



Committee of Adjustment Minutes

May 7, 2019

Minutes of a Meeting of Committee of Adjustment held on Tuesday, May 7, 2019 at 6:00 p.m. in the Council Chambers, City Hall.

Present: Mauro DiCarlo, Chair
Claude Dufresne
Tom Green
Stewart Hamilton
Robert Short

Also Present: Christie Gilbertson, Planner, Policy and Research
Andrea Stillman, Permit Technician, Plans Examiner
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.:** A16/19
Address: 1875 Lansdowne Street West
Applicant: Holly Richards-Conley, Black Point Construction Services

This matter relates to a minor variance application submitted by Holly Richards-Conley of Black Point Construction Services, as applicant on behalf of Crombie Property Holdings Limited, the owner of the property that is the subject of the application.

The purpose of the application is to request a variance from Section 6.40 of the Zoning By-law to allow a temporary building in a commercial zoning district to support the construction of a new fitness facility in a vacant commercial unit.

Holly Richards-Conley attended the meeting and addressed the Committee as follows:

- A variance from the Zoning By-law is required to allow a temporary construction trailer on the property during building renovations for a new fitness facility.

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, Christie Gilbertson advised as follows:

- Staff suggest that approval of the temporary building be in effect until September 30, 2019.

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

- She has read the recommendation in the Staff Report and confirms that the temporary trailer will not be required beyond September 30, 2019.

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 law to permit a construction trailer as a Temporary Building PROVIDED THAT it is removed on or before September 30, 2019 and CONDITIONAL UPON the site plan for the property being updated to illustrate the proposed temporary trailer on the site in a location that functions to the satisfaction of the Planner of Urban Design, considering parking and vehicle movement on the site.

2. **File No.: A17/19**
Address: 211 Barnardo Avenue
Applicants: Scott Murison and Kathy Eggenberger

This matter relates to a minor variance application submitted by Scott Murison and Kathy Eggenberger, the owners of the property that is the subject of the application.

The purpose of the application is to reduce the minimum building setback from the centreline of Barnardo Avenue from 16 metres to 14.1 metres and reduce the minimum building setback from the west side lot line from 1.2 metres to 0.9 to permit the construction of an attached garage with living space above, on the northwest side of the existing dwelling.

Scott Murison attended the meeting and addressed the Committee as follows:

- The variances are required to permit the construction of a two-storey attached garage with living space above.
- The garage will occupy space that is currently a parking area.

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, the following variances are granted to permit the construction of an attached garage are granted as follows:

- A reduction to the minimum building setback from the centreline of Barnardo Avenue to 14.1 metres; and**
- A reduction to the minimum building setback from the west side lot to 0.9 metres**

Conditional upon the submission of a lot grading and drainage plan in conjunction with the building permit application for the garage addition.

3. **File No.:** **A18/19**
 Address: **422 Raymond Street**
 Applicant: **Greg Sperry**

This matter relates to a minor variance application submitted by Greg Sperry, as applicant on behalf of Murray Crowder and Nancy Crowder, the owners of the property that is the subject of the application.

The purpose of the application is to reduce the minimum building setback from the western rear lot line from 7.6 metres to 6.6 metres and from the eastern rear lot line from 7.6 metres to 5.6 metres to permit the construction of a 4.9 metre by 4.9 metre, three-season sunroom in the location of an existing deck in the rear yard.

Greg Sperry attended the meeting and addressed the Committee as follows:

- The variances are required to construct a three-season sunroom at the subject property.
- He has no additional information to add to the application circulated to the Committee.

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:

- The sunroom will primarily be a glass construction and no plumbing will be installed in the structure.

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 permit the construction of a 4.9 metre by 4.9 metre sunroom as follows:

- a) **A reduction to the minimum building setback from the western rear lot line to 6.6 metres; and**
- b) **A reduction to the minimum building setback from the eastern rear lot line to 5.6 metres.**

4. **File No.:** **A19/19**
 Address: **643 Charlotte Street**
 Applicant: **M. J. Davenport and Associates**

This matter relates to a minor variance application submitted by M. J. Davenport and Associates, as applicant on behalf of Damon Toth and Suzanne Carlson, the owners of the property that is the subject of the application.

The purpose of the application is to increase the maximum coverage of a residential accessory structure from 10% to 11.3% and increase the maximum building height of a residential accessory structure from 4.3 metres to 6 metres to permit the construction of a detached 8.54 metre by 7.32 metre two-car garage with a loft, accessed from the rear laneway of the subject property.

Mike Davenport of M. J. Davenport and Associates and Damon Toth attended the meeting and addressed the Committee as follows:

- The variances are required to construct a 28 foot by 24 foot, two-storey garage at rear of the property.
- They have nothing further to add to the information presented with the application.

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, Christie Gilbertson advised as follows:

- Staff observed that the regulations of the Zoning By-law relating to minimum lot coverage could be met, while maintaining enough interior space to house two parking spaces, by reducing the garage in size by 1.2 metres. When the applicant was asked why they didn't choose to reduce the size of the garage to comply with the lot coverage provisions of the Zoning By-law, they indicated that they were working with predesigned plans that could not be adjusted.
- The property was subject to a previous minor variance application to permit the use of the property as a two-unit dwelling. To date, the owner has not applied for a building permit to construct the duplex.

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 permit the construction of a detached, 8.54 metre by 7.32 metre, two-car garage as follows:

- a) An increase to the maximum coverage of a residential accessory structure to 11.3%; and**
- b) An increase the maximum building height of a residential accessory structure to 6 metres**

CONDITIONAL UPON the submission of a lot grading and drainage plan in conjunction with the building permit application for the new detached garage.

5. **File No.: B05/19**
Address: 571 Hopkins Avenue
Applicants: Jonathan Hartman and Gillian Lester
- File No.: A20/19**
Address: 571 Hopkins Avenue (Retained Parcel)
Applicants: Jonathan Hartman and Gillian Lester
- File No.: A21/19**
Address: 571 Hopkins Avenue (Severed Parcel)
Applicants: Jonathan Hartman and Gillian Lester

This matter relates to a severance application submitted by Jonathan Hartman and Gillian Lester, the owners of the property that is the subject of the application.

The purpose of the application number B05/19 is to sever the westerly 9.6 metres of the subject property to create a new residential building lot. Minor Variance applications have been submitted to support the consent application. Application number A20/19 proposes to reduce the minimum lot width from 15 metres to 10.5 metres for the retained parcel and application number A21/19 proposes to reduce the minimum lot width from 15 metres to 9.6 metres for the severed parcel.

Jonathan Hartman and Gillian Lester attended the meeting and addressed the Committee as follows:

- They recently purchased the property and plan on renovating and residing in the existing house.
- They are requesting consent for a severance to create an additional building lot for the construction of a single dwelling unit.
- They have reviewed the proposed conditions in the Staff Report and feel they can be satisfied within the required time limit.

Christie Gilbertson, Planner, Policy and Research, advised that she had nothing further to add to the information presented in the Staff Report.

The Chair read a letter in opposition to the application from Dorothy and John Rothwell, Peterborough, Ontario into the record.

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

- There is a range of lot frontages in the area ranging from as low as 6 metres in width to 15 metres, with no consistent standard. There are examples of lots in the area with a similar lot frontage to the applicants' proposal.
- Although the setback of the proposed new dwelling was not discussed with the applicants, the site plan submitted with the application illustrates a dwelling approximately 9 metres from the streetline, accommodating a parking space in front of an attached garage. Hopkins Avenue is a local street less than 20 metres in width, allowing the future developer to have a minimum setback from the streetline in line with an adjacent property rather than the standard 6 metre setback, although they would still have to accommodate two parking spaces on the property.
- As a condition of the proposed severance, the applicant would be required to establish a driveway for the retained property in compliance with the Zoning By-law. Curb cut applications are processed by the Public Works Division and any costs to cut the curb and/or re-establish the curb would be born by the applicant. Public Works would not facilitate a second driveway or curb cut where the Zoning By-law does not permit it and would require the owner to repair the curb accordingly.

- The City's Zoning By-law does not have a required minimum driveway width or a minimum setback from a driveway to a lot line. When evaluating whether a proposed driveway meets the regulations for the minimum number of parking spaces, we rely on the minimum size of a parking space, being 2.7 metres by 5.7 metres. In the proposed site plan submitted by the applicant, the driveway serving the retained property is wider than 2.7 metres until approximately 15 metres along the length of the driveway. The owner could fit a small buffer of landscaped space in this location, if the Committee wanted to specify the exact location of the driveway on the retained lot.
- Regarding the existing gas meter located along the proposed driveway, the responsibility to ensure that proper safety measures are in place would rest primarily with the owner of the property. The City does not circulate Consent applications to Enbridge Gas, and we have therefore not received comments from them on this application. The proposed conditions of severance require the applicant to install safety bollards around the gas meter if it is to stay in the present location.
- Should the Committee require an amendment to the application resulting in a wider lot frontage on the retained parcel to allow room for a landscaped strip along the driveway, they should be aware that there is no mechanism in the Zoning By-law that would prevent the owner from widening the driveway to the lot line in the future.
- An amended application would require recirculation, as the variance for the severed lot is greater than what is proposed in the current application.

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

- There is no requirement under the Building Code with respect to the location of a gas service adjacent to a driveway.

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

- He would be responsible for any costs related to the installation of bollards or relocation of the gas meter.
- The window well along the west side of the house will be filled in and won't have an impact on the proposed driveway.
- Regarding the functionality of the driveway, the plans submitted with the application were based on the requirements of the City's Zoning By-law. A setback of the driveway from the lot line is not required and is not something they considered when preparing the plans. He suggested that an easement could address any issues of trespass related to entering or exiting a vehicle.
- He understands that drainage will be assessed at the Building Permit stage and the submission of a lot grading and drainage plan is a requirement of the conditions of consent.

Decision – A20/19

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 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 lot width to 10.5 metres CONDITIONAL UPON submission of the registered transfer/deed of land related to file number B05/19.

Robert Short was opposed to the approval.

Decision – A21/19

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 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 lot width to 9.6 metres CONDITIONAL UPON submission of the registered transfer/deed of land related to file number B05/19.

Robert Short was opposed to the approval.

Decision – B05/19

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 severed and retained parcels conform to the Official Plan policy and File Numbers A20/19 and A21/19 address the deficiencies from the Zoning By-law, consent is granted to sever the westerly 9.6 metres of the subject property to create a new lot for a single unit dwelling to the west of the existing dwelling on the property, CONDITIONAL UPON THE FOLLOWING:

- i) **The approval of the associated minor variance application files A20/19 and A21/19;**
- ii) **Confirmation that the gas line has been straightened in the location where it previously jogged around the old chimney;**
- iii) **Confirmation that the window well/oil access hole on the side of the dwelling has been appropriately closed off and that a driveway can be placed without impacting the dwelling;**
- iv) **Confirmation that the present location of the gas meter at the side of the dwelling does not impede the minimum parking area as outlined in the Zoning By-law, via the submission of an updated and scaled drawing or survey showing the location and size of the gas meter in relation to the lot and parking area;**
- v) **Should it impede the parking area, confirmation of the relocation of the gas service to the front of the dwelling (or other suitable location that is not adjacent to or in the parking area) is needed. If the gas meter is to stay in its present location, the applicant shall install a safety bollard(s) or similar;**
- vi) **Confirmation of establishment of a driveway location on the retained parcel in accordance with the provisions for driveways and parking spaces of the Zoning By-law to support the use of the existing residential dwelling;**
- vii) **That the owners enter into an agreement with the City, agreeing to:**
 - a) **Provide building plans for approval by the Planner of Urban Design prior to issuance of a building permit to ensure compatibility of building design on the severed lands with the established standard of development in the neighbourhood; and**
 - b) **Submit a lot grading and drainage plan prior to construction of the new dwelling on the proposed severed lot;**
- viii) **Payment of a parks levy in an amount to be determined by the Parks Levy Review Committee;**
- ix) **Payment of a tree levy in the amount of \$121.57;**

- x) **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;**
- xi) **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.**
- xii) **That the applicant provide the Secretary-Treasurer with a draft of the Transfer/Deed of Land; and**
- xiii) **That if the above conditions are not satisfied within 365 days of the circulation of the Committee's decision that this consent will lapse.**

Robert Short was opposed to the approval.

**6. File No.: A22/19
Address: 591 Water Street
Applicants: Ken Yates and Heather Avery**

This matter relates to a minor variance application submitted by Ken Yates and Heather Avery, the owners of the property that is the subject of the application.

The purpose of the application is to reduce the minimum building setback from the centreline of Water Street from 16 meters to 12 metres and increase the lot coverage by building area from 40% to 46% to permit the construction of a fire escape to bring the triplex into compliance with the Ontario Building Code and the Fire Code.

The Chair noted that comments were received from the Peterborough Architectural Conservation Advisory Committee (PACAC) following the publication of the Staff Report. The applicants confirmed that they have received the comments.

Ken Yates and Heather Avery attended the meeting and addressed the Committee as follows:

- They agree with the comments from PACAC and acknowledge that the proposed fire escape is not attractive. However, they have received an order from the Fire Department requiring an additional exit from the unit on the third floor.
- They consulted with an architect who suggested that because the main entrance to the third-floor unit is at the rear of the building, that the fire escape with the second exit should be located at the front. Because of a shared turnaround in the parking area at the rear, there is no room at the rear for the fire escape.
- Although they agree that the best solution may be to locate the fire escape on the side of the building, they received advice from both an architect and an engineer that the fire escape should be located in the front of the building.
- Since the setback and lot coverage will likely require a variance if the fire escape is located to the front or the side, they don't want to have to pay for additional application fees, but do realize that the plan is going to have to be amended due to legitimate objection to a fire escape at the front of the building.
- As landlords, their fundamental issue is the safety of the tenants and they would like to work with the City to find a solution.

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, Christie Gilbertson advised as follows:

- Because it was determined that the footprint of the fire escape contributes to the total lot coverage of the building, a variance to the lot coverage will be required regardless of the location of the fire escape. There is a possibility that the setback from the centreline of Water Street will no longer be required for a fire escape located at the side of the building. Should the Committee decide to defer the application to allow the applicant time to revise the proposal, the application can be deferred to a specified meeting date without additional cost to the applicant, provided the revised proposal does not require an increase to the total lot coverage.
- If the application is deferred for an amendment to the original proposal, we will require drawings additional to a concept plan so that PACAC can provide appropriate comment, but they will not need to be full construction drawings.

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

- In determining lot coverage, because the fire escape is elevated, it is treated similar to a balcony, and is included in the total lot coverage calculations.

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

- A fire escape located at the side of the building will likely still require a variance from the centreline setback since the building is located within the setback.
- Both the engineer and architect they consulted advised the most obvious and sensible location for the fire escape was the other end of the building from the principal entrance.

Moved by Robert Short

That the application be deferred to the July 16, 2019 hearing of the Committee of Adjustment to allow the applicant time to investigate locating the fire escape to the south side or rear of the building to reduce the visual impact of the structure on the streetscape and the adjacent heritage designated property.

“CARRIED”

7. **File No.:** A23/19
Address: 197 George Street North
Applicant: Neil Campbell, Aside Architects

This matter relates to a minor variance application submitted by Neil Campbell, Aside Architects, as applicant on behalf of Stonehouse Farms Ltd., the owner of the property that is the subject of the application.

The purpose of the application is to reduce the minimum building setback from the Dalhousie Street streetline from 6 metres to 1.75 metres to facilitate the redevelopment of the property with a new medical clinic.

Staff advised that the complete application requirements had not been met for this item.

Moved by Claude Dufresne

That the application be deferred to an undetermined meeting date to provide the applicant an opportunity to finalize the complete application requirements. At such time that the application is scheduled for consideration, the application will be re-advertised and re-circulated at the expense of the applicant/owner.

“CARRIED”

Minutes

Moved by Stewart Hamilton

That the minutes of the Committee of Adjustment hearing held on April 2, 2019 be approved.

“CARRIED”

Other Business

Claude Dufresne inquired about the timing of the circulation of the Staff Reports and if it was possible to have them circulated earlier in the week.

Christie Gilbertson advised that it was not possible to adjust the timing of the circulation due to the compressed time lines that staff work within to generate the reports to the Committee.

Next Meeting

The next meeting of the Committee of Adjustment is scheduled for Tuesday, June 18, 2019.

Adjournment

The meeting was adjourned at 7:22 p.m.

(Sgd.) Mauro DiCarlo, Chair

(Sgd.) Jennifer Sawatzky, Secretary-Treasurer