



## Committee of Adjustment

<b>To:</b>	Committee of Adjustment
<b>Date:</b>	April 24, 2024
<b>From:</b>	Karen Ellis, Director of Planning
<b>Report Number:</b>	PEB 2024-22
<b>Subject:</b>	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.

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### 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,

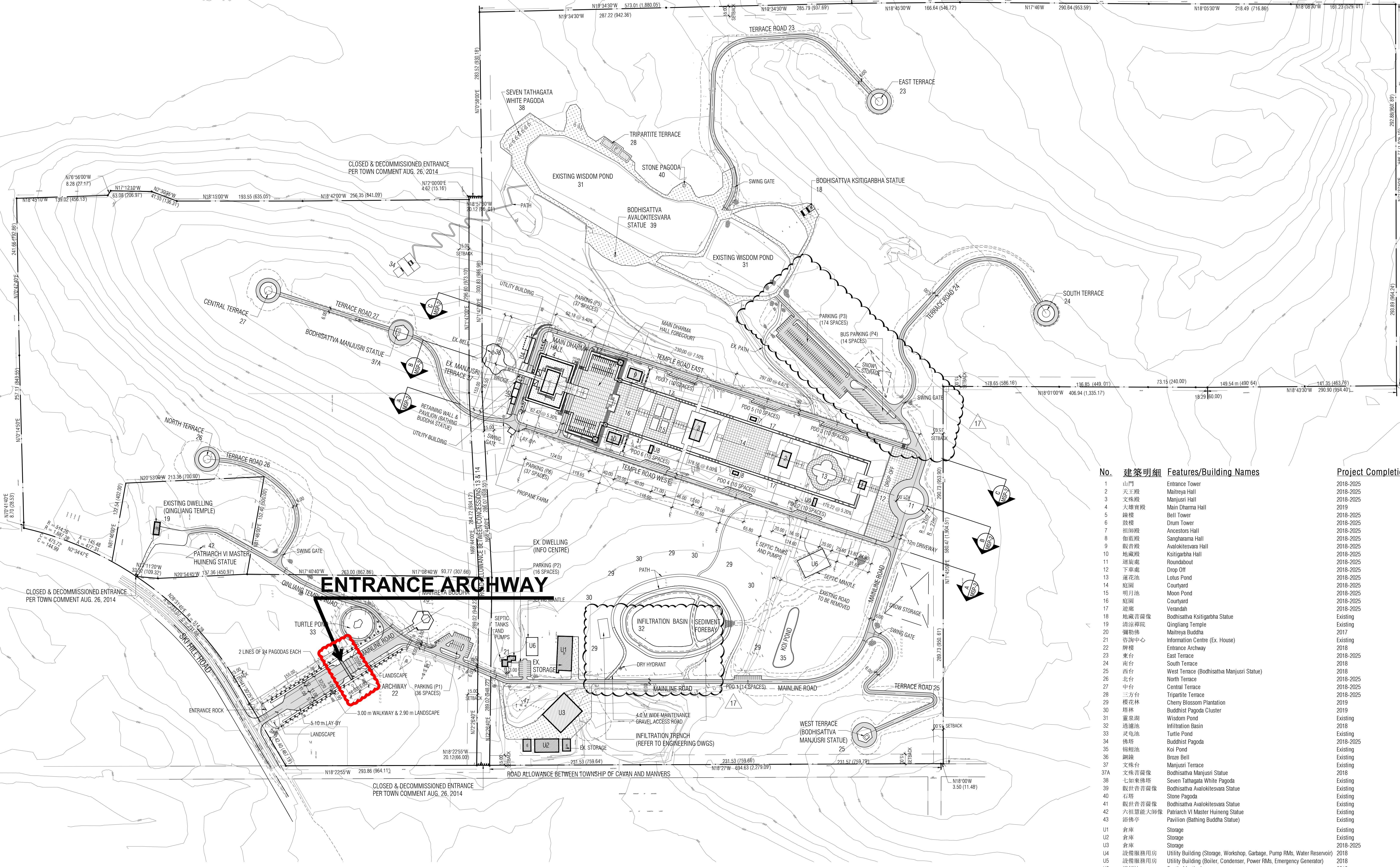
Yvette Hurley  
Chief Administrative Officer

## Attachment No. 1: Key Map

### Key Map







No.		建築明細	Features/Building Names	Project Completion
1		山門	Entrance Tower	2018-2025
2		天王殿	Manjusri Hall	2018-2025
3		文殊殿	Manjusri Hall	2018-2025
4		大雄寶殿	Main Dharma Hall	2019
5		鐘樓	Bell Tower	2018-2025
6		鼓樓	Drum Tower	2018-2025
7		祖師殿	Ancestors Hall	2018-2025
8		伽藍殿	Sangharana Hall	2018-2025
9		觀音殿	Avalokitesvara Hall	2018-2025
10		地藏殿	Ksitigarbha Hall	2018-2025
11		迴廊	Roundabout	2018-2025
12		下蓮池	Drop Off	2018-2025
13		蓮花池	Lotus Pond	2018-2025
14		庭園	Courtyard	2018-2025
15		明月池	Moon Pond	2018-2025
16		庭園	Courtyard	2018-2025
17		迴廊	Veranda	2018-2025
18		地藏菩薩像	Bodhisattva Ksitigarbha Statue	Existing
19		清涼禪院	Qingliang Temple	Existing
20		彌勒佛	Maheyya Buddha	2017
21		諮詢中心	Information Centre (Ex. House)	Existing
22		牌樓	Entrance Archway	2018
23		東台	East Terrace	2018-2025
24		南台	South Terrace	2019
25		西台	West Terrace (Bodhisattva Manjusri Statue)	2018
26		北台	North Terrace	2018-2025
27		中台	Central Terrace	2018-2025
28		三方台	Tripartite Terrace	2018-2025
29		櫻花林	Cherry Blossom Plantation	2019
30		塔林	Buddhist Pagoda Cluster	2019
31		靈泉池	Wisdom Pond	Existing
32		過濾池	Infiltration Basin	2018
33		禪水池	Turtle Pond	Existing
34		佛塔	Buddhist Pagoda	2018-2025
35		池畔池	Koi Pond	Existing
36		銅鐘	Bronze Bell	Existing
37		文殊菩薩像	Manjusri Statue	Existing
37A		文殊菩薩像	Bodhisattva Manjusri Statue	2018
38		七如來佛塔	Seven Tathagata White Pagoda	Existing
39		觀世音菩薩像	Bodhisattva Avalokitesvara Statue	Existing
40		石塔	Stone Pagoda	Existing
41		觀世音菩薩像	Bodhisattva Avalokitesvara Statue	Existing
42		六祖慧能大師像	Patriarch Vi Master Huineng Statue	Existing
43		浴佛亭	Pavilion (Bathing Buddha Statue)	Existing
U1		倉庫	Storage	Existing
U2		倉庫	Storage	Existing
U3		倉庫	Storage	2018-2025
U4		設備服務用房	Utility Building (Storage, Workshop, Garbage, Pump RMs, Water Reservoir)	2018
U5		設備服務用房	Utility Building (Boiler, Condenser, Power RMs, Emergency Generator)	2018
U6		消毒池	Septic Mantle Area	2018
U7		儲水池	Underground Water-Tank	2018
U8		公共衛生間	M/F Washrooms	2018-2025
U9		公共衛生間	M/F Washrooms	2018-2025
P1		停車場	Parking	Existing
P2		停車場	Parking	2018-2025
P3		停車場	Parking	2018
P4		停車場	Bus Parking	2018
P5		停車場	Parking	2018
P6		停車場	Parking	2018
PDD 1		接送臨時停車區	Passenger Drop Off	2016
PDD 2		接送臨時停車區	Passenger Drop Off	2018-2025
PDD 3		接送臨時停車區	Passenger Drop Off	2018-2025
PDD 4		接送臨時停車區	Passenger Drop Off	2018-2025
PDD 5		接送臨時停車區	Passenger Drop Off	2018-2025
PDD 6		接送臨時停車區	Passenger Drop Off	2018-2025
PDD 7		接送臨時停車區	Passenger Drop Off	2018-2025

LEGEND:

- PAVED ROAD/PARKING LOT
- BUILDING (PHASE 1)
- BUILDING (FUTURE PHASES)
- EXISTING BUILDING
- GRAVEL ROAD
- PATH
- CLOSED & DECOMMISSIONED ROAD ENTRANCE
- FIRE HYDRANT
- LIGHT POLE
- CUT/FILL SLOPE

NOTE:  
THE ORIGINAL BOUNDARY SURVEY, PRODUCED BY A. MARTON UNDER THE INSTRUCTION FROM CHAM SHAN TEMPLE, WAS PROVIDED ON MARCH 10, 2015 AND THEREAFTER INCORPORATED ON THE MASTER SITE PLAN. THIS SURVEY, USING ASTRONOMIC BEARINGS, IS TO BE ROTATED 1°40'43" COUNTER-CLOCKWISE TO BE CONVERTED TO UTM GRID BEARINGS AND COORDINATES SYSTEM. THIS INFORMATION HAS BEEN VERIFIED BY JD BARNES LTD. ACCORDING TO THEIR BOUNDARY SURVEY FORWARDED BY THE TEMPLE ON JULY 24, 2017 AND FROM THEIR EMAIL DATED AUGUST 9, 2017.

ISSUE		
No	Date	Remarks
1	2012-06-07	For Client Review
2	2012-06-15	Revised Plan w/ Samson from Client Comment
3	2012-06-19	For Town & Client Review
4	2012-06-28	For Client Review
5	2012-08-24	For Client Review
6	2012-09-26	For Site Plan Application
7	2013-11-19	For CMS Review
8	2013-02-19	For Client Review
9	2013-05-06	For Client Review
10	2013-09-02	For Coordination
11	2013-12-19	For Coordination
12	2014-02-07	For Coordination & FSR Use
13	2015-04-13	For WSP Grading Coordination
14	2016-02-04	For Site Plan Submission Coordination
15	2016-07-07	For WSP Coordination
16	2016-10-06	For Client Information
17	2016-11-07	For Site Plan Approval Re-submission
18	2017-03-24	For Site Plan Approval Re-submission
19	2017-08-24	For Site Plan Approval Re-submission
20	2017-11-17	For WSP Coordination
21	2017-12-12	For Site Plan Approval Re-submission

2017-12-12	Update P3 Capex Layout and Dry Hydrant Near Infiltration Basin
2017-11-16	Update P3 Layout & # of Parking Spaces
2017-11-08	Update Utility Bldgs & North Pavilion
2017-09-19	Added Topo Survey Rotation Note
2017-07-13	P5 and P6 Parking Revisions as per Township Comments
2017-03-16	Relocate PDD1-7, Add Light Poles, Update Curb & Walkway, Update Terrace 27 Road, Relocate Terrace 31A, Update Entrance Road, Update Septic Tank and Manure Location, General Notes and Road Name Updated
2016-10-06	Update Location & Driveway of Terrace #24, #25 & #37A, Update Hydrant Location, P6 Parking Spaces, U4 & U5, Add Propane Farm, Widened Walkway, Update Shape of Infiltration Basin, Update Entrance Driveway, Revise Forecourt & Grand Stair Layout.
2016-09-12	Update Water Tank Location: Add Existing Manjusri Terrace, Bldg 38, Communal Washrooms, Snow Storage, Revise Parking Lot P3 & P4, Existing Statue Locations Updated, Library Taken Out, South & West Terrace Completion Dates Updated.
2016-07-07	Revised Parking Lot P5 & P6, Relocate Septic Mantle Tank
2016-02-04	Update Water Tank Location
2016-02-04	Add Setback Lines
2015-05-15	Update contour Lines
2015-04-13	Property Line Information Added (g) Entrance, (h) wide Access Road to Terrace as per Client Instruction
2014-02-06	Relocate U7 & U8
2013-12-19	Access to Five Terraces per General
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

No	Date	Remarks
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Job Title:

WUTAI SHAN BUDDHIST GARDEN  
708 SKI HILL ROAD  
CAVAN-MONAGHAN, ONTARIO

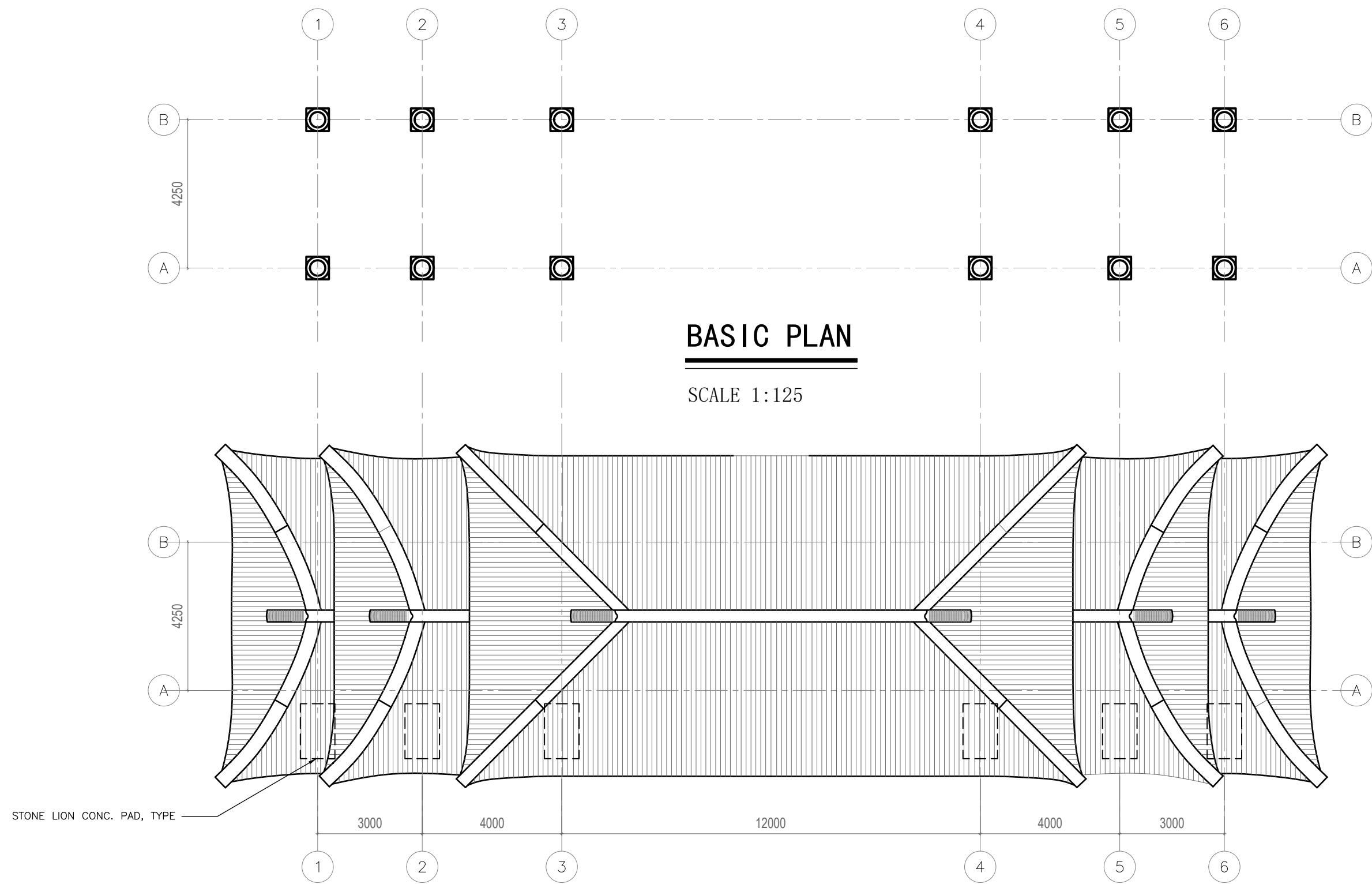
Sheet Title:

ENTRANCE ARCHWAY  
LOCATION PLAN

55 Barber Greene Road, Suite 100,  
Toronto, Ontario, Canada M3C 2A1  
t: 416.441.2010    s: 416.441.2011

Scale: 1:2500	Date: MAY 2012	Sheet No.
Drawn: RU WX RL CL	Checked: LC NS ET	MSP-1
Job No:	1205A	



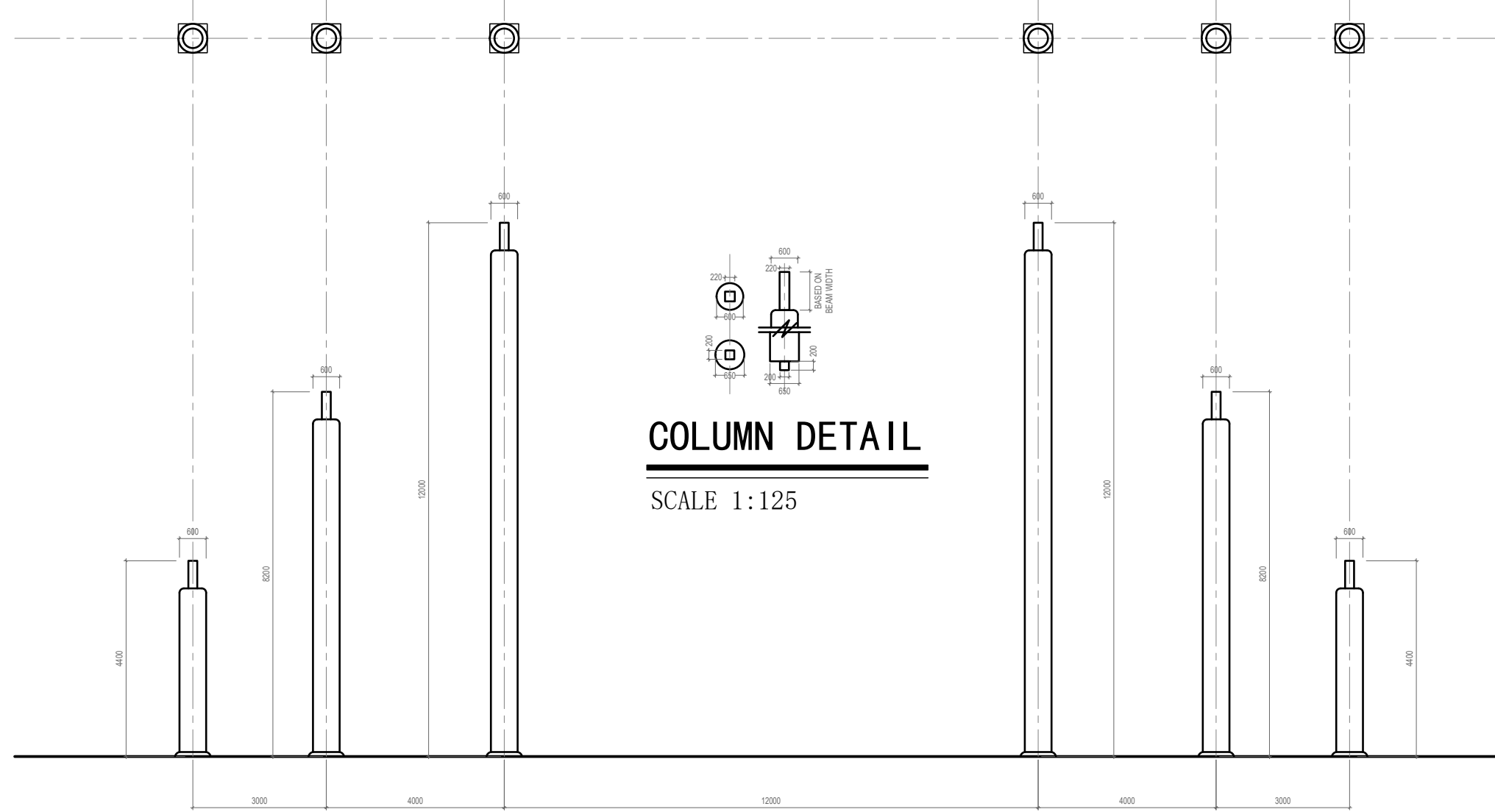


**BASIC PLAN**

SCALE 1:125

**PLAN**

SCALE 1:125

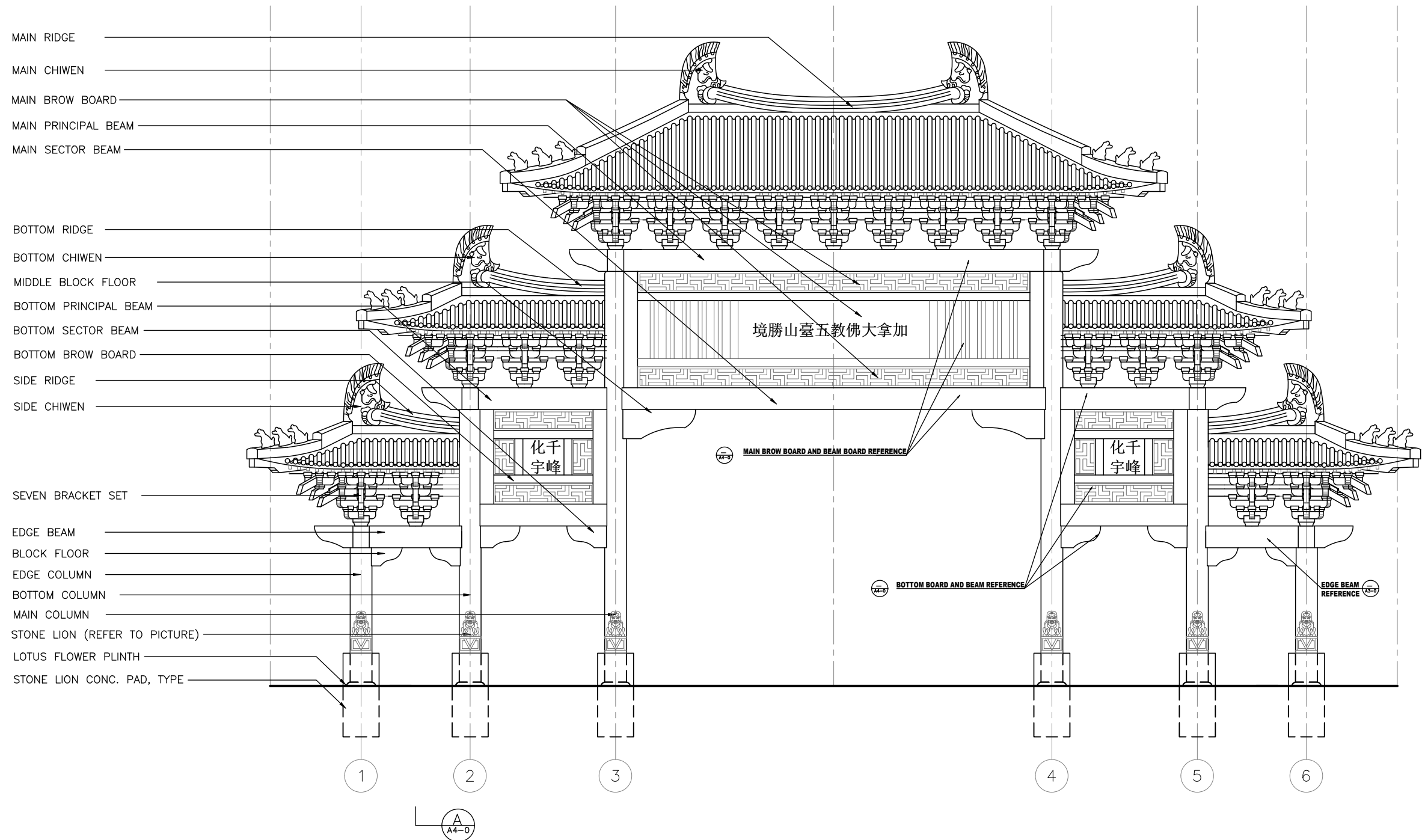


**COLUMN DETAIL**

SCALE 1:125

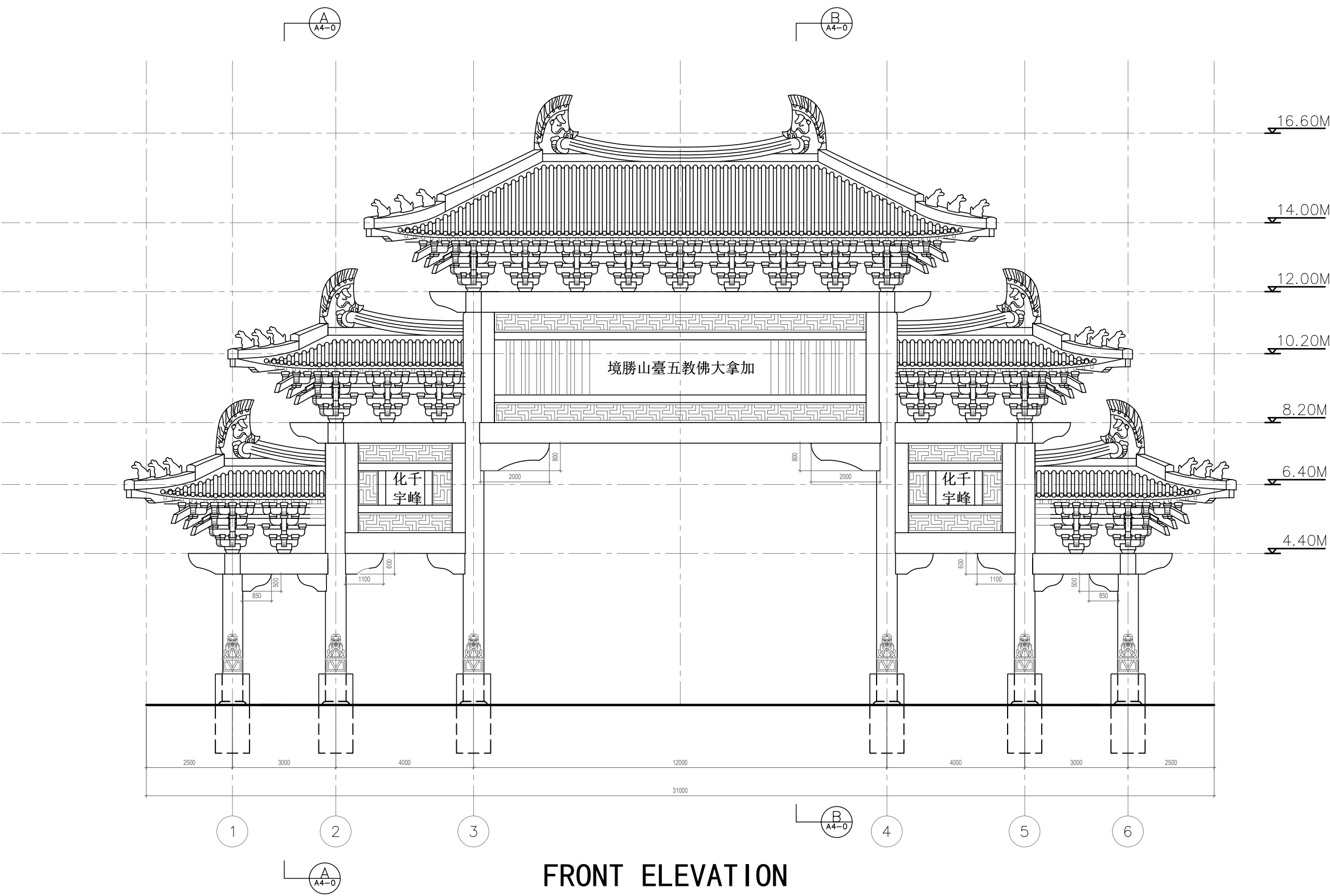
**COLUMN DIAGRAM**

SCALE 1:125



**STRUCTURE NAME AND INDEX DIAGRAM**

SCALE 1:125



**FRONT ELEVATION**

SCALE 1:125

CITY STAMP LOCATION

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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. DES23-01-02258

Drawn by J.H./W.W.

Checked by M.L./R.F.

Date MAR 08, 2023

Drawing No. A2.0

Scale AS SHOWN