



City of  
**Peterborough**

## **Committee of Adjustment Minutes**

**June 19, 2018**

Minutes of a Meeting of Committee of Adjustment held on Tuesday, June 19, 2018 at 6:00 p.m. in the Council Chambers, City Hall.

**Present:** Mr. Len Lifchus, Chair  
Ms. Brenda Campbell  
Mr. Claude Dufresne  
Mr. Frank Steffler

**Regrets:** Mr. Mauro DiCarlo

**Also Present:** Ms. Christie Gilbertson, Planner, Policy and Research  
Ms. Jennifer Sawatzky, Secretary-Treasurer

Mr. Len Lifchus called the Committee of Adjustment to order at 6:02 p.m.

### **Election of Officers**

#### **Chair**

Moved by Brenda Campbell

**That Len Lifchus be appointed as Chair of the Committee of Adjustment**

“CARRIED”

#### **Vice-Chair**

Moved by Brenda Campbell

**That Mauro DiCarlo be appointed as Vice-Chair of the Committee of Adjustment.**

“CARRIED”

### **Disclosure of Pecuniary Interest**

There were no disclosures of Pecuniary Interest.

- File No.: B07/18**  
**Address: 520 Brealey Drive**  
**Applicant: Kevin M. Duguay**
- File No.: B08/18**  
**Address: 540 Brealey Drive**  
**Applicant: Kevin M. Duguay**

This matter relates to two consent applications submitted by Kevin M. Duguay, 560 Romaine Street, Peterborough, Ontario K9J 2E3, as applicant on behalf of Christian Victory Church, 520 Brealey Drive, Peterborough, Ontario K9K 2R7, the owner of the property that is the subject of Application No. B07/18, and on behalf of Life at the Brealey Inc., 201-5 Brisdale Drive, Brampton, Ontario L7A 0S9, the owner of the

property that is the subject of Application No. B08/18.

The purpose of Application No. B07/18 is to request consent for easements over portions of the property for the purposes of an emergency vehicle right-of-way, a sanitary sewer, and a stormwater management facility in favour of the adjacent lands known as 540 Brealey Drive.

The purpose of the Application No. B08/18 is to request consent for easements over portions of the property for the purposes of a vehicular right-of-way, water service, and a stormwater management facility in favour of the adjacent lands known as 520 Brealey Drive.

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

- The requested easements consist of a vehicle right-of-way easement over 540 Brealey Drive to facilitate access from Brealey Drive to the church property, a fire access right-of-way over 520 Brealey Drive in favour of 540 Brealey Drive, a watermain easement over 540 Brealey Drive in favour of 520 Brealey Drive, a sanitary sewer easement over 520 Brealey Drive in favour of 540 Brealey Drive, and cross easements for the stormwater management pond that will be shared by both properties.
- Some of the parking spaces associated with the church use at 520 Brealey Drive are currently located on 540 Brealey Drive. To comply with Site Plan requirements, the existing parking area will be reconfigured to be entirely on the church property. A site plan will be filed with the City depicting the new parking configuration and the easements that are the subject of these applications.

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:

- Ms. Gilbertson advised that she spoke with the applicant regarding Otonabee Conservation's (ORCA's) concern with granting the easements prior to the final approval of the stormwater management plan. She advised the applicant that there is a slight risk that the identified easements may not be adequate for the final plan. The applicant stated that he is confident that the requested easements are accurate, since the same engineering firm is working on the site plan for both 520 and 540 Brealey Drive.
- Although ORCA suggested that approval of the application be conditional upon the approval of the stormwater management plan to confirm the final easement configuration, this condition is not reflected in the final staff recommendation. The applicant is aware that the site plan and stormwater plan must be finalized before development of either property.

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

- With regard to ORCA's comments, the easements identified for the stormwater management pond are generously sized and likely greater in area than required. In order for development of 540 Brealey to proceed in a timely manner, he requests that the Committee grant the easements as presented in the Staff Report. He has preconsulted with the City and ORCA and he is satisfied that the easements for stormwater management will not require an amendment to their configuration.

**Decision: B07/18, 520 Brealey Drive**

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 implement the Site Plan for the future development at 540 Brealey Drive, consent is granted for a Pond Right-of-Way Easement, a Fire Access Right-of-Way, and a Sanitary Easement over the property municipally known as 520 Brealey Drive in favour of 540 Brealey Drive, as generally depicted on the Consent Plan prepared by D.M. Wills Associates Limited, dated April 18, 2018, and **CONDITIONAL UPON THE FOLLOWING:**

- i) Prior to registering the Reference Plan at the applicant's cost, the applicant shall submit for approval a draft Reference Plan to the Secretary-Treasurer, showing the proposed easements. Upon registration of the approved Reference Plan, two hard copies of the registered reference and an electronic copy in PDF format will be provided to the Secretary-Treasurer;
- ii) A closed polygon vector file of the Part boundaries shown on the Reference Plan is to be provided in Autodesk DWG NAD83 UTM CSRS CGVD28 projection Windows-readable format to the satisfaction of the City of Peterborough Geomatics/Mapping Division. It is recommended that the applicant's Ontario Land Surveyor consult with the City of Peterborough Geomatics/Mapping Division to confirm acceptable standards and formatting. The Surveyor should contact the Secretary-Treasurer for instructions on how to submit this document;
- iii) That the applicant provide the Secretary-Treasurer with a draft of the Transfer of easements; and
- iv) That if the above conditions are not satisfied within 365 days of the circulation of the Committee's decision that this consent will lapse.

**Decision: B08/18, 540 Brealey Drive**

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 implement the Site Plan for the future development at 540 Brealey Drive and facilitate the functionality of the existing development on 520 Brealey Drive, consent is granted for an Entrance Right-of-Way Easement, a Pond Right-of-Way Easement, and a Watermain Easement, over the property municipally known as 540 Brealey Drive in favour of 520 Brealey Drive as generally depicted on the Consent Plan prepared by D.M. Wills Associates Limited, dated April 18, 2018, and **CONDITIONAL UPON THE FOLLOWING:**

- i) Prior to registering the Reference Plan at the applicant's cost, the applicant shall submit for approval a draft Reference Plan to the Secretary-Treasurer, showing the proposed easements. Upon registration of the approved Reference Plan, two hard copies of the registered reference and an electronic copy in PDF format will be provided to the Secretary-Treasurer;
- ii) A closed polygon vector file of the Part boundaries shown on the Reference Plan is to be provided in Autodesk DWG NAD83 UTM CSRS CGVD28 projection Windows-readable format to the satisfaction of the City of Peterborough Geomatics/Mapping Division. It is recommended that the applicant's Ontario Land Surveyor consult with the City of Peterborough Geomatics/Mapping Division to confirm acceptable standards and formatting. The Surveyor should contact the Secretary-Treasurer for instructions on how to submit this document.
- iii) That the applicant provide the Secretary-Treasurer with a draft of the Transfer of easements; and
- iv) That if the above conditions are not satisfied within 365 days of the circulation of the Committee's decision that this consent will lapse.

3. **File No.:** A21/18  
**Address:** 1268 Bridle Drive  
**Applicants:** William and Carole Gillam

This matter relates to a minor variance application submitted by William and Carole Gillam, 1268 Bridle Drive, Peterborough, Ontario K9J 7J8, 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 a streetline from 6 metres to 5.5 metres and reduce the minimum length of one of the required parking spaces from 5.7 metres to 5.5 metres to allow the replacement of the existing attached carport with a two storey addition.

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

- He is requesting the minor variance to allow him to replace the existing carport with a two storey addition consisting of a garage and sunroom on the first floor and a master bedroom suite on the second floor.

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

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

### **Decision**

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

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

**Therefore variances are granted to:**

- Reduce the minimum building setback from the streetline to 5.5 metres; and**
- Reduce the minimum length of a required parking space in the driveway to 5.5 metres.**

4. **File No.:** A22/18  
**Address:** 731 Harper Road  
**Applicants:** Donald and Katherine Milligan

This matter relates to a minor variance application submitted by Donald and Katherine Milligan, 731 Harper Road, Peterborough, Ontario K9J 6X6, the owners of the property that is the subject of the application.

The purpose of the application is to request permission for an extension of the legal non-conforming residential building on the property by increasing the floor area of the attached private garage.

Mr. & Mrs. Milligan attended the meeting and addressed the Committee as follows:

- They are applying for permission to expand the residential building on the property to permit an increase to the size of the garage. The house has no basement and they require additional storage space within the garage in addition to space to park vehicles.

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

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

### **Decision**

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

Having reviewed the application and considered the information presented both in the Staff Report and presentation, the Committee acknowledged the recognized use of the property as a legal non-conforming residential dwelling, and determined that the proposal is desirable for an appropriate development of the subject property and that the application should be approved as per the Staff Recommendation.

**Therefore, permission is granted to enlarge the building footprint for the legal non-conforming single unit dwelling for a garage expansion of approximately 85 square meters PROVIDED THAT that any alterations to the existing lot grading and roof drainage will not adversely impact the adjacent properties.**

5.     **File No.:       A23/18**  
       **Address:       475 Rogers Street**  
       **Applicants: Andrew and Emily Speelman**

This matter relates to a minor variance application submitted by Andrew and Emily Speelman, 475 Rogers Street, Peterborough, Ontario K9H 1X1, 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 a side lot line from 1.2 metres to 0.38 metres to permit the replacement and expansion of the existing rear addition. The proposed addition will be located no closer to the lot line than the existing rear addition.

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

- He is proposing to remove the existing addition at the rear of the building and replace it with a slightly larger addition. The variance from the side lot line is required to permit the development.

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

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

### **Decision**

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

Having reviewed the application and considered the information presented both in the Staff Report and presentation, the Committee determined that the application should be approved as per the Staff Recommendation and that the 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 north side lot line to 0.38 metres to permit the construction of an addition at the rear of the dwelling PROVIDED THAT any alterations to existing lot grading patterns or drainage will not adversely impact adjoining properties.**

6. **File No.:** B09/18  
**Address:** 59 Leahy's Lane (formerly Part of 53 Leahy's Lane)  
**Applicant:** Glen Payne

This matter relates to a consent application submitted by Glen Payne, 1236 Melody Crescent, Peterborough, Ontario K9K 2P9, as applicant on behalf of Jeff Slute, Jen Hammond, Jen Goode and Chris Vandermeer, 4 Baxter Creek, Millbrook, Ontario L0A 1G0, the owners of the property that is the subject of the application.

The purpose of the application is to request consent for an easement for stormwater management to implement the Site Plan Agreement.

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

- The need for this application was identified during the City's review of the Site Plan Application for the development of this property. The easement is required for the installation of an oil and water separator as part of the stormwater management system.

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

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

#### **Decision**

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

**In that the easement implements the Site Plan and facilitates stormwater management on the property, consent is granted for an easement for the purpose of stormwater management over the property municipally known as 59 Leahy's Lane, illustrated as Part 1 on Plan 45R-16624 in favour of 53 Leahy's Lane, CONDITIONAL UPON THE FOLLOWING:**

- A closed polygon vector file of the Part boundaries shown on the Reference Plan is to be provided in Autodesk DWG NAD83 UTM CSRS CGVD28 projection Windows-readable format to the satisfaction of the City of Peterborough Geomatics/Mapping Division. It is recommended that the applicant's Ontario Land Surveyor consult with the City of Peterborough Geomatics/Mapping Division to confirm acceptable standards and formatting. The Surveyor should contact the Secretary-Treasurer for instructions on how to submit this document.**
- That the applicant provide the Secretary-Treasurer with a draft Transfer of Easement**
- All conditions shall be satisfied within 365 days of the circulation of the Committee's decision, otherwise the Provisional Consent will lapse.**

7. **File No.:** A24/18  
**Address:** 1390 Armstrong Drive  
**Applicants:** Andrew and Susan Young

This matter relates to a minor variance application submitted by Andrew and Susan Young, 1390 Armstrong Drive, Peterborough, Ontario K9J 6G3, 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 Walkerfield Avenue streetline from 6.0 metres to 1.2 metres to permit the construction of a one storey addition measuring approximately 30 square metres at the north end of the dwelling.

Mr. & Mrs. Young attended the meeting and addressed the Committee as follows:

- They are requesting the variances to permit an addition to the property at the north end of the dwelling.
- A high voltage power line with 4 metre setbacks is located at the south end of the property and the property is elevated to the south and east. Due to the restrictions on the property, any additions to the property are limited to the north side.

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

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

### **Decision**

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

Having reviewed the application and considered the information presented both in the Staff Report and presentation, the Committee acknowledged the request of Peterborough Utility Services Inc. for a minimum 2.0 metre setback from the existing curb stop at the property line for access for maintenance and determined the proposal was not desirable for the appropriate development of the land.

**Therefore a variance to reduce the minimum building setback from the Walkerfield Avenue streetline to 1.2 metres is DENIED.**

However, the Committee determined that the application should be approved as per the Staff Recommendation and that a lesser variance would maintain the required access to the curb stop for Peterborough Utility Services Inc., is minor, 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 Walkerfield Avenue streetline to 2.0 metres PROVIDED THAT any alterations to existing lot grading patterns or drainage will not adversely impact adjoining properties and CONDITIONAL UPON the applicant submitting and receiving approval for a lot grading and drainage plan to the satisfaction of Engineering Staff in the Infrastructure and Planning Services Department, prior to the issuance of a building permit.**

8. **File No.: A25/18**  
**Address: 192 McDonnel Street**  
**Applicant: 2563869 Ontario Limited**

This matter relates to a minor variance application submitted by 2563869 Ontario Limited, 269 Edinburgh Street, Peterborough, Ontario K9H 3E5, the owner of the property that is the subject of the application.

The purpose of the application is to reduce the minimum lot area per dwelling unit from 230 square metres per unit to 130.68 square metres per unit and to reduce the minimum lot width from 6 metres per unit to 2.19 metres per unit to permit the conversion of the building from 6 to 8 dwelling units.

Mr. Doug Rose, owner of 2563869 Ontario Limited, attended the meeting and addressed the Committee as follows:

- He is currently constructing an addition to the back of the building on the property that is within one month of completion.

- A Building Permit was granted on the basis of reconfiguring the existing six units within the expanded floor area. Over the course of the construction he determined that smaller unit sizes were of more value and is requesting the variances to permit two additional units within the rear addition for a total of eight units.

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

Nick Chaggares, 194 McDonnell Street, Peterborough, Ontario K9H 2V9 attended the meeting and addressed the Committee regarding the application. Mr. Chaggares advised that he does not object to the increase in the number of units but does object to the proposed parking space in the front yard, which is adjacent to his property.

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

- To date, Council has not imposed restrictions on front yard parking. Due to the location of the property in Parking Area 1, the applicant could opt to remove the proposed parking space in the front yard and pay for an additional cash-in-lieu space; however, the current parking proposal does meet the regulations of the Zoning By-law.
- The City is not required to circulate Notice for applications for Building Permits and there was therefore no public process for the Building Permit application.
- Locating a parking space in the side yard would trigger an additional variance for a reduction in the required setback for a parking space to a window to a habitable room in an apartment.
- The Committee does have the authority to impose conditions that it determines to be reasonable and appropriate.

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

- The Site Plan circulated to the Committee is the plan submitted to the Building Division for the Building Permit Application. The Building Permit was approved with this parking configuration.
- He would prefer to maintain all six proposed parking spaces as, in his experience, six parking spaces for eight units is appropriate in the central area.
- The parking spaces will be assigned and two units will be rented without a parking space.

### **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 the following variances are granted to permit the conversion of the building from 6 to 8 dwelling units:**

- A reduction of the minimum lot area per dwelling unit to 130.68 square metres per unit; and**
- A reduction of the minimum lot width per unit to 2.19 metres.**

**Conditional upon the Following:**

- i) **Payment of cash in lieu of the provision of two parking spaces; and**
- ii) **Confirmation of the lot's service capacity to be able to support the proposed additional two units.**

9. **File No.: A26/18**  
**Address: 640 Park Street South**  
**Applicant: Lou Ann Cousins**

This matter relates to a minor variance application submitted by Lou Ann Cousins, 640 Park Street South, Peterborough, Ontario K9J 3S6, the owner of the property that is the subject of the application.

The purpose of the application is to reduce the minimum building setback from the centreline of Park Street South from 19 metres to 15.5 metres to permit the construction of a wooden platform, replacing the existing concrete stoop.

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

- She is requesting approval of the proposed variance to permit construction of a new platform and front steps to improve the safety and enhance the appearance of the entrance to the house.

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

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

**Decision**

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

Having reviewed the application and considered the information presented both in the Staff Report and presentation, the Committee determined that the application should be approved as per the Staff Recommendation and that the 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 Park Street to 15.5 metres to permit the construction of a wooden platform PROVIDED THAT any alterations to existing lot grading patterns or drainage will not adversely impact adjoining properties.**

**Minutes**

Moved by Claude Dufresne

**That the minutes of the Committee of Adjustment hearing held on May 15, 2018 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, July 17, 2018.

**Adjournment**

The meeting was adjourned at 7:03 p.m.

(Sgd.)        Len Lifchus, Chair

(Sgd.)        Jennifer Sawatzky, Secretary-Treasurer