



City of
Peterborough

Committee of Adjustment Minutes

October 16, 2018

Minutes of a Meeting of Committee of Adjustment held on Tuesday, October 16, 2018 at 6:00 p.m. in the Council Chambers, City Hall.

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

Regrets: Mr. Mauro DiCarlo, Chair
Mr. Frank Steffler

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

Committee of Adjustment was called to order at 6:01 p.m.

Disclosure of Pecuniary Interest

There were no disclosures of Pecuniary Interest.

1. **File No.:** B11/18
Address: 439 and 441 Rubidge Street
Applicant: Trevelyan Architect Inc.

File No.: A43/18
Address: 439 Rubidge Street
Applicant: Trevelyan Architect Inc.

File No.: A44/18
Address: 441 Rubidge Street
Applicant: Trevelyan Architect Inc.

This matter relates to a severance application and two minor variance applications submitted by Trevelyan Architect Inc., 104 Dublin Street, Peterborough, Ontario K9H 3A9, as applicant on behalf of St. Andrew's Church, operating as Emmanuel United Church, 534 George Street North, Peterborough, Ontario K9H 3S2, the owner of the property that is the subject of the application.

Application number B11/18 was adjourned from the August 21, 2018 hearing to allow the applicant time to submit minor variance applications to support the application for consent.

Application number B11/18 proposes to sever the property known as 441 Rubidge Street from the balance of the property to create a new 0.28 hectare lot. The application further proposes to create a 6.4 metre wide right-of-way over the retained lands to provide access to the parking area for the newly created lot.

Application number A43/18, relating to 439 Rubidge Street, proposes to reduce the minimum building setback from north side lot line from 3 metres or the height of the building (whichever is greater) to 1.2 metres and to reduce the minimum width of landscaped open space along a side lot line from 3 metres to 0 metres along the north side lot line.

Application number A44/18, relating to 441 Rubidge Street, proposes to reduce the minimum building setback from the south side lot line from 3 metres or the height of the building (whichever is greater) to 2.2 metres and reduce the minimum width of landscaped open space from 3 metres to 0 metres along the south side lot line.

Mr. Ken Trevelyan of Trevelyan Architect Inc. attended the meeting and addressed the Committee as follows:

- The application for consent was scheduled for the August 21, 2018 meeting, at which time it was discovered that minor variance applications were required for the proposed lot configuration to be in compliance with the Zoning By-law.
- The owners submitted the application to sever the lots to permit the church property to be sold under separate ownership with St. Andrew's Church retaining ownership of the manse.
- Redevelopment of the parking and driving areas to serve both properties will happen within the next year.
- He has read the Staff Report, which provides a detailed summary of the proposal.

Ms. Christie Gilbertson, Planner, Policy and Research, advised that she has no further information to add to the Staff Report.

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

Decision – B11/18

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 properties conform to the Official Plan policy and the minor variances granted by application numbers A43/18 and A44/18 bring the properties into compliance with the Zoning By-law, the Committee considers that it is appropriate to allow a severance to permit the properties known municipally as 439 and 441 Rubidge Street to be under separate ownership.

Therefore, consent is granted to sever a 0.28 hectare parcel, shown as Part 1 on Exhibit A of the Staff Report dated October 16, 2018, from the balance of the lands together with a 6.4 metre wide easement over the retained lands for the purposes of a right-of-way for vehicular egress and ingress, shown as Part 4 on Exhibit A of the Staff Report dated October 16, 2018, CONDITIONAL UPON THE FOLLOWING:

- i) **Approval of Application Numbers A43/18 and A44/18;**
- ii) **The owner entering into a Development Agreement with the City to facilitate the relocation of the existing driveway along Brock Street, the reconfiguration of the existing parking and landscaped areas, and the establishment of access to the existing building on the retained lands for people with disabilities in compliance with the City's Comprehensive Zoning By-law and the Ontario Building Code;**
- iii) **Prior to registering the Reference Plan at the applicant's cost, the applicant shall submit for approval a draft Reference Plan to the Secretary-Treasurer, showing the proposed severed parcel and right-of-way, including the following daylighting triangles:**
 - a. **Northwest portion of severed lands at the corner of Kirk and Reid Streets – 5.0 metres along Kirk Street and 12.0 metres along Reid Street;**
 - b. **Northeast portion of severed lands at the corner of Kirk and Rubidge Streets – 5.0 metres along Kirk Street and 30.0 metres along Rubidge Street;**

- c. **Southwest portion of the severed lands at the corner of Brock and Reid Streets – 5.0 metres along Brock Street and 30.0 metres along Reid Street; and**
- d. **Southeast portion of the retained lands at the corner of Brock and Rubidge Streets – 5.0 metres along Brock Street and 12.0 metres along Rubidge Street;**

Upon registration of the approved Reference Plan, two copies of the registered reference plan will be provided to the Secretary-Treasurer;

- iv) **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;**
- v) **Conveyance by the owner to the City, free of encumbrances and at no cost to the City, of the four daylighting triangles in the dimensions listed in Item iii);**
- vi) **That the applicant provide the Secretary-Treasurer with a draft of the Transfer/Deed of Land; and**
- vii) **This Consent will lapse if the above conditions are not satisfied within 365 days of the circulation of the Committee's decision.**

Decision – A43/18

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 north side lot line to 1.2 metres; and**
- b) **Reduce the minimum width of landscaped open space along the north side lot line to 0 metres.**

CONDITIONAL UPON receipt of the registered transfer/deed of land associated with file number B11/18.

Decision – A44/18

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 south side lot line to 2.2 metres; and**
- b) **Reduce the minimum width of landscaped open space along the south side lot line to 0 metres.**

CONDITIONAL UPON receipt of the registered transfer/deed of land associated with file number B11/18.

2. **File No.: A38/18
Address: 1768 Glenforest Boulevard
Applicant: Lifestyle Sunrooms Inc.**

This matter relates to a minor variance application submitted by Lifestyle Sunrooms Inc., 944 Crawford Drive, Peterborough, Ontario K9J 3X2, as applicant on behalf of Marian Harrison, 1768 Glenforest Boulevard, Peterborough, Ontario K9J 8A7, the owner of the property that is the subject of the application.

The application proposes to reduce the minimum building setback from the rear lot line from 7.6 metres to 6.24 metres and to increase the allowable lot coverage from 40% to 43.62% to allow the construction of an attached, 8.72 square metre, 1 storey, unheated sunroom.

Christine Patterson of Lifestyle Sunrooms Inc. attended the meeting and addressed the Committee as follows:

- The owners are seeking the minor variances to the rear lot line setback and the lot coverage to permit the construction of a sunroom addition.

Ms. Christie Gilbertson, Planner, Policy and Research, advised that she has no further information to add to the Staff Report.

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 in the Staff Report, 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 6.24 metres; and**
- b) **Increase the allowable lot coverage to 43.62 %.**

PROVIDED THAT the variances are limited to the construction of a one-storey unheated sunroom.

3. **File No.:** A39/18
Address: 2029 MacFarlane Avenue
Applicant: Gary Huddlestone

This matter relates to a minor variance application submitted by Gary Huddlestone, 2029 MacFarlane Avenue, Peterborough, Ontario K9H 0E1, as applicant on behalf of himself and Deborah Huddlestone of the same address, the owners of the property that is the subject of the application.

The application proposes to increase the maximum height of an residential accessory building from 4.3 metres to 7 metres to allow the construction of a detached garage.

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

- He is requesting the variances to permit the construction of a detached garage.

Ms. Christie Gilbertson, Planner, Policy and Research, advised that the last paragraph of the Staff Report should read "Acknowledgement Agreement with the Building Division" in place of "Development Agreement with the City". The Acknowledgement will add an additional flag to the City's records indicating that the property is restricted to a single residential unit, as the property is located on private services with restrictive zoning.

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:

- Since the zoning restricts the use of the property to a single unit dwelling the restriction on the use will remain in place regardless of any change in ownership. The Acknowledgement Agreement serves as an additional flag to Building Division employees.

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, including the correction noted during the hearing, and the application.

Having reviewed the application and considered the information presented in the Staff Report, the Committee determined that the application should be approved as per the Staff Recommendation, including the correction to the proposed condition, 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 increase the maximum height of a residential accessory structure to 7 metres to allow the construction of a detached garage CONDITIONAL UPON the owner entering into an Acknowledgement Agreement with the City's Building Division to acknowledge that the property's use is restricted to a single unit dwelling.

4. **File No.:** A40/18
Address: 186 Chandler Crescent
Applicants: Eric Morris and Cheryl Morris

This matter relates to a minor variance application submitted by Eric and Cheryl Morris, 186 Chandler Crescent, Peterborough, Ontario K9J 6X4, the owners of the property that is the subject of the application.

The application proposes to reduce the minimum setback of a platform from the rear lot line from 4.6 metres to 1.2 metres.

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

- He is requesting a minor variance to permit the construction of a platform around a recently installed pool.

Ms. Christie Gilbertson, Planner, Policy and Research, advised that she has no further information to add to the Staff Report.

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

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

- The pool enclosure permit approves the location of the pool and surrounding enclosure. A Building Permit application for a deck or platform surrounding a pool can be submitted following the installation of the pool and is a separate process.

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 in the Staff Report, 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 setback from a rear lot line for a platform to 1.2 metres PROVIDED THAT any alterations to existing lot grading patterns or drainage will not adversely impact adjoining properties.

5. **File No.:** **A41/18**
 Address: **186 Romaine 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 1827403 Ontario Inc., 17-637 The Queensway, Peterborough, Ontario K9J 7J6, the owner of the property that is the subject of the application.

The application proposes to reduce the minimum setback from the rear lot line for a residential accessory building from 3 metres to 0.77 metres for the proposed garbage enclosure, reduce the minimum setback of a motor vehicle parking space or driveway from a window of a habitable room in an apartment dwelling from 6 metres to 5 metres, reduce the minimum landscaped open space strip from 1.5 metres to 1.1 metres between five parking spaces and an existing wall along the north limit of the property, increase the maximum lot coverage by open parking, driveways and vehicle movement areas from 25% to 33%, reduce the minimum setback from the east side lot line from 15 metres to 3 metres for a temporary 9.45 metre by 3.0 metre sales/construction trailer for a period of no more than 3 years, and reduce the total number of parking spaces by 4 due to the placement of a sales/construction trailer for a period of no more than 3 years.

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

- Submission of this application has been approved by City Council in accordance with regulations in the **Planning Act** stating that applications for minor variance cannot be submitted within two years of the passing of a Zoning By-law amendment without prior approval.

- The plans submitted with the application have not substantially changed throughout the planning approval process. A detailed review of the proposal during the site plan approval stage highlighted the requirement for the variances that were not captured during the zoning amendment.

Ms. Christie Gilbertson, Planner, Policy and Research, advised that she has no further information to add to the Staff Report.

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

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

- As the site plan for the development is not finalized, Staff have not specified a start date for the recommended three year period that the trailer would be permitted on the property.

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

- The owner would like to install the sales trailer as soon as the site plan approval process will permit. It would be fair to start the three year period permitting variances for the trailer and the reduction to the number of required parking spaces on the date the Site Plan Agreement is finalized.

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. Having reviewed the recommendation to limit the duration of the variances for the setback from the east side lot line and the reduction to the minimum number of parking spaces related to the temporary placement of a sales/construction trailer, the Committee determined that the three year period permitting the variances should begin on the day the Site Plan Agreement is executed. The Committee further determined 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 for a residential accessory building to 0.77 metres for a garbage enclosure;**
- b) Reduce the minimum setback of a motor vehicle parking space or driveway from a window of a habitable room in an apartment dwelling to 5 metres;**
- c) Reduce the minimum width of the landscaped open space strip between the five parking spaces at the rear of the property and the rear lot line to 1.1 metres;**
- d) Increase the maximum lot coverage by open parking, driveways and vehicle movement areas to 33%;**
- e) Reduce to the minimum setback from the east side lot line to 3 metres for a temporary 9.45 metre by 3.0 metre sales/construction trailer for a period of no more than 3 years; and**
- f) Reduce to the total number of parking spaces provided on the property by 4 spaces due to the placement of a temporarily sales/construction trailer for a period of no more than 3 years.**

CONDITIONAL UPON the inclusion of provisions in the Site Plan Agreement to address the removal of the trailer within 3 years of the date of the execution of the Site Plan Agreement.

6. **File No.:** A42/18
Address: 827 Broadway Boulevard
Applicant: Mason Homes Limited

This matter relates to a minor variance application submitted by Mason Homes Limited, 1-70 Innovator Drive, Stouffville, Ontario L4A 0Y2, as applicant on behalf of 2064086 Ontario Limited, of the same address, the owner of the property that is the subject of the application.

The application proposes to reduce the minimum setback of a driveway from an intersecting streetline from 6 metres to 5.85 metres, reduce the minimum setback of the verandah from the streetline from 1.5 metres to 1.3 metres, reduce the minimum setback of the main dwelling from the streetline from 3 metres to 2.84 metres, and increase the maximum lot coverage of a residential accessory building from 10% to 10.1% of the lot area. The variances would recognize the location of a dwelling built within a 'model court' of houses that were constructed prior to services being installed.

Mr. Pete Lawless, of LLF Lawyers LLP, attended the meeting on behalf of Mason Homes Limited and addressed the Committee as follows:

- The homes illustrated on the plan submitted to the Committee were constructed as model homes for a large subdivision off Chemong Road. The homes were always intended to be sold as single family dwellings once the developer no longer required the model homes.
- The homes were constructed in the permitted locations according to the Site Plan, however, the City required a daylighting triangle that was larger than originally anticipated, resulting in the requirement for the minor variances.

Ms. Christie Gilbertson, Planner, Policy and Research, advised that she has no further information to add to the Staff Report.

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 in the Staff Report, 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 setback of a driveway from an intersecting streetline to 5.85 metres;**
- Reduce the minimum setback from the streetline for the verandah to 1.3 metres;**
- Reduce the minimum building setback from the streetline to 2.84 metres for the main dwelling; and**
- Increase the maximum lot coverage of a residential accessory building to 10.1%.**

PROVIDED THAT the variances are restricted to Part 6 on Reference Plan 45R-16651.

7. **File No.:** B12/18
Address: 660 Romaine Street
Applicant: Kevin M. Duguay
- File No.:** A45/18
Address: 660 Romaine Street, East Lot
Applicant: Kevin M. Duguay
- File No.:** A46/18
Address: 660 Romaine Street, West Lot
Applicant: Kevin M. Duguay

This matter relates to a severance application and two minor variance applications submitted by Kevin M. Duguay, 560 Romaine Street, Peterborough, Ontario K9J 2E3, as applicant on behalf of Paul Orenstein, 166 Clinton Street, Unit D, Toronto, Ontario M6G 2Y3, the owner of the property that is the subject of the application.

Application Number B12/18 proposes to sever the easterly 9 metres of the subject property, resulting in the creation of a new building lot intended to support a two-storey detached dwelling.

Application Number A45/18 proposes to reduce the minimum lot frontage from 12 metres to 9 metres, reduce the minimum lot area from 370 square metres to 278.7 square metres, reduce the minimum building setback from a side lot line from 1.2 metres to 0.88 metres for a covered side porch entry into the proposed new dwelling, reduce the minimum building setback from the centreline of Romaine Street from 16 metres to 13 metres for the proposed covered front porch, and reduce the minimum building setback from the centreline of Romaine Street from 16 metres to 14.8 metres for the proposed dwelling.

Application Number A46/18 proposes to reduce the minimum lot frontage from 12 metres to 9 metres and reduce the minimum lot area from 370 square metres to 278.7 square metres.

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

- His client purchased the subject property in a state of disrepair. The existing dwelling on the west half of the property requires considerable renovation, which his client is completing, so that it can be again used as a single unit dwelling.
- A detached garage was located on the easterly half of the property and has been removed in anticipation of constructing a single unit dwelling on the severed portion of the property.
- His Planning Justification Report outlines the lot widths of properties in the neighbourhood. The report shows that the neighbourhood consists of properties with comparable street frontages supporting single family dwellings as well as some wider lots and properties supporting multi unit dwellings or non-residential uses.
- It appears that there was an earlier application to sever the property that was not completed and the property inadvertently merged back as a single lot.
- Although there are a number of variances required, both properties have appropriate parking and are consistent with the lot fabric and use in the neighbourhood.

Ms. Christie Gilbertson, Planner, Policy and Research, advised that she has no further information to add to the Staff Report.

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

Decision – B12/18

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 conform to the Official Plan policy and the minor variances granted by application numbers A45/18 and A46/18 bring the properties into compliance with the Zoning By-law, consent is granted to sever the easterly 9 metres of the subject property to create a new lot for a single unit dwelling to the east of the existing dwelling on the property, CONDITIONAL UPON THE FOLLOWING:

- i) **That application numbers A45/18 and A46/18 are approved by the Committee of Adjustment;**
- ii) **Payment of a Parks Levy for the newly created lot, in an amount to be determined by the Parks Levy Review Committee;**
- iii) **Payment of a Tree Levy in the amount of \$114 in relation to the newly created lot;**
- iv) **Submission of either a draft Reference Plan showing the proposed severed and retained parcels or a legal description acceptable to the Land Registrar to the Secretary-Treasurer. The applicant shall submit two copies of the registered Reference Plan to the City of Peterborough, if applicable;**
- v) **Submission of 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, if applicable. 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;**
- vi) **The applicant providing the Secretary-Treasurer with a draft of the Transfer/Deed of Land; and**
- vii) **This Consent will lapse if the above conditions are not satisfied within 365 days of the circulation of the Committee's decision.**

Decision – A45/18

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 in the Staff Report, 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 to the minimum lot frontage to 9 metres;**
- b) **Reduce the minimum lot area to 278.7 square metres;**
- c) **Reduce the minimum building setback from a side lot line to 0.88 metres for a covered side porch entry into the proposed new dwelling;**
- d) **Reduce the minimum building setback from the centreline of Romaine Street to 13 metres for the covered front porch; and**
- e) **Reduce the minimum building setback from the centreline of Romaine Street to 14.8 metres for the main dwelling.**

CONDITIONAL UPON receipt of the registered transfer/deed of land associated with file number B12/18.

Decision – A46/18

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 in the Staff Report, 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 frontage to 9 metres; and**
- b) **Reduce the minimum lot area to 278.7 square metres.**

CONDITIONAL UPON receipt of the registered transfer/deed of land associated with file number B12/18.

- 8. **File No.: B13/18**
Address: 235 Denne Crescent
Applicant: Keith Payne

- File No.: B14/18**
Address: 235 Denne Crescent
Applicant: Keith Payne

This matter relates to two severance applications submitted by Keith Payne, 1997 MacFarlane Avenue, Peterborough, Ontario K9H 0E1, as applicant on behalf of Christa Payne, of the same address, the owner of the property that is the subject of the application.

Application Number B13/18 proposes to sever an approximately 0.02 acre parcel to be added as a lot addition to 219 Denne Crescent and Application Number B14/18 proposes to sever an approximately 0.03 acre parcel to be added as a lot addition to 223 Denne Crescent.

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

- His wife, the owner of the property, has reached an understanding with the neighbouring property owners to add a parcel to the back of each of their rear yards.

Ms. Christie Gilbertson, Planner, Policy and Research, advised that she has no further information to add to the Staff Report.

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

Decision – B13/18

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

In that the proposed lot reconfiguration conforms to the Official Plan policy and the Zoning By-law, consent is granted to sever the westerly 15.24 metres of the subject property for a lot addition to the property municipally known as 219 Denne Crescent, 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 severed parcel. Upon registration of the approved Reference Plan, two copies of the registered reference 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/Deed of Land;
- iv) The owner's solicitor shall provide an Undertaking, describing the property to be severed be consolidated with 219 Denne Crescent. Such that the two parcels consolidated shall be considered as one lot and shall not be dealt separately, Section 50 (3) or 50 (5) shall apply to any subsequent conveyance or transaction involving the parcel of land that is subject to this Consent application; and
- v) 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 – B14/18

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

In that the proposed lot reconfiguration conforms to the Official Plan policy and the Zoning By-law, consent is granted to sever a 12.2 metre wide portion of the subject property adjacent to the rear of the property municipally known as 223 Denne Crescent for a lot addition to 223 Denne Crescent, CONDITIONAL UPON THE FOLLOWING:

- i) Submission of the registered Transfer relating to B13/18;
- ii) Prior to registering the Reference Plan at the applicant's cost, the applicant shall submit for approval a draft Reference Plan to the Secretary-Treasurer, showing the proposed severed parcel. Upon registration of the approved Reference Plan, two copies of the registered reference will be provided to the Secretary-Treasurer;
- iii) 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;
- iv) That the applicant provide the Secretary-Treasurer with a draft of the Transfer/Deed of Land;
- v) The owner's solicitor shall provide an Undertaking, describing the property to be severed be consolidated with 223 Denne Crescent. Such that the two parcels consolidated shall be considered as one lot and shall not be dealt separately, Section 50 (3) or 50 (5) shall apply to any subsequent conveyance or transaction involving the parcel of land that is subject to this Consent application; and

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

9. **File No.: A47/18**
Address: 152 Maria Street
Applicants: Christa and Keith Payne

This matter relates to a minor variance application submitted by Christa and Keith Payne, 1997 MacFarlane Avenue, Peterborough, Ontario K9H 0E1, the owners of the property that is the subject of the application.

The application proposes minor variances to facilitate the construction of a new, two-storey, 9-unit residential building and parking area, resulting in a total of 14 dwelling units between two building, as follows:

- a) A reduction to the minimum lot area per dwelling unit from 185 square metres per dwelling unit to 156 square metres per dwelling unit;
- b) An increase to the maximum coverage by parking area and driveways from 25% to 30%;
- c) A reduction to the minimum number of parking spaces per unit for the new 9-unit building from 1.75 per unit to 1.5 per unit;
- d) A reduction to the minimum landscaped open space requirement at the northern portion of the parking lot from 1.5 metres to 0.5 metres;
- e) A reduction to the minimum distance between a parking area and a window to a habitable room from 6 metres to 1.8 metres; and
- f) A reduction to the minimum setback from a rear lot line from 9 metres to:
 - i. 2 metres for the northwest 'rear lot line' for the northwest corner of the new building;
 - ii. 0.6 metres for the northwest 'rear lot line' for the balcony projection from the northwest corner of the new building;
 - iii. 5.5 metres for the middle rear lot line at the northern edge of the property for the northeast corner of the new building;
 - iv. 3.7 metres for the southwest 'rear lot line' for the building; and
 - v. 2.2 metres for the southwest 'rear lot line' for the balcony projection from the new building.

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

- The requested variances are required to develop the lot to its full potential. The majority of the variances are due to the irregular shape of the lot.

Ms. Christie Gilbertson, Planner, Policy and Research, advised that she has no further information to add to the Staff Report.

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 comments from Peterborough Distribution Inc. in respect to the electrical servicing are standard comments outlining their policy. The servicing requirements are not difficult to achieve.

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 in the Staff Report, 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 156 square metres per dwelling unit;**
- b) **Increase the maximum coverage by parking areas and driveways to 30%;**
- c) **Reduce the minimum number of parking spaces per unit for the new 9-unit building to 1.5 per unit;**
- d) **Reduce the minimum landscaped open space requirement at the northern portion of the parking lot to 0.5 metres;**
- e) **Reduce the minimum distance between a parking area and a window to a habitable room to 1.8 metres for an apartment dwelling; and**
- f) **Reduce the setback from a rear lot line as follows:**
 - i. **2 metres for the northwest 'rear lot line' for the corner of the new building;**
 - ii. **0.6 metres for the northwest 'rear lot line' for the balcony projection from the new building;**
 - iii. **5.5 metres for the middle rear lot line for a corner of the new building;**
 - iv. **3.7 metres for the southwest 'rear lot line' for the building; and**
 - v. **2.2 metres for the southwest 'rear lot line' for the balcony projection from the new building.**

10. **File No.: A48/18**
Address: 285 Dalhousie Street
Applicants: Maryna Solovyova and Andrew Friz

This matter relates to a minor variance application submitted by Maryna Solovyova and Andrew Friz, 9 Cranston Road, Etobicoke, Ontario M9B 3X7, as applicants on behalf of 2624944 Ontario Inc., of the same address, the owner of the property that is the subject of the application.

The application proposes to reduce the minimum setback from the Dalhousie Street streetline from 6 metres to 5.25 metres for fire escape stairs and to 4.9 metres for a dormer; reduce the minimum setback from the Stewart Street streetline from 6 metres to 2.45 metres for the dormer, 1.5 metres for an egress platform for the dormer, 0.8 metres for the fire escape stairs and platform, and 0 metres for a second storey deck and first storey porch; and reduce the minimum setback from west side lot line from 1.2 metres to 0 metres for the dormer, to permit the owners to complete repairs to bring the existing duplex into compliance with the Ontario Building Code and the Fire Code.

Ms. Solovyova and Mr. Friz attended the meeting and addressed the Committee as follows:

- The owner purchased the property six months ago and is in the process of bringing the building into compliance with the Building Code. The variances are required to move forward with this work.

Ms. Christie Gilbertson, Planner, Policy and Research, advised that she has no further information to add to the Staff Report.

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 in the Staff Report, 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 setback from the Dalhousie Street streetline to 5.25 metres for fire escape stairs and to 4.9 metres for a dormer;**
- b) **Reduce the minimum setback from the Stewart Street streetline to 2.45 metres for the dormer, 1.5 metres for an egress platform for the dormer, 0.8 metres for the fire escape stairs and platform, and 0 metres for a second storey deck and first storey porch; and**
- c) **Reduce the minimum setback from the west side lot line to 0 metres for the dormer.**

11. **File No.: B15/18
Address: 365 Armour Road
Applicant: TVM 365 Armour Road Inc.**

**File No.: B16/18
Address: 365 Armour Road
Applicant: TVM 365 Armour Road Inc.**

**File No.: B17/18
Address: 175 Hunter Street East
Applicant: TVM 175 Hunter Street East Inc.**

**File No.: B17/18
Address: 175 Hunter Street East
Applicant: TVM 175 Hunter Street East Inc.**

This matter relates to two consent applications submitted by TVM 365 Armour Road Inc. and two consent applications submitted by TVM 175 Hunter Street East Inc., both of 112-801 Eglinton Avenue West, Toronto, Ontario M5N 1E3, the owners of the properties that are the subject of the applications.

The applications propose multiple severances and easements to facilitate the reconfiguration of the parcel fabric as well facilitate vehicular and pedestrian movement.

Mr. Amit Sofer of TVM 365 Armour Road Inc. and TVM 175 Hunter Street East Inc. attended the meeting and addressed the Committee as follows:

- The TVM group of companies has owned the St. Joseph's hospital site for the last 10 years.
- City Council approved an application to rezone the properties for residential use and the properties were subsequently severed into six different properties for redevelopment.
- Phases one and two have been completed and phase three should be completed within a couple of weeks. With completion of the work to date, it has become apparent that adjustments to the previously granted severances would better facilitate the development.

Ms. Christie Gilbertson, Planner, Policy and Research, advised that she has no further information to add to the Staff Report.

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

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

- Due to the number of applications and the short timeline for submitting comments for Committee of Adjustment applications, Otonabee Region Conservation Authority's (ORCA's) written comments were not received until after the Staff Report was finalized. ORCA had no objection to any of the applications on the agenda for this hearing.

Decision – B15/18

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

In that the proposed lot reconfiguration conforms to the Official Plan policy and the Zoning By-law, consent is granted to sever a 21.91 metre by 12.08 metre portion of the subject property, as illustrated in Exhibit P of the Staff Report dated October 16, 2018, as a lot addition to the property municipally known as 345 Armour Road together with an easement for vehicular and pedestrian access over the severed lands in favour of the retained lands, 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 severed parcel. Upon registration of the approved Reference Plan, two copies of the registered reference 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) **The applicant providing the Secretary-Treasurer with a draft of the Transfer/Deed of Land;**
- iv) **The owner's solicitor providing an Undertaking, describing that the property to be severed be consolidated with 345 Armour Road. Such that the two parcels consolidated shall be considered as one lot and shall not be dealt separately, Section 50 (3) or 50 (5) shall apply to any subsequent conveyance or transaction involving the parcel of land that is subject to this Consent application; and**
- v) **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 – B16/18

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

In that the proposed lot reconfiguration conforms to the Official Plan policy and the Zoning By-law, consent is granted to sever a 11.15 metre by 22.55 metre portion of the subject property, as illustrated in Exhibit Q of the Staff Report dated October 16, 2018, as a lot addition to the property municipally known as 175 Hunter Street East, 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 severed parcel. Upon registration of the approved Reference Plan, two copies of the registered reference 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/Deed of Land;
- iv) Section 50 (3) or 50 (5) shall apply to any subsequent conveyance or transaction involving the parcel of land that is subject to this Consent application;
- v) 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 – B17/18

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

In that the proposed lot reconfiguration conforms to the Official Plan policy and the Zoning By-law, consent is granted to sever an approximately 344.9 square metre, L-shaped portion of the subject property, as illustrated in Exhibit R of the Staff Report dated October 16, 2018, as a lot addition to the property municipally known as 195 Hunter Street East, CONDITIONAL UPON THE FOLLOWING:

- i) Submission of the registered Transfer relating to B16/18
- ii) Prior to registering the Reference Plan at the applicant's cost, the applicant shall submit for approval a draft Reference Plan to the Secretary-Treasurer, showing the proposed severed parcel. Upon registration of the approved Reference Plan, two copies of the registered reference will be provided to the Secretary-Treasurer;
- iii) 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;
- iv) That the applicant provide the Secretary-Treasurer with a draft of the Transfer/Deed of Land;
- v) The owner's solicitor shall provide an Undertaking, describing the property to be severed be consolidated with 195 Hunter Street East. Such that the two parcels consolidated shall be considered as one lot and shall not be dealt separately, Section 50 (3) or 50 (5) shall apply to any subsequent conveyance or transaction involving the parcel of land that is subject to this Consent application; and
- vi) 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 – B18/18

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 will facilitate vehicle and pedestrian movement between the properties, consent is granted for an easement for vehicular and pedestrian access over a portion of the subject property, as illustrated in Exhibit S of the Staff Report dated October 16, 2018, in favour property known municipally as 195 Hunter Street East, CONDITIONAL UPON THE FOLLOWING:

- i) Submission of the registered Transfer associated with B17/18;**
- ii) Confirmations that the consolidations pertaining to the lot additions in File Numbers B15/18 and B17/18 have occurred;**
- iii) Upon completion of the severance and consolidation associated with File Number B17/18, submission of confirmation that the remnant portion of the new lands added to 175 Hunter Street from 365 Hunter Street East have been consolidated with 175 Hunter Street East;**
- iv) Prior to registering the Reference Plan at the applicant's cost, the applicant shall submit for approval a draft Reference Plan to the Secretary-Treasurer, showing the proposed severed parcel. Upon registration of the approved Reference Plan, two copies of the registered reference will be provided to the Secretary-Treasurer;**
- v) 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.**
- vi) That the applicant provide the Secretary-Treasurer with a draft of the Transfer/Deed of Land.**
- vii) That if the above conditions are not satisfied within 365 days of the circulation of the Committee's decision that this consent will lapse.**

Minutes

Moved by Brenda Campbell

That the minutes of the Committee of Adjustment hearing held on August 21, 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, November 20, 2018.

Adjournment

The meeting was adjourned at 6:35 p.m.

(Sgd.) Len Lifchus, Chair

(Sgd.) Jennifer Sawatzky, Secretary-Treasurer