



## Committee of Adjustment

<b>To:</b>	Committee of Adjustment
<b>Date:</b>	August 14, 2025
<b>From:</b>	Matt Wilkinson, Planner
<b>Report Number:</b>	Planning Report 2025-28
<b>Subject:</b>	Minor Variance Application MV-04-25, 12 Distillery Street

### 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-04-25 without conditions.

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### Overview:

Annika deWitt applied to the Township of Cavan Monaghan for approval of a minor variance to permit the construction of a deck measuring 2.7 metres (9 feet) by 6 metres (20 feet) and a porch 2.7 metres (9 feet) by 3 metres (10 feet) in size at 12 Distillery Street. As proposed, the existing 3-season sunroom at the front of the dwelling will be removed and replaced with a covered porch and an open deck which will be 3.1 metres (10.25 feet) from the front property line. A site plan of the proposed development is provided as Attachment No. 1 to this Report.

The subject property is an existing lot of record known municipally as 12 Distillery Street in part of Lot 12, Concession 4 (Millbrook). The property is approximately 0.09 hectares (0.23 acres) in size with approximately 22.3 metres (73.25 feet) of frontage on Distillery Street. A key map showing the location of the property and an aerial image of the surrounding area are provided as Attachment Nos. 2 and 3 to this Report

The property is zoned Urban Residential One (UR1) as shown on Map F-2A to By-law No. 2018-58, as amended. Accessory residential structures, including covered porches and open decks, are permitted in the UR1 Zone.

As proposed, the Application seeks to increase the distance a covered porch and open deck are permitted to encroach into the front yard setback from 1.5 metres (4 feet) to 2.9 metres (9.5 feet). All other requirements of the UR1 Zone will apply.

In 2005, the former owners of the property were granted a minor variance to construct a 3-season sunroom on the front of the dwelling. The variance permitted a reduced front yard setback of 3.35 metres (11 feet). The current owners wish to remove the existing 3-season sunroom and construct an open deck and covered porch on the front of the dwelling that will encroach into the front yard setback 2.9 metres (9.5 feet). The open deck and covered porch will be setback from the front property line 3.1 metres (10.25 feet).

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 and posted on the Township Website. A sign was also posted on the Distillery Street 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. The Township Building and Fire Departments Staff have no objection to the proposed variance.

The Township Public Works Department has confirmed that there is a watermain adjacent to the subject property within the road allowance at the shoulder of Distillery Street. The location of the proposed development will not interfere with Township infrastructure or the Township's ability to maintain the infrastructure. Therefore, The Township Public Works Department has no objection to the proposed development.

Otonabee Region Conservation Authority (ORCA) have confirmed the proposed development is not located within a known natural hazard but in land adjacent to a flooding hazard. The property would be rendered inaccessible to people and vehicles during times of flooding however the development is minor in nature, and the use is already established for this property. Therefore, it is the opinion of Otonabee Conservation that the application is consistent with the intent of Chapter 5 of the Provincial Planning Statement (PPS), referencing Natural Hazards. A permit from Otonabee Conservation is not required.

It was determined that the subject property is not located within a vulnerable area that is subject to Trent Source Protection Plan (SPP) policies. The subject property is located within the Intake Protection Zone 3. Significant drinking water threats are not possible, and a Restricted Land Use Notice is not required.

## **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 property is within the Millbrook Urban Settlement Area and is designated Community Core as shown on Schedule 'A-1' to the Official Plan for the Township of Cavan Monaghan Official Plan.

Lands designated Community Core reflect the historic Commercial Core of the Millbrook Urban Area (S. 4.2). Key objectives of the Commercial Core designation are to encourage streetscape and façade improvements that revitalize the cultural and historic character of Millbrook and protect the residential character of the areas within and adjacent to the Community Core. (S. 4.2.1).

Permitted uses in the Community Core designation include free-standing residential uses, block and stacked townhouses, four-plexes and apartments. Existing single-detached and semi-detached dwellings shall be recognized however, new low-density housing will be discouraged (S. 4.2.2).

In accordance with Section 3.1 of the Township Official Plan, uses normally accessory to permitted uses are also permitted. A deck and covered porch are considered normal accessory structures to a residential use. Therefore, a single detached dwelling with an accessory deck and porch are permitted in the Community Core designation.

The application conforms to the Township of Cavan Monaghan 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 (UR1) as shown on Map F-2A to By-law No. 2018-58, as amended. A single detached dwelling with an accessory deck and porch is permitted in the UR1 Zone.

For lots on municipal services, the required minimum lot area and lot frontage in the UR1 Zone is 555 square metres (0.14 acres) and 15 metres (49 feet) respectively. The minimum front yard setback from a single detached dwelling in the UR1 Zone is 6 metres (19.68 feet).

The subject property has enough lot area and lot frontage to satisfy the minimum requirements of the UR1 Zone. However, the existing front yard setback is considered to be legal non-complying.

A review of a legal survey on file indicates that the existing dwelling is 5.85 metres (19.21 feet) from the front lot line at the northern corner of the building.

Section 11.41.1 f) of By-law No. 2018-58, as amended, permits a 1.5 metre (4 foot) encroachment into the required yard setback for a number of residential structures, including porches and decks.

As proposed, the Application seeks to increase the distance a deck and/or a porch is permitted to encroach into the front yard setback from 1.5 metres (4 feet) to 2.9 metres (9.5 feet).

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 single detached dwellings to the east, north and south. Distillery Street is a dead end street without a sidewalk. The property faces Baxter Creek and the Mill Pond across the street. The house is topographically elevated from the street.

The topography of the property is such that the increased encroachment into the front yard setback will not interfere with pedestrians or vehicular traffic. The property is currently developed with a 3-season sunroom within the front yard setback. With the removal of the sunroom, the look and use of property will not significantly change the surrounding land use.

The Township Public Works Department commented that the existing watermain is within the road at this location and the increased encroachment will not impact the Township's ability for servicing the infrastructure.

The property is zoned and designated to permit residential accessory structures.

The proposed use is appropriate development for the property.

4. Is the variance minor?

As proposed, the Application seeks to increase the distance a deck and porch are permitted to encroach into the front yard setback from 1.5 metres (4 feet) to 2.9 metres (9.5 feet). With the removal of the existing sunroom, the look and feel of the property will not change greatly. Therefore, 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.

**Attachments:**

Attachment No. 1: Site Plan  
Attachment No. 2: Key Map

Attachment No. 3: Aerial Image of the Subject Property

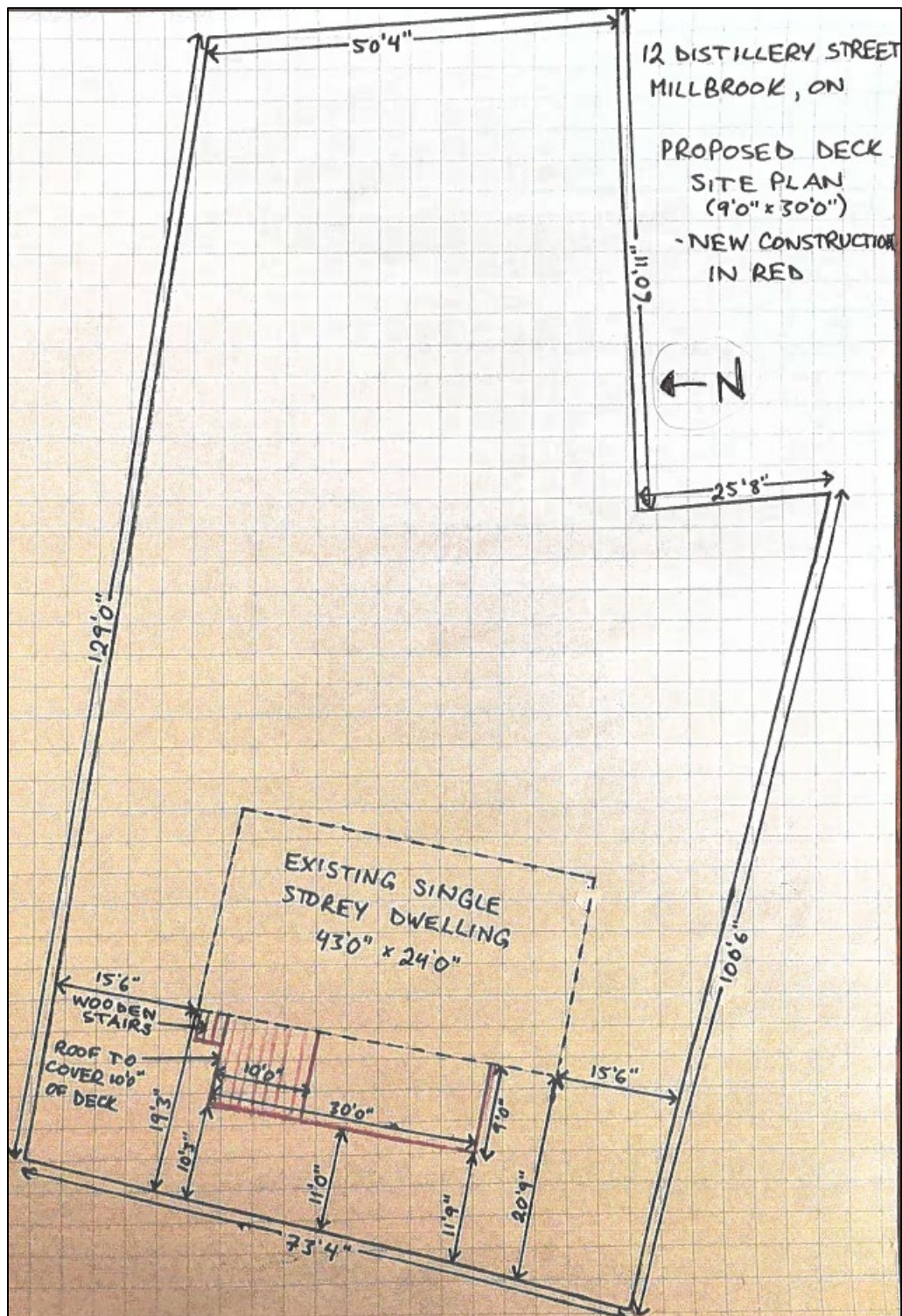
Respectfully Submitted by,

Reviewed by,

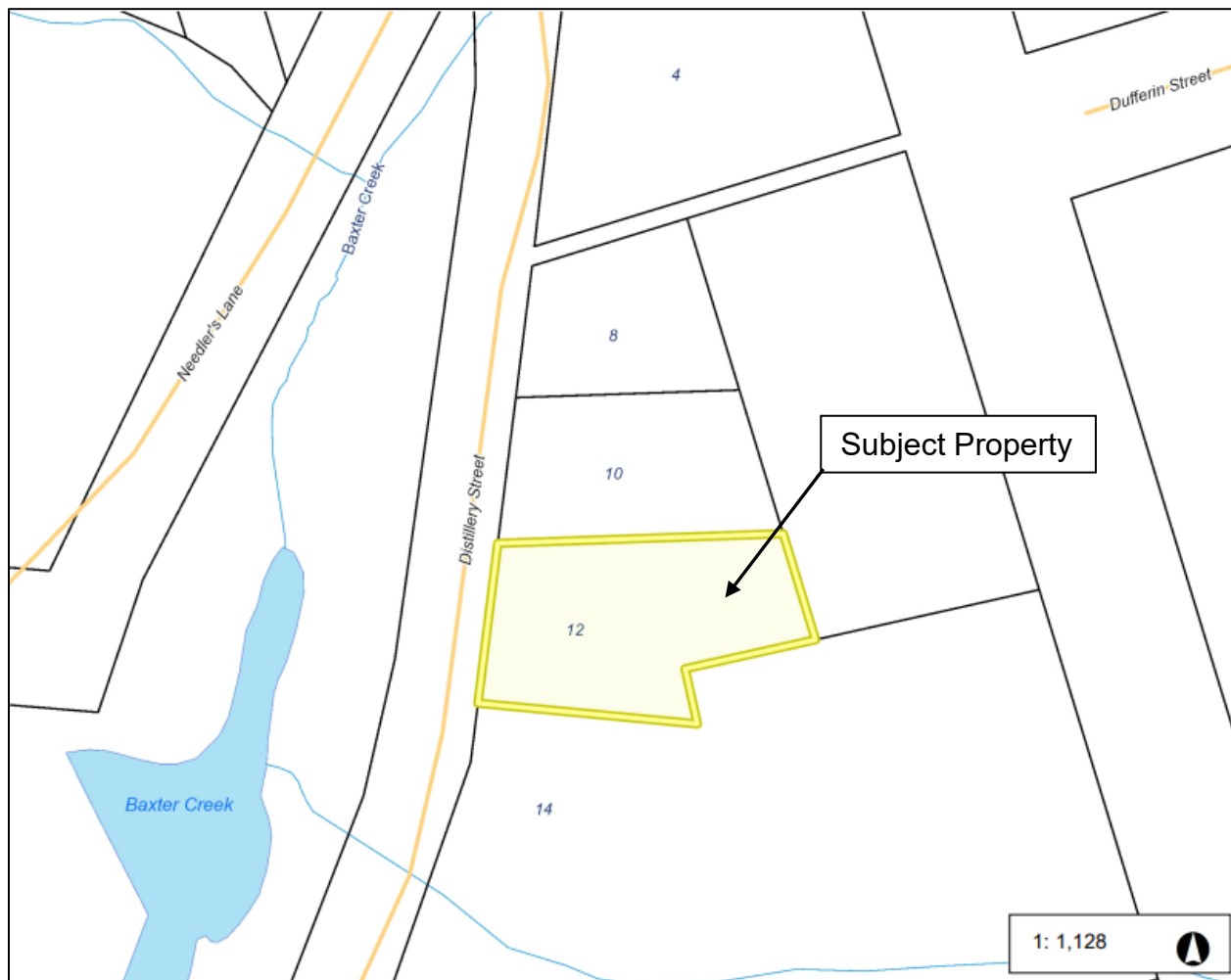
Matt Wilkinson,  
Planner

Yvette Hurley  
Chief Administrative Officer

Attachment No. 1: Site Plan



## Attachment No. 2: Key Map



### Attachment No. 3: Aerial Image of the Subject Property

