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City of Peterborough

# Committee of Adjustment Minutes

## May 27, 2025

**Draft Minutes Not Approved**

Minutes of an Electronic Meeting of Committee of Adjustment held on May 27, 2025, at 6:00 p.m.

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

**Regrets:** Kaes Vanderkooy

**Also Present:** Sarah Dilamarter, Junior Planner
Nun Nil, Junior Planner
Andrea Stillman, Zoning Administrator
Nolan Drumm, Land Use Planner and Acting 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.

### Applications

1. **File No., A20/25, 573 Steele Avenue**

This matter relates to a minor variance application submitted by David Cochrane, the owner of the property that is the subject of the application.

The purpose of the application is to seek a variance from Section 6.9 of the Zoning By-law to reduce the minimum building setback from the centreline of Cameron Street from 19 metres to 18.5 metres to facilitate the construction of a detached garage.

David Cochrane attended the meeting and addressed the Committee as follows:

- The owners are seeking a minor variance to construct a garage that is deep enough to be able to park their truck. If the garage was constructed according to the setback the vehicle would not fit.

- A garage previously existed in closer proximity to the road. It was removed due to fire damage in 2012 and not replaced.

Sarah Dilamarter, Junior Planner, 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.

Moved by Dan Marinigh

**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, a variance is granted to Section 6.9 of the Zoning By-law to reduce the minimum building setback from the centreline of Cameron Street from 19 metres to 18.5 metres provided that construction proceed substantially in accordance with the concept plan attached as Exhibit A to the Staff Report dated May 27, 2025.**

2. **File No., A16/25, 607 Weller Street**

This matter relates to a minor variance application submitted by Harry Lay, Harry Lay Architect, as applicant on behalf of Christopher Smith and Jennifer Bull, the owners of the property that is the subject of the application.

The purpose of the application is to seek a variance from Section 6.18 of the Zoning By-law to increase the maximum height of a residential accessory building from 4.3 metres to 7.1 metres to facilitate the construction of a detached garage with an additional residential unit (ARU) above.

Harry Lay attended the meeting and addressed the Committee as follows:

- The owners are seeking a minor variance to build a new detached garage with an ARU above. The existing garage is in a poor state of repair and needs to be replaced.

- While designing the garage, there was a consideration to include the ARU which would allow the current owner to downsize into the ARU and the principal dwelling could be left to their children.

- The design of the current proposal considered minimizing the total lot coverage to maintain green space, while also addressing concerns related to overlook and privacy. There will be no windows or access points on the south side of the structure.

- The height of the proposed structure is exacerbated by the slope of the land.

- The notion of a coach house is in keeping with the character of the neighbourhood and utilizing building materials that mimic the existing homes will assist in the new structure blending in with its surroundings.

Nun Nil, Junior Planner, advised that he had nothing further to add to the information presented in the Staff Report.

The Chair acknowledged that the Committee had received a petition in support of the application signed by several neighbours on Weller Street and Walkerfield Avenue.

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

- The size and height of an accessory structure are two of several considerations reviewed when determining if a structure is subordinate of the primary structure.

- In the R.1 and R.2 zoning districts, principal buildings have a two-storey height limit.

**Discussion**

Member Hines opined that notwithstanding the concerns regarding the grade of the property, the height of the proposed structure is clearly two storeys and the intent of the Zoning By-law is to limit accessory structures to one storey. It is acknowledged that the regulation was likely established before the introduction of accessory residential units, but there is still a requirement for the intent of the by-law to be met. The housing units are needed, but City Council should review and update the accessory building regulations as appropriate rather than applicants repeatedly coming to the Committee.

Member Short opined that while the requested variance is for height, he has considered other matters including building coverage and setbacks of the proposal as well. This proposal is contemplating a side yard setback in line with the requirement for a principal dwelling. If the new building was attached, it would be permitted.

Moved by Robert Short

**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 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 6.18 of the Zoning By-law to increase the maximum building height of a residential accessory building from 4.3 metres to 7.1 metres provided that construction proceed substantially in accordance with the concept plan attached as Exhibit B to the Staff Report dated May 27, 2025.**

3. **File No., A18/25, 214 Mallory Terrace**

This matter relates to a minor variance application submitted by Tamana Mohamed, the owners of the property that is the subject of the application.

The purpose of the application is to seek a variance from Section 358.3(e)(ii) of the Zoning By-law to reduce the minimum building setback from the rear lot line from 6.0 metres to 5.8 metres to accommodate an exterior staircase.

Tamana Mohamed attended the meeting and addressed the Committee as follows:

- The owners are seeking a minor variance in order to allow the exterior stairs to be placed slightly closer to the rear yard setback than required by the regulation. The contractor that built the stairs made them bigger than what was shown on the permit. The deficiency was caught during an inspection.

Sarah Dilamarter, Junior Planner, 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.

Moved by Rod Hines

**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, a variance is granted to Section 358.3(e)(ii) of the Zoning By-law to reduce the minimum building setback from the rear lot line from 6.0 metres to 5.8 metres provided that construction proceeds substantially in accordance with the concept plan attached as Exhibit C to the Staff Report dated May 27, 2025,**

4. **File No., A21/25, 225 Princess Street**

This matter relates to a minor variance application submitted by Matthew Harper and Laura Threndyle, 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 replacement of an existing legal non-complying one storey addition with a new two-storey addition and one storey garage and storage area:

a) Section 7.2.e(i) to reduce the minimum side lot line setback from 1.2 metres to 0.6 metres and,

b) Section 7.2.e(ii) to reduce the minimum rear lot line setback from 7.6 metres to 1 metre.

Laura Threndyle attended the meeting and addressed the Committee as follows:

- The owners are seeking a minor variance to replace the current single-storey addition to the building, which is no longer structurally sound, with something more functional and built to current standards.

- The existing structure goes right to the property line, abutting the shared laneway. They are proposing to increase the setback to 1.0 metres to improve on the existing condition and functionality of the laneway.

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, Staff advised as follows:

- The dimensions of a parking space in the Zoning By-law are 2.7 metres by 5.7 metres.

- Staff are satisfied that the proviso attached to the recommendation to approve ensures that the two-storey portion of the building will not be constructed to the 1.0 metre setback. However, if Committee has greater comfort with separating the relief from the rear yard setback into the two-storey component and the garage component it will not impact the proposal.

- Although the plan shows the existing side yard setback at 0.69 metres, staff recommends approving a variance down to 0.60 metres to account for any potential measurement errors. The new construction will still follow the wall of the portion of the building to remain.

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

- Although the garage will be smaller than a standard parking space, it will primarily be used for storage. There are parking spaces at the front of the property that are used to meet the requirement.

Moved by Dan Marinigh

**That the application be approved in accordance with the recommendation in the Staff Report, as amended by the Committee.**

"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 as amended by the Committee, 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 7.2(e)(i) to reduce the minimum building setback from the side lot line from 1.2 metres to 0.6 metres;**

**b) Section 7.2(e)(ii) to reduce the minimum building setback from the rear lot line from 7.6 metres to 3.6 metres for the two-storey addition; and,**

**c) Section 7.2(e)(ii) to reduce the minimum building setback from the rear lot line from 7.6 metres to 1.0 metres for the rebuilt garage/storage area.**

**Provided that construction proceeds substantially in accordance with the concept plan attached as Exhibit D to the Staff Report dated May 27, 2025.**

5. **File No., A13/25, 540-550 Brealey Drive**

This matter relates to a minor variance application submitted by Michelle Duong, D.M. Wills Associates Limited, as applicant on behalf of Life at the Brealey Inc., the owner 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 facilitate the construction of a 102-unit apartment building:

a) Section 3.9.336(a) to decrease the minimum lot area per dwelling unit from 210 square metres to 136.79 square metres;

b) Section 3.9.336(b) to increase the maximum permitted building height from three storeys and a geodetic elevation of 244.77 metres to four storeys and a geodetic elevation of 249.02 metres;

c) Section 3.9.336(c) to reduce the minimum required parking rate from 1.5 spaces per dwelling unit to 1.0 resident space plus 0.2 visitor spaces per unit, in accordance with updated City standards; and,

d) Section 3.9.336(i) to reduce the minimum setback between a motor vehicle parking space and a habitable room window in an apartment dwelling from 4.5 metres to 4.25 metres at the north side of the building, and 3.5 metres at the east side.

It was noted to the Committee that revised material was submitted that would necessitate a minor revision to requested variance (a). There was an error in the calculation and the reduction to support the proposal would be 127.4 square metres per dwelling unit, instead of 136.79 square metres. Overall, the description of the proposal and the plans included with the circulation are the same.

Michelle Duong attended the meeting and addressed the Committee as follows:

- The owners are seeking minor variances to reduce the lot area per dwelling unit, increase the building height, reduce the parking requirement and reduce the setback requirement between parking areas, driveways and windows to a habitable room.

- The proposed development will offer indoor and outdoor common areas for residents.

- The increase in building height is consistent with other medium-density developments in the surrounding area.

- The proposed reduction to the parking ratio brings the zoning of this property in line with the new regulations passed by Council in the spring.

- Further reduction in the separation between a parking area or driveway and a window to a habitable room is needed to improve vehicle circulation throughout the property.

Sarah Dilamarter, 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, Staff advised as follows:

- The holding symbol in effect on 540 Brealey Drive requires site plan approval to be granted for removal. The variances will need to occur prior to the site plan being approved, at such time that the H Removal By-law can be advanced to Council for approval. The building permit will not be issued until the holding symbol is removed.

Moved by Robert Short

**That the requested amendment to variance (a) be considered minor and that a reduction in lot area per dwelling unit be reduced from 210 square metres per dwelling unit to 127.4 square metres per dwelling unit, in accordance with the recommendation in the Staff Report.**

"CARRIED"

Moved by Rod Hines

**That variances (b), (c) and (d) 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 3.9.336(a) to decrease the minimum lot area per dwelling unit from 210 square metres to 127.4 square metres;**

b) **Section 3.9.336(b) to increase the maximum permitted building height from three storeys and a geodetic elevation of 244.77 metres to four storeys and a geodetic elevation of 249.02 metres;**

c) **Section 3.9.336(c) to reduce the minimum required parking rate from 1.5 spaces per dwelling unit to 1.0 resident space plus 0.2 visitor spaces per unit, in accordance with updated City standards; and,**

**d) Section 3.9.336(i) to reduce the minimum setback between a motor vehicle parking space and a habitable room window in an apartment dwelling from 4.5 metres to 4.25 metres at the north side of the building, and 3.5 metres at the east side.**

**Conditional upon the removal of the Holding ('H') Provision on the lands associated with 540 Brealey Drive.**

6. **File No., A19/25, 304-306 George Street North**

This matter relates to a minor variance application submitted by Brian Buchardt, LandDesign, as applicant on behalf of 2379254 Ontario Limited, 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 facilitate the construction of a 102-unit apartment building:

a) Section 18.2(e) to permit the Lodging House to be located on the first storey, whereas the By-law requires it to be located on the second storey or higher; and

b) Section 18.2(h) to permit the Lodging House to occupy the first storey of a building that includes a commercial use, whereas the By-law restricts it to the second storey or higher in such cases.

Brian Buchardt attended the meeting and addressed the Committee as follows:

- The owners are seeking a minor variance to permit a lodging house in the northernmost unit on the first floor.
- The building is a split-level design, with no floor being directly at grade. A pedestrian will need to take a flight of stairs up or down to enter any of the units.
- This proposal contemplates a total of three residential and three non-residential units in the basement and first floor.
- There has been considerable effort from his client to lease the unit, subject to the application, for commercial purposes but there has been no interest.

Sarah Dilamarter, Junior Planner, advised that she had nothing further to add to the information presented in the Staff Report.

The Chair acknowledged that the Committee had received and reviewed letters in objection to the application from the following parties:

1. Nour Mazloum, Peterborough Downtown Business Improvement Area
2. Jeffrey Cox, 296 George Street N, Peterborough, ON

3. Susie Cox, 300 George Street N, Peterborough, ON

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

- According to the definitions in the Zoning By-law, based on the building measurements provided, the first level of the building is considered a basement. The second level is the first storey, as defined, and the third level is the second storey. In the C.6 zoning district, dwelling units and lodging houses are restricted to the second storey and above. If the first level was built at grade and considered the first storey, this building could have two levels of residential dwellings as of right.

- This property was brought before the Committee in 2024 seeking a variance to permit residential uses in two basement units.

Moved by Robert Short

**That the application be denied.**

"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 not be approved and that the requested variances are not minor, the proposal is not 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 not maintained.

**Therefore, minor variance application A19/25 is denied.**

**Minutes**

Moved by Dan Marinigh

**That the minutes of the Committee of Adjustment hearing held on April 23, 2025 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, June 24, 2025.

## Adjournment

The meeting was adjourned at 7:50 p.m.

Stewart Hamilton, Chair

Nolan Drumm, Acting Secretary-Treasurer