Agenda
The Township of Cavan Monaghan
Committee of Adjustment

Thursday, September 24, 2020
8:30 a.m.

1. Call to Order

2. Disclosure of Pecuniary Interest and the General Nature Thereof

3. Minutes

   3.1 Minutes of the Committee of Adjustment Meeting held August 27, 2020

4. Reports

   4.1 Report - Planning-2020-32 Olivieri Minor Variance Application MV-06-20 (CC)

5. Correspondence Received

6. Questions from the Committee

7. Questions from members of the public

8. Consideration of Application by the Committee

9. Adjournment

Minutes

The Township of Cavan Monaghan

Committee of Adjustment

Thursday, August 27, 2020
9:00 a.m.

Those members in attendance remotely were:

Aaron Glover	Member
Michael Semple	Member
Dave Grant	Member

Staff

Christina Coulter	Planner
Elana Arthurs	Clerk

1. Call to Order

Mr. Semple called the meeting to order at 9:00 a.m.

2. Disclosure of Pecuniary Interest and the General Nature Thereof

There were no pecuniary interests noted.

3. Minutes

3.1 Approval of Minutes of July 30, 2020

CA/30/07/20/01
Moved by: Glover
Seconded by: Grant
That the minutes of the Committee of Adjustment meeting held July 30, 2020 be approved as amended.

Carried

4. Reports

4.1 Planning Report 2020-25 Lee Minor Variance Application MV-07-20 (CC)

Ms. Coulter reviewed the application and the reason for the minor variance application.

5. Correspondence Received

Ms. Coulter noted that no correspondence was received from the public and Township Staff had no objections. The Health Unit indicated that they have no objections although that a sewage system permit would be required prior to issuing a building permit. ORCA noted that they have no concerns due to the pre-developed state of the property and permits will not required from their agency.

6. Questions from the Committee

The Committee discussed the size and location of the garage and the fact that it is a detached garage.

7. Questions from members of the public

There were no questions from members of the public.

8. Consideration of Application by the Committee

CA/27/08/20/02
Moved by: Glover
Seconded by: Grant
That the Committee of Adjustment review and consider all verbal and written comments received regarding this application; and
That the Committee approve Application MV-07-20 with the condition that the owner applies and is approved for an existing sewage system permit prior to the issuance of a building permit, if required.

Carried

9. Adjournment

CA/27/08/20/03
Moved by: Grant
Seconded by: Glover
That the meeting adjourn. (9:17 a.m.)

Carried

_____
Michael Semple
Chair

_____
Elana Arthurs
Clerk

TOWNSHIP OF CAVAN MONAGHAN
Have it all. Right here.

Committee of Adjustment

To:	Committee of Adjustment
Date:	September 24, 2020
From:	Christina Coulter, Planner
Report Number:	Planning 2020-32
Subject:	Olivieri Minor Variance Application MV-06-20

Recommendations:

1. That the Committee of Adjustment review and consider all verbal and written comments received regarding this application; and

2. That the Committee approve Application MV-06-20 with the following conditions:

    a) that the owner applies and is approved for an existing sewage system permit prior to the issuance of a building permit, if required; and

    b) that the owner submits a lot grading and drainage plan prior to the issuance of a building permit.

Overview:

Oliver and Marti Olivieri applied to the Township of Cavan Monaghan for approval of a minor variance for property at 2462 Edgewood Park, Lot 8, RCP 108, in part of Lot 21, Concession 14 of the Cavan Ward. A key map showing the location of the property is provided as Attachment No. 1 to this Report.

The subject property is an existing lot of record developed with a single detached dwelling, shed and inground pool. The lot has 30.48 metres (100 feet) of frontage on Edgewood Park, has a depth of 55.47 metres (182 feet) and a total lot area of 0.16 hectares (0.42 acres). An air photo showing the property and surrounding area is provided as Attachment No. 2.

The owners of the property wish to construct an attached garage. To accommodate the proposed garage addition, the existing shed will be removed and a second entrance to the subject property has been applied for. The attached garage addition will extend towards the north side lot line of the property. The attached garage addition will be 60.20 square metres (648 square feet) in size and is proposed to be located 1.2 metres (4 feet) from the northern side lot line. A site plan showing the location of the existing buildings and proposed addition is provided as Attachment No. 3.

The subject property is zoned the Rural Residential (RR) Zone as shown on Map A-4 to the Township of Cavan Monaghan Zoning By-law No. 2018-58, as amended. The current Zoning By-law regulation requires a minimum interior side yard of 6 metres (19.69 feet). As proposed, the garage addition will be located too close to the northern side lot line to comply with the minimum side yard requirement. A variance is required to permit a reduced side yard for the proposed garage addition.

The purpose of the minor variance is to reduce the minimum side yard requirement in the Rural Residential (RR) Zone, as it applies to the subject property, from 6.0 metres (19.69 feet) to 1.2 metres (4 feet). All other standard regulations of the Rural Residential (RR) Zone will apply to the property.

Notice of the minor variance application was circulated, by first class prepaid mail, to all assessed persons within 60 metres (200 feet) of the subject property and to all required ministries and agencies. A sign was also posted on the Edgewood Park frontage of the property.

As of the date of drafting of this Report, Township Staff had not received any oral or written comments about or objections to the variance.

The Otonabee Region Conservation Authority (ORCA) did not have any concerns with the proposed variance stating that the application is consistent with Section 3.1 of the PPS referencing Natural Hazards, and Sections 2.1 and 2.2 of the PPS referencing Natural Heritage and Water and 4.2.3 and 4.2.4 of the Growth Plan for the Greater Golden Horseshoe referencing Key Hydrologic Features, Key Hydrologic Areas And Key Natural Heritage Features and their Adjacent Lands. ORCA indicated that permits will not be required from their agency for the proposed development, nor is the subject property within an area that is subject to the policies contained in the Trent Source Protection Plan.

Notice of the application was also circulated to all Township Department Directors. Staff had no objections to the variance, however, as noted below the building department has indicated that a lot grading and drainage plan will be required prior to the issuance of a building permit to ensure proper drainage.

Planning Review

Section 45 of the Planning Act provides the tests that must be satisfied to support a minor variance application. The tests are as follows:

1. Does the minor variance maintain the general intent and purpose of the Official Plan?

The subject lands are designated Rural as identified on Schedule ‘A’ in the Official Plan for the Township of Cavan Monaghan. Lands designated Rural represent areas where previous non-farm development and lot creation has effectively limited the future of intensive farm activity (Section 5.2). Permitted uses include single dwelling houses on existing lots of record (S. 5.2.2 (a)).

The minor variance to allow for the addition of an attached garage to the existing single detached dwelling within an area of previous non-farm lot creation maintains the intent and purpose of the Rural designation policies of the Township of Cavan Monaghan Official Plan.

2. Does the minor variance maintain the general intent and purpose of the Zoning By-law?

The subject property is zoned the Rural Residential (RR) Zone as shown on Map A-4 to the Township of Cavan Monaghan Zoning By-law No. 2018-58, as amended. A single detached dwelling is a permitted use in this Zone (Table 3A).

As indicated earlier in this Report, a minimum interior side yard of 6 metres (19.69 feet) is required in the (RR) Zone. As proposed, the garage addition will be located 1.2 metres (4 feet) from the northern side lot line.

The potential location for this addition is limited because of the existing interior layout of the house. The north side yard offers more area for the addition as well as allowing for excavation in order for the owners to undertake necessary foundation repairs to the existing dwelling. For these reasons, the northern side yard is the most appropriate area for expansion.

A review of aerial photography, provided as Attachment No. 2 to this report, and the site plan, provided as Attachment No. 3 to this report, suggest that the proposed addition will project approximately 3.04 metres (10 feet) into the front yard. The proposed addition will result in a front yard setback of 9.14 metres (30 feet). The By-law requires a minimum front yard setback of 9 metres (29.53 feet) (Table 3B) and therefore, the proposed addition meets the minimum front yard setback.

The maximum lot coverage (excluding decks and pools) for the Rural Residential (RR) Zone is 35% (Table 3B). For this property, 35% lot coverage represents 594.88 square metres (6,403.27 square feet). The application indicates the existing house occupies a lot coverage of 98.47 square metres (1,060 square feet). When combined with the 60.20 square metre (648 square feet) proposed attached garage, the total lot coverage will be 158.68 square metres (1,708 square feet) and will not exceed the maximum lot coverage requirement.

With the exception of the side yard setback, the size and location of the proposed addition satisfy the requirements of the (RR) Zone.

3. Is the proposed use desirable for the appropriate development or use of the land?

A single detached dwelling is permitted on the property. The adjacent land uses are residential and agricultural. The proposed addition is within the maximum lot coverage requirements for the (RR) Zone.

The location of the addition is limited because of the existing interior layout of the house and the limited space available in the south side lot line. The addition will be located to

the north of the existing dwelling and will be located adjacent to the driveway and attached garage of the property to the north known municipally as 2466 Edgewood Park. As such, the proposed addition will have limited impact on the use and enjoyment of the adjacent property. The proposed addition will not adversely affect Township interests.

The location of the proposed addition will abut the side yard of the neighbouring residential lot to the north but will be located far enough from the lot line to allow suitable grading and drainage between the lots and maintenance of the addition. To ensure proper drainage, a lot grading and drainage plan will be required prior to the issuance of a building permit.

4 Is the variance minor?

The proposed variance is minor in nature. The variance does not affect the permitted uses on the property. The lot can accommodate the proposed addition. Although the building will be located closer to the side lot line than currently permitted in the Zoning By-law, the addition will maintain a minimum 1.2 metre (4 foot) setback which is sufficient for proper grading and drainage.

After hearing public comment and considering all written submissions, the Committee has the following options:

1. approve the minor variance with no conditions;
2. approve the minor variance with conditions;
3. defer the minor variance for further consideration at a later date; or
4. reject the minor variance.

Financial Impact:

None at this time.

Attachments:

Attachment No. 1: Key Map
Attachment No. 2: Air Photo
Attachment No. 3: Site Plan

Respectfully Submitted by,

Christina Coulter
Planner

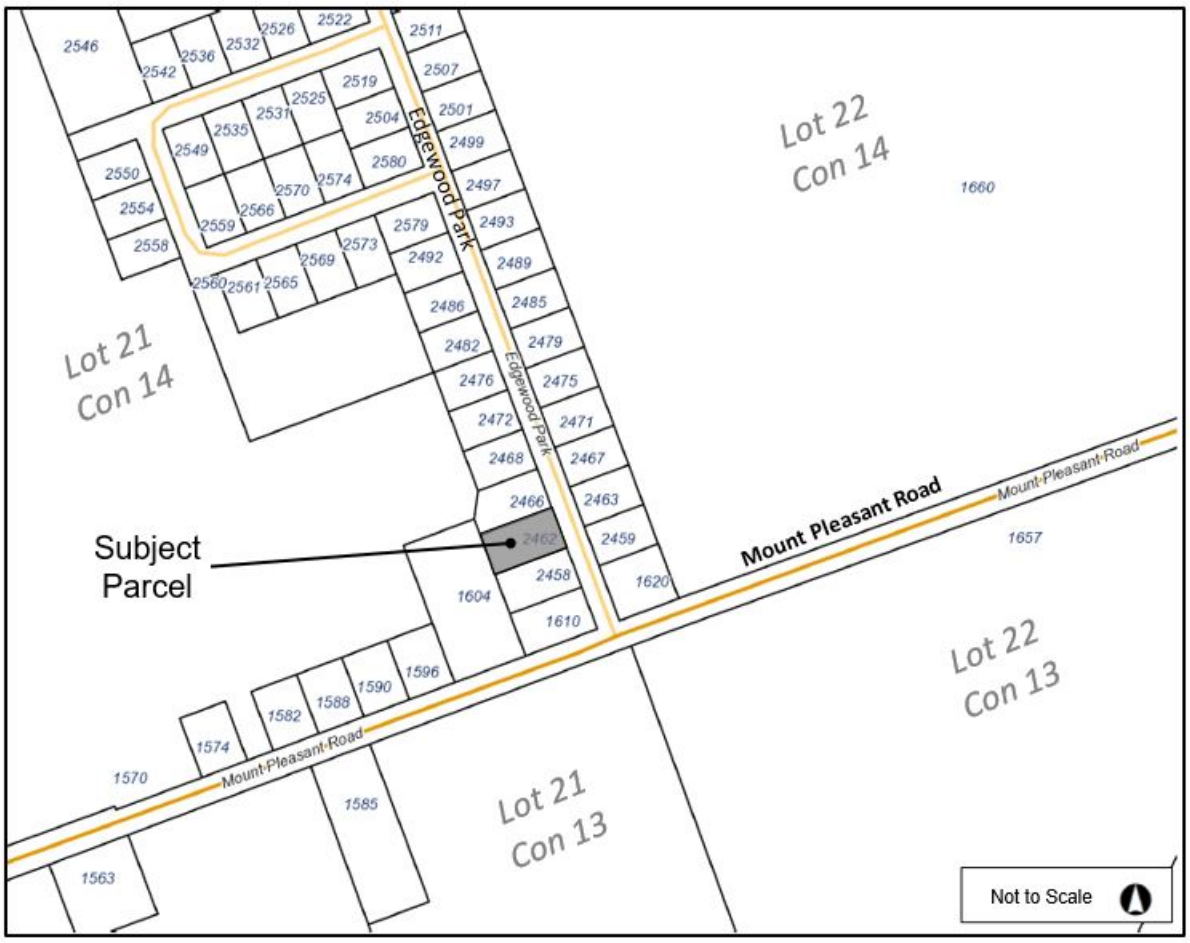
Reviewed by,

Karen Ellis,
Director of Planning

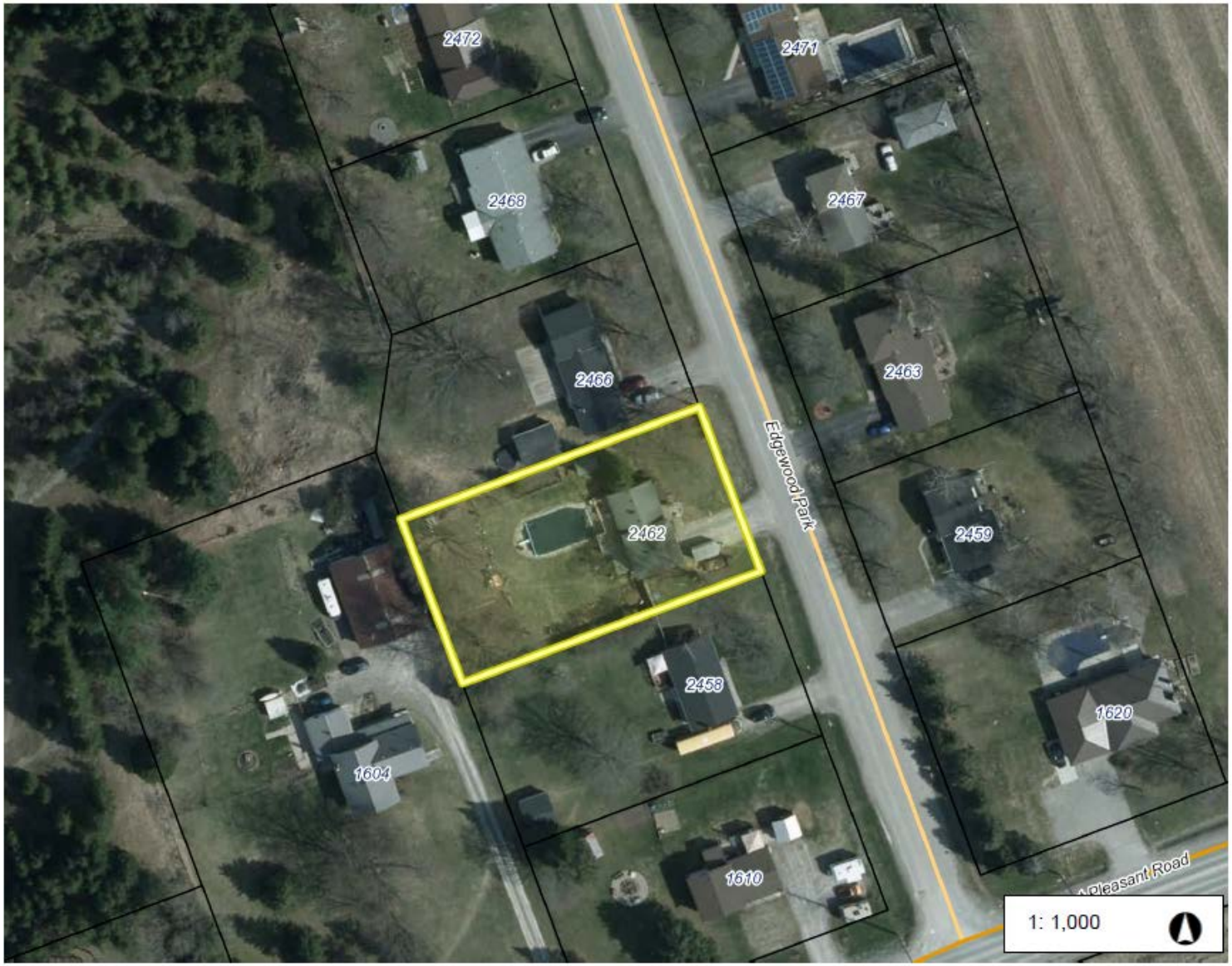
Yvette Hurley,
Chief Administrative Officer

Attachment No.1: Key Map

Key Map



Attachment No. 2: Air Photo



Attachment No. 3: Site Plan

