



City of
Peterborough

Committee of Adjustment Minutes

November 20, 2018

Minutes of a Meeting of Committee of Adjustment held on Tuesday, November 20, 2018 at 6:00 p.m. in the Council Chambers, City Hall.

Present: Mr. Len Lifchus, Chair
Ms. Brenda Campbell
Mr. Mauro DiCarlo, Chair
Mr. Claude Dufresne
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 6:00 p.m.

Disclosure of Pecuniary Interest

There were no disclosures of Pecuniary Interest.

- File No.:** B19/18
Address: 855 Clonsilla Avenue
Applicant: Kevin M. Duguay

This matter relates to a severance application submitted by Kevin M. Duguay, 560 Romaine Street, Peterborough, Ontario K9J 2E3, as applicant on behalf of 564506 Ontario Limited, 855 Clonsilla Avenue, Peterborough, Ontario K9J 5Y2, the owner of the property that is the subject of the application.

The purpose of the application is to request consent for an easement for the purposes of stormwater management in favour of 882 Whitefield Drive.

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

- The requirement for the consent application arose as a condition of Site Plan Approval.
- The project architect has indicated that the Building Permit will be issued once the easement is in place.
- The conservation authority has reviewed the proposal and is in support of the application.
- He has reviewed the Staff Report and supports the recommendation to the Committee.

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.

Mr. Gary Rabjohn, 900 Whitefield Drive, Peterborough, ON K9J 7V9 addressed the Committee in respect to the application and requested information about the stormwater management plan for the proposed development.

Mr. Duguay advised that a Stormwater Management Report was prepared in support of the application that considers the impact on adjacent properties as well as the subject property. The Report was reviewed by the City and Otonabee Conservation who are satisfied that there will be no impact on adjacent properties.

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

- Condition a) in the Staff Report contains a typo. The reference to “severed parcel” should read “easement”.

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

- Although he does not have the Stormwater Management Report with him, he believes that the intent is for the drainage to be piped. The runoff from 882 Whitefield Drive will be added to an already existing system on 855 Clonsilla Avenue.

Decision

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

In that the easement will facilitate the development of 882 Whitefield Drive and is in keeping with the policies of the Official Plan and the Zoning By-law, consent is granted for an easement for stormwater management as shown on Parts 1, 2 and 3 on the Draft Reference Plan prepared by Elliott and Parr, dated September 13, 2018, 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 easement. Upon registration of the approved Reference Plan, two copies of the registered Reference Plan 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 Easement.**
 - 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.**
2. **File No.: A49/18**
Address: 717 Bethune Street
Applicant: Gregory Fisher

This matter relates to a minor variance application submitted by Gregory Fisher, 717 Bethune Street, Peterborough, Ontario K9H 4A5, as applicant on behalf of himself and Cindy Fisher, of the same address, the owners of the property that is the subject of the application.

The application proposes to reduce the minimum building setback from the north side lot line from 1.2 metres to 0.6 metres for a proposed deck at the rear of the existing dwelling.

The applicant was not in attendance.

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

Ms. Christie Gilbertson advised that it is her understanding that the applicant could not comply with the regulations of the Zoning By-law that would permit a deck up to 25 feet in length as they wanted the deck to align with the edge of the dwelling, which is set back 0.6 metres from the north side lot line.

Moved by Mauro DiCarlo:

That Application Number A49/18 be moved to the end of the agenda, and if the applicant is not in attendance, that the matter be adjourned to the next hearing of the Committee to allow the Committee an opportunity to ask questions of the applicant.

“CARRIED”

3. **File No.: A50/18**
 Address: 884 Armour Road
 Applicant: The Moher Development Corporation

This matter relates to a minor variance application submitted by The Moher Development Corporation, 2-880 Armour Road, Peterborough, Ontario K9H 2A6, the owner of the property that is the subject of the application.

The application proposes to reduce the minimum number of required parking spaces from 55 to 48 to facilitate a 260 square metre expansion to the existing plaza and two additional dwelling units above the expanded plaza.

Mr. Brendan Moher of The Moher Development Corporation attended the meeting and addressed the Committee as follows:

- He is requesting a reduction to the minimum required number of parking spaces from 55 to 48 to permit an addition to the northeast corner of the Auburn Mills Plaza.
- His office is located in the plaza, which allows him to observe the parking demand of the mixed use property.
- During the day, the parking spaces are utilized by the commercial offices and the convenience store. The vehicles associated with the commercial uses, with the exception of the convenience store, leave between 5:00 p.m. and 6:00 p.m. at which time the residential tenants are returning from work.
- He does not anticipate a negative impact on the neighbourhood caused by an excess demand for parking and feels that the neighbourhood would benefit from additional commercial activity.

Ms. Christie Gilbertson, Planner, Policy and Research, advised that she had nothing further to add to the information in 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 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 number of required parking spaces to 48 to facilitate a 260 square metre addition to the plaza that includes a second storey with two additional dwelling units.

4. **File No.:** **A51/18**
 Address: **491 Hunter Street West**
 Applicant: **Scott Bailey, Principal, Branch Architecture**

This matter relates to a minor variance application submitted by Scott Bailey, Principal, Branch Architecture, 2335 County Road 10, RR 3, Picton, Ontario K0K 2T0, as applicant on behalf of Charlie and Hayley Martin, 491 Hunter Street West, Peterborough, Ontario K9H 2M9, the owners of the property that is the subject of the application.

The application proposes to reduce the minimum building setback from a rear lot line from 7.6 metres to 3.1 metres for a covered platform and to 6.2 metres for a one storey addition at the rear of the existing dwelling, reduce the minimum building setback from a side lot line from 1.2 metres to 0.63 metres for the new addition and covered platform, reduce the minimum distance of an accessory structure to the rear of a dwelling from 1.2 metres to 0 metres for the covered platform structure between the garage and the rear vestibule, and increase the maximum lot coverage for a two-storey property from 40% to 45% due to the increased building area resulting from the one-storey addition and covered platforms.

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

- The owner of the property is seeking relief from the regulations of the Zoning By-law in four areas.
- The current setback of the house from the east side lot line is .54 metres at the north end of the house. The request for the reduction to the minimum building setback from the side lot line is required to build a rear addition that would maintain the setback of the existing house. The side lot line falls away slightly from the plane of the existing house along the side lot line, resulting in the requirement for a reduction to 0.63 metres.
- The proposed addition will also require a reduction to the setback from the rear lot line from 7.6 metres to 6.2 metres. This reduction is required to square up the rear wall of the addition with the rear wall of the existing garage, enhancing the design of the courtyard between the buildings.
- The third request for a variance will permit the covered platform to encroach into the rear yard setback by 1.83 metres to allow a 10 foot deck on the rear portion of the building. The platform would not be large enough to be functional if built within the current regulations.
- The proposed increased lot coverage results from the covered platforms in addition to the interior of the addition. The covered platforms will not be enclosed and the variance is requested to provide the family with more usable space.

Ms. Christie Gilbertson, Planner, Policy and Research, noted that one variance was missed in the applicant's summary, which relates to a reduction to the separation distance between the garage and the covered platform attached to the rear of the dwelling. The introduction of the roof results in the requirement for the reduction to the minimum distance of an accessory structure to the rear of a dwelling to 0 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:

- After the application was submitted, Planning Staff were advised that the Peterborough Architectural Conservation and Advisory Committee (PACAC) have passed a motion to recommend that the adjacent property at 487 Hunter Street West be designated under the **Ontario Heritage Act**.

- Because of the break in the City Council meeting schedule resulting from the election, City Council will not have an opportunity to review the recommendation until early 2019. Although the adjacent property is not currently designated under the Act, PACAC thought it was appropriate, considering the test for desirability of the development, to add a condition to allow the Heritage Preservation Office to review the proposed materials for the addition prior to the issuance of a Building Permit.

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

- Neither of the covered platforms will be enclosed.
- He has no objection to either of the conditions recommended in the Staff Report.

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 as follows:

- a) A reduction to the minimum building setback from a rear lot line to 3.1 metres for a covered platform;**
- b) A reduction to the minimum building setback from a rear lot line to 6.2 metres for the addition;**
- c) A reduction to the minimum building setback from a side lot line to 0.63 metres for the new addition and covered platform;**
- d) A reduction to the minimum distance of an accessory structure to the rear of a dwelling to 0 metres for the covered platform structure between the garage and the rear vestibule; and**
- e) An increase to the maximum lot coverage for a two-storey property to 45% due to the increased building area resulting from the one-storey addition and covered platforms.**

Conditional upon the Following:

- i) Prior to the issuance of a building permit, the exterior finishes be reviewed by the Heritage Preservation Office; and**
- ii) Prior to the issuance of a building permit, a lot grading and drainage plan be submitted, including details pertaining to downspouts and roof drainage.**

5. File No.: A52/18
Address: 1154 Armour Road
Applicants: David and Dianne Ivey

This matter relates to a minor variance application submitted by David and Dianne Ivey, 1154 Armour Road, Peterborough, Ontario K9H 0E2, the owners of the property that is the subject of the application.

The application proposes to reduce the minimum setback of a building from the centre line of Armour Road from 24.4 metres to 16.25 metres and increase the height of an accessory structure from 4.3 metres to 7 metres to permit the construction of a detached garage in place of the existing detached garage.

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

- The requested variances from the Zoning By-law regulations are required to permit a proposed reconstruction of the existing detached garage.
- The new garage would be located at the same setback from the streetline as the existing garage, but would be larger and extend further back into the property.
- The existing garage is in poor repair and requires improvements.

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.

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

- Because of the grade of the property, the structure will be one-storey at the front and at the rear will be a walk-out.
- The applicant is using the grade differential to achieve two storeys with the appearance of a single storey structure from the street.

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

- He will be installing the lift to work underneath vehicles for personal use only and will not be using the garage for commercial activity.
- There will be a garage door at the rear of the garage for access and storage of large equipment. The whole building will be two storeys.

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 as follows:

- a) An increase to the maximum height of an accessory structure to 7 metres for the detached garage; and**
- b) A reduction to the minimum required building setback from the centreline of Armour Road to 16.25 metres to permit the reconstruction of the detached garage at an equal setback to the existing detached garage.**

6. File No.: A53/18
Address: 800 George Street North
Applicants: Joshua and Brent Humber

This matter relates to a minor variance application submitted by Joshua and Brent Humber, 298 Hywood Road, Peterborough, Ontario K9K 2L3, the owners of the property that is the subject of the application.

The application is to request permission to expand a legal non conforming four-plex. The existing one-storey addition and detached garage would be replaced by a two-storey addition, measuring approximately 176 square metres in size.

Mr. Joshua Humber and Mr. Brent Humber attended the meeting and addressed the Committee as follows:

- As residents of Peterborough and former Trent University students, they understand the importance of high quality, safe student housing. They believe that the proposed development will create housing that will improve the student experience of their tenants.
- The proposed addition will enhance the exterior appearance of the property and the upgrades will bring the units into compliance with current Building and Fire Code regulations.

Ms. Christie Gilbertson, Planner, Policy and Research, advised that the rear addition, the two storey attached garage and the covered porch at the side of the structure would be removed to make room for the proposed addition.

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 Building Division has reviewed the records relating to this property and has confirmed that the recognized use is a legal non-conforming four-plex. They relied on historical records including Vernon's Directory and tax assessment information that make reference to the use of the property. The records date as far back as the '30s, '40s and '50s, prior to the passage of the 1954 By-law assigning the R.1, R.2 zoning district.
- The interior space of the dwelling units would not be addressed through a Site Plan Agreement, as Site Plan review relates only to exterior features.
- The Committee could add a condition to ensure that no bedrooms or habitable space are permitted to be located in the basement of the existing structure. There would be a basement unit in the new addition that would have to meet the window opening requirements of the Ontario Fire Code.
- She does not know if a demolition permit is required to remove the existing living areas in the basement, but approval of the application could be conditional upon removal of the bedrooms located in the basement of the main dwelling to the satisfaction of the Building Division.
- Prior to construction, the Building Division would review plans for the whole property, including a zoning compliance review to ensure the proposal is consistent with the recognized use of four dwelling units. The building permit would include oversight of the alterations to the interior space of the main dwelling to reduce the number of units located there. The Building Division is responsible for ensuring that the proposed development meets the approved zoning for the property.
- There is no limit in the Zoning By-law to the number of bedrooms in a single housekeeping unit. If the applicants can demonstrate that an additional bedroom meets the minimum requirements in the Building Code, they could add a sixth bedroom to the unit in the main building. The Committee would have to determine if a condition to restrict the number of bedrooms in a unit was reasonable and related to the application.

In response to questions from the Committee, Mr. Joshua Humber advised as follows:

- The existing building contains four dwelling units. The existing century home is going to be merged into one five-bedroom unit and the back addition would house three units with three bedrooms each, for a total of 14 bedrooms within four units.
- The units will be marketed to university students. The units will be rented to groups of students who are known to each other.

- Currently, there are three units in the main building and one unit in the addition. There are two bedrooms in the basement unit, two bedrooms in the main floor unit, three bedrooms in the second floor unit and two in the unit located in the rear addition.
- They purchased the property in 2014 and took over the existing leases with the groups of students living in the units.
- Once the renovations are complete, there will be no living areas in the basement of the main dwelling. The ductwork is low hanging, the windows are small, and because there is a stone foundation, there is the potential for small basement leaks. Granting the application will allow them to remove the basement unit and create more suitable living space in the addition.
- There are no structural problems with the foundation or in the basement, but issues like small leaks will have to be addressed in the future.
- He does not object to the removal of the bedrooms located in the basement of the main dwelling.

In response to questions from the Committee, Mr. Brent Humber advised as follows:

- There is no living space associated with the existing dwelling units located in the attic of the main building.
- The intention is to convert the main building into one dwelling unit with five bedrooms on two floors.
- The total number of bedrooms is not being doubled, but is increasing from nine to fourteen.
- Snow accumulation will be removed from the property by a contractor during the winter months.
- Many tenants choose this location because of the close proximity of public transit stops and do not own cars.
- They are local owners who visit the properties they own once a week. They feel that they have accounted for any concerns the Committee may have related to the expansion of the building footprint. They feel that the development would result in high quality student housing that would significantly enhance the visual appeal of the property.
- There are no bedrooms located in the existing garage that will be removed prior to the construction of the proposed addition.

Having reviewed the application and considered the information presented both in the Staff Report and presentation, the Committee expressed concern with the proposal related to the ratio of parking spaces to bedrooms, the scale of the enlargement of the building related to the original structure, the potential for the expansion to impact adjacent properties due to size of the addition and its proximity to the rear lot line, the lack of designated space on the property to contain snow storage, and the potential for current or future property owners to increase the total number of bedrooms by establishing bedrooms in the basement or attic levels of the main property.

The Committee advised that they require additional information relating to both the proposed interior layout of the main building and the Committee's jurisdiction to impose conditions on applications for Permission to expand a legal non-conforming structure.

Moved by Mauro DiCarlo:

That the Committee defer the application to the next hearing of the Committee of Adjustment to require that the applicant submit plans showing the interior layout of both the existing and proposed dwelling units for each floor of the main building and rear addition, to allow members to research the Committee's jurisdiction relating to conditions imposed on Permission to expand legal non-conforming structures and to have representatives from the City's Building Division and City Solicitor's Office present to answer questions from the Committee.

"CARRIED"

7. **File No.:** A54/18
Address: 1850 Technology Drive
Applicant: McIntosh Perry Consulting Engineers

Moved by Len Lifchus:

That Consent Application Numbers B20/18 and B21/18 be heard prior to consideration of Minor Variance Application Numbers A54/18 and A55/18.

“CARRIED”

8. **File No.:** B20/18
Address: 1900 Technology Drive
Applicant: Dwight Corcoran

This matter relates to a severance application submitted by Dwight Corcoran, 1232 Melody Crescent, Peterborough, Ontario K9K 2P9, as applicant on behalf of Drain Bros. Excavating Limited, 2130 8th Line Road North, Douro-Dummer, Ontario K0L 2H0, the owner of the property that is the subject of the application.

The application proposes to sever a 2.8 hectare lot with a frontage of approximately 114 metres along Technology Drive, to create a new industrial lot to facilitate the development proposed in application A55/18 and to establish an easement for the purposes of providing safe access during a flood event to the retained lands over the severed lands. The route of travel will originate from 1850 Technology Drive.

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

- He is the General Manager for Drain Bros. Excavating Limited.
- The application proposes a severance of a 7 acre parcel of land from the balance of the property to create a new lot for development. He is also requesting an easement for safe access over the severed parcel in favour of the retained.
- The applicants for the Minor Variance application at the same address will present more details relating to the proposed development on the severed portion of the property.

Ms. Christie Gilbertson, Planner, Policy and Research, provided a summary of the comments from Otonabee Region Conservation Authority that were received following the publication of the Staff Report.

Ms. Gilbertson advised that she is recommending an addition to the proposed conditions of approval for this application for the applicant to obtain confirmation from Otonabee Region Conservation Authority regarding the ability to obtain safe access along the easement route.

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 retain parcels conform to the Official Plan policy and the Zoning By-law, consent is granted to sever the westerly 7 acres of the subject property to create a new lot for an industrial development together with an easement for providing safe access during a flood event over the severed parcel in favour of the retained parcel, as generally depicted as Part 7 on Exhibit M of the Staff Report, and subject to alterations to the location and dimensions resulting from the Site Plan Review process and the requirements of the Otonabee Region Conservation Authority, CONDITIONAL UPON THE FOLLOWING:

- i) **Submission of the registered transfer of easement associated with B21/18;**
 - ii) **Submission of the transfer of release and abandonment for the existing easement over 1850 Technology Drive;**
 - 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 easement. 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) **The applicant shall demonstrate that the location of the easement will provide safe access to the satisfaction of the Otonabee Region Conservation Authority.**
 - vi) **That the applicant provide the Secretary-Treasurer with a draft of the Transfer/Deed of Land; and**
 - 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.**
9. **File No.: B21/18**
Address: 1850 Technology Drive
Applicant: Dwight Corcoran

This matter relates to a severance application submitted by Dwight Corcoran, 1232 Melody Crescent, Peterborough, Ontario K9K 2P9, as applicant on behalf of Darrell Osgoode Drain, 2130 8th Line Road North, Douro-Dummer, Ontario K0L 2H0, the owner of the property that is the subject of the application.

The application proposes to establish an easement for the purposes of providing safe access during a flood event to 1900 Technology Drive (both the severed and retained lots resulting from B20/18). A blanket easement currently exists over the entirety of 1850 Technology Drive to access 1900 Technology Drive.

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

- This application for consent relates to the requirement for a refinement to the existing easement over the entirety of 1850 Technology Drive in favour of 1900 Technology Drive. The blanket easement will be removed and replaced with an easement over the actual location of the access route.

Ms. Christie Gilbertson, Planner, Policy and Research, advised that there may be a need to refine the location of the easement depicted in the application following final review of the site plan for the proposed development considered in Application Number A54/18 and input from Otonabee Region Conservation Authority regarding the ability of the proposed route to provide safe access during a flood event.

Ms. Gilbertson further advised that she is recommending amendments to the proposed conditions of approval for this application. First, that the applicant obtain confirmation from Otonabee Region Conservation Authority regarding the ability to obtain safe access along the easement route. She also noted that there is a typo in the conditions listed in the Staff Report and that item a) should refer to the "proposed easement" in place of "proposed severed parcel".

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 proposed easement will facilitate safe access during a flood event to both the severed and retained parcels on 1900 Technology Drive, consent is granted for an easement to provide safe access during a flood event in favour of both the severed and retained parcels at 1900 Technology Drive, as generally depicted as Part 8 on Exhibit M of the Staff Report, and subject to alterations to the location and dimensions resulting from the Site Plan Review process and the requirements of the Otonabee Region Conservation Authority, 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 easement. Upon registration of the approved Reference Plan, two copies of the registered Reference Plan 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 shall demonstrate that the location of the easement will provide safe access to the satisfaction of the Otonabee Region Conservation Authority.**
- iv) **That the applicant provide a draft Transfer of Release and Abandonment for the existing easement and a draft Transfer of Easement for the new easement created for approval by Legal Services, prior to registration; 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.**

10. **File No.: A54/18
Address: 1850 Technology Drive
Applicant: McIntosh Perry Consulting Engineers**

This matter relates to a minor variance application submitted by McIntosh Perry Consulting Engineers, 115 Walgreen Road, Carp, Ontario K0A 1L0, as applicant on behalf of Darrell Osgoode Drain, 2130 8th Line Road North, Douro-Dummer, Ontario K0L 2H0, the owner of the property that is the subject of the application.

The application proposes to reduce the number of required parking spaces from 80 to 32 and eliminate the required 1.5 metre landscaped open space strip along the east lot line to allow the construction of a facility for the sale and servicing of heavy farm equipment and parts.

Mr. Benjamin Clare and Mr. Evan Garfinkel of McIntosh Perry Consulting Engineers attended the meeting and addressed the Committee as follows:

- They are presenting the application on behalf of Nortrax who have an agreement of purchase and sale with Darrell Osgoode Drain for the subject property.
- Nortrax is proposing a 2000 square metre facility for the sale and service of John Deere heavy farm equipment and parts.

- The property is zoned with the industrial district M2.3, Prestige and Service Industrial, which permits heavy truck and equipment sales and service.
- They are seeking two variances to permit the proposed development. The first relates to a reduction to the minimum parking requirements. The parking requirements in the Zoning By-law consider parking demand generated by a motor vehicle repair facility as opposed to heavy farm equipment. Although the reduction to the number of spaces seems large, when the Committee considers the impact and desirability in the context that the intent of the Zoning By-law does not directly apply to this use, the request is appropriate in that there is no substantial impact on the site.
- Although the property is large enough to accommodate additional parking spaces at the rear, based on an analysis of other John Deere facilities they are confident that what is being proposed is adequate.
- With respect to the request to reduce the landscaped open space along the east side lot line, they feel that although the landscaped strip could be established, with the ongoing use of the site the condition of the landscaping would deteriorate and not be compliant with the Zoning By-law over time.

Ms. Christie Gilbertson, Planner, Policy and Research, advised that she had nothing further to add to the information in 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 parking requirements in the Zoning By-law are calculated based on the uses within the building. There is no calculation based on the specific use of servicing heavy vehicles and farm equipment, and the larger service areas required to accommodate the vehicles and equipment resulted in a large number of required parking spaces. The parking rationale was sent to the Manager of Transportation, who concurred with the reasoning provided. Due to the size of the property, they could technically achieve the required number of parking spaces in the rear gravel area, but they would not be up to the standard of the spaces in the front of the building.

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

- Due to the nature of the use of the property including the manoeuvring of large vehicles and equipment and snow ploughing, any landscaping introduced along the lot line in the rear of the property would deteriorate over time and it is not seen as a desirable space of grass. The intent of the Zoning By-law is maintained as there is landscaping in other areas.

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 as follows:

- a) A reduction to the number of required motor vehicle parking spaces to 32; and**
- b) A reduction to the required 1.5 metre landscaped open space strip along the east side lot line to 0 metres.**

11. **File No.:** A55/18
Address: 1900 Technology Drive
Applicant: McIntosh Perry Consulting Engineers

This matter relates to a minor variance application submitted by McIntosh Perry Consulting Engineers, 115 Walgreen Road, Carp, Ontario K0A 1L0, as applicant on behalf of Drain Bros. Excavating Limited, 2130 8th Line Road North, Douro-Dummer, Ontario K0L 2H0, the owner of the property that is the subject of the application.

The application proposes to reduce the number of required parking spaces from 121 to 47 and eliminate the required 1.5 metre landscaped open space strip along the east and west side lot lines to allow the construction of a facility for the sale and servicing of trucks and the sale and storage of truck parts (Kenworth).

Mr. Benjamin Clare and Mr. Evan Garfinkel of McIntosh Perry Consulting Engineers attended the meeting and addressed the Committee as follows:

- They are presenting the application on behalf of Kenworth who have an agreement of purchase and sale with Drain Bros. Excavating Limited for the severed portion of the subject property.
- Similar to the previous application, they are seeking two variances to permit the proposed development.
- With respect to the request to reduce the number of required parking areas, of the 121 required parking spaces, 97 of those are associated with the repair area, which would not generate that level of demand for parking spaces.
- They are further requesting to eliminate the requirement for landscaped open space along both the east and west side lot lines in the yard area at the rear of the building.

Ms. Christie Gilbertson, Planner, Policy and Research, advised that the applicant has requested that the second condition recommended in the Staff Report requiring the submission of the registered transfer of easement be removed. There is an existing easement over the entirety of 1850 Technology Drive in favour of 1900 Technology Drive that will ensure that vehicles located on 1900 Technology Drive will have safe access over 1850 Technology Drive in the event of a flood. The refined easement will be delineated through the Site Plan Approval process prior to the City issuing the Consent Certificate.

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 as follows:

- a) A reduction of the number of required motor vehicle parking spaces to 47; and**
- b) A reduction to the required 1.5 metre landscaped open space strip along the east and west side lot lines to 0 metres.**

CONDITIONAL UPON receipt of the registered transfer/deed of land associated with the creation of the severed lot in application B20/18.

12. **File No.:** A49/18
Address: 717 Bethune Street
Applicant: Gregory Fisher

This item was moved to the end of the agenda to give the applicant time to appear at the hearing before the Committee voted on the matter. The applicant was not present to represent the request for a minor variance.

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 applicant received notice of the hearing by mail two weeks prior to the hearing date and a reminder by email the Friday before the hearing.

Moved by Frank Steffler:

That the application be deferred to the following hearing date to allow the applicant an opportunity to answer the Committee's questions and to represent the application.

"CARRIED"

Minutes

Moved by Brenda Campbell:

That the minutes of the Committee of Adjustment hearing held on October 16, 2018 be approved.

"CARRIED"

Other Business

The Secretary-Treasurer provided the Committee members with the Hearing Schedule for 2019.

Next Meeting

The next meeting of the Committee of Adjustment is scheduled for Tuesday, January 22, 2019.

Adjournment

The meeting was adjourned at 7:41 p.m.

(Sgd.) Len Lifchus, Chair

(Sgd.) Jennifer Sawatzky, Secretary-Treasurer