



## Committee of Adjustment

<b>To:</b>	Committee of Adjustment
<b>Date:</b>	April 24, 2024
<b>From:</b>	Matt Wilkison, Planner
<b>Report Number:</b>	PEB 2024-23
<b>Subject:</b>	1855 Campbell Avenue Variance Application MV-03-24

### 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-03-24 with the condition that the construction of the accessory building occur in accordance with a grading and drainage plan satisfactory to the Township of Cavan Monaghan Public Works Department.

### Overview:

The Township of Cavan Monaghan received a minor variance application (MV-03-24) for lands at Part Lot 6, Concession 13 (North Monaghan), known as 1855 Campbell Avenue.

A Site Plan was submitted in support of the minor variance application. The submitted site plan is provided as Attachment No. 1 to this Report.

The property at 1855 Campbell Avenue is an existing lot of record approximately 0.202 hectare (0.50 acres) in size with approximately 45 metres (150 feet) of frontage on Campbell Avenue. A Key Map and aerial photo are provided as Attachment Nos. 2 and 3 to this Report.

A single detached dwelling and detached accessory building are currently located on the subject property. The application states that the existing accessory structure will be removed and replaced with a new 14.3 square metre (154 square foot) accessory structure in the same area.

The property is zoned Rural Residential (RR) on Map A-5 to By-law No. 2018-58, as amended. This Zone permits a single detached dwelling and a maximum of three (3) accessory buildings.

Section 11.4.2 – Table 11A of Zoning By-law No. 2018-58, as amended, requires an accessory building to be setback a minimum 2 metres (6.5 feet) to the rear and side lot lines. The new accessory building is proposed to be located 1.2 metres (4 feet) from the side and rear lot lines.

The purpose of the minor variance is to decrease the minimum rear and side yard setbacks from 2 metres (6.5 feet) to 1.2 metres (4 feet) to permit the construction on a new accessory building. The variance is required to facilitate the future installation of an in-ground pool on 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 Campbell Avenue 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 and Fire Departments Staff have no objection to the proposed variance.

The Township Public Works Department is requesting a grading and drainage plan be submitted for review. This plan should demonstrate the grading associated with the new accessory building will not impact the neighbouring properties.

Notice of the Application was also circulated to the required Ministries and Agencies and the City of Peterborough Clerks Department. City of Peterborough Staff have no objection to the variance.

As of the date of drafting of this Report, Hiawatha First Nation and 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 an area in the Official Plan currently under appeal. Therefore, the underlying designation in the 2005 Township of Cavan-Millbrook-North Monaghan Official Plan applies to this property.

The property is designated Residential as shown on Schedule 'A' in the Township of Cavan-Millbrook-North Monaghan Official Plan.

Lands designated as Residential are intended for low density single detached residential use developed by means of registered Plans of Subdivision. This designation is intended to recognize clusters of existing development and allow infilling with these clusters.

The uses permitted are restricted to single, detached dwellings. Uses accessory to residential uses may be permitted and may include home occupations, bed & breakfasts, public parkland, common open space and recreational facilities (S. 5.9.2.2).

Wherever a use is permitted in a land use designation, it is intended that uses, buildings or structures normally incidental, accessory and essential to that use also be permitted (S. 4.5).

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 Rural Residential (RR) on Map B-4 to By-law No. 2018-58, as amended. A single detached dwelling is permitted in the RR Zone.

Residential accessory buildings are permitted in the RR Zone provided they are not used for human habitation or as a home business. No accessory building or structure or part thereof can be located within 1.0 metre from the principal building on the lot and no more than three accessory buildings or structures are permitted on a lot in any Residential Zone (S. 11.4.2 a), b) iii) & c).

The proposal will be the only accessory building on the property. It will be used for private storage only and is more than 1.0 metre from the principal building. The proposal complies with the maximum lot coverage, the maximum height and front yard setback as shown on Table 11A on the Zoning By-law (S.11.4.2).

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 located in a residential area. The property is zoned and designated to permit the proposed accessory building.

With the approval of the minor variance, the look and use of the property will remain similar to the existing state. The variance will permit a land use that is compatible with the existing development in the area while providing the land owner with enough space in the yard to install a pool.

4. Is the variance minor?

Private accessory buildings for storage are permitted in the RR Zone. The proposal will replace an existing shed. The variance will reduce the required setback 0.8 metres (2.5 feet) from 2 metres (6.5 feet) to 1.2 metres (4 feet) to the rear and side property lines.

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: Site Plan

Attachment No. 2: Key Map

Attachment No. 3: Air Photo of the Subject Property

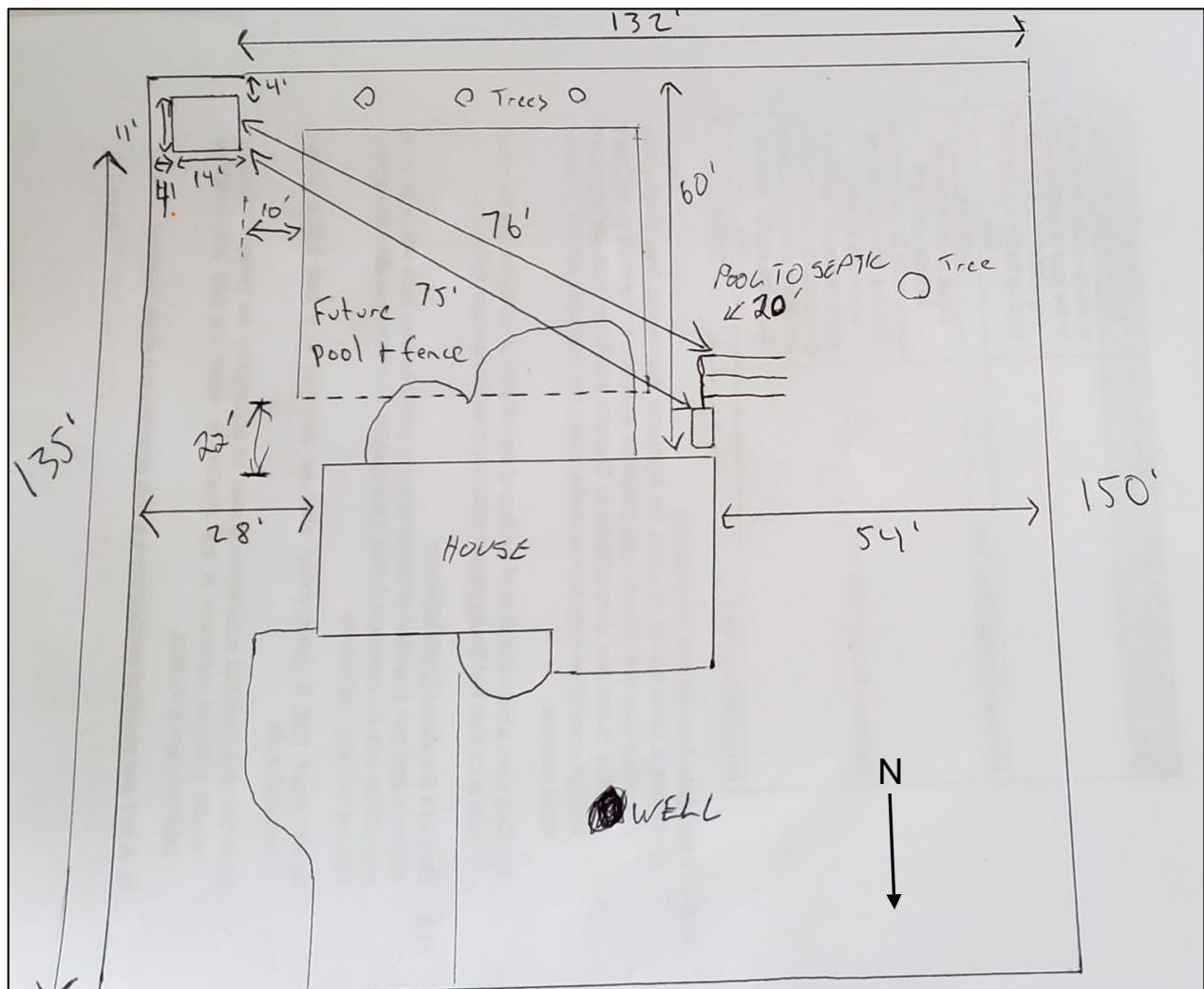
Respectfully Submitted by,

Reviewed by,

Matt Wilkinson,  
Planner

Yvette Hurley  
Chief Administrative Officer

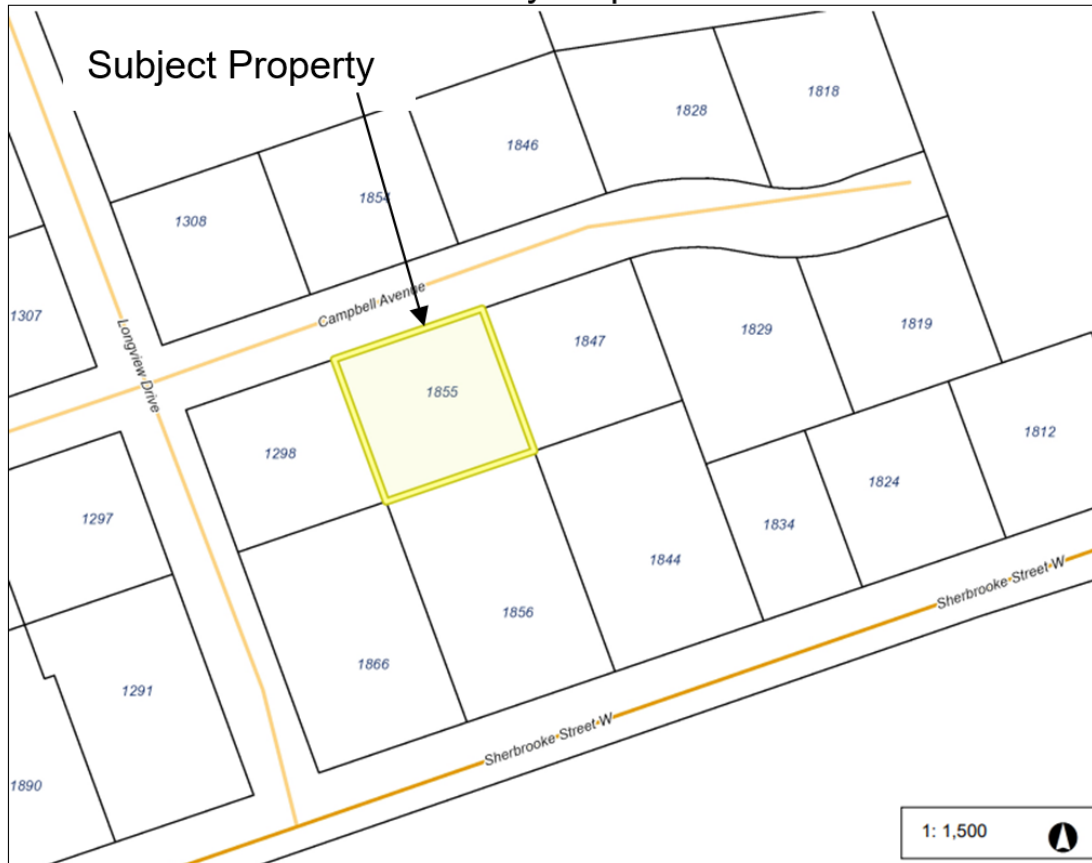
**Attachment No. 1: Site Plan**



Please note that North is to the bottom of the Site Plan

## Attachment No. 2: Key Map

### Key Map



**Attachment No. 3: Aerial Photo**

