DRAFT

City of Peterborough

Committee of Adjustment Minutes

June 23, 2026

Draft Minutes Not Approved

Minutes of an Electronic Meeting of Committee of Adjustment held on June 23, 2026, 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, Zoning Administrator
Shelise King, Permit Coordinator
Josh Hughley, Program Manager, Development Engineering
Jennifer Stern, 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

Moved by Rod Hines

That File No. B3/26, 1400 Monaghan Road, be moved to last on the agenda due to the anticipated length of the discussion.

“CARRIED”

1. **File No. A22/26, 1600 Sherbrooke Street**

This matter relates to a minor variance application submitted by Kate Steele of D.M. Wills on behalf of Eastern Canadian District of the Alliance Canada, 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 development of an expansion to the existing building to accommodate the day nursery use on the subject property:

a. Section 4.2(D) to reduce the required parking ratio for a day nursery use within Parking Area 4 from 2 parking spaces per staff member to 1 parking space per staff member, resulting in 68 parking spaces being provided for the church and day nursery uses combined, whereas 100 parking spaces are required;

b. Section 4.8(6)(iv) to decrease the minimum required vehicular clear throat setback from 15 metres to 12 metres;

c. Section 207.3(c) to decrease the minimum required setback from 30.0 metres to 2.3 metres along the south-easterly rear lot line for the proposed accessory structures, and to 22.3 metres along the westerly side lot line, to facilitate the temporary modular unit;

d. Section 207.3(e) to permit development outside of the “Building Area” identified on Schedule X to Section 207 of the Zoning By-law (“Schedule X”);

e. Section 207.3(f) to permit alterations within the area identified as “Landscaped Area” on Schedule X to facilitate the proposed development; and f. Section 207.3(g) to permit additional parking outside of the area identified as “Parking and Driveway Areas” on Schedule X.

Kate Steele attended the hearing and addressed the Committee as follows:

- Northview Day School is working alongside Eastern Canadian District to determine the best way to relocate their operations to 1600 Sherbrooke Street.
- Development will occur in two phases due to funding.
- Phase 1 includes the development of a temporary modular unit and the relocation of two garages on site.
- Phase 2 will include the construction of three permanent buildings which are still being designed and are not included in this application.
- The daycare will operate within the existing church and the future temporary building.
- There are 34 full time staff with 10 staff on call to support.
- Since Phase 2 is not included in tis application, no longer seeking relief for the eastern interior side yard to reduce the setback to 2.3 meters.

- Reduced setback required for the garages located further to the rear of the property.
- Site specific zoning regulations 167 restricted development on the property due to the lack of municipal servicing at the time.
- Now municipally serviced so restrictions should no longer apply.

Sarah Dilamarter, Junior Planner, advised that the applicant had amended their requested variance after the Staff Report had been published. The applicants advised staff that they no longer wished to pursue the variance associated with the proposed accessory building to the easterly side lot line. Staff recommendations remain unchanged.

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

- They are no longer seeking a reduction for the side yard setback as site plan has not been fully completed for that phase.
- Just over 200 students would be relocating to the 1600 Sherbrooke St property to the modular unit in the phase one construction.
- The main floor and basement of church will be utilized for the daycare but will maintain use for church services on weekends, while the daycare will operate during the week.

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

- Case law has established that you can’t vary the approval granted by the Committee of Adjustment from a former meeting.
- The use of the daycare facility was approved per a 2025 Minor Variance decision (A50/24)
- The four tests are not necessarily based off numerical considerations alone, but on impact of the surrounding properties.
- The Official Plan states that uses such as daycares, churches, and clinics are supportive uses and are considered permitted in areas such as this.
- The Staff Report outlines that the property is four to five acres and permits a school use on the property as of right, which is not unlike the scale of the daycare development contemplated.
- Staff are satisfied that the application meets the four tests and the use is already permitted and comparable in scale to other uses permitted on the site.
- A recommended condition requiring approval of Site Plan to the satisfaction of the Site Plan Supervisor is included in the Staff Report.
- The Site Plan is subject to change so staff did not deem it necessary to tie the application to the site plan that was presented, as it is expected to evolve.

- If the proposed site plan meets requirements under new CPP by-law, no Public Hearing will be undertaken.

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

- 2.3m setback still requested to the south-easterly rear lot line.

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

i. Kerry Freeman, 1741 Kepler Cres, Peterborough, ON

- Speaking on behalf of many of the neighbors and has lived near the church for over 20 years.
- Noted that there is no requirement for a public hearing for the proposed phase two of the development.
- Concerns regarding additional light and noise pollution.
- Concerns regarding traffic during daycare pickup and drop-off

ii. Stan Steinsky, Peterborough, ON

- Comments and written submission withdrawn prior to the hearing

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

- Neither staff nor the applicant felt it was necessary to include a specific variance to permit a daycare use, as it was already permitted under the variance approved by the Committee in February 2025.
- The previously approved variance (A50/24) did not, in staff's opinion, limit the daycare use to the main building at the time as the question surrounding whether the use was appropriate for the site was already determined by the February 2025 approval.
- If the Committee wished to do so, they could amend approval to include the daycare use on the property.
- Limiting the property to a specific site plan will limit their design possibilities when they get to Site Plan approval phase.

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

- As proposed, the 3 permanent structures would be the only structures. Only the location of the structures is uncertain.

Discussion

Rod Hines voiced concern that there was not a variance included to permit a daycare on the property under the zoning. Previous land use was predicated that the use be contained to the existing structure.

Robert Short noted that it was not within the purview of the Committee to approve interim use. This application should be considered an amendment to the previous application to clarify the area that permission is related to.

Rod Hines voiced further concern that the previous minor variance that permitted a daycare use restricted the use to the main building.

Kaes Vanderkooy noted that the site is already approved for daycare use, regardless of what that looks like.

Moved by Robert Short

That the application be deferred to the next hearing to allow the applicant to include a variance to permit daycare use to the property and not just to the main building.

Motion Failed

Moved by Dan Maringh

That the amended application be approved as presented.

“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 the following sections of the Zoning By-law to facilitate the development of an expansion to the existing building to accommodate the day nursery use on the subject property through the placement of multiple buildings on the site:

a. **Section 4.2(D) to reduce the required parking ratio for a day nursery use within Parking Area 4 from 2 parking spaces per staff member to 1 parking space per staff member, resulting in 68 parking spaces being provided for the church and day nursery uses combined, whereas 100 parking spaces are required;**

b. **Section 4.8(6)(iv) to decrease the minimum required vehicular clear throat setback from 15 metres to 12 metres;**

c. **Section 207.3(c) to decrease the minimum required setback from 30.0 metres to 2.3 metres along the south-easterly rear lot line to accommodate the proposed accessory structures, and to 22.3 metres along the westerly side lot line, to facilitate the daycare expansion;**

d. **Section 207.3(e) to permit development outside of the "Building Area" identified on Schedule X to Section 207 of the Zoning By-law ("Schedule X");**

e. **Section 207.3(f) to permit alterations within the area identified as "Landscaped Area" on Schedule X to facilitate the proposed development; and**

f. **Section 207.3(g) to permit additional parking outside of the area identified as "Parking and Driveway Areas" on Schedule X.**

PROVIDED THAT the applicant completes a Site Plan Amendment to the satisfaction of the City's Supervisor, Urban Design.

2. **File No. A23/26, 162 Wallis Drive**

This matter relates to a minor variance application submitted by Brendan Curry of Draftify on behalf of Kantilal Patel, Pushpa Patel, Vipesh Patel, the owners of the property that is the subject of the application.

The purpose of the application is to seek relief from Section 3.4(10)(d) of the City's Zoning By-law to reduce the minimum easterly rear yard setback from 12.0 metres to 4.4 metres to permit a single-storey unenclosed addition with a rooftop private amenity area.

Brendan Curry of Draftify attended the hearing and addressed the Committee as follows:

- Requesting relief from the rear setback to allow for construction of an unenclosed addition.
- A minor variance was granted in fall for canopy structure but was limited to the canopy (A32/25).
- The structure is intended to reserve open and unenclosed and constructed generally in accordance with the submitted concept plan.

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, the applicant advised as follows:

- A building permit will need to be obtained for the completion of the project.
- An engineer has been consulted to ensure structural integrity of the proposal.

No one spoke in objection to the application and no written objections were received.

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 3.4(10)(d) of the City's Zoning By-law to reduce the minimum easterly rear yard setback from 12.0 metres to 4.4 metres to permit a single-storey unenclosed addition with a rooftop private amenity area PROVIDED THAT construction of the single-storey unenclosed addition with a rooftop private amenity area be constructed in general accordance with the concept plan labelled Exhibit B in the Staff Report dated June 23, 2026.

3. File No. A24/26, 1180 Armour Road

This matter relates to a minor variance application submitted by Jamie Hoefling of One Community Planning on behalf of 2160288 Ontario Inc., the owner of the property that is the subject of the application.

The purpose of the application is to seek relief from Section 4.3.2(i) to increase the percentage of required parking permitted to be located between the dwelling and the streetline from 10% to 100%.

Jamie Hoefling attended the hearing and addressed the Committee as follows:

- Land use was approved by the OLT in 2022 and since then property has been going through Site Plan approval process.
- New parking regulations were enacted during the Site Plan approval process.
- They were able to incorporate most of the new parking bylaw provisions, but are not able to meet the requested regulation.
- 100% of the parking is located between the building and the streetline, while the parking regulation only allows for 10%.
- Environmental concerns at the rear of the property regarding a creek require that the parking be entirely located at the front of the property.

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, staff advised as follows:

- The property does have two street lines as it is a corner property.
- There was no need to clarify which streetline the parking is permitted as the property is nearing the completion of their Site Plan approval, which would consider the placement of the parking.
- The application is a result of the new by-law that was passed while they were in the process of Site Plan approval.
- There is no parking proposed for the Cunningham side of the property, only on the Armour Road frontage.
- A Landscaping Plan provided as part of the Site Plan approval process.

No one spoke in objection to the application and no written objections were received.

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 4.3.2(i) to increase the percentage of required parking permitted to be located between the dwelling and the streetline from 10% to 100%.

4. **File No A25/26, 346 London Street**

This matter relates to a minor variance application submitted by Neil Murray of Kawartha Real Estate Fund LP on behalf of Murshields Realty Inc., the owner of the property that is the subject of the application.

A previous minor variance application (A10/26) was approved in February to facilitate the proposed development. The development proposal and site design associated with the current application remain substantially consistent with the proposal considered by the Committee at the time.

The purpose of this application is to seek relief from the Zoning By-law to permit the same development proposal, specifically:

a. Section 9.2(c) to decrease the minimum lot width per dwelling unit from 6 metres per dwelling unit to 2 metres per dwelling unit; and
b. Section 6.11(a) to decrease the minimum permitted setback from the street line from 6 metres to 3.7 metres.

Neil Murray attended the hearing and addressed the Committee as follows:

- Variances that were submitted in January and February of this year were approved by this Committee.
- The current design is the same, just two variances that were missed in the initial application.

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:

- This property straddles the minor mixed-use corridor.
- In the approved draft of the CPPS, this property is now in a residential precinct.

- Currently, it is right on the border between residential and mixed-use area – considered a transition area.
- The purpose of the application is to rectify an oversight from previous the previously approved application, and no actual changes are being made to the proposed concept plan.

No one spoke in objection to the application and no written objections were received.

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 the following sections of the Zoning By-law:

a. **Section 9.2(c) to decrease the minimum lot width per dwelling unit from 6 metres per dwelling unit to 2 metres per dwelling unit; and**
b. **Section 6.11(a) to decrease the minimum permitted setback from the street line from 6 metres to 3.7 metres.**

5. **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 seek a severance to create 4 new building lots, resulting in 5 total lots.

Jeff Greene, a consultant from Flagship Development Group, attended the meeting on John Cooper's behalf and addressed the Committee as follows:

- This application was previously deferred by the committee to address servicing and infrastructure concerns raised by neighbors and the Committee members.
- Engage Engineering was retained to undertake the servicing reports.
- The Functional Servicing Report concludes the sanitary and water servicing can be accommodated using the existing infrastructure.
- Historic flooding concerns in the neighborhood does not preclude current development in the area as the question is whether it will worsen existing conditions. The Storm Water Management Report was specifically prepared to address this question.
- The development is not creating a new drainage outlet, nor redirecting drainage onto neighboring properties.
- The proposed design includes five soak away pits that provide approximately twice the storage volume required by City standards.
- These soak away pits infiltrate water into the ground rather than discharging it directly to the municipal system, which allows more infiltration and less runoff.
- The system is designed to control post-development flows to pre-development levels, so there are no concerns with flooding.
- This was assessed by consulting engineer and the City's Development Engineering staff.
- The resulting conclusion is that the City's Development Engineering staff have no concerns with the proposal.
- From a zoning perspective, these lots all comply with current zoning, and no variances are required for the proposed lots.

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

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

- The grading, draining, and servicing will all need to be approved prior to severance being finalized.
- There is no staff-initiated ongoing maintenance planned for servicing infrastructure as it should not be required.

- Calculations were based on the maximum number of units permitted on the lots as of right and may not necessarily translate to the exact same number of units built.

- The agreement will be registered on title and will obligate any future owners to the same maintenance.

- The Functional Servicing Report that was submitted indicates that there is adequate sanitary capacity to service the proposed number of units and localized upgrades would not be required of the applicant for this development.

Josh Hughey, Program Manager, Development Engineering, attended the hearing and advised the Committee as follows:

- Most properties require an agreement on title to make homeowners and future homeowners aware of specific conditions and maintenance requirements.

- Development Engineering confirmed that there is no combined sanitary/water infrastructure in the neighborhood.

- Local flooding has been related to stormwater and not to sanitary backup.

- There is a backflow prevention & flood reduction program run through the Building Division of the City of Peterborough.

- The downstream sanitary infrastructure is sufficient to service the proposed units under the existing conditions.

- Development Engineering also considered impact of Additional Residential Units to potentially be added to any of the properties so City staff is confident that the infrastructure is sufficient.

- The Engineer of record will need to provide “as constructed designs” which could potentially be shared with any future owners.

The following persons provided written submissions in opposition to this application:

i. Peter Harris

ii. Kevin Oickle

iii. Jennifer Cotton

iv. Al Cook

v. Greg Thomas

vi. Patricia Bell

vii. Alex Bierk

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

- The applicant has 2 years to fulfill conditions once a provisional consent has been granted.
- If it is labelled on the survey where specific infrastructure elements are, it could create design concerns later. It could fall on future owners to undertake those obligations as indicated in the development agreement.
- The Development Agreement should be limited to maintenance on the storm water pond and keeping it clear of obstructions, which would serve the goal of protecting these features while allowing for some flexibility for later design.

Moved by Robert Short

That the application be approved in accordance with the recommendation in the Staff Report with the added/amended condition of requiring the storm water management ponds to be identified in the agreement, and to be maintained, as well as be free of any obstruction of covering impacting the potential function and capacities of such pond.

“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.

Consent is granted to sever the property to create an additional four building lots, five lots total, CONDITIONAL UPON THE FOLLOWING:

i. Payment of Tree Levy in the amount of $3,188.35;

ii. Payment of a Parks Levy in an amount to be determined by the Parks Levy Review Committee;

iii. Receipt of confirmation that the existing dwelling and any accessory buildings or structures (e.g. pool and other elements) on the property have been demolished or otherwise removed through the appropriate permits from the Building Services Division to the satisfaction of the Chief Building Official;

iv. The owner shall submit a Functional Servicing Report to be reviewed and approved by the City’s Development Engineering Section to their satisfaction. The owner shall revise and address comments from the City as necessary. The report shall include the following but not limited to:

a. **Grading plan, showing existing and proposed grades, including all surface street features**

b. **Servicing plan, showing existing and proposed services including all existing laterals and utilities**

c. **Provide the proposed sanitary flow calculation L/s**

d. **Stormwater management section demonstrating that the post-development flows are controlled to previous pre-development flows**

e. **15 mm infiltration and the use of LIDs are required**

f. **The owner shall provide a detailed cost estimate for all works within the City's right-of-way;**

v. **The Owner agrees to the registration on title of an Application to Register Restriction pursuant to section 118 of the Land Titles Act in a form acceptable to the City Solicitor against the lands, stating that no transfer of the lands can occur without the consent of the City. The City agrees that the Restriction may be released once the sewer upgrades has been completed to the satisfaction of the Development Engineering Section or such time that the Consent approval lapses;**

vi. **The owner must enter into a development agreement with the City of Peterborough for the purposes of approving grading, drainage, servicing, and site access. The development agreement shall include provisions relating to works within the City's right-of-way, on-going maintenance of development features, and any associated fees which will be registered on title in a form suitable to the City Solicitor;**

vii. **Prior to registering the Reference Plan at the applicant's cost, the applicant shall submit for approval a draft Reference Plan to the Secretary-Treasurer, showing the proposed severed parcel including road widening and daylight triangle. 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;**

viii. **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 Geomatics Division to confirm acceptable standards and formatting. The Surveyor should contact the Secretary-Treasurer for instructions on how to submit this document;**

ix. **Conveyance by the owner to the City, free of encumbrances and at no cost to the City, of a 12 metre by 5 metre (12 metres on Monaghan and 5 metres on Homewood) daylighting triangle at the corner of Monaghan Road and Homewood Avenue;**

x. **Conveyance by the owner to the City, free of encumbrances and at no cost to the City, of a 3 metre road widening along Monaghan Road;**

xi. **That the applicant provide the Secretary-Treasurer with a draft of the Transfer/Deed of Land, and**

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

Minutes

Moved by Kaes Vanderkooy

That the minutes of the Committee of Adjustment hearing held on May 19, 2026 be approved.

"CARRIED"

Other Business

Moved by Dan Maringh

That Laken MacFarlane be appointed to the position of Secretary-Treasurer

CARRIED

The Secretary-Treasurer confirmed that the Staff Report is AODA compliant.

Next Meeting

The next meeting of the Committee of Adjustment is scheduled for Tuesday, July 21, 2026.

Adjournment

The meeting was adjourned at 7:44 p.m.

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Stewart Hamilton, Chair

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Jennifer Stern, Acting Secretary-Treasurer