



Minutes

The Township of Cavan Monaghan

Committee of Adjustment

Thursday, March 14, 2024

9:00 a.m.

Those Members in Attendance remotely were:

Aaron Glover	Member
Michael Semple	Member
Dave Grant	Member

Staff:

Karen Ellis	Director of Planning
Karlie Hartman	Deputy Clerk

1. Call to Order

Mr. Semple, Chair called the meeting to order at 9:06 a.m.

2. Land Acknowledgement

Mr. 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 June 1, 2023

CA-2024-01

Moved by: Grant

Seconded by: Semple

That the minutes of the Committee of Adjustment meeting held June 1, 2023 be approved as presented.

Carried

5. Reports

5.1 Report - PEB 2024-12 9 Tupper Street (4th Line Theater) Minor Variance Application MV-02-24

Ms. Ellis reviewed the application. The Application applies to the lands at 9 Tupper Street in Millbrook (File No. MV-02-24). The property is also the subject of an application for Site Plan Approval (File Number SPA-04-24).

The property is an existing lot of record approximately 561.51 square metres (0.14 acres) in size with approximately 13.178 metres (43.21 feet) of frontage on Tupper Street and approximately 42.64 metres (140 feet) of frontage on Centre Street.

A single detached dwelling, converted to office and retail space, and an accessory shed are located on the property. A parking area is located to the west (rear) of the building. Access to the parking area is available from Centre Street. The parking area accommodates eight (8) surface parking spaces. The owner of the property (4th Line Theatre) converted the single detached dwelling to retail and office/administration space. The first storey accommodates a retail area, a meeting room, and a mixed retail and administration space. The second storey includes storage and administrative spaces.

The property is zoned Core Mixed Use Three (CMU3) as illustrated on Map E-2A to Bylaw No. 2018-58, as amended. The property is also subject to the Floodplain Overlay (f212.7) and the Special Policy Area regulations with regard to flood susceptible lands.

Section 4.2 – Table 4B, Footnote (2) of Zoning By-law No. 2018-58, as amended, prohibits business offices, personal service establishments, and repair or service shops on the first storey of a building located in the CMU3 Zone. In addition, Section 12.2.9 b) of Zoning By-law No. 2018-58, as amended requires:

- i. access to parking areas be provided from a public street by an unobstructed driveway not exceeding 10 metres (33 feet) in width; and
- ii. parking aisles to have a minimum unobstructed width of 6 metres (19.7 feet) where two-way traffic is permitted.

A minor variance is required to permit office and administration space on the ground floor of the building and to recognize the existing tandem parking layout on site. No changes to the Floodplain Overlay (f212.7) and Special Policy Area regulations are required. As proposed, the variance will permit office and administration space on the ground floor of the building and will recognize an existing tandem parking layout for eight (8) vehicles.

All other standard regulations of the CMU3 Zone, the Floodplain Overlay (f212.7) and the Special Policy Area 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 Tupper Street and Centre Street frontages of the property.

Notice of the application was also circulated to all Township Department Directors. Township Staff have no objection to the proposed variances. The Fire Department will require confirmation regarding Fire Code compliance with the change of use of the building from residential to commercial (office) use with respect to fire separations between floors and occupant travel distances to exits. The Building Department is working with the Owner with regard to building permits.

Notice of the Application was also 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. Otonabee Conservation indicated that the application is consistent with Section 3.1 of the Provincial Policy Statement (PPS) and does not require a Permit from the Authority. Although the subject property is located within the source water protection vulnerable area(s), the Trent Source Protection policies do not apply.

6. Correspondence Received

Ms. Ellis spoke to the correspondence received.

7. Questions/Comments from the Committee

Mr. Grant asked about the permitted use in the CMU Zone.

Mr. Glover asked if the Township is aware of staffing levels.

Mr. Semple asked if the retail is specific to only 4th line theatre or if other vendors would be permitted to rent space. Mr. Semple also asked if there was any additional parking identified.

8. Questions/Comments from the members of the Public

There were no questions or comments from the members of the public.

9. Consideration of the Application by the Committee

CA-2024-02

Moved by: Glover

Seconded by: Grant

That the Committee approve application MV-02-24 with conditions.

Carried

10. Adjournment

CA-2024-03

Moved by: Grant

Seconded by: Glover

That the meeting adjourn 9:24 a.m.

Carried

Michael Semple
Chair

Karlie Hartman
Deputy Clerk