



Municipality of Mississippi Mills

COMMITTEE OF ADJUSTMENT AND PROPERTY STANDARDS AGENDA

Wednesday, November 30, 2022

6:00 p.m.

E-participation

	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 September 21, 2022 be approved.	3 - 5
E. REPORTS	
E.1. Minor Variance Application Report A-18-22, 196 Montgomery Park Rd The applicant is requesting the following Minor Variance from Zoning By-law #11-83: <ul style="list-style-type: none">To permit a Secondary Dwelling Unit that is greater in size than an amount equal to 40% of the gross floor area of its principal dwelling unitTo permit a Secondary Dwelling Unit on a lot that is legally non-complying with respect to lot width and lot area	6 - 14
E.2. Minor Variance Application Report A-19-22, 5359 County Rd 29 The applicant is requesting the following Minor Variance from Zoning By-law #11-83: <ul style="list-style-type: none">To legalize a newly rebuilt shed in the rear yard of the property that is located 0 m away from an existing garage	15 - 21

E.3. Minor Variance Application Report A-20-22, Argyle St

The applicant is requesting the following Minor Variance from Zoning By-law #11-83:

- To permit one parking space in tandem with principal dwelling parking space per each Secondary Dwelling Unit in a semi-detached dwelling
- To permit a parking space located less than 6 metres away from a habitable room window of a unit for which the parking space is not reserved and a driveway located less than 3.5 metres away from a habitable room window of a unit for which the parking space is not reserved
- To permit tandem parking on a driveway where the parking space reserved for the principal dwelling unit located in the garage will be obstructed

F. OTHER / NEW BUSINESS**F.1. Reminder to Submit Committee of Adjustment Applications**

A reminder to the public and current committee members to submit their application forms for the 2022-2026 Committee of Adjustment term.

<https://www.mississippimills.ca/en/municipal-hall/resources/Documents/Committee-Board-Application-Form---2018-2022-fillable.pdf>

G. MEETING ANNOUNCEMENTS

The next Committee of Adjustment meeting is scheduled for December 21, 2022.

H. ADJOURNMENT



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

**September 21, 2022
6:00 p.m.
E-participation**

Committee Present: Connie Bielby
Stacey Blair

Committee Absent: Patricia McCann-MacMillan

Staff Present: Melanie Knight, Senior Planner
Jeffrey Ren, Planner
Casey Munro, Deputy Clerk

A. CALL TO ORDER

The Chair, Stacy Blair, 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 Connie Bielby

Seconded by Stacey Blair

THAT the minutes dated August 31, 2022, 2022 be approved.

CARRIED

E. REPORTS

E.1 Minor Variance Application Report A-17-22, 196 Lynx Hollow Rd, Pakenham Ward

Jeffrey Ren, Planner with Mississippi Mills, presented an overview of the application. The Chair asked if there are any comments from the Committee, applicant, or the public. No one spoke.

Moved by Stacey Blair

Seconded by Connie Bielby

THAT the Municipality of Mississippi Mills Committee of Adjustment approve the Minor Variance for the lands legally described as Concession 10 West 1/2 Part Lot 10; Plan 27R8013, Parts 2 & 3, Pakenham Ward, Municipality of Mississippi Mills, municipally known as 196 Lynx Hollow Road to legalize an existing shed in the rear yard, subject to the following conditions:

1. That the following requested Minor Variance to Zoning By-Law #11-83 are approved:
 - To legalize an existing shed in the rear yard of the property that is located 0.3 m away from the rear lot line, whereas Table 6.1(2)(d) requires that accessory structures maintain a minimum setback of 1 m from the rear lot line.
2. That the Owners/Applicants obtain all required building permits and approvals for the existing shed within two years, to the satisfaction of the Municipality.

CARRIED

F. OTHER / NEW BUSINESS

F.1 Committee of Adjustment 2022-2026 Term

The Committee discussed the length of term for the current Committee of Adjustment members during the election process. Staff confirmed the Committee members will continue on the committee until new members are appointed. Current committee members will need to re-apply using the Committee application form. The composition of the committee members may change with the new term of Council.

G. MEETING ANNOUNCEMENTS

The next Committee of Adjustment meeting is scheduled for November 2, 2022.

H. ADJOURNMENT

Moved by Connie Bielby

Seconded by Stacey Blair

THAT the meeting adjourn at 6:08 pm.

CARRIED

Jennifer Russell, Recording
Secretary

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS
PLANNING REPORT

MEETING DATE: Wednesday, November 30, 2022

TO: Committee of Adjustment

FROM: Jeffrey Ren, Planner

SUBJECT: **MINOR VARIANCE APPLICATION A-18-22**
Ramsay Concession 4, Part Lot 1; Plan 27R-10999, Part 2,
Ramsay Ward, Municipality of Mississippi Mills
Municipally known as 196 Montgomery Park Road

OWNER/APPLICANT: Daniel Malloch

RECOMMENDATION

THAT the Municipality of Mississippi Mills Committee of Adjustment approves the Minor Variance for the subject property, legally described as Ramsay Concession 4, Part Lot 1; Plan 27R-10999, Part 2, Ramsay Ward, Municipality of Mississippi Mills, to permit a Secondary Dwelling Unit (Additional Residential Unit), subject to the following conditions:

- 1. That the following requested Minor Variances to Zoning By-Law #11-83 are approved:**
 - To permit a Secondary Dwelling Unit that is greater in size than an amount equal to 40% of the gross floor area of its principal dwelling unit, whereas Section 8.16 (1) e) states that a 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;**
 - To permit a Secondary Dwelling Unit on a lot that is legally non-complying with respect to lot width and lot area, whereas Section 8.16 (2) states that a Secondary Dwelling Unit is only permitted in a settlement area is not permitted on a lot that is legally non-complying with respect to lot width and lot area.**
- 2. That the Owner/Applicant obtain all required building permits and approvals for the Secondary Dwelling Unit including confirmation that at least one of the two private services (well and septic) are shared with the principal dwelling to the satisfaction of the Municipality.**

3. That the Owner/Applicant demonstrate that existing or proposed private services (water / septic) is appropriate for the proposed Secondary Dwelling Unit, to the satisfaction of the Municipality and septic system approval authority.
4. That the Owner/Applicant provide a scoped Environmental Impact Study to confirm that there are no negative impacts on the nearby Significant Woodlands to the satisfaction of the Municipality.
5. That the Owner/Applicant enter into a site plan agreement or development agreement, as required, with the Municipality.

PURPOSE AND EFFECT

The subject property is zoned Rural (RU). The applicant is requesting relief from the provisions of Section 8.16 (1) e) and Section 8.16 (2) of Zoning By-law #11-83 to permit a Secondary Dwelling Unit (SDU) that is larger than 40% of the gross floor area (GFA) of the primary dwelling unit on a lot that is legally non-complying with respect to lot width and lot area.

The requested variance is outlined below.

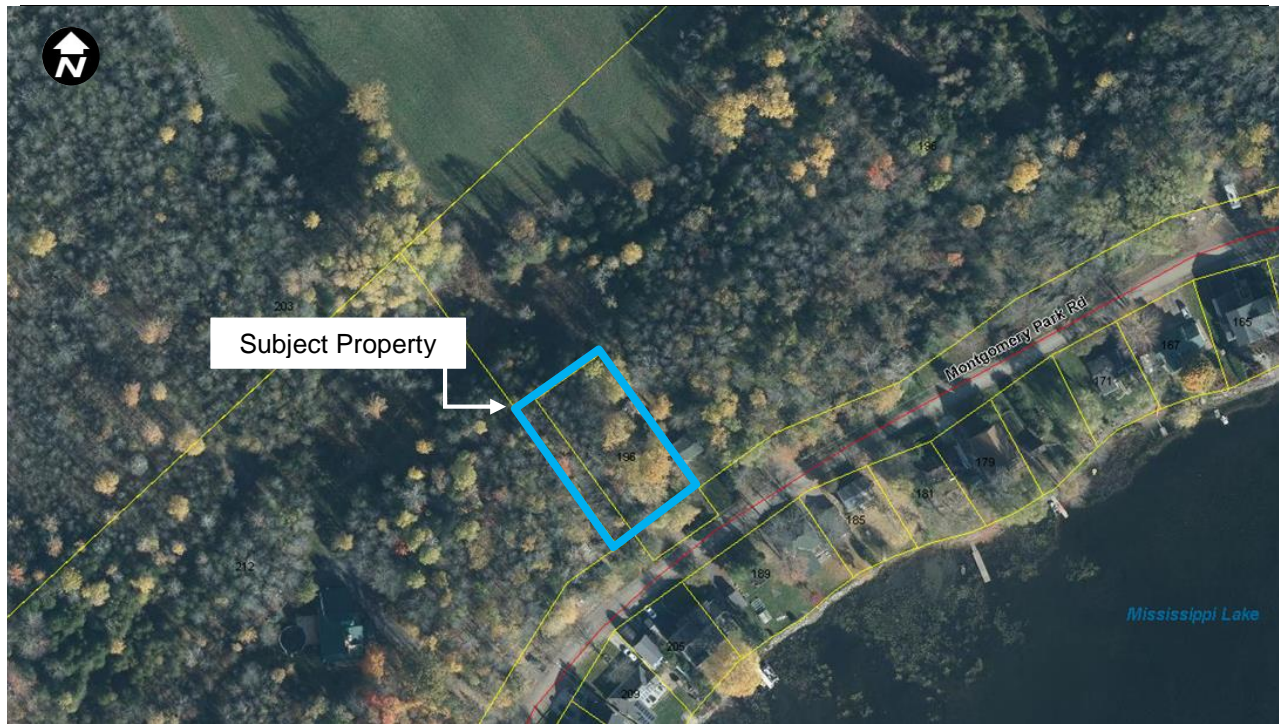
Table 1 – Requested Relief from Zoning By-law #11-83

Section	Zoning Provision	By-law Requirement	Requested
Section 8.16 (1) e)	GFA of a Secondary Dwelling Unit	No more than 40% of the GFA of the Primary Dwelling	41% of the GFA of the Primary Dwelling
Section 8.16 (2)	Minimum Lot Frontage	45 m	30.48 m
	Minimum Lot Area	1 ha	~0.186 ha

DESCRIPTION OF SUBJECT LANDS

The subject property is located along the north side of Montgomery Park Road. The property measures approximately 0.186-ha in area and has approximately 30.48 metres of frontage along Montgomery Park Road. The subject property is currently occupied by a single storey detached non-farm residential dwelling and a detached garage. The subject property is surrounded by residential properties on lands zoned Environmental Hazard (EH) to the south and larger Rural (RU) zoned properties to the north, east and west. A Provincially Significant Wetland and an area designated as Significant Woodlands are both found within 120 m of the subject property; lands designated as Flood Plain can be found both to the north and to the south of the subject property.

Figure 1: Aerial Image of Subject Property



PROPOSED DEVELOPMENT

The proposed development consists of an addition to the existing single storey detached dwelling. A detached garage currently exists on the property and is proposed to be demolished. The proposed addition consists of a breezeway between the existing house and the addition, a two-car garage and a Secondary Dwelling Unit located behind the proposed attached garage. The existing house has an approximate Gross Floor Area (GFA) of 141.2 square metres (~1520 square feet) and includes a finished basement. The proposed addition measures 130 square metres (1400 square feet) in size and includes the 57.2 square metre (616 square feet) Secondary Dwelling Unit. The Secondary Dwelling Unit portion of the proposed addition represents an area that is equivalent to 41% of the GFA of the principal dwelling unit thereby requiring relief from Section 8.16 (1) e) of the Zoning By-law which limits the size of a Secondary Dwelling Unit to no more than 40% of the GFA of the principal dwelling unit. Further reliefs are required due to the fact that the subject property is legally non-complying with respect to lot width and lot area.

Pending the outcome of the Provincial Government's *Planning Act* reforms put forth through Bill 23, *More Homes Built Faster Act, 2022*, this proposed development may not require Site Plan Control. The proposed development currently requires a Site Plan Control Lite application and a building permit application. If Site Plan Control is no longer available as a tool, then the Municipality will be requesting development agreements instead.

SERVICING & INFRASTRUCTURE

The subject property is currently serviced by private water (well) and septic systems. The existing septic system is located in the front yard and the applicant is proposing to replace the existing system. Both the principal dwelling unit and Secondary Dwelling Unit are expected to share private services.

The Owner/Applicant will have to provide to the Municipality with evidence that the proposed shared services will have the capacity to support the Secondary Dwelling Unit. The applicant has already initiated an application to replace the septic system with the relevant approval authority. It is noted that at a minimum, the Secondary Dwelling Unit must share at least one of the two private services (shared well or shared septic system).

Municipal parking and infrastructure demands would not change as a result of the application.

COMMENTS FROM CIRCULATION OF THE APPLICATION

Comments From Internal Circulation

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

Comments From External Agencies

The subject property is located within the regulation limits of the Mississippi Valley Conservation Authority (MVCA). Comments from the MVCA are expected to be forthcoming. No other 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 'Rural' and 'Flood Plain' as per the Municipality's Community Official Plan (COP); the area designated as 'Flood Plain' is located at the rear of the property and no development is proposed on lands designated as 'Flood Plain'. The subject property is also affected by a 'Rural-Agriculture' overlay and is located within 120 m of a Provincially Significant Wetland and a Significant Woodland. As required by Policy 2 of Section 3.1.4.4.1 of the COP, the applicant will be required to submit an Environment Impact Statement (EIS) in order to demonstrate that there are no negative impacts on the Significant Woodlands located within 120 m of the subject property as a condition of approval. As per Policy 5 of Section 3.1.4.1.1 of the COP, additions and expansions to existing buildings is permitted within 120 m of a Provincially Significant Wetland without the need for an EIS. The 'Rural-Agriculture' overlay policies are not triggered by this development as there are no active agricultural operations nearby. The overall proposed development maintains conformity with the relevant COP policies for the 'Rural' designation (Section 3.3) and the relevant COP policies affect Secondary Dwelling Units (Section 3.6.9).

Staff are of the opinion that the subject minor variance maintains the intent of the COP.

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

The subject property is zoned "Rural (RU)" as per Comprehensive Zoning By-law #11-83. The applicant is requesting relief from the provisions of Section 8.16 (1) e) and Section 8.16 (2) of Zoning By-law #11-83 to permit a Secondary Dwelling Unit (SDU) that is larger than 40% of the gross floor area (GFA) of the primary dwelling unit on a lot that is legally non-complying with respect to lot width and lot area. The proposed Secondary Dwelling Unit has a GFA of 57.2 square metre (616 square feet); this is an area equivalent to 41% of the GFA of the principal dwelling unit thereby requiring relief from Section 8.16 (1) e) of the Zoning By-law. Staff are of the opinion that a 1% difference in GFA is largely in keeping with the intent of the Zoning By-law. Further reliefs are required due to the fact that the subject property is legally non-complying with respect to lot width and lot area. Section 8.16 (2) of the Zoning By-law does not permit Secondary Dwelling Units on lots that are legally non-complying with respect to lot width or lot area; this provision was introduced in 2022 and the intent of the provision is to allow for Staff to review such requests on a case-by-case basis. Having reviewed this application, staff are satisfied that the subject property is appropriately sized for the proposed development. The proposed development conforms to all other applicable provisions of the Zoning By-law.

Staff are of the opinion that the variance generally maintains the intent of the Zoning By-law.

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

The proposed development is considered appropriate development of the subject property since the new Secondary Dwelling Unit would add to the local housing stock and represents a logical form of development on-site. The proposed development is expected to have minimal adverse impacts on neighbouring properties as the proposed addition would not require any planning approvals if a Secondary Dwelling Unit was not included. The subject property is larger in size than most other properties along Montgomery Park Road and is not located in an environmentally hazardous area. The size and scale of the proposed Secondary Dwelling Unit is comparable to the neighboring context.

As previously mentioned, an EIS will be required as a condition of approval to confirm that there are no negative impacts on nearby natural features. Staff are recommending that a further condition of this Minor Variance be included which would require that the Owner enter into a Development Agreement, registered on title, in order to implement any recommendations that may arise from the EIS if required.

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

- Obtaining all required building permits and approvals;
- Obtaining MVCA approvals; and,
- Demonstrating servicing capacity for the proposed development including all necessary approvals from the Lanark District Health Unit.

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 variances requested represent either a miniscule increase in the permitted GFA of the Secondary Dwelling Unit or a minor deviation to a provision whose intent is being satisfied through this application. 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 of their property, providing a new dwelling unit on the property with no foreseeable impacts to the surrounding lands.

Therefore, Staff are of the opinion that Minor Variance Application A-18-22 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,

Reviewed by,



Jeffrey Ren
Planner

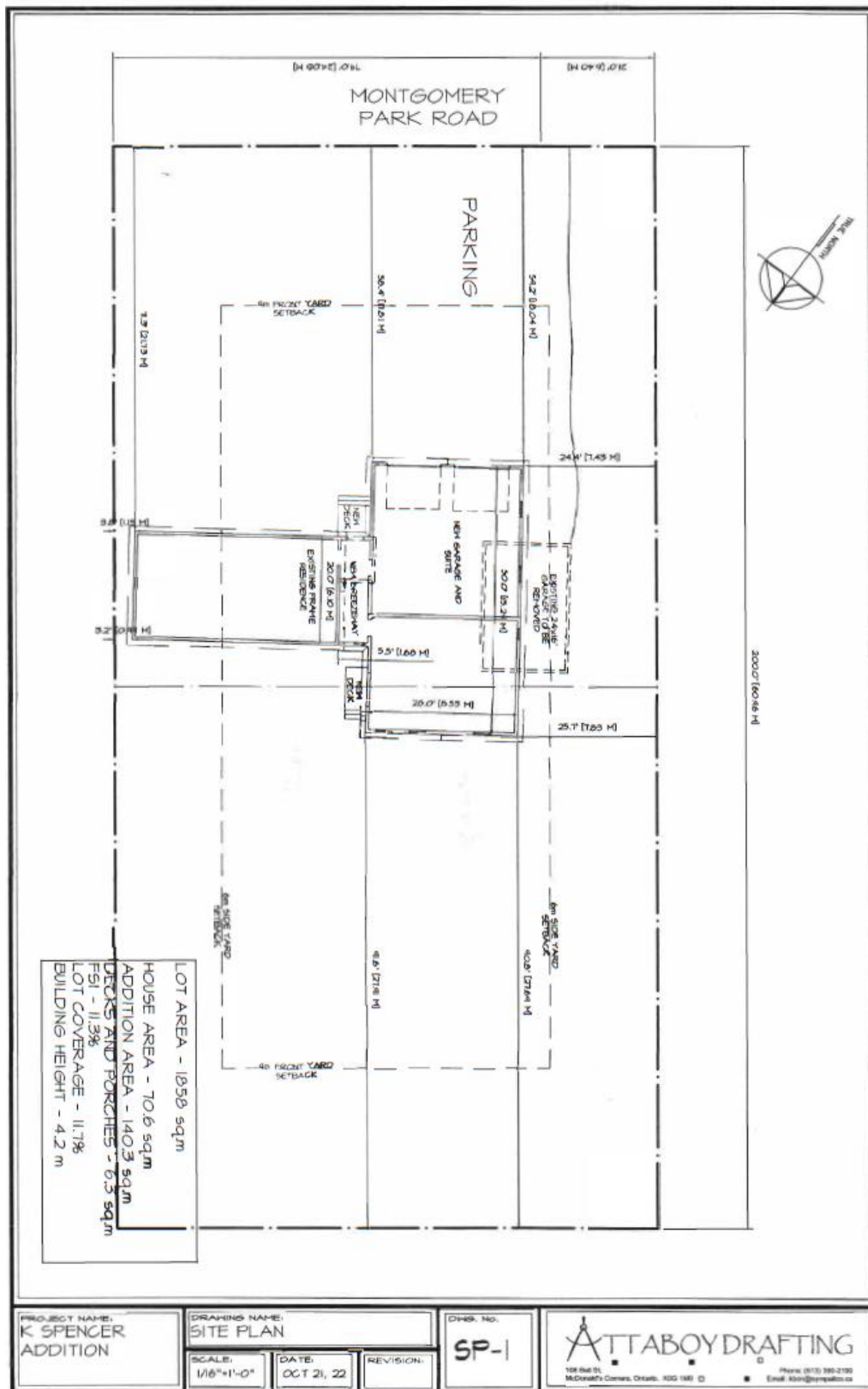


Melanie Knight MCIP, RPP
Senior Planner

ATTACHMENTS:

1. SCHEDULE A – Site Plan
2. SCHEDULE B – Site Photos

SCHEDULE A – Site Plan



SCHEDULE B – Site Photos



THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

PLANNING REPORT

MEETING DATE: Wednesday, November 30, 2022 at 6:00 p.m.

TO: Committee of Adjustment

FROM: Jeffrey Ren, Planner

SUBJECT: **MINOR VARIANCE APPLICATION A-19-22**
Concession 8 East Part Lot 18
Ramsay Ward, Municipality of Mississippi Mills
Municipally known as 5359 County Road 29

OWNER/APPLICANT: Daniel Hickey and Sherri-Lee Hickey

RECOMMENDATION:

THAT the Municipality of Mississippi Mills Committee of Adjustment approve the Minor Variance for the lands legally described as Concession 8 East Part Lot 18, Ramsay Ward, Municipality of Mississippi Mills, municipally known as 5359 County Road 29 to legalize a newly rebuilt shed in the rear yard, subject to the following conditions:

- 1. That the following requested Minor Variance to Zoning By-Law #11-83 are approved:**
 - **To legalize a newly rebuilt shed in the rear yard of the property that is located 0 m away from an existing garage, whereas Table 6.1(4) requires that accessory structures maintain a minimum distance of 1.2 m from any other building located on the same lot.**
- 2. That the Owners/Applicants obtain all required building permits and approvals for the existing shed within two years, to the satisfaction of the Municipality.**

PURPOSE AND EFFECT

The subject property is zoned Agricultural (A). The applicant is seeking relief from the provisions of Table 6.1(4) in order to legalize a newly rebuilt shed that is located 0 m away from an existing garage, whereas Table 6.1(4) requires that accessory structures maintain a minimum distance of 1.2 m from any other building located on the same lot.

The Minor Variance request is outlined below.

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

Section	Provision	Requirement	Requested
Table 6.1(4)	Minimum Required Distance from any other building located on the same lot, except for a hot tub	1.2 m	0 m

DESCRIPTION OF SUBJECT LANDS

The subject property is located along the south side of County Road 29 South. The property measures approximately 0.41-ha in area and has approximately 64 metres of frontage along County Road 29 South. The subject property is currently occupied by a single storey detached non-farm residential dwelling, a detached garage and the subject shed. The subject property is surrounded by agricultural uses on all sides.

Figure 1 shows an aerial image of the subject property.

Figure 1: Aerial Image of Subject Property



PROPOSED DEVELOPMENT

The proposed development is newly rebuilt shed located in the rear yard, immediately behind the detached garage. The subject shed was erected without a building permit and is currently existing on the subject property. According to the applicants, a shed has existed on the property immediately behind the garage since they purchased the property; this previously existing shed was recently destroyed by a tree, thereby prompting the rebuilding of the subject shed. No building permits were issued for the previously existing shed and therefore it is not considered a legal non-complying use. The shed is located in the rear yard of the property immediately behind the existing detached garage and features a 0 m setback from detached garage. Table 6.1(4) requires that accessory structures maintain a minimum setback of 1.2 m from any other building located on the same lot. The shed is compliant with all other applicable provisions of the Zoning By-law.

The full legalization of the shed requires a building permit application, and the applicant has submitted a building permit application for the subject shed.

SERVICING & INFRASTRUCTURE

The subject property is on private well and septic 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

The Building Department indicated that there were no concerns regarding the placement of the shed. No other comments or concerns were received from internal departments 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 Agricultural in the Municipality's Community Official Plan (COP). The existing shed conforms to all applicable COP policies including policies relating to the Agricultural Designation (Section 3.2) 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 Agricultural (A) as per Comprehensive Zoning By-law #11-83. Section 6.1 and Table 6.1 of the Zoning By-law contains the provisions for accessory buildings and structures such as sheds. A shed in the rear yard of a property is required to be set back by 1.2 metre from any other building located on the same lot. Although the subject relief reduces the required setback entirely, the proposed legalization of the shed does not deviate in effect from the ability to rebuild a legal non-complying building as envisioned in Section 6.14 of the Zoning By-law. Beyond the separation between the subject shed and the existing detached garage, the subject shed conforms to all other applicable Zoning By-law provisions.

Staff are generally of the opinion that the intent of the Zoning By-law is maintained.

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

The legalization of an existing shed is an appropriate and desirable form of development for the subject property. The legalization of the shed would offer the property owners peace of mind and allow the property owner to maximize the use and enjoyment of their property with no foreseeable impacts to any neighbouring properties.

As previously mentioned, 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 existing setback of the shed represents a modest reduction to the required setback and can be considered 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-19-22 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,

Reviewed by,



Jeffrey Ren
Planner

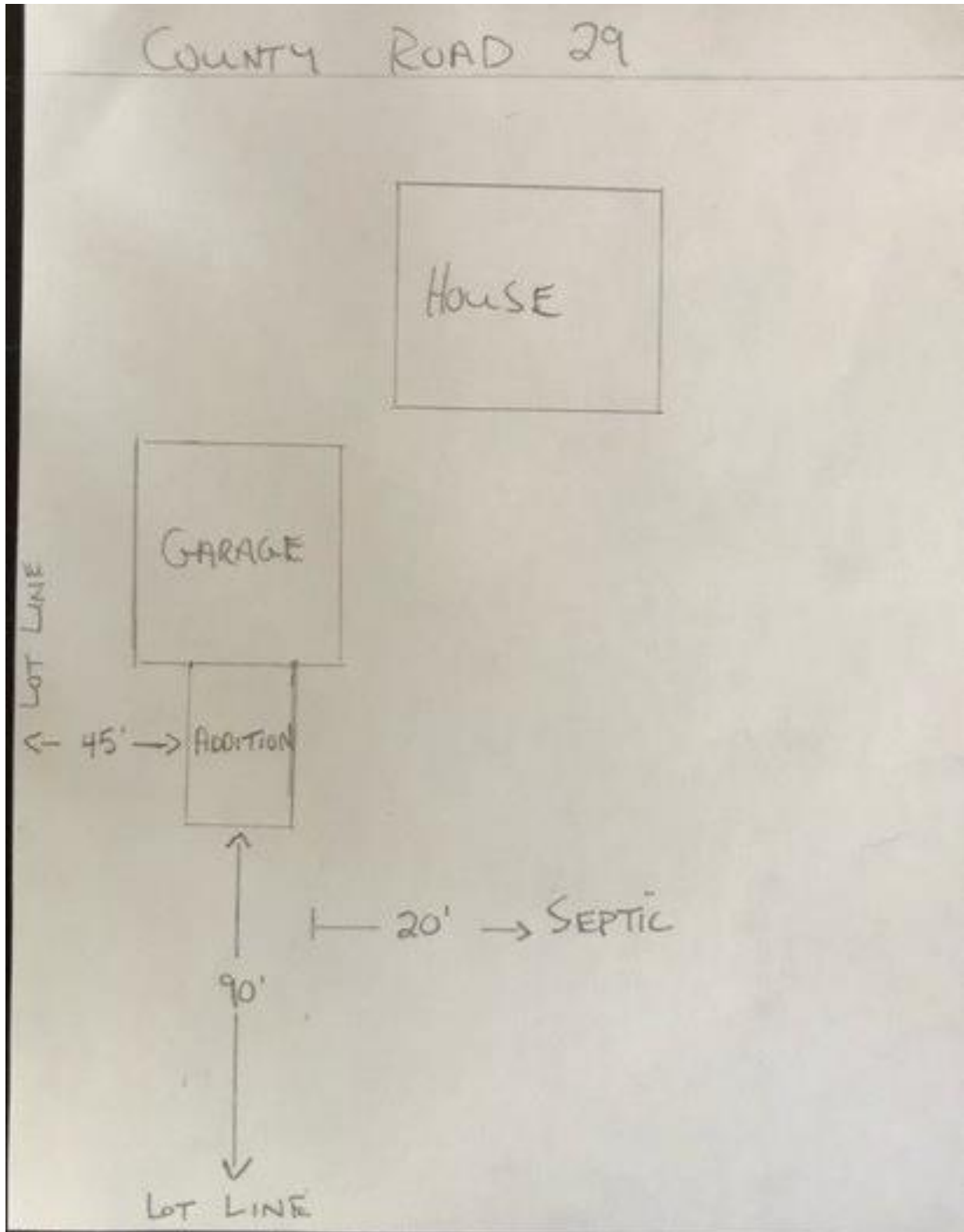


Melanie Knight MCIP, RPP
Senior Planner

ATTACHMENTS:

1. SCHEDULE A – Site Plan
2. SCHEDULE B – Images of Original and Rebuilt Sheds

SCHEDULE A – Site Plan



SCHEDULE B – Images of Original and Rebuilt Sheds



Original Shed



Rebuilt Shed

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS
PLANNING REPORT

MEETING DATE: Wednesday, November 30, 2022

TO: Committee of Adjustment

FROM: Jeffrey Ren, Planner

SUBJECT: **MINOR VARIANCE APPLICATION A-20-22**
Part of Lots 49, 50, and 70, Springfield Section, Plan 6262;
Parts 1, 2, 6, & 9, and 7, 8, 10, & 13, Plan 27R-7240
Almonte Ward, Municipality of Mississippi Mills

OWNER: Josh West Management Inc. and Milrud Family Inc.

APPLICANT: Bridgette Alchawa, McIntosh Perry

RECOMMENDATION

THAT the Municipality of Mississippi Mills Committee of Adjustment approves the Minor Variance for the subject property, legally described as Part of Lots 49, 50, and 70, Springfield Section, Plan 6262; Parts 1, 2, 6, & 9, and 7, 8, 10, & 13, Plan 27R-7240, Almonte Ward, Municipality of Mississippi Mills, to permit tandem parking for Secondary Dwelling Units located in a semi-detached dwelling, subject to the following conditions:

- 1. That the following requested Minor Variances to Zoning By-Law #11-83 are approved:**
 - To permit one parking space in tandem with principal dwelling parking space per each Secondary Dwelling Unit in a semi-detached dwelling, whereas Table 9.2 states that one parking space not in tandem with a principal dwelling unit parking space is required for each Secondary Dwelling Unit in a semi-detached dwelling;**
 - To permit a parking space located less than 6 metres away from a habitable room window of a unit for which the parking space is not reserved and a driveway located less than 3.5 metres away from a habitable room window of a unit for which the parking space is not reserved, whereas Section 9.3.7(d)(ii) states that parking space and driveways must be located a minimum of 6.0 m and 3.5 m respectively from a habitable room window of a unit for which the parking space is not reserved;**

- To permit tandem parking on a driveway where the parking space reserved for the principal dwelling unit located in the garage will be obstructed, whereas Section 9.3.9(a) requires a driveway entrance to and from required parking spaces by means of an unobstructed driveway.
2. That the Owner obtain all required building permits and approvals for the proposed development.
 3. That the Owner enter into a site plan agreement or development agreement with the Municipality, registered on the title of the property, acknowledging that the required parking space for the Secondary Dwelling Unit is being provided as tandem parking.

PURPOSE AND EFFECT

The subject lands are zoned Residential Second Density, Special Exception 19 (R2-19). The applicants are seeking reliefs from Table 9.2, Section 9.3.7(d)(ii) and Section 9.3.9(a) in order to provide tandem parking (one behind another) to satisfy the required parking rates for Secondary Dwelling Units (SDUs).

The requested variance is outlined below.

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

Section	Zoning Provision	By-law Requirement	Requested
Table 9.2	Minimum Parking Space Rates	For Secondary Dwelling Units: 1 parking space not in tandem with principal dwelling parking space	For Secondary Dwelling Units: 1 parking space in tandem with principal dwelling parking space
Section 9.3.7(d)(ii)	Provisions and Location of Spaces	Parking spaces and driveways located a minimum of 6.0 m and 3.5 m respectively from a habitable room window of a unit for which the parking space is not reserved	Parking spaces and driveways located less than 6.0 m and 3.5 m respectively from a habitable room window of a unit for which the parking space is not reserved
Section 9.3.9(a)	Driveways	Requires a driveway entrance to and from required parking spaces by	Driveway to the parking space for the principal dwelling unit will be

		means of an unobstructed driveway	obstructed by a parking space provided in tandem
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DESCRIPTION OF SUBJECT LANDS

The subject property consists of two properties owned by the same owners and is located along the south side of Argyle Street. The property measures approximately 2,420 square metres in area and has approximately 76.3 metres of frontage along Argyle Street and 26.7 metres of frontage on King Street. The subject property is currently vacant with no municipal address. The subject property is surrounded by residential properties and vacant land on lands zoned Residential First Density (R1).

Figure 1: Aerial Image of Subject Property



PROPOSED DEVELOPMENT

The proposed development is concurrently the subject of an ongoing Site Plan Control application; it consists of one detached dwelling and three pairs of semi-detached dwelling units for a total of seven dwelling units; Secondary Dwelling Units are proposed in the basements of each of the semi-detached dwellings. The subject property was previously subject to an approved Zoning By-law amendment to permit the semi-detached dwellings and an approved Site Plan Control application that did not include the basement Secondary Dwelling Units. Although the Site Plan Control application was approved, individual lots were not created through any associated severance processes. The subject application pertains to the semi-detached dwellings only. The proposed development complies with the required setbacks and built form provisions,

however, the addition of basement Secondary Dwelling Units necessitates reliefs for parking. For each semi-detached dwelling unit, an attached garage provides the required parking space for the principal dwelling unit; each semi-detached dwelling unit also features a 5 metre wide, 6.02 metre long driveway. Each Secondary Dwelling Unit require one parking space and the applicants are proposing to provide the required parking for the Secondary Dwelling Units on the driveway in a tandem parking setup in front of the garage.

The proposed development requires Site Plan Control approval and building permits; the applicant has submitted concurrent application for both.

SERVICING & INFRASTRUCTURE

The property falls within the urban settlement boundary of Almonte Ward, and thus the lands are required to be serviced by municipal water and sanitary infrastructure. At this time there are no services within Argyle Street in front of the properties and as a result the developer will be required to install and reinstate the existing roadway to the satisfaction of the Municipality.

Access to the semi-detached dwellings will be from Argyle Street. Argyle Street features an 18-metre-wide right-of-way, however, the paved surface is significantly narrower and there may be some challenges to providing on-street parking.

COMMENTS FROM CIRCULATION OF THE APPLICATION

Comments From Internal Circulation

No comments or concerns were received from internal departments 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 'Residential' as per the Municipality's Community Official Plan (COP). The overall proposed development maintains conformity with the relevant COP policies for the 'Residential' designation (Section 3.6). Section 3.6.9 of the COP speaks to the policies affecting Secondary Dwelling Units; the policies state that adequate off-street parking is a criterion that needs to be satisfied when evaluating Secondary Dwelling Units. Staff are satisfied that adequate off-street parking can be provided for the proposed development if tandem parking is permitted for the proposed development as the COP's policies do not preclude the provisioning of tandem parking for Secondary Dwelling Units.

Staff are of the opinion that the subject minor variance maintains the intent of the COP.

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

The subject lands are zoned Residential Second Density, Special Exception 19 (R2-19) as per Comprehensive Zoning By-law #11-83. The applicants are seeking reliefs from Table 9.2, Section 9.3.7(d)(ii) and Section 9.3.9(a) in order to provide tandem parking (one behind another) to satisfy the required parking rates for Secondary Dwelling Units (SDUs). Table 9.2 requires one parking space per secondary dwelling unit on a lot containing a single detached dwelling or semi-detached dwelling; this parking space cannot be located in tandem to the required principal dwelling unit parking rate. However, the Zoning By-law does envision tandem parking for all other forms of housing such as duplex dwellings and townhomes. Staff are of the opinion that there is no functional difference on off-street parking between allowing for tandem parking for Secondary Dwelling Units in a development with semi-detached dwellings and allowing tandem parking for Secondary Dwelling Units in other denser forms of housing. Section 9.3.9(a) requires an unobstructed driveway between a driveway entrance and a required parking space; relief for this provision is required to allow for tandem parking. Section 9.3.7(d)(ii) stipulates that parking spaces and driveways should be located a minimum of 6.0 metre and 3.5 metres respectively from a habitable room window of a unit for which the parking space is not reserved. In the case of the proposed development, the parking space for the Secondary Dwelling Unit in the driveway would be located approximately 3.5 metres away from a window of the principal dwelling unit and the shared driveway would be located approximately 2 metres away from a window of the principal dwelling unit. Staff are of the opinion while the proposed parking space is technically closer than required, the singular ownership of both units means that the general intent of the provision is largely being met. The proposed development conforms to all other applicable provisions of the Zoning By-law.

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

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

The proposed development is considered appropriate development of the subject property since the new Secondary Dwelling Unit would add to the local housing stock and represents a logical form of development on-site. Although there may be some impacts on on-street parking associated with intensification, the provisioning of one space per unit, principal or secondary, is desirable and appropriate.

Encouraging Secondary Dwelling 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.

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

- Obtaining all required Site Plan Control approvals and building permits; and,
- Enter into a site plan agreement or development agreement with the Municipality, registered on the title of the property, acknowledging that the required parking space for the Secondary Dwelling Unit is being provided as tandem parking.

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 variances requested represent a modest adjustment to the required distances between a homeowner and tenant's potential shared space and a homeowner's own habitable room window; it also represents a minor deviation to a provision whose intent is generally being satisfied. 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 of their property, providing new dwelling units on the property with no foreseeable impacts to the surrounding lands.

Therefore, Staff are of the opinion that Minor Variance Application A-20-22 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,

Reviewed by,



Jeffrey Ren
Planner



Melanie Knight MCIP, RPP
Senior Planner

ATTACHMENTS:

1. SCHEDULE A – Site Plan and Elevations

Architectural floor plan of a three-story building. The plan shows a central corridor with three main wings. The left wing contains several rooms, including a large conference room (1000 sq ft) and a kitchen (100 sq ft). The middle wing contains a large open office area (2000 sq ft) and a reception area (500 sq ft). The right wing contains a large open office area (2000 sq ft) and a reception area (500 sq ft). The plan includes dimensions, room numbers, and a north arrow.

