



Regular Council Meeting

To:	Mayor and Council
Date:	September 3, 2024
From:	Matt Wilkinson, Planner
Report Number:	PEB 2024-44
Subject:	Burkholder–Zoning By-law Amendment (ZBA-07-24)

Recommendation:

1. That Council receive and consider any public comments received on September 3rd, 2024; and
2. That By-law No. 2024-45 be approved to rezone a portion of the subject lands from the Oak Ridges Moraine Countryside (ORMCO) Zone to the Oak Ridges Moraine Countryside Exception Six (ORMCO-6) Zone.

Overview:

On July 26, 2024, Mr. Burkholder submitted a Zoning By-law Amendment application to the Township for lands described as Lot 5, Plan 113 (Cavan) and known municipally as 1115 Deyell Line. A key map and aerial image showing the location and surrounding area of the subject property are provided as Attachment Nos. 1 and 2 to this Report.

Mr. Burkholder wishes to construct two (2) connected accessory structures (shop and lean-to) on the property. In accordance with Table 11A of By-law 2018-58, as amended, the lot coverage for accessory buildings and structures cannot exceed the ground floor area of the principal building (house). The lot coverage of the proposed accessory buildings exceeds the permitted lot coverage for the property. As such, a zoning by-law amendment is required to increase the maximum lot coverage for accessory buildings and structures on the property to permit the proposed accessory buildings. A site plan of the subject property is provided as Attachment No. 3 to this Report.

Zoning By-law Amendment

As drafted, By-law No. 2024-45 will rezone a portion of the subject property from the Oak Ridges Moraine Countryside (ORMCO) Zone to the Oak Ridges Moraine Countryside Exception Six (ORMCO-6) Zone. In the ORMCO-6 Zone, the maximum lot

coverage for accessory buildings and structures will be 3%. All other provisions of the ORMCO Zone will apply to the ORMCO-6 Zone.

The lot coverage is less than the standard maximum lot coverage for accessory buildings and structures in other residential zones lots (10%). The By-law is provided as Attachment No. 4 to this Report.

Response to Notice

Notice of the Zoning By-law Amendment application was circulated, by first class prepaid mail, to all assessed persons within 120 metres (400 feet) of the lands affected by the Zoning By-law Amendment application and to all required ministries and agencies. Notice was provided by email to all Township Department Directors, Ministries and Agencies requesting notice by email. Signs were posted on the Deyell Line and Bee Drive frontages of the subject property and the Notice of Public Meeting was posted on the Township website. The Notice complies with the requirements of the Planning Act.

To date, Township Staff have not received any comments from the public.

Staff have received comments from Canada Post and Enbridge Gas who did not have any objection to the Application.

Otonabee Conservation Staff confirmed that the Application is consistent with Section 3.1 of the Provincial Policy Statement (PPS), a permit is not required from the Authority for the project, and the subject property is not located within an area that is subject to the policies contained in the Source Protection Plan (SPP).

The Township Fire Department have requested that the driveway be extended to access the accessory buildings. The site plan was updated to illustrate the future driveway. The Township Fire Department have also requested confirmation that the accessory building will not be used for habitable or commercial purposes. Mr. Burkholder has confirmed the use of the accessory structure is for private non-habitable uses. Section 11.4.2 of By-law No. 2018-58, as amended, states that no accessory building or structure can be used for human habitation or as a home business. Any habitable or commercial use of the buildings would not comply with the By-law.

The Township Public Works Department have requested that the driveway be extended to access the accessory building. The Site Plan was updated to illustrate the future driveway.

The Township Building Department have no objection to the Application.

Township of Cavan Monaghan Zoning By-law No. 2018-58, as amended

The subject property is zoned the Oak Ridges Moraine Countryside (ORMCO) Zone, the Oak Ridges Moraine Environmental (ORME) Zone and is subject to the Oak Ridges Moraine Environmental Plan Review Overlay (ORMEPR).

The proposed accessory structures will be located in the ORMCO Zone and outside of the more environmentally sensitive ORMEPR overlay. A single detached dwelling and residential accessory buildings and structures are permitted in the ORMCO Zone. Table 11A of By-law No. 2018-58, as amended, limits the permitted maximum lot coverage of accessory buildings and structures to the ground floor area of the principal building (house). The purpose and effect of the proposed Amendment is to rezone a portion of the subject property from the Oak Ridges Moraine Countryside (ORMCO) Zone to the Oak Ridges Moraine Countryside Exception Six (ORMCO-6) Zone. In the ORMCO-6 Zone, the maximum lot coverage for accessory buildings and structures will be 3%. All other provisions of the ORMCO Zone will apply to the ORMCO-6 Zone.

The portion of the property in the ORME Zone and the ORMEPR Overlay will remain unchanged.

With the approval of the Zoning By-law Amendment the proposal will comply with By-law No. 2018-58, as amended.

Township of Cavan Monaghan Official Plan:

The subject lands are designated Oak Ridges Moraine Rural in the Township of Cavan Monaghan Official Plan as shown on Schedule 'A' to the Township's Official Plan.

Section 5.2.2 a) of the Township Official Plan states the predominant use of land within the Rural designation shall include limited residential uses, recreational uses and small-scale commercial or industrial uses such as a single detached dwelling on existing lots of record are permitted, provided they are compatible with adjacent land uses.

Township Staff are satisfied that the proposed accessory structures are accessory to the permitted residential use. The proposed lot coverage is less than the standard maximum lot coverage for accessory buildings and structures in other zones that permit residential uses.

The Application conforms to the Township Official Plan.

Peterborough County Official Plan

The subject lands are described as Oak Ridges Moraine Countryside in the County of Peterborough Official Plan.

Section 4.1.3.6 of the County Official Plan speaks to Oak Ridges Moraine Designations.

The County Official Plan anticipates that the Township Official Plan will contain policies regarding the expansion, reconstruction and conversion of existing buildings, uses and structures and policies relating to Accessory Structures in addition to Existing Lots of Record.

The application will recognize an expansion of an accessory structure on a developed residential lot of record.

The Application conforms to the County Official Plan.

Provincial Policy Statement (2020) (PPS)

Policy 1.1.5 of the PPS speaks to Rural Lands located in municipalities. Section 1.1.5.2 states that the permitted uses within the rural lands shall include:

- a) the management or use of resources;
- b) resource-based recreational uses (including recreational dwellings);
- c) residential development, including lot creation, that is locally appropriate;
- d) agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices, in accordance with provincial standards;
- e) home occupations and home industries;
- f) cemeteries; and
- g) other rural land uses.

The existing residential use is locally appropriate and permitted. The proposed buildings and structures will be accessory to that permitted use.

The Application is consistent with the PPS.

A Place to Grow, Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation (Growth Plan)

Section 2.2.9.3 of the Growth Plan permits development outside settlement areas on rural lands that are compatible with the rural landscape and surrounding local uses, provided the application can conform to the policies in Section 4, regarding natural features.

The accessory structure is compatible with the surrounding rural uses.

The location of the accessory structure is beyond 120 metres of any mapped key hydrological feature or known significant natural heritage feature. As such, an environmental study is not required.

The Application conforms to the Growth Plan.

Financial Impact:

The fee for the Zoning By-law Amendment application was received.

Attachments:

- Attachment No. 1: Key Map
- Attachment No. 2: Air Photo of Surrounding Area
- Attachment No. 3: Site Plan
- Attachment No. 4: By-law No. 2024-45

Respectfully Submitted by,

Reviewed by,

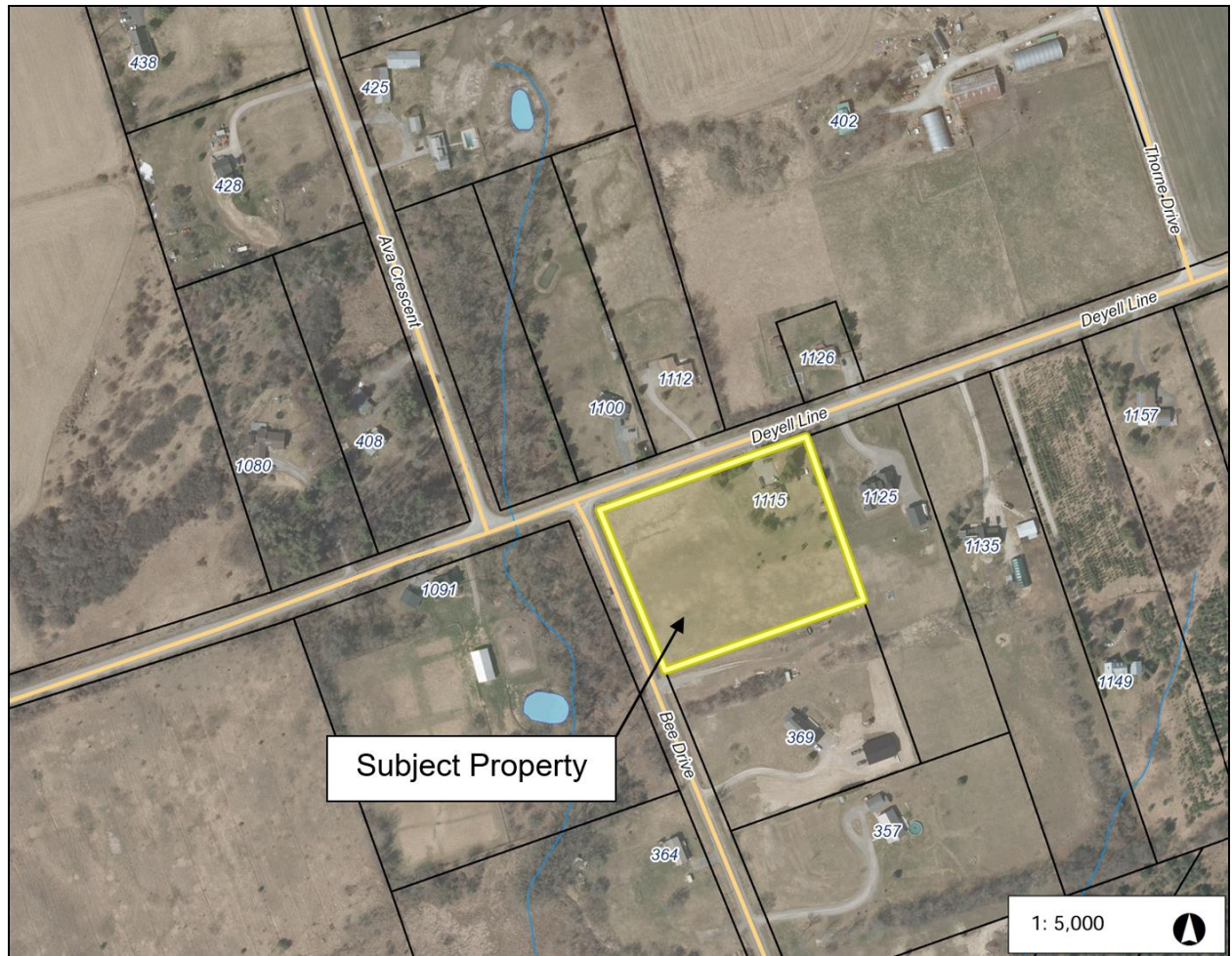
Matt Wilkinson
Planner

Yvette Hurley
Chief Administrative Officer

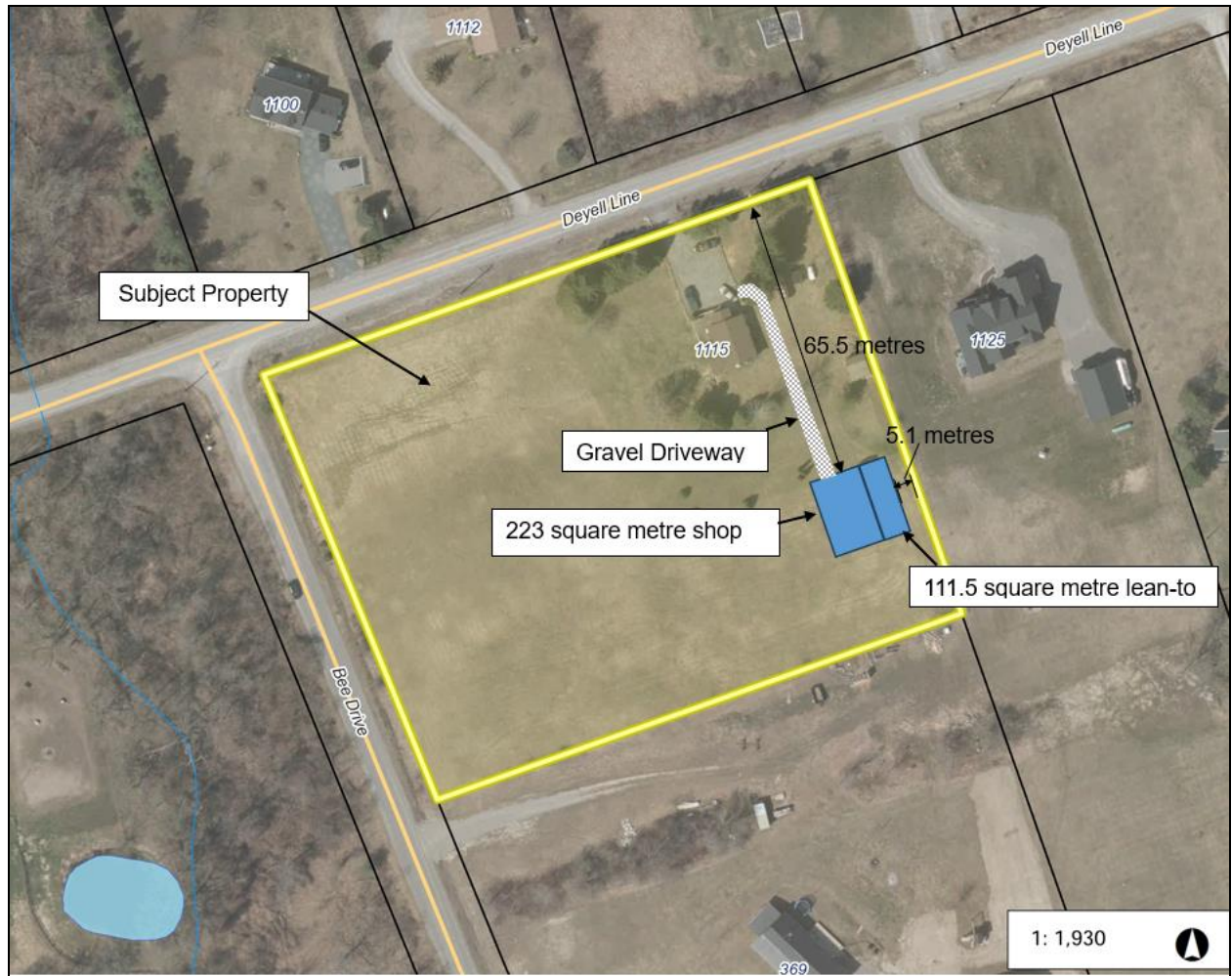
Attachment No.1: Key Map



Attachment No. 2: Aerial Image



Attachment No. 3: Site Plan: 1115 Deyell (updated)



Attachment No. 4: By-law No. 2024-45

The Township of Cavan Monaghan

By-law No. 2024-45

**Being a by-law to amend By-law No. 2018-58, as amended, otherwise known
as
“The Township of Cavan Monaghan Zoning By-law”**

Whereas the Township of Cavan Monaghan received an application to amend Zoning By-law No. 2018-58, as amended;

And Whereas the Township of Cavan Monaghan required the rezoning of the subject lands to permit the establishment of an accessory structure (3-bay garage) on the property;

And Whereas the Council of the Township of Cavan Monaghan reviewed the proposed rezoning and now deems it advisable to further amend By-law No. 2018-58, as amended.

Now Therefore the Council of the Township of Cavan Monaghan hereby enacts as follows:

1. Map G-3 of Schedule “A” to By-law No. 2018-58, as amended, is hereby amended by changing the zone category on a portion of the subject lands known municipally as 1115 Deyell Line and described as Lot 5, Plan 113 (Cavan) from the Oak Ridges Moraine Countryside (ORMCO) Zone to the Oak Ridges Moraine Countryside Exception Six (ORMCO-6) Zone as shown on Schedule “1” attached hereto and forming part of the By-law.
2. Map G-3 of Schedule “A” to By-law No. 2018-58, as amended, remains the same with regard to the Oak Ridges Moraine Environmental Plan Review Overlay (ORMEPR) as shown on Schedule “2” attached hereto and forming part of this By-law.
3. Section 9.3 of By-law No. 2018-58, as amended, is further amended by the addition of Section 9.3.6 that shall read as follows:

“9.3.6 ORMCO-6 Map G-3 of Schedule A (2024-45 Burkholder)

**a) Maximum lot coverage for Accessory Buildings and Structures:
3%.”**

4. All other relevant provisions of By-law No. 2018-58, as amended, shall apply.

If no notice of objection is filed with the Clerk within the time provided, this By-law shall become effective on the date of passing.

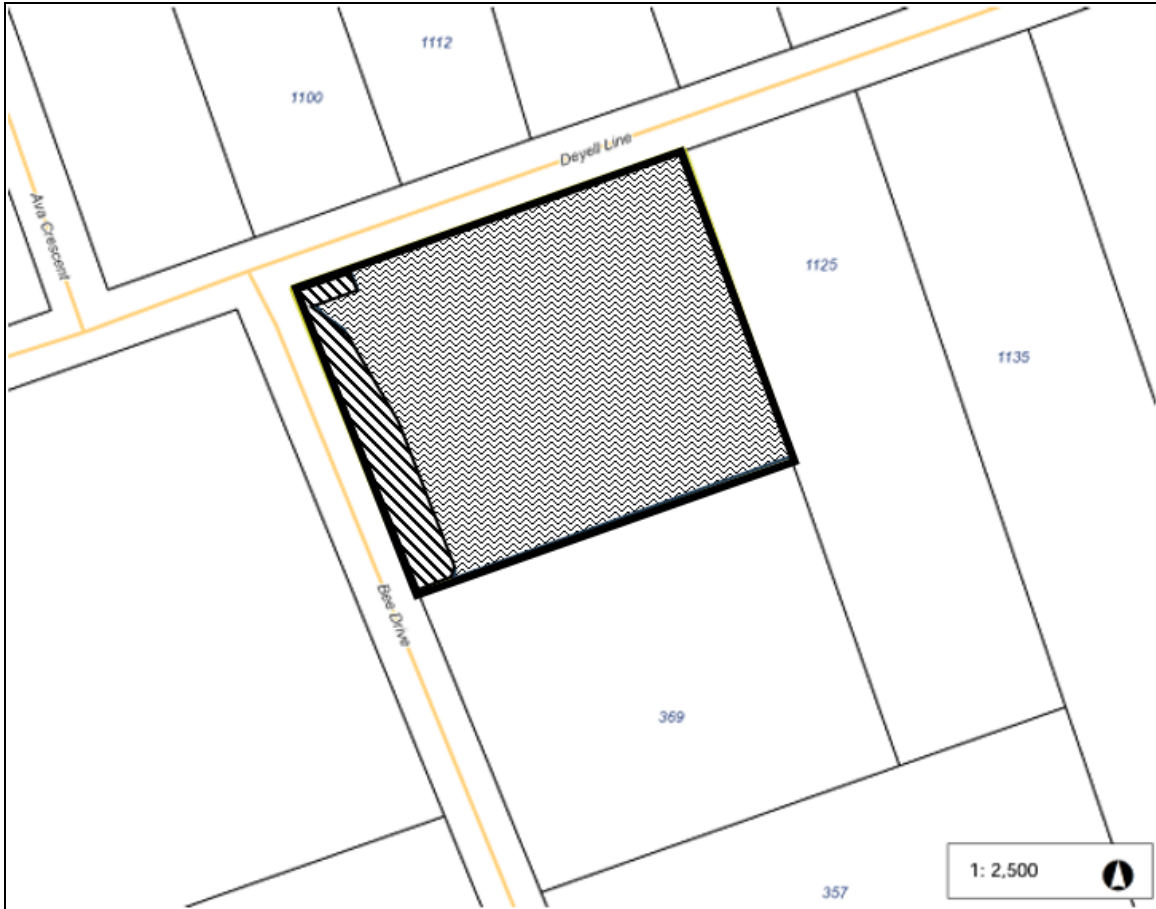
If a notice of objection is filed with the Clerk, this By-law shall become effective on the date of passing hereof subject to the disposition of any appeals.

Read a first, second and third time and passed this 3rd day of September, 2024.

Matthew Graham
Mayor

Cindy Page
Clerk

Schedule "1" to By-Law No. 2024-45



<p>Area Affected by this By-law 1115 Deyell Line, Lot 5, Plan 113 (Cavan) Township of Cavan Monaghan</p>	<p>Certificate of Authentication This is Schedule "2" to By-law No. 2024-45 passed this 3rd day of September, 2024</p>
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Rezone the 'Oak Ridges Moraine Countryside (ORMCO) Zone' to the 'Oak Ridges Moraine Countryside Exception Six (ORMCO-6) Zone'.

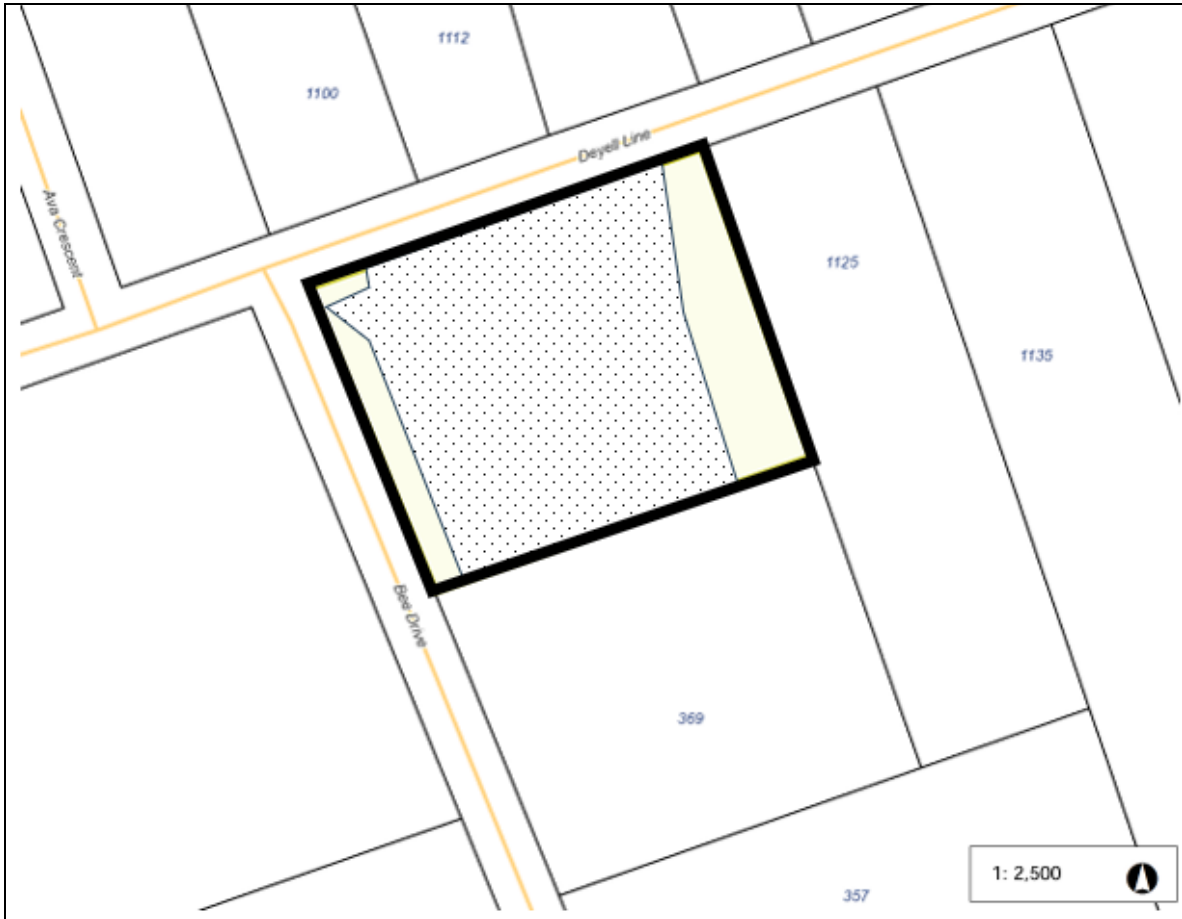


'Oak Ridges Moraine Environmental (ORME) Zone' to remain.

Matthew Graham
 Mayor

Cindy Page
 Clerk

Schedule "2" to By-Law No. 2024-45



<p>Area Affected by this By-law 1115 Deyell Line, Lot 5, Plan 113 (Cavan) Township of Cavan Monaghan</p>	<p>Certificate of Authentication This is Schedule "2" to By-law No. 2024-45 passed this 3rd day of September, 2024</p>
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'Oak Ridges Moraine Environmental Plan Review Overlay Layer (ORMEPR)' to remain.

Matthew Graham
 Mayor

Cindy Page
 Clerk