



Municipality of Mississippi Mills

COMMITTEE OF ADJUSTMENT AND PROPERTY STANDARDS AGENDA

Wednesday, May 19, 2021

6:00 p.m.

E-participation

	Pages
A. CALL TO ORDER	
B. DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF	
C. APPROVAL OF AGENDA	
D. APPROVAL OF MINUTES	2 - 3
E. REPORTS	
E.1. Minor Variance Application A-01-21	4 - 24
The applicant is seeking relief from Section 6.24(2) of Zoning By-law #11-83 in order to permit the construction of a detached dwelling a minimum of 20.0 m from the highwater mark whereas the By-law requires a minimum 30.0 m setback from the highwater mark.	
E.2. Minor Variance Application A-02-21	25 - 51
The applicant is requesting relief from the provisions of Sections 3.2.4, 6.25(1), 8.16(2) and 8.16(5) of Zoning By-Law #11-83 to permit a Secondary Dwelling Unit over an existing garage that is separate and ancillary to the primary (existing) dwelling.	
E.3. Minor Variance Application A-03-21	52 - 90
The applicant is requesting relief from the provisions of Sections 3.2.4, 6.25(1), 8.16(2), 8.16(5) and 12.2 of Zoning By-Law #11-83 to permit a stand-alone Secondary Dwelling Unit (Additional Residential Unit) containing a new garage that is ancillary to the primary (existing dwelling)	
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

March 17, 2021

4:30 p.m.

E-participation

Committee Present: Stacey Blair
Connie Bielby
Patricia McCann-MacMillan

Staff Present: Maggie Yet, Planner I

A. CALL TO ORDER

The meeting was called to order at 4:38 pm.

B. DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF

None

C. APPROVAL OF AGENDA

Maggie Yet, Planner I, announced the applicant has requested the application be put on hold and the public hearing deferred to a later date. Item E.1 Minor Variance Application A-01-21 is removed from the agenda.

THAT the agenda be approved as amended.

CARRIED

D. APPROVAL OF MINUTES

Moved by Stacey Blair

Seconded by Connie Bielby

THAT the minutes dated December 16, 2020, be approved.

E. REPORTS

E.1 Minor Variance Application A-01-21

Item deferred to a later date.

F. OTHER / NEW BUSINESS

None

G. MEETING ANNOUNCEMENTS

Next meeting to be determined.

H. ADJOURNMENT

Moved by Patricia McCann-MacMillan

Seconded by Stacey Blair

THAT the meeting be adjourned at 4:41 pm.

Maggie Yet, Planner I,
Recording Secretary

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

PLANNING REPORT

MEETING DATE: Wednesday, May 19th, 2021 @ 6:00 p.m.

TO: Committee of Adjustment

FROM: Marc Rivet – Acting Director of Planning

SUBJECT: **MINOR VARIANCE APPLICATION A-01-21 (D13-MCLE-21)**
Part Lot 5, Plan 3625
Almonte Ward, Municipality of Mississippi Mills
Municipally known as 172 Spring Street

OWNER(S): Craig McLellan and Dianne Davey

APPLICANT/AGENT: Tracy Zander (ZanderPlan Inc.)

RECOMMENDATION:

THAT the Municipality of Mississippi Mills Committee of Adjustment approve the Minor Variance for the lands legally described as Part Lot 5, Plan 3625, Almonte Ward, Municipality of Mississippi Mills, municipally known 172 Spring Street, to reduce the minimum watercourse and waterbodies setback requirement from 30m from the high water mark to 20.0m, subject to the following conditions:

- 1. That the Minor Variance is approved based on the plans submitted;**
- 2. That the Owners obtain all required building permits;**
- 3. That the Owners obtain Site Plan approval for the proposed development;**
- 4. That the Owner provide a Scoped Environmental Impact Assessment demonstrating no negative impacts and that the proposed mitigation measures be incorporated into the Site Plan;**
- 5. That the Owner provide a Landscape Plan consisting of riparian vegetation within 15 metres of the natural high-water line (exception for the permitted shoreline access area permitted in the Zoning By-law).**
- 6. That the Owners obtain all required permits from the Mississippi Valley Conservation Authority (MVCA).**

PURPOSE AND EFFECT

The applicant is requesting relief from the minimum setback requirement from watercourses and waterbodies from 30m from the high-water mark to 20.0m to permit the construction of a new dwelling within the Residential First Density (R1) Zone. The Minor Variance request is outlined below.

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

Section	Zoning Provision	By-law Requirement	Requested
6.24(2)	Setbacks from Watercourses and Waterbodies	Except for flood or erosion control works, or a public bridge or a marine facility, development shall be setback a minimum of 30m from the high water mark or 15m from the flood line, whichever is greater.	Except for flood or erosion control works, or a public bridge or a marine facility, development shall be setback a minimum of <u>20.0m</u> from the high water mark.

The subject property abuts the Mississippi River and is partially defined within the “Flood Plain” designation which corresponds with the “Environmental Hazard (EH)” Zone. The existing dwelling is located entirely within the R1 Zone.

DESCRIPTION OF SUBJECT LANDS

The subject property is located on Spring Street within Almonte Ward. The property is ±1,154.2m² (0.29ac) in size with a frontage of ±21.3m (70ft). The property is presently occupied by a non-complying detached dwelling. The requested relief would permit the demolition of the existing dwelling and construction of a new single detached dwelling on the subject lands. The property is generally surrounded by low 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 municipal water and sewer services and has driveway access from Spring Street, a municipally owned and maintained road. The municipal servicing and infrastructure 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 concerns.

Public Health Official and CBO: No objections.

Building Department: No objections.

Fire Chief: No objections.

Acting Director of Roads and Public Works: Requested confirmation of MVCA review of the slope stability report.

Recreation Coordinator: No concerns.

COMMENTS FROM EXTERNAL AGENCIES

Mississippi Valley Conservation Authority (MVCA): Comments are included in Schedule B. Comments received from MVCA indicate no concerns regarding the erosion stability hazard, however "MVCA does not generally support additional footprint that further reduces an already substandard setback along the majority of the dwelling, particularly in the case of re-development where there is more opportunity to comply."

Algonquins of Ontario Consultation Office

No comments received.

COMMENTS FROM THE PUBLIC

Comments were received from Ms. Sharon Pottle from 178 Spring Street who stated she had no complaints to the proposed application. No further comments were received from the public.

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 'Residential' and 'Flood Plain' in the Municipality's Community Official Plan (COP). Figure 2 depicts the COP designations of the subject property:

Figure 2 – COP Designations



The Residential designation permits residential dwellings and accessory uses in accordance with the Residential policies of the COP. The Flood Plain designation identifies watersheds within the jurisdiction of the Mississippi Valley Conservation Authority. The Floodplain designation permits existing development within the floodplain. Policy 3.1.3.1.3.1 provides the following policy:

3.1.3.1.3.1. Development shall be located outside of the flood plain or 30 metres from the highwater mark, whichever is greater. The Zoning By-law shall contain specific flood plain setbacks.

The proposed dwelling would be located outside of the flood plain but would not meet the 30m distance from the high-water mark. However, the policy delegates specific setback requirements to the Zoning By-law, which is the appropriate tool for measuring and regulating setback requirements.

The Community Official Plan also recognizes this water course as fish habitat. In accordance with policy 3.1.4.5.3 Development and site alteration shall be setback a minimum of 30 metres from fish habitat. Decreases to the 30 metre setback shall only take place where it has been demonstrated through an Environmental Impact Study that there shall be no net negative impact on the fish habitat. Near-shore or in-water development, such as docks, water access points and swimming areas shall be carefully assessed through the appropriate review process. Decreases to the 30 metre setback from fish habitat shall only take place through a Planning Act approval. Decreases shall only be considered when there is no other practical alternative for development of the land.

In order to protect vegetation cover, policy 3.1.4.4.1.5 requires the retention and/or establishment of mature tree cover and native shrubs and vegetative cover within 15 metres of a highwater mark of a water resource in order to protect the riparian and littoral zones and

associated habitat, prevent erosion, siltation and nutrient migration, maintain shoreline character and appearance, and minimize the visual impact of development. Notwithstanding the 15 metre vegetative buffer, a water access area of a maximum of 9 metres in width may be permitted provided the natural shoreline is disturbed as little as possible and the balance of the waterfront outside of the access area is maintained in a natural state. Within the natural vegetative buffer, the pruning of trees for viewing purposes or the removal of trees for safety reasons may be permitted provided the intent of the policy is maintained. All other policies and approvals for work near water resources shall apply.

Given the above, Staff is of the opinion the requested variance conforms to the general intent and purpose of the COP.

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

The subject property is zoned “Residential First Density (R1)” and “Environmental Hazard (EH)” by the Municipality’s Comprehensive Zoning By-law #11-83. The R1 Zone permits a detached dwelling with specific provisions in relation to front, interior side, exterior side, and rear yard setbacks. The purpose of the EH Zone is to allow uses that are safe and that assist in the protection of the environmental attributes of these lands while protecting humans from hazards and constraints that may occur due to the natural environment. Consequently, the EH Zone does not permit habitable uses such as a detached dwelling.

The existing dwelling is located entirely within the R1 Zone. The applicant is applying to reduce the minimum required setback from watercourses and waterbodies from 30m to 20.0m to permit the replacement of an existing non-complying dwelling. A section of the existing dwelling has a minimum setback of 20m from the waterbody which the proposed dwelling will maintain. The minor variance is also subject to plans as submitted illustrating the proposed footprint.

The 15-metre riparian area will be protected, and a condition of this minor variance is a landscape plan to enhance the riparian area.

Given that the proposed dwelling would maintain the existing waterbody setback and would maintain and enhance riparian vegetation, Staff is of the opinion that the Minor Variance in question maintains the intent of the Zoning By-law #11-83.

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

Comments from MVCA indicated no objection to the findings of the geotechnical investigation regarding the slope stability on the site, however, did note that MVCA is generally not supportive of the additional footprint proposed on the waterside of the subject lands.

The proposed redevelopment would permit the construction of an energy efficient dwelling in accordance with current building codes and standards. The requirement for a Scoped Environmental Impact Study is to confirm no negative impacts and will include a landscape plan to improve the riparian area which will be desirable as it will improve the vegetation cover having many environmental benefits.

4. Is the proposal minor?

The proposed variance to the minimum high water mark setback would reduce the requirement from 30m (98ft) to 20.0m (65.6ft), resulting in a requested relief of 10.0m (32.8ft). MVCA comments indicate that the requested relief would maintain the existing setback from the highwater mark when compared from the existing setback measured to a protrusion of the dwelling and the proposed setback measured to a slightly enlarged protrusion. The additional footprint on the waterside would be approximately 25m to the highwater line.

The minor variance will allow for the replacement of a dwelling located at a similar setback to abutting dwellings.

From a quantitative standpoint, staff do not consider the request significant. Certain features are permitted projections within the 30-metre setback in accordance with the Zoning By-law (i.e. window wells, at grade patio). The 15-metre riparian area will be maintained and enhanced.

CONCLUSION

Given the above, Staff supports the Minor Variance application. Staff believes that Minor Variance Application A-01-21 meets the four (4) tests for evaluating a Minor Variance as established under the *Planning Act*.

Staff recommends the following conditions should the requested relief be granted:

1. **That the Minor Variance is approved based on the plans submitted.**
2. **That the Owners obtain all required building permits.**
3. **That the Owners obtain Site Plan approval for the proposed development.**
4. **That the Owner provide a Scoped Environmental Impact Assessment demonstrating no negative impacts and that the proposed mitigation measures be incorporated into the Site Plan.**
5. **That the Owner provide a Landscape Plan consisting of riparian vegetation within 15 metres of the natural high-water line (exception for the permitted shoreline access area permitted in the Zoning By-law).**
6. **That the Owners obtain all required permits from the Mississippi Valley Conservation Authority (MVCA).**

All of which is respectfully submitted by,



Marc Rivet, MCIP, RPP
Acting Director of Planning

ATTACHMENTS:

1. MVCA Comments
2. Planning Justification Report from ZanderPlan Inc.
3. Site Plan and Elevation Drawings, Revised



20-MM-MV; P MMMV-123

February 12, 2021

Maggie Yet
Town of Mississippi Mills
3131 Old Perth Road
R.R. #2 P.O. Box 400
Almonte, ON K0A 1A0

Dear Ms. Yet:

**Re: Minor Variance Application (A-01-21)
Part Lot 2, Concession 9, Town of Mississippi Mills (Ramsay)
172 Spring St
McLellan & Davey**

Mississippi Valley Conservation Authority (MVCA) has been circulated the above noted application to conduct a review in terms of MVCA Regulations and Provincial Planning Policy for Natural Heritage and Natural Hazard issues. Specifically, the purpose of this review is to assess potential impacts of the proposed development on known natural heritage features on and adjacent to the subject property. These features could include wetlands, wildlife habitat and areas of natural and scientific interest. This review also includes an evaluation of the subject property for natural hazards such as unstable slopes and areas prone to flooding and erosion.

PROPOSAL

According to the information provided, the purpose of the subject application is to obtain *relief from the minimum setback requirement from watercourses from 30 m to 20.0 m to permit the replacement of an existing dwelling on the property.*

Additional details:

- Existing waterbody setback (measured to the majority of the dwelling): 25 m*
- Proposed waterbody setback (measured to the majority of the dwelling): 21.4–23.6 m*
- Existing waterbody setback (measured to a protrusion of the dwelling): 20 m
- Proposed waterbody setback (measured to slightly enlarged protrusion): 20 m
- Existing footprint (including decking): 1651 sq. ft.
- Proposed footprint (including decking): 2611 sq. ft.
- Additional footprint proposed on waterside: 392 sq. ft.

*measured from the *Site Plan* provided in the *Slope Stability Assessment*

PROPERTY CHARACTERISTICS

According to a review of GIS mapping and aerial imagery, the subject property has frontage on the Mississippi River which is a warm water fishery providing habitat for species such as walleye, northern pike and bass as well as a variety of non-sport and forage fish. A portion of the subject property is within the 1:100-year flood plain; however, the proposed dwelling is outside of this area. In addition, the property consists of a slope that descends to the river. MVCA mapping indicates that this slope is a potential *erosion hazard* due to its height and steepness. The proposed dwelling is largely located within this area of concern.

REVIEW

Natural Heritage Features:

Waterbody

MVCA reviews waterbody setback requirements in accordance with the Provincial Policy Statement (PPS). Guidelines prepared in support of the PPS indicate that development shall not be permitted within 30 m of fish habitat unless it has been determined that there will be no negative impacts to this natural heritage feature. The recommended 30 m setback distance for waterfront development is intended to protect the lake environment from the effects of increased nutrients from overland runoff and allow room for a natural vegetation buffer. The natural vegetation buffer prevents shoreline erosion, excess warming of shallow waters and provides wildlife and aquatic habitat. The Town of Mississippi Mills' Zoning By-law also requires a 30 m setback from water.

In consideration of the PPS, and the necessity to limit the potential cumulative impact of development and pervious (hard) surfaces within the nearshore area, MVCA recommends the following for development within the waterbody setback:

- New development should not result in a further encroachment towards the waterbody compared to the existing;
- any increase in footprint should be limited in size; and
- the waterbody setback should be maximized to the greatest extent feasible towards the minimum requirement i.e. reasonable alternatives should be considered to achieve this.

In reference to the above, the subject proposal results in the following:

- An additional footprint of 392 sq. ft is proposed to be added to the waterside of the dwelling, compared to the existing dwelling. While the setback of the closest point (i.e. protrusion) of the dwelling is not changing from 20 m, the setback of the majority of the dwelling is being reduced from 25 m to a range of 21.4 – 23.6 m (see *Additional details* above);
- In an effort to achieve a net environmental gain, and to reduce the encroachment on the waterside of the proposed dwelling, we suggest that alternatives be considered (see *Recommendations* below).

Natural Hazards

Flood Plain

A portion of the subject property is within the 1:100 year flood plain; however, the proposed development is located well beyond this regulated area. Therefore, the flood plain is not considered a constraint to the subject application.

Slope

It is provincial policy that: *Development shall generally be directed to areas outside of hazardous lands adjacent to a stream and small inland lake systems which are impacted by flooding and/or erosion hazards* (Provincial Policy Statement, Section 3.1.1.b). *Erosion hazards* include slopes which have the potential for slope instability due to their steepness and height. Slopes that exceed 3 m in height and a 3:1 slope angle fall under the definition of a potential *erosion hazard*.

MVCA mapping indicates that the slope on the subject property falls under the definition of an *erosion hazard*. In order to ensure that the proposed development could safely proceed without impacting slope stability, a geotechnical investigation (*Slope Stability Assessment 172 Spring Street Almonte, Ontario* (GEMTEC Consulting Engineers and Scientists, December 18, 2020)) was conducted on the subject property. The investigation concluded that *the proposed new dwelling will not negatively impact the stability of the slope ...*

RECOMMENDATIONS

MVCA is satisfied with the findings of the geotechnical investigation, in terms of slope stability. However, with respect to the waterbody setback, MVCA does not generally support additional footprint that further reduces an already substandard setback along the majority of the dwelling, particularly in the case of re-development where there is more opportunity to comply. Therefore, with the objective of achieving a net environmental gain, we recommend consideration to the following alternatives which were previously discussed during the pre-consultation stage:

- Eliminate all proposed footprint that extends beyond the line of the “existing patio”. This would reduce some of the new footprint, while also improving the waterbody setback compared to the protrusion of the existing dwelling. The net increase, on the waterside, would be reduced to 133 sq.ft. or
- Consider a second storey.

We also recommend the use of permeable pavers on the proposed patio area.

NOTES

The applicant should be advised that, pursuant to Ontario Regulation 153/06 – Development, Interference with Wetlands and Alterations to Shorelines and Watercourses”, a **permit is required from MVCA** for the subject work. Written permission is also required from MVCA prior to the initiation of any potential future construction or filling activity (which includes excavations, stockpiling and site grading) within the Erosion Hazard, flood plain or Regulation Limit, or for alterations to the

shoreline of the river.

We advise consultation with Fisheries and Oceans Canada (DFO) <http://www.dfo-mpo.gc.ca/pnw-ppe/fpp-ppp/review-revue-eng.html> prior to conducting any work within the river, in order to assess potential impacts to fish habitat. Authorization from DFO may be required for such work.

A review for Species at Risk was not conducted. We suggest contacting the Ministry of the Environment, Conservation and Parks should you require a review in this regard.

Should any questions arise please do not hesitate to call. Please advise us of the Committee's decision in this matter.

Yours truly,

A handwritten signature in cursive script that reads "Diane Reid".

Diane Reid
Environmental Planner

May 5, 2021

Municipality of Mississippi Mills
3131 Old Perth Road
Box 400
Almonte, ON K0A 1A0

To Whom it May Concern:

RE: Minor Variance application A-01-21 (D13-MCLE-21)
Part Lot 5, Plan 3625
172 Spring Street
Craig McLellan and Dianne Davey

ZanderPlan has been retained to assist with a Minor Variance application for the property located at 172 Spring Street in the Ward of Almonte, Municipality of Mississippi Mills. The purpose of the application is to permit a reduction in the required water setback from 30 metres to 20 metres, to allow for the replacement of the existing dwelling with a new, single detached dwelling. The application was filed to the municipality in December of 2020, and a public meeting was originally scheduled for March 17, 2021. The application was deferred pending resolution of comments with the Mississippi Valley Conservation Authority.

SUBJECT PROPERTY

The subject property is located at 172 Spring Street in the Ward of Almonte, on the northeast side of the Mississippi River, as shown in Figure 1 below.

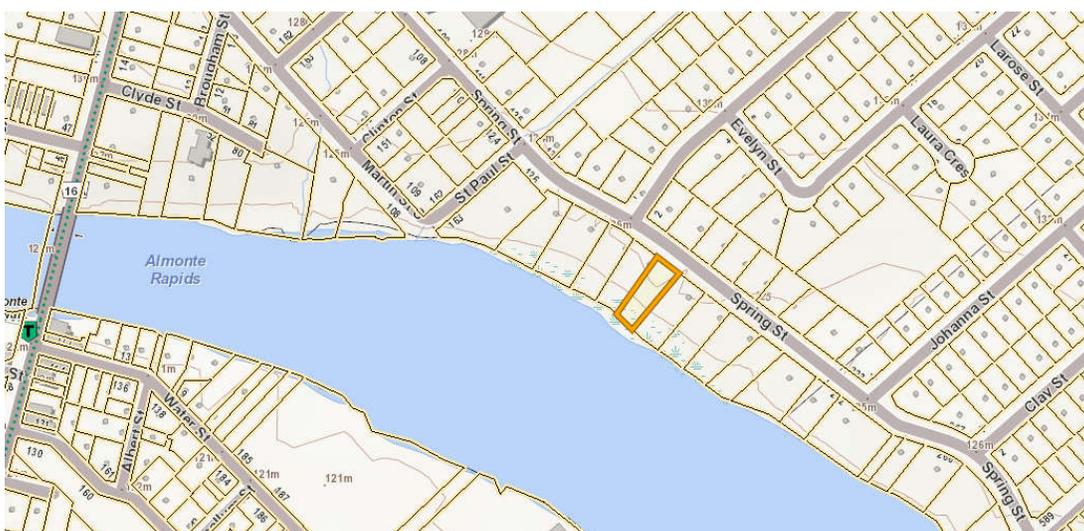


Figure 1: Location of Subject Property (Source: AgMaps)

The property is approximately 931 m² in area, with approximately 22 metres of frontage on Spring Street. It includes an existing, one-storey, single detached dwelling which was constructed in the 1950s and which is connected to municipal sanitary and water services. The existing dwelling is located more than 10 metres from Spring Street, and approximately 23 metres from the high water mark of the River. The property includes a modest slope on the water side which is heavily vegetated. A slope assessment has been completed to support the Minor Variance application and no associated concerns have been raised.

The subject property is located in an area characterized almost exclusively by single detached dwellings on lots of similar size. The property to the northwest was redeveloped in recent years with a large, two-storey dwelling, while the property on the east side contains a single storey detached dwelling; similar housing styles are located on the other lots on the same side of Spring Street backing onto the River, and on the opposite side of the street.

MISSISSIPPI MILLS COMMUNITY OFFICIAL PLAN

The subject property falls within the Residential designation in the Community Official Plan (COP), with a small area along the shoreline having a Floodplain designation. The Residential designation permits a wide range of land uses including single detached dwellings. The existing and proposed uses would both be permitted under the COP. The Floodplain policies in the COP require all development to be located outside the Floodplain “or 30 metres from the highwater mark, whichever is greater. The Zoning By-law shall contain specific floodplain setbacks.” (Section 3.1.3.1.3.1) It is notable that the existing dwelling on the subject property is already located within 30 metres of the highwater mark, as are almost all of the dwellings on this shore of the River. The Official Plan defers to the Zoning By-law for setbacks to the high water mark, which are addressed in further detail below. Overall, the proposed Minor Variance

ZONING BY-LAW 11-83

The subject property is zoned Residential First Density (R1) under the municipality’s Zoning By-law 11-83, with a small portion along the shoreline falling within the Environmental Hazard (EH) zone consistent with the Floodplain in the Official Plan. The R1 zone permits a range of residential land uses including detached dwellings. The existing and proposed dwellings would be permitted in the R1 zone.

The existing dwelling is located at a setback of approximately 23 metres from the high water mark, which is already less than the required 30 metre setback indicated at Section 6.24(2) of the By-law. The existing dwelling would be recognized as a legal non-complying structure per Section 6.14. The replacement of the existing dwelling with a new structure that is different in size and shape negates the legal non-complying status and therefore a Minor Variance approval

is required for the new structure. It is notable, however, that there is not sufficient room on the lot to accommodate any reasonable dwelling that would fully conform with a 30 metre setback to the high water mark.

The proposed dwelling would be located at a setback to the high water mark of approximately 20 metres, not significantly closer than the existing dwelling. Outdoor living space will be established through a ground-level patio area made of permeable pavers with the balance of the lands between the dwelling and the River being maintained in a natural state. The new dwelling has been located closer to the street than the existing dwelling, at a setback of 6 metres, in order to maximize the setback on the water side. All other zone provisions of the R1 zone will be met on the site.

An exception to Section 6.24(2) of the Zoning By-law is required through this Minor Variance application, to permit a new dwelling to be constructed on the property at a setback to 20 metres, where the By-law requires 30 metres.

MINOR VARIANCE EVALUATION

In considering whether the proposed Minor Variance maintains the intent of the Community Official Plan, it is notable that the property is primarily within the Residential designation where single detached dwellings are permitted; the Floodplain portion of the property will be unaffected by the proposal. As noted above, while a setback to the high water mark of a waterbody is intended to be 30 metres, the Official Plan policies defer to the Zoning By-Law for implementation of that setback. While a portion of the proposed development will be within 30 metres of the waterbody, it will be located within an already disturbed portion of the property where there is existing development, and will not encroach into the 15 metre setback, ensuring that a riparian vegetation area can be retained on the site to protect the River. There are not anticipated to be any negative impacts on the River as a result of the development with this vegetated buffer, and additional plantings can be accommodated through the site plan process if necessary. Overall, the proposed Minor Variance maintains the intent of the Community Official Plan.

With regard to the overall intent of the Zoning By-law, the proposed development is in the R1 zone where single family dwellings are permitted, and all of the development will take place on the part of the property that is in the R1 zone. With the exception of the setback to the high water mark, all other performance standards will be met on the site. The slight reduction in the water setback beyond the existing dwelling would not take away the overall compliance with the zoning policies and the proposal would meet the intent of the By-law.

In considering whether the proposal is minor, it is notable that, while the requested variance is from 30 metres to 20 metres per Section 6.24(2) of the By-law, the actual change in setback between the existing dwelling and the new dwelling will be far less than that and would be considered minor. The resulting single storey dwelling will be minor as there is no anticipated impact on the River, and minor in terms of its overall impact on a neighbourhood that already has single detached dwellings. The proposed dwelling at the proposed water setback will be at a similar proximity to the River as the abutting dwellings on either side, thereby reducing the visual impact and making the proposal minor.

Finally, in considering whether the proposed variance is desirable and appropriate development for the subject lands, the proposed residential dwelling will replace an existing residential dwelling, both of which are permitted and which are fully compatible with surrounding land uses. The minor variance will allow for the replacement dwelling to be located at a similar setback to abutting dwellings, will be located in the area of the site that is already disturbed, and will still allow for a minimum of 15 metres of vegetated riparian area on the water side. The proposal supports an appropriate and desirable use on the subject property.

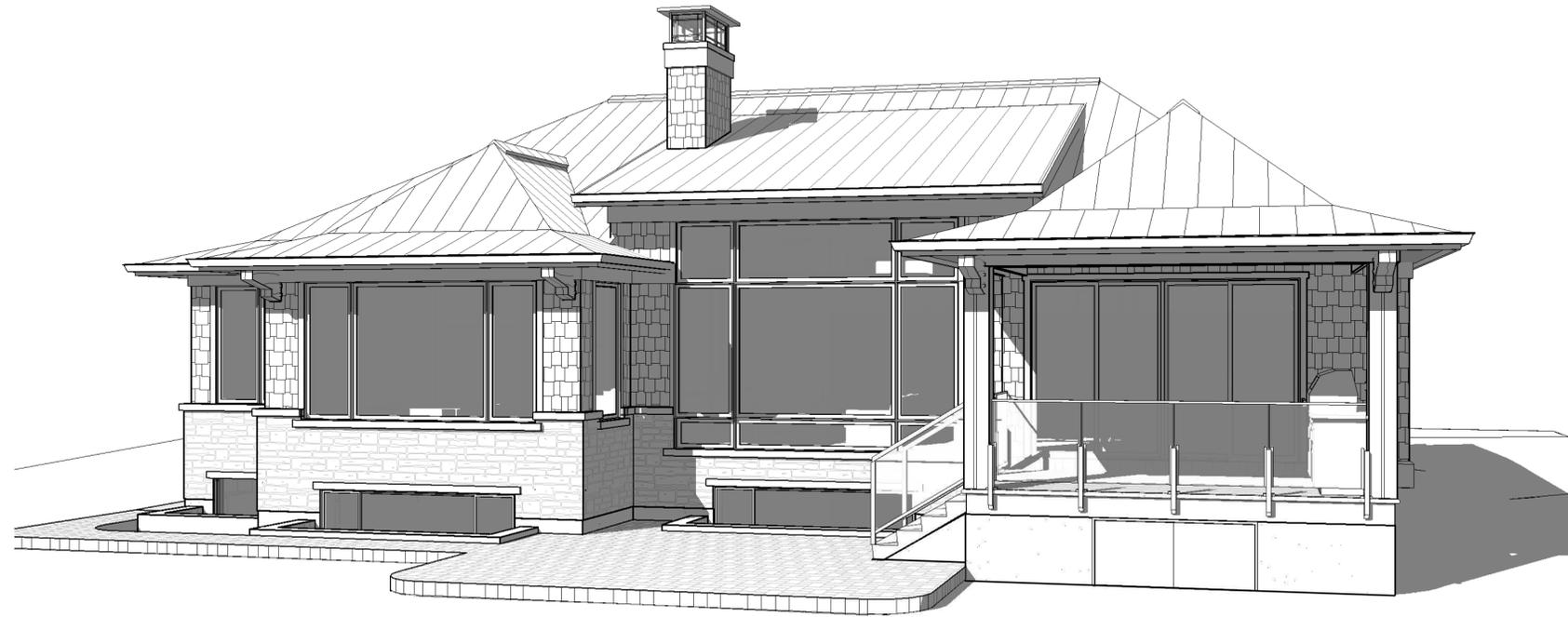
Overall, the proposed Minor Variance to reduce the setback to the high water mark from 30 metres to 20 metres, to permit the replacement of the existing dwelling on the subject property, would meet the four tests of a minor variance, and would be appropriate on this site.

Should you require any additional information, please don't hesitate to contact the undersigned.

All respectfully submitted by:



Tracy Zander, M,PI, MCIP, RPP



1 FRONT PERSPECTIVE
SCALE:

THE DAVEY-McLELLAN RESIDENCE



2 REAR PERSPECTIVE
SCALE:

C. BLANCHARD DESIGN
CUSTOM HOME DESIGN & DRAFTING SERVICES
ALABCA
FIRM B.C.I.N. #115244

Telephone: 1.613.277.4782
ALMONTE, ONTARIO
Email: cblancharddesign@outlook.com

STATUTORY DECLARATION: I, THE DESIGNER, TAKE RESPONSIBILITY FOR THE DESIGN AND CONSTRUCTION OF THIS BUILDING UNDER THE BUILDING CODE TO DESIGN THE WORK SHOWN HEREIN.
CHRIS BLANCHARD BCIN 1448

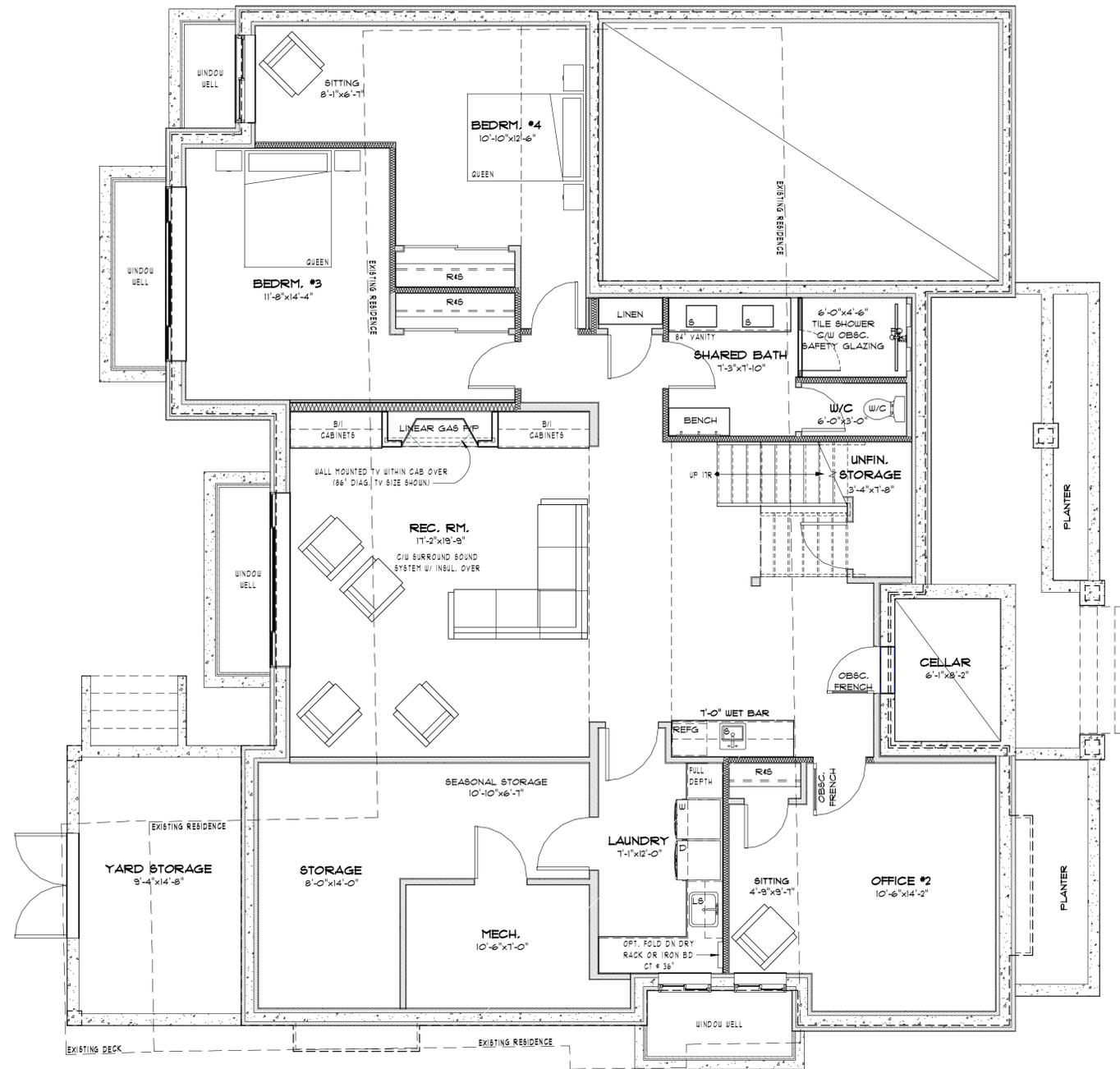
CUSTOM RESIDENCE FOR:
THE DAVEY-McLELLAN RESIDENCE

REVISIONS	DESCRIPTION	DATE
1	PRELIMINARY PLANS	SEPT. 10/20
2	REV. DECK LOCATION	NOV. 10/20
3	FOR TRUCK ENTRANCE	DEC. 10/20

LEGAL / CIVIC ADDRESS:
172 SPRING STREET,
ALMONTE, ONTARIO

DATE ISSUED: DEC. 16, 2020
DESIGNED BY: CB
DRAWN BY: CB
SCALE:
JOB NO: 03120-02
DRAWING TITLE: PERSPECTIVES

SHEET
1 of **6**



1 **BASEMENT PLAN**
3 SCALE: 1/4" = 1'-0"

BASEMENT FLOOR AREAS:
 1883 S.F. FINISHED FLOOR AREA (INCL. STAIR)
 160 S.F. CELLAR AREA
 160 S.F. YARD STORAGE AREA



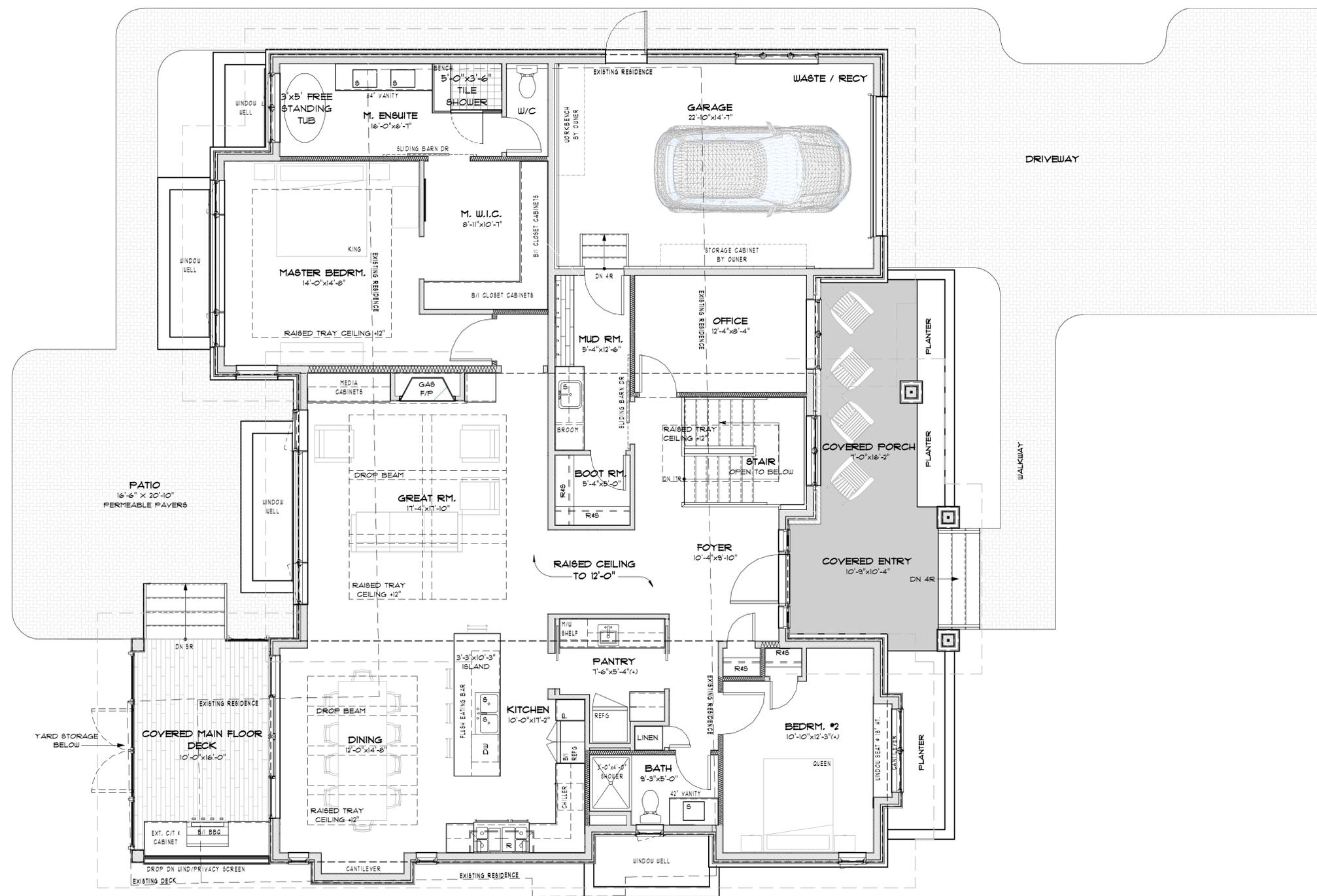
STATUTORY DECLARATION: I, THE DESIGNER, TAKE RESPONSIBILITY FOR THE DESIGN AND CONSTRUCTION OF THIS BUILDING AND I AM A MEMBER OF THE PROFESSION OF ARCHITECTS IN THE PROVINCE OF ONTARIO. I HAVE READ THE BUILDING CODE TO DESIGN THE WORK SHOWN HEREON.
 C. BLANCHARD BCIN 1448
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CUSTOM RESIDENCE FOR:
**THE DAVEY-
 MCLELLAN
 RESIDENCE**

REVISIONS	DESCRIPTION	DATE
1	PRELIMINARY PLANS	SEPT. 10/20
2	REV. DECK LOCATION	NOV. 20/20
3	FOR TRUCK PARKING	DEC. 8/20

LEGAL / CIVIC ADDRESS:
 172 SPRING STREET,
 ALMONTE, ONTARIO

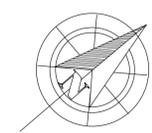
DATE ISSUED DEC. 16, 2020	DESIGNED BY CB	SCALE 1/4" = 1'-0"	DRAWING TITLE BASEMENT PLAN
SHEET 3		OF 6	



2 **GROUND FLOOR PLAN**
 4 SCALE: 1/4" = 1'-0"

GROUND FLOOR AREAS:

1384	S.F. FINISHED FLOOR AREA
14	S.F. STAIR / OPEN TO BELOW AREA
361	S.F. GARAGE AREA
240	S.F. COVERED ENTRY / PORCH AREA
162	S.F. COVERED BBQ DECK AREA



C. BLANCHARD DESIGN
 AT/ABC
 CUSTOM HOME DESIGN & DRAFTING SERVICES
 Telephone: 1.613.277.4782
 ALMONTÉ, ONTARIO
 Email: cblancharddesign@outlook.com

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CUSTOM RESIDENCE FOR:
**THE DAVEY-
 MCLELLAN
 RESIDENCE**

NO.	REVISIONS	DATE
1	PRELIMINARY PLANS	DEPT. 10/20
2	REV. DECK LOCATION	NOV. 20/20
3	FOR TRUCK PARKING	DEC. 17/20

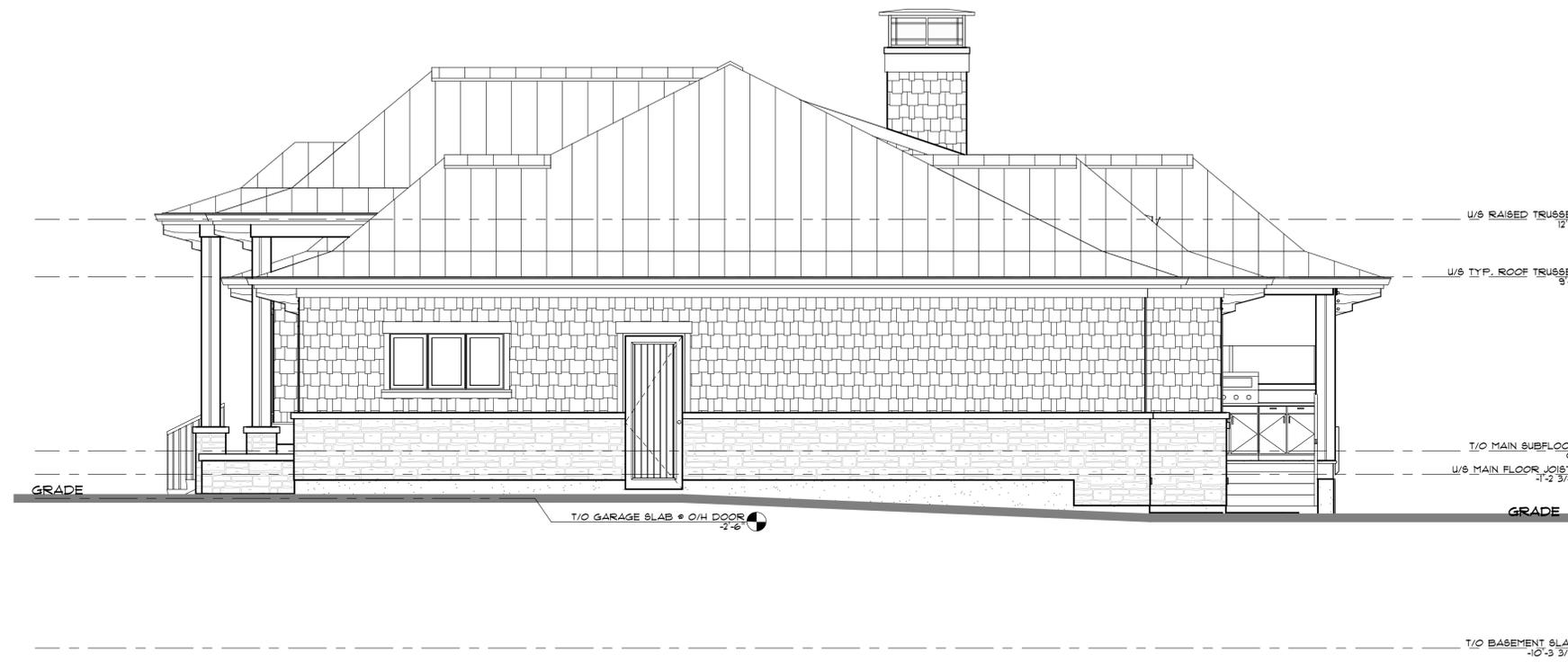
LEGAL / CIVIC ADDRESS:
 172 SPRING STREET,
 ALMONTÉ, ONTARIO

DATE ISSUED: DEC. 16, 2020
 DESIGNED BY: CB
 DRAWN BY: CB
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 SHEET NO.: 031220-02
 DRAWING TITLE: **GROUND FLOOR PLAN**

SHEET **4** of **6**

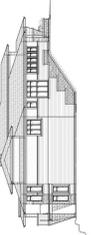


2 FRONT (SOUTH) ELEVATION
SCALE: 1/4" = 1'-0"



1 LEFT (WEST) ELEVATION
SCALE: 1/4" = 1'-0"

C. BLANCHARD DESIGN
ALABC
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CUSTOM RESIDENCE FOR:

**THE DAVEY-
MCLELLAN
RESIDENCE**

REVISIONS	DESCRIPTION	DATE
1	PRELIMINARY PLANS	SEPT. 10/20
2	REV. DECK LOCATION	NOV. 20/20
3	FOR TRUCK PARKING	DEC. 01/20

LEGAL / CIVIC ADDRESS:

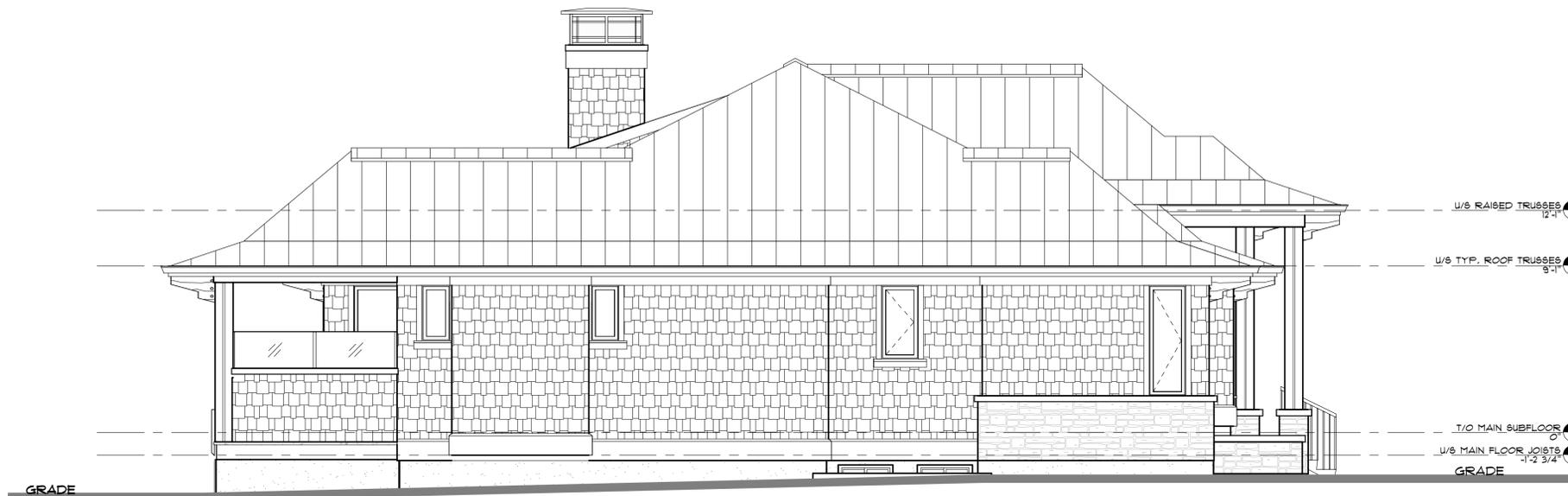
172 SPRING STREET,
ALMONTE, ONTARIO

DATE PLOTTED DEC. 16, 2020	DESIGNED BY CB	DRAWN BY CB	SCALE 1/4" = 1'-0"	DRAWING TITLE EXTERIOR ELEVATIONS
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SHEET
5 6



2 REAR (NORTH) ELEVATION
SCALE: 1/4" = 1'-0"



1 RIGHT (EAST) ELEVATION
SCALE: 1/4" = 1'-0"

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CUSTOM HOME DESIGN & DRAFTING SERVICES
 Telephone: 1.613.277.4782
 ALMONTÉ, ONTARIO
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STATUTORY DECLARATION: I, THE DESIGNER, HEREBY DECLARE THAT I AM A REGISTERED PROFESSIONAL ENGINEER AND ARCHITECT IN THE PROVINCE OF ONTARIO AND I AM NOT PROVIDING MY SERVICES AS AN ARCHITECT OR ENGINEER UNLESS I AM REGISTERED IN THAT PROFESSION. I AM NOT PROVIDING MY SERVICES AS AN ARCHITECT OR ENGINEER UNLESS I AM REGISTERED IN THAT PROFESSION. I AM NOT PROVIDING MY SERVICES AS AN ARCHITECT OR ENGINEER UNLESS I AM REGISTERED IN THAT PROFESSION.

CUSTOM RESIDENCE FOR:
**THE DAVEY-
 MCLELLAN
 RESIDENCE**

REVISIONS	DESCRIPTION	DATE
1	PRELIMINARY PLANS	SEPT. 10/20
2	REV. DECK LOCATION	NOV. 20/20
3	FOR TRUCK ENTRANCE	DEC. 8/20

LEGAL / CIVIC ADDRESS:
 172 SPRING STREET,
 ALMONTÉ, ONTARIO

DATE ISSUED DEC. 16, 2020	DESIGNED BY CB	DRAWN BY CB	SCALE 1/4" = 1'-0"	DRAWING TITLE EXTERIOR ELEVATIONS
SHEET 66				

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

PLANNING REPORT

MEETING DATE: Wednesday, May 19, 2021 at 6:00 p.m via ZOOM (virtual meeting)
TO: Committee of Adjustment
FROM: Eric Forhan (Planning Consultant)
SUBJECT: **MINOR VARIANCE APPLICATION A-02-21 (D13-PUDD-21)**
Part of Lot 16, Concession 10; Part 1 of Plan 26R-1213
Pakenham Ward, Municipality of Mississippi Mills
Municipally known as 538 Barr Side Road
OWNER/APPLICANT: Alice Paige (owner); Kevin Puddington (applicant)

RECOMMENDATION:

THAT the Municipality of Mississippi Mills Committee of Adjustment approves the Minor Variance for the subject property, legally described as Part of Lot 16, Concession 10, being Part 1 of Plan 26R-1213 , Pakenham Ward, Municipality of Mississippi Mills, municipally known as 538 Barr Side Road, to permit the Secondary Dwelling (Additional Residential Unit) over an existing garage, subject to the following conditions:

1. That the following requested Minor Variances to Zoning By-Law #11-83 are approved in accordance with the submitted drawings provided in Schedule A:
 - To apply the zoning provisions of the Agricultural (A) Zone to the one lot, whereas Section 3.2.4 provides that where a lot has two or more of its parts classified in different zones, then the provisions for each zone shall apply to each part.
 - To permit a Secondary Dwelling (Additional Residential Unit) within 500 metre (m) of an open waste disposal site, whereas Section 6.25(1) states that no building or structure erected and used for human habitation shall be located closer than 500 m (1640 ft) from any area zoned for and containing a licensed waste disposal site, from 500 m to 165 m.
 - To permit a Secondary Dwelling (Additional Residential Unit) in the Rural Area and ancillary to an existing detached dwelling, where as Section 8.16(2) states that a Secondary Dwelling Unit is only permitted in a settlement area and must be contained within the same building as its principal dwelling unit.
 - To permit a Secondary Dwelling (Additional Residential Unit) that is over 40% of the gross floor area of its principal dwelling unit, whereas Section 8.16(5) states that a secondary dwelling located at or above grade must not be greater in size than an amount equal to 40% of the gross floor area of its principal dwelling unit, from 40% to 56%.
2. That the Owner/Applicant obtain all required building permits and approvals for the Secondary Dwelling (Additional Residential Unit).

3. That the Owner/Applicant demonstrate that the open landfill site located within 500 m of the proposed development will not have any negative impacts on the proposed Secondary Dwelling (Additional Residential Unit), in accordance with Policy 4.8.5.5 of the Municipality's Community Official Plan (COP) and subject to the approval of the Director of Roads and Public Works.
4. That the Owner/Applicant demonstrate to the Municipality that the existing/ proposed private services (water / septic) is appropriate for the proposed Secondary Dwelling (Additional Residential Unit), to the satisfaction of the Municipality and the Leeds, Grenville & Lanark District Health Unit.
5. That the Owner/Applicant register a covenant on the title of the property stating that the lot is adjacent to an agricultural area and active landfill site (waste management facility) and may therefore be subjected to noise, dust, odours and other nuisances associated with these activities.
6. That the Owner/Applicant confirm that there are no livestock facilities or manure storage facilities within 1 km to the proposed Secondary Dwelling (Additional Residential Unit), or otherwise provide Minimum Distance Separation (MDS) calculations to the Municipality.

PURPOSE AND EFFECT

The applicant is requesting relief from the provisions of Sections 3.2.4, 6.25(1), 8.16(2) and 8.16(5) of Zoning By-Law #11-83 to permit a Secondary Dwelling Unit over an existing garage that:

- will be subject to the Agricultural (A) Zone provisions and will be applied to the one lot;
 - is within 500 metres (m) of an open waste disposal site;
 - is in the Rural Area and detached from and ancillary to the primary (existing) dwelling unit; and
 - that is approximately 56% of the gross floor area of the primary (existing) dwelling unit.
- The subject property is partially zoned Rural (RU) and Agriculture (A).

The proposed Secondary Dwelling Unit would be located above an existing garage and within the Agriculture (A) Zone. The existing house is 325.2 sqm (3500 sq.ft) and the existing garage is 225.9 sqm (2432 sq.ft). The proposed Secondary Dwelling Unit would be approximately 183.6 sqm (1976 sq.ft), as a "loft" over the existing garage. The detailed plans are found in Schedule A to this Staff Report.

The Secondary Dwelling / Additional Residential Unit is currently under construction and subject to building permit approval. Recent *Planning Act* changes now permit Secondary Dwellings (Additional Residential Units) as ancillary to various dwelling types, including detached dwellings. *Planning Act* provisions now permit an Additional Residential Unit wherever a detached dwelling is permitted, whether that unit is contained within the same building as the primary dwelling or as ancillary to the primary dwelling.

Zoning By-Law #11-83 currently does not reflect recent Planning Act changes and will be updated accordingly in the near future.

The Minor Variance requests are outlined below.

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

Section	Zoning Provision	By-law Requirement	Requested
3.2.4	More Than One Zone on a Lot	<i>Where a lot has two or more of its parts classified in different zones, then the provisions for each zone shall apply to each part as if said part was a separate lot</i>	The proponent is requesting that the provisions of one zone be applied to the one lot. The proposed Second Dwelling (Additional Residential Unit) is proposed on the portion of the land that is zoned Agricultural (A) and will therefore be subject to the zone provisions of that zone.
6.25(1)	Setbacks from Waste Disposal Areas (WD) Zone	<i>No building or structure erected and used for human habitation shall be located closer than 500 m (1640 ft) from any area zoned for and containing a licensed waste disposal site either within or without the limits of the Corporation.</i>	The proponent is proposing the creation of a new dwelling unit within the 500 metre (m) setback buffer, at approximately 165 m measured from the property line of the waste disposal site.
8.16(2)	Secondary Dwelling Units	<p><i>A secondary dwelling unit is permitted in any detached, semi-detached or duplex dwelling, in any zone within a settlement area that permits any one or more of these dwelling types provided:</i></p> <p><i>(b) it is not a standalone, principal unit capable of being severed;</i></p> <p><i>(d) it only exists along with, and must be contained within the same building as, its principal dwelling unit.</i></p>	The proponent is proposing a Secondary Dwelling Unit in the Rural Area over an existing garage that would be ancillary to a detached dwelling and therefore separate and not contained within the same building as its principal (existing) dwelling unit.
8.16(5)	Secondary Dwelling Units	<i>(5) If located at or above grade, the secondary dwelling unit must not be greater in size than an amount equal to 40% of the gross floor area of its principal dwelling unit. If located in a basement, it may occupy the whole of the basement.</i>	The proponent is proposing a Secondary Dwelling Unit above an existing garage that would technically exceed the 40% of the gross floor area of the principal dwelling unit, at approximately 56%.

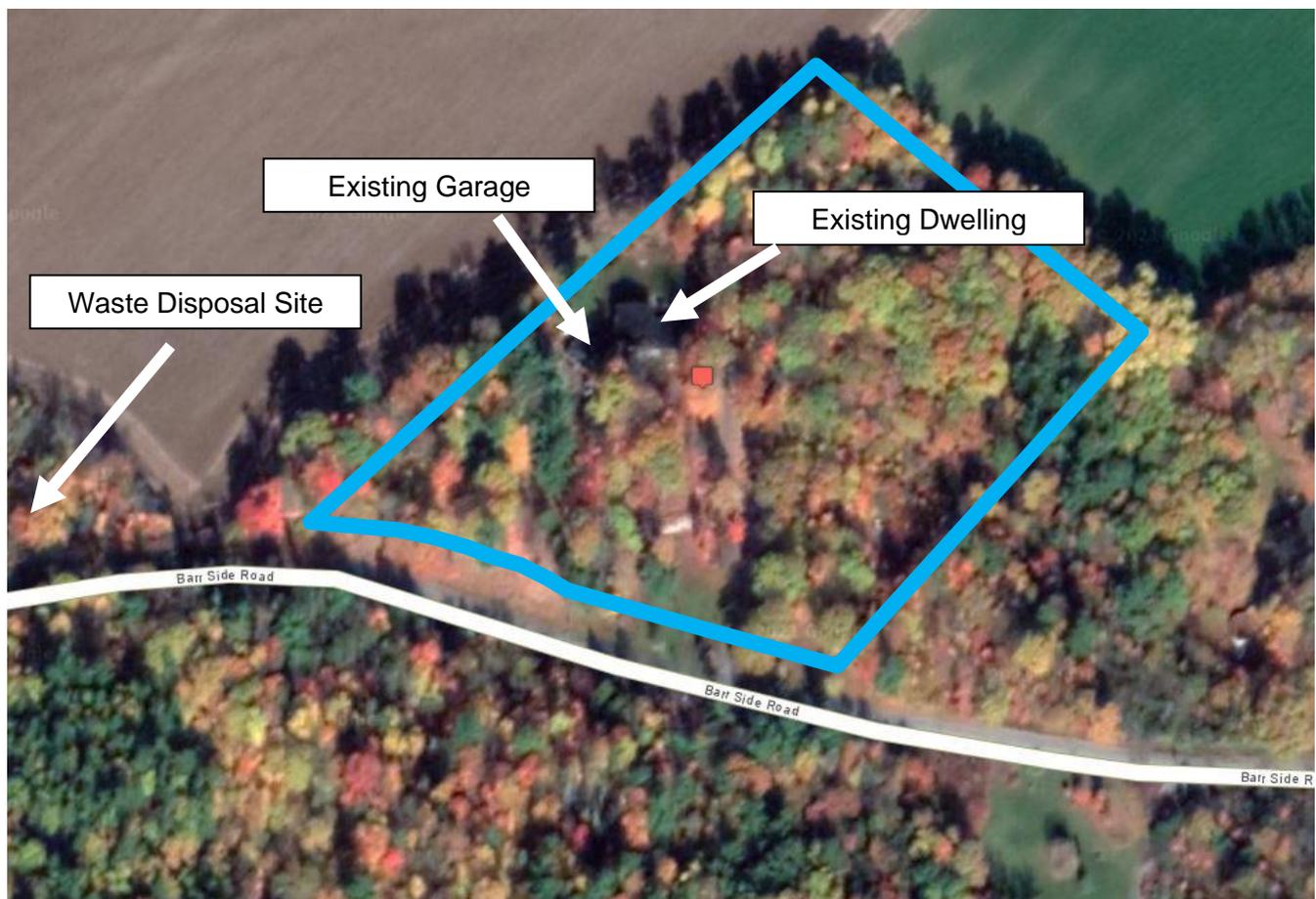
DESCRIPTION OF SUBJECT LANDS

The subject property is located within Pakenham Ward, west of the intersection of Waba Road and Barr Side Road. The entire subject property is approximately 21,777 m² (5.38 ac) in size with a frontage of ±160.3 m (524.9ft) along Barr Side Road (See **Figure 1**). The subject property consists of a single detached dwelling and an existing garage. There are extensive tree plantings (wooded area) that provide substantial screening from the road.

Site Photos are contained in Schedule B to this Planning Report.

The surrounding area consists of mostly agricultural lands, rural residential properties and the open municipal waste disposal site (Pakenham recycling Depot) located at 580 Barr Side Road, Pakenham.

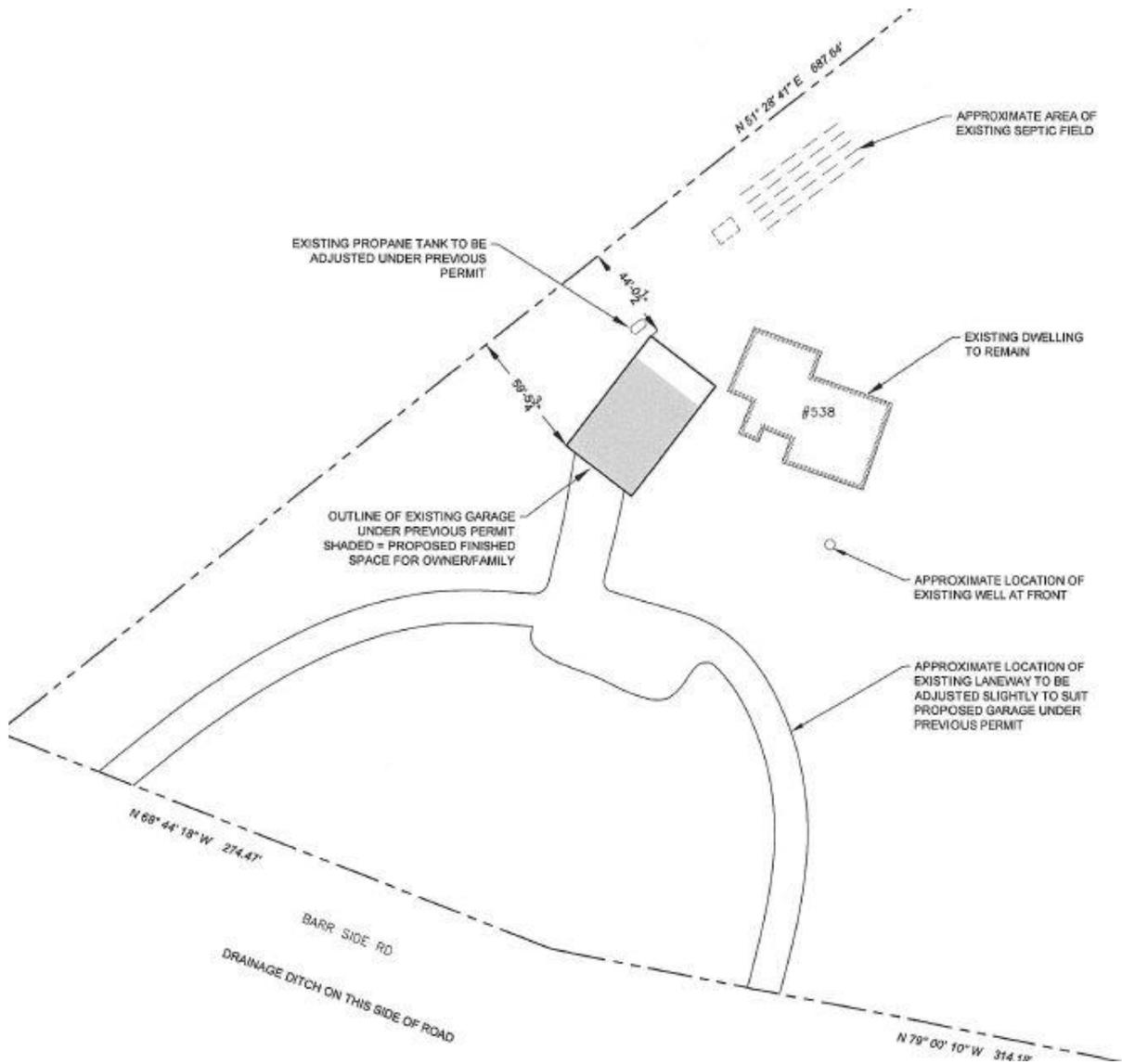
Figure 1 – Aerial Photo of Subject Property



SERVICING & INFRASTRUCTURE

The subject property is presently serviced by private water and private septic. The Secondary Dwelling / Additional Residential Unit is proposed above an existing garage and proposes to have its own septic system. The Secondary Dwelling / Additional Residential Unit will share the existing water well with primary dwelling. An existing driveway access and existing septic field are shown on Figure 2 below.

Figure 2 – Location of existing services, buildings and driveways on the Subject Property



The Leeds, Grenville & Lanark District Health Unit is the approval authority for the addition of private services. The Owner/Applicant will have to provide to the Municipality with evidence that the proposed private septic system and shared well services will have the capacity to support the addition of the Secondary Dwelling (Additional Residential Unit).

The parking area provided is suitable for the addition of the proposed Secondary Dwelling (Additional Residential Unit). The municipal parking and infrastructure 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: None received.

CBO: No objection. The Owner/Applicant will have to demonstrate that the proposed servicing is adequate.

Fire Chief: None received.

Director of Roads and Public Works: The only real concern is if we have additional drawdown concerns. There is no evidence of environmental impact from the landfill in that area. The health unit approves the septic and will need to be contacted.

The Owner/Applicant will have to demonstrate that the proposed servicing is adequate and that there are no negative impacts from proximity to the nearby landfill site.

Recreation Coordinator: No comments or concerns/

COMMENTS FROM EXTERNAL AGENCIES

None received.

COMMENTS FROM THE PUBLIC

None received.

EVALUATION

PLANNING ACT CHANGES RELATED TO ADDITIONAL RESIDENTIAL UNITS

The Ontario Planning Act prescribes matters of Provincial Interest and establishes the ground rules for land use planning in Ontario which includes policies, regulations and procedures related to Official Plans (Part III) and the passing of By-Laws (Part V).

The *Planning Act* was recently amended as a result of Bill 108 - *More Homes, More Choice Act*, 2019, which further amended the second unit framework in subsection 16(3) of the *Planning Act* with new provisions for "Additional Residential Units". Bill 108 received Royal Assent in the Ontario Legislature on June 6th, 2019 and the enabling regulations were proclaimed in to force on September 3, 2019.

The recent regulatory changes made to the *Planning Act* that authorize the use of Additional Residential Units offer Municipalities an additional tool to help develop a range of housing options in their communities, with an emphasis on affordability.

Encouraging Additional Residential Units is important because they:

- (1) provide homeowners with alternative means of earning additional income to help meet the costs of home ownership;
- (2) support changes in demographics through housing options for immediate and extended families; and
- (3) maximize densities to support and enhance local businesses, labour markets, and the efficient use of infrastructure.

Subsection 16(3) of Part III (Official Plans) of the Planning Act provides the policies for additional residential units:

- (3) *An official plan shall contain policies that authorize the use of additional residential units by authorizing,*
 - (a) *the use of **two residential units** in a detached house, semi-detached house or rowhouse; and*
 - (b) *the use of **a residential unit** in a building or structure ancillary to a detached house, semi-detached house or rowhouse. 2019, c. 9, Sched. 12, s. 2 (1).*

In accordance with the above, Ontario’s *Planning Act* permits an additional residential in any building that is ancillary to a detached dwelling. This means that an additional residential unit is permitted as an ancillary use wherever a detached dwelling is permitted, regardless of where the property is located (rural area vs settlement area).

The Minor Variance applications to permit a Secondary Dwelling (Additional Residential Unit) is therefore consistent with the regulations of the *Planning Act*.

The *Planning Act* does not specify whether or not additional residential units in ancillary buildings or structures need to be on the same or separate services as the primary dwelling unit. The Owner/Applicant will need to demonstrate that the proposed servicing is adequate.v

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 ‘Agriculture’ and ‘Rural’ as per the Municipality’s Community Official Plan (COP),. The proposed Secondary Dwelling / Additional Residential Unit is located within the portion of the subject property designated “Agriculture” as shown on **Figure 3** below. As such, Agricultural policies are most relevant to this Minor Variance Application.



The intent of the Agricultural designation is to promote the Municipality’s diverse agricultural industry and to preserve the supply of agricultural land.

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

Section 3.2.2 Permitted Uses (Agricultural Designation)

On lands designated as “Agricultural”, permitted uses shall include:

- viii. non-farm residential dwellings and accessory uses, including garden suites (Section 3.6.13 of the Plan), **Second Dwelling Units (Section 3.6.9)**, home-based businesses (Section 3.6.11 of the Plan), group homes (Section 3.6.12 of the Plan) and bed and breakfast establishments (Section 3.6.10 of the Plan), as defined in the Residential section of this Plan.

As per Section 3.2.2, a Second Dwelling Unit is permitted in the “Agricultural” land use designation provided that the proposed development meets the policy requirements of Section 3.6.9 (see below).

3.2.3 General Policies (Agricultural Designation)

1. The establishment of new buildings and structures or the expansion or change of use of existing structures within the Agricultural designation shall be subject to the appropriate Minimum Distance Separation (MDS) calculation as developed by the Ontario Ministry of Agriculture and Food and as amended from time to time.

In accordance with the above, the proposed Secondary Dwelling (Additional Residential Unit) is subject to Minimum Distance Separation (MDS) calculation. The applicant will need to demonstrate that MDS compliance is being achieved through the development proposal.

2. The establishment of new non-farm buildings and structures on lands adjacent to the Agricultural designation shall maintain a setback of 150 metres from the boundary of the Agricultural designation. The creation of new lots adjacent to the Agricultural designation shall ensure that there is an appropriate building envelope outside of the 150 metre setback. Where development is on an existing lot of record and the 150 metre setback cannot be achieved, development may take place within the 150 metre setback subject to the approval of the Committee of Adjustment. Such development proposals shall be assessed in terms of availability of natural vegetative screening, level and type of agricultural activity taking place on the abutting lands, characteristics of surrounding agricultural activities, existing and/or emerging agricultural trends and the likelihood for negative impact. The Committee of Adjustment may impose a condition on the decision including the registration of a covenant on the title of the property stating that the lot is adjacent to an agricultural area and may therefore be subjected to noise, dust, odours and other nuisances associated with agricultural activities.

The proposed Secondary Dwelling (Additional Residential Unit) is within the Agricultural designation. In accordance with the above noted policy, registration of a covenant on the title of the property is being recommended as a condition to the approval of this Minor Variance Application. Demonstration of MDS compliance is being required to address the above noted policy.

3.2.5 Residential Development

Residential development within the Agricultural designation shall be subject to the following policies:

iii. a permitted second dwelling may be a permanent dwelling or a temporary mobile home which may be removed once it is no longer needed;

The proposed Secondary Dwelling / Additional Residential Unit is permitted as a permanent dwelling in the Agricultural designation as per the above noted policy and is therefore appropriate for the future development of the subject property.

iv. a permitted second dwelling shall not be allowed to be severed from the balance of the property; and, all residential dwellings shall be subject to the Minimum Distance Separation calculation.

The proposed Secondary Dwelling / Additional Residential Unit is subject to Minimum Distance Separation (MDS) policies and guidelines. There are no known livestock facilities or manure storage facilities within 500 metres (m) of the proposed residential dwelling. However, the applicant will be required to confirm that there are none found within 1km of the subject property in accordance with MDS guidelines and the above noted policy.

Section 3.6.9 Second Dwelling Units Policy

One second unit may be permitted within a single detached dwelling, semi-detached dwelling or duplex dwelling or in a building or structure ancillary to these housing types subject to the requirements of the Zoning By-law.

The Zoning By-law may provide for second unit regulations which allow for such units without an amendment to the Zoning By-law provided the following criteria are satisfied:

- i. only one second unit per property;
- ii. all requirements of the Zoning By-law are met, including adequate off-street parking, and minimum floor area for apartment units;
- iii. all building code and fire code requirements are addressed; and,
- iv. Secondary dwelling unit must connect to existing residential servicing.**

The Municipality's Community Official Plan (COP) permits Second Dwelling Units / Additional Residential Units in a building or structure ancillary to detached dwellings. The proposed secondary dwelling unit would be over an existing garage and ancillary to the existing primary dwelling.

While the COP contains policies that allow Secondary Dwellings (Additional Residential Units) as ancillary, Zoning By-Law #11-83 currently does not permit Secondary Dwelling (Additional Residential Unit) as either stand-alone or ancillary to the permitted detached dwelling. The Owner/Applicant therefore requires a Minor Variance to permit the proposed Secondary Dwelling Unit over the existing garage (ancillary to the existing primary dwelling).

The proposed Secondary Dwelling Unit will be connected to the existing private water (well) that is currently provided for the existing primary dwelling but will be on separate private septic. In accordance with the above noted policy, the Owner/ Applicant will need to demonstrate that the additional residential unit can be supported on a separate private septic system and the same private water (well) system as the existing primary dwelling.

Recent Planning Act changes support the move to permitting Additional Residential Dwellings and does not

Section 4.8.5 Waste Management

2. The Zoning By-law shall establish setbacks for development from the boundary of the closed waste disposal sites which are consistent with the influence areas established by the MOECP for the specific facilities.

Development setbacks from open waste disposal sites are provided in Section 6.25 of Zoning By-Law #11-83, in accordance with Policy 4.8.5.2 above. Provision 1 of Section 6.25 states:

- (1) *No building or structure erected and used for human habitation shall be located closer than 500 m (1640 ft) from any area zoned for and containing a licensed waste disposal site either within or without the limits of the Corporation.*

The Secondary Dwelling (Additional Residential Unit) is within 500 m from of the open waste disposal site, at approximately 165 m from the property line of the open waste disposal site. The Owner/Applicant is seeking a Minor Variance to address this area of non-compliance.

5. All land use proposals located within 500 metres of the perimeter of a fill area or wastewater treatment facility shall be supported by studies to determine the impact of the open or closed landfill site on the proposed development. Factors to be considered include but are not limited to; landfill generated gases, ground and surface water contamination by leachate, odour, litter, vehicular traffic, dust, noise, vectors and vermin and visual impact.

No studies have been provided to the Municipality that demonstrate the potential negative impacts. In accordance with Policy 4.8.5.5, the Owner/ Applicant will be required to provide a study that evaluates the impacts of the open landfill site on the proposed development, showing no negative impacts from proximity.

Variance 2 – Permitting a residential dwelling within 500 metres (m) of an open landfill site (Pakenham depot)

Section 4.8.5 permits land use proposals, including dwellings of any kind, within 500 metres of the perimeter of a landfill site provided that the proposed development is supported by a study that evaluates the impacts of the open landfill site, showing no negative impacts. The proposal therefore conforms to the Municipality's Community Official Plan (COP) provided that the Owner/Applicant provides such study/ evaluation.

Variance 3 – Permitting a secondary dwelling (Additional Residential Unit) in the Rural Area and ancillary to a permitted detached dwelling

The existing primary residential dwelling is permitted and the proposed Secondary Dwelling (Additional Residential Unit) is constructed over an existing garage and deemed ancillary to the existing primary dwelling. In accordance with Section 3.6.9 of the Municipality's Community Official Plan (COP), the proposed development is therefore permitted within an ancillary building or structure.

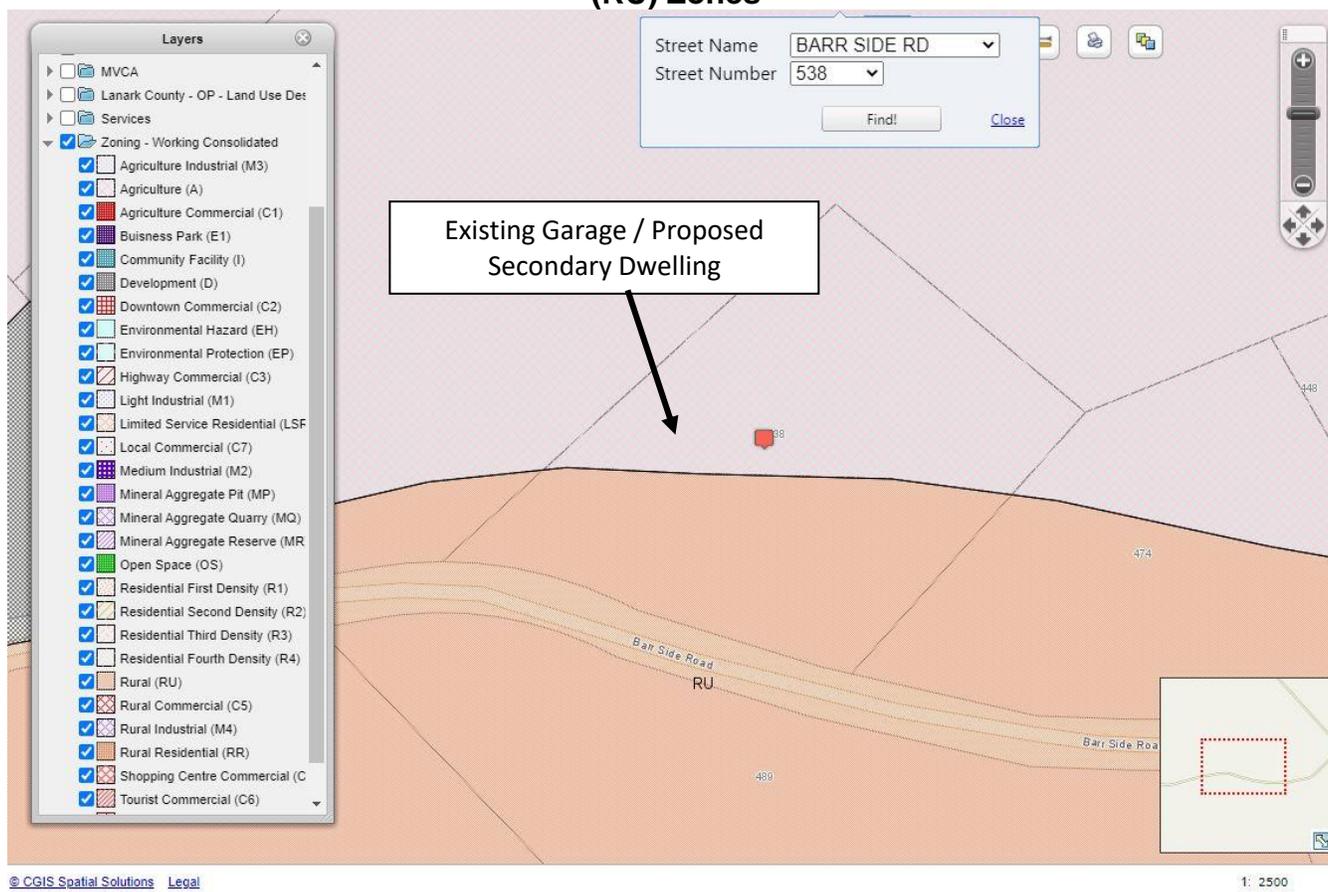
A Variance to Zoning By-Law #11-83 is required to permit a Secondary Dwelling (Additional Residential Unit) within the Agricultural land use designation even though it is permitted by the COP.

Staff are recommending a few conditions to ensure that the proposed development conforms to all applicable COP policies discussed above. The Owner/Applicant will need to demonstrate that servicing is adequate; that MDS compliance is being achieved; and that the Owner/Applicant ensures that future landowners understand the potential impacts of nearby Agricultural uses, given the property's location within the Agricultural designation and adjacent to an active landfill site.

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

The subject property is zoned "Agricultural (A)" and "Rural (RU)" as per Comprehensive Zoning By-law #11-83. The proposed development would be within the portion of the subject property zoned "Agricultural (A)", as shown on **Figure 4** below.

Figure 4 – Aerial image showing proximate boundaries of Agricultural (A) and Rural (RU) Zones



As per Section 11.1 of Zoning By-Law #11-83, the 'A' Zone permits mostly farm-related residential and non-residential uses.

Sections 3.2.4, 6.25(1), 8.16(2) and 8.16(5) of Zoning By-Law #11-83 are being varied to permit a Secondary Dwelling Unit over an existing garage and therefore need to be evaluated.

Variance 1 – Applying the Agricultural (A) Zone provisions to the one lot

The Owner/Applicant is seeking relief from Section 3.2.4 which states the following:

Section 3.2.4 More Than One Zone on a Lot

Where a lot has two or more of its parts classified in different zones, then the provisions for each zone shall apply to each part as if said part was a separate lot, except that the lot area requirement for a permitted use in an Agricultural zone may include any part of that lot that may be zoned Environmental Protection.

The proposed development would be located on the portion of the lands that is zoned 'Agricultural' ('A'). It is staff's opinion that the 'A' zone provisions should be applied to the entire lot for the purposes of this Secondary Dwelling (Additional Residential Unit).

Variance 2 – Permitting a residential dwelling within 500 metres (m) of an open landfill site (Pakenham depot)

A Variance is required to permit a Secondary Dwelling (Additional Residential Unit) within 500 metres (m) of an open landfill site, from 500 m to 165 m (from the nearest property line of the landfill site).

Section 6.25 states the following:

- (1) *No building or structure erected and used for human habitation shall be located closer than 500 m (1640 ft) from any area zoned for and containing a licensed waste disposal site either within or without the limits of the Corporation.*

While the existing dwelling and garage are considered legal non-conforming and legal non-complying respectively the addition of a Secondary Dwelling (Additional Residential Unit) is not, as the proposal would result in a new dwelling (human habitation) where it never previously existed.

While the proposed reduction in separation distance may appear to be significant, the request for Variance is considered a minor departure given that the existing dwelling is already located within this setback and there are no anticipated adverse impacts from the proximity to the waste (recycling) site. However, the Owner/Applicant will be required to confirm that there are no adverse impacts from the waste disposal site on the proposed development.

The proposal therefore conforms to the general intent of Zoning By-Law #11-83.

Variance 3 – Permitting a secondary dwelling (Additional Residential Unit) in the Rural Area and ancillary to a permitted detached dwelling

A Variance is required to permit a Secondary Dwelling (Additional Residential Unit) as ancillary to a permitted detached dwelling. The current provisions don't reflect recent *Planning Act* changes or the Community Official Plan, as discussed earlier.

According to Section 11.1(a) detached dwellings are permitted within the 'A' Zone. In accordance with Section 8.16, Secondary Dwellings (Additional Residential Unit) are permitted wherever single detached dwellings are permitted in a Settlement Area.

Section 8.16 (Secondary Dwelling Units)

(2) A secondary dwelling unit is permitted in any detached, semi-detached or duplex dwelling, in any zone within a settlement area that permits any one or more of these dwelling types provided:

- (a) it does not change the streetscape character along the road on which it is located;*
- (b) it is not a standalone, principal unit capable of being severed;*
- (c) it must be located on the same lot as its principal dwelling unit; and*

(d) it only exists along with, and must be contained within the same building as, its principal dwelling unit.

The Owner/ Applicant is requesting relief from Section 8.16(2) of Zoning By-Law #11-83 to permit the proposed development in the Rural Area and as ancillary to the existing dwelling.

The Secondary Dwelling (Additional Residential Unit) is proposed over an existing garage structure that is ancillary to the existing primary dwelling and therefore does not comply with the provision above, which states that the Secondary Dwelling must be contained within the same building as its principal dwelling.

The proposed Secondary Dwelling (Additional Residential Unit) will not change the streetscape character along the road or propose any new visual impacts on the streetscape; will not be capable of being severed; and is located on the same lot as the principal dwelling unit. While the proposed Secondary Dwelling (Additional Residential Unit) is not currently permitted in the Rural area, new *Planning Act* regulations and OP policies permit in the rural area provided that a single detached dwelling is permitted. The Variance request is therefore minor.

Of note, Secondary Dwellings are not subject to the accessory provisions of Section 6.1:

(6) A secondary dwelling unit is not considered to be an accessory use and it is regulated by Section 8.16 of this By-law.

In accordance with the above, the maximum permitted height for the secondary dwelling unit is not prescribed under Section 6.1. The proposed secondary dwelling (Additional Residential Unit) is subject to the maximum building height for a non-farm residential use, as provided under Section 11.2 of Zoning By-Law #11-83. As per Section 11.2, the maximum building height of a detached dwelling is 11 metres (m). The proposed Secondary Dwelling (Additional Residential Dwelling) would extend the height to approximately 7.4 m (24 ft), which is well below the permitted maximum height.

The Secondary Dwelling (Additional Residential Dwelling) is proposed over an existing garage, which is considered accessory and subject to the provisions of Section 6.1. The existing garage is considered legal non-complying. The proposed Secondary Dwelling (Additional Residential Dwelling) would be, at a minimum, set back approximately 13.4 m (44 ft) from the nearest lot line, which provides sufficient distance from the abutting property.

The proposed Secondary Dwelling (Additional Residential Unit) conforms with all other provisions of Section 8.16, with the exception of Section 8.16(5). Therefore, the proposal conforms to the general intent of Zoning By-Law #11-83.

Variance 4 – Permitting a secondary dwelling (Additional Residential Unit) over 40% of the gross floor area of the principal dwelling unit.

(5) If located at or above grade, the secondary dwelling unit must not be greater in size than an amount equal to 40% of the gross floor area of its principal dwelling unit. If located in a basement, it may occupy the whole of the basement.

The proposed Secondary Dwelling (Additional Residential Unit) does not comply with the above noted provision. The applicant is requesting relief from this provision of the Zoning By-Law to permit an increase in the permitted size of the Secondary Dwelling, from 40% to 56%.

The requested variance is a minor departure from the size requirement. The intention of Section 8.16(5) is really meant to prevent the development of a Secondary Dwelling that would dramatically alter the size and form of a building, which also contains the principal dwelling. Again, this provision does not reflect recent Planning Act changes, which do not restrict the size of an Additional Residential Unit.

The proposed Secondary Dwelling (Additional Residential Unit) will be separate from the principal dwelling and will therefore not lead to any alterations to the building containing the existing primary dwelling. In other words, since the proposed Secondary Dwelling (Additional Residential Unit) will be separate and ancillary to the primary dwelling, the gross floor area of the proposed development is of less concern.

Nevertheless, a Variance is required to increase the permitted size of the Secondary Dwelling (Additional Residential Unit), from 40% to 56%.

The proposed Secondary Dwelling (Additional Residential Unit) complies with all other provisions provided under Section 8.16, and therefore conforms to the general intent of Zoning By-Law #11-83.

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

The proposal would permit a Secondary Dwelling (Additional Residential Unit) as ancillary to the permitted and existing primary dwelling. The current zoning provisions for Secondary Dwellings do not reflect recent *Planning Act* changes, as previously discussed. Zoning By-Law #11-83 will likely be updated in the near future to modify the current zoning provisions.

The proposed development is desirable for the appropriate development of the subject property since the proposal makes use of an existing garage and therefore represents a logical form of development on-site.

The proposed height is permitted by the zoning and the existing garage is located more than 13 m from the nearest property line, thereby providing substantial buffer from the adjacent property. There are extensive tree plantings (wooded areas) that provide substantial screening from the road, which means there will not be any added visual impacts. The existing garage is located at a significant distance from the front lot line, which means that the streetscape will not be impacted.

The proposal will also provide a form of housing that is supported by the relevant policies, including the *Planning Act* and the Agricultural land use designation.

The proposed development would only be located marginally closer to the open landfill site than the existing primary dwelling. The proposal would be compatible with character of the site and the surrounding area.

To further demonstrate the appropriateness of the development proposal, the Owner/Applicant will be responsible for:

- obtaining all required building permits and approvals
- providing evidence that there will be no impacts from the adjacent open landfill site on the proposed development
- demonstrating servicing capacity for the proposed development including all necessary approvals from the Lanark District Health Unit
- registering a covenant on the title of the property stating that the lands are adjacent to an agricultural area
- demonstrating MDS compliance.

4. Is the proposal minor?

The subject lands are surrounded primarily by other rural residential uses and the requests discussed herein are a minor departure from provisions of Zoning By-Law #11-83.

The Variance requests related to the Secondary Dwelling (Additional Residential Unit) are only a formality, as currently the Zoning By-Law does not conform to the applicable COP policies and Planning Act regulations, which permit Secondary Dwelling (Additional Residential Unit) as ancillary to a permitted primary dwelling. While the proposed Secondary Dwelling (Additional Residential Unit) is not permitted in the Rural area, new *Planning Act* regulations and OP policies permit in the rural area provided that a single detached dwelling is permitted. The Variance request is therefore minor.

Also, the proposal would establish a Secondary Dwelling (Additional Residential Unit) marginally closer to the active landfill site than the existing primary dwelling. 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.

Therefore, Staff believe that Minor Variance Application A-02-21 meets the four (4) tests for evaluating a Minor Variance as established under the *Planning Act*. Planning Staff therefore recommend 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 following requested Minor Variances are approved in accordance with the submitted drawings provided in Schedule A:**
 - **To apply the zoning provisions of the Agricultural (A) Zone to the one lot, whereas Section 3.2.4 provides that where a lot has two or more of its parts classified in different zones, then the provisions for each zone shall apply to each part.**

- To permit a Secondary Dwelling (Additional Residential Unit) within 500 metre (m) of an open waste disposal site, whereas Section 6.25(1) states that no building or structure erected and used for human habitation shall be located closer than 500 m (1640 ft) from any area zoned for and containing a licensed waste disposal site, from 500 m to 165 m.
 - To permit a Secondary Dwelling (Additional Residential Unit) in the Rural Area and ancillary to an existing detached dwelling, where as Section 8.16(2) states that a Secondary Dwelling Unit is only permitted in a settlement area and must be contained within the same building as its principal dwelling unit.
 - To permit a Secondary Dwelling (Additional Residential Unit) that is over 40% of the gross floor area of its principal dwelling unit, whereas Section 8.16(5) states that a secondary dwelling located at or above grade must not be greater in size than an amount equal to 40% of the gross floor area of its principal dwelling unit, from 40% to 56%.
2. That the Owner/Applicant obtain all required building permits and approvals for the Secondary Dwelling (Additional Residential Unit).
 3. That the Owner/Applicant demonstrate that the open landfill site located within 500 m of the proposed development will not have any negative impacts on the proposed Secondary Dwelling (Additional Residential Unit), in accordance with Policy 4.8.5.5 of the Municipality's Community Official Plan (COP) and subject to the approval of the Director of Roads and Public Works.
 4. That the Owner/Applicant demonstrate to the Municipality that the existing/ proposed private services (water / septic) is appropriate for the proposed Secondary Dwelling (Additional Residential Unit), to the satisfaction of the Municipality and the Leeds, Grenville & Lanark District Health Unit.
 5. That the Owner/Applicant register a covenant on the title of the property stating that the lot is adjacent to an agricultural area and active landfill site (waste management facility) and may therefore be subjected to noise, dust, odours and other nuisances associated with these activities.
 6. That the Owner/Applicant confirm that there are no livestock facilities or manure storage facilities within 1 km to the proposed Secondary Dwelling (Additional Residential Unit), or otherwise provide Minimum Distance Separation (MDS) calculations to the Municipality.

All of which is respectfully submitted by,

Reviewed by,



Eric Forhan, MScPI
Planning Consultant



Marc Rivet MCIP RPP
Acting Director of Planning (Lead Planning
Consultant)

ATTACHMENTS:

SCHEDULE A – Site Plan Sketch, Elevations & Floor Plans

SCHEDULE B – Site Photos

Schedule A – Site Plan, Elevations & Floor Plans

GENERAL NOTES (WHERE APPLICABLE)

GENERAL NOTES

- MATERIALS, SYSTEMS, APPLICATIONS AND CONSTRUCTION PRACTICES SHALL CONFORM TO THE ONTARIO BUILDING CODE (LATEST EDITION), RELATED STANDARDS AND MUNICIPAL BY-LAWS
- AUTHORITY HAVING JURISDICTION SHALL BE CONSULTED PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION OR MATERIAL ALTERATION.
- DIMENSIONS ARE MEASURED FROM STUD TO STUD, EDGE OF FOUNDATION OR TO C/L OF STRUCTURAL MEMBER, UNLESS OTHERWISE NOTED
- SOIL CONSULTANT TO REVIEW AND VERIFY SOIL CONDITIONS BEFORE POURING FOOTINGS
- OBSERVE ALL FEDERAL, PROVINCIAL AND MUNICIPAL SAFETY MEASURES ON SITE
- DO NOT SCALE DRAWINGS
- CONTRACTOR TO VERIFY DIMENSIONS AND REPORT ANY ERRORS OR OMISSIONS TO THE DESIGNER PRIOR TO CONSTRUCTION AND HAVE DESIGNER RECTIFY THE ERROR OR OMISSION PRIOR TO CONSTRUCTION
- CONTRACTOR TO VERIFY ALL DOOR AND WINDOW ROUGH OPENINGS PRIOR TO FRAMING ANY OPENINGS
- FINISHES AND MINOR DETAILS AS PER OWNERS SPECIFICATIONS
- FOLLOW ALL PRODUCT SPECIFICATIONS AND GUIDELINES FOR INSTALLATION AND MAINTENANCE
- ANY PROPOSED CONSTRUCTION WITHIN THIS SET OF DRAWINGS THAT FALLS OUTSIDE OF THE APPLICATION LIMITATIONS OF PART 9 OF OBC, SHALL BE DESIGNED IN ACCORDANCE WITH PART 4 BY A PROFESSIONAL ENGINEER

ENERGY EFFICIENCY REQUIREMENTS

- SEE SB 12 EEDS FORM (FROM PREVIOUS PERMIT)
- WATER CLOSETS SHALL BE 4.8L PER FLUSH
- WHERE A NON-RECIRCULATING HOT WATER TANK DOES NOT HAVE AN INTEGRAL HEAT TRAP, A HEAT TRAP SHALL BE INSTALLED AT THE INLET AND OUTLET PIPING AS CLOSE TO THE TANK AS POSSIBLE
- INLET PIPES SHALL BE INSULATED BETWEEN THE HEAT TRAP AND THE TANK TO AN RSI OF 0.62
- THE FIRST 2.5m OF THE OUTLET PIPING SHALL BE INSULATED TO AN RSI OF 0.62
- DRAIN WATER HEAT RECOVERY UNITS SHALL BE :
 - = INSTALLED TO RECEIVE DRAIN WATER FROM UP TO 2 SHOWERS EXCEPT WHERE THERE ARE NO SHOWERS
 - = 42% EFFICIENT AS PER CSA B55.1
 - = INSTALLED IN AN UPRIGHT POSITION WITH COLD WATER INLET CONNECTION AT THE BOTTOM OF THE UNIT, DOWNSTREAM OF A WATER SOFTENER (IF INSTALLED) AND IN A CONDITIONED SPACE OR WARM SPACE (SEE SB 12 3.1.1.12 FOR MORE INFORMATION)

WINDOWS & DOORS

- WHERE DOORS ARE REQUIRED TO RESIST ENTRY, PROVIDE SOLID BLOCKING ON BOTH SIDES AT LOCK HEIGHT BETWEEN JAMBS
- WINDOWS AND DOORS SHALL BE DESIGNED TO RESIST SURFACE CONDENSATION AND COMPLY WITH THE THERMAL CHARACTERISTICS OF TABLE 9.7.3.3. (OR SB12 AS REQUIRED)

WOOD-FRAME CONSTRUCTION (PREVIOUS PERMIT)

- ALL LUMBER SHALL BE GRADED, SPF NO 2 OR BETTER WITH A MAXIMUM MOISTURE CONTENT OF 19%
- ALL LVL TO BE GRADE 2.0 E OR BETTER, ALL NORDIC LAM TO BE 1.9 E OR BETTER
- MAXIMUM DEFLECTION OF STRUCTURAL MEMBERS SHALL CONFORM TO TABLE 9.4.3.1.
- LUMBER SHALL BE PRESSURE-TREATED WHERE VERTICAL CLEARANCE IS LESS THAN 6" ABOVE GROUND (INCLUDING LUMBER IN CONTACT WITH CONCRETE ADJACENT TO GROUND UNLESS PROTECTED BY 6mil POLY OR TYPE S ROLL ROOFING)
- NAILING SHALL CONFORM TO TABLE 9.23.3.4.
- COLUMNS SHALL BE SECURELY FASTENED TO THE SUPPORTED MEMBER
- WHERE METAL JOISTS HANGERS ARE USED, ENSURE THE PROPER NAILS AND NUMBER OF NAILS ARE USED AND THE HANGERS ARE INSTALLED AS PER MANUFACTURES SPECIFICATIONS
- ALL FRAMED WALLS TO HAVE A MINIMUM 2x4 SILL PLATE AND TOP PLATE; LOAD BEARING WALLS TO BE FRAMED WITH TWO TOP PLATES UNLESS OTHERWISE PERMITTED BY CODE
- INTERIOR WALLS AND GARAGE EXTERIOR WALLS SHALL BE 2x4 STUDS @ 16" OR 24" O/C UNLESS OTHERWISE SPECIFIED
- ALL CONCEALED SPACES TO BE FIRE STOPPED BETWEEN FLOORS, CEILING, ROOFS AND AT STAIRS
- HEADER JOISTS AROUND FLOOR OPENINGS SHALL BE DOUBLED WHEN THE LENGTH OF THE HEADER JOIST EXCEEDS 1200mm (3'-11") TO A MAXIMUM 3.2m (10'-6")
- TRIMMER JOISTS AROUND FLOOR OPENINGS SHALL BE DOUBLED WHEN THE LENGTH OF THE HEADER JOIST EXCEED 800mm (2'-7") TO A MAXIMUM OF 2m (6'-6")
- NON-LOADBEARING WALLS PARALLEL TO FLOOR JOISTS BELOW SHALL BE SUPPORTED ON JOISTS OR BLOCKING BETWEEN THE JOISTS
- POINT LOADS SHALL BE CONTINUOUSLY SUPPORTED DOWN TO FOUNDATION LEVEL
- PROVIDE SOLID BLOCKING IN HEADER SPACE AT FOUNDATION WALLS FOR POINT LOADS ABOVE
- MINIMUM 1 1/2" BEARING FOR JOISTS AND MINIMUM 3/2" BEARING FOR BEAMS
- UNLESS OTHERWISE NOTED ALL LINTELS ARE 2-2"x10" WITH 2-2"x4" OR 2-2"x6" ON EITHER SIDE
- METAL FLASHING, LINTELS, POSTS AND BEAMS TO BE PRIMED & PAINTED TO RESIST CORROSION
- MAXIMUM LOAD OF 36kN SHALL BE IMPOSED ON ADJUSTABLE STEEL COLUMNS CONFORMING TO CAN/CGS-7.2

SMOKE ALARMS

- CONFORM TO CAN/ULC-S531
- SHALL HAVE A VISUAL SIGNALING COMPONENT CONFORMING TO NFPA 72 (18.5.3.), BE INTEGRATED OR INTERCONNECTED/SYNCHRONIZED WITH BATTERY BACKUP
- INSTALLED ON ALL FLOOR LEVELS, IN EACH BEDROOM AND BETWEEN THE BEDROOM AND THE REST OF THE STOREY (HALLWAY)
- INSTALLED AS PER CAN/ULC-S553
- SHALL BE INTERCONNECTED ON A PERMANENT ELECTRICAL CIRCUIT WITH NO DISCONNECT SWITCH

CARBON MONOXIDE ALARMS

- CONFORM TO CAN/CSA-6.19 OR UL 2034
- INSTALL ADJACENT TO EACH SLEEPING AREA IN ALL BUILDINGS THAT CONTAIN A RESIDENTIAL OCCUPANCY WITH A FUEL-BURNING APPLIANCE OR STORAGE GARAGE
- INSTALL IN A SERVICE ROOM
- SHALL BE INTERCONNECTED ON A PERMANENT ELECTRICAL CIRCUIT WITH NO DISCONNECT SWITCH

STAIRS & BALCONIES (INCLUDING DECKS)

- HANDRAILS TO COMPLY WITH SECTION 9.8 AND SB7 OF THE ONTARIO BUILDING CODE (LATEST EDITION)
- MAXIMUM STAIR RISE 200mm (7 1/2")
- NOTE: PUBLIC STAIRS MAX 180mm (7")
- MINIMUM STAIR RUN 210mm (8 1/4") PLUS 25mm (1") NOSING
- NOTE: PUBLIC STAIRS MIN 280mm 11"
- MINIMUM STAIR HEADROOM 1950mm (6'-5")
- NOTE: PUBLIC STAIRS MIN 2050mm (6'-9")
- MINIMUM STAIR WIDTH 915mm (3'-0")
- VERTICAL HEIGHT BETWEEN ANY LANDING SHALL NOT EXCEED 3.7m (12'-1")
- RISERS SHALL HAVE A UNIFORM HEIGHT WITH A TOLERANCE NOT EXCEEDING 5mm (1/8"); BETWEEN ADJACENT TREADS OR LANDINGS AND BETWEEN TALLEST AND SHORTEST RISERS
- EXTERIOR WOOD FRAMED STAIRS TO BE PROTECTED BY FROST HEAVE WHEN ATTACHED TO A FROST PROTECTED STRUCTURE [EITHER AT THE BASE (GROUND) OR BY ALLOWING FOR FROST MOVEMENT AT THE ATTACHMENT TO THE STRUCTURE]
- STAIR HANDRAIL HEIGHT 865mm-965mm (32"-38")
- HANDRAILS REQUIRED WHERE THERE ARE MORE THAN 2 INTERIOR RISERS AND MORE THAN 3 EXTERIOR RISERS
- TWO HANDRAILS ARE REQUIRED WHERE A STAIR IS 1100mm (3'-7") OR MORE IN WIDTH (EXCEPT SERVING ONLY ONE DWELLING UNIT)
- AT LEAST ONE HANDRAIL SHALL BE CONTINUOUS EXCEPT AT DOORWAYS, LANDINGS AND NEWEL POSTS IN A CHANGE OF DIRECTION
- EXTERIOR CONCRETE STAIRS WITH MORE THAN TWO RISERS/TREADS SHALL BE SUPPORTED ON MINIMUM 150mm (6") THICK FOUNDATION OR BE CANTILEVERED TO FOUNDATION WALLS AT LEAST 200mm (8") THICK
- STAIR MANUFACTURE TO PROVIDE SHOP DRAWINGS & DETAILS OF STAIRS, RAILINGS AND GUARDS PRIOR TO CONSTRUCTION.

GUARDS

- GUARDS TO COMPLY WITH SECTION 9.8 AND SB7 OF THE ONTARIO BUILDING CODE (LATEST EDITION)
- GUARDS ARE REQUIRED WHEN THE ADJACENT WALKING SURFACE IS: MORE THAN 600mm (24"), MORE THAN TWO INTERIOR STAIRS HIGH OR A RAMP 400mm (16") HIGH
- MINIMUM HEIGHT FOR GUARDS SHALL BE: 920mm (36"), 1070mm (42") AT LANDINGS & WHERE ADJACENT WALKING SURFACE IS MORE THAN 1800mm (5'-11")
- FOR EXTERIOR STAIRS AND LANDINGS MORE THAN 10m (32'), GUARDS SHALL BE A MINIMUM 1500mm (5') HIGH
- GUARDS SHALL BE DESIGNED TO PREVENT CLIMBING EXCEPT AS OTHERWISE PERMITTED BY CODE
- PROTECTION OF WINDOWS AS PER 9.8.8.1. (5) TO (9)

HEATING & VENTILATION

- AS PER PART 6, SUBSECTION 9.32 AND 9.33 (BY OTHERS)

ELECTRICAL

- AS PER SUBSECTION 9.34 AND THE ELECTRICAL SAFETY ACT (BY OTHERS)

ATTIC ACCESS (WITHOUT OCCUPANCY OR APPLIANCES)

- ACCESS: 20"x28" FOR SINGLE FAMILY DWELLING (22"x36" OTHERWISE)
- ACCESS REQUIRED FOR SPACE 24" OR MORE IN A 100 sqft AREA WITH NO DIMENSION LESS THAN 3'

FIRE PROTECTION IN REQUIRED FIRE SEPARATIONS

- ALL MECHANICAL AND ELECTRICAL EQUIPMENT THAT PENETRATES A FIRE SEPARATION SHALL BE TIGHTLY FITTED OR FIRE STOPPED
- ALL PENETRATIONS SHALL BE NON-COMBUSTIBLE EXCEPT AS PERMITTED BY 9.10.9.6. AND 9.10.9.7.
- EX:
 - COMBUSTIBLE PIPING (NOT IN A VERTICAL SHAFT) THAT PENETRATES A FIRE RATED ASSEMBLY SHALL BE SEALED BY A FIRE STOP HAVING AN F RATING NOT LESS THAN THE REQUIRED RATING (INCLUDING CENTRAL VAC SYSTEMS)

FIRE BLOCKS

- SHALL BE INSTALLED IN ALL INTERCONNECTIONS BETWEEN CONCEALED VERTICAL AND HORIZONTAL SPACES AS PER 9.10.16.1. & 9.10.16.2.
- FIRE BLOCKING MATERIALS SHALL BE INSTALLED TO PREVENT THE PASSAGE OF FIRE AN REMAIN IN PLACE FOR 15min (AS PER CAN/ULC-S101)
- FIRE BLOCKING MATERIALS (NOT SUBJECT TO CAN/ULC-S101) MAY BE:
 - 12.7 mm GYPSUM BOARD
 - 0.38 mm THICK SHEET STEEL
 - 38 mm THICK SOLID LUMBER
 - 2 LAYERS OF 19mm LUMBER WITH JOINTS STAGGERED
 - 12.5 mm PLYWOOD, OSB OR WAFERBOARD WITH JOINTS CONTINUOUSLY SUPPORTED
- THE EFFECTIVENESS OF A REQUIRED FIRE BLOCK SHALL BE MAINTAINED AT ANY PENETRATIONS FROM PIPES, DUCTS OR OTHER ELEMENTS

FLAME SPREAD RATINGS

- RATINGS AS PER 9.10.17

HEATING & VENTILATION

- AS PER PART 6, SUBSECTION 9.32 AND 9.33

ELECTRICAL

- AS PER SUBSECTION 9.34 AND THE ELECTRICAL SAFETY ACT

PLENUM REQUIREMENTS

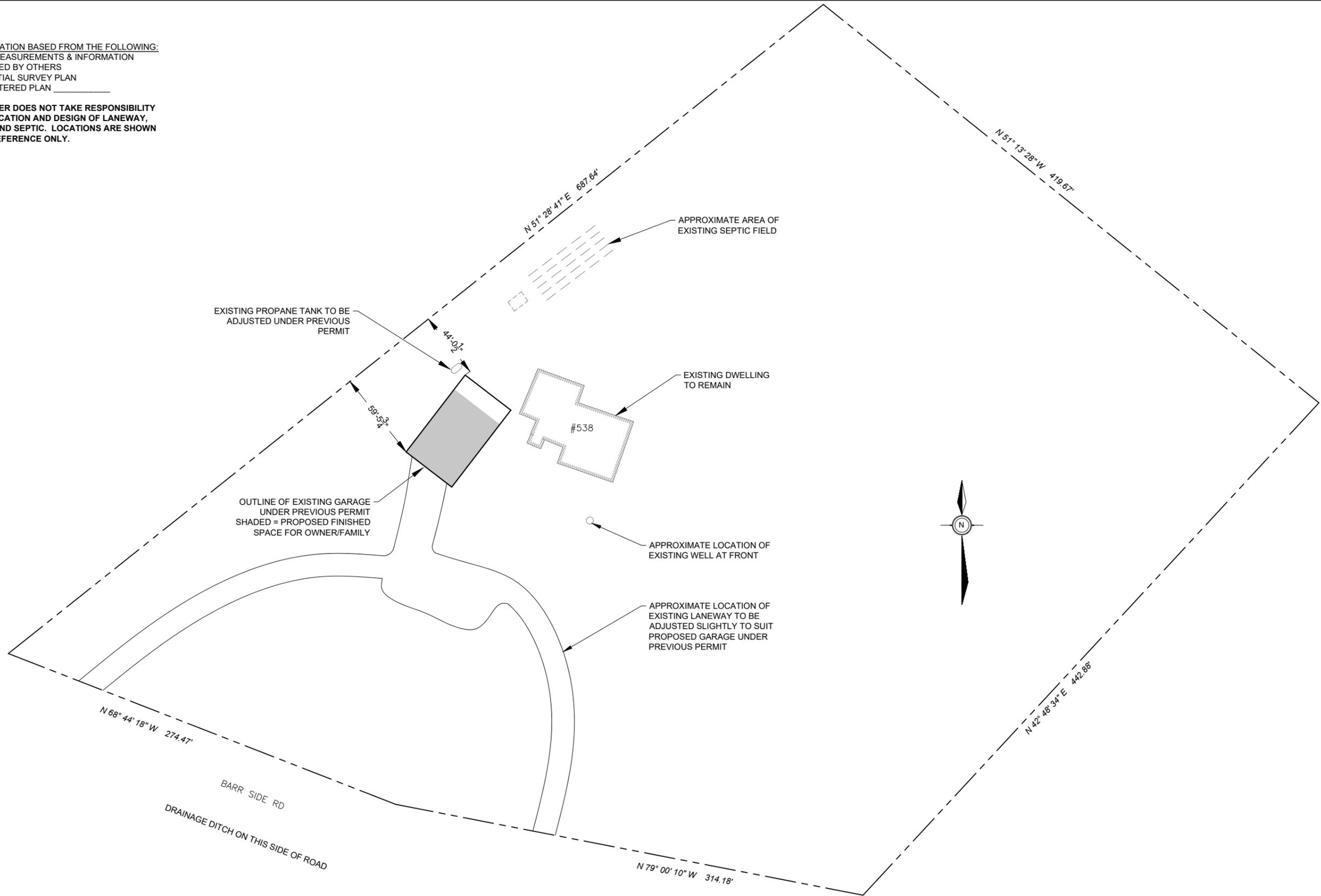
- FOR LOW CAPACITY SYSTEMS OF AIR DUCTS 6.2.4.10 6.2.4.3. 6.2.3.18 6.2.4.3. 6.2.4.8.

- PT = PRESSURE TREATED
- AA = ATTIC ACCESS
- WOD = WATER ON DEMAND
- HRV = HEAT RECOVERY VENTILATOR
- HEF = HIGH EFFICIENCY FURNACE
- FD = FLOOR DRAIN
- EP = ELECTRICAL PANEL
- DW = DISHWASHER
- F = FRIDGE
- M = MICROWAVE
- W/D = CLOTHES WASHER & DRYER (STACKED)
- LT = LAUNDRY TUB (OR SINK/COUNTER)

 <p>TM Draft By Design PO Box 330 Braeside, ON 613-492-1492 tmdraftbydesign@gmail.com</p>	Professional Seal	Professional Seal	<p>QUALIFICATION INFORMATION</p> <p>TARA MAY-BROTTON 26706 Name BCIN</p> <p>Signature</p> <p>REGISTRATION INFORMATION</p> <p>TM DRAFT BY DESIGN 43358 Name BCIN</p>	<p>Project Information</p> <p>RENOVATE APARTMENT/UNIT ABOVE GARAGE PUDDINGTON RESIDENCE 538 BARR SIDE RD PAKENHAM</p>	<p>Project Start January 2021</p> <p>Last Saved January 25, 2021</p> <p>Revisions</p> <table border="1"> <thead> <tr> <th>NO.</th> <th>DESCRIPTION</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>For Permit</td> <td>Jan 25/21</td> </tr> </tbody> </table>	NO.	DESCRIPTION	DATE	1	For Permit	Jan 25/21	<p>Sheet Title COVER PAGE</p> <p>Scale DO NOT SCALE DWGS</p> <p>Sheet A0.0 1/7</p>
	NO.	DESCRIPTION	DATE									
1	For Permit	Jan 25/21										
<p>The undersigned has reviewed and takes responsibility for the design activities as defined by the Ontario Building Code and has the Qualifications and meets the requirements as set out in the Ontario Building Code. These drawings are the property of the designer. Any duplicates not intended for this project are not permitted unless written permission is given separately by the undersigned.</p>		<p>Page 44 of 90</p>										

INFORMATION BASED FROM THE FOLLOWING:
 - SITE MEASUREMENTS & INFORMATION PROVIDED BY OTHERS
 - A PARTIAL SURVEY PLAN
 - REGISTERED PLAN

DESIGNER DOES NOT TAKE RESPONSIBILITY FOR LOCATION AND DESIGN OF LANEWAY, WELL AND SEPTIC. LOCATIONS ARE SHOWN AS A REFERENCE ONLY.



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QUALIFICATION INFORMATION
 TARA MAY-BROTTON 26706
 Name BCIN

REGISTRATION INFORMATION
 TM DRAFT BY DESIGN 43358
 Name BCIN

Project Information

RENOVATE APARTMENT/UNIT ABOVE GARAGE
 PUDDINGTON RESIDENCE
 538 BARR SIDE RD
 PAKENHAM

Project Start	January 2021	
Last Saved	January 25, 2021	
Revisions		
NO.	DESCRIPTION	DATE
1	For Permit	Jan 25/21

Sheet Title	SITE PLAN	
Scale	1/64" = 1'-0"	
Sheet	SP1	2/7



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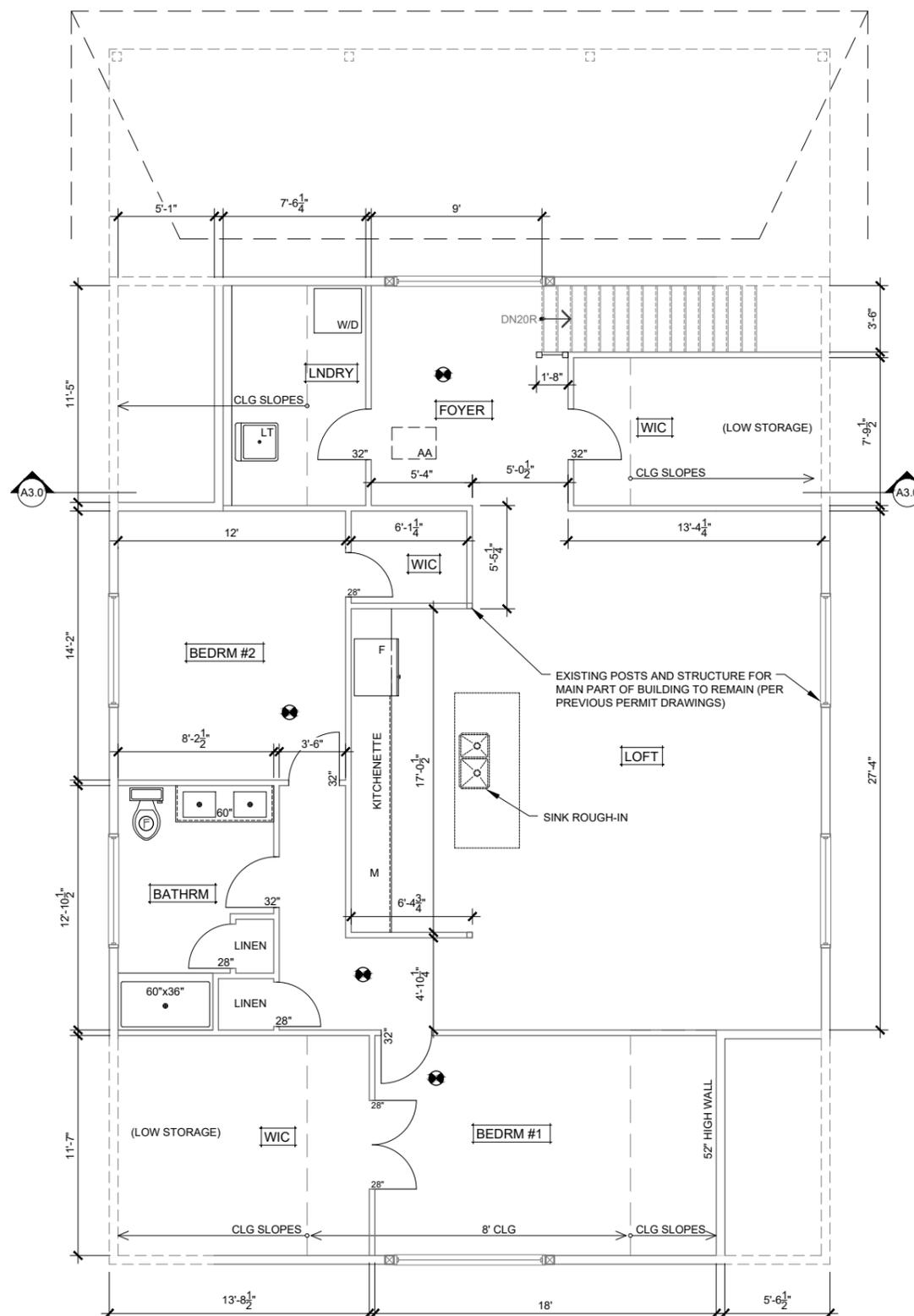
QUALIFICATION INFORMATION

TARA MAY-BROTTON 26706
 Name BCIN

Signature

REGISTRATION INFORMATION

TM DRAFT BY DESIGN 43358
 Firm Name BCIN



ONE WINDOW EGRESS REQUIREMENTS
 - OPENABLE FROM INSIDE WITHOUT THE USE OF TOOLS OR SPECIAL KNOWLEDGE
 - MINIMUM OPENABLE AREA OF 3.78sqft WITH NO DIMENSION LESS THAN 15"
 - MAINTAIN THE REQUIRED OPENING WITHOUT ADDITIONAL SUPPORT

FINAL LAYOUT OF MECHANICAL AS REQUIRED
 (DESIGN BY OTHERS)

- ⊕ EXHAUST FAN INDEPENDENTLY TO EXTERIOR OR AS PER HRV REQUIREMENTS
- ⊙ SMOKE & CARBON MONOXIDE DETECTOR (INSTALL AS PER MANUFACTURER'S SPECIFICATIONS)
- = EXISTING FRAMED WALLS

SPACE INTENDED FOR HOMEOWNER OR FAMILY AND NOT INTENDED TO BE RENTED OUT AS A SEPARATE LIVING AREA

Project Information

RENOVATE APARTMENT/UNIT
 ABOVE GARAGE
 PUDDINGTON RESIDENCE
 538 BARR SIDE RD
 PAKENHAM

Project Start **January 2021**

Last Saved **January 25, 2021**

NO.	DESCRIPTION	DATE
1	For Permit	Jan 25/21

Sheet Title
LOFT FLOOR PLAN

Scale
1/8" = 1'-0"

Sheet **A1.1** | **4/7**



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TARA MAY-BROTTON 26706
 Name BCIN

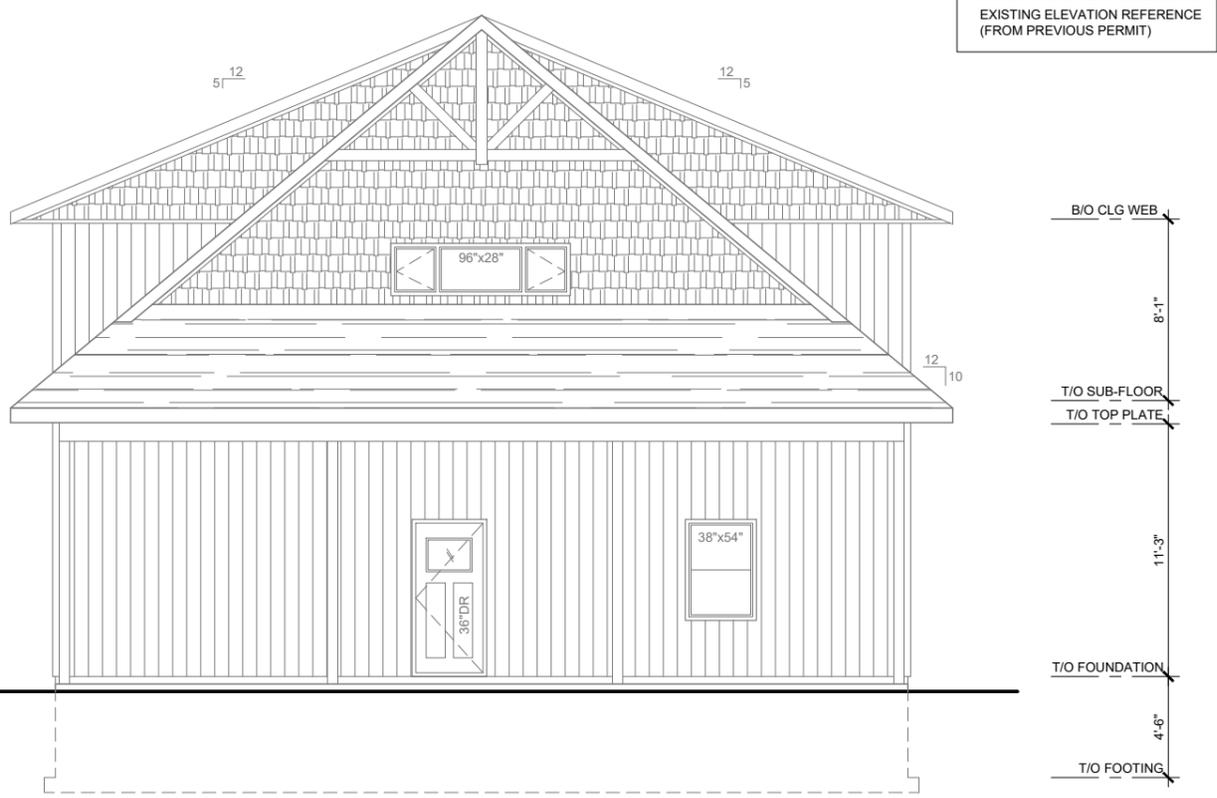
Signature

REGISTRATION INFORMATION

TM DRAFT BY DESIGN 43358
 Firm Name BCIN



INSTALL LIGHTING AT ENTRANCES



EXISTING ELEVATION REFERENCE
 (FROM PREVIOUS PERMIT)

INSTALL LIGHTING AT ENTRANCES

Project Information

RENOVATE APARTMENT/UNIT
 ABOVE GARAGE
 PUDDINGTON RESIDENCE
 538 BARR SIDE RD
 PAKENHAM

Project Start **January 2021**

Last Saved **January 25, 2021**

NO.	DESCRIPTION	DATE
1	For Permit	Jan 25/21

Sheet Title
**FRONT & REAR
 ELEVATIONS**

Scale
1/8" = 1'-0"

Sheet **A2.0** | **5/7**



TM Draft By Design
 PO Box 330 Braeside, ON
 613-492-1492
 tmdraftbydesign@gmail.com

Professional Seal

The undersigned has reviewed and takes responsibility for the design activities as defined by the Ontario Building Code and has the Qualifications and meets the requirements as set out in the Ontario Building Code.
 These drawings are the property of the designer. Any duplicates not intended for this project are not permitted unless written permission is given separately by the undersigned.

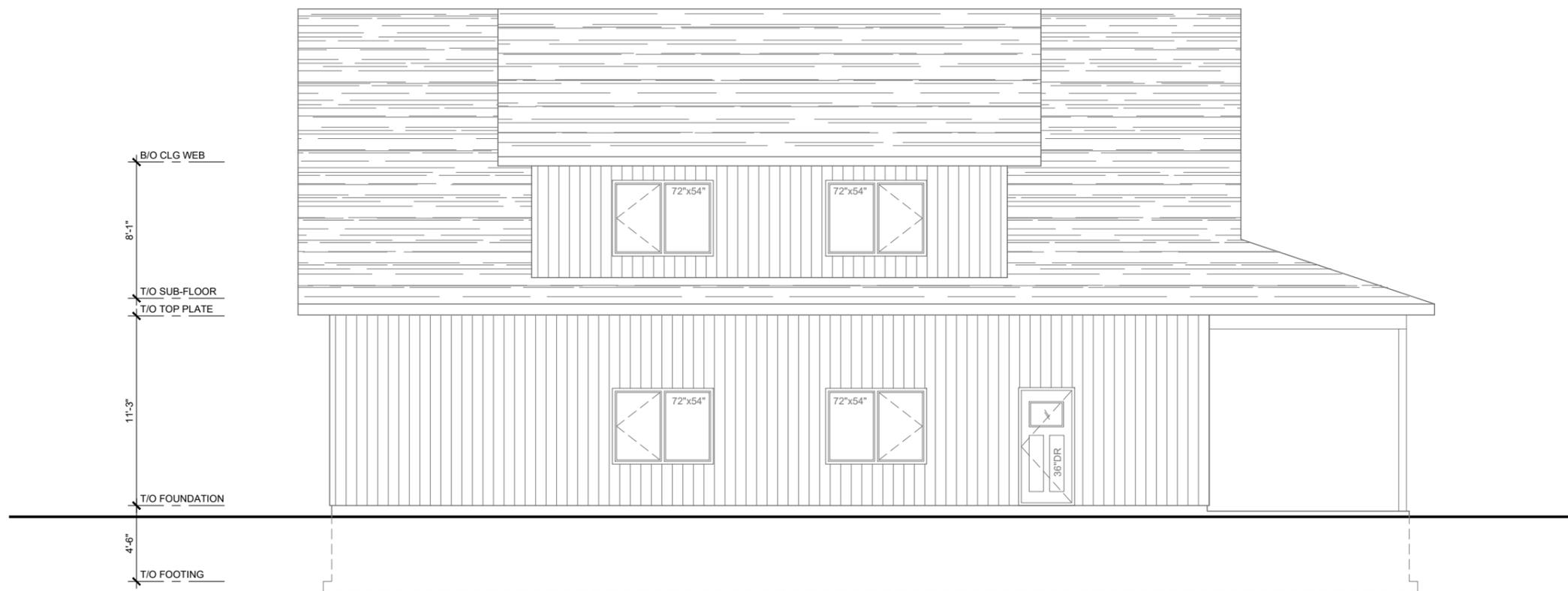
QUALIFICATION INFORMATION

TARA MAY-BROTTON 26706
 Name BCIN

Signature

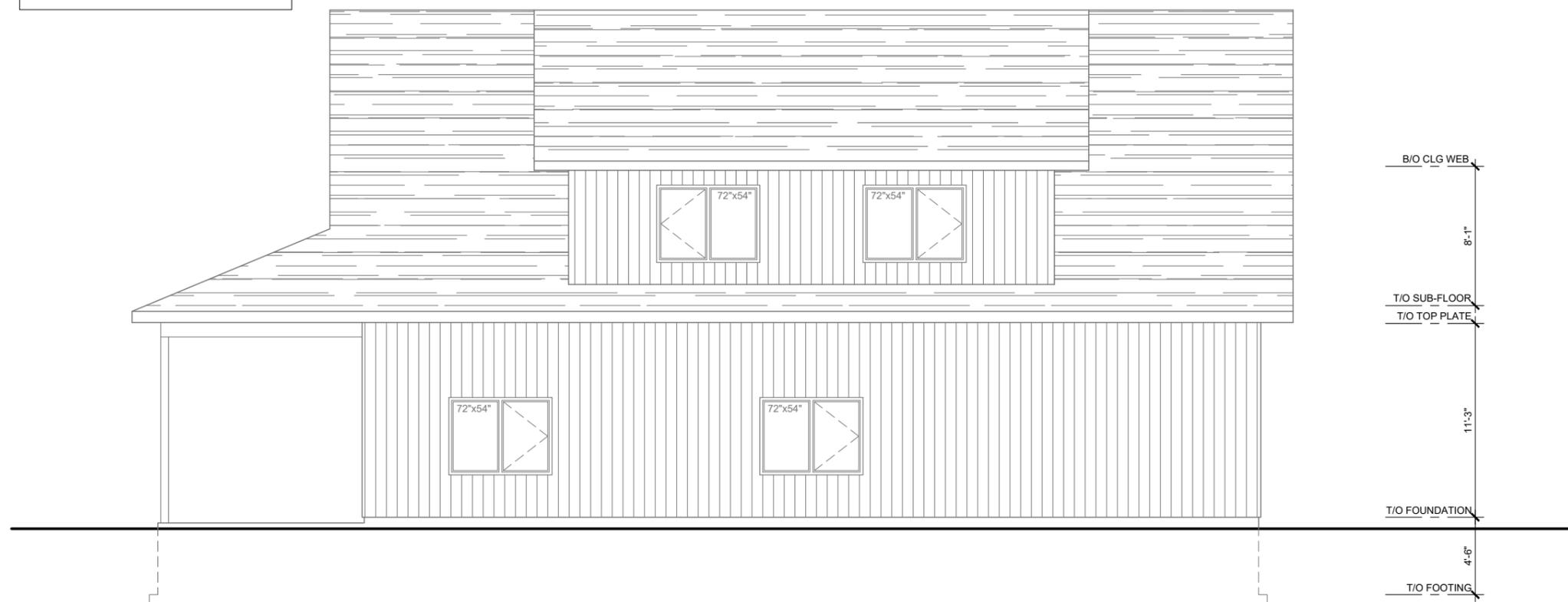
REGISTRATION INFORMATION

TM DRAFT BY DESIGN 43358
 Firm Name BCIN



INSTALL LIGHTING AT ENTRANCES

EXISTING ELEVATIONS SHOWN AS A REFERENCE
 (FROM PREVIOUS PERMIT)



Project Information

RENOVATE APARTMENT/UNIT
 ABOVE GARAGE
 PUDDINGTON RESIDENCE
 538 BARR SIDE RD
 PAKENHAM

Project Start **January 2021**

Last Saved **January 25, 2021**

NO.	DESCRIPTION	DATE
1	For Permit	Jan 25/21

Sheet Title
**RIGHT & LEFT
 ELEVATIONS**

Scale
1/8" = 1'-0"

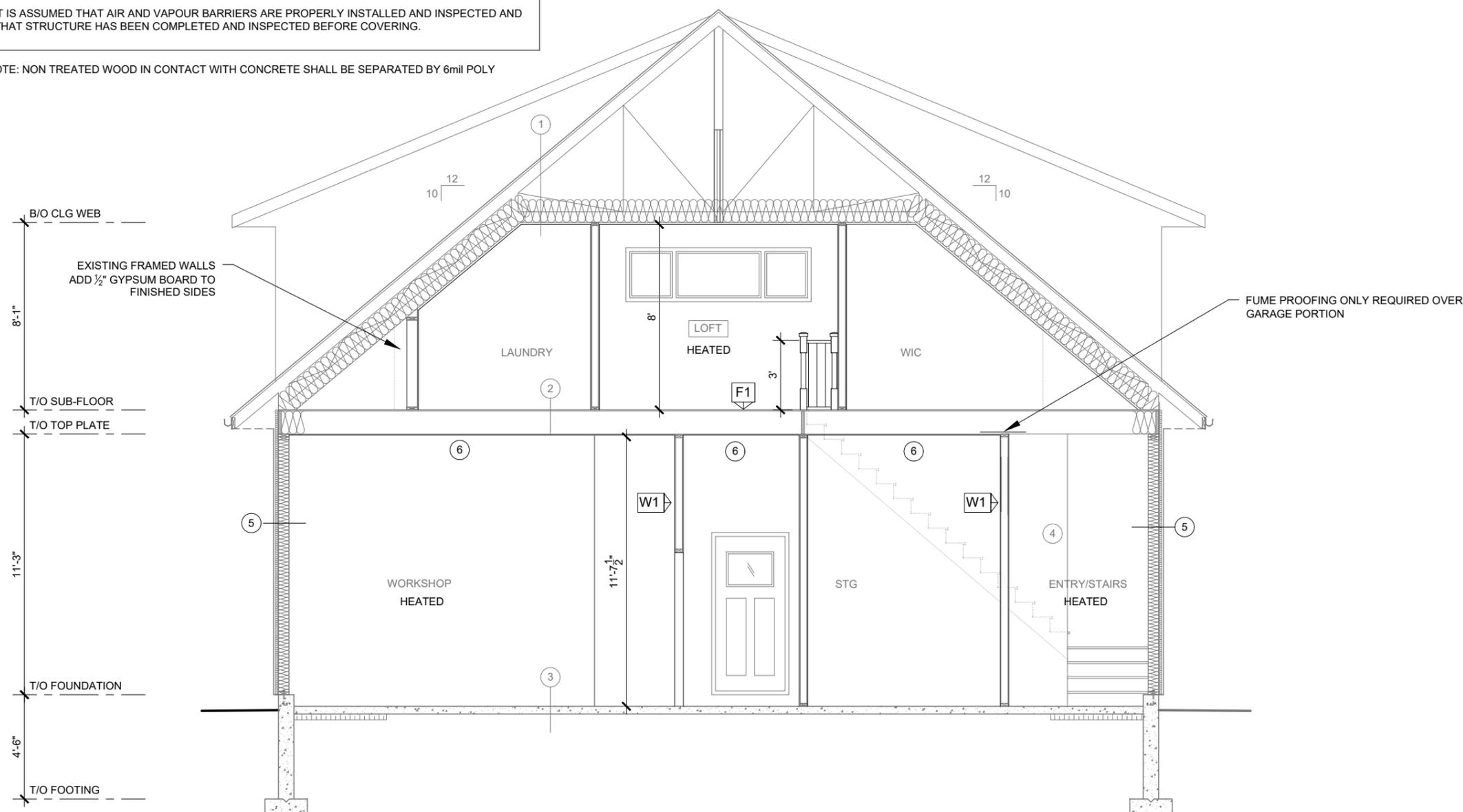
Sheet
A2.1 | 6/7



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IT IS ASSUMED THAT AIR AND VAPOUR BARRIERS ARE PROPERLY INSTALLED AND INSPECTED AND THAT STRUCTURE HAS BEEN COMPLETED AND INSPECTED BEFORE COVERING.

NOTE: NON TREATED WOOD IN CONTACT WITH CONCRETE SHALL BE SEPARATED BY 6mil POLY



Professional Seal

The undersigned has reviewed and takes responsibility for the design activities as defined by the Ontario Building Code and has the Qualifications and meets the requirements as set out in the Ontario Building Code. These drawings are the property of the designer. Any duplicates not intended for this project are not permitted unless written permission is given separately by the undersigned.

QUALIFICATION INFORMATION

TARA MAY-BROTTON 26706
 Name BCIN

Signature

REGISTRATION INFORMATION

TM DRAFT BY DESIGN 43358
 Firm Name BCIN

Project Information

RENOVATE APARTMENT/UNIT
 ABOVE GARAGE
 PUDDINGTON RESIDENCE
 538 BARR SIDE RD
 PAKENHAM

Project Start January 2021

Last Saved January 25, 2021

NO.	DESCRIPTION	DATE
1	For Permit	Jan 25/21

Sheet Title
 BUILDING SECTION

Scale
 3/16" = 1'-0"

Sheet
 A3.0 7/7

1 EXISTING ROOF ASSEMBLY TO BE FINISHED

2 EXISTING FLOOR ASSEMBLY @ 16"O/C TO BE FINISHED

3 EXISTING GARAGE FLOOR (UNHEATED)

4 EXISTING STAIRS (BEYOND WALL):
 UNDER PREVIOUS PERMIT
 RECOMMEND ADDING 5/8" TYPE X G.B. CONTINUOUS BESIDE STAIRS
 STAIRS TO BE FUME PROOF (SEE PLANS)

5 EXISTING EXTERIOR WALLS
 UNDER PREVIOUS PERMIT; FINISH AS PER HOMEOWNER

6 OPTIONAL DROP CEILING
 FRAMING FOR DUCTWORK MAY BE ADDED; SAME RULES APPLY
 FOR FUME PROOFING IF OVER GARAGE PORTION (SEE PLANS)

--- = FUME PROOFING

F1 EXISTING FLOOR FRAMING...
 OVER GARAGE: TO BE FUME PROOFED, ADD 1/2" GYPSUM BOARD
 (RECOMMEND 5/8" TYPE X GYPSUM BOARD), R31 INSULATION AND
 VAPOUR BARRIER ON WARM SIDE.

OVER HEATED SPACE: FINISH AS PER OWNER (RECOMMEND 5/8" TYPE X
 GYPSUM BOARD)

W1 EXISTING FRAMED WALLS TO BE FINISHED AS PER OWNER
 SEE PLANS FOR WALL SEPARATING GARAGE AND FUME PROOFING

Schedule B – Site Photos



THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

PLANNING REPORT

MEETING DATE: Wednesday, May 19, 2021 at 6:00 p.m via ZOOM (virtual meeting)
TO: Committee of Adjustment
FROM: Eric Forhan (Planning Consultant)
SUBJECT: **MINOR VARIANCE APPLICATION A-03-21 (D13-CHES-21)**
Part of Lot 16, Concession 10; Part 2 of Plan 26R-1213
Pakenham Ward, Municipality of Mississippi Mills
Municipally known as 474 Barr Side Road
OWNER/APPLICANT: Michael Cheslock and Jenna Gorman

RECOMMENDATION:

THAT the Municipality of Mississippi Mills Committee of Adjustment approves the Minor Variance for the subject property, legally described as Part of Lot 16, Concession 10, being Part 2 of Plan 26R-1213 , Pakenham Ward, Municipality of Mississippi Mills, municipally known as 474 Barr Side Road, to permit the a Secondary Dwelling (Additional Residential Unit) with a new garage, subject to the following conditions:

- 1. That the following requested Minor Variances to Zoning By-Law #11-83 are approved in accordance with the submitted drawings provided in Schedule A:**
 - To apply the zoning provisions of the Rural (RU) Zone to the one lot, whereas Section 3.2.4 provides that where a lot has two or more of its parts classified in different zones, then the provisions for each zone shall apply to each part.**
 - To permit a Secondary Dwelling (Additional Residential Unit) within 500 metre (m) of an open waste disposal site, whereas Section 6.25(1) states that no building or structure erected and used for human habitation shall be located closer than 500 m (1640 ft) from any area zoned for and containing a licensed waste disposal site, from 500 m to 400 m.**
 - To permit a Secondary Dwelling (Additional Residential Unit) in the Rural Area and ancillary to an existing detached dwelling, where as Section 8.16(2) states that a Secondary Dwelling Unit is only permitted in a settlement area and must be contained within the same building as its principal dwelling unit.**
 - To permit a Secondary Dwelling (Additional Residential Unit) that is over 40% of the gross floor area of its principal dwelling unit, whereas Section 8.16(5) states that a secondary dwelling located at or above grade must not be greater in size than an amount equal to 40% of the gross floor area of its principal dwelling unit, from 40% to 41%.**

- To permit a Secondary Dwelling (Additional Residential Unit) within 150 m of an Agricultural Designation, whereas Section 12.2 provides a minimum separation distance of 150 m between non-farm buildings and structures on lands adjacent to the Agricultural designation, from 150 m to 0m.
2. That the Owner/Applicant obtain all required building permits and approvals for the Secondary Dwelling (Additional Residential Unit).
 3. That the Owner/Applicant demonstrate that the open landfill site located within 500 m of the proposed development will not have any negative impacts on the proposed Secondary Dwelling (Additional Residential Unit), in accordance with Policy 4.8.5.5 of the Municipality's Community Official Plan (COP) and subject to the approval of the Director of Roads and Public Works.
 4. That the Owner/Applicant demonstrate to the Municipality that the existing/proposed private services (water / septic) is appropriate for the proposed Secondary Dwelling (Additional Residential Unit), to the satisfaction of the Municipality and the Leeds, Grenville & Lanark District Health Unit.
 5. That the Owner/Applicant register a covenant on the title of the property stating that the lot is adjacent to an agricultural area and active landfill site (waste management facility) and may therefore be subjected to noise, dust, odours and other nuisances associated with these activities.
 6. That the Owner/Applicant confirm that there are no livestock facilities or manure storage facilities within 1 km to the proposed Secondary Dwelling (Additional Residential Unit), or otherwise provide Minimum Distance Separation (MDS) calculations to the Municipality.

PURPOSE AND EFFECT

The applicant is requesting relief from the provisions of Sections 3.2.4, 6.25(1), 8.16(2), 8.16(5) and 12.2 of Zoning By-Law #11-83 to permit a Secondary Dwelling Unit (Additional Residential Unit) with a new garage that:

- will be subject to the Rural (RU) Zone provisions that will further be applied to the one lot;
- is within 500 metres (m) of an open waste disposal site;
- is in the Rural Area and detached from and ancillary to the primary (existing) dwelling unit;
- that is approximately 41% of the gross floor area of the primary (existing) dwelling unit; and
- that is within 150 m of an Agricultural designation

The subject property is partially zoned Rural (RU) and Agriculture (A). The proposed Secondary Dwelling Unit (Additional Residential Unit) would be located above a new garage and entirely within the RU zone. The subject property currently consists of a house and a garage. The existing house is 303.2 sqm (3264 sq.ft) and the existing garage is 62.4 sqm (672 sq.ft). The proposed Secondary Dwelling Unit (Additional Residential Unit) would be approximately 124 sqm (1338 sq.ft), and therefore represent approximately 41% of the existing dwelling.

The detailed plans are found in Schedule A to this Staff Report.

The proposed development is not subject to Site Plan Approval. In accordance with Site Plan Control By-Law 19-93, all development on lands zoned Agricultural (A) and Rural (RU) is exempt from Site Plan control process. The Secondary Dwelling (Additional Residential Unit) will be subject building permit approval. The Minor Variance requests are outlined below.

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

Section	Zoning Provision	By-law Requirement	Requested
3.2.4	More Than One Zone on a Lot	<i>Where a lot has two or more of its parts classified in different zones, then the provisions for each zone shall apply to each part as if said part was a separate lot</i>	The proponent is requesting that the provisions of one zone be applied to the one lot. The proposed Second Dwelling (Additional Residential Unit) is proposed on the portion of the land that is zoned Rural (RU) and will therefore be subject to the zone provisions of that zone.
6.25(1)	Setbacks from Waste Disposal Areas (WD) Zone	<i>No building or structure erected and used for human habitation shall be located closer than 500 m (1640 ft) from any area zoned for and containing a licensed waste disposal site either within or without the limits of the Corporation.</i>	The proponent is proposing the creation of a new dwelling unit within the 500 metre (m) setback buffer, at approximately 400 m measured from the property line of the waste disposal site.
8.16(2)	Secondary Dwelling Units	<i>A secondary dwelling unit is permitted in any detached, semi-detached or duplex dwelling, in any zone within a settlement area that permits any one or more of these dwelling types provided: (b) it is not a standalone, principal unit capable of being severed; (d) it only exists along with, and must be contained within the same building as, its principal dwelling unit.</i>	The proponent is proposing a Secondary Dwelling Unit in the Rural Area that would be ancillary to a detached dwelling and therefore separate and not contained within the same building as its principal (existing) dwelling unit.
8.16(5)	Secondary Dwelling Units	<i>(5) If located at or above grade, the secondary dwelling unit must not be greater in size than an amount equal to 40%</i>	The proponent is proposing a Secondary Dwelling Unit above a new garage that would technically exceed the 40% of the gross floor

		<i>of the gross floor area of its principal dwelling unit. If located in a basement, it may occupy the whole of the basement.</i>	area of the principal dwelling unit, at approximately 41%.
12.2	RU Zone Provisions	Minimum Separation of 150 m for between non-farm buildings and structures on lands adjacent to the Agricultural designation (m)	The proponent is requesting a separation distance of 0 m. MDS compliance is being required to address this area of zoning non-compliance.

DESCRIPTION OF SUBJECT LANDS

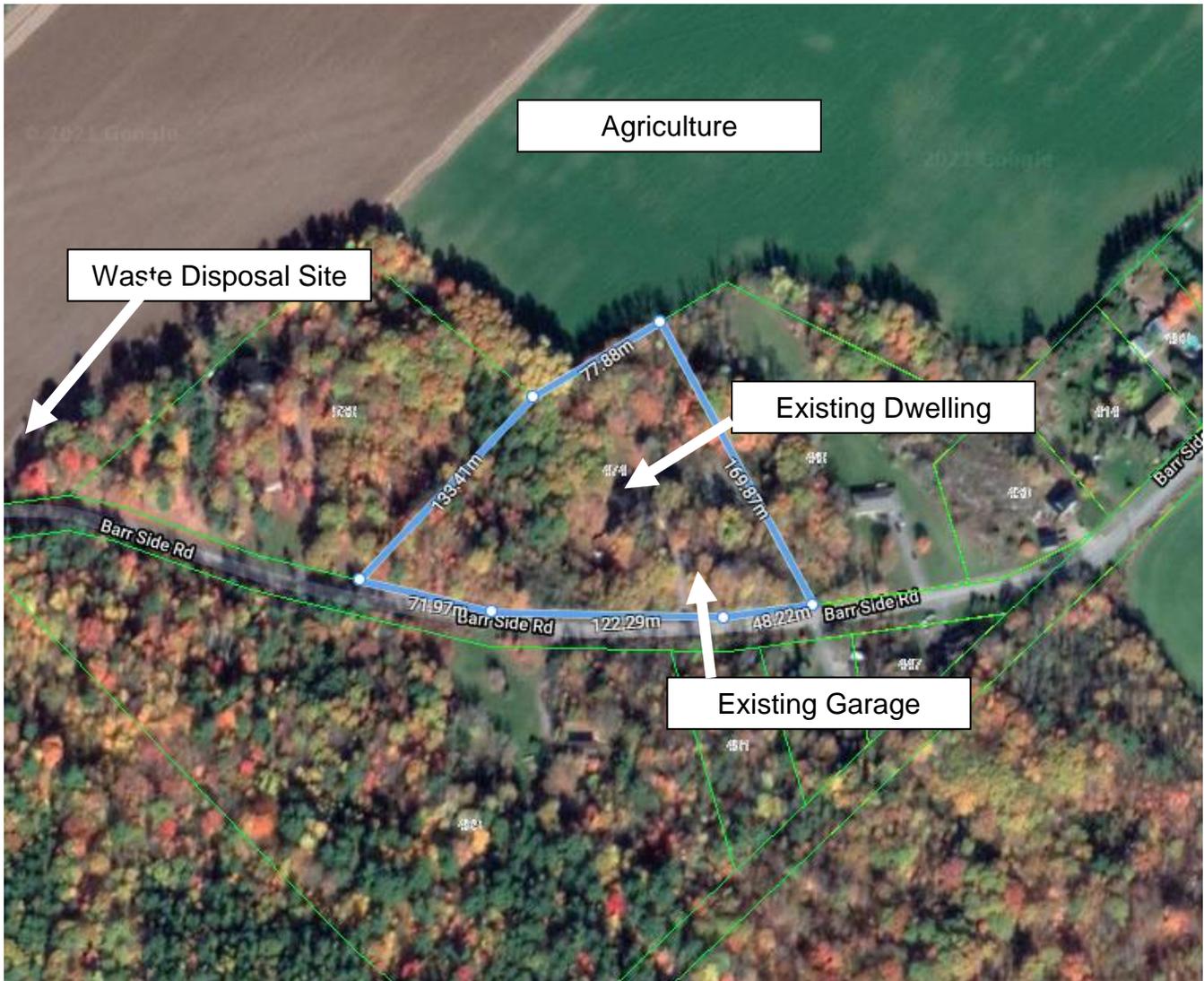
The subject property is located within Pakenham Ward, west of the intersection of Waba Road and Barr Side Road. The entire subject property is approximately 20,831 m² (5.15 ac) in size with a frontage of ±242.5 m (795.6 ft) along Barr Side Road (See **Figure 1**).

The subject property consists of a single detached dwelling and an existing garage. There are extensive tree plantings (wooded area) throughout the subject property that provide substantial screening from the road and adjacent properties.

Schedule B to this Planning Report provides the Site Photos for context.

The surrounding area consists of mostly agricultural lands, rural residential properties and the open municipal waste disposal site (Pakenham recycling Depot) located at 580 Barr Side Road, Pakenham.

Figure 1 – Aerial Photo of Subject Property



SERVICING & INFRASTRUCTURE

The subject property is presently serviced by private water and private septic. The Owner/Applicant is proposing that the Secondary Dwelling (Additional Residential Unit) have its own private septic system but share the existing private water (well) with the existing residential dwelling.

The Leeds, Grenville & Lanark District Health Unit is the approval authority for the addition of private services. The Owner/Applicant will have to provide to the Municipality with evidence that the proposed private septic system and shared well services will have the capacity to support the Secondary Dwelling / Additional Residential Unit.

The existing driveway access and parking area provided are suitable for the proposed Secondary Dwelling (Additional Residential Unit). The municipal parking and infrastructure 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: None received.

CBO: No objection. The Owner/Applicant will have to demonstrate that the proposed servicing is adequate.

Fire Chief: None received.

Director of Roads and Public Works: The only real concern is if we have additional drawdown concerns. There is no evidence of environmental impact from the landfill in that area. The health unit approves the septic and will need to be contacted.

The Owner/Applicant will have to demonstrate that the proposed servicing is adequate and that there are no negative impacts from proximity to the nearby landfill site.

Recreation Coordinator: No concerns or comments.

COMMENTS FROM EXTERNAL AGENCIES

None received.

COMMENTS FROM THE PUBLIC

None received.

EVALUATION

PLANNING ACT CHANGES RELATED TO ADDITIONAL RESIDENTIAL UNITS

The Ontario Planning Act prescribes matters of Provincial Interest and establishes the ground rules for land use planning in Ontario which includes policies, regulations and procedures related to Official Plans (Part III) and the passing of By-Laws (Part V).

The *Planning Act* was recently amended as a result of Bill 108 - *More Homes, More Choice Act*, 2019, which further amended the second unit framework in subsection 16(3) of the *Planning Act* with new provisions for "Additional Residential Units". Bill 108 received Royal Assent in the Ontario Legislature on June 6th, 2019 and the enabling regulations were proclaimed in to force on September 3, 2019.

The recent regulatory changes made to the *Planning Act* that authorize the use of Additional Residential Units offer Municipalities an additional tool to help develop a range of housing options in their communities, with an emphasis on affordability.

Encouraging Additional Residential Units is important because they:

- (1) provide homeowners with alternative means of earning additional income to help meet the costs of home ownership;
- (2) support changes in demographics through housing options for immediate and extended families; and
- (3) maximize densities to support and enhance local businesses, labour markets, and the efficient use of infrastructure.

Subsection 16(3) of Part III (Official Plans) of the *Planning Act* provides the policies for additional residential units:

- (3) *An official plan shall contain policies that authorize the use of additional residential units by authorizing,*
- (a) *the use of **two residential units** in a detached house, semi-detached house or rowhouse; and*
 - (b) *the use of **a residential unit** in a building or structure ancillary to a detached house, semi-detached house or rowhouse.* 2019, c. 9, Sched. 12, s. 2 (1).

In accordance with the above, Ontario's *Planning Act* permits an additional residential in any building that is ancillary to a detached dwelling. This means that an additional residential unit is permitted as an ancillary use wherever a detached dwelling is permitted, regardless of where the property is located (rural area vs settlement area).

The Minor Variance applications to permit a Secondary Dwelling (Additional Residential Unit) is therefore consistent with the regulations of the *Planning Act*.

The *Planning Act* does not specify whether or not additional residential units in ancillary buildings or structures need to be on the same or separate services as the primary dwelling unit. The Owner/Applicant will need to demonstrate that the proposed servicing is adequate.

FOUR TESTS

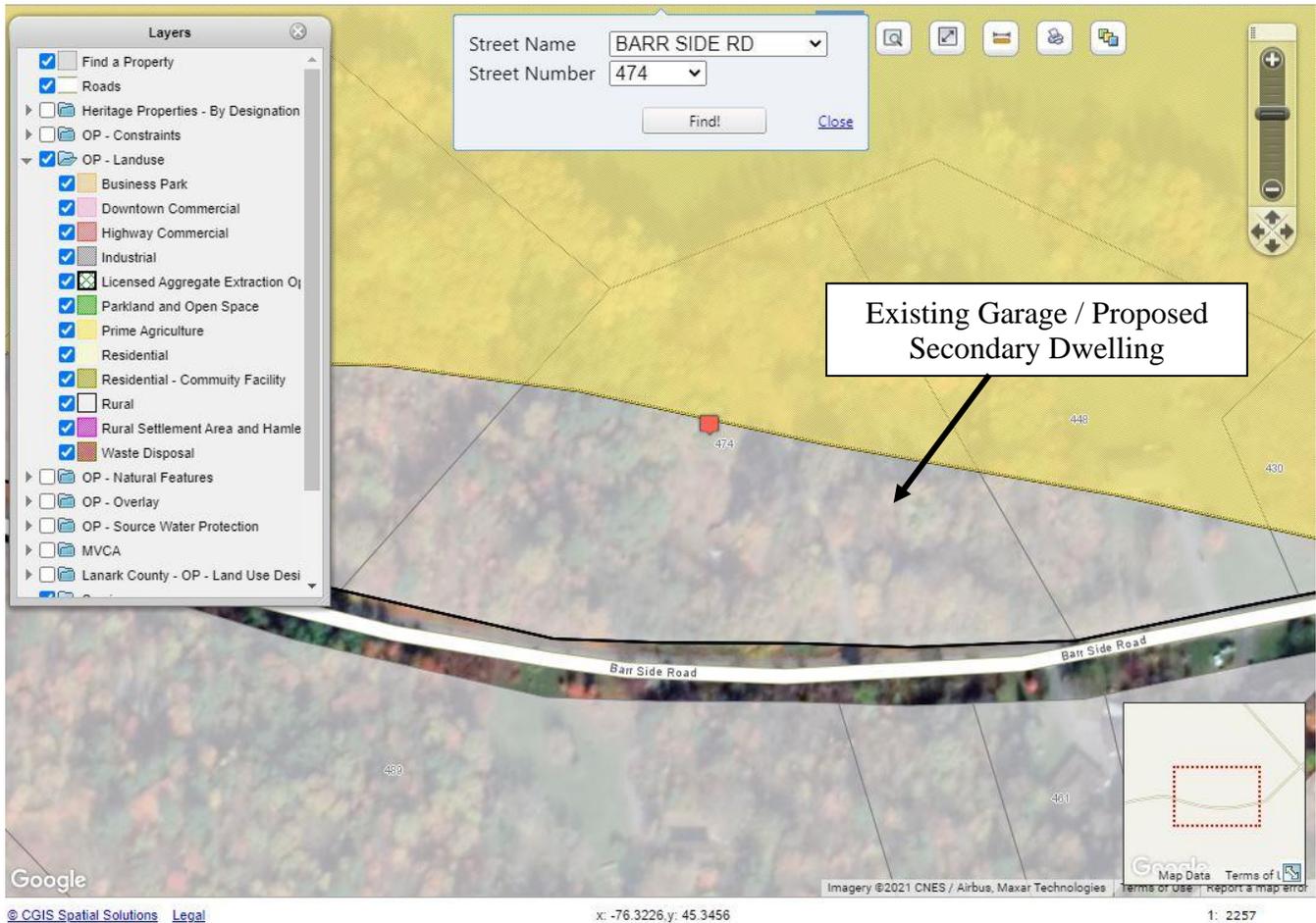
Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to grant relief from the requirements of a municipal zoning by-law. In properly evaluating such requests, the Committee needs to be satisfied that the proposal meets the four (4) tests set out in the *Planning Act*.

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 'Agriculture' and 'Rural' as per the Municipality's Community Official Plan (COP). The proposed Secondary Dwelling (Additional Residential Unit) is located within the portion of the subject property designated "Rural", as shown on **Figure 2** below.

Figure 2 – Official Plan designation map



As such, Rural policies are most relevant to this Minor Variance Application.

The intent of the Rural designation is to promote the rural character and encourage rural-based land uses, including limited residential development, such as Secondary Dwellings (Additional Residential Units).

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

Section 3.3.2 Permitted Uses (Rural Designation)

On lands designated as "Rural" the following shall be permitted:

vii. non-farm residential dwellings and accessory uses, including garden suites (Section 3.6.13 of the Plan), Second Dwelling Units (Section 3.6.9) home-based businesses (Section 3.6.11 of the Plan), group homes (Section 3.6.12 of the Plan) and bed and breakfast establishments (Section 3.6.10 of the Plan), as defined in the Residential section of this Plan.

As per Section 3.3.2, a Second Dwelling Unit is permitted in the “Rural” land use designation if it meets the policy requirements of Section 3.3.2. The proposed Secondary Dwelling (Additional Residential Unit) is proposed within the portion of the subject property designated as Rural.

3.3.3 General Policies (Rural Designation)

1. The establishment of new buildings and structures or the expansion or change of use of existing structures within the Rural designation shall be subject to the appropriate Minimum Distance Separation (MDS) calculation as developed by the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA).

In accordance with the above, the proposed Secondary Dwelling (Additional Residential Unit) is subject to Minimum Distance Separation (MDS) calculation. The applicant will need to demonstrate that MDS compliance has been achieved.

2. The establishment of new non-farm buildings and structures on lands adjacent to the Agricultural designation shall maintain a setback of 150 metres from the boundary of the Agricultural designation. The creation of new lots adjacent to the Agricultural designation shall ensure that there is an appropriate building envelope outside of the 150 metre setback. Where development is on an existing lot of record and the 150 metre setback cannot be achieved, development may take place within the 150 metre setback subject to the approval of the Committee of Adjustment. Such development proposals shall be assessed in terms of availability of natural vegetative screening, level and type of agricultural activity taking place on the abutting lands, characteristics of surrounding agricultural activities, existing and/or emerging agricultural trends and the likelihood for negative impact. The Committee of Adjustment may impose a condition on the decision including the registration of a covenant on the title of the property stating that the lot is adjacent to an agricultural area and may therefore be subjected to noise, dust, odours and other nuisances associated with agricultural activities.

The proposed Secondary Dwelling (Additional Residential Unit) is within the Rural designation and adjacent to the Agricultural designation. This separation distance is implemented through the Zoning By-Law and will be addressed through this Minor Variance Application. In accordance with the above noted policy, registration of a covenant on the title of the property is being recommended as a condition to the approval of this Minor Variance Application. The applicant will also need to demonstrate MDS compliance.

3.3.5 Residential Development

Residential development within the Rural designation shall be subject to the following policies:

3. A permitted second dwelling shall not be allowed to be severed from the balance of the property.

The proposed Secondary Dwelling (Additional Residential Unit) is permitted in the Rural designation as per the above noted policy and is therefore appropriate for the future development of the subject property.

4. All residential dwellings shall be subject to the *Minimum Distance Separation* calculation.

The proposed Secondary Dwelling (Additional Residential Unit) is subject to Minimum Distance Separation (MDS) policies and guidelines. There are no known livestock facilities or manure storage facilities within 500 metres (m) of the proposed dwelling. However, the applicant will be required to confirm that there are no livestock facilities and/or manure storage facilities within 1km of the subject property in accordance with the above noted policy and MDS guidelines.

6. When placing a residential dwelling and associated accessory structures on a rural property, special consideration should be given to the visual impact the development may have on the surrounding rural character. The Zoning By-law shall contain specific setback requirements which move rural residential dwellings an appropriate minimum distance back from the road. Special provisions may be established for development abutting scenic or heritage roads in accordance with Section 4.3.7 of this Plan. Efforts should be made to take advantage of existing topography, trees and fence lines when choosing a building location so as to fit in with the surrounding area.

The potential impacts of the proposed development on the surrounding rural character have been evaluated in accordance with the zoning setbacks for the site, as well as the Rural design guidelines (see below). The proposed Secondary Dwelling (Additional Residential Unit) will be adequately screened from abutting properties and the road by both the existing garage and the existing wooded areas found on the subject property. In other words, the proposed development will not worsen any existing visual impacts and will fit in with the surrounding area. The proposed design is rural in nature.

Section 3.6.9 Second Dwelling Units Policy

One second unit may be permitted within a single detached dwelling, semi-detached dwelling or duplex dwelling or in a building or structure ancillary to these housing types subject to the requirements of the Zoning By-law.

The Zoning By-law may provide for second unit regulations which allow for such units without an amendment to the Zoning By-law provided the following criteria are satisfied:

- i. only one second unit per property;
- ii. all requirements of the Zoning By-law are met, including adequate off-street parking, and minimum floor area for apartment units;
- iii. all building code and fire code requirements are addressed; and,
- iv. Secondary dwelling unit must connect to existing residential servicing.**

Although not currently reflected in Zoning By-Law #11-83, the Municipality's Community Official Plan (COP) permits Second Dwelling Units (Additional Residential Units) in a building or structure ancillary to detached dwellings. The proposed Secondary Dwelling (Additional

Residential Unit) would be ancillary to the existing primary dwelling. The proposed Secondary Dwelling Unit will be connected to the existing private water (well) that is currently provided for the existing primary dwelling but will be on separate private septic. In accordance with the above noted policy, the Owner/ Applicant will need to demonstrate that the additional residential unit can be supported on a separate private septic system and the same private water (well) system as the existing primary dwelling. This will require obtaining all relevant approvals and permits from the Lanark County Health Unit.

Section 4.2.3 Rural Design

4.2.3.1 General Policies

1. Development proposals will need to demonstrate how they conform to the Council approved Rural Design Guidelines.

The development proposal conforms to the above noted policy.

2. The construction and maintenance of existing roads shall take into consideration the roadscapes that exist or are common to an area. Efforts will be made to maintain existing trees and traditional rail fences along existing roads. Wherever possible, the existing character of the road will be enhanced through specific tree plantings and fence design. Professional advice on the pruning and cutting of trees and fence design along road allowances shall be encouraged.

The development proposal conforms to the above noted policy.

5. Development proposals will need to consider the impact they may have on the natural environment and will:

- i. ensure that the setbacks from natural features, rural resources and agricultural lands expressed elsewhere in this Plan are adhered to;
- ii. ensure that the site is large enough to accommodate the scale and intensity of the proposed development; and,
- iii. design and locate lighting to control spillage on adjacent properties and protect the night sky.

The development proposal conforms to the above noted policy.

6. To create visually appealing buildings and enhance the rural character, development proposals will:
 - i. demonstrate that new buildings and their setback from the road are consistent with traditional rural development;
 - ii. the Zoning By-law shall establish increased setbacks for new non- farm residential development and other forms of rural development;
 - iii. encourage new residential buildings to be designed to maximize the direct exposure to natural light;
 - iv. encourage building types which are traditional to the rural area;
 - v. establish rural residential design guidelines to assist in identifying the characteristics of traditional rural residential design;

- vi. protect or enhance natural areas between the roadway and the structures; and,
- vii. encourage rural non-farm residential development to establish traditional fence designs, such as rail fences and rock fences.

The development proposal conforms to the above noted policy.

- 7. To design sustainable buildings that are efficient, durable and adaptive over time, all proponents of plans, development proposals and public works will:
 - i. encourage sustainable designs that reduce energy consumption and maintenance costs;
 - ii. promote the re-use, not demolition, of existing buildings that are structurally sound;
 - iii. encourage street layouts, building orientation, and landscaping to maximize potential gains from solar energy and exposure to light;
 - iv. recommend the use of local building materials and/or durable, environmentally sustainable building materials; and,
 - v. use outdoor lighting fixtures that will promote public safety and be of a design that reduces energy consumption and directs light away from the abutting properties and the night sky.

The development proposal conforms to the above noted policy. Of note, the Owner/Applicant has submitted an Energy Efficiency Design Summary (Schedule C attached hereto), which demonstrates that the proposed Secondary Dwelling (Additional Residential Unit) will be energy efficient.

Section 4.8.5 Waste Management

- 2. The Zoning By-law shall establish setbacks for development from the boundary of the closed waste disposal sites which are consistent with the influence areas established by the MOECP for the specific facilities.

Development setbacks from open waste disposal sites are provided in Section 6.25 of Zoning By-Law #11-83, in accordance with Policy 4.8.5.2 above. Provision 1 states:

- (1) *No building or structure erected and used for human habitation shall be located closer than 500 m (1640 ft) from any area zoned for and containing a licensed waste disposal site either within or without the limits of the Corporation.*

The Secondary Dwelling (Additional Residential Unit) is within 500 m from of the open waste disposal site, at approximately 400 m from the property line of the open waste disposal site. The Owner/Applicant is seeking a Minor Variance to address this area of non-compliance with the setbacks established in Zoning By-Law #11-83.

- 5. All land use proposals located within 500 metres of the perimeter of a fill area or wastewater treatment facility shall be supported by studies to determine the impact of the open or closed landfill site on the proposed development. Factors to be considered include but are not limited to; landfill generated gases, ground and surface water

contamination by leachate, odour, litter, vehicular traffic, dust, noise, vectors and vermin and visual impact.

No studies have been provided to the Municipality that demonstrate the potential negative impacts associated with proximity to the existing landfill. In accordance with Policy 4.8.5.5, the Owner/ Applicant will be required to provide a study that evaluates the impacts of the open landfill site on the proposed development.

Variance 2 – Permitting a residential dwelling within 500 metres (m) of an open landfill site (Pakenham depot)

Section 4.8.5 permits land use proposals, including dwellings of any kind, within 500 metres of the perimeter of a landfill site provided that the proposed development is supported by a study that evaluates the impacts of the open landfill site. The proposal therefore conforms to the Municipality's Community Official Plan (COP) provided that the Owner/Applicant provides such study/ evaluation.

Variance 3 – Permitting a secondary dwelling (Additional Residential Unit) in the Rural Area and ancillary to a permitted detached dwelling

The existing primary residential dwelling is permitted and the proposed Secondary Dwelling (Additional Residential Unit) will be ancillary to the existing primary dwelling. In accordance with Section 3.6.9 of the Municipality's Community Official Plan (COP), the proposed development is therefore permitted within an ancillary building or structure.

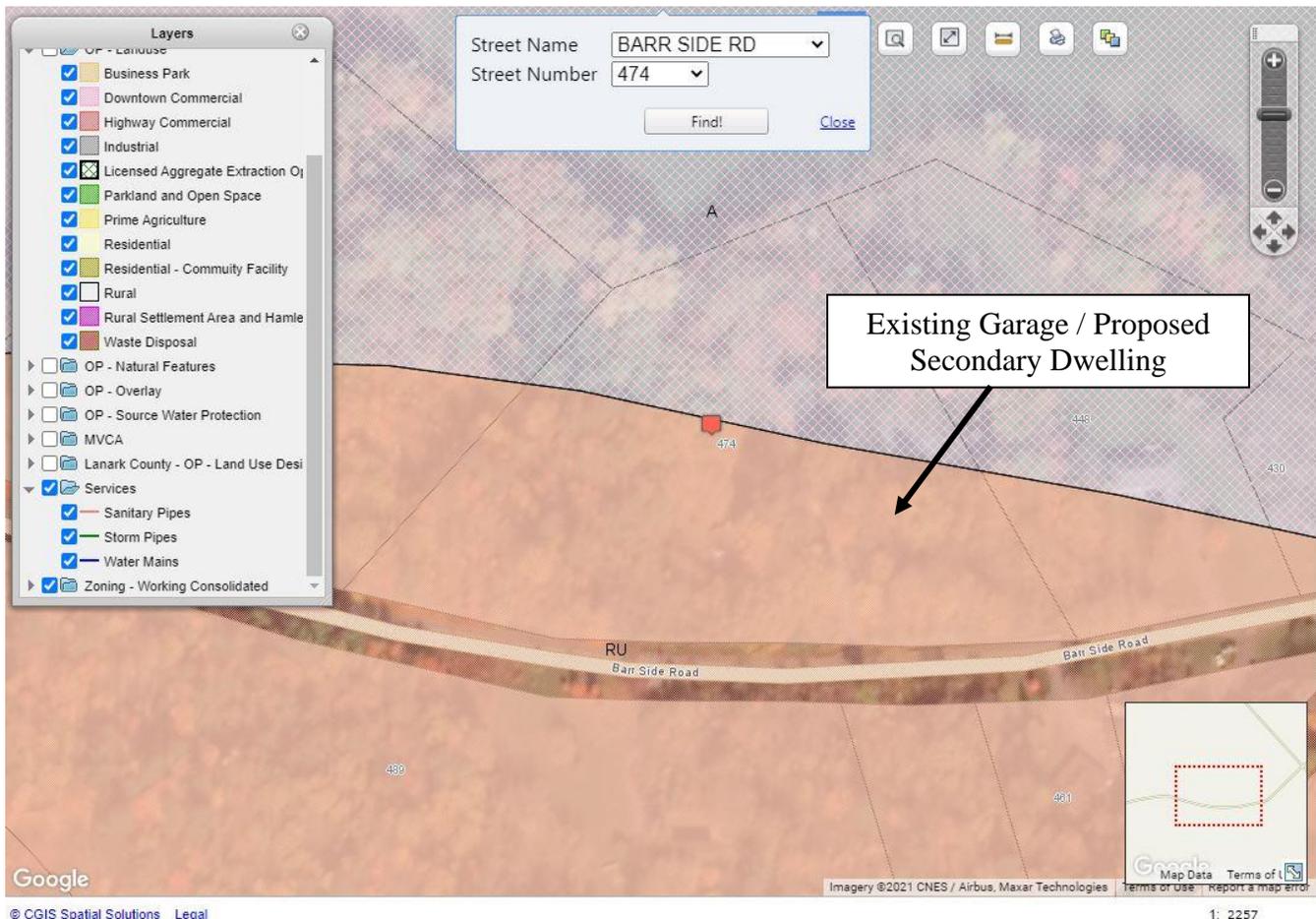
A Variance to Zoning By-Law #11-83 is required to permit a Secondary Dwelling (Additional Residential Unit) within the Rural land use designation even though it is permitted by the COP.

Staff are recommending a few conditions to ensure that the proposed development conforms to all applicable COP policies discussed above. The Owner/Applicant will need to demonstrate that servicing is adequate; that MDS compliance is being achieved; and that the Owner/Applicant ensures that future landowners understand the potential impacts of nearby Agricultural uses, given the property's location within the Agricultural designation and adjacent to an active landfill site.

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

The subject property is zoned "Agricultural (A)" and "Rural (RU)" as per Comprehensive Zoning By-law #11-83. The proposed development would be within the portion of the subject property zoned "Rural (RU)", as shown on **Figure 3** below.

Figure 3 – Aerial image showing approximate boundaries of Agricultural (A) and Rural (RU) Zones



As per Section 11.1 of Zoning By-Law #11-83, the 'A' Zone permits mostly farm-related residential and non-residential uses.

Sections 3.2.4, 6.25(1), 8.16(2), 8.16(5) and 12.2 of Zoning By-Law #11-83 are being varied to permit a Secondary Dwelling Unit over a new garage and therefore need to be evaluated.

Variance 1 – Applying the Rural (RU) Zone provisions to the one lot

The Owner/Applicant is seeking relief from Section 3.2.4 which states the following:

Section 3.2.4 More Than One Zone on a Lot

Where a lot has two or more of its parts classified in different zones, then the provisions for each zone shall apply to each part as if said part was a separate lot, except that the lot area requirement for a permitted use in an Agricultural zone may include any part of that lot that may be zoned Environmental Protection.

The proposed development would be located on the portion of the lands that is zoned Rural (RU). It is staff's opinion that the 'RU' zone provisions should be applied to the entire lot for the purposes of the proposed Secondary Dwelling (Additional Residential Unit).

Variance 2 – Permitting a residential dwelling within 500 metres (m) of an open landfill site (Pakenham depot)

A Variance is required to permit a Secondary Dwelling (Additional Residential Unit) within 500 metres (m) of an open landfill site, from 500 m to 400 m (from the nearest property line of the landfill site).

Section 6.25 states the following:

- (1) *No building or structure erected and used for human habitation shall be located closer than 500 m (1640 ft) from any area zoned for and containing a licensed waste disposal site either within or without the limits of the Corporation.*

While the existing dwelling and garage are considered legal non-conforming and legal non-complying respectively, the addition of a Secondary Dwelling (Additional Residential Unit) with a garage is not, as the proposal would result in a new dwelling (human habitation) and new garage where it never previously existed.

The proposed reduction of 100 m in separation distance is not significant. The request for Variance is considered a minor departure from the zoning provision given that the existing dwelling is already located within this setback and would be closer to the waste disposal site than the proposed development. While there are no anticipated adverse impacts from the proximity to the waste (recycling) site, the Owner/Applicant will be required to confirm that there will be no adverse (negative) impacts from the waste disposal site on the proposed development.

The proposal therefore conforms to the general intent of Zoning By-Law #11-83.

Variance 3 – Permitting a secondary dwelling (Additional Residential Unit) in the Rural Area and ancillary to a permitted detached dwelling

A Variance is required to permit a Secondary Dwelling (Additional Residential Unit) as a stand-alone structure that is ancillary to a permitted detached dwelling. The current provisions don't reflect recent *Planning Act* changes or the COP policies, as discussed earlier.

According to Section 12.1(a) detached dwellings are permitted within the 'RU' Zone. In accordance with Section 8.16, Secondary Dwellings (Additional Residential Unit) are permitted wherever single detached dwellings are permitted in a Settlement Area.

Section 8.16 (Secondary Dwelling Units)

(2) *A secondary dwelling unit is permitted in any detached, semi-detached or duplex dwelling, in any zone within a settlement area that permits any one or more of these dwelling types provided:*

(a) *it does not change the streetscape character along the road on which it is located;*

(b) *it is not a standalone, principal unit capable of being severed;*

*(c) it must be located on the same lot as its principal dwelling unit; and
(d) it only exists along with, and must be contained within the same building as, its principal dwelling unit.*

The Owner/ Applicant is requesting relief from Section 8.16(2) of Zoning By-Law #11-83 to permit the proposed development in the Rural Area and as ancillary to the existing dwelling.

The Secondary Dwelling (Additional Residential Unit) is proposed over new garage structure that is ancillary to the existing primary dwelling and therefore does not comply with the provision above, which states that the Secondary Dwelling must be contained within the same building as its principal dwelling.

The proposed Secondary Dwelling (Additional Residential Unit) will not change the streetscape character along the road or propose any new visual impacts on the streetscape; will not be capable of being severed; and is located on the same lot as the principal dwelling unit. In fact, the proposed Secondary Dwelling (Additional Residential Unit) with garage will be located further away from the front lot line than the existing garage. While the proposed Secondary Dwelling (Additional Residential Unit) is not permitted in the Rural area, new *Planning Act* regulations and OP policies permit these in rural areas provided that a single detached dwelling is permitted. The Variance request is therefore minor.

The proposed development complies with all other provisions of Section 8.16, except for Section 8.16(5). Therefore, the proposal conforms to the general intent of Zoning By-Law #11-83.

Variance 4 – Permitting a secondary dwelling (Additional Residential Unit) over 40% of the gross floor area of the principal dwelling unit.

(5) If located at or above grade, the secondary dwelling unit must not be greater in size than an amount equal to 40% of the gross floor area of its principal dwelling unit. If located in a basement, it may occupy the whole of the basement.

The proposed Secondary Dwelling (Additional Residential Unit) does not comply with the above noted provision. The applicant is requesting relief from this provision of the Zoning By-Law to permit an increase in the permitted size of the Secondary Dwelling, from 40% to 41%.

The requested increase is considered a minor departure from the size requirement of Section 8.16(5). The intention of Section 8.16(5) is really meant to prevent the development of a Secondary Dwelling that would dramatically alter the size and form of a building, which also contains the principal dwelling. The proposed Secondary Dwelling (Additional Residential Unit) will be located separate from the principal dwelling and will therefore not lead to any alterations to the building containing the existing primary dwelling. In other words, since the proposed Secondary Dwelling (Additional Residential Unit) will be separate and ancillary to the primary dwelling, the gross floor area of the proposed development is of less concern.

Nevertheless, a Variance is required to increase the permitted size of the Secondary Dwelling (Additional Residential Unit), from 40% to 41%.

The proposed Secondary Dwelling (Additional Residential Unit) complies with all other provisions provided under Section 8.16, and therefore conforms to the general intent of Zoning By-Law #11-83.

Variance 5 – Permitting a secondary dwelling (Additional Residential Unit) within 150 m of an Agricultural designation.

Of note, the proposed Secondary Dwelling (Additional Residential Unit) will be a stand-alone structure that will also contain a new garage. Secondary Dwellings (Additional Residential Unit) are not subject to the accessory provisions of Section 6.1:

(6) A secondary dwelling unit is not considered to be an accessory use and it is regulated by Section 8.16 of this By-law.

In accordance with the above, the proposed Secondary Dwelling (Additional Residential Unit) and new garage will not be subject to the maximum permitted height and other setback requirements prescribed under Section 6.1.

The proposed Secondary Dwelling (Additional Residential Unit) and new garage are therefore subject to the RU Zone provisions for non-farm residential uses provided under Section 12.2 of Zoning By-Law #11-83. The proposed setbacks are compared with the applicable zone provisions, as shown in **Table 1** below.

Table 1: Zoning Compliance		
Provisions (m)	Non-Farm Residential (Required)	Secondary Dwelling (Proposed)
Minimum Side Yard Setback	6	30
Minimum Rear Yard Setback	9	9+
Minimum Front Yard Setback	9	40
Maximum Building Height	11	6*
Minimum Separation between non-farm buildings and structures on lands adjacent to the Agricultural designation (m)	150	0

*Approximate building height based on the elevations presented in Schedule A of this report.

The proposed Secondary Dwelling (Additional Residential Unit) complies with all applicable and remaining zone provisions displayed in **Table 1** above, except for the minimum separation distance of 150 m between non-farm buildings and structures on lands adjacent to the Agricultural designation.

This Minor Variance application is being requested to reduce the minimum separation distance from 150 m to 0 m. The Owner/Applicant is also being required to confirm MDS compliance to address this area non-compliance.

The proposed Secondary Dwelling (Additional Residential Unit) conforms with the applicable RU Zone provisions.

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

The proposal would permit a Secondary Dwelling (Additional Residential Unit) as ancillary to the permitted and existing primary dwelling. The current zoning provisions for Secondary Dwellings do not reflect recent *Planning Act* changes, as previously discussed. Zoning By-Law #11-83 will likely be updated in the near future to modify the current zoning provisions.

The proposed development is desirable for the appropriate development of the subject property since the proposal adds to the local housing stock and represents a logical form of development on-site.

The proposed development exceeds the minimum setback requirements of the RU Zone provisions and is well below the maximum building height. In other words, buffers from property lines and abutting properties are more than sufficient.

Also, there are extensive tree plantings (wooded areas) that provide substantial screening from the road, which means there will not be any added visual impacts as a result of the proposed development. Also, the proposed development will be located further away from the front lot line than the existing garage, which means that the streetscape will not be impacted.

The proposal will also provide a form of housing that is supported by the relevant policies, including the *Planning Act* and the Rural land use designation.

The proposed development would also be located further away from the open landfill site than the existing primary dwelling and garage. The proposal would therefore be compatible with character of the site and the surrounding area.

To further demonstrate the appropriateness of the development proposal, the Owner/Applicant will be responsible for:

- obtaining all required building permits and approvals
- providing evidence that there will be no impacts from the adjacent open landfill site on the proposed development
- demonstrating servicing capacity for the proposed development including all necessary approvals from the Lanark District Health Unit
- registering a covenant on the title of the property stating that the lands are adjacent to an agricultural area
- demonstrating MDS compliance.

4. Is the proposal minor?

The subject lands are surrounded primarily by other rural residential uses and the requests discussed herein are a minor departure from provisions of Zoning By-Law #11-83. The Variance requests related to the Secondary Dwelling (Additional Residential Unit) are only a formality, as the current Zoning By-Law does not conform to the applicable COP policies and *Planning Act* regulations, which permit Secondary Dwelling (Additional Residential Unit) as ancillary to a permitted primary dwelling. While the proposed Secondary Dwelling (Additional Residential Unit) is not permitted in the Rural area, new *Planning Act* regulations and OP

policies permit these unit types in the rural area provided that a single detached dwelling is permitted. The Variance request is therefore minor.

Also, the proposal would establish a Secondary Dwelling (Additional Residential Unit) further away from the existing waste disposal site than the existing primary dwelling and only 100 m into the influence area of the waste disposal site. 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.

Therefore, Staff believe that Minor Variance Application A-03-21 meets the four (4) tests for evaluating a Minor Variance as established under the *Planning Act*. Planning Staff therefore recommend 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 following requested Minor Variances to Zoning By-Law #11-83 are approved in accordance with the submitted drawings provided in Schedule A:**
 - **To apply the zoning provisions of the Rural (RU) Zone to the one lot, whereas Section 3.2.4 provides that where a lot has two or more of its parts classified in different zones, then the provisions for each zone shall apply to each part.**
 - **To permit a Secondary Dwelling (Additional Residential Unit) within 500 metre (m) of an open waste disposal site, whereas Section 6.25(1) states that no building or structure erected and used for human habitation shall be located closer than 500 m (1640 ft) from any area zoned for and containing a licensed waste disposal site, from 500 m to 400 m.**
 - **To permit a Secondary Dwelling (Additional Residential Unit) in the Rural Area and ancillary to an existing detached dwelling, where as Section 8.16(2) states that a Secondary Dwelling Unit is only permitted in a settlement area and must be contained within the same building as its principal dwelling unit.**
 - **To permit a Secondary Dwelling (Additional Residential Unit) that is over 40% of the gross floor area of its principal dwelling unit, whereas Section 8.16(5) states that a secondary dwelling located at or above grade must not be greater in size than an amount equal to 40% of the gross floor area of its principal dwelling unit, from 40% to 41%.**
 - **To permit a Secondary Dwelling (Additional Residential Unit) within 150 m of an Agricultural Designation, whereas Section 12.2 provides a minimum separation distance of 150 m between non-farm buildings and structures on lands adjacent to the Agricultural designation, from 150 m to 0m.**
- 2. That the Owner/Applicant obtain all required building permits and approvals for the Secondary Dwelling (Additional Residential Unit).**

3. That the Owner/Applicant demonstrate that the open landfill site located within 500 m of the proposed development will not have any negative impacts on the proposed Secondary Dwelling (Additional Residential Unit), in accordance with Policy 4.8.5.5 of the Municipality's Community Official Plan (COP) and subject to the approval of the Director of Roads and Public Works.
4. That the Owner/Applicant demonstrate to the Municipality that the existing/ proposed private services (water / septic) is appropriate for the proposed Secondary Dwelling (Additional Residential Unit), to the satisfaction of the Municipality and the Leeds, Grenville & Lanark District Health Unit.
5. That the Owner/Applicant register a covenant on the title of the property stating that the lot is adjacent to an agricultural area and active landfill site (waste management facility) and may therefore be subjected to noise, dust, odours and other nuisances associated with these activities.
6. That the Owner/Applicant confirm that there are no livestock facilities or manure storage facilities within 1 km to the proposed Secondary Dwelling (Additional Residential Unit), or otherwise provide Minimum Distance Separation (MDS) calculations to the Municipality.

All of which is respectfully submitted by,

Reviewed by,



Eric Forhan, MScPI
Planning Consultant



Marc Rivet MCIP RPP
Acting Director of Planning (Lead
Planning Consultant)

ATTACHMENTS:

SCHEDULE A – Site Plan, Elevations & Floor Plans

SCHEDULE B – Site Photos

SCHEDULE B – Energy Efficiency Letter

GENERAL NOTES (WHERE APPLICABLE)

GENERAL NOTES

- MATERIALS, SYSTEMS, APPLICATIONS AND CONSTRUCTION PRACTICES SHALL CONFORM TO THE ONTARIO BUILDING CODE (LATEST EDITION), RELATED STANDARDS AND MUNICIPAL BY-LAWS
- AUTHORITY HAVING JURISDICTION SHALL BE CONSULTED PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION OR MATERIAL ALTERATION.
- DIMENSIONS ARE MEASURED FROM STUD TO STUD, EDGE OF FOUNDATION OR TO C/L OF STRUCTURAL MEMBER, UNLESS OTHERWISE NOTED
- SOIL CONSULTANT TO REVIEW AND VERIFY SOIL CONDITIONS BEFORE POURING FOOTINGS
- OBSERVE ALL FEDERAL, PROVINCIAL AND MUNICIPAL SAFETY MEASURES ON SITE
- ENSURE LOCATES ARE COMPLETED PRIOR TO DIGGING
- DO NOT SCALE DRAWINGS
- CONTRACTOR TO VERIFY DIMENSIONS AND REPORT ANY ERRORS OR OMISSIONS TO THE DESIGNER PRIOR TO CONSTRUCTION AND HAVE DESIGNER RECTIFY THE ERROR OR OMISSION PRIOR TO CONSTRUCTION
- CONTRACTOR TO VERIFY ALL DOOR AND WINDOW ROUGH OPENINGS PRIOR TO FRAMING ANY OPENINGS
- FINISHES AND MINOR DETAILS AS PER OWNERS SPECIFICATIONS
- FOLLOW ALL PRODUCT SPECIFICATIONS AND GUIDELINES FOR INSTALLATION AND MAINTENANCE
- ANY PROPOSED CONSTRUCTION WITHIN THIS SET OF DRAWINGS THAT FALLS OUTSIDE OF THE APPLICATION LIMITATIONS OF PART 9 OF OBC, SHALL BE DESIGNED IN ACCORDANCE WITH PART 4 BY A PROFESSIONAL ENGINEER

CONCRETE FOUNDATIONS

- THE BOTTOM OF EVERY EXCAVATION SHALL BE FREE OF ORGANIC MATERIAL, KEPT FREE OF WATER AND FROM FREEZING DURING THE ENTIRE CONSTRUCTION
- CONCRETE SHALL CONFORM TO CAN/CSA A23.1 (SITE-BATCHED AS PER ARTICLES 9.3.1.2. TO 9.3.1.9.)
- REINFORCING FOR INSULATED CONCRETE FORM WALLS SHALL CONFORM TO CSA G30.18, HAVE A MINIMUM YIELD STRENGTH OF 400MPa AND BE LAPPED A MINIMUM OF 450mm FOR 10M BARS AND 650mm FOR 15m BARS
- COMPRESSIVE STRENGTH FOR INTERIOR FLOORS, FOOTINGS AND FOUNDATION WALLS SHALL BE 20MPa AFTER 28 DAYS.
- INTERIOR FLOORS ON GROUND SHALL BE A MINIMUM 25MPa AFTER 28 DAYS WHERE 6mil POLY IS NOT INSTALLED UNDER THE SLAB
- COMPRESSIVE STRENGTH FOR EXTERIOR FLATWORK (GARAGE FLOORS/CARPORTS) SHALL BE 32MPa WITH 5-8% AIR ENTRAINMENT
- FROST COVER TO CONFORM TO THE MINIMUM DEPTH REQUIREMENTS FOR THE GEOGRAPHICAL AREA THAT THE CONSTRUCTION PERTAINS TO
- FOUNDATION WALLS TO BE A MINIMUM 6" ABOVE THE FINISHED GRADE
- IN COLD WEATHER (<5°C), CONCRETE SHALL BE KEPT AT A MINIMUM 10°C AND NOT MORE THAN 25°C FOR 72h AFTER PLACING
- FOOTINGS SHALL REST ON STABLE UNDISTURBED SOIL OR ROCK WITH A MINIMUM ALLOWABLE BEARING PRESSURE OF 75KPA (COMPACTED GRANULAR FILL SHALL BE TESTED FOR BEARING PRESSURE AND FROST SUSCEPTIBILITY BY A SOILS ENGINEER PRIOR TO PLACEMENT OF CONCRETE)
- PIER TYPE FOUNDATIONS MAY BE USED FOR ONE STOREY STRUCTURES AND SHALL BE SPACED NOT MORE THAN 3.5M (11'-6") APART. THE HEIGHT OF THE PIERS SHALL BE NOT MORE THAN 3X THE LEAST DIMENSION AT THEIR BASE
- BACKFILL SHALL NOT DAMAGE THE FOUNDATION WALL AND SHALL NOT CONTAIN BOULDERS LARGER THAN 10" WITHIN 24" OF THE FOUNDATION WALL

WOOD-FRAME CONSTRUCTION

- ALL LUMBER SHALL BE GRADED, SPF NO 2 OR BETTER WITH A MAXIMUM MOISTURE CONTENT OF 19%
- ALL LVL TO BE GRADE 2.0 E OR BETTER, ALL NORDIC LAM TO BE 1.9 E OR BETTER
- MAXIMUM DEFLECTION OF STRUCTURAL MEMBERS SHALL CONFORM TO TABLE 9.4.3.1.
- WOOD FOUNDATIONS SHALL CONFORM TO CAN/CSA-S406 (CONSTRUCTION OF PRESERVED WOOD FOUNDATIONS)
- LUMBER SHALL BE PRESSURE-TREATED WHERE VERTICAL CLEARANCE IS LESS THAN 6" ABOVE GROUND (INCLUDING LUMBER IN CONTACT WITH CONCRETE ADJACENT TO GROUND UNLESS PROTECTED BY 6mil POLY OR TYPE S ROLL ROOFING)
- NAILING SHALL CONFORM TO TABLE 9.23.3.4.
- COLUMNS SHALL BE SECURELY FASTENED TO THE SUPPORTED MEMBER
- WHERE METAL JOISTS HANGERS ARE USED, ENSURE THE PROPER NAILS AND NUMBER OF NAILS ARE USED AND THE HANGERS ARE INSTALLED AS PER MANUFACTURES SPECIFICATIONS
- ALL FRAMED WALLS TO HAVE A MINIMUM 2x4 SILL PLATE AND TOP PLATE; LOAD BEARING WALLS TO BE FRAMED WITH TWO TOP PLATES UNLESS OTHERWISE PERMITTED BY CODE
- INTERIOR WALLS AND GARAGE EXTERIOR WALLS SHALL BE 2x4 STUDS @ 16" OR 24" O/C UNLESS OTHERWISE SPECIFIED
- ALL CONCEALED SPACES TO BE FIRE STOPPED BETWEEN FLOORS, CEILING, ROOFS AND AT STAIRS
- HEADER JOISTS AROUND FLOOR OPENINGS SHALL BE DOUBLED WHEN THE LENGTH OF THE HEADER JOIST EXCEEDS 1200mm (3'-11") TO A MAXIMUM 3.2m (10'-6")
- TRIMMER JOISTS AROUND FLOOR OPENINGS SHALL BE DOUBLED WHEN THE LENGTH OF THE HEADER JOIST EXCEED 800mm (2'-7") TO A MAXIMUM OF 2m (6'-6")
- NON-LOADBEARING WALLS PARALLEL TO FLOOR JOISTS BELOW SHALL BE SUPPORTED ON JOISTS OR BLOCKING BETWEEN THE JOISTS
- POINT LOADS SHALL BE CONTINUOUSLY SUPPORTED DOWN TO FOUNDATION LEVEL
- PROVIDE SOLID BLOCKING IN HEADER SPACE AT FOUNDATION WALLS FOR POINT LOADS ABOVE
- MINIMUM 1½" BEARING FOR JOISTS AND MINIMUM 3½" BEARING FOR BEAMS
- UNLESS OTHERWISE NOTED ALL LINTELS ARE 2-2"x10" WITH 2-2"x4" OR 2-2"x6" ON EITHER SIDE
- METAL FLASHING, LINTELS, POSTS AND BEAMS TO BE PRIMED & PAINTED TO RESIST CORROSION
- MAXIMUM LOAD OF 36kN SHALL BE IMPOSED ON ADJUSTABLE STEEL COLUMNS CONFORMING TO CAN/CGS-7.2

ENERGY EFFICIENCY REQUIREMENTS

- SEE SB 12 EEDS FORM (IF APPLICABLE)
- WATER CLOSETS SHALL BE 4.8L PER FLUSH
- WHERE A NON-RECIRCULATING HOT WATER TANK DOES NOT HAVE AN INTEGRAL HEAT TRAP, A HEAT TRAP SHALL BE INSTALLED AT THE INLET AND OUTLET PIPING AS CLOSE TO THE TANK AS POSSIBLE
- INLET PIPES SHALL BE INSULATED BETWEEN THE HEAT TRAP AND THE TANK TO AN RSI OF 0.62
- THE FIRST 2.5m OF THE OUTLET PIPING SHALL BE INSULATED TO AN RSI OF 0.62
- DRAIN WATER HEAT RECOVERY UNITS SHALL BE :
 - = INSTALLED TO RECEIVE DRAIN WATER FROM UP TO 2 SHOWERS EXCEPT WHERE THERE ARE NO SHOWERS
 - = 42% EFFICIENT AS PER CSA B55.1
 - = INSTALLED IN AN UPRIGHT POSITION WITH COLD WATER INLET CONNECTION AT THE BOTTOM OF THE UNIT, DOWNSTREAM OF A WATER SOFTENER (IF INSTALLED) AND IN A CONDITIONED SPACE OR WARM SPACE (SEE SB 12 3.1.1.12 FOR MORE INFORMATION)

STAIRS & BALCONIES (INCLUDING DECKS)

- HANDRAILS TO COMPLY WITH SECTION 9.8 AND SB7 OF THE ONTARIO BUILDING CODE (LATEST EDITION)
- MAXIMUM STAIR RISE 200mm (7½")
 - NOTE: PUBLIC STAIRS MAX 180mm (7")
- MINIMUM STAIR RUN 210mm (8¼") PLUS 25mm (1") NOSING
 - NOTE: PUBLIC STAIRS MIN 280mm 11"
- MINIMUM STAIR HEADROOM 1950mm (6'-5")
 - NOTE: PUBLIC STAIRS MIN 2050mm (6'-9")
- MINIMUM STAIR WIDTH 915mm (3'-0")
- VERTICAL HEIGHT BETWEEN ANY LANDING SHALL NOT EXCEED 3.7m (12'-1")
- RISERS SHALL HAVE A UNIFORM HEIGHT WITH A TOLERANCE NOT EXCEEDING 5mm (¼"); BETWEEN ADJACENT TREADS OR LANDINGS AND BETWEEN TALLEST AND SHORTEST RISERS
- EXTERIOR WOOD FRAMED STAIRS TO BE PROTECTED BY FROST HEAVE WHEN ATTACHED TO A FROST PROTECTED STRUCTURE [EITHER AT THE BASE (GROUND) OR BY ALLOWING FOR FROST MOVEMENT AT THE ATTACHMENT TO THE STRUCTURE]
- STAIR HANDRAIL HEIGHT 865mm-965mm (32"-38")
- HANDRAILS REQUIRED WHERE THERE ARE MORE THAN 2 INTERIOR RISERS AND MORE THAN 3 EXTERIOR RISERS
- TWO HANDRAILS ARE REQUIRED WHERE A STAIR IS 1100mm (3'-7") OR MORE IN WIDTH (EXCEPT SERVING ONLY ONE DWELLING UNIT)
- AT LEAST ONE HANDRAIL SHALL BE CONTINUOUS EXCEPT AT DOORWAYS, LANDINGS AND NEWEL POSTS IN A CHANGE OF DIRECTION
- EXTERIOR CONCRETE STAIRS WITH MORE THAN TWO RISERS/TREADS SHALL BE SUPPORTED ON MINIMUM 150mm (6") THICK FOUNDATION OR BE CANTILEVERED TO FOUNDATION WALLS AT LEAST 200mm (8") THICK
- STAIR MANUFACTURE TO PROVIDE SHOP DRAWINGS & DETAILS OF STAIRS, RAILINGS AND GUARDS PRIOR TO CONSTRUCTION.

GUARDS

- GUARDS TO COMPLY WITH SECTION 9.8 AND SB7 OF THE ONTARIO BUILDING CODE (LATEST EDITION)
- GUARDS ARE REQUIRED WHEN THE ADJACENT WALKING SURFACE IS: MORE THAN 600mm (24"), MORE THAN TWO INTERIOR STAIRS HIGH OR A RAMP 400mm (16") HIGH
- MINIMUM HEIGHT FOR GUARDS SHALL BE: 920mm (36"), 1070mm (42") AT LANDINGS & WHERE ADJACENT WALKING SURFACE IS MORE THAN 1800mm (5'-11")
- FOR EXTERIOR STAIRS AND LANDINGS MORE THAN 10m (32'), GUARDS SHALL BE A MINIMUM 1500mm (5') HIGH
- GUARDS SHALL BE DESIGNED TO PREVENT CLIMBING EXCEPT AS OTHERWISE PERMITTED BY CODE
- PROTECTION OF WINDOWS AS PER 9.8.8.1. (5) TO (9)

HEATING & VENTILATION

- AS PER PART 6, SUBSECTION 9.32 AND 9.33

ELECTRICAL

- AS PER SUBSECTION 9.34 AND THE ELECTRICAL SAFETY ACT

ATTIC ACCESS (WITHOUT OCCUPANCY OR APPLIANCES)

- ACCESS: 20"x28" FOR SINGLE FAMILY DWELLING (22"x36" OTHERWISE)
- ACCESS REQUIRED FOR SPACE 24" OR MORE IN A 100 sqft AREA WITH NO DIMENSION LESS THAN 3'

WINDOWS & DOORS

- MAIN ENTRANCE DOOR TO DWELLING UNITS SHALL BE PROVIDED WITH A DOOR VIEWER, GLAZING OR SIDELIGHT, HAVE WEATHERSTRIPPING AND RESIST ENTRY
- GARAGE DOOR ENTRANCE TO DWELLING UNITS SHALL HAVE WEATHERSTRIPPING AND INSTALLED WITH A CLOSURE (FUME PROOF)
- DWELLING UNIT WINDOWS WITHIN 2m OF ADJACENT GROUND SHALL RESIST FORCED ENTRY
- WHERE DOORS ARE REQUIRED TO RESIST ENTRY, PROVIDE SOLID BLOCKING ON BOTH SIDES AT LOCK HEIGHT BETWEEN JAMBS
- WINDOWS AND DOORS SHALL BE DESIGNED TO RESIST SURFACE CONDENSATION AND COMPLY WITH THE THERMAL CHARACTERISTICS OF TABLE 9.7.3.3. (OR SB12 AS REQUIRED)

WINDOW MINIMUM EGRESS REQUIREMENTS

- OPENABLE FROM INSIDE WITHOUT THE USE OF TOOLS
- MINIMUM OPENABLE AREA OF 3.78sqft WITH NO DIMENSION LESS THAN 15"
- MAINTAIN THE REQUIRED OPENING WITHOUT ADDITIONAL SUPPORT
- NOTE: UNLESS A DOOR ON THAT LEVEL LEADS DIRECTLY OUTSIDE

SMOKE ALARMS

- CONFORM TO CAN/ULC-S531
- SHALL HAVE A VISUAL SIGNALING COMPONENT CONFORMING TO NFPA 72 (18.5.3.), BE INTEGRATED OR INTERCONNECTED/SYNCHRONIZED WITH BATTERY BACKUP
- INSTALLED ON ALL FLOOR LEVELS, IN EACH BEDROOM AND BETWEEN THE BEDROOM AND THE REST OF THE STOREY (HALLWAY)
- INSTALLED AS PER CAN/ULC-S553
- SHALL BE INTERCONNECTED ON A PERMANENT ELECTRICAL CIRCUIT WITH NO DISCONNECT SWITCH

CARBON MONOXIDE ALARMS

- CONFORM TO CAN/CSA-6.19 OR UL 2034
- INSTALL ADJACENT TO EACH SLEEPING AREA IN ALL BUILDINGS THAT CONTAIN A RESIDENTIAL OCCUPANCY WITH A FUEL-BURNING APPLIANCE OR STORAGE GARAGE
- INSTALL IN A SERVICE ROOM
- SHALL BE INTERCONNECTED ON A PERMANENT ELECTRICAL CIRCUIT WITH NO DISCONNECT SWITCH



GENERAL ABBREVIATIONS

- PT = PRESSURE TREATED
- AA = ATTIC ACCESS
- DW = DISHWASHER
- W = CLOTHES WASHER
- D = CLOTHES DRYER
- W/D = STACKABLE WASHER/DRYER
- F = FRIDGE
- WR = WINE RACK
- M = MICROWAVE
- WO = WALL OVEN
- CT = CERAMIC TILE FLOOR FINISH
- HW = HARDWOOD FLOOR FINISH
- CPT = CARPET FLOOR FINISH
- LAM = LAMINATE
- VN = HIGHER END VINYL
- HWT - HOT WATER TANK (SECURE TO STRUCTURE)
- HEF = HIGH EFFICIENCY FURNACE
- HRV - HEAT RECOVERY VENTILATOR
- FD = FLOOR DRAIN (C/W TRAP SEAL & PRIMER)
- EP = ELECTRICAL PANEL
- LVL = ENGINEERED BEAM (BY MANUFACTURER IF NOT SIZED)
- FP = FIREPLACE
- UON = UNLESS OTHERWISE NOTED
- TBD = TO BE DETERMINED
- TBC = TO BE CONFIRMED/COMPLETED



Professional Seal

Professional Seal

The undersigned has reviewed and takes responsibility for the design activities as defined by the Ontario Building Code and has the Qualifications and meets the requirements as set out in the Ontario Building Code. These drawings are the property of the designer. Any duplicates not intended for this project are not permitted unless written permission is given separately by the undersigned.

QUALIFICATION INFORMATION

TARA MAY-BROTTON 26706 BCIN

REGISTRATION INFORMATION

TM DRAFT BY DESIGN 43358 BCIN

Project Information

SINGLE FAMILY DWELLING AND GARAGE

CHESLOCK RESIDENCE
474 BARR SIDE RD
PAKENHAM, ONTARIO

Project Start January 2021

Last Saved March 1, 2021

Revisions

NO.	DESCRIPTION	DATE
1	For Review	Mar 01/21

Sheet Title
COVER PAGE

Scale
DO NOT SCALE DWGS

Sheet
A0.0 1/11



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Professional Seal

The undersigned has reviewed and takes responsibility for the design activities as defined by the Ontario Building Code and has the Qualifications and meets the requirements as set out in the Ontario Building Code. These drawings are the property of the designer. Any duplicates not intended for this project are not permitted unless written permission is given separately by the undersigned.

QUALIFICATION INFORMATION

TARA MAY-BROTTON 26706
 Name BCIN

Signature

REGISTRATION INFORMATION

TM DRAFT BY DESIGN 43358
 Firm Name BCIN

Project Information

SINGLE FAMILY DWELLING
 AND GARAGE

CHESLOCK RESIDENCE
 474 BARR SIDE RD
 PAKENHAM, ONTARIO

Project Start **January 2021**

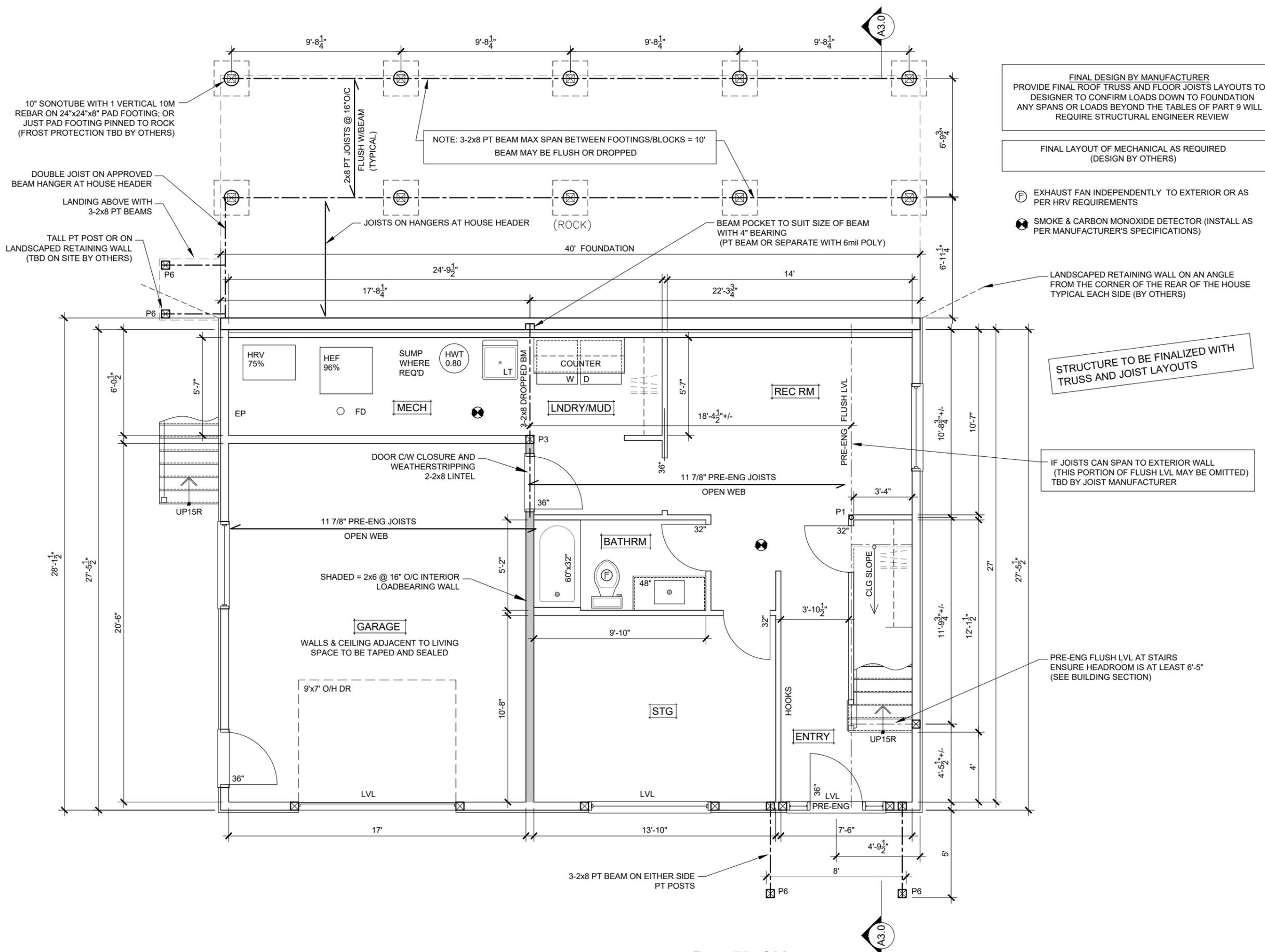
Last Saved **March 1, 2021**

NO.	DESCRIPTION	DATE
1	For Review	Mar 01/21

Sheet Title
**GROUND FLOOR
 PLAN**

Scale
3/16" = 1'-0"

Sheet
A1.1 3/11



FINAL DESIGN BY MANUFACTURER
 PROVIDE FINAL ROOF TRUSS AND FLOOR JOISTS LAYOUTS TO
 DESIGNER TO CONFIRM LOADS DOWN TO FOUNDATION
 ANY SPANS OR LOADS BEYOND THE TABLES OF PART 9 WILL
 REQUIRE STRUCTURAL ENGINEER REVIEW

FINAL LAYOUT OF MECHANICAL AS REQUIRED
 (DESIGN BY OTHERS)

- ⊕ EXHAUST FAN INDEPENDENTLY TO EXTERIOR OR AS PER HRV REQUIREMENTS
- ⊗ SMOKE & CARBON MONOXIDE DETECTOR (INSTALL AS PER MANUFACTURER'S SPECIFICATIONS)

LANDSCAPED RETAINING WALL ON AN ANGLE
 FROM THE CORNER OF THE REAR OF THE HOUSE
 TYPICAL EACH SIDE (BY OTHERS)

STRUCTURE TO BE FINALIZED WITH
 TRUSS AND JOIST LAYOUTS

IF JOISTS CAN SPAN TO EXTERIOR WALL
 (THIS PORTION OF FLUSH LVL MAY BE OMITTED)
 TBD BY JOIST MANUFACTURER

PRE-ENG FLUSH LVL AT STAIRS
 ENSURE HEADROOM IS AT LEAST 6'-5"
 (SEE BUILDING SECTION)



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 tmdraftbydesign@gmail.com

Professional Seal

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QUALIFICATION INFORMATION

TARA MAY-BROTTON 26706
 Name BCIN

Signature

REGISTRATION INFORMATION

TM DRAFT BY DESIGN 43358
 Firm Name BCIN

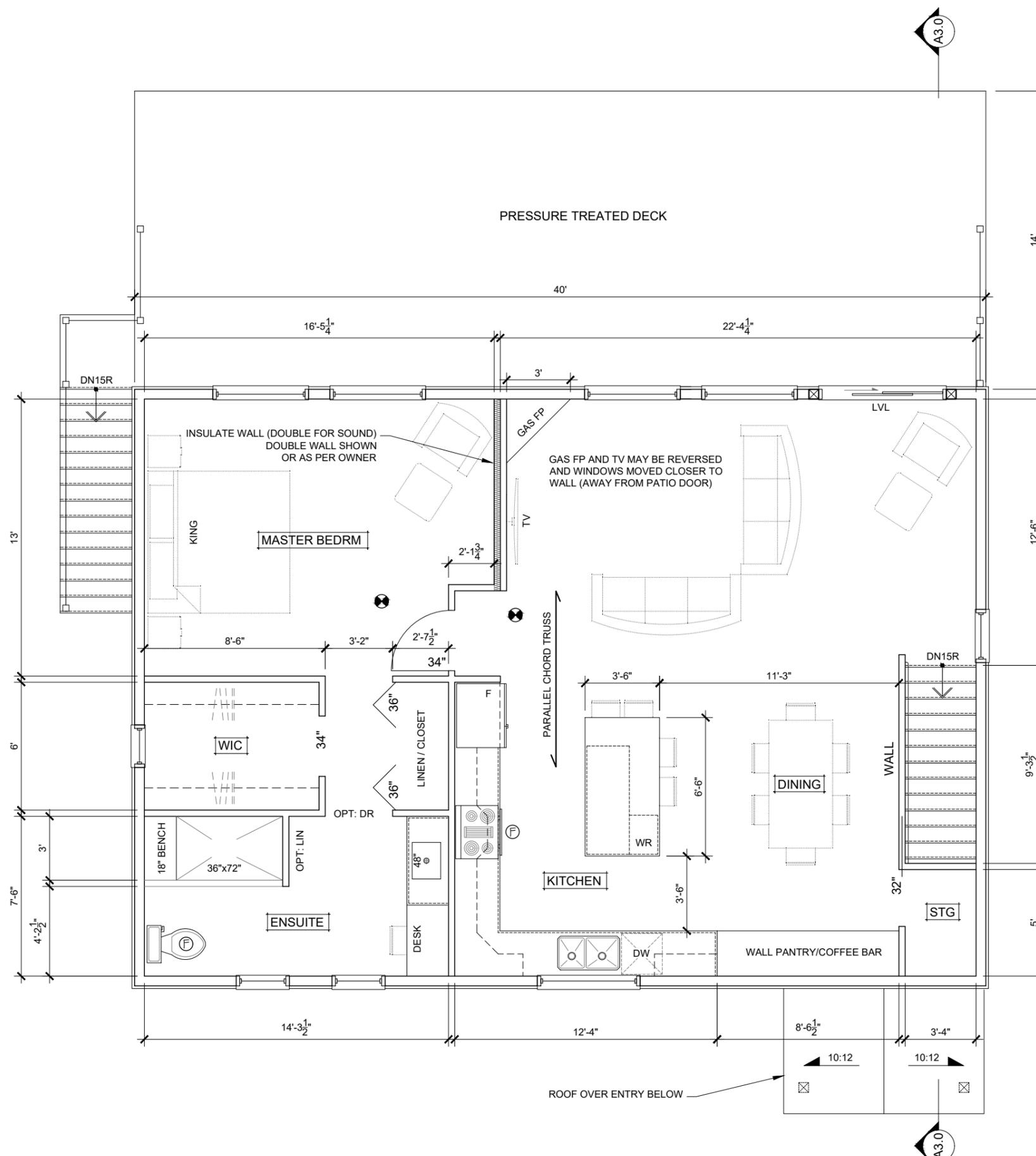
FINAL DESIGN BY MANUFACTURER
 PROVIDE FINAL ROOF TRUSS AND FLOOR JOISTS LAYOUTS TO DESIGNER TO CONFIRM LOADS DOWN TO FOUNDATION
 ANY SPANS OR LOADS BEYOND THE TABLES OF PART 9 WILL REQUIRE STRUCTURAL ENGINEER REVIEW

FINAL LAYOUT OF MECHANICAL AS REQUIRED
 (DESIGN BY OTHERS)

FINAL LAYOUT OF KITCHEN AS PER OWNER
 (DESIGN BY OTHERS)

- Ⓟ EXHAUST FAN INDEPENDENTLY TO EXTERIOR OR AS PER HRV REQUIREMENTS
- ⊗ SMOKE & CARBON MONOXIDE DETECTOR (INSTALL AS PER MANUFACTURER'S SPECIFICATIONS)

STRUCTURE TO BE FINALIZED WITH TRUSS AND JOIST LAYOUTS



Project Information

SINGLE FAMILY DWELLING AND GARAGE

CHESLOCK RESIDENCE
 474 BARR SIDE RD
 PAKENHAM, ONTARIO

Project Start January 2021

Last Saved March 1, 2021

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Sheet Title
SECOND FLOOR PLAN

Scale
 3/16" = 1'-0"

Sheet
A1.2 4/11



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Project Information

SINGLE FAMILY DWELLING
 AND GARAGE

CHESLOCK RESIDENCE
 474 BARR SIDE RD
 PAKENHAM, ONTARIO

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Last Saved March 1, 2021

NO.	DESCRIPTION	DATE
1	For Review	Mar 01/21

Sheet Title
 FRONT ELEVATION

Scale
 3/16" = 1'-0"

Sheet
 A2.0 5/11



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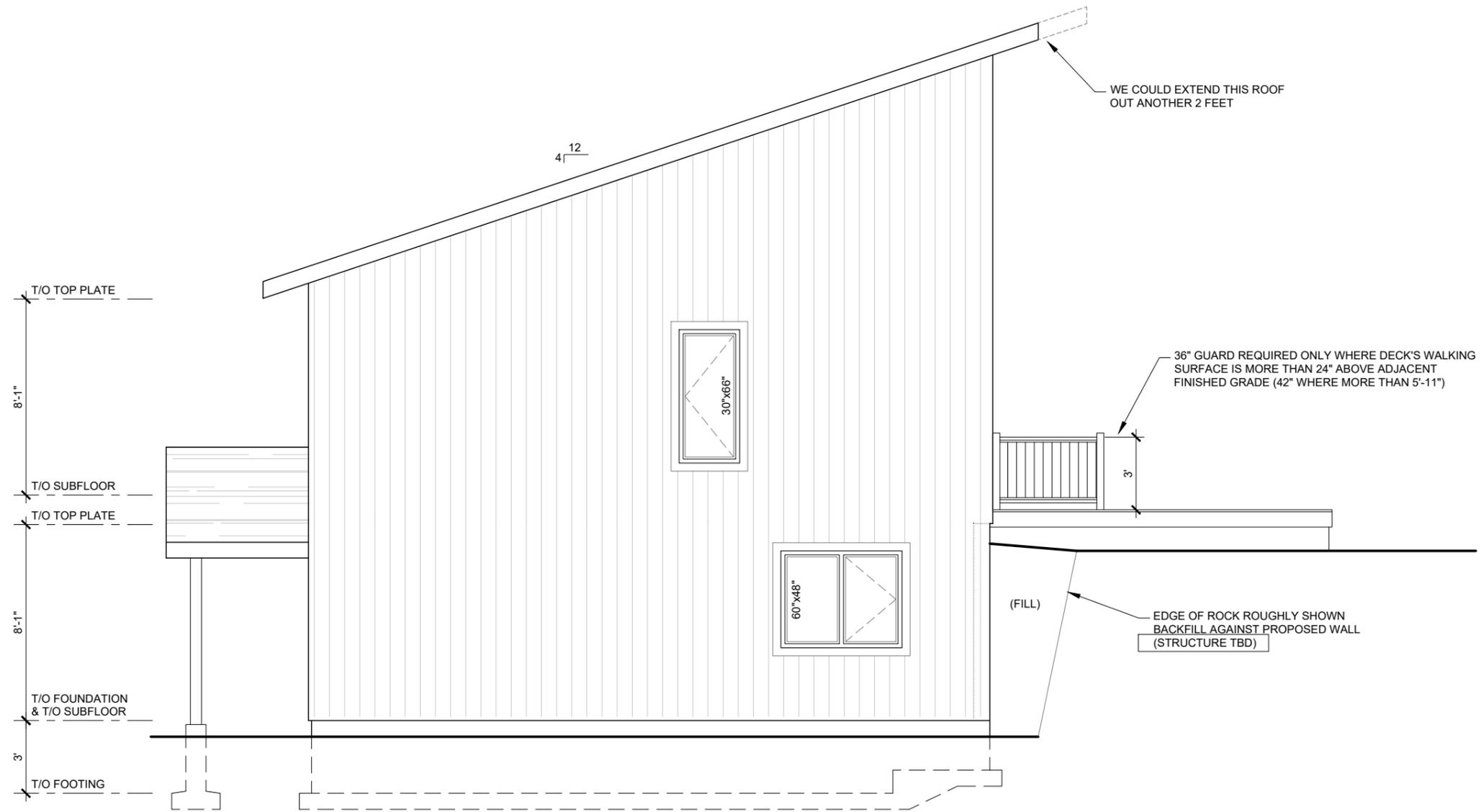
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REGISTRATION INFORMATION

TM DRAFT BY DESIGN 43358
 Firm Name BCIN



Project Information

SINGLE FAMILY DWELLING
 AND GARAGE

CHESLOCK RESIDENCE
 474 BARR SIDE RD
 PAKENHAM, ONTARIO

Project Start January 2021

Last Saved March 1, 2021

NO.	DESCRIPTION	DATE
1	For Review	Mar 01/21

Sheet Title
 RIGHT ELEVATION

Scale
 3/16" = 1'-0"

Sheet
 A2.1 | 6/11



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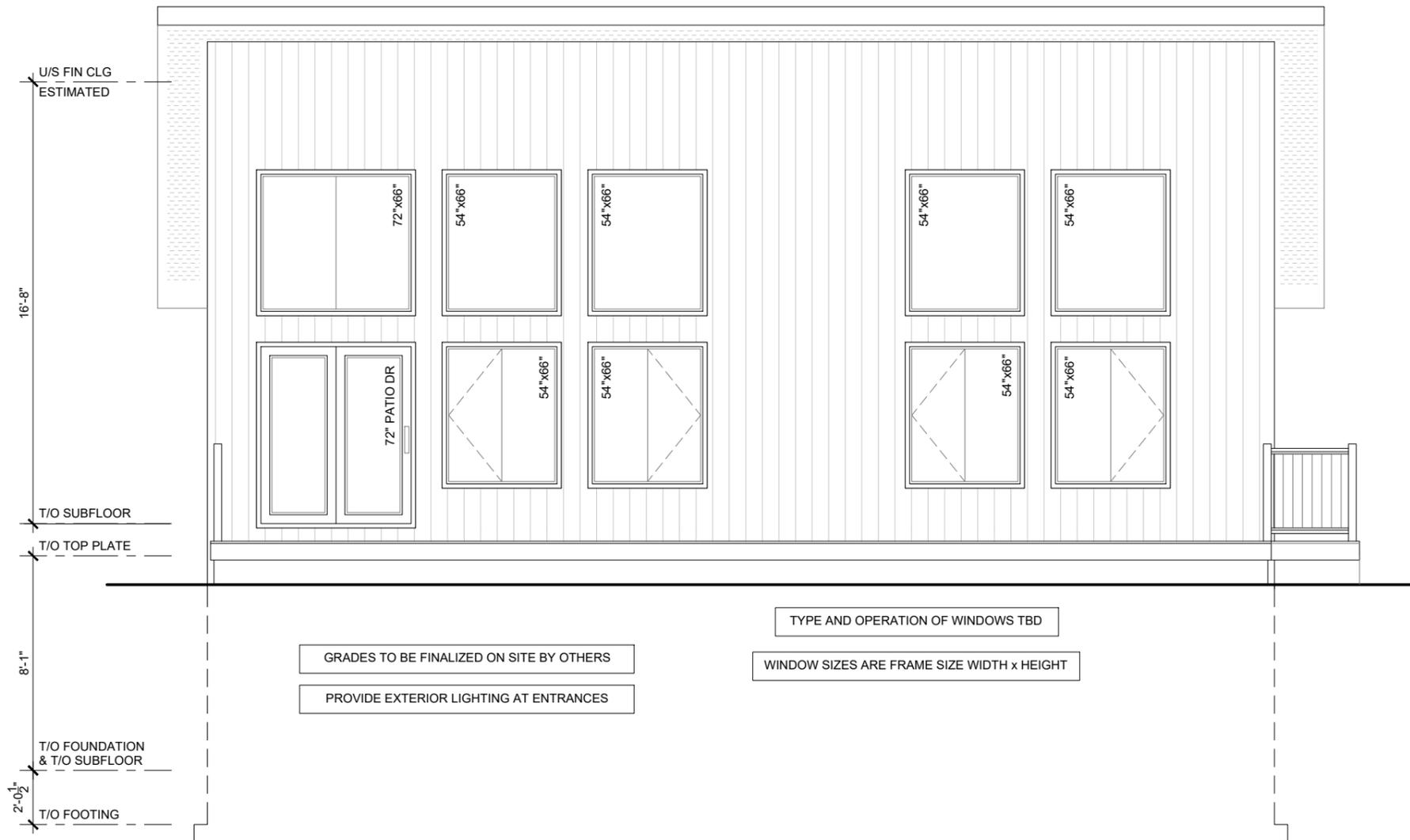
QUALIFICATION INFORMATION

TARA MAY-BROTTON 26706
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Signature

REGISTRATION INFORMATION

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 Firm Name BCIN



GRADES TO BE FINALIZED ON SITE BY OTHERS
 PROVIDE EXTERIOR LIGHTING AT ENTRANCES

TYPE AND OPERATION OF WINDOWS TBD
 WINDOW SIZES ARE FRAME SIZE WIDTH x HEIGHT

Project Information

SINGLE FAMILY DWELLING
 AND GARAGE

CHESLOCK RESIDENCE
 474 BARR SIDE RD
 PAKENHAM, ONTARIO

Project Start January 2021

Last Saved March 1, 2021

NO.	DESCRIPTION	DATE
1	For Review	Mar 01/21

Sheet Title
 REAR ELEVATION

Scale
 3/16" = 1'-0"

Sheet
 A2.2 7/11



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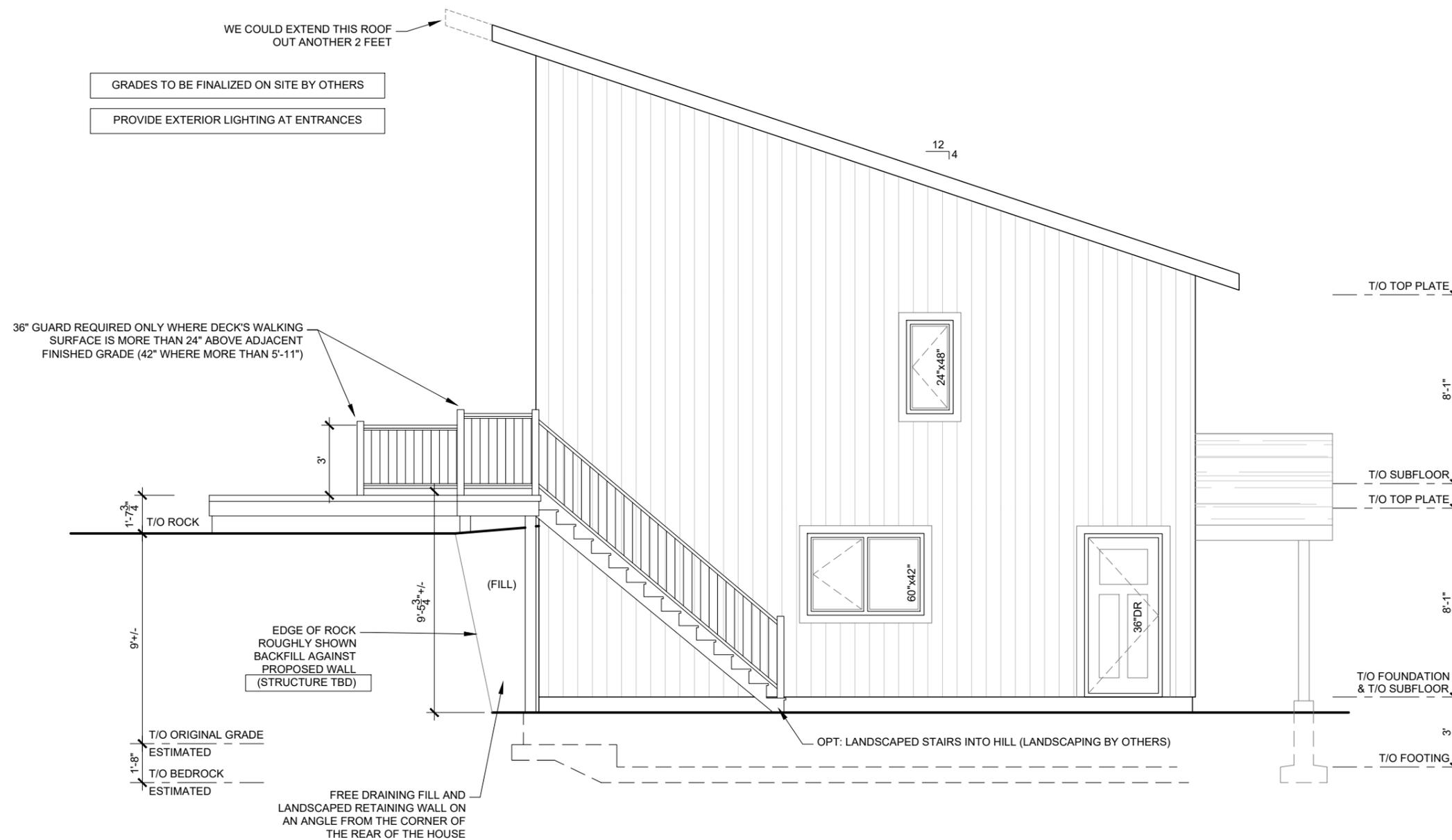
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REGISTRATION INFORMATION

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Project Information

SINGLE FAMILY DWELLING
 AND GARAGE

CHESLOCK RESIDENCE
 474 BARR SIDE RD
 PAKENHAM, ONTARIO

Project Start January 2021

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NO.	DESCRIPTION	DATE
1	For Review	Mar 01/21

Sheet Title
 LEFT ELEVATION

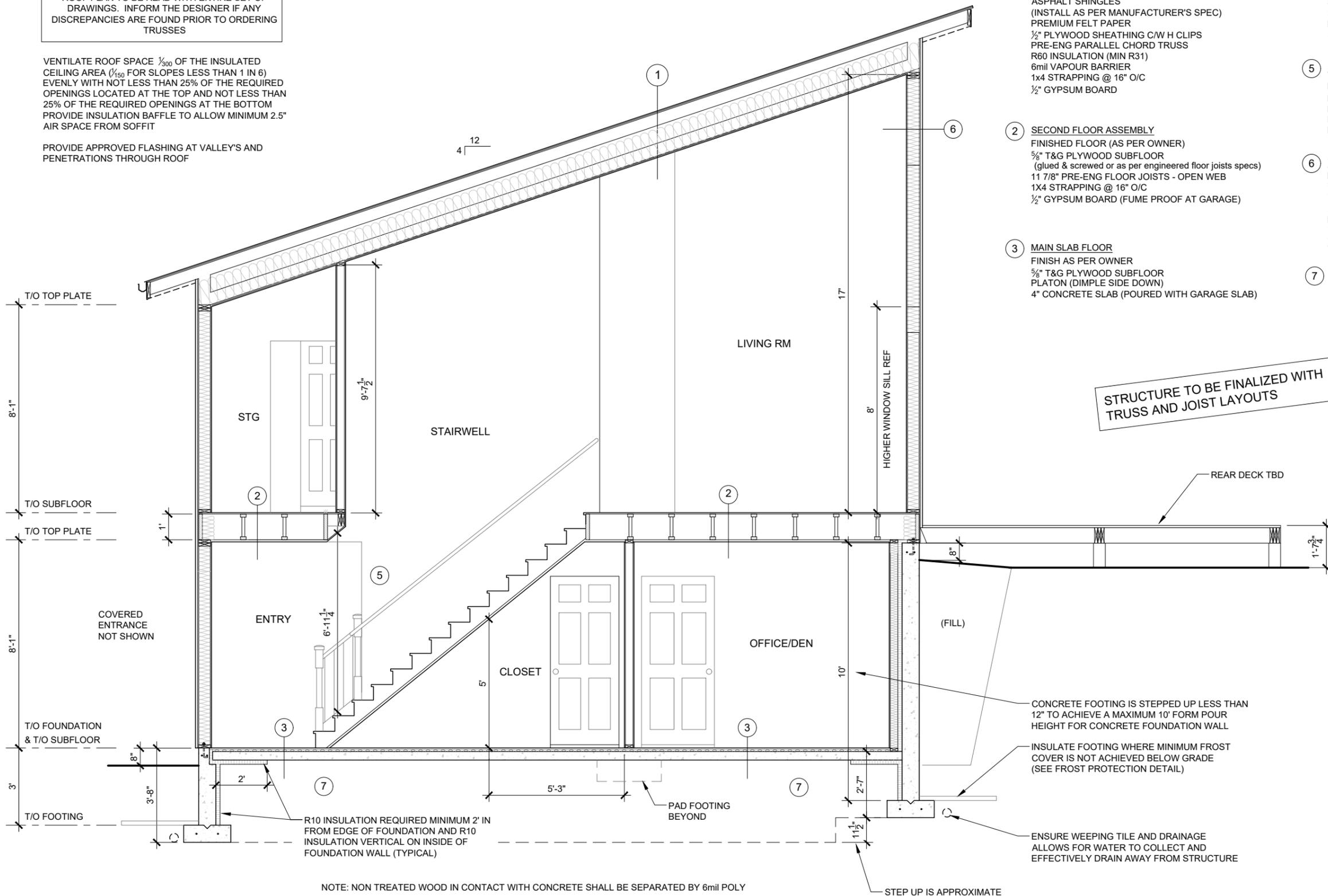
Scale
 3/16" = 1'-0"

Sheet
 A2.3 8/11

TRUSS DESIGN AS PER MANUFACTURER
 ROOF PLAN TO BE READ WITH ENTIRE SET OF
 DRAWINGS. INFORM THE DESIGNER IF ANY
 DISCREPANCIES ARE FOUND PRIOR TO ORDERING
 TRUSSES

VENTILATE ROOF SPACE $\frac{1}{300}$ OF THE INSULATED
 CEILING AREA ($\frac{1}{150}$ FOR SLOPES LESS THAN 1 IN 6)
 EVENLY WITH NOT LESS THAN 25% OF THE REQUIRED
 OPENINGS LOCATED AT THE TOP AND NOT LESS THAN
 25% OF THE REQUIRED OPENINGS AT THE BOTTOM
 PROVIDE INSULATION BAFFLE TO ALLOW MINIMUM 2.5"
 AIR SPACE FROM SOFFIT

PROVIDE APPROVED FLASHING AT VALLEY'S AND
 PENETRATIONS THROUGH ROOF



- 1 ROOF ASSEMBLY
 ASPHALT SHINGLES
 (INSTALL AS PER MANUFACTURER'S SPEC)
 PREMIUM FELT PAPER
 1/2" PLYWOOD SHEATHING C/W H CLIPS
 PRE-ENG PARALLEL CHORD TRUSS
 R60 INSULATION (MIN R31)
 6mil VAPOUR BARRIER
 1x4 STRAPPING @ 16" O/C
 1/2" GYPSUM BOARD
- 2 SECOND FLOOR ASSEMBLY
 FINISHED FLOOR (AS PER OWNER)
 5/8" T&G PLYWOOD SUBFLOOR
 (glued & screwed or as per engineered floor joists specs)
 11 7/8" PRE-ENG FLOOR JOISTS - OPEN WEB
 1X4 STRAPPING @ 16" O/C
 1/2" GYPSUM BOARD (FUME PROOF AT GARAGE)
- 3 MAIN SLAB FLOOR
 FINISH AS PER OWNER
 5/8" T&G PLYWOOD SUBFLOOR
 PLATON (DIMPLE SIDE DOWN)
 4" CONCRETE SLAB (POURED WITH GARAGE SLAB)

- 4 GARAGE SLAB (NOT SHOWN IN THIS BUILDING SECTION)
 4" GARAGE SLAB W/STEEL MESH
 32MPa (5-8% AIR)
 RECOMMEND SAW CUTS
 SLOPE TO EXTERIOR
- 5 STAIRS:
 MIN. HEADROOM = 6'-5"
 MIN RUN = 8 1/4" + 1" NOSING
 MAX RISE = 7 7/8"
 HANDRAIL TO BE CONTINUOUS
 NOTE: 9" RUN PLUS 1" NOSING SHOWN
- 6 TALL WALL
 BOARD & BATTEN
 TYVEK AIR BARRIER (OR EQUAL)
 3/16" OSB SHEATHING
 2x6 STUDS @ 16" O/C (C/W BRIDGING AT 48" O/C)
 R22 INSULATION
 VAPOUR BARRIER
 1/2" GYPSUM BOARD
- 7 GRANULAR FILL TO BE CLEAN AND LAID ON
 UNDISTURBED OR COMPACTED SOIL TO A
 MINIMUM DEPTH OF 6" AND NOT LESS THAN
 12" BEYOND THE EDGE OF THE FOOTING

STRUCTURE TO BE FINALIZED WITH
 TRUSS AND JOIST LAYOUTS

CONCRETE FOOTING IS STEPPED UP LESS THAN
 12" TO ACHIEVE A MAXIMUM 10' FORM POUR
 HEIGHT FOR CONCRETE FOUNDATION WALL

INSULATE FOOTING WHERE MINIMUM FROST
 COVER IS NOT ACHIEVED BELOW GRADE
 (SEE FROST PROTECTION DETAIL)

ENSURE WEEPING TILE AND DRAINAGE
 ALLOWS FOR WATER TO COLLECT AND
 EFFECTIVELY DRAIN AWAY FROM STRUCTURE

NOTE: NON TREATED WOOD IN CONTACT WITH CONCRETE SHALL BE SEPARATED BY 6mil POLY



Professional Seal

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QUALIFICATION INFORMATION
 TARA MAY-BROTTON 26706
 Name BCIN

REGISTRATION INFORMATION
 TM DRAFT BY DESIGN 43358
 Firm BCIN

Project Information

SINGLE FAMILY DWELLING
 AND GARAGE

CHESLOCK RESIDENCE
 474 BARR SIDE RD
 PAKENHAM, ONTARIO

Project Start	January 2021
Last Saved	March 1, 2021
Revisions	
NO. DESCRIPTION DATE	
1 For Review	Mar 01/21

Sheet Title
 BUILDING SECTION

Scale
 1/4" = 1'-0"

Sheet
 A3.0 9/11



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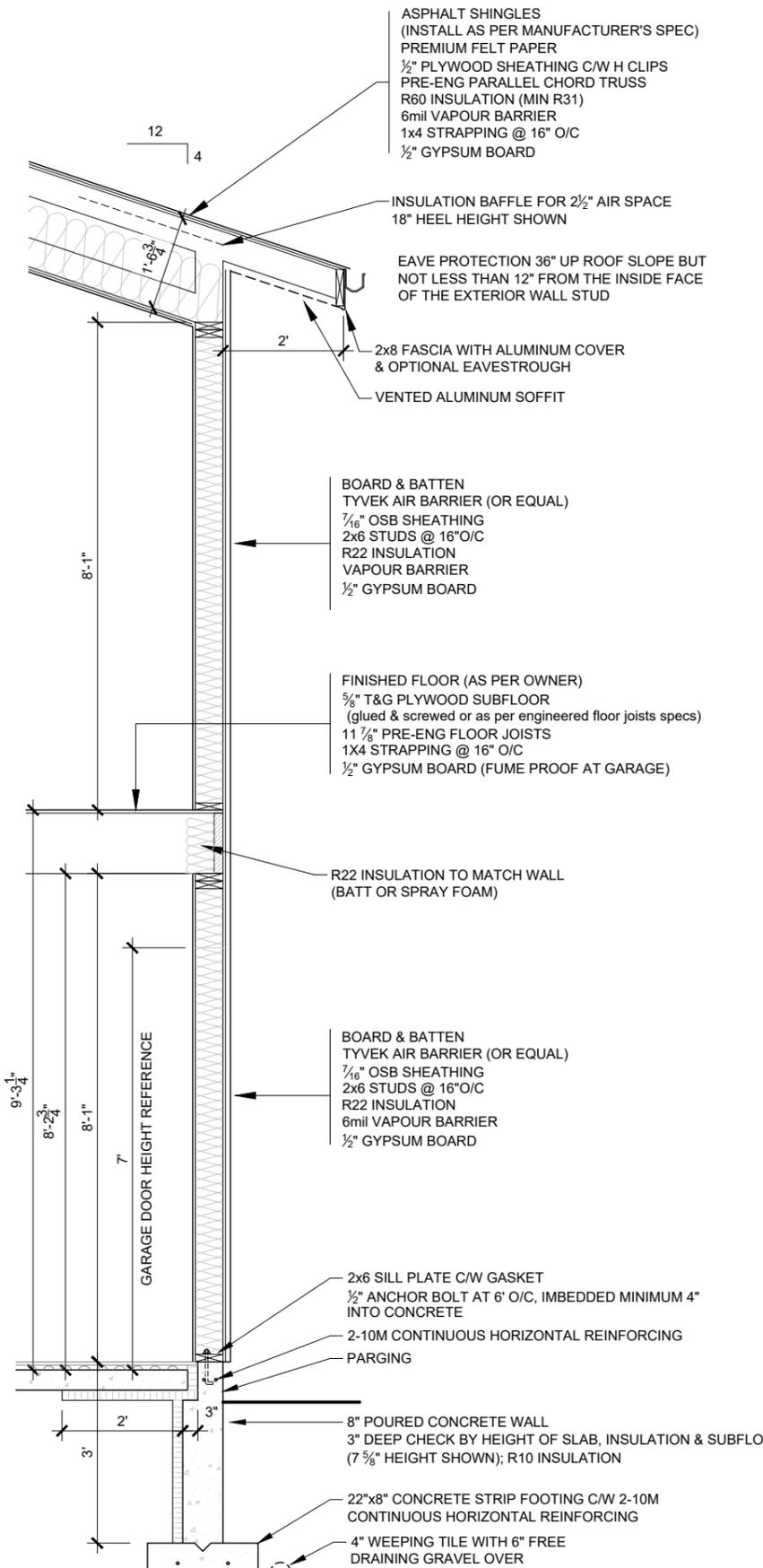
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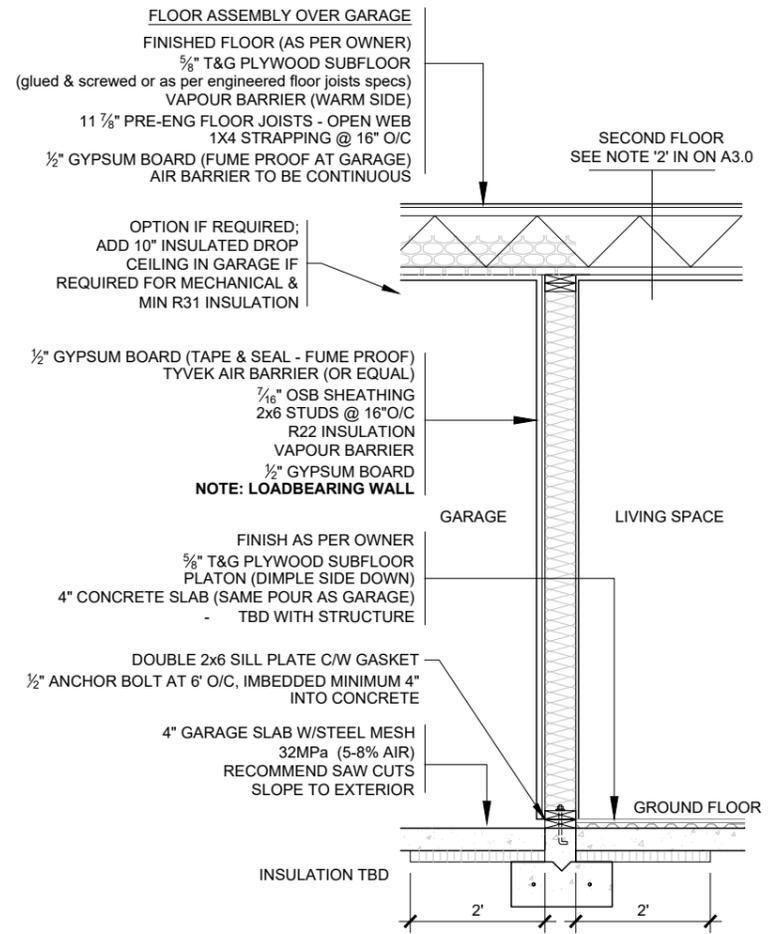
Signature

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 Firm Name BCIN

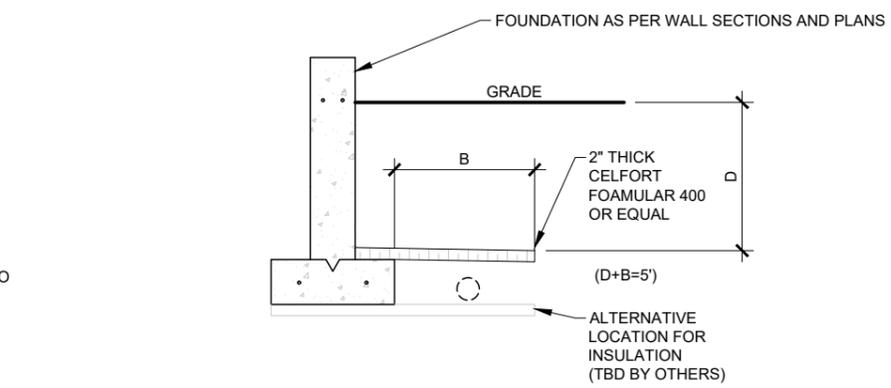


1
A4.0
WALL SECTION AT HOUSE
 SCALE: 3/8" = 1'



2
A4.0
WALL SECTION AT GARAGE
 SCALE: 3/8" = 1'

STRUCTURE TO BE FINALIZED



3
A4.0
FROST PROTECTION DETAIL
 SCALE: 3/8" = 1'

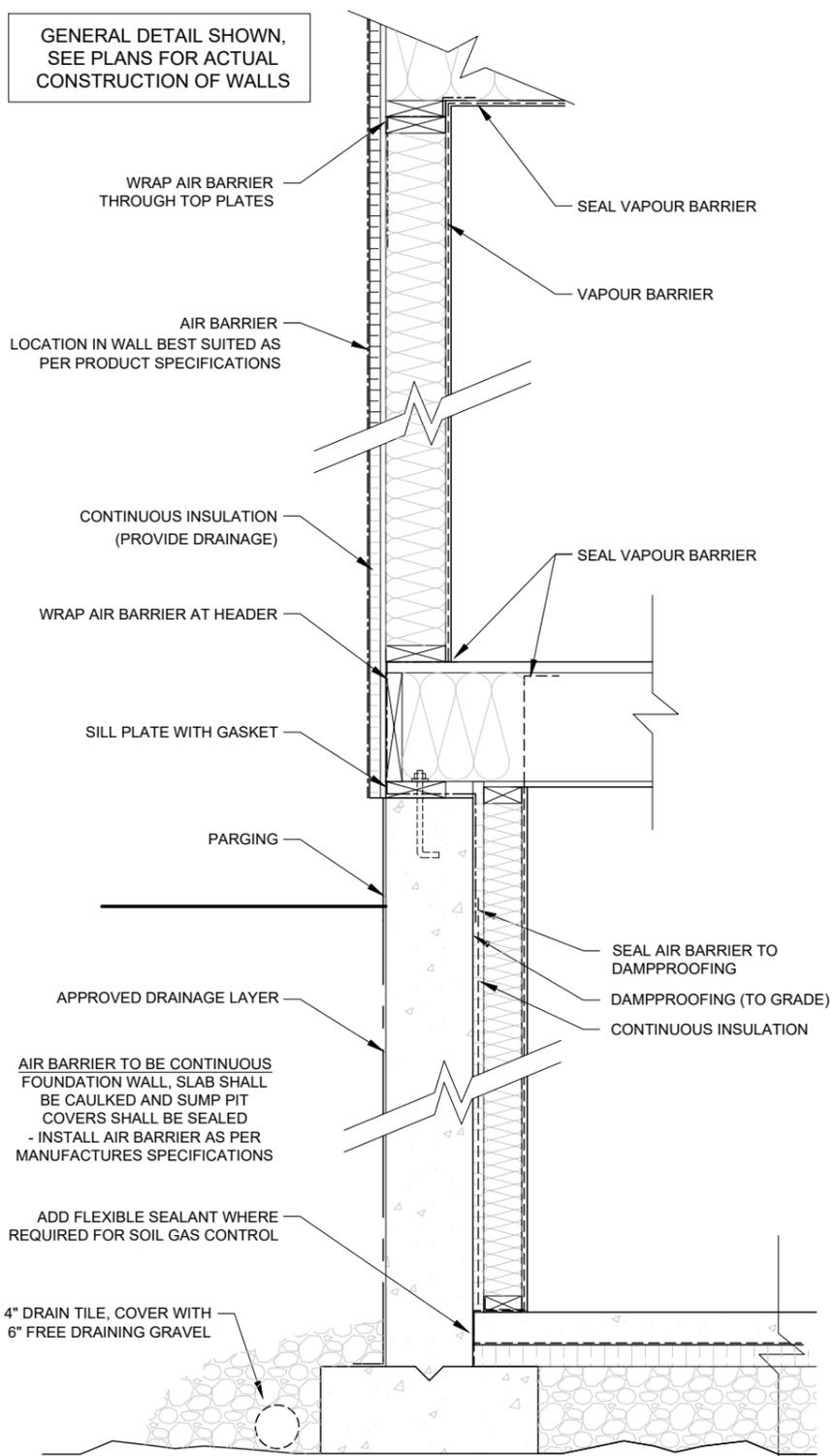
Project Information		
SINGLE FAMILY DWELLING AND GARAGE		
CHESLOCK RESIDENCE 474 BARR SIDE RD PAKENHAM, ONTARIO		
Project Start	January 2021	
Last Saved	March 1, 2021	
Revisions		
NO.	DESCRIPTION	DATE
1	For Review	Mar 01/21
Sheet Title		
WALL SECTIONS		
Scale		
AS NOTED		
Sheet	A4.0 10/11	



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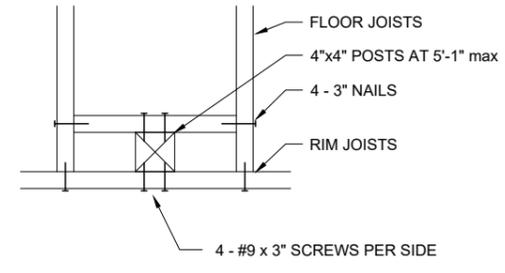
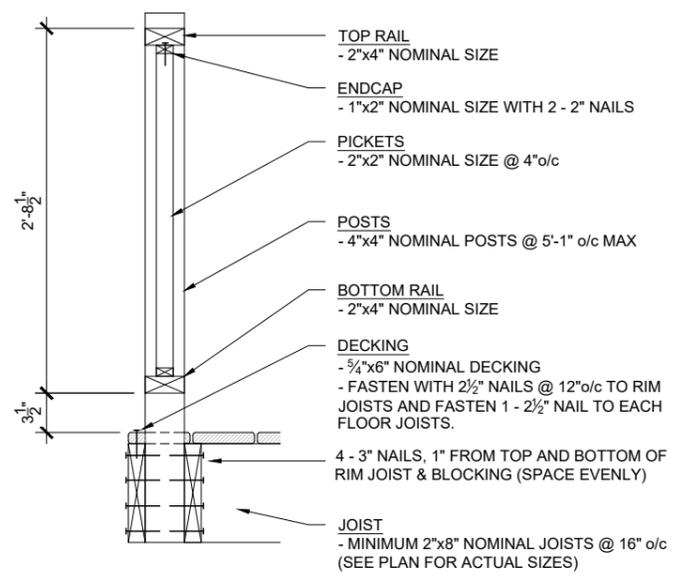
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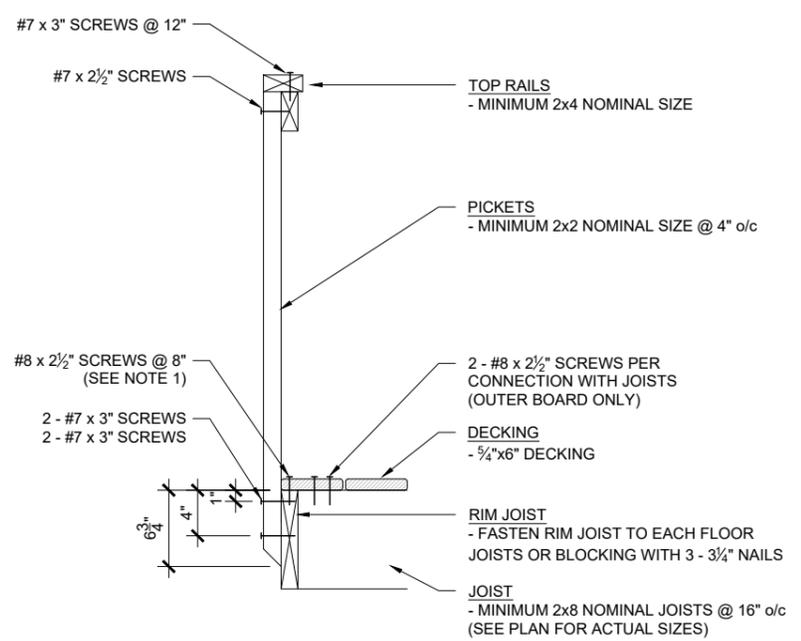


SOIL GAS CONTROL (WHERE REQUIRED)
 SEAL ALONG THE PERIMETER AND THE PENETRATIONS WHERE POSSIBLE TO CONTROL SOIL GAS FROM ENTERING THE OCCUPIED SPACES;
 MINIMUM 4" OF GRANULAR FOR SOIL GAS CONTROL

TOP/BOTTOM RAIL OPTION



CANTILEVER OPTION



1. WHEN THE GUARD IS PARALLEL TO JOISTS PROVIDE BLOCKING @ 16" o/c AND USE 2 - #8 x 2 1/2" SCREW AT END OF DECKING.
2. PROVIDE 4"x4" POSTS AT CORNERS.
3. SEE SB7 DETAILS AND PLANS FOR MORE INFORMATION

NOTES BELOW ARE TYPICAL FOR ALL DECKS...
 ALL WOOD TO BE PRESSURE TREATED (PT), WHERE CEDAR WOOD IS USED, REDUCE SPANS IN ACCORDANCE WITH SB7. OTHER APPROVED DECK PRODUCTS MAY BE USED AND SHALL FOLLOW MANUFACTURES SPECIFICATIONS.
 SEE SB7 DETAILS AND PLANS FOR MORE INFORMATION

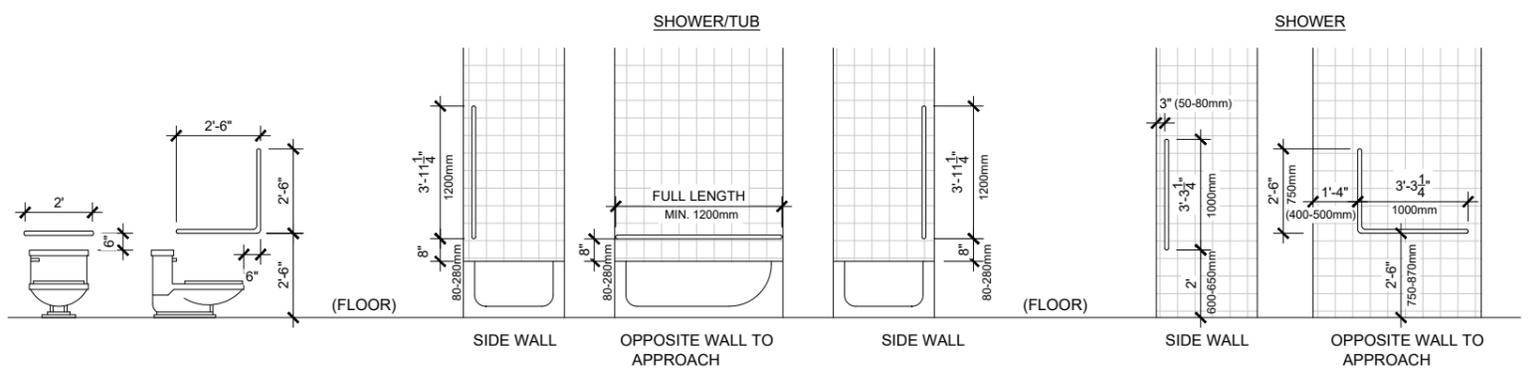
DECK GUARD RAIL DETAILS (SB7)

3/4" = 1'

2
A5.0

- PROVIDE REINFORCEMENT ADJACENT TO:
- THE WATER CLOSET FOR GRAB BARS AS PER 3.8.3.8.(3)(a)(c)
 - THE SHOWER FOR A GRAB BAR AS PER 3.8.3.13.(2)(g)
 - THE BATHTUB FOR A GRAB BAR AS PER 3.8.3.13.(4)(e)
- GRAB BARS SHALL RESIST AT LEAST 1.3kN WHEN APPLIED VERTICALLY OR HORIZONTALLY

(BLOCKING SHALL NOT OBSTRUCT SHOWER CONTROLS)



STUD WALL REINFORCEMENT

3/16" = 1'

3
A5.0

1
A5.0

AIR AND VAPOUR BARRIER DETAILS

3/4" = 1'

Project Information
 SINGLE FAMILY DWELLING AND GARAGE
 CHESLOCK RESIDENCE
 474 BARR SIDE RD
 PAKENHAM, ONTARIO

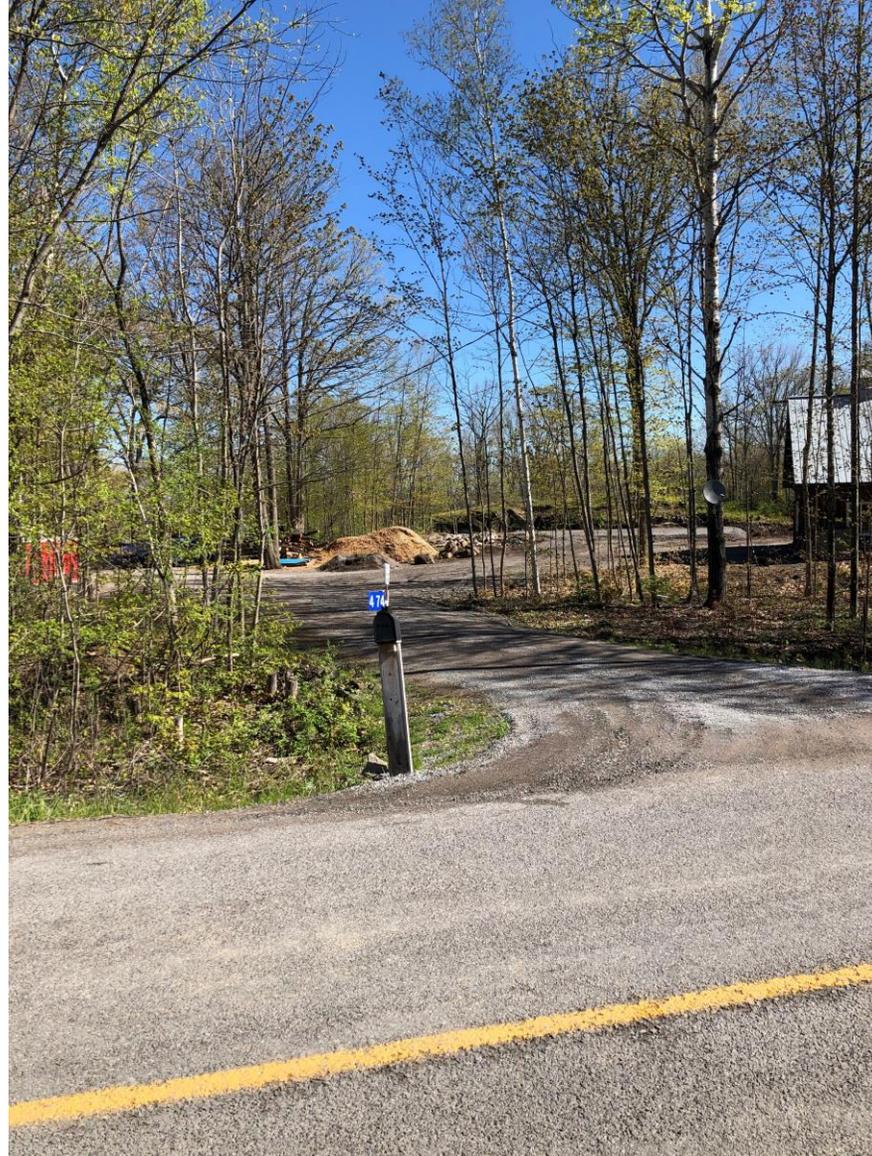
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 Revisions
 NO. DESCRIPTION DATE
 1 For Review Mar 01/21

Sheet Title
 GENERAL DETAILS

Scale AS NOTED

Sheet A5.0 11/11

Schedule B – Site Photos



From the Road



Looking East between the Primary Residence and the New Location



Looking East between Primary Residence and the Proposed Building Site. Page 87 of 90



From the West Looking towards the Principle Residence

Schedule C – Energy Efficiency Letter

Energy Efficiency Design Summary: Prescriptive Method

(Building Code Part 9, Residential)

This form is used by a designer to demonstrate that the energy efficiency design of a house complies with the building code using the prescriptive method described in Subsection 3.1.1. of SB-12. This form is applicable where the ratio of gross area of windows/sidelights/skylights/glazing in doors and sliding glass doors to the gross area of peripheral walls is not more than 22%.

For use by Principal Authority	
Application No:	Model/Certification Number

A. Project Information

Building number, street name <u>474 Barr Side Rd</u>	Unit number	Lot/Con
Municipality <u>Pakenham Mills</u>	Postal code	Reg. Plan number / other description

B. Prescriptive Compliance [indicate the building code compliance package being employed in this house design]

SB-12 Prescriptive (input design package): Package: A1 Table: 3.1.1.2.A

C. Project Design Conditions

Climatic Zone (SB-1):	Heating Equipment Efficiency	Space Heating Fuel Source
<input checked="" type="checkbox"/> Zone 1 (< 5000 degree days)	<input checked="" type="checkbox"/> ≥ 92% AFUE	<input type="checkbox"/> Gas <input type="checkbox"/> Propane <input type="checkbox"/> Solid Fuel
<input type="checkbox"/> Zone 2 (≥ 5000 degree days)	<input type="checkbox"/> ≥ 84% < 92% AFUE	<input type="checkbox"/> Oil <input type="checkbox"/> Electric <input type="checkbox"/> Earth Energy
Ratio of Windows, Skylights & Glass (W, S & G) to Wall Area		Other Building Characteristics
Area of walls = _____ m ² or <u>2688</u> ft ²	W, S & G % = <u>13.7%</u>	<input type="checkbox"/> Log/Post&Beam <input type="checkbox"/> ICF Above Grade <input type="checkbox"/> ICF Basement
Area of W, S & G = _____ m ² or <u>368.5</u> ft ²	Utilize window averaging: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Slab-on-ground <input type="checkbox"/> Walkout Basement
		<input type="checkbox"/> Air Conditioning <input type="checkbox"/> Combo Unit
		<input type="checkbox"/> Air Sourced Heat Pump (ASHP)
		<input type="checkbox"/> Ground Sourced Heat Pump (GSHP)

D. Building Specifications [provide values and ratings of the energy efficiency components proposed]

Energy Efficiency Substitutions			
<input type="checkbox"/> ICF (3.1.1.2.(5) & (6) / 3.1.1.3.(5) & (6))			
<input type="checkbox"/> Combined space heating and domestic water heating systems (3.1.1.2.(7) / 3.1.1.3.(7))			
<input type="checkbox"/> Airtightness substitution(s)			
Airtightness test required (Refer to Design Guide Attached)		<input type="checkbox"/> Table 3.1.1.4.B Required: _____ Permitted Substitution: _____	
		<input type="checkbox"/> Table 3.1.1.4.C Required: _____ Permitted Substitution: _____	
		Required: _____ Permitted Substitution: _____	
Building Component	Minimum RSI / R values or Maximum U-Value ⁽¹⁾	Building Component	Efficiency Ratings
Thermal Insulation	Nominal Effective	Windows & Doors Provide U-Value ⁽¹⁾ or ER rating	
Ceiling with Attic Space	<u>60</u> _____	Windows/Sliding Glass Doors	<u>0.28</u>
Ceiling without Attic Space	<u>31</u> _____	Skylights/Glazed Roofs	<u>0.49</u>
Exposed Floor	<u>31</u> _____	Mechanicals	
Walls Above Grade	<u>22</u> _____	Heating Equip.(AFUE)	<u>96%</u>
Basement Walls	<u>R12+100</u> _____	HRV Efficiency (SRE% at 0°C)	<u>75%</u>
Slab (all >600mm below grade)	<u>-</u> _____	DHW Heater (EF)	<u>0.80</u>
Slab (edge only ≤600mm below grade)	<u>10</u> _____	DWHR (CSA B55.1 (min. 42% efficiency))	# Showers <u>2</u>
Slab (all ≤600mm below grade, or heated)	<u>10</u> _____	Combined Heating System	

(1) U value to be provided in either W/(m²•K) or Btu/(h•ft²•F) but not both.

E. Designer(s) [name(s) & BCIN(s), if applicable, of person(s) providing information herein to substantiate that design meets the building code]

Qualified Designer Declaration of designer to have reviewed and take responsibility for the design work.		
Name <u>Tara May-Brotton (TM Draft by Design)</u>	BCIN <u>26706</u>	Signature