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City of Peterborough

# Committee of Adjustment Minutes

## March 25, 2025

**Draft Minutes Not Approved**

Minutes of an Electronic Meeting of Committee of Adjustment held on March 25, 2025, at 6:00 p.m.

**Present:** Stewart Hamilton, Chair
Rod Hines
Dan Marinigh
Robert Short
Kaes Vanderkooy

**Also Present:** Sarah Dilamarter, Junior Planner
Nun Nil, Junior Planner
April Chapman, Permit Coordinator
Nolan Drumm, Land Use Planner and Acting Secretary-Treasurer

**Regrets:** Christie Gilbertson, Land Use Planner

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

### Disclosure of Pecuniary Interest

There were no disclosures of Pecuniary Interest.

### Applications

The applicant for Item 1: File No. A46/24, 294 Louden Terrace was not in attendance at the time this item was to be discussed. The Committee moved this item to the end of the agenda to allow additional time for the applicant to arrive.

1. **File No., A05/25, 448 Mark Street**

This matter relates to a minor variance application submitted by James Cherrett and Nicholas Gilroy, the owners of the property that is the subject of the application.

The purpose of the application is to seek a variance from Section 7.2(e)(i) of the Zoning By-law to reduce the minimum building setback from a side lot line from 1.2 metres to 1 metre, to facilitate the construction of a rear addition to the existing dwelling.

Nicholas Gilroy attended the meeting and addressed the Committee as follows:

- The owners are seeking a minor variance in order to construct an addition on the rear of the existing dwelling in line with the current building. The existing dwelling is closer to the side lot line than the Zoning By-law allows.

Nun Nil, Junior Planner, presented Staff comments with respect to the application on behalf of the Building Services and Planning, Development and Urban Design Divisions of the Infrastructure, Planning and Growth Management Department, City of Peterborough.

The Chair acknowledged that the Committee had received a letter in support of the application from the owner of 450 Mark Street.

**Discussion**

Rod Hines suggested that the reduction in the side yard setback should be specified to apply to the north side lot line. This was proposed as a friendly amendment to the recommendation made by Staff.

Moved by Robert Short

**That the application be approved in accordance with the recommendation in the Staff Report, with the requested reduction in the minimum building setback from the side lot be specified to apply to the north side lot line.**

“CARRIED”

**Decision**

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

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

**Therefore, a variance is granted from Section 7.2(e)(i) to reduce the minimum building setback from the north side lot line from 1.2 metres to 1 metre, conditional upon the completion of a Stage 1-2 Archaeological Assessment, and any subsequent assessments deemed necessary, to the satisfaction of the Heritage Resources Program Manager and provided that construction proceed substantially in accordance with the concept plan attached as Exhibit B to the Staff Report dated March 25, 2025.**

2. **File No., A06/25, 101 Auburn Street**

This matter relates to a permission application submitted by Joel Derby and Linda Derby, the owners of the property that is the subject of the application.

The purpose of the application is to seek permission from the Committee of Adjustment to expand the existing legal non-conforming single-detached dwelling by allowing a full basement to be constructed where there's currently a crawlspace.

Joel Derby and Kevin Sharpe attended the meeting and addressed the Committee as follows:

- The owners are seeking permission to expand the existing single-detached dwelling through the creation of a full basement.

- Through the process of digging out underneath the dwelling to tie into the municipal sanitary sewer system, the depth put them above what would be considered a crawl space.

- They are seeking permission from the Committee to permit the basement rather than filling the hole back to the depth needed to qualify as a crawl space.

Nolan Drumm, Land Use Planner, advised that he had nothing further to add to the information presented in the Staff Report.

The following persons attended the meeting and addressed the Committee with regards to this application:

i) Sean Heintzman, 5 Dunlop Street, Peterborough, ON

- He is in support of this application being approved and allowing the construction on the property to continue. The prolonged construction period is negatively impacting his enjoyment of his property.

Moved by Dan Marinigh

**That the application be approved in accordance with the recommendation in the Staff Report.**

"CARRIED"

**Decision**

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

Having reviewed the application and considered the information presented both in the Staff Report and presentation, the Committee determined that the application is desirable for the appropriate development of the subject property and that the application should be approved in accordance with the Staff Recommendation.

**Therefore, permission is granted to allow the expansion of the dwelling with a full basement provided that construction proceed substantially in accordance with the concept plan attached as Exhibit C to the Staff Report dated March 25, 2025.**

3. **File No. B01/25, A08/25 and A09/25, 459-461 Chamberlain Street**

This matter relates to a severance and two accompanying minor variance applications submitted by Marnie Saunders of DM Wills Associates Limited, as applicant on behalf of Courtney Peddle and Melissa Maurice, the owners of the property that is the subject of the application.

The purpose of the application is to obtain consent to sever the existing semi-detached building along the common party wall, resulting in two lots containing one dwelling each.

In addition to the consent application, the applicant is seeking the following variances from the Zoning By-law to address deficiencies to the regulations resulting from the division of land proposed by File No. B01/25.

A08/25, 459 Chamberlain Street (Retained Lands)

a) Section 7.2(j) to increase the maximum lot coverage by open parking areas, driveways and vehicle movement areas from 20% to 35%.

A09/25, 461 Chamberlain Street (Severed Lands)

a) Section 7.2(j) to increase the maximum lot coverage by open parking areas, driveways and vehicle movement areas from 20% to 37%.

Marnie Saunders attended the meeting and addressed the Committee as follows:

- The purpose of the consent application is to divide the current lot along the shared wall of the existing semi-detached dwelling to create two lots with one dwelling unit on each.
- The associated minor variance applications are to address the increase in parking, driveway, and vehicle movement coverage resulting from the division of land. There is no proposed change to the existing parking area.

Nun Nil, Junior Planner, presented Staff comments with respect to the application on behalf of the Building Services and Planning, Development and Urban Design Divisions of the Infrastructure, Planning and Growth Management 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, the applicant advised as follows:

- Vehicle access to the properties is currently gained by a privately owned laneway that serves the dwellings along Chamberlain Street and several of the dwellings fronting onto Park Street North.

- The laneway was established as part of the original Plan of Subdivision. There is an indenture registered on title of the original lots within that subdivision. Indentures were used prior to the current practice of registering easements.

- The applicant's lawyer will confirm right of access, any maintenance standards and responsibility of same.

Moved by Dan Marinigh

**That the application be approved in accordance with the recommendation in the Staff Report.**

"CARRIED"

**Decision – B01/25, 459-461 Chamberlain Street**

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 both the severed and retained lands would conform to the Official Plan policy and the zoning regulations applied to the property, consent is granted to sever the westerly 6.7 metres of the subject property along the common party wall of the existing semi-detached dwelling, conditional upon the following:**

**i) Approval of Minor Variance applications A08/25 and A09/25 associated with the retained and severed lands;**

**ii) A legal opinion letter confirming that the property has right-of-access to the laneway that provides access to the rear of the property, and ensuring that such right will be maintained for the severed and retained lot;**

**iii) Confirmation from the Building Services Division that a party wall from the foundation to the roof exists to divide the semi-detached dwelling or undertaking the appropriate work to establish the separation as needed;**

**iv) Payment of a Tree Levy in the amount of $243.96 for the severed lands;**

**v) Prior to the registering of the Reference Plan, the applicant shall, at their cost, submit for approval a draft Reference Plan to the Secretary-Treasurer, showing the proposed severed parcels. Upon registration of the approved Reference Plan, a digital copy of the registered Reference Plan, in PDF format, will be provided to the Secretary-Treasurer;**

**vi) 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 Division. It is recommended that the applicant's Ontario land Surveyor consult with the City of Peterborough's Geomatics Division to confirm acceptable standards and formatting. The Surveyor should contact the Secretary-Treasurer for instruction on how to submit this document;**

**vii) The applicant shall provide the Secretary-Treasurer with a draft of the Transfer/Deed of Land; and,**

**viii) That if the above conditions are not satisfied within two years of the circulation of the Committee's decision that this consent will lapse.**

**Decision – A08/25 – 459 Chamberlain Street (Retained Lands)**

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, a variance is granted to Section 7.2(j) of the Zoning By-law to increase the maximum lot coverage by open parking, loading and vehicle movement areas from 20% to 35% conditional upon the submission of the Registered Transfer/Deed of Land related to File No. B01/25.**

**Decision – A09/25 – 461 Chamberlain Street (Severed Lands)**

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, a variance is granted to Section 7.2(j) of the Zoning By-law to increase the maximum lot coverage by open parking, loading and vehicle movement areas from 20% to 37% conditional upon the submission of the Registered Transfer/Deed of Land related to File No. B01/25.**

4. **File No., A46/24, 294 Louden Terrace**

This matter relates to a minor variance application submitted by Amir Noor and Ayesha Noor, the owners of the property that is the subject of the application.

The purpose of the application is to seek the following variances from the Zoning By-law to facilitate the construction of an additional residential unit (ARU) in the basement of the existing dwelling:

a) Section 303.3(k) to increase the maximum permitted driveway width from 4.5 metres to 5 metres;

b) Section 4.3.1 to reduce the minimum width of a parking space in Parking Area 5 from 2.7 metres to 2.5 metres;

c) Section 303(d)(i) to reduce the minimum building setback from a side lot line from 1.2 metres to 0.1 metres.

The applicant was not in attendance to address the Committee.

Moved by Robert Short

**That the application be approved in accordance with the recommendation in the Staff Report.**

“CARRIED”

**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 to the Zoning By-law are granted as follows:**

a) **Section 303.3(k) to increase the maximum permitted driveway width from 4.5 metres to 5 metres;**

b) **Section 4.3.1 to reduce the minimum width of a parking space in Parking Area 5 from 2.7 metres to 2.5 metres;**

c) **Section 303(d)(i) to reduce the minimum building setback from a side lot line from 1.2 metres to 0.1 metres.**

**Provided that construction proceed substantially in accordance with the concept plan attached as Exhibit A to the Staff Report dated March 25, 2025.**

**Minutes**

Moved by Dan Marinigh

**That the minutes of the Committee of Adjustment hearing held on February 25, 2025 be approved.**

“CARRIED”

**Other Business**

**Election of Officers:**

Moved by Robert Short

**That Stewart Hamilton be appointed as Chair of the Committee of Adjustment to serve a one-year term.**

“CARRIED”

Stewart Hamilton assumed the Chair.

Moved by Dan Marinigh

**That Rod Hines be appointed as Vice-Chair of the Committee of Adjustment to serve a one-year term.**

"CARRIED"

## Next Meeting

The next meeting of the Committee of Adjustment is scheduled for Wednesday, April 23, 2025.

## Adjournment

The meeting was adjourned at 6:33 p.m.

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Stewart Hamilton, Chair

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Nolan Drumm, Acting Secretary-Treasurer