DRAFT

City of Peterborough

Committee of Adjustment Minutes

April 21, 2026

Draft Minutes Not Approved

Minutes of a Hybrid Meeting of Committee of Adjustment held on April 21, 2026, 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
Christie Gilbertson, Land Use Planner
April Chapman, Zoning Administrator
Jason Williams, Permit Coordinator
Shelise King, Permit Coordinator
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

The applicant for Item 1: File No. A14/26, 760 Chemong Rd. was not able to hear the Committee due to technical issues. The Committee moved this item to second on the agenda to allow for the issue to be resolved.

1. **File No. A15/26, 749 Spillsbury Drive**

This matter relates to a minor variance application submitted by Danielle Mills of Century 21 United Realty, as applicant on behalf of Kevin Mills, the owner of the property that is the subject of the application.

The purpose of the application is to seek relief from Section 7.2(i) of the Zoning By-law to increase the maximum permitted lot coverage for open parking areas, driveways, and vehicle movement areas from 20% to 24.4%, in order to legalize the existing driveway configuration.

Danielle Mills attended the hearing with property owner, Kevin Mills, and addressed the Committee as follows:

- The driveway is preexisting and has been for some time.
- The attempt to legalize the driveway through the minor variance is due to attempts to sell the property.

Sarah Dilamarter, Junior Planner, attended the hearing and advised that staff propose to revise the recommendation in the Staff Report due to concerns raised by neighbors that the existing driveway may not be entirely within the bounds of the subject lands. This concern was shared by City Staff as a result of a site visit. The condition requiring a survey was added by Staff to ensure the placement of the existing driveway falls within the subject property lines.

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

- A retaining wall exists towards the back of the property but is within the boundary of the property line.
- The stones for the retaining wall were placed 6 inches into the property line.
- The retaining wall falls within the 1.5m landscape strip indicated on the submitted site plan.
- The detached garage that the subject driveway leads to is more than 20 years old.

In response to questions from the Committee, Sarah Dilamarter, Junior Planner, advised as follows:

- It was noted that the existing driveway directly abutted the neighbour’s fence to the rear of the property, not a retaining wall.

- Neighbors who received the Notice also contacted staff with this concern, which resulted in the additional condition requiring the property owners to complete a survey.

- No variances are needed for the existing garage as it meets the requirement under the Zoning By-law for a 0.6m setback from the side and rear lot lines for an accessory building.

Moved by Dan Maringh

That the application be approved as amended.

FAILED

Discussion

Robert Short voiced concerns that the additional condition is a burden on the homeowner. Rod Hines noted that the retaining wall is a permitted landscape feature, and the driveway itself is the subject of the relief being sought.

Moved by Dan Maringh

That the application be approved in accordance with the recommendation in the Staff Report, **without the additional condition.**

“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, less the condition of providing a survey of the driveway location relative to the property lines, 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(i) of the Zoning By-law to increase the maximum permitted lot coverage for open parking areas, driveways, and vehicle movement areas from 20% to 24.4% to legalize the existing driveway.

2. **File No. A14/26, 760 Chemong Road**

This matter relates to a minor variance application submitted by Molly Conlin of Molly

Conlin Designs as applicant on behalf of Laura and Matthew Hawkins, the owners of the property that is the subject of the application.

The purpose of this application is to seek relief from the following Sections of the Zoning By-law to legalize and expand the existing easterly driveway to accommodate six parking spaces:

a) Section 4.3.2(a) to increase the maximum number of motor vehicle parking spaces permitted within 6.0 metres of a street line from two to four;

b) Section 4.3.2(b)(ii) to reduce the minimum required setback of motor vehicle parking spaces located in Parking Areas 3, 4, and 5 from a street line, where a lot contains five or more parking spaces, from 3.0 metres to 0.0 metres; and,

c) Section 4.8(5)(ii) and (iii) to permit two (2) driveways along the Aberdeen Avenue street line.

Molly Conlin attended the hearing and addressed the Committee as follows:

- The intent of the application is to increase the maximum number of vehicles allowed within 6m of the street line as well as a second driveway off Aberdeen Avenue.

- Neither of the City owned trees that have been identified on the Site Plan as a potential issue will be disturbed or removed.

Sarah Dilamarter, Junior Planner, clarified further to her report that both driveways indicated on the submitted site plan are off Aberdeen Avenue. The driveway being spoken to is the one to the northeast, furthest from Chemong Road.

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

- There is a construction easement dedicated for road improvements to Chemong Road that would not interfere with the proposed variance.

- The City's Legislative Services Division confirmed the easement would not be impacted by the requested variance.

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 the following Sections of the Zoning By-law to legalize and expand the existing easterly driveway to accommodate six parking spaces:

a) **Section 4.3.2(a) to increase the maximum number of motor vehicle parking spaces permitted within 6.0 metres of a street line from two to four;**

b) **Section 4.3.2(b)(ii) to reduce the minimum required setback of motor vehicle parking spaces located in Parking Areas 3, 4, and 5 from a street line, where a lot contains five or more parking spaces, from 3.0 metres to 0.0 metres; and**

c) **Section 4.8(5)(ii) and (iii) to permit two (2) driveways along the Aberdeen Avenue street line.**

CONDITIONAL UPON the applicant ensuring the driveway expansion does not negatively impact the existing tree along Aberdeen Avenue to the satisfaction of the Urban Forestry staff.

3. **File No. A16/16, 364 Parkhill Road West**

This matter relates to a minor variance application submitted by David Kay as applicant on behalf of 1990542 Ontario Limited, 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 the construction of a four-unit dwelling by building an addition and converting the existing duplex:

a) Section 8.2(b) to reduce the minimum lot area per dwelling unit from 278 square metres to 130 square metres; and

b) Section 8.2(c) to reduce the minimum lot width per dwelling unit from 9 metres to 3 metres

David Kay attended the hearing and addressed the Committee as follows:

- The application proposes to add two additional units to an existing duplex at the north end of the property.

Nun Nil, Junior Planner, attended the hearing and clarified further to his report as follows:

- The applicant is proposing to add an addition to the duplex which will be reconfigured into a 4-unit dwelling.

- On the north side of the property there is a parking space that is intended to be a turn-around area and not a true parking space.

- The variances that have been requested are technical due to the size of the lot.

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

- Each proposed unit will have designated space at the front for recycling, garbage, and compost receptacles.

- A property management company ensures that tenants are respecting the space and following the waste disposal schedule.

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

- The variances being requested do not pertain to an increase of parking lot coverage, so the applicant is not tied to the specific layout in the submitted site plan.

- The turnaround is intended to showcase adequate space for navigation, but there is no requirement for a turnaround area.

- The applicant is free to consider a different design provided they remain compliant with the parking area requirements.

- If the Committee wants to consider requiring the applicant to reconfigure the parking layout, it needs to be reasonably related to the variance being sought.

- A condition would not be appropriate to dictate materials to be used for parking surfaces.

- Only two parking spaces are required under the Zoning By-law for this parking area, and the proposal is for three parking spaces.

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

- This parking configuration was decided due to the exit onto Victoria Street, which would result in cars needing to back out onto the street without the turnaround.

- It would be difficult to redesign and still maintain the easy function of the lot.

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 the following Sections of the Zoning By-law to facilitate the construction of a four-unit dwelling by building an addition and converting the existing duplex:

a) **Section 8.2(b) to reduce the minimum lot area per dwelling unit from 278 square metres to 130 square metres**

b) **Section 8.2(c) to reduce the minimum lot width per dwelling unit from 9 metres to 3 metres**

PROVIDED THAT construction proceed substantially in accordance with the concept plan in Exhibit C and CONDITIONAL UPON the payment of Parks Levy in an amount to be determined by the Parks Levy Committee.

4. **File No. A17/26, 849 Alexander Court**

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

The purpose of the application is to seek relief the following Sections of the Zoning By-law to construct an elevator on the south-easterly side of the existing building:

a) Section 54.3(a) to permit the development beyond the area designated "Building Area - A" identified on Schedule A of the By-law;

b) Section 54.3(b) to increase the maximum building height from 9 metres to 11.4 metres; and,

c) Section 54.3(c) to build the proposed elevator in the area designated "Landscaped Open Space – B" identified on Schedule A of the By-law.

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

- The subject property is the Alexander Medical Building which is in the process of making major renovations within the building.
- Attempts were made to obtain a building permit for the construction of an elevator shaft at which time it was discovered that it would not meet the zoning under the special district (SP.26).
- There are schedules attached the to zoning that predate the property's Site Plan approval.
- The proposal is looking to add an elevator to the south-eastern side of the existing structure.
- Future phases will result in Site Plan amendments with the City as there is an existing Site Plan agreement on the property.

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

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

- Section 6.21 of the Zoning by-law does not apply in this instance, as the regulation speaks to equipment on a roof, such as a satellite or engineering equipment like an elevator housing. It does not apply in this case.
- If the applicant were installing an elevator withing the existing building footprint, and the elevator housing installed on the roof exceeded the allowable height, only then would the 'Equipment on Roof' section of the By-law apply.
- The proposal in the application is not for a rooftop development, but an expansion of the building footprint to accommodate the elevator. This building expansion requires a height variance.
- The variance was flagged during Site Plan approval and the consensus from Planning Staff is that it should be required to proceed with construction of the elevator.

- Should the Committee make a motion to not approve variance ‘b’, as requested by the applicant, the proposal would not be implementable, and the applicant would be unable to obtain their Site Plan Approval.

Discussion

Rod Hines noted concern that the projection above the existing building is only 0.76 metres, and the Zoning By-law provides a limit of 9 metres plus 6.1 metres of allowable projection based off the ‘Equipment on Roof’ regulation. The elevator would not be exceeding 6.1 metres over the permitted height of the building.

Moved by Rod Hines

That the application be approved as per the recommendation in the Staff Report, with the exclusion of variance (b).

FAILED

Dan Maringh stated that building an elevator in a medical building is the right thing to do.

April Chapman, Zoning Administrator, attended the hearing and advised the Committee that relief from Section 6.21 is required as the proposed elevator is not considered equipment on the roof because it is not proposed to be constructed on top of the existing building. Therefore, it would be considered a part of a building addition.

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 following Sections of the Zoning By-law to construct an elevator on the south-easterly side of the existing building:

a) **Section 54.3(a) to permit the development beyond the area designated "Building Area - A" identified on Schedule A of the By-law;**

b) **Section 54.3(b) to increase the maximum building height from 9 metres to 11.4 metres; and,**

c) **Section 54.3(c) to build the proposed elevator in the area designated "Landscaped Open Space – B" identified on Schedule A of the By-law.**

5. **File No. A18/26, 188 Stewart Street**

This matter relates to a minor variance application submitted by Patrick Dinnen, as applicant on behalf of Kellie Bonnici, the owner of the property that is the subject of the application.

The purpose of the application is to seek relief from Section 8.2(e)(ii) of the Zoning By-law to reduce the minimum rear yard setback from 7.6 metres to 1.2 metres.

Patrick Dinnen attended the hearing and addressed the Committee as follows:

- The property owner's intention is to add a 2-storey addition to the rear of the existing house, which will contain two separate Additional Residential Units.

- The relief being sought is for the side and rear setbacks to accommodate this proposal.

Nun Nil, Junior Planner, advised further to his Staff Report as follows:

- The requested variance is a result of the functional side lot line being interpreted as a rear lot line due to the way it is defined in the Zoning By-law.

- The property maintains a 1.2 metre setback from the functional side lot line, which meets the requirement for a true side lot line under the Zoning By-law.

- The reduction to the true rear lot line is 3 metres.

- The applicant proposes to have patio space as shared amenity in the rear yard on grade.

- There is no neighboring dwelling the directly abuts the subject property at the rear where privacy would potentially be a concern.

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

- The property is located in Parking Area One, and as such, there is no requirement for parking for the Additional Residential Units under the Zoning By-law.

- The existing dwelling does not have any parking spaces, so it is considered a legal non-complying feature of the dwelling.

- The two proposed Additional Residential Units do not require any parking under the Zoning By-law.

- The parking regulations were updated in 2025, based on a report by Paradigm, which indicated that that no parking would be required in this area for Additional Residential Units.

- Currently, on-street parking is limited to three hours.

- There is no realistic way that the subject property could support parking as it has never had parking.

Discussion

Robert Short noted concerns with regards to the lack of parking on the property and the general area with no permits for on-street, overnight parking.

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 8.2(e)(ii) of the Zoning By-law to be applied as follows:

a) **That the minimum building setback from the rear lot line that abuts 190 Stewart Street be 1.2 metres; and**

b) **That the minimum building setback from the rear lot line that abuts 273 Dalhousie Street be 3 metres.**

PROVIDED THAT construction proceed substantially in accordance with the plan in Exhibit E and CONDITIONAL UPON the completion of a Stage 1 and 2 Archaeological Assessment to the satisfaction of the City's Heritage Planning Section.

6. **File No. B3/26, 1400 Monaghan Road**

This matter relates to a severance application submitted by John Cooper of J&J Developments, as applicant on behalf of 2695867 Ontario Inc., the owner of the property that is the subject of the application.

The purpose of the application is to request a severance to create 4 new building lots, resulting in 5 total lots.

John Cooper attended the meeting and addressed the Committee as follows:

- The application for consent aligns with the established neighbourhood zoning.
- Both the severed and retained lots meet or exceed the minimum frontage requirement under the R.1, 1m, 2m zoning.
- On April 14th, the applicant met with a number of the neighbours who expressed no concerns with the proposed severance.
- The applicant is aware and in agreement with the conditions required in the Staff Report.

Nun Nil, Junior Planner, clarified further to his Staff Report as follows:

- A Functional Servicing Report was added as a condition due to concerns voiced by City Development Engineering staff, as well as neighbours regarding the existing sanitary infrastructure.
- The Functional Servicing Report would include the following:
    - A grading plan to show existing and proposed grade, and all service features.
    - A servicing plan to show proposed services, including laterals and utilities, as well as storm water management to ensure that the proposal is kept to redevelopment flow.
    - 15-millimetre infiltration and use of low impact development features.

    - Cost estimates for all works within the City's right of way.

- Development Engineering noted in their review of the application that there could be potential for capacity constraint with the sanitary sewer but would need to confirm diameter of the infrastructure on site.

- Securities for all work within the right of way will be required and informed by the cost estimate.

- Lot frontages along Monaghan Road will require a driveway turnaround area as they enter an arterial road.

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

- The assessment provided by Development Engineering staff suggested the increase in sanitary flow could be negligible.

- The model is not always accurate and requires in-field confirmation.

- Development Engineering staff have recommended this condition to ensure that the infrastructure is adequate to service the proposed lots.

- The matter is considered under Section 51(24) of the *Planning Act* on the adequacy of services.

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

- Under the zoning, the lots could support anywhere from one to four units as of right.

- A servicing consultant has been retained, and the site plan is based on their preliminary analysis.

- In their initial review, the servicing consultant determined that the 5 lot configuration would not be expected impact the infrastructure in any significant way.

- The initial review was based on a mid-rise building of up to 115 units, and this is much less significant development.

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

- The Tree Levy is calculated based on frontage; every 50 feet requires $550.00 and pertains only to trees to be planted in the right of way.

- The loss of trees on site would be dealt with through the Tree By-law, overseen by Urban Forestry.
- The Tree Levy is not to account for trees that could or would be lost on site, as that falls under the permitting process through Urban Forestry.
- While there are infrastructure items to be addressed, they are not necessarily prohibitive as there are measures that can be taken, such as conditions, that form a provisional consent, which would lapse if not completed in two years.
- While there is no plan to immediately develop these lots, a plan in not required and the lots do comply with the Zoning.
- The concept drawing is merely meant to showcase a viable building envelope to illustrate how the lots could be developed within the confines of the zoning regulations.
- It is likely that the proposed corner lot would have primary frontage onto Homewood Avenue.
- The frontages for the proposed lots along Homewood Avenue are consistent in width to neighbouring lots.
- A plan of subdivision would not be required in this instance as that is more appropriate for much larger pieces of land and development of large subdivisions.
- Staff believe this application is suitable for provisional consent.
- There is no policy in the Official Plan that requires a Plan of Subdivision for a proposal that is over a certain number of lots.
- The lots would be severed according to the submitted Site Plan.
- A condition that ties the development to the submitted site plan would not be appropriate as the lots meet all zoning requirements as-of-right.

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

i. Kevin Oickle
ii. Peter Harris
iii. Jennifer Cotton

Discussion

Robert Short noted that the previous servicing plan may not be accurate and that communication with the neighbors did not reflect the potential scope of the development. Rod Hines voiced concerns that the application was premature due to the limited detail on the scale of the development, which means it is not in the public interest. Rod Hines also noted that there are traffic and serious servicing concerns that still need to be addressed.

Dan Maringh noted that the Functional Servicing Plan should be to the satisfaction of staff, as is normal process, not the Committee of Adjustment.

Moved by Dan Maringh

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

FAILED

Moved by Rod Hines

That the application be deferred *sine die*, to be returned upon completion of the updated Functional Servicing Report.

“CARRIED”

Minutes

Moved by Dan Maringh

That the minutes of the Committee of Adjustment hearing held on March 24, 2026 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, May 19, 2026.

Adjournment

The meeting was adjourned at 7:47p.m.

Stewart Hamilton, Chair

Jennifer Stern, Secretary-Treasurer