



## Committee of Adjustment

<b>To:</b>	Committee of Adjustment
<b>Date:</b>	June 29, 2020
<b>From:</b>	Christina Coulter, Planner
<b>Report Number:</b>	Planning 2020-16
<b>Subject:</b>	Huffman Minor Variance Application MV-04-20

### 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-04-20 with no conditions.

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### Overview:

Jennine Huffman applied to the Township of Cavan Monaghan for approval of a minor variance for property at 16 Huston Street, Plan 5, PT Lot 12 E Huston St., Plan 45R-16371, Part 2, in part of Lot 10, Concession 4 of the Millbrook Ward. A key map showing the location of the property is provided as Attachment No. 1 to this Report.

The subject property is a vacant lot of record created by consent through Peterborough County Land Division File No. B-113-16. The lot has 18.29 metres (60 feet) of frontage on Huston Street, has a depth of 38.92 metres (128 feet) and a total lot area of 640.35 square metres (6,892.67 square feet).

The owner of the property wishes to construct a single detached dwelling, accessory basement apartment and attached garage. The dwelling and attached garage footprint will be 166.28 square metres (1,789.9 square feet) in size and the driveway and walkway will occupy an area of 53 square metres (571.5 square feet). The site will be serviced with municipal water and sewer systems. A site plan showing the proposed dwelling, attached garage and parking spaces is provided as Attachment No. 2.

The subject property is zoned the Urban Residential One (UR1) Zone and located within the Source Water Protection Area overlay as shown on Map F-2A to the Township of Cavan Monaghan Zoning By-law No. 2018-58, as amended. The property is located within the Oak Ridges Moraine and within an area identified as a Category 1 Landform Conservation Area as shown on Schedule 'B' to the Zoning By-law.

For lands within a Category 1 Landform Conservation Area, the Zoning By-law requires that the net developable area of the site that is disturbed must not exceed 25 percent of the total site area; and the net developable area of the site that has impervious surfaces must not exceed 15 percent of the total site area. The total area of the subject property that will be developed and have impervious surfaces is proposed to be 219.38 square metres (2,361.39 square feet). A variance is required to permit an increase in the amount of net developable area of the site that is disturbed and an increase in the amount of the site that has impervious surfaces.

The purpose of the minor variance is to increase the maximum amount of the net developable area of the site that is disturbed from 25 percent to 26 percent and to increase the maximum amount of the net developable area of the site that has impervious surfaces from 15 percent to 35 percent in the Urban Residential One (UR1) Zone, as it applies to the subject property. 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 also posted on the Huston Street 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.

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.

The subject property is within an area that is subject to the policies contained in the Trent Source Protection Plan. Township staff have received the required 'Notice' issued under the Clean Water Act by the Risk Management Official for the minor variance and the building permit.

ORCA staff concurred with municipal staff that the nature of the variance is minor given the size of the urban residential lot. However, in order to ensure the consistency with the intent of Oak Ridges Moraine policy requirements, ORCA staff have recommended a condition that no further impervious surface beyond that recognized via this variance be considered in future applications.

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 within the Millbrook Urban Settlement Area and designated Residential as shown on Schedule 'A-1' to the Official Plan for the Township of Cavan Monaghan. Millbrook will develop on the basis of full municipal services, including municipal sewage treatment and water supply services (Section 4). Permitted uses include single detached dwellings and accessory apartments (Ss. 4.1.2 (a) & (b)).

The property is located within the Oak Ridges Moraine and within an area identified as a Category 1 Landform Conservation Area as shown on Schedule 'E' to the Official Plan. Landform Conservation Areas are areas consisting of steep slopes, kames, kettles, ravines and ridges and representative landforms that shall be protected for their contribution to the ecological integrity and hydrological function of the Moraine (S. 6.7.3 (a)).

An application for development or site alteration on lands identified as a Landform Conservation Area shall identify planning, design and construction practices that will keep disturbance to landform character to a minimum including limiting the portion of the net developable area of the site (S. 6.7.3(c)). The application shall be accompanied by a site plan that:

- i) identifies the areas within which all building, grading and related construction will occur;
- ii) demonstrates that buildings and structures will be located within the areas referred to in Clause i) so as to minimize the amount of site alteration required; and,
- iii) Provides for the protection of areas of natural and scientific interest (Earth Science) (S. 6.7.3 (f)).

The site plan provided as Attachment No. 2 illustrates the proposed residence is located in order to respect the required setbacks from an artesian well on the subject property. Oak Ridges Moraine Conservation Plan mapping indicates there are no areas of natural or scientific interest on the subject property.

The proposed variance will not affect the residential use of the property or conflict with the general development policies for the Residential designation, Section 4.1.3 of the Official Plan or the landform conservation area policies, Section 6.7.3 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 Urban Residential One (UR1) Zone as shown on Map F-2A to the Township of Cavan Monaghan Zoning By-law No. 2018-58, as amended. A

single detached dwelling and accessory apartments are permitted uses in this Zone (Section 3.2, Table 3A).

The property is located within the Oak Ridges Moraine and within an area identified as a Category 1 Landform Conservation Area as shown on Schedule 'B' to the Zoning By-law. As indicated earlier in this Report, the net developable area of the site that is disturbed must not exceed 25 percent of the total site area; and the net developable area of the site that has impervious surfaces must not exceed 15 percent of the total site area for lands within a Category 1 Landform Conservation Area.

While the proposed dwelling does not meet the developable area restrictions relating to the Category 1 Landform Conservation Area, the dwelling does comply with the maximum lot coverage requirement for the (UR1) Zone. For the subject property, the maximum lot coverage requirement is 50% or 320.1 square metres (3,445.53 square feet). The lot coverage of the proposed dwelling will be 166.28 square metres (1,789.9 square feet) and represents 25% lot coverage.

In all other respects, the size and location of the proposed addition satisfy the requirements of the (UR1) 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. The proposed addition is within the maximum lot coverage requirements and satisfies all other requirements of the (UR1) Zone including yard setbacks.

The subject property is within a serviced settlement area. Section 18 of the ORMCP addresses settlement areas. A single detached dwelling would be permitted according to S. 18(3). Section 18(6) of the ORMCP states that with respect to land in a Settlement Area, nothing in the ORMCP applies to prevent the erection or location of a building or structure if the following criteria are met:

- (a) the use, erection and location would have been permitted by the applicable zoning by-law on November 15, 2001;
- (b) the use is permitted by the applicable official plan and zoning by-laws as amended in accordance with sections 9 and 10 of the Act to bring them into conformity with this Plan, although the erection and location do not comply with the provisions listed in subsections 19 (3) and 31 (4);
- (c) the use, erection and location conform to sections 28 and 29, subsections 45 (7) and (8) and section 47; and
- (d) the applicant demonstrates, to the extent possible, that the use, erection or location will not adversely affect the ecological integrity of the Plan Area.

In order to ensure that the proposed dwelling meets the criteria outlined above, the Conservation Authority has requested a condition that no further impervious surface beyond that recognized via this variance be considered in future applications. With this condition, the proposed addition will not adversely affect Township interests or the objectives of the ORMCP.

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 is located within the serviced settlement area of Millbrook where development is encouraged to locate. The lot was created by severance and respected the requirements for lot creation by addressing all applicable policies including those of the ORMCP. Although the proposed dwelling does not meet the developable area restrictions relating to the Category 1 Landform Conservation Area, the dwelling does comply with the maximum lot coverage requirement for the (UR1) Zone and at 25% (166.28 square metres (1,789.9 square feet), is in fact, significantly less than the maximum permitted lot coverage of 50% or 320.1 square metres (3,445.53 square feet). The lot can accommodate the proposed dwelling and attached garage and meets all of the provisions of the (UR1) Zone.

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: Front and Rear Elevation Drawings  
Attachment No. 4: Right and Left Side Elevation Drawings

Respectfully Submitted by,

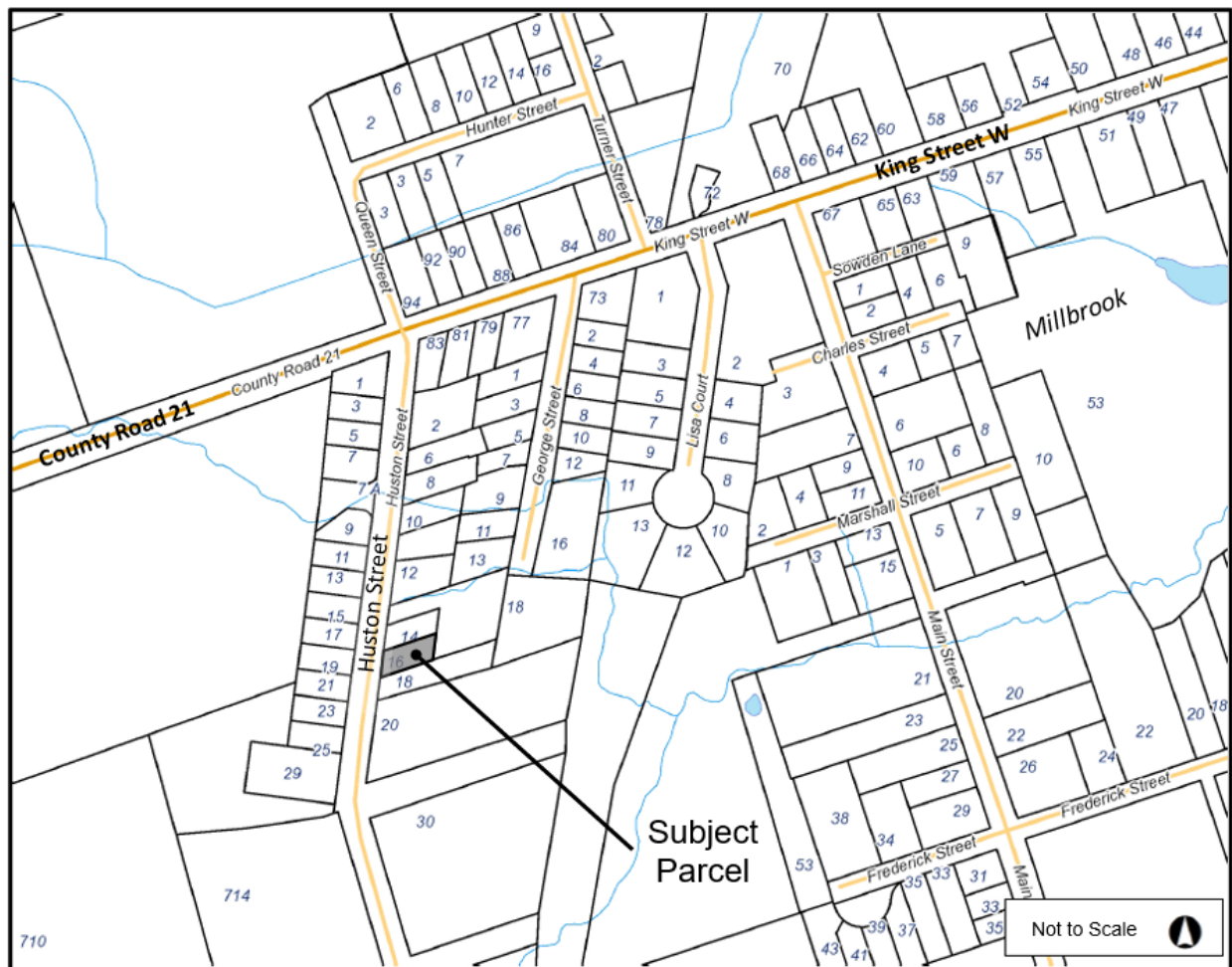
Christina Coulter  
Planner

Reviewed by,

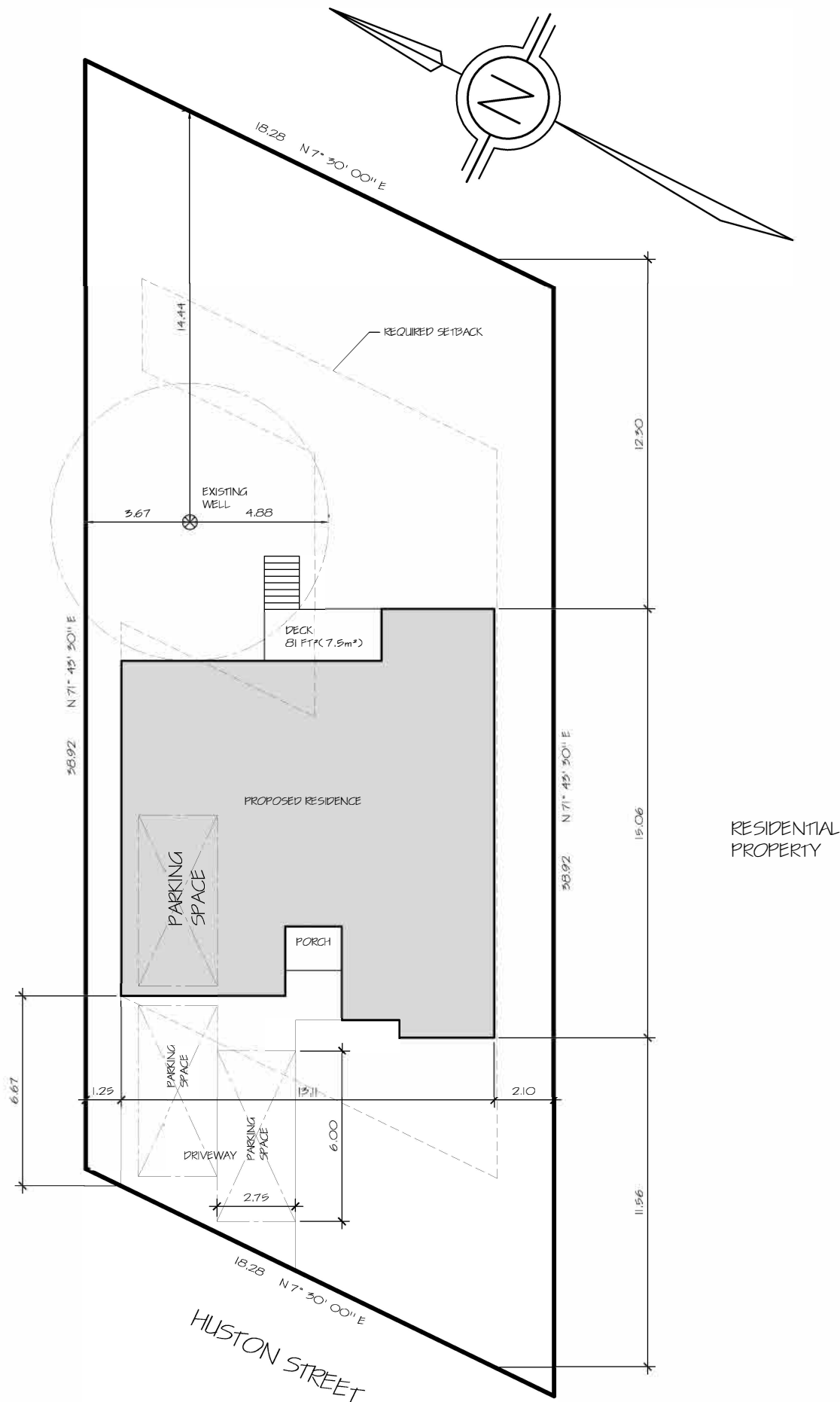
Karen Ellis,  
Director of Planning

Yvette Hurley,  
Chief Administrative Officer

## Attachment No.1: Key Map



Attachment No. 2: Site Plan



LOT NO. 12  
PLAN NO. 45R-16371  
TOWNSHIP OF CAVAN

LOT AREA = 6891.9 FT<sup>2</sup> (640 2 m<sup>2</sup>)  
PROPOSED HOUSE & FRONT PORCH  
FOOTPRINT = 1789.9 FT<sup>2</sup> (166.28 m<sup>2</sup>)  
DRIVEWAY & WALKWAY AREA = 571.5 FT<sup>2</sup> (53 m<sup>2</sup>)

VACANT  
PROPERTY

RESIDENTIAL  
PROPERTY

MINOR VARIANCE REQUIRED

(TABLE 9A, FOOTNOTE 6 OF BY-LAW 2018-58)

- i) THE NET DEVELOPABLE AREA OF THE SITE THAT IS DISTURBED SHALL NOT EXCEED 25 PERCENT OF THE TOTAL SITE AREA
- VARIANCE REQUIRED FOR TOTAL SITE AREA FOR HOUSE & PORCH = 26 PERCENT

- ii) THE NET DEVELOPABLE AREA OF THE SITE THAT HAS IMPERVIOUS SURFACES SHALL NOT EXCEED 15 PERCENT OF THE TOTAL SITE AREA
- VARIANCE REQUIRED FOR TOTAL SITE AREA OF HOUSE, DRIVEWAY & WALKWAY (2361.4 FT<sup>2</sup>) (219.37 m<sup>2</sup>)  
TOTAL PERCENT OF ACTUAL SITE AREA = 35 PERCENT

The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

Barry Jones  
NAME SIGNATURE  
25432  
BCIN  
new castle drafting & design inc.  
FIRM NAME 29016  
BCIN

PLAN OF PROPOSED SITE PLAN  
FOR  
JENNINE HUFFMAN

MILLBROOK

ONTARIO

**new castle**  
drafting & design inc.

76 Baldwin St. Newcastle, Ontario L1B 1H1

PH. 905-987-5263 FX. 905-987-1180

web site: www.newcastledrafting.ca email: ncdrafting@on.aibn.com

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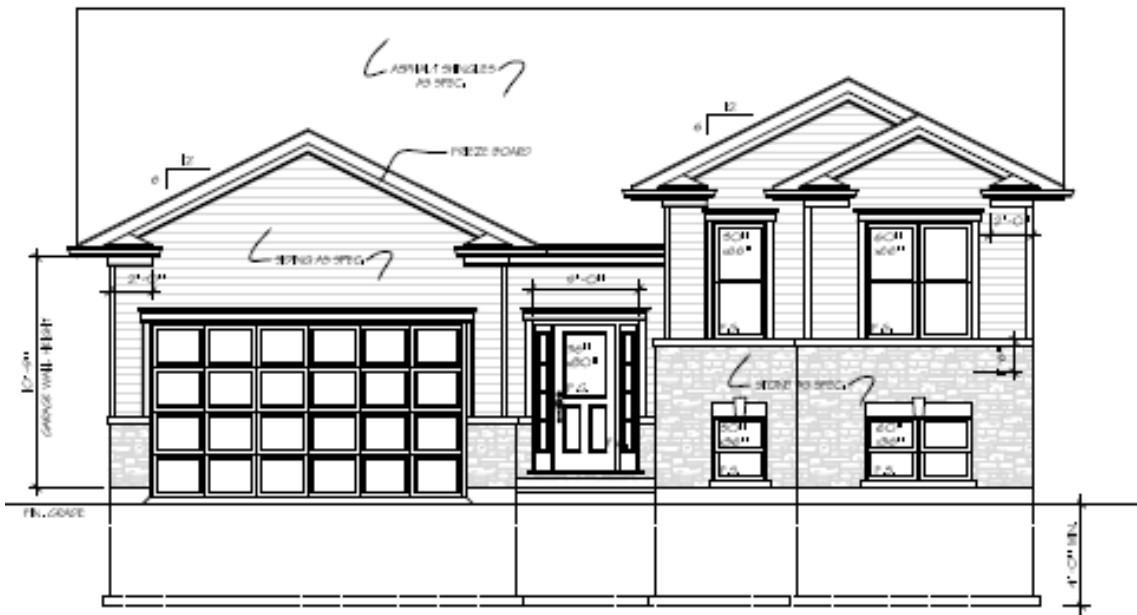
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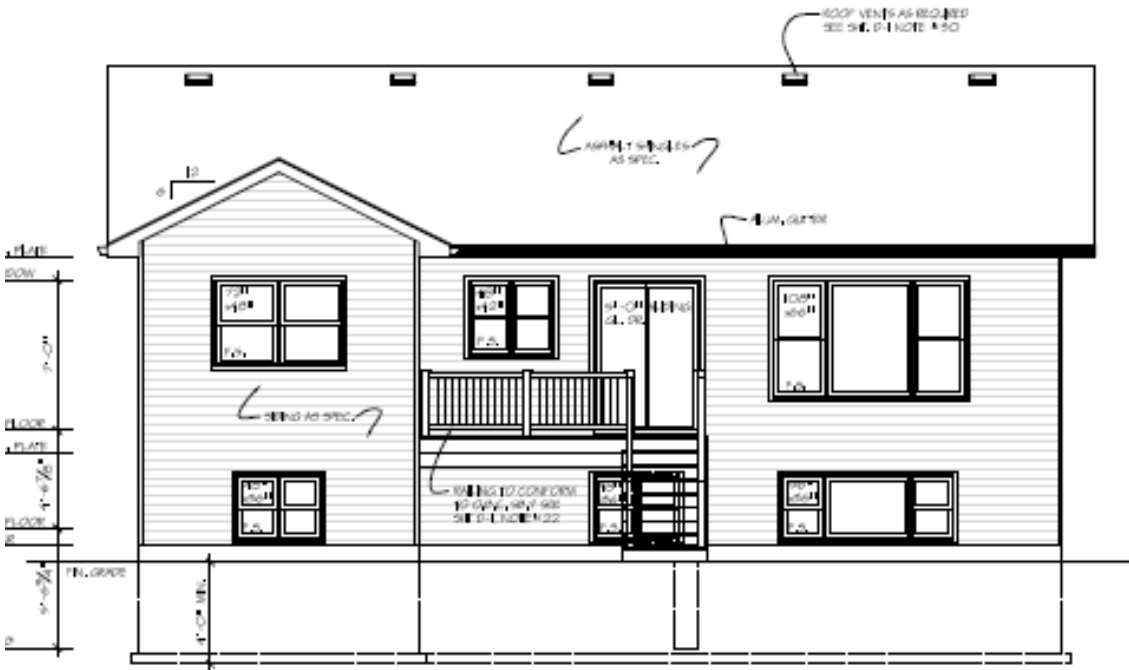
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DRAWING NUMBER  
20-04-02

Attachment No. 3: Front and Rear Elevation Drawings



FRONT ELEVATION



REAR ELEVATION



### Attachment No. 4: Right Side and Left Side Elevation Drawings

