



## Regular Council Meeting

|                       |   |
|-----------------------|---|
| <b>To:</b>            | Mayor and Council                                     |
| <b>Date:</b>          | September 2, 2025                                     |
| <b>From:</b>          | Matt Wilkinson, Planner                               |
| <b>Report Number:</b> | Planning Department Report 2025-30                    |
| <b>Subject:</b>       | Zoning By-law Amendment (ZBA-04-25) 838 Rothesay Ave. |

### Recommendations:

1. That Council receive and consider all comments related to Zoning By-law Amendment Application ZBA-04-25; and
2. That By-law No. 2025-39 be approved to rezone the subject lands from the Rural Residential (RR) Zone to the Rural Residential Exception Thirty (RR-30) Zone.

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### Overview:

Byron MacLean filed an application on behalf of the property owner, Deanna Gardener, of 838 Rothesay Avenue, to amend the zoning to permit a detached accessory apartment on the subject property.

The lands subject to the Zoning By-law Amendment are approximately 0.19 hectares (0.48 acres) in size with approximately 32 metres (105 feet) of lot frontage on Rothesay Avenue. The property is currently developed with a 104 square metre (1,119.51 square foot) single detached dwelling and four (4) detached accessory structures. Two (2) of the accessory structures are to be removed. The property is serviced by 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 construct an 81.7 square metre (879.63 square foot) detached accessory apartment located within 12 metres (39 feet) of the principal dwelling at the rear of the property. The detached apartment will be serviced by connecting to the well and septic system shared with the principal dwelling. 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) as shown on Map B-5 to By-law No. 2018-58, as amended.

Although By-law No. 2018-58, as amended, permits accessory apartments to be 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 the property from the Rural Residential (RR) Zone to the Rural Residential Exception Thirty (RR-30) Zone. The RR-30 Zone will permit a detached accessory apartment that is limited to 45% of the gross floor area of the principal dwelling and establish suitable setbacks to the neighbouring properties.

A complete copy of draft By-law No. 2025-39 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 Rothesay Avenue 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 Fire Department has no objection to the Application.

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

Canada Post, Enbridge Gas, the City of Peterborough and the County of Peterborough Public Works Department have 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 as shown on Schedule 'A' to the Township's Official Plan.

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 in conjunction with a permitted use are permitted in the Rural designation.

The general development criteria, found in Section 3.1 of the Official Plan, 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;

- A grading plan will be required at the building permit stage to ensure the construction of the detached accessory apartment will not alter any of the existing soils and or the existing drainage conditions.

The subject property is not in an area subject to the Source Water Protection policies.

- b) Suitable arrangements have or can be made for water supply, sewage disposal, storm drainage and all other necessary public services;

- The proposed detached accessory apartment will depend on the existing well to supply water. The Applicant has submitted a Hydrogeologic Study completed by a licenced professional engineer from ASC Environmental (Dated August 8, 2025). The Hydrogeologic Study concluded that potential water quantity problems resulting from mutual well interference are not expected. The water levels measured in the observation well during the pumping test showed no positive response during the pumping test. Therefore, issues related to unacceptable interference with the well are unlikely.
- The existing septic system will be upgraded to accommodate the new development. The soils and contact area for a new septic system has been accepted by the Township Building Department. 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;

- Rothesay Avenue can accept the expected additional traffic from an accessory apartment.

- 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 Rothesay Avenue 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 is within the required setback for a residential dwelling. As such, the structure will not have an impact to the adjacent lands.
- f) The Minimum Distance Separation (MDS) formulae are complied with, if required as outlined in Section 3.27.
- A review of aerial mapping shows there may be a barn capable of housing livestock within 1000 metres of the subject property. However, guideline #12 of the MDS Implementation Guidelines states that MDS I is applied to new proposed development, even though there may be existing non-agricultural uses that do not conform to MDS I requirements. Where there are four, or more, existing non-farm uses closer to the subject livestock facility and in immediate proximity to the current application, MDS I will not be applied. The current application must not be located closer to the livestock facility than the four, or more, existing non-farm uses.
  - The subject property is located within a rural subdivision. The current application is not located closer to the livestock facility than four, or more, existing non-farm uses.
- g) There will be no negative impacts on significant natural features or their ecological functions;
- There are no known significant natural features within 120 metres of the site. Therefore, the proposed development will have no negative impacts to significant natural features or their ecological function.
- 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, Rothesay Avenue can accommodate the increased traffic, parking is available on the site 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 accessory apartment consistent with the objectives of the Rural and Cultural Landscape area is proposed to be constructed. The accessory structure will be within 12 metres (39 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 will 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 there are no known significant natural features within 120 metres of the subject property. Therefore, the proposed development will have no negative impacts to significant natural features or their ecological function. The Application is consistent with Section 4 of the PPS.

Section 5.1 of the PPS outlines 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 Application fee.

**Attachments:**

|                   |  |
|-------------------|--|
| Attachment No. 1: | Key Map  |
| Attachment No. 2  | Aerial Image of the Development and the Surrounding Area |
| Attachment No. 3: | Site Plan  |
| Attachment No. 4: | By-law No. 2025-39                                       |

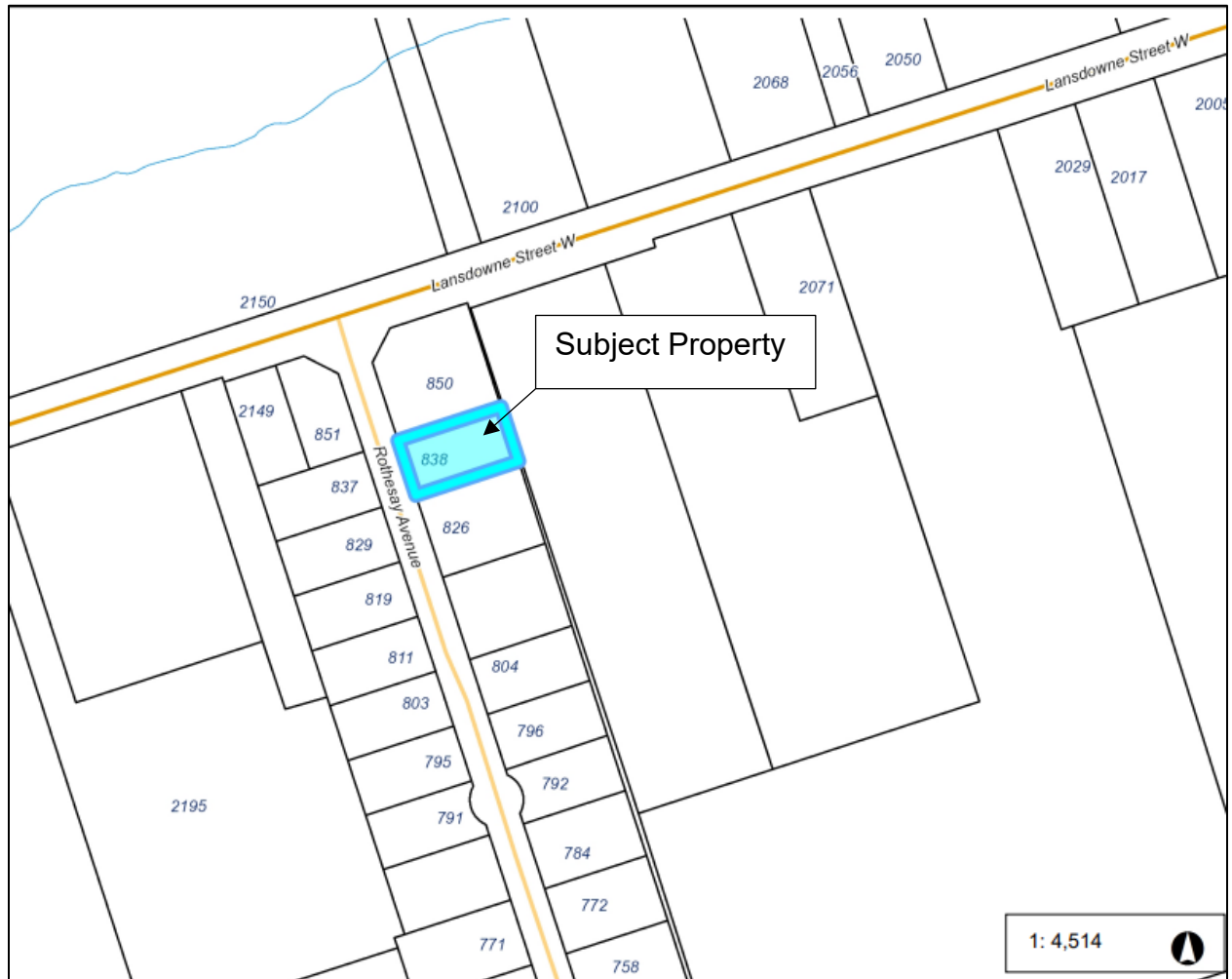
Respectfully Submitted by,

Reviewed by,

Matt Wilkinson  
Planner

Yvette Hurley,  
Chief Administrative Officer

## Attachment No. 1: Key Map

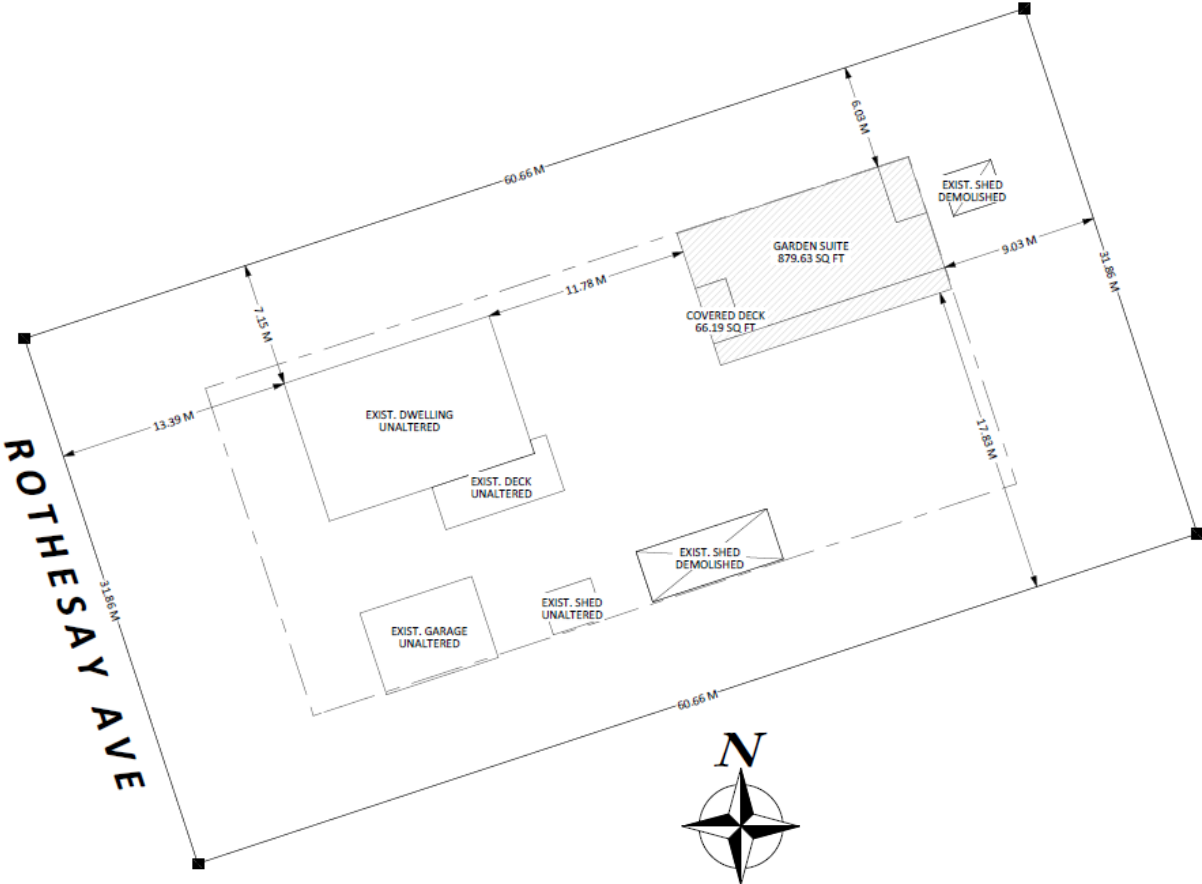


## Attachment No. 2: Aerial Image of the Development and the Surrounding Area





Attachment No. 3: Site Plan



**838 ROTHESAY AVE, CAVAN MONOGHAN**  
**ZONING COMPLIANCE (RR)**  
(Table 3B - RESIDENTIAL ZONE STANDARDS)

|                                   |   |               |
|-----------------------------------|---|---------------|
| LOT AREA                          | - | 1932.63 Sqm   |
| ALLOWABLE LOT COVERAGE (35%)      | - | 676.42 Sqm    |
| *EXISTING DWELLING GFA            | - | 182.01 Sqm    |
| ALLOWABLE ADU GFA (45%)           | - | 81.90 Sqm     |
| ACTUAL ADU DWELLING GFA           | - | 81.72 Sqm     |
| *PROPOSED TOTAL DWELLING GFA      | - | 272.31 Sqm    |
| EXISTING LOT COVERAGE             | - | 195.67 Sqm    |
| PROPOSED LOT COVERAGE             | - | 276.27 Sqm    |
| MAXIMUM ALLOWABLE BUILDING HEIGHT | - | 11.0 m        |
| PROPOSED HIGHEST BUILDING POINT   | - | AS PER EXIST. |

|                |     |
|----------------|-----|
| SETBACKS       | (m) |
| FRONT:         | 9.0 |
| EXTERIOR SIDE: | 6.0 |
| INTERIOR SIDE: | 6.0 |
| REAR:          | 9.0 |

EXISTING SITE DATA FROM PETERBOROUGH COUNTY ARCGIS ONLINE MAPPING

\* DWELLING GFA INCLUDES ALL HABITABLE SPACE, INCLUDING USABLE BASEMENT LIVING SPACE

**Attachment No. 4: By-law No. 2025-39**

**The Township of Cavan Monaghan**

**By-law No. 2025-39**

**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 B-5 of Schedule “A” to By-law No. 2018-58, as amended, is hereby amended by rezoning the lands on Lot 4, Concession 11 (North Monaghan), known municipally as 838 Rothesay Avenue, being property assessment roll number 1509-030-001-239-00, from the Rural Residential (RR) Zone to the Rural Residential Exception Thirty (RR-30) 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 3.4.75 that shall read as follows:

**“3.4.75 RR-30 Map B-5 on Schedule A (2025-39 838 Rothesay Ave)**

- a) Additional permitted use: single detached accessory apartment.
- b) Minimum side yard for the detached accessory apartment 6 metres
- c) Minimum rear yard for the detached accessory apartment 9 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 2<sup>nd</sup> day of September 2025.

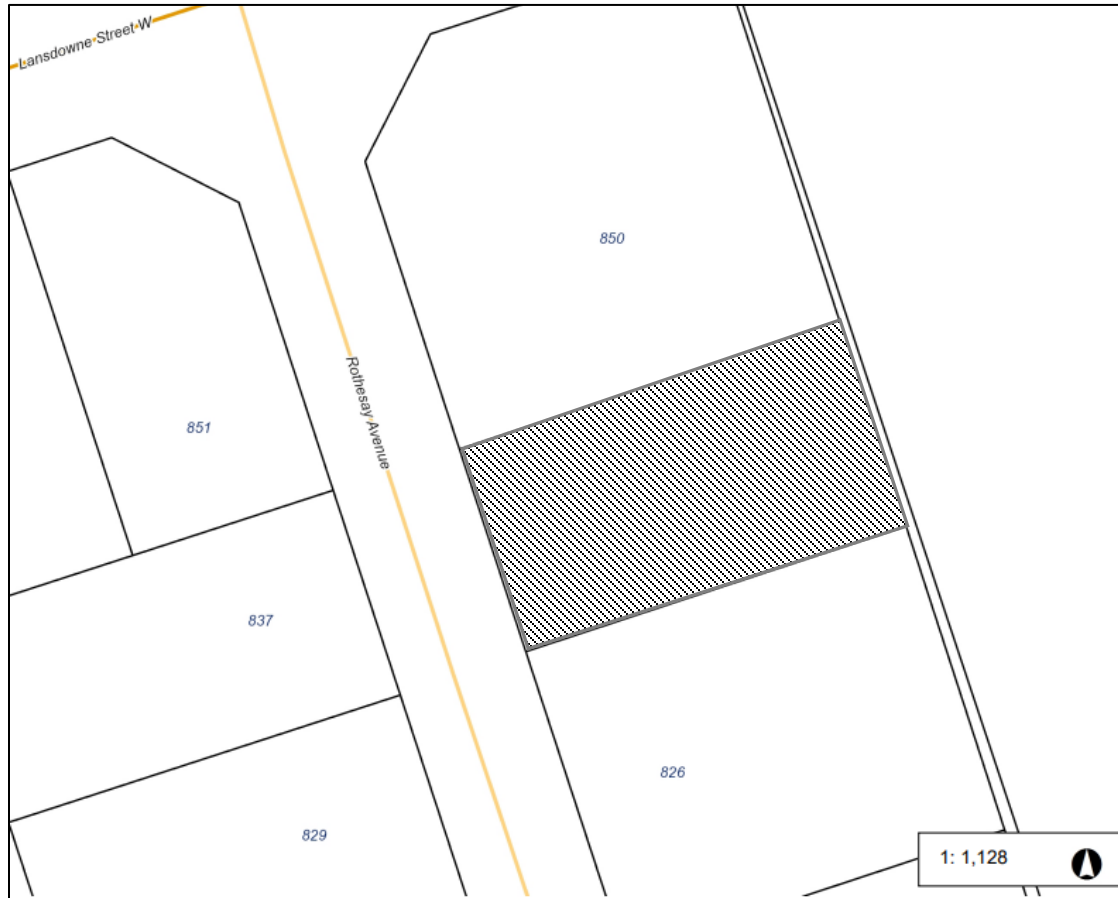
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Matthew Graham  
Mayor

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Cindy Page  
Clerk

## Schedule "1" to By-law No. 2025-39



**Area Affected by this By-law**  
838 Rothesay Avenue  
Part Lot 4, Concession 11 (North Monaghan)  
Township of Cavan Monaghan

**Certificate of Authentication**  
This is Schedule "1" to By-law  
No. 2025-39 passed this 2<sup>nd</sup>  
day of September, 2025.



Rezone from the 'Rural Residential (RR) Zone' to the  
'Rural Residential Exception Thirty (RR-30) Zone'.

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Matthew Graham  
Mayor

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Cindy Page  
Clerk