City of Peterborough

Committee of Adjustment Minutes

February 25, 2025

Minutes of an Electronic Meeting of Committee of Adjustment held on February 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
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

Robert Short declared an interest in item number 3.d (File No. A02/25 – 1123 Towerhill Court).

Moved by Kaes Vanderkooy

That applications A50/24, 1600 Sherbrooke Street and A04/25, 2235 Keene Road be moved to the beginning of the agenda to accommodate the availability of the applicant.

“CARRIED”

Applications

1. File No. A50/24, 1600 Sherbrooke Street

This matter relates to a minor variance application submitted by Michelle Duong, D.M. Wills Associates Limited, as applicant on behalf of The Eastern Canadian District of the Christian and Missionary Alliance in Canada, the owner of the property that is the subject of the application.

The purpose of the application is to seek a variance from Section 207.2 of the Zoning By-law to add a 'daycare' to the list of permitted uses in the SP.167 zoning district.

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

- The owners are seeking a minor variance in order to allow a daycare to operate on the subject property. The zoning district currently permits a private school and a church.

- The proposed daycare will operate Monday to Friday from 6:00 a.m. to 6:00 p.m. and could accommodate up to 60-70 attendees and 5-20 staff, depending on demand.

- The majority of the needed renovation will occur within the existing structure to bring the facilities up to standards for the daycare. Some minor improvements to the exterior of the building and parking area may be required.

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 207.2 of the Zoning By-law to add a 'daycare' to the list of permitted uses in the SP.167 zoning district, provided that construction proceed substantially in accordance with the concept plan attached as Exhibit E to the Staff Report dated February 25, 2025 and conditional upon the applicant completing a Site Plan amendment to the satisfaction of the City's Urban Design Supervisor.

2. **File No. A04/25, 2235 Keene Road**

This matter relates to a minor variance application submitted by Diana Keay, D.M. Wills Associates Limited, as applicant on behalf of 1799868 Ontario Inc. and 1827477 Ontario Inc., the owners of the property that is the subject of the application.

The purpose of the application is to seek a variance from Section 79.2 of the Zoning By-law to include a 'financial and professional office' as permitted uses in the SP.51 zoning district.

Diana Keay attended the meeting and addressed the Committee as follows:

- The owners are seeking a minor variance in order to add financial and professional offices to the list of permitted uses on the property. The property has historically been used to support a number of different commercial uses.
- Financial and professional office uses is one that can appropriately transition from being in a rural area to an urban area over time.
- The property will provide an existing local business the opportunity to expand while also better serving clients located in the rural areas around the City.
- The building is currently serviced by private well and septic services.
- No external renovations are currently contemplated for the building, but internal renovations will be required to suit the tenant's needs.
- The property has a heritage designation, so any work on the site will be subject to review by Heritage staff.

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 current zoning of the property permits personal service uses, a restaurant with a maximum of 100 seats, a clinic, an animal hospital or veterinary clinic, a parking lot and a miniature golf course.

- The property next door at 2245 Keene Road is a Peterborough Utilities Group office and the parking lot across the road is an MTO carpool lot.

Moved by Robert Short

That the application be approved in accordance with the recommendation in the Staff Report, as amended by staff to include a condition requiring an amendment to the existing Site Plan.

"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 79.2 of the Zoning By-law to include a 'financial and professional office' as permitted uses in the SP.51 zoning district, conditional upon the following:

i) The applicant obtaining approval, or confirmation that approval is not required, from the Ontario Ministry of Transportation for any applicable work, and

ii) The applicant completing a Site Plan amendment to the satisfaction of the City's Urban Design Supervisor.

3. **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 creation of an additional residential unit:

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

b) Section 4.3.1 to decrease the minimum lot width of a parking space in Area 3 from 2.7 metres to 2.5 metres.

As the Report had recommended a deferral, the applicant was not in attendance to speak to the application. There were no written comments submitted by the public and no members of the public were in attendance to speak to the application.

The Committee did not engage in any discussion on the matter.

Moved by Rod Hines

That the application be deferred to the March 25, 2025 hearing of the Committee of Adjustment, in accordance with the recommendation in the Staff Report.

“CARRIED”

4. **File No. A01/25, 311 Collison Road**

This matter relates to a minor variance application submitted by Rick O’Brien and Donna O’Brien, 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 a detached garage with an additional residential unit above:

a) Section 6.11(a) to reduce the minimum building setback from the streetline of Southpark Drive from 6 metres to 1.9 metres;

b) Section 6.18 to increase the maximum lot coverage for residential accessory buildings from 10% to 11%;

c) Section 6.18 to reduce the minimum setback distance between a residential accessory building and the rear of the dwelling from 1.2 metres to 0.9 metres; and

d) Section 6.18 to increase the maximum height of a residential accessory structure from 4.3 metres to 6.3 metres.

Rick O'Brien attended the meeting and addressed the Committee as follows:

- He is seeking a minor variance in order to allow for the construction of a two car garage to the rear of the existing dwelling and to allow for an apartment to go above the garage.

- The apartment will allow for his son to have a separate living space, with home ownership becoming out of reach.

Nun Nil, Junior Planner, advised that he 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, Staff advised as follows:

- The setback between the residential accessory structure and the dwelling unit is measured from the exterior stair rather than the wall of dwelling to account for the structural canopy over the stairs.

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

- The existing carport is proposed to be removed as part of the construction project.

- The garage will be accessed from the existing driveway from Collison Avenue. There will be no driveway access from Southpark Drive.

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, variances to the Zoning By-law are granted as follows:

a) **Section 6.11(a) to reduce the minimum building setback from the streetline of Southpark Drive from 6 metres to 1.9 metres;**

b) **Section 6.18 to increase the maximum lot coverage for residential accessory buildings from 10% to 11%;**

c) **Section 6.18 to reduce the minimum setback distance between a residential accessory building and the rear of the dwelling from 1.2 metres to 0.9 metres; and**

d) **Section 6.18 to increase the maximum height of a residential accessory structure from 4.3 metres to 6.3 metres.**

Provided that construction proceed substantially in accordance with the concept plan and drawings attached as Exhibit B to the Staff Report dated February 25, 2025 and conditional upon the completion of a Stage 1-2 Archaeological Assessment, and any subsequent stages deemed necessary, to the satisfaction of the Heritage Resources Program Manager.

5. **File No. A03/25, 326 Swanston Avenue**

This matter relates to a minor variance application submitted by Andrew Paul and Jessica Middleton, the owners of the property that is the subject of the application.

The purpose of the application is to seek a variance from Section 6.11(a) of the Zoning By-law to reduce the minimum building setback from the streetline of Juliet Road from 6 metres to 4.6 metres to facilitate a building addition.

Andrew Paul attended the meeting and addressed the Committee as follows:

- He is seeking a minor variance in order to construct a covered front porch, rear addition and covered deck at the back of the dwelling. The existing dwelling is within the streetline setback of Juliet Road and they just want to follow the existing wall of the house.

Nun Nil, Junior Planner, advised that he 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 Kaes Vanderkooy

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 6.11(a) of the Zoning By-law to reduce the minimum building setback from the streetline of Juliet Road from 6 metres to 4.6 metres, provided that construction proceed substantially in accordance with the concept plan and drawings attached as Exhibit C to the Staff Report dated February 25, 2025.

6. **File No. A02/25, 1123 Towerhill Court**

This matter relates to a minor variance application submitted by Aditya Srinivas, EcoVue Consulting Services Inc., as applicant on behalf of Godfrey Liu and Ting Kwok, the owners of the property that is the subject of the application.

The purpose of the application is to seek a variance from Section 4.2(A)(1) of the Zoning By-law to decrease the minimum number of parking spaces for a single unit dwelling from 2 spaces per unit to 1 space per unit, to facilitate the creation of a second additional dwelling unit.

Aditya Srinivas attended the meeting and addressed the Committee as follows:

- The owners are seeking a minor variance in order to reduce the required parking on the subject property to accommodate a second additional dwelling unit on the property.

- Although the driveway can only accommodate two spaces in compliance with the Zoning By-law, in addition to one garage space, the property could practically accommodate five parking spaces (four in the driveway and one in the garage).

- The property is within close proximity to transit stops and amenities.

Sarah Dilamarter, Land Use 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 a written submissions from the public related to this application from the following:

1. Paul Carter and Raven McLean, 1115 Towerhill Court (opposed)
2. Dave Fountain, 1116 Towerhill Court (opposed)
3. Norma Heemskerk, 1131 Towerhill Court (opposed)
4. Carol Scott and James Buzza, 1119 Towerhill Court (opposed)

The following person attended the meeting and addressed the Committee in opposition to this application:

i) Brittany Foster, 1123 Towerhill Road, Peterborough, ON

- Her and her partner are currently renting the dwelling on the subject property. They have two vehicles to accommodate their work schedules that is not compatible with the public transit schedule.
- Moving vehicles around in the driveway when there are three different tenants could be problematic.
- The parking space in the garage is currently used for storage and not for parking.
- On-street parking is already a challenge and has resulted in complaints in the area.

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

- It was staff's opinion that reducing the minimum parking requirement for the primary dwelling to one space, instead of reducing the minimum parking requirement of the ARU to zero, was preferrable to ensure that each unit could have one parking space. However, the property owner could ultimately allocate the parking spaces on the property as they see fit.

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

- The new ARU is intended to be a long-term rental unit.
- Since the subject property is located at the end of the cul-de-sac, Public Works ends up piling snow from the roads near the end of the driveway.
- A minimum parking requirement of one parking space per unit would be consistent with other parking areas in the City that are in closer proximity to downtown. If the portion of the driveway in the road allowance counted, they could provide five parking spaces.

Discussion

Member Hines opined that he would have preferred to see the parking requirement for the Additional Dwelling Unit reduced to zero spaces, rather than reducing the minimum parking requirement for the primary dwelling reduced to one space. Member Hines decided that he would abstain from voting on the matter.

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 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 4.2(A)(1) of the Zoning By-law to decrease the minimum number of parking spaces for a single unit dwelling from 2 spaces per unit to 1 space per unit, provided that construction proceed substantially in accordance with the concept plan attached as Exhibit D to the Staff Report dated February 25, 2025.

Minutes

Moved by Dan Marinigh

That the minutes of the Committee of Adjustment hearing held on January 21, 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, March 25, 2025.

Adjournment

The meeting was adjourned at 7:02 p.m.

(sgd.) Stewart Hamilton, Chair

(sgd.) Nolan Drumm, Acting Secretary-Treasurer