



Agenda
The Township of Cavan Monaghan
Committee of Adjustment

Thursday, February 13, 2025

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.

Pages

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 August 22, 2024 2 - 6

5. Report from Planner

5.1 Report - PEB 2025-10 69 Highlands Boulevard Minor Variance Application MV-01-25 (MW) 7 - 13

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, August 22, 2024
9:00 a.m.
Zoom

Those members in attendance remotely were:

Aaron Glover	Member
Michael Semple	Member
Dave Grant	Member

Staff members in attendance:

Mark Froment	Deputy Clerk
Matthew Wilkinson	Planner

1. Call to Order

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

2. Land Acknowledgement

Chair 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 July 4, 2024

CA-2024-15

Moved by: Grant

Seconded by: Glover

That the minutes of the Committee of Adjustment meeting held July 4, 2024, be approved as presented.

Carried

5. Reports

5.1 Report - PEB 2024-43 14 Scout Crescent Minor Variance Application MV-07-24

Matthew Wilkinson, Planner, reviewed the application. The application applies to the property owned by Monica Ruiz at 14 Scout Crescent.

The subject property is an existing lot of record approximately 1.56 hectares (3.87 acres) in size with approximately 130 metres (430 feet) of frontage on Scout Crescent. The property is currently a vacant wooded lot with wetlands and a watercourse traversing west of the proposed building site.

The owner wishes to develop the site and build a 407.2 square metre (4,383.2 square foot) single detached dwelling on the subject property. A variance is required to increase the maximum amount of lot coverage on the property and reduce the southern interior side yard setback to permit the construction of a dwelling.

The property is zoned Natural Linkage (NL) and Natural Core (NC) as shown on Map E-2 to By-law No. 2018-58, as amended. The NL and NC Zones permit a single detached dwelling provided an Environmental Impact Study (EIS) demonstrates there is no alternative and the proposal is directed away from the feature to the maximum extent possible, the impact of the proposal on the feature and its functions is minimized to the maximum extent possible and the proposal is not located in a floodplain or erosion hazard area.

The purpose of the minor variance is to:

- 1) increase the maximum amount of lot coverage from 2.0% to 2.6%; and
- 2) reduce the southern interior side yard setback from 15 metres (49 feet) to 9 metres (29.5 feet) to permit the construction of a single detached dwelling on the property.

All other regulations of the NL and NC Zones 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 Scout Crescent frontage of the property.

As of the date of the 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. As of the date of the drafting of this report, the Township Building Department has not provided comment. The Township's Public Works Department has reviewed the lot grading and drainage plan and is satisfied that the plans demonstrate the lot will be developed in a manner that will not impact the

neighbouring properties. Due to the large amount of fill being brought on site, a Site Alteration Permit in accordance with the Control the Dumping of Fill and Alteration of Grades By-law No. 2020-19 is required as a condition of approval. The Township Fire Department has no objection to the application.

As of the date of drafting of this report, comments from Otonabee Region Conservation Authority (ORCA) have not been received. Development permits from ORCA were issued prior to the submission of the application.

Hiawatha First Nation provided comment requesting clarification regarding the status of the wetland and whether a stage one archaeology study should be completed. The comment also noted that traditional materials, medicines and food staples are on site. Township Staff reached out to Hiawatha First Nation to discuss the comments and as of the time of the writing of this report are still awaiting reply.

If Township Staff receives further information or clarification from Hiawatha First Nation prior to the public meeting, that information will be provided verbally to the Committee and attendees of the public meeting. Upon consideration of the information, the Committee may decide to add the requirement for an archaeology study as a condition of approval of the minor variance.

5.2 Correspondence Received

Matthew Wilkinson, Planner, spoke to the correspondence received. Three comments were received from the owners of neighbouring properties and addressed in the planning report.

One written comment was received by the owner of 36 Deer Avenue, which abuts 14 Scout Crescent to the east. They are concerned about the impact of the proposed changes on water drainage and tree coverage.

ORCA has provided additional comments after the report was published. ORCA Staff are satisfied that the proposed development plans submitted as part of this application are consistent with the recommendations outlined in the Environmental Impact Study and ORCA's comments made May 2, 2022. Therefore, the proposed development is located outside of the known natural hazards and it is the opinion of ORCA that the application is consistent with Section 3.1 of the Provincial Policy Statement (PPS) referencing Natural Hazards.

Under Ontario Regulation 686/21, provincial policies dictate that development shall not create new or aggravate existing natural hazards. ORCA has reviewed this application through their mandated responsibility and are satisfied that the two (2) culverts combined will convey the 100-year storm flows. However, the grass swale does not provide a sufficient capacity to convey the 100-year flows without affecting the adjacent property. ORCA requested that the design of the swales be revised to provide capacity for the combined 100-year flows.

ORCA's mapping indicates that the lands are subject to their development regulations. An ORCA permit to carry out the construction of a new dwelling, driveway, and septic system for the proposed development was issued on April 4, 2024. However, a permit amendment is required to include any additional excavation, grading, and fill placement on the property.

5.3 Questions/Comments from the Committee

Aaron Glover asked if 14 Scout Crescent is the last property to be developed on Scout Crescent.

Dave Grant asked what happened to the request from one of the neighbouring property owners to plant more trees on the south-east corner of the property.

Aaron Glover asked if the proposed developments would require a minor variance application if the property was zoned Rural Residential as the neighbouring properties are.

Michael Semple asked if the changes to the tree coverage on the property were a concern for other neighbouring property owners.

5.4 Questions/Comments from the members of the public

Alen Ronco – 23 Scout Crescent

Commented that the development on the property has impacted the tree coverage on the property. They are concerned about the effect that the proposed changes might have on water drainage on their property as well as their septic system. They stated that they opposed the minor variance application.

5.5 Consideration of the Application by the Committee

CA-2024-16

Moved by: Glover

Seconded by: Grant

That the Committee approve the minor variance Application MV-07-24 with the three amended conditions that:

the proposed development of the property occur in accordance with a Site Plan, engineered lot grading plan, drainage plan, tree planting plan, and adhere to the recommendations of the Environmental Impact Study (EIS), to the satisfaction of the Township of Cavan Monaghan;
the Applicant obtains a Site Alteration Permit from the Township of Cavan Monaghan prior to any development of the site; and
the Applicant obtain a permit amendment from Otonabee Region Conservation Authority to include any additional excavation, grading, and fill placement.

CA-2024-17

Moved by: Glover

Seconded by: Grant
That the Committee approve Application MV-07-24 with conditions.

Carried

6. Adjournment

CA-2024-18
Moved by: Grant
Seconded by: Glover
That the meeting adjourn at 9:35 a.m.

Carried

Michael Semple
Chair

Mark Froment
Deputy Clerk



Committee of Adjustment

To:	Committee of Adjustment
Date:	February 13, 2025
From:	Matt Wilkinson, Planner
Report Number:	PEB 2025-10
Subject:	Minor Variance Application MV-01-25, 69 Highlands Boulevard

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-01-25 with the following condition:
 - i. The reduced rear yard setback of 1.5 metres (5 feet) applies only to the deck as shown on the Site Plan dated January 16, 2025.

Overview:

The Township of Cavan Monaghan received a minor variance application (MV-01-25) for lands known as 69 Highlands Boulevard. The subject property is an existing lot of record approximately 490 square metres (0.12 acres) in size with approximately 16 metres (50 feet) of frontage on Highlands Boulevard. A key map showing the location of the property and aerial image of the surrounding area are provided as Attachment Nos. 1 and 2 to this Report.

A single detached dwelling is currently located on the subject property.

The owner of the property seeks to recognize the location of a deck approximately 34 square metres (366 square feet) in size in the rear yard. A site plan was submitted in support of the Application. The submitted site plan is provided as Attachment No. 3 to this Report.

The property is zoned Urban Residential One Subzone A Exception One (UR1-A-1) as shown on Map E-2B to By-law No. 2018-58, as amended. The UR1-A-1 Zone permits accessory residential uses including decks.

The UR1-A-1 Zone requires a minimum rear yard setback of 4.5 metres (14.75 feet) for decks. The deck is located 1.5 metres (5 feet) from the rear lot line.

The purpose of the minor variance is to reduce the minimum rear yard setback from 4.5 metres (14.75 feet) to 1.5 metres (5 feet) to recognize the location of a 34 square metre (366 square foot) deck. All other standard regulations of the UR1-A-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 Highlands Boulevard 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, Public Works and Fire Departments Staff have no objection to the proposed variance.

As of the date of drafting of this Report, 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 the Millbrook Urban Settlement Area and designated Residential as shown on Schedule A-1 to the Township of Cavan Monaghan Official Plan.

Single detached dwellings (and accessory uses) are permitted within the Residential designation (S. 4.13 a)).

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

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

The property is zoned Urban Residential One Subzone A Exception One (UR1-A-1) on Map E-2B to By-law No. 2018-58, as amended. A single detached dwelling is permitted in the UR1-A-1 Zone.

Residential accessory structures, including decks, are permitted in the UR1-A-1 Zone provided the structure is naturally and normally incidental to, subordinate to, or exclusively devoted to a principal use or building on the same lot (S. 13, definitions).

A deck is naturally incidental and devoted to the house. The proposed deck will meet all other requirements of the UR1-A-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 lands are in a residential neighbourhood with houses to the east and west. The property backs onto municipal vacant land to the south. The lands are mapped as wetland. The ecological setbacks were assessed at the time of the subdivision. The constructed deck is beyond the approved ecological setback and will not have a negative impact to the environment.

The property is zoned and designated to permit the deck.

With the approval of the minor variance, the look and the use of the property will not be obtrusive to the nearby neighbours. The variance will permit a land use that is compatible with the existing development in the area.

The proposed use is considered appropriate development for the property.

4. Is the variance minor?

Residential decks are permitted in the UR1-A-1 Zone. The variance will reduce the rear yard setback from 4.5 metres (14.75 feet) to 1.5 metres (5 feet) for the deck as shown on the submitted site plan dated January 16, 2025. There are no neighbours abutting the rear of the property, the reduced setback will have minimal impact to the area.

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:

The Applicant has paid the Minor Variance Fee as posted the User Fee and Charges By-law.

Due to the Applicant's failure to obtain the required Building Permits prior to the construction of the deck, the Applicant will also be required to pay twice the regular building permit fee as per the User Fee and Charges By-law.

Attachments:

Attachment No. 1: Key Map

Attachment No. 2: Aerial Image of the Subject Property

Attachment No. 3: Site Plan

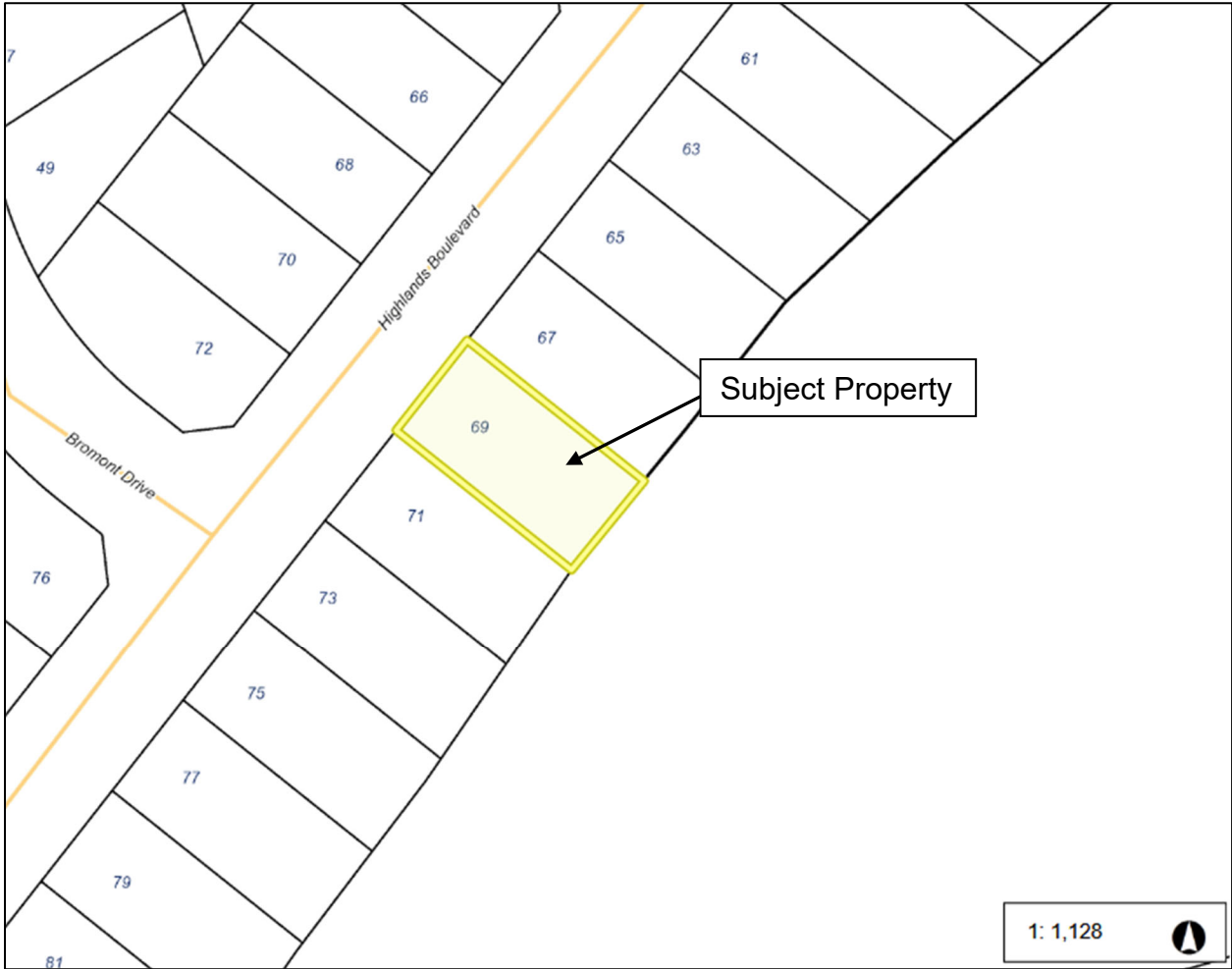
Respectfully Submitted by,

Reviewed by,

Matt Wilkinson,
Planner

Yvette Hurley
Chief Administrative Officer

Attachment No. 1: Key Map



Attachment No. 2: Aerial Image



Attachment No. 3: Site Plan

