owners of the property that is the subject of the application.

- The owners are seeking a minor variance to permit the conversion of the existing building from a single unit dwelling to a triplex. There will be no modification to the footprint of the building.

Ms. Caroline Kimble, Land Use 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.

The Chair read comments from the Peterborough Architectural Conservation Advisory Committee received by City Staff after the publication of the Staff Report.

Christopher York, 734 Water Street, Peterborough, Ontario A1E 1C2 addressed the Committee in support of the application.

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

- He would like to split the dwelling into three units with two to three bedrooms in each unit.

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 received the Staff Comments which noted the location of the property close to the Central Area of the City; the availability of alternative transportation and the close proximity of public transit. The Committee therefore determined that the variance to reduce the minimum parking spaces per dwelling unit was minor and appropriate.

The Committee further heard that the applicants will be converting the dwelling within the existing footprint of the building and that the impact on adjacent property would be minimal. The Committee considered the use and development of adjacent properties and determined the variance was minor and would result in 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 variances are granted to:

- a) **Reduce the minimum lot area per dwelling unit to 191 square metres;**
- b) **Reduce the minimum rear yard setback to 6.29 metres for the covered entranceway to the basement;**
- c) **Reduce the minimum number of required parking spaces to 1.66 spaces per unit; and**
- d) **Reduce the minimum distance between a parking/driveway area to a window of a habitable room to 4.39 metres for the northerly three parking spaces.**

CONDITIONAL UPON confirmation of adequate servicing capacity for the triplex use at Building Permit stage.

Minutes

Moved by Claude Dufresne

That the minutes of the Committee of Adjustment hearing held on July 5, 2016 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 4, 2016.

Adjournment

The meeting was adjourned at 8:45 p.m.

(Sgd.) Brenda Campbell, Chair

(Sgd.) Jennifer Sawatzky, Secretary-Treasurer