



Municipality of Mississippi Mills

COMMITTEE OF ADJUSTMENT AND PROPERTY STANDARDS AGENDA

Wednesday, November 18, 2020

5:30 p.m.

Council Chambers, Municipal Office

3131 Old Perth Road

Pages

A. CALL TO ORDER

B. DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF

C. APPROVAL OF AGENDA
Recommended Motion:

THAT the agenda be approved as presented

D. APPROVAL OF MINUTES
Recommended Motion:

THAT the minutes dated October 7, 2020 be approved as presented.

3 - 5

E. HEARINGS

E.1. Application A-13-20

6 - 17

Owner(s)/Applicant: Claire Marson & Marson Vita Productions
Legal Description: Plan 779, Part Block D, Part Mackenzie St/Mill St,
Being Part 1 on RP 27R9235 and Parts 6 & 7
on RP 27R9384
Address: 4839 Kinburn Side Road
Zoning: Highway Commercial (C3)

The owner/applicant is requesting permission to expand a legal non-conforming secondary dwelling unit within the Highway Commercial (C3) Zone from 73.5m² (791.5ft²) to 136.0m² (1,464.4ft²). The existing secondary dwelling unit is located in the second-storey of an accessory structure. The expansion would include a portion of the ground floor that is generally used for commercial purposes and would provide additional living space for the secondary dwelling unit.

E.2. Application A-14-20

18 - 25

Owner(s)/Applicant: Paul Cadieux & Catherine Wright-Cadieux
Legal Description: Plan 6262, McIntosh Section, Lots E & F
Address: 77 Little Bridge Street
Zoning: Downtown Commercial (C2)

The owner/applicant is requesting relief from the maximum density provision of Section 7.3.2 to permit the conversion of a commercial unit to a residential dwelling unit on the ground floor of a non-residential building in the Downtown Commercial (C2) Zone. The maximum density permitted based on the total lot size of 385.5m² (4,150ft²) is 2.81, whereas a maximum density of 3 units is requested.

F. OTHER / NEW BUSINESS

G. MEETING ANNOUNCEMENTS

H. ADJOURNMENT



**The Corporation of the Municipality of Mississippi Mills
Committee of Adjustment and Property Standards Meeting**

MINUTES

October 7, 2020

5:30 p.m.

**Council Chambers, Municipal Office
3131 Old Perth Road**

Committee Present: Patricia McCann-MacMillan
Stacey Blair
Connie Bielby

Staff Present: Maggie Yet, Planner I
Jennifer Russell, Deputy Clerk

A. CALL TO ORDER

The meeting was called to order at 5:31 p.m.

**B. DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE
THEREOF**

None.

C. APPROVAL OF AGENDA

Moved: Connie Bielby

Seconded: Stacey Blair

THAT the agenda be approved as presented.

CARRIED

D. APPROVAL OF MINUTES

Moved: Connie Bielby

Seconded: Stacey Blair

THAT the minutes dated September 23, 2020 be approved as presented.

CARRIED

E. REPORTS

Preamble

E.1 E.1 Minor Variance Application A-07-20

The Chair opened the floor to comments. The applicant had no comments. The Chair confirmed with M Yet the requested relief for applications A-07-20 and A-08-20. S Blair stated that she did not believe the cumulative requests for relief to be minor. The Committee questioned if a zoning by-law amendment was not the more appropriate application for the requested reliefs. M Yet confirmed that in her opinion, the requested reliefs when examined individually, were to be considered minor in nature and that the applicant could have applied for relief through a zoning by-law amendment, the application nonetheless meets the four tests of a minor variance. The applicant provided comments regarding her desire to provide an accessible home for her senior parents.

The Committee took to a vote and passed the following motion:

Moved by Stacey Blair

Seconded by Connie Bielby

THAT the Municipality of Mississippi Mills Committee of Adjustment approves the Minor Variance for the land legally described as Part Lot 15, Anderson Section, Plan 6262, Almonte Ward, Municipality of Mississippi Mills, municipally known as 83-85 Elgin Street, to reduce the minimum required lot area from 320m² per dwelling unit to 420m² for two semi-detached dwelling units, the front yard setback from 6m to 2.44m, exterior side yard setback from 6m to 2.15m and rear yard setback from 7.5m to 5.4m for an existing non-conforming semi-detached dwelling, subject to the following conditions:

1. That the Minor Variance is approved based on the plans submitted; and
2. That the Owner/Applicant obtain all required building permits.

CARRIED

E.2 Minor Variance Application A-08-20

The Chair opened the floor to comments. The applicants had no comments. The Chair inquired about the tree on the adjacent property. The applicant stated she had contacted an arborist and the neighbour of the adjacent property and that the arborist would be doing clean cuts on the roots of the tree to preserve the health of the tree. C Bielby inquired if there were any tenants in the existing dwellings. The applicant stated that there are not, however, they have made improvements on it including painting and roofing.

The Committee took to a vote and passed the following motion:

Moved by Stacey Blair

Seconded by Connie Bielby

THAT the Municipality of Mississippi Mills Committee of Adjustment approves the Minor Variance for the land legally described as Part Lot 15, Anderson Section, Plan 6262, Almonte Ward, Municipality of Mississippi Mills, municipally known as 83-85 Elgin Street, to reduce the minimum required lot area from 450 m² to 333.6m², the front yard setback from 6m to 2.1m, the rear yard setback from 7.5m to 3.63m, the side yard setback for an accessory structure from 1.2m to 0.98m, and the maximum lot coverage from 40% to 41.5%, subject to the following conditions:

1. That the Minor Variance is approved based on the plans submitted;
2. That the Owner/Applicant obtains site plan approval from the Municipality for the proposed development; and
3. That the Owner/Applicant obtain all required building permits.

CARRIED

F. OTHER / NEW BUSINESS

None.

G. MEETING ANNOUNCEMENTS

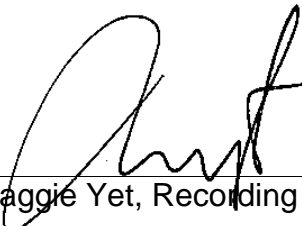
None.

H. ADJOURNMENT

Resolution No

THAT the meeting be adjourned at 6:45 p.m.

CARRIED



Maggie Yet, Recording Secretary

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

PLANNING REPORT

MEETING DATE: Wednesday, November 18th, 20020 at 5:30 p.m.
TO: Committee of Adjustment
FROM: Maggie Yet – Planner 1
SUBJECT: **MINOR VARIANCE APPLICATION A-13-20 (D13-MAR-20)**
Plan 779, Part Block D, Part Mackenzie St/Mill St,
Being Part 1 on RP 27R9235 and Parts 6 & 7 on RP 27R9384
Pakenham Ward, Municipality of Mississippi Mills
Municipally known as 4839 Kinburn Side Road
OWNER/APPLICANT: Claire Marson & Marson Vita Productions

RECOMMENDATION:

THAT the Municipality of Mississippi Mills Committee of Adjustment approves the Minor Variance for the land legally described as Plan 779, Part Block D, Part Mackenzie St/Mill St, being Part 1 on RP 27R9235 and Parts 6 & 7 on RP 27R9384, Pakenham Ward, Municipality of Mississippi Mills, municipally known as 4839 Kinburn Side Road, to permit the expansion of a legal non-conforming secondary dwelling unit within the Highway Commercial (C3) Zone from 73.5m² (791.5ft²) to 136.0m² (1,464.4ft²), subject to the following conditions:

1. That the Minor Variance are approved based on the plans submitted;
2. That the Owner obtain all required building permits and approvals for the secondary dwelling unit; and
3. That the Owner obtain all required permits from the Leeds, Grenville & Lanark District Health Unit.

PURPOSE AND EFFECT

The owner/applicant is requesting permission to expand a legal non-conforming secondary dwelling unit within the Highway Commercial (C3) Zone from 73.5m² (791.5ft²) to 136.0m² (1,464.4ft²). The existing secondary dwelling unit is located in the second-storey of an accessory structure. The expansion would include a portion of the ground floor that is generally used for commercial purposes and would provide additional living space for the secondary dwelling unit. The Minor Variance request is outlined below.

Table 1 – Requested Relief from Zoning By-law #11-83

Section	Zoning Provision	By-law Requirement	Requested
21.1	Highway Commercial	Residential Uses: Not Permitted	Permit the expansion of a legal non-conforming secondary

	(C3) Zone – Permitted Uses		dwelling unit from 73.5m ² (791.5ft ²) to 136.0m ² (1,464.4ft ²) in an accessory structure to an existing residential/commercial use
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DESCRIPTION OF SUBJECT LANDS

The subject property is located on Kinburn Side Road in the Village of Pakenham within Pakenham Ward. The entire property is ±3.0ha (7.42ac) in size with a frontage of ±274.3m (900ft). The property is presently occupied by a single detached dwelling (known as the “Main House”) and two accessory structures (known as the “Carriage House” and “Promise House”, respectively). The applicant describes the commercial use on the property as a social enterprise that helps caregivers and provides services such as rentals retreats and coaching and support services. The commercial use is primarily hosted within the Main House and the ground floor of the Promise House. A sketch of the site is included in Schedule A.

The site is used for residential and commercial purposes. Residential uses on the property are considered legal non-conforming. The “Promise House” contains a legal non-conforming accessory apartment on the second floor and the ground floor generally provides a multipurpose space that serves the commercial use on the property. The property is generally surrounded by low density residential uses and highway commercial uses. The location of the subject property is depicted in the following aerial photo:

Figure 1 – Aerial Photo of Property (2014)



SERVICING & INFRASTRUCTURE

The subject property is presently serviced by private water and septic services. Private servicing is already connected for the secondary dwelling unit. No changes to the existing private servicing is proposed as part of this application. Municipal infrastructure and parking demands would not change as a result of the application.

COMMENTS FROM CIRCULATION OF THE APPLICATION

COMMENTS FROM INTERNAL CIRCULATION

Comments received based on the circulation of this application have been summarized below:

CAO: No comments received.

Clerk: No comments received.

CBO: 1) No objection to the change from commercial to residential use.

2) A change of use/renovation permit will be required.

3) For building code purposes, the use of the modified architect drawing without permission will not be acceptable.

Fire Chief: No comments received.

Acting Director of Roads and Public Works: Public Works has no objections at this time.

Recreation Coordinator: No concerns.

COMMENTS FROM EXTERNAL AGENCIES

Mississippi Valley Conservation Authority (MVCA): No comments received at the date this report was finalized.

Leeds, Grenville & Lanark District Health Unit: Please be advised that our comments will follow once a maintenance inspection of the property has been completed. We have notified the property owner of the need to complete and submit to our office a Sewage System Maintenance Inspection Application.

COMMENTS FROM THE PUBLIC

No comments were received from the public at the date this report was finalized.

EVALUATION

FOUR TESTS

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to grant relief from the requirements of a municipal zoning by-law. In properly evaluating such requests, the Committee needs to be satisfied that the proposal meets the four (4) tests set out in the *Planning Act*. Staff comments concerning the application of the four (4) tests to this Minor Variance request are as follows:

1. Does the proposal maintain the intent of the Official Plan?

The subject property is designated 'Highway Commercial' in the Municipality's Community Official Plan (COP). Generally, Highway Commercial areas contain uses that are largely automobile-oriented and serves uses dependent on high traffic volumes or are heavily transportation oriented (Policies 3.7.3 and 3.7.1).

Section 3.7.3 Highway Commercial

3.7.3.1 Permitted Uses

On lands designated as "Highway Commercial" permitted uses include:

- (i) Uses dependent upon high volumes of traffic or which are heavily transportation oriented. The scope of uses include, but not be limited to, restaurants, recreational and automotive sales, repair and services establishments, building contractors, building supply and home furnishing retail and wholesale outlets, farm machinery, hotel/motel, lodging facilities, garden centres and nurseries, warehousing and distribution centres.

The subject property is used for residential and tourist commercial uses. Within the Highway Commercial designation, residential uses are not contemplated. Given that the residential use on the property was legally established prior to the passage of the Zoning By-law, the residential use is considered legal non-conforming and may continue to exist.

The following provides an analysis of the proposed variances against the relevant policies of the COP:

Section 5.3.8 Legal Non-Conforming Uses

- (i) *The proposed addition, expansion or change of use shall not add to the non-conforming nature of the property;*

As the existing uses are both residential and tourist commercial, the proposed variance to expand an existing secondary dwelling unit would maintain the residential use of the subject property and would not add to the non-conforming nature of the property.

- (ii) *The features of the non-conforming use and proposed extension and/or enlargement are considered to be compatible with adjacent uses;*

The proposed secondary dwelling unit would be compatible with surrounding land uses which are primarily low density residential uses and highway commercial uses.

- (iii) *The proposed addition, expansion or change of use shall be consistent with the environmental policies of this plan;*

No environmental and natural heritage features are present on the subject property and as such, the proposed expansion is consistent with the environmental policies of the OP.

- (iv) *The proposed addition, expansion or change of use shall not represent an unreasonable increase to the size or intensity of the existing use;*

The proposal involves the expansion of an established secondary dwelling unit within an accessory structure from 73.5m² to 136.0m², constituting a total relief of 62.5m² (672.7ft²). The expansion would incorporate a portion of the ground floor of the structure for additional living space. As such, Staff do not believe the proposed variances represent an unreasonable increase in the size or intensity of the existing use.

- (v) *The proposed addition, expansion or change of use shall have minimal impact on the surrounding built environments in terms of projected levels of noise,*

vibration, fumes, smoke, dust, odours, lighting, outdoor storage and traffic generation;

The expansion of the secondary dwelling unit would incorporate a portion of the ground floor of the existing structure as part of the unit. No other changes to the use or structure are proposed as part of this application. As such, the expansion is expected to have negligible impacts on existing noise, vibration, fumes, smoke, dust, odours, lighting, outdoor storage and traffic conditions.

(vi) *The proposed addition, expansion or change of use shall include the protection of surrounding uses through the provision of landscaping, buffering or screening, appropriate setbacks for buildings and structures or other measures which improve compatibility with the surrounding area;*

The existing secondary dwelling unit is presently setback by an approximate distance of 41m from the dwelling on the adjacent property. No expansion to the footprint of the building is proposed. As such, the proposed variance would have minimal impact on adjacent properties and is compatible with the surrounding area.

(vii) *That traffic and parking conditions not be adversely affected by the proposed addition, expansion or change of use;*

The proposed variances are expected to have minimal effects on existing traffic conditions along Kinburn Side Road given that the site is designated for Highway Commercial uses which are largely automobile-oriented. The provision of parking for a secondary dwelling unit is not required by the Comprehensive Zoning By-law #11-83.

(viii) *That adequate provisions be made for off-street parking, loading and unloading facilities; and*

The Zoning By-law does not require additional parking spaces for secondary dwelling units. The applicant has indicated 30 parking spaces are available on the subject property. As such, adequate space is available on the subject property to provide off-street parking in excess of the Zoning By-law provisions for parking for secondary dwelling units.

(ix) *That applicable municipal service, such as storm drainage, water supply, sanitary sewers and roads are available or can be made available through the conditions of approval.*

The dwelling is presently connected to private well and septic services. Municipal services are not available nor expected to be available in this area.

Given the above analysis, Staff is of the opinion that the requested permission to permit a secondary dwelling unit in a non-conforming residential dwelling is an appropriate and reasonable expansion of the existing use and maintains the general intent of the COP.

2. Does the proposal maintain the intent of the Zoning By-law?

The subject lands are zoned "Highway Commercial (C3)" by the Comprehensive Zoning By-law #11-83. The C3 Zone accommodates a broad range of automobile-oriented commercial uses and imposes development standards to improve the visual image of highway commercial areas and to develop them as a gateway to the urban community. The owner/applicant is

requesting permission to expand a non-conforming secondary dwelling unit accessory to the residential and commercial uses on the subject property.

The Zoning By-law does not provide provisions regarding residential uses and secondary dwellings within the C3 Zone. The present residential and commercial uses on the property have been established since 1985 when the milk farm on the site ceased operations. The expansion of the secondary dwelling unit would be limited to internal changes within the existing accessory structure and no changes to the footprint of the structure are anticipated.

The intent of the secondary dwelling unit provisions is to ensure that secondary dwelling units remain secondary in nature to a principal use and have limited visual impact on the streetscape from development. Given that the secondary dwelling unit is already established on the site and the expansion of the unit is limited internally within the existing accessory structure, no additional impacts are anticipated as a result of this application.

Given the above, Staff is of the opinion the requested relief maintains the general intent of Zoning By-law #11-83.

3. Is the proposal desirable for the appropriate development of the lands in question?

The proposed variance would permit the expansion of non-conforming secondary dwelling unit within an accessory structure in the C3 Zone from 73.5m² to 136.0m². The expansion of the secondary dwelling unit would increase living space for residents of the dwelling unit. The expansion would not increase the intensity of the residential use on the property and would be located wholly within the footprint of the existing structure. While the expansion would remove 62.5m² of space for the commercial operation on the property, the proposed expansion space is only used occasionally (once a month for half a day, according to the Owner) to serve the commercial use. The Owner has indicated that the Main House and remaining meditation room within the Promise House can accommodate the existing level of commercial activity. As such, the expansion of the existing secondary dwelling unit as proposed is considered an appropriate and logical form of development.

4. Is the proposal minor?

The subject lands are surrounded primarily by low density residential and highway commercial uses. The requested relief would permit the expansion of a non-conforming secondary dwelling unit within an accessory structure in the C3 Zone, secondary to the commercial and non-conforming residential uses on the property. The expansion would increase the living space within the dwelling unit from 73.5m² (791.5ft²) to 136.0m² (1,464.4ft²), constituting a total relief of 62.5m². Analysis of the proposal has concluded that the proposal is unlikely to present adverse impacts on the adjacent properties or visual impacts on the streetscape. As such, Staff consider the qualitative value of the requested reliefs to be minor in nature.

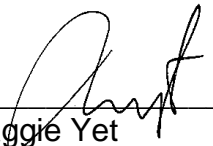
CONCLUSION

Overall, Staff supports the Minor Variance application. The variances would allow the owners to maximize the use and enjoyment of their property with no foreseeable impacts to any other stakeholders. Staff believes that Minor Variance Application A-13-20 meets the four (4) tests for evaluating a Minor Variance as established under the *Planning Act*. Planning Staff therefore recommends that the Minor Variance be granted, provided the Committee is satisfied that any

issues raised at the public hearing do not require additional Staff evaluation and comment, the submission of additional information, or the application of conditions other than as follows:

- 1. That the Minor Variance are approved based on the plans submitted;**
- 2. That the Owner obtain all required building permits and approvals for the secondary dwelling unit; and**
- 3. That the Owner obtain all required permits from the Leeds, Grenville & Lanark District Health Unit.**

All of which is respectfully submitted by,

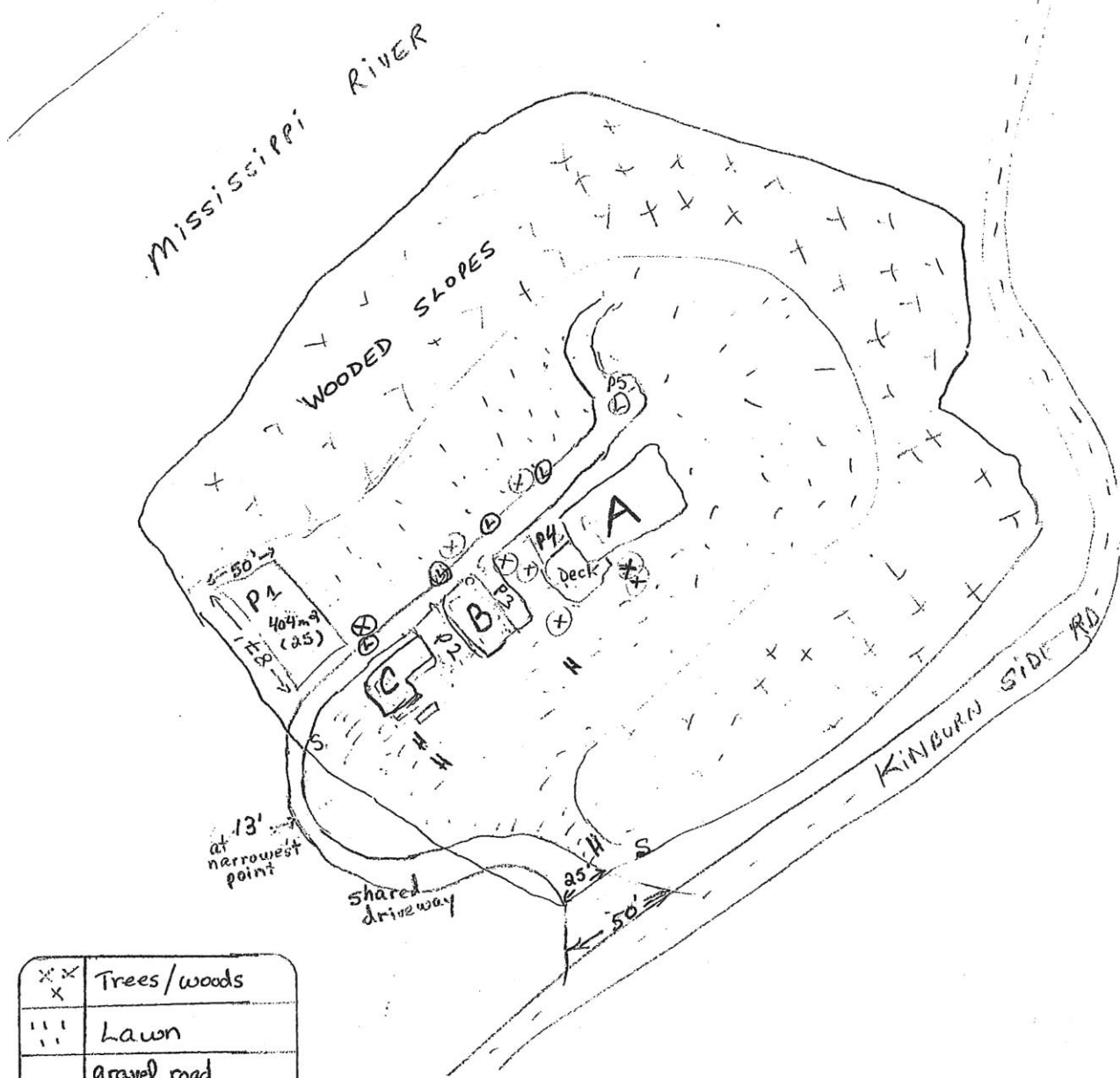


Maggie Yet
Planner 1

ATTACHMENTS:

SCHEDULE A – Site Plan Sketch, Elevations & Floor Plans

Schedule A Site Plan Sketch & Floor Plans



xx x	Trees/woods
---	Lawn
	gravel road
P	Parking (5 small) areas
(L)	street lights
H	Hydro poles
(x)	individual trees
S	Signage locations

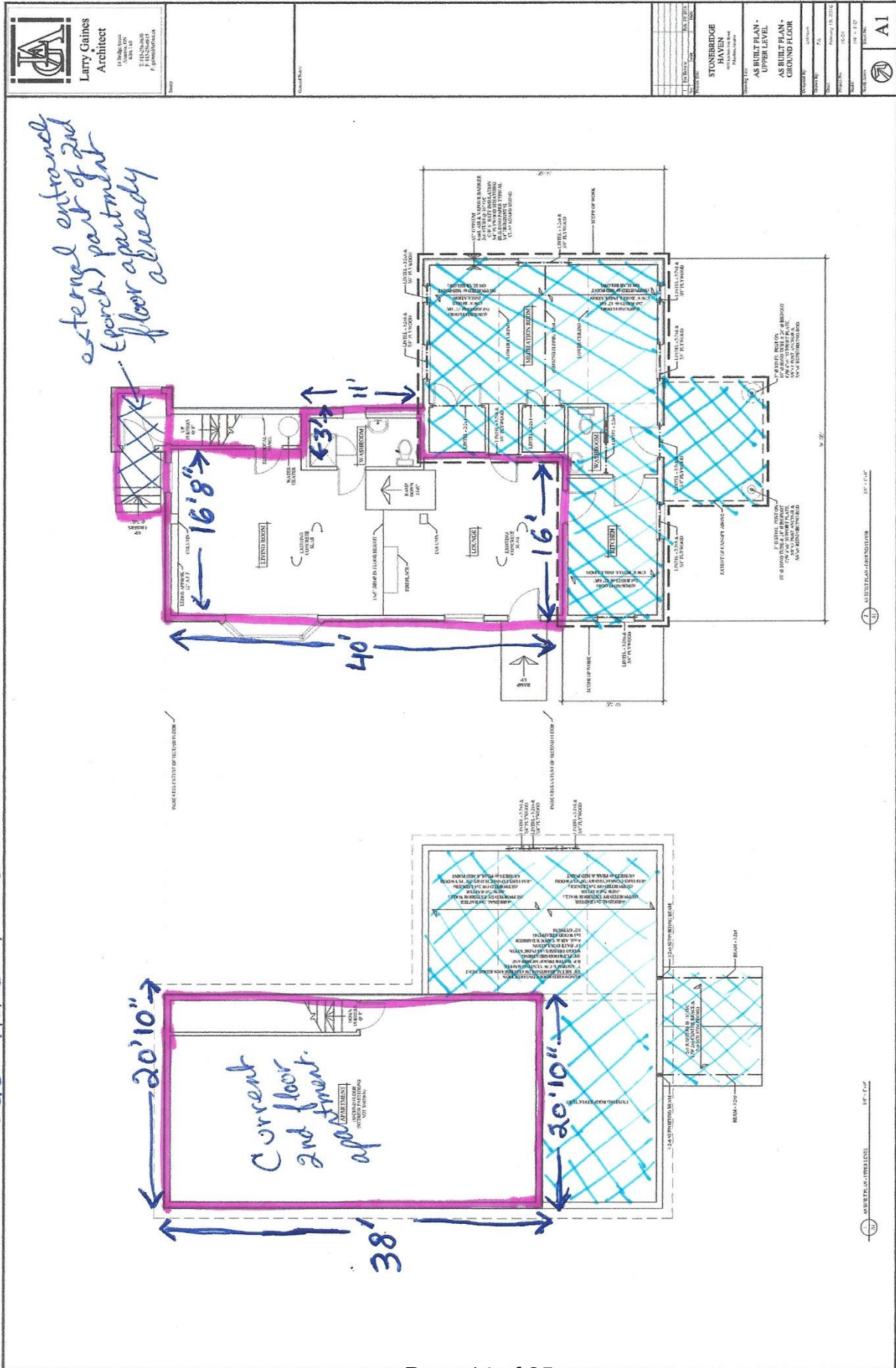
3 BUILDINGS	
Main house	A
Carriage house	B
Promise house	C

Plan NOT to scale.

Stonebridge Haven

4839 KINBURN SIDE RD.

Promissory Note
 STONEBRIDGE HAVEN, PAKENHAM. Nov, 2020

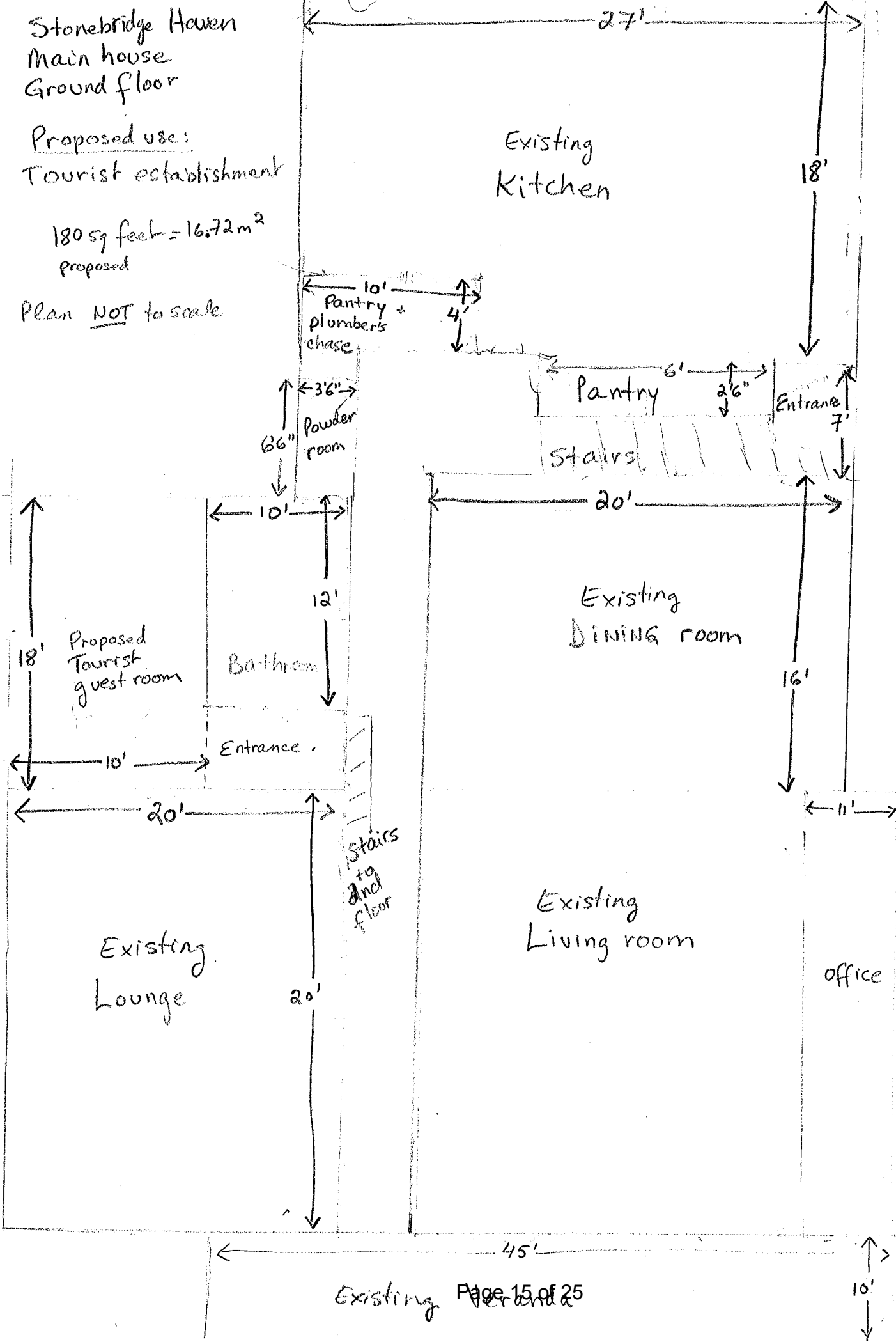


Stonebridge Haven
Main house
Ground floor

Proposed use:
Tourist establishment

180 sq feet = 16.72 m²
Proposed

Plan NOT to scale



Stonebridge Haven

Main House

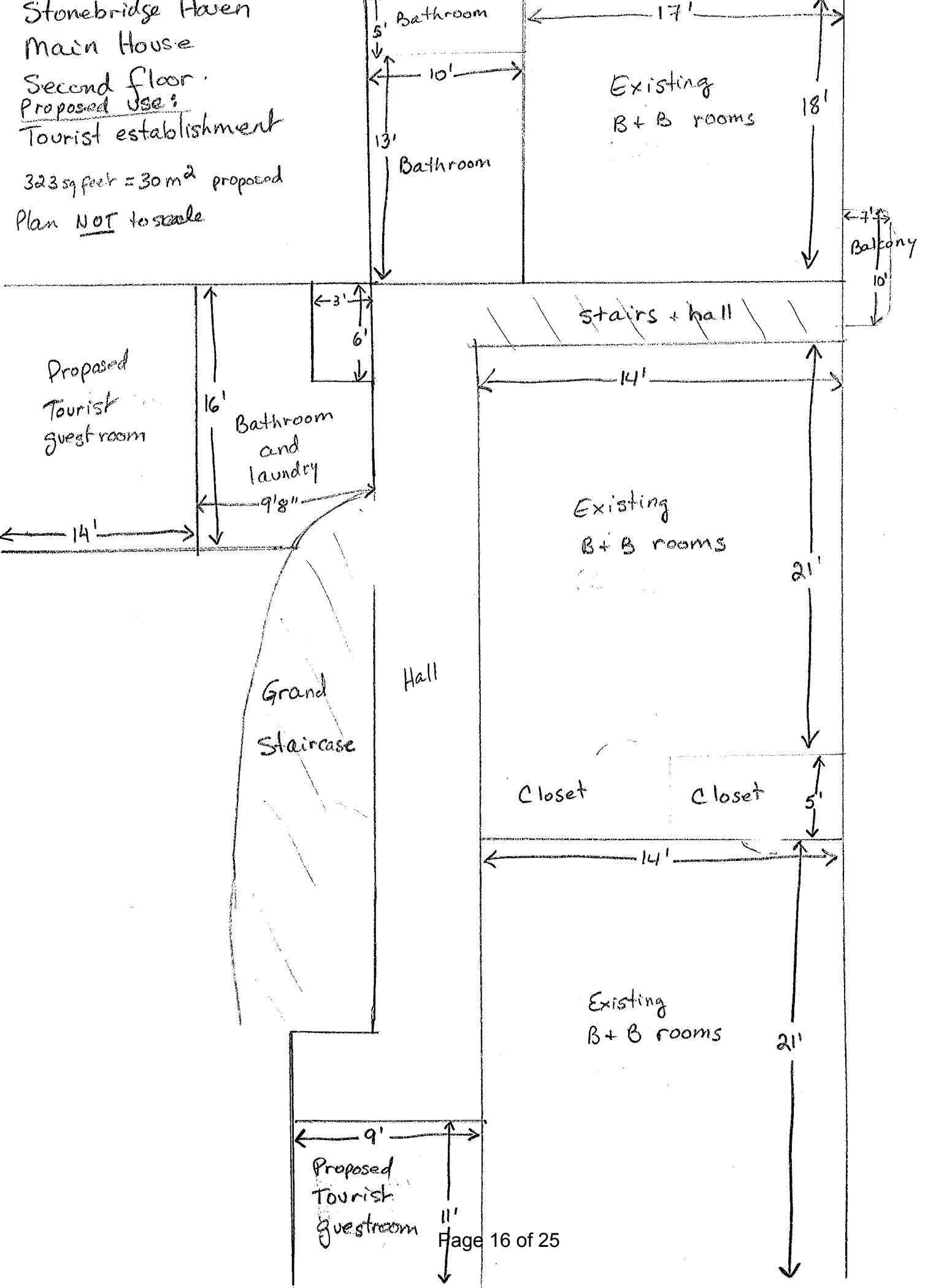
Second floor

Proposed use:

Tourist establishment

323 sq feet = 30 m² proposed

Plan NOT to scale

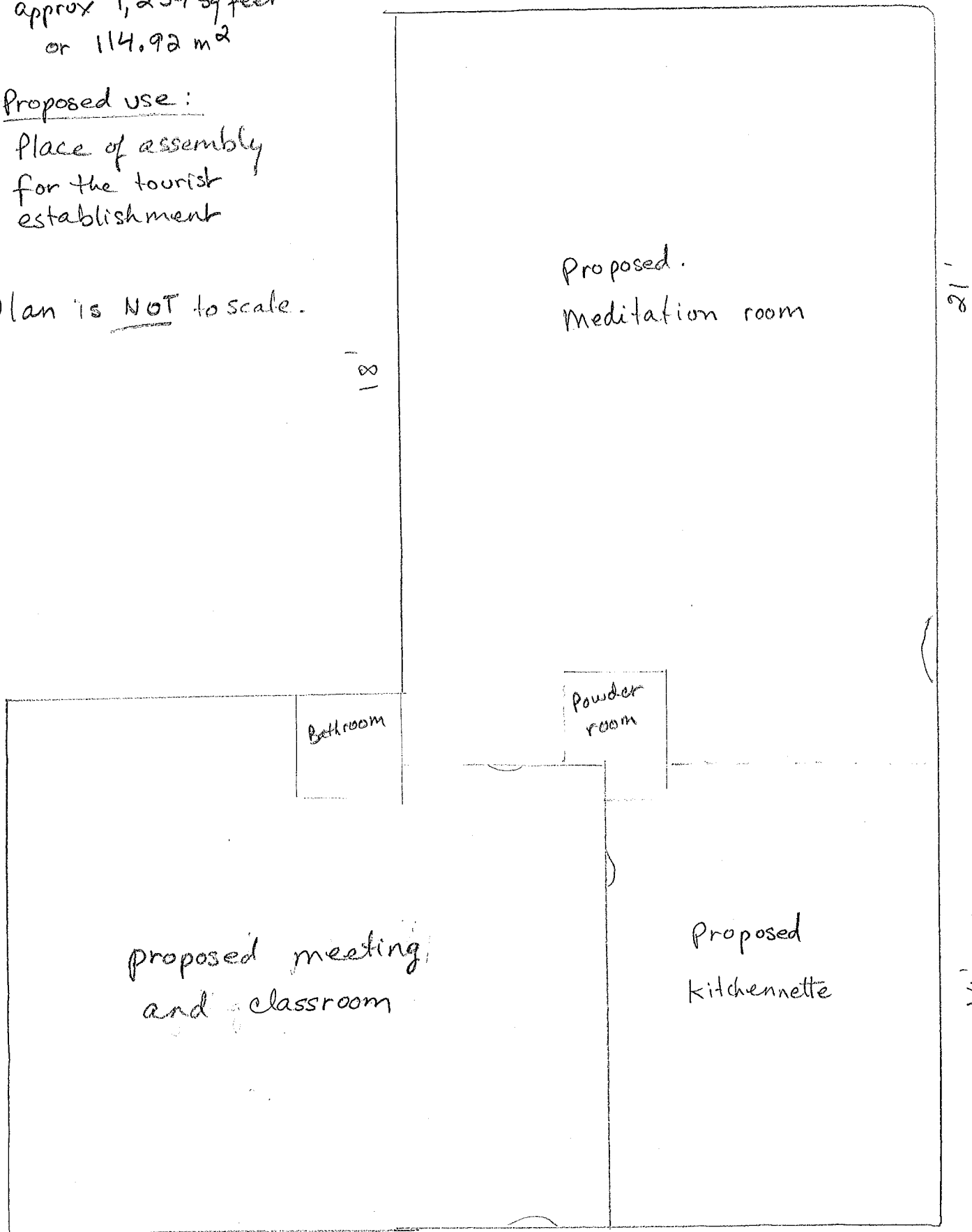


Promise House
STONEBRIDGE HAVEN
approx 1,237 sq feet
or 114.92 m²

Proposed use:

Place of assembly
for the tourist
establishment

Plan is NOT to scale.



THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

PLANNING REPORT

MEETING DATE: Wednesday, November 18th, 20020 at 5:30 p.m.
TO: Committee of Adjustment
FROM: Maggie Yet – Planner 1
SUBJECT: **MINOR VARIANCE APPLICATION A-14-20 (D13-CAD-20)**
Plan 6262, McIntosh Section, Lots E & F
Almonte Ward, Municipality of Mississippi Mills
Municipally known as 77 Little Bridge Street
OWNER/APPLICANT: Paul Cadieux & Catherine Wright-Cadieux

RECOMMENDATION:

THAT the Municipality of Mississippi Mills Committee of Adjustment approves the Minor Variance for the lands legally described as Plan 6262, McIntosh Section, Lots E & F, Almonte Ward, Municipality of Mississippi Mills, municipally known as 77 Little Bridge Street, to permit the conversion of a ground floor commercial unit to a residential apartment dwelling unit in the C2 Zone with a maximum residential density of 3 units, subject to the following conditions:

- 1. That the Minor Variance are approved based on the plans submitted;**
- 2. That no changes to the exterior of the building are required for the proposed residential dwelling unit unless otherwise required by the Ontario Building Code, and**
- 3. That the Owners obtain all required building permits and approvals for the change of use.**

PURPOSE AND EFFECT

The owner/applicant is requesting relief from the maximum density provision of Section 7.3.2 to permit the conversion of a commercial unit to a residential dwelling unit on the ground floor of a non-residential building in the Downtown Commercial (C2) Zone. The maximum density permitted based on the total lot size of 385.5m² (4,150ft²) is 2.81, whereas a maximum density of 3 units is requested. The Minor Variance request is outlined below.

Table 1 – Requested Relief from Zoning By-law #11-83

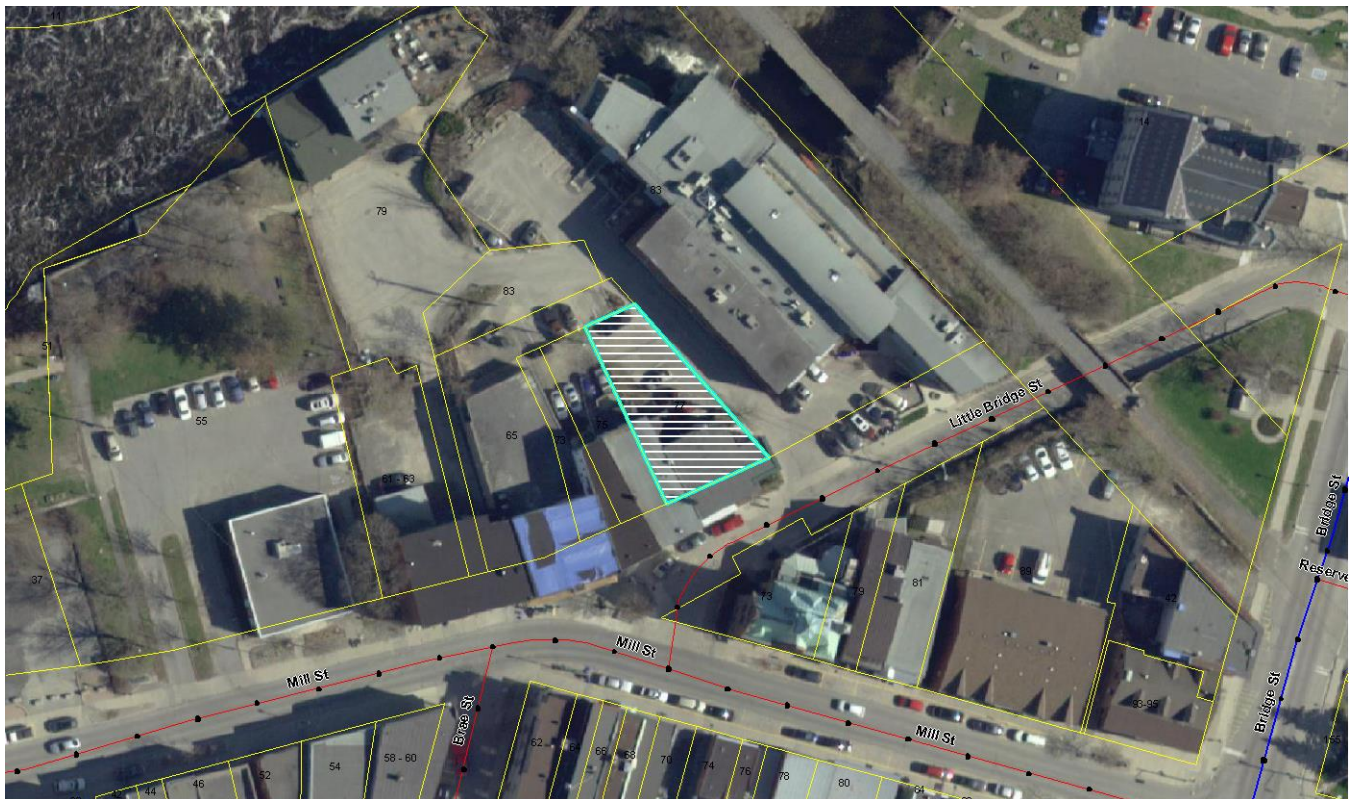
Section	Zoning Provision	By-law Requirement	Requested
7.3.2	Accessory Dwelling Unit Contained Within a Non-Residential Building	The maximum density for residential dwellings in a non-residential building shall be one dwelling unit per 137 m ² (1475 ft ²)	Permit a maximum density of 3 units where 2.81 is permitted based on a total lot size of 385.5m ² (4,150ft ²)

		when on full municipal services and 200 m ² (2153 ft ²) when on partial or private services.	
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DESCRIPTION OF SUBJECT LANDS

The subject property is located on Little Bridge Street in Almonte Ward within the Downtown Commercial zone. The entire property is ±385.5m² (4,150ft²) in size with frontage of ±17.4m (57.0ft). The property is presently occupied by a non-residential building with three ground floor commercial units and two residential dwelling units in the upper storey of the building. A sketch of the ground floor is included in Schedule A. The property is generally surrounded by commercial and accessory residential and medium density residential uses. The location of the subject property is depicted in the following aerial photo:

Figure 1 – Aerial Photo of Property (2014)



SERVICING & INFRASTRUCTURE

The subject property is serviced by municipal water and sewage. Municipal infrastructure demands would not change as a result of the application.

Parking on the property is located to the rear of the building and accessed by an easement over 83 Little Bridge Street (Thoburn Mills). The applicant has indicated that one parking spot

will be provided for the proposed dwelling unit which meets the minimum requirement of one parking space (rounded up from 0.5 spaces) per dwelling unit within a building containing other uses.

COMMENTS FROM CIRCULATION OF THE APPLICATION

COMMENTS FROM INTERNAL CIRCULATION

Comments received based on the circulation of this application have been summarized below:

CAO: No comments received.

Acting Clerk: No comments received.

CBO: The Building Department would recommend that a condition of approval of the minor variance is that the applicant obtain a building permit (change of use or otherwise) from the Chief Building Official.

Fire Chief: No comments received.

Acting Director of Roads and Public Works: Based on the existing configuration Public Works does not object at this time. Please reconsult if there is any change in the information provided.

Recreation Coordinator: No concerns.

Councillor Guerard requested confirmation of the required number of parking spaces and the available parking on site. The applicant has confirmed that one off-street parking space is available for the proposed residential dwelling unit, which would meet the requirement for one spot (rounded up from 0.5 per dwelling unit in a building with other uses).

COMMENTS FROM EXTERNAL AGENCIES

Mississippi Valley Conservation Authority (MVCA): A cursory review of the above noted application revealed no issues with regard to Mississippi Valley Conservation Authority's plan input and review program. We have therefore screened this application out of our formal review process.

COMMENTS FROM THE PUBLIC

No comments were received from the public at the date this report was finalized.

EVALUATION

FOUR TESTS

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to grant relief from the requirements of a municipal zoning by-law. In properly evaluating such requests, the Committee needs to be satisfied that the proposal meets the four (4) tests set out in the *Planning Act*. Staff comments concerning the application of the four (4) tests to this Minor Variance request are as follows:

1. Does the proposal maintain the intent of the Official Plan?

The subject property is designated 'Downtown Commercial' in the Municipality's Community Official Plan (COP). The intent of the Downtown Commercial designation is to promote and preserve the uniqueness and vibrancy of the established downtown commercial areas in Almonte and Pakenham Village. Downtown Commercial policies within the COP encourages a mix of commercial, residential and institutional uses for a people-oriented and vibrant downtown core. Residential uses accessory to a primary commercial use are permitted within the Downtown Commercial designation.

The following provides an analysis of the proposed variances against the relevant Downtown Commercial policies of the COP:

3.7.2.1 Permitted Uses

On lands designated as "Downtown Commercial" permitted uses shall serve the whole of the Municipality's market area. Such uses include:

- ii) residential uses, in the form of apartments above or behind the principal commercial use of the building, and providing that residential uses on the ground floor do not exceed 50% of the total gross floor area of the ground floor;

3.7.2.2 Downtown Commercial Policies

1. The Plan shall provide for commercial and accessory residential intensification and infilling within the lands designated Downtown Commercial as a means of creating a compact downtown commercial core.

The intent of the policy 3.7.3.1(ii) requiring apartments in upper storeys and to the rear of commercial uses is to ensure that the streetscape of commercial and retail storefronts is maintained and visually uninterrupted by other uses, enhancing the commercial nature of the street. The proposed dwelling unit would be located in an existing commercial unit with frontage along Little Bridge Street. Given the existing configuration of the commercial units on the ground floor, locating the residential unit behind the commercial use of the building is not proposed.

Interior renovations to convert the commercial unit into a residential dwelling unit are not expected to create any changes to the exterior façade of the building. Additionally, the commercial unit has primarily been used as an office and does not have a retail storefront or contain significant signage indicating the commercial use. Provided that exterior changes to the existing façade are not required as part of the conversion, the residential use would continue to maintain the existing streetscape on Little Bridge Street and would not detract from the commercial nature of the street. The ground floor of the building will otherwise maintain 50% for commercial uses.

The proposed conversion would also meet policy 3.7.2.2.1 for residential intensification in the downtown commercial zone to facilitate a compact downtown commercial core.

Given the above analysis, Staff is of the opinion that the requested variance maintains the general intent of the COP.

2. Does the proposal maintain the intent of the Zoning By-law?

The subject lands are zoned "Downtown Commercial (C2)" in Comprehensive Zoning By-law #11-83. C2 uses are inclusive of a range of uses, including commercial, residential and institutional uses and mixed-use buildings. The intent of the C2 Zone is to encourage compact and mixed-use pedestrian-oriented development, and to impose development standards that promotes intensification and compatible and complementary development that maintains street continuity, scale and character of the area. The owner/applicant is requesting permission

convert an existing commercial unit to a residential dwelling unit with a maximum density of 3 units where 2.81 units is otherwise permitted under Section 7.3.2 of the Zoning By-law.

The C2 zone permits dwelling units in accordance with Section 7.3.2 as follows:

7.3.2 Accessory Dwelling Unit Contained Within A Non-Residential Building

No person shall use any part of a non-residential building as an accessory dwelling unit except in accordance with the following provisions:

- a) Minimum setbacks and yards shall be provided in accordance with the minimum setback and yard provisions for the non-residential building or structure in which the dwelling unit is located.
- b) The minimum dwelling unit area shall be 46 m² (495 ft²) plus 9.5 m² (102 ft²) for each bedroom.
- c) The minimum landscaped open space shall be 15 m² (161 ft²) per dwelling unit.
- d) The minimum landscaped open space provision shall not apply to dwelling units in a portion of a non-residential building provided that all dwelling units have access to a private balcony or to an open roof deck with an area of not less than 5 m² (53 ft²) per unit.
- e) The maximum density for residential dwellings in a non-residential building shall be one dwelling unit per 137 m² (1475 ft²) when on full municipal services and 200 m² (2153 ft²) when on partial or private services.

The intent of the provisions of Section 7.3.2 is to ensure that there is sufficient space on a property to accommodate accessory residential uses and to minimize potential negative impacts and land use conflicts on the non-residential use and adjacent properties. Given that a density of 2.81 is permitted on the subject property based on a total property size of 385.5m², the proposed increase in density to 3 units is minor and generally maintains the intent of the density provision. The applicant has indicated the front veranda will be reserved for use by the residential tenant as per Section 7.3.2(d). The proposal meets all other provisions of Section 7.3.2.

Section 9 of the Zoning By-law dictates minimum parking space rates:

TABLE 9.2 – MINIMUM PARKING SPACE RATES

I LAND USE	Minimum Number of Parking Spaces Required
	II Almonte
Uses Related – Residential	
Converted dwelling, Dwelling Units, in the same building with other uses	0.5 per dwelling unit

The minimum required parking space is 0.5 per dwelling unit for dwelling units in the same building with other uses, rounded up for a total of 1 required parking space. The applicant has indicated that five (5) off-street parking spaces are available at the rear of the subject property and that one (1) parking space is available for the proposed residential dwelling unit. As such, the proposal meets the minimum parking space requirements as per Section 9 of the Zoning By-law.

Given the above, Staff is of the opinion the requested relief maintains the general intent of Zoning By-law #11-83.

3. Is the proposal desirable for the appropriate development of the lands in question?

The proposed variance would permit the conversion of a commercial unit into an accessory residential dwelling unit. While the proposed dwelling unit would remove a commercial unit from the building and from the greater downtown commercial area, the ground floor of the building will maintain a minimum of 50% floor space for commercial use and provides flexibility for the owners to provide a commercial or residential unit based on market demand. The addition of the proposed residential dwelling unit is considered to be appropriate intensification and generally consistent with the permitted density for accessory residential uses. As such, conversion of the commercial unit to an accessory residential dwelling unit is considered an appropriate and logical form of development.

4. Is the proposal minor?

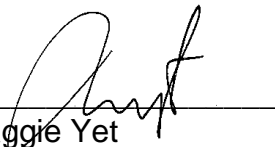
The proposal would permit a third residential dwelling unit in a non-residential building in the C2 zone, where a maximum density of 2.81 is otherwise permitted. Analysis of the proposal has concluded that the proposal is unlikely to present adverse impacts on the adjacent properties or visual or character impacts on the commercial streetscape. As such, Staff consider the qualitative value of the requested reliefs to be minor in nature.

CONCLUSION

Overall, Staff supports the Minor Variance application. The variances would allow the owners to maximize the use and enjoyment of their property with no foreseeable impacts to any other stakeholders. Staff believes that Minor Variance Application A-14-20 meets the four (4) tests for evaluating a Minor Variance as established under the *Planning Act*. Planning Staff therefore recommends that the Minor Variance be granted, provided the Committee is satisfied that any issues raised at the public hearing do not require additional Staff evaluation and comment, the submission of additional information, or the application of conditions other than as follows:

- 1. That the Minor Variance are approved based on the plans submitted;**
- 2. That no changes to the exterior of the building are required for the proposed residential dwelling unit unless otherwise required by the Ontario Building Code, and**
- 3. That the Owners obtain all required building permits and approvals for the change of use.**

All of which is respectfully submitted by,

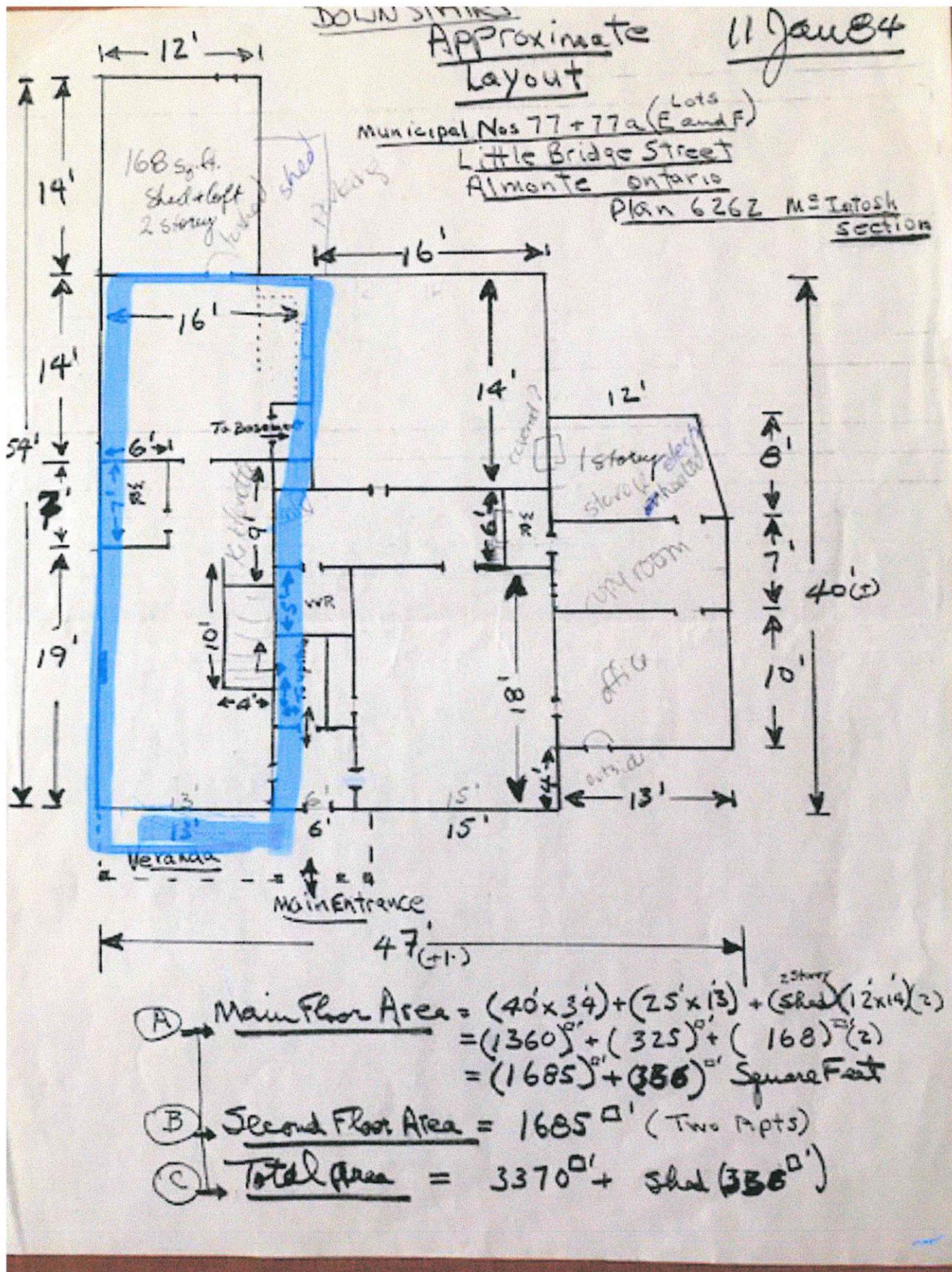


Maggie Yet
Planner 1

ATTACHMENTS:

SCHEDULE A – Ground Floor Plan
SCHEDULE B – Site Photo

Schedule A Ground Floor Plan



Schedule B Site Photos

Front of building



Parking at rear of building

