

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS
COMMITTEE OF ADJUSTMENT
AGENDA

Wednesday, August 19th at 5:30 P.M.

E-Participation
[Streamed on Youtube](#)
[Join meeting via Zoom](#)

A. CALL TO ORDER

B. APPROVAL OF AGENDA

C. DISCLOSURE OF PECUNIARY INTEREST

D. APPROVAL OF MINUTES

1. Committee of Adjustment – **Pages 1 to 3**
Committee motion to approve the Committee of Adjustment minutes from the meeting held on July 23rd, 2020.

E. NEW BUSINESS

None.

F. HEARINGS

1. **Application A-10-20 – Pages 4 to 13**
Owner(s): Kristen & Robert Riendeau
Applicant: Evergreen Concepts (RoxAnne Darling)
Legal Description: Part Lot 2, Concession 9
Address: 237 Borden Road
Zoning: Limited Service Residential (LSR)

The applicant is requesting relief from the minimum setback requirement from watercourses and waterbodies from 30m from the high water mark to 22.54m to permit the construction of a new dwelling within the Limited Service Residential (LSR) Zone.

2. **Application A-11-20 – Pages 14 to 22**
Owner(s)/Applicant: Justin Orrell
Legal Description: Lot 81, Plan 27M-47
Address: 143 Antler Court
Zoning: Rural Residential Exception 4 (RR-4)

The owner/applicant is requesting relief from the minimum interior side yard setback requirement from 5m to 1.16m to permit an existing shed within the Rural Residential Exception 4 (RR-4) Zone.

G. OTHER BUSINESS

None.

H. ANNOUNCEMENTS

None.

I. ADJOURNMENT

**THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS
COMMITTEE OF ADJUSTMENT**

MINUTES

Thursday, July 23, 2020, at 4:30 P.M.

E-Participation
[Streamed on Youtube](#)
[Participation via Zoom](#)

PRESENT: Stacey Blair (Acting Chair)
Connie Bielby

REGRETS: Patricia McCann-MacMillan (Chair)

APPLICANTS/PUBLIC: A-06-20: Derek Unrau (Applicant via Zoom)
A-09-20:

STAFF: Maggie Yet, Planner 1, Recording Secretary

Acting Chair of the Committee called the meeting to order at 4:45 p.m.

J. APPROVAL OF AGENDA
Moved by Connie Bielby
Seconded by Stacey Blair

CARRIED

K. DISCLOSURE OF PECUNIARY INTEREST
None.

L. APPROVAL OF MINUTES
1. **February 19th, 2020 PUBLIC MEETING**
Moved by Connie Bielby
Seconded by Stacey Blair

CARRIED

M. NEW BUSINESS
None.

N. HEARINGS

1. **Application A-06-20**
Owner(s/Applicant: Derek Unrau
Legal Description: Part Lots B & C, Plan 6262, being Part 1 on RP 26R1808
Address: 101 Main Street E
Zoning: Downtown Commercial (C2)

The owner/applicant is requesting relief from the provisions of the Downtown Commercial (C2) Zone to permit the following for a non-conforming detached dwelling: a secondary dwelling unit, increasing the height of the existing dwelling from 5.18m (17ft) to 5.49m (18ft) to raise the height of the basement, and a detached garage in

accordance with the accessory structure provisions of the R1 Zone. The proposed secondary dwelling unit would be located in the basement.

The Acting Chair opened the floor to comments. No comments were received.

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

THAT the Municipality of Mississippi Mills Committee of Adjustment approve the Minor Variance for the lands described legally as Plan 6262, Lots 71 & 72, Almonte Ward, Municipality of Mississippi Mills, municipally known as 39 Cameron Street, to reduce the minimum rear yard setback from 7.5m (24.6ft) to 4.5m (14.8ft) to permit the expansion of a legal non-complying addition at the rear of the dwelling, subject to the following conditions:

1. That the Minor Variance are approved based on the plans submitted; and
2. That the Owner obtain all required building permits and approvals for the secondary dwelling unit; and
3. That the Owner demonstrate that the capacity and quality of the existing servicing is of adequate capacity and in acceptable condition to service an additional residential unit, subject to the approval of the Director of Roads and Public Works; or
 - a. That the Owner enter into a Development Agreement with the Municipality for the servicing of the subject lands should the existing services be of inadequate quality and condition to service an additional residential unit.

CARRIED

2. Application A-09-20

Owner(s)/Applicant: Lyn Wilson
Legal Description: Lot 21 on Registered Plan 27M-78
Address: 856 Jack Dalgity Street
Zoning: Residential First Density Subzone I Exception 33 (R11-33)

The owners/applicant is requesting relief from the minimum rear yard setback requirement from 6m (19.7ft) to 4.4m (14.44ft) of the Residential First Density Subzone I Exception 33 (R11-33) Zone to permit an addition at the rear of the existing dwelling. The proposed addition would be used as a sunroom and would replace an existing deck.

The Acting Chair opened the floor to comments. M Yet read comments received from the applicant describing the intent of the proposal. No other comments were received.

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

THAT the Municipality of Mississippi Mills Committee of Adjustment approves the Minor Variance for the land legally described Lot 21 on Registered Plan 27M-78, Almonte Ward, Municipality of Mississippi Mills, municipally known as 856 Jack Dalgity Street, to reduce the minimum required rear yard setback from 6m (16.7ft)

to 4.4m (14.44ft) in order to permit the construction of an addition at the rear of the existing dwelling, subject to the following conditions:

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

CARRIED

CARRIED

O. OTHER BUSINESS

None.

P. ANNOUNCEMENTS

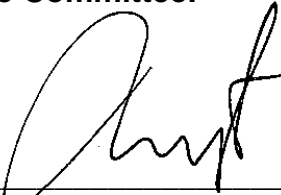
M Yet announced that Niki Dwyer, Director of Planning, has accepted a position as the Director of Development Services with the Town of Carleton Place. The Acting Chair congratulated Ms. Dwyer on behalf of the Committee.

Q. ADJOURNMENT

Moved by Connie Bielby

Seconded by Stacey Blair

THAT the meeting be adjourned at 4:58 p.m. as there is no further business before the Committee.



Maggie Yet, Recording Secretary

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

PLANNING REPORT

MEETING DATE: Wednesday, August 19th, 2020 @ 5:30pm
TO: Committee of Adjustment
FROM: Maggie Yet – Planner 1
SUBJECT: **MINOR VARIANCE APPLICATION A-10-20 (D13-RIE-20)**
Part Lot 2, Concession 9
Ramsay Ward, Municipality of Mississippi Mills
Municipally known as 237 Borden Road

OWNER: Kristen & Robert Riendeau
APPLICANT: Evergreen Concepts (RoxAnne Darling)

RECOMMENDATION:

THAT the Municipality of Mississippi Mills Committee of Adjustment approves the Minor Variance for the land legally described Part Lot 2, Concession 9, Ramsay Ward, Municipality of Mississippi Mills, municipally known as 237 Borden Road, to reduce the minimum watercourse and waterbodies setback requirement from 30m from the high water mark to 22.54m, 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 Owners obtain complete a septic inspection to the satisfaction of the Leeds, Grenville and Lanark District Health Unit; and
5. 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 22.54m to permit the construction of a new dwelling within the Limited Service Residential (LSR) 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	Except for flood or erosion control works, or a public bridge or a marine facility, development shall be setback

		setback a minimum of 30m from the high water mark or 15m from the flood line, whichever is greater.	a minimum of 22.54m from the high water mark or 15m from the flood line, whichever is greater. ¹
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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 primarily within the LSR Zone and a portion of the rear of the dwelling is within the EH Zone. The proposed dwelling and deck would be setback further from the high water mark than the existing dwelling.

DESCRIPTION OF SUBJECT LANDS

The subject property is located on Borden Road within Ramsay Ward. The property is $\pm 2,104.4\text{m}^2$ (0.52ac) in size with a frontage of $\pm 30.48\text{m}$ (100ft). The property is presently occupied by a non-complying and non-conforming detached dwelling. The requested relief would permit the demolition of the existing dwelling and construction of a new single detached dwelling and deck. The proposed dwelling and deck would have a reduced footprint and increase the setback from the high water mark. 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 by private well and septic services and has driveway access from Borden Road, a private road. The municipal servicing and infrastructure demands would not change as a result of the application.

¹ Staff note that the original application and notice of application requested a relief of 24.88m. Upon further inspection of the plans, the requested relief has been amended to 22.54m.

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.

CBO: No objections.

Fire Chief: No objections.

Acting Director of Roads and Public Works: No objections.

Recreation Coordinator: No concerns.

COMMENTS FROM EXTERNAL AGENCIES

Mississippi Valley Conservation Authority (MVCA): Comments are included in Schedule B. Staff notes that MVCA's comments do not reflect the revised relief from 24.88m to 22.54m, however, Staff have confirmed that MVCA does not have any objection given the 2m difference and provided the proposed development is an improvement of the original setback and that the building envelop has not changed.

Leeds, Grenville and Lanark District Health Unit: Please be advised that our comments will follow once an inspection of the property has been completed.

COMMENTS FROM THE PUBLIC

No comments received.

EVALUATION

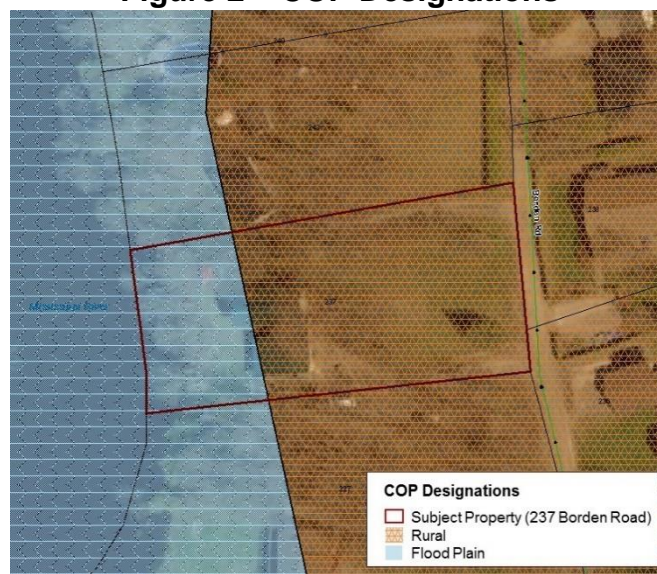
FOUR TESTS

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 'Rural' 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 Rural designation permits non-farm 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. Furthermore, the proposed dwelling would replace an existing dwelling with a reduced footprint and increased setback from the flood plain than the existing dwelling. Comments from MVCA noted no objections to the application in consideration of the flood plain and slope hazards on the subject property. As such, Staff concludes that the application complies with the general intent of the Official Plan policy to ensure that developments are appropriately setback from flood plain and do not establish unsafe conditions for residents. Staff recommends that the owners be required to obtain site plan approval whereby recommendations from MVCA will be incorporated into the site plan agreement prior to issuance of a building permit.

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 “Limited Service Residential (LSR)” and “Environmental Hazard (EH)” by the Municipality’s Comprehensive Zoning By-law #11-83. The LSR 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 primarily within the LSR Zone and a rear portion of the dwelling is located within the EH Zone. The applicant is applying to reduce the minimum required setback from watercourses and waterbodies from 30m to 22.54m to permit the replacement of an existing non-conforming and non-complying dwelling. The proposed dwelling would improve upon the watercourse setback of the existing dwelling from the high water mark and would occupy a smaller building footprint than the existing dwelling.

Given that the proposed dwelling would not further increase the non-complying or non-conforming nature of the subject property, 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?

The proposal is desirable for the appropriate development and use of the land as it would permit the construction of a new dwelling with a reduced footprint and increased setback from

the Mississippi River flood plain, thereby improving the safety and security of the dwelling and residents from flood and erosion hazards.

The proposal is desirable within the context of the neighbourhood and the Municipality as a whole as there are no foreseeable negative impacts as a result of the proposed variance and will not impact on the integrity of the floodplain. Due to the site-specific nature of property (i.e. the location of the existing and proposed structure, its size, and the negligible impacts), the proposal would not set a precedent for future applications where these features are not present. Therefore, Staff is of the opinion that the proposal is a desirable and appropriate development of the subject lands.

4. Is the proposal minor?

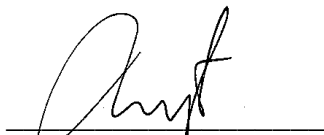
The proposed variance to the minimum high water mark setback would reduce the requirement from 30m (98ft) to 22.54m (74.0ft), resulting in a requested relief of 7.36m (24.5ft). Staff do not consider the request significant from a quantitative standpoint as the relief would improve the setback from the high water mark of the existing dwelling by a minimum of 3.45m (11.3ft). The proposal demonstrates no other foreseeable impacts to the property in question or those neighbouring. Staff is therefore of the opinion that the requested variance is considered to be minor in nature.

CONCLUSION

Overall, Staff supports the Minor Variance application. The variances would allow the owners to maximize the use, enjoyment and safety of their property with no foreseeable impacts. Staff believes that Minor Variance Application A-10-20 meets the four (4) tests for evaluating a Minor Variance as established under the *Planning Act*. Planning Staff therefore recommends that the Minor Variance be granted, provided the Committee is satisfied that any issues raised at the public hearing do not require additional Staff evaluation and comment, the submission of additional information, or the application of conditions other than as follows:

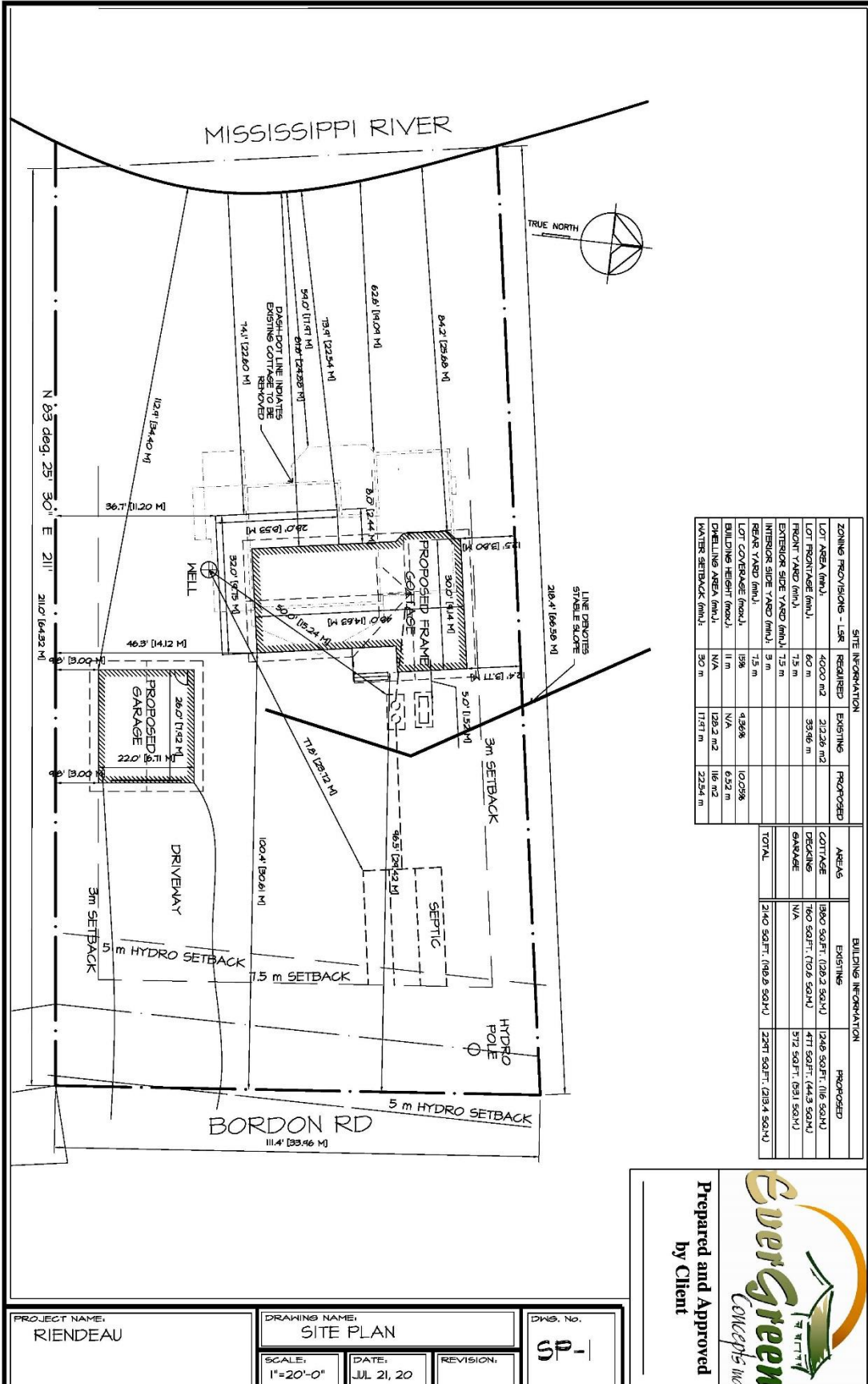
- 1. That the Minor Variance is approved based on the plans submitted;**
- 2. That the Owners obtain all required building permits;**
- 3. That the Owners obtain Site Plan approval for the proposed development;**
- 4. That the Owners complete a septic inspection to the satisfaction of the Leeds, Grenville and Lanark District Health Unit; and**
- 5. That the Owners obtain all required permits from the Mississippi Valley Conservation Authority (MVCA).**

All of which is respectfully submitted by,



Maggie Yet
Planner 1

ATTACHMENTS:
 SCHEDULE A – Site Plan
 SCHEDULE B – MVCA Comments
Schedule A Site Plan (Submitted by Applicant)



PROJECT NAME:
 RIENDEAU

DRAWING NAME:
 SITE PLAN

SCALE:
 1"=20'-0"

DATE:
 JUL 21, 20

REVISION:

DWG. No.
 SP-1

Schedule B MVCA Comments



20-MM-MV; [PMMM-115](#)

August 6, 2020

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

Dear Ms. Yet:

**Re: Minor Variance Application (A-10-20)
 Part Lot 2, Concession 9, Town of Mississippi Mills (Ramsay)
 237 Borden
 RIENDEAU**

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 30m to 24.87m to permit the construction of a proposed dwelling and deck*. The existing dwelling is 198.8 sq.m. (including decking) with a waterbody setback of 18.0 m; it will be demolished. The new dwelling has a proposed area of 213.4 sq.m (including decking), and a waterbody setback of 24.5 m. A relatively new septic system will service the replacement dwelling. We note that a new garage is also proposed, with a minimum setback of 30 m from the river.

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 partially 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:

- The proposed waterbody setback of 24.5 m is a favorable increase from 18.0 m;
- the proposed increase in footprint is minimal at 7.3%; and
- reasonable alternatives to improve upon the setback do not exist given the location of the recently installed septic system.

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*. However, based on a more in-depth analysis of MVCA mapping, and a site visit, we have determined that the slope does not meet the criteria for an erosion hazard, and is therefore, not a constraint.

RECOMMENDATIONS

With all of the above in consideration, MVCA does not have any objection to the subject application provided the following mitigative measures are implemented:

1. There shall be no additional footprint within 30 m of the waterbody, with any hardened structures, including porches and decks.
2. With the exception of the maximum clearing of 8.5 m (25% of water frontage) wide clearing for water access, unvegetated sections of the shoreline shall be planted, to a minimum depth of 3 m, with native shrubs. This effort will help to mitigate the effects of erosion and surface runoff on the river.
3. Sediment control measures shall be implemented throughout the construction process (mainly the placement of a sediment barrier such as staked straw bales between exposed soil and the crest of the slope). The sediment barrier should remain in place until all disturbed areas have been stabilized and re-vegetated.
4. Excavated material shall be disposed of well away from the slope and river.
5. Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed down the slope on the subject property, into the river, or onto adjacent properties. In order to help achieve this, eaves troughing shall be installed and outlet to a leach pit or well-vegetated area to allow for maximum infiltration.
6. Pursuant to Pursuant to Ontario Regulation 153/06 - *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses*, a permit is required from MVCA for the proposed development.

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

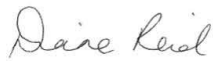
construction or filling activity (which includes excavations, stockpiling and site grading) within the Erosion Hazard, flood plain or Regulation Limit, or for alterations to the shoreline of the river.

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,



Diane Reid
Environmental Planner

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

PLANNING REPORT

MEETING DATE: Wednesday, August 19th, 2020 @ 5:30pm
TO: Committee of Adjustment
FROM: Maggie Yet – Planner 1
SUBJECT: **MINOR VARIANCE APPLICATION A-11-20 (D13-ORR-20)**
Lot 81, Plan 27M-47
Ramsay Ward, Municipality of Mississippi Mills
Municipally known as 143 Antler Court
OWNER/APPLICANT: Justin Orrell

RECOMMENDATION:

THAT the Municipality of Mississippi Mills Committee of Adjustment approves the Minor Variance for the land legally described Lot 81 on Registered Plan 27M-47, Ramsay Ward, Municipality of Mississippi Mills, municipally known as 143 Antler Court, to reduce the minimum interior side yard setback from 5m to 1.16m to permit an existing shed, subject to the following conditions:

1. That the Minor Variances are approved based on the plans submitted;
2. That the Owner obtain all required building permits; and
3. That the Owner perform the necessary changes for structures less than 1.2m from a lot line as directed by the Ontario Building Code.

PURPOSE AND EFFECT

The owner/applicant is requesting relief from the minimum interior side yard setback requirement from 5m to 1.16m to permit an existing shed within the Rural Residential Exception 4 (RR-4) 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
17.3.4	Minimum Side Yard Setback	5m (16ft)	1.16m (3.8ft)

DESCRIPTION OF SUBJECT LANDS

The subject property is located on Antler Court within the White Tail Ridge subdivision within Ramsay Ward. The property is generally surrounded by low density residential uses.

The property is ±1,529m² (0.378ac) in size with a frontage of ±25.5m (83.66ft). A single detached dwelling and 10'x14' shed exists on the property. The requested relief would permit

the shed, an accessory structure, within 1.16m of interior side yard where a minimum setback of 5m is required.

The location of the subject property is depicted in the following aerial photo:

Figure 1 – Aerial Photo of Property (2014)



SERVICING & INFRASTRUCTURE

The subject property is serviced by municipal water and sanitary services and has driveway access from Antler Court, a municipal 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.

CBO: These buildings are designed to be moved on to properties on a regular basis. I would imagine the supplier would gladly arrange to relocate said shed. There appears to be sufficient room to relocate the shed respecting the setbacks.

A setback of less than 1.2m will require a 45 minute fire resistance rating on the wall facing that property line, and no windows/doors permitted. If the shed is existing with less than 1.2m setback, then upgrades to meet these code requirements will be necessary. The owner may want to consider this if they are ultimately requesting the shed be placed or remain at 1.16m.

Fire Chief: No objections.

Acting Director of Roads and Public Works: No objections.

Recreation Coordinator: No concerns.

COMMENTS FROM EXTERNAL AGENCIES

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

Leeds, Grenville and Lanark District Health Unit: Please be advised that the above minor variance application does not involve a private sewage system, therefore, an inspection and further comment will not be required.

COMMENTS FROM THE PUBLIC

No comments received.

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 "Rural Settlement Area and Hamlet" by the Community Official Plan (COP). The Rural Settlement Area designation identifies the established villages of Appleton, Blakeney and Clayton as well as rural estate lot subdivision. The designation permits low density residential and accessory uses within the rural estate lot subdivisions. Specific provisions regarding setbacks of accessory uses are not provided within the COP. As such, Staff concludes 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 "Rural Residential Exception 4 (RR-4)" by the Municipality's Comprehensive Zoning By-law #11-83. The RR Zone permits residential-only uses and related and accessory uses to respect the rural character of the area. The special exception provision permits a detached dwelling on municipal services with specific provisions in relation to front, interior side, exterior side, and rear yard setbacks.

The intent of the minimum interior side yard setback is to ensure that there is sufficient separation between the building and the side lot line in order to allow for maintenance around the building, prevent runoff onto neighbouring properties, mitigate any potential visual and privacy impacts between neighbouring properties, and maintain appropriate amenity space for the owners.

Maintenance and Rear Yard Access: The proposed side yard setback is 1.16m. There remains a space of 4m from the dwelling to the accessory structure. As such, there remains sufficient space to navigate between the rear and front yards to maintain the property and building.

Runoff: The accessory structure would increase the amount of hard surface on the subject property by a total of 13.0m² (140ft²). However, the placement of the structure and the slope of the roof would direct runoff onto the subject property and away from the side lot line and the adjacent property.

Privacy Impacts: The proposed variance would reduce the side yard requirement from 5m to 1.16m. However, the accessory structure would not result in the expansion of habitable area and thus would not impose further privacy concerns on adjacent properties. At the time this report was submitted, Staff had not received any concerns from adjacent owners about potential privacy impacts.

Given the above, Staff is of the opinion that the Minor Variance application in question maintains the intent of Zoning By-law #11-83.

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

The proposed variance would permit an accessory structure within the minimum required side yard setback on the subject property. The accessory structure would be used for storage and supports the residential use on the subject property which is neither unreasonable nor inappropriate for the site. Additionally, a side yard setback of 3m is permitted in the RR-4 zone where a garage or attached carport is attached to the main building on the same side (17.3.4(2)(iv)). Subsequently, the zoning for the subdivision has previously contemplated and deemed appropriate a reduced side yard setback where the structure accommodates an attached accessory use. While the proposed variance would encroach further than 3m into the required side yard setback for a detached structure, the structure serves a similar accessory purpose while maintaining sufficient area surrounding the structure to perform maintenance and provide access.

Staff notes that in the circulation of the application for review by internal departments, the Building Department noted that the applicant did not consult with the Building Department nor received a building permit prior to locating the structure on the subject lands. Additionally, it was noted that there is room to relocate the structure on the property and that a setback of less than 1.2m from a lot line would require changes to the structure to meet fire resistance requirements and removal of doors and windows on the wall facing the property line as per the Ontario Building Code (OBC). While there is sufficient room to locate the structure outside of the setback, the placement within the side yard preserves amenity space for the owners in the rear yard and maintains sufficient area to preserve side yard functions. Additionally, although it is not generally recommended by the Building Department to locate a structure within 1.2m of the lot line, it is also not prohibited by the OBC provided that appropriate construction methods are used. As such, Staff recommends that a condition of approval require the applicant to perform the necessary changes for structures less than 1.2m from a lot line to as directed by the OBC. It is additionally at the discretion of the CBO to apply the surcharge fee for construction without a permit as per By-law #19-124.

Given the above, the proposal is desirable within the context of the neighbourhood and the Municipality as a whole as there are no foreseeable negative impacts as a result of the proposed variance **provided the structure is changed to meet requirements of the OBC**. Due to the site-specific nature of property (i.e. the location of the existing and proposed structure, its size, and the negligible impacts), the proposal would not set a precedent for future applications where these features are not present. Therefore, Staff is of the opinion that the proposal is a desirable and appropriate development of the subject lands.

4. Is the proposal minor?

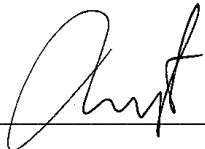
The proposed variance to the minimum side yard setback would reduce the requirement from 5m to 1.19m, resulting in a requested relief of 4.81m. Staff do not consider the request significant from a quantitative standpoint as the relief demonstrates no foreseeable impacts to the property in question or those neighbouring. Staff is therefore of the opinion that the requested variance is considered to be minor in nature.

CONCLUSION

Overall, Staff supports the Minor Variance application. The variances would allow the owners to maximize the use, enjoyment and safety of their property with no foreseeable impacts. Staff believes that Minor Variance Application A-11-20 meets the four (4) tests for evaluating a Minor Variance as established under the *Planning Act*. Planning Staff therefore recommends that the Minor Variance be granted, provided the Committee is satisfied that any issues raised at the public hearing do not require additional Staff evaluation and comment, the submission of additional information, or the application of conditions other than as follows:

- 1. That the Minor Variances are approved based on the plans submitted;**
- 2. That the Owner obtain all required building permits; and**
- 3. That the Owner perform the necessary changes for structures less than 1.2m from a lot line as directed by the Ontario Building Code.**

All of which is respectfully submitted by,



Maggie Yet
Planner 1

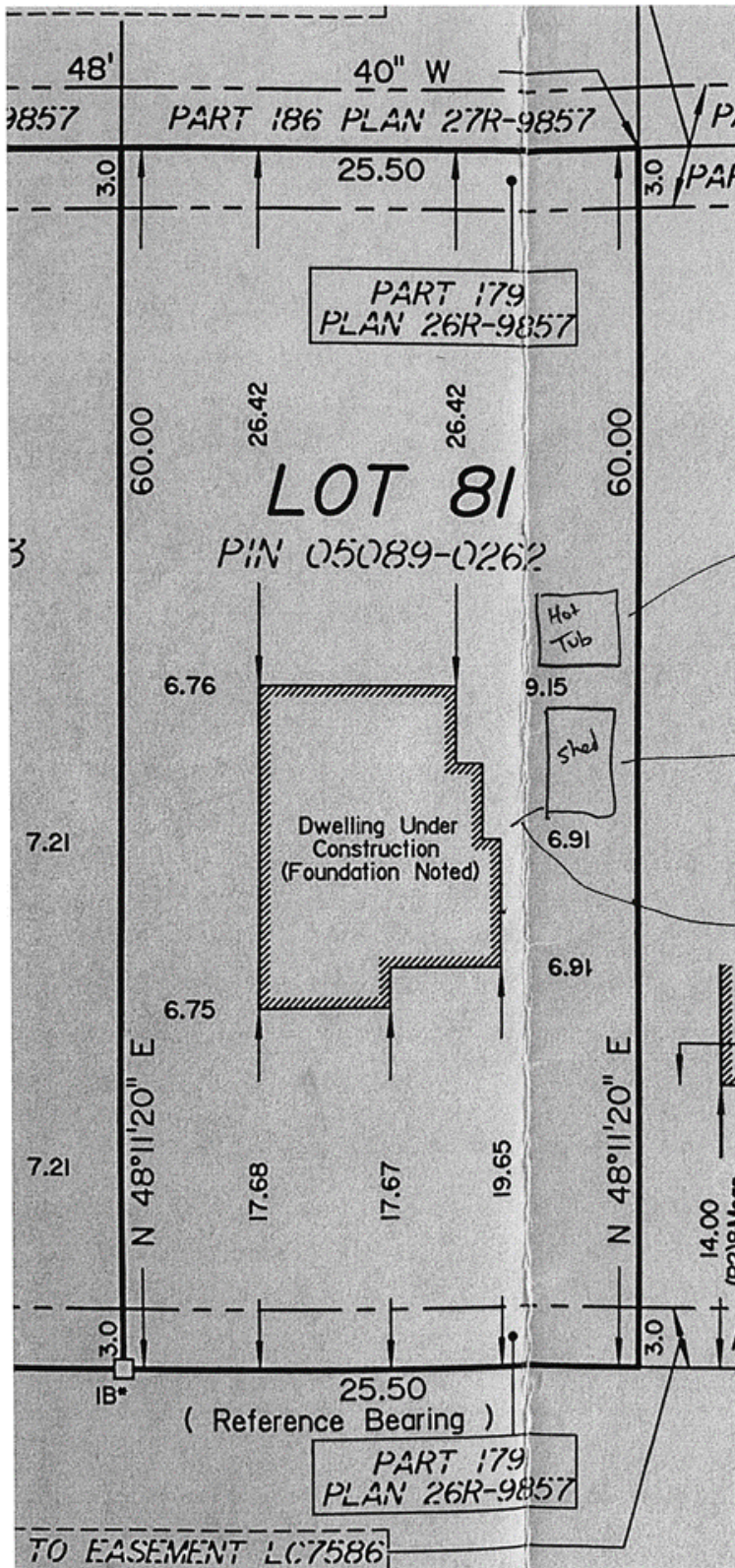
ATTACHMENTS:

SCHEDULE A – Site Plan
SCHEDULE B – Building Plans
SCHEDULE C – Satellite Image

Schedule A Site Plan (Submitted by Applicant)

6/11/2020

IMG_0586.jpg



Proposed Hot Tub area
(2 m away from p. line)

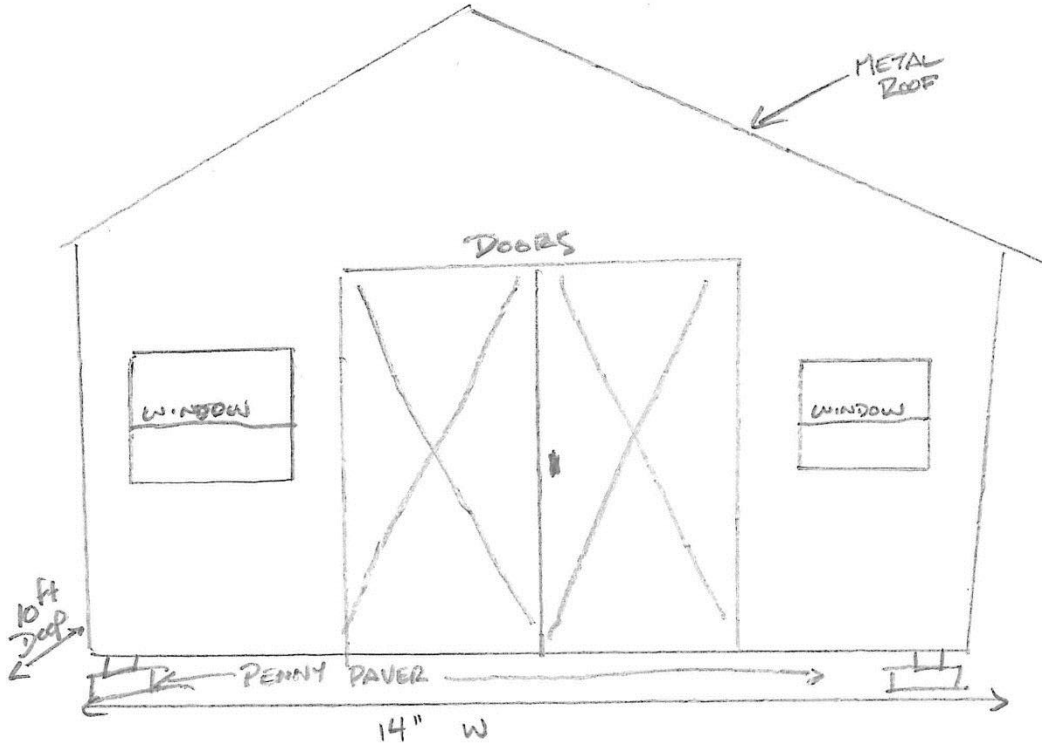
setback 1.16 m from property line

Setback 4.06 m from side of House.

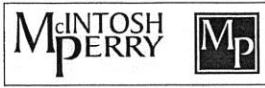
Schedule B Front Elevation

SHED @ 143 ANTLER (SKETCH)

FRONT



Schedule C Structural Review Letter from McIntosh Perry



11 June 2015
CP-15-0266

Valley Sheds
A Division of West Quebec Shed Co,
Highway 7
Carleton Place, ON

Dear Brian,

RE: Structural Review for Amish Sheds supplied by Valley Sheds which - A Division of West Quebec Shed Co.

As requested, McIntosh Perry Consulting Engineers Ltd completed a site visit to Valley Sheds' yard off of Highway 7, in Carleton Place, on June 5th, 2014. The purpose of the site visit was to obtain field measurements of the sheds that were available on site to verify if they satisfy the loading requirements of the 2012 Ontario Building Code. In addition to site measurements, the brochure showing all the different models available.

It is our understanding that the sheds are built in 10' or 12' wide configurations with the length varying from 10' to 30'. The shed framing is repetitive and variations between the different models are minimal. Our review was completed based on the most critical configurations. The Barn Style Sheds were not included in our review.

Structural Framing Reviewed in our Review

- 2"x4" S.P.F roof rafters @ 24" c/c. Lumber is actual dimensions.
- Rafters are cut with their ends bearing onto one another, and fastened together with two plywood plates or 1" thick wood plate on either side at the ridge. The nailing of the plate varies between different models.
 - All models reviewed have at least 5-8 nails from the side plate to each rafter (20-32 nails)
 - Some models had more nails than noted above.
 - Rafters were bearing on the double top plate and were toe nailed on both sides to the double top plate.
- 2"x4" S.P.F wall Studs @ 24" c/c. Lumber is actual dimensions.
- 2"x4" S.P.F floor Joists @ 16" c/c. Lumber is actual dimensions.
- Joists are cantilevered at both ends from the built-up wood skis. Skis are 6' apart.
- All lintels are formed with the 2"x4" double top plate on the load bearing side, and a single 2"x4" top plate on the gable end. Maximum door width on load bearing side was measured to be 5'-3".
- Covered porch attic framing consists of 1"x2" S.P.F @ 12" c/c.
- Covered porch posts are 4x4 S.P.F Posts.
- Some models had 2"x4" ceiling joists (ties) installed at 4' centres.
 - Ties were nailed to the double top plate with 4 nails and one nail from the side of the rafter into the side of the tie.
- Gable end openings were not load-bearing.

Design Loads:

Dead loads: Roof Loads: 5 psf
 Floor Loads: 10 psf

Snow loads: Roof Loads: 40 psf



CP-15-0266

Live loads: Floor loads: 50 psf
Attic Storage: 10 psf (where applicable over covered porch)

Discussion of Results:

Based on our review, the sheds were generally in conformance with the loading requirements of the 2012 Ontario Building Code for most of Eastern Ontario for areas where the snow load is 40psf or lower. Some of the models required some additional members to satisfy the loading requirements of the 2012 Building Code. The required additional structural members are presented below.

Required Additional Structural Members

10' Wide Models

1. All models shall have a 2"x4" tie @ 4' c/c MAX attached to the double top plate with 4:3 ½" nails similar to the ties which were installed on some models.

12' Wide Models

1. All models shall have a 2"x4" tie @ 4' c/c MAX attached to the double top plate with 4:3 ½" nails similar to the ties which were installed on some models.
2. Additional line of support is required to be provided on site at the load bearing ends of the sheds to eliminate the cantilevered floor joists once the shed is installed. The line of support may be provided by a continuous ski type support similar to the existing arrangement or by built-up beam on appropriately spaced and sized supports. This line of support is supplied and installed by others.

Foundation and subgrade preparation is completed on site by others. Where the shed skis are to be installed on grade, it is recommended to place an 8" thick clear stone base on undisturbed soil 16" wide centred on the skis along their full length to provide good drainage for the S.P.F skis.

I trust this brief letter is sufficient for your present purposes. Should you have any questions, please do not hesitate to contact the undersigned.

Regards,



Ahmad Almufleh, EIT
(613) 913-2358



Mohamad Zeitoun, P.Eng, M.Eng.
(613) 836-2184 ext. 2255

