



Agenda
The Township of Cavan Monaghan
Committee of Adjustment

Thursday, July 4, 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 May 30, 2024

5. Report

5.1 Report - PEB 2024-34 - 923 Highway 7A Minor Variance Application MV-06-24 (MW)

5.2 Correspondence Received

5.3 Questions/Comments from the Committee

5.4 Questions/Comments from members of the public

5.5 Consideration of Application by the Committee

6. Adjournment



Minutes
The Township of Cavan Monaghan
Committee of Adjustment
Thursday, May 30, 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
Cindy Page	Clerk
Matthew Wilkinson	Planner

1. Call to Order

Michael Semple, Chair called the meeting to order at 9:00 a.m.

2. Land Acknowledgement

Michael 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 March 14, 2024

CA-2024-08

Moved by: Glover

Seconded by: Grant

That the minutes of the Committee of Adjustment meeting held March 14, 2024 be approved as amended.

Carried

5. Reports

5.1 Report - PEB 2024-28 19 McGuire Drive Minor Variance Application MV-04-24

Matthew Wilkinson, Planner reviewed the application. The Application applies to the lands described as Lot 28, Plan 45M216 (Millbrook), known as 19 McGuire Drive. The property at 19 McGuire Drive is an existing lot of record approximately 0.056 hectares (0.14 acres) in size with approximately 18 metres (60 feet) of frontage on McGuire Drive. The owner of the property wants to construct a deck approximately 34 square metres (366 square feet) in size in the rear yard. The deck will be located 6.1 metres (20 feet) from the rear lot line. A site plan was submitted in support of the Application.

The property is zoned Urban Residential One Exception Two (UR1-2) on Map E-2A to By-law No. 2018-58, as amended. The UR1-2 Zone permits attached decks to a single detached dwelling. The UR1-2 Zone requires a rear yard setback of 10 metres (32.8 feet). The deck will be located 6.1 metres (20 feet) from the rear lot line.

The purpose of the minor variance is to reduce the minimum rear yard setback from 10 metres (32.8 feet) to 6.1 metres (20 feet) to permit the construction of a 34 square metre (366 square foot) deck. All other standard regulations of the 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 also posted on the McGuire Drive frontage of the property.

As of the date of drafting of the Report, no public comment had been received. Notice of the application was also circulated to all Township Department Directors. Township Building, Public Works and Fire Departments Staff have no objection to the proposed variance. Hiawatha First Nation have no objection to the application. As of the date of drafting of the Report, Otonabee Region Conservation Authority (ORCA) had not provided comment. Since then Otonabee Region Conservation Authority indicated they have no objection to the application.

5.2 Correspondence Received

Matthew Wilkinson, Planner spoke to the correspondence received noting that the Township received two public comments. One comment was in support of the application and the other was against the application.

5.3 Questions/Comments from the Committee

Dave Grant noted the setback of the house is 32ft and without approval of the minor variance the deck would be very small.

Aaron Glover asked if the rear of the lot is a right of way.

Michael Semple asked if this application would directly effect the property of the member of the public who objected to the application.

5.4 Questions/Comments from the members of the public

Dan Stephen, Applicant thanked the Committee members for their time.

5.5 Consideration of the Application by the Committee

CA-2024-09

Moved by: Grant

Seconded by: Glover

That the Committee approve application MV-04-24 without conditions.

Carried

5.6 Report - PEB 2024-29 6 Anne Street Minor Variance Application MV-05-24

Matthew Wilkinson, Planner reviewed the application The Application applies to the lands described as Parts Lots 2 and 3, Concession 4 (Millbrook), known as 6 Anne Street. The property at 6 Anne Street is an existing lot of record approximately 0.09 hectares (0.23 acres) in size with approximately 15.2 metres (49.86 feet) of frontage on Anne Street.

A single detached dwelling and a detached accessory building (garage) are located on the subject property. The proponent wants to remove the existing detached garage and construct a new attached garage in the same area.

The property is zoned Urban Residential One (UR1) and Natural Linkage (NL) as shown on Map F-2A to By-law No. 2018-58, as amended. The proposed garage will be in the UR1 Zone. The proposed garage is required to meet the UR1 Zone standards and requirements.

A variance is required to permit the construction of the attached garage with reduced front and side yard setbacks. The new garage will not further reduce the setbacks of the existing garage. The existing garage will be removed and a new 27.9 square metre (300 square foot) attached private garage will be constructed in the same area. The proposed garage will be located 3.58 metres (11.75 feet) from the front lot line and 0.56 metres (1.83 feet) from the side lot line. This location will match the setbacks of the existing garage. A site plan was submitted in support of the Application.

The Residential Zone Standards in Table 3B of Zoning By-law No. 2018-58, as amended requires a minimum front yard setback of 6 metres (18.5 feet) and a minimum side yard setback of 1.25 metres (4 feet) for a private garage in the UR1 Zone. The purpose of the minor variance is to reduce the minimum front yard setback from 6 metres (18.5 feet) to 3.58 metres (11.75 feet) and to reduce the side yard setback from

1.25 metres (4 feet) to 0.56 metres (1.83 feet) to permit the construction of the 27.9 square metre (300 square foot) private attached garage. All other regulations of the 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 also posted on the Anne Street frontage of the property.

As of the date of drafting of the Report, no public comment had been received. Notice of the application was circulated to all Township Department Directors. Township Building and Public Works Departments are satisfied that the grading and drainage will be reviewed at the Building Permit stage. Fire Department Staff have no objection to the Application. As of the date of drafting the Report, Otonabee Region Conservation Authority (ORCA) have not provided comment. Hiawatha First Nation have no objection to the Application.

5.7 Correspondence Received

Matthew Wilkinson, Planner spoke to the correspondence received noting that the Township did not receive any comments from members of the public.

5.8 Questions/Comments from the Committee

Dave Grant asked if the current garage is parallel with the house, not the porch, and asked if the new garage will maintain the same setbacks as the original.

Aaron. Glover asked if there was any comments received from neighbours.

Michael Semple asked for clarification if the only reason for the minor variance is because it is attached to the house instead of detached.

5.9 Questions/Comments from the members of the public

Kirk Hillsley, Applicant thanked the Committee members for their time.

5.10 Consideration of the Application by the Committee

CA-2024-10

Moved by: Glover

Seconded by: Grant

That the Committee approve application MV-05-24 without conditions.

Carried

6. Adjournment

CA-2024-11

Moved by: Grant

Seconded by: Glover

That the meeting adjourn 9:22 a.m.

Carried

Michael Semple
Chair

Cindy Page
Clerk



Committee of Adjustment

To:	Committee of Adjustment
Date:	July 4, 2024
From:	Matt Wilkinson, Planner
Report Number:	PEB 2024-34
Subject:	923 Highway 7A Minor Variance Application MV-06-24

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-06-24 without conditions.

Overview:

On behalf of 2336343 Ontario Inc. (St. Mary's Petroleum c/o Randeep Kumar), Jacob Clark of M.J. Davenport and Associates submitted an application for minor variance to the Township of Cavan Monaghan. The minor variance (MV-06-24) pertains to the property at 923 Highway 7A.

The owner of the business has attached a shipping container enclosed and clad with sliding to the east of the principal building as additional storage for the existing retail store. A variance is required to permit the shipping container on the property and to recognize the location of the container.

The subject property is an existing lot of record approximately 0.33 hectares (0.81 acres) in size with approximately 35 metres (115 feet) of frontage on Highway 7A and also has access off of County Road 10. A key map and aerial photo of the subject property are provided as Attachment Nos. 1 and 2 to this Report.

The property has been developed for several years with a 170 square metre (1,830 square foot) gas pump canopy area, a 328 square metre (3,530 square foot) convenience retail store and an associated parking area. A Site Plan of the property is provided as Attachment No. 3 to this Report.

The property is zoned Hamlet Commercial (C2) as shown on Map D-2 to By-law No. 2018-58, as amended. While the C2 Zone permits the existing uses and the addition, the use of a shipping container is not permitted in Commercial Zones. The addition is also

located within the rear yard setback. A street view image of the addition is provided as Attachment No. 4 to this Report.

The building is considered legal non-complying as it was built legally prior to the Zoning By-law. As the location of the building is legal non-complying, the existing 2.59 metre (8.4 foot) distance from the rear lot line is the established setback.

The purpose of the minor variance is to permit the establishment of one (1) shipping container as an enclosed addition on the subject property and to reduce the minimum rear yard setback from the legal non-complying setback of 2.59 metres (8.4 feet) to 0.89 metres (2.92 feet). All other regulations of the C2 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 Highway 7A and County Road 10 frontages of the property.

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

Notice of the application was circulated to all Township Department Directors, applicable Ministries and agency partners.

Township Building Department and Township Public Works Department have no objection to the Application. A Building Permit is required the proposal.

As of the date of drafting of this Report, Township Fire Department have not provided comment.

Ministry of Transportation (MTO) have no objection to the Application. A development permit from MTO will be required.

Peterborough County Public Works have no objection to the Application.

Otonabee Region Conservation Authority (ORCA) has no objections to the Application. It is the opinion of Otonabee Conservation that the application is consistent with Section 3.1 of the Provincial Policy Statement (PPS), referencing Natural Hazards.

Development permits from Otonabee Conservation are not required.

A Clean Water Act (S. 59) Notice is not required. The subject property is not located within a vulnerable area that is subject to Source Protection Plan policies.

As of the date of drafting of this Report Hiawatha First Nation 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 located within the Cavan Settlement Area and designated Hamlet as shown on Schedule A-1 to the Township of Cavan Monaghan Official Plan. Hamlets are small scale settlement areas that provide an important residential, commercial and social focus in the Rural area (S. 4.9).

Small scale commercial and industrial uses serving the Hamlet, surrounding rural areas and supporting tourism in the area are permitted within the Hamlet designation (S. 4.9.2 d)).

The existing motor vehicle gas bar and retail store serve the Hamlet, support the Rural area and tourism in the area. The proposed addition to the retail store supports the existing use.

Section 4.9.3 h) of the Township Official Plan permits expansions to existing small scale commercial buildings provided that Council is satisfied that:

- i) The proposed expansion is compatible with the character of the surrounding neighbourhood;
- ii) The gross floor area of the existing use and the proposed expansion shall not exceed 500 square metres;
- iii) The use has frontage and direct access onto a public road;
- iv) The use can be serviced with an appropriate water supply and an appropriate means of sewage disposal;
- v) The use shall not have a negative impact on the enjoyment and privacy of neighbouring properties;
- vi) Adequate parking and loading facilities and landscaping can be provided on the site; and,
- vii) Fencing, landscaping, berming or a combination of these features shall be utilized to ensure that the use is adequately screened from existing and planned residential uses.

The subject property is located at the southeast corner of Highway 7A and County Road 10. There are commercial uses on the north side of Highway 7A and residential properties are established to the east and on the opposite side of County Road 10 to the west. There is an industrial contractor's yard (Nexicom) abutting the property to the south.

The 32.4 square metre (348.8 square foot) enclosed shipping container is on the southwest side of the retail building and will have minimal impact on the surrounding neighbourhood. The existing building will provide adequate screening from the adjacent residential uses on the western side.

The area of the building and the addition are less than 500 square metres. The use has frontage and direct access onto a public road. The building expansion will not require additional sewage or water usage.

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 Hamlet Commercial (C2) as shown on Map D-2 to By-law No. 2018-58, as amended. The C2 Zone permits the existing motor vehicle gas bar and retail uses.

The establishment of a shipping container is not permitted in Commercial Zones and requires a minor variance to permit the establishment of the shipping container.

Given the industrial nature and look of shipping containers, the use of shipping containers is permitted in Industrial Zones and for temporary storage in Residential Zones. However, the shipping container on the subject property is enclosed to give the appearance of a traditionally built building addition with the exception of the front doors which are not clad. An engineering memo was submitted with the application stating that the construction of the addition is structurally sound. With the approval of the variance, the single enclosed shipping container will be permitted on the property.

The existing building complies with the C2 Zone regulations with the exception of the maximum rear yard setback of 6 metres (19.68 feet). The existing building is located 2.56 metres (8.4 feet) from the rear property line. The building addition requires a variance to further reduce the rear yard setback from 2.59 metres (8.4 feet) to 0.89 metres (2.92 feet)).

Section 11.21.1 of By-law No. 2018-58, as amended permits a building or structure that does not comply with the By-law, but which was legally erected/alterd in accordance with a previous by-law that was in effect at the time of construction and/or alteration to be enlarged, repaired or renovated provided that the enlargement, repair or renovation does not further reduce the existing yard(s) and all other provisions of the By-law are met. The proposed renovation of the existing building will not alter the existing building setbacks.

The addition to the building will be permitted on the property with the approval of the variance. 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 located at the southeast corner of Highway 7A and County Road 10. There are commercial uses on the north side of Highway 7A and residential properties are established to the east and on the opposite side of County Road 10 to the west. There is a contractor's yard (Nexicom) abutting the property to the south.

An addition to a retail store for increased storage is normal development for a commercial building.

The property is zoned and designated to permit the existing uses and the addition.

With the approval of the minor variance, the look and use of the property will not significantly change. The reduced setbacks will not be obtrusive to the nearby residential

neighbours. The variance will permit a land use that is compatible with the existing development in the area.

The proposed use is an appropriate development and use of the land.

4. Is the variance minor?

An addition to the existing commercial building is permitted.

The 32.4 square metre (348.8 square foot) enclosed shipping container addition is a relatively small change to the property. The establishment of an industrial shipping container is mitigated by enclosing and cladding it to match the existing commercial building. With the exception of the doors, the addition will not look like of an industrial shipping container.

The proposed reduction to the rear yard setback will not impose is the contractor's yard (Nexicom) on the property directly south. The rear yard lot line buffered with vegetation and fenced with chain-linked fencing.

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: Key Map
- Attachment No. 2: Aerial Photo of the Subject Property
- Attachment No. 3: Site Plan
- Attachment No. 4: Street view from County Road 10 of building addition

Respectfully Submitted by,

Reviewed by,

Matt Wilkinson,
Planner

Yvette Hurley
Chief Administrative Officer

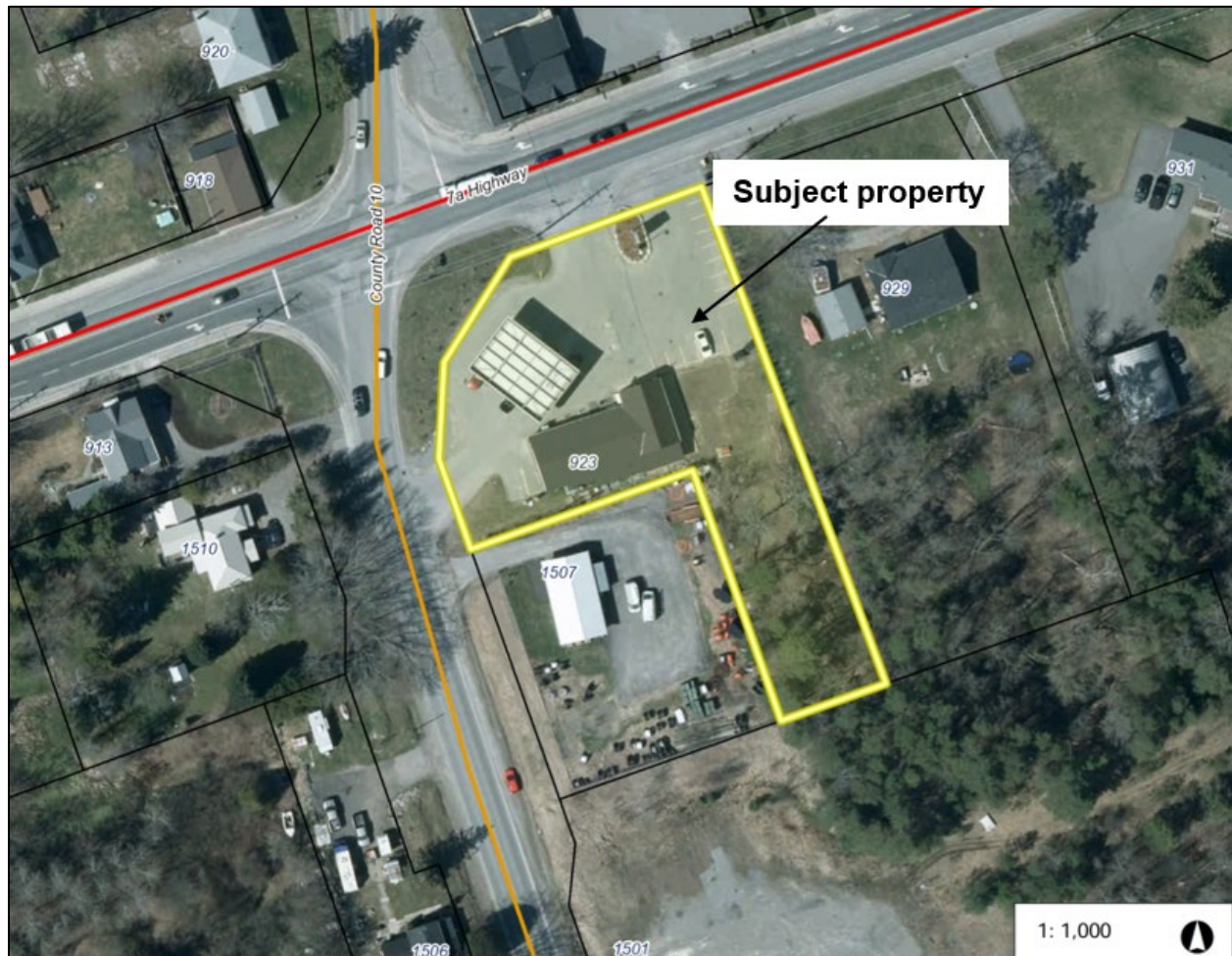
Attachment No. 1: Key Map

Key Map



Attachment No. 2: Aerial Photo

Aerial Photo



Attachment No. 3: Street view from County Road 10 of building addition



Attachment No. 4: Site Plan

