

Planning Justification Letter

To:	Township of Cavan-Monaghan, Planning Department
From:	D.M. Wills Associates Limited on behalf of Ms. Bonner
Date:	February 16, 2023
Subject:	Minor Variance Application 13 King Street West, Millbrook Township of Cavan Monaghan

D.M. Wills Associates Limited (Wills) has been retained by T Bonner Holdings Inc. c/o Taylor Bonner (Owner) to prepare this Planning Justification Letter (Letter) in support of a Minor Variance application (MV) for the property located at 13 King Street West, Millbrook, in the Township of Cavan Monaghan (Subject Property).

1.0 Property Description and Surrounding Land Uses

The Subject Property is centrally located in Millbrook, approximately 135 metres west of the intersection of King Street West and Union/Hay Streets. The Subject Property is irregularly shaped and has a lot area of approximately 1,650 square metres (0.4 acres), with 23 metres of frontage along the south side of King Street West (County Road 21). The Subject Property is currently developed with a single detached dwelling, which is positioned towards the front of the property. The rear property line abuts Baxter Creek. See **Figure 1 – Key Map**.

The neighbouring properties to the immediate east, west, and south share similar physical and natural characteristics as the Subject Property and are developed primarily with single detached dwellings. Neighbouring properties on the north side of King Street West are also similar; however, no hydrologic features exist adjacent to these properties. The greater surrounding area comprises a blend of residential, commercial, and open space uses. See **Figure 2 – Surrounding Land Uses**.

2.0 Proposed Development

The Owner is seeking to convert the existing single-detached dwelling to a chiropractic clinic which requires site alteration to widen and extend the driveway and entrance and install a parking lot to the rear of the dwelling. Due to the narrow side yard and presence of a number of large trees, the

proposed driveway to the rear parking lot will not meet the required width of 6 metres for two-way traffic next to the building, and therefore, a minor variance is required to move forward with Site Plan Approval. See **Figure 3 – Conceptual Site Plan**.

The following applications have been submitted concurrently for review and approval:

- a) Site Plan Approval Application (Township of Cavan Monaghan)
- b) Development Permit (Otonabee Conservation)
- c) Entrance Permit (Peterborough County)
- d) Change of Use Permit (Township of Cavan Monaghan)
- e) Sign Permit (Township of Cavan Monaghan)

3.0 Proposed Minor Variances

This letter is in support of a minor variance seeking to reduce the minimum driveway width required in the parking and loading regulations of the Comprehensive Zoning Bylaw from 6.0 metres to 4.5 metres to allow for the proposed redevelopment.

4.0 Policy Framework

The purpose of this Letter is to provide a review and analysis of the proposed development in the context of provincial and municipal policies as it relates to the four (4) tests of a minor variance.

Under *Section 45(1) of the Planning Act*, there are four (4) tests a minor variance must meet:

1. Is the application minor?
2. Is the application desirable for the appropriate development of the lands in question?
3. Does the application conform to the general intent of the Zoning By-law?
4. Does the application conform to the general intent of the Official Plan?

The application is minor in nature. The proposed driveway will meet the required 6 metre width except in the building's side yard due to the location of the existing building, the emergency exit and walkway, as well as several large mature trees. The proposed reduction by 1.5 metres is considered to be minor since it will only be reduced next to the building

and not across the entire site. Yield signage and pavement markings will be incorporated into the site to encourage one-way traffic. Given the average width of a vehicle is approximately 2 metres, there would be sufficient width for two vehicles to pass if needed. The laneway tapers out to 6 metres to the rear of the building to service the parking area and to 7.2 metres at the entrance to meet the County Road requirements. Furthermore, there are no other proposed changes to the property or dwelling and the parking area meets or exceeds all other parking requirements.

The MV application is appropriate for the development of the Subject Property. Given the proposed use of the property as a medical clinic is permitted in the Official Plan and Zoning Bylaw municipal policy, the driveway and installation of a parking lot is a necessary site alteration to achieve the proposed use and ensure public safety. The applicants have maximized the use of the existing Subject Property to avoid interference with the community character and neighbouring residential properties by locating the parking at the rear, avoiding additional building alterations, and maintaining, or improving in some areas, the vegetative buffer which would otherwise need to be removed to meet the requirements.

As an alternative, a 3-metre one-way driveway with a separate entrance and exit was assessed. The east side yard was found to be deficient in width and an additional entrance onto the County Road would not be permitted.

The Subject Property is zoned 'Core Mixed Use Two' (CMU2) and 'Natural Linkage' (NL) in the Township of Cavan Monaghan Zoning By-law 2018-58 (ZBL). See **Figure 5 – ZBL Excerpt**. The existing building and site alteration is located entirely within the CMU2 Zone, which provides for and regulates a wide range of uses in the community core area in Millbrook and includes a medical office as a permitted use. The Subject Property and proposed use meet all other provisions of the CMU2 Zone as well as the general parking provisions of the ZBL.

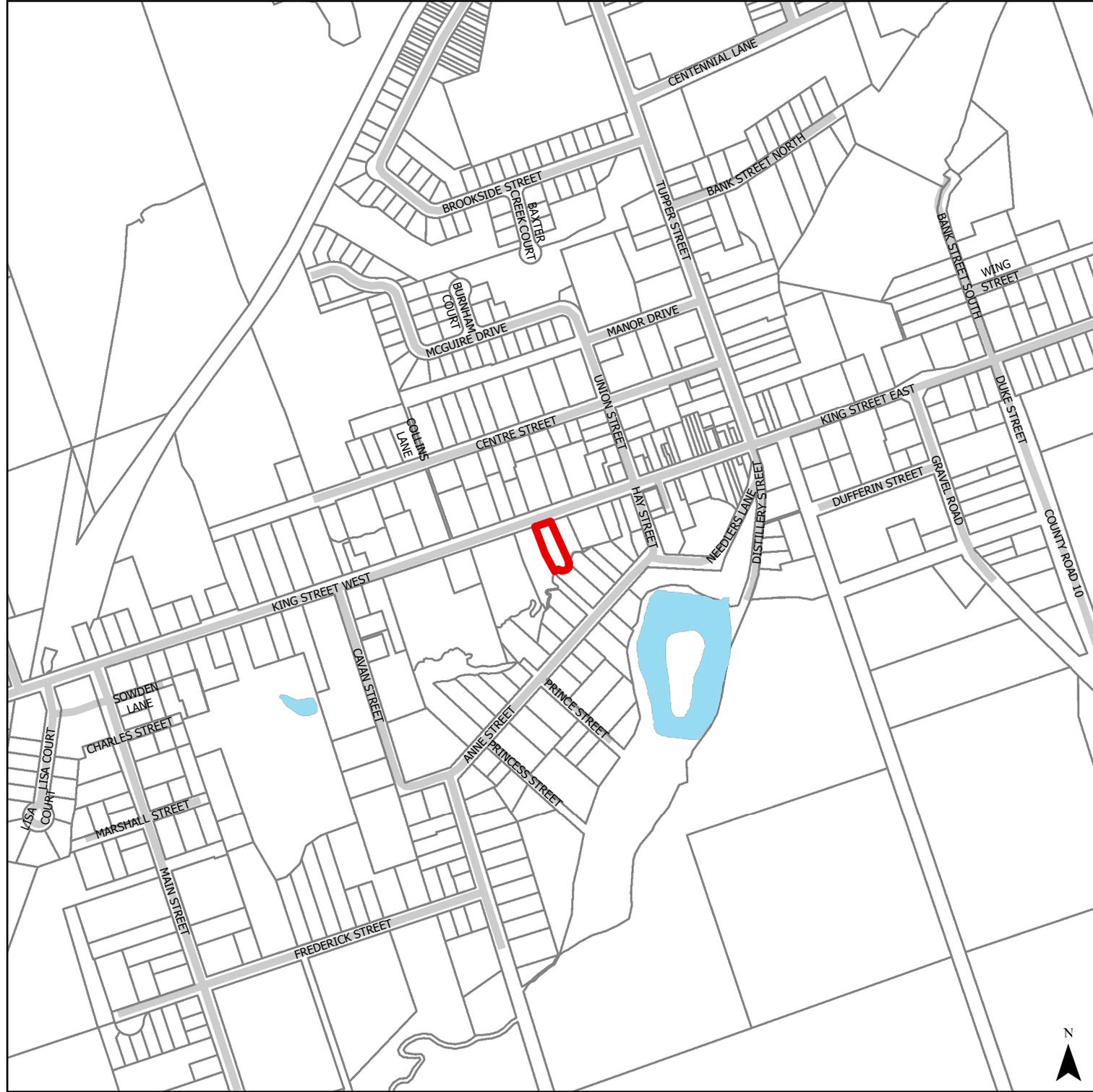
Section 12.2.9 (b) requires that "driveways and parking aisles shall have a minimum unobstructed width of 6 metres where two-way traffic is permitted and 3 metres driveway where only one-way direction of traffic flow is permitted and is clearly indicated by signs, pavement markings or both..." Through discussion with municipal staff, the intent of the bylaw was clarified that the one-way driveway provision is intended for scenarios where there is both an entrance and an exit to the property. The proposed driveway does not comply with the minimum width regulation of the by-law immediately adjacent to the existing building.

The minimum width is intended to allow two-way vehicle passage off the public street and into the parking area to ensure public safety. As aforementioned, 4.5 metres will still allow average sized vehicles to pass safely, however, the tapered design of the driveway is intended to allow queuing at the top and bottom of the driveway. The entrance off the County Road will be wide enough to allow vehicles to enter the driveway and wait for vehicles exiting the parking area and driveway and proceed once passed. In the other direction, vehicles exiting the parking area have a clear line of sight up the driveway and can wait in queue for the vehicle to pass coming down the driveway.

The MV application conforms to the general intent of the Zoning By-law. Medical clinic is a permitted use under the current zoning and given the siting of the parking area to the rear and minimal alterations to the existing building, the proposal will maintain the residential character of the Subject Property and contribute to the mixed-use character of the neighbourhood. All other provisions of the CMU2 Zone and general parking provisions of the ZBL are maintained.

The Subject Property is designated 'Community Core' and 'Natural Linkage Area' in the CMOP. See **Figure 4 – OP Excerpt**. The Community Core reflects the historic Commercial Core of the Millbrook Urban Area. Its objectives include encouraging the development of a mix of uses at a density that will enhance the character and vitality of the community core and streetscape and façade improvements that revitalize the cultural and historical character of Millbrook (4.2.1). Medical offices are a permitted commercial use within this designation and mixed-use buildings are encouraged (4.2.2). The sensitive conversion of existing buildings from their existing use to other permitted uses is also encouraged (4.3.2).

The MV application conforms to the general intent of the Official Plan. Although the development plan requires the width reduction, locating the parking in the rear of the building and reducing the site alteration required to establish the chiropractic clinic serves to maintain the community character and streetscape. Significant façade and landscaping improvements made in recent years were sensitive to the cultural and historical character of Millbrook and there are no further structural alterations to the building required to facilitate the development. The applicant was attracted to the community character and proximity to the core business area, and intends for the proposed redevelopment to contribute to the range of uses and vitality of that community core.



KEY MAP
 13 KING STREET WEST (MILLBROOK)
 TOWNSHIP OF CAVAN MONAGHAN
 COUNTY OF PETERBOROUGH

Figure 1

Legend

 Subject Property

Scale: 1:7,500

0 45 90 180 270 360
 Meters

NAD 1983 UTM Zone 17N

Data Sources
 County of Peterborough Online GIS
 ORCA Online Public Mapper

Created In:	ArcGIS Pro
Drawn By:	JW
Checked By:	AT
Map Date:	February, 2023
Project Number:	85300

	D.M. Wills Associates Limited 150 Jameson Drive Peterborough, Ontario K9J 0B9
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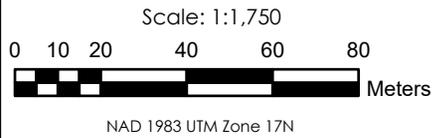


SURROUNDING LAND USES
 13 KING STREET WEST (MILLBROOK)
 TOWNSHIP OF CAVAN MONAGHAN
 COUNTY OF PETERBOROUGH

Figure 2

Legend

 Subject Property



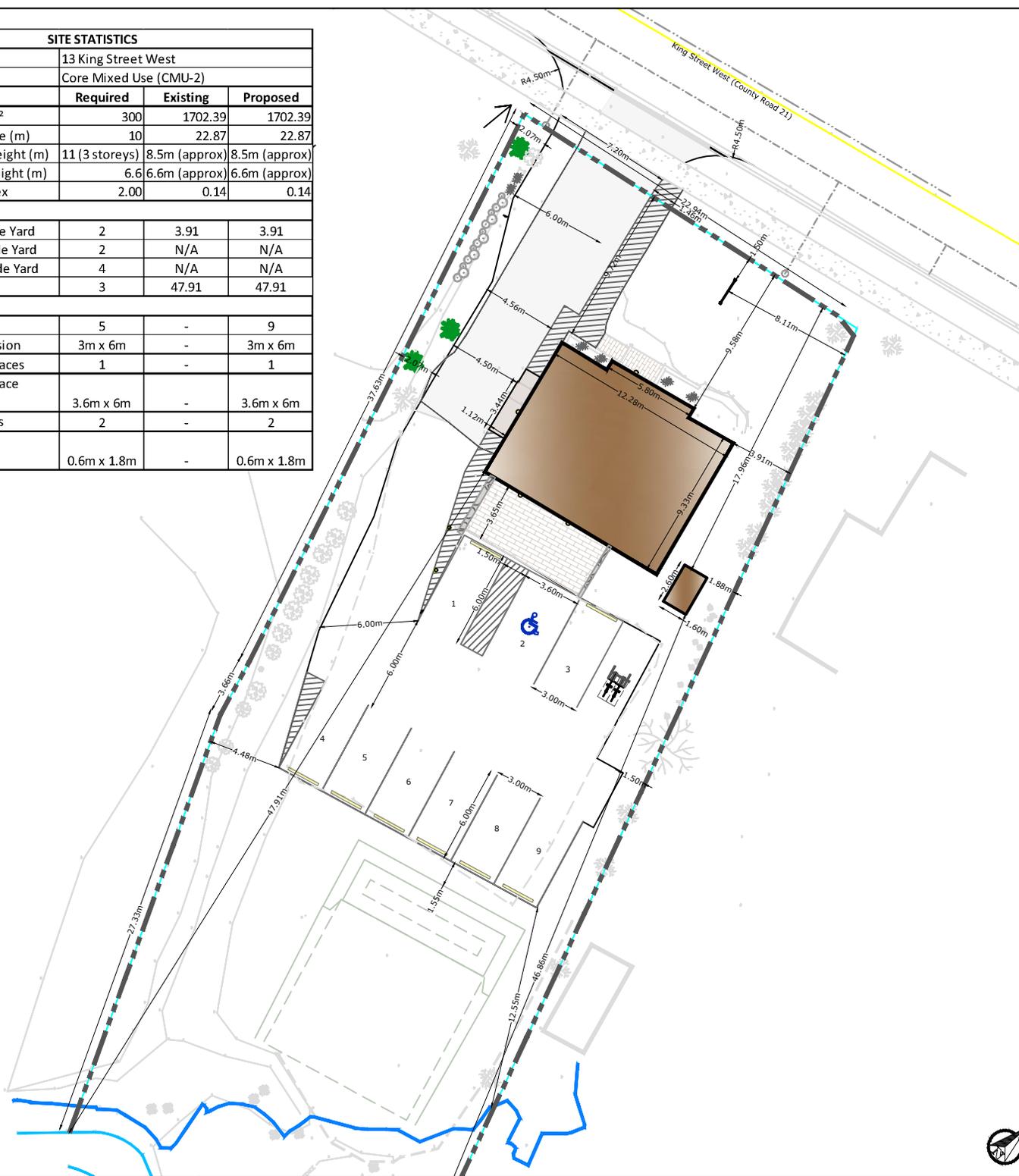
Data Sources
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SITE STATISTICS			
Address	13 King Street West		
Zoning	Core Mixed Use (CMU-2)		
Regulations	Required	Existing	Proposed
Minimum Lot Area m ²	300	1702.39	1702.39
Minimum Lot Frontage (m)	10	22.87	22.87
Maximum Building Height (m)	11 (3 storeys)	8.5m (approx)	8.5m (approx)
Minimum Building Height (m)	6.6	6.6m (approx)	6.6m (approx)
Max. Floor Space Index	2.00	0.14	0.14
Setbacks			
Minimum Interior Side Yard	2	3.91	3.91
Minimum Exterior Side Yard	2	N/A	N/A
Maximum Exterior Side Yard	4	N/A	N/A
Rear Yard	3	47.91	47.91
Parking			
Parking Spaces	5	-	9
Parking Space Dimension	3m x 6m	-	3m x 6m
Accessible Parking Spaces	1	-	1
Accessible Parking Space Dimension	3.6m x 6m	-	3.6m x 6m
Bicycle Parking Spaces	2	-	2
Bicycle Parking Space Dimension	0.6m x 1.8m	-	0.6m x 1.8m



CONCEPTUAL SITE PLAN

13 KING STREET WEST MILLBROOK TOWNSHIP OF CAVAN MONAGHAN COUNTY OF PETERBOROUGH

Figure 3

Legend

Existing

- Subject Property Boundary
- Existing Cedar Hedge/Shrubs
- Existing Coniferous Tree
- Existing Deciduous Tree
- Existing Gravel Area Boundary
- Existing Building
- Existing Brick Walkway
- Existing Asphalt Driveway

Proposed

- Proposed Coniferous Tree
- Proposed Concrete Curb Stop
- Proposed Asphalt Area
- Proposed Area Subject to Easement

Scale: 1:500m
NAD 1983 UTM Zone 17 N

Data Sources:
Sources:
Plan of Survey (45R 11307) by Beninger Surveying Ltd. (OLS), Dated July 9, 1998.
Topographical information provided by D.M. Wills Associates, captured December 01, 2022.

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Map File Number	



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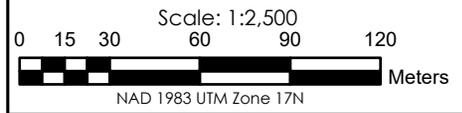
**EXCERPT FROM SCHEDULE 'A1' -
LAND USE AND TRANSPORTATION
OF THE TOWNSHIP OF
CAVAN MONAGHAN OFFICIAL PLAN
13 KING STREET WEST (MILLBROOK)
TOWNSHIP OF CAVAN MONAGHAN
COUNTY OF PETERBOROUGH**

Figure 4



Legend

-  Subject Property
- Land Use**
-  Community Core
-  Residential
-  Millbrook Special Policy Area (SPA)
- Natural Heritage System**
-  Natural Core Area
-  Natural Linkage Area



Data Sources
County of Peterborough Online GIS

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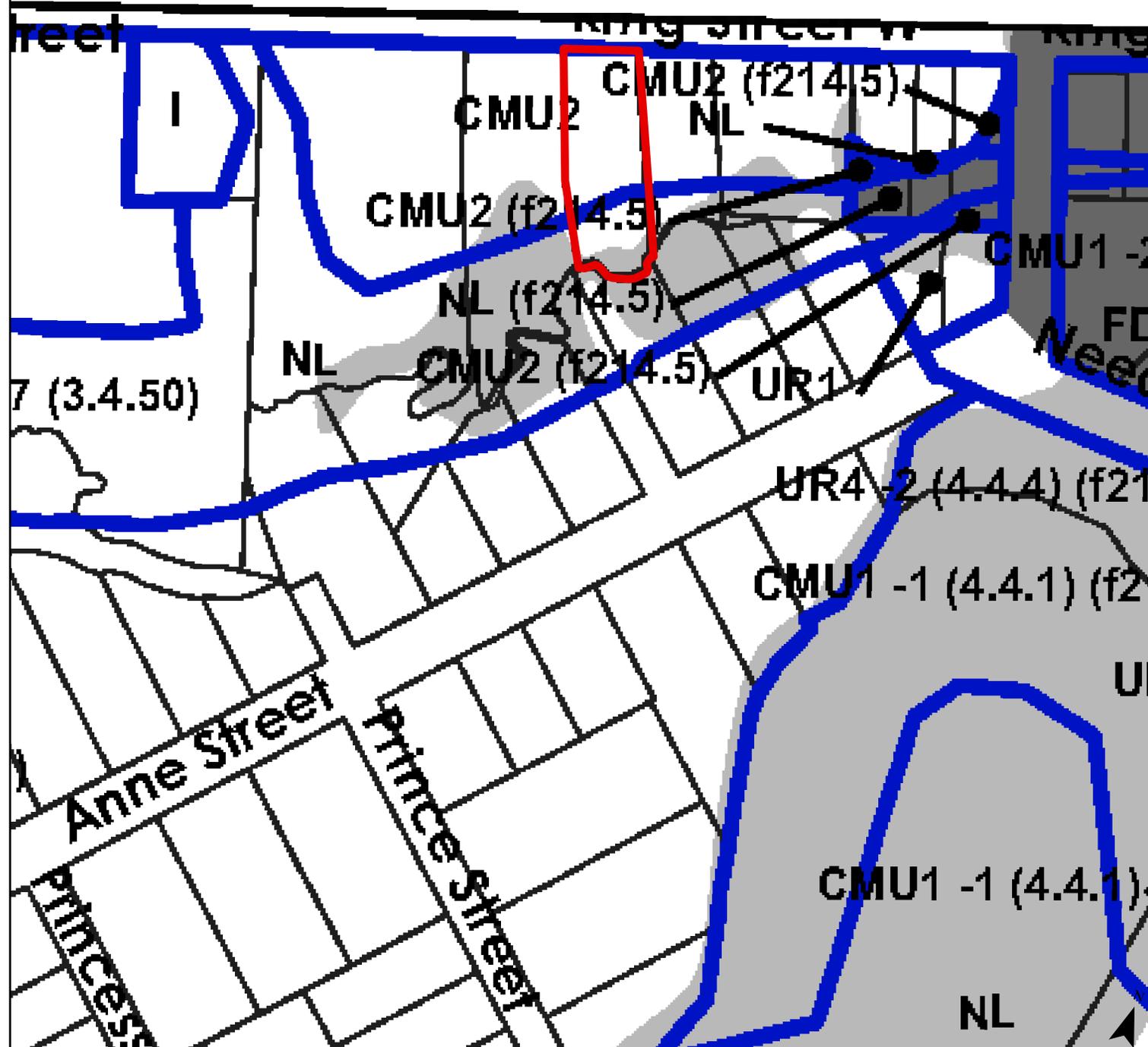


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**EXCERPT FROM SCHEDULE 'A'
MAP 'F-2A' OF THE TOWNSHIP
OF CAVAN MONAGHAN
ZONING BY-LAW No. 2018-58**
13 KING STREET WEST (MILLBROOK)
TOWNSHIP OF CAVAN MONAGHAN
COUNTY OF PETERBOROUGH

Figure 5



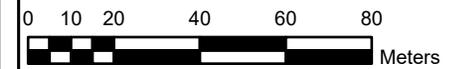
Legend

 Subject Property

Zoning Description

- CMU 1 Core Mixed Use 1
- CMU2 Core Mixed Use 2
- I Industrial
- NL Natural Linkage
- UR1 Urban Residential 1
- UR4 Urban Residential 4
-  Floodplain Overlay
-  Special Policy Area

Scale: 1:1,750



NAD 1983 UTM Zone 17N

Data Sources

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6.0 Closing

Based on the proposed use of the Subject Property, the intent of the proposed MV application to facilitate site plan approval for the redevelopment and our review of the applicable provincial and municipal policies, it is our opinion that the proposed minor variance is minor, desirable for the appropriate development of the lands, is consistent with and conforms to the intent of municipal policies and constitutes good planning.

Respectfully Submitted,

Written by:



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Intermediate Land Use Planner

Reviewed By:



Amanda Dougherty, B.A.(Hons)
Senior Planner

AT/AD/hd