



City of
Peterborough

Committee of Adjustment Minutes

October 4, 2016

Minutes of a Meeting of Committee of Adjustment held on Tuesday, October 4, 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. 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.:** A28/16
Address: 545 The Queensway
Applicant: Connor McBride

This matter relates to a minor variance application submitted by Connor McBride, 111 Regina Road, Unit 8, Woodbridge, Ontario L4L 8N5 as applicant on behalf of SBLAC Peterborough Inc., Unit 8, 111 Regina Road, Woodbridge, Ontario L4L 8N5, the owner of the property that is the subject of the application.

Kevin Duguay, 560 Romaine Street, Peterborough, Ontario K9J 2E3, Planning Consultant for SBLAC Peterborough Inc., attended the meeting and addressed the Committee as follows:

- He was the agent for the previous owner's application to amend the Official Plan and Zoning By-law to permit commercial development on the property. The previous owner did not proceed with a development and sold the land to the current owner.
- The owner is seeking minor variances to provide relief from the regulations of the commercial zoning district to permit the development illustrated in the proposed Site Plan, which is currently under review by the City.
- City Staff have recommended a reduction to the requested variance from the minimum building setback from the Cameron Place street line from 6 metres to 3 metres, rather than the 1.3 metres requested in the application.
- The amended site plan circulated to the Committee reflects the change to the setback from Cameron Place recommended by Staff.
- The owner has reviewed the Staff Report and has indicated that they are satisfied with Staff's recommendations and the proposed condition of approval.

Ms. Caroline Kimble, Planner, Land Use, presented Staff comments with respect to the application on behalf of the Planning and Building Divisions of the Planning & Development Services Department, City of Peterborough.

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

- i) Paul Moorman, a representative of Ronald G. Moorman Holdings Limited, 620 Cameron Place, Peterborough, Ontario K9J 5T8, stated that he is in support of the proposed development. Mr. Moorman further stated that he was concerned that a sale of a portion of the Cameron Place right-of-way could impact the entrance to 620 Cameron Place.

Ms. Kimble noted that the portion of the right-of-way referred to in the Staff Report is south of the driveway entrances to 620 Cameron Place, however, the City would ensure that the right to continue to use the entrances to Cameron Place could not be affected by the development or by a sale of land to straighten the easterly property line of the property at 545 The Queensway.

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

- The size of the garbage enclosure illustrated for the restaurant use in Building “B” is larger than what is required to service a retail use and will be more than sufficient should the use of the building change to retail in the future. The loading space for Building “B” is consistent with a retail use of that size.
- Should the owner proceed with the development without purchasing the Cameron Place right-of-way, Building “A” would have to maintain the setback from Cameron Place measured from the westernmost point of the Cameron Place street line. Should the Committee grant a variance to the building setback of 3 metres, the size of the building would have to be reduced at the southwest corner to comply with the Open Space zoning of the southerly portion of the owner’s property.
- A record of site condition submitted for the zoning amendment application from industrial to commercial use indicated that the property is capable of supporting a commercial use. Staff have no concerns with the environmental condition of the property at this point.
- The entrance from The Parkway will be the principal entrance to the property with a secondary entrance from The Queensway. The driveway is of sufficient size and length to ensure sufficient stacking room for traffic exiting The Parkway prior to any turning movements into the parking area. The inclusion of a cross easement with the neighbouring property facilitates traffic between the properties without having to enter back onto the street, is preferred by Staff, and is consistent with many commercial developments in the City. The design is subject to Site Plan Approval and may change slightly from the drawing submitted with this application.

Decision

The Committee heard a public delegation concerning the application, gave due consideration and weight to the comments made and received and determined that the concerns raised would be addressed by the Site Plan Approval process.

In respect to the variance to the minimum building setback from the Cameron Place street line:

Having reviewed the application and considered the information presented both in the Staff Report and presentation, the Committee agreed with the assessment presented in the Report and determined that the variance is not minor and not desirable for the appropriate development or use of the land.

Therefore a variance to reduce the minimum building setback from the Cameron Place street line to 1.3 metres is DENIED.

However, the Committee acknowledged that the applicant has considered Staff's recommendation and revised the site plan to reflect a reduced variance to the setback of 3 metres. The Committee determined that granting a reduced variance is minor, the proposal is desirable for the appropriate development or use of the land, and that 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 Cameron Place street line to 3 metres.

In respect to the remaining variances:

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, that the variances are minor, the proposal is desirable for the appropriate development or use of the land, and that 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 Parkway centreline to 33.5 metres;**
- b) **Reduce the minimum required parking for the retail use to 1 parking space per 20 square metres of floor area;**
- c) **Reduce the requirement for one Type A Loading Space for the restaurant use to one Type B Loading Space;**
- d) **Increase the maximum size of an accessory structure to 20 square metres for a garbage enclosure; and**
- e) **Reduce the minimum width of landscaping along the southerly interior side lot adjacent to the 485 The Parkway to 1.39 metres.**

All variances are conditional upon payment of a Parks Levy in an amount to be determined by the Parks Levy Review Committee.

2. **File No.: A34/16**
Address: 377 Mark Street
Applicant: Bill Lett, Lett Architects Inc.

This matter relates to a minor variance application submitted by Bill Lett, Lett Architects Inc., 171 King Street, Peterborough, Ontario K9J 2R8, as applicant on behalf of Habitat for Humanity Peterborough and District, 550 Braidwood Avenue, Peterborough, Ontario K9J 1W1, the owner of the property that is the subject of the application.

Bill Lett attended the meeting, gave a presentation representing the proposal, and addressed the Committee as follows:

- He has applied for the variance on behalf of Habitat for Humanity as he and his wife have an offer to purchase the property that is conditional upon approval of the proposed minor variances.
- He is seeking minor variances to the setbacks to permit the construction of a single family dwelling. Due to the unique shape and location of the property, five of the seven lot lines are defined as rear lot lines with a minimum building setback of 7.6 metres.
- The property is accessed via Mark Street with rights-of-way over the driveway in favour of the properties to the north and south of the driveway. These will not be affected by the development. The property is bordered by a restaurant and pharmacy use on Hunter Street, a playground for a primary school to the west and single family residential lots to the south and east.

- If he were to build a dwelling in compliance with the setbacks permitted by the R.1 zoning district it would have a narrow footprint and multiple storeys. Relief from the setbacks to the rear lot lines would permit the construction of a single storey dwelling that takes advantage of the site and would not be seen from the commercial developments on Hunter Street, where there is a 10 foot fence at the rear of the properties.
- All public spaces would be oriented towards the rear lot lines of the residential properties on Mark Street, typical of residences in the City with backyards facing each other and the setbacks of the garage and living spaces are similar to setbacks from typical side lot lines.
- He hosted a neighbourhood meeting to discuss the project with neighbouring property owners and understands that the City has received two letters of support for the development. He has also received a letter from the school board stating that they have no concerns.

Ms. Caroline Kimble, Planner, Land Use, presented Staff comments with respect to the application on behalf of the Planning and Building Divisions of the Planning & Development Services Department, City of Peterborough.

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

- Laurie Linehan and Walter Massimo, 365 Mark Street, Peterborough, Ontario K9H 1V8
- Richard and Annie Johnston, 43 James Street, Peterborough, Ontario K9H 1C6

Decision

The Committee heard from members of the public in support of 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, 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:

- Reduce the minimum required building setbacks from the north, west and south lot lines to 1.5 metres; and**
- Reduce the minimum required building setback from the easterly lot line to 4.6 metres.**

Conditional upon approval by Otonabee Region Conservation Authority of the lot grading and flood proofing standards at the Building Permit stage.

- File No.: A35/16**
Address: 11 Crestwood Avenue
Applicant: Glenn St. Denis

This matter relates to a minor variance application submitted by Glenn St. Denis, 1471 Hawkswood Drive, Selwyn, Ontario K0L 1T0, as applicant on behalf of Mike and Ruth Finan, 11 Crestwood Avenue, Peterborough, Ontario K9J 1M9, the owners of the property that is the subject of the application.

Mauro DiCarlo declared a conflict with the application, as his son is friends with owners' son. Mr. DiCarlo did not participate in the discussion or deliberation of this matter.

Mike Finan, owner, attended the meeting and addressed the Committee as follows:

- He is seeking reductions to the minimum building setback from the east side lot line from 3 metres to 1.3 metres and from the rear lot line from 12 metres to 10 metres to permit the construction of an addition to the east side of the dwelling.
- He believes that the proposed addition is in keeping with the character of the neighbourhood.

Ms. Caroline Kimble, Planner, Land Use, presented Staff comments with respect to the application on behalf of the Planning and Building Divisions of the Planning & Development Services Department, City of Peterborough.

The Chair acknowledged that a letter was received from Stephen and Donna Kylie, 13 Crestwood Avenue, Peterborough, Ontario K9J 1M9 with concerns about this application.

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

- The properties on the opposite side of Crestwood Avenue have fewer alternative regulations to the standard R.1 zoning than the subject property, with similar lot area minimums, however, relaxed building setbacks. It does appear that 6 and 10 Crestwood Avenue are closer to the property line than what is proposed for the subject property.

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 determined that the concerns of the neighboring property owner with respect to lot grading and drainage were addressed by the conditions to approval recommended in the Staff Report.

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, 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:

- Reduce the minimum required building setback from the easterly side lot line to 1.3 metres; and**
- Reduce the minimum required building setback from the rear lot line to 10 metres.**

CONDITIONAL UPON approval of a lot grading plan and connection of the existing foundation drainage to the storm sewer system.

- 4. File No.: B13/16
Address: 147 Park Place
Applicant: Keith and Christa Payne**
- 5. File No.: B14/16
Address: 151 Park Place
Applicant: Keith and Christa Payne**
- 6. File No.: B15/16
Address: 461 Paterson Street
Applicant: Keith and Christa Payne**

These matters relate to severance applications submitted by Keith and Christa Payne, 1997 MacFarlane Avenue, Peterborough, Ontario K9H 0E1, the owners of 461 Paterson Street and applicants on behalf of Grant and Brent Kent, 782 Canal Road, Peterborough, Ontario K9L 1A1, the owners of 147 Park Place and Luke Dekoning, 2566 Sherbrooke Street West, Peterborough, Ontario K9J 0E5, the owner of 151 Park Place.

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

- The Committee granted a severance in June of this year from 153 and 161 Park Place to create a building lot at 461 Paterson Street.
- Since this time, the owners of 147 and 151 Park Place have approached him to sell portions of their properties, which combined with a portion of 461 Paterson Street, could create another new lot fronting onto Wolfe Street for development of a two dwelling residence.

Ms. Caroline Kimble, Planner, Land Use, presented Staff comments with respect to the application on behalf of the Planning and Building Divisions of the Planning & Development Services Department, City of Peterborough.

Ms. Kimble noted that there is potential for a slight deviation to the final measurement of the newly created lot to measure 30.41 metres deep, to be determined at the time that the Reference Plan is prepared. Staff are satisfied that this meets the intent of the application.

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:

- In respect to File Nos. B09/16 and B10/16, considered at the June 7, 2016 Hearing, Staff originally included a recommendation for road widening relative to Paterson Street, however, the minutes reflect that the recommendation was deleted by Staff at the meeting as Paterson Street is not listed in Table 2 of the Official Plan, Road Allowance Widths.

Decision B13/16

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 merged, severed property could be developed for a two-unit, residential dwelling in conformity with the City's Official Plan and Zoning By-law and that the retained property conforms to both the Official Plan and the Zoning By-law, consent is hereby granted to sever the westerly 18.29 metres (approximately) of the subject property to be merged with the severed, westerly portion of 151 Park Place and the severed, southerly portion of 461 Paterson Street to create a new lot for development of a two unit dwelling with frontage on Wolfe Street CONDITIONAL UPON THE FOLLOWING:

- i) 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.**
- ii) That the applicant provide the Secretary-Treasurer with a draft of the Transfer/Deed of Land.**
- iii) That the severed portion of the property be merged with the severed portions of 151 Park Place and 461 Paterson Street to create a new lot fronting Wolfe Street. Such that these three 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.**

- iv) That the applicant pay any applicable Parks Levy as assessed by the City's Parks Levy Review Committee.
- v) That if the above conditions are not satisfied within 365 days of the Committee's decision that this consent will lapse.

Decision B14/16

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 merged, severed property could be developed for a two-unit, residential dwelling in conformity with the City's Official Plan and Zoning By-law and that the retained property conforms to both the Official Plan and the Zoning By-law, consent is hereby granted to sever the westerly 18.29 metres (approximately) of the subject property to be merged with the severed, southerly portion of 461 Paterson Street and the severed, westerly portion of 147 Park Place to create a new lot for development of a two unit dwelling with frontage on Wolfe Street CONDITIONAL UPON THE FOLLOWING:

- i) 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.
- ii) That the applicant provide the Secretary-Treasurer with a draft of the Transfer/Deed of Land.
- iii) That the severed portion of the property be merged with the severed portions of 147 Park Place and 461 Paterson Street to create a new lot fronting Wolfe Street. Such that these three 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.
- iv) That the applicant pay any applicable Parks Levy as assessed by the City's Parks Levy Review Committee.
- v) That if the above conditions are not satisfied within 365 days of the Committee's decision that this consent will lapse.

Decision B15/16

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 merged, severed property could be developed for a two-unit, residential dwelling in conformity with the City's Official Plan and Zoning By-law and that the retained property conforms to both the Official Plan and the Zoning By-law, consent is hereby granted to sever the southerly 10.18 metres (approximately) of the subject property to be merged with the severed, westerly portions of 147 and 151 Park Place to create a new lot for development of a two unit dwelling with frontage on Wolfe Street CONDITIONAL UPON THE FOLLOWING:

- i) 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.
- ii) That the applicant provide the Secretary-Treasurer with a draft of the Transfer/Deed of Land.

- iii) **That the severed portion of the property be merged with the severed portions of 147 and 151 Park Place to create a new lot fronting Wolfe Street. Such that these three 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.**
- iv) **That the applicant pay any applicable Parks Levy as assessed by the City's Parks Levy Review Committee.**
- v) **That if the above conditions are not satisfied within 365 days of the Committee's decision that this consent will lapse.**

Minutes

Claude Dufresne referred to Item 1, A16/16b, and suggested that the minutes be amended to reflect that Kevin Duguay, though present at the hearing, indicated that he was not speaking on behalf of the application.

Claude Dufresne referred to Item 2, B12/16, and suggested that the minutes be amended from "John Nichols, representing Mary MacPherson" to "John Nichols, speaking on behalf of Mary MacPherson".

Moved by Claude Dufresne

That the minutes of the Committee of Adjustment hearing held on September 7, 2016, as amended, 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, November 15, 2016.

Adjournment

The meeting was adjourned at 8:29 p.m.

(Sgd.) Brenda Campbell, Chair

(Sgd.) Jennifer Sawatzky, Secretary-Treasurer