



Committee of Adjustment

To:	Committee of Adjustment
Date:	February 13, 2025
From:	Matt Wilkinson, Planner
Report Number:	PEB 2025-10
Subject:	Minor Variance Application MV-01-25, 69 Highlands Boulevard

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-01-25 with the following condition:
 - i. The reduced rear yard setback of 1.5 metres (5 feet) applies only to the deck as shown on the Site Plan dated January 16, 2025.

Overview:

The Township of Cavan Monaghan received a minor variance application (MV-01-25) for lands known as 69 Highlands Boulevard. The subject property is an existing lot of record approximately 490 square metres (0.12 acres) in size with approximately 16 metres (50 feet) of frontage on Highlands Boulevard. A key map showing the location of the property and aerial image of the surrounding area are provided as Attachment Nos. 1 and 2 to this Report.

A single detached dwelling is currently located on the subject property.

The owner of the property seeks to recognize the location of a deck approximately 34 square metres (366 square feet) in size in the rear yard. A site plan was submitted in support of the Application. The submitted site plan is provided as Attachment No. 3 to this Report.

The property is zoned Urban Residential One Subzone A Exception One (UR1-A-1) as shown on Map E-2B to By-law No. 2018-58, as amended. The UR1-A-1 Zone permits accessory residential uses including decks.

The UR1-A-1 Zone requires a minimum rear yard setback of 4.5 metres (14.75 feet) for decks. The deck is located 1.5 metres (5 feet) from the rear lot line.

The purpose of the minor variance is to reduce the minimum rear yard setback from 4.5 metres (14.75 feet) to 1.5 metres (5 feet) to recognize the location of a 34 square metre (366 square foot) deck. All other standard regulations of the UR1-A-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 Highlands Boulevard 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, Public Works and Fire Departments Staff have no objection to the proposed variance.

As of the date of drafting of this Report, 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 the Millbrook Urban Settlement Area and designated Residential as shown on Schedule A-1 to the Township of Cavan Monaghan Official Plan.

Single detached dwellings (and accessory uses) are permitted within the Residential designation (S. 4.13 a)).

The proposed variance maintains the general intent and purpose of the Township Official Plan.

2. Does the minor variance maintain the general intent and purpose of the Zoning By-law?

The property is zoned Urban Residential One Subzone A Exception One (UR1-A-1) on Map E-2B to By-law No. 2018-58, as amended. A single detached dwelling is permitted in the UR1-A-1 Zone.

Residential accessory structures, including decks, are permitted in the UR1-A-1 Zone provided the structure is naturally and normally incidental to, subordinate to, or exclusively devoted to a principal use or building on the same lot (S. 13, definitions).

A deck is naturally incidental and devoted to the house. The proposed deck will meet all other requirements of the UR1-A-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 lands are in a residential neighbourhood with houses to the east and west. The property backs onto municipal vacant land to the south. The lands are mapped as wetland. The ecological setbacks were assessed at the time of the subdivision. The constructed deck is beyond the approved ecological setback and will not have a negative impact to the environment.

The property is zoned and designated to permit the deck.

With the approval of the minor variance, the look and the use of the property will not be obtrusive to the nearby neighbours. The variance will permit a land use that is compatible with the existing development in the area.

The proposed use is considered appropriate development for the property.

4. Is the variance minor?

Residential decks are permitted in the UR1-A-1 Zone. The variance will reduce the rear yard setback from 4.5 metres (14.75 feet) to 1.5 metres (5 feet) for the deck as shown on the submitted site plan dated January 16, 2025. There are no neighbours abutting the rear of the property, the reduced setback will have minimal impact to the area.

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:

The Applicant has paid the Minor Variance Fee as posted the User Fee and Charges By-law.

Due to the Applicant's failure to obtain the required Building Permits prior to the construction of the deck, the Applicant will also be required to pay twice the regular building permit fee as per the User Fee and Charges By-law.

Attachments:

Attachment No. 1: Key Map

Attachment No. 2: Aerial Image of the Subject Property

Attachment No. 3: Site Plan

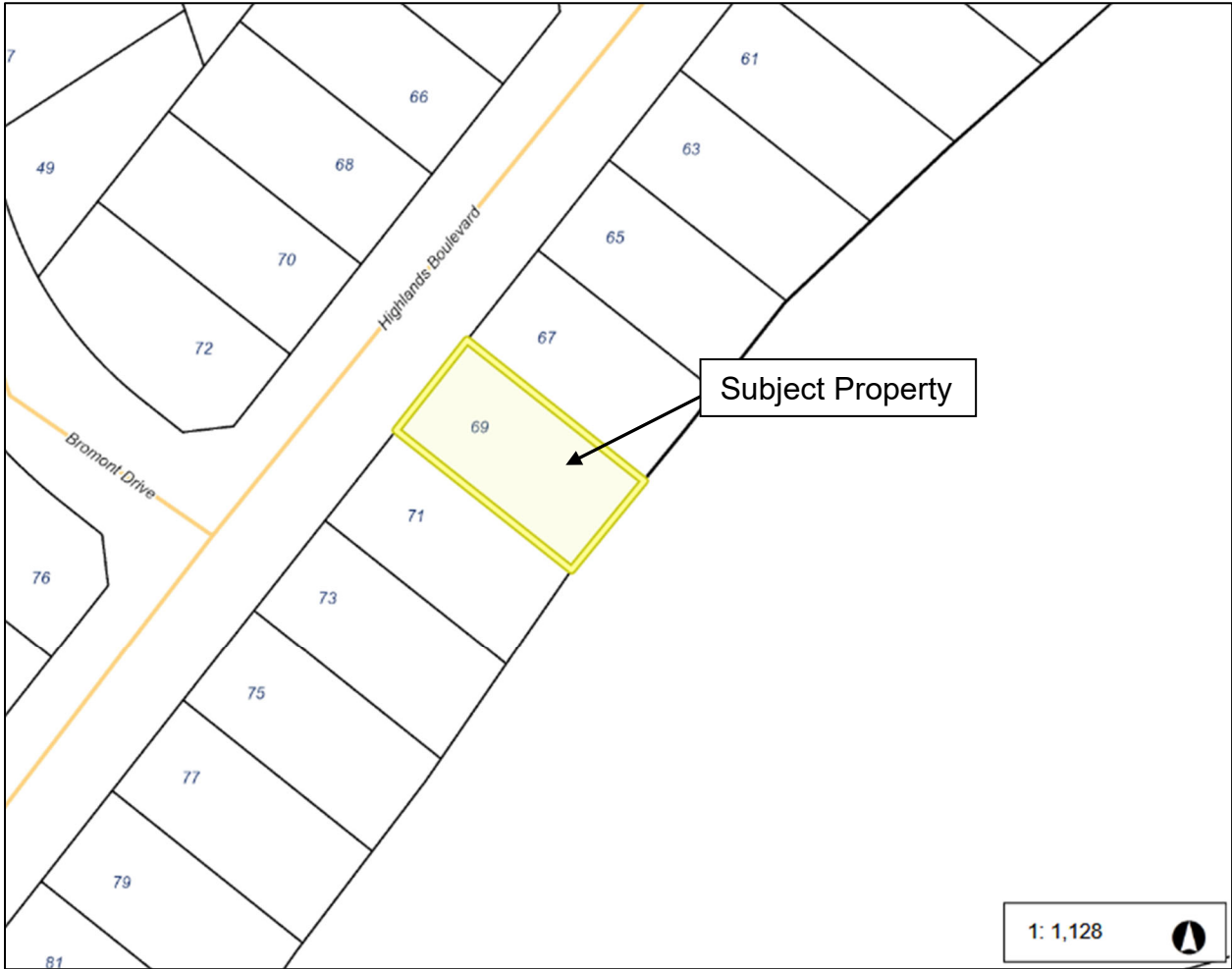
Respectfully Submitted by,

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

