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City of Peterborough

Committee of Adjustment Minutes

November 25, 2025

Draft Minutes Not Approved

Minutes of an Electronic Meeting of Committee of Adjustment held on November 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
Anne Taylor Scott, Manager, Development Planning
April Chapman, Acting Zoning Administrator
Jennifer Stern, 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. A39/25, 106 York Drive**

This matter relates to a minor variance application submitted by Ken Tompkins of Sunspace of Lakefield, as applicant on behalf of Patricia and Ralph Gutoskie, the owners of the property that is the subject of the application.

The purpose of the application is to seek relief from Section 7.2(e)(ii) of the Zoning By-Law to reduce the minimum rear yard setback from 7.6 metres to 6.4 metres to construct a 13 square metre sunroom in place of an existing open-air deck.

Ken Tompkins attended the meeting and addressed the Committee as follows:

- The sunroom addition will be an all-aluminum structure.

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

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, a variance is granted to Section 7.2(e)(ii) of the Zoning By-Law to reduce the minimum rear yard setback from 7.6 metres to 6.4 metres.

2. **File No. 40/25, 364 Mark Street**

This matter relates to a minor variance application submitted by Brian Buchardt of LandDesign, as applicant on behalf of Graham Hawkins, the owner of the property that is the subject of the application.

The purpose of the application is to seek relief from Section 6.18 of the Zoning By-Law to increase the maximum height of an accessory structure from 4.3 metres to 7.6 metres to facilitate the construction of an Additional Residential Unit (ARU) on top of a garage.

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

- The proposed accessory building will be 2 stories in height.

- The property is designated downtown neighborhood on Schedule C of the Official Plan.

- The property has the same Official Plan designation as a nearby property where an increase in building height from three stories to six stories was approved.

- The proposed two-storey building with the ARU would result in less building coverage on the lot and allow for more landscaped area.

- The prominent residential use will remain with the existing dwelling fronting on Mark Street

- The grading at the site of the proposed building is approximately 1.2 metres lower than that of the principal dwelling.

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

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

- The driveway at the rear with frontage on Robinson Street is outside the limits of the property but the subject property has a legal right-of-way over that driveway for access.

- There is an existing duplex on the north side of the property that is a legal duplex.

In response to questions from the Committee, April Chapman, Acting Zoning Administrator, advised as follows:

- The subject property was, at one-point, separate parcels that have been merged.

- The legal duplex on the subject property has existed since the 1960s.

Discussion

Rod Hines voiced concerns regarding the height of the proposed accessory structure in that the Zoning By-Law does not contemplate 2-storey accessory buildings and suggests that Council may wish to review and implement new zoning standards concerning accessory buildings.

Robert Short noted that the Committee had approved a similar application for a property in the south end within the last 18 months. He also noted that the proposed building was compatible with the existing legal duplex and the primary dwelling, as is consistent with the established residential neighbourhood.

Moved by Dan Maringh

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 6.18 of the Zoning By-Law to increase the maximum height of an accessory structure from 4.3 metres to 7.6 PROVIDED THAT construction proceed substantially in accordance with the concept plan attached as Exhibit B to the Staff Report dated November 25, 2025.

3. **File No. 41/25 – 173 Charlotte Street**

This matter relates to a minor variance application submitted by Aidan Ferriss of Studio Sunday, as applicant on behalf of 173 Charlotte Holding Inc, the owner of the property that is the subject of the application.

The purpose of the application is to seek relief from the following sections of the Zoning By-Law to facilitate further revision of the proposed re-development:

a) Section 4.10 to permit motor vehicle parking required under the Zoning By-Law to be located off-site; and

b) Section 4.6.2 to permit the erection and usage of a mixed-use building without the need to provide vehicle loading space associated with the residential use that would otherwise be required in accordance with Table 4.9 and/or Section 4.6.2(d).

Aidan Ferriss attended the meeting and addressed the Committee as follows:

- The project proposes renovations to the first, second, and third floor of the existing building, as well as construction of a new rear addition of three stories totalling 42 residential units.

- The proposed project will maintain commercial use at grade with some amenity space on the main floor.

- With the current footprint, there is no space for parking or loading and there has never been any parking or loading space on the property.

- The off-site parking would be in the City-owned parking garage directly adjacent to the property at the rear.

- The Otonabee Region Conservation Authority has reviewed the new proposed design and issued a permit.

Nun Nil, Junior Planner, advised the Committee as follows:

- This property was the subject of minor variance applications to the committee in November of 2024(A45/24) and June of 2025 (A23/25).

- The original proposal intended the ground floor for residential use but has since changed to address the Otonabee Region Conservation Authority's concerns identified in previous applications.

Payam Khazanbaik, one of the property owners, attended the meeting and addressed the Committee as follows:

- The King Street Parkade, the parking garage that is the subject of the off-site parking proposal, is located less than 5 metres from the rear of the proposed development.

- There are over 600 spaces in the parking garage, which has 24/7 access.

- If the City is not satisfied with the conditions of the off-site parking agreement, then they will pay the Cash-in-Lieu. This proposed condition is an alternative solution that still provides parking for tenants in the 42 units proposed for the redevelopment.

Anne Taylor-Scott, Development Planning Manager, advised as follows:

- There are two options in which to address parking on site: meeting the Zoning requirements, which is not possible on this property, or the Council-approved Cash-in-Lieu of Parking Policy.

- The applicant is proposing an off-site parking agreement, which would be created under the guidance of Legal Services.

- The proposed off-site parking agreement would need to be vetted through City Council as it deviates from the Cash-in-Lieu Policy.

- The application to the Committee of Adjustment is the first step in obtaining relief from the parking requirements in the Zoning By-Laws so that the applicant may obtain permits and begin the redevelopment. As the property will not be able to support parking of any kind, the parking will need to be addressed either by relief granted through a minor variance by the Committee of Adjustment, or an Agreement created through Legal Services.

- If an agreement cannot be reached to provide the off-site parking in the parking garage, the alternative would be the Cash-in-Lieu Policy.

In response to questions from the Committee, Anne Taylor-Scott further clarified as follows:

- The Cash-in-Lieu Policy is the default if on-site parking cannot be provided but it only applies to the Downtown Area and Strategic Growth Areas in the City.

- The Cash-in-Lieu for this property would not need to return to the Committee, as it could also be collected during Site Plan Approval or prior to obtaining a Building Permit.

- While the Cash-in-Lieu of Parking Policy is the default for when parking cannot be met, the matter presented to the Committee today is a request for relief to the requirement for parking under the Zoning By-Law.

- The Cash-in-Lieu of Parking Policy is a stand-alone Policy that is not mentioned in the Zoning By-Law but is enabled under the Planning Act.

- There is no existing policy in place that provides for off-site parking, but there is a past-practice for when sites are deficient in parking, that allows, through the Committee of Adjustment, for an agreement for off-site parking.

- As the proposed off-site parking is on public lands in the City-owned parking garage, Council would need to be involved in deciding the agreement.

Nun Nil, Junior Planner, further clarified as follows:

- The requested proposal for off-site parking is a variance to the Zoning By-Law and the power to vary the Zoning By-Law lies with the Committee of Adjustment. When the issue is presented to Council, the matter they will be considering is whether the Cash-in-Lieu Policy applies, or an alternative solution like off-site Parking would be more appropriate.

- Because there is the Cash-in-Lieu Policy under the Official Plan, the general policy direction is that if for any reason, parking cannot be provided, the Cash-in-Lieu of Parking Policy is in place of onsite parking. The funds collected are to be invested in transportation improvement either through a public venture or investment in public transportation.

Discussion

Both Rod Hines and Robert Short voiced concerns regarding the long-term enforceability of the proposed off-site parking arrangement. Rod Hines also noted that the conditions for accessing the City-owned parking garage may change and impact the agreement in the future.

Dan Maringh noted that if the property could not meet the Zoning By-Law requirements for parking, or the Cash-in-Lieu Policy, then it should go to City Council to propose an alternative solution.

Robert Short further asserted that it is a Policy issue and Council’s responsibility to address any alternative proposals to the Policy.

Moved by Robert Short

That the application be approved in accordance with the recommendation in the Staff Report with the amended condition of requiring the payment of Cash-in-Lieu of Parking to the City of Peterborough.

"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 Staff's 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 4.10 to permit motor vehicle parking required under the Zoning By-law to be located off-site; and**

b) **Section 4.6.2 to permit the erection and usage of a mixed-use building without the need to provide vehicle loading space associated with the residential use that would otherwise be required in accordance with Table 4.9 and/or Section 4.6.2(d).**

Conditional upon the following:

i. **Payment of Cash-in-Lieu of Parking to the City of Peterborough; and**

ii. **The applicant demonstrating that the development can address the natural hazard policies under Sections 5.1 and 5.2 of the Provincial Planning Statement, to the satisfaction of Otonabee Region Conservation Authority through the provision of any technical studies/reports deemed necessary by the Authority, the undertaking of any recommended measure as appropriate, and obtaining the required permits from the Otonabee Region Conservation Authority.**

4. **File No. A42/25; A43/25, 220 Simcoe Street**

This matter relates to two minor variance applications submitted by Kevin MacDonald, as applicant on behalf of 220 Simcoe Street Holdings Limited, the owner of the property that is the subject of the application.

The purpose of the application is to redress a missing variance from the previous applications, A33/25; A34/25, addressing building coverage deficiency, heard by the Committee on September 23, 2025, with the accompanying Consent application, B04/25. The intent of these applications is to obtain clear parameters for the detailed building design.

The variances are as follows:

A42/25 - 220 Simcoe Street

The applicant is seeking relief from Section 18.2(b)(ii) to increase the maximum building coverage for a building containing 21 or more dwelling units from 50% to 60%

A43/25 – Proposed 360 Aylmer Street

The applicant is seeking relief from Section 18.2(b)(ii) to increase the maximum building coverage for a building containing 21 or more dwelling units from 50% to 60%

Kevin MacDonald attended the meeting and addressed the Committee as follows:

- Applications were heard by the Committee for this property in September for a consent, and two accompanying minor variance applications for a proposed development

- The current applications are intended to remedy an oversight in the previous applications regarding building coverage.

- The modular manufacturing constraints of how the proposed building is designed requires additional building coverage.

- The drawings submitted have not changed from the ones submitted with the previous applications, so no real change is being made.

Nun Nil, Junior Planner, advised that subsequent to the approval of the previous applications, the conditions imposed by the Otonabee Region Conservation Authority requiring the applicant to “demonstrate adequate flood proofing measures to the satisfaction of Otonabee Region Conservation Authority through the permitting process”, has been satisfied.

In response to questions from the Committee, Nun Nil, Junior Planner, advised as follows:

- Because the current minor variance applications do not contradict the previous applications in any way, these new variances would be simply added to facilitate the development of the property. An amendment to the previously approved consent application is not required.

- The current minor variance applications are still tied back to the previous consent application and are still subject to the conditions set out in the Staff Report dated September 23, 2025.

- The variance for lot coverage is required to develop the property, not due to deficiencies in the lots.

Moved by Dan Maringh

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

"CARRIED"

Decision – A42/25 – 220 Simcoe 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.

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 18.2(b)(ii) to increase the maximum building coverage for a building containing 21 or more dwelling units from 50% to 60%. CONDITIONAL UPON receipt of a transfer/deed of land in accordance with consent application (B04/25).

Decision – 43/25 – 220 Simcoe 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.

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 18.2(b)(ii) to increase the maximum building coverage for a building containing 21 or more dwelling units from 50% to 60% CONDITIONAL UPON receipt of a transfer/deed of land in accordance with consent application (B04/25).

Minutes

Moved by Dan Maringh

That the minutes of the Committee of Adjustment hearing held on October 21, 2025 be approved.

“CARRIED”

Other Business

2026 Committee of Adjustment Schedule

Moved by Dan Maringh

That the proposed schedule for 2026 for the Committee of Adjustment be confirmed.

“CARRIED”

Next Meeting

The next meeting of the Committee of Adjustment is scheduled for Tuesday, January 27, 2026.

Adjournment

The meeting was adjourned at 7:06 p.m.

Stewart Hamilton, Chair

Jennifer Stern, Secretary-Treasurer