



**Agenda**  
**The Township of Cavan Monaghan**  
**Committee of Adjustment**

Thursday, March 14, 2024

9:00 a.m.

Zoom

Members in attendance are asked to please turn off all electronic devices during the Meeting. Any special needs requirements pertaining to accessibility may be directed to the Clerk's Office prior to the meeting. Please be reminded meeting are livestreamed and recorded. Members may be participating remotely.

**1. Call to Order**

**2. Land Acknowledgement**

We respectfully acknowledge that the Township of Cavan Monaghan is located on the Treaty 20 Michi Saagiig territory, in the traditional territory of the Michi Saagiig Anishnaabeg. We offer our gratitude to First Nations for their care for and teachings about these lands. May we honour these teachings.

**3. Disclosure of Pecuniary Interest and the General Nature Thereof**

**4. Minutes**

**4.1 Minutes of the Committee of Adjustment Meeting held June 1, 2023**

**5. Report**

**5.1 Report - PEB 2024-12 9 Tupper Street (4th Line Theatre) Minor Variance Application MV-02-24 (KE)**

**6. Correspondence Received**

**7. Questions/Comments from the Committee**

**8. Questions/Comments from members of the public**

**9. Consideration of Application by the Committee**

**10. Adjournment**



## **Minutes**

### **The Township of Cavan Monaghan**

#### **Committee of Adjustment**

**Thursday, June 1, 2023**

**9:00 a.m.**

#### **Those Members in Attendance remotely were:**

Aaron Glover	Member
Michael Semple	Member
Dave Grant	Member

#### **Staff:**

Karen Ellis	Director of Planning
Karlie Cornish-Tkalec	Deputy Clerk/Corporate Services Administrator

### **1. Call to Order**

Mr. Semple, Chair called the meeting to order at 9:01 a.m.

### **2. Disclosure of Pecuniary Interest and the General Nature Thereof**

There were no pecuniary interests noted.

### **3. Minutes**

#### **3.1 Minutes of the Committee of Adjustment meeting held March 14, 2023**

CA-2023-10

Moved by: Grant

Seconded by: Glover

That the minutes of the Committee of Adjustment meeting held March 14, 2023 be approved as presented.

**Carried**

## **4. Reports**

### **4.1 Report - PEB 2023-29 13 Main Street Minor Variance Application MV-03-23**

Ms. Ellis reviewed the application. The Application applies to the lands at 13 Main Street in Millbrook. The owner of the property is proposing to construct an accessory apartment in a new detached accessory building on the property. The existing shed will be removed from the site to accommodate the new construction.

The property at 13 Main Street is an existing lot of record approximately 800 square metres (0.20 acres) in size with approximately 20 metres (66 feet) of frontage on Main Street. The property is currently developed with a single detached dwelling and a detached accessory building. The dwelling is serviced with municipal piped water and sewer services.

The new accessory apartment will be approximately 9.75 metres (32 feet) by 7.3 metres (24 feet) in size (71.35 square metres (768 square feet)) and will be located between the existing dwelling and the watercourse. Minor site alteration is required to widen and extend the existing driveway to accommodate a parking space for the accessory apartment.

The property is zoned Urban Residential One (UR1) as illustrated on Map F-2A to By-law No. 2018-58, as amended. In the Urban Residential One (UR1) Zone, an accessory apartment is a permitted use.

Section 11.2 of Zoning By-law No. 2018-58, as amended, limits accessory apartments to 45% of the floor area of the main dwelling. The existing dwelling is approximately 67.5 square metres (727 square feet) in size with a total gross floor area of 120.2 square metres (1294 square feet). As proposed, the new accessory apartment will be approximately 71.35 square metres (768 square feet) in size and have approximately 59% of the floor area of the main dwelling. A minor variance is required to permit the increase in floor area for the accessory apartment. The purpose of the minor variance is to increase the maximum floor area for an accessory apartment from 45% to 59% of the gross floor area of the main dwelling. All other standard regulations of the Urban Residential One (UR1) 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 posted on the Main Street and Marshall Street frontages of the property. Notice of the Application was also posted to the Township website.

### **4.2 Correspondence Received**

Ms. Ellis spoke to the correspondence received. One comment was received and addressed in the planning report.

Township Staff had no objections to the Application.

Otonabee Region Conservation Authority (ORCA) reviewed the circulated information in accordance with their mandate and policies. ORCA Staff confirmed that the Application is consistent with Section 3.1 of the Provincial Policy Statement, a permit is required from the Authority prior to any site alteration and the subject lands are not located in a vulnerable area as per the Source Protection Plan.

#### **4.3 Questions/Comments from the Committee**

Mr. Semple asked if the existing dwelling was 1 or 2 story noting the proposed dwelling appears to be larger than the existing dwelling.

#### **4.4 Questions/Comments from the members of the Public**

Mr. Gardiner thanked the Committee members for their time on behalf of the property owners.

#### **4.5 Consideration of the Application by the Committee**

CA-2023-11

Moved by: Grant

Seconded by: Glover

That the Committee approve application MV-03-23 with no conditions.

**Carried**

### **5. Adjournment**

CA-2023-12

Moved by: Glover

Seconded by: Semple

That the meeting adjourn 9:17 a.m.

**Carried**

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Michael Semple  
Chair

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Karlie Cornish-Tkalec  
Deputy Clerk



## Committee of Adjustment

<b>To:</b>	Committee of Adjustment
<b>Date:</b>	March 7, 2024
<b>From:</b>	Karen Ellis, Director of Planning
<b>Report Number:</b>	PEB 2024-12
<b>Subject:</b>	9 Tupper Street Variance Application MV-02-24

### 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-02-24 with the condition that development and use of the property occur in accordance with a Site Plan approved by the Township of Cavan Monaghan.

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### Overview:

The Township of Cavan Monaghan received a minor variance application for lands at 9 Tupper Street in Millbrook (File No. MV-02-24). The property is also the subject of an application for Site Plan Approval (File Number SPA-04-24).

A Concept Plan and Planning Rationale Report were submitted in support of the minor variance application. These documents are provided as Attachment Nos. 1 and 2 to this Report.

The property is an existing lot of record approximately 561.51 square metres (0.14 acres) in size with approximately 13.178 metres (43.21 feet) of frontage on Tupper Street and approximately 42.64 metres (140 feet) of frontage on Centre Street. A key map showing the location of the property is provided as Attachment No. 3 to this Report and an air photo of the property is provided as Attachment No. 4.

A single detached dwelling, converted to office and retail space, and an accessory shed are located on the property. A parking area is located to the west (rear) of the building. Access to the parking area is available from Centre Street. The parking area accommodates eight (8) surface parking spaces.

The owner of the property (4<sup>th</sup> Line Theatre) converted the single detached dwelling to retail and office/administration space. The first storey accommodates a retail area, a meeting room, and a mixed retail and administration space. The second storey includes storage and administrative spaces.

The property is zoned Core Mixed Use Three (CMU3) as illustrated on Map E-2A to By-law No. 2018-58, as amended. The property is also subject to the Floodplain Overlay (f212.7) and the Special Policy Area regulations with regard to flood susceptible lands.

Section 4.2 – Table 4B, Footnote (2) of Zoning By-law No. 2018-58, as amended, prohibits business offices, personal service establishments, and repair or service shops on the first storey of a building located in the CMU3 Zone. In addition, Section 12.2.9 b) of Zoning By-law No. 2018-58, as amended requires:

- i. access to parking areas be provided from a public street by an unobstructed driveway not exceeding 10 metres (33 feet) in width; and
- ii. parking aisles to have a minimum unobstructed width of 6 metres (19.7 feet) where two-way traffic is permitted.

A minor variance is required to permit office and administration space on the ground floor of the building and to recognize the existing tandem parking layout on site. No changes to the Floodplain Overlay (f212.7) and Special Policy Area regulations are required.

As proposed, the variance will permit office and administration space on the ground floor of the building and will recognize an existing tandem parking layout for eight (8) vehicles. All other standard regulations of the CMU3 Zone, the Floodplain Overlay (f212.7) and the Special Policy Area 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 Tupper Street and Centre Street frontages of the property.

As of the date of drafting of this Report, no public comment had been received.

Notice of the application was also circulated to all Township Department Directors. Township Staff have no objection to the proposed variances. The Fire Department will require confirmation regarding Fire Code compliance with the change of use of the building from residential to commercial (office) use with respect to fire separations between floors and occupant travel distances to exits. The Building Department is working with the Owner with regard to building permits.

Notice of the Application was also circulated to the required Ministries and Agencies. The Engineering and Design Division (E&D) of Peterborough County Public Works has no objections, comments or concerns with respect to this application.

Otonabee Conservation indicated that the application is consistent with Section 3.1 of the Provincial Policy Statement (PPS) and does not require a Permit from the Authority. Although the subject property is located within the source water protection vulnerable area(s), the Trent Source Protection policies do not apply.

## **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 Community Core in the Township of Cavan Monaghan Official Plan.

The Community Core designation reflects the historic Commercial Core of the Millbrook Urban Area. Some of the objectives of the designation are to:

- Develop, maintain and promote the Community Core as a focal point for commerce, tourism and pedestrian-scale activity in the Township;
- Encourage the development of a mix of uses at a density that will enhance the character and vitality of the Community Core;
- Encourage streetscape and façade improvements that revitalize the cultural and historic character of Millbrook;
- Establish a definitive boundary for the Community Core Area within which a mixed use, pedestrian-oriented environment can be enhanced; and
- Protect the residential character of the areas within and adjacent to the Community Core.

Commercial uses permitted in the Community Core designation include business, professional and medical offices (S. 4.2.2 a) ii)).

The sensitive conversion of existing buildings from their existing use to other permitted uses is encouraged in accordance with the Development Criteria in the Plan (S. 4.2.3 d)). All new development/redevelopment within the Community Core Area is subject to site plan control (S. 4.2.3 e)). A site plan approval application has been submitted to the Township in conjunction with this minor variance application.

General design criteria for Community Core designation are found in Section 4.2.4 of the Official Plan. When reviewing applications in the Community Core designation, due consideration must be given to building height, parking and loading facilities, recycling and waste storage and collection and landscaping. Generally, building height should be a minimum of two and preferably three storeys.

The existing building is a two-storey building. No exterior changes to the building are proposed at this time. Parking requirements are to be accommodated on site with (8) tandem surface parking spaces. A loading space is not required.

All parking lots should be paved and internally connected. Barrier free parking spaces should be conveniently located near buildings. Ramps should be used to facilitate pedestrian movement. The parking area should be illuminated with identifiable access points and signage.

The subject property has an existing parking area to the rear (west) of the structure. The parking area is currently surfaced with hard packed crushed gravel and can accommodate eight (8) tandem parking spaces. One (1) barrier free parking space can be accommodated on site. A ramp from the parking area to the building is currently available. No lights or signage for the parking area is proposed at this time.

Recycling and garbage collection areas are to be within buildings wherever possible or screened from view of pedestrians in accordance with municipal standards. Each area should be enclosed with a privacy fence and service gate that allows access for storage and removal.

The concept plan provided with the Application does not indicate an exterior recycling and garbage collection area. Storage of material may occur within the main building or small storage shed. The proposed use will probably generate waste and recycling volumes similar to that of a residential use. Weekly, curbside pick-up for both waste and recycling is currently available in Millbrook. As such, significant storage capacity should not be required.

With the proposed site design, impacts to the existing residential character of the area are minimized. The design of the site remains almost the same as the site design when the building was used as a single detached dwelling.

The proposed variance maintains the general intent and purpose of the Official Plan.

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

The property is zoned Core Mixed Use Three (CMU3) as illustrated on Map E-2A to By-law No. 2018-58, as amended. In the Core Mixed Use Three (CMU3) Zone, business offices and retail stores are permitted uses. Business offices are not, however, permitted on the first storey of a building. The maximum ground floor area for retail uses is 900 square metres (9688 square feet).

A business office is defined as “premises used for conducting the affairs of business, professions, services, industries, governments or like activities, in which the principal product of labour is the processing and/or storage of information rather than the production and distribution of goods”. The proposed use satisfies the definition of business office.

The proposed uses provide a gentle transition from residential to commercial uses. The nature of the use (4<sup>th</sup> Line Theatre) requires both retail and business office/administration space. The use fits nicely with the neighbourhood in that it will not generate a lot of heavy traffic and will not create noise, dust or fumes in excess of what is normally expected in



a mixed residential and commercial area. The location of the business will encourage some pedestrian traffic.

The configuration of the existing structure requires the location of office space on the ground floor because no addition to or extension of the existing building is proposed nor can a ground floor extension be accommodated without affecting on-site parking availability.

Tandem parking is not generally permitted for commercial uses because of the difficulty in accommodating on-going traffic movements. Generally, customers visit a commercial site for a short time period.

A parking area currently exists on the property. The parking area can accommodate eight (8) vehicles. The number of parking spaces satisfies the current requirements for the proposed use and floor areas dedicated to each use.

The tandem parking arrangement can accommodate employee parking on the inside and visitor parking with the exterior spaces (i.e. continued direct access to Centre Street). On-street parking on both Tupper Street and Centre Street can accommodate additional visitor/customer parking.

The variance maintains the general intent and purpose of the Zoning By-law.

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

The subject lands are located in a mixed-use area. The property is zoned and designated to permit the proposed office and retail uses with certain restrictions.

With the approval of the minor variance, the look and feel of the property remains primarily the same as when the building was used as a single detached dwelling. The variance will permit a land use that is compatible with the existing development in the area while providing new office space within the downtown area.

A new sign has been erected in the front yard. The design of the sign is sympathetic to the aesthetics of the area and satisfies the requirements of the Township's Sign By-law.

4. Is the variance minor?

The proposed variance is minor in nature. Retail and business offices are permitted uses in the CMU3 Zone. The variance will permit some office and administration space on the ground floor.

The property is located in an area of mixed residential and commercial uses. Exterior changes to the property are limited to a new sign and some minor landscaping.

Existing on-site parking is provided. The proposed tandem parking is a viable parking arrangement for the business office and retail use of the property. The number and size of parking spaces available satisfies the current Zoning By-law regulations with regard to parking spaces.

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:**

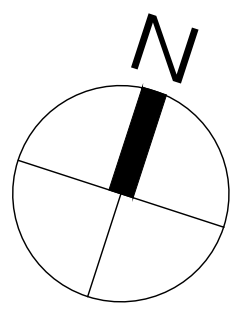
Attachment No. 1: Concept Plan  
Attachment No. 2: Planning Rationale Report  
Attachment No. 3: Key Map  
Attachment No. 4: Air Photo of the Subject Property

Respectfully Submitted by,

Reviewed by,

Karen Ellis, B.A.A.  
Director of Planning

Yvette Hurley  
Chief Administrative Officer



# Attachment No. 1: Concept Plan

CORE MIXED USED THREE (CMU3)

CENTRE STREET

EXISTING CONCRETE SIDEWALK

TUPPER STREET

PART 1

CORE MIXED USED THREE (CMU3)

LANDSCAPE AREA

PART 3

PART 4

CORE MIXED USED THREE (CMU3)

EXISTING CONCRETE SIDEWALK

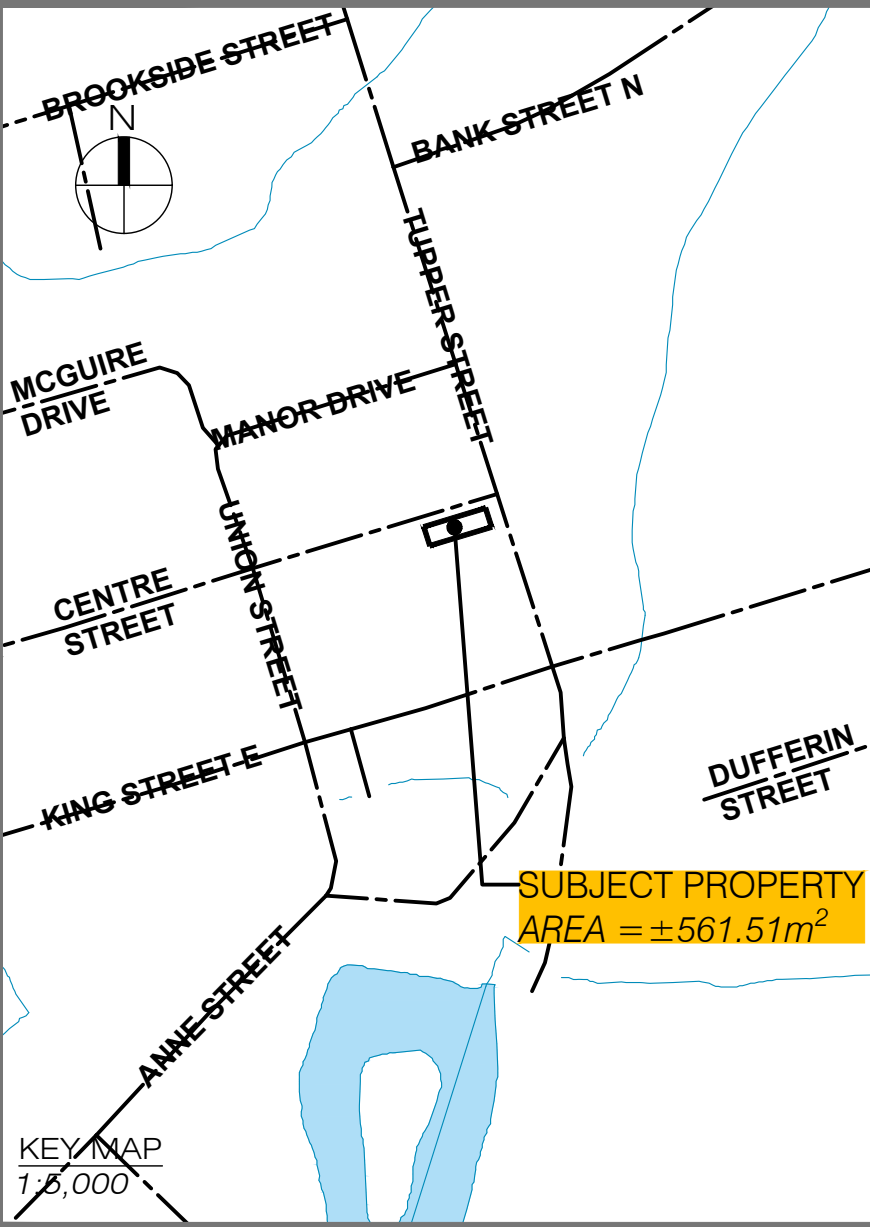
LEGEND

- Subject Property
- Existing Parcel
- Existing Building
- Existing Road
- Existing Parking
- Existing Driveway

NOTES:

- Property boundaries are retrieved from the Plan of Survey prepared by Elliott and Parr (Peterborough) Ltd. on February 16, 2005
- Retail Area= ±40.26 sq.m. (32.18% of Floor Area)
- Office Area= ±22.11 sq.m. (17.67% of Floor Area)
- Standard Parking Dimension= 3m X 6m

ZONING STATISTICS		
CORE MIXED USED THREE	REQUIRED	EXISTING
MIN. LOT AREA	300 sq.m.	561.51 sq.m.
MIN. LOT FRONTAGE	10m	13.17m
BUILDING SETBACK		
MAX. FRONT YARD	N/A	7.6m
MIN. INT. SIDE YARD	2m	2.17m
MIN. EXT. SIDE YARD	2m	0.22m
MAX. EXT. SIDE YARD	4m	N/A
MIN. REAR YARD	3m	1.06m
MIN. BUILDING HEIGHT	6.6m	7m
MAX. BUILDING HEIGHT	11m	7m
PARKING SPACES	1 per 20 sq.m.	8 spaces



CONCEPT PLAN  
OP1

4th Line Theatre Site Plan  
4th Line Theatre

9 Tupper Street, Millbrook ON  
Part of Lot 5, Part 2  
Concession 00  
Geog. Twp. of Cavan Monaghan  
Municipality of Cavan Monaghan  
County of Peterborough

Project Number: 23-2590  
Drawn By: PP  
Horiz. Scale: 1:100  
Revision Date: January 25, 2024



February 13, 2024

Township of Cavan Monaghan  
988 County Road 10  
Millbrook ON  
L0A 1G0

Attn: Karen Ellis, Director of Planning

Re: **Application for Minor Variance**  
**9 Tupper Street**  
**Part of Lot 12, Concession 5, Millbrook, Township of Cavan Monaghan, County of**  
**Peterborough**  
**EcoVue Reference 23-2590**

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Dear Ms. Ellis,

The following has been prepared in support of an application for a Minor Variance at the above-noted property. The purpose of the Minor Variance is to permit the interior renovation of what is known municipally as the 4<sup>th</sup> Line Theatre Box Office and Administrative Centre, located at 9 Tupper Street, in the Cavan Ward, Township of Cavan Monaghan. To accommodate the proposed renovation, variances to the following Township of Cavan Monaghan Zoning By-Law provisions are being requested:

1. Section 4.2 – Table 4B Additional Regulation (2) – a variance from this provision is being requested to *permit office space on the ground floor, where it is currently not permitted*; and
2. Section 12.2.9 – a variance from this provision is being requested to *permit tandem parking on a site that is not residential and is not accessed via driveway or parking aisles, which is currently not permitted*.

Below is a summary of the proposed development and an examination of the proposed Minor Variances in the context of the Provincial and local land use planning policies.



## 1.0 BACKGROUND

The property has a municipal address of 9 Tupper Street, and is known legally as Part of Lot 12, Concession 5, Millbrook, Township of Cavan Monaghan, County of Peterborough.

The property is approximately 561.51 square metres (0.139 acres) with 13.17 metres of frontage on Tupper Street and 42.64 metres of frontage on Centre Street, in the urban settlement area of Millbrook. The subject property contains one (1) 2-storey building and a parking area with eight (8) surface parking spaces. Access to the property is gained via Centre Street.

The property is designated Community Core and Millbrook Special Policy Area (SPA) according to Schedule 'A-1' to the Township of Cavan Monaghan Official Plan. The property is also subject to the provisions of the Core Mixed-Use Three (CMU3) Zone, Floodplain Overlay (f212.7), and Special Policy Area in the Township of Cavan Monaghan Zoning By-Law No. 2018-58.

### 1.1 Description of the Proposed Development

The property owners, the Fourth Line Theatre Company, would like to permit the interior of the existing building to function as office space (i.e. box office and administrative offices).

The interior will consist of one (1) retail area, one (1) meeting room, and one (1) mixed retail/admin area on the ground floor. The second storey will be used for storage/administrative purposes.

### 1.2 Pre-Consultation with the Township of Cavan Monaghan

A Pre-Consultation meeting between Township staff and EcoVue Consulting Services staff was attended via Zoom on October 10, 2023. A copy of the Pre-Consultation Summary is included as **Appendix A** to this Letter.

Overall, the Township was supportive of the proposed Minor Variance application, subject to sufficient planning justification being provided for the proposed variances. The duration of this Letter will provide support for the proposed variances, as requested.



In addition to this Minor Variance application, the Township has requested the submission of a Site Plan Approval application. Submission of the Site Plan Approval application will occur following the Townships acceptance of this Minor Variance application, and assuming approval of the requested variances by the Township's Committee of Adjustment.

## **2.0 APPLICATION FOR MINOR VARIANCE**

Section 45 (1) of the *Planning Act* sets out "four tests" to be considered when submitting a Minor Variance application. The four tests are:

1. The application shall meet the general intent of the Official Plan;
2. The application shall meet the general intent of the Zoning By-law;
3. The requested variance is minor in nature; and
4. The requested variance is desirable for the appropriate development or use of the land, building or structure.

Below is a summary of the proposed Minor Variance in the context of the four tests listed above.

### **2.1 General Intent of the Official Plan**

The County of Peterborough Official Plan is an upper-tier Official Plan (OP) that is intended to ensure that the County of Peterborough evolves, improves, and realises its full potential in areas such as transit, land use development, and the environment. In addition to the County OP, the policies of the Township of Cavan Monaghan Official Plan apply.

#### **2.1.1 County of Peterborough Official Plan**

The subject property is designated Settlement Areas according to the County of Peterborough Official Plan (CPOP) and therefore, the policies of Section 4.2 (Settlement Areas Designation) are applicable. It is within this Section that it states that the intent of the designation is to *"to promote the role of settlement areas as the primary employment centres and location for commercial and industrial uses and to plan for related land and infrastructure requirements"*. Furthermore, Section





4.2.3 states that “[w]here possible, but especially for development on full services, mixed-use developments, [...] reducing parking requirements, [...], variations of lot sizes, unit types, and a mix of storefront retail and residential zoning are encouraged in order to ensure more complete and livable neighborhoods for residents. Smaller driveways, wider sidewalks, curbside parking and narrower streets are also encouraged”.

The proposed minor variances are being requested to permit tandem parking for non-residential uses and to permit office uses on the ground floor. It is our opinion that the above-noted policy, which does not explicitly address tandem parking, is supportive of reduced parking spaces within settlement areas as a viable alternative to providing the total required spaces. Due to the configuration of the lot, tandem parking spaces are being utilized to provide the maximum amount of parking spaces on-site. It is our opinion that this meets the intent of the above-noted policy.

Additionally, speaking to the proposed office uses on the ground floor, although the CMU3 Zone does not permit office uses on the ground floor, it is our opinion that the Settlement Areas designation policies permit the proposed use, as detailed throughout Section 4.2 of the CPOP.

Based on the above, it is our opinion that the proposed variances conform to the policies of the County of Peterborough Official Plan.

### **2.1.2 Township of Cavan Monaghan Official Plan**

The subject lands are designated Community Core and Millbrook Special Policy Area (SPA) according to Schedule ‘A-1’ of the Township of Cavan Monaghan Official Plan (CMOP).

The Community Core designation is intended to support a mix of commercial, tourism, and other mixed uses while protecting the historic nature within the municipality. According to Section 4.2.1a) of the CMOP, one of the Township’s goals is to “develop, maintain and promote the Community Core as a focal point for commerce, tourism and pedestrian-scale activity in the Township”. Section 4.2.1c) states another goal is to “encourage the development of a mix of uses at a density that will enhance the character and vitality of the Community Core”.



The subject property is currently surrounded to the north, south, and west by existing or proposed commercial uses, some of which include Premium Fuels, Millbrook Farm, Garden and Pet Supply, LCBO, Foodland, Moody's Bar and Grill, etc. There are also residential uses to the east, a majority of which are single detached dwellings. Providing additional commercial office space within the neighbourhood will satisfy the Township's goal of encouraging a mix of uses within delineated settlement areas which is consistent with the policies of Section 4.2.

Section 4.2.2a) of the CMOP states that permitted commercial uses within the Community Core designation include: *"(ii) Business, professional and medical offices; [...]"*.

As noted above, the proposed minor variance will allow for the development of office space on the ground floor of the existing structure on the subject lands. Therefore, the proposed development conforms to the policies of 4.2.2.

Moving to the General Development policies contained in Section 4.2.3, Subsection b) states that: *"mixed use buildings are encouraged within the Community Core designation. It is intended that the permitted commercial uses will be developed on the ground floor. Residential and office uses are encouraged above the commercial uses located on the ground floor; [...]"*. Subsections e) and f) further state that *"e) All new development/redevelopment within the area designated Community Core Area shall be subject to Site Plan Control; and, f) Maximum building size for retail uses in the Community Core Area will be 900 square metres ground floor area."*

Although the above-noted policy encourages office space to be located above commercial uses on the ground floor, in the case of the subject lands, there is not adequate space to locate the proposed office space on the second storey. Additionally, there are no proposed exterior additions or enlargements proposed with the requested variances. As such, the required office floor space is only available on the ground floor of the existing structure. Additionally, the proposed uses will be adequately serviced, with no negative impacts to surrounding properties.

Speaking to e) and f), the maximum proposed commercial retail area will be 40.26 square metres (retail area + retail/admin area), and Site Plan Approval will be sought assuming the approval of the requested variances.





Therefore, it is our opinion that the proposed minor variances meet the intent of the CMOP.

## **2.2 General Intent of the Zoning By-law**

The subject property is zoned Core Mixed-Use Three (CMU3), Floodplain Overlay (f212.7), and Special Policy Area according to the Township of Cavan Monaghan Zoning By-law No. 2018-58 (CMZBL).

According to Section 4.2 – Table 4B (Permitted Non-Residential Uses) of the CMZBL, the CMU3 Zone permits a variety of non-residential uses including but not limited to business offices.

### **2.2.1 Requested Variance No. 1 – Office Space on the Ground Floor in the CMU3 Zone**

Business offices, although permitted, are subject to the “Table 4B Additional Regulations” contained in the CMZBL. Table 4B Additional Regulation (2) states that: *“business offices, personal service establishments, and repair or service shops are not permitted on the first storey of a building”*. As proposed, there is approximately 40.26 square metres of office space proposed to be permitted maximum (meeting room + retail/admin area). Therefore, a variance from this provision is being requested.

The intent of locating offices above the ground floor is to prioritize commercial, accessible walk-in uses on the ground floor. In the case of the subject property, the ground floor will provide both commercial and office uses. Additionally, due to the configuration of the current structure, and the fact that the owners are not planning any additions or enlargements to the structure, it is only possible to locate the office uses on the ground floor.

It is our opinion that locating both commercial and office uses on the ground floor meets the intent of the policy.

### **2.2.2 Requested Variance No. 2 – Tandem Parking for Uses that are Non-Residential**

The submitted Site Plan currently features tandem parking spaces to service the proposed use. Since the primary use of the subject lands is changing from residential to commercial, Section 12.2.9 (Access to Parking Areas and Structures) of the CMZBL applies.



Subsection 12.2.9 a) states that *“access to parking areas shall be provided from a public street by means of one or more un-obstructed driveways not exceeding:*

*(i) 6.0 metres in width for a driveway accessory to a single dwelling, and,*

*(ii) 10.0 metres in width for any other driveway*

*measured parallel to the said street, at any point on the lot closer to the said street than the street setback required therefrom, [...]”.*

Subsection 12.2.9 b) further states that

*driveways and parking aisles shall have a minimum unobstructed width of 6 metres where two-way traffic is permitted and 3 metres driveway where only one-way direction of traffic flow is permitted and is clearly indicated by signs, pavement markings or both, except that the minimum width required for any driveway accessory to a single detached, semi-detached or townhouse dwelling shall be 2.5 metres.*

Based on the above provisions, the existing tandem spaces are not permitted with the proposed non-residential use as they are not accessed via driveway nor provide the required minimum aisle widths. As such, a variance from this provision is being requested.

The intent of limiting tandem parking to residential uses is to ensure that there is appropriate ingress and egress for patrons accessing commercial/institutional/industrial uses.

The proposed commercial uses on the site will encourage significant walk-in traffic, in some cases where residents are accessing the site for a very limited amount of time.

Furthermore, due to the current configuration of the subject lot and the existing structure, as well as the limited lot area, there is no additional area on the subject lands to locate the required driveway or parking aisles without reducing the number of parking spaces. A review of historical aerial imagery reveals that tandem parking has been utilized on the site for at least 12 years. Although the proposed use on the subject lands is changing, it is our opinion that the proposed new use does not increase the intensity of use occurring on the lands. Since the site has been able to properly



function with tandem parking, it is our opinion that the continued use of tandem parking is appropriate.

In addition to the above, each proposed parking space will meet the minimum 6.0 metre by 3.0 metre dimensions, as required under Section 12.2.3 of the CMZBL.

Given the above, it is our opinion that proposal meets the general intent of the Township of Cavan Monaghan Zoning By-law.

### **2.3 The Requested Variance is Minor in Nature**

It is our opinion that the proposed variances will not result in any adverse impacts to the surrounding uses or the overall streetscape, and thus, can be considered minor in nature.

Speaking to the proposed variances, neither of the variances request exterior alteration, enlargement, or addition to what currently exists on the site, thereby limiting any potential impacts from exterior construction or future massing. The proposed uses will not generate large amounts of walk-in traffic, thereby ensuring limited impact on the surrounding neighbours. Additionally, the proposed commercial use is compatible with, and will further diversify the uses available and permitted within the settlement area.

Therefore, it is our opinion that the proposed variances are minor in nature.

### **2.4 Desirable for the Appropriate Development or Use of the Land, Building or Structure**

It is our opinion that the proposed development is desirable and appropriate for the existing residential area as the proposal:

1. Will not result in significant impacts to adjacent lands and will comply with all other zoning requirements under the Township of Cavan Monaghan Zoning By-law No. 2018-58;
2. Will not result in any changes to the character and future design of the neighbourhood as no exterior renovations to the existing building are required to accommodate the proposed development;



3. Directly aligns with policies directing commercial uses to delineated settlement areas, as reflected in provincial planning legislation and policies (*Planning Act*, Provincial Policy Statement); and
4. Reflects the general intent of the County of Peterborough Official Plan and Township of Cavan Monaghan policies to encourage commercial within settlement areas.

## **2.5 Consistency/Conformity with Provincial Plans**

In addition to the “four tests” under Section 45(1) of the *Planning Act*, minor variances shall also be consistent with policy statements, and conform to provincial plans, issued under s.3 of the *Planning Act*.

### **2.5.1 Provincial Policy Statement**

The 2020 Provincial Policy Statement (2020) provides a policy framework for land use planning within the Province of Ontario. It is the responsibility of the local planning authorities, in this case, the Township of Cavan Monaghan, to uphold the policies of the PPS pertaining to land use planning and development. In particular, the planning authorities must ensure that their decisions are consistent with key provincial interests including policies related to settlement areas in urban communities.

The subject property is located within the delineated urban community boundary of Millbrook and is, therefore, subject to Section 1.1.3 (Settlement Areas) of the PPS.

Section 1.1.3 of the PPS outlines policies as they relate to Settlement Areas. Section 1.1.3.1 states “that settlement areas shall be the focus of growth and development” and that “land use patterns within settlement areas shall be based on densities and a mix of land uses which...efficiently use land and resources”.

The proposed development will occur in a settlement area and will represent the diversification commercial uses within the build boundary that can be accommodated on the existing servicing, thereby demonstrating efficient use of land.



Therefore, the proposed development is consistent with the applicable sections of the PPS.

### **2.5.2 A Place to Grow: Growth Plan for the Greater Golden Horseshoe**

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan, 2020) is a Provincial growth management plan. Generally, the policies of the Growth Plan direct development and growth to urban areas that are supported by existing infrastructure, including transit and municipal water and sewer systems. The Growth Plan also provides policies for limited, compatible growth outside of settlement areas.

The Township of Cavan Monaghan and greater County of Peterborough is located within the Greater Golden Horseshoe and therefore, is subject to the Growth Plan. The Growth Plan is administered under the *Places to Grow Act, 2005* and is designed to inform “*decision-making regarding growth management and environmental protection in the GGH [Greater Golden Horseshoe]*”. The Plan provides policies for land use planning in the County to 2041.

As stated, the subject lands are located in Millbrook, and therefore subject to Section 2.2.1.2 of the Growth Plan. Subsection 2.2.1.2 a) states that “*the vast majority of growth will be directed to settlement areas that:*

- i. have a delineated built boundary;*
- ii. have existing or planned municipal water and wastewater systems; and*
- iii. can support the achievement of complete communities*

Furthermore, Subsection 2.2.1.2 d) states that “*development will be directed to settlement areas*”.

The subject property is located within a delineated settlement area on full municipal servicing (i.e. municipal water and sewage). The proposed permission will not require an uneconomical extension of services and can be accommodated through the existing supply of municipal services.

Further, Section 2.2.5 (Employment), Subsection 2.2.5.3 states that “*Retail and office uses will be directed to locations that support active transportation and have existing or planned transit*”.

The subject property is located at the intersection of Tupper Street and Centre Street; one of the main intersections in Millbrook. There are various uses (commercial, institutional, etc.) within a 500-metre distance of the subject lands. It is our opinion that the proposed commercial/office use within an existing structure aligns with the Growth Plan's objectives for settlement areas.

Therefore, it is our opinion that the proposed permission conforms with the policies of the Growth Plan.

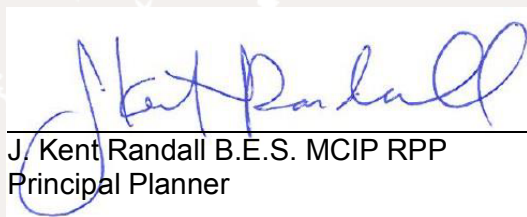
### 3.0 SUMMARY

It is our opinion that the proposed Minor Variances to Section 4.2 Table 4B Additional Regulation (2) and Section 12.2.9 in the Township of Cavan Monaghan Zoning By-law No. 2018-58, meet the four "tests" provided in Section 45(1) of the *Planning Act*. Based on the foregoing review of the relevant *Planning Act* and policy considerations, it is our opinion that the Minor Variances constitute good planning.

We trust this Letter-Report adequately addresses all applicable requirements under the *Planning Act* as it relates to the subject Minor Variance application. Should you have any questions or require any clarifications, please do not hesitate to contact the undersigned.

Respectfully submitted,

**ECOVUE CONSULTING SERVICES INC.**

A blue ink signature of J. Kent Randall, written in a cursive style, is placed over a white rectangular box.

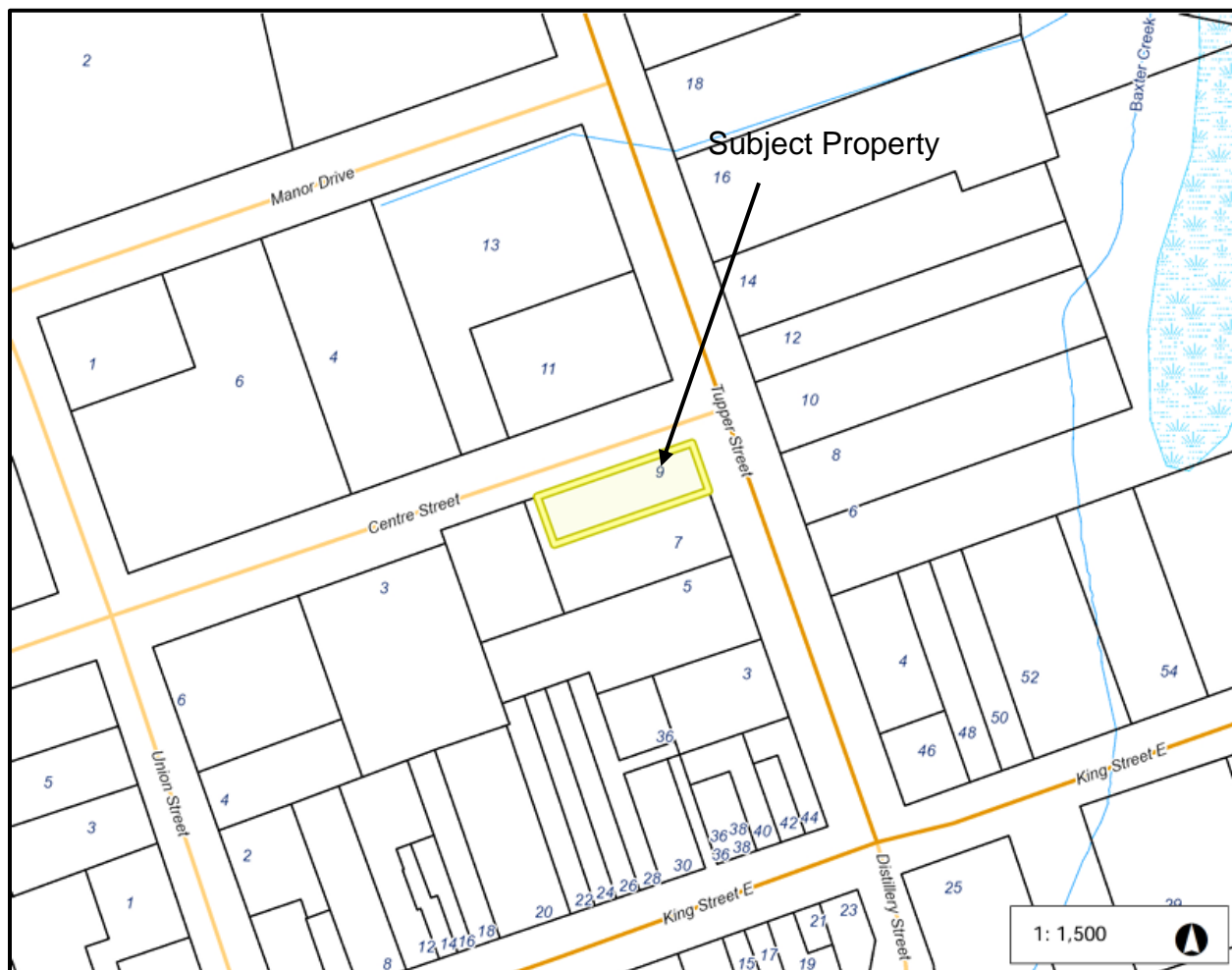
J. Kent Randall B.E.S. MCIP RPP  
Principal Planner

A black ink signature of Jessica Rae Reid, written in a cursive style, is placed over a white rectangular box.

Jessica Rae Reid, B.A  
Planner



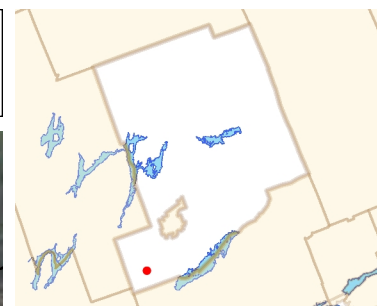
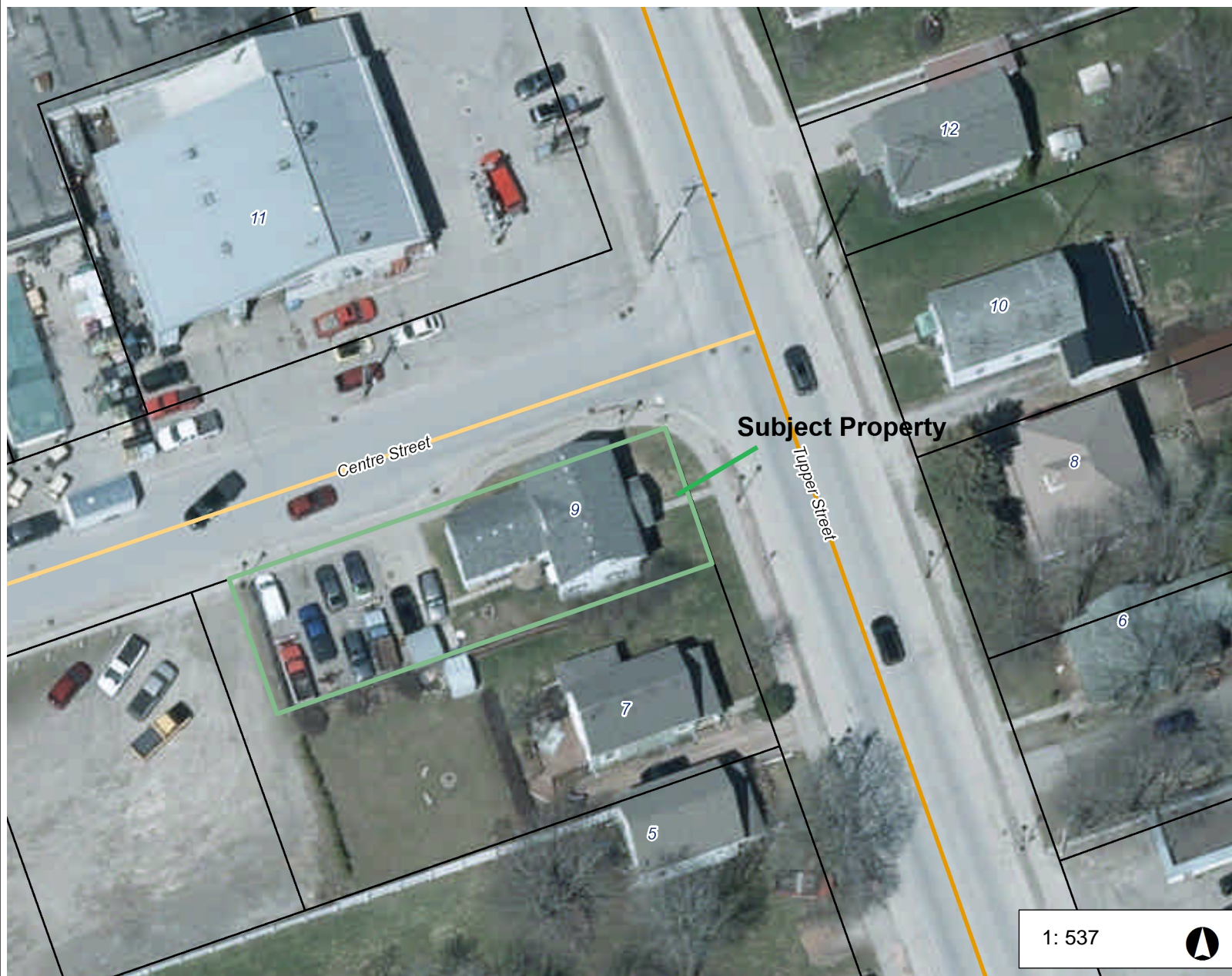
## Key Map





County of  
Peterborough

## 9 Tupper Street



### Legend

- Roads < 50,000
  - PRIV ; Private; PRIV
  - City Arterial
  - City Collector and Local
  - City Owned Unclassified
  - Provincial
  - County
  - Township
  - Water Access Only
- Outside Roads < 50,000
  - Major Roads
  - Local Roads
- Peterborough Proposed Bypass
- Civic Address
- Parcel Fabric
- Parcel First Nations - Canada I
- Rivers
  - Intermittent
  - Permanent
- Clean Water Act Policies Apply
- Provincially Significant Wetland
- Locally Significant Wetlands
- Non-evaluated Wetlands
- Lakes - Local Scale
- Municipal Boundary - Upper Ti
  - <all other values>
  - COUNTY OF PETERBOROUGH

1: 537



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NAD83\_CSRS98\_UTM\_zone\_17N  
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### Notes