



## Municipality of Mississippi Mills

### COMMITTEE OF ADJUSTMENT AND PROPERTY STANDARDS AGENDA

Wednesday, June 29, 2022

6:00 p.m.

E-participation

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	Pages
A. CALL TO ORDER	
B. DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF	
C. APPROVAL OF AGENDA Recommended Motion: THAT the agenda be approved as presented.	
D. APPROVAL OF MINUTES Recommended Motion: THAT the minutes dated June 6, 2022 be approved.	3 - 8
E. REPORTS	
E.1. Minor Variance Application report A-11-22, 411 Campbell Side Rd, Almonte The applicant is requesting the following Minor Variances from Zoning By-law #11-83: <ul style="list-style-type: none"><li>To permit the garage to be constructed 3.3 metres from the front lot line</li><li>To permit the proposed garage as the fourth accessory building on the subject lot</li></ul>	9 - 24
E.2. Minor Variance Application Report A-12-22, 914 Stewart Lee Avenue, Almonte The applicant is requesting the following Minor Variances from Zoning By-law #11-83: <ul style="list-style-type: none"><li>To permit a deck with walking surface height above 0.6 metres that projects into a required yard y 2.75 metres</li></ul>	25 - 30

**E.3. Minor Variance Application Report A-13-22, 366 Spring St, Almonte**  
The applicant is requesting the following Minor Variances from Zoning By-law #11-83:

31 - 36

- To permit a minimum front yard setback of 2.88 metres
- To permit a minimum side yard setback of 0.81 metres

**F. OTHER / NEW BUSINESS**

None

**G. MEETING ANNOUNCEMENTS**

The next Committee of Adjustment meeting is scheduled for July 27, 2022 at 6:00 pm.

**H. ADJOURNMENT**



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

**MINUTES**

**June 6, 2022  
6:00 p.m.  
E-participation**

Committee Present: Connie Bielby  
Patricia McCann-MacMillan  
Stacey Blair

Staff Present: Melanie Knight, Senior Planner  
Jeffrey Ren, Planner

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**A. CALL TO ORDER**

The Chair, Patricia McCann-MacMillan, called the meeting to order at 6:00 pm

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

None

**C. APPROVAL OF AGENDA**

**Moved by** Connie Bielby  
**Seconded by** Stacey Blair

**THAT** the agenda be approved as presented.

**CARRIED**

**D. APPROVAL OF MINUTES**

**Moved by** Stacey Blair  
**Seconded by** Connie Bielby

**THAT** the minutes dated March 23, 2022 be approved.

**E. REPORTS**

**E.1 Minor Variance Application Report A-08-22  
Plan 56, Lot 4, Almonte Ward**

Jeffrey Ren, Planner with Mississippi Mills, presented an overview of the application.

The Committee discussed the following items:

- The owner confirmed the new extension does not impede access to the neighbour's gate to the backyard and the extension will be at the same level as the patio doors.
- There is a 20 day appeal period after the Notice of Decision is circulated.

The Chair asked if there are any comments from the public. No one spoke.

**Moved by** Connie Bielby

**Seconded by** Stacey Blair

**THAT** the Municipality of Mississippi Mills Committee of Adjustment approve the Minor Variance for the lands legally described as Plan 56, Lot 4, Almonte Ward, Municipality of Mississippi Mills, to permit a fully enclosed verandah that projects more than two metres into a legal non-complying rear yard, subject to the following conditions:

1. That the following requested Minor Variances to Zoning By-Law #11-83 are approved:

- To permit a verandah with four enclosed sides that projects into a required yard by 3.8 metres, where as Section 6.19 states that a verandah with a maximum of two enclosed sides may project into a required yard by only two metres.
- To permit a verandah that extends 3.8 metres into a legal non-complying rear yard measuring 5.81 metres, thereby creating a rear yard setback of 2.01 metres, where as Section 13.2 requires a minimum rear yard setback of 7.5 metres.

2. That the Owners/Applicants obtain all required building permits and approvals for the proposed verandah.

**CARRIED**

**E.2 Minor Variance Application Report A-09-22 Part Lot 13, Concession 3 , Pakenham Ward**

Jeffrey Ren, Planner with Mississippi Mills, presented an overview of the application.

The Committee discussed the following items:

- No issues were raised from staff during circulation of application regarding the adequate separation of driveways.
- Minimum distance separation was satisfied during the consent process.
- Fig. 1 aerial image shows an area that has not been previously identified in any mapping concerning this application.

The Chair asked if there are any comments from the public. No one spoke.

**Moved by** Connie Bielby

**Seconded by** Stacey Blair

**THAT** the Municipality of Mississippi Mills Committee of Adjustment approve the Minor Variance for the lands legally described as Part Lot 13, Concession 3, Pakenham Ward, Municipality of Mississippi Mills, for relief from the provisions of Section 12.2 of Zoning By-Law #11-83 to permit the continuation of an Agricultural Use on a lot that has a deficient lot area and lot frontage.

1. That the following requested Minor Variances to Zoning By-Law #11-83 are approved:

- To permit the continuation of an Agricultural Use on a lot with a lot area of approximately 15.79 hectares and a lot frontage of 115 metres, whereas Section 12.2 states that an Agricultural Use on a lot zoned as Rural requires a minimum lot area of 40 hectares and a minimum lot frontage of 150 metres.

**CARRIED**

**E.3 Minor Variance Application Report A-05-22 Concession 8, Part Lot 13; Plan 69, Lot 38, Ramsay Ward**

Jeffrey Ren, Planner with Mississippi Mills, presented an overview of the application.

The applicant advised that the municipal office was closed during the approval process and verbal permission was provided by municipal staff. The applicant requested clarification from staff regarding the approval process. Staff advised that if the minor variance is not approved the property owners would be required to remove the driveway at their own cost.

The Committee discussed the following items:

- Option of a looped driveway
- Applicant advised the cost to install the driveway was \$800.
- Applicant and staff confirmed there are other properties in the neighbourhood with more than one driveway.
- Staff advised that a grass entrance would be more desirable.
- Applicant confirmed the second driveway would be used for parking their 27ft Recreational Vehicle (RV) in their side yard.
- Applicant confirmed the RV would not be parked during the winter months or in the rear yard and is not a dwelling unit.
- Five (5) public comments were received by staff regarding the esthetics of this application.
- Applicant agreed to work with staff on the esthetics of the second driveway if the application is approved.

The Committee complimented staff on the difficulty in reviewing this application and providing a recommendation.

The Committee discussed the options and amended the staff recommendation to approve the Minor Variance with an additional provision that staff and the applicant work together to find an esthetically pleasing alternative.

This was a decision of the Committee of Adjustment and is not a recommendation of staff.

Applicant was advised by the Committee that an RV may not be parked on the second driveway until the Minor Variance is in full force and effect.

**Moved by** Connie Bielby  
**Seconded by** Stacey Blair

**THAT** the Municipality of Mississippi Mills Committee of Adjustment approve the Minor Variance to permit a second driveway entrance for the subject property, legally described as Concession 8, Part Lot 13; Plan 69, Lot 38, Ramsay Ward, Municipality of Mississippi Mills, municipally known as 155 Heather Crescent.

1. That the following requested Minor Variances to Zoning By-Law #11-83 are approved:

- That a second driveway is permitted on a lot with a frontage of 52 metres whereas Section 9.3.9 (e) limits the number of driveways to one (1) driveway for the first 30 metres of frontage and one (1) additional driveway for each additional 30 metres of frontage, up to a maximum of three driveways
- That a combined driveway width of approximately 15.24 metres is permitted whereas Section 9.3.9 (a) limits the maximum width of all driveways on the lot to nine (9) metres.

2. That the applicant work with staff to develop an acceptable driveway design, which may include permeable pavers or other landscaping features.

**CARRIED**

**F. OTHER / NEW BUSINESS**

None

**G. MEETING ANNOUNCEMENTS**

The next Committee of Adjustment meeting will be held on June 29, 2022 at 6:00 pm.

**H. ADJOURNMENT**

**Moved by** Connie Bielby  
**Seconded by** Stacey Blair

**THAT** the meeting be adjourned at 6:53 pm.

**CARRIED**

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Jennifer Russell, Recording  
Secretary



**THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS**  
**PLANNING REPORT**

**MEETING DATE:** Wednesday, June 29, 2022 at 6:00 p.m.  
**TO:** Committee of Adjustment  
**FROM:** Jeffrey Ren, Planner  
**SUBJECT:** **MINOR VARIANCE APPLICATION A-11-22**  
**Concession 5 Part Lot 25; Plan 52705 Lot 1**  
**Almonte Ward, Municipality of Mississippi Mills**  
**Municipally Known as 411 Campbell Side Road**  
**OWNERS/APPLICANTS:** Darcy William Ryan and Ivy Catherine MacGarvie

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**RECOMMENDATION:**

**THAT the Municipality of Mississippi Mills Committee of Adjustment approve the Minor Variance for the lands legally described as Concession 5 Part Lot 25; Plan 52705 Lot 1, Almonte Ward, Municipality of Mississippi Mills, municipally known as 411 Campbell Side Road, to permit the construction of a new garage, subject to the following conditions:**

- 1. That the following requested Minor Variances to Zoning By-Law #11-83 are approved:**
  - To permit the garage to be constructed 3.3 metres from the front lot line whereas Table 6.1 (1) requires that the garage be set back from the front lot line by 9 metres.**
  - To permit the proposed garage as the fourth accessory building on the subject lot whereas Table 6.1 (8) specifies that the maximum number of accessory buildings permitted on a lot zoned Rural (RU) is three (3).**
- 2. That the Owners/Applicants obtain all required building permits and approvals for the proposed garage.**

**PURPOSE AND EFFECT**

The subject property is zoned Rural (RU Zone). The applicant is requesting relief from the provisions of Table 6.1 of Zoning By-law #11-83 to permit the construction of a new garage. The applicant is proposing to locate their garage 3.3 metres from the front lot line whereas Table 6.1 (1) requires that the garage be set back from the front lot line by 9 metres. The proposed garage is the fourth accessory building on the subject lot. Table

6.1 (8) specifies that the maximum number of accessory buildings permitted on a lot zoned RU is three.

The Minor Variance request is outlined below.

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

Table	Provision	By-law Requirement	Requested
6.1 (1)	Minimum Required Setback from a Front Lot Line	Same as Required for Principal Building (9 metres for a non-farm residential use in the RU Zone)	3.3 metres
6.1 (8)	Maximum Number of Accessory Buildings Permitted on a Lot	3 accessory buildings	4 accessory buildings

### **DESCRIPTION OF SUBJECT LANDS**

The subject property is located east of the intersection between Campbell Side Road and 5<sup>th</sup> Concession North Pakenham. The property measures approximately 8,188 m<sup>2</sup> in area and has approximately 115 metres of frontage along Campbell Side Road and approximately 71.2 metres of frontage along 5<sup>th</sup> Concession North Pakenham. The subject property is currently occupied by a single detached house and is immediately surrounded by rural and non-farm residential uses. The subject property is zoned Rural (RU Zone). Three (3) existing accessory buildings can currently be found on the subject property. Figure 1 shows an aerial image of the subject property.

**Figure 1: Aerial Image of Concession 5 Part Lot 25; Plan 52705 Lot 1, Almonte Ward, Municipality of Mississippi Mills**



## **PROPOSED DEVELOPMENT**

The proposed development is a detached garage with a second storey storage space measuring approximately 119 square metres in size with a height of approximately 6.70 metres. The garage is proposed located 3.3 metres from the front lot line. For an accessory building in the RU Zone, Table 6.1 (1) requires that the garage be set back from the front lot line by 9 metres; Table 6.1 (8) also limits the number of accessory buildings to three (3) per lot in the RU Zone. Aside from the front yard setback and maximum number of accessory buildings per lot, the proposed garage conforms to all other applicable provisions of the Zoning By-law. The construction of the garage requires a building permit application.

## **SERVICING & INFRASTRUCTURE**

The subject property is on private services – there are no required or proposed changes to servicing as a result of the application. No additional parking is required for this proposed development.

## **COMMENTS FROM CIRCULATION OF THE APPLICATION**

### **Comments From Internal Circulation**

No comments or concerns were received from the internal circulation at the time of the writing of this report.

### **Comments From External Agencies**

No comments or concerns were received from external agencies at the time of the writing of this report.

### **Comments From the Public**

No comments or concerns were received from the public at the time of the writing of this report.

## **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 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 as Rural in the Municipality's Community Official Plan (COP). The proposed garage conforms to the intent of the COP policies for the Rural designation (Section 3.3). Under Section 4.2.3, the COP contains policies regarding Rural Design; these policies suggest that rural roadscapes and landscaping along rural roads should be considered. The rural design policies of the COP also state that traditional rural development patterns should be respected.

Staff are of the opinion that the proposed garage generally satisfies the applicable rural design policies of the COP as the proposed garage is generally reflective of the existing context with many of the properties along 5<sup>th</sup> Concession North Pakenham featuring comparable accessory buildings in the front yard. The subject property is affected by a Rural-Agricultural Overlay, however, there are no active agricultural uses on the lots surrounding the subject property and the applicable policies are not triggered by the subject application.

Staff are of the opinion that the proposed variances generally maintain the intent of the COP.

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

Table 6.1 (1) of the Zoning By-law allows for a minimum setback of 9 metres compared to the proposed 3.3 metres. While the requested variance is quantitatively notable, the applicants have indicated that the garage would be located approximately 14 metres from the side of the existing roadway as the existing road allowance is significantly wider than the actual roadway. As noted above, the proposed layout is generally reflective of the existing roadscape along 5<sup>th</sup> Concession North Pakenham with a number of other properties featuring similar existing setbacks for both principal buildings and accessory buildings. Staff are of the opinion that the intent of the Zoning By-law would be maintained by permitting a reduced front yard setback.

With respect to the number of accessory buildings, the RU Zone permits a single detached dwelling, and three (3) non-farm accessory buildings as per Table 6.1(8) of the Zoning By-law. The provisions for accessory buildings do not limit the number of accessory buildings used for agricultural purposes in the RU Zone. In this case, staff have included the existing woodshed with no enclosed sides as the third accessory building. As the woodshed technically meets the Zoning By-law's definition of a building, a variance to the provisions of Table 6.1(8) has been included out of an abundance of caution. Staff are of the opinion that the intent of the Zoning By-law would be maintained by permitting an addition accessory building.

Staff are of the opinion that the proposed variances generally maintain the intent of the Zoning By-law.

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

The addition of a garage allows the property owner to maximize the enjoyment of their property and the applicant has indicated that there are no suitable alternatives on the subject property due to site constraints. There are no anticipated adverse impacts to the adjacent landowners; the requested variance is appropriate for the subject property based on the surrounding land use context; and, there have been no concerns identified by Staff, external agencies or neighbouring landowners in relation to the requested variance.

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

- Obtaining all required building permits and approvals.

Staff are of the opinion that the proposed development is desirable for the appropriate development of the lands in question.

### **4. Is the proposal minor?**

Although the requested variance would notably reduce the prescribed front yard setback, Staff note that the evaluation of minor is not just a quantitative analysis but rather a combination of the consideration of the quantitative relief requested with the qualitative analysis of impact of the requested variance. Analysis of the proposal has concluded that the proposal is unlikely to present adverse impacts on the adjacent properties and would remain largely consistent with the existing roadscape. As a result, 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 of their property with no foreseeable impacts to the surrounding lands.

Therefore, Staff are of the opinion that Minor Variance Application A-11-22 meets the four tests for evaluating a minor variance as established under the *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 contained in this report.

All of which is respectfully submitted by,



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Jeffrey Ren  
Planner

Reviewed by,



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Melanie Knight MCIP, RPP  
Senior Planner

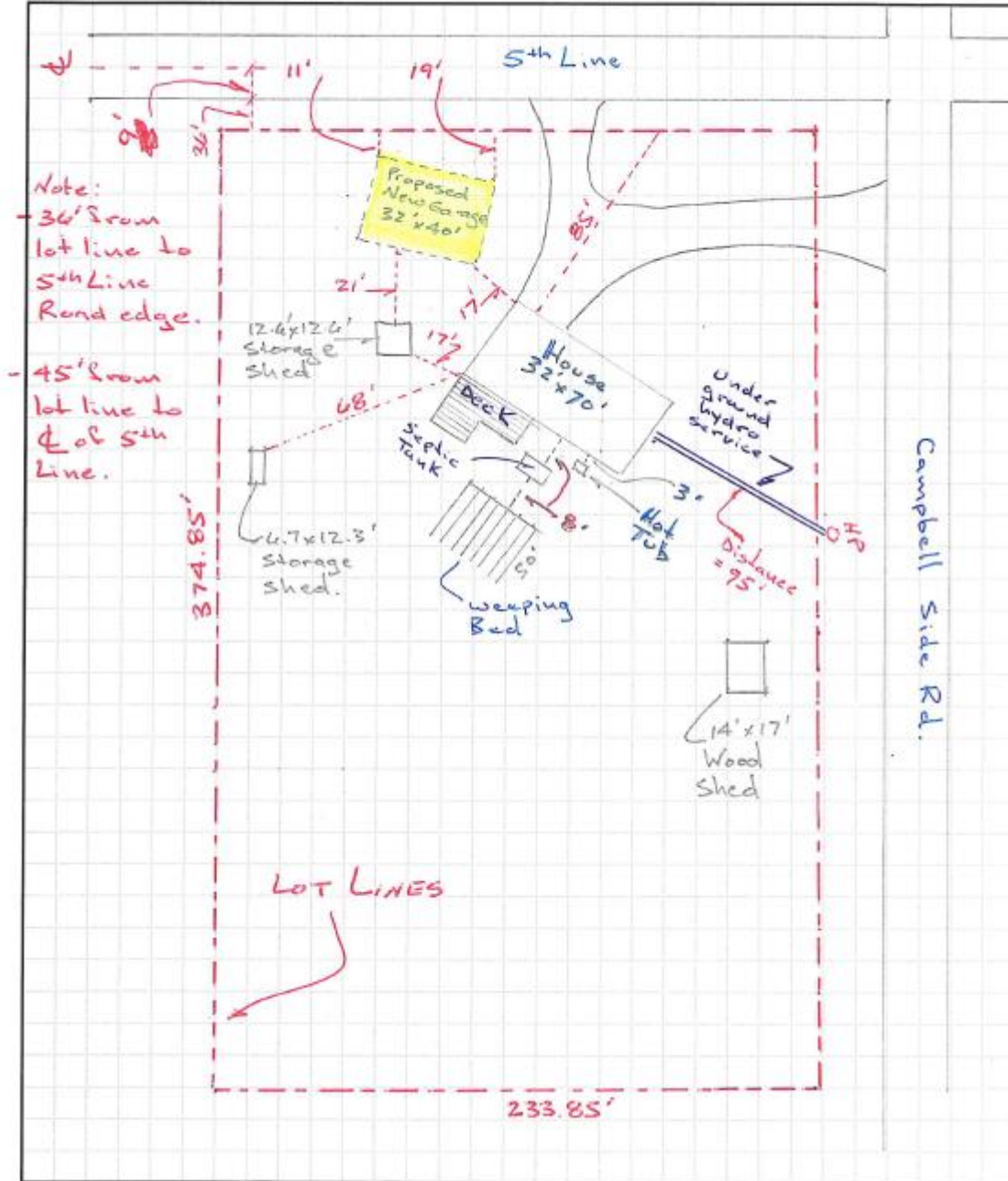
**ATTACHMENTS:**

SCHEDULE A – Site Plan & Drawings

SCHEDULE B – Site Photos

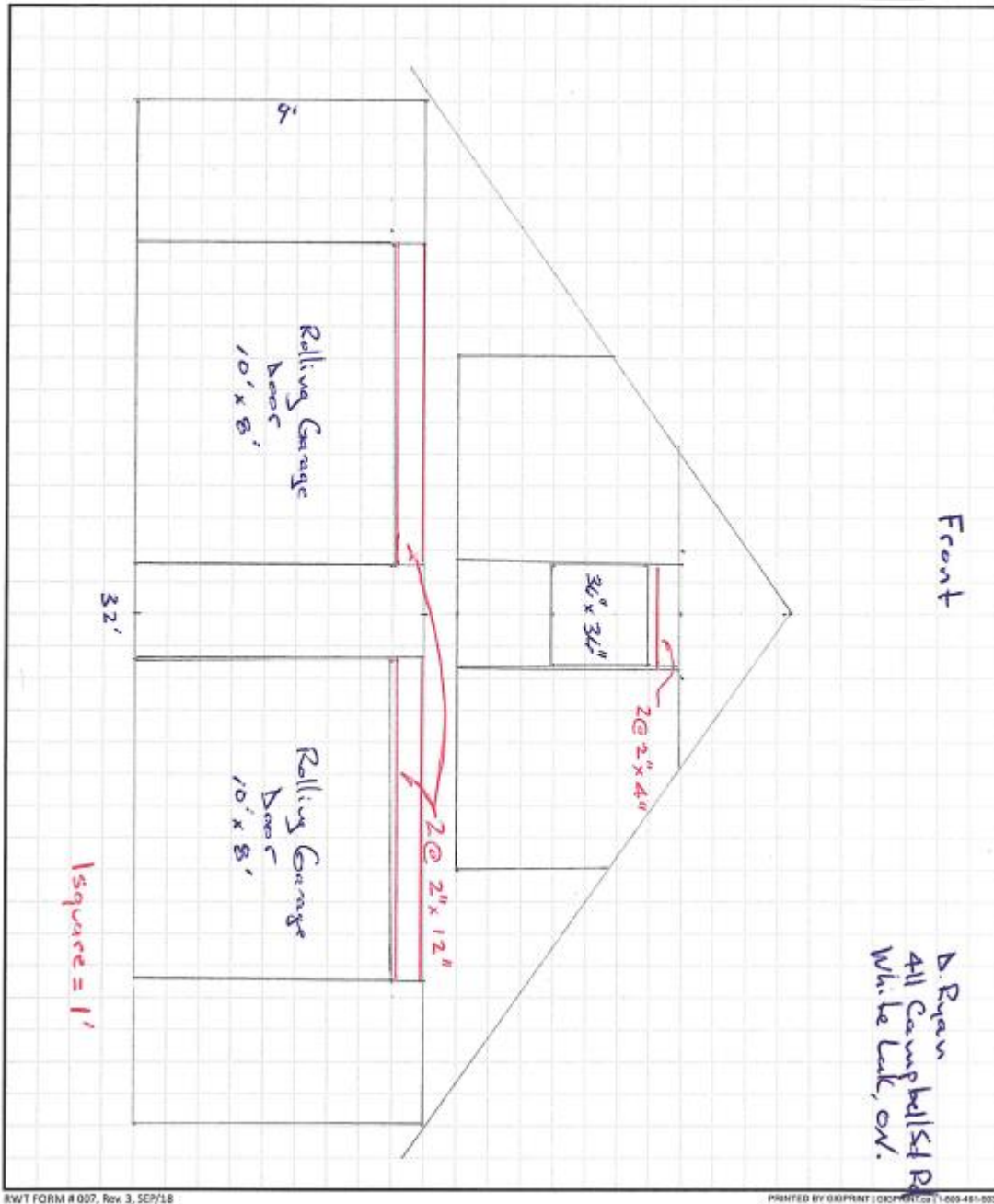
# SCHEDULE A – Site Plan & Drawings

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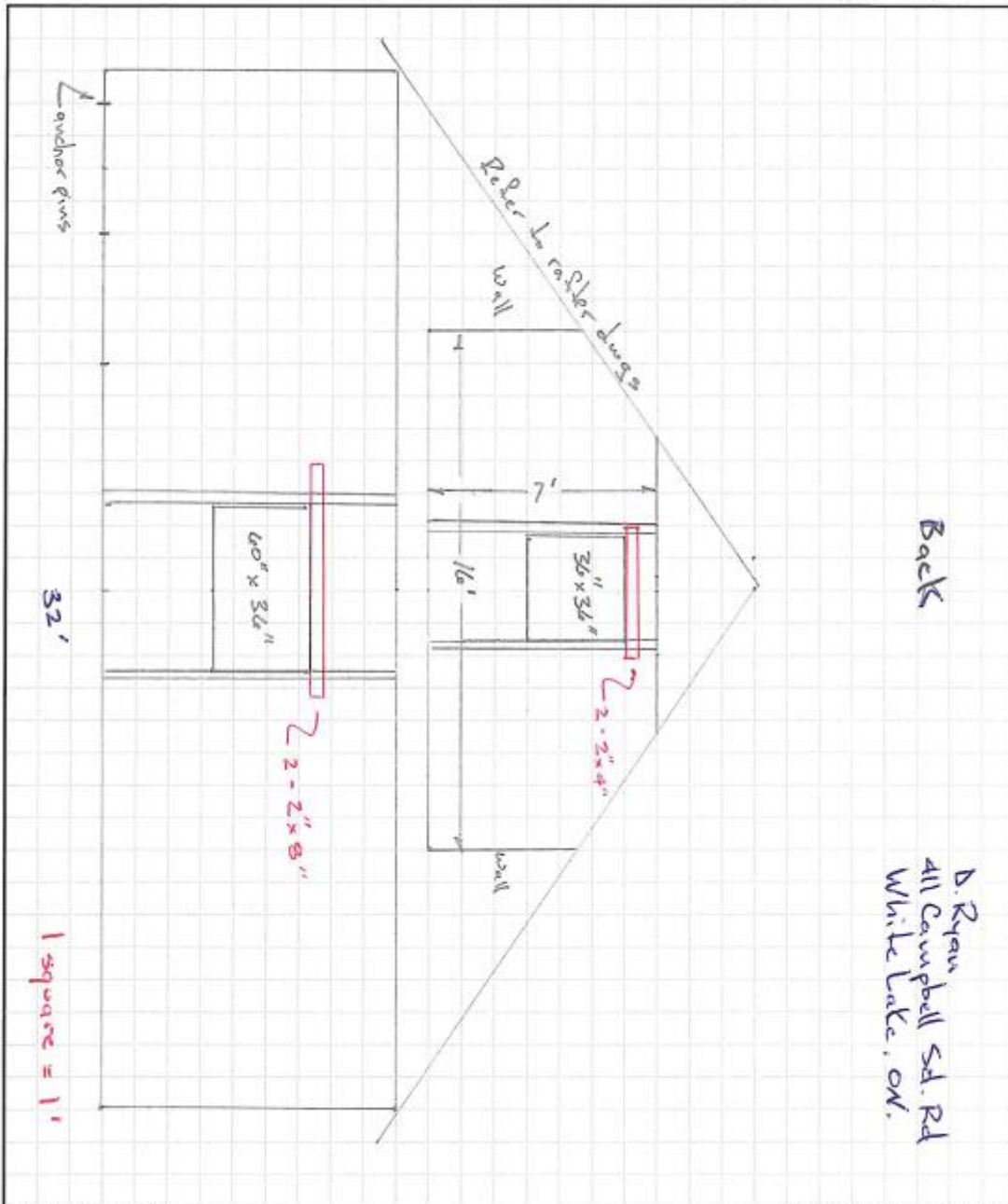


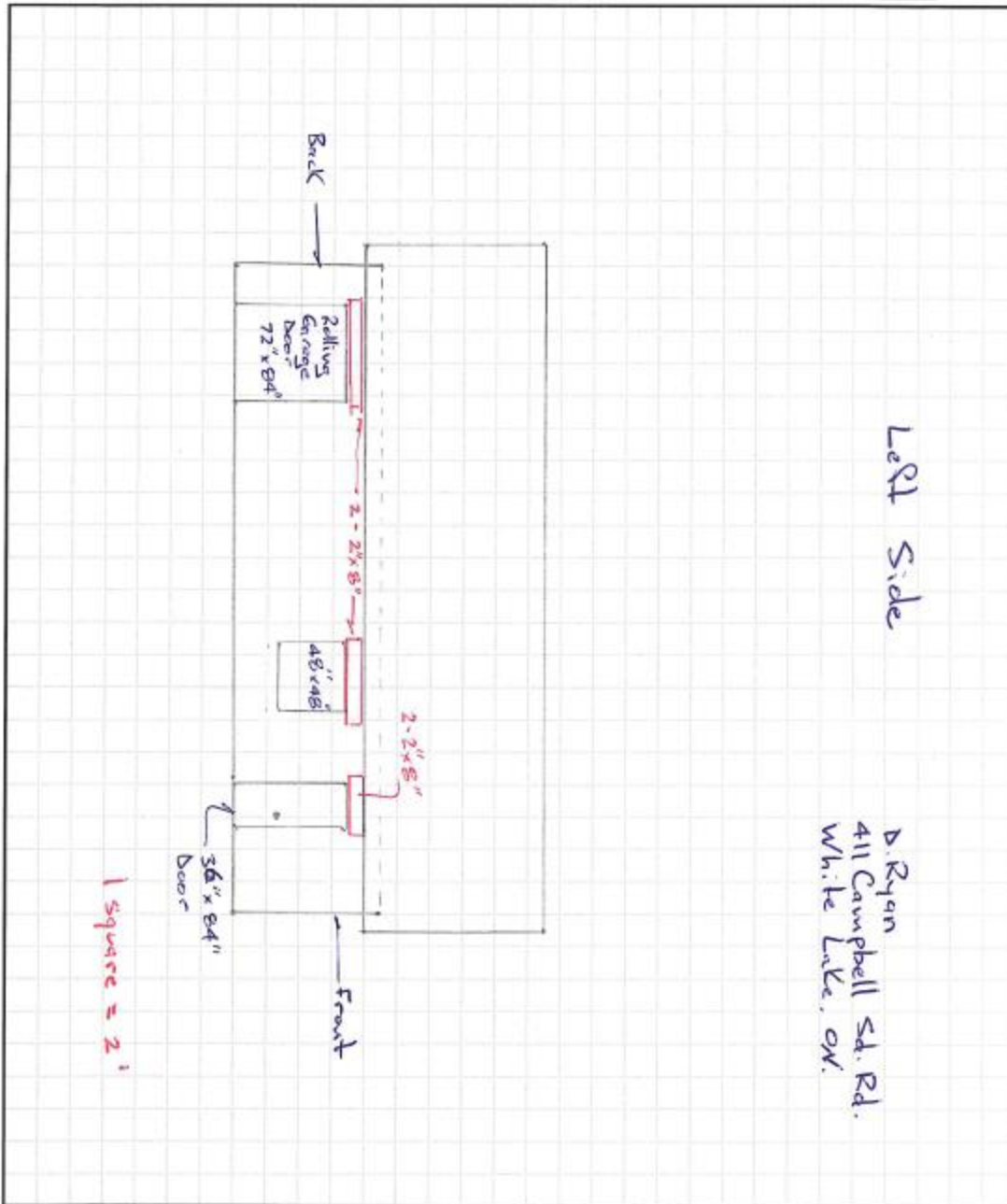
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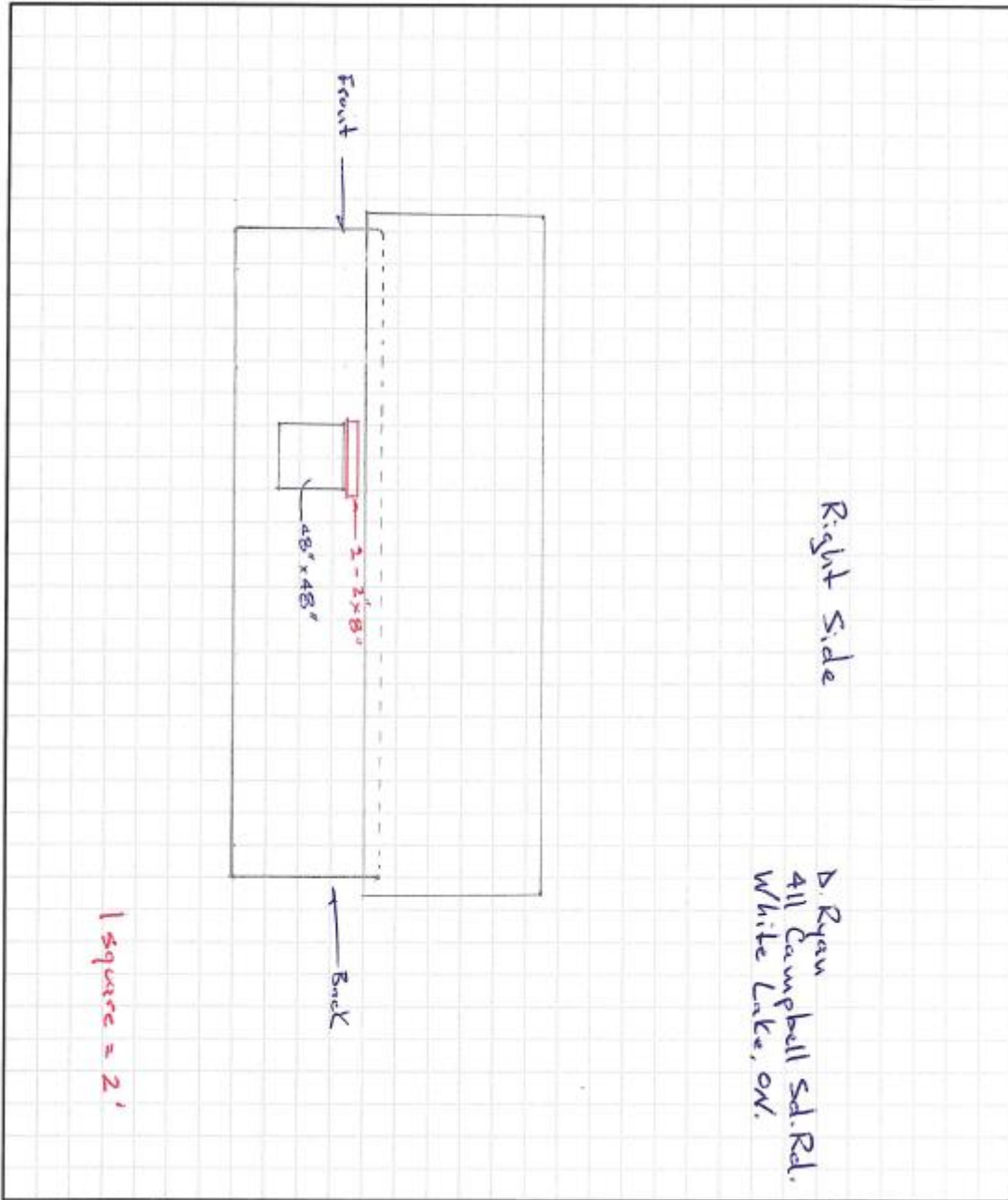
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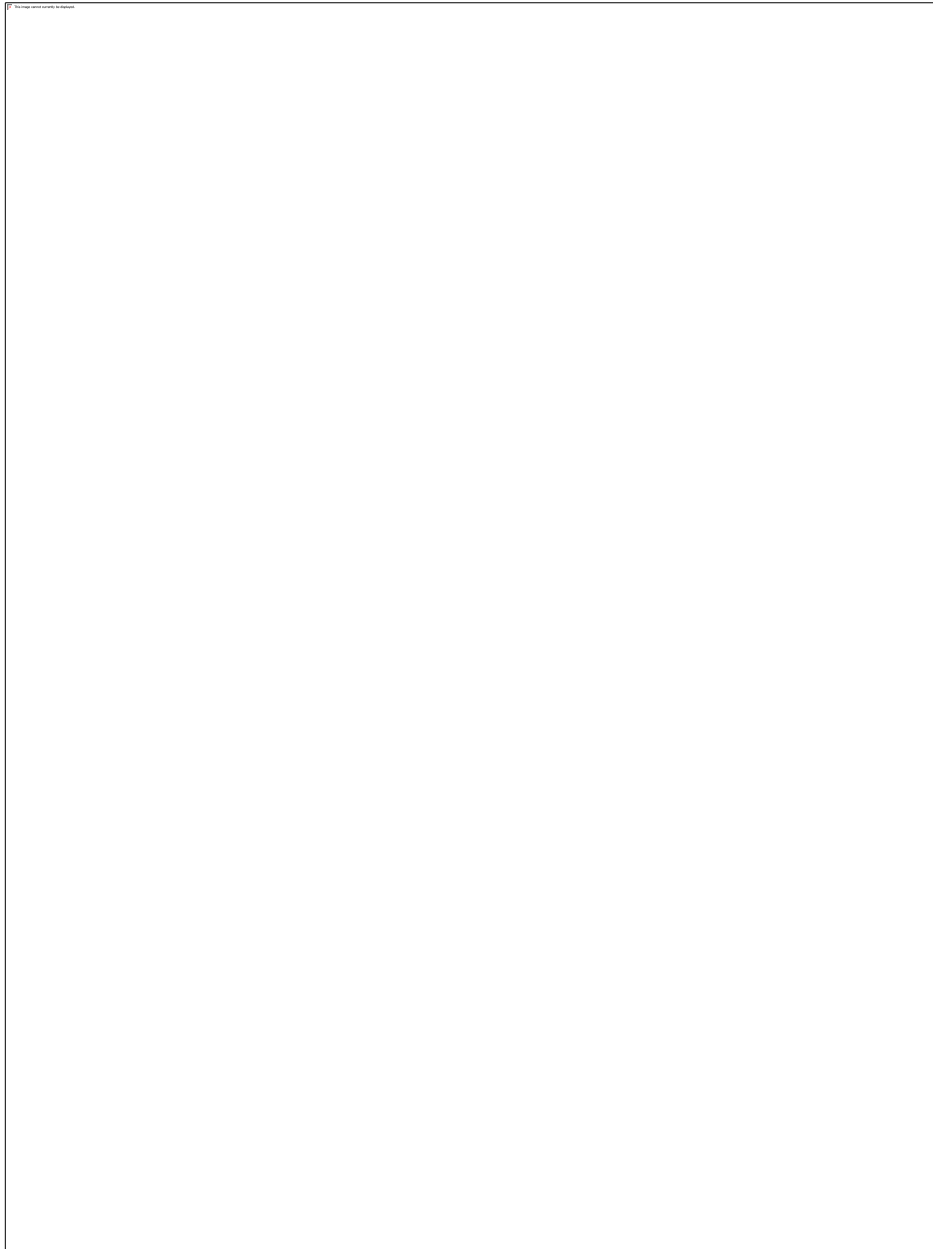








## SCHEDULE B – Site Photos



















# **THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS**

## **PLANNING REPORT**

**MEETING DATE:** Wednesday, June 29, 2022 at 6:00 p.m.

**TO:** Committee of Adjustment

**FROM:** Jeffrey Ren, Planner

**SUBJECT:** **MINOR VARIANCE APPLICATION A-12-22**  
**Plan 27M88 Part Block 49; Plan 27R11415, Part 3**  
**Almonte Ward, Municipality of Mississippi Mills**  
**Municipally Known as 914 Stewart Lee Avenue**

**OWNERS/APPLICANTS:** Edward Craig McManus and Marlean Alice Litton

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### **RECOMMENDATION:**

**THAT the Municipality of Mississippi Mills Committee of Adjustment approve the Minor Variance for the lands legally described as Plan 27M88 Part Block 49; Plan 27R11415, Part 3, Almonte Ward, Municipality of Mississippi Mills, municipally known as 914 Stewart Lee Avenue to permit a deck that projects more than two (2) metres into the rear yard, subject to the following conditions:**

- 1. That the following requested Minor Variances to Zoning By-Law #11-83 are approved:**
  - To permit a deck with a walking surface height above 0.6 metres that projects into a required yard by 2.75 metres, whereas Section 6.19 states that a deck with a walking surface height of above 0.6 metres may project by no more than two (2) metres into required yard.**
- 2. That the Owners/Applicants obtain all required building permits and approvals for the proposed deck.**

### **PURPOSE AND EFFECT**

The subject property is zoned Residential Second Density Zone, Subzone E, Special Exception 18 (R2E-18). The applicant is requesting relief from the provisions of Section 6.19 of Zoning By-law #11-83 to permit the extension of a deck. Section 6.19 requires that decks with a walking surface height of above 0.6 metres project by no more than 2 metres into a required yard. The applicant is proposing to extend their deck by 3.48 metres, thereby creating a projection of 2.75 metres into the required rear yard.

The Minor Variance request is outlined below.

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

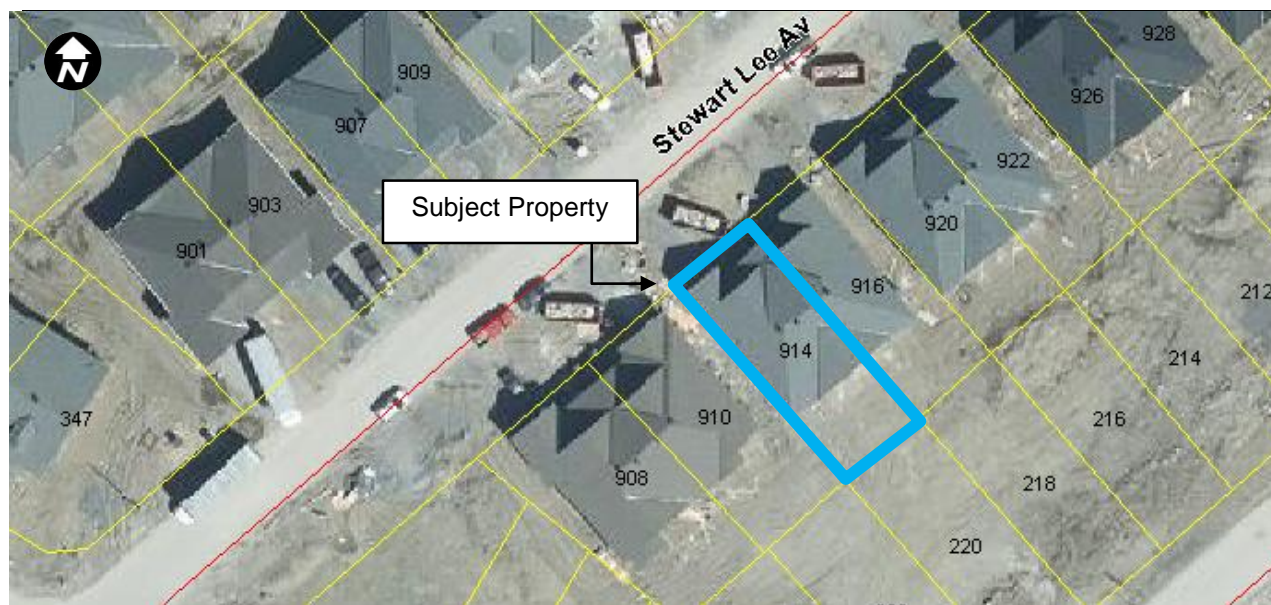
Section	Provision	By-law Requirement	Requested
6.19	Permitted Projection into Required Yard	Deck projections of no more than 2 metres into a required rear yard	Deck projection of approximately 2.75 metres into a required rear yard

## **DESCRIPTION OF SUBJECT LANDS**

The subject property is located along the south side of Stewart Lee Avenue. The property measures approximately 338.24 m<sup>2</sup> in area and has approximately 11 metres of frontage along Stewart Lee Street. The subject property is currently occupied by a single storey semi-detached dwelling unit and is immediately surrounded by low density residential uses. The subject property is zoned Residential Second Density E-18 (R2E-18 Zone).

Figure 1 shows an aerial image of the subject property.

**Figure 1: Aerial Image of Plan 27M88 Part Block 49; Plan27R11415, Part 3, Almonte Ward, Municipality of Mississippi Mills**



## **PROPOSED DEVELOPMENT**

The proposed development is a deck located in the rear yard attached to the rear of the semi-detached dwelling. The deck extends into the rear yard by 3.48 metres. The proposed deck extension has a walking surface height of approximately 1.27 metres. The existing rear yard has an approximate depth of 6.73 metres; the required rear yard setback in the R2E-18 Zone is six (6) metres. The proposed extension of the deck by

3.48 metres results in a projection of 2.75 metres into the required rear yard resulting in a setback of 3.25 metres from the deck to the rear lot line. The deck extension is compliant with all other applicable provisions of the Zoning By-law. The construction of the deck requires a building permit application.

## **SERVICING & INFRASTRUCTURE**

The subject property is on full municipal services – there are no required or proposed changes to servicing as a result of the application. No additional parking is required for this proposed development.

## **COMMENTS FROM CIRCULATION OF THE APPLICATION**

### **Comments From Internal Circulation**

No comments or concerns were received from the internal circulation at the time of the writing of this report.

### **Comments From External Agencies**

No comments or concerns were received from external agencies at the time of the writing of this report.

### **Comments From the Public**

No comments or concerns were received from the public at the time of the writing of this report.

## **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 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 as “Residential” in the Municipality’s Community Official Plan (COP). The subject property is not affected by any COP constraints. The proposed deck extension conforms to all applicable COP policies including policies

relating to the Residential Designation (Section 3.6) and all applicable General Policies (Section 4).

Staff are of the opinion that the proposed variance maintains the intent of the COP.

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

The subject property is zoned Residential Second Density, Subzone E, Special Exception 18 (R2E-18) as per Comprehensive Zoning By-law #11-83. The R2E-18 Zone permits semi-detached dwelling and stipulates that the required rear yard setback for a semi-detached dwelling is six (6) metres; the existing rear yard has an approximate depth of 6.73 metres. Decks are listed as a type of permitted projection in Section 6.19 of the Zoning By-law; decks with a walking surface height above 0.6 metres are only permitted to project into a required rear yard by two (2) metres while maintaining a setback of one (1) metre from the side lot lines.

The proposed deck extension has a walking surface height of approximately 1.27 metres. The proposed extension of the deck by 3.48 metres results in a projection of 2.75 metres into the required rear yard resulting in a rear yard setback of 3.25 metres for the proposed deck. The deck extension is compliant with all other applicable provisions of the Zoning By-law. Staff note that there are no limits imposed on the projection of decks with a walking surface height of less than 0.6 metres into a required rear yard.

Staff are of the opinion that the proposed variances generally maintain the intent of the Zoning By-law.

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

The proposed development of a deck is an appropriate and desirable form of development for the subject property. The extension of a deck would allow the property owner to owners to maximize the use and enjoyment of their property with no foreseeable impacts to any other stakeholders.

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

- Obtaining all required building permits and approvals.

Staff are of the opinion that the proposed development is desirable for the appropriate development of the lands in question.

## **4. Is the proposal minor?**

The proposed development is proposing a modest increase in the size of a permitted projection. The additional 0.75 metre projection into the required yard is minor in nature.

Analysis of the proposal has concluded that the proposal is unlikely to present adverse impacts on the adjacent properties. As a result, 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 of their property with no foreseeable impacts to the surrounding lands.

Therefore, Staff are of the opinion that Minor Variance Application A-12-22 meets the four tests for evaluating a minor variance as established under the *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 contained in this report.

All of which is respectfully submitted by,



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Jeffrey Ren  
Planner

Reviewed by,



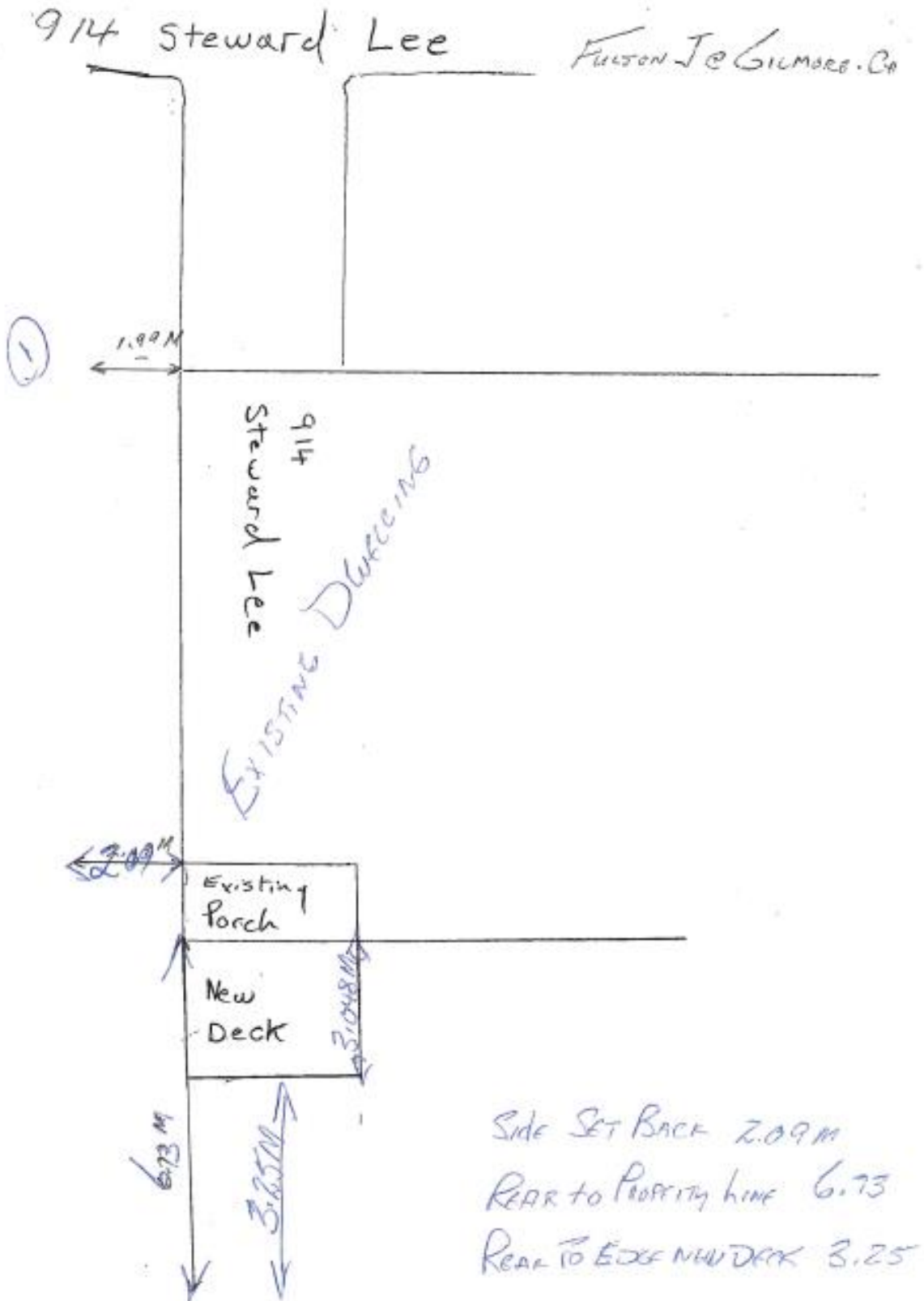
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Melanie Knight MCIP, RPP  
Senior Planner

## **ATTACHMENTS:**

SCHEDULE A – Site Plan

SCHEDULE A – Site Plan



**THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS**  
**PLANNING REPORT**

**MEETING DATE:** Wednesday, June 29, 2022 at 6:00 p.m.  
**TO:** Committee of Adjustment  
**FROM:** Jeffrey Ren, Planner  
**SUBJECT:** **MINOR VARIANCE APPLICATION A-13-22**  
**Plan 27M88, Lot 68**  
**Almonte Ward, Municipality of Mississippi Mills**  
**Municipally Known as 366 Spring Street**  
**OWNERS/APPLICANTS:** Houchaimi Holdings Inc.

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**RECOMMENDATION:**

**THAT the Municipality of Mississippi Mills Committee of Adjustment approve the Minor Variance for the lands legally described as Plan 27M88, Lot 68, Almonte Ward, Municipality of Mississippi Mills, municipally known as 366 Spring Street, to legalize a construction error affecting the minimum side and front yard setbacks, subject to the following conditions:**

- 1. That the following requested Minor Variances to Zoning By-Law #11-83 are approved:**
  - To permit a minimum front yard setback of 2.88 metres whereas Section 14.4.18 of the Zoning By-law requires three (3) metres.**
  - To permit a minimum side yard setback of 0.81 metres whereas Section 14.4.18 of the Zoning By-law requires one (1) metre.**
- 2. That the Owners/Applicants provide an updated grading plan to the satisfaction of the Municipality of Mississippi Mills.**

**PURPOSE AND EFFECT**

The subject property is zoned Residential Second Density Zone, Subzone E, Special Exception 18 (R2E-18). The applicant is requesting relief from the provisions of Section 14.4.18 of Zoning By-law #11-83 to legalize a construction error affecting the minimum side and front yard setbacks. Section 14.4.18 requires a minimum side yard setback of one (1) metre and a minimum front yard setback of 3 metres. The construction error resulted in a side yard setback of 0.81 metres and a front yard setback of 2.88 metres.

The Minor Variance request is outlined below.

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

Section	Provision	By-law Requirement	Requested
14.4.18	Minimum Front Yard Setback	3 metres	2.88 metres
14.4.18	Minimum Side Yard Setback	1 metre	0.81 metres

### **DESCRIPTION OF SUBJECT LANDS**

The subject property is located along the south side of Spring Street. The property measures approximately 645.75 m<sup>2</sup> in area and has approximately 27.5 metres of frontage along Spring Street. The property is currently under construction for a semi-detached dwelling. The subject property is immediately surrounded by low density residential uses to the north and west, and by the Mississippi River and open space to the south and east.

Figure 1 shows an aerial image of the subject property.

**Figure 1: Aerial Image of Plan 27M88, Lot 68, Almonte Ward, Municipality of Mississippi Mills**



### **PROPOSED DEVELOPMENT**

The proposed development is a semi-detached dwelling. At the time of building permit approvals, the proposed development met all the applicable zone provisions. A construction error during the pouring of the foundation resulted in a reduced minimum



front yard setback of 2.88 metres and a minimum side yard setback of 0.81 metres. Section 14.4.18 of Zoning By-law #11-83 requires a minimum front yard setback of three (3) metres and a minimum side yard setback of one (1) metre.

The original proposed development has received the necessary approvals to proceed. Staff are satisfied that if the subject minor variance application is approved, no additional approvals would be required other than an approved, revised grading plan for the lot, which reflects the setbacks contained in this report.

## **SERVICING & INFRASTRUCTURE**

The subject property is on full municipal services – there are no required or proposed changes to servicing as a result of the application. No additional parking is required for this proposed development.

## **COMMENTS FROM CIRCULATION OF THE APPLICATION**

### **Comments From Internal Circulation**

No comments or concerns were received from the internal circulation at the time of the writing of this report.

### **Comments From External Agencies**

No comments or concerns were received from external agencies at the time of the writing of this report.

### **Comments From the Public**

No comments or concerns were received from the public at the time of the writing of this report.

## **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 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 as Residential in the Municipality's Community Official Plan (COP). As per the previous approvals that the original proposed development received, the proposed development is in conformity with all applicable policies of the COP.

Staff are of the opinion that the proposed variances generally maintain the intent of the COP.

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

The subject property is zoned Residential Second Density Zone, Subzone E, Special Exception 18 (R2E-18) as per Comprehensive Zoning By-law #11-83. The R2E-18 Zone permits a semi-detached dwelling. Section 14.4.18 of the Zoning By-law allows for minimum front yard setback of 3 metres and minimum side yard setback of 1 metre. The construction error resulted in a side yard setback of 0.81 metres and a front yard setback of 2.88 metres. The requested variances represent minimal deviations from the required setbacks; Staff are of the opinion that the provided setbacks do not deviate functionally from the intent of the Zoning By-law.

Staff are of the opinion that the proposed variances generally maintain the intent of the Zoning By-law.

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

The proposed legalization of the construction error represents the appropriate and desirable development of the subject property. The Minor Variance Process is the appropriate avenue to correct the construction error and staff are satisfied that the proposed changes represent a minimal deviation from the previously approved plans.

At the time of the writing of this report, the impacts of the minor changes on grading are being evaluated by Public Works staff and the approval of the requested variances are proposed to be conditional on the approval of an updated grading plan. This condition will ensure that the construction error has minimal impacts on neighbouring properties. Staff are satisfied that if the subject minor variance application is approved, no additional approvals would be required.

Staff are of the opinion that the proposed development is desirable for the appropriate development of the lands in question.

## **4. Is the proposal minor?**

The proposed reductions are quantitatively minimal, and the overall impact is also expected to be minimal as the change are not expected to have adverse effects on the subject property or neighbouring properties. The reduced setbacks are expected to be virtually indistinguishable from the original proposal.

As a result, 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 owner to continue with the planned development of their semi-detached dwelling units with no foreseeable impacts to the surrounding lands.

Therefore, Staff are of the opinion that Minor Variance Application A-13-22 meets the four tests for evaluating a minor variance as established under the *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 contained in this report.

All of which is respectfully submitted by,



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Jeffrey Ren  
Planner

Reviewed by,



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Melanie Knight MCIP, RPP  
Senior Planner

## **ATTACHMENTS:**

SCHEDULE A – Site Plan & Drawings

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