



City of  
**Peterborough**

## **Committee of Adjustment Minutes**

**January 22, 2019**

Minutes of a Meeting of Committee of Adjustment held on Tuesday, January 22, 2019 at 6:00 p.m. in the Council Chambers, City Hall.

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

**Also Present:** Ms. Christie Gilbertson, Planner, Policy and Research  
Ms. Andrea Stillman, Permit Technician, Plans Examiner  
Ms. Jennifer Sawatzky, Secretary-Treasurer

Committee of Adjustment was called to order at 6:00 p.m.

### **Disclosure of Pecuniary Interest**

There were no disclosures of Pecuniary Interest.

- File No.:** A36/17  
**Address:** 1176 Armour Road  
**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 2160288 Ontario Inc., 637 The Queensway, Suite 17, Peterborough, Ontario K9J 7J6, the owner of the property that is the subject of the application.

This application was adjourned from the November 7, 2017, February 21, 2018, and April 17, 2018 hearings. As Mr. Steffler was not present for the discussion at the February 21, 2018 hearing he did not participate in the discussion or vote on this item.

The purpose of this application is to increase the total maximum commercial floor area from 745 square metres to 1,117 square metres; increase the total maximum floor area per commercial purpose from 235 square metres to 315 square metres for Building B; and reduce the width of landscaped open space from 3 metres to 1.5 metres on a lot line abutting a residential district (adjacent to the driveway entrance from Armour Road only) to allow the construction of two buildings with commercial and residential units.

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

- Following the deferral of the application at the April 2018 hearing, the owner retained the services of a geomorphologist to address the functionality of the systems of Thompson Creek, and how the creek may or may not change relative to the proposed development.
- A report was produced based on the concept plan that has been distributed to Committee members and has been accepted by Otonabee Conservation.
- He has reviewed the Staff Report and is in agreement with the recommendation in support of the application's approval.

Ms. Christie Gilbertson, Planner, Policy and Research, advised that she had nothing further to add to the information presented 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 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 total maximum commercial floor area to 1,117 square metres;**
- b) **An increase to the total maximum floor area per commercial purpose to 315 square metres for Building B only; and**
- c) **A reduction to the width of landscaped open space on a lot line abutting a residential district to 1.5 metres for the north lot line adjacent to the driveway entrance from Armour Road.**

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 application was adjourned from the November 20, 2018 hearing.

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

- He has applied for a minor variance to allow the construction of a deck at the rear of the house. The deck would align with the 2.1 foot setback of the existing house and is proposed to be 6 feet tall.

Ms. Christie Gilbertson, Planner, Policy and Research, advised that she had nothing further to add to the information presented 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, the applicant advised as follows:

- Although he could build a 25 foot long deck in compliance with the by-law, he would like the deck to run the full length at the rear of the house for visual continuity.

## 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 building setback from the north side lot line to 0.6 metres for an attached deck.**

3.     **File No.:     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 was adjourned from the November 20, 2018 hearing.

The application is to request permission to expand the footprint of a legal non conforming four-plex.

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

- They have made two significant changes to the plans that were originally considered to address the concerns expressed by the Committee at the previous hearing. They have reduced the size of the proposed addition, bringing the total lot coverage under 40%, and located the proposed addition farther back from the rear lot line than was originally planned.
- They have provided the Committee with floor plans to clarify the layout of each of the proposed units.

Ms. Christie Gilbertson, Planner, Policy and Research, advised that she had nothing further to add to the information presented 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 and determined that the proposal is desirable for an appropriate development of the subject property and that the application should be approved as per the Staff Recommendation.

**Therefore, permission is granted to enlarge the building footprint for the legal non-conforming four-unit dwelling PROVIDED THAT the building coverage is no greater than 40% and the building setback from the rear lot line is no less than 3 metres and CONDITIONAL UPON Site Plan Approval to address lot grading, drainage and stormwater management.**

4. **File No.:** A01/19  
**Address:** 321 Dalhousie Street  
**Applicant:** David Black

This matter relates to a minor variance application submitted by David Black, 40 Holmcrest Trail, Toronto, Ontario M1C 1V5, as applicant on behalf of Jessica and Brett O'Connell, 321 Dalhousie Street, Peterborough, Ontario K9J 2M9, the owners of the property that is the subject of the application.

The application proposes to reduce the minimum building setback from the east side lot line from 1.2 metres to 0.8 metres and reduce the minimum building setback from the rear lot line from 7.6 metres to 3 metres to permit the construction of a new exterior staircase and platforms for access to the legal accessory apartment.

Jessica and Brett O'Connell attended the meeting and addressed the Committee as follows:

- When they purchased the property in October 2018, there were outstanding complaint files that the previous owner failed to comply with during his ownership. They have been working on addressing these issues.
- They require the variances to build a staircase to serve as the primary entrance and exit to the third floor apartment.
- The house is located on a small lot within the setback from the lot lines, and the staircase cannot be constructed without the variances.

Ms. Christie Gilbertson, Planner, Policy and Research, advised that she had nothing further to add to the information presented 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, Ms. Gilbertson advised as follows:

- Because the existing exterior staircase is unsafe, the tenant is required to travel through the main unit to access the accessory apartment. The new staircase is required to establish direct access to the apartment unit.

In response to questions from the Committee, Ms. Stillman advised as follows:

- Due to the size of the property, the owners require the variances to construct a staircase in compliance with the Building Code.

### **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 the following variances are granted to permit the construction of stairs and platforms associated with access to the attic accessory apartment:**

- a) **A reduction to the minimum building setback from the east side lot line to 0.8 metres; and**
- b) **A reduction to the minimum building setback from the rear lot line to 3 metres.**

5. **File No.:** A02/19  
**Address:** 130 Rothwell Gardens  
**Applicant:** Angela Beal

This matter relates to a minor variance application submitted by Angela Beal, 130 Rothwell Gardens, Peterborough, Ontario K9H 0G7, as applicant on behalf of herself and Dan Beal, 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 west side lot line from 1.2 metres to 0.3 metres for an attached accessory structure.

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

- He believed that the shed could be located in its current location as homes in the subdivision are established two feet from the property line. The three by six foot shed is constructed on the side of the attached garage with the greater setback from the lot line.
- Although staff have concerns with drainage, drainage was considered when the shed was constructed as the builder used a trench and river rock to ensure water flows away from the houses.
- He does not feel that liability is an issue as the houses in the area have only four feet between them, and you cannot walk between the houses without being on your neighbour's property. He has observed air conditioning units located between the houses where the restrictive covenant should apply.
- The neighbours fully endorse approval of the application. He does not feel that the shed is an obstruction to his neighbour as the neighbouring garage is set back farther than his and the shed is not located directly between the houses.
- The shed is attractive and well constructed.

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.

The Chair read a letter into the record in opposition to the application from Richard Lam, 128 Rothwell Gardens, Peterborough, Ontario K9H 0G7.

In response to questions from the Committee, Ms. Stillman advised as follows:

- The air conditioning units that are between the buildings are not considered a structure. Although she does not have the lot grading and drainage plan available to reference, she believes that the pads for the air conditioning units would have been taken into consideration during the review of the plan. The shed is a structure and requires a building permit, which distinguishes it from the air conditioning units.

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

- He has owned the property for five years.
- He did not consult his lawyer prior to constructing the shed, as he did not think that a shed of this size would require a permit.
- He did not think that restrictive covenant applied to the shed as it is not directly between the houses.

### **Decision**

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

Having reviewed the application and considered the information presented both in the Staff Report and presentation, the Committee noted that the restrictive covenant registered on the title of the property does not permit obstructions between the dwellings and that they do not feel that a variance in violation of the restrictive covenant is appropriate for the development of the property. The Committee determined that the proposal is not desirable and the general intent and purpose of the Zoning By-law is not maintained.

**Therefore a variance to reduce the minimum building setback from the west side lot line to 0.3 metres for an attached accessory structure is DENIED.**

### **Minutes**

Moved by Claude Dufresne

**That the minutes of the Committee of Adjustment hearing held on November 20, 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, February 5, 2019.

### **Adjournment**

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

(Sgd.) Len Lifchus, Chair

(Sgd.) Jennifer Sawatzky, Secretary-Treasurer