



Agenda
The Township of Cavan Monaghan
Committee of Adjustment

Wednesday, April 24, 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 March 14, 2024

5. Reports

5.1 Report - PEB 2024-22 708 Ski Hill Road Minor Variance Application MV-01-24 (KE)

5.2 Report - PEB 2024-23 1855 Campbell Avenue Variance Application MV-03-24 (MW)

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, March 14, 2024

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 Hartman	Deputy Clerk

1. Call to Order

Mr. Semple, Chair called the meeting to order at 9:06 a.m.

2. Land Acknowledgement

Mr. Semple recited the land acknowledgement.

3. Disclosure of Pecuniary Interest and the General Nature Thereof

There were no pecuniary interests noted.

4. Minutes

4.1 Minutes of the Committee of Adjustment meeting held June 1, 2023

CA-2024-01

Moved by: Grant

Seconded by: Semple

That the minutes of the Committee of Adjustment meeting held June 1, 2023 be approved as presented.

Carried

5. Reports

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

Ms. Ellis reviewed the application. The Application applies to the 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).

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 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 (4th 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 Bylaw 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.

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.

6. Correspondence Received

Ms. Ellis spoke to the correspondence received.

7. Questions/Comments from the Committee

Mr. Grant asked about the permitted use in the CMU Zone.

Mr. Glover asked if the Township is aware of staffing levels.

Mr. Semple asked if the retail is specific to only 4th line theatre or if other vendors would be permitted to rent space. Mr. Semple also asked if there was any additional parking identified.

8. Questions/Comments from the members of the Public

There were no questions or comments from the members of the public.

9. Consideration of the Application by the Committee

CA-2024-02

Moved by: Glover

Seconded by: Grant

That the Committee approve application MV-02-24 with conditions.

Carried

10. Adjournment

CA-2024-03

Moved by: Grant

Seconded by: Glover

That the meeting adjourn 9:24 a.m.

Carried

Michael Semple
Chair

Karlie Hartman
Deputy Clerk



Committee of Adjustment

To:	Committee of Adjustment
Date:	April 24, 2024
From:	Karen Ellis, Director of Planning
Report Number:	PEB 2024-22
Subject:	708 Ski Hill Road Minor Variance Application MV-01-24

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-01-24 with the condition that construction of the entrance archway occur in accordance with a Site Plan approved by the Township of Cavan Monaghan.

Overview:

The Township of Cavan Monaghan received a minor variance application for lands at 708 Ski Hill Road in part of Lots 1 and 2, Concessions 13 and 14 (Cavan) (File No. MV-01-24). A key map showing the location of the subject property is provided as Attachment No. 1 to this Report.

The application is required to permit the construction of an entrance archway at the main entrance to the site. The new archway will be located approximately 149.6 metres (491 feet) from the front lot line and will be a maximum of 17 metres (55.8 feet) in height.

The application submission included the completed application form, a site plan, and plans and elevations. The Site Plan is provided as Attachment No. 2 to this Report and the Plans and Elevation Drawing is provided as Attachment No. 3.

The subject property is an existing lot of record approximately 173.4 hectares (428.4 acres) in size with approximately 565 metres (1853.7 feet) of frontage on Ski Hill Road and approximately 294 metres (964.6 feet) of frontage on Hogsback Road. The site is currently developed with the Dharma Hall (recreational), the Avalokitesvara Hall (recreational), the Ksitigarbha Hall (recreational), the Qingliang Temple (residential), an Information Centre, storage buildings, pagodas and statues, ponds, parking areas and access roads.

The property is zoned Recreational Commercial Exception One (C3-1), Natural Core (NC) and Natural Linkage (NL) as illustrated on Map A-1 to By-law No. 2018-58, as amended. The entrance archway will be located within the C3-1 Zone boundaries.

Section 11.4.2, Accessory Buildings and Structures, of Zoning By-law No. 2018-58, as amended, regulates accessory buildings and structures. Table 11A of Section 11.4.2 permits a maximum height of 6 metres (19.7 feet) for accessory buildings and structures. The proposed entrance archway height exceeds the maximum height permitted.

A minor variance is required to permit an accessory structure with a height of more than 6 metres (19.7 feet). As proposed, the variance will permit an accessory entrance archway with a maximum height of 17 metres (55.8 feet). All other standard regulations of the C3-1 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 Ski Hill Road frontage 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. The Building Department has received the building permit application. The Fire Department has advised that the height of the structure is higher than the Fire Departments firefighting capabilities. The current highest ladder that the Fire Department owns is 12.2 metres (40 feet). The Township Public Works Department has no comments.

Notice of the Application was 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.

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 Recreational (Exception 5.3.4 a)), Agricultural, Natural Core and Natural Linkage in the Township of Cavan Monaghan Official Plan. The entrance archway will be located within the Recreational (Exception 5.3.4) designation.

The lands designated Recreational in the Township's Official Plan are intended primarily for recreation, conservation, forestry or agricultural purposes. The objectives of the designation are to:

- a) Identify areas where major recreation and cultural facilities may develop in the Township;
- b) Provide criteria on which to consider new major recreation facilities; and,
- c) Ensure that new major recreational uses are compatible with other lands uses, agriculture and the environment.

Uses permitted within the Recreation designation are primarily oriented to activities related to recreation and conservation. Uses may include, but are not limited to, conservation, recreation, forestry, agriculture or similar uses, such as private or public parks, existing race tracks, golf courses, ski resorts, shooting ranges, limited lodges and associated recreational activities. Cultural or social retreats that focus on natural themes are also permitted.

Section 5.3.4 a) of the Official Plan pertains specifically to the subject property. In accordance with this Section, a Buddhist temple, spiritual retreat centre and accessory uses as overnight accommodation, meeting rooms, a private library and resource area, and dining facilities together with private parkland and gardens for persons attending the centre for spiritual or recreational purposes, and accessory dwelling units for caretakers within the retreat centre are permitted.

The proposed variance will permit a structure accessory to the Buddhist Temple and spiritual retreat centre. The archway design is compatible with and sympathetic to the architectural features of the existing and proposed development on the property. Impacts to adjacent uses are minimal because of the substantial setbacks from property lines.

The 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 Recreational Commercial Exception One (C3-1), Natural Core (NC) and Natural Linkage (NL) as illustrated on Map A-1 to By-law No. 2018-58, as amended. The entrance archway will be located within the C3-1 Zone boundaries.

In addition to the permitted uses in the Recreational Commercial (C3) Zone, a Buddhist temple, spiritual retreat centre and accessory uses are permitted. The maximum height permitted for the temple structure is 17 metres (55.8 feet).

Section 11.4 of By-law No. 2018-58, as amended, contains the regulations for accessory uses, buildings and structure. Unless otherwise prohibited or restricted, accessory uses are permitted in all Zones in accordance with the provisions of Section 11.4.

In the Zoning By-law, accessory building or structure is defined as “a detached building or structure, the use of which is naturally and normally incidental to, subordinate to or exclusively devoted to a principal use or building on the same lot”.

The archway is considered an accessory structure. The scale of the proposed archway is characteristic of and sympathetic to the existing Buddhist temple and spiritual retreat development. The proposed archway is located almost 150 metres (492 feet) from the front lot line and the closest residential uses in the area. The location of the archway satisfies all other setback requirements of the C3-1 Zone.

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 property is zoned and designated to permit the Buddhist temple and spiritual retreat centre. Accessory uses and structures are permitted. The proposed entrance archway is a decorative, accessory structure for the Temple and Spiritual Retreat Centre. The location of the proposed structure minimizes impacts to adjacent land uses. The variance will permit an accessory structure that is compatible with the existing development on site.

4. Is the variance minor?

The proposed variance is minor in nature. The variance will permit an accessory structure that is in keeping with the style of development of the subject property. All zoning by-law regulations, with the exception of the maximum height for accessory structures, is satisfied. There is no opposition to the variance from Township Staff, Agency Staff or area residents.

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: Site Plan
Attachment No. 3: Plans and Elevations

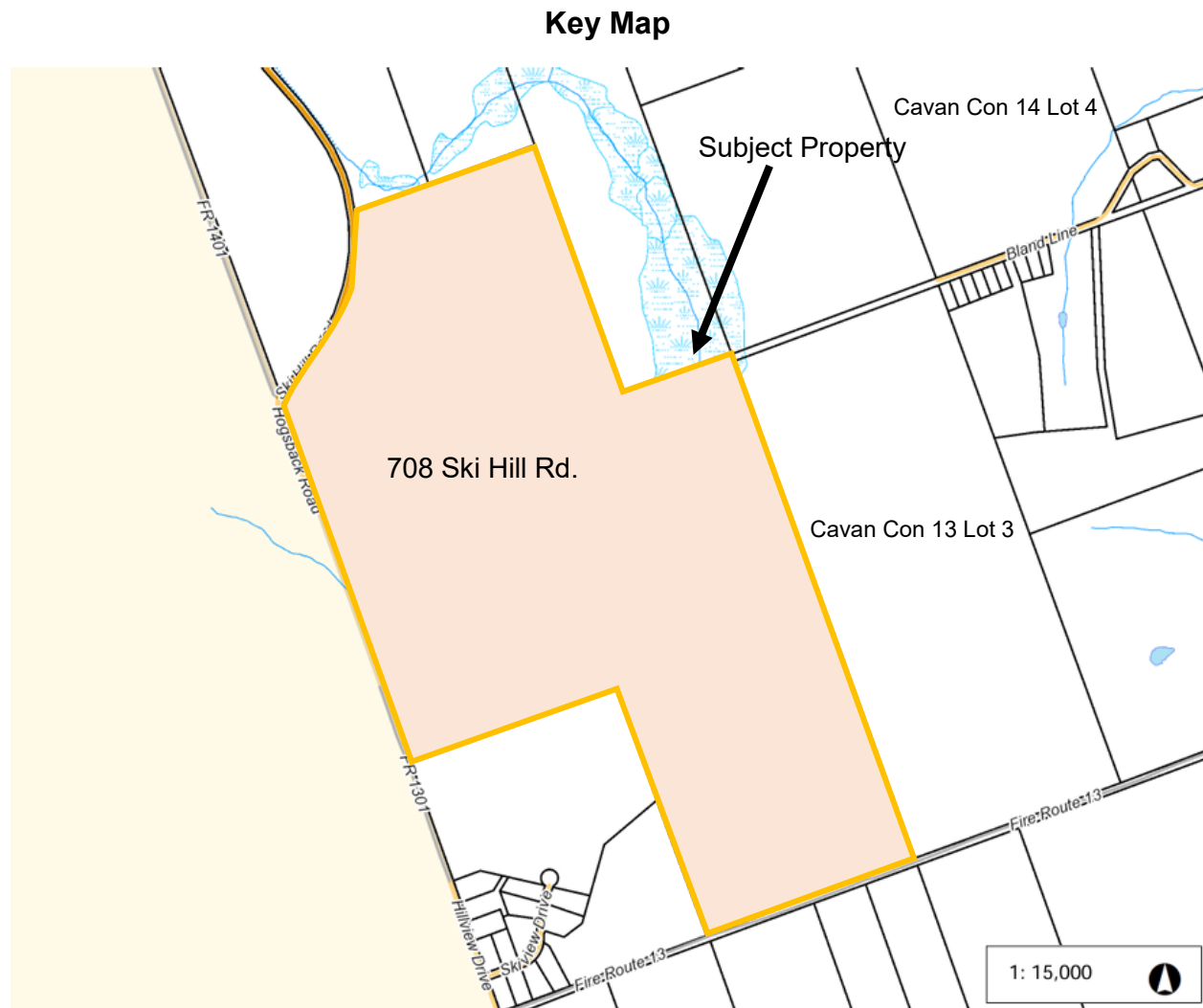
Respectfully Submitted by,

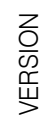
Karen Ellis, B.A.A.
Director of Planning

Reviewed by,


Yvette Hurley
Chief Administrative Officer

Attachment No. 1: Key Map

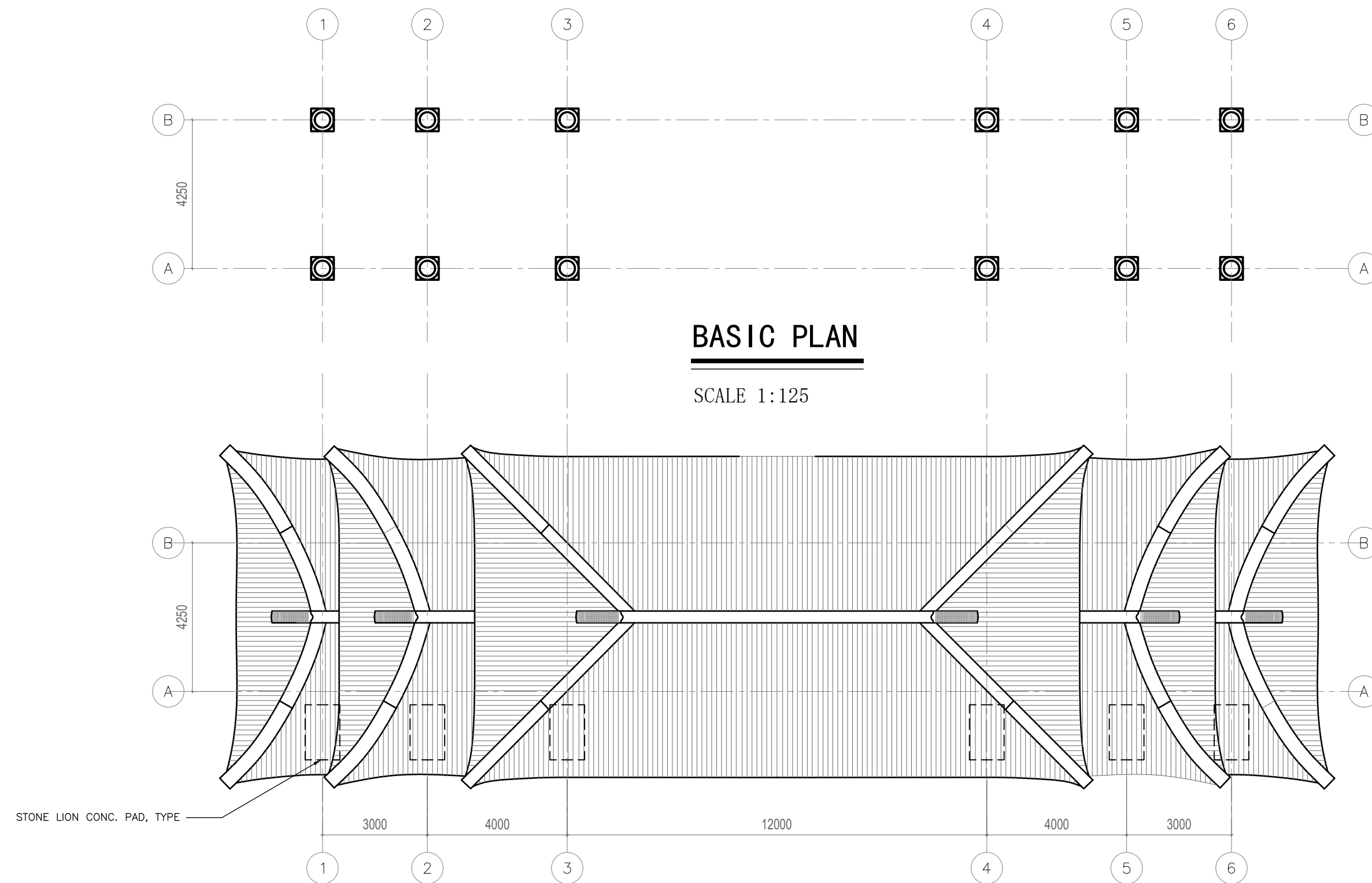




	2017-12-12	Update P3 Carport Layout and Dry Hydrant Near Infiltration Basin
	2017-11-16	Update P3 Layout & # of Parking Spaces
	2017-11-08	Update Utility Bids and North Pavilion
	2017-09-19	Added Tools Survey Rotation Note
		P5 and P6 Parking Revisions as per Township Comments
	2017-07-13	Relocate PDDT-7, Add Light Poles, Update Car & Walkway, Update Terrace 2/3 Road, Relocate Terrace 3/7A, Update Entrance Road, Update Septic Tank and Manhole Locations, General Notes and Road Name Update
	2017-03-16	Update Location & Quantity of Terraces: #2, #25, #37A, Update Hydraulic Location, P6 Parking Spaces, U4 & U5, Add Propane Farm, Widen Walkway, Update Spaces, U4 & U5, Add Entrance Driveway, Revise Footcandle & Grand Stair Layout.
	2016-10-06	Revised Parking Lot L5 & P6, Relocate Septic Manhole Tank
	2016-09-07	Update Water Tank Location, Add Existing Manhole, Bldg 30 Commercial Workrooms, Stone Storage, Revise Parking Lot L5 & P6, Existing Storage Location Updated, Library Taken Out, South & West Terraces Corner Details Updated.
	2016-07-12	Update Water Tank Location
	2016-02-04	Add Softbook Lines
	2015-05-15	Update contour lines
	2015-04-13	Property Line Information Added @ Entrance, 66' wide Access Road to Terrace as per Client Instruction
	2014-02-06	Relocate U7 & U8
	2013-12-19	Access to Five Terraces per Genvar
	2013-09-02	General Revisions per Consultant Meeting on July 12, 2013
	2013-05-06	General Revisions
	2012-06-28	General Revisions as per Client Comments

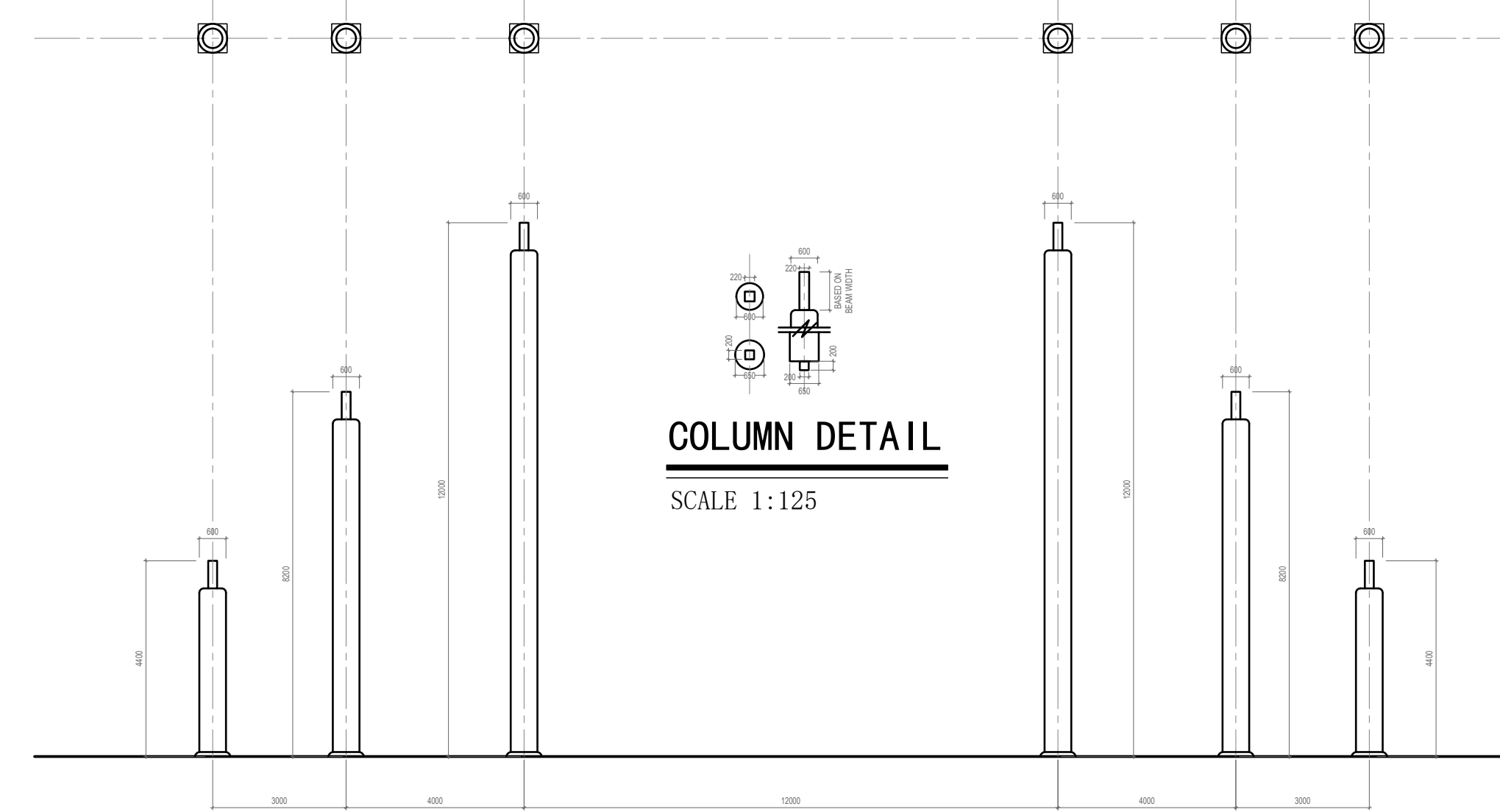


Sheet Title 	
ENTRANCE ARCHITECTS LOCATION 	
	STINGRAY ARCHITECTS INC. 55 Barber Greene Road, Suite 100, Toronto, Ontario, Canada M3C 2A1 t: 416.441.2010 sal@stingrayarchitects.com
Scale 1" = 2500 Drawn RU WX RL GL	Date MAY 2012 Checked LC NS ET Sheet No.
Job No. 1205A	MSP-1 of



BASIC PLAN

SCALE 1:125



COLUMN DETAIL

SCALE 1:125

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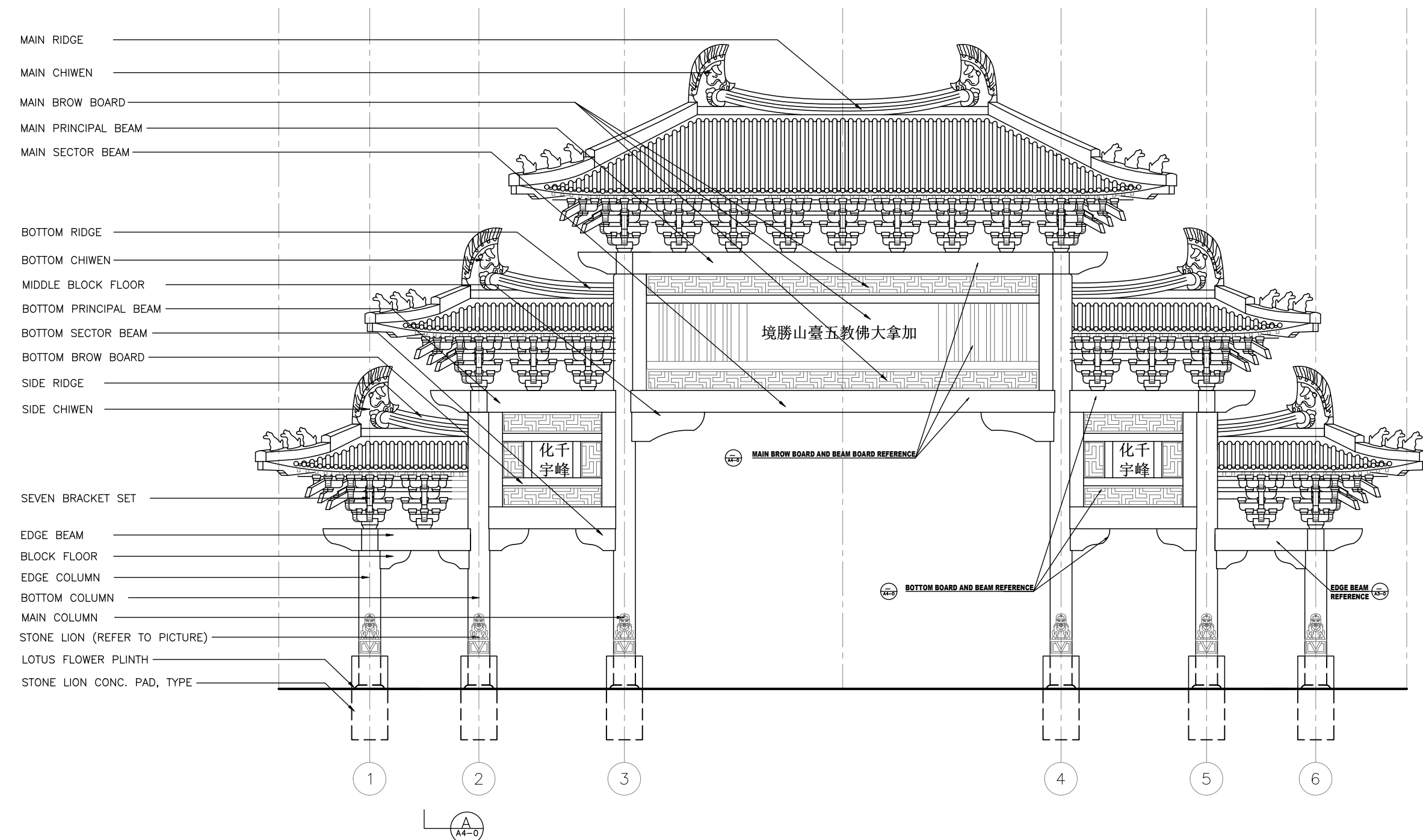
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CONTRACTOR MUST CHECK & VERIFY ALL DIMENSIONS ON SITE.

THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION UNTIL SIGNED BY THE ARCHITECT.

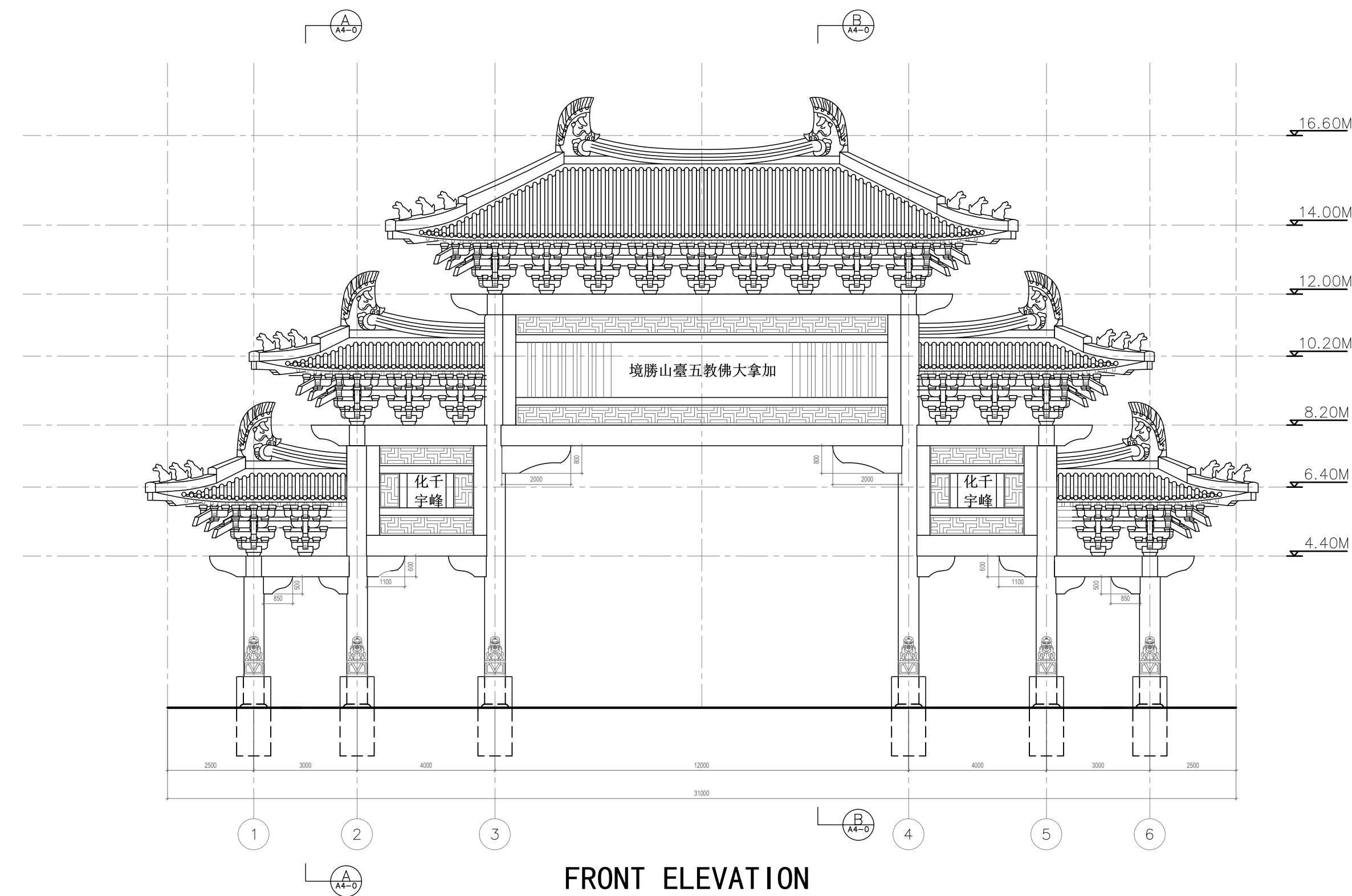


FRONTOP ENGINEERING LIMITED
101 AMBER STREET, UNIT 182, MARKHAM ON L3R 3B2
Website: www.frontop.ca Email: info@frontop.ca
TELEPHONE: (905) 947-0900 FAX: (905) 906-9370



STRUCTURE NAME AND INDEX DIAGRAM

SCALE 1:125



FRONT ELEVATION

SCALE 1:125

B	ISSUED FOR PERMIT	MAR 08, 2023
A	ISSUED FOR CLIENT REVIEW	FEB 17, 2023
NO.	ISSUED/REVISED	DATE

Owner & Address

ENTRANCE ARCHWAY
WUTAI SHAN BUDDHIST GARDEN
708 SKI HILL RD.
CAVAN-MONAGHAN, ONTARIO

Drawing Title

PLANS AND ELEVATIONS

Project No.

DES23-01-02Z58

Drawn by

J.H./W.W.

Checked by

M.L./R.F.

Date _____

MAR 08, 2023

Drawing No.

A2.0

Scale

AS SHOWN



Committee of Adjustment

To:	Committee of Adjustment
Date:	April 24, 2024
From:	Matt Wilkison, Planner
Report Number:	PEB 2024-23
Subject:	1855 Campbell Avenue Variance Application MV-03-24

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-03-24 with the condition that the construction of the accessory building occur in accordance with a grading and drainage plan satisfactory to the Township of Cavan Monaghan Public Works Department.

Overview:

The Township of Cavan Monaghan received a minor variance application (MV-03-24) for lands at Part Lot 6, Concession 13 (North Monaghan), known as 1855 Campbell Avenue.

A Site Plan was submitted in support of the minor variance application. The submitted site plan is provided as Attachment No. 1 to this Report.

The property at 1855 Campbell Avenue is an existing lot of record approximately 0.202 hectare (0.50 acres) in size with approximately 45 metres (150 feet) of frontage on Campbell Avenue. A Key Map and aerial photo are provided as Attachment Nos. 2 and 3 to this Report.

A single detached dwelling and detached accessory building are currently located on the subject property. The application states that the existing accessory structure will be removed and replaced with a new 14.3 square metre (154 square foot) accessory structure in the same area.

The property is zoned Rural Residential (RR) on Map A-5 to By-law No. 2018-58, as amended. This Zone permits a single detached dwelling and a maximum of three (3) accessory buildings.

Section 11.4.2 – Table 11A of Zoning By-law No. 2018-58, as amended, requires an accessory building to be setback a minimum 2 metres (6.5 feet) to the rear and side lot lines. The new accessory building is proposed to be located 1.2 metres (4 feet) from the side and rear lot lines.

The purpose of the minor variance is to decrease the minimum rear and side yard setbacks from 2 metres (6.5 feet) to 1.2 metres (4 feet) to permit the construction on a new accessory building. The variance is required to facilitate the future installation of an in-ground pool on 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 Campbell Avenue frontage 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 Building and Fire Departments Staff have no objection to the proposed variance.

The Township Public Works Department is requesting a grading and drainage plan be submitted for review. This plan should demonstrate the grading associated with the new accessory building will not impact the neighbouring properties.

Notice of the Application was also circulated to the required Ministries and Agencies and the City of Peterborough Clerks Department. City of Peterborough Staff have no objection to the variance.

As of the date of drafting of this Report, Hiawatha First Nation and Otonabee Region Conservation Authority (ORCA) have not provided comment.

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 within an area in the Official Plan currently under appeal. Therefore, the underlying designation in the 2005 Township of Cavan-Millbrook-North Monaghan Official Plan applies to this property.

The property is designated Residential as shown on Schedule 'A' in the Township of Cavan-Millbrook-North Monaghan Official Plan.

Lands designated as Residential are intended for low density single detached residential use developed by means of registered Plans of Subdivision. This designation is intended to recognize clusters of existing development and allow infilling with these clusters.

The uses permitted are restricted to single, detached dwellings. Uses accessory to residential uses may be permitted and may include home occupations, bed & breakfasts, public parkland, common open space and recreational facilities (S. 5.9.2.2).

Wherever a use is permitted in a land use designation, it is intended that uses, buildings or structures normally incidental, accessory and essential to that use also be permitted (S. 4.5).

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 Rural Residential (RR) on Map B-4 to By-law No. 2018-58, as amended. A single detached dwelling is permitted in the RR Zone.

Residential accessory buildings are permitted in the RR Zone provided they are not used for human habitation or as a home business. No accessory building or structure or part thereof can be located within 1.0 metre from the principal building on the lot and no more than three accessory buildings or structures are permitted on a lot in any Residential Zone (S. 11.4.2 a), b) iii) & c).

The proposal will be the only accessory building on the property. It will be used for private storage only and is more than 1.0 metre from the principal building. The proposal complies with the maximum lot coverage, the maximum height and front yard setback as shown on Table 11A on the Zoning By-law (S.11.4.2).

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 residential area. The property is zoned and designated to permit the proposed accessory building.

With the approval of the minor variance, the look and use of the property will remain similar to the existing state. The variance will permit a land use that is compatible with the existing development in the area while providing the land owner with enough space in the yard to install a pool.

4. Is the variance minor?

Private accessory buildings for storage are permitted in the RR Zone. The proposal will replace an existing shed. The variance will reduce the required setback 0.8 metres (2.5 feet) from 2 metres (6.5 feet) to 1.2 metres (4 feet) to the rear and side property lines.

The variance is minor in nature.

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: Site Plan

Attachment No. 2: Key Map

Attachment No. 3: Air Photo of the Subject Property

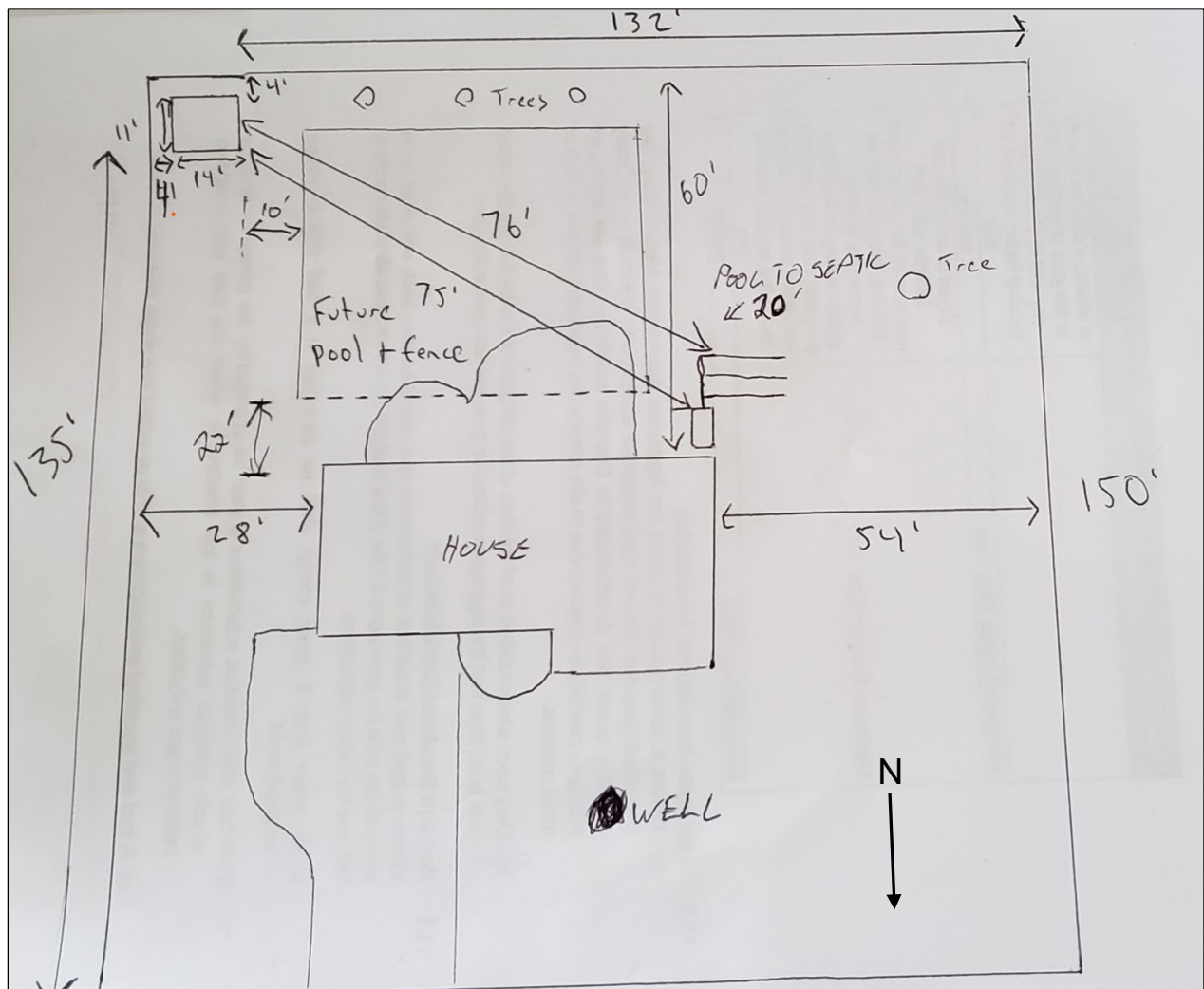
Respectfully Submitted by,

Reviewed by,

Matt Wilkinson,
Planner

Yvette Hurley
Chief Administrative Officer

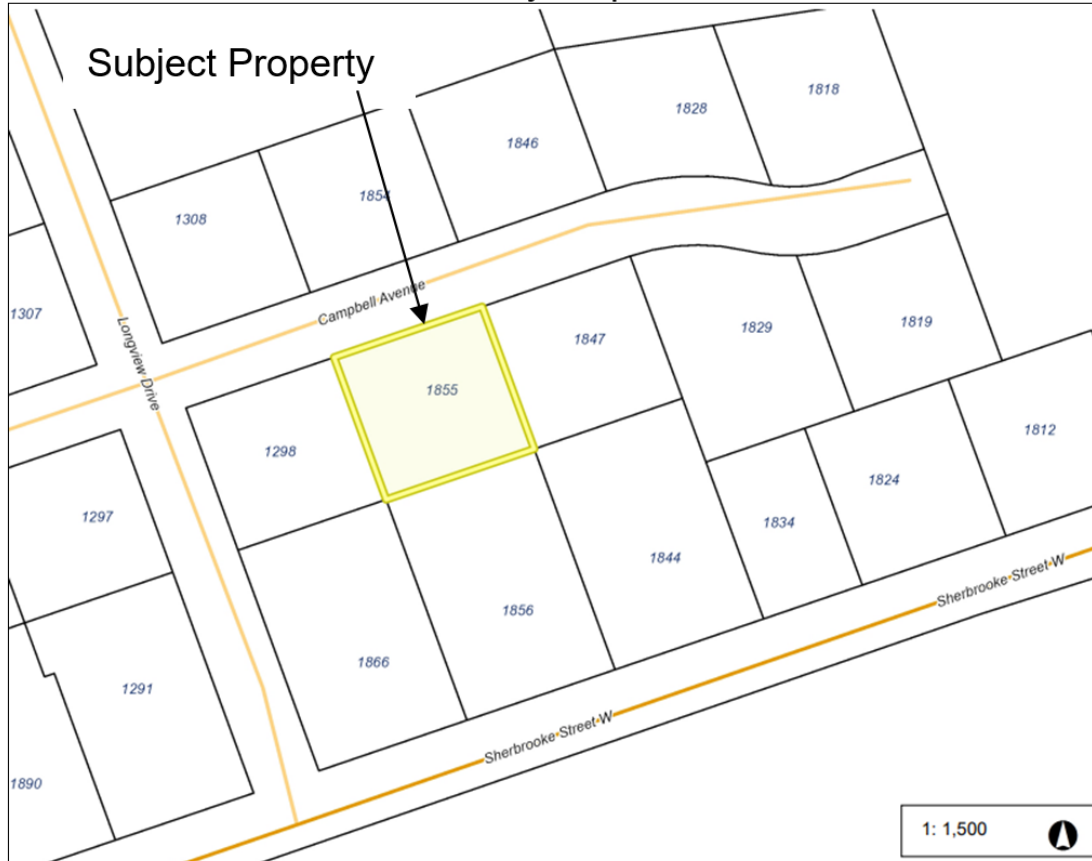
Attachment No. 1: Site Plan



Please note that North is to the bottom of the Site Plan

Attachment No. 2: Key Map

Key Map



Attachment No. 3: Aerial Photo

