



Regular Council Meeting

To:	Mayor and Council
Date:	May 20, 2025
From:	Matt Wilkinson, Planner
Report Number:	Planning Department Report 2025-27
Subject:	Zoning By-law Amendment (ZBA-03-25), 1253 Tapley Quarter Line

Recommendations:

1. That Council receive and consider all comments related to Zoning By-law Amendment Application ZBA-03-25; and
2. That By-law No. 2025-27 be approved to rezone a portion of the subject lands from the Rural Residential (RR) Zone to the Rural Residential Exception Twenty-Nine (RR-29) Zone.

Overview:

On behalf of David DeVries of 1253 Tapley Quarter Line, Aditya Srinivas, of Ecovue Consulting, filed an application to amend the zoning on the subject lands to permit a detached accessory apartment in an existing accessory building.

The Application applies to a portion of an existing lot of record located at 1253 Tapley Quarter Line in Part of Lot 7, Concession 7 (Cavan). The subject lands are approximately 2 hectares (5 acres) in size with approximately 69 metres (226 feet) of lot frontage on Tapley Quarter Line. The property is currently developed with a single detached dwelling approximately 337 square metres (3,627 square feet), an existing accessory structure (garage) 91.1 square metres (980 square feet) in size and two storage sheds approximately 20 square metres (200 square feet). The principal dwelling is serviced with a private well and septic system.

A key map and aerial image showing the location and surrounding area of the subject lands are provided as Attachment Nos. 1 and 2 to this Report.

The Applicant wishes to convert the existing 91.1 square metre (980 square foot) accessory structure (front yard garage) to a detached accessory apartment. The submitted site plan is provided as Attachment No. 3 to this Report.

Zoning By-law Amendment

The lands subject to the Application are zoned Rural Residential (RR), Natural Linkage (NL) and Natural Core (NC) as shown on Map D-2 to By-law No. 2018-58, as amended.

Although By-law No. 2018-58, as amended, permits accessory apartments located within the main building, the Township By-law does not contemplate accessory apartments within detached accessory buildings. A Zoning By-law Amendment is required to permit a detached accessory apartment.

The purpose and effect of the Zoning By-law Amendment is to rezone a portion of the property from the Rural Residential (RR) Zone to the Rural Residential Exception Twenty-Nine (RR-29) Zone. The RR-29 Zone will permit an accessory apartment in the existing accessory building. The By-law will also establish the minimum front yard and southern side yard setbacks to recognize the existing location of the accessory structure.

A complete copy of draft By-law No. 2025-27 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 Application. Notice was provided by email to applicable Ministries and Agencies who requested notice by email and to all Township Department Directors. A sign was posted on the Tapley Quarter Line frontage 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 written or verbal comments about the proposed Amendment from members of the public.

The Township Building Department noted that the property will need to be reviewed to ensure an appropriate sewage system is in place to service both the main house and the accessory apartment as part of the Building Permit Application.

The Township Public Works Department noted that the property owner is required to request an update to the municipal addressing to recognize the accessory apartment.

Canada Post has no objection to the Application.

Comments from Otonabee Conservation have not yet been received.

Township of Cavan Monaghan Official Plan

The subject lands are currently designated Rural, Natural Core and Natural Linkage as shown on Schedule 'A' to the Township's Official Plan. The proposed development is located in the Rural designation.

Policies applicable to the Rural designation are contained in Section 5.2 of the Township's Official Plan. The Rural designation represents soils within Classes 4 and higher according to the Canada Land Inventory of Soil Capability for Agriculture, and organic soils; Class 1 to 3 soils which are adjacent to the Classes listed above and form part of a large and contiguous block of poorer agricultural land and, areas where previous non-farm development and lot creation has effectively limited the future of intensive farm activity.

A single detached dwelling and an accessory apartment provided it is in conjunction with a single-detached dwelling is permitted in the Rural designation.

The general development criteria, as stated in Section 3.1, states that prior to development occurring, and before any subdivision or a provisional consent is permitted, or any amendment to a Zoning By-law is made, it shall be established to the satisfaction of the Township and all other bodies having jurisdiction, that:

- a) Soil and drainage conditions are suitable to permit the proper siting of buildings and other site improvements such as driveways, parking, and accessory structures and meet any applicable requirements of this Plan including Source Water Protection policies;
 - As proposed, the change of use of the existing accessory building will not alter any of the existing soils and or the existing drainage conditions.
- b) Suitable arrangements have or can be made for water supply, sewage disposal, storm drainage and all other necessary public services;
 - The submitted Planning Justification Report (PJR) states that the proposed detached accessory apartment will depend on the existing well for water. The Applicant submitted a Water Supply Assessment in support of the Application. The Assessment reviewed ten (10) wells in the surrounding area. The Assessment confirmed there is a sufficient water supply available without any requirement for water storage to support the addition of the proposed accessory apartment without impacting the available groundwater supply of the surrounding residential neighbourhood.
 - The PJR states that the existing septic system will be upgraded to accommodate the new development. A new septic sewage system will be reviewed as part of the building permit application.
- c) No traffic hazards will ensue because of excess traffic generation, or limited sight lines on curves or grades;
 - Tapley Quarter Line is a year-round publicly maintained roadway that can accept the additional traffic.
- d) The development fronts on a road that is maintained year-round and meets standards of design and safety established by the Township or authority having jurisdiction over the road;

- The development fronts Tapley Quarter Line which is a year-round publicly maintained roadway.
- e) The potential impact of the proposed use on adjacent lands and uses has been considered, and adequate mitigation, including design, buffers and setbacks are provided between the proposed use and adjacent uses in accordance with the policies of the Plan;
- As proposed, the detached accessory apartment will not have an impact to the adjacent lands.
- f) The Minimum Distance Separation formulae are complied with, if required as outlined in Section 3.27.
- New land uses, including residential development shall comply with the Minimum Distance Separation Formulae (MDS) as outlined in Section 3.27 of the Official Plan. Using the Peterborough County GIS, a barn capable of housing livestock appears to be located on 513 Syer Line, approximately 660 metres (2165 feet) northeast of the development area.
 - Township Staff contacted the owner of 513 Syer Line who confirmed that no livestock are in the barn. The MDS 1 calculation was completed for the unoccupied barn. The proposed development complies with the MDS 1 requirements.
- g) There will be no negative impacts on significant natural features or their ecological functions;
- As proposed, there is no new construction or alteration of the soils. Therefore, there will be no negative impacts on significant natural features or their ecological functions as part of this Application.
- h) The potential impact on public health and public safety from water related hazards such as flooding and erosion have been considered.
- There is no known flooding or erosion hazard on the subject property.

The Application conforms to Section 3.1 of the Township Official Plan

The Application conforms to Section 3.9 of the Township Official Plan which permits accessory apartments in all designations that permit residential units. As proposed, the accessory apartment is in conjunction with a single-detached dwelling. There is adequate sewage disposal and water service capacity available to service the unit, Tapley Quarter Line can accommodate the increased use, parking is available and the development will not adversely affect the character of the area.

Peterborough County Official Plan

The subject property is part of the Rural and Cultural Landscape in the County of Peterborough Official Plan (County OP). The goal of the Rural and Cultural Landscape is to preserve and enhance the rural character of the County as a cultural resource and ensure the viability of the agricultural industry.

The Objectives of the Rural and Cultural Landscape area include:

- to permit an amount and type of development in the rural area consistent with maintaining its rural and cultural landscape; and
- to provide for limited rural development and to ensure that such development does not threaten the quality or quantity of ground and surface water.

As proposed, an existing accessory structure is proposed to be renovated as an accessory apartment consistent with the objectives of the Rural and Cultural Landscape area. The accessory structure will be within 15 metres (49 feet) of the principal dwelling.

The Application conforms to the County Official Plan.

Provincial Planning Statement (2024) (PPS)

Section 2.6 of the PPS speaks to Rural Lands located in municipalities. Section 2.6.1 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 Zoning By-law Amendment will permit residential development that is locally appropriate and not interfere with the management of resources or other rural land uses. The Application is consistent with Section 2.6 of the PPS.

Section 4 of the PPS outlines policies regarding the wise use and management of resources. Specifically, Section 4.1.8 speaks to land adjacent to natural heritage features. Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 4.1.4, 4.1.5, and 4.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

A desktop review of the property indicates there are mapped wetlands approximately 100 metres (330 feet) north and east of the proposed apartment. The Application does not involve any significant exterior construction or site alteration. Therefore, the Application will not affect any significant natural heritage features or unevaluated wetland. The Application is consistent with Section 4 of the PPS.

Section 5.1 of the PPS outline the general policies regarding development within an area of natural and/ or human-made hazards. The subject property is not within an area of any known flooding or erosion hazard. The Application is consistent with Section 5 of the PPS.

Financial Impact:

The Applicant has paid the required Zoning By-law Amendment fee.

Attachments:

Attachment No. 1:	Key Map
Attachment No. 2	Aerial Image of the Development and the Surrounding Areas
Attachment No. 3:	Site Plan
Attachment No. 4:	By-law No. 2025-27

Respectfully Submitted by,

Reviewed by,

Matt Wilkinson
Planner

Yvette Hurley,
Chief Administrative Officer

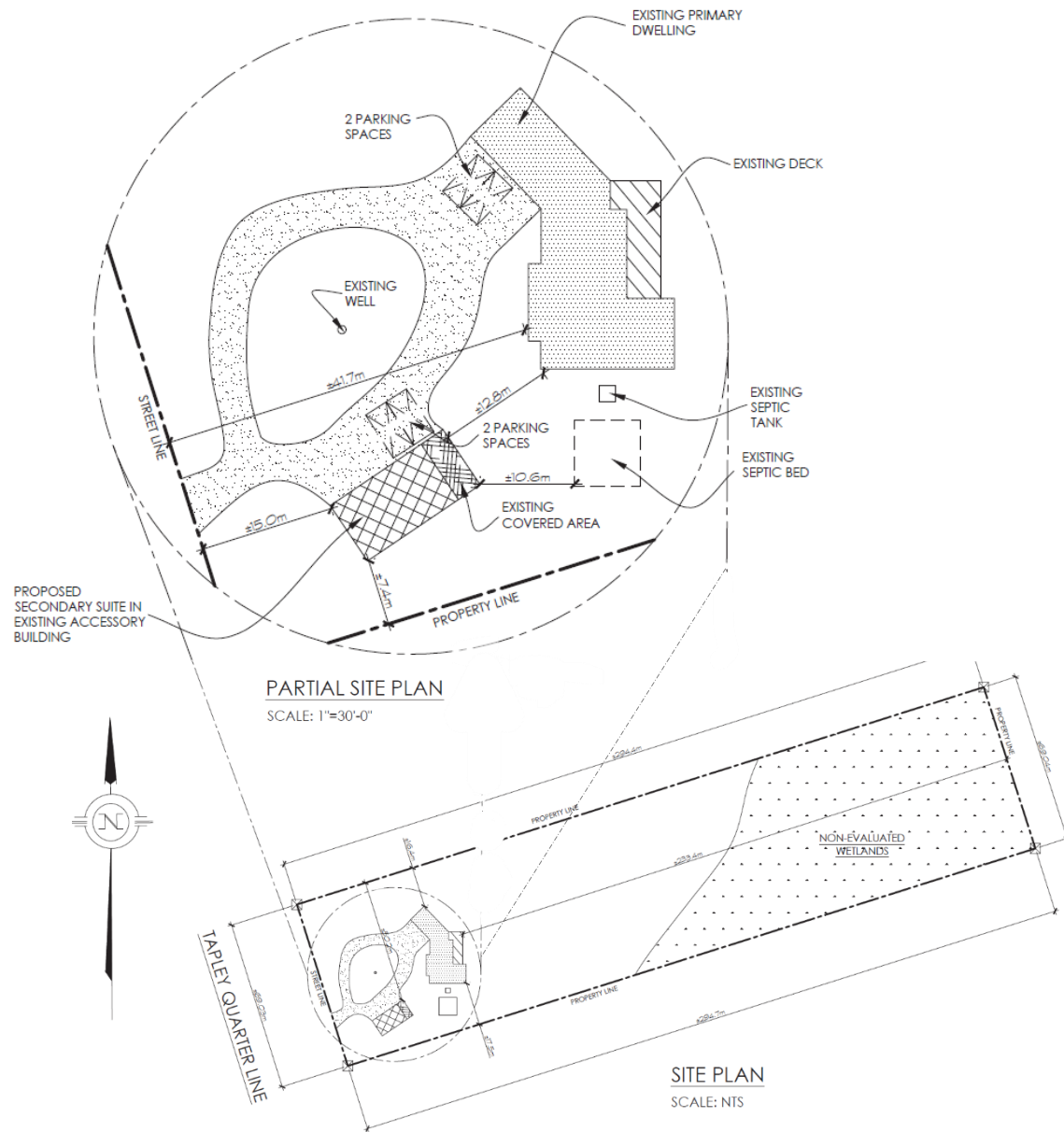
Attachment No. 1: Key Map



Attachment No. 2: Aerial Image of the Development and the Surrounding Areas



Attachment No. 3: Site Plan



Attachment No. 4: By-law

The Township of Cavan Monaghan

By-law No. 2025-27

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 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 D-2 of Schedule “A” to By-law No. 2018-58, as amended, is hereby amended by rezoning a portion of the lands on Lot 7, Concession 7 (Cavan), known municipally as 1253 Tapley Quarter Line, being property assessment roll number 1509-010-030-131-11, from the Rural Residential (RR) Zone to the Rural Residential Exception Twenty-Nine (RR-29) Zone as shown on Schedule “1” attached hereto and forming part of the By-law.
2. Section 3.4 of By-law No. 2018-58, as amended, is further amended by the addition of Section 3.4.74 that shall read as follows:

“3.4.74 RR-29 Map D-2 on Schedule A (2025-27 1253 Tapley 1/4 Line)

- a) A single accessory apartment shall be permitted within the existing detached accessory building.
- b) Minimum southern side yard for the accessory apartment 7 metres.
- c) Minimum front yard for the accessory apartment 15 metres”

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

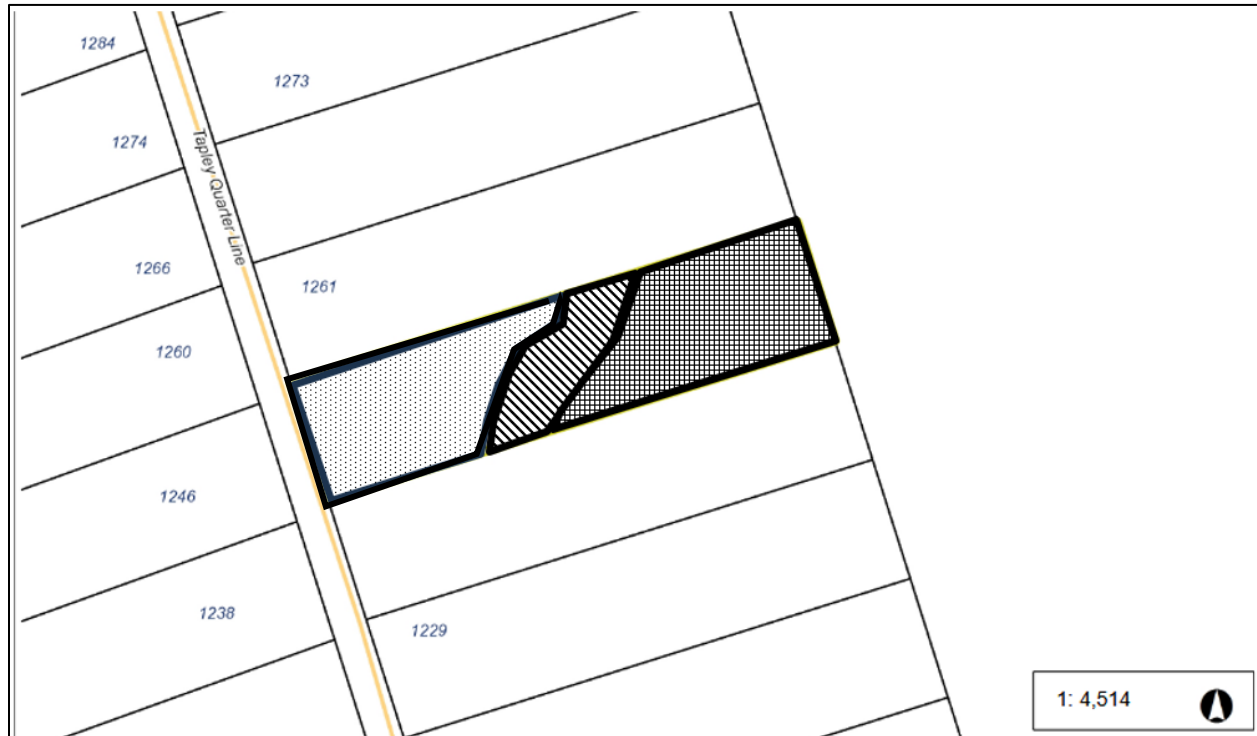
If no notice of objection is filed with the Clerk within the time provided, this By-law shall become effective on the date of passing. If a notice of objection is filed with the Clerk, this By-law shall become effective on the date of passing hereof subject to the disposition of any appeals.

Read a first, second and third time and passed this 20th day of May 2025.

Matthew Graham
Mayor

Cindy Page
Clerk

Schedule "1" to By-law No. 2025-27



Area Affected by this By-law
1253 Tapley Quarter Line
Part Lot 7, Concession 7 (Cavan)
Township of Cavan Monaghan

Certificate of Authentication
This is Schedule "1" to By-law
No. 2025-27 passed this 20th
day of May, 2025.



Rezone from the 'Rural Residential (RR) Zone' to the
'Rural Residential Exception Twenty-Nine (RR-29) Zone'.



'Natural Linkage (NL) Zone' to remain.



'Natural Core (NC) Zone' to remain.

Matthew Graham
Mayor

Cindy Page
Clerk