



City of
Peterborough

Committee of Adjustment Minutes

November 15, 2016

Draft Minutes Not Approved

Minutes of a Meeting of Committee of Adjustment held on Tuesday, November 15, 2016 at 6:00 p.m. in the Council Chambers, City Hall.

Present: Ms. Brenda Campbell, Chair
Mr. Mauro DiCarlo (arrived 6:48 p.m.)
Mr. Claude Dufresne
Mr. Len Lifchus

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 6:00 p.m.

Disclosure of Pecuniary Interest

There were no disclosures of Pecuniary Interest.

- File No.:** A17/16
Address: 80 Marsh Avenue (formerly Part of 1300 Chemong Road)
Applicant: Alexander Chow

The Chair acknowledged that the applicant was not present.

Moved by Claude Dufresne

That deliberation of File No. A17/16 be moved to the end of the agenda to allow the applicant additional time to arrive at the hearing.

“CARRIED”

- File No.:** A24/16
Address: 171 Antrim 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 Ernest C. Braund Realty Limited, 129 Hunter Street West, Peterborough, Ontario K9H 2K7, the owner of the property that is the subject of the application.

The purpose of this application is to reduce the minimum lot area per dwelling unit from 230 square metres to 210 square metres; reduce the minimum lot width per dwelling unit from 6 metres to 3.48 metres, increase the maximum lot coverage by open parking areas, driveways and vehicle movement areas from 25% to 34%, and reduce the minimum required number of parking spaces from 1.5 spaces per unit to 1.4 to increase the permitted number of dwelling units from four to five.

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

- The property is currently recognized as a legal non-conforming fourplex. At the time the owner purchased the property, there were six dwelling units established.
- After consultation with City Staff, the owner is proposing to remove one of the units and is requesting the proposed variances to recognize it legally as a five unit dwelling.
- Utilization of the existing parking spaces is limited with up to three of the parking spaces being used at any time. The owner has requested a reduction to the number of required parking spaces as he would like to maintain the existing landscaped open space on the property.
- There will be no external changes to the building or the property as a result of the Committee granting the requested variances.
- The owner has reviewed the Staff Report and has indicated that he is satisfied with Staff's recommendations and the proposed condition of approval.

Ms. Andrea Stillman, Permit Technician, Plans Examiner, 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. Stillman noted that the Utility Services Department provided comment to the Planning Department on the application subsequent to the publication of the Staff Report and have noted a concern with the reduction in required parking spaces.

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

- i) Mr. Wayne Smith, 187 Antrim Street, Peterborough, Ontario K9H 3G5 spoke in objection to the application and expressed concerns with property maintenance, noise levels and tenant activity.

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

- Should the variances be granted, the main house would contain four dwelling units; the fifth unit would be an accessible, ground floor apartment located in the attached, converted garage. The owner will be required to bring the units into compliance with the Building Code.
- Granting the variance to reduce the number of required parking spaces would result in seven parking spaces to support five units, which is a reduction of one parking space from the requirements of the By-law.

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

- The property has been owned by the current owner for 25 years. He learned that the property was recognized as a four unit dwelling when he recently remortgaged the property.
- He is satisfied that the building can be renovated to comply with the requirements of the Building Code.

Decision

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

Having reviewed the application and considered the information presented both in the Staff Report and presentation, the Committee determined that the application should be approved as per the Staff Recommendation and that the variances are minor, the proposal is desirable for the appropriate development or use of the land, and the general intent and purpose of the Zoning By-law and Official Plan are maintained.

Therefore variances are granted to:

- a) **Reduce the minimum lot area per dwelling unit to 210 square metres;**
- b) **Reduce the minimum lot width per dwelling unit to 3.48 metres;**
- c) **Increase the maximum lot coverage by open parking areas, driveways and vehicle movement areas to 34%; and**
- d) **Reduce the minimum number of required parking spaces to 1.4 spaces per unit.**

CONDITIONAL UPON the property owner obtaining a building permit.

3. **File No.: B16/16**
Address: 740 Clonsilla Avenue
Applicant: Peter Lawless, LLF Lawyers LLP

File No.: B17/16
Address: 740 Clonsilla Avenue
Applicant: Peter Lawless, LLF Lawyers LLP

This matter relates to consent applications submitted by Peter Lawless, LLF Lawyers LLP, 332 Aylmer Street North, Peterborough, Ontario K9H 3V6, as applicant on behalf of Peterborough Speedway Ltd., 726 Clonsilla Avenue, Peterborough, Ontario K9J 5Y3, the owner of the property that is the subject of the application.

The applicant is proposing to create easements over the property known as 740 Clonsilla Avenue for storm sewer and stormwater management facilities and for vehicular access for the benefit of 726 Clonsilla Avenue. The applicant is also proposing to sever an irregular shaped portion of the lands known as 740 Clonsilla Avenue to be added to the lands known as 1230 Lansdowne Street West to provide additional parking and connection to Clonsilla Avenue, and proposes to grant further easements over both the severed and retained portions for vehicular access for the mutual benefit of both the retained and severed parcels.

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

- He represents the owner of Mark's Work Warehouse, which is currently located in Parkway Place Plaza.
- His client has entered into an agreement to purchase 1230 Lansdowne Street West and plans to relocate his business to this location.
- The 1230 Lansdowne Street West property does not have adequate parking for the proposed use, and his client has entered into an agreement to purchase the proposed severed portion of 740 Clonsilla Avenue, to be merged with 1230 Lansdowne Street West. The lot addition would provide additional parking and an entrance to the property from Clonsilla Avenue.
- The existing entrance to 740 Clonsilla Avenue would be closed and relocated on the proposed severed portion. Easements for vehicular access and stormwater management in favour of both the proposed retained portion and 726 Clonsilla Avenue have also been requested.
- He has read the Staff Report and is in agreement with the conclusions in the report and the recommendations to the Committee.

Ms. Caroline Kimble, Planner, Land Use, 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. Kimble noted that the Utility Services Department provided comment to the Planning Department on the application subsequent to the publication of the Staff Report and have recommended that the easements for vehicular access have a minimum width of 6.4 metres.

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 proposed consents would have no impact on 726 Clonsilla Avenue or the variances granted in Application No. A19/15.

Decision – B16/16

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 easements will facilitate coordinated access and stormwater management for the associated properties, consent is granted for the following easements:

- a) An easement for storm sewer and stormwater management facilities over a portion of the subject property, as illustrated in Exhibit 'D', Consent for Easements Plan, of the Staff Report dated November 15, 2016, in favour of the adjacent property known municipally as 726 Clonsilla Avenue.**
- b) An easement for vehicular access over a portion of the subject property, as illustrated in Exhibit 'D', Consent for Easements Plan, of the Staff Report dated November 15, 2016, with a minimum width of 6.4 metres, in favour of the adjacent property known municipally as 726 Clonsilla Avenue.**

CONDITIONAL UPON THE FOLLOWING:

- i) That the applicant submit the draft reference plan showing the subject land to the Secretary-Treasurer for review and approval and demonstrate that the existing access over Part 3, Plan 45R12223 be closed in favour of a new driveway to be shown on the draft reference plan over the lands to be conveyed, together with easements. 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 if the above conditions are not satisfied within 365 days of the Committee's decision that this consent will lapse.**

Decision – B17/16

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 severed and retained property would conform to both the Official Plan policy and the zoning applied to the property, consent is granted for severance of the easterly portion of the subject property, as illustrated in Exhibit 'E', Severance and Consent for Easements Plan, of the Staff Report dated November 15, 2016 to be consolidated with the lands known municipally as 1230 Lansdowne Street West together with the following easements:

- a) An easement for vehicular access over a portion of the retained lands, as illustrated in Exhibit 'E', Severance and Consent for Easements Plan, of the Staff Report dated November 15, 2016, having a minimum width of 6.4 metres, in favour of the severed lands and 1230 Lansdowne Street West.**
- b) An easement for vehicular access over a portion of the severed lands, as illustrated in Exhibit 'E', Severance and Consent for Easements Plan, of the Staff Report dated November 15, 2016, in favour of the retained lands.**

- c) **An easement for storm sewers and stormwater management facilities over a portion of the severed lands, as illustrated in Exhibit 'E', Severance and Consent for Easements Plan, of the Staff Report dated November 15, 2016, in favour of the retained lands.**

CONDITIONAL UPON THE FOLLOWING:

- i) **That the applicant submit the draft reference plan showing the subject land to the Secretary-Treasurer for review and approval and demonstrate that the existing access over Part 3, Plan 45R12223 be closed in favour of a new driveway to be shown on the draft reference plan over the lands to be conveyed, together with easements. 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 applicant submit the registered transfers/deeds of land for the easements subject of Application B16/16.**
- iv) **That the owners' solicitor provide an undertaking that the properties to be severed be consolidated with 1230 Lansdowne Street West to create a new lot. 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, R.S.O, c.P.13 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.**

4. **File No.: B18/16
Address: 726 Fairbairn Street
Applicant: Kendall Sullivan**

**File No.: B19/16
Address: 728 Fairbairn Street
Applicant: Casa Dee Property Investments Inc.**

This matter relates to severance application B18/16, submitted by Kendall Sullivan, 726 Fairbairn Street, Peterborough, Ontario K9H 6B6, the owner of 726 Fairbairn Street, and severance application B19/16, submitted by Casa Dee Property Investments Inc., 4981 Main Street, Orono, Ontario L0B 1M0, the owner of 728 Fairbairn Street.

Ms. Kendall Sullivan and Ms. Debra McGaffin, a representative of Casa Dee Property Investments Inc., attended the meeting and addressed the Committee as follows:

- The applicants are proposing to sever the easterly 13.6 metres of the each of the subject properties, creating a new lot for development of a single unit dwelling with frontage on Wellington Street.

Ms. Caroline Kimble, Planner, Land Use, 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. Kimble noted that the Utility Services Department provided comment on the application to the Planning Department subsequent to the publication of the Staff Report and have expressed concerns with sanitary sewer capacity downstream and the cumulative effects of the creation of additional lots in the area. Ms. Kimble advised that in response to this concern, Planning Division Staff intend to recommend the implementation of an Interim Control By-law to prevent future creation of additional lots in the area until downstream capacity issues have been addressed.

Ms. Kimble further recommended that the Committee add an additional condition to the recommendation in the Staff Report of a tree levy in the amount of \$172.

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:

- Planning Staff are not objecting to the creation of this lot, but feel that an Interim Control By-law is appropriate to notify the public of the constraint to the sewer capacity in the affected area. Interim control would give the City time to complete the study and work to rectify the issues. It is anticipated that this work could be completed in one year.
- The passage of an Interim Control By-law would affect future applications, but not the application before the Committee.

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

- The applicants have no objection to the proposed tree levy.

Decision – B18/16

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 single 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 easterly 13.6 metres of the subject property to be consolidated with the severed, easterly portion of 728 Fairbairn Street to create a new lot for development of a single unit dwelling with frontage on Wellington Street CONDITIONAL UPON THE FOLLOWING:

- i) 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.
- ii) That the applicant provide the Secretary-Treasurer with a draft of the Transfer/Deed of Land.
- iii) That the applicant pay any applicable Parks Levy as assessed by the City's Parks Levy Committee.
- iv) That the owners' solicitor provide an undertaking that the properties to be severed be consolidated to create a new lot fronting onto Wellington 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.

Decision – B19/16

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 single 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 easterly 13.6 metres of the subject property to be consolidated with the severed, easterly portion of 726 Fairbairn Street to create a new lot for development of a single unit dwelling with frontage on Wellington Street **CONDITIONAL UPON THE FOLLOWING:**

- i) 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.
- ii) That the applicant provide the Secretary-Treasurer with a draft of the Transfer/Deed of Land.
- iii) That the applicant pay any applicable Parks Levy as assessed by the City's Parks Levy Committee.
- iv) That the applicant pay a tree levy in the amount of \$172.
- v) That the owners' solicitor provide an undertaking that the properties to be severed be consolidated to create a new lot fronting onto Wellington 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.
- vi) That if the above conditions are not satisfied within 365 days of the Committee's decision that this consent will lapse.

Mr. Mauro DiCarlo arrived at 6:48 p.m. and deliberated on items 5 through 13.

5. **File No.:** B20/16
Address: 499 and 501 Donegal Street
Applicant: Kevin M. Duguay
- File No.:** A36/16
Address: 499 Donegal Street
Applicant: Kevin M. Duguay
- File No.:** A37/16
Address: 501 Donegal Street
Applicant: Kevin M. Duguay

This matter relates to severance and variance applications submitted by Kevin M. Duguay, 560 Romaine Street, Peterborough, Ontario K9J 2E3 as applicant on behalf of James Fallen, Peter Brennan and Suthet Brennan, c/o 270 George Street North, Peterborough, Ontario K9J 3H1, the owners of the property that is the subject of the application.

The application proposes to sever the southerly 9.14 metres of the subject property consisting of 499 and 501 Donegal Street that merged in title under common ownership to create two lots. For 499 Donegal Street, the applicant has requested a reduction to the minimum required lot width from 12 metres to 9.14 metres, a reduction to the minimum required lot area from 370 square metres to 222 square metres, and an increase to the maximum lot coverage by open parking areas, driveways and vehicle movement areas from 20% to 42% to support the severance. For 501 Donegal Street, the applicant has requested a reduction to the minimum required lot width from 12 metres to 9.14 metres, a reduction to the minimum required lot area from 370 square metres to 222 square metres, and an increase to the maximum lot coverage by open parking areas, driveways and vehicle movement areas from 20% to 32% to support the severance.

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

- The two properties merged on title under common ownership and the current owner proposes to recreate the former lot line dividing the lots. The southerly property has one dwelling unit and the northerly property, which is adjacent to Jackson Creek, has two dwelling units. The properties are separated by a mutual driveway with a right-of-way granting mutual access.
- The minor variances are required to recognize the fact that the properties are narrower than required by the Zoning By-law.
- He has reviewed the Staff Report and is in agreement with Staffs' recommendations.

Ms. Andrea Stillman, Permit Technician, Plans Examiner, 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. Stillman noted that in addition to the conditions for approval outlined in the report, comments were received from the Utility Services Division recommending that the owners of both properties agree to allow access to their properties for the purpose of the Donegal Street reconstruction project and that the owner of 501 Donegal Street enter into an Encroachment Agreement for the building and amenity encroachment into the City owned property at 505 Donegal Street.

Ms. Stillman advised that the condition to allow access was not related to the scope of the application.

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 current owners have owned the properties between four and five years and wish to return them to their original configuration.

Decision - B20/16

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 applicant has demonstrated that 499 Donegal Street and 501 Donegal Street can function independently, and that Minor Variance application numbers A36/16 and A37/16 address the deficiencies from the Zoning By-law regulations resulting from the severance, the Committee considers it appropriate to allow a severance that would permit independent ownership of each property.

Therefore, consent is granted to sever the southerly, 9.14 metre wide property known municipally as 499 Donegal Street from the balance of the property known municipally as 501 Donegal Street, CONDITIONAL UPON THE FOLLOWING:

- i) That the applicant submit the draft reference plan showing the subject land to the Secretary-Treasurer for review and approval, including the mutual easement/right-of-way over the driveway portion of the lands. 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 applicant pay any applicable Parks Levy as assessed by the City's Parks Levy Committee.**
- iv) That the owner of the parcel known as 501 Donegal Street enter into an Encroachment Agreement with the City for the building and amenity encroachment into the City owned property known as 505 Donegal Street.**

- v) **That if the above conditions are not satisfied within 365 days of the Committee's decision that this consent will lapse.**

Decision – A36/16

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.

Having reviewed the application and considered the information presented both in the Staff Report and presentation, the Committee determined that the application should be approved as per the Staff Recommendation and that the variances are minor, the proposal is desirable for the appropriate development or use of the land, and the general intent and purpose of the Zoning By-law and Official Plan are maintained.

Therefore variances are granted to:

- a) **Reduce the minimum required lot width to 9.14 metres;**
- b) **Reduce the minimum required lot area to 222 square metres; and**
- c) **Increase the maximum lot coverage by open parking areas, driveways and vehicle movement areas to 42%.**

CONDITIONAL UPON submission to the City of the registered deed to create a new lot in accordance with the Committee's decision on file number B20/16.

Decision – A37/16

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.

Having reviewed the application and considered the information presented both in the Staff Report and presentation, the Committee determined that the application should be approved as per the Staff Recommendation and that the variances are minor, the proposal is desirable for the appropriate development or use of the land, and the general intent and purpose of the Zoning By-law and Official Plan are maintained.

Therefore variances are granted to:

- a) **Reduce the minimum required lot width to 9.14 metres;**
- b) **Reduce the minimum required lot area to 222 square metres; and**
- c) **Increase the maximum lot coverage by open parking areas, driveways and vehicle movement areas to 32%.**

CONDITIONAL UPON submission to the City of the registered deed to create a new lot in accordance with the Committee's decision on file number B20/16.

6. **File No.: B21/16**
Address: 1281 Brealey Drive
Applicant: Jim Baird

This matter relates to a severance application submitted by Jim Baird, LLF Lawyers LLP, 332 Aylmer Street North, Peterborough, Ontario K9J 7H4, as applicant on behalf of David Stanley Mitchell, 1285 Brealey Drive, Peterborough, Ontario K0K 0C4, the owner of the property that is the subject of the application.

The application proposes to sever a narrow, triangular shaped portion of the lands known as 1281 Brealey Drive to be added to the lands known as 1285 Brealey Drive.

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

- The intent of the application is to adjust the boundary between 1281 and 1285 Brealey Drive to capture the existing landscaping and fence associated with the residential lawn of 1285 Brealey Drive.
- He has read the Staff Report and concurs with the recommendations of Staff.

Ms. Caroline Kimble, Planner, Land Use, 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 By-law, consent is granted to sever a 55.77 metre long, triangular portion of the subject property along the northerly lot line and with a width of 2.35 metres at the westerly lot line to the owner of the property at 1285 Brealey Drive, CONDITIONAL UPON THE FOLLOWING:

- i) 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.**
- ii) That the applicant provide the Secretary-Treasurer with a draft of the Transfer/Deed of Land.**
- iii) The severance is subject to a Merger Agreement pursuant to Sections 51(26) and 53(12) of the Planning Act, R.S.O. 1990, c.P.13 in order to merge the severed parcel with the abutting land known as 1285 Brealey Drive OR an undertaking of the solicitor to convey the land to effect the merger.**
- iv) That if the above conditions are not satisfied within 365 days of the Committee's decision that this consent will lapse.**

**7. File No.: A38/16
Address: 999 Western Avenue
Applicant: Donna Ruth**

This matter relates to a minor variance application submitted by Donna Ruth, 807 Wilson Line, Cavan, Ontario L0A 1C0, as applicant on behalf of Doris Larmer, 999 Western Avenue, Peterborough, Ontario K9J 5W2, the owner of the property that is the subject of the application.

The application proposes to reduce the minimum required side yard setback from 1.2 metres to 0.76 metres to permit the construction of an attached carport on the side of the dwelling.

Ms. Ruth attended the meeting and addressed the Committee as follows:

- She has applied for the variance on behalf of her mother who has owned the subject property for 55 years.
- Her mother would like to add a carport to the side of the house to keep the snow off of her car and provide easier access to the car from the house.
- The chimney and cement window wells project approximately 1 foot into the driveway where the carport would be located.

- The variance would allow her to construct the carport with enough width to park the car and allow access room through the carport from the front to the rear yard.

Ms. Andrea Stillman, Permit Technician, Plans Examiner, 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. Stillman noted that in addition to the conditions for approval outlined in the report, comments were received from the Utility Services Division recommending that the application be approved provided that the new roof and/or revised surface drainage does not adversely impact adjacent properties.

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, including the recommendation of the Utility Services Division, 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 side lot line to 0.76 metres CONDITIONAL UPON the owner providing a plan to demonstrate that the new roof and/or revised surface drainage does not adversely impact adjacent properties.

8. **File No.: A39/16**
Address: 495 King Street
Applicant: Jennie Mackenzie

This matter relates to a minor variance application submitted by Jennie Mackenzie, 495 King Street, Peterborough, Ontario K9J 2T2, as applicant on behalf of herself and John C. Mackenzie, of the same address, the owners of the property that is the subject of the application.

The purpose of this application is to reduce the minimum required size of a parking space from 5.7 metres by 2.7 metres to 3.5 metres by 2.7 metres to permit the creation of a new driveway in the front yard.

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

- He is requesting the minor variance to allow the construction of a driveway in the front of the house. Due to the shortened length of the driveway, the parking space will encroach onto City property and will require an encroachment agreement, which he agrees to enter into.

Ms. Andrea Stillman, Permit Technician, Plans Examiner, 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. Stillman noted that the Utility Services Department provided comment and stated that they have no objection to the application, provided that approval is not interpreted as a precedence for future applications.

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

Decision

The Committee received no comment or presentation from members of the public concerning the application and thus made its decision on the basis of the Staff Report and the application.

Having reviewed the application and considered the information presented both in the Staff Report and presentation, the Committee determined that the application should be approved as per the Staff Recommendation and that the variance is minor, the proposal is desirable for the appropriate development or use of the land, and the general intent and purpose of the Zoning By-law and Official Plan are maintained.

Therefore a variance is granted to reduce the minimum length of a motor vehicle parking space to 3.5 metres CONDITIONAL UPON the owner entering into an encroachment agreement with the City of Peterborough for the encroachment of the parking space into the King Street right-of-way.

9. **File No.:** **B22/16**
 Address: **266 Burnham Street**
 Applicant: **Kevin M. Duguay**

File No.: **A40/16**
 Address: **266 Burnham Street**
 Applicant: **Kevin M. Duguay**

This matter relates to a severance application and a minor variance application submitted by Kevin M. Duguay, 560 Romaine Street, Peterborough, Ontario K9J 2E3, as applicant on behalf of Janice Gainey and David Holmquist, 266 Burnham Street, Peterborough, Ontario K9H 1T3, the owners of the property that is the subject of the application.

The purpose of the application is to sever the easterly 32.3 metres of the lands known as 266 Burnham Street into two parcels having lot widths of 14 metres and 18 metres respectively, to create two new lots for future development with frontage on James Street. The applicant further requests a variance from Section 6.29 of the Zoning By-law to reduce the minimum building setback from the point of intersection of two side lot lines from 4.5 metres to 2.9 metres between the intersection of the newly created lot line and the existing dwelling.

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

- The property is designated as a heritage property under the Ontario Heritage Act.
- Following a recommendation by the Peterborough Architectural Conservation Advisory Committee (PACAC) and in consultation with City Staff, he is requesting that the application be deferred to permit time to complete a Heritage Impact Assessment to assess the impact of the severance on the heritage value of the property.
- Due to the time involved in completing the report and submitting it for review by PACAC, he requests that the application be deferred to the March meeting of the Committee of Adjustment.

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

Ms. Kimble advised that Staff recommend that the application be adjourned sine die and that Notice be provided at such time as the application is scheduled to be considered by the Committee.

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

- He has no objection to the application being adjourned sine die.

Accordingly, the Committee agreed to defer this application to an undetermined meeting date to permit the applicant an opportunity to complete a Heritage Impact Assessment, at which time the application would be re-advertised and re-circulated at the expense of the applicant/owner.

10. **File No.:** A41/16
Address: 1550 Lansdowne Street West
Applicant: Peterborough Landscape Supply

This matter relates to a minor variance application submitted by Peterborough Landscape Supply, 1550 Lansdowne Street West, Peterborough, Ontario K9J 2A2, as applicant on behalf of The Estate of Karl Ellwanger, c/o Novitium Management Consultants, 311 George Street North, LL6, Peterborough, Ontario K9J 3H3, the owner of the property that is the subject of the application.

The purpose of the application is to request a variance from the regulations of the Sign By-law for Freestanding Signs to increase the maximum sign area per metre of street frontage from 0.15 square metres to 0.17 square metres to permit the construction of a sign on Lansdowne Street West.

Mr. John Walsh of Peterborough Landscape Supply attended the meeting and addressed the Committee as follows:

- He is proposing to erect a new sign on Lansdowne Street to advertise his business. His proposed design is slightly larger than the size permitted by the Sign By-law, and he requires a variance to increase the maximum sign area per metre of street frontage by .02 square metres.

Ms. Andrea Stillman, Permit Technician, Plans Examiner, presented Staff comments with respect to the application on behalf of the Building and Planning Divisions of the Planning & Development Services Department, City of Peterborough.

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

Decision

The Committee received no comment or presentation from members of the public concerning the application and thus made its decision on the basis of the Staff Report and the application.

Having reviewed the application and considered the information presented both in the Staff Report and presentation, the Committee determined that the application should be approved as per the Staff Recommendation and that the variance is minor, the proposal is desirable for the appropriate development or use of the land, and the general intent and purpose of the Zoning By-law and Official Plan are maintained.

Therefore, a variance to the regulations of the Sign By-law for Freestanding Signs is granted to increase the maximum sign area per metre of street frontage to 0.17 square metres to permit the construction of a freestanding sign on Lansdowne Street West PROVIDED THAT the applicant meets all requirements from the Building Services Division and Sign By-law 15-045.

11. **File No.:** A42/16
Address: 264 Hunter Street West
Applicant: John Dennis

This matter relates to a minor variance application submitted by John Dennis, 495 Cross Street, Peterborough, Ontario K9H 4T1, as applicant on behalf of Ernest Dyck and Derek Dyck, 461 Cameron Street, Peterborough, Ontario K9J 3Z4, the owners of the property that is the subject of the application.

The purpose of the application is to reduce the minimum building setback from the rear lot line from 9 metres to 0.9 metres for the south wall of the cellar entrance, reduce the minimum building setback from the rear lot line from 9 metres to 0.6 metres for the west wall of the cellar entrance, and reduce the minimum building setback from the rear lot line from 9 metres to 2.2 metres for the north wall of the cellar entrance to permit the reconstruction of the cellar entrance.

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

- The existing stairwell is in poor repair and encroaches into a right-of-way in favour of the property to the west. The variances would permit a new stairwell that would minimize the encroachment.

Ms. Andrea Stillman, Permit Technician, Plans Examiner, 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.

Decision

The Committee received no comment or presentation from members of the public concerning the application and thus made its decision on the basis of the Staff Report and the application.

Having reviewed the application and considered the information presented both in the Staff Report and presentation, the Committee determined that the application should be approved as per the Staff Recommendation and that the variances are minor, the proposal is desirable for the appropriate development or use of the land, and the general intent and purpose of the Zoning By-law and Official Plan are maintained.

Therefore variances are granted to:

- a) Reduce the minimum building setback from the rear lot line to 0.9 metres for the south wall of the cellar entrance;**
- b) Reduce the minimum building setback from the rear lot line to 0.6 metres for the west wall of the cellar entrance.**
- c) Reduce the minimum building setback from the rear lot line to 2.2 metres for the north wall of the cellar entrance.**

12. **File No.: A43/16**
Address: 300 Charlotte Street
Applicant: Alair Homes – 2409470 Ontario Inc.

This matter relates to a minor variance application submitted by Alair Homes, 2409470 Ontario Inc., 459 George Street North, Peterborough, Ontario K9H 3R6, as applicant on behalf of TVBC Holdings Inc., 300 Charlotte Street, Peterborough, Ontario K9J 2V7, the owner of the property that is the subject of the application.

The purpose of the application is to reduce the minimum setback from the centreline of Rubidge Street from 16 metres to 10 metres to permit the construction of an uncovered deck abutting the existing covered porch.

Ms. Joanna Smeeth, owner of Alair Homes, attended the meeting and addressed the Committee as follows:

- The owner of the property is proposing to build an uncovered deck to increase the patio space for a future restaurant. The minor variance is required to permit the patio to be flush with the Rubidge Street street line.

Ms. Andrea Stillman, Permit Technician, Plans Examiner, presented Staff comments with respect to the application on behalf of the Building and Planning Divisions of the Planning & Development Services Department, City of Peterborough.

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

Decision

The Committee received no comment or presentation from members of the public concerning the application and thus made its decision on the basis of the Staff Report and the application.

Having reviewed the application and considered the information presented both in the Staff Report and presentation, the Committee determined that the application should be approved as per the Staff Recommendation and that the variance is minor, the proposal is desirable for the appropriate development or use of the land, and the general intent and purpose of the Zoning By-law and Official Plan are maintained.

Therefore a variance is granted to reduce the minimum building setback from the centreline of Rubidge Street to 10 metres to permit the construction of an uncovered deck PROVIDED THAT the deck not encroach onto City of Peterborough property and is constructed as per the proposed dimensions illustrated on Exhibit 'L', Deck & Patio Plan, of the Staff Report dated November 15, 2016 and CONDITIONAL UPON THE FOLLOWING:

- i) **That the design of the deck be approved by the Planner of Urban Design prior to Building permit issuance; and**
- ii) **That the owner amend the Site Plan to recognize the proposed development.**

13. **File No.: A17/16**
Address: 80 Marsh Avenue (formerly Part of 1300 Chemong Road)
Applicant: Alexander Chow

This matter relates to a minor variance application submitted by Alexander Chow, 30 Pennsylvania Avenue, Unit 8, Concord, Ontario L4K 4A5, as applicant on behalf of Mason Homes Limited, 30 Pennsylvania Avenue, Unit 8, Concord, Ontario L4K 4A5, the owner of the property that is the subject of the application.

The purpose of this application is to reduce the south side yard setback from 6 metres to 3 metres to permit decks (platforms), vary the definition of 'Deck' to be a maximum 3.4 metres above grade for the proposed decks along the east and north lot lines of the subject lands, reduce the north rear yard setback from 6 metres to 2.5 metres to permit decks, and reduce the minimum building setback from the side and rear lot lines from 6.0 metres to 4.5 metres.

Mr. Peter Lawless, LLF Lawyers LLP, 332 Aylmer Street North, Peterborough, Ontario K9H 3V6, advised the Committee that he has received authorization from Mason Homes Limited to represent them for this application.

Mr. Lawless addressed the Committee as follows:

- The proposal relates to a proposed condominium development within an existing Plan of Subdivision.
- Due to the unusual configuration of the property, a number of variances are required to accommodate the proposed development, particularly for the decks at the rear of the townhouses.
- The impact of the variances would be minimal, as the property is surrounded by City owned land.

Ms. Andrea Stillman, Permit Technician, Plans Examiner, presented Staff comments with respect to the application on behalf of the Building and Planning Divisions of the Planning & Development Services Department, City of Peterborough.

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

Decision

The Committee received no comment or presentation from members of the public concerning the application and thus made its decision on the basis of the Staff Report and the application.

Having reviewed the application and considered the information presented both in the Staff Report and presentation, the Committee determined that the application should be approved as per the Staff Recommendation and that the variances are minor, the proposal is desirable for the appropriate development or use of the land, and the general intent and purpose of the Zoning By-law and Official Plan are maintained.

Therefore variances are granted to:

- a) **Reduce the south side yard setback to 3 metres to permit decks (platforms);**
- b) **Permit a 'Deck' with a maximum height of 3.4 metres above grade for the proposed decks along the east and north lot lines of the subject lands;**
- c) **Reduce the north rear yard setback to 2.5 metres to permit decks; and**
- d) **Reduce the minimum building setback from the rear and side lot lines to 4.5 metres.**

Minutes

Moved by Claude Dufresne:

That the minutes of the Committee of Adjustment hearing held on October 4, 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, January 24, 2016.

Adjournment

The meeting was adjourned at 7:42 p.m.

Brenda Campbell, Chair

Jennifer Sawatzky, Secretary-Treasurer