



Committee of Adjustment

To:	Committee of Adjustment
Date:	June 29, 2020
From:	Christina Coulter, Planner
Report Number:	Planning 2020-15
Subject:	M ^c knight Minor Variance Application MV-03-20

Recommendations:

1. That the Committee of Adjustment review and consider all verbal and written comments received regarding this application;
2. That the Committee approve Application MV-03-20 with the condition that the owner applies and is approved for an existing sewage system permit prior to the issuance of a building permit.

Overview:

Allen and Anna M^cknight applied to the Township of Cavan Monaghan for approval of a minor variance for property at 9 Kalman Drive, Lot 15, Plan 9M 736, in part of Lot 23, Concession 1 of the Cavan Ward. A key map showing the location of the property is provided as Attachment No. 1 to this Report.

The subject property is an existing lot of record developed with a single detached dwelling, attached garage and shed. The lot has 42 metres (137.80 feet) of frontage on Kalman Drive, has a depth of 60 metres (196.85 feet) and a total lot area of 2,104.35 square metres (22,651.025 square feet).

The owners of the property wish to construct an addition to the existing attached garage. The addition will extend the garage towards the rear (south) of the property. A satellite view showing the location of the proposed garage extension is provided as Attachment No. 2.

The addition will be 48.31 square metres (520 square feet) in size and is proposed to be located behind the existing dwelling and attached garage, approximately 4.66 metres (15.29 feet) from the eastern side lot line at its closest point. A site plan showing the location of the existing buildings and proposed addition is provided as Attachment No. 3.

The subject property is zoned the Hamlet Residential (HR) Zone as shown on Map G-4 to the Township of Cavan Monaghan Zoning By-law No. 2018-58, as amended. The

current Zoning By-law regulation requires a minimum interior side yard of 6 metres (19.69 feet). As proposed, the garage addition will be located too close to the eastern side lot line to comply with the minimum side yard requirement. A variance is required to permit a reduced side yard for the proposed garage addition.

The purpose of the minor variance is to reduce the minimum east side yard requirement in the Hamlet Residential (HR) Zone, as it applies to the subject property, from 6.0 metres (19.69 feet) to 4.66 metres (15.29 feet). All other standard regulations of the Hamlet Residential (HR) 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 Kalman Drive frontage of the property.

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

Peterborough Public Health (PPH) commented that they have no objection to the proposed variance provided the owner applies and is approved for an existing sewage system permit prior to the issuance of a building permit. PPH explained this is required whenever any or a combination of the following occurs; adding to a home, introducing additional fixtures or increasing the living area of an existing home. In the case of an addition, once the existing sewage system permit is applied for, a public health inspector will attend the subject property to measure the distance to the existing septic system and ensure that the proposed addition meets the required separation distances from the existing system.

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

Notice of the application was also circulated to all Township Department Directors. Staff had no objections to the variance.

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 Hamlet as generally identified on Schedule 'A' in the Official Plan for the Township of Cavan Monaghan. The Hamlet of Bailieboro is more

specifically delineated on Schedule F – Map 7 to the Official Plan. The Hamlets are small scale settlement areas that provide an important residential, commercial and social focus in the Rural area (Section 4.9). Permitted uses include single detached dwellings (S. 4.9.2 (a)).

The proposed variance will not affect the residential use of the property or conflict with the general development policies for the Hamlet designation, Section 4.9.3 of the Official Plan.

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

The subject property is zoned the Hamlet Residential (HR) Zone as shown on Map G-4 to the Township of Cavan Monaghan Zoning By-law No. 2018-58, as amended. A single detached dwelling is a permitted use in this Zone (Section 3.2, Table 3A).

As indicated earlier in this Report, a minimum interior side yard of 6 metres (19.69 feet) is required in the (HR) Zone. As proposed, the garage addition will be located 4.66 metres (15.29 feet) from the eastern side lot line. The potential location for this addition is limited because of the existing layout of the house and driveway, making the expansion of the garage towards the rear (south) of the property the most appropriate area.

The existing dwelling and attached garage were legally constructed in accordance with a previous By-law. At its closest point, the existing dwelling and attached garage are located 5.25 metres (17.24 feet) away from the east side lot line as shown on Attachment No. 3.

Although the existing building does not comply with By-law No. 2018-58 as amended, it is considered legal non-conforming. By-law No. 2018-58, as amended allows for the enlargement of an existing legal non-conforming structure, provided the enlargement does not further reduce the existing yard(s) (S. 11.21.1). Due to the shape of the lot narrowing towards the rear lot line (i.e. pie shaped), the existing east side yard will be further reduced from 5.25 metres (17.24 feet) to 4.66 metres (15.29 feet). Therefore, a minor variance is required.

The proposed addition would appear to have the greatest impact on the neighbours to the east at 11 Kalman Drive. A review of aerial/satellite photography provided as Attachment No. 2, and photographs supplied by the applicant provided as Attachment No. 4 illustrate the proximity of the addition to the 11 Kalman Drive property.

The projection of the proposed garage will be aligned with the rear of the established building line for the existing dwelling located at 11 Kalman Drive.

The location of the proposed addition will abut the side yard of the neighbouring residential lot to the east but will be located far enough from the lot line to allow suitable grading and drainage between the lots and maintenance of the addition.

In all other respects, the size and location of the proposed addition satisfy the requirements of the (HR) Zone.

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

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

The location of the addition is limited by the existing layout of the home and driveway location. The addition will be located to the south of the existing dwelling on the east side of the lot, and will project a similar distance towards the rear lot line as the building located at 11 Kalman Drive. As such, the proposed addition will have limited impact on the use and enjoyment of the adjacent property. The proposed addition will not adversely affect Township interests.

4 Is the variance minor?

The proposed variance is minor in nature. The variance does not affect the permitted uses on the property. The lot can accommodate the proposed addition. Although the building will be located closer to the side lot line than currently permitted in the Zoning By-law, the addition will maintain a minimum 4.66 metre (15.29 foot) setback which is sufficient for proper grading and drainage.

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

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

Financial Impact:

None at this time.

Attachments:

Attachment No. 1: Key Map
Attachment No. 2: Satellite View
Attachment No. 3: Site Plan
Attachment No. 4: Site Photographs

Respectfully Submitted by,

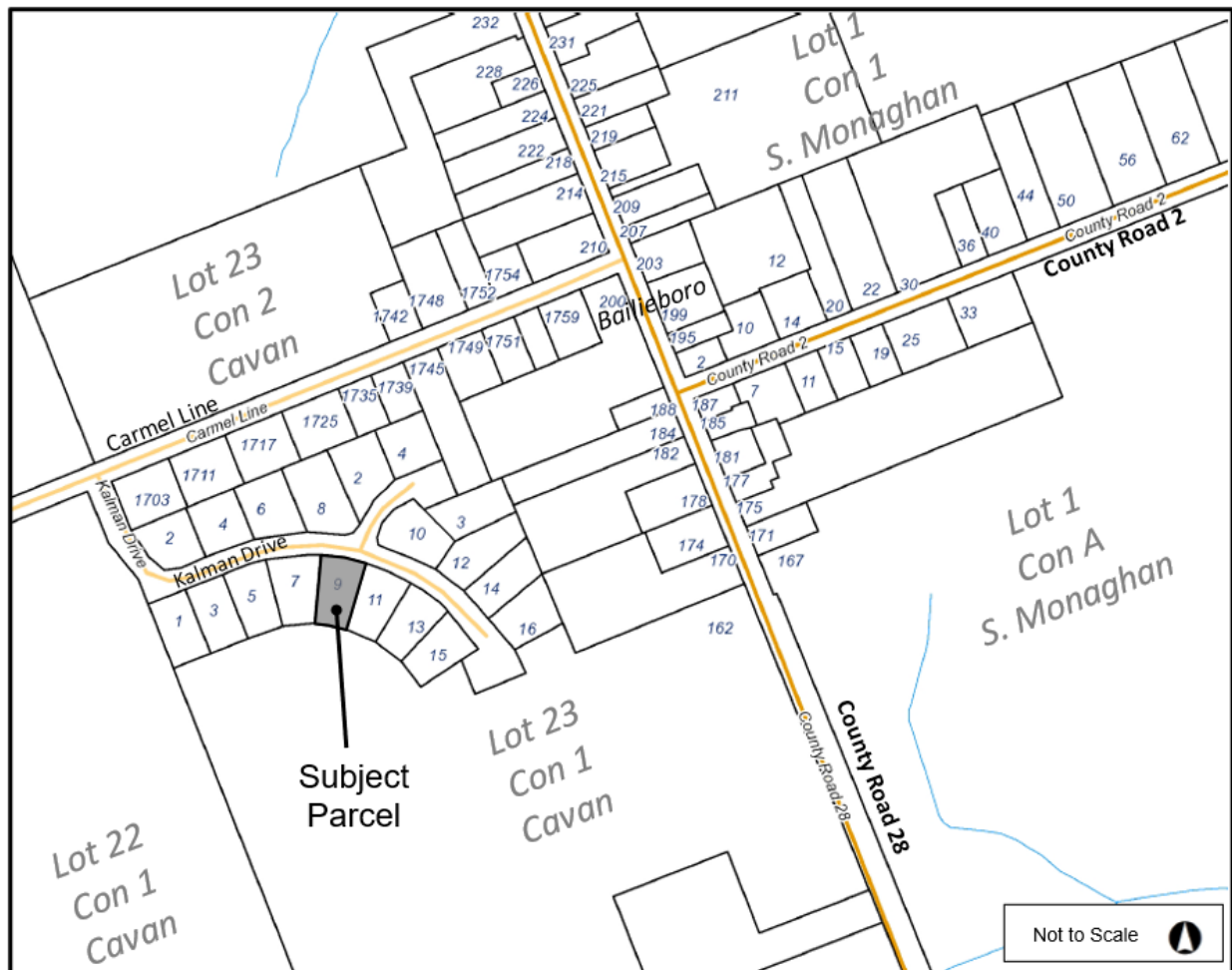
Christina Coulter
Planner

Reviewed by,

Karen Ellis,
Director of Planning

Yvette Hurley,
Chief Administrative Officer

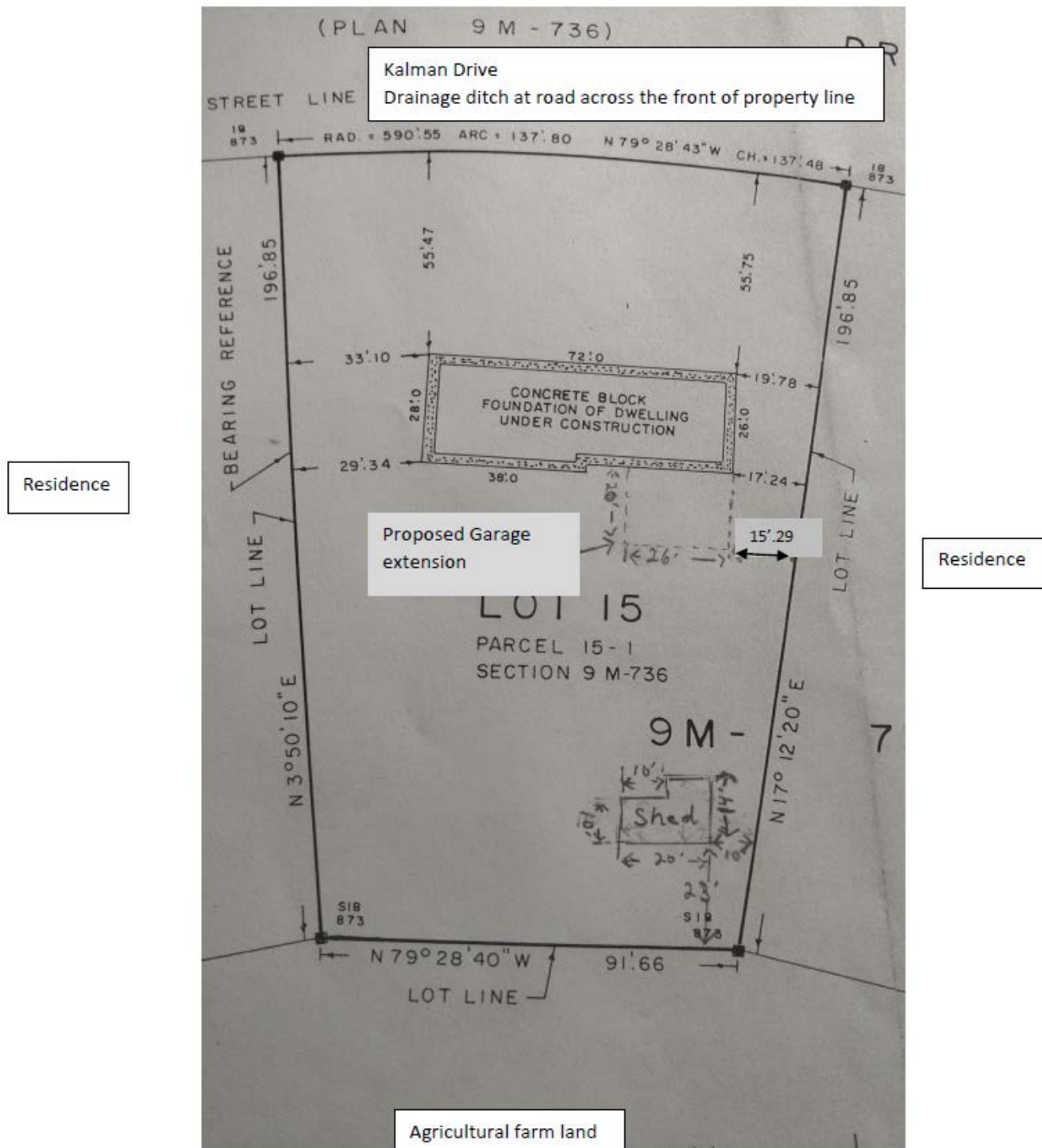
Attachment No.1: Key Map



Attachment No. 2: Satellite View



Attachment No. 3: Site Plan



Attachment No. 4: Site Photographs

